



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, August 02, 2018
RDOS Boardroom – 101 Martin Street, Penticton

SCHEDULE OF MEETINGS

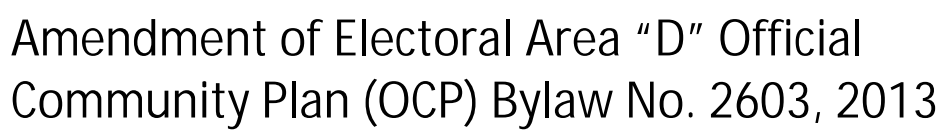
9:00 a.m.	-	9:15 a.m.	Public Hearings: Amendment of Electoral Area "D" Official Community Plan (OCP) Bylaw No. 2603, 2013 Amendment of Electoral Area "H" Official Community Plan (OCP) Bylaw No. 2497, 2012; and Zoning Bylaw No. 2498, 2012 Amendment Bylaw No. 2788, 2018 Commercial Zone Update - Electoral Areas "A", "C", "D", "E" and "F"
9:15 a.m.	-	9:45 a.m.	Planning and Development Committee
9:45 a.m.	-	10:45 a.m.	Corporate Services Committee
10:45 a.m.	-	11:00 a.m.	Break
11:00 a.m.	-	11:45 a.m.	Environment and Infrastructure Committee
11:45 a.m.	-	12:15 p.m.	Lunch
12:15 p.m.	-	2:30 p.m.	RDOS Board

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

Advance Notice of Meetings:

August 16, 2018	RDOS Board/OSRHD Board/Committee Meetings
September 06, 2018	RDOS Board/Committee Meetings
September 20, 2018	RDOS Board/OSRHD Board/Committee Meetings
October 04, 2018	RDOS Board/Committee Meetings
October 18, 2018	RDOS Board/OSRHD Board/Committee Meetings



Postal: 101 Martin St, Penticton, BC, V2A-5J9 | Tel: 250-492-0237 | Fax: 250-492-0063 | Email: planning@rdos.bc.ca



NOTICE OF PUBLIC HEARING

Amendment of Electoral Area “H” OCP Bylaw No. 2497, 2012; and Zoning Bylaw No. 2498, 2012.

Notice is hereby given that all persons who believe that their interest in property is affected by the Electoral Area “H” Official Community Plan (OCP) Amendment Bylaw 2497.09, 2018, and Zoning Amendment Bylaw No. 2498.13, 2018, will be afforded a reasonable opportunity to be heard before the Regional District Board or to present written submissions respecting matters contained in the proposed bylaw at a public hearing to be held on:

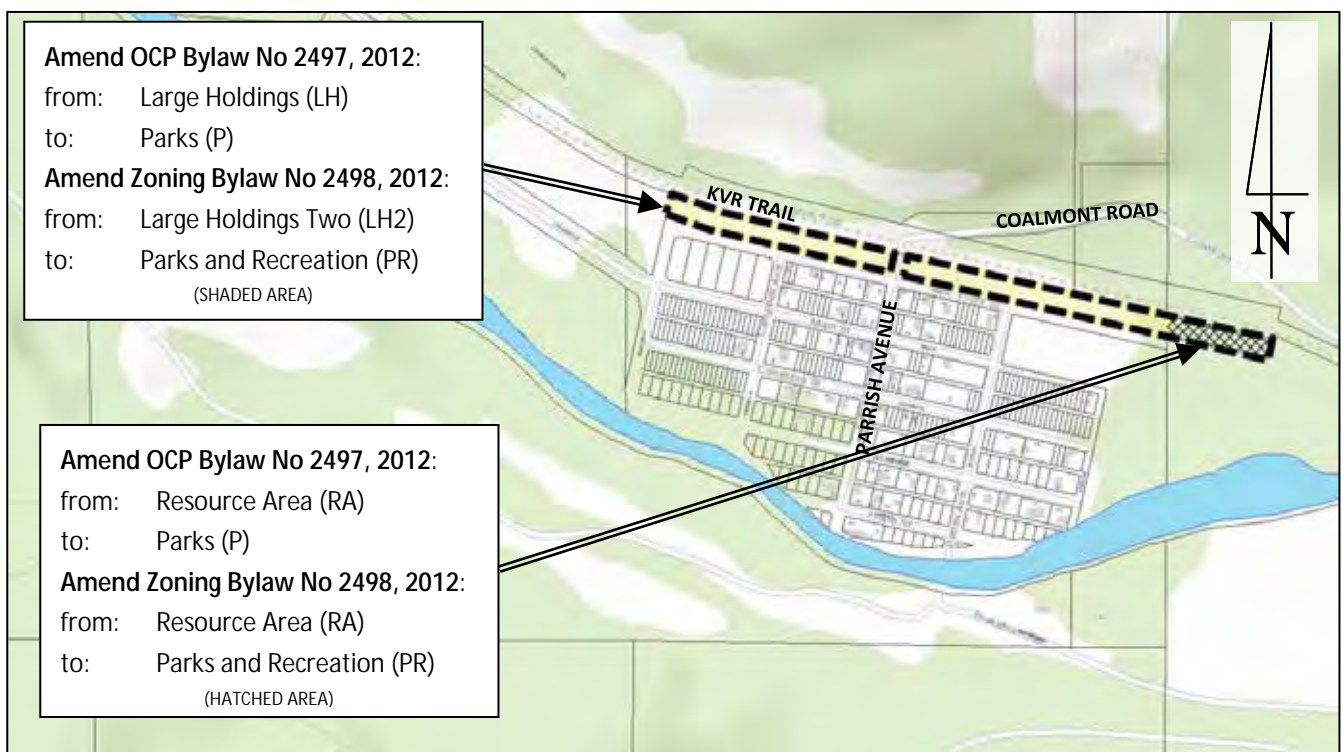
Date: Thursday, August 2, 2018

Time: 9:00 a.m.

Location: RDOS, Board Room, 101 Martin Street, Penticton

Amendment Bylaw No. 2497.09, 2018, proposes to amend Schedule ‘B’ (OCP Map) of the Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012, by changing the land use designation of the land described as Lots 1 & 2, Plan KAP28772, District Lot 99, YDYD, from from part Large Holdings (LH) and part Resource Area (RA) to Parks (P).

Amendment Bylaw No. 2498.13, 2018, proposes to amend Schedule ‘2’ (Zoning Map) of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, by changing the land use designation of the land described as Lots 1 & 2, Plan KAP28772, District Lot 99, YDYD, from part Large Holdings Two (LH2) and part Resource Area (RA) to Parks and Recreation (PR).



For further information about the content of the Electoral Area “H” OCP Amendment Bylaw No. 2497.09, 2018, and Zoning Amendment Bylaw No. 2498.13, 2018, and the land affected by it, persons are encouraged to inspect a copy of the proposed Bylaws 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 related to this proposal is also available at: www.rdos.bc.ca (Departments → Development Services → Planning → Current Applications & Decisions → Electoral Area “H” → H2018.084-ZONE)

Anyone who considers themselves affected by Electoral Area “H” OCP Amendment Bylaw No. 2497.09, 2018, and Zoning Amendment Bylaw No. 2498.13, 2018, can present written information or speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

NOTE: 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.



NOTICE OF PUBLIC HEARING

Amendment Bylaw No. 2788, 2018

Commercial Zone Update

Electoral Areas "A", "C", "D", "E" & "F"

Notice is hereby given that all persons who believe that their interest in property is affected by the **Regional District of Okanagan-Similkameen Commercial Zone Update Amendment Bylaw No. 2788, 2018**, will be afforded a reasonable opportunity to be heard before the Regional District Board or to present written submissions respecting matters contained in the proposed bylaw at a public hearing to be held on:

Date: Thursday, August 2, 2018

Time: 9:00 a.m.

Location: RDOS, Board Room, 101 Martin Street, Penticton

The Regional District is proposing to update the commercial zones found in the South Okanagan Electoral Areas as part of on-going work related to the preparation of a single zoning bylaw for these Electoral Areas. Accordingly, **Amendment Bylaw No. 2788, 2018**, proposes, amongst other things, the following:

- introduction of a Commercial Tourist (CT) land use designation in the OCP Bylaws including supporting objectives and policies and applying this designation to properties currently zoned tourist commercial;
- updates to current definitions and introduction of new definitions related to commercial land uses;
- an updating of the General Commercial (C1) Zone and Service Commercial (CS1) Zone and applying the latter to existing service station uses; and
- an updating of existing commercial zonings on the Zoning Maps, being Schedule '2' of the various Electoral Area Zoning Bylaws.

These amendments will be applied to the:

- Electoral Area "A" OCP Bylaw No. 2450, 2008, & Zoning Bylaw No. 2451, 2008;
- Electoral Area "C" OCP Bylaw No. 2452, 2008, & Zoning Bylaw No. 2453, 2008;
- Electoral Area "D-1" OCP Bylaw No. 2683, 2016, & Zoning Bylaw No. 2457, 2008;
- Electoral Area "D-2" OCP Bylaw No. 2603, 2012, & Zoning Bylaw No. 2455, 2008;
- Electoral Area "E" OCP Bylaw No. 2458, 2008, & Zoning Bylaw No. 2459, 2008; and
- Electoral Area "F" OCP Bylaw No. 2460, 2008, & Zoning Bylaw No. 2461, 2008.

For further information about the content of **Amendment Bylaw No. 2788, 2018**, and the land affected by it, persons are encouraged to inspect a copy of the proposed Bylaws 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 related to this proposal is also available at: www.rdos.bc.ca (Departments → Development Services → Planning → Strategic Projects → Commercial Zone Update).

Anyone who considers themselves affected by **Amendment Bylaw No. 2788, 2018**, can speak at the public hearing or present written information prior to or at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

NOTE: 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.

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REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, August 02, 2018

9:15 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of August 2, 2018 be adopted.

B. DRAFT ELECTORAL AREA "F" OFFICIAL COMMUNITY PLAN (OCP) BYLAW NO. 2790, 2018 SIGNIFICANT POLICY SUMMARY – For Information Only

To provide the Board of Directors with a summary of all significant policy changes within the updated Electoral Area "F" OCP Bylaw No. 2790, and, to provide information on any current subdivision proposals that may be affected by the proposed changes, as per the Board's "Land Use Bylaw Transition Policy".

C. ADJOURNMENT

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Draft Electoral Area "F" OCP Bylaw No. 2790, 2018 – Significant Policy Summary

Administrative Recommendation:

THAT the summary of significant policy changes to the Electoral Area "F" Official Community Plan be received for information only.

Purpose:

The purpose of this report provide the Board of Directors with a summary of all significant policy changes within the updated Electoral Area "F" OCP Bylaw No. 2790, and, to provide information on any current subdivision proposals that may be affected by the proposed changes, as per the Board's "Land Use Bylaw Transition Policy".

Background:

The current Electoral Area "F" Official Community Plan (OCP) Bylaw No. 2460, 2008, originated from a Rural Land Use Plan (RLUB) that was adopted in 1988 and last updated in 1997.

In 2008, through the Repeal and Re-enactment (R&R) Process, the RLUB was split into two bylaws: an OCP Bylaw and a Zoning Bylaw; however, no substantive changes were made nor was there a public engagement process to re-evaluate the vision, goals and policies of the OCP.

The Board identified the review and update of the Electoral Area "F" OCP Bylaw as a strategic project in the 2016 Business Plan with the anticipation that it would be a two year project, and was commenced in early 2017.

When undertaking the preparation of a new OCP Bylaw, the Board's "Land Use Bylaw Transition Policy" (dated February 11, 2016), requires that Administration appraise the Board of:

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

Analysis:

The intent of the Land Use Bylaw Transition Policy is 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".

The updated Electoral Area "F" OCP Bylaw has had numerous changes and additions that brings the OCP up to a current standard and through a lengthy and thorough community engagement process, the updated OCP reflects the community's desires on future land use.


Administration considers that the significant policy changes contemplated are listed under Attachment No. 1 (below), while current subdivision that may be impacted are listed under Attachment No. 2 (below).

Respectfully submitted:

ERiechert

E. Riechert, Planner

Endorsed by:



C. Garrish, Planning Supervisor

Attachments: No. 1 — Significant Policy Changes

No. 2 — Current Subdivisions

Attachment No. 1 — Significant Policy Changes

The following is an overview of significant policy changes in the Electoral Area “F” Official Community Plan (OCP), the changes are presented under their respective headings, in order in which they appear in the OCP. It should be noted that not every change to the existing OCP is identified in this report. Minor policy additions or modifications to wording have not been included.

Section 2.0: What is an Official Community Plan?

Information has been added explaining what an OCP is and how this OCP was developed.

Section 3.0: Community Profile

This new section includes a geographic and historical description of the many rural and diverse settlement histories in the Plan area, including the Penticton Indian Band (PIB). The section also includes a summary of PIB background document, *Penticton Indian Band land, water and tmix^W planning document for RDOS Electoral Area “F”*, that was completed by PIB with the support of RDOS as part of an ongoing relationship building process between the two organizations. While not in the RDOS jurisdiction, a significant portion of the plan area is occupied by PIB reserve lands. This section also provides information of population, demographics and housing types.

Section 5: Vision and Broad Goals

This new section provides an overall vision along with nine broad goals that reflect the input and priorities of residents.

Section 6.0: Growth Management

This is a new section and includes background information on growth management and the Regional Growth Strategy as well: it estimates the need for the Plan area to accommodate 54 new homes over the next 15 years (based on past population projections); it delineates the Greata Ranch Rural Growth Area; and it establishes objectives and policies for the designated Rural Growth area.

Section 7.0: Local Area Policies

This new section provides background information and specific policies for West Bench/ Sage Mesa Faulder /Meadow Valley and Greata Ranch that are in addition to all the other policies contained in the OCP.

For the West Bench / Sage Mesa area, the Local Area Policies contains several new policies, these include (in summary):

- An updated technical assessment of geohazards;
- Working with City of Penticton to conduct a feasibility study for extension of sewer and storm service;
- Subject to sewer and stormwater servicing, explore designating Greater West Bench as a Rural Growth Area during the next scheduled South Okanagan RGS review (2020);
- Subject to an updated geotechnical hazards assessment, may consider permitting secondary suites or carriage homes;

-
- Supports working with gravel pit and asphalt plant property owners to reduce negative impacts on nearby residents;
 - Supports working with gravel pit and asphalt plant property owners to help find a more appropriate location;
 - Supports working with PIB to explore an alternate truck route to access gravel operations;
 - Supports completion of the KVR trail;
 - Supports working with MOTI to improve bicycle and pedestrian safety
 - Supports ongoing collaboration with PIB regarding wild horses;
 - Supports home occupations but will not support home industries on parcels less than 2 ha in size;
 - Home industries should be in a large Holdings zone and compatible with surrounding character;
 - May consider residential development proposals with a range of densities potentially on four identified properties (gravel pit/ asphalt plant and Pine Hills/ north Sage Mesa) but is predicated on full sewer, storm water and community water infrastructures in place, all geotechnical risks being addressed and consistency with the RGS.

For the Faulder / Meadow Valley area, the new Local Area Policies include several policies, these include (in summary):

- Continuing to work with IHA on high quality drinking water in Faulder;
- Protection of source water and may consider establishment of a development permit area;
- Limiting subdivisions;
- Encourage FireSmart best practises;
- Supports maintaining and enhancing the farming lifestyle in Meadow valley.

For Greata Ranch, three new policies have been developed, including (in summary):

- Supports compact residential that compliments existing commercial tourist uses;
- Residential development is subject to on site community water, sewage and stormwater management;
- Will review suitability of Greata Ranch as a Rural Growth Area when the RGS is reviewed or updated.

Section 8.0: Resource Area

This section now includes broader objectives and more specific policies. The RA designation is intended for grazing or rangelands, forestry, natural resource extraction, recreation, environmental conservation, watershed protection and management opportunities, and limited rural residential uses. New policies include supporting low impact recreation, help controlling the invasion and spread of invasive weeds. The Province is encouraged to have due consideration for the impact of resource extraction on existing residents and infrastructure.

There is also policy supporting the identification and establishment of a Watershed Resource Area zone for the designated watersheds (Trout, Shingle, Farleigh, Peachland) within the Plan area.

The policy to maintain a 20 ha minimum parcel size for RA has not been revised. Communication with First Nations is supported in a policy regarding management and development of Crown resources.

Section 9.0: Agriculture

This section now includes both broad objectives and more specific policies. There are now 17 policies that support the use of agriculture, protect the agricultural land base and minimize conflicts between farm and non-farm uses and to minimize impacts of agriculture on sensitive environmental resources. New policies in this section include:

- the need for an assessment from a professional agrologist (P.Ag) to accompany an ALR exclusion application (making this consistent with other Electoral Area OCPs);
- supports the agricultural sector and rural economy by considering economic strategies that promote agriculture, provide added value and identify new farm markets;
- supports secondary, value added uses;
- supports measure to reduce conflicts between residential and agriculture;
- supports local food production;
- recognizes climate change will impact the agricultural sector at the local scale and will work with stakeholders to undertake adaptive action.

Section 10.0: Rural Holdings

Now contains broader objectives, general policies and policies for Large and for Small Holdings designations. New policies in this section include:

- supports home industry only on parcels larger than 2 ha, provided uses are compatible with surrounding character;
- provides a list of criteria for the Board to consider when evaluating any proposal for creating new LH or SH designated lands;
- should work with the Subdivision Approving Authority to ensure rural developments allow for public access to Crown land;
- encourages new development that abut agricultural land or livestock grazing to provide perimeter fencing; establishes a range of densities for LH to be no less 4 ha in area, and for SH to range from 0.2 ha to 2 ha.
- supports minimum parcel size of one ha for any lands without community sewer.

Section 11.0: Residential

This section now provides broader objectives, general residential policies and specific policies for low density, medium density residential and comprehensive development designations. Policies include filling in of vacant previously approved subdivisions before considering more residential development, and provides a list of criteria to be used for the assessment of any new residential proposals.

Low Density is considered to be 15 to 20 dwelling units per gross hectare, subject to servicing requirements, and the maximum density for lands designated as Medium Density (located only at Greata Ranch) is between 30 and 35 dwelling units per gross hectare.

New policies supporting housing for a range of income levels, lifestyles and ages including rental housing and secondary suites where appropriate and feasible. Secondary suites or carriage houses may be considered only after an updated technical assessment of geotechnical hazards in the West Bench / Sage Mesa area.

Included now is a policy that supports home occupations and bed and breakfasts within a single family dwelling provided operation does not have a negative impact on surrounding homes

Also included are policies for new Medium Density residential development (only located at Greata Ranch) to make sure that buffering and distances be designed to minimize conflicts form agricultural use.

The comprehensive development designation references historical legal non-conforming shared lot residential parcels. Specific zoning for these parcels will be included in the zoning bylaw.

Section 12.0: Commercial

This section now provides broader objectives and policies for General Commercial, and Tourist Commercial designations. The Plan recognizes a limited capacity for commercial activities in the plan area and no new lands have been designated as Commercial. The OCP identifies two General Commercial designations (fruit stand along Hwy 97, and a part of Greata Ranch) and four Commercial Tourist designations (two golf courses, Punta Norte Guest House and Greata Ranch development)

Section 13.0: Industrial

This section now provides for broad objectives and policies regarding Industrial activity. There are no designated Industrial areas in the Plan area. The plan encourages larger scale industrial and light manufacturing to locate in the City of Penticton or other serviced and designated industrial areas in the RDOS, it also may give consideration designating land Industrial on a case by case basis, and it also may consider accommodating time limited industrial uses through Temporary Use Permits, if compatible with adjacent uses.

There is also a new policy that states the Board will not issue Temporary Use Permits for aggregate or asphalt activities within 50 m of a Residential or Small Holdings Designation.

Section 14.0: Administration, Cultural and Institutional

This section now contains objectives and policies for Educational and Community facilities, Protective Services, and Heritage and Cultural Resources. An informative history of the Sylix people and several of the culturally important place names have also been included. This work is result of specific engagement with the PIB community through their Natural Resources department.

Section 15.0: Parks, Recreation and Trails

This new section contains information on the different types of parks and recreation within Electoral Area "F", with objectives and policies for these uses. This section now categorizes parks and recreation areas as being regional in nature (e.g. Selby, Mariposa, Bonin Parks), the Kettle Valley Railway trail, Provincial recreation areas(e.g. Darke Lake Enease Lakes, Kickininee and Okanagan Lake Parks), and other recreational areas such as Camp Boyle.

There is a sub-section for Parkland Dedication policies that provides direction for the Board and for staff when considering a parkland dedication as land or as cash-in-lieu. The policies follow the *RDOS 2010 Parkland Dedication Policy* and are consistent with the Provincial Best Practises for Parkland dedication.

Section 16.0: Natural Environment and Conservation

This new section provides information on the important ecosystems within the Plan area with general objectives and policies to sustain the environmental quality of the area.

The new Natural Environment and Conservation section includes background information, objectives and policies for the natural environment and conservation. The section now contains separate sub-sections for riparian and foreshore areas, terrestrial areas, and Conservation Area designated lands.

Section 17.0: Hazard Lands

The Hazard Lands section has been revised and expanded to include greater understanding of the types of hazards in the Plan area. Schedules under this section include maps on soil stability; steep slopes, and wildfire. There are now objectives and policies for general hazard lands that includes updating the technical assessment of geotechnical hazards in the West Bench areas using current methods.

A new subsection of Fire Management is now included which provides a policy that may require when a rezoning application is submitted to provide a fire hazard risk assessment by a qualified professional that includes a number of criteria to be included in the assessment.

A new policy regarding radon gas is also included in this section.

Section 18.0: Transportation

The Transportation section has been revised and expanded to encompass and enable safe, efficient mobility of goods and people with the Plan area. The Plan supports and encourages the provision of safe pedestrian and cycling opportunities as improvements are made to the roadways. The policies include encouraging the province to widen and pave shoulders on designated cycle routes and improve safety signage, to encourage traffic impact studies as for of any new major development. The OCP also supports the implementation of the Okanagan-Similkameen Transit Future Plan.

Section 19.0: Infrastructure and Servicing

This is a new section that provides background, objectives and policies on infrastructure and services, including water distribution, Wastewater and sewerage, Stormwater management, solid waste management, and other utilities. As electrical, gas and communication utilities are also important to the community, the Regional District has an interest in helping guide the provisions of these services.

This section provides background information on the Faulder, West Bench, Sage Mesa and North Beach water systems. It also discusses the importance of groundwater usage.

There have been numerous new policies included to protect and conserve water resources. Of note, there are policies that consider development of groundwater bylaw, to consider new developments only if proven adequate water supply and systems are in place, to encourage private water utilities to adopt the Regional Districts' subdivision servicing bylaw regulations, support working with PIB on

regional water management initiatives, and to strongly discourage the creation of new private water utilities.

Section 20.0: Aggregate and Mineral Resources

This is a new section in the OCP and contains background, objectives and policies on mineral and aggregate resource extraction (as required under the *Local Government Act*). A map has been included showing the aggregate pits and aggregate potential, based on provincial mapping. There is a policy that does not support the exploration and mining of uranium within the Plan area.

Section 21.0: Climate Change and Greenhouse Gas Reduction

This section describes the impacts of climate change and contains objectives and policies in order to reducing GHG emissions by 33% below 2007 levels.

Section 22.0: Temporary Use Permits

This section reflects the most current TUP policies in other Electoral Areas, including vacation rentals.

Section 23.0: Development Permit Areas

The Environmentally Sensitive Development Permit (ESDP) Area section has not been changed; however, it is a relatively new addition to the OCP Bylaw, being approved for inclusion in June 2017, as part of an Okanagan wide update to ESDPs.

There have been no changes to the Watercourse Development Permit area and no new development permit areas have been created.

Section 24.0: Implementation

This section includes a list of refinements and amendments as part the implementation once the OCP is approved. Included on this list are zoning bylaw amendments, subdivision servicing bylaw, and discharge/termination of Land Use Contracts, and a review of the suitability of Greata Ranch as a Rural Growth Area when the Regional Growth Strategy is updated.

There are also a number of follow up studies and initiatives identified as actions that could help implement portions of the plan. These include: updated hazard assessment for West Bench/ Sage Mesa; explore a groundwater bylaw; a sewer and storm feasibility study for West Bench/ Sage Mesa area; exploring the feasibility for amalgamating water utilities under Regional District management; and a feasibility study on the expansion of sewer services to the West Bench/ Sage Mesa areas.

Attachment No. 2 — Current Subdivisions

There is currently one (1) active subdivision in Electoral Area “F” which is also in the process of a rezoning (1st & 2nd reading was approved at the Board’s meeting of July 19, 2018, with a public hearing to be held at the Board meeting of August 16, 2018).

This property is located at 15 Deans Road, just outside Summerland and near Faulder and is not impacted by any forthcoming changes to the OCP.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, August 02, 2018

9:45 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Committee Meeting of August 02, 2018 be adopted.

B. 2018 UBCM MINISTRY MEETINGS – DRAFT BRIEFING NOTES – For Discussion

1. Ministry of Agriculture: Siting Cannabis Production Facilities
 2. Ministry of Environment & Climate Change: Curbside Collection of Beverage Containers
 3. Ministry of Forests, Lands, Natural Resource Operations & Rural Development: KVR Trail Damage and Cycling Infrastructure
 4. Ministry of Forests, Lands, Natural Resource Operations & Rural Development: Naramata Diversion Flume Decommissioning
 5. Ministry of Forests, Lands, Natural Resource Operations & Rural Development: Okanagan River Channel Dredging to Mitigate Flooding
 6. Ministry of Forests, Lands, Natural Resource Operations & Rural Development: Flood Water Management
 7. Ministry of Health: Medical First Responder Dispatch
 8. Ministry of Municipal Affairs & Housing: Sage Mesa Water System
 9. Ministry of Public Safety & Solicitor General: Policing in the South Okanagan-Similkameen
 10. Ministry of Transportation & Infrastructure: Connecting the South Okanagan to the Coquihalla
 11. Ministry of Transportation & Infrastructure: Eastside Road Sewer Project Road Repaving
 12. Ministry of Transportation & Infrastructure: Access to Highway 97 in Okanagan Falls
 13. Ministry of Transportation & Infrastructure: Public Transit Options – Okanagan to Lower Mainland
 14. Ministry of Transportation & Infrastructure: Support for Ridesharing in Rural Areas
 15. Ministry of Transportation & Infrastructure: Weyerhaeuser Road – Future Ownership and Maintenance
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C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: 2018 Union of BC Municipalities (UBCM) Ministry Meetings - Briefing Notes

Background:

The 2018 Union of BC Municipalities (UBCM) Convention will be held at the Whistler Convention Centre from September 10-14, 2018. UBCM's annual convention provides an opportunity for Local Government Delegates to discuss issues and initiatives with Cabinet Ministers and Provincial Staff.

Based on input from the Board of Directors, RDOS staff has contacted the appropriate Provincial Ministries and Senior Staff to request meetings at UBCM. Confirmation of meetings is pending.

The following is an overview of briefing notes for each meeting:

1. PREPARED BRIEFING NOTES

- a. Agriculture**
 - i. Siting Cannabis Production Facilities
- b. Environment & Climate Change**
 - i. Curbside Collection of Beverage Containers
- c. Forests, Lands, Natural Resource Operations & Rural Development**
 - i. KVR Trail Damage and Cycling Infrastructure
 - ii. Naramata Diversion Flume Decommissioning
 - iii. Okanagan River Channel Dredging to Mitigate Flooding
 - iv. Flood Water Management
- d. Health**
 - i. Medical First Responder Dispatch
- e. Municipal Affairs & Housing**
 - i. Sage Mesa Water System
- f. Public Safety & Solicitor General**
 - i. Policing in the South Okanagan-Similkameen

g. Transportation & Infrastructure

- i. Connecting the South Okanagan to the Coquihalla
- ii. Eastside Road Sewer Project Road Repaving
- iii. Access to Highway 97 in Okanagan Falls
- iv. Public Transit Options – Okanagan to Lower Mainland
- v. Support for Ridesharing in Rural Areas
- vi. Weyerhauser Road – Future Ownership and Maintenance

2. OUTSTANDING BRIEFING NOTES

a. Public Safety & Solicitor General

- i. Prolific Offender Sentencing – Impacts on Communities

All outstanding briefing notes will be brought forward to the Board of Directors on August 16, 2018 for information only.

Respectfully submitted:

“Debra Paulhus”

D. Paulhus, Administration Support Clerk

Endorsed by:

“Christy Malden”

C. Malden, Manager of Legislative Services

2018 UBCM Appointments
The Honourable Lana Popham
Minister of Agriculture

Regional District of Okanagan-Similkameen

Siting Cannabis Production Facilities

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

Prior to amending legislation, the Regional District would request clarity from the Ministry on the future intention with regard to cannabis production in the Agricultural Land Reserve.

Introduction:

On July 13, 2018, the Ministry of Agriculture released an Information Bulletin amending the regulation of licensed cannabis production in the Agricultural Land Reserve (ALR). Prior to this amendment cannabis production was considered an agricultural use and permitted in the ALR. The news release further clarifies that cannabis production in the ALR cannot be prohibited if grown lawfully in an open field, in a structure with a soil base, in a pre-existing licensed operation or one under construction prior to the regulation change. Local governments were previously unable to prohibit cannabis production facilities of any sort, but could establish regulations for their siting. This prohibition has been rescinded and local governments may prohibit cannabis production in the ALR unless it is grown in ways that preserve the productive capacity of agricultural land.

The Problem:

Although the Province has enabled local government to prohibit cannabis production in the ALR, this requires a substantive process, lots of public dialogue and uncertainty as to what final federal and provincial legislation will come in to force.

Overview:


The Regional District has received a number of development inquiries on the construction of cannabis production facilities, some of which are in rural areas, which would typically have been permitted prior to the information bulletin. What is similar for all these inquiries, though, is the scale of the facilities that are being proposed. The conceptual plans demonstrate several hundred thousand square footage of commercial buildings/greenhouse structures, with substantial land base needs for the footprint of the greenhouse building, parking lot amenities, distribution and loading zones and office space.

The significant economies of scale that are being seen in this relatively new industry are most likely due to the stringent approval process from Health Canada to receive a production license, but generally, the Board of Directors for the Regional District have become very concerned about the loss of arable farmland being covered. Consequently, the Board now considers that the best placement for these types of facilities would be in large parcels of Industrial zoned land, where there usually exists water and sewer infrastructure, access to highways, and some buffer from other types of non-compatible uses (i.e. residential).

Proposed Outcome:

That the Minister brief the Regional District on intentions for the siting of cannabis production facilities.

Respectfully submitted,


Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable George Heyman
Minister of Environment and Climate Change Strategy

Regional District of Okanagan-Similkameen

Curbside Collection of Beverage Containers

Attendees: Chair Karla Kozakevich; Vice-Chair Manfred Bauer; CAO Bill Newell;
Electoral Area "F" Director Michael Brydon

Purpose:

To request the Minister to ask Encorp and RecycleBC to review the benefits of merging the beverage container return program with the curbside collection of packaging.

The Problem:

Many residents have indicated that taking beverage containers back to a bottle depot or retailer for deposit is inconvenient. The current practice of many is to place beverage containers with other containers being collected by the RecycleBC residential collection program.

Overview:

In BC, Encorp deals with the beverage deposit and return program for most beverage containers excluding those for milk and soymilk products. RecycleBC deals with all other packaging, including containers for milk and soymilk products, which do not have a deposit.

As their respective annual reports show, the percentage of materials recovered through these programs is nearly identical. Having two separate streams for similar materials can be annoying for residents and potentially higher costs for businesses and consumers. The deposit system is an issue for some households due to the inconvenience of having to return the beverage containers to a particular place with limited hours or long lineups. Beyond consumer convenience, tracking deposits are an additional cost for large and small businesses. If curbside collection will result in the same percentage of materials recovered, then removing the deposit on beverage containers makes sense.

The Solution:

The Province of BC regulates all extended producer responsibility (EPR) programs while businesses develop and provide the implementation. Due to history, Encorp and RecycleBC have developed very different strategies to deal with the same types of packaging. Although both comply with current Provincial regulations, the Province can suggest that Encorp and RecycleBC identify efficiencies for themselves and consumers by including beverage containers within curbside collection programs.

Regional Districts do not have the political heft to ask these groups to consider curbside collection for beverage containers. These organizations will be more likely to listen to the Minister of Environment.

Challenges:

Encorp is one of the longest running EPR programs in BC. Any shift to the hundreds of small private businesses that operate bottle depots across BC must be considered along with the benefits of collecting beverage containers as part of curbside collection.

Proposed Outcome:

A letter from the Minister to Encorp and RecycleBC to consider the potential of having beverage containers collected through the RecycleBC residential collection program with a request for these organizations to report back the Minister and Regional Districts on the findings.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations and Rural Development

Regional District of Okanagan-Similkameen

Okanagan-Similkameen Kettle Valley Rail Trail

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

The Regional District is seeking support from the Province of British Columbia to expedite the development and long-term tenure of an active transportation and recreation corridor for all sections of the former Kettle Valley Railway corridor in the South Okanagan and Similkameen.

Overview:

Trails are embedded in the culture of the Okanagan and Similkameen Valleys and a wide variety of users recreate and commute on the region's trails daily. Local area residents use the region-wide trail system for activities ranging from evening strolls to commuting to work, to recreation based activities such as cycling and equestrian. Commercial businesses use the trail to operate events and tours, which brings economic benefits to the Regional and the Province.

Highlights of the KVR trail include stunning vistas, an easy gradient and unique topography and local Agri-tourism ventures including orchards and wineries. Exceptionally diverse, the trails traverse ranch lands, riverbanks, lakes, tunnels, trestles, desert, orchards and vineyards.

The Regional District Trail Master Plan inventoried over 800 different trails in the region and assessed the use as well as recommended improvements. Using the Master Plan as a guide, RDOS developed an implementation strategy that prioritized the rail trails as the best way to provide the highest value to residents by providing alternative transportation options as well as recreational opportunities.

The Province is fortunate that it has nearly 250 km of continuous KVR rail trail east/west connecting the Okanagan Valley to the Similkameen Valley. The current priority for the Regional District Trails Program is to connect the South Okanagan from Penticton to Osoyoos via the KVR South Spur.

Benefits Locally and Provincially:

1. Promotes physical activity and preserves local history
2. Establishes the trails as a world-class attraction to increase visitor activity
3. Establishes economic and recreational opportunity for everyone
4. Improves community health
5. Environmental preservation
6. Job creation
7. Public access to wildlife and ecosystem values

Although the Province made the strategic decision decades ago to purchase this section of former KVR for a future public walkway that commitment has not been realized. The Regional District Board and its constituents have supported this vision and have made several attempts to secure formal Provincial tenure over the corridor to operate a public trails system.

Challenges

There are varieties of challenges that exist, considering the vast differences in each section of the corridor. These range from sensitive environmental habitats, conflicting neighbouring uses, stakeholder involvement and First Nation interest.

The Regional District has facilitated several public, stakeholder and trail steward forums to deliberate on these challenges. Most formally through our 2012 Regional Trails Master Plan. Since that time, the inaction and lack of follow through from the Province has created frustration with users, conflict amongst adjacent landowners and stakeholder groups.

Proposed Outcome:

1. To receive support from the Province of British Columbia for the development of an active transportation and recreation corridor for all sections of the former Kettle Valley Railway corridor in the South Okanagan and Similkameen.
2. To secure tenure over the former Kettle Valley Railway right of way and parts of the Okanagan River Channel for the construction of a non-motorized public access trail that will connect communities of the South Okanagan with a continuous off-highway, safe and enjoyable active transportation corridor.
3. An increase to the Provincial Ministry of Forests Lands Natural Resource Operations and Rural Development - Recreation Sites and Trails BC annual capital and operating budget that supports local government trail partnerships.
4. For support of and participation on a Regional trail advisory group.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations & Rural Development

Regional District of Okanagan-Similkameen

Naramata Diversion Flume Decommissioning

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

1. To address the future requirements of the aging diversion flume that transports creek water from Robinson Creek to Naramata Creek solely for the purpose of maintaining fish habitat and spawning grounds;
2. To discuss the potential of the Provincial government taking ownership of the flume to protect the fish habitat developed in the creek; and
3. To discuss the repercussions if the Regional District decommissions the flume and the fish habitat becomes unusable potentially resulting in fish kills.

Overview:

Several decades ago the Naramata Irrigation District developed a wooden frame and sheet metal flume structure for the purpose of transporting water from Robinson Creek to Naramata Creek during the irrigation season. The flume is approximately 730 meters long and includes a short section of buried PVC pipe carrying water across the Fortis right-of-way to Naramata Creek.

Naramata Creek is 12 km long and supports 3.4 km of habitat available for Kokanee spawning and Rainbow Trout before a fish barrier blocks further access. The repopulation of salmon by Okanagan Nation Alliance Fisheries appears to be successful and habitat enhancement projects have resulted in Naramata Creek being one of the most important creeks in the southern portion of Okanagan Lake.

The flume was originally installed to supply irrigation water for the agricultural properties along the creek to support the water licenses held at the time. Irrigation water has not been required for a number of years from Naramata Creek; this service is provided via the domestic supply. The flume is still being maintained by the Naramata water system operations to support fish habitat and spawning grounds in Naramata Creek until a decision can be made.

The aging flume is experiencing increased leakage and maintenance requirements, especially from tree fall damage, as it is reaching the end of its service life. In 1993, a tree fell across the flume and stopped the flow of water killing an estimated 600 spawning fish in Naramata Creek.

A decision is necessary about whether this flume needs to be replaced to maintain the fish habitat in Naramata creek or allow the creek to return to pre-flume conditions. Prior to the flume installation, the water typically would stop flowing in the Naramata Creek during the summer months.

The Regional District is looking to the Ministry to help work through either decommissioning requirements or ownership transfer opportunities to keep this important fish habitat. As the flume is no longer needed for the Naramata water system, decommissioning is the desired route for the Regional District. The Naramata water system requires about \$40 Million in upgrades and new infrastructure in the next 15-20 years to keep the potable water system operational and meet the drinking water standards. A capital investment for a non-operational item that is not consistent with our service is not possible without significant support from the Provincial Government.

Challenges

1. Aging flume infrastructure must be replaced or decommissioned within the next 1-2 years.
2. Maintaining fish habitat is not a mandate of the Naramata Water System service and funds are not collected for this activity.

Proposed Outcome

1. That the Provincial Ministry will assume ownership of the flume and carry out necessary replacement activities for maintaining the fish habitat
2. Alternatively, the Ministry provide approval to the Regional District to decommission the flume and not be liable for any resulting loss of fish habitat and spawning grounds.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Doug Donaldson
Forests, Lands, Natural Resource Operations & Rural Development
Regional District of Okanagan-Similkameen

Okanagan River Channel Dredging to Mitigate Flooding

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

To receive clarification on whether or not the Province dredges the Okanagan River channel to mitigate flooding.

Overview:

Residents within the Regional District Electoral Areas and its member municipalities experienced widespread flooding in past years, most notably in 2017 and 2018.

Challenges:

There are ongoing questions from the public as to whether or not the Okanagan River channel is dredged on an ongoing basis to mitigate flooding.

Proposed Outcome:

The Regional District would be interested to learn more about the Province's position and current practice related to river channel maintenance.

It would be helpful to have Ministry staff present to the Board on this matter and if possible, provide the Board with any technical reports related to this subject.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Adrian Dix
Minister of Health

Regional District of Okanagan-Similkameen

Medical First Responder Dispatching

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

To receive clarification of the process that dictates how medical first response calls are dispatched to local fire departments.

Overview:

Calls to 911 requiring medical assistance are automatically sent to the BC Health Emergency Services Kamloops Dispatch Operations Centre for this Region. Dispatchers then determine which local service to dispatch depending on the type of medical call and availability of local services. Local fire departments that provide medical first responder service are utilized by BCEHS paramedics to support medical calls.

Kamloops Dispatch Operations Centre receives an average of 500-600 calls a day and is responsible for dispatching ambulances to 98 communities throughout British Columbia.

Challenge:

Additional information needed

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Delina Robinson
Minister of Municipal Affairs and Housing

Regional District of Okanagan-Similkameen

Sage Mesa Water System

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;
Electoral Area "F" Director Michael Brydon

Purpose:

1. To encourage the Ministry to enforce drinking water standards on the owners of the Sage Mesa Water & Utility Company.
2. To encourage the Ministry to bring the Sage Mesa Water System infrastructure up to an acceptable standard; or,
3. Should the Sage Mesa Water System be purchased by the Regional District, that the Province provide funding to the Regional District to consolidate the Sage Mesa Water System and West Bench Water System to ensure fully filtered/ treated water can be provided to those citizens.

Overview:

The Sage Mesa water system services 250 residential lots and two golf courses 2 km north of the City of Penticton with a water supply from Okanagan Lake. It is privately owned and authorized by a Certificate of Public Convenience and Necessity issued in 1965. Since an "order of seizure" in 1990, the Comptroller of Water Rights has assumed responsibility for operation and maintenance of the utility. The Regional District currently is under contract with the Province for performing operations and maintenance activities for the system.

The Sage Mesa system has two main sections. The lower section has insufficient contact time with disinfection chemicals and requires a Boil Water Notice to be in place during the summer months. During freshet, both the upper and lower sections must go on a Boil Water Notice as turbidity of the lake water is elevated at the shallow intake line.

The Regional District receives many concerns from citizens within the Sage Mesa Water Service. The private owners of the water system are willing to discuss a change in ownership, but would like assurances that upgrades would be completed with funding assistance, similar to the adjacent West Bench Water System.

The Regional District has a bulk water purchase agreement with the City of Penticton for the supply of potable water that meets the Canadian Drinking Water Standards to the West Bench water system. The Sage Mesa system is directly adjacent to West Bench and the agreement with Penticton has provisions for expansion to Sage Mesa. After 28 years of operation the provincial Comptroller's office should facilitate the transfer of this essential service into the public domain so the needs of those citizens affected can be addressed. The infrastructure is failing and no lifecycle planning is underway to address it.

Challenges:

Under the terms of the bulk water purchase agreement it is not financially viable for the Sage Mesa system to connect with the West Bench/City of Penticton supply. Grants will be needed to secure the availability of suitable drinking water. The system is also aging and water mains will need replacing. Given the geotechnical challenges of

the area, some watermain replacements should be a priority along with new supply mains from the West Bench water system.

Some citizens would argue that the Province is complicit in the deterioration of this system by not undertaking upgrades or proper planning during their tenure as manager. The Regional District believes that all citizens should have access to potable water that meets Clean Drinking Water Standards and, after 25 years of Provincial management, the Sage Mesa Water System doesn't.

Proposed Outcomes:

1. That, in the long-term, the Province investigates the abundance of small water purveyors, either private or non-profit, and addresses the safety and sustainability of these critical systems, in consultation with local government.
2. That the Province completes the infrastructure upgrades necessary to provide clean drinking water to the Sage Mesa water system; or, facilitates the sale of the system to the Regional District and provides funding to undertake the upgrades and connect to the West Bench/City of Penticton water supply.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Mike Farnworth
Ministry of Public Safety and Solicitor General

Regional District of Okanagan-Similkameen

Policing in the South Okanagan-Similkameen

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

To address policing levels in incorporated municipalities and electoral areas that are affected by the Gallagher Lake Corrections Facility.

Overview:

The new provincial corrections facility in the Senkulman Business Park within the unincorporated community of Gallagher Lake, just north of the Town of Oliver, has challenged the resources currently assigned to the area through the Penticton RCMP Detachment under the Rural Policing Contract.

After several years of planning and consultation with area stakeholders, the Provincial Government announced the construction of a Provincial jail on lands owned and operated by the Osoyoos Indian Band. Discussion at the regional district board table with respect to the potential impact of the facility on current police resources has identified a number of threats that don't seem to have been addressed. Both the Town of Oliver & the adjacent electoral area "C" in the regional district are currently subject to the provincial police contract and they rely on the Province to ensure they are resourced appropriately. There are currently eight (8) Members assigned to the Oliver Detachment and that complement has not changed in many years.

The current Oliver Detachment is considered "fully engaged" and the rural presence is virtually non-existent. There is a legitimate concern that the increase in population attributed to the staffing, support and visitation to the jail will have an adverse impact on adjacent citizens. Calls for service and Criminal Code files have increased significantly over the last few years and the trend line feeds into the demand anticipated by growth in the southern interior. The Ministry response of "let's wait and see what happens when it opens" is not reassuring when it comes to quality of life and public safety.

Current Status:

Operations at the Gallagher Lake Correctional Facility will commence in January 2017. It is anticipated that the facility at build-out will contain 360 regular use cells, including 18 for females and 36 assigned for segregation. As well, there would be 24 special management cells. In its entirety, the new facility can hold 666 inmates and will employ some 245 corrections officers and approximately 50 civilian employees.

The facility will have an annual operating budget nearing \$20 million dollars. Corrections forecasts estimate that, ultimately, the regional population would increase by at least 1,000 persons and there is little doubt that this would impact Policing resources in the Area "C" and the Oliver area.

Local Police are mandated with the investigation of crimes committed within the jail, amongst inmates and/or inmates upon facility staff. RCMP members are also called upon to assist with fingerprinting, photographing and interviewing inmates on the behalf of other police forces for ongoing investigations that may not be related to the reason the person is currently incarcerated.

Performance Indicators:

We understand that a request for an increase in human resources will compete with others on a provincial level. Relevant statistics and current workloads at the Oliver Detachment will be examined in detail going forward.

Proposed Outcome:

That the Minister of Justice authorize an increase of two (2) Officers for the South Okanagan-Similkameen Rural Policing Contract in the 2019/2020 fiscal year.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointment
The Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Connecting the South Okanagan to the Coquihalla

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;
Electoral Area "F" Director Michael Brydon

Purpose:

To request the Minister to consider the benefits to completing the twinning work on Highway 97 between West Kelowna and Penticton

Overview:

The Coquihalla Highway is the larger of the two main routes connecting the Vancouver area with the south interior. Built to enhance regional tourism and to lighten traffic on the busy trucking routes, the Coquihalla has, over time, changed the pattern of growth in the Okanagan Valley. With access to the Coquihalla adjacent to Kelowna, and four-lane highway directly feeding it, the Central Okanagan has flourished. Highway 97 south from the connector at West Kelowna was improved in 2008, but still has sections that are single-lane. This influences economic growth, traffic patterns and quality of life.


In addition to the tourist periods, the Okanagan Valley has developed as a transportation corridor with established hubs. Health facilities, are specialized; educational institutions are specialized and regional services are centralized. The Provincial strategy for the Okanagan is structured to move people up and down the valley, not to duplicate services in each regional district.

The Ministry of Transportation and Infrastructure is currently undertaking a Highway 97 – Peachland Transportation Study to examine how to move traffic through Peachland. Initial results show that Peachland's population growth has not kept pace with the Central Okanagan or BC. The Regional District of Okanagan Similkameen would suggest that this narrow of a study is somewhat myopic by the government and that they should be interested in looking at how to most efficiently move traffic from the border to the Coquihalla, not just through Peachland. As the regional hub for the south Okanagan – Similkameen, the growth patterns of Penticton vs. Kelowna would appear even more significant than the Peachland statistics.

Proposed Outcome:

It is requested that the Ministry of Transportation and Infrastructure investigate a broader transportation strategy for the Okanagan, but that the completion of twinning Highway 97 between Peachland and Penticton should be prioritized.

Respectfully submitted,


Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Eastside Road Sewer Project Road Repaving

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;
Electoral Area "D" Director Tom Siddon

Purpose:

To discuss with the Minister the partnership opportunities in regards for the need to repave Eastside road in Okanagan Falls following completion of a sewer upgrade project.

Overview:

The upgrading of the sewer line along Eastside road is planned to be installed under the driving lanes due to the current restricted width of Eastside road. The new sewer lines will connect the community of Skaha Estates into the Okanagan Falls waste water treatment plant.

Within the community of Skaha Estates, many of the roadways are observed to be in poor to fair condition. As a regular maintenance plan, these roads will come up for repair over the next several years. New sewer lines are being proposed under many of these roads to bring sewers to the community.

Challenges:

The Eastside road is currently very narrow restricting installation of the new sewer main to under the driving lane surface. In addition to the restricted width to work within, the terrain is rocky and the road alignment is very windy, making the install of the underground sewer line very challenging and costly. The disturbed paved road lane surface will need to be re-paved after installation of the sewer line. Grants available do not provide sufficient funding for hard surface road repairs due to installation of underground utility lines.

There is only one road along the Eastern side of Skaha Lake to serve traffic from multiple subdivisions. This traffic flows between Okanagan Falls and Penticton. Some additional challenges of Eastside Road are:

1. Visibility issues impacting sight lines and road safety due to the windy Eastside road, especially for events where fire trucks or other emergency response vehicle access is required; and
2. Increased risk of vehicle/wildlife and vehicle/cyclist accidents.

Paving of all the internal residential roadways will be required after the new sewer lines are installed. Grants available do not provide sufficient funding for hard surface road repairs after these installations.

Proposed Outcomes:

1. That the Ministry of Transportation and Infrastructure provide adequate funding and resources for the repaving of Eastside Road for the area affected by the new underground sewer line.
2. That the Ministry of Transportation and Infrastructure review the pavement conditions for the internal roadways in the Skaha Estates community for potential financial and resource contributions in areas affected by the new underground sewer line.
3. Further, that the Ministry of Transportation and Infrastructure review the road classification and traffic volumes associated with Eastside Road for future road widening opportunities.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Access to Highway 97 in Okanagan Falls

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;
Electoral Area "D" Director Tom Siddon

Purpose:

To discuss with the Minister the benefit of allowing access to Highway 97 for the South Skaha Housing Society project.

Overview:

A very prominent property in downtown Okanagan Falls is about to commence development of a Seniors Housing Complex and is open for other commercial growth. Access to Highway 97 has been denied by the Ministry of Transportation and Infrastructure, forcing access off 8th Avenue.

Proposed Outcome:

1. That the Ministry of Transportation and Infrastructure authorize access directly off Highway 97 in Okanagan Falls to provide access and egress to the South Skaha Housing Society Project.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Transit Service between the Okanagan-Similkameen and the Lower Mainland

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell

Purpose:

To establish a provincially subsidised public ground transportation service between the Okanagan-Similkameen and the Lower Mainland.

Overview:

Greyhound Canada recently announced that it would be ending its service in Western Canada. Greyhound officials presented to the Board in 2017 and explained their interest in concluding their services. This prompted the Regional District to undertake preliminary research into options for publicly subsidised transit that could replace the service in some form.

The Regional District consulted with existing commercial transportation operators to determine options and financial viability of the concept. The amounts below represent a moderate of the costing acquired.

TOTAL FUNDING REQUIRED	\$305,360	
Subsidy	\$143,519	47% Subsidy as per existing subsidy for Regional/Local Transit
RDOS	\$161,841	53% Local Partner Share - Contingent on Tax Service Establishment

Challenges:

Elimination of the Greyhound bus has left many individuals with limited resources or access to alternate modes of transportation to get to and from the Okanagan-Similkameen and the Lower Mainland.

Proposed Outcome:

A Provincially funding ground transportation service that connects with the Okanagan-Similkameen Regional BC Transit services to the Lower Mainland BC Transit services.

It is envisioned that a publically subsidised transportation service from the Lower Mainland could link directly into the existing Regional BC Transit Services that exists within the Okanagan-Similkameen.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Support for Ridesharing in Rural Areas

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;
Electoral Area 'F' Director, Michael Brydon

Purpose:

The Regional District requests that the Province of British Columbia support the emergence of ridesharing services (e.g., Uber, Lyft) in rural areas.

Overview:

Ridesharing could play an important role in providing mobility to residents in rural areas. Historically, rural areas have struggled to sustain public transit or reliable taxi service. These neighborhoods and small communities lack the scale and density to make such alternatives to personal mobility economically viable. Moreover, the terrain, climate, and demographics work against non-motorized mobility. The problem is getting worse as the population ages and critical services—such as advanced healthcare—become increasingly centralized in population centers.

We envision a multi-modal solution approach to mobility in which ridesharing solves the critical “last mile” problem. Residents could, for example, call for a ridesharing service to take them from their front door to the nearest central transit hub in Penticton. From there, they could catch a transit bus to Kelowna General Hospital to see a specialist. We have seen this symbiotic relationship between decentralized ridesharing and centralized public transit work in several parts of North America.

Challenges:


The Regional District struggles to sustain a public transit system for our aging rural population using existing modes. The last mile problem means that bus service is simply infeasible for many rural residents. The result is an underutilized system that requires significant BC Transit and local subsidies (sometimes up to 90% of all costs).

Proposed Outcome:

Lifting the effective ban on ridesharing in rural BC will allow small-scale private sector operators to fill an existing void. The benefits are several:

1. A multi-model approach permits the transit system to run efficient, point-to-point routes and eliminates the requirement for buses to wend along the residential slopes of the Okanagan and Similkameen valleys.
2. Allows citizens, notably older ones, to travel from their front door. This bypasses the barriers to mobility imposed by the long distances, steep hillsides, and variable weather of the Okanagan-Similkameen.
3. Creates a new outlet for small-scale entrepreneurial service provision. Although taxi services have existed in the region for generations, ridesharing has shown itself in other jurisdictions to provide more responsive and flexible service at a lower price.

Respectfully submitted,


Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointment
The Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Storm Water Management in Rural Communities

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;

Purpose:

To discuss how storm water drainage is managed and maintained in rural communities.

Overview:

Roads and storm water management in unincorporated communities and rural areas throughout the Province are designed, built and managed by the Ministry of Transportation and Infrastructure. The Ministry is also the Subdivision Approving Authority in regional districts, responsible for ensuring that new developments in rural areas meet a storm water standard. The rural standard usually requires surface drainage through roadside ditches to move water to some natural repository like a river, creek or lake. In some circumstances, the Ministry permits on-site storage for new subdivisions that can't easily or efficiently move water safely to a natural terminus.

The Regional District of Okanagan Similkameen is in a semi-arid location. Roads in many small communities were built decades ago and development has occurred around them. There may, or may not, be a storm water management plan. Only in exceedingly wet years or in calamitous event where an abundance of rain water or snow melt occurs does the drainage system come into play. Such was the case in 2018 for the Regional District of Okanagan Similkameen.

With an extraordinary rain event on March 22nd, a 200% of normal snow pack and exceedingly high ground water levels a three month flood event commenced. Natural watercourses were quickly exceeded, which citizens somewhat expect based on previous experience and understanding of the terrain. What quickly becomes overwhelming is the surplus of water that runs adjacent to roads onto private property or from new development which doesn't seem to be adequately planned prior to subdivision.


The Challenge:

As the Province grows, especially around larger municipalities, those living the rural lifestyle expect urban services. Consequently, when a drainage system seems under-designed along a road system or where drainage seems to be permitted from one property to the next citizens expect a local government to address the issue. They expect a community to have a storm water management plan that scientifically moves water safely throughout the community. The Ministry doesn't seem to provide that level of service.

Proposed Outcome:

It is requested that the Ministry of Transportation and Infrastructure undertake a review of how storm water drainage is managed and maintained in rural communities.

Respectfully submitted,


Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen

2018 UBCM Appointments
The Honourable Claire Trevena
Minister of Transportation and Infrastructure

Regional District of Okanagan-Similkameen

Weyerhaeuser Road Ownership

Attendees: Chair, Karla Kozakevich; Vice-Chair, Manfred Bauer; CAO, Bill Newell;
Electoral Area 'D' Director Tom Siddon

Purpose:

Add Weyerhaeuser Road in Okanagan Falls to the public road registry.

Overview:

Weyerhaeuser Road is a privately owned road located between Highway 97 on the south end of Okanagan Falls and Maple Street to the east.

It is the understanding of Regional District administration that the Ministry of Transportation and Infrastructure staff are awaiting a final step from the current owner of road to transfer ownership to the Province.

Respectfully submitted,

Karla Kozakevich, Chair
Regional District of Okanagan-Similkameen



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, August 02, 2018

11:00 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Environment and Infrastructure Committee Meeting of August 02, 2018 be adopted.

B. DELEGATION – Waste Connections of Canada

1. Geoff Goodman, District Sales Manager – BC Interior
2. Matt Loewen – Penticton Facility Manager

Mr. Goodman and Mr. Loewen will address the Board to with regards to service changes for commercial recycling, including at RDOS facilities.

C. MIXED COMMERCIAL RECYCLING – For Discussion

1. Presentation

To discuss significant changes to the recycling market affecting commercial recycling collection.

D. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Environment and Infrastructure Committee

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Mixed Commercial Recycling

Administrative Recommendation:

FOR DISCUSSION ONLY

Purpose:

To discuss significant changes to the recycling market affecting commercial recycling collection.

Background:

The RDOS does not directly provide recycling services for Industrial, Commercial or Institutional (ICI) sector. Businesses are expected to supply their own recycling services using the commercial provider of their choice.

In 2017, the RDOS hired GreenStep Solutions to consult with the ICI and multi-family sector to see how improvements to recycling can take place. GreenStep conducted a series of waste and recycling audits showing an average of 80% of commercial recycling is made of clean cardboard or mixed paper. Significant contamination was found in several mixed recycling programs. In one case as much as 50% of mixed recycling was garbage.

In 2018 the recycling market for the west coast of North America has reached historic lows. As much of 1/3 of all recyclables in North America were being shipped to China. This has essentially stopped due to concerns from the Chinese government of the level of garbage being shipped in mixed recycling.

Analysis:

Changes to the recycling market do not have any direct effect on the RecycleBC residential collection and depot service. RecycleBC is mandated to recycle the materials it receives and covers the cost for sorting and marketing materials. All the materials collected in the RecycleBC program are audited to ensure the materials are recycled or recovered.

Recyclers have adapted to the downturn in markets by favouring quality of materials collected. Clean cardboard (OCC), Newspaper (ONP) and clean office paper (Office Pack) remain relatively easy to recycle while the cost to sort and market mixed ICI recycling is well over \$200 per tonne. Individual types of plastics remain in demand but some mixed plastics, especially soft plastics, have become very hard to market.

RDOS Staff believe that ICI sector will have to consider moving towards source segregation of recyclable materials including separate streams for clean cardboard, office paper and other packaging. Currently RDOS bylaws require that recyclables placed in refuse will result in double tipping charges of \$220 per metric tonne.

RDOS recycling depots at Campbell Mountain, Oliver and Okanagan Falls Landfills and the Keremeos Transfer Station will no longer be able to supply mixed recycling drop off bins. Cardboard recycling will still continue at these facilities. RecycleBC residential recycling depots exist at the Campbell Mountain and Oliver Landfills and Keremeos Transfer Station and residents will need to sort their recyclables as directed. RDOS Staff will continue to work with RecycleBC to provide these services.

Communication Strategy:

The RDOS retains \$15,000 for the remainder of 2018 to focus on ICI recycling education within the Solid Waste Management Plan budget. RDOS Staff will be working with GreenStep Solutions to see how best to support businesses during this change to the recycling market.

Respectfully submitted:

"Cameron Baughen"

C. Baughen, Solid Waste Management Coordinator

Commercial Recycling

Environment and Infrastructure Committee
August 2nd, 2018

Not New!



Intermodal to China



- Allowed more types of materials to be added
- Materials to be collected together adding convenience
- 2008 financial crisis exposed volume being shipped!

Intermodal to China



- High percentage in garbage in “recycling”
- Unsafe recycling methods

Green Fence to National Sword



Some recyclables will be banned for import
No more than 0.5% contamination in any shipment or sent back

RecycleBC - Residential

- RecycleBC (MMBC) started 2014
- Required by Province of BC
- Programs cover almost entire Province
- All recyclables collected audited to end of life – truly recycled
- Paid for by printed paper and packaging industry – no matter fluctuating markets
- Large enough to afford to sort to high quality / find recycling markets
- No disruptions to any residential programs under RecycleBC



Commercial Mixed Recycling



Cardboard



Clean Office Paper



Mixed Recycling



Commercial Mixed Recycling



Cost



Contamination

Cost over \$200 a tonne to sort and recycle

Example - RDOS Office



Next Steps

- RDOS commenced Multi-Family and Commercial education program
- Office paper and Cardboard make up over 80% of average commercial recycling by volume and slightly higher by weight
- Mixed recycling bins found with 50% refuse
- \$15,000 left in 2018 budget; work with GreenStep Solutions on ways to assist businesses transition
- Discussions with recycling firms on options
- Fees at landfill to remain in place including fines
- \$220 a tonne for recycling placed in refuse

Recycling remains possible but materials need to be kept separate

Questions?



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, August 02, 2018

12:15 p.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of August 2, 2018 be adopted.

1. Consent Agenda – Corporate Issues

a. Okanagan Falls Parks and Recreation Commission – Membership Appointment

THAT the Board of Directors appoint Jim Lamond as a member of Okanagan Falls Parks and Recreation Commission until December 31, 2020.

b. Kaleden Recreation Commission – June 5, 2018

THAT the Minutes of the June 5, 2018 Kaleden Recreation Commission be received and the following recommendations adopted.

- i. That the requirements for portable toilets be included in the Hotel Park rental form so renters understand their responsibility; and further,*
- ii. That it be the renters responsibility to arrange for a portable toilet pending length of event and number of attendees.*

c. Community Services Committee – July 19, 2018

THAT the Minutes of the July 19, 2018 Community Services Committee be received.

d. Corporate Services Committee – July 19, 2018

THAT the Minutes of the July 19, 2018 Corporate Services Committee be received.

e. Environment and Infrastructure Committee – July 19, 2018

THAT the Minutes of the July 19, 2018 Environment and Infrastructure Committee be received.

f. Planning and Development Committee – July 19, 2018

THAT the Minutes of the July 19, 2018 Planning and Development Committee be received.

g. Protective Services Committee – July 19, 2018

THAT the Minutes of the July 19, 2018 Protective Services Committee be received and the following recommendations adopted.

THAT the Board appoint up to six (6) elected officials as liaison to the South Okanagan-Similkameen Fire Chiefs Association.

THAT the Board support the South Okanagan Similkameen Fire Chiefs request that any Wildfire Prevention Restrictions required in their Fire Department Areas be linked and coordinated directly with Provincial Restrictions determined by BC Wildfire Service.

h. RDOS Regular Board Meeting – July 19, 2018

THAT the minutes of the July 19, 2018 RDOS Regular Board meeting be adopted.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

THAT the Consent Agenda – Corporate Issues be adopted.

2. Consent Agenda – Development Services

a. Development Variance Permit Application – 2725 Noyes Road, Electoral Area “E”

i. Permit No. E2018.102-DVP

To vary the front yard setback in order to facilitate the construction of a carport.

THAT the Board of Directors approve Development Variance Permit No. E2018.102-DVP.

b. Development Variance Permit Application - 2150 Naramata Road, Electoral Area “E”

i. Permit No. E2018.110-DVP

To allow for the replacement of a deck to encroach into a front parcel line setback.

THAT the Board of Directors approve Development Variance Permit No. E2018.110-DVP.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

THAT the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. **Development Variance Permit Application – 101 Chardonnay Court, Electoral Area “D”**
 - a. Permit No. D2018.092-DVP
 - b. Responses Received

To vary the maximum height of a retaining wall from 2.0 metres to 3.96 metres to accommodate the construction of two walls at the rear of the property.

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors deny Development Variance Permit No. D2018.092-DVP.

2. **Zoning Bylaw Amendment – 79 Twin Lakes Road, Electoral Area “D”**
 - a. Bylaw No. 2457.20, 2018
 - b. Responses Received

To allow for the development of a phased multi-use development resort at the Twin Lakes Golf Course.

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2457.20, 2018, Electoral Area “D” Zoning Amendment Bylaw be read a first time; and

THAT prior to second reading of Amendment Bylaw No. 2457.20, 2018, the following conditions are met:

1. a ‘no build’ covenant be registered on the title of Lot A, Plan KAP46761, District Lots 228s, 2169 & 4098s, SDYD, except Plan KAP53180, in order that the area identified as “Phase 2”, and as shown on Attachment No. 1 in the Administrative Report from the Chief Administrative Officer dated August 2, 2018, cannot proceed until:
 - a) groundwater sustainability and availability is proven to warrant further development; and
 - b) 36 dwelling units in “Phase 1” have been constructed and issued occupancy permits.
2. the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the monitoring of domestic water, sanitary, and irrigation systems.

AND THAT prior to third reading of Amendment Bylaw No. 2457.20, 2018, the following condition is met:

1. the property owner enter into a servicing agreement with the Regional District in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Bylaws including Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP (as shown on Attachment No. 7) and must include terms and conditions on how the systems will subsequently be turned over the Regional District.
-

3. **Official Community Plan & Zoning Amendment Bylaws – Electoral Area “E” Naramata Village Centre and Development Permit Area Update**
 - a. Bylaw No. 2458.13, 2018
 - b. Bylaw No. 2458, 2008 – Schedule “H”
 - c. Bylaw No. 2459.30, 2018
 - d. Responses Received

This report relates to the proposed creation of a Naramata Village Centre (NVC) designation and revision of the Naramata Townsite Development Permit Area found in the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, as well as the creation of a Naramata Village Centre (NVC) Zone in the Electoral Area “E” Zoning Bylaw No. 2459, 2008.

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2458.13, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.30, 2018, Electoral Area “E” Zoning 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 the report from the Chief Administrative Officer dated August 2, 2018, 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. 2458.13, 2018, in conjunction with its Financial and applicable Waste Management Plans.

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

THAT the holding of the public hearing be delegated to Chair Kozakevich, or her delegate; and

THAT staff schedule the date, time, and place of the public hearing in consultation with Director Kozakevich; and

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

-
4. **Zoning Bylaw Amendment – 891 & 945 Old Main Road, Electoral Area “E”**
a. Bylaw No. 2459.31, 2018
b. Responses Received

To allow an accessory dwelling with a floor area of 140 m² on one lot and to remove the ability to have an accessory dwelling on another lot.

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2459.31, 2018, Electoral Area “E” Zoning Amendment Bylaw be denied.

5. **Official Community Plan (OCP) & Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E” & “F” Commercial Zone Review and Consolidation**
a. Bylaw No. 2788, 2018

The public hearing for this item will have been held Thursday, August 2, 2018 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

To amend the Okanagan Valley Electoral Area Official Community Plan and Zoning Bylaws in order to update the Commercial Zones. This amendment relates to the work being undertaken on the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2788, 2018, Regional District of Okanagan-Similkameen Commercial Zone Update Amendment Bylaw be read a third time.

6. **Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”**
a. Bylaw No. 2497.09, 2018
b. Bylaw No. 2498.13, 2018

The public hearing for this item will have been held Thursday, August 2, 2018 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

To amend the zoning of 2 parcels to Parks and Recreation (PR) to reflect their donation for public use.

RECOMMENDATION 10 (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2497.09, 2018, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.13, 2018, Electoral Area “H” Zoning Amendment Bylaw be read a third time and adopted.

7. **Official Community Plan (OCP) Amendment – Electoral Area “D” Okanagan Falls Town Centre Plan Implementation (Phase 1)**
 - a. Bylaw No. 2603.11, 2018
 - b. Bylaw No. 2603.11 – Schedule “B”
 - c. Bylaw No. 2603.11 – Schedule “C”

The public hearing for this item will have been held Thursday, August 2, 2018 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

To incorporate the recommendations of the Okanagan Falls Town Centre Plan prepared by Urban Forum Associates (November 3, 2017) into the Electoral Area “D 2” Official Community Plan (OCP) Bylaw No. 2603, 2013.

RECOMMENDATION 11 (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2603.11, 2018, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time and adopted.

8. **Request to Re-Submit a Refused Rezoning Application – 445 & 449 Sagewood Lane, Electoral Area “D-1”**

To allow for the re-submission of a rezoning application within 12 months of a Board decision to deny an identical proposal.

RECOMMENDATION 12 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors not vary Section 3.12.1 of the Development Procedures Bylaw No. 2500, 2011, in relation to a proposed re-submission of a rezoning application involving the properties at 445 & 449 Sagewood Lane (Lots 8 & 9, Plan KAP11043, District Lot 280, SDYD).

C. PUBLIC WORKS

1. **Solid Waste Collection Regulation Bylaw No. 2819, 2018**
 - a. Bylaw No. 2819, 2018

To update and replace existing Regulatory Bylaw No. 2191, 2003.

RECOMMENDATION 13 (Unweighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2819, Regional District of Okanagan-Similkameen Solid Waste Collection Regulatory Bylaw, be read a first, second, and third time and be adopted.

2. RecycleBC Contract

- a. Statement of Work for Curbside Collection Services Provided by Local Government
- b. Statement of Work for Depot Collection Services

For the RDOS to receive funding from RecycleBC for the provision of curbside recycling collection services in the Village of Keremeos, Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F' and 'G' and Red Wing Resorts within the Penticton Indian Band Lands , and funding for the collection of residential recyclable materials at the Campbell Mountain, Oliver and Keremeos Landfills.

RECOMMENDATION 14 (Weighted Corporate Vote – Majority)

THAT the Board of Directors renew a contract with MMBC Recycling Inc. (RecycleBC) for collection of residential recycling from homes and landfill depots from November 30, 2018 to December 31, 2023.

D. FINANCE**1. General Government Building & Equipment Reserve Fund Expenditure Bylaw No. 2822, 2018**

- a. Bylaw No. 2822, 2018

RECOMMENDATION 15 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2822, 2018, being a bylaw of the Regional District of Okanagan Similkameen to withdraw \$15,000 from the General Government Building & Equipment Reserve to provide for parking lot maintenance at 101 Martin street be read a first, second and third time and be adopted.

2. Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw No. 2823, 2018

- a. Bylaw No. 2823, 2018

RECOMMENDATION 16 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2823, 2018, Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.

E. LEGISLATIVE SERVICES**1. Declaration of State of Local Emergency Approval**

F. CAO REPORTS

1. Verbal Update

G. OTHER BUSINESS

1. Chair's Report

2. Directors Motions

3. Board Members Verbal Update

H. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Appointment of Okanagan Falls Parks and Rec Commission Membership

Administrative Recommendation:

THAT the Board of Directors appoint Jim Lamond as a member of Okanagan Falls Parks and Recreation Commission until December 31, 2020.

Reference:

Bylaw No. 2732, 2016 – A bylaw for the establishment of Parks and Recreation Commissions Terms of Reference.

Background:

Bylaw No. 2732, 2016 permits for a minimum of 5 and up to 11 members at large who are residents or ratepayers within the service area. The Okanagan Falls Parks and Recreation Commission is currently comprised of five members.

Analysis:

It is the recommendation of the Director of Area "D" and the Okanagan Falls Parks and Recreation Commission to appoint Mr. Lamond.

Alternatives:

The Board of Directors not approve the recommendations of the Okanagan Falls Parks and Recreation Commission.

Communication Strategy:

A notice of Mr. Lamond's appointment will be placed in Skaha Matters.

Respectfully submitted:

S.Schleppe

S. Schleppe, Area "D" Rural Services Manager



MINUTES

Kaleden Recreation Commission

Tuesday, June 5, 2018
Kaleden Community Hall



Members Present: Jaynie Malloy, Randy Cranston, Neal Dockendorf, Wendy Busch, Gail Jeffery, Jennifer Strong, Subrina Monteith

Absent: Doug King, Jen Charlish

Staff: Shona Schleppe

Recording: Justin Shuttleworth, Doug Reeves, Shona Schleppe

Call to Order: 7:48 pm

1. APPROVAL OF AGENDA

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Agenda for the Kaleden Parks and Recreation Meeting of June 5, 2018 be adopted.
CARRIED

2. APPROVAL OF MEETING MINUTES

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the minutes for the Kaleden Parks & Recreation Meeting of May 1, 2018 be adopted.
CARRIED

3. CORRESPONDENCE/DELEGATIONS

3.1 Letter from FLNRO was distributed with the Agenda

3.2 Letter from Flambe (portable washrooms and hotel signage) – discussion recommended that clients use public facility in park, ensure users are informed when they rent the Hotel Park and require renters to acquire portable toilet if the event exceeds specific hours and number of attendees.

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the requirements for portable toilets be included in the Hotel Park rental form so renters understand their responsibility; and further,

That it be the renters responsibility to arrange for a portable toilet pending length of event and number of attendees.

CARRIED



MINUTES

Kaleden Recreation Commission

Tuesday, June 5, 2018
Kaleden Community Hall



RECOMMENDATION

IT WAS MOVED AND SECONDED

That KalRec identify the need for Hotel Signage in the strategic plan and allocate 2019 budget.

CARRIED

3.3 Letter from Len regarding Tennis courts

4. RDOS STAFF REPORTS

4.1 Park Coordinator – Justin Shuttleworth

Comment from Commission members that Pioneer Park looks great!

Doug Reeves presented on the Park Development plan (parking lot, boat launch design) that was prepared by Ecora Consultants.

RECOMMENDATION

IT WAS MOVED AND SECONDED

That KalRec provide comments on the proposed park design to RDOS by June 19. The design will then be costed by component with a recommended order of development.

CARRIED

4.2 Recreation Coordinator Report – Janet Black

Report provided.

5. COMMISSION MEMBER REPORTS

5.1 Park Committee

Tennis Courts – club has approx. \$10,000 to contribute to repair and are applying for grants. The Club would like KalRec to consider a repair/fix for the court. KalRec will discuss allocating funding for tennis court repair in the 2019 strategic plan.

Action: RDOS staff will provide an update on costing for core sampling.

5.2 Walk through with Ecora Report – refer to 4.1

5.3 Trees

Beaver Damage – wire was put on trees in Pioneer Park.

Trees along Ponderosa – RDOS will consult with an arborist.

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the trees be thinned by a professional arborist. **CARRIED**



MINUTES

Kaleden Recreation Commission

Tuesday, June 5, 2018
Kaleden Community Hall



6. RDOS DIRECTOR REPORT

7. BUSINESS ARISING

- 7.1 Swim Ropes and Floats update – it is anticipated that the buoys and swim line will be installed by Friday, June 8.
- 7.2 Dogs & Signage update – dogs on leash signs can be put on road ends.
- 7.3 Farmers Market update – a small community group has been formed to further explore.

RECOMMENDATION

IT WAS MOVED AND SECONDED

That KalRec create a process for RDOS approval for to host a Community Market Event one day per month on a specific site in/near Pioneer Park.

CARRIED

- 7.4 Canada Day update – hotdogs and smokies by donation, entertainment will be provided and the event will be in Pioneer Park from 12:30 – 4:00 pm.
 - 7.5 Development of Policy on memorial trees (like benches, etc) – RDOS recently approved a Corporate Donations and Naming Rights Policy on May 3, 2018. This will be reviewed and the existing Park Donation guidelines will be updated. Please email Parks Coordinator or Rural Service Manager with any donation requests.
 - 7.6 KID access to pump house
Action: Put information on rental agreement to ensure no parking on roadway to pump house.
 - 7.7 Hall Cleanup & Work Day update – date to be determined.
 - 7.8 Use of the big barbecue in Pioneer Park
Action: RDOS staff to obtain a cost for a coal disposal bin.
-

8. ADJOURNMENT

RECOMMENDATION

IT WAS MOVED

That the meeting be adjourned at 9:57 pm.

NEXT REGULAR MEETING:

Tuesday, July 3, 2018
Kaleden Community Hall



MINUTES

Kaleden Recreation Commission

Tuesday, June 5, 2018
Kaleden Community Hall



Recreation Commission Chair

Recording Secretary



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, July 19, 2018

9:16 a.m.

Minutes

MEMBERS PRESENT:

Chair R. Hovanes, Town of Oliver
Vice Chair M. Bauer, Village of Keremeos
Director F. Armitage, Town of Princeton
Director T. Boot, District of Summerland
Director G. Bush, Electoral Area "B"
Director R. Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director T. Schafer, Electoral Area "C"
Director T. Siddon, Electoral Area "D"
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director A. Jakubeit, City of Penticton
Director J. Sentes, City of Penticton

Director M. Brydon, Electoral Area "F"

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 Committee Meeting of July 19, 2018 be adopted. - **CARRIED**

B. 2018 Q2 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities that occurred in the second quarter of 2018 and the planned activities of the third quarter of 2018.

C. ADJOURNMENT

By consensus, the Community Services Committee meeting adjourned at 9:22 a.m.

APPROVED:

CERTIFIED CORRECT:

R. Hovanes
Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, July 19, 2018

9:23 a.m.

Minutes

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair M. Bauer, Village of Keremeos
Director F. Armitage, Town of Princeton
Director T. Boot, District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director R. Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"
Director R. Hovanes, Town of Oliver

Director H. Konanz, City of Penticton
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director T. Schafer, Electoral Area "C"
Director J. Sentes, City of Penticton
Director T. Siddon, Electoral Area "D"
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director A. Jakubeit, City of Penticton

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 Corporate Services Committee Meeting of July 19, 2018 be adopted as amended to reflect the postponement of Telus delegation, Steve Jenkins. -
CARRIED

B. DELEGATION

Steve Jenkins, General Manager – Interior, Telus

Due to road closures as a result of the wildfires, Mr. Jenkins was unable to attend the Board meeting and will be rescheduled for a future meeting.

C. 2018 Q2 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities that occurred in the second quarter of 2018 and the planned activities for the third quarter of 2018.

D. 2018 Q2 CORPORATE ACTION PLAN REPORT – For Information Only

The Committee reviewed the 2018 Corporate Action Plan.

E. 2018 Q2 VARIANCE REPORT – For Information Only

The Committee reviewed the 2018 second quarter variance between the Income Statement and Budget.

F. ENTERPRISE RISK MANAGEMENT – For Information Only

1. Risk Management Plan
2. Risk Management Registry

The Committee reviewed the Enterprise Risk Plan and Registry that outlines the strategies for mitigation identified risks to the Regional District.

G. ADJOURNMENT

By consensus, the meeting adjourned at 10:46 a.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
Committee Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, July 19, 2018

10:49 a.m.

Minutes

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair T. Siddon, Electoral Area "D"
Director F. Armitage, Town of Princeton
Director M. Bauer, Village of Keremeos
Director T. Boot, District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director R. Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

Director R. Hovanes, Town of Oliver
Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director T. Schafer, Electoral Area "C"
Director J. Senten, City of Penticton
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director A. Jakubeit, City of Penticton

STAFF PRESENT:

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

N. Webb, Manager of Public Works

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Environment and Infrastructure Committee Meeting of July 19, 2018 be adopted. - **CARRIED**

B. 2018 Q2 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities that occurred in the second quarter of 2018 and the planned activities for the third quarter of 2018.

C. GRANT PROJECT RATING SHEET

The Committee discussed the rating sheet and weighting process.

D. INVESTING IN CANADA INFRASTRUCTURE PROGRAM (ICIP) GRANT OPPORTUNITIES –

The Committee prioritized capital projects eligible for application to the Investing in Canada Infrastructure Program (ICIP).

E. RECYCLEBC CONTRACT

To receive funding from RecycleBC for the provision of curbside recycling collection services in the Village of Keremeos, Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F' and 'G' and Red Wing Resorts within the Penticton Indian Band Lands, and funding for the collection of residential recyclable materials at the Campbell Mountain, Oliver and Keremeos Landfills.

RECOMMENDATION 2**It was MOVED and SECONDED**

THAT the Environment and Infrastructure Committee review the renewal contract with MMBC Recycling Inc. (RecycleBC) for collection of residential recycling from homes and landfill depots from November 30, 2018 to December 31, 2023. - **CARRIED**

F. SOLID WASTE COLLECTION REGULATION BYLAW NO. 2819, 2018

1. Bylaw No. 2819, 2018
2. Bylaw No. 2191, 2003 – to be repealed

To update and replace existing Bylaw No. 2191, 2003.

RECOMMENDATION 3**It was MOVED and SECONDED**

THAT the Environment and Infrastructure Committee review Bylaw No. 2819 Regional District of Okanagan-Similkameen Solid Waste Collection Regulatory Bylaw. - **CARRIED**

G. ADJOURNMENT

By consensus, the Environment and Infrastructure Committee meeting adjourned at 11:52 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
Environment and Infrastructure Committee Chair

B. Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, July 19, 2018

9:02 a.m.

Minutes

MEMBERS PRESENT:

Vice Chair G. Bush, Electoral Area "B" (Chairing)
Director M. Bauer, Village of Keremeos
Director F. Armitage, Town of Princeton
Director T. Boot, District of Summerland
Director R. Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"
Director R. Hovanes, Town of Oliver

Director K. Kozakevich, Electoral Area "E"
Director H. Konanz, City of Penticton
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director T. Schafer, Electoral Area "C"
Director T. Siddon, Electoral Area "D"
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director J. Sentes, City of Penticton
Director A. Jakubeit, City of Penticton

Chair M. Brydon, Electoral Area "F"

STAFF PRESENT:

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

C. Garrish, Planning Supervisor

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of July 19, 2018 be adopted. - **CARRIED**

B. 2018 Q2 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities that occurred in the second quarter of 2018 and the planned activities for the third quarter of 2018.

C. ADJOURNMENT

By consensus, the Planning and Development Committee meeting adjourned at 9:16 a.m.

APPROVED:

CERTIFIED CORRECT:

G. Bush
Planning and Development Committee V/ Chair

B. Newell
Corporate Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, July 19, 2018

12:29 p.m.

Minutes

MEMBERS PRESENT:

Chair A. Jakubeit, City of Penticton
Vice Chair T. Schafer, Electoral Area "C"
Director F. Armitage, Town of Princeton
Director M. Bauer, Village of Keremeos
Director T. Boot, District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director R. Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

Director R. Hovanes, Town of Oliver
Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director J. Sentes, City of Penticton
Director T. Siddon, Electoral Area "D"
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

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 Protective Services Committee Meeting of July 19, 2018 be adopted. - **CARRIED**

B. DELEGATION

1. Denis Gaudry – Fire Chief, Kaleden
2. Tony Travao – Fire Chief, Naramata
3. Jordy Bosscha – Fire Chief, Keremeos
4. Tony Lannella, Deputy Fire Chief, Willwobrook

Fire Chief Gaudry addressed the Board to provide an update with regards to the South Okanagan-Similkameen Fire Chiefs Association (SOSFCA).

RECOMMENDATION 2

It was MOVED and SECONDED

THAT the Board appoint up to six (6) elected officials as liaison to the South Okanagan-Similkameen Fire Chiefs Association. - **CARRIED**

Opposed: Director Coyne

RECOMMENDATION 3**It was MOVED and SECONDED**

THAT the Board support the South Okanagan Similkameen Fire Chiefs request that any Wildfire Prevention Restrictions required in their Fire Department Areas be linked and coordinated directly with Provincial Restrictions determined by BC Wildfire Service. - **CARRIED**

C. 2018 Q2 ACTIVITY REPORT – For Information Only

The Committee was advised of the activities of the second quarter of 2018 and the planned activities of the third quarter of 2018.

D. ADJOURNMENT

By consensus, the Protective Services Committee meeting adjourned at 1:00 p.m.

APPROVED:

CERTIFIED CORRECT:

A. Jakubeit
Protective Services Committee Chair

B. Newell
Chief Administrative 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 1:03 p.m. Thursday, July 19, 2018 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair M. Bauer, Village of Keremeos
Director F. Armitage, Town of Princeton
Director T. Boot, District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director R. Mayer, Electoral Area "G"
Director B. Coyne, Electoral Area "H"
Director R. Hovanes, Town of Oliver

Director A. Jakubeit, City of Penticton
Director H. Konanz, City of Penticton
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director J. Sentes, City of Penticton
Director T. Schafer, Electoral Area "C"
Director T. Siddon, Electoral Area "D"
Director P. Waterman, District of Summerland

MEMBERS ABSENT:

STAFF PRESENT:

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

J. Kurvink, Manager of Finance
C. Garrish, Planning Supervisor

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 July 19, 2018 be adopted as amended to add item C2 – South Okanagan Similkameen Fire Chiefs Association Recommendations – **CARRIED**

1. Consent Agenda – Corporate Issues

a. Electoral Area "C" Advisory Planning Commission – June 19, 2018

THAT the Minutes of the June 19, 2018 Electoral Area "C" Advisory Planning Commission be received.

b. Electoral Area "E" Advisory Planning Commission – Resignation

THAT the Board of Directors accept the resignation of Mr. Tim Forty as a member of the Electoral Area "E" Advisory Planning Commission; and

THAT a letter be forwarded to Mr. Forty thanking him for his contribution to the Electoral Area "E" Advisory Planning Commission.

- c. Corporate Services Committee – July 5, 2018

THAT the Minutes of the July 5, 2018 Corporate Services Committee be received.

THAT the Regional District submit the identified requests, as amended in committee of July 5, 2018 to UBCM for meetings with Provincial Ministers at the September 10 – 14, 2018 UBCM Conference, and,

THAT development of Briefing Notes commence for review by Committee in August.

- d. Environment and Infrastructure Committee – July 5, 2018

THAT the Minutes of the July 5, 2018 Environment and Infrastructure Committee be received.

- e. Planning and Development Committee – July 5, 2018

THAT the Minutes of the July 5, 2018 Planning and Development Committee be received.

THAT the Regional District of Okanagan Similkameen submit a grant application to the Municipalities for Climate Innovation Program for a climate change staff grant; and,

THAT the 20% municipal component (to a maximum of \$30,000) be submitted to the 2019 Budget Committee for consideration.

THAT the Regional District of Okanagan Similkameen support a Comprehensive Review of RGS Legislation by the Provincial Government.

- f. Protective Services Committee – July 5, 2018

THAT the Minutes of the July 5, 2018 Protective Services Committee be received.

- g. RDOS Regular Board Meeting – July 5, 2018

THAT the Minutes of the July 5, 2018 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**

B. DEVELOPMENT SERVICES – Rural Land Use Matters**1. Agricultural Land Commission Referral (Subdivision) – 580 Green Lake Road, Electoral Area “C”**

To subdivide the subject property into two (2) lots.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)**It was MOVED and SECONDED**

THAT the Regional District of Okanagan-Similkameen “authorize” the application to subdivide 580 Green Lake Road (Lot 1, Plan KAP88680, District Lot 3469, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission. - **CARRIED**

2. Agricultural Land Commission Referral (Placement of Fill) – 760 Hwy 3A, Kaleden, Electoral Area “D”

To place fill for a future medical cannabis production facility.

The Chair enquired whether the property owner or representative was present to speak to the matter. Two representatives were present and did present to the Board.

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)**It was MOVED and SECONDED**

THAT the RDOS Board not “authorize” the Application to place Fill at 760 Highway 3A in Electoral Area “D” to proceed to the Agricultural Land Commission. –

DEFEATED

Opposed – Directors Schafer, Bush, Brydon, Kozakevich

It was MOVED and SECONDED (Unweighted Corporate Vote – Simple Majority)

THAT the matter of the Agricultural Land Commission Referral (Placement of Fill) – 760 Hwy 3A, Kaleden, Electoral Area “D” be postponed to the second meeting in August. - **CARRIED**

Opposed: Directors Konanz, Martin, Jakubeit, Brydon, Bauer, Hovanes, Schafer

-
3. **Zoning Bylaw Amendment – 8312 98th Avenue, Osoyoos, Electoral Area “A”**
a. Bylaw No. 2451.25, 2018
b. Responses Received

To allow for the placement of a mobile home (CSA Z240) in the RS1 Zone.

The Chair enquired whether the property owner or representative was present to speak to the application. The property owner was present and addressed the Board as well as provided a [hand-out](#).

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2451.25, 2018, Electoral Area “A” Zoning Amendment Bylaw be denied. - **DEFEATED**

Opposed: Directors Kozakevich, Pendergraft, Brydon, Mayer, Bush, Schafer, Coyne

It was MOVED and SECONDED

That the matter be postponed until the second meeting in August, when a draft covenant, acceptable to both parties, can be reviewed. – **CARRIED**

Opposed: Director Bush

4. **Zoning Bylaw Amendment – 15 Deans Road, Summerland, Electoral Area “F”**
a. Bylaw No. 2461.11, 2018
b. Responses Received

To rezone a property to facilitate a two-lot subdivision.

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2461.11, 2018, Electoral Area “F” 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 August 16, 2018; and

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

5. **Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E” & “F” Tourist Commercial Zone Review and Consolidation**
- Bylaw No. 2808, 2018
 - Responses Received

To amend the Okanagan Valley Electoral Area Zoning Bylaws in order to update the Tourist Commercial Zones. This amendment relates to the work being undertaken on the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2808, 2018, Regional District of Okanagan-Similkameen Tourist Commercial Zone Update Amendment Bylaw be read a first and second time and proceed to a public hearing; and

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of August 16, 2018; and

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

6. **Update of Campsite Bylaw No. 713, 1982**

- Bylaw No. 2779, 2018

To replace the Regional District’s Campsite Bylaw No. 713, 1982, with a new Campground Regulations Bylaw No. 2779 in order to ensure consistency with a proposed new Campground Commercial (CT2) Zone to be applied to the Okanagan Electoral Area zoning bylaws.

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2779, 2018, Regional District of Okanagan-Similkameen Campground Regulations Bylaw, be read a first, second and third time. - **CARRIED**

7. **Zoning Bylaw Amendment – 737 Main Street, Okanagan Falls, Electoral Area “D-2”**

- Bylaw No. 2453.35, 2018

To correct a mapping error that resulted in the duplex zoning of the property being removed.

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2455.36, 2018, Electoral Area “D” Zoning Amendment Bylaws be adopted. - **CARRIED**

C. COMMUNITY SERVICES – Protective Services**1. Tulameen Satellite Fire Hall – Provincial License of Occupation****a. Map**

To secure an appropriate location for a secondary fire station that will support the Tulameen Volunteer Fire Department.

RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)**It was MOVED and SECONDED**

THAT the Board of Directors make application to the Province of British Columbia for a License of Occupation (LOO) over the land legally described as Lots E and F, Plan KAP32080, Block 5, District Lot 99, Land District Yale Div. of Yale, for a period of 30 years. - **CARRIED**

2. South Okanagan Similkameen Fire Chiefs Association**RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT at the request of the South Okanagan Similkameen Fire Chiefs, the Board of Directors appoint up to 6 Directors, from those who represent the six designated fire departments, as liaisons who attend meetings and other activities as well as interact with the Fire Chiefs, as required. - **CARRIED**

RECOMMENDATION 12 (Unweighted Corporate Vote – Simple Majority)**It was MOVED and SECONDED**

THAT the Board of Directors approve the South Okanagan Similkameen Fire Chiefs request that should any Wildfire Prevention Restriction be required in their Fire Department Areas during the 2018 Wildfire Season that any Restrictions be linked and coordinated directly with Provincial Restrictions determined by BC Wildfire Service. - **CARRIED**

D. FINANCE**1. Osoyoos Arena Capital Reserve Fund Expenditure****a. Bylaw No. 2821, 2018 – Osoyoos Reserve Fund Expenditure Bylaw****RECOMMENDATION 13 (Weighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 2821, 2018, Osoyoos Arena Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted. - **CARRIED**

2. **Oliver/Electoral Area “C” Parks & Recreation Society Services Capital Reserve Fund Expenditure**

- a. Bylaw No. 2818, 2018
- b. Oliver Parks & Recreation Society – Kinsmen Playground Parking Lot Finishing

RECOMMENDATION 14 (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2818, 2018, Oliver/Electoral Area C Parks & Recreation Society Services Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted. - **REMOVED**

The Directors for Electoral Area “C” and the Town of Oliver advised that they wished to use money from agenda item E3 ODCEDS Reserve to fund the finishing of the Kinsmen playground parking lot instead of removing money from reserves; therefore this reserve fund expenditure bylaw was removed from consideration.

3. **Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure**

- a. Bylaw No. 2820, 2018
- b. Eastgate Fire Protection Service Grant Request

RECOMMENDATION 15 (Weighted Corporate Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2820, 2018, Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted. - **CARRIED**

E. **LEGISLATIVE SERVICES**

1. **RDOS BIWEEKLY AD**

RECOMMENDATION 16 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board of Directors approve the award of the 2018 Bi-Weekly RDOS Advertisement to the Penticton Western for an amount not to exceed \$10,519.60 plus applicable taxes and to the Similkameen Spotlight for an amount not to exceed \$4,700 plus applicable taxes. - **CARRIED**

2. **Alternative Approval Process for Transit Service Establishment Bylaw No. 2809, 2018**
 - a. Notice of Alternative Approval Process
 - b. Elector Response Form

RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the deadline for submitting elector response forms in relation to Bylaw No. 2809, 2018 to the Manager of Legislative Services is no later than 4:30 p.m. on Friday, August 31, 2018 and,

THAT the elector response form attached to the report dated July 19, 2018 be the approved form for Bylaw No. 2809, 2018 alternative approval process; and

THAT the total number of eligible electors to which the alternative approval process applies is 65,160; and,

THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 6,516. – **CARRIED**

3. **Oliver & District Community Economic Development Society (ODCEDS) Dissolution and Distribution of Funds**

RECOMMENDATION 18 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Board of Directors approve distribution of the \$40,381.98 reserve to Oliver Parks and Recreation Commission in the amount of \$25,000 and to Oliver Tourism Association in the amount of \$15,381.98 through a one time grant-in-aid. – **CARRIED**

4. **[Declaration of State of Local Emergency Approval](#)**

RECOMMENDATION 19 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

Electoral Area "A":

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area "A" due to expire 11 July 2018, at midnight for a further seven days to 18 July 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area "A" due to expire 18 July 2018, at midnight for a further seven days to 25 July 2018, at midnight.

Electoral Area “C”:

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 9 July 2018, at midnight for a further seven days to 16 July 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “C” due to expire 16 July 2018, at midnight for a further seven days to 23 July 2018, at midnight.

Electoral Area “D”:

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “D” due to expire 10 July 2018, at midnight for a further seven days to 17 July 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “D” due to expire 17 July 2018, at midnight for a further seven days to 24 July 2018, at midnight.

Electoral Area “F”:

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “F” due to expire 7 July 2018, at midnight for a further seven days to 14 July 2018, at midnight.

Electoral Area “G”:

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “G” due to expire 10 July 2018, at midnight for a further seven days to 17 July 2018, at midnight.

THAT the Board of Directors request the Minister of State for Emergency Preparedness to extend the Declaration for the State of Local Emergency for the area surrounding Electoral Area “G” due to expire 17 July 2018, at midnight for a further seven days to 24 July 2018, at midnight.

F. CAO REPORTS

1. Verbal Update

G. OTHER BUSINESS**1. Chair's Report**

2. Board Representation

- a. BC Rural Centre (formerly Southern Interior Beetle Action Coalition) - *Armitage*
 - b. Developing Sustainable Rural Practice Communities - *McKortoff*
 - c. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
 - d. Municipal Finance Authority (MFA) – *Kozakevich, Bauer*
 - e. Municipal Insurance Association (MIA) - *Kozakevich, Bauer*
 - f. Okanagan Basin Water Board (OBWB) – *McKortoff, Hovanes, Waterman*
 - g. Okanagan Film Commission (OFC) – *Jakubeit*
 - h. Okanagan Regional Library (ORL) – *Kozakevich*
 - i. Okanagan Sterile Insect Release Board (SIR) – *Bush*
 - j. Okanagan-Similkameen Healthy Living Coalition - *Boot*
 - k. Southern Interior Local Government Association (SILGA) – *Jakubeit*
 - a) Spring Newsletter 2018
 - l. Southern Interior Municipal Employers Association (SIMEA) – *Kozakevich, Martin*
 - m. Starling Control - *Bush*
-

3. Directors Motions

4. Board Members Verbal Update

H. ADJOURNMENT

By consensus, the meeting adjourned at 2:59 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: August 2, 2018

RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. E2018.102-DVP

Purpose: To vary the front yard setback in order to facilitate the construction of a carport.

Owners: Audrey Suttorp & Bart Slotman Agent: Landform Architecture Folio: E02096.150

Civic: 2725 Noyes Road Legal: Lot 6, DL 207, SDYD, PLAN 41732

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1) Zone

Variance Request: To vary the minimum Front Parcel Line setback from 7.5 metres to 0.0 metres.

Proposed Development:

This application seeks to reduce the minimum setback for an accessory structure in the Residential Single Family One (RS1) zone from 7.5 metres to 0.0 metres as measured to the outermost projection.

In support of the requested variance, the applicant has stated that:

The lot directly north (2735 Noyes Road) was granted a 0.0 front setback variance in 2007 [and 2008 after a significant change in plans and ownership]. The current application respects the form and character of the street, by conforming to the zero lot line front setback adjacent to the north neighbour, and the 7.5m front yard setback adjacent to the south neighbour.

The reduction to the setbacks will allow the carport and residence to be placed closer to Noyes Road, minimizing the obstruction of views from the road and neighbours further uphill. The proposed variance also minimizes the impact on sightlines for the neighbouring lots to the North and South, and strengthening the existing form and character of the street. Lot 6 is a long and narrow lot, with a steep slope dividing and limiting the buildable area of the lot.

The proposed variance allows the u-shaped house to respond appropriately to the neighbours north and south, and fit a single-storey scheme on the buildable area of the lot, preserving views for neighbours uphill. Both parcel coverage and height are proposed to be less than half of what is permitted.

Site Context:

The subject property is approximately 2,050 m² in area and is located in between Gammon Road and Noyes Road just north of Mariposa Road. The property is located approximately 2 kilometres south of the Naramata Townsite.

File No: E2018.102-DVP

The surrounding pattern of development is predominantly low density residential with similarly sized and zoned lots, with larger Agricultural parcels to the west of Gammon Road.

Background:

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated Low Density Residential (LR), and has a geological hazard rating of "Limited or no hazard of slumps and slides. No development problems anticipated" or "Green".

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is zoned Residential Single Family One (RS1) zone. The RS1 zone permits single detached dwellings and accessory structures as a permitted 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.

At its meeting of July 9, 2018, the Electoral Area "E" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Analysis:

When assessing variance requests a number of factors are generally taken into account. These include the intent of the zoning; 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.

The intent behind the Zoning Bylaw's use of setbacks is varied, however, in the context of a residential front setback it is generally to provide a physical separation between the road and residential dwellings; to improve traffic and pedestrian safety; to maintain an attractive streetscape by ensuring a uniform building line and discouraging encroachments (which could adversely affect overshadowing and privacy on adjacent parcels); and to provide opportunities for openness and landscaping.

Generally, staff have not supported the placement of accessory structures within front setback areas, particularly when a proposal contemplates a 0.0 metre setback as this is considered to represent poor streetscape design and is not representative of other development found, save one, on Noyes Road.

The applicant, however, has stated that reducing the front setback will allow for the single detached dwelling to be sited closer to the road and that this will limit the disturbance of site lines for adjacent properties.

Covered parking is not necessary to meet the parking requirement of two vehicles per dwelling unit and, in this instance, there is sufficient paved area within the property line to meet these requirements.

Administration also considers that additional options are available to the property owner (i.e. eliminating the carport or re-siting the dwelling); and that reducing the front setback could create an expectation and/or perception that the Board will support other accessory structures being developed within the front setback on this street.

Conversely, while the applicant is permitted to build anywhere within their setbacks, the consideration, and calculation, of adjacent sight lines shows concern for the adjacent property owners

and the existing neighbourhood character. Letters received in support of a similar variance in 2008 for the adjacent property at 2735 Noyes road indicated that sight lines and view angles are of paramount importance in the neighbourhood.

Further, the existing road dedication is unusually large when compared to the width of the road. There is approximately 9.0 metres of undeveloped road right-of-way before the 7.5 metre setback. Due to this most homes are located approximately 16.5 metres (54 feet) from the road making streetscape considerations less of a concern.

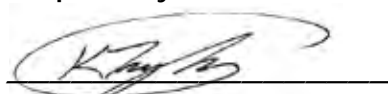
Finally there may be consideration given for front yard setback reductions when the proposed development is situated below the grade of the road. As the lot slopes downward from the road, a significant portion of the structure would be located below the level of the road. As such, it is not anticipated that the proposed reduction in the front parcel line setbacks to allow for the carport would adversely impact upon the amenity of the area, adjoining uses, or streetscape characteristics.

Upon considering the neighbourhood characteristics, the orientation of the driveway on the property allowing for sufficient off street parking, and construction below grade, Administration recommends that the development variance permit be approved.

Alternative:

THAT the Board of Directors deny Development Variance Permit No. E2018.102-DVP.

Respectfully submitted



K. Taylor, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Site Photos

Attachment No. 1 – Site Photos



Attachment No. 2 – Adjacent Property (2745 Noyes Road with 0.0 metre accessory structure)





Development Variance Permit

FILE NO.: E2018.102-DVP

Owner: Audrey Suttorp and
Bart Slotman
2725 Noyes Road
Naramata, BC, V0H 1N1

Agent: Chris Allen
Landform Architecture

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' 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, DL 207, SDYD, PLAN 41732

Civic Address: 2725 Noyes Road, Naramata

Parcel Identifier (PID): 014-746-077 Folio: E02096.150

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The minimum front parcel line setback for an accessory building in the Residential Single Family One (RS1) zone, as prescribed at Section 11.1.6(b)(i), is varied:
 - i) from: 7.5 metres.
 - to: 0.0 metres, as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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 _____, 2018.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

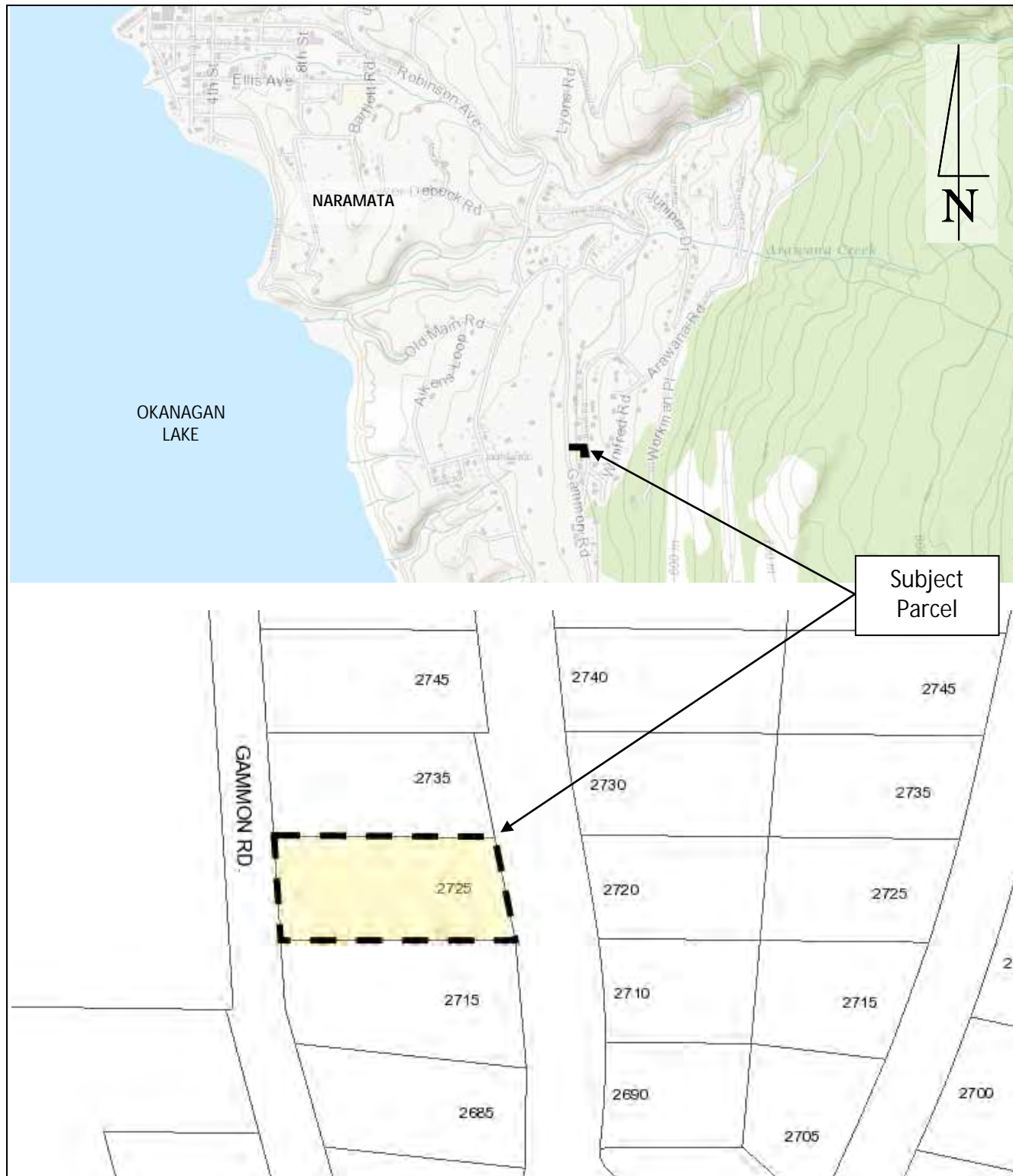
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2018.102-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

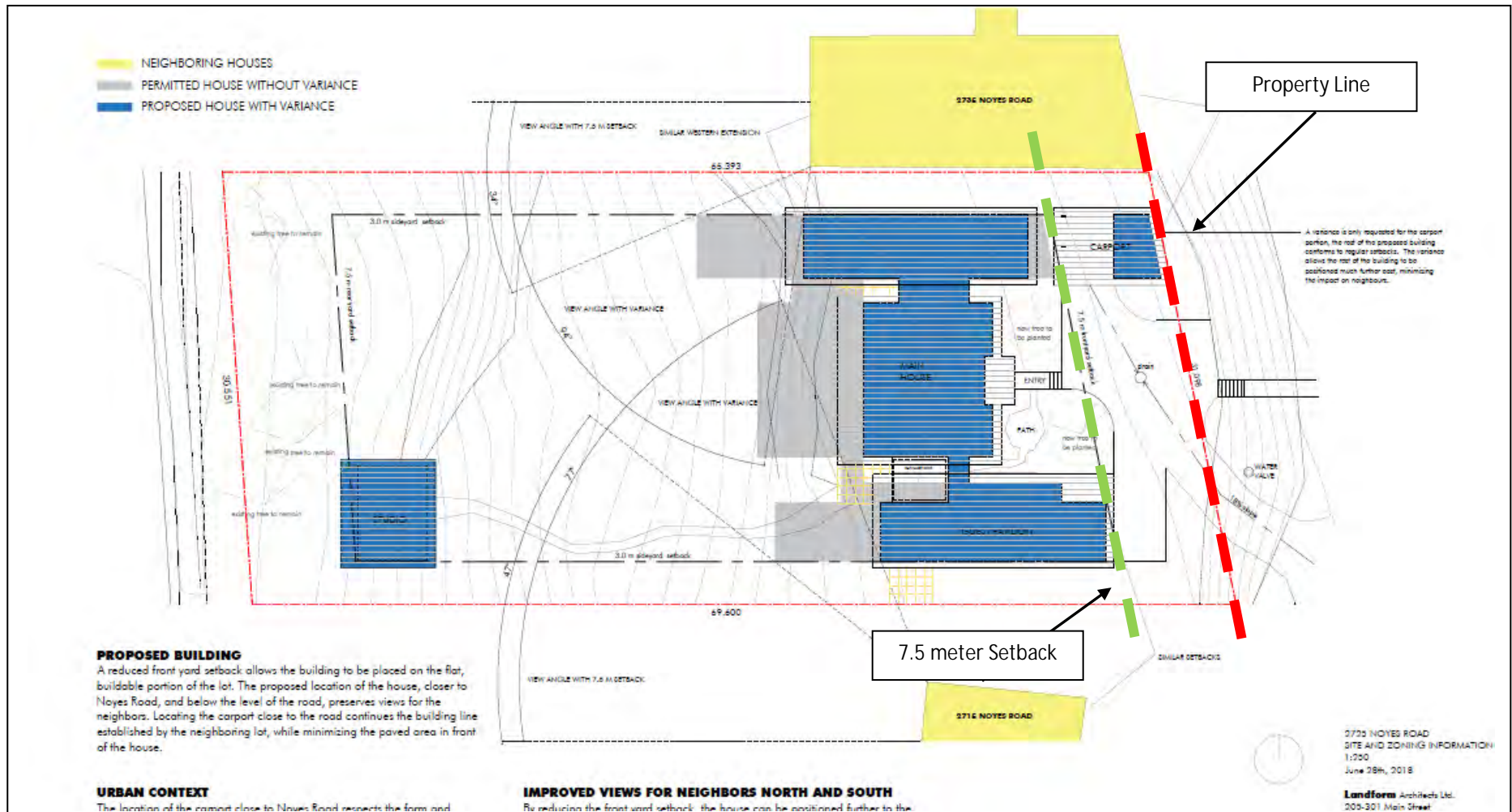
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2018.102-DVP

Schedule 'B'



File No. E2018.102-DVP

Page 4 of 6

101 Martin Street, Penticton, BC, V2A-5J9
Telephone: 250-492-0237 Email: info@rdos.bc.ca



File No. E2018.102-DVP

LEGEND:

- NEIGHBORING HOUSES
- PERMITTED HOUSE WITHOUT VARIANCE
- PROPOSED HOUSE WITH VARIANCE

ELEVATION VIEW DETAILS:

- VIEW ANGLE IF ZONING IS FOLLOWED
- VIEW ANGLE WITH VARIANCE
- NYES ROAD
- GAMMON ROAD
- PROPERTY LINE
- BACKYARD SETBACK
- FRONT YARD SETBACK
- 7.5 m
- NEIGHBOUR ACROSS NYES ROAD

PLAN VIEW DETAILS:

- MAIN HOUSE
- CARPORT
- STUDIO
- PROPERTY LINE
- GAMMON ROAD

IMPROVED VIEWS FROM NYES ROAD AND NEIGHBORS UPHILL
A house that followed the current zoning bylaw would severely block lake views from lots across the street. By pulling the house closer to the Noyes Road, the views from the further up hill are preserved. The proximity to Noyes Road also minimizes the driveway to the garage.

MAXIMIZE LEVEL BUILDING AREA
The most suitable area for construction is located adjacent to Noyes Road, as the site is divided by sections of steep and rocky slopes. By reducing the front yard setback, the house can avoid these steeper areas of the site.

PRESERVE UNDISTURBED GRASSLAND
The western portion of the site is steep and rocky, with significant clumps of mature sagebrush that provide important habitat to wildlife in the area. The proposed variance allows this to be preserved.

STRENGTHEN THE STREETSCAPE
The proposed variance respects and reinforces the existing streetscape, acting as a link between the lot to the north, with its zero lot line setback, and the lot to the south, which conforms to the 7.5 m. front yard setback. It is only the carport to the north that varies from the 7.5m setback.

**2725 NYES ROAD
SITE AND ZONING INFORMATION
1:200
June 28th, 2018**

Landform Architects Ltd.
200-201 Main Street
Penticton, BC V2A 9B7
250-276-4106
info@landformads.com
www.landformads.com

Regional District of Okanagan-Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

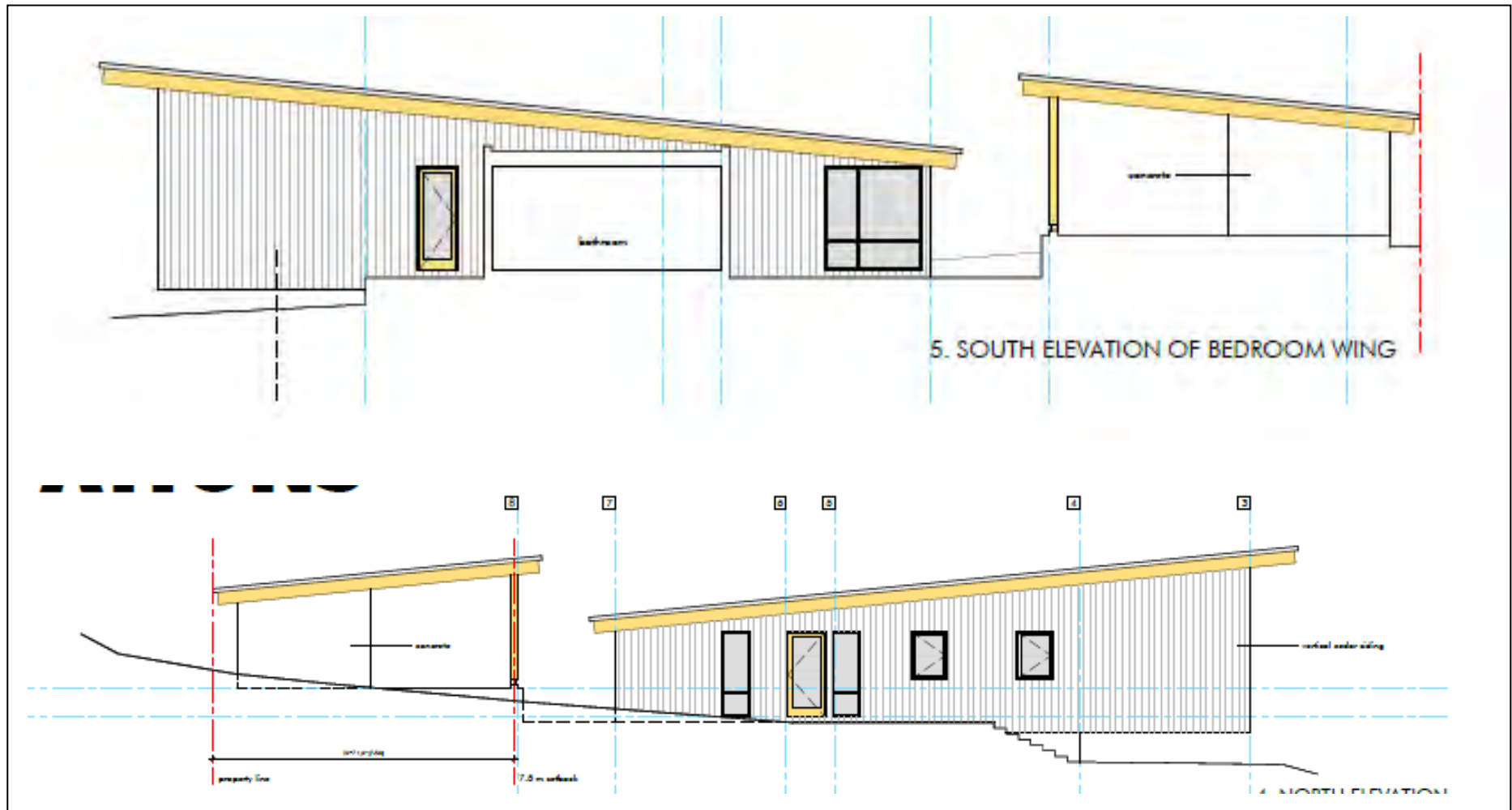
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2018.102-DVP

Schedule 'D'



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Development Variance Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. E2018.110-DVP

Purpose: To allow for the replacement of a deck to encroach into a front parcel line setback.

Owner: Daphne O’Sullivan Agent: Daphne O’Sullivan Folio: E02049.005

Civic: 2150 Naramata Rd Legal: Lot 1, DL 206, SDYD, Plan 15814

OCP: Agriculture (AG) Zone: Agriculture One (AG1)

Variance Request: To reduce the front parcel line setback from 7.5 metres to 3.34 metres.

Proposed Development:

This application seeks to vary the minimum setback for buildings and structures, on parcels 0.2 ha or greater, from the front parcel line in the Agriculture One (AG1) from 7.5 metres to 3.34 metres to allow the construction of a deck.

The applicant states the variance is requested to “replace a rotten deck” and “does not affect existing footprint”.

Site Context:

The subject property is approximately 9,226 m² in area and is located on the east side of Naramata Rd, approximately 4.3 kilometres south of Naramata’s village centre and 400 metres north of the City of Penticton. The surrounding pattern of development is predominantly agricultural with small holding lots in the vicinity.

Background:

The subject property was created by a plan of subdivision deposited with the Land Titles Office in Kamloops on December 14, 1965, while available Regional District records indicate an open building permit for a deck addition to the single family dwelling.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is designated Agriculture (AG).

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is zoned Agriculture One (AG1), which has a minimum setback of 7.5 metres from the front parcel line for building and structures, on parcels 0.2 ha or greater (the subject property is 0.92 ha).

The subject properties are located within the Agricultural Land Reserve (ALR) as are many of the neighbouring properties.

The Ministry of Transportation and Infrastructure (MoTI) requires a building setback of at least 4.5 metres from the property line fronting a provincial public highway. On June 28, 2018 MoTI granted a permit to reduce the setback to 3.34 metres for an elevated wooden deck.

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.

Analysis:

When assessing a variance request a number of factors are taken into account. These include 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.

The purpose of establishing a minimum front yard setback is to establish a consistent streetscape while placing structures away from public right-of-ways (roads) and associated gravel, snow storage, utilities, and vehicles.

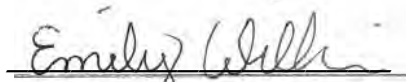
Administration notes the proposal is to replace an existing cantilevered deck in the front yard. There would be no additional impact on the streetscape or the use of adjoining properties. The property slopes up from Naramata Road and the front yard has thick landscaping. The grade change and the vegetation provide a physical and visual buffer between the deck structure and the roadway (Naramata Rd). The Ministry of Transportation and Infrastructure (MoTI) has also approved the 3.34 metre setback from the front property line.

Conversely, the applicant could consider different design options to ensure that any new construction complies with the Zoning Bylaw requirements.

Alternatives:

1. THAT the Board of Directors deny Development Variance Permit No. E2018.110-DVP; or
2. THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area "E" Advisory Planning Commission (APC).

Respectfully submitted



Emily Williamson, Planner

Endorsed by:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Site Photos

Attachment No. 1 – Site Photos



Facing Northeast from Naramata Rd

Facing East





Development Variance Permit

FILE NO.: E2018.110-DVP

Owner: Daphne Mary O'Sullivan
2150 Naramata Rd
Naramata, BC V0H 1N0

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', 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 1, District Lot 206, SDYD, Plan 15814

Civic Address: 2150 Naramata Rd

Parcel Identifier (PID): 002-239-248 Folio: E-02049.005

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "E" Zoning Bylaw No. 2459, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The minimum setback for buildings and structures, on parcels 0.2 ha or greater, from the front parcel line in the Agriculture One (AG1) zone, as prescribed in Section 10.2.6(a)(i), is varied:
 - i) from: 7.5 metres.

to: 3.34 metres as shown on Schedule 'B'.

7. COVENANT REQUIREMENTS

- a) Not Applicable

8. SECURITY REQUIREMENTS

- a) Not applicable

9. EXPIRY OF PERMIT

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 _____, 2018.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

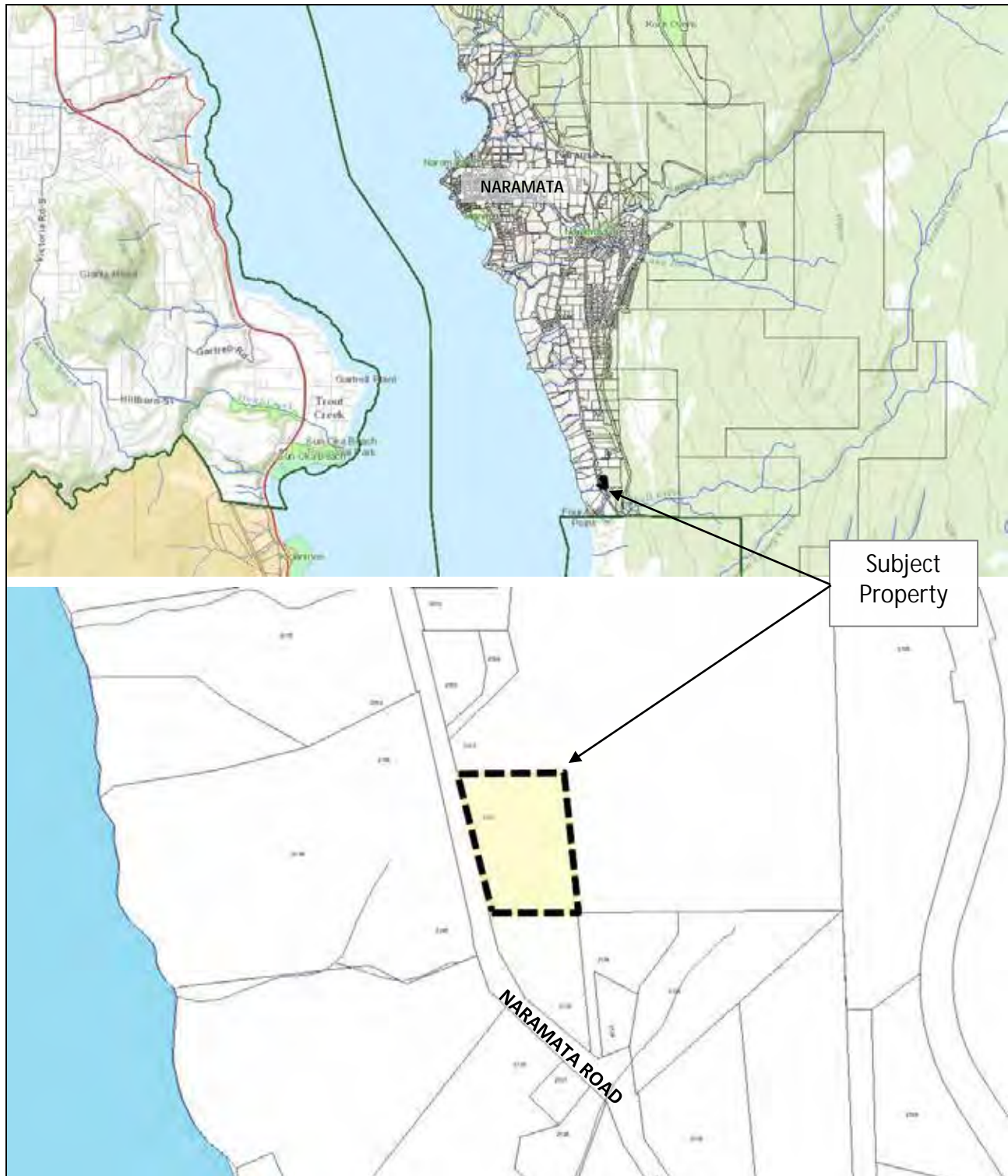
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2018.110-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

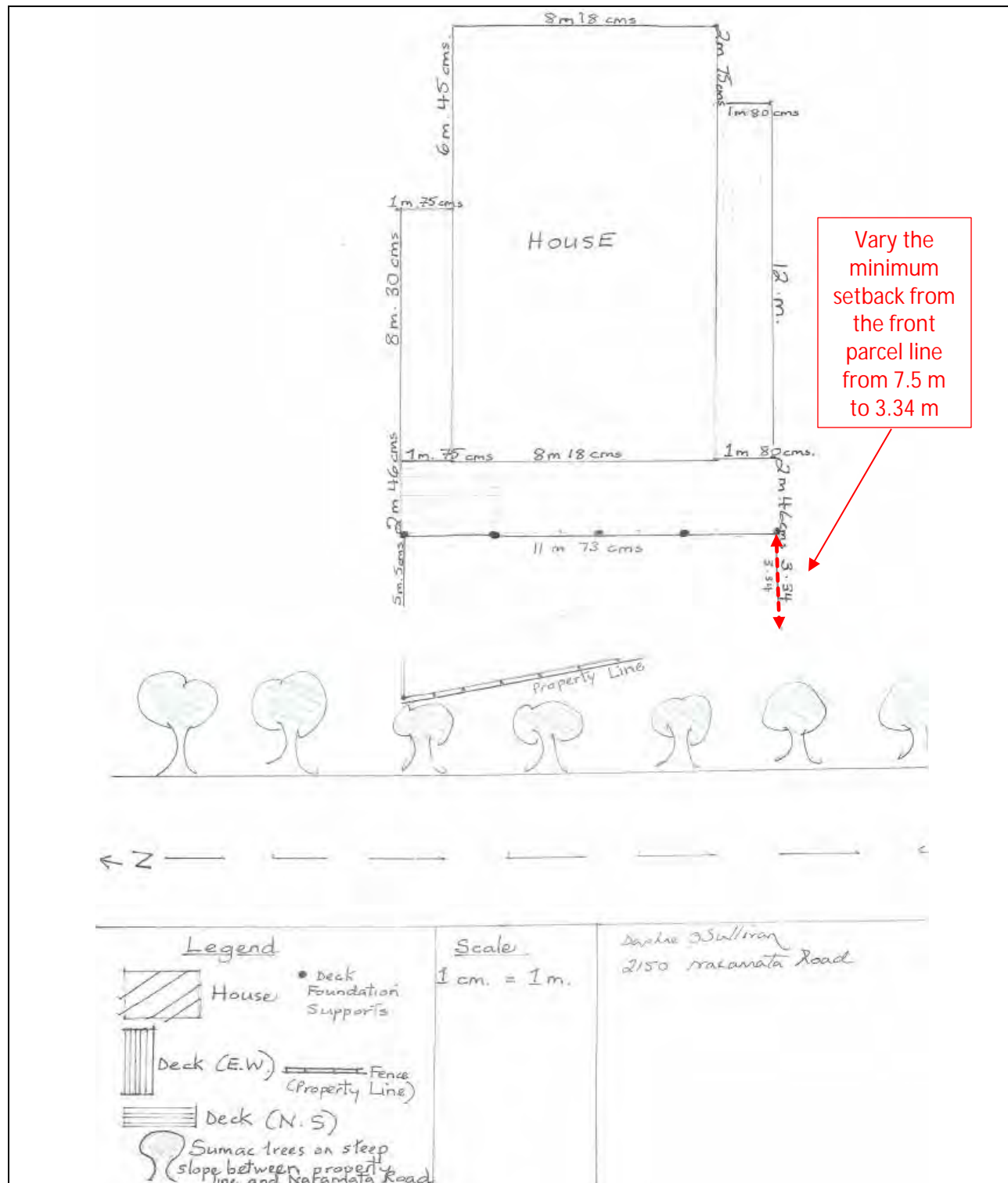
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. E2018.110-DVP

Schedule 'B'



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Development Variance Permit Application — Electoral Area “D”

Administrative Recommendation:

THAT the Board of Directors deny Development Variance Permit No. D2018.092-DVP

Purpose: To vary the maximum height of a retaining wall from 2.0 metres to 3.96 metres to accommodate the construction of two walls at the rear of the property.

Owners: Claudia and Douglass Barnett Agent: Tony Walters

Folio: D06799.970

Civic: 101 Chardonnay Court Legal: Lot 14, District Lot 2710, SDYD, Plan KAP86678

OCP: Low Density Residential (LR) Zone: Residential Single Family One (RS1) zone

Variance Request: To vary the maximum height for retaining walls from 2.0 metres to 3.96 metres.

Proposed Development:

This application seeks to increase the maximum height for a retaining wall in the Electoral Area “D-2” zoning bylaw No. 2455, 2008 from 2.0 metres to 3.96 metres as measured from lowest finished grade to the uppermost point of the wall.

The application proposes two retaining walls along northwest and southwest portions of the property along an extremely steep bank. The southernmost wall has a maximum height of 3.96 metres (13 feet) and the northernmost wall tops out at 2.13 metres (7 feet).

The application states that “given the allowed area for the building footprint, a higher than normal wall is required to have a back yard of any appreciable size.” In support of the requested variance, the applicant has stated that “the proposed wall does not significantly depart from the planning principles in that it’s visibility to neighbours is limited. The lot slopes steeply to the West and South west and the greatest height would be for a short 1.52 metre distance. Under the current bylaw there is not enough room to accommodate two 2 metre walls and have a reasonable amount of room for a back yard. Most of the back yard slopes steeply to the west and southwest.”

Site Context:

The subject property is approximately 1,407 m² in area and is located at the beginning of the Chardonnay Court cul-de-sac, at the junction where it comes off from Cabernet Drive. The property is located in the subdivision known as Vintage Views and is approximately 5.8 kilometres north of the unincorporated community of Okanagan Falls and 7 kilometres south of the City of Penticton.

The surrounding pattern of development is predominantly low density residential with similarly sized and zoned lots with steep slope considerations.

Background:

Under the Electoral Area "D-2" Official Community Plan (OCP) Bylaw No. 2603, 2013, the property is designated Low Density Residential (LR), and is subject to the Hillside / Steep Slope Development Permit area. Currently, this development permit is not being considered at time of building permit and is only be required at the time of subdivision.

Under the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008, the property is zoned Residential Single Family One (RS1) zone.

On January 4, 2018 Bylaw No. 2773, 2017 was adopted by the Regional Board which introduced new regulations regarding the calculation of height and retaining walls into the electoral area "D-2" zoning bylaw. The purpose of Amendment Bylaw No. 2773 is generally to address consistency issues currently existing within the various Electoral Area zoning bylaws as they relate to the calculation of height and regulation of retaining walls, but to also address new definitions related to "height" "retaining wall", "structure", "parcel", "parcel coverage", "parcel area, useable" and "panhandle"; and to updated general regulations pertaining to Projections and Fence Heights and new regulations pertaining to Retaining Walls.

The reasoning behind the sections pertaining to retaining walls was due to the absence of a consistent approach to the calculation of height and regulation of retaining walls in the various Electoral Area zoning bylaws. This created challenges for staff when interpreting and applying the bylaws and for the public when attempting to comply with the bylaws.

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.

At its meeting of July 10, 2018, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be denied.

Analysis:

Since 2013, the Regional District has attempted to mitigate the impact of residential development on hillsides in Electoral Area "D" through the introduction of development permit area guidelines and, more recently, retaining wall regulations.

These regulations have sought to encourage retaining walls be integrated into the terrain and respect the natural character of the site in order to achieve environmentally sound and liveable hillside neighbourhoods.

Further, retaining walls should be aesthetically well integrated into a hillside to enhance the desirability and marketability of hillside developments, allowing flexibility and innovation in design while recognizing the importance of preserving natural features and hillside character.

For these reasons, the use of large concrete block retaining walls in residential areas that create a negative visual impact are discouraged, whereas, surface treatments that harmonize the natural texture and colours are encouraged.

In this instance, Administration is concerned that the form of the proposed retaining walls is not consistent with this approach and may be indicative of an over-development of the parcel.

Administration notes that a majority of the useable parcel area (i.e. that area outside of any "steep slopes") has been devoted to the construction of the house and attached garage. While this does not seem to be extraordinary with regards to the type of construction found in this neighbourhood, Administration considers the house could be reduced in size to allow for rear yard without the need for oversized retaining structures.

A staff site visit and the application confirm that there is sufficient building area for a dwelling without the need of retaining walls beyond what is prescribed in the zoning bylaw. Administration believe that these goals can be achieved within the zoning regulations, and that the desire to artificially increase recreational area on a lot with an oversized retaining structure is not supported by the guidelines in the Zoning Bylaw or General Design statements in the Official Community Plan. This development appears to have been designed to maximize lake views rather than outdoor amenity area. Observing the other properties on this section of hillside it does not appear that a rear yard is an expectation of this particular subdivision.

While the applicants have stated that the proposed walls could be painted or coloured in a natural tone to blend in, no examples have been provided that show what this would look like.

With regard to the neighbouring property to the South having large retaining walls, at the time Bylaw No. 2457 exempted retaining walls from the definition of a structure and thus they were not subject to the setback and height requirements of accessory structures.

Conversely, this lot is significantly higher than the next building lots down the bank. The nature of the hillside is already defined by larger retaining structures; therefore this proposal would not be uncharacteristic in comparison to existing development.

Administration are of the opinion that the direction set by the Regional Board in implementing the zoning changes in Bylaw No. 2773, 2017 is to limit the number of retaining walls that exceed 2.0 metres in height. As the retaining structures do not appear necessary to make

construction on the lot viable and the owners appear to have chosen to avail themselves of the maximum buildable area; administration recommend against the proposed development variance permit.

Alternatives:

1. THAT the Board of Directors approve Development Variance Permit No. D2018.092-DVP.

Respectfully submitted


K. Taylor, Planning Technician

Endorsed by:


C. Garrish, Planning Supervisor

Attachments: No. 1 – Site Photos
No. 2 – Site Photos (Adjacent Homes/Walls)
No. 3 – Proposed House Rendering

Attachment No. 1 – Site Photos



Attachment No. 2 – Site Photos (Adjacent Homes/Walls)



Attachment No. 3 – Proposed House Rendering





Development Variance Permit

FILE NO.: D2018.092-DVP

Owner: Claudia and Douglas Barnett
101 Chardonnay Court
Okanagan Falls, BC V0H 1R3

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' 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 14 District Lot 2710 SDYD Plan KAP86678

Civic Address: 101 Chardonnay Court

Parcel Identifier (PID): 027-523-616 Folio: D06799.970

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 for a retaining wall, as prescribed at Section 7.27.4, is varied:
 - i) from: 2.0 metres.
 - to: 3.96 metres, as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

- a) Not Applicable

8. **SECURITY REQUIREMENTS**

- a) Not applicable

9. **EXPIRY OF PERMIT**

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 _____, 2018.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

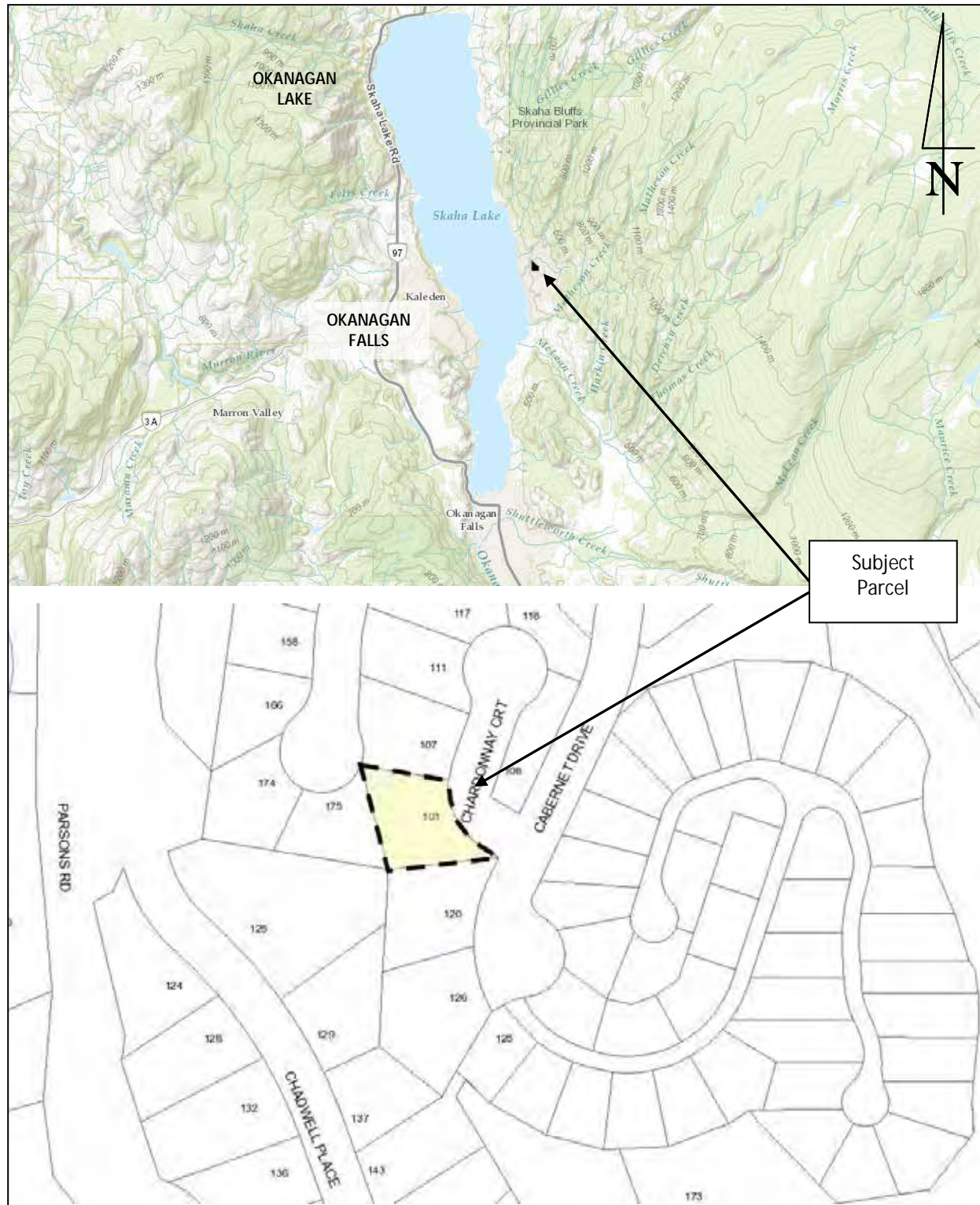
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. D2018.092-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

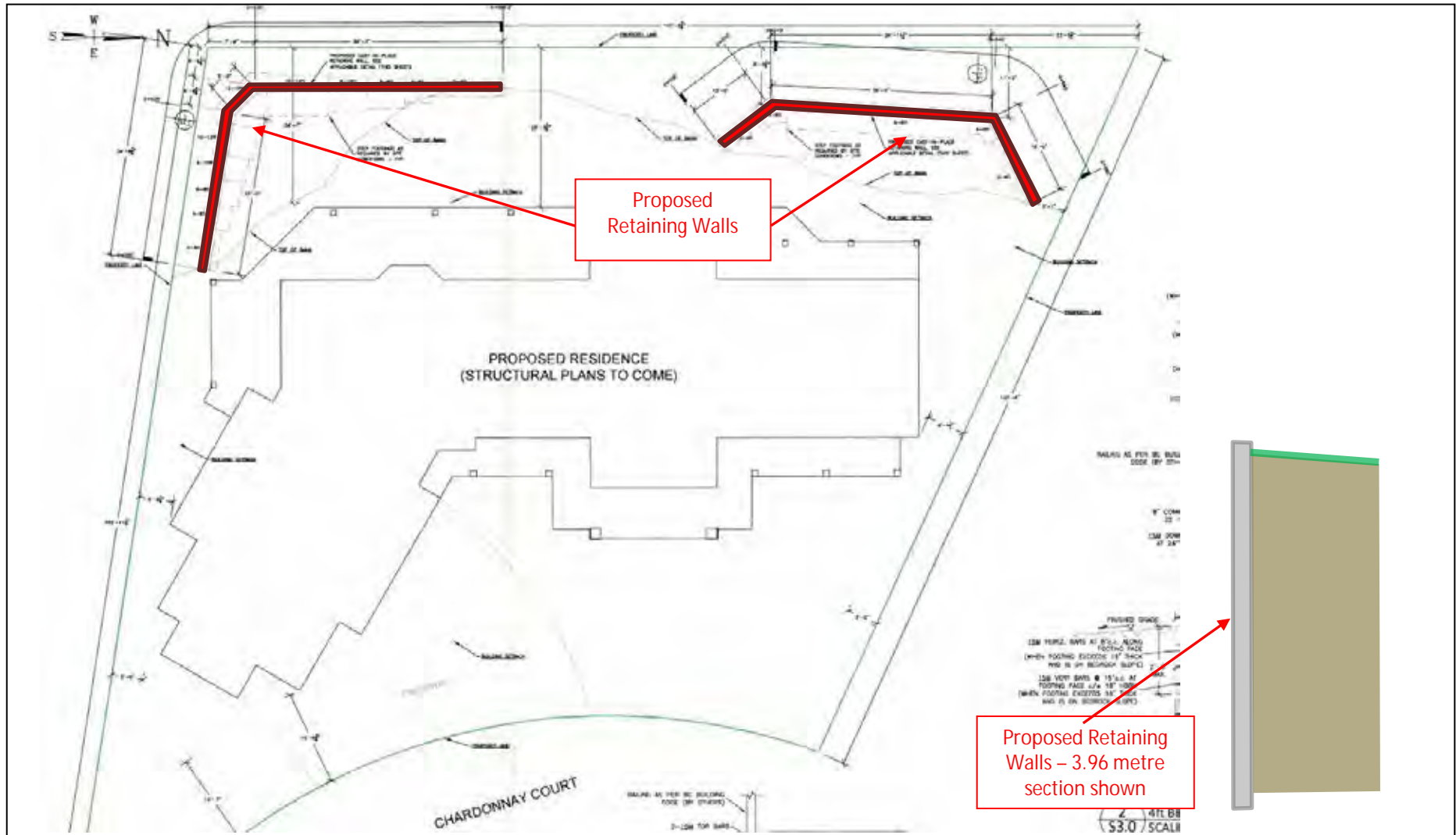
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

File No. D2018.092-DVP

Schedule 'B'



File No. D2018.092-DVP

Page 4 of 4



July 24, 2018

Fred & Heidi Harbinson

RDOS

101 Martin St

Penticton BC

Re: Development Variance Permit File No. D2018.092-DVP

Lot 14 District Lot 2710 SDYD Plan KAP86678

101 Chardonnay Court

Parcel Identifier (PID) 027-523-616 Folio D06799.970

Please be advised that we are greatly opposed to the Development Variance Permit application in regards to increasing a maximum retaining wall height.

The structure in question would create a negative impact on the resale values of all homes throughout our cul-de-sac; allowing a deviation from the already generous maximum height of a retaining wall will produce an undesirable view for all neighboring homes. If a permit is granted there is no policing of changes to the structures final design.

Our community relies on building codes to be maintained to ensure that the community aesthetics are not compromised, also protecting the values of our upscale homes.

Please do not allow this variance application to move forward as it will disturb the natural environment which the RDOS needs to protect. I am requesting that the future development of this area be conducted within the current guidelines.

Sincerely,

Fred Harbinson

Heidi Harbinson



Penticton Vees Junior Hockey Club
853 Eckhardt Avenue West, Suite 150, Penticton, BC V2A 9C4
www.pentictonvees.ca

July 24, 2018
Dick & Sheila Ducholke

[REDACTED]

RDOS
101 Martin St
Penticton BC

Re: Development Variance Permit File No. D2018.092-DVP
Lot 14 District Lot 2710 SDYD Plan KAP86678
101 Chardonnay Court
Parcel Identifier (PID) 027-523-616 Folio D06799.970

Please be advised that we highly object and oppose the Development Variance Permit application in regards to increasing a maximum retaining wall height.

This structure will be built on the aforementioned properties back yard, which is directly facing our front yard. Increasing the already generous maximum height would affect the view and resale value of properties facing this new wall. We would like to see minimal impact on the existing natural rock wall which we face. As the RDOS would have no control over the final finish of said structure, this would become a very unpleasant view from neighboring yards. I have attached a photo (Exhibit "A") which shows the view that we currently possess. The house that this wall could potentially be built beside shows that a 3.96 metre wall could actually be higher than the adjacent house. If a permit is granted, there is no policing of changes to the structures final design. I have also attached a photo (Exhibit "B") which shows what an unfinished wall may potentially look like. This can take away from not only the intended community aesthetics, but also the value of expensive homes and lots below this structure. Our community must rely on building codes to be maintained for obvious reasons.

Please do not allow this variance application to move forward as it lies on a very unique and natural environment which requires the RDOS for protection. The future development of this area has to be maintained within the set guidelines.

Sincerely,

[REDACTED]

Dick Ducholke

[REDACTED]

Sheila Ducholke



EXHIBIT "A"



EXHIBIT "B"

Daryl and Linda Chadwell

RDOS
101 Martin Street
Penticton BC.,
V2A 5J9

23 July 2018

Re: Development Variance Permit No. D2018.092-DVP, 101 Chardonnay Court, OK Falls

We are writing to oppose the proposed increase to the retaining wall height from 2.0 metres to 3.96 metres.

Such a high retaining wall facing the residences on Vintage Blvd would be an imposing and offensive structure. An example of an ugly wall with no regard for the downhill property owners, exists at 120 Cabernet Drive. This very large and imposing retaining wall is a rough formed and finished wall with no effort to address aesthetics whatsoever.

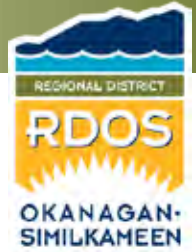
A similarly built over height wall at 101 Chardonnay Court would be a detriment to the neighbourhood.

Daryl Chadwell

Linda Chadwell

RECEIVED
Regional District
100-107018
Martin Street
Penticton BC V2A 5J9

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Zoning Bylaw Amendment – Electoral Area “D”

Administrative Recommendation:

THAT Bylaw No. 2457.20, 2018, Electoral Area “D” Zoning Amendment Bylaw be read a first time;
AND THAT prior to second reading of Amendment Bylaw No. 2457.20, 2018, the following conditions are met:

1. a ‘no build’ covenant be registered on the title of Lot A, Plan KAP46761, District Lots 228s, 2169 & 4098s, SDYD, except Plan KAP53180, in order that the area identified as “Phase 2”, and as shown on Attachment No. 1 in the Administrative Report from the Chief Administrative Officer dated August 2, 2018, cannot proceed until:
 - a) groundwater sustainability and availability is proven to warrant further development; and
 - b) 36 dwelling units in “Phase 1” have been constructed and issued occupancy permits.
2. the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the monitoring of domestic water, sanitary, and irrigation systems.

AND THAT prior to third reading of Amendment Bylaw No. 2457.20, 2018, the following condition is met:

1. the property owner enter into a servicing agreement with the Regional District in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Bylaws including Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP (as shown on Attachment No. 7) and must include terms and conditions on how the systems will subsequently be turned over the Regional District.

Purpose: To allow for the development of a phased multi-use development resort at the Twin Lakes Golf Course

Owner: Twin Lakes Golf Resort Ltd Applicant: Suki Sekhon Folio: D-02342.001 & D-02343.000

Legal: Lot 2, Plan KAP26332, DL 228s & 2169, SDYD, except Plan H15455; and Civic: 79 Twin Lakes Road
Lot A, Plan KAP46761, District Lots 228s, 2169 & 4098s, SDYD, except Plan KAP53180

Zones: various (see Attachment No. 2) Proposed Zoning: various (see Attachment No. 2)

Proposed Development:

The applicant is seeking to rezone parts of two legal parcels in order to facilitate the development of the Twin Lakes Golf Resort, which is going to “compliment the existing golf course use with up to 232 new residential units and tourism facilities over the next 25 years.”

In order to facilitate this, the applicant is proposing to ‘transfer’ existing residential densities from “Lot 2” to “Lot A” (see Attachment No. 2). This will result in the zoning of “Lot 2” changing from part Residential Single Family One (RS1), Residential Multiple Family (RM1) and Resource Area (RA) to a new Resource Area Site Specific (RAs) with the site specific provision allowing for a “campground” use. The zoning of parts of Lot “A” will correspondingly change from C1s and CT6 to new Twin Lakes Village (TLV) Zone and a Residential Multiple Unit Three (RM3) Zone situated around the existing golf course clubhouse.

The applicant has further advised that initial development of the Twin Lakes Golf Resort is comprised of Phase 1 (see Attachment No. 4) that is a one lot subdivision and building strata of up to 46 residential units (to be built in phases). This first phase is to be located on the south east side of the golf course and accessed off of Range Road (see Attachment No. 5), with subsequent phases being “contingent on water supply confirmation”. Of note, the applicant is proposing a building strata that means one ‘parcel’ with multiple owners, as opposed to a ‘bare land strata’ which entitles multiple owners with shared common property.

In support of the proposal, the applicant has stated that the “Twin Lakes vision proposes development that will strongly build on the guidance provided by the OCP Vision and Broad Goals.” Additional benefits will also include greater safety of the community through increased daily residential interaction; maintaining a rural like setting with less than 10% of the Twin Lakes Golf Resort Lands used as residential; a mix of housing types; encouraging both seasonal and permanent use; and land stewardship and preservation.

Administration is further proposing that, should the Regional District Board be supportive of this proposal, that the amendment bylaw also include a provision to remove the RS1 Zone from an approximately 1,500 m² area of Crown land (legally described as District Lot 4098S, SDYD, Portion EX BLK A, Except Plan KAP53180) adjacent to “Lot 2” and replace it with an RA zoning.

The Board should also be aware that the long-term strategy regarding the infrastructure is for the Regional District to take over the systems and extend community sanitary and water services to the broader Twin Lakes community offering safe, secure and sustainable servicing opportunities.

As an aside, at such time as Phase 2 is able to proceed, it is anticipated that the existing RV Park may be re-located from “Lot A” to “Lot 2”.

Site Context:

The TLGR currently owns two parcels of land in the Twin Lakes area with development proposed on both. The parcels are located to the south adjacent to Highway 3A and north of Nipit / Twin Lake.

One parcel (“Lot 2”), is approximately 41.4 ha in size is currently vacant and consists of rolling hills, steep rocky outcrops grasslands and treed areas. The applicant has recently prepared an area for farming on this parcel.

The second parcel ("Lot A") is approximately 66 ha in size and is principally used as a golf course and clubhouse with the majority of this parcel within the Agricultural Land Reserve (ALR). There is also a seasonal RV Park Campground on this parcel.

Surrounding properties are a mixed land use of larger Resource Area and Large Holdings properties and the properties surrounding Nipit Lake are a mix of residential zonings.

Background:

The current boundaries of the subject property date to a plan of subdivision deposited with the Land Titles Office in Kamloops on October 2, 1975, while available Regional District records indicate the previous issuance of building permit for alterations to the golf course clubhouse.

The South Okanagan Regional Growth Strategy (RGS) designates Twin Lakes as a Rural Growth Area, done mainly because of the amount of existing zoning in place at the time around the golf course. The actual boundaries of the Rural Growth Area were delineated during the OCP update process and are shown to concentrate any growth the area centred around the current clubhouse parking lot and RV park area.

Under the Electoral Area "D-1" OCP Bylaw No. 2683, 2016, "Lot A" is currently designated part Tourist Commercial (CT), part Residential Mixed Use (RMU) and part Resource Area (RA), while "Lot 2" is designated RA.

Under Section 7.5 (Local Area Policies – Twin Lakes) of the OCP Bylaw, there are a number of assessment criteria to be applied to any rezoning proposal that seeks to develop the Twin Lakes Golf Course lands including: the need to provide assessment on the provision of sustainable water supply without impacting existing residential development and environmental flow; establishment of adequate community on-site water and sewage disposal; compatibility with adjacent land uses; to consider an urban village concept; and be organized around a phased concept.

Both parcels are also the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation under the OCP Bylaw while that part of "Lot A" surrounding the golf course clubhouse comprises the designated "Rural Growth Area" for Twin Lakes under the South Okanagan Regional Growth Strategy (RGS) Bylaw No. 2770, 2017.

Under the Electoral Area "D-1" Zoning Bylaw No. 2457, 2008, the two parcels are subject to a number of different zones, including the Residential Single Family One (RS1), Residential Multiple Family (RM1), General Commercial (C1), Tourist Commercial Six (CT6) and Resource Area (RA).

The current residential zoning of the parcels dates to 1995 and the adoption of Amendment Bylaw No. 1550, which contemplated the development of approximately 258 units at the site.

A majority of "Lot A" is also situated within the Agricultural Land Reserve (ALR) and the development of the area around the golf course clubhouse was previously approved by the Agricultural Land Commission (ALC) in 2007.

Additional background information related to the servicing history of the Twin Lakes areas is included at Attachment No. 6.

Referrals:

Referral comments on this proposal have been received from Fortis, Ministry of Transportation and Infrastructure, Interior Health Authority, Lower Nipit Improvement District, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, and Penticton Indian Band, and these are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the subject property is situated within 800 metres of a controlled area (i.e. Highway 3A).

Public Process:

On February 1, 2018, the applicant hosted a community open house at the Twin Lakes golf clubhouse, at which approximately 36 members of the public were present.

On June 12, 2018, a Public Information meeting was held ahead of the Advisory Planning Commission (APC) meeting, and was attended by approximately 37 members of the public.

At its meeting of June 12, 2018, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board the development application be approved subject to the following conditions:

1. *THAT a 'no build' covenant be registered on the title of "Lot A" prior to adoption of Amendment Bylaw 2457.20 in order that those areas identified as "Phase 2" cannot proceed until groundwater sustainability and availability can be proven to warrant further development and that "Phase 2" may not proceed until the completions of "Phase 1" and an assessment of the local water supply has been completed;*
2. *THAT the property owner enter into a servicing agreement with the Regional District prior to adoption of Amendment Bylaw 2457.20 in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP;*
3. *THAT the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the community water and sanitary systems; and*
4. *THAT the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Area for the monitoring and regulation the existing irrigation wells utilized for the golf course.*

Analysis:

In considering this proposal, Administration notes that the increase in densities centred around a 'village' type development reflects the boundaries established through the RGS. The Board of Directors is asked to be aware that this was one of the principal considerations in designating the area around the clubhouse as the Twin Lakes "Rural Growth Area" in accordance with the RGS Bylaw. Specifically, that removal of the RS1 and RM1 zones from "Lot 2" would be part of any discussion regarding the introduction of new zonings for "Lot A".

In considering the local area policies contained within the OCP Bylaw, Administration notes that the proposed rezoning generally meets the criteria provided to assess any new development, including:

-
- Water supply will be monitored prior to further development;
 - Establishment of adequate community water and sewer infrastructure;
 - The overall development is phased, and the Phase 1 building strata is also proposed to be phased;
 - The new Twin Lakes Village zone will provide a focus on a village concept;
 - Water conservation including water metering, re-use and xeriscaping will be incorporated;
 - Water will be monitored for availability from groundwater wells servicing residential and from the golf course use.

The proposal is generally consistent with the direction provided for in the OCP Bylaw which speaks to the area around the clubhouse being the focal point for development at Twin Lakes.

The proposal will also remove any existing residential zoning from the hillside to the east and return that land to a Resource Area zone in order to help preserve the environmental values.

In requesting the RM3 Zone, the applicant is seeking to introduce "vacation rentals" as a permitted use as part of this development (i.e. a Temporary Use Permit would no longer be required for such a use). At present, the only community in which "vacation rentals" are a permitted use is at Apex Mountain Resort, and this is largely a reflection of the resort nature of that community. Given the applicant is similarly developing the Twin Lakes Golf Course as a "resort", permitting "vacation rentals" is not seen to be unreasonable and will also be permitted in the TLV Zone.

In recognition of the significant concerns expressed by the community on groundwater sustainability during the review of the OCP Bylaw, the Plan recognizes that balancing any new development with water conservation and environmental stewardship is the community's driving objective.

In order to meet the infrastructure servicing objectives of the Plan, the applicant is proposing to create a community water and sewer system that will subsequently be turned over to the Regional District to own and operate under new proposed service areas.

Recommended Conditions:

Administration recognizes that there are many unknowns related to the future build out of the Twin Lakes Golf Resort, and also recognizes that many of the technical details related to servicing still needs to be finalized. On this basis, a number of conditions have been recommended and are discussed below.

It is recommended that the first two conditions be met prior to Second reading so will be available for information at the Public Hearing.

1. *Condition No. 1: THAT a 'no build' covenant be registered on the title of Lot A, Plan KAP46761, District Lots 228s, 2169 & 4098s, SDYD, except Plan KAP53180, in order that those areas identified as "Phase 2" cannot proceed until:*
 - a) *groundwater sustainability and availability is proven to warrant further development; and*
 - b) *36 dwelling units in "Phase 1" have been constructed and issued occupancy permits.*

The intent of this condition is to meet the requirements of water availability throughout Phase 1 and determine if there is adequate water to begin Phase 2.

The applicant has indicated that they intend to complete the Phase 1 one lot building strata development over the next 10 to 20 years. Phase 1 will need to be assessed for water use and availability prior to the commencement of Phase 2 taking place on "Lot A".

The intent of the second part of the condition (part b) is to ensure that the first phase be substantially completed before residential development can occur on the second phase.

At this time the applicant is assuming that a total of 46 units can be constructed within the building strata lot; however, given both terrain and market conditions this full build out may not occur. 36 units was chosen as the 'cutoff' as it represents approximately 78% completion of the anticipated number of units. As the covenant is being placed on title as a condition of rezoning, a future Board will be able to determine whether or not discharge of the covenant is warranted.

Condition No. 2: *THAT the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the monitoring of domestic water, sanitary, and irrigation systems;*

The intent of this condition is to provide a mechanism to enable the RDOS to oversee the monitoring of the infrastructure systems as they develop.

The service area will initially be for a monitoring and groundwater impact assessment service and would enable the RDOS to oversee monitoring methods and results. This service area creation is not intended for the operation or the delivery of community water or sanitary services by the RDOS. The service petition may be written to make it clear that there might not be a water service beyond Phase 1 if the results of monitoring are not favourable. This may result in no further development.

Condition No. 3: *THAT the property owner enter into a servicing agreement with the Regional District in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Bylaws including Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP (as shown on Attachment No. 7) and must include terms and conditions on how the systems will subsequently be turned over the Regional District.*

The intent of this condition is to ensure that the design of the infrastructure complies with RDOS bylaws. Normally, a servicing agreement is not required until building permit stage; however, as the proposed zoning directly influences how the development will occur in the future, Administration recommends that this be dealt with up front. Within this servicing agreement there should also be provisions that address the criteria for the takeover of the system by the RDOS.

The proposed community infrastructure will be designed to provide water and sewer to all phases of the proposed Twin Lakes Golf Resort development. It is hoped that it will also be designed and extended to serve the existing residences which surround Twin Lakes.

To date, numerous meetings have been held with the developer, the developer's engineer and Regional District staff in order to examine the infrastructure and servicing details.

A number of conditions have been recommended in order to proceed with this proposal. These conditions are being recommended due to a number of reasons as the proposed development is somewhat atypical for the Regional District. Specifically, the conditions are being imposed because the applicant has chosen to not develop using a 'Phased Development Agreement' (PDA) as specified under Division 12 of the *Local Government Act*, therefore leaves

Summary:

In summary, Administration supports the proposed rezoning, particularly the changes to land use, but recognizes that many of the technical details related to servicing still need to be finalised. On this basis, Administration is recommending a number of conditions be met prior to approval of the rezoning to ensure these servicing aspects are achieved.

The recommended conditions are being made to deal with a proposal that is not typical of most development applications, given the phasing of the proposal is dependent on proven water sustainability, that the Regional District will eventually own and operate the water and sewer infrastructure, and the applicant has chosen not to enter into a Phased Development Agreement as provided in the *Local Government Act*.

Alternatives:

- .1 THAT Bylaw No. 2457.20, 2018, Electoral Area "D" Zoning Amendment Bylaw be denied; OR
- .2 THAT Bylaw No. 2457.20, 2018, Electoral Area "D" Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;
AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of September 6, 2018;
AND THAT staff give notice of the public hearing in accordance with the requirement of the *Local Government Act*.
- .3 THAT Bylaw No. 2457.20, 2018,, 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 Siddon or delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Siddon;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Respectfully submitted*E.Riechert*

E.Riechert, Planner

Endorsed by:

C. Garrish, Planning Supervisor**Attachments:** No. 1 – Applicant's Proposed Phasing Plan

No. 2 – Current vs Proposed Zoning

No. 3 – Site Photo (Google Earth)

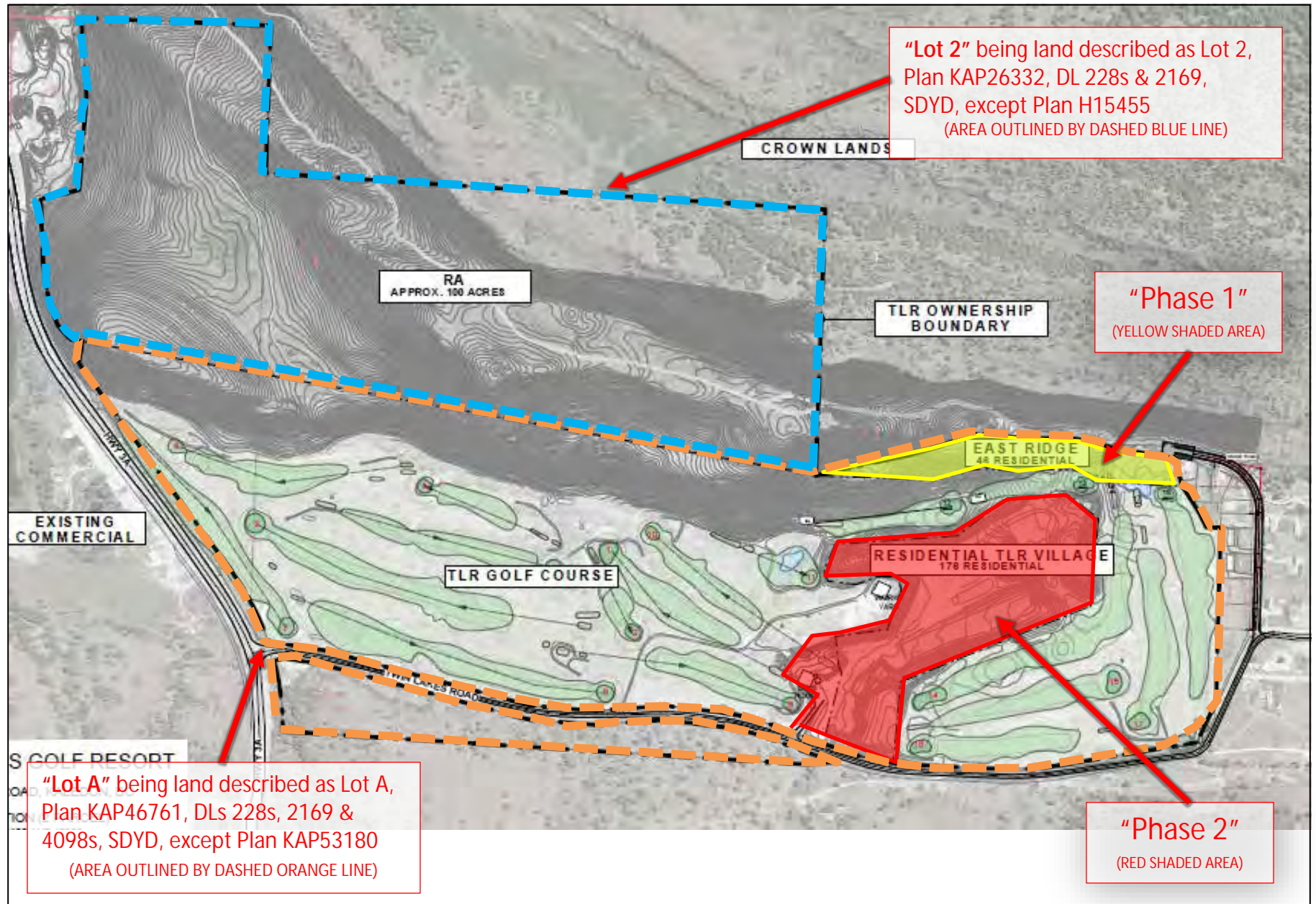
No. 4 – Applicant's Site Plan concept – Phase 1 and Phase 2

No. 5 – Applicant's Site Plan concept - Phase 1

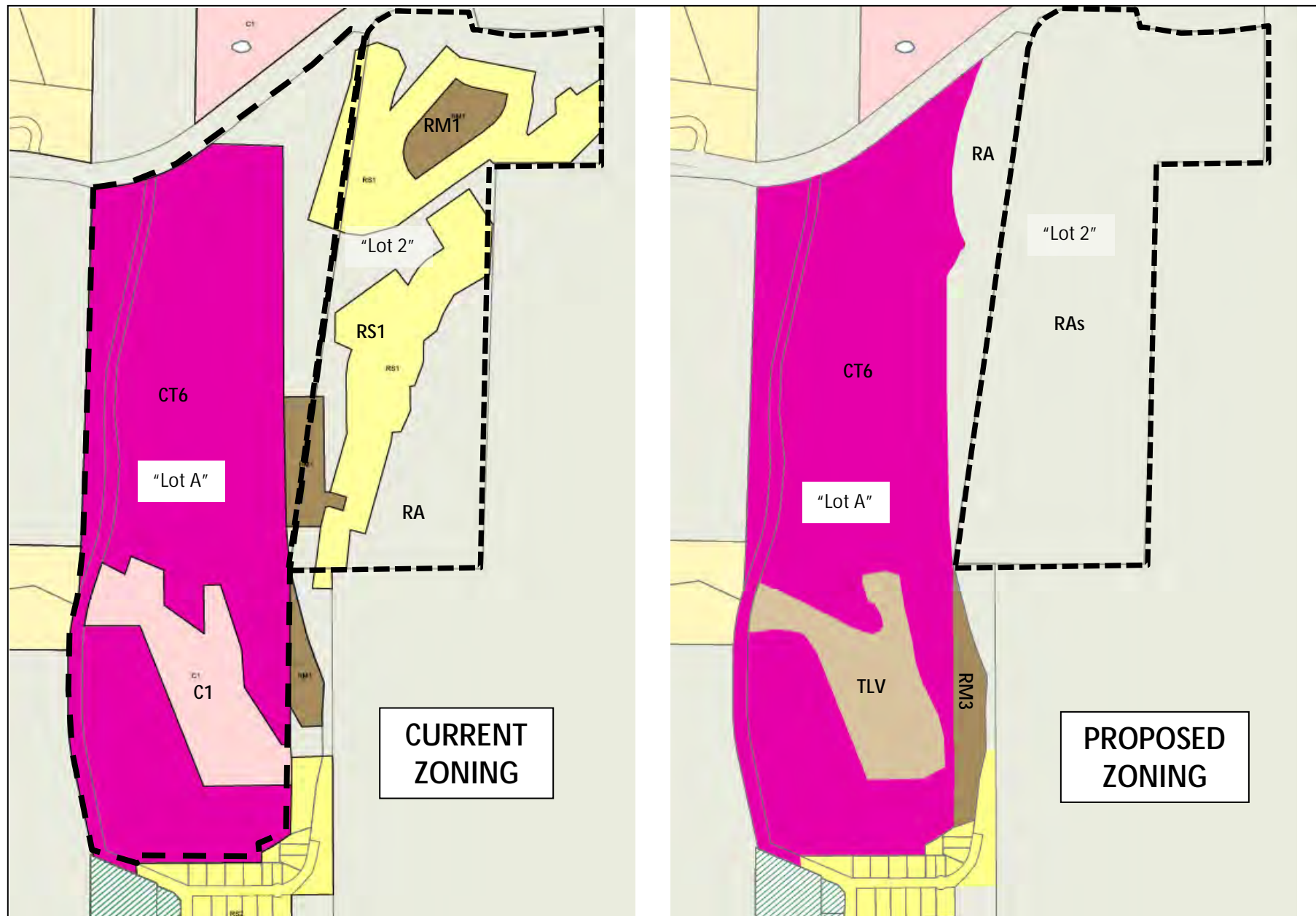
No. 6 – Servicing Background

No. 7 – Development Variance Permit No. D2016.051-DVP

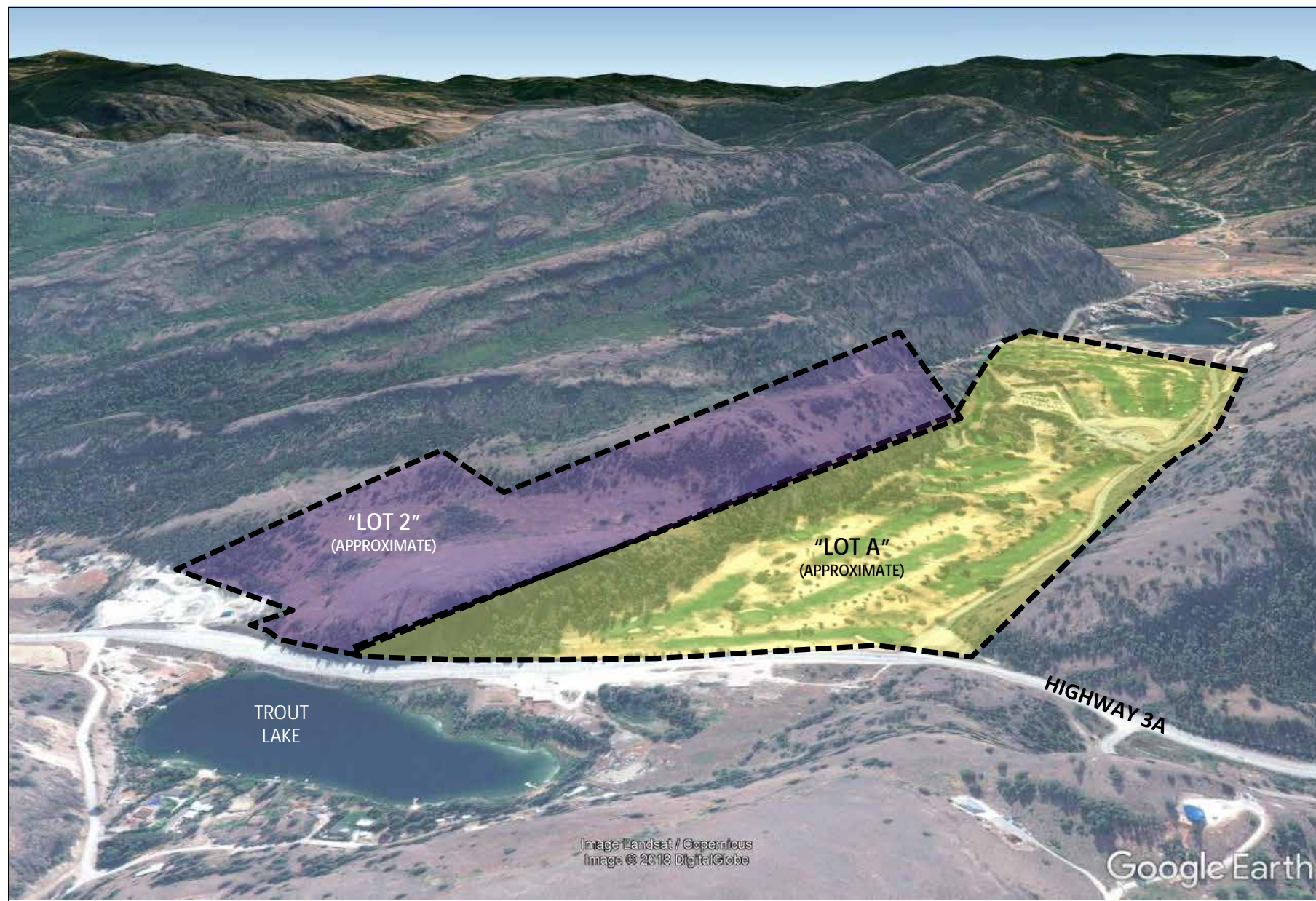
Attachment No. 1 – Applicant's Proposed Phasing Plan



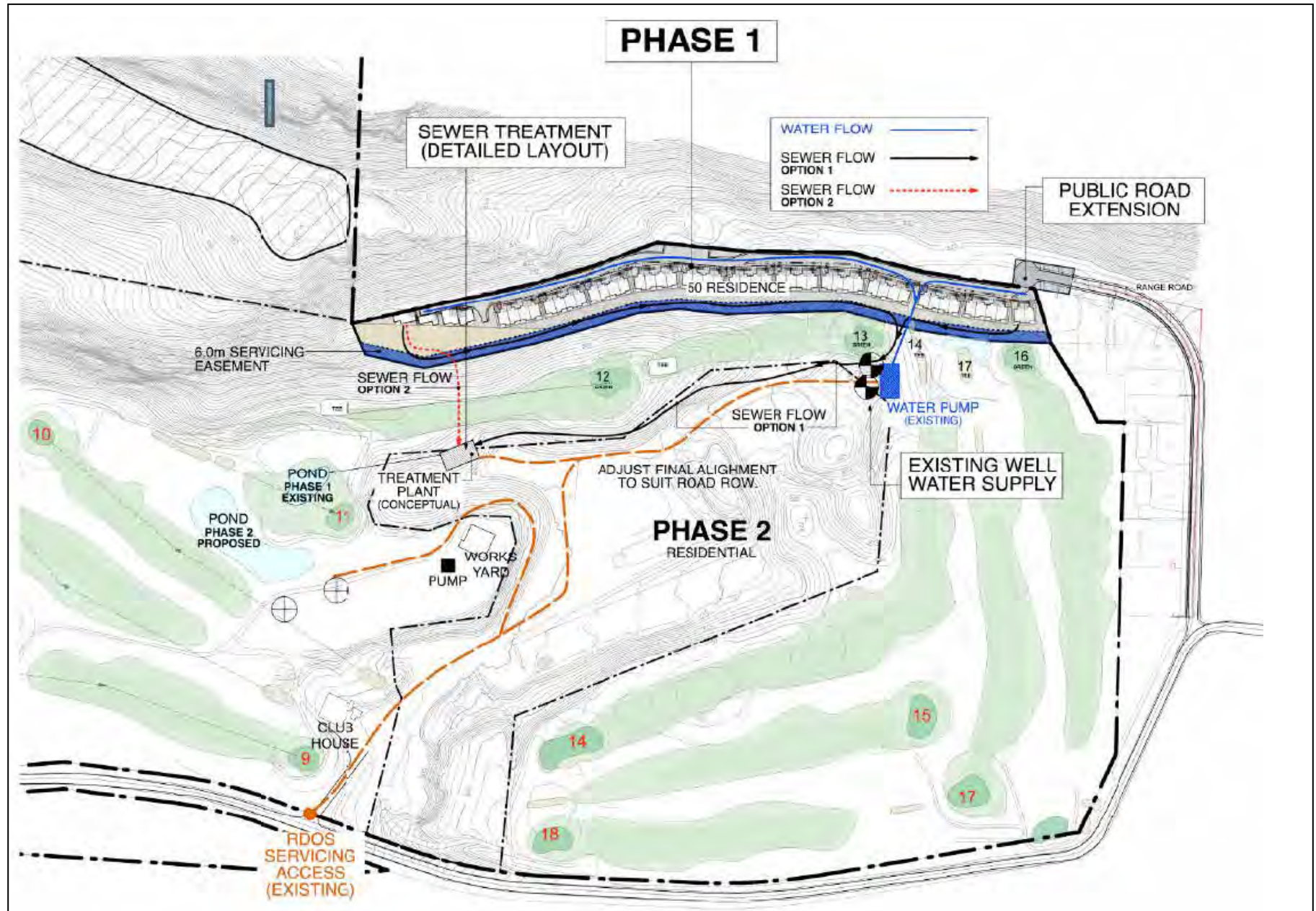
Attachment No. 2 – Current vs Proposed Zoning



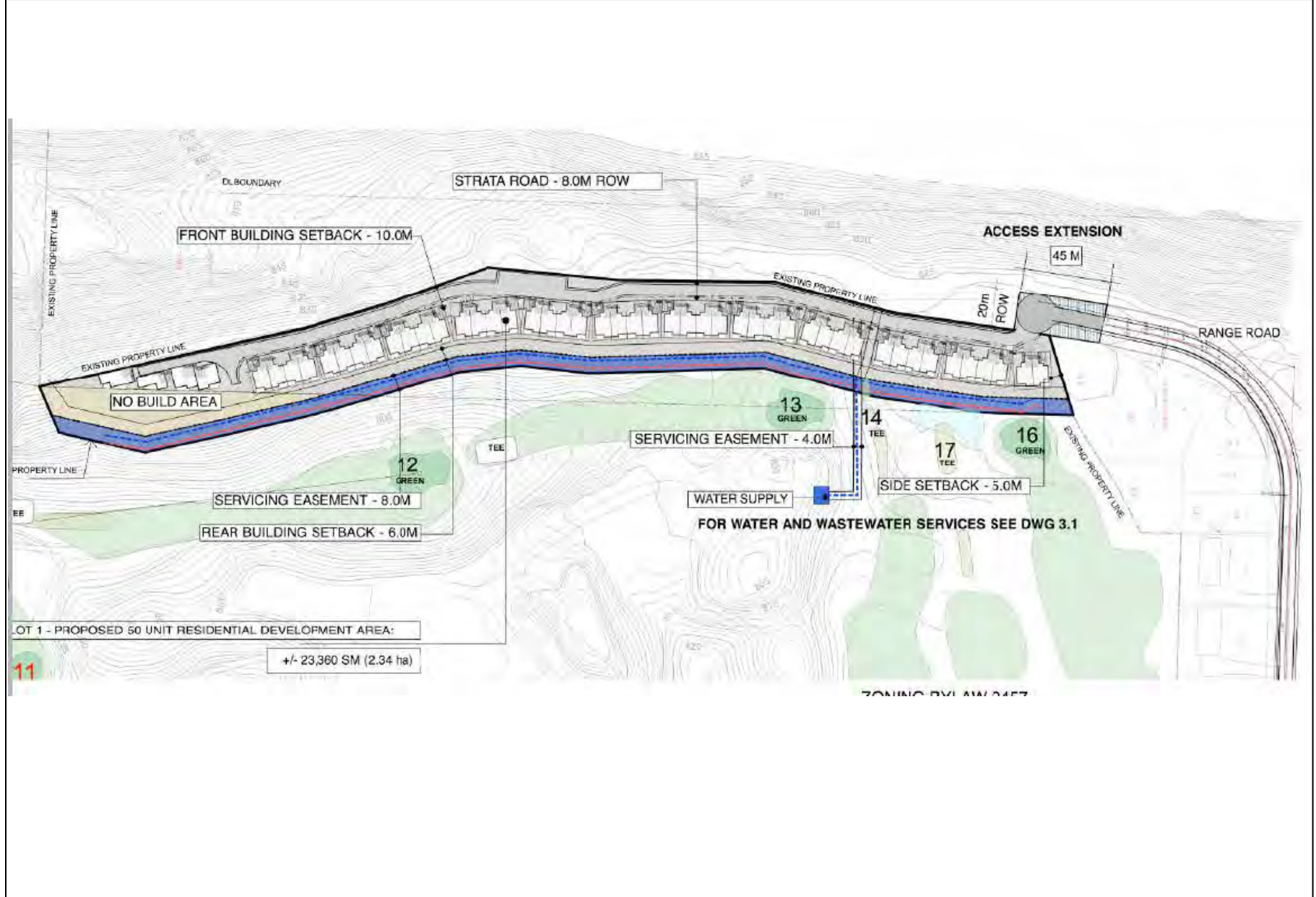
Attachment No. 3 – Site Photo (Google Earth)



Attachment No. 4 – Applicant's Site Plan concept Phase 1 & Phase 2



Attachment No. 5 – Site Plan concept Phase 1



Attachment No. 6 – Subdivision and Servicing Background

March 4, 2008: an application to subdivide the Twin Lakes Golf Resort (TLGR) lands for a Phase 1 development proposing 33 single family strata units and 18 multi-family strata units for a total of 51 units was received by the Regional District from the Ministry of Transportation and Infrastructure (MoTI). The overall TLGR development proposal was comprised of a bare land strata with a total of 136 single detached dwellings units and 72 multi-family dwelling units over a 64 hectare parcel.

July 26, 2011: the Provincial Approving Officer gave the subdivision application a non-approval under the Land Title Act, Section 85 because in his opinion the proposal was not within the “public interest” due to concerns with risk of not having sustainable water for the proposed bare land strata development, and even the existing Twin Lake area properties without the development proceeding.

Sept. 20, 2012: the TLGR group applied for a Development Variance Permit (DVP) requesting a reduction of the Water Supply, Design Parameters under the Regional District’s Subdivision Servicing Bylaw No, 2000, 2002. The requested DVP would reduce Maximum Daily Domestic Flow of 8,000 litres per single family unit per day to 1,900 litres per single family unit per day.

The Regional District Board deferred the DVP until such time a new hydrogeological report (Golder Report) was to be completed by the TLGR developer.

July 10, 2014: the draft Golder Report was received by the Regional District. The science of hydrology in the report was to be reviewed by the Ministry of Forest Lands and Natural Resource Operations (MFLNRO). The water use of the proposed development and existing water users in the Twin Lakes area was reviewed by Staff.

Feb 2015: MFLNRO and the Regional District completed its reviews and comments are returned to the TLGR developer.

Jan. 26, 2016: a revised draft Golder Report is distributed to the Regional District and the Provincial Approving Officer. The revised report has been reviewed by MFLNRO and the Regional District commissioned a secondary review of the proposed water use by Western Water Associates Ltd.

The DVP was brought forward for discussion to the July 7, 2016, Planning and Development Committee meeting. The DVP to reduce the water system design flows was then adopted at the Board on July 21, 2016. The varied requirements are as follows:

“Minimum design flows for domestic demand shall be:”

1. Addition of an “Average Daily Flow to 2,200 L/single family unit/day”;
2. Reduction of the existing “Maximum Daily Domestic Flow from 8,000 L/single family unit/day” to 5,500 L/single family unit/day; and,
3. Reduction of the existing “Peak hour domestic flow from 13,600 L/single family unit/day” to 10,000 L/single family unit/day.



Development Variance Permit

FILE NO.: D2016.051-DVP

Owner: Twin Lakes Golf Resort
79 Twin Lakes Road
Kaleden, BC
V0H 1K0

Agent: CRS Group of Companies
920 - 475 West Georgia Street
Vancouver, BC
V6B 4M9

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 to the land specified in Section 5, except as specifically varied 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, Development Permit or Subdivision Approval.

APPLICABILITY

5. This Development Variance Permit applies to and only to a residential development of up to 50 dwelling units on the portion of the lands outlined on Schedule "B" as "Development Area" on those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

Legal Description:	Lot A District Lots 228s, 2169 And 4098s Similkameen Division Yale District, Plan KAP46761 Except Plan KAP53180
Civic Address:	79 Twin Lks Rd And 85 Twin Lks Rd
Parcel Identifier (PID):	017-694-841 Folio: D-02342.001

VARIANCE

File No. D2016.051-DVP

Page 1 of 4

6. The land specified in Section 5 may be developed with up to 50 dwelling units in accordance with the following variance to Section 3.2.1 of Schedule A to Subdivision Servicing Bylaw No. 2000, 2002:

From:

Minimum design flows for domestic demand shall be:

Maximum daily domestic flow	8,000 l/single family unit/day
Peak hour domestic flow	13,600 l/single family unit/day

To:

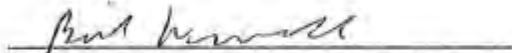
Minimum design flows for domestic demand shall be:

Maximum daily domestic flow	5,500 l/single family unit/day
Average daily domestic flow	2,200 l/single family unit/day
Peak hour domestic flow	10,000 l/single family unit/day

EXPIRY OF PERMIT

7. If a zoning amendment is not adopted for a residential development of the "Development Area" by the date that is 2 years after the date this Permit was issued, the Permit lapses.

Authorising resolution passed by the Regional Board on July 21, 2016.



B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

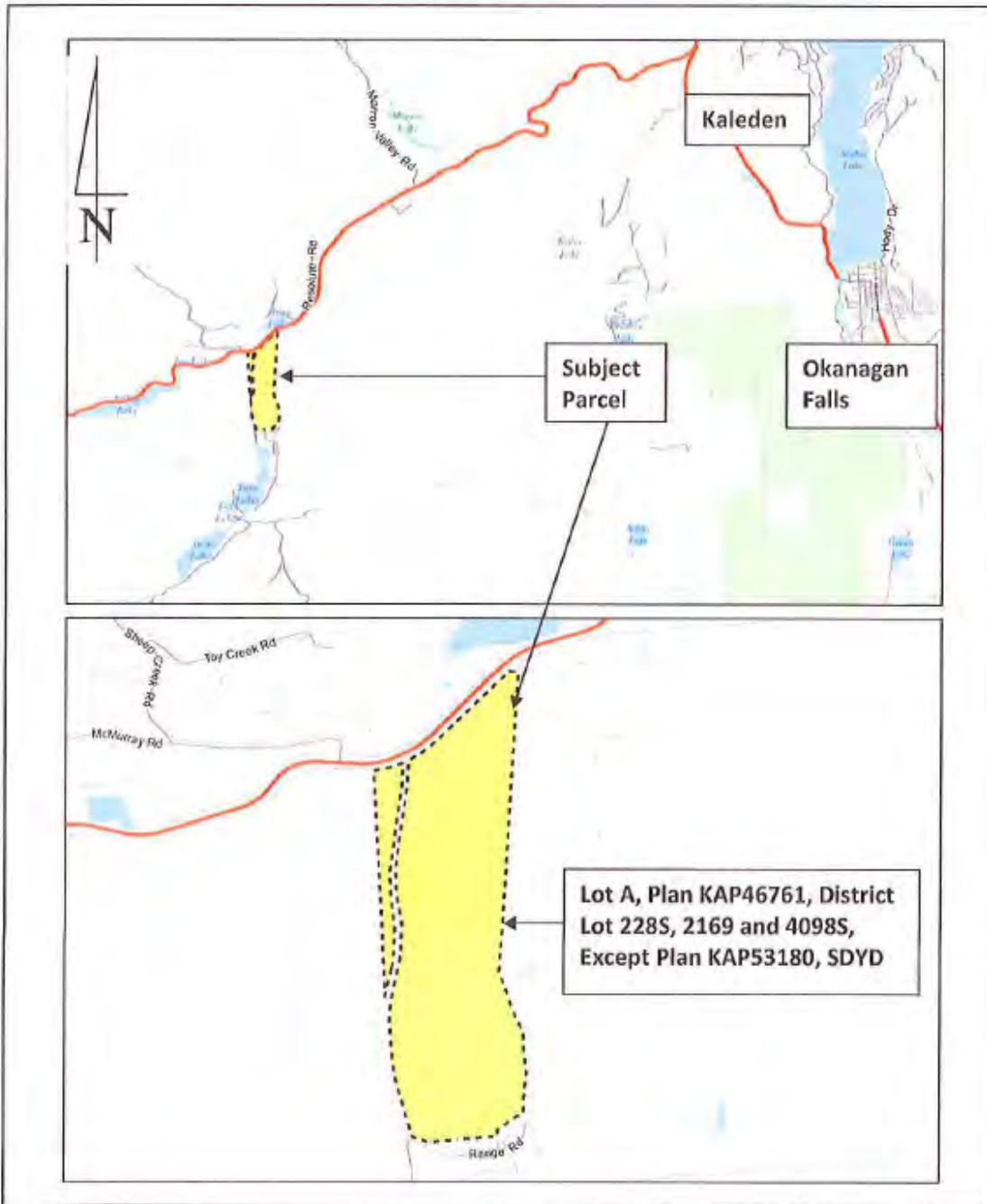
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.051-DVP

Schedule 'A'



File No. D2016.051-DVP

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Regional District of Okanagan-Similkameen

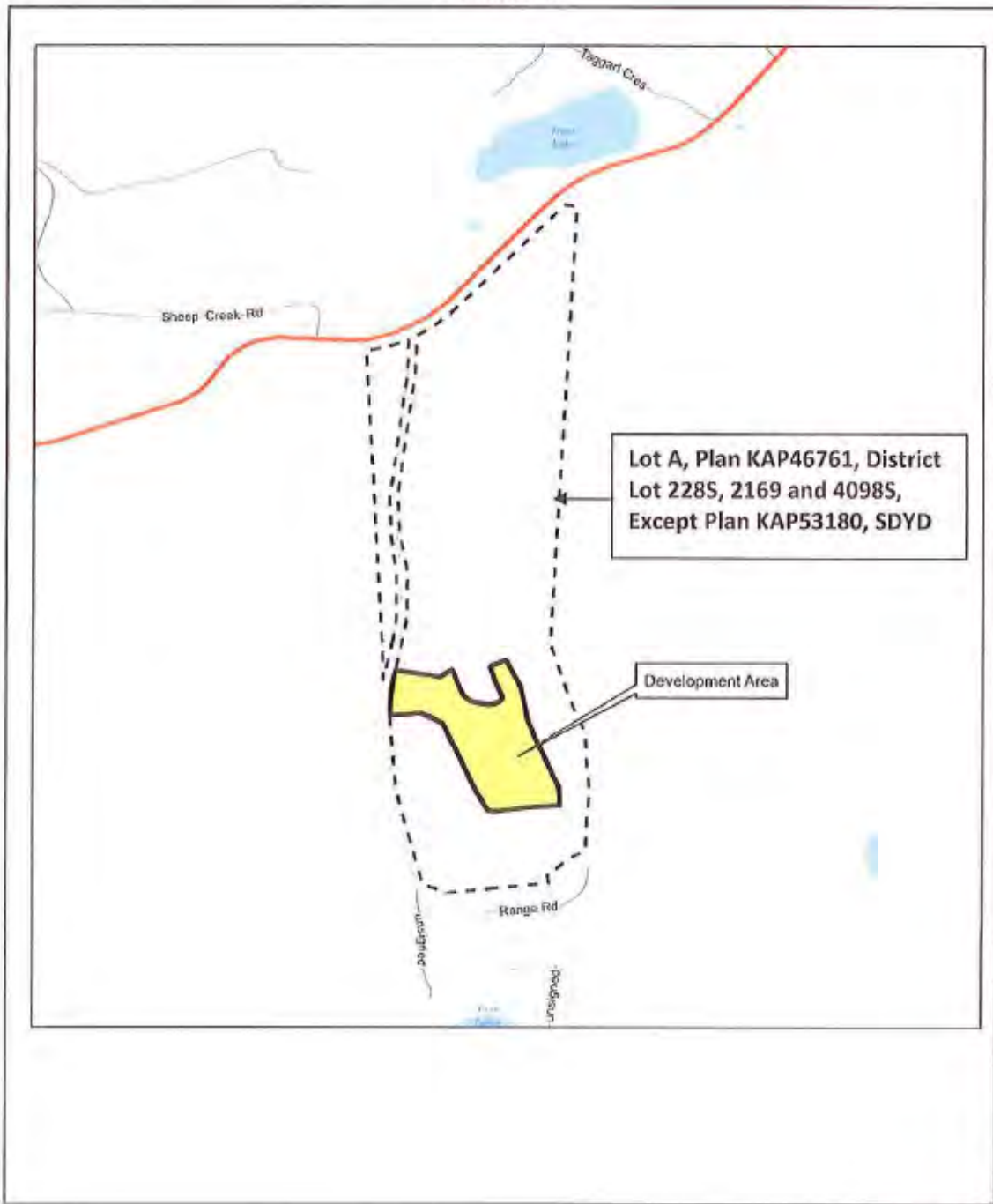
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.051-DVP

Schedule 'B'



File No. D2016.051-DVP

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REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2457.20, 2018

A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2457, 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. 2457.20, 2018."
2. The Electoral Area "D" Zoning Bylaw No. 2457, 2008, is amended by:
 - i) adding a new reference to "Village Centre Zones" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) to read as follows:

Village Centre Zones

Twin Lakes Village Zone

TLV

- ii) adding a new Section 13.0 (Village Centre) to read as follows and renumbering all subsequent sub-sections:

13.0 VILLAGE CENTRE

13.1 TWIN LAKES VILLAGE ZONE (TLV)

13.1.1 Permitted Uses:

Principal uses:

- a) art galleries, libraries, museums;
- b) community hall;
- c) eating and drinking establishment;
- d) indoor recreational facilities;

- e) multi-dwelling units, subject to Section 13.1.10;
- f) office;
- g) personal service establishment;
- h) retail store, general;
- i) tourist accommodation;
- j) vacation rentals, subject to Section 7.28;

Secondary uses:

- k) accessory dwelling, subject to Section 7.11;
- l) home occupation, subject to Section 7.17; and
- m) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific Twin Lakes Village (TLVs) Provisions:

- a) see Section **Error! Reference source not found.**

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of the parcel depth.

13.1.5 Maximum Density:

- a) 55 dwelling units per ha, subject to servicing requirements.

13.1.6 Maximum Floor Area Ratio:

- a) 2.0

13.1.7 Minimum Setbacks:

- a) Buildings and Structures:
 - i) Front parcel line: 3.0 metres
 - ii) Rear parcel line: 3.0 metres
 - iii) Interior side parcel line: 3.0 metres
 - iv) Exterior side parcel line: 4.5 metres
- b) Accessory Buildings or Structures:
 - i) Front parcel line: 3.0 metres
 - ii) Rear parcel line: 1.5 metres

- iii) Interior side parcel line: 1.5 metres
- iv) Exterior side parcel line: 4.5 metres

13.1.8 Maximum Height:

- a) No building or structure shall exceed a height of 15.0 metres;
- b) No accessory building or structure shall exceed a height of 5.5 metres.

13.1.9 Maximum Parcel Coverage:

- a) 75%

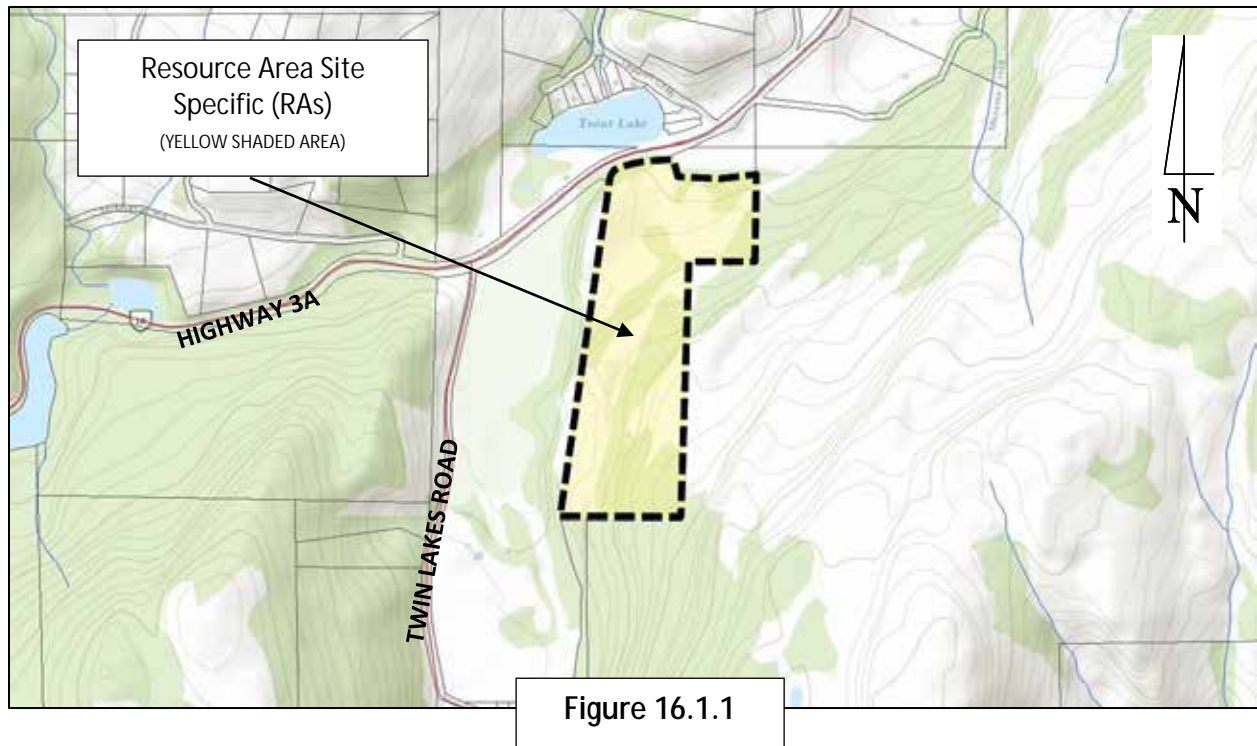
13.1.10 Dwelling Unit Regulations:

- a) Dwelling units located in the same building as a commercial use shall have separate entrances from the exterior of the building and shall not share a common hallway with a commercial use.
- b) The amenity area provided for each multi-dwelling units shall be as follows:
 - i) 7.0 m² per unit (bachelor units);
 - ii) 12.0m² per unit (one bedroom units); and
 - iii) 18.0 m² per unit (two or more bedroom units).
- iii) adding a new Section 16.28 (Spite Specific Twin Lakes Village Provisions) under Section 16.0 (Site Specific Regulations) to read as follows:

16.28 Site Specific Twin Lakes Village (TLVs) Provisions:

- .1 Not applicable
- 3. replacing Section 16.1.1 (Site Specific Resource Area (RAs) Provisions) under Section 16.0 (Site Specific Designations) in its entirety with the following:
 - .1 in the case of land described as Lot 2, Plan KAP26332, District Lot 228s & 2169, SDYD, Except Plan H15455, as shown shaded on Figure 16.1.1:
 - a) the following use shall be permitted on the land in addition to the permitted use listed in Section 10.1.1:
 - i) "campground", which means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include tourist cabins, hotels, manufactured homes, manufactured home parks, motels or park model trailers

- b) the minimum area on which a campground use may be undertaken shall be 2.0 ha;
- c) the maximum number of campground units per hectare shall not exceed 75;
- d) all provisions in the Regional District's *Campground Regulations Bylaw No. 2779, 2018*, as amended from time to time that have not been specified in this particular bylaw shall be met for any campground use.



4. The Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2457, 2008, is amended by:
 - i) changing the land use designation of an approximately 3.12 ha part of the land described as Lot 2, Plan KAP26332, District Lots 228S 2169, SDYD, Except Plan H15455, and as shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Residential Multiple Family One (RM1) to Resource Area Site Specific (RAs);
 - ii) changing the land use designation of an approximately 18.15 ha part of the land described as Lot 2, Plan KAP26332, District Lots 228S 2169, SDYD, Except Plan H15455, and as shown shaded purple on Schedule 'B', which forms part of this Bylaw, from Residential Single Family One (RS1) to Resource Area Site Specific (RAs);
 - iii) changing the land use designation of an approximately 19.8 ha part of the land described as Lot 2, Plan KAP26332, District Lots 228S 2169, SDYD, Except Plan H15455, and as shown shaded red on Schedule 'B', which forms part of this Bylaw, from Resource Area (RA) to Resource Area Site Specific (RAs);

- iv) changing the land use designation of an approximately 1.1 ha part of the land described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Residential Multiple Family One (RM1) to Resource Area (RA);
- v) changing the land use designation of an approximately 1.43 ha part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded purple on Schedule 'C', which forms part of this Bylaw, from Residential Single Family One (RS1) to Resource Area (RA);
- vi) changing the land use designation of an approximately 1,500 m² part of the lands described as District Lot 4098S, SDYD, Portion EX BLK A, Except Plan KAP53180, and as shown shaded purple on Schedule 'D', which forms part of this Bylaw, from Residential Single Family One (RS1) to Resource Area (RA);
- vii) changing the land use designation of an approximately 8.00 ha part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded red on Schedule 'E', which forms part of this Bylaw, from General Commercial (C1) to Twin Lakes Village (TLV);
- viii) changing the land use designation of an approximately 0.45 ha part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded blue on Schedule 'E', which forms part of this Bylaw, from General Commercial (C1) to Golf Course Commercial (CT3);
- ix) changing the land use designation of an approximately 1.2 ha part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded red on Schedule 'F', which forms part of this Bylaw, from Residential Multiple Family (RM1) to Residential Multiple Family Three (RM3);
- x) changing the land use designation of an approximately 4,315 m² part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded purple on Schedule 'F', which forms part of this Bylaw, from Resource Area (RA) to Residential Multiple Family Three (RM3);
- xi) changing the land use designation of an approximately 7,250 m² part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Residential Single Family Two (RS2) to Residential Multiple Family Three (RM3);

- xii) changing the land use designation of an approximately 1.9 ha part of the lands described as Lot A, Plan KAP46761, District Lots 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and as shown shaded yellow on Schedule 'G', which forms part of this Bylaw, from Resource Area (RA) to Golf Course Commercial (CT3).

READ A FIRST AND SECOND TIME this ____ day of _____, 2018.

PUBLIC HEARING held on this ____ day of _____, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "D" Zoning Amendment Bylaw No. 2457.20, 2018" as read a Third time by the Regional Board on this ____ day of _____, 2018.

Dated at Penticton, BC this ____ day of _____, 2018.

Chief Administrative Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

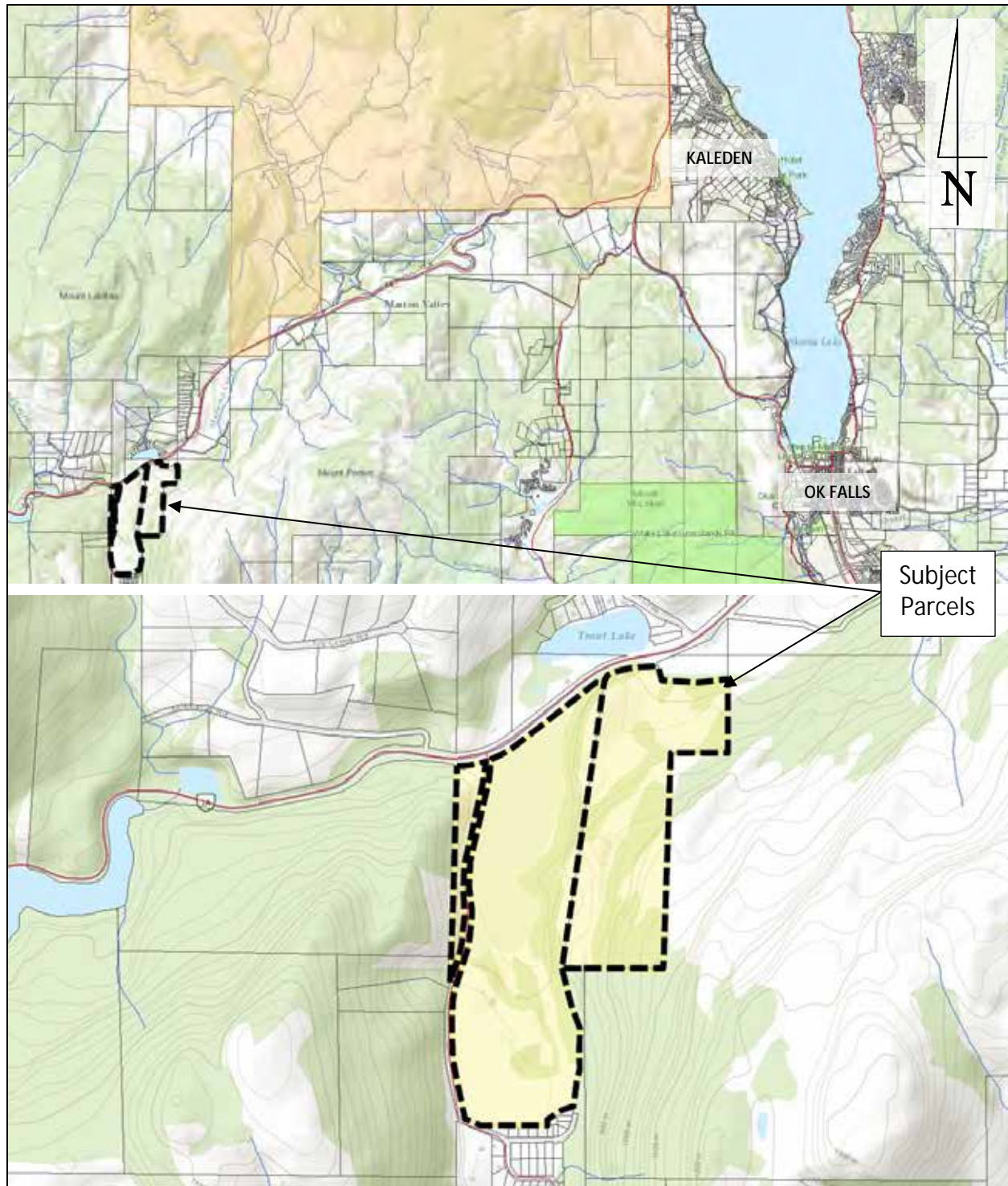
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'A'



Amendment Bylaw No. 2457.20, 2018

(D2017.069-ZONE)

Page 7 of 13

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

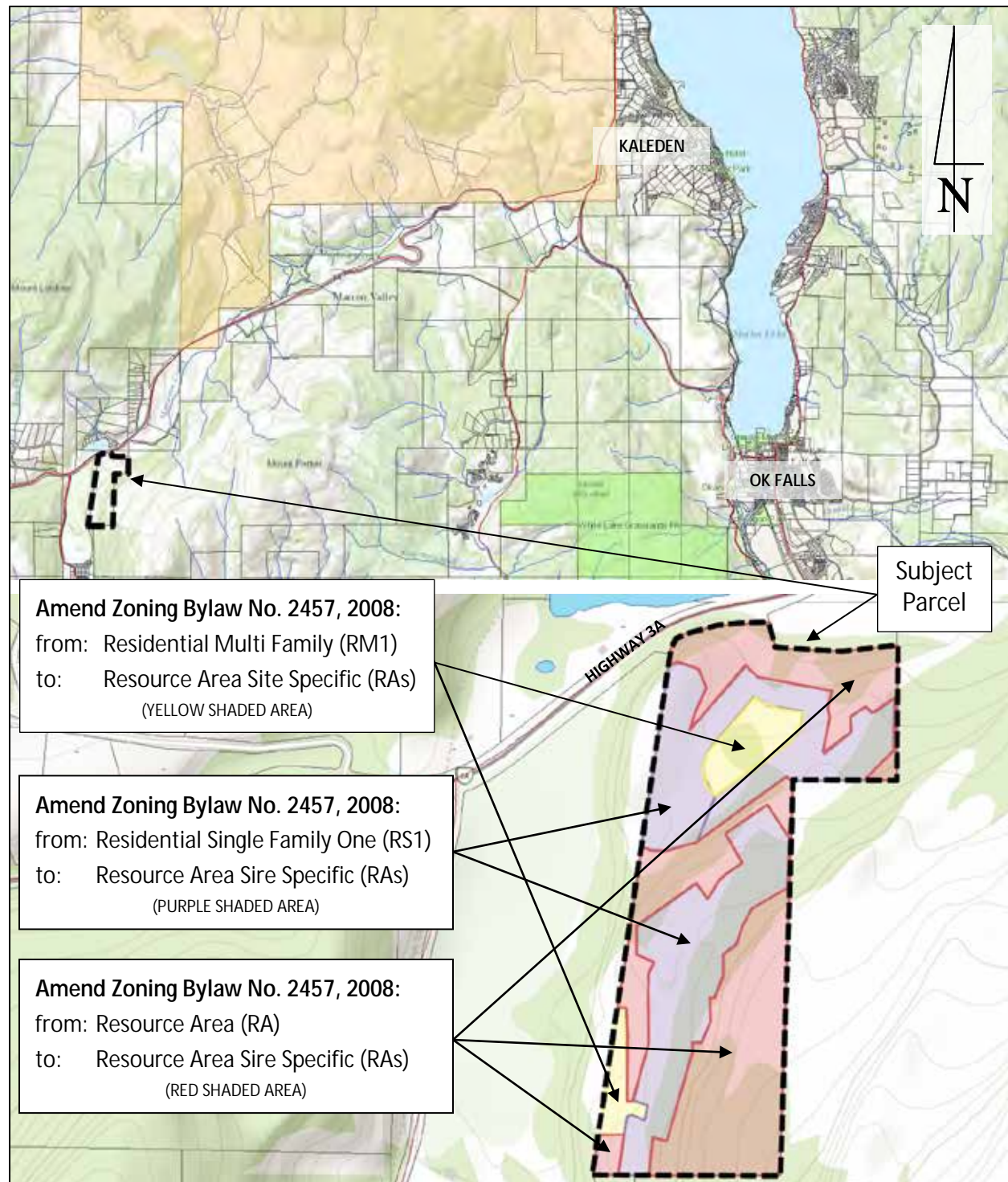
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'B'



Amendment Bylaw No. 2457.20, 2018

(D2017.069-ZONE)

Page 8 of 13

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

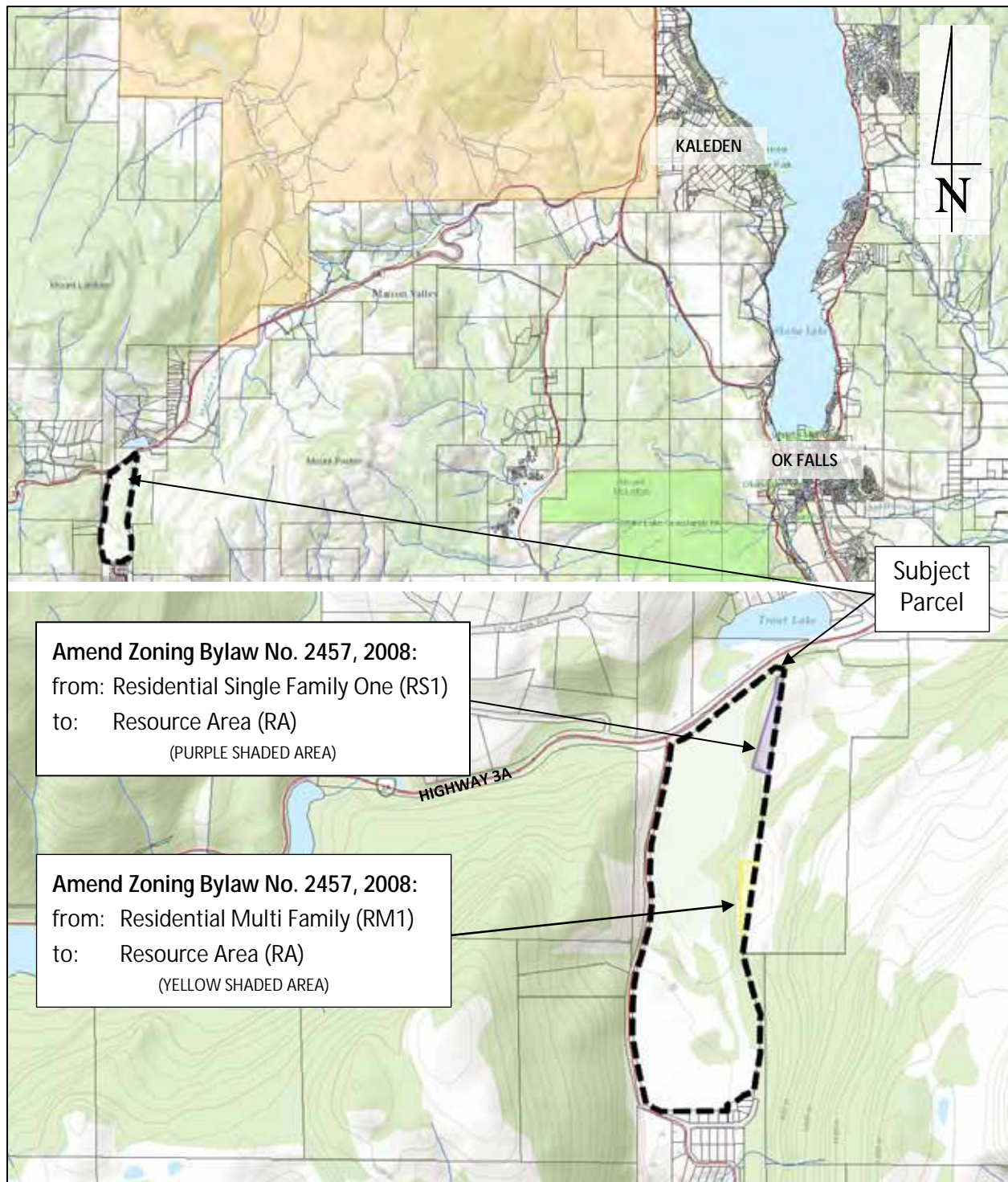
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'C'



Amendment Bylaw No. 2457.20, 2018

(D2017.069-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

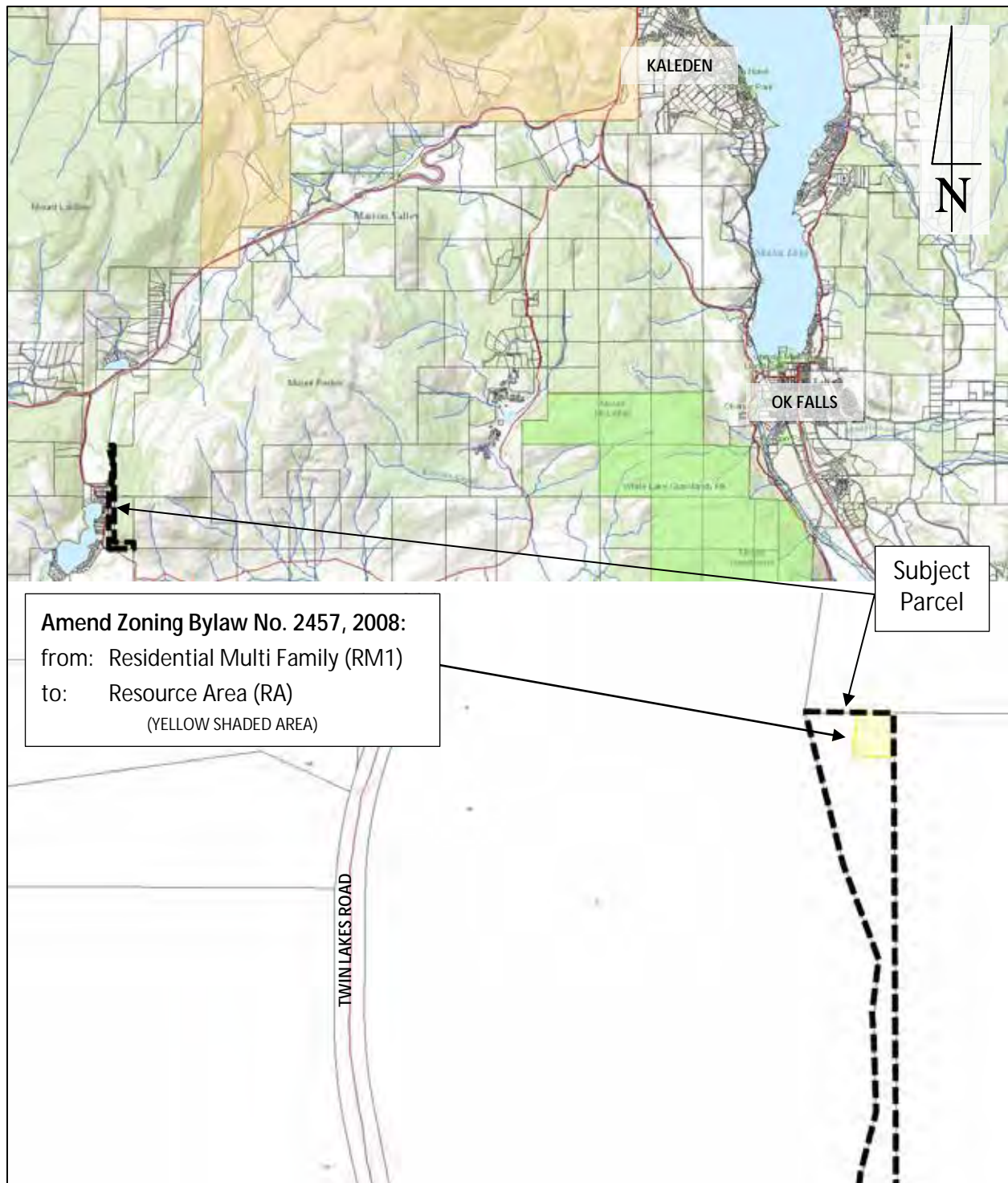
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'D'



Amendment Bylaw No. 2457.20, 2018
(D2017.069-ZONE)

Page 10 of 13

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

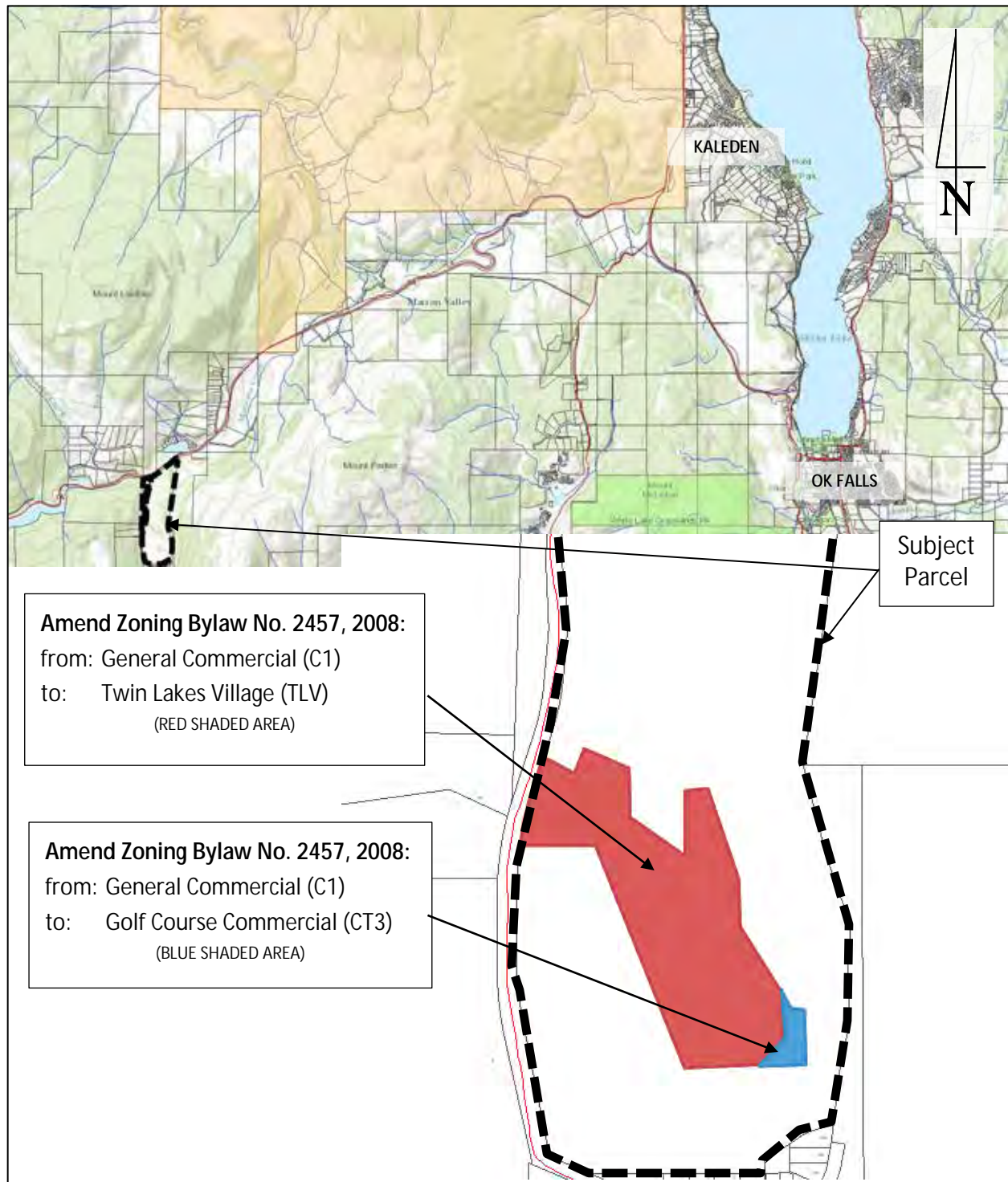
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'E'



Amendment Bylaw No. 2457.20, 2018
(D2017.069-ZONE)

Page 11 of 13

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

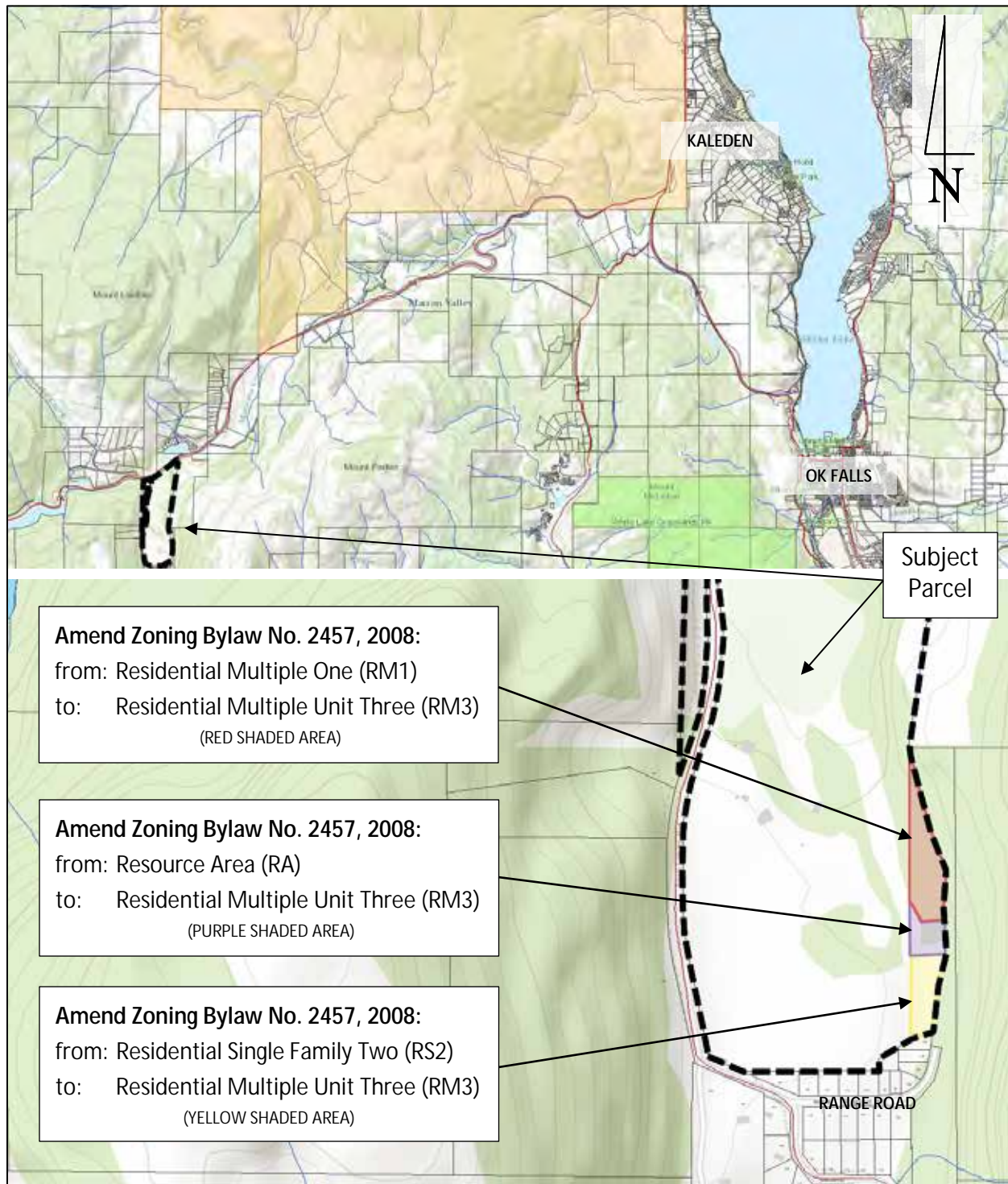
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'F'



Amendment Bylaw No. 2457.20, 2018

(D2017.069-ZONE)

Page 12 of 13

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

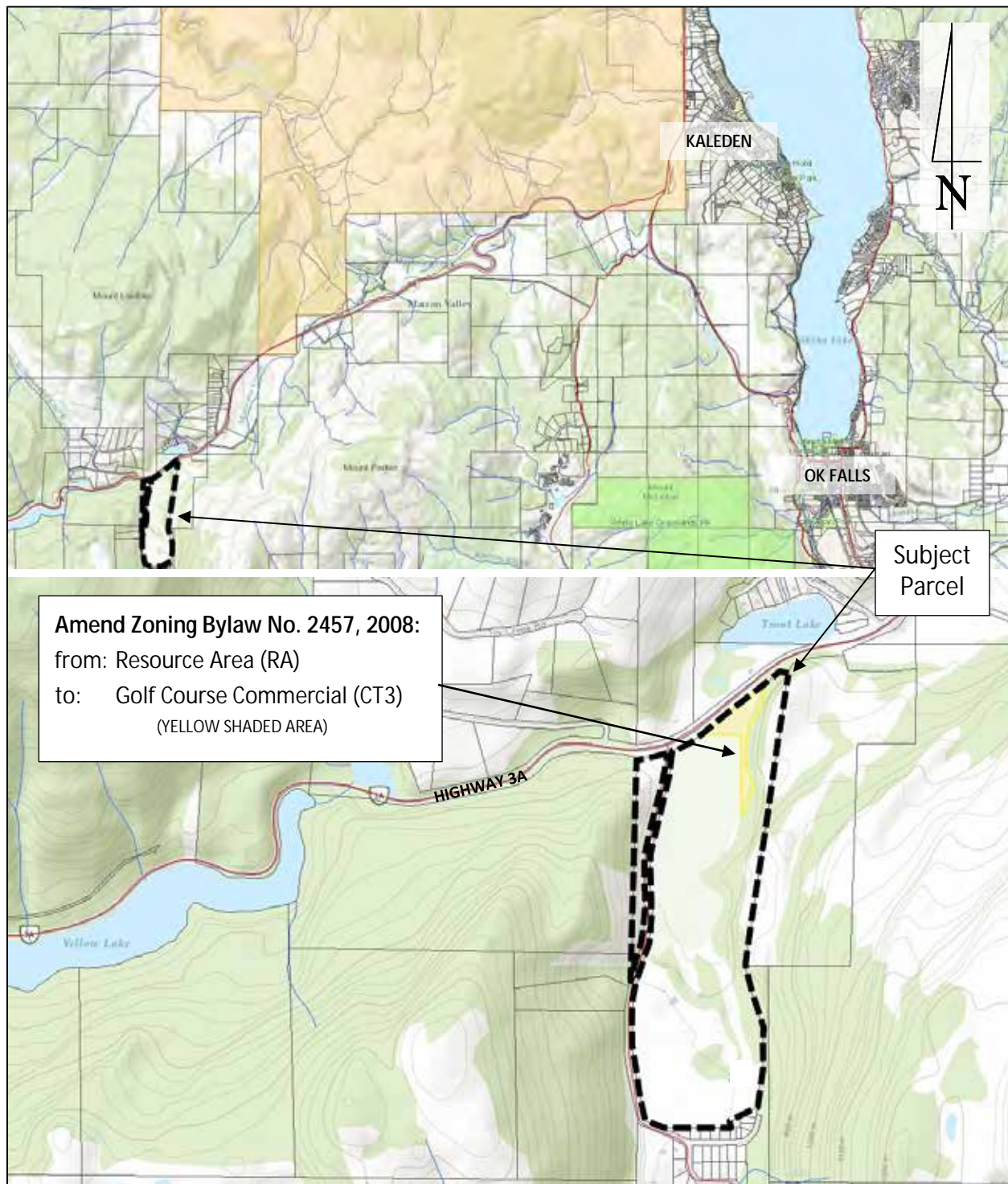
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.20, 2017

Project No: D2017.069-ZONE

Schedule 'G'



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: June 22, 2018 9:24 AM
To: Planning
Subject: Twin Lakes Rd, 79, 85, 91, Lot 2 Twin Lakes (D2017.069- ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Twin Lakes Road and Highway 3A. Bringing electrical service to the proposed development areas will require significant extension work the cost of which may be substantial. To date, arrangements have not been completed to meet either the cost, civil work or the land rights requirement to service the proposed development and/or subdivision. The applicant is responsible for costs associated any changes to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

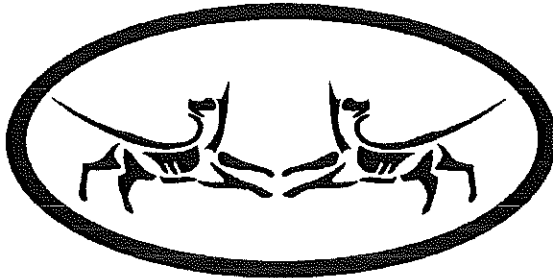
Best Regards,

*Steven Danielson,
Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, SR/WA
Supervisor | Property Services | FortisBC Inc.**

2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Office: 250.469.8033
Mobile: 250.718.9398
Fax: 1.866.636.6171
nicholas.mirsky@fortisbc.com

cc Applicant - July 4, 2018



Penticton Indian Band

Natural Resources Department

R.R. #2, Site 80, Comp.19

Penticton, B.C. CAN

V2A 6J7

Referrals@pib.ca | www.pib.ca

Telephone: 250-492-0411 Fax: 250-493-2882

July-06-18

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

Regional District of Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

RTS ID: 3311

Referral ID: Bylaws: 2457.20, 2018

Referral Date: June-06-18

Reference ID:

Summary: This proposal is to amend numerous designations within the zoning bylaw in order to allow for the development of a phased multi-use development resort at the Twin Lakes Golf Course.

ATTENTION: Evelyn Riechert

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: 1115

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technician)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

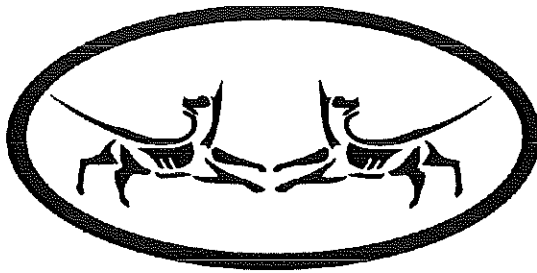
INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. **re: P.C.132 RTS #3311**

limlɛmt,

Venessa Gonzales
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RTS ID: 3311
CC:



Penticton Indian Band

Natural Resources Department
773 Westhills Drive | R.R. #2, Site 80, Comp. 19
Penticton, British Columbia
Canada V2A 6J7

Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

July-06-18

Regional District of Okanagan Similkameen
101 Martin Street
PentictonBC V2A 5J9

RTS ID: 3311

Referral Date: June-06-18

Referral ID: Bylaws: 2457.20, 2018

Reference ID:

Summary: This proposal is to amend numerous designations within the zoning bylaw in order to allow for the development of a phased multi-use development resort at the Twin Lakes Golf Course.

Attention: Evelyn Riechert

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on July-06-18. 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.

Limlɛmt,
Venessa Gonzales
Referrals Administrator

RTS ID: 3311

CC:



DEVELOPMENT APPROVALS
PRELIMINARY BYLAW
COMMUNICATION

Your File #: D2017.069-
ZONE Twin
Lakes (2457.20)
eDAS File #: 2018-03376
Date: July 6, 2018

Regional District Okanagan-Similkameen
101 Martin Street
Penticton, BC V2A 5J9

Attention: Lauri Feindell, Planning Secretary

Re: Proposed Text Amendment Bylaw for:
Lot A, District Lot 228s, 2169 & 4098s, SDYD, Plan KAP46761, except Plan
KAP53180 and
Lot 2, District Lot 228s and 2169, SDYD, Plan 26332 except Plan H15455
79 Twin Lakes Road, Kaleden, BC

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*, subject to the following condition:

1. An amendment to Section 13.1.7-Minimum Setbacks – to reflect the Provincial Setback requirement of 4.5 metres as stated in the Provincial Public Undertakings Regulation #513/2004. This is usually considered with the Front Yard Setback.

If you have any questions please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte
District Development Technician

Local District Address

Penticton Area Office
102 Industrial Place
Penticton, BC V2A 7C8
Canada

Phone: (250) 712-3660 Fax: (250) 490-2231

☒ Ministry of Agriculture

☒ Integrated Land Management Bureau

☒ Ministry of Transportation & Infrastructure

☒ School District 67

☒ Okanagan Nation Alliance (ONA)

RESPONSE SUMMARY

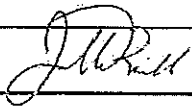
AMENDMENT BYLAW NO. 2457.20, 2018

☐ 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: July 4, 2018

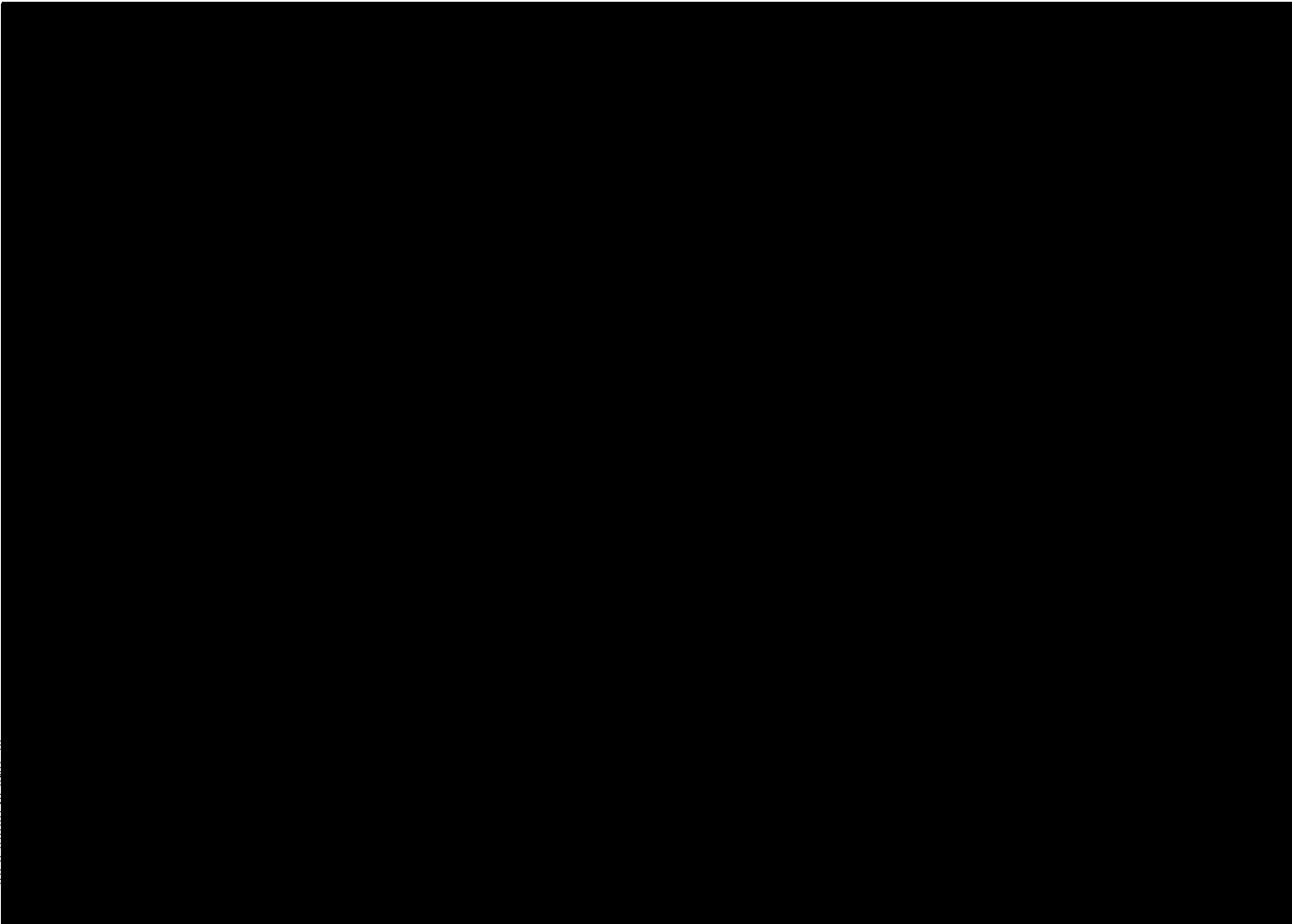
Lauri Feindell

From: Coral Brown [REDACTED]
Sent: June 27, 2018 11:57 AM
To: Lauri Feindell
Cc: Evelyn Riechert
Subject: Re: FW: D2017.069-ZONE - bylaw Referral (Twin Lakes)
Attachments: D2017.069-ZONE (TLGR).docx

Lauri,

Sorry, we lost the skysurfer internet about 5 years ago and I have been in contact with RDOS many times since then - even on the OCP review with Evelyn. Please consider giving us an extension so that we, LNID & GTLASS, can check with our membership since it states we should have month to respond.

Our main concern is for sustainable water in the dry year water cycle and we already know there is not enough water for existing residents in dry years (3 previous hydrogeological studies), but as the TLGR owner states "TLGR has lots of water". We agree the "Golf Course has lots of water" but the water here is finite and TLGR will draw the water in the aquifer from upstream - water pools under the flat area of the TLGR - (above the TLGR water moves naturally at 85 ft. /mile northward according to the Appendix A of the Botham Report).



Lauri Feindell

From: Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>
Sent: June 13, 2018 5:42 PM
To: Lauri Feindell
Subject: Re: D2017.069-ZONE - bylaw Referral (Twin Lakes)
Attachments: image002.png

Thanks Lauri, mountain resorts branch interests are unaffected.

Tori





July 9, 2018

File: D2017.069-ZONE

Regional District of Okanagan-Similkameen
101 Martin Street,
Penticton, BC V2A 5J9

Attention: Evelyn Reichert

Re: Rezoning to re-allocate density allowances at 79 Twin Lakes Rd., Kaleden, B.C.

The Ecosystems Section of the Ministry of Forests, Lands, Natural Resources & Rural Development has reviewed the above noted referral. We understand that the application is for rezoning to re-allocate density allowances at 79 Twin Lakes Rd. According to our records, the proposed area contains many environmental values that should be considered before this rezoning. The environmental values present may dictate what amount of development is appropriate and its configuration. As such, we have assessed this referral to be a known and potential risk to wildlife, fish or their habitats based on the information available.

The identified values are as follows:

- federal Critical Habitat for Lewis's woodpecker
- proposed federal Critical Habitat for rattlesnake, gopher snake and desert night snake
- showy phlox critical habitat
- potential critical habitat for tiger salamander
- badger habitat and den site
- very high and high conservation ranking

We recommend that the proponent retain a qualified professional (QP) to conduct an assessment of the site prior to re-zoning in order to evaluate the environmental values present, determine the potential for adverse effects to environmental values as a result of resulting development, and develop value-specific mitigation measures to avoid or limit adverse effects. The results of this assessment should be submitted to the undersigned for review using the attached *Thompson Okanagan Region Qualified Professional Checklist for Environmental Values* (attached). The submitted Checklist must be based on the development as proposed currently. QPs are encouraged to contact

July 12, 2018 cc-agent.

the undersigned directly for further information if necessary. We will notify the referring agency of any outstanding recommendations for consideration in the approving the application following review of the Checklist. In rare instances, a more detailed assessment (e.g., environmental impact assessment (EIA)) may be required based on our review of the completed Checklist.

We appreciate the opportunity to contribute to this application as part of the Ministry's One Land Manager model. Please contact the undersigned if you cannot follow the recommendations provided in this referral response. It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the *Water Sustainability Act* and the *Wildlife Act*. The undersigned may be reached at jamie.leathem@gov.bc.ca or 250-490-8294 if you have further questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jamie', with a stylized flourish at the end.

Jamie Leathem, M.Sc.
Ecosystems Biologist
For the Referral Committee

JL/jl

Attachment: *Thompson Okanagan Region Qualified Professional Checklist for Environmental Values*

June 7, 2018

RDOS Okanagan-Similkameen

RE: Project No. D2017.069-Zone Proposed rezoning of 79 Twin Lakes Road

I am writing this in opposition to the above proposed rezoning for the following reasons:

We moved to this area from Penticton to get away from dense population, noise and a higher crime rate. We currently reside in the last house, Lot #6, on Range Rd. It is a peaceful and serene setting where we enjoy a lovely view and the peace and quiet that attracted us to this area. If this rezoning passes we will lose all of that!

What we will initially get is the destruction of "old growth trees" and months of putting up with construction noise and traffic. What we will end up with is a Multi-Unit Housing Complex which will drastically impact the traffic along our now quiet street, a view of not trees but structures and more people equals an increase in our crime rate. Thank you very much – NOT!

In years past the proposal of multi housing units being built here has not passed due to concerns with water issues. Has that somehow been miraculously corrected?

You want to put another 40 to 50 units in this area without any fire protection services? That certainly increases our risk. So far we've seen, in the proposed plans, only one entrance/exit into this new development, how would that impact us all in case we were required to evacuate?


With the predicted decline in real estate sales how many of these structures will be left sitting empty? If you talk to a majority of real estate agents they will tell you that this area is not a favorable market area. We currently have 2 homes and two vacant lots up for sale just on Range Rd.

Certainly the idea of this proposal passing sickens us.

If by chance this proposal does pass we would like to request a qualified survey be completed to establish our true property lines prior to any construction beginning. When the initial survey stakes were placed for this proposal I was told by the gentleman doing the work that where the stakes were being placed was a "close estimate" of our property lines.

We would also like to submit because our 6-lot Strata completed Phase 1 of the original Twin Lakes Development the new proposed development should be considered an outside lot line not an inside lot line.

Sincerely,

Kathleen Greene & Bill Rogocky - 



Tel: 250-492-0237 / Email: planning@rdos.bc.ca

FILE NO.: D2017.069-ZONE

Karin Wiebe
(please print)

(b) (7)(C), (b) (7)(D)

[REDACTED]



1

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2455.31

[illegible]

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.



Feedback Form: Open House

February 1, 2018

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.: D2017.069-ZONE

FROM: Name: MARTIN CARON
(please print)

Street Address

Tel/Email

RE: Electoral Area "D" Zoning Amendment Proposal: Twin Lakes Golf Resort

My comments / concerns are:

- ☐ I do support the proposed development.
- ☒ I do support the proposed development, subject to the comments listed below.
- ☐ I do not support the proposed development because:

Written submissions received from this Open House will be compiled and used to assist RDOS and the Proponent to move forward with the application

- Request TRAFFIC to use golf course access And Not Range Rd
- Request Rule About Working Hours : Monday to Friday Between 7:30 AM And 4:30 PM
Saturday 9:00 AM Til 3:00 PM. Sunday : No work
- The Reason Why I Moved Here Is For quiet. Please Respect Me
- The development should Be done on a 3 year plan, Hiring a Bigger Man power, so it dont stretch to a 10 years project

Further information can be found at www.rdos.bc.ca/Planning/Current Applications & Decisions/Electoral Area D-1/D2017.069-ZONE



Feedback Form: Open House

February 1, 2018

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.: D2017.069-ZONE

FROM: Name: KEN + JACQUELINE LOOKE
(please print)

Street Address:

Tel/Email:

RE: Electoral Area "D" Zoning Amendment Proposal: Twin Lakes Golf Resort

My comments / concerns are:

- ☐ I do support the proposed development.
- ☒ I do support the proposed development, subject to the comments listed below.
- ☐ I do not support the proposed development because:

Written submissions received from this Open House will be compiled and used to assist RDOS and the Proponent to move forward with the application

DO NOT USE RANGER ROAD AS THE ACCESS TO THE
DEVELOPMENT. ACCESS MUST COME THROUGH TWIN LAKE RD,
THE DEVELOPERS OWN PROPERTY OR FROM HWY 3A

WE WILL NOT ACCEPT MANY YEARS OF CONTINUOUS
CONSTRUCTION, VEHICLES + POTENTIAL BUYERS COMING
UP + DOWN, AND OR PARKING ON SUCH A NARROW, RURAL
ROAD.

THE STOP SIGN ON RANGER ROAD IS ALSO A HAZARD
AREA FOR TRAFFIC COMING NORTH UP TWIN LAKE ROAD,
EXTRA TRAFFIC WILL ONLY MAKE THIS INTERSECTION
MORE DANGEROUS.

Further information can be found at www.rdos.bc.ca/Planning/Current Applications & Decisions/Electoral Area D-1/D2017.069-ZONE

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.

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

- ☐ Approval Recommended for Reasons
Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Recommended Subject to
Conditions Below
- ☒ Approval Not Recommended Due
to Reasons Outlined Below

I feel that the water system in the Twin Lakes area is a very sensitive ecosystem. If you move forward with this proposed development, I feel it will negatively affect the environment. Also, I feel because of the wet/dry cycles of the water system in this area, further research needs to be done that clearly demonstrates that there is enough water in this area to support such a development. I think the real focus of the RDS should be to create solutions for existing water problems around the area today such as flooding, and protection against drier droughts.

Signature: _____

Signed By: Anita Bains

Agency: Concerned resident

Title: _____

I refuse amendment bylaw no. 2457.20 outright. There is no proven sustainable water supply for the proposed new construction. This evidence includes the Golder Study, critiqued by the Ministry of Forests, Lands, and Natural Resources.

I refuse a community water system and regulation since I invested in my own well, and will not agree to have a water meter on it. My family and I strongly practice water conservation methods due to a lack of water already due to the dryness of our climate in the Okanagan and global warming/climate change.

I am asking and demanding from the Board supposed to protect its citizens to do just that, to ignore the extra few million dollars they can get from this development, and to keep their citizens from dying of thirst.

May Cooper

University of British Columbia -- University Student

Local Resident



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.: D2017.069-ZONE

FROM: Name:

Dennis Laramee
(please print)

Street Address:

Tel/Email:

RE: Electoral Area "D" Zoning Amendment Bylaw No. 2457.20, 2017
79 Twin Lakes Road (Twin Lakes Golf Course Resort)

My comments / concerns are:



I do support the proposed development.



I do support the proposed development, subject to the comments listed below.



I do not support the proposed development because:

Written submissions received from this information meeting will be considered by the
Regional District Board prior to 1st reading of Amendment Bylaw No. 2455.31

*I support this development as well as any
future development on what I think is called
Parkers Hill. It is good to see our community
grow. With growth so will our community
services expand. It could only be good for all.*

Feedback Forms must be completed and returned to the Regional District no later than Friday June 29th, 2018

Further information can be found at [www.rdos.bc.ca/Planning/Current Applications & Decisions/Electoral Area D-1/D2017.069-ZONE](http://www.rdos.bc.ca/Planning/Current%20Applications%20&%20Decisions/Electoral%20Area%20D-1/D2017.069-ZONE)

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.

Resource Operations and Rural
Development

☒ Agricultural Land Reserve

☒ Ministry of Agriculture

☒ School District 67

☒ Lower Nipit Improvement District

☒ Integrated Land Management Bureau

☒ Okanagan Nation Alliance (ONA)

☒ Canadian Wildlife Services

☒ Ministry of Transportation &
Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☒ Approval Not Recommended Due
to Reasons Outlined Below

I refuse this development as described
in amendment bylaw no. 2457.20, 2018.
In the past few years people in our area came to
a situation where they had no water in
their wells. The proposed plan will drain
our aquifer and their fee will risk all
the residents in the area.

Signature: _____

Signed By: Eliot Milman

Agency: _____

Title: Resident

Resource Operations and Rural
Development

☒ Agricultural Land Reserve
☒ Ministry of Agriculture

☒ Lower Nipit Improvement District
☒ Integrated Land Management Bureau

☒ Canadian Wildlife Services
☒ Ministry of Transportation &
Infrastructure

☒ School District 62

☒ Okanagan Nation Alliance (ONA)

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☒ Approval Not Recommended Due
to Reasons Outlined Below

I object to the development because the
Golder study was critiqued and proven as
inadequate. If you look at the water situation
for the last 100 years there were droughts and
people had no water. This development can seriously
risk the aquifer. There are no studies that prove
water sustainability. Approving this development
doesn't protect the residents who already live
here and chose to build their families and
their lives here.

Signature: _____

Signed By: Gloria Bucil

Agency: _____

Title: _____

Resource Operations and Rural
Development

☒ Agricultural Land Reserve

☒ Ministry of Agriculture

☒ School District 67

☒ Lower Nipit Improvement District

☒ Integrated Land Management Bureau

☒ Okanagan Nation Alliance (ONA)

☒ Canadian Wildlife Services

☒ Ministry of Transportation &
Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended Due
to Reasons Outlined Below

- Risk for ^{damaging} ecosystem
- Risk for ^{bed} aquifer
- Not enough water supply
- Violation of human right for not supplying clean and sufficient water to the citizens
- Instead of protecting the existing residence RDDS is supporting a developer that has interest outside the community.

Signature: _____

Signed By: Concerned citizen

Agency: _____

Title: _____

Resource Operations and Rural
Development

- ☒ Agricultural Land Reserve
- ☒ Ministry of Agriculture

- ☒ School District 67

- ☒ Lower Nipit Improvement District
- ☒ Integrated Land Management Bureau

- ☒ Okanagan Nation Alliance (ONA)

- ☒ Canadian Wildlife Services
- ☒ Ministry of Transportation & Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Recommended Subject to Conditions Below
- ☒ Approval Not Recommended Due to Reasons Outlined Below

I am absolutely opposed to phase 2 of this proposal. I do not believe there will ever be enough water to sustain this idea. I also am not in favour of passing on the maintenance of water + sewer to the RDOS. This will only result in higher costs all round. In these days of weather uncertainty, adding more density does not make sense. I am late in turning this in. I only just received this form.

Signature: _____

Signed By: _____

Agency: _____

Title: _____

(Trout Lake)

Lauri Feindell

From: A C [REDACTED]
Sent: July 7, 2018 11:34 PM
To: Planning
Subject: Response to Rezoning Bylaw No. 2457.20, 2018 from 25 people
Attachments: Signed response to bylaw No. 2457.20, 2018.pdf; 2018-07-06 Letter to RDOS regarding rezoning.docx

Dear Council Members,

Please find attached our signed and scanned Bylaw Referral form regarding the proposed rezoning for the potential development at Twin Lakes Golf Course.

Also included is our letter which explains our concerns and objection to this amendment which is signed by 25 people.

Please let us know if you have any questions.

Amir & Orit Cooper

Dear RDOS Council Members,

We are Twin Lakes residents and we are very concerned about the proposed development of Suki Sekhon at Twin Lakes Golf course due to the fact that the aquifer cannot sustain the current residences, let alone more residents in this area. The past 4 hydrogeological studies done in this area, including the Golder study, have not proven sustainable water supply for the already existing residents of Twin Lakes. Also the Golder study was paid for by the developer Suki Sekhon, thereby making this a conflict of interest.

Historically there is 20 year water cycle, with 10 years wet and 10 years dry. We are obviously currently in the wet cycle, but just as recent as 2009 it was a dry year and many Twin Lakes residences were without water. Right now in the wet years it is costing our government hundreds of thousands of dollars in emergency measures. For example it costs \$80,000 to run one diesel pump for a few months and currently there are 2 pumps operating to prevent flooding to the homes of Twin Lakes. The military had to come and build an eight foot wall to prevent 9 homes from flooding and we cannot even imagine what the cost of this was. What is apparent is that the Twin Lakes area is a sensitive and dynamic water system and we need a management structure to mitigate between the wet and dry years. We need to triple check and err on the side of caution before bringing more development that would upset the already precarious balance here.

We understand that Suki is in a process of getting approval for rezoning so he is one step closer to implementing phase 1 of his development of 46 units. Approving this rezoning bylaw is a mistake when the most pressing and important issue that needs to be on the agenda is what is currently being done to help the existing residents of Twin Lakes manage the water way so they don't run out of water like they did in 2009 or get flooded out.

One possible solution is to store water in the wet years but due to different invested interests this option is meeting opposition. For example, the land surrounding Upper Twin Lake (Horn Lake) is owned by the Nature's Trust of BC. This land is being leased by the Clifton family for cattle grazing. It seems the Nature's Trust are against storing more water in Upper Twin Lake/Horn Lake because this would reduce the land for grazing cattle and jeopardize the money they receive from leasing the lands.

We are not against development but development uses water and risks hundreds of people that can be without water and homeless. Who will be responsible for providing water when the Twin Lakes water way has a dry year? There was an overdevelopment in Barton Creek in Texas where a developer built many residences which dried up and destroyed the aquifer. Now all the residences in Barton Creek have been abandoned. Everyone loses when this happens, including the developer. We don't want to be without water and without our homes. We want our local representatives to take proactive measures to protect the water and our homes that are currently at risk now. We

feel it would be grossly negligent of the council to move forward with the development at Twin Lakes as they would blatantly ignore the current water issues that were proven in studies and jeopardize the security of people living in this area. No planning or poor planning and over development now can have devastating consequences for our future and future generations. We strongly oppose the rezoning application of Suki Sekhon at Twin Lakes Golf Course.

Sincerely,

Amir & Orit Cooper, Yam Cooper, May Cooper, Sharel Cooper, Laura Fidalgo, Idan Cooper Fidalgo, Elad Milman, Gloria Bucil, Florian Hohenbichler, Anita Bains, Stephanie LeClair, Steinar Gronnesby, Avive LeClair Gronnesby, Sandra Light, Nir Light, Melodie Light, Elena Light, Allison Ward, Georgia Afendoulis, Carolyn Cartwright, Ann LeClair, Patty Irwin, Ron Nissim, Adiel Nissim

Residents, Visitors, and potential home buyers in the area

REVISION SUMMARY

REVISION SUMMARY FOR THE YEAR 2000

- | | |
|--|--|
| <input type="checkbox"/> Approved by the Board | <input type="checkbox"/> Approved by the Board |
| <input type="checkbox"/> Approved by the Board | <input type="checkbox"/> Approved by the Board |
| <input type="checkbox"/> Approved by the Board | <input type="checkbox"/> Approved by the Board |

A set of 20 independent parts
and by RdOS, signing off
not our main levels in our
work will not change



Lauri Feindell

From: S C [REDACTED]
Sent: July 17, 2018 2:38 PM
To: Planning
Subject: Disapproval To Amendment 2457.20
Attachments: Refusal to Amendment 2457.20 - Sharel.PDF

Dear Planning Department,

Attached are my reasons for the disapproval of the proposed new development in the Twin Lakes area and the amendment of bylaw no. 2457.20.

Please see that my opinion on the matter is acknowledged by all departments in the RDOS concerned with this proposed new development.

Regards,

Sharel

Resource Operations and Rural Development

☒ Agricultural Land Reserve

☒ Ministry of Agriculture

☒ School District 67

☒ Lower Nipit Improvement District

☒ Integrated Land Management Bureau

☒ Okanagan Nation Alliance (ONA)

☒ Canadian Wildlife Services

☒ Ministry of Transportation & Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to Conditions Below

☒ Approval Not Recommended Due to Reasons Outlined Below

I do not approve the amendment of bylaw No. 2457.20 because in the last four hydrogeological studies it was not proven that there is sufficient water supply in the area.

The South Okanagan is one of the driest areas in BC, and experts say that we need to use extreme caution with our water usage.

I request that my disapproval will be strictly observed.

Signature: Sharel Cooper

Signed By: Sharel Cooper

Agency: _____

Title: Resident of Twin Lakes

☒ Agricultural Land Reserve

☒ Ministry of Agriculture

☒ School District 67

☒ Lower Nipit Improvement District

☒ Integrated Land Management Bureau

☒ Okanagan Nation Alliance (ONA)

☒ Canadian Wildlife Services

☒ Ministry of Transportation &
Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☐ Approval Not Recommended Due
to Reasons Outlined Below

Sustainable
Not providing water supply for the area
Increased risk of water contamination
Damage of ecosystems
Access to clean water is a Human Right
and it will be at stake if more development
happens (home units).
Studies that prove that it is not sustainable
have been dismissed. Areas in
Risk for destroying aquifer - Risk to lose our homes
for lack of water.

Signature: _____

Signed By: Laura F. Hidalgo

Agency: Concerned citizen /
Resident

Title: _____

Lauri Feindell

From: Ron Nissim [REDACTED]
Sent: July 17, 2018 5:23 PM
To: Planning
Subject: Bylaw referral - amendment bylaw number 2457.20, 2018
Attachments: Bylaw referral.pdf

Dear planner,

Attached my concerns.

Just to let you know that I was looking for a property in the Twin Lakes area for a while. I was ready to make an offer for a property at the time but luckily I became aware of the plans to develop that area.

I don't see that area earning much from such development. It will lose its charm. Imagine dozens or a hundred cars coming out from that intersection on the highway. Next thing will be an annoying traffic lights.

Do you have any plans to deal with that development other than collecting more property tax?

Let the people that are looking for condos go to the cities. Why Twin Lakes?

Thanks for the consideration.

Ron

☒ Agricultural Land Reserve
☒ Ministry of Agriculture

☒ Lower Nipit Improvement District
☒ Integrated Land Management Bureau

☒ Canadian Wildlife Services
☒ Ministry of Transportation &
Infrastructure

☒ School District 67

☒ Okanagan Nation Alliance (ONA)

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☒ Approval Not Recommended Due
to Reasons Outlined Below

Concern to water sustainability. From that point of view, this is a wrong move for an area with a delicate and dynamic water cycle (dry/wet years). Currently no support from ADOS to implement a plan to mitigate between the dry/wet years, and current residents needing to face droughts or floods. No backup plan if ground water can't supply the demand, then everyone will be without water. Potential loss due to property price drop.

Signature: _____

Signed By: _____

Agency: _____

Title: _____

Peter and Melissa Jensen



Wednesday, June 13, 2018

**RE: Twin Lakes Golf Course
File # D2017.069-ZONE**

Good day,

We support the proposed development, subject to the comments listed below.

**Range Road & Alternative Road for construction and traffic flow
including emergency exit:**

We are not at all in favour of Range Road being the only road in / out for this new development. This road is not wide enough as is to accommodate increase in safe traffic.

MOT and Twin Lakes Golf Course must have a third-party firm conduct a full traffic impact assessment and report. This will be linked to the traffic flow study and report as listed below for twin lakes road.

Such a large development will lead to a lot of traffic issues on Range Road and other local roads.

Just think about the ongoing construction traffic for many years to come.

What about winter months and would Twin lakes golf course not be required to have an Emergency or other primary entrance / exit from such a large concentration of town homes ? What if there was a fire or other natural disaster?

It makes no sense to us that Range Road will be the only primary road in and out for this development and we hope MOT along with any third party firm will conduct a proper and complete traffic impact and assessment for Range Road and the other local roads and recommend alternative primary entrance and exit to to Phase one.

Building Scheme, Existing Homes and Property Values:

The proposed town home building scheme is completely out of the existing building design and may also have an impact on existing property values. Such small town homes as proposes will attract weekend visitors, short term renters, and as stated by Suki possibly those seeking affordable housing.

Is this really a place for such? We are just asking as there are zero amenities nor public transportation available here. High Density homes such as these small town homes may be suitable elsewhere but the ROI for a developer would be close to the same by building another 15 nice family homes.

Such will sell and be occupied all year round which is far better than town homes occupied by weekend visitors, airbnB, etc.

Back Road to Oliver / HWT 97 / Observatory:

The backroad going down from Twin lakes to HWY 97 and Oliver, will without a doubt have an increase in traffic and this road is not in the best of shape as is. Yes, re-pavement has happened however look at all the washouts underneath the road and we will in all likelihood see more of those over the next years. The road is also a concern for winter travelling. Not sure if an traffic Impact Report has been conducted for any of the roads impacted by the proposed development however MOT and Twin Lakes Golf Course should have such prepared by a third-party so residents and anyone impacted by the large volume of new traffic can study this report and come forward with his or her concerns.

Entrance / Exit from Golf Course / Parking and Clubhouse:

We are extremely concerned with current traffic coming and going from the golf course parking as majority of traffic will pull out from this parking area while traffic is coming from the south (Over Hill) and we have been in many near collisions ourselves. Visibility is far from ideal. This part of the road is also EXTREMELY dangerous during winter months as it is often really slick and icy and traffic is often going up and down in the center of the road to avoid sliding off into the ditch on either side of the road. If this part of the road is not addressed then there surely will be accidents to come especially with so many new town homes and new occupants travelling up and down this road.

Water:

Unlike most others, we do not feel that this will be an issue for phase one.

Thank you,

Peter & Melissa Jensen



Feedback Form

Regional District of Okanagan Similkameen
101 Main Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Email: feedback@rdosk.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: 01017 009-2016

FROM: Name: Karen Evans (please print)

Street Address: [Redacted]
Tel./Email: [Redacted]

RE: Electoral Area "D" Zoning Amendment Bylaw No. 2457.20, 2017
79 Twin Lakes Road (Twin Lakes Golf Course Resort)

My comments / concerns are:

- ☐ I do support the proposed development.
- ☒ I do support the proposed development, subject to the comments listed below.
- ☐ I do not support the proposed development because:

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2455.31

Twin Lakes needs gun laws. There is hunting allowed on White Lake Rd. and on the Nature Trust Land. The provincial laws are not enough. The police are not aware of the provincial rules in this area and do nothing when shots are fired near the residences and roadways. Medium density does not work with rural when it comes to guns. White Lake rd. is the access point to the boat launch. We will have more people using the lake via that road where there is currently being allowed. Planning must take this issue in to consideration if there is further development. Some one is going to get hurt.

Feedback Forms must be completed and returned to the Regional District no later than Friday 13, 2018
Further information can be found at [www.rdosk.bc.ca/Planning/Current Applications & Decisions/Feedback Forms](http://www.rdosk.bc.ca/Planning/Current%20Applications%20and%20Decisions/Feedback%20Forms)
1/ 01017 009-2016

Providing your personal information to an individual in the Regional District of Okanagan Similkameen is voluntary. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Access to Information Act (FOIA). Any personal or proprietary information you provide to us is confidential, used and disclosed in accordance with FOIA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Information Services, RDOSK, 101 Main Street, Penticton, BC V2A 5J9. 250-492-0237



Feedback Form: Open House

February 1, 2018

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.: D2017,069-ZONE

FROM: Name:

Richard Hawthorne

(please print)

Street Address:

Tel/Email:

RE: Electoral Area "D" Zoning Amendment Proposal: Twin Lakes Golf Resort

My comments / concerns are:

- ☐ I do support the proposed development.
- ☐ I do support the proposed development, subject to the comments listed below.
- ☒ I do not support the proposed development because:

Written submissions received from this Open House will be compiled and used to assist RDOS and the Proponent to move forward with the application

My concerns are related to what will be done with waste water from any treatment plant. The most effective treatment facilities cannot remove everything (most notably pharmaceuticals and biocides). Our water source is from Trout Lake and I am concerned that having a waste water treatment plant nearby may impact our water, it may also affect nearby ground water supplies also (wells). It is my understanding that they plan to use the effluent to irrigate the golf course, but what will they do with all that water during the time of year they do not irrigate?

Further information can be found at [www.rdos.bc.ca/Planning/Current Applications & Decisions/Electoral Area D-1/ D2017,069-ZONE](http://www.rdos.bc.ca/Planning/Current%20Applications%20&%20Decisions/Electoral%20Area%20D-1/D2017,069-ZONE)

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JUN 15 2018



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A-5J9
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

101 Main Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: D2017.069-ZONE

FROM: Name: J. Craig Hunter
(please print)

Street Address:

Tel/Email:

RE: Electoral Area "D" Zoning Amendment Bylaw No. 2457.20, 2017
79 Twin Lakes Road (Twin Lakes Golf Course Resort)

My comments / concerns are:

- ☐ I do support the proposed development.
- ☐ I do support the proposed development, subject to the comments listed below.
- ☒ I do not support the proposed development because:

Written submissions received from this information meeting will be considered by the
Regional District Board prior to 1st reading of Amendment Bylaw No. 2455.31

- ★
- ① The RDOS and Province must establish a watershed management plan to adequately support and protect the interests and viability of the current homes in the area and any future development considered as above.
 - ② 12 Four Plexes = 48 units is High Density. It does not sit with the community profile.
 - ③ This development is not "green". There is no public transit forcing all residents to drive cars. (100+)
 - ④ Twin Lake Road and Range Rd are not designed to safely manage the projected volume of traffic (@ 100+)
 - ⑤ It not likely that these 4 plexes will be occupied by F/T owners who invest in the community. It is likely they will be used as Vacation Rentals which often means they will be occupied by short term people who are focused on partying. This generated profits for the owner and taxes for the RDOS but degrades the quality of life for local property owners.
- Feedback Forms must be completed and returned to the Regional District no later than Friday 13, 2018

Further information can be found at [www.rdos.bc.ca/Planning/Current Applications & Decisions/Electoral Area D-1/D2017.069-ZONE](http://www.rdos.bc.ca/Planning/Current%20Applications%20&%20Decisions/Electoral%20Area%20D-1/D2017.069-ZONE)





OKANAGAN-
SIMILKAMEEN

Feedback Form: Open House February 1, 2018

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.: D2017.069-ZONE

FROM: Name: BRUCE ANDERSON

Street Address:

Tel/Email:

RE: Electoral Area "D" Zoning Amendment Proposal: Twin Lakes Golf Resort

My comments / concerns are:



I do support the proposed development.



I do support the proposed development, subject to the comments listed below.



I do not support the proposed development because:

Written submissions received from this Open House will be compiled and used to assist RDOS and the Proponent to move forward with the application

Further information can be found at [www.rdos.bc.ca/Planning/Current Applications & Decisions/Electoral Area D-1/ D2017.069-ZONE](http://www.rdos.bc.ca/Planning/Current%20Applications%20&%20Decisions/Electoral%20Area%20D-1/D2017.069-ZONE)

Resource Operations and Rural
Development

- ☒ Agricultural Land Reserve
- ☒ Ministry of Agriculture

- ☒ School District 67

- ☒ Lower Nipit Improvement District

- ☒ Integrated Land Management Bureau

- ☒ Okanagan Nation Alliance (ONA)

- ☒ Canadian Wildlife Services

- ☒ Ministry of Transportation &
Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw


☐ Approval Recommended Subject to
Conditions Below

☒ Approval Not Recommended Due
to Reasons Outlined Below

The area has no proven sustainable water supply in the past Hydrogeological studies therefore any new development + population growth would risk the water supply in the area, if the aquifer is drained to supply water it will be destroyed.

There is also a risk to the ecosystems in the area that would most likely be destroyed.

I feel there will also be a risk to water systems getting contaminated with development in the area

Signature: 

Signed By: Georgina Henden

Agency: A Concerned Area Visitor Title: _____

and potential future resident.

- ☒ Agricultural Land Reserve
☒ Ministry of Agriculture

- ☒ School District 67

- ☒ Lower Nipit Improvement District
☒ Integrated Land Management Bureau
☒ Okanagan Nation Alliance (ONA)

- ☒ Canadian Wildlife Services
☒ Ministry of Transportation &
Infrastructure

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons
Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to
Conditions Below

☒ Approval Not Recommended Due
to Reasons Outlined Below

Having multi family homes on the golf course will be detrimental to our water supply. A few homes in a development would be ok but 46-4plex units would be too much of a strain. This year was a flood year. What about those drought years? We would need an unbiased water study. We cannot afford to have our property values decrease due to over use of water that is not in unlimited supply. There are many wells that access the same aquifer & if ~~all~~ the ~~majority~~ majority of users are at the lower end of the water supply. What happens to those with wells above? Not to mention increased traffic & what about a fire hall?

Signature

Signed By:

Paula Hauser Turn Lakes

Agency:

Title:

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to Conditions Below

☒ Approval Not Recommended Due to Reasons Outlined Below

1. Proponent never proved water availability for Phase 1 let alone for Phase 2. Development for over 40 units will negatively impact the residents of Twin Lakes by reducing the water source in the aquifer. Please think long term not 10 years, think 50 years.
2. Impact to DRAO is a concern; again not in 5 years but in 15 years when you have an increase in wifi etc. in the area.
3. Unfair to have development on ALR land when the residences of Twin Lakes are governed by zoning to only have one single dwelling.
4. Absolutely unreasonable for the RDOS to end up being owners of water and sewer systems. The developer / strata can pay for their own water (or in years lack of water) instead of the rate payers covering for the developer.
5. Why does this Bylaw referral tell the developer to build and install fire hall since we are in a non - protected fire zone?
6. Why does this Bylaw referral not outline how the developer will build a state of the art water and septic system they will manage?

Signature: V Mumby

Signed By: V Mumby

Agency: _____

Title: 

Date: June 28, 2018

RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2457.20, 2018

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☐ Approval Recommended Subject to Conditions Below

☒ Approval Not Recommended Due to Reasons Outlined Below

- Approving this zoning is premature. First, prove that there is sustainable water in this upland sensitive Twin Lake valley before considering any further allotment of water - where rezoning will lead. The previous studies, including the 2016 TLGR Golder Study did not prove sustainable water in dry years. We have been in wet years since 2010 and so in June, 2018 it was easy for the Golf Course Developer to state, "TLGR has lots of water – we just dug a hole 4 inches deep and found water". Now, in July, the TLG Course has large, dry, brown areas except where the irrigation is abundant.
- The TLGR is down gradient from Twin Lake. The Twin Lake acts as a reservoir or "canary in the coal mine" for the #261 Twin Lake Aquifer. It is the lake not the Golf Course wells which will signal a diminishing, dangerous water situation. Water in the Twin Lakes aquifer moves downhill at a faster rate, but then, slows and pools under the level TLGR before turning around Parker Mt. under Trout Lake and again coursing down gradient in the Mamara Creek Valley. Thus TLGR wells draw from the aquifer which is recharged mainly by the up gradient Twin Lake. Twin Lake & the aquifer is recharged by snow melt on Orofino Mt. – it is recharge- limited.
- Use of filtered TLGR water maybe safe for a test glass of water, but is there a way to filter the endocrine disrupters which seep to Trout Lake residents who must (because the aquifer is only under Trout Lake) all draw their water from Trout Lake?

Thus all residents in the Twin Lake basin which are up gradient from the TLGR may potentially be affected by a loss of water quantity and the downstream Trout Lake area residents by a decrease in water quality.

Signature: _____

Signed By: Coral Brown

Agency: Lower Nipit Improvement District_ Title: Chairperson _____

Date: July 27, 2018

From:

Sent: February-18-18 1:49 PM

Subject: Re: Twin Lakes Golf Course zoning change

Received, thank you.

On Feb 18, 2018 1:28 PM, ""

I wish to comment in my personal capacity as well as chair of the Greater Twin Lakes Area Stewardship Society.

Generally we support growth which can bring benefits such as a fire service and access to sewer and water in the future.

We still have concerns over water availability in dry years and look forward to hearing the developers (Golders) response to the critics (the 3 government hydrologists, Western water and Dobson). Some of their concerns were crucial, such as the Nature Trust Water Licence. These concerns are somewhat mitigated, at least at the early stages, by the proposal to shut down watering of the golf course in times of drought. This could provide a substantial buffer. Of critical importance would be enforcement as well as the establishment of trigger points which are considered appropriate by a hydrologist representing the community.

ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Official Community Plan & Zoning Amendment Bylaws – Electoral Area “E”
Naramata Village Centre and Development Permit Area Update

Administrative Recommendation:

THAT Bylaw No. 2458.13, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.30, 2018, Electoral Area “E” Zoning 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 the report from the Chief Administrative Officer dated August 2, 2018, 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. 2458.13, 2018, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Chair Kozakevich, or her delegate;

AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Kozakevich;

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

Purpose:

This report relates to the proposed creation of a Naramata Village Centre (NVC) designation and revision of the Naramata Townsite Development Permit Area found in the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, as well as the creation of a Naramata Village Centre (NVC) Zone in the Electoral Area “E” Zoning Bylaw No. 2459, 2008.

Background:

At its meeting of August 17, 2017, the Planning and Development (P&D) Committee of the Regional District Board considered an Administrative Report related to the “Commercial Zone Review and Consolidation” as part of on-going work related to the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

One of the proposals contained in that report was the creation of a “Naramata Town Centre Zone” — to be patterned after a similar zoning applied to the Okanagan Falls townsite in 2014 — that would introduce a mixed-use zone to those properties fronting Robinson Avenue between 1st Street and 4th Street (see Attachment No. 1).

The Committee was further advised that "Administration also favours re-drafting the Naramata Townsite Development Permit (NTDP) Area to focus on this same area ..." as the proposed NVC Zone.

At its meeting of April 19, 2018, the P&D Committee considered a further Administrative Report related specifically to the review of the NTDP Area as well as the creation of the NVC OCP designation and the NVC Zone. The Committee resolved:

THAT staff be directed to initiate the Electoral Area "E" Official Community Plan (OCP) Amendment Bylaw No. 2458.13, 2018, and Electoral Area "E" Zoning Bylaw No. 2459.30, 2018.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 m of a controlled access highway.

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.

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.

Public Process:

On April 25, 2018, the Regional District sent letters to all registered property owners of land proposed to be included in the new NVC OCP designation, zone and DP Area (approximately 20) advising of the proposed changes.

On May 9, 2018, a Question and Answer (Q&A) Session was held at the Old Age Pensioners (OAP) Hall at 330 3rd Street, Naramata, and was attended by approximately 60 members of the public.

On June 13, 2018, a separate meeting for property owners of land proposed to be included in the new NVC OCP designation, zone and DP Area was held at the OAP Hall and was attended by approximately eight (8) persons.

On July 30, 2018, an additional Question and Answer (Q&A) Session is scheduled to occur at the Naramata Community Church at 3740 3rd Street, Naramata.

Consideration of the proposed amendments by the Electoral Area "E" Advisory Planning Commission (APC) is scheduled to occur at their meeting of August 13, 2018.

Administration recommends that the written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*.

Agency comments have been received from the Ministry of Forest Lands Natural Resource Operations and Rural Development (Ecosystem Branch), Interior Health Authority (IHA), Penticton Indian Band (PIB) and Fortis and these are included as a separate item on the Board Agenda.

Analysis:

Administration maintains its support for replacing the various commercial, tourist commercial, administrative and multi-unit residential zoning that applies to the properties generally fronting Robinson Avenue between 1st Street and 4th Street in Naramata with a new mixed-use “Village Centre” Zone.

Not only is this seen to be consistent with the direction contained in the Electoral Area “E” OCP Bylaw to have this area be “the focus of community activity and services, pivot of transportation, and a focus of commercial activity and multiple family residential use” and a “cohesive, identifiable, accessible town centre with a strong pedestrian orientation”, but is further seen to support Naramata’s designation as a Primary Growth Area under the Regional Growth Strategy (RGS) Bylaw.

Administration considers that the “Village Centre” Zone will accomplish this by introducing flexibility to the range of uses that will be permitted in this area (i.e. multi-unit residential) and by no longer mandating the provision of ground floor retail.

These points are particularly pertinent in relation to the 1.8 ha former BC Tree Fruits packinghouse site which, if re-developed under its current commercial designation would result in an expanse of retail floor area that would likely far exceed the needs of the community or its ability to contribute to the long-term viability of any ensuing businesses.

Administration further considers the proposed changes to the Naramata Townsite Development Permit (DP) Area to be an important component of “Village Centre” Zone Update.

While the revised Naramata Village Centre DP Area will address a number of administrative issues related to permit triggers and exemptions, the new design guidelines will provide improved direction to property owners, developer and the public regarding the Regional District’s objectives for the siting and massing of buildings, pedestrian-orientated architecture and building facades, parking, screening and landscaping, and energy conservation in this area.

Undertaking these changes will further meet a long-standing OCP policy objective of the Board to update “the Naramata townsite development permit guidelines focusing on additional need for specific design guidelines” (Section 7.3.5).

With regard to the proposed reduction in the mapped area of the DP Area from 71 ha to 4 ha, this is being proposed to ensure consistency with the objectives of the Plan and so the DP Area is not applied to lands designated/zoned for low density residential, administrative and institutional, and parkland uses.

Nevertheless, in recognition that lands outside the “Village Centre” may, in future, be re-designated to multi-family uses, Administration is recommending the inclusion of a policy statement in the OCP supporting the introduction of a Multi-Family Development Permit Area to such lands.

Alternatives:

1. THAT Bylaw No. 2458.13, 2018, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.30, 2018, Electoral Area “E” Zoning 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 the report from the Chief Administrative Officer dated August 2, 2018, 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. 2458.13, 2018, 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 September 6, 2018;

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

2. THAT first reading of the Electoral Area "E" Official Community Plan (OCP) Amendment Bylaw No. 2458.13, and the Electoral Area "E" Zoning Amendment Bylaw No. 2459.30, be deferred; or
3. THAT first reading of the Electoral Area "E" Official Community Plan (OCP) Amendment Bylaw No. 2458.13, and the Electoral Area "E" Zoning Amendment Bylaw No. 2459.30, be denied.

Respectfully submitted:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Agency Referral List

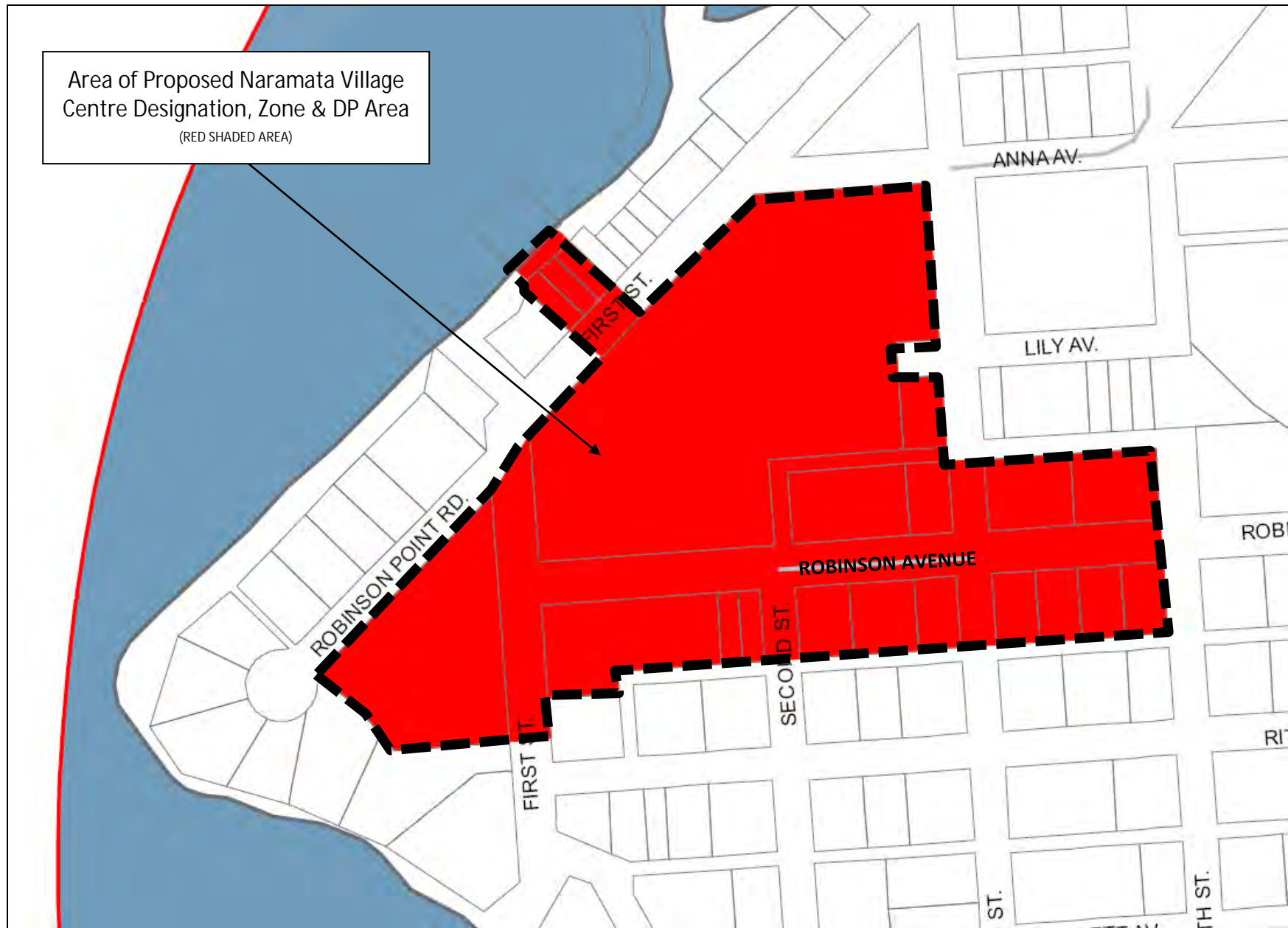
No. 2 – Area of Proposed Naramata Village Centre Designation, Zone & DP Area

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, regarding Amendment Bylaw No. 2458.13:

<input type="radio"/>	Agricultural Land Commission (ALC)	p	Fortis
p	Interior Health Authority (IHA)	<input type="radio"/>	City of Penticton
<input type="radio"/>	Ministry of Agriculture	<input type="radio"/>	District of Summerland
<input type="radio"/>	Ministry of Energy & Mines	<input type="radio"/>	Town of Oliver
<input type="radio"/>	Ministry of Community, Sport and Cultural Development	<input type="radio"/>	Town of Osoyoos
p	Ministry of Environment	<input type="radio"/>	Town of Princeton
<input type="radio"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="radio"/>	Village of Keremeos
<input type="radio"/>	Ministry of Jobs, Tourism and Innovation	<input type="radio"/>	Okanagan Nation Alliance (ONA)
<input type="radio"/>	Ministry of Transportation and Infrastructure	p	Penticton Indian Band (PIB)
<input type="radio"/>	Integrated Land Management Bureau	<input type="radio"/>	Osoyoos Indian Band (OIB)
<input type="radio"/>	BC Parks	<input type="radio"/>	Upper Similkameen Indian Bands (USIB)
<input type="radio"/>	School District #53 (Okanagan Similkameen)	<input type="radio"/>	Lower Similkameen Indian Bands (LSIB)
<input type="radio"/>	School District #58 (Nicola Similkameen)	<input type="radio"/>	Environment Canada
p	School District #67 (Okanagan Skaha)	<input type="radio"/>	Fisheries and Oceans Canada
<input type="radio"/>	Central Okanagan Regional District	<input type="radio"/>	Archaeology Branch
<input type="radio"/>	Kootenay Boundary Regional District	<input type="radio"/>	Dominion Radio Astrophysical Observatory
<input type="radio"/>	Thompson Nicola Regional District	<input type="radio"/>	Canadian Wildlife Services
<input type="radio"/>	Fraser Valley Regional District		

Attachment No. 2 – Area of Proposed Naramata Village Centre Designation, Zone & DP Area



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2458.13, 2018

A Bylaw to amend the Electoral Area “E” Official Community Plan Bylaw No. 2458, 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 “Naramata Town Centre Amendment Bylaw No. 2458.13, 2018.”
2. The Electoral Area “E” Official Community Plan Bylaw No. 2458, 2008, is amended by:
 - i) adding a reference to “Town Centre Designations” under Section 4.0 (Official Community Plan Map Designations) to read as follows:

Village Centre Designations:

Naramata Village Centre	NVC
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 - ii) adding a new Section 11.5.9 under Section 11.5 (Medium Density Residential Policies) to read as follows:

.9 Requires a high standard of architectural building design and landscaping for medium density residential development by requiring any new lands to be designated as Medium Density Residential (MR) also be included in a Multi-Family Development Permit Area designation.
 - iii) adding a new Section 12.0 (Village Centre) to read as follows and renumbering all subsequent sub-sections:

12.0 NARAMATA VILLAGE CENTRE

12.1 Background

The Naramata Village Centre is a small but relatively diverse, mixed-use area that is valued by residents and serves as an important business,

service and recreational area for the community. It accommodates a range of commercial and institutional uses as well as some residential uses.

The Village Centre area comprises Robinson Avenue between First Street to the west and Fourth Street to the east. The area also includes the former BC Tree Fruits packinghouse site, which has remained underutilized and predominantly vacant following the closure of the facility in 2008.

Naramata is designated as a Primary Growth Area under the South Okanagan Regional Growth Strategy Bylaw and is the only urban area in Electoral Area "E".

The Naramata Village Centre designation supports this by focusing medium density residential growth which, in turn, will promote a more compact urban form and a more complete community. It will also increase support for local businesses in the Village Centre.

To meet these objectives, the Naramata Village Centre designation includes a strong emphasis on encouraging commercial, tourist commercial, mixed-use commercial, and medium density residential development.

12.2 Objectives

1. Maintain the Naramata Village Centre area as the commercial, institutional and social core of the community.
2. Retain existing business and institutional uses, while supporting their expansion.
3. Support mixed-use, commercial/office/residential uses, including development that includes multi-family uses.
4. Encourage the inclusion of residential uses above ground floor commercial uses.
5. To ensure that developments in the Naramata Village Centre contribute to a unique sense of place and identity, and are sited, scaled and designed to enhance and complement the existing natural setting and views towards the lake and improve public access to the lakefront.

12.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Naramata Village Centre (NVC) identified in Schedule 'B' (Official Community Plan Map) for pedestrian oriented, mixed-use retail, office, food and beverage, tourist commercial, and medium density residential uses.
- .2 Requires a high standard of architectural building design and landscaping for development within the Naramata Village Centre by

designating this area as the Naramata Village Centre Development Permit Area.

- .3 Encourages the continued intensification and growth of commercial activities in the Naramata Village Centre.
- .4 Encourages the development of seniors housing, group homes and community care housing within the Naramata Village Centre.
- .5 Supports public events in the Naramata Village Centre.
- .6 Supports the formalisation of "Centennial Square", being an area at the intersection of Robinson Avenue and Second Street, as a small-scale public space (i.e. civic plaza) that can be used to host community activities and as a meeting place for residents and visitors.
- .7 Encourages the Ministry of Transportation and Infrastructure (MoTI) to support a landscaping plan for Robinson Avenue between 1st Street and 4th Street in order to replace existing trees with new, non-invasive species at close intervals and with suitable growing conditions to allow a mature canopy to develop over time.
- .8 Supports applications to MoTI for special events permits related to parades, races, protests, fundraising events, filming and other uses that require the short-term use of a provincial road right-of-way, subject to the proponent meeting all applicable provincial requirements (i.e. Certificate of Insurance).

- iv) replacing Section 12.0 (Commercial) in its entirety with the following and renumbering all subsequent sections:

13.0 COMMERCIAL

13.1 Background

Traditional commercial development in the Plan area was generally limited to the Naramata Village Centre designation, however, a thriving service industry centred around the wineries of Naramata has supplanted this, offering visitors and locals varied eating, drinking, recreational and accommodation opportunities on agricultural lands.

The Plan will continue, however, to recognize commercial and tourist commercial developments under the same Commercial land use designation and as occurring on lands outside of the Agricultural Land Reserve (ALR).

The Plan recognizes that large scale service, industrial, and commercial development will be directed to Primary Growth Areas, such as the City of Penticton, as they are better able to function as regional service centers.

9.2 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.
- .4 To minimize land use incompatibility between commercial activities and surrounding land uses.
- .5 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan area.

9.3 Policies – General Commercial

The Regional Board:

- .1 Generally 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 developed in conjunction with future residential or commercial tourism developments.
- .3 Limits commercial development along Naramata Road to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).
- .4 Directs major office, service and general business commercial uses to Primary Growth Areas such as the City of Penticton, which have the necessary infrastructure and support services.
- .5 Encourages an attractive and safe streetscapes by including provisions for adequate off-street parking requirements, landscaping and screening, height requirements, signage and drainage within the implementing bylaws for commercial uses.
- .6 Encourages, through responsible environmental practices, future commercial development to locate away from Okanagan Lake and other watercourses in order to reduce human impacts on the lake, and in order to maintain and improve water quality and habitat.

9.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial

services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.

- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.
 - .3 May support proposed tourist and resort developments that:
 - a) are located outside the Agricultural Land Reserve;
 - b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - c) enhance adjacent land uses or the character of the existing area;
 - d) can be accessed safely from local roads;
 - e) can be adequately serviced by emergency services, in particular fire protection;
 - f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
 - g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
 - h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.
- v) replacing Section 21.4 (Naramata Townsite Development Permit Area) in its entirety with the following:

21.4 Naramata Village Centre Development Permit Area

21.4.1 Category

The Naramata Village Centre Development Permit Area is designated for the establishment of objectives for the form and character of commercial and mixed-use commercial residential buildings, and to promote energy conservation, water conservation and the reduction of greenhouse gas emissions, pursuant to Sections 488(1)(f)(h)(i) and (j) of the *Local Government Act*.

21.4.2 Area

The areas designated within the Naramata Village Centre Development Permit Area are shown on Schedule 'E' (Form and Character Development Permit Areas Map).

21.4.3 Justification

Naramata's Town Centre is the primary commercial area and is geographically central to the community. The form and character of buildings here can have a significant impact on the overall image of the community, the pedestrian experience, and on the adjacent residential areas.

21.4.4 Objectives

The objectives of this designation are to create an environment of mixed land uses of high quality design, which will contribute to the creation of a cohesive, identifiable, accessible town centre with a strong pedestrian orientation.

It has been recognized that the following features of the village core should be respected, encouraged and enhanced:

- .1 historic character;
- .2 economic base as a commercial and occupational centre;
- .3 social, recreational, and cultural character;
- .4 natural environment and pedestrian character; and
- .5 unique built form and infrastructure.

21.4.5 Development Requiring a Permit

In the Naramata Village Centre Development Permit Area, except where exempted below a Development Permit is required for the following:

- .1 Construction of, addition to or alteration of a building or other structure

21.4.6 Guidelines

.1 Siting and Massing of Buildings

- a) Buildings must be oriented to face the street.
- b) Corner buildings must face both adjacent streets.
- c) The ground floor and second floor of a building should not be set back from the front parcel line, except where:
 - i) it is required, such as recessed building entrances;
 - ii) a setback provides space for pedestrian amenities such as small plazas or outdoor seating areas; or
 - iii) a setback provides space for a porch or patio for a ground floor residential unit.
- d) Any storey above the second floor must be articulated in a manner that reduces the appearance of the size of the building. This could include upper floor setbacks from the front and sides of the building;

awnings, pergolas, cornices, balconies, or other architectural features which visually screen the upper floors from the public sidewalk; and/or changes in exterior materials.

.2 Pedestrian-oriented Architecture

- a) The principal entrance to a building should be accessible by persons with disabilities.
- b) Front and side entrances should be an architectural focal point for the building and should be recessed from the main façade of the building.
- c) Building entrances should be accessed directly from a public sidewalk (where existing) without crossing any parking areas. This means that building entrances should be on the front of the building (facing the street), or on the side of the building where a pathway leads from a sidewalk (where existing) directly to the entrance without crossing any internal roads, driveways, or parking areas.
- d) Ground floor units, both commercial and residential, should have individual entrances from a public sidewalk (where existing) or street.
- e) Awnings that extend over a public sidewalk should be included wherever the building abuts the sidewalk.

.3 Form and Character of Buildings

- a) Building facades should be articulated in a regular pattern at least every 7.5 metres in order to reflect the historic pattern of lot and building widths along Robinson Avenue.
- b) Buildings should not present blank walls to any public road. Instead they should include a regular pattern of vertically and horizontally aligned, windows on all walls that face a public road. The ground floor window area should be at least 75% of the total wall area, and upper floor window areas should be 50-75% of the total wall area on each floor.
- c) The shape, rooflines, architectural features and exterior finish should be sufficiently varied to create interest and avoid a monotonous appearance.

.4 Private Outdoor Spaces

- a) All residential units should have access to private or semi-private outdoor space or on balconies or roof decks.

.5 Parking

- a) Parking areas should be located to the rear or side of the building and should not be located between the building and a public road.

- b) Parking area entrances should be from a side street or rear lane wherever possible. Parking area entrances from Robinson Avenue are discouraged.
- c) Any surface parking or internal driveways or roads should be set back from the public road. This set back area should include landscaping but should not completely block the view between the public road and the parking area.
- d) Off-street surface parking should incorporate walkways as an integral element of the design in order to ensure safe separation of pedestrians and vehicles.
- e) Parking within a structure should be screened from view at sidewalk level.

.6 Screening and Landscaping

- a) Outdoor storage areas, waste disposal containers, and heating and cooling equipment should be screened from view with fencing or landscaping.
- b) Site design should seek opportunities to incorporate a low impact approach to managing stormwater. This may include swales, bio-retention and rain gardens to reduce both peak stormwater flows and contaminant loadings.

.7 Energy and Conservation

- a) The use of solar panels and geothermal energy technology is encouraged.
- b) The construction of buildings using advanced building technologies and industry certified programs such as Leadership in Energy and Environmental Design (LEED) and BUILT GREEN® to reduce their environmental impact, lower energy consumption, and improve longevity is encouraged.

21.4.7 Exemptions

The following do not require a Development Permit:

- .1 Routine building repairs / maintenance including new roofing, residing, and window and door replacement;
- .2 Internal renovations;
- .3 Installation of canopies, awnings, or signs; and
- .4 Building Code and safety requirements and upgrades such as the installation of fire protections systems, installation of fire exits, construction of ramps for persons with disabilities, etc.

- vi) replacing Schedule 'E' (Naramata Townsite Development Permit Area), with a new Schedule 'E' (Naramata Village Centre Development Permit Area), as shown on the attached Schedule 'H' (which forms part of this bylaw).
3. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, is amended by:
- i) changing the land use designation of the land described as Lot 1, Plan KAP79439, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Commercial (C) to Naramata Village Centre (NVC).
 - ii) changing the land use designation of the land described as Lot 1, Plan KAP41817, District Lot 210, SDYD; and Lots 1-3, Plan KAP73160, District Lot 210 & 4225, SDYD, and as shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Commercial (C) to Naramata Village Centre (NVC).
 - iii) changing the land use designation of the land described as Parcel A, Plan KAP519, Block 55, District Lot 210, SDYD, Portion KF125731; Lots 1-2, Plan KAP519, District Lot 210 & 4225, SDYD; and Lot A, Plan KAP33890, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Commercial (C) to Naramata Village Centre (NVC).
 - iv) changing the land use designation of the land described as Lots 1-12, Plan KAS540, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'D', which forms part of this Bylaw, from Medium Density Residential (MR) to Naramata Village Centre (NVC).
 - v) changing the land use designation of the parcels shown shaded yellow on Schedule 'E', which forms part of this Bylaw, from Commercial (C) to Naramata Village Centre (NVC).
 - vi) changing the land use designation of the land described as Parcel A, Block 3, Plan KAS519, District Lot 210, SDYD; and Lots 5-8, Block 54, Plan KAP519, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Administrative, Cultural and Institutional (AI) to Naramata Village Centre (NVC).
 - vii) changing the land use designation of the land described as Lots 9-10, Plan KAP519, Block 4, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Low Density Residential (LR) to Naramata Village Centre (NVC).

READ A FIRST AND SECOND TIME this ____ day of _____, 2018.

PUBLIC HEARING held on this ____ day of _____, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

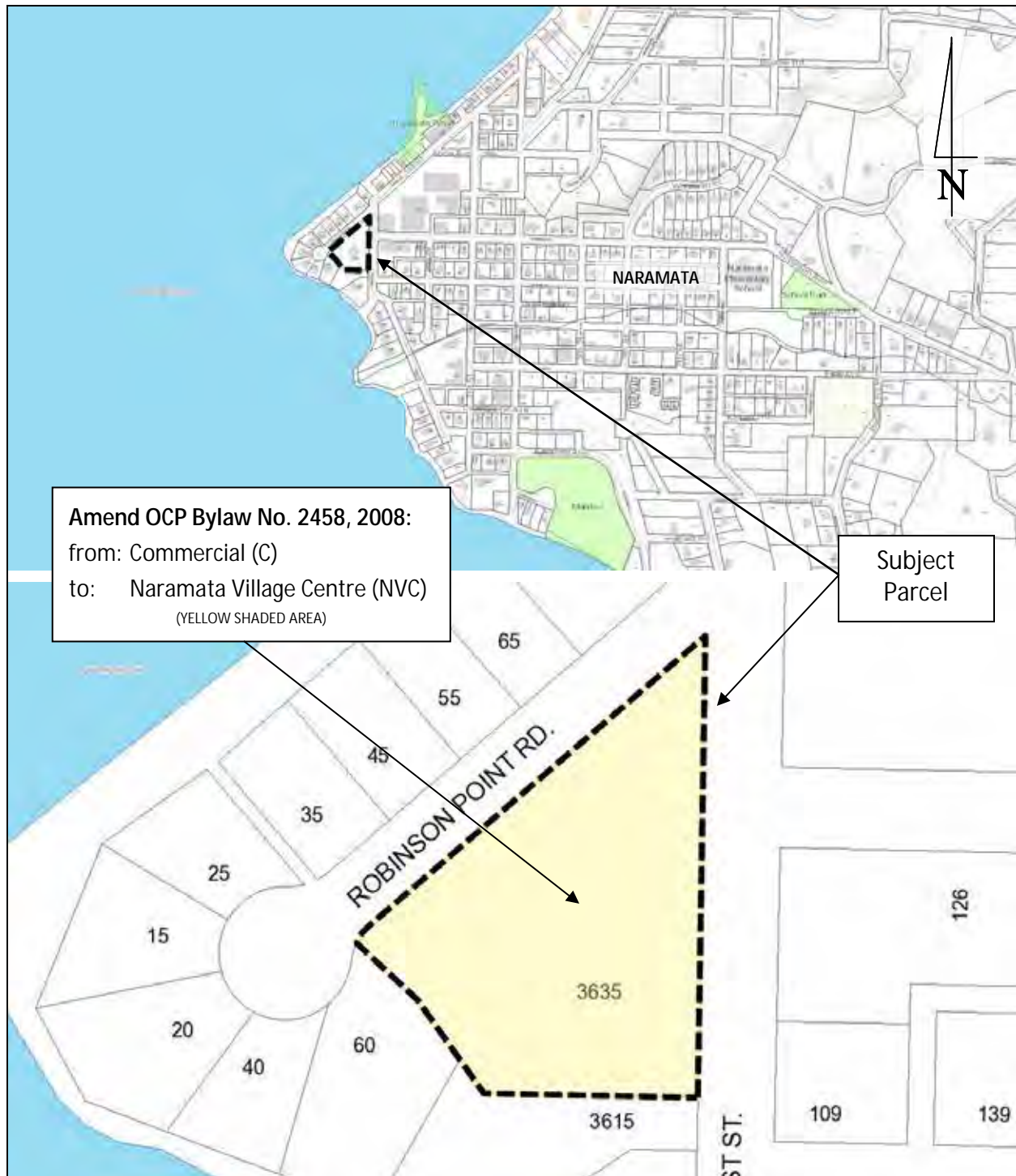
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'A'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

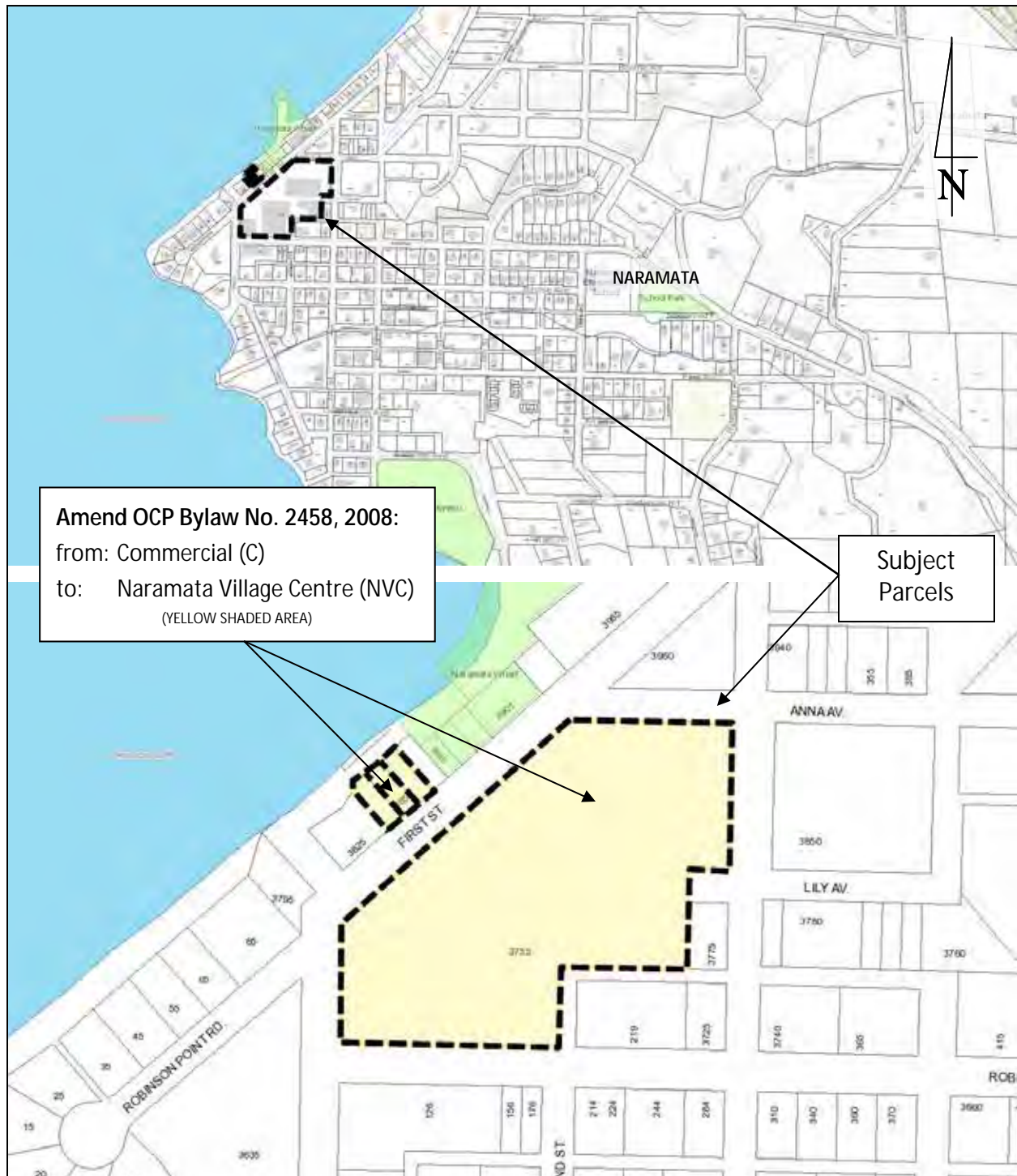
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'B'



Amendment Bylaw No. 2458.13, 2018

(E2018.060-ZONE)

Page 12 of 18

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

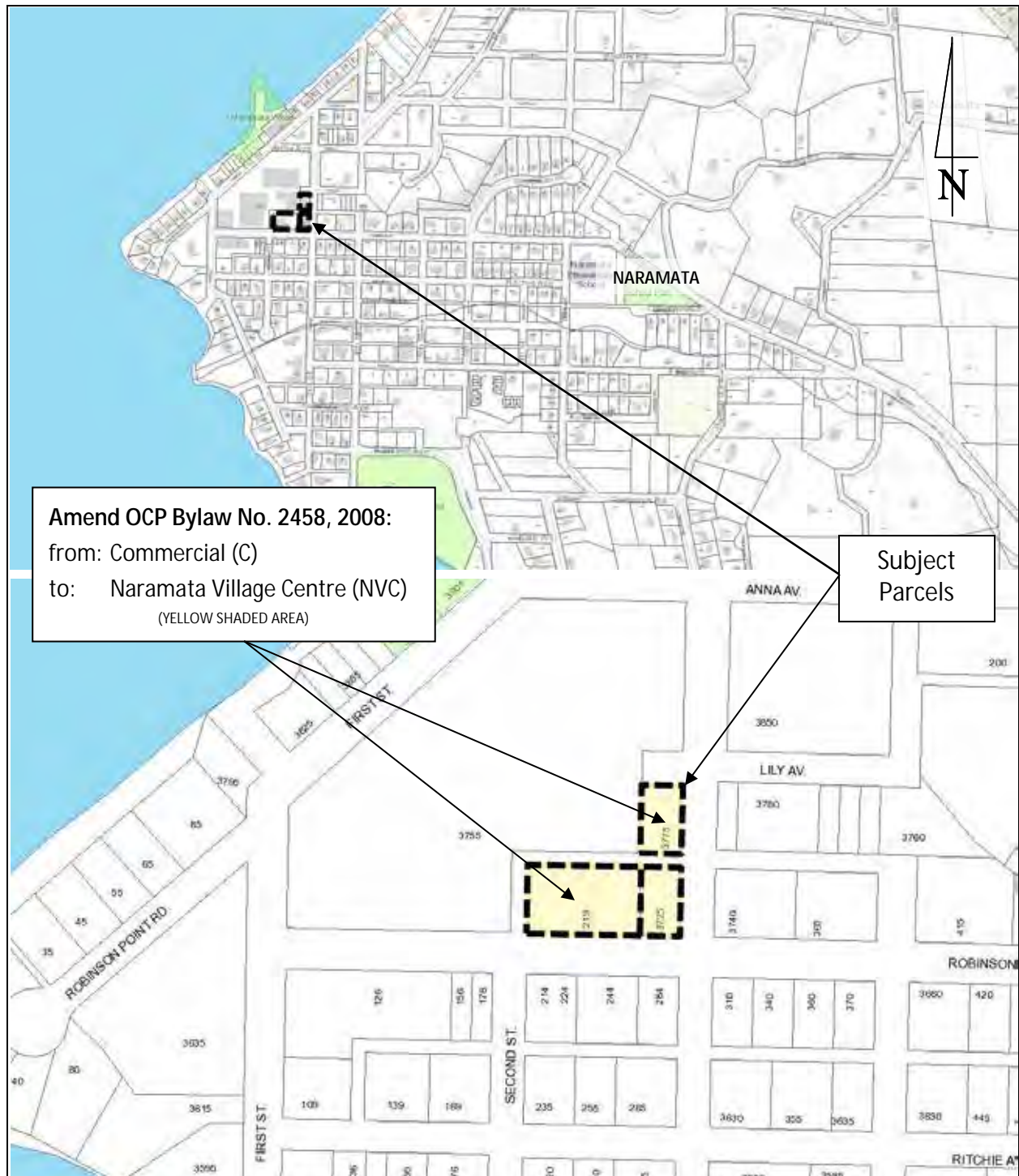
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'C'



Amendment Bylaw No. 2458.13, 2018

(E2018.060-ZONE)

Page 13 of 18

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

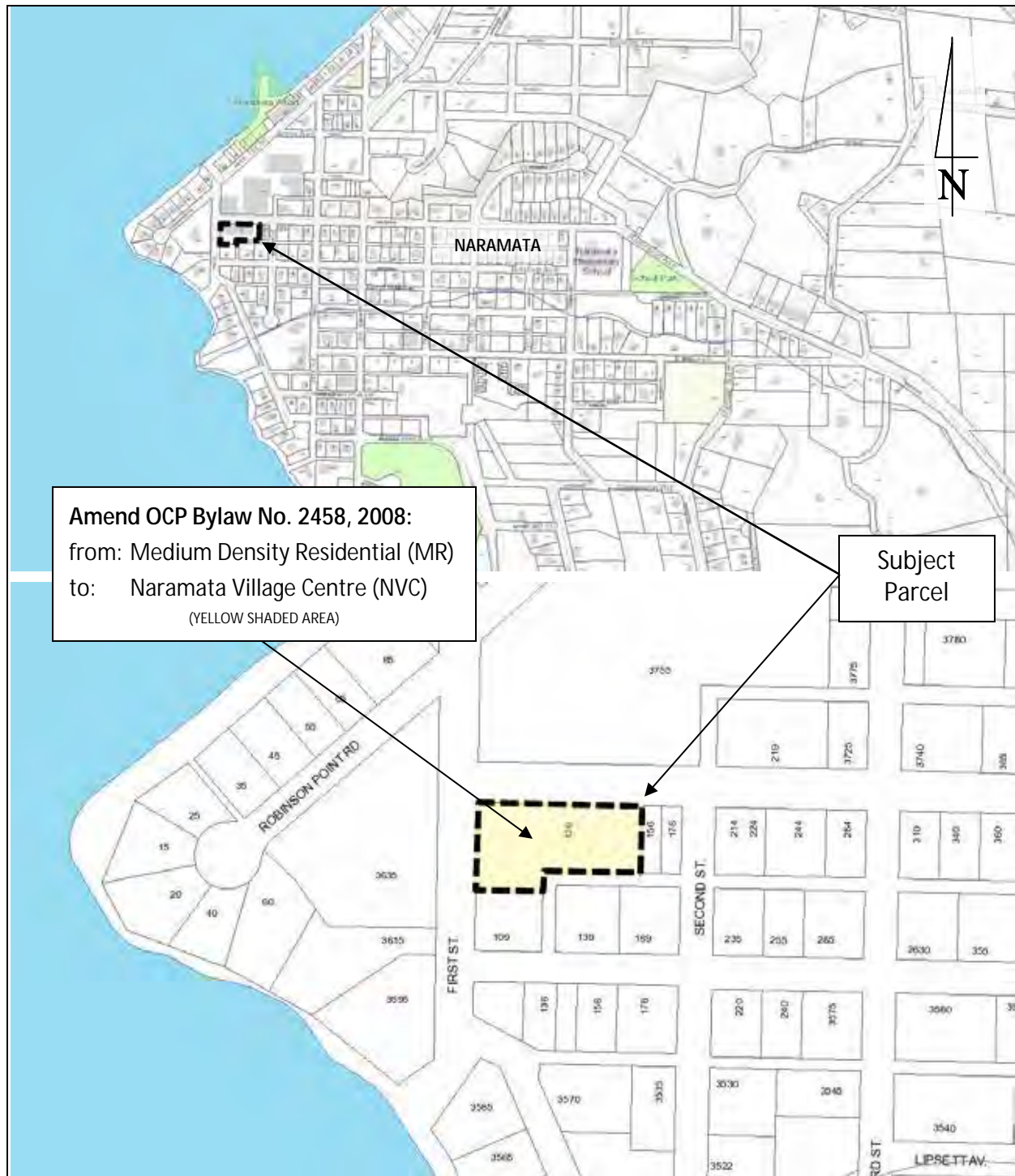
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'D'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

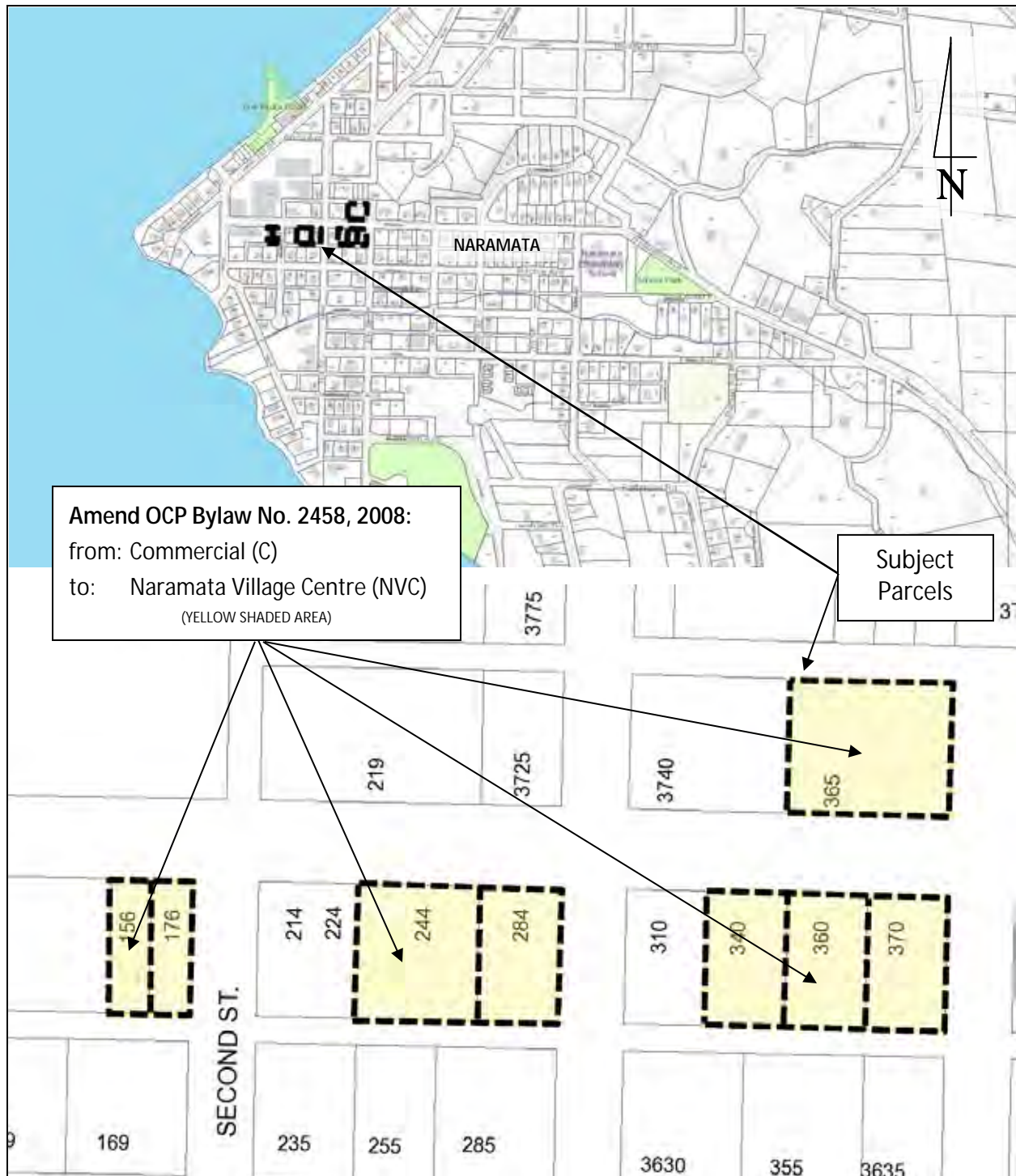
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'E'



Amendment Bylaw No. 2458.13, 2018

(E2018.060-ZONE)

Page 15 of 18

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

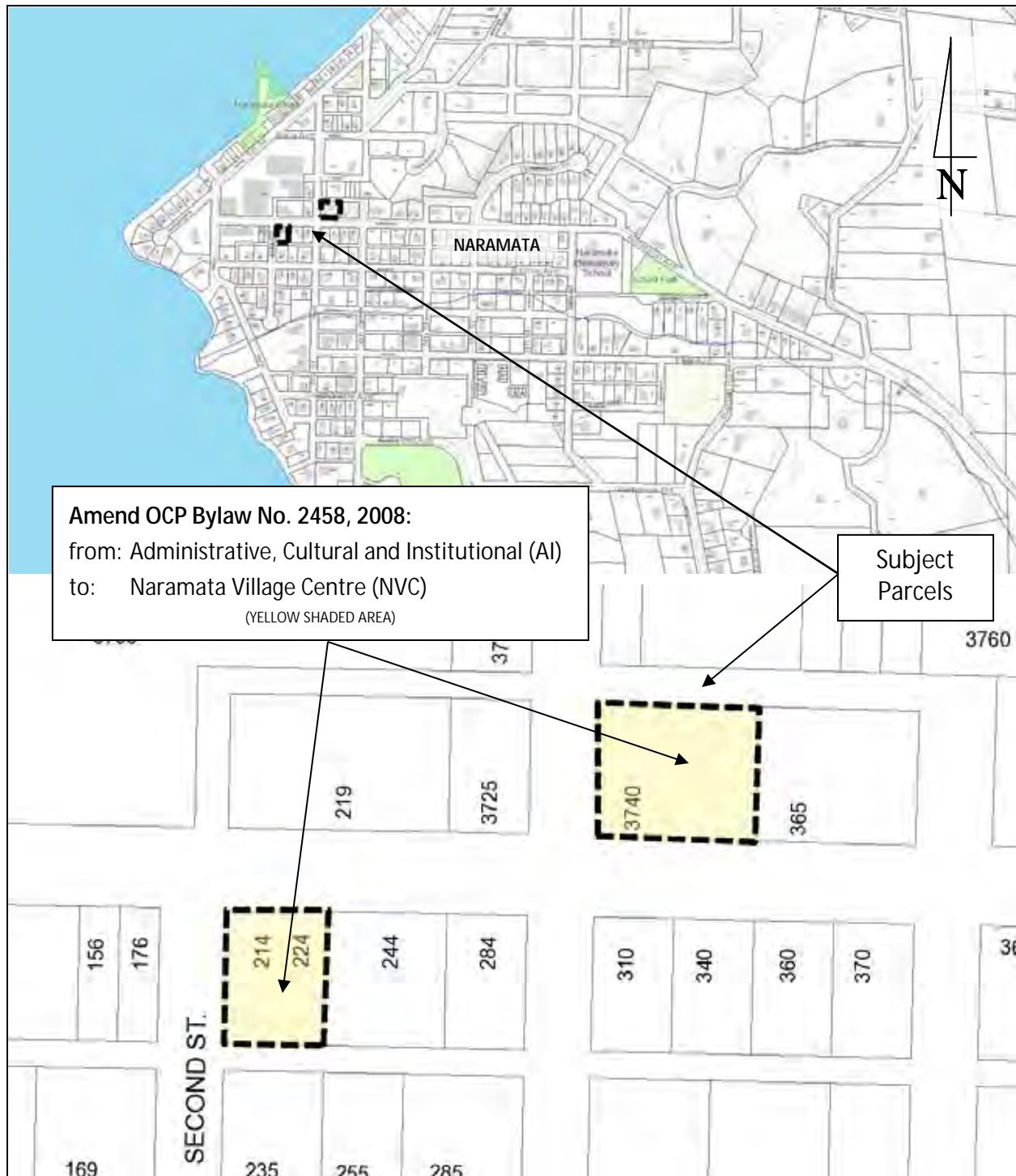
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'F'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

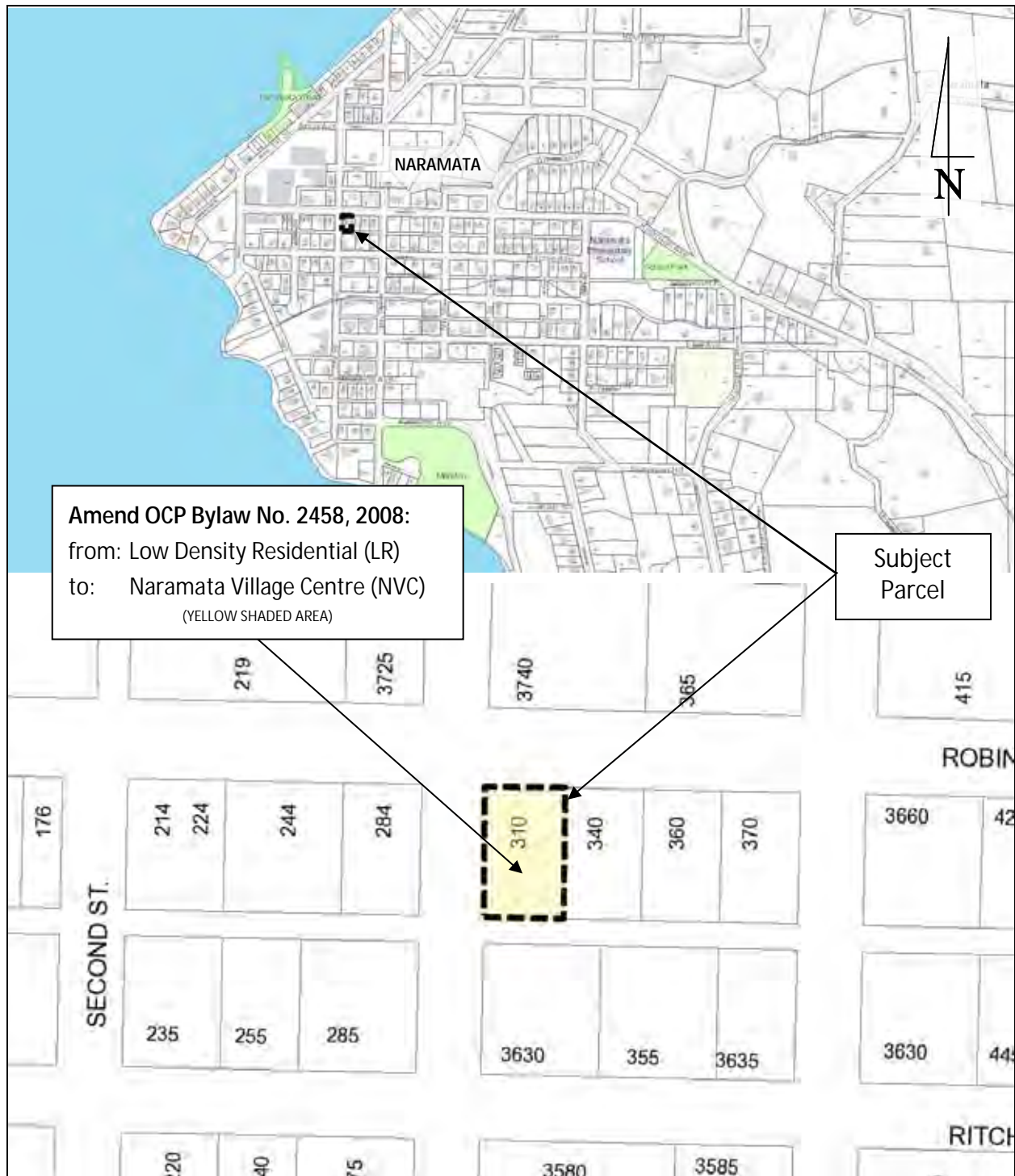
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'G'



Amendment Bylaw No. 2458.13, 2018

(E2018.060-ZONE)

Page 17 of 18

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2458.13, 2018

Project No: E2018.060-ZONE

Schedule 'H'

Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008
Schedule 'E' (Form and Character Development Permit Areas)

Date: August 2, 2018

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.30, 2018

A Bylaw to amend the Electoral Area "E" Zoning Bylaw No. 2459, 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 "Naramata Town Centre Amendment Bylaw No. 2459.30, 2018."
2. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) adding a reference to "Town Centre Zones" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) to read as follows:

Village Centre Zones

Naramata Village Centre Zone

NVC

- ii) adding a new Section 13.0 (Commercial Zones) to read as follows and renumbering all subsequent sections:

13.1 NARAMATA VILLAGE CENTRE ZONE (NVC)

13.1.1 Permitted Uses:

Principal Uses:

- a) art gallery, library, museum;
- b) brewery, cidery, distillery or winery;
- c) church;
- d) community hall;
- e) eating and drinking establishment;
- f) educational facility;

- g) indoor recreational facilities;
- h) multi-dwelling units, Subject to Section 13.1.8;
- i) offices;
- j) outdoor market;
- k) personal service establishment;
- l) retail stores, general;
- m) tourist accommodation;

Secondary Uses:

- n) accessory dwelling, subject to Sections 7.11 & 13.1.8;
- o) bed and breakfast operation, subject to Section 7.19;
- p) home occupations, subject to Section 7.17; and
- q) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific Naramata Village Centre (NVCs) Provisions:

- a) see Section 15.18.

13.1.3 Minimum Parcel Size:

- a) 500 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.5 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 0.0 metres
 - ii) Rear parcel line
 - .1 when adjacent a lane 6.0 metres
 - .2 when not adjacent a lane 0.0 metres
 - iii) Interior side parcel line 0.0 metres
 - iv) Exterior side parcel line
 - .1 when adjacent a lane 6.0 metres
 - .2 when not adjacent a lane 0.0 metres

NOTE: the Ministry of Transportation and Infrastructure (MoTI) requires that any building or other structure be a minimum of 4.5 metres from a

parcel line to a provincial road right-of-way. Obtaining approval from MoTI to place a building or other structure within 4.5 metres of a provincial road right-of-way is the responsibility of a property owner.

13.1.6 Maximum Height:

- a) No building or structure shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

13.1.7 Maximum Parcel Coverage:

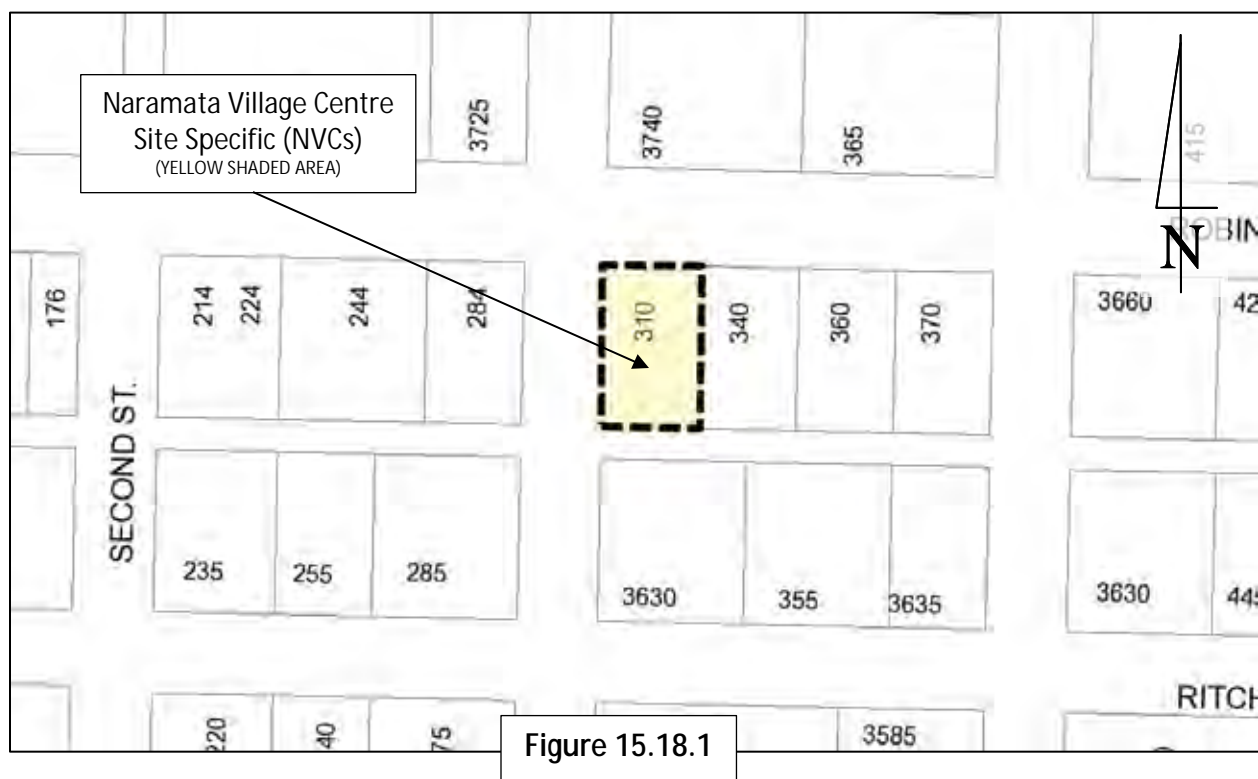
- a) 80%

13.1.8 Dwelling Unit Regulations:

- a) a minimum area of 10.0 m² of amenity space shall be provided per dwelling unit.
 - b) accessory dwellings are limited to a maximum of one (1) per parcel, but excluding multi-dwelling unit uses.
- iii) replacing Section 15.10.4 under Section 15.10 (Site Specific Residential Multiple Family (RM1s) Provisions) in its entirety with the following:
- .4 *deleted.*
- iv) replacing Section 15.11.1 under Section 15.11 (Site Specific General Commercial (C1s) Provisions) in its entirety with the following:
- .1 *deleted.*
- v) replacing Section 15.11.2 under Section 15.11 (Site Specific General Commercial (C1s) Provisions) in its entirety with the following:
- .2 *deleted.*
- i) adding a new Section 15.18 (Naramata Town Centre Site Specific (NTCs) Provisions) under Section 15.0 (Site Specific Designations) to read as follows:

15.18 Site Specific Naramata Village Centre (NVCs) Provisions:

- .1 in the case of land described as Lots 9-10, Plan KAP519, Block 4, District Lot 210, SDYD (310 Robinson Avenue), and shown shaded yellow on Figure 15.18.1:
 - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 13.1.1:
 - a) single detached dwelling.



3. The Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) changing the land use designation of an approximately 3,700 m² area of the land described as Lot 1, Plan KAP79439, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Tourist Commercial One Site Specific (CT1s) to Naramata Village Centre (NVC).
 - ii) changing the land use designation of an approximately 1,250 m² area of the land described as Lot 1, Plan KAP79439, District Lot 210, SDYD, and as shown shaded purple on Schedule 'A', which forms part of this Bylaw, from Residential Single Family One (RS1) to Naramata Village Centre (NVC).
 - iii) changing the land use designation of the land described as Lot 1, Plan KAP41817, District Lot 210, SDYD; and Lots 1-3, Plan KAP73160, District Lot 210 & 4225, SDYD, and as shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from General Commercial Site Specific (C1s) to Naramata Village Centre (NVC).
 - iv) changing the land use designation of the land described as Parcel A, Plan KAP519, Block 55, District Lot 210, SDYD, Portion KF125731; Lots 1-2, Plan KAP519, District Lot 210, SDYD; and Lot A, Plan KAP33890, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from General Commercial (C1) to Naramata Village Centre (NVC).
 - v) changing the land use designation of the land described as Lots 1-12, Plan KAS540, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'D', which forms part

of this Bylaw, from Residential Multiple Family Site Specific (RM1s) to Naramata Village Centre (NVC).

- vi) changing the land use designation of the parcels shown shaded yellow on Schedule 'E', which forms part of this Bylaw, from General Commercial (C1) to Naramata Village Centre (NVC).
- vii) changing the land use designation of the land described as Parcel A, Block 3, Plan KAS519, District Lot 210, SDYD; and Lots 5-8, Block 54, Plan KAP519, District Lot 210, SDYD and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Administrative and Institutional (AI) to Naramata Village Centre (NVC).
- viii) changing the land use designation of the land described as Lots 9-10, Plan KAP519, Block 4, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Residential Single Family One (RS1) to Naramata Village Centre Site Specific (NVCs).

READ A FIRST AND SECOND TIME this ____ day of _____, 2018.

PUBLIC HEARING held on this ____ day of _____, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

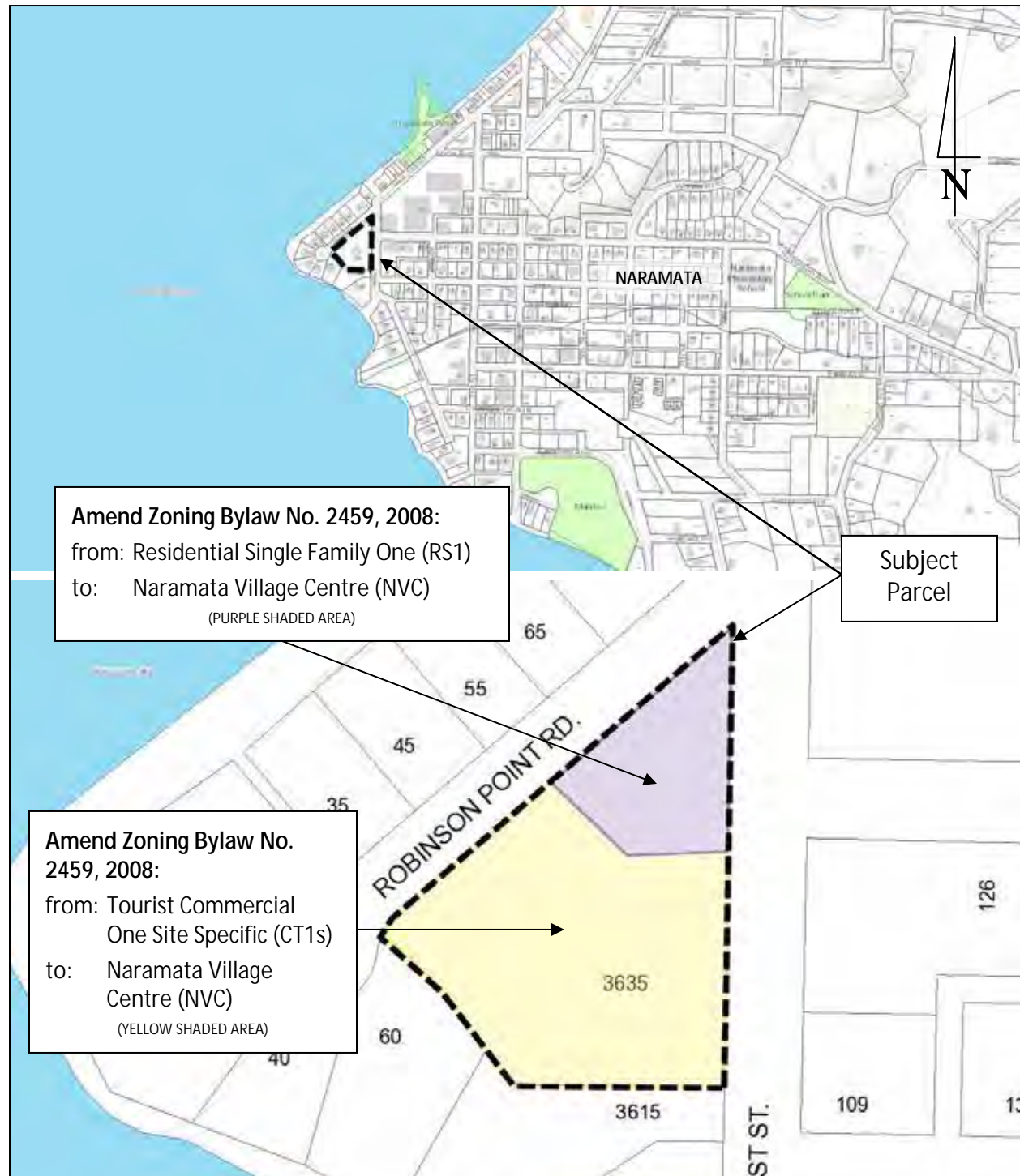
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'A'



Amendment Bylaw No. 2459.30, 2018

(E2018.060-ZONE)

Page 6 of 12

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

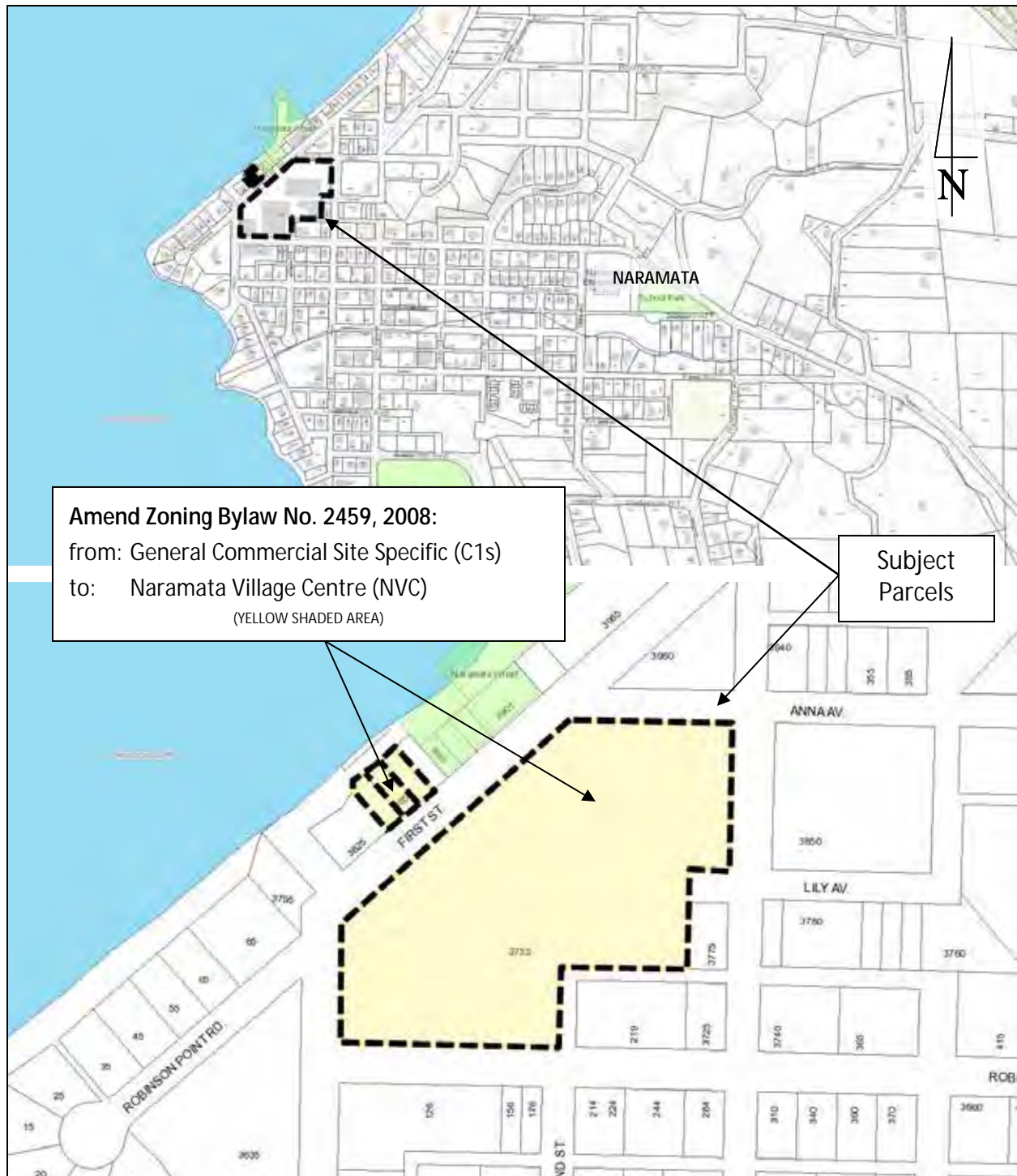
Telephone: 250-492-0237 Email: info@rdos.bc.ca



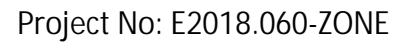
Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'B'



Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018
(E2018.060-ZONE)
Page 8 of 12

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

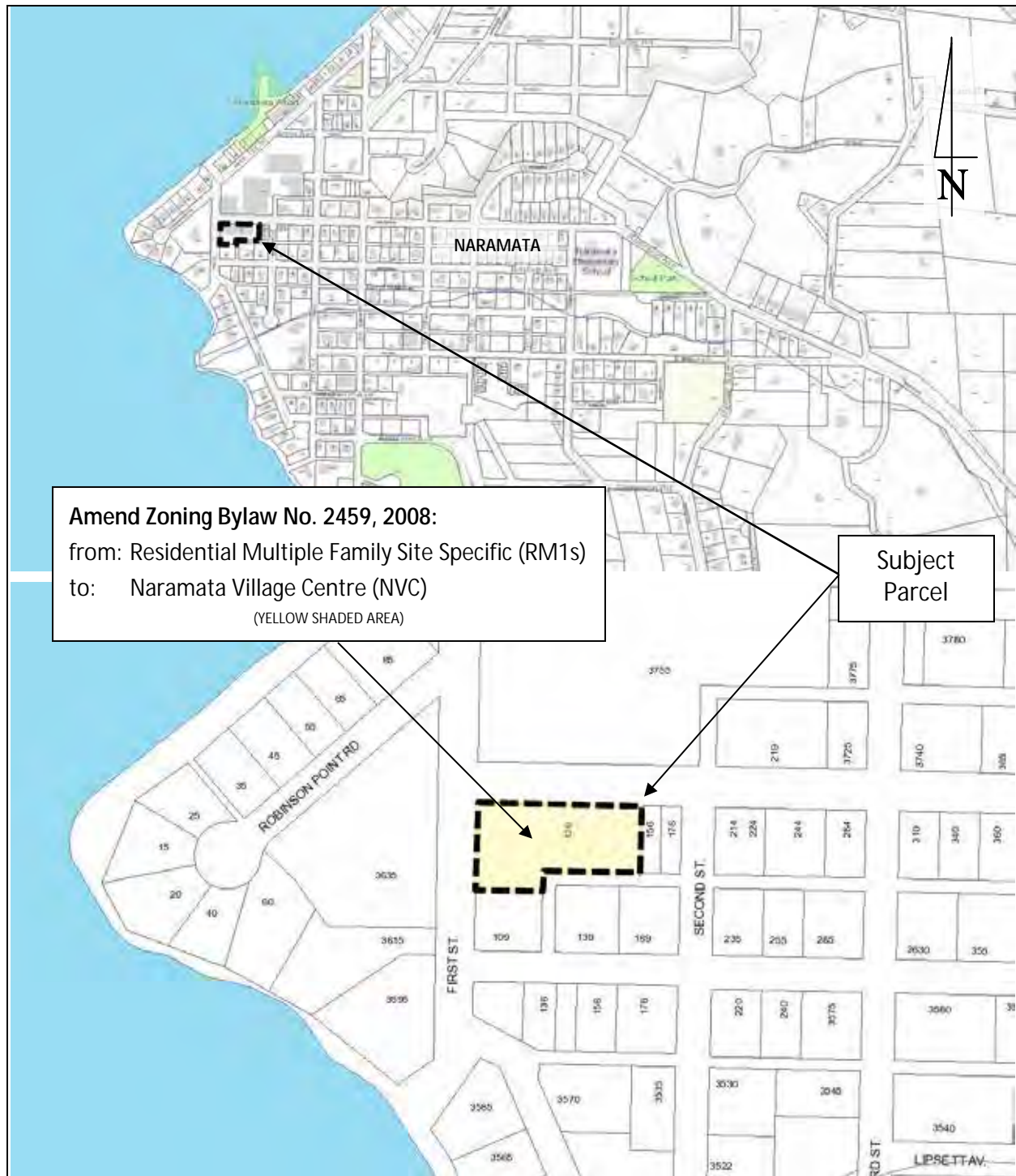
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'D'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

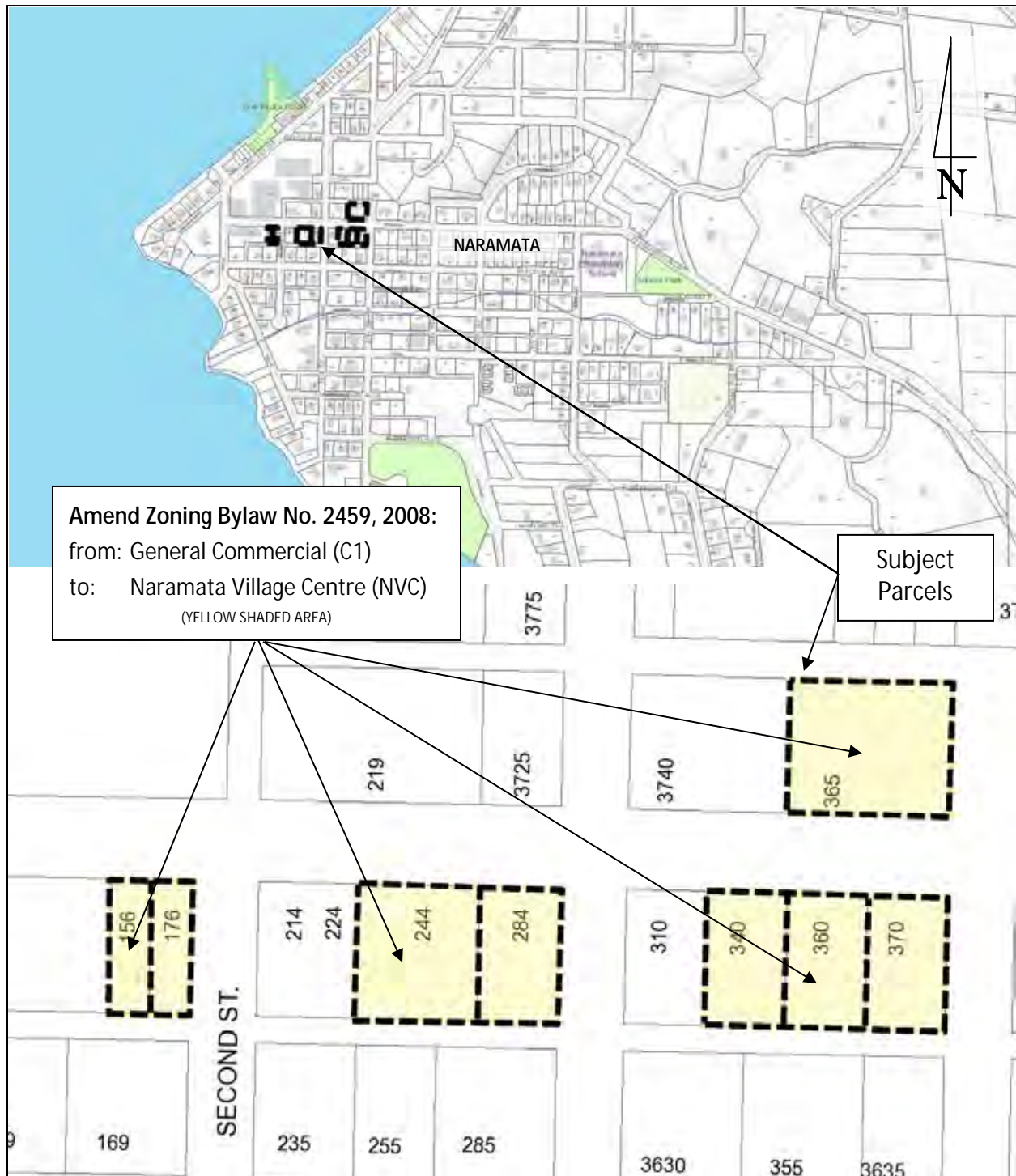
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'E'



Amendment Bylaw No. 2459.30, 2018

(E2018.060-ZONE)

Page 10 of 12

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

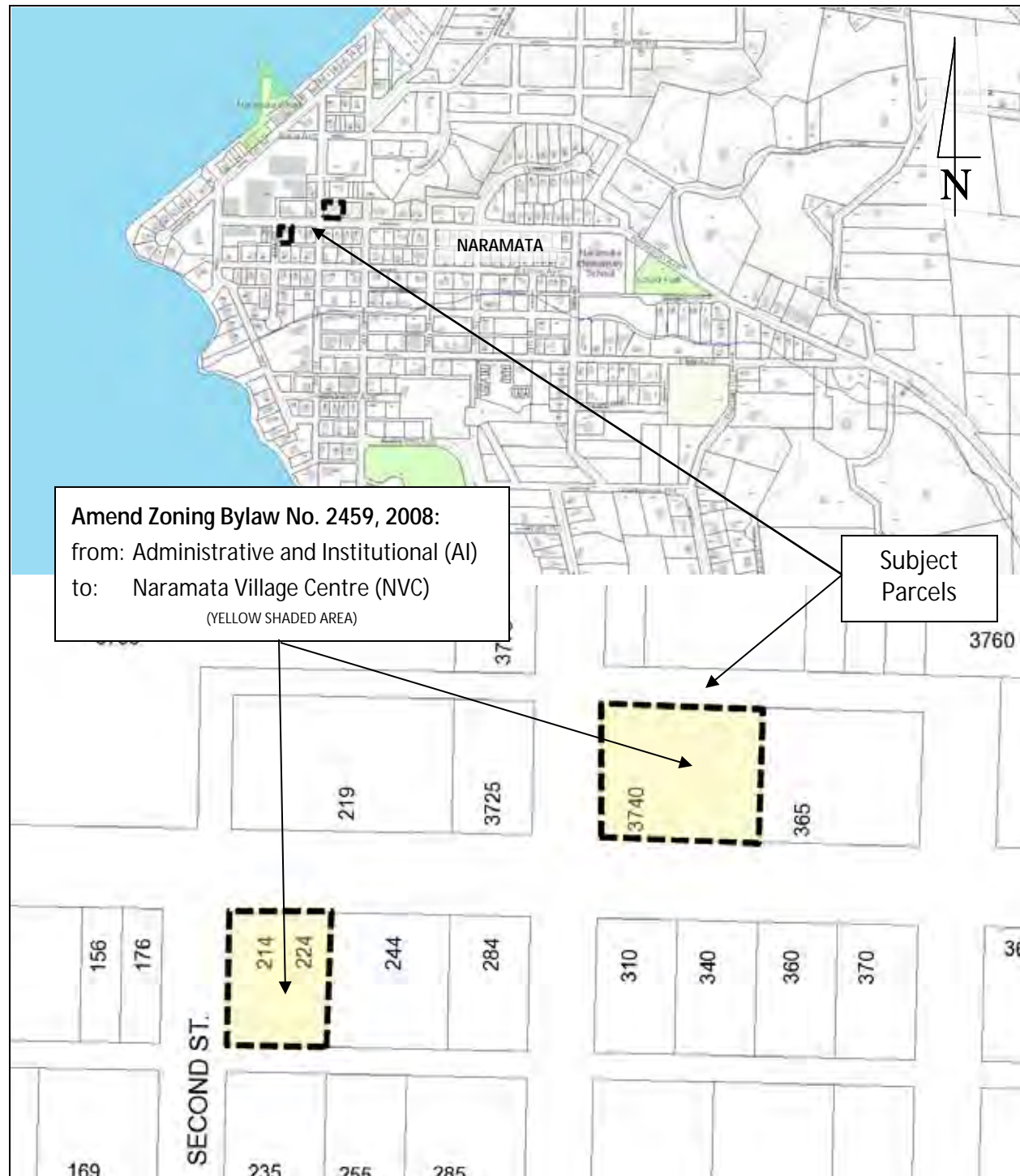
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'F'



Amendment Bylaw No. 2459.30, 2018

(E2018.060-ZONE)

Page 11 of 12

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

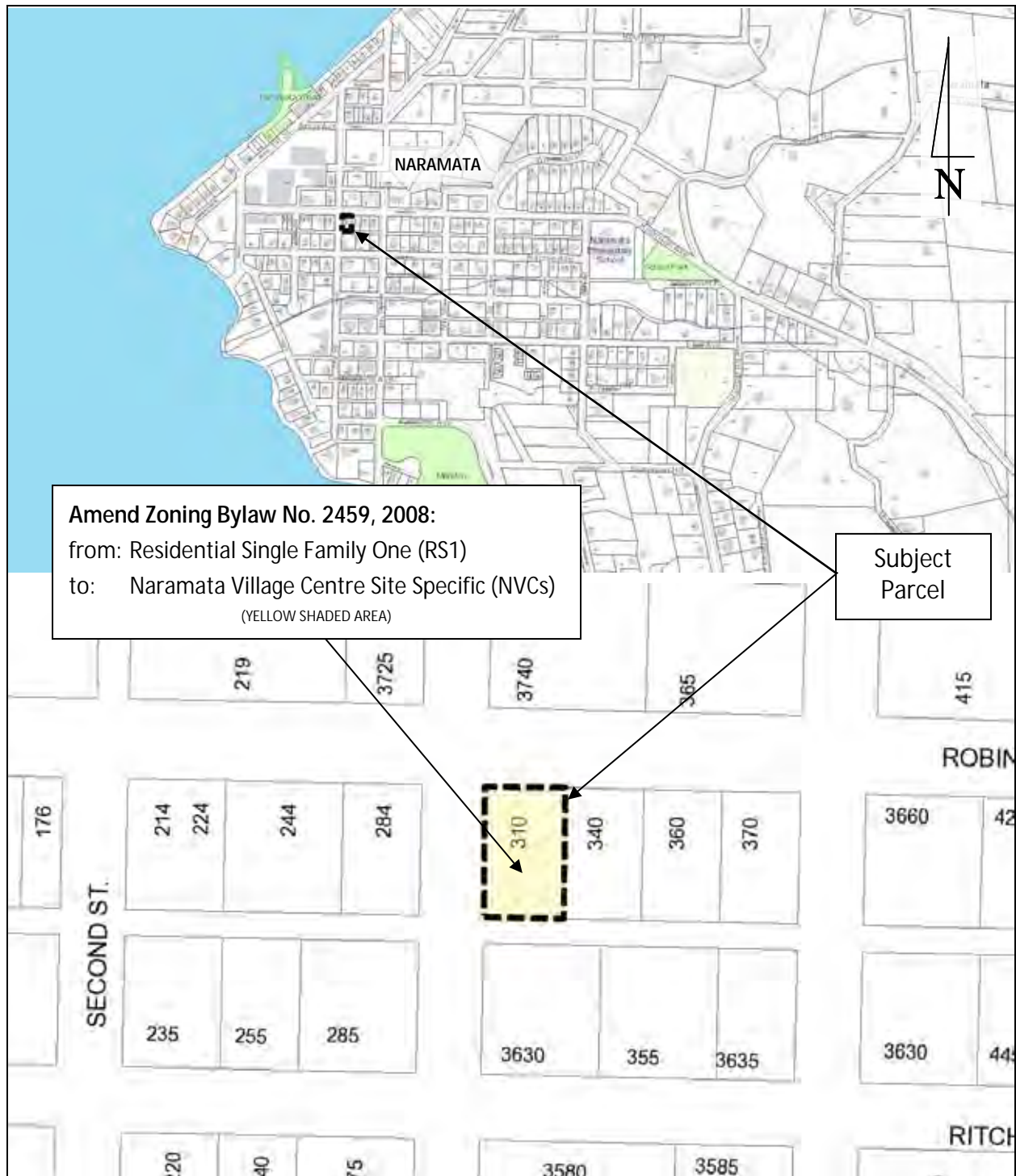
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.30, 2018

Project No: E2018.060-ZONE

Schedule 'G'



Amendment Bylaw No. 2459.30, 2018

(E2018.060-ZONE)

Page 12 of 12



May 14, 2018

File: 58000-20/2018051
Your File: E2018.060-ZONE

Regional District of Okanagan Similkameen
101 Martin Street
Penticton BC V2A 5J9

Attention: Christopher Garrish

Re: Amendments to Bylaw Nos. 2458.13 and 2459.30 for area known as Robinson
Ave between First Street and Fourth Street, Naramata, B.C.

The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) provides the following response to the above noted referral.

To ensure proposed activities are planned and carried out with minimal impacts to the environment and in compliance with all relevant legislation, the proponent and approving agency are advised to adhere to guidelines in the provincial best management practices (BMP's) document: Develop with Care: Environmental Guidelines for Urban & Rural Land Development (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>) .

It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation.

If you have any other questions or require further information please feel free to contact me.

Yours truly,

Lora Nield
A/Section Head for
Ecosystems Section

LN/cl



RESPONSE SUMMARY


AMENDMENT BYLAW NO. 2458.13 & 2459.30

☐ 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: May 25, 2018

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: May 29, 2018 8:11 AM
To: Planning
Subject: Robinson Ave, First St & Fourth St Naramata (E2018.060-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities with the Naramata Town Centre along public roads and lanes servicing the affected properties. FBC(E) has concerns with the reduction in front and rear yard setbacks, plus the increased maximum building height that will allow the placement or construction of structures closer to the lot line and potentially encroach within the safe limits of approach for the existing overhead facilities within the roads and lanes.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

*Steven Danielson,
Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, SR/WA
Supervisor | Property Services | FortisBC Inc.**

2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Office: 250.469.8033
Mobile: 250.718.9398
Fax: 1.866.636.6171
nicholas.mirsky@fortisbc.com

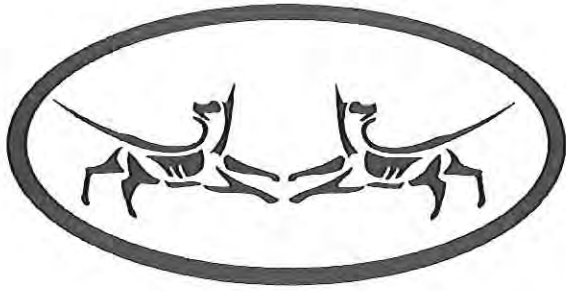
FORTIS BC

This email was sent to you by FortisBC*. The contact information to reach an authorized representative of FortisBC is 16705 Fraser Highway, Surrey, British Columbia, V4N 0E8, Attention: Communications Department. You can [unsubscribe](#) from receiving further emails from FortisBC or email us at unsubscribe@fortisbc.com.

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Penticton Indian Band

Natural Resources Department

R.R. #2, Site 80, Comp.19

Penticton, B.C. CAN

V2A 6J7

Referrals@pib.ca | www.pib.ca

Telephone: 250-492-0411 Fax: 250-493-2882

June-01-18

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

Regional District of Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

RTS ID: 3194

Referral ID: E2018.060-ZONE/ 2458.13 2459.30

Referral Date: April-25-18

Reference ID:

Summary: Regional District is proposing the creation of a "Town Centre (TC)" designation in the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458

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: 1046

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technician)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

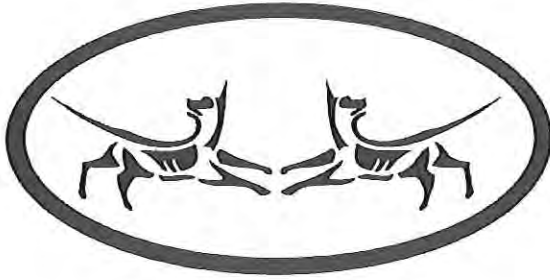
INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. **re: P.C.132 RTS #3194**

limlæmt,

Venessa Gonzales
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

RTS ID: 3194
CC:



Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7

Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

June-01-18

Regional District of Okanagan Similkameen
101 Martin Street
Penticton, BC V2A 5J9

RTS ID: 3194

Referral Date: April-25-18

Referral ID: E2018.060-ZONE/ 2458.13 2459.30

Reference ID:

Summary: Regional District is proposing the creation of a "Town Centre (TC)" designation in the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458

Attention: Christopher Garrish

The Penticton Indian Band acknowledges receipt of your referral dated April-25-18. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

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.

Please explain how the Penticton Indian Band will be included in any work within any proposed works or developments

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

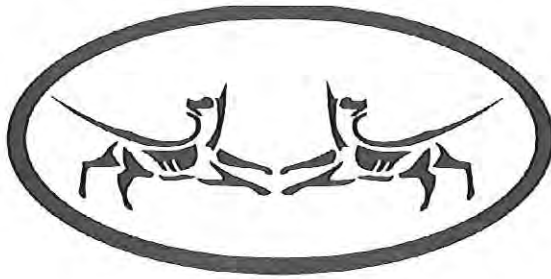
If you require further information or clarification, please do not hesitate to contact me.

Limlɛmt,

Lavonda Nelson
Referrals Administrator

RTS ID: 3194

CC:



Penticton Indian Band

Natural Resources Department
773 Westhills Drive | R.R. #2, Site 80, Comp. 19
Penticton, British Columbia
Canada V2A 6J7

Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

**WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION**

June-01-18

Regional District of Okanagan Similkameen
101 Martin Street
Penticton BC V2A 5J9

RTS ID: 3194

Referral Date: April-25-18

Referral ID: E2018.060-ZONE/ 2458.13 2459.30

Reference ID:

Summary: Regional District is proposing the creation of a "Town Centre (TC)" designation in the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458

Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on June-01-18. 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 economically 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.

Liml̓əmt,
Venessa Gonzales
Referrals Administrator

RTS ID: 3194

CC:



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.: E2018.060-ZONE

FROM: Name:

Eileen Meachon / Peter Gibben Huck

Street Address:



RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.13; and
Electoral Area "E" Zoning Amendment Bylaw No. 2459.30
Naramata Town Centre Zone and Development Permit Area Update

My comments / concerns are:

- ☐ I do support the proposed Naramata Town Centre Zone and DP Area Update.
- ☒ I do support the proposed Naramata Town Centre Zone and DP Area Update, subject to the comments listed below.
- ☐ I do not support the proposed Naramata Town Centre Zone and DP Area Update.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.13 and 2459.30.

See Attached

Feedback Forms must be completed and returned to the Regional District
no later than Wednesday May 23, 2018



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.

Eileen Meehan & Peter Gibbenhuck



To: Regional District of Okanagan Similkameen

RE: File No. E2018.060-ZONE

Electoral Area "E" OCP Amendment Bylaw No. 2458.13 and Are "E" Zoning Amendment Bylawno. 2459.30 Naramata Town Centre Zone and Development Permit Area Update

We are on the corner of Robinson at 3725 3rd St beside the store and across from the church. I agree with your changes and this is what I have been saying and talking about for 20 years that needs to happen in the village. I bought my little granny house thinking that one day I am going to build retail on the bottom live up above. I am very excited to be part of the changes to Naramata Village.

We also own and operate a paddleboard shop Sun n' Sup in this Village from mid-April to the end of September. People thought we were absolutely nuts to do start this business in Naramata and why not Penticton. We have created an amazing business and employ 2 fulltime and 2 part time people plus giving myself a living. When you do something right be consistent and are part of the community people will support you. Shades of Linen is another example she has been there for 18 years and employees 2 besides herself. The General Store, Restaurants, motels and The Inn as well and the other small businesses that have popped up. The Naramata Bench is world renowned and has well over 35 wineries plus distilleries etc on the bench which employs a whole lot of locals and brings in most of our tourists. They are a great anchor tenant.

Naramata is unique as are all the communities in the Okanagan. We with these suggestions.

- The area owned by The Vault fronting Robinson from 2nd to 1st streets should not be one continuous row of all stores. To perhaps cluster 4 retail shops then have an opening that people can meander or walk thru that there be some access through Robinson to the middle of The Vault property then cluster 4 more etc. Having an alley way or entrance into the Vault area perhaps to create an actual village within the village. This is such a large piece, hoping they have plan for a wee bit of green space within it.
- If it is all stores with no break or access to the middle it becomes one whole wall there for quoting your ByLaw No. 2458.13 section 12.2 Objectives #5: to ensure that developments in the Town Centre contribute to a unique sense of place and identity and are sited, scaled and designed to enhance and complement the existing natural setting and views towards the lake and improve access to the lakefront.
- Extra parking in the Wharf Park Area to limit cars along Robinson so people can have an enjoyable walking experience in the village to the retail areas. Closing off the part of 1st street at wharf is a great idea.

- The Elm trees along Robinson are I believe to be I think top 10 evasive species and are now everywhere creating such a mess all over Naramata. The need to be replaced with a better canopy style tree that is not going to be so evasive. If I didn't cut my grass, there would be a forest of them growing in my yard. They attract ants and aphids. It is time to do something about them.
- The RDOS Water Works yards should not be in this area and need to be moved asap. This is valuable retail space.
- Way finding signs on Robinson at school area and at 4th ave for Manitou Pk and Wharf Pk showing where Restrooms are located etc.
- Why is lot 310 not showing to be re-zoned to TC?
- Hoping that the mixed-use area of The Vault facing Robinson and the middle area are affordable townhomes etc for younger families or elderly that are not wealthy retired from Calgary. Town homes are usually more affordable for locals that will keep our village alive put kids in the school and will shop a Shades of Linen, Naramata Store, Sun n' Sup, Real Things Pizza, Grape Leaf etc or new coffee shops that support the locals and have regular hours. The young and elderly are the lifeline to this community.
- No issues with the waterfront facing area on the other side of the Vault that would be great for the upper income townhomes.
- We love Naramata and the locals will support us when we support them. If you think of the locals first then the tourists will have someone to greet them when they get here. We need to learn from all the other tourist areas that have made mistakes of not having affordable homes available.

I am not sure if you are familiar with Roger Brooks International, I have been reading and listening to his ideas for small towns and Destination Marketing Organizations for a while now and he has some great ideas. I do not want to be a Whistler, but he has great suggestions for small towns like Naramata. This might be more for the existing landowners and businesses but would be nice to build our little village right the first time.

<https://www.rogerbrooksinternational.com/branding-case-histories/>

Looking forward to being part of the future in Naramata Town Centre.

Eileen Meehan & Peter Gibbenhuck



OKANAGAN-
SIMILKAMEEN

Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

RECEIVED
Regional District

MAY 15 2018

101 Martin Street
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.060-ZONE

FROM: Name:

Laurie Murrin

(please print)

Street Address:

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.13; and
Electoral Area "E" Zoning Amendment Bylaw No. 2459.30
Naramata Town Centre Zone and Development Permit Area Update

My comments / concerns are:

- ☐ I do support the proposed Naramata Town Centre Zone and DP Area Update.
- ☒ I do support the proposed Naramata Town Centre Zone and DP Area Update, subject to the comments listed below. * I wouldn't want the Maximum Height to exceed 12.0 m (Commercial) and I'm assuming the maximum height for residential would be the 10.0 m.
- ☐ I do not support the proposed Naramata Town Centre Zone and DP Area Update.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.13 and 2459.30.

This proposal certainly seems to have merit.

The idea of having a designated town/village centre is a good one.

Something that Naramata desperately needs right now and certainly if encouraging growth in the future is a proper washroom facility that is available year round.

I have worked at the Naramata store for years and the lack of decent washroom facilities in the village has been a major complaint by visitors to our area. (a glorified outhouse just isn't good enough!)

Feedback Forms must be completed and returned to the Regional District
no later than Wednesday May 23, 2018

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Lauri Feindell

From: Velma Bateman [REDACTED]
Sent: May 16, 2018 9:20 AM
To: Planning
Subject: Response - Bateman

Hi Chris - I was at the meeting in Naramata last week.

I feel very uneasy about a lot of this. When we worked on the last Official Community Plan many of us were frustrated because we were not permitted to modify the height of buildings. One can readily see the result of this on First Street (one three story building 'nestled' in with a row of one story buildings, and again on Mill Bay Road where a rather huge building comes right to the road and looms over the building next to it.

In other words, I think that there is a lot more to the look and flavour of Naramata than the small area being designated as a town centre.

I also think that basically getting rid of the current Development Permit area would be something we would regret. I am in favour of leaving it as is until such time as we can work on a new Official Community Plan. I think the community needs to have an opportunity to decide what should stay and what should go. It is more important than being just a matter of convenience or nuisance regarding permits.

I appreciated your presentation for the most part. I did think that you have far too many things on your plate! Let's not throw out the baby with the bath water.

Sincerely,
Velma Bateman

Sent from my iPad



Lauri Feindell

From: Terri Tatchell [REDACTED]
Sent: May 8, 2018 8:55 AM
To: Planning
Subject: Naramata Town Centre

I was very excited to hear about the plans being discussed for a new downtown core in Naramata Village. I think the proposed zoning will ensure Naramata retains its village feel while upping its appeal to both tourists and residence. The pedestrian friendly zone is perfect and more shops and cafes would bring new life to the community.

Regretfully I won't be able to make Wednesday's meeting so wanted to extend my support via email but reside at 1030 King Drive.

Thanks so much for doing this.

Best,
Terri Tatchell
[REDACTED]



Lauri Feindell

From: Lisa Zumpano [REDACTED]
Sent: May 7, 2018 9:26 PM
To: Planning
Subject: Support for creation of Naramata "Town Centre"
Attachments: healdsburg.jpg

Hello,

As a resident of 40 Robinson Point in Naramata I wanted to write a letter of support for the new zoning proposal for the downtown core. Unfortunately I cannot attend Wednesday's open house.

It would be wonderful to see new storefronts and cafes fronting Robinson Ave., the creation of a pedestrian friendly zone for tourists and locals to convene, and the general improvement of the street. I often come across charming towns throughout Napa Valley and think the Okanagan has so much more potential and beauty on offer; if only we could give more attention to the planning and very careful development of our villages - by doing so, I believe the quality of life for those that inhabit them and those who visit them will improve immensely.

I enclose an inspirational image of one such successfully planned, but still very organic feeling village, Healdsburg, CA.

Regards,

Lisa Zumpano

Tel: 604-818-0635



Healdsburg's
Craft Cupcakes



Four Barrel Coffee



PARKING
LIMIT 3
HOURS
NO TOLLS

Country

Mill Bay Holdings Inc.



June 11, 2018

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, B.C.
V2A 5J9

RE: Naramata Town Centre Zone and Development Permit Area Review
Question and Answer (Q&A) Meeting with property owners.

A representative of the above Company will not be able to attend the Wednesday, June 13, 2018 meeting.


The purpose of this letter is to let the RDOS and other property owners know that Mill Bay Holdings Inc. is IN FAVOR of this zone being created.

The RDOS has Mill Bay Holdings Inc.'s permission to share this letter with other property owners in the effected zone.

Regards,

signed

Peter Graham



From: CraigHenderson
To: [Christopher Garrish](#)
Cc: ["Karla Kozakevich"; Karla Kozakevich](#)
Subject: Naramata Town Site zone
Date: May 10, 2018 12:48:06 PM

Hi Chris and Karla:

I wanted to thank you for an engaging meeting about the Naramata Town Site designation.

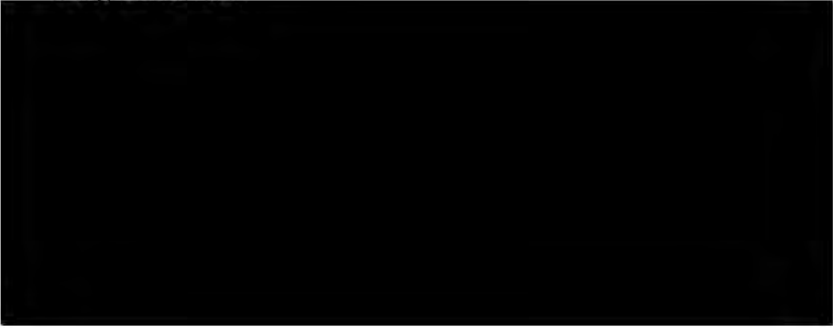
It makes a lot of sense to me in the long term to have some cohesive planning guidelines such as the Town Site proposal brings.

From 2004 to 2006, my wife and I owned the land and operated the coffeehouse at 340 Robinson, so in a small way we had a commercially zoned property and I often thought about how the street would develop in the decades ahead. (Those years were an eye opener by the way for the plight of commercial retail in Naramata. The busiest of summer days we had sales of \$1500 and were overworked! The slowest of winter days we had sales of \$150 and were heavily subsidizing the enterprise in an effort to be open year round.)

Anyway, I also support the idea of reducing the Development Permit Area to the proposed 4 ha size.

Best Regards.

Craig Henderson*



From: [Karla Kozakevich](#)
To: [Christopher Garrish](#)
Subject: FW: Town Cwntr Proposal
Date: May 18, 2018 9:24:58 AM

From: Marion Best [REDACTED]
Sent: May 17, 2018 7:52 PM
To: Karla Kozakevich <kkozakevich@rdos.bc.ca>
Subject: Town Cwntr Proposal

Karla,
Thanks for the meeting last week.

If what you are looking for is feedback as to whether or not a Town Centre designation is a good idea, I am in favour of such a designation within the boundaries on the map we were shown.

I wish the building height could be limited to 10 metres but understand it may not be feasible financially to have condos and commercial along Robinson unless it allows for the added height. So reluctantly I would agree with the added 2 1/2 metres.

Thank you for all you do,
Marion Best
[REDACTED]



From: Rene Mehrer
To: [Christopher Garrish](#); [Karla Kozakevich](#)
Subject: Naramata Re-zoning
Date: May 19, 2018 10:16:37 AM

Hello,

I attended the presentation you gave in Naramata last week re: the rezoning of the "downtown" area of our village.

I live in the village and I STRONGLY agree with the rezoning proposal. I like the idea of having set guidelines and a plan going forward with development because we all know it's coming with the recent sale of the packing house lot, and now is the time to get out ahead of it.

I also agree with:

- Zoning for mixed use/residential with retail below and residential above, with a Grandfather Clause for current housing along Robinson Rd.
- Having cohesive guidelines regarding aesthetics, (architecture, colour schemes) on Robinson Rd.
- Setbacks on new development on Robinson RD., (perhaps to allow for parallel parking?)

I don't think they're an issue, but for the record, I disagree with having sidewalks. I believe they will arrive one day, when we inevitably install a sewer system. However, in the meantime, with the high ratio of closed businesses/dark houses/snowbirds/senior residents over the winter months most will never be cleared. I also believe they will ruin the rural look of our village.

As the Community Plan goes forward, I hope that you will take the intersection of Robinson Rd. and 2nd St into consideration when planning. This is an informal gathering spot for a few community events and possibly the "heart" of the village. Some people have begun to refer to the intersection as "Centennial Square" on MyNaramata, which I think reflects the desire to have a formal gathering place on or near Robinson Rd. within the downtown area you have proposed.

Also, as the packing house lot develops, I envision (and hope) the area on Robinson from 1st street to 2nd street will become an important hub for the community.

Thank you for your presentation and I look forward to some exciting changes in the future,

René Mehrer
[Fourth Meridian Auctions](#)



Lauri Feindell

From: Christopher Garrish
Sent: June 9, 2018 12:33 PM
To: Lauri Feindell
Subject: FW: Naramata town centre
Attachments: Naramata town centre.pdf

Attached for EDMS

From: John Moorhouse <[REDACTED]>
Sent: May 16, 2018 7:28 AM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Cc: Karla Kozakevich <kkozakevich@rdos.bc.ca>
Subject: Naramata town centre

Hi Chris: Thanks for chatting with us following last week's meeting in Naramata. You certainly drew a good crowd! Here's my input on the Naramata Town Centre proposal:

- Firstly, I wonder what the APC's thoughts on this are. You didn't mention whether or not this proposed new zone has been reviewed by the APC. If they haven't had an opportunity to do so, they should.
- Secondly, I think it's premature – and should be reviewed at the same time as the next overall Community Plan review.
- Thirdly, my wife Jen (nee Salting) and I are very worried that having the condo property on Robinson Ave. included in what will be essentially a downtown commercial zone puts us in risk of a major tax increase if BC Assessment views the site as commercial rather than multi-family residential. Jen and I own 3 of the 10 rental housing units in the building. Of these, 8 have direct access from the ground floor which would be illegal under the new zone. There are also two small commercial units – which are taxed as commercial.

The condos provide affordable rental housing which is of short supply in the community. Most of the tenants are retired. A major tax hike would have to eventually be passed on to the tenants through rent increases.

There appears to be only two other multi-family zoned properties in Naramata – the townhouses on Ellis and the Seniors Housing complex between Third and Fourth Streets. I don't believe rezoning is planned for them. Therefore it seems we are being singled out solely because of our location.

We appreciate the work you are doing, but would like to have the condo property removed from the proposed zone.

Thanks for the opportunity to respond.

John & Jen Moorhouse
[REDACTED]



Lauri Feindell

To: Christopher Garrish
Subject: RE: Naramata town centre proposal (E2018.060-ZONE)

-----Original Message-----

From: maureen selwood [REDACTED]
Sent: May 15, 2018 12:32 PM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Subject: Naramata town centre proposal

I wasn't able to attend meeting however have looked at material given out Re housing in the village must be consideration for affordable housing to encourage young families —a healthy community comprises old and young and permanent residents-as a footnote why does Naramata allow so many vacation rentals!!! Changes a neighbourhood - lack of social interaction and security that exists in neighbourhoods with permanent residents.

The plan shows building down north side of Robinson from 2 nd down to 1 st - I would hope this would not be one building- maybe a cluster of buildings with open spaces in between - think 1 long building would look out of place and it would be good if there were spaces with pathways that would allow people to wander in and about the village — think sidewalks etc can be considered much later- smartening up a village can be a mistake as becomes too tourist orientated - too "cute"

Considering commercial space isn't it time the RDOS gave up what could be a very attractive commercial use space - their equipment could be relocated where it is not so unsightly- Naramata has such a lot to offer both residents and visitors - let's make it work for all.

Paul Koroscil

[REDACTED]



MAY 23 2018

101 Martin Street
Penticton BC V2A 5J9



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.: E2018.060-ZONE

FROM: Name:

GARY SUTHERLAND
(please print)

Street Address:



RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.13; and
Electoral Area "E" Zoning Amendment Bylaw No. 2459.30
Naramata Town Centre Zone and Development Permit Area Update

My comments / concerns are:

- ☐ I do support the proposed Naramata Town Centre Zone and DP Area Update.
- ☐ I do support the proposed Naramata Town Centre Zone and DP Area Update, subject to the comments listed below.
- ☒ I do not support the proposed Naramata Town Centre Zone and DP Area Update.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2458.13 and 2459.30.

AFTER REVIEWING THE DEVELOPMENT PERMIT UPDATE I
CANNOT SEE ANY BENEFIT TO THE HOME OWNERS AND
RESIDENTS OF NARAMATA. INQUIRIES FROM DEVELOPERS IN
ALBERTA ABOUT MULTI FAMILY BUILDINGS ARE NOT GOING
TO BRING YOUNG FAMILIES TO NARAMATA. THEY WILL
ONLY PUT MONEY IN THE POCKETS OF THE RDOS
THE DEVELOPERS AND THE "FLIPPERS" AND FOREVER
CHANGE THE END OF THE ROAD QUIET AMBIENCE
WHICH NARAMATA IS KNOWN FOR —

Feedback Forms must be completed and returned to the Regional District
no later than Wednesday May 23, 2018

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RDOS

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SIMILKAMEEN

Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

Tel: 250-492-0237 / Email: planning@rdos.bc.ca

RECEIVED

Regional District

MAY 23 2018

101 Martin Street

Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.060-ZONE

FROM: Name:

Pam SUTHERLAND

(please print)

RECEIVED

Regional District

Street Address:



MAY 23 2018

RE: Electoral Area "E" OCP Amendment Bylaw No. 2458.13; and
 Electoral Area "E" Zoning Amendment Bylaw No. 2459.30
 Naramata Town Centre Zone and Development Permit Area Update

101 Martin Street

Penticton BC V2A 5J9

My comments / concerns are:

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- ☒ I do support the proposed Naramata Town Centre Zone and DP Area Update, subject to the comments listed below.
- ☐ I do not support the proposed Naramata Town Centre Zone and DP Area Update.

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I DO NOT SUPPORT THE INCREASE IN THE
INCREASE ~~OF~~ THE HEIGHT OF A BUILDING STRUCTURE
TO 12.0 METRES.

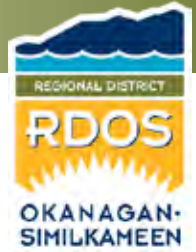
IN REGARDS TO MULTI DWELLING UNITS I HAVE A CONCERN THAT THESE
PROPERTIES WILL BE SNAPPED UP BY INVESTORS WITH NO INTEREST IN
NARAMATA-WE WILL HAVE MORE AIRBNB'S AND ABSENT OWNERS WHO WILL
TACK UP RENT PRICES AND MAKE HOUSING NOT AFFORDABLE OR AVAILABLE
TO THOSE THAT COULD BE INTERESTED AND COMMITTED COMMUNITY MEMBERS.
THIS NEEDS TO BE ADDRESSED.

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ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.31, 2018, Electoral Area “E” Zoning Amendment Bylaw be denied.

Purpose: To allow an accessory dwelling with a floor area of 140 m² on one lot and to remove the ability to have an accessory dwelling on another lot.

Owner: 1518005 Alberta Ltd. Applicant: Donna Butler (Ecora Engineering) Folio: E-02130.020

Civic: 891 & 945 Old Main Road Legal: Lots A & Lot B, DL 209, SDYD, Plan KAP52428

Zoning: Agriculture One (AG1) Proposed Zoning: Agriculture One Site Specific (AG1s)

Proposed Development:

This application is for two site specific amendments to the Electoral Area “E” Zoning Bylaw No. 2459, 2008, in order to increase the floor area of an accessory dwelling from 90.0 m² to 140 m² at 945 Old Main Road and to remove the ability to have an accessory dwelling, mobile home, and secondary suite from the property at 891 Old Main Road.

In support of the proposal the applicant states: “each parcel is permitted a principal residence and 1 accessory dwelling for farm help up to 90 m² – for a total of 4 dwellings. In this amendment application, a new Site Specific AG1 zone is requested that will concentrate the floor area of the accessory dwellings for farm labour on 945 Old Main Road”.

Both properties have the same owner and are part of Curvata Vineyards. The proposal on 945 Old Main Road is to “replace the farm help dwelling with a new unit, located above a garage and workshop to be used by the farm manager. Subsequently, the driveway will be rebuilt and the main house will be removed and replaced with new construction. Both new structures will be located in the same area as the existing structures. In Phase 2 a new house and winery are planned for 891 Old Main Road.”

Site Context:

891 Old Main Rd is approximately 3.5 ha in size and 945 Old Main Road is approximately 4.1 ha in size. The subject properties are situated east and north of Old Main Road, approximately 2 kilometres south of Naramata’s village centre.

The surrounding pattern of development is characterized by similarly sized agricultural properties and rural residential properties along Okanagan Lake.

Background:

The properties were created by a plan of subdivision deposited in the Kamloops Land Title Office in 1994, and available Regional District records do not list any Building Inspection records despite 945 Old Main Road comprising a single detached dwelling, a farm help dwelling, and several accessory buildings (891 Old Main Road has no residential buildings).

Under the Electoral Area "E" Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject properties are designated Agriculture (AG), an objective of which is "to preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area."

The OCP also contains a supporting policy that speaks to the Regional District Board considering "second dwelling applications within the ALR in accordance with second dwelling policies established in the implementing Zoning bylaw, and reflective of the views of the farming community."

Both properties are designated as being within a Watercourse Development Permit (WDP) Area, while 945 Old Main Road is also designated as being within an Important Ecosystem Area (IEA).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the properties are zoned Agriculture One (AG1), which limits density on parcels less than 8.0 ha in area to one (1) secondary suite, accessory dwelling or mobile home is permitted with a maximum floor area of 90 m².

The subject properties are located within the Agricultural Land Reserve (ALR) as are many of the neighbouring properties.

Prior to the adoption of agricultural zone regulations (Amendment Bylaw No. 2827, 2018) on July 20, 2017, the maximum floor area for an accessory dwelling was 140 m² for the first unit and 70 m² for additional units. The basis for the change was to align the floor area allowance for accessory dwellings with other secondary dwelling unit types (such as secondary suites and carriage houses) which have been set at 90 m².

Public Process:

At its July 9, 2018 meeting, the Electoral Area "E" Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this development proposal be approved subject to a covenant being registered on the title of 891 Old Main Road, restricting the use of an accessory dwelling, mobile home, and secondary suite. The applicant has indicated that they are willing to have a restrictive covenant registered on the title of 891 Old Main Road.

A Public Information Meeting was held on July 9, 2018, and was attended by nine (9) members of the public.

Referral comments on this proposal have been received from FortisBC and these are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) of the amendment bylaw prior to adoption will not be required as the subject property is situated beyond 800 metres of a controlled area (i.e. Highway 97).

Analysis:

In considering this proposal, Administration notes that the provision of accessory dwelling units in the ALR is related to the justifiable need to provide housing for on-farm help in certain circumstances but that the un-necessary provision of housing in the ALR can also have a negative effect on agricultural land and the agricultural use of land.

In order to balance the needs of the farming community against un-necessary residential development in the Reserve, the Regional District has taken the approach of limiting the floor area and number of accessory dwellings based on parcel size.

A 90.0 m² floor area limitation is intended to ensure that an accessory dwelling remains “accessory” (i.e. does not become a principle dwelling) and is complimentary to the principle agricultural use of a property and does not become a stand-alone use detached from the operation of the farm. 90.0 m² is also consistent with the floor area limitation imposed on secondary suites (which are another form of accessory dwelling).

While Administration recognizes that it has previously supported proposals in Electoral Area “E” that combined the floor area of multiple accessory dwellings into a single dwelling with a larger floor area (i.e. 210 m² or 280 m²), this was generally where these dwellings could be constructed on a single legal parcel and prior to the update of the Agriculture Zones completed in 2017.

In this instance, Administration notes that were the two subject properties to be consolidated, the applicant would not have a sufficient land area to qualify for an accessory dwelling in excess of 90 m² (i.e. being less than 8.0 ha in area).

With regard to the offer to remove (“sterilize”) the ability of the property at 891 Old Main Road to have an accessory dwelling, secondary suite or mobile home in order to increase the floor area of the accessory dwelling at 945 Old Main Road, Administration is concerned that this is not viable over the long-term.

Specifically, future property owners of 891 Old Main Road may acquire the property with a legitimate expectation of being able to develop an accessory dwelling, secondary suite or mobile home and the inability to do so may create pressure on the Regional District Board to restore these development opportunities.

Administration believes that the stronger argument for a larger accessory dwelling would derive from the consolidation of the two properties to create a single parcel 7.6 ha in area – which would only be 0.4 ha of qualifying for an accessory dwelling floor area of 180 m². The consolidation of parcels and replacement of a principal dwelling unit with an over-sized accessory dwelling *could* warrant support for an amendment to the zoning bylaw.

Alternately, the applicant could simply develop a single detached dwelling on the parcel at 891 Old Main Road — as shown on their site plan — with their desired floor area and avoid the need for this rezoning.

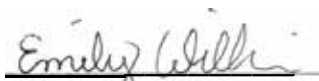
Conversely, Administration recognizes that the accessory dwelling is proposed in the “farm residential footprint” near the existing dwelling and other residential uses (i.e. driveway, parking, septic field) which has already been disturbed and is not used for cultivation purposes. The accessory dwelling is also proposed above a garage and farm workshop which reduces the development footprint on the property.

Nevertheless, and for these reasons outlines earlier above, Administration does not support the requested rezoning.

Alternatives:

- .1 THAT Bylaw No. 2459.31, 2018, Electoral Area "E" 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 September 6, 2018;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
- .2 THAT Bylaw No. 2459.31, 2018, Electoral Area "E" 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 Kozakevich or delegate;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Kozakevich;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.

Respectfully submitted



E. Williamson, Planner

Endorsed by:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Applicant's Site Plan

No. 2 – Applicant's Main Floor Plan

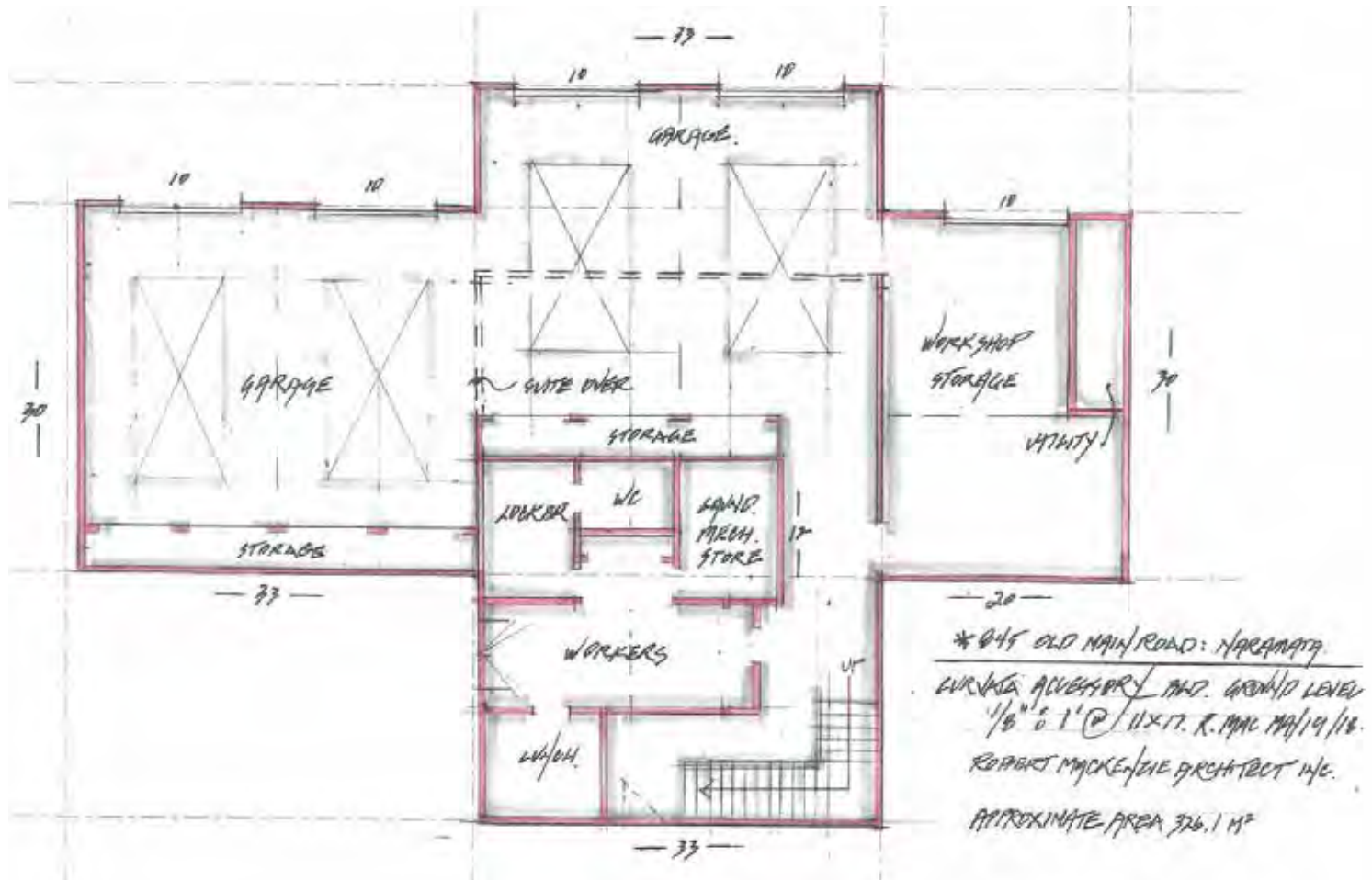
No. 3 – Applicant's Second Floor Plan

No. 4 – Aerial Photo (2007)

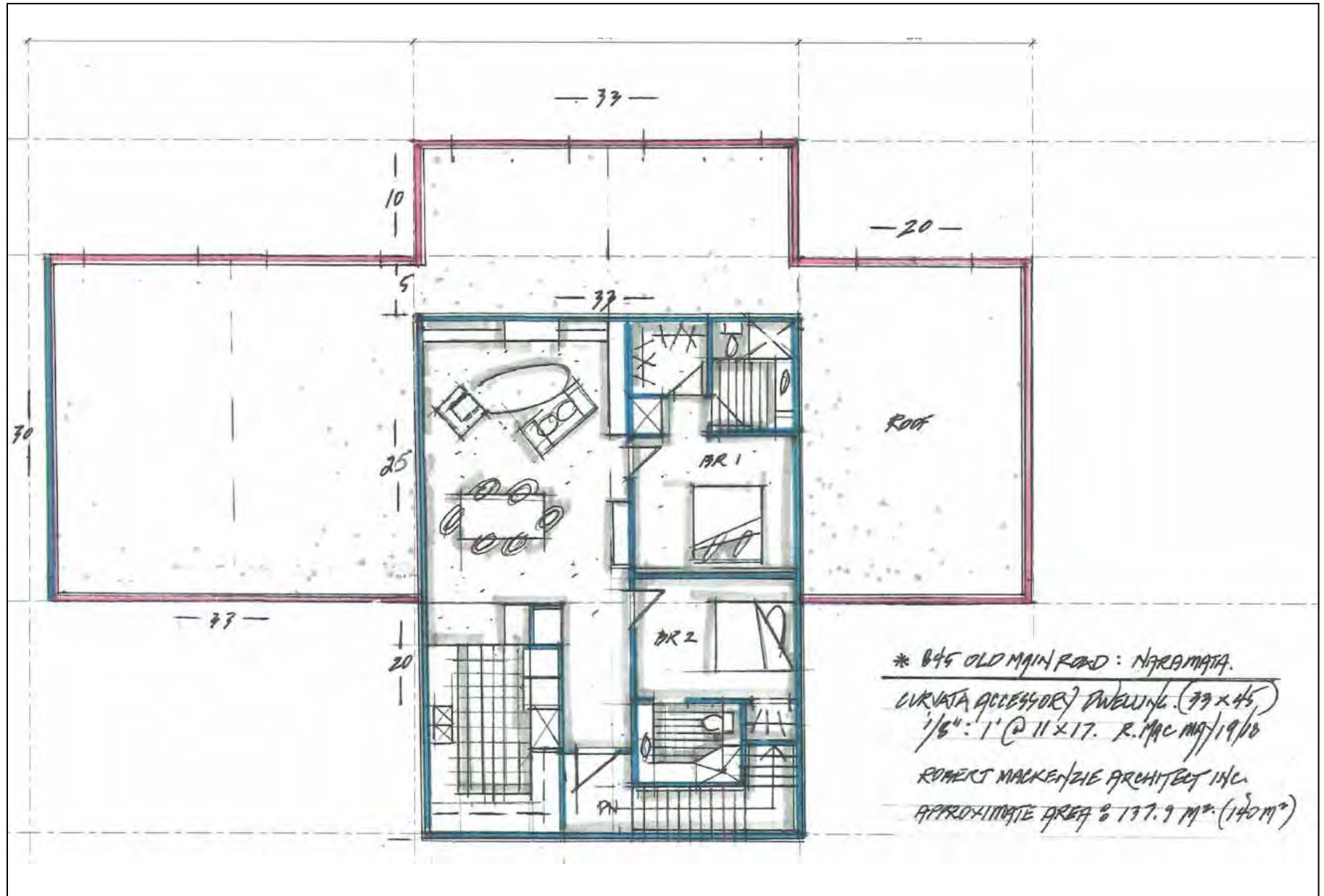
Attachment No. 1 – Applicant's Site Plan



Attachment No. 2 – Accessory Dwelling Main Floor Plan



Attachment No. 3 – Accessory Dwelling Second Floor Plan



Attachment No. 4 – Aerial Photo (2007)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.31, 2018

A Bylaw to amend the Electoral Area “E” Zoning Bylaw No. 2459, 2008

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

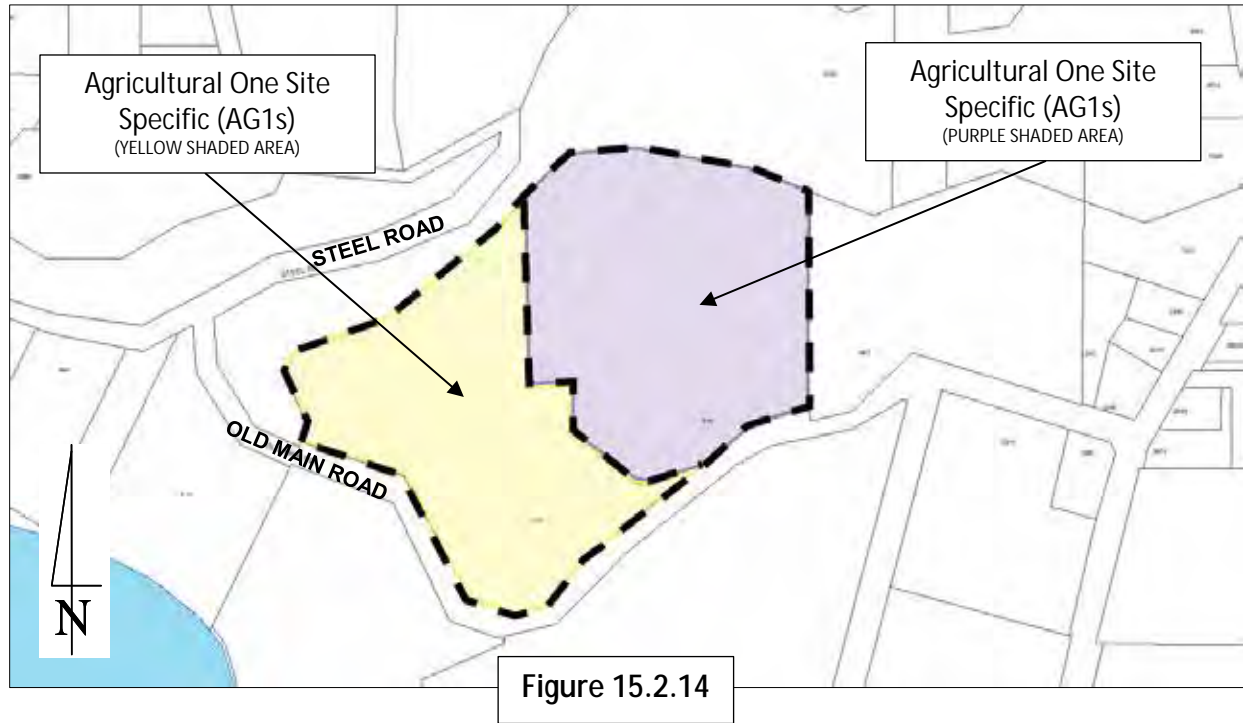
1. This Bylaw may be cited for all purposes as the “Electoral Area “E” Zoning Amendment Bylaw No. 2459.31, 2018.”
2. The Official Zoning Map, being Schedule ‘2’ of the Electoral Area “E” Zoning Bylaw No. 2459, 2008, is amended by:
 - i) changing the land use designation of the land described as Lot A, Plan KAP52428, District Lot 209, SDYD, and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
 - ii) changing the land use designation of the land described as Lot B, KAP52428, District Lot 209, SDYD, and shown shaded purple on Schedule ‘A’, which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
3. The “Electoral Area “E” Zoning Bylaw No. 2459, 2008” is amended by:
 - i) adding a new sub-section .14 under Section 15.2 (Site Specific Agriculture One (AG1) Provisions) to read as follows:

.14 in the case of land described as Lot A, Plan KAP52428, District Lot 209, SDYD (891 Old Main Road), and shown shaded yellow on Figure 15.2.14:

 - a) despite Section 10.2.1(g), Section 10.2.1(n), and Section 10.2.5(b), an accessory dwelling, mobile home, or secondary suite shall not be permitted on the land.
 - ii) adding a new sub-section .15 under Section 15.2 (Site Specific Agriculture One (AG1) Provisions) to read as follows:

.15 in the case of lands described as Lot B, Plan KAP52428, District Lot 209, SDYD (945 Old Main Road), and shown shaded purple on Figure 15.2.14:

- a) despite Section 10.2.1(g) and Section 10.2.5(b), one (1) accessory dwelling may have a floor area not greater than 140.0 m².



READ A FIRST AND SECOND TIME this ____ day of _____, 2018.

PUBLIC HEARING held on this ____ day of _____, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

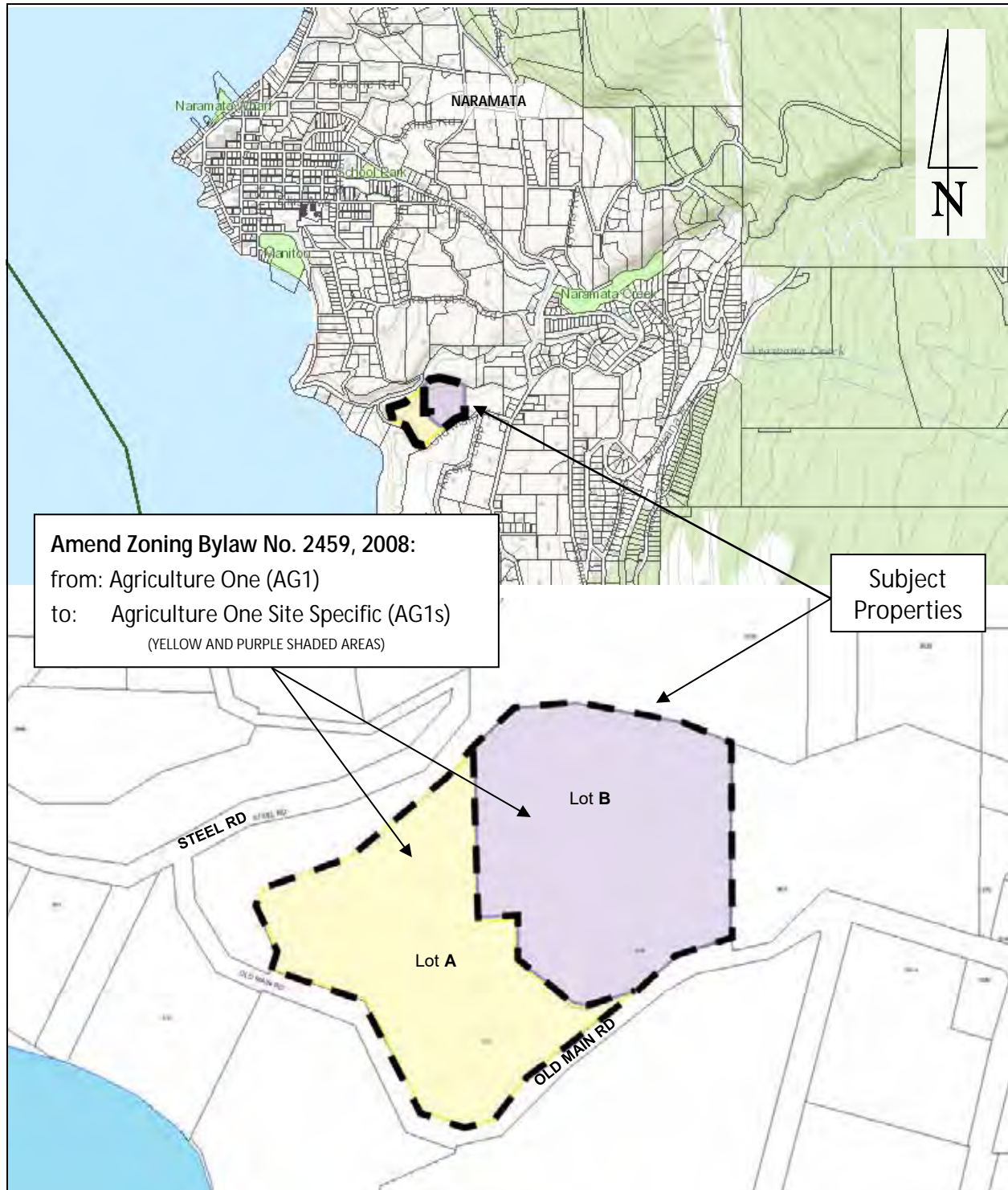
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2459.31, 2018

Project No: E2018.095-ZONE

Schedule 'A'



Amendment Bylaw No. 2459.31, 2018

(E2018.095 -ZONE)

Page 3 of 3

Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: July 11, 2018 11:40 AM
To: Planning
Subject: Old Main Rd, 891 & 945 Naramata (E2018.095-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Old Main Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

For more information, please refer to FBC(E)'s overhead and underground design requirements:

FortisBC Overhead Design Requirements

<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification

<http://www.fortisbc.com/InstallGuide>

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call.

- Electrician's Name and Phone number
- [FortisBC Total Connected Load Form](#)
- Other technical information relative to electrical servicing

Otherwise, FBC(E) has no concerns with this circulation.

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

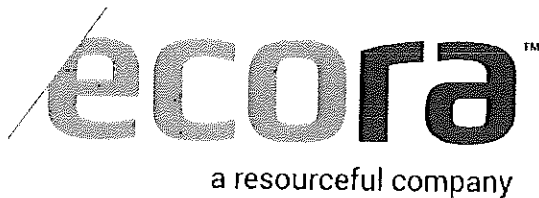
Best Regards,

Steven Danielson,
Contract Land Agent for:

Nicholas Mirsky, B.Comm., AACI, SR/WA
Supervisor | Property Services | FortisBC Inc.

2850 Benvoulin Rd
Kelowna, BC V1W 2E3
Office: 250.469.8033
Mobile: 250.718.9398
Fax: 1.866.636.6171
nicholas.mirsky@fortisbc.com





July 19, 2018

Ecora File No.: CP-17-409-CVS

Regional District of Okanagan-Similkameen
101 Martin Street
Penticton, B.C. V2A 5J9

Attention: Planning Department

Reference: Rezoning Application for 945 and 891 Old Main Road, Naramata

This letter is a follow-up to the July 9 meeting of the Advisory Planning Commission where the above rezoning application was considered. At this meeting the owner offered to place a restrictive covenant on 891 Old Main Road (Lot A) to restrict development on this site to one principal dwelling only and clearly state that no accessory dwelling is permitted. The intent is to advise property purchasers of this restriction.

The covenant also recognizes that zoning bylaws change, as they did in 2017, and provides for potential future bylaw amendments. The proposed wording of the covenant is:

As a condition for approving construction of an accessory dwelling in excess of 90 m² on Lot B, Lot A is restricted from developing or constructing an accessory dwelling. This restrictive covenant, applicable only on Lot A, shall expire in the event the RDOS zoning bylaw is amended at any time, such that the amendment would, absent this restrictive covenant, allow an accessory dwelling to be developed or constructed on Lot A.

We recognize that the RDOS lawyer prepares covenant documents and that the above wording may be altered, in consultation with the owner.

We are also attaching letters of support from neighbours/agricultural operations.

We would appreciate that the Regional Board be advised of the proposed covenant and support letters when the application is being considered on the August 2 Board Agenda. Thank you for your assistance.

Sincerely

Ecora Engineering & Resource Group Ltd.

Donna M. Butler, MCIP, RPP
Senior Planner
Direct Line: 250.492-2227 (1070)
donna.butler@ecora.ca



Feedback Form

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A-5J9

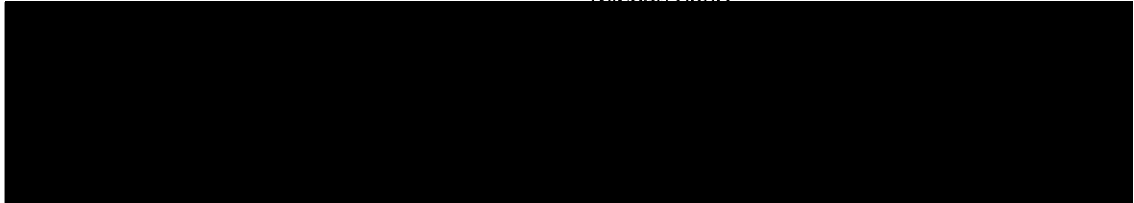
Tel: 250-492-0237 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen

FILE NO.: E2018.095-ZONE

FROM: Name: Robert Mackenzie Architect, AIBC, MRAIC

(please print)



RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.
891 and 945 Old Main Road, Naramata

My comments / concerns are:

☒ I do support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

See attached RMA Comments dated July 6, 2018

Feedback Forms must be completed and returned to the Regional District
no later than Tuesday July 10, 2018

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.

July 6, 2018

Robert Mackenzie Architect, AIBC, MRAIC

TO: Regional District of Okanagan Similkameen **FILE NO.:** E2018.095-ZONE

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018,
891 and 945 Old Main Road, Naramata

Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

Comments : I am in support of this Amendment Bylaw for a number of reasons :

- The project is respectful of the objectives of the OCP in maintaining consistent quality farming operation in the community . The owner is dedicated to the long term preservation of the land and the village as a whole, and keen to contribute to its improvements and character. This is very much a small scale, cluster character project , reflective of the local ecology, similar to the fine generational Finca's of Andalucia.
- The Owner has made sound effort , under our assistance, to do minimal alteration of the old farm home footprint , by clustering and replacing the deteriorating buildings, and improving access in the same general areas on 945 Old Main Road (LOT B). This clustering is a sustainable solution preventing the spreading of buildings over planted areas, while sharing and in part re-using, Services and Waste control areas.
- By investing in the community, the Farm Owner has his own particular needs in developing a fine and successful , workable facility, and a land use program which maintains a comfortable balance of lifestyle with a successful economic operation.
- In order to encourage long term farm help, a slightly more spacious accessory dwelling asked for , would encourage say, a potential small family, providing affordable housing for new community members while offering a particular respectful rural lifestyle .
- With the most recent Bylaw change from 140m2 allowance to 90M2 / Accessory Dwelling in both 891 (Lot A) and 945 (Lot B) Old Main Road, gaining better accommodation through One Building with an Extra Bedroom, (lost in Lot B with the new reduced allowance), is a certain asset. This is proposed by reducing the allowance from Lot A owned by the same owner , thereby not asking for more square footage , but simply exchanging an allowance from one lot to the other. In fact the total allowance for Lot B + A would be only 140 M2, less than the new allowances combined of 90 + 90 = 180 M2. The Lot A Accessory Dwelling in this proposal , would be disallowed in the new Amendment , thus preventing breaking more ground for another building on the farm .
- The owner , in fact, acquired Lot B not too long ago, with the knowledge of an accessory dwelling allowance of 140 m2 . It is to this scale, that the new limitation to 90M2 may be considered a hardship to their operational goals and aspirations .

Robert Mackenzie, Architect AIBC, MRAIC

Lauri Feindell

From: Heidi Noble [REDACTED]
Sent: July 16, 2018 12:25 PM
To: Planning
Cc: Mark Smith
Subject: Feedback Form - File no. E2018.095-Zone

Dear RDOS,

RE: Electoral Area "E" Zoning amendment Bylaw No. 2459.31.2018 891 and 945 Old Main Road Naramata

I would like to state my support for the proposed development.

I am a direct neighbour of Mark Smith to the south east of the property, at JoieFarm Winery on Aikens Loop (2825 Naramata Road)

I would like to state my support of Mark's proposal to combine the the allowable accessory dwellings into one efficient apartment for his farm property manager proposed above his equipment shed. Instead of building two smaller apartments, Mark is looking to build a more efficient and quality unit in a vertically integrated way above a proposed farm building used for farm equipment storage .

The proposal in my opinion is an efficient use of building materials, proposes a minimal impact footprint on farmland and simply allows more ALR farmland to be farmed in this case.

I also support the initiative to bring up the need to re-address the size of an ancillary dwelling for farm help. The quality and availability of staff accommodation for agricultural and the value-added manufacturing that is involved with winery workers is a critical concern for many wineries in Area E. I myself am concerned for the available of quality housing for my own staff.

The 90 m squared, assumes, that farm help is single, (often single male) does not have a partner or family. I myself lived in my own small farm apartment last season, with my son, my partner his two children and two farm dogs and that indeed was close quarters for a family. I have since purchased another home in Naramata as that living arrangement was not a comfortable for a family of 5. I think as a working farmer and agricultural business owner (I manage 70 acres of grapes (a combination of owned, long-term leased land) in the RDOS and crush 230 tons at Joie) that it is critical that my staff (I have 8 core staff members that employ year-round) have quality places to live. It is a know fact that the rental market in Penticton is poor and an even worse situation in Naramata. It is very hard for my staff to find quality accommodations. I three of my 2 core members are in their early-thirties and are starting families in the next year, one of my core staff members is living in Naramata in a small cabin with no running hot water and another in a cabin with no heat. I am committed to employing these staff all-year round and have cross-trained them as such in other areas of my business to ensure they can have meaningful and viable employment and not just seasonal agricultural work. Assuming that agricultural workers are male, single and potentially migrant workers, is not a reality in my business. As business owners and owners who are actively farming we require quality and realistic accommodations for enthusiastic and dedicated staff members who are essential to keeping our farmland farmed.

From,

Heidi Noble
Owner, JoieFarm Winery

From: Mike Keen [mailto: [REDACTED]]
Sent: Friday, July 06, 2018 10:21 AM
To: ewilliamson@rdos.bc.ca
Subject: File number E2018.095.zone

I am writing this letter to show my support for Amendment Bylaw No 2459.31 2018
Re: 891 and 945 Old Main Road, Naramata.

My wife and I reside on the property mentioned and have for the past 2 1/2 years. While renting the house we provide some property management duties. We are the "eyes and ears" for the owner Mark Smith. The vineyard is the number one concern for the property and as such we ensure the security of the property. Because we have made it our home we keep the house area green and landscaped, reducing fire and animal threat. We control the wildlife fence around the property in order to keep the bears and deer etc. out. We have built relationships with the vineyard crew that helps to create a pride and security for the property.

I would like to be able to attend the meeting on July 9, but unfortunately due to another matter I will be away.

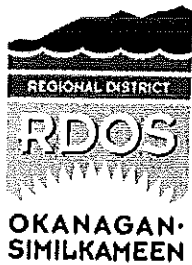
I have no hesitation in supporting Mark Smiths plans as they will only add to the viability of the vineyard, and I think add to the quality of life in Naramata.

Mike and Marlene Keen
[REDACTED]

I Matthew Mikulic, from Earlco Vineyards Ltd support the Zoning Bylaw Amendment – Electoral Area “E” as submitted for 891 and 945 Old Main Road, Lot A & Lot B, DL 209, SDYD, Plan KAP52428. The proposed development is consistent with the Agricultural Objectives in the Naramata Community Plan, “to preserve agricultural land with continuing value for agriculture for current and future production”. The proposed development as detailed in the application will support the existing vineyard agricultural operation by clustering buildings on the existing 945 Old Main Road building site. The proposed buildings will support property security, wildlife management, worker safety and storage of vineyard supplies and equipment. The objective of the vineyard operation has consistently focused on continuous improvement of fruit quality and the development proposal as detailed remains consistent with this objective.

Yours truly,
Matthew Mikulic





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.: E2018.095-ZONE

FROM: Name:

JOHN LANGRISH

(please print)

Street Address:

Tel/Email:

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.
891 and 945 Old Main Road, Naramata

My comments / concerns are:



I do support the proposed development.



I do support the proposed development, subject to the comments listed below.



I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

SIGNIFICANT CONSIDERATION SHOULD BE GIVEN TO THE
LARGE INVESTMENT IN THE PROPERTY IMPROVEMENTS
MADE TO DATE BY THE OWNER AND THE ECONOMIC
UPLIFT THAT THIS HAS AND CONTINUES TO HAVE FOR
THE REGION.

Feedback Forms must be completed and returned to the Regional District
no later than Tuesday July 10, 2018

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.



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.:** E2018.095-ZONE

FROM: Name: Schalk & Elizabeth van Heerden
(please print)

Street Address: [REDACTED]

Tel/Email: [REDACTED]

RE: Electoral Area "E" Zoning Amendment Bylaw No. 2459.31, 2018.
891 and 945 Old Main Road, Naramata

My comments / concerns are:

- ☐ I do support the proposed development.
- ☒ I do support the proposed development, subject to the comments listed below.
- ☐ I do not support the proposed development.

Written submissions received from this information meeting will be considered by the
Regional District Board prior to 1st reading of Amendment Bylaw No. 2459.31.

Ad hoc site specific rezoning should be the exception, not the rule.

Owner's presentation and constructive motivation in this instance justifies approval of rezoning application, subject
to certain conditions.

As per APC's debate and recommendations, covenant to be placed on 891 Old Main Road in favour of RDOS to
prohibit future erection of accessory dwelling on this lot.

Unresolved concern remains that accessory dwellings of such nature -- as proposed for 945 Old Main Road -- could
very easily be used for vacation rentals in future, contrary to the current good intentions and declarations.

Perhaps this concern could be alleviated by incorporating into the covenant the restriction that there will never be
approval of a Temporary Use Permit issued for the accessory dwelling in question?

Feedback Forms must be completed and returned to the Regional District
no later than Tuesday July 10, 2018

RDOS Development Application
Regional District of Okanagan-Similkameen
Area 'E' Advisory Planning Commission Meeting
330, 3rd Street, Naramata B.C.
7:00 to 7:30 pm, Monday, July 9, 2018

Administrative Report – Response Comments

Hello.

My name is Mark Smith and I am the owner of the properties at 891 and 945 Old Main Road. Thank you for providing me the opportunity to present comments related to the proposed development application that has been referred to the Advisory Planning Commission (APC). I will keep my comments brief and appreciate your consideration as I attempt to convey the vision and passion I have for the development of the Old Main Road properties.

Naramata is a wonderful community that is enhanced by and benefits from the agricultural community. As stated in the Naramata Community Plan, the objective of the proposed application is to enhance the agricultural benefit of the Old Main Road properties by remaining consistent to the agricultural objective to preserve agricultural land with continuing value for agriculture for current and future production.

My initial introduction to the Naramata community occurred in 2006 during a family vacation. During 2007, I made an initial minor investment in the properties on Old Main Road. I will not dwell on the history of this initial involvement but actions were required to correct inappropriate behaviour of the General Partner. To resolve issues, I increased my involvement in the Old Main Road properties with the purchase of the 891 property during 2010. With the engagement of Earlco Vineyards Ltd, this allowed me to initiate development of the 891-property vineyard from the bare lot. During 2014, I completed the resolution of the property ownership with the purchase of the 945 Old Main Road property. The combined purchase of both lots remains consistent with the initial property division which consisted of both lots.

Since the purchase of 891 Old Main Road in 2010, the objective for the property has been to strive for continuous improvement of fruit quality that will differentiate the Naramata region for comparison at the highest levels. The purchase of the 945 property further enhanced the ability to strive for this objective. Significant progress in this objective has been achieved and higher standards continue to be strived for.

As presented in the application, the existing buildings are 70 years old and considered fully depreciated and in need of replacement. The proposed development application honours the Naramata agricultural objective of preserving agricultural land by placing the new buildings on the existing "home plate" with minimal disturbance to existing vineyard development and maximum utilization of existing power and water infrastructure. Septic upgrades will be done within the existing development foot print. The application for the combined properties further honours the agricultural objective by limiting development to one accessory dwelling rather than two. Additionally, the proposed accessory dwelling would take advantage of natural terrain features that would allow the building to be positioned over the garage / vineyard services building. The positioning of the accessory dwelling above the garage avoids building an additional structure on the property which further honours the Naramata agricultural objective of preserving agricultural land.

A significant challenge for agricultural operation in the Naramata region and probably most agricultural operations is the ability to attract and retain top quality support services. A critical component to the success of the Old Main Road property is the ability to maintain an environment that will allow for the attraction and retention of these talents, specifically an on-site property manager. The Old Main Road property is currently developed with 4.2 ha (10.5 acres) of vines, with potential to for an additional 0.4 ha (1.0 acre) of vine development. The presence of a full-time property manager is critical for the protection of this investment.

Vineyard operations are a year round activity. The proposed development is designed to meet the objective to provide appropriate housing for an on-site property manager to be present on the property year round. The property manager position is intended to be a long term participant in the development and management of the property. The proposed size of 140 m² for the accessory dwelling allows for reasonable accommodation for the manager and his family.

The benefit of having a year-round manager on-site provides,

- security for both the property and the Naramata community,
- assists with wildlife management and protection on the property and surrounding area,
- maintains a consistent watch for and defense against wildfires,
- enhances worker safety, and
- provides ability for prompt response to maintenance issues.

Property Consolidation

The subject property has two legal titles. Under the current zoning regulations each title is recognized to have development potential for a principal residence and an accessory dwelling. This application is based on the current regulations which allow two accessory dwellings of 90 m² each or a combined area of 180 m². The proposed rezoning application is for an accessory dwelling of 40 m² less total floor area than permitted. The proposal to limit development to one accessory dwelling results in an optimization of the building development.

The proposal to consolidate the foot print of the accessory dwellings appears to be consistent with previous Site Specific Agricultural Zoning applications that were approved in 2016 and 2017, which were supported by the RDOS staff and subsequently approved. The zoning bylaw at that time permitted two accessory dwellings of 140 m² and 70 m² on each property and both applications requested one larger accessory dwelling of 184 m² in one case and 210 m² in the other. Both applications also proposed to restrict any additional accessory dwellings.

Arguments in favour of the applications included:

- a. The Site Specific zones will not substantially vary the intent of the zones or strategic land use objectives
- b. Consistent with the Official Community Plan (OCP) objectives to preserve farm land, protect land from incompatible uses and support diversification of farms
- c. Reduction in the overall square footage of the accessory dwellings preserves farmland
- d. By combining the floor area of the two permitted accessory dwellings, effectively results in the reduction of the development footprint
- e. There was no concern mentioned about future applications for additional accessory dwellings

Although two properties are involved in the current application, these points are very applicable.

Long Term Viability

The Administrative Report expressed concern about the proposal to consolidate the allocated areas of the accessory dwellings between the two properties as not being viable over the long-term. In response to this concern, I would encourage that the merits of the current application should be considered at this time. If a future application is made, then that application would be considered on its merits.

As the owner of the combined properties; the vision for the property is based on multi-generational considerations. I have carefully evaluated the merits of the development application as presented for several years. The development application as presented has been in formulation since 2010 and further evolved in 2014 when full ownership of the property was achieved. During this period of property acquisition and concept formulation, the RDOS zoning by-laws allowed for an accessory unit of 140 m² on each lot.

As stated in the Draft of the Bylaw provided for this application; I agree with clause 3 as stated in its entirety. In addition, to the proposed zoning bylaw restrictions on 891 Old Main Road, I am prepared to offer registration of a restricted covenant on the title of 891 Old Main Road so that future buyers, if there are any, would be aware that only one dwelling is permitted on the site.

Farm Residential Footprint

The RDOS Staff acknowledge that the larger farm help unit is to be built in the “home plate” area which is a very popular concept for housing in farming areas that minimizes impact on agricultural land. There is not adequate recognition of the benefits of the proposed rezoning amendment on farmland and that there will be much more limited loss of cultivated land with this proposal.

Conclusion

The proposed application provides a viable development plan to replace the existing buildings which are fully depreciated. As mentioned, the existing buildings are 70 years old. Originally, the property was developed as a pear orchard and has been transitioned to a vineyard operation. This highlights the need for the replacement buildings to be suitable for operation of the property as a vineyard and provide long term service to the sustainable benefit of the property.

The development proposal as presented provides;

- optimization of agricultural land use,
- limits the total building foot print by reducing the number of accessory dwellings and by building the accessory dwelling above the garage,
- enhances utilization of existing power, water and septic infrastructure,
- provides opportunity to attract and retain required services that will benefit the long-term sustainability of the agricultural operation,
- enhances security for both the property and community,

- enhances monitoring and potential response to wildfires, specifically the undeveloped Steel Road Creek ravine,
- supports worker safety.

This rezoning application is now required since the RDOS amended the maximum size of an accessory dwelling from 140 m² to 90 m². The development proposal requested is much less than the floor area permitted when I purchased the property, especially when considering the combination of both properties.

The benefit of the development proposal as presented is considered critical to the agricultural operation of the property.

Thank you for your consideration of my comments. Should you have any questions regarding the application I would welcome the opportunity to respond.

Mark Smith

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: OCP Bylaw & Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E” & “F”
Commercial Zone Review and Consolidation

Administrative Recommendation:

THAT Bylaw No. 2788, 2018, Regional District of Okanagan-Similkameen Commercial Zone Update Amendment Bylaw be read a third time.

Purpose:

Amendment Bylaw No. 2788 proposes to amend the Okanagan Valley Electoral Area Official Community Plan and Zoning Bylaws in order to update the Commercial Zones. This amendment relates to the work being undertaken on the preparation of a single Okanagan Valley Electoral Area Zoning Bylaw.

Background:

At its meeting of August 17, 2017, the Planning and Development (P&D) Committee of the Board considered an Administrative Report (for information) related to a proposed update of the Commercial Zones.

On April 24, 2018, the Regional District sent letters to all registered property owners with land zoned Commercial advising of the proposed changes to the land use bylaws and seeking feedback.

At its meeting of July 5, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of August 2, 2018.

All comments received through the public process are compiled and included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway.

Analysis:

The principal objective of the Commercial Zone Review is to update the language and regulations of the various commercial zones in the Okanagan Electoral Area zoning bylaws.

Not only will this facilitate the integration of these zones into a single zoning bylaw, but it allows for these zones to be modernised to reflect current trends in land use (i.e. allowing breweries, distilleries and wineries in more urban settings) and to ensure consistency and fairness across Electoral Areas.

This review has also allowed a number of redundant site specific provisions to be addressed as well as the zoning of properties whose zoning may no longer reflect the current use (i.e. commercially zoned parcels in the ALR that are being used for agricultural purposes).

As a result of this review, Administration is proposing to apply a new General Commercial (C1) Zone to a majority of commercial zoned properties in the Okanagan Electoral Areas.

Exceptions to this approach include service stations, which will be accommodated through the Service Commercial (CS1) Zone. Town/village centre areas in Okanagan Falls, Naramata, Apex and Twin Lakes will be accommodated through new "Town Centre" or "Village Centre" Zones, which are the subject of separate reviews being undertaken in each of these communities.

With regard to commercial marinas and the Penticton Speedway, it is being proposed that these be transitioned to the Tourist Commercial (CT) land use class (and will be the subject of a separate report to the Board on the CT Zone Update).

For reference purposes, tables are included at Attachment Nos. 2 & 3 showing the transition of these zones as well as how existing zones compare to the proposed new zones.

In undertaking this review of the various Commercial zones currently found in the Okanagan Electoral Area Zoning Bylaws, Administration's guiding principle has been to *generally* minimize the impact on of the proposed changes on permitted uses and zoning regulations (i.e. setbacks, building height, parcel coverage, etc.).

In order to facilitate this review, a number of changes to the Okanagan Electoral Area OCP Bylaws (textual and mapping) is required. This is primarily in order to allow for the introduction of the Tourist Commercial (CT) land use designation and supporting objectives and policies and also to address the transition of certain properties from the commercial land use designation.

Alternatives:

THAT first and second reading of Bylaw No. 2788, 2018, Regional District of Okanagan-Similkameen Commercial Zone Update Amendment Bylaw, be rescinded and the bylaw abandoned.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read 'C. Garrish', is written over a horizontal line.

C. Garrish, Planning Supervisor

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2788, 2018

**A Bylaw to amend the Electoral Area "A", "C", "D", "E" and "F"
Official Community Plan and Zoning Bylaws**

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 "Okanagan Electoral Area Commercial Zone Update Amendment Bylaw No. 2788, 2018."

Electoral Area "A"

2. The Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, is amended by:
 - i) replacing the reference to "Commercial Designations" under Section 2.0 (Official Community Plan Map Designations) in its entirety with the following:

Commercial Designations:

Commercial	C
Commercial Tourist	CT

- ii) replacing Section 9.0 (Commercial) in its entirety with the following:

9.0 COMMERCIAL

9.1 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. 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.

9.2 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.
- .4 To minimize land use incompatibility between commercial activities and surrounding land uses.
- .5 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan area.

9.3 Policies – General Commercial

The Regional Board:

- .1 Generally 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 developed in conjunction with future residential or commercial tourism developments.
- .3 Limits highway commercial development along Highways 97 to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).
- .4 Will work with the Ministry of Transportation and Infrastructure to help ensure safe access and egress for commercial areas fronting Highway 97.
- .5 Directs major office, service and general business commercial uses to Primary Growth Areas such as the Town of Osoyoos, which have the necessary infrastructure and support services.
- .6 Encourages an attractive and safe highway streetscape by including provisions for adequate off-street parking requirements, landscaping and screening, height requirements, signage and drainage within the implementing bylaws for commercial uses.
- .7 Supports redirecting existing commercial development adjacent Osoyoos Lake to upland areas, and the redevelopment of these area to Low Density Residential with a strong component of redesign to protect environmental and riparian values.

- .8 Encourages future commercial development to locations away from Osoyoos Lake to reduce human impact on the lake, and in order to maintain and improve water quality and habitat.

9.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.
 - .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.
 - .3 May support proposed tourist and resort developments that:
 - a) are located outside the Agricultural Land Reserve;
 - b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - c) enhance adjacent land uses or the character of the existing area;
 - d) can be accessed safely from local highways (Highway 97 & 3);
 - e) can be adequately serviced by emergency services, in particular fire protection;
 - f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
 - g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
 - h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.
3. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, is amended by:
 - i) changing the land use designation on an approximately 2.25 ha part of the land described as Lot 640, Plan KAP1950, District Lot 2450S, SDYD, Except Plan B3527, 3705, 5125 and B7120 (401 2nd Avenue), and as shown shaded yellow on Schedule 'A-101', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

- ii) changing the land use designation on an approximately 1.67 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion Lot 677 (9330 202nd Avenue), and as shown shaded yellow on Schedule 'A-102', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iii) changing the land use designation of the land described as Lot 1, Plan KAP5097, District Lot 42, SDYD; and Lot 3, Plan KAP3345, District Lot 42, SDYD, Except Plan 5097 (1219 45th Street), and as shown shaded yellow on Schedule 'A-103', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iv) changing the land use designation of the land described as Lot A, Plan KAP10545, District Lot 100, SDYD, Portion Plus Lot 1, Plan 19864, Except Plan 19864; Lot A, Plan KAP81557, District Lot 100, SDYD (2231 45th Street); and Lot 1, Plan KAP46233, District Lot 100, SDYD, (2057 45th Street), and as shown shaded yellow on Schedule 'A-104', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- v) changing the land use designation of the land described as Lot A, Plan KAP12209, District Lot 41, SDYD (3645 Highway 97), and as shown shaded yellow on Schedule 'A-105', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- vi) changing the land use designation of the land described as Lots 5-8, Plan KAP2092, District Lot 2450S, SDYD (16229 87th Street) and Lot 9, Plan KAP2092, District Lot 2450S, SDYD, Portion Lot 432 (16235 87th Street) and as shown shaded yellow on Schedule 'A-107', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- vii) changing the land use designation of the land described as Lot 1, Plan KAP16080, District Lot 2450S, SDYD, Portion Lot 499 (9420 Highway 97) and as shown shaded yellow on Schedule 'A-108', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- viii) changing the land use designation of the land described as Lot 10, Plan KAP2092, District Lot 2450S, SDYD, Portion ex nw 10 feet (16239 87th Street) and as shown shaded yellow on Schedule 'A-109', which forms part of this Bylaw, from Commercial (C) to Low Density Residential (LR).
- ix) changing the land use designation of the land described as Lot 1, Plan KAP18884, District Lot 2450S, SDYD (10412 Highway 97) and as shown shaded yellow on Schedule 'A-111', which forms part of this Bylaw, from Commercial (C) to Agriculture (AG).
- x) changing the land use designation of the land described as Lot 2, Plan KAP7911, District Lot 2450S, SDYD, Portion Lot 639 (9506 6th Avenue) and as shown shaded yellow on Schedule 'A-112', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

4. The Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by:

- i) deleting the definitions of “amusement establishment, indoor”, “amusement establishment, outdoor”, “open land recreation”, “recreation services, indoor”, “recreation services, outdoor”, “resort”, retail, outdoor” under Section 4.0 (Definitions).
- ii) replacing the definition of “campground” under Section 4.0 (Definitions) with the following:

“**campground**” means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist cabins or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include hotels, manufactured homes, manufactured home parks, motels or park model trailers;
- iii) replacing the definition of “conservation area” under Section 4.0 (Definitions) with the following:

“**conservation area**” means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include indoor and outdoor recreation;
- iv) adding the definition of “cooking facilities” under Section 4.0 (Definitions) to read as follows:

“**cooking facilities**” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or wiring which, may be intended or used for the preparation or cooking of food;
- v) adding the definition of “golf course” under Section 4.0 (Definitions) to read as follows:

“**golf course**” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course;
- vi) adding the definition of “hotel” under Section 4.0 (Definitions) to read as follows:

“hotel” means a building containing commercial guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;

- vii) adding the definition of “indoor recreation” under Section 4.0 (Definitions) to read as follows:

“indoor recreation” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;

- viii) replacing the definition of “motel” under Section 4.0 (Definitions) with the following:

“motel” means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

- ix) adding the definition of “motorsports facility” under Section 4.0 (Definitions) to read as follows:

“motorsports facility” means land, buildings or structures used for the purpose of racing automobiles, motorcycles, go-karts and other motorized vehicles, and includes advanced driver training and vehicle testing, drag strip, racing circuit, sports car track, skidpad, off-road course and other uses and facilities accessory to motor vehicle racing;

- x) adding the definition of “office” under Section 4.0 (Definitions) to read as follows:

“office” means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

- xi) adding the definition of “outdoor market” under Section 4.0 (Definitions) to read as follows:

“outdoor market” means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

- xii) adding the definition of “outdoor recreation” under Section 4.0 (Definitions) to read as follows:

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, and that excludes equestrian centres and golf course;

- xiii) adding the definition of “personal services establishment” under Section 4.0 (Definitions) to read as follows:

“personal services establishment” means a business or building where services intended for an individual are provided, and where any sale of retail goods is accessory to the provision of such services, including: hair cutting, beauty services, tanning, tattoo shop, shoe repair, medical and dental services, chiropractor services, acupuncture, naturopathy, physical therapy, massage therapy, counseling, veterinary establishment, tailoring, locksmithing and dry cleaning or laundries;

- xiv) adding the definition of “retail store, convenience” under Section 4.0 (Definitions) to read as follows:

“retail store, convenience” means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking machines, video sales and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m²;

- xv) adding the definition of “sleeping unit” under Section 4.0 (Definitions) to read as follows:

“sleeping unit” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

- xvi) adding the definition of “tourist accommodation” under Section 4.0 (Definitions) to read as follows:

“tourist accommodation” means a building or buildings providing temporary accommodation for the travelling public, such as tourist cabins, lodges, motels, hotels, inns, or hostels, which may include common public facilities, such as an eating and drinking establishment, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

- xvii) adding the definition of “tourist cabin” under Section 4.0 (Definitions) to read as follows:

“tourist cabin” means the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities;

xviii) adding the definition of “wet bar” under Section 4.0 (Definitions) to read as follows:

“**wet bar**” means an area within a dwelling unit, other than a cooking facility, used for the preparation of beverages. A wet bar includes one single sink, one compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space. No natural gas or 220-volt connections are permitted in the same room as a wet bar, and a wet bar is not permitted in an accessory building or structure;

xix) replacing the section for “Commercial Zones” found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

Commercial Zones

General Commercial Zone	C1
Tourist Commercial One Zone	CT1

xx) replacing Section 13.1 (General Commercial Zone) in its entirety with the following:

13.1 GENERAL COMMERCIAL ZONE (C1)

13.1.1 Permitted Uses:

Principal Uses:

- a) brewery, cidery, distillery, meadery or winery;
- b) eating and drinking establishments;
- c) indoor recreation;
- d) self-storage, not to exceed 250 m² in gross floor area;
- e) office;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) vehicle sales and rental;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11; and
- k) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific General Commercial (C1s) Provisions:

- a) see Section 16.11.

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.5 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.4 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.1.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 4.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.1.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres.

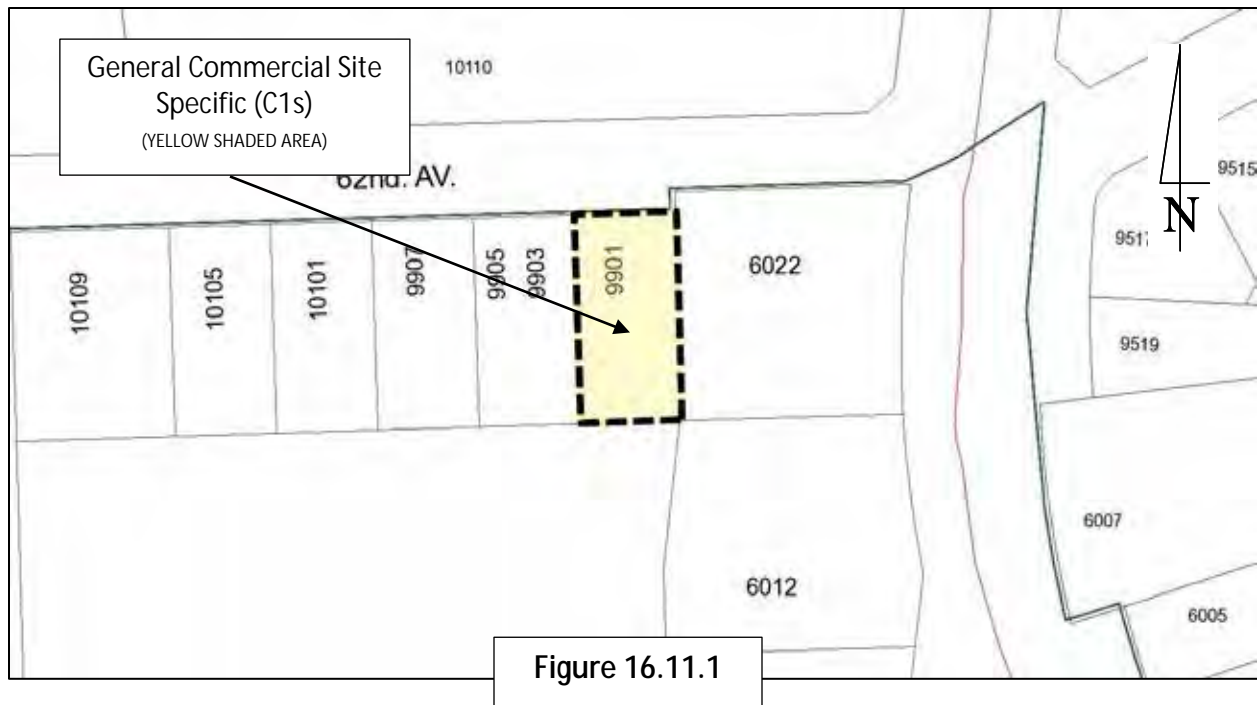
13.1.8 Maximum Parcel Coverage:

- a) 50%

- xxi) replacing Section 16.11 (Site Specific General Commercial One (C1s) Provisions) under Section 16.0 (Site Specific Designations) in its entirety with the following:

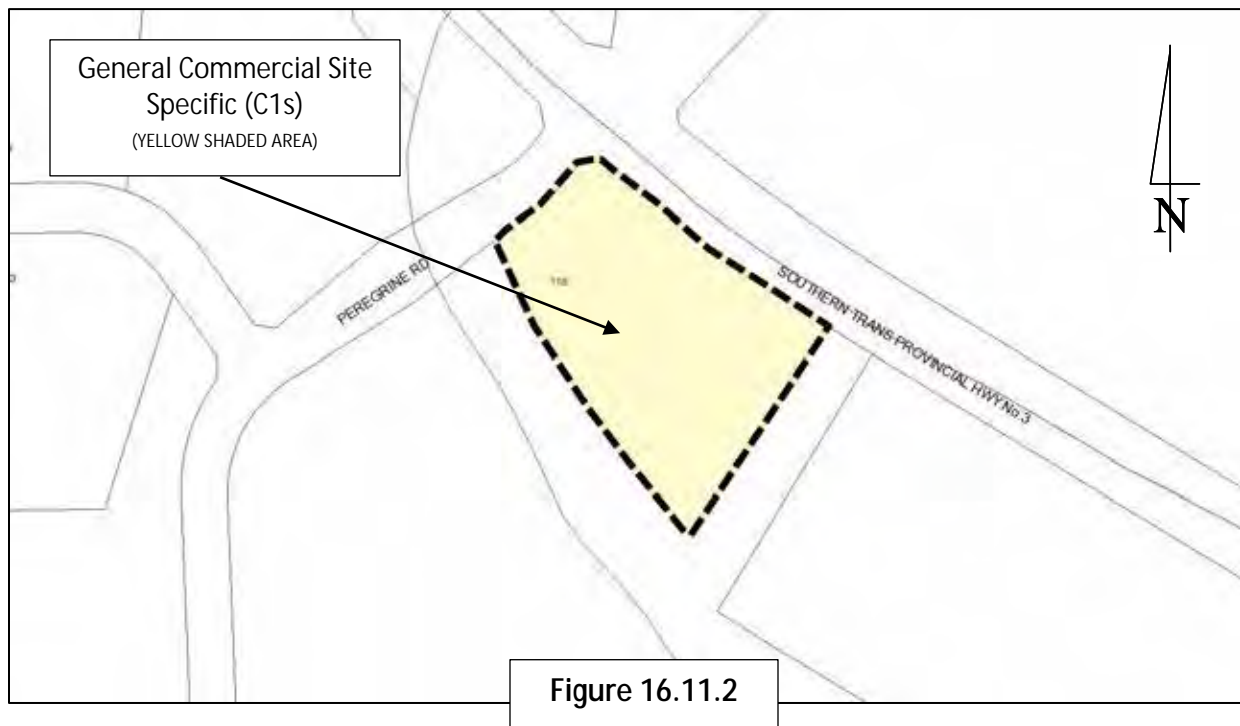
16.11 Site Specific General Commercial (C1s) Provisions:

- .1 in the case of land described as Lot 1, Plan KAP16590, District Lot 2450S, SDYD, Portion Lot 568 (9901 62nd Avenue), and shown shaded yellow on Figure 16.11.1:
 - a) the following principal and accessory use(s) and no others shall be permitted on the land:
 - i) indoor storage and warehouse, not to exceed 250 m² in gross floor area.



.2 in the case of land shown shaded yellow on Figure 16.11.2:

- a) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 13.1.1:
 - i) community hall.



5. The Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by:
- i) changing the land use designation of the land described as Lot 1, Plan KAP7911, District Lot 2450S, SDYD, Portion Lot 639 (609 Highway 97), and as shown shaded yellow on Schedule 'A-206', which forms part of this Bylaw, from Tourist Commercial One (CT1) to General Commercial (C1).
 - ii) changing the land use designation of the land described as Lot 10, Plan KAP2092, District Lot 2450S, SDYD, Portion ex nw 10 feet (16239 87th Street) and as shown shaded yellow on Schedule 'A-209', which forms part of this Bylaw, from Tourist Commercial One (CT1) to Residential Single Family One (RS1).
 - iii) changing the land use designation of the land shown shaded yellow on Schedule 'A-210', which forms part of this Bylaw, from General Commercial Site Specific (C1s) to General Commercial (C1).
 - iv) changing the land use designation of the land described as Lot 1, Plan KAP18884, District Lot 2450S, SDYD (10412 Highway 97) and as shown shaded yellow on Schedule 'A-211', which forms part of this Bylaw, from General Commercial (C1) to Agriculture One (AG1).

Electoral Area "C"

6. The Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, is amended by:
- i) replacing the reference to "Commercial Designations" under Section 4.0 (Official Community Plan Map Designations) in its entirety with the following:

Commercial Designations:	
Commercial	C
Commercial Tourist	CT
7. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, is amended by:
- i) changing the land use designation of the land described as Lot 1, Plan KAP23659, District Lot 3473, SDYD (8977 Highway 97), and as shown shaded yellow on Schedule 'C-103', which forms part of this Bylaw, from Commercial (C) to Agriculture (AG).
 - ii) changing the land use designation of the land described as Lot 2, Plan KAP42096, District Lot 28S, SDYD (8464 Gallagher Lake Frontage Road), and as shown shaded yellow on Schedule 'C-105', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

- iii) changing the land use designation of the land described as Lot 1, Plan KAP11959, District Lot 28S, SDYD (8374 Gallagher Lake Frontage Road), and as shown shaded yellow on Schedule 'C-107', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iv) changing the land use designation of the land described as Lot A, Plan KAP91344, District Lot 2450S, SDYD (8112 Highway 97), and as shown shaded yellow on Schedule 'C-108', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- v) changing the land use designation of the land described as Lot 2, Plan KAP68288, District Lot 2450S, SDYD (5650 Highway 97), and as shown shaded yellow on Schedule 'C-111', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- vi) changing the land use designation of the land described as Lot 1, Plan KAP62023, District Lot 2450S, SDYD (933 Old Golf Course Road), and as shown shaded yellow on Schedule 'C-113', which forms part of this Bylaw, from Resource Area (RA) to Commercial Tourist (CT).
- vii) changing the land use designation of the land shown shaded yellow on Schedule 'C-114', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

8. The Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended by:

- i) deleting the definitions of "amusement establishment, indoor", "amusement establishment, outdoor", "fruit stand", "open land recreation", "recreation services, indoor", "recreation services, outdoor", "resort", retail, outdoor" under Section 4.0 (Definitions).
- ii) replacing the definition of "campground" under Section 4.0 (Definitions) with the following:

campground" means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist cabins or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include hotels, manufactured homes, manufactured home parks, motels or park model trailers;
- iii) replacing the definition of "conservation area" under Section 4.0 (Definitions) with the following:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested

in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include indoor and outdoor recreation;

- iv) adding the definition of “cooking facilities” under Section 4.0 (Definitions) to read as follows:

“cooking facilities” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or wiring which, may be intended or used for the preparation or cooking of food;

- v) adding the definition of “golf course” under Section 4.0 (Definitions) to read as follows:

“golf course” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course;

- vi) adding the definition of “hotel” under Section 4.0 (Definitions) to read as follows:

“hotel” means a building containing commercial guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;

- vii) adding the definition of “indoor recreation” under Section 4.0 (Definitions) to read as follows:

“indoor recreation” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;

- viii) replacing the definition of “motel” under Section 4.0 (Definitions) with the following;

“motel” means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

- ix) adding the definition of “motorsports facility” under Section 4.0 (Definitions) to read as follows:

“motorsports facility” means land, buildings or structures used for the purpose of racing automobiles, motorcycles, go-karts and other motorized vehicles, and includes advanced driver training and vehicle testing, drag strip, racing circuit, sports car track, skidpad, off-road course and other uses and facilities accessory to motor vehicle racing;

- x) adding the definition of “office” under Section 4.0 (Definitions) to read as follows:

“office” means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

- xi) adding the definition of “outdoor market” under Section 4.0 (Definitions) to read as follows:

“outdoor market” means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

- xii) adding the definition of “outdoor recreation” under Section 4.0 (Definitions) to read as follows:

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, and that excludes equestrian centres and golf course;

- xiii) replacing the definition of “personal services establishment” under Section 4.0 (Definitions) with the following:

“personal services establishment” means a business or building where services intended for an individual are provided, and where any sale of retail goods is accessory to the provision of such services, including: hair cutting, beauty services, tanning, tattoo shop, shoe repair, medical and dental services, chiropractor services, acupuncture, naturopathy, physical therapy, massage therapy, counseling, veterinary establishment, tailoring, locksmithing and dry cleaning or laundries;

- xiv) replacing the definition of “retail store, convenience” under Section 4.0 (Definitions) with the following:

“retail store, convenience” means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking

machines, video sales and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m²;

- xv) adding the definition of “sleeping unit” under Section 4.0 (Definitions) to read as follows:

“**sleeping unit**” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

- xvi) adding the definition of “tourist accommodation” under Section 4.0 (Definitions) to read as follows:

“**tourist accommodation**” means a building or buildings providing temporary accommodation for the travelling public, such as, cabins, lodges, motels, hotels, inns, or hostels, which may include common public facilities, such as a dining room, restaurant, licensed premises, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

- xvii) adding the definition of “tourist cabin” under Section 4.0 (Definitions) to read as follows:

“**tourist cabin**” means the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities;

- xviii) adding the definition of “wet bar” under Section 4.0 (Definitions) to read as follows:

“**wet bar**” means an area within a dwelling unit, other than a cooking facility, used for the preparation of beverages. A wet bar includes one single sink, one compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space. No natural gas or 220-volt connections are permitted in the same room as a wet bar, and a wet bar is not permitted in an accessory building or structure;

- xix) replacing the reference to “Commercial Zones” found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

Commercial Zones

General Commercial Zone	C1
Service Commercial Zone	CS1
Tourist Commercial One Zone	CT1
Tourist Commercial Four (Campground) Zone	CT4

xx) replacing Section 10.1.1(g) under Section 10.1 (Resource Area Zone) in its entirety with the following:

g) outdoor recreation;

xxi) replacing Section 13.1 (General Commercial Zone) in its entirety with the following:

13.1 GENERAL COMMERCIAL ZONE (C1)

13.1.1 Permitted Uses:

Principal Uses:

- a) brewery, cidery, distillery, meadery or winery;
- b) eating and drinking establishments;
- c) indoor recreation;
- d) self-storage, not to exceed 250 m² in gross floor area;
- e) office;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) vehicle sales and rental;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11; and
- k) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific General Commercial (C1s) Provisions:

- a) see Section 16.15

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.1.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 4.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.1.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres.

13.1.8 Maximum Parcel Coverage:

- a) 50%

xxii) replacing Section 13.2 (General Commercial (Limited) Zone) in its entirety with the following:

13.2 SERVICE COMMERCIAL ZONE (CS1)

13.2.1 Permitted Uses:

Principal Uses:

- a) car washes;
- b) propane and other vehicle fuel sales;
- c) retail store, convenience;
- d) service industry establishment;
- e) service stations;
- f) vehicle sales and rentals;

Secondary Uses:

- g) accessory dwelling, subject to Section 7.11;
- h) eating and drinking establishment; and
- i) accessory buildings and structures, subject to Section 7.13.

13.2.2 Site Specific Service Commercial (CS1s) Provisions:

- a) see Section 16.16.

13.2.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.2.4 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.2.5 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.2.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 3.0 metres
 - iv) Exterior side parcel line 4.5 metres
- b) Fuel distribution pumps, storage tanks or devices situated above ground:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.2.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

13.2.8 Maximum Parcel Coverage:

- a) 35%

xxiii) replacing Section 13.3 (Neighbourhood Commercial Zone) in its entirety with the following:

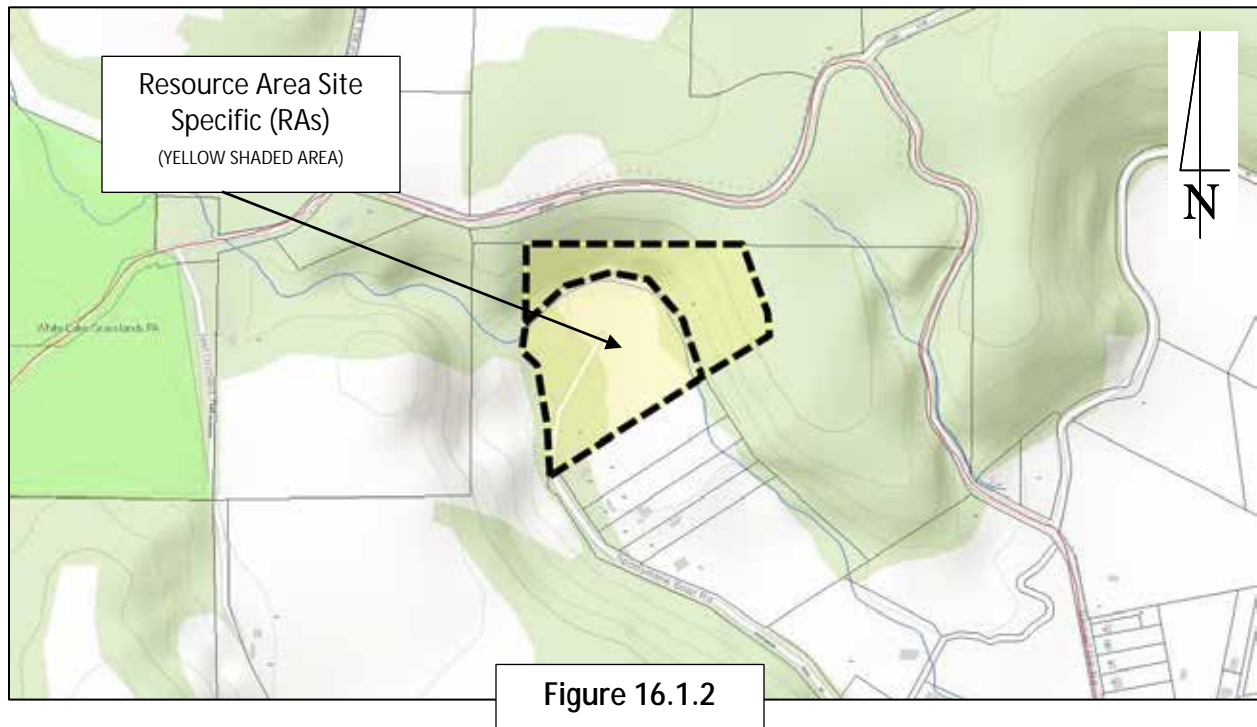
13.3 *deleted.*

xxiv) replacing Section 15.2.1(b) under Section 15.2 (Parks and Recreation Zone) with the following:

- b) outdoor recreation;

xxv) replacing Section 15.2.1(g) under Section 15.2 (Parks and Recreation Zone) with the following:

- g) indoor recreation;
- xxvi) replacing Section 16.1.1 (Site Specific Resource Area (RAs) Provisions) under Section 16.0 (Site Specific Provisions) with the following:
 - .1 *deleted.*
- xxvii) replacing Section 16.1.2 (Site Specific Resource Area (RAs) Provisions) under Section 16.0 (Site Specific Provisions) with the following:
 - .2 in the case of land described as Lot 1, Plan KAP62023, District Lot 2450S, SDYD (398 Sportsmens Bowl Road), and Lot 3, Plan KAP4041, District Lot 2450S, SDYD, Portion Lot 727 (352 Sportsmens Bowl Road), and shown shaded yellow on Figure 16.1.2:
 - i) the following principal use and no other shall be permitted on the land:
 - a) outdoor recreation, which includes a rifle range.
 - ii) the following accessory use and no other shall be permitted on the land:
 - a) one (1) accessory dwelling, subject to Section 7.11; and
 - b) accessory buildings and structures, subject to Section 7.13.



- xxviii) replacing Section 16.15.1(i) under Section 16.0 (Site Specific Provisions) in its entirety with the following:

- i) despite Section 13.1.1.(d), the maximum gross floor area of an indoor self-storage use shall not exceed 1,176.0 m²; and
- xxix) replacing Section 16.15.1(ii) under Section 16.0 (Site Specific Provisions) in its entirety with the following:
 - ii) despite Section 13.1.6(a)(iii), the minimum setback from an interior side parcel line for an indoor self-storage use shall be 3.5 metres.
- xxx) replacing Section 16.16 (Site Specific General Commercial (Limited) Two (C2s) Provisions) under Section 16.0 (Site Specific Provisions) with the following:

16.16 Site Specific Service Commercial (CS1s) Provisions:

.1 *blank*

- 9. The Zoning Map, being Schedule '2' of the Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended by:
 - i) changing the land use designation of the land described as Lot A, Plan KAP68598, District Lot 28S, SDYD, Except Plan EPP56154 (8486 Gallagher Lake Frontage Road), and as shown shaded yellow on Schedule 'C-201', which forms part of this Bylaw, from General Commercial Limited Site Specific (C2s) to General Commercial (C1).
 - ii) changing the land use designation of the land described as Lot 1, Plan KAP16871, District Lot 3473, SDYD, Except Plan 43596 (162 Brauns Road), and as shown shaded yellow on Schedule 'C-202', which forms part of this Bylaw, from Tourist Commercial One (CT1) to General Commercial (C1).
 - iii) changing the land use designation of the land described as Lot 1, Plan KAP23659, District Lot 3473, SDYD (8977 Highway 97), and as shown shaded yellow on Schedule 'C-204', which forms part of this Bylaw, from Tourist Commercial Four (Campground) (CT4) to Agriculture One (AG1).
 - iv) changing the land use designation of the land described as Lot 1, Plan KAP42096, District Lot 28S, SDYD (8386 Gallagher Lake Frontage Road), and as shown shaded yellow on Schedule 'C-206', which forms part of this Bylaw, from Tourist Commercial Four (Campground) (CT4) to General Commercial (C1).
 - v) changing the land use designation on an approximately 4,200 m² part of the land described as Lot 834, Plan KAP5650, District Lot 2450S, SDYD, Except Plan KAP73342 & KAP91344 (8102 Highway 97), and as shown shaded purple on Schedule 'C-209', which forms part of this Bylaw, from Tourist Commercial Four (Campground) (CT4) to Service Commercial (CS1).
 - vi) changing the land use designation on an approximately 6,500 m² part of the land described as Lot 834, Plan KAP5650, District Lot 2450S, SDYD, Except Plan KAP73342 & KAP91344 (8102 Highway 97), and as shown shaded yellow on Schedule 'C-209',

which forms part of this Bylaw, from General Commercial (C1) to Service Commercial (CS1).

- vii) changing the land use designation of the land shown shaded yellow on Schedule 'C-210', which forms part of this Bylaw, from General Commercial (C1) to Parks and Recreation (PR).
- viii) changing the land use designation of an approximately 1,275 m² part of the land described as Lot 15, Plan KAP5631B, District Lot 2450S, SDYD, Portion Plan KAP1729, Except Plan 14334 (7910 Highway 97), and as shown shaded yellow on Schedule 'C-212', which forms part of this Bylaw, from General Commercial (C1) to Agriculture One (AG1).

Electoral Area "D-1"

10. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "D-1" Official Community Plan Bylaw No. 2683, 2016, is amended by:

- i) changing the land use designation of the land shown shaded purple on Schedule 'I-103', which forms part of this Bylaw, from Commercial (C) to Low Density Residential (LR).

11. The Electoral Area "D-1" Zoning Bylaw No. 2457, 2008, is amended by:

- i) deleting the definitions of "fruit and vegetable stand", "gas bar", "open land recreation", "recreation services, indoor", "recreation services, outdoor", "residential use zone", "resort", retail, outdoor" and "sporting and amusement facility" under Section 4.0 (Definitions).

- ii) replacing the definition of "campground" under Section 4.0 (Definitions) with the following:

"campground" means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist cabins or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include hotels, manufactured homes, manufactured home parks, motels or park model trailers;

- iii) replacing the definition of "conservation area" under Section 4.0 (Definitions) with the following:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving

natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include indoor and outdoor recreation;

- iv) adding the definition of “cooking facilities” under Section 4.0 (Definitions) to read as follows:

“**cooking facilities**” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or wiring which, may be intended or used for the preparation or cooking of food;

- v) replacing the definition of “duplex” under Section 4.0 (Definitions) with the following:

“**duplex dwelling**” means a building containing two principal dwelling units with each unit having an independent exterior entrance;

- vi) replacing the definition of “golf course” under Section 4.0 (Definitions) with the following:

“**golf course**” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course;

- vii) replacing the definition of “hotel” under Section 4.0 (Definitions) with the following:

“**hotel**” means a building containing commercial guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;

- viii) adding the definition of “indoor recreation” under Section 4.0 (Definitions) to read as follows:

“**indoor recreation**” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;

- ix) replacing the definition of “motel” under Section 4.0 (Definitions) with the following:

“motel” means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

- x) adding the definition of “motorsports facility” under Section 4.0 (Definitions) to read as follows:

“motorsports facility” means land, buildings or structures used for the purpose of racing automobiles, motorcycles, go-karts and other motorized vehicles, and includes advanced driver training and vehicle testing, drag strip, racing circuit, sports car track, skidpad, off-road course and other uses and facilities accessory to motor vehicle racing;

- xi) replacing the definition of “business office” under Section 4.0 (Definitions) with the following:

“office” means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

- xii) adding the definition of “outdoor market” under Section 4.0 (Definitions) to read as follows:

“outdoor market” means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

- xiii) adding the definition of “outdoor recreation” under Section 4.0 (Definitions) to read as follows:

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, and that excludes equestrian centres and golf course;

- xiv) replacing the definition of “personal services establishment” under Section 4.0 (Definitions) with the following:

“personal services establishment” means a business or building where services intended for an individual are provided, and where any sale of retail goods is accessory to the provision of such services, including: hair cutting, beauty services, tanning, tattoo shop, shoe repair, medical and dental services, chiropractor services, acupuncture, naturopathy, physical therapy, massage therapy, counseling, veterinary establishment, tailoring, locksmithing and dry cleaning or laundries;

- xv) replacing the definition of “retail store” under Section 4.0 (Definitions) with the following:

“retail store, general” means premises where goods, merchandise, and other materials, and personal services, including those listed for convenience retail stores, are offered for sale at retail to the general public. Typical uses include by are not limited to grocery, clothing, shoe, hardware, pharmaceutical, appliance, and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment or retail stores requiring outdoor storage;

- xvi) replacing the definition of “convenience store” under Section 4.0 (Definitions) with the following:

“retail store, convenience” means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking machines, video sales and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m²;

- xvii) adding the definition of “sleeping unit” under Section 4.0 (Definitions) to read as follows:

“sleeping unit” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

- xviii) adding the definition of “tourist accommodation” under Section 4.0 (Definitions) to read as follows:

“tourist accommodation” means a building or buildings providing temporary accommodation for the travelling public, such as tourist cabins, lodges, motels, hotels, inns, or hostels, which may include common public facilities, such as an eating and drinking establishment, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

- xix) adding the definition of “tourist cabin” under Section 4.0 (Definitions) to read as follows:

“tourist cabin” means the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities;

- xx) adding the definition of “wet bar” under Section 4.0 (Definitions) to read as follows:

“wet bar” means an area within a dwelling unit, other than a cooking facility, used for the preparation of beverages. A wet bar includes one single sink, one compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space. No natural gas or 220-volt connections are permitted in the same room as a wet bar, and a wet bar is not permitted in an accessory building or structure;

- xxi) replacing the reference to “Commercial Zones” found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

Commercial Zones

General Commercial Zone	C1
Service Commercial Zone	CS1
Tourist Commercial One Zone	CT1
Tourist Commercial Four (Campground) Zone	CT4
Tourist Commercial Six Zone	CT6

- xxii) replacing Section 7.16 (Fuel Storage and Distribution) under Section 7.0 (General Regulations) in its entirety with the following:

7.16 *deleted.*

- xxiii) replacing Section 10.1.1(j) under Section 10.1 (Resource Area Zone) in its entirety with the following:

j) outdoor recreation;

- xxiv) replacing Section 10.4.1(f) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:

f) outdoor recreation;

- xxv) replacing Section 10.5.1(f) under Section 10.5 (Large Holdings Two Zone) in its entirety with the following:

f) outdoor recreation;

- xxvi) replacing Section 13.1 (General Commercial Zone) in its entirety with the following:

13.1 GENERAL COMMERCIAL ZONE (C1)

13.1.1 Permitted Uses:

Principal Uses:

- a) brewery, cidery, distillery, meadery or winery;

- b) eating and drinking establishments;
- c) indoor recreation;
- d) self-storage, not to exceed 250 m² in gross floor area;
- e) office;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) vehicle sales and rental;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11; and
- k) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific General Commercial (C1s) Provisions:

- a) see Section 16.15.

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.1.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 4.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.1.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres.

13.1.8 Maximum Parcel Coverage:

- a) 50%

xxvii) replacing Section 13.2 (Highway Commercial Zone) in its entirety with the following:

13.2 SERVICE COMMERCIAL ZONE (CS1)

13.2.1 Permitted Uses:

Principal Uses:

- a) car washes;
- b) propane and other vehicle fuel sales;
- c) retail store, convenience;
- d) service industry establishment;
- e) service stations;
- f) vehicle sales and rentals;

Secondary Uses:

- g) accessory dwelling, subject to Section 7.11;
- h) eating and drinking establishment; and
- i) accessory buildings and structures, subject to Section 7.13.

13.2.2 Site Specific Service Commercial (CS1s) Provisions:

- a) see Section 16.16.

13.2.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.2.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.2.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.2.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 3.0 metres

- iv) Exterior side parcel line 4.5 metres
- b) Fuel distribution pumps, storage tanks or devices situated above ground:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.2.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

13.2.8 Maximum Parcel Coverage:

- a) 35%

xxviii) replacing Section 15.2.1(b) under Section 15.2 (Parks and Recreation Zone) with the following:

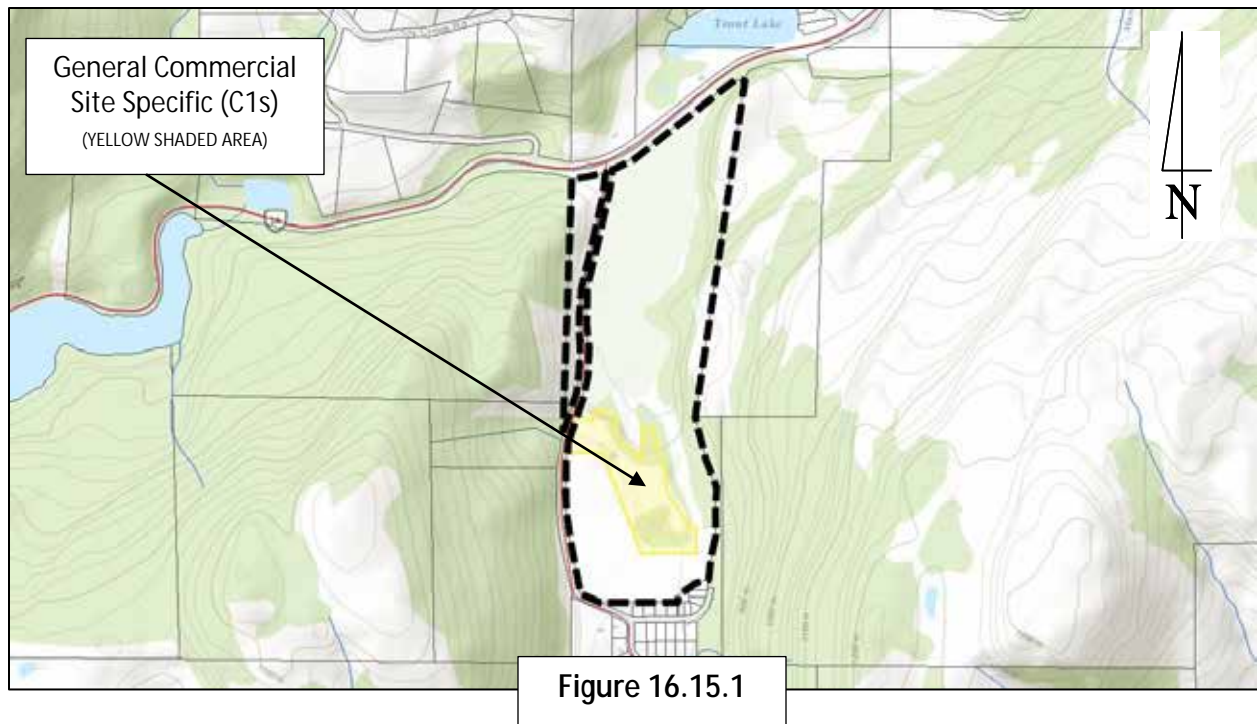
- b) outdoor recreation;

xxix) replacing Section 15.2.1(g) under Section 15.2 (Parks and Recreation Zone) with the following:

- g) indoor recreation;

xxx) replacing Section 16.15.1 (Site Specific General Commercial C1s) Provisions) under Section 16.0 (Site Specific Designations) with the following:

- .1 in the case of land described as Lot A, Plan KAP46761, District Lot 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road), and shown shaded yellow on Figure 16.15.1:
 - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 13.1.1:
 - a) golf course.



xxxi) adding a new Section 16.16 (Site Specific Highway Commercial (C4s) Provisions) under Section 16.0 (Site Specific Designations) to read as follows:

16.16 Site Specific Service Commercial (CS1s) Provisions:

.1 Not applicable.

12. The Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2457, 2008, is amended by:
 - i) changing the land use designation of an approximately 6,800 m² part of the land described as Lot 1, Plan KAP11044, District Lot 228S, SDYD (1146 Highway 3A), shown shaded yellow on Schedule 'I-201', which forms part of this Bylaw, from General Commercial (C1) to Service Commercial (CS1).
 - ii) changing the land use designation of an approximately 1.2 ha part of the land described as Lot 180, Plan KAP719, District Lot 103S, SDYD, Except Plan H734; and an approximately 2,550 m² part of the land described as Lot 181, Plan KAP719, District Lot 103S, 104S and 105S, SDYD, Except Plan H734, shown shaded yellow on Schedule 'I-202', which forms part of this Bylaw, from Highway Commercial (C4) to General Commercial (C1).
 - iii) changing the land use designation of the land shown shaded yellow on Schedule 'I-203', which forms part of this Bylaw, from Highway Commercial (C4) to General Commercial (C1).

- iv) changing the land use designation of the land shown shaded purple on Schedule 'I-203', which forms part of this Bylaw, from Highway Commercial (C4) to Residential Single Family One (RS1).
- v) changing the land use designation of the land described as Lot A, Plan KAP46761, District Lot 228S, 2169 & 4098S, SDYD, Except Plan KAP53180 (79 Twin Lakes Road) and shown shaded purple on Schedule 'I-204', which forms part of this Bylaw, from General Commercial (C1) to General Commercial Site Specific (C1s).
- vi) changing the land use designation of an approximately 2,200 m² part of the land described as Lot B, Plan EPP44207, District Lot 103S, SDYD (204 Highway 97), shown shaded yellow on Schedule 'I-205', which forms part of this Bylaw, from Highway Commercial (C4) to Service Commercial (CS1).

Electoral Area "D-2"

13. The Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by:

- i) replacing the reference to "Commercial" under Section 5.0 (Official Community Plan Map Designations) in its entirety with the following:

Commercial Designations:

Commercial	C
Commercial Tourist	CT

14. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by:

- i) changing the land use designation of an approximately 13.8 ha area of the land described as Plan KAP1189, District Lot 2710, SDYD, Subsidy Lot 17, Except Plan 23219 26390 28957 31444 31786 32942 KAP44266 KAP49472 KAP50708, & EXC PL: KAP50709 KAP51358 KAP57111 KAP58268 KAP63730, and as shown shaded yellow on Schedule 'D-103', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- ii) changing the land use designation of the land described as Lot 2, Plan KAP44365, District Lot 2710, SDYD, Subsidy Lot 15, and as shown shaded yellow on Schedule 'D-104', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iii) changing the land use designation of an approximately 1.7 ha part of the land described as Lot 1, Plan KAP1340, Township 85, SDYD, Section 16 & 21, and as shown shaded yellow on Schedule 'D-105', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iv) changing the land use designation of the land described as Lot 9, Plan KAP15861B, District Lot 697S, SDYD, Portion of Plan 1434, and as shown shaded yellow on Schedule

'D-106', which forms part of this Bylaw, from Tourist Commercial (C) to Commercial Tourist (CT).

- v) changing the land use designation of the land described as Lot 1, Plan KAP7681, District Lot 10, SDYD, Except Plan H950, and as shown shaded yellow on Schedule 'D-110', which forms part of this Bylaw, from Commercial (C) to Small Holdings (SH).
- vi) changing the land use designation of the land described as Lot 8, Plan KAP28957, District Lot 2710, SDYD, Subsidy Lot 17, and as shown shaded yellow on Schedule 'D-111', which forms part of this Bylaw, from Commercial (C) to Small Holdings (SH).
- vii) changing the land use designation of an approximately 1.6 ha area of the land described as Lot 1, Plan KAP35151, District Lot 2710, SDYD, Subsidy Lot 38, and as shown shaded yellow on Schedule 'D-112', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

15. The Electoral Area "D-2" Zoning Bylaw No. 2455, 2008, is amended by:

- i) deleting the definitions of "amusement establishment, indoor", "amusement establishment, outdoor", "fruit stand", "open land recreation", "privacy zone", "recreation services, indoor", "recreation services, outdoors", "resort", "riparian assessment area", "special needs housing" under Section 4.0 (Definitions).
- ii) replacing the definition of "campground" under Section 4.0 (Definitions) with the following:

"campground" means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist cabins or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include hotels, manufactured homes, manufactured home parks, motels or park model trailers;
- iii) replacing the definition of "conservation area" under Section 4.0 (Definitions) with the following:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include indoor and outdoor recreation;

- iv) adding the definition of “cooking facilities” under Section 4.0 (Definitions) to read as follows:

“**cooking facilities**” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or wiring which, may be intended or used for the preparation or cooking of food;
- v) replacing the definition of “duplex dwelling” under Section 4.0 (Definitions) with the following:

“**duplex dwelling**” means a building containing two principal dwelling units with each unit having an independent exterior entrance;
- vi) replacing the definition of “golf course” under Section 4.0 (Definitions) with the following:

“**golf course**” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course
- vii) replacing the definition of “hotel” under Section 4.0 (Definitions) with the following:

“**hotel**” means a building containing commercial guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;
- viii) adding the definition of “indoor recreation” under Section 4.0 (Definitions) to read as follows:

“**indoor recreation**” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;
- ix) replacing the definition of “motel” under Section 4.0 (Definitions) with the following:

“**motel**” means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;
- x) adding the definition of “motorsports facility” under Section 4.0 (Definitions) to read as follows:

“motorsports facility” means land, buildings or structures used for the purpose of racing automobiles, motorcycles, go-karts and other motorized vehicles, and includes advanced driver training and vehicle testing, drag strip, racing circuit, sports car track, skidpad, off-road course and other uses and facilities accessory to motor vehicle racing;

- xi) replacing the definition of “business office” under Section 4.0 (Definitions) with the following:

“office” means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

- xii) adding the definition of “outdoor recreation” under Section 4.0 (Definitions) to read as follows:

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, and that excludes equestrian centres and golf course;

- xiii) replacing the definition of “personal services establishment” under Section 4.0 (Definitions) with the following:

“personal services establishment” means a business or building where services intended for an individual are provided, and where any sale of retail goods is accessory to the provision of such services, including: hair cutting, beauty services, tanning, tattoo shop, shoe repair, medical and dental services, chiropractor services, acupuncture, naturopathy, physical therapy, massage therapy, counseling, veterinary establishment, tailoring, locksmithing and dry cleaning or laundries;

- xiv) adding the definition of “sleeping unit” under Section 4.0 (Definitions) to read as follows:

“sleeping unit” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

- xv) adding the definition of “tourist accommodation” under Section 4.0 (Definitions) to read as follows:

“tourist accommodation” means a building or buildings providing temporary accommodation for the travelling public, such as tourist cabins, lodges, motels, hotels, inns, or hostels, which may include common public facilities, such as an

eating and drinking establishment, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

- xvi) adding the definition of “tourist cabin” under Section 4.0 (Definitions) to read as follows:

“**tourist cabin**” means the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities;

- xvii) adding the definition of “wet bar” under Section 4.0 (Definitions) to read as follows:

“**wet bar**” means an area within a dwelling unit, other than a cooking facility, used for the preparation of beverages. A wet bar includes one single sink, one compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space. No natural gas or 220-volt connections are permitted in the same room as a wet bar, and a wet bar is not permitted in an accessory building or structure;

- xviii) replacing the reference to “Commercial Zones” found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

Commercial Zones

General Commercial Zone	C1
Okanagan Falls Town Centre Zone	C4
Commercial Amusement Zone	C6
Recreational Vehicle Park Zone	C7
Service Commercial Zone	CS1
Tourist Commercial One Zone	CT1
Tourist Commercial Four (Campground) Zone	CT4

- xix) replacing Section 7.16 (Fuel Storage and Distribution) under Section 7.0 (General Regulations) in its entirety with the following:

7.16 *deleted.*

- xx) replacing Section 10.1.1(i) under Section 10.1 (Resource Area Zone) in its entirety with the following:

- i) outdoor recreation;

- xxi) replacing Section 13.1 (Neighbourhood Commercial Zone) in its entirety with the following:

13.1 GENERAL COMMERCIAL ZONE (C1)

13.1.1 Permitted Uses:

Principal Uses:

- a) brewery, cidery, distillery, meadery or winery;
- b) eating and drinking establishments;
- c) indoor recreation;
- d) self-storage, not to exceed 250 m² in gross floor area;
- e) office;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) vehicle sales and rental;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11; and
- k) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific General Commercial (C1s) Provisions:

- a) see Section 17.14.

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.1.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres

- ii) Rear parcel line 4.5 metres
- iii) Interior side parcel line 4.5 metres
- iv) Exterior side parcel line 4.5 metres

13.1.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres.

13.1.8 Maximum Parcel Coverage:

- a) 50%

xxii) replacing Section 13.2 (Okanagan Falls Town Centre Zone) in its entirety with the following:

13.2 OKANAGAN FALLS TOWN CENTRE ZONE (C4)

13.2.1 Permitted Uses:

Principal Uses:

- a) art galleries, libraries, museums
- b) eating and drinking establishments;
- c) indoor recreation;
- d) multi-dwelling units, Subject to Section 13.2.5;
- e) offices;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) tourist accommodation;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11;
- k) bed and breakfast operation, subject to Section 7.19;
- l) home occupations, subject to Section 7.17; and
- m) accessory buildings and structures, subject to Section 7.13.

13.2.2 Site Specific Okanagan Falls Town Centre (C4s) Provisions:

- a) see Section 17.15.

13.2.3 Minimum Parcel Size:

- a) 500 m², subject to servicing requirements.

13.2.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.2.5 Multi-Unit Dwelling Regulations:

- a) multi-dwelling units shall be located above the first floor or at the rear of a building containing a principal commercial use.

13.2.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 3.0 metres
 - ii) Rear parcel line 0.0 metres
 - iii) Interior side parcel line 0.0 metres
 - iv) Exterior side parcel line 3.0 metres
- a) Accessory buildings and structures:
 - i) Front parcel line 3.0 metres
 - ii) Rear parcel line 0.0 metres
 - iii) Interior side parcel line 1.5 metres
 - iv) Exterior side parcel line 3.0 metres

13.2.7 Maximum Height:

- a) No building or structure shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

13.2.8 Maximum Parcel Coverage:

- a) 80%

xxiii) replacing Section 13.9 (Service Commercial One Zone) in its entirety with the following:

13.9 SERVICE COMMERCIAL ONE ZONE (CS1)

13.9.1 Permitted Uses:

Principal Uses:

- a) car washes;

- b) propane and other vehicle fuel sales;
- c) retail store, convenience;
- d) service industry establishment;
- e) service stations;
- f) vehicle sales and rentals;

Secondary Uses:

- g) accessory dwelling, subject to Section 7.11;
- h) eating and drinking establishment; and
- i) accessory buildings and structures, subject to Section 7.13.

13.9.2 Site Specific Service Commercial (CS1s) Provisions:

- a) see Section 17.31.

13.9.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.9.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.9.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.9.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 3.0 metres
 - iv) Exterior side parcel line 4.5 metres
- b) Fuel distribution pumps, storage tanks or devices situated above ground:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 7.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.9.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

13.9.8 Maximum Parcel Coverage:

- a) 35%

xxiv) replacing Section 15.2.1(b) under Section 15.2 (Parks and Recreation Zone) with the following:

- b) outdoor recreation;

xxv) replacing Section 15.2.1(g) under Section 15.2 (Parks and Recreation Zone) with the following:

- g) indoor recreation;

xxvi) replacing Section 17.14 (Site Specific Neighbourhood Commercial (C3s) Provisions) under Section 17.0 (Site Specific Designations) in its entirety with the following:

17.14 Site Specific General Commercial (C1s) Provisions:

- .1 Not applicable.

16. The Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by:

- i) changing the land use designation of the land described as Lot 1, Plan KAP20086, District Lot 374, SDYD, and as shown shaded yellow on Schedule 'D-201', which forms part of this Bylaw, from Neighbourhood Commercial (C3) to General Commercial (C1).
- ii) changing the land use designation of an approximately 3,400 m² part of the land described as Plan KAP434A, SDYD, PT OF OSOYOOS IR (DOG LAKE) EXC: PCL A PL B12862, PCL 1 PL B12863 & EXC PL 29119, KAP56993 & KAP6584, and as shown shaded yellow on Schedule 'D-202', which forms part of this Bylaw, from Commercial Amusement (C6) to Residential Two Family (Duplex) (RS3).
- iii) changing the land use designation of the land described as Lot A, Plan KAP35861, District Lot 374, SDYD (1207 Highway 97), and Lot A, Plan KAP9712, District Lot 374, SDYD, Except Plan 9973 (1279 Highway 97), and as shown shaded yellow on Schedule 'D-209', which forms part of this Bylaw, from Tourist Commercial One (CT1) to General Commercial (C1).

- iv) changing the land use designation of all parcels zoned Service Commercial One (CS1) to Service Commercial (CS1).

Electoral Area “E”

17. The Electoral Area “E” Official Community Plan Bylaw No. 2458, 2008, is amended by:

- i) replacing the reference to “Commercial Designation” under Section 4.0 (Official Community Plan Map Designations) in its entirety with the following:

Commercial Designations:

Commercial	C
Commercial Tourist	CT

- ii) replacing Section 12.0 (Commercial) in its entirety with the following and renumbering all subsequent sections:

12.0 COMMERCIAL

12.1 Background

Traditional commercial development in the Plan area has generally been limited to the Naramata Town Centre designation, however, a thriving service industry centred around the wineries of Naramata has supplanted this, offering visitors and locals varied eating, drinking, recreational and accommodation opportunities on agricultural lands.

The Plan will continue, however, to recognize commercial and tourist commercial developments under the same Commercial land use designation and as occurring on lands outside of the Agricultural Land Reserve (ALR).

The Plan recognizes that large scale service, industrial, and commercial development will be directed to Primary Growth Areas, such as the City of Penticton, as they are better able to function as regional service centers.

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.

- .4 To minimize land use incompatibility between commercial activities and surrounding land uses.
- .5 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan area.

12.3 Policies – General Commercial

The Regional Board:

- .1 Generally 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 developed in conjunction with future residential or commercial tourism developments.
- .3 Limits commercial development along Naramata Road to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).
- .4 Directs major office, service and general business commercial uses to Primary Growth Areas such as the City of Penticton, which have the necessary infrastructure and support services.
- .5 Encourages an attractive and safe streetscapes by including provisions for adequate off-street parking requirements, landscaping and screening, height requirements, signage and drainage within the implementing bylaws for commercial uses.
- .6 Encourages, through responsible environmental practices, future commercial development to locate away from Okanagan Lake and other watercourses in order to reduce human impacts on the lake, and in order to maintain and improve water quality and habitat.

12.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.
- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land

uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.

.3 May support proposed tourist and resort developments that:

- a) are located outside the Agricultural Land Reserve;
- b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
- c) enhance adjacent land uses or the character of the existing area;
- d) can be accessed safely from local roads;
- e) can be adequately serviced by emergency services, in particular fire protection;
- f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
- g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
- h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.

18. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, is amended by:

- i) changing the land use designation of an approximately 7.9 ha part of the land described as District Lot 86S, SDYD (7451 North Naramata Road) and Parcel A, Portion DD49640F, Plan KAP3420B, District Lot 391, SDYD (7307 North Naramata Road), and as shown shaded yellow on Schedule 'E-102', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- ii) changing the land use designation of an approximately 4.7 ha part of the land described as District Lot 86S, SDYD, and as shown shaded yellow on Schedule 'E-103', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iii) changing the land use designation of the land described as District Lot 511S, SDYD, Commercial Resort at Chute Lake, and as shown shaded yellow on Schedule 'E-104', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- iv) changing the land use designation of the land described as Lot A, Plan KAP41292, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'E-105', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- v) changing the land use designation of the land described as Lots 1-4, Block 61, Plan KAP519, District Lot 210, SDYD, and as shown shaded yellow on Schedule 'E-106', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

- vi) changing the land use designation of the land described as Plan KAP575, District Lot 210, SDYD, Except Plan KAP45385; Plan KAP575, Block 155, District Lot 210, SDYD, Except Plan KAP45385; and Plan KAP575, Block 156, District Lot 210, SDYD, Except Plan KAP45385, and as shown shaded yellow on Schedule 'E-107, which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).

19. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:

- i) deleting the definitions of "amusement establishment, indoor", "amusement establishment, outdoor", "fruit and vegetable stand", "other agricultural activity", "permits", "recreation services, indoor", "recreation services, outdoor", "resort", "riparian assessment area" under Section 4.0 (Definitions).

- ii) replacing the definition of "campground" under Section 4.0 (Definitions) with the following:

"campground" means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist cabins or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include hotels, manufactured homes, manufactured home parks, motels or park model trailers;

- iii) replacing the definition of "conservation area" under Section 4.0 (Definitions) with the following:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include indoor and outdoor recreation;

- iv) adding the definition of "cooking facilities" under Section 4.0 (Definitions) to read as follows:

"cooking facilities" means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or wiring which, may be intended or used for the preparation or cooking of food;

- v) replacing the definition of “duplex” under Section 4.0 (Definitions) with the following:

“**duplex dwelling**” means a building containing two principal dwelling units with each unit having an independent exterior entrance;
- vi) adding the definition of “golf course” under Section 4.0 (Definitions) to read as follows:

“**golf course**” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course;
- vii) adding a definition of “hotel” under Section 4.0 (Definitions) to read as follows:

“**hotel**” means a building containing commercial guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;
- viii) adding the definition of “indoor recreation” under Section 4.0 (Definitions) to read as follows:

“**indoor recreation**” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;
- ix) replacing the definition of “motel” under Section 4.0 (Definitions) with the following:

“**motel**” means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;
- x) adding the definition of “motorsports facility” under Section 4.0 (Definitions) to read as follows:

“**motorsports facility**” means land, buildings or structures used for the purpose of racing automobiles, motorcycles, go-karts and other motorized vehicles, and includes advanced driver training and vehicle testing, drag strip, racing circuit, sports car track, skidpad, off-road course and other uses and facilities accessory to motor vehicle racing;
- xi) adding the definition of “office” under Section 4.0 (Definitions) to read as follows:

“office” means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

- xii) adding the definition of “outdoor market” under Section 4.0 (Definitions) to read as follows:

“outdoor market” means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

- xiii) adding the definition of “outdoor recreation” under Section 4.0 (Definitions) to read as follows:

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, and that excludes equestrian centres and golf course;

- xiv) replacing the definition of “personal services establishment” under Section 4.0 (Definitions) with the following:

“personal services establishment” means a business or building where services intended for an individual are provided, and where any sale of retail goods is accessory to the provision of such services, including: hair cutting, beauty services, tanning, tattoo shop, shoe repair, medical and dental services, chiropractor services, acupuncture, naturopathy, physical therapy, massage therapy, counseling, veterinary establishment, tailoring, locksmithing and dry cleaning or laundries;

- xv) adding the definition of “retail store, convenience” under Section 4.0 (Definitions) to read as follows:

“retail store, convenience” means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking machines, video sales and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m²;

- xvi) replacing the definition of “retail store, general” under Section 4.0 (Definitions) with the following:

“retail store, general” means premises where goods, merchandise, and other materials, and personal services, including those listed for convenience retail

stores, are offered for sale at retail to the general public. Typical uses include by are not limited to grocery, clothing, shoe, hardware, pharmaceutical, appliance, and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment or retail stores requiring outdoor storage;

- xvii) adding the definition of “sleeping unit” under Section 4.0 (Definitions) to read as follows:

“**sleeping unit**” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

- xviii) adding the definition of “tourist accommodation” under Section 4.0 (Definitions) to read as follows:

“**tourist accommodation**” means a building or buildings providing temporary accommodation for the travelling public, such as tourist cabins, lodges, motels, hotels, inns, or hostels, which may include common public facilities, such as an eating and drinking establishment, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

- xix) replacing the definition of “tourist cabin” under Section 4.0 (Definitions) in its entirety with the following:

“**tourist cabin**” means the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities;

- xx) adding the definition of “wet bar” under Section 4.0 (Definitions) to read as follows:

“**wet bar**” means an area within a dwelling unit, other than a cooking facility, used for the preparation of beverages. A wet bar includes one single sink, one compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space. No natural gas or 220-volt connections are permitted in the same room as a wet bar, and a wet bar is not permitted in an accessory building or structure;

- xxi) replacing the reference to “Commercial Zones” found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

Commercial Zones

General Commercial Zone	C1
Tourist Commercial One Zone	CT1

xxii) replacing Section 13.1 (General Commercial Zone) in its entirety with the following:

13.1 GENERAL COMMERCIAL ZONE (C1)

13.1.1 Permitted Uses:

Principal Uses:

- a) brewery, cidery, distillery, meadery or winery;
- b) eating and drinking establishments;
- c) indoor recreation;
- d) self-storage, not to exceed 250 m² in gross floor area;
- e) office;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) vehicle sales and rental;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11; and
- k) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific General Commercial (C1s) Provisions:

- a) see Section 15.11.

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.1.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 4.5 metres

- | | |
|--------------------------------|------------|
| iii) Interior side parcel line | 4.5 metres |
| iv) Exterior side parcel line | 4.5 metres |

13.1.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres.

13.1.8 Maximum Parcel Coverage:

- a) 50%

xxiii) replacing Section 14.3.1(b) under Section 14.2 (Parks and Recreation Zone) with the following:

- b) outdoor recreation;

xxiv) replacing Section 14.2.1(g) under Section 14.2 (Parks and Recreation Zone) with the following:

- g) indoor recreation;

20. The Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:

- i) changing the land use designation of the land described as Lot 2, Plan KAP26537, District Lot 207, SDYD, and as shown shaded yellow on Schedule 'E-201', which forms part of this Bylaw, from General Commercial Site Specific (C1s) to General Commercial (C1).

Electoral Area "F":

21. The Electoral Area "F" Official Community Plan Bylaw No. 2460, 2008, is amended by:

- i) replacing the reference to "Commercial Designation" under Section 3.0 (Official Community Plan Map Designations) in its entirety with the following:

Commercial Designations:

Commercial	C
Commercial Tourist	CT

- ii) replacing Section 9.0 (Commercial) in its entirety with the following:

9.0 COMMERCIAL

9.1 Background

Commercial development in the Plan area is very limited, comprising a neighbourhood commercial zone in the West Bench, a fruit stand and tourist accommodation uses adjacent Highway 97 north of Summerland and unrealized commercial development opportunities north of Okanagan Lake Provincial Park (including at Greata Ranch).

9.2 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.

9.3 Policies – General Commercial

The Regional Board:

- .1 Generally 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 developed in conjunction with future residential or commercial tourism developments.
- .3 Limits highway commercial development along Highways 97 to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).
- .4 Will work with the Ministry of Transportation and Infrastructure to help ensure safe access and egress for commercial areas fronting Highway 97.
- .5 Directs major office, service and general business commercial uses to Primary Growth Areas such as the District of Summerland or City of Penticton, which have the necessary infrastructure and support services.

9.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.
- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas

designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.

.3 May support proposed tourist and resort developments that:

- a) are located outside the Agricultural Land Reserve;
- b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
- c) enhance adjacent land uses or the character of the existing area;
- d) can be accessed safely from local highways (Highway 97);
- e) can be adequately serviced by emergency services, in particular fire protection;
- f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
- g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
- h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.

iii) The Official Community Plan Map, being Schedule 'B' of the Electoral Area "F" Official Community Plan Bylaw No. 2460, 2008, is amended by

- a) changing the land use designation of the land shown shaded yellow on Schedule 'F-101', which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
- b) changing the land use designation of an approximately 11.49 ha part of the land described as Lot A, Plan EPP5204, District 2695, ODYD, and shown shaded yellow on Schedule 'F-104', which forms part of this Bylaw, from Small Holdings (SH) to Commercial Tourist (CT).
- c) changing the land use designation of an approximately 1,900 m² part of the land described as Lot A, Plan KAP40762, District 702, ODYD, and District Lot 5136, and shown shaded purple on Schedule 'F-107', which forms part of this Bylaw, from Administrative, Cultural and Institutional (AI) to Commercial Tourist (CT).
- d) changing the land use designation of the land described as Lot A, Plan KAP45722, District 5076 & 5087, ODYD, and shown shaded purple on Schedule 'F-108', which forms part of this Bylaw, from Small Holdings (SH) to Commercial Tourist (CT).

22. The Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended by:

- i) deleting the definitions of “commercial use”, “environmentally sensitive area”, “fruit and vegetable stand”, “household pets”, “lodge”, “on-site sewage disposal”, “open land recreation”, “permitted use”, qualified environmental professional (QEP)”, “recreation services, indoor”, “recreation services, outdoor”, “resort”, “retail trade”, “riparian assessment area”, “senior citizen housing” under Section 4.0 (Definitions).
- ii) replacing the definition of “campground” under Section 4.0 (Definitions) with the following:

“**campground**” means a parcel of land occupied and maintained for temporary accommodation (maximum 30 days) of the traveling public in tents, tourist cabins or recreation vehicles which are licensed for the current year and have been brought to the site by the traveler. May include an office as part of the permitted use but does not include hotels, manufactured homes, manufactured home parks, motels or park model trailers;
- iii) replacing the definition of “conservation area” under Section 4.0 (Definitions) with the following:

“**conservation area**” means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include indoor and outdoor recreation;
- iv) replacing the definition of “kitchen” under Section 4.0 (Definitions) with the following:

“**cooking facilities**” means facilities for the preparation or cooking of food, and includes any room containing counters, cabinets, sinks, stoves, dishwashers and other appliances, plumbing, or wiring which, may be intended or used for the preparation or cooking of food;
- v) replacing the definition of “golf course” under Section 4.0 (Definitions) with the following:

“**golf course**” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities, including banquet facilities, necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course;
- vi) replacing the definition of “hotel” under Section 4.0 (Definitions) with the following:

“hotel” means a building containing commercial guest sleeping units, and a lobby area for guest registration and access to the sleeping units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store, and meeting rooms;

- vii) adding the definition of “indoor recreation” under Section 4.0 (Definitions) to read as follows:

“indoor recreation” means a facility within an enclosed building intended for leisure activities where patrons are predominantly participants or spectators. Typical uses include amusement arcades, bingo halls, health and fitness centres, athletic facilities and ice rinks, billiard and pool halls, swimming pools, bowling alleys, theatres and concert or music halls;

- viii) replacing the definition of “motel” under Section 4.0 (Definitions) with the following:

“motel” means a building or buildings containing housekeeping and/or not less than six sleeping units each with an exterior entrance and designed to provide temporary accommodation for the travelling public;

- ix) adding the definition of “motorsports facility” under Section 4.0 (Definitions) to read as follows:

“motorsports facility” means land, buildings or structures used for the purpose of racing automobiles, motorcycles, go-karts and other motorized vehicles, and includes advanced driver training and vehicle testing, drag strip, racing circuit, sports car track, skidpad, off-road course and other uses and facilities accessory to motor vehicle racing;

- x) adding the definition of “office” under Section 4.0 (Definitions) to read as follows:

“office” means a business premises or building, designed, intended and used for the provision of professional, management, administrative, government, consulting, or financial services in an office setting including but not limited to the offices of: lawyers, accountants, travel agents, real estate and insurance firms, planners, non-government organizations, clerical agencies, Crown corporations, municipalities and provincial or federal governments;

- xi) adding the definition of “outdoor market” under Section 4.0 (Definitions) to read as follows:

“outdoor market” means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

- xii) adding the definition of “outdoor recreation” under Section 4.0 (Definitions) to read as follows:

“outdoor recreation” means a facility used and equipped for the conduct of outdoor sports, leisure and entertainment activities, instructional courses and equipment rentals and may require amenities such as showers and storage, and that excludes equestrian centres and golf course;

- xiii) replacing the definition of “personal services establishment” under Section 4.0 (Definitions) with the following:

“personal services establishment” means a business or building where services intended for an individual are provided, and where any sale of retail goods is accessory to the provision of such services, including: hair cutting, beauty services, tanning, tattoo shop, shoe repair, medical and dental services, chiropractor services, acupuncture, naturopathy, physical therapy, massage therapy, counseling, veterinary establishment, tailoring, locksmithing and dry cleaning or laundries;

- xiv) adding the definition of “retail store, general” under Section 4.0 (Definitions) to read as follows:

“retail store, general” means premises where goods, merchandise, and other materials, and personal services, including those listed for convenience retail stores, are offered for sale at retail to the general public. Typical uses include but are not limited to grocery, clothing, shoe, hardware, pharmaceutical, appliance, and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment or retail stores requiring outdoor storage;

- xv) replacing the definition of “convenience store” under Section 4.0 (Definitions) with the following:

“retail store, convenience” means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking machines, video sales and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m²;

- xvi) adding the definition of “sleeping unit” under Section 4.0 (Definitions) to read as follows:

“sleeping unit” means one or more habitable rooms used or intended to be used for sleeping or sleeping and living purposes, but does not include cooking facilities;

- xvii) adding the definition of “tourist accommodation” under Section 4.0 (Definitions) to read as follows:

“tourist accommodation” means a building or buildings providing temporary accommodation for the travelling public, such as tourist cabins, lodges, motels,

hotels, inns, or hostels, which may include common public facilities, such as an eating and drinking establishment, gift shop; personal services, or spa; but shall not include recreational vehicles, park model trailers or mobile homes;

- xviii) adding the definition of “tourist cabin” under Section 4.0 (Definitions) to read as follows:

“**tourist cabin**” means the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities;

- xix) adding the definition of “wet bar” under Section 4.0 (Definitions) to read as follows:

“**wet bar**” means an area within a dwelling unit, other than a cooking facility, used for the preparation of beverages. A wet bar includes one single sink, one compact refrigerator, freezer or ice maker and no more than 1.5 metres of counter and lower cabinet space. No natural gas or 220-volt connections are permitted in the same room as a wet bar, and a wet bar is not permitted in an accessory building or structure;

- xx) replacing the reference to “Commercial Zones” found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

Commercial Zones

General Commercial Zone	C1
Marina Commercial Zone	C5
Tourist Commercial One Zone	CT1
Tourist Commercial Two (Limited) Zone	CT2
Tourist Commercial Three (Limited) Zone	CT3

- xxi) replacing Section 10.1.1(l) under Section 10.1 (Resource Area Zone) in its entirety with the following:

l) outdoor recreation on parcels greater than 12.0 ha in area;

- xxii) replacing Section 13.1 (Neighbourhood Commercial Zone) in its entirety with the following:

13.1 GENERAL COMMERCIAL ZONE (C1)

13.1.1 Permitted Uses:

Principal Uses:

- a) brewery, cidery, distillery, meadery or winery;

- b) eating and drinking establishments;
- c) indoor recreation;
- d) self-storage, not to exceed 250 m² in gross floor area;
- e) office;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) vehicle sales and rental;

Secondary Uses:

- j) accessory dwelling, subject to Section 7.11; and
- k) accessory buildings and structures, subject to Section 7.13.

13.1.2 Site Specific General Commercial (C1s) Provisions:

- a) see Section 16.13.

13.1.3 Minimum Parcel Size:

- a) 1,000 m², subject to servicing requirements.

13.1.4 Minimum Parcel Width:

- a) Not less than 25% of parcel depth.

13.1.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) accessory dwelling.

13.1.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line 7.5 metres
 - ii) Rear parcel line 4.5 metres
 - iii) Interior side parcel line 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.1.7 Maximum Height:

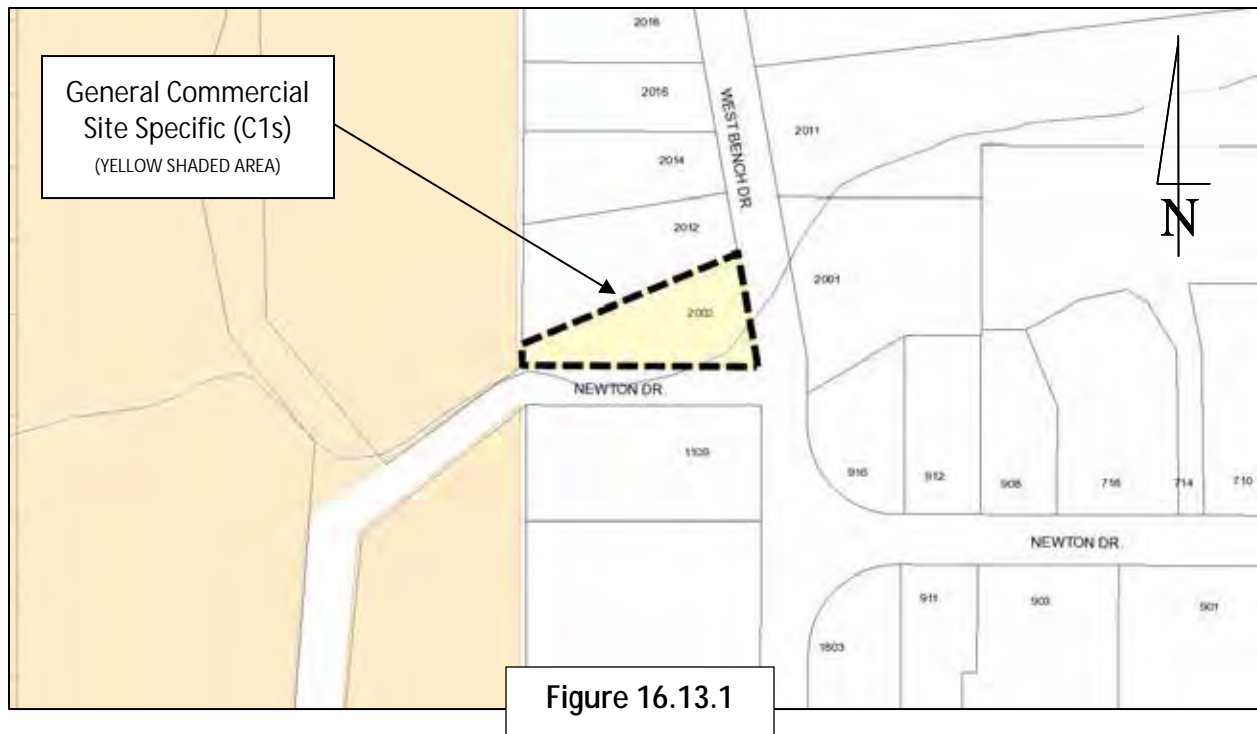
- a) No building or structure shall exceed a height of 10.0 metres.

13.1.8 Maximum Parcel Coverage:

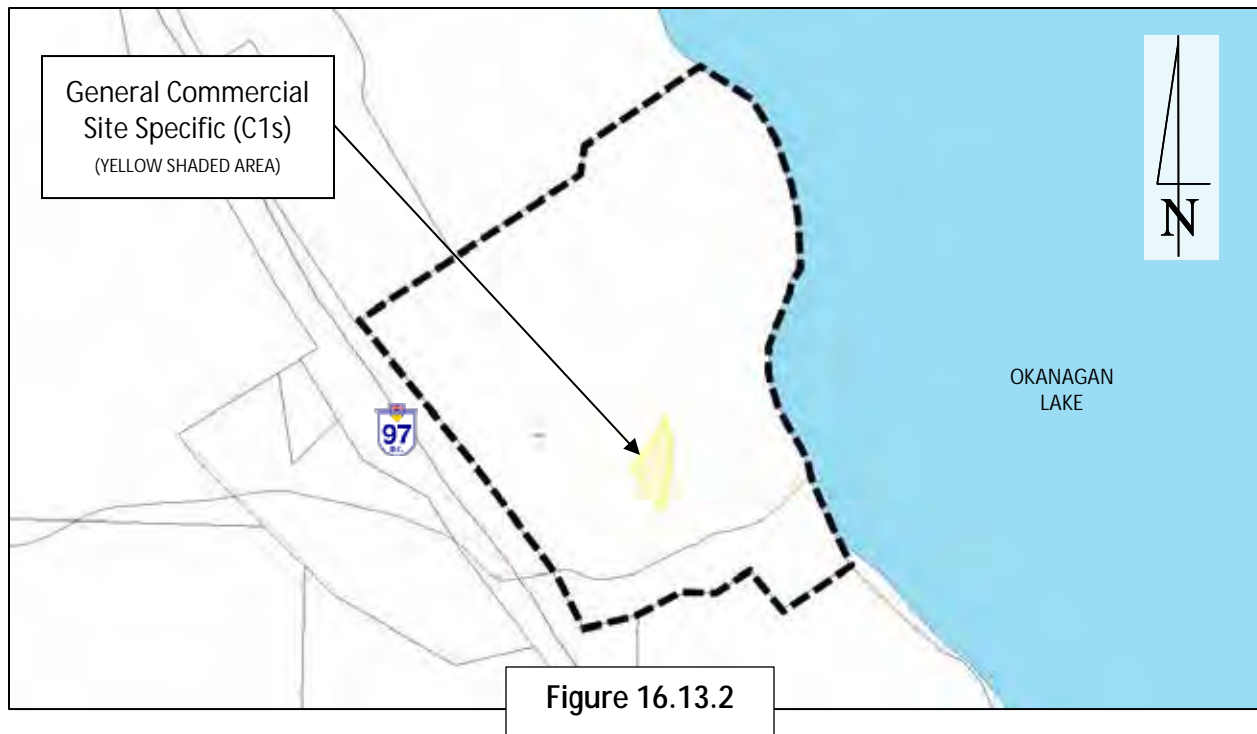
- a) 50%
- xxiii) replacing Section 15.2.1(b) under Section 15.2 (Parks and Recreation Zone) with the following:
 - b) outdoor recreation;
- xxiv) replacing Section 15.2.1(g) under Section 15.2 (Parks and Recreation Zone) with the following:
 - g) indoor recreation;
- xxv) replacing Section 16.1.1(b)(i) under Section 16.1 (Site Specific Resource Area (RAs) Provisions) in its entirety with the following:
 - i) provincial reserve, community recreation services and outdoor recreation;
- xxvi) replacing Section 16.13 (Site Specific Neighbourhood Commercial (C3s) Provisions) under Section 16.0 (Site Specific Provisions) in its entirety with the following:

16.13 Site Specific General Commercial (C1s) Provisions:

- .1 in the case of land described as Lot 1, Plan KAP14266, District Lot 5076, ODYD (2002 West Bench Drive), and shown shaded yellow on Figure 16.13.1:
 - a) the following principal uses and no others shall be permitted on the land:
 - i) eating and drinking establishment;
 - ii) offices;
 - iii) personal service establishment;
 - iv) retail sales, convenience.
 - b) the following accessory uses and no others shall be permitted on the land:
 - i) one (1) accessory dwelling, subject to Section 7.11; and
 - ii) accessory buildings and structures, subject to Section 7.13.



- .2 in the case of an approximately 1,150 m² part of the land described as Lot 1, Plan KAP83541, District Lot 2537, ODYD, Except Plan KAP85241 (697 Highway 97), and shown shaded yellow on Figure 16.13.2:
- a) the following principal uses and no others shall be permitted on the land:
 - i) eating and drinking establishment;
 - ii) offices;
 - iii) personal service establishment;
 - iv) retail sales, convenience.
 - b) the following accessory uses and no others shall be permitted on the land:
 - iii) one (1) accessory dwelling, subject to Section 7.11; and
 - iv) accessory buildings and structures, subject to Section 7.13.



23. The Zoning Map, being Schedule '2' of the Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended by:
- i) changing the land use designation of the land described as Lot 1, Plan KAP12218, District Lot 2694, ODYD (533 Highway 97), and shown shaded yellow on Schedule 'F-205', which forms part of this Bylaw, from Tourist Commercial One (CT1) to General Commercial (C1).
 - ii) changing the land use designation of the land described as Lot 1, Plan KAP14266, District Lot 5076, ODYD, and shown shaded yellow on Schedule 'F-203', which forms part of this Bylaw, from Neighbourhood Commercial Site Specific (C3s) to General Commercial Site Specific (C1s).
 - iii) changing the land use designation of an approximately 1,150 m² part of the land described as Lot 1, Plan KAP83541, District Lot 2537, ODYD, Except Plan KAP85241, and shown shaded yellow on Schedule 'F-206', which forms part of this Bylaw, from Neighbourhood Commercial Site Specific (C3s) to General Commercial Site Specific (C1s).

READ A FIRST AND SECOND TIME this 5th day of July, 2018.

PUBLIC HEARING held on this 2nd day of August, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

I hereby certify the foregoing to be a true and correct copy of the "Okanagan Electoral Area Commercial Zone Update Amendment Bylaw No. 2788, 2018" as read a Third time by the Regional Board on this ____ day of _____, 2018.

Dated at Penticton, BC, this ____ day of _____, 2018.

Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this ____ day of _____, 2018.

For the Minister of Transportation & Infrastructure

ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

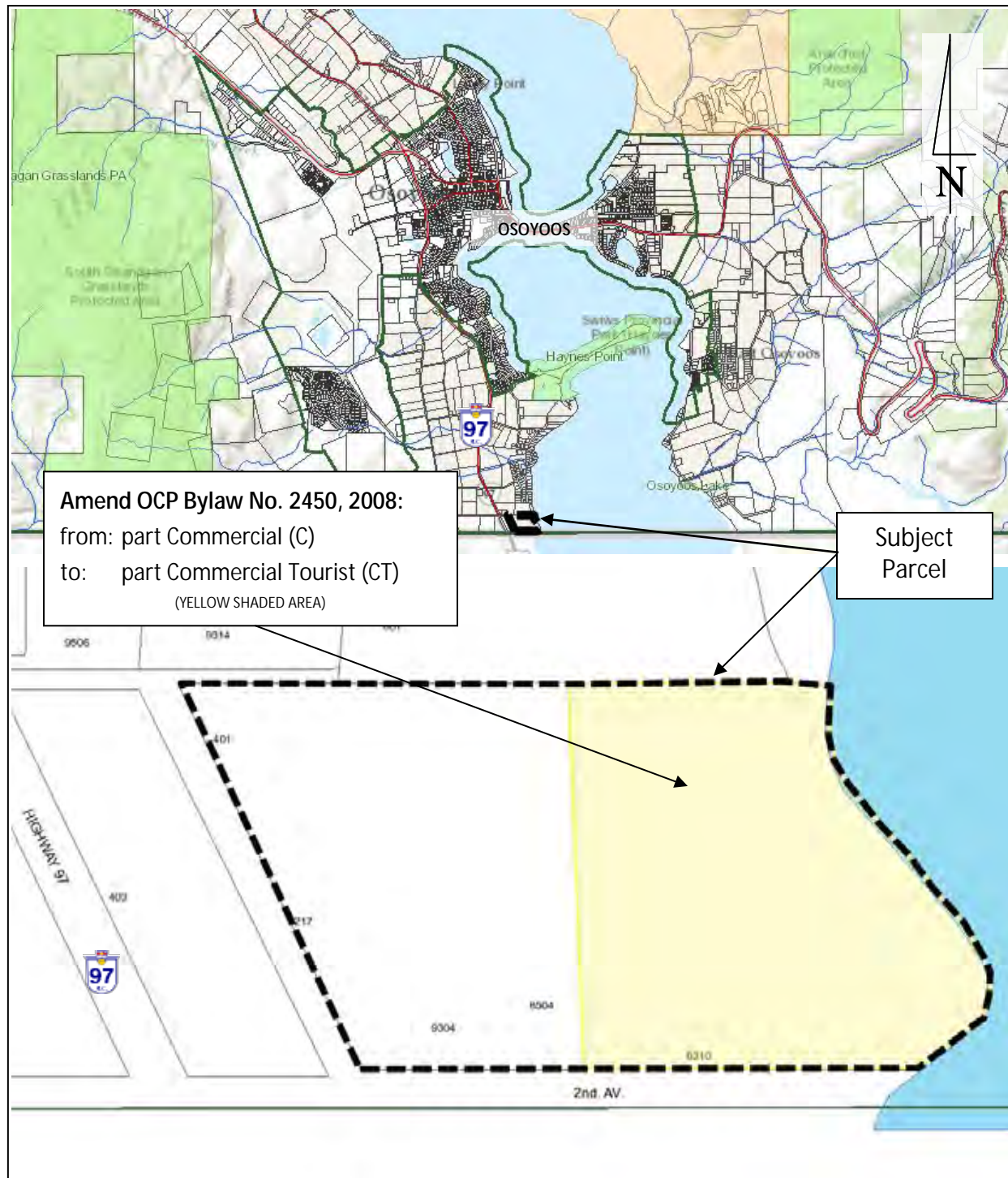
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-101'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

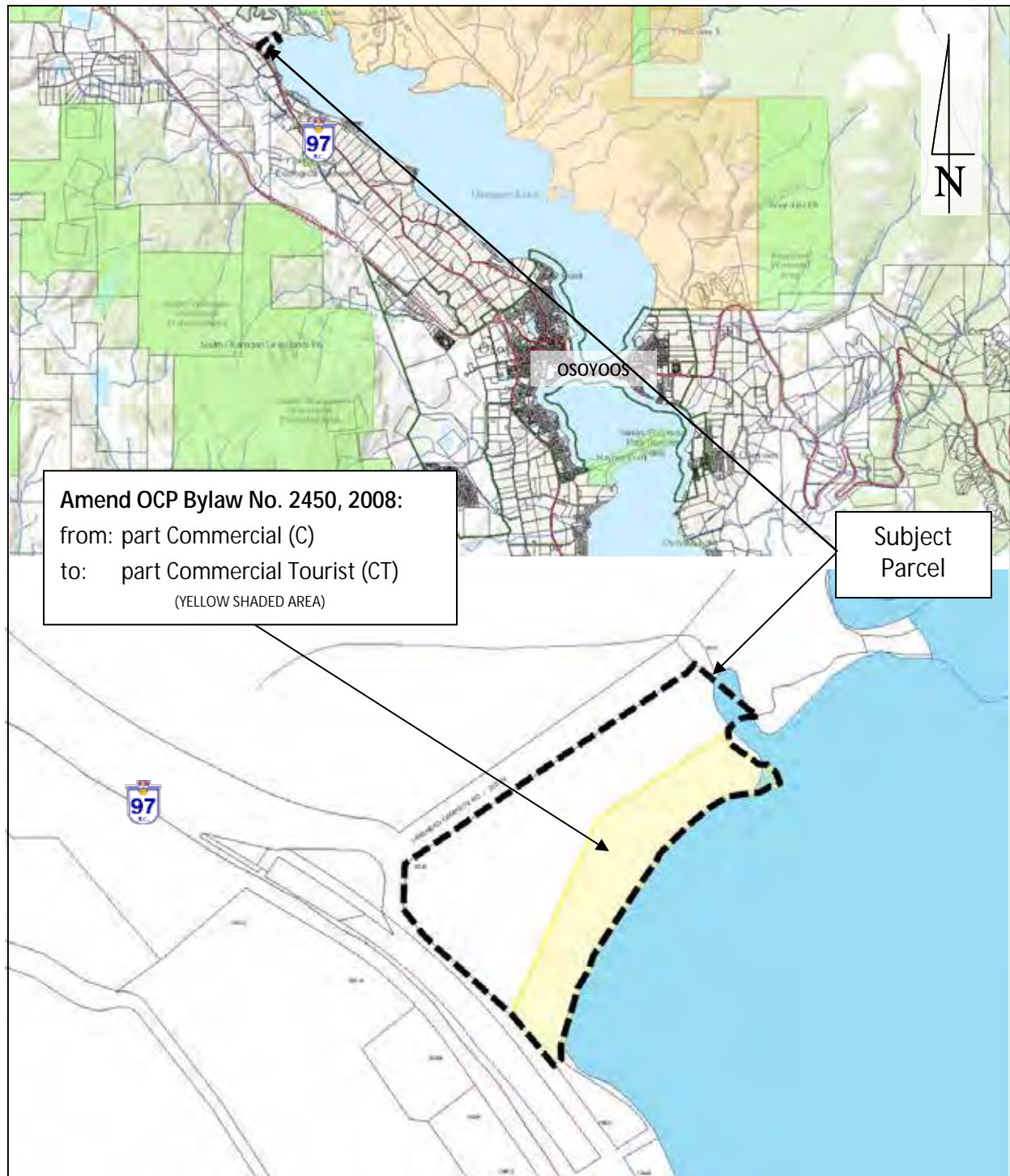
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-102'



Regional District of Okanagan-Similkameen

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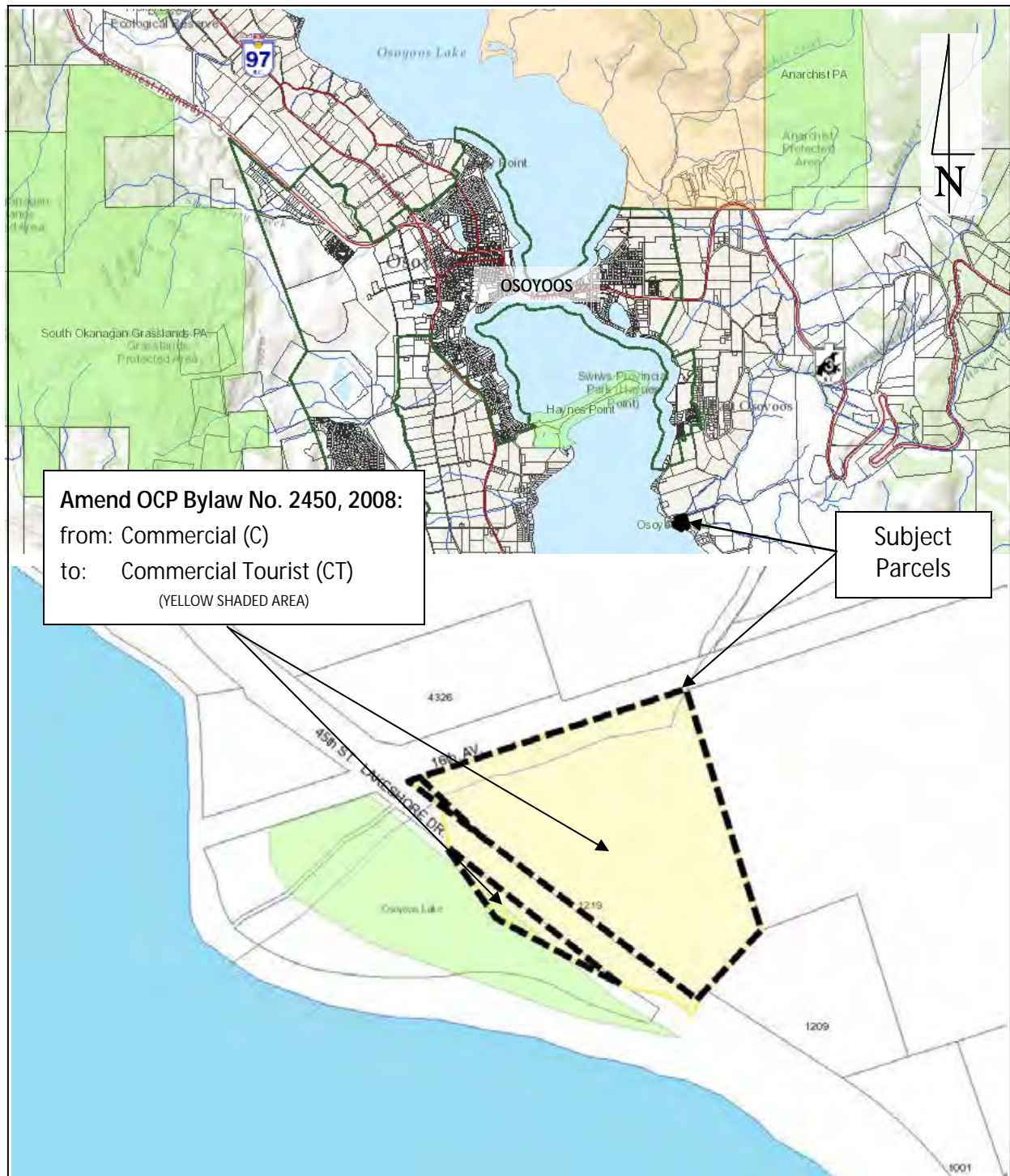
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-103'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

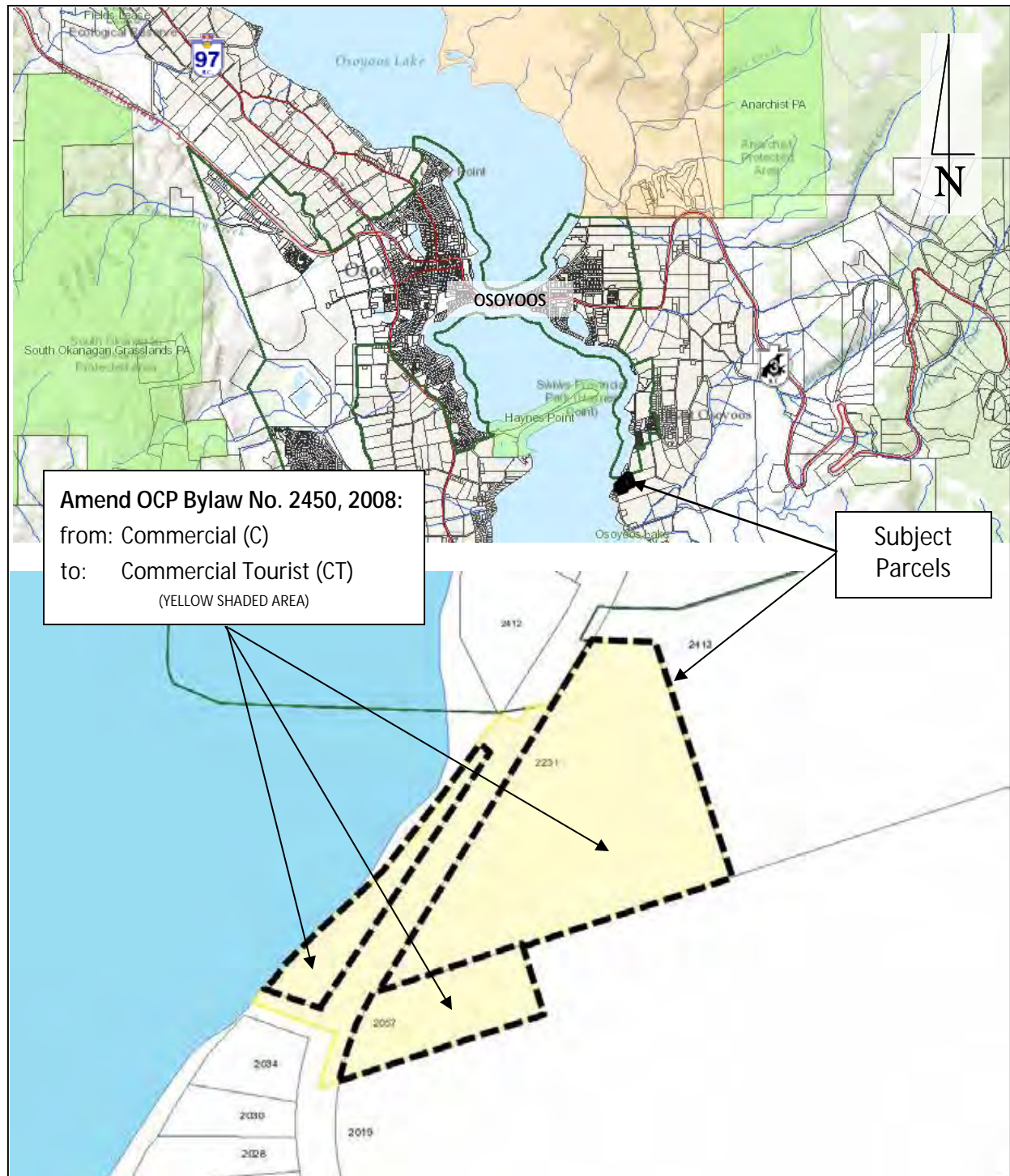
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-104'



Regional District of Okanagan-Similkameen

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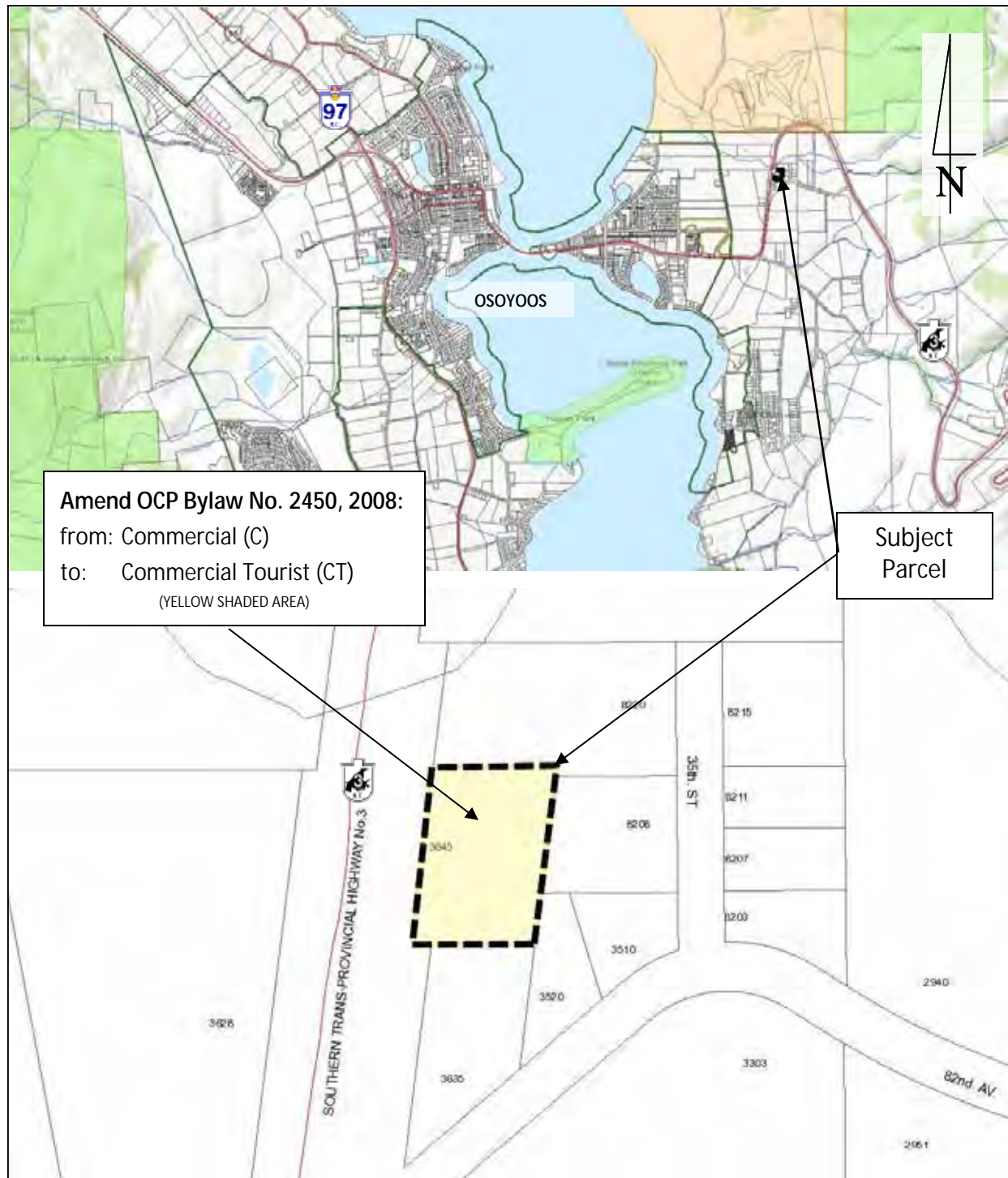
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-105'



Amend OCP Bylaw No. 2450, 2008:
from: Commercial (C)
to: Commercial Tourist (CT)
(YELLOW SHADED AREA)

Subject
Parcel

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

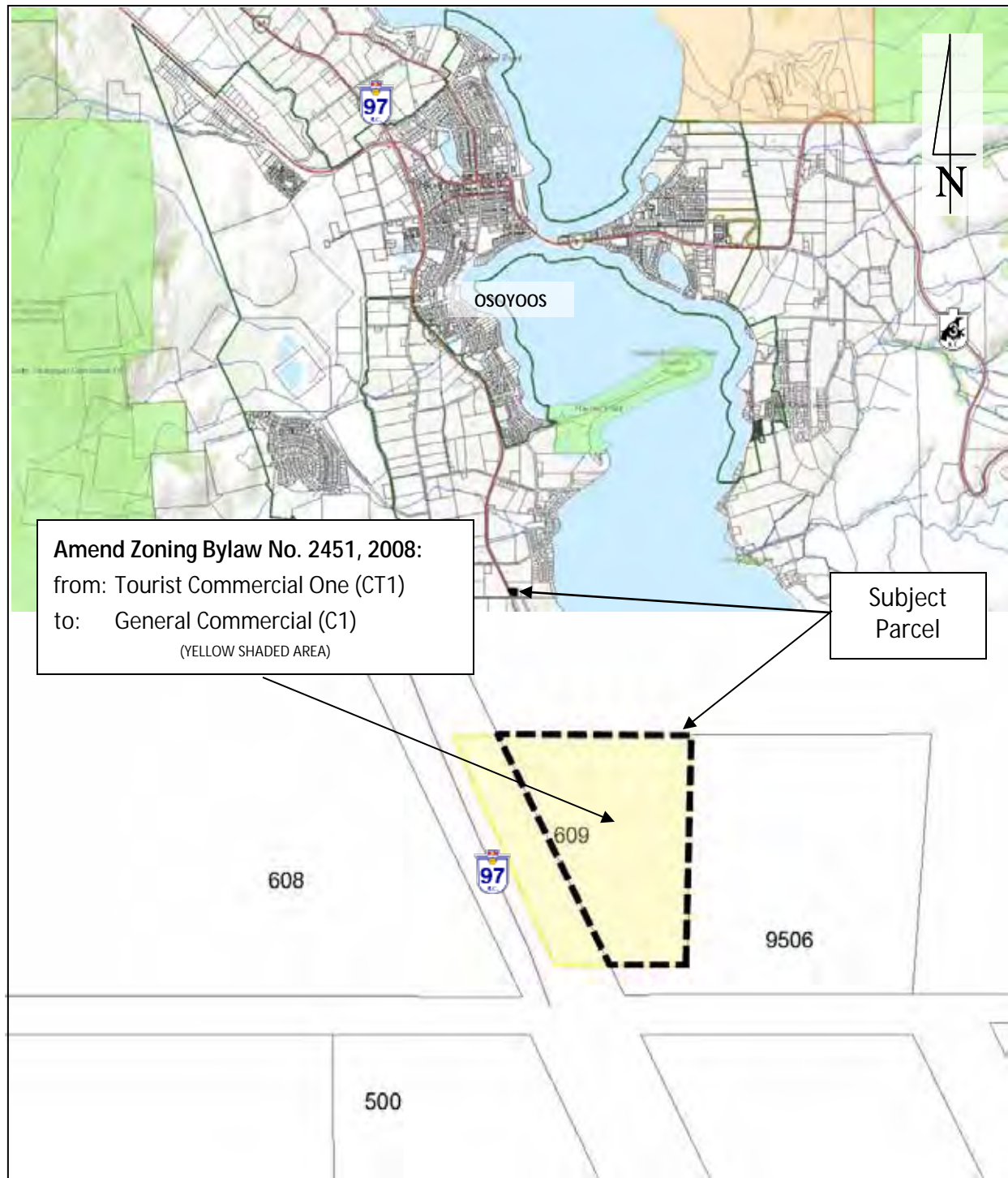
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-206'



Amendment Bylaw No. 2788, 2018

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Regional District of Okanagan-Similkameen

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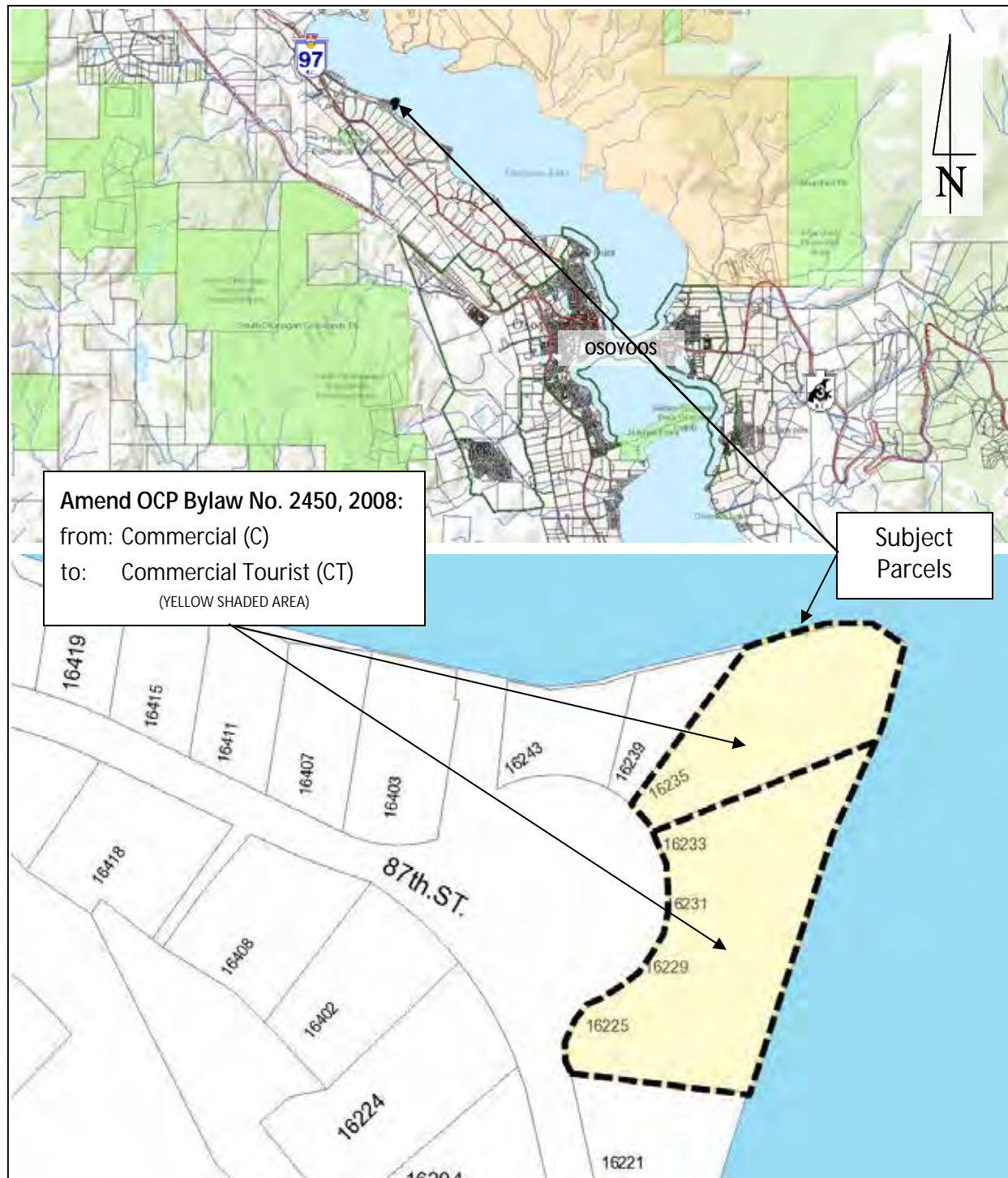
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-107'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

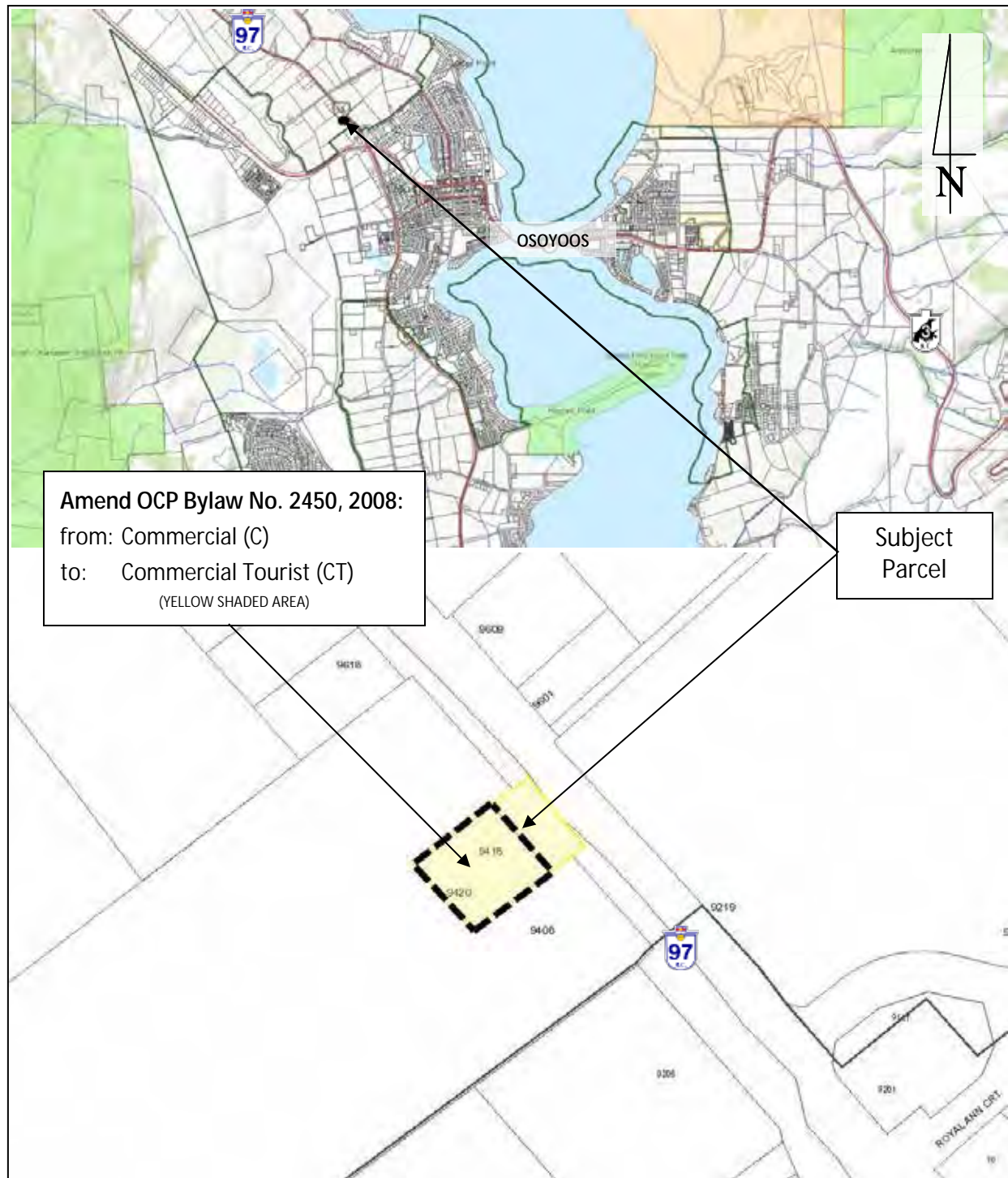
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-108'



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Regional District of Okanagan-Similkameen

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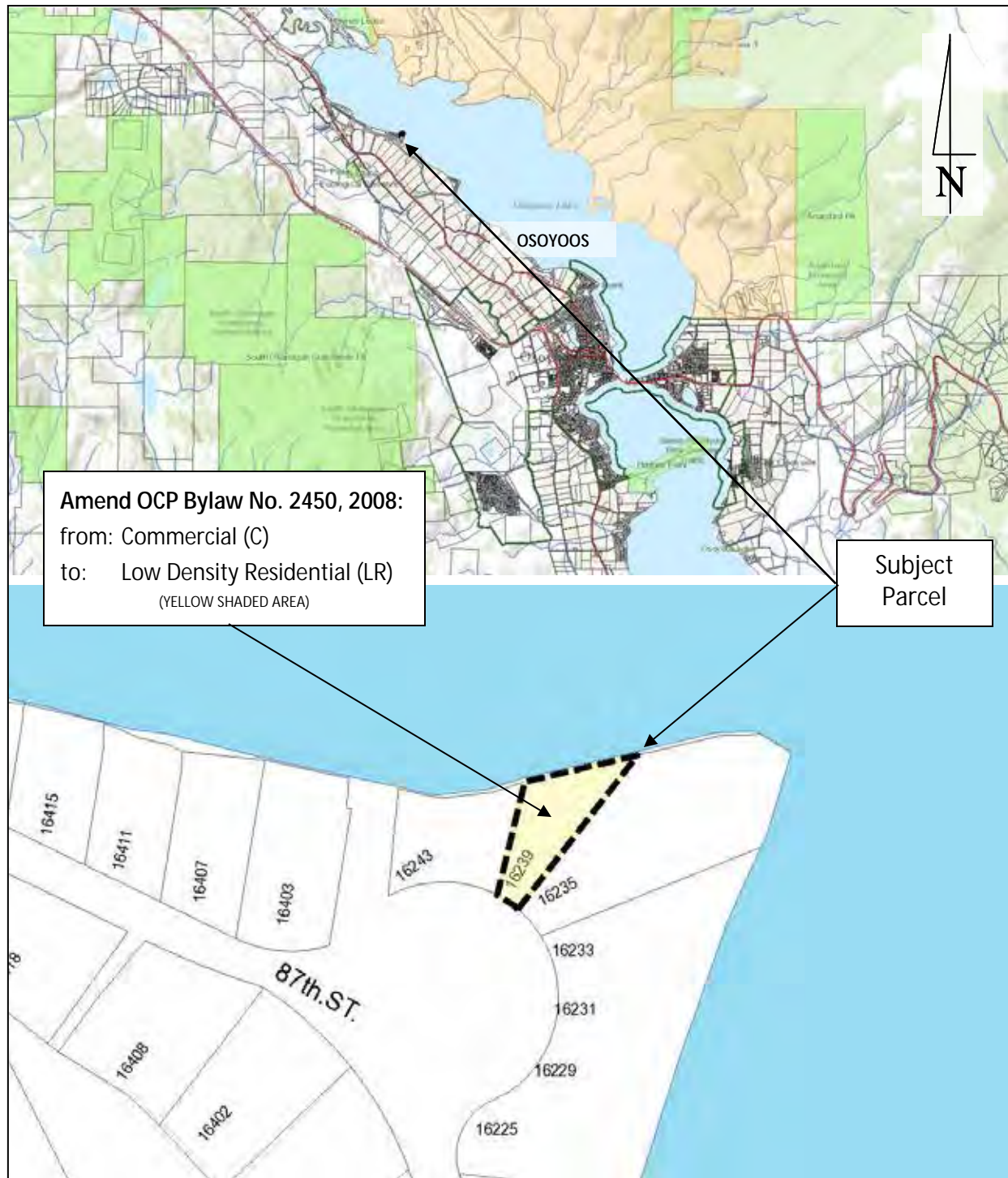
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-109'



Regional District of Okanagan-Similkameen

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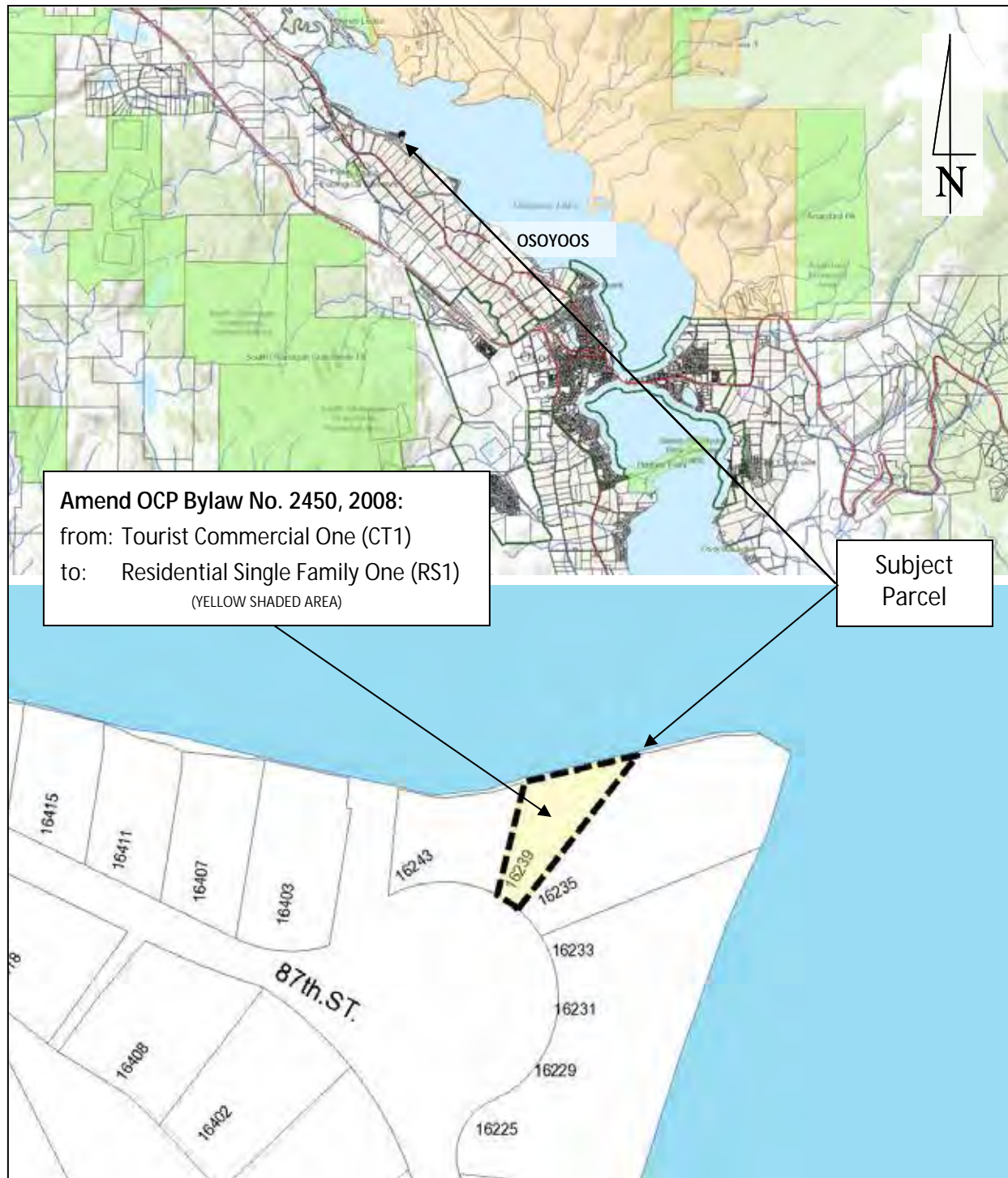
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-209'



Regional District of Okanagan-Similkameen

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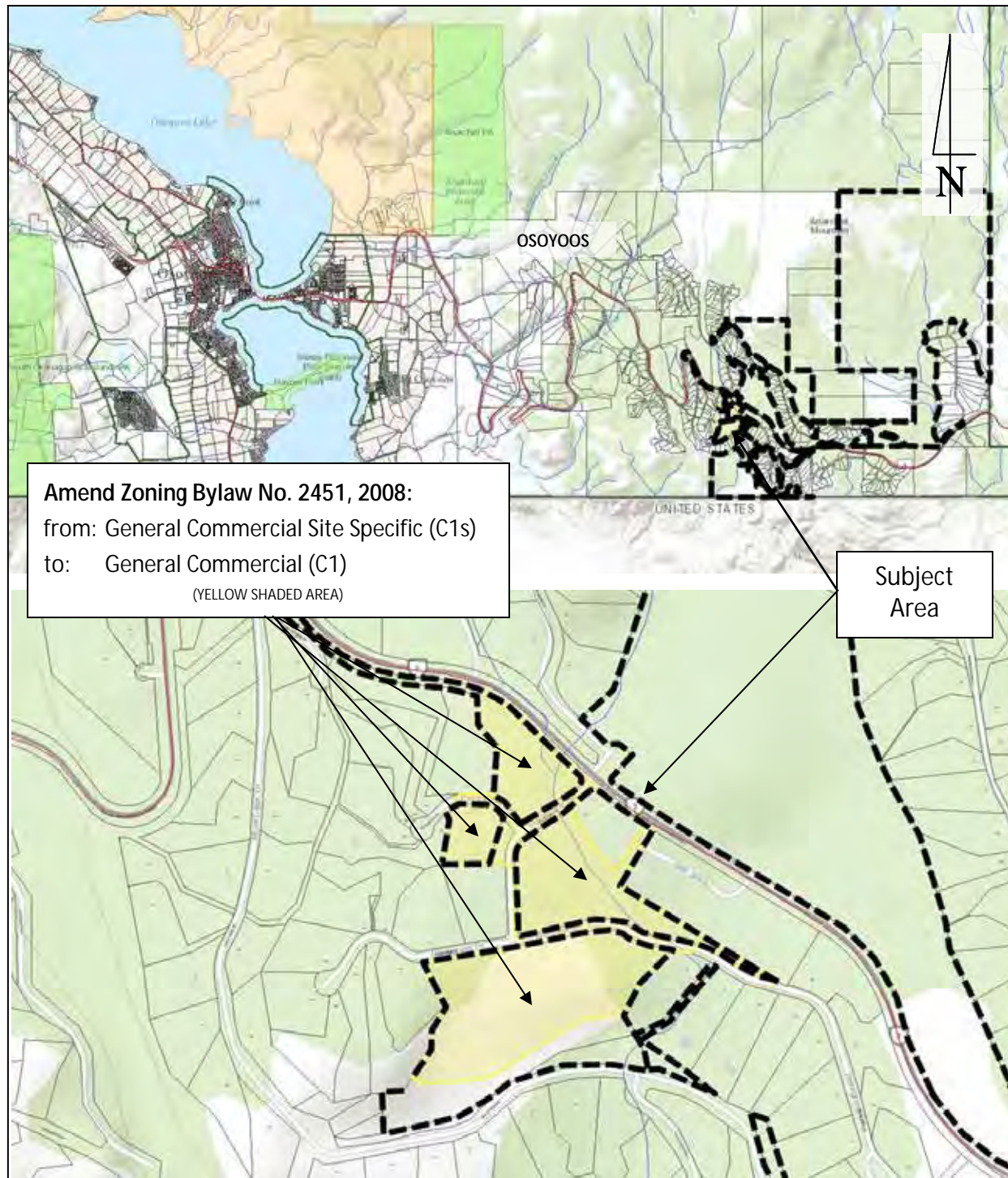
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-210'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

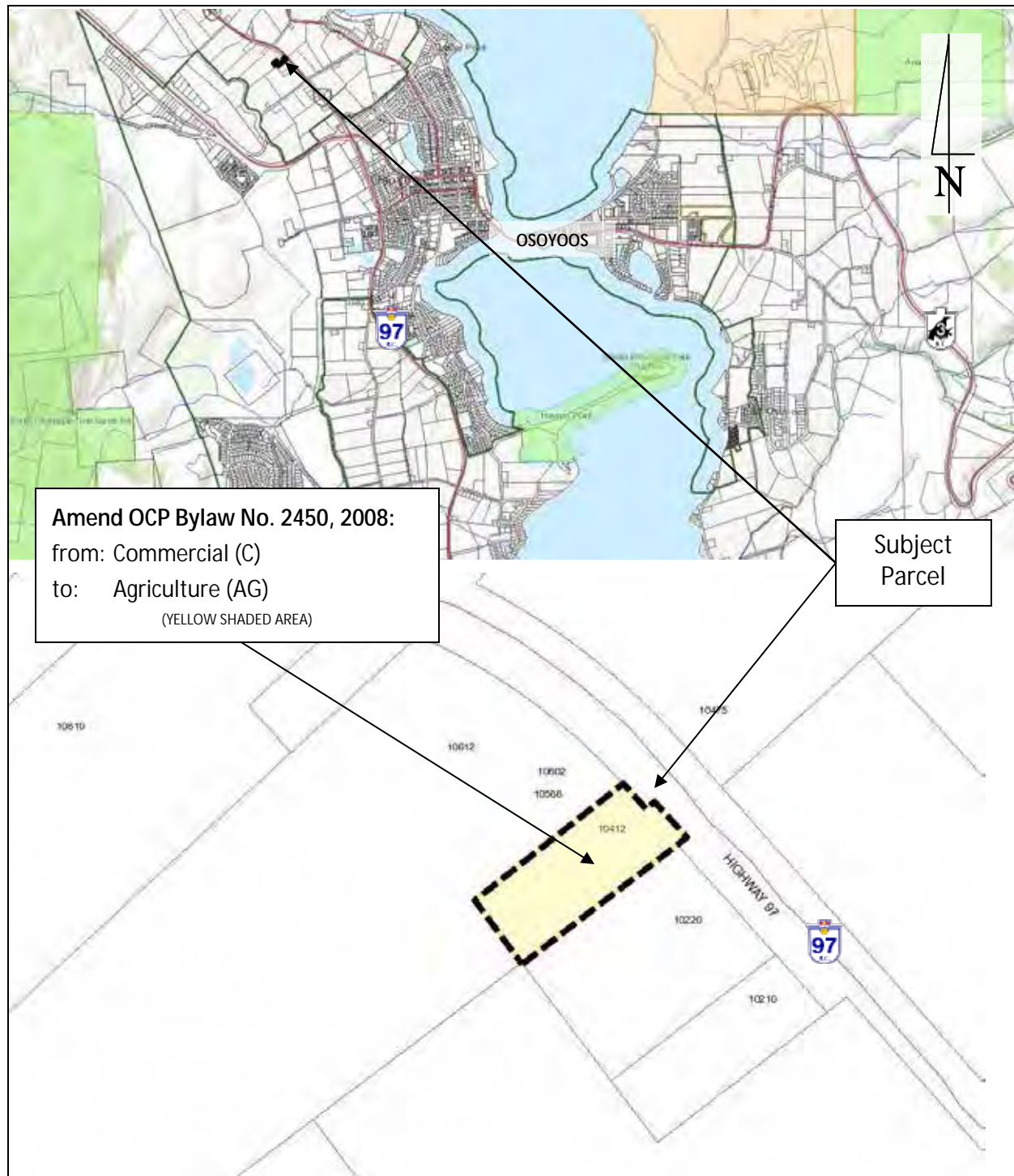
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-111'



Amendment Bylaw No. 2788, 2018

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Regional District of Okanagan-Similkameen

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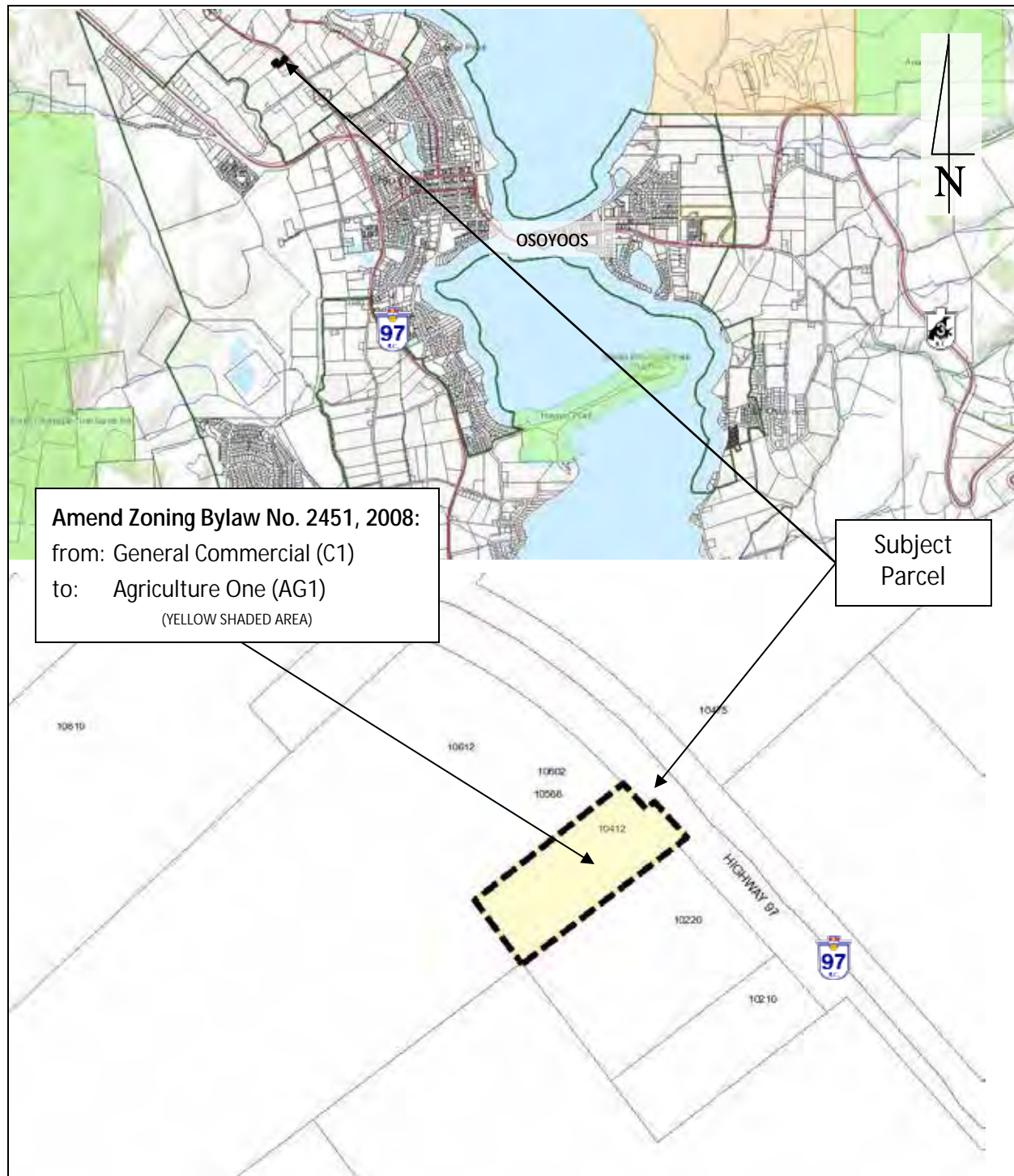
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-211'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

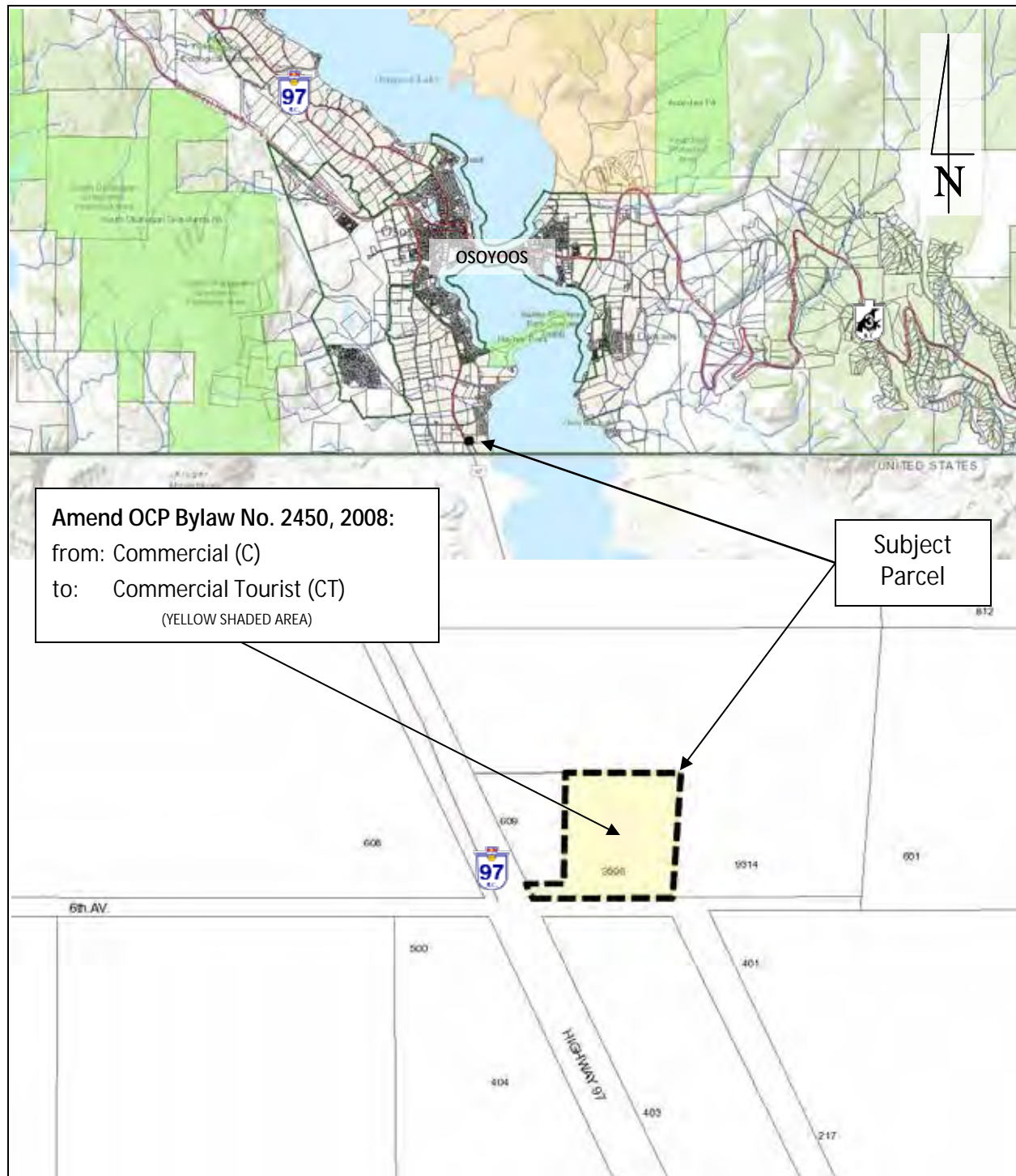
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'A-112'



Amendment Bylaw No. 2788, 2018

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Regional District of Okanagan-Similkameen

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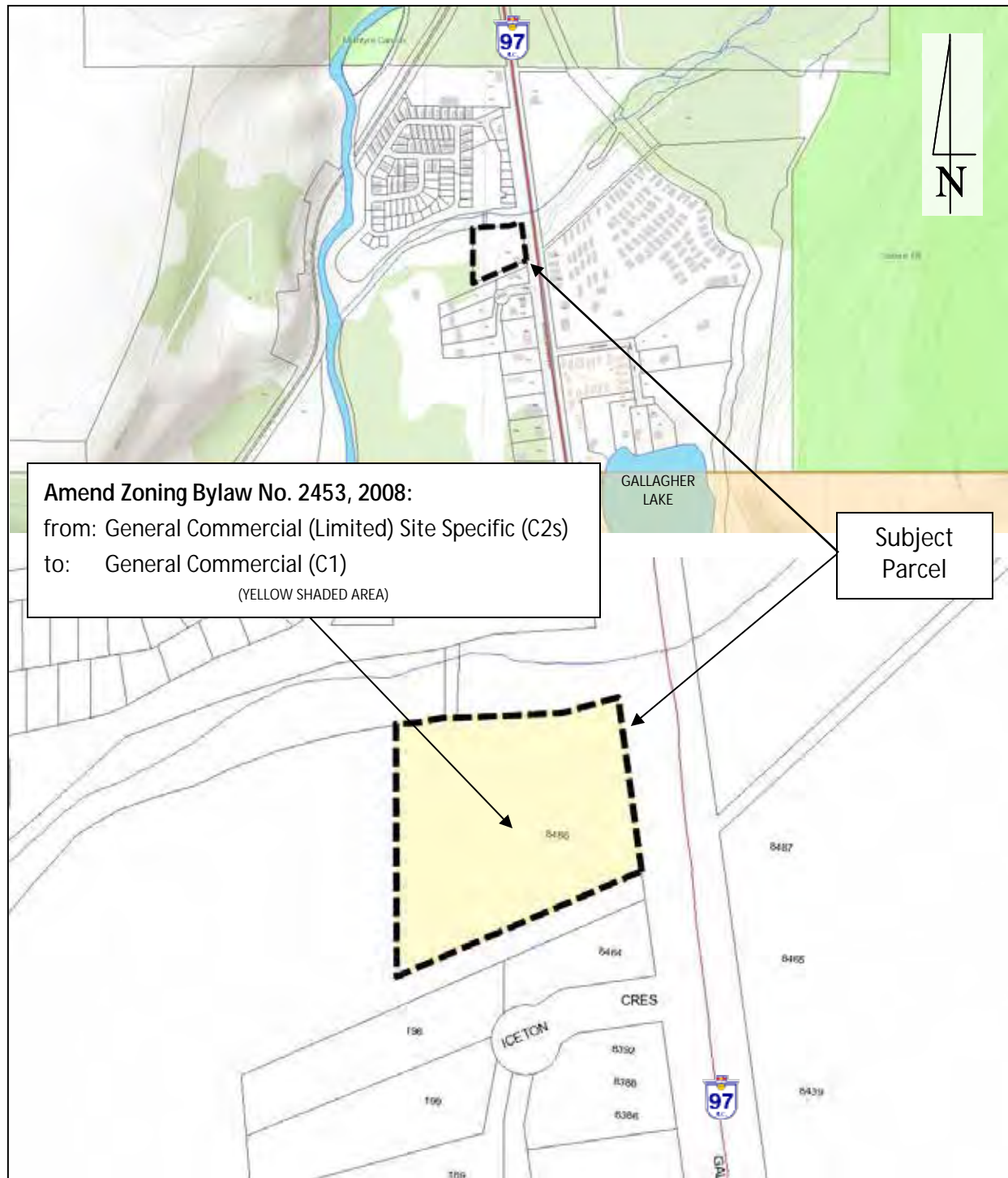
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-201'



Amend Zoning Bylaw No. 2453, 2008:

from: General Commercial (Limited) Site Specific (C2s)

to: General Commercial (C1)

(YELLOW SHADED AREA)

Subject
Parcel

Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

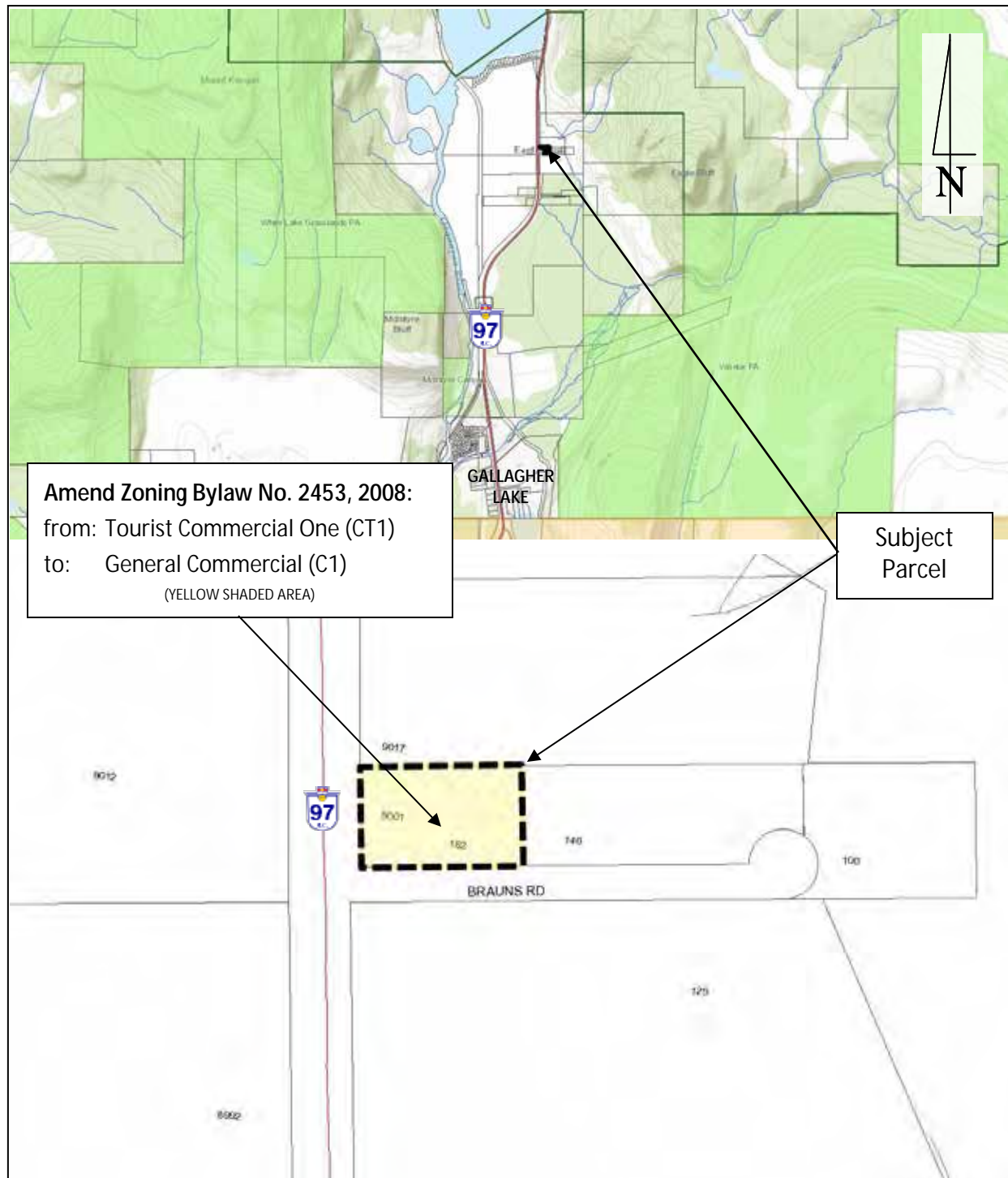
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-202'



Regional District of Okanagan-Similkameen

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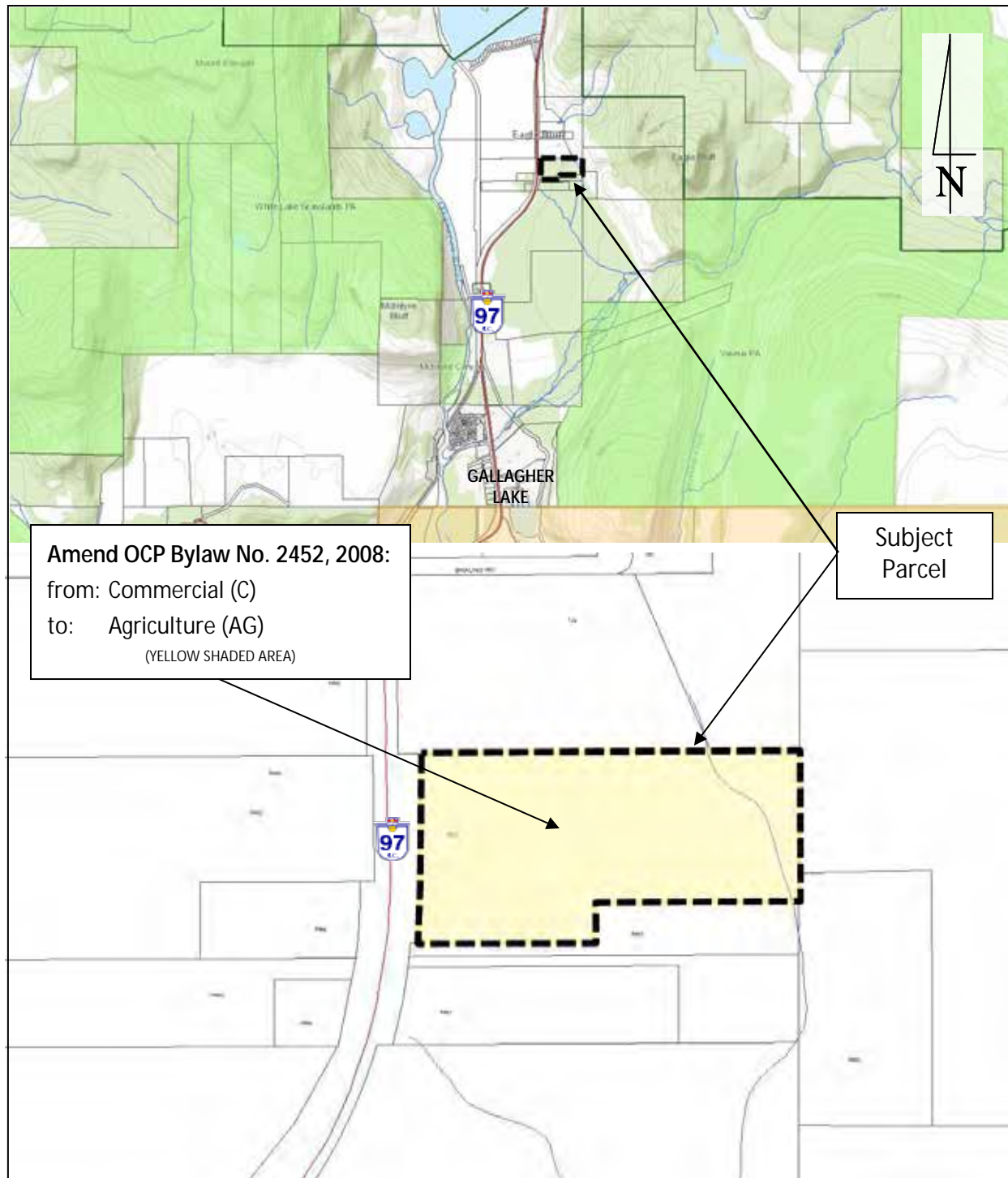
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-103'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

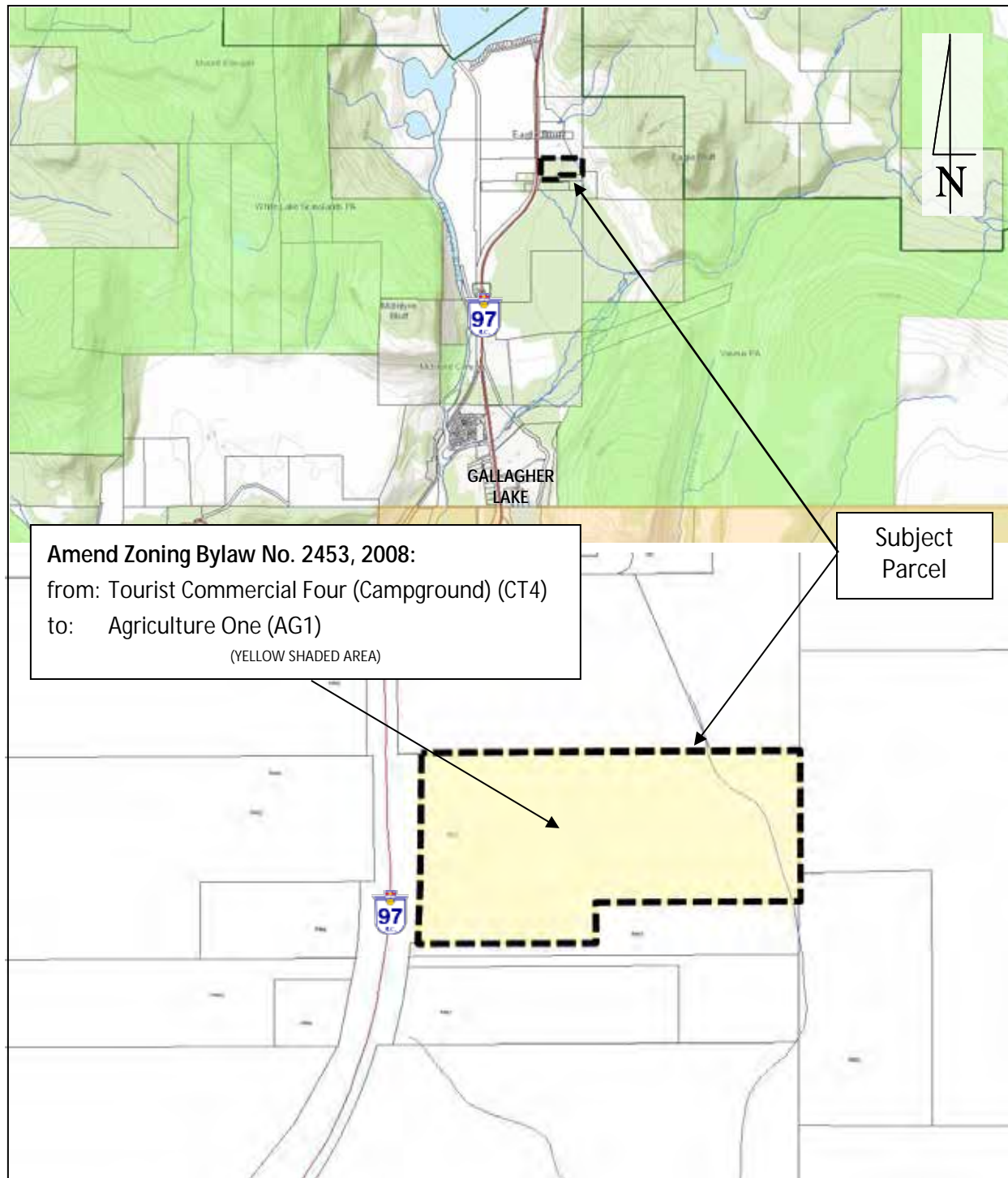
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-204'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

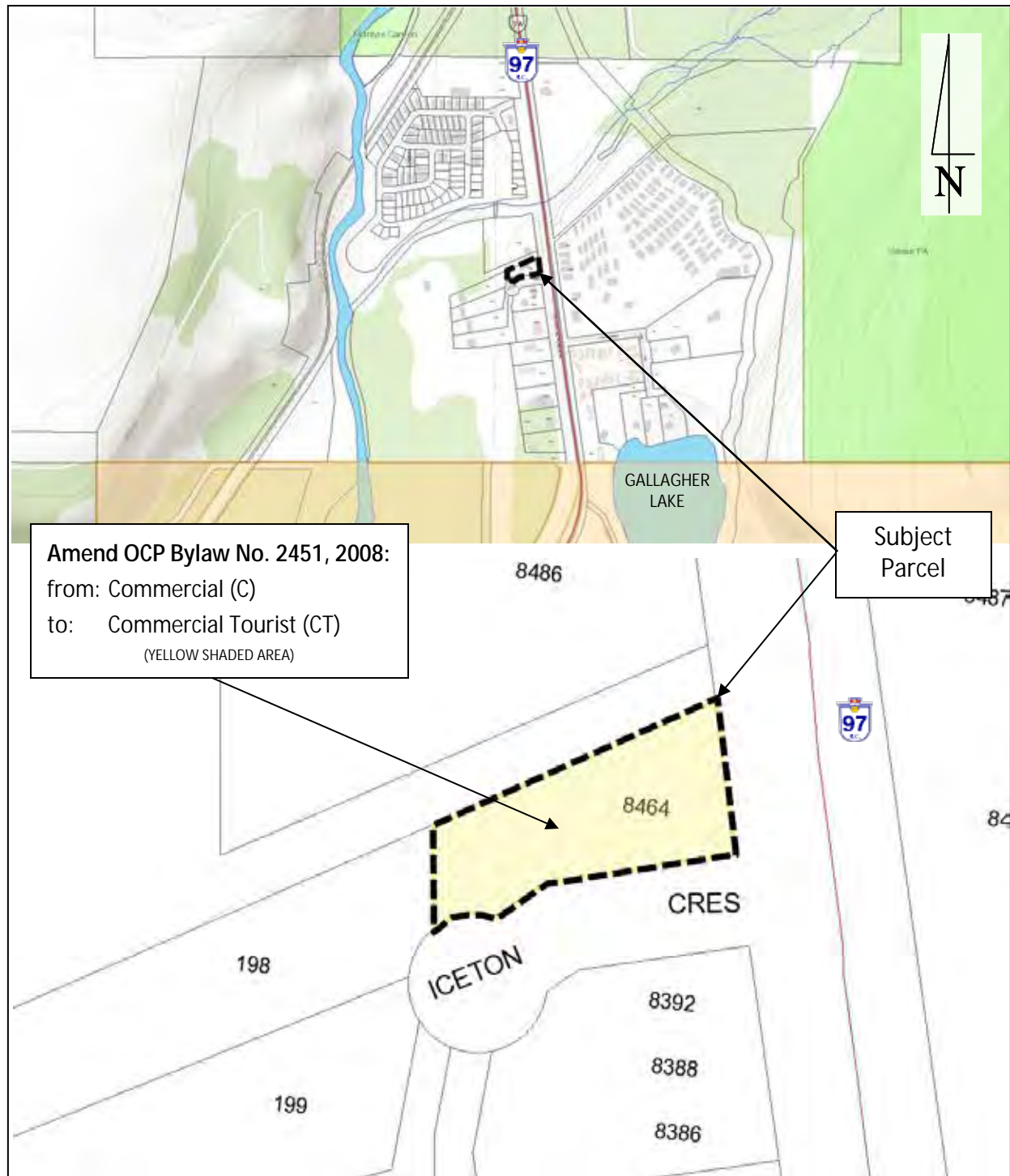
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-105'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

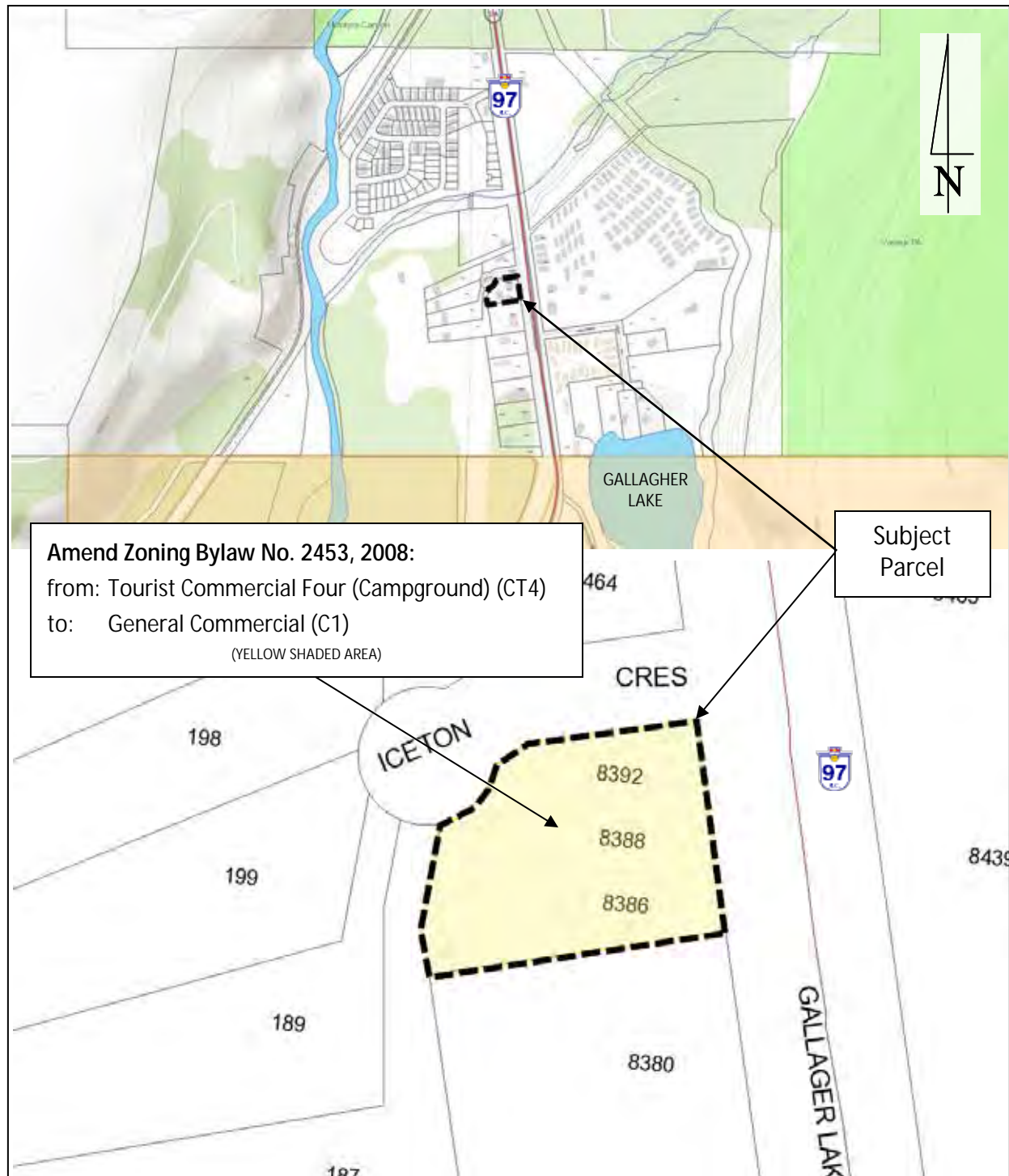
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-206'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

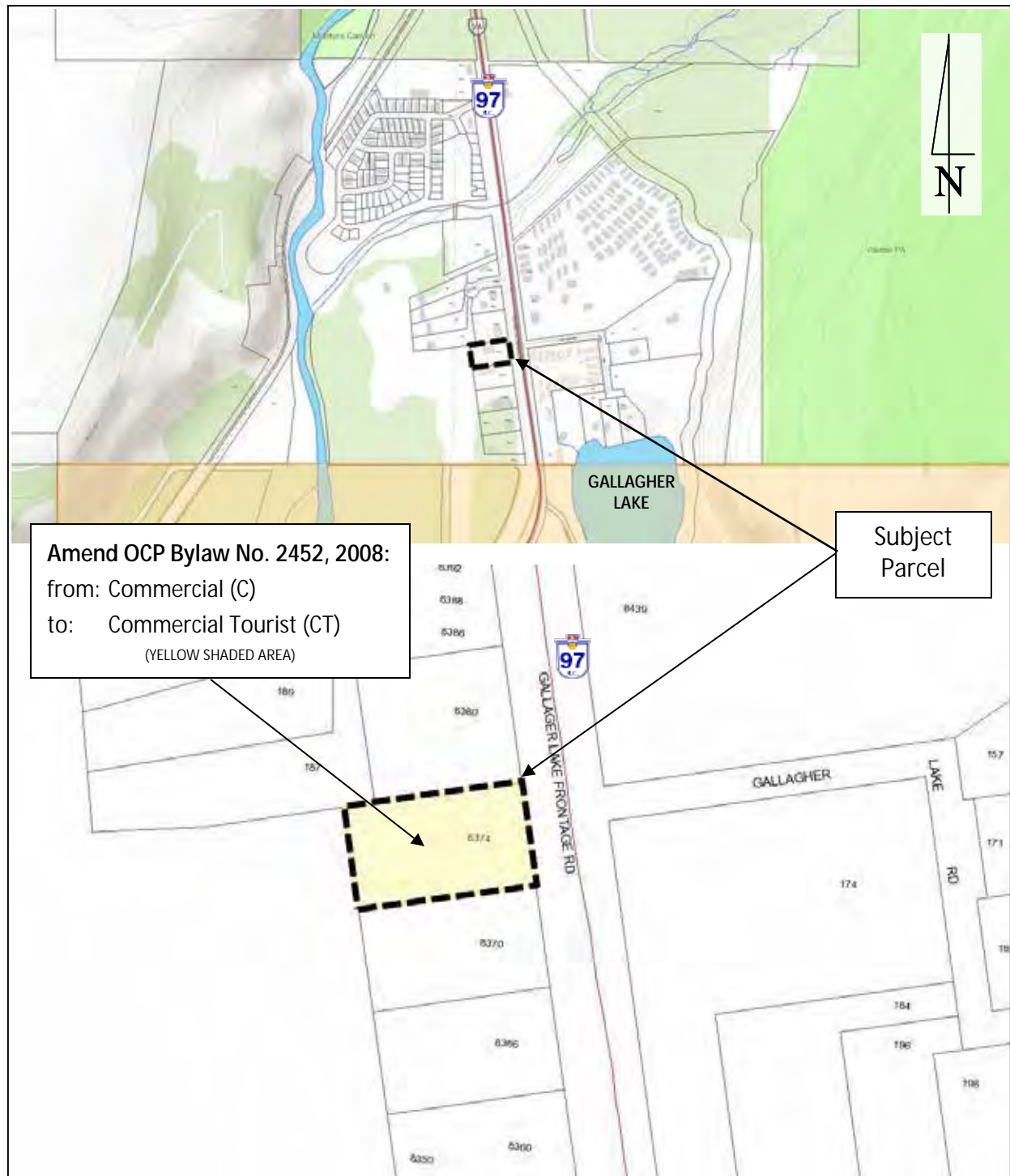
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-107'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

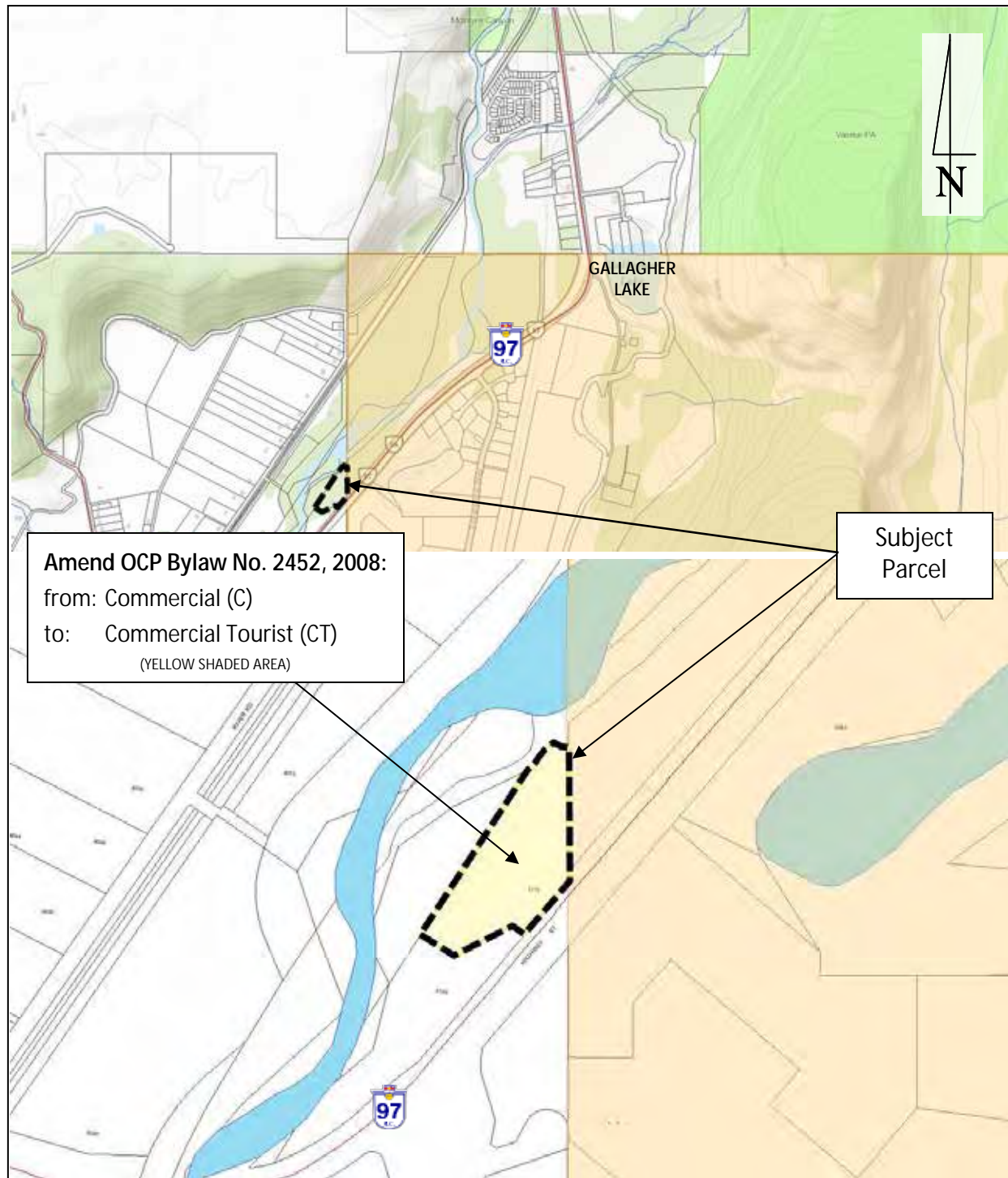
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-108'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

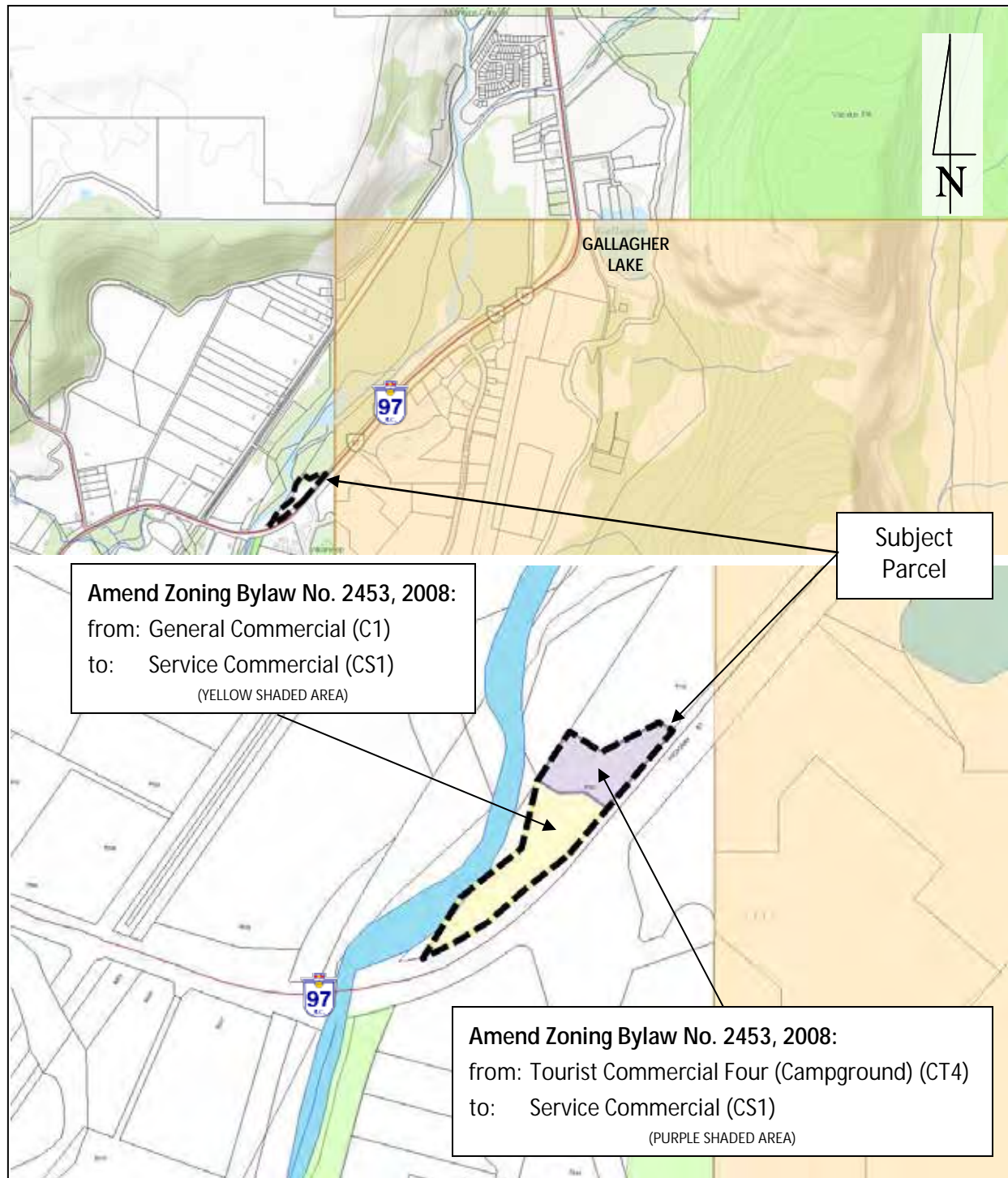
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-209'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

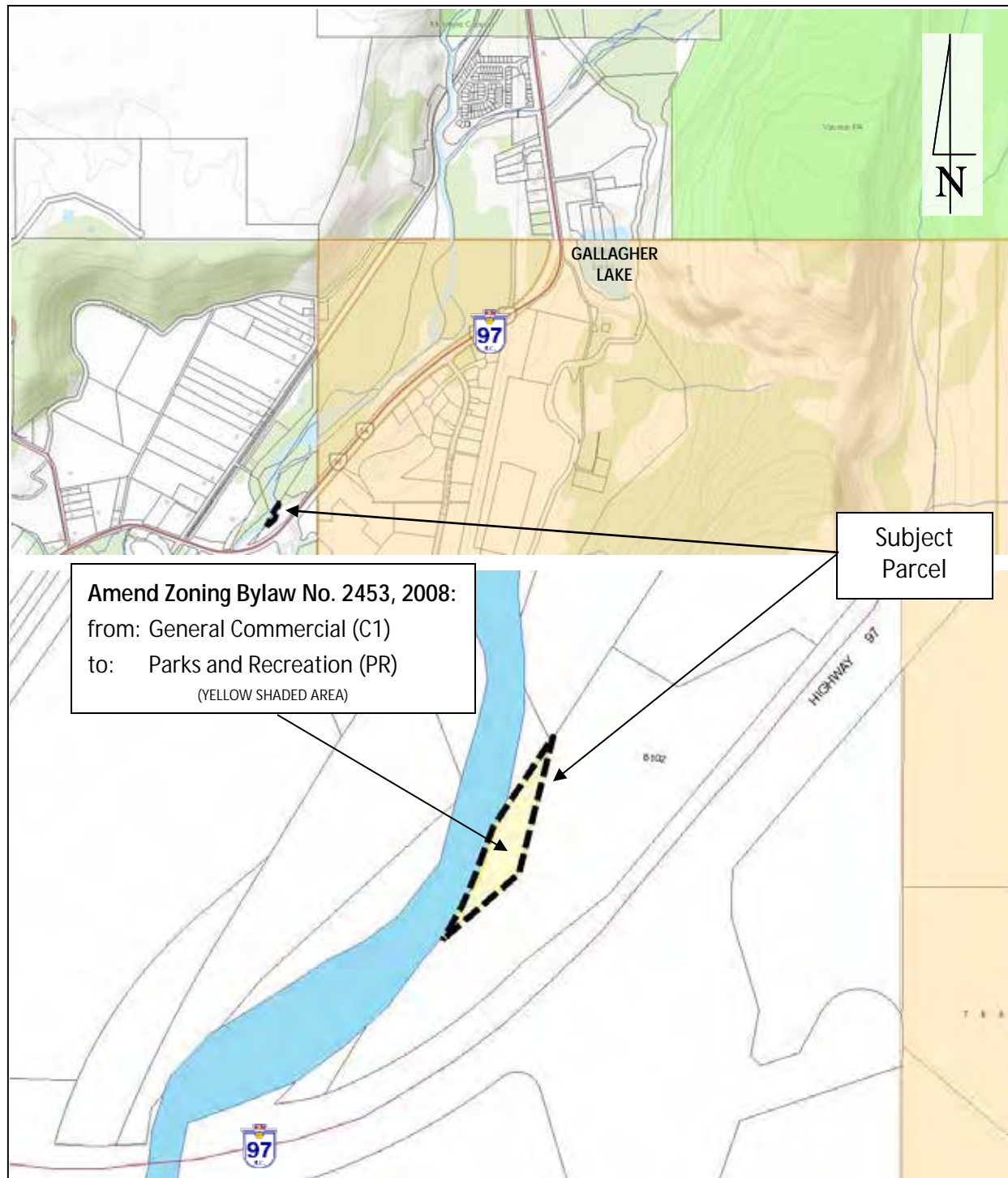
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Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-210'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

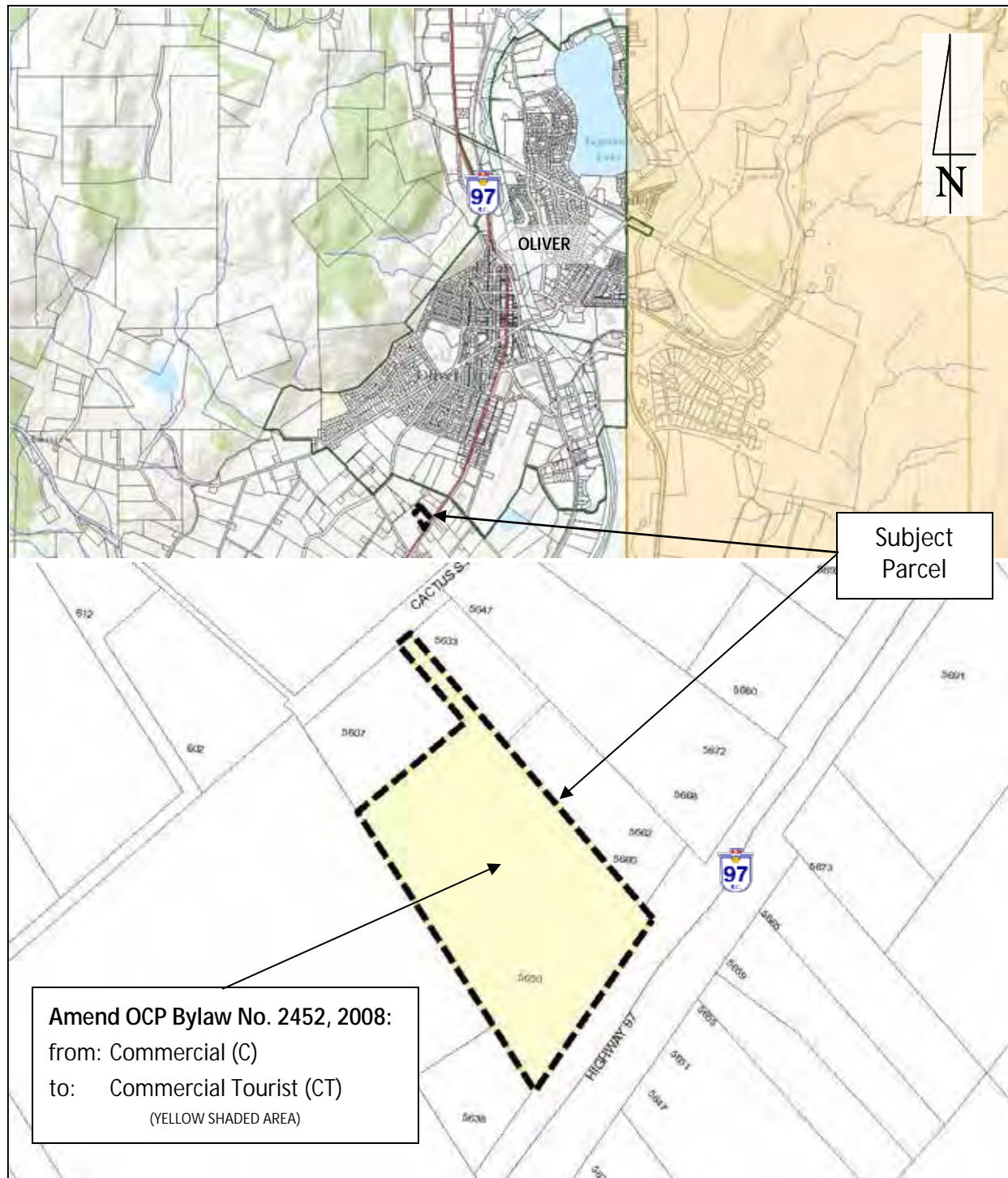
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-111'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

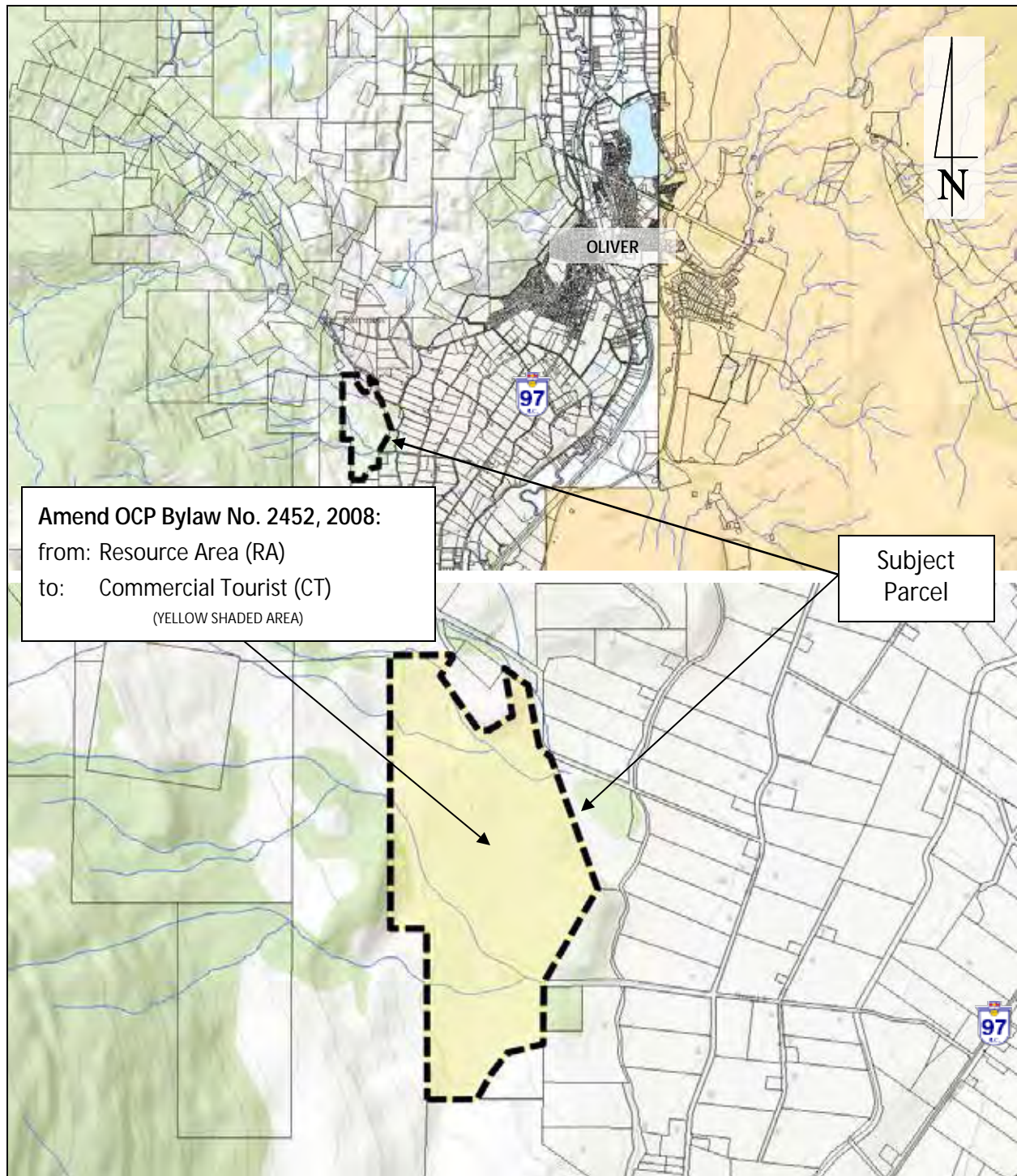
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-113'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

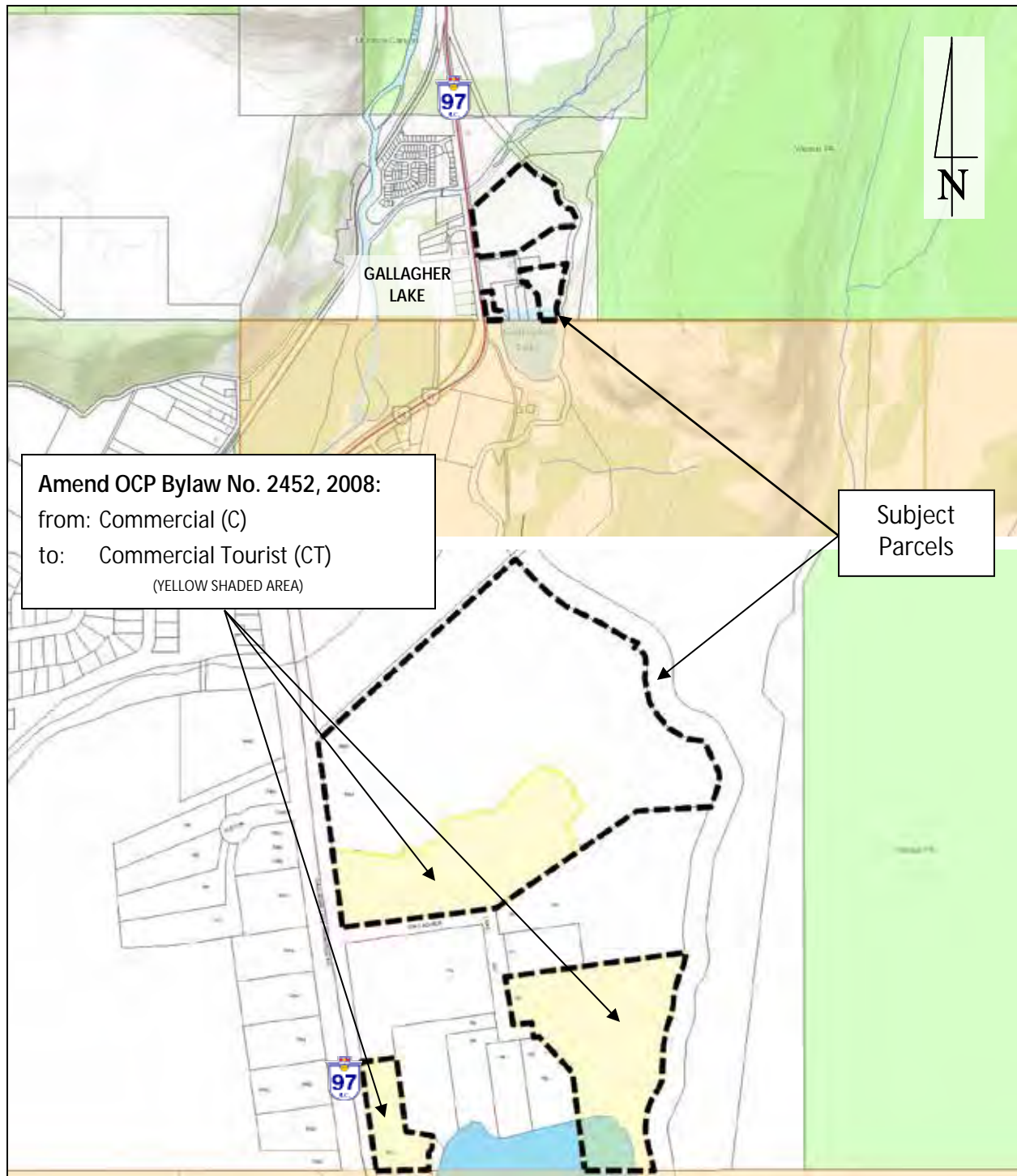
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'C-114'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

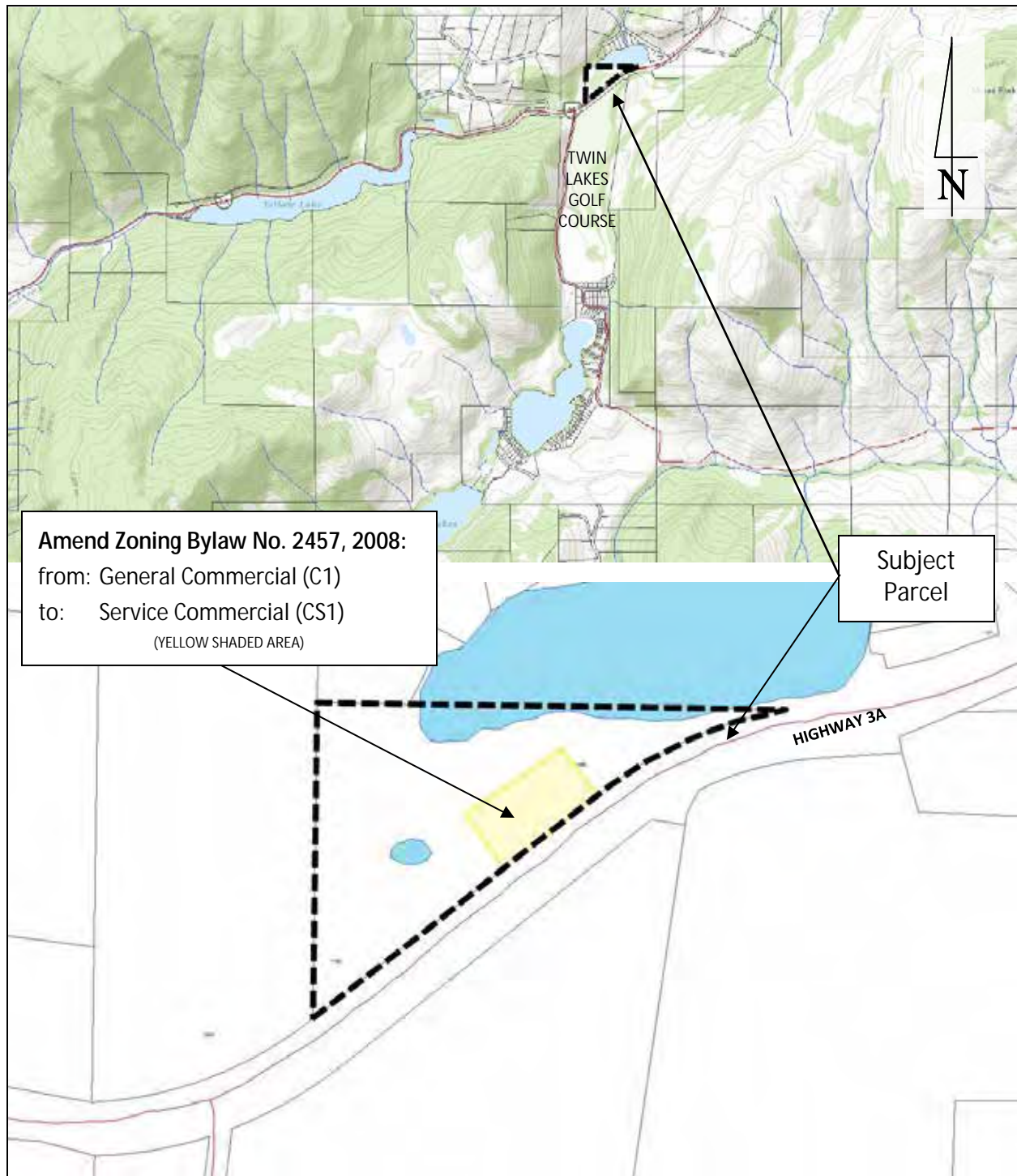
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'I-201'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

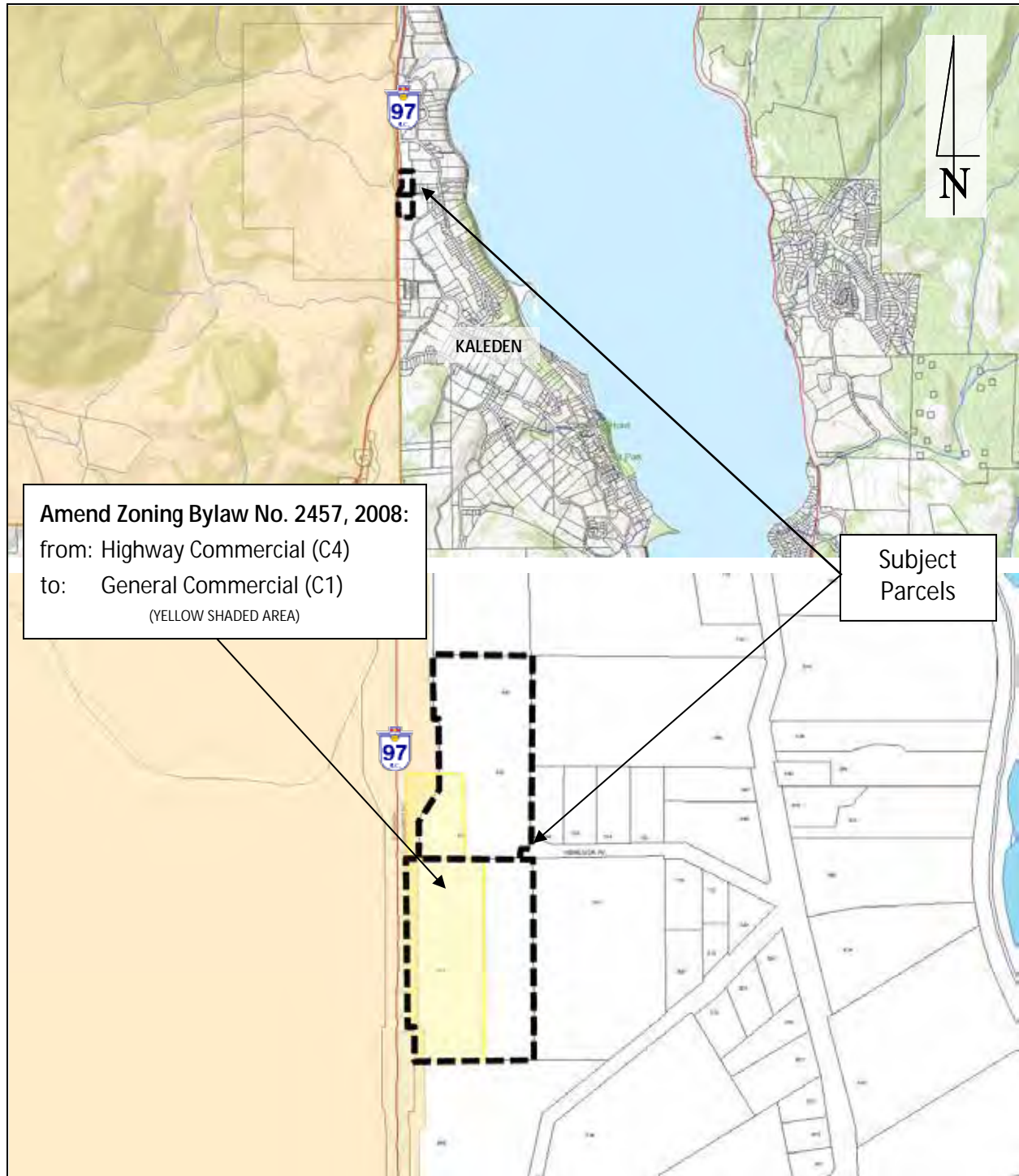
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule '1-202'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

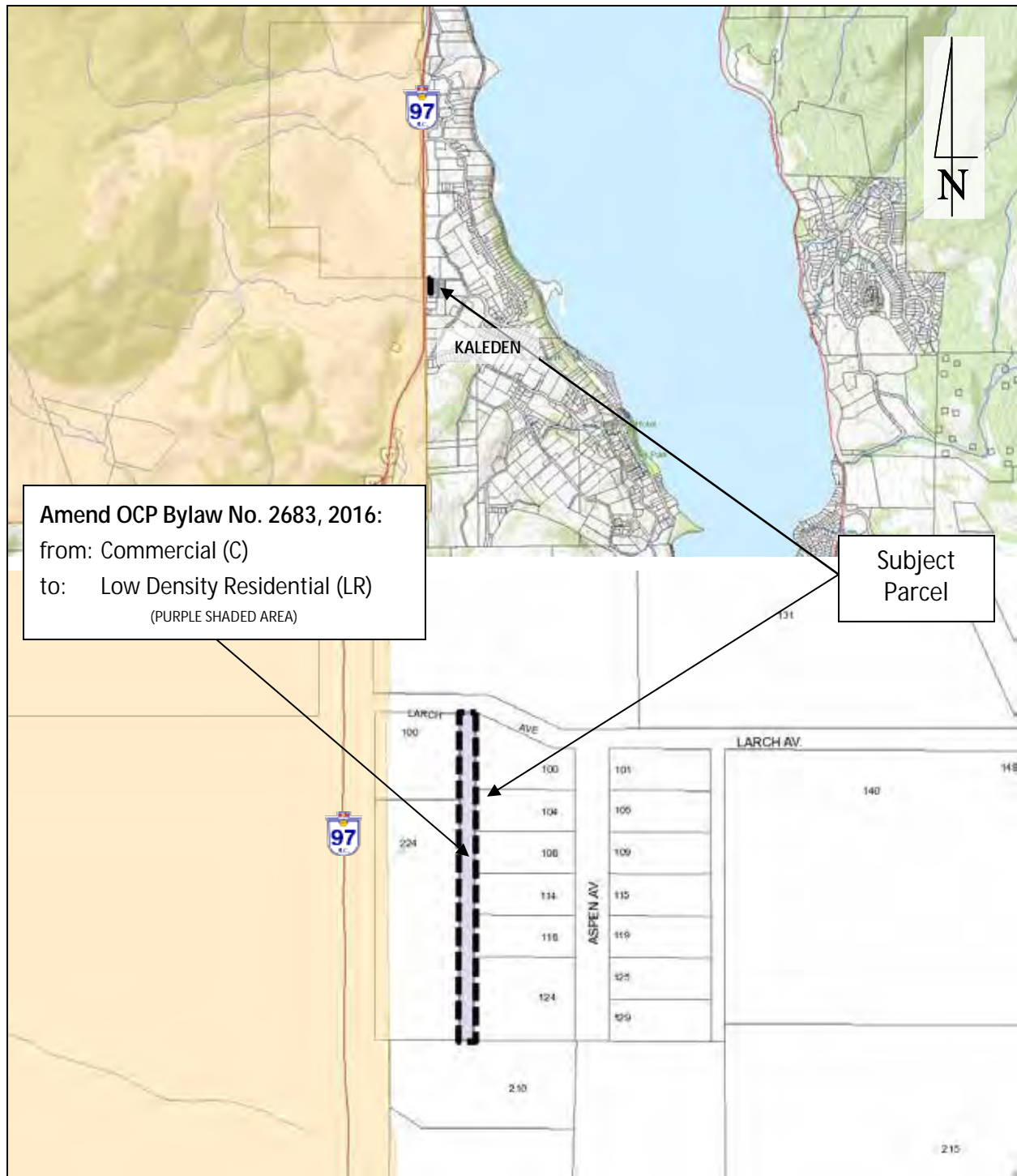
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'I-103'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

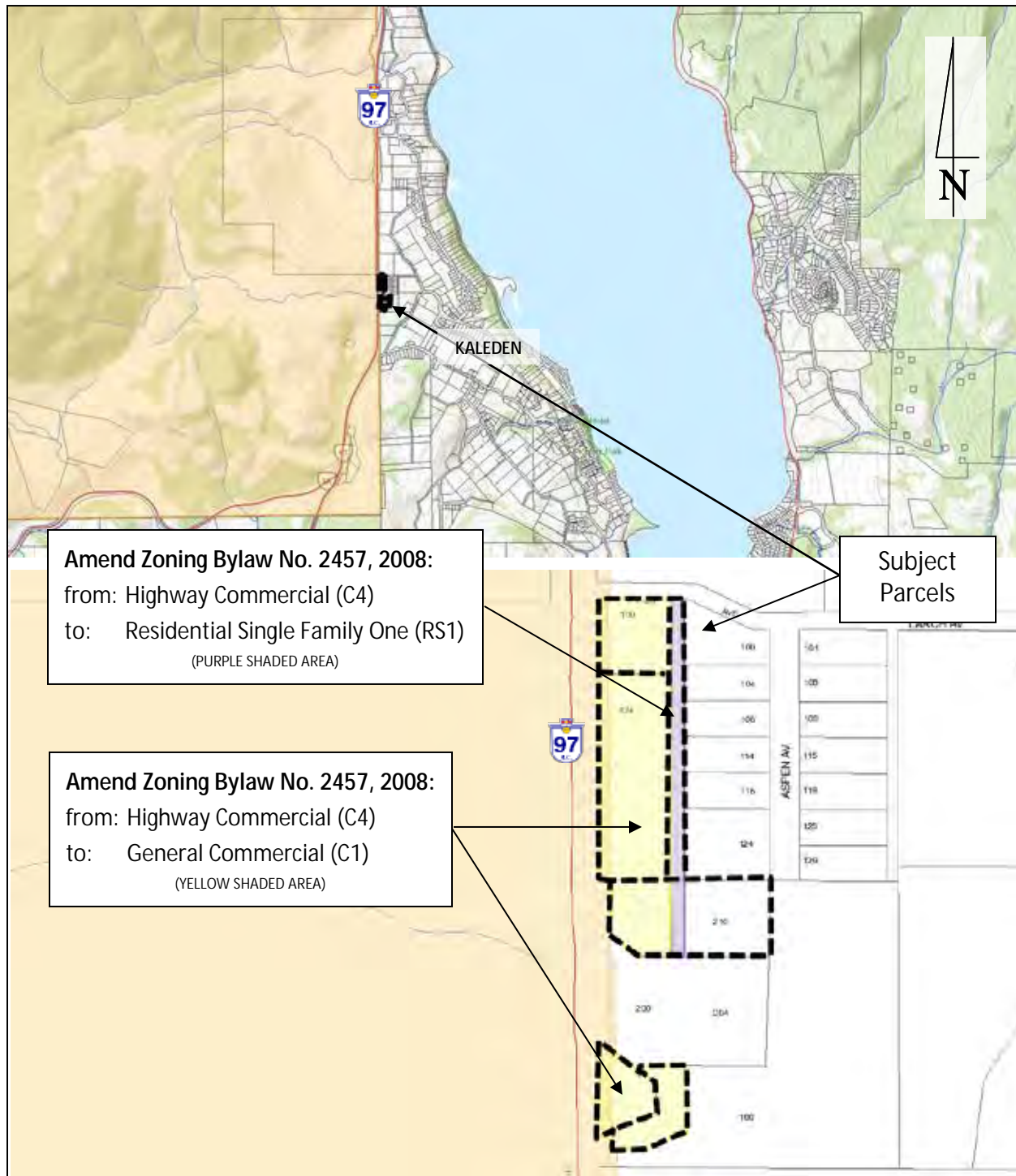
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'I-203'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

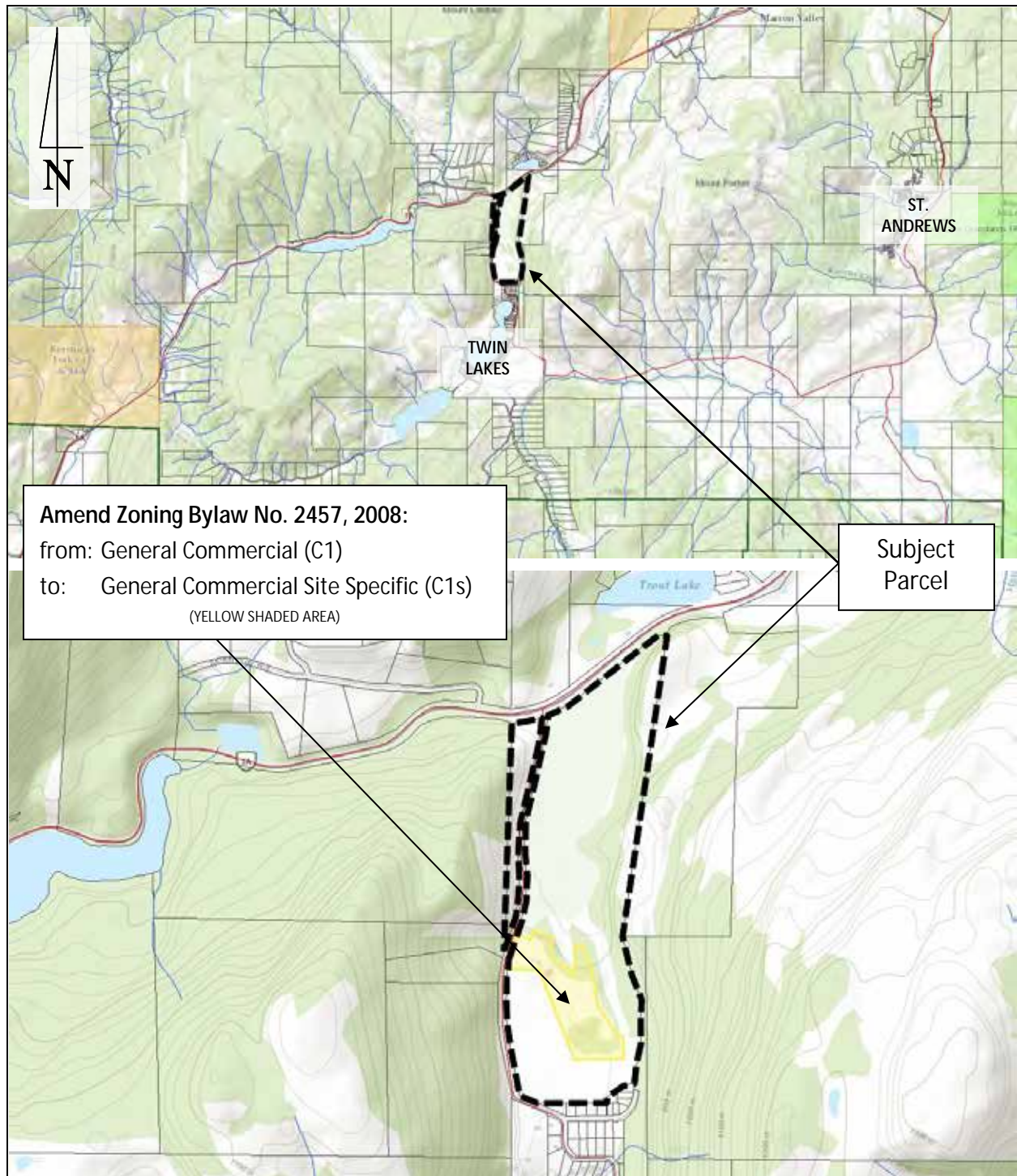
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'I-204'



Amend Zoning Bylaw No. 2457, 2008:

from: General Commercial (C1)

to: General Commercial Site Specific (C1s)
(YELLOW SHADED AREA)

Subject
Parcel

Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

Page 91 of 115

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

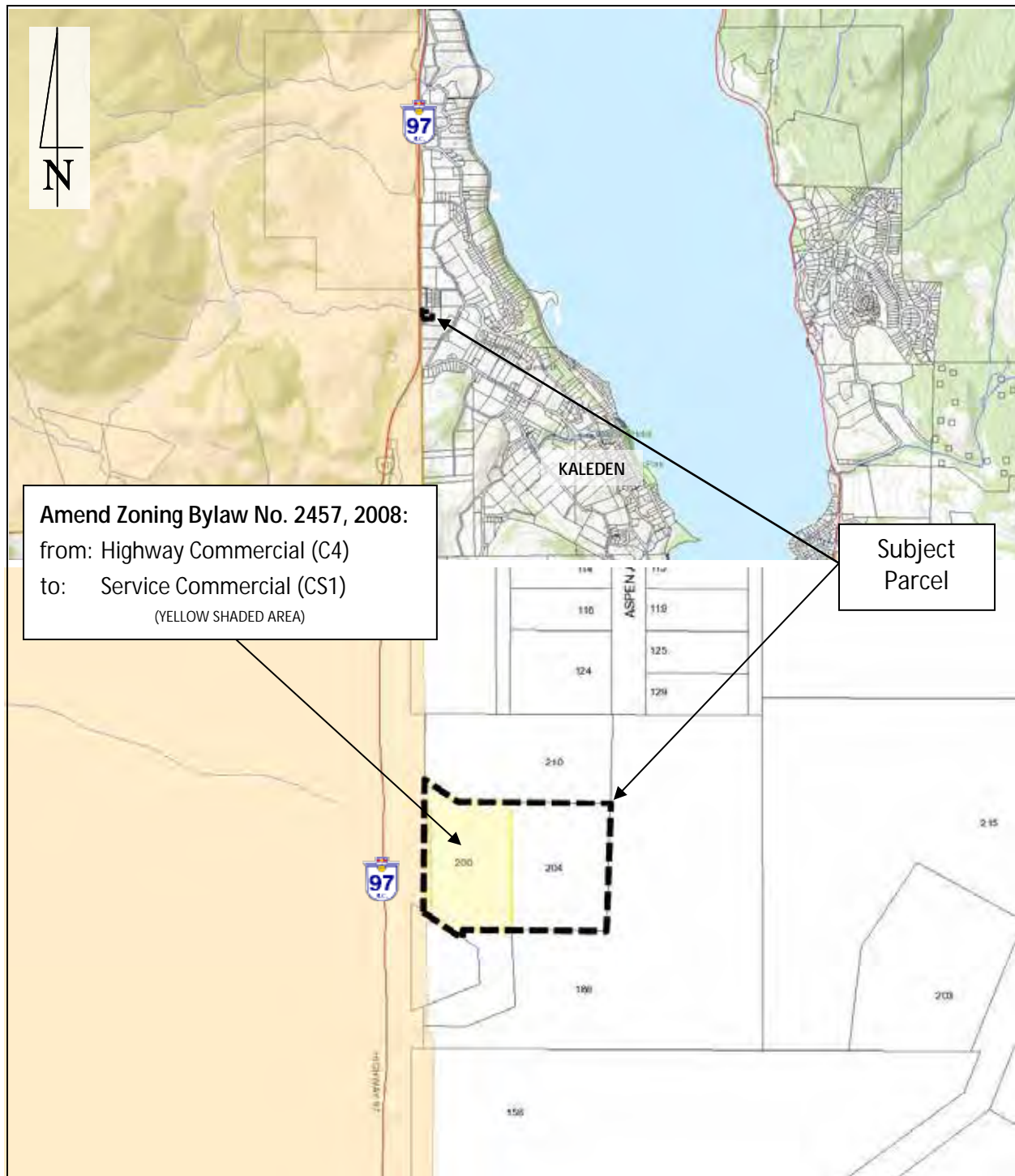
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'I-205'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

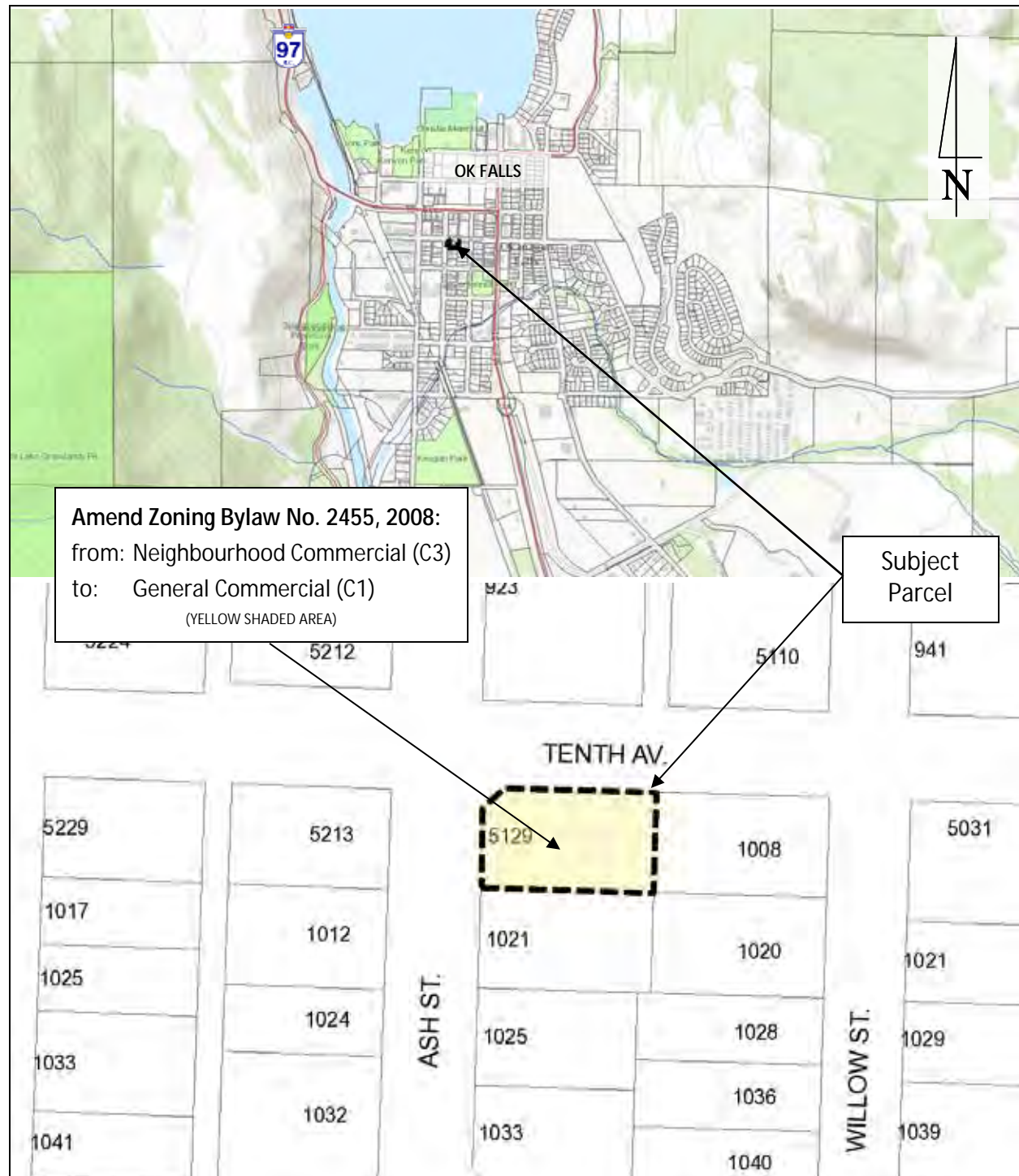
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-201'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

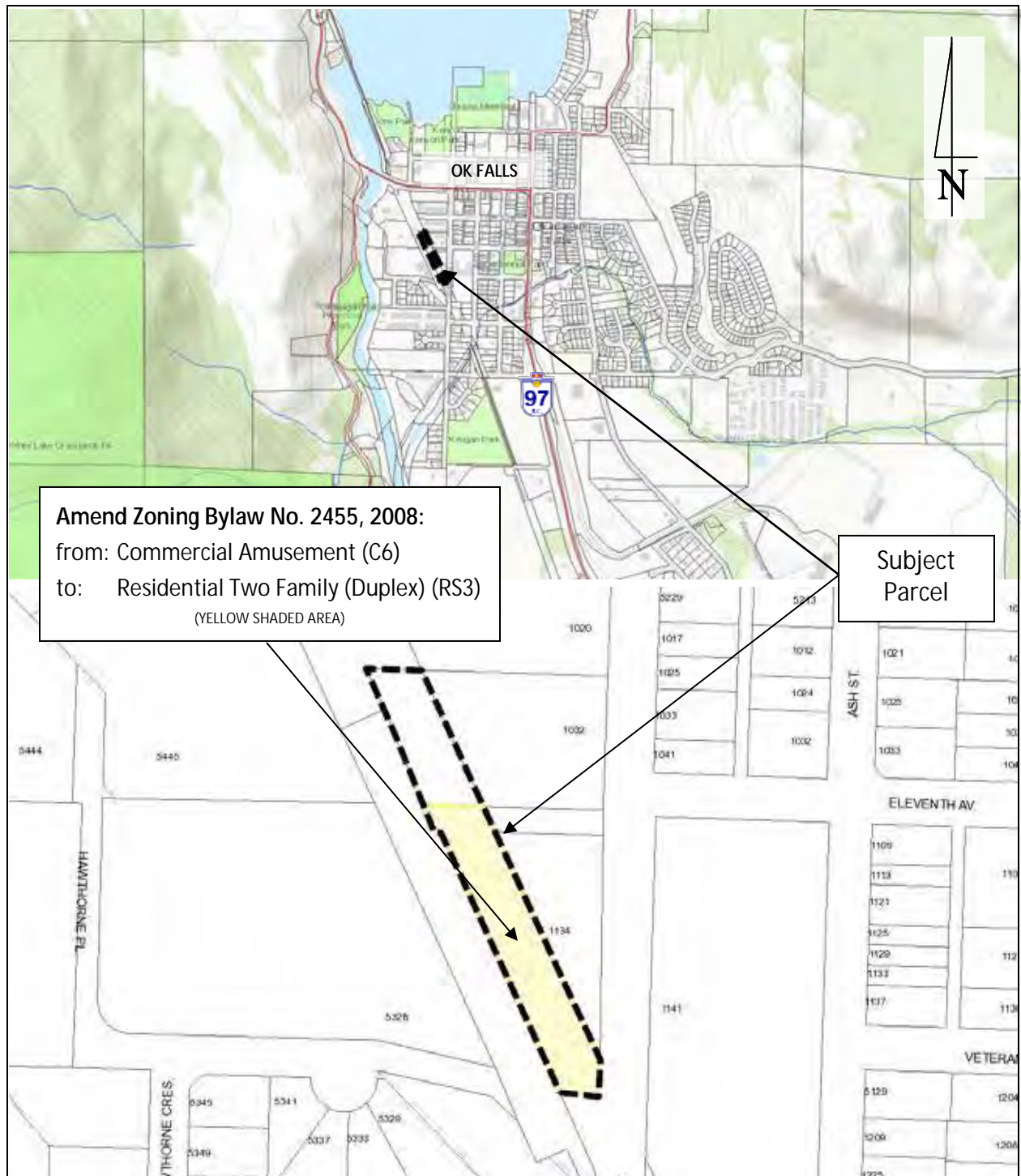
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-202'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

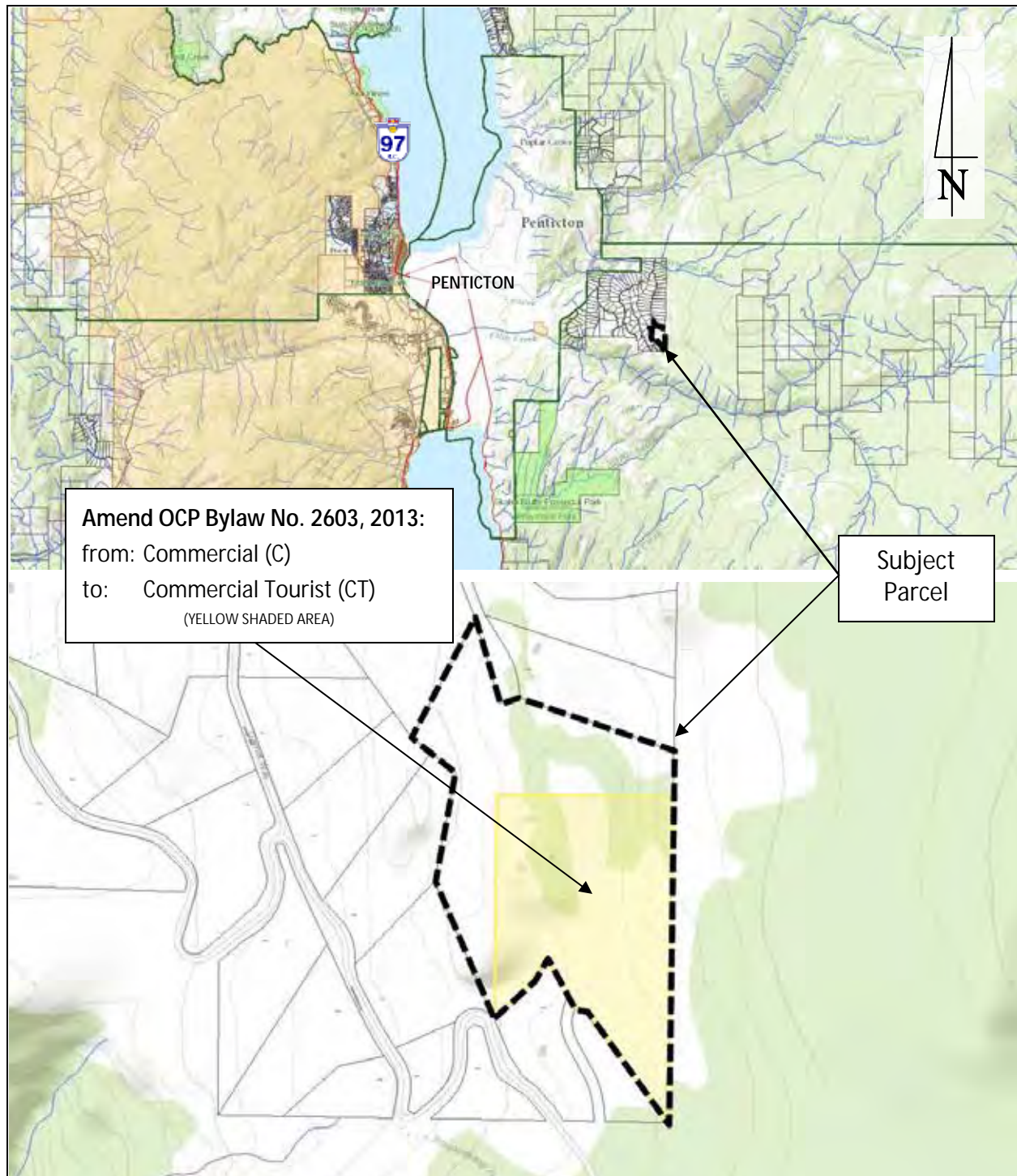
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-103'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

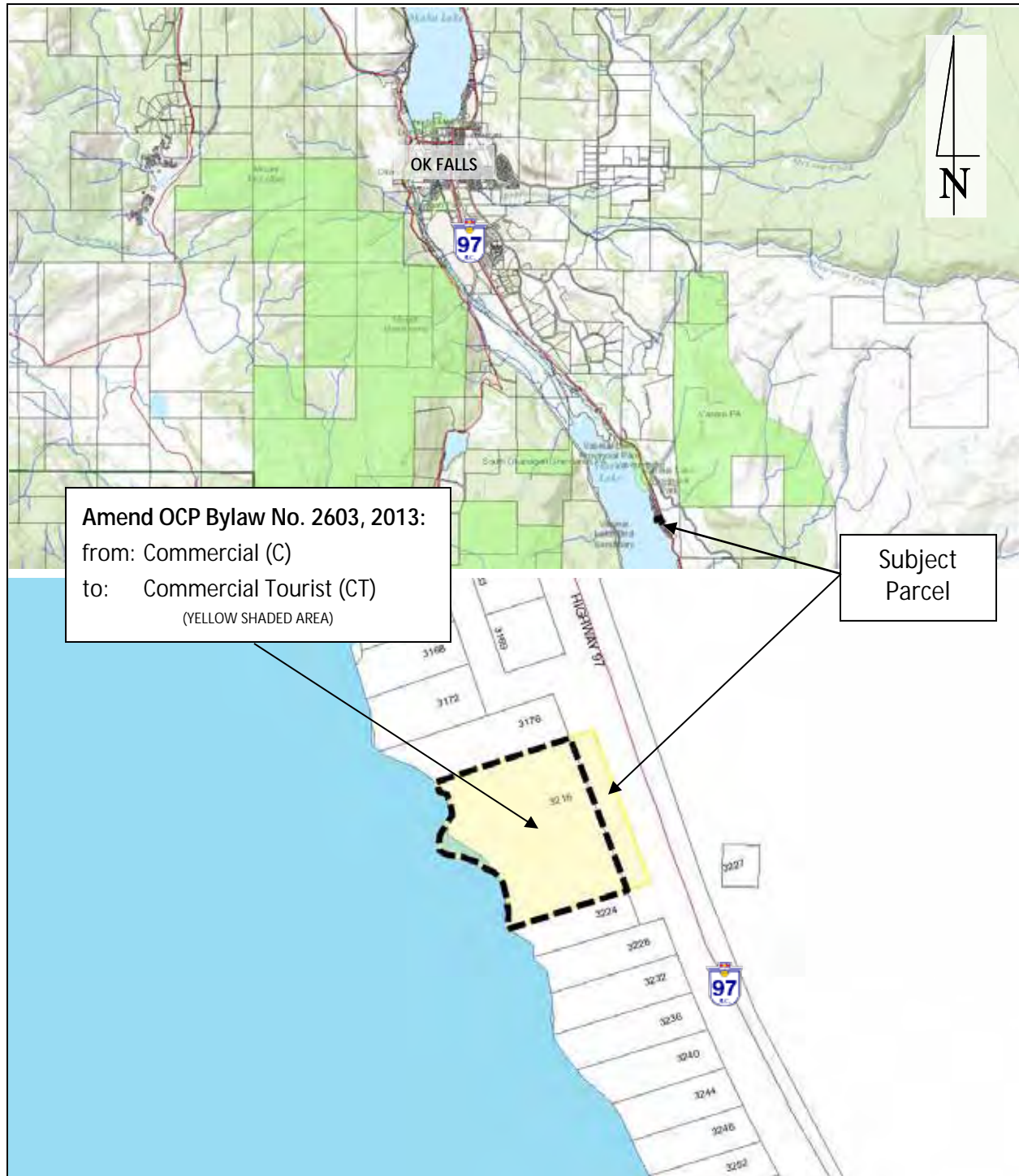
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-104'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

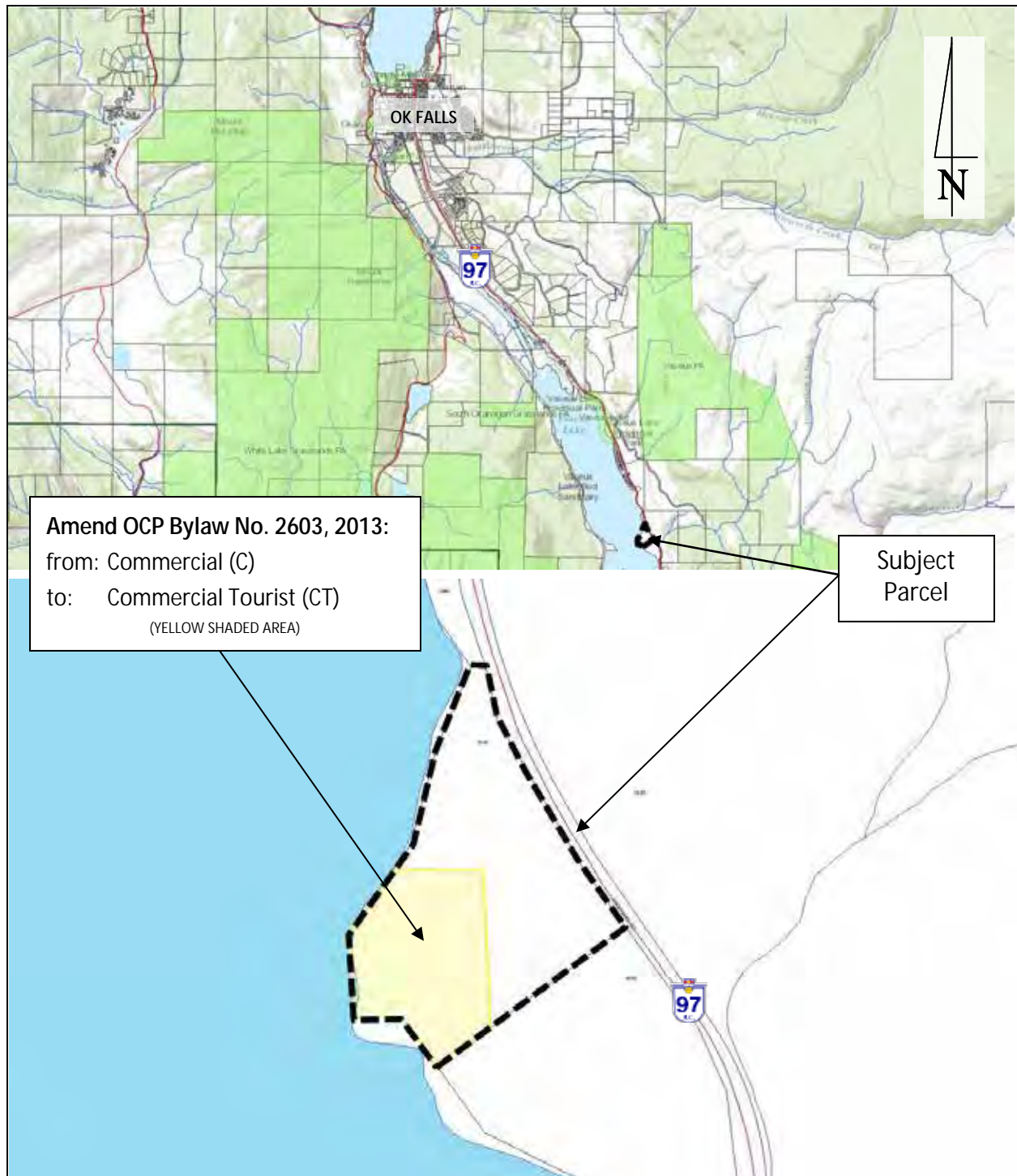
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-105'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

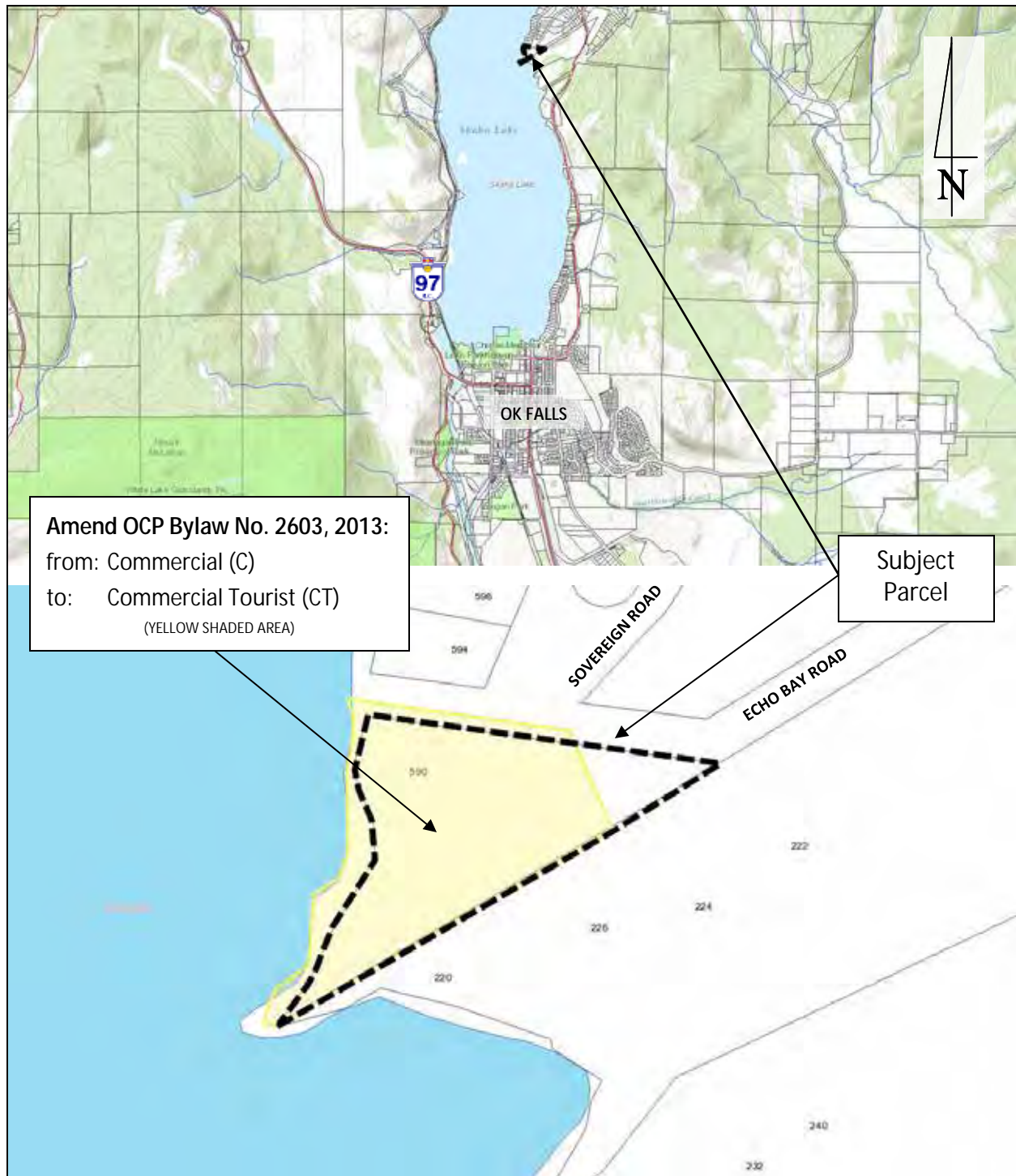
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-106'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

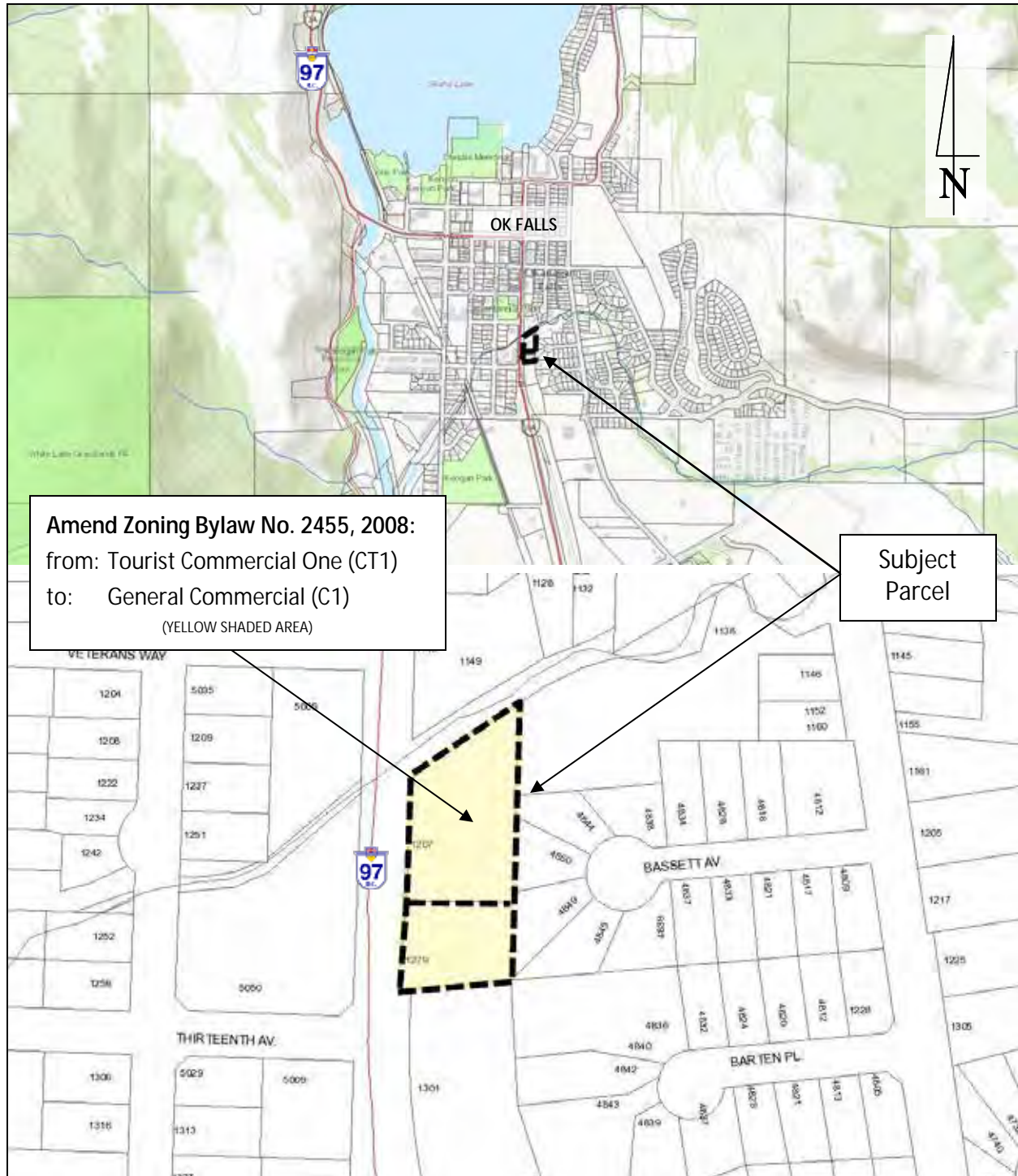
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-209'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

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Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

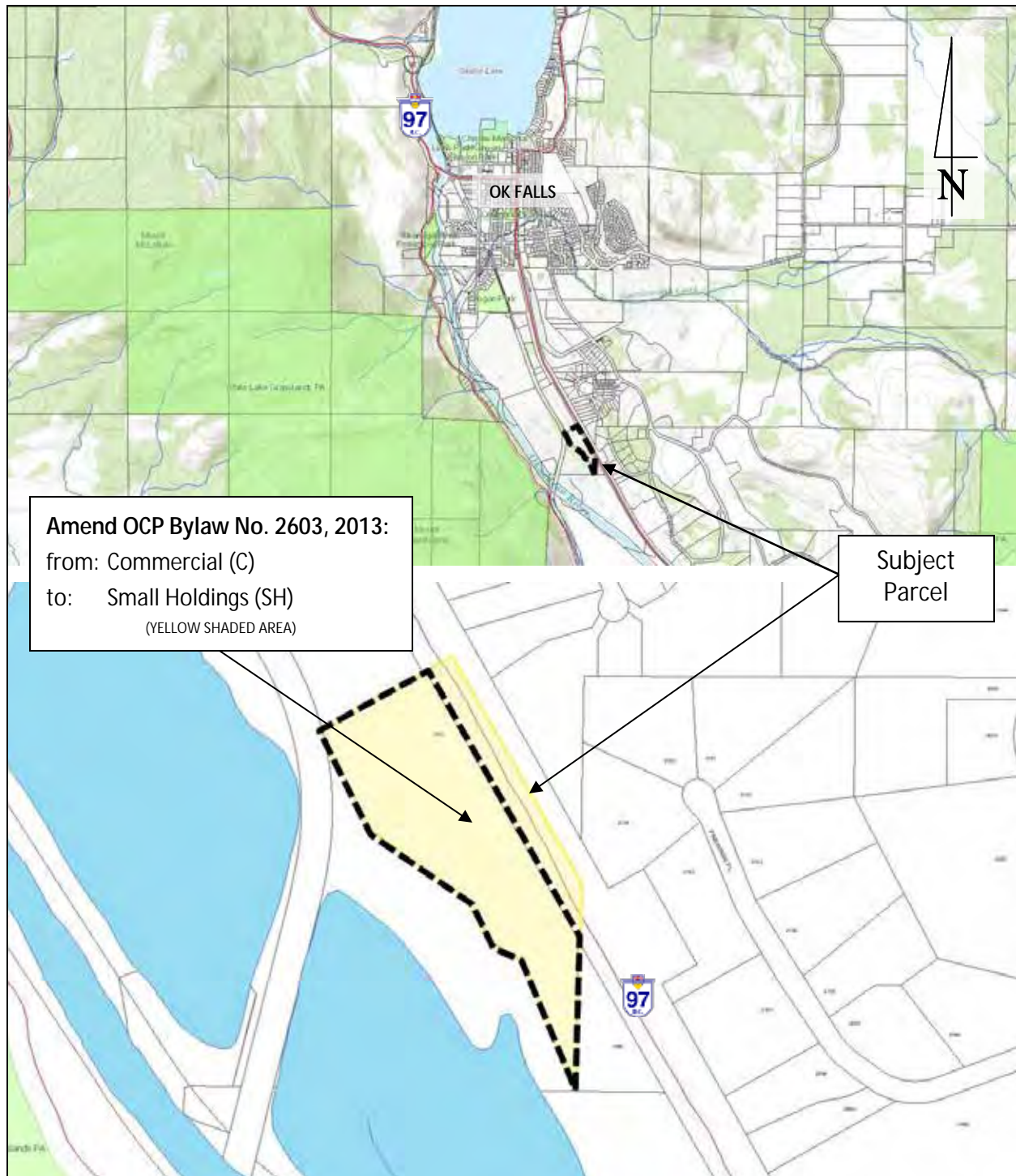
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-110'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

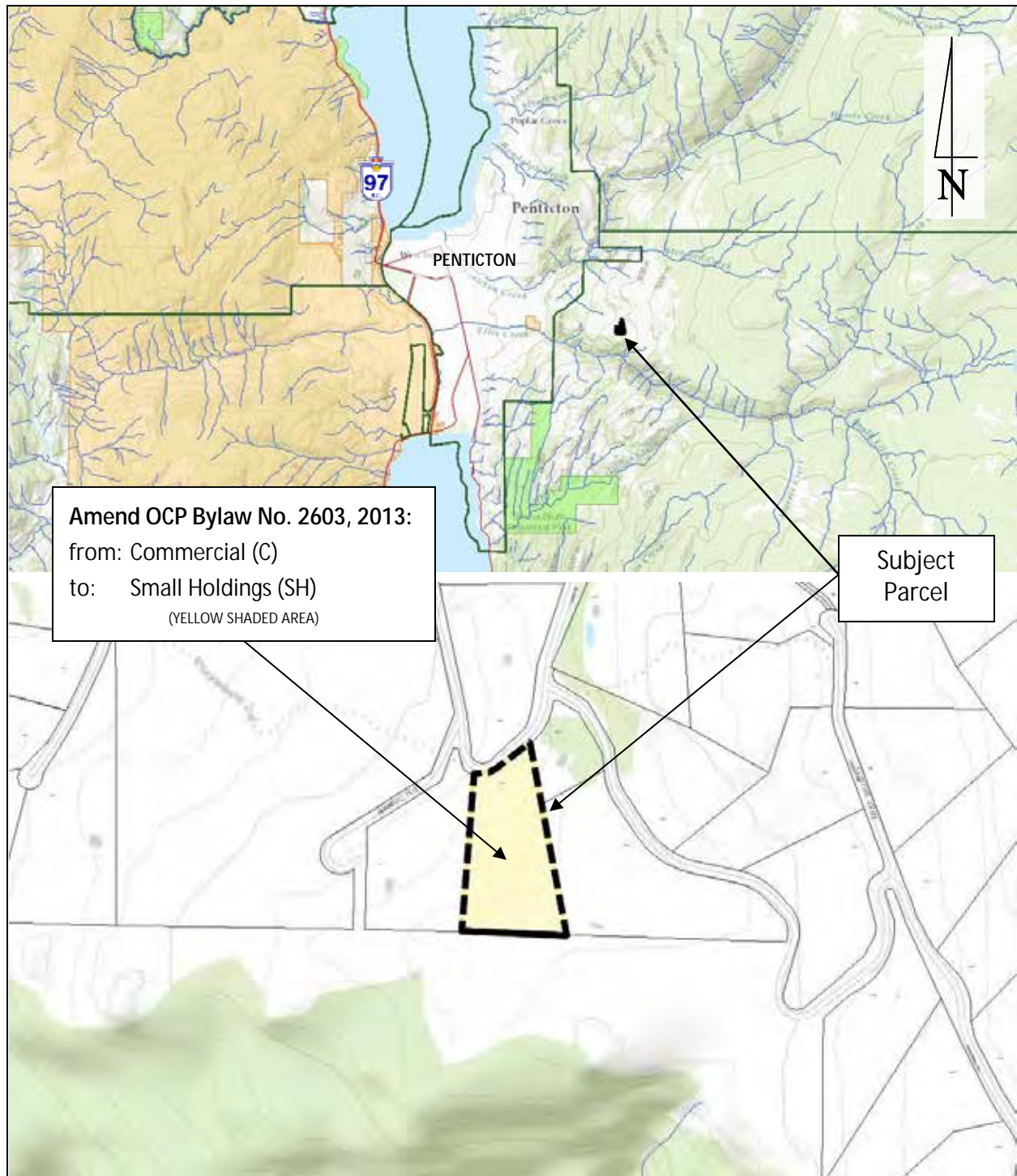
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-111'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

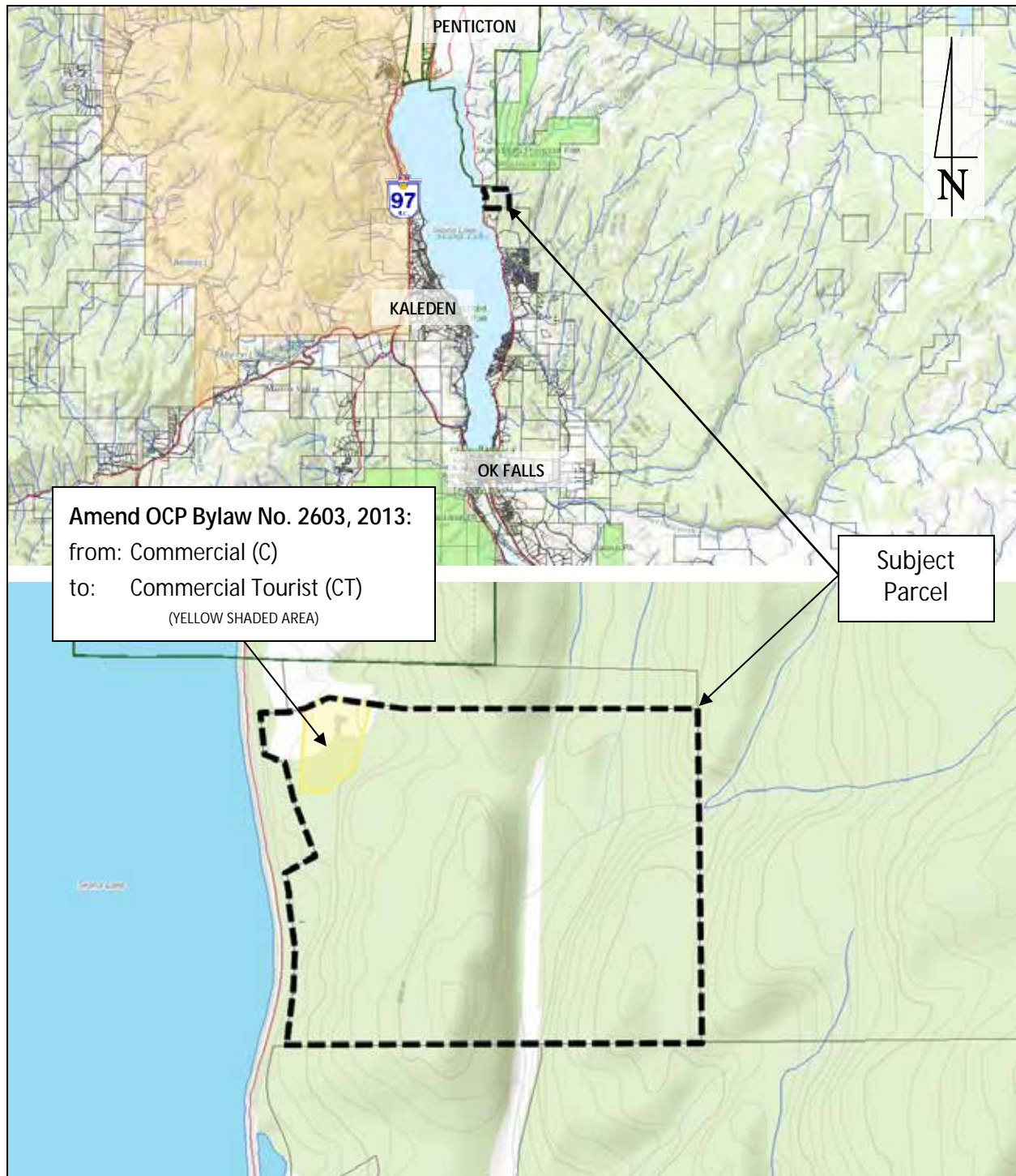
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'D-112'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

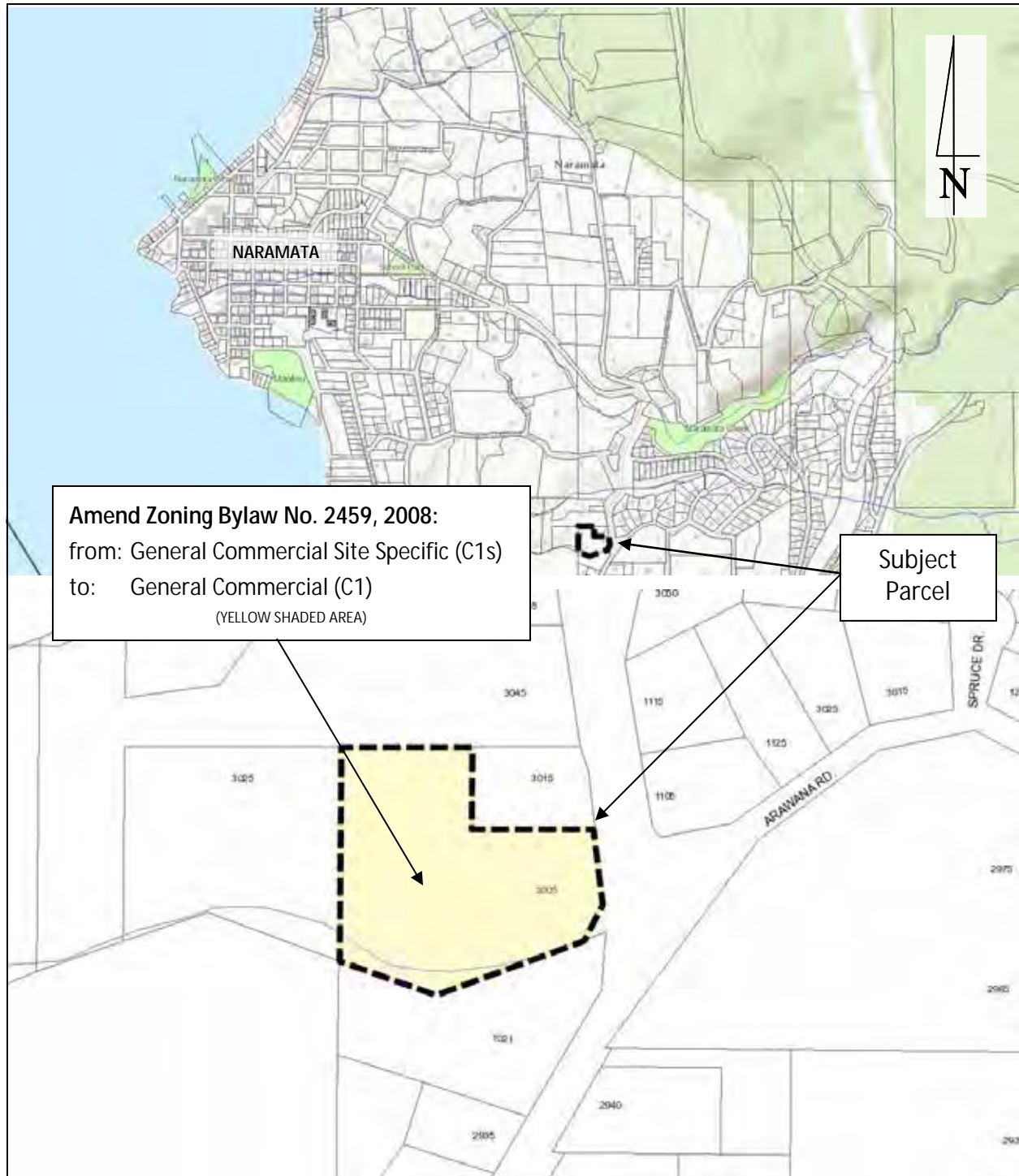
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-201'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

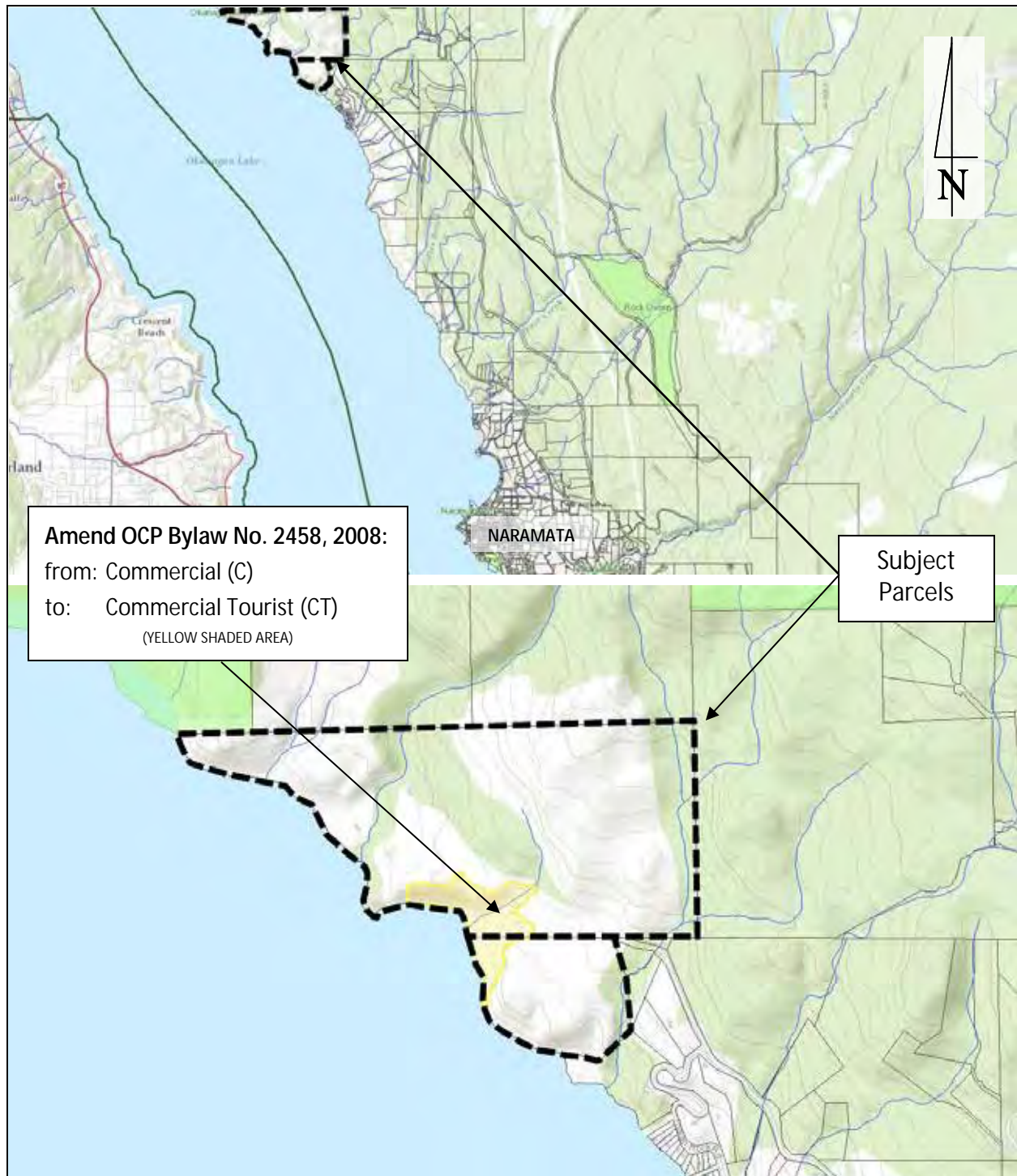
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-102'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

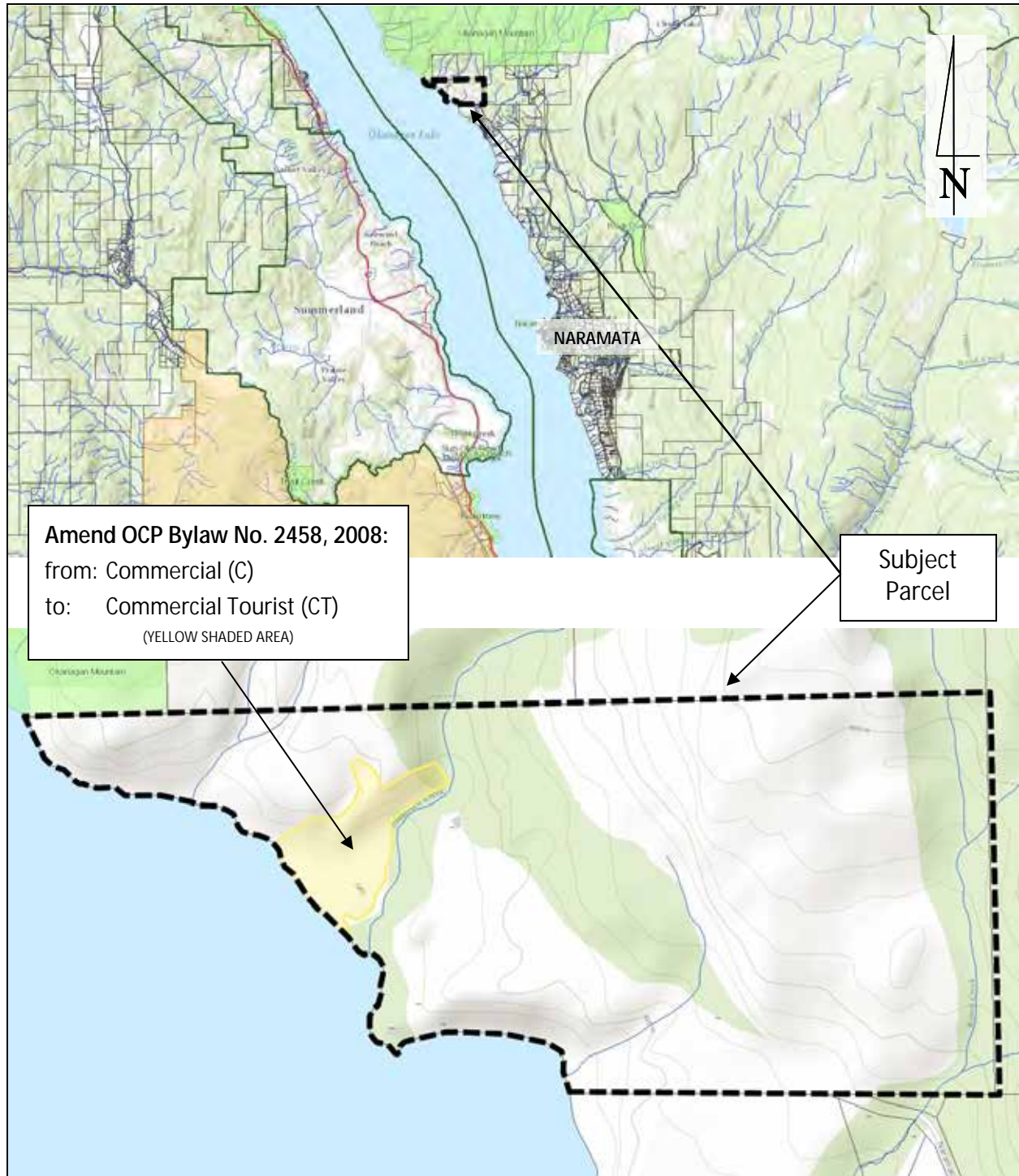
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-103'



Amend OCP Bylaw No. 2458, 2008:

from: Commercial (C)

to: Commercial Tourist (CT)

(YELLOW SHADED AREA)

Subject
Parcel

Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

Page 105 of 115

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

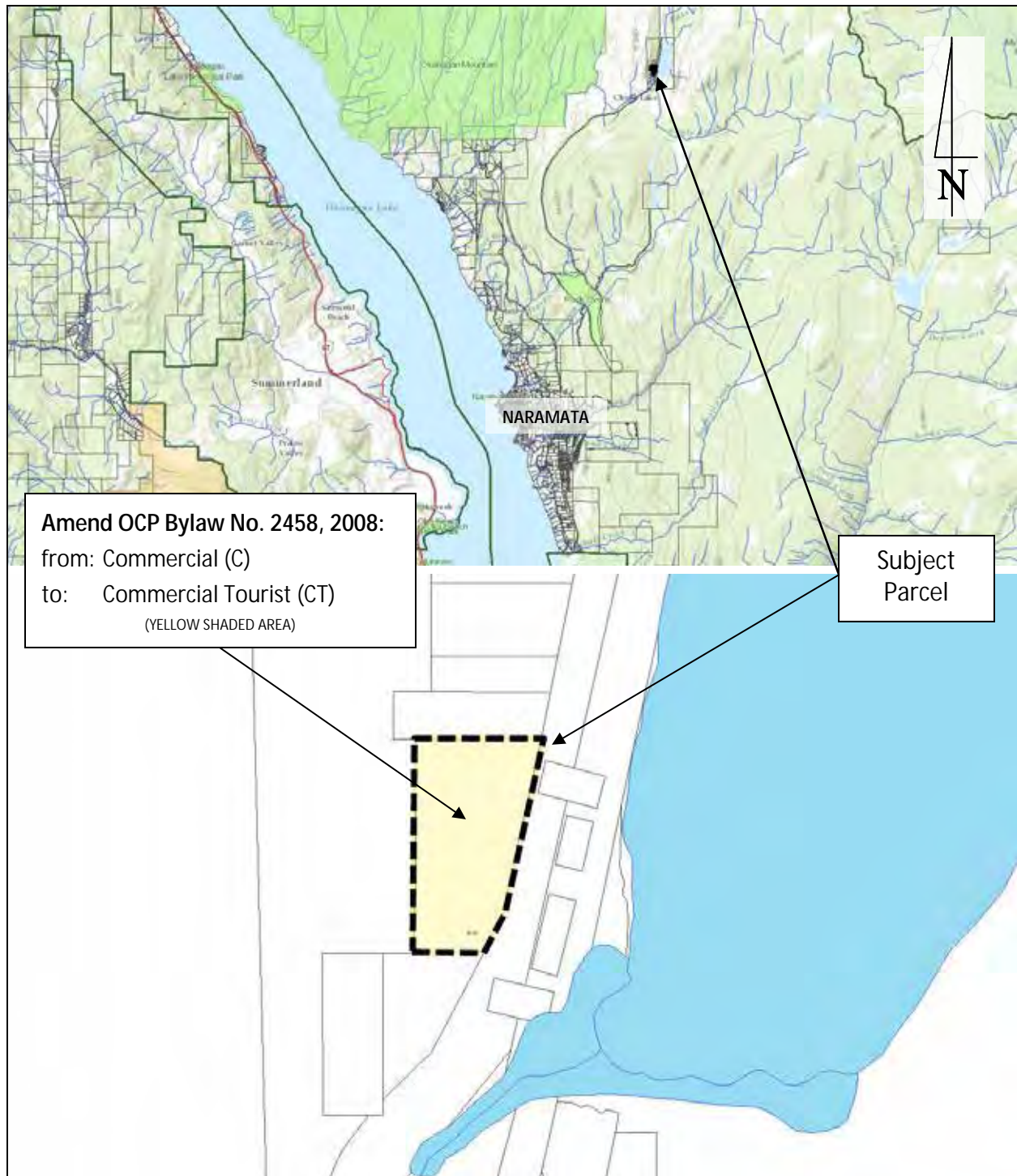
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-104'



Amend OCP Bylaw No. 2458, 2008:
from: Commercial (C)
to: Commercial Tourist (CT)
(YELLOW SHADED AREA)

Subject
Parcel

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

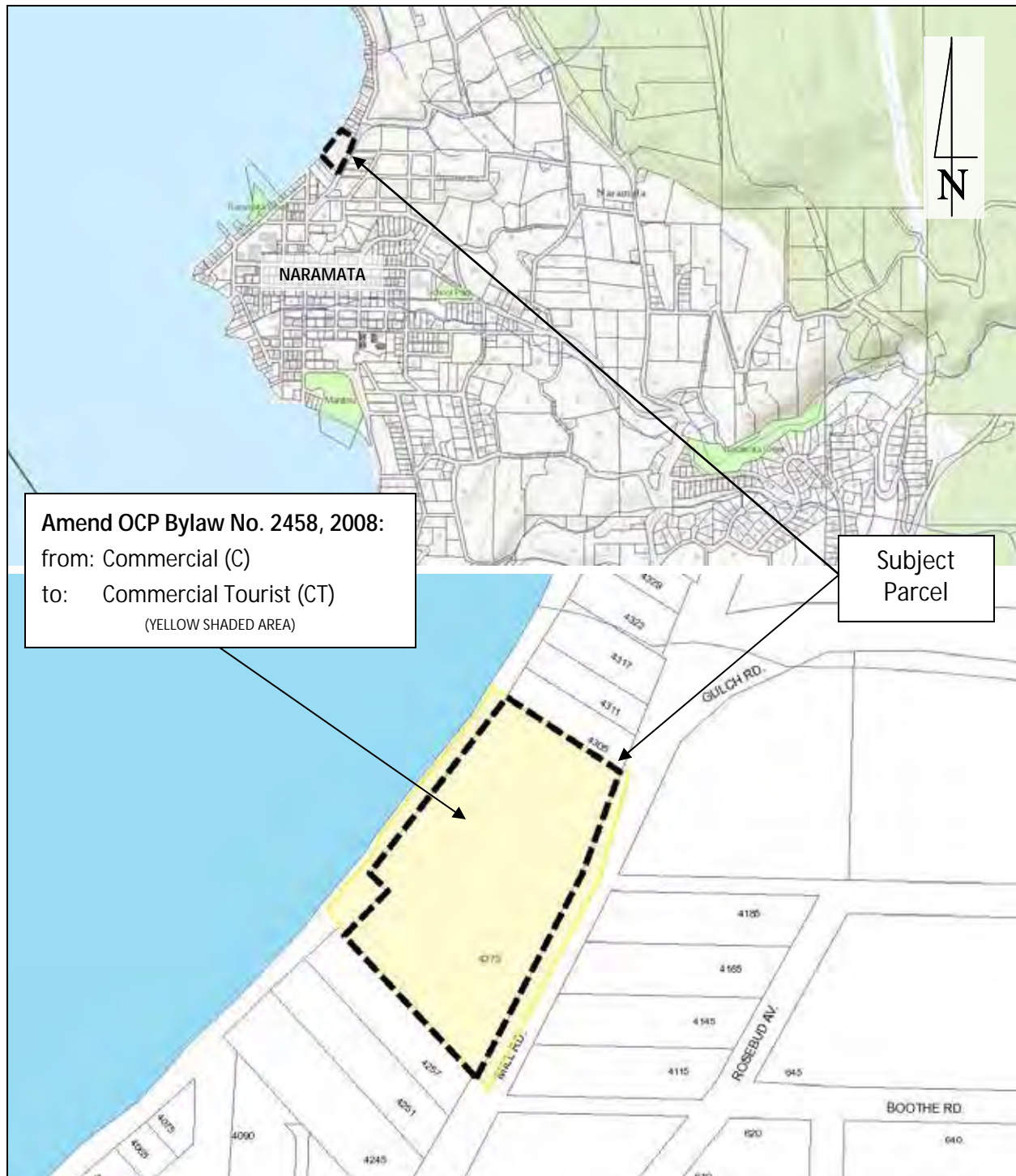
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-105'



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

Page 107 of 115

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

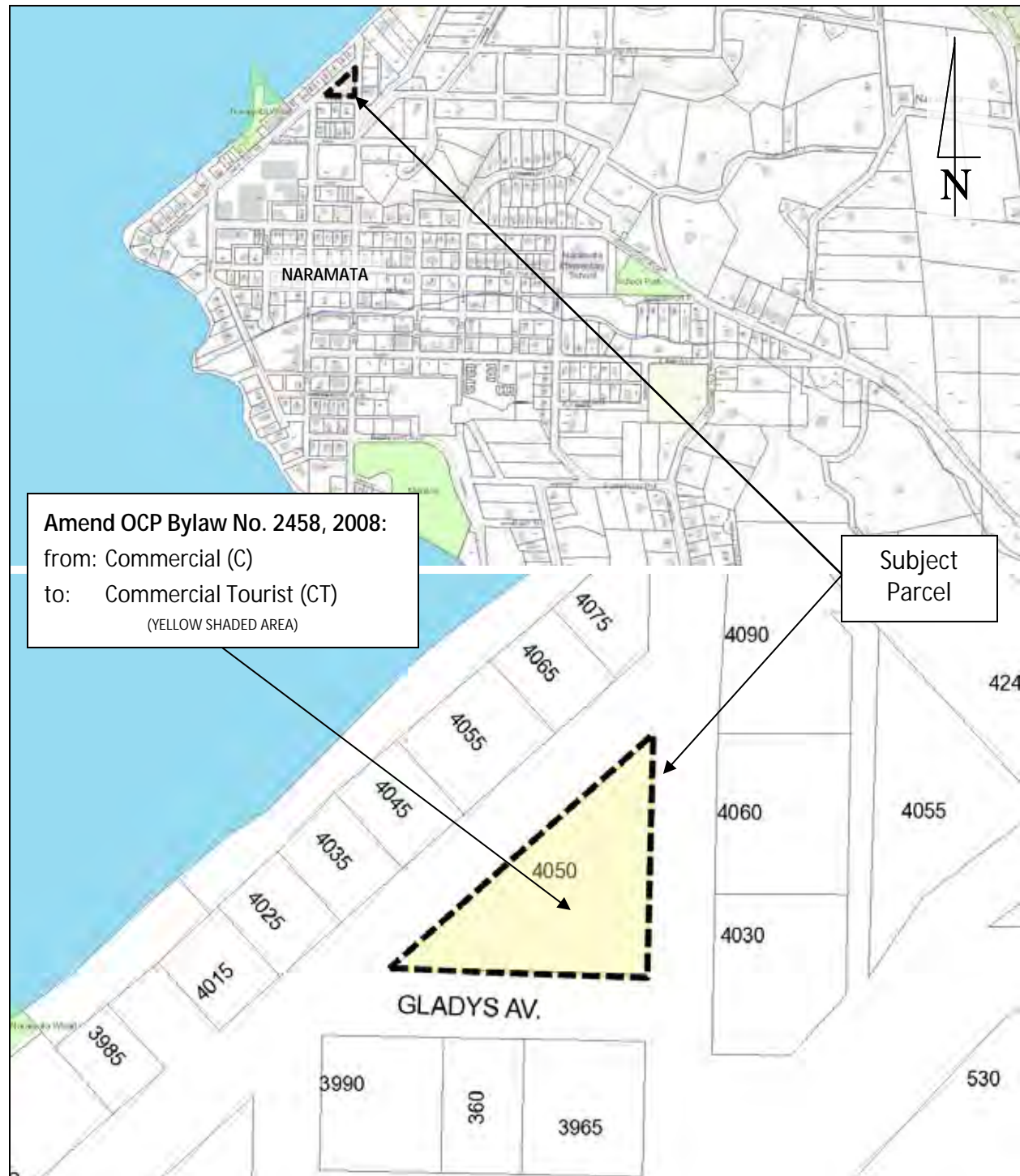
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-106



Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

Page 108 of 115

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

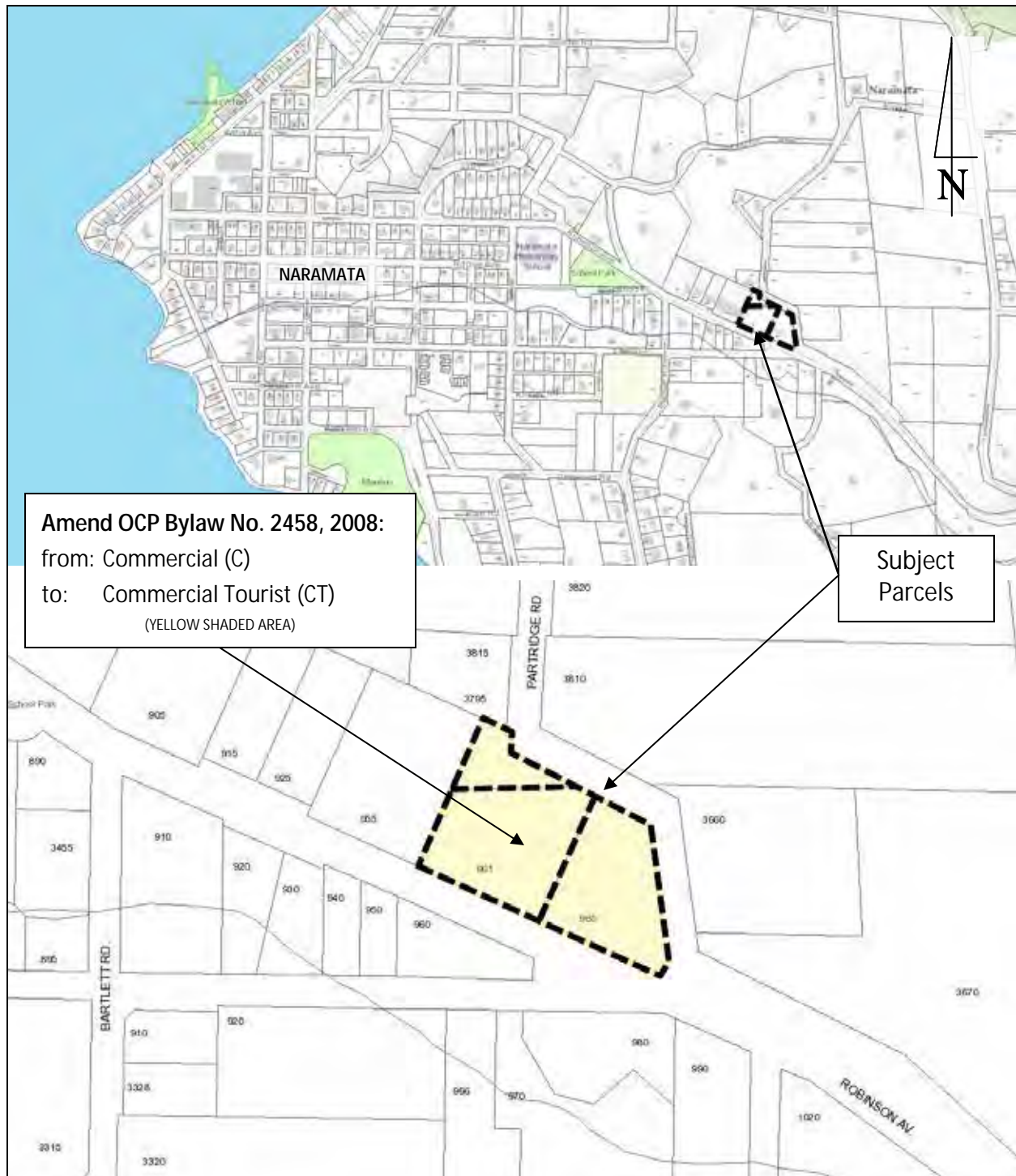
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'E-107



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

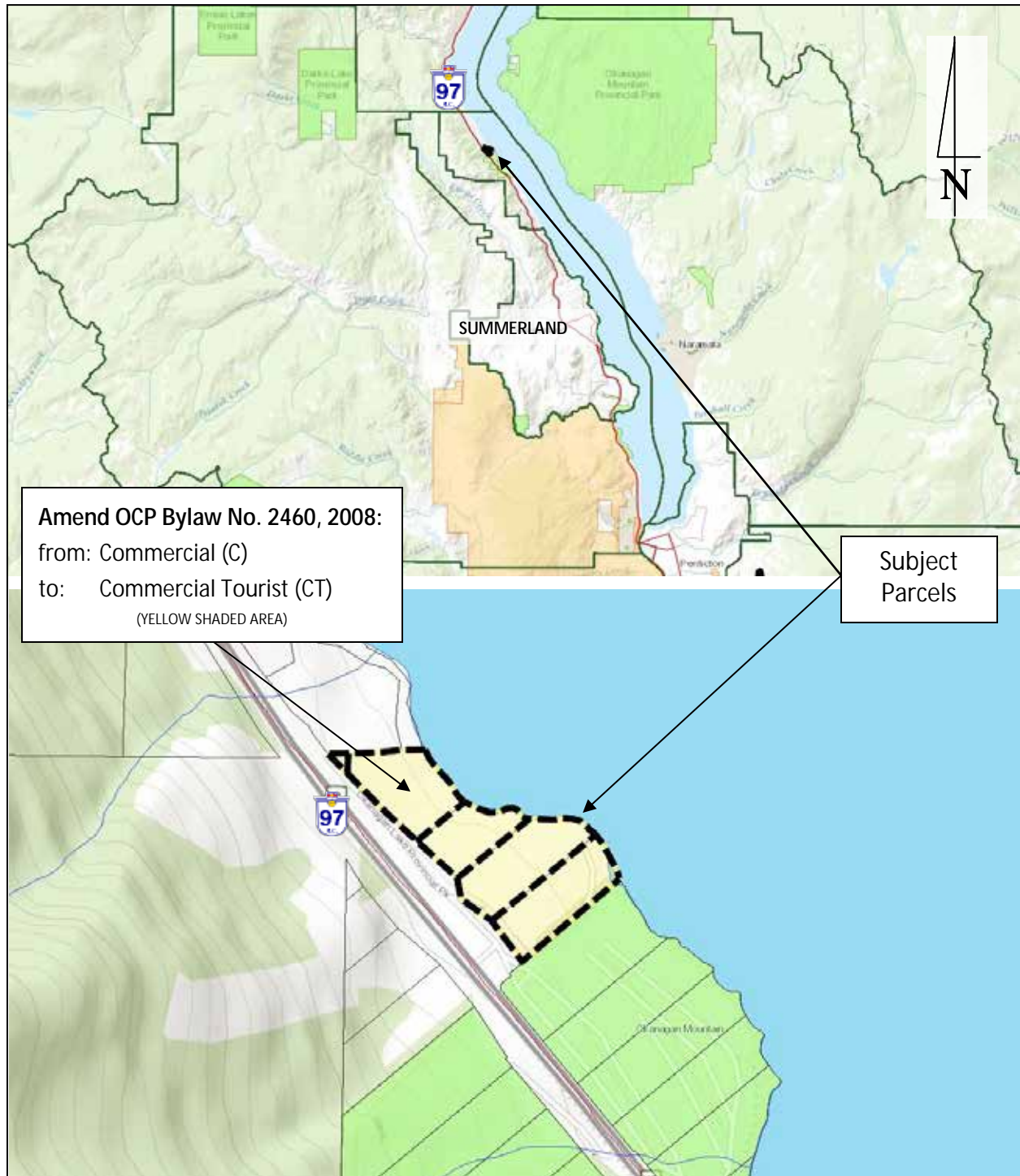
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'F-101'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

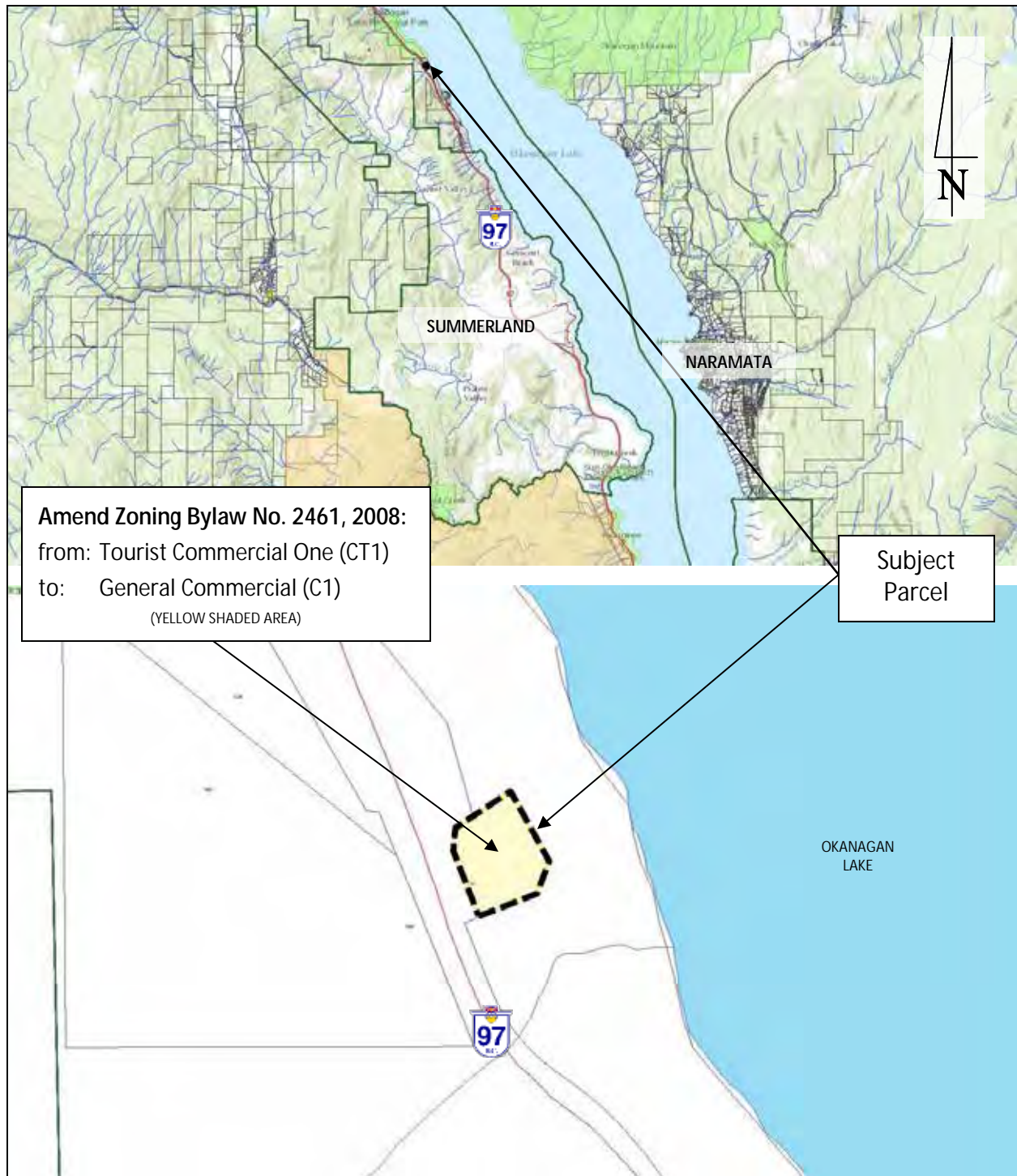
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'F-203'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

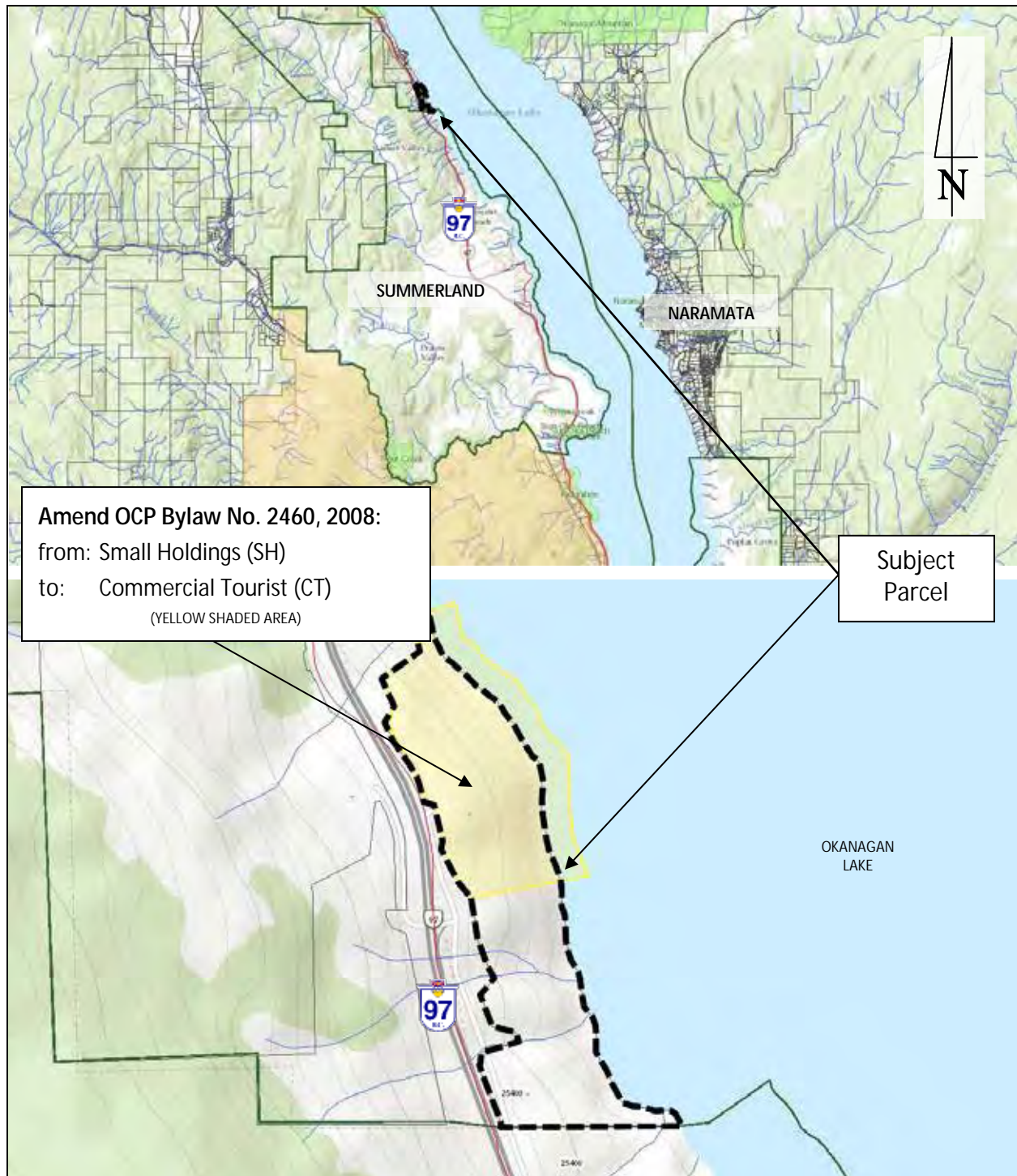
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'F-104'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

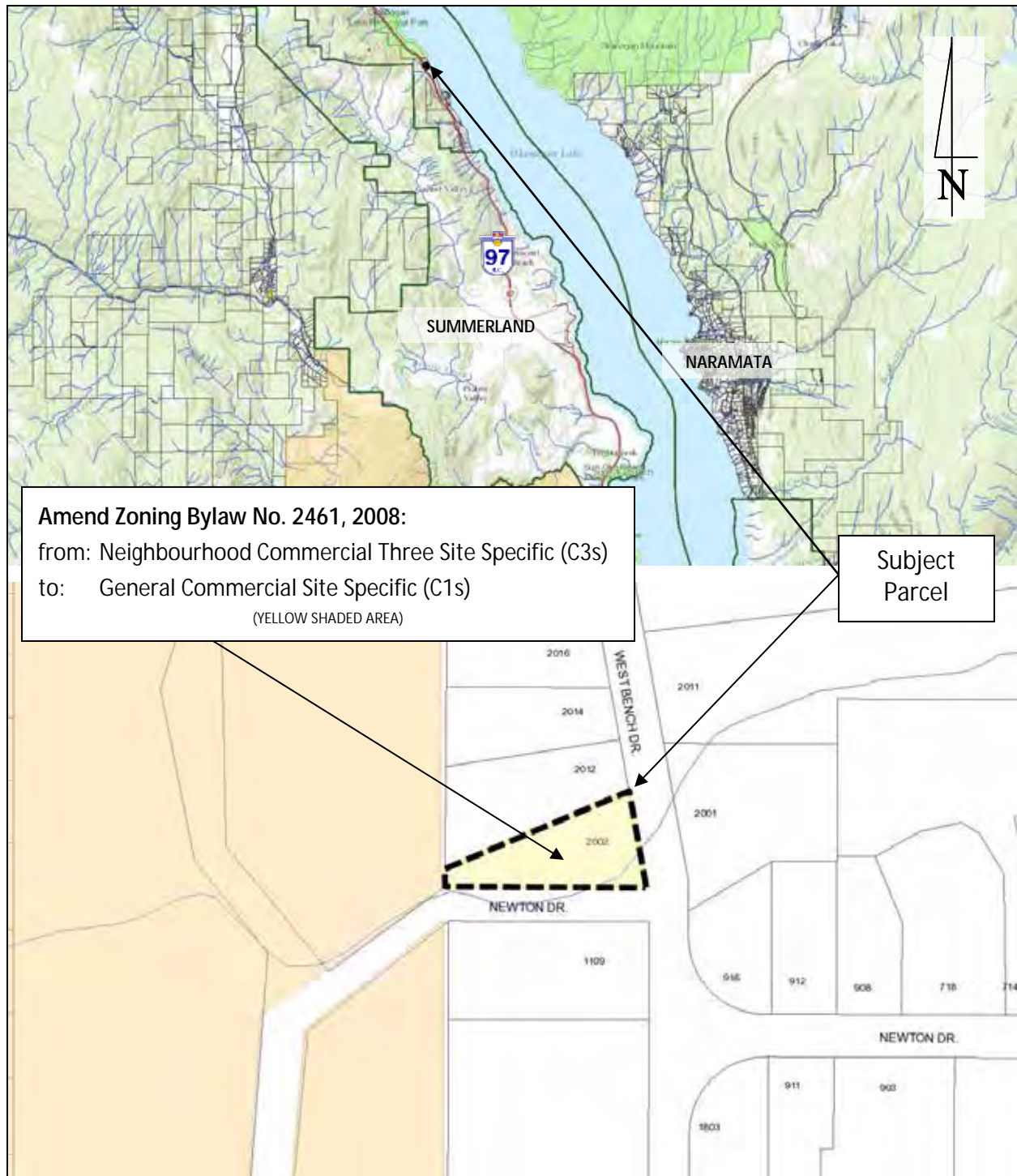
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'F-205'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

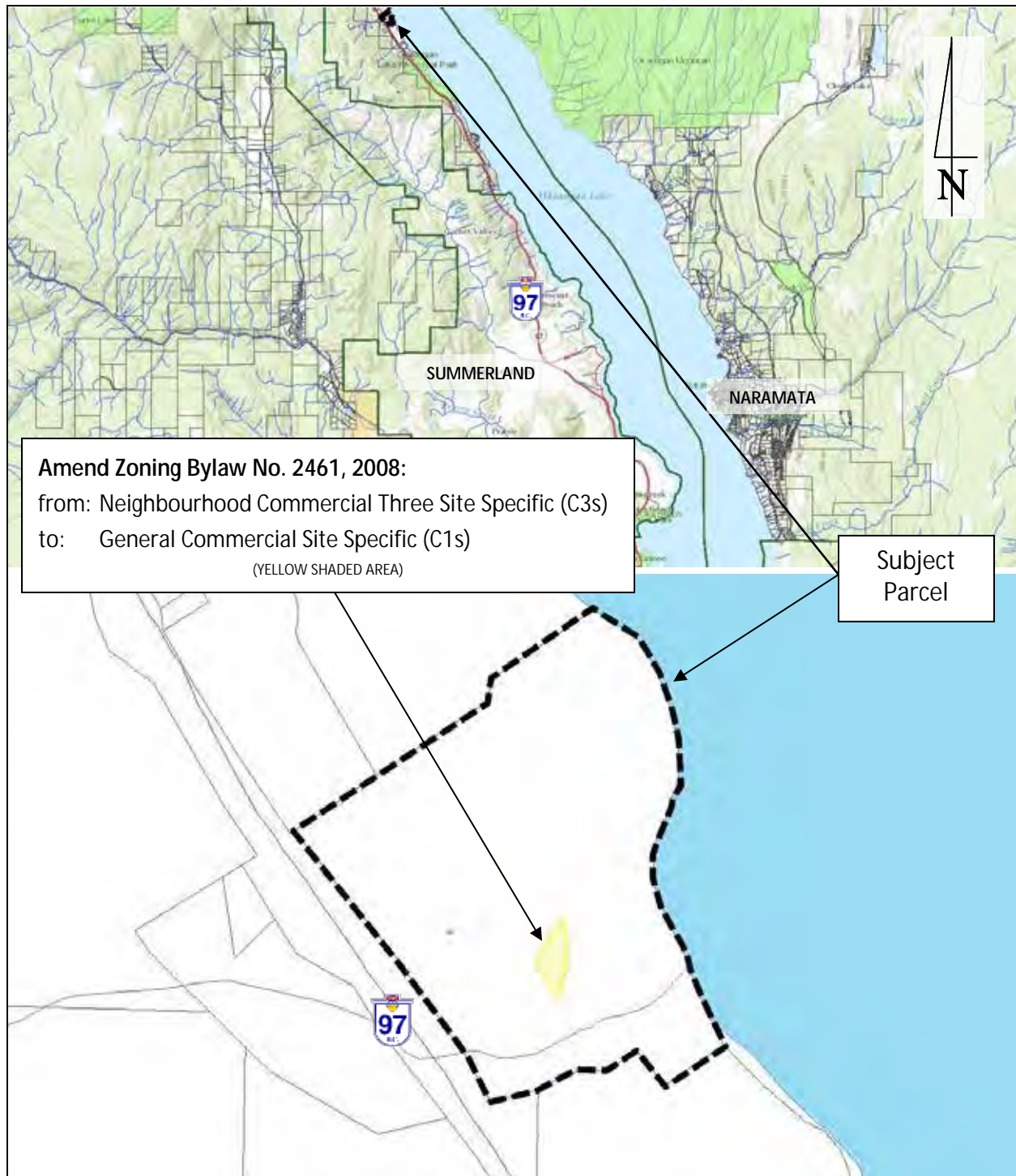
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'F-206'



Amend Zoning Bylaw No. 2461, 2008:

from: Neighbourhood Commercial Three Site Specific (C3s)

to: General Commercial Site Specific (C1s)

(YELLOW SHADED AREA)

Subject
Parcel

Amendment Bylaw No. 2788, 2018

(X2017.106-ZONE)

Page 114 of 115

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

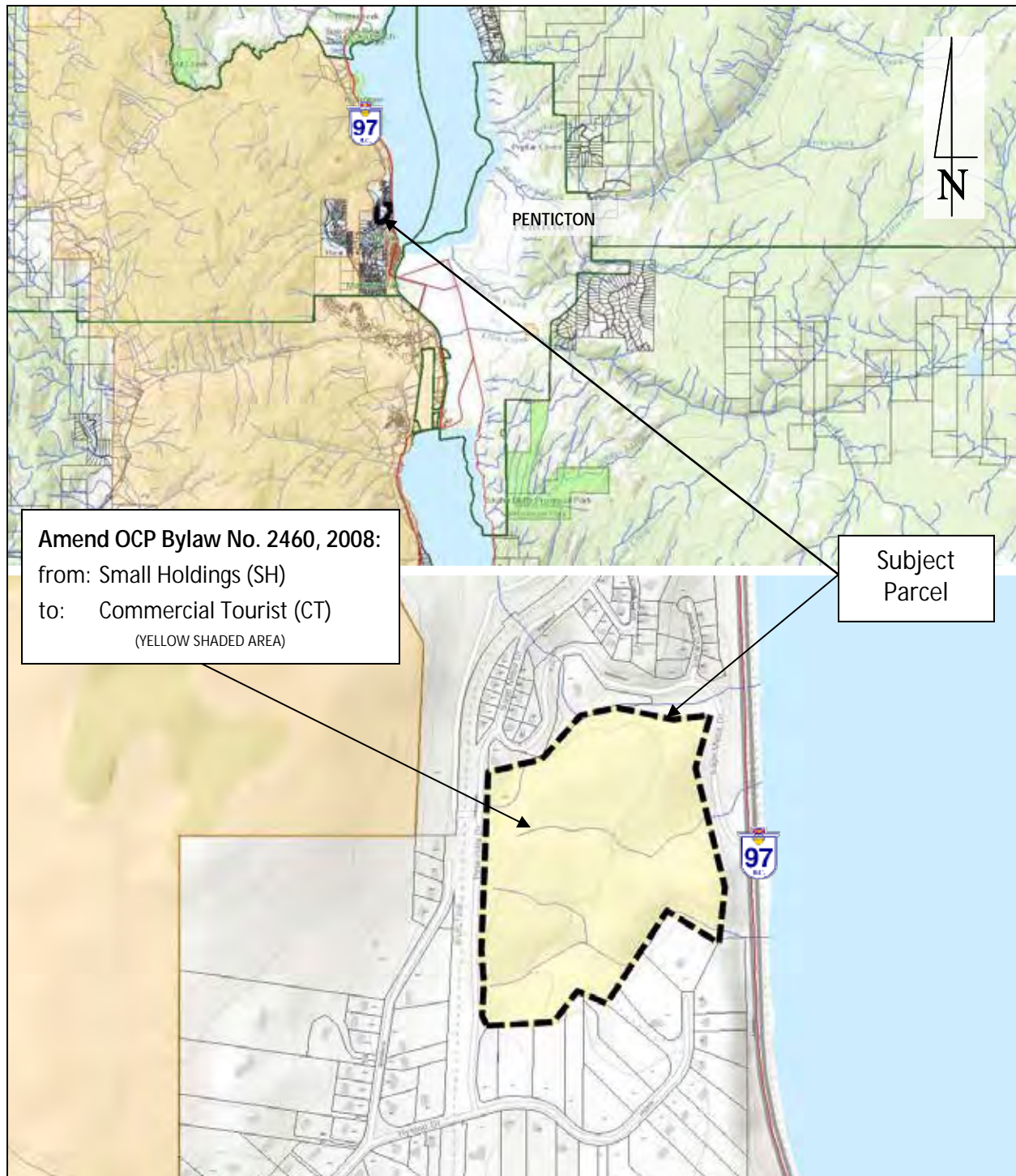
Telephone: 250-492-0237 Email: info@rdos.bc.ca



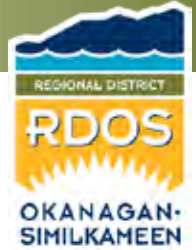
Amendment Bylaw No. 2788, 2018

Project No: X2017.106-ZONE

Schedule 'F-108'



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “H”

Administrative Recommendation:

THAT Bylaw No. 2497.09, 2018, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.13, 2018, Electoral Area “H” Zoning Amendment Bylaw be read a third time and adopted.

Purpose: To amend the zoning of 2 parcels to Parks and Recreation (PR) to reflect their donation for public use.

Owners: Regional District of Okanagan-Similkameen Agent: n/a Folio: H-00634.100/.150

Legal: Lots 1 & 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD Civic: n/a (Coalmont)

OCP: part Resource Area (RA); and Proposed OCP: Parks (P)
part Large Holdings (LH)

Zone: part Resource Area (RA) Proposed Zoning: Parks and Recreation (PR)
part Large Holdings Two (LH2)

Proposed Development:

To amend the zoning of the subject properties to Parks and Recreation (PR) in order to reflect their recent donation for public purposes.

To accomplish this, it is being proposed to change the designation of these parcels under the Electoral Area “H” Official Community Plan (OCP) Bylaw No. 2497, 2012, from part Large Holdings (LH) and part Resource Area (RA) to Parks (P). Similarly, it is also proposed to amend the zoning of these same parcels under the Electoral Area “H” Zoning Bylaw No. 2498, 2012, from part Large Holdings Two (LH2) and part Resource Area (RA) to Parks and Recreation (PR) under the Zoning Bylaw.

Site Context:

The subject properties represent a combined land area of approximately 2.75 ha (i.e. Lot 1 is 1.02 ha while Lot 2 is 1.73 ha) and are situated between Front Street and the KVR Trail right-of-way in Coalmont and are bisected by Coalmont Road.

The surrounding pattern of development is generally characterised by the Coalmont townsite to the south and large tracks of relatively undeveloped lands (both privately held and Crown) to the north.

Background:

At its meeting of June 19, 2018, the Electoral Area “H” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that this application be approved.

A Public Information Meeting was held ahead of the APC meeting on June 19, 2018, and was attended by no members of the public.

At its meeting of July 5, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of August 2, 2018.

Referral comments on this proposal have been received from the XXXX and these 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 3).

Analysis:

In considering the condition of the donation of these lands that be retained in a generally undeveloped stated, Administration believes this can best be achieved by rezoning the properties to Parks and Recreation (PR) as this will limit future uses to "parks", "recreation services, outdoors" and "cemeteries".

In addition, at the time of the OCP Review in 2012, residents of Electoral Area "H" stated a need for additional parkland to provide, amongst other things, linear walking trails and outdoor recreational and leisure neighbourhood park opportunities.

Rezoning the subject parcels to Parks and Recreation (PR) is seen to generally be consistent with this as they are situated adjacent to the KVR trail and could be used to support this recreation feature and may also provide a neighbourhood park opportunity for Coalmont residents.

For these reasons, Administration supports the proposed rezoning.

Alternative:

THAT first and second readings of the Electoral Area "H" Official Community Plan (OCP) Amendment Bylaw No. 2497.09, and the Electoral Area "H" Zoning Amendment Bylaw No. 2498.13 be rescinded and the bylaws abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Aerial Photo (2007)

Attachment No. 1 – Aerial Photo (2007)



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2497.09, 2018

A Bylaw to amend the Electoral Area "H" Official Community Plan Bylaw No. 2497, 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" Official Community Plan Amendment Bylaw No. 2497.09, 2018."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012, is amended by changing the land use designation of Lot 1, Plan KAP28772, District Lot 99, YDYD, and an approximately 1.2 ha part of Lot 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD, and shown shaded yellow on the attached Schedule 'A', which forms part of this Bylaw, from Large Holdings (LH) to Parks (P).
3. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012, is amended by changing the land use designation of approximately 0.4 ha area comprised of part of Lot 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD, shown shaded purple on the attached Schedule 'A', which forms part of this Bylaw, from Resource Area (RA) to Parks (P).
4. The Electoral Area "H" Official Community Plan Bylaw No. 2497, 2012, is amended by:
 - (i) adding the following as Sections 16.3.9 & 16.3.10 and renumbering the subsequent sections accordingly:
 9. Supports the land described as Lot 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD, being kept in a natural state so as to protect existing flora, including black cottonwoods.
 10. Supports the development of the land described as Lot 1, Plan KAP 28772, District Lot 99, YDYD, in a manner that meets the recreational needs of the community.

READ A FIRST AND SECOND TIME this 5th day of July, 2018.

PUBLIC HEARING held on this 2nd day of August, 2018.

READ A THIRD TIME AND ADOPTED this ____ day of _____, 2018.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

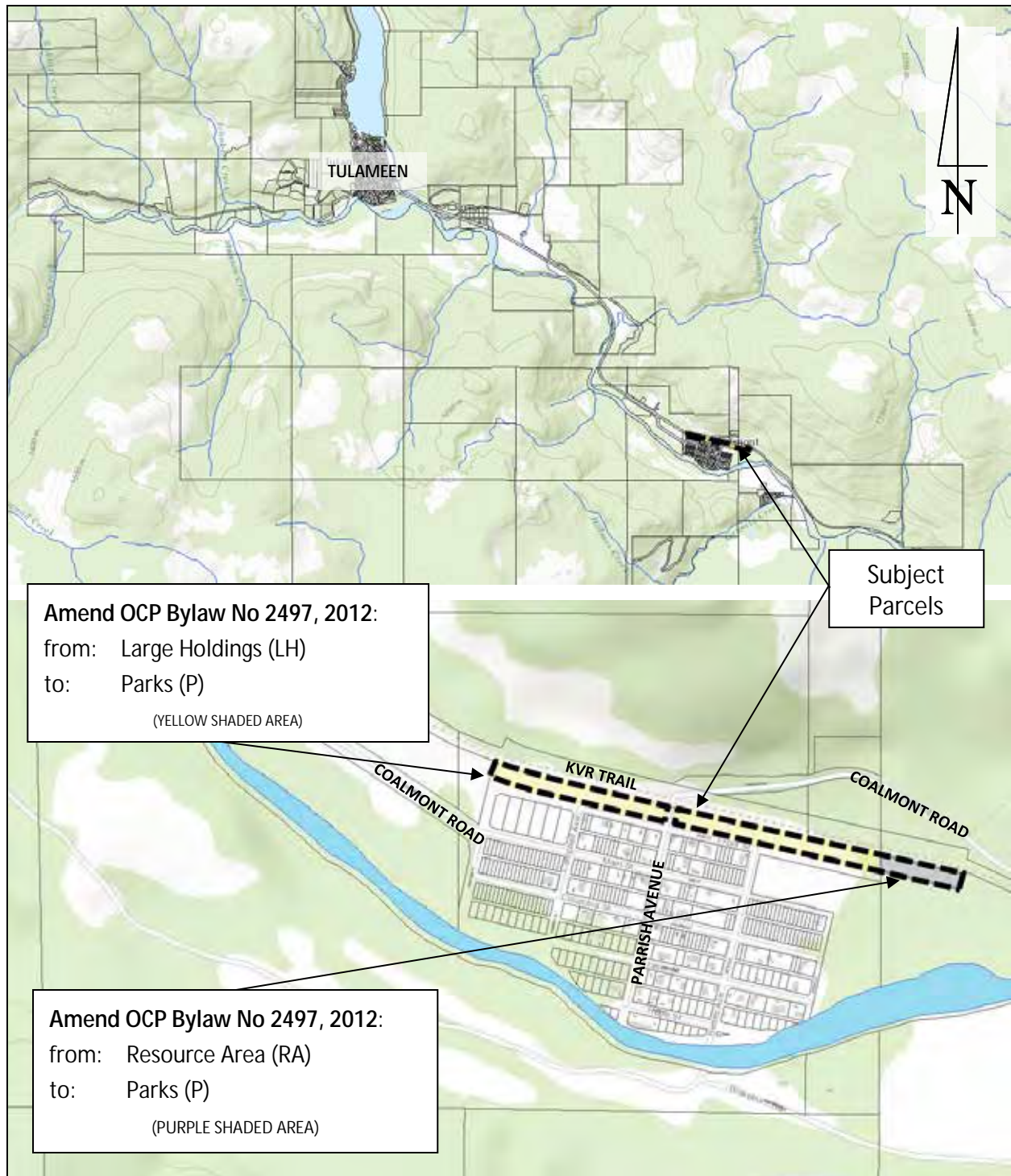
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2497.09, 2018

Project No: H2018.084-ZONE

Schedule 'A'



Amendment Bylaw No. 2497.09, 2018

(H2018.084-ZONE)

Page 3 of 3

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.13, 2018

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. 2498.13, 2018."
2. The Zoning Bylaw Map, being Schedule '2' of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of Lot 1, Plan KAP28772, District Lot 99, YDYD, and an approximately 1.2 ha part of Lot 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD, and shown shaded yellow on the attached Schedule 'A', which forms part of this Bylaw, from Large Holdings Two (LH2) to Parks and Recreation (PR).
3. The Zoning Bylaw Map, being Schedule '2' of the Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of an approximately 0.4 ha area comprised of part of Lot 2, Plan KAP28772, District Lot 99, 360 & 378, YDYD, shown shaded purple on the attached Schedule 'A', which forms part of this Bylaw, from Resource Area (RA) to Parks and Recreation (PR).

READ A FIRST AND SECOND TIME this 5th day of July, 2018.

PUBLIC HEARING held on this 2nd day of August, 2018.

READ A THIRD TIME AND ADOPTED this ____ day of _____, 2018.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

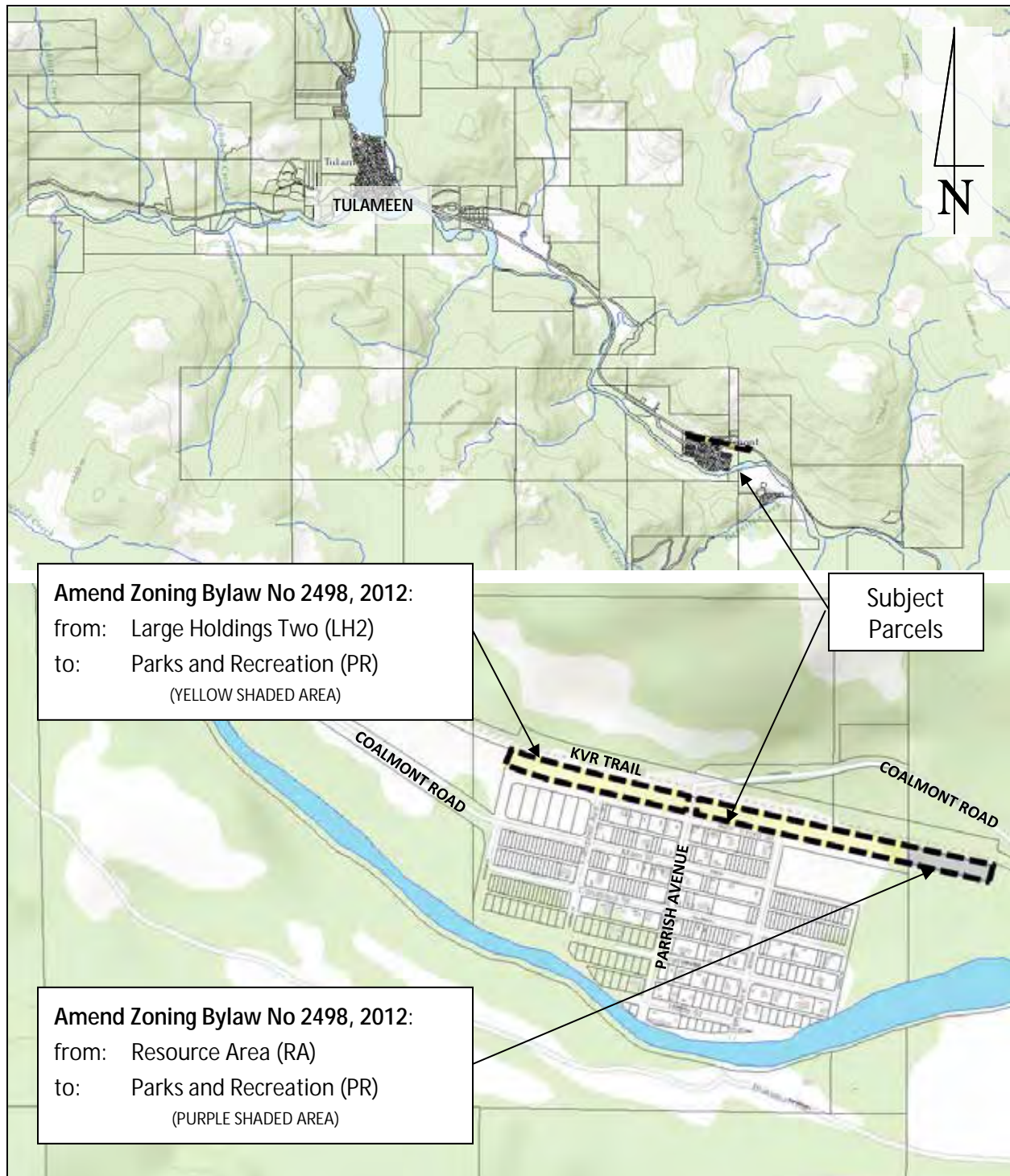
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2498.13, 2018

Project No: H2018.084-ZONE

Schedule 'A'



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Official Community Plan (OCP) Amendment – Electoral Area “D”
Okanagan Falls Town Centre Plan Implementation (Phase 1)

Administrative Recommendation:

THAT Bylaw No. 2603.11, 2018, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time and adopted.

Purpose:

Amendment Bylaw No. 2603.11, 2018, proposes to incorporate the recommendations of the Okanagan Falls Town Centre Plan prepared by Urban Forum Associates (November 3, 2017) into the Electoral Area “D-2” Official Community Plan (OCP) Bylaw No. 2603, 2013. The Town Centre Report made a number of recommendations, including:

- the implementation of new Development Permit Area Design Guidelines;
- a new “Town Centre” policy section for the Electoral Area “D-2” Official Community Plan;
- a location for a future “Place Magnet” to act as a new Town Centre attraction; and
- a new plan for local road upgrading, sidewalk & trail connections, parkspace, and lake access.

Another key new direction for the Town Centre is the re-designation of most of the existing Commercial land to Medium Density Residential/Mixed Use development.

Over time, this will create additional population to support local shops and services. Ultimately, when all the residential sites have been developed, an additional 300+ dwelling units are forecast in the Town Centre, along with approximately 60 new Tourist Commercial (i.e. hotel) rooms and approximately 700 m² of additional commercial space.

Background:

The Okanagan Falls Town Centre planning process was conducted in three (3) phases between 2014 and 2017 and which included a number of opportunities for public consultation input, including “stakeholder workshops” (2014), a collaborative charrette process (2015) and public open house (2017). A complete overview of this consultation process was previously provided to the Board at its Planning and Development (P&D) Committee meeting of October 19, 2017.

At its meeting of November 16, 2017, the Planning and Development (P&D) Committee of the Regional District Board resolved to accept the Okanagan Falls Town Centre Plan prepared by Urban Forum Associates (November 3, 2017) as a guiding document for future amendments to the Electoral Area “D-2” Official Community Plan (OCP) and Zoning Bylaws.

At its meeting of July 5, 2018, the Regional District Board resolved to approve first and second reading of the amendment bylaw and directed that a public hearing occur at the Board meeting of August 2, 2018.

All comments received through the public process are compiled and 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 apply to an Official Community Plan Bylaw.

Analysis:

Further to the direction provided by the Board at the November 16, 2017, meeting of the P&D Committee, Amendment Bylaw No. 2603,11, has been drafted in order to incorporate the recommendations of the Okanagan Falls Town Centre Plan into the Electoral Area "D-2" OCP Bylaw.

This includes the introduction of the Town Centre policy section and Town Centre DP Area designations related to the creation of a "Place Magnet" and local road upgrading, sidewalk & trail connections, parkspace, and lake access.

Administration considers these amendments to represent Phase 1 of the implementation of the Town Centre Plan with the following phases to be pursued over the remainder of 2018:

- Phase 2: the introduction of a new Okanagan Falls Town Centre Zone to the Electoral Area "D-2" Zoning Bylaw;
- Phase 3: the review and updating of the OCP designations that apply to those commercial designated properties fronting Highway 97 south of 9th Avenue; and
- Phase 4: the review of the zoning of those currently properties fronting Highway 97 south of 9th Avenue that are currently zoned Town Centre (C4).

Alternative:

THAT first and second reading of Bylaw No. 2603.11, 2018, Electoral Area "D-2" Official Community Plan Amendment Bylaw be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2603.11, 2018

A Bylaw to amend the Electoral Area “D-2” Official Community Plan Bylaw No. 2603, 2013

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-2” Okanagan Falls Town Centre Update Official Community Plan Amendment Bylaw No. 2603.11, 2018.”
2. The “Electoral Area ‘D-2’ Official Community Plan Bylaw No. 2603, 2013” is amended by:
 - i) adding a reference to “Town Centre Designations” under Section 5.0 (Official Community Plan Map Designations) to read as follows:

Town Centre Designations:

Town Centre

TC

- ii) adding a new Section 12.0 (Town Centre) to read as follows and renumbering all subsequent sub-sections:

12.0 TOWN CENTRE

12.1 Background

The Okanagan Falls Town Centre is a relatively diverse, mixed-use area that is valued by residents and serves as an important business, service and recreational area. It accommodates a range of commercial and institutional uses as well as some residential uses within the broader commercial area of Okanagan Falls found adjacent Highway 97.

The Town Centre area includes Seventh and Eighth Avenues between Skaha Lake to the north and Highway 97 to the south and is bounded by the Okanagan River bridge to the west and Main Street to the east. The area includes a significant number of underutilized properties, including vacant parcels along Highway 97.

Okanagan Falls is designated as a Primary Growth Area under the South Okanagan Regional Growth Strategy Bylaw and is the only urban town centre in Electoral Area "D-2". The Town Centre reinforces that commitment by focusing medium density residential growth in the Town Centre area. Encouraging residential growth in the Okanagan Falls Town Centre will promote a more compact urban form and a more complete community. It will also increase support for local businesses in the Town Centre.

Commercial services are key components of a more sustainable, complete Town Centre and residents have expressed a strong desire for an increase in the amount and diversity of shopping, dining, entertainment, and employment opportunities in the Okanagan Falls Town Centre area. There is also a desire for a more attractive, safe and walkable Town Centre. At the same time, there is a limited market for local commercial services.

To meet these objectives, the Town Centre designation includes a strong emphasis on encouraging commercial, tourist commercial, mixed-use commercial, and medium density residential development north of Highway 97 (as shown on Figure 2: Future Land Use). The Town Centre area has sufficient capacity to accommodate a sustained growth rate for the next 20 years and supports up to 300+ additional medium density residential units.

12.2 Objectives

1. To recognize the Okanagan Falls Town Centre area as the centre for commercial development in the Electoral Area and support the creation of a resilient and diverse commercial base that:
 - a) attracts investment;
 - b) expands and enhances economic partnerships;
 - c) supports a long-term commitment to sustainable economic development; and
 - d) provides a diversity of shopping, dining, entertainment and employment opportunities for local residents.
2. To ensure that developments in the Town Centre contribute to a unique sense of place and identity, and are sited, scaled and designed to enhance and complement the existing natural setting and views towards the lake and improve public access to the lakefront.
3. To attract and retain an appropriate range of commercial uses that encourage tourists to visit and explore Okanagan Falls.
4. To encourage a range of medium residential dwelling types and sizes, including affordable units, in the Okanagan Falls Town Centre area in

order to accommodate and attract people of different socio-economic groups, ages and lifestyles.

5. To create an attractive and more walkable Okanagan Falls Town Centre area.

12.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Town Centre (TC) identified in Schedule 'B' (Official Community Plan Map) for pedestrian oriented, mixed-use retail, office, food and beverage, tourist commercial, and medium density residential (i.e. triplex, fourplex and apartment building) uses.
- .2 Requires a high standard of architectural building design and landscaping for development within the Town Centre by designating this area as the Okanagan Falls Town Centre Development Permit Area.
- .3 Encourages new development being oriented on the north-south axis rather than the east-west axis, to maximise views and physical access towards Skaha Lake.
- .4 Supports reorienting the Town Centre away from Highway 97 and towards Skaha Lake in order to take full advantage of this underutilized natural asset.
- .5 Encourages the continued intensification and growth of commercial activities in the Town Centre.
- .6 May support high density residential uses (i.e. greater than 75 units per hectare) where a high standard of architectural design and public amenity can be demonstrated.
- .7 Encourages the development of seniors housing, group homes and community care housing within the Town Centre.
- .8 Supports the development of a "Place Magnet" to facilitate the creation of a distinctive sense of place and identity as shown on Figure 12.3.1, and to attract locals and visitors to the area.

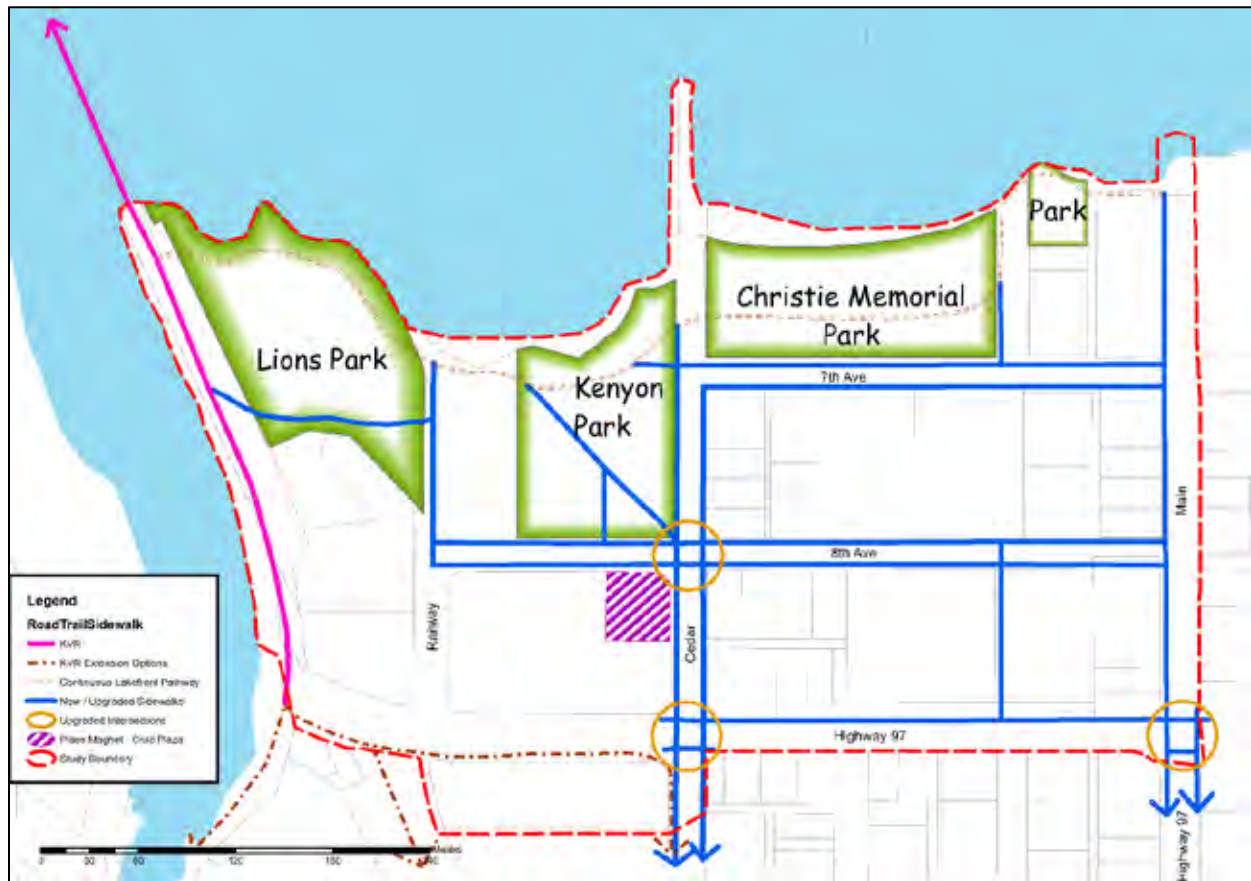


FIGURE 12.3.1: OKANAGAN FALLS PUBLIC REALM CONCEPT

- .9 Supports focusing initial commercial revitalization efforts on the site designated as the future 'Place Magnet' on Figure 12.3.1 (Okanagan Falls Public Realm Concept) in order to attract visitors and tourists into the Town Centre area, and to encourage new investment
- .10 Supports improving the pedestrian accessibility and walkability of the Town Centre through the provision of:
 - a) a continuous public access along the Skaha Lake waterfront;
 - b) improved access to, from, and across Highway 97 to the waterfront; and
 - c) a pedestrian-oriented street network.
- .11 Encourages developers to upgrade the road network in the Town Centre as per the following street cross sections:

Table 23: Okanagan Falls Street Classification

	Local Street	Greenway Street	Lakeside Main Street
Travel Lane	3.2m	3.2m	3.2m
On-Street Parking	Parallel (2.5m), Both sides	Parallel (2.5m), Both sides	Angled (5.8m), South side only
Sidewalks	1.8m, Both sides	Pathway (2.5m), Sidewalk (1.8m)	Pathway (3.0m), Sidewalk (1.8m)

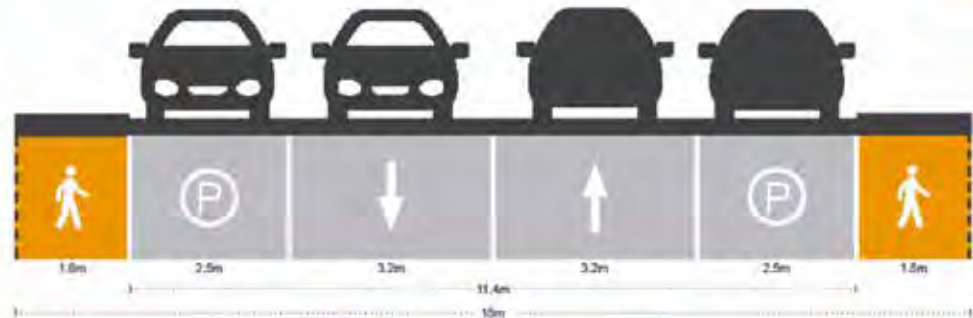


Figure 17: Local Street Cross-Section

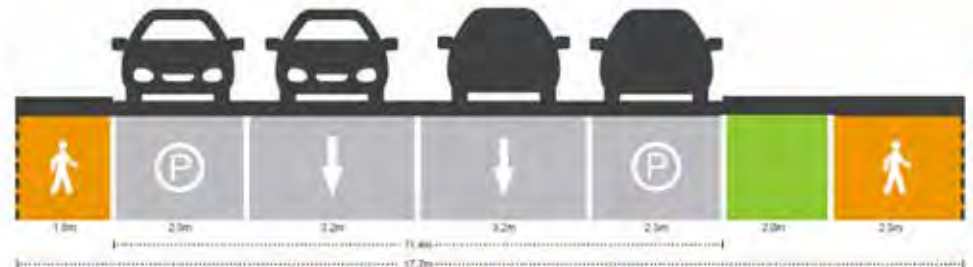


Figure 18: Greenway Street Cross-Section

*Boulevard/Swale widths can vary between 2 to 2.5m

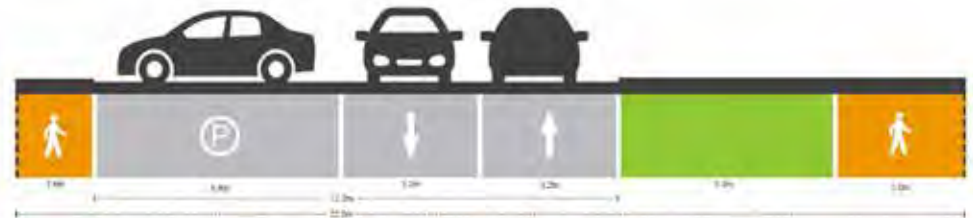


Figure 19: Lakeside Main Street Cross-Section

*Boulevard width can vary between 0 to 5 to 10 m

iii) replacing Section 12.0 (Commercial) in its entirety with the following:

13.0 COMMERCIAL

13.1 Background

Jobs and commercial services are two key components of a sustainable community. A vibrant commercial sector can result in increased local spending and investment, opportunities to retain youth, increased tourism potential,

opportunities to provide jobs close to home, decreased reliance on neighbouring communities, and many other important benefits.

Although Electoral Area “D-2” has some existing activity in its Commercial areas, local residents have a strong desire for an increase in the amount and diversity of shopping, dining, entertainment, and employment opportunities. There is also a desire for a more lively, attractive and walkable Okanagan Falls community. In order to pursue these goals, there must be a strong emphasis on focusing mixed-use commercial, institutional and multi-family development in the Okanagan Falls Commercial area. There also must be strong support for beautification and revitalization initiatives.

Recognizing that Okanagan Falls is not appropriate for all commercial uses, the Commercial OCP designation includes policies for both Tourism activities that may also be best located outside the Town Centre area. Future growth and diversity in these areas should be focused strategically on initiatives that will strengthen the economy without negatively impacting the social fabric and natural environment of the area.

13.2 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.
- .4 To minimize land use incompatibility between commercial activities and surrounding land uses.
- .5 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan area.

13.3 Policies – General Commercial

The Regional Board:

- .1 Generally 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 developed in conjunction with future residential or commercial tourism developments.
- .3 Limits highway commercial development along Highways 97 to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).

- .4 Will work with the Ministry of Transportation and Infrastructure to help ensure safe access and egress for commercial areas fronting Highway 97.
- .5 Directs major office, service and general business commercial uses to Primary Growth Areas such as Okanagan Falls, which have the necessary infrastructure and support services.
- .6 Encourages an attractive and safe highway streetscape by including provisions for adequate off-street parking requirements, landscaping and screening, height requirements, signage and drainage within the implementing bylaws for commercial uses.
- .7 Works collaboratively with the Province to ensure that commercial development and re-development along Highway 97 does not have a negative impact on pedestrian safety or Highway performance.
- .8 Ensures an adequate buffer is maintained around the Okanagan Falls Sewage Treatment Plant, by preventing new commercial areas from being designated and zoned within 300 metres of the facility.

13.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.
- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.
- .3 May support proposed tourist and resort developments that:
 - a) are located outside the Agricultural Land Reserve;
 - b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - c) enhance adjacent land uses or the character of the existing area;
 - d) can be accessed safely from local highways (Highway 97);
 - e) can be adequately serviced by emergency services, in particular fire protection;
 - f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;

- g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
- h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.

13.5 Objectives – Okanagan Falls

- .1 To support the Okanagan Falls Town Centre area as the centre for commercial development in the Electoral Area and support the creation of a resilient and diverse commercial base.
- .2 To ensure that all commercial developments in Okanagan Falls, including new and renovated buildings, are sited, scaled and designed to enhance and complement the existing built environment.
- .3 To enhance the vibrancy and attractiveness of Okanagan Falls by supporting a variety of revitalization and beautification programs.
- .4 To attract and retain an appropriate range of commercial uses in Okanagan Falls to meet the needs of industry, residents and tourists.

13.6 Policies – Okanagan Falls

The Regional Board:

- 1. Generally supports the use of lands designated Commercial (C) in Okanagan Falls, being those lands generally adjacent to Highway 97 between the Okanagan River bridge and the Shuttleworth Creek bridge and identified in Schedule 'B' (Official Community Plan Map) for retail, professional, entertainment, hotel, motel and other tourist accommodations, tourist recreation facilities, restaurants, accessory retail establishments.
- 2. Supports economic development activities within the commercial area that are consistent with the Okanagan Falls Economic Development Action Plan (2012).
- 3. Supports the establishment and activities of an Okanagan Falls Business Improvement Association.
- 4. Will maintain the Okanagan Falls Commercial area as a development permit area, and ensure that the associated design guidelines promote a lively and harmonious built environment.
- 5. Ensures that new development in the Okanagan Falls Commercial area can be accommodated within the capacity of existing infrastructure.
- 6. Plans for and encourages the implementation of pedestrian improvements in Okanagan Falls, with a focus on safety, connectivity, and accessibility.

7. Recognizes and where possible, works with landowners to preserve existing heritage buildings in Okanagan Falls.
- iv) adding a new Section 23.4.4 (Development requiring a permit) under Section 23.4 (Okanagan Falls Commercial Development Permit Area) and renumbering all subsequent sub-sections:

23.4.4 Development requiring a permit

A development permit is required, except where exempt under Section 23.4.7 (Exemptions), for the construction of, addition to or alteration of a building or other structure on lands within the Okanagan Falls Commercial Development Permit Area.

- v) adding a new Section 23.8 (Okanagan Falls Town Centre Development Permit Area) to read as follows and renumbering all subsequent sub-section:

23.8 Okanagan Falls Town Centre Development Permit Area

.1 Category

The Okanagan Falls Town Centre Development Permit Area is designated under Section 488(1)(f) of the *Local Government Act*, for the establishment of objectives for the form and character of commercial and multi-family development.

.2 Area

The areas designated within the Okanagan Falls Town Centre Development Permit Area are shown on Schedule 'E' (Form and Character Development Permit Areas).

.3 Justification

The intent of this DPA area is to ensure consistent, high-quality design for all new developments in the Town Centre that respects the local context, supports the creation of a more pedestrian-friendly Town Centre, and optimizes views of and access to the lakefront.

.4 Background

The Okanagan Falls Town Centre Plan has emerged through a multi-phased planning and community engagement process. The RDOS engaged with the local community to identify issues and opportunities in the Town Centre, and to develop a shared vision for the future Town Centre. This vision included land use considerations, public realm enhancements, and transportation recommendations.

The objective of the RDOS in undertaking this planning process was to help reverse the economic fortunes of Okanagan Falls Town Centre through development of a Town Centre Plan that outlines a land use plan, strategic public and private investments and partnerships, positive streetscape improvements and quality urban design that together will provide a distinctive sense of place and help guide the Town Centre towards becoming a more attractive, economically viable place to live, work, shop and recreate, for both local residents and visitors.

.5 Development requiring a permit

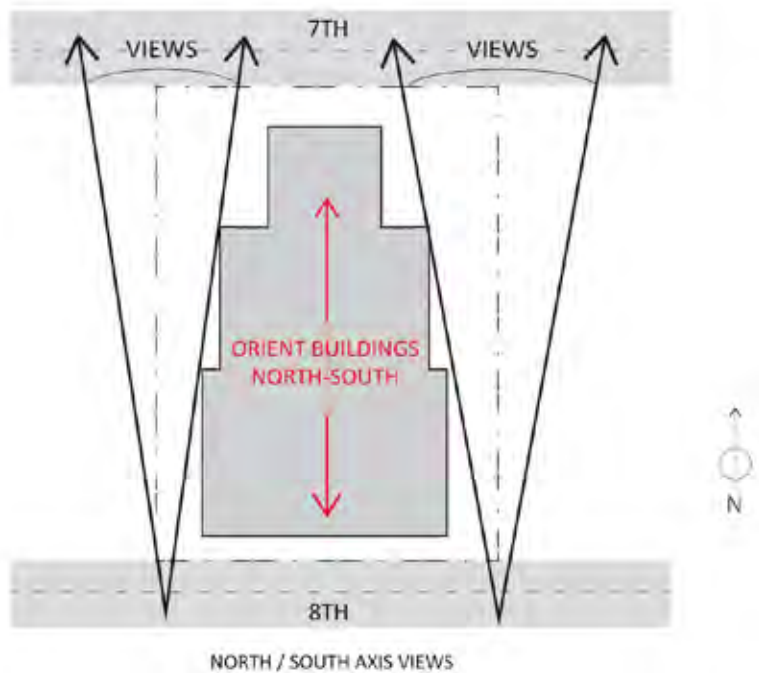
A development permit is required, except where exempt under Section 23.8.7 (Exemptions), for the construction of, addition to or alteration of a building or other structure on lands within the Okanagan Falls Town Centre Development Permit Area.

.6 Guidelines

A Development Permit is required for all development within an Okanagan Falls Town Centre Development Permit Area, and shall be in accordance with the following guidelines:

.1 General Guidelines (for all building types):

- a) Facade cladding materials such as vinyl siding, asphalt shingles, cultured stone, etc., are strongly discouraged.
- b) Building colours should be softer, muted colours such as beige, khaki, light brown, grey and similar, with smaller accent areas of brighter colours (e.g. around entrances, at key corners, etc.).
- c) Buildings should generally be sited with a north-south orientation and massed to present the slimmer or narrower elevation to the north and south sides wherever possible, in order to optimize sunlight penetration and optimize views and access towards the lake front.

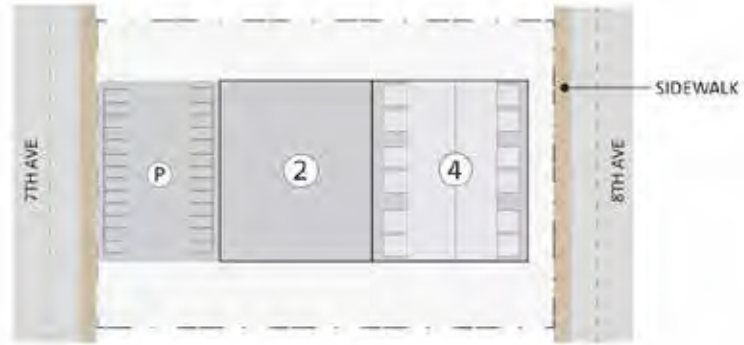


- d) Buildings should be designed to an appropriate scale to support and retain the 'urban village' feel of Okanagan Falls Town Centre. This can be achieved by breaking buildings down into smaller massing components to ensure appropriate scales for building elements. This could include such architectural devices as building setbacks above the ground floor; clear articulation of long frontages into multiple smaller bays; changes in cladding material; the use of architectural elements such as bay windows, recesses, pilasters, gables, dormers, balconies, etc.



- e) Buildings should generally terrace down in height towards the north (Skaha lakefront) to optimize views towards the lake and sunlight penetration.

PLAN



SECTION



.2 Built Form for Commercial Buildings:

- a) New commercial buildings should have a pedestrian-oriented ground floor treatment, with a high level of transparency between the sidewalk and commercial/retail interiors, orienting windows to the sidewalk, varying building facades to create smaller scale retail store bays, recessed entrances, weather protection, and similar design features.



- b) Retail uses should be oriented towards the adjacent public sidewalk or, in the case of the 'Place Magnet' site, towards the Civic Plaza.

CIVIC PLAZA



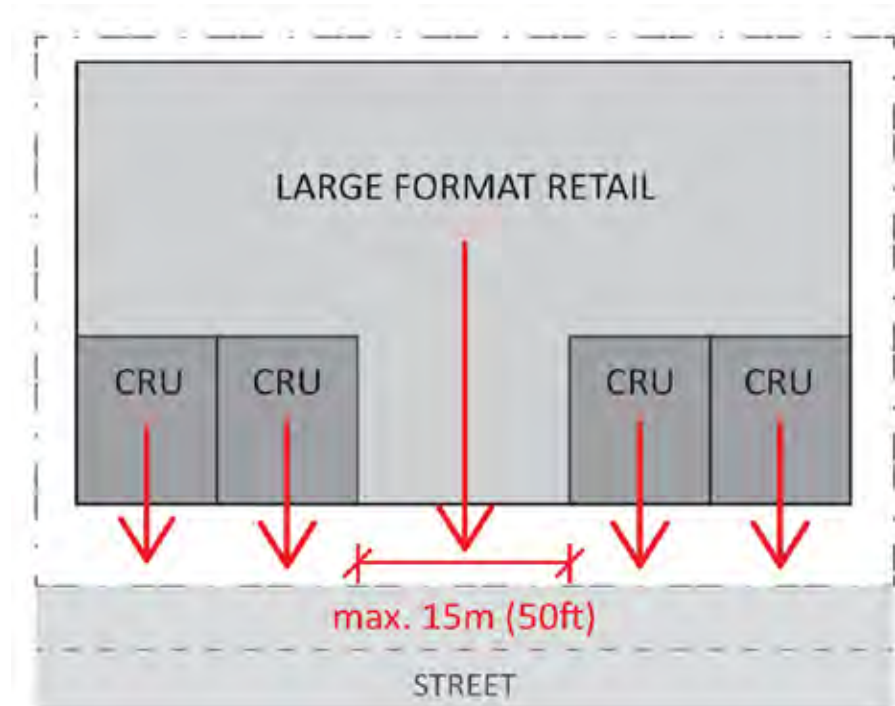
- c) All buildings with retail use at grade should include weather protection canopies and/or awnings.



- d) Store entrances should be recessed to provide an area that is covered and inviting to passersby.
- e) All ground floor commercial space should have a minimum floor-to-floor height of 4.5 metres to accommodate a wide range of retail/service uses and provide a generous scale for these uses.
- f) New commercial and/or mixed-use buildings should help to define the public realm with strong 'streetwall' edges that form a consistent setback along the street, or in the case of the 'Place Magnet', frame the Civic Plaza on at least two sides.
- g) Commercial building street frontages should be divided into small-scale, individually expressed storefronts, with a preferred individual store frontage width of 7.6 metres and a maximum individual store frontage width of 15.0 metres.



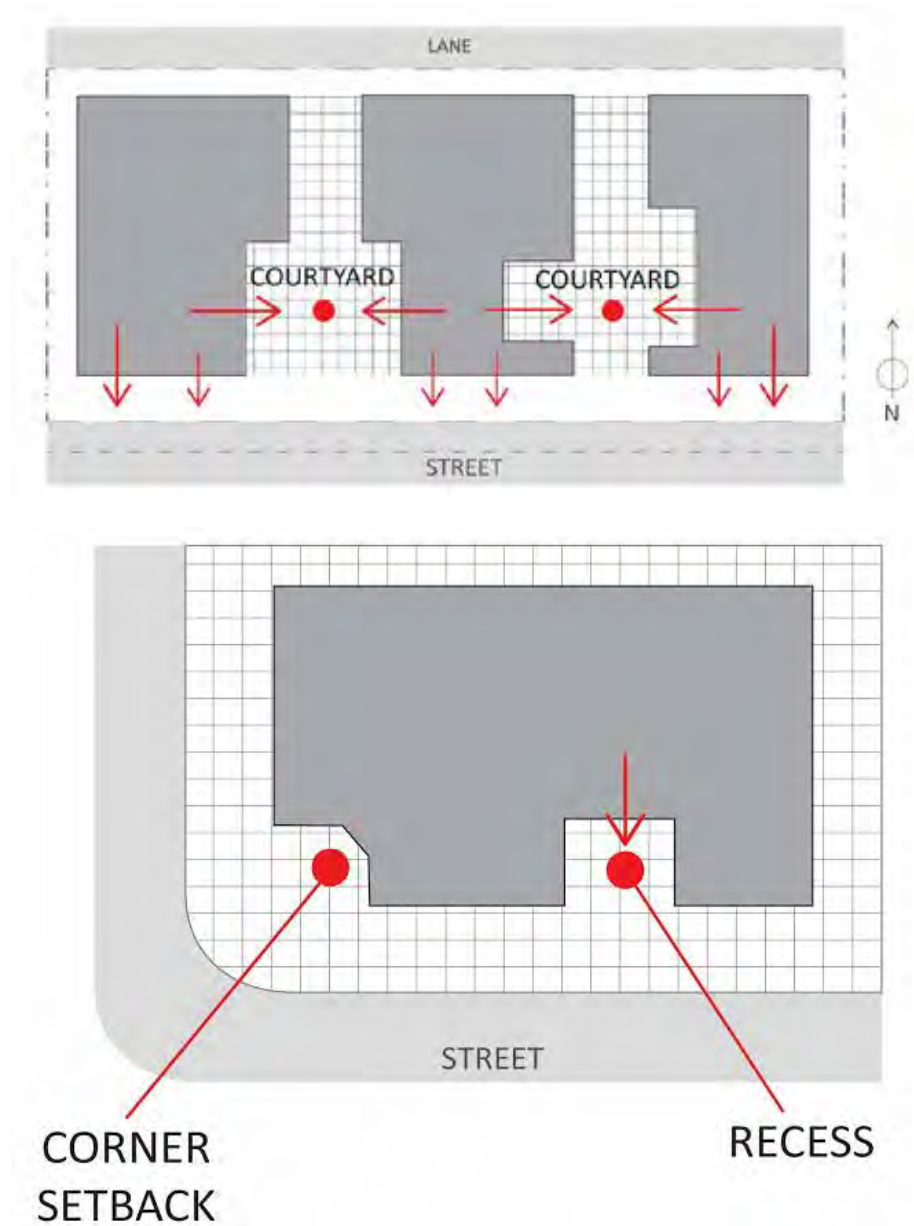
- h) Where a single, larger format commercial use exceeds a frontage width of 15.0 metres, the principal street frontage should be lined with smaller individual commercial retail units (CRUs) that screen this larger commercial use, with a narrower portion of the main use visible to the street.



- i) Active commercial street level uses are strongly encouraged in the Town Centre. Buildings with commercial retail uses at grade should have active, visible uses along the street, and a high degree of permeability. Use of large windows, glazed entryways, roll-up and/or foldaway doors and similar elements to facilitate visibility between the sidewalk and the interior of the building, are encouraged. Blank facades and visible blank sidewalls should be avoided and are strongly discouraged.



- j) Longer building facades should be designed in a way that breaks down the facade massing to create the visual impression of smaller commercial units, by using recesses, courtyards, corner setbacks, and so on.



- k) Commercial and mixed-use building signage, pedestrian lighting and weather protection should be integrated into the building design from the outset, and not be treated as add-ons.



- l) Mixed-use buildings with commercial uses at grade and residential above are encouraged to step back the upper floors a minimum of 2.0 metres above the ground floor.



- m) On corner sites, buildings should have street-facing facades on both streets. Active retail frontages should be oriented towards both streets.
- n) On corner sites, commercial buildings should be designed to have prominent entrances that are oriented either to the corner itself or to the north-south street (e.g. Cedar Street, Main Street).



- o) Encourage built form massing that announces and celebrates key visible corners, through the use of such architectural elements as curved corners, recessed corner plazas, bay windows, taller building elements at the corner, etc.

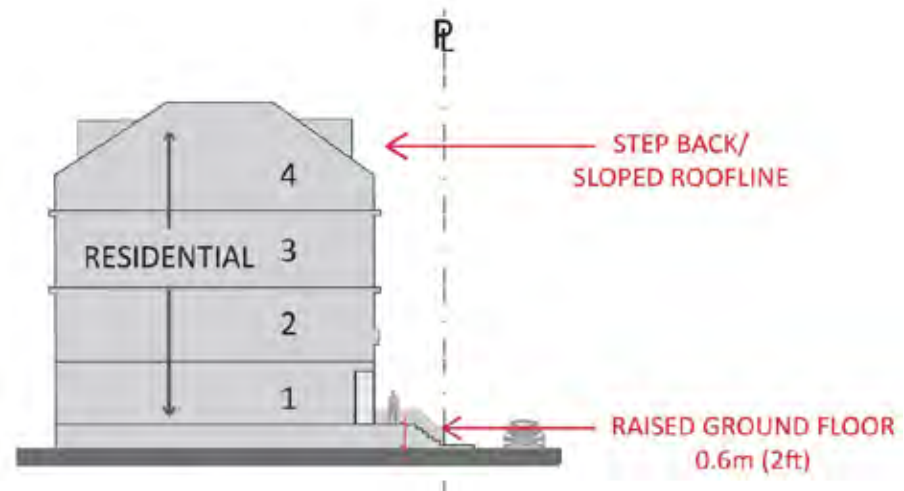
.3 Built Form for Residential Buildings

- a) The building form and façades of medium density residential buildings should be articulated with variations in massing, materials and detailing to reduce the impacts of building scale on the surrounding area. The use of residential design elements such as front porches, verandas, raised front stairs, window and door detailing, sloped and varied roof lines are encouraged, to provide interest and a finer scale while blending into the existing area.



- b) The ground floor of all medium density residential buildings should be raised a minimum of 0.6 m above adjacent grade to create a clear

separation of public and private space, with raised front porches or stoops for all ground floor units.



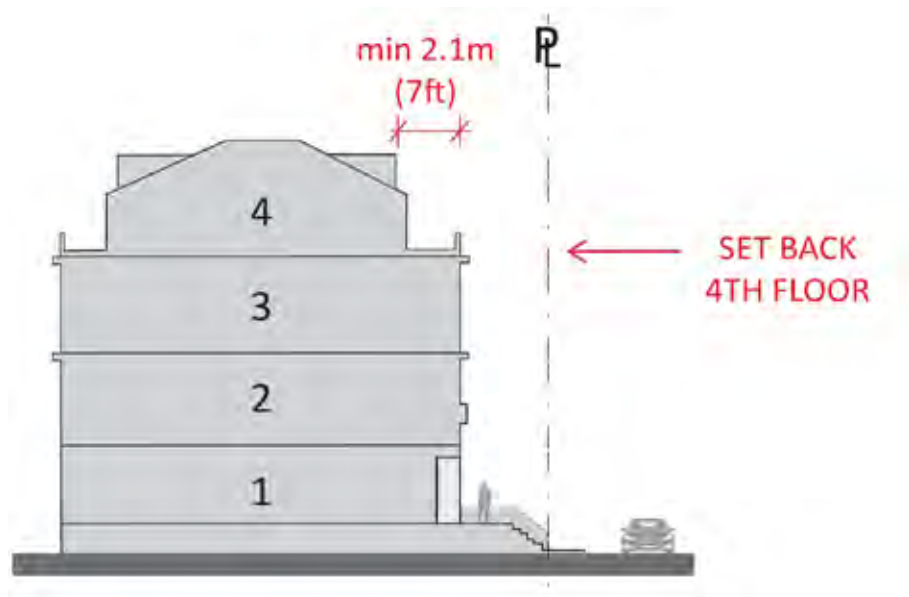
- c) All ground-oriented residential units facing a street should have a street orientation, including individual unit entrances facing the street.



- d) Medium density developments should be sensitive to the existing residential context. The use of residential character elements typically associated with detached homes, such as gables, dormers, balconies, bay windows and varied rooflines, are encouraged. Monotonous, monolithic building forms and rooflines should be avoided.



- e) Medium density residential buildings greater than three storeys in height should have the fourth and any higher floors stepped back a minimum of 2.1 metres to reduce the apparent building height and bulk.



.4 Access and Parking (for all building types)

- a) New development shall provide safe and efficient vehicle entrances, exits and site circulation.
- b) Sites should be designed to accommodate alternative modes of transportation, with provisions made for such features as pedestrian sidewalks and pathways, bicycle lanes, and bicycle parking racks on the site. Pedestrian routes/networks on a site should link with pedestrian networks off the site.
- c) On-site surface parking should be located to the rear of the building wherever possible. On-site surface parking is not allowed between the front face of a building and the adjacent street.



- d) Large surface parking areas should be broken into smaller sections that are screened and shaded with landscaping. Site distances at parking area aisle intersections must be preserved to ensure safety of vehicles and pedestrians.
 - e) Onsite roadways, driveways and parking lots should be designed to allow for access by fire fighting vehicles and equipment.
- .5 Screening and Landscaping (for all building types)
- a) Sites should be provided with screening in the form of walls, decorative fencing, hedging, planting, other screening materials in the following areas:
 - i) around outdoor storage areas, waste containers, heating and cooling equipment, and other service areas; and

- vi) between the rear of commercial portions of a building and any adjacent residential area.
- b) All sites should be provided with landscaping:
 - i) between parking areas and roadways; and
 - ii) between adjacent buildings and parking areas.
- c) Landscaping plans prepared by a landscape professional will be required, with landscaping densities as provided in the current Zoning Bylaw.
- d) Landscaping comprised of plant material that is drought tolerant and indigenous is encouraged.
- e) Landscaped areas, and setback areas adjacent to streets and boulevards should be planted with boulevard trees and a combination of shrubs, perennials and groundcover with mulch to conserve water and discourage weed growth.
- f) Landscaped areas should include an underground irrigation system, which should be programmed to maximize efficient water use.
- g) Any existing mature trees or remnant ecosystems that enhance ecological functioning of the urban environment should be incorporated into the site design wherever possible.

.7 Exemptions

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

1. Routine building repairs / maintenance including new roof, residing, re-stuccoing, window and door replacement.
 2. Internal renovations.
 3. Installation of canopies, awnings or signs.
 4. Building Code and safety requirements and upgrades such as the installation of fire protection systems, installation of fire exits, construction of ramps for persons with disabilities, etc.
- vii) replacing Schedule 'E' (Form and Character Development Permit Areas), with a new Schedule 'E' (Form and Character Development Permit Areas), as shown on the attached Schedule 'J-1' (which forms part of this bylaw).
 - viii) replacing Schedule 'G' (Transportation and Trail Network), with a new Schedule 'G' (Transportation and Trail Network), as shown on the attached Schedule 'K-1' (which forms part of this bylaw).

3. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013, is amended by:
- i) changing land use designation on the land shown shaded yellow on Schedule 'A-1', which forms part of this Bylaw, from Commercial (C) to Town Centre (TC).
 - ii) changing land use designation on the land shown shaded green on Schedule 'A-1', which forms part of this Bylaw, from Commercial (C) to Parks and Recreation (PR).
 - iii) changing land use designation on the land shown shaded purple on Schedule 'A-1', which forms part of this Bylaw, from Medium Density Residential (MR) to Town Centre (TC).

READ A FIRST AND SECOND TIME this 5th day of July, 2018.

PUBLIC HEARING HELD this 2nd day of August, 2018.

READ A THIRD TIME this ____ day of _____, 2018.

ADOPTED this ____ day of _____, 2018.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

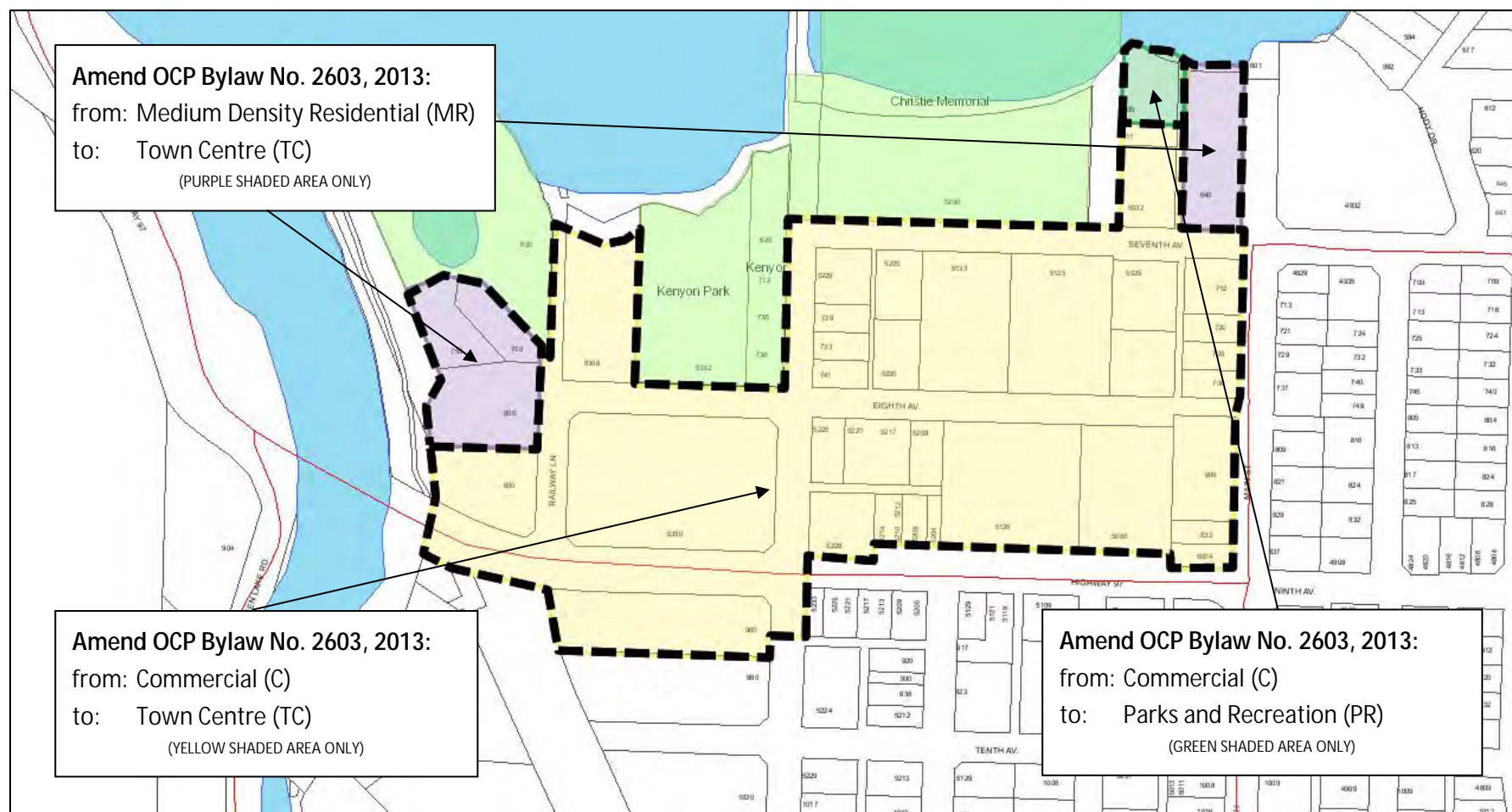
Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2603.11, 2018

Project No: D2017.110-ZONE

Schedule 'A'



Amendment Bylaw No. 2603.11, 2018
(D2017.110-ZONE)

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC, V2A-5J9

Telephone: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2603.11, 2018

Project No: D2017.110-ZONE

Schedule 'B'

Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013
Schedule 'E' (Form and Character Development Permit Areas)

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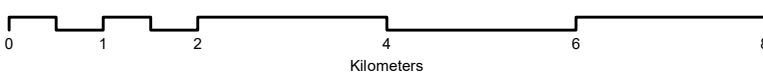
Project No: D2017.110-ZONE

Schedule 'C'

Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013
Schedule 'G' (Transportation and Trail Network)

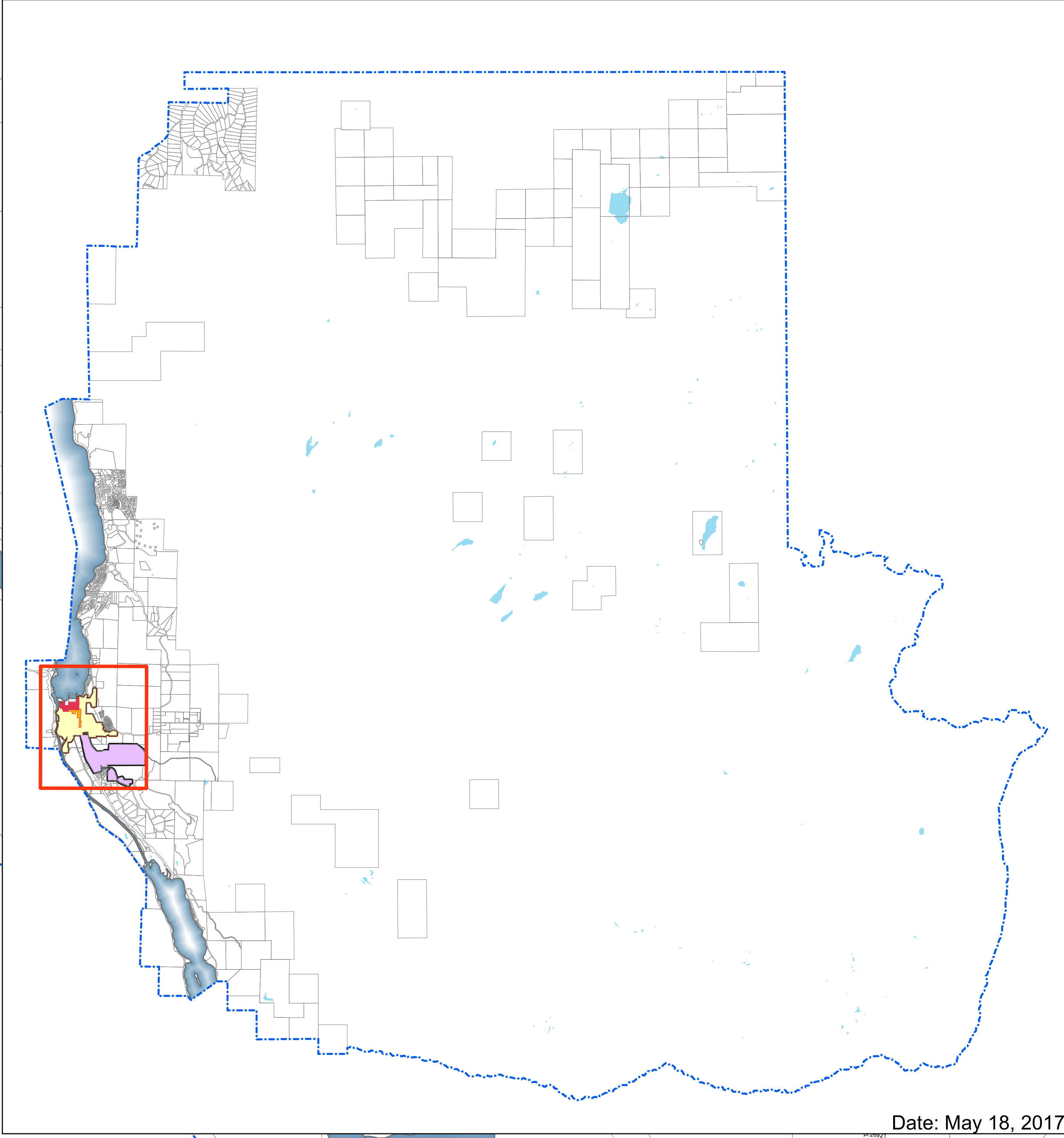
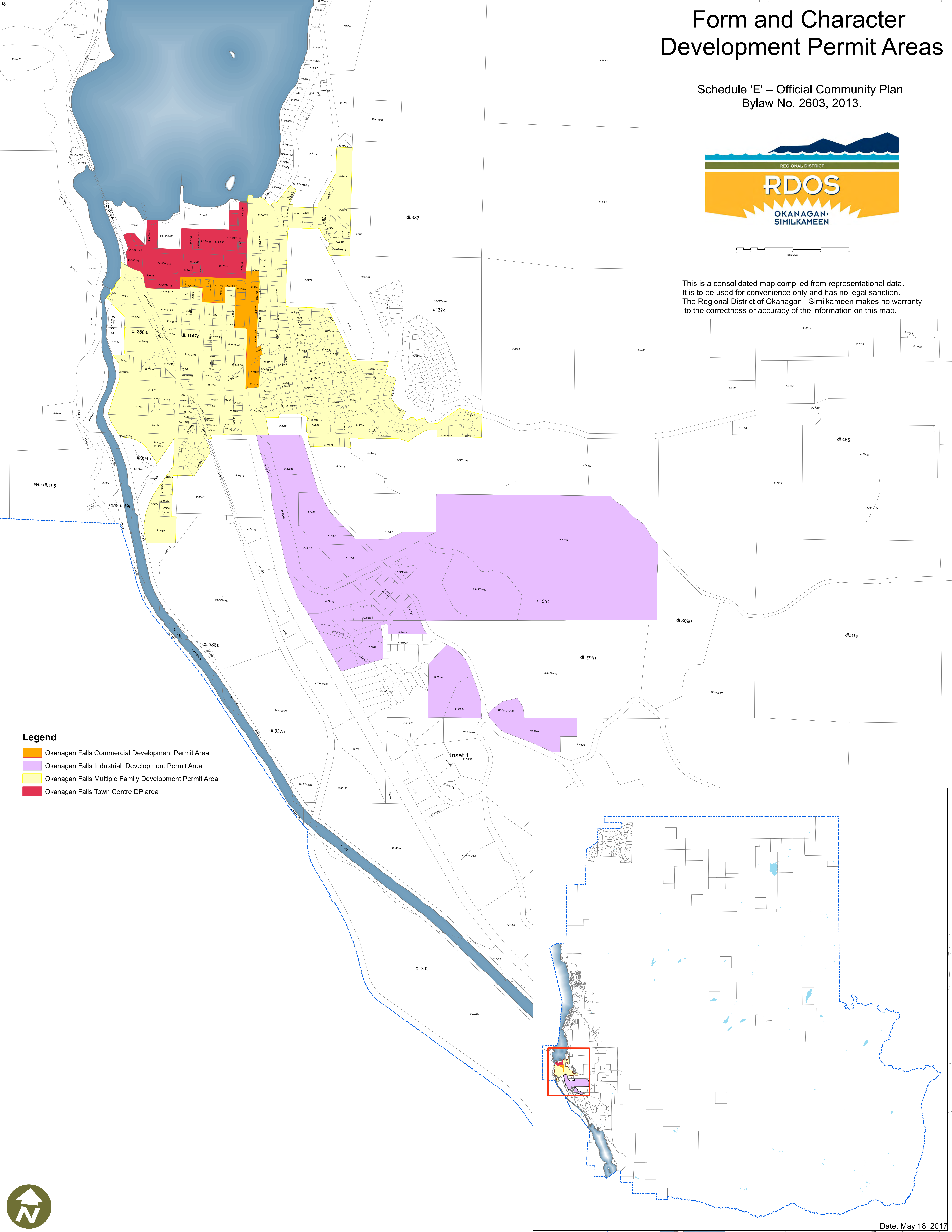
Form and Character Development Permit Areas

Schedule 'E' – Official Community Plan
Bylaw No. 2603, 2013.



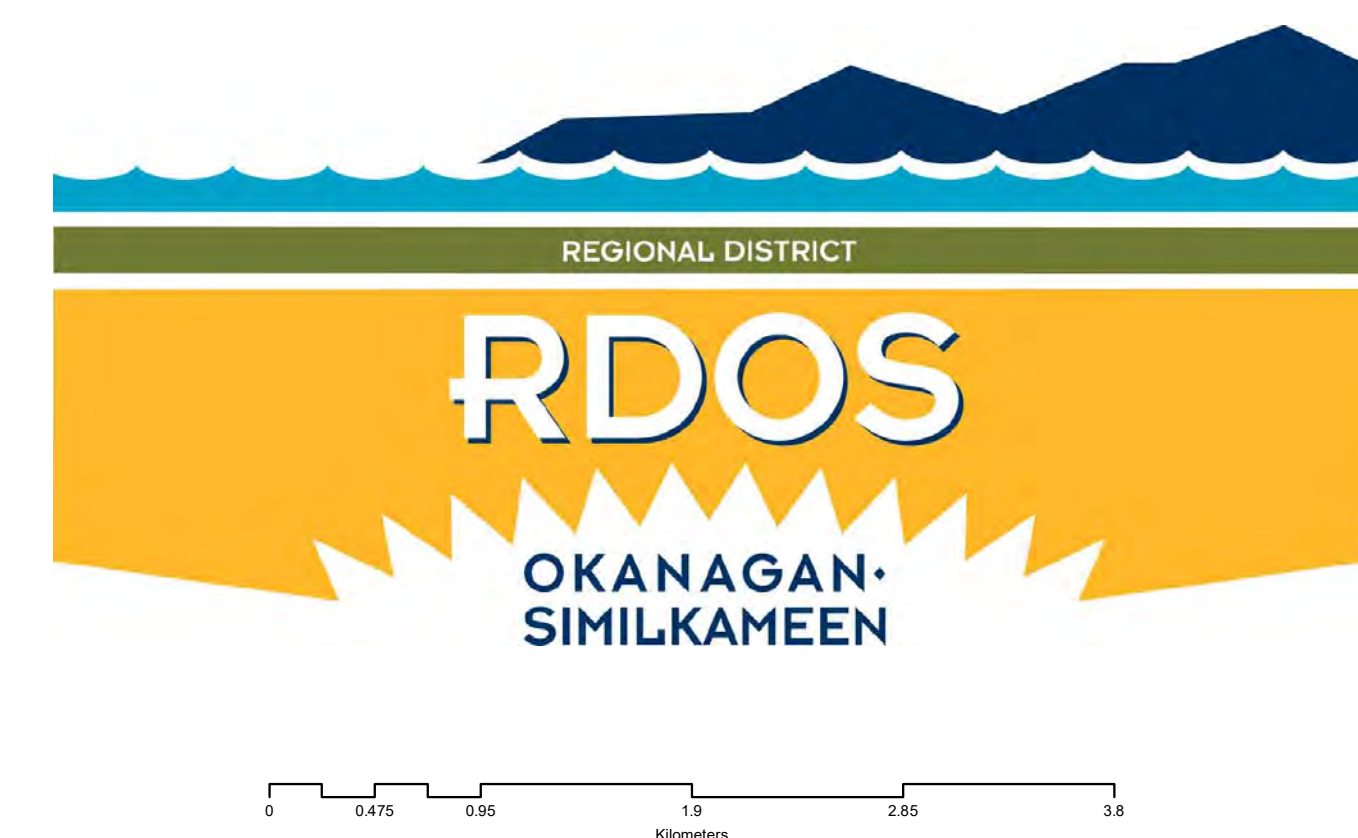
This is a consolidated map compiled from representational data. It is to be used for convenience only and has no legal sanction. The Regional District of Okanagan - Similkameen makes no warranty to the correctness or accuracy of the information on this map.

- Legend**
- Okanagan Falls Commercial Development Permit Area
 - Okanagan Falls Industrial Development Permit Area
 - Okanagan Falls Multiple Family Development Permit Area
 - Okanagan Falls Town Centre DP area



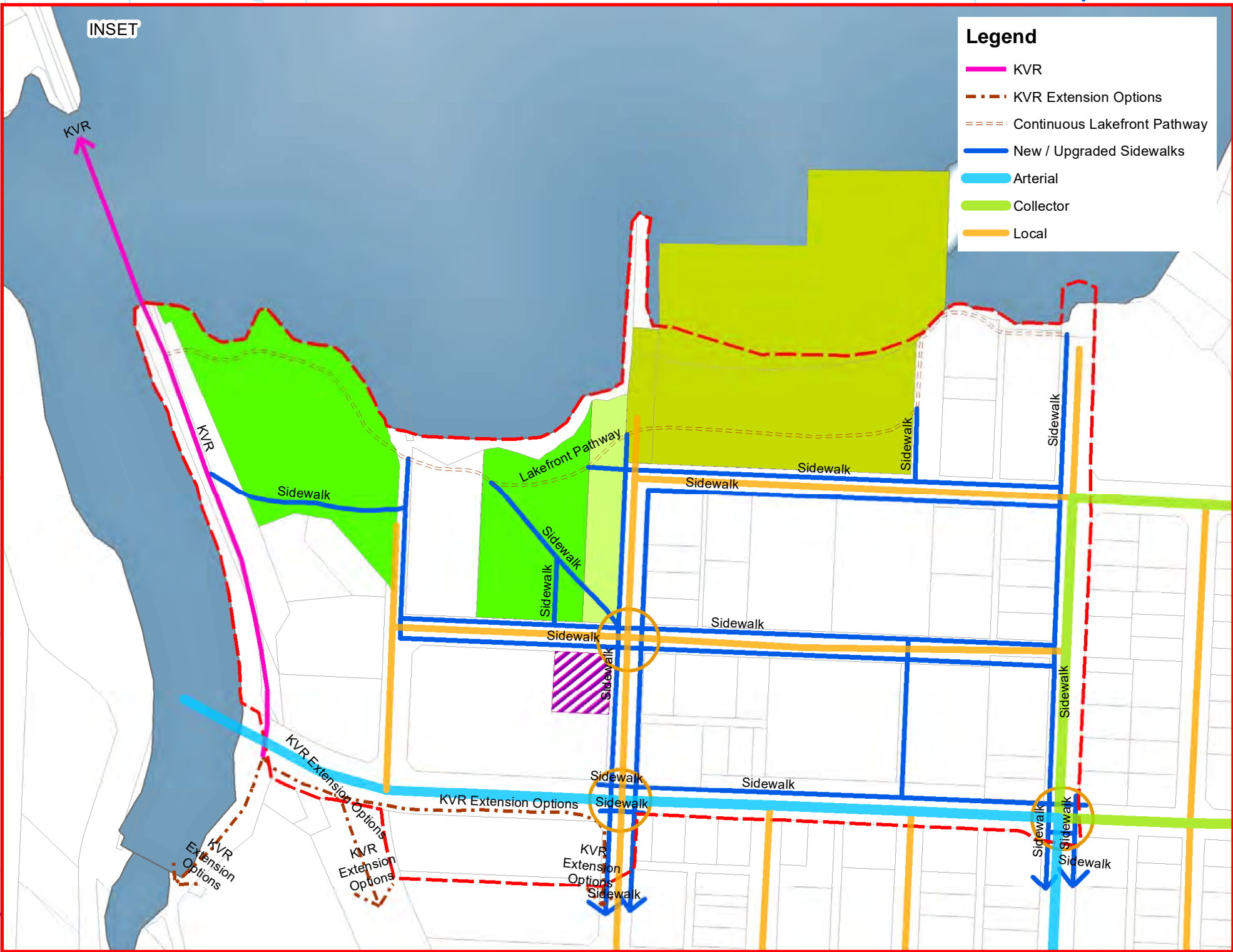
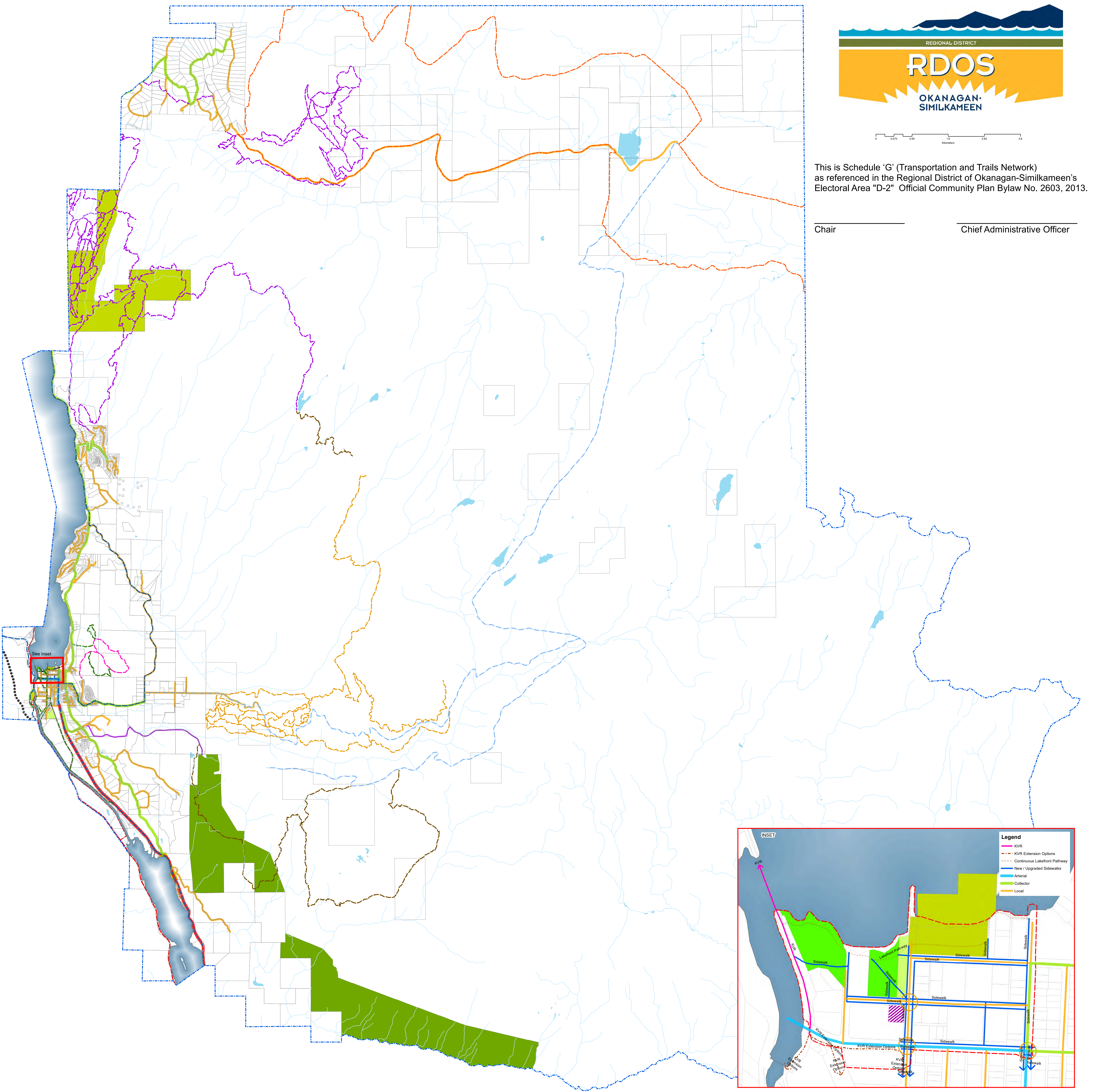
Transportation and Trail Network

Schedule 'G' – Official Community Plan
Bylaw No. 2603, 2013.



This is Schedule 'G' (Transportation and Trails Network) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013.

Chair _____ Chief Administrative Officer _____



Legend

Regional Trails Master Plan (Cascade)

- Cycling
- Mixed, Mountain Biking, Dirt Bike
- Motorized, ATV
- Non-Motorized
- Non-Motorized, Mountain Biking
- Non-Motorized, Mountain Biking, Hiking
- Non-Motorized, Pedestrian
- Non-Motorized, Pedestrian, Cycling
- Future Waterfront Walkway Connection
- Forest Service Road 201 (Alternative Route)

Major Road Network

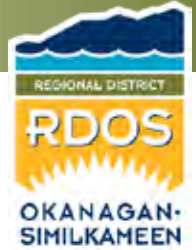
- Future Bypass Route
- Highway
- Arterial
- Local
- Collector
- Future Public Connection

Parks

- Ecological Reserve
- Protected Area
- Provincial Park
- Regional Park
- Recreation Area
- Community Park
- Electoral Boundary



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Request to Re-submit a Refused Rezoning Application — Electoral Area “D-1”

Administrative Recommendation:

THAT the Regional District Board not vary Section 3.12.1 of the Development Procedures Bylaw No. 2500, 2011, in relation to a proposed re-submission of a rezoning application involving the properties at 445 & 449 Sagewood Lane (Lots 8 & 9, Plan KAP11043, District Lot 280, SDYD).

Purpose: To allow for the re-submission of a rezoning application within 12 months of a Board decision to deny an identical proposal.

Owners: R. Esperanza & T. Christie/D. Bews Agent: Renae Esperanza Folios: D-02473.000 / 02474.000

Civic: 445 & 449 Sagewood Lane Legal: Lots 8 & 9, Plan KAP11043, District Lot 280, SDYD

Zone: Single Family Residential Two (RS2) Proposed Zoning: Small Holdings Five Site Specific (SH5s)

Proposal:

The property owner of 449 Sagewood Lane at Twin Lakes (Electoral Area “D-1”) is requesting that the Regional District Board consider varying the restriction against a refused rezoning proposal not being re-submitted for a period of 12 months immediately following the date of refusal (see Attachment No. 2).

Background:

Under Section 3.12.1 of the Regional District’s Development Procedures Bylaw, when a rezoning application is refused by the Board the proposal “shall not be considered within a twelve (12) month period immediately following the date of refusal.”

Section 3.12.2 of the bylaw, however, allows an applicant to “submit, in writing, a detailed statement as to why the time limit for the reapplication should be varied.”

On June 18, 2018, the Regional District received a letter from the property owner of 449 Sagewood Lane effectively requesting that the Board consider allowing the re-submission of a rezoning that was refused at its meeting of April 19, 2018 (and which would not otherwise be able to be re-submitted until April 19, 2019).

This rezoning had sought to formalise the keeping of 1 “livestock” and up to 25 “small livestock”, including one (1) rooster, on a parcel less than 2,500 m² in area and to further reduce the setbacks for a livestock structure from 15.0 metres to 2.5 metres.

The impetus of the rezoning application was enforcement action initiated by the Regional District following the receipt of numerous written complaints regarding the keeping of livestock (i.e. excessive numbers) and noise from roosters.

At its meetings of February 13, 2018, and March 13, 2018, the Electoral Area "D" Advisory Planning Commission (APC) failed to achieve a quorum and was unable to forward a recommendation regarding this application.

Administration subsequently scheduled consideration of 1st reading for the Board's meeting of April 5, 2018, and advised the applicant of this on March 27, 2018.

The applicant subsequently advised that they would be unable to attend the April 5, 2018, meeting and requested a deferral.

Administration advised the applicant that the next available Board meeting would be April 19, 2018, and that it would be a decision of the Board as to whether their application would be deferred as the Agenda for the April 5, 2018, meeting had already been released.

At its meeting of April 5, 2018, the Regional District Board resolved to defer consideration of this application to its meeting of April 19, 2018, in order to allow the applicant to be able to attend and speak to the proposal.

On April 13, 2018, Administration re-confirmed with the applicant by email correspondence that their application would be considered by the Board on April 19, 2018, and of the changed venue for the Board meeting (i.e. at the Penticton Lakeside Resort & Convention Centre). The applicant did not respond to this correspondence.

The applicant subsequently failed to attend the meeting of April 19, 2018, and the Board resolved to deny 1st reading of Amendment Bylaw No. 2455.22.

Analysis:

In considering this request, Administration notes that there is no criteria contained within the Regional District's Development Procedures Bylaw that provides direction on how to consider a request to vary the 12-month period that prohibits the re-submission of a refused application.

That said, it is understood that the applicant's main justification for having this period waived is their belief that a decision by the Board on the merits of their rezoning should not have been made in their absence.

While Administration agrees that an applicant should be present when a decision is being made on an amendment bylaw application (and regularly advises applicant's of this), it is noted that:

- steps were taken by the Board and staff to try and accommodate the applicant's schedule;
- the applicant did not communicate to Regional District staff their inability to attend the April 19, 2018, Board meeting; and
- the applicant was able to present the merits of their proposal to the February 13, 2018, meeting of the Electoral Area "D" APC (which was attended by the Area Director).

Since the rezoning proposal was denied by the Board on April 19th, there have been no amendments to the Electoral Area "D-1" land use bylaws or introduction of new Board policies that would affect Administration's recommendation to deny this proposal.

On this basis, as well as the steps previously taken to accommodate the applicant, Administration is recommending that the 12-month period prescribed at Section 13.2.1 of the Development Procedures Bylaw not be varied.

Should, however, the Board support the requested variance, the applicant will be required to submit a new rezoning application (including applicable fees), which will be processed in accordance with Schedule 1 of the Development Procedures Bylaw.

The Board is asked to be aware that the Regional District is continuing with enforcement action against the property owner in relation to excessive livestock numbers.

Alternative:

THAT the Regional District Board vary Section 3.12.1 of the Development Procedures Bylaw No. 2500, 2011, from 12 months to 3 months in relation to a proposed re-submission of a rezoning application involving the properties at 445 & 449 Sagewood Lane (Lots 8 & 9, Plan KAP11043, District Lot 280, SDYD).

Respectfully submitted:



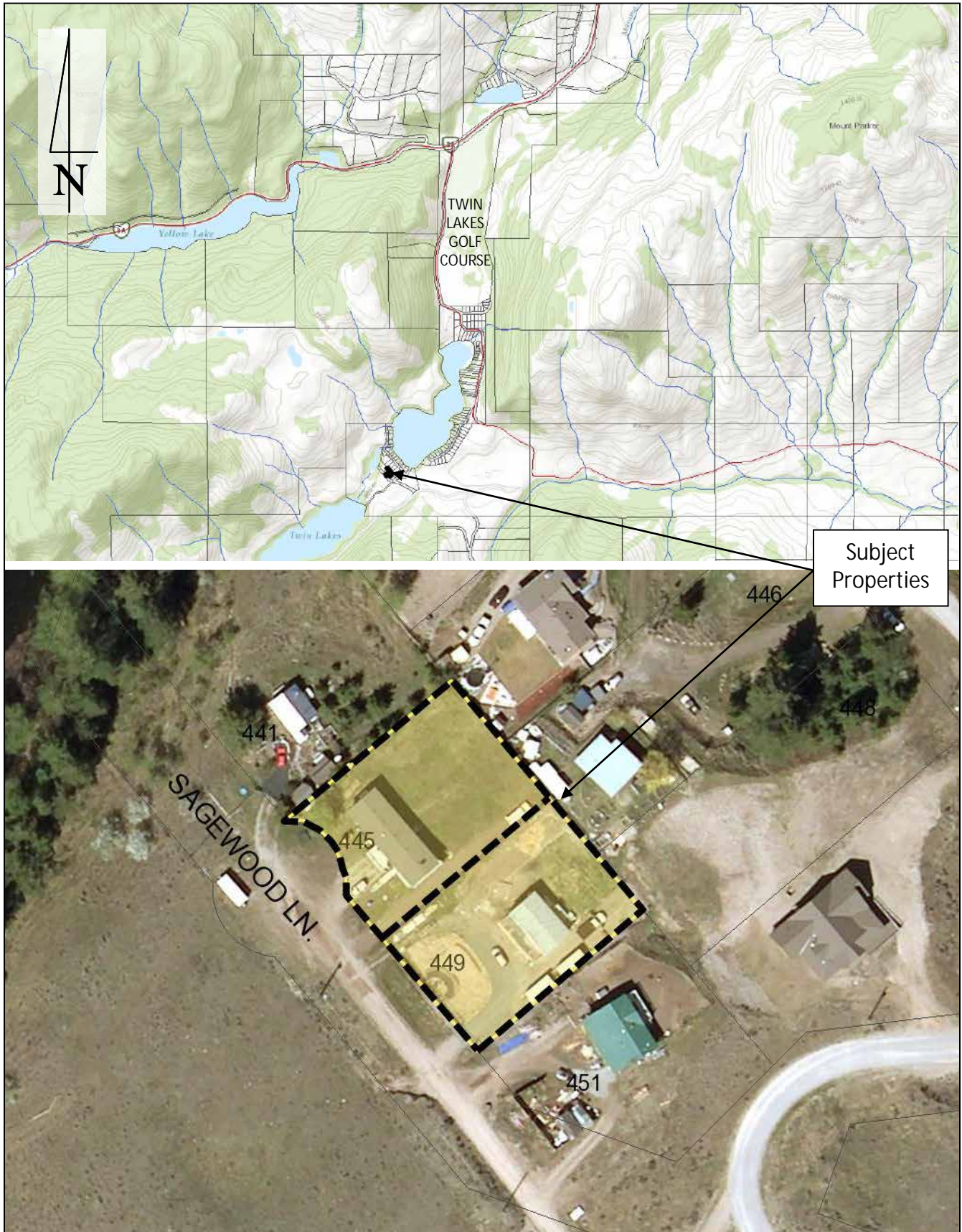
C. Garrish, Planning Supervisor

Attachments: No. 1 – Context Maps

No. 2 – Applicant's Site Plan (449 Sagewood Lane)

No. 3 – Site Photos (449 Sagewood Lane)

Attachment No. 1 – Context Maps



June 17, 2018

Dear Mrs Aylwin and Mr. Garrish;

**RE: Board Decision - Amendment Bylaw Application No. D2017.147-ZONE
445 & 449 Sagewood Lane (Lots 8 & 9, District Lot 280, SDYD, Plan 11043)**

RECEIVED
Regional District

JUN 18 2018

1111 Main Street
Harrison BC V0A 2S0

I am writing you to advise you that I have received your letters dated April 28, 2018 from Mr. Garrish and both letters dated May 24, 2018 and June 4, 2018 from Mrs. Aylwin this past Friday June 15th 2018. I am also writing to suggest you start using a registered mail system to confirm receipt of these letters you are sending if you feel the matters require an urgent response.

As you both are aware, I am often away from Kaleden working between Vancouver and Northern British Columbia servicing accounts and do not always have an opportunity to pick up my mail on a regular basis. Providing me with 14 calendar day deadlines via regular mail systems cannot guarantee I've received the notice within your allotted times provided and this should be amended with all urgent communications moving forward with all of your active files.

With this in mind, please accept this as written notice of my request to appeal the April 19, 2018 Board of Director's decision to deny this application for rezoning. I feel the Board should consider resubmission of my application based on the following facts;

1. I was present at the February 13, 2018 ACP meeting in OK Falls at which I was told I provided a "compelling and legitimate argument for the rezoning of these properties" and was "Given" the opportunity to re-present my case at a future ACP meeting as the Board was incomplete. It should be noted that no reasonable excuse for the incomplete Board was provided.
2. I was present at the March 13, 2018 APC meeting in OK Falls with only 5 business days notice which resulted in an incomplete Board again. Also no reasonable excuse for the incomplete Board was provided at that time.
3. I confirmed with Mr. Garrish on my visit to the RDQS office on March 29th, 2018 that I would not be able to attend the tentatively scheduled April 5, 2018 reading of my application before the Board as I would be out of province on vacation until the third week of May.
4. I received and addressed Mr. Garrish's emails dated April 4, 2018 and April 13, 2018 regarding the Deferral request and Inclusion of a single rooster, on April 26th upon my return to BC from vacation.

I find it unacceptable that the Board would be able to make a decision to deny an application without providing an opportunity to hear the reasons which would favourably support the application.

I also find it unacceptable to provide an applicant with no less than 14 calendar days notice to attend a meeting in order to allow adequate time to schedule attendance as it is unreasonable to expect applicants to be adequately prepared and present for any meetings with less than this amount of notice.

Please find the attached Bylaw Notices and partial refund for the denied application (Cheque # 11904) here within as I refuse to cooperate until adequate opportunity to present my file has been provided.

Sincerely,

Renae Esperanza

Attachment No. 3 – Site Photos (449 Sagewood Lane)



ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Solid Waste Collection Regulation Bylaw No. 2819, 2018

Administrative Recommendation:

THAT Bylaw No. 2819 Regional District of Okanagan-Similkameen Solid Waste Collection Regulatory Bylaw be read a first, second, and third time and be adopted.

Purpose:

Update and replace existing Regulatory Bylaw 2191, 2003

Business Plan Objective:

Update existing Curbside Regulatory Bylaw.

Background:

Bylaw No. 2819 was presented for review and discussion on July 19th, 2018 to the RDOS Environment and Infrastructure Committee.

Analysis:

Bylaw 2819 updates the following:

- New definitions in keeping with the contract for provision of service,
- Clarifying language for exempting properties from service and adding properties that request service that do not have a home,
- How containers should be placed for collection,
- Situations why materials may be left at the curb,
- Container types for garbage, recycling and yard waste collection,
- Providing the ability to enforce regulations under the Bylaw Notice Enforcement Bylaw,
- Removal of provisions for the Carmi Drop Off service that no longer exists.

Specific provisions remain in place for the placement of garbage in Electoral Area 'D', 'E' and 'F'. Residents in these communities are required to use wildlife resistant containers or enclosures or place out garbage after 5 am on the morning of their collection. Wildsafe BC has reported this

provision and matching education campaign has significantly reduced the number of bears killed annually in these areas.

Respectfully submitted:

N. Webb

C. Baughen

N. Webb, Public Works Manager

C. Baughen, Solid Waste Management Coordinator

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2819, 2018

A bylaw to require and regulate the use of the Solid Waste Collection and Drop-off Service.

WHEREAS the Board of Directors (the “Board”) for the Regional District of Okanagan-Similkameen (the “Regional District”) has enacted the Solid Waste Collection and Drop-Off Service Establishment Bylaw No. 2190, 2003;

NOW THEREFORE the Board for the Regional District, in open meeting assembled, enacts as follows:

1.0 DEFINITIONS

1.1 In this bylaw:

“**Bag**” is one (1) plastic bag with the volume capacity of 95 L or less and containing a maximum weight of 25 kg.

“**Biweekly**” means once every two calendar weeks.

“**Board**” means the Board of the RDOS.

“**Bundle**” for flattened cardboard, being no larger than 78 cm x 78 cm x 15 cm in size and securely bundled with tape, string or twine, or for acceptable Yard and Garden Waste tree trimmings or prunings securely bundled in twine or string with the maximum weight of 25 kg and cut to a maximum of 1 m in length.

“**Bylaw**” means this Bylaw, as amended from time to time.

“**Bylaw Enforcement Officer**” means as defined by the RDOS Bylaw Notice Enforcement Bylaw No. 2507, 2010 or subsequent replacement bylaws.

“**Cart**” means a rigid plastic container with wheels, with a horizontal bar on the container suitable for semi automated sideload collection equipment.

“**Contaminant**” means a material placed in Garbage, Recycling, or Yard and Garden Waste that does not meet the specifications of the materials that are intended to be collected as determined by the Landfill or other facility receiving such materials.

“**Contamination**” means the state of having Contaminants mixed in with the specified collected materials.

“**Container**” one (1) rigid plastic or galvanized metal can with volume capacity of 95 L or less and containing a maximum weight of 25 kg, or a Cart-type unit with wheels capable of being lifted by the Contractor’s collection vehicle for manual or semi-automated collection with the contents not exceeding the maximum volume and weight requirements as defined by the Manager for the Service Area.

“**Curbside Collection**” means the collection of Garbage, Yard and Garden Waste, Recycling and Large items from immediately adjacent the edge of a road, street or lane adjacent the property or grounds surrounding a Curbside Property.

“**Curbside Properties**” means those residential properties that, from time to time, are approved by the Manager for curbside waste collection pursuant to the process outlined in the Bylaw.

“Customer Supplied Container” is a Bag, Bundle, Container or Kraft Bag supplied by a Residential Premise.

“Dangerous Wildlife” means bear, cougar, coyote or wolf, or a species of wildlife that is prescribed as dangerous under the BC Wildlife Act.

“Dwelling Unit” means one or more habitable rooms constituting one self-contained unit which has a separate entrance, and which contains washroom facilities, and not more than one set of cooking facilities (unless a secondary suite is permitted in the applicable zone), and which is designed to be used for living and sleeping purposes.

“Food Waste” includes all food, including non-windfall fruit, and waste paper products.

“Garbage” means any and all accumulations of general household waste generated from a Residential Premise including Food Waste but excluding and prohibiting Recyclables, Yard and Garden Waste, special, controlled or hazardous waste, construction or demolition materials as defined by the Manager.

“Kraft Bag” means a reinforced paper bag for Yard and Garden Waste with volume capacity of 30 gallons or less.

“Landfill” means the sanitary landfill(s) identified by the Local Government as the designated landfill to receive materials collected.

“Large Item” means only furniture, mattresses or large appliances, weighing no more than 90 kg (200 lb) each generated from a Residential Premise. For greater clarity, mattress and box spring count as two separate Large Items. Home demolition waste, electronics, automotive parts, anything with an engine, tires, toilets, hot water tanks or other bathroom fixtures are not designated as Large Items.

“Manager” means the individual or individuals delegated by the RDOS to oversee this Bylaw and associated work.

“RecycleBC” means Multi-Material BC Society (No. 5-58241), MMBC Recycling Inc. (No.XS67425), Recycle BC (No. FM719862), or any other entity with whom the RDOS has contracted to provide specified Recyclables collection.

“Recyclables” means only acceptable recyclable materials, generated from a Residential Premise, listed publicly for collection by RecycleBC collectors, except container glass or other glass products, unless the Manager requires different materials to be collected.

“Residential Premise” means an individual residential Dwelling Unit including a recreational, vacation, rental, and mobile home dwelling, with direct access to the outdoors, and includes:

- (a) a single-family dwelling;
- (b) a single-family dwelling containing a principal dwelling unit and self-contained suite; and
- (c) individually serviced duplex, triplex, fourplex, fiveplex, and sixplex units.

“RDOS” is the Regional District of Okanagan-Similkameen.

“Service Area” means a municipality, Electoral Area or an area defined by the Solid Waste Collection and Drop-Off Service Establishment Bylaw No. 2190, 2003 as receiving Curbside Collection from the RDOS.

“Tag a Bag” means a tag or sticker prepared and issued by the RDOS intended for attachment to a Customer Supplied Container as required for the collection of an additional Bag of Garbage over the weekly limit set by the Manager.

“Tipping Fee” means the cost per tonne of waste material entering a Landfill, levied by the Landfill operator, to receive and dispose of the waste in accordance with all applicable regulations and permits.

“Wildlife Resistant Container” means a fully enclosed Container with a sealed lid and a self-latching mechanism of sufficient design and strength to prevent access by dangerous wildlife.

“Wildlife Proof Enclosure” means a structure which has enclosed sides, a roof, doors and a self-latching mechanism of sufficient design and strength to prevent access by dangerous wildlife but allows safe and simple access by Workers.

“Workers” means all employees, contractors, agents or other representatives of a contractor engaged by the RDOS to provide or monitor Curbside Collection.

“Yard and Garden Waste” means only organic waste originating from yards and gardens at a Residential Premise including, but not limited to, grass clippings, leaves, plants, pine needles, pinecones, garden waste, windfall fruit, shrub and tree trimmings and prunings, provided that any woody tree trimmings and prunings are less than 5 cm in diameter and less than 1 m in length, but specifically excluding Provincially-regulated noxious or invasive species and Food Waste.

2.0 PROVISION OF SERVICE

- 2.1 The Manager reserves the right to exclude or exempt a Residential Premise from receiving Curbside Collection if collection costs are unreasonable, access routes are too difficult, there is no longer a Dwelling Unit or the property is serviced by an adequate commercial garbage and recycling service.
- 2.2 The Board may provide a policy to direct the Manager as to when exclusions and exemptions are reasonable.
- 2.4 The Board may determine to enact an exclusion or exemption to Curbside Collection on a property by property basis.
- 2.5 Every owner of Residential Premise in a Service Area to whom the Manager or Board does not grant an exclusion or exemption:
 - (a) must be provided Curbside Collection; and
 - (b) pay the applicable rates and fees set out in the RDOS Fees and Charges Bylaw for their Service Area.
- 2.6 A property owner, that does not have a Residential Premise on their property, may apply to the Manager for Curbside Collection by providing written consent.
- 2.7 The Manager may approve an application for waste collection service for a property that does not have a Residential Premises, if the property can reasonably be served and the nature of the waste is similar to that being generated from a Residential Premise.
- 2.8 On the approval of an application for Curbside Collection service by written notice to the property owner, all of the provisions of this bylaw will be enforced as if the property has one or more Residential Premises as applicable.

3.0 CUSTOMER SUPPLIED CONTAINERS

- 3.1 No person may place out Garbage, Recyclables, Yard and Garden Waste or Large Items except in accordance with this bylaw.
- 3.2 No person may litter Garbage, Recyclables, Yard and Garden Waste or Large Items contrary to this bylaw.
- 3.3 All Garbage, Recyclables and Yard and Garden Waste placed out for Curbside Collection must be placed in a Customer Supplied Container.
- 3.4 No person may place materials in a Customer Supplied Container owned by another person except with the other person's permission.
- 3.5 No person, other than a Worker, may remove from any Residential Premise any Garbage or Recyclables placed out for Curbside Collection.
- 3.6 Scavenging of materials from a Customer Supplied Container for Garbage or Recyclables is prohibited.
- 3.7 Customer Supplied Containers or Large Items will, unless directed otherwise by the Manager, be placed for emptying and collection within one (1) metre of the travelled part of the road fronting the main entry way to the Residential Premise in which the contents of the containers originate or, as directed by the Manager, within one (1) metre of a laneway adjacent to a specified property.
- 3.8 To allow for safe or efficient Curbside Collection, the Manager may specify a specific collection point for a Residential Premise to place Garbage, Recyclables, Yard and Garden Waste or Large Items.
- 3.9 No Worker will enter any private property, such as a stratified residential development or building, for the purpose of carrying out Curbside Collection unless an arrangement has been made for onsite pickup acceptable by the Manager.
- 3.10 Where arrangements are made with the Manager for Workers to enter a private property to provide Curbside Collection, ready means of access to Customer Supplied Containers, including passageways and internal roads, must be unobstructed, of sufficient size and satisfactorily maintained by the property owner.
- 3.11 All Customer Supplied Containers and Large Items must not encroach on or project over any street, lane, or public place.
- 3.12 All Customer Supplied Containers and Large Items must be kept on the ground and level or on a platform not more than one foot in height above the ground and must be readily accessible from the street or lane abutting the premises.
- 3.13 If Customer Supplied Containers are enclosed in a structure, including a Wildlife Proof Enclosure, the structure must be built with doors opening on the pickup side so that the Customer Supplied Containers may be readily removed.
- 3.14 Customer Supplied Containers will be maintained in good repair, be kept in a sanitary condition and be sufficient in number at all times to contain all materials fully within the Customer Supplied Containers.
- 3.15 Any structure used as a cover for Customer Supplied Containers must, at all times, be kept in good repair, clean, and accessible for inspection at all reasonable hours.

- 3.16 Customer Supplied Containers must be replaced by the owner when advised by the Manager that they are no longer in serviceable condition.
- 3.17 The RDOS and its contractors are not responsible for replacing any Customer Supplied Containers or lids damaged or lost for any reason whatsoever.
- 3.18 If a Customer Supplied Container becomes compromised and spills materials while being collected, the Worker may determine to not collect the Customer Supplied Container.

4.0 REFUSAL TO COLLECT

- 4.1 All Garbage, Recyclables, Yard and Garden Waste must be placed out in the correct type of Customer Supplied Container for the collection.
- 4.2 Any Contamination found will result in the Customer Supplied Container or Large Item not being collected by the Worker.
- 4.3 Intentionally Contaminating Recyclables or Yard and Garden Waste to make them Garbage is prohibited.
- 4.4 No liquid of any kind, including rain and snow, may be placed or allowed to collect in any Customer Supplied Container or Large Item placed for collection.
- 4.5 No explosive, volatile, or corrosive materials, biomedical wastes, gypsum board, renovation or demolition waste, fuel, used oil or other lubricant filters, hot ashes, or chemicals, animal cuttings or wastes, dead animals, or other material that may injure the health or safety of solid waste collection or disposal personnel, including batteries and sharps, may be placed in any Customer Supplied Container or Large Item for collection.
- 4.6 Workers will make all attempts to place a sticker on Customer Supplied Containers not collected indicating why the materials were left and the correct phone number for more information.
- 4.7 Workers may refuse to collect materials if there are identified safety hazards including but not limited to severe weather conditions, dangerous road conditions, uncontrolled animals, physical or verbal threats to Workers or blockage of a road not allowing safe entry or egress.
- 4.8 The owner of a Residential Premise remains liable for the fees imposed by the RDOS for the Curbside Collection service if materials are not collected due to the materials not being placed for collection in accordance with this bylaw or if the Worker determines the collection may be unsafe.

5.0 SCHEDULING

- 5.1 The Manager will assign a collection day every week for every property receiving Curbside Collection and will provide dates for weekly, Biweekly, monthly and annual collections to customers.
- 5.2 The Manager may change the collection day for properties as required and will inform the owners of Residential Premises to the change.
- 5.3 All Garbage, Recyclables, Yard and Garden Waste or Large Items must be placed out for collection by 7:00 a.m. on the day designated by the Manager for collection for a property.
- 5.4 Garbage or Recyclables not emptied or collected on a scheduled collection day must, before 5:00 p.m. on the same day, be removed by the occupier of the Residential Premise from the vicinity of the travelled part of the road until the next scheduled collection day.

6.0 GARBAGE

- 6.1 The only Customer Supplied Containers applicable for Garbage collection are Bags and Containers.
- 6.2 A maximum of two (2) Customer Supplied Containers of Garbage may be placed for collection at any residential premise on any particular collection day unless the Board directs the Manager to limit the number of Customer Supplied Containers to one (1) per collection day for a specified Service Area.
- 6.3 The Manager may increase the number of Customer Supplied Containers collected in a given week for specific residences or Service Area to allow for missed or disrupted collections.
- 6.4 A Residential Premise may place out an additional Bag, over the limit for Customer Supplied Containers for their Service Area, if a RDOS Tag a Bag Label is attached to that additional Bag.
- 6.5 If a RDOS Tag a Bag is attached to each Bag over the limit of Customer Supplied Containers allocated each week for the Residential Premise, there will be no limit to additional Bags of residential Garbage a Residential Premise may place out.
- 6.6 Tag a Bags may not be placed on Containers.
- 6.7 Curbside Properties within Electoral Area 'D', 'E', and 'F' must place Garbage within a Wildlife Resistant Container, be placed within a Wildlife Proof Enclosure or be placed out after 5:00 am on the day designated for Garbage collection for the property.

7.0 RECYCLABLES

- 7.1 The only Customer Supplied Containers applicable for Recyclable collection are clear or blue, see through Bags, clearly marked Containers and Bundles of cardboard.
- 7.2 The number of Customer Supplied Containers of residentially produced Recyclables that may be placed for collection is unlimited.
- 7.3 Recyclables that are non-residential in nature may not be collected.
- 7.4 Recyclables must be loosely-packed, not placed within any other Recyclable material, lids must be removed and materials washed or rinsed to remove organic material as required.
- 7.5 Recyclable corrugated cardboard may be Bundled and placed under a Bag or Container Recyclables so long as materials remain clean and dry, no litter is created and the bundles are secure enough for placement within the collection vehicle.
- 7.6 Bundling or tying any Recyclable materials, other than flattened cardboard, with string, ties, or tape is not permitted.

8.0 RESIDENTIAL YARD WASTE

- 8.1 The only Customer Supplied Containers applicable for Yard and Garden Waste collection are Kraft Bags, clearly marked Containers and Bundles of tree trimmings and prunings.
- 8.2 The number of Customer Supplied Containers of residentially produced Yard and Garden Waste that may be placed for collection is unlimited.
- 8.3 Yard and Garden Waste that are non-residential, such as agricultural, in nature may not be collected.

- 8.4 Bundling any Yard and Garden Waste materials other than specified tree trimmings or prunings with string, ties, or tape is not permitted.
- 8.5 Any Kraft Bags or Bundles allowed to weaken to the point where they rip open when lifted may not be collected by Workers.

9.0 LARGE ITEM

- 9.1 A Residential Premise may place out a maximum of two (2) Large Items during any scheduled Large Item collection.
- 9.2 A Worker may refuse to collect any Large Items that pose a threat to the Workers safety, poor hygienic condition and Contamination of potential hazardous or noxious substances.
- 9.3 Large Items that are non-residential in nature or do not meet the definition of a Large Item may not be collected.

10.0 FEES

- 10.1 Every owner of a Residential Premise provided Curbside Collection in a Service Area, must pay the applicable fees set out in the RDOS Fees and Charges Bylaw and where applicable be:
- (a) invoiced directly to the Residential Premise owner and if unpaid at the end of the calendar year in respect of which they are imposed, collected in the same manner as taxes in arrears; or
 - (b) identified on the annual property tax bill for the Residential Premise.

11.0 ENFORCEMENT

- 11.1 The Bylaw Enforcement 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.
- 11.2 No person shall prevent or obstruct, or attempt to prevent or obstruct, the Bylaw Enforcement Officer from the exercise or performance of his or her powers, duties or functions under this bylaw.
- 11.3 Each day's continuance of an offence under this bylaw constitutes a new and distinct offence.

12.0 SEVERABILITY

- 12.1 The provisions of this bylaw are severable and the invalidity of any part of this bylaw shall not affect the validity of the remainder of this bylaw.

13.0 REPEAL

- 13.1 Bylaw No. 2191, 2003 is repealed.

14.0 CITATION

- 14.1 This bylaw may be cited as the Solid Waste Collection Regulation Bylaw No. 2819, 2018.

READ A FIRST, SECOND, AND THIRD TIME on , 2018.

THIRD READING RESCINDED on , 2018.

READ A THIRD TIME AS AMENDED on , 2018.

ADOPTED on , 2018.

RDOS Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: RecycleBC Contract

Administrative Recommendation:

THAT the Board of Directors renew a contract with MMBC Recycling Inc. (RecycleBC) for collection of residential recycling from homes and landfill depots from November 30, 2018 to December 31, 2023.

Purpose:

For the RDOS to receive funding from RecycleBC for the provision of curbside recycling collection services in the Village of Keremeos, Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F' and 'G' and Red Wing Resorts within the Penticton Indian Band Lands, and funding for the collection of residential recyclable materials at the Campbell Mountain, Oliver and Keremeos Landfills.

Reference:

[RecycleBC Consultation Webpage](#)
[RecycleBC Collector Contract Renewal](#)

Background:

The RecycleBC contract renewal was brought to review and discussion at the July 19th, 2018 Environment and Infrastructure Meeting.

Analysis:

The samples for new Statements of Work (the appendix of the RecycleBC contract) has been attached. These templates will be used as the basis of the updated RDOS contract renewal. These templates are the same for all local governments in BC.

The new RecycleBC contract provides an 8% increase in incentives received for RDOS curbside collection per home. This is intended to compensate for CPI increases since 2013.

For depots, the incentives for materials not collected at curbside, such as film plastics and Styrofoam have increased significantly. These materials are comparatively light so the increase is intended to match the work needed to handle these materials. The collection of 'Other Flexible Plastic Packaging' will also commence for items such as chip bags, onion sacs and plastic pouches.

Issues of Concern

Plastic bags will no longer be acceptable as containers to collect recycling by July 1st, 2020. RecycleBC representatives presented on this change to the Board earlier this year. The change is due to plastic film contamination being the highest source of contamination in mixed paper.

If the Board decides to renew with RecycleBC, RDOS Staff will conduct public consultation this fall to determine preferable options. RecycleBC will allow local governments to provide specific collection containers to residents (such as blue boxes or carts) or allow residents to provide their own containers (such as marked garbage cans, blue boxes or carts). These options will be presented to residents for consideration with results being brought back to the Board for a decision.

RecycleBC has been cautioning local governments that RecycleBC will be enforcing contamination limits more closely. The contract requires a 3% contamination maximum. Recent audits showed the RDOS averages 9.2% total non-collectable material in recycling by weight. This includes glass, clothing, batteries, electronics and scrap metal that can only be recycled at depots.

RDOS Staff continue to work on public education campaigns to improve awareness of what goes in recycling. Collection contractors will also be tasked look harder and leave recycling containers that contain inappropriate materials.

Communication Strategy:

If the RecycleBC contract is renewed then RDOS Staff will develop a public consultation strategy to consult with residents on preferred options for non-plastic bag recycling collection. Consultation will be after the local government elections in October and will include open houses and online surveys.

Respectfully submitted:

N. Webb

N. Webb, Public Works Manager

C. Baughen

C. Baughen, Solid Waste Management Coordinator

SCHEDULE 2.1(a)
STATEMENT OF WORK FOR CURBSIDE COLLECTION SERVICES PROVIDED BY LOCAL
GOVERNMENT

This Statement of Work is incorporated into and forms part of the Master Services Agreement made between [redacted] ("**Contractor**") and MMBC Recycling Inc. carrying on business as Recycle BC ("**Recycle BC**") made as of [redacted] (the "**Agreement**"). The effective date of this Statement of Work (the "**SOW Effective Date**") is [redacted].

SECTION 1. Interpretation

- 1.1 Definitions. In this Statement of Work (including the attachments hereto), the following terms will have the following meanings. Capitalized terms used but not defined in this Statement of Work will have the respective meanings ascribed to them in the Agreement.

"**Agreement**" has the meaning set out on the first page of this Statement of Work.

"**Container**" means any reusable bin, box, tote, bag, open container or cart acceptable to Recycle BC used for household storage and curbside set-out of In-Scope PPP in the performance of this Statement of Work but, for the avoidance of doubt, does not include single-use bags.

"**Corrugated Cardboard**" means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards.

"**Curb**" or "**Curbside**" means a location within one metre of a Public Street or Private Road.

"**Curbside Collection**" has the meaning set out in Section 2.1.

"**Curbside Household**" means a self-contained dwelling unit providing accommodation to one or more people, including (i) single-family dwellings, (ii) buildings with up to four suites and (iii) rowhouses and townhouses, in each case where the resident of each unit is expected to individually deliver In-Scope PPP to the Curb for collection.

"**Curbside Household Baseline**" has the meaning set out in Attachment 5.

"**Customer**" means residents of Curbside Households within the Service Area.

"**Designated Post-Collection Facility**" means the facility at which Contractor delivers Contractor-collected In-Scope PPP to the Designated Post-Collection Service Provider.

"**Designated Post-Collection Service Provider**" means the entity, designated by Recycle BC, to receive Contractor-collected In-Scope PPP.

"**In-Scope PPP**" means the PPP set out in Attachment 2.1.2 and such other materials identified as In-Scope PPP by Recycle BC in writing from time to time.

"**Industrial, Commercial and Institutional**" or "**ICI**" means any operation or facility other than a Curbside Household, including but not limited to industrial facilities such as warehouses, distribution centres, manufacturing facilities; commercial facilities such as retail stores, offices, strip malls and vacation facilities, such as hotels, motels, cottages, cabins and rental, co-operative, fractional ownership, time-share or condominium accommodation associated with sports and leisure facilities (e.g., ski resorts); and, institutional facilities such as schools, churches, community buildings, local government buildings, arenas, libraries, fire halls, police stations and residences at which medical care is provided, such as nursing homes, long-term care facilities and hospices.

“Missed Collection” means any failure of Contractor to collect In-Scope PPP that has been set out by a Customer on the Customer’s scheduled collection day by the appointed set out time.

“Not Accepted Materials” means, collectively, any material that is not PPP (as that term is defined in the Agreement).

“Private Road” means a privately-owned and maintained way that allows for access by a service vehicle and that serves multiple residences.

“Public Street” means a public right-of-way used for public travel, including public alleys.

“Service Area” means the geographic area delineated in Attachment 2.1.1.

“Service Commencement Date” means [●].

“SOW Effective Date” has the meaning set out on the first page of this Statement of Work.

“SOW Services” has the meaning set out in Section 2.

“SOW Term” has the meaning set out in Section 4.

- 1.2 Attachments. As of the Effective Date, the following Attachments form part of this Agreement (note that Attachment numbering is not sequential and is based on a related section reference):

<u>Attachment</u>	<u>Description</u>
Attachment 2.1.1	- Service Area
Attachment 2.1.2	- In-Scope PPP
Attachment 3.4	- Service Level Failures
Attachment 5	- Fees

SECTION 2. Services

Contractor will provide, on the terms and conditions set out in the Agreement as supplemented and modified by the terms and conditions of this Statement of Work, the following Services (the **“SOW Services”**):

- 2.1 Curbside Collection Services. Beginning on the Service Commencement Date, Contractor will collect In-Scope PPP at Curbside from all Customers within the Service Area as further described in this Section 2.1 (**“Curbside Collection”**) and in accordance with the terms of the Agreement and this Statement of Work.

2.1.1 Service Area.

- (a) Contractor will perform Curbside Collection from Curbside Households in the Service Area.
- (b) Changes to the Service Area will be made in accordance with the change process set out in Section 2.2 of the Agreement.
- (c) Notwithstanding the Curbside Household Baseline and subject to Sections 2.1.2(g) and 2.1.4(e), Contractor is obligated to provide Curbside Collection from all Curbside Households in the Service Area.

- (d) Contractor will collect In-Scope PPP only from ICI locations approved by Recycle BC in advance. Recycle BC shall have the right, exercisable at any time in its sole discretion, to revoke its approval of any one or more ICI locations.
- (e) Contractor will not be entitled to receive any Fees or other payments in respect of In-Scope PPP collected from ICI locations and will be solely responsible for all costs associated with the collection and post-collection management of In-Scope PPP collected from ICI locations. Recycle BC reserves the right to develop and apply a methodology, at its own sole discretion, for calculating the amount of In-Scope PPP from ICI locations included in the Contractor-collected In-Scope PPP delivered to the Designated Post-Collection Facility (the “**Determined ICI Amount**”). Without limiting the generality of the foregoing, Contractor acknowledges and agrees that Contractor will be solely responsible for any costs or fees charged by the Designated Post-Collection Service Provider in respect of the Determined ICI Amount.

2.1.2 PPP Materials.

- (a) Contractor will collect (i) all In-Scope PPP from all Customers that is placed in Containers (including both Contractor-provided and Customer-owned Containers) and (ii) any Corrugated Cardboard that is flattened and stacked by the Customers’ Container (or stacked alone if no Container is present).
- (b) Materials collected by Contractor may not contain more than 3% by weight of Not Accepted Materials. Loads exceeding 3% by weight of Not Accepted Materials may be subject to rejection by the Designated Post-Collection Service Provider and may result in Service Level Failure Credits.
- (c) Materials collected by Contractor may not contain (i) any packaging containing hazardous or special waste or (ii) Categories 4, 5 or 9.
- (d) If Contractor collects In-Scope PPP in multi-stream, Contractor must ensure that:
 - (i) loads of Categories 1, 2 and 3(b) do not contain more than 1% by weight of Categories 3(a), 6 and 7; and
 - (ii) loads of Categories 3(a), 6 and 7 do not contain more than 3% by weight of Categories 1, 2 and 3(b).
- (e) Subject to Section 2.1.2(h), Contractor must ensure that loads of Categories 1, 2, 3(a), 3(b), 6 and 7 (whether collected in a single stream or a multi-stream) do not contain more than 3% by weight of Category 8.
- (f) If Contractor collects Category 8 segregated from other In-Scope PPP, Contractor must ensure that such material stream does not contain more than 1.5% by weight of Not Accepted Materials and other categories of In-Scope PPP (individually or in the aggregate). Loads of segregated Category 8 exceeding 1.5% by weight of Not Accepted Materials and other categories of In-Scope PPP (individually or in the aggregate) may be subject to rejection by the Designated Post-Collection Service Provider and may result in Service Level Failure Credits.
- (g) Contractor will implement and maintain reasonable procedures to ensure that loads delivered to the Designated Post-Collection Facility comply with the requirements set forth in this Section 2.1.2, including procedures to monitor the content of collected materials and procedures to notify and reject material from

Customers who do not comply with such requirements. Such procedures are subject to review by Recycle BC at any time and from time to time. If Recycle BC determines that such procedures are inadequate, Contractor will adopt such procedures as Recycle BC may reasonably require in order to ensure compliance with this Section 2.1.2.

- (h) If immediately prior to the SOW Effective Date Contractor (i) did not provide Curbside Collection from Curbside Households in the Service Area or (ii) did not provide Curbside Collection from Curbside Households in the Service Area pursuant to a statement of work with Recycle BC, Contractor will not be required to comply with Section 2.1.2(e) until the six month anniversary of the Service Commencement Date. If Contractor is not in compliance with Section 2.1.2(e) by the six month anniversary of the Service Commencement Date, Contractor will, within 90 days, prepare and submit to Recycle BC for approval a remediation plan designed to reduce the quantity of Category 8 to the required level. Following approval of the remediation plan by Recycle BC, Contractor will use its best efforts to implement the plan and provide monthly reporting to Recycle BC detailing the progress and outcomes of the remediation plan. If Contractor is not in compliance with Section 2.1.2(e) within 90 days after implementing the remediation plan, Contractor will work with Recycle BC to establish additional changes and to adopt best practices recommended by Recycle BC in order to achieve the stated objective.

2.1.3 Collection.

- (a) Contractor will not place limits on the quantity of In-Scope PPP collected from Customers.
- (b) Contractor will pick up In-Scope PPP placed by Customers (in accordance with Section 2.1.2(a)) at the Curb along the collection vehicle route, which may be a Public Street or a Private Road.
- (c) Subject to Section 2.1.3(d), Contractor will perform Curbside Collection from each Curbside Household in the Service Area no more frequently than weekly and no less frequently than bi-weekly.
- (d) If Contractor collects Category 8 segregated from other In-Scope PPP, Contractor will collect Category 8 from each Curbside Household in the Service Area no more frequently than weekly and no less frequently than once every month.
- (e) Contractor will make collections in an orderly, non-disruptive, and quiet manner, and will return Containers (including, in the case of carts, with their lids closed) in their set out location in an orderly manner. The location of returned Containers should not block sidewalks, driveways, or on street parking.
- (f) If Contractor provided Curbside Collection from Curbside Households in the Service Area immediately prior to the Service Commencement Date, Contractor will provide Curbside Collection services that meet or exceed the level of service provided by Contractor prior to the Service Commencement Date.

2.1.4 Containers.

- (a) Except to the extent and on the conditions otherwise approved by Recycle BC in writing, Contractor will, at Contractor's cost, provide Containers to each Curbside Household in the Service Area that provide Customers with sufficient volume to accommodate In-Scope PPP generated by Customers between collections so that Container capacity is not a barrier to Customer use of the Curbside Collection service.
- (b) Except to the extent and on the conditions otherwise approved by Recycle BC in writing, if Curbside Households or geographical areas are added to a Service Area under Section 2.1.1(b), Contractor will deliver Containers to any new Curbside Households added to the Service Area at least ten Business Days prior to the start date provided by Recycle BC.
- (c) Except to the extent and on the conditions otherwise approved by Recycle BC in writing, Contractor will deliver a Container to a requesting Customer within seven Business Days of the Customer's initial request.
- (d) If any Customers choose to provide their own Containers, Contractor will handle the Customer-owned Containers in such a way as to prevent undue damage, and Contractor will be responsible for unnecessary or unreasonable damage to Customer-owned Containers.
- (e) In the event that a particular Customer repeatedly damages a Container or requests more than one replacement Container more frequently than a time period allowing for reasonable wear and tear during the SOW Term, Contractor may charge Customer for the depreciated value of the replaced Container. In the event that the problem continues, Contractor may discontinue service to that Customer provided Recycle BC provides prior written approval.
- (f) If Contractor did not provide Curbside Collection from Curbside Households in the Service Area immediately prior to the Service Commencement Date, Contractor will deliver Containers that meet the requirements set out in this Agreement to each Customer in the Service Area at least ten Business Days prior to the Service Commencement Date unless otherwise approved by Recycle BC in writing.
- (g) Contractor may not collect In-Scope PPP in single-use bags except in accordance with Section 2.1.4(h).
- (h) If Contractor provided Curbside Collection from Curbside Households in the Service Area immediately prior to the Service Commencement Date and, at such time, collected In-Scope PPP in single-use bags, Contractor will:
 - (i) except to the extent and on the conditions otherwise approved by Recycle BC in writing, deliver Containers that meet the requirements set out in this Agreement to each Curbside Household in the Service Area at least ten Business Days prior to July 1, 2020; and
 - (ii) not collect In-Scope PPP in single-use bags after July 1, 2020.
- (i) If Contractor (i) is transitioning from single-use bags to Containers pursuant to Section 2.1.4(h) or (ii) proposes to change the type of Container it uses for Curbside Collection in the Service Area, Contractor will submit a detailed

transition plan to Recycle BC a minimum of six months prior to the scheduled or planned change. Any change to the type of Containers used for Curbside Collection in the Service Area is subject to approval in writing by Recycle BC, which approval will not be unreasonably withheld.

2.1.5 Designated Post-Collection Facility.

- (a) Contractor will deliver all collected In-Scope PPP to the Designated Post-Collection Facility on the day of collection, unless alternative arrangements have been approved in writing by Recycle BC. If Contractor is unable to deliver collected In-Scope PPP to the Designated Post-Collection Facility on the day of collection for an unforeseen reason outside Contractor's reasonable control, Contractor will deliver such collected In-Scope PPP to the Designated Post-Collection Facility as soon as possible thereafter and will store such In-Scope PPP during the interim in a safe and secure manner. Contractor may not charge any amounts to the Designated Post-Collection Service Provider in connection with such storage. Contractor will not deliver In-Scope PPP to any location other than the Designated Post-Collection Facility or dispose of any collected In-Scope PPP without prior written authorization from Recycle BC.
- (b) Contractor will deliver all collected In-Scope PPP to the Designated Post-Collection Facility segregated, at a minimum, in the manner set out in Attachment 2.1.2.
- (c) If Contractor collects Categories 1, 2, 3(a), 3(b), 6 and 7 in multi-stream, Contractor must (i) unload Categories 1, 2 and 3(b) in a separate bunker or other location than Categories 3(a), 6 and 7 and (ii) unload Categories 3(a), 6 and 7 in a separate bunker or location than Categories 1, 2 and 3(b), in each case as directed by the Designated Post-Collection Service Provider. Loads delivered in violation of this Section 2.1.5(c), including as a result of driver error or mechanical failure, may be subject to a Service Level Failure Credit.
- (d) Contractor will follow all reasonable instructions and procedures regarding the delivery of In-Scope PPP as directed by the Designated Post-Collection Service Provider and Recycle BC, including but not limited to instructions and procedures pertaining to health and safety, delivery and unloading of In-Scope PPP, audit procedures and weigh scale operation.
- (e) If Contractor is scheduled to collect In-Scope PPP from Curbside Households in the Service Area on a holiday, Contractor will coordinate directly with the Designated Post-Collection Service Provider a minimum of ten Business Days in advance of such holiday in order to schedule the delivery of such In-Scope PPP.
- (f) If the Service Area is within the Metro Vancouver Regional District, the Designated Post-Collection Facility will be located within 30 minutes (on average based on typical traffic conditions between 10 am and 2 pm Monday to Friday) from the Service Area boundary at the point of least distance to the Designated Post-Collection Facility.
- (g) If the Service Area is not within Metro Vancouver Regional District, the Designated Post-Collection Service Provider will locate the Designated Post-Collection Facility within 60 kilometers from the Service Area boundary at the point of least distance to Designated Post-Collection Facility. If delivery to the Designated Post-Collection Facility requires the use of a ferry, then delivery boundary is the ferry terminal and the portion of the trip that requires ferry travel is to be the responsibility of the Designated Post-Collection Service Provider. If

the Designated Post-Collection Service Provider has used commercially reasonable efforts to locate the Designated Post-Collection Facility within such area but is unable to do so, Contractor will not be required to deliver In-Scope PPP to the Designated Post-Collection Facility except on terms mutually acceptable to Contractor and the Designated Post-Collection Service Provider.

- (h) Recycle BC may change the location of the Designated Post-Collection Facility upon 30 days' written notice. If Recycle BC changes the location of the Designated Post-Collection Facility such that the new location is greater than 10 kilometers beyond the applicable maximum distance set out in Section 2.1.5(f) or (g), as the case may be, such change will be made pursuant to the change process in Section 2.2 of the Agreement (provided that Contractor may not refuse such a change).
- (i) Unless Recycle BC otherwise agrees in writing, Contractor may not consolidate or otherwise sort In-Scope PPP collected from Customers in the Service Area before delivering such materials to the Designated Post-Collection Facility. Such approval may be subject to such conditions or procedures as Recycle BC considers appropriate or necessary in the circumstances and may be revoked at any time by Recycle BC in its sole discretion, including without limitation if Contractor has failed to comply with such conditions or procedures.
- (j) If the Designated Post-Collection Service Provider rejects a load of In-Scope PPP from Contractor due to a verified claim that such load contains more than 3% by weight of Not Accepted Materials or contains any hazardous or special waste, Recycle BC reserves the right to designate alternative procedures and requirements associated with that load and to deduct any additional costs associated therewith from the Fees otherwise due to Contractor.

2.1.6 Spillage.

- (a) All loads collected by Contractor will be completely contained in collection vehicles at all times, except when material is actually being loaded. Hoppers on all collection vehicles will be cleared frequently to prevent the occurrence of blowing or spillage.
- (b) Any spillage of materials that occurs during Curbside Collection will be immediately cleaned up or removed by Contractor at its sole expense. Contractor will keep accurate records of each occurrence of spillage and of its clean-up, and will make such records available to Recycle BC on request and, if requested by Recycle BC, as part of a regular report to be delivered with such frequency as requested by Recycle BC (but not more frequently than monthly). Contractor expressly acknowledges it is solely responsible for any violations of Applicable Law that may result from said spillage.
- (c) Without limiting Section 2.1.6(b) above, Contractor will maintain all collection vehicles to ensure that no liquid wastes (e.g., leachate) or oils (e.g., lubricating, hydraulic, or fuel) are discharged to Customer premises or Public Streets or Private Roads. All collection and route supervisor vehicles used by Contractor will be equipped with a spill kit sufficient in size to contain a spill of equivalent volume to the largest lubricating, hydraulic or fuel tank on the largest collection vehicle. Any discharge of liquid wastes or oils that may occur from Contractor's collection vehicles prior to them being removed from service will be cleaned up or removed by Contractor within three hours of being noticed by route staff, Customers, or Recycle BC, and will be remediated by Contractor at its sole expense. Such clean-up or removal will be documented with pictures, and notice

of such clean-up or removal will be provided to Recycle BC in writing. Contractor will immediately notify the Recycle BC-designated spill coordinator of any spills that enter ground-water or drainage systems.

2.1.7 Routes.

- (a) Contractor Curbside Collection routes may not extend outside the Service Area. Contractor collection vehicles used to perform Curbside Collection may only be used for collection services outside the Service Area or for any other use if they are emptied before and after such other use and Contractor has obtained prior approval from Recycle BC in writing.

2.1.8 Pilot programs.

- (a) Recycle BC may wish to test or implement one or more new services or developments in PPP material segregation, processing, or collection technology. Recycle BC will notify Contractor in writing at least 90 days prior of its intention to implement a pilot program or of its intentions to utilize a new technology system in the Service Area. The allocation of any costs (or savings) accrued by Recycle BC-initiated pilot programs will be negotiated prior to implementation pursuant to the change process in Section 2.2 of the Agreement. If Recycle BC deems the pilot a success, and desires to incorporate the service or development represented in the pilot program into this Statement of Work, such a change will be made pursuant to the change process in Section 2.2 of the Agreement.
- (b) Contractor-initiated pilot programs will require prior written notification to and written approval by Recycle BC. Contractor-initiated pilot programs will be performed at no additional cost to Recycle BC.

2.2 Customer Service and Management. As part of Curbside Collection, Contractor will provide the following services:

2.2.1 Customer Service Requirements

- (a) Contractor's Customer service office and call center will be accessible by a local area code and prefix phone number. Customer service representatives will be available through Contractor's call center during office hours for communication with Customers and Recycle BC representatives. Customer calls will be taken during office hours by a person, not by voice mail. During all non-office hours for the call center, Contractor will have an answering or voice mail service available to record messages from all incoming telephone calls, and include in the message an emergency telephone number for Customers to call outside of normal office hours in case of an emergency.
- (b) Contractor will maintain a 24 hour emergency telephone number for use by Recycle BC. Contractor will have a representative, or an answering service to contact such representative, available at such emergency telephone number for Recycle BC-use during all hours, including normal office hours.
- (c) Contractor's Customer service representatives will have instantaneous electronic access to Customer service data and history to assist them in providing excellent Customer service.

2.2.2 Customer Service Representative Staffing

- (a) Contractor will maintain sufficient staffing to answer and handle complaints and service requests in a timely manner made by all methods, including telephone, letters, e-mails and text messages. If staffing is deemed to be insufficient by Recycle BC to handle Customer complaints and service requests in a timely manner, Contractor will increase staffing levels to address the performance deficiency.
- (b) If Contractor did not provide Curbside Collection from Curbside Households in the Service Area immediately prior to the Service Commencement Date, Contractor will provide additional staffing from Service Commencement Date through the four month anniversary of the Service Commencement Date to ensure that sufficient staffing is available to minimize Customer waits and inconvenience. Contractor will receive no additional compensation for increased staffing levels during the implementation period. Staffing levels during the implementation period will be subject to prior Recycle BC review and approval.

2.2.3 Customer Complaints and Requests

- (a) Contractor will record all Customer complaints and service requests, regardless of how received, including date, time, Customer's name and address, if the Customer is willing to give this information, method of transmittal, and nature, date and manner of resolution of the complaint or service request in a computerized daily log. Any telephone calls received via Contractor's non-office hours voice mail or answering service will be recorded in the log the following Business Day. Contractor will make a conscientious effort to resolve all complaints and service requests within 24 hours of the original contact. If a longer response time is necessary for complaints or requests, the reason for the delay will be noted in the log, along with a description of Contractor's efforts to resolve the complaint or request.
- (b) Contractor's customer service log will be available for inspection by Recycle BC during Contractor's office hours, and will be in a format approved by Recycle BC. Contractor will provide a copy of this log in an electronic format from the Microsoft Office suite of software to Recycle BC on request and, if requested by Recycle BC, as part of a regular report to be delivered with such frequency as requested by Recycle BC (but not more frequently than monthly).

2.3 Promotion and Education.

- 2.3.1 Contractor will have primary responsibility for executing public promotion, education, and outreach programs associated with the collection of In-Scope PPP. Contractor will incorporate Recycle BC-developed communications messages and images in Contractor public promotion, education, and outreach programs.
- 2.3.2 Recycle BC reserves the right, at its sole discretion, to require Contractor to seek advance approval of any or all public promotion, education and outreach materials associated with the collection of In-Scope PPP, including but not limited to recycling guides, collection calendars, website content and "oops tags."
- 2.3.3 If Contractor receives Resident Education Top Up payments in accordance with Attachment 5, Contractor must spend the total amount of the Resident Education Top Up payments paid to Contractor on promotion, education and outreach programs on an annual basis.

- 2.3.4 Except for logos of the applicable local government, Recycle BC, Contractor or any sub-contractor of Contractor, Contractor may not affix or otherwise include any logo of, or any reference to, any other party or person on a Container in any manner whatsoever, including stickers and hot stamps.
- 2.3.5 Contractor will have primary responsibility for providing Customers service-oriented information such as dates and times of Curbside Collection.
- 2.4 Transition and Implementation Services. If immediately prior to the SOW Effective Date Contractor (i) did not perform Curbside Collection from Curbside Households in the Service Area or (ii) did not provide Curbside Collection from Curbside Households in the Service Area pursuant to a statement of work with Recycle BC, Contractor will, beginning on the SOW Effective Date and with Recycle BC's input, develop and submit to Recycle BC no later than two weeks after the SOW Effective Date a transition and implementation plan (the "**Transition and Implementation Plan**") for implementing Curbside Collection, including a specific timeline as to when different activities and events will occur, details of how different events impact other events in the timeline, and the process to be used to ensure that implementation occurs on the Service Commencement Date with no disruption. The Transition and Implementation Plan will cover the entire period from the SOW Effective Date to and including the six month anniversary of the Service Commencement Date. Contractor will describe in detail what is involved with each of the activities and events listed in the Transition and Implementation Plan. Finalization of the Transition and Implementation Plan will be subject to Recycle BC's prior approval.

SECTION 3. Performance Standards and Operational Requirements

- 3.1 Personnel Conduct. Contractor personnel performing Curbside Collection will at all times be courteous, refrain from loud, inappropriate or obscene language, exercise due care, perform their work without delay, minimize noise, and avoid damage to public or private property. If on private property, Contractor personnel will follow the regular pedestrian walkways and paths, returning to the street after replacing empty Containers. Contractor personnel will not trespass or loiter, cross flower beds, hedges, or property of adjoining premises, or meddle with property that does not concern them or their task at hand.
- 3.2 Vehicle Standards. Without limiting any other requirements or obligations of Contractor, Contractor will meet or exceed the following standards in respect of collection vehicles used to perform Curbside Collection:
- 3.2.1 All collection vehicles will be maintained in a clean and sanitary manner, and will be thoroughly washed at least once each week. All collection vehicles will have appropriate safety markings, including all highway lighting, flashing and warning lights, clearance lights, and warning flags, all in accordance with applicable law. All collection vehicles and all parts and systems of all collection vehicles will operate properly and be maintained in a condition compliant with all applicable laws, good industry standards, and be in a condition satisfactory to Recycle BC. Any vehicles not meeting these standards will not be used within the Service Area until repairs are made. All collection vehicles will be equipped with variable tone or proximity activated reverse movement back-up alarms.
- 3.2.2 Contractor will maintain all vehicles used in the performance of Curbside Collection in a manner intended to achieve reduced emissions and particulates, noise levels, operating costs, and fuel use.
- 3.3 SOW Record and Reporting Requirements.
- 3.3.1 Service Delivery Reporting. In addition to the record keeping and reporting requirements in the Agreement, Contractor will:

- (a) maintain an electronic record of all calls related to Missed Collections and the response provided by Contractor;
- (b) maintain an electronic record of all Customer requests, complaints and inquiries, including Customer name, mailing address, contact information (both telephone number and e-mail, if available), property name and service address, if different from mailing address, date of contact, reason for contact, results of Customer request, complaint or inquiry, resulting changes, additional follow-up needed, follow-up conducted, results of follow-up, and list of educational or outreach materials provided;
- (c) maintain such other records as may be requested by Recycle BC. including:
 - (i) tonnage by collection date and weight scale ticket (which must include the collector name and truck number);
 - (ii) customer communications related to Curbside Collection including telephone calls, letters, e-mails, text messages or webpage messages received; and
 - (iii) notices left for Customers;
- (d) make all records maintained pursuant to this Statement of Work available to Recycle BC upon request and, if requested by Recycle BC, provide a regular (but no more frequently than monthly) report to Recycle BC, in a format and by a method approved by Recycle BC, setting out or summarizing (at Recycle BC's discretion) such records as may be indicated by Recycle BC for the reporting period;
- (e) upon Recycle BC's request, provide up to two reports each year on associated collection metrics necessary to the calculation of the greenhouse gas emissions associated with the performance of Curbside Collection; and
- (f) upon Recycle BC's request, provide up to four ad-hoc reports each year, at no additional cost to Recycle BC. These reports may include Customer service database tabulations to identify specific Service Level or participation patterns or other similar information. Reports will be provided in Recycle BC-defined format and software compatibility. These reports will not require Contractor to expend more than 60 staff hours per year to complete.

3.3.2 Claims Reporting


- (a) At Recycle BC's discretion, responsibility for claim reporting under Section 3.3.2(b) shall be assigned by Contractor to the Designated Post-Collection Service Provider.
- (b) All loads must be documented by Contractor or the Designated Post-Collection Service Provider, as the case may be, in a manner specified by Recycle BC from time to time, including by a certified scale ticket provided by the Designated Post-Collection Service Provider, with Contractor name and address, Designated Post-Collection Service Provider name and address, date, time, truck number, net weight by material type (by material types set out in Attachment 2.1.2) and such other information as Recycle BC may designate (collectively, "**Claim Information**"). Claim Information with respect to any delivery of In-Scope PPP to

the Designated Post-Collection Facility must be submitted within 10 Business Days of the delivery date.

- (c) Recycle BC will issue a claim summary to Contractor based on Claim Information directly provided to Recycle BC pursuant to Section 3.3.2(b), and Contractor will review the claim summary for accuracy. Contractor must report to Recycle BC any content in the claim summary that Contractor disputes within five days of the claim summary being issued.
- (d) After Recycle BC has approved the Claim Information, Recycle BC will issue a purchase order to Contractor, including a reference number. Recycle BC may, at its discretion, choose to issue payment to Contractor based on the approved purchase order without the need for Contractor to submit an invoice. Where invoices are required by Recycle BC, Contractor will invoice Recycle BC using the contact information provided by Recycle BC for such purpose (as may be updated by Recycle BC from time to time).
- (e) Standard tare weights for specific trucks may only be used on specific written permission of Recycle BC.

3.4 Service Levels. If Contractor fails to meet any Service Level set out in Attachment 3.4, Recycle BC will be entitled to the applicable Service Level Failure Credits set out in Attachment 3.4.

SECTION 4. SOW Term

This Statement of Work will commence on the SOW Effective Date and its initial term will continue until . Recycle BC may extend this Statement of Work for up to two further periods of one year each by giving Contractor notice in writing not less than 180 days before the expiration of the initial term or any such additional term or terms. The initial term and any such additional term or terms are herein referred to as the “**SOW Term**”.

SECTION 5. Fees

The Fees payable by Recycle BC for the performance by Contractor of the SOW Services are set out in Attachment 5 to this Statement of Work, and such Fees begin after the Service Commencement Date. For the avoidance of doubt, Contractor acknowledges and agrees that it will not be entitled to receive any Fees in respect of In-Scope PPP collected from ICI locations.

SECTION 6. Additional Terms

- 6.1 No Double Charge. Contractor will not directly or indirectly charge Customers, including without limitation by way of tax, levy or other surcharge, for the cost of providing the SOW Services if and to the extent that such costs are covered by Fees (prior to deducting any Service Level Failure Credits) or other payments Contractor is entitled to receive from Recycle BC under this Statement of Work.
- 6.2 Scavenging Forbidden. Contractor will not scavenge, or permit any employee (or, at the request of Recycle BC, any other person) to scavenge, any materials (including, if permitted by law, materials other than In-Scope PPP that have been set out to be collected by other collection service providers) at any time and at any location during Contractor’s performance of the SOW Services or otherwise.
- 6.3 Risk. Contractor will be responsible for all risks, including risk of loss of, or damage caused by, the In-Scope PPP from the time the In-Scope PPP is collected by Contractor until delivery to the Designated Post-Collection Facility. In-Scope PPP will be deemed to be delivered when off-

loaded from Contractor's vehicles at the Designated Post-Collection Facility and accepted by the signature of an authorized representative of the Designated Post-Collection Service Provider. Contractor will be responsible for the cost of any damage to Containers or the Designated Post-Collection Facility caused by Contractor.

(Signature page follows.)

SAMPLE

IN WITNESS WHEREOF the parties have executed this Statement of Work effective as of the SOW Effective Date.

MMBC RECYCLING INC.

[CONTRACTOR]

Per: [SAMPLE – NOT FOR SIGNATURE]
(I have authority to bind Recycle BC)

Per: [SAMPLE – NOT FOR SIGNATURE]
(I have authority to bind Contractor)

Name: _____
(Please Print)

Name: _____
(Please Print)

Title: _____

Title: _____

Per: [SAMPLE – NOT FOR SIGNATURE]
(I have authority to bind Contractor)

Name: _____
(Please Print)

Title: _____

Note: Second signatory to be completed by Contractor only if Contractor requires two signatories (and by leaving the second signatory blank and returning the Statement of Work to Recycle BC, Contractor and the first signatory represent that no additional signatories are required).

**ATTACHMENT 2.1.1 TO SCHEDULE 2.1(a)
DESIGNATED SERVICE AREA**

1. Under this Statement of Work, the initial Curbside Household Baseline will be [●].
2. The Service Area is:

[Note: When the SOW is executed, Attachment 2.1.1 will include a description of the geographic area to be serviced with Curbside Collection by Contractor.]

SAMPLE

ATTACHMENT 2.1.2 TO SCHEDULE 2.1(a)
IN-SCOPE PPP

For the purpose of this Statement of Work, In-Scope PPP will mean the material described in the categories of PPP below that have been selected as indicated by an x in the associated check box (and the In-Scope PPP shall be segregated, at a minimum, in the streams that have been selected below):

- ☐ PPP, in single stream, in Category 1, Category 2, Category 3(a), Category 3(b), Category 6 and Category 7.
- ☐ PPP, in multi stream, in Category 1, Category 2, and Category 3(b) which may be comingled together, but must be segregated from all other PPP.
- ☐ PPP, in multi stream, in Category 3(a), Category 6 and Category 7 which may be comingled together, but must be segregated from all other PPP.
- ☐ PPP in Category 8, segregated from all other PPP.

To the extent beverage containers as defined in Schedule 1 of the *Recycling Regulation* to the *Environmental Management Act* (BC) are comingled with In-Scope PPP to be collected by Contractor, such beverage containers shall be deemed to be In-Scope PPP for the purposes of this Statement of Work, with polycoated beverage containers defined as Category 3(a), plastic beverage containers defined as Category 6, metal beverage containers defined as Category 7 and glass beverage containers defined as Category 8.

ATTACHMENT 3.4 TO SCHEDULE 2.1(a)
SERVICE LEVEL FAILURES

Contractor will incur the following Service Level Failure Credits on the following Service Level Failures; provided, however, that the aggregate amount of Service Credit Level Failures in respect of any calendar year shall not exceed the aggregate amount of Fees payable to Contractor in respect of such calendar year:

	Service Level Failure	Service Level Failure Credit												
1	Overstatement of Curbside Households or understatement of Industrial, Commercial and Institutional locations in the Service Area.	\$5,000 per incident.												
2	Failure to provide a required report pursuant to Section 3.3.1 on time.	\$500 per day past deadline.												
3	Failure to separate In-Scope PPP collected from Curbside Households in the Service Area from materials collected outside of the Service Area without prior written approval from Recycle BC.	\$5,000 per route, plus \$3,000 per month (pro-rated in the case of a partial month) until the Service Level Failure has been remedied or a request for approval has been approved in writing by Recycle BC.												
4	If the Curbside Household Baseline does not exceed 25,000, a delivery of materials to the Designated Post-Collection Facility that contains more than 3% by weight of Not Accepted Materials.	<p>The Per Load Amount for each weigh-scale ticketed load that results in a Service Level Failure, provided that the aggregate Service Level Failure Credit for this Service Level Failure in respect of any calendar year shall not exceed 24 times the applicable Per Load Amount</p> <p>For the purpose of this Service Level Failure, the “Per Load Amount” in respect of any year will be determined by the Curbside Household Baseline for such year, in accordance with the following table:</p> <table><tr><th>Curbside Household Baseline</th><th>Per Load Amount</th></tr><tr><td>10,000-25,000</td><td>\$5,000</td></tr><tr><td>5,000-9,999</td><td>\$3,750</td></tr><tr><td>2,500-4,999</td><td>\$2,500</td></tr><tr><td>499-2,499</td><td>\$1,250</td></tr><tr><td>0-499</td><td>\$500</td></tr></table>	Curbside Household Baseline	Per Load Amount	10,000-25,000	\$5,000	5,000-9,999	\$3,750	2,500-4,999	\$2,500	499-2,499	\$1,250	0-499	\$500
Curbside Household Baseline	Per Load Amount													
10,000-25,000	\$5,000													
5,000-9,999	\$3,750													
2,500-4,999	\$2,500													
499-2,499	\$1,250													
0-499	\$500													
5	If the Curbside Household Baseline exceeds 25,000, a delivery of materials to the Designated Post-Collection Facility that contains more than 3% by weight of Not Accepted Materials.	The Per Load Amount for each weigh-scale ticketed load that results in a Service Level Failure, provided that the aggregate Service Level Failure Credit for this Service Level Failure in respect of any calendar year shall not exceed 24 times the applicable Per Load Amount.												

	Service Level Failure	Service Level Failure Credit												
		For the purpose of this Service Level Failure, the “Per Load Amount” will initially be \$5,000. If Contractor is required to make one or more payments in respect of this Service Level Failure in respect of any year, the Per Load Amount for the following year will be automatically increased by \$5,000 (to a maximum of \$20,000). If Contractor is not required to make any payments in respect of this Service Level Failure in respect of a particular year, the Per Load Amount for the following year will be reset at \$5,000.												
6	If Contractor collects Categories 1, 2, 3(a), 3(b), 6 and 7 in multi-stream, delivery of a load in violation of Section 2.1.5(c) .	\$1,000 per load.												
7	Delivery of a load of Category 8 to the Designated Post-Collection Facility that contains more than 1.5% by weight of Not Accepted Materials and other categories of In-Scope PPP (individually or in the aggregate).	<p>The Per Load Amount for each weigh-scale ticketed load that results in a Service Level Failure, provided that the aggregate Service Level Failure Credit for this Service Level Failure in respect of any calendar year shall not exceed 24 times the applicable Per Load Amount.</p> <p>For the purpose of this Service Level Failure, the “Per Load Amount” in respect of any year will be determined by the Curbside Household Baseline for such year, in accordance with the following table:</p> <table><tr><th>Curbside Household Baseline</th><th>Per Load Amount</th></tr><tr><td>10,000+</td><td>\$5,000</td></tr><tr><td>5,000-9,999</td><td>\$3,750</td></tr><tr><td>2,500-4,999</td><td>\$2,500</td></tr><tr><td>499-2,499</td><td>\$1,250</td></tr><tr><td>0-499</td><td>\$500</td></tr></table>	Curbside Household Baseline	Per Load Amount	10,000+	\$5,000	5,000-9,999	\$3,750	2,500-4,999	\$2,500	499-2,499	\$1,250	0-499	\$500
Curbside Household Baseline	Per Load Amount													
10,000+	\$5,000													
5,000-9,999	\$3,750													
2,500-4,999	\$2,500													
499-2,499	\$1,250													
0-499	\$500													
8	The occurrence of a Labour Disruption, if Contractor fails to (i) implement its Business Continuity Plan in respect of such Labour Disruption or (ii) fails to comply with Section 4.6.1 or 4.6.2 in respect of such Labour Disruption.	An equitable reduction in the Fees to reflect the value of any SOW Services not received by Recycle BC plus \$5,000 per day of Labour Disruption.												
9	Contractor delivers In-Scope PPP to any location, such as a landfill, incinerator or energy recovery facility, other than the Designated Post-Collection Facility without the prior written permission of Recycle BC	\$25,000 per incident.												

ATTACHMENT 5 TO SCHEDULE 2.1(a)
FEES

1. In this Attachment, the following terms will have the following meaning:

“Bonus Period” means each full calendar year during the SOW Term, commencing on January 1 and ending on December 31 of each year; provided, however, that (i) if the Service Commencement date is not January 1, the initial Bonus Period shall commence on the Service Commencement Date and end on December 31 of that year and (ii) if the SOW Term does not end December 31, the final Bonus Period will commence on January 1 of that year and end on the date on which the SOW Term ends.

“Curbside Household Baseline” means the number of Curbside Households in the Service Area as initially set out in Attachment 2.1.1, as may be modified in accordance with Section 3 of this Attachment 5 or pursuant to a change order made pursuant to Section 2.2 of the Agreement.

2. In consideration for Contractor’s performance of the SOW Services, Recycle BC will pay Contractor:

- (a) The selected (as indicated by an x in the associated check box) annual amount in the table below times the Curbside Household Baseline (to be payable in arrears, in equal quarterly payments on net 30 day terms, provided that Contractor has submitted all applicable claims):

	Curbside Collection Financial Incentive	
	Single-stream using automated carts – Categories 1, 2, 3(a), 3(b), 6 and 7	\$ per Curbside Household per Year
<input checked="" type="checkbox"/>	>2 Curbside Households per hectare	\$33.40
<input checked="" type="checkbox"/>	0.2 to 2 Curbside Households per hectare	\$35.40
<input checked="" type="checkbox"/>	<0.2 Curbside Households per hectare	\$37.40
	Single-stream using Containers other than automated carts – Categories 1, 2, (a), 3(b), 6 and 7	\$ per Curbside Household per Year
<input checked="" type="checkbox"/>	>2 Curbside Households per hectare	\$34.50
<input checked="" type="checkbox"/>	0.2 to 2 Curbside Households per hectare	\$36.65
<input checked="" type="checkbox"/>	<0.2 Curbside Households per hectare	\$38.80
	Multi-stream – Categories 1, 2 and 3(b) separate from Categories 3(a), 6 and 7	\$ per Curbside Household per Year
<input checked="" type="checkbox"/>	>2 Curbside Households per hectare	\$38.45
<input checked="" type="checkbox"/>	0.2 to 2 Curbside Households per hectare	\$40.65
<input checked="" type="checkbox"/>	<0.2 Curbside Households per hectare	\$42.80

- (b) Each of the following that are selected (as indicated by an x in the associated check box) in the table below (which may be none): (i) the Resident Education Top Up amount; (ii) the Service Administration Top Up amount; and (iii) if Contractor also provides depot services in the Service Area pursuant to an active Statement of Work for Depot Collection Services, the Depot Top Up, in each case as set out in the table below times the Curbside Household Baseline to be invoiced and paid in arrears, in equal quarterly payments, provided that Contractor has submitted all applicable claims:

	Top Up available to local governments accepting Curbside Collection incentive	\$ per Curbside Household per Year
<input type="checkbox"/>	Resident Education Top Up	\$0.75
<input type="checkbox"/>	Depot Top Up	\$0.25
<input type="checkbox"/>	Service Administration Top Up	\$1.75

Without limiting Contractor's obligations under this Statement of Work (including without limiting the cost Contractor is required to incur to perform such obligations), the Resident Education Top Up amount must be used for the purpose of providing resident education in respect of the Collection Services.

- (c) If selected (as indicated by an x in the associated check box), the following per tonne amount, to be invoiced and paid pursuant to the claims submission process in accordance with the terms of the Agreement:

	Curbside Collection Financial Incentive	
<input type="checkbox"/>	Category 8 - Glass Packaging	\$ per Tonne
		\$80.00

- (d) For each Bonus Period, the Achieved Bonus Amount times the average Curbside Household Baseline for such period, where the "Achieved Bonus Amount" is the performance bonus amount in the table below that corresponds with the average amount of In-Scope PPP per Curbside Household actually collected by Contractor during the Bonus Period. The foregoing will be calculated annually, at the end of each Bonus Period, based on the average Curbside Household Baseline for such period and the approved claims submitted for the Bonus Period. The Achieved Bonus Amount for a Bonus Period, if any, will be paid no later than April 30 of the following year.

For purposes of calculating the Achieved Bonus Amount, Recycle BC reserves the right to develop and apply a methodology, at its own sole discretion, to calculate the average amount of (i) Not Accepted Materials in Contractor's collected material and (ii) In-Scope PPP from ICI locations in Contractor's collected materials for the purposes of calculating the average In-Scope PPP collected per Curbside Household in the applicable year.

If the Bonus Period is a partial calendar year, the Achieved Bonus Amount will be calculated by Recycle BC on a pro-rated basis taking into account such factors as Recycle BC, acting reasonably, may consider relevant.

If Contractor also provides collection services to multi-family buildings pursuant to another Statement of Work under the Agreement ("**Multi-Family Household Collection**"), and In-Scope PPP collected in respect of Multi-Family Household Collection is collected in a vehicle with In-Scope PPP collected from Curbside Households under this Statement of Work, then, for the purpose of calculating the performance bonus under this subsection (d), the Curbside Household Baseline will be adjusted to include the number of multi-family households whose In-Scope PPP has been collected in this manner.

Calculation of Achieved Bonus Amount				
Average In-Scope PPP collected per Curbside Household Per Year	160 - 179 Kilograms	180 - 199 Kilograms	200 - 219 Kilograms	> 220 Kilograms
Achieved Bonus Amount	\$ per Curbside Household			
	\$1.00	\$2.00	\$3.00	\$4.00

3. Adjustment of Curbside Household Baseline.

- (a) On an annual basis, on a date to be determined by Recycle BC, and at such other times as the parties may agree, Contractor will, in good faith, report and attest (in a form acceptable to Recycle BC) to the then-current number of:
 - (i) Curbside Households in the Service Area; and
 - (ii) Curbside Households per hectare in the Service Area.
- (b) Recycle BC may also provide evidence of the then-current number of Curbside Households and Curbside Households per hectare in the Service Area. Based on Contractor's attestation and the evidence provided by Recycle BC, Recycle BC and Contractor will work in good faith to mutually agree on the new Curbside Household Baseline. If the agreed upon new values of the foregoing trigger a change in the Fees payable pursuant to this Attachment, the parties will update this Attachment by execution of a change order. Any Dispute in establishing the foregoing will be resolved by the Dispute resolution process under the Agreement.
- (c) For purposes of reporting and determining the number of Curbside Households:
 - (i) A single family dwelling is considered one Curbside Household;
 - (ii) A laneway house is considered one Curbside Household;
 - (iii) A duplex is considered two Curbside Households;
 - (iv) A triplex is considered three Curbside Households;
 - (v) A fourplex is considered four Curbside Households;
 - (vi) A single family dwelling that has been converted into two, three or four residential dwelling units, shall be considered a duplex, triplex or fourplex, as described in (iii), (iv) and (v) respectively, if Contractor recognizes the conversion for utility and/or contract billing;
 - (vii) A single family dwelling that has been converted into multiple dwelling units that is recognized by Contractor as a single family dwelling for utility and/or contract billing is considered one Curbside Household; and
 - (viii) Each self-contained dwelling unit in a rowhouse or townhouse is considered one Curbside Household if the resident of each unit delivers In-Scope PPP to the Curb for collection in separate Containers.

4. If the average annual amount of In-Scope PPP collected per Curbside Household by Contractor, in any 12 month period (based on the Curbside Household Baseline) falls below 135 kilograms, then Recycle BC may require Contractor to, within 90 days, prepare and submit to Recycle BC for approval a remediation plan designed to raise its collection yield above 135 kilograms per Curbside Household. Following approval of the remediation plan by Recycle BC, Contractor will execute the plan. Contractor will provide monthly reporting to Recycle BC detailing the progress and outcomes of the remediation plan. If material improvement does not occur within 90 days of beginning to execute the plan, then Contractor will work with Recycle BC to establish additional changes and to adopt best practices recommended by Recycle BC in order to increase collection yield, and, at Recycle BC's discretion, may result in an equitable downward change in the Fees to reflect the reduced value of the amount of In-Scope PPP being collected by Contractor.

SCHEDULE 2.1(c)
STATEMENT OF WORK FOR DEPOT COLLECTION SERVICES

This Statement of Work is incorporated into and forms part of the Master Services Agreement made between [redacted] ("**Contractor**") and MMBC Recycling Inc. carrying on business as Recycle BC ("**Recycle BC**") made as of [redacted] (the "**Agreement**"). The effective date of this Statement of Work (the "**SOW Effective Date**") is [redacted].

SECTION 1. Interpretation

1.1 Definitions. In this Statement of Work (including the attachments hereto), the following terms will have the following meanings. Capitalized terms used but not defined in this Statement of Work will have the respective meanings ascribed to them in the Agreement.

"**Agreement**" has the meaning set out on the first page of this Statement of Work.

"**Approved Depots**" means, at any time, the Depots listed in Attachment 2.1.1 (as such attachment may be amended from time to time), and "**Approved Depot**" means any one of them.

"**Container**" means any container used for storage of In-Scope PPP at a Depot.

"**Customer**" means all British Columbia residential users of a Depot.

"**Depot**" means a fixed location collection site operated by Contractor to which In-Scope PPP can be delivered by Customers, whether designated as a Principal Depot or Satellite Depot and including, in each case, all surrounding portions of such site from the public entrance way onward, including any parking lots, buildings, and storage facilities.

"**Depot Collection Services**" has the meaning set out in Section 2.1.

"**Designated Post-Collection Service Provider**" means the entity, designated by Recycle BC, to receive Contractor-collected In-Scope PPP.

"**Household In-Scope PPP**" means In-Scope PPP from a residential household.

"**ICI PPP**" means In-Scope PPP from an ICI location.

"**In-Scope PPP**" mean the PPP set out in Attachment 2.1.2 and such other materials identified as In-Scope PPP by Recycle BC in writing from time to time.

"**Industrial, Commercial and Institutional**" or "**ICI**" means any operation or facility other than a residential household, including but not limited to industrial operations of any size; commercial operations of any size including small businesses with one or more employees, retail stores, offices, strip malls and vacation facilities, such as hotels, motels, cottages, cabins and rental, co-operative, fractional ownership, time-share or condominium accommodation associated with sports and leisure facilities (e.g., ski resorts); and, institutional operations of any size including schools, churches, community buildings, local government buildings, arenas, libraries, fire halls, police stations, social or community service organizations and residences at which medical care is provided, such as nursing homes, long-term care facilities and hospices.

"**Not Accepted Materials**" means, collectively, any material that is not PPP (as that term is defined in the Agreement).

"**OCC**" means paper-based material consisting of a fluted corrugated sheet and one or two flat linerboards.

“Principal Depot” means an Approved Depot from which In-Scope PPP is picked up by the Designated Post-Collection Service Provider.

“Reuse” means conventional reuse where the item is used again whole and intact for the same function (e.g. a refillable milk bottle refilled with milk by a dairy), and next-life reuse where the item is used for a different function (e.g. a wine bottle reused to hold flowers).

“Satellite Depot” means an Approved Depot from which Contractor transports In-Scope PPP to a designated Principal Depot for pick-up by the Designated Post-Collection Service Provider.

“Scavenge” means unauthorized rerouting of collected In-Scope PPP to anyone other than the Designated Post-Collection Service Provider. Scavenging does not include the diversion of In-Scope PPP for Reuse.

“Service Commencement Date” means [●].

“SOW Effective Date” has the meaning set out on the first page of this Statement of Work.

“SOW Services” has the meaning set out in Section 2.

“Temporary Collection Site” means a temporary or mobile collection site to which In-Scope PPP can be delivered by Customers.

- 1.2 Attachments. As of the Effective Date, the following attachments form part of this Agreement (note that attachment numbering is not sequential and is based on a related section reference):

Attachment	Description
Attachment 2.1.1	– Approved Depots
Attachment 2.1.2	– In-Scope PPP
Attachment 3.4	– Service Level Failures
Attachment 5	– Fees

SECTION 2. SERVICES

Contractor will provide, on the terms and conditions set out in the Agreement as supplemented and modified by the terms and conditions of this Statement of Work, the following Services (the **“SOW Services”**):

- 2.1 Depot Collection Services. Beginning on the Service Commencement Date, Contractor will collect In-Scope PPP from Customers at each of the Approved Depots as further described in this Section 2.1 (**“Depot Collection Services”**) and in accordance with the terms of the Agreement and this SOW.

2.1.1 Depots.

- (a) Contractor may not collect In-Scope PPP at any collection site other than an Approved Depot or Temporary Collection Site.
- (b) Contractor may not add any Depot to the list of Approved Depots without the prior written approval of Recycle BC, such written approval to specify (i) a date mutually acceptable to the parties on which such Depot will be added to the list of Approved Depots, (ii) whether such Depot will be designated as a Principal Depot or a Satellite Depot and (iii) if such Depot is a Satellite Depot, the

designated Principal Depot. Effective as of the date such Depot is added to the list of Approved Depots, Attachment 5 will be amended if and to the extent necessary.

- (c) Contractor may not remove any Depot from the list of Approved Depots without the prior written approval of Recycle BC, such written approval to specify a date mutually acceptable to the parties on which such Depot will be removed from the list of Approved Depots. Effective as of the date such Depot is removed from the list of Approved Depots, Attachment 5 will be amended if and to the extent necessary.
- (d) Contractor may not operate or collect In-Scope PPP at a Temporary Collection Site except (i) with the prior written approval of Recycle BC and (ii) in accordance with the terms and conditions set forth in such written approval.

2.1.2 PPP Materials.

- (a) Contractor will collect all In-Scope PPP that Customers bring to an Approved Depot.
- (b) Materials collected under this Statement of Work may not contain more than 3% by weight of Not Accepted Materials. Materials exceeding 3% by weight of Not Accepted Materials may be subject to rejection by the Designated Post-Collection Service Provider and may result in Service Level Failure Credits.
- (c) Materials collected under this Statement of Work may not contain hazardous or special waste.
- (d) Contractor will implement and maintain reasonable procedures to ensure that materials deposited into Containers at each Depot comply with the requirements set forth in this Section 2.1.2, including procedures to monitor the content of collected material and procedures to notify and reject material from Customers who do not comply with such requirements. Such procedures are subject to review by Recycle BC at any time and from time to time. If Recycle BC determines that such procedures are inadequate, Contractor will adopt such procedures as Recycle BC may reasonably require in order to ensure compliance with this Section 2.1.2.

2.1.3 Collection.

- (a) Contractor will not place limits on the quantity of In-Scope PPP delivered by Customers to a Principal Depot if the In-Scope PPP is from a household. Limits may be placed on the quantity or types of In-Scope PPP delivered by Customers to Satellite Depots, at Contractor's sole discretion.
- (b) Each Depot must be fully staffed when open to Customers. A Depot is considered to be "fully staffed" when there are a sufficient number of staff members that staff are able to (i) regularly check the Containers into which Customers place In-Scope PPP throughout the period of time the Depot is open to Customers, (ii) instruct and direct Customers to place In-Scope PPP in the appropriate Containers or locations, (iii) promptly and regularly remove items that are not In-Scope PPP, (iv) promptly and regularly remove items which Customers did not properly place in the appropriate Containers or locations, (v) communicate with Customers about contamination problems or improperly sorted

In-Scope PPP and (vi) otherwise comply with the requirements of this Agreement (including without limitation Sections 2.1.2(d) and 2.2).

- (c) Each Depot must be securely fenced and/or locked when closed to Customers. A Depot is considered to be “securely fenced and/or locked” when (i) Customers are not able to deliver In-Scope PPP to the Depot and (ii) access to the Depot is restricted and the In-Scope PPP stored at the Depot and awaiting pick-up by the Designated Post-Collection Service Provider is safe from tampering and vandalism.
- (d) Unless otherwise agreed with the Designated Post-Collection Service Provider, if Contractor is:
 - (i) baling printed paper, paper packaging and/or OCC, the minimum bale density must be 450 kg per cubic meter;
 - (ii) baling polyethylene film packaging, the minimum bale density must be 350 kg per cubic meter;
 - (iii) baling polystyrene foam packaging, the minimum bale density must be 75 kg per cubic meter; or
 - (iv) densifying polystyrene foam packaging, the minimum biscuit density must be 275 kg per cubic meter.

2.1.4 Containers

- (a) Containers to be removed from a Principal Depot for transport of In-Scope PPP by the Designated Post-Collection Service Provider will be provided by and remain the property of the Designated Post-Collection Service Provider. Upon termination or expiration of this Statement of Work or the Agreement, any Containers provided by the Designated Post-Collection Service Provider in accordance with this Section 2.1.4(a), will be returned to the Post-Collection Service Provider.
- (b) Any Containers that are not intended to be removed from the Depot for transport of In-Scope PPP by the Designated Post-Collection Service Provider will be provided by Contractor. Upon termination or expiration of this Statement of Work or the Agreement, any Containers provided by Contractor to provide the Depot Collection Services will remain the property of Contractor.
- (c) Contractor may not allow Customers to deposit In-Scope PPP into Containers in single-use bags.

2.1.5 Designated Post-Collection Service Provider.

- (a) The Designated Post-Collection Service Provider will only pick-up In-Scope PPP collected by Contractor pursuant to this Statement of Work (including In-Scope PPP collected at a Satellite Depot or Temporary Collection Site) at a Principal Depot. In the case of In-Scope PPP collected at a Satellite Depot, Contractor is solely responsible, at its own cost and expense, for (i) transporting such In-Scope PPP to the designated Principal Depot in a manner acceptable to Recycle BC, (ii) consolidating In-Scope PPP collected at the Satellite Depot with In-Scope PPP collected at the designated Principal Depot in a manner acceptable to Recycle BC and (iii) preparing the In-Scope PPP collected at the Satellite Depot for pick-up by the Designated Post-Collection Service Provider at the designated Principal Depot in a manner acceptable to the Designated Post-Collection Service Provider.

- (b) Contractor will maintain all In-Scope PPP collected by Contractor pursuant to this Statement of Work (including In-Scope PPP collected at a Satellite Depot or Temporary Collection Site) for pick-up by the Designated Post-Collection Service Provider in a manner that is segregated, at a minimum, as set out in Attachment 2.1.2, and which is baled (or not baled) in accordance with the selections in the table(s) in Section 1(a) of Attachment 5.
- (c) Contractor will (i) ensure all In-Scope PPP collected by Contractor pursuant to this Statement of Work (including In-Scope PPP collected at a Satellite Depot or Temporary Collection Site) Principal is made available for pick-up by the Designated Post-Collection Service Provider at a Principal Depot and (ii) may not charge any amounts to the Designated Post-Collection Service Provider for collecting such In-Scope PPP from a Principal Depot. Without limiting the generality of the foregoing, Contractor will not deliver In-Scope PPP collected by Contractor pursuant to this Statement of Work to any person or facility (including without limitation a landfill, incinerator or energy recovery facility) other than the Designated Post-Collection Service Provider or otherwise dispose of any In-Scope PPP collected at a Depot without prior written authorization from Recycle BC.
- (d) Contractor will store In-Scope PPP collected by Contractor pursuant to this Statement of Work in a manner acceptable to the Designated Post-Collection Service Provider and Recycle BC. Without limiting the generality of the foregoing, Contractor will, at the request of Recycle BC, adopt such procedures and measures, whether permanent or temporary, as Recycle BC determines is necessary to ensure that such In-Scope PPP is adequately protected from rain, snow and other inclement weather or otherwise to protect the recyclability and marketability of such In-Scope PPP.
- (e) Recycle BC may change the Designated Post-Collection Service Provider upon 30 days' notice.
- (f) If the Designated Post-Collection Service Provider rejects any material made available for pick-up at a Principal Depot due to a verified claim that such material contains (i) more than 3% by weight of Not Accepted Materials or (ii) any hazardous or special waste, Recycle BC reserves the right to designate alternative procedures and requirements associated with respect to such material and to deduct any additional costs associated therewith from the Fees otherwise due to Contractor.

2.1.6 PPP from Industrial, Commercial and Institutional Sources

- (a) Contractor will not be entitled to receive any Fees or other payments in respect of ICI PPP and will be solely responsible for any costs associated with the collection and management of ICI PPP. The amount of Household In-Scope PPP collected at a Depot (the "**Determined Household Amount**") will be determined in accordance with Section 2.1.6(b). Without limiting the generality of the foregoing, Contractor acknowledges and agrees that Contractor will be solely responsible for any costs or fees charged by the Designated Post-Collection Service Provider in respect of ICI PPP.
- (b) For purposes of determining the Determined Household Amount in respect of a Depot, Contractor will adopt one of the following options (each, an "**ICI Management Option**") for such Depot, in each case as set forth in Attachment 2.1.1.

Option 1 – Separation of Household In-Scope PPP from ICI PPP – Contractor will ensure that Household In-Scope PPP is received, weighed and processed separately from ICI PPP. Contractor will implement and maintain rules and procedures acceptable to Recycle BC to ensure that Household In-Scope PPP is received, weighed and processed separately from ICI PPP in such manner (including ensuring that Containers are clearly marked to indicate which are for Household In-Scope PPP and which are for ICI PPP) as is necessary to ensure that the amount of Household In-Scope PPP collected at the Depot is accurately determined. The separation of Household In-Scope PPP and ICI PPP will be clearly communicated to Customers in a manner acceptable to Recycle BC and consistently applied and enforced by Contractor.

Option 2 – No Collection of ICI PPP – Contractor will not accept ICI PPP at the Depot. Contractor will implement and maintain rules and procedures acceptable to Recycle BC to ensure that only Household In-Scope PPP is collected at the Depot. The fact that ICI PPP may not be delivered to the Depot will be clearly communicated to Customers in a manner acceptable to Recycle BC and consistently applied and enforced by Contractor.

Option 3 – Calculation of Mix of Household In-Scope PPP and ICI PPP – Contractor will determine the percentage of In-Scope PPP collected at the Depot that is comprised of ICI PPP (the “**Determined ICI Amount**”) using a methodology acceptable to Recycle BC in its sole discretion. Once the Determined ICI Amount has been determined in accordance with such methodology, Contractor will provide to Recycle BC such records and information as Recycle BC reasonably requires in order to confirm that the Determined ICI Amount accurately reflects ratio of Household In-Scope PPP to ICI PPP collected at the Depot, including without limitation:

- (i) over a period that represents at least 20% of the annual tonnage collected by the Depot in any year, (A) the number of vehicles from a residential address that did not contain ICI PPP and (B) the number of vehicles from a non-residential address or that otherwise contained ICI PPP collected by the Depot; and
- (ii) over a period that represents at least 20% of the annual tonnage collected by the Depot in any year, (A) the aggregate weight of Household In-Scope PPP and (B) the aggregate weight of ICI PPP collected by the Depot.

On an annual basis on a date to be determined by Recycle BC, and at such other time as the parties may agree, Contractor will determine the then-current ratio of Household In-Scope PPP to ICI PPP collected at the Depot. If Recycle BC determines that Determined ICI Amount does not accurately reflect the then-current ratio of Household In-Scope PPP to ICI PPP collected at the Depot, Recycle BC will be entitled to make such adjustments to the Determined ICI Amount as it considers necessary.

Option 4 – Automatic Deduction of Fixed ICI Percentage – The Determined Household Amount will be calculated by deducting a fixed percentage (the “**Fixed ICI Percentage**”) from the weight of the In-Scope PPP collected at the Depot, which amount shall initially be 25%. Recycle BC will be entitled to monitor the amount of ICI PPP collected at the Depots and, should the quantity of In-Scope PPP collected at the Depot be greater than the Fixed ICI Percentage, Recycle BC shall be entitled to increase the Fixed ICI Percentage so that it reflects the ratio of Household In-Scope PPP to ICI PPP collected at the Depot.

- (c) All rules, procedures and methodologies adopted by Contractor pursuant to this Section 2.1.6 are subject to review by Recycle BC at any time and from time to time. If Recycle BC determines that such rules, procedures or methodologies in respect of a Depot are inadequate for purposes of ensuring that Contractor only receives Fees or other payments under this Statement of Work for Household In-Scope PPP, Contractor will adopt such rules, procedures or methodologies as Recycle BC may reasonably require in order to ensure compliance with this Section 2.1.6.
- (d) Contractor may change the ICI Management Option for a Depot with the prior written approval of Recycle BC. A decision to accept a request to change the ICI Management Option for a Depot is solely at Recycle BC's discretion, but will not generally be withheld if Recycle BC determines that such change will not impair the ability of Recycle BC to accurately determine the amount of Household In-Scope PPP collected at the Depot.
- (e) Recycle BC may at any time change the ICI Management Option applicable to a Depot if Recycle BC, in its sole discretion, determines that (i) the rules and procedures necessary to operate such Depot in a manner consistent with the applicable ICI Management Option are not being consistently applied and enforced or (ii) the application of the applicable ICI Management Option does not enable Recycle BC to accurately determine the amount of Household In-Scope PPP collected at the Depot.

2.1.7 Spillage.

- (a) All In-Scope PPP collected at a Depot will be completely contained in Containers at all times, except when material is actually being loaded.
- (b) Any spillage of materials that occurs at a Depot or while transporting materials from a Satellite Depot to the designated Principal Depot will be immediately cleaned up or removed by Contractor at its sole expense. Contractor will keep accurate records of each occurrence of spillage and of its clean-up, and will make such records available to Recycle BC on request and, if requested by Recycle BC, as part of a regular report to be delivered with such frequency as requested by Recycle BC (but not more frequently than monthly). Contractor expressly acknowledges it is solely responsible for any violations of Applicable Law that may result from said spillage.
- (c) Without limiting Section 2.1.7(b) above, any discharge of liquid wastes or oils that may occur at Depots or while transporting materials from a Satellite Depot to the designated Principal Depot will be promptly cleaned up or removed by Contractor and will be remediated by Contractor at its sole expense. Such clean-up or removal will be documented with photographs and notice of such clean-up or removal will be provided to Recycle BC in writing. Contractor will comply with all Applicable Laws in respect of ground-water or drainage systems safety and standards.

2.1.8 Schedule.

- (a) Contractor will clearly indicate at each Depot (i) the day(s) of the week that the such Depot will be open and (ii) on each day that the Depot is open, the hours of operation when In-Scope PPP can be delivered to the Depot.

- (b) Contractor may change the day(s) of the week that a Depot will be open or the hours of operation when In-Scope PPP can be delivered to the Depot by giving written notice to Recycle BC at least 45 days prior to the effective date of the proposed change and obtaining written approval from Recycle BC. If Recycle BC approves the proposed change, Contractor will provide Customers with a minimum of 30 days' notice of the schedule change.
- (c) Each Depot will remain open for collection of In-Scope PPP on the day(s) of the week and at the hours specified under Section 2.1.8(a) regardless of weather conditions, unless weather conditions are such that continued operation would result in danger to Contractor personnel, Customers or property. Contractor will maintain accurate records of all disruptions to Depot Collection Services that are due to hazardous weather, including time closed.

2.1.9 Pilot Programs.

- (a) Recycle BC may wish to test or implement one or more new services or developments in PPP material segregation, processing, or collection technology. Recycle BC will notify Contractor in writing at least 90 days prior of its intention to implement a pilot program or of its intentions to utilize a new technology system at any Depot. The allocation of any costs (or savings) accrued by Recycle BC-initiated pilot programs will be negotiated prior to implementation pursuant to the change process in Section 2.2 of the Agreement. If Recycle BC deems the pilot a success, and desires to incorporate the service or development represented in the pilot program into this Statement of Work, such a change will be made pursuant to the change process in Section 2.2 of the Agreement.
- (b) Contractor-initiated pilot programs will require prior written notification to and written approval by Recycle BC. Contractor-initiated pilot programs will be performed at no additional cost to Recycle BC.

2.2 Customer Service.

2.2.1 Customer Service Requirements

- (a) Without limiting the generality of Section 2.1.3(b), at all times when a Depot is open for collection of In-Scope PPP, Contractor will ensure that the Depot is sufficiently staff to provide personal Customer service, educate Customers regarding In-Scope PPP accepted and avoid Customer delay.
- (b) Contractor will place signage at each Depot to assist Customers in delivering In-Scope PPP to the appropriate areas of the Depot. Signage is to incorporate images and graphics available from Recycle BC and is subject to approval by Recycle BC.
- (c) Contractor's Customer service office and call center will be accessible by a local area code and prefix phone number. Customer service representatives will be available through Contractor's call center during office hours for communication with Customers and Recycle BC representatives. Customer calls will be taken during office hours by a person, not by voice mail. During all non-office hours for the call center, Contractor will have an answering or voice mail service available to record messages from all incoming telephone calls, and include in the message an emergency telephone number for Customers to call outside of normal office hours in case of an emergency.

- (d) Contractor will maintain a 24 emergency telephone number for use by Recycle BC. Contractor will have a representative, or an answering service to contact such representative, available at such emergency telephone number for Recycle BC-use during all hours, including normal office hours.
- (e) Contractor's Customer service representatives will have instantaneous electronic access to Customer service data and history to assist them in providing excellent Customer service.

2.2.2 Customer Service Representative Staffing

- (a) Contractor will maintain sufficient staffing to answer and handle complaints and service requests in a timely manner made by all methods including telephone, letters, e-mails and text messages. If staffing is deemed to be insufficient by Recycle BC to handle Customer complaints and service requests in a timely manner, Contractor will increase staffing levels to address the performance deficiency.
- (b) If Contractor did not provide Depot Collection Services at a Depot immediately prior to the Service Commencement Date, Contractor will provide additional staffing at such Depot from Service Commencement Date through the end of the four month anniversary of the Service Commencement Date to ensure that sufficient staffing is available to minimize Customer waits and inconvenience. Contractor will receive no additional compensation for increased staffing levels during the implementation period. Staffing levels during the implementation period will be subject to prior Recycle BC review and approval.

2.2.3 Customer Complaints and Requests

- (a) Contractor will record all Customer complaints and service requests, regardless of how received, including date, time, Customer's name and address, if the Customer is willing to give this information, method of transmittal, and nature, date and manner of resolution of the complaint or service request in a computerized daily log. Any telephone calls received via Contractor's non-office hours voice mail or answering service will be recorded in the log the following Business Day. Contractor will make a conscientious effort to resolve all complaints and service requests within 24 hours of the original contact. If a longer response time is necessary for complaints or requests, the reason for the delay will be noted in the log, along with a description of Contractor's efforts to resolve the complaint or request.
- (b) Contractor's customer service log will be available for inspection by Recycle BC during Contractor's office hours, and will be in a format approved by Recycle BC. Contractor will provide a copy of this log in an electronic format from the Microsoft Office suite of software to Recycle BC on request, and if requested by Recycle BC, as part of a regular report to be delivered with such frequency as requested by Recycle BC (but not more frequently than monthly).

2.3 Promotion and Education.

- 2.3.1 Where the Contractor is not a local government, Recycle BC will have primary responsibility for developing, designing, and executing public promotion, education, and outreach programs. Contractor will provide Recycle BC with assistance and cooperation, including distributing Recycle BC-developed promotional and educational brochures and assisting with promotion, education and outreach

programs at the direction of Recycle BC. Where Contractor is a local government, Contractor will have primary responsibility for executing public promotion, education, and outreach programs, incorporating Recycle BC-developed communications messages and images in Contractor public promotion, education, and outreach programs.

- 2.3.2 Recycle BC reserves the right, at its sole discretion, to require Contractor to seek advance approval of any or all public promotion, education and outreach materials associated with the collection of In-Scope PPP, including but not limited to recycling guides, website content and Depot signage.
- 2.3.3 If Contractor receives Resident Education Top Up payments in accordance with Attachment 5, Contractor must spend the total amount of the Resident Education Top Up payments paid to Contractor on promotion, education and outreach programs on an annual basis.
- 2.3.4 Contractor will have primary responsibility for providing Customers service-oriented information such as hours of operation of the Depots.

SECTION 3. Performance Standards and Operational Requirements

- 3.1 Personnel Conduct. Contractor personnel performing Depot Collection will at all times be courteous, refrain from loud, inappropriate or obscene language, exercise due care, perform their work without delay, minimize noise, and avoid damage to public or private property.
- 3.2 Facility Standards. Without limiting any other requirements or obligations of Contractor, Contractor will meet or exceed the following standards:
 - 3.2.1 Depots will be of sufficient size and dimension to provide Depot Collection Services to Customers and access for Post-Collection Service Providers.
 - 3.2.2 Depots will be maintained in a clean and sanitary manner. All collection areas will have appropriate safety markings, all in accordance with applicable law. Equipment will be maintained in good condition at all times. All facilities and the equipment to manage the In-Scope PPP will operate properly and be maintained in a condition compliant with all applicable laws, good industry standards, and be in a condition satisfactory to Recycle BC. All vehicles used by the facility for the management of In-Scope PPP will be equipped with variable tone or proximity activated reverse movement back-up alarms.
 - 3.2.3 Contractor will receive prior written approval from Recycle BC for all Depot signage, including Contractor labeling and program information. Contractor will place Recycle BC-provided logos on Depots as directed at no additional cost to Recycle BC.
- 3.3 SOW Record and Reporting Requirements.
 - 3.3.1 Service Delivery Reporting. In addition to the record keeping and reporting requirements in the Agreement, Contractor will:
 - (a) provide to Recycle BC, on the Service Commencement Date and at such other times as Recycle BC may request, a complete inventory of the equipment to be used by Contractor to perform Depot Collection Services;
 - (b) maintain such other records as may be requested by Recycle BC, including:

- (i) in respect of each Depot, tonnage by each date on which the Designated Post-Collection Service Provider removed the In-Scope PPP from the Depot;
 - (ii) changes to equipment or inventory; and
 - (iii) Customer communications related to Depot Collection Services including telephone calls, letters, e-mails, text messages or webpage messages received;
- (c) make all records maintained pursuant to this Statement of Work available to Recycle BC upon request and, if requested by Recycle BC, provide a regular (but no more frequently than monthly) report to Recycle BC, in a format and by a method approved by Recycle BC, setting out or summarizing (at Recycle BC's discretion) such records as may be indicated by Recycle BC for the reporting period;
 - (d) upon Recycle BC's request, provide up to two reports each year on associated collection metrics necessary to the calculation of greenhouse gas emissions associated with the performance of Depot Collection Services; and
 - (e) upon Recycle BC's request, provide up to four ad-hoc reports each year, at no additional cost to Recycle BC. These reports may include Customer service database tabulations to identify specific Service Level or participation patterns or other similar information. Reports will be provided in Recycle BC-defined format and software compatibility. These reports will not require the Contractor to expend more than 60 staff hours per year to complete.

3.3.2 Claims Reporting


- (a) At Recycle BC's discretion, responsibility for claim reporting under Section 3.3.2(b) shall be assigned by Contractor to the Designated Post-Collection Service Provider.
- (b) All Household In-Scope PPP picked-up by the Designated Post-Collection Service Provider from a Principal Depot must be documented in a manner specified by Recycle BC from time to time, including by a certified scale ticket provided by the Designated Post-Collection Service Provider, with Depot name and address, Designated Post-Collection Service Provider name and address, date, time, truck number, net weight by material type (by material types set out in Attachment 2.1.2, by baled versus loose and, for Category 5, by white versus coloured) and such other information as Recycle BC may designate (collectively, "**Claim Information**"). Recycle BC's claim reporting system will be customized to display only the material types classifications applicable to a particular Depot, the terminology for which may differ than that set out in Attachment 2.1.2.
- (c) Contractor or the Designated Post-Collection Service Provider, as applicable, will report the Claim Information with respect to any Household In-Scope PPP picked-up by the Designated Post-Collection from a Principal Depot through Recycle BC's claims reporting portal or through such other method as Recycle BC may designate within ten Business Days of the pick-up date.
- (d) Recycle BC will issue a claim summary to Contractor based on Claim Information provided to Recycle BC by Contractor or the Designated Post-Collection Service Provider, as applicable, and Contractor will review the claim summary for

accuracy. Contractor must report to Recycle BC any content in the claim summary that Contractor disputes within 5 days of the claim summary being issued.

- (e) After Recycle BC has approved the Claim Information, Recycle BC will issue a purchase order to Contractor, including a reference number. Recycle BC may, at its discretion, choose to issue payment to Contractor based on the approved purchase order without the need for Contractor to submit an invoice. Where invoices are required by Recycle BC, Contractor will invoice Recycle BC using the contact information provided by Recycle BC for such purpose (as may be updated by Recycle BC from time to time).
- (f) Standard tare weights for specific trucks may only be used on specific written permission of Recycle BC.

3.4 Service Levels. If Contractor fails to meet any Service Level set out in Attachment 3.4, Recycle BC will be entitled to the applicable Service Level Failures set out in Attachment 3.4.

SECTION 4. SOW Term

This Statement of Work will commence on the SOW Effective Date and its initial term will continue until . Recycle BC may extend this Statement of Work for up to two further periods of one year each, by giving Contractor notice in writing not less than 30 days' before the expiration of the initial term or any such additional term or terms. The initial term and any such additional term or terms are herein referred to as the "**SOW Term**".

SECTION 5. Fees

The Fees payable by Recycle BC for the performance by Contractor of the SOW Services are set out in Attachment 5 to this Statement of Work, and such Fees begin after the Service Commencement Date. For the avoidance of doubt, Contractor acknowledges and agrees that it will not be entitled to receive any Fees in respect of ICI PPP collected at Depots.

SECTION 6. Additional Terms

- 6.1 No Double Charge. Contractor will not directly or indirectly charge Customers, including without limitation by way of tax, levy or other surcharge, for the cost of providing the SOW Services if and to the extent that such costs are covered by Fees (prior to deducting any Service Level Failure Credits) or other payments Contractor is entitled to receive from Recycle BC under this Statement of Work. For the avoidance of doubt, Contractor acknowledges and agrees that it shall not be entitled to charge any Customer a direct fee for dropping off or delivering Household In-Scope PPP to a Depot.
- 6.2 Scavenging Forbidden. Contractor will not Scavenge, or permit any person (including its employees) to Scavenge, any materials from In-Scope PPP that have been delivered by Customers to the Depot) at any time and at any location during Contractor's performance of the Services or otherwise.
- 6.3 Risk. Contractor will bear all costs of receipt and storage of the In-Scope PPP. Contractor will be responsible for all risks, including risk of loss of, or damage caused by, the In-Scope PPP from the time the In-Scope PPP is received by Contractor until pick up by the Designated Post-Collection Service Provider. In-Scope PPP will be deemed to be delivered to the Designated Post-Collection Service Provider when picked up from Contractor's facility and accepted by the signature of an authorized representative of the Designated Post-Collection Service Provider. Contractor will be responsible for the cost of any damage to Containers caused by Contractor.

- 6.4 Shared Services. Contractor may collect material other than In-Scope PPP at the Depot if (a) the activities do not interfere with Depot Collection of Household In-Scope PPP from Customers and (b) Contractor adopts such rules and procedures as are necessary to ensure that such materials are not mixed with Household In-Scope PPP. Such rules and procedures are subject to review by Recycle BC at any time and from time to time. If Recycle BC determines that such rules and procedures or methodologies in respect of a Depot are inadequate, Contractor will adopt such rules and procedures as Recycle BC may reasonably require in order to ensure compliance with this Section 6.4.
- 6.5 No Exclusivity. Execution of this Statement of Work does not confer on Contractor exclusive access to Customers in proximity to the Depots or otherwise.

(Signature page follows.)

SAMPLE

IN WITNESS WHEREOF the parties have executed this Statement of Work effective as of the SOW Effective Date.

MMBC RECYCLING INC.

[CONTRACTOR]

Per: [SAMPLE – NOT FOR SIGNATURE]
(I have authority to bind Recycle BC)

Per: [SAMPLE – NOT FOR SIGNATURE]
(I have authority to bind Contractor)

Name: _____
(Please Print)

Name: _____
(Please Print)

Title: _____

Title: _____

Per: [SAMPLE – NOT FOR SIGNATURE]
(I have authority to bind Contractor)

Name: _____
(Please Print)

Title: _____

Note: Second signatory to be completed by Contractor only if Contractor requires two signatories (and by leaving the second signatory blank and returning the Statement of Work to Recycle BC, Contractor and the first signatory represent that no additional signatories are required).

ATTACHMENT 2.1.1 TO SCHEDULE 2.1(c)
APPROVED DEPOTS

[Note: When the SOW is executed, Attachment 2.1.1 will include (i) a list of Principal Depots and Satellite Depots and (ii) in each case, the applicable ICI Management Option.]

SAMPLE

ATTACHMENT 2.1.2 TO SCHEDULE 2.1(c)
IN-SCOPE PPP

For the purpose of this Statement of Work, In-Scope PPP will mean the material described in the categories of PPP below that have been selected as indicated by an x in the associated check box (and the In-Scope PPP shall be segregated, at a minimum, in the streams that have been selected below):

- | | |
|--------------------------|--|
| <input type="checkbox"/> | PPP in Category 1 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 2 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 3(a) segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 3(b) segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 4 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 5 (white) segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 5 (coloured) segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 6 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 7 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 8 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 9 segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 1, Category 2, and Category 3(b) which may be comingled together, but must be segregated from all other PPP. |
| <input type="checkbox"/> | PPP in Category 3(a), Category 6, and Category 7 which may be comingled together, but must be segregated from all other PPP. |

To the extent beverage containers as defined in Schedule 1 of the *Recycling Regulation* to the *Environmental Management Act* (BC) are comingled with In-Scope PPP that Customers drop off at the Depot, such beverage containers shall be deemed to be In-Scope PPP for the purposes of this Statement of Work, with polycoated beverage containers defined as Category 3(a), plastic beverage containers defined as Category 6, metal beverage containers defined as Category 7 and glass beverage containers defined as Category 8.

Collection of Category 9 will not be mandatory until January 1, 2019.

ATTACHMENT 3.4 TO SCHEDULE 2.1(c)
SERVICE LEVELS FAILURES

Contractor will incur the following Service Level Failure Credits on the following Service Level Failures; provided, however, that the aggregate amount of Service Credit Level Failures in respect of any calendar year shall not exceed the aggregate amount of Fees payable to Contractor in respect of such calendar year:

	Service Level Failure	Service Level Failure Credit
1	Failure to clean-up or collect materials that have spilled outside the Depot boundary within 2 hours.	Twice the cost of cleanup incurred by Recycle BC (if Recycle BC performs the cleanup) and \$500 per incident (regardless of who performs the cleanup).
2	Pick up by the Designated Post-Collection Service Provider of materials that contain more than 3% by weight of Not Accepted Materials.	\$5,000 per weigh-scale ticketed load, provided that the aggregate Service Level Failure Credit for this Service Level Failure in respect of any calendar year shall not exceed \$120,000.
3	Contractor delivers In-Scope PPP collected at a Depot to any person or facility (including without limitation a landfill, incinerator or energy recovery facility) other than the Designated Post-Collection Service Provider or otherwise disposes of any In-Scope PPP collected at a Depot without the prior written authorization of Recycle BC.	\$25,000 per incident.

ATTACHMENT 5 TO SCHEDULE 2.1(c) FEES

In consideration for Contractor's performance of the SOW Services, Recycle BC will pay Contractor the following amounts for Household In-Scope PPP collected pursuant to this Statement of Work and made available to the Designated Post-Collection Service Provider for pick-up at a Principal Depot:

[Note: If the Statement of Work includes more than one Principal Depot and the Depot Collection Financial Incentives are not identical for each Principal Depot, it may be necessary to include more than one fee table.]

- (a) The selected (as indicated by an x in the associated check box) per tonne amounts (including, if selected, the additional baled amount), to be invoiced and paid pursuant to the claims submission process in accordance with the terms of the Agreement.

PPP Description Categories	Materials	Depot Collection Financial Incentive			
		Depot in a Community Without PPP Curbside/Multi-Family Collection	Depot in a Community With PPP Curbside/Multi-Family Collection	Additional Incentive If Baled ¹	
		(\$/tonne)	(\$/tonne)	(\$/tonne)	
Category 1	Printed papers	<input type="checkbox"/> \$80	<input type="checkbox"/> \$60	<input type="checkbox"/>	+ \$110
Category 2	Old corrugated cardboard	<input type="checkbox"/> \$80	<input type="checkbox"/> \$60	<input type="checkbox"/>	+ \$110
Category 3 (a)	Other paper packaging (containing liquids when sold)	<input type="checkbox"/> \$130	<input type="checkbox"/> \$90	<input type="checkbox"/>	+ \$110
Category 3 (b)	Other paper packaging (not containing liquids when sold)	<input type="checkbox"/> \$80	<input type="checkbox"/> \$60	<input type="checkbox"/>	+ \$110
Category 4	Polyethylene film packaging	<input type="checkbox"/> \$500	<input type="checkbox"/> \$500	<input type="checkbox"/>	+ \$330
Category 5	Polystyrene foam packaging – white	<input type="checkbox"/> \$800	<input type="checkbox"/> \$800	<input type="checkbox"/>	+ \$330
Category 5	Polystyrene foam packaging – coloured	<input type="checkbox"/> \$800	<input type="checkbox"/> \$800	<input type="checkbox"/>	+ \$330
Category 6	Other plastic packaging	<input type="checkbox"/> \$130	<input type="checkbox"/> \$90	<input type="checkbox"/>	+ \$110
Category 7	Metal packaging	<input type="checkbox"/> \$130	<input type="checkbox"/> \$90	<input type="checkbox"/>	+ \$110
Category 8	Glass packaging	<input type="checkbox"/> \$90	<input type="checkbox"/> \$90		
Category 9	Other flexible plastic packaging	<input type="checkbox"/> \$500	<input type="checkbox"/> \$500	<input type="checkbox"/>	+ \$330
Categories 1, 2 & 3(b)	Printed papers, old corrugated cardboard, and other paper packaging (not containing liquids when sold)	<input type="checkbox"/> \$80	<input type="checkbox"/> \$60	<input type="checkbox"/>	+ \$110
Categories 3(a), 6 & 7	Other paper packaging (containing liquids when sold), other plastic packaging and metal packaging	<input type="checkbox"/> \$130	<input type="checkbox"/> \$90	<input type="checkbox"/>	+ \$110

Any change in whether Contractor bales or does not bale In-Scope PPP must be made pursuant to the change procedure in Section 2.2 of the Agreement.

¹ In the case of polystyrene foam, baling includes densification.

A Principal Depot is considered to be a “Depot in a Community With PPP Curbside/Multi-Family Collection” if more than 80% of households within the drive time distance specified by Recycle BC (the “**Specified Drive Time Distance**”) have access to PPP curbside or multi-family collection services provided by a local government, private company or Recycle BC. The Specified Drive Time Distance in respect of a Principal Depot will not be less than 30 minutes or more than 45 minutes.

For purposes of this Attachment 5, a household is considered to have “access to PPP curbside or multi-family collection services” if (i) in the case of a curbside household, it receives curbside collection from any entity or (ii) the case of a multi-family household, it receives multi-family collection from Contractor or Recycle BC (including, for the avoidance of doubt, any contractor who has entered into an agreement to provide multi-family collection for or on behalf of Recycle BC).

[Note: Subsection (b) below will only apply to Statements of Work for local governments providing Depot Collection.

- (b) Each of the following that are selected (as indicated by an x in the associated check box) in the table below (which may be none): (i) the Resident Education Top Up amount and (ii) the Service Administration Top Up amount, in each case as set out in the table below times the Depot Only Baseline to be invoiced and paid in arrears, in equal quarterly payments, provided that Contractor has submitted all applicable claims. The Depot Only Baseline will initially be ☒ and may be adjusted from time to time as set forth below.

	Top Up available to local governments accepting Depot Collection incentive	\$ per Depot Only Household per Year
<input type="checkbox"/>	Resident Education Top Up	\$0.75
<input type="checkbox"/>	Service Administration Top Up	\$1.75

In this Attachment 5:

“**Depot Only Baseline**” means the number of Depot Only Households in Contractor’s jurisdiction.

“**Depot Only Household**” means a self-contained residential dwelling unit located in Contractor’s jurisdiction that (i) in the case of a curbside household, does not receive curbside collection from any entity or (ii) in the case of a multi-family household, does not receive multi-family collection from Contractor or Recycle BC (including, for the avoidance of doubt, any contractor who has entered into an agreement to provide multi-family collection for or on behalf of Recycle BC).

On an annual basis on a date to be determined by Recycle BC, and at such other time as the parties may agree, Contractor will, in good faith, report and attest (in a form acceptable to Recycle BC) as to the then-current Depot Only Baseline. Recycle BC may also provide evidence of the then-current Depot Only Baseline. Based on Contractor’s attestation and the evidence provided by Recycle BC, Recycle BC and Contractor will work in good faith to mutually agree on the Depot Only Baseline. Any Dispute in establishing the foregoing will be resolved by the Dispute resolution process under the Agreement.

Without limiting Contractor’s obligations under this Statement of Work (including without limiting the cost Contractor is required to incur to perform such obligations), the Resident Education Top Up amount must be used for the purpose of providing resident education in respect of the Depot Collection Services.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: General Government Building & Equipment Reserve Fund Expenditure
Bylaw No. 2822, 2018

Administrative Recommendation:

THAT Bylaw No. 2822, 2018, being a bylaw of the Regional District of Okanagan Similkameen to withdraw \$15,000 from the General Government Building & Equipment Reserve to provide for parking lot maintenance at 101 Martin street be read a first, second and third time and be adopted.

Reference:

Bylaw 1892, 1998 - Regional District Okanagan Similkameen General Government Building & Equipment Reserve Fund Establishment Bylaw.

Bylaw 2818, 2018 – General Government Building & Equipment Reserve Fund Expenditure Bylaw.

Background:

The RDOS corporate office at 101 Martin Street has approximately 2100m² of asphalt parking lot. Regular sweeping and snow plowing has occurred over the life of the parking area, including line painting when required.

Analysis:

Regular parking lot maintenance scheduled for 2018 includes re-painting of lines, directional arrows and speed bumps. Upon inspection of the asphalt, it was realized that significant cracking and surface deterioration has occurred. The deterioration will eventually degrade the asset past reasonable use and could represent a slip and fall hazard.

The installation of asphalt and crack sealant prior to painting will extend the life expectancy of the parking lot by approximately 4 to 6 years. The cost of asphalt and crack sealant is approximately 30% of the cost of installation of a new asphalt surface, however a new asphalt surface would extend the life expectancy of the parking lot by approximately 12 to 15 years. Funds for the asphalt protection are not available in the 2018 operating budget.

The current balance in the reserve account is \$188,431.72

Alternatives:

- 1) Status quo
- 2) Use \$60,000 of the General Government Building & Equipment Reserve for the installation of an asphalt surface.

Respectfully submitted:

"John Kurvink, Finance Manager/CFO"

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2822, 2018

A bylaw to authorize the expenditure of monies from the General Government Building & Equipment Reserve Fund to allow for re-surfacing of the RDOS parking lot.

WHEREAS Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

AND WHEREAS the “General Government Building & Equipment Reserve fund has sufficient monies available for this capital project;

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 the “General Government Building & Equipment Reserve Fund Expenditure Bylaw No. 2822, 2018”
2. The expenditure of \$15,000 from the General Government Building & Equipment Reserve Fund is hereby authorized for resurfacing of the RDOS parking lot.

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____, 2018

ADOPTED this ____ day of ____, 2018

RDOS Board Chair

Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: August 2, 2018

RE: Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure
Bylaw No. 2823, 2018

Administrative Recommendation:

THAT Bylaw No. 2823, 2018, Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.

Reference:

Bylaw 2653, 2014 - Regional District Okanagan Similkameen Electoral Area "H" Community Facilities Capital Reserve Fund Establishment Bylaw.

Bylaw 2823, 2018 – Electoral Area "H" Community Facilities Capital Reserve Fund Expenditure Bylaw

Background:

In 2009, The Board approved the formation of the Vermillion Forks Community Forest Corporation (VFCFC) for the purpose of acquiring and managing a Community Forest Agreement. The Upper Similkameen Indian Band, the Town of Princeton and the Regional District are 1/3 shareholders in the Corporation. The Electoral Area "H" Director and the CAO were appointed as the Regional District's Board Members on the Corporation.

In 2014, the RDOS Board created the Electoral Area "H" Community Facilities Capital Reserve Fund for the purpose of expenditures for or in respect of capital projects within Electoral Area "H". Annual dividends received from the Vermillion Forks Community Forest Corporation (VFCFC) are transferred into the reserve.

Analysis:

This project involves upgrading a campsite by installing a pit toilet, building an age-friendly trail and fishing dock on Martin's Lake adjacent to the Sierra Fire Base near Princeton.

Partners contributing to the cost of this project include the Fish & Game Club and BC Freshwater Fisheries.

The work will be undertaken by BC Recreation Sites and Trails (FLNRO) on behalf of the contributing parties.

The expenditure being requested from the VFCFC is \$7,000.00.

After deducting the expenditures already committed in 2018, the balance in the Area H Community Facilities Reserve Fund is \$891,919.05.

Alternatives:

Status Quo.

Respectfully submitted:

"John Kurvink Manager of Finance/CFO"

J. Kurvink, Finance Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2823, 2018

A bylaw to authorize the expenditure of monies from the Electoral Area 'H' Community Facilities Reserve Fund for BC Recreation Sites & Trails (FLNRO) to upgrade a campsite and install a fishing dock.

WHEREAS Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

AND WHEREAS the 'Electoral Area 'H' Community Facilities Capital Reserve Fund' has sufficient monies available for community capital projects;

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 the "Electoral Area 'H' Community Facilities Capital Reserve Fund Expenditure Bylaw No. 2823, 2018"

2. The expenditure of \$7000.00 from the Electoral Area 'H' Community Facilities Reserve Fund is hereby authorized for the upgrade of a campsite and installation of a fishing dock.

READ A FIRST, SECOND, AND THIRD TIME this ____ day of ____, 2018

ADOPTED this ____ day of ____, 2018

RDOS Board Chair

Corporate Officer