



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD of DIRECTORS MEETING

Thursday, November 18, 2021, 2:00 p.m.
Salon D, Penticton Lakeside Resort
21 Lakeshore Drive, Penticton, BC V2A 7M5

MEMBERS PRESENT: Director M. Pendergraft, Electoral Area "A" 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 R. Obirek, 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 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"

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

The meeting was called to order at 2:02 pm.

A. APPROVAL OF AGENDA

(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

That the Agenda for the RDOS Board Meeting of November 18, 2021 be adopted as amended by removing item A.1.1.4 to item G.4 and item A.2.4 to item C11. - **CARRIED**

A.1 Consent Agenda – Corporate Issues

(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Consent Agenda Corporate Services be adopted as amended.

CARRIED

1. Advisory Planning Commissions

1. Electoral Area "D" Advisory Planning Commission

THAT the minutes of the September 8, 2021 Electoral Area "D" Advisory Planning Commission be received.

2. Electoral Area "C" Advisory Planning Commission

THAT the minutes of the October 19, 2021 Electoral Area "C" Advisory Planning Commission be received.

3. Electoral Area "F" Advisory Planning Commission

THAT the minutes of the October 25, 2021 Electoral Area "F" Advisory Planning Commission be received.

2. Destination Osoyoos Appointment

THAT the Regional District appoint Joanne Muirhead to the Destination Osoyoos Board for the term expiring November 2023.

3. Parks and Recreation Committees

1. Kaleden Parks and Recreation Commission

THAT the minutes of the September 21, 2021 Kaleden Parks and Recreation Commission be received.

2. Naramata Parks and Recreation Commission

THAT the minutes of the September 27, 2021 Naramata Parks and Recreation Commission be received.

3. Okanagan Falls Parks and Recreation Commission

THAT the minutes of the September 23, 2021 Okanagan Falls Parks and Recreation Commission be received.

4. Okanagan Falls Parks and Recreation Commission

THAT the minutes of the October 14, 2021 Okanagan Falls Parks and Recreation Commission be received.

4. Board and Committee

1. Community Services Committee

THAT the minutes of the October 21, 2021 Community Services Committee meeting be received.

2. Corporate Services Committee

THAT the Minutes of the October 21, 2021 Corporate Services Committee meeting be received.

THAT E911 Radio Equipment Cost Apportionment Policy be adopted; and,

THAT the Placement of Non-Certified Manufactured Homes and the Insurance Coverage policies be rescinded.

3. Environment and Infrastructure Committee

THAT the minutes of the October 21, 2021 Environment and Infrastructure Committee be received.

4. Planning and Development Committee

(Item was moved from Consent to item G.4)

5. Protective Services Committee

THAT the Minutes of the October 21, 2021 Protective Services Committee meeting be received.

6. RDOS Regular Board Meeting

THAT the minutes of the October 21, 2021 RDOS Regular Board meeting be adopted; and,

THAT the minutes of the November 4, 2021 RDOS Regular Board meeting be adopted.

A.2 Consent Agenda – Development Services

(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT the Consent Agenda – Development Services be adopted as amended.

CARRIED

1. Development Variance Permit Application — Electoral Area “A” (A2021.044-DVP)

THAT Development Variance Permit No. A2021.044 to increase the maximum retaining wall height from 2.0 metres to 3.35 metres to allow for the construction of an addition to the existing dwelling and a swimming pool at 3304 52nd Avenue in Area “A” be approved.

2. Development Variance Permit Application — Electoral Area “D” (D2021.047-DVP)

THAT Development Variance Permit No. D2021.047-DVP to allow for an expansion to an existing dwelling at 4705 Mimac Court, OK Falls be approved.

3. Development Variance Permit Application — Electoral Area “E” (E2021.045-DVP)

THAT Development Variance Permit No. E2021.045-DVP to allow for development of garage addition to the principle dwelling at 4257 Mill Road in Naramata be approved.

4. Development Variance Permit Application — Electoral Area “I” (I2021.042-DVP)

(Item was moved from Consent to item C11)

5. Temporary Use Permit - Electoral Area "E" (E2021.024-TUP)

THAT Temporary Use Permit No. E2021.024-TUP to allow for a vacation rental at 1015 Hyde Road in Naramata be approved.

6. Temporary Use Permit Application – Electoral Area “E” (E2021.023-TUP)

THAT Temporary Use Permit No. E2021.023-TUP to allow for a vacation rental at 3135 Bartlett Road in Naramata be approved.

7. Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A” (A2018.207-ZONE)

THAT the deadline for the submission of a hydrogeological assessment to allow for a 6-lot subdivision at 1750 Highway 3 in Area “A” be extended to March 21, 2022.

B. DEVELOPMENT SERVICES – Bylaw Enforcement

B.1 21043 Alkali Rd, Electoral Area "A" Zoning Bylaw No. 2451, 2008, A07106.200
(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Regional District direct the owner of 21043 Alkali Road, Osoyoos to bring the property described as Lot 5 District Lot 3197 Similkameen Division Yale District Plan 32608, into compliance with the Electoral Area 'A' Zoning Bylaw No. 2451, 2008; RDOS Building Bylaw No. 2805, 2018; and, RDOS Official Community Plan Bylaw No. 2905, 2021, within 30 days of written notice;

AND 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 on the property legally described as Lot 5 District Lot 3197 Similkameen Division Yale District Plan 32608, being 21043 Alkali Road, Osoyoos;

AND THAT if after 30 days written notice the property legally described as Lot 5 District Lot 3197 Similkameen Division Yale District Plan 32608, being 21043 Alkali Road, Osoyoos, is not in compliance with the Electoral Area 'A' Zoning Bylaw No. 2451, 2008; RDOS Building Bylaw No. 2805, 2018; and, RDOS Official Community Plan Bylaw No. 2905, 2021; that the Regional District commence court action to obtain a resolution to bring Lot 5 District Lot 3197 Similkameen Yale District Plan 32608, being 21043 Alkali Road, Osoyoos, into compliance;

AND THAT the Regional District seek to recover the costs of undertaking the above legal action in the same manner and with the same remedies as property taxes in arrears.

MOVED and SECONDED

THAT the motion be amended to change "30 days" notice to "90 days" -

CARRIED

Main Motion as amended

THAT the Regional District direct the owner of 21043 Alkali Road, Osoyoos to bring the property described as Lot 5 District Lot 3197 Similkameen Division Yale District Plan 32608, into compliance with the Electoral Area 'A' Zoning Bylaw No. 2451, 2008; RDOS Building Bylaw No. 2805, 2018; and, RDOS Official Community Plan Bylaw No. 2905, 2021, within 90 days of written notice;

AND 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 on the property legally described as Lot 5 District Lot 3197 Similkameen Division Yale District Plan 32608, being 21043 Alkali Road, Osoyoos;

AND THAT if after 90 days written notice the property legally described as Lot 5 District Lot 3197 Similkameen Division Yale District Plan 32608, being 21043 Alkali Road, Osoyoos, is not in compliance with the Electoral Area 'A' Zoning Bylaw No. 2451, 2008; RDOS Building Bylaw No. 2805, 2018; and, RDOS Official Community Plan Bylaw No. 2905, 2021; that the Regional District commence court action to obtain a resolution to bring Lot 5 District Lot 3197 Similkameen Yale District Plan 32608, being 21043 Alkali Road, Osoyoos, into compliance;

AND THAT the Regional District seek to recover the costs of undertaking the above legal action in the same manner and with the same remedies as property taxes in arrears. – **CARRIED**

B.2 Bylaw Enforcement — Non-conforming uses 980 Pumphouse Road, Okanagan Falls

(Unweighted Corporate Vote - Simple Majority)

Motion on the floor from the September 2, 2021 meeting

THAT the RDOS abandon enforcement of the Electoral Area "D" Zoning Bylaw No. 2455, 2008 against Lot 2, District Lots 2883s and 3147s, SDYD, Plan 9597 except Plan 13984.

MOVED and SECONDED

THAT the motion be postponed to the March 3, 2022 meeting. - **CARRIED**

C. DEVELOPMENT SERVICES – Rural Land Use Matters

C.1 Development Variance Permit Application D2021.017-DVP —Area "D"

(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Development Variance Permit No. D2021.017-DVP be approved, subject to Section 6(b) of the permit being amended so that the off-street parking space requirements must be in a tandem configuration. - **CARRIED**

C.2 Development Variance Permit Application D2021.034-DVP —Area “D”
(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Development Variance Permit No. D2021.034-DVP to permit the development of a single detached dwelling at 136 Chadwell Place be approved.

CARRIED

C.3 Development Variance Permit Application D2021.053-DVP —Area “D”
(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT the following notification requirements for a development variance permit under the Regional District’s Development Procedures Bylaw No. 2500, 2011, be waived:

- that an application be notified 20 working days prior to the Board’s consideration of a variance; and
- that representations be received no less than seven (7) calendar days prior to the Board meeting at which the variance will be considered.

AND THAT Development Variance Permit No. D2021.053-DVP be approved.

CARRIED

C.4 Development Variance Permit Application E2021.035-DVP —Area “E”
(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Development Variance Permit Application – Electoral Area “E” (E2021.035-DVP) be referred to the Electoral Area “E” Advisory Planning Commission. -

CARRIED

C.5 Development Variance Permit Application H2021.049-DVP —Area “H”
(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Development Variance Permit No. H2021.049-DVP to formalize an existing single detached dwelling by reducing the minimum front parcel line setback at 2864 Coalmont Road be approved. - **CARRIED**

C.6 Street Lighting Policy & Regulation Review
(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Bylaw No. 2944, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Official Community Plans with a Street Lighting Update, be read a first and second time and proceed to public hearing;

THAT Bylaw No. 2000.16, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Subdivision Servicing Bylaw with a Street Lighting Update, be read a first and second time;

THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated November 18, 2021, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2944, 2021, in conjunction with its Financial and applicable Waste Management Plans;

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of December 16, 2021; and

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

CARRIED

C.7 OCP and Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E”, “F” & “I” (X2021.005-ZONE)
(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Bylaw No. 2892, 2021, a bylaw to amend Okanagan OCP and Zoning Bylaws with a Residential and Small Holdings Zone Update, be read a third time, as amended. - **CARRIED**

C.8 Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “D” (D2021.016-ZONE)
(Unweighted Rural Vote - 2/3 Majority)

MOVED and SECONDED

THAT Bylaw No. 2603.21, 2021, being a bylaw to amend the Electoral Area “D” OCP to facilitate a land donation to a conservation organization at 4899 Eastside Road; and, Bylaw No. 2455.47, 2021, a bylaw to amend the Electoral Area “D” Zoning Bylaw be read a third time and adopted. - **CARRIED**

C.9 Zoning Bylaw Amendment – Electoral Area “F” (F2021.002-ZONE)

(Unweighted Rural Vote - 2/3 Majority)

MOVED and SECONDED

THAT Bylaw No. 2461.15, 2021, a bylaw to amend the Electoral Area “F” Zoning Bylaw to facilitate a subdivision to create two additional lots at 8475 Princeton-Summerland Rd., be read a third time and adopted. - **CARRIED**

C.10 Zoning Bylaw Amendment – Electoral Area “A” (A2021.006-ZONE)

Pursuant to Section 100 of the *Community Charter*, Director Pendergraft declared a conflict of interest regarding item C.10 Zoning Bylaw Amendment – Electoral Area “A” (A2021.006-ZONE) as the applicant is a family member. Director Pendergraft left the meeting for this item.

The Vice Chair assumed the role of Chair.

(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Bylaw No. 2451.32, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw to allow for a minimum parcel size of 3.7 ha. at 2257 82nd Avenue, be adopted. – **CARRIED**

Director Pendergraft returned to the meeting and re-assumed the Chair.

C. 11 Development Variance Permit Application – Electoral Area “I” (I2021.042-DVP)

(Unweighted Rural Vote – Simple Majority)

MOVED and SECONDED

THAT Development Variance Permit Application – I2021.042-DVP be referred to the Electoral Area “I” Advisory Planning Commission. - **CARRIED**

D. PUBLIC WORKS

D.1 Campbell Mountain and Oliver Landfill Operational Tender Award

(Weighted Corporate Vote - Majority)

MOVED and SECONDED

THAT the Regional District award the contract for the operation of the Campbell Mountain Sanitary Landfill to Green For Life Environmental Inc. for \$658,293.29 per annum for a 5 year term;

AND THAT the Regional District conduct the operation of the Oliver Sanitary Landfill internally at a cost of \$358,921.36 per annum for a 5 year term.

CARRIED

D.2 Campbell Mountain Landfill – Leachate Extraction Tender

(Weighted Corporate Vote - Majority)

MOVED and SECONDED

THAT the Regional District award the “Campbell Mountain Landfill – Leachate Extraction” project to Modular Electric Ltd. for \$181,532 plus applicable taxes to complete the tie in of an extraction well in the north ravine area at the Campbell Mountain Landfill; and

THAT a contingency in the amount of \$25,000 be approved for unanticipated issues that may arise. - **CARRIED**

D.3 Okanagan Falls Irrigation District request for Conversion

(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Regional District proceed with the steps towards conversion of the Okanagan Falls Irrigation District services and assets to the Regional District.

CARRIED

Director Monteith left the meeting at 3:15 pm.

E. COMMUNITY SERVICES

E.1 RDOS Fire Dispatch Service – Award of Contract

(Weighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Regional District award the Fire Dispatch Service Delivery Contract, including emergency and non-emergency calls, to the City of Kelowna for \$2,053,992 for a five (5) year term. - **CARRIED**

F. FINANCE

F.1 Appointment of Regional District of Okanagan-Similkameen Auditor
(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Regional District appoint BDO Canada LLP to provide audit services for the Regional District of Okanagan-Similkameen for the fiscal years ending December 31, 2021, 2022 and 2023, with a possible two year extension. - **CARRIED**

G. LEGISLATIVE SERVICES

G.1 Fire Department Operational Bylaw Amendment
(Unweighted Corporate Vote - 2/3 Majority)

MOVED and SECONDED

THAT Bylaw No. 2857.03, 2021, being a bylaw to amend Schedules A and B of the Fire Department Operational Bylaw to include Apex Fire Department, be read a first, second and third time and be adopted. – **CARRIED**

G.2 Select Committee and External Agenda Appointments
(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Select Committee and External Agenda appointments coming out of Corporate Services Committee be approved as amended by appointing Director Bauer as Vice Chair of the Community Services Committee. - **CARRIED**

G.3 Apex Volunteer Fire Department Declaration
(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

That the Regional District declare that the Apex Fire Department shall operate as an Exterior Operations Service Level fire department until training requirements

and records management provisions identified in the Fire Commissioners Playbook to move to an Interior Operations Service Level are achieved.

CARRIED

G.4 Planning and Development Committee
(Unweighted Corporate Vote – Simple Majority)

MOVED and SECONDED

THAT the minutes of the October 21, 2021 Planning and Development Committee be corrected. - **CARRIED**

H. CAO REPORTS

H.1 Declaration of State of Local Emergency

MOVED/SECONDED

THAT the Declaration of a State of Local Emergency issued by the Chair Sunday, November 14 2021 for Electoral Area “H” in response to the Tulameen Flooding event be ratified; and,

THAT the Declaration of a State of Local Emergency issued by the Chair Monday, November 15 2021 for Electoral Area “G” in response to the Similkameen Flooding event be ratified; and,

THAT the Declaration of a State of Local Emergency issued by the Chair Monday, November 15 2021 for Electoral Area “B” in response to the Similkameen Flooding event be ratified; and,

THAT all declarations be submitted to the Minister of State for Emergency Preparedness for approval. - **CARRIED**

I. OTHER BUSINESS

I.1 Chair's Report

I.2 Board Representation

1. Municipal Finance Authority – *Pendergraft (Chair), Coyne (Vice Chair, Alternate)*
2. Municipal Insurance Association – *Pendergraft (Chair), Coyne (Vice Chair, Alternate)*
3. Okanagan Basin Water Board - *McKortoff, Holmes, Knodel, Pendergraft (Alternate to McKortoff), Obirek (Alternate to Holmes), Monteith (Alternate to Knodel)*
4. Okanagan Film Commission – *Gettens, Obirek (Alternate)*
5. Okanagan Regional Library – *Monteith, Obirek (Alternate)*
6. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Kozakevich (Alternate)*
7. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
8. Starling Control – *Bush, Knodel (Alternate)*
9. Fire Chief Liaison Committee – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
10. Intergovernmental Indigenous Joint Council – *Kozakevich, Coyne, Roberts*
11. Okanagan-Similkameen Regional Hospital District – *Johansen, McKortoff (Alternate)*

I.3 Directors Motions

I.4 Board Members Verbal Update

J. ADJOURNMENT

THAT the meeting adjourn.

The meeting adjourned at 3:50 pm.

APPROVED:

CERTIFIED CORRECT:


M. Pendergraft, RDOS Board Chair


B. Newell, Corporate Officer