

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 18, 2021

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

Administrative Recommendation:

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*.

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.

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.”

Referrals:

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.

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. 53, 58 and 67 have been made aware of the proposed amendment bylaw.

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

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

Public Process:

Further to the direction provided by the P&D Committee at its meeting August 19, 2021, 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.

The following is a summary of the recommendations provided by the APCs:

APC	Date	Recommendation
Area "A"	2021-09-13	[No quorum – item discussed informally]
Area "C"	2021-09-21	[No quorum – item discussed informally]
Area "D"	2021-09-14	That the proposed amendments be supported
Area "E"	2021-09-13	That the proposed amendments be supported
Area "F"	2021-10-04	[No quorum – item discussed informally]

Area "H"	2021-09-21	That the proposed amendments be supported
Area "I"	2021-09-15	That the proposed amendments be supported

The proposed OCP Bylaw amendments were further notified in the October 6, 2021, edition of the Penticton Western and Similkameen Spotlight, the Regional District’s webpage, social media account (e.g. Facebook), through CivicReady and to the agencies listed at Attachment No. 1.

Administration recommends that formal referral to external agencies, consideration by the Electoral Area APCs as well as the public notification should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

All comments received to date in relation to these proposed amendments are included in the Board Agenda.

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, it is being recommended 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.

Finally, it is being proposed to include a policy statement speaking to minimizing radio frequency interference (RFI) from street lights that might impact the operations of the Dominion Radio Astrophysical Observatory (DRAO).

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 first 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 denied.

Respectfully submitted:



C. Garrish, Planning Manager