



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD of DIRECTORS MEETING

Thursday, October 21, 2021, 2:15 p.m.
RDOS Boardroom
101 Martin Street, Penticton, BC V2A 5J9

MEMBERS PRESENT:	Chair K. Kozakevich, Electoral Area "E" Vice Chair S. Coyne, Town of Princeton Director M. Bauer, Village of Keremeos Director G. Bush, Electoral Area "B" Director B. Coyne, Electoral Area "H" Director R. Gettens, Electoral Area "F" Director D. Holmes, District of Summerland Director M. Johansen, Town of Oliver Director S. McKortoff, Town of Osoyoos Director S. Monteith, Electoral Area "I"	Director R. Knodel, Electoral Area "C" Director R. Obirek, Electoral Area "D" Director M. Pendergraft, Electoral Area "A" Director T. Roberts, Electoral Area "G" Director K. Robinson, City of Penticton Director J. Sentes, City of Penticton Director E. Trainer, District of Summerland Director J. Vassilaki, City of Penticton Director C. Watt, City of Penticton
STAFF PRESENT:	B. Newell, Chief Administrative Officer C. Garrish, Manager of Planning	C. Malden, Manager of Legislative Services

The meeting was called to order at 2:20 pm.

A. APPROVAL OF AGENDA

(Unweighted Corporate Vote - Simple Majority)

MOVED AND SECONDED

That the Agenda for the RDOS Board Meeting of October 21, 2021 be adopted.

CARRIED

A.1 Consent Agenda – Corporate Issues

(Unweighted Corporate Vote – Simple Majority)

MOVED AND SECONDED

THAT the Consent Agenda Corporate Services be adopted. - **CARRIED**

1. Advisory Planning Commissions

1. Electoral Area "H" Advisory Planning Commission Minutes

THAT the minutes of the September 21, 2021 Electoral Area "H" Advisory Planning Commission be received.

2. Removal of APC Member – Electoral Area "F"

THAT Rick Johnson be removed from the Area "F" Advisory Planning Commission, and that a letter of thanks be forwarded to him for his service on the Commission.

2. Parks and Recreation Committees

1. Similkameen Recreation Commission Minutes

THAT the minutes of the September 22, 2021 Similkameen Recreation Commission be received.

2. Similkameen Recreation Commission Appointment

THAT Tristan Boisvert be appointed to the Similkameen Recreation Commission with a term ending date of December 31, 2022.

3. Board and Committee

1. Community Services Committee

THAT the minutes of the October 7, 2021 Community Services Committee meeting be received.

2. Environment and Infrastructure Committee

THAT the minutes of the October 7, 2021 Environment and Infrastructure Committee meeting be received.

THAT the matter of Lower Nipit Improvement District acquisition be postponed for staff to bring forward more information.

3. Planning and Development Committee

THAT the minutes of the October 7, 2021 Planning and Development Committee meeting be received.

THAT the 2021 Greater West Bench Geotechnical Review be referred back to Administration for further review.

THAT the Regional District's Fees and Charges Bylaw be amended to apply the following fees to Temporary Use Permit applications:

i. Application Fee: \$2,500.00 for “vacation rental” uses and \$1,250.00 for all other uses; and

ii. Renewal Fee: \$2,500.00 for “vacation rental” uses and \$1,250.00 for all other uses.

THAT the Regional District abandon further investigation into increasing agricultural reserves and agricultural operations to increase food security.

THAT the Electoral Area “D” Update of Retail Cannabis Zoning Regulations Policy be approved.

4. RDOS Regular Board Meeting

THAT the minutes of the October 7, 2021 RDOS Regular Board meeting be adopted.

A.2 Consent Agenda - Development Services

(Unweighted Rural Vote - Simple Majority)

MOVED AND SECONDED

THAT the Consent Agenda - Development Services be adopted. - **CARRIED**

1. Temporary Use Permit Application – Electoral Area “E” (E2021.022-TUP)

THAT Temporary Use Permit No. E2021.022-TUP to allow a “vacation rental” use at 3180 MacKay Road, Naramata be approved.

2. Development Variance Permit Application — Electoral Area “E” (E2021.041-DVP)

THAT Development Variance Permit No. E2021.041-DVP in order to formalize an existing garage and underground storage at 1115 Rounds Road in Naramata be approved.

3. Development Variance Permit Application — Electoral Area “E” (E2021.043-DVP)

THAT Development Variance Permit No. E2021.043-DVP to allow for the construction of an over-height retaining wall at 3285 Lyons Road, Naramata be approved.

4. Request to Cancel a Development Variance Permit – Electoral Area “H” (H2021.014-DVP)

THAT Development Variance Permit No. H2021.014-DVP, to vary the hooked parcel at 3527 Coalmont Road, be cancelled.

B. DEVELOPMENT SERVICES – Bylaw Enforcement

B.1 Building and Bylaw Enforcement – Zoning/Land Use and Building Bylaw – 500/520 Highway 97, Summerland

The Chair enquired whether the property owner or agent was present to address the Board and they did so.

(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Regional District direct the owners of the property legally described as Lot A, District Lot 2694, ODYD, Plan 33024 except Plans 36216 and KAP86240, being 500/520 Highway 97, Summerland, into compliance with the Regional District of Okanagan-Similkameen’s Electoral Area “F” Okanagan Lake West / West Bench Zoning Bylaw No. 2461, 2008, by not later than December 1, 2021;

AND THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as Lot A, District Lot 2694, ODYD, Plan 33024 except Plans 36216 and KAP86240 that certain works have been undertaken on the lands contrary to the Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018;

AND THAT if, after December 1, 2021, the property legally described as Lot A, District Lot 2694, ODYD, Plan 33024 except Plans 36216 and KAP86240, being 500/520 Highway 97, Summerland, is not in compliance with the Regional District of Okanagan-Similkameen’s Electoral Area “F” Okanagan Lake West / West Bench Zoning Bylaw No. 2461, 2008 and the Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018, the Regional District commence injunctive action against the property owner(s). - **CARRIED**

B.2 Bylaw Enforcement – Untidy & Unsightly – 637 Eastside Road, Okanagan Falls

The Chair enquired whether the property owner or agent was present to address the Board and they did not.

(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

THAT the Regional District direct the owner to bring the property located at 637 Eastside Road, Okanagan Falls and legally described as Lot 4, District Lot 337, SDYD, Plan 13447 into compliance with the Regional District of Okanagan-Similkameen’s Untidy and Unsightly Premises Regulatory Control Bylaw No. 2326, 2004 within 30 days; and,

THAT if, after 30 days, the property legally described as Lot 4, District Lot 337, SDYD, Plan 13447, being 637 Eastside Road, Okanagan Falls, is not in compliance with the Regional District of Okanagan-Similkameen’s Untidy and Unsightly Premises Regulatory Control Bylaw No. 2326, 2004, the Regional District commence direct action to bring Lot 4, District Lot 337, SDYD, Plan 13447, being 637 Eastside Road, Okanagan Falls, into compliance; and,

THAT the costs of undertaking the above work be recovered in the same manner and with the same remedies as property taxes in arrears. - **CARRIED**

C. DEVELOPMENT SERVICES - Rural Land Use Matters

C.1 Draft Town of Osoyoos Official Community Plan (OCP) Bylaw - Request for Referral Comments from the Regional District

(Unweighted Corporate Vote - Simple Majority)

MOVED and SECONDED

That the Town of Osoyoos be advised that the Regional District has no objection to the proposed Official Community Plan (OCP) Bylaw No. 1375. - **CARRIED**

C.2 Fees & Charges Bylaw – Planning Fees Amendment (Rezoning, TUP & Subdivision)

(Weighted Corporate Vote - 2/3 Majority)

MOVED and SECONDED

THAT Bylaw No. 2927.01, 2021, a bylaw to amend the Fees and Charges Bylaw to

revise the fees assessed for rezoning, temporary use permit applications and subdivision proposals, be read a first, second and third time and be adopted.

MOVED and SECONDED

Request to have the Fees and Charges Bylaw – Planning Fees Amendment (Rezoning, TUP & Subdivision) be split out. - **CARRIED**

MOVED and SECONDED

Application seeking amendment to the Official Community Plan and Zoning Bylaw be increased to \$2,500 be approved. – **CARRIED**

MOVED and SECONDED

THAT the fees for subdivision referrals received from the Ministry of Transportation and Infrastructure (MoTI) be revised as follows:

- Base fee: \$1,000.00
- Service Area Fee: \$500.00/RDOS Service; and
- Boundary Adjustment: \$1,000.00.

- **CARRIED**

MOVED and SECONDED

THAT the TUP's for vacation rentals application fee is \$2,500.00 and the renewal fee is \$1,250.00 be approved. – **CARRIED**

Question on the Main Motion as amended.

THAT Bylaw No. 2927.01, 2021, a bylaw to amend the Fees and Charges Bylaw to revise the fees assessed for rezoning, temporary use permit applications and subdivision proposals, be read a first, second and third time and be adopted as amended. – **CARRIED**

C.3 Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “D” (D2021.016-ZONE)

(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Bylaw No. 2603.21, 2021, a bylaw to amend the Electoral Area “D” Official Community Plan to facilitate a land donation to a conservation organization at 4899 Eastside Road be read a first and second time and proceed to public hearing; and,

THAT Bylaw No. 2455.47, 2021, a bylaw to amend the Electoral Area “D” Zoning 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 this report from the Chief Administrative Officer dated October 21, 2021, 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. 2603.21, 2021, 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 November 18, 2021; and,

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

C.4 Zoning Bylaw Amendment – Electoral Area “A” (A2021.006-ZONE)

Pursuant to Section 100 of the *Community Charter*, Director Pendergraft declared a conflict of interest regarding item C.4 Zoning Bylaw Amendment – Electoral Area “A” (A2021.006-ZONE) as the applicant is a family member. Director Pendergraft left the meeting for this item.³

(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw to allow for a minimum parcel size of 3.7 ha. at 2257 82nd Avenue, be read a third time. - **CARRIED**

C.5 OCP and Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E”, “F” & “I” (X2021.005-ZONE)

(Unweighted Rural Vote - Simple Majority)

MOVED and SECONDED

THAT Bylaw No. 2892, 2021, a bylaw of the Regional District of Okanagan-Similkameen to amend Residential and Small Holdings Zone in South Okanagan official community plans and zoning bylaws be read a third time.

MOVED and SECONDED

THAT the motion of OCP and Zoning Bylaw Amendments – Electoral Areas “A”, “C”, “D”, “E”, “F”, and “I” (X2021.005-ZONE be deferred to such time as staff can discuss with the land owner of the affected property. - **CARRIED**

C.6 Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F” (F2021.008-ZONE)

RECOMMENDATION . (Unweighted Rural Vote - Simple Majority)

THAT Bylaw No. 2790.02, 2021, a bylaw to amend the Electoral Area “F” Official Community Plan be read a third time; and,

THAT Bylaw No. 2461.18, 2021, a bylaw to amend the Electoral Area “F” Zoning Bylaw, be read a third time.

MOVED and SECONDED

THAT the motion of Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F” (F2021.008-ZONE) be postponed until the applicant or agent is present. – **CARRIED**

Opposed: Directors Holmes and Obirek

MOVED and SECONDED

THAT the motion “THAT the motion of Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F” (F2021.008-ZONE) be postponed until the applicant is present” be reconsidered as a motion to defer. – **CARRIED**

Opposed: Directors B. Coyne, Watt, Bush, Bauer, Sentes, Pendergraft, Johansen and S. Coyne.

MOVED and SECONDED

THAT the matter of Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F” (F2021.008-ZONE) be deferred until the applicant or agent is present. – **DEFEATED**

Opposed: Directors Holmes, Gettens, Trainer, Vassilaki, Sentes, Knodel, Roberts, McKortoff, Obirek, Monteith and Kozakevich.

MOVED and SECONDED

THAT Bylaw No. 2790.02, 2021, a bylaw to amend the Electoral Area “F” Official Community Plan be read a third time; and,

THAT Bylaw No. 2461.18, 2021, a bylaw to amend the Electoral Area "F" Zoning Bylaw, be read a third time. – **DEFEATED**
 Opposed: Director Bush, Gettens, Knodel, Obirek, Roberts, Monteith and Kozakevich.

C.7 Zoning Bylaw Amendment – Electoral Area "F" (F2021.007-ZONE)

(Unweighted Rural Vote - 2/3 Majority)

THAT Bylaw No. 2461.17, 2021, a bylaw to amend the Electoral Area "F" Zoning Bylaw to allow a thrift store to operate at 2002 West Bench Drive, be read a third time and adopted.

MOVED and SECONDED

THAT first and second readings of Bylaw No. 2461, 2021, Electoral Area "F" Zoning Amendment Bylaw be rescinded and the bylaws abandoned. – **CARRIED**
 Opposed: Director B. Coyne

C.8 Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area "H" (H2021.010-ZONE)

(Unweighted Rural Vote - 2/3 Majority)

MOVED and SECONDED

THAT Bylaw No. 2497.12, 2021, a bylaw to amend the Electoral Area "H" Official Community Plan Bylaw to allow for a 2-lot subdivision to unhook the parcel at 2321 Old Hedley Road be read a third time and adopted; and,

THAT Bylaw No. 2498.23, 2021, a bylaw to amend the Electoral Area "H" Zoning Bylaw be read a third time and adopted. - **CARRIED**

D. PUBLIC WORKS

D.1 Award for Chain Lake Dam Spillway and Underflow Upgrades

(Weighted Corporate Vote - Majority)

MOVED and SECONDED

THAT the Detailed Design for the Chain Lake Dam Upgrade project be awarded to ECORA Engineering & Resource Group Ltd. for up to \$116,714 + applicable taxes; and,

THAT a contingency of up to \$24,755 + applicable taxes be authorized, if required. - **CARRIED**

E. FINANCE

E.1 Property Tax Exemption Bylaw No. 2949, 2021

(Weighted Corporate Vote - 2/3 Majority)

MOVED and SECONDED

THAT Bylaw No. 2949, 2021, being a bylaw of the Regional District of Okanagan-Similkameen to exempt specific properties from property taxation be read a first, second and third time and be adopted. - **CARRIED**

F. LEGISLATIVE SERVICES

F.1 Noxious Weed and Nuisance Control Service Establishment Amendment Bylaws

(Weighted Corporate Vote - Majority)

MOVED and SECONDED

THAT Noxious Weed Control Service Establishment Amendment Bylaw No. 2065.02, 2021, being a bylaw to increase the requisition limit for the Noxious Weed Control Service, be read a first, second and third time; and,

THAT Nuisance Control Service Establishment Amendment Bylaw No. 2198.02, 2021, being a bylaw to increase the requisition limit for the Nuisance Control Service, be read a first, second and third time. – **CARRIED**

G. CAO REPORTS

G.1 Verbal Update

H. OTHER BUSINESS

H.1 Chair's Report

H.2 Board Representation

1. Developing Sustainable Rural Practice Communities - *McKortoff*
2. Municipal Finance Authority – *Kozakevich (Chair), Coyne (Vice Chair, Alternate)*

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

H.3 Directors Motions

Directors Motion - Director Gettens

THAT the Directors Motion "To request that staff develop an interim solution that will accommodate both in-person and electronic attendance to RDOS Board meetings by the public, staff and Directors while abiding current BC Public Health Orders" be referred to Administration for analysis of the feasibility, legislative compliance and budget impact.

Administration provided an update on the plans for in-person meetings and it was determined that a motion was not required.

Notice of Motion – Director Holmes

THAT the Directors Motion "To have permission from the Board to share with the District of Summerland Council in a Closed Meeting the information Interior Health Authority provided to the Board" be referred to Administration for analysis of the feasibility, legislative compliance and budget impact.

H.4 Board Members Verbal Update

- I. **ADJOURNMENT**
MOVED and SECONDED
THAT the meeting adjourn. - **CARRIED**

The meeting was adjourned at 4:29 pm.

Director Vassilaki left the meeting at 3:45 pm.

APPROVED:

CERTIFIED CORRECT:



K. Kozakevich, RDOS Board Chair



B. Newell, Corporate Officer