



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, February 18, 2021
RDOS Boardroom – 101 Martin Street, Penticton

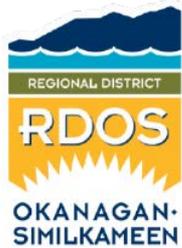
SCHEDULE OF MEETINGS

9:00 am	-	9:15 am	Public Hearing Bylaw No. 2461.10, 2021 (Early Termination of Land Use Contract No. LU-2-F, Electoral Area "F")
9:15 am	-	10:00 am	Planning and Development Services Committee
10:00 am	-	12:00 pm	Protective Services Committee
12:00 pm	-	12:30 pm	Break
12:30 pm	-	1:00 pm	Environment and Infrastructure Committee
1:00 pm	-	2:45 pm	Corporate Services Committee
2:45 pm	-	4:00 pm	RDOS Board

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

2021 Notice of Meetings			
March 4	RDOS Board		Committee Meetings
March 18	RDOS Board	OSRHD Board	Committee Meetings
April 1	RDOS Board		Committee Meetings
April 15	RDOS Board	OSRHD Board	Committee Meetings



NOTICE OF PUBLIC HEARING

Bylaw No. 2461.10, 2021 (Early Termination of Land Use Contract No. LU-2-F, Electoral Area “F”)

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by Amendment Bylaw No. 2461.10, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a public hearing to be held by electronic means on:

Date: Thursday, February 18, 2021

Time: 9:00 a.m.

Location: <https://rdos.webex.com>

Meeting number: 146 817 9423 **Password:** RD@S

INSTRUCTIONS ON HOW TO PARTICIPATE

To participate in the electronic public hearing, please enter the text provided under “Location” (above) into the address bar of an internet browser (e.g. Chrome, Firefox, Safari, Edge). The Regional District is utilizing Cisco’s Webex videoconferencing services and individuals interested in participating in the public hearing are encouraged to test this service on their computer or mobile device prior to the date of the hearing.

Interested individuals may also participate in the public hearing by calling **1-833-311-4101** and using meeting number **146 817 9423**. Additional instructions on how to participate in an electronic public hearing are available on the Regional District’s website: www.rdos.bc.ca.

Anyone who considers themselves affected by the amendment bylaws can present written information to the Regional District prior to or at the public hearing, and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

PURPOSE OF THE BYLAW:

The purpose of Amendment Bylaw No. 2461.10, 2021 is to replace LUC No. LU-2-F with zoning under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, in the form of the West Bench (SH6) Zone. The Bylaw applies to approximately 61 properties fronting Ryan Road, Forsyth Drive and Tyrone Place in the Husala Highlands area.

FURTHER INFORMATION

For further information about the content of Amendment Bylaw No. 2461.10, 2021, persons are encouraged to inspect a copy of the proposed Bylaw at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

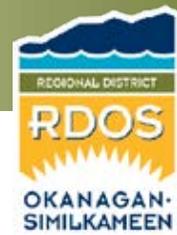
Basic information and public feedback forms related to this proposal are also available at: www.rdos.bc.ca (Property & Development → Planning → Strategic Projects → Early Termination of Land Use Contracts).

You can also contact the RDOS Planning Department by phone at 250-490-4204 or by email at planning@rdos.bc.ca for information about the proposed bylaw.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA.

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



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Planning and Development Committee

Thursday, February 18, 2021
9:15 am

AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of February 18, 2021 be adopted.

B. Draft Electoral Area 'A' OCP Bylaw No. 2905 – Summary of Significant Policy Changes – Information Only

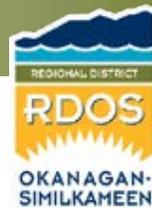
1. Draft OCP Bylaw No. 2905 Schedule 'A' – Schedule 'I'
-

C. Zoning Bylaw Amendment – Electoral Areas 'A', 'C', 'D', 'E', 'F' & 'I'
Regulation of Metal Storage Containers – Information Only

D. Building Bylaw No. 2805, 2018 – Electoral Areas 'A', 'C', 'D', 'E', 'F', 'H' & 'I'
"Siting Permits" (Metal Storage Containers – Information Only

E. ADJOURNMENT

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Draft Electoral Area "A" OCP Bylaw No. 2905 – Summary of Significant Policy Changes FOR INFORMATION

Background:

At its meeting of September 4, 1997, the Regional District resolved that a Disclosure Policy be established so that the Board would be apprised by staff, in relation to all Official Community Plan, Zoning and Rural Land Use Bylaw Updates, of the following:

- (i) *all significant policy changes, and*
- (ii) *a list of subdivision applications in progress which may be adversely affected by proposed reductions in development rights (i.e. use and/or density).*

This policy has perpetuated, largely unchanged, since that time and is now known as the "Land Use Bylaw Transition Policy" (2016), a copy of which is included at Attachment No. 1 for reference purposes.

Electoral Area "A" OCP Bylaw:

The current Electoral Area "A" OCP Bylaw was prepared between 2002 and 2004 and adopted by the Regional District at its meeting of February 3, 2005 (as Bylaw No. 2260).

In 2008, the Regional District completed a "Repeal and Re-enactment" (R&R) of all its Electoral Area OCP & Zoning Bylaws, including Electoral Area "A". As a result, the current OCP Bylaw No. 2450, 2008, was adopted by the Board but existing goals, objectives or policies were not comprehensively reviewed.

Since the adoption of the 2004 Electoral Area "A" OCP Bylaw, there have been approximately 40(+/-) amendment bylaws adopted by the Regional District Board that have applied to various aspects of the bylaw.

The review and update of the Electoral Area "A" OCP Bylaw was a strategic priority noted in the Regional District's 2019 Business Plan (i.e. initiation of the project by Q3), and the contract for the review of the bylaw was awarded at the meeting of October 17, 2019, with an estimated completion date of March 31, 2021.

At its meeting of August 6, 2020, the Board accepted a resolution from the Electoral Area "A" Advisory Planning Commission (APC) that:

the RDOS reschedule the development of the OCP Review project to add three months to the schedule for the OCP Review, for the final report to be delivered by the end of Q1-2021 (March 2021), to allow for public engagement including public meetings, presentations, residents being informed of engagement opportunities and requesting input from citizens. Preferably this should involve in-person meetings subject to public health guidelines.

Analysis:

In considering the requirements of the Land Use Bylaw Transition Policy to report on all “significant policy changes”, Administration notes that many of the “significant” changes that have occurred to the Electoral Area “A” OCP Bylaw since it was first adopted in 2004 have occurred outside of the current OCP Review project. This has included:

- introduction of Watercourse Development Permit Areas (2006);
- introduction of Climate Change & Greenhouse Gas reduction objectives and policies (2010);
- introduction of Development Approval Information (DAI) Area (2013);
- update of Temporary Use Permit objectives and policies (2013);
- incorporation of Agricultural Area Plan (AAP) recommendations (2014);
- introduction of Vacation Rental policies (2014);
- update of Environmentally Sensitive Development Permit Areas (2017);
- update of Natural Environment and Parks, Recreation & Trails objectives and policies (2017);
- various land use designation updates (e.g. Agriculture, Industrial, Commercial, Residential and Administrative & Institutional, etc.) undertaken in support of the creation of a single zoning bylaw for the Okanagan Electoral Areas (2016-present);
- review of accessory dwelling policies (2020);
- introduction of policies for cannabis production (2020); and
- introduction of objectives and policies for use of the Okanagan Basin Lakes (2020-21).

It is further noted that the next “significant” policy changes that will be considered in Electoral Area “A” are a Wildfire Development Permit Area designation and changes to the ESDP Area designation, and that both of these will, again, occur outside of a formal OCP Bylaw Review process.

Given OCP Bylaws are considered to be “living documents” and are not meant to be static, the occurrence of “significant” policy changes outside of an OCP Review is normal and, in some ways, preferable as it allows for more focused consideration and discussion of a specific policy change.

As a result, there are few “significant” policy changes occurring as a result of this Review, and include the following:

- Growth Management (Section 6.0): in 2010, the South Okanagan Sub-Regional Growth Strategy (RGS) Bylaw was adopted by the Board and designated Willow Beach and Anarchist Mountain as “Rural Growth Areas”.

Draft Bylaw No. 2905 is proposing “Growth Area Boundaries” around each of these communities to ensure consistency with the RGS Bylaw, but also includes policies encouraging the review of these communities as suitable growth areas as part of the current review of the RGS Bylaw.

Long-term growth projections are also being revised as the current OCP Bylaw No. 2450, 2008, assumes sufficient capacity to meet the growth of the community to the year 2100 based on a now defunct proposal to construct 1,088 units at Willow Beach as well as existing capacity at Anarchist Mountain.

-
- Local Area Policies (Section 7.0): in accordance with recent OCP Reviews completed in other Electoral Areas, a new section comprising policies specific to the various communities in Electoral Area "A" has been prepared and addresses Anarchist Mountain, Osoyoos Lake (north & south) and Kilpoola. There are not seen to be any "significant" new policies in this section, other than reconsidering the suitability of Willow Beach and Anarchist Mountain as Rural Growth Areas (as referenced above).
 - Agriculture (Section 9.0): it is being proposed to delete the policies related to the Agricultural Protection Area (APA) that was introduced into the plan in 2012 as part of the incorporation of Agriculture Area Plan (AAP) recommendations. The basis for this change is that the policies not supporting the exclusion or redevelopment of lands in the Agricultural Land Reserve (ALR) is already captured by other policies in this section.
 - Hazard Lands (Section 17.0): the range of objectives and policies related to hazard lands within the Electoral Area has been expanded, particularly in relation to wildfire hazard.
 - Climate Change Mitigation and Adaptation (Section 21.0): where as the current OCP speaks to the RODS achieving carbon neutral operations by 2012, the Draft OCP speaks to this more generally (i.e. no date).

The current OCP also speaks to working towards reducing GHG emissions by 30% below 2007 levels by 2030, whereas the Draft OCP has revised this to reducing GHG emissions by 40% below 2007 levels by 2030, 60% by 2040 and 80% by 2050 as per the *Climate Change Accountability Act*.

Subdivisions:

As an OCP Bylaw generally comprises policy statements as opposed to the type of prescriptive regulations generally found in a Zoning Bylaw, Administration considers that no active subdivisions in Electoral Area "A" will be affected by Draft OCP Bylaw No. 2905.

Respectfully submitted:



C. Garrish, Planning Manager

Attachments:

No. 1 – "Land Use Bylaw Transition Policy" (2016)

No. 2 – Draft Electoral Area "A" OCP Bylaw No. 2905

Attachment No. 1 – “Land Use Bylaw Transition Policy” (2016)

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD POLICY

POLICY: Land Use Bylaw Transition Policy

AUTHORITY: Board Resolution dated February 11, 2016.

POLICY STATEMENT

The Regional District of Okanagan-Similkameen (RDOS) requires that, prior to first reading of a new Official Community Plan (OCP) Bylaw and/or Zoning Bylaw for an Electoral Area, the Board of Directors be apprised by Administration of the following:

- i) all significant policy changes comprised within the Bylaw(s); and
- ii) all current subdivision proposals which may be affected by proposed changes to the regulations (i.e. minimum parcel size requirements, development permit area designations, etc) comprised within the Bylaw(s).

PURPOSE

To ensure that the Board is properly apprised by Administration of all significant policy changes resulting from the preparation of a new OCP Bylaw and/or Zoning Bylaw for an Electoral Area prior to commencing the formal process to adoption.

DEFINITIONS (IF REQUIRED)

Not applicable

RESPONSIBILITIES

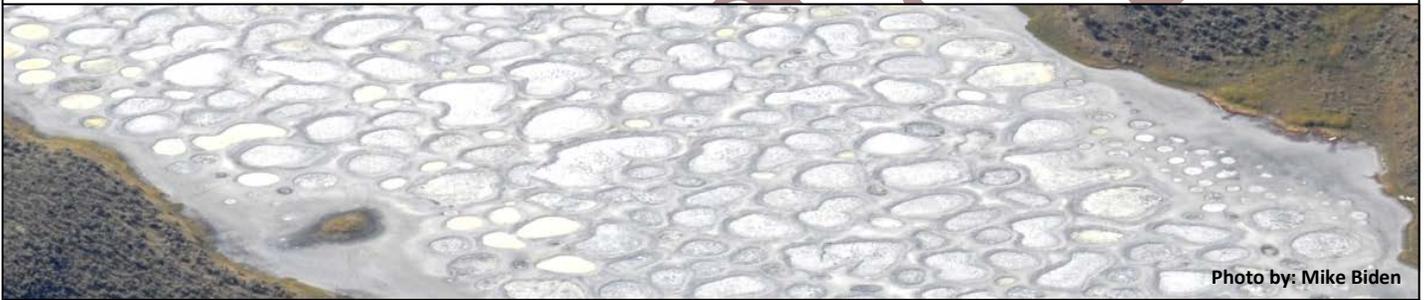
Development Services Department

PROCEDURES

Not applicable.

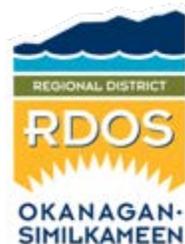
AREA "A"

OSOYOOS
RURAL



OCP Bylaw No. 2905, 2021 – Regional District of Okanagan-Similkameen

OFFICIAL COMMUNITY PLAN



DRAFT VERSION – 2021-02-18

DRAFT

Regional District of Okanagan-Similkameen
Electoral Area “A”
Official Community Plan Bylaw No. 2905, 2021

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LIST OF SCHEDULES AND MAPS

- Schedule 'A' Official Community Plan Text
- Schedule 'B' Official Community Plan Map
- Schedule 'C' Parks, Recreation and Trails
- Schedule 'D' Hazard Lands – Flood
- Schedule 'E' Hazard Lands – Steep Slopes
- Schedule 'F' Hazard Lands – Wildfire
- Schedule 'G' Transportation Network
- Schedule 'H' Environmentally Sensitive Development Permit Areas
- Schedule 'I' Watercourse Development Permit Areas

Note: Schedules 'B', 'C', 'D', 'E', 'F', 'G', 'H', and 'I' can be viewed either on the Regional District website at www.rdos.bc.ca, or by request in hard copy at the Regional District office.

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Regional District of Okanagan-Similkameen
Electoral Area “A”
Official Community Plan Bylaw No. 2905, 2021

A Bylaw to guide land use decisions within Electoral Area “A”
pursuant to Division 4 of Part 14 the *Local Government Act of British Columbia, R.S.B.C. 2015.*

WHEREAS the Regional District of Okanagan-Similkameen wishes to adopt an Official Community Plan pursuant to Division 4 of Part 14 of the *Local Government Act*;

AND WHEREAS the Regional Board may adopt an Official Community Plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all directors of the Regional Board who are entitled to vote on that bylaw;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the Official Community Plan in conjunction with its most recent capital expenditure program, the waste management plan, wastewater management plan, and economic strategy plan that is applicable in the RDOS to ensure consistency between them, in accordance with the *Local Government Act*;

AND WHEREAS the Regional Board shall refer the Official Community Plan to the Province for comment with respect to land in the Agricultural Land Reserve pursuant to the *Agricultural Land Commission Act*;

AND WHEREAS the Regional Board has provided one or more opportunities for consultation with persons, organizations and authorities it considers affected in the development of the Official Community Plan in accordance with Section 475 of the *Local Government Act*;

AND WHEREAS the Regional Board of the RDOS has complied with all requirements of the *Local Government Act*, prior to adoption of this bylaw and Official Community Plan including all of the foregoing;

AND WHEREAS the Regional Board has considered the purpose and goals set out in s. 428(2) of the *Local Government Act* to the extent that the Official Community Plan deals with those matters;

AND WHEREAS upon adoption of this bylaw, the Plan is an Official Community Plan of the RDOS;

NOW THEREFORE the Regional Board of the RDOS, in open meeting assembled, enacts as follows:

The Electoral Area “A” Official Community Plan attached hereto as Schedule ‘A’ and Map Schedules ‘B’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’, and ‘I’ forming part of this bylaw are adopted as the Regional District of Okanagan-Similkameen Electoral Area “A” Official Community Plan.

The bylaw shall apply only to that portion of the RDOS shown outlined on Schedule ‘B’ (Official Community Plan Map) forming part of this bylaw.

If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the Official Community Plan adopted by this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw and Official Community Plan.

This bylaw may be cited for all purposes as the Electoral Area “A” Official Community Plan Bylaw No. 2905, 2021.

TRANSITION

The Electoral Area “A” Official Community Plan Bylaw No. 2450, 2008, is repealed.

READ A FIRST AND SECOND TIME on the ____ day of _____, 2021.

PUBLIC HEARING held on the ____ day of _____, 2021.

READ A THIRD TIME on the ____ day of _____, 2021.

ADOPTED on the ____ day of _____, 2021.

Chair

Corporate Officer

SCHEDULE 'A'

Regional District Okanagan-Similkameen

Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021

DRAFT

1.0 INTERPRETATION AND ADMINISTRATION

The provisions of this Plan apply to all lands and water within Electoral Area “A” identified on Schedule ‘B’ Official Community Plan Map of this bylaw.

1.1 Purpose

The Electoral Area “A” Official Community Plan (OCP) contains objectives, policies, and land use designations adopted by the Regional District of Okanagan-Similkameen (RDOS) Board of Directors.

The purpose of these objectives, policies and designations is to provide direction for land use and development consistent with the community values of the Electoral Area.

The policies of the Plan are intended to balance the demands placed on the land base to ensure an equitable, comprehensive, and logical distribution of land uses. Policies are often implemented on a long-term basis, such as every decade.

The Official Community Plan provides a basis for the following actions:

- .1 The adoption or amendment of the Zoning Bylaw and other land use regulations;
- .2 The direction of public investment;
- .3 The guidance of elected officials, and others who have statutory approval authority, in the evaluation of proposals, referrals, and amendment of bylaws; and
- .4 Compliance with provincial legislation including the greenhouse gas management requirements of the *Local Government Act* and the *Climate Change Accountability Act*.

1.2 Interpretation

An Official Community Plan means an Official Community Plan as referred to in the *Local Government Act*, and as adopted by the Regional Board of Directors of the RDOS (hereafter referred to as the Regional Board), in accordance with the requirements of the *Local Government Act*.

1.3 Administration

- .1 This Official Community Plan comes into effect as of the date of adoption by the Regional Board.
- .2 The Zoning Bylaw will be the primary tool to regulate development, not the Official Community Plan. All rezoning amendments must be consistent with this Official Community Plan that serves as a policy foundation for the Zoning Bylaw.
- .3 This Official Community Plan will be re-examined and updated in accordance with an Electoral Area Official Community Plan Bylaw Review schedule endorsed by the Regional District to ensure that it continues to reflect the long-range planning objectives of Plan Area residents, local government staff, and the Regional Board.

- .4 The Official Community Plan can only encourage senior levels of government to act; it cannot force or require senior governments to act. Furthermore, although the Official Community Plan cannot commit the Regional Board to specific expenditures, the Regional Board cannot enact bylaws or undertake works that are contrary to it without amending the Plan.
- .5 No one goal, objective or policy contained within this Official Community Plan should be read in isolation from the others to imply a particular action or consequence.

1.4 Development Approval Information

Electoral Area “A” (the “Plan Area”) is a Development Approval Information Area, and the Regional District may require development approval information for a Zoning Bylaw amendment application, Development Permit application, or Temporary Use Permit application.

The objective in designating the Plan Area as a Development Approval Information Area is to ensure the Regional District can obtain information from the applicant to gain a sound understanding of the anticipated impact of the proposed activity or development on the community and to make a well-informed decision regarding such applications. An applicant may be required to provide information regarding:

- .1 The impact of the proposed development on surrounding land uses.
- .2 The consideration of public facilities such as schools, parkland, public spaces, and/or amenities.
- .3 The impact of the proposed development on groundwater quantity and quality, storm water run-off generated by the proposed development, and the options for collection, storage, and dispersal of such drainage.
- .4 The impact of the proposed development on the natural environment such as adjacent aquatic areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species.
- .5 The ability of the proposed development to provide on-site water and wastewater or to connect to community services, if available.
- .6 The impact of the proposed development on public infrastructure and community services such as water supply, sewage disposal, fire protection systems, solid waste management and recycling.
- .7 The aesthetic values of the proposed development such as visual character, integration with public areas and the natural environment, lighting, noise, and odour.
- .8 The impact of proposed development on traffic volumes and roads.

- .9 How the proposed development provides buffers for adjoining farming and rural areas to ensure no negative impact is caused by the proposal.
- .10 The archaeological impact of a proposed development in areas identified to have high archaeological potential.
- .11 Fire hazard risk assessment in accordance with the *Community Wildfire Protection Plan*.

DRAFT

2.0 WHAT IS AN OFFICIAL COMMUNITY PLAN?

2.1 Background

An Official Community Plan (OCP) is a planning document that provides policies on a broad range of topics including land-use, transportation, housing, parks and infrastructure. Official Community Plans designate land for specific purposes, such as commercial/retail, residential, park, and industrial. Official Community Plans are developed through public consultation and the objectives and policy statements within them reflect the collective desires of the people within the planning area.

Effectively, Official Community Plans provide a blueprint and map for the community's future. They are created to guide decisions on planning and land use management by establishing a long-term vision, supporting goals and objectives, and policies to achieve them.

Local governments in British Columbia are given the authority to adopt an Official Community Plan through the *Local Government Act* (LGA), which describes what must be included in the Official Community Plan, what may optionally be included, and what steps need to be followed for the Official Community Plan to be adopted. The required content of an Official Community Plan is defined in Section 473 of the *Local Government Act*. Occasional updates also ensure the Official Community Plan remains consistent with other procedures, bylaws and government implementation tools.

2.2 Planning Process

Commencing in November 2019, development of the Plan included a community outreach component, which included two on-line project surveys, project newsletters, a project webpage on the RDOS website, meetings with community stakeholders and agencies throughout the process (e.g. Province, Town of Osoyoos, Osoyoos Indian Band, Anarchist Mountain Community Association), and regular update meetings with the Electoral Area "A" Advisory Planning Commission. It should be noted that in-person engagement was limited by the Coronavirus pandemic that emerged in the province in mid-March 2020. An in-person open house took place in mid-September 2020 that followed strict public health guidance.

2.3 Amending the Plan

An Official Community Plan is not a static document. Rather, it is intended to be adaptable to new trends within society and responsive to changing circumstances within the community. As such, following careful consideration by the Regional District Board, policies and land use designations in this Official Community Plan may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*. A comprehensive review of the Official Community Plan will be undertaken in accordance with an Electoral Area Official Community Plan Bylaw Review to ensure it continues to reflect the long-range planning objectives of Plan Area residents, local government staff, and the Regional Board.

3.0 COMMUNITY PROFILE

3.1 Location and Geography

Covering 313 square kilometres, Electoral Area “A” is located in the Regional District of Okanagan-Similkameen (RDOS) at the south end of the Okanagan Valley on the international border of Canada with the United States of America. The rural Osoyoos area is the smallest Electoral Area in the region and makes up 2.8% of the total area of the RDOS. The entire Osoyoos area includes rural Osoyoos, Osoyoos Indian Band lands, and the Town of Osoyoos.

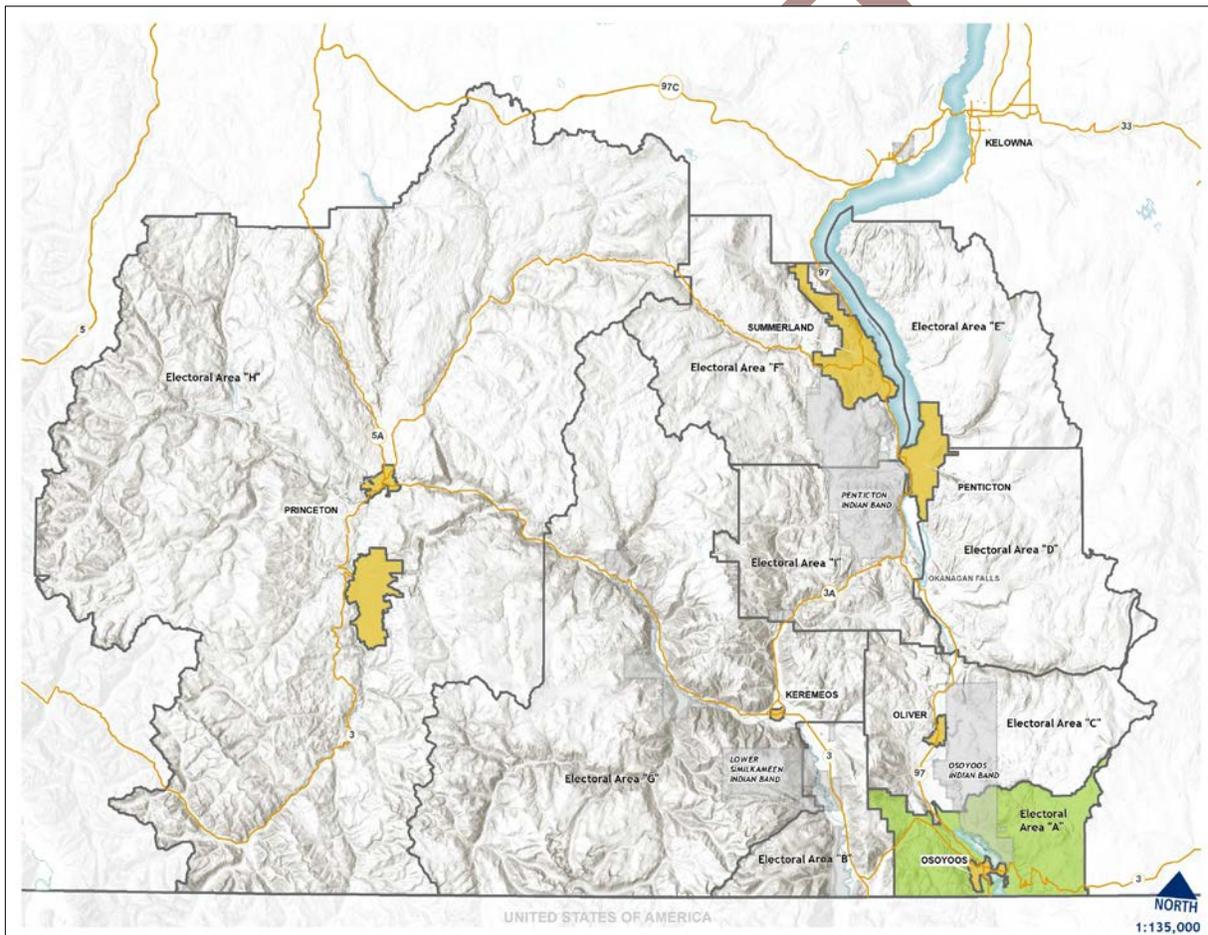


Figure 1: Plan Area Regional Context

3.2 History

Indigenous people have lived in the RDOS area for thousands of years prior to the arrival of Europeans. The original people of the Okanagan are known as the Syilx speaking people – the “Okanagans” and according to their history have been in the area since the beginning of people on this land. The Okanagans (Syilx) people occupied an area that extended over approximately 69,000 square kilometres. The northern area of this

territory stretched from the area of Mica Creek, just north of modern-day Revelstoke, BC and east to Kootenay Lake. The southern boundary extended to the vicinity of Wilbur, Washington and the western border extended into the Nicola Valley.

Okanagan First Nations once travelled widely to fishing, gathering and hunting areas. Each year, the first harvests of roots, berries, fish and game were celebrated by ceremonies honouring the food chiefs who provided for the people. During the winter, people returned to permanent winter villages and the names of many of the settlements in the Okanagan Valley – Osoyoos, Keremeos, Penticton and Kelowna – all come from Indigenous words for these settled areas and attest to the long history of the Syilx people on this land.

Osoyoos means ‘narrowing of the waters’ or ‘sand bar across’ and was the original place name for the area where the water was shallow enough to walk across, while Nk’Mip was originally the name of the village at the north end of Osoyoos.

The non-Indigenous historical records of the plan area date back to 1821 with establishment of the Hudson’s Bay Fur Brigade Trail. The Trail represented a fur trading supply route through the Okanagan Valley north to Kamloops. With the United States and Canada boundary settlement in 1847, alternative trails were developed from Kamloops through the Fraser Canyon to Fort Langley. The last brigade took the trail in 1847.

Non-Indigenous settlement in the plan area began in the mid 1850’s. During this period, several of the settlements known today were established (e.g., Okanagan Falls). Due to the absence of a public roadway system connecting the early settlements, stern-wheeler boats played an important role in transporting supplies to residents, and agricultural products to trail heads at the three Okanagan Valley centres.

The first fruit trees planted in the Okanagan were planted by Hiram “Okanagan” Smith on his land beside Osoyoos Lake. Over the years the region established itself as an agricultural area. Orchard development increased towards the early 1900’s when land speculators bought out the estates of the early ranchers and subdivided the parcels into smaller lots, some with irrigation systems. Grapes and wine making emerged as a new industry in the late 1950s and early 1960s.

3.3 Communities and Settlement Areas

Electoral Area “A” is largely rural area characterised by lower density housing largely concentrated around Osoyoos Lake and the valley bottom. The principal settlement areas include Anarchist Mountain, Kilpoola, Willow Beach, and smaller, rural residential agglomerations, including the area south of S̓w̓i̓w̓s (Haynes Point Park) located along Osoyoos Lake.

The predominant development pattern reflects the historic growth of this area in the 1920s under the provincial *Land Settlement and Development Act* (1917). The idea behind this legislation was to settle soldiers returning from the “Great War” on farmland. To this end, the provincial government acquired large ranch holdings in the

Osoyoos area and subdivided these into parcels ranging between 10 to 20 acres in size (e.g. 4.0 to 8.0 ha) for orchards.

Over the proceeding 100 years, some of these agricultural lands — principally in close proximity to Osoyoos Lake — were converted to recreational uses, initially as small-lot seasonal (cottage) properties or campgrounds catering to tourists, and later as year-round residential properties.

Starting in the 1970s, new communities adjacent Highway 3 such as “Kilpoola” in the west and on Anarchist Mountain in the east have emerged as smaller, rural-residential communities within Electoral Area “A”.

All of these communities are described further in Section 7.0 (Local Area Policies).

3.4 Osoyoos Indian Band

The Osoyoos Indian Band (OIB) has reserve land in Electoral Area “A”. The main 13,009 hectare reserve stretches from the Town of Osoyoos into Electoral Area “C” and the Town of Oliver on the east side of the Okanagan Valley. There is second much smaller reserve located adjacent to the main reserve in the Electoral Area “A”. The majority (335) of the OIB's 550 members live on the main reserve which is also where all OIB services, facilities, homes, and businesses are located.

OIB has nine companies employing more than 500 people on reserve, including Nk'Mip, a 4-star destination resort featuring Spirit Ridge Vineyard Resort & Spa, a golf course, an RV and campground on the shores of Osoyoos Lake, Nk'Mip Desert Cultural Centre, and Nk'Mip Cellars Winery, North America's first Indigenous winery. OIB also operates the Senkulmen Business Park to the east of the Town of Oliver and is a development partner in 241 unit The Cottages on Osoyoos Lake development located on OIB lands.

OIB is a member of the Okanagan Nation Alliance (ONA). The ONA was formed in 1981 as the inaugural First Nations government in the Okanagan which represents the eight member communities including Okanagan Indian Band, Upper Nicola Band, Westbank First Nation, Penticton Indian Band, Osoyoos Indian Band and Lower and Upper Similkameen Indian Bands and the Colville Confederated Tribes on areas of common concern. The ONA mandate is to work collectively to advance and assert Syilx/Okanagan Nation Title and Rights over the Okanagan Nation Territory. The organization facilitates collaborative working in areas of shared interest including Title and Rights, natural resource management, social services and economic development.



Figure 2: NK'Mip Desert Cultural Centre

3.5 Population and Demographics

The total population of Electoral Area “A” decreased slightly between 2011 and 2016, from 1,892 residents to 1,858, a change of 34 fewer residents, or 2%. Of the eight electoral areas that comprise the RDOS, half grew in population between 2011 and 2016 while the other half declined. Overall the population of the RDOS grew by 3% in this five-year time period (Figure 3).



Figure 3: Regional Growth Rate Comparisons 2011-2016

The age and gender distribution of Electoral Area “A” is illustrated in Figure 4. Overall, approximately 51% of the population is female and 49% male. In Electoral Area “A”, the “baby boomer” generation (currently aged 55 - 75 years old) makes up the largest proportion of the population (46% of the population in 2016). In comparison, the 20 to 34-year old age group comprised only 5% of the population in the 2016 census. The profile shown in Figure 4 provides a strong contrast to the Province of BC, which is shown in Figure 5. Both show an aging population; however, the proportion of residents aged 20 - 34 years in Electoral Area “A” is quite low relative to the provincial average.

In 2016, the median age in Electoral Area “A” was 58 years, while the provincial median age was 43 years - a difference of 15 years. The median age for Electoral Area “A” is also higher than that of the RDOS where the median age in 2016 was 55 years. Electoral Area “A” has a significantly higher proportion of older residents in proportion to youth and young adults.

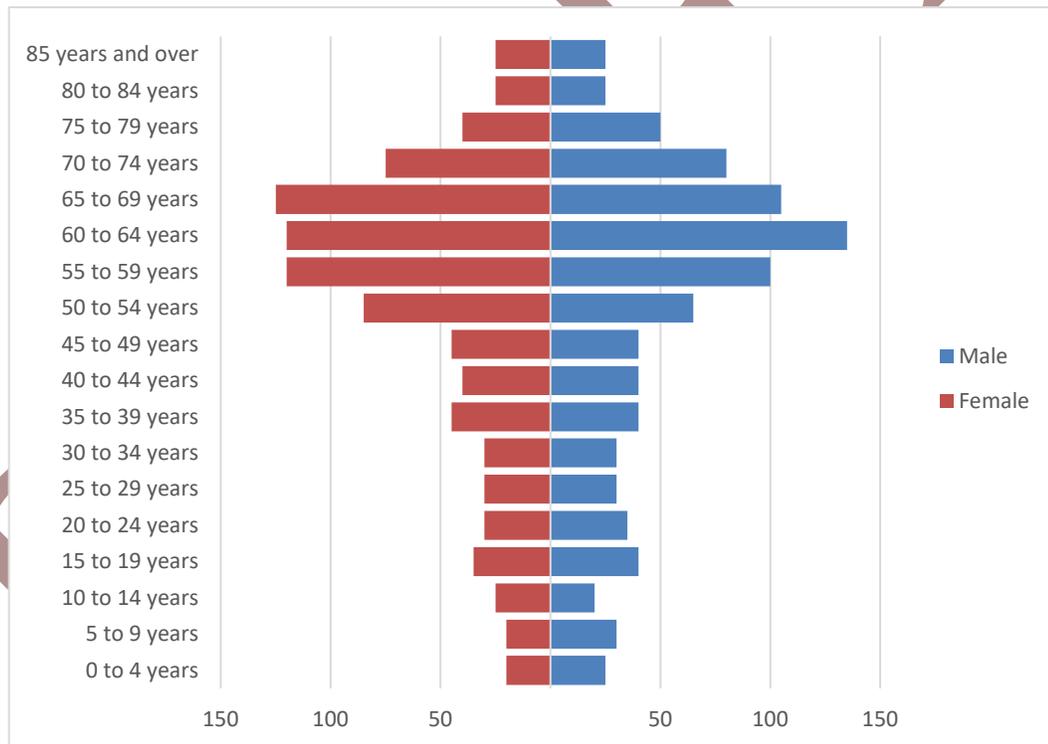


Figure 4: Electoral Area “A” 2016 Population by Gender and Age Cohort

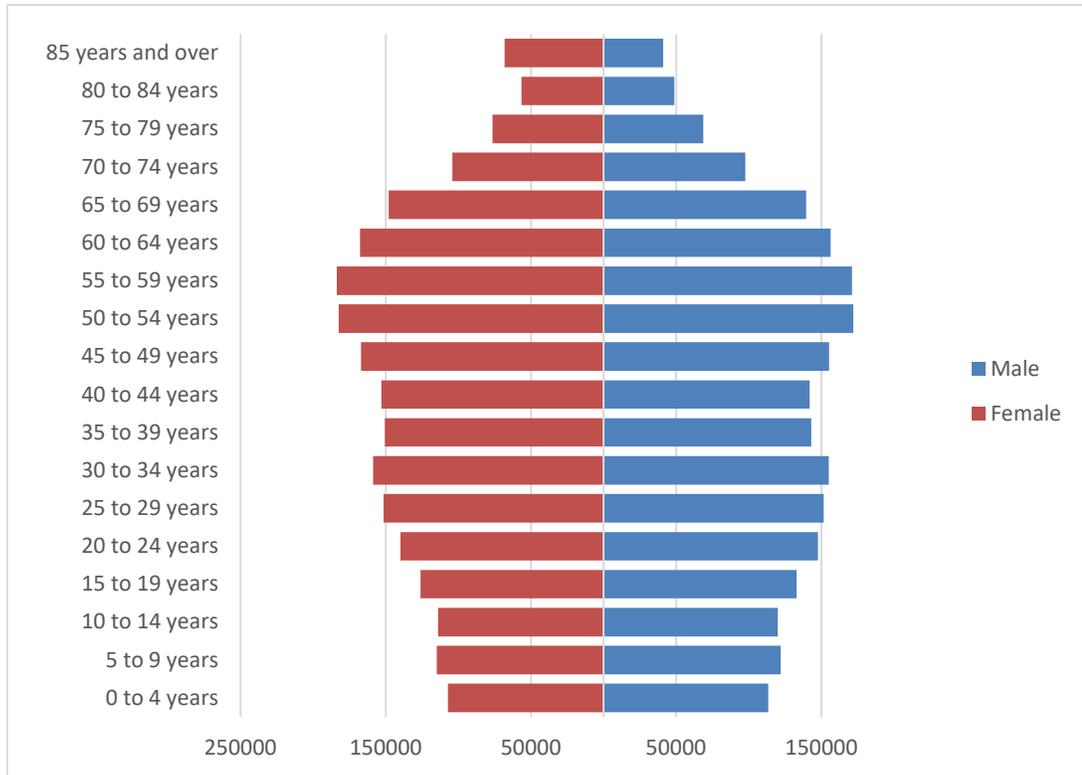


Figure 5: BC 2016 Population by Gender and Age Cohort

Total population figures from 1996 to 2016 suggest a stable population with a slight decline from 2006 to 2016 (Figure 6). If modest population growth or decline were to continue for the next 20 years, the population could be expected to be between 1,637 and 2,175 by 2041, given scenarios of +1% growth, +1.5% growth or -0.5% decline.

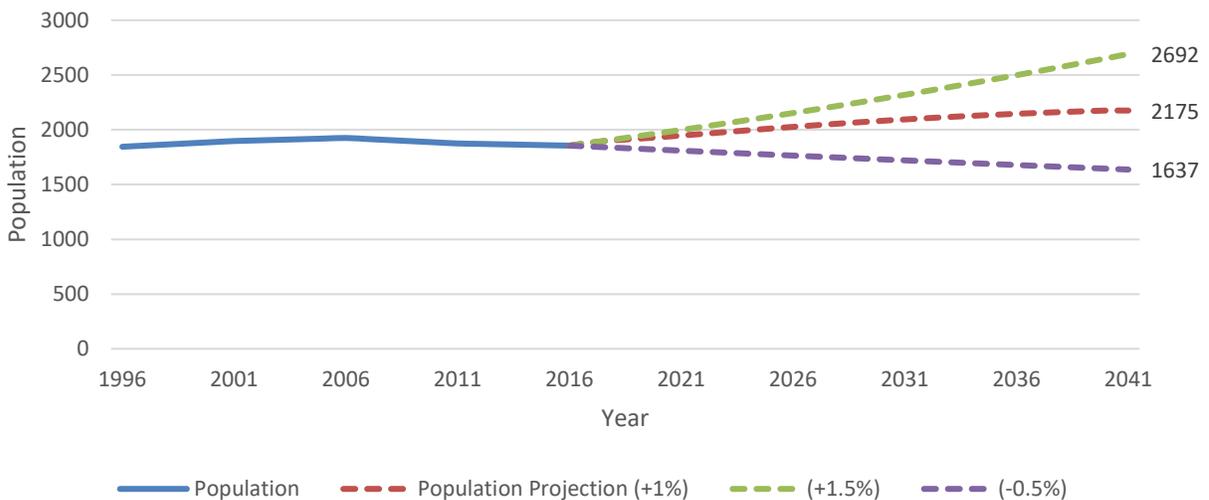


Figure 6: Electoral Area "A" Projected Population Growth (1996-2041)

3.6 Housing types

The overwhelming majority of housing in Electoral Area “A” consists of single-detached homes (Figure 7). This comprises 94% of all housing. The remaining housing forms are mobile homes, duplex/semi-detached housing, and apartment units fewer than five stories. Generally, the housing in Electoral Area “A” is relatively low-density and dispersed.

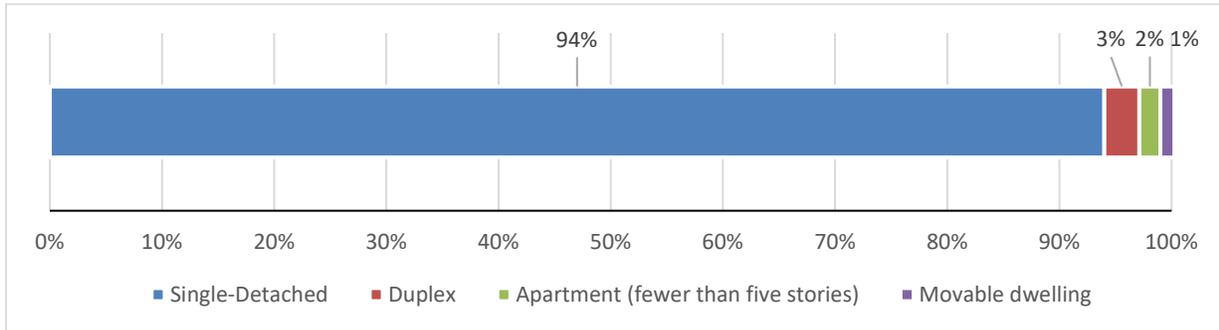


Figure 7: Housing by Dwelling Type in Electoral Area “A”, 2016

Most households (53%) in Electoral Area “A” are two person households (Figure 8). Together, one and two person households account for 72% of households. These smaller household sizes are consistent with the older population in the planning area.

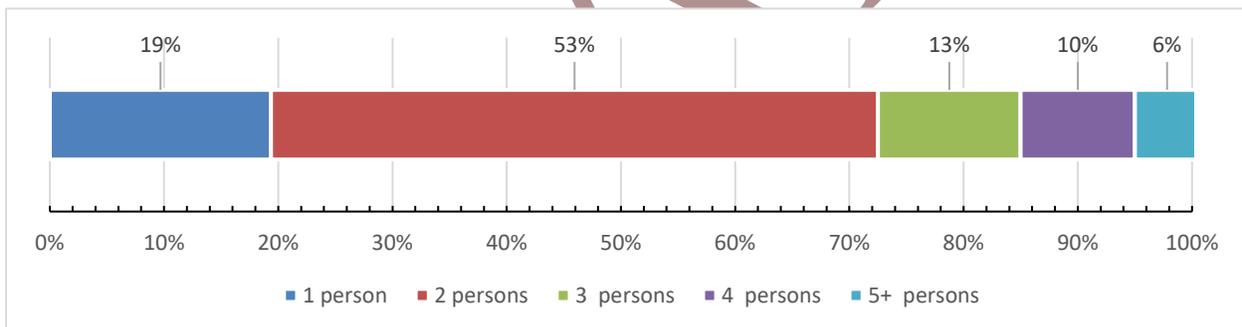


Figure 8: Electoral Area “A” Household Size, 2016

4.0 OFFICIAL COMMUNITY PLAN DESIGNATIONS

The future use and development of land within Electoral Area “A” must be consistent with the land use designations illustrated on Schedule ‘B’ (Official Community Plan Map).

Resource Area Designations

Resource Area RA

Agricultural Designations

Agriculture AG

Rural Holdings Designations

Large Holdings LH

Small Holdings SH

Residential Designations

Low Density Residential LR

Medium Density Residential MR

Commercial Designations

Commercial C

Commercial Tourist CT

Industrial Designation

Industrial I

Administrative, Cultural and Institutional Designations

Administrative, Cultural and Institutional AI

Parks, Recreation and Trails Designations

Parks, Recreation and Trails P

Natural Environment and Conservation Designations

Conservation Area CA

Okanagan Basin Lakes BL

The general types of uses encouraged in each land use designation are explained in subsequent sections of this Bylaw.

The Regional Board recognizes that some existing land uses do not conform to the designations shown on Official Community Plan maps. The intent of the Regional Board is not to change the uses of this land in the immediate future but to illustrate the preferred pattern of land use as redevelopment occurs while this Plan is in force.

5.0 VISION AND BROAD GOALS

5.1 Vision

The Plan Area's communities and settlement areas share a similar rural lifestyle and values. While each may face its own unique challenges, community consultation identified a set of common values and a shared vision for the Plan Area. The following vision statement describes a preferred future for the Plan Area:

Electoral Area "A" is a predominantly rural region made up of smaller settlement areas and neighbourhoods. Residents value its rural character and preserving and stewarding its important agricultural areas, natural habitats, and recreation areas. Residents are also committed to ensuring water resources are well-managed and protected and that community wildfire risks are reduced.

5.2 Broad Goals

The following broad goals reflect the input and priorities of Plan Area residents and are the guiding principles of this Official Community Plan. The goals were first developed and refined through two rounds of community surveys and other outreach. The goals will be used by the Regional District and senior government agencies to help guide future decisions on development proposals, environmental protection initiatives, and infrastructure development in the Plan Area:

- .1 **Community safety and health.** Manage and reduce community wildfire risks and promote community wellbeing for all generations
- .2 **Water resources.** Protect and manage water resources, including both surface and groundwater, for residential uses, agriculture, and ecosystem health.
- .3 **Agriculture.** Maintain existing and encourage new, compatible agricultural activities in the Agricultural Land Reserve, while limiting subdivision of designated agricultural properties.
- .4 **Residential development and housing.** Provide the opportunity for limited new growth and housing options for all age groups, while ensuring new housing development maintains the area's rural character.
- .5 **Natural environment.** Steward and protect the area's natural features, including sensitive ecosystems and habitat.
- .6 **Infrastructure and services.** Improve and support the development of new infrastructure, including community water and sanitary sewer systems and improved internet connectivity.
- .7 **Transportation.** Maintain a safe and efficient multi-modal transportation system

for all road users working in cooperation with the Ministry of Transportation and Infrastructure.

- .8 **Osoyoos Indian Band engagement and collaboration.** Improve and expand communications, consultation and engagement with Osoyoos Indian Band.



Figure 9: Cherry trees in Electoral Area “A”

6.0 GROWTH MANAGEMENT

6.1 Background

Growth Management is a critical aspect of planning for a community's future. It allows a community to forecast growth, based on trends and aspirations and to direct anticipated growth to areas that align with the community's vision and broad goals.

In 2010, the Regional District adopted a Regional Growth Strategy (RGS) Bylaw for the South Okanagan in collaboration with local governments in the region – City of Penticton, District of Summerland, Town of Oliver, and the Town of Osoyoos.

The RGS was updated through a minor update process in 2016. Under the *Local Government Act*, once an RGS has been adopted, OCP policies must be consistent with RGS policies. The goal of the RGS is to direct the substantial majority of future growth in the south Okanagan Valley area to designated Primary Growth Areas (Summerland, Penticton, Osoyoos, Okanagan Falls, and Oliver). The RGS envisions maintaining the rural character of the Plan Area by directing growth to designated Rural Growth Areas, which the RGS specifically identifies as areas with:

- Established rural settlement areas with a minimum of 200 lots and/or dwelling units;
- Community water or community sewer services in place;
- Existing commercial or industrial; or
- Where development has been pre-determined through zoning, but not yet developed.

Within Electoral Area "A", the South Okanagan RGS designates Willow Beach and Anarchist Mountain as Rural Growth Areas. There are no Primary Growth Areas in Electoral Area "A", although the Town of Osoyoos has this designation.

The South Okanagan RGS recognizes that "some infill development may occur" in areas not designated as Rural Growth Areas if development "does not significantly increase the number of units or the established density and respects the character of the communities." Under the objective of "Protect the character of rural areas", the South Okanagan RGS further stipulates that, "proposed developments that do not closely adhere to OCP guidelines for the protection of rural and resource areas will not be supported."

It should further be noted that the two designated Rural Growth Areas were included in the original South Okanagan RGS because, at the time, these areas had proposals for significantly higher densities. Neither area has been developed to the extent originally proposed.

6.2 Rural Growth Areas and Capacity

Based on a projected population increase of up to 1.5% per year (see Section 3.5), the Plan Area’s population could increase by approximately 470 people by 2031. Based on 2.3 people per household (2016 Census Canada figures), this indicates a potential need for the Plan Area to accommodate 205 new homes over the next 15 years.

Additional population estimate (2031)	470
Persons per household	2.3
New dwellings	205

Figure 10: New Dwelling Unit Requirements Projections

There are significant undeveloped areas designated for residential uses (including residential and small and large holding designations) in the existing rural growth areas. The Anarchist Mountain area contains 314 undeveloped Small Holdings (SH) and Large Holdings (LH) designated parcels.

Development concepts for the Willow Beach area indicate a capacity for around 80 single detached units. Accounting for the existing development at the site that would be replaced by proposed development, the Willow Beach area has a capacity to supply around 50 net new dwelling units.

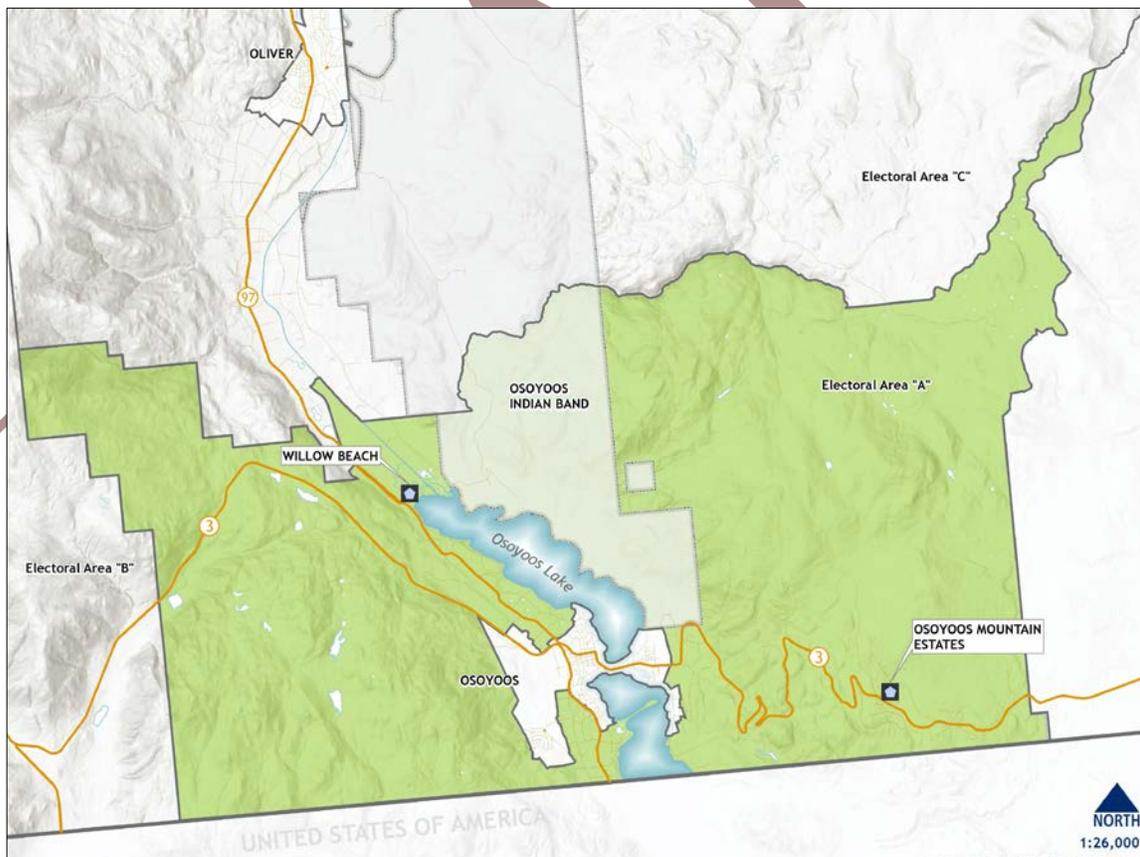


Figure 11: Plan Area Rural Growth Areas

Together, the Anarchist Mountain and Willow Beach Rural Growth Areas have the capacity to add an addition 374 units. This exceeds the projected need for 212 new dwellings by 2031, which would be required to meet the upper-bound population growth scenario of 1.5%.

6.3 Rural Growth Area Development Considerations and Constraints

Future growth and development in the two designated Rural Growth Areas will be influenced by a number of potential development constraints and considerations. These constraints and considerations are summarized by area on the following pages. Approximate Rural Growth containment boundaries are illustrated in accompanying figures.

The Regional Board recognizes that to create a continuous boundary to contain growth there are properties within the boundary that are protected from development by provincial legislation and Development Permit Area regulations. It is not the intention of the Regional Board to encourage development of land within designated Agricultural areas or land identified as environmentally sensitive or watercourse development permit areas and terrain hazards within the defined growth boundary. Land with these designations or characteristics should continue to be protected from development.

6.3.1 Anarchist Mountain

The Regional District's South Okanagan Regional Growth Strategy Bylaw has designated Anarchist Mountain as a Rural Growth Area. Due to the geographic extent and rural-residential character of this area (e.g., parcels are generally not less than 1.0 ha in area spread out over an area representing two thousand hectares), future higher residential density and mixed-use growth potential is seen to be limited.

In recognition that the Anarchist Mountain area does not meet three of the criteria established for Rural Growth Areas (i.e., established rural settlement areas with a minimum of 200 lots and/or dwelling units; community water or community sewer services in place; and existing commercial or industrial) the suitability of maintaining its status as a Rural Growth Area is questionable.

Feedback from area residents provided through community surveys further indicated that there is limited desire for increased development in the area (although there is a desire for improved services). The Rural Growth Area boundary shown in Figure 12 is based on the boundaries of the commercial area, which is seen to be the most likely location for the development of community infrastructure and mixed-uses in future.



Figure 12: Anarchist Mountain Growth Area Boundary

6.3.2 Willow Beach Rural Growth Area

The Regional District’s South Okanagan Regional Growth Strategy Bylaw has designated Willow Beach as a Rural Growth Area. Due to the location of the site within the floodplain associated with Osoyoos Lake as well as the Okanagan River channel and the limited infrastructure servicing available growth potential is seen to be limited. Flood risk in the area is expected to increase over the next 25-years due to climate change.

In recognition that the Willow Beach site does not meet the criteria established for Rural Growth Areas (i.e. established rural settlement areas with a minimum of 200 lots and/or dwelling units; community water or community sewer services in place; existing commercial or industrial; and development pre-determined through zoning, but not yet

developed) the suitability of maintaining its status as a Rural Growth Area is questionable. The Rural Growth Area boundary shown in Figure 13.



Figure 13: Willow Beach Rural Growth Area Containment Boundary

6.4 Objectives

- .1 Manage growth within the Plan Area by directing residential development to the designated Rural Growth Areas subject to servicing (water and wastewater) requirements.
- .2 Accommodate anticipated growth while maintaining the rural character and conserving the natural environment of the Plan Area.
- .3 Consider limited new development in other existing settlement areas where appropriate and in keeping with this OCP's broad goals and policies.

6.5 Policies

The Regional Board:

- .1 Recognizes Willow Beach and Anarchist Mountain as a designated Rural Growth Areas and will direct growth to these locations notwithstanding 6.5.4.
- .2 Recognizes the Town of Osoyoos and Town of Oliver as designated Primary Growth Areas that have the community infrastructure, community services, economic and employment opportunities to sustain higher densities and residential growth than the Plan Area.
- .3 Will support Primary and Rural Growth Areas by discouraging the re-designation or re-zoning of land that permits increased residential densities outside of Growth Area containment boundaries.
- .4 Will review the suitability of Willow Beach and Anarchist Mountain as Rural Growth Areas when the Regional Growth Strategy is reviewed or updated.
- .5 Will ensure any new development in a designated Rural Growth Area provides community services pursuant to the Regional District's Subdivision and Development Servicing Bylaw.
- .6 Generally, does not support increasing densities or intensifying land uses within areas designated as an Environmentally Sensitive Development Permit Area or shown as an Important Ecosystem Area on Schedule 'C'. Increasing densities or intensifying land uses in areas previously zoned to allow such developments, however, will be considered if the development meets the policies and guidelines set out in this Plan.
- .7 Directs residential development away from designated Agricultural (AG) areas.
- .8 Supports water metering and other residential water conservation measures.
- .9 Requires new development on parcels less than 1.0 hectare in area to connect to a community sanitary sewer system.
- .10 Encourages residents to construct new dwellings that are energy efficient, low-impact buildings that include storm water management, water conservation, drought-resistant landscaping and minimal impervious surfaces.
- .11 Encourages residents to retrofit and construct energy efficient and low-carbon homes in accordance with the Regional District's *Building Climate Resilience in the Okanagan: A Homeowner's Resource Guide*.

7.0 LOCAL AREA POLICIES

7.1 Background

Due to the development of the Electoral Area as an agricultural community under the *Land Settlement and Development Act* (1917) in the early part of the 20th Century, the emergence of distinct local areas is not as pronounced as in other parts of the Regional District as the community coalesced around the Town of Osoyoos. Consequently, there is no common name applied to the agricultural lands that predominate in the valley bottom to the north and south of the Town of Osoyoos, although specific place names such as “Reflection Point” and “Willow Beach” do exist.

With improved transportation routes into and out of the South Okanagan after 1960, additional communities outside of the valley bottom began to emerge, specifically at Anarchist Mountain (to the east) and at “Kilpoola” (to the west).

While each of these communities have things in common, including a strong desire to maintain and protect the larger Plan Area’s rural qualities and environmental values, each community is also unique. This section of the Plan outlines policies for each of the Plan Area’s communities.

7.2 North West Osoyoos Lake

The lands located north of the Town of Osoyoos and bounded by Osoyoos Lake to the east and Highway 3 to the west represents a land area of approximately 955 ha that is primarily within the Agricultural Land Reserve (ALR). There are approximately 95 parcels that are currently assessed as “farm” by BC Assessment and can include value added operations such as wineries, fruit stands, packing and cold storage facilities and greenhouses.

Residential clusters can be found adjacent to Osoyoos Lake at 81st Street, 120th Avenue (“Reflection Point”), 87th Street, 95th Street and at “Willow Beach” (at the head of the lake). In total, there are 210 parcels zoned for Low Density Residential and Small Holdings uses in this area (as of 2021).

This area is bisected by Highway 97, which the main thorough fare through the South Okanagan and also an important approach route to the Town of Osoyoos.

The Town of Osoyoos operates a community water system in this area after assuming the functions of the former South Okanagan Lands Irrigation District in 1990. With the completion of the North West Sewer Extension project in 2008, the Town provides some community sewer connections to households in the Plan Area adjacent to Osoyoos Lake.

As discussed at Section 6.4, the former “Willow Beach” campground property was designated as a Rural Growth under the South Okanagan Regional Growth Strategy (RGS) Bylaw adopted in 2010. The Willow Beach site is considered to be of a high ecological value due to the number of wetlands it contains. The site also includes a

number of former oxbows and is within the floodplain associated with Osoyoos Lake and the Okanagan River and has a long history of flooding that is expected to increase over the next 25-years due to climate change.



Figure 14: Willow Beach

7.2.1 Policies

The Regional Board:

- .1 Supports the Town of Osoyoos providing community sewer connections to existing parcels fronting Osoyoos Lake in order to improve water quality in the area but does not support increasing density on parcels connected to the North West Sewer as this is an agricultural area and the potential for conflict from new residential uses.
- .2 Does not support the exclusion, subdivision or non-farm use of parcels designated as Agriculture under this bylaw and/or Agricultural Land Reserve (ALR) lands under the *Agricultural Land Commission Act*.
- .3 Encourages signage within provincial highway road dedications to comply with the Ministry of Transportation and Infrastructure's *Policy Manual for Supplemental Signs* (2005).
- .4 Encourages the establishment of a quality landscape and built form by limiting the amount of commercial signage and prohibiting the placement of commercial signage promoting third-party and off-site uses, particularly on important thoroughfares through the community such as Highway 97 and Highway 3.
- .5 Does not support the creation of new Commercial designations adjacent to Highway 97 and directs such uses to the Town of Osoyoos.
- .6 Will re-consider the suitability of Willow Beach as a Rural Growth Area when conducting a review of the RGS Bylaw.
- .7 Encourages the protection, stewardship and conservation of sensitive wetland, riparian, and lake habitats in the Willow Beach Rural Growth Area and surrounding land, including dedication of these lands to a conservation organisation.

- .8 Recognizes the potential archeological values in the area and encourages new development to work with Osoyoos Indian Band to safeguard culturally important sites.
- .9 Supports preserving the former BC Tree Fruits packinghouse site at 12611 87th Street (Lot 1, Plan KAP60396, District Lot 2450S, SDYD) for the future processing, packing and storage needs of the agricultural and food-processing industry in the South Okanagan.

7.3 Osoyoos Lake South

The lands located south of the Town of Osoyoos on the west and east side of Osoyoos Lake and bounded by the Town boundary to the west and Anarchist Mountain to the east represent a land area of approximately 780 ha that is primarily within the Agricultural Land Reserve (ALR). There are approximately 137 parcels that are currently assessed as “farm” by BC Assessment and can include value added operations such as wineries, fruit stands, packing and cold storage facilities and greenhouses.

There are significant low density residential developments in this area, including 85th, 87th & 91st Streets on the west side of the lake and 33rd, 35th & 39th Streets on the east side of the lake. In total, there are 241 parcels zoned for Low Density Residential and Small Holdings uses in this area (as of 2021).

The Town of Osoyoos operates a community water system in the west side of this area after assuming the functions of the former South Okanagan Lands Irrigation District (SOLID) in 1990, while the Osoyoos Irrigation District (OID) operates a similar system on the east side of the lake, and the Boundary Line Irrigation District operates a system south of the Town of Osoyoos. There is no community sewer system in this area, with the exception of a dedicated line that extends from the Town to service the buildings at the Canada Border Services Agency Osoyoos-Oroville Border Crossing.



Figure 15: Osoyoos Lake South (west side)

7.3.1 Policies

The Regional Board:

- .1 Encourages the establishment of a quality landscape and built form by limiting the amount of commercial signage and prohibiting the placement of commercial signage promoting third-party and off-site uses, particularly on important thoroughfares through the community such as Highways 97 & 3.
- .2 Does not support the creation of new Commercial designations adjacent to Highway 97 and directs such uses to the Town of Osoyoos.
- .3 Encourages signage within provincial highway road dedications to comply with the Ministry of Transportation and Infrastructure's *Policy Manual for Supplemental Signs* (2005).
- .4 Supports the eastward extension of the Town of Osoyoos boundary and community services such as water and sewer to include the residential and rural-residential parcels west of 33rd Street.
- .5 Does not support the exclusion, subdivision or non-farm use of parcels designated as Agriculture under this bylaw and/or Agricultural Land Reserve (ALR) lands under Section 15 of the *Agricultural Land Commission Act*.
- .6 Supports the retention of the parcel legally described as Block 2, Plan KAP4040, District Lot 2450S, SDYD, Portion Lot 634, as Conservation Area (CA) lands.
- .7 Supports the retention of existing Commercial Tourist (CT) designated lands near Osoyoos Lake as an important component of the seasonal tourist industry.

7.4 Anarchist Mountain

Anarchist Mountain is located approximately 15 km east of the Town of Osoyoos and, according to a 1952 description of the area, includes:

...some of the finest scenery that British Columbia has to offer. As travellers leave the valley floor, lush with orchards and ground crops, they glimpse from the benches desertlike country. A few miles farther, sand and sagebrush, cactus and greaseweed are left behind, and green and shady ranges watered by springs and creeks are reached. Here and there are tall trees and a wealth of wild flowers, as well as abundant grass and wildlife. Parklike vistas open, and to the west the Cascades rise tier on tier ...

The first European settlements on Anarchist occurred in the late 1880s as settlers attracted to the Camp McKinney mineral claims to the north began to spread out to the surrounding region. The Dwedney Trail traversed Anarchist Mountain and spurred the development of a post office and customs office on the mountain at this time.

The first road between Osoyoos and Bridesville, to the west, was constructed in 1910 and improved access to the Mountain. Mining eventually gave way to ranching and logging on the mountain and this was followed by the first residential subdivisions on the west side of the mountain in the early 1970s.

In 2003, a proposal to create an approximately 275 rural-residential parcels on the remainder of the Mountain was approved by the Regional District Board. Known as “Regal Ridge”, this eventually expanded through zoning to contemplate the development of over 600 residential units with a commercial core, golf course, public art and airport surrounded by approximately 1,100 ha of lands designated for conservation purposes was envisioned.

As of 2021, approximately 180 homes have been constructed within the “Regal Ridge” community and a volunteer fire department established on Anarchist Mountain and, despite being designated as a Rural Growth Area under the RGS Bylaw, there are no community water or sewer services within or planned for this area.

Anarchist Mountain comprises lands within high and very high wildfire hazard areas, but also with very high conservation values. Balancing new development with fire smart practises and maintaining the high environmental values are of chief concern for the community.

As Anarchist Mountain has been designed as a Rural Growth Area under the South Okanagan Regional Growth Strategy, a “growth boundary” has been established in Figure 16 under Section 6.3.

7.4.1 Policies

The Regional Board:

- .1 Supports the development of local Community Wildfire Protection Plan for the Anarchist Mountain area.
- .2 Encourages the involvement of the Anarchist Mountain FireSmart Committee in educating new residents and builders to learn about local fire hazards and what they can do to mitigate losses in the event of a wildfire.
- .3 Encourages *FireSmart* best practises on private land in and around the Anarchist Mountain area to reduce wildfire hazards in the area and to engage the local Anarchist Mountain Fire Department in educating new residents and builders on *FireSmart* best practises.
- .4 Supports home occupations throughout the area but will not support home industries on parcels less than 2.0 ha in area.
- .5 Encourages limiting future development to lands designated Large Holdings (LH) on lots greater than 4.0 ha in area.
- .6 Encourages the use of residential solar and wind power where facilities do not impact views from surrounding properties.

- .7 Supports efforts to maintain and protect the area’s high-quality well water and aquifer.
- .8 Supports the designation of the Rural Growth Area as “Anarchist Mountain Village” (AMV) at such time as it is proposed to develop the lands and establish community services such as water and sewer.
- .9 Supports the development of a community hall for the Anarchist Mountain community.
- .10 Supports the provision of high-speed internet for the area.
- .11 Will assess new residential development proposals within the designated Rural Growth Area containment boundary subject to water supply and community sewage disposal availability.
- .12 Will re-consider the suitability of designating Anarchist Mountain as a Rural Growth Area when conducting a future review of the RGS Bylaw.
- .13 Will consider new park land dedications in conjunction with the *Regal Ridge Park and Open Space Plan (2011)*.

7.5 Kilpoola

The Kilpoola settlement area is located south of Highway 3, along Old Richer Pass Road and Kruger Mountain Road, and consists of a variety of land designations, but is predominantly rural-residential. There are no community water or sewer systems servicing this area, nor are any anticipated in the foreseeable future.

7.5.1 Policies

The Regional Board:

- .1 Supports the protection of source water and water supply in the Kilpoola area by discouraging the rezoning and subdivision of properties as well as potential limits on accessory dwellings.
- .2 Supports the protection of high environmental values in the Kilpoola area by discouraging the rezoning and subdivision of properties as well as potential limits on accessory dwellings.
- .3 Encourages *FireSmart* best practises on private land in and around the Kilpoola area to reduce wildfire hazards.
- .4 Supports home occupations throughout the area but will not support home industries on parcels less than 2.0 ha in size.
- .5 Recognises the cultural significance of klil’x^w (Spotted Lake) to the Syilx/Okanagan Nation and will explore the implementation of land use regulations to protect this natural feature.



Figure 16: Kilpoola from the air

DRAFT

8.0 RESOURCE AREA

8.1 Background

This designation encompasses lands used and valued for grazing or rangelands, forestry, natural resource extraction, recreation, and environmental conservation opportunities. Designated Resource Areas (RA) in Electoral Area “A” reinforce the rural character of the Plan Area and are a valued community resource as employment lands and for recreation.

The Resource Area (RA) designation is intended to guide development outside of existing settlement areas, and, provide direction for responses to referrals from provincial, or other agencies. Resource Areas are described as large parcels of land that include both private and/or Crown land.

It is recognized that certain matters considered in this section are beyond the jurisdiction of the Regional District (e.g., Provincial Crown land); however, the objectives and policies relating to these are intended to serve as indicators of community preference and to assist senior levels of government in planning and decision making.

8.2 Objectives

- .1 Conserve scarce water resources and protect the quality and quantity of those resources for future generations.
- .2 Maintain the renewable natural resource land base and protect it from activities that may diminish the resource value and potential.
- .3 Plan for and protect wildlife corridors, habitat of threatened and endangered species and ecosystem connectivity.
- .4 Encourage and protect responsible, low impact outdoor recreation activities.

8.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Resource Area (RA) identified in Schedule ‘B’ (Official Community Plan Map) for grazing or rangelands, forestry, natural resource extraction, recreation, environmental conservation, watershed protection and management opportunities, and limited rural residential uses.
- .2 Supports land designated as a Resource Area (RA) generally being maintained as large land parcels (i.e., as un-surveyed Crown land, or as District Lots) or not less than 20.0 ha in area in recognition that these areas will remain rural, with limited to no community services and infrastructure.

- .3 Supports low impact recreational uses which avoid critical habitats and minimize disturbance; and will work with the Province and others to ensure there are adequate staging areas with off-road parking.
- .4 Supports communication with and participation by Osoyoos/Okanagan First Nations communities in the management and development of provincial land in Resource areas.
- .5 Supports activities that improve range and forage conditions, including the continuation of the Noxious Weed Control Program to help control the invasion and spread of noxious weeds in the Plan Area.
- .6 Where there is forestry use, supports selective logging to maintain undiminished capacity of the land to absorb and retain water, prevent erosion, and permit groundwater recharge throughout the harvest cycle.
- .7 Supports the identification and establishment of a Watershed Resource Area (WRA) zone in the Zoning Bylaw for designated community watersheds under the *Forest and Range Practices Act* where:
 - a) one of the primary land management priorities is to maintain and manage local water quality and quantity;
 - b) the minimum parcel size is 120.0 ha with a limited range of uses permitted;
 - c) intensive recreation, subdivision and rezoning of lands within the zone are discouraged;
 - d) recreationalists are encouraged to minimize stream crossings and to stay on existing trails to prevent erosion; and
 - e) the Province is encouraged to permanently retain public ownership and to manage, for watershed protection purposes, all Crown land within designated community watersheds of existing major or minor domestic water sources.

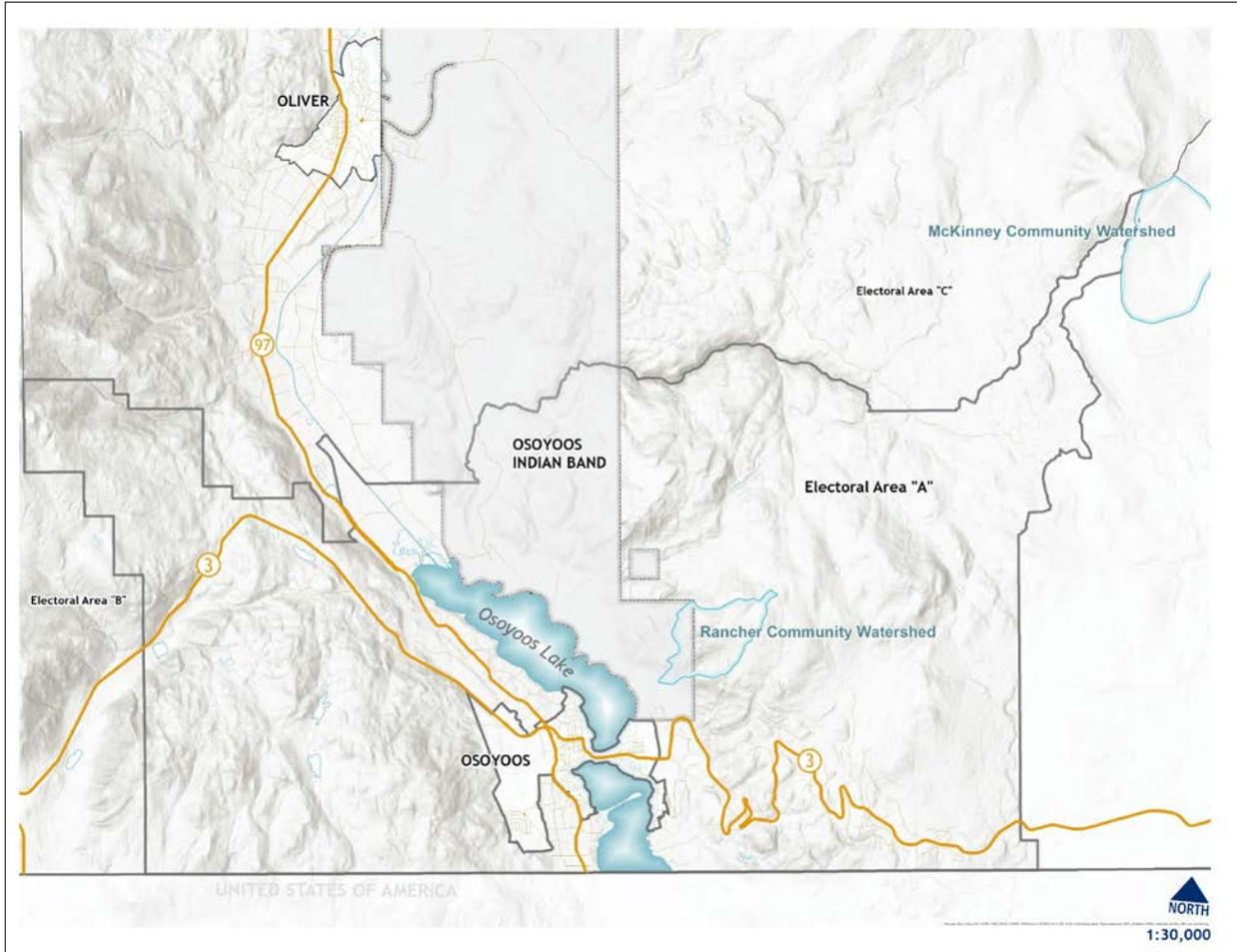


Figure 17: Plan Area – Designated Community Watersheds

- .8 Encourages the Province to have due consideration for the impact of resource extraction activities on existing adjacent residential developments and infrastructure such as roads.
- .9 Encourages the Province to not issue permits for mineral extraction and processing within 1,000.0 metres of Rural and Residential Designations.
- .10 Encourages the Provincial Government to refer applications for licences, permits, the disposition of Crown land, mineral exploration proposals involving surface disturbance of any other development or activity within the Rural Planning Area to the Regional District.
- .11 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.
- .12 Will consider proposals for a micro cannabis production facility on a case-by-case basis through a site-specific zoning amendment process, and may use the following criteria to assess an application:

- a) the facility is approved by Health Canada under its micro cultivation license;
- b) the parcel under application has an area not less than 2.0 hectares;
- c) the maximum size of the plant surface cultivation area is 200.0 m²;
- d) confirmation is provided that adequate water and servicing is available to the site; and
- e) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

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9.0 AGRICULTURE

9.1 Background

Approximately 15% of land in Electoral Area “A” is within the Agricultural Land Reserve (ALR). This land area is designated Agriculture (AG) and comprises a total area of 3,786 ha. Most of the land in Electoral Area “A” designated AG is within the ALR; however, there are also small portions of AG in the rural west area that lie outside of the ALR. Additionally, there are significant portions of ALR land in the Anarchist Mountain area designated as “Small Holdings” and an area along the northeast border of Electoral Area “A” that are ALR and designated as “Resource Areas.”

The Agriculture (AG) designation within the Plan Area applies to land used or intended to be used for an agricultural operation or activity. This includes the production of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, wood and fibre crops, grapes, and horticultural and aquaculture products, as well as activities associated with the production and processing of these items.

9.2 Objectives

- .1 Protect the agricultural land base of the Plan Area including associated farming, orchards, vineyards, ranching, and associated value-added activities.
- .2 Minimize conflicts between agricultural and non-agricultural uses.
- .3 Minimize the impacts of agriculture and ranching on sensitive environmental resources.

9.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Agriculture (AG) identified on Schedule ‘B’ (Official Community Plan Map) for agricultural use. This includes the production of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, wood and fibre crops, grapes, and horticultural and aquaculture products, as well as activities associated with the production and processing of these items.
- .2 Will generally not support applications to the Agricultural Land Commission (ALC) that seek to:
 - a) subdivide land or adjust the boundaries between parcels that results in the fragmentation of farm, vineyard or orchard units, or seek to create homesite parcels; or
 - b) introduce non-agricultural uses.

- .3 Recognizes agricultural land as necessary for agricultural businesses that provide regional economic stability and growth opportunities.
- .4 Will consider requests for the Regional District to initiate an application to the Agricultural Land Commission to have lands excluded from the Agricultural Land Reserve only within the context of a comprehensive review of this Official Community Plan (OCP) Bylaw.
- .5 Encourages property owners to seek, as an alternative to the exclusion of lands from the Agricultural Land Reserve, approval from the Agricultural Land Commission for other application types under the Agricultural Land Commission Act such as non-farm use, non-adhering residential use and subdivision.
- .6 Supports maintaining the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.
- .7 Encourages the preservation of environmental values in the Agriculture (AG) designation.
- .8 Supports and encourages developing food system infrastructure (production, processing, storage and distribution of food) to contribute to a resilient local and regional food supply.
- .9 Encourages the consolidation of small parcels into larger farm units that increase efficiency and enhance the land base of the ALR.
- .10 Encourages new development adjacent to agricultural areas to provide sufficient buffering in the form of setbacks, fencing and landscaping that is consistent with the *Ministry of Agriculture Guide to Edge Planning Promoting Compatibility Along Agricultural – Urban Edges*.
- .11 Encourages provincial ministries and utilities to minimize the impact of new roads and utility corridors through agricultural land by utilizing only those lands necessary, and by maximizing the capacity of existing corridors and roads.
- .12 Supports the agricultural and rural economy by encouraging secondary, value-added uses such as agritourism, secondary processing of products, and home occupations/industry provided they are compatible with surrounding land uses.
- .13 Supports the protection of normal farm practices within Agriculture (AG) designated lands including the *Farm Practices Protection (Right to Farm) Act*.
- .14 May consider supporting the following applications to subdivide parcels smaller than 4.0 ha within the Agricultural Land Reserve in the following cases:
 - a) for a homesite severance under the ALC’s homesite severance policy;
 - b) where the applicant can demonstrate that the subdivision or boundary adjustment will enhance agricultural viability; and
 - c) to support a public use such as a public park or community facility.

- .15 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.
- .16 Will consider proposals for a micro cannabis production facility on a case-by-case basis through a site-specific zoning amendment process, and may use the following criteria to assess an application:
 - a) the facility is approved by Health Canada under its micro cultivation license;
 - b) the parcel under application has an area not less than 2.0 hectares;
 - c) the maximum size of the plant surface cultivation area is 200.0 m²;
 - d) confirmation is provided that adequate water and servicing is available to the site; and
 - e) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.



Figure 18: Agricultural Lands in Electoral Area “A”

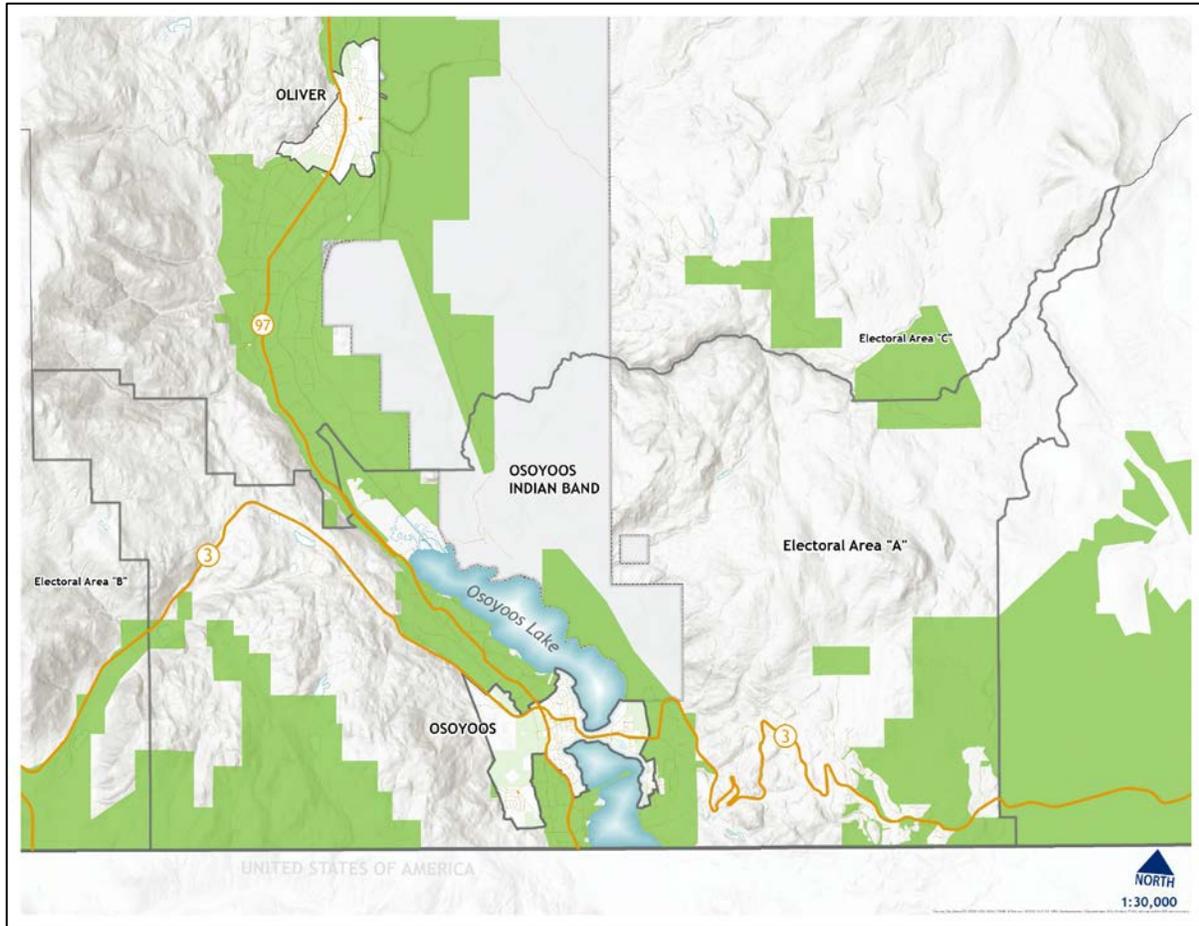


Figure 19: Agricultural Land Reserve, Electoral Area "A"

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10.0 RURAL HOLDINGS

10.1 Background

The Plan Area’s rural character and lifestyles are some of the most valued aspects to area residents. Within the Plan Area, Rural Holdings are generally grouped into two categories, Large Holdings (LH) and Small Holdings (SH).

The LH designation typically applies to large privately held properties between 4.0 ha and 8.0 ha in area and includes parcels of land generally used for acreages, hobby farms, limited agriculture, ranching, grazing, and other uses that fit with the character of this area. An LH designated parcel should have a range of parcel sizes but not less than of 4.0 ha. There are 150 parcels designated as LH in the Plan area with 59 parcels currently (2021) considered vacant or with building values less than \$10,000.

The SH designation includes parcels of land generally used for rural residential, part time farming, limited agriculture, home industry and other uses that fit with the character of the area. As with Large Holdings, SH designations are largely located outside the ALR. There are 398 parcels designated SH of which 241 are currently (2021) considered vacant or with building values less than \$10,000.

10.2 Objectives

- .1 Retain and enhance the rural character of lands designated for Large Holdings and Small Holdings.
- .2 Prevent rural sprawl by limiting the re-designation of Large Holdings and Small Holdings properties to allow subdivision or higher residential densities.
- .3 Reduce potential conflicts between rural residential developments and agricultural operations on Rural Holdings.
- .4 Reduce the wildfire hazard threat to residential areas located within the Small and Large Holdings designations.

10.3 Policies - General

The Regional Board:

- .1 Supports home occupations on lands designated Small Holdings (SH) and Large Holdings (LH), provided the uses are compatible with the surrounding rural character.
- .2 Supports home industry uses (e.g., vehicle repair, machine shops) only on lands that are larger than 2.0 ha in size, provided the uses are compatible with the surrounding rural character.
- .3 Will evaluate new Rural Holdings developments against the implications and impacts on the agricultural uses in the area.

.4 Requires any proposal to create additional land designated or zoned either Large Holdings (LH) or Small Holdings (SH) to:

a) Clearly demonstrate and articulate the need for it in the context of its impact on the community and the objectives of this OCP; and

b) Provide an assessment of the proposal against the following criteria:

i) availability of vacant land currently designated as either Large Holdings (LH) or Small Holdings (SH);

ii) capability of the natural environment to support the proposed development;

iii) impact on environmentally sensitive areas, as illustrated on Schedule 'H' (Environmentally Sensitive Development Permit Areas);

iv) capability of accommodating on-site domestic water and sewage disposal, or availability of community water or sewer, and submission of an assessment from a qualified professional in accordance with applicable Regional District requirements;

v) proximity to existing roads and other community and essential services;

vi) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;

vii) compatibility with adjacent land uses and designations, and the character of the existing area;

viii) consideration of visual impacts where development is proposed on hillsides and other visually sensitive areas; and

ix) type, timing and staging of the development.

.5 Encourages the protection and conservation of agriculturally productive land, and environmentally sensitive areas within designated Small Holdings (SH) and Large Holdings (LH) areas.

.6 Encourages the Subdivision Approving Authority to ensure that rural developments and subdivisions allow for public access to Crown land.

.7 Encourages voluntary environmental stewardship on private lands within Small and Large Holdings areas.

.8 Encourages new developments that abut agricultural land or livestock grazing land to provide perimeter fencing.

.9 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland

- .10 Will consider proposals for a micro cannabis production facility on a case-by-case basis through a site-specific zoning amendment process, and may use the following criteria to assess an application:
- a) the facility is approved by Health Canada under its micro cultivation license;
 - b) the parcel under application has an area not less than 2 hectares;
 - c) the maximum size of the plant surface cultivation area is 200 m²;
 - d) confirmation is provided that adequate water and servicing is available to the site; and
 - e) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60 metres from that zone boundary.

10.4 Policies – Large Holdings

The Regional Board:

- .1 Supports the use of lands designated Large Holdings identified in Schedule 'B' (Official Community Plan Map) for ranching, grazing, equestrian centres, open space, limited residential use and other uses that will have minimal environmental impact and preserve the lands in a largely undeveloped state.
- .2 Will establish a range of densities and parcel sizes, to be no less than 4.0 ha in area, for land designated Large Holdings (LH) in the Plan area through the Zoning Bylaw.
- .3 Supports secondary suites or accessory dwellings and may consider additional accessory dwellings based on the size of parcel.
- .4 Discourages changes in land designation or zoning that will allow for incompatible land uses or the subdivision of Large Holdings (LH) parcels to less than 4.0 ha in size.

10.5 Policies – Small Holdings

The Regional Board:

- .1 Supports a range of uses on the lands designated Small Holdings (SH) in Schedule 'B' (Official Community Plan Map), including rural residential, hobby farming, limited agriculture, and others uses that fit within the rural character of the surrounding area.
- .2 Will establish a range of densities and parcel sizes from 0.2 ha to 2.0 ha, for lands designated Small Holdings (SH) in the Plan Area through the Zoning Bylaw.
- .3 Supports a minimum parcel size of one hectare for lands without community sewer within the Small Holdings (SH) designation.
- .4 Supports secondary suites and accessory dwellings, subject to accessory dwellings on parcels less than 1.0 ha in area being connected to a community sewer system.

11.0 RESIDENTIAL

11.1 Background

There are two residential land use designations recognized within this Plan; Low Density Residential (LR) and Medium Density Residential (MR). Rural Holdings (i.e., Large Holdings and Small Holdings) are not included as residential designations.

- **Low Density Residential (LR):** includes single detached dwellings, mobile homes, duplexes, and complementary secondary uses such as daycares, preschools, and small parks which are integral to a low-density residential neighbourhood.
- **Medium Density Residential (MR):** includes townhouses, triplexes, fourplexes, and those complementary secondary uses such as daycares, preschools, and small parks, which are integral to a medium density area.

Low Density Residential (LR) development in the Plan Area has typically occurred adjacent to or near Osoyoos Lake and low-density single detached dwellings are the predominant housing form throughout the Plan Area. Other forms of low-density residential housing include semi-detached, and manufactured homes.

Medium Density Residential (MR) designated lands in the Plan Area are limited to areas at the north end of Osoyoos Lake (Willow Beach) near the Town of Osoyoos.

Under the South Okanagan Regional Growth Strategy (RGS) Bylaw, Willow Beach and Anarchist Mountain have been designated as Rural Growth Areas in the Plan area, while the Town of Osoyoos is a designated Primary Growth Area.

The Plan supports these designations by directing new LR and MR designations to Rural Growth Areas, subject to servicing, as well as to Primary Growth Areas (i.e. Town of Osoyoos), and that proposed high density residential developments also be directed to Primary Growth Areas.

11.2 Objectives

- .1 Direct new residential development to existing serviced areas to protect the predominantly rural character of the Plan Area.
- .2 Minimize impacts from new residential development on the natural environment and the ALR.
- .3 Accommodate a range of housing types and tenures to meet the socio-economic needs of the community.
- .4 Direct new residential development away from hazard lands, critical habitat areas, and watercourses.

11.3 Policies – General Residential

The Regional Board:

- .1 Directs the development of new housing to existing vacant lots (with servicing), or previously approved residential subdivisions, prior to considering more residential development on non-residential designations in identified Rural Growth Areas.
- .2 Encourages residential infill development to maximize land use and servicing efficiencies.
- .3 Supports a range of residential densities and parcel sizes for the existing residential areas in the Plan Area.
- .4 Supports housing for a range of income levels, lifestyles and ages including rental housing and secondary suites where appropriate and feasible.
- .5 Will assess proposed residential developments on the following development criteria:
 - a) capability of accommodating on-site domestic water and sewage disposal, or the availability of community water or sewer;
 - b) ability of community water or sewer systems to be extended to existing neighbouring subdivisions which are presently un-serviced;
 - c) proximity to Environmentally Sensitive Development Permit Areas;
 - d) proximity to Watercourse Development Permit Areas;
 - e) impact on adjacent land uses and character of the existing area;
 - f) impact on adjacent lands designated as Agriculture (AG);
 - g) proximity to and impact on Osoyoos Lake;
 - h) proximity to existing roads and other community and essential services;
 - i) susceptibility to natural hazards including, but not limited to, flooding, soil instability, land slide, rockfall, moderate or higher forest fire;
 - j) parkland dedication; and
 - k) demonstration of housing need, and provision for a variety of housing types.
- .6 Encourages new developments that abut agricultural land or livestock grazing land to provide perimeter fencing.
- .7 Encourages residential development that abuts land designated Agriculture (AG) to provide buffers pursuant to Ministry of Agriculture guidelines.
- .8 Requires that new parcels to be created by subdivision that are less than 1.0 ha in area be connected to a community sanitary sewer system.
- .9 Requires that secondary suites on parcels less than 1.0 ha in area be connected to a community sanitary sewer system or the same septic system that serves the principal dwelling unit.
- .10 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

11.4 Policies –Low Density Residential

The Regional Board:

- .1 Generally supports the use of lands designated Low Density Residential (LR) identified in Schedule 'B' (Official Community Plan Map) for single detached dwellings, duplexes, secondary suites, accessory dwellings, manufactured home parks, parks, religious buildings and facilities, institutional buildings, local convenience stores and other uses that fit with the low density residential character of the designation.
- .2 Establishes a maximum density for principal detached dwelling units on lands designated Low Density Residential (LR) to be 30 units per hectare for areas served by a community water system and a community sewage treatment system. The calculation of net density does not include accessory dwellings or secondary suites.
- .3 Supports a maximum net density for duplexes on lands designated Low Density Residential (LR) to be 45 dwelling units per hectare for areas served by a community water system and a community sewage treatment system.
- .4 Supports the re-designation of lands to Low Density Residential (LR) only within designated Primary and Rural Growth Areas in order to achieve lower servicing costs and to minimize environmental impacts.
- .5 Supports home occupations and bed and breakfasts within a single detached dwelling provided the operation does not have an unacceptable negative impact on the surrounding homes and the quality of life of existing residents.

11.5 Policies –Medium Density Residential

The Regional Board:

- .1 Generally supports the use of lands designated Medium Density Residential (MR) identified in Schedule 'B' (Official Community Plan Map) for multi-family developments, including triplexes, fourplexes, townhouses, apartment buildings and community care facilities that fit with the residential intent of the designation.
- .2 Supports a maximum net density on lands designated Medium Density Residential (MR) of 60 dwelling units per hectare for areas served by a community water system and a community sewage treatment system.
- .3 Supports the re-designation of lands to Medium Density Residential (MR) only within designated Rural Growth Areas in order to achieve lower servicing costs and to minimize environmental impacts.
- .4 Encourages affordable, community care housing, seniors housing, and special needs housing in Medium Density Residential (MR) areas.
- .5 Requires a high standard of architectural building design and landscaping for medium density residential development by supporting the inclusion of lands

designated as Medium Density Residential (MR) in a new Multi-Family Development Permit Area.

11.6 Policies - Vacation Rentals

The Regional Board:

- .1 Supports the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed.
- .2 Supports the use of a residence for short-term vacation rental where permitted by a Temporary Use Permit. The Regional Board may use the following criteria to assess applications:
 - a) capability of providing domestic water and accommodating on-site sewage disposal;
 - b) mitigating measures such as screening and fencing;
 - c) provision of adequate off-street parking;
 - d) confirmation that the structure proposed complies with the BC Building Code; and
 - e) benefits that such accommodation may provide to the community.

12.0 COMMERCIAL

12.1 Background

Commercial development in the Plan area is generally limited to existing commercial sites along Highway 97 and Highway 3, and adjacent to Osoyoos Lake. A portion of the Anarchist Mountain Rural Growth Area is designated Commercial (C) but is currently undeveloped.

Designated Commercial (C) uses include the sale of agricultural products and auto courts. Designated Commercial Tourist (CT) uses surround Osoyoos Lake which consist primarily of campgrounds, motels, and resorts. The Plan recognizes that large scale service and commercial development will be directed to existing settlement areas, such as the Town of Osoyoos, which are better able to function as service centers.

At the time of adoption of this Plan, the Regional District is not designating any additional areas for proposed commercial uses, as it considers that there is sufficient unused land presently designated for commercial uses.

12.2 Objectives

- .1 Maintain the current level of local commercial sites to serve the existing communities and tourists and expand services as future growth may dictate.
- .2 Direct major commercial development to Primary Growth Areas.
- .3 Support existing and new recreation and resort commercial opportunities.

12.3 Policies – General Commercial

The Regional Board:

- .1 Supports the use of lands designated Commercial (C) identified in Schedule 'B' *Official Community Plan Map* for smaller-scale, neighbourhood-serving commercial activities.
- .2 Limits local commercial uses to those existing designated areas, or to areas where they may be considered in conjunction with future residential or commercial tourism developments.
- .3 Directs major office, service and general business commercial uses to Primary Growth Areas such as the Town of Osoyoos, which has the necessary infrastructure and support services.
- .4 May support future commercial development on locations away from Osoyoos Lake to reduce human impact on the lake and maintain and improve water quality and habitat, provided that the development:

- a) enhances local employment and diversify the economic base;
 - b) are located outside the ALR;
 - c) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - d) enhances adjacent land uses or the character of the existing area;
 - e) can be accessed safely from local highways, Highway 97, or Highway 3;
 - f) can be adequately serviced by emergency services;
 - g) meets any Watercourse, Environmentally Sensitive, or Wildfire Interface Development Permit Area requirements; and
 - h) are outside areas susceptible to natural hazards, including steep slopes, flooding, soil instability, or rock fall.
- .5 Encourages signage within provincial highway road dedications to comply with the Ministry of Transportation and Infrastructure's *Policy Manual for Supplemental Signs* (2005).

12.4 Policies – Tourist Commercial

The Regional Board:

- .6 Supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' *Official Community Plan Map* for commercial services and activities catering to visitors and tourists, including golf courses, campgrounds, resorts, RV parks, and agri-tourism businesses, including fruit stands.
- .7 May support open space recreation and resort commercial opportunities subject to rezoning, such as guest ranches, trail rides, campgrounds, and/or wilderness guides in areas designated as Resource Area (RA) or Large Holdings (LH) provided that development:
 - a) enhances local employment and diversify the economic base;
 - b) are located outside the ALR;
 - c) can accommodate on-site domestic water and communal sewage disposal, or have community water or sewer available;
 - d) enhances adjacent land uses or the character of the existing area;
 - e) can be accessed safely from local highways, Highway 97, or Highway 3;
 - f) can be adequately serviced by emergency services;
 - g) meets any Watercourse, Environmentally Sensitive, or Wildfire Interface Development Permit Area requirements; and
 - h) are outside areas susceptible to natural hazards, including steep slopes, flooding, soil instability, or rock fall.

13.0 INDUSTRIAL

13.1 Background

There are currently seven designated Industrial parcels in the Plan Area. These parcels are associated with the Osoyoos & District Sanitary Landfill. The principal industrial activity in the Plan Area is logging, which generally occurs on Crown lands that are subject to the Resource Area (RA) designation. Small-scale resource extraction also occurs within the Plan Area.

Limited and small-scale industrial uses (e.g., small scale sawmilling) can occur on lands designated as Resource Areas and Rural Holdings. Larger industrial activities, including light manufacturing and fabricating are encouraged to locate in designated, serviced industrial areas in the Town of Osoyoos' Buena Vista Business Park, Osoyoos Indian Band's Senkulmen Enterprise Park or Okanagan Falls, which are better suited to accommodate them.

Accordingly, at the time of adoption of this Plan, the Regional District is not designating any additional areas for proposed industrial uses. The Regional District may consider designating land for proposed industrial uses on a case-by-case basis if or when demand warrants.

13.2 Objectives

- .1 Supports retaining existing industrial land use designations for small-scale industrial uses serving the needs of the community.
- .2 Encourage large-scale industrial uses requiring major services or with significant impacts to locate in the Town of Osoyoos' Buena Vista Business Park, Osoyoos Indian Band's Senkulmen Enterprise Park or Okanagan Falls.

13.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Industrial (I) identified in Schedule 'B' *Official Community Plan Map* for activities associated with cannabis production, indoor; construction supply centre; fleet service; food and beverage processing; freight terminal; manufacturing; outdoor storage; packing, processing and storage of farm products; salvage operation; self-storage; service industry establishment; storage and warehouse; vehicle sales and rentals; veterinary establishment; and wholesale business.
- .2 Encourages larger-scale industrial and light manufacturing activities to locate in the Town of Osoyoos and other serviced and designated industrial areas in the Town of Oliver, Okanagan Falls, or the Senkulmen Enterprise Park on Osoyoos Indian Band Reserve lands.

- .3 May consider re-designating land Industrial, where appropriate, on a case-by-case basis.

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14.0 ADMINISTRATIVE, CULTURAL AND INSTITUTIONAL

14.1 Background

As a primarily rural area with a relatively small, dispersed population, the Plan Area contains limited administrative and community facilities and cultural resources.

The Administrative, Cultural and Institutional designation includes public, non-profit or utility uses such as schools, religious buildings, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, cultural and historic sites, and local government and improvement or irrigation district buildings.

At the time of adoption of this Plan, the Regional District is not designating any additional areas for proposed institutional uses. The Regional District may consider designating land for proposed institutional uses on a case-by-case basis, as demand warrants.

14.2 Educational and Community Facilities

The school system within the Plan Area is operated by School District No. 53 (Okanagan Similkameen). The Regional District has no mandate on education policies other than advocating to the School Districts on policy areas that impact the Regional District. At present, there are no schools within the Plan area. Osoyoos Elementary & Osoyoos Secondary are both located within the Town of Osoyoos.

14.2.1 Objective

- .1 Support existing educational facilities within the Town of Osoyoos that serve Electoral Area "A".

14.2.2 Policy

The Regional Board:

- .1 Continues to liaise with School District No. 53 (Okanagan Similkameen) concerning their needs and issues.

14.3 Protective Services

The Town of Osoyoos and the Osoyoos Rural Fire Protection District provides fire protection for the valley bottom area to the head of Osoyoos Lake, while the Town of Oliver provides fire protection services to Road 22. The Anarchist Mountain Fire District serves the area to the east of Osoyoos, including the Anarchist Mountain area.

Police services are provided by the RCMP, which has a station in the Town of Osoyoos, as does the BC Ambulance Service.

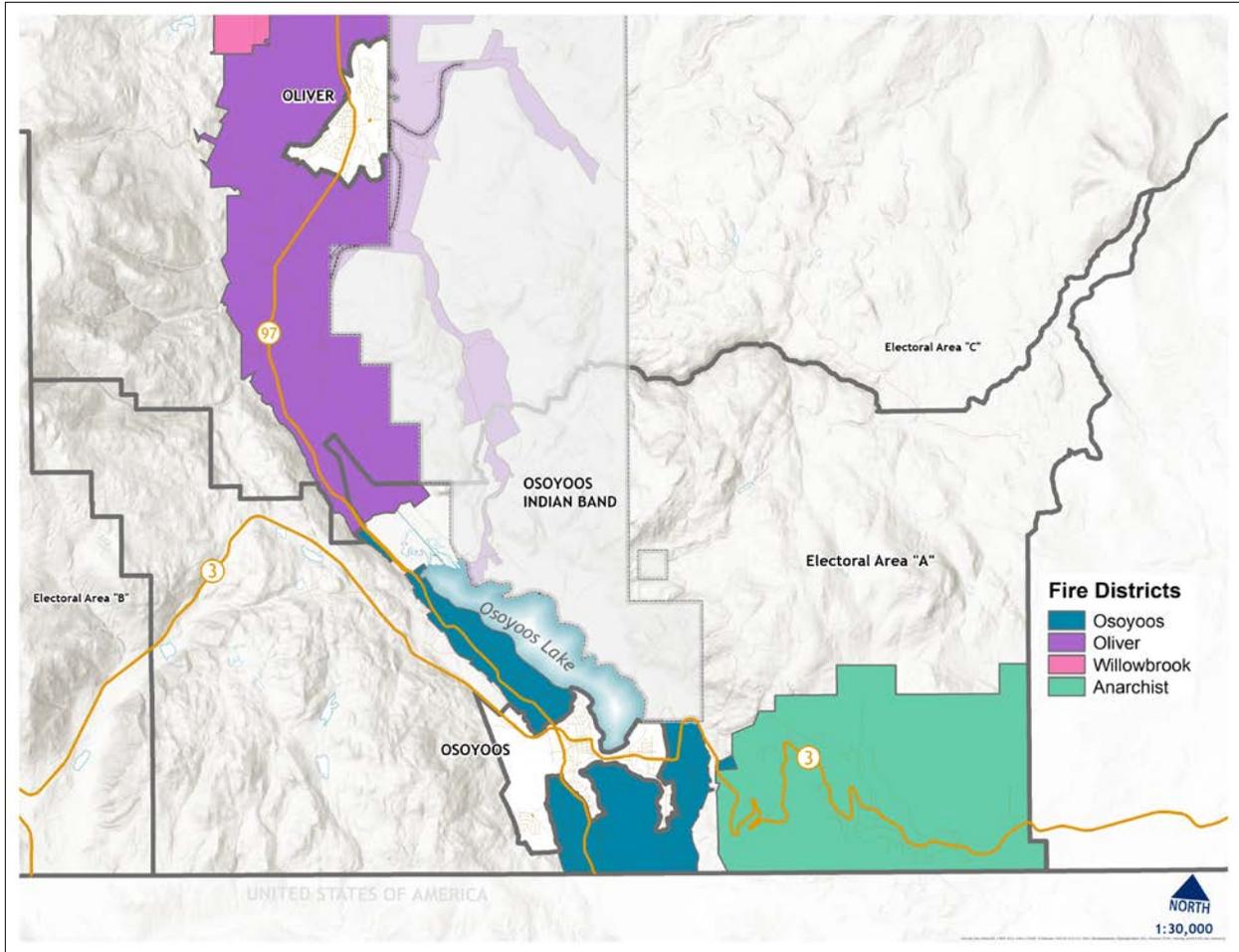


Figure 20: Plan Area Fire Protection Service Areas

14.3.1 Objectives

- .1 Maintain existing protective services and facilities, and coordinate resources to establish new facilities and services.
- .2 Expand and enhance existing community policing programs as resources and population growth allow.

14.3.2 Policies

The Regional Board:

- .1 Will continue to work with senior governments to ensure adequate and visible provincial and federal services are maintained in the Plan Area.
- .2 Encourages new and existing community water systems to be capable of fire suppression in accordance with the latest Fire Underwriters Survey (FUS).
- .3 Will work with the RCMP and Regional District to review opportunities to expand community policing in the Plan Area where necessary.

- .4 Will support and facilitate effective and efficient bylaw enforcement in the Plan Area.
- .5 Supports fire protection service for all established communities within the Plan Area.
- .6 Supports the location of new or relocated public facilities such as a fire hall in accordance with the following criteria:
 - a) suitability of location on a major network road;
 - b) proximity to any concentration of residential development;
 - c) adequacy of water supply; and
 - d) other siting requirements and physical attributes.

14.4 Heritage and Cultural Resources

The Regional District recognizes that heritage conservation is an important community value that contributes to the distinct identity of the region.

The RDOS Regional Heritage Strategic Plan identifies several heritage resources or “valued settlements” located in Electoral Area “A”, including Spotted Lake, or *kłil’xʷ* as it is called by Syilx/Okanagan people, Swiws Park, Dividend Ridge Mine, Haynes Ranch, and Patullo Dam.

The Heritage Strategic Plan supports the following goals and objectives for Electoral Area “A”:

- Encourage the conservation of sites and structures with cultural heritage values.
- Recognize and validate heritage, cultural and historical sites in cooperation with appropriate provincial ministries, committees, societies and organizations.

With Indigenous traditional use activities dating back millennia, the Plan Area is home to important cultural sites and landscapes of value to the Osoyoos Indian Band and other Okanagan Nation Alliance members. Syilx place names are an integral part of Syilx culture.

Located west of the Town of Osoyoos in Electoral Area “A” off of Highway 3, Spotted Lake, or *kłil’xʷ* as it called by Syilx/Okanagan people, is a sacred medicine lake and a protected cultural heritage site of the Syilx/Okanagan People. In 1979, the Okanagan Elders and Chiefs came together and wrote the Statement of the Okanagan Tribal Chiefs on *kłil’xʷ* (Spotted Lake), which reflected the thoughts, feelings and voice of the Syilx/Okanagan people.

Since the dawn of history, Spotted Lake or kłil’xʷ as we call it, has been a sacred place. Indians from all tribes came to visit the lake for the medicine the lake contains. The ceremonial cairns, too numerous to count that surround the lake testify to that. Some of these are so ancient they have sunk underground and only their tops remain above ground. Some are buried

altogether. There are many stories told by our ancestors about the cures this lake has provided, physically and spiritually through its medicine powers.

In 2001, the Chiefs of the Okanagan Nation Alliance and the Minister of Indian Affairs and Northern Development successfully finalized the acquisition of a 22.6-hectare site of kłlil'xw (Spotted Lake) lands for the use and benefit of the Okanagan First Nation.

The importance of this sacred site cannot be underestimated. In order that it may be preserved for future generations, access to the lake is monitored by the Syilx/Okanagan Nation. Those wishing to visit the lake should seek permission by contacting the Okanagan Nation Alliance.

14.4.1 Objectives

- .1 Promote the conservation of heritage resources in the Plan Area, as indicated by the Regional District's Regional Heritage Strategic Plan in cooperation with appropriate provincial ministries, interest groups and Indigenous governments.
- .2 Protect and steward kłlil'xw (Spotted Lake) in partnership with Osoyoos Indian Band and Okanagan Nation Alliance.
- .3 Celebrate the culture and heritage of the peoples and communities, including Indigenous communities, within the Plan Area to educate and inform visitors and residents alike.
- .4 Seek opportunities to work with Osoyoos Indian Band to recognize, protect and, where appropriate and feasible, interpret important cultural sites and features in the Plan Area.
- .5 Seek opportunities to recognize Syilx place names where they have been approved by Osoyoos Indian Band members.
- .6 Support incorporation of Osoyoos Indian Band cultural and heritage resource objectives within the Regional District's Regional Heritage Strategic Plan where appropriate and practical.

14.4.2 Policies

The Regional Board:

- .1 May consider the inclusion of heritage conservation in all aspects of community and regional planning.
- .2 Supports the Province and other interest groups in identifying and protecting features and sites of Indigenous, paleontological, scenic, architectural, historical, archaeological and other sites of significance within the Plan Area.
- .3 Supports the management of heritage resources on a regional basis including the establishment of a Regional District community heritage commission and the creation of a community heritage register.

- .4 Should undertake the conservation and protection of heritage resources through the Regional Heritage Strategic Plan using appropriate heritage conservation tools.
- .5 Supports public education including the use of directional signage and interpretive plaques to enhance recognition of heritage resources.
- .6 Encourages developers to consider cultural and heritage resource opportunities in project planning and design.
- .7 Recognizes and celebrates the rich Syilx/Okanagan cultural and cultural features that exist in the Plan Area, including Syilx place names that have been approved by Osoyoos Indian Band (OIB) members for use.
- .8 Should exchange information, identify issues of concern and coordinate efforts to address those issues with Osoyoos Indian Band (OIB) and other members of the Okanagan Nation Alliance (ONA) through appropriate planning and collaboration avenues.
- .9 Supports the stewardship of kłlil'xʷ (Spotted Lake) and the Syilx/Okanagan Nation's management of access to the lake.
- .10 Supports the designation of the federally owned parcels that surround kłlil'xʷ (Spotted Lake) as Conservation Area (CA) to help buffer and protect kłlil'xʷ (Spotted Lake) and its watershed.
- .11 Encourages the Federal Government to purchase undeveloped RA lands surrounding Spotted Lake wherever feasible and appropriate.



Figure 21: kłlil'xʷ (Spotted Lake)

15.0 PARKS, RECREATION AND TRAILS

15.1 Background

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

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

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

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

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

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

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

regional trail development and management through to 2021.

In July 2019, the governments of Canada and British Columbia and the syilx/Okanagan Nation signed a Memorandum of Understanding (MoU) to formally work toward establishing a National Park Reserve in the South Okanagan-Similkameen. This MoU confirms the working boundary of the South Okanagan National Park Reserve, which includes 273 square kilometres of natural and cultural landscapes in the t̓xasq̓n (Mt Kobau), k̓l̓ilx̓w̓ (Spotted Lake), and n̓k̓lpulax̓w̓ (Kilpoola) areas of the iʔ nx̓w̓əl̓x̓w̓əltantət̓ (South Okanagan - Similkameen) area, including BC Parks' South Okanagan Grasslands Protected Area, much of which covers the western side of the Plan Area. This national park would protect the area's ecological-diversity and integrity, strengthen relationships between all levels of government, and bring economic opportunities.

See Schedule 'C' (Parks, Recreation and Trails) for a map of designated trails in the Plan Area.

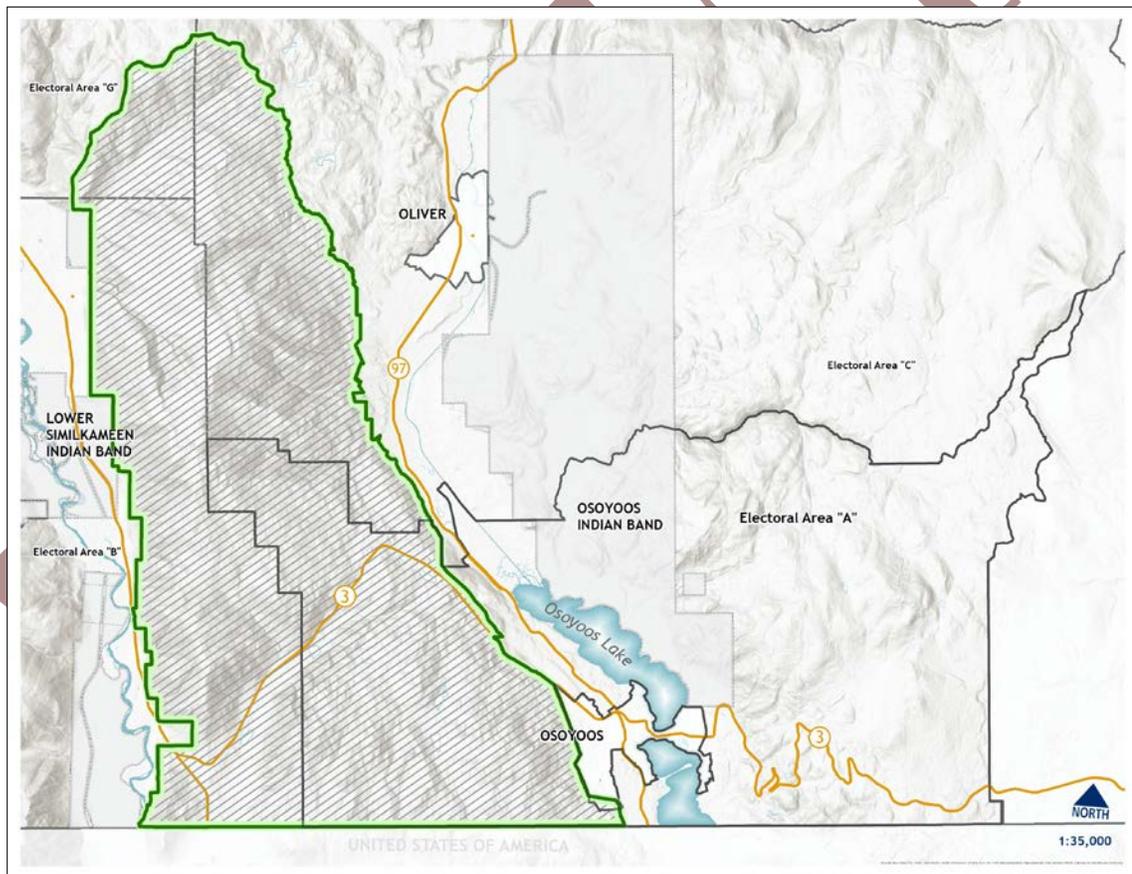


Figure 22: Proposed South Okanagan National Park Reserve

15.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.

- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to fairly and equitably meet the present and future needs of residents.

15.3 Policies

The Regional Board:

- .1 Encourages all new trail projects to be designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Supports trail use guidelines that promote “leave no trace” trail use.
- .10 Supports the continued public use of Osoyoos Lake Park.
- .11 Seeks to review this Official Community Plan for consistency with any National Park Reserve proposal approved by the Federal Government and which affects lands within the Plan Area.
- .12 Recognizes that parkland corridors located along the Okanagan River channel are located within a flood control right-of-way, and that the Province needs to undertake and maintain flood control works, activities and devices within the PR designation.
- .13 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area to accommodate a variety of

uses, including but not limited to walking, running, bicycling, horseback riding and cross-country skiing.

- .14 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown land, and natural open space, and allow for easy pedestrian access through residential areas.
- .15 Seeks to continue to provide universal access to recreational amenities in the Plan Area, where feasible, including parks, trails, facilities and programs.
- .16 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.
- .17 Supports local First Nations to continue traditional cultural practices and uses in any National Park Reserve that may be established in the Plan Area.
- .18 Will consider new parkland dedications at Anarchist Mountain in conjunction with the *Regal Ridge Park and Open Space Plan (2011)*.

15.4 Parkland Dedication Policies

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount up to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet Ministry of Transportation standards;

- ii) in the case of trails and parks with pedestrian only access, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
- .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands or can be reclaimed for park purposes.
- .7 Encourages developers to dedicate greater than 5% parkland in areas where parkland is desired.
- .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
- .9 Where environmentally sensitive areas or critical habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organization or the Regional District in addition to the parkland or cash in-lieu required by the Act.

16.0 NATURAL ENVIRONMENT AND CONSERVATION

16.1 Background

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

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. The Plan Area is the most diverse and sensitive rural area in the South Okanagan with one of the highest concentrations of biodiversity and species-at-risk in Canada.

The Plan Area itself is home to many unique environmental features, including Kruger Mountain, Richter Pass as well as various lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess "high" and "very high" ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and is described further in Section 18.2 of this Plan.

Some other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule 'H' as an "Important Ecosystem Area" and is described further in Section 23.2 of this Plan.

As a local government listed under Section 2(1)(b) of the *Riparian Areas Protection Regulation* (RAPR), the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas. WDP Areas are lands within 30 metres of the high-water mark or active floodplain of streams and ravines including lakes and watercourses, as well as and ditches, springs, and wetlands adjoining by surface flow, and as described further at Section 23.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule 'H' (Environmentally Sensitive Development Permit Area and

Other Important Ecosystem Area) and Schedule 'I' (Watercourse Development Permit Area).

16.1.1 Objectives – General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quantity today and for future generations.

16.1.2 Policies – General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 23.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

16.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes one large lake, Osoyoos Lake, and several smaller lakes including Spotted, Kilpoola, Blue, and Richter Lakes. The Plan Area also includes the Okanagan River and various smaller streams including Haynes Creek, Nine Mile Creek, Inkameep Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in and around riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystems benefits that costly water treatment and recovery planning for species at risk cannot replace.

Most land above the high-water mark (natural boundary) is privately held while land below the high-water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high-water mark or active floodplain of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 18.3). Other activities that are subject to regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

16.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.

- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'H' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'I' (Watercourse Development Permit Areas).
- .3 Improve and better manage waterfront public access along the Osoyoos Lake shoreline.
- .4 Minimize and avoid development in high hazard soil instability areas on the Okanagan Lake foreshore and riparian area.
- .5 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .6 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .7 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

16.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Area Protection Regulation*, has designated land within 30.0 metres of the high-water mark or active floodplain of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 23.3 (Watercourse Development Permit Area) of this Plan, unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high-water mark of a stream or ravine identified on Schedule 'I'.
- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.
- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats.
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.

- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers and requires environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.
- .7 Encourages the subdivision Approving Officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

16.3 Terrestrial Areas

Terrestrial areas are simply described as upland areas or land above water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: the Haynes & Field Lease Ecological Reserves, Anarchist Mountain Protected Area, and South Okanagan Grasslands Protected Area. The Nature Trust of BC, Nature Conservancy of Canada, Ducks Unlimited Canada and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

16.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'H' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Areas).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.

- .4 Encourage and facilitate linkages of protected habitat areas.
- .5 Encourage the integration of FireSmart approaches in the management of terrestrial areas where practical and appropriate.

16.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands on Schedule 'H' and has:
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or
 - b) Identified these lands as an "Important Ecosystem Area".
- .2 Requires that land designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 23.2 of this Plan, unless an exemption applies.
- .3 Considers that land identified as an "Important Ecosystem Area" should generally be retained in a natural state and, if a re-designation of the land under the OCP or a rezoning of the land under the Zoning Bylaw is proposed, that these lands be considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule 'H'.
- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule 'H' to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.
- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;

- d) creation of conservation covenants in favour of local, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or
 - h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.
 - .9 Encourages the use of native vegetation to restore disturbed sites.

16.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas (ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the Conservation Area designation applies to a large area at the head of Osoyoos Lake held by various conservation organisations. In addition, approximately 50% of the “Regal Ridge” development situated on Anarchist Mountain was set aside for conservation purposes in 2004.

The two Federally owned parcels that comprise kllil’xw (Spotted Lake) are designated Conservation Areas to help protect and steward the lake’s unique ecosystem and deep Syilx cultural values associated with the lake.

For a map of Conservation Areas in the Plan Area see Schedule ‘B’ (Official Community Plan Map).

16.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations, to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.

- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.
- .4 Encourage the integration of FireSmart approaches in Conservation Areas where practical and appropriate.

16.4.2 Policies – General

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will seek to work with local First Nations to incorporate it where feasible, practical and appropriate.

16.5 Okanagan Basin Lakes

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to promote the major lakes in the Valley for community and visitor use, while also seeking to protect existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

16.5.1 Objective

- .1 Provide opportunities for water-based recreation on Osoyoos Lake, including small-scale docks and swimming platforms associated with adjacent residential use.

16.5.2 Policies – General

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, swimming platforms and moorage buoys.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 23.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Consider that docks, swimming platforms, and marinas should not include non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
 - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
 - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
 - iii) compatibility with, and proximity to adjacent land uses; and
 - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).



Figure 23: Park at Reflection Point, Electoral Area "A"

DRAFT

17.0 HAZARD LANDS

17.1 Background

Hazard lands include but are not limited to areas the Regional District has reason to believe are subject to natural hazards including flooding, mud flows, debris torrents, erosion, rockfall, landslip, sink holes and wildfire.

The information available for the entire Regional District can be variable and may lack detail, so hazards often need to be investigated on a site-by-site basis. Recognizing this, site planning for proposed developments should consider the potential hazards on any given site. Some hazards can be evaluated and mitigated at the time of development. Other hazards, such as wildfire, can not only impact new developments, but also threaten existing structures.

A *Community Wildfire Protection Plan (CWPP)* was completed for the Regional District in 2011. The plan assessed wildfire risk across the region and made recommendations to improve the community's risk profile through pre-planning and preparedness, policy, and fuel management.

As a predominantly rural area, the CWPP determined that development in the Plan Area generally consists of:

- low to moderately dense rural intermix areas (>1structure/ha) with more forested areas between structures and a less defined perimeter;
- a well-defined urban/interface complex where the interface perimeter is more clearly defined; and
- individual structures remotely scattered within the wildlands.

In the next few decades, climate change will have a significant change on fire hazard within Electoral Area "A" based on the decreases in precipitation and changes in forest fuel structure and composition (Associated Environmental, 2017).

See Schedule 'D' (Hazard Lands – Flood), Schedule 'E' (Hazard Lands – Steep Slopes), and Schedule 'F' (Hazard Lands – Wildfire) for maps of key hazard areas in the Plan Area. High risk wildfire interface areas are subject to a Wildfire Interface Development Permit Area (Section 23.4). See Schedule 'J' (Wildfire Development Permit Area) for the development permit area.

17.2 Objectives

- .1 Prevent injury and loss of life and to prevent or minimize property damage because of natural hazards.
- .2 Ensure development does not occur in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed and mitigated.

- .3 Recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.
- .4 Minimize wildfire hazards to people and property in existing and proposed new development.
- .5 Minimize exposure to future flood damage by avoiding or minimizing development adjacent to Osoyoos Lake and Okanagan River Channel.

17.3 Policies - General

The Regional Board:

- .1 Encourages annual inspections, and as-needed inspections after large storms, runoff or flooding events, at the highest risk areas for impacts, such as steep slopes and major culverts outfalls.
- .2 Encourage the provincial Approving Officer to ensure that technical reports for hazard lands are prepared by appropriately qualified individuals and that any recommended conditions for safe use of the land area are registered as s. 219 covenants to inform future property owners.
- .3 Will not support the rezoning of development on lands with natural hazards or hazardous geotechnical conditions as identified by the Regional District or other agencies having jurisdiction, unless the applicant can provide a report by a Qualified Professional Engineer or Geoscientist that the land can be safely used for the use intended.
- .4 Encourages provincial and/or federal agencies to conduct further research on possible radon health risks in and around the Plan Area.
- .5 Encourages Plan Area residents to test their homes for radon exposure and to take appropriate mitigation measures where radon levels are found to be higher than recommended levels.
- .6 Supports providing information on radon and radon mitigation opportunities to Plan Area residents.

17.4 Policies – Steep Slopes

The Regional Board:

- .1 Discourages development on slopes with grades in excess of 30% to avoid geotechnical hazards.
- .2 Will recommend that the Approving Officer require a geotechnical report indicating the land can be safely used for the use intended for a subdivision where the new development is located on slopes greater than 30%, including those areas that may be regraded to slopes less than 30% after development, in order to address potential soil instability, hazardous conditions and environmental sensitivity.

17.5 Policies - Flood Hazard Management

The Regional Board:

- .1 Discourages development of land susceptible to flooding and encourages those lands to be used for parks, open space, habitat conservation, recreation or agricultural uses.
- .2 Requires that where land subject to flooding is to be developed and no alternative land is available, construction and siting of buildings and manufactured homes to be used for habitation, business, industry, or the storage of goods damageable by floodwaters shall comply with the floodplain regulation of the Zoning Bylaw with any relaxation subject to the recommendations of a report prepared by a qualified Professional Engineer or Geoscientist, where applicable.
- .3 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.
- .4 Supports minimizing exposure to future flood damage by avoiding development adjacent to Osoyoos Lake and Okanagan River Channel or implementing flood mitigation measures.
- .5 Supports mitigating the impacts of potential flooding on buildings and properties in the floodplain area and affected by groundwater through design and site grading prior to construction as per the recommendations of a report prepared by a qualified Professional Engineer or Geoscientist.

17.6 Policies - Wildfire Hazard Mitigation

The Regional Board:

- .1 In reviewing a rezoning application submitted to the Regional District for development in those areas identified in the *Community Wildfire Protection Plan* (CWPP) and shown on Schedule 'F' (Hazard Lands – Wildfire), the Regional District may require a fire hazard risk assessment by a qualified professional with recommendations concerning but not limited to the following:
 - a) incorporating fuel breaks adjacent to, or on, residential subdivisions;
 - b) establishing zones around proposed building sites which are clear of debris and highly combustible materials;
 - c) utilizing fireproofing techniques and fireproof materials in building design;
 - d) designing roads that provide evacuation routes and facilitate movement of firefighting equipment;
 - e) ensuring all roads are named and signed;

- f) ensuring availability of water supply facilities adequate for fire suppression;
 - g) ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements; and
 - h) implementing setbacks, interface fire protection standards, building material standards, and vegetation pursuant to Provincial FireSmart guidelines.
- .2 Using the FireSmart guide as a principal guidance document, strives to foster wildfire awareness and resiliency through public education materials, programs and events.
 - .3 Strongly encourages that new developments with moderate or higher fire hazard ratings to incorporate best practice interface forest fire mitigation techniques for buildings and landscaping.
 - .4 Should review and update wildfire protection approaches as often as necessary based on changing community circumstances, climate change driven ecosystem conditions, and mitigation techniques.
 - .5 Encourages property owners to adhere to the relevant Provincial guidelines to protect properties and communities from wildfire risk through such measures as reducing fuel loads and regular maintenance of eaves. Such measures should be supportive of the natural environment and mimic the natural effects of localized ground fire such as thinning and spacing trees and vegetation, removal of debris and dead material from the ground, and removal of lower tree branches.
 - .6 Supports pursuing provincial funding and resources to undertake wildfire risk reduction in the community/forest interface areas.
 - .7 Supports the development of an inventory of accessible water sources by the province that could be enhanced to support water extraction by firefighting equipment.

18.0 TRANSPORTATION

18.1 Background

The Province identifies Highway 97 and Highway 3 as Controlled Access highways and is projecting that Highway 97 will see increased traffic volumes over the next 20 years. As of 2021, no development of new major road systems by the Province is anticipated within the Plan Area.

The road network indicated on Schedule 'G' (Transportation Network) shows:

- Highways (Highway 97, Highway 3), which allow for rapid, efficient movement of large volumes of through traffic to achieve regional continuity. To secure swift and safe traffic movement, direct access onto Controlled Access Highways will be limited, and more turning lanes and channelization may be required at major intersections;
- Collector Roads (e.g., 87th Street) are mostly paved secondary roads linking rural communities.
- Local Roads (e.g., Bullmoose Road, Old Richter Passage Road, 160th Avenue) are generally gravel roads providing access to smaller, secondary settlement areas.

In addition, Schedule 'C' (Parks, Recreation and Trails) shows existing trails within the Plan Area.

BC Transit's *South Okanagan Transit Future Plan* (2015), provides a vision for transportation in the region. Transit options in Electoral Area "A" are limited but the Plan Area has one of the highest levels of riders within the RDOS system. As of 2021, there is one bus service (Route 40 & 41) that runs twice a week between the Town of Osoyoos and City of Penticton. There are five bus stops within the Town of Osoyoos before heading north to Oliver, OK Falls, Kaleden and Penticton but no bus stops within Electoral Area "A" itself.

18.2 Objectives

- .1 Enable safe, efficient mobility of goods and people within the Plan Area.
- .2 Ensure safe and convenient movement of goods and people through Highways 97 and 3.
- .3 Provide for safe and convenient pedestrian and bicycle access to schools and parks throughout all Plan Area communities.
- .4 Minimize the impacts of traffic corridors on farmland, ESDP Areas and WDP Areas.
- .5 Support an expanded regional transit system that services communities throughout the Regional District.
- .6 Provide a multi-model transportation system and secure road and trail networks for all forms of transport, including pedestrians and bicycles.

18.3 Policies

The Regional Board:

- .1 The Regional District supports, where possible, the establishment of bicycle lanes adjacent to arterial roads, for transportation purposes in addition to recreation.
- .2 Supports and encourages the provision of safe pedestrian and cycling opportunities along all Plan Area local roads where feasible and appropriate as improvements are made to the roadways.
- .3 Encourages MoTI and the Approving Officer to ensure that each new parcel of land to be created by subdivision has frontage on, and reasonable and practical access to, a public road.
- .4 Where existing highways and roads have deficient right-of-way widths, MoTI and or the Approving Officer should secure, where possible, additional land to remove all or part of the deficiency.
- .5 Encourages the Province to widen and pave shoulders on designated cycle routes and improve safety signage for cyclists and drivers.
- .6 Encourages the Province to require traffic impact studies as part of subdivision proposals which may impact safety and mobility on network roadways and, to ensure that:
 - a) existing and future roads and alignments are designed with due consideration for watercourses and critical habitat areas;
 - b) safety is maintained through access management and control;
 - c) disruption to farming operations is minimized; and
 - d) projected traffic volumes do not reduce the present service levels for the existing roadway.
- .7 Encourages MoTI to support enforcement of relevant provincial legislation regarding the control of roadside parking along provincial highways, local roads and on Crown land and implement more effective tools to manage illegal roadside parking, including improved regulatory signage.
- .8 Supports the implementation of the Okanagan-Similkameen Transit Future Plan.
- .9 Although the Plan Area does not currently warrant public transit service, the Regional District will continue to monitor conditions and liaise with B.C. Transit regarding future ridership demand.
- .10 Encourages the Province and the RCMP to improve traffic safety and enforcement on all Plan Area roads.
- .11 Supports the closure of unused, unconstructed road right of ways, where such closures result in traffic pattern improvements and are not detrimental to the use of adjoining lands.

- .12 Supports the creation of a pedestrian and other non-vehicular right-of-ways between established residential and park areas, and between tourist commercial developments within the plan area, and exploring this in cooperation with MoTI.

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19.0 INFRASTRUCTURE AND SERVICING

19.1 Background

Infrastructure and services within the jurisdiction of the Regional District include water distribution, solid waste management, and community sanitary sewer systems. Roads, road right-of-ways and stormwater management are managed by the Province. As electrical, gas and communication utilities are also important to the community, the Regional District has an interest in helping guide the provision of these services.

19.2 Objectives

- .1 Implement a coordinated approach to infrastructure planning within the Plan Area.
- .2 Ensure that water, wastewater and drainage systems support good health and safety and meet recognized standards of service.
- .3 Maintain and foster relationships with provincial agencies, Improvement and Irrigation Districts, and other operators that influence the delivery and management of community infrastructure.
- .4 Discourage the development of private systems for the provision of water and sewer services.

19.3 Policies

The Regional Board:

- .1 May require that adequate infrastructure, including water, sewer, roads, and stormwater management be provided in new developments, at no cost to public agencies.
- .2 Requires that all new parcels to be created by subdivision with a land area of less than 1.0 ha connect to a community sewer system.
- .3 Encourages the implementation of sustainable development principles through consideration of renewable and alternative technologies for community infrastructure.

19.4 Water Supply and Distribution

Two major water systems exist within Electoral Area “A”, Osoyoos Rural Water Systems No. 8 and No. 9. Both systems are owned and operated by the Town of Osoyoos to service rural residents north and south of the Town. A number of other water systems were identified within Electoral Area “A”, including:

- Osoyoos Irrigation District (OID)
- Osoyoos Lake Park Water System
- Burrowing Owl Estates Winery Water System
- Idle-O Apartments Water System
- Brookvale Holiday Resort Water System
- Boundary Irrigation District
- Willow Beach Mobile Home Park Water System

The remainder of the Plan Area is serviced through individual groundwater wells or surface-water licenses.

The Town of Osoyoos provides water from six active groundwater wells. Water is currently treated with chlorine disinfection, which began in the fall of 2018. Water systems are required to comply with Interior Health’s 4-3-2-1-0 objective.

The Town of Osoyoos is investigating the potential of switching to a surface water source. A water quality sampling plan is planned to determine if this is an option.

The Osoyoos Irrigation District (OID) is located on the east bench of Osoyoos Lake, east of the Town of Osoyoos. The system was constructed in 1967 and consists of approximately 150 domestic connections and 40 agricultural connections, supplied by a submerged intake in Osoyoos Lake and treated with chlorination. This system was used to service both domestic and irrigation demands until a groundwater well was drilled to provide potable water to the area. The groundwater well is now used during the irrigation off season to supply water to the domestic connections in the area.

Surface water is a critical resource within the Plan Area for residential use, agriculture, and the environment. Protecting Osoyoos Lake water quality is highlighted in multiple OCP policy sections.

The capacity of all Electoral Area “A” water systems can be increased through water conservation measures, and the Regional District has actively encouraged water conservation and additional measures have been recommended to the RDOS, such as leak detection and water metering.

19.4.1 Objectives

- .1 Continue cooperation and coordination between water purveyors (Town of Osoyoos, private and irrigation districts) and the Province to ensure sustainable water quantity and quality is provided to residents in the Plan Area.
- .2 Manage development to ensure that surface water sources and aquifers are not depleted, and their long-term sustainability is protected.
- .3 Manage and protect the Plan Area’s groundwater resources on a sustainable basis and work to prevent irreversible or other adverse impacts to water resources.
- .4 Continue to work in conjunction with the Ministry of Environment, the Interior Health Authority, and residents to protect, manage and maintain high water quality and to ensure the sustainable use of the Plan Area’s surface and groundwater resources.

19.4.2 Policies

The Regional Board:

- .1 Will require new development to demonstrate a proven and adequate water supply and meet all current water quality regulations as well as the Interior Health Authority drinking water objective.
- .2 Will work with and support the Town of Osoyoos to determine a long-term treatment plan for existing water systems in the Plan Area.
- .3 Encourages all groundwater users within Electoral Area “A” to ensure that groundwater well infrastructure and maintenance is completed as required by the Groundwater Protection Regulation under the *Water Sustainability Act*, including the installation of sufficient surface seals.
- .4 Encourages well owners using water for domestic purposes to register their well in the provincial database in order to document water use and help ensure existing uses are considered in future water license applications.
- .5 Supports working work with water purveyors to establish water conservation programs, including the promotion of xeriscaping and the use of other waterwise landscaping.
- .6 Actively promotes, educates, coordinates and implements water conservation practices, and will work with water utilities to establish water conservation programs including pricing and metering.
- .7 Strongly discourages the creation of new private community water utilities.
- .8 Strives to ensure that new developments do not restrict or limit the availability of water supply for existing users and agricultural irrigation.
- .9 Supports working with other stakeholders on regional water management initiatives to protect, revitalize and restore watersheds within the Plan Area, including the identification and establishment of a Watershed Resource Area (WRA) zone in the Zoning Bylaw for designated community watersheds under the *Forest and Range Practices Act*.
- .10 Supports reviewing fire protection and fire suppression provisions throughout Electoral Area “A” and working with service providers to ensure an adequate level of fire protection is provided for new and existing developments.

19.5 Wastewater and Sewage

The Town of Osoyoos’ Northwest Sector Sanitary Sewer system services 137 properties located along Osoyoos Lake, north of the Town’s boundary and up to an area known as “Willow Beach”. The remaining properties in the RDOS are serviced with on-site septic. Liquid waste from users within the RDOS is not accepted at the Town of Osoyoos’

treatment facility, and is instead landfilled at the Osoyoos landfill, also located within Electoral Area “A”.

Individual on-site septic systems are not viewed as a long-term sustainable method of sewage disposal unless parcels are over 1.0 ha in size. This method of disposal also increases the probability of groundwater contamination and nutrient loading into watercourses and lakes, such as Osoyoos Lake.

19.5.1 Objectives

- .1 Reduce levels of nutrients and effluent disposal into watercourses.
- .2 Encourage investigating options for septage receiving at the Town of Osoyoos’ WWTP.
- .3 Maintain healthy aquatic and groundwater environments and protect human health from water contamination.
- .4 Establish long-term sustainable sewage collection and disposal methods for existing and proposed properties smaller than one hectare and adjacent to watercourses.

19.5.2 Policies

The Regional Board:

- .1 Encourages the Province to educate residents about the requirements for properly maintaining a septic tank and tile fields.
- .2 In areas where there is no community sanitary sewer or water systems, requires all development to adhere to the best practices recommendations of the Regional District’s Liquid Waste Management Plan as well as the Provincial Sewerage System Regulation administered by the Ministry of Health and the Interior Health Authority (IHA) for on-site sewage disposal and private groundwater wells.
- .3 Encourages the Ministry of Health to ensure that private septic tanks and ground disposal systems be sited to minimize pollution of surface and groundwater, and have appropriate setbacks from watercourses, lakes, and water wells.
- .4 Does not support the use of septic holding tanks for existing or new developments.
- .5 Strongly discourages the creation of new private community sanitary sewer utilities.

19.6 Stormwater Management

Effective stormwater management will help protect the water quality of the various lakes and other water bodies found within the Plan Area. Currently, stormwater drainage in the Plan Area is the responsibility of MoTI, and their contractor, and predominantly comprises open ditches, natural drainage courses and absorption into the ground through

dry wells. Osoyoos Lake and other surface waters and aquifers, which are the area's sources for drinking water, are the ultimate destination for much of the stormwater in the Plan Area.

19.6.1 Objectives

- .1 Improve the management of stormwater quality and quantity within the Plan Area.
- .2 Ensure off-site surface runoff for new development does not exceed predevelopment flows.
- .3 Coordinate stormwater management with the Ministry of Transportation and Infrastructure where subdivision approval is involved.

19.6.2 Policies

The Regional Board:

- .1 Encourages the Province to require master storm drainage plans for new residential subdivisions.
- .2 Encourages the Approving Officer to require that each parcel of land within a proposed subdivision address stormwater runoff and that it protect aquatic ecosystems (lakes, wetlands, rivers, streams).
- .3 Encourages the use of permeable surfaces on driveways, parking lots and access roads, as well as other measures such as xeriscaping, infiltration basins, swales and other sustainable design features to reduce overland runoff.
- .4 Encourages MoTI to involve the Regional District in developing terms of reference for community Storm Water Management Plans (SWMP).
- .5 Supports the sharing of all storm water reports between government agencies.
- .6 Encourages property owners to:
 - a) maintain private driveway culverts and watercourse crossings to ensure high flow capacity can be accommodated; and,
 - b) upgrade substandard driveway culverts to ensure that 1:200 year storm flows can be accommodated.

19.7 Solid Waste

The Regional District adopted a Solid Waste Management Plan (2012) that specifies how a waste diversion rate over 70% will be achieved.

At present, solid waste is collected and deposited at the Osoyoos & District Sanitary Landfill, which also serves the Town of Osoyoos and Osoyoos Indian Band. Since composting was started at the landfill in 2016, waste volume has decreased significantly and the landfill has an estimated usable life between 23 and 30 years, dependent on the waste generation rate.

19.7.1 Objectives

- .1 Reduce the volume of solid waste requiring disposal in accordance with Provincial waste reduction targets.
- .2 Increase recycling, source separation and reuse in the Plan Area.
- .3 Maximize the diversion of organic waste from the landfill by increased composting or burning.
- .4 Increase the reuse and recycling of construction, demolition and renovation waste.

19.7.2 Policies

The Regional Board:

- .1 Encourages and supports efficient and environmentally acceptable solid waste disposal methods through an education process, especially reduction of waste, reuse of materials, recycling, and backyard composting.
- .2 Continues to implement the strategies of its Solid Waste Management Plan, as it is amended from time to time.
- .3 Supports continuing public education to recognize and encourage the critically important role of area residents and businesses in implementing the Solid Waste Management Plan.
- .4 Encourages well designed development that supports the delivery of the solid waste services to existing and future residents.

19.8 Other Utilities

Utility services, including electrical, gas, phone and Internet are vital services to a community. The Regional District is not the provider of these utility service and the *Local Government Act* does not allow for the Regional District to regulate these services by bylaw when subdivision is being undertaken. Nevertheless, these utilities play a vital role in the level of services to a community and, through the objectives and policies of this section, the community is encouraged to work with utility providers to ensure that Plan Area residents have access to the best possible services.

Being a predominately rural community, the Plan Area, particularly smaller settlement areas are not well serviced by high-speed Internet or cellular phone service. Residents support the improvement of communication services in the community.

19.8.1 Objectives

- .1 Encourage the operators of utilities to provide residents and businesses in the rural settlement areas with utility services.
- .2 Encourage cooperation and coordination of the provision of utilities to existing and future developments.

19.8.2 Policies

The Regional Board:

- .1 Should work with utility providers to deliver affordable and convenient utility services, including high-speed Internet and cellular service, throughout the Plan Area.
- .2 Encourages public utility companies and the Province to develop and maintain infrastructure corridors in a manner that will not negatively impact existing residents and the natural environment or have a negative impact on existing Environmentally Sensitive Development Permit Areas and Watercourse Development Permit Areas.
- .3 Supports the establishment of renewable energy projects that use water, wind, sunlight, biomass or geothermal energy to generate electricity for sale into the electrical transmission and distribution infrastructure when those facilities:
 - a) have been properly evaluated and are shown to be technically sound, environmentally sensitive and socially responsible;
 - b) are located, designed, constructed and operated in a manner that is consistent with the overall vision for the region;
 - c) can be connected into the existing transmission and distribution infrastructure with minimal impact; and
 - d) provide tangible community benefits.

20.0 AGGREGATE AND MINERAL RESOURCES

20.1 Background

The Regional District has limited influence on the extraction of mineral and aggregate resources. The objectives and policies of this section remain broad in nature to offer guidance to senior governments in their decision-making process. Figure 24 illustrates *potential* aggregate extraction areas in the Plan Area and existing aggregate operations.

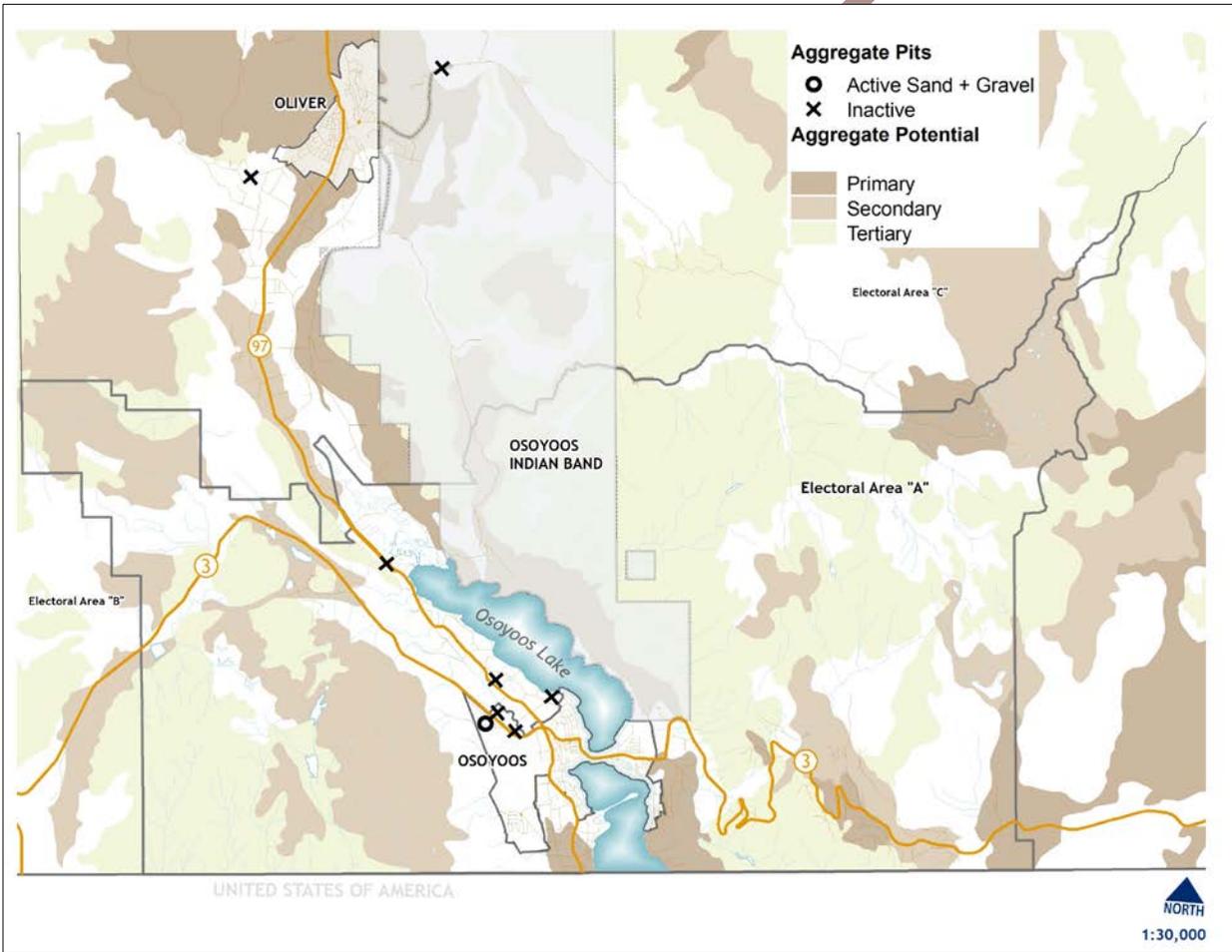


Figure 24: Resource Extraction Potential

20.2 Objectives

- .1 Protect sand and gravel aggregate supplies for anticipated future needs.
- .2 Protect non-agricultural lands with recoverable aggregate or mineral resources from development or adjacent uses that would limit or prohibit extraction.
- .3 Minimize conflicts between sand and gravel processing operations and adjacent land uses.

- .4 Support the Province to require rehabilitation and remediation of resource extraction sites.
- .5 Direct sand and gravel extraction proposals toward sites that have no significant adverse environmental impact or where the impact can be adequately mitigated.

20.3 Policies

The Regional Board:

- .1 Encourages the Province to continue referrals of mineral exploration proposals to the Regional District for comment and due consideration of the impact of resource extraction activities on surrounding land uses and development.
- .2 Will consider the use of land designated Resource Area (RA) for sand and gravel extraction, where the uses will not cause a significant visual, environmental, or cultural resource disturbance.
- .3 Will consider rezoning applications for the processing of aggregate resources based on any or all the following criteria:
 - a) extent of visual screening, and other mitigation works proposed;
 - b) type of processing proposed;
 - c) prevailing wind direction, and the potential for noise and dust;
 - d) compatibility with adjacent land uses;
 - e) environmental sensitivity of the site, and lands adjacent to potential aggregate resource processing site;
 - f) accessibility; and
 - g) characteristics of aggregate deposits and groundwater resources.
- .4 Encourages the Province not to issue new surface leases and permits for mineral processing within 1,000 metres of designated residential areas unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.
- .5 Encourages the Province to include in their licensing, the rehabilitation of aggregate extraction and processing sites after extraction and processing are completed.
- .6 May consider implementing conditions set by the ALC to mitigate the impact of aggregate extraction and processing sites on lands outside the ALR.
- .7 Supports additional product end-use consideration for areas slated for gravel and sand extraction. Specifically: gravel or rock crushing sites characteristic of radon rich materials should be avoided for concrete mix, otherwise the concrete used in residential foundations could import radon gas that could persist indoors for

centuries. Likewise, material taken from sites high in crystalline silica or containing significant clay/silt fines used as winter road grit may cause an outdoor air dust problem, and associated air quality advisory, that could otherwise be avoided if equally or better quality road grit was used with a lesser capacity for airborne fines.

- .8 Does not support the exploration and mining of uranium within the Plan Area.
- .9 Will not issue temporary use permits for aggregate processing activities or asphalt plants within 600 metres of a Residential Designation or Small Holdings designation.
- .10 Supports timely reclamation of aggregate resource extraction sites on private land.

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21.0 CLIMATE CHANGE MITIGATION AND ADAPTATION

21.1 Background

The scientific community has reached consensus that the increasing emissions of human-caused greenhouse gases (GHGs) are rapidly changing the earth's climate. Greenhouse gases refer to any or all of carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, perfluorocarbons, sulphur hexafluoride and any other substance prescribed by regulation.

Globally, the impacts of climate change will be significant, and are already evident in some areas. Locally, the potential impacts and vulnerabilities are less well documented; however, they are a growing concern.

As one of 187 local governments that are signatory to the B.C. Climate Action Charter, the RDOS is committed to reducing GHGs and has agreed to take actions to achieve certain goals. Under the *Climate Change Accountability Act*, B.C.'s GHG emissions are to be reduced by at least 40% below 2007 levels by 2030, at least 60% below 2007 levels by 2040 and by at least 80% by 2050. The three areas where local government can play a role in reducing greenhouse gas emissions are in the transportation, waste management and building sectors.

The three Okanagan regional districts commissioned a climate change report to assist in medium- and long-term planning. The February 2020 report, termed *Climate Change for the Okanagan Region*, provided information on anticipated climate change for the medium-term future (2050s) and the long-term future (2080s).

In the past, the Okanagan region experienced just under a week per year, on average, of days above 30°C. By the 2050s, the region can expect an average of over three weeks above 30°C per year and over five weeks per year by the 2080s. The valley bottoms are projected to experience the greatest changes, with approximately 50 additional days above 30°C projected by the 2080s, compared to the past.

In the past, the coldest winter night for the Okanagan region was about -25°C. By the 2050s, the coldest night is expected to warm by 6°C to -19°C, and by the 2080s, temperatures are projected to warm by 10°C to -15°C. While the coldest night is projected to warm in all seasons, the coldest night in winter is projected to warm more rapidly than other seasons.

The largest precipitation increases are expected to occur during the spring and autumn months with between 10% and 20% more precipitation during these seasons by the 2080s. Summer will remain the driest season and become even drier. By the 2080s, the region can expect about one quarter less precipitation than in the past. Natural year-to-year variation could result in some years experiencing extended periods without (or with low) precipitation.

For the Okanagan as a whole, climate change is anticipated to cause far-reaching impacts and generate new risks. This includes heat waves and droughts and reduced precipitation, combined with warmer summer temperatures, which will likely result in the depletion of water resources, loss of wetlands, stress on local fisheries, and depletion of aquatic species. Warmer winters will on average result in less snow accumulation on the valley uplands, reducing water availability and increasing the need for water storage. Groundwater and aquifer recharge will also be compromised as drought conditions increase. Warmer temperatures will also enhance the potential for invasive species, pests, and pathogens across the region. Extreme events such as flooding, wildfires, and landslides will increase in intensity.

21.2 Objectives

- .1 Understand the likely impacts and vulnerabilities of regional climate change within the Plan Area.
- .2 Reduce GHG emissions within the Plan Area as per the reduction targets in the *Climate Change Accountability Act*.
- .3 Achieve carbon neutral local government operations.
- .4 Promote and provide community outreach and education related to climate change and reduction of GHG emissions.

21.3 Policies

The Regional Board:

- .1 Will work towards the target of reducing GHG emissions by 40% below 2007 levels by 2030, 60% by 2040 and 80% by 2050 as per the *Climate Change Accountability Act*.
- .2 Will work with other agencies, stakeholders and the community to achieve emission reduction targets and energy conservation goals by encouraging:
 - a) the construction of energy efficient buildings;
 - b) improvements to the energy efficiency of existing buildings;
 - c) the increased use of alternative energies;
 - d) energy efficient developments;
 - e) improvements to alternative transportation amenities;
 - f) the use of fuel-efficient vehicles;
 - g) reduction and diversion of waste from landfills;
 - h) maximizing value from agricultural wastes;
 - i) the development of more compact and complete communities;
 - j) the protection and restoration of natural areas and forest ecosystems; and

- k) the protection of riparian areas and sensitive habitats.
- .3 Supports continuing public education as essential to the success of climate change adaptation and mitigation.
 - .4 Will work towards a corporate GHG reduction strategy to achieve carbon neutral operations.
 - .5 Supports investigation of the BC Energy Step Code as an optional compliance path in the BC Building Code that local governments may use as an incentive or requirement for energy efficiency in new construction that goes above and beyond the requirements of the BC Building Code.
 - .6 Encourages builders to use the performance approach in the BC Energy Step Code as a compliance path to meet or exceed the energy-efficiency requirements of the BC Building Code.
 - .7 Support innovative building technology that improves energy conservation such as the installation of energy efficient appliances and alternative energy systems, alternate siting of buildings, the use of solar panels to maximize passive solar gain, heat exchange pumps and insulation standards that exceed the BC Building Code.
 - .8 Encourages homeowners to retrofit existing homes to become more energy efficient and to reduce their carbon footprint.
 - .9 Encourages applicants for subdivision and new building construction consider the orientation of lots in subdivision proposals and building designs that take passive solar power potential into consideration.
 - .10 Encourage builders to exceed the current energy conservation standards of the BC Building Code as provided in the Energy Step Code using either “prescriptive” or “performance” approaches to comply with the code’s efficiency requirements.
 - .11 Supports current initiatives to enhance energy conservation such as the BC Energy Step Code, and Passive House standards for building and site design and construction.
 - .12 Encourages the Province to update its Climate Action Plan Thompson / Okanagan Region 2016 – 2018 to better understand what actions the RDOS can take to improve community-wide resiliency to climate hazards.
 - .13 Supports ongoing public education to help residents understand changing risks posed by climate change (e.g., drought, heat waves, flooding, wildfire) and take actions to address them and improve community resiliency.
 - .14 Supports working with Interior Health to educate residents on climate change and to help reduce the health impact heat can have on residents through the development of a Heat Alert and Response System.

22.0 TEMPORARY USE PERMITS

22.1 Background

Temporary Use Permits may be considered by the Regional Board to allow specific land uses to occur for a maximum of three years. The permit can contain detailed requirements such as indicating the buildings that can be used, the time frame of the permit, and other conditions.

Such permits are provided at the discretion of the Regional Board and are only in effect for a limited period of time. Temporary Use Permits are not a substitute for a rezoning.

22.2 Objectives

- .1 To avoid conflicts between different types of uses (i.e., residential, commercial, agricultural).
- .2 To provide for temporary approval of transitional uses or uses where uncertainty exists respecting appropriateness or viability of the use, and where it is premature to decide rezoning and long-term land use patterns.
- .3 To ensure that Temporary Use Permits are not considered a substitute for a rezoning application.
- .4 To consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

22.3 Policies

The Regional Board's policies are as follows:

- .1 Land within all of the Land Use Designations in this OCP is designated under Section 492 of the *Local Government Act* as an area in which Temporary Use Permits may be issued.
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to a public road must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District, the Regional District Board may consider the following criteria:
 - a) the use must be clearly temporary or seasonal in nature;
 - b) compatibility of the proposal with adjacent uses;

- c) impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
 - d) intensity of the proposed use;
 - e) opportunity to conduct the proposed use on land elsewhere in the community; and
 - f) the remedial measures to be carried out to mitigate any damage to the natural environment because of the temporary use.
- .5 In issuing a Temporary Use Permit, the Regional District may specify conditions including, but not limited to:
- a) the buildings to be used;
 - b) the area of use;
 - c) the hours of use;
 - d) appearance;
 - e) environmental protection measures; and
 - f) groundwater protection.
- .6 In issuing a Temporary Use Permit for a short-term vacation rental, the Regional District may specify conditions, in addition to those listed under sub-section 22.3.5, including, but not limited to:
- a) the provision of screening or fencing to address potential impacts or to address neighbour privacy issues;
 - b) the provision of the manager or owner's contact information, as well as a copy of any issued Temporary Use Permit, to each neighbour whose property is located within 100 metres of the subject property;
 - c) the availability or accessibility of the manager or owner;
 - d) the posting of the following information:
 - i) the location of property lines by way of a map;
 - ii) any applicable Regional District noise bylaws;
 - iii) measures to address water conservation;
 - iv) fire safety regulations;
 - v) storage and management of garbage;
 - vi) septic system care; and
 - vii) control of pets (if pets are permitted) in accordance with the applicable Regional District bylaw.

- e) a maximum accommodation of ten (10) persons, with an aggregate occupancy of two (2) persons per bedroom within a dwelling unit when such dwelling unit is being occupied as a vacation rental;
 - f) the provision of one (1) parking space for each bedroom available for vacation rental use;
 - g) the prohibition of the use of recreational vehicles or camping on the property or any use of accessory buildings for vacation rental occupancy;
 - h) confirmation from a qualified person that the building used for vacation rental meets a minimum standard for health and safety; and
 - i) other requirements that the Regional District Board may consider appropriate.
- .7 As a condition of issuing a Temporary Use Permit, the Regional District may require the posting of a security so as to ensure compliance with the conditions of a permit.

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23.0 DEVELOPMENT PERMIT AREAS

23.1 Background

Pursuant to Section 488 of the *Local Government Act*, an Official Community Plan (OCP) may designate Development Permit Areas within the Plan Area. Unless otherwise specified, a Development Permit must be approved by the Regional Board prior to any disturbance, development or subdivision of land within a designated Development Permit Area.

For lands within a Development Permit Area, the OCP must describe the special conditions or objectives that justify the designation and specify guidelines respecting the manner by which the special conditions or objectives will be addresses.

There are two Development Permit Areas designated in the Electoral Area “A” OCP:

- Environmentally Sensitive Development Permit (ESDP) Area; and
- Watercourse Development Permit (WDP) Area.

23.2 Environmentally Sensitive Development Permit (ESDP) Area

23.2.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

23.2.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule ‘H’ are designated as an Environmentally Sensitive Development Permit Area.

23.2.3 Justification

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

23.2.4 Background

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

dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state to maintain a healthy environment and clean water.

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

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. Specifically, BC's pocket desert, Kruger Mountain, Osoyoos Lake, the oxbows and wetlands of Okanagan River, Richter Pass with the natural ridgeline views between Highway 3 and Osoyoos Lake. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

23.2.5 Development Requiring a Permit

- .1 A development permit is required, except where exempt under Section 22.2.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

23.2.6 Guidelines

- .1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:
 - a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:
 - i) An Ecological Assessment Phase including:
 - .1 background information;

- .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of ESAs;
- ii) An Impact Assessment and Mitigation Phase including:
- .1 description of proposed development;
 - .2 assessment of potential impacts;
 - .3 short- and long-term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.
- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
- c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
- d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.
- e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.
- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

23.2.7 Expedited Development Permit

- .1 Despite sub-section 22.2.6.1 (a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
 - a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:
 - i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
 - ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 there is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
 - iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.
 - b) If a QEP cannot certify the absence of EVRs or that impacts have been avoided or acceptably mitigated through a REA, to the satisfaction of the Regional District, an EA as outlined under sub-section 22.2.6(a) will be required.
 - c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

23.2.8 Exemptions

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

- .1 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, stormwater, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;

- .2 The repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;
- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:
 - a) an alteration or addition to the original footprint of an existing principal dwelling unit; or
 - b) the construction of an accessory building or structure provided a majority of the footprint of the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 Works conducted in accordance with the Provincial FireSmart Manual, provided that all landscaping is conducted within 30.0 metres of an existing structure or building (existing on-site native plants which meet the FireSmart Manual guidelines are encouraged to be maintained as part of the landscaping);
- .5 The construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission Act* on land located in the ALR and classified as “farm” under the *Assessment Act*;
- .6 Any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
- .7 Any farm use that is subject to an approved Environmental Farm Plan (EFP) through the Canada-British Columbia Environmental Farm Plan Program;
- .8 The repair of existing fences; and
- .9 Subdivisions that:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.

23.3 Watercourse Development Permit (WDP) Area

23.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

23.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule 'D'; or
- .2 within 30.0 metres of a stream; or
- .3 where a stream is in a ravine:
 - a) within 30.0 metres of the top of a ravine bank when the ravine is less than 60.0 metres wide; or
 - b) within 10.0 metres of the top of a ravine bank when the ravine is more than 60.0 metres wide.

The definitions used in the *Local Government Act* and provincial *Riparian Area Protection Regulation (RAPR)* shall apply.

23.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

23.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 22.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

23.3.5 Guidelines

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

- a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

23.3.6 Variance to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots to reduce impacts and preserve the SPEA.

23.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and

- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

23.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial “Firesmart” standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:

- a) emergency flood or protection works;
- b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
- c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

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24.0 IMPLEMENTATION AND MONITORING

24.1 Introduction

The OCP sets out broad objectives, polices and directions for the Plan Area, but does not provide the tools for implementing its policies. The Regional District has several tools and methods available for implementing the Plan. The purpose of this section is to set out specific steps the Regional District can take to implement this Plan. Some of the steps include refining the Plan; changing existing bylaws; adopting new bylaws; conducting studies to obtain more information and direction; and working closely with other jurisdictions and government agencies. Some of the specific steps are set out in the subsections below.

24.2 Refinements and Amendments

OCP amendments are usually triggered by site-specific rezoning proposals that are inconsistent with the OCP. Other changes to the OCP may be proposed by RDOS staff to keep the plan up-to-date and to meet the needs of a changing community.

The *Local Government Act* regulates the process for an application for an OCP amendment. The process requires public notification, public hearing, and opportunities for consideration of the application by the RDOS Board.

The Regional District may also consider refinements to this OCP. These refinements may include but are not limited to the following:

- .1 Periodic assessment of the Plan Area OCP to determine area revisions.
- .2 Coordination with changes to Provincial legislation (e.g. *Local Government Act*, *Community Charter*, *Agricultural Land Commission Act*, etc.)
- .3 Coordination with new or revised Provincial plans and policies that relate to land use and community issues in the Plan Area.
- .4 Coordination with new or revised regional plans and policies (e.g. South Okanagan Regional Growth Strategy).
- .5 Changes resulting from transportation planning (e.g. Okanagan-Similkameen Transit Future Plan) and capital improvements.
- .6 Changes to the known geographic extent of Environmentally Sensitive Development Permit Areas, as determined through the review of plans, reports and applications submitted by project proponents to the Regional District.
- .7 Changes recommended by the Joint Council (i.e., Regional District, Penticton Indian Band, Lower Similkameen, Osoyoos Indian Band).

Recognizing this Plan is a living document the Plan should be reviewed and updated every seven to 10 years and a comprehensive update should take place every 10 to 15 years.

Some future additions to the OCP have also been identified as follows:

OCP Policy	Action Required
6.6.3	Will review the suitability of Willow Beach and Anarchist Mountain as Rural Growth Areas when the Regional Growth Strategy is reviewed or updated.

24.3 Zoning Bylaw

The Zoning Bylaw sets out the density of development on a parcel of land, as well as specifies the permitted uses allowed. It also contains specific regulations that control the size, siting and various other details of development on a parcel of land. The Zoning Bylaw will be updated to ensure consistency with the OCP and to implement portions of this Plan.

24.4 Subdivision and Development Servicing Bylaw

The Regional District’s Subdivision and Development Servicing Bylaw sets out minimum levels of works and services and standards for roads, sidewalks, curb and gutter, water systems, sewer systems, storm drainage, and street lighting. Subdivisions must meet these standards before they are a “Letter of Compliance” is provided to the Ministry of Transportation and Infrastructure (MoTI) by the Regional District. The Subdivision and Development Servicing Bylaw will need to be reviewed and amended where necessary to ensure it works to implement various policies in the Plan, particularly with respect to servicing levels related to parcel sizes.

24.5 Other Agencies

The Regional District will take a leadership role in coordinating work with Provincial, Federal and other agencies to help implement and complement portions of the Plan.

24.6 Follow-up Studies and Initiatives

The following are studies and initiatives that have been identified in the OCP as actions that could implement portions of this Plan. Recognizing the capacity issues (i.e., limited time, human resources, financial resources) faced by the RDOS and stakeholders who may be involved in implementing OCP actions, RDOS staff screened and prioritized the actions.

Actions	Lead Responsibility
Short-term (one to three years)	
Revise OCP where required from South Okanagan Regional Growth Strategy update.	RDOS

24.8 Monitoring

The Regional District Board should monitor the OCP on an ongoing basis. The OCP should be revised when necessary to ensure it addresses current needs and aspirations of the community and reflects changing local and external conditions. In support of this initiative, the Regional District will monitor:

- .1 population and demographic changes;
- .2 groundwater supply, consumption and management issues;
- .3 land supply / demand;
- .4 changing housing requirements; and
- .5 economic, social, and environmental factors.

Based on the review of information collected from OCP monitoring, the Regional District may choose to refine or amend the Electoral Area “A” OCP accordingly as resources permit.

~ end of Schedule ‘A’ ~

Official Community Plan Map

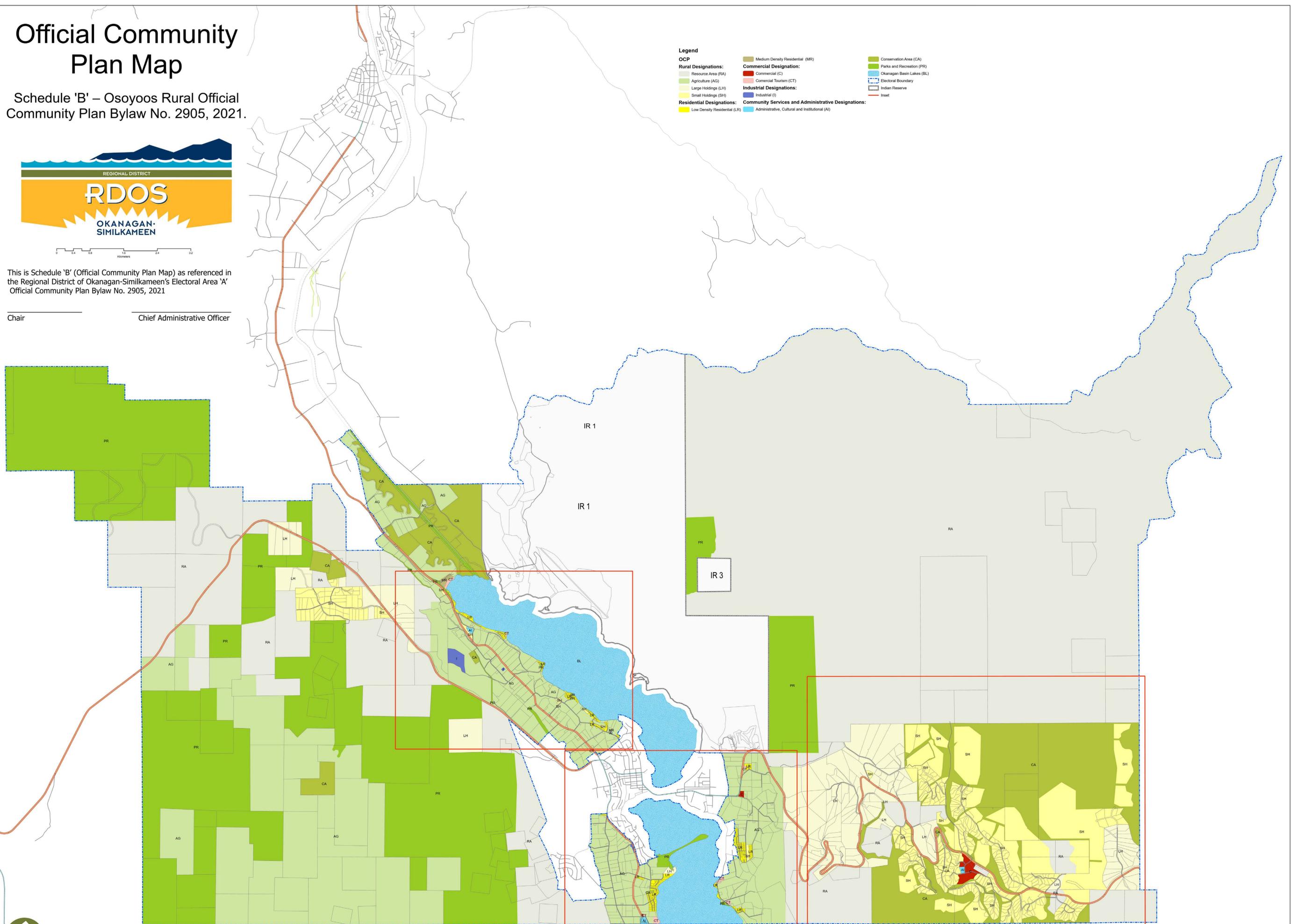
Schedule 'B' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



This is Schedule 'B' (Official Community Plan Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'A' Official Community Plan Bylaw No. 2905, 2021.

Chair _____ Chief Administrative Officer _____

- Legend**
- | | | |
|----------------------------------|--|---------------------------|
| OCP | Medium Density Residential (MR) | Conservation Area (CA) |
| Rural Designations: | Commercial Designation: | Parks and Recreation (PR) |
| Resource Area (RA) | Commercial (C) | Okanagan Basin Lakes (BL) |
| Agriculture (AG) | Commercial Tourism (CT) | Electoral Boundary |
| Large Holdings (LH) | Industrial Designations: | Indian Reserve |
| Small Holdings (SH) | Industrial (I) | Inset |
| Residential Designations: | Community Services and Administrative Designations: | |
| Low Density Residential (LR) | Administrative, Cultural and Institutional (AI) | |

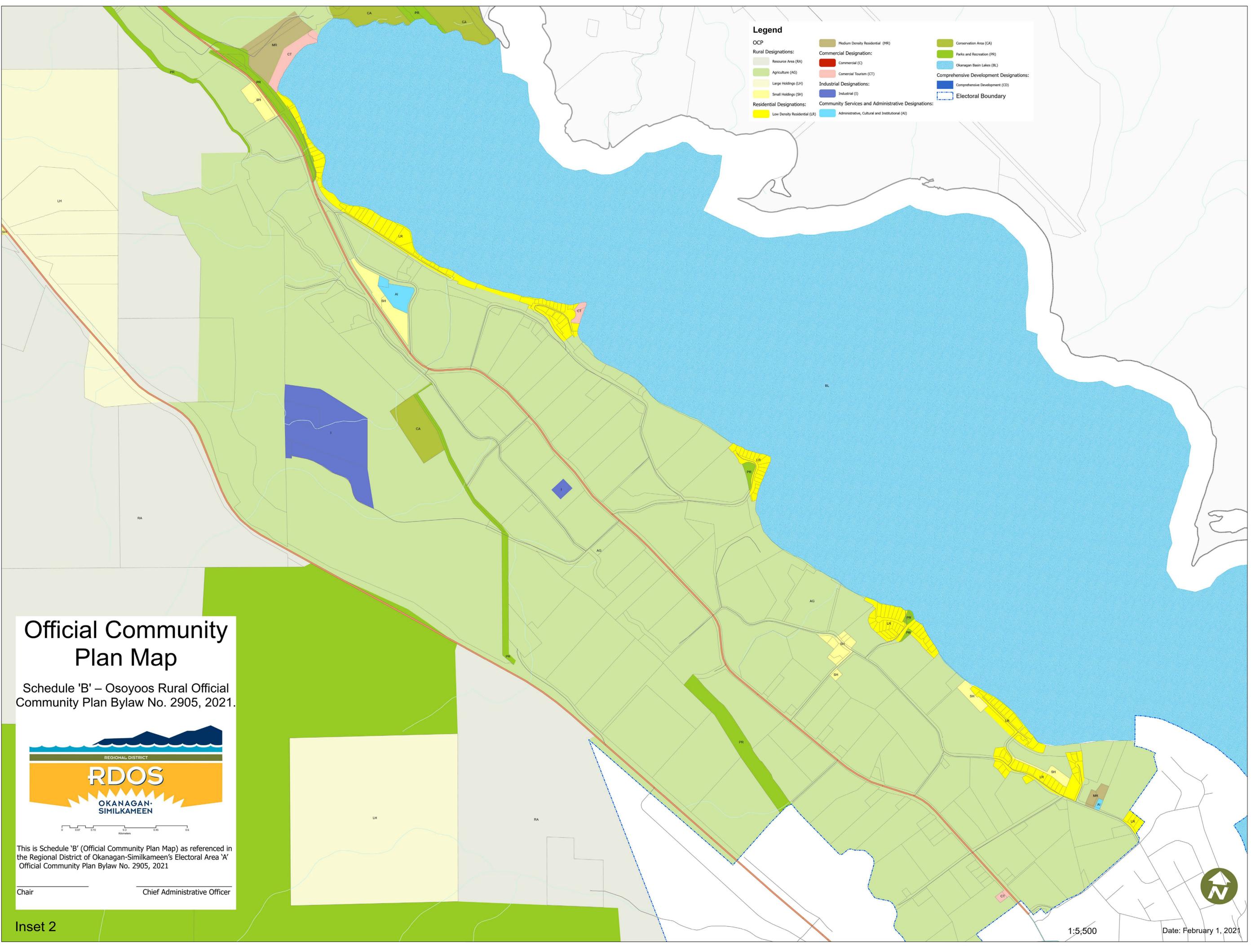


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Date: February 1, 2021

Legend

OC	Medium Density Residential (MR)	Conservation Area (CA)
Rural Designations:	Commercial Designation:	Parks and Recreation (PR)
Resource Area (RA)	Commercial (C)	Okanagan Basin Lakes (BL)
Agriculture (AG)	Commercial Tourism (CT)	Comprehensive Development Designations:
Large Holdings (LH)	Industrial (I)	Comprehensive Development (CD)
Small Holdings (SH)	Community Services and Administrative Designations:	Electoral Boundary
Low Density Residential (LR)	Administrative, Cultural and Institutional (AI)	



Official Community Plan Map

Schedule 'B' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



This is Schedule 'B' (Official Community Plan Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'A' Official Community Plan Bylaw No. 2905, 2021

Chair _____ Chief Administrative Officer _____



Official Community Plan Map

Schedule 'B' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



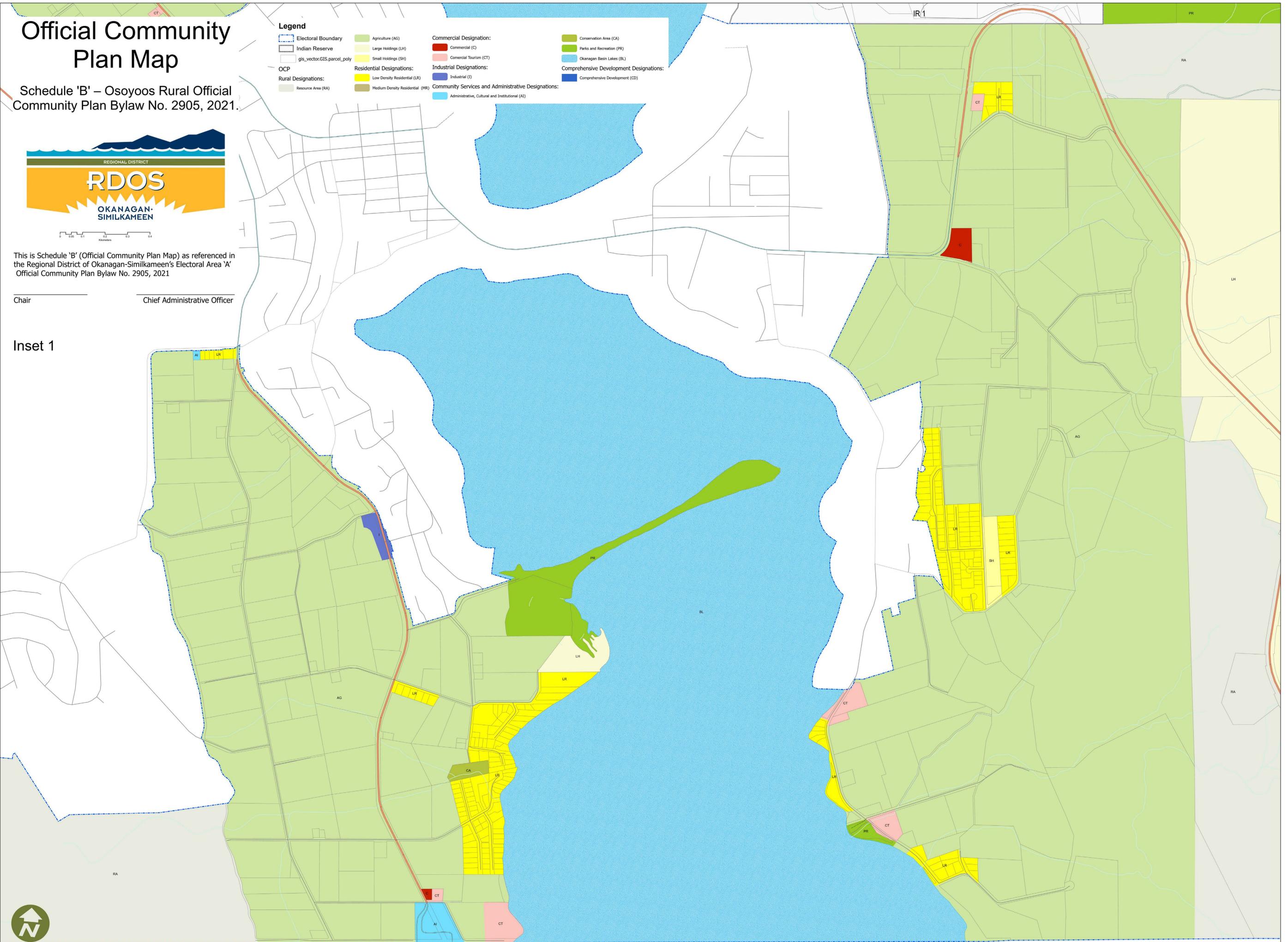
This is Schedule 'B' (Official Community Plan Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'A' Official Community Plan Bylaw No. 2905, 2021

Chair _____ Chief Administrative Officer _____

Inset 1

Legend

<ul style="list-style-type: none"> Electoral Boundary Indian Reserve gis_vector.GIS.parcel_poly OCP Rural Designations: Resource Area (RA) 	<ul style="list-style-type: none"> Agriculture (AG) Large Holdings (LH) Small Holdings (SH) Residential Designations: Low Density Residential (LR) Medium Density Residential (MR) 	<ul style="list-style-type: none"> Commercial Designation: Commercial (C) Commercial Tourism (CT) Industrial Designations: Industrial (I) Community Services and Administrative Designations: Administrative, Cultural and Institutional (AI) 	<ul style="list-style-type: none"> Conservation Area (CA) Parks and Recreation (PR) Okanagan Basin Lakes (BL) Comprehensive Development Designations: Comprehensive Development (CD)
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Official Community Plan Map

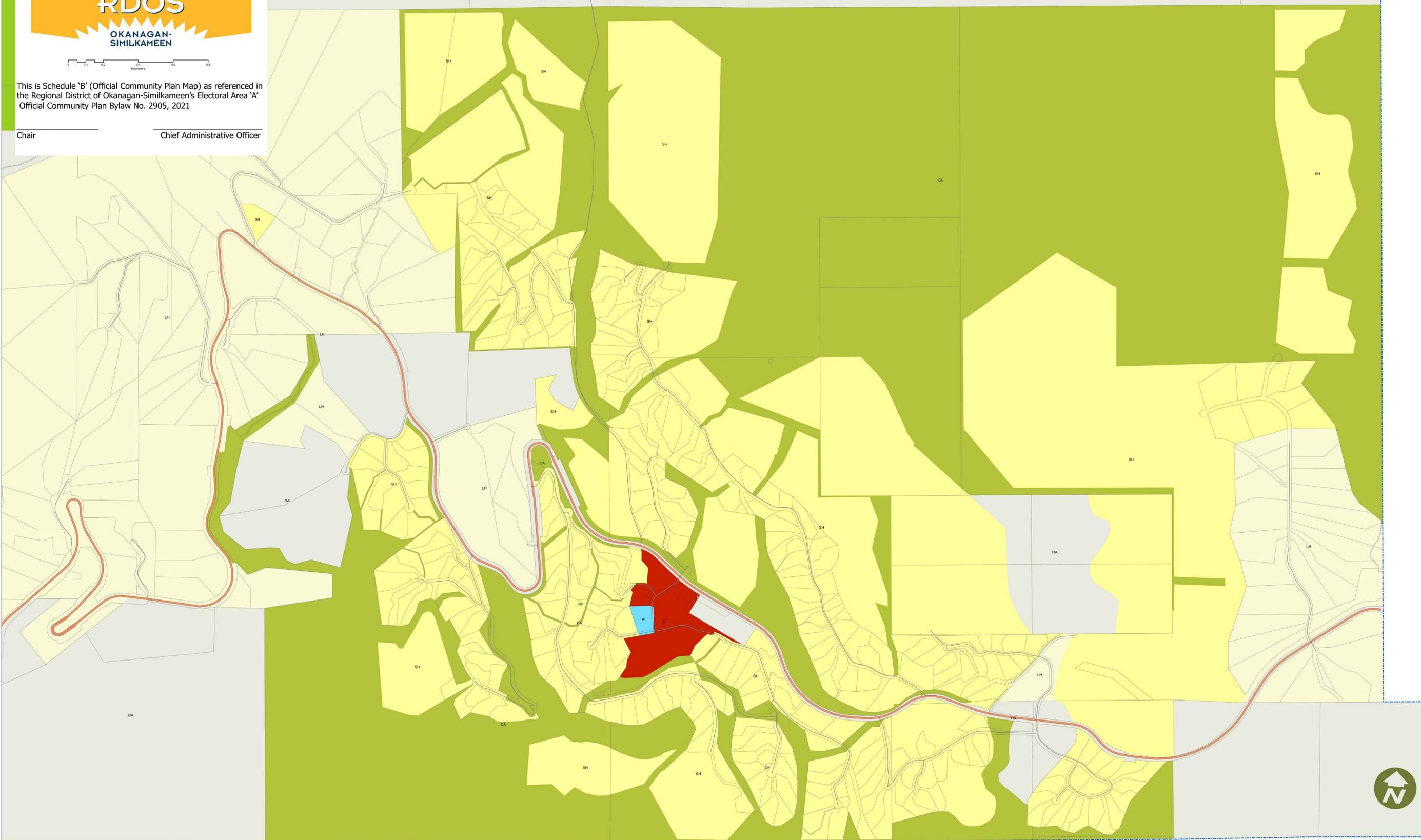
Schedule 'B' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



This is Schedule 'B' (Official Community Plan Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'A' Official Community Plan Bylaw No. 2905, 2021

Chair _____ Chief Administrative Officer _____

Legend		
Electoral Boundary	Small Holdings (SH)	Commercial Tourism (CT)
OCP	Parks and Recreation (PR)	Okanagan Basin Lakes (BL)
Rural Designations:	Residential Designations:	Industrial Designations:
Resource Area (RA)	Low Density Residential (LR)	Industrial (I)
Agriculture (AG)	Medium Density Residential (MR)	Community Services and Administrative Designations:
Large Holdings (LH)	Commercial Designation:	Administrative, Cultural and Institutional (AI)
	Commercial (C)	Conservation Area (CA)
		Comprehensive Development Designations:
		Comprehensive Development (CD)



PARKS, RECREATION AND TRAILS

Schedule 'C' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



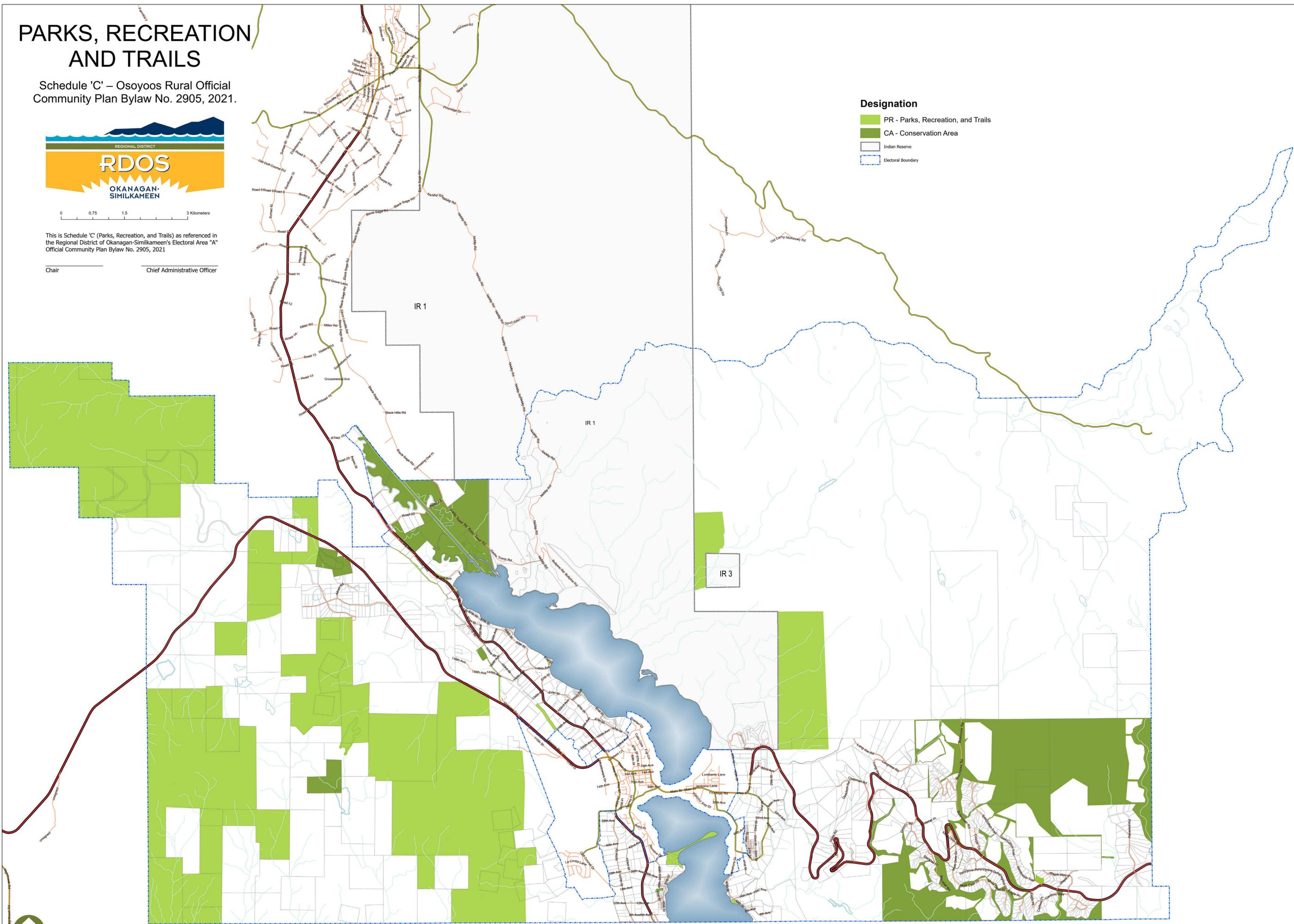
0 0.75 1.5 3 Kilometers

This is Schedule 'C' (Parks, Recreation, and Trails) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021.

Chair _____ Chief Administrative Officer _____

Designation

- PR - Parks, Recreation, and Trails
- CA - Conservation Area
- Indian Reserve
- Electoral Boundary



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Date: February 1, 2021

HAZARD LANDS FLOODING

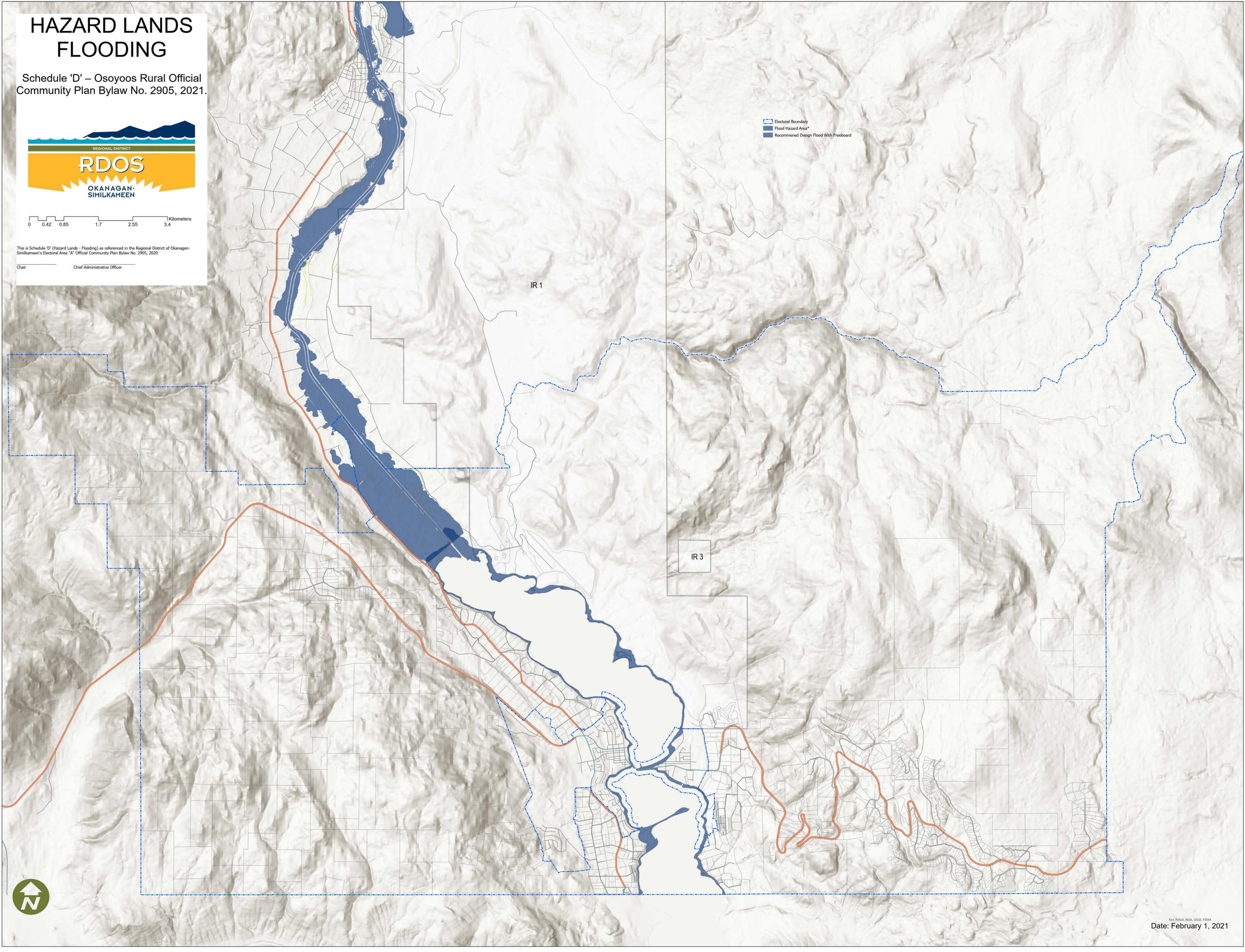
Schedule 'D' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



This is Schedule 'D' (Hazard Lands - Flooding) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'A' Official Community Plan Bylaw No. 2905, 2020.

Chair _____ Chief Administrative Officer _____

- Electoral Boundary
- Flood Hazard Area*
- Recommended Design Flood With Freeboard



HAZARD LANDS STEEP SLOPES

Schedule 'E' – Osoyoos Rural Official
Community Plan Bylaw No. 2905, 2021.



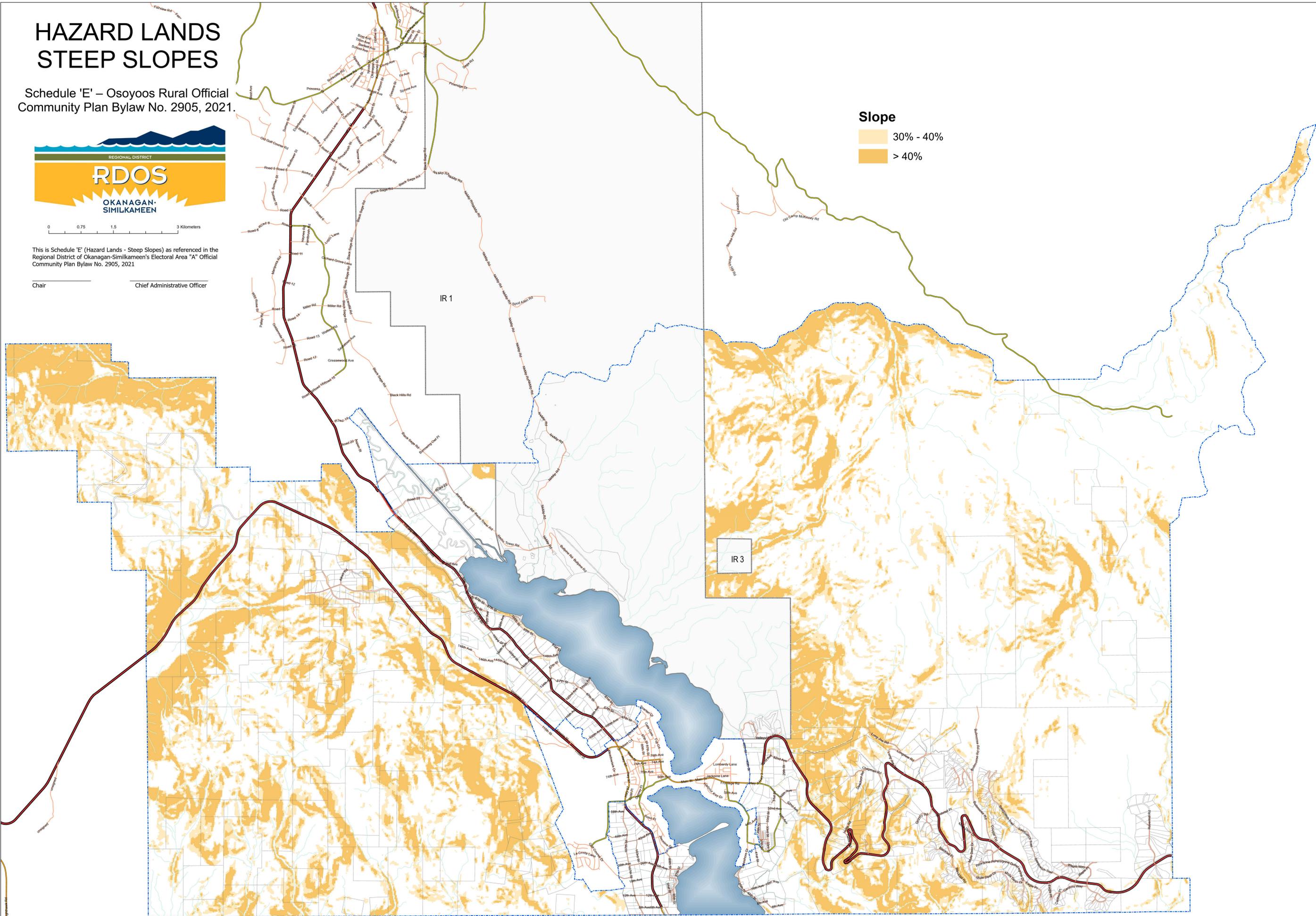
0 0.75 1.5 3 Kilometers

This is Schedule 'E' (Hazard Lands - Steep Slopes) as referenced in the
Regional District of Okanagan-Similkameen's Electoral Area 'A' Official
Community Plan Bylaw No. 2905, 2021.

Chair _____ Chief Administrative Officer _____

Slope

- 30% - 40%
- > 40%



1:28,000

Date: February 1, 2021

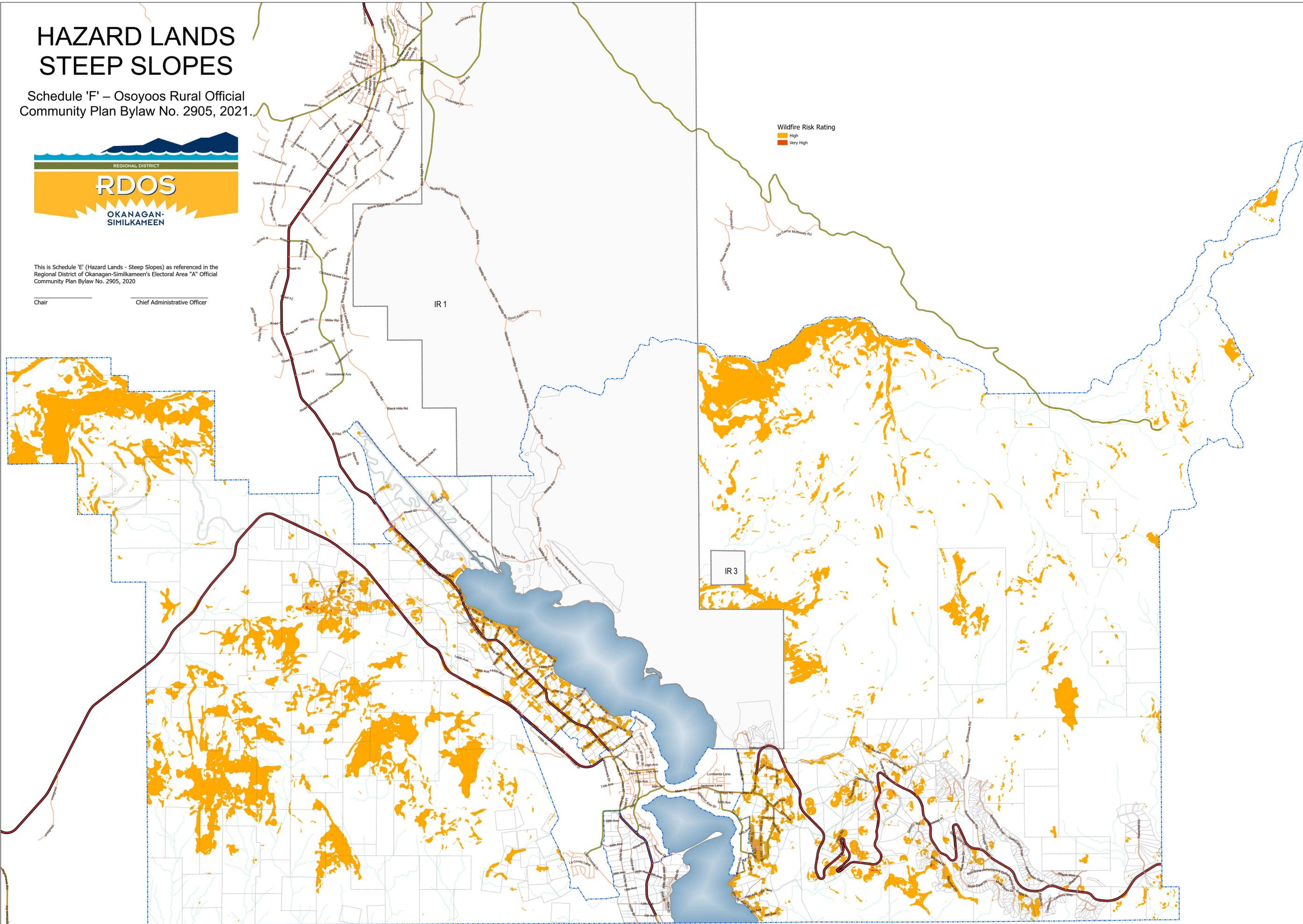
HAZARD LANDS STEEP SLOPES

Schedule 'F' – Osoyoos Rural Official
Community Plan Bylaw No. 2905, 2021.



This is Schedule 'E' (Hazard Lands - Steep Slopes) as referenced in the
Regional District of Okanagan-Similkameen's Electoral Area "A" Official
Community Plan Bylaw No. 2905, 2020

Chair _____ Chief Administrative Officer _____



Wildfire Risk Rating

- High
- Very High

IR 1

IR 3

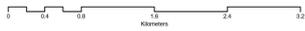


1:28,000

Date: February 1, 2021

Transportation Network

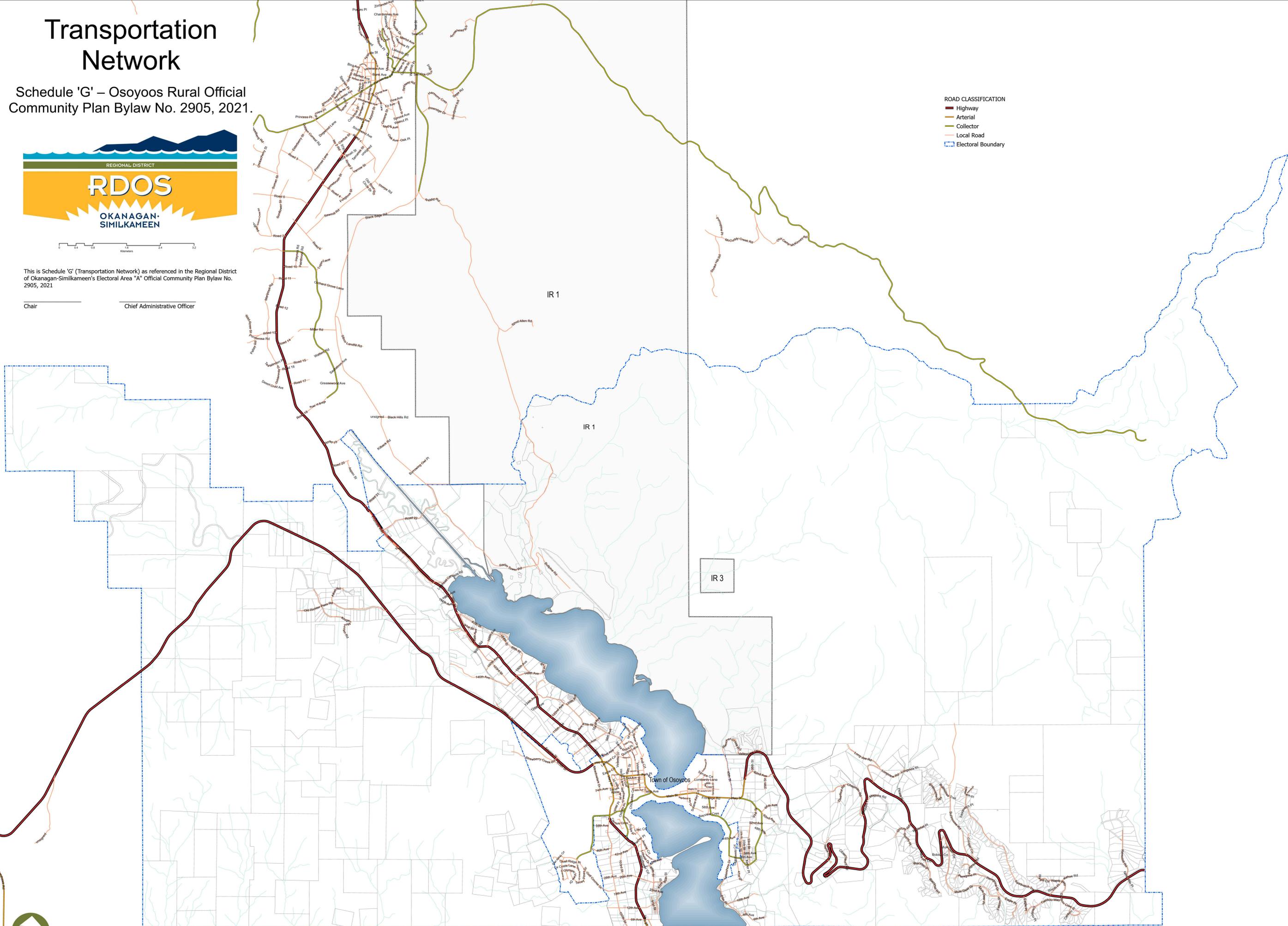
Schedule 'G' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



This is Schedule 'G' (Transportation Network) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021

Chair _____ Chief Administrative Officer _____

- ROAD CLASSIFICATION
- Highway
 - Arterial
 - Collector
 - Local Road
 - Electoral Boundary



1:28,000

Date: February 1, 2021

Environmentally Sensitive Development Permit Area

Schedule 'H' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021

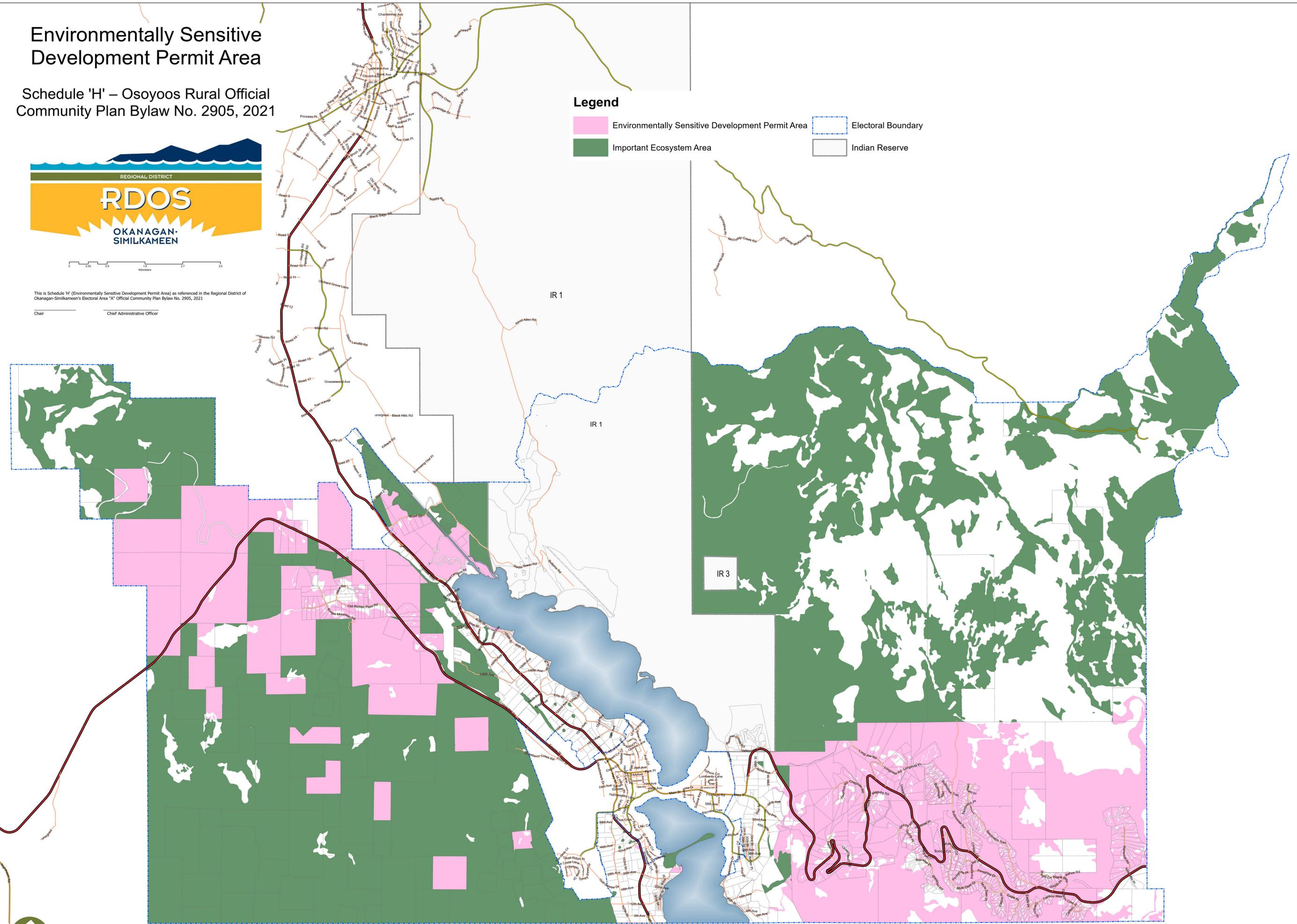


This is Schedule 'H' (Environmentally Sensitive Development Permit Area) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'A' Official Community Plan Bylaw No. 2905, 2021

Chair _____ Chief Administrative Officer _____

Legend

- Environmentally Sensitive Development Permit Area
- Important Ecosystem Area
- Electoral Boundary
- Indian Reserve



Watercourse Development Permit Area

Schedule 'I' – Osoyoos Rural Official Community Plan Bylaw No. 2905, 2021.



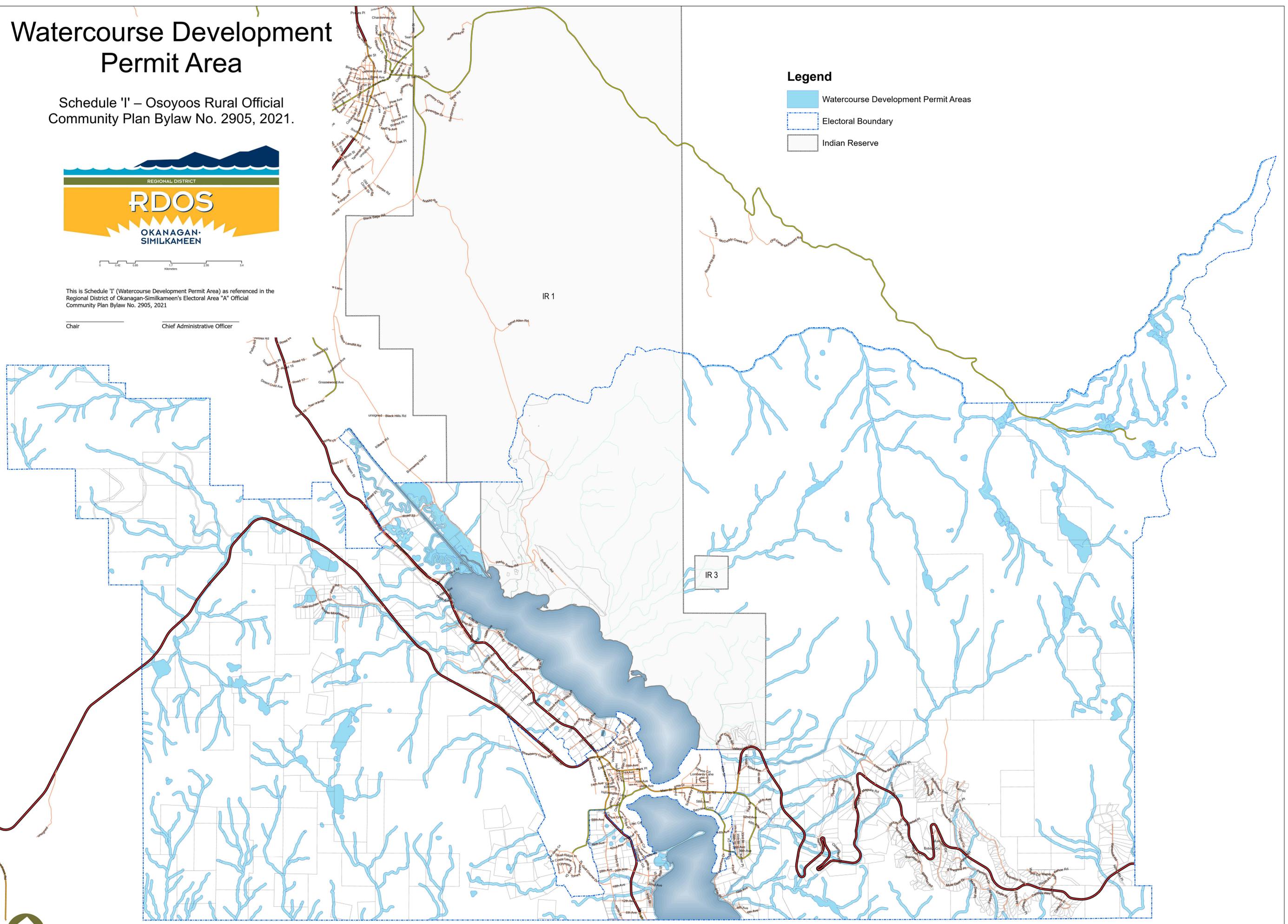
0 0.42 0.85 1.7 2.55 3.4 Kilometers

This is Schedule 'I' (Watercourse Development Permit Area) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021.

Chair _____ Chief Administrative Officer _____

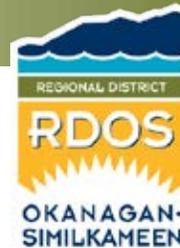
Legend

- Watercourse Development Permit Areas
- Electoral Boundary
- Indian Reserve



1:28,500

Date: February 1, 2021



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Zoning Amendment Bylaw No. 2895 — Regulation of Metal Storage Containers
Electoral Areas "A", "C", "D", "E", "F" & "I" — FOR INFORMATION

Purpose:

The purpose of this report is to seek direction from the Board regarding Amendment Bylaw No. 2895, which proposes to introduce zoning regulations governing the use and placement of metal storage containers within the Okanagan Electoral Area zoning bylaws.

Background:

March 5, 2020 - the Planning & Development (P&D) Committee resolved that the Regional District of Okanagan-Similkameen Storage Container Regulations Zoning Amendment Bylaw No. 2895 could be forwarded for processing.

April to July 2020 - Consultation proceeded on Amendment Bylaw No. 2895 and resulted in the submission of approximately 50 representations from the public and approximately 20 representations from Advisory Planning Commission (APC) members.

October 1, 2020 - The P&D Committee considered this feedback and resolved to make a number of changes to the proposed regulations contained in Bylaw No. 2895.

October 15, 2020 - The Board resolved to approve first and second reading of the amendment bylaw and delegated the holding of a public hearing to Chair Kozakevich.

November 19, 2020 –Electronic public hearing attended by 10 members of the public.

December 15, 2020 – Electronic public hearing attended by 7 members of the public and 5 Directors.

January 7, 2021 - The Board referred Bylaw No. 2895, 2020 back to Committee for a discussion on the 'Siting Permit' requirements for metal storage containers found in Building Bylaw No. 2805."

January 21, 2021 - The P&D Committee recommended that no amendment to Building Bylaw No. 2805 in relation to "Siting Permits" be initiated.

February 4, 2021 - The Board referred Bylaw No. 2895, 2020 back to the P&D Committee for further discussion.

Analysis:

Despite the Electoral Area Zoning Bylaws being silent on the use of metal storage ("shipping") containers, containers have historically been interpreted to be "accessory structures" that are allowed within a zone provided they are being used in association with a principal permitted use and comply with all relevant zoning provisions (i.e. setback, building height, parcel coverage, etc.).

While popular due to their versatility and ease of re-use for residential, agricultural, commercial and industrial storage purposes, the placement of metal storage containers in residential areas has generated complaints about:

- aesthetics (i.e. compatibility with residential neighbourhoods / highway commercial developments);
- safety (i.e. targets for break-ins when being used for storage purposes); and
- Building Permit implications (i.e. confirmation the structure complies with the BC Building Code in relation to its intended re-use).

For these reasons, Committee may wish to consider prohibiting the placement of metal storage containers in residential (RS), rural-residential (SH) and commercial zones due to the occurrence of the latter along major highway corridors (i.e. Highway 97) or within town centres such as Okanagan Falls, Naramata and Apex Village.

This approach is consistent with that adopted by the Okanagan member municipalities, all of whom currently prohibit metal storage containers in their equivalent Residential zones.

It was previously determined that we should retain exemptions to allow the placement of a metal storage container **during construction** (subject to a valid building permit being issued on that property) or for loading or unloading goods related to a relocation of a residential use in an RS zone.

Issues:

1. Should Small Holdings (SH) zones be considered similar to other Rural Zones (e.g. Resource Area, Agriculture & Large Holdings), where the only proposed regulation would be a prohibition on stacking containers more than two (2) high? If so, and containers are prohibited only in the RS zones, minimum parcel area, cladding and setback requirements can be deleted from Amendment Bylaw No. 2895.
2. Should metal storage containers be permitted in commercial zones, subject to a metal storage container not being sited between the front parcel line and a principal building?
3. Should specific regulations be abandoned in favour of continuing with the current interpretation of containers as “accessory buildings and structures”.

For discussion purposes, an alternate set of zoning regulations that encapsulate some of these options is presented at Attachment No. 2.

Options:

1. THAT Bylaw No. 2895, 2020 proceed to third reading; or
2. THAT 1st and 2nd readings of Bylaw No. 2895, 2020 be rescinded and the bylaw abandoned; or
3. THAT Bylaw No. 2895, 2020 be amended

Respectfully submitted:



C. Garrish, Planning Manager

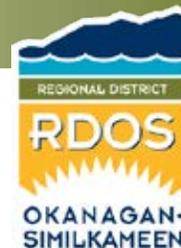
Metal Storage Containers

- .1 The use of Metal Storage Containers as accessory buildings or structures is permitted in accordance with the following criteria:
- a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
 - b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if:
 - i) a parcel is greater than 0.5 ha in area;
 - ii) the metal storage container is painted in a colour consistent with the principal building; and
 - iii) the metal storage container is not sited between the front parcel line and a principal building.
 - c) Despite sub-section 7.27.1(a) and (b), one (1) metal storage container may be used for temporary storage:
 - i) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or
 - ii) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential or commercial use.

NOTE: The following regulation has been drafted on the basis that metal storage containers are a permitted use in the Small Holdings (SH) and Commercial (C) zones, and are prohibited in the Low Density Residential (RS) and Medium Density Residential (RM) zones.

Metal Storage Containers

- .1 The use of a “metal storage container” as an “accessory building or structure” is permitted in accordance with the following:
 - a) a metal shipping container is permitted in all zones except the Low Density Residential and Medium Density Residential zones;
 - b) in the Resource Area, Agriculture, Large Holdings and Industrial zones, metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit; and
 - c) despite sub-section b), in a Town & Village Centre zone or Commercial zone only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if:
 - i) the metal storage container is not sited between the front parcel line and a principal building.
- .2 Despite sub-section 1, one (1) metal storage container may be used for temporary storage:
 - a) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or
 - b) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential use in any zone.



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Building Bylaw No. 2805, 2018 – “Siting Permits” (Metal Storage Containers)
Electoral Areas “A”, “C”, “D”, “E”, “F”, “H” & “I” – FOR INFORMATION

Proposed Development:

The purpose of this report is to seek direction from the Board regarding the current requirement in the Regional District’s Building Bylaw No. 2805, 2018, for a “Siting Permit” to place a metal storage container on a property.

Background:

May 29, 2019 - *Building Bylaw No. 2805, 2018* was adopted

July 1, 2019 – Bylaw 2805 repealed *Building Regulation Bylaw No. 2333, 2005*.

Amongst other things, Building Bylaw No. 2805, 2018, introduced a regulation allowing a Building Official to “issue a building permit for the erection or placement of a portable self-contained container” (e.g. a “Siting Permit”). In accordance with Section 10.64 of the bylaw, an application for a Siting Permit is to include the following:

- (a) *Plans and supporting documents showing the location and building height of the building or structure on the parcel;*
- (b) *Plans and supporting documents showing construction details of the building or structure;*
- (c) *A statement by the owner indicating the intended use;*
- (d) *Plans and supporting documents showing the proposed parking and loading space, if applicable ...*

The application fee for a Siting Permit is currently \$150.00.

Since July 1, 2019, 5 Siting Permits have been issued for the placement of metal storage containers, with an additional 9 building permits for metal storage containers that had modifications (e.g. roofs, frame additions, use other than storage such as office).

January 7, 2021 - The Board deferred the Storage Container Regulations Zoning Amendment Bylaw No. 2895, pending a discussion of the Siting Permit requirements in Building Bylaw No. 2805, 2018.

January 21, 2021 - The P&D Committee recommended against an amendment to Building Bylaw No. 2805 in relation to “Siting Permits”.

February 4, 2021 - Chair Knodel advised that he was bringing reconsideration of Building Bylaw No. 2805, 2018 back to Committee on February 21, 2021, due to on-going concerns.

Analysis:

Further to the discussion that occurred at the P&D Committee January 21, 2021, the "Siting Permit" requirement in the Building Bylaw could be considered a proactive, effective and efficient way in which to ensure metal storage containers are being properly placed within the Electoral Areas.

Moreover, retroactive enforcement, which is based upon the receipt of written complaints is seen to be an undesirable, time consuming and costly approach to enforcement that generally requires prolonged correspondence with property owner(s), involvement of legal counsel and potential injunctive action through the court system.

The removal of Siting Permit requirements from the Building Bylaw would undermine the effectiveness of the proposed zoning regulations for metal storage containers in Amendment Bylaw No. 2895. Without the requirement for a permit, zoning infractions could only be caught retroactively and violations of the BC Building Code would be inconsistent, on a complaint basis only.

The current approach to enforcement on container complaints is only enforced on infractions where health or safety issues or damage to the environment exists. This has resulted in only 8 actions related to modifications (such as roofs), or alterations requiring a regular building permit.

Process:

The information required for an application for metal containers is addressed above and is administered by the Development Services Clerk. The Plans Examiner would check the location to ensure compliance with the offsets identified in the Zoning Bylaw. If modifications to the container are indicated, compliance with the Building Code would be checked. Inspections, if required would be initiated by the Building Official when in the area.

Public complaints about either the siting or construction of metal containers would be referred to the Bylaw Enforcement Officer.

It is unlikely that the application process for a metal container would add significantly to the workload of a Building Official or extend the building permit timelines.

Alternatives:

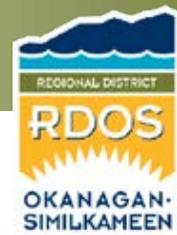
1. THAT an amendment to Building Bylaw No. 2805, 2018 be initiated to remove the requirements for a Siting Permit for metal storage containers.

Respectfully submitted:

C. Garrish
Planning Manager



L. Miller
Manager of Building & Bylaw Enforcement Services



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Protective Services Committee

Thursday, February 18, 2021
10:00 am

AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

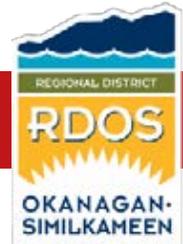
THAT the Agenda for the Protective Services Meeting of February 18, 2021 be adopted.

B. Emergency Management Principles Workshop (Committee & CAO Group)

a. Red Dragon Consulting

C. ADJOURNMENT

EMERGENCY OPERATIONS CENTRE (EOC)

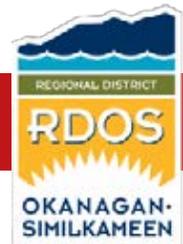


EOC Exercise Incendiary and EOC Refresher Training

After the Christie Mountain Interface fire of 2020, the After Action Report identified joint training and exercise would benefit people who work in the EOC. The focus of these training sessions is to bring participants together to learn and share process to improve communication pathways within the EOC and between partners.

Leadership/Management/Liaison/Section Chief – Refresher		Course Code: EOC2021-119
Date: February 16 2021 Time: 9:00am-12:00pm	Location: Virtual Instructor: Red Dragon (Mike Andrews)	
<p>Description: This course focuses on the EOC structure, roles & responsibilities, management by objectives & action planning, declaring emergencies, considerations during evacuations; remainder is on general supervisory best practices in a response support environment, including worker care, conflict resolution, etc.</p> <p>Audience: Municipal and Regional District staff with a designated EOC Management role; staff and agency representatives with a role as a Section Chief and others who may be responsible for EOC branches or units with subordinate personnel.</p>		
Logistics & Finance – Refresher		Course Code: EOC2021-120
Date: February 16 2021 Time: 1:00-4:00pm	Location: Virtual Instructor: Red Dragon (Mike Andrews)	
<p>Description: In this course, participants will go through advanced and reinforced concepts for site support for resource management, and EOC support functions including personnel, transportation, technical communications and IT support. Instructors will reinforce concepts for EOC expenditure tracking, purchasing best practices, EMBC claim eligibility, payroll and compensation management.</p> <p>Audience: Municipal and Regional District staff designated in the Logistics, as well as IT and Finance staff.</p>		
CAO – EOC Director Refresher		Course Code: EOC2021-121
Date: February 18 2021 Time: TBC	Location: Virtual Instructor: Red Dragon (Paul Edmonds)	
<p>Description: This course is a high-level overview of Emergency Management principles; the role of the “Regional Emergency Planning Team”; the role of CAO and or EOC Director; the responsibilities and authority, expectations of decision making pre, during and post-emergency events (with specific reference to Exercise Incendiary).</p> <p>Audience: CAO of all jurisdictions</p>		
Operations & Planning – Refresher		Course Code: EOC2021-122
Date: February 25 2021 Time: 1:00-4:00pm	Location: Virtual Instructor: Red Dragon (Mike Andrews)	
<p>Description: In this course, participants will go through advanced and reinforced concepts for department and agency reps supporting field and site support activities, including capturing intelligence, resource management and EOC interactions. Instructors will review advanced concepts for status display, documentation retention protocols and Action Planning for the EOC. There will be a further focus on the role of Advance (contingency) Planning and critical infrastructure assurance.</p> <p>Audience: Municipal and Regional District staff representatives of tactically involved and response support entities, including public works, engineering, other respective departments and ESS and have the knowledge, skills and authority to commit resources and incur expenditures. Personnel designated roles in the Planning Section, including GIS, department & agency reps who may be tasked to support contingency planning.</p>		

EMERGENCY OPERATIONS CENTRE (EOC)



EOC Core Representatives – Exercise Awareness Session		Course Code: EOC2021-123
Date: March 8 2021 Time: 9:00am-10:00am	Location: Virtual Instructor: Red Dragon (Team)	
Description: Core representatives will be provided with training on the exercise platform to provide detailed knowledge in each of the pre-identified participant jurisdictions. Audience: One or two staff from the jurisdictions that will be part of the exercise scenario.		
EOC Exercise Incendiary and Hot wash		Course Code: EOC2021-124
Date: March 9 2021 Time: 9:00am-5:00pm	Location: Virtual and In Person Instructor: Red Dragon (Team)	
<p>Description: Exercise Incendiary is a functional emergency operations centre (EOC) exercise with concurrent play in multiple jurisdictions. Exercise play will focus on basic processes to build staff confidence and competence to address an emergency situation threatening their community. Within the exercise, participants will work through roles, emergency procedures, shift hand over and EOC briefings and will address situational awareness, incident reporting, resource management, crisis communication, advance planning as well as cost tracking & recovery. Duration 3/4 day. Hot wash: All exercise players, observers and exercise controllers will participate in a hot wash review immediately following the completion of Exercise Incendiary.</p> <p>Audience: All pre-identified exercise players to represent all EOC functions.</p>		

To view the schedule and to register <https://app.booking.ca/rdospub/index.asp>

Click



Select

Emergency Management EOC All Programs

Click



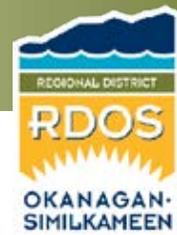
You will see all scheduled EOC training programs.

Want to know more... click on the blue "i"

i EOC -
Leadership/Mgmt/Liaison/SC
Refresher - EOC2021-119

Difficulty registering:

- Email: annebenn@rdos.bc.ca
- Phone: 250.492.0237 (Monday to Friday and ask to speak with Anne)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Environment and Infrastructure Committee

Thursday, February 18, 2021
12:30 pm

AGENDA

-
- A. **APPROVAL OF AGENDA**
RECOMMENDATION 1
THAT the Agenda for the Environment and Infrastructure Committee Meeting of February 18, 2021 be adopted.
-
- B. **WASTE MANAGEMENT SERVICE REGULATORY BYLAW REPEAL AND PROPOSED CHANGES TO WASTE MANAGEMENT – INFORMATION ONLY**
1. Regulatory Bylaw – Summary of Changes
 2. Regulatory Bylaw No. 2925
-
- C. **CHIPPING PROGRAM BUDGET - DISCUSSION**
-
- D. **ADJOURNMENT**

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: B. Newell, Chief Administrative Officer
DATE: February 18th, 2021
RE: RDOS BL2796, 2018 Consolidated March 19, 2020
Waste Management Service Regulatory Bylaw to repeal and
replace with - Bylaw No. 2925, 2021 RDOS Administered
Landfills Regulatory Bylaw



Reference:

Local Government Act

Background:

Through the *Local Government Act*, the Regional District has the authority to create a bylaw for solid waste disposal or recycling services for materials received at RDOS Administered Landfills (Campbell Mountain Landfill, Oliver Landfill, Okanagan Falls Landfill, and Keremeos Transfer Station).

The existing RDOS Waste Management Service Regulatory Bylaw provides the definitions for the items listed in the RDOS Fees and Charges Bylaw Schedule 5, Section 7 Sanitary Landfills and rules of the landfill.

This Bylaw is reviewed as needed to meet any changes to material types, to refine definitions and terms, and to clarify and reflect more accurately solid waste materials.

Analysis:

Bylaw No. 2925, 2021 will repeal Bylaw No. 2976, 2018 including its Amendments Consolidated in March 19, 2020.

A summary of the changes and rationale is attached that includes marked up bylaw showing those changes. See Schedule A.

Bylaw No. 2925, 2021 with those changes incorporated is Schedule B.

Communication Strategy:

RDOS has a Haulers list, and will email the updated Bylaw, along with Schedule A to show the changes. The updated Bylaw will be posted on the RDOS website, under each of the Landfill webpages.

Respectfully submitted:

A. Reeder, Manager of Operation

2021 Summary of Changes to the existing Waste Management Regulatory Bylaw

- Highlighted in yellow is the wording added for further clarification and to reflect more accurately the material
- Text that is in red is the existing bylaw wording to delete creating a more accurate definition.

1.1 Bylaw title change from **Waste Management Service Reg. Bylaw** to **RDOS Administered Landfills Regulatory Bylaw**.

This Bylaw may be cited as the "**RDOS Administered Landfills Waste Management Service Regulatory Bylaw No. 2925, 2021 2796, 2018**".

2.1 "Waste Management Service Regulatory Bylaw No. **2796, 2018 2535, 2014**" and all amendments thereto are hereby repealed.

AGRICULTURAL ORGANIC MATERIAL means suitably prepared and separated plant derived crop materials originating from agricultural operations, excluding **FRUIT WASTE, FOOD PROCESSING WASTE, FRUIT/GRAIN BY-PRODUCTS** and **FOOD WASTE**, that is not **CONTAMINATED**, and has been suitably prepared for **DISPOSAL** in a manner acceptable to the **MANAGER**, including but not limited to orchards, nurseries, vineyards and silviculture operations **and does not include METAL, WOOD PRESERVED, ROCKS, soil, plastics and non-agricultural organic material** (see **CONTROLLED WASTE**).

ASPHALT means **a sticky, black and highly viscous liquid or semi-solid petroleum based material used primarily in roads** (see **RECYCLABLE**).

CONCRETE means a construction material that consists of cement, aggregate (generally gravel and sand) and water. **CONCRETE** must not contain **ASBESTOS**, large amounts of metal protruding (greater than 15 cm) nor measure greater than 1 m. in any dimension. **CONCRETE** also includes **ASPHALT, CERAMICS, bricks, plaster & stucco without wire, cement board,** **MASONRY** and **ROCKS** not greater than 40 cm **in diameter any dimension** (see **RECYCLABLE**).

CONCRETE BULKY means **CONCRETE** measuring greater than 1 m. in any dimension and/or where large amounts of metal are protruding greater than 15 cm, and including **ROCKS** greater than 40 cm **in diameter any dimension** (see **CONTROLLED WASTE**).

CONSTRUCTION NEW MIXED LOAD means **MIXED LOAD SOLID WASTE** produced through new construction, where no existing structures have been altered, and that contains two or more **RECYCLABLE new** building materials including but not limited to **ASPHALT SHINGLES, WOOD CLEAN, RECYCLABLE TAR AND GRAVEL ROOFING, and GYPSUM BOARD-NEW,** and must not contain **DEMOLITION AND RENOVATION MIXED LOAD materials, packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE.** The **HAULER** must provide appropriate documentation in a manner acceptable to the **MANAGER** (see **CONTROLLED WASTE**). All **CONSTRUCTION NEW MIXED LOAD** arriving at the **SITE** without appropriate documentation shall be determined to be **DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED**.

CONSTRUCTION – REFUSE means non-RECYCALBE SOLID WASTE building materials such as insulation, carpet, vinyl and non-RECYCLABLE **commercial** packaging materials such as plastic wrap, and Styrofoam.

CONTAMINATED means the presence in a material of a minor and unwanted constituent which renders the material impure or inferior **for reuse or recycling** as defined by the MANAGER.

DEMOLITION AND RENOVATION MIXED LOAD means MIXED LOAD SOLID WASTE produced through the demolishment of a structure or the act of alteration through addition, remodeling, refurbishing or restoring of buildings, structures, or other types of real property that contains two or more RECYCLABLE Building Materials; including but not limited to ASPHALT SHINGLES, WOOD **CLEAN**, RECYCLABLE TAR AND GRAVEL ROOFING, and GYPSUM **BOARD ASSESSED** and GYPSUM **BOARD NEW**, but must not contain **packaging, FOOD WASTE, any type of CONTROLLED WASTE OR PROHIBITED WASTE** (see DEMOLITION AND RENOVATION MIXED LOAD ASSESSED and see CONTROLLED WASTE).

DEMOLITION AND RENOVATION MIXED LOAD ASSESSED means a DEMOLITION AND RENOVATION MIXED LOAD that has been ASSESSED as required by the REGIONAL DISTRICT. Verification of the abatement of all identified HAZARDOUS materials is required. This assessment and verification has been provided in a manner acceptable to the MANAGER (see CONTROLLED WASTE). **A DEMOLITION AND RENOVATION MIXED LOAD arriving at a SITE must not contain packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE** and if arriving at the SITE without appropriate assessment documentation will be determined a DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED.

GLASS CONTAINERS means all clear and coloured **bottles and jars** **containers** made of glass **as defined as a PRODUCT STEWARDSHIP MATERIAL** and does not include window glass, laminated glass, safety or tempered glass, mirrored glass, automotive glass, fiberglass, Plexiglas, light bulbs, fluorescent tubes, kitchenware, ceramics or other types of containers, or any container that contained HAZARDOUS WASTE, or ASBESTOS CONTAINING MATERIAL and does not contain any liquid or solids (see RECYCLABLE).

GYPSUM BOARD-NEW also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED off-cuts and scraps of gypsum **obtained solely from new construction and does not include GYPSUM BOARD ASSESSED, GYPSUM BOARD NON-RECYCLABLE**, gypsum board materials from an existing **structure**, is not an ASBESTOS CONTAINING MATERIAL, and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYPSUM BOARD-ASSESSED also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED gypsum removed from an existing structure and has been ASSESSED to prove it is not an ASBESTOS CONTAINING MATERIAL and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYPSUM BOARD-NON-RECYCLABLE means gypsum board removed from existing structures **that has not been ASSESSED** and is not RECYCLABLE (see CONTROLLED WASTE).

LOCAL GOVERNMENT IMPROVEMENTS refers to the structures, systems, lands and facilities owned or operated by an Indian Band, Municipality or Regional-Government within the SITE SERVICE AREA and suitably prepared as determined by the MANAGER, such as but not limited to, roads, bridges, tunnels, water supply, sewers, electrical grids, and telecommunications.

METAL means RECYCLABLE ferrous and non-ferrous metallic materials, containing more than 90% metal by volume, and under 2.4 meters (8 feet) in any dimension, including but not limited to, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, fencing, metal furniture, bicycles, tire rims and metal appliances. METAL also includes REFRIDGERATION UNITS evacuated of ODS by a certified technician, suitably prepared METAL DRUMS AND TANKS, barbeques, wood heating units, motorized equipment and VEHICLE parts, that do not contain fluids, filters, batteries, coal, bricks and rubber tires. METAL items must not contain mercury switches, batteries, PCB ballasts, or other HAZARDOUS WASTE. METAL does not include BULKY WASTE, PRESSURIZED TANKS, ODS containing REFRIDGERATION UNITS or VEHICLES.

NON-SERVICE AREA means materials generated outside the SERVICE AREA of a landfill SITE.

RESIDENTIAL PLASTIC FILM means SOURCE SEPARATED residentially generated stretchy plastic film, as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR, which commonly includes grocery bags and overwrap for paper towels.

Deleted as falls under RESIDENTIAL RECYCLING

RESIDENTIAL RECYCLING means all packaging and printed paper generated by RESIDENTIAL structures, single family and multifamily units included in Schedule 5 of the Recycling Regulation of the ENVIRONMENTAL MANAGEMENT ACT as accepted by RecycleBC, and sorted into the appropriate material types as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR (see RECYCLABLE).

ROCKS means natural inorganic mineral matter of variable composition assembled by the action of heat or water. ROCKS 40 centimetres or less in diameter any dimension see CONCRETE. ROCKS greater than 40 centimetres in diameter any dimension see CONCRETE BULKY.

SERVICE AREA means the SERVICE AREA of the landfill SITE as defined by the SITE's applicable Service Establishment Bylaw.

SITE OPERATOR means a PERSON contracted by the REGIONAL DISTRICT to provide operation and maintenance services at the SITE, including but not limited to inspecting, sorting, hauling, compacting and covering SOLID WASTE.

SOIL CLEAN means not CONTAMINATED mineral soil materials free of ROCKS exceeding 30 cm. in any diameter dimension that is suitable for OPERATIONALLY BENEFICIAL cover material and includes sod, humus, COMPOST and top soil, and does not include YARD WASTE.

TAR AND GRAVEL ROOFING means roofing consisting of layers of bitumen and felt paper that form the roof surface and may contain embedded gravel including Torch-on, SBS, membrane and TAR AND GRAVEL roofing products and other inextricably adhered roofing materials, and not to exceed 1 meter in any dimension. Loads must be free of contaminants such as, but not limited to, REFUSE, loose tar paper, roof ventilators and flashing materials (see RECYCLABLE, and see OPERATIONALLY BENEFICAL).

Existing Definition: TIRE means the outer pneumatic rubber covering of wheels including but not limited to PLT (Passenger Light Truck), MT (Motor Truck) and OTR TIRES which are included within *Schedule 4 of the Recycling Regulation of the EMA*. (See RECYCLABLE).

Replaced existing definition TIRE with:

TIRE means the outer pneumatic rubber covering of wheels as per accepted under the *Tire Stewardship BC Program* including but not limited to tires from, Passenger, Small RV, Light and Medium Truck, Motorcycle, Turf, All Terrain Vehicle, Farm Equipment tires up to 16", and Forklift, Small Utility, RV Trailer, Bobcat/Skid Steer tires, and tires listed in *The Tire and Rim Association Inc. annual yearbook Section 5 Agricultural* such as but not limited to Medium Agricultural Tires 16.5"-25.5" identified with a sidewall marking with suffix letters R(Radial Ply) or HF (High Flotation), Logger/skidder and large Agricultural Drive and free rolling tires measuring 26" and up. TIRE does not include bicycle, wheelchair, aircraft, wheelbarrow, or three-wheeled motorized device tires, inner tubes and tracks (see RECYCLABLE).

Existing Definition: TIRE WITH RIMS means the outer pneumatic rubber covering of wheels with a rim including but not limited to PLT (Passenger Light Truck), MT (Motor Truck) and OTR (Off The Road) TIRES which are included within *Schedule 4 of the Recycling Regulation of the EMA*. (See RECYCLABLE), and does n. Not include bicycle tires. with rims.

Replaced existing definition TIRE WITH RIMS with:

TIRE WITH RIM means a TIRE that is mounted on a rim (see TIRE).

TIRE-OVERSIZE means assorted agricultural, industrial and OTR (Off The Road) TIRES that are not identified as a TIRE excluded from *Schedule 4 of the Recycling Regulation of the EMA*. (see TIRE and see RECYCLABLE).

VEHICLE means, as per the *British Columbia Motor Vehicle Act*, a device in, on or by which a PERSON or thing is or may be transported or drawn on a highway (see (PROHIBITED WASTE)). but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment or a motor assisted cycle, such as a golf cart, or riding lawnmower.¹

WOOD-PRESERVED means wood products which have been treated or coated with preservatives such as fire retardant, chromated copper arsenate (CCA), aromatic hydrocarbons (PAHs) and/or ammonium copper arsenate (ACA) to prevent rotting or wood containing LEAD-BASED PAINT or other paint containing HAZARDOUS substances and is no longer than 2.4 meters (8 feet) in length (see CONTROLLED WASTE).

Existing Definition: **WOOD PRODUCT CONTAMINATED** means engineered, manufactured or finished wood products containing 95% or greater wood fibre including but not limited to; painted wood, composite wood, glued and laminated wood and veneered wood products such as: particle and fibre board, panels, doors, window frames, furniture, flooring, cabinetry and molding's; but does not include WOOD-PRESERVED or LEAD-BASED PAINT.

Replaced with:

WOOD PRODUCT means engineered, manufactured, composite or finished wood products containing 90% or greater wood fibre such as plywood, particle board, fibreboard, hardboard, oriented strand board, laminated lumber, veneered wood, or engineered wood products but not limited to panels, doors, window frames, furniture, engineered wood flooring, cabinetry and moldings. **WOOD PRODUCT** also includes painted, stained or glued wood. **WOOD PRODUCT does not included** arborite counter tops or vinyl or laminate flooring, wood with upholstery, or other materials attached such as glass, WOOD-PRESERVED or LEAD-BASED PAINT, or METAL other than nails, screws, and small hardware.

WOOD CLEAN WASTE means clean, organic material including, but not necessarily limited to, kiln dried dimensional lumber, wood pallets; which are a maximum of 2.4 metres (8 feet) in length and may contain metallic nails or screws (see RECYCLABLE). **WOOD CLEAN** must not be CONTAMINATED with any other material including but not limited to **WOOD PRODUCT, WOOD-PRESERVED, ROCKS, METALS** other than nails, screws or small hardware, stained or painted wood including LEAD-BASED PAINT, wire, fiberglass, asphalt roofing material, plastic and any other non-wood materials. **WOOD CLEAN** does not include **WOOD INDUSTRIAL** or **WOOD WASTE-SMALL DIMENSION CHIPPED OR GROUND**.

WOOD WASTE SMALL DIMENSION-CHIPPED OR GROUND means kiln dried dimensional **WOOD WASTE** and **WOOD PRODUCT CONTAMINATED** that is processed to less than 5cm (2 inches) in diameter and width and no longer than 15 cm. (6 inches) in length including but not limited to sawdust (see CONTROLLED WASTE).

Existing Definition: **YARD AND GARDEN WASTE** means non-food vegetative matter free of CONTAMINANTS including prunings, branches and tree trunks maximum of 2.4 metres (8 feet) in length, hedge, shrub and tree clippings, flowers, vegetable stalks, woody or herbaceous waste (see RECYCLABLE). **YARD AND GARDEN WASTE** does not include **FRUIT WASTE, vegetable waste, YARD WASTE SMALL DIMENSION, or WOOD WASTE-TREE STUMP.**²

Replaced with:

YARD WASTE means non-food vegetative material resulting from gardening, and landscaping including flower and vegetable plants free of soil and rocks with no fruit or vegetables attached, prunings, branches and tree trunks maximum of 2.4 metres (8 feet) in length, hedge, shrub and tree clippings, leaves, flowers, woody or herbaceous waste (see RECYCLABLE). **YARD WASTE** must not be CONTAMINATED and does not include **FRUIT WASTE** or **YARD WASTE-TREE STUMP** and is not CONTAMINATED with materials such as **REFUSE, METAL, soil, ROCKS** and plastic (see RECYCLABLE).

YARD WASTE SMALL DIMENSION -CHIPPED, GRASS, LEAVES means chipped YARD WASTE or chipped YARD WASTE-TREE STUMPS that is no greater than 4 cm. (1.5 inches) in diameter and no longer than 13 cm. (5 inches) in length. YARD WASTE – CHIPPED, GRASS, LEAVES also includes lawn clippings, coniferous needles and cones, and leaves that is not CONTAMINATED with materials such as REFUSE, METAL, soil, ROCKS and plastic (see RECYCLABLE).

WOOD YARD WASTE-TREE STUMP means non-agricultural part of a plant, tree, or shrub that remains attached to the roots after the trunk is cut, whereby the trunk is greater than 20 cm (8 inches) in diameter and the stump and trunk combined is not longer than 2.4 metres (8 feet) in length, and must be free of ROCKS, soil, METAL and other debris (see RECYCLABLE).

Wording added for Clarity

5.2.7 The MANAGER may designate SOLID WASTE materials delivered to the SITE as being OPERATIONALLY BENEFICIAL and may apply restrictions, specifications and TIPPING FEES accordingly.

5.4.10 All VEHICLES DISPOSING SOLID WASTE shall maintain a safe lateral distance (equal to the maximum unloading vertical height extension) between adjacent away from other VEHICLES and shall limit the linear spread of loads to no greater than its VEHICLE length from the designated unloading location.

Below are the definition titles that were changed to group like materials alphabetically:

ASSESSED DEMOLITION AND RENOVATION MIXED LOAD to DEMOLITION AND RENOVATION MIXED LOAD ASSESSED

NON ASSESSED DEMOLITION AND RENOVATION MIXED LOAD to DEMOLITION AND RENOVATION MIXED LOAD NON ASSESSED

WOOD PRODUCT CONTAMINATED to WOOD PRODUCT

WOOD WASTE to WOOD CLEAN

WOOD WASTE SMALL DIMENSION to WOOD-CHIPPED OR GROUND

WOOD WASTE INDUSTRIAL to WOOD INDUSTRIAL

WOOD WASTE TREE STUMP to YARD WASTE-TREE STUMP

YARD AND GARDEN WASTE to YARD WASTE

YARD WASTE SMALL DIMENSION to YARD WASTE-CHIPPED, GRASS, LEAVES

The order of list alphabetically has changed– due to some title changes

CONTROLLED WASTE means waste that is approved for DISPOSAL at the SITE but which, because of its inherent nature and quantity, may require special handling and DISPOSAL techniques to avoid creating health hazards, nuisances, or environmental pollution, including, but not limited to:

- (a) AGRICULTURAL ORGANIC MATERIAL;
- (b) AGRICULTURAL PLASTIC;
- (c) ASBESTOS CONTAINING MATERIAL
- (d) BULKY WASTE;
- (e) BURNED MATERIAL;
- (f) BURNED MATERIAL -ASBESTOS CONTAINING
- (g) CARCASSES;
- (h) CLINICAL/LABORATORY STERILIZED WASTE;
- (i) CONCRETE BULKY;
- (j) Condemned foods;
- (k) CONSTRUCTION NEW MIXED LOAD;
- (l) DEMOLITION AND RENOVATION MIXED LOAD;
- (m) DEMOLITION AND RENOVATION MIXED LOAD ASSESSED;
- (n) DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED;
- (o) Foundry Dust;
- (p) GYPSUM BOARD NON-RECYCLABLE;
- (q) HAZARDOUS WASTE those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (r) ILLEGALLY DUMPED WASTE
- (s) INFESTED VEGETATION;
- (t) INVASIVE PLANTS;
- (u) LEAD-BASED PAINT coated materials;
- (v) METAL DRUMS AND TANKS;
- (w) REFRIGERATION UNIT containing ODS;
- (x) RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE;
- (y) Sludge and screenings from municipal sewage treatment plants;
- (z) SOIL CONTAMINATED, and SOIL SMALL VOLUME CONTAMINATED;
- (aa) WOOD-PRESERVED; and
- (bb) WOOD-CHIPPED OR GROUND.

The order of list alphabetically has changed– due to some title changes

RECYCLABLE means all SOURCE SEPARATED materials that are suitably prepared and not CONTAMINATED as determined by the MANAGER, including but not limited to:

- (a) ASPHALT;
- (b) ASPHALT SHINGLES;
- (c) Ballasts not containing PCBs;
- (d) Baseboards with thermostat switches removed & switches disposed to HHW;
- (e) BATTERIES-LEAD-ACID, BATTERIES-HOUSEHOLD;
- (f) CERAMIC FIXTURES and Ceramic Tile;
- (g) CONCRETE;
- (h) CORRUGATED CARDBOARD - RESIDENTIAL;
- (i) CORRUGATED CARDBOARD - ICI;
- (j) ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE);
- (k) FRUIT WASTE;
- (l) FRUIT/GRAIN BY-PRODUCTS;

- (m) GLASS CONTAINERS;
- (n) GYPSUM BOARD-NEW;
- (o) GYPSUM BOARD-ASSESSED;
- (p) MASONARY;
- (q) Mattress, Box spring;
- (r) METAL;
- (s) PRESSURIZED TANK;
- (t) PRODUCT STEWARDSHIP MATERIAL;
- (u) REFRIGERATION UNIT with ODS removed;
- (v) RESIDENTIAL RECYCLING;
- (w) ROCKS (not greater than 40 centimetres in any direction);
- (x) TAR AND GRAVEL ROOFING;
- (y) TIRE and TIRE – OVERSIZE;
- (z) WOOD CLEAN;
- (aa) WOOD INDUSTRIAL;
- (bb) YARD WASTE;
- (cc) YARD WASTE-CHIPPED, GRASS, LEAVES; and
- (dd) YARD WASTE-TREE STUMP

~~Bylaw No. 2796, 2018~~

~~Regional District of Okanagan-Similkameen
Waste Management Service Regulatory Bylaw~~

~~Consolidated for convenience purposes.
Includes all amendments to the text up to:
March 19, 2020~~

~~Summary of Amendments~~

Bylaw No.	Adopted	Amendment	Purpose
2796-01	March 19, 2020	Amend Sections 4 and 5	To ensure consistency with the Fees and Charges bylaw

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. ~~2925796~~, 2021~~148~~

A bylaw to establish regulations for ~~SOLID WASTE~~waste disposal at ~~RDOS Administered Landfills: the~~ Campbell Mountain, Okanagan Falls, Oliver and Keremeos Landfills.

WHEREAS the Regional District operates the “Campbell Mountain Landfill” (CML) located on District Lot 368, SDYD, the “Okanagan Falls Landfill” (OFL) located on a portion of District Lot 2710, SDYD, the “Keremeos Landfill” (KL) located on a portion of District Lot 2821, SDYD; and the “Oliver Landfill” (OL) located on a portion of District Lot 2450s, SDYD.

AND WHEREAS under the *Local Government Act*, the Regional Board may, by bylaw, require persons to use a waste disposal or recycling service and require owners or occupiers of real property to remove trade waste, garbage, rubbish and other matter from their property and take it to a specified place; may operate any service that the board considers necessary or desirable for all or part of the Regional District; may, by bylaw, regulate and prohibit the use of Regional District works and facilities; may, by bylaw, impose a fee or charge payable in respect of a service of the Regional District; and may base the fee or charge on any factor specified in the bylaw;

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 “~~RDOS Administered Landfills~~**Waste Management Service Regulatory Bylaw No. 2925796, 202118**”.

2.0 Repeal

2.1 “Waste Management Service Regulatory Bylaw No. ~~2796535~~, 2018~~4~~” and all amendments thereto are hereby repealed.

3.0 Interpretation

3.1 Words or phrases defined in the *British Columbia Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this Bylaw, unless otherwise defined in this Bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Section 4 of this Bylaw are used in the body or schedules of this Bylaw, they have the meaning ascribed to them as set out in Section 4.

3.2 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting the scope or the intent of the provisions of this Bylaw.

3.3 Any act or enactment referred to herein is a reference to an enactment of the

Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Regional District, as amended, revised, consolidated or replaced from time to time.

- 3.4 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw

4.0 **Definitions**

- 4.1 In this Bylaw:

ACTIVE FACE means the area of the SITE where the placing, spreading, compacting and covering of REFUSE is currently taking place.

AGRICULTURAL ORGANIC MATERIAL means suitably prepared and separated plant derived crop materials originating from agricultural operations, excluding FRUIT WASTE, FOOD PROCESSING WASTE, FRUIT/GRAIN BY-PRODUCTS and FOOD WASTE, that is not CONTAMINATED, and has been suitably prepared for DISPOSAL in a manner acceptable to the MANAGER, including but not limited to orchards, nurseries, vineyards and silviculture operations and does not include METAL, WOOD PRESERVED, ROCKS, soil, plastics and non-agricultural organic material (see CONTROLLED WASTE).

AGRICULTURAL PLASTIC means plastic used in agricultural applications that are not CONTAMINATED, and have been suitably contained and prepared for DISPOSAL in a manner acceptable to the MANAGER, including but not limited to, ground crop plastic, silage bags, fertilizer bags, baler twine, and greenhouse plastic including containers and structural film (see CONTROLLED WASTE).

ASBESTOS CONTAINING MATERIAL (ACM) means a material as defined in the *OCCUPATIONAL HEALTH AND SAFETY REGULATION*, *ENVIRONMENTAL MANAGEMENT ACT*, and *HAZARDOUS WASTE REGULATION*, and suitably contained for disposal as per the Regulation, RDOS Bylaws and RDOS Guidelines (see CONTROLLED WASTE).[†]

ASPHALT means a sticky, black and highly viscous liquid or semi-solid form of solid petroleum based material used primarily in roads (see RECYCLABLE).

ASPHALT SHINGLES are a waterproof roof covering consisting of ASPHALT SHINGLES and ASPHALT Roll Roofing and must not be CONTAMINATED with, including, but not limited to; Tar Paper, TAR AND GRAVEL ROOFING, Torch-on or SBS roofing products, organic material and large metal and flashing materials (see RECYCLABLE).

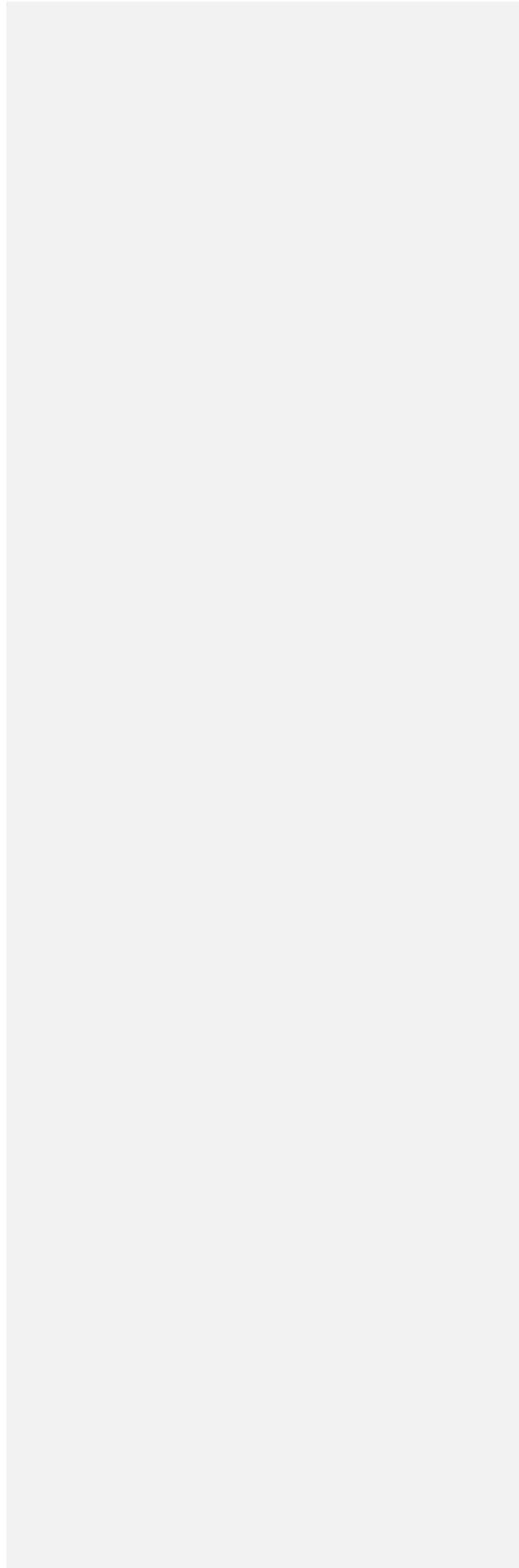
ASSESSED means to evaluate and determine the quality, extent, significance of a SOLID WASTE, which is verified by the required documentation provided by the HAULER, in a manner determined by the MANAGER.

[†]~~Bylaw No. 2796.01, 2020~~

Commented [CB1]: Cannot be liquid or semi-solid as would be Prohibited

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~~ASSESSED DEMOLITION AND RENOVATION MIXED LOAD means a DEMOLITION AND RENOVATION MIXED LOAD that has been ASSESSED as required by the REGIONAL DISTRICT. Verification of the abatement of all identified HAZARDOUS materials is required. This assessment and verification has been provided in a manner acceptable to the MANAGER (see CONTROLLED WASTE). A DEMOLITION AND RENOVATION MIXED LOAD arriving at a SITE without appropriate assessment documentation will be determined a NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD.~~

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BATTERIES - LEAD-ACID means a product that falls under the 'Lead-acid Battery' product category in the *Recycling Regulation* B.C. Reg. 449/2004 including, but not limited to: Lead-acid batteries for automobiles, motorcycles, recreation vehicles, marine vehicles and locomotives (see RECYCLABLE).

BATTERIES – HOUSEHOLD means batteries that fall under the 'Electronic and Electrical' product category in the *Recycling Regulation* B.C. Reg. 449/2004 including, but not limited to: Nickel Cadmium (NiCad), Lithium Ion (Li-Ion), Nickel Metal Hydride (Ni-MH), Small-Sealed Lead (Pb), or non-chargeable and rechargeable batteries weighing no more than 5 kilograms (11 pounds) each (see RECYCLABLE).

BIOMEDICAL WASTE means waste that is defined as such in the *Hazardous Waste Reg.* B.C. 63/88 and in the document "*Guidelines for the Management of Biomedical Waste in Canada*" (CCME, February 1992) (see PROHIBITED WASTE).

BULKY WASTE means waste articles that are too large by reason of their bulk or shape to manage using regular DISPOSAL methods as determined by the MANAGER, including but not limited to those items with materials greater than 2.4 metres (8 feet) in length (see CONTROLLED WASTE).

BURNED MATERIAL means materials damaged by fire, heat, electricity or a caustic agent that have been allowed to entirely cool for no less than a two-week period, and in a manner acceptable to the MANAGER, as per RDOS Guidelines (see CONTROLLED WASTE). BURNED MATERIALS that are hot or smoldering or not entirely cooled for more than a two week period is a PROHIBITED WASTE.²

~~BURNED MATERIAL – ASBESTOS CONTAINING means BURNED MATERIAL that has been designated as ASBESTOS CONTAINING MATERIAL and DISPOSED as per the OCCUPATIONAL HEALTH AND SAFETY REGULATION, ENVIRONMENTAL MANAGEMENT ACT, HAZARDOUS WASTE REGULATION, RDOS Bylaws and RDOS Guidelines.(see BURNED MATERIAL, ASBESTOS CONTAINING MATERIAL, and CONTROLLED WASTE).~~²

CARCASSES means dead animals, or portions thereof, that are not a PROHIBITED WASTE and in a manner acceptable to the MANAGER (see CONTROLLED WASTE and SPECIFIED RISK MATERIAL WASTE).²

CERAMIC FIXTURES means toilets, sinks, bathtubs, other fixtures or other products such as tile made of ceramic material, and can also include ceramic tiles, where non-ceramic materials, such as metal and plastic are removed (see RECYCLABLE).

² Bylaw No. 2796.01, 2020

CLINICAL/LABORATORY STERILIZED WASTE means non-anatomical waste, including SHARPS, that is generated by institutions including but not limited to, hospitals, laboratories, doctors' offices, medical clinics, and veterinary clinics, and has been sterilized such that all micro-organisms including bacteria, viruses, spores, and fungi are killed (see CONTROLLED WASTE).

COMPOST means a stabilized earthy matter having the properties and structure of humus produced in accordance with the *Organic Matter Recycling Regulation* of the *ENVIRONMENTAL MANAGEMENT ACT*.

CONCRETE means a construction material that consists of cement, aggregate (generally gravel and sand) and water. CONCRETE must not contain ASBESTOS, large amounts of metal protruding (greater than 15 cm) nor measure greater than 1 m. in any dimension. CONCRETE also includes ASPHALT, CERAMICS, bricks, plaster & stucco without wire, cement board, MASONRY and ROCKS not greater than 40 cm in diameter any dimension (see RECYCLABLE).³

CONCRETE BULKY means CONCRETE measuring greater than 1 m. in any dimension and/or where large amounts of metal are protruding greater than 15 cm, and including ROCKS greater than 40 cm in any diameter- (see CONTROLLED WASTE).³

CONSTRUCTION NEW MIXED LOAD means MIXED LOAD SOLID WASTE produced through new construction, where no existing structures have been altered, and that contains two or more RECYCLABLE new building materials including but not limited to ASPHALT SHINGLES, WOOD CLEANWASTE, RECYCLABLE TAR AND GRAVEL ROOFING, and GYPSUM BOARD-NEW, and must not contain DEMOLITION AND RENOVATION MIXED LOAD materials, packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE. The HAULER must provide appropriate documentation in a manner acceptable to the MANAGER (see CONTROLLED WASTE). All CONSTRUCTION NEW MIXED LOAD arriving at the SITE without appropriate documentation shall be determined to be NON-ASSESSED-DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED.³

CONSTRUCTION – REFUSE means non-RECYCALBE SOLID WASTE building materials such as insulation, carpet, vinyl and non-RECYCLABLE packaging materials such as commercial-plastic wrap, and Styrofoam.³

CONTAMINATED means the presence in a material of a minor and unwanted constituent which renders the material impure or inferior for reuse or recycling as defined by the MANAGER.

CONTROLLED WASTE means waste that is approved for DISPOSAL at the SITE but which, because of its inherent nature and quantity, may require special handling and DISPOSAL techniques to avoid creating health hazards, nuisances, or environmental pollution, including, but not limited to:

- (a) AGRICULTURAL ORGANIC MATERIAL;
- (b) AGRICULTURAL PLASTIC;
- (c) ASBESTOS CONTAINING MATERIAL;

(d) ASSESSED DEMOLITION AND RENOVATION MIXED LOAD;

³Bylaw No. 2796.01, 2020

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- (e)(d) BULKY WASTE;
- (f)(e) BURNED MATERIAL;
- (g)(f) BURNED MATERIAL ~~with~~ ASBESTOS CONTAINING; ~~MATERIAL~~
- (h)(g) CARCASSES;
- (i)(h) CLINICAL/LABORATORY STERILIZED WASTE;
- (j)(i) CONCRETE BULKY;
- (k)(j) Condemned foods;
- (l)(k) CONSTRUCTION ~~NEW~~ MIXED LOAD;
- (l) DEMOLITION AND RENOVATION MIXED LOAD;
- (m) ~~DEMOLITION AND RENOVATION MIXED LOAD -~~ ~~ASSESSED~~;
- (m)(n) ~~DEMOLITION AND RENOVATION MIXED LOAD -~~ ~~NON-~~ ~~ASSESSED~~;
- (n)(o) Foundry Dust;
- (o)(p) GYPSUM BOARD NON-RECYCLABLE;
- (p)(q) HAZARDOUS WASTE those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (q)(r) ILLEGALLY DUMPED WASTE;
- (r)(s) INFESTED VEGETATION;
- (s)(t) INVASIVE PLANTS;
- (t)(u) LEAD-BASED PAINT coated materials;
- (u)(v) METAL DRUMS AND TANKS;
- (v) ~~NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD~~;
- (w) REFRIGERATION UNIT containing ODS;
- (x) RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE;
- (y) Sludge and screenings from municipal sewage treatment plants;
- (z) SOIL CONTAMINATED, and SOIL SMALL VOLUME CONTAMINATED;
- (aa) WOOD-PRESERVED; and
- (bb) WOOD ~~WASTE~~ ~~CHIPPED OR GROUND~~ ~~SMALL DIMENSION~~.

CORRUGATED CARDBOARD ~~—~~ RESIDENTIAL means RESIDENTIALLY generated containers consisting of three or more layers of paper materials with a corrugated or rippled core, but excluding containers that are impregnated with blood, grease, oil, chemicals, rodent secretions, food residue, wax, or have polyethylene, polystyrene, foil or other non-paper liners, or are otherwise CONTAMINATED. Must be suitably prepared; clear of all contents, and flattened prior to placement in the RecycleBC container(s) (see RECYCLABLE)⁴.

CORRUGATED CARDBOARD ~~—~~ ICI means ICI generated containers consisting of three or more layers of paper materials with a corrugated or rippled core, but excluding containers that are impregnated with blood, grease, oil, chemicals, rodent secretions, food residue, wax, or have polyethylene, polystyrene, foil or other non-paper liners, or are otherwise CONTAMINATED. Must be suitably prepared, cleared of all contents, and flattened prior to placement in the ICI commercial container(s) (see RECYCLABLE, see INDUSTRIAL COMMERCIAL INDUSTRIAL ICI).⁴

DEMOLITION AND RENOVATION MIXED LOAD means MIXED LOAD SOLID WASTE produced through the demolishment of a structure or the act of alteration through addition, remodeling, refurbishing or restoring of buildings, structures, or other types of real property that contains two or more RECYCLABLE Building Materials; including but not limited to ASPHALT SHINGLES, WOOD ~~WASTE~~ ~~CLEAN~~, RECYCLABLE TAR AND GRAVEL ROOFING, and ~~GYPSUM BOARD~~

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⁴ Bylaw No. 2796.01, 2020

ASSESSED, and GYPSUM BOARD NEW, but must not contain packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE (see ASSESSED-DEMOLITION AND RENOVATION MIXED LOAD ASSESSED, and see CONTROLLED WASTE).

DEMOLITION AND RENOVATION MIXED LOAD--ASSESSED means a DEMOLITION AND RENOVATION MIXED LOAD that has been ASSESSED as required by the REGIONAL DISTRICT. Verification of the abatement of all identified HAZARDOUS materials is required. This assessment and verification has been provided in a manner acceptable to the MANAGER (see CONTROLLED WASTE). A DEMOLITION AND RENOVATION MIXED LOAD arriving at a SITE must not contain packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE and if arriving at the SITE without appropriate assessment documentation will be determined a NON-ASSESSED-DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED.

NON-ASSESSED-DEMOLITION AND RENOVATION MIXED LOAD--NON-ASSESSED means a DEMOLITION AND RENOVATION MIXED LOAD or CONSTRUCTION NEW MIXED LOAD brought to a SITE without verification of assessment as determined by the MANAGER (See ASSESSED-DEMOLITION AND RENOVATION MIXED LOAD ASSESSED and CONTROLLED WASTE).

DESIGNATED LOCATION means an area dedicated to the collection of SOURCE SEPARATED SOLID WASTE.

DISPOSE, DISPOSAL, DISPOSED, DISPOSING means the transfer of SOLID WASTE from a VEHICLE to a DESIGNATED LOCATION at the SITE. The SOLID WASTE becomes the jurisdiction of the REGIONAL DISTRICT and subject to the restrictions, allocations and policies/procedures of the REGIONAL DISTRICT.

ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE) means various types of domestic and commercial waste containing mainly electronic components, including, but not limited to computers, televisions, small appliances, residential light bulbs and lighting fixtures which are included within the *Recycling Regulation* of the *EMA* (see RECYCLABLE), and does not include METAL and REFRIDGERATION UNITS.

ENVIRONMENTAL MANAGEMENT ACT (EMA) means the Province of British Columbia Law brought into force on July 8, 2004. The *EMA* provides an authorization and enforcement framework based on contemporary environmental management technologies to protect human health and the quality of water, land and air in British Columbia. The *EMA* replaces the *Waste Management Act*.

FOOD PROCESSING WASTE means any organic materials and/or waste by-product that may be produced in commercial volumes by a food processing operation as determined by the MANAGER, such as slaughter house, fish hatchery, and cannery operations (see PROHIBITED WASTE).

FOOD WASTE means any food substance, raw or cooked, which is discarded, or intended or required to be discarded from RESIDENTIAL, agricultural and INDUSTRIAL, COMMERCIAL, INSTITUTIONAL establishments, but does not include FOOD PROCESSING WASTE or SPECIFIED RISK MATERIALS.

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FRUIT WASTE means waste consisting of the fleshy seed-associated structures of a plant that are sweet or sour and edible in the raw state, such as, but not limited to, apples, apricots, cherries, peaches, pears, plums, grapes, strawberries, tomatoes, and raspberries (see RECYCLABLE).

FRUIT/GRAIN BY-PRODUCTS means waste by-products typically generated by beverage producers, such as but not limited to; breweries, cideries, distilleries, and wineries. (see RECYCLABLE).

GLASS CONTAINERS means all clear and coloured ~~bottles and jars~~ containers made of glass ~~as defined as a PRODUCT STEWARDSHIP MATERIAL~~ and does not include window glass, laminated glass, safety or tempered glass, mirrored glass, automotive glass, fiberglass, Plexiglas, light bulbs, fluorescent tubes, kitchenware, ceramics or other types of containers, or any container that contained HAZARDOUS WASTE, or ASBESTOS CONTAINING MATERIAL and does not contain any liquid or solids (see RECYCLABLE).

GLASS SHEET means glass windows, mirrors, etc. with or without a frame, laminated glass, safety or tempered glass, automotive glass, Plexiglas, , but does not include light bulbs, fluorescent tubes, kitchen or GLASS CONTAINERS (see REFUSE).⁵

GYPSUM BOARD--NEW also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED off-cuts and scraps of ~~gypsum obtained solely removed~~ from new construction and ~~does not include GYPSUM BOARD ASSESSED, GYPSUM BOARD NON-RECYCLABLE, gypsum board materials any gypsum board materials from an existing structure, and is not is not~~ an ASBESTOS CONTAINING MATERIAL, and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYPSUM BOARD--ASSESSED also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED gypsum removed from an existing structure and has been ASSESSED to prove it is not an ASBESTOS CONTAINING MATERIAL and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYPSUM BOARD--NON-RECYCLABLE means gypsum board removed from existing structures ~~that has not been ASSESSED~~ and is not RECYCLABLE (see CONTROLLED WASTE).

HAULER means the VEHICLE in which a load is contained as measured by the SCALE.

HAZARDOUS WASTE means any material defined as such in the Hazardous Waste Regulation, *British Columbia Reg. 63/88* of the *ENVIRONMENTAL MANAGEMENT ACT* (see CONTROLLED WASTE and see PROHIBITED WASTE).

HOUSEHOLD HAZARDOUS WASTE (HHW) see RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE.

⁵ ~~Bylaw No. 2796.01, 2020~~

IGNITABLE WASTE as per the meaning prescribed in the *HAZARDOUS WASTE REGULATION BC Reg. 63/88* (see PROHIBITED WASTE).

ILLEGALLY DUMPED WASTE means SOLID WASTE discarded in an improper or illegal manner. The HAULER must obtain permission from the MANAGER to bring the ILLEGALLY DUMPED WASTE to the SITE (see CONTROLLED WASTE).

INDUSTRIAL, COMMERCIAL, INSTITUTIONAL (ICI) means any operation or facility other than a RESIDENTIAL household, including but not limited to industrial, agricultural, and commercial operations of any size including small businesses with one or more employees retail stores, vacation facilities such as hotels, motels, cottages, accommodation associated with sports and leisure facilities and institutional operations of any size including churches, community buildings, local government buildings, libraries, fire and police stations, service organizations, hospitals, care facilities and hospices.⁶

INFESTED VEGETATION means trees, shrubs, herbaceous plants or associated fruit that show the presence of plant disease, NOXIOUS INSECTS, pathogens or related pests that have caused or are likely to cause significant damage to the trees, shrubs, herbaceous plants or associated fruit and that may be spread to another plant or plants with economic, ornamental or aesthetic value (see CONTROLLED WASTE).

INVASIVE PLANTS means all plants as designated in the *Weed Control Regulation, Schedule A, Parts I & II* of the *Weed Control Act* (see CONTROLLED WASTE).

LEAD-BASED PAINT means any coated or painted materials containing lead with a concentration of 90mg/kg (0.009%, 90ppm) or greater, and is not permitted for DISPOSAL to any SOLID WASTE DESIGNATED LOCATION that is to be chipped. (see CONTROLLED WASTE).⁶

LOCAL GOVERNMENT IMPROVEMENTS refers to the structures, systems, lands and facilities owned or operated by an Indian Band, Municipality or Regional Government within the SITE SERVICE AREA and suitably prepared as determined by the MANAGER, such as but not limited to, roads, bridges, tunnels, water supply, sewers, electrical grids, and telecommunications.

MANAGER means the official appointed to that position by the REGIONAL DISTRICT responsible for SOLID WASTE Management and includes any PERSON appointed or designated by the MANAGER to act on his or her behalf.

MASONRY means material bound by mortar used primarily in structures. RECYCLABLE MASONRY must not contain ASBESTOS, large amounts of metal protruding (greater than 15 cm.) or be a BULKY WASTE (see RECYCLABLE).

METAL means RECYCLABLE ferrous and non-ferrous metallic materials, containing more than 980% metal by volume, and under 2.4 meters (8 feet) in any dimension, including but not limited to, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, fencing, metal furniture, bicycles, tire rims and metal appliances. METAL also includes

⁶ ~~Bylaw No. 2796.04~~

REFRIDGERATION UNITS evacuated of ODS by a certified technician, suitably prepared METAL DRUMS ~~and AND~~ TANKS, barbeques, wood heating units, motorized equipment and VEHICLE parts, **that do not contain** fluids, filters, batteries, coal, bricks and rubber tires. METAL items must not contain mercury switches, batteries, PCB ballasts, or other HAZARDOUS WASTE. METAL does not include BULKY WASTE, ~~and~~ PRESSURIZED TANKs, ODS containing REFRIDGERATION UNITS or VEHICLES.⁷

METAL DRUMS AND TANKS a drum is cylindrical container designed to confine or contain materials most commonly liquids. To receive at the SITE all DRUMS must be empty and have the lid or one end removed. A TANK is a vessel used to store liquids, for SITE acceptance TANKs must be empty with an sufficiently sized aperture (minimum 35 cm X 35 cm (14"x14")) to verify that the TANK is empty and allow for sufficient venting, does not include PRESSURIZED TANKs. (see CONTROLLED WASTE).

MIXED LOAD means a load containing two or more SOLID WASTES, as designated in the RDOS Fees and Charges Bylaw as amended from time to time.

~~NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD means a DEMOLITION AND RENOVATION MIXED LOAD or CONSTRUCTION MIXED LOAD brought to a SITE without verification of assessment as determined by the MANAGER (See ASSESSED DEMOLITION AND RENOVATION MIXED LOAD and CONTROLLED WASTE).~~

NON-SERVICE AREA means materials generated outside the SERVICE AREA of a landfill SITE.

NOXIOUS INSECTS means all insects so designated by the REGIONAL DISTRICT'S *Noxious and Destructive Insects Bylaw* (see INFESTED VEGETATION).

OCCUPATIONAL HEALTH AND SAFETY (OHS) REGULATION means a Regulation under the *Workers Compensation Act* which contains legal requirements that must be met by all workplaces under the inspection jurisdiction of WorkSafeBC.

OPERATIONALLY BENEFICIAL means a material which is of functional value to the operation of the Landfill process, for use as cover material, erosion control, construction and other operational benefits as determined by the MANAGER.

OZONE DEPLETING SUBSTANCE (ODS) means a substance defined as such in the *Ozone Depleting Substances and other Halocarbons Regulation, British Columbia Reg. 387/99* under the *ENVIRONMENTAL MANAGEMENT ACT*.

PERSON means an individual, corporation, partnership, association or any other legal entity or an employee or agent thereof.

PRESSURIZED TANK means a closed metal container designed to hold gases or liquids at a pressure substantially different from the ambient pressure including, but not limited to, diving cylinders, fire extinguishers and storage vessels for

⁷ Bylaw No. 2796.01, 2020

liquefied gases such as ammonia, propane, butane, or helium (see RECYCLABLE).

PRODUCT STEWARDSHIP MATERIAL means suitable prepared residential quantities of materials that falls under a product category of the *Recycling Regulation, B.C. Reg. 449/2004* (see RECYCLABLE).⁸

PROHIBITED WASTE means SOLID WASTE designated in an Operational Certificate or by the REGIONAL DISTRICT from time to time, to be inappropriate for DISPOSAL for environmental, regulatory or legal reasons, or reasons related to the safe or efficient operation of the SITE except as permitted in this bylaw, currently including but not limited to the following specified materials:

- (a) BIOMEDICAL WASTE defined as such in the document "*Guidelines for the Management of Biomedical Waste in Canada*" (CCME, February 1992);
- (a) BURNED MATERIALS that are hot or smoldering or not entirely cooled for more than a two-week period;
- (b) Commercial Cooking Oil;⁸
- (c) FOOD PROCESSING WASTE;
- (d) HAZARDOUS WASTE other than those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (e) IGNITABLE WASTE;
- (f) Liquid or semi-solid wastes;
- (g) RADIOACTIVE WASTE;
- (h) REACTIVE WASTE;
- (i) SHARPS;
- (j) SPECIFIED RISK MATERIAL regulated federally under the *Health of Animals Act and Regulations*;
- (k) VEHICLES and other large metallic objects; and
- (l) Such other materials as are designated by the MANAGER from time to time to be inappropriate for DISPOSAL at the SITE for environmental reasons or reasons related to the safe or efficient operation of the SITE.

RADIOACTIVE WASTE means a "nuclear substance" as defined in the *Nuclear Safety and Control Act* (Canada), in sufficient quantity or concentration to require a licence for possession or use under the Act and regulations made under that Act (see PROHIBITED WASTE).

REACTIVE WASTE means waste that is defined as such in the *Hazardous Waste Regulation* (see PROHIBITED WASTE).

RECYCLABLE means all SOURCE SEPARATED materials that are suitably prepared and not CONTAMINATED as determined by the MANAGER, including but not limited to:

- (a) ASPHALT;
- (b) ASPHALT SHINGLES;
- (c) Ballasts not containing PCBs;
- (d) Baseboards with thermostat switches removed & switches disposed to HHW;
- (e) BATTERIES-LEAD-ACID, BATTERIES-HOUSEHOLD;
- (f) CERAMIC FIXTURES and Ceramic Tile;
- (g) CONCRETE;
- (h) CORRUGATED CARDBOARD--RESIDENTIAL;

⁸ ~~Bylaw No. 2796.01, 2020~~

- ~~(h)(i)~~ CORRUGATED CARDBOARD--ICI;
- ~~(h)(j)~~ ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE);
- ~~(h)(k)~~ FRUIT WASTE;
- ~~(h)(l)~~ FRUIT/GRAIN BY-PRODUCTS;
- ~~(h)(m)~~ GLASS CONTAINERS;
- ~~(n)~~ GYPSUM BOARD-~~NEW-non-CONTAMINATED~~;
- ~~(m)(o)~~ GYPSUM BOARD-ASSESSED;
- ~~(n)(p)~~ MASONARY;
- ~~(o)(q)~~ Mattress, Box spring;
- ~~(p)(r)~~ METAL;
- ~~(q)(s)~~ PRESSURIZED TANK;
- ~~(r)(t)~~ PRODUCT STEWARDSHIP MATERIAL;
- ~~(s)(u)~~ REFRIGERATION UNIT with ODS removed;
- ~~(t)(v)~~ RESIDENTIAL RECYCLING ~~and~~ RESIDENTIAL RECYCLING UNSORTED;
- ~~(u)(w)~~ ROCKS (not greater than 40 centimetres in any direction);
- ~~(v)(x)~~ TAR AND GRAVEL ROOFING;
- ~~(w)(y)~~ TIRE and TIRE – OVERSIZE;
- ~~(x)(z)~~ WOOD WASTE-CLEAN;
- ~~(y)(aa)~~ WOOD ~~WASTE~~-INDUSTRIAL;
- ~~(z)(bb)~~ YARD WASTEWOOD WASTE-TREE STUMP;
- ~~(aa)(cc)~~ YARD AND GARDEN WASTE-CHIPPED, GRASS, LEAVES; and
- ~~(bb)(dd)~~ YARD WASTE-TREE STUMP-SMALL DIMENSIONAL

REFRIGERATION UNIT means refrigerators, freezers, air conditioners, water coolers or any other item that may contain an OZONE DEPLETING SUBSTANCE (see CONTROLLED WASTE).⁹

REFUSE means any SOLID WASTE that is designated for DISPOSAL in the ACTIVE FACE that does not constitute a RECYCLABLE, a HAZARDOUS WASTE, a CONTROLLED WASTE, or a PROHIBITED WASTE. Any SOLID WASTE materials over 8 feet will be charged as BULKY WASTE.⁹

REFUSE BINS means the large bins at the SITE that have been provided to receive REFUSE from self-haul residential customers.

REGIONAL BOARD means the Board of the REGIONAL DISTRICT.

REGIONAL DISTRICT (RDOS) means the REGIONAL DISTRICT of Okanagan-Similkameen.

RE-SCALE means to pass over a scale with a MIXED LOAD more than once in order to determine the weight of each of the different types of SOLID WASTES DISPOSED.

RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE (HHW) is a RECYCLABLE CONTROLLED WASTE accepted in RESIDENTIAL quantities at specific Landfill SITES including but not limited to:

- (a) Alarms (Smoke and Carbon Monoxide Detectors);
- (b) Aerosol Cans;
- (c) Antifreeze;
- (d) Corrosive Liquid (Inorganic Acids & Caustics);

⁹ ~~Bylaw No. 2796.01, 2020~~

- (e) Cyanide;
- (f) Flammable/Toxic Liquids;
- (g) Gasoline & Fuels, Mixed Fuels;
- (h) Household Cleaning Products;
- (i) Inorganic Oxidizers;
- (j) Mercury or Mercury Containing Materials (i.e. Fluorescent Light Tubes and Compacts, Wall or Baseboard Thermostats);
- (k) Oil Filters, and Used Motor Oil, and Waste Plastic Oil Containers;
- (l) Organic Peroxides;
- (m) Organic Solids (Toxic Solids);
- (n) Paint Thinner, Solvent, Paint & Related Products;
- (o) PCB Containing Materials (i.e. Light Ballasts);
- (p) Pesticides, Pesticide Containers;
- (q) Reactive Chemicals (To Air And Water); and
- (r) Smoke Detectors

~~RESIDENTIAL PLASTIC FILM means SOURCE SEPARATED residentially generated stretchy plastic film, as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR, which commonly includes grocery bags and overwrap for paper towels.~~

RESIDENTIAL RECYCLING means all packaging and printed paper generated by RESIDENTIAL structures, single family and multifamily units included in Schedule 5 of the Recycling Regulation of the ENVIRONMENTAL MANAGEMENT ACT as accepted by RecycleBC, and sorted into the appropriate material types as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR (see RECYCLABLE).

RESIDENTIAL SOLID WASTE means any REFUSE generated by a single family or multifamily unit residential premise as a result of residential activities.⁴⁹

ROCKS means natural inorganic mineral matter of variable composition assembled by the action of heat or water. ~~ROCKS 40 centimetres or less or less~~ in any ~~diameter~~ ~~dimension~~ see CONCRETE. ROCKS greater than 40 centimetres in any ~~diameter~~ ~~dimension~~ see CONCRETE BULKY.⁴⁹

SCALED means to estimate or measure utilizing a standardized unit to establish the quantity, dimension, capacity or weight. SCALED by weight is established by measurement of WEIGHT GROSS minus WEIGHT TARE establishes WEIGHT NET. The TIPPING FEE is based upon the NET WEIGHT of the SOLID WASTE load type.

SERVICE AREA means the SERVICE AREA of the landfill -SITE as defined by the SITE's applicable *Service Establishment Bylaw*.

SHARPS means anything that may cause a puncture wound that exposes an individual to blood or other potentially infectious material for example; needles, syringes, blades or laboratory glass (see PROHIBITED WASTE).

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⁴⁹ ~~Bylaw No. 2796-01, 2020~~

SITE means, where applicable, the Campbell Mountain Landfill (CML), the Okanagan Falls Landfill (OFL), the Keremeos Landfill (KL) or the Oliver Landfill (OL).

SITE OFFICIAL means an individual employed by the REGIONAL DISTRICT and designated by the MANAGER to conduct the business of the SITE.

SITE OPERATOR means a PERSON contracted by the REGIONAL DISTRICT to provide operation and maintenance services at the SITE, including but not limited to inspecting, sorting, hauling, compacting and covering SOLID WASTE.

SOIL CLEAN means not CONTAMINATED mineral soil materials free of ROCKS exceeding 30 cm. in any ~~diameter~~dimension that is suitable for OPERATIONALLY BENEFICIAL cover material and includes ~~but not limited to~~ sod, humus, COMPOST and top soil, and does not include YARD WASTE.

SOIL CONTAMINATED means soil with organic and inorganic contaminants as identified in the *Contaminated Sites Regulation, British Columbia Reg. 375/96* under the EMA (see CONTROLLED WASTE, and see OPERATIONALLY BENEFICIAL). (Refer to RDOS Soil Relocation Application).

SOIL SMALL VOLUME CONTAMINATED means the total volume of soil does not exceed 5 cubic metres as exempted under *Part 8 - Contaminated Soil Relocation, Section 41 of the Contaminated Sites Regulation of the EMA* (see CONTROLLED WASTE, and see OPERATIONALLY BENEFICIAL).

SOLID WASTE means any material defined by this bylaw suitable for DISPOSAL at the SITE.

SOURCE SEPARATED means SOLID WASTE separated by a PERSON other than a SITE OFFICIAL or SITE OPERATOR and DISPOSED into a clearly distinguishable DESIGNATED LOCATION as directed by a SITE OFFICIAL, SITE OPERATOR or signage at the SITE.

SPECIFIED RISK MATERIAL WASTE means the skull, brain, trigeminal ganglia (nerves attached to brain), eyes, tonsils, spinal cord and dorsal root ganglia (nerves attached to the spinal cord) of cattle aged 30 months or older, the distal ileum (portion of the small intestine) of cattle of all ages, and cattle deadstock (see PROHIBITED WASTE).

TAR AND GRAVEL ROOFING means roofing consisting of layers of bitumen and felt paper that form the roof surface and may contain embedded gravel including Torch-on, SBS, membrane and TAR AND GRAVEL roofing products and other inextricably adhered roofing materials, ~~and not to exceed 1 meter in any dimension, and not to exceed 1 meter in any dimension.~~ Loads must be free of contaminants such as, but not limited to, REFUSE, loose tar paper, roof ventilators and flashing materials (see RECYCLABLE, and see OPERATIONALLY BENEFICIAL).

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TIPPING FEE means the charge levied upon a given quantity of SOLID WASTE received at a SITE to offset the costs of opening, maintaining, closure and post-closure of the SITE. The TIPPING FEE can be charged per load, per tonne, or per unit depending on the source and type of the SOLID WASTE in accordance with the RDOS Fees and Charges Bylaw.

~~TIRE means the outer pneumatic rubber covering of wheels including but not limited to PLT (Passenger Light Truck), MT (Motor Truck) and OTR (Off The Road)(Off The Road) TIRES which are included within Schedule 4 of the Recycling Regulation of the EMA. TIRE does not include and bicycle tires, without rims must be suitably prepared. (See RECYCLABLE). Check bicycle tires~~

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TIRE means the outer pneumatic rubber covering of wheels as per accepted under the Tire Stewardship BC Program including but not limited to tires from, Passenger, Small RV, Light and Medium Truck, Motorcycle, Turf, All Terrain Vehicle, Farm Equipment tires up to 16", and Forklift, Small Utility, RV Trailer, Bobcat/Skid Steer tires, and tires listed in *The Tire and Rim Association Inc. annual yearbook Section 5 Agricultural* such as but not limited to Medium Agricultural Tires 16.5"-25.5" identified with a sidewall marking with suffix letters R(Radial Ply) or HF (High Flotation), Logger/skidder and large Agricultural Drive and free rolling tires measuring 26" and up. TIRE does not include bicycle, wheelchair, aircraft, wheelbarrow, or three-wheeled motorized device tires, inner tubes and tracks (see RECYCLABLE).

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~~TIRE WITH RIMS means the outer pneumatic rubber covering of wheels with a rim including but not limited to PLT (Passenger Light Truck), MT (Motor Truck) and OTR (Off The Road) TIRES which are included within Schedule 4 of the Recycling Regulation of the EMA. (See RECYCLABLE), and does n. Not include bicycle tires, with rims.~~

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TIRE WITH RIM means a TIRE that is mounted on a rim (see TIRE).

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TIRE-OVERSIZE means assorted agricultural, industrial and OTR (Off The Road) TIREsS excluded from Schedule 4 of the Recycling Regulation of the EMA that are not identified as a TIRE (sSee TIRE and see RECYCLABLE).

VEHICLE means, as per the British Columbia Motor Vehicle Act, a device in, on or by which a PERSON or thing is or may be transported or drawn on a highway (see PROHIBITED WASTE), but does not include a device designed to be moved by human power, a device used exclusively on stationary rails or tracks, mobile equipment or a motor-assisted cycle, such as a golf cart, or riding lawnmower.¹⁴

VISITOR means a PERSON who is present at the SITE for purposes other than to DISPOSE of SOLID WASTE.

¹⁴ Bylaw No. 2796.01, 2020

WEIGHT GROSS means total weight of the VEHICLE and load.

WEIGHT NET means GROSS WEIGHT less TARE WEIGHT.

WEIGHT TARE means the weight of a VEHICLE or container after a load has been removed.

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~~WOOD PRESERVED means wood products which have been treated or coated with preservatives such as fire retardant, chromated copper arsenate (CCA), aromatic hydrocarbons (PAHs) and/or ammonium copper arsenate (ACA) to prevent rotting or wood containing LEAD-BASED PAINT or other paint containing HAZARDOUS substances and is no longer than 2.4 meters (8 feet) in length (see CONTROLLED WASTE).¹⁴~~

~~Old definition — WOOD PRODUCT CONTAMINATED means engineered, manufactured or finished wood products containing 90% or greater wood fibre including but not limited to; painted or stained or stained wood, composite wood, glued and thinly laminated wood, laminated lumber, and veneered wood products such as: particle and fibre board, plywood, hardboard, oriented strandboard, panels, doors, window frames, furniture, flooring, cabinetry and moldings. WOOD PRODUCT; but does not included wood with thick laminates such as counter tops or flooring, wood CONTAMINATED with glued or attached upholstery, or other materials attached such as glass, materials, WOOD PRESERVED or LEAD-BASED PAINT, or METAL other than nails, screws, and small hardware. METAL other than nails, screws, and small hardware.~~

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~~WOOD PRODUCT means engineered, manufactured, composite or finished wood products containing 90% or greater wood fibre such as plywood, particle board, fibreboard, hardboard, oriented strandboard, laminated lumber, laminated wood, veneer, laminate flooring, or engineered wood products but not limited to panels, doors, window frames, furniture, engineered wood flooring, cabinetry and moldings. WOOD PRODUCT does not included arborite counter tops or vinyl flooring, wood with upholstery, or other materials attached such as glass. WOOD PRESERVED or LEAD-BASED PAINT, or METAL other than nails, screws, and small hardware.~~

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~~WOOD WASTE — CLEAN means clean, organic material including, but not necessarily limited to, kiln dried dimensional lumber, wood pallets; which are a maximum of 2.4 metres (8 feet) in length and may contain metallic nails or screws (see RECYCLABLE). WOOD WASTE — CLEAN may not be CONTAMINATED with any other material including but not limited to WOOD PRODUCT CONTAMINATED, WOOD-PRESERVED, ROCKS, METALS other than nails, or screws or small hardware, stained or painted wood including LEAD-BASED PAINT, wire, fiberglass, asphalt roofing material, plastic and any other non-wood materials. WOOD CLEAN WASTE also does not include WOOD WASTE INDUSTRIAL or WOOD WASTE-CHIPPED OR GROUND SMALL DIMENSION.~~

~~WOOD WASTE- SMALL DIMENSION CHIPPED OR GROUND~~ means kiln dried dimensional WOOD ~~CLEAN WASTE~~ and WOOD PRODUCT ~~CONTAMINATED~~ that ~~isare~~ processed to less than 5cm (2 inches) in diameter and width and no longer than 15 cm. (6 inches) in length including but not limited to sawdust (see CONTROLLED WASTE).

WOOD ~~WASTE~~ INDUSTRIAL means large volumes WOOD ~~WASTE-CLEAN material~~ generated through ~~industries, the industrial processing of wood~~ including but not limited to; sawmills, and pulp and paper industry (see CONTROLLED WASTE).

~~WOOD WASTE TREE STUMP~~ means ~~non-agricultural part of a plant, tree, or shrub that remains attached to the roots after the trunk is cut, whereby the trunk is greater than 20 cm (8 inches) in diameter and the stump and trunk combined is not longer than 2.4 metres (8 feet) in length, and must be free of ROCKS, soil and other debris (see RECYCLABLE). Does not include AGRICULTURAL ORGANIC MATERIAL.~~

WOOD-PRESERVED means wood products which have been treated or coated with preservatives such as fire retardant, chromate copper arsenate (CCA), aromatic hydrocarbons (PAHs) and/or ammonium copper arsenate (ACA) to prevent rotting or wood containing LEAD-BASED PAINT or other paint containing HAZARDOUS substances and is no longer than 2.4 meters (8 feet) in length (see CONTROLLED WASTE).

WOOD PRODUCT means engineered, manufactured, composite or finished wood products containing 90% or greater wood fibre such as plywood, particle board, fibreboard, hardboard, oriented strandboard, laminated lumber, veneered wood, or engineered wood products but not limited to panels, doors, window frames, furniture, engineered wood flooring, cabinetry and moldings. WOOD PRODUCT also includes painted, stained or glued wood. WOOD PRODUCT does not include arborite counter tops or vinyl or laminate flooring, wood with upholstery, or other materials attached such as glass, WOOD-PRESERVED or LEAD-BASED PAINT, or METAL other than nails, screws, and small hardware.

~~YARD WASTE AND GARDEN WASTE~~ means ~~non-food vegetative matter free of CONTAMINANTS including prunings, branches and tree trunks maximum of 2.4 metres (8 feet) in length, hedge, shrub and tree clippings, flowers, vegetable stalks, woody or herbaceous waste (see RECYCLABLE). YARD AND GARDEN WASTE does not include FRUIT WASTE, vegetable waste, YARD WASTE SMALL DIMENSION, or YARD WASTE WOOD WASTE TREE STUMP and is not CONTAMINATED with materials such as REFUSE, METAL, SOIL, CLEAN and ROCKS (see RECYCLABLE).~~¹²

YARD WASTE means non-food vegetative material resulting from gardening, and landscaping including flower and vegetable plants free of soil and rocks with no fruit or vegetables attached, prunings, branches and tree trunks maximum of 2.4 metres (8 feet) in length, hedge, shrub and tree clippings, leaves, flowers, woody or herbaceous waste (see RECYCLABLE). YARD WASTE must not be

¹² Bylaw No. 2796-01, 2020

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~~CONTAMINATED and does not include FRUIT WASTE or YARD WASTE-TREE STUMP and is not CONTAMINATED with materials such as REFUSE, METAL, soil, ROCKS and plastic (see RECYCLABLE).~~

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~~YARD WASTE--CHIPPED, GRASS, LEAVES --SMALL DIMENSION~~ means chipped YARD ~~AND GARDEN WASTE~~ ~~or~~ ~~and~~ ~~chipped~~ YARD WASTEWOOD WASTE-TREE ~~---~~STUMPs that is no greater than 4 cm. (1.5 inches) in diameter and no longer than 13 cm. (5 inches) in ~~---~~length. YARD WASTE ~~SMALL DIMENSION- CHIPPED, GRASS, LEAVES~~ also includes lawn clippings, coniferous needles ~~and cones~~, and leaves that is not CONTAMINATED with materials such as REFUSE, METAL, ~~soil, SOIL-CLEAN~~ ~~and~~ ROCKS ~~and plastic~~ (see RECYCLABLE).⁴²

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~~YARD WASTE--TREE STUMP~~ means ~~non-agricultural~~ part of a plant, tree, or shrub that remains attached to the roots after the trunk is cut, whereby the trunk is greater than 20 cm (8 inches) in diameter and the stump and trunk combined is not longer than 2.4 metres (8 feet) in length, and must be free of ROCKS, ~~soil, SOIL-CLEAN, METAL, soil~~ and other debris (see RECYCLABLE).

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5.0 SITE Regulations

5.1 Conditions of Use

5.1.1 The REGIONAL DISTRICT accepts no responsibility or liability for damage or injury to any PERSON or property. Each PERSON entering a SITE does so solely at their own risk and, as a condition of entry to a SITE waives all claims against the REGIONAL DISTRICT and releases the REGIONAL DISTRICT from any and all liability and claims for all injury, death, loss, damage and expense of any kind that the PERSON or any other PERSON may suffer as a result of or in connection with the PERSON'S use of a SITE due to any cause whatsoever, including but not limited to negligence, breach of contract, breach of any statutory duty or duty of care on the part of any of the REGIONAL DISTRICT and also including the failure on the part of the REGIONAL DISTRICT to safeguard or protect any PERSON from the risks, dangers and hazards associated with the use of a SITE.

5.1.2 No PERSON shall;

- a) remain at the SITE for longer than is reasonably required to proceed directly on designated roads to the DESIGNATED LOCATION, SCALE, make payment and immediately leave the SITE;
- b) enter the SITE or DISPOSE of any material at the SITE at any time other than the designated hours of operation, except by prior arrangement with the REGIONAL DISTRICT.
- c) remove, alter, destroy or deface any sign or traffic control device placed or erected at the SITE.
- d) DISPOSE of SOLID WASTE at the SITE without first having the SOLID WASTE inspected by the SITE OFFICIAL or SITE OPERATOR for the purpose of determining compliance with this Bylaw. All loads shall be SCALED to

determine the applicable TIPPING FEE and DISPOSED in a manner or location as directed by the bylaw, signage and the written or verbal direction of the SITE OPERATOR or SITE OFFICIAL.

e) DISPOSE of any material at the SITE that does not originate from within the SERVICE AREA unless designated acceptable within the RDOS Fees and Charges Bylaw or the MANAGER approves otherwise. Failure to obtain MANAGER approval may result in refusal of entry to the SITE.

5.1.3 All SOLID WASTE generated within the SERVICE AREA shall be handled in a manner and location that is approved by the Ministry of Environment when such approval is required, and in compliance with this Bylaw.

5.1.4 No HAULER shall enter the SITE transporting a load of SOLID WASTE which requires assistance by the SITE OPERATOR or their equipment for DISPOSAL.

5.1.5 All material DISPOSED at the SITE shall become the property of the REGIONAL DISTRICT, except where such material is DISPOSED contrary to the provisions of this Bylaw. No PERSON shall salvage or remove anything from the SITE without the express written permission of the REGIONAL DISTRICT.

5.2 DISPOSAL Restrictions

5.2.1 DISPOSAL of PROHIBITED WASTE at the SITE is not allowed unless the DISPOSAL of such waste is specifically authorized by both the REGIONAL DISTRICT and the applicable Provincial Ministry.

5.2.2 No PERSON shall cause the release to the atmosphere of an OZONE DEPLETING SUBSTANCE at the SITE.

5.2.3 DISPOSAL of CONTROLLED WASTE at the SITE;

a) is not allowed unless the MANAGER determines that special handling and DISPOSAL techniques are not required, or where special handling and DISPOSAL techniques are required, the MANAGER has determined that the CONTROLLED WASTE can be DISPOSED of safely at the SITE;

b) must be declared or manifested as required by the REGIONAL DISTRICT and by the applicable Provincial Ministry;

c) sufficient notice is provided as required by the REGIONAL DISTRICT prior to DISPOSAL of CONTROLLED WASTE at the SITE.

5.2.4 SOIL CONTAMINATED will not be accepted for DISPOSAL without completion and authorization in accordance with the RDOS Soil Relocation Agreement. The MANAGER shall determine as to when and which SITE(S) the SOIL CONTAMINATED is to be directed.

5.2.5 The REGIONAL DISTRICT shall regulate DISPOSAL time, location, containment and notice required for delivery of SOLID WASTE to the SITE.

5.2.6 The REGIONAL DISTRICT retains the right to deny acceptance or to limit the volume and frequency of any SOLID WASTE delivered to the SITE due to safety, operational, CONTAMINATION or other considerations.⁴³

5.2.7 The MANAGER may designate SOLID WASTE materials delivered to the SITE as being OPERATIONALLY BENEFICIAL and may apply restrictions, specifications and TIPPING FEES accordingly.

~~5.2.8~~ The REGIONAL DISTRICT shall require the completion of any documents that may include, Manifests, Waivers, Applications and/or Declarations for VISITORS and for any SOLID WASTE, including but not limited to ASBESTOS CONTAINING MATERIAL, LEAD-BASED PAINT, ASSESSED DEMOLITION, AND RENOVATION MIXED LOAD, CONSTRUCTION MIXED LOAD, SOIL CLEAN, SOIL SMALL VOLUME CONTAMINATED, SOIL CONTAMINATED and ILLEGALLY DUMPED WASTE.⁴³

5.3 **Secure Loads**

5.3.1 All Motor VEHICLES entering the SITE shall have their loads adequately covered and secured so as to prevent any materials from blowing, bouncing dropping, sifting, leaking, or otherwise escaping from the VEHICLE while in transit in accordance with the following criteria:

(a) *meets Motor Vehicle Act Regulation 35.06 Covering of Aggregate Loads*, which requires that: "A person must not drive or operate a vehicle on a highway while the vehicle is carrying aggregate material if any of the material is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless;

(i) the material is covered in a way that prevents any of it from blowing, bouncing or dropping from the VEHICLE, and

(ii) the cover is securely and tightly fastened so that it is not, and cannot become, a hazard".

(b) an adequate cover is a tarpaulin, other overlay, or container that is used to confine the material to the VEHICLE; or all materials must be contained within intact secured closed garbage bags or containers. The cover and/or container must be securely and tightly fastened so that it is not, and cannot become, a hazard.

(c) items such as, but not limited to, BULKY WASTE, ~~appliances,~~ YARD-WOOD WASTE-TREE STUMPS, TIRES, shall be securely chained or strapped to or in the VEHICLE as required by section 4.3.1 (a & b).

(d) loads shall be contained so as to prevent the spillage of liquids.

5.4 **Safety**

5.4.1 No VISITOR shall enter the SITE without checking in at the SITE office and completing the appropriate waiver.

5.4.2 No PERSON shall light or smoke any cigarette, cigar, pipe or any other substance, or ignite a fire, cause a fire to be ignited, within the boundaries of the SITE or DISPOSE at the SITE materials that are on fire, are smouldering or were recently on fire.

⁴³ ~~Bylaw No. 2796.01, 2020~~

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- 5.4.3 No PERSON shall fail to comply with the posted notices or signs at the SITE or the verbal instructions of the SITE OFFICIAL or SITE OPERATOR.
- 5.4.4 No PERSON shall act in a manner that is threatening, discourteous, disruptive, or wilfully negligent while on the SITE.
- 5.4.5 No PERSON shall allow children shorter than 42 inches (1.6 m.) or under the age of 10 years or pets to be outside a VEHICLE at the SITE.
- 5.4.6 No PERSON shall enter the SITE in a VEHICLE that is in violation of the British Columbia *Motor Vehicle Act Section 213 "1) On the prosecution of a PERSON charged with contravention of the regulations in operating or using on a highway a VEHICLE the weight of which or the weight of the load carried on which was in excess of the weight prescribed by the regulations, it is sufficient evidence for a credible witness to state on oath that, to the best of his or her judgment and opinion, the weight of the VEHICLE or of the load carried on it at the time of the alleged contravention was in excess of the weight so prescribed"*
- 5.4.7 No PERSON shall enter the SITE in a VEHICLE that is not equipped or mechanically sound with regards to climatic or roadway conditions.
- 5.4.8 No VEHICLE shall exceed the posted speed limit while on SITE.
- 5.4.9 No PERSON shall without authorization, drive a motor VEHICLE on any part of the SITE other than on roads or areas so designated by signage or the SITE OFFICIAL or SITE OPERATOR.
- 5.4.10 All VEHICLES DISPOSING SOLID WASTE shall maintain a safe lateral distance (equal to the maximum unloading vertical height extension) between adjacent away from other VEHICLES and shall limit the linear spread of loads to no greater than its VEHICLE length from the designated unloading location.
- 5.4.11 No PERSON shall discharge any firearm at the SITE, except as permitted under any applicable enactment.
- 5.4.12 No PERSON shall climb upon waste stockpiles or climb into REFUSE BINS or rummage in areas designated for SOLID WASTE DISPOSAL.
- 5.4.13 No PERSON shall place NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD in the DESIGNATED LOCATION reserved for ASSESSED materials.
- 5.4.14 No PERSON shall approach, harass, feed or attempt to lure wildlife encountered on the SITE
- 5.4.15 No PERSON while conducting SITE business shall utilize a communication or entertainment device which includes but is not limited to mobile phones, smart phones, hands-free devices, speaker phones, pagers, text messaging, lap top, ear pieces, head phones, or two way radios, or other activities that allow for distracted driving or the inability to hear instructions.

5.4.16 No PERSON shall enter the SITE on foot, all PERSONS entering the SITE must be in a motor propelled VEHICLE equipped with a cab, PERSONS while on SITE must remain within a 45 metre (150') proximity of their VEHICLE.

6.0 Fees and Charges

6.1 Every PERSON delivering SOLID WASTE to the SITE shall pay the applicable TIPPING FEE set out in accordance with RDOS Fees and Charges Bylaw as amended from time to time.

6.2 Any TIPPING FEE assessed pursuant to this Bylaw must be paid to the SITE OFFICIAL prior to leaving the SITE. The TIPPING FEE shall be paid in cash, be placed on a REGIONAL DISTRICT pre-approved account or be paid by credit or debit card where such payment options are available at the SITE.

6.3 In the event the weigh scale is not operational, the SITE OFFICIAL shall estimate the weight of each VEHICLE and a TIPPING FEE shall be charged as outlined in the RDOS Fees and Charges Bylaw.

7.0 Violations and Penalties

7.1 No PERSON shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.

7.2 Every PERSON who violates any provision of this Bylaw, or who permits any act or thing to be done in violation of this Bylaw, or who fails to do any act or requirement of this Bylaw, shall be deemed to have committed an offence against this Bylaw and:

- a) shall be liable, upon summary conviction, to a fine of not less than \$100.00 and not more than \$2,000.00 for a first offence, and to a fine of not less than \$200.00 and not more than \$2,000.00 for each subsequent offence;
- b) shall pay the applicable TIPPING FEE as set out in the RDOS Fees and Charges Bylaw as amended from time to time, in cases where the violation involves the contravention of a prohibition or regulation pertaining to the deposit of material at the SITE;
- c) shall pay the penalties, that may be issued, as provided under the provisions of the *British Columbia Offence Act*, or to the penalties provided under the provisions of the *British Columbia Local Government Bylaw Notice Enforcement Act* and;
- d) may be prohibited, by written notice, from DISPOSING SOLID WASTE at the SITE for such period as the REGIONAL DISTRICT may determine.

7.3 Notwithstanding any other provision of this Bylaw, any PERSON who:

- a) contravenes this Bylaw and/or fails to comply with rules or directions of a SITE OFFICIAL or SITE OPERATOR may be prohibited entry into any REGIONAL DISTRICT SITE for a specified period of time as determined by the MANAGER;
- b) contravenes this Bylaw and is deemed to be abusive or threatening may be ordered to immediately leave the SITE by a SITE OFFICIAL. Any Person deemed

to be abusive or threatening may be prohibited entry into any REGIONAL DISTRICT SITE for a specified period of time as determined by the MANAGER;

- c) contravenes this Bylaw and fails to pay the TIPPING FEES as set out in the RDOS Fees and Charges Bylaw may be refused entry into any REGIONAL DISTRICT SITE until all TIPPING FEES and charges are paid.

7.4 Each offence committed against this Bylaw shall be deemed a separate and distinct offence and subject to a separate penalty.

7.5 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

8.0 Dispute Mechanism Notice

8.1 Once a VEHICLE is SCALED a SITE OFFICIAL shall issue an invoice indicating the waste type and corresponding TIPPING FEE assessed including penalties. Upon payment all TIPPING FEES assessed or decisions made under this Bylaw can be appealed to the MANAGER.

8.2 Appeals must be submitted to the MANAGER within 60 days of the transaction.

8.3 All decisions rendered will be on a case by case basis, resolutions shall be based upon such factors as precedent, severity and frequency.

8.4 Loads DISPOSED outside of Public Hours of Operation can not be appealed.

9.0 Severance

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of Competent Jurisdiction, the invalid portion shall be severed and such decision shall not affect the validity of the remaining portions of this Bylaw.

10.0 No Limitation

Nothing in this Bylaw shall limit the REGIONAL DISTRICT from utilizing any other remedy that would otherwise be available to the REGIONAL DISTRICT at law.

READ A FIRST, SECOND, AND THIRD TIME this ~~4th~~^{2nd} day of February, 20~~21~~¹⁴8.

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ADOPTED this ~~44~~⁵th day of February, 20~~21~~¹⁴8.

Board Chair

Chief Administrative Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2925, 2021

A bylaw to establish regulations for Solid WASTE disposal at RDOS administered landfills: Campbell Mountain, Okanagan Falls, Oliver and Keremeos Landfills.

WHEREAS the Regional District operates the “Campbell Mountain Landfill” (CML) located on District Lot 368, SDYD, the “Okanagan Falls Landfill” (OFL) located on a portion of District Lot 2710, SDYD, the “Keremeos Landfill” (KL) located on a portion of District Lot 2821, SDYD; and the “Oliver Landfill” (OL) located on a portion of District Lot 2450s, SDYD.

AND WHEREAS under the *Local Government Act*, the Regional Board may, by bylaw, require persons to use a waste disposal or recycling service and require owners or occupiers of real property to remove trade waste, garbage, rubbish and other matter from their property and take it to a specified place; may operate any service that the board considers necessary or desirable for all or part of the Regional District; may, by bylaw, regulate and prohibit the use of Regional District works and facilities; may, by bylaw, impose a fee or charge payable in respect of a service of the Regional District; and may base the fee or charge on any factor specified in the bylaw;

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 **“RDOS Administered Landfills Regulatory Bylaw No. 2925, 2021”**.

2.0 Repeal

2.1 “Waste Management Service Regulatory Bylaw No. 2796, 2018” and all amendments thereto are hereby repealed.

3.0 Interpretation

3.1 Words or phrases defined in the *British Columbia Interpretation Act*, *Community Charter*, or *Local Government Act* or any successor legislation shall have the same meaning when used in this Bylaw, unless otherwise defined in this Bylaw. Unless otherwise stated, and notwithstanding the case used (upper case or lower case), when words or phrases that are defined in Section 4 of this Bylaw are used in the body or schedules of this Bylaw, they have the meaning ascribed to them as set out in Section 4.

3.2 The headings contained in this Bylaw are for convenience only and are not to be construed as defining, or in any way limiting the scope or the intent of the provisions of this Bylaw.

- 3.3 Any act or enactment referred to herein is a reference to an enactment of the Province of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein (as may be cited by short title or otherwise) is a reference to an enactment of the Regional District, as amended, revised, consolidated or replaced from time to time.
- 3.4 If any provision of this Bylaw is held to be invalid by a court of competent jurisdiction, the provision may be severed from the Bylaw and such invalidity shall not affect the validity of the remaining portions of this Bylaw

4.0 Definitions

- 4.1 In this Bylaw:

ACTIVE FACE means the area of the SITE where the placing, spreading, compacting and covering of REFUSE is currently taking place.

AGRICULTURAL ORGANIC MATERIAL means suitably prepared and separated plant derived crop materials originating from agricultural operations, excluding FRUIT WASTE, FOOD PROCESSING WASTE, FRUIT/GRAIN BY-PRODUCTS and FOOD WASTE, that is not CONTAMINATED and has been suitably prepared for DISPOSAL in a manner acceptable to the MANAGER, including but not limited to orchards, nurseries, vineyards and silviculture operations and does not include METAL, WOOD PRESERVED, ROCKS, soil, plastics and non-agricultural organic material (see CONTROLLED WASTE).

AGRICULTURAL PLASTIC means plastic used in agricultural applications that are not CONTAMINATED, and have been suitably contained and prepared for DISPOSAL in a manner acceptable to the MANAGER, including but not limited to, ground crop plastic, silage bags, fertilizer bags, baler twine, and greenhouse plastic including containers and structural film (see CONTROLLED WASTE).

ASBESTOS CONTAINING MATERIAL (ACM) means a material as defined in the *OCCUPATIONAL HEALTH AND SAFETY REGULATION*, *ENVIRONMENTAL MANAGEMENT ACT*, and *HAZARDOUS WASTE REGULATION*, and suitably contained for disposal as per the Regulation, RDOS Bylaws and RDOS Guidelines (see CONTROLLED WASTE).

ASPHALT means solid petroleum based material used primarily in roads (see RECYCLABLE).

ASPHALT SHINGLES are a waterproof roof covering consisting of ASPHALT SHINGLES and ASPHALT Roll Roofing and must not be CONTAMINATED with, including, but not limited to; Tar Paper, TAR AND GRAVEL ROOFING, Torch-on or SBS roofing products, organic material and large metal and flashing materials (see RECYCLABLE).

ASSESSED means to evaluate and determine the quality, extent, significance of a SOLID WASTE, which is verified by the required documentation provided by the HAULER, in a manner determined by the MANAGER.

BATTERIES-LEAD-ACID means a product that falls under the 'Lead-acid Battery' product category in the *Recycling Regulation* B.C. Reg. 449/2004 including, but not limited to: Lead-acid batteries for automobiles, motorcycles, recreation vehicles, marine vehicles and locomotives (see RECYCLABLE).

BATTERIES-HOUSEHOLD means batteries that fall under the 'Electronic and Electrical' product category in the *Recycling Regulation* B.C. Reg. 449/2004 including, but not limited to: Nickel Cadmium (NiCad), Lithium Ion (Li-Ion), Nickel Metal Hydride (Ni-MH), Small-Sealed Lead (Pb), or non-chargeable and rechargeable batteries weighing no more than 5 kilograms (11 pounds) each (see RECYCLABLE).

BIOMEDICAL WASTE means waste that is defined as such in the *Hazardous Waste Reg.* B.C. 63/88 and in the document "*Guidelines for the Management of Biomedical Waste in Canada*" (CCME, February 1992) (see PROHIBITED WASTE).

BULKY WASTE means waste articles that are too large by reason of their bulk or shape to manage using regular DISPOSAL methods as determined by the MANAGER, including but not limited to those items with materials greater than 2.4 metres (8 feet) in length (see CONTROLLED WASTE).

BURNED MATERIAL means materials damaged by fire, heat, electricity or a caustic agent that have been allowed to entirely cool for no less than a two-week period, and in a manner acceptable to the MANAGER, as per RDOS Guidelines (see CONTROLLED WASTE). BURNED MATERIALS that are hot or smoldering or not entirely cooled for more than a two-week period is a PROHIBITED WASTE.

BURNED MATERIAL-ASBESTOS CONTAINING means BURNED MATERIAL that has been designated as ASBESTOS CONTAINING MATERIAL and DISPOSED as per the *OCCUPATIONAL HEALTH AND SAFETY REGULATION, ENVIRONMENTAL MANAGEMENT ACT, HAZARDOUS WASTE REGULATION, RDOS Bylaws* and RDOS Guidelines (see BURNED MATERIAL, ASBESTOS CONTAINING MATERIAL, and CONTROLLED WASTE).

CARCASSES means dead animals, or portions thereof, that are not a PROHIBITED WASTE and in a manner acceptable to the MANAGER (see CONTROLLED WASTE and SPECIFIED RISK MATERIAL WASTE).

CERAMIC FIXTURES means toilets, sinks, bathtubs, other fixtures or other products such as tile made of ceramic material, and can also include ceramic tiles, where non-ceramic materials, such as metal and plastic are removed (see RECYCLABLE).

CLINICAL/LABORATORY STERILIZED WASTE means non-anatomical waste, including SHARPS, that is generated by institutions including but not limited to, hospitals, laboratories, doctors' offices, medical clinics, and veterinary clinics, and has been sterilized such that all micro-organisms including bacteria, viruses, spores, and fungi are killed (see CONTROLLED WASTE).

COMPOST means a stabilized earthy matter having the properties and structure of humus produced in accordance with the *Organic Matter Recycling Regulation* of the *ENVIRONMENTAL MANAGEMENT ACT*.

CONCRETE means a construction material that consists of cement, aggregate (generally gravel and sand) and water. CONCRETE must not contain ASBESTOS, large amounts of metal protruding (greater than 15 cm) nor measure greater than 1 m. in any dimension. CONCRETE also includes ASPHALT, CERAMICS, bricks, plaster & stucco without wire, cement board, MASONRY and ROCKS not greater than 40 cm in diameter (see RECYCLABLE).

CONCRETE BULKY means CONCRETE measuring greater than 1 m. in any dimension and/or where large amounts of metal are protruding greater than 15 cm, and including ROCKS greater than 40 cm in diameter (see CONTROLLED WASTE).

CONSTRUCTION NEW MIXED LOAD means MIXED LOAD SOLID WASTE produced through new construction, where no existing structures have been altered, and that contains two or more RECYCLABLE new building materials including but not limited to ASPHALT SHINGLES, WOOD CLEAN, RECYCLABLE TAR AND GRAVEL ROOFING, and GYPSUM BOARD-NEW, and must not contain DEMOLITION AND RENOVATION MIXED LOAD materials, packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE. The HAULER must provide appropriate documentation in a manner acceptable to the MANAGER (see CONTROLLED WASTE). All CONSTRUCTION NEW MIXED LOAD arriving at the SITE without appropriate documentation shall be determined to be DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED.

CONSTRUCTION-REFUSE means non-RECYCALBE SOLID WASTE building materials such as insulation, carpet, vinyl and non-RECYCLABLE packaging materials such as plastic wrap, and Styrofoam.

CONTAMINATED means the presence in a material of a minor and unwanted constituent which renders the material impure or inferior for reuse or recycling as defined by the MANAGER.

CONTROLLED WASTE means waste that is approved for DISPOSAL at the SITE but which, because of its inherent nature and quantity, may require special handling and DISPOSAL techniques to avoid creating health hazards, nuisances, or environmental pollution, including, but not limited to:

- (a) AGRICULTURAL ORGANIC MATERIAL;
- (b) AGRICULTURAL PLASTIC;
- (c) ASBESTOS CONTAINING MATERIAL;
- (d) BULKY WASTE;
- (e) BURNED MATERIAL;
- (f) BURNED MATERIAL-ASBESTOS CONTAINING;
- (g) CARCASSES;
- (h) CLINICAL/LABORATORY STERILIZED WASTE;
- (i) CONCRETE BULKY;
- (j) Condemned foods;
- (k) CONSTRUCTION NEW MIXED LOAD;
- (l) DEMOLITION AND RENOVATION MIXED LOAD;
- (m) DEMOLITION AND RENOVATION MIXED LOAD-ASSESSED;
- (n) DEMOLITION AND RENOVATION MIXED LOAD-NON-ASSESSED;
- (o) Foundry Dust;
- (p) GYPSUM BOARD-NON-RECYCLABLE;

- (q) HAZARDOUS WASTE those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (r) ILLEGALLY DUMPED WASTE;
- (s) INFESTED VEGETATION;
- (t) INVASIVE PLANTS;
- (u) LEAD-BASED PAINT coated materials;
- (v) METAL DRUMS AND TANKS;
- (w) REFRIGERATION UNIT containing ODS;
- (x) RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE;
- (y) Sludge and screenings from municipal sewage treatment plants;
- (z) SOIL CONTAMINATED, and SOIL SMALL VOLUME CONTAMINATED;
- (aa) WOOD-PRESERVED; and
- (bb) WOOD-CHIPPED OR GROUND.

CORRUGATED CARDBOARD-RESIDENTIAL means RESIDENTIALLY generated containers consisting of three or more layers of paper materials with a corrugated or rippled core, but excluding containers that are impregnated with blood, grease, oil, chemicals, rodent secretions, food residue, wax, or have polyethylene, polystyrene, foil or other non-paper liners, or are otherwise CONTAMINATED. Must be suitably prepared; clear of all contents, and flattened prior to placement in the RecycleBC container(s) (see RECYCLABLE).

CORRUGATED CARDBOARD-ICI means ICI generated containers consisting of three or more layers of paper materials with a corrugated or rippled core, but excluding containers that are impregnated with blood, grease, oil, chemicals, rodent secretions, food residue, wax, or have polyethylene, polystyrene, foil or other non-paper liners, or are otherwise CONTAMINATED. Must be suitably prepared, cleared of all contents, and flattened prior to placement in the ICI commercial container(s) (see RECYCLABLE, see INDUSTRIAL COMMERCIAL INDUSTRIAL ICI).

DEMOLITION AND RENOVATION MIXED LOAD means MIXED LOAD SOLID WASTE produced through the demolishment of a structure or the act of alteration through addition, remodeling, refurbishing or restoring of buildings, structures, or other types of real property that contains two or more RECYCLABLE Building Materials; including but not limited to ASPHALT SHINGLES, WOOD CLEAN, RECYCLABLE TAR AND GRAVEL ROOFING, GYPSUM BOARD ASSESSED, and GYPSUM BOARD NEW, but must not contain packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE (see DEMOLITION AND RENOVATION MIXED LOAD ASSESSED, and see CONTROLLED WASTE).

DEMOLITION AND RENOVATION MIXED LOAD-ASSESSED means a DEMOLITION AND RENOVATION MIXED LOAD that has been ASSESSED as required by the REGIONAL DISTRICT. Verification of the abatement of all identified HAZARDOUS materials is required. This assessment and verification has been provided in a manner acceptable to the MANAGER (see CONTROLLED WASTE). A DEMOLITION AND RENOVATION MIXED LOAD arriving at a SITE must not contain packaging, FOOD WASTE, any other type of CONTROLLED WASTE or PROHIBITED WASTE and if arriving at the SITE without appropriate assessment documentation will be determined a DEMOLITION AND RENOVATION MIXED LOAD NON-ASSESSED.

DEMOLITION AND RENOVATION MIXED LOAD-NON-ASSESSED means a DEMOLITION AND RENOVATION MIXED LOAD or CONSTRUCTION NEW MIXED LOAD brought to a SITE without verification of assessment as determined by the MANAGER (See DEMOLITION AND RENOVATION MIXED LOAD ASSESSED and CONTROLLED WASTE).

DESIGNATED LOCATION means an area dedicated to the collection of SOURCE SEPARATED SOLID WASTE.

DISPOSE, DISPOSAL, DISPOSED, DISPOSING means the transfer of SOLID WASTE from a VEHICLE to a DESIGNATED LOCATION at the SITE. The SOLID WASTE becomes the jurisdiction of the REGIONAL DISTRICT and subject to the restrictions, allocations and policies/procedures of the REGIONAL DISTRICT.

ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE) means various types of domestic and commercial waste containing mainly electronic components, including, but not limited to computers, televisions, small appliances, residential light bulbs and lighting fixtures which are included within the *Recycling Regulation* of the *EMA* (see RECYCLABLE), and does not include METAL and REFRIDGERATION UNITS.

ENVIRONMENTAL MANAGEMENT ACT (EMA) means the Province of British Columbia Law brought into force on July 8, 2004. The *EMA* provides an authorization and enforcement framework based on contemporary environmental management technologies to protect human health and the quality of water, land and air in British Columbia. The *EMA* replaces the *Waste Management Act*.

FOOD PROCESSING WASTE means any organic materials and/or waste by-product that may be produced in commercial volumes by a food processing operation as determined by the MANAGER, such as slaughter house, fish hatchery, and cannery operations (see PROHIBITED WASTE).

FOOD WASTE means any food substance, raw or cooked, which is discarded, or intended or required to be discarded from RESIDENTIAL, agricultural and INDUSTRIAL, COMMERCIAL, INSTITUTIONAL establishments, but does not include FOOD PROCESSING WASTE or SPECIFIED RISK MATERIALS.

FRUIT WASTE means waste consisting of the fleshy seed-associated structures of a plant that are sweet or sour and edible in the raw state, such as, but not limited to, apples, apricots, cherries, peaches, pears, plums, grapes, strawberries, tomatoes, and raspberries (see RECYCLABLE).

FRUIT/GRAIN BY-PRODUCTS means waste by-products typically generated by beverage producers, such as but not limited to; breweries, cideries, distilleries, and wineries. (see RECYCLABLE).

GLASS CONTAINERS means all clear and coloured bottles and jars made of glass and does not include window glass, laminated glass, safety or tempered glass, mirrored glass, automotive glass, fiberglass, Plexiglas, light bulbs, fluorescent tubes, kitchenware, ceramics or other types of containers, or any container that contained HAZARDOUS WASTE, or ASBESTOS CONTAINING MATERIAL and does not contain any liquid or solids (see RECYCLABLE).

GLASS SHEET means glass windows, mirrors, etc. with or without a frame, laminated glass, safety or tempered glass, automotive glass, Plexiglas, , but does not include light bulbs, fluorescent tubes, kitchen or GLASS CONTAINERS (see REFUSE).

GYPSUM BOARD-NEW also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED off-cuts and scraps of gypsum obtained solely from new construction and does not include GYPSUM BOARD ASSESSED, GYPSUM BOARD NON-RECYCLABLE, gypsum board materials from an existing structure, is not an ASBESTOS CONTAINING MATERIAL, and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYPSUM BOARD-ASSESSED also known as wallboard, drywall and plasterboard is a panel made of gypsum plaster pressed between two thick sheets of paper, and consists of non-CONTAMINATED gypsum removed from an existing structure and has been ASSESSED to prove it is not an ASBESTOS CONTAINING MATERIAL and does not contain LEAD-BASED PAINT (see RECYCLABLE).

GYPSUM BOARD-NON-RECYCLABLE means gypsum board removed from existing structures that has not been ASSESSED and is not RECYCLABLE (see CONTROLLED WASTE).

HAULER means the VEHICLE in which a load is contained as measured by the SCALE.

HAZARDOUS WASTE means any material defined as such in the Hazardous Waste Regulation, *British Columbia Reg. 63/88* of the *ENVIRONMENTAL MANAGEMENT ACT* (see CONTROLLED WASTE and see PROHIBITED WASTE).

HOUSEHOLD HAZARDOUS WASTE (HHW) see RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE.

IGNITABLE WASTE as per the meaning prescribed in the *HAZARDOUS WASTE REGULATION BC Reg. 63/88* (see PROHIBITED WASTE).

ILLEGALLY DUMPED WASTE means SOLID WASTE discarded in an improper or illegal manner. The HAULER must obtain permission from the MANAGER to bring the ILLEGALLY DUMPED WASTE to the SITE (see CONTROLLED WASTE).

INDUSTRIAL, COMMERCIAL, INSTITUTIONAL (ICI) means any operation or facility other than a RESIDENTIAL household, including but not limited to industrial, agricultural, and commercial operations of any size including small businesses with one or more employees retail stores, vacation facilities such as hotels, motels, cottages, accommodation associated with sports and leisure facilities and institutional operations of any size including churches, community buildings, local government buildings, libraries, fire and police stations, service organizations, hospitals, care facilities and hospices.

INFESTED VEGETATION means trees, shrubs, herbaceous plants or associated fruit that show the presence of plant disease, NOXIOUS INSECTS, pathogens or related pests that have caused or are likely to cause significant damage to the trees, shrubs, herbaceous plants or associated fruit and that may be spread to

another plant or plants with economic, ornamental or aesthetic value (see CONTROLLED WASTE).

INVASIVE PLANTS means all plants as designated in the *Weed Control Regulation, Schedule A, Parts I & II* of the *Weed Control Act* (see CONTROLLED WASTE).

LEAD-BASED PAINT means any coated or painted materials containing lead with a concentration of 90mg/kg (0.009%, 90ppm) or greater, and is not permitted for DISPOSAL to any SOLID WASTE DESIGNATED LOCATION that is to be chipped. (see CONTROLLED WASTE).

LOCAL GOVERNMENT IMPROVEMENTS refers to the structures, systems, lands and facilities owned or operated by an Indian Band, Municipality or Regional Government within the SITE SERVICE AREA and suitably prepared as determined by the MANAGER, such as but not limited to, roads, bridges, tunnels, water supply, sewers, electrical grids, and telecommunications.

MANAGER means the official appointed to that position by the REGIONAL DISTRICT responsible for SOLID WASTE Management and includes any PERSON appointed or designated by the MANAGER to act on his or her behalf.

MASONRY means material bound by mortar used primarily in structures. RECYCLABLE MASONRY must not contain ASBESTOS, large amounts of metal protruding (greater than 15 cm.) or be a BULKY WASTE (see RECYCLABLE).

METAL means RECYCLABLE ferrous and non-ferrous metallic materials, containing more than 90% metal by volume, and under 2.4 meters (8 feet) in any dimension, including but not limited to, sheet metal, siding, roofing, rebar, flashings, pipes, window frames, doors, furnaces, duct work, wire, cable, fencing, metal furniture, bicycles, tire rims and metal appliances. METAL also includes REFRIDGERATION UNITS evacuated of ODS by a certified technician, suitably prepared METAL DRUMS AND TANKS, barbeques, wood heating units, motorized equipment and VEHICLE parts, **that do not contain** fluids, filters, batteries, coal, bricks and rubber tires. METAL items must not contain mercury switches, batteries, PCB ballasts, or other HAZARDOUS WASTE. METAL does not include BULKY WASTE, PRESSURIZED TANKs, ODS containing REFRIDERATION UNITS or VEHICLEs.

METAL DRUMS AND TANKS a drum is cylindrical container designed to confine or contain materials most commonly liquids. To receive at the SITE all DRUMS must be empty and have the lid or one end removed. A TANK is a vessel used to store liquids, for SITE acceptance TANKs must be empty with an sufficiently sized aperture (minimum 35 cm X 35 cm (14"x14")) to verify that the TANK is empty and allow for sufficient venting, does not include PRESSURIZED TANKs. (see CONTROLLED WASTE).

MIXED LOAD means a load containing two or more SOLID WASTES, as designated in the RDOS Fees and Charges Bylaw as amended from time to time.

NON-SERVICE AREA means materials generated outside the SERVICE AREA of a landfill SITE.

NOXIOUS INSECTS means all insects so designated by the REGIONAL DISTRICT'S *Noxious and Destructive Insects Bylaw* (see INFESTED VEGETATION).

OCCUPATIONAL HEALTH AND SAFETY (OHS) REGULATION means a Regulation under the *Workers Compensation Act* which contains legal requirements that must be met by all workplaces under the inspection jurisdiction of WorkSafeBC.

OPERATIONALLY BENEFICIAL means a material which is of functional value to the operation of the Landfill process, for use as cover material, erosion control, construction and other operational benefits as determined by the MANAGER.

OZONE DEPLETING SUBSTANCE (ODS) means a substance defined as such in the *Ozone Depleting Substances and other Halocarbons Regulation, British Columbia Reg. 387/99* under the *ENVIRONMENTAL MANAGEMENT ACT*.

PERSON means an individual, corporation, partnership, association or any other legal entity or an employee or agent thereof.

PRESSURIZED TANK means a closed metal container designed to hold gases or liquids at a pressure substantially different from the ambient pressure including, but not limited to, diving cylinders, fire extinguishers and storage vessels for liquefied gases such as ammonia, propane, butane, or helium (see RECYCLABLE).

PRODUCT STEWARDSHIP MATERIAL means suitable prepared residential quantities of materials that falls under a product category of the *Recycling Regulation, B.C. Reg. 449/2004* (see RECYCLABLE).

PROHIBITED WASTE means SOLID WASTE designated in an Operational Certificate or by the REGIONAL DISTRICT from time to time, to be inappropriate for DISPOSAL for environmental, regulatory or legal reasons, or reasons related to the safe or efficient operation of the SITE except as permitted in this bylaw, currently including but not limited to the following specified materials:

- (a) BIOMEDICAL WASTE defined as such in the document "*Guidelines for the Management of Biomedical Waste in Canada*" (CCME, February 1992);
- (a) BURNED MATERIALS that are hot or smoldering or not entirely cooled for more than a two-week period;
- (b) Commercial Cooking Oil;
- (c) FOOD PROCESSING WASTE;
- (d) HAZARDOUS WASTE other than those specifically approved for disposal to authorized landfills, as defined in the *Hazardous Waste Regulation* under the *EMA*;
- (e) IGNITABLE WASTE;
- (f) Liquid or semi-solid wastes;
- (g) RADIOACTIVE WASTE;
- (h) REACTIVE WASTE;
- (i) SHARPS;
- (j) SPECIFIED RISK MATERIAL regulated federally under the *Health of Animals Act and Regulations*;
- (k) VEHICLES and other large metallic objects; and

- (l) Such other materials as are designated by the MANAGER from time to time to be inappropriate for DISPOSAL at the SITE for environmental reasons or reasons related to the safe or efficient operation of the SITE.

RADIOACTIVE WASTE means a "nuclear substance" as defined in the *Nuclear Safety and Control Act* (Canada), in sufficient quantity or concentration to require a licence for possession or use under the Act and regulations made under that Act (see PROHIBITED WASTE).

REACTIVE WASTE means waste that is defined as such in the *Hazardous Waste Regulation* (see PROHIBITED WASTE).

RECYCLABLE means all SOURCE SEPARATED materials that are suitably prepared and not CONTAMINATED as determined by the MANAGER, including but not limited to:

- (a) ASPHALT;
- (b) ASPHALT SHINGLES;
- (c) Ballasts not containing PCBs;
- (d) Baseboards with thermostat switches removed & switches disposed to HHW;
- (e) BATTERIES-LEAD-ACID, BATTERIES-HOUSEHOLD;
- (f) CERAMIC FIXTURES and Ceramic Tile;
- (g) CONCRETE;
- (h) CORRUGATED CARDBOARD-RESIDENTIAL;
- (i) CORRUGATED CARDBOARD-ICI;
- (j) ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE);
- (k) FRUIT WASTE;
- (l) FRUIT/GRAIN BY-PRODUCTS;
- (m) GLASS CONTAINERS;
- (n) GYPSUM BOARD-NEW;
- (o) GYPSUM BOARD-ASSESSED;
- (p) MASONARY;
- (q) Mattress, Box spring;
- (r) METAL;
- (s) PRESSURIZED TANK;
- (t) PRODUCT STEWARDSHIP MATERIAL;
- (u) REFRIGERATION UNIT with ODS removed;
- (v) RESIDENTIAL RECYCLING;
- (w) ROCKS (not greater than 40 centimetres in any direction);
- (x) TAR AND GRAVEL ROOFING;
- (y) TIRE and TIRE-OVERSIZE;
- (z) WOOD CLEAN;
- (aa) WOOD INDUSTRIAL;
- (bb) YARD WASTE;
- (cc) YARD WASTE-CHIPPED, GRASS, LEAVES; and
- (dd) YARD WASTE-TREE STUMP

REFRIGERATION UNIT means refrigerators, freezers, air conditioners, water coolers or any other item that may contain an OZONE DEPLETING SUBSTANCE (see CONTROLLED WASTE).

REFUSE means any SOLID WASTE that is designated for DISPOSAL in the ACTIVE FACE that does not constitute a RECYCLABLE, a HAZARDOUS WASTE, a CONTROLLED WASTE, or a PROHIBITED WASTE. Any SOLID WASTE materials over 8 feet will be charged as BULKY WASTE.

REFUSE BINS means the large bins at the SITE that have been provided to receive REFUSE from self-haul residential customers.

REGIONAL BOARD means the Board of the REGIONAL DISTRICT.

REGIONAL DISTRICT (RDOS) means the REGIONAL DISTRICT of Okanagan-Similkameen.

RE-SCALE means to pass over a scale with a MIXED LOAD more than once in order to determine the weight of each of the different types of SOLID WASTES DISPOSED.

RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE (HHW) is a RECYCLABLE CONTROLLED WASTE accepted in RESIDENTIAL quantities at specific Landfill SITES including but not limited to:

- (a) Alarms (Smoke and Carbon Monoxide Detectors);
- (b) Aerosol Cans;
- (c) Antifreeze;
- (d) Corrosive Liquid (Inorganic Acids & Caustics);
- (e) Cyanide;
- (f) Flammable/Toxic Liquids;
- (g) Gasoline & Fuels, Mixed Fuels;
- (h) Household Cleaning Products;
- (i) Inorganic Oxidizers;
- (j) Mercury or Mercury Containing Materials (i.e. Fluorescent Light Tubes and Compacts, Wall or Baseboard Thermostats);
- (k) Oil Filters, and Used Motor Oil, and Waste Plastic Oil Containers;
- (l) Organic Peroxides;
- (m) Organic Solids (Toxic Solids);
- (n) Paint Thinner, Solvent, Paint & Related Products;
- (o) PCB Containing Materials (i.e. Light Ballasts);
- (p) Pesticides, Pesticide Containers;
- (q) Reactive Chemicals (To Air And Water); and
- (r) Smoke Detectors

RESIDENTIAL RECYCLING means all packaging and printed paper generated by RESIDENTIAL structures, single family and multifamily units included in *Schedule 5* of the *Recycling Regulation* of the *ENVIRONMENTAL MANAGEMENT ACT* as accepted by *RecycleBC*, and sorted into the appropriate material types as indicated by posted notices or signs or directed by a SITE OFFICIAL and SITE OPERATOR (see RECYCLABLE).

RESIDENTIAL SOLID WASTE means any REFUSE generated by a single family or multifamily unit residential premise as a result of residential activities.

ROCKS means natural inorganic mineral matter of variable composition assembled by the action of heat or water. ROCKS 40 centimetres or less in any diameter see CONCRETE. ROCKS greater than 40 centimetres in any diameter see CONCRETE BULKY.

SCALED means to estimate or measure utilizing a standardized unit to establish the quantity, dimension, capacity or weight. SCALED by weight is established by measurement of WEIGHT GROSS minus WEIGHT TARE establishes WEIGHT NET. The TIPPING FEE is based upon the NET WEIGHT of the SOLID WASTE load type.

SERVICE AREA means the SERVICE AREA of the landfill SITE as defined by the SITE's applicable *Service Establishment Bylaw*.

SHARPS means anything that may cause a puncture wound that exposes an individual to blood or other potentially infectious material for example; needles, syringes, blades or laboratory glass (see PROHIBITED WASTE).

SITE means, where applicable, the Campbell Mountain Landfill (CML), the Okanagan Falls Landfill (OFL), the Keremeos Landfill (KL) or the Oliver Landfill (OL).

SITE OFFICIAL means an individual employed by the REGIONAL DISTRICT and designated by the MANAGER to conduct the business of the SITE.

SITE OPERATOR means a PERSON contracted by the REGIONAL DISTRICT to provide operation and maintenance services at the SITE, including but not limited to inspecting, sorting, hauling, compacting and covering SOLID WASTE.

SOIL CLEAN means not CONTAMINATED mineral soil materials free of ROCKS exceeding 30 cm. in any diameter that is suitable for OPERATIONALLY BENEFICIAL cover material and includes sod, humus, COMPOST and top soil, and does not include YARD WASTE.

SOIL CONTAMINATED means soil with organic and inorganic contaminants as identified in the *Contaminated Sites Regulation, British Columbia Reg. 375/96* under the *EMA* (see CONTROLLED WASTE, and see OPERATIONALLY BENEFICIAL). (Refer to RDOS Soil Relocation Application).

SOIL SMALL VOLUME CONTAMINATED means the total volume of soil does not exceed 5 cubic metres as exempted under *Part 8 - Contaminated Soil Relocation, Section 41 of the Contaminated Sites Regulation of the EMA* (see CONTROLLED WASTE, and see OPERATIONALLY BENEFICIAL).

SOLID WASTE means any material defined by this bylaw suitable for DISPOSAL at the SITE.

SOURCE SEPARATED means SOLID WASTE separated by a PERSON other than a SITE OFFICIAL or SITE OPERATOR and DISPOSED into a clearly distinguishable DESIGNATED LOCATION as directed by a SITE OFFICIAL, SITE OPERATOR or signage at the SITE.

SPECIFIED RISK MATERIAL WASTE means the skull, brain, trigeminal ganglia (nerves attached to brain), eyes, tonsils, spinal cord and dorsal root ganglia (nerves attached to the spinal cord) of cattle aged 30 months or older, the distal ileum (portion of the small intestine) of cattle of all ages, and cattle deadstock (see PROHIBITED WASTE).

TAR AND GRAVEL ROOFING means roofing consisting of layers of bitumen and felt paper that form the roof surface and may contain embedded gravel including Torch-on, SBS, membrane and TAR AND GRAVEL roofing products and other inextricably adhered roofing materials, and not to exceed 1 meter in any dimension. Loads must be free of contaminants such as, but not limited to, REFUSE, loose tar paper, roof ventilators and flashing materials (see RECYCLABLE, and see OPERATIONALLY BENEFICAL).

TIPPING FEE means the charge levied upon a given quantity of SOLID WASTE received at a SITE to offset the costs of opening, maintaining, closure and post-closure of the SITE. The TIPPING FEE can be charged per load, per tonne, or per unit depending on the source and type of the SOLID WASTE in accordance with the RDOS Fees and Charges Bylaw.

TIRE means the outer pneumatic rubber covering of wheels as per accepted under the *Tire Stewardship BC Program* including but not limited to tires from, Passenger, Small RV, Light and Medium Truck, Motorcycle, Turf, All Terrain Vehicle, Farm Equipment tires up to 16", and Forklift, Small Utility, RV Trailer, Bobcat/Skid Steer tires, and tires listed in *The Tire and Rim Association Inc. annual yearbook Section 5 Agricultural* such as but not limited to Medium Agricultural Tires 16.5"-25.5" identified with a sidewall marking with suffix letters R(Radial Ply) or HF (High Flotation), Logger/skidder and large Agricultural Drive and free rolling tires measuring 26" and up. TIRE does not include bicycle, wheelchair, aircraft, wheelbarrow, or three-wheeled motorized device tires, inner tubes and tracks (see RECYCLABLE).

TIRE WITH RIM means a TIRE that is mounted on a rim (see TIRE).

TIRE-OVERSIZE means assorted agricultural, industrial and OTR (Off The Road) TIRES that are not identified as a TIRE (see TIRE and see RECYCLABLE).

VEHICLE means, as per the *British Columbia Motor Vehicle Act*, a device in, on or by which a PERSON or thing is or may be transported or drawn on a highway (see PROHIBITED WASTE).

VISITOR means a PERSON who is present at the SITE for purposes other than to DISPOSE of SOLID WASTE.

WEIGHT GROSS means total weight of the VEHICLE and load.

WEIGHT NET means GROSS WEIGHT less TARE WEIGHT.

WEIGHT TARE means the weight of a VEHICLE or container after a load has been removed.

WOOD CLEAN means clean but not necessarily limited to, kiln dried dimensional lumber, wood pallets; which are a maximum of 2.4 metres (8 feet) in length (see RECYCLABLE). WOOD CLEAN must not be CONTAMINATED with any other material including but not limited to WOOD PRODUCT, WOOD-PRESERVED, ROCKS, METALS other than nails, screws or small hardware, stained or painted wood including LEAD-BASED PAINT, wire, fiberglass, asphalt roofing material, plastic and any other non-wood materials. WOOD CLEAN also does not include WOOD INDUSTRIAL or WOOD -CHIPPED OR GROUND.

WOOD-CHIPPED OR GROUND means kiln dried dimensional WOOD CLEAN and WOOD PRODUCT that is processed to less than 5cm (2 inches) in diameter and width and no longer than 15 cm. (6 inches) in length including but not limited to sawdust (see CONTROLLED WASTE).

WOOD INDUSTRIAL means large volumes WOOD CLEAN generated through industries, including but not limited to; sawmills, and pulp and paper industry (see CONTROLLED WASTE).

WOOD-PRESERVED means wood products which have been treated or coated with preservatives such as fire retardant, chromate copper arsenate (CCA), aromatic hydrocarbons (PAHs) and/or ammonium copper arsenate (ACA) to prevent rotting or wood containing LEAD-BASED PAINT or other paint containing HAZARDOUS substances and is no longer than 2.4 meters (8 feet) in length (see CONTROLLED WASTE).

WOOD PRODUCT means engineered, manufactured, composite or finished wood products containing 90% or greater wood fibre such as plywood, particle board, fibreboard, hardboard, oriented strand board, laminated lumber, veneered wood, or engineered wood products but not limited to panels, doors, window frames, furniture, engineered wood flooring, cabinetry and moldings. WOOD PRODUCT also includes painted, stained or glued wood. WOOD PRODUCT **does not included** arborite counter tops or vinyl or laminate flooring, wood with upholstery, or other materials attached such as glass, WOOD-PRESERVED or LEAD-BASED PAINT, or METAL other than nails, screws, and small hardware.

YARD WASTE means non-food vegetative material resulting from gardening, and landscaping including flower and vegetable plants free of soil and rocks with no fruit or vegetables attached, prunings, branches and tree trunks maximum of 2.4 metres (8 feet) in length, hedge, shrub and tree clippings, leaves, flowers, woody or herbaceous waste (see RECYCLABLE). YARD WASTE must not be CONTAMINATED and does not include FRUIT WASTE or YARD WASTE-TREE STUMP and is not CONTAMINATED with materials such as REFUSE, METAL, soil, ROCKS and plastic (see RECYCLABLE).

YARD WASTE-CHIPPED, GRASS, LEAVES means chipped YARD WASTE or chipped YARD WASTE-TREE STUMPS that is no greater than 4 cm. (1.5 inches) in diameter and no longer than 13 cm. (5 inches) in length. YARD WASTE-CHIPPED, GRASS, LEAVES also includes lawn clippings, coniferous needles and cones, and leaves that is not CONTAMINATED with materials such as REFUSE, METAL, soil, ROCKS and plastic (see RECYCLABLE).

YARD WASTE-TREE STUMP means part of a plant, tree, or shrub that remains attached to the roots after the trunk is cut, whereby the trunk is greater than 20 cm (8 inches) in diameter and the stump and trunk combined is not longer than 2.4 metres (8 feet) in length, and must be free of ROCKS, soil, METAL and other debris (see RECYCLABLE).

5.0 SITE Regulations

5.1 Conditions of Use

- 5.1.1 The REGIONAL DISTRICT accepts no responsibility or liability for damage or injury to any PERSON or property. Each PERSON entering a SITE does so solely at their own risk and, as a condition of entry to a SITE waives all claims against the REGIONAL DISTRICT and releases the REGIONAL DISTRICT from any and all liability and claims for all injury, death, loss, damage and expense of any kind that the PERSON or any other PERSON may suffer as a result of or in connection with the PERSON'S use of a SITE due to any cause whatsoever, including but not limited to negligence, breach of contract, breach of any statutory duty or duty of care on the part of any of the REGIONAL DISTRICT and also including the failure on the part of the REGIONAL DISTRICT to safeguard or protect any PERSON from the risks, dangers and hazards associated with the use of a SITE.
- 5.1.2 No PERSON shall;
- a) remain at the SITE for longer than is reasonably required to proceed directly on designated roads to the DESIGNATED LOCATION, SCALE, make payment and immediately leave the SITE;
 - b) enter the SITE or DISPOSE of any material at the SITE at any time other than the designated hours of operation, except by prior arrangement with the REGIONAL DISTRICT.
 - c) remove, alter, destroy or deface any sign or traffic control device placed or erected at the SITE.
 - d) DISPOSE of SOLID WASTE at the SITE without first having the SOLID WASTE inspected by the SITE OFFICIAL or SITE OPERATOR for the purpose of determining compliance with this Bylaw. All loads shall be SCALED to determine the applicable TIPPING FEE and DISPOSED in a manner or location as directed by the bylaw, signage and the written or verbal direction of the SITE OPERATOR or SITE OFFICIAL.
 - e) DISPOSE of any material at the SITE that does not originate from within the SERVICE AREA unless designated acceptable within the RDOS Fees and Charges Bylaw or the MANAGER approves otherwise. Failure to obtain MANAGER approval may result in refusal of entry to the SITE.
- 5.1.3 All SOLID WASTE generated within the SERVICE AREA shall be handled in a manner and location that is approved by the Ministry of Environment when such approval is required, and in compliance with this Bylaw.
- 5.1.4 No HAULER shall enter the SITE transporting a load of SOLID WASTE which requires assistance by the SITE OPERATOR or their equipment for DISPOSAL.
- 5.1.5 All material DISPOSED at the SITE shall become the property of the REGIONAL DISTRICT, except where such material is DISPOSED contrary to the provisions of this Bylaw. No PERSON shall salvage or remove anything from the SITE without the express written permission of the REGIONAL DISTRICT.

5.2 DISPOSAL Restrictions

- 5.2.1 DISPOSAL of PROHIBITED WASTE at the SITE is not allowed unless the DISPOSAL of such waste is specifically authorized by both the REGIONAL DISTRICT and the applicable Provincial Ministry.

- 5.2.2 No PERSON shall cause the release to the atmosphere of an OZONE DEPLETING SUBSTANCE at the SITE.
- 5.2.3 DISPOSAL of CONTROLLED WASTE at the SITE;
- a) is not allowed unless the MANAGER determines that special handling and DISPOSAL techniques are not required, or where special handling and DISPOSAL techniques are required, the MANAGER has determined that the CONTROLLED WASTE can be DISPOSED of safely at the SITE;
 - b) must be declared or manifested as required by the REGIONAL DISTRICT and by the applicable Provincial Ministry;
 - c) sufficient notice is provided as required by the REGIONAL DISTRICT prior to DISPOSAL of CONTROLLED WASTE at the SITE.
- 5.2.4 SOIL CONTAMINATED will not be accepted for DISPOSAL without completion and authorization in accordance with the RDOS Soil Relocation Agreement. The MANAGER shall determine as to when and which SITE(S) the SOIL CONTAMINATED is to be directed.
- 5.2.5 The REGIONAL DISTRICT shall regulate DISPOSAL time, location, containment and notice required for delivery of SOLID WASTE to the SITE.
- 5.2.6 The REGIONAL DISTRICT retains the right to deny acceptance or to limit the volume and frequency of any SOLID WASTE delivered to the SITE due to safety, operational, CONTAMINATION or other considerations.
- 5.2.7 The MANAGER may designate SOLID WASTE materials delivered to the SITE as being OPERATIONALLY BENEFICIAL and may apply restrictions, specifications and TIPPING FEES accordingly.
- 5.2.8 The REGIONAL DISTRICT shall require the completion of any documents that may include, Manifests, Waivers, Applications and/or Declarations for VISITORS and for any SOLID WASTE, including but not limited to ASBESTOS CONTAINING MATERIAL, LEAD-BASED PAINT, ASSESSED DEMOLITION, AND RENOVATION MIXED LOAD, CONSTRUCTION MIXED LOAD, SOIL CLEAN, SOIL SMALL VOLUME CONTAMINATED, SOIL CONTAMINATED and ILLEGALLY DUMPED WASTE.

5.3 Secure Loads

- 5.3.1 All Motor VEHICLES entering the SITE shall have their loads adequately covered and secured so as to prevent any materials from blowing, bouncing dropping, sifting, leaking, or otherwise escaping from the VEHICLE while in transit in accordance with the following criteria:
- (a) *meets Motor Vehicle Act Regulation 35.06 Covering of Aggregate Loads*, which requires that: "A person must not drive or operate a vehicle on a highway while the vehicle is carrying aggregate material if any of the material is likely, if not covered, to bounce, blow or drop from the vehicle in transit, unless;
 - (i) the material is covered in a way that prevents any of it from blowing, bouncing or dropping from the VEHICLE, and

- (ii) the cover is securely and tightly fastened so that it is not, and cannot become, a hazard”.
- (b) an adequate cover is a tarpaulin, other overlay, or container that is used to confine the material to the VEHICLE; or all materials must be contained within intact secured closed garbage bags or containers. The cover and/or container must be securely and tightly fastened so that it is not, and cannot become, a hazard.
- (c) items such as, but not limited to, BULKY WASTE, appliances, YARD WASTE-TREE STUMPS, TIRES, shall be securely chained or strapped to or in the VEHICLE as required by section 4.3.1 (a & b).
- (d) loads shall be contained so as to prevent the spillage of liquids.

5.4 Safety

- 5.4.1 No VISITOR shall enter the SITE without checking in at the SITE office and completing the appropriate waiver.
- 5.4.2 No PERSON shall light or smoke any cigarette, cigar, pipe or any other substance, or ignite a fire, cause a fire to be ignited, within the boundaries of the SITE or DISPOSE at the SITE materials that are on fire, are smouldering or were recently on fire.
- 5.4.3 No PERSON shall fail to comply with the posted notices or signs at the SITE or the verbal instructions of the SITE OFFICIAL or SITE OPERATOR.
- 5.4.4 No PERSON shall act in a manner that is threatening, discourteous, disruptive, or wilfully negligent while on the SITE.
- 5.4.5 No PERSON shall allow children shorter than 42 inches (1.6 m.) or under the age of 10 years or pets to be outside a VEHICLE at the SITE.
- 5.4.6 No PERSON shall enter the SITE in a VEHICLE that is in violation of the British Columbia *Motor Vehicle Act Section 213 “1) On the prosecution of a PERSON charged with contravention of the regulations in operating or using on a highway a VEHICLE the weight of which or the weight of the load carried on which was in excess of the weight prescribed by the regulations, it is sufficient evidence for a credible witness to state on oath that, to the best of his or her judgment and opinion, the weight of the VEHICLE or of the load carried on it at the time of the alleged contravention was in excess of the weight so prescribed”*
- 5.4.7 No PERSON shall enter the SITE in a VEHICLE that is not equipped or mechanically sound with regards to climatic or roadway conditions.
- 5.4.8 No VEHICLE shall exceed the posted speed limit while on SITE.
- 5.4.9 No PERSON shall without authorization, drive a motor VEHICLE on any part of the SITE other than on roads or areas so designated by signage or the SITE OFFICIAL or SITE OPERATOR.
- 5.4.10 All VEHICLES DISPOSING SOLID WASTE shall maintain a safe lateral distance (equal to the maximum unloading vertical height extension) between adjacent

VEHICLES and shall limit the linear spread of loads to no greater than its VEHICLE length from the designated unloading location.

- 5.4.11 No PERSON shall discharge any firearm at the SITE, except as permitted under any applicable enactment.
- 5.4.12 No PERSON shall climb upon waste stockpiles or climb into REFUSE BINS or rummage in areas designated for SOLID WASTE DISPOSAL.
- 5.4.13 No PERSON shall place NON-ASSESSED DEMOLITION AND RENOVATION MIXED LOAD in the DESIGNATED LOCATION reserved for ASSESSED materials.
- 5.4.14 No PERSON shall approach, harass, feed or attempt to lure wildlife encountered on the SITE
- 5.4.15 No PERSON while conducting SITE business shall utilize a communication or entertainment device which includes but is not limited to mobile phones, smart phones, hands-free devices, speaker phones, pagers, text messaging, lap top, ear pieces, head phones, or two way radios, or other activities that allow for distracted driving or the inability to hear instructions.
- 5.4.16 No PERSON shall enter the SITE on foot, all PERSONS entering the SITE must be in a motor propelled VEHICLE equipped with a cab, PERSONS while on SITE must remain within a 45 metre (150') proximity of their VEHICLE.

6.0 Fees and Charges

- 6.1 Every PERSON delivering SOLID WASTE to the SITE shall pay the applicable TIPPING FEE set out in accordance with RDOS Fees and Charges Bylaw as amended from time to time.
- 6.2 Any TIPPING FEE assessed pursuant to this Bylaw must be paid to the SITE OFFICIAL prior to leaving the SITE. The TIPPING FEE shall be paid in cash, be placed on a REGIONAL DISTRICT pre-approved account or be paid by credit or debit card where such payment options are available at the SITE.
- 6.3 In the event the weigh scale is not operational, the SITE OFFICIAL shall estimate the weight of each VEHICLE and a TIPPING FEE shall be charged as outlined in the RDOS Fees and Charges Bylaw.

7.0 Violations and Penalties

- 7.1 No PERSON shall do any act or suffer or permit any act or thing to be done in contravention of this Bylaw.
- 7.2 Every PERSON who violates any provision of this Bylaw, or who permits any act or thing to be done in violation of this Bylaw, or who fails to do any act or requirement of this Bylaw, shall be deemed to have committed an offence against this Bylaw and:
 - a) shall be liable, upon summary conviction, to a fine of not less than \$100.00 and not more than \$2,000.00 for a first offence, and to a fine of not less than \$200.00 and not more than \$2,000.00 for each subsequent offence;

- b) shall pay the applicable TIPPING FEE as set out in the RDOS Fees and Charges Bylaw as amended from time to time, in cases where the violation involves the contravention of a prohibition or regulation pertaining to the deposit of material at the SITE;
- c) shall pay the penalties, that may be issued, as provided under the provisions of the *British Columbia Offence Act*, or to the penalties provided under the provisions of the *British Columbia Local Government Bylaw Notice Enforcement Act* and;
- d) may be prohibited, by written notice, from DISPOSING SOLID WASTE at the SITE for such period as the REGIONAL DISTRICT may determine.

7.3 Notwithstanding any other provision of this Bylaw, any PERSON who:

- a) contravenes this Bylaw and/or fails to comply with rules or directions of a SITE OFFICIAL or SITE OPERATOR may be prohibited entry into any REGIONAL DISTRICT SITE for a specified period of time as determined by the MANAGER;
- b) contravenes this Bylaw and is deemed to be abusive or threatening may be ordered to immediately leave the SITE by a SITE OFFICIAL. Any Person deemed to be abusive or threatening may be prohibited entry into any REGIONAL DISTRICT SITE for a specified period of time as determined by the MANAGER;
- c) contravenes this Bylaw and fails to pay the TIPPING FEES as set out in the RDOS Fees and Charges Bylaw may be refused entry into any REGIONAL DISTRICT SITE until all TIPPING FEES and charges are paid.

7.4 Each offence committed against this Bylaw shall be deemed a separate and distinct offence and subject to a separate penalty.

7.5 Any penalty imposed pursuant to this Bylaw shall be in addition to, and not in substitution for, any other penalty or remedy imposed pursuant to any other applicable statute, law or legislation.

8.0 Dispute Mechanism Notice

8.1 Once a VEHICLE is SCALED a SITE OFFICIAL shall issue an invoice indicating the waste type and corresponding TIPPING FEE assessed including penalties. Upon payment all TIPPING FEES assessed or decisions made under this Bylaw can be appealed to the MANAGER.

8.2 Appeals must be submitted to the MANAGER within 60 days of the transaction.

8.3 All decisions rendered will be on a case by case basis, resolutions shall be based upon such factors as precedent, severity and frequency.

8.4 Loads DISPOSED outside of Public Hours of Operation can not be appealed.

9.0 Severance

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a Court of Competent Jurisdiction, the invalid

portion shall be severed and such decision shall not affect the validity of the remaining portions of this Bylaw.

10.0 No Limitation

Nothing in this Bylaw shall limit the REGIONAL DISTRICT from utilizing any other remedy that would otherwise be available to the REGIONAL DISTRICT at law.

READ A FIRST, SECOND, AND THIRD TIME this 4th day of February, 2021.

ADOPTED this 4th day of February, 2021.

Board Chair

Chief Administrative Officer

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Chipping Program Budget - Direction

Administrative Recommendation:

THAT the Regional District cap the contribution for a single chipping application to \$20,000 and set the number of applications accepted to comply with budget.

Background:

The Regional District initiated a pilot Air Quality Program in 2005, part of which included an Agricultural Chipping Program. Growers were burning green fruit trees creating volumes of smoke. Others agriculturists were observed to be burning treated posts, pesticide containers, fertilizer bags, PVC pipe, wire, salvage wrap and general refuse. In 2011, the Agricultural Chipping Program budget was moved to landfill budgets: Campbell Mountain Landfill, Oliver Landfill and Refuse Disposal Area 'A'.

The chipping program now includes trench and air curtain burners and land clearing non-producing trees as per the February 6th, 2020 Board Meeting:

THAT the RDOS administration include in the chipping subsidy the use of trench burners and air curtain burners; and to expand that use to include the wastes from land clearing for agricultural purposes.

The proposed 2021 budget and Services participating in the chipping program, along with 2020 budget and actuals, are summarized as follows:

Budget	Service	2020 Budget	2020 Actual	2021 Budget	2021 Reserve
Campbell Mountain Landfill	Penticton, Keremeos, Areas B,D,E,F,G,I,	\$37,000	\$28,800 plus costs of chipping for 3 properties hauled to CML	\$30,000	\$94,400
Oliver Landfill	Oliver Landfill (Oliver, Area C)	\$8,000	\$49,410	\$40,000**	\$690,222
Area 'A'	Area A	\$5,000	\$0	\$30,875**	\$10,315

** Oliver and Rural Area A - 100 percent funded from COVID funding for 2021 Budget

Before the work can begin, the Grower pays 25% of the estimated cost upfront to the RDOS RDOS contributes 75% of the cost, and when the job is completed the Contractor is paid in full RDOS. There is currently no cap on an application.

Currently we have operational reserves in all of these budgets that can help fund short falls, but these funds are limited and are used to cover other unforeseen events. Currently there are no limits on these amounts other than what is available within the chipping line item budget. The annual amounts put within the budget often will not cover more than a couple of applications, or if landfill clearing, will not cover one property. 2020 Oliver Landfill budget of \$8,000 covered costs of one property and was over budget by \$41,410. The proposed amounts have been raised in 2021 are covered 100 percent by COVID 19 funding for the Oliver Landfill and Area A

More recently we have seen an application for up to \$80,000 worth of wood chipping of pine trees for land clearing on ALR land where the RDOS's contribution will be \$60,000. This particular request the land clearing is not for agricultural producing trees. While, the proponent is willing to take a lower contribution from the RDOS, the RDOS does have \$94,000 in the CML Operational Reserve. Full use of this reserve would limit our ability to provide service to others in the community, and not be available to cover any other unforeseen events. The direction set by the Board with respect to this application will set a precedence on how we manage other applications and our budgets.

Options to address the land clearing application in the Campbell Mountain Service Area:

1. Limiting the RDOS contribution to \$20,000 as a cap for a single application, and set the number of applications to available budget.
2. Increasing the line item in the Campbell Mountain Budget for 2020 to \$60,000.
3. Pay the full \$60,000 as requested, and limit future applications to available budget.
4. Eliminating land clearing from the program as the trees cleared are not agricultural producing trees.
5. Look at the entire program and given the costs and lack of participation discontinue the Agricultural Chipping Program and but continue with the landfill no tipping fee on agricultural trees loads hauled and prepared correctly to the landfill.
6. Some combination of the above.

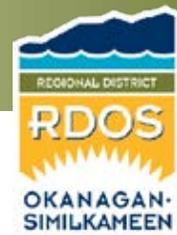
Analysis:

While COVID money may be able to assist the program in 2021 this funding will not likely be available into the future. The Board may wish to consider the purposes of the program and whether or not the program in its current form is sustainable and/or if it the dollar amounts spent is meeting the objective of reducing substantially the smoke pollution. Further, the Board may wish to examine the purposes for the program.

Typically, the number of applications we receive in year ranges from 18 to 50 applications. With the value of the individual applications between \$9,500 to \$30,000, the RDOS contributing \$7,125 and \$22,500 respectively. Last year we had 36 properties applying and only 6 properties participating in the program. If all had participated the budget would have been well over \$400,000. Of the 6 properties who chipped, the total cost was \$78,210 with a budget of \$45,000 (Area A not included).

Respectfully submitted:

Andrew Reeder, Manager of Operations



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Corporate Services Committee

Thursday, February 18, 2021
1:00 pm

AGENDA

-
- A. **APPROVAL OF AGENDA**
RECOMMENDATION 1
THAT the Agenda for the Corporate Services Meeting of February 18, 2021 be adopted.
-
- B. **RDOS FEES AND CHARGES BYLAW NO. 2927, 2021 – INFORMATION ONLY**
1. Bylaw No. 2927
-
- C. **2020 CITIZEN SURVEY RESULTS – INFORMATION ONLY**
-
- D. **BOARD PROCEDURE BYLAW NO. 2789– INFORMATION ONLY**
-
- E. **ROLE – BOARD CHAIR**
-
- F. **PROTOCOL**
-
- G. **COMMUNICATIONS POLICY**
-
- H. **ADJOURNMENT**

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: RDOS Fees and Charges Bylaw No. 2927, 2021



Reference:

Local Government Act

Background:

Through the *Local Government Act*, the Regional District has the authority to impose fees and charges for services that are provided. Prior to 2010, the Regional District fees and charges were located within a number of different bylaws; however, in that same year an all-encompassing Fees and Charges Bylaw was brought in for ease of reference and review on an annual basis.

Although the bylaw can be amended throughout the year, administration brings the bylaw forward for review and amendment in conjunction with the budget process.

Analysis:

Bylaw No. 2927, 2021 will repeal Bylaw No. 2877, 2020 and provides the following changes in accordance with the 2021 budget:

SCHEDULE 2 – BUILDING PERMIT FEES

The following amendments as resolved at the February 4, 2021 Planning and Development Committee meeting:

- 1.0 Increase the Plan Processing Fee from \$150 to \$175 for projects valued up to \$100,000 and from \$500 to \$550 for projects valued over \$100,000
- 2.0 Introduce an administrative fee of \$25.00 for each permit application to cover the cost of permit administration
- 3.0 Renumber the existing paragraph 2 and all subsequent numbering and change the permit valuation threshold as follows:
 - 3.1 From \$500,000.00 to \$750,000.00;
From between \$500,000.01 and \$1,000,000.00 to between \$750,000.01 and \$1,500,000.00; and
From \$1,000,000.00 to \$1,500,000.01
 - 3.2 Increase the minimum permit fee from \$150.00 to \$175.00
 - 3.3 Change the paragraph reference to 3.3 to reflect the renumbering

4.0 Revisions to Table A-1 for construction valuation as follows:

Table A-1

Proposed <i>construction</i>	Value per square meter	Value per square foot
One storey*	\$1884	\$175
Finished basement	\$807	\$75
Each Additional Storey	\$1076	\$100
Renovations	\$807	\$75
Attached enclosed structure or Garage	\$807	\$50
Detached enclosed structure or Garage	\$700 \$1076	\$65 non-heated \$100 heated
Sundeck (no roof)	\$430	\$40
Roof only	\$323	\$30
Unenclosed structure or carport	\$377	\$35
Secondary Suite	\$1345	\$125

*The fee covers slab on grade, crawlspaces and unfinished basements

- 5.0 Remove the reference to a minimum permit fee for structures over 55m2 as it is no longer applicable
- 6.0 Introduce a flat fee of \$500.00 for swimming pool permits
- 7.0 Increase demolition permit fees from \$150.00 to \$175.00
- 8.0 Increase plumbing fees from \$100 plus \$10.00 per fixture to \$175.00 plus \$12.00 per fixture with a \$175.00 minimum permit fee.
- 9.0 Increase the fee for a solid fuel burning appliance from \$100.00 per appliance to \$175.00 per appliance
- 10.0 Increase re-inspection fees and deficiency permit re-inspection fees from \$100.00 to \$125.00
- 11.0 Increase Health and Safety Inspections from \$100.00 to \$200.00
- 12.0 Increase the Permit Transfer Fee from \$100.00 to \$125.00
- 13.0 Increase the Permit Extension Fee from \$100.00 to \$150.00

SCHEDULE 5 PUBLIC WORKS AND ENGINEERING SERVICES FEES

Section 3- Water System Fees

- 1.0 Naramata – No increases, but we have added a category for Parks and Cemeteries at the Agricultural Rates.
- 4.0 West Bench Water - meter rates have increased to reflect the 6.9% in City of Penticton bulk water rates. All other parts of the user fees have stayed the same resulting in a 2.1% overall increase in user fees.
- 5.0 Gallagher Lake Water - fees have increased by 1.64% due to increases in bulk water rates.
- 6.0 Missezula Lake Water – fees have increased by 5.12% to reflect the additional staff time required to upgrade the water system and bring the water system into compliance with Provincial regulation.

7.0 Sun Valley Water – fees have increased by 4.29% due to additional staff required to manage Boil Water Advisories.

Section 4 – Sewer System Fees

1.0 Okanagan Falls Sewer User Rates – fees have increase 7.12%. There is \$10,000 in extra wetlands testing now required. Also, we have not been meeting the maintenance requirements in our collection system.

2.0 Gallagher Lake Sewer System – fees have increased 3.37% due to increases in OIB costs.

Section 6 – Curbside Solid Waste Collection and Drop-Off Service Fees

6.1 Electoral Area A – rate increase to \$137 from \$132

6.2 Electoral Area B – rate increase to \$138 from \$133

6.3 Electoral Area C – rate increase to \$150 from \$146

Section 7 – Sanitary Landfills

1. Title change to Section 7 – from Sanitary Landfills to RDOS Administered Landfills
2. Wording added under 1.0 – 2nd paragraph added the Sections for clarity of Categories and for clarity did a title change from Waste Management Service Regulatory Bylaw to RDOS Administered Landfills Regulatory Bylaw (also changed title under 2.5 and 2.9)
3. Under CONCRETE the word dimension, corrected to diameter
4. Under CONCRETE BULKY – added wording for clarity “and/or minor CONTAMINATE”
5. Added GLASS SHEET category as there is a designated area to receive this material– no change in fee as was charged the REFUSE rate of \$110M/T
6. Added GYSPUM BOARD ASSESSED – is a material separate from New and none-recyclable gypsum – no change in fee.
7. Under Mattress or Box Spring – added wording to manage volumes per day, “(10 units per load per day)
8. Under Oil – Keremeos Waste Transfer Station, now accepts used oil at zero charge
9. Under OPERATIONALLY BENEFICIAL – clarified “RDOS approval required”
10. Under REFRIDGERATION UNIT wording per unit removed as no longer a charge
11. RESIDENTIAL RECYCLING replaces RESIDENTIAL PACKAGING, POLYSTYRENE, AND PLASTIC FILM as this encompasses all acceptable residential recycling. Wording added, “Sorted correctly and not CONTAMINATED.
12. Under TIRE, and Under TIRE WITH RIMS, wording added, “No bicycle tires”, as not included in the TIRE recycling program.
13. Under Foundry Dust – clarified “RDOS approval required”
14. Under WOOD-PRESERVED removed PROHIBITED WASTE as this material is not prohibited.
15. Under Section 2: 2.9 wording removed, “double the normal fee with a \$10 minimum charge”, and replaced with, two times the rate for REFUSE, or two times the highest rate for any SOLID WASTE contained in the load, whichever is greater with a \$25 minimum charge. This change is consistent with the existing wording under 2.11.
16. Under Section 2: 2.13 the following wording has been added, as no food waste of any type is accepted at Okanagan Falls Site, “FOOD PROCESSING WASTE”.

SCHEDULE 6 – PARKS AND RECREATION FEES

Sections (1.4, 2.4, 2.5, 3.5) Re: Programming

To align with other local government approaches to Fees and Charges, Programming Fees are not typically captured in the bylaw. The statement that will replace the fee structure will be: *“Program fees are set at a level sufficient (at minimum) to cover all instructor, expendable and consumable materials, and extraordinary costs.”*

Note to be added below each area to ensure that our facilities are accessible to all:
“Programs and facility reservations may be subsidized for priority populations.”

Section 2.1.3

Full weekend bookings has been removed at this time but can be negotiated at the time of booking depending on the event/use.

Section 2.2.7, 2.2.8

Adjusted to ensure staffing costs can be covered

Section 2.7.1

Removed, as it was not being booked. Requests can still be received.

Section 2.7.2

Range provided as sometimes bookings have additional requests i.e. additional grass cutting or garbage pick up.

Section 3.2.4,3.3

Removed as this amount is included in the agreement.

Section 3.2.7, 3.2.8

This is now captured with the statement of *“Programs and facility reservations may be subsidized for priority populations.”* added at the end of each section.

Section 4.0

Details and descriptions have been added to several lines to increase clarity of service.

Section 4.1.2, 4.1.7, 4.2.1.8,4.2.1.9,4.3.3.2, 4.3.3.3, 4.3.3.4, 4.3.5.5

Identification of some additional options and/or missing fees were added.

Section 7.0

Full- day Pat bookings were removed and a range provided within the half-day booking option. Full-day bookings will be considered upon request.

Respectfully submitted:

“Christy Malden”

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

**Regional District of Okanagan-Similkameen Fees and Charges
Bylaw No. 2927, 2021**

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 2927, 2021**

A bylaw to set fees and charges for Regional District services and information.

WHEREAS the *Local Government Act* provides that the Board may by bylaw establish fees and charges for various Regional District services and information;

AND WHEREAS in accordance with Section 397 [imposition of fees and charges] and Section 462 [fees related to applications and inspections] of the *Local Government Act*; the Regional Board wishes to establish fees and charges which reflect cost recovery for services and information provided;

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 shall be cited as the **Regional District of Okanagan-Similkameen Fees and Charges Bylaw No. 2927, 2021**.

2.0 – FEES AND CHARGES

- 2.1 Wherever this Bylaw sets out fees and charges with respect to other Regional District bylaws and such other bylaws contain similar fees and charges, the Fees and Charges Bylaw shall prevail.
- 2.2 Wherever this Bylaw sets out fees and charges for work done or services provided to land or improvements, the Regional District may recover the costs of undertaking the work in the same manner and with the same remedies as property taxes.
- 2.3 The schedule of fees to be imposed for the provision of goods, services and information as specified in Appendix 'A' Schedules 1 to 10 attached hereto, and forming part of this bylaw, is hereby established.

3.0 – EFFECTIVE DATE

- 3.1 This bylaw shall come into effect on April 1, 2021.

4.0 - REPEAL

- 4.1 Bylaw No. 2877, 2020 is repealed as of April 1, 2021.

READ A FIRST TIME this xx day of February, xx.

READ A SECOND AND THIRD TIME AND ADOPTED BY TWO THIRD VOTE this xx day of March, 2021.

RDOS Board Chair

Corporate Officer

Schedule 1 – Corporate Services Fees

1.0 – Document Retrieval Fees

1.1 Photocopies

8.5" x 11"	\$0.25/page
8.5" x 14"	\$0.35/page
11" x 17"	\$0.50/page
24" x 36"	\$2.50/page

- 1.2 Storage device for digital copies
USB stick \$15.00 each
- 1.3 Retrieval of archived files, repealed bylaws or other records not subject to *Freedom of Information and Protection of Privacy Act*, including scanning of the document - \$15.00 per ¼ hour
- 1.4 Shipping of records at cost

2.0 - Finance Fees and Charges

- 2.1 Utility Search Fee – \$20.00

- 2.2 Utility rates will be billed as set out in this bylaw and if remain unpaid after the due date, a percentage addition of ten percent of the amount thereof shall be added on the following working day.

In default of any such owner making any such payment or payments as in such agreement made and provided, the Collector for the Regional District shall add such amount in default to the taxes of such lot or parcel of land on the Collector's Real Property Tax Roll and thereafter such amount shall be deemed to be taxes against the said property and shall be dealt with in the same manner as taxes against the said property would be dealt with under the provisions of the *Local Government Act* and *Community Charter*.

- 2.3 Processing fee for payments returned by the financial institution – \$30.00

2.4 Administration Fees:

The Regional District shall deduct an administration fee of 12% on funds collected by the Regional District on behalf of a member municipality related to sales activity managed by the Regional District

The Regional District shall add an administration fee of 12% on actual costs when invoicing third parties.

3.0 - Mapping

- 3.1 Legal, civic and zoning 1:5,000 scale maps are available to the public in the following formats:
 - Hardcopy maps at a price of \$15 per map.
 - Digital format (Adobe PDF) set of maps for price of \$30 per CD.
- 3.2 Cost for miscellaneous hard copy maps in GIS warehouse directory is \$35 per map.
- 3.3 Cost for creation of custom maps is \$80/hr. A minimum charge of \$140 is required with a minimum notice of 15 working days by the applicant.

4.0 - Digital Data

- 4.1 RDOS will provide GIS data available at no charge on the RDOS FTP site as per Item 1.0 of Enterprise Unit Data and Services Policy.

5.0 - GIS Services for Municipalities, Provincial and Federal Government

- 5.1 Access to existing RDOS internet mapping application will be \$3,096 /year.
- 5.2 Specific GIS services as per items 2.2 and 2.3 of Enterprise Unit Data and Services Policy will be available at a cost of \$48.47 /hr for the GIS Assistant, \$59.59/hr for GIS Analyst/Programmer \$88.17 /hr for IS Manager, \$55.71/hr for the Systems Administrator and \$46.70/hr for the IT Technician/Programmer.
- 5.3 GIS Services will be available to the public at a cost of \$ 100/hr with a minimum payment of 2 hours provided the Information Services Manager determines the RDOS has the resources to complete the project.

6.0 - Human Resources Services for Municipalities

- 6.1 Human Resources services will be available to municipalities as per items 3.1 and 3.2 of Enterprise Unit Data and Services Policy. Services will be available at a cost of \$71.19/hr for the HR Manager and \$48.38/hr for HR Coordinator.

7.0 - IT Services for Municipalities

- 7.1 IT services will be available to municipalities as per items 4.1 and 4.2 of the Enterprise Unit Data and Services Policy will be available at a cost of \$55.71 /hr for the Systems Administrator and \$ 46.70/hr for IT Technician/Programmer, \$48.47/hr for the GIS Assistant and \$88.17/hr for the IS Manager.

1.0 - Plan Processing Fee

- 1.1 The fee for plan processing shall be ~~\$150.00~~\$175.00 for projects with an estimated construction value less than \$100,000. The fee for plan processing for projects valued over \$100,000.00 shall be ~~\$500.00~~\$550.00.

2.0 - Administrative Fee

- 2.1 The administrative fee for each permit application shall be \$25.00

23.0 - Building Permit – to be determined as follows:

- ~~23.1~~ \$12.00 for each \$1,000.00 of construction value up to ~~\$500,000.00~~\$750,000.00; \$10.00 for each \$1,000.00 of construction value between ~~\$500,000.01~~750,000.01 and ~~\$1,000,000.00~~\$1,500,000.00; and \$6.00 for each \$1,000.00 of construction value after ~~\$1,000,000.01~~\$1,500,000.01
- ~~23.2~~ The minimum permit fee for a permit, or a series of permits on the same parcel of land, issued at the same time is ~~\$150.00~~\$175.00 ~~(with the exception of a permit for a solid fuel fired appliance).~~
- ~~2-23.3~~using Table A-1 for detached single family dwellings, duplex dwellings where one dwelling is not located above the other dwelling and buildings that are accessory to these buildings; or,
- ~~2-23.4~~using the declared contract value for all construction other than that work included in paragraph ~~1-3.3~~ above, except that if the declared value is contested by the building official the value will be established using the Marshal & Swift Residential Cost Hand Book or the RS Means Square Foot Costs Handbook.

Table A-1

Proposed <i>construction</i>	Value per square meter	Value per square foot
One storey*	\$1453 \$1884	\$135 \$175
Finished basement	\$538 \$807	\$50 \$75
Each Additional Storey	\$807 \$1076	\$75 \$100
Renovations	\$538 \$807	\$50 \$75
Attached E nclosed structure or Garage	\$430 \$807	\$40 \$50
Detached enclosed structure or Garage	\$700 \$1076	\$65 non-heated \$100 heated
Sundeck (no roof)	\$323 \$430	\$30 \$40
Roof only	\$215 \$323	\$20 \$30
Unenclosed structure or carport	\$269 \$377	\$25 \$35
Pool Secondary Suite	\$377 \$1345	\$35 \$125

*The fee covers slab on grade, crawlspaces and unfinished basements

~~**The minimum permit fee for a structure over 55 m² shall be \$300~~

34.0 - Permit fees for temporary buildings and siting permits \$150.00

45.0 - Permit fees for farm buildings \$250.00

6.0 – Permit fees for swimming pools \$500.00

57.0 - Plan Review Fee

57.1 Submissions of revised drawings once a zoning or building code review has been completed will result in the following charges:

a) Projects with a construction value of less than \$100,000 \$150.00

b) Projects with a construction value more than \$100, 000 \$300.00

68.0 - Locating/Relocating a Building

68.1 The fee for a permit authorizing the locating or relocating of a building or *structure* including the value of any additions or modifications, shall be calculated at 0.7 of the fees set out in Table A-1.

68.2 A modular home or manufactured home installed in accordance with Z-240.10.1, including the value of any additions or modifications shall be calculated at 0.5 of the fees set out in Table A-1.

79.0 - Demolishing a Building or Structure

79.1 The fee for a permit authorizing the demolition of a building or structure shall be ~~\$150.00.~~
\$175.00.

810.0 - Plumbing Permits

108.1 The permit fee for each plumbing fixture shall be \$175.00 plus \$12.00 ~~\$10.00~~ per fixture, ~~when the plumbing permit is issued in conjunction with a building permit, and \$10.00 per fixture plus an administration fee of \$100 when a plumbing permit is issued separately.~~

810.2 The plumbing permit fee may be reduced up to 25% (minimum fee ~~\$150~~\$175.00) with submission and approval of plumbing system layout drawings by a TQ certified tradesperson (plumber) for single family new construction and renovation projects.

911.0 - Solid Fuel Burning Devices

911.1 The permit fee for the installation of solid fuel burning appliances, fireplaces and chimneys shall be ~~\$100.00~~ \$175.00 per appliance.

102.0 - Re-inspection Fees

102.1 The fee for a re-inspection shall be ~~\$100.00~~\$125.00.

113.0 – Health and Safety Inspection

113.1 The fee for any inspection to confirm health & safety requirements as set out in the BC Building Code shall be ~~\$100.00~~\$200.00.

124.0 - Transfer Fee

124.1 The fee for the transfer of a permit as set out in the RDOS Building Bylaw shall be ~~\$100.00~~\$125.00.

135.0 - File Searches* and Comfort Letters (*for routinely releasable records only)	
13.1 Retrieval of off site files	\$30.00
13.2 Information recovery from building permit files and property folio files:	
i) first ½ hour of time spent	\$0.00
ii) each additional ¼ hour spent after first ½ hour of time	\$15.00
13.3 USB stick (for digital copies)	\$15.00
13.4 The fee for comfort letters shall be \$100.00 per property to determine building bylaw compliance.	
146.0 - Removal of Notice on Title	
14.1 Deficiency Inspection Permit and subsequent removal of Notice on Title (no lawyer involvement)	\$1000.00
14.2 Notice on Title (lawyer involved)	\$1500.00
14.3 Each deficiency re-inspection	\$100.00 \$125.00
157.0 - Permit Extension Fee	
157.1 The fee for permit extension shall be \$100.00 \$150.00	
168.0 – Completion Permit	\$250.00
179.0 – Special Inspections	\$100/hr
1820.0 – Alternative Solution	\$500.00
1921.0 - Legal Documents	
16 21.1	Title search \$25.00
16 21.2 Covenants, Right of Ways, Easements, Plans and similar documents:	actual cost of document (minimum \$25.00)
202.0 - Covenants	
17 22.1 a Covenant	Preparation of \$500.00
17 22.2 Discharge	Covenant \$250.00

Schedule 3 – Planning and Development Fees

1.0 - Official Community Plan (OCP) amendment

1.1	Application fee	\$1,000.00
1.2	Joint Zoning Bylaw Amendment fee	\$1,500.00
	plus: i) per dwelling unit and/or parcel in excess of four (4)	\$25.00

2.0 - Zoning Bylaw or Land Use Contract (LUC) amendment

2.1	Application fee	\$1,000.00
	plus: i) per dwelling unit and/or parcel in excess of four (4)	\$25.00

3.0 - Temporary Use Permit

3.1	Application fee	\$700.00
3.2	Renewal fee	\$350.00

4.0 - Development Permit

4.1	Application fee:	
	i) Delegated Development Permit	\$300.00
	ii) Non-Delegated Development Permit	\$600.00
	iii) Expedited Development Permit	\$150.00
4.2	Amendment to a Permit fee:	
	i) Delegated Development Permit	\$300.00
	ii) Non-Delegated Development Permit	\$300.00
	iii) Expedited Development Permit	\$150.00
4.3	Miscellaneous fees:	
	i) Cancelling a Development Permit on title	\$200.00

5.0 - Development Variance Permit

5.1	Application fee	\$400.00
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6.0 - Subdivisions (Bylaw 2000)

6.1	Referral Review Fee (fee simple or strata parcels)	
	i) base fee	\$400.00
	plus ii) each additional parcel to be created	\$500.00/parcel
6.2	Referral Review Fee (boundary adjustment)	
	i) base fee	\$600.00
	plus ii) each additional parcel to be adjustment in excess of two (2)	\$100.00/parcel
6.3	Referral Review Fee (plan revisions)	
	i) base fee	\$ 150.00
	plus ii) any additional parcel to be created that has not previously been reviewed	\$ 500.00/parcel

6.4 Referral Review Fee (road closure)
i) base fee \$400.00

6.5 Application Extension \$150.00

6.6 Infrastructure Review and Inspection Fees
i) 3.5%, to a minimum of \$500.00, of the total cost of "on-site" and "off-site" works that the Regional District will assume operations and ownership over once the subdivision or development is completed.

NOTE: for the purposes of calculating 3.5% of works, consulting engineering design fees are not included in the fee calculation. It is incumbent on the developer to provide actual construction costs for the Regional District approval.

All fees shall be paid to the Regional District prior to final support of the subdivision referral being provided to the Ministry of Transportation and Infrastructure (MoTI) or final occupancy of a building permit for the development.

7.0 - Board of Variance Appeal

7.1 Application fee \$ 500.00

8.0 - Floodplain Exemption

8.1 Application fee \$ 400.00

9.0 - Strata Title Conversion

9.1 Application fee \$ 150.00
plus: i) for each additional unit \$150.00

10. - Campsite Permit (Bylaw 713)

10.1 Application fee \$ 150.00
plus: i) for each camping space \$15.00

10.2 Renewal fee \$ 150.00

11.0 - Mobile Home Park Permit (Bylaw 2597)	
11.1 Application fee	\$ 150.00
plus: i) for each mobile home space	\$30.00
11.2 Renewal fee	\$ 150.00
12.0 - Applications to the Agriculture Land Commission	
12.1 Application fee	\$1500.00
13.0 - Liquor and Cannabis Regulation Branch (LCRB) Referrals	
13.1 Application Fee – Liquor License	\$100.00
13.2 Application Fee – Cannabis License	\$1,000.00
14.0 - File Searches (for routinely releasable records only)	
14.1 Retrieval of off-site files	\$30.00
14.2 Information recovery from a property folio:	
i) first ½ hour of time spent	\$0.00
ii) each additional ¼ hour spent after first ½ hour of time	\$15.00
15.0 - Legal Documents	
15.1 Documents from Land Titles Office and BC Registries and Online Services:	
i) State of Title	\$25.00
ii) Covenants, Right of Ways, Easements, Plans and similar documents:	actual cost of document (minimum \$25.00)
16.0 - Covenants	
16.1 Discharge of a Statutory Covenant	\$250.00
16.2 Preparation or Amendment of a Statutory Covenant	\$500.00
17.0 - Comfort Letters	
17.1 "Comfort Letter" for compliance with bylaws or zoning	\$100.00
18.0 - Letter of Concurrence for Communication Towers	\$400.00

NOTE: The number of dwelling units and/or parcels referred to at Sections 1.2 and 2.1 shall be determined by either using the maximum density of dwelling units permitted per hectare of land in the proposed zone or designation, or by dividing the area of the land proposed to be re-designated or zoned by the minimum parcel size requirement of the proposed zone or designation, whichever yields the greatest number.

Schedule 4 – Bylaw Enforcement Fees

1.0 - Animal Control Fees – Dog Control Bylaw No. 2671, 2017

- | | |
|--|-----------------------------------|
| 1.1. Impoundment Fees – Dogs (other than Dangerous Dogs) | |
| · first impoundment in any calendar year | \$50.00 |
| · second impoundment in any calendar year | \$100.00 |
| · third impoundment in any calendar year | \$250.00 |
| · each subsequent impoundment in any calendar year | \$500.00 |
| 1.2 Impoundment Fees – Dangerous Dogs | |
| · each impoundment | \$1,000.00 |
| 1.3 Maintenance Fees | |
| · each twenty-four (24) hour period, or part thereof | \$20.00 |
| · Dangerous Dog | \$30.00 |
| 1.4 Veterinary Costs Incurred | costs as invoiced by Veterinarian |

2.0 - Dog Licensing Fees:

- | | |
|--|-----------|
| 2.1 Intact Males and Non Spayed Females | \$50.00 |
| Spayed Females and Neutered Males | \$20.00 |
| Certified Guide or Assistance Dog | no charge |
| 2.2 notwithstanding 2.1, the licence fee for a dog that has reached 24 weeks in the same licencing year shall be prorated to a minimum amount of \$5.00 | |
| 2.3 Where an owner presents proof that a dog was spayed or neutered in the same calendar year as the dog licence, the difference in licence fee shall be reimbursed for that calendar year, provided that the reimbursement is requested within the same calendar year as the licence. | |

3.0 - Replacement of Lost, Destroyed or Mutilated Tags:

- | | |
|---|--------|
| 3.1 replacement of any lost, destroyed or mutilated tag | \$5.00 |
|---|--------|

4.0 - Burning Permit Fees

- | | |
|--|------------------------------|
| 4.1 Open Air Burning Permit (valid for one year) | Bylaw 2364
\$30.00 |
|--|------------------------------|

5.0 - Recovery of Collection Fees For Fines

- | | |
|--|----------------------------------|
| 5.1 To recover costs during collection process | Bylaw 2507
as incurred |
|--|----------------------------------|

Schedule 5 – Public Works and Engineering Services Fees

Section 1 - Development Fees

1.0 - Water Meter Vault, Appurtenances and Installation Fees

- 1.1 For all newly created lots a fee will be paid at time of subdivision for each lot that lies within a Water Service Area owned and operated by the Regional District as follows:

1.1.1	¾ to 1 ½ inch Service	\$1,500/lot
1.1.2	2 inch Service	\$2,000/lot
1.1.3	4 inch Service	\$3,000/lot

The fee includes the cost for the water meter and meter installation.

- 1.2 The fees in 1.1 may also apply to zoning amendment applications.

Section 2 - Development Cost Charges & Capital Expenditure Fees

1.0 - Okanagan Falls Sewer Development Cost Charges

1.1	Single detached dwelling per lot/per dwelling unit	\$5900.00	9,500.00	Bylaw 2486
1.2	Duplex per dwelling unit	\$5900.00	9,500.00	
1.3	Townhouse per dwelling unit	\$5900.00	6,800.00	
1.4	Apartment per dwelling unit	\$4200.00	6,800.00	
1.5	Commercial per m ² gross floor area	\$19.00	30.00	
1.6	Industrial per m ² gross floor area	\$19.00	30.00	
1.7	Institutional per m ² gross floor area	\$17.00	27.00	
1.8				Park \$2,400

2.0 - Naramata Water System Development Cost Charges and Capital Expenditure Charges

2.1	Development Cost Charges Zone A			Bylaw 1804 NID Bylaw 443
2.1.1	Single Family Residential at Subdivision	\$5,700/parcel		
2.1.2	Multi Family Residential at Building Permit	\$5,700/dwelling		
2.2	Capital Expenditure Charges – Zone A, B & C			
2.2.1	Single Family Residential	\$5,700/service		
2.2.2	Multi-Family Residential	\$5,700/lot		
2.2.3	Cottage	\$5,700/service		

3.0 - Olalla Water System Capital Expenditure Charges

3.1	Mobile Home Capital Expenditure Charge	\$1,000/unit	OID Bylaw 32
3.2	Capital Expenditure Charge	\$800/parcel	

4.0 - Faulder Community Water System Development Cost Charges

4.1	Single Family Residential	\$4,200/parcel	Bylaw 1894
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5.0 - West Bench Water System Capital Expenditure Charge
5.1 Capital Expenditure Charge

WBID Bylaw 101
\$3,000/parcel

6.0 - Sun Valley Water
6.1 Capital Expenditure Charge Subdivision

SVID Bylaw 14
\$1,000/Lot

Schedule 5 – Public Works and Engineering Services Fees

Section 3 – Water System Fees – See Regulatory Bylaw 2824.2019

Note: Where two or more types of uses are made of a single property or building, multiples or combinations of the user rate shall be determined by the RDOS, acting reasonably. In the case of a residence accompanying a commercial use, the applicable rate shall be the higher of the two rates but not both.

1.0 - Naramata Water System

CATEGORY	Unit of Charge	\$/Unit
ANNUAL BASE FEES – ONE of the following will apply to each parcel		
1.1 Basic User Fee - Residential	Per dwelling	\$1,059
1.2 Basic User Fee – Multi-Dwelling Unit	Per unit	\$909
1.3 Basic User Fee – Vacant Lot or Frontage Fee	Per parcel	\$182
1.4 Parcel User Fee – Non-Residential	Per parcel	\$149
IRRIGATION – Applies to all properties larger than 0.25 Acre and/or all those with a separate Irrigation Connection		
1.5 Residential Acreage [0.25 acre included in BASE FEE and not used in this calculation]	Per Acre	\$295
1.6 Irrigation Connections		
1.6.1 Three quarter inch (3/4")	Per connection	\$92
1.6.2 One Inch (1")	Per connection	\$92
1.6.3 One and One Quarter Inch (1 1/4")	Per connection	\$92
1.6.4 One and One Half Inch (1 1/2")	Per connection	\$92
1.6.5 Two Inches (2")	Per connection	\$92
1.7 Irrigation Acreage	Per Acre	\$281
In addition to the applicable ANNUAL BASE FEES the following fees apply:		
1.8 Guest Cottages, Summer Cabin, Pickers Cabin	Per unit	\$182
1.9 Secondary Suites or Carriage House or Cabin	Per unit	\$909
1.10 Motel, Hotel or Resort	Per unit	\$161
1.11 Bed and Breakfast	Per establishment	\$321
1.12 Campground	Per parcel	\$844
1.13 Bunkhouse	Per building	\$372
1.14 Service Station or Garage, Retail Store, Office, Personal Service Establishment	Per business	\$219
1.15 Eating and Drinking Establishment	Per business	\$436
1.16 Food and Beverage Processing (Winery)	Per business	\$436
OTHER USER CATEGORY (Annual Base Fee does not apply)		
1.17 Educational Facility	Per school	\$4,895
1.18 Naramata Centre	Each	\$11,130
1.19 Park & Cemetery Use	Per Acre	\$281.00
1.20 Park Bathroom Per Unit	Per Unit	\$500.00

2.0 - Olalla Water System

CATEGORY	Unit of Charge	\$/Unit
2.1 Basic User Fee - Residential	Per dwelling	\$474.02 \$468.3
2.2 Basic User Fee – Multi-Dwelling Unit	Per dwelling	\$474.02 \$468.3
2.3 Basic User Fee – Mobile Home	Per dwelling	\$474.02 \$468.3

(inside or outside of a Mobile Home Park)		
2.4 Commercial	Per business	\$479.66 \$473.9
2.5 Frontage Fee or Vacant Lot	Per Parcel	\$184.21 \$182.0
2.6 Recreational Vehicle Park	Per Unit	\$474.02 \$468.3
2.7 Accessory Dwelling	Per dwelling	\$474.02 \$468.3
2.8 Additional Water Service Connections	Per Unit	\$474.02 \$468.3
2.9 Secondary Suite	Per Unit	\$248.83 \$245.8

3.0 - Faulder Water System by taxation

4.0 - West Bench Water System

CATEGORY	BASE RATE ANNUALLY	METERED CONSUMPTION USAGE
4.1 Water – Basic User Fee	761.64	plus \$0.416 0.389 /cubic meter
4.2 Water - Vacant Lot or Frontage Fee	709.62	unmetered
4.3 Water – Basic User Fee MultiDwelling per Unit	761.64	plus \$0.416 0.389 /cubic meter
4.4 Water - Park	761.64	plus \$0.416 0.389 /cubic meter
4.5 Water – Educational Facility	761.64	plus \$0.416 0.389 /cubic meter
4.6 Water - Agriculture	761.64	plus 0.195 \$0.208 /cubic meter
4.7 Water - Commercial	761.64	plus \$0.416 0.389 /cubic meter
4.8 Water - Utility	728.40	unmetered

4.9 Water – WBID Loan Payment (Debt ends 2023) \$23.25 quarter/parcel

4.10 Water – Reserve Fund \$28.75 quarter/parcel

5.0 - Gallagher Lake Water System

	Type of Use	Unit of Charge	Annual Rates
5.1.1	Residential		
5.1.1.1	Basic User Fee – Residential or Mobile Home	Per dwelling	\$679 690.00
5.1.1.3	Secondary Suite, or Cabin	Per unit	\$258 262.00
5.1.2	Commercial		
5.1.2.1	Office, Personal Service Establishment, Retail Store	per unit	\$300 305.00
5.1.2.2	Motel or Hotel	per room	\$226 230.00
5.1.2.3	Campground	per site	\$80 81.00
5.1.2.4	Eating and Drinking Establishment (Restaurant, Beverage Room, or Distillery)	less than 25 seats	\$653 664.00
		25 to 49 seats	\$969 985.00
		each additional 25 seats or increment	\$323 328.00
5.1.2.11	Community Hall	per unit	\$2,139 2,147.00

Where two or more types of uses are made of a single property or building, multiples or combinations of the user rate shall be determined by the RDOS, acting reasonably. In the case of a residence accompanying a commercial use, the applicable rate shall be the higher of the two rates but not both.

The rate for churches and halls is only intended where the premises are used for holding regular meetings. Where other uses are made of the building the appropriate user rates shall also apply.

5.2 Metered Rates

All consumption shall be charged at the rate of \$0.57 per cubic metre.

6.0 - Willowbrook Water System

	Type of Use	Unit of Charge	Annual Rates
6.1	Basic User Fee	Dwelling Unit	\$1,207
6.2	Vacant Lot or Frontage Fee	Per Parcel	\$724
6.3	Accessory Dwelling	Dwelling Unit	\$905
6.4	Community Riding Arena	Per Parcel	\$50

7.0 - Sun Valley Water System

7.1 Basic User Fee per Parcel includes a 6 gallon per minute water allotment (Grade A)		\$1,575 \$1,643 \$1,571
7.2 In addition to the Basic User Fee with the exception of Grade I		
Grade A1	Shall comprise of every parcel of land with a 3 gallon per minute dole valve.	\$152 146
Grade B	Shall comprise of every parcel of land with a 12 gallon per minute dole valve.	\$583 \$608 582
Grade C	Shall comprise of every parcel of land with an 18 gallon per minute dole valve.	\$874 \$872 911
Grade D	Shall comprise of every parcel of land with a 24 gallon per minute dole valve.	\$1,166 \$1,163 1,216
Grade E	Shall comprise of every parcel with a 30 gallon per minute dole valve.	\$1,456 \$1,145 31,518
Grade F	Shall comprise of every parcel of land with a 36 gallon per minute dole valve.	\$1,747 \$1,822 1,753
Grade G	Shall comprise of every parcel of land with a 39 gallon per minute dole valve.	\$1,894 \$1,975 1,890
Grade H 1	Shall comprise of every parcel of land with a 175 gallon per minute dole valve.	\$8,508 \$8,488 8,873
Grade H 2	Shall comprise of every parcel of land with a 120 gallon per minute dole valve.	\$5,835 \$6,085 5,821
Grade I	Shall comprise of every parcel of land to which water cannot be supplied.	\$202 194
7.3 Out of Season Irrigation	1.25/day x gpm delivered per dole valve	\$105 110

8.0 - Missezula Lake Water System

Per Property Parcel		\$677 44
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9.0 - General Water Services

9.0	Temporary Water Use Permit Fee (Hydrant Use)	\$50 / day
9.1	Temporary Water Use Permit – Backflow Prevention	\$50 / day
9.2	Deposit for Temporary Water use Permit (Hydrant Use)	\$500 / rental
9.3	Connection Charge	\$350 / each
9.4	Inspection and Administration Fee	\$100 / each
9.5	Water Turn-On and/or Fee	\$50
9.6	Valve Turn Request	\$50

Schedule 5 – Public Works and Engineering Services Fees

Section 4 – Sewer System Fees

1.0 Okanagan Falls Sewer User Rates

The following rates do not apply if the owner is in possession of a Sewer Use Contract of Section 14 of the Okanagan Falls Special Service Area Sewerage Regulation Bylaw.

Category	Annual Billing Rate
Single Family Dwelling/Townhouse/Duplex	\$922.00 923.00 \$879
Apartment per unit	\$783.00 784.00 \$747
Mobile home park/per unit	\$829.00 830.00 \$791
Motel/Hotel per unit	\$369.00 370.00 \$352
Restaurant/Lounge/Pub	\$2,765.00 2769.00 \$2,637
School per classroom	\$830.00 829.00 \$791
Church, Library, Community Hall & Drop-in Centres	\$1,014.00 1,016.00 \$967
Small Business, office building (20 employees or less)	\$1,016.00 1,014.00 \$967
Larger Business, office building (greater than 20 employees)	\$2,119.00 2,122.00 \$2,021
Supermarket	\$2,769.00 2,672.00 \$2,548
Service Station	\$1,659.00 1,661.00 \$1,582
Industrial/Commercial (20 employees or less)	\$1,106.00 1,108.00 \$1,055
Industrial/Commercial (20 to 50 employees)	\$2,119.00 2,122.00 \$2,021
Industrial/Commercial (greater than 50 employees)	\$2,765.00 2,769.00 \$2,637
Coin operated car wash	\$5,529.00 5,537.00 \$5,273
Laundromat (per washing machines)	\$738.00 737.00 \$703
Campground/Washroom per site	\$369.00 370.00 \$352
Shower/washroom	\$369.00 370.00 \$352

2.0 Gallagher Lake Sewer System

2.1. Flat Rates

	Type of Use	Unit of Charge	Annual Rates
2.1.1	Residential		
2.1.1.1	Basic User Fee - Residential	Per dwelling	\$ 435 449.66
2.1.1.2	Secondary Suite or Cabin	dwelling unit	\$172.66 167
2.1.2	Commercial		
2.1.2.1	Office, Personal Service Establishment, Retail Store	per unit	\$ 435 449.66
2.1.2.2	Motel or Hotel	per room	\$ 320 330.79
2.1.2.3	Campground	per site	\$ 56 57.89
2.1.2.4	Eating and Drinking Establishment less than 25 seats	per unit	\$ 796 822.83
		25 to 49 seats	\$ 1,190 1,230.11
		for each additional 25 seats or increment	\$ 397 410.38
2.1.2.5	Community Hall	per unit	\$ 2,183 2,256.59

Where two or more types of uses are made of a single property or building, multiples or combinations of the user rate shall be determined by the RDOS, acting reasonably. In the case of a residence accompanying a commercial use, the applicable rate shall be the higher of the two rates but not both.

The user rate for churches and halls is only intended where the premises are used for holding regular meetings. Where other types of uses are made of the building the appropriate user rates shall also apply.

2.2 Metered Rates

Where sewer flows for a particular property or use are determined, by the RDOS or designate, to be in excess of the recoverable flat rate, the property in question will be invoiced based on one of the following:

2.2.1 Sewer users with an effluent or sewage flow meter shall be charged at the rate of \$0.78 per cubic metre of measured effluent.

2.2.2 For metered water users without effluent flow meters, the charge for use of the sewage system shall be calculated as 80% of the recorded volume of metered water used times a rate of \$0.78 per cubic metre.

3.0	General Sewer Services	
3.1	Connection Charge	\$350
3.2	Inspection & Administration Fee	\$100/each

Schedule 5 – Public Works and Engineering Services Fees

Section 5 Apex Mountain Waste Transfer Station Service Fees

Fees for improved residential premises and non-residential premises as set out in the RDOS Apex Mountain Waste Transfer Station Regulation Bylaw by defined service area:

5.1	Residential dwelling unit as defined by Kaleden-Apex Southwest Sector Zoning Bylaw 2457, 2008	\$110 per unit per year
5.2	Apex Mountain Ski Resort Commercial Properties including the ski resort operation and all businesses under lease from Apex Mountain Ski Resort based on 7.1% of total annual costs	\$10,887 per year
5.3	Nickel Plate Nordic Ski Centre	\$200 per year

Schedule 5 – Public Works and Engineering Services Fees

Section 6 Curbside Solid Waste Collection and Drop-Off Service Fees

Fees for improved residential premises and non-residential premises as set out in the RDOS Solid Waste Collection and Drop-Off Service Regulation Bylaw to receive waste collection service by defined service area:

6.1	Electoral Area "A".	\$137 2 per premise per year
6.2	Electoral Area "B".	\$138 3 per premise per year
6.3	Electoral Area "C".	\$150 46 per premise per year
6.4	Participating areas of Electoral Area "D" and Electoral Area "I" excluding Upper Carmi, Heritage Hills, Lakeshore Highlands and Kaleden.	\$135 per premise per year
6.5	Participating areas of Electoral Area "D" and Electoral Area "I" within Upper Carmi, Heritage Hills, Lakeshore Highlands and Kaleden.	\$155 per premise per year
6.6	Participating areas of Electoral Areas "E".	\$155 per premise per year
6.7	Participating areas of Electoral Area "F".	\$155 per premise per year
6.8	Electoral Area "G".	\$165 2 per premise per year
6.9	Village of Keremeos.	\$125 per premise per year
6.10	Tag-a-Bag as defined by the RDOS Solid Waste Collection and Drop-Off Service Regulation Bylaw	\$1.50 each
6.11	Properties that have active commercial bin collection of refuse located on the property in question that request residential collection of recycled materials only	\$45.00 per premise per year.

Schedule 5 – Public Works and Engineering Services Fees

Section 7- Sanitary RDOS Administered Landfills

1.0 Campbell Mountain, Okanagan Falls, Oliver Landfills and Keremeos Waste Transfer Station. The general TIPPING FEE is per metric tonne per load, or when stated per unit, when each SOLID WASTE is SOURCE SEPARATED, not CONTAMINATED and DISPOSED in the DESIGNATED LOCATION.

Capitalization of **an entire** word in Section 1.1 REFUSE, and DEMOLITION, RENOVATION, CONSTRUCTION MIXED LOAD SOLID WASTE, 1.2 RECYCLABLES, and 1.3 Authorized CONTROLLED WASTE indicates that it is defined in the RDOS Administered Landfills **Waste Management Service** Regulatory Bylaw **No. 2796**. TIPPING FEE charges that are in addition to the general TIPPING FEE listed in Section 1.1 to 1.3 are identified in 2.0.

The REGIONAL DISTRICT retains the right to deny acceptance or to limit the volume and frequency of any SOLID WASTE delivered to the SITE due to safety, operational, CONTAMINATION or other considerations.

1.1 REFUSE and DEMOLITION, RENOVATION, CONSTRUCTION MIXED LOAD SOLID WASTE	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load and see 1.0
REFUSE	\$110.00	\$110.00 Must not contain items listed in Section 2.13	\$110.00	\$110.00 Must not contain items listed in Section 2.12	\$5.00 minimum charge. Okanagan Falls Landfill cannot accept FOOD WASTE.
CONSTRUCTION NEW MIXED LOAD	\$700.00	\$110.00	\$700.00	Not Accepted	RDOS approval form required. \$25.00 minimum charge.
CONSTRUCTION REFUSE	\$110.00	\$110.00	\$110.00	\$110.00	\$5.00 minimum charge.
DEMOLITION AND RENOVATION MIXED LOAD- ASSESSED	\$500.00	\$110.00	\$500.00	Not Accepted	RDOS approval form required. \$25.00 minimum charge.
DEMOLITION AND RENOVATION MIXED LOAD- NON-ASSESSED	\$700.00	\$500.00	\$700.00	Not Accepted	\$50.00 minimum charge.
NON-SERVICE AREA DEMOLITION AND RENOVATION MIXED LOAD ASSESSED and CONSTRUCTION NEW MIXED LOAD	Not Accepted	\$135.00	Not Accepted	Not Accepted	RDOS approval form required. Materials generated outside the SERVICE AREA of a SITE.

1.2 RECYCLABLES (see Charge Information with each SOLID WASTE)	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load, or as stated per unit, and see 1.0
Alarms (smoke, CO detectors)	\$0.00	\$0.00	\$0.00	\$0.00	Residential quantities accepted.
Antifreeze (liquid & containers)	\$0.00	Not Accepted	\$0.00	Not Accepted	Residential quantities accepted.
ASPHALT SHINGLES	\$60.00	\$60.00	\$60.00	\$60.00	\$5.00 minimum charge.
BATTERIES LEAD-ACID, BATTERIES - HOUSEHOLD	\$0.00	\$0.00	\$0.00	\$0.00	Lead acid, Household.
CONCRETE ASPHALT CERAMIC FIXTURES and Ceramic Tile MASONRY ROCKS -(40cm and ROCKS not greater than 40cm in under 40cm in any diameter dimension)	\$20.00	\$20.00	\$20.00	\$20.00	\$5.00 minimum charge. CONCRETE, ASPHALT, CERAMIC FIXTURES, Ceramic Tile, and MASONRY, and including ROCKS may be received and combined in the same load. See size requirements in the Regulatory Bylaw. For oversize material see CONCRETE BULKY.
CONCRETE BULKY (including ROCKS over 40 cm in any diameter)	\$60.00	\$60.00	\$60.00	Not Accepted	Means CONCRETE measuring greater than 1 m. in any dimension and/or large amounts of metal protruding greater than 15 cm. ROCKS over 40 cm in diameter may be received and/or minor CONTAMINANT combined in same load. \$50.00 minimum charge.

1.2 RECYCLABLES (see Charge Information with each SOLID WASTE) Cont	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load, or as stated per unit, and see 1.0
CORRUGATED CARDBOARD - ICI	\$110.00	\$110.00	\$110.00	\$110.00	Not CONTAMINATED and suitably prepared.
ELECTRONIC and ELECTRICAL PRODUCTS (E-WASTE)	\$0.00	\$0.00	\$0.00	\$0.00	Residential quantities.
FRUIT WASTE	\$0.00 up to 500 kg \$60.00 portion above 500 kg	Not Accepted	\$0.00 up to 500 kg \$60.00 portion above 500 kg	Not Accepted	\$5.00 minimum charge for loads greater than 500 kg
FRUIT/GRAIN BY-PRODUCTS	\$0.00 up to 500 kg \$60 portion above 500 kg	Not Accepted	\$0.00 up to 500 kg \$60 portion above 500 kg	Not Accepted	\$5.00 minimum charge for loads greater than 500 kg
GLASS CONTAINERS	\$0.00	\$0.00	\$0.00	\$0.00	Clean, empty. Commercial volumes accepted in DESIGNATED LOCATION
GLASS SHEET	\$110	\$110	\$110	\$110	Accepted in DESIGNATED LOCATION
GYSPUM BOARD ASSESSED or GYSPUM BOARD - NEW	\$110.00	\$110.00	\$110.00	\$110.00	\$5.00 minimum charge.
GYSPUM BOARD - NON-RECYCLABLE	\$110.00	\$110.00	\$110.00	\$110.00	\$5.00 minimum charge
Lighting (fixtures and bulbs)	\$0.00	\$0.00	\$0.00	\$0.00	Residential quantities accepted.
Mattress or Box Spring	\$10.00 per unit	\$10.00 per unit	\$10.00 per unit	\$10.00 per unit	Any size. (10 units per load per day)
Mercury containing materials (fluorescent tubes, thermostat switches)	\$0.00	\$0.00	\$0.00	\$0.00	Residential quantities (10 fluorescent tubes per load per day) accepted HHW Facility.
METAL METAL DRUMS AND TANKS	\$0.00 up to 500 kg; \$60.00 M/T portion above 500 kg	\$0.00 up to 500 kg; \$60.00 M/T portion above 500 kg	\$0.00 up to 500 kg; \$60.00 M/T portion above 500 kg	\$0.00 up to 500 kg; \$60.00 M/T portion above 500 kg	\$5.00 minimum charge for loads above 500 kg. Under 2.4 meters (8 ft.) in length and/or width.

					Must be suitably prepared.
1.2 RECYCLABLES (see Charge Information with each SOLID WASTE) Cont	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load, or as stated per unit, and see 1.0
Oil (used motor oil, filters and containers)	\$0.00	Not Accepted	\$0.00	Not Accepted \$0.00	Residential quantities accepted. HHW Facility. (limit of 20 litres per load per day).
OPERATIONALLY BENEFICIAL	\$0.00	\$0.00	\$0.00	\$0.00	As determined by the MANAGER. RDOS approval required.
Paint - residential	\$0.00	Not Accepted	\$0.00	Not Accepted	Residential quantities accepted (limit of 20 litres per load per day).
PRESSURIZED TANKS - Large	\$1.00 per unit	\$1.00 per unit	\$1.00 per unit	\$1.00 per unit	4.5 kg (10 lb.) capacity or greater. (limit of 5 units per load per day)
PRESSURIZED TANKS - Small	\$0.00	\$0.00	\$0.00	\$0.00	Less than 4.5 kg (10 lb.) capacity.
PRODUCT STEWARDSHIP MATERIALS	\$0.00	\$0.00	\$0.00	\$0.00	Acceptable PRODUCT STEWARDSHIP MATERIALS and acceptable quantities from within the SERVICE AREA.
REFRIGERATION UNIT (Fridges, Freezers, AC units etc.)	\$0.00 see Charge Information per unit	Clean and free of FOOD WASTE.			
RESIDENTIAL HOUSEHOLD HAZARDOUS WASTE	\$0.00	Not Accepted	See Oil, Paint Antifreeze, Lighting	Not Accepted	Residential quantities accepted. Oliver LF accepts only what is listed.
RESIDENTIAL RECYCLING PACKAGING	\$0.00	\$0.00	\$0.00	\$0.00	Sorted correctly and n Not CONTAMINATED.
RESIDENTIAL RECYCLING unsorted	Not accepted	Not accepted	Not accepted	Not accepted	
TAR AND GRAVEL ROOFING	\$60.00	\$60.00	\$60.00	\$60.00	\$5.00 minimum charge.

TIRE	\$0.00	\$0.00	\$0.00	\$0.00	Maximum 10 per load/day. No bicycle tires.
1.2 RECYCLABLES (see Charge Information with each SOLID WASTE) Cont	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load, or as stated per unit, and see 1.0
TIRE WITH RIMS— <i>with rims</i>	\$3.00 per unit	\$3.00 per unit	\$3.00 per unit	\$3.00 per unit	Maximum 10 per load/day. No bicycle tires.
TIRE-OVERSIZE	\$500.00	\$500.00	\$500.00	\$500.00	Per Metric Tonne
WOOD CLEAN	\$60.00	\$60.00	\$60.00	\$60.00	\$5.00 minimum charge.
WOOD PRODUCT	\$60.00	\$60.00	\$60.00	\$60.00	\$5.00 minimum charge.
YARD WASTE	\$0.00 up to 500 kg; \$60.00 portion above 500 kg	\$0.00 up to 500 kg; \$60.00 portion above 500 kg	\$0.00 up to 500 kg; \$60.00 portion above 500 kg	\$0.00 up to 500 kg; \$60.00 portion above 500 kg	\$5.00 minimum charge for loads greater than 500 kg. Under 2.4 meters (8 ft.) in length.
YARD WASTE - CHIPPED, GRASS, LEAVES	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	No Charge when loads contain only chipped yard waste, grass, and/or leaves.
YARD WASTE - TREE STUMPS	\$60.00	\$60.00	\$60.00	\$60.00	\$5.00 minimum
Compost Sales	For Campbell Mountain Landfill compost sales, contact City of Penticton. Compost site is operated by the City of Penticton.				

1.3 Authorized CONTROLLED WASTE	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load or as indicated and see 1.0
AGRICULTURAL ORGANIC MATERIAL	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	RDOS approval required. Penalties will apply if not suitably prepared See Section 2.2
AGRICULTURAL PLASTIC	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	RDOS approval required. Penalties will apply if not suitably prepared. See Section 2.14
ASBESTOS CONTAINING MATERIALS (ACM)	\$150.00 see Charge Information	Not Accepted	\$150.00 see Charge Information	Not Accepted	RDOS approval required. PROHIBITED WASTE when not suitably contained and

					DISPOSED of . \$5.00 minimum charge
1.3 Authorized CONTROLLED WASTE	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load or as indicated and see 1.0
BULKY WASTE	\$200.00	\$200.00	\$200.00	Not Accepted	\$50.00 minimum charge.
BURNED MATERIALs that have been allowed to cool for no less than a two-week period.	\$200.00	Not Accepted	\$200.00	Not Accepted	RDOS approval required. \$5.00 minimum charge.
BURNED MATERIALs CONTAINING ASBESTOS	\$400.00	Not Accepted	\$400.00	Not Accepted	RDOS approval required. \$5.00 minimum charge.
CARCASSES	\$50.00	Not Accepted	\$50.00	Not Accepted	\$10.00 minimum charge.
CLINICAL/ LABORATORY STERILIZED WASTE	\$200.00	Not Accepted	\$200.00	Not Accepted	\$50.00 minimum charge
Condemned foods	\$200.00	Not Accepted	\$200.00	Not Accepted	RDOS approval required. \$350.00 minimum charge.
Foundry Dust	\$150.00	Not Accepted	\$150.00	Not Accepted	\$50.00 minimum charge. RDOS approval required.
ILLEGALLY DUMPED WASTE	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	RDOS approval required. Regular charges will apply if not RDOS approved prior to DISPOSAL.
INFESTED VEGETATION INVASIVE PLANTS	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	Penalties will apply if not DISPOSED of in DESIGNATED LOCATION.
LEAD-BASED PAINT coated materials	\$60.00 see Charge Information	\$60.00 see Charge Information	\$60.00 see Charge Information	\$60.00 see Charge Information	PROHIBITED WASTE when not suitably DISPOSED of . \$5.00 minimum charge.
PROHIBITED WASTE	\$500.00	\$500.00	\$500.00	Not Accepted	\$50.00 minimum charge. RDOS approval required.
Sludge and Screenings from municipal sewage treatment plants	\$110.00 see Charge Information	Not Accepted	\$110.00 see Charge Information	Not Accepted	\$50.00 minimum charge. RDOS approval required. If not RDOS approved prior to DISPOSAL a charge of

					\$200 M/T will apply with a \$50.00 minimum.
1.3 Authorized CONTROLLED WASTE	Campbell Mountain Landfill	Okanagan Falls Landfill	Oliver Landfill	Keremeos Waste Transfer Station	Charge Information Charge per metric tonne per load or as indicated and see 1.0
SOIL CLEAN	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	\$0.00 see Charge Information	RDOS approval required.
SOIL CONTAMINATED	\$50.00	\$50.00	\$50.00	Not Accepted	Soil Relocation Application required.
Soil Relocation Application	\$250.00 per application	\$250.00 per application	\$250.00 per application	Not Applicable	RDOS approval required.
SOIL SMALL VOLUME CONTAMINATED	\$50.00	\$50.00	\$50.00	Not Accepted	RDOS approval required.
WOOD-PRESERVED	\$60.00 see Charge Information	\$60.00 see Charge Information	\$60.00 see Charge Information	\$60.00 see Charge Information	PROHIBITED WASTE when not suitably DISPOSED. \$5.00 minimum charge.
WOOD INDUSTRIAL	\$300.00	\$300.00	\$300.00	Not Accepted	\$50.00 minimum charge.
WOOD CHIPPED OR GROUND	\$200.00	\$200.00	\$200.00	Not Accepted	

2.0 - The following charges are in addition to the general charges outlined above in 1.0 to 1.3, shall also apply:

- 2.1 Any REFUSE that is deposited at the ACTIVE FACE or REFUSE BINS, with the exception of DEMOLITION AND RENOVATION MIXED LOAD and CONSTRUCTION NEW MIXED LOAD, that contains CONTROLLED WASTE or RECYCLABLE WASTE, shall be charged three times the rate for REFUSE, or three times the highest rate for any material contained in the load, whichever is greater.
- 2.2 Any SOLID WASTE load that is deposited in a DESIGNATED LOCATION and that is CONTAMINATED or does not meet RECYCLABLE specifications shall be charged four times the rate for REFUSE, or four times the highest rate for any material contained in the load, whichever is greater.
- 2.3 DISPOSING of unauthorized PROHIBITED WASTE in a manner contrary to the RDOS approved protocol shall be charged \$500 per tonne with a \$300 minimum charge, or as determined by the MANAGER.
- 2.4 Any MIXED LOAD deposited at the SITE shall be charged at the rate for the component of the load with the highest applicable rate.
- 2.5 The fee for each load of SOLID WASTE that arrives at the SITE that is not properly covered or secured shall be charged double the normal fee set out in this Schedule with a \$10 minimum charge. (See RDOS Administered Landfills ~~Waste Management Service~~ Regulatory Bylaw)

- 2.6 The charge payable under this Schedule shall be paid following the weighing of the empty VEHICLE after the load is DISPOSED and shall be based on the WEIGHT- NET, difference in weight between the WEIGHT - GROSS and the WEIGHT - TARE of the empty VEHICLE.
- 2.7 In the event the weigh scale is not operational, the SITE OFFICIAL shall estimate the weight of each VEHICLE and a fee shall be charged as outlined in this Schedule.
- 2.8 All Agricultural Properties having materials ground or chipped in the SERVICE AREA under the In-Situ Agricultural Chipping Program shall pay a fee as determined by the REGIONAL DISTRICT.
- 2.9 Each offence committed against the current RDOS Administered Landfills ~~Waste Management Service~~ Regulatory Bylaw shall be deemed a separate and distinct offence and shall be charged two times the rate for REFUSE, or two times the highest rate for any SOLID WASTE contained in the load, whichever is greater, ~~double the normal fee~~ with a \$25~~10~~ minimum charge. ~~as set out in this Schedule.~~
- 2.10 SOLID WASTE verified to have been generated by LOCAL GOVERNMENT IMPROVEMENTS are exempt from TIPPING FEES when prepared and DISPOSED ~~of~~ in a manner approved by the MANAGER, and in accordance with this Bylaw, and the RDOS Waste Management Service Regulatory Bylaw.
- 2.11 Except where indicated in the Fees and Charges Bylaw any SOLID WASTE generated outside the designated Landfill SERVICE AREA that is DISPOSED of at a SITE shall be charged two times the rate for REFUSE, or two times the highest rate for any SOLID WASTE contained in the load, whichever is greater, with a \$20 minimum charge. In addition any penalties within the Fees and Charges Bylaw will apply.
- 2.12 DISPOSAL of SOLID WASTE including but not limited to, ASBESTOS CONTAINING MATERIAL, BURNED MATERIAL, CONSTRUCTION NEW MIXED LOAD, DEMOLITION AND RENOVATION MIXED LOAD, FRUIT WASTE, FRUIT /GRAIN BY-PRODUCTS is not authorized for DISPOSAL at the Keremeos SITE.¹
- 2.13 DISPOSAL of SOLID WASTE including but not limited to, ASBESTOS CONTAINING MATERIAL, BURNED MATERIAL, FOOD WASTE, FOOD PROCESSING WASTE, FRUIT WASTE, FRUIT /GRAIN BY-PRODUCTS is not authorized for DISPOSAL at the Okanagan Falls SITE.
- 2.14 The fee for each load of AGRICULTURAL PLASTIC that arrives at the SITE that is not suitably prepared as per RDOS policy shall be charged REFUSE with a \$5.00 minimum charge.
- 2.15 Any SOLID WASTE material over 2.4 metres (8 feet) is charged as BULKY WASTE.
- 2.16 Extra hours to open the Okanagan Falls Landfill are subject to 24 hours notice with a \$150 per hour charge.

Schedule 6 – Parks and Recreation Fees

1.0 - Naramata Parks and Recreation

1.1 Wharf Park			
	1.1.1	Park Rental (no power) daily	\$175
	1.1.2	Park Rental (no power) half day (4 hr max)	\$125
	1.1.3.	Wedding Vows - ceremony	\$75
1.2 Manitou Park			
	1.2.1	Park Rental (No Power) daily	\$175
	1.2.2	Add power (full day)	\$75
	1.2.3	Park Rental (no power) half day (4 hr max)	\$125
	1.2.4	Add power half day	\$50
1.3 Spirit Park			
	1.3.1	Instructed Programs (per series – price not to exceed) Park Rental (no Power) full day	\$175
	1.3.2	Park Rental (no power) half day	\$125
1.4 Recreation Programs			
	1.4.1	Instructed Programs (per series – price not to exceed)	\$175
		1.4.1.1 Drop-in (per session – price not to exceed)	\$15
	1.4.2	Summer Day Camp – daily (price not to exceed)	\$35
	1.4.3	Summer Camp Weekly (price not to exceed)	\$275
	1.4.4	Special Events (price not to exceed)	\$10
1.4 Program fees are set at a level sufficient at minimum to cover all instructor, expendable and consumable materials and extraordinary costs.			

*Programs and facility reservations may be subsidized for priority populations.

2.0 - Okanagan Falls Parks and Recreation

2.1 Kenyon House			
	2.1.1	Kenyon House - Monday to Friday daily	\$75
	2.1.2	Kenyon House - Saturday or Sunday daily	\$125
	2.1.3	Kenyon House - Full Weekend	\$250
2.2 Community Center			
	2.2.1	Full Facility Kitchen Activity Room and Gym - Saturday or Sunday	\$325
	2.2.2	Full Facility Kitchen Activity Room and Gym - Full Weekend	\$450
	2.2.3	Gym or Activity Room - Monday to Friday 3pm to 9pm daily	\$60
	2.2.4	Gym or Activity Room - Weekend Saturday or Sunday daily	\$150
	2.2.5	Gym or Activity Room - Full Weekend (Friday 3pm to Sunday 9pm)	\$250
	2.2.6	Kitchen with Rental of Activity Hall or Gym	\$75
	2.2.7	Children's Birthday Party - 3hr max	\$60-75 75-100
	2.2.8	Kitchen Only - Daily	\$50-100
	2.2.9	Kitchen Only - Full Weekend	\$150
2.3 Zen Center			
	2.3.1	Day Rate	\$60
	2.3.2	Full Weekend	\$100
2.4 Children Programs			
	2.4.1	Drop in rate - floor hockey, game night and Multisport	\$3
	2.4.2	Recreation Programs - per visit	\$3-\$10
	2.4.3	Special Events	\$10-\$20
	2.4.4	Summer Day Camp - daily (price not to exceed)	\$35
	2.4.5	Summer Camp Weekly (price not to exceed)	\$275
2.5 Adult Programs			
	2.5.1	Instructed Programs - Drop in	\$10
	2.5.2	Instructed Programs - 5 Pass Package	\$50
	2.5.3	Instructed Programs - 10 Pass Package	\$75
	2.5.4	Instructed Programs - 20 Pass Package	\$140
	2.5.5	Drop In Sports	\$3
2.4 Program fees are set at a level sufficient (at minimum) to cover all instructor, expendable and consumable materials and extraordinary costs.			
2.6 Lions			
	2.6.1	Wedding Vows - Ceremonies	\$75
2.7 Keogan			
	2.7.1	Youth / Teen	\$10
	2.7.2	Cricket / Baseball Adult Excusive	\$75- \$125

*Programs and facility reservations may be subsidized for priority populations.

3.0 - Kaleden Parks and Recreation

3.1 Parks			
	3.1.1	Kaleden Hotel day rate (Includes power)	\$400
3.2 Community Hall(rental includes Hall, Bar and Sound System)			
	3.2.1	Day Rate	
		3.2.1.1 Weddings (Saturday am to Sunday am)	\$2,000
		3.2.1.2 Hotel Park and Hall	\$2,300
		3.2.1.3 Meetings and Events (does not include kitchen)	\$415
		3.2.1.4 Meetings and Events (including kitchen)	\$615
		3.2.1.5 Weekdays Youth and Community Clubs	\$40
	3.2.2	Weekend Rate (6 pm Fri to noon Sun – incl kitchen)	
		3.2.2.1 Hall	\$2,400
		3.2.2.2 Hall and park	\$2,700
	3.2.3	3.2.3.1. Hall Hourly Rate	\$50
		3.2.3.2 within Upper Carmi, Heritage Hills, Lakeshore Highlands and Kaleden.	\$100
		3.2.3.3 Kitchen Hourly Rate	\$50
		Kaleden Residents receive a 25% discount on all Rentals	
	3.2.4	Damage Deposit – required	30%
	3.2.45	Sports Rental Rates (2 Hours)	
		3.2.5.1 Drop in Per Person	\$4
		3.2.5.2 Individual Fee paid in advance	\$2.50
		3.2.5.3 Club Fee	\$25
		Kaleden Youth Organized Groups	No Chg
	3.2.56	Discount for Non-Profit Organizations	20%
	3.2.7	Discount for Charitable Fundraising	No Chg
	3.2.8	Groups Providing Community Events	No Chg
3.3 On/Off Premises for Equipment not included in Site Rental			
	3.3.1	Equipment Rental (as listed in Rental Agreement)	\$2 – \$200
	3.3.2	Administration Fee on all Off Premise Rentals	\$40
		3.3.2.1 Weekday	\$60
		3.3.2.2 Weekend	

~~3.4 Deposit for All Types of Rentals _____ 30%~~

~~***Special Requests can be submitted to the Kaleden Recreation Commission ***~~

3.5 Recreation Programs			
	3.5.1	Adult Drop in rate 10 prepaid	\$4 \$30
	3.5.2	Active Kids Programs — per visit	\$3-\$10
	3.5.3	Special Onetime Events	\$10-\$20
	3.5.4	Instructed Programs — Drop in	\$10
	3.5.5	Fitness / Yoga businesses providing instruction Prepaid (10 pass) —30% of gross revenue paid to Kal Rec	\$10-\$15 \$90
3.5 Program fees are set at a level sufficient (at minimum) to cover all instructor, expendable and consumable materials and extraordinary costs.			

*Programs and facility reservations may be subsidized for priority populations.

4.0 - Similkameen Recreation

4.1 Facility Rentals				
	4.1.1	Bowling lanes (for 3 hours and does include shoe rental)	\$80	
	4.1.2	Bowling alley space rental (no bowling) per hour	\$20	
	4.1.3 2	Squash/Racquetball minimum 2 hrs. Cost is per hour (is included with monthly fitness pass)	\$20/hr	
	4.1.4 3	Racquet Court rental for private classes (yoga, Zumba etc.) 0	\$20/hr	
	4.1.5 4	Climbing Wall – (time is determined by certified instructor)	\$40	
	4.1.6 5	Ice Rental – per hour		
		4.1.6 5 .1 Youth (Under 18)	\$80	
		4.1.6 5 .2 Adult (18 and over)	\$100	
	4.1.7	Off season rink rental with staff – minimum 2 hrs. Cost is per hour.	\$25	
	4.1.8 6	Discounts for (approved) Not for Profit Service Clubs	50%	
4.2 Community Pool				
	4.2.1	Single Admission Rates		
		4.2.1.1	Pre-school – 4 and under	Free
		4.2.1.2	Child 5 – 12	\$4
		4.2.1.3	Youth 13 - 17 and Senior (+60)	\$4
		4.2.1.4	Adult 18 - 59	\$4
		4.2.1.5	Family Rate	\$11
		4.2.1.6	10 Flex Pass	\$36
		4.2.1.7	Season Pass (only during public swimming and toonie swim) Family Adult Youth/Senior	\$200 \$100 \$80
		4.2.1.8	Aquasize or Early bird drop in	\$10
		4.2.1.9	Tonnie swim	\$2
	4.2.2	Red Cross		
		4.2.2.1	Preschool – Level 6	\$55
		4.2.2.2	Level 6 – 10	\$75
	4.2.3	Early Bird Club *changed from 3 days per week to 2 days		\$115
	4.2.4	Adult Fitness		\$115
	4.2.5	Aquasize		\$115
	4.2.6	Aquasize Combined		\$170
	4.2.7	Pool Rental – per hour		\$80
4.3 Fitness Room				
	4.3.1	Single Admission Rates		
		4.3.1.1	Child 5 – 12	\$3
		4.3.1.2	Youth 13 – 17 and Senior (+60)	\$3
		4.3.1.3	Adult 18 - 59	\$5
	4.3.2	1 Month Pass		
		4.3.2.1	Child 5 - 12	\$30
		4.3.2.2	Youth 13 -17 and Senior (+60)	\$30
		4.3.2.3	Adult 18 - 59	\$40
	4.3.3	3 Month Pass		
		4.3.3.1	Child 5 - 12	\$280
		4.3.3.2	Youth 13 -17 and Senior (+60)	\$80

		4.3.3.3	Adult 18 - 59	\$110
		4.3.3.4	Family (defined as parents and children. Max 6 people)	\$255
	4.3.4	6 Month Pass		
		4.3.4.1	Child 5 - 12	\$150
		4.3.4.2	Youth 13 -17 and Senior (+60)	\$150
		4.3.4.3	Adult 18 - 59	\$210
		4.3.4.4	Family	\$450 17
	4.3.5	1 Year Pass		
		4.3.5.1	Child 5 -12	\$240
		4.3.5.2	Youth 13 -17 and Senior (+60)	\$240
		4.3.5.3	Adult 18 - 59	\$360
		4.3.5.4	Family (defined as parents and children. Max 6 people)	\$635
		4.3.5.5	Emergency Organizations (paramedics, fire, police)	\$100
	4.3.6	Lost Card Replacement		\$15
Emergency Organizations (paramedics, fire, police) \$100.00 per year				
4.4 Ice Rink				
	4.4.1	Single Admission Rates		
		4.4.1.1	Pre-school – 4 and under	Free
		4.4.1.2	Child – 5 – 12 years	\$4
		4.4.1.3	Youth 13 -17 and Senior (+60)	\$4
		4.4.1.4	Adult 18 - 59	\$-5
		4.4.1.5	Parent &/Child Tot	\$6
		4.4.1.6	Family	\$10
		4.4.1.7	10 Flex Pass	\$32
	4.4.2	Learn to Skate		
		4.4.2.1	3 – 6 Years	\$65
		4.4.2.2	7 and up	\$65
	4.4.3	Mite's Hockey –Child 5 – 12 Years old		\$4
	4.4.4	Sticks and Pucks – Child 8 - 12		\$4
	4.4.5	Sticks and Pucks – Youth 13 – 17		\$4.50
	4.4.6	Sticks and Pucks – Adult 18 and over		\$5
	4.4.7	Skate Rental	Per session	\$2.50
4.5 Keremeos Bowling				
	4.5.1	League Bowling		
		4.5.1.1	Adult	\$11.50
		4.5.1.2	Senior	\$11
	4.5.2	Drop- In		
		4.5.2.1	Child 5 -12	\$4
		4.5.2.2	Youth 13 -17 and Senior (+60)	\$4
		4.5.2.3	Adult 18 - 59	\$5
		4.5.2.4	Family	\$10
		4.5.2.5	Fun Bowl	\$9.50
	4.5.3	Shoe Rental		\$ 2
4.6	Climbing			
	4.6.1	Pre-school 4 and under (adult must be present)		free

	4.6.2	Child 5-12	\$4
	4.6.3	Youth – 5 – 18 years and Senior (+60)	\$4
	4.6.4	Adult 18 - 59	\$5
4.7		Multi Activity drop-in (skate/bowl/climb)* (does not include skate or bowling shoe rental)	
	4.7.1	Any two activities	
		4.7.1.1 Pre-school 4 and under	free
		4.7.1.2 Child 5 - 12	\$6
		4.7.1.3 Youth 13 – 17 and Senior (+60)	\$6
		4.7.1.4 Adult 18 – 59	\$8
		4.7.1.5 Family	\$18
	4.7.2	All three activities	
		4.7.1.1 Pre-school 4 and under	free
		4.7.1.2 Child 5 - 12	\$9
		4.7.1.3 Youth 13 – 17 and Senior (+60)	\$9
		4.7.1.4 Adult 18 – 59	\$12
		4.7.1.5 Family	\$27
4.8 Program fees are set at a level sufficient (at minimum) to cover all instructor, expendable and consumable materials and extraordinary costs.			

*Programs and facility reservations may be subsidized for priority populations.

~~Note: All Program fees are set at a level sufficient at minimum to cover all instructors, expendable and consumable materials and extraordinary costs.~~

5.0 - Kobau Park

5.1	Park Rental		
	5.1.1	Weekend Rate	
		5.1.1.1 Family Reunion	
		5.1.1.2 Ball Tournament	
	5.1.2	Camping	
		5.2.1 Daily per Unit	
5.2	Concession		
	5.2.1	Weekend Rate	\$50
	5.2.2	Damage Deposit (refunded if cleaned)	\$300
5.3	Sports Field Rates		
	5.3.1	Adult League per team	\$300
	5.3.2	Youth League per team	\$100
	5.3.3	Daily	\$50
5.4	Outfield Advertising		
	5.4.1	4x8 Sign	\$200

6.0 - Park and Trails Donations

Standard Amenities (types)	Donation Amount (cost estimate*)
Tree Planting	\$400.00 and up

Bicycle Rack	\$1000.00 and up
Park Bench	\$3000.00 .00and up
Park Table	\$2500.00 and up
Garbage Bins (bear proof)	\$1800.00 and up
Pet Stand Dispenser	\$500.00 and up

*Items costs will be based on furniture standards for the select Park, including the item price, delivery charges, taxes, installation, pad and if applicable, plaque PLUS a 10% maintenance fee.

7.0 - Regional Recreation (PAT visits)

Organization Type	Half-Day (3 hours)	Full-Day (6 hours)
*Municipalities/ School Districts/ Not-for-Profit	\$150.00 - \$400	\$250.00
Non-Profit Organizations	\$150.00	\$250.00
*Commercial/ for Profit	\$300.00 - \$500	\$500.00

* Depending on availability

Schedule 7 – Transit Fees

1.0	Local Routes		
	1.1	Single Fare Tickets	\$2.25
	1.2	Sheet of Ten Tickets	\$20.25
	1.3	Day Pass	\$4.50
	1.4	Adult Monthly Pass	\$45.00
	1.5	Student/Senior Monthly Pass	\$35.00
2.0	Regional Routes (Multi-Zone)		
	2.1	Single Fare Tickets	\$4.00
	2.2	Sheet of Ten Tickets	\$36.00
	2.3	Day Pass	\$8.00
	2.4	Adult Monthly Pass	\$60.00
	2.5	Student/Senior Monthly Pass	\$40.00
3.0	Regional Route 70 Kelowna/Penticton (effective September 1, 2019)		
	3.1	Single Fair Ticket	\$5.00
	3.2	Sheet of 10 tickets	\$45.00
	3.3	Day Pass	n/a
	3.4	Adult Monthly Pass	\$100.00
	3.5	Senior/Student Pass	\$85.00

Students enrolled on a full-time basis and persons of the age 65 and over are eligible for the discounted rate, as outlined in the schedule. Discounted rates apply to monthly passes, only.

Fees and charges associated with public transportation fares and service may be waived for the following days: Earth Day (April 22), World Car Free Day (September 22) and federal general election days.

Schedule 8 – Freedom of Information and Protection of Privacy Request Fees

Schedule of Maximum Fees

1. For all applicants:	
(a) for locating and retrieving a record	\$7.50 per ¼ hour or portion thereof after the first 3 hours.
(b) for producing a record manually	\$7.50 per ¼ hour.
(c) for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour.
(d) for shipping copies	actual costs of shipping method chosen by applicant.
(e) for copying records:	
(i) photocopies and computer printouts	\$0.25 per page (8.5 x 11, 8.5 x 14) \$0.30 per page (11 x 17)
(ii) photographs (colour or black & white)	\$5.00 to produce a negative \$12.00 each for 16" x 20" \$9.00 each for 11" x 14" \$4.00 each for 8" x 10" \$3.00 each for 5" x 7"
(iii) compact disc CD or DVD	\$10.00 each
(iv) USB stick	\$15.00 each

Schedule 9 – Street Lighting Bylaw 1618, 1995

1.0 Naramata Street Lighting	\$6.00 /yr
per parcel of land of the Naramata Street Lighting Local Service Area	

Schedule 10 – Cemetery Fees

1.0 Naramata Cemetery	Bylaw 2816
Regional District of Okanagan-Similkameen, 101 Martin Street, Penticton, BC V2A 5J9 Naramata Cemetery located at 3315 Bartlett Road, Naramata, BC.	
1.1 PLOT RESERVATION LICENSE FEES:	
Burial Plot: resident (\$124 allocated to reserve)	\$495
Burial Plot non-resident (\$240 allocated to reserve)	\$660
Cremation Plot: resident (\$42 allocated to reserve)	\$165
Cremation Plot non-resident (\$80 allocated to reserve)	\$220
1.2 INTERMENT OPENING AND CLOSING FEES:	
Burial Plot: 240 cm depth or greater	\$660
Cremation Plot:	\$110
1.3 EXHUMATION OR DISINTERMENT OPENING AND CLOSING FEES:	
Burial Plot:	\$650
Cremation Plot:	\$150
1.4 OPENING OR CLOSING FOR INTERMENT/ EXHUMATION/DISINTERMENT OTHER THAN DURING NORMAL BUSINESS HOURS:	
Fee in addition to that applicable under item 1.2 or 1.3 above for burial plot:	\$220
Fee in addition to that applicable under item 2 or 3 above for cremation plot:	\$220
1.5 ISSUANCE OF LICENSE/PERMIT OTHER THAN DURING NORMAL BUSINESS HOURS, OR LESS THAN 24 HOURS PRIOR TO SCHEDULED INTERMENT:	
Fee in addition to that applicable under item 1, 2 or 4 above:	\$100
1.6 INSTALLATION OF MEMORIAL MARKER:	\$94
(\$10 allocated to reserve)	
1.7 GRAVE LINER:	\$350
1.8 CREMATION URN VAULT:	
Small	\$80
Regular	\$100
Large	\$125

1.9	PICTURE OF INTERRED FOR INTERNET	
	one time charge (optional)	\$50
2.0	TEXT	
	for internment to a maximum of 200 words, (optional)	\$50
2.1	SCATTERING GARDEN	
	Fee for Scattering Garden Plaque (price will depend on market value of bronze when order is placed)	\$200 - \$400
	Fee for Scattering Gardens Care Fund	\$50

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2020

RE: 2020 Citizen Survey Results – For Information Only

Purpose:

To assess areas of significance for the Regional District to concentrate resources for service improvement in the future.

Business Plan Objective:

Request feedback on programs and services delivered by the RDOS.

Background:

The Regional District has been surveying our citizens in rural areas biennially since 2010.

The 2020 Citizen Survey was conducted online between September 2nd and November 1st. The survey was conducted using the RDOS Regional Connections public engagement website, promoted widely online and via the CivicReady mass notification system. Hard copies of the survey were also made available. Some respondents reported hearing about the survey through local news media.

This is a perception survey, but does not meet the test as being scientifically correct. That would require a random sample of 400 citizens, drawn from our 9 electoral areas. 223 respondents took part in the 2020 survey. There were 73 unique questions including opportunities for comments on specific topics, as well as a general comments section. Many respondents commented on specific programs or services and this data is reflected in the survey graphs. The estimated cost to conduct a telephone scientific survey was \$20,000.

Analysis:

A selection of responses to questions about the region and communications.

- 77 (34.5%) live in Electoral Area “D”
- 86 (38.6%) have lived in the RDOS for 16+ years
- 193 (86.5%) have a principal residence in RDOS
- 215 use email, 146 use Facebook, 5 do not use email
- 115 (51.6%) do not follow the RDOS on social media
- 31 (13.9%) do not use social media
- 135 (60.5%) signed up for CivicReady mass notification system
- 139 (62.3%) contacted the RDOS within the past 12 months
- 73 (32.7%) contacted the RDOS via email

A majority of respondents indicated town halls, public meetings and online surveys are their preferred methods of engagement regarding RDOS initiatives and projects. These results are somewhat surprising but provide valuable insight into how information is best shared with residents. Requesting further targeted feedback from a larger sample size would be helpful in coordinating communication and engagement efforts, and ensuring residents have access to information about Regional District programs, services and initiatives.

Open-ended comments:

Which RDOS services would you like to see expanded or improved in your community?

Respondents offered a range of responses but many focused on water quality, bylaw enforcement, fire protection, transit, sewer, recycling, economic development, crime prevention and environmental issues.

Other services

How many times have you used an RDOS park, trail or beach?

- 120 (53.8%) 12 or more

How many times have you attended a public meeting about RDOS matters within the last 12 months?

- 129 (57.8%) Never

How many times have you visited a landfill in the last 12 months?

- 64 (28.7%) 1-2

How many times have you used regional transit in the last 12 months?

- 201 (90.1%) Never

Questions around the level of satisfaction with services such as bylaw enforcement, mosquito control, parks, recreation facilities, protective services, Wildsafe program, landfill, water and sewer were generally positive with many respondents answering *neutral*.

How do you learn about local government issues?

- 125 Word of mouth: neighbours, friends
- 100 Online news service
- 90 RDOS website

From our initial evaluation of the survey results, it would seem beneficial to probe further on specific issues that drew more attention in 2020.

The questions would focus on how residents prefer to receive information about RDOS programs, services and initiatives. The survey could be hosted on RDOS Regional Connections at little cost. Residents who prefer non-digital communication could be encouraged to complete a hard copy (available at the RDOS or municipal offices depending on current COVID-19 protocols). The survey could also be sent via regular mail upon request. The follow-up survey would collect further insights from a larger sample size.

Communication Strategy:

Communications staff will prepare an information release and include a link to the powerpoint presentation. The material will be shared with local media and posted online via RDOS Regional Connections, RDOS website and social media channels.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Board Procedure Bylaw

Purpose:

To follow up on discussions initiated at the November 2020 Legislative Workshop on amendments to the Board Procedure bylaw.

Reference:

Local Government Act

Community Charter

Bylaw No. 2620 (consolidated) – current board procedure bylaw

[Procedure Bylaw Guide for BC's Local Governments](#)

Business Plan Objective:

Objective 2.2.1 By continuously improving bylaws, policy and process within the organization

Objective 4.2.1 By assisting the Board to operate in an effective manner

Background:

As directed in the *Local Government Act*, a board must adopt a procedure bylaw that establishes the procedures to be followed by the board and committees in conducting business, provides for advance public notice of meetings, and identifies the public notice place.

The Regional District of Okanagan Similkameen uses a cascading system of rules. Anything setting out procedure in an Act takes precedent; and we rely on the *Local Government Act* and *Community Charter* for much of our procedural foundation. The Bylaw follows the Act in priority and, while we duplicate some of our more commonly used rules, it is not the intent to copy the Act into a bylaw. If we can't find what we're looking for in an Act or the Procedure Bylaw, we use Roberts Rules of Order. It is appropriate to review the bylaw from time to time for clarity and to ensure it remains current and relevant.

Questions have arisen over the past year regarding procedural matters about which the current procedure bylaw is silent. Accordingly, procedure bylaws from other regional districts were referenced to research best practice. Additionally, Ministry of Municipal Affairs and LGMA co-published "Procedure Bylaw Guide for B.C.'s Local Governments" in December 2020, and we have reviewed our draft bylaw with consideration of the best practices contained in the guide.

The 2018 – 2022 Board of Directors most recently reviewed and discussed Bylaw No. 2789 at the November 6, 2020 Legislative Workshop. Good discussion took place, and time ran short; therefore, staff committed to bring several items back for further discussion.

Analysis:

Sharing of In-Camera information with Municipal Councils

To provide clarity, the Regional District was advised that the language of section 117 of the *Community Charter* (which applies to boards of directors pursuant to section 205 of the *Local Government Act*) does not contain an exemption for the sharing of confidential information. The ability to disclose information requires Board authorization or public release as a prerequisite. The legal opinion further stated that “each municipal Director has co-existing duties of confidentiality in respect of the information they have by virtue of their role as a municipal Councillor and the information they have in the role as a municipal Director. Absent authorization from the information ‘holder’, the information cannot be shared with the other entity, notwithstanding that one person has access to both sets of information.”

Bylaw No. 2798 now includes reference to the *Community Charter* in the section regarding Closed Meetings.

Chair and Vice Chair Elections

Although with the purchase of our electronic voting hardware and software, we have the ability to see the number of votes for candidates for Chair and Vice Chair, past practice has been to only share the result of the vote. Both Central Okanagan and North Okanagan Regional Districts do the same. The bylaw now states that the vote shall be by secret ballot, whether electronic or paper.

Additionally, the bylaw allows for a director to phone the Corporate Officer or their designate to cast their vote when voting hardware and/or software is not available, and the director is attending the meeting remotely.

Housekeeping

Two “housekeeping” revisions to the bylaw refer to the Board meeting minutes, to reflect current practice:

- Minutes are signed by the Corporate Officer and meeting chair, as directed in section 223(1)(b) of the *Local Government Act*. The current bylaw, Bylaw No. 2620, refers to the minutes being signed by the Chief Administrative Officer.
- Board minutes do not record which directors moved and seconded a motion, but do record any directors voting in opposition.

Proposed changes previously discussed at the November 5, 2020 Legislative Workshop include:

- Adding the procedure for Planning application delegations;
- Clarifying the application of the Procedure Bylaw to committees and commissions and the Okanagan Similkameen Regional Hospital District Board;

- Adding Schedules that provide detail on specific topics such as Privilege, Points of Order, Conflict of Interest, Motions, and Reconsideration;
- Notice of a special meeting must be provided at least five days in advance (to comply with Local Government Act).
- Notification of cancelled or postponed meetings may be provided by means other than an email message;
- Paper agenda packages may be provided when electronic copies are not possible;
- Removal of the requirement that the meeting chair must convene the meeting at the location specified on the agenda or notice of meeting;
- Closed meetings may be recorded with consent of the Chair;
- Removal of reference to meetings being recorded for the purpose of taking minutes;
- Addition of reference to Public Health Orders.

Next Steps

Board Members may have additional points they would choose to put forward for discussion with their colleagues; or, may identify procedural issues that could be added or removed.

Once tidied up, the Bylaw amendment will be brought forward in the typical fashion for Board consideration and adoption.

Respectfully submitted:

“Christy Malden”

C. Malden, Legislative Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2789, 2019

A bylaw to regulate the meetings of the Board of the Regional District of Okanagan-Similkameen and the conduct thereof.

WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for the procedure that is to be followed for the conduct of its business and the business of its select and standing committees, including the manner by which resolutions may be passed and bylaws adopted;

AND WHEREAS pursuant to the *Local Government Act*, the Regional District of Okanagan-Similkameen must, by bylaw, provide for advance public notice respecting the time, place and date of board and committee meetings;

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

1.0 GENERAL

- 1.1 The provisions of this bylaw govern the proceedings of the Board and all standing, select and other committees of the Board, as applicable.
- 1.2 In cases not provided for under this bylaw, the Board may determine the appropriate rules of procedure, or may follow the most current version of Robert's Rules of Order, so long as those rules are applicable in the circumstance and are not inconsistent with the provisions of this bylaw or with any Provincial Act.
- 1.3 Any enactment referred to herein is a reference to an enactment of British Columbia and regulations thereto, as amended, revised, consolidated or replaced from time to time, and any bylaw referred to herein is a reference to an enactment of the Regional Board of the Regional District of Okanagan-Similkameen, as amended, revised, consolidated, or replaced from time to time.
- 1.4 The headings used in this bylaw are for convenience of reference only. They do not form part of this bylaw and are not to be used in the interpretation of this bylaw.
- 1.5 If any section, paragraph or phrase of this bylaw is for any reason held to be invalid by reason of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the bylaw.
- 1.6 The bylaw may not be amended or repealed and substituted unless notice of the proposed amendments is given to each Director at least five days before the meeting at which the amendment is to be introduced.

1.7 The provisions of this bylaw governing meetings of the Board apply, with the necessary changes as indicated in a Terms of Reference or Committee bylaw, to standing and select committees, and commissions. When in question, this bylaw shall prevail.

2.0 CITATION

2.1 This bylaw may be cited for all purposes as the **Board Procedure Bylaw No. 2789, 2020**.

3.0 DEFINITIONS

3.1 In this bylaw:

“Audio and video recording devices” means any equipment enabling the recording and/or transmission of sound and/or visual images;

“Board” means the Board of Directors of the Regional District of Okanagan-Similkameen, and the Okanagan Similkameen Regional Hospital District;

“Chair” means, where the context requires, the Chair of the Board elected pursuant to the *Local Government Act* or the person appointed as the Chair, or other person presiding at a meeting of the Board or Committee;

“Chief Administrative Officer” means the individual appointed by the Regional Board as the Chief Administrative Officer of the Regional District of Okanagan-Similkameen;

“Closed Meeting” means a meeting closed to the general public or employees, as deemed appropriate with items to be discussed as set out in the *Community Charter*;

“Commission” means group of people appointed by the Board for a particular advisory function

“Corporate Officer” means the individual appointed by the Regional Board as the Officer assigned the responsibility of corporate administration of the Regional District of Okanagan-Similkameen or their designate;

“Delegation” means an individual or group of people addressing the Board regarding any matter that falls within the jurisdiction of the Board, but does not include those speaking to a bylaw for which a public hearing has been held or is scheduled;

“Director” means a member of the Board, whether as a municipal Director under section 198 of the *Local Government Act*, or an electoral area Director under section 199 of the *Local Government Act*,

“Executive” means the Chair and Vice Chair of the Board, and the Chief Administrative Officer;

“Member” means a Director of the Board or a person appointed to a committee or commission, as the context requires;

“Public Notice Posting Place” means the notice board at the Regional District administration office;

“Quorum” means the minimum number of members present for a meeting to conduct substantive business.

“Regional District” means the Regional District of Okanagan-Similkameen;

“Regional District administration office” means the Regional District of Okanagan-Similkameen office located at 101 Martin Street, Penticton, British Columbia;

“Select Committee” means a committee established by the Board to consider or inquire into any matter and report its findings and opinion to the Board. Persons who are not directors may be appointed by the Board; at least one member of the committee must be a director;

“Special meeting” means any meeting other than a statutory, regular, or adjourned meeting;

“Standing Committee” means a committee established by the Chair for matters the Chair considers would be better dealt with by committee. Persons who are not directors may be appointed by the chair; at least one member of the committee must be a director;

“Vice-Chair” means, where the context requires, the Vice Chair of the Board elected pursuant to the *Local Government Act* or the person appointed as Vice Chair at a meeting of the Board or committee.

- 3.2 Unless otherwise defined in this bylaw, words used herein shall have the meanings defined in the *Interpretation Act*, *Community Charter* or the *Local Government Act*, as applicable.

4.0 REGIONAL BOARD MEETINGS

Inaugural Meeting

- 4.1 An inaugural Board meeting shall be held in accordance with the *Local Government Act*.

Election of Chair/Vice Chair

- 4.2 The Board shall elect a Chair from among its directors at the inaugural meeting pursuant to the *Local Government Act*. The Chair shall fulfill those obligations placed upon this position by legislation and by approved board policy.

- (1) The Corporate Officer shall call for nominations for the position of Chair of the Board and shall do so three (3) times. At the close of nominations, if more than one candidate has been nominated, those candidates or their representatives shall be allowed a maximum of three (3) minutes to address the Board.
- (2) In the event that there are more than two candidates in any such election and no candidate receives a clear majority of votes (i.e. 50% plus one vote) on the first ballot, the candidate receiving the least number of votes shall be deleted and a

second ballot shall be taken. Further ballots shall be taken as necessary, repeating the procedure of deleting the candidate that in each preceding ballot received the least number of votes, until a candidate with a clear majority emerges.

(3) Only those ballots that indicate an officially nominated candidate shall be counted towards the election and be used to determine a clear majority.

(4) In the event of a tie vote on the last ballot, the election shall be determined by the flip of a coin.

(5) Voting shall be by secret ballot.

~~(4)~~(6) Notwithstanding subsection (5), a director may phone the Corporate Officer or their designate to cast their vote, if participating remotely and electronic hardware and software are not available. The Corporate Officer shall maintain the secrecy of the ballot.

~~(5)~~(7) Following declaration of the successful candidate by the Chief Administrative Officer, the Corporate Officer must destroy or delete the ballots cast in that election.

4.3 An election of Vice-Chair shall then be conducted pursuant to subsections above.

4.4 If the office of Chair or Vice Chair becomes vacant, the members shall elect another Chair or Vice Chair from amongst its membership as soon as reasonably possible after the vacancy occurs.

Schedule of Meetings

4.5 Regular Board and Committee meetings shall be held on the dates each year established by a resolution of the Board prior to December 31 of the preceding year. At the discretion of the Board Chair and Vice Chair, a meeting of the Board of Directors may be cancelled or postponed, providing two consecutive meetings are not cancelled.

4.6 Notification of a cancelled or postponed meeting must be provided to the Corporate Officer at least 48 hours before the scheduled meeting, and the Corporate Officer must advise all Board members via email, text message, phone call, or other electronic means and the public by posting a notice on the Public Notice Posting Place.

Location of the Board Meetings

4.7 All Board meetings shall take place within the Regional District administrative office.

4.8 Notwithstanding subsection 4.7, at the discretion of the Chair and Vice Chair, Regional Board meetings may take place at other locations. The change in location must be advertised in accordance with the *Local Government Act*.

Notice of Regular Board and Committee Meetings

4.9 The annual schedule of regular Board and Committee meetings, established pursuant to subsections 4.5 and 4.6 of this bylaw, shall be available to the public through posting on

the Public Notice Posting Place, and notice of the availability of the Schedule shall be advertised by January 15 of each year in accordance with the public notice provisions set out in the *Local Government Act*.

- 4.10 At least 48 hours before a regular Board or Committee meeting, the Corporate Officer must give notice of the meeting agenda, including confirmation of the time, place, and date, by:
- (a) Posting the agenda on the Public Notice Posting Place at the Regional District office;
 - (b) Leaving copies of the agenda at a public counter at the Regional District office for distribution to members of the public as requested; and
 - (c) Providing an electronic copy to each member of the Regional Board;
 - (d) When providing an electronic copy is not possible, a paper version shall be provided.
- 4.11 In addition to subsection 4.10, the Corporate Officer may post agendas in another medium.

Notice of Special Meetings

- 4.12 At least five (5) days before a Special meeting, the Corporate Officer must give notice of the meeting, including the time, place, and date, and a general description of the purpose of the meeting, in the same manner as provided for meeting agendas in section 4.10 of this bylaw.
- 4.13 Each copy of a notice of a special meeting must be signed by the Chair or the Chief Administrative Officer.
- 4.14 Notwithstanding sections 4.12 and 4.13, notice of a special meeting may be waived by unanimous vote of all Regional Board members.

Electronic Meetings

- 4.15 Provided the conditions set out in Regional District Electronic Meetings [Regulation 271/2005](#) are met:
- (a) a Special meeting may, upon authorization of the Chair, be conducted by means of electronic or other communication facilities;
 - (b) a member of the Board or Committee who is unable to attend at a Board or Committee meeting, may, upon authorization of the Chair, participate in the meeting by means of electronic or communication facility.
- 4.16 The facilities must enable the meeting's participants to hear, or watch and hear, each other.
- 4.17 The facilities must enable the public to hear, or watch and hear, except for any part of the meeting that is closed to the public, the meeting at the specified place, and a designated Regional District officer must be in attendance at the specified place.
- 4.18 Nothing in this bylaw shall be construed to guarantee any Director or member electronic access to a meeting. Equipment failure or other occurrence that prevents or limits

electronic participation shall not result in meeting adjournment unless the failure results in loss of quorum.

Use of Audio and Video Recording Devices

- 4.19 No person shall use or operate any audio or video recording device at a closed meeting without consent of the Chair.

5.0 PUBLIC ATTENDANCE AT REGIONAL DISTRICT MEETINGS

Meetings to be Open to the Public

- 5.1 Unless a meeting or part of a meeting is authorized to be closed to the public by the *Community Charter* or other Provincial legislation, all meetings of the Board, Committees and Commissions shall be open to the public.

Closed Meetings

- 5.2 In accordance with section 117(1) of the *Community Charter*, Closed Meeting agenda documents must not be photocopied, shared or otherwise distributed by any recipient.
- 5.3 In accordance with section 117(2) of the *Community Charter*, the content of Closed Meeting Board or Committee deliberations shall not be released or announced publicly unless specific authorization to do so has been given by Board resolution adopted at a duly constituted meeting by a majority of the directors present.
- 5.4 A Board member who cannot, or will not, abide by the requirements of this section concerning the release of confidential information is expected to:
- a) Disclose that director's inability or intention to the Board before the discussion of the matter begins at the Board meeting; and
 - b) Immediately leave the Board meeting or that part of it during which the matter is under consideration

Visitors and Delegations to the Board

- 5.5 A delegation shall only address the Board during a meeting if that person is providing a report or presentation that has been scheduled to the agenda for the meeting, or if the Board has passed a resolution by two-thirds member vote to hear from that person at that time.
- 5.6 A delegation who wishes to have a report or presentation scheduled to a Board meeting agenda shall request the same through the Corporate Officer. The request shall be processed in accordance with the Regional District of Okanagan-Similkameen Board and Committee Delegation Policy.
- 5.7 The Board is not obligated to deal with any matter presented by a delegation at the meeting to which it is presented.

Delegations where Applications are Before the Board for Consideration

- 5.8 Where an application is before the Board for consideration, a delegation consisting of either the applicant, the designated agent of the applicant, or both, may address the Board, for a period not to exceed five (5) minutes, under one of the following circumstances and a public hearing is not a requirement of the application:
- a) where a motion has been moved to deny an application.
 - b) where a motion has been moved to add conditions prior to approval of an application.
 - c) where a decision by the CAO, or their delegate, is being reconsidered in accordance with the Regional District's *Chief Administrative Officer Delegation Bylaw*.
 - d) a motion to hear from a delegation is passed by a 2/3 Corporate vote.
- 5.9 Delegations under section 5.8 may address the Board in any one of the following forms:
- a) attendance at the board meeting by the applicant or their appointed representative.
 - b) written correspondence received by the Corporate Officer no later than 9 a.m. on the day an application is to be considered by the Board.
 - c) teleconference, subject to the following:
 - i) a request for this form of address is received by the Regional District no less than 2 days prior to consideration by the Board;
 - ii) contact information for the delegation is provided to the Regional District no less than two (2) days prior to consideration by the Board;
 - iii) The delegation is prepared to connect with the Regional District at the time designated on the board agenda (NOTE: after two (2) attempts to connect with a delegation during a board meeting, the Chair may deem a delegation to be not in attendance).

6.0 RULES OF PROCEDURE AT BOARD MEETINGS

Agenda Preparation and Order of Proceedings

- 6.1 Prior to each meeting of the Board, the Corporate Officer shall prepare an agenda for approval by the Executive, of all items to be considered by the Board at the meeting.
- 6.2 Once released, the agenda is considered to be in the possession of the Board and a late item may be approved for addition to an agenda by the Board by a two-thirds vote of the Board at the meeting.
- 6.3 The agendas for all regular Regional Board meetings shall contain the following matters where there are items pertaining to them:

Adoption of Agenda
Consent Agenda
Delegations
Department Reports (listed by Department)
Other Business
Closed Session
Adjournment

The Board may, by resolution, establish a specific period of time in which the order or content of the agenda may be adjusted for the purpose of investigating potential changes to increase the efficiency or effectiveness in the conducting of business. Upon expiry of the specified term, the Board must either revert back to the order determined in this bylaw, or amend the bylaw to reflect changes.

- 6.4 Notwithstanding Section 6.3, the order in which business on the Agenda shall be dealt with may vary by consensus of the Directors present.
- 6.5 No Board meeting may start or continue past 5:00 p.m. unless the Board passes a majority resolution to start or continue that meeting past that time.
- 6.6 During discussion, members of the Board may make motions, pose inquiries and make suggestions upon being recognized by the Chair. Items of new business which are not included in the agendas and are of a complex nature or that may affect existing Regional District bylaws and policies shall be introduced as a "Notice of Motion" for placement on an agenda for a future meeting. Other items of new business which are not of a complex nature, and do not require a motion may be accepted as verbal reports from any member of the Board and noted under Other Business.
- 6.7 Any director may give a notice of motion to the Board by:
 - (a) Providing the Corporate Officer with a written copy of such motion during a meeting of the Board and the Corporate Officer shall, upon the director being acknowledged by the chair and the notice of motion being read to the meeting, include it in the minutes of that meeting as a notice of motion and shall add the motion to the agenda of the next regular board meeting, or to the agenda of a special board meeting scheduled for that purpose; or
 - (b) Providing the Corporate Officer with a written copy of such motion, no later than nine working days prior to the scheduled meeting, and the Corporate Officer shall add the motion to the agenda for said meeting.
- 6.8 Notwithstanding section 6.6, the requirement for a notice of motion for a matter of new business may be waived by a two-third vote of the Board when a matter is deemed time sensitive.

Quorum

- 6.9 Quorum is the majority of members of the Board.
- 6.10 As soon after the time specified for a meeting as there is a quorum present, the Chair, if present, must take the chair and call the meeting to order. Where the Chair is absent, the member designated in accordance with this bylaw to act in the Chair's place for that meeting must take the chair and call the meeting to order.
- 6.11 If a quorum is present, but neither the Chair nor the member designated in accordance with this bylaw to act in the Chair's place for that meeting is present within 15 minutes of the time specified for the meeting, the Chief Administrative Officer, or their designate shall call the meeting to order and the members of the Board present shall choose one among them to preside at the meeting.

- 6.12 If there is no quorum of the Board present within 15 minutes of the time specified for the Board meeting, the Chief Administrative Officer or their designate shall record the names of the members present and those absent and shall adjourn the meeting to the next regular scheduled meeting.

Voting at Meetings

- 6.13 When debate on a matter is closed and the Board is ready to vote, the Chair must put the matter to a vote by asking who is in favour of the question and then who is opposed.
- 6.14 Once the Chair has put the question to a vote, voting shall be by show of hands, by verbal confirmation, or by electronic vote, if facilities are so provided, and a member of the Board shall not cross or leave the room, make a noise or other disturbance, or interrupt the voting procedure except to raise a point of order.
- 6.15 After the Chair has put the question to a vote, a member of the Board shall not speak to the question or make a motion concerning it. The Chair's decision as to whether a question has been finally put is conclusive.
- 6.16 Should the votes on a question, other than an appeal of a decision of the Chair on a point of order, be equal for and against, the motion is defeated.
- 6.17 Whenever a vote of the Board is taken, the Chair must state the names of those members voting in the negative, and those names must be entered into the record. The Chair must declare the result of the voting by stating whether the motion is carried or is defeated.
- 6.18 Where a member who is present when a vote is taken abstains from voting, that Member shall be deemed to have voted in the affirmative.

Conduct and Debate at Meetings

- 6.19 A member shall speak at a meeting only after being recognized by the Chair, except to raise a point of order in accordance with Schedule 'A'
- 6.20 A Member shall address other members by their title and their surname, as applicable (for example, Chair _____ or Vice-Chair _____ or Director _____).
- 6.21 No member shall interrupt another member who is speaking, except to raise a point of order, and members shall at all times use respectful language and shall not use offensive gestures or signs.
- 6.22 A member may make a motion to move the question being debated at a meeting at any time during the debate. This motion requires a seconder and must be adopted by a two-thirds vote.
- 6.23 Members may be limited to speaking twice only in connection with a single question, by the Chair, except to reply to debate on a substantive motion which the member has made.

- 6.24 Despite section 5.1 of this bylaw, the Chair at a meeting may expel and exclude from any meeting a person, including another member, whom the Chair considers is engaging in inappropriate conduct.

Motions Generally

- 6.25 The Board or Committee may debate and vote on a motion only if it is first made by one member and then seconded by another.
- 6.26 The following motions are neither amendable nor debatable:
- (a) to table the main motion;
 - (b) to postpone the main motion, either indefinitely or to a specified time;
 - (c) to move the question; or
 - (d) to adjourn.
- 6.27 If so requested by a member, the Board or Committee must vote separately on each distinct part of a question that is under consideration at a meeting.
- 6.28 A resolution must be in written form.
- 6.29 The Chair of the Board meeting may read, or have a staff member read, the proposed resolution and may then request a motion that the resolution be introduced or delayed until such time as it may be dealt with.

Amendments Generally

- 6.30 A Regional Board member may, without notice, move to amend a motion that is being considered at a Regional Board meeting.
- 6.31 A proposed amendment must be produced in writing by the mover if requested by the Chair.
- 6.32 A proposed amendment must be decided or withdrawn before the motion being considered on the main question is put to a vote.
- 6.33 An amendment may be amended once only.
- 6.34 A motion to amend that has been defeated by a vote of the Regional Board cannot be proposed again.

7.0 BOARD MINUTES

- 7.1 Minutes of the proceedings of the Board or Committee shall not record the Mover or Secunder of a motion, but shall record the name of any Director who votes in opposition of a motion.
- 7.1.2 Minutes of the proceedings of the Board must be legibly recorded, certified as correct by the ~~Chief Administrative Officer~~ Corporate Officer, and signed by the Chair or other member presiding.

- 7.23 Subject to section 7.3 of this bylaw, the adopted minutes of the proceedings of the Board must be available to the public. Excerpts from draft minutes may be provided upon request.
- 7.34 Section 7.2 of this bylaw does not apply to minutes of a Board meeting, or part of a meeting, from which persons were excluded pursuant to section 5.1 of this bylaw.

8.0 BYLAWS

Copies of Proposed Bylaws to the Board Members

- 8.1 A proposed bylaw may be introduced at a Board meeting only if a copy of it has been made available to each Board member and the Chief Administrative Officer at least 48 hours prior to the Board meeting, or if all Regional Board members unanimously agree to waive this requirement.
- 8.2 Notwithstanding subsection 8.1, procedure bylaws shall be dealt with in accordance with the *Local Government Act* section 225.

Form of Bylaws

- 8.3 A bylaw must be printed, have a distinguishing name and a distinguishing number, and must be divided into relevant sections.

Reading Consideration of Proposed Bylaws

- 8.4 The Board must consider a proposed bylaw at a Board meeting either:
- (a) separately when directed by the Chair or requested by another Board member; or
 - (b) jointly with other proposed bylaws in the sequence determined by the Chair providing the voting entitlement and weighting is the same for all bylaws under consideration.
- 8.5 The Chair of the Board meeting may read, or have the Chief Administrative Officer read, a synopsis of each proposed bylaw or group of bylaws and may then either request a motion or read a motion which has already been submitted that the proposed bylaw or group of bylaws be given appropriate readings.
- 8.6 A proposed bylaw may be debated and amended at any time during the first three readings unless prohibited by the *Local Government Act*.

Bylaws Must be Signed

- 8.7 After a bylaw is adopted and signed by the Corporate Officer and the Chair of the meeting at which it was adopted, the Corporate Officer must have it placed in the Regional District's records for safekeeping and endorse upon it:
- (a) the Regional District's corporate seal; and
 - (b) the dates of its readings, adoption and any required approvals that have been obtained.

9.0 **COMMITTEES**

Establishment of Committees ~~(LGA)~~

- 9.1 The Chair may establish standing committees and the Board, may establish select committees in accordance with the provisions of the *Local Government Act*.
- 9.2 The Board may establish other committees in accordance with the provisions of the *Local Government Act*.

Duties of Standing Committees

- 9.3 Standing Committees must consider, inquire into, report on, and make recommendations to the ~~Regional~~ Board about any of the following:
- (a) matters that are related to the general subject indicated by the name of the committee;
 - (b) matters that are assigned by the Board;
 - (c) matters that are assigned by the Chair.

Duties of Select Committees

- 9.4 Select Committees must consider, inquire into, report on, and make recommendations to the Board about matters referred to the committee by the Board, as soon as possible, unless a date and time is established by the Board.

General Duties of Committees and Commissions are as follows:

- 9.5 All committees and commissions are considered to be advisory in nature.
- 9.6 No committee or commission has the power to pledge the credit of the Board or commit the Board to any particular action.
- 9.7 No member of a committee or commission shall give specific direction to any staff member. The responsibility of giving specific direction to administration shall reside with the full Board at a duly assembled meeting, unless otherwise delegated to the Chief Administrative Officer.
- 9.8 The minutes of each committee or commission, along with that committee's recommendation to the Board, shall be submitted to the Board for ~~adoption~~ consideration at the next meeting of the Board.
- 9.9 Notwithstanding procedures contained within this bylaw, local community commissions may be established and operate pursuant to provisions in the *Local Government Act*.

Attendance of Non-Commission Members at Commission Meetings

- 9.10 The Board members who are not members of a commission may attend the meetings of the commission.

- 9.11 Unless a meeting or part of a meeting of a commission is authorized to be closed to the public by the *Community Charter*, all meetings of commissions shall be open to the public.
- 9.12 Delegations wishing to address a commission meeting regarding an issue that falls under the terms of reference for said commission shall contact the chair of the commission to make appropriate arrangements. The commission shall, in open meeting, determine by 2/3 vote whether to permit the delegation to address the commission.

Minutes of Committee and Commission Meetings

- 9.13 Whenever a vote of a committee or commission is taken, the chair must state the names of those members voting in the negative, and those names must be entered into the record. The chair must declare the result of the vote by stating whether the motion is carried or is defeated.
- 9.14 Minutes of the proceedings of a committee or commission meeting must be legibly recorded, certified as correct by the Corporate Officer or recording secretary, in the case of advisory committees and commissions, and signed by the Chair of the meeting upon adoption.
- 9.15 Minutes of all committees and commissions must be forwarded to the Corporate Officer for inclusion on the Board agenda.
- 9.16 The adopted minutes of the proceedings of Committees and Commissions must be available to the public upon adoption in open meeting, in accordance with the requirements of the *Local Government Act*.

Quorum at Committee and Commission

- 9.17 Unless otherwise stated in the terms of reference or establishing bylaw of the committee or commission as adopted by the Board, the quorum for a committee or commission is a majority of all of its members.

Ex-Officio attendance

- 9.18 A Board member who is attending a meeting of a committee or commission of which they are not a member may participate in a discussion only with the permission of the majority of all members of the committee or commission.
- 9.19 A Board member who is attending a meeting of a committee or commission of which they are not a member must not vote on a question.
- 9.20 Section 6 [Rules of Procedure at Board Meetings] of this bylaw applies to a committee or commission meeting, in the same manner as it does in relation to a Board meeting, where applicable.

10.0 Public Health Orders

10.1 Where a Public Health Order has been issued regarding public meetings or gatherings, the Public Health Order shall prevail.

11.0 Schedules

This bylaw contains the following schedules:

Schedule A Point of Order & Privilege

Schedule B Reconsideration

Schedule C Conflict of Interest

12.0 REPEAL

12.1 Regional District of Okanagan-Similkameen Procedures Bylaw No. 2620, 2013, together with all amendments to it, is hereby repealed.

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

ADOPTED BY AT LEAST 2/3 OF THE VOTE this ____ day of ____.

RDOS Board Chair

Corporate Officer

Schedule A - Point of Order and Privilege

Point of Order

Any member who believes that the Chair has not enforced the rules may call attention to it by making a Point of Order, or raise a question of order. The point of order must be raised immediately even if it means interrupting a speaker or the Chair.

The Chair is to stop proceedings, and call for that member to rise and state their point of order. The Chair may then make a ruling on whether the point is well taken or not well taken, stating their reasons. Alternatively, the Chair may break for parliamentary ruling, make a brief inquiry for parliamentary inquiry while at the table or put the matter to the Board for vote. If the Board reaches a decision by vote, the original matter is no longer subject to appeal.

Three possible statements a Chair may make:

1. "That is not a point of order" - It is most likely a statement of opinion or similar and should be dealt with quickly.
2. I will accept your point of order and therefore ..." - In this instance the chair will continue the meeting according to the correct procedure, having had attention drawn to a breach or irregularity.
3. "I do not accept your point or order" - In this case the chair may continue with the meeting as if there had been no interruption.

Examples of valid points of order:

- Ø the speaker is not speaking to the motion.
- Ø the speaker is repeating the same points he has already made.
- Ø the motion contravenes our by-laws.
- Ø the specific facts the speaker is giving are incorrect. (Note: this is not a statement of opinion, but of fact and assumes the person raising the point of order can validate the point)
- Ø the speaker's time limit has expired.
- Ø the language the speaker is using is offensive.
- Ø the meeting no longer has a quorum.

Examples which are not valid points of order:

- Ø that's not true.
- Ø I disagree with that.
- Ø I want to explain why I said that.
- Ø the speaker shouldn't be allowed to say that.
- Ø how long do we have to listen to this?
- Ø I can't hear what the speaker is saying.

Standard Characteristics of a Point of Order:

- Ø Takes precedence over any pending question out of which it may arise
- Ø Does not require a seconder
- Ø Is not debatable, unless the Chair consents to allow the calling member to explain their point. If the Chair submits the point to a vote, debate may take place in the same way as an appeal.
- Ø Is not amendable
- Ø Can not be reconsidered
- Ø Is ruled on by the Chair, unless the Chair is in doubt and puts it to a vote, or their ruling is appealed.

An appeal:

- Ø Must be seconded
- Ø Is debatable unless related to indecorum or a transgression of the rules of speaking
- Ø Is not amendable
- Ø Is determined by majority or tie vote
- Ø May be reconsidered

In an ordinary meeting, it is not desirable to raise a point of order on minor irregularities of a purely technical character if it is obvious no ones rights are being infringed upon and no harm is done to regular business.

Privilege

A matter of privilege includes reference to any of the following motions:

- a. to fix the time to adjourn;
- b. to adjourn;
- c. to recess;
- d. to raise a question of privilege of the Board; and
- e. to raise a question of privilege of a member of the Board.

A matter of privilege must be immediately considered when it arises at the Board meeting.

For the purposes of order, a matter of privilege listed above has precedence over those matters listed after it.

A member may say "I would like to move a matter of privilege and request that we fix the time of 4:00 p.m. to adjourn the meeting."

Schedule B - Reconsideration

- 1.1 A motion to reconsider may be made by a member who voted on the prevailing side provided the motion is made at the same meeting at which the vote sought to be reconsidered was taken.
- 1.2 Without limiting the authority of a board to reconsider a matter, the chair may require the board to reconsider and vote again on a matter that was the subject of a vote.
- 1.3 In exercising the power under subsection 1.2 above, the chair may return the matter for reconsideration at the same board meeting as the vote took place, or at the meeting of the board following the original vote.
- 1.4 On a reconsideration, the board
 - i. must deal with the matter as soon as convenient, and
 - ii. on that reconsideration, has the same authority it had in its original consideration of the matter, subject to the same conditions that applied to the original consideration.
- 1.5 If the original decision was the adoption of a bylaw or resolution and that decision is rejected on reconsideration, the bylaw or resolution is of no effect and is deemed to be repealed.
- 1.6 No resolution shall be reconsidered more than once on the same question, nor shall a vote to reconsider be reconsidered. (RROO)
- 1.7 A matter may not be reconsidered if
 - i. it has had the approval of the electors or the assent of the electors and was subsequently adopted by the board, or
 - ii. there has already been a reconsideration under this section in relation to the matter, or
 - iii. It has been acted on by an officer, employee or agent of the Regional District.

Schedule C - Conflict of Interest

If a Board member considers that he or she is not entitled to participate in the discussion of a matter and to vote on a question in respect of a matter because of a conflict of interest, they shall conduct themselves in accordance with the law, including with the provisions of the *Community Charter* and *Local Government Act*.

The *Community Charter* provides a procedure for Board Members to disclose conflicts of interest in public, leave the meeting and refrain from attempting to influence the voting on the question and is extracted, in part below, for the Board's convenience.

The *Community Charter* sets out disclosure of conflict and restrictions on participating as follows:

- 100** (1) This section applies to council (Board for RD's) members in relation to
- (a) council meetings,
 - (b) council committee meetings, and
 - (c) meetings of any other body referred to in section 93 [*application of open meeting rules to other bodies*].
- (2) If a council member attending a meeting considers that he or she is not entitled to participate in the discussion of a matter, or to vote on a question in respect of a matter, because the member has
- (a) a direct or indirect pecuniary interest in the matter, or
 - (b) another interest in the matter that constitutes a conflict of interest,
- the member must declare this and state in general terms the reason why the member considers this to be the case.
- (3) After making a declaration under subsection (2), the council member must not do anything referred to in section 101 (2) [*restrictions on participation*].
- (4) As an exception to subsection (3), if a council member has made a declaration under subsection (2) and, after receiving legal advice on the issue, determines that he or she was wrong respecting his or her entitlement to participate in respect of the matter, the member may
- (a) return to the meeting or attend another meeting of the same body,
 - (b) withdraw the declaration by stating in general terms the basis on which the member has determined that he or she is entitled to participate, and
 - (c) after this, participate and vote in relation to the matter.
- (5) For certainty, a council member who makes a statement under subsection (4) remains subject to section 101 [*restrictions on participation if in conflict*].
- (6) When a declaration under subsection (2) or a statement under subsection (4) is made,
- (a) the person recording the minutes of the meeting must record:
 - (i) the member's declaration or statement,
 - (ii) the reasons given for it, and

- (iii) the time of the member's departure from the meeting room and, if applicable, of the member's return, and
- (b) unless a statement is made under subsection (4), the person presiding at that meeting or any following meeting in respect of the matter must ensure that the member is not present at any part of the meeting during which the matter is under consideration.

- 101** (1) This section applies if a council member has a direct or indirect pecuniary interest in a matter, whether or not the member has made a declaration under section 100.
- (2) The council member must not
- (a) remain or attend at any part of a meeting referred to in section 100 (1) during which the matter is under consideration,
 - (b) participate in any discussion of the matter at such a meeting,
 - (c) vote on a question in respect of the matter at such a meeting, or
 - (d) attempt in any way, whether before, during or after such a meeting, to influence the voting on any question in respect of the matter.
- (3) A person who contravenes this section is disqualified from holding office as described in section 108.1 [*disqualification for contravening conflict rules*] unless the contravention was done inadvertently or because of an error in judgment made in good faith.

Conflict of Interest Exceptions Regulation B.C. Reg. 91/2016 states:

For the purposes of section 104 (1) (e) [*exceptions from conflict restrictions*] of the Act[*Community Charter*], a pecuniary interest in relation to a representative in the nature of a specified interest that arises as a result of

- (a) the representative being appointed by a governing body to the board of the entity, and
- (b) the representative
 - (i) attending any part of a meeting during which the specified interest is under consideration by the following:
 - (A) the governing body;
 - (B) a committee of the governing body;
 - (C) any other body referred to in section 93 [*application of rules to other bodies*] of the Act,
 - (ii) participating in any discussion of the specified interest at such a meeting, or
 - (iii) voting on a question in respect of the specified interest at such a meeting is prescribed.

Board Chair

In addition to the duties outlined for members of the Board, the *Local Government Act* sets out the powers and duties for the Chair.¹

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- (1) The chair is the head and chief executive officer of the regional district.
- (2) In addition to the chair's powers and duties as a board member, the chair has the following duties:
 - a) to see that the law is carried out for the improvement and good government of the regional district;
 - b) to communicate information to the board and to recommend bylaws, resolutions and measures that, in the chair's opinion, may assist the peace, order and good government of the regional district in relation to the powers conferred on the board by an enactment;
 - c) to inspect and direct the conduct of officers and employees, to direct the management of regional district business and affairs and, if considered necessary, to suspend an officer or employee;
 - d) so far as the chair's power extends, to see that negligence, carelessness and violation of duty by an officer or employee is prosecuted and punished.

The more informal role of the Board Chair is covered by Policy², but James Svava, a noted author of several books and articles on local government leadership, suggests that there are two elements of leadership for Chairs in a Board/ Manager structure that should be considered; coordination and guidance in the initiation of policy. He breaks his analysis down further by identifying the following dimensions and roles of the Chair's Leadership:

1. Ceremony and Presiding
 - Ceremonial tasks
 - Spokesperson for Board
 - Presiding Officer

2. Communication and Facilitation
 - Educator, informational and educational tasks vis-à-vis the Board, manager and/or public
 - Liaison with CAO; promotes informal exchanges between the CAO and the Board
 - Team Leader; coalescing the Board, building consensus and enhancing group performance

¹ Local Government Act, RSBC 1996, Chapter 323, S. 218

² RDOS Policy P0100-00.04, February 1, 2007, Legal and Fiscal Accountability – Board/Committee/Director

3. Organization and Guidance

- Goal setter; setting goals and objectives for Board and the CAO; identifying problems, establishing the tone for the Board
- Organizer; stabilizing relationships, guiding the Board to recognition of its roles and responsibilities, defining and adjusting the relationship with the CAO
- Policy advocate; developing programs, lining up support for or opposition to proposals

4. Promotion

- Promoter; promoting and defending the Regional District, seeking investment, handling external relationships, securing agreement among parties to a project.

Svara further points out that the kind of leadership an incumbent will provide will depend on which roles the Chair performs, and how well. In the Regional District of Okanagan-Similkameen, with the office of Chair being part-time, the incumbent must decide how much time he/she will invest in the office and how far past the ceremonial and presiding dimensions they can move into the communication, organization and promotion roles.

He concludes his article by suggesting the Chair can contribute substantially to the performance of the Regional District and the betterment of the local community. With no formal powers, the structure asks the position not to run the show, but to bring out the best in Board and staff and to foster a common sense of purpose. What is apparent, however, is that the Chair cannot be successful without the support of Board.

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Board/Committee Protocol

Introduction

Protocol is necessary for any group of people to work together co-operatively; the Board is no exception. Largely based upon the customary practices regulating procedure in group action developed over time, it is the etiquette practiced so that we know what to expect and how to act in certain situations.

a) Group Action

We have already roundly discussed that the authority for decision-making is vested in Board as a whole. There will be times when individual members of the Board do not agree with the majority. In those situations, it is necessary that the minority members put forth their arguments at the duly constituted Board meeting for their associates and the public to hear. Once the matter has been decided upon, however, the majority rules and the decision is the decision of the Board. It is not proper protocol for individual members to disparage other members of the Board because they disagree with their opinion. Unless new information is provided or factors used to make the decision change, Members should simply advise citizens of the decision made, not their individual opinion.

b) Talk to the Issue - Not the Individual

There is a line where members of the Board may disagree about an issue, where that issue can be discussed objectively and impersonally. Should one member cross the line and try and make a point at the expense of the credibility of another member of the Board, often the issue is forgotten and personal attacks begin. It is not proper protocol to attack the member or their credibility to prove a point. Stick to the issue.

c) Confidentiality

Issues that may need to be addressed confidentially may require the Board to move in-camera. The rules for this are described in the Community Charter, but it should be generally accepted that the Board and their committees will resist going in-camera, except when it is absolutely necessary. When it is necessary, those matters discussed in-camera are proprietary until released by the Board at a duly constituted meeting, if ever.

Simply because one member of the Board does not want to go in-camera to discuss a matter is not sufficient justification for that member of the Board to divulge the contents of the in-camera session to anyone outside of the Board. The Member may, however, choose to leave the meeting. Confidential meetings are not intended for the Board's use simply because an item is of significant public interest or is controversial.

To operate effectively, Board members and administration must maintain a high level of trust in each other. Otherwise, participants won't feel safe speaking freely. Loss of trust in each other will surely reduce the effectiveness of the organization. Similarly, if the Board receives a delegation in-camera that releases information only for the Board and that confidence is breached, there could be legal consequences or, at the least, bruised feelings.

d) Recognize the Chair

Group discussion and group action require rules to be effective, and it's typically not beneficial to have everybody speaking at once or talking over other speakers. The Board has the Local Government Act, the Community Charter, the Procedure By-law and Roberts Rules of Order as their basis for procedure in meetings.

In a consensus government it is necessary that each member have a chance to voice their opinion and that they have the chance to complete their opinion uninterrupted. In addition, it is necessary that a dialogue be carried out in a controlled manner. The Board has assigned this responsibility to the Chair, but it takes the cooperation of all members to make this work. The Procedure Bylaw provides that a Member shall speak at a meeting only after being recognized by the Chair, except to raise a point of order.

Waiting to be recognized by the Chair can ensure that each member will get an opportunity to speak and by the members addressing only the Chair we can control the possibility that the discussion can be dominated by the loudest voice or that two Members can enter a debate and usurp the meeting. In order for this to be effective, it is necessary that the members accord the Chair the respect necessary to perform that function.

e) Representation at the Board

Canada has adopted a system of Representative Democracy. With local governments covering large areas, it's no longer possible to get all citizens into one room to vote; so they elect those that they believe most closely represent their values and viewpoints. Those elected officials are expected to keep in touch with the beliefs of their citizens, but to vote as they believe best for the government they've been elected to govern. Elected officials certainly know that consensus is rare and that constituents will be divided on most issues. Not all citizens will have the same knowledge on an issue, be of the same culture, have the same history in the community and any number of other variables. Elected officials have to sort that out.

There will be the "Politics of Intensity". Special interest groups, lobbyists, those with loud voices, those of strong opinions that will

A fundamental principle in shared decision making is that collective interests supersede personal interests or constituency interests. On the local level this principle means that a Councillor must act in the best interests of the community as a whole, even if they conflict with the interests of a small group that may have actively campaigned for the individual's election. The same principle should apply at the regional board, i.e.: The global interests have precedence over local interests.

There is no harm in a board member educating other board members on how collective decisions will affect their community. When an emerging proposal will compromise local needs and interests, the Councillor should speak up. But having done that, the individual should also listen to others on the board and learn about their own perspectives, then vote for the best regional solution.

f) Electronic Meetings

It would seem electronic meetings are now a fact of life, in a number of different forums. This brings a new set of issues to the Table.

Board Meetings

- Treat electronic participation like you were in the room.

- Ensure you have a private space where you won't be interrupted.
- Keep your video on so your colleagues can see you, unless you're leaving the table for an urgent matter.
- Keep your microphone muted unless talking.
- Talk clearly, and into your microphone.
- Put your hand up to be recognized if you want to speak, your electronic hand is preferable
- Remember that you're on screen and, sometimes, your mute may not be working, so conduct yourselves accordingly.
- If you're leaving the meeting for any duration, please advise the Chair so she's not looking for your participation or vote.
- Members must vote
- Meetings are open to the media and public
- Use phone audio if your computer microphone is weak or you're going to be shuffling papers
- Choose a good backdrop for video
- Body language is important

Public Information Meetings/ Town Hall Meetings

In this environment of restricted meetings and events, we've gone almost totally to electronic Public Information Meetings. Depending on the issue, these may be administered through our Communications Coordinator with the appropriate staff on the panel. The intent on this type of meeting would be to stay totally fact-based to assist in decision-making.

We have not typically informed the public if board members have joined the meeting. Unless previously planned, it would not be the intent to put elected officials on the spot or take political questions or positions.

Member Suggestions:

- Introduce elected officials who have signed in at the start of the meeting
- When you sign in to WebEx, add your title/office

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

POLICY: Communications Policy

AUTHORITY: Board Resolution dated July 16, 2015.

AMENDED: Board Resolution No. _____ dated _____.

POLICY STATEMENT

Consistent communications enable the Regional District of Okanagan-Similkameen (RDOS) to optimize the customer experience and build the organization's brand by fostering dynamic and effective community relationships. The Regional District strives to elevate external communications to a high performing level and values effective communications as an integral part of good governance. It embraces open government and transparency as a fundamental responsibility.

PURPOSE

The purpose of this policy is to establish guidelines to facilitate coordinated, open and responsive corporate communications that consistently and effectively provides information concerning the Regional District's policies, programs, services and initiatives to ratepayers, stakeholders and other partners.

DEFINITIONS

Brand: The personification of our organization: the visual, emotional, rational, and cultural image that is associated with our organization. It is a collection of perceptions in the mind of our stakeholders.

CAO: The Chief Administrative Officer of the Regional District of Okanagan Similkameen, duly appointed by resolution or bylaw of the Board of Directors, and holding the designations under s. 197, 198 and 199 of the Local Government Act.

Chair: The person elected as Chairperson of the Board of Directors for the Regional District of Okanagan Similkameen by their peers on the Board.

Communications Committee: A team comprised of Regional District staff who meet regularly to network and provide input on communication issues.

Corporate Advertising: Advertising generated at the corporate or departmental level with the function of building the Regional District's corporate image or name-awareness or to disseminate information.

Corporate Signature: The primary way the Regional District identifies itself visually. It is composed of two elements: the symbol and the word mark.

Information Release: A factual written summary of information issued to the Public for the purpose of making a statement or announcement.

Legislative Advertising: Advertising generated at the corporate or departmental level with the function of meeting the statutory advertising requirements specified in relevant legislation.

Manager of Legislative Services: The person delegated the responsibility of s. 198 (Corporate Officer) of the Local Government Act by the CAO.

Media: Representatives of the print and electronic Media.

Plain Language: Effective communication that is clear, concise, relevant and easy to understand.

Senior Management Team: The Senior Management Team for the Regional District of Okanagan Similkameen, as appointed by the CAO.

Stakeholder: Any individual, group of individuals, elected representative or organization with a specific stake or interest in the outcome of a decision.

Target Audience: Groups of people that the RDOS is impacting. In general, target audiences can be divided into two groups, internal and external:

Internal

- Regional Board
- RDOS Staff and Management
- Regional Committees
- RDOS Volunteers

External

- RDOS residents, rural and urban
- Member municipalities, including councillors and staff
- First Nations
- Media
- RDOS business communities
- Identified stakeholder groups
- Senior governments

RESPONSIBILITIES

Information provided by the Regional District to the public will be delivered by trained and knowledgeable staff.

Office of the Chief Administrative Officer

While every employee has an influence on the Regional District's communication efforts, the Office of the Chief Administrative Officer is responsible for managing overall corporate communications.

As part of this function, the Manager of Legislative Services is responsible for the development, management and implementation of corporate communication efforts. The Manager of Legislative Services, with the assistance of staff in that department, will work with all departments and Directors to assist with and guide as necessary, communication and engagement issues.

Regional Board

The Chair and/or their Designate is the primary spokesperson for the Regional District. The Chair is authorized to release information releases on behalf of the Regional District and provide media interviews in relation to any Board position.

Other members of the Regional Board are secondary spokespersons for the Regional District.

Senior Management Team

Senior Management Team should be prepared to speak to media and/or designate staff from their departments to speak to the media. Management must ensure messages coming from their departments are consistent and timely, and that good media relations are maintained.

Designated staff are expected to maintain media relationships with respect to their specific programs and present consistent and timely messages as required by the Senior Manager.

Communications Committee

The Communications Committee is organized under and administered through the Manager of Legislative Services. Its primary function is to provide advice to the Manager of Legislative Services on communications matters.

PROCEDURES

General

Information provided by the Regional District to the public will be delivered to various target audiences in a timely, courteous and efficient manner. As much as possible, information provided shall be delivered using Plain Language.

When information is provided, it shall be delivered in a format that ensures it is identified as being delivered by the Regional District of Okanagan-Similkameen and will be accompanied by the Corporate Signature.

The range of communication tools at the Regional District's disposal shall be considered with each communication application and staff will identify and use those tools deemed most effective.

When information is unavailable, a prompt and clear explanation shall be provided to the party requesting the information.

Communication Planning

To ensure coordinated and consistent communication practice, strategic communication planning should be part of the annual business planning process.

The Manager of Legislative Services, with input from the organization's various departments and managers, is responsible for developing a strategic communications plan that integrates the Regional District's Vision, Mission and Key Success Drivers.

This plan will broadly identify target audiences, and develop objectives, tools, messages, responsibilities, resources required and means of evaluation parallel to the organization's strategic business plan.

Communicating on behalf of the Regional District

Members of the Regional Board (Chair or designate), the Chief Administrative Officer, and Senior Managers are authorized to communicate on behalf of the Regional District in interviews, publications, news releases, on

social media sites, and related communications. Other staff may represent the Regional District if approved by a Senior Manager to communicate on a specific topic.

When discussions are held with the media and/or material such as ads, press releases and newsletters are produced, Directors, employees and specified contractors are responsible to ensure that:

- the privacy of members of the public, District employees and elected officials are respected to the extent required by the Freedom of Information and Protection of Privacy Act. If there is any question about what material is routinely releasable, staff should contact the Manager of Legislative Services prior to releasing the information.
- the interests of the District are not jeopardized;
- the information provided is factual and free of personal opinions that may embarrass the District, Chair, individual Directors and other District employees;
- the issues discussed are directly relating to the areas of responsibility of the employee who is providing the information to the media;
- questions relating to other Departments are referred to the relevant Department Head for comments;
- they do not respond to media questions if they are not sure of the answers;
- they will refrain from speculation on an individual Director's or the Board's position on District issues; and,
- the confidential nature of sensitive issues is respected.

Handling Information Releases

Department staff are responsible for preparing Information Releases in accordance with the appropriate Administrative Directive.

Information Releases containing information pertaining to Regional Board matters of decisions, potential litigation, controversial issues of involving Regional District personnel shall be routed to the Manager of Legislative Services for approval by the Chairperson of the Regional Board or his/her designate prior to public release.

Information Releases containing routine or public information, including advisories, meeting notices and agendas shall be routed to the Manager of Legislative Services for release in accordance with delegation from the Chair.

Handling General Requests

All staff are responsible for communicating basic and routine information to the public in relation to specific job duties as outlined in the RDOS Freedom of Information and Protection of Privacy Corporate Guide.

Information outside of the scope of an individual's job duties should be routed to a supervisor or manager. Requests for or questions about private data should be routed to the Manager of Legislative Services for disposition.

Handling Media Requests

With the exception of routine events and basic information that is readily available to the public, all requests for interviews from the media are to be routed through the applicable Manager.

Media requests include anything intended to be published or viewable to others in some form, including television, radio, newspaper, newsletters, and websites. When responding to media requests, employees should follow these steps:

- If the request is for routine or public information (such as a meeting time or agenda) provide the information.
- If the request is regarding information about Regional District personnel, potential litigation, controversial issues, an opinion on a Regional District matter, or if you are unsure if it is a “routine” question, forward the request to the Manager of Human Resources for matters related to personnel or the Manager of Legislative Services for all other matters.

Internal Communications

The Regional District recognizes that open, two-way communication among Managers and Employees is vital to the effective operation of the Corporation and to achieve its Vision, Mission and Goals. Internal communication is an integral part of the annual Corporate Communications Plan.

Corporate Advertising

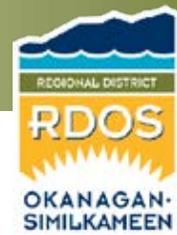
Corporate Advertising plays an integral role in the Regional District of Okanagan-Similkameen’s brand management and corporate communication efforts. Advertising can be a key instrument in building the corporate image, name-awareness and providing information to stakeholders.

An Administrative Directive shall be developed and maintained to effectively administer corporate advertising at the Regional District.

GUIDING PRINCIPLES

The Regional District of Okanagan-Similkameen will:

- Provide information that is timely, accurate, clear, accessible and responsive;
- Respect the access to information and privacy rights of citizens and employees;
- Support opportunities for engagement to inform public policy;
- Strive to achieve a culture of two-way communication and communications excellence practices.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD of DIRECTORS MEETING

Thursday, February 18, 2021
2:45 pm

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of February 18, 2021 be adopted.

1. Consent Agenda – Corporate Issues

a. Electoral Area “C” Advisory Planning Commission – January 19, 2021

THAT the Minutes of the January 19, 2021 Electoral Area “C” Advisory Planning Commission be received.

b. Community Services Committee – February 4, 2021

THAT the Minutes of the February 4, 2021 Community Services Committee meeting be received.

c. Corporate Services Committee – February 4, 2021

THAT the Minutes of the February 4, 2021 Corporate Services Committee meeting be received.

THAT the resolutions contained in Appendix ‘A’ to the administrative report of February 4, 2021 be submitted to the Southern Interior Local Government Association (SILGA) for consideration at their 2021 conference. – CARRIED

THAT staff be directed to draft a letter to the Premier and UBCM, copied to Grace McGregor, expressing concern regarding allocation of COVID funding and the formula utilized to distribute between municipalities and regional districts. – CARRIED

d. Environment and Infrastructure Committee – February 4, 2021

THAT the Minutes of the February 4, 2021 Environment and Infrastructure Committee meeting be received.

e. Planning and Development Committee – February 4, 2021

THAT the Minutes of the February 4, 2021 Planning and Development Committee meeting be received.

THAT the building permit valuation be increased to align with the proposed calculations based on the RS Means Residential Cost Estimating Handbook with permit fee valuation set at \$12/\$1000 and the other fees be increased as proposed. – CARRIED

f. Protective Services Committee – February 4, 2021

THAT the Minutes of the February 4, 2021 Protective Services Committee meeting be received.

g. RDOS Regular Board Meeting – February 4, 2021

THAT the minutes of the February 4, 2021 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

THAT the Consent Agenda – Corporate Issues be adopted.

B. DEVELOPMENT SERVICES – Bylaw Enforcement

1. Building Bylaw Infraction – Electoral Area “E” 7005 Indian Rock Road

RECOMMENDATION 3 (Unweighted Corporate Vote – Simple Majority)

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot A, Plan KAP58846, District Lot 391 3986S 4018S, SDYD, that certain works have been undertaken on the lands contrary to the Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018; and,

THAT injunctive action be commenced.

2. Dog Control Regulatory Bylaw No. 2671, 2017 Bylaw Amendment

a. Dog Control Bylaw 2671

RECOMMENDATION 4 (Unweighted Participant Vote – 2/3 Majority)

Participants: Electoral Areas A, B, C, D, E, F, G, I

THAT Bylaw No. 2671.01, 2021, being a bylaw of the Regional District of Okanagan-Similkameen to amend the Dog Control Regulatory Bylaw, be read a first, second and third time and be adopted.

C. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Agricultural Land Commission Referral (Non-Farm Use) – Electoral Area “A” – 17202 Highway 97

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)

THAT the application to allow the packing and storage facility at 17202 Highway 97 to continue to operate without the requirement that 50% of the fruit processed originate from the owner’s property, as a non-farm use, be “authorized” to proceed to the Agricultural Land Commission.

2. Agricultural Land Commission Referral (Non-Adhering Residential Use) – Electoral Area “I” – 379 Linden Avenue

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

THAT the application for a “non-adhering residential use – Principal Residence more than 500 m²” at 379 Linden Avenue (Lot 59, Plan 719, District Lot 105S, SDYD) be authorized to proceed to the Agricultural Land Commission.

3. **Development Variance Permit Application – Electoral Area “D” – 176 Bighorn Trail**
 - a. Permit
 - b. Representations

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)
THAT Development Variance Permit No. D2021.001-DVP be denied.

4. **Development Variance Permit Application – Electoral Area “F” – 465 North Beach Road**
 - a. Permit
 - b. Representations

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)
THAT Development Variance Permit No. F2020.015-DVP be approved.

5. **Development Variance Permit Application – Electoral Area “F” – 1001 Moorpark Drive**
 - a. Permit

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)
THAT Development Variance Permit No. F2020.002-DVP be denied.

6. **Zoning Bylaw Amendment – Electoral Area “D” – 102 & 103, 850 Railway Lane**
 - a. Bylaw No. 2455.45
 - b. Representations

RECOMMENDATION 10 (Unweighted Rural Vote – Simple Majority)
THAT Bylaw No. 2455.45, 2021, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of March 18, 2021;

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

7. **Zoning Bylaw Amendment – Electoral Area “D” – 1655 Maple Street**
 - a. Bylaw No. 2455.44
 - b. Representations

RECOMMENDATION 11 (Unweighted Rural Vote – Simple Majority)
THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of March 18, 2021;

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

8. **Early Termination of Land Use Contract No. LU-2-F-Electoral Area "F"**
- a. Amendment Bylaw No. 2461.10
 - b. Representations

RECOMMENDATION 12 (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2461.10, 2021, Electoral Area "F" Zoning Amendment Bylaw be read a third time and adopted.

9. **Zoning Bylaw Amendment – Electoral Area "H"**
- a. Amendment Bylaw No. 2498.16
 - b. Representations

RECOMMENDATION 13 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2498.16, 2021, Electoral Area "H" Zoning Amendment Bylaw be adopted.

10. **Petition to Enter Service Area – Electoral Area "C" – 1316 Greenlake Road; 289 and 299 Goldtau Road and 525 Johnson Crescent**
- a. Bylaw No. 2709.014

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 2709.01, 2021, Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Amendment Bylaw be adopted.

11. **Petition to Enter Service Area – Electoral Area "H" – 280 Bonlin Road**
- a. Amendment Bylaw No. 2929

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 2929, 2021 "Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service" Amendment Bylaw be adopted.

D. PUBLIC WORKS

1. **Letters of Support for the OBWB Water Conservation and Quality Improvement (WCQI) Grant Program**

RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors forward a letter of support to the Okanagan Basin Water Board for the following applications to the 2021 OBWB Water Conservation and Quality Improvement (WCQI) Grant program:

- Pilot Project: Drinking Water Source Area Delineation – RDOS
 - Water Rates Review – RDOS
 - Agricultural Metering Program – Kaleden Irrigation District
 - Groundwater – stream exchange on alluvial fans of the Okanagan Valley – Okanagan Nation Alliance
-

E. FINANCE

1. Area "I" Community Grant in Aid
 - a. Appendix 1

RECOMMENDATION 17 (Weighted Corporate Vote – Majority)

THAT the Area "I" Grant in Aid applications be approved as proposed in the February 18, 2021 report from the Chief Administrative Officer.

F. LEGISLATIVE SERVICES

1. Ministerial Order regarding Apex Mountain Referendum
 - a. Ministerial Order M051-2021

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)

THAT the provisions contained in Ministerial Order No. M051 for the administration of the March 27, 2021 Apex Mountain Fire Protection assent vote be implemented.

2. Electoral Area "E" Parkland Acquisition
 - a. Bylaw No. 2917
 - b. Bylaw No. 2918

RECOMMENDATION 19 (Weighted Corporate Vote – Majority)

THAT Bylaw No. 2917, 2020 Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Amendment Bylaw, and Bylaw No. 2918, 2020 Electoral Area "E" Parkland Acquisition Loan Authorization Bylaw be adopted.

3. Acquisition of Sickle Point for Parkland
 - a. Bylaw No. 2915
 - b. Bylaw No. 2914

RECOMMENDATION 20 (Weighted Corporate Vote – Majority)

THAT first, second and third reading of Bylaw No. 2915, 2020, being a bylaw of the Regional District of Okanagan Similkameen for the Kaleden Parkland Acquisition Loan Authorization for up to \$3.5M be rescinded and the bylaw abandoned; and further,

THAT third reading of Bylaw No. 2914, 2020, being a bylaw of the Regional District of Okanagan Similkameen to amend the Kaleden Recreation Programming and Facility Maintenance Local Service Establishment Bylaw, be rescinded; and,

THAT Bylaw No. 2914, 2020 be re-read a third time; and,

THAT Bylaw No. 2914, 2020 be amended to reduce the proposed requisition limit to \$232,000; and,

THAT Bylaw No. 2914 be read a third time as amended; and,

THAT Bylaw No. 2914 be adopted.

4. **SILGA Resolutions**
 - a. **Letter – Call for Resolutions**

RECOMMENDATION 21 (Unweighted Corporate Vote – Simple Majority)

THAT the resolutions contained in Appendix 'A' of the February 18, 2021 report from the Chief Administrative Officer regarding proposed resolutions to the Southern Interior Local Government Association (SILGA) be approved and submitted prior to the February 26th, 2021 deadline for consideration at the April 28, 2021 SILGA Annual General Meeting.

G. **CAO REPORTS**

1. **Verbal Update**
-

H. **OTHER BUSINESS**

1. **Chair's Report**
-

2. **Board Representation**

- a. Developing Sustainable Rural Practice Communities - *McKortoff*
 - b. Municipal Finance Authority – *Kozakevich (Chair), Coyne (Vice Chair, Alternate)*
 - c. Municipal Insurance Association – *Kozakevich (Chair), Coyne (Vice Chair, Alternate)*
 - d. Okanagan Basin Water Board - *McKortoff, Holmes, Knodel, Pendergraft (Alternate to McKortoff), Obirek (Alternate to Holmes), Monteith (Alternate to Knodel)*
 - e. Okanagan Film Commission – *Gettens, Obirek (Alternate)*
 - f. Okanagan Regional Library – *Monteith, Obirek (Alternate)*
 - g. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*
 - h. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
 - i. Starling Control – *Bush, Knodel (Alternate)*
 - j. Fire Chief Liaison Committee – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
 - k. Intergovernmental Indigenous Joint Council – *Kozakevich, Coyne, Roberts*
 - l. Okanagan-Similkameen Regional Hospital District – *Sentes, McKortoff (Alternate)*
-

3. **Directors Motions**

Director B. Coyne – Sleeping Accommodations in Accessory Buildings (Unweighted Corporate Vote – Simple Majority)

THAT staff prepare a discussion paper to identify key considerations for regulating sleeping accommodations in accessory buildings and in vehicles (i.e. bunkies, mobile tiny homes and RVs).

4. **Board Members Verbal Update**
-

I. **ADJOURNMENT**



Minutes

Electoral Area 'C' Advisory Planning Commission

Meeting of: *Tuesday, January 19, 2021*

Location: <https://rdos.webex.com> / 1-833-311-4101

Time: 7pm

Present: Rick Knodel, Director, Electoral Area 'C'

Members: Sara Bunge, Chair David Janzen Jack Bennest
 Beantjit Chahal Jessica Murphy

Absent: Ed Machial, Vice-Chair Louise Conant
 Terry Schafer, Alternate Director, Electoral Area "C"

Staff: Christopher Garrish, Planning Manager
 Rushi Gadoya, Planning Technician
 Sofia Cerqueira, Recording Secretary

Delegation: Dhaliwal, Balwinder

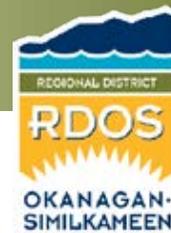
1.	CALL TO ORDER
	<p>The meeting was called to order at 7:09 p.m.</p> <p>ADOPTION OF AGENDA</p> <p><u>MOTION</u></p> <p>It was Moved and Seconded that the Agenda for the Electoral Area "C" Advisory Planning Commission (APC) meeting of January 19, 2021 be adopted.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2.	Adoption of the Agenda
	<p>2.1 ADOPTION OF THE MINUTES</p> <p><u>MOTION</u></p> <p>It was Moved and Seconded that the Minutes of the September 8, 2020 Electoral Area "C" Advisory Planning Commission (APC) meeting be adopted.</p> <p style="text-align: right;"><u>CARRIED</u></p>

3.	DELEGATION
	<p>3.1 Balwinder Dhaliwal – Agricultural Land Commission Referral – 300 ROAD 20 <u>C06519.200 (C2019.15.TUP) – Temporary Use Permit Application</u> Administrative Report submitted Rushi Gadoya, Planning Technician</p>
4.	Development Applications
	<p>4.1 Agricultural Land Commission Referral (Non-Adhering Residential Use) – 300 ROAD 20 Administrative Report submitted by Rushi Gadoya, Planning Technician <u>C06519.200 (C2019.15.TUP) – Temporary Use Permit Application</u></p> <p><u>MOTION</u></p> <p>THAT the APC recommends to the RDOS Board of Directors that the subject application be “authorized” to proceed to the Agricultural Land Commission.</p> <p style="text-align: right;"><u>CARRIED – 1 Opposed</u></p> <p style="text-align: right;">Jack_Bennest left meeting at 8:04pm</p>
5.	OTHER
	<p>5.1 Proposed Amendments – Environmentally Sensitive Development Permit (ESDP) Areas Administrative Report submitted by Christopher Garrish, Planning Manager</p> <p>Dave Janzen left meeting at 8:47pm <i>prior to a motion being made for 5.1.</i> <i>No Longer a Quorum of APC members</i></p> <p style="text-align: right;"><i>Discussed but no motion due to lack of quorum</i></p> <p>Beantjit Chahal left meeting at 9:00pm</p> <p>5.2 Proposed OCP Bylaw Amendments – Agricultural Land Reserve (ALR) Exclusion Administrative Report submitted by JoAnn Peachey, Planner I</p> <p style="text-align: right;"><i>Discussed but no motion due to lack of quorum</i></p>

5.	ADJOURNMENT
	<u>MOTION</u> It was Moved and Seconded that the meeting be adjourned at 9:13 pm <u>CARRIED</u>

Sara Bunge
Advisory Planning Commission Chair

Sofia Cerqueira
Recording Secretary



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Community Services Committee

Thursday, February 4, 2021

9:30 a.m.

MINUTES

MEMBERS PRESENT:

Chair M. Bauer, Village of Keremeos

Vice Chair S. Monteith, Electoral Area "I"

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 M. Johansen, Town of Oliver

Director R. Knodel, Electoral Area "C"

Director K. Kozakevich, Electoral Area "E"

Director S. McKortoff, Town of Osoyoos

Director M. Pendergraft, Electoral Area "A"

Director J. D'Andrea, Alt. Electoral Area "D"

Director T. Roberts, Electoral Area "G"

Director K. Robinson, City of Penticton

Director J. Sentes, City of Penticton

Director E. Trainer, District of Summerland

Director J. Vassilaki, Alt. City of Penticton

Director C. Watt, City of Penticton

MEMBERS ABSENT:

Director R. Obirek, Electoral Area "D"

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 Community Services Meeting of February 4, 2021 be adopted. - **CARRIED**

B. Regional Recreation Update – For information only

The Committee was provided an overview of the Regional Recreation program activities in 2020 and the work expected for 2021.

C. ADJOURNMENT

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

THAT the meeting adjourn. – **CARRIED**

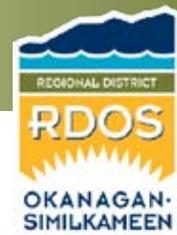
The meeting adjourned at 9:52 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Bauer
Community Services Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Corporate Services Committee

Thursday, February 4, 2021

11:33 a.m.

MINUTES

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"	Director S. Monteith, Electoral Area "I"
Vice Chair S. Coyne, Town of Princeton	Director J. D'Andrea, Alt. Electoral Area "D"
Director M. Bauer, Village of Keremeos	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director R. Gettens, Electoral Area "F"	Director J. Sentes, City of Penticton
Director D. Holmes, District of Summerland	Director E. Trainer, District of Summerland
Director M. Johansen, Town of Oliver	Director J. Vassilaki, City of Penticton
Director R. Knodel, Electoral Area "C"	Director C. Watt, City of Penticton
Director S. McKortoff, Town of Osoyoos	

MEMBERS ABSENT:

Director R. Obirek, Electoral Area "D"

STAFF PRESENT:

B. Newell, Chief Administrative Officer	C. Malden, Manager of Legislative Services
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A. APPROVAL OF AGENDA

RECOMMENDATION 1

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

THAT the Agenda for the Corporate Services Meeting of February 4, 2021 be adopted. - **CARRIED**

B. Southern Interior Local Government Association (SILGA) - Call for Resolutions

1. Call for Resolutions – December 2020

RECOMMENDATION 2

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

THAT the resolutions contained in Appendix 'A' to the administrative report of February 4, 2021 be submitted to the Southern Interior Local Government Association (SILGA) for consideration at their 2021 conference. - **CARRIED**

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

THAT staff be directed to draft a letter to the Premier and UBCM, copied to Grace McGregor, expressing concern regarding allocation of COVID funding and the formula utilized to distribute between municipalities and regional districts. – **CARRIED**

- C. **ADJOURNMENT**
It was MOVED and SECONDED
THAT the meeting adjourn. – CARRIED

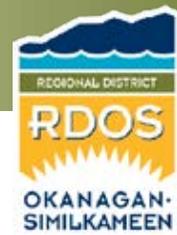
The meeting adjourned at 11:57 a.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Environment and Infrastructure Committee

Thursday, February 4, 2021

11:58 a.m.

MINUTES

MEMBERS PRESENT:

Chair R. Gettens, Electoral Area "F"
Vice Chair G. Bush, Electoral Area "B"
Director M. Bauer, Village of Keremeos
Director B. Coyne, Electoral Area "H"
Director S. Coyne, Town of Princeton
Director D. Holmes, District of Summerland
Director M. Johansen, Town of Oliver
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 J. D'Andrea, Alt. Electoral Area "D"
Director M. Pendergraft, Electoral Area "A"
Director T. Roberts, Electoral Area "G"
Director K. Robinson, City of Penticton
Director J. Sentes, City of Penticton
Director E. Trainer, District of Summerland
Director J. Vassilaki, City of Penticton
Director C. Watt, City of Penticton

MEMBERS ABSENT:

Director R. Obirek, Electoral Area "D"

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 Environment and Infrastructure Committee Meeting of February 4, 2021 be adopted. - **CARRIED**

B. Delegation

1. Lisa Scott, OASSIS

Ms. Scott provided as summary of the activities of Okanagan and Similkameen Invasive Species Society, and the Terrestrial Invasive Species Program

2. Zoe Kirk, Cam Baughen and Emma Cameron
Recycling/Landfill and Noxious Pests

C. ADJOURNMENT
It was MOVED and SECONDED
THAT the meeting adjourn. - CARRIED

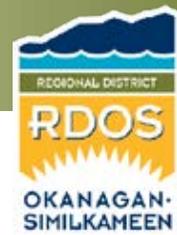
The meeting adjourned at 12:41 p.m.

APPROVED:

CERTIFIED CORRECT:

R. Gettens
Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN Planning and Development Committee

Thursday, February 4, 2021
9:12 a.m.

Minutes

MEMBERS PRESENT:

Chair R. Knodel, Electoral Area "C"	Director S. McKortoff, Town of Osoyoos
Vice Chair M. Pendergraft, Electoral Area "A"	Director S. Monteith, Electoral Area "I"
Director M. Bauer, Village of Keremeos	Director J. D'Andrea, Alt. Electoral Area "D"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director S. Coyne, Town of Princeton	Director J. Sentes, City of Penticton
Director R. Gettens, Electoral Area "F"	Director E. Trainer, District of Summerland
Director D. Holmes, District of Summerland	Director J. Vassilaki, City of Penticton
Director M. Johansen, Town of Oliver	Director C. Watt, City of Penticton
Director K. Kozakevich, Electoral Area "E"	

MEMBERS ABSENT:

Director R. Obirek, Electoral Area "D"

STAFF PRESENT:

B. Newell, Chief Administrative Officer	C. Malden, Manager of Legislative Services
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A. APPROVAL OF AGENDA

RECOMMENDATION 1

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

THAT the Agenda for the Planning and Development Committee Meeting of February 4, 2021 be adopted. - **CARRIED**

B. Building Inspection Services Fee Increases

RECOMMENDATION 2

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

THAT the building permit valuation be increased to align with the proposed calculations based on the RS Means Residential Cost Estimating Handbook with permit fee valuation set at \$12/\$1000 and the other fees be increased as proposed. – **CARRIED**

Opposed: Director Vassilaki

- C. **ADJOURNMENT**
It was MOVED and SECONDED
THAT the meeting adjourn. – CARRIED

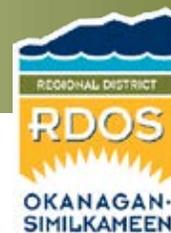
The meeting adjourned at 9:29 a.m.

APPROVED:

CERTIFIED CORRECT:

R. Knodel
Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Protective Services Committee

Thursday, February 4, 2021
9:52 a.m.

MINUTES

MEMBERS PRESENT:

Chair T. Roberts, Electoral Area "G"	Director S. McKortoff, Town of Osoyoos
Vice Chair S. Coyne, Town of Princeton	Director S. Monteith, Electoral Area "I"
Director M. Bauer, Village of Keremeos	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director J. D'Andrea, Alt. Electoral Area "D"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director R. Gettens, Electoral Area "F"	Director J. Sentes, City of Penticton
Director D. Holmes, District of Summerland	Director E. Trainer, District of Summerland
Director M. Johansen, Town of Oliver	Director J. Vassilaki, City of Penticton
Director R. Knodel, Electoral Area "C"	Director C. Watt, City of Penticton
Director K. Kozakevich, Electoral Area "E"	

MEMBERS ABSENT:

Director R. Obirek, Electoral Area "D"

STAFF PRESENT:

B. Newell, Chief Administrative Officer	C. Malden, Manager of Legislative Services
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A. APPROVAL OF AGENDA

RECOMMENDATION 1

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

THAT the Agenda for the Protective Services Meeting of February 4, 2021 be adopted. - **CARRIED**

B. DELEGATION

1. Superintendent Brian Hunter, RCMP
2. Sergeant Don Wrigglesworth, Area Detachment Commander Oliver
3. Sergeant Jason Bayda, Area Detachment Commander for Osoyoos (Corporal Dave Smith will be attending as the delegate)
4. Sergeant Rob Hughes, Area Detachment Commander for Princeton
5. Sergeant Dave Preston, Area Detachment Commander for Summerland
6. Corporal Brian Evans, Area Detachment Commander for Keremeos
 - a. Penticton South Okanagan-Similkameen Regional Detachment Quarterly Report

C. DELEGATION

1. Paul Ursich, Ally Emergency Management Inc.
 - a. Christie Mountain after Action Presentation

D. ADJOURNMENT
It was MOVED and SECONDED
THAT the meeting adjourn. - CARRIED

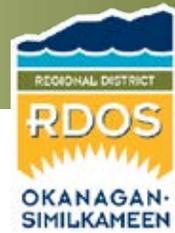
The meeting adjourned at 11:09 a.m.

APPROVED:

CERTIFIED CORRECT:

T. Roberts
Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 1:31 p.m. on Thursday, February 4, 2021 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"	Director S. Monteith, Electoral Area "I"
Vice Chair S. Coyne, Town of Princeton	Director J. D'Andrea, Alt. Electoral Area "D"
Director M. Bauer, Village of Keremeos	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director R. Gettens, Electoral Area "F"	Director J. Sentes, City of Penticton
Director D. Holmes, District of Summerland	Director E. Trainer, District of Summerland
Director M. Johansen, Town of Oliver	Director J. Vassilaki, City of Penticton
Director R. Knodel, Electoral Area "C"	Director C. Watt, City of Penticton
Director S. McKortoff, Town of Osoyoos	

MEMBERS ABSENT:

Director R. Obirek, Electoral Area "D"

STAFF PRESENT:

B. Newell, Chief Administrative Officer	C. Malden, Manager of Legislative Services
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A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the Agenda for the RDOS Board Meeting of February 4, 2021 be adopted as amended by adding Item E4 Motion from the February 4, 2020 Corporate Services Committee regarding Covid-19 funding. -
CARRIED

1. Consent Agenda – Corporate Issues

- a. **South Okanagan Conservation Fund – Technical Advisory Committee – Letter of Appreciation**
THAT a letter of appreciation be sent to Eva Durance and Steve Mathews on behalf of the Board, thanking them both for their dedication and support while serving on this committee for the past 4 years.
- b. **Community Services Committee – January 21, 2021**
THAT the Minutes of the January 21, 2021 Community Services Committee meeting be received.
- c. **Corporate Services Committee – January 21, 2021**
THAT the Minutes of the January 21, 2021 Corporate Services Committee meeting be received.
- d. **Environment and Infrastructure Committee – January 21, 2021**
THAT the Minutes of the January 21, 2021 Environment and Infrastructure Committee meeting be received.

e. **Planning and Development Committee – January 21, 2021**

THAT the Minutes of the January 21, 2021 Planning and Development Committee meeting be received.

THAT an amendment to the Building Bylaw No. 2805, 2018, to revise the requirements for a Siting Permit for metal storage containers not be initiated.

f. **Protective Services Committee – January 21, 2021**

THAT the Minutes of the January 21, 2021 Protective Services Committee meeting be received.

g. **RDOS Regular Board Meeting – January 21, 2021**

THAT the minutes of the January 21, 2021 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. **Electoral Area “G” Official Community Plan (OCP) Project – Citizen’s Advisory Committee - Appointments**

THAT the Board of Directors appoint the following as members of the Electoral Area “G” Official Community Plan (OCP) Project Citizen’s Advisory Committee: Gerald Partridge and Doug Woods.

b. **Electoral Area “C” Advisory Planning Commission Resignation**

THAT the Board of Directors accept the resignations of Louise Conant and Jack Bennest as a members of the Electoral Area “C” Advisory Planning Commission; and

THAT letters be forwarded to Louise Conant and Jack Bennest thanking them for their contributions to the Electoral Area “C” Advisory Planning Commission.

c. **Electoral Area “C” Advisory Planning Commission (APC) Appointment**

THAT the Board of Directors appoint Roger Hall as a member of the Electoral Area “C” Advisory Planning Commission until October 31, 2022.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

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

1. **Agricultural Land Commission Referral (Non-Adhering Residential Use) – 300 Road 20 - Electoral Area “C”**

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors “authorize” the application for a “Non-Adhering Residential Use – Additional Residence for Farm Use” at 300 Road 20 (Lot A, Plan 74196, DL 2450S, SDYD) to proceed to Agricultural Land Commission. - **CARRIED**

2. **Agricultural Land Commission Referral (Non-Adhering Residential Use) – 1377 Fairview Road - Electoral Area “C”**

RECOMMENDATION 5 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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

3. **Agricultural Land Commission Referral (Non-Adhering Residential Use) – 5475 Sumac Street - Electoral Area “C”**

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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

4. **Agricultural Land Commission Referral (Non-Adhering Residential Use) – Electoral Area “H”**

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors “authorize” the application for a “non-adhering residential use – Additional Residence for Farm Use” at 1029 Highway 5A (Lot 1, Plan 42455, District Lot 1406, KDYD) to proceed to the Agricultural Land Commission. - **CARRIED**

5. **Temporary Use Permit Application – 8715 Road 22 – Electoral Area “A”**

- a. Permit
- b. Representations

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors approve Temporary Use Permit No. A2020.010-TUP. - **CARRIED**

6. Official Community Plan (OCP) Bylaw Amendments – ALR Exclusion Applications**a. Amendment Bylaw No. 2913**

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2913, 2020, Electoral Area Official Community Plan 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 February 4, 2021 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. 2913, 2020, 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 March 4, 2021;

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

CARRIED

7. Zoning Bylaw Amendment – Electoral Area “H”**a. Amendment Bylaw No. 2498.16****b. Representations**

RECOMMENDATION 10 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2498.16, 2021, Electoral Area “H” Zoning Amendment Bylaw be read a third time.

Chris Garrish, Planning Manager advised that the bylaw required an amendment for four properties at Eastgate.

It was MOVED and SECONDED

THAT the bylaw be amended for four properties at Eastgate. - **CARRIED**

It was MOVED and SECONDED

THAT Bylaw No. 2498.16, 2021, Electoral Area “H” Zoning Amendment Bylaw be read a third time as amended. - **CARRIED**

8. **Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F” & “I” - Regulation of Metal Storage Containers**
- a. Amendment Bylaw No. 2895
 - b. Representations

RECOMMENDATION 11 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2895, 2020, Regional District of Okanagan-Similkameen Metal Storage Container Regulations Zoning Amendment Bylaw be read a third time.

It was MOVED and SECONDED

THAT Bylaw No. 2895 be referred back to the Planning and Development Committee for discussion.
CARRIED

9. **Zoning Bylaw Amendment – 5081 8th Avenue - Electoral Area “D”**
- a. Bylaw 2455.43

RECOMMENDATION 12 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2455.43, 2020, Electoral Area “D” Zoning Amendment Bylaw be adopted.
CARRIED

10. **Zoning Bylaw Amendment – 165 Snow Mountain Place - Electoral Area “I”**
- a. Bylaw 2457.35

RECOMMENDATION 13 (Unweighted Rural Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2457.35, 2020, Electoral Area “I” Zoning Amendment Bylaw be read a third time and adopted. - **CARRIED**

11. **Petition to Enter Service Area – 1316 Green Lake Road; 289 and 299 Goldtau Road and 525 Johnson Crescent – Electoral Area “C”**

- a. Amendment Bylaw 2709.01

Director Knodel recused himself as one of the subject properties is his.

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2709.01, 2021, Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Amendment Bylaw be read a first, second and third time. - **CARRIED**

12. Petitions to Amend Service Areas – Electoral Area “I” & “D”

- a. Bylaw No. 1238.04
- b. Bylaw No. 1310.03

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 1238.04, 2021, Kaleden Fire Department Fire Protection Local Service Establishment Amendment Bylaw be adopted; and

THAT Bylaw No. 1310.03, 2021, Okanagan Falls Fire Protection Service Establishment Amendment Bylaw be adopted.

CARRIED

13. Petition to Enter Service Area – Electoral Area “H”

- a. Bylaw No. 2929

RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2929, 2021 “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area ‘H’, a local service, being a fire prevention and suppression service” Amendment Bylaw be read a first, second and third time.

CARRIED

C. PUBLIC WORKS**1. Campbell Mountain Landfill Master Plan and Design, Operations and Closure Plan Update Award**

RECOMMENDATION 17 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Regional District award the “Campbell Mountain Landfill Master Plan and Design, Operations, and Closure Plan Update” project to Sperling Hansen Associates in the amount of \$82,264 excluding GST; and

THAT the Regional District approve a contingency for the project in the amount of \$20,000.

CARRIED

2. Award of RFP for Utility Crane Truck

RECOMMENDATION 18 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board Award the purchase of a Ford 550 Diesel, 4WD truck to Orchard Ford for \$66,168 (plus applicable tax), for the purpose of building a Utility Crane Truck.

CARRIED

D. CAO REPORTS**1. Verbal Update**

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

2. Directors Motions

Notice of Motion - Director B. Coyne

THAT staff prepare a discussion paper to identify key considerations for regulating sleeping accommodations in accessory buildings and in vehicles (i.e. bunkies, mobile tiny homes and RVs).

3. Board Members Verbal Update

4. Motion from February 4, 2021 Corporate Services Committee Meeting

It was MOVED and SECONDED

THAT staff be directed to draft a letter to the Premier and UBCM, copied to Grace McGregor, expressing concern regarding allocation of COVID funding and the formula utilized to distribute between municipalities and regional districts. – **CARRIED**

F. ADJOURNMENT

IT WAS MOVED AND SECONDED

THAT the meeting adjourn. - **CARRIED**

The meeting adjourned at 2:11 p.m.

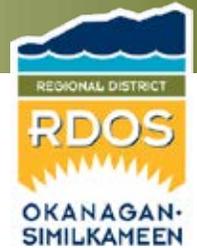
APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Building Bylaw Infraction – Electoral Area “E”

Administrative Recommendation:

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot A, Plan KAP58846, District Lot 391 3986S 4018S, SDYD, that certain works have been undertaken on the lands contrary to the Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018; and,

THAT injunctive action be commenced.

Civic: 7005 Indian Rock Road, Naramata Legal: Lot A, Plan KAP58846, District Lot 391 3986s 4018s, SDYD

Folio: E-02770.000

Zone: Sunset Acres Comprehensive Development (CD2) Zone

Proposed Development:

The property owner(s) of 7005 Indian Rock Road have:

1. Placed structures without building permits;
2. Undertaken Works in a development permit area without a Watercourse Development Permit;
3. Contravened Zoning Bylaw #2459, 2008.

These infractions are in relation to “Share Lots” on the subject property numbered 13, 14 and 15 (see Attachment No. 3).

Site Context:

The subject property is approximately 64740 m² (6.47 ha) in area and is situated at 7005 Indian Rock Road, approximately 9.4 km north of the Naramata town centre near the intersection of Indian Rock Road and North Naramata Road and is bounded by Okanagan Lake to the west.

Regulatory Provisions:

RDOS Building Bylaw No. 2805, 2018 (“Building Bylaw”) and Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008

The area of the property which is the subject of this enforcement area is located in a Watercourse Development Permit Area (WDP).

Section 23.3.4.1 of the OCP states that a development permit is required for residential, commercial or industrial development on lands within a WDP area, and that this includes the construction of, addition to or alteration of a building or other structure; and alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

Electoral Area "E" Zoning Bylaw No. 2459, 2008

In 2018, and as part of on-going work related to the preparation of a single zoning bylaw for the South Okanagan Electoral Areas, the subject property was rezoned from Tourist Commercial Two (CT2) to CD2 in order to reconcile the historical land use pattern on the lands with the zoning bylaw.

The CD2 Zone limits the parcel to 17 share lots with a maximum of 1 single dwelling and 1 secondary suite per share lot (Section 18.1.9).

While the current and former zoning of the property allows for "accessory buildings and structures", these are to be located on a "Share Lot" on which a permitted principal use has lawfully been established.

Background:

September of 2014 - advised that two storage containers had been placed on the property and considerable disruption had occurred in a Watercourse Development Permit (WDP) Area.

The violation within the WDP Area was referred MLFNRO Compliance and Enforcement Branch for review and enforcement action, and the Building Official continued to monitor the property for additional development.

July 28, 2016 - a Stop Work Notice was placed on the storage containers and the property owners were notified by mail with respect to requirements to resolve the matter. At that time, the storage containers had been modified into a dwelling unit and storage building, with construction of a pergola/sun shelter and a block retaining wall.

August 30, 2016 - second notice

September 2, 2016 - the owner of the share lots attended at the office to apply for a building permit and was advised that the shipping containers were not a permitted use and that a WDP was required.

September 20, 2016 - the owner advised that he would contract a Qualified Environmental Professional (QEP) in order to obtain a WDP.

October 5, 2016 - the Building Official attended at the site to monitor any works and determined that work had continued on the property in the form of a retaining wall and deck added on to the roof of the storage container.

The Building Official has continued to attend at the site periodically to document with photographs the ongoing development of the property.

February 18, 2020 - the Building Official attended and documented the placement of two additional structures on the property. Both structures appear to contain living quarters. In addition, there is a substantial amount of works which has been undertaken within the WDP Area.

August 19, 2020 – site visit

September 9, 2020 - a final letter was sent to the owner of the shared lot as well as the representative for the Sunset Acres community advising that this matter would be proceeding to the board for resolution.

The Building Bylaw infraction is considered to be Category 3.

Update

At its meeting of December 3, 2020, the Board resolved “that the matter of a Building Bylaw infraction at 7005 Indian Rock Road be postponed to the second meeting in February.”

Since this meeting, an application for a Watercourse Development Permit (WDP) was returned to the property owner as incomplete due to it being submitted without an assessment report supported by the responsible provincial minister under Section 6 of the *Riparian Areas Protection Regulation* (RAPR).

The province has further advised, in correspondence dated December 8, 2020, that “retroactive developments do not meet the standards of the RAPR. Furthermore, retroactive development contravenes the RAPR and local government bylaws.”

Accordingly, it is unclear if the property owner will be able to obtain the necessary provincial approval required for the Regional District to issue a WDP.

Administration is aware that the qualified environmental professional engaged by the property owner has, nevertheless, submitted a Riparian Assessment to the Province which includes mitigation for movement of the steel shipping containers, retaining wall and artificial turf out of the riparian setback and planting and seeding.

On February 3, 2021, the Fish & Aquatic Habitat Branch of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development advised the property owner’s QEP that her report had been rejected for failure to meet the assessment and reporting criteria of the RAPR. Ministry staff further advised RDOS staff that the Ministry is not in a position to approve a RAPR assessment report where the development being assessed is known to be connected to unpermitted development.

Accordingly, if the Ministry is not prepared to provide an approved RAPR assessment report to the Regional District, staff are unable to accept an application for a Watercourse Development Permit (WDP).

In the absence of an approved WDP, the Regional District is unable to issue any building permit that would formalise the existence of any structures that have been placed in a designated WDP area.

Alternatives:

1. Place a notice of deficiencies on the folio file and abandon further enforcement action
2. Place a Section 302 Notice on title
3. Place a Section 302 Notice on title and seek injunctive action

Analysis:

This series of contraventions has been under enforcement for over 6 years. Reasonable efforts have been made to achieve voluntary compliance with the property owner, although this matter has been exacerbated by the additional contraventions with respect to the Watercourse Development Permit Area and the zoning regulations.

Section 6.6 of the Board's "Bylaw Enforcement Procedures" Policy sets out that where unlawful activity has not ceased or where compliance is not being actively pursued within the time period provided for voluntary compliance, that legal proceedings or direct enforcement action should be initiated. This step towards legal action is always at the discretion of the Board.

There are potential construction and health and safety deficiencies on this property. The Notice on Title advises the current and future owners of the deficiency, but only injunctive action will require that the deficiencies be remedied and the property be brought into compliance.

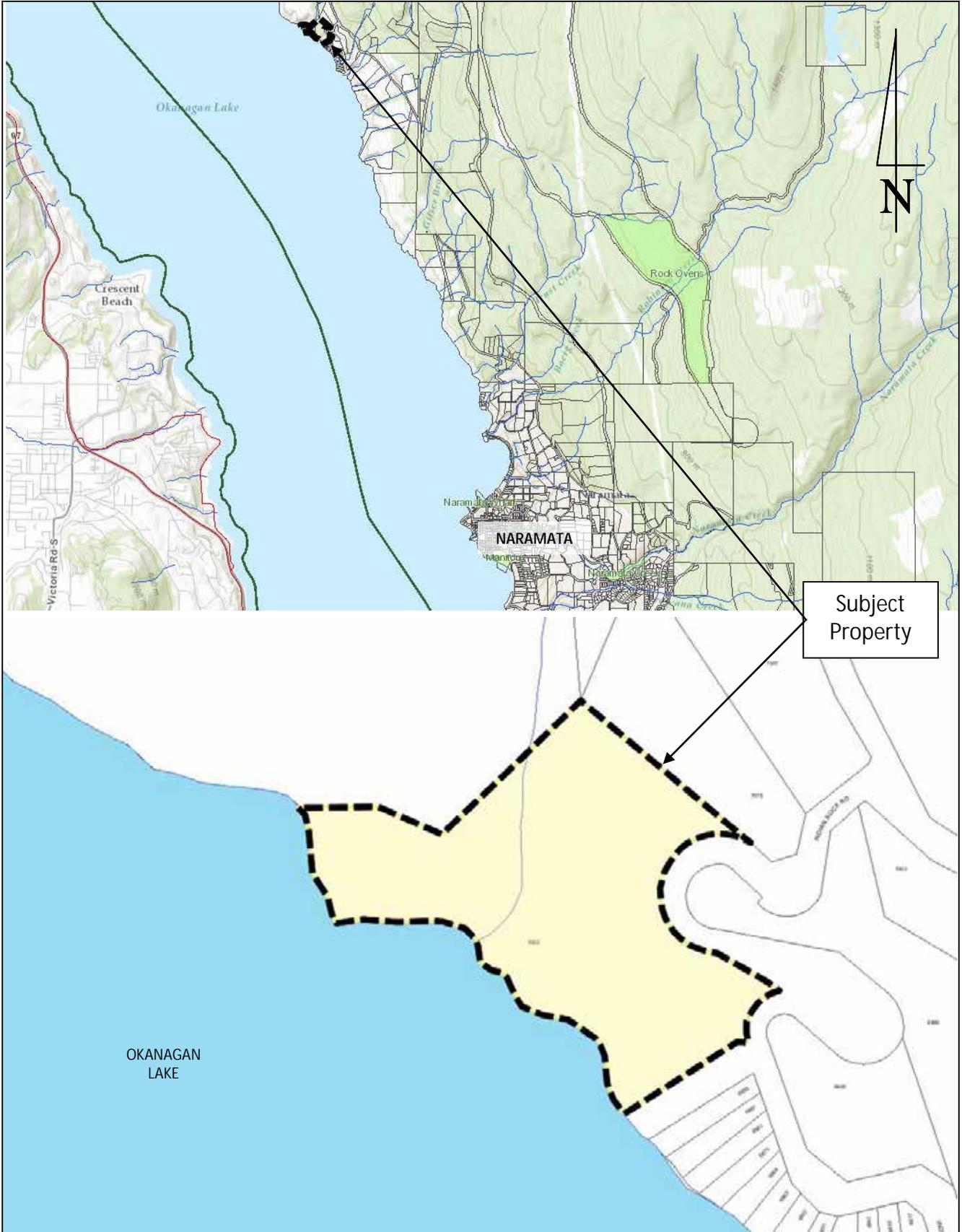
Respectfully submitted:

"L. Miller"

L. Miller, Building & Enforcement Services Manager

Attachments: No. 1 – Context Maps
No. 2 – Site Photos
No. 3 – Sunset Acres Site Plan ("Share Lot" Layout)
No. 4 – Aerial Photo (2017)

Attachment No. 1 – Context Maps



Attachment No. 2 – Photos

September 17 2014

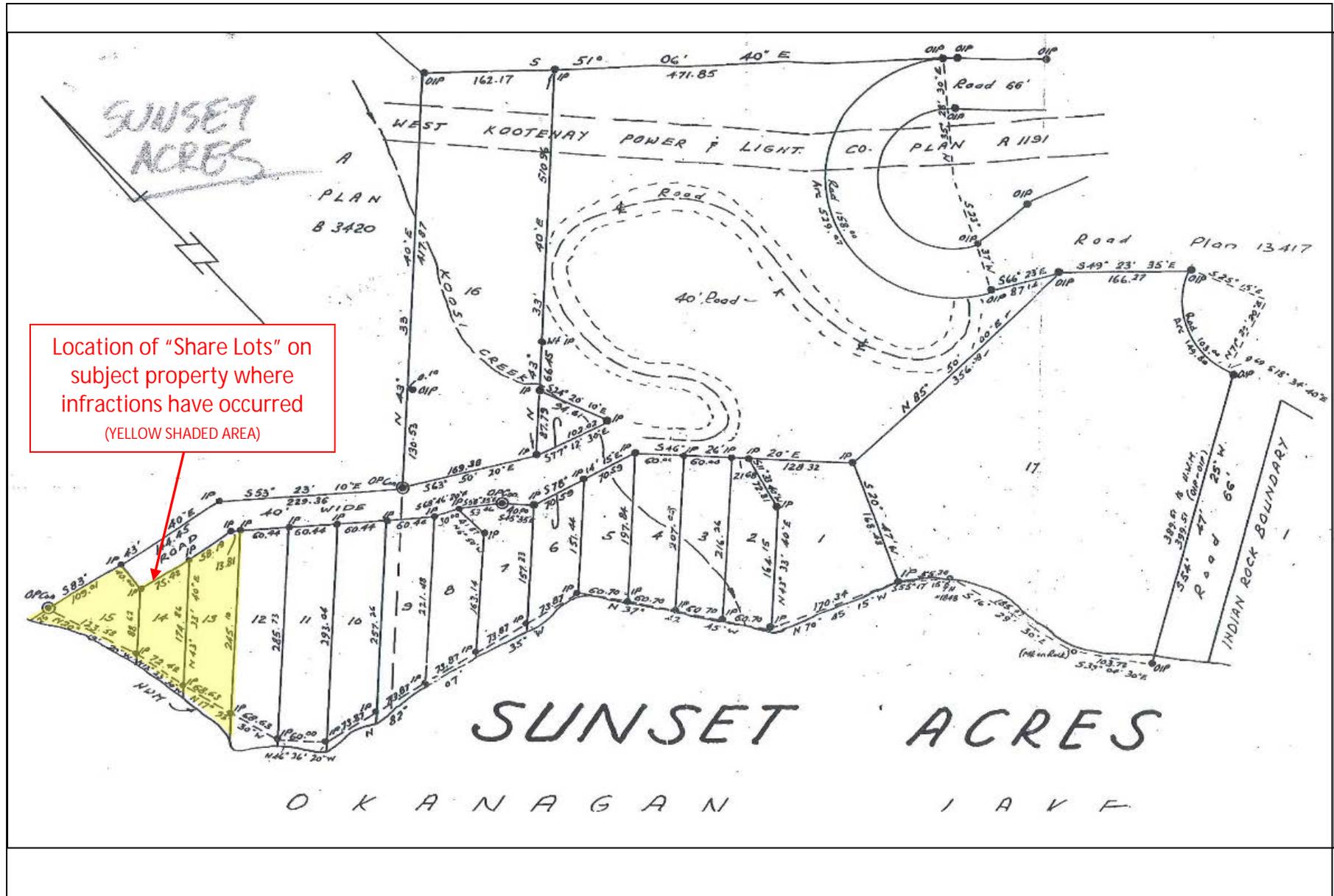


August 19, 2020





Attachment No. 3 – Sunset Acres Site Plan (“Share Lot” Layout)



Attachment No. 4 – Aerial Photo (2017)



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Dog Control Regulatory Bylaw No. 2671, 2017 Bylaw Amendment

Administrative Recommendation:

THAT Bylaw No. 2671.01, 2021, being a bylaw of the Regional District of Okanagan-Similkameen to amend the Dog Control Regulatory Bylaw be read a first, second and third time and be adopted.

Purpose:

To amend the Dog Control Regulatory Bylaw (“Dog Control Bylaw”) to eliminate the need for dog owners to purchase a new dog tag annually and to make general housekeeping amendments

Reference:

[Dog Control Regulatory Bylaw No. 2671, 2017](#)
[Redlined Bylaw No. 2671, 2017](#)

Background:

The current Dog Control bylaw was adopted in 2017.

Although several housekeeping amendments have been included with this bylaw amendment the primary reason to amend the Dog Control Regulatory Bylaw No. 2671, 2017 is to introduce non-expiring dog tags into the Dog Control service.

Currently, each year approximately 1000 dog tags are purchased. The dog tags can be purchased in person at the RDOS offices, at vendor locations throughout the Regional District, and on-line. Once each dog tag is purchased it has to then be manually entered into the dog licensing database by staff. It is a very time consuming and inefficient process.

The average revenue from dog licensing is \$20,000. In 2020 the revenue generated from the purchase of dog tags was reduced to \$13,325. The decrease in revenue is due in part to the lack of staff time to follow through with expired renewals.

Analysis:

With the anticipated introduction of new dog licensing software through Clariti for the 2022 licensing season it is an opportune time to create efficiencies with the service.

With the new licensing software, the customer will have the ability to self-manage and obtain renewals online. Expiry dates will be automatically tracked with software enabled notifications to dog owners for renewals. By eliminating the requirement to issue a new dog tag each year, manually update the current tracking system and generate a letter to mail out a new dog tag, the time commitment by bylaw and front counter administrative staff will be substantially reduced.

Removing the requirement to issue new dog tags each year will reduce the number of customers that must attend at the RDOS corporate offices or one of the other vendor locations throughout the Regional District. Not only will this be a more efficient cost effective service, it will assist with the current pandemic requirements by reducing contact or exposure to COVID19.

For these reasons, it is recommended that the requirement to obtain a new dog tag each year be removed from the current bylaw provisions.

Alternatives:

1. **THAT the Regional District of Okanagan-Similkameen Dog Control Regulatory Amendment Bylaw No. 2671.01, 2021 be read a first, second and third time and be adopted.**
2. **THAT the Regional District of Okanagan-Similkameen Dog Control Regulatory Amendment Bylaw No. 2671.01, 2021 not be read a first, second and third time and be adopted.**

Communication Strategy:

1. Provision of a reminder renewal letter to all license holders containing the new licensing provisions
2. Updating the Dog Control fact sheet
3. Updating the Dog Control brochures
4. Posting information regarding the amendments and licensing requirements on the RDOS website

Respectfully submitted:

"Laura Miller"

L. Miller, Building & Enforcement Services Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BYLAW NO. 2671.01, 2021**

**A bylaw to amend the Regional District of Okanagan-Similkameen Dog Control
Regulatory Bylaw No. 2671, 2017**

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

CITATION

1. This bylaw may be cited for all purposes as the “Regional District of Okanagan-Similkameen Dog Control Regulatory Amendment Bylaw No.2671.01, 2021_”.
2. “Regional District of Okanagan-Similkameen Dog Control Regulatory Bylaw No. 2671, 2017” is amended by:
 - a. Housekeeping amendments including:
 - i. Adding the word “for” between “provide” and “the” in the description of the bylaw and also include Electoral Area “I”
 - ii. Changing “meter” or “m” throughout the document to be consistent “metre”
 - iii. Amending the third paragraph in the pre-amble to include Electoral Area “I”
 - b. Replacing the existing Section 2 with Section 2 as follows and replacing the format of all defined terms in the body of the document:

2.0 DEFINITIONS:

- 2.1 The italicized boldfaced words and terms have the meanings set out in Section 2 of this Bylaw.
- 2.2 All words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth in this section.

Aggressive Dog means:

- (a) Any **Dog** which, without provocation, has displayed aggressive behaviour toward another **Dog, Animal** or person; or
- (b) Any **Dog** which, without provocation, has a known tendency or disposition to pursue vehicles or cyclists; or
- (c) Any **Dog** that, without provocation, causes **Minor Injury** to another **Dog, Animal** or person.

Altered means a **Dog** that has been either spayed or neutered.

Animal means any animal, excepting for the purposes of this Bylaw any human species, wildlife as defined in the *Wildlife Act*, or any animals of the "Rodent" variety, such as rats, mice or raccoons.

Animal Shelter means a building or part thereof, including the property that the building is located on, used by the **Regional District** for the temporary care of **Dogs Impounded** by the **Dog Control Officer** and includes the vehicle that is being used to transport the **Dog**.

At Large means a **Dog** that, while not on the property of the **Owner**:

- (a) Is not confined within a vehicle; or
- (b) Is not secured attached to a **Leash** held by a person who has the ability to restrain the **Dog** while the **Dog** is under their care; or
- (c) Is not **Under Control** of the **Owner** as defined within this Bylaw.

Barking Excessively means any barking, howling, yelping or crying, for 15 minutes in any given hour, that unduly disturb the peace, quiet, rest, comfort or tranquility of the surrounding neighbourhood or of persons in the vicinity.

Board means the Regional Board of Directors of the Regional District of Okanagan-Similkameen.

Calendar Year means the one-year period that begins on January 1 and ends on December 31.

Community Charter means the *Community Charter, Chapter 26 (SBC 2003)*, as amended from time to time.

Dangerous Dog means a **Dog** that has been found to be a **Dangerous Dog** by a Justice of the Provincial Court of British Columbia.

Dog means an **Animal** of the canine species, including a dog-wolf or dog-coyote hybrid, and may include **Aggressive Dog, Vicious Dog, and Dangerous Dog**.

Dog Control Officer means a person appointed by the ***Board*** as a Dog Control Officer, Animal Control Officer or Bylaw Enforcement Officer and includes a Peace Officer, a ***Pound Keeper*** or ***Shelter Manager***, employee, servant, agent, or contractor of the ***Regional District***.

Dog Park means an area, located on ***Public Land***, and designated by signage to be an off-***Leash*** area for ***Dogs***.

Dog Tag means the identification tag attached to a dog collar or harness showing the ***Licence*** information for purposes of identification of a ***Dog*** and identification of the ***Dog's Owner*** as indicated by the records of the ***Regional District***.

Enclosure means a structure at least 1.8 metres in height by 1.2 metres wide by 4 metres long; constructed with secure sides, and with impervious surfacing for the bottom to prevent digging; suitable for the size and strength of the ***Dog*** to prevent it from escaping; having protection and shelter from the varying weather conditions; and locked to prevent entry of young children or other unauthorized persons.

Fees and Charges Bylaw means the current Regional District of Okanagan-Similkameen Fees and Charges Bylaw as amended from time to time.

Fine means the penalty as set out in the ***Regional District's*** Bylaw Notice Enforcement Bylaw No. 2507 as amended from time to time.

Guide/Service Dog means a ***Dog*** that is used by a person with a disability to avoid hazards or to otherwise compensate for a disability as defined in the ***Guide Animal Act***.

Impounded means any ***Dog*** seized, delivered, received or taken into the ***Animal Shelter***, or in the custody of the ***Dog Control Officer*** as provided for in this Bylaw.

Leash means a device of sufficient strength and design to restrain the ***Dog*** for which it is being used, where one end is securely affixed to the ***Dog*** and the other end is being securely held by the ***Owner***.

Licence means a ***Dog*** licence issued for purposes of identification of a ***Dog*** and identification of the ***Dog's Owner*** as indicated by the records of the ***Regional District***.

Minor Injury means a physical injury to a person or ***Animal*** that includes pinches, minor localized bruising, scratches, scrapes and shall punctures.

Muzzled means a humane fastening or covering device, of adequate strength, placed securely over the **Dog's** mouth designed to prevent the **Dog** from biting or inflicting injury.

Nuisance Dog means any **Dog** that:

- (a) Has been **Impounded** 3 or more times within the previous 12 months;
or
- (b) Has received 3 or more **Fines** for **Barking Excessively** or running **At Large** within the previous 12 months; or
- (c) Has a combined total of 4 or more **Fines** and impounds within the previous 12 months.

Owner means any person who owns, as in their custody, harbours, shelters or permits any **Dog** to remain on or about his/her land, property or premises and is not restricted to the "Owner" as identified on the **Dog Licence** application.

Pound Keeper means the employee who cares for the **Dogs** being held at the **Animal Shelter** and includes a **Shelter Manager** and may include a **Dog Control Officer**.

Public Land means any highway, road, lane, street, boulevard, crescent, walkway, trail, greenbelt, park, playground, or other public place that is under ownership, lease or tenure by Provincial, Federal or Local Government(s).

Qualified Dog Trainer means, in the context of this bylaw, a person:

- (a) Having a degree in veterinary medicine with a special interest in animal behaviour; or
- (b) A person with a degree in animal behaviour together with a minimum of 5 years supervised work experience;

and possessing a current membership to a professional behaviour organization such as the ABPC, AVSAB, DDAB or CAAB.

Regional District means the Regional District of Okanagan-Similkameen and may be referred to as the Regional District in the context of this bylaw.

Serious Injury means a physical injury to a person or **Animal** that includes fractures, deep punctures, lacerations and injuries that require sutures or cosmetic surgery.

Shelter Manager means the employee who cares for the **Dogs** being held at the **Animal Shelter** and includes a **Pound Keeper** and may include a **Dog Control Officer**.

Unaltered Dog means an intact **Dog** that has not been spayed or neutered.

Under Control means such circumstances where the ***Dog*** is in visible sight distance to the ***Owner***, and responds to the ***Owner*** immediately and returns to the ***Owner*** within a reasonable time when called or signalled by the ***Owner***, as determined by the ***Dog Control Officer***.

Unlicensed Dog means a ***Dog*** for which the ***Licence*** fee for the current ***Calendar Year*** has not been received by the ***Regional District***.

Vicious Dog means:

- (a) Any ***Dog*** which, without provocation, has displayed aggressive behaviour toward another ***Dog, Animal*** or person on two or more occasions; or
- (b) Any ***Dog*** which, without provocation, has a known propensity, tendency or disposition to attack other ***Animals*** or humans; or
- (c) Any ***Dog*** which, without provocation, has inflicted a ***Serious Injury*** to another ***Animal, Dog*** or person

Working Dog means a ***Dog*** that is used for purposes of herding livestock, a ***Dog*** engaged in legal hunting activities, or a ***Dog*** used by Police and other Emergency services, that requires the ***Dog*** to be free of restraints in order for them to perform the work, but does not include a ***Dog*** working as a guard dog on commercial or private premises.

- c. Amend paragraph 3.2 to read as follows:

An ***Owner*** is required to obtain a ***Licence*** and ***Dog Tag*** for each ***Dog*** that is in their care, custody or is permitted to remain on or about their property or premise.

- d. Amend paragraph 3.4 to read as follows:

Where a ***Dog Tag*** is lost, destroyed or damaged to the point that it can't be used for identification purposes, the ***Owner*** shall obtain a replacement ***Dog Tag*** upon payment of the applicable fee as set out in the ***Fees and Charges Bylaw***.

- e. Amend paragraph 3.8 to read as follows:

Where an ***Owner*** relocates to the ***Regional District*** and produces a ***Licence*** issued to the ***Dog*** from another jurisdiction for the current ***Calendar Year***, the ***Owner*** may obtain a ***Licence*** and ***Dog Tag*** for the same ***Calendar Year***, at no charge, upon completion of a new ***Licence*** application.

- f. Amend paragraph 3.9 to read as follows:

The **Owner** of a **Licensed Dog** shall affix the **Dog Tag** to a collar or harness on the **Dog** and the **Dog Tag** shall be worn by the **Dog** at all times.

- g. Amend paragraph 3.10 to read as follows:

Where a **Licensed Dog** is found not wearing a current **Dog Tag**, the **Owner** shall:

- (a) Produce the **Licence** for the current **Calendar Year**; or
- (b) Purchase a replacement **Dog Tag** for the current **Calendar Year**

When requested by the **Regional District** or **Dog Control Officer**.

- h. Amend paragraph 3.11 to read as follows:

Should a person falsify information required for licencing a **Dog**, the **Licence** shall be revoked, a new **Licence and Dog Tag** purchased and a **Fine** may be issued.

- i. Add a new sub-heading and paragraph 3.12 as follows:

Guide / Service Dog

3.12 An **Owner** of a **Dog** that is registered under the **Guide Animal Act** shall obtain a **Licence** and **Dog Tag** but not be charged licensing fees provided that the appropriate certification or registration is presented.

- j. Amend paragraph 5.1 to read as follows:

The **Owner** of an **Aggressive Dog** shall secure the **Dog** by a collar and **Leash** that is a maximum length of one (1) metre and of adequate strength to restrain the **Dog** when not on the **Owner's** property or in a **Dog Park**.

- k. Amend paragraph 5.2 to read as follows:

The **Owner** of an **Aggressive Dog** shall keep the **Dog** effectively **Muzzled** at all times when not on the **Owner's** property to prevent the **Dog** from biting another **Dog, Animal** or person.

- l. Amend paragraph 6.6 to read as follows:

The **Owner** of a **Vicious Dog** shall permit the **Dog** to be micro-chipped for identification purposes and must pay for the costs associated with the microchipping prior to release of the **Dog**.

m. Amend paragraph 7.8 to read as follows:

The **Owner** of a **Dangerous Dog** shall permit the **Dog** to be micro-chipped for identification purposes and must pay for the costs associated with the micro-chipping prior to release of the **Dangerous Dog**.

READ A FIRST, SECOND AND THIRD TIME this ____ day of February, 2021.

ADOPTED this ____ day of February, 2021.

RDOS Board Chair

Corporate Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2671, 2017

A regulatory bylaw to provide for the licensing and control of dogs within the Regional District of Okanagan-Similkameen Electoral Areas "A", "B", "C", "D", "E", "F", "G" and "I".

WHEREAS the Regional District may, pursuant to the *Local Government Act*, enact a bylaw regulating the keeping, control and licensing of dogs; and

WHEREAS the *Community Charter* provides Regional Districts with special power in relation to dangerous dogs;

WHEREAS THE Regional District has adopted Regional District of Okanagan-Similkameen Dog Control Service Establishment Bylaw No. 2775, 2017 to establish a service for the provision of Dog Control within Electoral Areas "A", "B", "C", "D", "E", "F", "G" and "I";

THEREFORE BE IT RESOLVED that the Board of the Regional District of Okanagan-Similkameen in open meeting assembled, enacts as follows:

1. CITATION:

This Bylaw shall be cited as the Regional District of Okanagan-Similkameen Dog Control Regulatory Bylaw No. 2671, 2017.

2. DEFINITIONS:

- 2.1 The italicized boldfaced words and terms have the meanings set out in Section 2 of this Bylaw.
- 2.2 All words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth in this section.

Aggressive Dog means:

- (a) Any Dog which, without provocation, has displayed aggressive behaviour toward another Dog, ***Animal*** or person; or
- (b) Any Dog which, without provocation, has a known tendency or disposition to pursue vehicles or cyclists; or
- (c) Any Dog that, without provocation, causes ***Minor Injury*** to another Dog, ***Animal*** or person.

Altered means a Dog that has been either spayed or neutered.

Animal means any animal, excepting for the purposes of this Bylaw any human species, wildlife as defined in the *Wildlife Act*, or any animals of the “Rodent” variety, such as rats, mice or raccoons.

Animal Shelter means a building or part thereof, including the property that the building is located on, used by the **Regional District** for the temporary care of **Dogs Impounded** by the **Dog Control Officer** and includes the vehicle that is being used to transport the Dog.

At Large means a Dog that, while not on the property of the **Owner**:

- (a) Is not confined within a vehicle; or
- (b) Is not secured attached to a **Leash** held by a person who has the ability to restrain the Dog while the Dog is under their care; or
- (c) Is not **Under Control** of the **Owner** as defined within this Bylaw.

Barking Excessively means any barking, howling, yelping or crying, for 15 minutes in any given hour, that unduly disturb the peace, quiet, rest, comfort or tranquility of the surrounding neighbourhood or of persons in the vicinity.

Board means the Regional Board of Directors of the Regional District of Okanagan-Similkameen.

Calendar Year means the one-year period that begins on January 1 and ends on December 31.

Community Charter means the *Community Charter, Chapter 26 (SBC 2003)*, as amended from time to time.

Dangerous Dog means a Dog that has been found to be a Dangerous Dog by a Justice of the Provincial Court of British Columbia.

Dog means an **Animal** of the canine species, including a dog-wolf or dog-coyote hybrid, and may include **Aggressive Dog**, **Vicious Dog**, and **Dangerous Dog**.

Dog Control Officer means a person appointed by the **Board** as a Dog Control Officer, Animal Control Officer or Bylaw Enforcement Officer and includes a Peace Officer, a **Pound Keeper** or **Shelter Manager**, employee, servant, agent, or contractor of the **Regional District**.

Dog Park means an area, located on **Public Land**, and designated by signage to be an off-**Leash** area for **Dogs**.

Dog Tag means the identification tag attached to a dog collar or harness showing the **Licence** information for purposes of identification of a **Dog** and identification of the **Dog's Owner** as indicated by the records of the **Regional District**.

Enclosure means a structure at least 1.8 metres in height by 1.2 metres wide by 4 metres long; constructed with secure sides, and with impervious surfacing for the bottom to prevent digging; suitable for the size and strength of the **Dog** to prevent it from escaping; having protection and

shelter from the varying weather conditions; and locked to prevent entry of young children or other unauthorized persons.

Fees and Charges Bylaw means the current Regional District of Okanagan-Similkameen Fees and Charges Bylaw as amended from time to time.

Fine means the penalty as set out in the **Regional District's** Bylaw Notice Enforcement Bylaw No. 2507 as amended from time to time.

Guide/Service Dog means a **Dog** that is used by a person with a disability to avoid hazards or to otherwise compensate for a disability as defined in the *Guide Animal Act*.

Impounded means any **Dog** seized, delivered, received or taken into the **Animal Shelter**, or in the custody of the **Dog Control Officer** as provided for in this Bylaw.

Leash means a device of sufficient strength and design to restrain the **Dog** for which it is being used, where one end is securely affixed to the **Dog** and the other end is being securely held by the **Owner**.

Licence means a **Dog licence** ~~the identification tag~~ issued for purposes of identification of a **Dog** and identification of the **Dog's Owner** as indicated by the records of the **Regional District**.

Minor Injury means a physical injury to a person or **Animal** that includes pinches, minor localized bruising, scratches, scrapes and shall punctures.

Muzzled means a humane fastening or covering device, of adequate strength, placed securely over the dog's mouth designed to prevent the **Dog** from biting or inflicting injury.

Nuisance Dog means any **Dog** that:

- (a) Has been **Impounded** 3 or more times within the previous 12 months; or
- (b) Has received 3 or more **Fines** for **Barking Excessively** or running **At Large** within the previous 12 months; or
- (c) Has a combined total of 4 or more **Fines** and impounds within the previous 12 months.

Owner means any person who owns, as in their custody, harbours, shelters or permits any **Dog** to remain on or about his/her land, property or premises and is not restricted to the "Owner" as identified on the **Dog Licence** application.

Pound Keeper means the employee who cares for the **Dogs** being held at the **Animal Shelter** and includes a **Shelter Manager** and may include a **Dog Control Officer**.

Public Land means any highway, road, lane, street, boulevard, crescent, walkway, trail, greenbelt, park, playground, or other public place that is under ownership, lease or tenure by Provincial, Federal or Local Government(s).

Qualified Dog Trainer means, in the context of this bylaw, a person:

- (a) Having a degree in veterinary medicine with a special interest in animal behaviour; or

(b) A person with a degree in animal behaviour together with a minimum of 5 years supervised work experience;

and possessing a current membership to a professional behaviour organization such as the ABPC, AVSAB, DDAB or CAAB.

Regional District means the Regional District of Okanagan-Similkameen and may be referred to as the Regional District in the context of this bylaw.

Serious Injury means a physical injury to a person or **Animal** that includes fractures, deep punctures, lacerations and injuries that require sutures or cosmetic surgery.

Shelter Manager means the employee who cares for the **Dogs** being held at the **Animal Shelter** and includes a **Pound Keeper** and may include a **Dog Control Officer**.

Unaltered Dog means an intact **Dog** that has not been spayed or neutered.

Under Control means such circumstances where the **Dog** is in visible sight distance to the **Owner**, and responds to the **Owner** immediately and returns to the **Owner** within a reasonable time when called or signalled by the **Owner**, as determined by the **Dog Control Officer**.

Unlicensed Dog means a **Dog** for which the **Licence** fee for the current **Calendar Year** has not been issued/received by the **Regional District**.

Vicious Dog means:

- (a) Any **Dog** which, without provocation, has displayed aggressive behaviour toward another **Dog, Animal** or person on two or more occasions; or
- (b) Any **Dog** which, without provocation, has a known propensity, tendency or disposition to attack other **Animals** or humans; or
- (c) Any **Dog** which, without provocation, has inflicted a **Serious Injury** to another **Animal, Dog** or person

Working Dog means a **Dog** that is used for purposes of herding livestock, a **Dog** engaged in legal hunting activities, or a **Dog** used by Police and other Emergency services, that requires the **Dog** to be free of restraints in order for them to perform the work, but does not include a **Dog** working as a guard dog on commercial or private premises.

3. LICENSING:

- 3.1 Every **Owner** of a **Dog** within the **Regional District** shall obtain a **Licence** for the current **Calendar Year**, by January 1st or soon thereafter of the same year, by making application and paying the required fee as set out in the **Fees and Charges Bylaw**.
- 3.2 An **Owner** is required to obtain a Licence and Dog Tag for each **Dog** that is in their care, custody or is permitted to remain on or about their property or premise.
- 3.3 Every **Licence** issued under this bylaw shall be for that **Calendar Year** specified thereon and shall expire on December 31 of the same year.

- 3.4 Where a **Dog Tag Licence** is lost, destroyed or damaged to the point that it can't be used for identification purposes, the **Owner** shall obtain a replacement **Dog Tag Licence** upon ~~completion of a new Licence application and~~ payment of the applicable fee as set out in the ***Fees and Charges Bylaw***.
- 3.5 Before issuing a **Licence** for an **Altered Dog**, the **Owner** may be required to furnish proof that the **Dog** has been spayed or neutered.
- 3.6 If any **Owner**, that has purchased a **Licence** for an **Unaltered Dog** provides documentation from the veterinarian that the **Dog** has been **Altered** within the same **Calendar Year** as the issued **Licence**, the difference in **Licence** fee shall be reimbursed.
- 3.7 Where the **Owner** of a **Dog** in respect of which a **Licence** has been issued ceases to be the **Owner** within the **Calendar Year** that the **Licence** is issued, the **Licence** may be transferred to the new **Owner**, at no charge, upon completion of a new **Licence** application.
- 3.8 Where an **Owner** relocates to the **Regional District** and produces a **Licence** issued to the **Dog** from another jurisdiction for the current **Calendar Year**, the **Owner** may obtain a **Licence and Dog Tag** for the same **Calendar Year**, at no charge, upon completion of a new **Licence** application.
- 3.9 The **Owner** of a **Licensed Dog** shall affix the **Dog Tag** to a collar or harness on the **Dog** and the ~~**Licence-Dog Tag**~~ shall be worn by the **Dog** at all times.
- 3.10 Where a **Licensed Dog** is found not wearing a current **Dog Tag Licence**, the **Owner** shall:
- (a) Produce the **Licence** for the current **Calendar Year**; or
 - (b) Purchase a replacement **Dog Tag Licence** for the current **Calendar Year**

When requested by the **Regional District** or **Dog Control Officer**.

- 3.11** Should a person falsify information required for licencing a **Dog**, the **Licence** shall be revoked, a new **Licence and Dog Tag** purchased and a **Fine** may be issued.

Guide / Service Dog

- 3.113.12** **An Owner of a Dog that is registered under the Guide Animal Act shall obtain a Licence and Dog Tag but not be charged licensing fees provided that the appropriate certification or registration is presented to the Dog Control Officer.**

4. CONTROL AND IMPOUNDING OF DOGS

- 4.1 An **Owner** shall ensure that the **Dog** is not **At Large** at any time, except for a **Working Dog** that is actively working at the time.
- 4.2 An **Owner** shall keep the **Dog Under Control** to prevent it from harassing or chasing another **Animal**, person, or cyclist.
- 4.3 An **Owner** shall keep the **Dog Under Control** to prevent it from injuring or killing another **Animal** or person.

- 4.4 Every **Owner** of any **Dog** must ensure that the **Dog** does not enter upon or remain on any sandy beach or swimming area located within a park unless the area is designated by signage as an off-**Leash** area or **Dog Park**.
- 4.5 Every **Owner** of any **Dog** must ensure that the **Dog** does not enter into a playground area on **Public Land** where play apparatus exists, unless designated by signage to be an off-**Leash** area or **Dog Park**.
- 4.6 Every **Owner** of any **Dog** must ensure that the **Dog** is on a **Leash** in a park, unless designated by signage as an off-**Leash** area or **Dog Park**.
- 4.7 The **Dog Control Officer** may determine that a **Dog** is a **Nuisance Dog** and shall inform the **Owner** in writing.
- 4.8 The **Dog Control Officer** may seize and impound any **Dog** found **At Large**.
- 4.9 The **Dog Control Officer** shall release any **Impounded Dog**, when:
 - (a) A current **Licence** has been produced by the **Owner** of the **Dog**; and
 - (b) All impound fees, maintenance fees, and **Fines** related to that **Dog** have been paid.
- 4.10 Where an **Impounded Dog** is not released to the **Owner** within seventy-two (72) hours from the time the **Dog** is **Impounded**, and there have been no prior arrangements made with the **Shelter Manager** or **Dog Control Officer**, the **Regional District** may sell or dispose of the **Dog** in a humane manner.

5. AGGRESSIVE DOGS

- 5.1 The **Owner** of an **Aggressive Dog** shall secure the **Dog** by a collar and **Leash** that is a maximum length of one (1) metre and of adequate strength to restrain the **Dog** when not on the **Owner's** property or in a **Dog Park**.
- 5.2 The **Owner** of an **Aggressive Dog** shall keep the **Dog** effectively **Muzzled** at all times when in a Public Place not on the **Owner's** property to prevent the **Dog** from biting another **Dog**, **Animal** or person.
- 5.3 The **Owner** of an **Aggressive Dog** shall ensure that the **Leash** referred in Section 5.1 is held by a person that is physically and mentally capable of keeping the **Dog Under Control**.
- 5.4 When an **Aggressive Dog** is on the **Owner's** property, and not securely confined indoors, the **Owner** shall keep the **Dog** securely confined to the **Owner's** property by:
 - (a) Keeping the **Dog** in a fenced or gated area, located in the back yard of the **Owner's** property, which is of sufficient height and strength to confine the **Dog**; or
 - (b) Erecting a fence, in the back yard of the property, of adequate height and strength, to securely contain the **Dog**.
- 5.5 The **Owner** of an **Aggressive Dog** shall permit the **Dog Control Officer** to photograph the **Dog** for identification purposes.
- 5.6 Where a **Dog** has exhibited behavior that met the definition of an **Aggressive Dog** in this bylaw and:
 - (a) There have been no incidents of aggression within the previous twelve month period; or

(b) In the opinion of a **Qualified Dog Trainer**, the **Dog** no longer has a propensity towards aggression
the **Owner** may apply to the **Regional District** to suspend the requirements of Section 5.0 of this bylaw as it applies to an **Aggressive Dog**.

5.7 If the requirements of this bylaw as it applies to an **Aggressive Dog** are suspended pursuant to Section 5.6 of this bylaw and, subsequent to that suspension, the **Dog** exhibits behavior that meets the definition of an **Aggressive Dog**, the requirements of this bylaw as it applies to an **Aggressive Dog** shall immediately apply and no further relief pursuant to Section 5.6 will be granted.

6. **VICIOUS DOGS:**

6.1 The **Owner** of a **Vicious Dog** shall secure the **Dog** by a collar and **Leash** that is a maximum length of one (1) metre and of adequate strength to restrain the **Dog** when not on the **Owner's** property.

6.2 The **Owner** of a **Vicious Dog** shall keep the **Dog** effectively **Muzzled** at all times when not on the **Owner's** property to prevent the **Dog** from biting another **Dog, Animal** or person.

6.3 The **Owner** of a **Vicious Dog** shall ensure that the **Leash** referred in Section 6.1 is held by a person that is physically and mentally capable of keeping the **Dog Under Control**.

6.4 When on the **Owner's** property, and not securely confined indoors, the **Owner** shall keep the **Vicious Dog** securely confined in a locked **Enclosure**, located in a place on the **Owner's** property other than the front yard and located such that there is a minimum of 3 metres between the **Enclosure** and the property line.

6.5 The **Owner** of a **Vicious Dog** shall ensure that the **Dog** is not in a **Dog Park** at any time.

6.6 The **Owner** of a **Vicious Dog** shall permit the **Dog** to be micro-chipped ~~the Dog~~ for identification purposes and must pay for the costs associated with the microchipping prior to release of the ~~Dog by the Pound Keeper~~.

7. **DANGEROUS DOGS:**

7.1 The **Dog Control Officer** is designated an Animal Control Officer for the purposes of Section 49 (Special Powers in Relation to **Dangerous Dogs**) of the **Community Charter**.

7.2 The **Owner** of a **Dangerous Dog** shall secure the **Dog** by a collar and **Leash** that is a maximum length of one (1) metre and of adequate strength to restrain the **Dog**.

7.3 The **Owner** of a **Dangerous Dog** shall keep the **Dog** effectively **Muzzled** as all times when not on the **Owner's** property to prevent the **Dog** from biting another **Dog, Animal** or person.

7.4 The **Owner** of a **Dangerous Dog** shall ensure that the **Leash** referred to in Section 7.2 is held by a person that is physically and mentally capable of keeping the **Dog Under Control**.

7.5 When on the **Owner's** property, and not securely confined indoors, the **Owner** shall keep the **Dangerous Dog** securely confined in an **Enclosure**, placed in a location other than the front yard on the **Owner's** property and located such that there is a minimum of 3 metres between the **Enclosure** and the property line.

- 7.6 The **Owner** of a **Dangerous Dog** shall ensure that it does not enter into any park or sandy beach / swimming area located within a park at any time.
- 7.7 The **Owner** of a **Dangerous Dog** shall ensure that the **Dog** is not within 300 metres of a **Dog Park**, at any time.
- 7.8 The **Owner** of a **Dangerous Dog** shall permit the **Dog** to be micro-chipped for identification purposes and must pay for the costs associated with the micro-chipping prior to release of the **Dangerous Dog**.
- 7.9 The **Owner** of a **Dangerous Dog** shall:
- (a) Carry liability insurance in the amount of (\$1,000,000) dollars, over the premises where the **Dangerous Dog** is kept; and
 - (b) Provide proof of compliance with Section 7.9(a) to the **Dog Control Officer** prior to the release of the **Dangerous Dog**.

8. MISCELLANEOUS:

- 8.1 An **Owner**, when accompanied by a **Dog** on any **Public Land**, shall have in their possession a suitable means of facilitating the removal of the **Dog** feces.
- 8.2 An **Owner** shall provide proof of compliance with section 8.1 when requested by a **Dog Control Officer**.
- 8.3 An **Owner** shall promptly remove and dispose of their **Dog** feces deposited on **Public Land** and property other than the property owned by the **Dog Owner**.
- 8.4 An **Owner** shall not permit **Dog** feces to accumulate on the **Owner's** property to the degree that the odour is noticeable on a neighbouring property.
- 8.5 An **Owner** shall not confine an unattended **Dog** in an enclosed space, including a motor vehicle, without adequate ventilation and that the weather conditions are not suitable for the confinement and as a result thereof puts the **Animal's** well-being and safety at risk.

9. ADMINISTRATION AND ENFORCEMENT:

- 9.1 The **Dog Control Officer** is hereby authorized to enter, at all reasonable times, upon any property in the **Regional District** subject to the regulations of this bylaw, in order to ascertain whether such regulations are being obeyed.
- 9.2 No person shall prevent or obstruct, or attempt to prevent or obstruct, the **Dog Control Officer** from the exercise or performance of his or her powers, duties or functions under this bylaw.
- 9.3 Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.
- 9.4 If any section, subsection, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion must be severed and the decision that it is invalid will not affect the validity of the remaining portions of this Bylaw.
- 9.5 Any person who violated any provision of this bylaw commits an offence and is liable to a **Fine** not exceeding \$10,000.00 and cost of the prosecution.

10. REPEAL:

10.1 Bylaw No. 1838, 2007 is hereby repealed.

READ A FIRST, SECOND, AND THIRD TIME THIS 19th day of October, 2017.

ADOPTED this 19th day of October, 2017.

RDOS Chair

Corporate Officer

Site Context:

The subject property is approximately 4.3 ha in area and is situated on the south side of Highway 97, approximately 1.7 km north-west of the Town of Osoyoos municipal boundary. It is understood that the parcel is comprised of a fruit packing and cold storage facility, a fruit stand, outdoor bin and farm equipment storage area, and orchards.

The surrounding pattern of development is generally characterised by agricultural lands.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 2, 1923, while available Regional District records indicate that a building permits were issued for a Single Family dwelling (1984) and a Fruit stand (1984). Farm Building Exemptions were issued for "Farm Building for fruit packing" (2007) and "Addition to existing farm building" (2011).

Under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2450, 2008, the subject property is currently designated Agriculture (AG) and is the subject of a Watercourse Development Permit (WDP) designation and within the "Agricultural Protection Area".

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008, the property is currently zoned Agriculture One (AG1) which allows for the processing, packing and storage of farm produce, but does not allow for outdoor storage.

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

At the regular meeting of January 6, 2011, Amendment Bylaw No. 2451.05, provided a site-specific rezoning to increase the gross floor area of all buildings associated with the retail, processing, packing and storage of farm products to a maximum of 3,050m².

Analysis:

This proposal does not contradict policies of the OCP or regulations of the Zoning Bylaw, and does not present a change of land use or introduce a new or expanded facility.

Given the number of orchards in close proximity, the application could support local agriculture by increasing the community's farm production capacity using an existing facility. The increased production and warehousing capacity will help meet local agricultural demand, and help sustain continued orchard operations in the community.

Alternatives:

1. THAT the RDOS Board not "authorize" the application to proceed to the ALC.
2. THAT the proposal be referred to the Electoral Area "A" Advisory Planning Commission.

Respectfully submitted:

Cory Labrecque

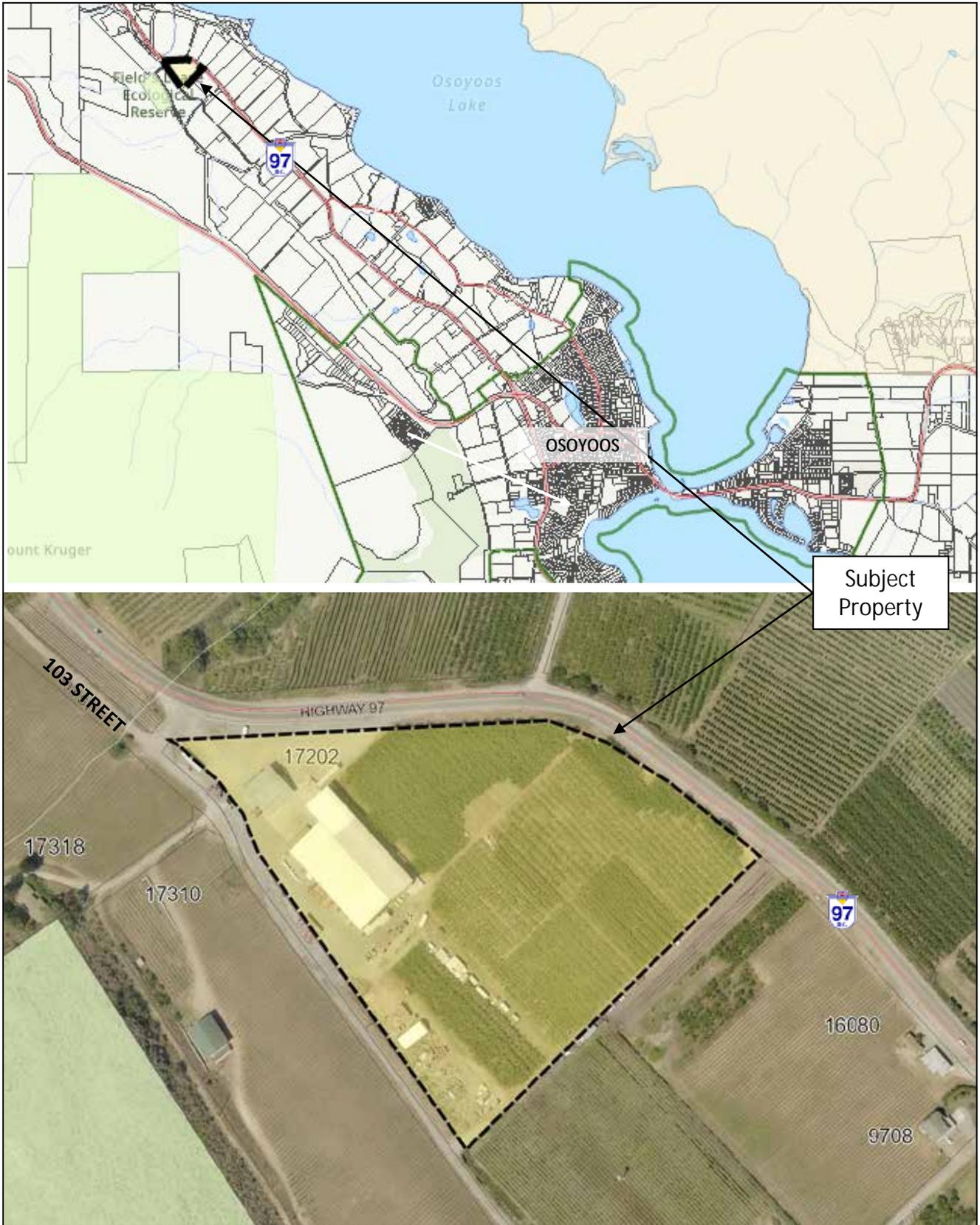
Endorsed By:

Attachments: No. 1 – Context Maps

No. 2 – Applicant’s Site Plan

No. 3 – Site Photos

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Site Photos



Site Context:

The subject property is approximately 1.9 ha in area, and is situated on the east side of Linden Avenue and is approximately midway between Kaleden and Okanagan Falls. It is understood that the parcel is comprised of a single detached dwelling and a detached garage.

The surrounding pattern of development is generally characterised by similarly sized agricultural parcels that have been developed with single detached dwellings.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on September 14, 2000, while available Regional District records indicate that building permit(s) have not previously been issued for this property.

The subject property is currently being used for active farm production (*2.0 acres Chardonnay grapes & 1.5 acres Gewurztraminer grapes*) and developed with a two storey single family dwelling and a detached garage (no building permit records for either).

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Agriculture (AG) and objective of which is "to protect the agricultural land base of the Plan Area and associated farming, ranching and general agricultural activities."

Under the Electoral Area "I" Zoning Bylaw No. 2457, 2008, the property is currently zoned Agriculture One (AG1) which allows for a maximum parcel coverage of 20% for parcel less than 2.0 ha in area.

The property is within the Agricultural Land Reserve (ALR) and is classified as Residential (01) and Business and Other (06) by BC Assessment.

In 2019, the ALC implemented a maximum footprint requirement for principal dwellings of 500 m². As stated at the time, the provincial government was concerned about the impact of "mega-homes" on agricultural lands as such homes lead to speculation in the ALR, driving up land costs and making it prohibitive for young people to enter the agricultural industry when they are forced to compete with people looking for "lifestyle estates".

Analysis:

A majority of the area proposed for the construction of the new dwelling has previously been disturbed and developed with a single family dwelling and detached garage. It is not anticipated that allowing an over-sized dwelling at this same location will result in significant alienation of agriculture land.

Further, the applicant's proposal is consistent with the current density provisions contained in the Electoral Area "I" Zoning Bylaw.

The proposal to construct a single family dwelling of this size (837 m²) is to accommodate the owner's larger family.

The size of dwelling being proposed is unrelated to the agricultural use of the subject property (which is 1.9 ha) and runs counter to the land use concerns that previously prompted limits on the size of such structures on farmland.

Other options are available to the property, primarily in the form of complying with existing (provincial) regulations and redesigning the proposed dwelling to not exceed a floor area of 500 m². Similarly, the option to accommodate an additional family on the property is available through the allowance for an accessory dwelling (with a floor area not exceeding 90.0 m²).

In summary, the proposal is generally consistent with the zoning regulations.

Alternatives:

1. THAT the RDOS “not authorize” the application for a “non-adhering residential use – principal residence more than 500 m²” at 379 Linden Avenue (Lot 59 Plan KAP719, DL 105S, SDYD) in Electoral Area “I” to proceed to the Agricultural Land Commission OR
2. THAT the application be referred to the Electoral Area “I” Advisory Planning Commission.

Respectfully submitted:

R. Gadoya

R. Gadoya, Planning Technician

Endorsed By:



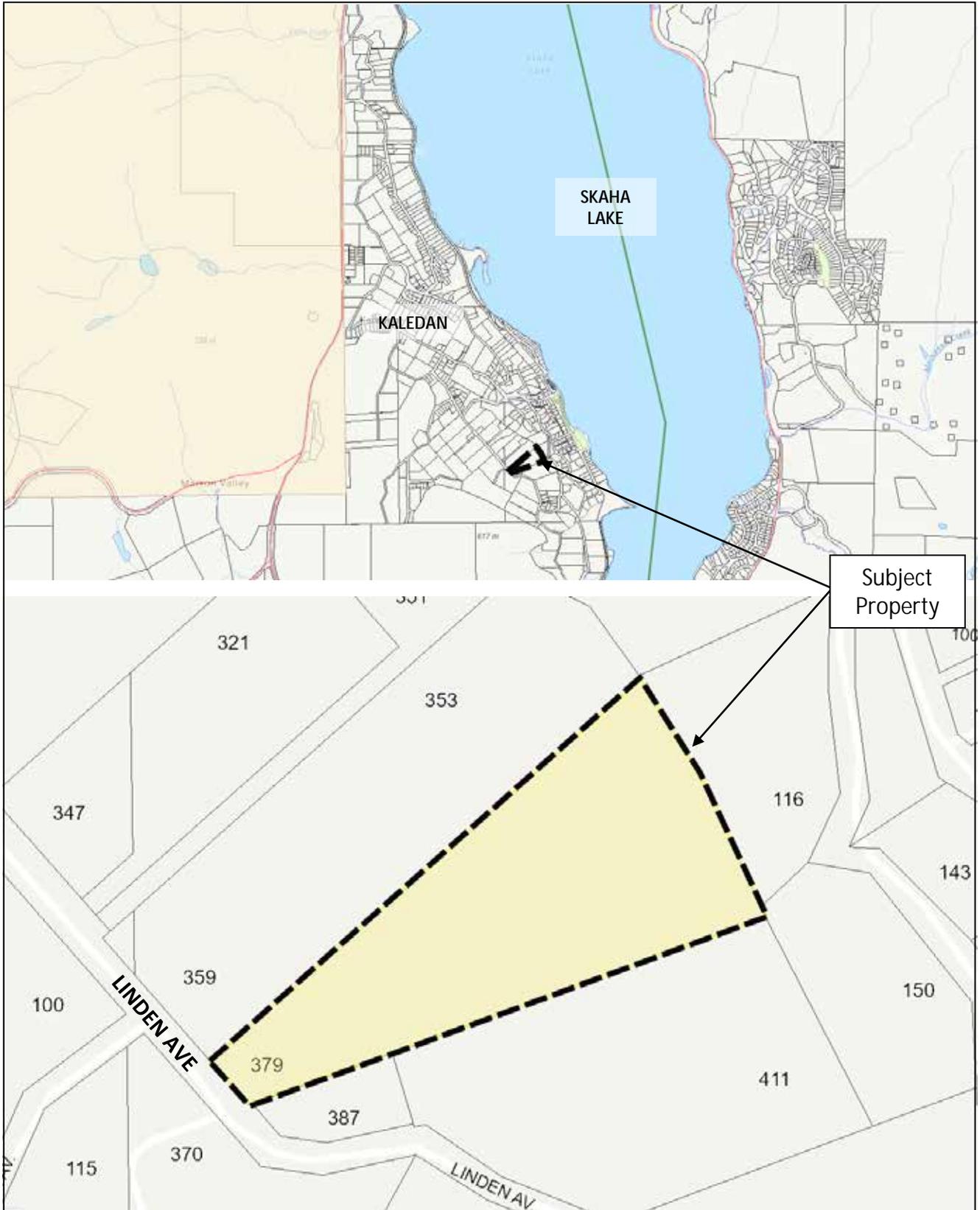
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

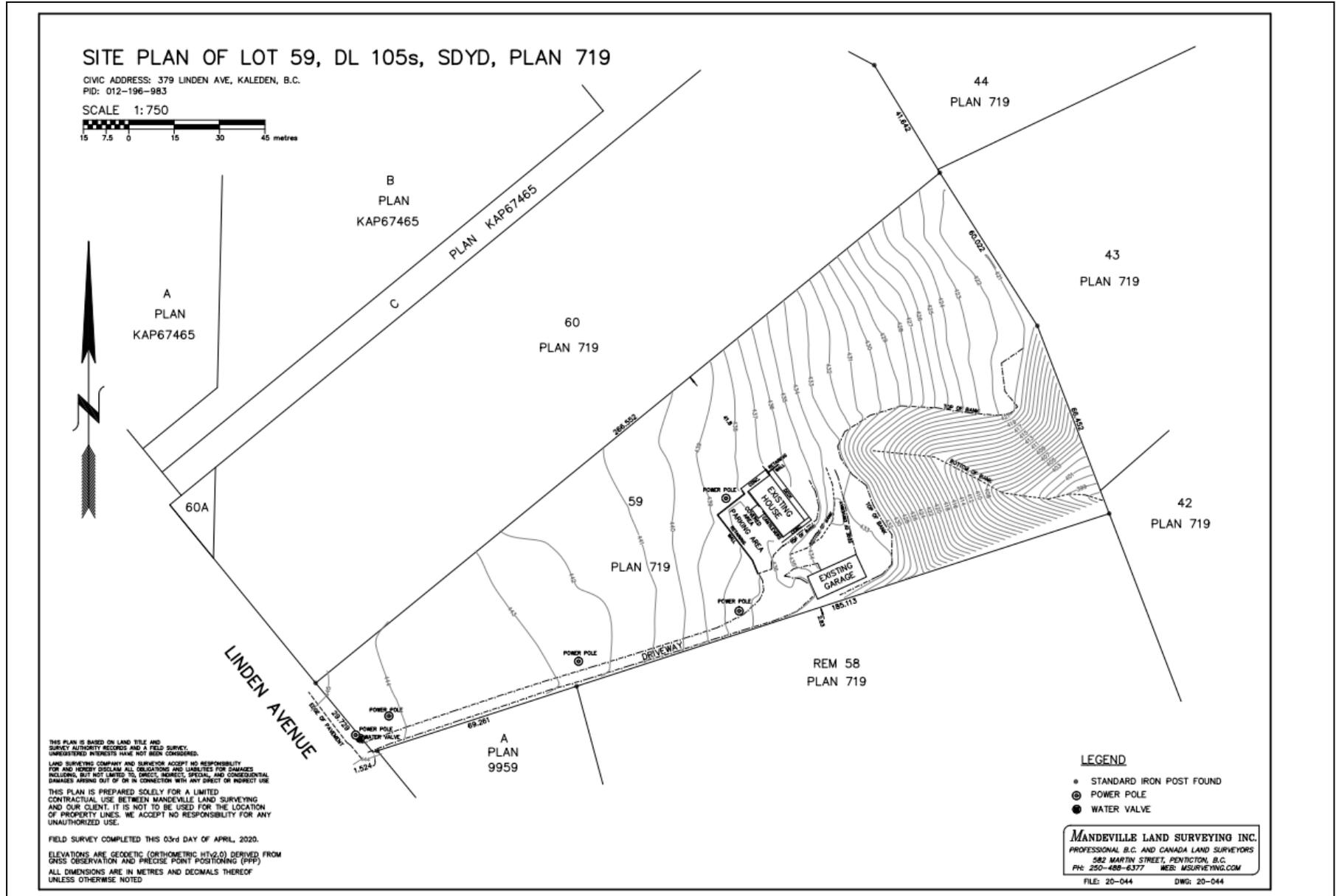
No. 2 – Applicant’s Site Plan

No. 3 – Site Photo

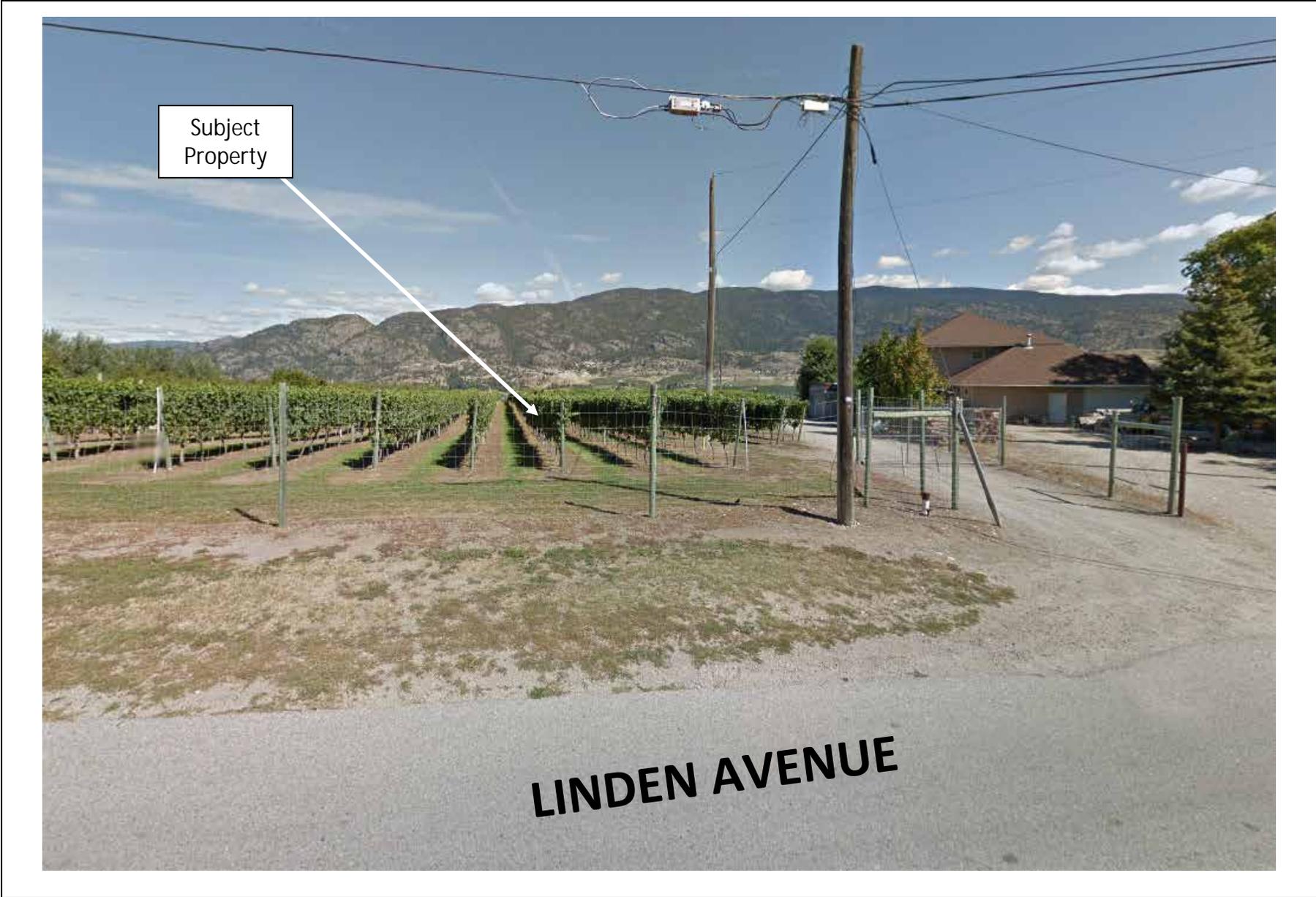
Attachment No. 1 – Context Maps



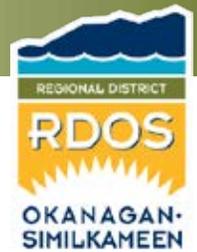
Attachment No. 2 – Applicant's Site Plan



Attachment No. 3 – Site Photo



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Development Variance Permit Application — Electoral Area “D”

Administrative Recommendation:

THAT Development Variance Permit No. D2021.001-DVP be denied.

Purpose: To formalise an existing over-height fence.

Owners: Melvin Biesinger & Marna Dueck Agent: NA Folio: D-06801.350

Civic: 176 Bighorn Trail Legal: Lot 11, Plan 55994, DL 2710, SDYD

OCP: Small Holdings (SH) Zone: Small Holdings Five Site Specific (SH5s)

Variance Request: to increase the maximum height of fence from 1.8 meters to 2.9 meters

Proposed Development:

This application is seeking a variance in order to formalise an existing fence height that was constructed to a height of 2.9 metres (the bylaw otherwise limits fence heights to 1.8 metres) in order provide privacy around pool and hot tub.

In support of this request, the applicant has stated that “the height of the fence was only intended to give us the same privacy we received from the vine that died and privacy from the height of the neighbours decks.”

Site Context:

The subject property is approximately 2,181 m² in area and is situated on the north-east side of Bighorn Trail and is approximately 10 kms north of boundary of Okanagan Falls. The property is currently developed with a single detached dwelling and a pool.

The surrounding pattern of development is characterised by similar residential developments with lots zoned SH5s in the area.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 29, 1995, while available Regional District records indicate that a building permits for single family dwelling (2000) and a pool (2002) have previously been issued for this property.

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Small Holdings (SH) and is the subject to the Hillside Development Permit (HDP) Area designation.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently zoned Small Holdings Five Site Specific (SH5s) and, under Section 7.8 of the bylaw, the maximum height of a fence outside of a prescribed front setback is limited to 1.8 meters.

Enforcement:

In June of 2020, the Regional District received a written complaint regarding the establishment of an over-height fence on the subject property.

In November of 2020, the Regional District advised the property owner that it had become aware of an over-height fence and of the need to bring this fence into compliance with the requirements of the Zoning Bylaw by either:

- 1) reducing the height to comply with bylaw restrictions; or
- 2) submitting an application for a DVP to keep the fence at its current height.

On January 8, 2021, the current DVP application to formalise the existing fence was submitted to the Regional District.

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.

At its meeting of February 9, 2021, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

Analysis:

The Zoning Bylaw’s use of a maximum height for fences erected on property boundaries is varied. While fences can often enhance properties by defining ownership, creating privacy and providing security they can also degrade livability or become a safety hazard.

Fencing can contribute to a loss of amenity on adjacent properties through the creation of overshadowing or visual intrusion if built to an excessive size, or hazard if poorly constructed. Accordingly, the Zoning Bylaw limits the maximum height of a fence in most zones to 1.8 metres.

In considering this proposal, Administration notes that that there are no unique circumstances that necessitate an over-height fence at this location and that there are alternatives available to the property owner such as the re-establishment of a natural vegetative screen.

Administration acknowledges that the purpose of the fence is solely to block the view of hot tub and patio from the neighbour’s deck, but considers that there is room elsewhere on the property to locate a fence for the purpose of enclosing the pool/hot tub area and to provide privacy/security.

Further Administration notes that the placement of a fence on top of a retaining wall will increase the visual prominence of the structure and potentially impede views for neighbouring properties (see Attachment Nos. 5 & 6).

Conversely, Administration notes that the fencing allows for improved security of the pool/hot tub area and is approximately 4.6 metres in length and runs along only one edge (south-east) of the patio

area behind the house and that edge of the patio abuts onto the sloping natural rock hillside (see Attachment Nos. 5 & 6).

Nevertheless, and for these reasons outlined above, Administration does not support the requested variance.

Alternatives:

1. That the Board approve Development Variance Permit No. D2021.001-DVP.

Respectfully submitted

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed by:

_____

C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo

No. 2 – Fence Photos

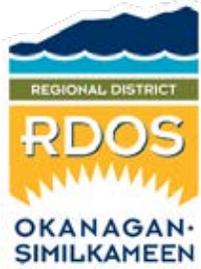
Attachment No. 1 – Site Photo



Attachment No. 2 – Fence photos



ABOVE: Vegetation which previously provided screening but was subsequently removed.



Development Variance Permit

FILE NO.: D2021.001-DVP

Owner:

Agent:

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 11, Plan kap55994, District Lot 2710, SDYD

Civic Address: 176 Bighorn Trail

Parcel Identifier (PID): 023-285-214 Folio: D-06801.350

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "D" Zoning Bylaw No. 2455, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the maximum height of a fence in Rural zone, as prescribed in Section 7.8.1(a), is varied:
 - i) from: 1.8 metres
 - to: 2.9 metres, measured to the top of the fence as shown on Schedule 'B'.

COVENANT REQUIREMENTS

7. Not Applicable

SECURITY REQUIREMENTS

8. Not applicable

EXPIRY OF PERMIT

9. 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 _____, 2021

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

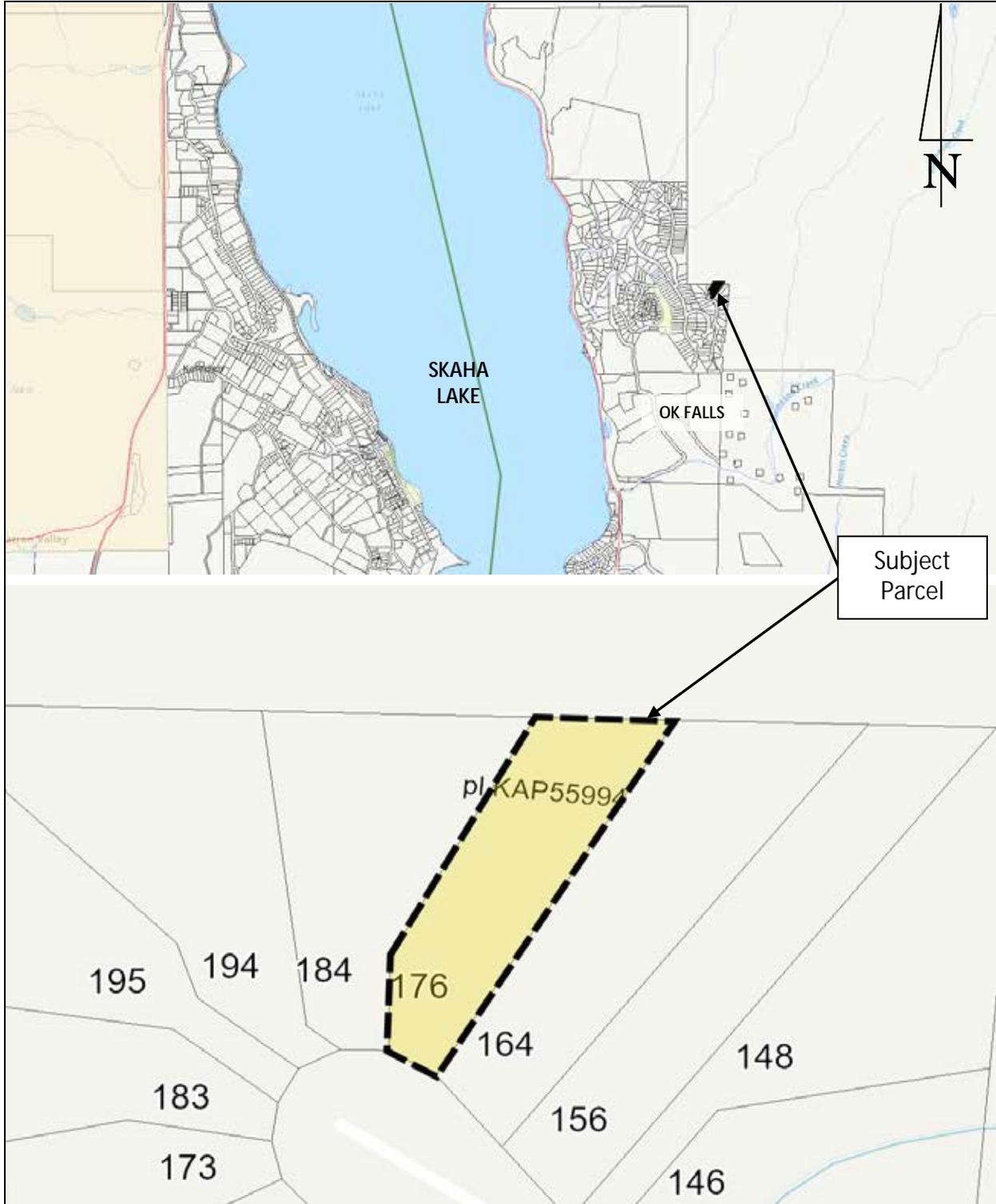
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. D2021.001-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

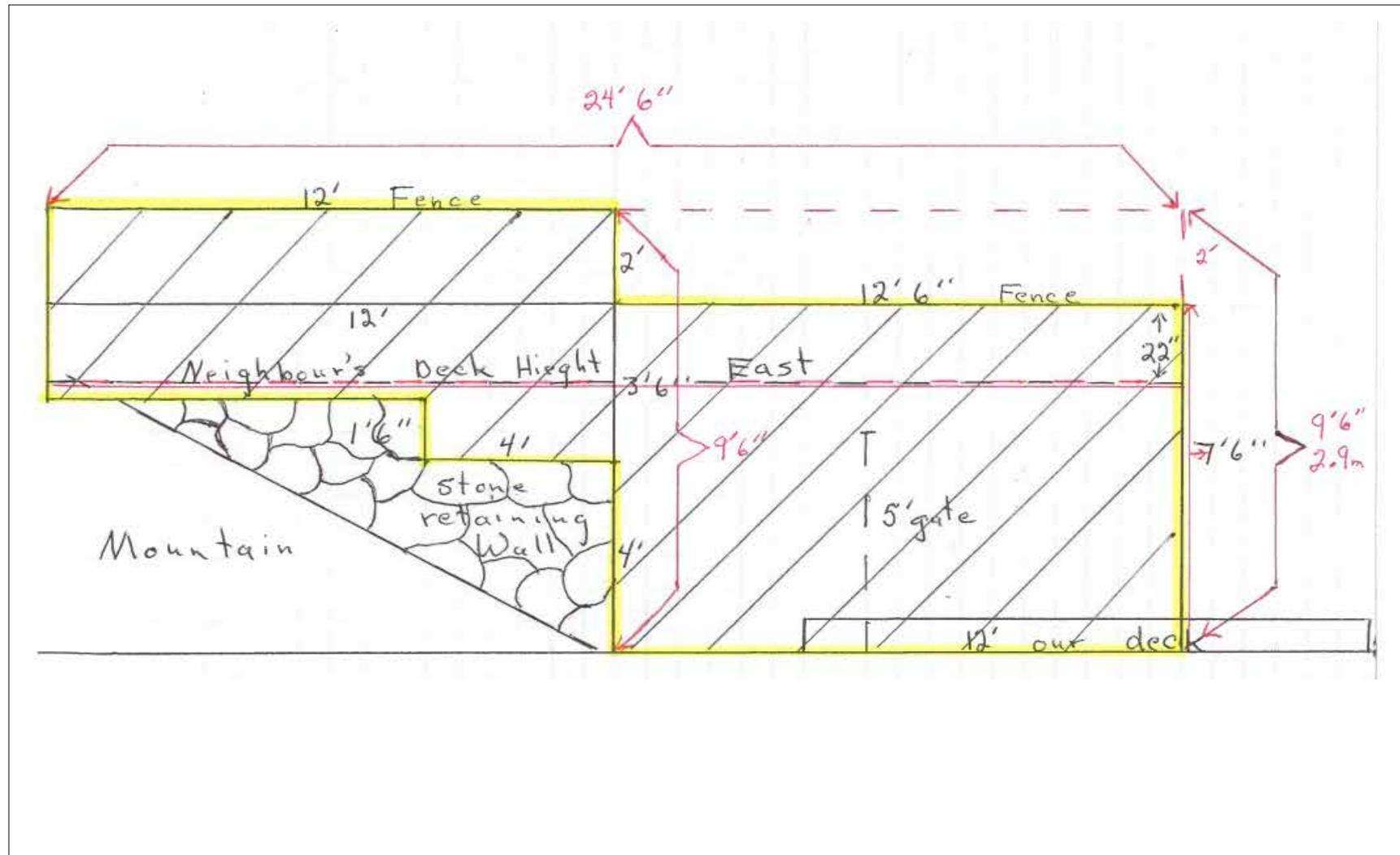
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. D2021.001-DVP

Schedule 'B'



From: Paul Leslie
To: Planning
Subject: Development Variance Permit Application D2021.001-DVP 176 Big Horn Trail
Date: January 27, 2021 1:55:40 PM

I have received a letter and accompanying draft variance from you regarding the fence that was built in violation of Zoning By-law No. 2455, 2008, at 176 Big Horn Trail. Let me underline that fact: the fence was constructed illegally, without permit, in knowing violation of the by-law.

I had no part in this affair until I received your package of material that is obviously the result of hours of staff work. Now, you and the RDOS have made me a party to it. And so now, I have to act.

Contrary to the application, there is no justifiable reason for the fence (more a wall in actuality) to exceed the permitted 1.8 metres. The construction that was built is more than 50% taller than permitted by the by-law. We are not talking about a minor deviation. Further, the stated purpose of achieving privacy cannot be met with this wall or a wall of any height. There is no possibility of achieving complete privacy in the yard of a property located in such close proximity to the neighbours. Allowing giant fences in one location is completely ignoring all the other exposures and makes no sense. There are many points along the property lines on both sides that preclude complete privacy. Allowing the creation of towering constructions that loom over the neighbouring property and that are clearly in violation of the by-law is not acceptable. Should this be approved, I suppose my next step will be to build a wall along my property line to screen my pool and hot tub from my neighbours as currently they can peer right into my pool and hot tub with no visual restriction. But then again, you know what? It gives us the opportunity to wave and say hello because we're good neighbours that way. I wonder why a towering barrier is required on the other side?

The by-law requires that fencing does not exceed 1.8 metres. This is a well known regulation. It would certainly have been known by the experienced contractor that built the subject fence. Yet the fence that was built is well in excess of 1.8 metres. And now it is proposed that you sanction a fence of 2.9 metres. That is a dramatic difference -- 63% taller than allowed by the regulation. If 2.9 metres is an acceptable height, then why does the by-law mandate 1.8? Is the RDOS planning on changing the by-law to 2.9 metres? If not, then this would clearly be a matter of selective enforcement of the by-law.

The purpose of allowing a variance is for situations where compliance with the by-law is not realistically achievable or does not make sense in the circumstances. It is not for the purpose of allowing someone that wilfully ignores the regulations to get away with their lawbreaking with no consequences. What has the property owner done to merit such consideration? Did they discuss their needs with the affected neighbours and explain their reasoning? Did they discuss options and requirements with the RDOS to see what could reasonably be done? It seems apparent to me that they merely ignored the law and did what they wanted. Their only engagement with due process was when they were found out. Should this variance be granted, you will have demonstrated to the person that broke the law that they were correct to ignore their neighbour's interests and the law. This is certainly not in the best interests of the community, for whom the by-laws were created. Specifically as it relates to fencing, you will have established that the new rule will be fences of 2.9 metres, regardless of the by-law. You will have established that the need for "privacy" will be a simply applied condition for

exceeding the by-law in future. How will anyone know what the rules are and more to the point why should anyone follow them? Should this variance be approved, the RDOS will have demonstrated that 1.8 metres is clearly NOT the maximum and that simply claiming a need for privacy, after you have constructed whatever you want with no discussions with the neighbours or the RDOS, will be approved. This case can and will be cited as precedent and will be upheld in any resulting litigation.

I should also point out that the applicant has misrepresented the facts of the matter in their submission. Disingenuous at best. An example of which is the statement about the existing privacy screen. This was erected by the previous owners who ran a VRBO party house at this property. It allowed their paying customers to frolic in the hot tub in the wee hours with some privacy. Apparently it suited their desires.

Which brings up another point about fairness. The residents next door have been subject to horrific behaviours by the residents of 176 Big Horn over the years. For years the previous owner ran a VRBO party house there. It was only stopped due to lengthy and arduous campaigning on the part of the occupants who are now asked to again campaign for public support for the enforcement of their basic, legislated rights.

I disagree fundamentally with the RDOS soliciting input from neighbours on the application of a simple matter of law. Notwithstanding that, soliciting input from neighbours all along Big Horn Trail is ridiculous. If you seriously want to consider the impact of a variance on the affected neighbours, ask them. That is, the ones on either side of the subject property, Asking everyone in the neighbourhood is needlessly upsetting. Is it the intent of the RDOS to listen to the views of the neighbours 300 metres away and give them equal input on a matter that does not affect them at all even at the expense of the two neighbours that are actually invested in this outcome? That is ludicrous and certainly not right. Opinion as to whether a law should be applied should not be a popularity contest.

The RDOS has a responsibility and a duty to enforce the by-laws in this community. The proposed variance fails to do so and leaves our community at risk of further flouting of the rules by any that choose not to follow them. It is a simple matter of fairness and law. You have a law, It's been violated. Enforce it.

Paul Leslie
156 Big Horn Trail

--

Paul Leslie

*Disclaimer: The information contained in this message is directed in confidence **solely** to the person(s) named above and may not be otherwise distributed, copied or disclosed. The message may contain information that is privileged and confidential. If you are not the intended recipient please delete the message without making a copy. Thank you.*



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Feb 8, 2021

To: RDOS & Board of Directors

Re: Development Variance Permit (DVP) Application No. D2021.001 - DVP
Mel Biesinger & Marna Dueck - 176 Big Horn Trail

From: 164 Big Horn Trail - Randy & Kim Dickey

To whom it may concern:

Recently, all residents of Big Horn Trail received correspondence from the RDOS related to a **DVP application** submitted by the residents located at 176 Big Horn Trail, to deviate from a Bylaw enforcement to drastically **exceed** the height restrictions of a fence built in June of 2020.

Our property resides to the East of 176 Big Horn Trail. The fence built exceeds **the maximum height** allowed by the RDOS Bylaws. At its lowest peak, it **measures 7' 10"** tall and **9' 6"** tall at its highest peak, almost reaching the homeowner's **roofline**. The **maximum height requirement** of **6'** or **1.8 meters** is in accordance with the RDOS Bylaw and **not** extended to **9' 6"** or **2.9 meters** as is currently being proposed. Any fence over **6'** must be open, such as lattice panels for example, or chainlink. And although classed as a fence in all submitted documentation, in our opinion, it resembles a wall, as it is **Solid**.

The issue of course would be trying to cover it, in keeping with the continuity of our natural landscape without further view loss. We'd have to construct a fence close to 10'. That would be unacceptable and unimaginable.

The RDOS has a means for homeowners to seek variances for Bylaw requirements that are not achievable or for some other reason not practical, (such as in this case) building a fence more than **50% taller** than allowed, isn't a minor variance. The regulations are in place for a reason, ensuring that we are all playing by the same rules and are treated fairly, and not given special concessions after the fact. Allowing this height to pass sets the precedent that fences can now be built to at least this tall, should concern us all.

We live on a mountainous topography where the land varies considerably from one property to the next, as does the level of privacy. The natural beauty and views surrounding us all are breathtaking. To suggest that this **fence height** is acceptable or that it blends into the natural beauty of the landscape is deeply troubling to us. Look out into the neighborhood and imagine an over-height fence beside you or across the street from you, trying to blend inconspicuously with the natural surroundings, whilst separating properties.

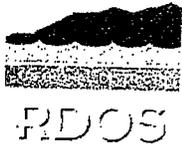
We were recently reminded of the VRBO and the division it caused in the neighborhood. It was an extremely difficult time for everyone, particularly for those of us living beside it. This is about a fence that has now become a public matter. We find the process difficult and uncomfortable in trying to address our rights or concerns as homeowners, but here we are. In doing so, we felt it necessary to include some of our own insight and submit pictures from our point of view, to help with the process of any decision making done on our behalf.

As homeowners, at the very least, we should be able to protect our property rights; acknowledging of course, that "every man's home is his castle" and that everyone's tastes are unique to their own. But as taxpayers and long term residents, we should also be able to rely on the RDOS/Board Members to enforce Bylaw regulations (**Refer to Area 'D' Zoning Bylaw No. 2455,2008**) to help protect our properties from such.

If any of this is concerning to you, the RDOS has given you an opportunity to voice your opinion.

Thank you for your time regarding this matter.

Cc: Big Horn Trail Residents



Feedback Form

Regional District of Okanagan Similkameen

OKANAGAN-
SIMILKAMEEN

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

TO: Regional District of Okanagan Similkameen **FILE NO.:** D2021.001-DVP

FROM: Name: FRED HAMILTON
(please print)

Street Address: 148 BIGHORN TR.

RE: Development Variance Permit (DVP) Application
176 bighorn Trail, Electoral Area "D"

My comments / concerns are:

- I do support the proposed variances at 176 bighorn Trail
- I do support the proposed variances at 176 bighorn Trail, subject to the comments listed below.
- I do not support the proposed variances at 176 bighorn Trail.

All written submissions will be considered by the Regional District Board

I DON'T AGREE WITH ANY FENCE OVER 6.5'

Feedback Forms must be submitted to the RDOS office prior to the Board meeting upon which this DVP application is considered.

All representations will be made public when they are included in the Board Agenda.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

Under the Electoral Area "F" Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designations.

On October 19, 2018, a Watercourse Development Permit (WDP) was issued to facilitate the construction of carport on subject property.

Under the Electoral Area "F" Zoning Bylaw No. 2461, 2008, the property is currently zoned Residential Single Family One Zone (RS1) which allows for accessory building and structures.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Okanagan Lake, and requires all buildings/structures with habitable space be located above 343.66 m Geodetic Survey of Canada datum.

BC Assessment has classified the property as "Residential" (Class 01) and is seen to be in a geotechnical hazard area.

Enforcement:

The subject property has been the subject of enforcement action since August of 2018 in relation to a deck built within a parcel line setback and WDP Area, and a retaining wall also built within a WDP Area. While this enforcement matter remains on-going, no Building Permit applications have been submitted to the Regional District at this time.

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.

At its meeting of November 23, 2020, the Electoral Area "F" Advisory Planning Commission (APC) resolved to recommend the Regional District Board that the applicant work with staff to reduce the extent of variances requested.

At its regular meeting of January 21, 2021, the Board of Directors resolved to defer making a decision and directed that the subject DVP application be considered by Electoral Area "F" Advisory Planning Commission.

At its meeting of January 25, 2021, the Electoral Area "F" Advisory Planning Commission (APC) resolved to recommend the Regional District Board that the subject application be approved.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure, amongst other things, that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Accordingly, when assessing variance requests a number of factors are taken into account, including 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.

In this instance, Administration notes the location of the garage is towards the upper portion of the parcel, with significant distance and grade change between the proposed building and the North Beach Road, where the proposed building will not appear over-height from the road.

Although there is some concern of the proximity of the garage to the western parcel line, the additional height proposed does not facilitate a second storey or any windows over-looking neighbouring parcels that could not otherwise be built under the zoning bylaw.

In response to impact to views, the neighbouring dwellings are located entirely along the lower portion fronting towards Okanagan Lake and the garage is located on the higher elevation far behind the dwellings and further away from the lake.

Administration also recognises that the proposed over-height garage is sited in an area with no neighbouring buildings within 100 meters, thereby eliminating any concerns of blocked views from neighbouring properties.

Conversely, restricting the height of an accessory structure is to discourage the structure from being converted into a stand-alone principal use, such as a separate residential unit or guest suite. Given the extent of the physical separation between the proposed structure and the existing dwelling, Administration is concerned about its future use.

Administration also notes that there are alternatives available to the applicant, such as increasing the footprint horizontally, rather than vertically in order to provide enough space for storage purposes.

Summary:

For the reasons outlined above, Administration supports the requested variances.

Alternative:

1. That the Board deny Development Variance Permit No. F2020.015-DVP.

Respectfully submitted

R. Gadoya

Rushi Gadoya, Planning Technician

Endorsed by:

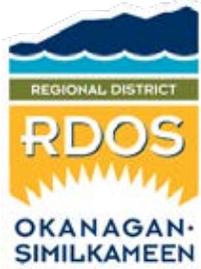


C. Garrish, Planning Manager

Attachments: No. 1 – Aerial Photo (2017)

Attachment No. 1 – Aerial Photo (2017)





Development Variance Permit

FILE NO.: F2020.015-DVP

Owner:

Agent: NA

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 12, Plan 11635, DL 2694, ODYD
Civic Address: 465 North Beach Road, Summerland
Parcel Identifier (PID): 009-478-442 Folio: F-06701.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "F" Zoning Bylaw No. 2461, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the maximum height for an accessory building or structure in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.7(b), is varied:
 - i) from: 4.5 metres

to: 6.4 metres, as shown in Schedules 'C' and 'D' to this permit.

COVENANT REQUIREMENTS

7. Not Applicable

SECURITY REQUIREMENTS

8. Not applicable

EXPIRY OF PERMIT

9. 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 _____, 2021.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

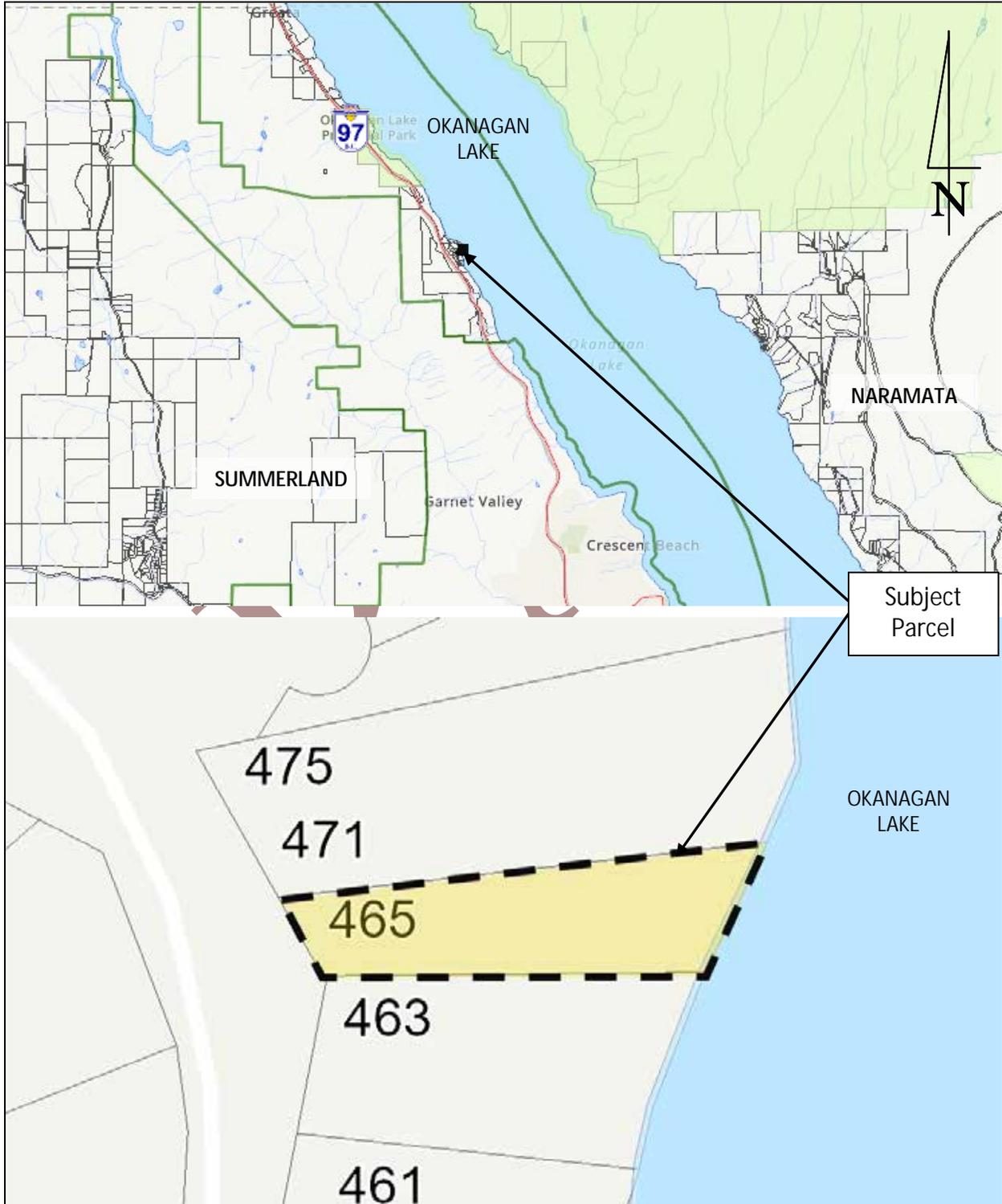
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. F2020.015-DVP

Schedule 'A' water



Regional District of Okanagan-Similkameen

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

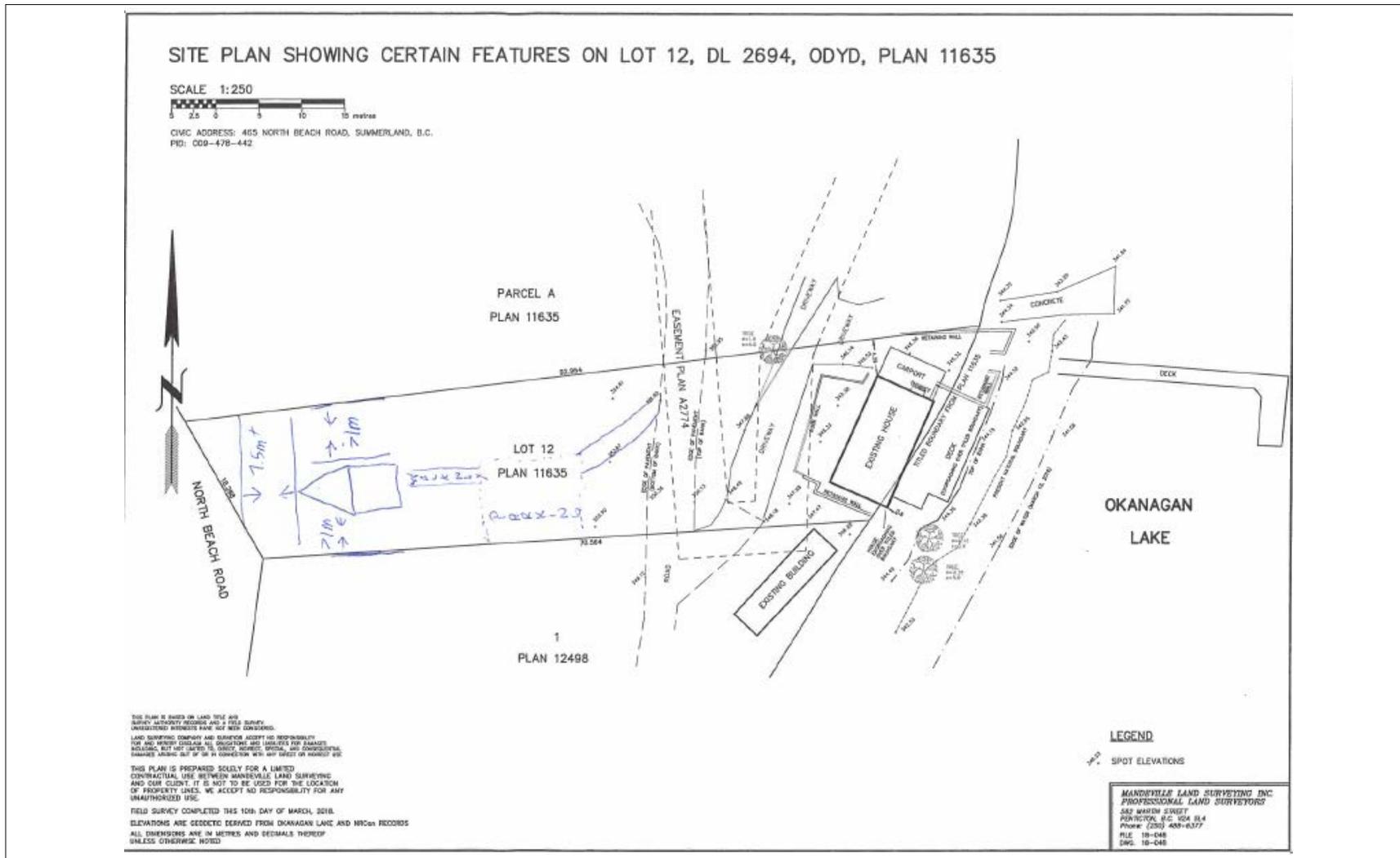
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.015-DVP

Schedule 'B'



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. F2020.015-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

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

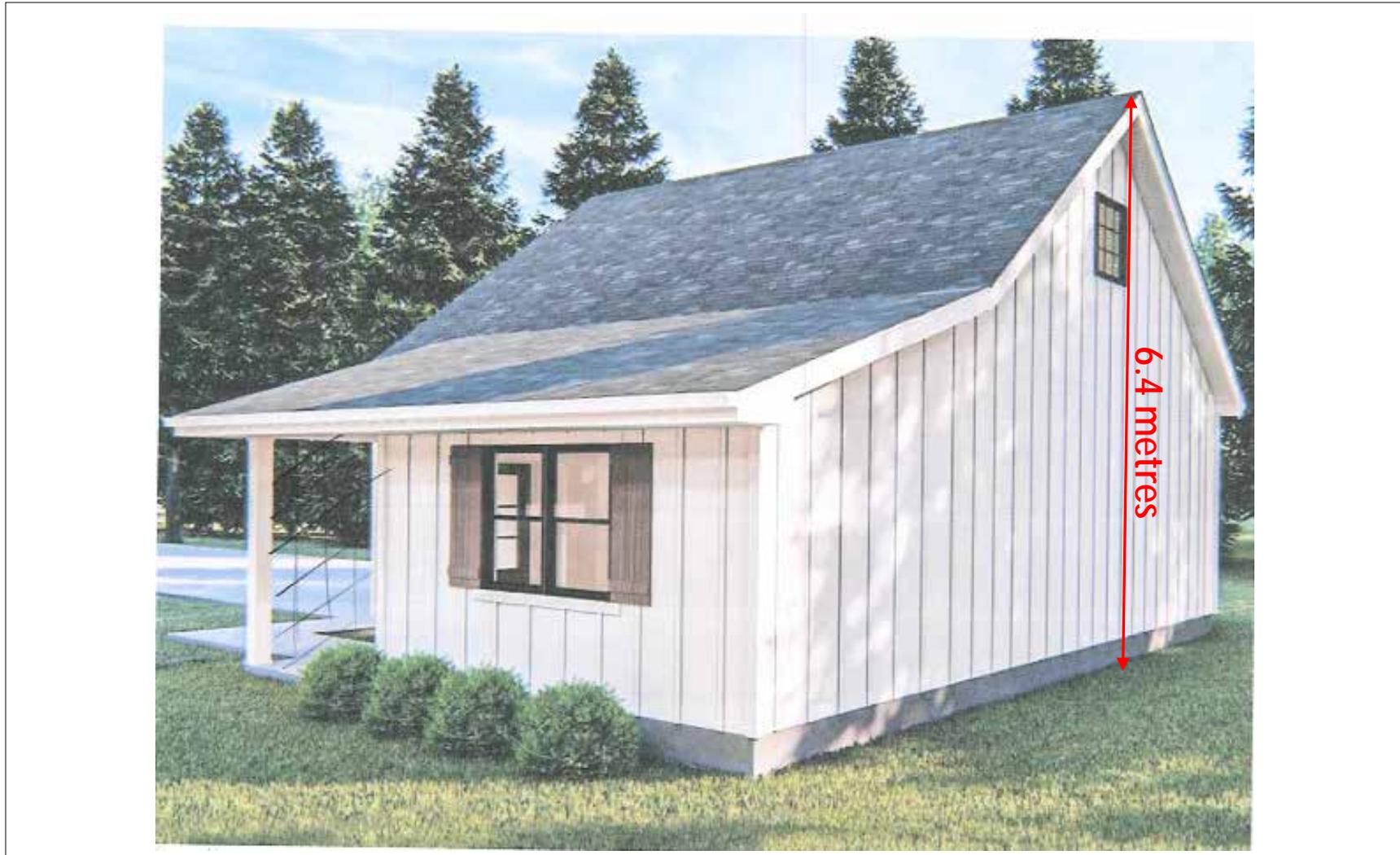
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.015-DVP

Schedule 'D'



Regional District of Okanagan-Similkameen

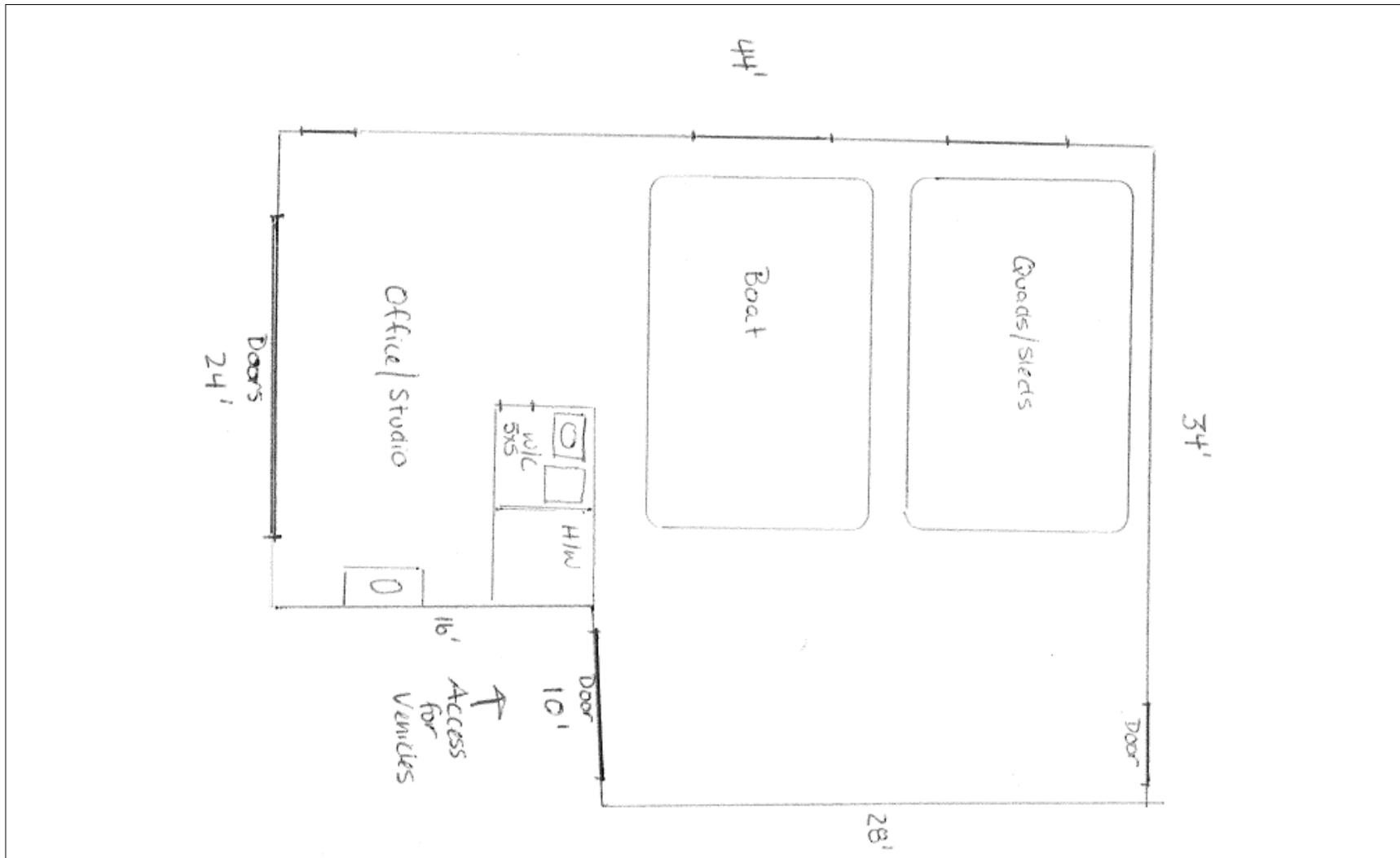
101 Martin St, Penticton, BC, V2A-5J9

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



Development Variance Permit

Schedule 'E'



From: [Grant Endres](#)
To: [Planning](#)
Subject: DVP Application F2020.015-DVP
Date: January 8, 2021 9:28:42 AM
Attachments: [FeedbackForm copy 465 NBR.pdf](#)

Good Morning Rushi Gadoya,

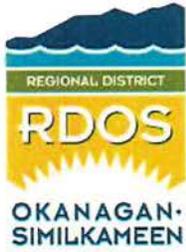
I am writing to you on behalf of The North Beach Heights Community. I am currently the manager of this community and I have been asked to submit a letter in regards to the 465 North Beach Road application for a building variance. This building will affect 7 households so we would like for you to consider NOT allowing this variance. Allowing it may also set a precedence for other lake frontage owners to build taller and unsightly buildings that would further obstruct and affect the 7 properties in North Beach Heights. The properties affected would be 448, 450, 452, 454, 456, 458, & 460 North Beach rd.

We have 2 professional home builders in the community and the consensus between them is that 4.5 meters would be tall enough for an outbuilding such as a shop and there is no reason to increase the height of such a structure. If the owners build the shop with a 4/12 pitch roof instead of the 9/12 pitch that was proposed, the structure will be limited to a height of 4.5 meters while maintaining the proper interior height and the ability to utilize a 10 ft tall garage door. We ask that the RDOS consider this option instead.

I have attached a formal feedback form along with this email stating the above information as well.

Thank you for your time and have a great day!

Grant Endres



Feedback Form

Regional District of Okanagan Similkameen

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

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

TO: Regional District of Okanagan Similkameen **FILE NO.:** F2020.015-DVP

FROM: Name: Grant Endres
(please print)

Street Address: _____

**RE: Development Variance Permit (DVP) Application
465 North Beach Road, Electoral Area "F"**

My comments / concerns are:

- I do support the proposed variances at 465 North Beach Road.
- I do support the proposed variances at 465 North Beach Road, subject to the comments listed below.
- I do not support the proposed variances at 465 North Beach Road.

All written submissions will be considered by the Regional District Board

On Behalf of the North Beach Heights Community that consists of 6 houses and 1 property that has yet to be occupied, we DO NOT support the proposed variance on height for this structure. This building will affect the 7 properties to the west of the proposed build site. Allowing this variance may also set a precedence for other lake frontage property owners to build taller buildings to further obstruct and affect the properties in North Beach Heights.

This structure could utilize a 4/12 pitch roof instead that would limit the height to under 4.5 Meters and still be cost effective for the property owners while maintaining correct height for the interior of the shop and being able to utilize a 10 ft tall garage door.

Feedback Forms must be submitted to the RDOS office prior to the Board meeting.
All representations will be made public when they are included in the Board Agenda.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

Lauri Feindell

Subject: FW: File Number F2020.015-DVP

From: Nancy Atleo
Sent: January 13, 2021 11:02 AM
To: Planning <planning@rdos.bc.ca>
Cc: Fred & Verna Borsato
Subject: File Number F2020.015-DVP

Rushi Gadoya,

Thank you for your call the last week. I appreciated being able to discuss the application and the process with you order to relay the information to my parents (my father is hard of hearing and unable to hear on the telephone) and siblings. We do understand that this is only a DVP and not a full building permit, but wish to have our concerns/comments heard throughout the process.

Sincerely,

Nancy Atleo

on behalf of Fred and Verna Borsato

FILE number F2020.015-DVP
RE: DVP application 465 North Beach Road, Electoral area F

FEEDBACK

From: Owners of Lot 475/471

We will support the proposed height variance at 465 North Beach Road, subject to concerns listed below, which we feel are quite warranted. While the applicant is correct in his/her statement that the proposed building will not affect views from our property, issues may arise related to access, soil stabilization, parking, and drainage.

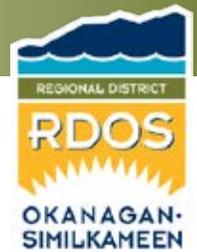
- Firstly, we do have a concern regarding soil stabilization and erosion. Throughout the years, many building permits have been denied along the Lombardy Bay Area due to the instability of the soil, therefore we request that we be involved in all the planning/building of any retaining walls or plantings on the boundary between our lots.
- We are also concerned about future issues arising from run-off water on the building site in both dry and wet seasons. This water issue may affect our lot (both upper and lower areas) as well as the access road at the Lombardy Bay turn off area.
- We requested written confirmation, via email, that there will be absolutely no access, trespassing, or storage of building supplies etc, on our lot (both upper and lower areas), and that all access to the build site will come from lot 465 only as shown on the site plan. (see response below)

- We also requested written confirmation, via email, that no development or infrastructure of any kind will be done on our property without written notice or permission, as was done in the past with the asphaltting and retaining wall. And that all property lines be clearly marked for all persons involved in the building process. (see response below)

- We are very much hoping that this plan will provide ample parking for all of the vehicles, boats, trailers and recreational vehicles, from lot 465 and that it will remedy our past issues with encroachment.

- The septic field/septic pipe is not shown on the site plan included with the application.

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Development Variance Permit Application — Electoral Area “F”

Administrative Recommendation:
THAT Development Variance Permit No. F2020.002-DVP be denied.

Purpose: To allow for the construction of an accessory building.

Owners: Heather and Terrance Olfert Agent: n/a Folio: F-07304.000

Civic: 1001 Moorpark Drive Legal: Lot 6, Plan 5817, DL 5076, ODYD, Except Plan 19959

OCP: Small Holdings (SH) Zone: West Bench Small Holdings (SH6)

Variance Request: to increase the maximum height for an accessory building from 4.5 metres to 5.461 metres.

Proposed Development:

This application is seeking a variance to increase the maximum height for an accessory building to accommodate a one-storey garage/workshop.

Specifically, it is being proposed to increase the maximum height for an accessory building in the SH6 zone from 4.5 metres to 5.461 metres.

In support of this request, the applicant has stated that they are “needing a building high enough for 14’ door to house a motorhome which is 13’6” in height. Need a 14’ door to enter storage building/garage for motorhome”.

Site Context:

The subject property is approximately 4,820 m² in area and is situated on the east side of Moorpark Drive on the West Bench, between Moorpark Drive and Highway 97 / Lake Okanagan. The property is currently developed containing “a single detached dwelling” and swimming pool.

The surrounding pattern of development is characterised by rural residential and agricultural uses to the north, south and west within Electoral Area “F” and immediately abuts vacant Pentiction Indian Band lands adjacent to Highway 97 to the east.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on October 1, 1952, while available Regional District records indicate that a building permits for an addition to a dwelling (2020) and swimming pool (1974) have previously been issued for this property.

Under the Electoral Area "F" Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject property is currently designated Small Holdings (SH).

Under the Electoral Area "F" Zoning Bylaw No. 2461, 2008, the property is currently zoned West Bench Small Holdings (SH6) which allows for single detached dwellings as a principal use and accessory buildings, among other uses, as a secondary use.

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.

At its meeting of January 25, 2021, the Electoral Area "F" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved with the following condition: to drop existing elevation 0.6 m (2 feet) to be less imposing from streetview.

Analysis:

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

Accordingly, when assessing variance requests a number of factors are taken into account, including 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.

In this instance, Administration notes the location of the proposed building is situated closer to Moorpark Drive than the principal building and will become a prominent feature of the property.

As such, the proposed building will not appear subordinate in nature along the streetscape, which is contrary to the intent of a lower height regulation for accessory buildings.

Further, it is situated between other residential properties and the KVR trail on the West Bench and the area's most significant view feature, Lake Okanagan, which increases its prominence.

Administration also recognises that there is concern on the West Bench regarding the visual impact of large accessory structures as well as the potential re-use of such buildings as either accessory dwelling units or for the purposes of a home industry use (or other commercial use), both of which are not permitted in the SH6 Zone.

Conversely, Administration recognises that there are existing trees/landscaping that may provide a degree of visual buffering/screening of the proposed structure from neighbouring properties.

Further, the proposed height increase does not facilitate a second storey or any windows over-looking the abutting parcel (south elevation) to address privacy concerns and the proposed building would provide an indoor storage for an over-sized motorhome.

Nevertheless, for the reasons listed above, Administration does not support the requested variance and is recommending denial.

Alternative:

1. That the Board approve Development Variance Permit No. F2020.002-DVP.

Respectfully submitted



JoAnn Peachey, Planner I

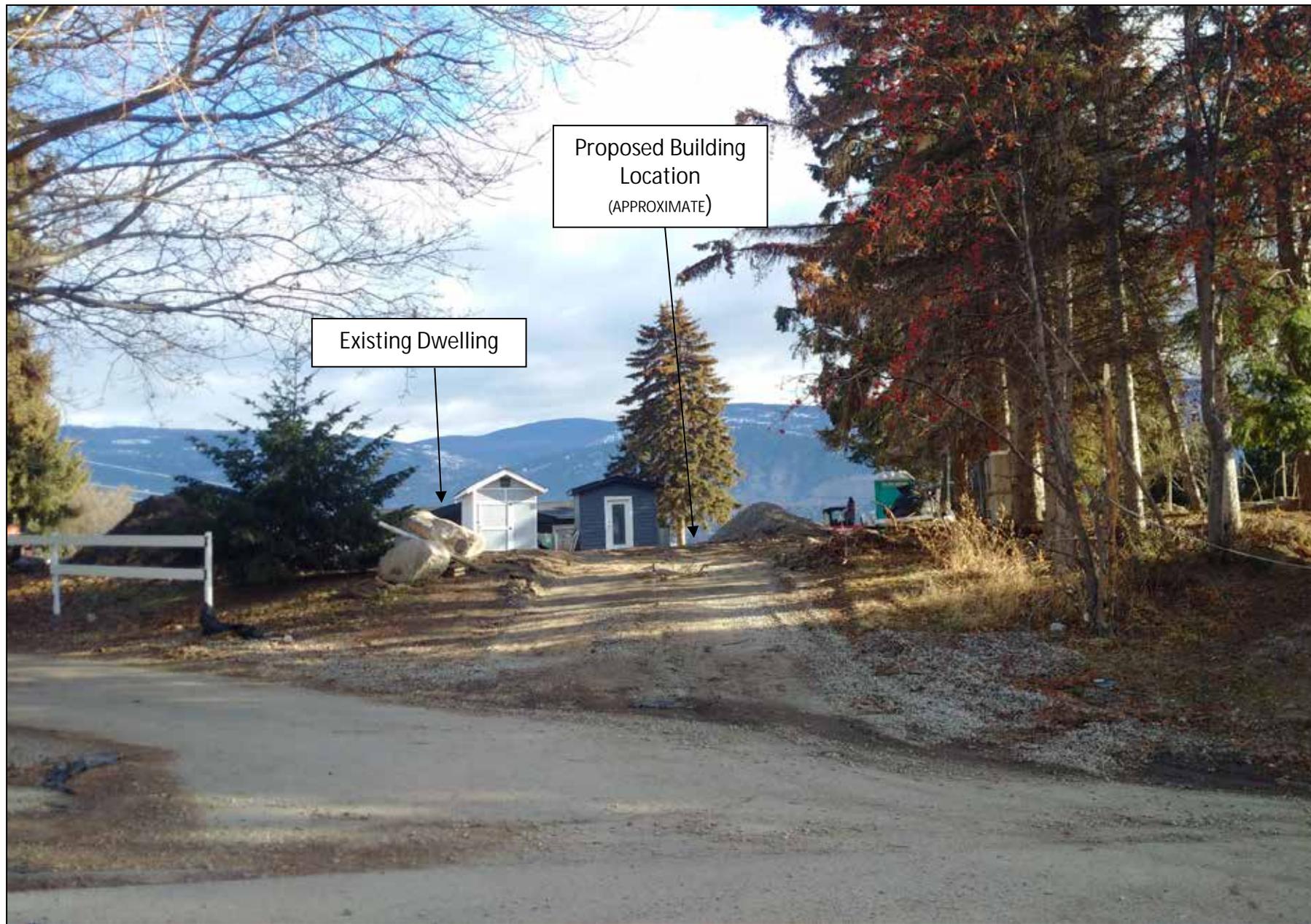
Endorsed by:

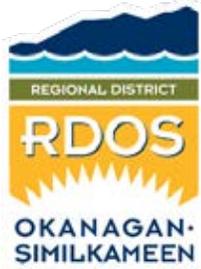


C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (January 2021)

Attachment No. 1 – Site Photo (January 2021)





Development Variance Permit

FILE NO.: F2020.022-DVP

Owner:

Agent:

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', 'E', 'F', and 'G', and applies to and only to those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 6, Plan 5817, District Lot 5076, ODYD, Except Plan 19959

Civic Address: 1001 Moorpark Drive

Parcel Identifier (PID): 010-241-434 Folio: F-07304-000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "F" Zoning Bylaw No. 2461, 2008, in the Regional District of Okanagan-Similkameen:
 - a) the maximum height for an accessory building in the West Bench Small Holdings (SH6) Zone, as prescribed in Section 10.9.7 (b), is varied:
 - i) from: 4.5 metres

to: 5.461 metres, as shown on Schedule 'C', 'D', 'E' and 'F'.

COVENANT REQUIREMENTS

7. Not Applicable

SECURITY REQUIREMENTS

8. Not applicable

EXPIRY OF PERMIT

9. 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 _____, 2021.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

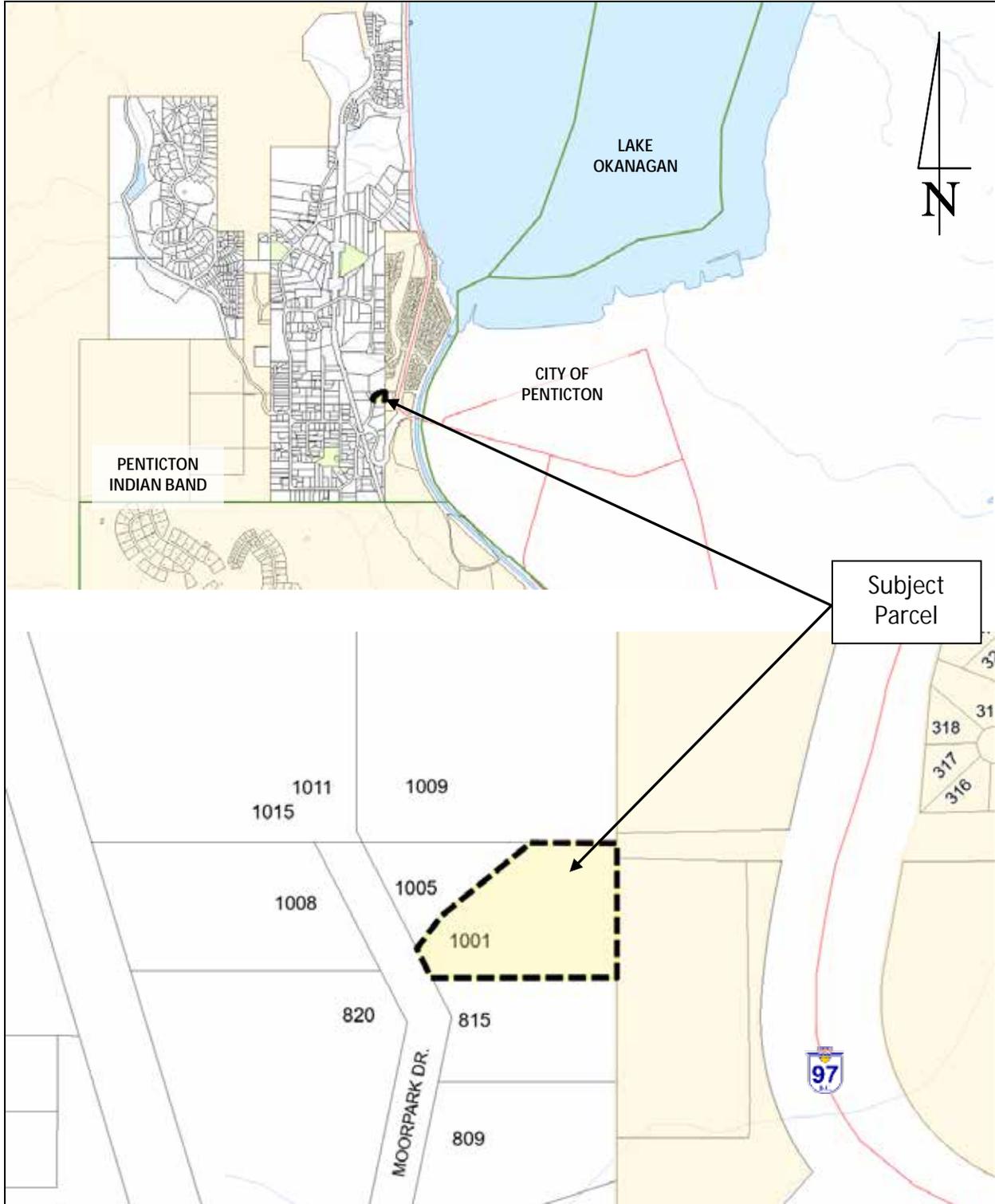
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: planning@rdos.bc.ca



Development Variance Permit

File No. F2020.022-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

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

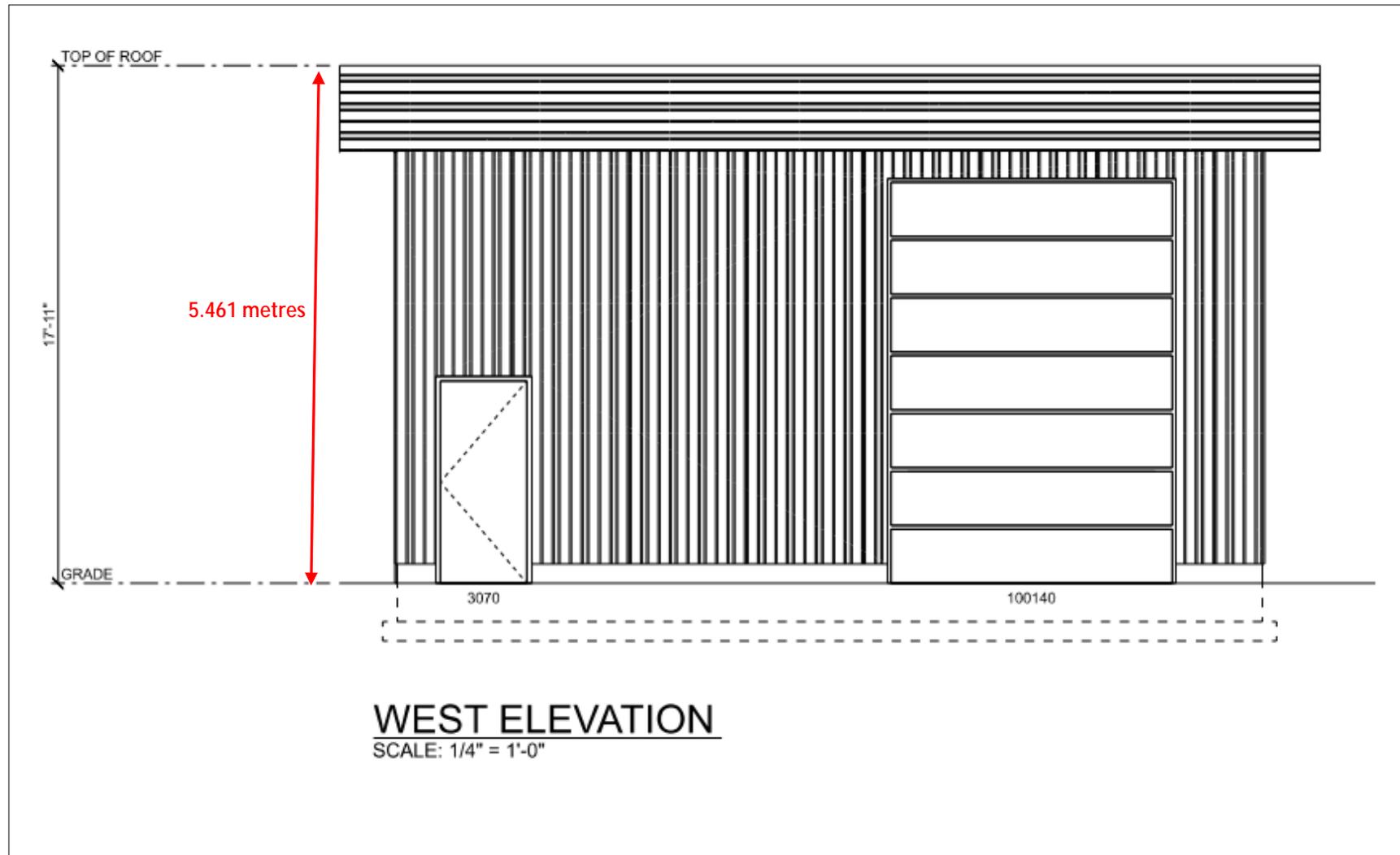
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.022-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

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

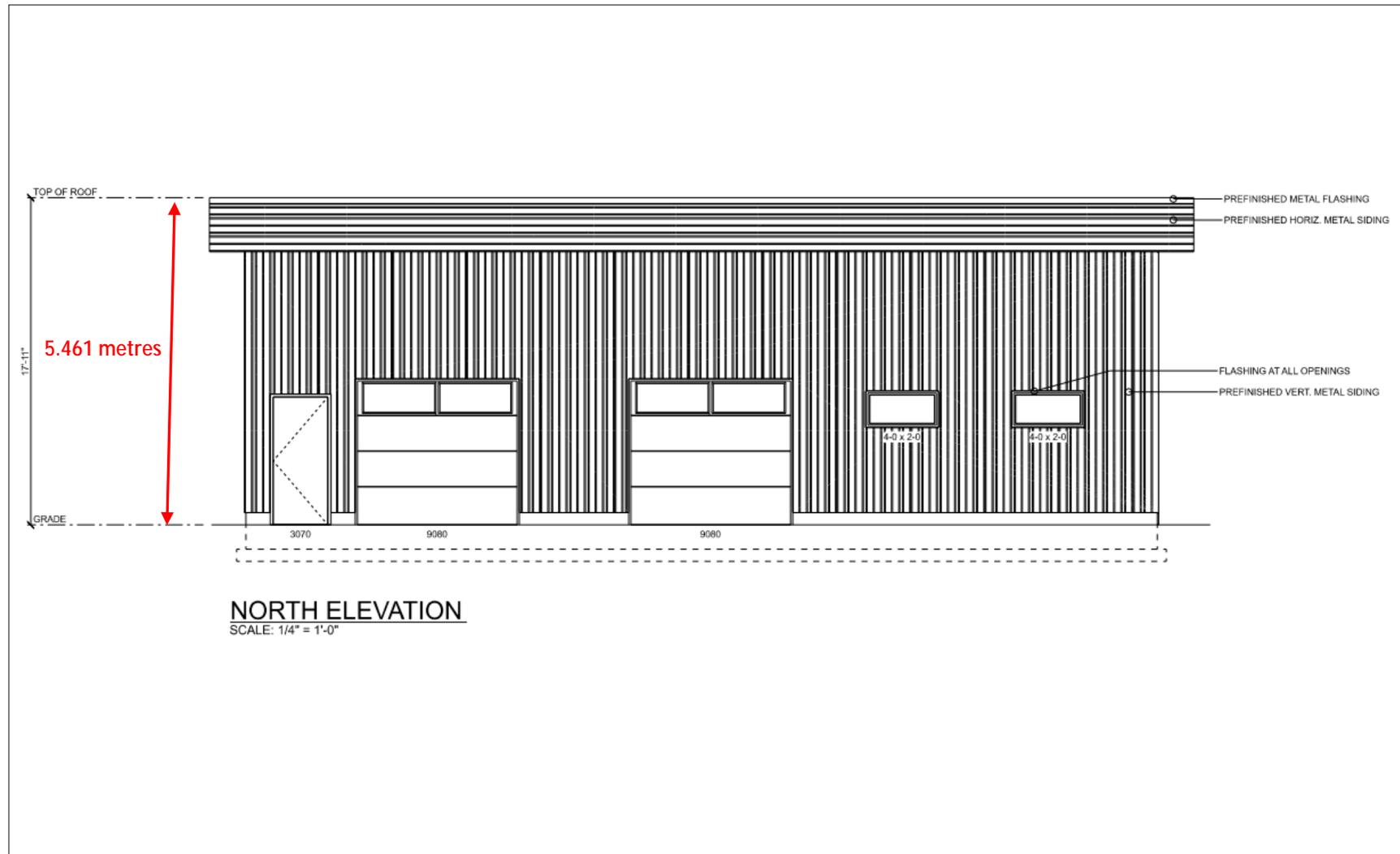
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.022-DVP

Schedule 'D'



Regional District of Okanagan-Similkameen

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

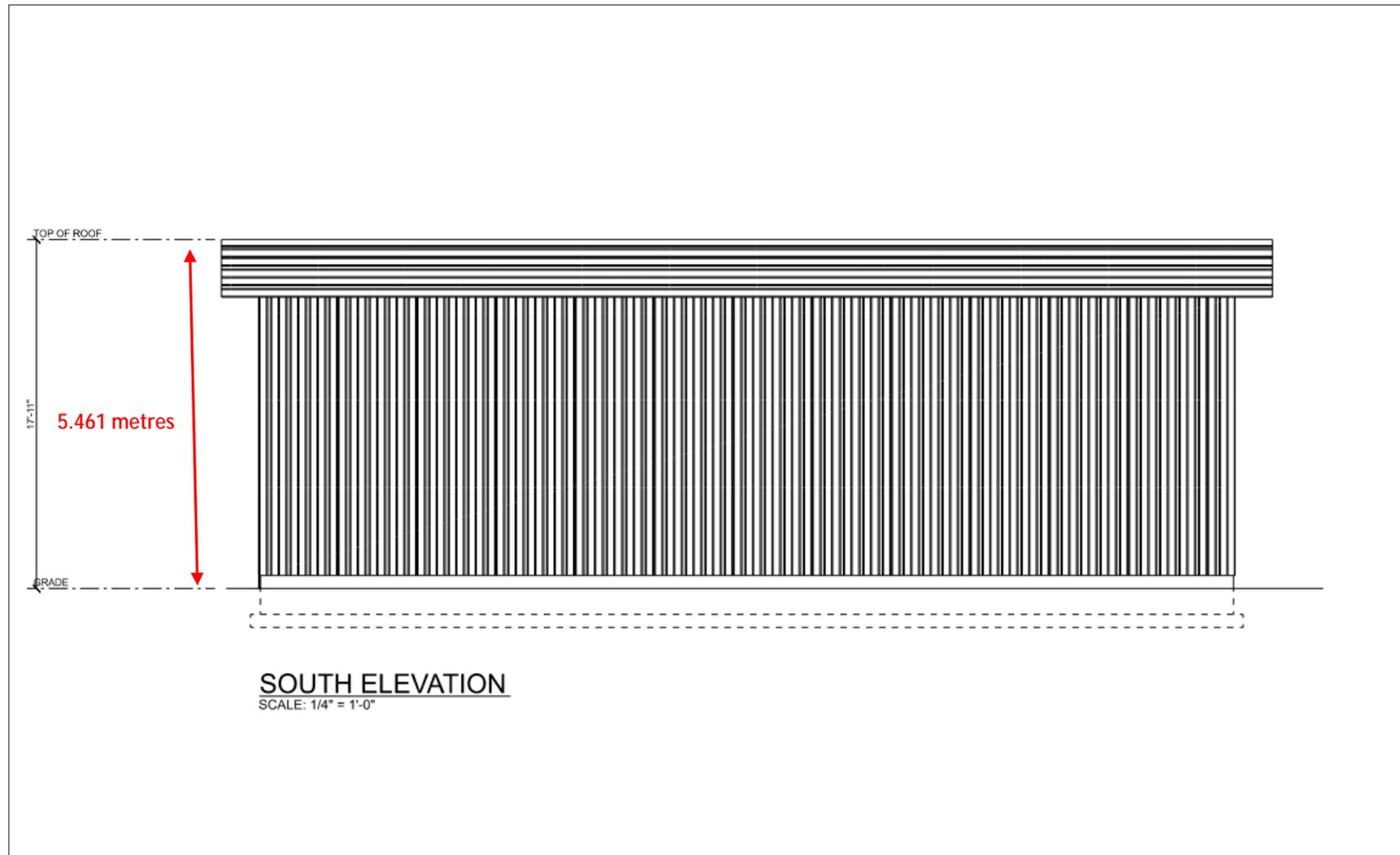
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.022-DVP

Schedule 'E'



Regional District of Okanagan-Similkameen

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

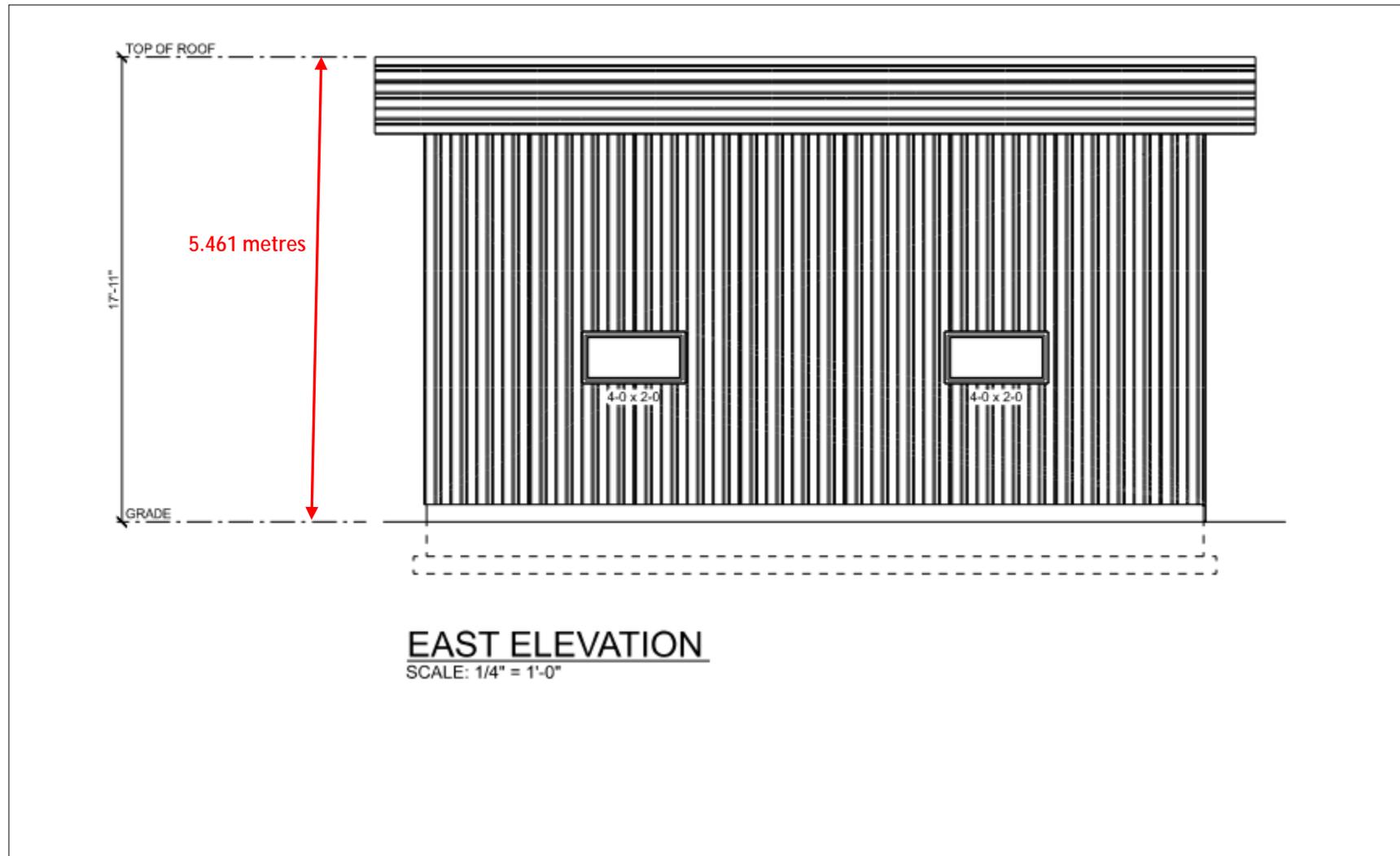
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. F2020.022-DVP

Schedule 'F'



Regional District of Okanagan-Similkameen

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

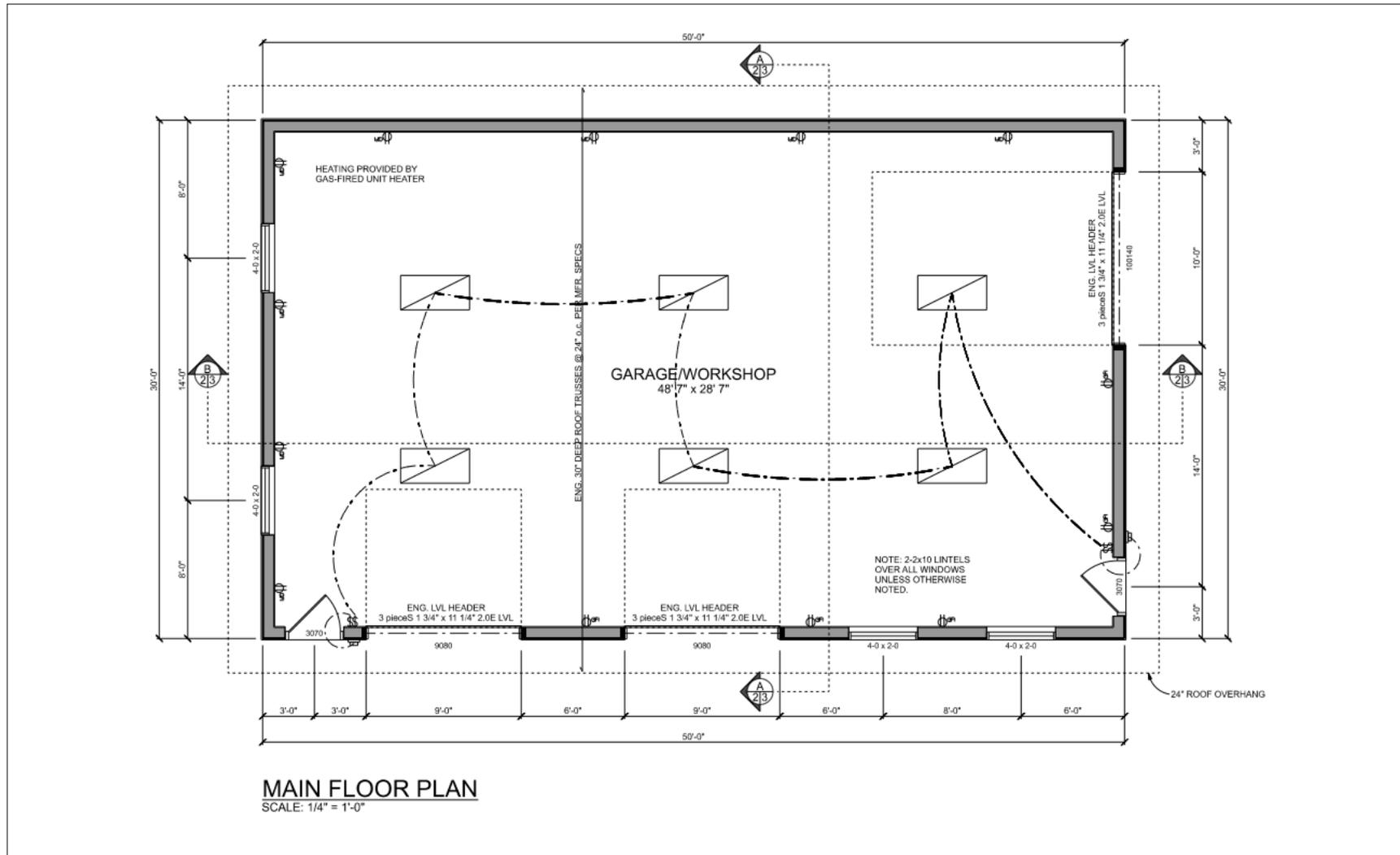
Telephone: 250-492-0237 Email: info@rdos.bc.ca



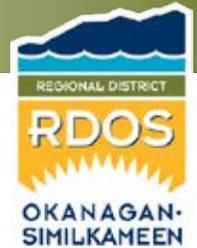
Development Variance Permit

File No. F2020.022-DVP

Schedule 'G'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Zoning Bylaw Amendment – Electoral Area “D”

Administrative Recommendation:

THAT Bylaw No. 2455.45, 2021, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of March 18, 2021;

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

Purpose: To subdivide bottom two commercial strata units into five residential units. Folio: D-00999.800

Owners: D.D. Thompson Life Insurance Agency Ltd Agent: Ryan Kononoff

Legal: Strata Lots 1 & 2, Plan KAS2687, DL 2883S, SDYD Civic: Unit 102 & 103, 850 Railway Lane

Zone: OK Falls Town Centre (OFTC) Proposed Zoning: OK Falls Town Centre Site Specific (OFTCs)

Proposed Development:

This applicant is seeking to amend the zoning of the subject property in order to allow for the conversion of commercial units into residential units.

In order to accomplish this, the applicant is proposing to amend the zoning of the property under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, from Okanagan Falls Town Centre (OFTC) to Site Specific Okanagan Falls Town Centre (OFTCs). The site specific regulation will allow for the creation of five strata units (residential) by increasing the maximum density from 100 to 159 dwelling units per hectare on the subject parcel.

In support of the rezoning, the applicant has stated that “We would like to subdivide unit 102, and 103 (commercial units), into 5 residential units. Currently this is not permitted under OFTC Zone: Section 13.1.5. If we were allowed to make the proposed changes this would allow us to renovate, and improve 2 commercial units that have sat empty and unimproved for years. This would bring more life and business into Okanagan Falls region.”

Site Context:

The subject property is approximately 3,343 m² in area and is situated on the north side of Highway 97 and surrounded by Skaha Lake to the west. It is understood that the parcel is comprised of a mixed uses (Commercial at the base and Residential above).

The surrounding pattern of development is generally characterised by similar sized parcel zoned OFTC to the north and General Commercial (C1) zoned parcel to the east followed with parkland (Skaha Lake) to the east and Residential zoned lots (across Hwy 97) to the south.

Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on August 9, 2004, while available Regional District records indicate that building permit have not previously been issued for this property.

The subject property is within the Okanagan Falls Fire District, is serviced by community sewer and water is provided by Okanagan Falls Irrigation District and has been classified as "Residential" (Class 01) by BC Assessment.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the subject parcel is within the Okanagan Falls Primary Growth Area.

Under the Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently designated Town Centre (TC), and is the subject of Okanagan Falls Town Centre Development Permit (OFTCDP) Area designation.

Under the Electoral Area "D" Zoning Bylaw No. 2455, 2008, the property is currently zoned Okanagan Falls Town Centre (OFTC) which permits, among other uses, apartment buildings. The maximum density permitted is 100 dwelling units per hectare (which equates to 3 dwelling units within subject strata lots).

The OFTC zone has zero lot line setbacks for all property lines except those fronting Highway 97 where a 4.5 metre setback is required (coinciding with Ministry of Transportation and Infrastructure setback permit requirements).

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is within the floodplain associated with Skaha Lake.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 have been made aware of the proposed amendment bylaw.

Public Process:

On February 8, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately 2 members of the public.

At its meeting of February 9, 2021, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

In considering this proposal, Administration notes that the application aligns with the goals of the Regional Growth Strategy (RGS) and Electoral Area "D" OCP Bylaw to promote additional density in the Okanagan Falls Town Centre.

In this instance, the proposed 5 units (with two lock-offs that are interconnected between the other two units) will have their own separate entrance from the exterior of the building with no part sharing the common hallway with commercial uses above. Further, the interconnected units will have fire rated doors (see Attachment 5) separating those units, thereby meeting Building's requirement to treat them as independent units.

While reviewing a zoning amendment, Administration will consider the proposed "use" and "density" and its impact on the neighbourhood. In this instance, the use (residential) remains consistent (OFTC) however, the proposal does not meet the maximum density provision associated with OFTC and requires zoning amendment, to facilitate the subdivision.

Further, the proposed development (increased residential growth) in the Okanagan Falls Town Centre will promote a more compact urban form and a more complete community. The increased density will act as a catalyst to support for local businesses in the Town Centre, which indirectly contributes to both meeting housing needs, and supporting growth in Okanagan Falls.

Regarding parking space requirements, the applicant is proposing nine (9) parking spaces (*required five (5)*) for proposed residential units, which exceeds the parking provision requirement under Zoning Bylaw. In addition, the site is within walking distance of the neighbourhood parks and businesses located in the Okanagan Falls to promote alternative transportation (i.e. walking and cycling).

In response to the proposed reduction in amenity space (*required 50 m², provided 41 m²*), Administration notes that the subject site is in close proximity with Lions Park (immediate North), Kettle Valley Rail Trail (immediate West) and Kenyon Park (northeast), thereby mitigating the impact of reduced amenity space.

Conversely, Administration recognises that it is not generally considered good planning practice to allow "spot zoning" as this introduces discrepancies between permitted uses within a specific area.

Specifically, Okanagan Falls has historically demanded commercial services, which are key components of a more sustainable, and a complete Town Centre. With already limited market for local commercial services, the proposed conversion of (commercial) units into residential seems to aggravate this on going concern.

Alternatively, the lots are currently vacant and have not been utilised for commercial activities in the past. The proposed development would allow the efficient use of these unused lots.

In summary, Administration supports the proposed Zoning Bylaw amendments to enable conversion of commercial units into residential units within the Okanagan Falls Town Centre.

Alternatives:

1. THAT Bylaw No. 2455.45, 2021, Electoral Area "D" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2455.45, 2021, Electoral Area "D" Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2455.45, 2021, Electoral Area "D" Zoning Amendment Bylaw be denied.

Respectfully submitted:

R. Gadoya

R. Gadoya, Planning Technician

Endorsed By:



C. Garrish, Planning Manager

- Attachments: No. 1 – Applicant’s Site Plan
No. 2 – Existing Floor Plan
No. 3 – Proposed Floor Plan
No. 4 – Floor Plan with Amenity Space
No. 5 – Site Photo

850 RAILWAY LANE APARTMENT CONVERSION

DEVELOPMENT PERMIT PACKAGE

DEC 3, 2020



EXISTING BUILDING (SOUTH ELEVATION)
REVISED: 12/15/20



LOCATION MAP AND SITE PLAN
REVISED: 12/15/20

BUILDING INFORMATION	
CIVIC ADDRESS	850 RAILWAY LANE, OK FALLS, BC
LEGAL ADDRESS	Plan KAS2687, District Lot 28875
ZONING	OKANAGAN FALLS TOWN CHARTER ZONING (D-1C)
BUILDING DESCRIPTION	3 STOREY MIXED USE (CURRENTLY COMMERCIAL MAIN FLOOR, RESIDENTIAL TWO UPPER FLOORS)
CONSTRUCTION	NON-COMBUSTIBLE
SPRINKLERED	NON-SPRINKLERED

PROJECT DESCRIPTION:

THE PROJECT INCLUDES THE RENOVATION OF THE TWO WESTERNMOST COMMERCIAL SUITES ON THE MAIN FLOOR. THE COMMERCIAL UNITS WILL BE CONVERTED INTO FIVE (5) RESIDENTIAL UNITS TO BE INCLUDED INTO THE EXISTING BUILDING STRATA.

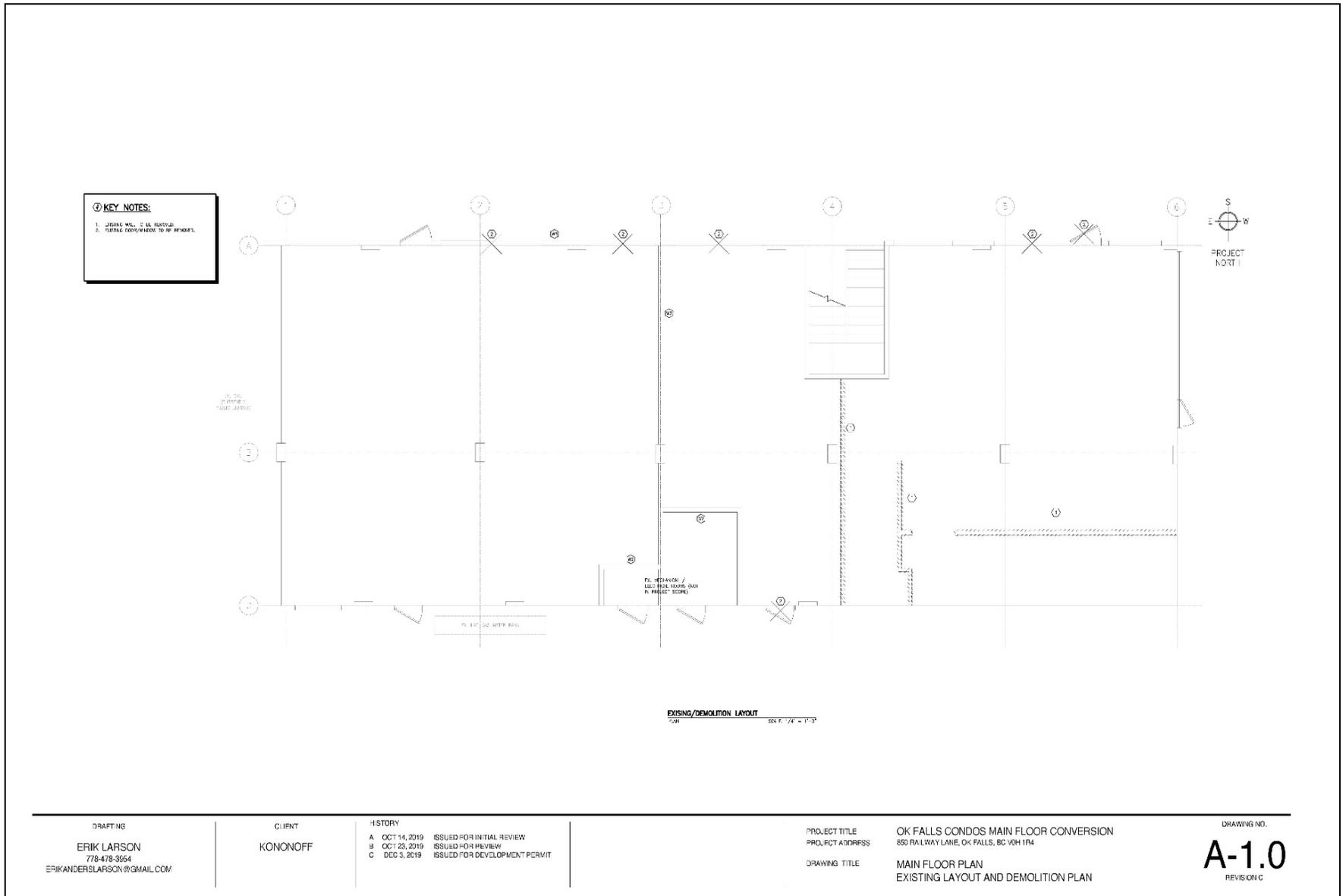
PARKING NOTES:

1.75 SPOTS/LNIT X 5 UNITS = 9 PARKING SPOTS
9 PARKING SPOTS ARE AVAILABLE FOR DEDICATION TO THESE 5 RESIDENTIAL UNITS.

DRAFTING ERIK LARSON 778-478-9914 ERIKANDERLARSON@SMAL.COM	CLIENT KONONOFF	HISTORY A. OCT 14, 2020 ISSUED FOR PRELIMINARY REVIEW B. OCT 20, 2020 ISSUED FOR REVIEW C. DEC 3, 2020 ISSUED FOR DEVELOPMENT PERMIT
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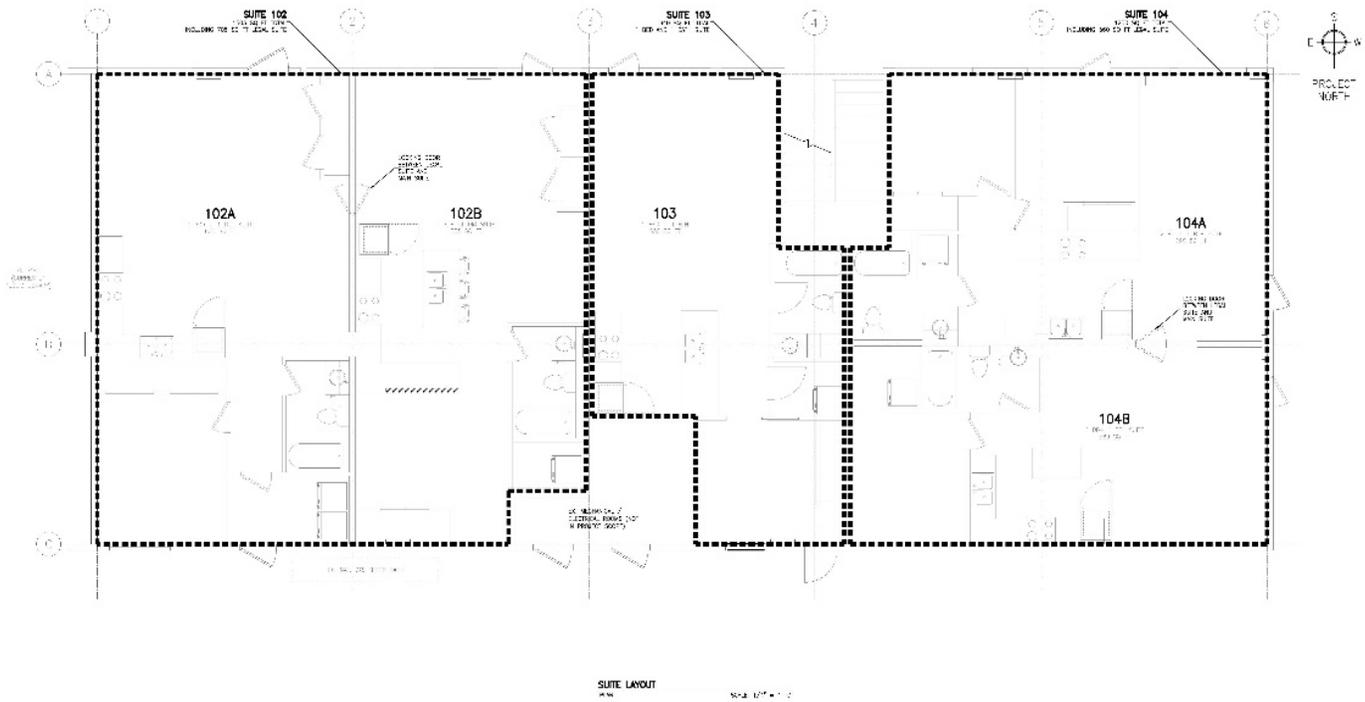
PROJECT TITLE OK FALLS CONDOS MAIN FLOOR CONVERSION	DRAWING NO. A-0.0 REVISION
PROJECT ADDRESS 850 RAILWAY LANE, OK FALLS, BC V1K 1Y4	
DRAWING TITLE PROJECT INFORMATION	

Attachment No. 2 – Applicant’s Existing Floor Plans



Attachment No. 3 – Applicant's Proposed Floor Plans

IMPORTANT NOTES:
 SUITE LAYOUT SHALL BE SUBJECT TO APPROVAL BY THE DEVELOPER. THE SUITE LAYOUT SHALL BE SUBJECT TO APPROVAL BY THE DEVELOPER. THE SUITE LAYOUT SHALL BE SUBJECT TO APPROVAL BY THE DEVELOPER.



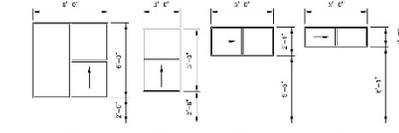
<p>DRAFTING ERIK LARSON 784-78-8854 E:ERIK@ERIKLARSON@GMAIL.COM</p>	<p>CLIENT KC\ONOFF</p>	<p>REVISIONS A OCT 14, 2019 ISSUED FOR INITIAL REVIEW B OCT 23, 2019 ISSUED FOR REVIEW C DEC 3, 2019 ISSUED FOR DEVELOPER PERMIT</p>	<p>PROJECT TITLE OK FALLS CONDOS MAIN FLOOR CONVERSION PROJECT ADDRESS 853 RAILWAY LANE, OK FALLS, BC V0 1H16</p>	<p>DRAWING TITLE MAIN FLOOR PLAN SUITE LAYOUT</p>	<p>DRAWING NO. A-2.0 REVISION C</p>
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Attachment No. 4 – Applicant’s Proposed Floor Plans with Amenity Space

PARTITION SCHEDULE		
NO	TYPE	CONSTRUCTION
01	EXTERIOR BRICK WALL	1 BRK -CRACK CONTROL -2"X4" @ 16" O.C. @ 11" O/C -NEW 8" HI. 1/2" INSULATION -NEW 4" HI. 1/2" INSULATION -NEW 8" HI. 1/2" INSULATION
02	EXTERIOR Gypsum BOARD	1 BRK -1/2" GYPSUM BOARD -NEW 8" HI. 1/2" INSULATION -NEW 4" HI. 1/2" INSULATION -NEW 8" HI. 1/2" INSULATION
03	FIRE RATED INTERIOR PARTITION WALL	1 BRK -1/2" GYPSUM BOARD -NEW 8" HI. 1/2" INSULATION -NEW 4" HI. 1/2" INSULATION -NEW 8" HI. 1/2" INSULATION
04	EXTERIOR PARTITION	-1/2" GYPSUM BOARD -NEW 8" HI. 1/2" INSULATION -NEW 4" HI. 1/2" INSULATION -NEW 8" HI. 1/2" INSULATION

DOOR SCHEDULE			
NO	TYPE	WIDTH	HEIGHT
01	OUTSIDE GLAZED FRONT ENTRANCE	36"	80"
02	INTERIOR	36"	80"
03	SLATE CONCEALED	36"	80"
04	MODULAR	36"	80"
05	PATRIOT PANEL	36"	80"
06	INTERIOR CLOSET DOOR	36"	80"
07	INTERIOR CLOSET DOOR	36"	80"

WINDOW SCHEDULE			
NO	TYPE	WIDTH	HEIGHT
01	W/100 VERTICAL GLAZED WINDOW	36"	80"
02	EXTERIOR GLAZED WINDOW	36"	80"
03	EXTERIOR GLAZED WINDOW	36"	80"
04	EXTERIOR GLAZED WINDOW	36"	80"



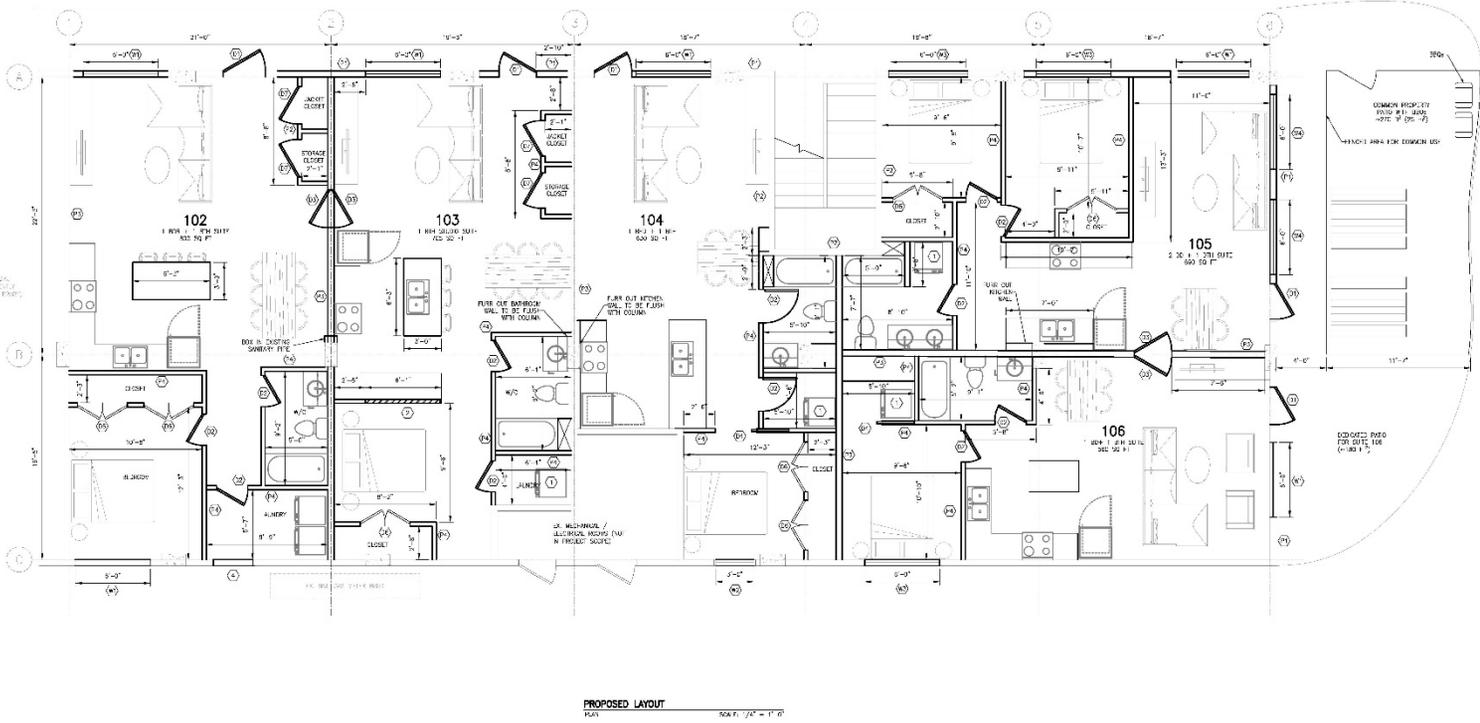
- NOTES:
 1. REFER TO SCHEDULES 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

NOTES:
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- KEY NOTES:**
1. EXTERIOR WALLS AND ROOF
 2. EXTERIOR PARTITION WALL
 3. EXTERIOR ROOF

- GENERAL NOTES:**
1. CEILING HEIGHT IS APPROX 10'-0" FROM FIN TO FINISH. 10'-0" TO JUNCTION OF EXTERIOR CEILING.
 2. CONSTRUCTION TO BE SHOWN ON SITE PLAN TO ORDERING MATERIALS.
 3. FINISH FLOORING TO BE 1/2" A.C. FINISH. PROVIDE ACCESS PANELS TO ALL NUMBERED CHASIS AND SLATES IN CEILING FINISH.
 4. REMOVE EXISTING DOOR AND MAKE GOOD BRICK WALL.



PROPOSED LAYOUT
 PLAN
 SCALE: 1/8" = 1'-0"

<p>DRAFTING ERIK LARSON 778-478-3654 ERIKANDERSLARSON@GMAIL.COM</p>	<p>CLIENT KONONOFF</p>	<p>HISTORY A OCT 14, 2020 ISSUED FOR INITIAL REVIEW B OCT 23, 2020 ISSUED FOR REVIEW C DEC 3, 2020 ISSUED FOR DEVELOPMENT PERMIT D JAN 5, 2021 ISSUED FOR PRICING E JAN 21, 2021 REVISED FOR PRICING F JAN 27, 2021 REVISED WINDOW SCHEDULE</p>	<p>PROJECT TITLE OK FALLS CONDOS MAIN FLOOR CONVERSION</p> <p>PROJECT ADDRESS 850 RAILWAY LANE, OK FALLS, BC V0H 1R4</p> <p>DRAWING TITLE MAIN FLOOR PLAN PROPOSED LAYOUT</p>	<p>DRAWING NO. A-2.1 REVISION F</p>
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Attachment No. 5 – Site Photo (Google Streetview)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.45, 2021

A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2455, 2008

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Zoning Amendment Bylaw No. 2455.45, 2021."
2. The "Electoral Area "D" Zoning Bylaw No. 2455, 2008" is amended by:
 - i) adding a new sub-section 19.35 under Section 19.0 Site Specific Designations to read as follows:

19.35 Site Specific Okanagan Falls Town Centre (OFTCs) Provisions:

 - .1 in the case of lands described as Strata Lot 1, Plan KAS2687, District Lot 2883S, SDYD (Unit 102); and Strata Lot 2 Plan KAS2687, District Lot 2883S, SDYD (Unit 103), and shown shaded yellow on Figure 19.35.1:
 - i) despite Section 13.1.5, the maximum density shall be 159 dwelling units per hectare.

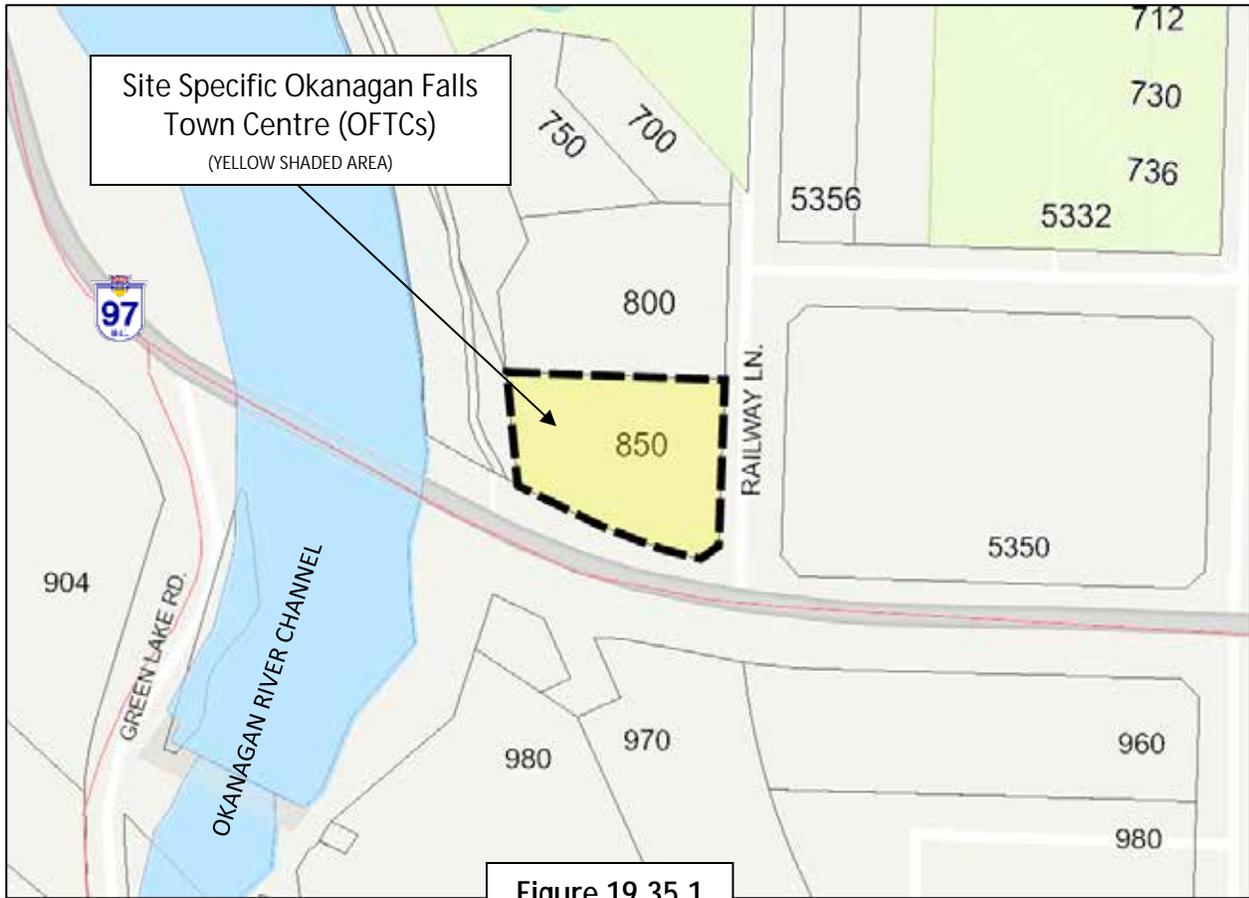


Figure 19.35.1

3. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by:
 - i) changing the land use designation on the land described Strata Lot 1, Plan KAS2687, District Lot 2883S, SDYD (Unit 102); and Strata Lot 2 Plan KAS2687, District Lot 2883S, SDYD (Unit 103), and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Okanagan Falls Town Centre (OFTC) to Okanagan Falls Town Centre Site Specific (OFTCs).

READ A FIRST AND SECOND TIME this ____ day of _____, 2021.

PUBLIC HEARING held on this ____ day of _____, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "D" Zoning Amendment Bylaw No. 2455.45, 2021" as read a Third time by the Regional Board on this ____ day of _____, 2021.

Dated at Penticton, BC this ____ day of _____, 2021.

Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this ____ day of _____, 2021.

For the Minister of Transportation & Infrastructure

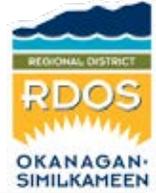
ADOPTED this ____ day of _____, 2021.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

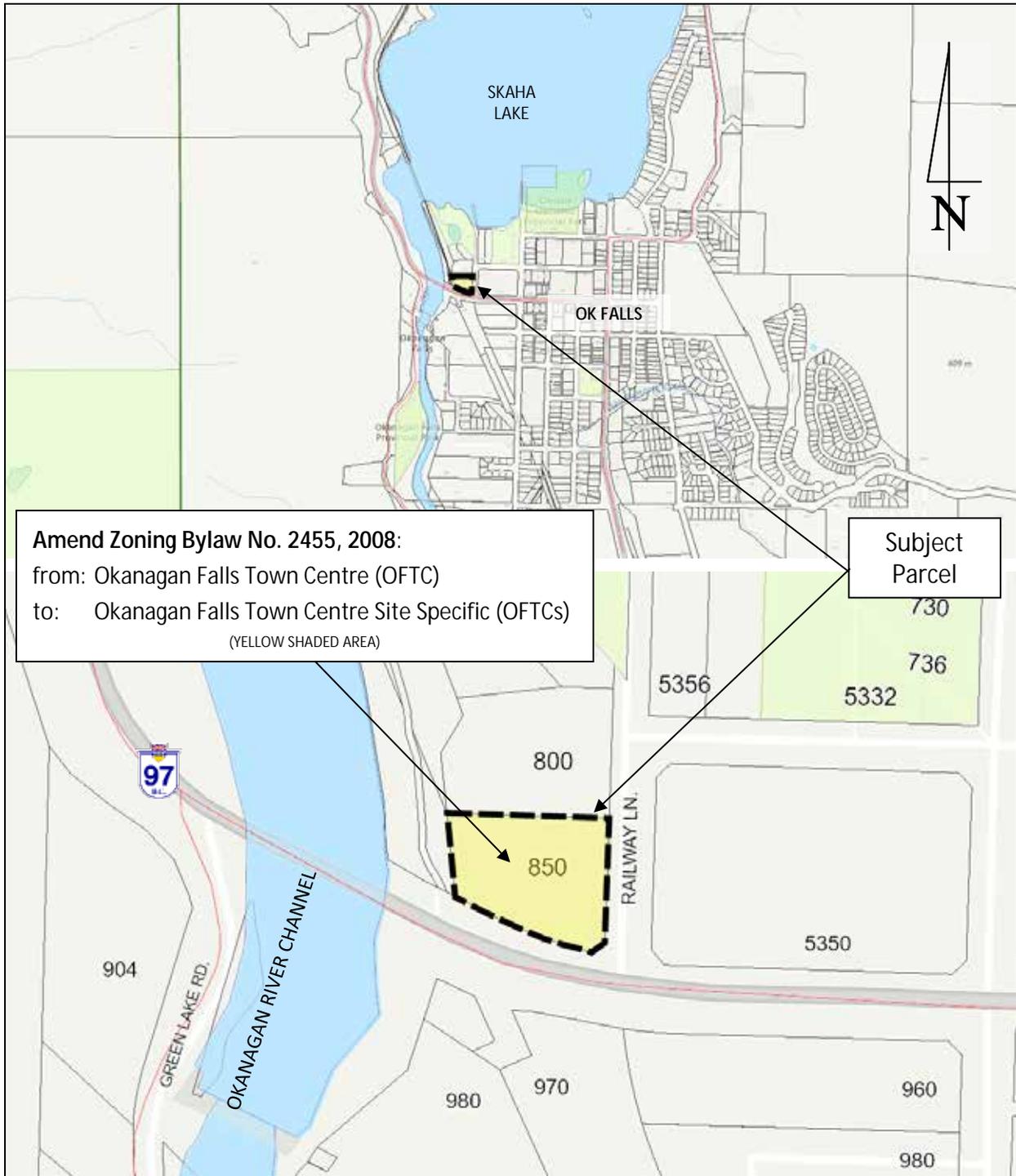
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2455.45, 2021

File No. D2021.001-ZONE

Schedule 'A'





Your File #: D2021.001-ZONE
(BL2455.45)
eDAS File #: 2021-00785
Date: February 9, 2021

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

Attention: Planning Department

**Re: Proposed Zoning Amendment Bylaw 2455.45, 2021 for:
SL1, District Lot 2883s, SDYD, Strata Plan KAS2687
SL2, District Lot 2883s, SDYD, Strata Plan KAS2687
850 Railway Lane, Okanagan Falls, BC**

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

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

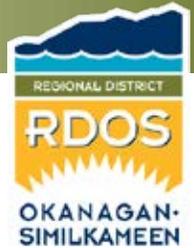
Yours truly,

Rob Bitte
Development Officer

Local District Address

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

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Zoning Bylaw Amendment – Electoral Area “D”

Administrative Recommendation:

THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of March 18, 2021;

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

Purpose: To allow for a general industrial park which includes “indoor agriculture”

Owners: 1655 Maple Street Holdings Ltd. Agent: Laurie Schmidt Folio: D-03459.000

Legal: Lot B, Plan 22642, DL 551, SDYD, Except Plan EPP34540 and EPP86797 Civic: 1655 Maple Street

OCP: part Industrial (I); and
part Large Holdings (LH) Proposed OCP: part Industrial (I); and
part Large Holdings (LH)

Zone: part Heavy Industrial (I2); and
part Parks and Recreation (PR) Proposed Zoning: part General Industrial (I1); and
part Parks and Recreation (PR)

Proposed Development:

This application is seeking to amend the zoning of the subject property in order to allow for the development of an industrial park with general industrial uses and an “indoor agriculture” use.

In order to accomplish this, the applicant is proposed to amend the zoning of a 43.5 ha portion of the subject property under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, from Heavy Industrial (I2) to General Industrial (I1), with regulations to:

- increase the maximum parcel coverage from 40% to 60% as a site specific provision;
- add “agriculture, indoor” as a permitted use as a site specific provision; and
- add a definition for “agriculture, indoor”.

In support of the rezoning, the applicant has stated that “Avery Industrial Park is well positioned to meet the varied industrial growth demands of the South Okanagan. Based on preliminary plan configurations, our vision is that Avery Industrial park be comprised of one larger parcel along with a number of strata lots ranging from 2.5 to 4 acre parcels...the I1 General Industrial zoning provides a more diverse mix of light and medium industrial uses than I2.”

Site Context:

The subject property is approximately 45.8 ha in area and is situated on the east side of Maple Street, accessed by a panhandle portion of the parcel. It is known as the “former Weyerhaeuser site” and it is understood that the parcel is comprised of an incomplete foundation for a cannabis production facility.

The surrounding pattern of development is generally characterised by agriculture (vineyards) to the south and a mix of agriculture and mobile home park to the north and industrial uses to the west. The east has vacant lands designated as industrial.

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 18, 1972, while available Regional District records indicate that various building permits for industrial uses from 1973-2018 have previously been issued for this property.

Under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, the Okanagan Falls area is designated as a Rural Growth Area and the bylaw seeks to achieve a sustainable, resilient and prosperous South Okanagan regional economy (Goal 5) and supporting policies to encourage business development in employment lands (5B-1), and direct new industrial development to existing industrial areas (5B-4).

Under the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, the subject property is currently split designated Industrial (I) and Large Holdings (LH), is the subject of partial Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP Area) designations, and is entirely within an Industrial Development Permit (IDP) area.

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the property is currently split zoned Heavy Industrial (I2) and Parks and Recreation (PR). The portion of the parcel seeking rezoning is designated as I2 and currently permits indoor cannabis production, manufacturing, and salvage operations, among other industrial uses.

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is partially within the floodplain associated with Shuttleworth Creek.

BC Assessment has classified the property as Light Industry (05) and Business and Other (06).

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 97).

Public Process:

On February 2, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately 12 members of the public.

At its meeting of February 9, 2021, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be **approved / refused / approved, subject to the following conditions; XXXX.**

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

Maintaining Industrial Lands:

In considering this proposal, Administration notes that this proposal aligns with the overall goals of the Industrial designation and economic development goals in the RGS.

The Electoral Area "D" OCP Bylaw recognizes the importance of maintaining the industrial land base, including the former Weyerhaeuser site and discourage conversion to other non-industrial uses (Section 14.2.2).

This proposal maintains manufacturing, salvage operation and indoor cannabis production as permitted uses, while broadening the light industrial uses permitted for the site.

Although the I1 zone would introduce service industries, storage/warehousing, wholesale businesses, food and beverage processing, among other uses, and would remove heavier industrial uses (concrete plant, gravel processing, sewage treatment plant, stockyard and abattoirs), the site will continue to be utilized for industrial purposes in Okanagan Falls and would be positioned to attract a variety of businesses in keeping with the Industrial designation.

Surrounding Area/Connectivity:

The re-designation is seen as a lateral shift in zoning permissions and seeks to remove uses that are generally higher impact to residents (concrete plant, gravel processing, sewage treatment plant, stockyard and abattoirs) in favor of lighter industrial uses.

In favour of re-designating the land from heavy to light industrial, it is noted that the subject parcel immediately abuts other industrial lands, is outside of the ALR, and has existing road access from Maple Street (Section 14.2.5).

Environmental considerations:

Environmentally sensitive and watercourse areas are limited to the area around Shuttleworth Creek abutting the northern parcel line, where access is not required (Section 14.2.5).

It is also noted that the portion of the parcel bisected by the creek is zoned Parks and Recreation and is not subject to this rezoning proposal.

Servicing:

Administration has concerns that the proposed industrial park may be developed to larger parcel sizes (greater than 1 hectare) in order to avoid the need for a connection to community sewer system.

This is inconsistent with the sewer policies under Section 20.4.5 which seek to ensure "that all new commercial, industrial, and low and medium residential development within the Primary Growth Area is connected to the Okanagan Falls sanitary sewer system".

Administration notes, however, that the existing I2 Zone allows for subdivision of 1 hectare parcels without connecting to community sewer.

Indoor agriculture use:

This proposal includes a site specific provision to permit “indoor agriculture”, which is similar to the existing permitted use of “indoor cannabis production”. Intensive indoor growing activities, whether it be cannabis or food (i.e. vertical farming of lettuce), do not require agricultural lands and are seen to better align with industrial activities.

Permitting the types of indoor crops that can be grown in an industrial setting is seen as accommodating emerging industries (Section 14.2.8) and fostering a diversified and resilient local economy (Section 6.8), as well as contributing to local food security.

Parcel coverage:

This proposal also seeks 60% parcel coverage requirements in the I1 zone. 60% parcel coverage is what is currently permitted under the I2 zone and would align with other jurisdictions in BC.

Increasing the parcel coverage from 40% to 60% in the I1 zone promotes intensification of land uses within the Primary Growth containment boundary (Section 7.6.5) and would reflect the changing industrial market (Section 14.2.8), recognizing that attracting new businesses to Okanagan Falls requires comparable regulations to competing markets.

Alternative Recommendation:

Conversely, Administration recognises that the existing parcel is a unique site where heavy industrial uses have historically occurred and presents a rare opportunity to maintain a large, industrial parcel for a large-scale, employment-generating operation.

By introducing a general industrial zone and broadening the range of uses permitted, the I1 zone presents a risk of under-utilization of the site, as it could be used only for service-oriented uses (such as storage and warehousing) that do not generate the same level of jobs as the industrial uses permitted under the I2 zone.

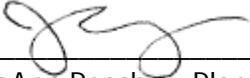
Summary:

In summary, Administrations generally supports the proposed zoning amendment bylaw and is recommending first and second reading of the bylaw.

Alternatives:

1. THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;
AND THAT the holding of the public hearing be delegated to Director Obirek, or their delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Obirek;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2455.44, 2020, Electoral Area “D” Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:

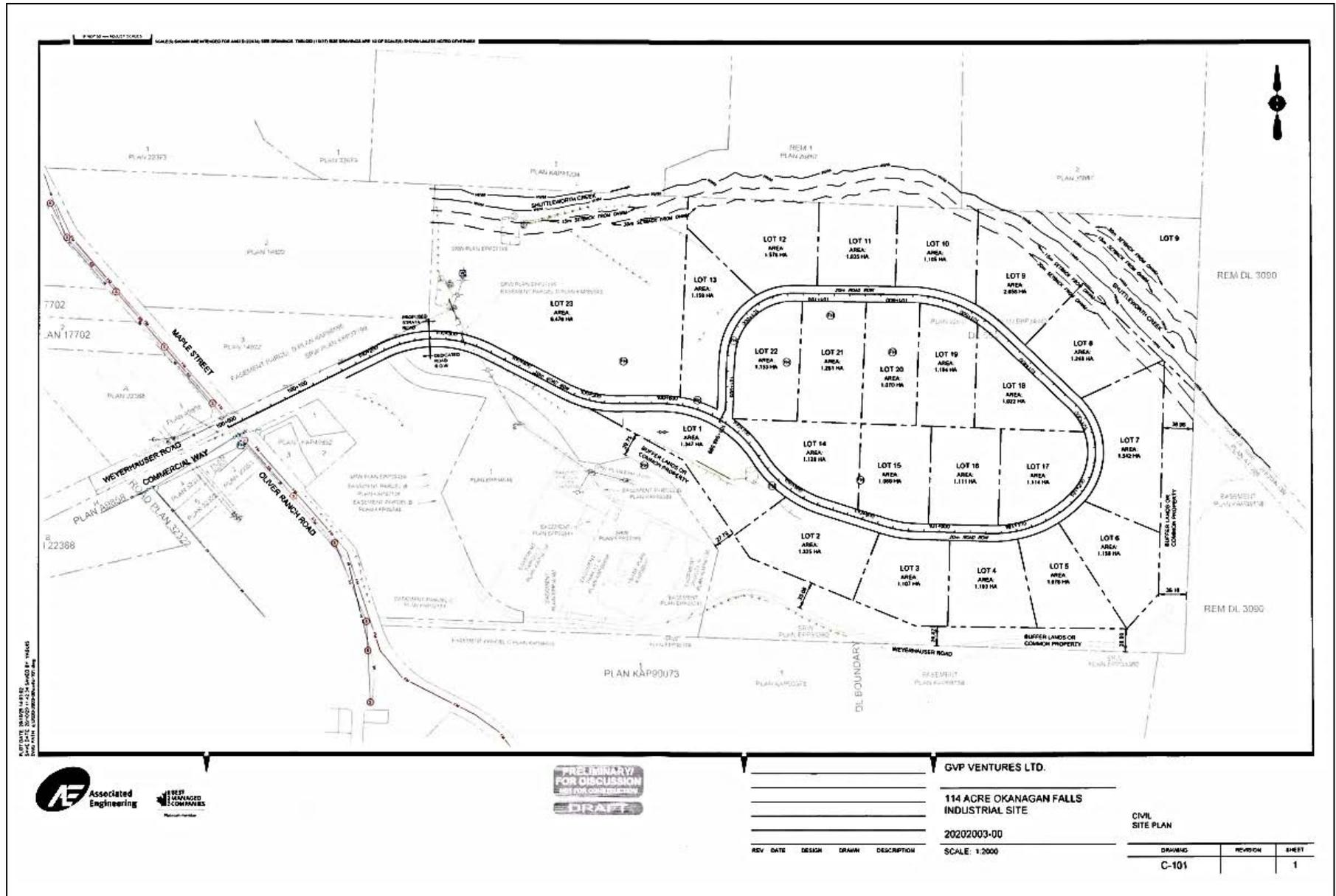
C. Garrish, Planning Manager

Attachments: No. 1 – Applicant’s Site Plan

No. 2 – Applicant’s Building Elevations

No. 3 – Site Photo (Google Earth)

Attachment No. 1 – Applicant's Site Plan



PRELIMINARY FOR DISCUSSION NOT FOR CONSTRUCTION DRAFT

GVP VENTURES LTD.

114 ACRE OKANAGAN FALLS INDUSTRIAL SITE

20202003-00

SCALE: 1:2000

CIVIL SITE PLAN

REV	DATE	DESIGN	DRAWN	DESCRIPTION

DRAWING	REVISION	SHEET
C-101		1

Attachment No. 2 – Site Photo (Aerial)



Attachment No. 3 – Site Photo (Google Earth)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.44, 2020

A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2455, 2008

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Zoning Amendment Bylaw No. 2455.44, 2020."
2. The Electoral Area "D" Zoning Bylaw No. 2455, 2008 is amended by:
 - i) Adding the definition of "agriculture, indoor" under Section 4.0 (Definitions) in its entirety with the following:

"agriculture, indoor" means the use of a building or structure for the growing, harvesting, cultivating, propagating, packing, storing and wholesaling of horticultural products, including but not limited to, vegetables, fruits, nuts and flowers but does not include cannabis production, indoor.
 - ii) adding a new sub-section .2 under Section 19.22 (Site Specific General Industrial (I1s) Provisions) to read as follows:
 - .2 in the case of of an approximately 43.5 ha part of the land described as Lot B, District Lot 551, SDYD, Plan 22642, Except Plan EPP34540 and EPP86797 (1655 Maple Street), and shown shaded yellow on Figure 19.22.2:
 - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 16.1.1:
 - .1 "agriculture, indoor".
 - ii) Despite Section 16.1.8, the maximum parcel coverage shall be 60%.

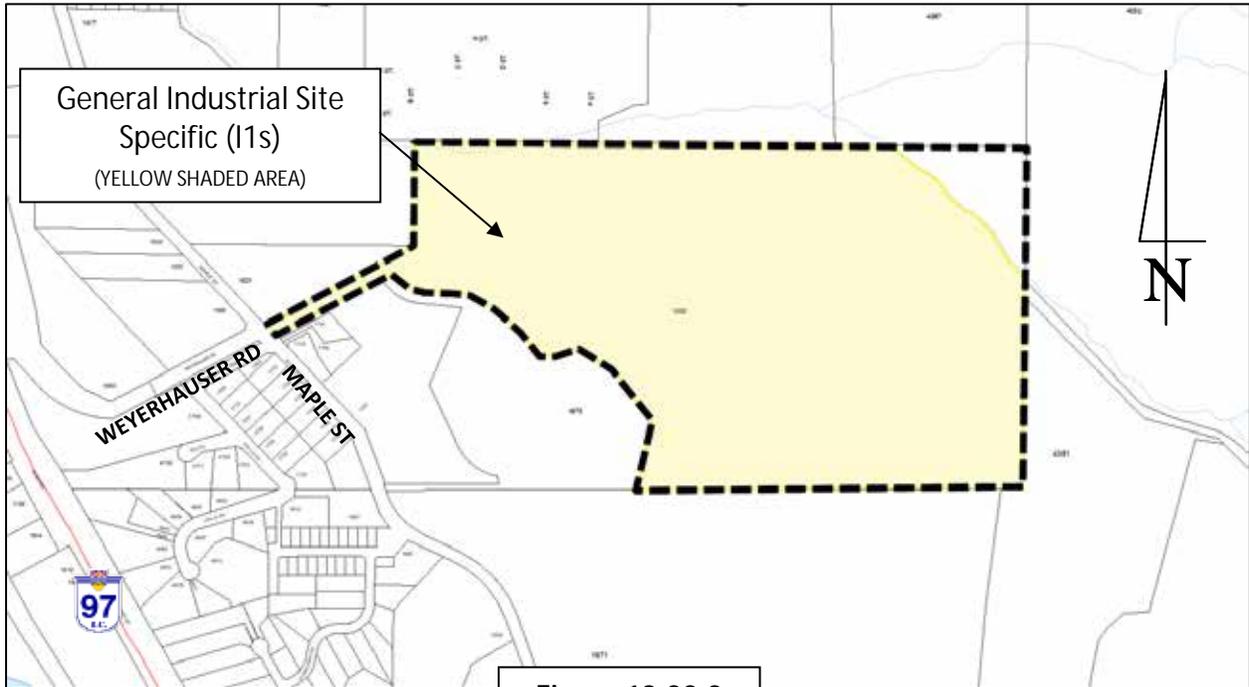


Figure 19.22.2

3. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation of an approximately 43.5 ha part of the land described Lot B, District Lot 551, SDYD, Plan 22642, Except Plan EPP34540 and EPP86797 (1655 Maple Street), and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Heavy Industrial (I2) to General Industrial Site Specific (I1s).

READ A FIRST AND SECOND TIME this ____ day of _____, 2021.

PUBLIC HEARING held on this ____ day of _____, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

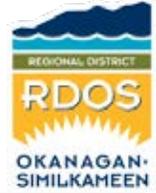
ADOPTED this ____ day of _____, 2021.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

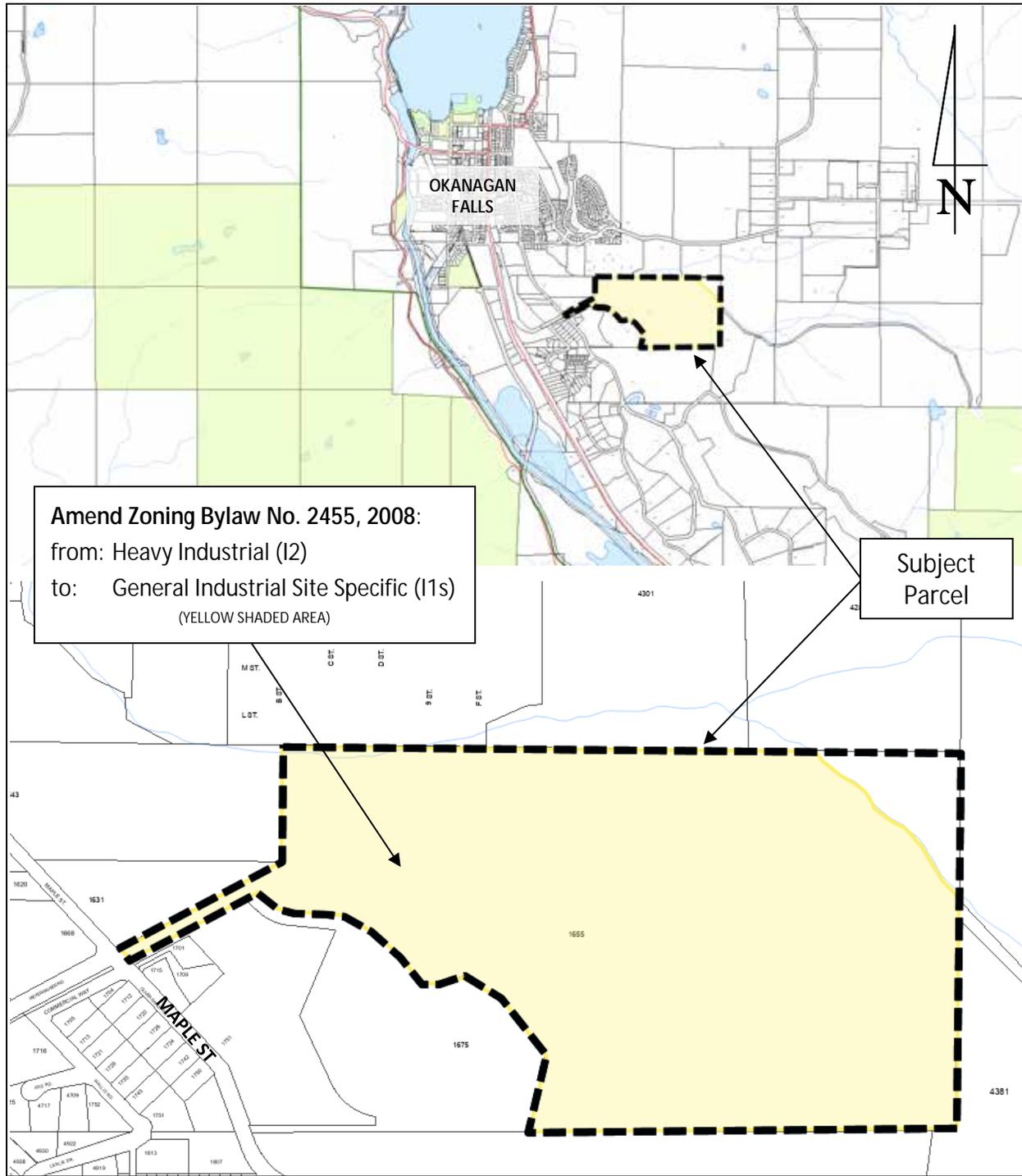
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2455.44

File No. D2020.016-ZONE

Schedule 'A'



JoAnn Peachey

From: Leathem, Jamie FLNR:EX <Jamie.Leathem@gov.bc.ca>
Sent: February 3, 2021 6:37 PM
To: JoAnn Peachey
Cc: Lacey, Cathy M FLNR:EX
Subject: FW: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE) (2020096, 2021007)

Hi JoAnn,

There are no concerns with the rezoning as proposed (our files 2020096, 2021007),

Thank you,

Jamie Leathem, M.Sc. (she/her)
Ecosystems Biologist | BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development
102 Industrial Place, Penticton, BC V2A 7C8 | 778-622-6834 | Jamie.Leathem@gov.bc.ca

From: Referral Apps REG8 FLNR:EX <ReferralAppsREG8@gov.bc.ca>
Sent: December 4, 2020 2:00 PM
To: Leathem, Jamie FLNR:EX <Jamie.Leathem@gov.bc.ca>
Subject: FW: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE)

Hi Jamie,

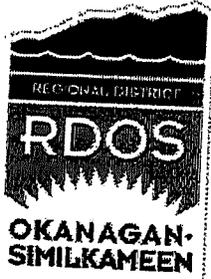
New referral for you. Our file number is 2020096 and due date is January 16 2021

Thanks
Cathy

From: JoAnn Peachey <[a](#)>
Sent: December 4, 2020 10:21 AM
To: Huber, Sara ALC:EX <Sara.Huber@gov.bc.ca>; Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>; HBE@interiorhealth.ca; JEDC IIT Economic Development JEDC:EX <EconomicDevelopment@gov.bc.ca>; ofid@telus.net; Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>; Bitte, Rob TRAN:EX <Rob.Bitte@gov.bc.ca>; referrals@fortisbc.com; Dale Kronebusch <kmg365@live.ca>; Referral Apps REG8 FLNR:EX <ReferralAppsREG8@gov.bc.ca>
Subject: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Electoral Area "D" Zoning Amendment Bylaw
1655 Maple Street, Okanagan Falls



Feedback Form

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

TO: Regional District of Okanagan Similkameen FILE NO.: D2020.016-ZONE

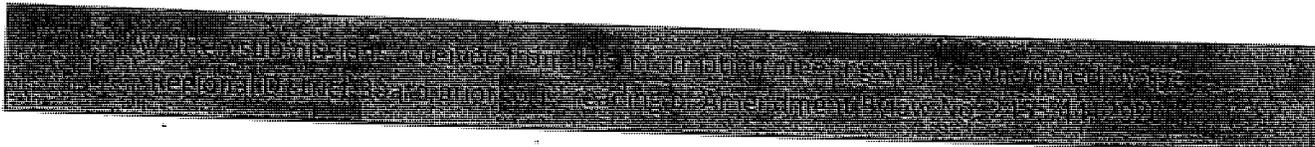
FROM: Name: KAREN LEUGER
(please print)

Street Address: OKANAGAN FIELDS, BC V0H 1R6

RE: Electoral Area "D" Zoning Amendment Bylaw No. 2455.44, 2020
1655 Maple Street — Lot B, Plan 22642, District Lot 551, SDYD, Except Plan EPP34540 and EPP86797

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.



Feedback Forms must be completed and returned to the Regional District no later than the close of the public hearing (date to be determined).

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



402 Warren Avenue East
Penticton, BC V2A 3M2
Phone: (250) 493-7972
Fax: (250) 493-7255

January 22, 2021

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

Attention: RDOS Planning Department and Citizens of Electoral Area 'D'

Re: Letter of Support for Rezoning - Avery Group Light Industrial Park in Okanagan Falls, BC

To Whom It May Concern:

On behalf of Greyback Construction Ltd., I would like to offer my full support towards the rezoning application from heavy industrial to light industrial, for Avery Group's industrial park site located in Okanagan Falls, BC.

Avery Group's investment in the region and the industrial park is a catalyst for a critical element in the revitalization plan for Okanagan Falls.

As a business owner of a company that fosters community growth, and a long-standing resident, I welcome the potential new businesses, local employment opportunities and future residents that this light industrial park will surely attract to the area.

I believe this light industrial park will improve the strength and sustainability of Okanagan Falls, and will only enhance its vibrancy and patronage to local businesses.

Yours truly,
Greyback Construction Ltd.

Per:

Matthew Kenyon
President | General Manager

Wild Goose Vineyards And Winery

2145 Sun Valley Way, Okanagan Falls, B.C. V0H 1R2
Phone 250-497-8919 Fax 250-497-6853
www.wildgoosewinery.com E-mail info@wildgoosewinery.com



January 26, 2021

To Whom It May Concern:

Wild Goose Vineyards and Winery has been a long-standing family-owned winery for over 30 years in Okanagan Falls. In this time we have seen business's come and go within the industrial lands of what is commonly known as the "Weyerhaeuser site".

Over the years it has always been a concern of ours with having these lands zoned "heavy industrial" amongst our beautiful vineyards, wineries, and agricultural lands. Heavy industry is not acceptable in this community, particularly on these grounds that are surrounding by residential homes and nature.

We are extremely excited to hear the Avery Group is looking to change and rezone the property from "heavy" to "light" industrial. Wild Goose Vineyards is in full support of the Avery Group requesting a change in zoning as this would bring numerous opportunities to Okanagan Falls including commercial and business investment into our community.

If you have any questions or concerns, please do not hesitate in contacting me.

Kindest regards,

Roland Kruger
General Manager
250.809.1960



January 26, 2021

RE: Rezoning of Avery Group Lands

To Whom It May Concern

The Okanagan Falls Community Association was invited to comment on the proposed rezoning of industrial land recently purchased by the Avery Group, that is in the community of Okanagan Falls.

Our comments at this consultation stage of the process are provided in advance of the review by RDOS Planning officials and input from the Advisory Planning Commission. These are important steps in the rezoning process that could yield information impacting our support. That said and with the information available, we are supportive of the proposal.

At present, the land in question is idle. With out any business activity occurring it is making little or no contribution to the community other than through payment of taxes. Many would argue that idle land like this, actually costs the community being a detraction to others who might invest if it were used in some productive way as a going concern.

Rezoning of the property could potentially bring an influx of new and growing industrial business to Okanagan Falls. This in turn could lead to additional employment, a need for more residences and even more tourism. These factors would all contribute to and support the community.

Further, rezoning the existing industrial park from heavy industrial to light industrial, would seem to present less environmental risk. Again, this is a benefit for the community.

Finally, subdividing the property into a number of smaller lots as planned, would seem to open the park to more and different types of businesses. This seems a more likely approach to seeing the lands bought and used, than maintaining them whole as has been the strategy to date.

If you have any questions or concerns, do not hesitate to contact the undersigned.

Kindest regards,
Okanagan Falls Community Association

Matt Taylor
President

Letter of Support for Avery Group's Industrial Park rezoning application

January 22, 2021

Dear RDOS,

We support the Avery Group's request for rezoning their property to a light industrial designation. We think this rezoning will of great benefit to the community through establishing a business area where a variety of types of companies could be located. This diversity of industry will help the community build a sustainable economic base and provide long term benefit to the community of Okanagan Falls.

Respectfully,

Jessica Dolan, Lee Agur, Andrea Agur, Chris Guillemet

Letter of Support for Avery Group's Industrial Park rezoning application

January 21, 2021

Dear RDOS,

As local business owners, we strongly support the Avery Group's request for rezoning their property to a light industrial designation. A light industrial designation is more versatile and could create a place where diverse businesses would be able to start and grow. This economic growth would be a welcome addition to the Okanagan Falls community.

Sincerely,

Robin & Janice Agur,
Holiday Beach Resort
South Okanagan RV

Letter of Support for Avery Group's Industrial Park rezoning application

January 21, 2021

Dear RDOS,

As a local resident and the property manager of South Okanagan RV, I am writing in support of the Avery Group's rezoning application for their property from heavy industrial use to a light industrial use designation. A light industrial designation would enable Okanagan Falls to attract new businesses giving them a place to start and grow that isn't currently available. We think this rezoning will of great benefit to the community.

Sincerely,

Barry Bomford

South Okanagan RV

Liz Serendip

Holiday Beach Resort

Letter of Support for Avery Group's Industrial Park rezoning application

January 21, 2021

Dear RDOS,

We are writing in support of the Avery Group's rezoning application for their property from heavy industrial use to a light industrial use designation. A light industrial designation would enable Okanagan Falls to attract new businesses giving them a place to start and grow that isn't currently available. We think this rezoning will of great benefit to the community.

Thank you for your consideration.

Liz Serendip
Holiday Beach Resort



Pacific Centre, PO Box 10023
Suite 700, 700 West Georgia Street
Vancouver, BC, V7Y 1A1
Tel +1 604 683 3111
Fax +1 604 683 0432
cushmanwakefield.com

January 28, 2021

To: Regional District of Okanagan-Similkameen
Re: Avery Group Industrial Park Development

To Whom It May Concern:

I am writing this letter to express my support of the development of the light industrial park proposed for Okanagan Falls.

As a long-time commercial realtor in British Columbia, I have a deep understanding of the limited availability and price constraints of industrial land in the lower mainland. Increasingly I work with businesses looking to expand operations and prepared to relocate operations to other regions such as the Okanagan to do so.

I am also well aware of the positive transformative economic impact a business investment such as the proposed light industrial park can have on communities.

Additionally, I personally know the team behind this industrial park development including their professionalism and track record for creating strong businesses that positively contribute to their communities.

It is for these reasons that I support this development.

Sincerely

A handwritten signature in black ink, appearing to read "D. Pottinger", written in a cursive style.

Dave Pottinger



Meyer Family Vineyards

"Crafting single vineyard wines of excellence"

January 27, 2021

Re:
Zoning amendment 1655 Maple Street
Project Number: D2020.016-ZONE

To whom it may concern,

We are located adjacent to the specified property with a creek separating us and we are located at 4287 McLean Creek Road.

I would like to fully support the application to rezone this property to light industrial. It is our opinion that light industrial would be a significantly better neighbor than any potential heavy industrial as is currently zoned. We also feel that this would bring in much needed businesses and residents to the area and overall stimulate the economy.

The idea of a greenhouse is extremely conducive to the area and the existing agriculture industry. Smaller light industry sub divides would also be very beneficial to support some of the existing business such as wineries and the wine industry as well as potential new business and jobs.

If you have any questions or would like to contact me please feel free at jak@mfvwines.com or my direct line 778 515-6122

Regards,

John (JAK) Meyer
Co Owner and President Meyer Family Vineyards Inc.



Interior Health
Every person matters

February 2, 2021

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

planning@rdos.bc.ca

To Whom It May Concern:

RE: File #: D2020.016-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

JoAnn Peachey

From: Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>
Sent: January 20, 2021 2:19 PM
To: Planning
Subject: FW: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE) - Application amendment
Attachments: Amendment Bylaw - Zoning Bylaws No. 2455.44 (v2021-01-14).pdf; Bylaw Referral Sheet D2020.016-ZONE.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Comments provided for the original referral cover our interest regarding both the rezoning and parcel coverage.

Thank you,
Christina

Christina Forbes BSc, P.Ag | Regional Agrologist I Kelowna
Ministry of Agriculture, Food and Fisheries
New Phone Number: 236-766-7057 | c: 250-309-2478
Email: Christina.Forbes@gov.bc.ca

Generic Email: AgriServiceBC@gov.bc.ca

From: JoAnn Peachey <jpeachey@rdos.bc.ca>
Sent: January 19, 2021 11:53 AM
To: Huber, Sara ALC:EX <Sara.Huber@gov.bc.ca>; Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>; HBE <HBE@interiorhealth.ca>; JEDC IIT Economic Development JEDC:EX <EconomicDevelopment@gov.bc.ca>; ofid@telus.net; Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>; referrals@fortisbc.com; Dale Kronebusch <kmg365@live.ca>; Referral Apps REG8 FLNR:EX <ReferralAppsREG8@gov.bc.ca>
Subject: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE) - Application amendment

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Re: Electoral Area "D" Zoning Amendment Bylaw
1655 Maple Street, Okanagan Falls

<https://www.rdos.bc.ca/development-services/planning/current-applications-decisions/electoral-area-d/d2020-016-zone/>

Please be advised that the rezoning application for 1655 Maple Street has amended. In addition to the rezoning request described previously, the applicant is also requesting an increase to the maximum parcel coverage from 40% to 60% as a site specific provision. The revised draft bylaw is attached.

If you have any additional comments or concerns regarding this change, please forward them to planning@rdos.bc.ca before **February 2, 2021**.

JoAnn Peachey

From: Moraes, Ryan <Ryan.Moraes@fortisbc.com>
Sent: January 20, 2021 1:44 PM
To: Planning
Subject: RE: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE) - Application amendment

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Fortis gas has no concerns with this amendment.

Regards,

Ryan Moraes, Eng.L., ASCT | Planning & Design Technologist | FortisBC
1975 Springfield Rd | Kelowna, BC V1Y 7V7
☎ 250-490-2621 📞 778-214-0509 | ✉ ryan.moraes@fortisbc.com

From: Referrals <Referrals@fortisbc.com>
Sent: Tuesday, January 19, 2021 2:22 PM
To: Moraes, Ryan <Ryan.Moraes@fortisbc.com>
Subject: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE) - Application amendment

Property Referral: 2021-106

Hi Ryan,

Please review the attached / below and provide your comments directly to planning@rdos.bc.ca by **February 1, 2021**.

If FortisBC Energy Inc. is affected, please copy referrals@fortisbc.com in on your response so that we may update our records.

Thank you,

Mai Farmer
Property Services Assistant
Property Services
Phone 604-576-7010 x57010



JoAnn Peachey

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: January 13, 2021 9:42 AM
To: Planning
Cc: JoAnn Peachey
Subject: RE: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE)

Follow Up Flag: Follow up
Flag Status: Flagged

HAPPY NEW YEAR RDOS PLANNERS!

I hope you all had a chance to relax and unwind as last year drew (thankfully) to a close. I am hoping for a better 2021 for everyone.

Thank you for your referral regarding a proposed zoning amendment for 1655 Maple Street, Okanagan Falls, PID 006788432, LOT B DISTRICT LOT 551 SIMILKAMEEN DIVISION YALE DISTRICT PLAN 22642 EXCEPT PLAN EPP34540 AND EPP86797. Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your referral.

Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on the subject property.

However, archaeological potential modelling for the area indicates there is high to moderate potential for previously unidentified archaeological sites to exist on the property, as indicated by the brown area (high potential) and the beige area (moderate potential) shown in the screenshot below. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

Rationale and Supplemental Information

- There is high to moderate potential for previously unidentified archaeological deposits to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website (www.bcapa.ca) and in local directories.

Questions?

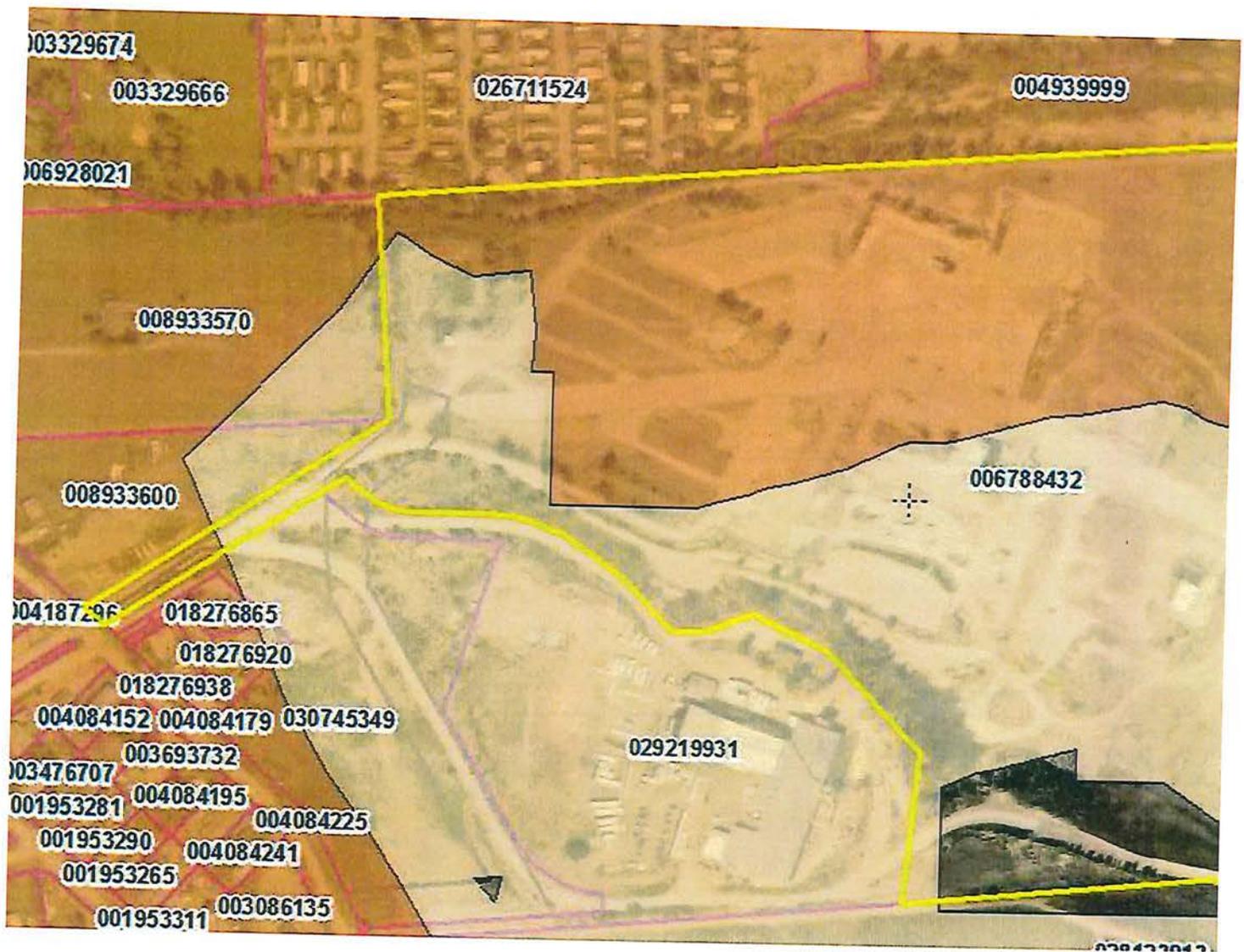
For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca.

For more general information, visit the Archaeology Branch website at www.gov.bc.ca/archaeology.

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

Kind regards,





Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown = high potential and beige = moderate potential) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.



Diana Cooper

Archaeologist/Archaeological Information Administrator

Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development
Phone: (250) 953-3343 | Email: diana.cooper@gov.bc.ca | Website www.gov.bc.ca/archaeology

From: JoAnn Peachey <jpeachey@rdos.bc.ca>

Sent: December 4, 2020 10:21 AM

To: Huber, Sara ALC:EX <Sara.Huber@gov.bc.ca>; Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>; HBE@interiorhealth.ca; JEDC IIT Economic Development JEDC:EX <EconomicDevelopment@gov.bc.ca>; ofid@telus.net; Arch Data Request FLNR:EX <ArchDataRequest@gov.bc.ca>; Bitte, Rob TRAN:EX <Rob.Bitte@gov.bc.ca>; referrals@fortisbc.com; Dale Kronebusch <kmg365@live.ca>; Referral Apps REG8 FLNR:EX <ReferralAppsREG8@gov.bc.ca>

Subject: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE)



January 13, 2021

File: 0280-30

Local Government File: D2020.016-ZONE

JoAnn Peachy, Planner 1
Regional District Okanagan Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9
Via E-mail: planning@rdos.bc.ca

Dear JoAnn Peachy:

Re: Zoning Amendment for 1655 Maple Street, Okanagan Falls (PID: 006-788-432)

Thank you for providing B.C. Ministry of Agriculture staff the opportunity to comment on the proposed zoning amendment for the above noted property. We note that the property is not in the Agricultural Land Reserve (ALR) but is adjacent to parcels which are in the ALR. Although the current plans for the property and the purpose for the rezoning are to enable indoor agricultural production, the location outside the ALR and the plans to run servicing to the property make it likely that this property will be used for an industrial use at some point in the future. Therefore, we recommend that the amending bylaw include a 15 metre building setback from any lot lines along the boundary of the ALR and an eight metre vegetative buffer consistent with those described in the ministry's [Guide to Edge Planning](#).

If you have any questions, please contact us directly at the email addresses or numbers below.

Sincerely,

Alison Fox, P.Ag.
Land Use Agrologist
BC Ministry of Agriculture
Alison.Fox@gov.bc.ca
(778) 666-0566

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

Email copy: Sara Huber, Regional Planner, Agricultural Land Commission



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

December 18, 2020

Reply to the attention of Sara Huber
ALC Issue: 52013
Local Government File: D2020-016-ZONE

JoAnn Peachey
Planner 1, RDOS
planning@rdos.bc.ca

**Re: Regional District of Okanagan Similkameen Electoral Area D Zoning
Amendment Bylaw No. 2455.44, 2020**

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area D Zoning Amendment Bylaw No. 2455.44, 2020 (the "Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the *ALC Act* (ALC Act), the Agricultural Land Reserve (ALR) General Regulation, (the "ALR General Regulation"), the ALR Use Regulation (the "ALR Use Regulation"), and any decisions of the ALC.

Current Proposal:

The Bylaw proposes to amend the zoning designation of the property identified as 1655 Maple Street, Okanagan Falls; PID: 006-788-432 (the "Property") from Heavy Industrial (I2) to General Industrial Site Specific (I1s) in order to develop an industrial park permitting general industrial uses and indoor agriculture (Avery Industrial Park).

The Property was previously used as the Weyerhaeuser Mill until 2007 and more recently concrete foundations were built for a proposed large-scale cannabis production facility. The applicants intend to build a "vertical farm" agricultural operation on the existing foundations and to subdivide the parcel for an industrial park.

ALC Staff Comments:

The ALC recognizes that the Property is not within the ALR; however, the south, east, west (partial) and north (partial) boundaries of the Property are adjacent to ALR lands.

Part 3 of the Ministry of Agriculture's [Guide to Edge Planning](#) (2015) describes urban-side edge planning tools to promote urban/rural compatibility. With the establishment of an industrial park adjacent to the ALR, there may be potential for complaints about farm noise and smells, as well as potential impacts to agriculture, such as trespass, litter, theft, etc.

For this reason, ALC staff recommend considering the setback and buffer requirements outlined in the [Guide to Edge Planning](#), including up to a 15 m setback from the ALR boundary, and an associated 8 m vegetated buffer to reduce the potential for urban/agricultural conflicts.

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.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail (Sara.Huber@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of RDOS D2020-016-ZONE

CC: Ministry of Agriculture – Attention: Alison Fox

52013m1



Interior Health

Every person matters

December 16, 2020

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

planning@rdos.bc.ca

To Whom It May Concern:

RE: File #: D2020.016-ZONE

Thank you for the opportunity to respond to the above captioned referral from your agency.

Communities are healthier places for residents when planning and development includes healthy planning principles as part of neighbourhood design, transportation networks, natural environments, food networks and housing. Well-designed communities, parks, schools, road systems and other infrastructure has a positive impact on people's physical, mental and social health.

Healthy Built Environments (HBE) encourages physical activity and healthy eating for all ages which helps to prevent chronic conditions such as cardiovascular diseases and Type 2 diabetes.

An initial review of the information provided has been completed and we've determined that this proposal includes aspects or features consistent with some healthy communities planning principles. As such, overall we are supportive of this development proposal proceeding.

Should you have any concerns with this referral or require additional comments, please don't hesitate to email hbe@interiorhealth.ca or phone 1-855-744-6328 ext. 4 (HBE).

More information about our program can be found at [Healthy Built Environment](#).

Sincerely,

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

JoAnn Peachey

From: Moraes, Ryan <Ryan.Moraes@fortisbc.com>
Sent: December 9, 2020 11:11 AM
To: Planning
Subject: RE: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

Fortis has no concerns with this rezoning.

Regards,

Ryan Moraes, ASCT | Planning & Design Technologist | FortisBC
1260 Commercial Way | Penticton, BC V2A 3H5
250-490-2621 | 778-214-0509 | ryan.moraes@fortisbc.com

From: Referrals <Referrals@fortisbc.com>
Sent: Wednesday, December 9, 2020 11:01 AM
To: Moraes, Ryan <Ryan.Moraes@fortisbc.com>
Subject: Bylaw Referral - Zoning Amendment - 1655 Maple Street (D2020.016-ZONE)

Property Referral: 2020-1692

Hi Ryan,

Please review the attached / below and provide your comments directly to planning@rdos.bc.ca by **January 16, 2020**.

If FortisBC Energy Inc. is affected, please copy referrals@fortisbc.com in on your response so that we may update our records.

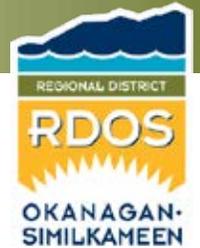
Thank you,

Mai Farmer
Property Services Assistant
Property Services
Phone 604-576-7010 x57010



From: JoAnn Peachey <jpeachey@rdos.bc.ca>
Sent: Friday, December 4, 2020 10:21 AM

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Early Termination of Land Use Contract No. LU-2-F – Electoral Area “F”

Administrative Recommendation:

THAT Bylaw No. 2461.10, 2021, Electoral Area “F” Zoning Amendment Bylaw be read a third time and adopted.

Purpose: To replace Land Use Contract No. LU-2-F with the West Bench Small Holdings Zone (SH6)
Owners: Not applicable (various) Agent: Not applicable Folio: F2017.138-ZONE
Civic: Not applicable (various) Legal: Not applicable (various)
Zone: Not applicable (Land Use Contract) Proposed Zoning: West Bench Small Holdings (SH6)

Purpose:

Administration is proposing that the Regional District Board resolve to initiate an amendment bylaw in order to terminate Land Use Contract (LUC) No. LU-2-F (being Bylaw No. 281 and all amendments thereto) from the properties outlined in Attachment No. 1.

Specifically, it is being proposed to apply the West Bench Small Holdings Zone (SH6) to these properties under the Electoral Area “F” Zoning Bylaw No. 2461, 2008.

Site Context:

The subject area is approximately 36.14 hectares in area and is situated on the West Bench along Forsyth Drive, approximately 4.0 kilometres from the City of Penticton, and is surrounded by Penticton Indian Band land. There are 61 affected properties with 54 completely within, and seven (7) that are partially within the Land Use Contract area.

The surrounding pattern of development is generally characterised by 0.2 - 0.4 hectare lots with single detached dwellings zoned SH6 to the South and West, with a higher density RS2 subdivision to the South East. The lands to the North, and East are undeveloped, forested, and are predominantly Penticton Indian Band lands.

Statutory Requirements:

In 2014, the provincial government amended the *Local Government Act* in order that all remaining land use contracts will automatically be terminated, and shall be deemed to be discharged from the title of the applicable parcel by June 30, 2024.

Section (547) of the Act allows the Regional District to terminate, by bylaw, a Land Use Contract prior to 2024 provided it does so by June 30, 2022, and in accordance with the standard procedures for amending a land use bylaw (i.e. public hearing).

Importantly, the provisions of any new zoning applied to a property as a result of an “Early Termination” of an LUC will not come into effect for one (1) year and a day following adoption of the amending bylaw.

Background:

On December 16, an Electronic Public Information Meeting (PIM) was held with affected property owners, and was attended by one (1) member of the public as well as the Electoral Area “F” Director.

At its meeting of November 23, 2020, the Electoral Area “F” APC resolved to recommend to the RDOS Board that the proposed discharge and termination of part of LUC No. LU-2-F be approved.

At its meeting of January 21, 2021, the Regional District Board resolved to approve first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of February 18, 2021.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97).

Analysis:

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

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

1. recreating the provisions of the LUC in the form of a new zone; or
2. applying an existing zone, which *may* result in the use of the land becoming lawfully non-conforming use under section 533 of the *Local Government Act*.

In this instance, Administration believes this question can best be resolved by applying the existing West Bench Small Holdings (SH6) Zone to the lands under LUC No. LU-2-F, as this zone generally mirrors the regulations contained with the existing LUC.

In the subject area, seven (7) parcels are currently split-zoned LU-2-F and SH6, with adjacent properties to the south and west currently zoned SH6. Applying the SH6 zone will enable regulatory consistency on the split-zoned parcels and throughout the neighbourhood.

The SH6 zone reflects the LUC closely and should not create any legal non-conformities as the regulations are equal to, or less restrictive than the LUC.

For reference purposes, a summary comparison of LU-2-F versus the SH6 Zone is included as Attachment No. 2.

Alternatives:

1. THAT third reading of Electoral Area "F" Zoning Amendment Bylaw No. 2461.10, 2021, be deferred; or
2. THAT first and second readings of the Electoral Area "F" Zoning Amendment Bylaw No. 2461.10, 2021 be rescinded and the bylaw abandoned.

Respectfully submitted:

Cory Labrecque
C. Labrecque, Planner II

Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Summary comparison of LU-2-F & the SH6 Zone
No. 2 – Aerial Photo (Google Earth)

Attachment No. 2 – Summary comparison of LU-2-F & the SH6 Zone

Land Use Contract No. LU-2-F	SH6 Zone
<p>Permitted Uses: <u>Principal uses:</u> a) agriculture; b) single family dwelling; <u>Secondary uses:</u> c) home occupation; d) public utilities; e) accessory buildings and structures.</p>	<p>Permitted Uses: <u>Principal uses:</u> a) single detached dwelling; <u>Secondary uses:</u> b) agriculture; c) bed and breakfast operation; d) home occupation; e) accessory buildings and structures.</p>
<p>Minimum Parcel Size: 4,040 m²; and 2,020 m² (Lots 20, 33, 49, 37)</p>	<p>Minimum Parcel Size: 0.25 ha when connected to a community sewer & water system; 0.5 ha, when connected to community sewer system and serviced by well; or 1.0 ha, when serviced by well and approved septic system.</p>
<p>Minimum Parcel Width: Not applicable</p>	<p>Minimum Parcel Width: Not less than 25% of the parcel depth</p>
<p>Maximum Number of Dwellings per Parcel: one (1) dwelling per parcel</p>	<p>Maximum Number of Dwellings per Parcel: one (1) dwelling per parcel</p>
<p>Minimum Setbacks: Buildings and structures: i) Front parcel line: 9.14 m ii) Rear parcel line: 9.14 m iii) Interior side parcel line: 4.57 m iv) Exterior side parcel line: 4.57 m Accessory buildings and structures: i) Front parcel line: 9.14 m ii) Rear parcel line: 9.14 m iii) Interior side parcel line: 4.57 m Exterior side parcel line: 4.57 m</p>	<p>Minimum Setbacks: Buildings and structures: i) Front parcel line: 7.5 m ii) Rear parcel line: 7.5 m iii) Interior side parcel line: 4.5 m iv) Exterior side parcel line: 4.5 m Accessory buildings and structures: i) Front parcel line: 9.0 m ii) Rear parcel line: 3.0 m iii) Interior side parcel line: 1.5 m iv) Exterior side parcel line: 4.5 m</p>
<p>Maximum Height: No building or structure shall exceed a height of 7.62 metres.</p>	<p>Maximum Height: 10.0 metres (principal buildings) 4.5 metres (accessory buildings)</p>
<p>Maximum Parcel Coverage: Not applicable</p>	<p>Maximum Parcel Coverage: 30%</p>
<p>Minimum Floor Area: 74.32 m²</p>	<p>Minimum Building Width: Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.</p>

Attachment No. 2 – Aerial Photo (Google Earth)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2461.10, 2021

**A Bylaw to terminate Land Use Contract No. LU-2-F and to amend the
Electoral Area "F" Zoning Bylaw No. 2461, 2008**

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

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "F" Land Use Contract LU-2-F Termination and Zoning Amendment Bylaw No. 2461.10, 2021."
2. The Land Use Contract No. LU-2-F, registered in the Kamloops Land Title Office under charge number M58956 against title to the land shown shaded yellow on the attached Schedule 'A' (which forms part of this Bylaw), is terminated.
3. The land shown shaded yellow on the attached Schedule 'A' (which forms part of this Bylaw) is zoned West Bench Small Holdings (SH6) in the Regional District of Okanagan-Similkameen, Electoral Area "F" Zoning Bylaw No. 2461, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended accordingly.
4. Sections 2-5 of this Bylaw shall come into force on the day that is one year and one day after the date this Bylaw is adopted.

READ A FIRST AND SECOND TIME this 21st day of January, 2021.

PUBLIC HEARING held on this 18th day of February, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

ADOPTED this ____ day of _____, 2021.

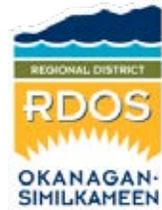
Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

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

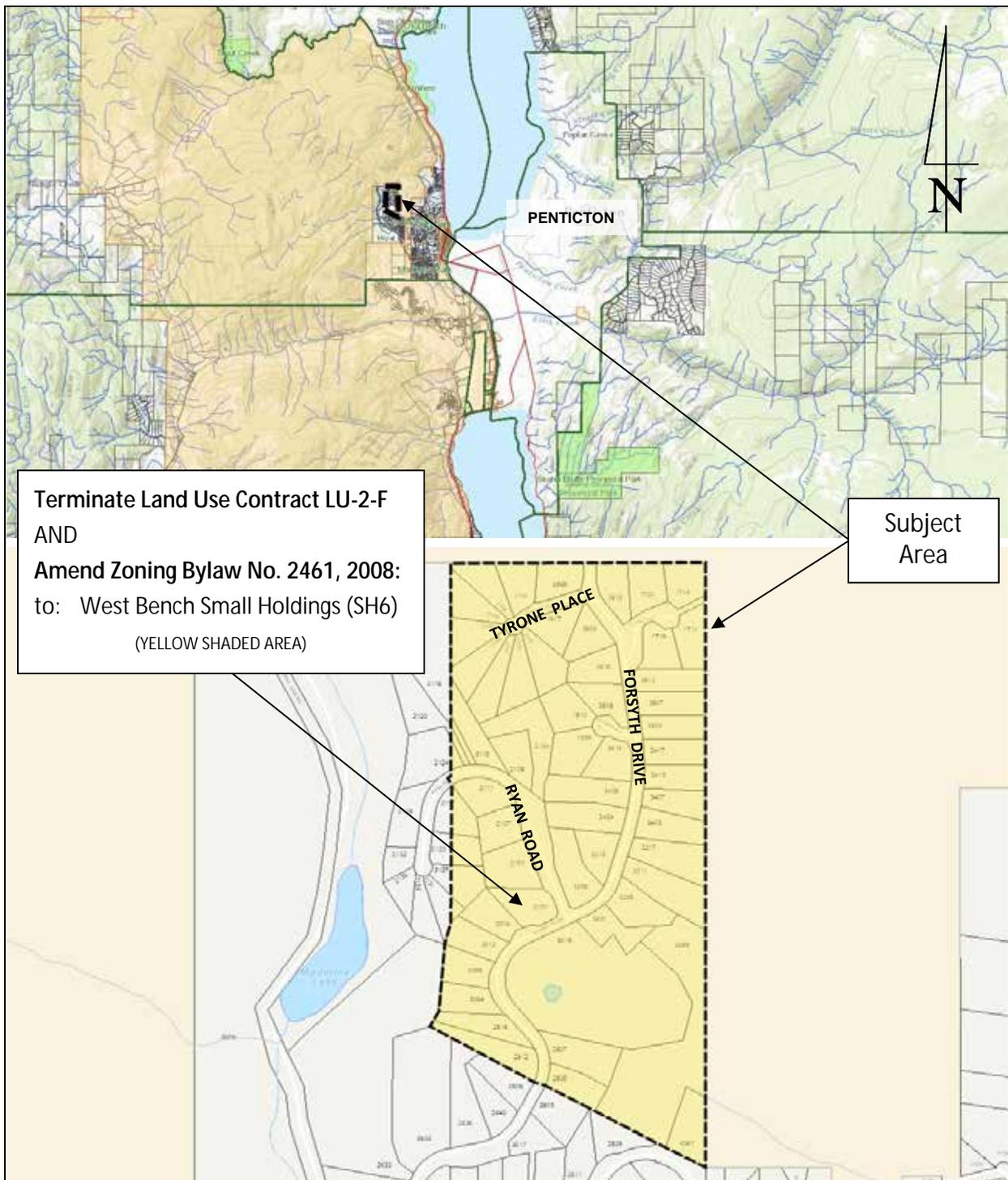
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2461.10, 2021

File No. F2017.138-ZONE

Schedule 'A'



Cory Labrecque

From: Aderichin, Al FLNR:EX <Al.Aderichin@gov.bc.ca>
Sent: November 9, 2020 4:40 PM
To: Cory Labrecque
Cc: Andrew Reeder; McMillan, Chris FLNR:EX; Oliphant, Elena FLNR:EX
Subject: RE: Referral - Land Use Contract Termination (F2017.138-ZONE)

Hi Cory,

Per my review, the only general comment I have is as follows:

Any lot owners/developers requesting future water service to additional lots from the Comptroller regulated water utility "Sage Mesa Water & Public Service Co. Ltd.", necessitating water service area expansion via request for CPCN amendment, would not be approved as there is a moratorium on utility's service area expansion due to inadequate system capacity issues and ongoing non-compliance with IHA's Drinking Water Standards. As you are most likely aware, the RDOS is working towards execution of a Utility asset ownership Transfer Agreement with the Chapmans, the longstanding Utility owners, as the initial step towards future transfer. For further info on transfer negotiation status, please contact Andrew Reeder at the RDOS.

Best regards,
Al

Al Aderichin, P. Eng.

Head, Water Utilities Engineering

Water Utilities Regulation Section

Water Management Branch

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Phone : (778) 698-7325

Fax: (250) 356-0605

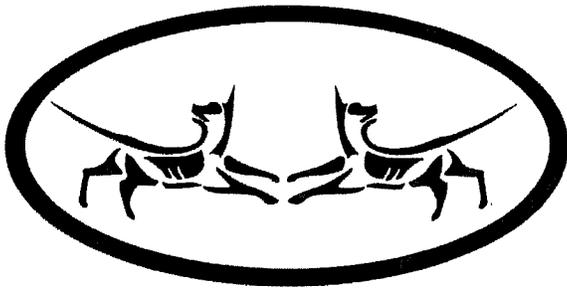
Email : Al.Aderichin@gov.bc.ca

From: Cory Labrecque <clabrecque@rdos.bc.ca>
Sent: November 5, 2020 1:11 PM
To: Aderichin, Al FLNR:EX <Al.Aderichin@gov.bc.ca>
Cc: Cory Labrecque <clabrecque@rdos.bc.ca>
Subject: Referral - Land Use Contract Termination (F2017.138-ZONE)

[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Good afternoon

This is an Regional District of Okanagan Similkameen (RDOS) Planning referral. You are being requested to comment on the attached bylaw for potential effect on your agency's interests.



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

January 24, 2019

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

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

RTS ID: 3628

Referral ID: BL 2461.10

Referral Date: January 23, 2019

Reference ID: F2017.138-ZONE

Summary: Proposed early termination of Land Use Contract (LUC) No. LU-2-F and to replace it with a Small Holdings Four (SH4) Zone under Bylaw No. 2461, 2008.

ATTENTION: Christopher Garrish

We are in receipt of the above referral. The proposed activity is located within Okanagan Nation Territory and the PIB Area of Responsibility. All lands and resources within the vicinity of this referral are subject to our unextinguished Aboriginal Title and Rights.

The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right to benefit economically from the land and resources. The Court therefore concluded that when the Crown allocates resources on Aboriginal title lands without the Indigenous peoples' consent, it commits a serious infringement of constitutionally protected rights that will be difficult to justify.

Penticton Indian Band has specific referral processing requirements for both government and proponents which are integral to the exercise of our Rights to manage our lands and resources and to ensuring that the Crown can meet its duty to consult and accommodate our Rights, including our Aboriginal Title and management Rights. There is a cost associated with PIB referral processing and engagement. In accordance with PIB policy, proponents are required to pay a processing fee for each referral.

This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be fully reviewed.

Upon receipt of the processing fee, we will commence our review. You may then expect to receive a letter from us notifying you of the results of our review of potential impacts of the project within 30 to 90 days.

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



If the proposed activity requires a more in-depth review, Penticton Indian Band will notify the proponent and all parties will negotiate a memorandum of agreement regarding a process for review of the proposed activity.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

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

Invoice Number: 1252

	SubTotal	Tax	Total
Referral Processing	\$ 500.00	\$ 0.00	\$ 500.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

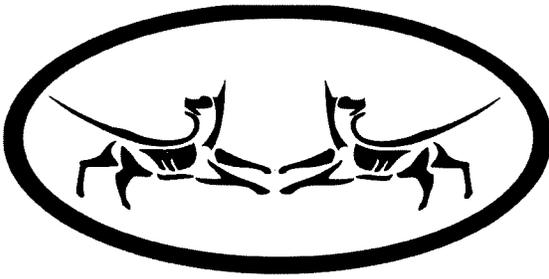
INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #3628

limlæmt,

Natasha Slack
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RTS ID: 3628 CC: ONA (nrmanager@syilx.org)



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**

January 24, 2019

Regional District of Okanagan Similkameen
101 Martin Street
PentictonBC V2A 5J9

RTS ID: 3628

Referral Date: January 23, 2019

Referral ID: BL 2461.10

Reference ID: F2017.138-ZONE

Summary: Proposed early termination of Land Use Contract (LUC) No. LU-2-F and to replace it with a Small Holdings Four (SH4) Zone under Bylaw No. 2461, 2008.

Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on January 24, 2019. This letter is to inform you that due to current levels of internal capacity, we are unable to review your referral in your proposed timeline. With additional time, Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 60 days from the existing timeline.

Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economical from those uses.

Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlæmt,
Natasha Slack
Referrals Administrator

RTS ID: 3628 CC: ONA (nrmanager@syilx.org)

RESPONSE SUMMARY

AMENDMENT BYLAW NOS. 2461.10

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Signature: 

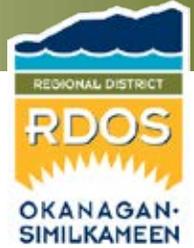
Signed By: Janelle Rimell

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: February 27, 2019

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Zoning Bylaw Amendment – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2498.16, 2021, Electoral Area “H” Zoning Amendment Bylaw be adopted.

Proposed Purpose:

Amendment Bylaw No. 2498.16, 2021, is proposing a number of textual and mapping amendments to the Electoral Area “H” Zoning Bylaw No. 2498, 2012.

Background:

On December 9, 2020, a Public Information Meeting (PIM) was held electronically on the RDOS WebEx meeting platform, and was attended by no members of the public.

At its meeting of December 15, 2020, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the amendment bylaw be approved.

At its meeting of January 7, 2021, the Regional District Board resolved to approve first and second reading of the amendment bylaw and scheduled a public hearing ahead of its meeting of February 4, 2021.

A Public Hearing was subsequently held on February 4, 2021, where no members of the public attended, followed by Board approval of third reading of the amendment bylaw.

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 February 8, 2021.

Alternatives:

1. THAT adoption of Bylaw No. 2498.16, 2021, Electoral Area “H” Zoning Amendment Bylaw be deferred; or
2. THAT first, second and third readings of Bylaw No. 2498.16, 2021, Electoral Area “H” Zoning Amendment Bylaw be rescinded and the bylaw abandoned.

Respectfully submitted:

Cory Labrecque

Cory Labrecque, Planner II

Endorsed By:

C. Garrish, Planning Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.16, 2021

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. 2498.16, 2021."
2. The Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by:
 - i) adding the following definition of "scientific research facilities" under Section 4.0 (Definitions):

"scientific research facilities" means buildings or structures used for scientific research, investigation, testing or experimentation, but does not include facilities for the manufacturing or retail sale of products;
 - ii) replacing sub-section 7.10.2 (Secondary Suites) under Section 7.0 (General Regulations) in its entirety with the following:
 - .2 The maximum floor area of a secondary suite shall not exceed 125 m².
 - iii) replacing sub-section 7.12.3 under Section 7.12 (Accessory Buildings and Structures) in its entirety with:
 - .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG3 and LH Zones where one (1) shower is permitted.
 - iv) replacing sub-section 11.1.4 (Maximum Number of Dwellings Permitted Per Parcel) under Section 11.1 (Resource Area Zone (RA)) in its entirety with the following:

11.1.4 Maximum Number of Dwellings Permitted Per Parcel:

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

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m ²
8.0 ha to 11.9 ha	2	250 m ²
12.0 ha to 15.9 ha	3	375 m ²
Greater than 16.0 ha	4	500 m ²

- c) Despite Section 11.1.4(b), for parcels situated within the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel under Section 11.1.4(b) in excess of one (1) secondary suite or accessory dwelling per parcel are permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suites or accessory dwellings.
- v) replacing sub-section 11.1.8(d)(2) (Site Specific Resource Area (RA) Regulations) under Section 11.0 (Rural) in its entirety with the following:
 - .2 two (2) seasonal cabins, which may have a floor area not greater than 150 m².
 - vi) adding a new sub-section 11.1.1(h) (Permitted Uses - Resource Area Zone) under Section 11.0 (Rural) to read as follows and renumbering all subsequent sub-sections:
 - h) scientific research facilities;
 - vii) replacing sub-section 11.3.4(c) (Maximum Number of Dwellings Permitted Per Parcel) under Section 11.3 (Agriculture Three (AG3) Zone) in its entirety with the following:
 - c) Despite Section 11.3.4 (b), for parcels situated within the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel under Section 11.3.4 (b) in excess of one (1) secondary suite or accessory dwelling per parcel are permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suites or accessory dwellings.

viii) replacing sub-section 11.4.4 (Maximum Number of Dwellings Permitted Per Parcel) under Section 11.4 (Large Holdings One Zone (LH1)) in its entirety with the following:

11.4.4 Maximum Number of Dwellings Permitted Per Parcel:

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

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m ²
8.0 ha to 11.9 ha	2	250 m ²
12.0 ha to 15.9 ha	3	375 m ²
Greater than 16.0 ha	4	500 m ²

- c) Despite Section 11.4.4(b), for parcels situated within the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel under Section 11.4.4(b) in excess of one (1) secondary suite or accessory dwelling per parcel are permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suites or accessory dwellings.

ix) replacing sub-section 11.5.4 (Maximum Number of Dwellings Permitted Per Parcel) under Section 11.5 (Large Holdings Two Zone (LH2)) in its entirety with the following:

11.5.4 Maximum Number of Dwellings Permitted Per Parcel:

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

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m ²
8.0 ha to 11.9 ha	2	250 m ²
12.0 ha to 15.9 ha	3	375 m ²

Greater than 16.0 ha	4	500 m ²
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- c) Despite Section 11.5.4(b), for parcels situated within the Agricultural Land Reserve (ALR), the maximum number of secondary suites or accessory dwellings permitted per parcel under Section 11.5.4(b) in excess of one (1) secondary suite or accessory dwelling per parcel are permitted only to the extent that a “non-adhering residential use” approval from the Agricultural Land Commission (ALC) has been granted for such secondary suites or accessory dwellings.
3. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by:
- i) changing the land use designation of the land described as Lot 3, Plan EPP55773, District Lot 902, YDYD, and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Residential Single Family One Zone (RS1) to Tourist Commercial One Zone (CT1).
 - ii) changing the land use designation of the land described as Lot 1, Plan EPP55773, District Lot 902, YDYD, and shown shaded yellow and black hatching on Schedule ‘A’, which forms part of this Bylaw, from Tourist Commercial One Zone (CT1) to Residential Single Family One Zone (RS1).
 - iii) changing the land use designation of the land described as Lot 2, Plan EPP55773, District Lot 902, YDYD, and shown shaded yellow and black hatching on Schedule ‘A’, which forms part of this Bylaw, from Tourist Commercial One Zone (CT1) to Residential Single Family One Zone (RS1).
 - iv) changing the land use designation of the land described as Lot 3, Plan EPP55773, District Lot 902, YDYD, and shown shaded yellow on Schedule ‘B’, which forms part of this Bylaw, from Small Holdings Four Zone (SH4) to Tourist Commercial One Zone (CT1).
 - v) changing the land use designation of the land described as Lot 1, Plan KAP51362, District Lot 902, YDYD, and shown shaded yellow and black hatching on Schedule ‘B’, which forms part of this Bylaw, from Tourist Commercial One Zone (CT1) to Small Holdings Four Zone (SH4).

READ A FIRST AND SECOND TIME this 7th day of January, 2021.

PUBLIC HEARING held on this 4th day of February, 2021.

READ A THIRD TIME, AS AMENDED, this 4th day of February, 2021.

Approved pursuant to Section 52(3) of the Transportation Act this 8th day of February, 2021.

ADOPTED this __ day of ____, 2021.

Board Chair

Regional District of Okanagan-Similkameen

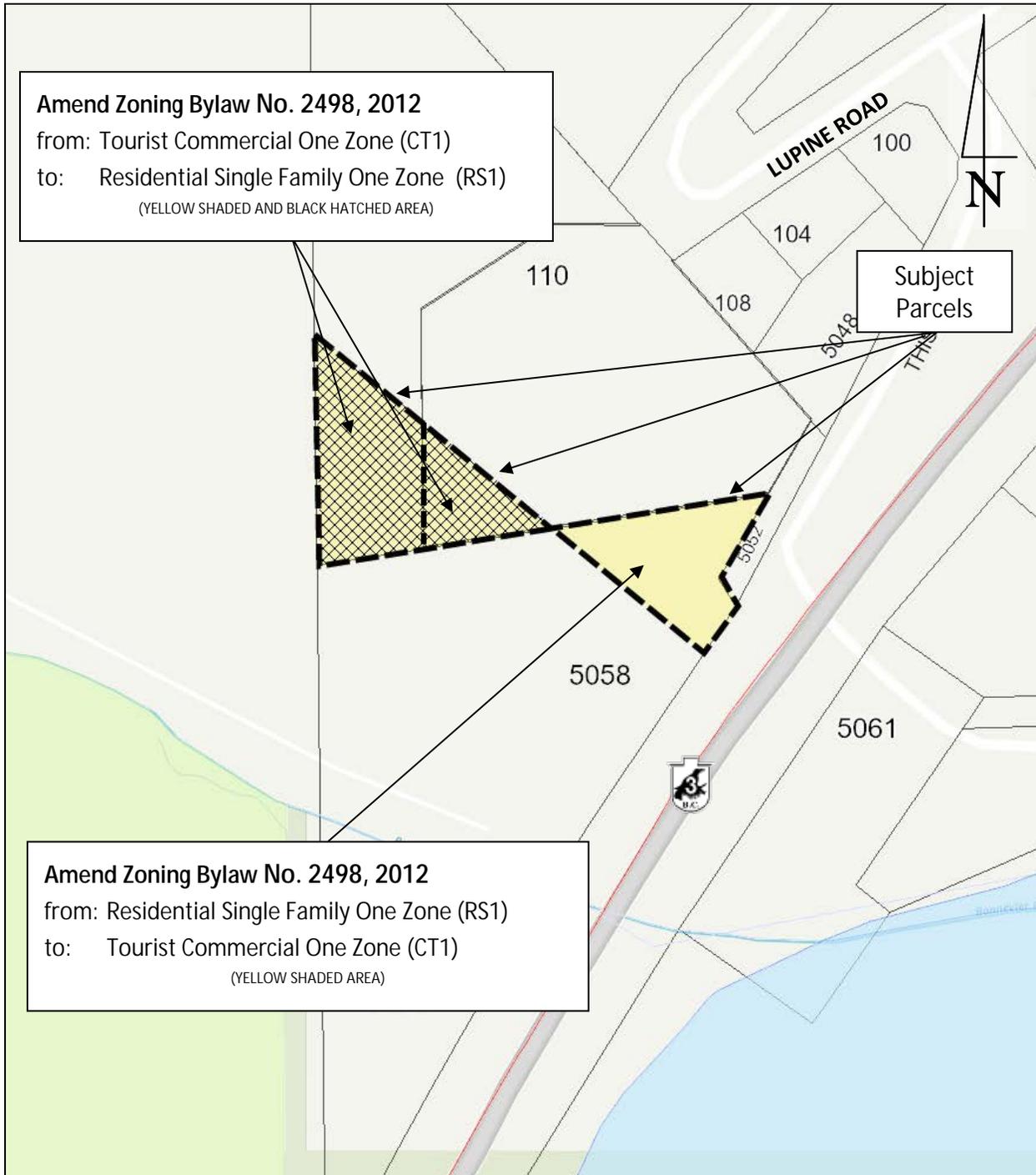
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2498.16, 2021

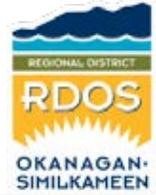
File No. H2019.002-ZONE

Schedule 'A'



Regional District of Okanagan-Similkameen

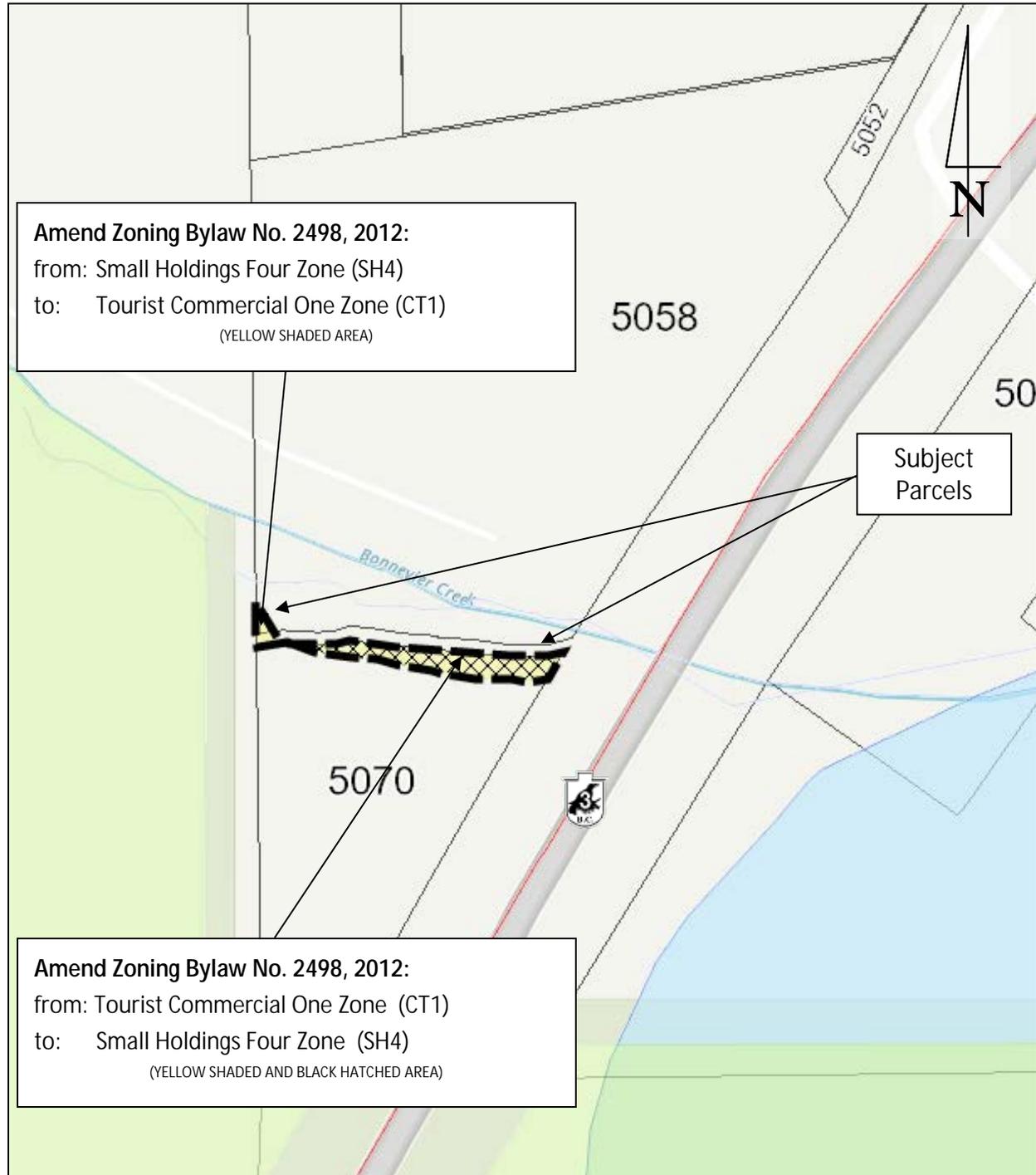
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



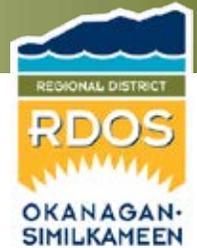
Amendment Bylaw No. 2498.16, 2021

File No. H2019.002-ZONE

Schedule 'B'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Petition to Enter Service Area – Electoral Area “C”

Administrative Recommendation:

THAT Bylaw No. 2709.01, 2021, Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Amendment Bylaw be adopted.

Purpose: To extend the Willowbrook water service area to three parcels

Owners: Ricklend & Caroline Knodel; Donna Cooke; & Nicole Boyle Folios: C-01152.090/.220 & C-01131.000

Legal: Lot 5, Plan KAP1435, DL 28, SDYD; Lot 18, Plan KAP1435, DL 28, SDYD; DL 26, SDYD, Except Plan 23124

Civic: 1316 Greenlake Road; 289 and 299 Goldtau Road; and 525 Johnson Crescent

Purpose:

The purpose of the bylaw amendments are to include the above noted properties within the Willowbrook Water Local Service area boundaries to align the service area boundaries in the subject bylaw to include all parcels, or all portions of a parcel, that receive Willowbrook Water service.

Petition requests have been submitted to the the Regional District to include the property at 1316 Greenlake Road (being Lot 5, Plan KAP1435, District Lot 28, SDYD) and 289 & 299 Goldtau Road (Lot 18, Plan KAP1435, District Lot 28, SDYD) in the Willowbrook Water Local Service Area.

A portion of 525 Johnson Crescent is already within the service area boundary and has been included in the subject bylaw to correct a mapping error so the boundary includes the entire parcel.

In order to facilitate the above, it is being proposed to amend Schedule ‘A’ of the Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Bylaw No. 2709, 2015, to include the subject properties.

Background:

At its meeting of February 4, 2021, the Board approved first, second and third reading of Amendment Bylaw No. 2709.01, 2021.

Analysis:

Administration supports the amendment bylaws which will align the Willowbrook Water Local Service area boundaries with the services provided by Willowbrook Water and correct historic mapping errors.

Alternatives:

1. THAT first, second and third reading of Bylaw No. 2709.01, 2021, Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Amendment Bylaw be rescinded and the bylaw abandoned;
2. That consideration of Bylaw No. 2709.01, 2021, Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Amendment Bylaw be deferred pending:
 - a) *TBD*.

Respectfully submitted:



JoAnn Peachey, Planner I

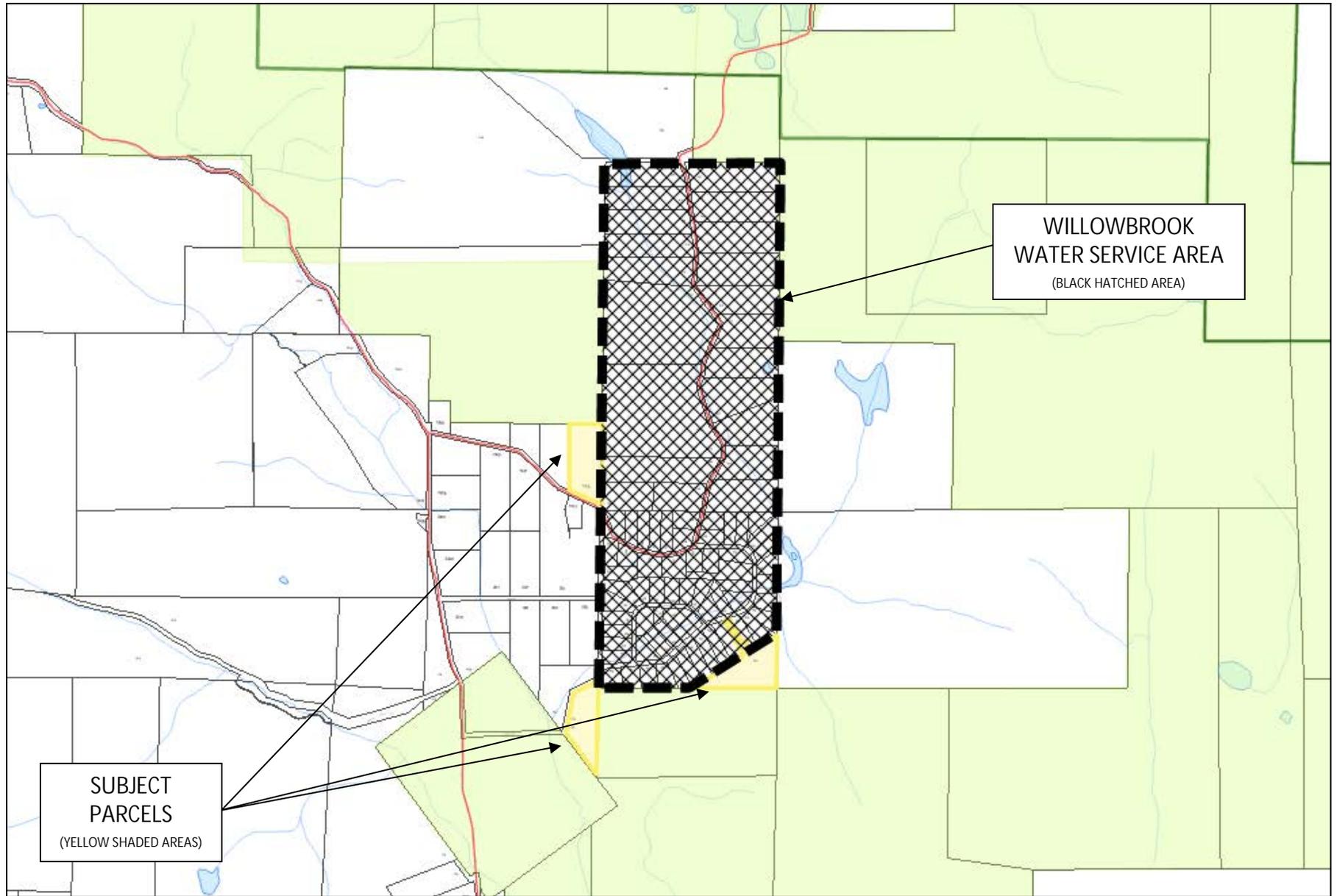
Endorsed By:



C. Garrish, Planning Manager

Attachments: No. 1 – Willowbrook Water Service Area

Attachment No. 1 – Willowbrook Water Service Area



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2709.01, 2021

A Bylaw to amend the Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Bylaw No. 2709, 2015

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Amendment Bylaw No. 2709.01, 2021."
2. The boundaries of the Willowbrook Water service area, being Schedule 'A' of the Regional District of Okanagan-Similkameen Willowbrook Water Service Establishment Bylaw No. 2709, 2015, are amended by incorporating the lands described as:
 - i) Lot 5, Plan KAP1435, District Lot 28, SDYD (1316 Green Lake Road), and shown shaded yellow on Schedule 'A', which forms part of this Bylaw;
 - ii) Lot 18, Plan KAP1435, District Lot 28, SDYD (289 and 299 Goldtau Road) and shown shaded yellow on Schedule 'B', which forms part of this Bylaw; and
 - iii) an approximately 4.8 ha part of District Lot 26, SDYD, Except Plan 23124 (525 Johnson Crescent), and shown shaded yellow on Schedule 'C', which forms part of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this 4th day of February, 2021.

CONSENTED TO in writing on behalf of the electors of Electoral "C" by the electoral area director this 3rd day of February, 2021.

ADOPTED this ____ day of _____, 2021.

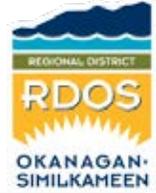
Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, 2021.

Regional District of Okanagan-Similkameen

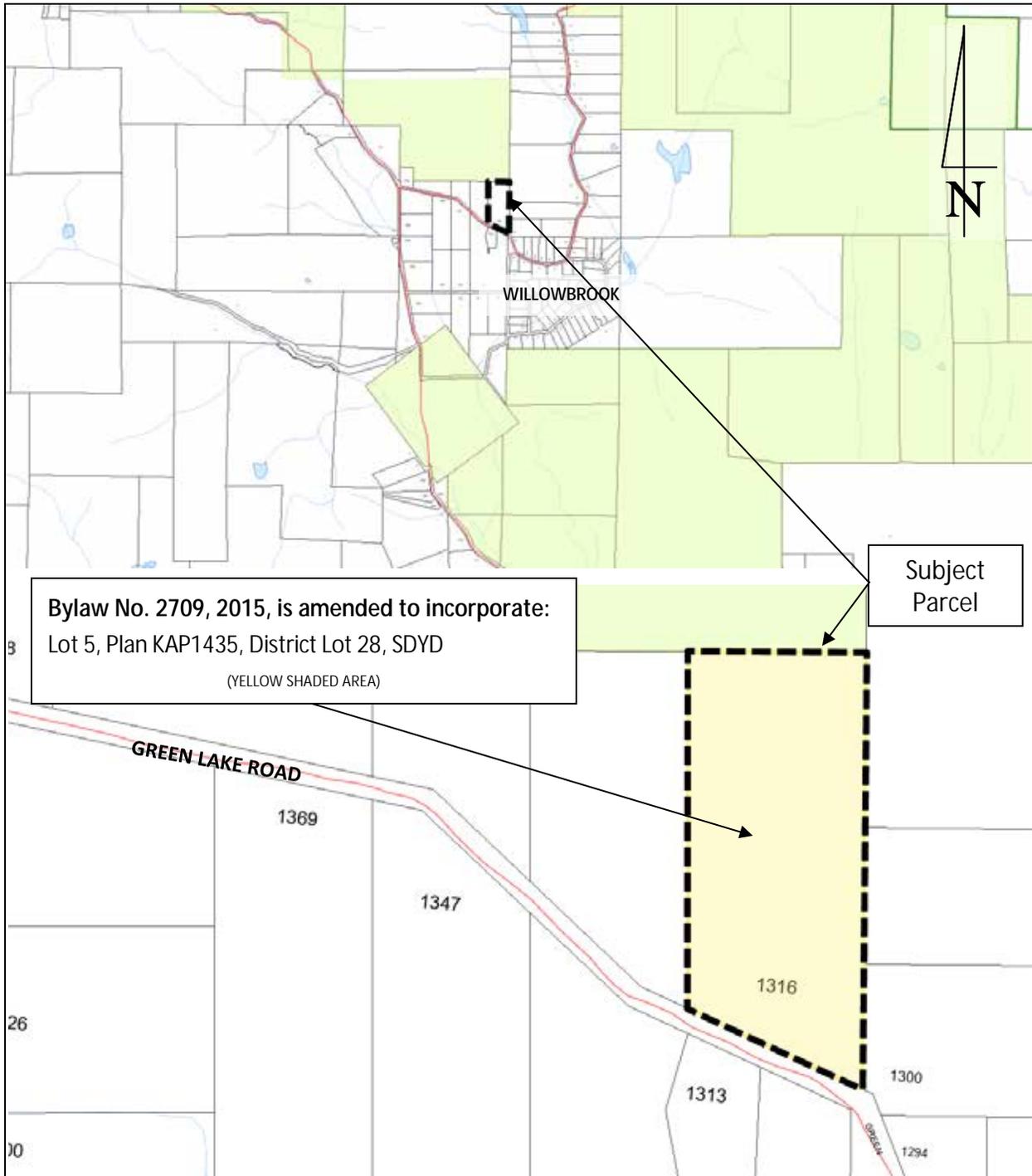
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2709.01, 2021

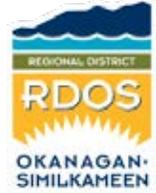
File No. C2020.003-SAP

Schedule 'A'



Regional District of Okanagan-Similkameen

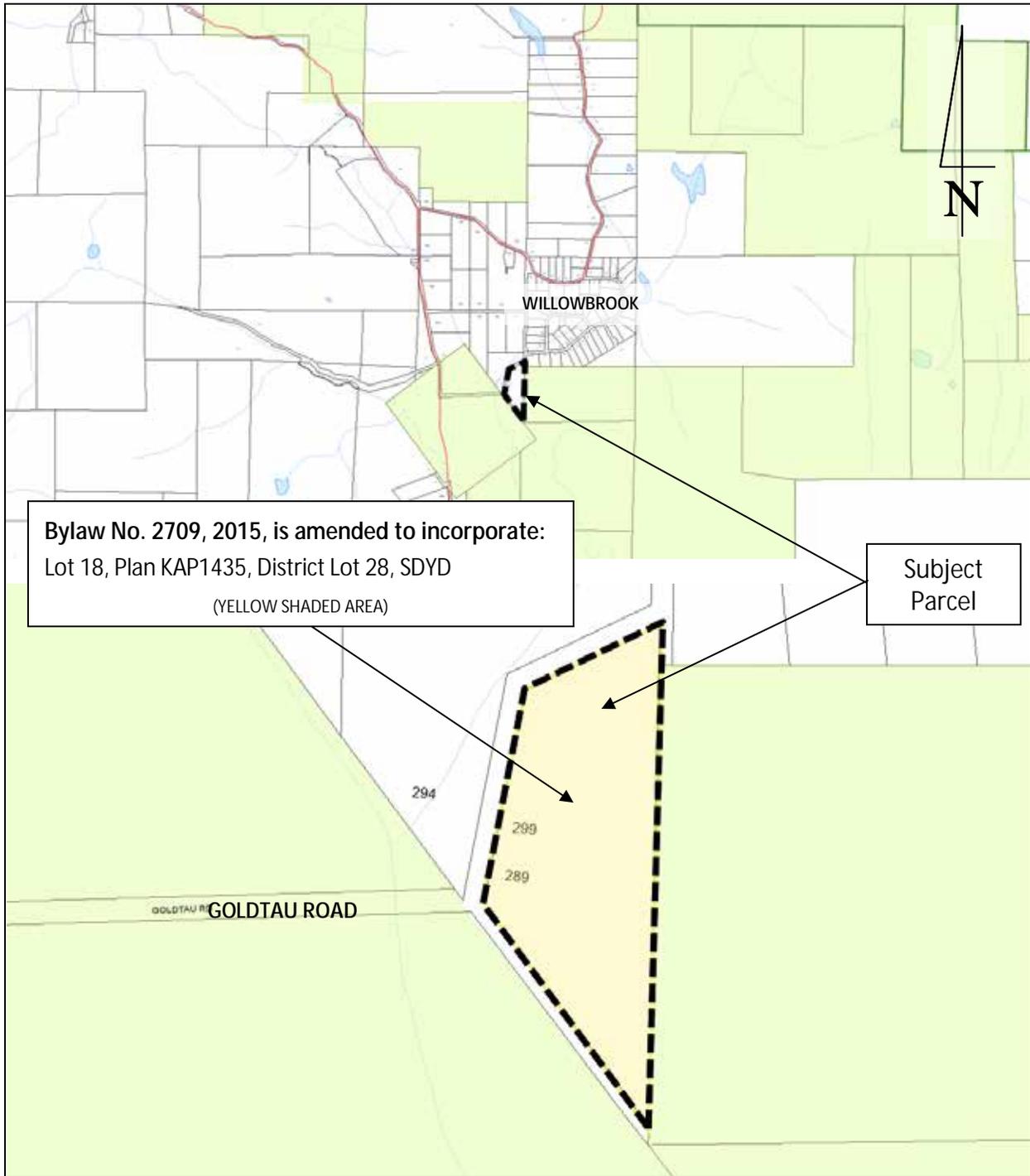
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2709.01, 2021

File No. C2020.003-SAP

Schedule 'B'

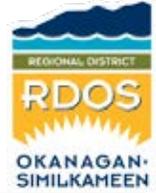


Bylaw No. 2709, 2015, is amended to incorporate:
Lot 18, Plan KAP1435, District Lot 28, SDYD
(YELLOW SHADED AREA)

Subject Parcel

Regional District of Okanagan-Similkameen

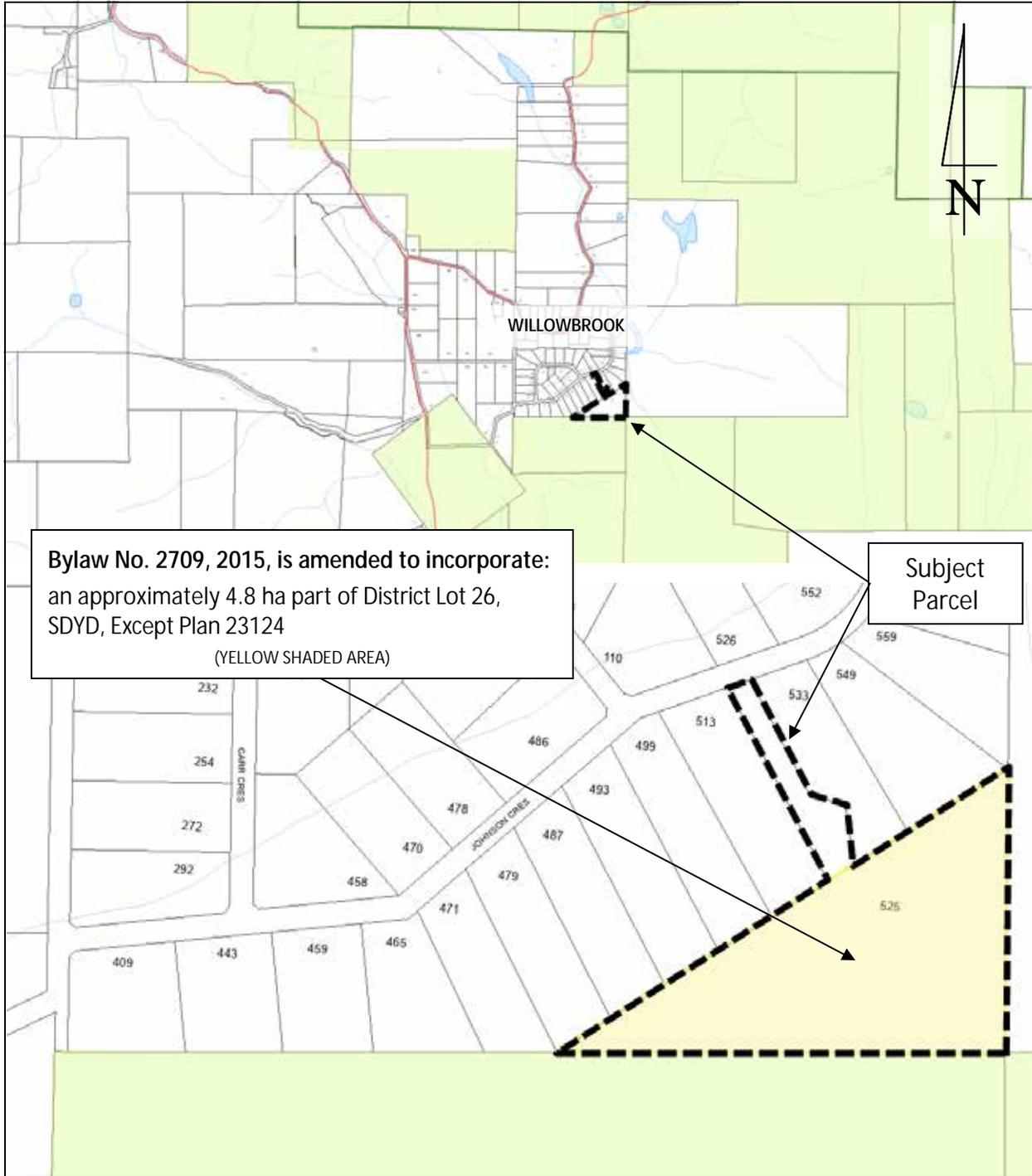
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



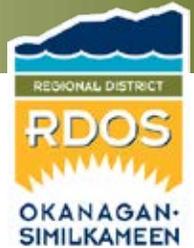
Amendment Bylaw No. 2709.01, 2021

File No. C2020.003-SAP

Schedule 'C'



ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Petition to Enter Service Area – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2929, 2021 “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area ‘H’, a local service, being a fire prevention and suppression service” Amendment Bylaw be adopted.

Purpose: To extend the fire prevention and suppression service area to the subject property

Owners: Jacqueline Mason / Stewart Biggan Agent: n/a Folio: H-00878.100

Legal: Lot A, Plan KAP71383, District Lot 1006, YDYD, Except Plan KAP75828 Civic: 280 Bonlin Road

OCP: Small Holdings (SH) Zone: Small Holdings Two (SH2)

Purpose:

The applicant has submitted a petition request to the Regional District that seeks to include the property at 280 Bonlin Road (being Lot A, Plan KAP71383, District Lot 1006, YDYD, Except Plan KAP75828) in the fire prevention and suppression local service Area.

In order to facilitate this, it is being proposed to amend Schedule ‘A’ of the “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area ‘H’, a local service, being a fire prevention and suppression service”, to include the property within the service area boundary.

Background:

At its meeting of January 21, 2021, the Board approved first, second and third reading of Amendment Bylaw No. 2929, 2021.

Analysis:

Administration supports the amendment bylaw as this is seen as supporting fire protection measures to abutting parcels already within the service area.

Alternatives:

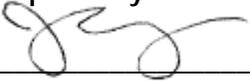
1. THAT first, second and third reading of Bylaw No. 2929, 2021 “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area ‘H’,

a local service, being a fire prevention and suppression service” Amendment Bylaw be rescinded and the bylaw abandoned;

2. That consideration of Bylaw No. 2929, 2021 “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area ‘H’, a local service, being a fire prevention and suppression service” Amendment Bylaw be deferred pending:

a) *TBD.*

Respectfully submitted:



JoAnn Peachey, Planner I

Endorsed By:

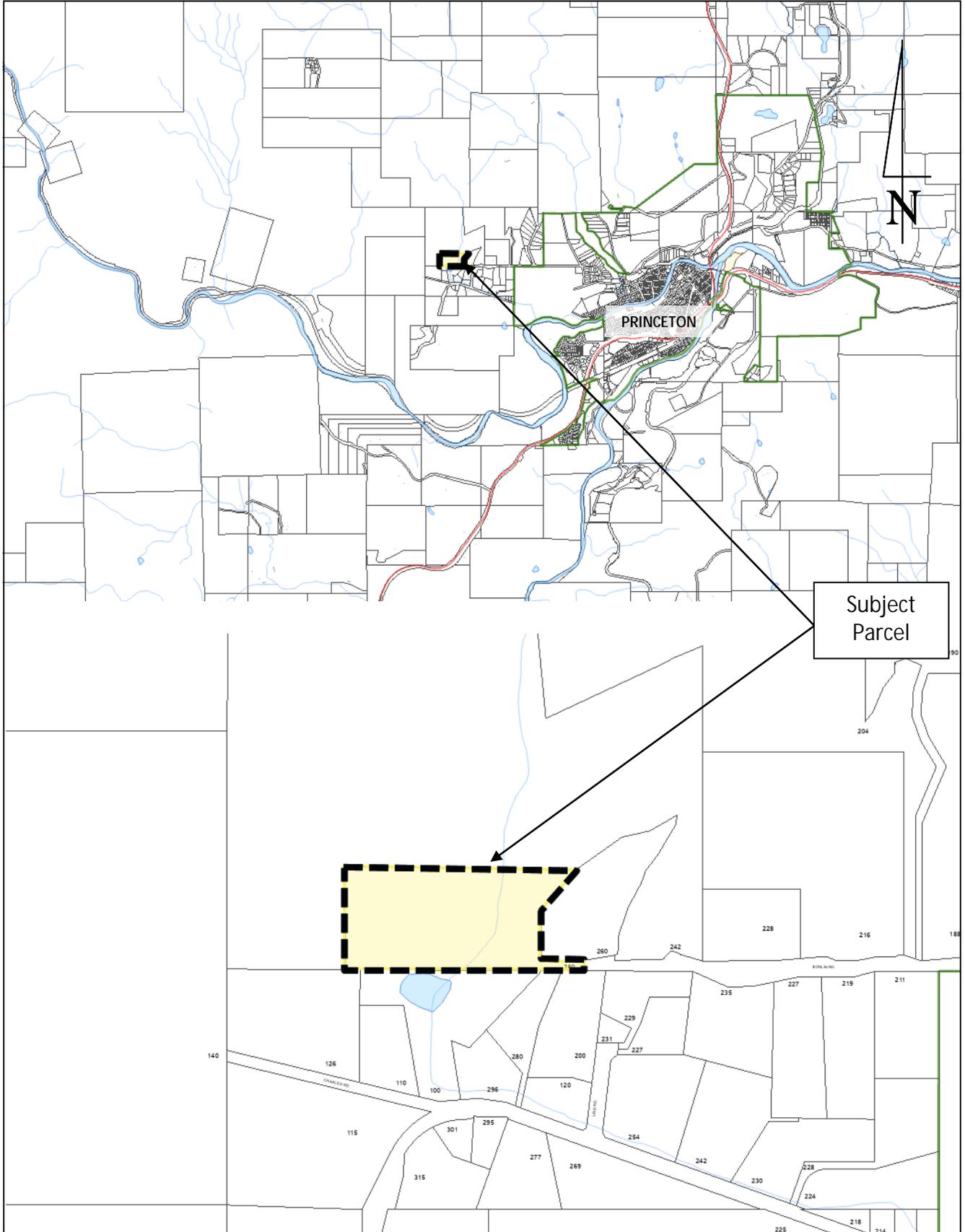


C. Garrish, Planning Manager

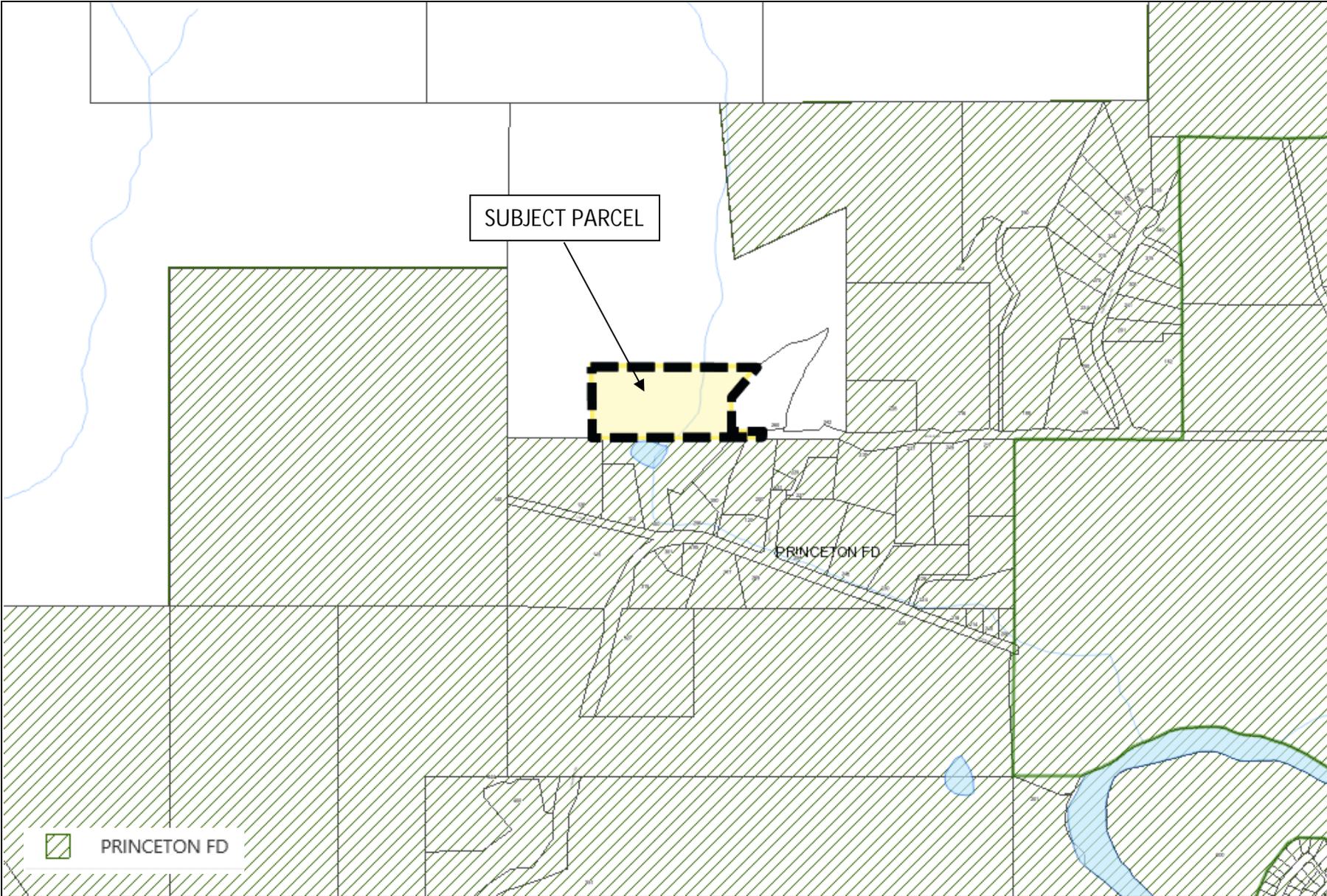
Attachments: No. 1 – Context Maps

No. 2 – Existing Boundary of service area

Attachment No. 1 – Context Maps



Attachment No. 2 – Existing Boundary of service area



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2929, 2021

A Bylaw to amend "Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service"

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service" Amendment Bylaw No. 2929, 2021."
2. The boundaries of the local service area, being Schedule 'A' of the "Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service", is amended by incorporating the land described as Lot A, Plan KAP71383, District Lot 1006, YDYD, Except Plan KAP75828 (280 Bonlin Road), and shown shaded yellow on Schedule 'A', which forms part of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this 4th day of February, 2021.

CONSENTED TO in writing on behalf of the electors of Electoral "H" by the electoral area director this 3rd day of February, 2021.

ADOPTED this ____ day of _____, 2021.

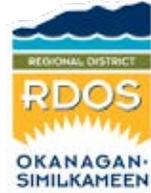
Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, 2021.

Regional District of Okanagan-Similkameen

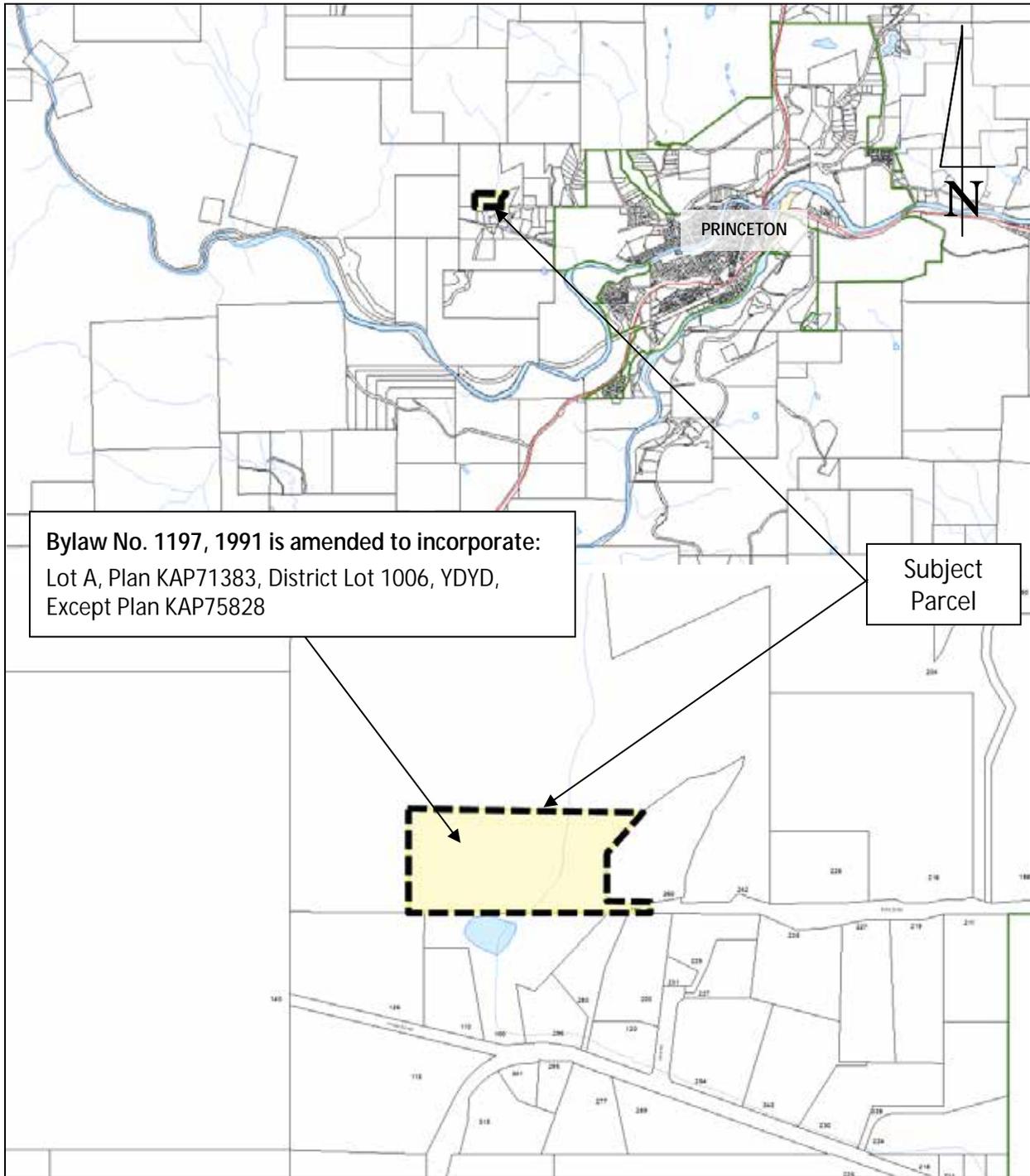
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2929, 2021

File No. H2020.002-SAP

Schedule 'A'



[ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Letters of Support for the OBWB Water Conservation and Quality Improvement (WCQI) Grant Program

Administrative Recommendation:

THAT the Board of Directors forward a letter of support to the Okanagan Basin Water Board for the following applications to the 2021 OBWB Water Conservation and Quality Improvement (WCQI) Grant program:

- Pilot Project: Drinking Water Source Area Delineation – RDOS
- Water Rates Review – RDOS
- Agricultural Metering Program – Kaleden Irrigation District
- Groundwater – stream exchange on alluvial fans of the Okanagan Valley – Okanagan Nation Alliance

Purpose:

The OBWB requires that all WCQI grant applications be accompanied by a resolution of support from the organization's local government council or board (this includes projects submitted by staff of local government; all projects must receive support from their council/board).

Reference:

[Water Conservation and Quality Improvement Grants Program](#)

Background:

The Okanagan Basin Water Board (OBWB) has announced that applications will be received until 4:00pm on February 26, 2021 for the Water Conservation and Quality Improvement (WCQI) grant program.

Eligible applicants include the Regional District, Member Municipalities, Irrigation or improvement districts and Non-profit community organizations. All applications must include a letter of support from the organization's local government council or board that has jurisdiction over the project area. In providing a letter of support, local governments are asked to consider whether the application is consistent with water-related objectives in their jurisdiction and whether the applicant and suggested project reflect the values of the community.

A total of \$350,000 in funding is available for 2021 valley-wide with priority given to projects addressing the theme of 'water security'. Water security projects may reduce water pollution, protect or restore natural assets (e.g. wetlands) that provide water quality or quantity benefits, or reduce the occurrence of water advisories in drinking water systems.

Analysis:

The Projects looking for letters of support for the WCQI grant program are as follows:

Pilot Project: Drinking Water Source Area Delineation – RDOS [Request: \$30,000]

Source Water Protection (SWP) is the first barrier in the multi-barrier approach to providing safe drinking water to citizens. Many regulations involving discharges to ground or surface waters require a certain setback from a drinking water source, but the exact locations of these sources is not easy to determine. There is no public database for drinking water sources, their contributing watersheds, aquifer allocation limits and protection areas, in the Okanagan. The goal is to find an efficient method for delineating defensible source water areas and creating a system to make these publicly available in a downloadable GIS-layer. This pilot, aligns with the New Water Sustainability Act objectives, and will be available to other regions of the Okanagan, local governments or the Province. Deliverables include having drinking water source area delineation completed for 50 community water suppliers in the RDOS, and a framework for the communication and education component. At this time partners include IHA, MFLNRORD, MoE, and Drinking Water professionals; both with confirmed cash, in-kind commitments or both. The proposed project budget is approximately \$65,000.

Water Rates Review – RDOS [\$30,000]

The water rate bylaws for the nine RDOS owned and operated water systems have been inherited at the time of acquisition. Many of these bylaws have never been reviewed to ensure an equitable and affordable allocation of water rates. Further, we would like encourage consistency between water systems where possible, and promote water conservation. The project will involve review of existing costs, water use and revenues and evaluate potential scenarios for new water rate options for the different water systems. The proposed project budget is \$50,000.

Agricultural Metering Program – Kaleden Irrigation District [\$15,000]

This project will enable the Kaleden Irrigation District to monitor its agricultural customers and effectively better enforce our District wide water conservation program. For several years, the Kaleden Irrigation District has steadily made improvements to its conservation programs, and has continued to reduce overall consumption during irrigation season. The data and reductions in consumption is of crucial importance as Kaleden moves forward towards the construction of a Water Treatment Facility in 2025. The total project budget is approximately \$30,000.

Groundwater – stream exchange on alluvial fans of the Okanagan Valley – Okanagan Nation Alliance [Request: \$30,000]

Surface flows across alluvial fans are required for fish to access spawning and rearing habitat at key times throughout the year. In the Okanagan, critical times for fish passage align with natural low flow periods and, in the summer and fall, irrigation demand. In many systems, groundwater maintains flow in streams during these low flow periods when precipitation is also low. One of the critical knowledge gaps identified in the recent Environmental Flow Needs Project completed by ONA and the OBWB is the extent of water exchange between surface streams and adjacent groundwater on alluvial fans throughout the Okanagan valley. Okanagan Nation Alliance aims to address this knowledge gap by identifying hydraulic connectivity between streams and alluvial aquifers, and, for select critical creeks, estimating the volumes of water exchanged, using desktop and field-based methods. The total cost of the first phase of the project is estimated at \$100,000, \$30,000 of which is sought through an Okanagan Basin Water Board grant for which Regional District of Okanagan Similkameen support is requested.

Alternatives:

The Board may not provide a letter of support for one or more of the projects listed.

Communication Strategy:

The letters of support will be provided to the OBWB and the respective applicant.

Respectfully submitted:

"Lisa Bloomfield"

L. Bloomfield, Engineering Manager

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Area I Community Grant in Aid

Administrative Recommendation:

THAT the Area I Grant in Aid applications be approved as proposed.

Reference:

Electoral Area Community Grant in Aid Policy

Background:

The Kaleden Community Association (KCA) has submitted three applications to Area I for Community Grant in Aid funding. During the application review process, it was noted that Director Monteith is a director on the KCA board.

Analysis:

KCA has submitted the following applications:

Purpose	Amount
Renovate Kaleden Community Hall to add storage for dishes and equipment	\$2,000
Provide socially-distanced lunches and a post-Covid community event (to build community connections and provide meals to socially-isolated individuals in Kaleden)	\$1,070
Pay for costs associated with fundraising initiatives and events to conserve Sickie Point	\$2,000

The electoral area director is a director on the KCA board, and has declared a conflict of interest with the approval of these applications in isolation.

Alternatives:

Deny the applications

Respectfully submitted:

"Noelle Evans-MacEwan, Finance Supervisor"



APPENDIX A

ELECTORAL AREA COMMUNITY GRANT IN AID APPLICATION FORM

PLEASE READ THE ELECTORAL AREA COMMUNITY GRANTS GUIDELINES PRIOR TO SUBMITTING APPLICATION

NAME OF ORGANIZATION Kaleden Community Association		AMOUNT REQUESTED 2000.00
MAILING ADDRESS		
POSTAL CODE	CONTACT PERSON (NAME AND TITLE) Randy Cranston, Chair	
TELEPHONE NUMBER	EMAIL ADDRESS	

INFORMATION REGARDING THE APPLICANT ORGANIZATION:

IS YOUR ORGANIZATION A REGISTERED NOT FOR PROFIT SOCIETY IN BC? YES NO
 IF "YES" PROVIDE REGISTERED SOCIETY NUMBER 844305292BC001

IF "NO" PROVIDE PROOF OF BANK ACCOUNT IN ORGANIZATION'S NAME (as an attachment to application)

HAS YOUR ORGANIZATION RECEIVED FUNDING FROM THE RDOS BEFORE? YES NO
 IF "YES"; WHEN 2019 AND AMOUNT RECEIVED: \$ 500.00

DETAILS OF GRANT REQUEST

Please provide the following information in a brief narrative in the **following order**. (maximum 2 pages)

1. Project/Program Abstract

- Brief summary of the proposed project/program including:
- Total estimated costs;
- The amount requested from the Regional District and how the funds will be used;
- Other principal sources of support.

2. Project/Program Description

- Specify project/program outcomes that you plan to achieve.
- Who and how many will be served and why are you serving them? Why would they use your particular services? What geographic area does this project/program target?
- How will you reach the population you plan to serve?
- What strategies will be used to achieve the proposed outcomes?
- How will you know if you have achieved the outcomes proposed?

3. Funding Considerations

Describe plans for obtaining other funding needed to carry out the project/program, including amounts requested of other funders and any volunteer labour and/or in-kind donations.

If the project/program is expected to continue beyond the grant period describe plans for ensuring continued funding after the grant period.

PLEASE CHECK ALL ELECTORAL AREAS THAT WILL BENEFIT FROM YOUR PROJECT/PROGRAM

ELECTORAL AREA "A"		ELECTORAL AREA "B"		ELECTORAL AREA "C"	
ELECTORAL AREA "D"		ELECTORAL AREA "E"		ELECTORAL AREA "F"	
ELECTORAL AREA "G"		ELECTORAL AREA "H"		ELECTORAL AREA "I"	X

CHECKLIST - DOCUMENTS TO SUBMIT WITH YOUR APPLICATION

X

_____ Copy of Event or Initiative Budget – A detailed budget (see attached template) including costs, revenues and fees charged. Where possible please provide copies of cost estimates obtained

X

_____ Details of your Organization's structure (include Directors names and Phone numbers)

_____ For Community Organizations without a Registered Society number, proof of bank account in Organizations name

Please ensure you have answered all sections of this form and provided all the requested documents.

SIGNATURE	DATE July 2, 2020
NAME (PLEASE PRINT) Randy Cranston	TITLE Chair, KCA

SUBMIT TO:

Regional District of Okanagan Similkameen
 101 Martin Street
 Penticton, BC V2A 5J9
 Email: info@rdos.bc.ca
 Attention: Finance Supervisor

FOR OFFICE USE ONLY

AMOUNT OF GRANT REQUESTED	\$
AMOUNT OF GRANT APPROVED (enter 0 if grant is denied)	\$
ELECTORAL AREA DIRECTOR SIGNATURE	

RDOS ELECTORAL AREA COMMUNITY GRANT IN AID BUDGET TEMPLATE	
Organization Name:	Kaleden Community Association
For period	From September, 2020 to _____.
REVENUE	
Grants (provide Names of grantors)	
from Government	Community Grant in Aid: 2000.00
from Foundations	
from Corporations	
Earned Income (ie interest)	
Individual contributions.	
Fundraising events and product sales.	
Membership income	
Additional revenue (please specify)	
Kaleden Community Association	1500.00
Kaleden Parks and Recreation Commission	5990.00
TOTAL INCOME	9490.00
EXPENSES	see attached estimate
Salaries and wages	8240.00
Consultant and professional fees (e.g. accounting, legal, etc.)	
Travel	
Equipment	1250.00
Supplies	
Advertising and printing	
Rent	
Utilities (ie electric, gas, telephone, cable)	
Other expenses (please specify)	
TOTAL EXPENSES	9490.00
IN KIND SUPPORT (PLEASE PROVIDE DETAILS)	contractor estimate includes a 20% reduction in labour cost

RDOS Community Grant in Aid: Special Projects

3. Project/Program Abstract

Brief summary of the proposed project/program

Renovate the office space at the Kaleden Community Hall to create a storage area for dishes and equipment that is provided to individuals/groups who rent the community hall.

Total estimated costs: 9490.00 (see attached estimate)

Amount requested from the Regional District and how will funds be used: \$2000.00

Funds will be directed towards the renovation project

Other principal sources of support

In kind support from:

contractor who has provided estimate at a 20% reduction

2. Project/Program Description

Project/program outcomes that you plan to achieve

- Create needed space to house dishes and equipment for rental use
- Open up the storage space in the kitchen for equipment that is used on a regular basis
- Renovate the office area so it can be used for small community or committee meetings, parks and recreation coordinator, etc.
- Provide needed space for community group records/files

Who and how many will be served and why are you serving them

Sub-committees and smaller community meetings will have a viable space to meet in. The office will also provide space for recreation staff to house materials and to meet with community members about programs/events. Currently dishes and equipment that is for rent for users of the community hall are stored in boxes. Too many dishes are stored in the current kitchen making it difficult to monitor what is used or broken. The current kitchen is also jammed with equipment making it difficult to locate what is needed.

Why would they use your particular service?

This renovation will provide easier access to rented dishes and equipment. It will also create a space in the community for committee and smaller community meetings

What geographic area does this project/program target?

Kaleden, Twin Lakes, St. Andrews by the Lake and any groups who choose to rent the facility

How will you reach the population you plan to serve?

Advertising about the available space on the community website, community Facebook page and in Skaha Matters and through sub-committee email lists

What strategies will be used to achieve the proposed outcomes?

The contractor who has provide an estimate has agreed to provide his services at a reduced cost. Funds raised by the Kaleden Community Association (KCA) through its fundraising initiatives will be used to support this project. In addition KCA will be asking the Kaleden Parks and Recreation Commission to support the costs of this renovation in their annual budget.

How will you know you have achieved the outcomes proposed?

The contractor has done other work at the community hall. All his work has more than met expectations for quality renovations and construction. Once renovated increased use of the space and adequate storage of rented materials will indicate the outcomes have been achieved.

3. Funding Considerations

It is hoped that fundraising by the Kaleden Community Association will contribute 1500.00 towards this project. A request will be made to the Kaleden Parks and Recreation Commission to target 5990.00 towards this project in its annual budgeting process.

Organization Structure

Kaleden Community Association

Randy Cranston, Chair:
Eryn Wiedner, Vice Chair:
Rita Masson, Secretary:
Gail Jeffery, Treasurer:
Pinky Bata-Reidman, Member:
Neal Dockendorf, Member:
Glenda Livolsi, Member:
Jaynie Molloy, Member:
Subrina Montieth, Member:
Karen Smith, Member:

ESTIMATE

Paul Murray

DATE: June 30,2020
ESTIMATE #20200630

FOR: Modify Boardroom to add
 Storage Room for
 Catering equipment
 Kaleden Community Hall

BILL TO:

Kaleden Seniors Committee

DESCRIPTION	HOURS	RATE	AMOUNT
Create new doorway for proposed Catering Storage room	Incl.	n/a	n/a
Possible re-routing of electrical lines in wall at proposed doorway	Incl.	n/a	n/a
Frame new door to include structural load-bearing header	Incl.	n/a	n/a
Re-locate 2 existing ceiling light fixtures in office	Incl.	n/a	n/a
Frame new storage room	Incl.	n/a	n/a
Electrical rough-in storage room lighting and wall switch at new doorway	Incl.	n/a	n/a
Drywall, tape, prime new walls	Incl.	n/a	n/a
Install door and lockset	Incl.	n/a	n/a
Install baseboard and trim	Incl.	n/a	n/a
Finish paint	Incl.	n/a	n/a
Electrical finish	Incl.	n/a	n/a
Shelving construction, (3 rows along left wall), installation and finishing	Incl.	n/a	n/a
Electrical budget (labour and materials)	1.00	1.00	\$2,000.00
Construction labour	1.00	1.00	\$6,240.00
Construction materials	1.00	1.00	1,250.00
SUBTOTAL			\$9,490.00
TAX RATE			n/a
SALES TAX			n/a
OTHER			
TOTAL			\$9,490.00

Cheques to be payable to **Paul Murray**

THANK YOU FOR YOUR BUSINESS!



APPENDIX A

ELECTORAL AREA COMMUNITY GRANT IN AID APPLICATION FORM

PLEASE READ THE ELECTORAL AREA COMMUNITY GRANTS GUIDELINES PRIOR TO SUBMITTING APPLICATION

NAME OF ORGANIZATION Kaleden Community Association: Kaleden Seniors Committee		AMOUNT REQUESTED 1090.00 1070.00 @
MAILING ADDRESS		
POSTAL CODE	CONTACT PERSON (NAME AND TITLE) Randy Cranston, committee member	
TELEPHONE NUMBER	EMAIL ADDRESS	

INFORMATION REGARDING THE APPLICANT ORGANIZATION:

IS YOUR ORGANIZATION A REGISTERED NOT FOR PROFIT SOCIETY IN BC? YES NO

IF "YES" PROVIDE REGISTERED SOCIETY NUMBER 844305292BC0001

IF "NO" PROVIDE PROOF OF BANK ACCOUNT IN ORGANIZATION'S NAME (as an attachment to application)

HAS YOUR ORGANIZATION RECEIVED FUNDING FROM THE RDOS BEFORE? YES NO

IF "YES"; WHEN 2010 AND AMOUNT RECEIVED: \$ 850.

DETAILS OF GRANT REQUEST

Please provide the following information in a brief narrative in the **following order**. (maximum 2 pages)

1. Project/Program Abstract

Brief summary of the proposed project/program including:

Total estimated costs;

The amount requested from the Regional District and how the funds will be used;

Other principal sources of support.

2. Project/Program Description

Specify project/program outcomes that you plan to achieve.

Who and how many will be served and why are you serving them? Why would they use your particular services? What geographic area does this project/program target?

How will you reach the population you plan to serve?

What strategies will be used to achieve the proposed outcomes?

How will you know if you have achieved the outcomes proposed?

3. Funding Considerations

Describe plans for obtaining other funding needed to carry out the project/program, including amounts requested of other funders and any volunteer labour and/or in-kind donations.

If the project/program is expected to continue beyond the grant period describe plans for ensuring continued funding after the grant period.

PLEASE CHECK ALL ELECTORAL AREAS THAT WILL BENEFIT FROM YOUR PROJECT/PROGRAM

ELECTORAL AREA "A"		ELECTORAL AREA "B"		ELECTORAL AREA "C"	
ELECTORAL AREA "D"		ELECTORAL AREA "E"		ELECTORAL AREA "F"	
ELECTORAL AREA "G"		ELECTORAL AREA "H"		ELECTORAL AREA "I"	X

CHECKLIST - DOCUMENTS TO SUBMIT WITH YOUR APPLICATION

X

_____ Copy of Event or Initiative Budget – A detailed budget (see attached template) including costs, revenues and fees charged. Where possible please provide copies of cost estimates obtained

X

_____ Details of your Organization’s structure (include Directors names and Phone numbers)

_____ For Community Organizations without a Registered Society number, proof of bank account in Organizations name

Please ensure you have answered all sections of this form and provided all the requested documents.

SIGNATURE	DATE July 2, 2020
NAME (PLEASE PRINT) Randy Cranston	TITLE Committee member

SUBMIT TO:

Regional District of Okanagan Similkameen
 101 Martin Street
 Penticton, BC V2A 5J9
 Email: info@rdos.bc.ca
 Attention: Finance Supervisor

FOR OFFICE USE ONLY

AMOUNT OF GRANT REQUESTED	\$
AMOUNT OF GRANT APPROVED (enter 0 if grant is denied)	\$
ELECTORAL AREA DIRECTOR SIGNATURE	

RDOS ELECTORAL AREA COMMUNITY GRANT IN AID BUDGET TEMPLATE	
Organization Name:	KCA: Kaleden Seniors Committee
For period	From August 1, 2020 to October 31, 2020 July 31, 2021 @
REVENUE	
Grants (provide Names of grantors)	125.00 @ 1070.00 @
from Government	NHSP 100.00, RDOS 100.00
from Foundations	KCA Small Grant: 150.00
from Corporations	
Earned Income (ie interest)	
Individual contributions.	donation of band for community event
Fundraising events and product sales.	
Membership income	
Additional revenue (please specify)	
TOTAL INCOME	1340.00 1345.00 @
EXPENSES	
Salaries and wages	
Consultant and professional fees (e.g. accounting, legal, etc.)	
Travel	
Equipment	
Supplies	
Advertising and printing	
Rent	
Utilities (ie electric, gas, telephone, cable)	
Other expenses (please specify)	545.00 @
cost of lunches/cost of barbeque	540.00/800.00 = 1340.00 1345.00 @
TOTAL EXPENSES	1340.00 1345.00 @
IN KIND SUPPORT (PLEASE PROVIDE DETAILS)	
donation of band from community member	
for a community event	
volunteers to pack and deliver lunches	

RDOS Community Grant in Aid: Special Projects

3. Project/Program Abstract

Brief summary of the proposed project/program

This proposed project has two components focused on enhancing a sense of community connection, supporting individuals living alone or who are more socially isolated as well as connecting and engaging families and community members to build new and deepen already established relationships.

Project 1: Physically Distanced Lunches

Project 2: Post Covid Community Event

Total estimated costs: ~~\$1340.00~~ 1345.00^Q

Amount requested from the Regional District and how will funds be used: ~~\$1090.00~~ 1070.00^Q

Project 1: Physically Distanced Lunches: Funds (~~\$540.00~~ 545.00^Q) will be used to purchase a sandwich, dessert, beverage, fruit, lunch bag and a magazine for each participant

Project 2: Funds will be used to support the cost of a catered barbeque meal for the number of people who can attend a public event once public events are allowed.

Other principal sources of support:

Project 1: New Horizons for Seniors Program Summer Grant: ~~100.00~~ 125.00^Q

Project 2: Kaleden Community Association Small Grant: 150.00

In kind support from:

Project 1: KSC committee members will bag the lunches and deliver them to each individual hosting a lunch on their deck.

Project 2: A community member has donated an online auction item of a local band who will play at the community event

2. Project/Program Description

Project/program outcomes that you plan to achieve

- Provide opportunity over a lunch to re-connect with others and meet new people in the community who are living alone or are more socially isolated
- Build stronger relationships among people in Kaleden
- Connect people across age and income levels
- Further build a sense of community ownership and pride
- Provide an opportunity for residents to connect in a social environment

Who and how many will be served and why are you serving them

Project 1: 5 community members have volunteered to invite 4 individuals to a physically distanced lunch on their deck = 25 people who will have the opportunity to socialize in safe manner. People being invited are those living alone or those who are more isolated in the community during this time of reduced contact with others. This will enhance the feeling of not being alone, of connecting with others and feeling supported

Project 2: The number who will be served will be dependent on the number allowed to gather for a community event either in the fall of 2020 or spring of 2021. We believe that community members have a need to connect with each other and that their social networks have been drastically curtailed as the community, province and country respond to the pandemic. This event will allow residents to feel a part of a whole community again.

Why would they use your particular service?

Project 1: We have created a list of individuals in the community who are living alone, who have limited contact with others and who would benefit from structured social contact. We believe each of these individuals would welcome a personal invitation to a provided bagged lunch and the chance to converse, eat together and be provided with a magazine to take home and talk with others about. The local librarian has also agreed to provide lists of possible books participants might want to read and get together again to discuss.

Project 2: Conversations with residents indicate a need for a community social event that can be planned when phase three is implemented. People are craving contact with others.

What geographic area does this project/program target?

Kaleden, St. Andrews by the Lake and Twin Lakes

How will you reach the population you plan to serve?

Project 1: Lunch hosts will call the developed list of individuals to invite them to the bagged lunch event

Project 2: Community website, community Facebook page and Skaha Matters

What strategies will be used to achieve the proposed outcomes?

Project 1: Individuals will be personally invited to lunch. If people need rides volunteers for the HUB will pick them up and return them home.

Project 2: Ensuring that precautions are in place so that the community event can happen in a healthy manner.

How will you know you have achieved the outcomes proposed?

Project 1: Individuals invited agree to come to lunch, feedback from participants indicates they had a good time and would like to do it again

Project 2: Feedback from participants indicates they appreciated the opportunity to re-connect and to get to know more people living in the community

3. Funding Considerations

Project 1: A summer grant from the New Horizons for Seniors Program has provided some funds towards supporting projects targeted at individuals living alone or those who are more socially isolated. This money will be put towards this broader project

Project 2: Funding has been received from the Kaleden Community Association Small Grant to support this project

Organization Structure

Kaleden Seniors Committee

Steering Committee

Sarah Tupholme, Chair:
Rita Masson, Treasurer:
Jen Charlish, Secretary:
Randy Cranston, Member
Paula Marfleet, Member:
Jaynie Molloy, Member:

Supporting Committee

Fran DeZeeuw:
Marjorie Field-Robinson:
Vivian King:
Roxane Larabee:
Rick Mackie: :
Jean Mackie:
Paul Murray:
Margie O'Brien:
Margaret Pederson: :
Paul Tupholme:
Betty Wilkinson:

Kaleden Community Association

Randy Cranston, Chair:
Eryn Wiedner, Vice Chair:
Rita Masson, Secretary: .
Gail Jeffery, Treasurer: (
Pinky Bata-Reidman, Member:
Neal Dockendorf, Member:
Glenda Livolsi, Member: .
Jaynie Molloy, Member:
Subrina Montieth, Member:
Karen Smith, Member:



APPENDIX A

ELECTORAL AREA COMMUNITY GRANT IN AID APPLICATION FORM

PLEASE READ THE ELECTORAL AREA COMMUNITY GRANTS GUIDELINES PRIOR TO SUBMITTING APPLICATION

NAME OF ORGANIZATION Save Sickle Point Committee (Kaleden Community Assoc.)		AMOUNT REQUESTED 2000.00
MAILING ADDRESS		
POSTAL CODE	CONTACT PERSON (NAME AND TITLE) Randy Cranston, Committee Member	
TELEPHONE NUMBER	EMAIL ADDRESS	

INFORMATION REGARDING THE APPLICANT ORGANIZATION:

IS YOUR ORGANIZATION A REGISTERED NOT FOR PROFIT SOCIETY IN BC? YES NO

IF "YES" PROVIDE REGISTERED SOCIETY NUMBER 844305292BC0001

IF "NO" PROVIDE PROOF OF BANK ACCOUNT IN ORGANIZATION'S NAME (as an attachment to application)

HAS YOUR ORGANIZATION RECEIVED FUNDING FROM THE RDOS BEFORE? YES NO *

IF "YES"; WHEN _____ AND AMOUNT RECEIVED: \$ _____

* Other sub-committees of KCA have received funding before, not this sub-committee

DETAILS OF GRANT REQUEST

Please provide the following information in a brief narrative in the following order. (maximum 2 pages)

1. Project/Program Abstract

Brief summary of the proposed project/program including:

Total estimated costs;

The amount requested from the Regional District and how the funds will be used;

Other principal sources of support.

2. Project/Program Description

Specify project/program outcomes that you plan to achieve.

Who and how many will be served and why are you serving them? Why would they use your particular services? What geographic area does this project/program target?

How will you reach the population you plan to serve?

What strategies will be used to achieve the proposed outcomes?

How will you know if you have achieved the outcomes proposed?

3. Funding Considerations

Describe plans for obtaining other funding needed to carry out the project/program, including amounts requested of other funders and any volunteer labour and/or in-kind donations. If the project/program is expected to continue beyond the grant period describe plans for ensuring continued funding after the grant period.

PLEASE CHECK ALL ELECTORAL AREAS THAT WILL BENEFIT FROM YOUR PROJECT/PROGRAM

ELECTORAL AREA "A"		ELECTORAL AREA "B"		ELECTORAL AREA "C"	
ELECTORAL AREA "D"		ELECTORAL AREA "E"		ELECTORAL AREA "F"	
ELECTORAL AREA "G"		ELECTORAL AREA "H"		ELECTORAL AREA "I"	X

CHECKLIST - DOCUMENTS TO SUBMIT WITH YOUR APPLICATION

- Copy of Event or Initiative Budget – A detailed budget (see attached template) including costs, revenues and fees charged. Where possible please provide copies of cost estimates obtained
- Details of your Organization’s structure (include Directors names and Phone numbers)
- For Community Organizations without a Registered Society number, proof of bank account in Organizations name

Please ensure you have answered all sections of this form and provided all the requested documents.

SIGNATURE	DATE
<i>Randy Cranston</i>	<i>Feb 1 / 21</i>
NAME (PLEASE PRINT)	TITLE
<i>Randy Cranston</i>	<i>Committee Member</i>

SUBMIT TO:

Regional District of Okanagan Similkameen
 101 Martin Street
 Penticton, BC V2A 5J9
 Email: info@rdos.bc.ca
 Attention: Finance Supervisor

FOR OFFICE USE ONLY

AMOUNT OF GRANT REQUESTED	\$
AMOUNT OF GRANT APPROVED (enter 0 if grant is denied)	\$
ELECTORAL AREA DIRECTOR SIGNATURE	

RDOS ELECTORAL AREA COMMUNITY GRANT IN AID BUDGET TEMPLATE	
Organization Name:	Save Sickle Point Committee
For period	From <u>Feb - Sept/21</u> to _____.
REVENUE	
Grants (provide Names of grantors)	
from Government	
from Foundations	
from Corporations	
Earned Income (ie interest)	
Individual contributions.	1000.00
Fundraising events and product sales.	
Membership income	
Additional revenue (please specify)	
TOTAL INCOME	1000.00
EXPENSES	
Salaries and wages	
Consultant and professional fees (e.g. accounting, legal, etc.)	
Travel	
Equipment	
Supplies	500.00
Advertising and printing	1500.00
Rent	
Utilities (ie electric, gas, telephone, cable)	
Other expenses (please specify)	1000.00
posters, ribbon, poster boards, banners	
TOTAL EXPENSES	3000.00
IN KIND SUPPORT (PLEASE PROVIDE DETAILS)	
all labour from stuffing envelopes, to distributing	
posters, to hanging banners will be in kind by	
volunteers	

Community Grant in Aid Application

Brief Summary of the proposed project

To provide funds to support the costs associated fundraising initiatives and events to raise monies to conserve Sickle Point

Total estimated cost: 3000.00

Amount requested from the RDOS: 2000.00

Other principal sources of support: Donation of 1000.00

Project Description

1. Outcomes

To raise significant funds through various fundraising avenues/events to show a broad base of support for conserving Sickle Point

To use this broad base of support and monies raised to lobby conservation funds, land trusts, and levels of government to contribute and financially support the conservation goal

2. Who/How Many will be served? Why served? Who will use? Geographic area

Residents of Area I, the broader community of the Okanagan, walkers, bikers, hikers, tourists. To conserve this last remaining wetland riparian area for future generations and for the red listed wildlife that calls it home as well and the migratory wildlife that uses the location as a stopping point.

3. How reach population plan to serve?

Advertising through various social and print media, posters throughout the broader community,

4. What strategies will be used to achieve outcomes:

Information about the project will be shared on websites, FB pages and through community email lists as well as Skaha Matters. A "WayBlaze" (similar to Go Fund Me) Campaign has been initiated to raise funds. Virtual fundraising events are being planned. Letters have been written to local businesses to request financial support.

5. How will you know you have achieved the outcomes proposed?

Significant funds will be raised to all the committee to move ahead with options to purchase and conserve Sickle Point.

Funding Considerations

An individual has agreed to support this initiative with a donation of 1000.00. All labour involved in the project from stuffing envelopes, erecting signs, distributing and displaying posters, etc. will be provided in-kind by volunteers.

Organization's Structure

The Save Sickle Point committee is a sub-committee of the Kaleden Community Association

Committee members include

Randy Cranston:

Bob Handfield:

Mary Ellen Heidt:

Evelyn Kansy:

Doreen Olson:

Renee Martin:

Tom Siddon:

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Ministerial Order regarding Apex Mountain Referendum

Administrative Recommendation:

THAT the provisions contained in Ministerial Order No. M051 for the administration of the March 27, 2021 Apex Mountain Fire Protection assent vote be implemented.

Purpose:

To seek Board approval for implementing the Ministerial Order which temporarily overrides sections 7.1 and 7.2 of RDOS Election Bylaw No. 2798, 2018; and sections 110, 125(1)(b) and (c) of the *Local Government Act*.

Reference:

Election Procedure Bylaw No. 2798, 2018
Ministerial Order No. M051

Background:

An assent vote will be held March 27, 2021 to seek elector approval for Apex Mountain Fire Protection Service Establishment Bylaw No. 2920, to provide for fire protection services for the community of Apex Mountain; and Apex Mountain Fire Protection Loan Authorization Bylaw No. 2921 to authorize the long term borrowing of up to \$3,000,000.00 for the purchase of a fire truck to acquire property and construct a fire hall at Apex Mountain.

Analysis:

Given the current situation with COVID-19, a Ministerial Order has been issued under section 167 of the *Local Government Act* to vary provisions in the Act and the RDOS Election Procedures bylaw in an effort to minimize in-person interactions at the upcoming Apex Mountain assent vote. Section 167 of the *Local Government Act* allows the Minister to make an order in special circumstances regarding an election or assent vote. The order permits the Regional District to vary legislative requirements, as well as provisions in the Election Procedures Bylaw.

The implementation of the order will allow **any** eligible voter to vote by mail where typically only those who are physically unable to vote in person would be allowed to vote by mail. The Order also allows the Chief Election Officer to establish the procedure for which an elector can request a mail ballot and vote by mail, instead of in person.

Finally, for those who choose to vote in person, the order permits electors to make an oral declaration rather than having to sign a voting book or declaration form to minimize both elector and election official contact with the voting book and surfaces.

Alternatives:

THAT the Board of Directors not approve the implementation of Ministerial Order M051.

Communication Strategy:

The option to vote by mail, as well as voter requirements, is noted on the assent vote Notices (advertisements) in area newspapers, on the Regional Connections webpage and social media postings.

Respectfully submitted:

"Gillian Cramm"

G. Cramm, Legislative Services Coordinator

Endorsed by:

"Christy Malden"

C. Malden, Manager of Legislative Services

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE MINISTER OF

MUNICIPAL AFFAIRS

Local Government Act

Ministerial Order No. M051

WHEREAS pursuant to section 167 of the Local Government Act (the “Act”), if the minister considers that special circumstances exist regarding an election, the minister may make any order the minister considers appropriate to achieve the purposes of Part 4 [Assent Voting] of the Act;

AND WHEREAS on March 11, 2020 the World Health Organization declared the spread of the coronavirus communicable disease (“COVID-19”) to be a pandemic;

AND WHEREAS on March 18, 2020 the Minister of Public Safety and Solicitor General declared that a state of emergency exists throughout the whole of the Province of British Columbia;

AND WHEREAS on January 25, 2021 the Regional District of Okanagan-Similkameen was given statutory approval by the Inspector of Municipalities for the Apex Mountain Fire Protection Service Establishment Bylaw No.2920, 2020 and the Apex Mountain Fire Protection Loan Authorization Bylaw No. 2921, 2020 (collectively the ‘service and loan bylaws’) to proceed to electoral approval;

AND WHEREAS the Regional District of Okanagan-Similkameen now has a pending assent vote, set for March 27, 2021, to approve the service and loan bylaws for the Apex Mountain Fire Protection Service which must take place in accordance with s.170 and s.54 of the Act, during the period of COVID-19 response and recovery;

AND WHEREAS the nature of assent votes requires in-person interactions that can increase the transmission risks of COVID-19 and put electors and election officials at increased levels of risk;

AND WHEREAS, I believe that the COVID-19 pandemic constitutes a ‘special circumstance’ for the purposes of s.167 of the Act, and that in order to achieve the purposes of Part 4 [Assent Voting] of the Act, it is appropriate for me to make the following order;

Feb 5, 2021

Date



Minister of Municipal Affairs

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

Authority under which Order is made:

Act and section: Local Government Act, section 167

Other: Local Government Act, sections 54, 170, 110, 125

NOW THEREFORE I HEREBY ORDER, pursuant to section 167 of the Act, that:

- 1) As an exception to section 110 of the Act, and despite sections 7.1 and 7.2 of the “Regional District of Okanagan-Similkameen Election Procedure Bylaw 2798, 2018”, or an applicable provision of any other bylaw, the Board may, for mail ballot voting in the Regional District of Okanagan-Similkameen assent vote, by resolution permit voting by all eligible electors under the Act to be done by mail ballot and, in relation to this, may permit elector registration to be done in conjunction with this voting.
- 2) As an exception to section 125 (1) (b) and (c) of the Act, or an applicable provision of any other bylaw, the Board may, for the Regional District of Okanagan-Similkameen assent vote, by resolution permit the elector, as directed by the election official responsible, to make an oral declaration that the elector is entitled to vote in the by-election when obtaining a ballot for voting, in which case the election official responsible must make a record that the elector made an oral declaration.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Electoral Area "E" Parkland Acquisition

Administrative Recommendation:

THAT Bylaw No. 2917, 2020 Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Amendment Bylaw, and Bylaw No. 2918, 2020 Electoral Area "E" Parkland Acquisition Loan Authorization Bylaw be adopted.

Reference:

Bylaw No. 2917, 2020
Bylaw No. 2918, 2020

History:

On November 19, 2020, the Board of Directors gave three readings to Bylaw No. 2917, 2020 Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Amendment Bylaw, which increases the requisition limit for the service, and Bylaw No. 2918, 2020 Electoral Area "E" Parkland Acquisition Loan Authorization Bylaw, to authorize the borrowing of not more than \$900,000.00 for the purchase of a waterfront parcel in Naramata. Additionally, the Board resolved that participating area approval for Bylaw No. 2918 be obtained from the electorate through an alternative approval process (AAP). The Inspector of Municipalities provided statutory approval for the bylaws on December 22, 2020.

The parkland parcel of interest is a waterfront parcel within the town site of Naramata, currently owned by the Naramata Centre Society. The agreed upon purchase price is \$1,700,000.00. At the time the bylaws were introduced to the Board of Directors in November, over \$836,700.00 had been raised through community effort.

Analysis:

The February 8, 2021 deadline for receipt of elector response has passed and the results below confirm that elector approval through an AAP has been obtained for Bylaw No. 2918.

AAP Results for Bylaw No. 2918, 2020:

Number of eligible electors within the affected area - 1730

Number of elector response forms needed to prevent adoption of the bylaw - 173

Valid elector response forms received prior to the deadline - ____

On the basis of the elector response forms received before the deadline, I have determined and hereby certify that elector approval in accordance with Section 86 of the **Community Charter** has been obtained. Therefore the Board may now proceed with the adoption of Bylaw No. 2917, 2020 Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Amendment Bylaw, and Bylaw No. 2918, 2020 Electoral Area "E" Parkland Acquisition Loan Authorization Bylaw.

Alternatives:

1. Adopt Bylaw No. 2917 and Bylaw No. 2918.
2. Rescind first, second and third readings of Bylaw No. 2917 and 2918 and abandon the bylaws.

Respectfully submitted:

"Christy Malden"

C. Malden, Legislative Services Manager

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN
BYLAW NO. 2917, 2020**

A bylaw to amend the Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Bylaw No. 1172, 1990

WHEREAS Bylaw No. 1172, 1990 established the Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Service;

AND WHEREAS the Board of Directors of the Regional District Okanagan-Similkameen wishes to proceed under the *Local Government Act*, to amend the service of Recreation Programming, Parks and Facilities Maintenance in Electoral Area "E";

AND WHEREAS the Board of Directors wishes to increase the requisition limit for the service;

AND WHEREAS the approval of the electors in the service area has been obtained in accordance with the Local Government Act;

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

CITATION

1. This bylaw may be cited for all purposes as the "Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Amendment Bylaw No. 2917, 2020".

AMENDMENT OF SERVICE

2. Section 5 of Bylaw No. 1172, 1990 is deleted in its entirety and replaced with the following:

"Limit:

The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$443,967 or 0.4881 per thousand dollars of the net taxable value of land and improvements in the service area."

READ A FIRST, SECOND AND THIRD TIME this 19th day of November, 2020.

ELECTORAL AREA "E" DIRECTOR CONSENT OBTAINED this 19th day of November, 2020.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 22nd day of December, 2020.

ADOPTED this ____ day of _____, ____.

Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ____ day of _____, ____.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2918, 2020

A bylaw to authorize the long-term borrowing for the acquisition of a parkland within Electoral Area "E" of the Regional District of Okanagan-Similkameen.

WHEREAS pursuant to the *Local Government Act* and the *Community Charter*, the Regional District of Okanagan-Similkameen may, by loan authorization bylaw, borrow money for capital purposes;

AND WHEREAS the Board of the Regional District of Okanagan-Similkameen has established by Bylaw No. 1172, Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Establishment Bylaw, a service for the purpose of providing recreational programming, parks and facility maintenance;

AND WHEREAS it is deemed desirable and expedient to purchase a parcel for parkland purposes;

AND WHEREAS the estimated cost of purchasing the parcel including expenses incidental thereto is the sum of One Million Seven Hundred Thousand dollars (\$1,700,000.00) of which the sum of nine hundred thousand dollars (\$900,000) is the maximum amount of debt intended to be borrowed by this bylaw;

AND WHEREAS the maximum term for which a debenture may be issued to secure the debt created by this bylaw is for a term not to exceed twenty five (25) years;

AND WHEREAS the authority to borrow under this bylaw expires five (5) years from the date on which this bylaw is adopted;

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen has obtained the approval of electors in accordance with the *Local Government Act*;

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

1. CITATION

- 1.1 This Bylaw shall be cited as Electoral Area "E" Parkland Acquisition Loan Authorization Bylaw No. 2918, 2020

2. AUTHORIZATION OF PURCHASE

- 2.1 The Regional Board is hereby empowered and authorized to undertake and carry out or cause to be carried out the purchase of a waterfront parcel serving the Electoral Area "E" Recreation Programming, Parks and Facility Maintenance Local Service Area generally in accordance with plans on file in the Regional District office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
- 2.2 To borrow upon the credit of the Regional District a sum not more than nine hundred thousand dollars (\$900,000).
- 2.3 To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the purchase of a waterfront parcel in Naramata with a legal description of 012-287-687, Parcel A(DD 46960F and Plan B3260) Block 135, DL 210, SDYD, Plan 519.

3. TERM OF DEBENTURE

- 3.1 The maximum term for which debentures may be issued to secure debt created by this bylaw is twenty five (25) years.

READ A FIRST, SECOND, AND THIRD TIME this 19th day of November, 2020

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 22nd day of December, 2020.

RECEIVED APPROVAL OF THE ELECTOR THROUGH ALTERNATIVE APPROVAL PROCESS this 8th day of February, 2021.

ADOPTED this ____ day of ____, ____

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: February 18, 2021
RE: Acquisition of Sickle Point for Parkland

Administrative Recommendation:

THAT first, second and third reading of Bylaw No. 2915, 2020, being a bylaw of the Regional District of Okanagan Similkameen for the Kaleden Parkland Acquisition Loan Authorization for up to \$3.5M be rescinded and the bylaw abandoned; and further,

THAT third reading of Bylaw No. 2914, 2020, being a bylaw of the Regional District of Okanagan Similkameen to amend the Kaleden Recreation Programming and Facility Maintenance Local Service Establishment Bylaw, be rescinded; and,

THAT Bylaw No. 2914, 2020 be re-read a third time; and,

THAT Bylaw No. 2914, 2020 be amended to reduce the proposed requisition limit to \$232,000; and,

THAT Bylaw No. 2914 be read a third time as amended; and,

THAT Bylaw No. 2914 be adopted.

Reference:

Bylaw No. 2914, 2020
Bylaw No. 2915, 2020

Background:

The Kaleden Community Association deemed it to be in the public interest to acquire Sickle Point and requested that the Regional District initiate actions to borrow funds to acquire the property.

Analysis:

At the November 19, 2020 Regular Board meeting, the Board of Directors gave three readings to Bylaw No. 2914 Kaleden Recreation Programming and Facility Maintenance Local Service Establishment Amendment Bylaw, and Bylaw No. 2915, 2020 Kaleden Parkland Acquisition Loan Authorization Bylaw. The Board further resolved that approval of the electorate be obtained through an alternative approval process (AAP), with the number of elector responses required to prevent Bylaw No. 2915 from proceeding without a referendum being 182. The AAP deadline was February 8, 2021.

AAP Results for Bylaw No. 2915, 2020

Number of eligible electors within the affected area: 1816

Number of Elector Response Forms received: 805

Number of forms rejected as duplicates: 26

Number of forms rejected as property is outside the service area: 5

Number of forms rejected as from non-BC residents: 5

Number of forms that were rejected for other reasons (no address, no signature, etc.): 6

The majority of forms received were from persons on title (not tenants).

On the basis of the elector response forms received before the deadline, I have determined and hereby certify that elector approval in accordance with Section 86 of the *Community Charter* has not been obtained.

Alternatives:

1. THAT the Board of Directors proceed with obtaining the assent of the electors through assent vote (referendum) in accordance with the *Local Government Act* for Kaleden Parkland Acquisition Loan Authorization Bylaw No. 2915, 2020; and further,

THAT the assent vote take place on Saturday April 24, 2021; and further,

THAT Christy Malden be appointed as the Chief Election Officer and Gillian Cramm be appointed as Deputy Chief Election Officer for the Kaleden Parkland Acquisition Loan Authorization Assent Vote; and further,

THAT the assent vote question be:

'Are you in favour of the Regional District of Okanagan-Similkameen adopted Kaleden Parkland Acquisition Loan Authorization Bylaw No. 2915, 2020 to authorize the long-term borrowing of up to \$3,500,000.00 (three million, five hundred thousand dollars) for the purchase of a waterfront parcel at Sickie Point, legally described as Lot A, Plan KAP55255, DL1035, Land District 54?'

Respectfully submitted:

"C. Malden"

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2915, 2020

A bylaw to authorize the long-term borrowing for the acquisition of parkland within Electoral Area "I" of the Regional District of Okanagan-Similkameen.

WHEREAS pursuant to the *Local Government Act* and the *Community Charter*, the Regional District of Okanagan-Similkameen may, by loan authorization bylaw, borrow money for capital purposes;

AND WHEREAS the Board of the Regional District of Okanagan-Similkameen has established by Bylaw No. 1554, Kaleden Recreation Programming and Facility Maintenance Local Service Establishment Bylaw, a service for the purpose of providing recreation programming and facility maintenance;

AND WHEREAS it is deemed desirable and expedient to purchase a parcel for parkland purposes;

AND WHEREAS the estimated cost of purchasing the parcel, including expenses incidental thereto, is the sum of three million, five hundred thousand dollars (\$3,500,000) of which the sum of three million, five hundred thousand dollars (\$3,500,000) is the maximum amount of debt intended to be borrowed by this bylaw;

AND WHEREAS the maximum term for which a debenture may be issued to secure the debt created by this bylaw is for a term not to exceed twenty five (25) years;

AND WHEREAS the authority to borrow under this bylaw expires five (5) years from the date on which this bylaw is adopted;

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen has obtained the approval of electors in accordance with the *Local Government Act*;

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

1. **CITATION**

- 1.1 This Bylaw shall be cited as Kaleden Parkland Acquisition Loan Authorization Bylaw No. 2915, 2020

2. AUTHORIZATION OF PURCHASE

- 2.1 The Regional of Okanagan Similkameen is hereby empowered and authorized to undertake and carry out or cause to be carried out the purchase of a waterfront parcel serving the Kaleden Recreation Programming and Facility Maintenance Local Service Area generally in accordance with plans on file in the Regional District office and to do all things necessary in connection therewith and without limiting the generality of the foregoing:
- 2.2 To borrow upon the credit of the Regional District a sum not more than three million, five hundred thousand dollars (\$3,500,000).
- 2.3 To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the purchase of a waterfront parcel at Sickle Point, legally described as Lot A, Plan KAP55255, DL 1035, Land District 54.

3. TERM OF DEBENTURE

- 3.1 The maximum term for which debentures may be issued to secure debt created by this bylaw is twenty five (25) years.

READ A FIRST, SECOND, AND THIRD TIME this 19th day of November, 2020

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 22nd day of December, 2020.

RECEIVED ASSENT OF THE ELECTOR THIS ___ day of ___, ___

ADOPTED this ___ day of ___, ___

RDOS Board Chair

Corporate Officer

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN
BYLAW NO. 2914, 2020**

A bylaw to amend the Kaleden Recreation Programming and Facility Maintenance Local Service Establishment Bylaw No. 1554, 1994.

WHEREAS Bylaw No. 1554, 1994 established the Kaleden Recreation Programming and Facility Maintenance Local Service;

AND WHEREAS the Board of Directors of the Regional District Okanagan-Similkameen wishes to proceed under the *Local Government Act*, to amend the service of recreation programming and facility maintenance;

AND WHEREAS the Board of Directors wishes to increase the requisition limit for the service;

AND WHEREAS the Director for Electoral Area "I" has consented in accordance with the Local Government Act;

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

CITATION

1. This bylaw may be cited for all purposes as the "Kaleden Recreation Programming and Facility Maintenance Local Service Establishment Amendment Bylaw No. 2914, 2020".

AMENDMENT OF SERVICE

2. Section 4 of Bylaw No. 1554, 1994 is deleted in its entirety and replaced with the following:

"Cost Recovery Method

As provided in the Local Government Act, the annual costs of the Service shall be recovered by one or more of the following:

- a) Property value taxes imposed in accordance with Division 3 of the Local Government Act;
- b) Subject to subsection (2) of Section 378 of the Local Government Act, parcel taxes imposed in accordance with Division 3;
- c) Fees and charges imposed under Section 397;

- d) Revenues raised by other means authorized under Provincial legislation;
- e) Revenues received by way of agreement, enterprise, gift, grant or otherwise."

3. Section 5 of Bylaw No 1554, 1994 is deleted in its entirety and replaced with the following:

"The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$232,000.00 or \$0.37890 per thousand dollars of net taxable value of land and improvements in the service area."

READ A FIRST, SECOND AND THIRD TIME this 19th day of November, 2020.

ELECTORAL AREA "I" DIRECTOR CONSENT OBTAINED this 19th day of November, 2020.

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this 22nd day of December, 2020.

THIRD READING RESCINDED AND BYLAW RE-READ A THIRD TIME this ___ day of ___, 2021

APPROVED BY THE INSPECTOR OF MUNICIPALITIES this ___ day of ___, 2021

ADOPTED this ___ day of _____, ___.

Board Chair

Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this ___ day of _____, ___.

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 18, 2021

RE: Proposed SILGA Resolutions

Administrative Recommendation:

THAT the resolutions contained in Appendix 'A' of the February 18, 2021 report from the Chief Administrative Officer regarding proposed resolutions to the Southern Interior Local Government Association (SILGA) be approved and submitted prior to the February 26th, 2021 deadline for consideration at the April 28, 2021 SILGA Annual General Meeting.

Purpose:

The purpose of this report is to seek direction from the Regional District Board with regard to proposed Resolutions to be forwarded for consideration at the 2021 Annual General Meeting of the Southern Interior Local Government Association (SILGA).

Reference:

- February 4th, 2021 – Corporate Services Committee – Administrative Report – SILGA Resolutions.

Background:

The deadline for SILGA resolutions is February 26, 2021. These must be accompanied by an endorsement from the Board and the topic of Resolutions should be of regional interest and not pertain to a local matter. L

Alternatives:

THAT the Board of Directors *not* submit and/or endorse one or more of the resolutions to the 2021 Annual General Meeting of the Southern Interior Local Government Association (SILGA).

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

Appendix 'A'

Resolution 1

5.25 % Provincial Collection Fee on Rural Area Property Taxes

WHEREAS rural area property taxes are collected from the Province's Surveyor of taxes on behalf of Regional Districts.

AND WHEREAS the Province of British Columbia charges a 5.25% administration fee on the taxes collected which the property owner pays as part of their property taxes, and this increases the tax burden on electoral area residence.

THEREFORE BE IT RESOLVED that UBCM request that the Province of British Columbia reduce this fee so that the tax burden on the rural property owners may be reduced.

Resolution 2

Abandoned Vehicles on Crown Land

WHEREAS enforcement of abandoned vehicles on Crown Land, Provincial rights of way and road dedications may involve a number of agencies but little coordinated action;

AND WHEREAS members of the public have difficulty knowing who to contact to initiate a complaint of an apparent abandoned vehicle;

THEREFORE BE IT RESOLVED that the Province designate one Ministry or coordinating body to be responsible for abandoned vehicle complaints on Crown Land, Provincial rights of way, and road dedication.

Resolution 3

Organ Donation – Presumed Consent

WHEREAS the population of British Columbia is 5.071 million but only 1.555 million British Columbians have registered their organ donor decision;

AND WHEREAS one organ donor can save up to 8 lives:

THEREFORE BE IT RESOLVED that UBCM request that the Province of British Columbia enact Provincial legislation whereby an individual is deemed to consent to the individual's organs and tissues being used for transplantation activities, similar to the Presumed Consent Organ Transplant Act passed by the Province of Nova Scotia.

Resolution 4

COVID Funding Allocation Deadline

WHEREAS regional districts must fully allocate "COVID-19 Safe Restart Grant for Local Governments" funds to an appropriate regional and local service before December 31, 2021, but municipalities do not have the same allocation deadline requirement;

AND WHEREAS regional districts would like the discretion to hold back some “COVID-19 Safe Restart Grant for Local Governments” funding for allocation to an appropriate regional or local service in a future year;

THEREFORE BE IT RESOLVED that the Province be requested to provide regional districts the same “COVID-19 Safe Restart Grant for Local Governments” allocation and reporting requirements afforded to municipalities.

Resolution 5
Flood Mitigation Response

WHEREAS current funding programs for flood mitigation that require 1/3 of project funding from local government as well as requiring that the local government assume ownership of the works for a period of 10 years, in some cases result in an unrealistic burden on affected taxpayers;

AND WHEREAS the financial inability of the residents to meet the requirements of the funding program often precludes a planned proactive approach to known flood issues thereby minimizing environmental impacts associated with mitigative works and instead results in a reactive approach when an imminent threat occurs, resulting in greater costs and greater environmental damage, in addition to the traumatic and sometimes devastating impacts on affected residents:

THEREFORE BE IT RESOLVED that UBCM lobby the Province to develop programs that take a proactive approach to flood mitigation rather than continuing to try to download additional responsibilities on local governments that are ill-equipped and lacking in financial capacity to address these situations in a proactive manner that best respects the residents and the environment.

Resolution 6
911 Dropped Calls

WHEREAS statistics indicate an increased number of identified abandoned 9-1-1 calls in the South Okanagan; and, the Royal Canadian Mounted Police (RCMP) do not have access to current personal information to respond effectively to abandoned 911 calls.

AND WHEREAS the Royal Canadian Mounted Police response to abandoned 911 calls is labour-intensive;

THEREFORE BE IT RESOLVED that the Ministry of Justice work with the Federal Government of Canada to make available current personal information collected by Provincial and National telecommunication carriers to Police Communications Centers and 911 Public Safety Answering Points within British Columbia to assist with tracking dropped 911 calls.

SILGA Southern Interior Local Government Association

December 12, 2020

To: All SILGA Members

Call for Resolutions for 2021 Convention

The SILGA Annual General Meeting and Convention is scheduled to be held virtually sometime between April 27th and April 30th, 2021. The SILGA Constitution requires that resolutions to be considered at the Annual Meeting are to be received by the Secretary-Treasurer no later than 60 days prior to this meeting. Friday February 26th, 2021 will be the deadline for receipt of resolutions.

If your local government wishes to submit a resolution for consideration at the 2021 SILGA Convention, please forward by email your resolution to yoursilga@gmail.com. Any background information on the resolution would be helpful. Each resolution should be endorsed by the sponsoring Member's Municipal Council or Regional Board. The resolution should be relative to regional issues and should not pertain to a finite local interest.

If you do not receive a confirmation email regarding your resolution, please contact the SILGA office at 250 851 6653.

For information on how to properly write a resolution please refer to the UBCM website below.

<http://www.ubcm.ca/EN/main/resolutions/resolutions/resolutions-procedures.html>

or go to the resolutions page on the SILGA website at

<http://www.silga.ca/convention/resolutions/>

Resolutions not received by February 26th, 2021 will be considered late resolutions and must go through the following procedures to be considered at the AGM.

Late Resolutions

- (1) Resolutions submitted following the expiry of the regular deadline noted in section 10.4 shall be considered "Late Resolutions" and shall comply with all other submission requirements, except that a copy of the resolution shall be provided to SILGA by noon on the Friday preceding the date of the Annual General Meeting. The resolutions committee will meet on the Tuesday preceding the Annual General Meeting to provide recommendations as to whether the late resolution(s) should be brought to the Members for inclusion in the resolution debate. All late resolutions must be adopted by a Special

SILGA Southern Interior Local Government Association

Resolution of the Member Representatives in attendance at the Annual General Meeting to be included in the discussion.

- (2) Late resolutions will be reviewed by the Resolutions Committee prior to the Meeting and only those of a subject matter which could not have been submitted by the normal deadline date outlined in section 10.4 will be considered.
- (3) Late Resolutions shall be available for discussion after resolutions printed in the resolutions book have been considered.
- (4) Late Resolutions admitted for plenary discussion shall be dealt with in the order presented in the Late Resolutions report.
- (5) In the event that a late resolution is recommended to be admitted for discussion, the sponsoring member of the late resolution shall produce sufficient copies for distribution to the Members at the Annual General Meeting.
- (6) The Late Resolution will, after reading, be properly before the meeting, and the regular procedures for handling resolutions will apply.

Alison Slater
SILGA

Feb 9, 2021

To: RDOS & Board of Directors: Re - DVP Application No.D2021.001- Mel

Biesinger & Marna Dueck - 176 Big Horn Trail

Randy & Kim Dickey -

Our Response

Development Variance Permit Application: Q & A
Supporting Rational

“All new development should meet the Regional Districts applicable bylaw standards. A variance is considered only as a last resort. An application for a DVP should meet most, if not all of the following criteria, in order to be considered for approval.”

Questions: 1 - 5

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw. Please elaborate how the requested variance meets this criteria.

Mel & Marna's Answer: The height of the fence was only intended to give us the same privacy we received from the vine that died and privacy from the height of the neighbours decks. See photos.

Randy & Kim's Response:

#1. The homeowner does not meet the requested variance criteria. This is not new development, it was constructed 8 months ago without a permit. Also, replacing a chain link fence and vine because it died, does not justify the **over height** of a fence because of privacy reduction. **That is irrelevant.** One should not be swapped out for the other. Our deck heights are answered in question 3.

2. The variance should not adversely affect adjacent or nearby properties or public lands. Please elaborate how the requested variance meets this criteria:

Mel & Marna's Answer: The professionally built fence is on the west side of the property line, with all the labour and material paid by us. Built in June 2020.

Randy & Kim's Response:

#2. **The homeowner does not answer the question.** The homeowners are responsible for building this fence. Mel built it but wants to bill out his own labour costs. They are the only ones benefiting from this fence. **It completely adversely affects the adjacent or nearby property.** It is not only in our opinion, but other neighbours as well, **the fence is ridiculously high and an eyesore** and does not blend into anything. As mentioned in our letter, it would be challenging in covering it up, because of the height and existing rock. At no time were we involved with project planning or design.

3. *The variance should be considered as a unique solution to an unusual situation or set of circumstances. Please elaborate how the requested variance meets this criteria:*

Mel & Marna's Answer: Privacy needed for pool and hot tub spa. The neighbour to the east made the previous owner put up a 12 x 7 high solid screen on the deck so they could not see the hot tub.

Randy & Kim's Response:

#3. **The requested variance does not meet the criteria.** The homeowner's pool, much like our waterfall, is recessed into the natural bedrock towards the middle of each property and cannot be seen from either side. Our back deck may be at a higher elevation but the bedrock is a natural border. From the **front deck it is difficult to peer around the solid 12w x 7h privacy screen**, as referenced by the homeowners, especially while sitting at the deck table as it's tucked into an alcove. We spend 98% of our time in the backyard enjoying our waterfall, rather than standing on our front deck ledge, peering into the neighbours back yard. **The privacy screen actually rolls up and down much like an accordion providing privacy when the homeowners desire it. It is**

not solid as referenced by Mel & Marna. Yet they have built a fence covering most of it. How can they have it both ways? Incidentally, the privacy screen was initially installed by the previous owner (operating a VRBO) and certainly not because we made anybody do anything, but rather to help reduce the noise level coming from the vacationers, and conceal unwarranted hot tub behavior. **At that time the hot tub was located behind the privacy screen. It has since been relocated to the west side of the property line, outside of any view.** If more privacy is desired; a wooden screen secured in front of it or a bar installed on it, tipping the hot tub lid as a shield, or a hot tub umbrella? A bunch of potted cedars? **But surely not a 9' 6" fence.**

4. The variance represents the best solution for the proposed development after all other options have been considered. Please elaborate how the requested variance meets this criteria:

Mel & Marna's Answer: The fence takes the place of the Trumpet vine that has died. Other trees of this height will not survive due to bedrock and deer.

Randy & Kim's Response:

#4. The requested variance does not meet the criteria. Other options have obviously not been considered, as the fence was built in June and here we all are considering other options. **Again, the trumpet vine** ensured privacy between both properties for at least 17 years and watching it's death unfold was devastating to us as well. However, it appears the Trumpet vine is growing healthy (see photos) in selected areas. And If it's not the Trumpet vine, it's of no consequence as another vine appears to be extremely healthy, opposite the end of the fence. The bedrock is tough to navigate around in, especially when digging holes, but at one point there was enough dirt for the trumpet vine to grow successfully. However the use of planter boxes or extra large pots for vine or tree planting have been helpful to us. The homeowners point out that it's very hard to use trees as a hedge, without feeding every deer in the neighbourhood, is accurate.

Their backyard is completely fenced and has always been fenced, with the exception of the sheer rock cliff to the rear of their property. **In 20 years, and us being on that property literally thousands of times, we have yet to see a deer.**

5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property. Please elaborate how the request variance meets this criteria.

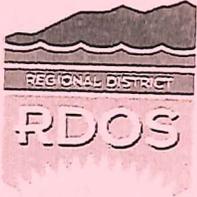
Mel & Marna's Answer: The property line is covered with rock, timber and mountain to crown land. The well built fence blends in with the natural surroundings of timber and rock on both sides.

Randy & Kim's Response:

#5. The requested variance does not meet the criteria. This fence is solid, almost 10' tall and in our opinion, looks like a massive, solid pumpkin wall. Maybe well-built, yes, but has no business being constructed 8 months ago outside a permit and only now applying for a variance. **The height can not be justified nor does it blend in with anything natural: not the surroundings, certainly not our yard and not the neighbourhood.**

Because the homeowners, Mel and Marna, **were not able to provide, meet or justify, any of the requested criteria as asked in the DVP Application, they should therefore not be considered for a DVP approval.**

The point is, it's not anybody's business to tell anyone else what to do in their yard and vise versa. It's the RDOS - particularly, when it has such a profound impact on the neighbors' property. We are merely pointing out, there are many alternatives available to achieve levels of comfort and privacy, without resorting to such extremes.



Feedback Form

RECEIVED
Regional District

FEB - 8 2021

OKANAGAN-SIMILKAMEEN

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

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: D2021.001-DVP

FROM: Name: GARY HANSEN
(please print)

Street Address: _____

RE: Development Variance Permit (DVP) Application
176 bighorn Trail, Electoral Area "D"

My comments / concerns are:

- I do support the proposed variances at 176 bighorn Trail
- I do support the proposed variances at 176 bighorn Trail, subject to the comments listed below.
- I do not support the proposed variances at 176 bighorn Trail.

All written submissions will be considered by the Regional District Board

We have regulations to control a mutually agreeable development plan. This approach yields aesthetic and structural benefits to all residents. This cohesiveness is what gives our neighborhood it's character and value. I think it's a horrible affront to their neighbors by erecting a bright orange 9 foot fence. And this was done without discussion or approval.

This fence could set a dangerous and divisive precedent. It should be reduced in size and painted black. Then there's the 'car sales lot' string of

Feedback Forms must be submitted to the RDOS office prior to the Board meeting upon which this DVP application is considered.

All representations will be made public when they are included in the Board Agenda.

lights hung on a wire - so high in the air.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

[Handwritten signature]

BOARD DATE: FEB 18, 2021
Additional Response
AGENDA ITEM - C.5a - DXP

Penticton, B.C.
V2A 8X5
February 12, 2021

R.D.O.S.
Development Variance Permit - F2020.022

Owner: Heather and Terrance Olfert
1001 Moorpark Drive

In response to the application for a DVP for Heather and Terrance Olfert, I would like to appeal to the board to deny the application for an over-height exception on the workshop/garage as it directly affects our property at [redacted] and presents an undue hardship to the enjoyment and intrinsic value of our home.

A number of years ago, then RDOS Area F representative, Ron Perry chose a committee to help define how Area F residents experience and their wish to maintain the character of this unique Veterans-inspired area. He selected myself and a number of other dedicated, long-term Area F residents to define the knowledge, experience and desires of local citizens. The consensus was that the West Bench should be defined and maintained as Country Estates in order to preserve the flavour, developmental intent and character of this area. We were asked to help propose by-laws which would clarify and protect this heavily favoured definition of Country Estates.

People choose to move into this region, not for city conveniences, but for its uncluttered, spacious rural feel. A family choice was made to move to our Moorpark home in 1987 for those very reasons - peace, serenity, and a chance for a more relaxed lifestyle.

Under the application submitted by Mr Olfert - Supporting Rational - section 2 - Mr Olfert states "there is no obstruction view to the north, south, east properties." but fails to mention the property to the west where we live. Our sight line along the south edge of 1001 Moorpark Drive allows us a narrow but entertaining view of fireworks, low Snowbird aerals and activities along Riverside Drive. We would keenly miss this humble view because of an over height, metal-clad, commercial looking structure. Mr Olfert also suggests "property to the west is set approx. 300 feet from the road." Actually our property is right next to the road and our house is just over 200 feet from the road with a clear unobstructed view of the Olfert property from our home.

During 2020 we had many, many interactions with Fortis BC - electricity, with requests to allow Fortis two new power easements across our land in order to give Mr Olfert an increase in electrical power from 100 amps to 200 amps to his property. This would allow Mr Olfert to operate more high-powered equipment to structures on his property, including his proposed recreational equipment garage and workshop. Two additional

power easements would limit the potential and value of our land. The addition of an over-height second garage and attached workshop would further diminish our view, potential, and enjoyment of our retirement home.

RDOS Area F is actively seeking ways to promote and enhance an age-friendly neighbourhood feel to the West Bench in order to encompass and include all residents of this unique area. May I suggest that the biggest factor in attracting and retaining residents is enjoyment of one's environment i.e. Country Estates - with it's spacious, serene rural atmosphere.

Reducing our modest view of Penticton life and impacting the character of our quiet neighbourhood with an over-height, metal-clad industrial-looking workshop and garage is the anti-thesis of West Bench living.

Please deny this request for a Development Variance Permit - F2020.022 , for an increase in height from 4.5 metres to 5.461 metres on property 1001 Moorpark Drive ; Parcel Identifier: 010-241-434; Folio: F-07304-000.

Thank you.

Sincerely:



Roberta and Jim Carleton

Penticton, B.C.