

## ADMINISTRATIVE REPORT



**TO:** Advisory Planning Commission

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

**DATE:** September 13, 2021

**RE:** Official Community Plan (OCP) Amendment Bylaw - Street Lighting Policies

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### **Purpose:**

The Regional District is proposing a series of textual amendments to the Electoral Area Official Community Plan (OCP) Bylaws in order to introduce new objectives and policies regarding street lighting.

These proposed OCP amendments are part of an on-going review of the Regional District's Subdivision Servicing Bylaw No. 2000, 2002, and also involve proposed amendments to the regulations governing the design and placement of street lighting in the Subdivision Servicing Bylaw.

### **Background:**

The Electoral Area OCP Bylaws are currently silent on the matter of street lighting, as there are no objectives or policies in the "Servicing and Infrastructure" section of the Plans dealing with this issue. As a result, the prioritization of street light locations and service areas has been left to the Subdivision Servicing Bylaw, which is a regulatory document and not well suited to this task.

### Subdivision Servicing Bylaw:

The Regional District's Subdivision Servicing Bylaw No. 2000, 2002, currently requires street lighting be provided in the following instances:

- any subdivision of land in a Low Density Residential area creating a parcel less than 2,500 m<sup>2</sup> in area;
- any subdivision of land in a Medium Density Residential area;
- any building permit involving the construction of a building containing three (3) or more dwelling units (i.e. an apartment building or townhouse).

The Bylaw further establishes very detailed design standards that must be complied with when required to install street lighting (i.e. minimum levels of illumination, pole locations, underground ducting locations, lamp standards, etc.).

Street lighting requirements were first introduced in 1995 when a new subdivision servicing bylaw was prepared for the Regional District by a Kelowna consulting firm and appears to have been based upon a template used primarily for municipal clients.

### Existing Service Areas:

The Regional District currently maintains four (4) different service areas for street lighting, including:

- Heritage Hills (Electoral Area "D")
- West Bench (Electoral Area "F")
- Naramata (Electoral Area "E")
- Schneider Road (Electoral Area "G")

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A general principle of a street lighting service area is that the benefitting properties *can* extend far beyond the physical location of the street lights. Consequently, a service area can be far more extensive than the actual location of the lights.

At present, FortisBC owns, operates and maintains a majority of the street lighting networks within the street lighting service areas administered by the Regional District. The Regional District is responsible for collecting the taxes to operate these lights through the street lighting service area(s) and has service contracts with FortisBC to maintain this infrastructure and will report any equipment issues to FortisBC on behalf of the public.

There are generally two types of street lights within service area administered by the Regional District:

- “Overhead” street lights are typically mounted to a utility pole and is of a design determined by FortisBC;
- “Ornamental” street lights are typically mounted on a metal pole of a non-standard design (i.e. unique / “decorative”).

#### Other Regional Districts:

A survey of 20 other Regional District indicates that 75% do not regulate street lighting standards in their respective Subdivision & Development Servicing Bylaw.

#### **Analysis:**

Administration is concerned that the Subdivision Servicing Bylaw is a poor predictor of where street lighting priorities are within an Electoral Area and is leading to sub-optimal outcomes. For instance, the subdivision servicing bylaw cannot properly account for situations where:

- there is no service area established, and the creation of such a service area may run counter to other Board objectives (i.e. focusing services on designated Growth Areas under the RGS);
- an existing service area is administered by a separate entity (i.e. an Irrigation District) that may not support the installation of additional street lighting as required by the RDOS; or
- the location of the street light would be at a location that has not been deemed a priority (i.e. schools, parks, community mailboxes, hazardous intersections, etc.).

Relief from the requirements of the bylaw can only be obtained through an approved development variance permit, which is seen to be an un-necessary cost and time delay.

Administration is also concerned that the current standards within the bylaw have not been updated in over 25 years and *may* no longer be reflective of the design options offered by FortisBC, or modern technologies.

To address this, Administration supports generally removing street lighting requirements from the Subdivision Servicing Bylaw and replacing these with new objectives and policies in the Electoral Area Official Community Plan (OCP) Bylaws.

Specifically, that the Board’s general objective in relation to street lighting be to discourage the creation of new street lighting service areas outside of designated Primary and Rural Growth Areas, and that is in order to preserve the rural character of the Plan Area.

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Supporting policies would similarly include the discouragement of new service areas outside of designated Primary and Rural Growth Areas as well as establishing priority locations for new street light infrastructure, including:

- intersections;
- adjacent to an existing park;
- a transit stop;
- adjacent to an existing educational facility;
- a cluster mailbox location; or
- within a designated Town Centre of Village Centre area.

For reference purposes, the new “Street Lighting” policy section that is being proposed for inclusion in the OCP Bylaw is included at Attachment No. 1 (below).

Subdivision Servicing Bylaw Amendments:

With regard to the Subdivision Servicing Bylaw, it is being proposed to simplify the bylaw by stating support for the use of the standards of the authority having jurisdiction (i.e. FortisBC), to establish a delegation for an “Approved Products List” to be administered by staff and setting out acceptable “ornamental street light” types and to prohibit the use of high pressure sodium (HPS) lights.

While Administration is generally not supportive of ornamental street lights due to their higher replacement and maintenance costs (i.e. sourcing replacement parts, administering maintenance contracts, etc.) and occasional difficulty of converting to newer technologies, it is recognised that such light types are favoured in certain neighbourhoods. To address this, it is recommended that future ornamental light designs be selected from a list established by the Regional District.

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**Administrative Recommendation:**

**THAT the APC recommends to the RDOS Board of Directors that the proposed Official Community Plan Bylaw Street Lighting objectives and policies be supported.**

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**Options:**

1. THAT the APC recommends to the RDOS Board of Directors that the proposed Official Community Plan Bylaw Street Lighting objectives and policies be supported.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed Official Community Plan Bylaw Street Lighting objectives and policies be supported with the following amendments:
  - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the proposed Official Community Plan Bylaw Street Lighting objectives and policies not be supported.

**Respectfully submitted:**



C. Garrish, Planning Manager

Attachments: No. 1 – Draft Electoral Area “E” OCP Bylaw Section No. 21.1.6 (Street Lighting)

### **21.1.6 Street Lighting**

The Regional District currently maintains an extensive street lighting service area within Electoral Area “E”, the actual physical extent of street lights within the community is limited to the Village Centre area and other assorted locations (i.e. intersections).

While street lights can improve visibility and safety for pedestrians and traffic, particularly at intersections, the Plan Area is comprised of predominately rural areas and street lighting is seen to be incompatible with the character of these locations (e.g. loss of dark skies to light pollution).

Typically, there are two types of street lights used within the Regional District, being Overhead Street Lights, which is typically mounted to a utility pole and is in the form of a “cobra-head”. The other type is Ornamental Street Lights, which are independent, free-standing and serviced through underground wiring and tend to be “decorative”.

#### **21.1.6.1 Objectives**

- .1 Discourage the creation of street lighting service areas outside of designated Primary and Rural Growth Areas in order to preserve the rural character of the Plan Area.

#### **21.1.6.2 Policies**

The Regional Board:

1. Strongly discourages the creation of new street lighting service areas outside of Primary and Rural Growth Areas.
2. Requires the establishment of a new street lighting service area occur through a formal assent process initiated by property owners living within an area currently un-served by street lighting.
3. Will asses requests seeking to create a new or expand an existing street lighting service area on the following criteria:
  - a) if the proposed service area is within a designated Primary or Rural Growth Area;
  - b) if there is a need to improve vehicle and pedestrian safety;
  - c) if neighbourhood support exceeds 66% of affected property owners representing more than 50% of the land value within the proposed boundaries of the service area; and
  - d) if street lights will promote economic development.
4. Will evaluate requests proposing the installation new street lighting within a service area administered by the Regional District against the following priority locations:
  - a) intersections;
  - b) adjacent to an existing educational facility;

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- c) adjacent to an existing park;
  - d) a transit stop;
  - e) a cluster mailbox location; or
  - f) within a designated Town Centre or Village Centre area.
5. Supports the conversion of existing street lights to energy efficient fixtures in order to reduce maintenance, energy consumption costs and “sky glow”.
  6. Supports new street lights being energy efficient fixtures in order to reduce maintenance, energy consumption costs and “sky glow”.
  7. Supports the use of ornamental poles and fixtures that are owned and funded by the Regional District complying with approved fixtures and designs set within the Approved Products List under the subdivision servicing bylaw.