

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: December 16, 2021

RE: Street Lighting Policy & Regulation Review – Amendment Bylaws (X2021.017-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2944, 2021, a bylaw of the Regional District of Okanagan-Similkameen to amend the Official Community Plan and Bylaw No. 2000.16, 2021, a bylaw to amend the Subdivision Servicing Bylaw to update Street Lighting regulations be read a third time and adopted.

Purpose:

To introduce new street lighting objectives and policies into the Electoral Area “A”, “C”, “D”, “E”, “F”, “H” & “I” Official Community Plan (OCP) Bylaws and to revise the street lighting regulations contained in the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002.

Background:

At present, the Electoral Area Official Community Plan (OCP) Bylaws do not provide any direction on the creation of new street lighting service area or the expansion of existing street lighting service areas, or the provision of street lighting infrastructure.

Under the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002, street lighting is generally to be provided for subdivisions creating new residential parcels less than 2,500 m² in area or at the time of building permit application for the construction of an apartment building or townhouse (i.e. 3 or more units).

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.).

It is understood that FortisBC owns, operates and maintains all 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.

RDOS Board Consideration and Public Engagement:

At its meeting of August 19, 2021, the Planning and Development (P&D) Committee resolved that “the Regional District commence consultation on moving street lighting into the Official Community Plans and removing them from the Subdivision Servicing Bylaw.”

The proposed amendments to the OCP and Subdivision Servicing Bylaws were considered by the Electoral Area Advisory Planning Commissions (APCs) throughout September and October of 2021 and

further notified in the Penticton Western and Similkameen Spotlight, the Regional District's webpage, social media account (e.g. Facebook), through CivicReady and referred to external agencies.

At its meeting of November 16, 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 December 16, 2021.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments relate to Official Community Plan (OCP) Bylaws.

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 is seen to be a priority.

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 is recommending that street lighting requirements generally be removed from the Subdivision Servicing Bylaw and that these be replaced with new objectives and policies in the Electoral Area Official Community Plan (OCP) Bylaws.

More specifically, that Board policies be established in the OCP Bylaws to guide new or expanded service areas, priority locations for new street lights (e.g. intersections, schools, mailboxes, etc.) and other policy objectives (e.g. support for Primary & Rural Growth Areas, "dark skies" or improving energy efficiency).

With regard to the Subdivision Servicing Bylaw, that it be simplified to support the street lighting design 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.

Conversely, the option to not amend the Electoral Area OCP Bylaws and Subdivision Servicing Bylaw to introduce new street lighting policies and regulations is available to the Board.

Alternatives:

1. THAT third reading of the Regional District of Okanagan-Similkameen Official Community Plan Street Lighting Update Amendment Bylaw No. 2944, 2021, and Street Lighting Standards Update Amendment Bylaw No. 2000.16, 2021, be deferred pending;

i) *TBD*

2. THAT first and second reading of the Regional District of Okanagan-Similkameen Official Community Plan Street Lighting Update Amendment Bylaw No. 2944, 2021, and Street Lighting Standards Update Amendment Bylaw No. 2000.16, 2021, be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Manager