

Regional District of Okanagan-Similkameen

SCHEDULE OF MEETINGS

THURSDAY, MAY 19, 2016

RDOS BOARDROOM

9:00	-	9:30 am	Public Hearing
9:30 am		10:00 am	Planning and Development Committee
10:00 am	-	11:30 am	Corporate Services Committee
11:30	-	12:00 noon	Directors tour the office
12:00 noon	-	1:00 pm	Lunch: BBQ with Students, Staff and Directors
1:00 pm	-	3:00 p.m.	RDOS Board

"Mark Pendergraft"

Mark Pendergraft
RDOS Board Chair

Advance Notice of Meetings:

June 2	RDOS Board/Committee Meetings
June 16	RDOS/OSRHD Board/Committee Meetings
July 7	RDOS Board/Committee Meetings
July 21	RDOS/OSRHD Board/Committee Meetings
August 4	RDOS Board/Committee Meetings
August 18	RDOS/OSRHD Board/Committee Meetings



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, May 19, 2016

9:30 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

That the Agenda for the Planning and Development Committee Meeting of May 19, 2016 be adopted.

B. Twin Lakes Golf Resort Development Variance Permit

C. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Planning & Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Twin Lakes Golf Resort DVP - for information only



Purpose:

To inform the Board of Directors of the history and status of the Twin Lakes Golf Resort (TLGR) development variance permit application; D12-02343.005.

The application is seeking to reduce Maximum Daily Domestic Flow (or Maximum Daily Demand or MDD) of water to a single family unit under the Regional District's Subdivision Servicing Bylaw No. 2000, 2002, Section 3.2.1, from the stated 8,000 litres per day to 1,900 litres per day.

Reference:

RDOS Subdivision Servicing bylaw No. 2000, 2002, Section 3.2.1

Development Variance Permit Application, Board Meeting September 20, 2012

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 Lake.

One parcel (Lot 2), is approximately 41.4 ha in size and is legally described as Lot 2, Plan 26332, District Lot 228S, 2169, Except Plan H15455, SDYD. This parcel is currently vacant and consists of rolling hills, steep rocky outcrops grasslands and treed areas.

The second parcel (Lot A) is approximately 66 ha in size and is principally used as a golf course and clubhouse and is legally described as Lot A, Plan KAP46761, District Lot 228S 2169 4098S, Except Plan KAP53180, SDYD. The majority of this parcel is also 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 RA, LH, RS1, RS2 and C1. The properties surrounding Nipit Lake are a mix of residential zonings.

Background:

March 4, 2008 — an application to subdivide the TLGR lands for Phase 1 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 is 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 the existing the Twin Lake area properties; even without the development proceeding.

September 20, 2012 — a development variance permit (DVP) application was brought forward to the Board for the Twin Lakes Golf Resort (TLGR) proposed development.

Ms. Coral Brown representing the Lower Nipit Improvement District (LNID) addressed the Board as a delegation and presented a Power Point presentation on the status of water availability in the Twin Lakes area. Ms. Brown requested a moratorium be placed on any development in the Twin Lakes area until such time more monitoring and analyzes of water sustainability is completed.

The TLGR, represented by Mr. Mike Seymour of MSR Solutions Inc. (MSR), presented a Power Point presentation on the applicant’s reasoning for the proposed reduction of the MDD from 8,000 litres per day to 1,900 litres per day. An alternate request was also presented to allow the applicant to complete a hydrogeological assessment of the Twin Lakes aquifer and the availability of water.

At the September 20, 2012 meeting the Regional District Board made a resolution to “defer the Development Variance Permit No. D12-02343.005 pending completion of the Golder study”. This motion was carried with two Directors opposing.

The TLGR commissioned Golder Associates to conduct a hydrogeological assessment on the groundwater availability (Golder Report) in relation to the proposed bare land strata development.

July 10, 2014 — the draft Golder Report was delivered to the Regional District. The science of hydrology in the report was reviewed by the Ministry of Forest Lands and Natural Resource Operations (MFLNRO) with comments submitted back to Golder Associates for response.

July 13, 2015 — The TLGR agent, MSR, proposes an Average Water Demand (Average Daily Demand or ADD) of 2,200 Litres per home (Litres per day per unit).

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

April 29, 2016 — the MFLNRO staff complete their assessment of the Golder Report.

May 3, 2016 — Western Water submitted a letter report to the Reginal District on the proposed water use from MSR.

May 5, 2016 — an informational report was received by the Regional Board on the status of the TLGR development process.

Analysis:

Water Daily Demand Descriptions

When determining the design flows for a water system, there are typically three critical flow demands considered. The [Design Guidelines for Rural Residential Community Water Systems 2012](#) describes the three demands as:

- Average Daily Demand (ADD): To verify source capacity, generally established from water recorded water consumption.
- Maximum Daily Demand (MDD): This parameter establishes sizing of pumps, reservoir and treatment works between source and balancing storage.
- Peak Hour Demand (PHD): This parameter establishes sizing of pipes, pumps and treatment works between balancing storage and the system users.

When recorded water use is not available the three demands flows can be derived by the following ratio:

- Average Daily Demand times (2.0 to 2.5) = Maximum Daily Demand
- Average Daily Demand times (3.8 to 5.0) = Peak Hourly Demand

The *Design Guidelines for Rural Residential Community Water Systems* recommends the following peaking factors when calculating demands for arid areas:

- Average Daily Demand times 2.5 (peaking factor) = Maximum Daily Demand
- Average Daily Demand times 5.0 (peaking factor) = Peak Hourly Demand

Review of Okanagan Area Water Demands

A recent comparisons of other local government design water demands stated in their subdivision bylaws. The measurement used for this comparison is litres per day per (single family) unit; a unit is based on a 2.8 people per unit.

Local Government	Bylaw	Average Daily (ADD)	Maximum Daily (MDD)	Peak Hourly (PHD)
Central Okanagan RD	704	2,520	6,720	11,200
Columbia Shuswap RD	641	Not stated	5,040	Not stated
North Okanagan RD	2650	1,960	4,032	6,048
Thompson Nicola RD	2403	Not stated	2,500	7,500
City of Vernon	3843	1,960	5,040	7,560
City of Kelowna	7900	2,520	5,040	11,200
City of Penticton	2004-81	1,960	4,900	7,350
District of Summerland	99-004	2,800	8,400	14,000
Town of Osoyoos	1100	5,040	12,600	19,040
Village of Keremeos	470	2240	6720	11760
AVERAGE		2,625	6,099	10,629
RDOS	2000	Not stated	8,000	13,600

The table above gives a comparison of local governments in the Okanagan and Similkameen. The first conclusion that can be made is that these values can be calculated differently and that each community has different values to suit their individual needs. The values used for the current Regional District bylaw are higher than the average values of the other local government and will be reviewed as part of a future revised subdivision servicing bylaw.

Using the formulas above from the Design Guidelines for Rural Residential Community Water Systems and the calculated average ADD, MDD and PHD in the table, it can be shown what would be an average peaking factors for MDD and PHD.

Average Daily Demand (ADD) times (1.8 to 2.5 peaking factor) = Maximum Daily Demand (MDD)

ADD	X Peaking Factor	= MDD
2,625	Peaking Factor	6,099
Average Peaking Factor equals 2.3.		

The calculation above indicates that the recommended peaking factor of 2.5 for MDD in the *Design Guidelines for Rural Residential Community Water Systems* is a reasonable value to use for the Regional District.

Average Daily Demand (ADD) times (3.0 to 5.0) = Peak Hourly Demand (PHD)

ADD	X Peaking Factor	= PHD
2,625	Peaking Factor	10,629
Average Peaking Factor equals 4.		

The calculation above indicates that the recommended peaking factor of 5 for PHD in the Design Guidelines for Rural Residential Community Water Systems may be higher than what is required as a value to use for the Regional District. More analysis may be needed during the review the Subdivision Servicing Bylaw.

The original TLGR 2102 DVP request was to reduce the MDD stated Bylaw as 8,000 litres per day to 1,900 litres per day. More recently TLGR development has proposed an Average Water Demand (Average Daily Demand or ADD) of 2,200 Litres per home (Litres per day per unit). The applicant's requests will be discussed further at the Regional Board meeting on June 16, 2016. At the time the deferred 2012 DVP application will be brought before the Regional Board.

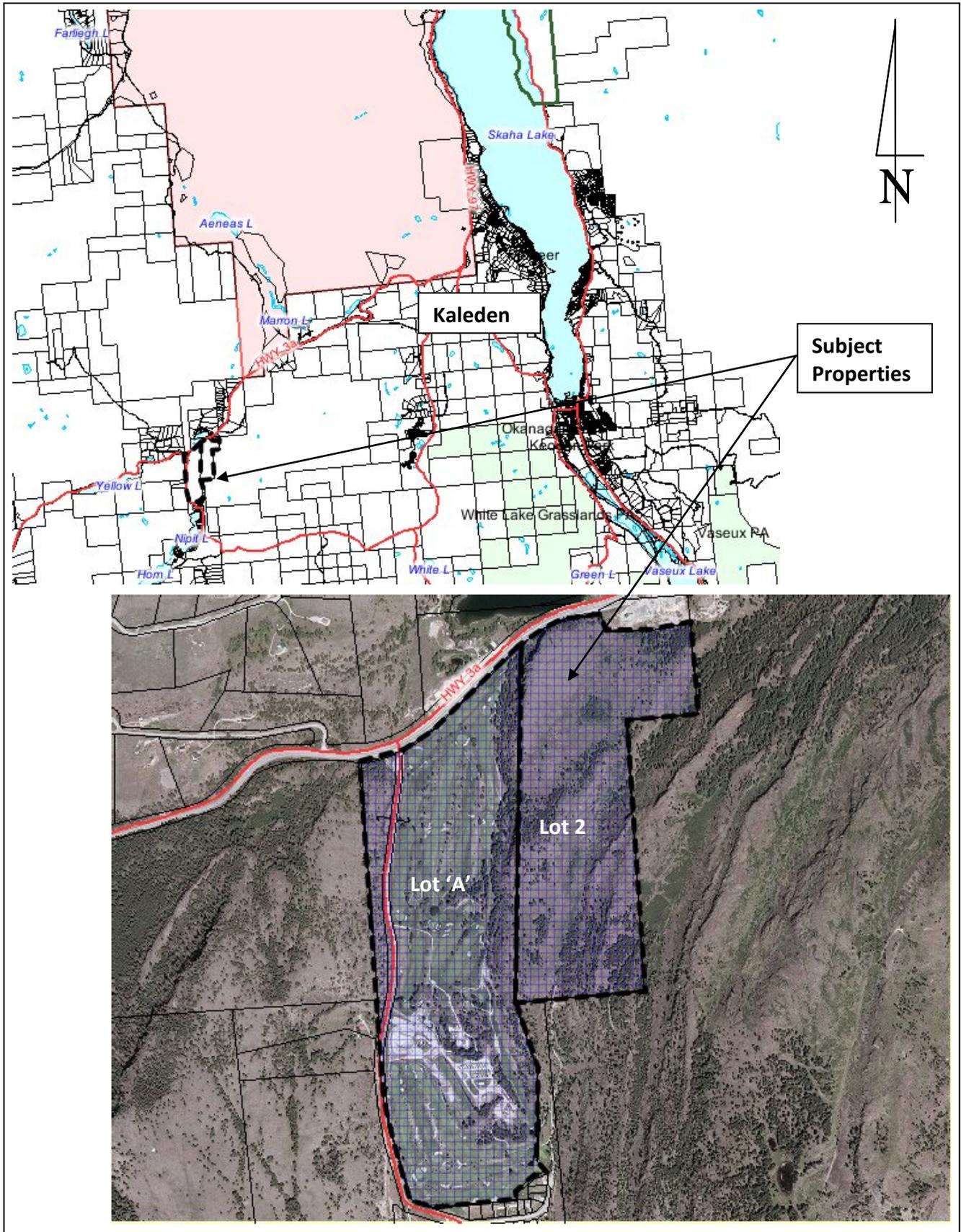
Respectfully submitted:

Stephen Juch

S. Juch, Subdivision Supervisor

Attachment No. 1 – Context Maps

Attachment No. 1 — Context Maps





REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, May 19, 2016

10:00 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Committee Meeting of May 19, 2016 be adopted.

B. Local Government Awareness Week – Introduction

1. Student introductions
 2. Director Introductions
-

C. Policies to be Rescinded

1. Regional Landfill Sites After Hours Access
2. Contaminated Sites Profiles
3. Contaminated Sites Application Agreement for Relocation
4. Landfill Tipping Fees Environmental Clean-up Activities
5. 300 Metre Landfill Buffer Zones
6. Naramata Water Utility Chlorine Protocol for Power Outage

RECOMMENDATION 2

THAT the Corporate Services Committee recommend that the following policies be rescinded:

- **After Hours Access policy**
 - **Contaminated Site Profiles policy**
 - **Contaminated Site Application and Agreement for Relocation**
 - **Landfill Tipping Fees – Environmental Clean-up Fees**
 - **300 Meter Landfill Buffer Zones**
 - **Naramata Water – Chlorine Protocol for Power Outage.**
-

D. 2016 UBCM Meetings

E. Renovation Update

F. Conflict of Interest Exceptions Regulation
1. Regulation

G. Closed Session

RECOMMENDATION 3

THAT in accordance with Section 90(1)(i) of the *Community Charter*, the Board close the meeting to the public on the basis of the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

H. ADJOURNMENT

ADMINISTRATIVE REPORT



TO: Corporate Services Committee
FROM: B. Newell, Chief Administrative Officer
DATE May 19, 2016
RE: Board Policy Review

Administrative Recommendation:

THAT the Corporate Services Committee recommend that the following policies be rescinded:

- **After Hours Access policy**
- **Contaminated Site Profiles policy**
- **Contaminated Site Application and Agreement for Relocation**
- **Landfill Tipping Fees – Environmental Clean-up Fees**
- **300 Meter Landfill Buffer Zones**
- **Naramata Water – Chlorine Protocol for Power Outage**

Reference:

[Regional District of Okanagan-Similkameen Policy Manual](#)

After Hours Access policy – to be rescinded

Contaminated Site Profiles policy - to be rescinded

Contaminated Site Application and Agreement for Relocation – to be rescinded

Landfill Tipping Fees – Environmental Clean-up Fees – to be rescinded

Naramata Water – Chlorine Protocol for Power Outage – to be rescinded

History:

Goal 4.4 of the RDOS Business Plan is to develop a responsive, transparent, effective organization. One of the objectives of this goal is achieved by developing policy framework and reviewing current RDOS policy.

Analysis:

Administration recognizes the need to develop clear policies and as such has committed to implement a process to ensure the timely review and update of Board policies.

In order to achieve this objective, administration will bring forward policies for review at Corporate Services meetings.

The intention is to create relevant, transparent policies which are easy for the public to access and that the Board can be confident basing decisions on.

The Board may access the RDOS Board Policy manual at the referenced hyperlink to view the current policies and track progress of amendments as they occur.

- After Hours Access policy
 - o Covered by Waste Management Service Regulatory Bylaw No. 2535, 2014
- Contaminated Site Profiles policy
 - o Covered by Waste Management Service Regulatory Bylaw No. 2535, 2014
- Contaminated Site Application and Agreement for Relocation policy
 - o Covered by Waste Management Service Regulatory Bylaw No. 2535, 2014 and updated staff procedure
- Landfill Tipping Fees – Environmental Clean-up Fees policy
 - o Covered by current Fees and Charges bylaw
- 300 meter Landfill Buffer Zones policy
 - o Regulations are in each landfill Operational Certificate
- Naramata Water – Chlorine Protocol for Power Outage policy
 - o No longer required because water is sole sourced from the lake. This policy dated back to when the creeks were the water source. We no longer have chlorine at any of the creek intakes

Respectfully submitted:

“Christy Malden”

C. Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

P O L I C Y**POLICY NO: P5360-00.01****Page 1 of 2****SUBJECT: REGIONAL LANDFILL SITES AFTER HOURS ACCESS**

Effective Date	Amendment	Board Resolution	Administered By
December, 1991		B687/91	Public Works Manager
	August, 1995	B415/95	
	December, 1996	B574/96	
	April 15, 1999	B214/99	

After-hours access to deposit refuse or trucked liquid waste at landfills shall not be permitted without a formal agreement between the Regional District of Okanagan-Similkameen and the hauler subject to the hauler providing proof of \$2,000,000 liability insurance together with proof that the Regional District is an “additional named insured.”

After-hours access to collect recyclable materials, including white goods and scrap metal, at landfills shall be permitted on occasion provided that the contractor is already under contract with the Regional District to provide such service and has provided proof of \$2,000,000 liability insurance together with proof that the Regional District is an “additional named insured.” The contractor shall seek the Regional District’s express permission for each after-hours access visit to collect recyclable materials and shall pay 100% of the costs associated with having to staff the landfill during the after-hours visit, if deemed necessary by the Public Works Manager.

The following restrictions to the above shall apply:

a) Campbell Mountain Landfill

After-hours access to deposit refuse or trucked liquid waste at the Campbell Mountain Landfill site is restricted to 6:00 a.m. and 8:30 a.m. on days the landfill is open and for emergency situations, in which case the Regional District will require a minimum of four (4) hours notice of extraordinary after-hours access and the hauler will be responsible to pay for 100% of all incremental landfilling costs.

b) Okanagan Falls Landfill

After-hours access to deposit refuse at the Okanagan Falls Landfill site is prohibited.

c) Oliver Landfill

After-hours access to deposit refuse at the Oliver Landfill site is restricted to 7:00 a.m. and 9:00 a.m. on days the landfill is open and for emergency situations, in which case the Regional District will require a minimum of four (4) hours notice of extraordinary after-hours access and the hauler will be responsible to pay for 100% of all incremental landfilling costs.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

P O L I C Y

POLICY NO: P5280-00.04

Page 1 of 1

SUBJECT: CONTAMINATED SITE PROFILES

Effective Date	Amendment	Board Resolution	Administered By
May, 1996		B206/96	Public Works Manager
	April, 1997	B174/97	

The Contaminated Sites Regulation, under the Waste Management Amendment Act, (1993) requests information regarding the past and present use of a site and basic land descriptions.

Effective April, 1997, the Regional District of Okanagan-Similkameen opted out of accepting contaminated site profiles.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

P O L I C Y**POLICY NO: P5280-00.05****Page 1 of 6****SUBJECT: CONTAMINATED SOILS
APPLICATION & AGREEMENT FOR RELOCATION**

Effective Date	Amendment	Board Resolution	Administered By
August 21, 1997		B320/97	Engineering Services Manager
	February 21, 2002	B117/02	Solid Waste Facilities Coordinator
	March 27, 2003	B231/03E	

The Board has authorized the Engineering Services Manager to accept contaminated soils at the Campbell Mountain Landfill subject to:

- (i) satisfactory verification from the generator's consultant report that the contaminated soils meet all provincial and local conditions (i.e. soils that are below Special Waste or standards described in applicable Provincial Regulations); and
- (ii) completion of required Application Forms and final Approvals:
 - Part I: Application for Contaminated Soil Relocation
 - Part II: Receiving Site Information and Location
 - Part III: Relocation Agreement (between RDOS & Applicant)



REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

Application for Contaminated Soil Relocation

Note: Anything submitted in relation to this Contaminated Soil Relocation Agreement application will become part of the public record and may be made available to the public through the Site Registry as established under the *Waste Management Act*.

PART I

To be completed by or for the owner of the source site from which contaminated soil is to be relocated.

SECTION A - Source Site Information

1. Name of source site owner:

Last First Middle Initial(s) (and / or, if applicable)

Company

2. Name of source site contact person:

Last First Middle Initial(s) (and / or, if applicable)

Company.....

Mailing Address.....

City

Province

Postal Code

Telephone (.....)

Fax (.....)

SECTION B - Source Site Location

Site Identification Number (if available)

Legally Titled, Registered Property

Site Street Address

City Postal Code.....

PID numbers and associated legal descriptions. *Attach an additional sheet if necessary.*

<u>PID</u>	<u>Legal Description</u>
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OR

1. Coordinates (using the North American Datum 1983 convention) for the centre of the site:

Latitude: Degrees Minutes Seconds

Longitude: Degrees Minutes Seconds

Please attach a map of appropriate scale showing the boundaries of the site

Attach additional sheet(s) as necessary

SECTION C - Contaminated Soil Information

1. Soil characterization. *Attach an additional sheet if necessary.*

- Soil volumes to be relocated in cubic metres (m³).
- Soil test results summary. *Include contaminant concentrations and supporting information.*

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.....

.....

2. Soil characterization method. *Attach an additional sheet if necessary.*

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SECTION C – continued:

- 3. Current type of soil storage (e.g. stockpiled, in situ)
- 4. Soil relocation start date (YY-MM-DD)
- 5. Estimated completion date (YY-MM-DD)
- 6. Relocation method (e.g. truck, barge, train)
- 7. Volume per load..... Number of loads

PART II

To be completed by or for the owner or operator of the receiving site to which contaminated soil is to be relocated.

SECTION A - Receiving Site Information

1. Name of receiving site owner / operator:

Last First Middle Initial(s) (and / or, if applicable)

Company

2. Name of receiving site contact person:

Last First Middle Initial(s) (and / or, if applicable)

Company

Mailing Address

CityProvincePostal Code

Telephone (.....)Fax (.....)

SECTION B - Receiving Site Location

Site Street Address

City Postal Code.....

PID numbers and associated legal descriptions. *Attach an additional sheet if necessary.*

<u>PID</u>	<u>Legal Description</u>
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1. Receiving site primary land use. Write in one of commercial, industrial, residential, agricultural or urban park. If none apply, specify the current and anticipated land use.

.....

2. Relocated soil use at the receiving site (e.g. fill, cover)

.....

3. On site location of contaminated soil

.....

PART III

Contaminated Soil Relocation Agreement: To be completed and signed by all parties.

- 1. The above information accurately reflects the volume and quality of the soil to be relocated from the site indicated in Part I, Section B. I know of no regulation, bylaw or other legal restriction which might prohibit the relocation of the soil, as described in Part I, Section 'C', to the indicated receiving site. Further, I will ensure that all permits, manifests and other regulatory and safety requirements that may apply are met.

Signature of Source site owner

Print name

Date (YY-MM-DD)

- 2. The above information accurately reflects the volume and quality of the soil to be relocated from the indicated source site. I know of no regulation, bylaw or other legal restriction which might prohibit the relocation of the soil, as described in Part I, Section C, to the indicated receiving site. Further, I will ensure that all 'chain of custody' protocols are met.

Signature of Receiving site agent

Print name

Date (YY-MM-DD)

- 3. I am prepared to receive the soil as described in Part I, Section C on the indicated site described in Part II, Sections 'A' & 'B', and as covenanted in PART III 1&2. I know of no regulation, bylaw or other legal restriction which might prohibit the relocation of this soil to this site. The answers provided in Part II are accurate to the best of my knowledge.

Signature of Receiving site owner/operator

RDOS Engineering Services Manager

Print name

Date (YY-MM-DD)

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

P O L I C Y

POLICY NO: P5360-00.02**Page 1 of 1****SUBJECT: LANDFILL TIPPING FEES
- ENVIRONMENTAL CLEAN-UP ACTIVITIES**

Effective Date	Amendment	Board Resolution	Administered By
May, 1997	January 22, 2004	B192/97 B020/04	Solid Waste Management Superintendent

- (a) Effective May, 1997 registered societies are exempt from regional landfill tipping fees when engaged in public service activities related to clean-up of the environment.
- (b) Effective December 10, 2003, tipping fees may be waived at the discretion of the elected Director and Solid Waste Management Superintendent for public service activities related to clean-up of the environment.

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

P O L I C Y

POLICY NO: P5360-00.03**Page 1 of 1****SUBJECT: 300 METRE LANDFILL BUFFER ZONES****Effective Date**
September 17, 1998**Amendment****Board Resolution**
SB159/98**Administered By**
Public Works Manager
Director of Planning & Bldg.

The Board established the following policy:

1. All rezoning and land use documents pertaining to properties located within 300m of a landfill site are to be referred to the Ministry of Environment (MOE) for recommendations re landfill buffer requirements prior to any Board consideration; and
2. that funding be allocated within the Okanagan Falls, Oliver and Keremeos Landfill 1999 budgets to complete operational plans and address buffer requirements and finalize operating certificate details to comply with Ministry of Environment Landfill criteria unless specific exemptions from the District's Solid Waste Management Plan implementation requirements can be obtained from the MOE; and

that an exemption from the District's RSWMP implementation (re hydrogeological study) be sought from the Ministry of Environment for the Okanagan Falls Landfill site; and
3. that a letter be forwarded to the Osoyoos, Princeton and Summerland Municipal Councils encouraging them to complete operational plans and identify buffer zone requirements and consider the adoption of a Policy that states that all rezoning and land use documents pertaining to properties located within 300m of a landfill site be referred to the Ministry of Environment for recommendations re landfill buffer requirements prior to any Council consideration

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

P O L I C Y**POLICY NO: P5600-00.01****Page 1 of 4****SUBJECT: NARAMATA WATER UTILITY
CHLORINE PROTOCOL FOR POWER OUTAGE****Effective Date**
July, 1997**Amendment****Board Resolution**
SB265/97**Administered By**
Public Works ManagerThe Safe Drinking Water Regulation, 1992 states as follows:*"Health Hazards*

3. (1) *Where in the opinion of the Minister. The quality of water in a water works system is, or may become, a health hazard,*
 - (a) *the water purveyor must notify all users served by the water works system of the existing or potential health hazard, and*
 - (b) *the water purveyor must seek approval from the Minister regarding.*
 - (i) *the manner by which the users are to be notified,*
 - (ii) *the wording of the notification,*
 - (iii) *the time period of the notification,*
 - (iv) *the frequency of repeat notice to be issued while the health hazard continues.*
- (2) *Where the water purveyor fails to take action as required under subsection (1) (a), the minister may order the purveyor to notify the users of the hazard.*
- (3) *Where the risk of waterborne disease has been identified by the minister, a water purveyor must take immediate action to minimize the risk to the satisfaction of the minister."*

**SUBJECT: NARAMATA WATER UTILITY
CHLORINE PROTOCOL FOR POWER OUTAGE**

PROTOCOL

In case of a power outage in Naramata that affects the gravity intakes, North Intake (Robinson Creek) or the South Intake (Naramata Creek) the following protocol should be followed:

1. The operator on call shall call a "Boil Water Advisory" immediately.
2. The operator will phone immediately for assistance. The operator shall speak to the assistant (No messages via voice mail). The assistant should be able to respond to the offices (water or RDOS Office) within 15 minutes.
3. The operator on call will go to the affected Intake(s) and take steps to start the chlorinator by means of emergency power.
4. When both intakes are affected the emergency power supply shall go to the intake with the highest flow (usually this will be the south intake).
5. If there are low flows in the distribution system the emergency power supply shall be installed at the south intake, and the north intake shall be taken out of service.
6. The second operator shall establish radio communications immediately after arriving at the water or RDOS Office, with the operator in charge.
7. After establishing radio contact follow the man check procedures, and start with notifying the following people or institutions with the following message:

Message to all on the Contact List

"Due to the power failure a 24 Hour boil water advisory is in effect for all of Naramata

**SUBJECT: NARAMATA WATER UTILITY
CHLORINE PROTOCOL FOR POWER OUTAGE**

7. CONTACT LIST

	<u>PHONE</u>	<u>FAX</u>
Penticton Fire Dispatch:	492-4209	492-4288
Email fire-dispatch@city.penticton.bc.ca		

Interior Health Authority		
Rob Birtles	770-3545 (w)	770-3470
Gundie Volk	770-3497 (w)	490-0143 cell
Ron Johnston	770-3523 (w)	770-3470
Alanna	770-3530	770-3470
MOH Dr. Moorhead	250-868-7834 (w)	250-862-4201
Alternate phone numbers	250-979-7665 250-862-3139 Res.	250-712-8914 pager

Naramata School	496-5225	North
Linda Pope School Secretary	496-5378	
Naramata Co-op	496-5233	496-5625 Home North
Naramata Centre	496-5751	490-7385 Emergency North
Naramata Store	496-5450	493-4062

Local Establishments		
Camp Creek Station	496-5655	North
China Beach	496-5550	North
Country Squire	496-5416	North
Real Things	496-4008	North
Village Motel	496-5535	North
B.C. Motel	496-5482	North
Royal Anchor Resort	496-5492	North
Sandy Beach Lodge	496-5765	North
Elephant Island	496-5522	
Naramata Heritage Inn	496-6808	

Farm Gate Wineries		
Lang Vineyards	496-5987	South
Lake Breeze Vineyards	496-5659	South
Nichol Vineyards	496-5962	South
Kettle Valley Vineyards	496-5898	North
Red Rooster	496-4041	496-5674 North

News:	Penticton Herald	490-0880 Ext 300 or John Moorehouse Ext. 304	
Radio:	CIGV. FM	493-6767	
	Magic FM. CKOR. AM.	493-6397	Fax 493-0370
	CBC	861-3781	Fax 861-6644
	CBC weekends Van News Radio	604-6612-6990	
TV:	CHBC	762-4535	News Room.1-800-663-3929
	CHBC Pager	1-800-822-6220	

REGIONAL DISTRICT OKANAGAN SIMILKAMEEN

		Work	
Administrator	V. Sutton	490-4104	490-7469 Cell
ES Manager	D. Duckworth	490-4142	497-5326
Utilities Supervisor	D. Gold	490-4103	490-7198 Cell 496-5510 Home
Director Area E	T. Chapman	492-7737	496-5123

FAX GROUP DIAL *05

CHBC TV	1-250-868-0662
CBC Radio	1-250-861-6644
Magic FM& CKOR	493-0370
CIGV FM Radio	493-0098
Penticton Herald	492-2403
Naramata Store	496-4062
Public Health - Penticton	770-3470 Rob Birtles
Public Health - Kelowna	1-250-868-7760 Ken Cooper
Public Health - Kelowna	1-250-862-4201 Dr. Moorehead
Naramata Centre	496-5800
Naramata School	496-5172
Naramata Co-op (Sun Fresh)	496-5413
Naramata Fire Dept.	496-5393
Naramata Pub	496-5594
Penticton Dispatch	492-4288
Nichol Vineyard	496-4275
Lake Breeze Vineyard	496-5894
Red Rooster Vineyard	496-5674
Lang's Vineyard	496-5706
Elephant Island Vineyard	496-5521
B.C. Motel	496-5482 * Forwards to cell phone
Village Motel	496-5744
Naramata Heritage Inn & Spa	496-5064
Sandy Beach Lodge	496-5765
Kettle Valley Winery	496-5298
Real Thing Pizza	496-4008

**SUBJECT: NARAMATA WATER UTILITY
CHLORINE PROTOCOL FOR POWER OUTAGE**

PROTOCOL

- continued:

8. A "Boil Water Advisory" shall be called for a minimum of 24 hours.

Within these 24 hours the operator shall take chlorine residual samples throughout the districts distribution systems, and all samples shall have a free chlorine residual of 0.5 ppm. or higher.

If the operator does not have these residuals, the boil water advisory shall be extended for an another 24 hours until the required residuals are present throughout the district.

9. Media:

Any information given to the press, other than the above message shall be at the discretion of the local Electoral Area Director.

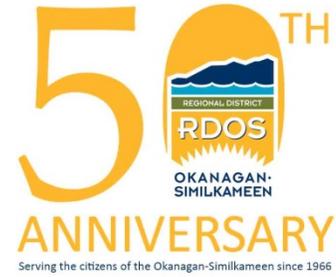
ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: May 19, 2016

RE: 2016 UBCM Meetings – For Information Only



UBCM will take place September 26 through 30 in Victoria. Cabinet Ministers and provincial staff will be available at the convention to meet with delegates.

The typical process involves the Board identifying issues they would like to discuss with the Province, Administration will submit the list, we'll prepare a Briefing Note for the Board and the Minister and we'll be advised shortly before the conference if our meeting request has been approved with a time and location.

It would be beneficial if, at this time, the Board could identify issues that they may wish to pursue.

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 226

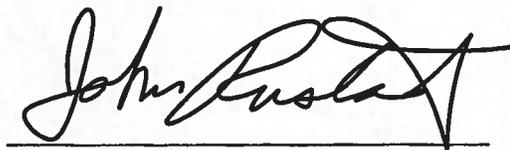
, Approved and Ordered April 14, 2016


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the attached Conflict of Interest Exceptions Regulation is made.


Minister of Community, Sport and Cultural
Development and Minister Responsible for
TransLink


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Community Charter*, S.B.C. 2003, c. 26, s. 104 (1) (e); *Greater Vancouver Sewerage and Drainage Act*, S.B.C. 1956, c. 59, s. 8 (5); *Greater Vancouver Water District Act*, S.B.C. 1924, c. 22, s. 10 (5); *Islands Trust Act*, R.S.B.C. 1996, c. 239, s. 6 (7)

Other: _____

March 22, 2016

R/1090/2015/33

CONFLICT OF INTEREST EXCEPTIONS REGULATION

Definitions

1 In this regulation:

“**Act**” means the *Community Charter*;

“**council representative**” means a member of a municipal council appointed by that council to the board of an entity;

“**entity**” means any of the following:

- (a) a society or extraprovincial society;
- (b) a corporation, other than a society or extraprovincial society, incorporated by a public authority, that provides a service to the following:
 - (i) a municipality of which a council member is appointed to the board of the corporation;
 - (ii) a regional district of which a regional district director is appointed to the board of the corporation;
 - (iii) a greater board of which a board member is appointed to the board of the corporation;
 - (iv) the Islands Trust of which an Islands Trust trustee is appointed to the board of the corporation;

“**extraprovincial society**” has the same meaning as in the *Society Act*;

“**governing body**” means any of the following:

- (a) the council of a municipality;
- (b) the board of a regional district;
- (c) the board of a greater board;
- (d) the trust council;

“**greater board representative**” means a member of a board of a greater board appointed by that board to the board of an entity;

“**Islands Trust representative**” means an Islands Trust trustee appointed by the trust council to the board of an entity;

“**Islands Trust trustee**” means a local trustee or a municipal trustee within the meaning of the *Islands Trust Act*;

“**regional district director**” means a director in relation to a regional district within the meaning of the *Local Government Act*;

“**regional district representative**” means a regional district director appointed by the board of a regional district to the board of an entity;

“**representative**” means any of the following:

- (a) a council representative;
- (b) a regional district representative;
- (c) a greater board representative;
- (d) an Islands Trust representative;

“**society**” has the same meaning as in the *Society Act*;

“specified interest” means any of the following:

- (a) an expenditure of public funds to or on behalf of an entity;
- (b) an advantage, benefit, grant or other form of assistance to or on behalf of an entity;
- (c) an acquisition or disposition of an interest or right in real or personal property that results in an advantage, benefit or disadvantage to or on behalf of an entity;
- (d) an agreement respecting a matter described in paragraphs (a), (b) or (c).

Nature of pecuniary interest

2 For the purposes of section 104 (1) (e) [*exceptions from conflict restrictions*] of the Act, a pecuniary interest in relation to a representative in the nature of a specified interest that arises as a result of

- (a) the representative being appointed by a governing body to the board of the entity, and
- (b) the representative
 - (i) attending any part of a meeting during which the specified interest is under consideration by the following:
 - (A) the governing body;
 - (B) a committee of the governing body;
 - (C) any other body referred to in section 93 [*application of rules to other bodies*] of the Act,
 - (ii) participating in any discussion of the specified interest at such a meeting, or
 - (iii) voting on a question in respect of the specified interest at such a meeting

is prescribed.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, May 19, 2016

1:00 p.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of May 19, 2016 be adopted.

1. Consent Agenda – Corporate Issues

a. Corporate Services Committee – April 28, 2016

THAT the Minutes of the April 28, 2016 Corporate Services Committee be received.

b. Community Services Committee – April 28, 2016

THAT the Minutes of the April 28, 2016 Community Services Committee be received.

c. Environment and Infrastructure Committee – April 28, 2016

THAT the Minutes of the April 28, 2016 Environment and Infrastructure Committee be received.

THAT the Board of Directors support the application for operational funding for Fuel Management Prescription for the Okanagan Falls Sanitary Landfill.

d. Planning and Development Committee – April 28, 2016

THAT the Minutes of the April 28, 2016 Planning and Development Committee be received.

THAT the Regional District of Okanagan-Similkameen establish a sub-regional conservation fund with participants include the Okanagan members (Penticton, Summerland, Oliver, Osoyoos, A, C, D, E, F); and further,

THAT the average requisition amount be set at \$10/household, actual taxation basis be ad valorem and the term of the fund be 5 years renewable; and further,

THAT investment decisions for the fund be made by participants based on the recommendations of a Technical Advisory Committee (similar to the Water Stewardship Committee for the OBWB); and further,

THAT public assent be obtained through AAP and referendum if required.

e. Protective Services Committee – April 28, 2016

THAT the Minutes of the April 28, 2016 Protective Services Committee be received.

f. RDOS Regular Board Meeting – April 28, 2016

THAT the minutes of the April 28, 2016 RDOS Regular Board meeting be adopted.

g. RDOS Regular Board Meeting – May 5, 2016, 2016

THAT the minutes of the May 5, 2016 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. Agricultural Land Commission Referral (Subdivision), B. Cutler et al, 1540 Marron Valley Road, Electoral Area “D”

THAT the RDOS Board “authorise” the application to undertake a three lot subdivision at 1540 Marron Valley Road (District Lot 3100S, SDYD) in Electoral Area “D” to proceed to the Agricultural Land Commission.

b. Development Variance Permit, Doell/Kampe

i. Permit

THAT the Board of Directors approve Development Variance Permit No. F2016.033–DVP

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

THAT the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F” & “H” – Accessory Structures

- a. Bylaw No. 2730, 2016
- b. Public Hearing Report – May 19, 2016 (verbal)
- c. Responses Received

To update the regulations that pertain to the development of “accessory buildings and structures” by clarifying the use of such structures (i.e. no living facilities) as well as the number and size of washrooms and showers that may be installed. These amendments are being pursued in conjunction with an update of the Board’s Policy on the decommissioning of a dwelling unit.

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2730, 2016, Regional District of Okanagan-Similkameen Update of General Regulations for Accessory Structures Amendment Bylaw be read a third time.

- 2. Voluntary Discharge of Land Use Contract No. LU-3-D; and Zoning Bylaw Amendment – P. Kerr, 130 Apple Court, Heritage Hills, Electoral Area “D”**
- a. Bylaw No. 2455.25, 2016
 - b. Responses

To allow for the “voluntary discharge” of Land Use Contract No. LU-3-D and its replacement with a Small Holdings Five Site Specific zoning under the Electoral Area “D-2” Zoning Bylaw

RECOMMENDATION 5 (Unweighted Corporate Vote – 2/3 Majority)

THAT Bylaw No. 2455.25, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a third time and adopted.

- 3. Official Community Plan and Zoning Bylaw Amendment, P. Duttonhoffer, 1916 Kennedy Lake Road, Electoral Area “H”**
- a. Bylaw No. 2497.06, 2016
 - b. Bylaw No. 2498.08, 2015
 - c. Bylaw No. 2498 Schedule D
 - d. Public Hearing Report – May 17, 2016 (verbal)
 - e. Responses Received

To formalise the existence of recreational units that have been placed on the subject property.

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2497.06, 2016, Electoral Area “H” Official Community Plan Amendment Bylaw be read a third time; and,

THAT Bylaw No. 2498.08, 2015, Electoral Area “H” Zoning Amendment Bylaw be read a third time, as amended.

- 4. Temporary Use Permit, S. Janzen, 2835 Arawana Place, Electoral Area “E”**
- a. Permit
 - b. Responses Received

To allow for the operation of a short-term vacation rental use

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors approve Temporary Use Permit No. E2015.130-TUP.

- 5. Temporary Use Permit Application, Kettle Ridge Development Corp, 2697 Workman Place, Naramata, Electoral Area “E”**
- a. Permit
 - b. Responses Received

To allow a gravel crushing operation use for the construction of roads and building sites

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors approve Temporary Use Permit No. E2016.028-TUP.

- 6. Development Variance Permit, R. & M. Lesnoski, 513 Sunglo Drive, Electoral Area “F”**
- a. Permit
 - b. Responses Received

To formalize the siting of an existing accessory building (garage/shop)

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

THAT the Board of Directors approve Development Variance Permit No. F2016.009–DVP.

- 7. Nondisclosure Agreement with Telus Communications Company**

RECOMMENDATION 10 (Unweighted Corporate Vote – Simple Majority)

THAT the Board enter into a Nondisclosure Agreement with Telus Communications Company and that each Regional Director sign the Agreement.

C. COMMUNITY SERVICES – Rural Projects**1. Area “D” and “E” Park Planning and Design – Expression of Interest Award**

- a. Request for Expression of Interest

RECOMMENDATION 11 (Weighted Corporate Vote – Majority)

THAT the Board of Directors award the Area “D” and “E” Park Planning and Design to L.A. West for \$46,127.70 plus applicable taxes;

AND THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the Contracting Service Agreement.

2. License to Use Agreement - Community Parks

- a. Agreement

To authorize a formal License to Use Agreement with the Town to augment the provisions of the original 2004 agreement with the Oliver Parks & Recreation Society.

RECOMMENDATION 12 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the License to Use Agreement between the Town of Oliver and Regional District of Okanagan-Similkameen for the community parks legally described as:

PID 011-024-402, Lot 707, DL 24505, SDYD, Plan 2133 (Rotary Beach.6759 Lakeside Drive);

PID 006-278-159, Lot 362, DL 24505, SDYD, Plan KAP1996, Except Plans A1274, 18418, 20723, 30688 and Plan 38045 (Oliver Community Park, 799 McKinney Road);

PID 008-354-197, Lot 985, DL 24508, SDYD, Plan 17753 Except Plan KAP90396 (Oliver Lions Park, 6607 Main Street); and

PID 023-973-803, Lot A, DL 24508, SDYD, Plan KAP60696 Except Plan KAP67689 (Oliver Kinsmen Park, 255 Fairview Road).

D. PUBLIC WORKS - Engineering**1. New Building Canada Fund Grant Application Resolution****a. Grant Program Guide**

To provide an updated supporting resolution to the New Building Canada Fund – Small Communities Fund grant program for our recent submission for the Skaha Estates and Kaleden Sewering Project – Phase 1 as requested by the grant reviewers at the Ministry of Community, Sports and Cultural Development

RECOMMENDATION 13 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors commit to proceeding with the Skaha Estates and Kaleden Sewering Project and commit to approve borrowing of funds after completion of a successful referendum in the new service areas provided grant funding is received from the New Building Canada Fund – Small Communities Fund for this project.

E. OFFICE OF THE CAO**1. Board Policies**

- a. Information Systems Use and Social Media Policy – clean
- b. Information Systems Use and Social Media Policy – mark up

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors adopt the revised Information Systems Use and Social Media Policy as presented to the Corporate Services Committee on April 28, 2016.

2. Boundary Adjustment – Electoral Area “B” and “G”

RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)

THAT the Board of Directors supports an amendment to boundary between Electoral Areas “B” and “G” as represented by the Province so it aligns to the RDOS Electoral Area boundary.

3. Local Government Awareness Week - Visiting Students/Board of Directors question period

F. CAO REPORTS**1. Verbal Update**

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

2. Board Representation

- a. Municipal Finance Authority (MFA) – *Pendergraft*
 - a) Report from the MFA Chair
 - b. Okanagan Basin Water Board (OBWB) – *McKortoff, Martin, Waterman*
 - a) May report
 - c. Okanagan-Kootenay Sterile Insect Release Board (SIR) - *Bush*
 - d. Okanagan Regional Library (ORL) - *Kozakevich*
 - e. Okanagan Film Commission (OFC) - *Jakubeit*
 - f. Southern Interior Beetle Action Coalition (SIBAC) - *Armitage*
 - g. Southern Interior Municipal Employers Association (SIMEA) - *Kozakevich*
 - h. Southern Interior Local Government Association (SILGA) – *Konanz*
 - i. Starling Control - *Bush*
 - j. UBC Water Chair Advisory Committee - *Bauer*
-

3. Directors Motions

4. Board Members Verbal Update

H. ADJOURNMENT



**Minutes are in DRAFT form and are subject
to change pending approval by Regional District Board**

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, April 28, 2016

12:00 pm

Minutes

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair A. Jakubeit, City of Penticton
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 E. Christensen, 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 C. Rhodes, Alt. Town of Osoyoos
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 S. McKortoff, Town of Osoyoos

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

IT WAS MOVED AND SECONDED

THAT the Agenda for the Corporate Services Committee Meeting of April 28, 2016 be adopted. - **CARRIED**

B. Amendment to the Information Systems Use and Social Media Policy

1. Proposed policy

To include smartphone PINs in the policy.

RECOMMENDATION 2

It was MOVED and SECONDED

THAT the Corporate Services Committee recommend that Board of Directors endorse the proposed amendment to the Information Systems Use and Social Media Policy as presented to the Corporate Services Committee on April 28, 2016. - **CARRIED**

C. Quarterly Report

1. Communication Committee Update

The committee was advised of the activities of the first quarter of 2016 and the planned activities for the second quarter.

D. Outstanding Board Action

The Committee reviewed the outstanding action from previous Board meetings.

E. Local Governance Awareness Week

The Committee was advised that Local Governance Awareness week is May 15-21, 2016. The Regional District will recognize the event by inviting students in grades 10 and 11 who are in Leadership Programs or sit on Student Council to attend the RDOS Board meeting on May 19, 2016. Additionally, displays are planned for Oliver, Keremeos, and Penticton in conjunction with those municipalities.

F. 2016 Corporate Action Plan

The Committee reviewed the 2016 Corporate Action Plan.

G. ADJOURNMENT

By consensus, the meeting adjourned at 12:41 p.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
RDOS Board Chair

B. Newell
Corporate Officer



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to change pending approval by Regional District Board**

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Community Services Committee

Thursday, April 28, 2016

12:49 pm

Minutes

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair R. Hovanes, Town of Oliver
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 E. Christensen, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

Director A. Jakubeit, City of Penticton
Director H. Konanz, City of Penticton
Director A. Martin, City of Penticton
Director C. Rhodes, Alt. 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 S. McKortoff, Town of Osoyoos

STAFF PRESENT:

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

M. Woods, Manager of Community Services

A. APPROVAL OF AGENDA

RECOMMENDATION 1

IT WAS MOVED AND SECONDED

THAT the Agenda for the Community Services Committee Meeting of April 28, 2016 be adopted. - **CARRIED**

B. First Quarter Activity Report

The Committee was advised of the activities of the first quarter of 2016 and the planned activities of the second quarter.

C. ADJOURNMENT

By consensus, the Community Services Committee meeting of April 28, 2016 adjourned at 12:55 p.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
Community Services Committee Chair

B. Newell
Chief Administrative Officer



**Minutes are in DRAFT form and are subject
to change pending approval by Regional District Board**

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, April 28, 2016

12:42 pm

Minutes

MEMBERS PRESENT:

Chair T. Siddon, Electoral Area "D"	Director R. Hovanes, Town of Oliver
Vice Chair K. Kozakevich, Electoral Area "E"	Director A. Jakubeit, City of Penticton
Director F. Armitage, Town of Princeton	Director H. Konanz, City of Penticton
Director M. Bauer, Village of Keremeos	Director A. Martin, City of Penticton
Director T. Boot, District of Summerland	Director C. Rhodes, Alt. Town of Osoyoos
Director M. Brydon, Electoral Area "F"	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director T. Schafer, Electoral Area "C"
Director E. Christensen, Electoral Area "G"	Director J. Sentes, City of Penticton
Director B. Coyne, Electoral Area "H"	Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director S. McKortoff, Town of Osoyoos

STAFF PRESENT:

B. Newell, Chief Administrative Officer	R. Huston, Public Works Manager
C. Malden, Manager of Legislative Services	

A. APPROVAL OF AGENDA

RECOMMENDATION 1

IT WAS MOVED AND SECONDED

THAT the Agenda for the Environment and Infrastructure Committee Meeting of April 28, 2016 be adopted as amended to change the order of business by bringing forward Item D and then Item C before Item B. - **CARRIED**

D. Wildfire Protection Program Okanagan Falls Sanitary Landfill

The Committee was advised that the Strategic Wildfire Prevention Initiative is a suite of funding programs administered by UBCM and managed through the Provincial Fuel Management Working Group. Since 2004, the initiative has supported communities to mitigate risk from wildfire in wildfire urban interface.

RECOMMENDATION 2

It was MOVED and SECONDED

THAT the Board of Directors support the application for operational funding for Fuel Management Prescription for the Okanagan Falls Sanitary Landfill. - **CARRIED**

C. First Quarter Activity Report

The Committee was advised of the activities of the first quarter of 2016 and the planning activities for the second quarter.

B. Delegation

Deb Thorneycroft, Okanagan Upcycle Resource Society

Ms. Thorneycroft provided the committee with an update of the Society's activities and requested to use a portion of the Okanagan Falls landfill site as a backup storage yard.

E. ADJOURNMENT

By consensus, the Environment and Infrastructure Committee meeting of April 28, 2016 adjourned at 1:59 p.m.

APPROVED:

CERTIFIED CORRECT:

T. Siddon
Environment and Infrastructure Committee Chair

B. Newell
Chief Administrative Officer



**Minutes are in DRAFT form and are subject
to change pending approval by Regional District Board**

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, April 28, 2016

9:00 a.m.

Minutes

MEMBERS PRESENT:

Chair M. Brydon, Electoral Area "F"	Director K. Kozakevich, Electoral Area "E"
Vice Chair G. Bush, Electoral Area "B"	Director H. Konanz, City of Penticton
Director F. Armitage, Town of Princeton	Director A. Martin, City of Penticton
Director M. Bauer, Village of Keremeos	Director C. Rhodes, Alt. Town of Osoyoos
Director T. Boot, District of Summerland	Director M. Pendergraft, Electoral Area "A"
Director E. Christensen, Electoral Area "G"	Director T. Schafer, Electoral Area "C"
Director B. Coyne, Electoral Area "H"	Director J. Sentes, City of Penticton
Director R. Hovanes, Town of Oliver	Director T. Siddon, Electoral Area "D"
Director A. Jakubeit, City of Penticton	Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director S. McKortoff, Town of Osoyoos

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Planning and Development Committee Meeting of April 28, 2016 be adopted. - **CARRIED**

B. Conservation Fund

1. PowerPoint

Dave Hillary, Program Manager for Kootenay Conservation Program and Bryn White, Program Manager for South Okanagan-Similkameen Conservation Program presented a PowerPoint Presentation outlining conservation work in the Kootenays.

Chair Brydon relinquished the Chair.

It was MOVED and SECONDED

THAT the Regional District of Okanagan-Similkameen establish a sub-regional conservation fund with participants include the Okanagan members (Penticton, Summerland, Oliver, Osoyoos, A, C, D, E, F); and further,

THAT the average requisition amount be set at \$10/household, actual taxation basis be *ad valorem* and the term of the fund be 5 years renewable; and further,

THAT investment decisions for the fund be made by participants based on the recommendations of a Technical Advisory Committee (similar to the Water Stewardship Committee for the OBWB); and further,

THAT public assent be obtained through AAP and referendum if required. - **CARRIED**

Chair Brydon reassumed the chair.

C. First Quarter Activity Report

The Committee was advised of the activities that occurred in the first quarter of 2016 and the planned activities for the second quarter.

D. ADJOURNMENT

By consensus, the Planning and Development Committee meeting of April 28, 2016 adjourned at 10:11 a.m.

APPROVED:

CERTIFIED CORRECT:

M. Brydon
Planning and Development Committee Chair

B. Newell
Corporate Officer



**Minutes are in DRAFT form and are subject
to change pending approval by Regional District Board**

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, April 28, 2016

10:00

Minutes

MEMBERS PRESENT:

Chair A. Jakubeit, City of Penticton	Director R. Hovanes, Town of Oliver
Vice Chair T. Schafer, Electoral Area "C"	Director H. Konanz, City of Penticton
Director F. Armitage, Town of Princeton	Director K. Kozakevich, Electoral Area "E"
Director M. Bauer, Village of Keremeos	Director A. Martin, City of Penticton
Director T. Boot, District of Summerland	Director C. Rhodes, Alt. Town of Osoyoos
Director M. Brydon, Electoral Area "F"	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director J. Sentes, City of Penticton
Director E. Christensen, Electoral Area "G"	Director T. Siddon, Electoral Area "D"
Director B. Coyne, Electoral Area "H"	Director P. Waterman, District of Summerland

MEMBERS ABSENT:

Director S. McKortoff, Town of Osoyoos

STAFF PRESENT:

B. Newell, Chief Administrative Officer	C. Malden, Manager of Legislative Services
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A. APPROVAL OF AGENDA

RECOMMENDATION 1

IT WAS MOVED AND SECONDED

THAT the Agenda for the Protective Services Committee Meeting of April 28, 2016 be adopted as amended to adjust the order of business by bringing forward Item C before Item B. - **CARRIED**

C. Superintendent Kevin Hewco, OIC Penticton, RCMP South Okanagan Similkameen Regional Detachment and Kristen Marshall.

[Summerland and area statistics](#)

[Penticton and area statistics](#)

[Oliver and area statistics](#)

[Osoyoos and area statistics](#)

[Keremeos and area statistics](#)

[Princeton and area statistics](#)

Superintendent Hewco presented his quarterly report on policing issues within the Regional District.

- B.** Warden Steve diCastrì, BC Corrections
Warden DiCastrì provided an update regarding the construction of the Okanagan Correctional Centre, an overview of program structure, and the inmates that will be housed there.

Chair departed 10:40, vice chair assumed the chair

- D.** First Quarter Activity Report
The Committee was advised of the activities of the first quarter of 2016 and the planned activities of the second quarter.
-

E. ADJOURNMENT

By consensus, the Protective Services Committee meeting of April 28, 2016 adjourned at 11:13 a.m.

APPROVED:

CERTIFIED CORRECT:

A. Jakubeit
Protective Services Committee Chair

B. Newell
Chief Administrative Officer



**Minutes are in DRAFT form and are subject
to change pending approval by Regional District Board**

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 2:30 p.m. Thursday, April 28, 2016 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"
Vice Chair A. Jakubeit, City of Penticton
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 E. Christensen, 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 C. Rhodes, Alt. Town of Osoyoos
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 S. McKortoff, Town of Osoyoos

STAFF PRESENT:

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

R. Huston, Manager of Public Works
M. Woods, Manager of Community Services

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 April 28, 2016 be amended by adding:
Item E4 Alternate Approval Process for Electoral Area "E" Parkland Acquisition.

CARRIED

1. Consent Agenda – Corporate Issues

a. Corporate Services Committee – April 7, 2016

THAT the Minutes of the April 7, 2016 Corporate Services Committee be received.

THAT the Board approve an annual closure of the RDOS office at 101 Martin Street for the three days between Christmas and New Year's.

b. Community Services Committee – April 7, 2016

THAT the Minutes of the April 7, 2016 Community Services Committee be received.

- c. Protective Services Committee – April 7, 2016
THAT the Minutes of the April 7, 2016 Protective Services Committee be received.
- THAT staff research existing service arrangements for delivery of Victim Services in other Regional Districts and report back to the Committee with options.*
- d. RDOS Regular Board Meeting – April 7, 2016
THAT the minutes of the April 7, 2016 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**

2. Consent Agenda – Development Services
- a. Development Variance Permit Application, D. & R. Keith, 805 Vedette Drive, Electoral Area “F”
- i. Permit
THAT the Board of Directors approve Development Variance Permit No. F2016.003–DVP.
- b. Development Variance Permit Application, M. & A. Wolleben, 3165 Juniper Drive, Electoral Area “E”
- i. Permit
THAT the Board of Directors approve Development Variance Permit No. E2016.018–DVP.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Okanagan Falls Town Centre Plan

RECOMMENDATION 4 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Phase 2 Okanagan Falls Town Centre Revitalization Visioning Exercise report, dated December 2015, be accepted as a guide for future policy planning for the community. - **CARRIED**

Opposed: Director Bush,

2. Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F” & “H”
 - a. Bylaw No. 2730
 - b. Responses Received

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2730, 2016, Regional District of Okanagan-Similkameen Update of General Regulations for Accessory Structures Amendment Bylaw be read a first and second time. - **CARRIED**

RECOMMENDATION 6 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of May 19, 2016; and,

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

3. Voluntary Discharge of Land Use Contract No. LU-3-D; and Zoning Bylaw Amendment, P. Kerr, 130 Apple Court, Electoral Area “D”
 - a. Bylaw No. 2455.25
 - b. Responses Received

RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2455.25, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a first and second time;

THAT pursuant to sub-section 464 of the *Local Government Act*, the Regional District Board resolves to waive the holding of a public hearing for Zoning Amendment Bylaw 2455.25, 2016; and,

THAT pursuant to sub-section 467 of the *Local Government Act*, staff give notice of the waiving of the public hearing for Zoning Amendment Bylaw 2455.25, 2016.

CARRIED

4. OCP and Zoning Bylaw Amendment, Palomino Estates, 4800 North Naramata Road, Electoral Area “E”
 - a. Bylaw No. 2458.09
 - b. Bylaw No. 2459.18
 - c. Public Hearing Report – April 13, 2016
 - d. Responses Received

Director Kozakevich advised that the public hearing report was an accurate reflection of what took place at the public hearing held on April 13, 2016.

RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the public hearing report be received. - **CARRIED**

RECOMMENDATION 9 (Unweighted Rural Vote – 2/3 Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2458.09, 2016, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.18, 2016, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted. - **CARRIED**

5. Official Community Plan and Zoning Bylaw Amendment, P. Duttonhoffer, 1916 Kennedy Lake Road, Electoral Area “H”
 - a. Bylaw No. 2497.06
 - b. Bylaw No. 2498.08
 - c. Schedule Y-2/“Schedule 4 Kennedy Lake Recreational Use Area”

RECOMMENDATION 10 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2497.06, 2016, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.08, 2016, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated April 28, 2016, 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 has considered Amendment Bylaw No. 2497.06, 2016, in conjunction with its Financial and applicable Waste Management Plans. - **CARRIED**

RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)
It was MOVED and SECONDED

THAT the holding of the public hearing be delegated to Director Coyne or delegate;

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

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

C. ENGINEERING SERVICES

1. Similkameen Valley Watershed Plan – Phase 3

RECOMMENDATION 12 (Weighted Corporate Vote –Majority)
It was MOVED and SECONDED

THAT the Board approve the award of Phase 3 of the Similkameen Valley Watershed Plan project to Associated Environmental Consultants Inc. at a cost of \$139,215.00 plus GST. - **CARRIED**

D. COMMUNITY SERVICES – Recreation Services

1. Kaleden Parks & Recreation Commission Appointment

RECOMMENDATION 13 (Unweighted Corporate Vote – Simple Majority)
It was MOVED and SECONDED

THAT the Board appoint Jennifer Charlish as a member of the Kaleden Parks & Recreation Commission. - **CARRIED**

2. Okanagan Falls Parks & Recreation Commission Rescinding Appointment

RECOMMENDATION 14 (Unweighted Corporate Vote – Simple Majority)
It was MOVED and SECONDED

THAT the Board rescind the appointment Julie Feller from the Okanagan Falls Parks & Recreation Commission;

AND THAT a letter is forwarded to Ms. Feller thanking her for her contribution to the Okanagan Falls Parks & Recreation Commission. - **CARRIED**

E. OFFICE OF THE CAO**1. Advisory Planning Commission Resignations****RECOMMENDATION 15 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board of Directors accept the resignation of Mike Bland and Ed Melenka as members of the Electoral Area “D” Advisory Planning Commission; and

THAT a letter be forwarded to Mr. Bland and to Mr. Melenka thanking each of them for their contribution to the Electoral Area “D” Advisory Planning Commission. -

CARRIED

2. Mailing and Folding Machines**RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

The discussion on the purchase Mailing and Folding Machines be deferred until further options and consultation with the City of Penticton takes place.

CARRIED

3. Naramata Fire Prevention and Suppression Local Service Establishment Amendment Bylaw No. 2733, 2016**a. Bylaw No. 2733****b. Map****RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT Naramata Fire Prevention and Suppression Local Service Establishment Amendment Bylaw No. 2733, 2016 be given first, second and third readings, and that the bylaw be forwarded to the Inspector of Municipalities prior to obtaining approval of the electorate within the area joining the existing service area; and further,

THAT approval of the electorate within the area joining the existing service area be obtained by the alternative approval process. - **CARRIED**

ADDENDUM

4. Alternate Approval Process for Electoral Area “E” Parkland Acquisition Loan Authorization Bylaw
 - a. Notice
 - b. Form

RECOMMENDATION 18 (Unweighted Corporate Vote – Simple Majority)**It was MOVED and SECONDED**

THAT the deadline for submitting elector response forms in relation to Bylaw No. 2729, 2016 to the Manager of Legislative Services is no later than 4:30 pm on June 6, 2016; and,

THAT the elector response form attached to the report dated April 28, 2016 be the approved form for Bylaw No. 2729, 2016 alternative approval process; and

THAT the total number of eligible electors to which the alternative approval process applies is 1610; and,

THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 161. - **CARRIED**

F. CAO REPORTS

G. OTHER BUSINESS

1. Chair’s Report
-

2. Board Representation

- a. Municipal Finance Authority (MFA) - *Pendergraft*
 - b. Okanagan Basin Water Board (OBWB) – *McKortoff, Martin, Waterman*
 - a) April 2016 report
 - c. Okanagan-Kootenay Sterile Insect Release Board (SIR) - *Bush*
 - d. Okanagan Regional Library (ORL) - *Kozakevich*
 - e. Okanagan Film Commission (OFC) - *Jakubeit*
 - f. Southern Interior Beetle Action Coalition (SIBAC) - *Armitage*
 - g. Southern Interior Municipal Employers Association (SIMEA) - *Kozakevich*
 - h. Southern Interior Local Government Association (SILGA) – *Konanz*
 - i. Starling Control - *Bush*
 - j. UBC Water Chair Advisory Committee – *Bauer*
 - k. Sustainable Rural Practice Communities Committee – *Sue McKortoff*
-

3. Directors Motions

4. Board Members Verbal Update

H. ADJOURNMENT

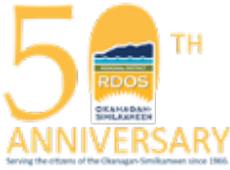
By consensus, the meeting adjourned at 4:00 p.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
RDOS Board Chair

B. Newell
Corporate Officer



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REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 12:30 p.m. Thursday, May 5, 2016 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"	Director M. Doerr, Alt. Town of Oliver
Vice Chair A. Jakubeit, City of Penticton	Director H. Konanz, City of Penticton
Director F. Armitage, Town of Princeton	Director K. Kozakevich, Electoral Area "E"
Director M. Bauer, Village of Keremeos	Director A. Martin, City of Penticton
Director T. Boot, District of Summerland	Director S. McKortoff, Town of Osoyoos
Director G. Bush, Electoral Area "B"	Director T. Schafer, Electoral Area "C"
Director E. Christensen, Electoral Area "G"	Director J. Sentes, City of Penticton
Director B. Coyne, Electoral Area "H"	Director T. Siddon, Electoral Area "D"

MEMBERS ABSENT:

Director M. Brydon, Electoral Area "F"	Director R. Hovanes, Town of Oliver
Director P. Waterman, District of Summerland	

STAFF PRESENT:

B. Newell, Chief Administrative Officer	S. Croteau, Manager of Finance
C. Malden, Manager of Legislative Services	D. Butler, Manager of Development Services

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 May 5, 2016 be adopted. - **CARRIED**

1. Consent Agenda – Development Services

- a. DVP Application, M. & S. Greig, 13829 81st Street, Electoral Area "A"
 - i. Permit

THAT the Board of Directors approve Development Variance Permit No. A2016.010–DVP.

RECOMMENDATION 2 (Unweighted Rural Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

B. DELEGATIONS

1. Dennis Tottenham, Executive Director, Canadian Mental Health Association (CMHA) – South Okanagan Similkameen
Mr. Tottenham addressed the Board to discuss CMHA services and the importance of mental health.
-

C. FINANCE

1. 2015 Audited Financial Statements
 - a. Financial Statements
[Auditor's Letter](#)
RECOMMENDATION 3 (Weighted Corporate Vote – Majority)
It was MOVED and SECONDED
THAT the 2015 Audited Financial Statements of the Regional District Okanagan Similkameen as of December 31, 2015 be received; and,

THAT the Board of Directors adopt all reported 2015 transactions as amendments to the 2015 Final Budget. - **CARRIED**
-

D. PUBLIC WORKS - ENGINEERING SERVICES

1. Twin Lakes update
Staff provided the Board with an update on the status of Twin Lakes applications.
-

E. OFFICE OF THE CAO

1. Naramata Water Advisory Commission Resignation

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)
It was MOVED and SECONDED
THAT the Board of Directors accept the resignation of Peter Lighthall and rescind Mr. Lighthall's appointment as a member of the Naramata Water Advisory Committee; and further,

THAT a letter be forwarded to Mr. Lighthall thanking him for his contribution to the Naramata Water Advisory Committee. - **CARRIED**
-

F. CAO REPORTS

1. Verbal Update
-

G. OTHER BUSINESS

1. Chair’s Report

2. Directors Motion

It was MOVED and SECONDED

THAT the Board of Directors provide a letter of support to Discovery House for their grant application to IHA to obtain funding for 10 support recovery beds in the South Okanagan. - **CARRIED**

2. Board Members Verbal Update

H. ADJOURNMENT

By consensus, the meeting adjourned at 1:23 p.m.

APPROVED:

CERTIFIED CORRECT:

M. Pendergraft
RDOS Board Chair

B. Newell
Corporate Officer

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Agricultural Land Commission Referral (Subdivision)
Electoral Area “D”



Administrative Recommendation:

THAT the RDOS Board “authorise” the application to undertake a three lot subdivision at 1540 Marron Valley Road (District Lot 3100S, SDYD) in Electoral Area “D” to proceed to the Agricultural Land Commission.

Purpose: To facilitate the subdivision of the subject property into 3 new parcels, each with a land area of approximately 20.0 ha.

Owners: Brent Cutler, et. al.

Agent: Derek Blaszak (AllTerra Land Surveying Ltd.)

Civic: 1540 Marron Valley Road

Legal: District Lot 3100S, SDYD

Folio: D-07069.000

OCP: Agriculture (AG)

Zone: Agriculture Three (AG3)

Proposed Development:

An application to the Agricultural Land Commission (ALC) under Section 21(2) of the *Agricultural Land Commission Act* (the Act) has been lodged with the Regional District in order to allow for subdivision within the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking to subdivide the subject property, which is approximately 60.0 hectares (ha) in area, into three new parcels, each of which will be approximately 23.2 ha (“Lot 1”), 20.1 ha (“Lot 2”) and 20.6 ha (“Lot 3”) in size.

In support of this proposal, the applicant has stated that “by subdividing the property and allowing each [of the 3 existing] residences to be located on it's own lot, it will give each family some form of autonomy and allow for decision making on their lot as opposed to matters always being decided as a group. By separating the Title situation, a single family will be able to easily obtain loans to purchase cattle and further the agricultural use of the land without having to involve the other family members.” The applicant has further indicated that the property owners “would be willing to sign a permanent easement/covenant over the 3 lots that would permit the cattle to still graze freely over the 3 lots.”

Statutory Requirements:

Under Section 34 of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 25(3) applies wherein the Board has the ability to refuse to “authorise” an application.

In this instance, Section 25(3) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use”.

Site Context:

The subject property is approximately 64.75 hectares (ha) in area and is bisected by Marron Valley Road at its north-east corner, adjoins the Penticton Indian Band Reserve Lands along its eastern boundary and is approximately 18.0 km north-west of Okanagan Falls.

Approximately 49.55 ha (76.5%) of the property is situated within the ALR, while the non-ALR portion of the property is seen to be comprised of a treed hillside area. Building Permits have previously been issued for the construction of three (3) single detached dwellings on the subject property between 2007-08.

The pattern of development in the surrounding area is characterized by un-surveyed Crown land interspersed with large resource parcels (50 ha or greater) and First Nations Lands.

Background:

In 1983, a proposal was submitted to the ALC seeking to create a new parcel east of Marron Valley Road utilising land from the subject property as well as the adjacent property to the north (i.e. District Lot 201S). In refusing this proposal, the ALC advised it would be willing to consider a revised proposal which consolidated the remainders of the subject property and District Lot 201S into a single parcel (approximately 185 ha in area). This option was never pursued by the (then) property owner.

In 2013, the current property owners submitted a nearly identical subdivision proposal to the current application and which was considered by the Board at its meeting of June 3, 2013. The Board resolved at that meeting to not authorise the proposal to proceed to the ALC.

Under the Electoral Area “D-1” OCP Bylaw, the parcel is designated part Agriculture (AG), which generally corresponds to the boundaries of the ALR, and part Resource Area (RA). The property is also subject to a Watercourse Development Permit (WDP) Area designation and subdivision proposals trigger the requirement for a WDP.

Under the Electoral Area “D-1” Zoning Bylaw, the property is split-zoned part Agriculture Three (AG3), which generally corresponds to the boundaries of the ALR, and part Resource Area (RA) and the minimum parcel size requirement in both these zones is 20.0 ha.

Analysis:

In considering this proposal, Administration notes that it is generally not considered good planning practice to encourage the fragmentation of viable agricultural land and that the OCP generally seeks to discourage this type of subdivision by supporting the consolidation of legal parcels that support more efficient agricultural operations and encouraging the protection of agricultural lands and maximizing productive farm activity.

It is believed that subdivision of the subject property may negatively impact the agricultural opportunities available in the long-term and that the property has more agricultural potential as a single unit. In addition, while the proposed 20.0 ha parcel sizes comply with the Zoning Bylaw, they would be significantly smaller than other parcels in the area, which are generally in excess of 50 ha.

Moreover, the provision for accessory dwelling units in the agricultural zones is intended to facilitate the accommodation of farm labour or family members and is not to be used as a rationale in support of subdivision.

Administration is also cognizant of previous referral comments received from the ALC in relation to the Electoral Area “H” OCP and Zoning Bylaw review wherein it was advised that a preferred minimum parcel size for ranching and grazing lands is 32.0 ha.

It is noted that a number of recent decisions by the Commission have denied similar proposals from property owners seeking to subdivide a large agricultural parcel into smaller units (i.e. Hearle in Electoral Area “A” and Gecosa in Electoral Area “H”). In those instances, the Commission has cited the need to maintain larger agricultural properties.

Finally, Administration is aware of the Board’s recent resolution (2013) to deny an almost identical subdivision proposal from proceeding to the ALC.

Nevertheless, Administration also recognizes that the OCP supports parcel sizes for lands designated Agriculture of 20.0 ha where the predominant type of farming activity is related to ranching and grazing, that the subject property is currently assessed as farm and, according to the applicant, is being used for a “cattle grazing operation.”

On this basis only — that the proposed subdivision complies with the 20.0 ha minimum parcel size requirement of the zoning bylaw — Administration is recommending that this proposal be “authorised”.

The Board is asked to be aware that, should ALC approval be obtained, a subsequent amendment to the Electoral Area “D-1” Zoning Bylaw would not be required.

Alternative:

1. THAT the RDOS Board not “authorise” the application to undertake a three lot subdivision at 1540 Marron Valley Road (District Lot 3100S, SDYD) in Electoral Area “D” to proceed to the Agricultural Land Commission; OR
2. That the RDOS Board defers making a decision and directs that the proposal first be considered by the Electoral Area “D” Advisory Planning Commission (APC).

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



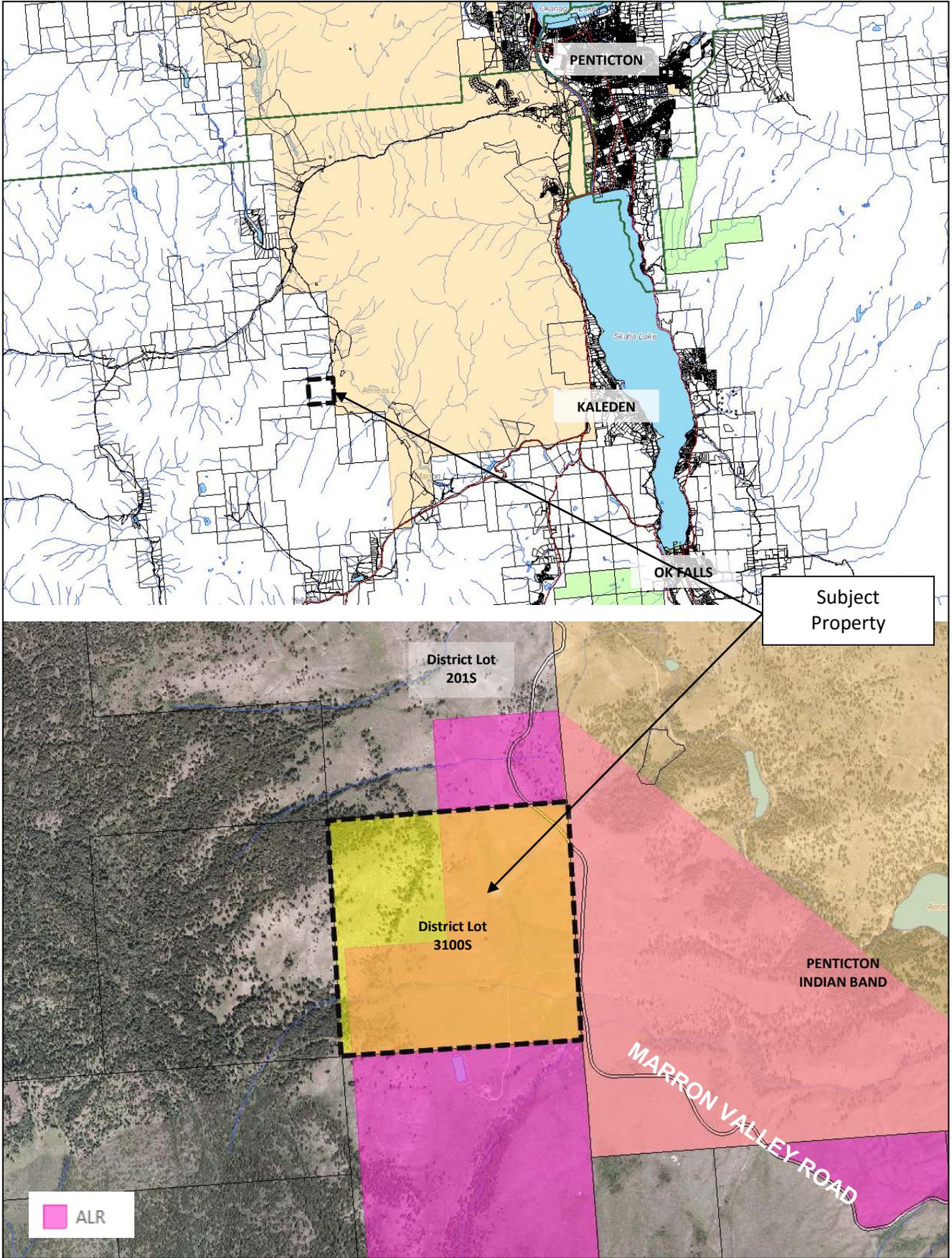
D. Butler, Development Services Manager

Attachments: No. 1 — Context Map

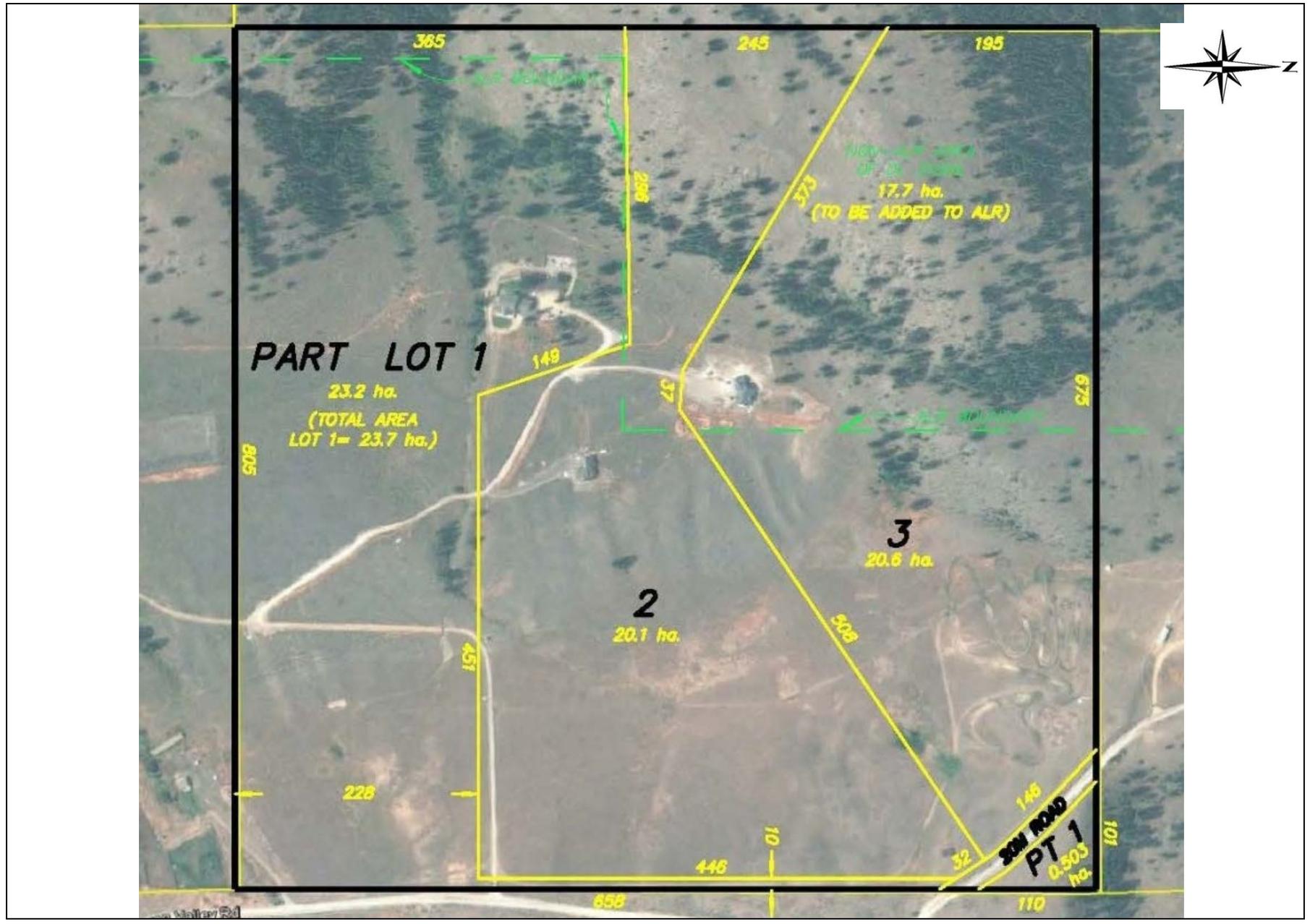
No. 2 — Applicant’s Site Plan

No. 3 — Site Photo (Google Streetview - 2012)

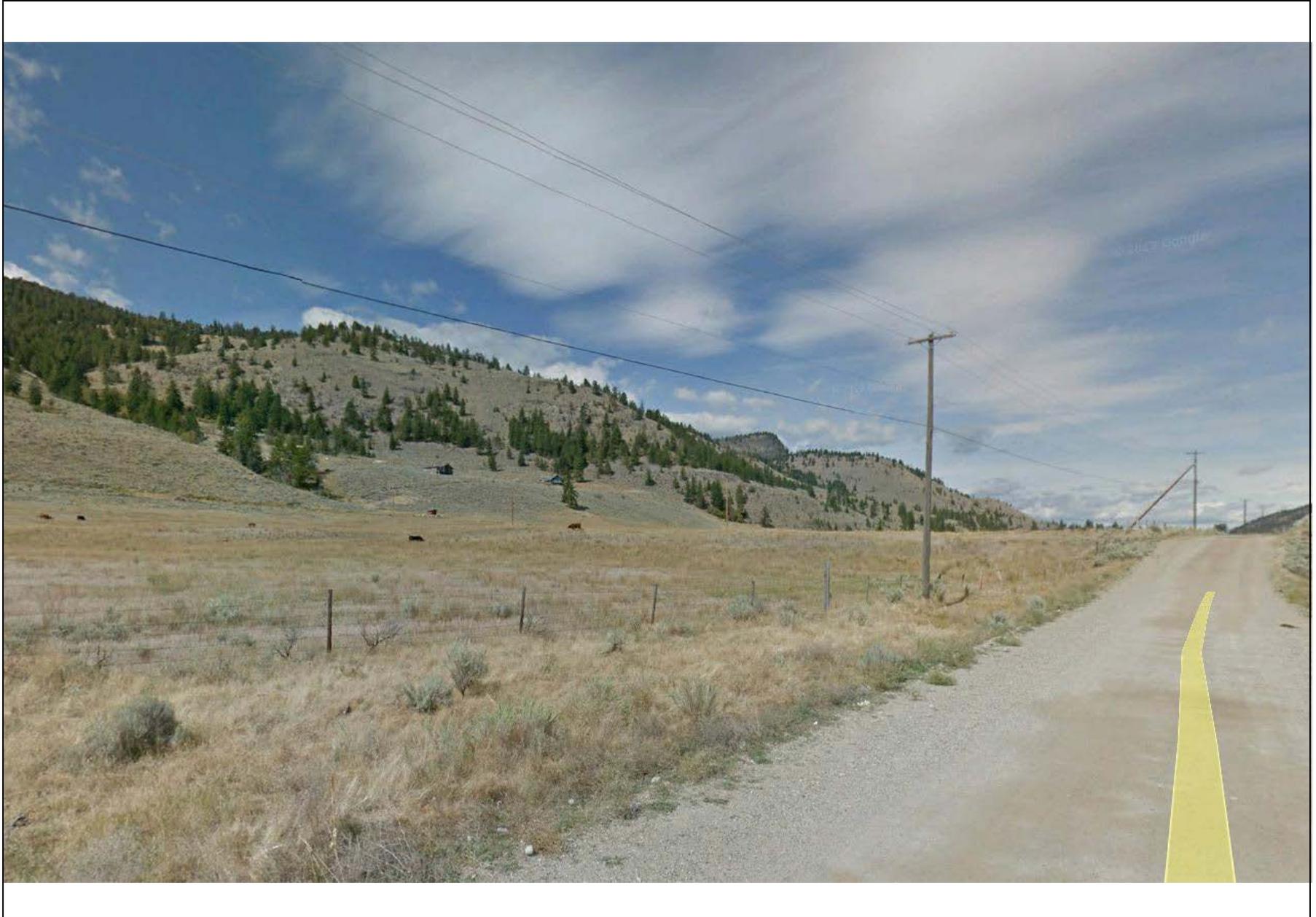
Attachment No. 1 — Context Maps



Attachment No. 2 — Applicant's Site Plan



Attachment No. 3 — Site Photo (Google Streetview - 2012)



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Development Variance Permit Application — Electoral Area “F”



Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. F2016.033–DVP.

Purpose: To construct an addition to the existing pool house.

Owners: David Kampe & Jason Doell Agent: NA Folio: F-07453.000

Civic: 306 Newton Drive Legal: Lot 156, District Lot 5076, ODYD, Plan 8166

OCP: Small Holdings (SH) Zone: Small Holdings Five (SH5)

Requested Variances: to vary the minimum interior side parcel line setback from 3.0 metres to 1.3 metres

Proposed Development:

This application seeks to reduce the minimum interior side parcel line setback for an accessory building from 3.0 metres to 1.3 metres (as measured to the outermost projection) to allow for the construction of an addition to the existing pool house on the property.

The proposal seeks to maintain the location of the existing pool house and construct a new roof that will extend over the structure to the west of the pool house to cover an unenclosed pool pavilion (see Attachment No. 2).

The applicant has stated the following in support of their application:

- The intent of the application is to extend the new pool pavilion roof over the existing structure.
- The adjacent properties slope down away from the proposed new structure. If the existing pool house is visible from neighbouring properties, the new structure will improve the esthetics.
- The existing pool house includes all mechanical for the existing pool, making the location of the proposed structure the only viable option related to cost and esthetics.

Site Context:

The subject property is approximately 1.2 hectares (ha) in area and is situated on the north side of Newton Drive. The surrounding pattern of development is generally characterised by similar low density residential uses.

Background:

The subject property was created by a subdivision deposited in the Land Title office on June 21, 1957. The building permits for the dwelling, shed and garage were issued in 2008, 1982, and 2015, respectively.

Under the Electoral Area “F” Zoning Bylaw No. 2461, 2008, the subject property is zoned Small Holdings Five (SH5), which permits “accessory buildings and structures” as a permitted use.

At Section 10.8.7(b)(iii) of the Zoning Bylaw, the minimum interior side parcel line setback is 3.0 metres.

Public Process:

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Thursday, May 12, 2016.

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 will have a detrimental impact upon the amenity of the area and/or adjoining uses.

As the structure is setback over 100 metres from the front property line, it is not thought that the proposed addition would detract from the established streetscape characteristics. The pool and pool house are existing structures, with the pool pavilion addition being proposed on the west side of the existing pool house. The location of the existing pool house would thus act as a buffer between the pavilion and neighbouring properties to the east, decreasing the likelihood that the proposal would have a detrimental impact upon the amenity of the area or adjoining uses.

Given that the existing pool house contains all the mechanical for the pool, the proposal to have the structure remain in place with the pavilion addition extending inward towards the centre of the property is seen to be reasonable.

Alternatives:

- .1 THAT the Board of Directors deny Development Variance Permit No. F2016.033–DVP; or
- .2 THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “F” Advisory Planning Commission (APC).

Respectfully submitted:

Endorsed by:

Endorsed by:



S. Lightfoot, Planning Tech.

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

Attachments:

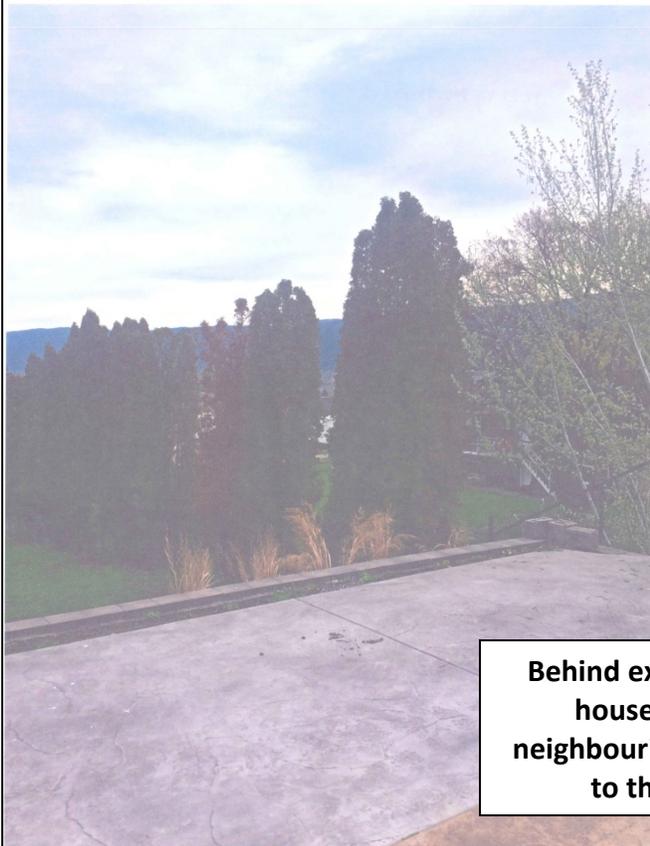
No. 1 – Applicant’s Site Photos

No. 2 – Applicant’s 3D Renderings of Proposed Structure

Attachment No. 1 – Applicant's Site Photos



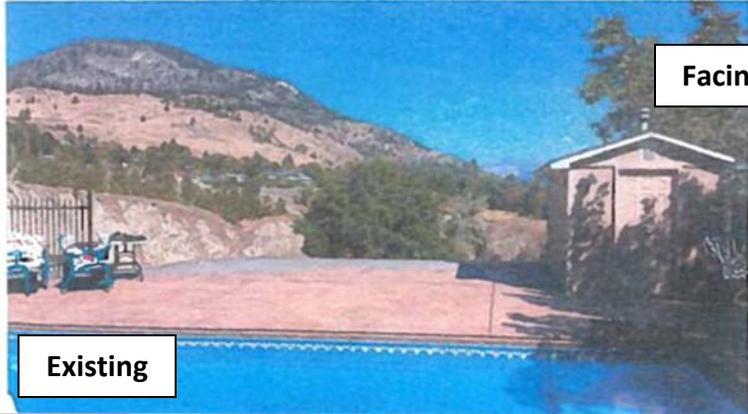
View of existing pool house, facing north



Behind existing pool house, facing neighbouring property to the east



Attachment No. 2 – Applicant’s 3D Renderings of Proposed Structure



Development Variance Permit

FILE NO.: F2016.033-DVP

Owners: David Edward Kampe &
Jason Doell

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 'D', 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 156, District Lot 5076, ODYD, Plan 8166

Civic Address: 306 Newton Drive

Parcel Identifier (PID): 009-876-685 Folio: F-07453.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "F" Zoning Bylaw No. 2461, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The minimum interior side parcel line setback for an accessory building or structure, as prescribed at Section 10.8.7(b)(iii), is varied :
 - i) from: 3.0 metres

to: 1.3 metres, as measured to the outermost projection and 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 _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

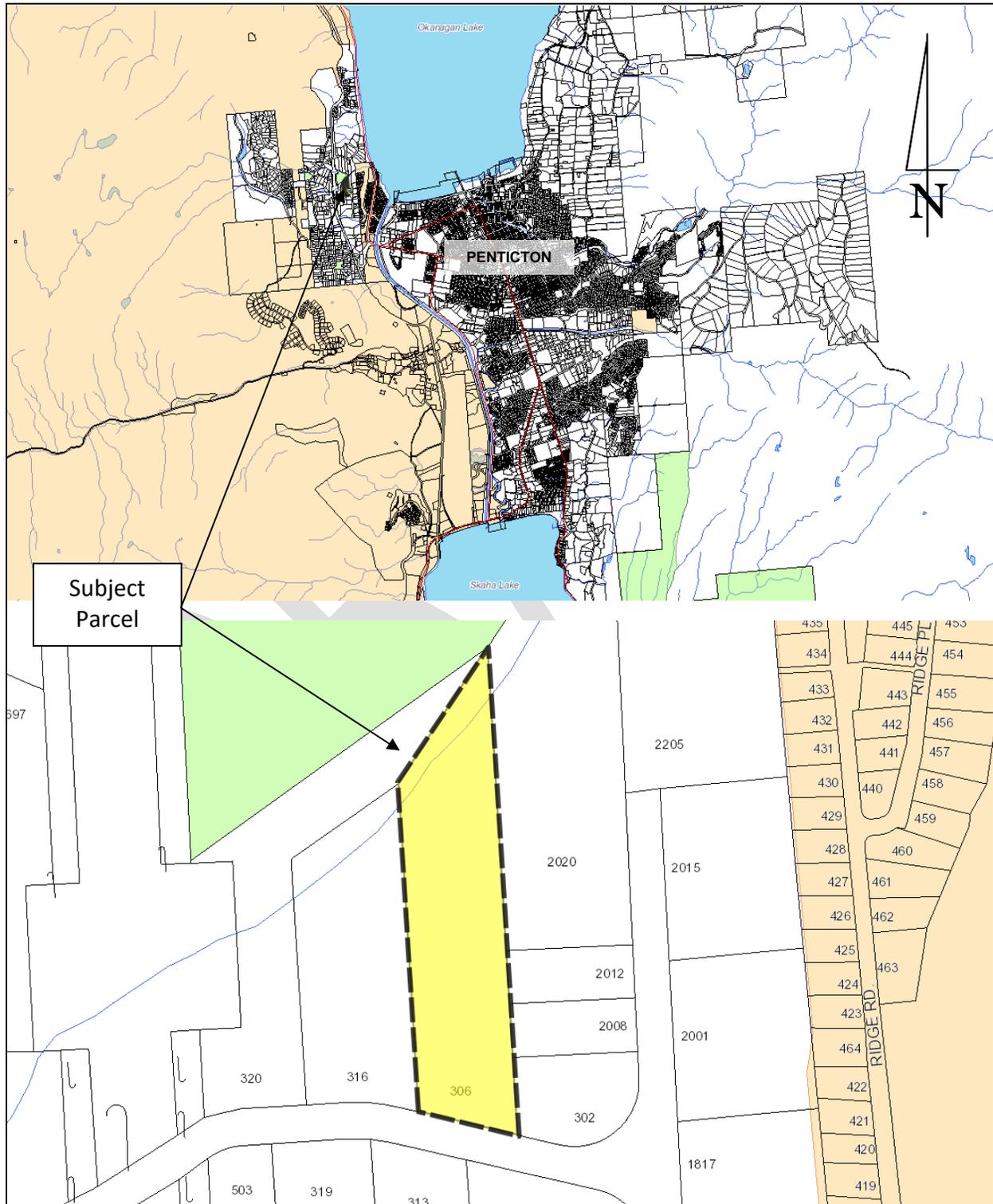
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. F2016.003-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

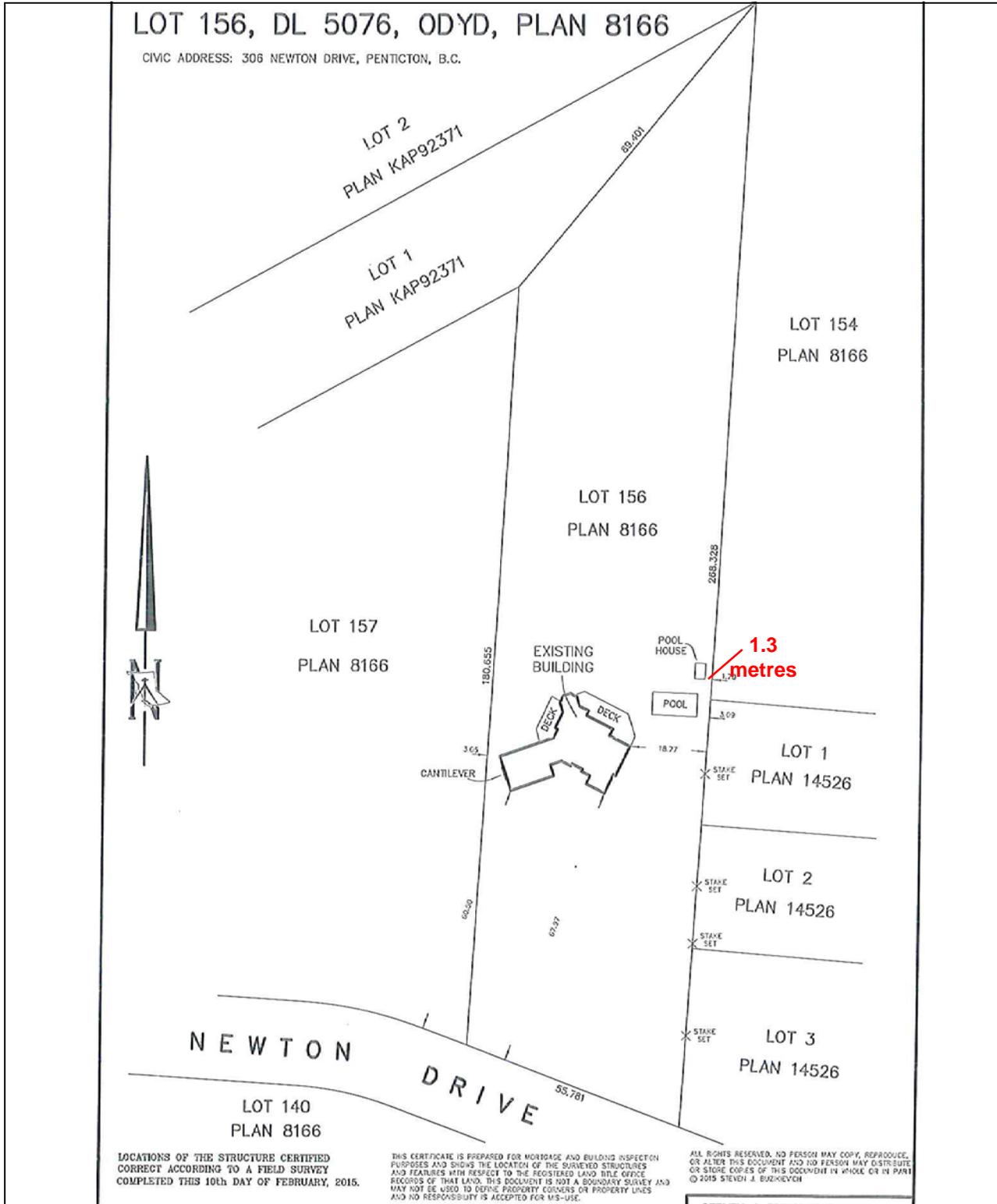
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

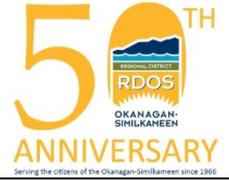
File No. F2016.033-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

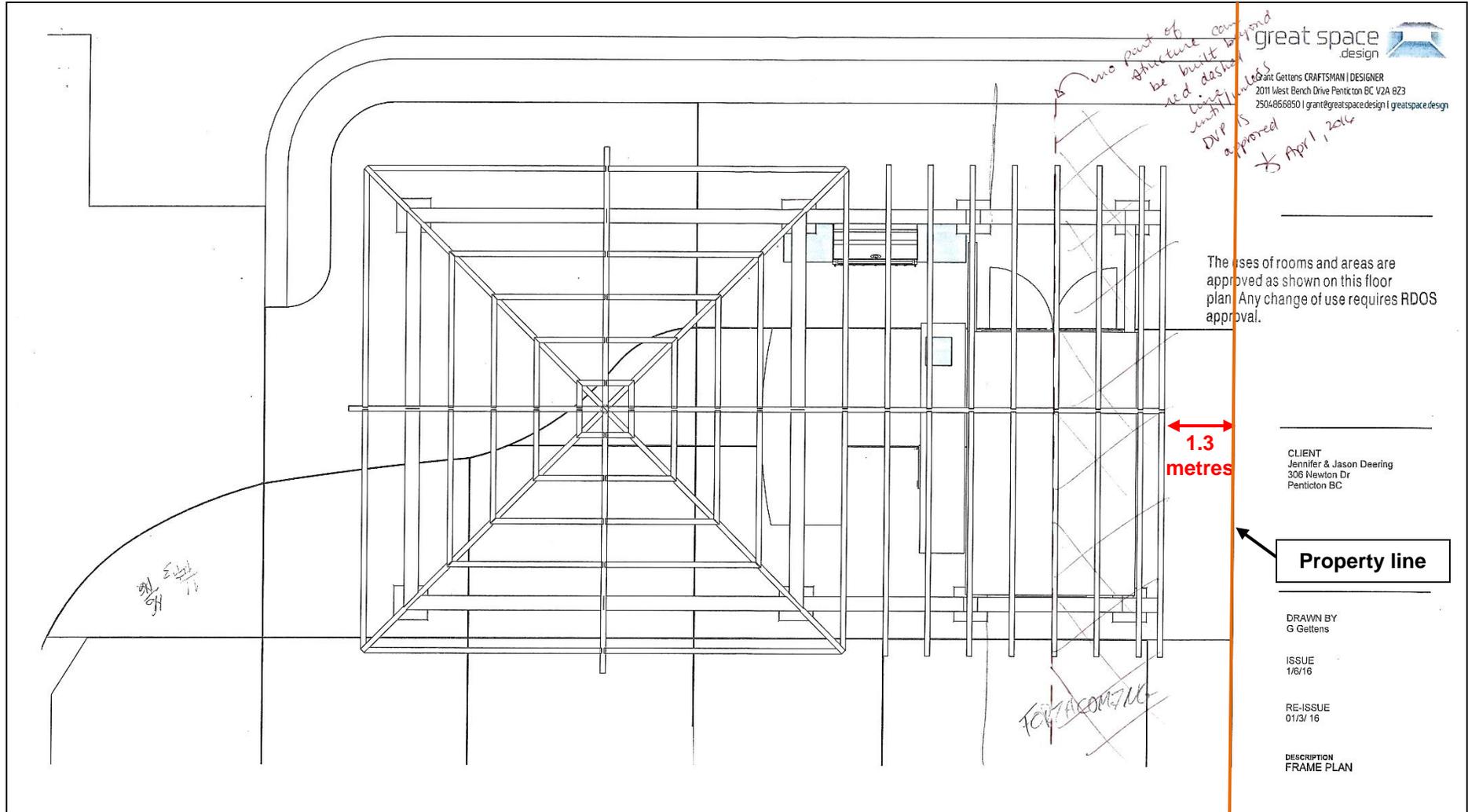
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. F2016.033-DVP

Schedule 'C'



Regional District of Okanagan-Similkameen

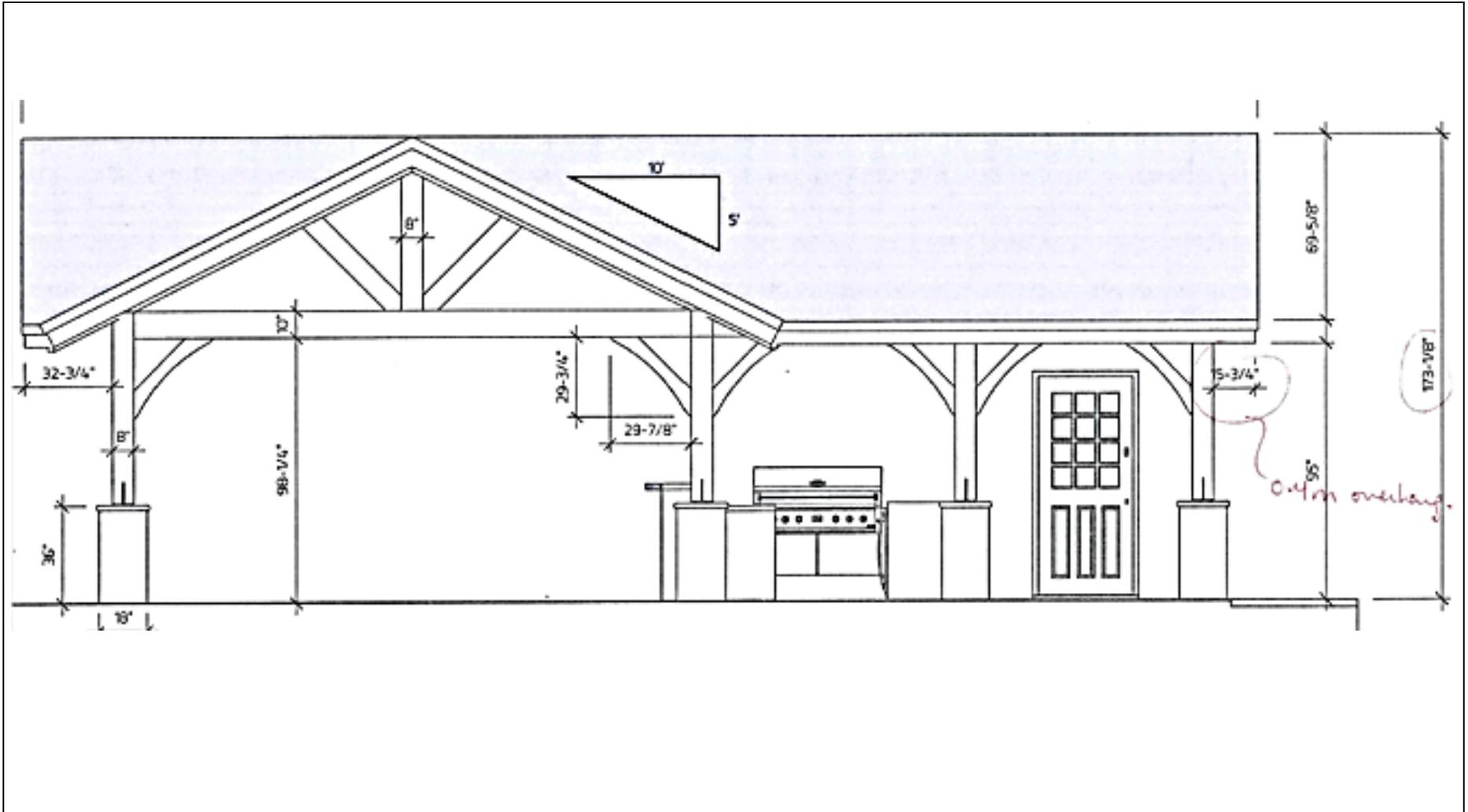
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. F2016.033-DVP

Schedule 'D'



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F” & “H”



Administrative Recommendation:

THAT Bylaw No. 2730, 2016, Regional District of Okanagan-Similkameen Update of General Regulations for Accessory Structures Amendment Bylaw be read a third time.

Purpose:

The proposed amendments to the Electoral Area Zoning Bylaws seek to update the regulations that pertain to the development of “accessory buildings and structures” by clarifying the use of such structures (i.e. no living facilities) as well as the number and size of washrooms and showers that may be installed. These amendments are being pursued in conjunction with an update of the Board’s Policy on the decommissioning of a dwelling unit.

Background:

At its meeting of February 11, 2016, the Planning and Development (P&D) Committee considered an administrative report outlining a number of concerns associated with the Regional District’s provisions for the decommissioning of dwelling units (i.e. carriage houses in the West Bench, or accessory dwellings on sub-minimal rural parcels).

The Committee resolved to direct staff to “initiate a review of the Decommissioning of a Dwelling Unit Policy and amendment to the Electoral Area Zoning Bylaws to address existing concerns.”

At its meeting of April 28, 2016, the Regional District Board resolved to approve first and second reading of the amendment bylaw and directed that a public hearing be held on May 19, 2016.

A Public Hearing is scheduled to occur ahead of the regular meeting of the Board in Penticton on May 19, 2016.

All comments received through the public process, including APC minutes are compiled and included as a separate item on the Board Agenda.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the proposal will affect lands situated within 800 metres of a controlled area (i.e. Highways 3 & 97).

Analysis:

Administration considers the current policy pertaining to the decommissioning of a dwelling unit to be ineffective in supporting zoning regulations prohibiting second dwelling units, and further results in significant staff time and resources being spent by planning, building and bylaw enforcement in

assessing questionable plans or seeking compliance where structures have been converted to residential use after the fact (through the mere addition of a stove).

In order to address this, Administration is recommending the current *Requirements for Decommissioning a Dwelling Policy* be replaced *and* that a number of amendments to the Electoral Area Zoning Bylaws be made in order to remove certain ambiguities and to clarify the purpose of “accessory building and structures” for the benefit of staff, the public and developers.

Specifically, that the following wording be included at Section 7.13 (Accessory Buildings and Structures) of each of the Electoral Area Zoning Bylaws:

- No accessory building or structure shall contain bedrooms, sleeping facilities or other living facilities; showers and bathtubs, with the exception of an accessory building or structure in the RA, AG1, AG2, AG3 and LH Zones where one (1) shower is permitted.
- The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG1, AG2, AG3 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².

Further to direction provided by the P&D Committee on February 11, 2016, Administration is proposing that the current *Requirements for Decommissioning a Dwelling Policy* (2012) be rescinded and replaced with the *Decommissioning of a Dwelling Unit Policy* (2016) following the possible adoption of these zoning amendments (which *could* occur at the Board’s meeting of June 2, 2016).

Alternative:

THAT first and second reading of Amendment Bylaw No. 2730, 2016, Regional District of Okanagan-Similkameen Update of General Regulations for Accessory Structures Amendment Bylaw, be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:

Donna Butler

D. Butler, Development Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2730, 2016

**A Bylaw to amend the Electoral Areas “A”, “C”, “D-1”, “D-2”, “E”, “F” and “H”
Regional District of Okanagan-Similkameen 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 “Regional District of Okanagan-Similkameen Update of General Regulations for Accessory Structures Amendment Bylaw No. 2730, 2016.”

Electoral Area “A”

2. The “Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:
 - i) replacing Section 7.13 (Accessory Buildings and Structures) in its entirety with the following:

7.13 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.
- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.

- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².
- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
 - c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

Electoral Area “C”

3. The “Electoral Area “C” Zoning Bylaw No. 2453, 2008” is amended by:

- i) replacing Section 7.13 (Accessory Buildings and Structures) in its entirety with the following:

7.13 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.
- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.
- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².
- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;

- b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
- c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

Electoral Area “D-1”

4. The “Electoral Area “D” Zoning Bylaw No. 2457, 2008” is amended by:

- i) replacing Section 7.13 (Accessory Buildings and Structures) in its entirety with the following:

7.13 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.
- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.
- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG1, AG3 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².
- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
 - c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

Electoral Area “D-2”

5. The “Electoral Area “D” Zoning Bylaw No. 2455, 2008” is amended by:

- i) replacing Section 7.13 (Accessory Buildings and Structures) in its entirety with the following:

7.13 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.
- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.
- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG1, AG3 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².
- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
 - c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

Electoral Area “E”

6. The “Electoral Area “E” Zoning Bylaw No. 2459, 2008” is amended by:

- i) replacing Section 7.13 (Accessory Buildings and Structures) in its entirety with the following:

7.13 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.

- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.
- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG1 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².
- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
 - c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

Electoral Area “F”

7. The “Electoral Area “F” Zoning Bylaw No. 2461, 2008” is amended by:

- i) replacing Section 7.13 (Accessory Buildings and Structures) in its entirety with the following:

7.13 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.
- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.
- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory

building or structure in the RA, AG1, AG3 and LH Zones where the maximum floor area of a bathroom may be 6.0 m².

- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
 - c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

Electoral Area “H”

8. The “Electoral Area “F” Zoning Bylaw No. 2461, 2008” is amended by:

- i) replacing Section 7.12 (Accessory Buildings and Structures) in its entirety with the following:

7.12 Accessory Buildings and Structures

- .1 All buildings or structures attached to a principal building by a common wall and roof are deemed to be a portion of the principal building.
- .2 When not attached, no part of any building shall be closer than 1.0 metre to another building.
- .3 No accessory building or structure shall contain showers and bathtubs, bedrooms, sleeping facilities or other living facilities, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted.
- .4 The maximum number of bathrooms permitted in an accessory building or structure shall be one (1) and shall not exceed a maximum floor area of 3.0 m², with the exception of an accessory building or structure in the RA, AG3, LH1 and LH2 Zones where the maximum floor area of a bathroom may be 6.0 m².
- .5 No accessory building or structure shall be situated on a parcel unless:
 - a) a principal building has already been erected on the same lot;
 - b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or

- c) the accessory building or structure does not exceed 10.0 m² in area, one storey in building height, and is limited to one (1) per parcel.

READ A FIRST AND SECOND TIME this 28th day of April, 2016.

PUBLIC HEARING HELD this 19th day of May, 2016.

READ A THIRD TIME this ____ day of _____, 2016.

I hereby certify the foregoing to be a true and correct copy of the “Regional District of Okanagan-Similkameen Update of General Regulations for Accessory Structures Amendment Bylaw No. 2730, 2016,” as read a Third time by the Regional Board on this ____ day of ____, 2016.

Dated at Penticton, BC this __ day of ____, 2016

Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this ____ day of _____, 2016.

For the Minister of Transportation & Infrastructure

ADOPTED this ____ day of _____, 2016.

Board Chair

Chief Administrative Officer

Lauri Feindell

Subject: FW: bylaw Referral - X2016.013-ZONE (Decommissioning Amendments)
Attachments: Draft Policy - Decommissioning a Dwelling Unit.pdf; 2730 (Decommissioning Amendments).pdf; X2016.013-ZONE (Decommissioning Amendments).pdf

From: Diane Vaykovich [<mailto:dvaykovich@oliver.ca>]
Sent: March 14, 2016 3:02 PM
To: Christopher Garrish; Planning
Subject: FW: bylaw Referral - X2016.013-ZONE (Decommissioning Amendments)

Does not appear to affect Town of Oliver; if you wish to concur as our Planning Consultant.

Thanks Chris.

Diane Vaykovich | Corporate Officer
Town of Oliver
Direct: 250-485-6207
Email: dvaykovich@oliver.ca



Lauri Feindell

Subject: FW: bylaw Referral - X2016.013-ZONE (Decommissioning Amendments)

From: Christopher Garrish
Sent: March 16, 2016 10:34 AM
To: Lauri Feindell
Subject: FW: bylaw Referral - X2016.013-ZONE (Decommissioning Amendments)

From: Collins, Martin J ALC:EX [<mailto:Martin.Collins@gov.bc.ca>]
Sent: March-10-16 2:47 PM
To: Christopher Garrish
Subject: FW: bylaw Referral - X2016.013-ZONE (Decommissioning Amendments)

Chris

The ALC has no objection to the bylaws as proposed.

Regards

Martin Collins
Regional Planner
Agricultural Land Commission
#133 4940 Canada Way
Burnaby, BC, V5G 4K6
martin.collins@gov.bc.ca
604-660-7021



RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2730

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Mike Gane, Chair commented as follows:

"Who is policing this during the investigation and who is policing after? Remove the stove and place it back in after the inspection...back in business..."

Bruce Shepherd's comments below have to do with clarifying the wording in the bylaw:

(1) "...No accessory building or structure shall contain bedrooms, sleeping facilities or other living facilities; or showers and bathtubs, with the exception of an accessory building or structure in the RA, AG1, AG2 and LH Zones where one (1) shower is permitted."

(2) Why is the term "bathroom" used when bathtubs are not permitted? Could be source of confusion, especially for those not proficient in English. Suggest use of alternative term such as "washroom".

Signature: Cheryl E. Dalla

Signed By: CHERYL HALLA

Agency: Kaledon Irrigation District

Title: Financial/Corporate Administrator

Date: March 24, 2016



Lauri Feindell

From: Beaupre, John <John.Beaupre@interiorhealth.ca>
Sent: April 13, 2016 10:20 AM
To: Planning; Christopher Garrish
Subject: Amendment to Zoning Bylaws - Excluding Uses and Limiting Bathroom Space - RDOS
File: X2016.013-ZONE

Attention Christopher Garrish, MCIP RPP
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton BC
V2A 5J9

Dear Mr. Garrish:

Re: Proposed Zoning Amendments Which Exclude Bedrooms, Showers and Bathtubs and Limits the Extent of Bathroom Space.

Thank you for the opportunity to provide comment on the above referenced proposed Bylaw Amendments to the Electoral Area "A", "C", "D-1", "D-2", "E", "F" and "H" Zoning Bylaws.

In instances where existing dwelling units are to be decommissioned as dwelling units but one bathroom will be left functional in the structure logic would dictate that any onsite sewerage dispersal system and water supply in use would remain to service the remaining bathroom.

However in instances where the dwelling being decommissioned is to be completely demolished consideration should be given to permanently decommissioning the sewerage system and water supply system that were servicing the dwelling unless they are still servicing another compliant dwelling or structure.

Please contact me with any questions you may have.

Thank you.

John C. Beaupre, C.P.H.I.(C)
Environmental Health Officer
Interior Health Authority
Penticton Health Protection
3090 Skaha Lake Road, Penticton, BC, V2A 7H2
Bus: (250) 770-5540
Direct: (250) 492-4000 Ext: 2744
Cell: (250) 809-7356
Fax: (250) 493-0041
Email: john.beaupre@interiorhealth.ca
Web: www.interiorhealth.ca

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Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required as the proposal is situated beyond 800 metres of a controlled area (i.e. Highway 97).

Analysis:

The applicant's request to have the LUC that applies to their property removed ahead of the January 22, 2017, termination date is largely seen to be an administrative matter that will allow the Regional District Board to consider a separate TUP application.

Administration notes that the requested SH5s Zone is the same as that adopted by the Board at its meeting of January 21, 2016, and is, therefore, wholly consistent with the strategic direction established by the Board.

For these reasons, Administration fully supports the requested discharge and rezoning, and due to its consistency with the underlying Official Community Plan (OCP) Bylaw designation as well as the Board's recent resolution to terminate LUC No. LU-3-D — which was the subject of a public hearing held on December 9, 2015 — Administration is recommending that public hearing for this amendment bylaw be waived.

Alternatives:

THAT first and second readings of Bylaw No. 2455.25, 2016, Electoral Area "D" Zoning Amendment Bylaw be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



D. Butler, Development Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.25, 2015

**A Bylaw to partially discharge Land Use Contract No. LU 3 D and
to amend the Electoral Area "D" Zoning Bylaw No. 2455, 2008**

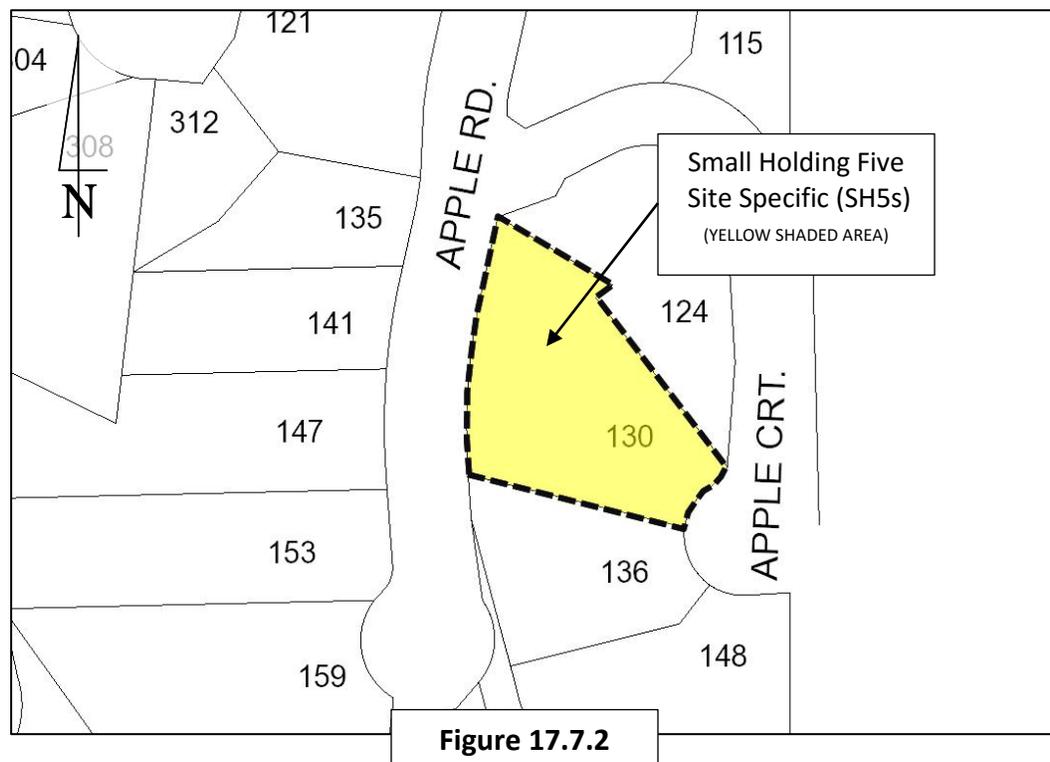
WHEREAS pursuant to s. 546 of the *Local Government Act*, a local government may, by bylaw, discharge a land use contract that applies to land within the jurisdiction of the local government; and

WHEREAS the registered owner of the lands described in sections 2 of this bylaw has agreed to the discharge of the land use contract that applies to their respective lands;

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" Land Use Contract Discharge and Zoning Amendment Bylaw No. 2455.25, 2015".
2. The Land Use Contract No. LU-3-D, registered in the Kamloops Land Title Office under charge number LB416202 against title to the land described as Lot 3, Plan KAS2658, District Lot 2710, SDYD, and shown shaded yellow on the attached Schedule 'Y-1' (which forms part of this Bylaw), is discharged in respect of that land and the authorized signatories of the Regional District may execute the discharge agreement attached to this bylaw as Schedule 'Z-1'.
3. The land described in section 2 is zoned Small Holdings Five Site Specific (SH5s) in Regional District of Okanagan-Similkameen, Electoral Area "D" Zoning Bylaw No. 2455, 2008 and the Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended accordingly.

4. The Electoral Area “D” Zoning Bylaw No. 2455, 2008, is amended by:
- a) adding a new sub-section 17.7.2, under “Site Specific Small Holdings Five (SH5s) Provisions” to read as follows:
 - .2 In the case of land shown shaded yellow on Figure 17.7.2:
 - i) the following principal use and no others shall be permitted on the land:
 - .1 “single detached dwelling”
 - ii) the following accessory uses and no others shall be permitted on the land:
 - .1 “secondary suite, subject to Section 7.12”;
 - .2 “home occupations, subject to Section 7.17”;
 - .3 “bed and breakfast operation, subject to Section 7.19”; and
 - .4 “accessory buildings and structures, subject to Section 7.13”.
 - iii) despite Section 10.7.9, the maximum parcel coverage shall be 35%.



READ A FIRST AND SECOND TIME this 28th day of April, 2016.

PUBLIC HEARING waived this 28th day of April, 2016.

READ A THIRD TIME this ____ day of _____, 2016.

ADOPTED this ____ day of _____, 2016.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

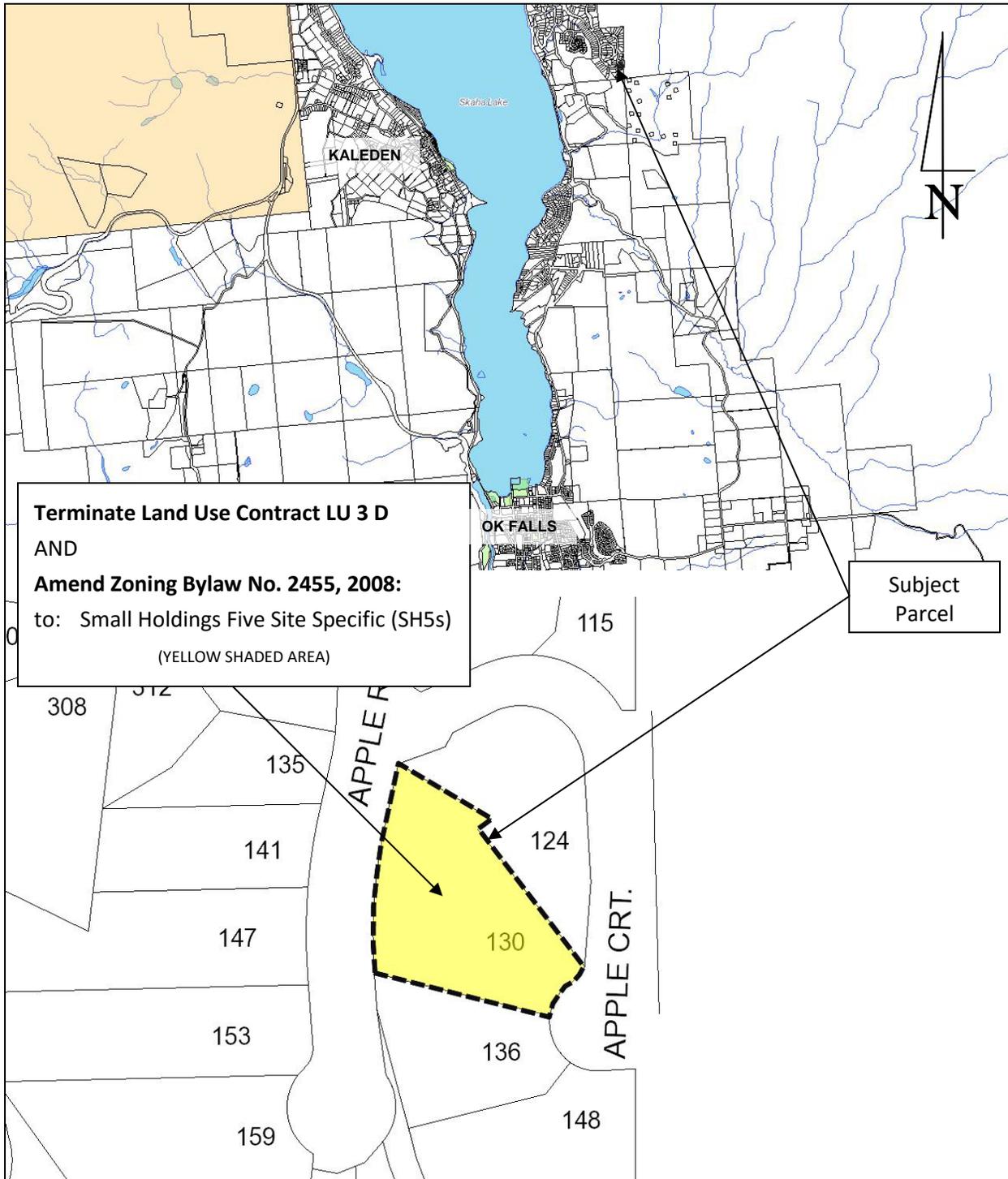
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.25, 2016

File No. D2016.019-ZONE

Schedule 'Y-1'



Amendment Bylaw No. 2455.25, 2016

(D2016.019-ZONE)

Page 4 of 5

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2455.25, 2016

File No. D2016.019-ZONE

Schedule 'Z-1'



LAND USE CONTRACT DISCHARGE AGREEMENT

Regional District of Okanagan-Similkameen

WHEREAS on December 22, 1972 the Okanagan-Similkameen Regional District entered into a land use contract with William Eric Bomford in respect of (1) SL45, DL2710, SDYD, Plan 1189 Except Plans 14107, 17357, 19076 and 21364; (2) SL29, DL2710, SDYD, Plan 1189 Shown on Plan B4249 Except Plan 21364; (3) SL29, DL2710, SDYD, Plan 1189 Except Part Shown on Plan B4249; and (4) DL3967, SDYD, Except Plan 14107 and Part Shown as Road on Plan 21364 (the "Land"), which land use contract was authorized by Electoral Area 'D' Zoning Bylaw No. 100 Amendment Bylaw No. 158, 1972 and registered in the Kamloops Land Title Office under No. J10071 (the "Land Use Contract"); and

WHEREAS the Land was subsequently subdivided by Plan KAS2658 deposited in the Kamloops Land Title Office on May 26, 2004; and

WHEREAS on June 13, 2006, Pamela Kerr (the "Owner") became the owner of Lot 3 Plan KAS2658, District Lot 2710, SDYD, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 or v, as appropriate, ("Lot 3"); and

WHEREAS the Regional District and the Owner wish to discharge the Land Use Contract in respect of Lot 3; and

WHEREAS under Section 930 of the *Local Government Act* a land use contract that is registered in a land title office may be discharged by bylaw, with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment; and

WHEREAS the Regional District has held a public hearing in accordance with Sections 890 to 894 of the *Local Government Act* and has authorized the execution of this Agreement by Electoral Area "D" Land Use Contract Discharge and Zoning Amendment Bylaw No. 2455.20, 2015;

THIS AGREEMENT is evidence that, in consideration of the premises and the sum of one dollar paid to the Regional District by the Owner, the receipt and sufficiency of which are acknowledged by the Regional District, the Owner and the Regional District agree that the Land Use Contract is discharged in relation to Lot 3.

Pamela Kerr

Authorized Signatory:

REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

By its authorized signatories:

Board Chair:

Corporate Officer:

Amendment Bylaw No. 2455.25, 2016

(D2016.019-ZONE)

Page 5 of 5

Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: March 30, 2016 3:47 PM
To: Planning
Subject: amendment bylaw referral D2016.019 ZONE

Hello Planning Folks at the Regional District of Okanagan-Similkameen!

Thank you for your referral regarding 130 Apple Court, Heritage Hills, PID 025946684, STRATA L 3 DL 2710 SIMILKAMEEN DIVISION YALE DISTRICT STRATA PL KAS2658 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPTN TO THE UNIT ENTITLEMENT OF THE STRATA L SHWN ON FORM V. According to Provincial records, there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

Prior to any land alterations (*e.g.*, addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

Please review the screenshot of the property below (outlined in yellow). If this does not represent the property listed in the referral please contact me. The general area within which this property is located has moderate potential for unknown/unrecorded archaeological deposits, which is what the beige overlay on the screenshot below is indicating.

Please let me know if you have any questions or concerns.

Kind regards,

Diana





Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>

Lauri Feindell

From: Beaupre, John <John.Beaupre@interiorhealth.ca>
Sent: April 1, 2016 11:29 AM
To: Planning; Christopher Garrish
Subject: Discharge of Land Use Contract and Zone to SH5s - RDOS File: D2016.019-ZONE

Attention Christopher Garrish, MCIP RPP
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton BC
V2A 5J9

Dear Mr. Garrish:

Re: Discharge of Land Use Contract (LUC) No. LU-3-D from the property at 130 Apple Court, Heritage Hills

Thank you for the opportunity to provide comment on the above referenced LUC discharge.

This office's interests are essentially unaffected by the above referenced LUC discharge and as such we have no concern or objection to discharging the LUC and introducing a Small Holdings Five Site Specific (SH5s) Zone on the subject property under the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008.

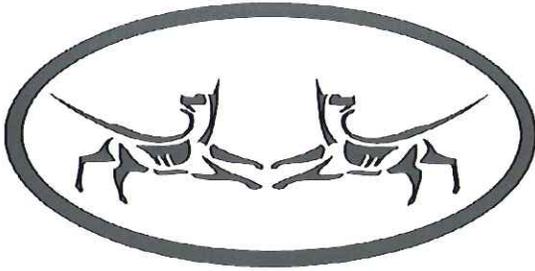
Please contact me with any questions you may have.

Thank you.

John C. Beaupre, C.P.H.I.(C)
Environmental Health Officer
Interior Health Authority
Penticton Health Protection
3090 Skaha Lake Road, Penticton, BC, V2A 7H2
Bus: (250) 770-5540
Direct: (250) 492-4000 Ext: 2744
Cell: (250) 809-7356
Fax: (250) 493-0041
Email: john.beaupre@interiorhealth.ca
Web: www.interiorhealth.ca

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Penticton Indian Band

Natural resource Department
R.R. #2, Site 80, Comp.19
Penticton, B.C. CAN
V2A 6J7

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

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

April-05-16

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

Referral ID: 2016-03-30 ZON 1631

RTS #: 1631

Date: March-30-16

Reference #: BYLW2455.25 D2016.019-ZONE

Summary: facilitate the "voluntary discharge" of Land Use Contract (LUC) No. LU-3-D from the property at 130 Apple Court, Heritage Hills; Temporary Use Permit; Small Holdings Five Site Specific.

Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on April-05-16.

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.

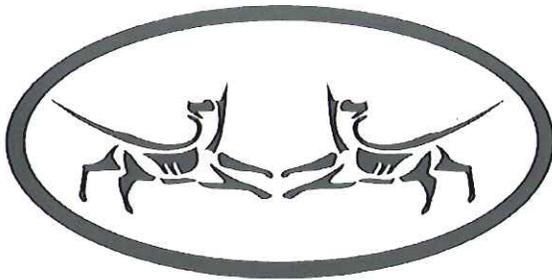
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlæmt,

Lavonda Nelson
Data Management Clerk





Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp.19
Penticton, B.C. CAN
V2A 6J7

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

April-05-16

WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION

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

Referral ID: 2016-03-30 ZON 1631

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Date: March-30-16

Reference #: BYLW2455.25 D2016.019-ZONE

Summary: facilitate the "voluntary discharge" of Land Use Contract (LUC) No. LU-3-D from the property at 130 Apple Court, Heritage Hills; Temporary Use Permit; Small Holdings Five Site Specific.

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 is as follows:

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project Technican)	\$ 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

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #1631

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.

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.

limlmt,

Lavonda Nelson
Data Management Clerk

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982

At its meeting of April 28, 2016, the Regional District Board resolved to approve first and second reading of the amendment bylaw and directed the scheduling of a public hearing.

A Public Hearing is scheduled to occur in Princeton on Tuesday May 17, 2016. Due to the proximity of the hearing date to the Board's meeting of May 19, 2016, a verbal update of the outcomes of the hearing will be provided by the Director Coyne.

All other comments received through the public process, including APC minutes are compiled and included as a separate item on the Board Agenda.

Referrals:

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

Analysis:

Over the past 15 years, the development of the subject property has occurred in a manner that is inconsistent with the regulations contained in the Zoning Bylaw and has resulted in the creation of a "community" that is now one of the largest in the Electoral Area (by way of comparison, Tulameen comprises approximately 250 residences).

While this "community" has not been provided with basic services such as community water and sewer as it expanded to its current size, Administration recognizes that few people reside at Kennedy Lake on a permanent basis and that many users come for the rustic living conditions offered on the property as well as the surrounding recreational opportunities (and usually reside elsewhere on a permanent basis).

In recognition that current lessees may have established units at the site in good faith and without knowledge of zoning bylaw restrictions, the Board could elect to formalize all existing structures (similar to what occurred in 2006). If permitted by zoning, these structures would then be considered against the provisions of the BC Building Code for seasonally occupied buildings (which are more lenient), and it is felt that many of these could meet basic health and safety requirements.

While recommending in favour of formalizing all existing dwellings, Administration is, nevertheless, concerned about the perception of a property owner being rewarded with a significant increase in density after disregarding Regional District bylaws.

The Board is being asked to read Amendment Bylaw No. 2498.08 a third time as amended in order to address a typographical error on the proposed Schedule 'D' to the Zoning Bylaw wherein reference was erroneously made to "Non-Recreational Use Area" when the proper reference should have been to "Non-Occupancy Use Area."

Alternative:

THAT first and second readings of Amendment Bylaw Nos. 2497.06 & 2498.08, 2016, be rescinded and the bylaws abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

Endorsed by:



D. Butler, Development Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2497.06

**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. 2497.06, 2016.”
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 land described as part of District Lot 889, YDYD, and shown shaded yellow on Schedule ‘X’, which forms part of this Bylaw, from Commercial (C) to Resource Area (RA).
3. The Electoral Area ‘H’ Official Community Plan Bylaw No. 2497, 2012, is amended by:
 - (i) adding the following new Section 8.9 under Section 8.0 (Local Area Policies):

8.9 Kennedy Lake

The genesis of “Kennedy Lake” as a development site is believed to have originated in the late 1960s following the establishment of a campground use adjacent to the lake found on the property. The boundaries of the Kennedy Lake Local Area are as approximately shown on Map 10.

An approximately 16 ha portion of the subject property was subsequently zoned commercial in 1974 in order to recognize the campground use as well as an ancillary residence.

A rezoning proposal to develop the whole of the property to residential in 1982 was refused by the Board and the site was subsequently developed with numerous small cabins and permanently parked travel trailers situated on “lease lots” over the intervening 20 years.

In 2005, the Regional District Board approved an amendment bylaw which formalised approximately 132 dwelling units then found on the site and allowed for an additional 12 units to be constructed (for a total of 145).

An informal inventory of the site undertaken in 2012 determined that approximately 287 units had been constructed and enforcement action was initiated by the Regional District.

Following successful enforcement action, the Regional District Board resolved to apply a comprehensive development zoning to the parcel. This is recognition of the seasonal / recreational residential uses that have existed on the parcel over the past few decades.

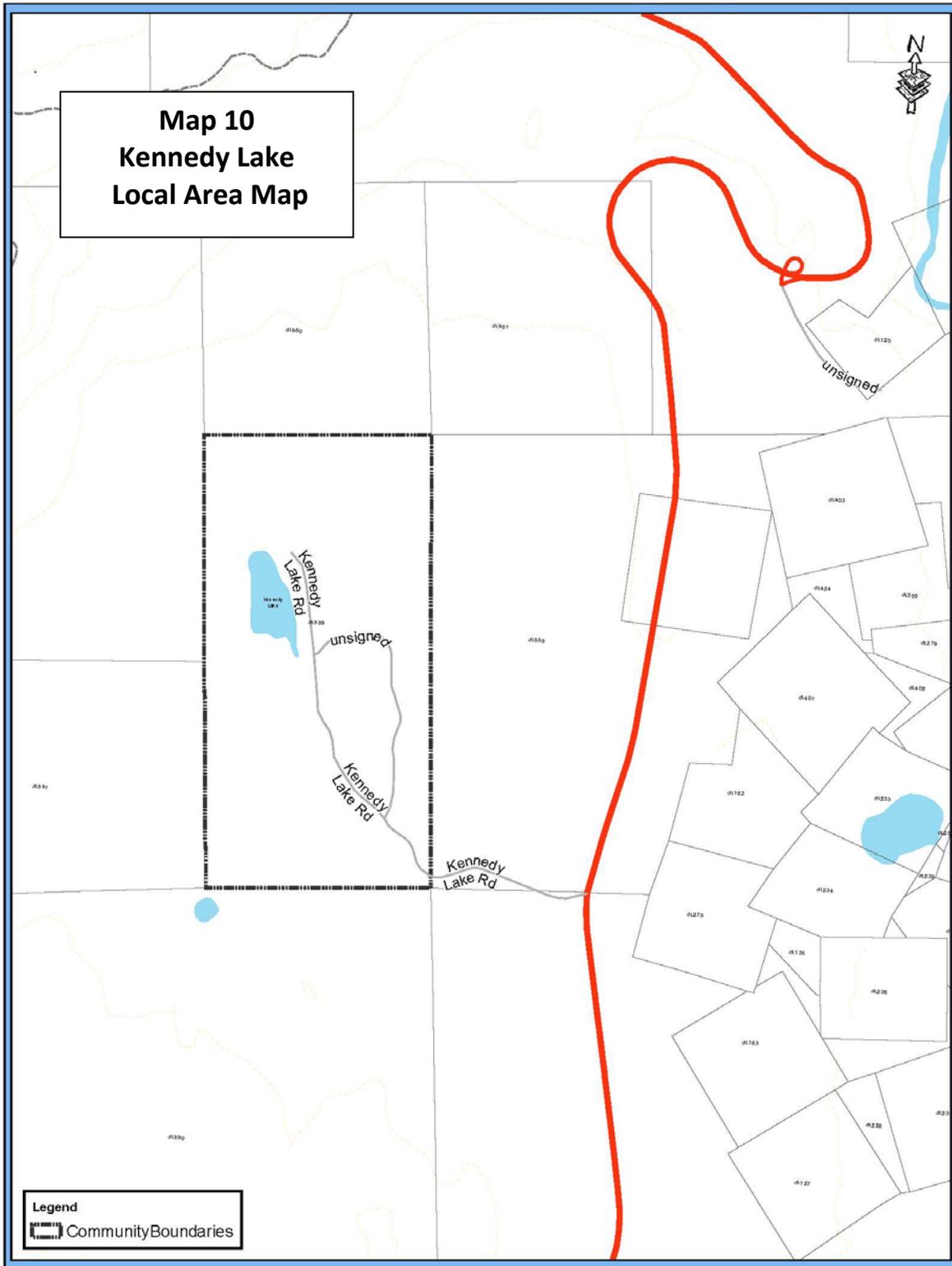
The zoning further aims to allow for the redevelopment of the historical lawful non-conforming uses of the parcel in order to improve building standards and public health and safety, but limits the use of the parcel to its density as of 2016.

Policies

The Regional Board:

- .1 Encourages the incorporation of site planning to minimize the potential for conflict between adjacent land uses (both on- and off-site).
- .2 Encourages the preservation and rehabilitation of environmentally sensitive and riparian lands.
- .3 Discourages any proposed subdivision of the parcel, except where all dwelling units on the parcel are connected to community water and community sewage disposal systems.

- .4 Encourages the province to create an alternate (emergency) egress route from District Lot 889, YDYD to Highway 3.



(ii) adding the following as a new Section 9.3.11 under Section 9.0 (Resource Area) and renumbering any subsequent sections accordingly:

.11 Supports the introduction of a zoning district on District Lot 889, YDYG, in order to:

- a) to recognize the historical lawful non-conforming seasonal and recreational residential uses on the parcel without encouraging the expansion of those uses in the future.
- b) to protect and enhance the natural environment in all proposed development and redevelopment.
- c) to reduce the risks to and increase the safety of current and future occupants of the parcel.

READ A FIRST AND SECOND TIME this 28th day of April, 2016.

PUBLIC HEARING held this 17th day of May, 2016.

READ A THIRD TIME this __ day of _____, 2016.

ADOPTED this this __ day of _____, 2016.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

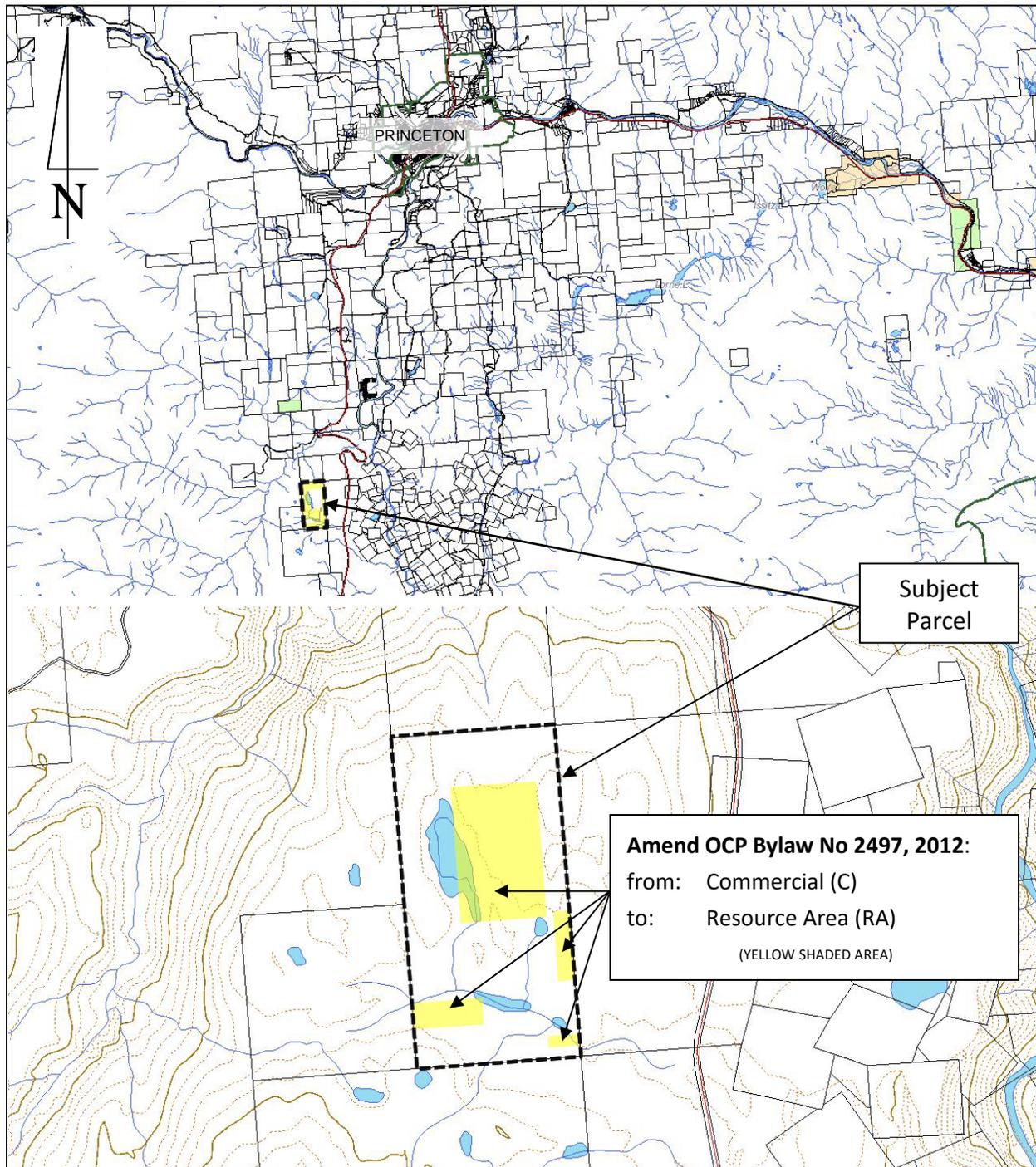
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2497.06, 2014

File No.: H2014.099-ZONE

Schedule 'X'



'H' No. 2497.06, 2016

(H2014.099-ZONE)

Page 5 of 5

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2498.08, 2016

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. 2498.08, 2016.”
2. The Official Zoning Map, being Schedule 2 of the Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by changing the land use designation of land described as part of District Lot 889, YDYG, and shown shaded yellow on Schedule ‘Y-1’, which forms part of this Bylaw, from part Resource Area (RA) and part Kennedy Lake Resort (KLR), to Kennedy Lake Comprehensive Development Zone (CD6).
3. The Electoral Area “H” Zoning Bylaw No. 2498, 2012, is amended by:
 - (i) adding a reference at Section 1.2 under Section 1.0 (Title and Application) to read as follows:

Schedule ‘4’ — Kennedy Lake Recreational Use Areas
 - (ii) amending Section 6.1 under Section 6.0 (Creation of Zones) by deleting the reference to “Kennedy Lake Resort Zone KLR” under Commercial Zones and introducing a reference to “Kennedy Lake Comprehensive Development Zone CD6” under a new sub-section entitled Comprehensive Development Zones.

(iii) replacing Section 7.4.2 under Section 7.0 (General Regulations), with the following:

.2 The use of a recreational vehicle as a permanent residence is prohibited in all zones except the RA, LH1, LH2, SH2, SH3, SH4 and CD6.

(iv) adding a new Section 16.0 (Comprehensive Development) to read as follows:

16.0 COMPREHENSIVE DEVELOPMENT

The purpose of a Comprehensive Development (CD) Zone is to allow for the creation of comprehensive, site-specific land use regulations on specified sites within Electoral Area “H” where the circumstances are such that regulation by other zones would be inappropriate or inadequate, having regard to existing physical and environmental constraints.

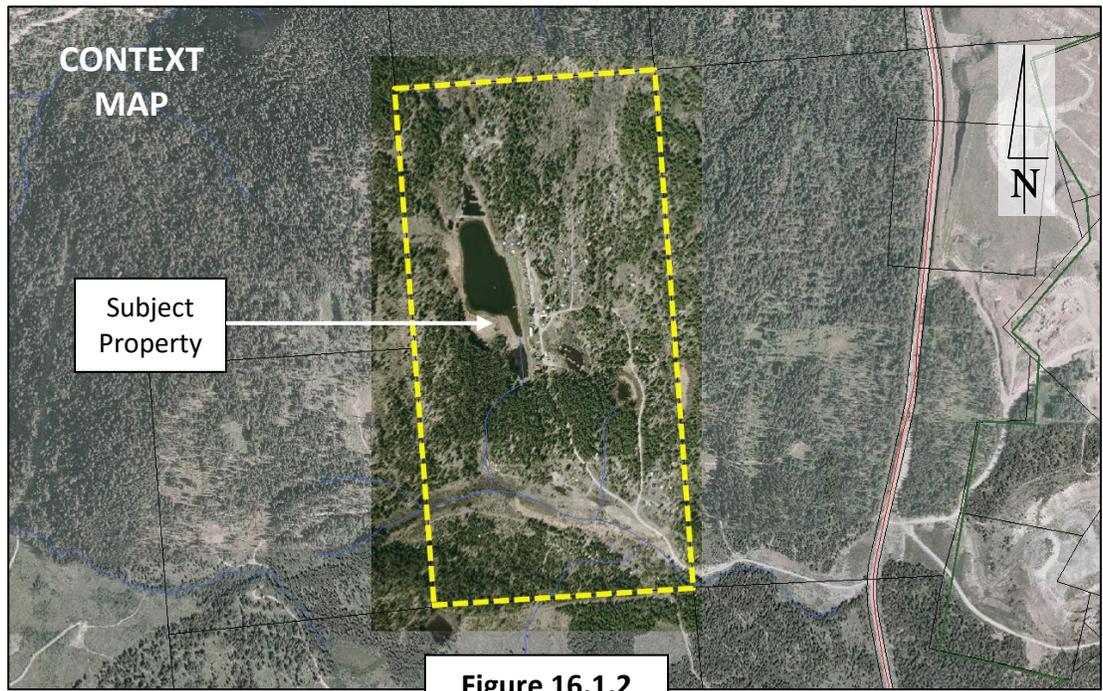
16.1 KENNEDY LAKE COMPREHENSIVE DEVELOPMENT ZONE (CD6)

.1 Purpose

The purpose of the Kennedy Lake Comprehensive Development (CD6) Zone is to create comprehensive, site-specific land use regulations for the parcel — hereinafter referred to as “Kennedy Lake” — located at 1916 Kennedy Lake Road (legally described as District Lot 889, Yale Division of Yale District) in order to bring the use of the property into compliance with the Official Community Plan Bylaw and Zoning Bylaw.

.2 Location

The property is situated approximately 20 km south of the Town of Princeton and is situated west of Highway 3, approximately 2,000 metres to the west of the mining operation at Copper Mountain.



.3 Kennedy Lake Recreational Use Areas

A plan that identifies the Kennedy Lake Recreational Use Areas is included at Schedule '4' to this Bylaw, and forms part of this Bylaw.

.4 Background:

Use of Kennedy Lake for commercial recreation purposes originated in the late 1960's with the establishment of a campground adjacent to the water body of the same name, which predated the introduction of zoning to Electoral Area "H" in 1974.

With the introduction of zoning, an approximately 16.8 hectare (ha) part of Kennedy Lake encompassing the campground use and accessory dwelling was zoned commercial. This commercial zoning would be carried forward over a number of land use bylaw reviews undertaken by the Regional District between 1974 and 1997.

In 1982, an application seeking to rezone the whole of the Kennedy Lake property to residential was submitted to the Regional District. This proposal was ultimately abandoned by the property owner, with a similar proposal submitted in 1985 refused by the Regional District Board.

Completion of the Coquihalla Highway in 1986 significantly altered traffic volumes along Highway 3, resulting in reduced commercial traffic to the

campground operation. To compensate for this loss of business, the property owner increasingly leased individual parts of the property to interested lessees on an annual basis (under the *Land Title Act*, leases greater than 3 years in length trigger the requirement for subdivision). Consequently, what had been only a few small cabins and permanently parked travel trailers expanded in numbers and extent beyond the 16.8 ha area zoned for commercial uses in 1974, and without due regard for the density regulations contained within the current Zoning Bylaws.

In 2005, the Board approved a rezoning of part of the property to “resort” in order to formalise a mix of recreational vehicles and cabins totaling 132 units. The new zoning contained a provision for an additional 10% expansion (145 units).

By 2013, these numbers had increased to approximately 300 units and the Regional District Board initiated legal action to obtain an injunction ceasing further development of the property. This action was successful and led to the consideration of new zoning to be applied to the property.

.5 Definitions:

In this CD zone:

“non-occupancy use area” means the remainder of the parcel used for forest based outdoor recreational purposes, and as shown on Schedule ‘4’ of this Bylaw;

“parcel” means the land shown outlined in a dashed yellow line on Figure 16.1.2 of this Bylaw;

“recreational use area” means the those portions of the parcel reserved for recreational use purposes, and as shown on Schedule ‘4’ of this Bylaw;

“seasonal cabin” means a building or structure that may contain cooking, eating, washroom, living and sleeping facilities, and is primarily used for occasional or seasonal occupancy. A seasonal cabin includes recreational vehicles with structures affixed or adjacent to said recreational vehicle, and excludes unenclosed roof structures supported by columns and decks not greater than 10.0 m² in area and 0.6 metres in height.

.6 Permitted Uses for Recreational Use Area:

Principal Uses:

- a) forest based outdoor recreation;
- b) seasonal cabins;

- c) recreational vehicles; and

Accessory Uses:

- d) accessory buildings and structures, subject to Section 7.11, including unenclosed roof structures supported by columns and decks not greater than 10.0 m² in area and 0.6 metres in height.

Permitted Uses for Non-Occupancy Use Area:

Principal Uses:

- a) forest based outdoor recreation.

Accessory Uses:

- b) Not applicable.

.7 Minimum Parcel Size:

- a) 130 hectares

.8 Maximum Density:

- a) In the “Recreational Use Area” shown on Schedule ‘4’ of this Bylaw, the maximum density shall be as follows:
 - i) in the area shown shaded rose quartz and described as “Block A”, the maximum number of:
 - .1 seasonal cabins shall not exceed 22; and
 - .2 recreational vehicles shall not exceed 17.
 - ii) in the area shown shaded creton blue and described as “Block B”, the maximum number of:
 - .1 seasonal cabins shall not exceed 17; and
 - .2 recreational vehicles shall not exceed 8.
 - iii) in the area shown shaded peony pink and described as “Block C”, the maximum number of:
 - .1 seasonal cabins shall not exceed 19; and
 - .2 recreational vehicles shall not exceed 7.
 - iv) in the area shown shaded olivine yellow and described as “Block D”, the maximum number of:

- .1 seasonal cabins shall not exceed 14; and
 - .2 recreational vehicles shall not exceed 11.
- v) in the area shown shaded steel blue and described as “Block E”, the maximum number of:
 - .1 seasonal cabins shall not exceed 13; and
 - .2 recreational vehicles shall not exceed 5.
- vi) in the area shown shaded indicolite green and described as “Block F”, the maximum number of:
 - .1 seasonal cabins shall not exceed 10; and
 - .2 recreational vehicles shall not exceed 11.
- vii) in the area shown shaded sugilite sky and described as “Block G”, the maximum number of:
 - .1 seasonal cabins shall not exceed 10; and
 - .2 recreational vehicles shall not exceed 3.
- viii) in the area shown shaded lepidolite lilac and described as “Block H”, the maximum number of:
 - .1 seasonal cabins shall not exceed 16; and
 - .2 recreational vehicles shall not exceed 9.
- ix) in the area shown shaded dark gray and described as “Block I”, the maximum number of:
 - .1 seasonal cabins shall not exceed 14; and
 - .2 recreational vehicles shall not exceed 4.
- x) in the area shown shaded light gray and described as “Block J”, the maximum number of:
 - .1 seasonal cabins shall not exceed 14; and
 - .2 recreational vehicles shall not exceed 24.
- xi) in the area shown shaded orange and described as “Block K”, the maximum number of:
 - .1 seasonal cabins shall not exceed 8; and
 - .2 recreational vehicles shall not exceed 9.
- xii) in the area shown shaded coral and described as “Block L”, the maximum number of:

- .1 seasonal cabins shall not exceed 14; and
- .2 recreational vehicles shall not exceed 12.
- xiii) in the area shown shaded tan and described as “Block M”, the maximum number of:
 - .1 seasonal cabins shall not exceed 7; and
 - .2 recreational vehicles shall not exceed 8.
- xiv) in the area shown shaded spruce green and described as “Block N”, the maximum number of:
 - .1 seasonal cabins shall not exceed 9; and
 - .2 recreational vehicles shall not exceed 12.
- xv) in the area shown shaded electron gold and described as “Block O”, the maximum number of:
 - .1 seasonal cabins shall not exceed 6; and
 - .2 recreational vehicles shall not exceed 8.
- xvi) in the area shown shaded solar yellow and described as “Block P”, the maximum number of:
 - .1 seasonal cabins shall not exceed 8; and
 - .2 recreational vehicles shall not exceed 6.
- b) In the “Non-Occupancy Use Area” shown on Schedule ‘4’ of this Bylaw, no seasonal cabins or recreational vehicles shall be permitted.

.9 Maximum Parcel Coverage:

- a) 10%

.10 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 7.5 metres
 - iv) Exterior side parcel line 7.5 metres
- b) Accessory buildings and structures:
 - i) Front parcel line 7.5 metres

- ii) Rear parcel line 7.5 metres
- iii) Interior side parcel line 7.5 metres
- iv) Exterior side parcel line 7.5 metres
- c) despite Section 16.1.10(a)(iii), the minimum interiors side parcel line setback for those buildings labeled 8-10 on Schedule '4' shall be as follows:
 - i) Interior side parcel line 0.0 metres

.11 Maximum Height:

- a) No building or structure shall exceed a height of 7.5 metres, with the exception of those buildings labeled 1-7 on Schedule '4', which shall not exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 5.0 metres.

.12 Maximum Floor Area:

- a) The maximum floor area of a "seasonal cabin" shall not exceed 90 m², with the exception of those buildings labeled 1-7 on Schedule '4', which shall not exceed a maximum floor area of 150.0 m².

- (v) deleting Section 13.4.

READ A FIRST AND SECOND TIME this 28th day of April, 2016.

PUBLIC HEARING held this 17th day of May, 2016.

READ A THIRD TIME, AS AMENDED, this ___ day of ____, 2016.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area 'H' Zoning Amendment Bylaw No. 2498.08, 2016" as read a Third time by the Regional Board on this ___ day of ____, 2016.

Dated at Penticton, BC this ___ day of ____, 2016.

Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this ___ day of _____, 2016.

For the Minister of Transportation & Infrastructure

ADOPTED this ___ day of ____, 2016.

Chair

Corporate Officer

Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

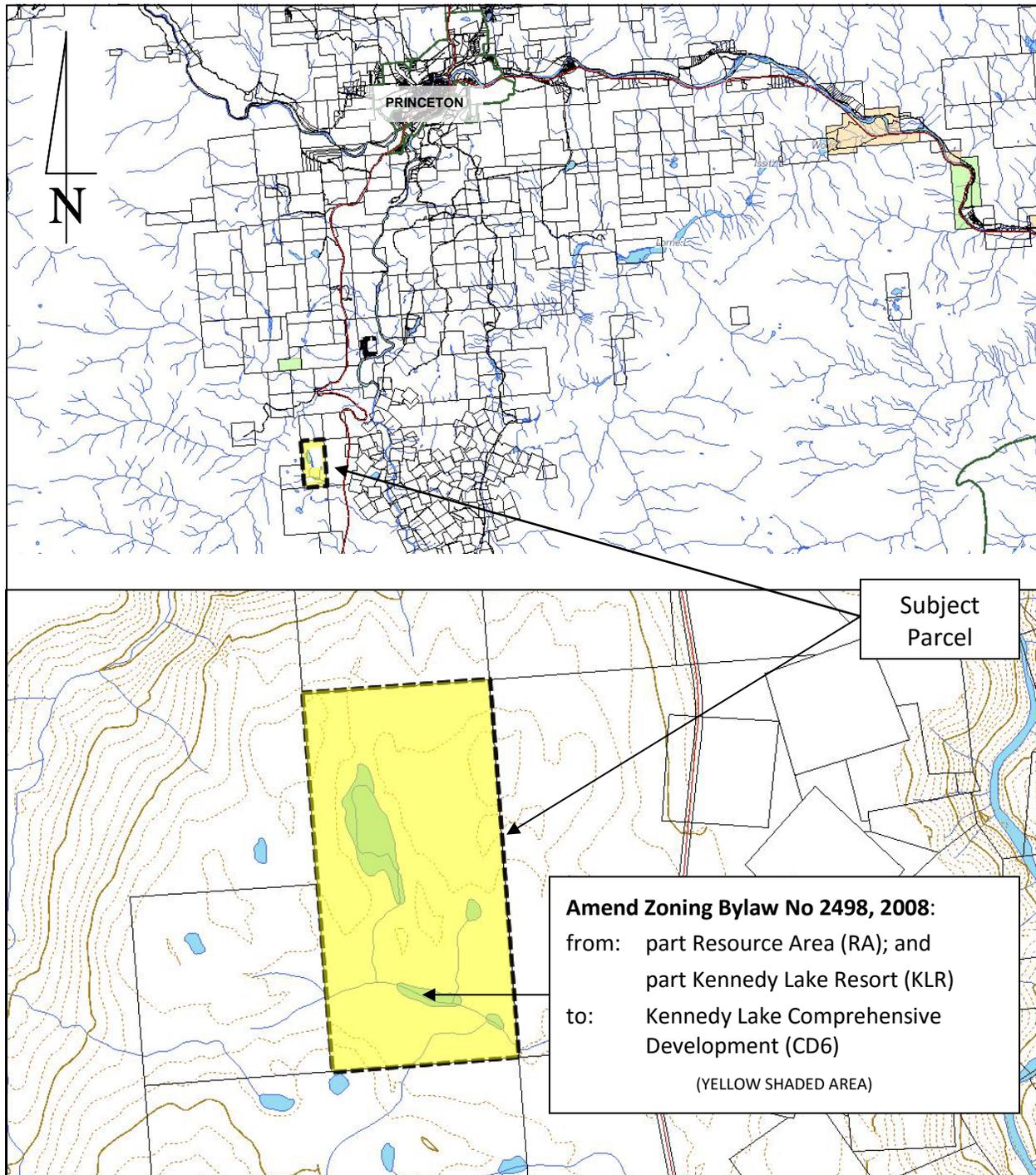
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2498.08, 2016

File No.: H2014.099-ZONE

Schedule 'Y-1'



Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9

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



Amendment Bylaw No. 2498.08, 2016

File No.: H2014.099-ZONE

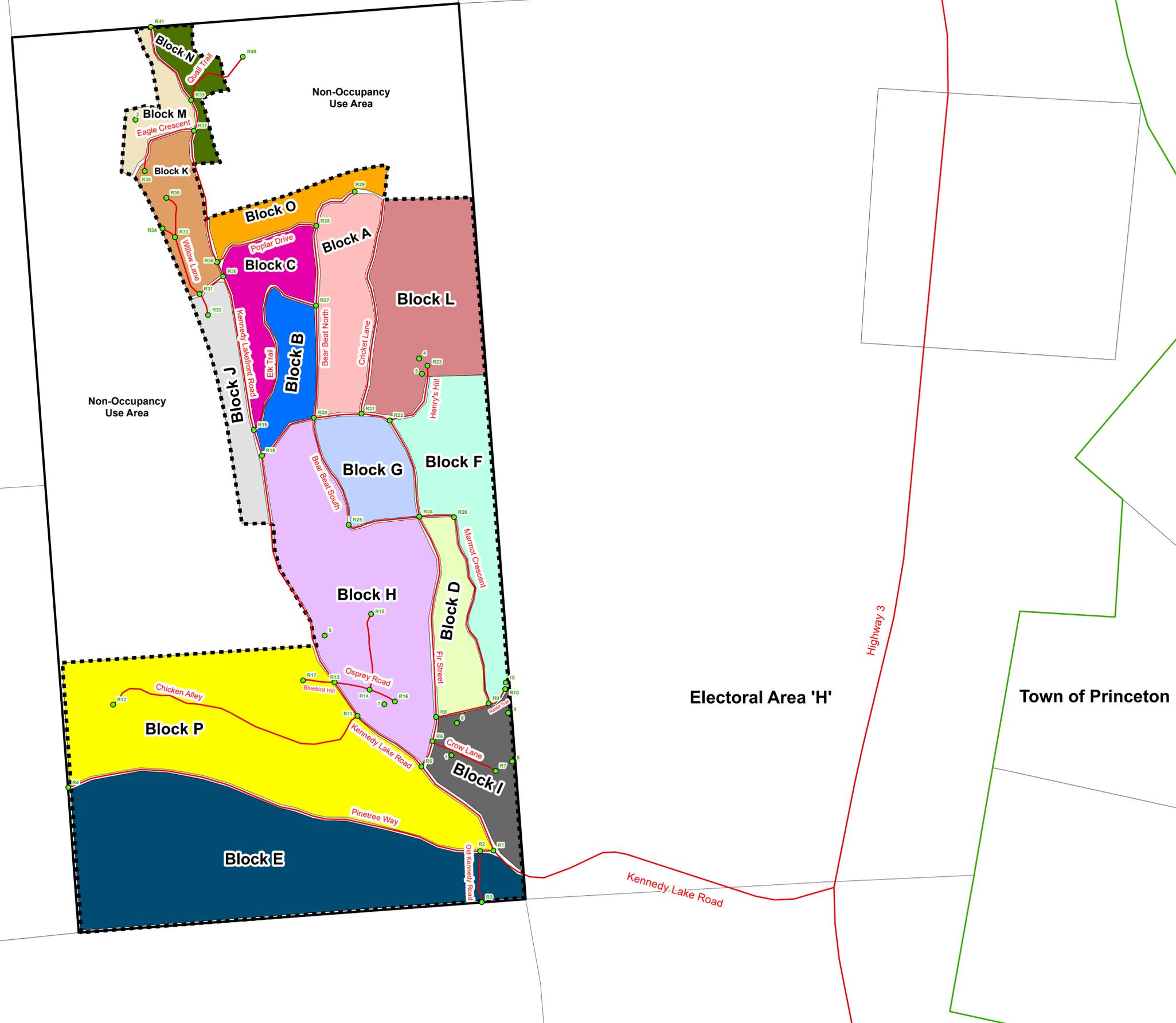
Schedule 'Y-2'

"Schedule '4' — Kennedy Lake Recreational Use Areas"

Legend

- Subject Parcel
- Recreational Use Area
- Non-Occupancy Use Area
- Block A
- Block B
- Block C
- Block D
- Block E
- Block F
- Block G
- Block H
- Block I
- Block J
- Block K
- Block L
- Block M
- Block N
- Block O
- Block P
- Electoral Area Boundary
- Roads
- GPS Coordinates

LABEL	LAT	LONG
1	49.340982	-120.579359
2	49.351580	-120.585940
3	49.347146	-120.579363
4	49.347395	-120.579406
5	49.343061	-120.582255
6	49.341492	-120.579165
7	49.341884	-120.580913
8	49.340808	-120.577872
9	49.341594	-120.577880
10	49.342083	-120.577882
R1	49.339400	-120.578501
R2	49.339407	-120.578836
R3	49.338583	-120.578886
R4	49.340936	-120.588846
R5	49.340839	-120.580118
R6	49.341229	-120.579801
R7	49.340673	-120.578299
R8	49.341616	-120.579663
R9	49.341767	-120.578346
R10	49.341977	-120.577909
R11	49.341731	-120.581595
R12	49.342212	-120.587590
R13	49.342296	-120.582095
R14	49.342138	-120.581244
R15	49.343349	-120.581069
R16	49.341915	-120.580651
R17	49.342367	-120.582868
R18	49.346026	-120.583460
R19	49.346451	-120.583608
R20	49.346573	-120.582107
R21	49.346578	-120.580928
R22	49.346434	-120.580249
R23	49.347268	-120.579212
R24	49.344852	-120.579698
R25	49.344809	-120.581451
R26	49.344801	-120.578847
R27	49.348371	-120.581844
R28	49.349649	-120.581684
R29	49.350154	-120.580675
R30	49.348953	-120.584071
R31	49.348701	-120.584686
R32	49.348353	-120.584518
R33	49.349644	-120.585184
R34	49.349798	-120.585476
R35	49.350286	-120.585324
R36	49.349193	-120.584197
R37	49.351328	-120.584520
R38	49.350742	-120.585809
R39	49.351824	-120.584529
R40	49.352458	-120.583176
R41	49.353053	-120.585386



Kennedy Lake Recreational Use Areas
 Schedule '4' Electoral Area 'H' Zoning Bylaw
 No. 2498, 2013.

This is Schedule '4' (Zoning Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'H' Zoning Bylaw No. 2498, 2013.

Chair _____ Chief Administrative Officer _____



Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: April 21, 2016 11:25 AM
To: Christopher Garrish; Planning
Subject: Project H2014-ZONE Bylaw Referral

Hello Planners!

Thank you for your referral regarding Project H2014-ZONE, and a proposed zoning change for the property at 1916 Kennedy Lake Road, PID 015006948, DL 889 YALE DIVISION YALE DISTRICT. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

Prior to any land alterations (e.g., addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

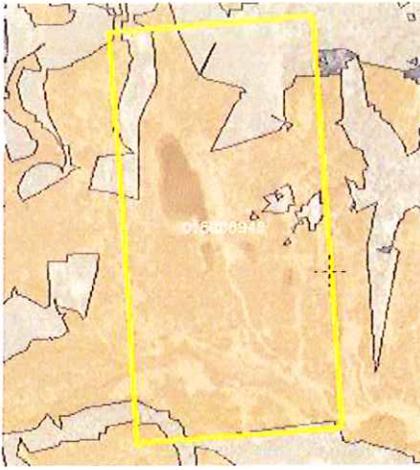
If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

Please review the screenshot of the property below (outlined in yellow). The brown/orange areas indicate high potential for unknown/unrecorded archaeological deposits and the beige areas indicate moderate potential. If this does not represent the property listed in the referral, please contact me.

Kind regards,

Diana





Diana Cooper | Archaeologist/Archaeological Site Inventory Information and Data Administrator

Archaeology Branch | Ministry of Forests, Lands and Natural Resource Operations
Unit 3 - 1250 Quadra St, Victoria BC V8W 2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W 9W3
Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>



April 20, 2016

File: 58000-20/201650
Your file: H2014.099-ZONE

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

Attention: Christopher Garrish

Re: OCOP/Zoning Bylaw Amendment for 1916 Kennedy Lake Road

The Ecosystems Section of the Ministry of Forests, Lands, and Natural Resource Operations (FLNR) has reviewed the above noted referral.

Based on the information provided, the proposed activity has the potential to impact environmental values.

Our expectation is that prior to agency approval, an assessment of values occurs and that mitigation is included in the final proposal to ensure minimal impacts to those values.

We recommend that the proponent retain a qualified professional (QP) to conduct an environmental assessment of the site prior to development in order to assess the environmental values present, determine the potential for adverse effects to environmental values as a result of development, and develop value-specific mitigation measures to avoid or limit adverse effects.

The QP review is to include: Conservation Data Centre (CDC) Species at Riskⁱ, Wildlife Species Inventory (WSI)ⁱⁱ, Conservation Landsⁱⁱⁱ, Okanagan Shuswap Land and Resource Management Plan (LRMP)^{iv} (wildlife/habitat RMZs), streams, fish occurrences, Ungulate Winter Range (UWR)^v, Wildlife Habitat Areas (WHA)^{vi}, Terrestrial Ecosystem Mapping (TEM), Biodiversity Conservation Strategy^{vii,viii}, etc.

Inventory methods should follow provincial Resources Information Standards Committee (RISC) standards^{ix}. In addition, species at risk occurrences should be reported to the B.C. Conservation Data Centre (CDC) using standard forms^x.



Provincial guidance for considering environmental values, including a bio-inventory terms of reference, are provided in FLNR's document *Develop with Care 2014: Environmental Guidelines for Urban & Rural Land Development in British Columbia*ⁱ. Section 3 of this document describes the objectives, requirements, and guidelines for good environmental development and management at the site level. Section 4 describes the objectives, legal requirements, and guidelines for land development near environmentally valuable resources, which can include endangered species, sensitive ecosystems or specialized habitats. Section 5.7 provides regional guidelines for the Thompson Okanagan Region.

Environmental values recorded as part of the environmental assessment, as well as appropriate mitigation for the specific environmental values identified, should be reported to the undersigned for consideration as part of this referral.

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*.

Please contact the undersigned at grant.furness@gov.bc.ca or 250-490-8277 if you have further questions, require additional information or cannot follow the recommendations provided in this referral response.

Yours truly,



Grant Furness
Ecosystems Section Head

GF/cl

ⁱ <http://www.env.gov.bc.ca/cdc/>

ⁱⁱ <http://www.env.gov.bc.ca/wildlife/wsi/index.htm>

ⁱⁱⁱ <http://www.env.gov.bc.ca/fw/habitat/conservation-lands/>

^{iv} <https://www.for.gov.bc.ca/tasb/SLRP/plan70.html>

^v <http://www.env.gov.bc.ca/wld/frpa/uwr/>

^{vi} <http://www.env.gov.bc.ca/wld/frpa/iwms/vha.html>

^{vii} http://a100.gov.bc.ca/appsdata/acad/documents/r42389/BiodiversityStr_1409784064471_9783578053.pdf

^{viii} <http://www.soscp.org/biodiversity/>

^{ix} <https://www.for.gov.bc.ca/hts/risc/pubs/>

^x <http://www.env.gov.bc.ca/cdc/contribute.html>

^{xi} <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/index.html>

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Temporary Use Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. E2015.130-TUP.

Purpose: To allow for the operation of a short-term vacation rental use.

Owner: Stephen Janzen Applicant: Stephen Janzen Folio: E-02087.350

Civic: 2835 Arawana Place Legal: Lot 6, Plan KAP47163, District Lot 207, SDYD

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

Proposal:

This application seeks approval for the operation of a short-term vacation rental use at the subject property comprising four (4) bedrooms within the existing single detached dwelling and four (4) on-site vehicle parking spaces.

Site Context:

Approximately 1,873 m² in area, the subject parcel is located at 2835 Arawana Place, approximately 3 kilometres north of Penticton. The property is seen to contain a single detached dwelling and a shed. The surrounding pattern of development is characterised by similar low density residential parcels.

Background:

Available records indicate that a Building Permit was issued for the construction of a four (4) bedroom single detached dwelling unit in 1993.

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which allows for “single detached dwellings” as a principal permitted use, with a limited accommodation of commercial uses in the form of “home occupations” and “bed and breakfast operations” as permitted secondary uses.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, an objective of the Board in relation to residential areas is generally to maintain the character of an area, however, “the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed” is also supported.

In support this, the OCP Bylaw contains a number of criteria against which the Board will consider an application for a TUP related to a vacation rental use in a residential neighbourhood. These include:

-
- a) *capability of accommodating on-site domestic water and sewage disposal;*
 - b) *mitigating measures such as screening and fencing;*
 - c) *provision of adequate off-street parking;*
 - d) *confirmation that the structure proposed for use as a vacation rental meets a minimum standard for health and safety; and*
 - e) *benefits that such accommodation may provide to the community.*

Public Process:

At its meeting of May 9, 2016, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use be approved, subject to the following conditions:

- health and safety issues are resolved;
- wastewater treatment capability (flow and biological) be confirmed;
- local site manager be hired with phone number distributed; and
- max term be to December 31, 2016.

Under Section 5.1.1 of the Regional District’s Development Procedures Bylaw No. 2500, 2011, the Board may require that a Public Information Meeting be held prior to the consideration of a TUP, “if it considers the proposal to be of a significant scale or nature warranting an additional opportunity for the public to access information and inquire about the proposal beyond that available through the regular application referral and public hearing process.”

In this instance, Administration notes that this property has not previously been the subject of a written complaint related to vacation rental uses and considers the direct notification of adjacent neighbours to be sufficient.

In accordance with Section 2.5 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed at Attachment No. 2. To date, comments have been received from the Ministry of Transportation and Infrastructure (MoTI), Interior Health Authority (IHA), Archaeology Branch, Fortis, Penticton Indian Band (PIB) and Ministry of Forests, Lands and Natural Resource Operations, and are included as a separate item on the Agenda.

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Thursday, May 12, 2016.

Analysis:

In considering this proposal, domestic water is supplied to the subject property by the Naramata Water System, and a Registered Onsite Wastewater Practitioner (Gary Dicken) has confirmed that the wastewater design flow rates for the house on the property is “a new Type 1 pressure distribution system [that] was constructed in the winter of 2006 for a 4 bedroom dwelling discharging no more than 1700 litres per day.”

The applicant’s site plan shows fencing, trees and vegetation as providing screening between adjacent properties to the east and west. With respect to parking, the applicant has indicated outdoor capacity for “up to 5 vehicles” with additional space for “extra parking”. The applicant has stated that the garage is not for vacation rental use.

A health and safety inspection was conducted December 29, 2015 by the RDOS Building Inspection Department, which identified a number of minor deficiencies. It is understood that the applicant is currently working to rectify these deficiencies in order to have them resolved prior to the issuance of a permit.

Given that the OCP Bylaw supports vacation rental uses subject to the aforementioned criteria generally being satisfied, Administration is supportive of this proposal.

Under the Regional District's "Vacation Rental Temporary Use Permit Policy", a term limit not exceeding 18 months shall be applied to Temporary Use Permit being issued for a vacation rental use on land which has not been the subject of such an approved use previously (or which is being proposed by new owners of the land).

The intent of this Policy is to allow for a new vacation rental use to operate for one "season" in order to determine if such a use is inappropriate, incompatible or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period. In this instance, Administration is recommending that the term of this TUP be to December 31, 2016.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2015.130-TUP ; OR
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2015.130-TUP subject to the completion of a Public Information Meeting to be organised by the applicant.

Respectfully submitted:

Endorsed by:

Endorsed by:


T. Donegan, Planning Technician



C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

Attachments: No. 1 – Agency Referral Sheet
No. 2 – Site Photo (Google Streetview)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. E2015.130-TUP:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Energy & Mines	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Forests, Lands & Natural Resource Operations	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Archaeology Branch	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	School District #67 (Okanagan Skaha)	<input checked="" type="checkbox"/>	Fortis

Attachment No. 2 – Site Photo (Google Streetview)



TEMPORARY USE PERMIT

FILE NO.: E2015.130-TUP

TO: Stephen Janzen
2835 Arawana Place
Naramata, BC V0H-1N0

GENERAL CONDITIONS

1. This Temporary Use 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 of this Permit, and any plans and specifications attached to this Permit which 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 Temporary Use Permit is not a Building Permit.

APPLICABILITY

5. This Temporary Use Permit applies to, and only to, those lands, including any and all buildings, structures and other development thereon, within the Regional District as shown on Schedules 'A' and 'B', and described below:

Legal Description: Lot 6, Plan KAP47163, District Lot 207, SDYD

Civic Address/location: 2835 Arawana Place

Parcel Identifier (PID): 017-778-425 Folio: E-02087.350

TEMPORARY USE

6. In accordance with Section 19.0 of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, the land specified in Section 5 may be used for a vacation rental use as defined in the Electoral Area "E" Zoning Bylaw, being the use of a residential dwelling unit for the accommodation of paying guests occupying the dwelling unit for a period of less than 30 days.

CONDITIONS OF TEMPORARY USE

7. The vacation rental use of the land is subject to the following conditions:
 - (a) the vacation rental use shall occur only between May 1st and October 30th;
 - (b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
 - i) the location of property lines by way of a map;
 - ii) a copy of the Regional District's Electoral Area "E" Noise Regulation and Prohibition Bylaw;
 - iii) measures to address water conservation;
 - iv) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
 - v) instructions on the storage and management of garbage;
 - vi) instructions on septic system care; and
 - vii) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw.
 - (c) the maximum number of bedrooms that may be occupied by paying guests shall be four (4);
 - (d) the number of paying guests that may be accommodated at any time shall not exceed eight (8);
 - (e) a minimum of four (4) on-site vehicle parking spaces shall be provided for paying guests, in accordance with Schedule 'B';
 - (f) camping and the use of recreational vehicles, accessory buildings and accessory structures on the property for vacation rental occupancy are not permitted; and
 - (g) current telephone contact information for a site manager or the property owner, updated from time to time as necessary, shall be provided to the owner of each property situated within 100 metres of the land and to each occupant of such property if the occupier is not the owner.

COVENANT REQUIREMENTS

8. Not applicable.

SECURITY REQUIREMENTS

9. Not applicable.

EXPIRY OF PERMIT

10. This Permit shall expire on the 31st day of December, 2016.

Authorising resolution passed by the Regional Board on ___ day of _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

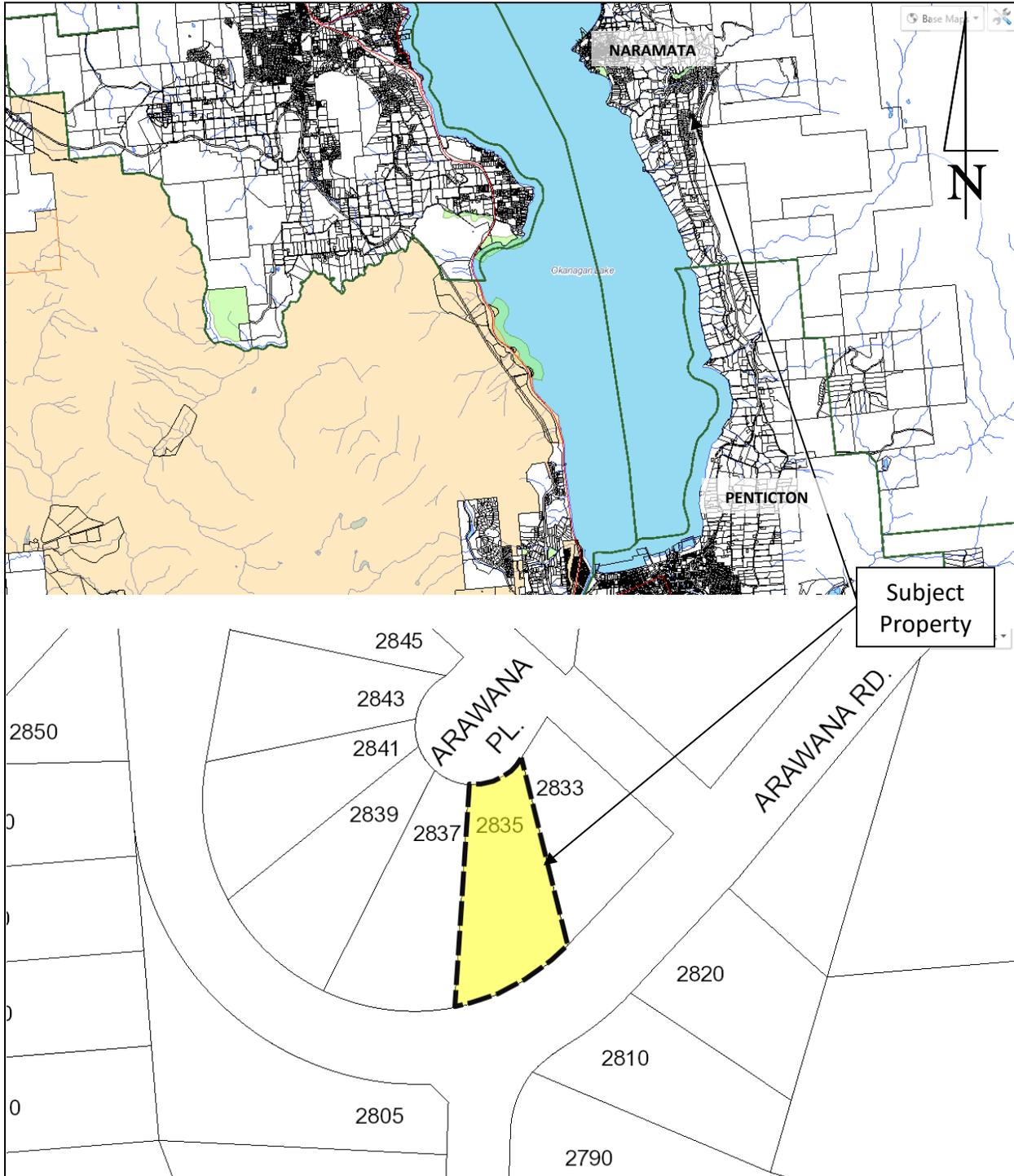
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. E2015.130-TUP

Schedule 'A'



Regional District of Okanagan-Similkameen

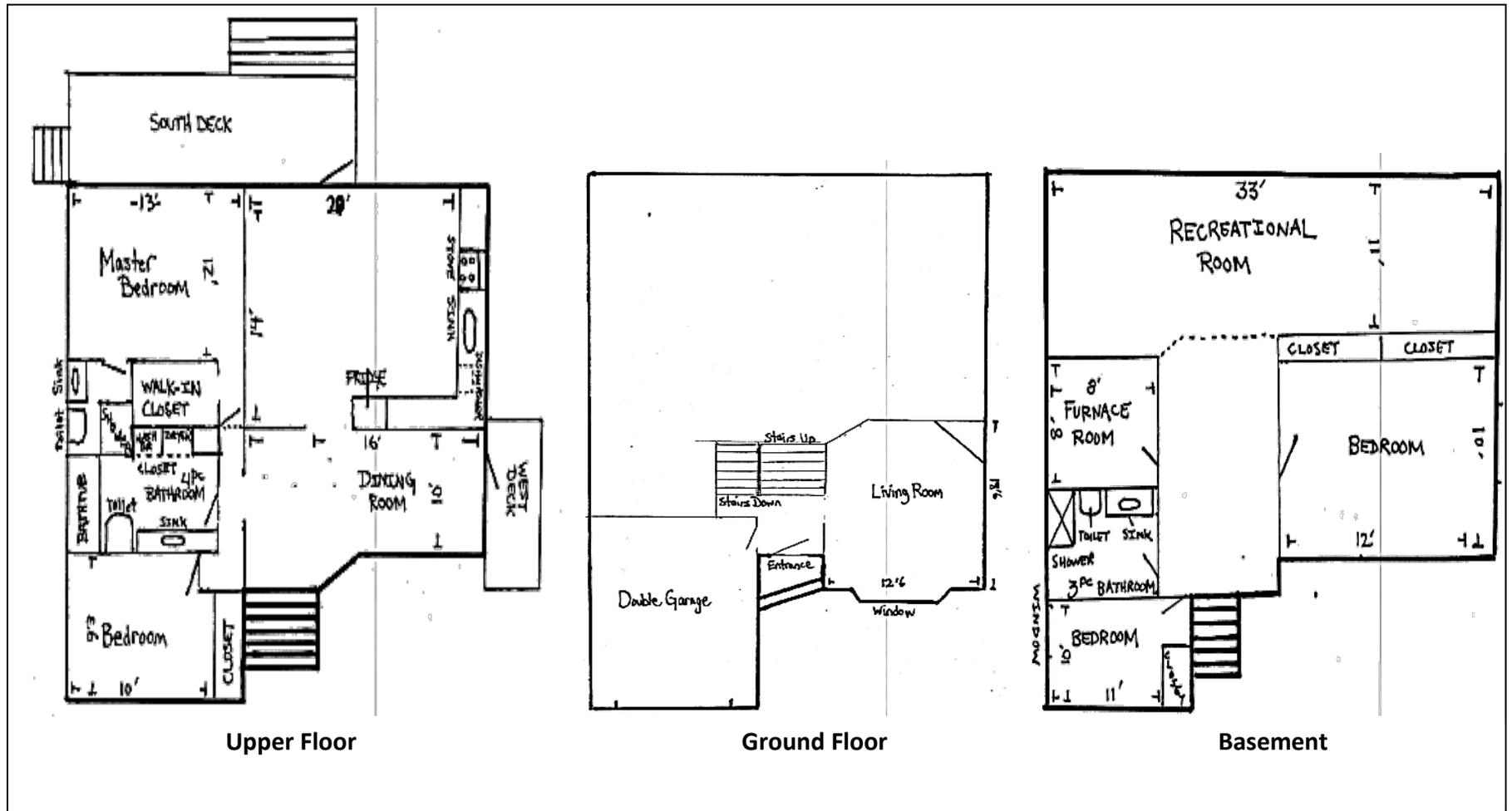
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. E2015.130-TUP

Schedule 'B'



Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: April 8, 2016 9:31 AM
To: Planning
Subject: Temporary Use Permit E2015.130-TUP Arawana Place

Hello Timothy,

Thank you for your referral E2015.130-TUP regarding 2835 Arawana Place, PIO 017778425, L6 DL207 SIMILKAMEEN DIVISION YALE DISTRICT PLKAP47163. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling indicates there is the possibility for unknown/unrecorded archaeological sites to exist on the property.

If the temporary use of the property as a vacation rental does not involve any land alterations to the property, the Archaeology Branch has no concerns.

If any land altering activities are planned, the proponent should contact the Archaeology Branch for information regarding the property.

Please review the screenshot of the property below (outlined in yellow). If this does not represent the property listed in the referral please contact me.

Do not hesitate to contact me if you have any further questions.

Kind regards,

Diana



Lauri Feindell

From: Lacey, Cathy MENV:EX <Cathy.Lacey@gov.bc.ca>
Sent: April 6, 2016 10:00 AM
To: Planning
Subject: Your file E2015.130-TUP

Hi,

The Ecosystems Section of the Ministry of Forest Lands & Natural Resources has reviewed the above noted referral. Section Head, Grant Furness, was the reviewer and has "No Concerns".

Cathy Lacey
Admin Support
MOE/MFLNRO Penticton



From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: April 14, 2016 4:15 PM
To: Planning
Cc: Mirsky, Nicholas
Subject: Arawana Pl,2835 Electoral Area E ROOS (E2015.130-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) {"FBC{E}"} primary distribution facilities along Arawana Place. 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.

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

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, P.App.
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 nc

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Lauri Feindell

From: Beaupre, John <John.Beaupre@interiorhealth.ca>
Sent: April 25, 2016 3:17 PM
To: Planning; Timothy Donegan
Subject: Temporary Use Permit Application - ROOS File: E2015.130-TUP
Attachments: AppendixGInspectionGui delinesMay2011.pdf

Attention Timothy Donegan, Planning Technician
Regional District of Okanagan-Similkameen
Planning Department
101 Martin Street
Penticton, BC
V2A 5J9

Dear Mr. Donegan:

Re: Temporary Use Permit Application for Short-Term Vacation Rental on Lot 6, Plan KAP47163, District Lot 207, SDYD
2835 Arawana Place, Electoral Area "E"

Thank you for the opportunity to provide comment on the above referenced TUP Application to allow short-term vacation rental use of the subject property from the months of April to October.

This office has on file a Permit to Construct a Sewage Disposal System which was issued on May 06, 1993 however we have no record of Authorization for Backfill and Use of the system being issued. Therefore this office recommends having an "Authorized Person" as defined in the Sewerage system Regulation complete a Compliance Inspection on the sewerage dispersal system currently serving the subject property to determine whether or not the current system is suitable for the intended use.

The Compliance Inspection should be carried out as per the attached Standard Practice Guidelines for the Inspection of Onsite Wastewater Systems by an AP certified in the discipline of "Private Inspector – Residential".

It is recommended that issuance of the TUP be contingent on the existing system passing the above mentioned inspection.

Please contact me with any questions you may have.

Thank you.

John C. Beaupre, C.P.H. 1.(C)
Environmental Health Officer
Interior Health Authority
Penticton Health Protection
3090 Skaha Lake Road, Penticton, BC, V2A 7H2
Bus: (250) 770-5540
Direct: (250) 492-4000 Ext: 2744
Cell: (250) 809-7356



Lauri Feindell

From: Timothy Donegan
Sent: April 8, 2016 11:19 AM
To: Lauri Feindell
Subject: FW: TUP for 2835 Arawana Place (E2015.130-TUP)



Timothy Donegan • Planning Technician
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4212 • tf. 1.877.610.3737 • f. 250.492.0063
www.rdos.bc.ca • tdonegan@rdos.bc.ca

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From: Benke, Mitch TRAN:EX [<mailto:Mitch.Benke@gov.bc.ca>]
Sent: Wednesday, April 06, 2016 1:51 PM
To: Timothy Donegan
Subject: RE: TUP for 2835 Arawana Place (E2015.130-TUP)

Hello Timothy,
I was not sure if Rob responded. However, after review of the information that you provided, the Ministry's interests are unaffected in regard to this application.

If you have any questions or comments, please contact myself or Rob.

Regards,

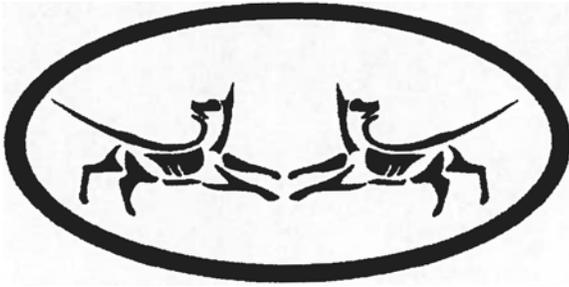
MITCH BENKE
DISTRICT DEVELOPMENT TECHNICIAN
BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
OKANAGAN SHUSWAP DISTRICT
102 INDUSTRIAL PLACE, PENTICTON, BC V2A 7C8
T: 250-490-22261 C: 250-809-8555 / F: 250-490-2231
Website: www.th.gov.bc.ca/DA

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From: Timothy Donegan [<mailto:tdonegan@rdos.bc.ca>]
Sent: Monday, April 4, 2016 3:33 PM
To: Bitte, Rob TRAN:EX
Cc: Benke, Mitch TRAN:EX; Lauri Feindell
Subject: TUP for 2835 Arawana Place (E2015.130-TUP)

Hi Rob,





Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp. 19
Penticton, B.C. CAN
V2A 6J7

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

April-06-16

WITHOUT PREJUDICE AND NOT TO
BE CONSTRUED AS CONSULTATION

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

Referral ID: 2016-04-04 ZON

RTS #: 1634

Date: April-04-16

Reference #: Folio E02087.350 E2015.130-TUP

Summary: A short-term vacation rental use at the subject property from the months of April to October. 2835 Arawana Place, Naramata BC.

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 *Tsi/hqot'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 is as follows:

	SubTotal	Tax	Total
Admin (12%)	\$ 52.50	\$ 0.00	\$ 52.50
G.I.S. Tracking and Review (GIS Project)	\$ 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

[†]The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982



Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #1634

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.

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.

limlemt,

Lavonda Nelson
Data Management Clerk

¹The area over which PIB asserts Aboriginal Rights and Title under Section 35 of the Constitution Act, 1982

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

April 11, 2016

Development Services
Planning and Building Inspection

ECEIVED
Regional District

APR 12 2016

Attention: Mr. Timothy Donegan
Planning Technician

101 Martin Street
Penticton BC V2A 5J9

Re: Naramata - "Vacation Rental Property" at 2835 Arawana Place

Dear Mr. Donegan,

Our home is located approximately 210 metres southwest from the house at 2835 Arawana Place, in the beautiful Naramata uplands .

During the past few years, primarily during the summer season, the house at the address noted above has been operated as a "Vacation Rental Property". And, unfortunately on many occasions the 'temporary tenants' show no respect for the nearby neighbours and the nature of the area's quiet rural lifestyle.

We do not know if the owner of the subject property at Arawana Place has the proper permits and has paid any required fees for additional utilities and services to operate a Vacation Rental Property, and is therefore aware of existing noise bylaws.

We do know that too many times during those vacation rental occupancies the tenants, and thereby the property owners, are in violation of the ROOS Bylaw No. 2386, 2006, Electoral Area 'E' Noise Regulation and Prohibition

Section 3 - Regulation

- 3.1 "No person shall make or cause, or permit to be made or caused, any noise in Electoral Area 'E' of the Regional District, which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood, or of persons in the vicinity".

We can understand – on occasion – a neighbour may be entertaining friends and there is a 'minor' violation of the Bylaw Item 3.1. But, these occurrences are rare, and if a neighbour does address the issue with his or her fellow neighbour, the matter usually gets resolved.

In the case of the subject Vacation Rental Property at 2835 Arawana Place, the noise violations are "numerous and excessive" – beyond any reasonable noise volume or a time to cease the pertinent activities. And, when the tenants have been approached, they are often rude and disrespectful, and don't even try to cooperate.

We – the neighbours, who live here permanently, have a right to enjoy the outdoors and peaceful quiet of the area during the 'summer months' as well. And, the property owner (of a Vacation Rental Property) has the responsibility to operate such a business in accordance with any: bylaws, rules, or regulations, and with respect for those who live in the nearby area.



As a note: We operated the very successful "Copper Goose B&B" (2 rooms, generally a maximum of 4 guests) from the summer of 2005 until the fall of 2015, when we stopped and closed the business. We were made aware of the pertinent B&B "Bylaws and Regulations" when we set up the business, and we paid any fees for permits and additional utilities and services required. And, we always apprised our guests of the noise rules and recommended courtesy for fellow guests in the nearby room and during the use of the 'common facilities' in our home, and for our neighbours in general. We are not aware of any significant complaints during the lifetime of our business. So, ...guest facilities can be provided and operated properly in Naramata, without upsetting the nearby neighbours.

In discussions with several of our friends and neighbours living close by the subject Vacation Rental Property, they tell us of many similar experiences and violations of noise bylaws by temporary tenants at that Arawana address.

We strongly request the RDOS **refine and enforce** the Electoral Area 'E' Bylaws and Regulations to ensure that the residents of Naramata can enjoy the peaceful and quiet lifestyle in this beautiful place to live.

A response from the RDOS regarding this matter of noise bylaws pertaining to "Vacation Rental Properties" would be appreciated.

Yours truly,

Gerhard Werenka

Carolle Werenka

Address: 2755 Winifred Road, Naramata
cc **Karla Kozakevich**, Director, RDOS Area E - Naramata

From: Merle Diot
Sent: Wednesday, April 06, 2016 9:30 AM
To: Timothy Donegan; Karla Kozakevich
Subject: Re: Notice of Development at 2835 Arawana Place

Timothy Donegan

We are writing this letter to inform you that we are definitely opposed to the operation of a Vacation Rental Property at 2835 Arawana Place.

We reside at 2845 Arawana Place (directly across from the above residence) and have noticed loud and late music and voices on many occasions over the past 3 years.

We chose to live here a number of years ago for its quiet, peaceful neighborhood. This activity will definitely have a negative on all nearby property values, and it is not a fit for this area.

We trust you will deny this property to be used as vacation rental in Arawana Place.

Claude & Merle Diot
2845 Arawana Place



Attention: Timothy Donegan
Cc: Regional Councillor: Karla Kozakevich
Re: The vacation rental home belonging to Steve Janzen.
The address is: 2835 Arawana Place. Naramata, B.C.
The VRBO (Vacation Rental by Owner) number is: 483043

This Vacation Rental home (Vacation Rental by Owner number: 483043) is causing concerns in our neighborhood because of noise. This noise detracts from our and our neighbor's enjoyment of our homes and property. We cannot enjoy our outdoor space including balconies during the day and particularly evening hours from 6 pm to 11pm due to the noise made by rowdy vacationers on that property. Some guests have been loud after midnight.

The owner of this rental home lives in Alberta and does not have a local property manager. Because of this, there is no one locally we can voice our concerns to. Usually neighbours have to respond to the noise by approaching the renters directly and asking them to be quiet and respectful. In the past this has occasionally resulted in angry confrontation.

We purchased our home in this area for the quality of the neighbourhood and for the quiet residential experience we are being denied because of this Party House. There have been up to ten guests partying at this house in the past and their noise has been very intrusive both during the day and the evenings.

We understand the owner is in contravention of ROOS by-laws requiring Vacation Rental Home Operators to have a Temporary Use Permit for their homes. Why have the ROOS created, voted on and approved (in 2014) this By-Law but then stated that they will only enforce it at their discretion? This is the response we have received from the By-Law Enforcement Coordinator when asked why the By-Law is not being enforced. It still puzzles us that there is a By-Law which requires a Temporary Use Permit but when the ROOS is notified and in this case, shown the advertising that clearly indicates it is a holiday home, they do not investigate. This is a business but they also do not appear to have a business permit.

In addition we wonder if additional cost incurred by other businesses' (e.g. B & B's) for ROOS services, such as garbage pick-up and water costs are not being collected from this business because this home's actual use is not reported. Rules should be enforced on ALL businesses fairly.

Because of the owner's lack of response to repeated complaints and apparent lack of concern for the neighbors of his vacation rental property, we wonder about the co-incidence of his putting this property for sale and application for a Temporary Use Permit! I suspect that his motivation for the permit application is to make the property more desirable to a potential buyer who may also wish to run it as a vacation rental. It would be completely inappropriate for the ROOS to grant a TUP for a house that is for sale when the vendor/owner of the property may be acquiring the "TUP" as a selling feature.

Granting a permit for a Vacation Rental in this neighborhood would set a precedent for future TUP applications by other people in our neighborhood, which would only compound the negative effects that we have been experiencing from this vacation rental property.



In the past, the response from the RDOS to this matter has seemed at best "lukewarm". To us and to our neighbors this is a very serious matter. It affects our lifestyle, our enjoyment of our property and quite possibly the value of our home.

Thank you for your prompt and serious attention to this matter.

Please respond to:

Roger and Helen Cowdell
2775 Winfred Rd.
Naramata, B.C. V0H 1N1

Mr. Timothy Donegan
Planning Technician
ROOS
101 Mortin Street
Penticton, BC V2A 5J9

April 4, 2016

re: Notice of Development for a TUP to operate a Vacation Rental,
2835 Arawana Place, Naromata

Dear Mr. Donegan:

This is to register our objection to this application.

The dilemma is that the use of "Vocation Rental" is not something we disagree with in principal, if only it was possible to safeguard reasonable behaviour of vacationers, or in neighbourhoods with compatible uses. However, the experience with this particular property and the owner's seeming lack of interest to exercise good judgement selecting renters leave us no choice but to object to granting the application.

Loud behaviour, drunken parties and aggressive responses when asked to "tone it down" have unfortunately happened with renters enjoying a weekend in "Wine Country". Our particular compassion is with Libby and Bob Parsons, whose house is situated in a way that leaves them no respite on these unfortunate occasions.

Please advise us of any remedies we might have in this matter.

Best regards,

Erika and Florian Mourer

cc: Karla Kozakevich, Regional Director

RECEIVED
Regional District

APR 5 2016

101 Martin Street
Penticton BC V2A 5J9



To: Timothy Donegan

Planning Technician, RDOS

Subject: Concerns about Vacation Rental Property at 2835 Arawana Place, Naramata.

April 14, 2016

We are Steve & Lorraine Galenzoski, 2790 Winifred Road, Naramata. We live in close proximity to the Vacation Rental home at 2835 Arawana Place. We have great concerns about the impact operating a vacation rental property, now or in the future, that this will have on our lifestyle, our property value, and our peace of mind in beautiful Naramata. The whole reason we moved to Naramata and built our home here is to enjoy the quiet, solitude, lovely views, and respectfulness of this peaceful neighbourhood.

The spring, summer, and autumn months invite outdoor activities and relaxation on our deck and in our yard. Last year this enjoyment was ruined where we experienced firsthand the noise, loud partying, loud music, and boisterous activities (day and night) and can be presumed will persist this coming summer. As a homeowner in a quiet neighbourhood we find this very unacceptable.

The RDOS Bylaw #2386 states "No person shall make or cause, or permit to be made or caused, any noise in Electoral Area "E" of the Regional District, which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or conveniences of the neighbourhood, or of persons in the vicinity."

Even during the construction period of our house we respected the noise bylaws. Since the owner of the vacation home does not live in the area or nearby, we can assume that the partying and noise from his residence will continue all this summer long and beyond. We know that if you get a group of up to 10 people together, they come to the Okanagan to enjoy themselves, but we did not realize that for us moving into a quiet, respectable neighbourhood we would be subjected to this constant noise disturbance where the noise levels from this vacation home did indeed disturb the quiet, peace, rest, enjoyment, comfort, and convenience of ourselves and other neighbours!

If a permit or license is granted for this vacation home, now or in the future, then this outrageously grants the owner the right to violate the noise bylaws in our quiet neighbourhood on a regular basis.

Please confirm that you have received this letter.

Thank you.

Steve & Lorraine Galenzoski
2790 Winifred Road,
Naramata



Subject: FW: Application for Vacation Rental - 2835 Arawana Place, Naramata

-----Original Message-----

From: Brenda Van Iderstine (Sent: Wednesday, April 06, 2016 1:28 PM)
To: Timothy Donegan
Cc: Christopher Garrish; Brenda;
Subject: Application for Vacation Rental - 2835 Arawana Place, Naramata

Hello Timothy,

We are emailing you to express our firm opposition to the Application for Vacation Rental submitted (to your department) by Stephen Janzen, the owner of 2835 Arawana Place, Naramata, BC. Your File # (from your website) on Mr Janzen's application is E2015.130- TUP.

Our names are Charles and Brenda Van Iderstine and we own the adjacent property 2833 Arawana Place. We have owned our lot since 1992. Our lot is currently vacant, but we intend to be very soon be building a new home on our lot in the 2016/2017 period that will become our future primary residence in 2017.

We have been advised by our neighbors in the immediate area that Mr. Janzen has already rented out his home at 2835 Arawana Place in 2015 and prior years. Unfortunately the noise levels from his renters, we were told, has been very regularly excessive and very disturbing, and the renters have not been properly responsible, thoughtful and respectful to neighboring residents..

Mr Janzen lives remotely in Grande Prairie, Alberta.

We think vacation rentals in general SHOULD NOT be allowed on the Naramata Benches, and most definitely NOT to very noisy renters that are not responsible, nor respectful. The owner in this case is not even in the area to monitor the behavior of his renters. It essentially has been an uncontrolled situation.

We are planning to spend our retirement years in the beautiful, tranquil, quiet Naramata Benches, and in a neighborhood of people that are very responsible and very respectful of other residents.

We strongly encourage you to NOT approve Mr Janzen's application.

Notably, Mr Janzen has put up a For Sale sign at his 2835 Arawana Place house in the last 10 days.

Respectfully submitted,
Charles and Brenda Van Iderstine



Lauri Feindell

Subject: FW: Notice of Development at 2835 Arawana Pklacw

From: Merle Diot
Sent: Wednesday, April 06, 2016 9:30 AM
To: Timothy Donegan; Karla Kozakevich
Subject: Re: Notice of Development at 2835 Arawana Pklacw

Timothy Donegan

We are writing this letter to inform you that we are definitely opposed to the operation of a Vacation Rental Property at 2835 Arawana Place.

We reside at 2845 Arawana Place (directly across from the above residence) and have noticed loud and late music and voices on many occasions over the past 3 years.

We chose to live here a number of years ago for its quiet, peaceful neighborhood. This activity will definitely have a negative on all nearby property values, and it is not a fit for this area.

We trust you will deny this property to be used as vacation rental in Arawana Place.

Claude & Merle Diet
2845 Arawana Place



Hello Karla,

We were just informed that our email of opposition to the application by 2835 Arawana Place for Vacation Rental is to be sent to you.

Attached is our email of April 6, 2016 sent to Timothy Donegan on this subject. Please review it, consider it and file it accordingly.

We own the lot at 2833 Arawana Place, immediately next door to the owner of this lot that is wanting to continue renting out each summer.

We have been told by neighbours that the premises have been very noisy most evenings of the summer season for the last few years.

We will be building a new house on our lot over the next year and we are very concerned that it will be noisy and disturbing to live there if you approve this application to a location that has a poor history for disturbing neighbours.

We will try to attend the Advisory Planning Committee Meeting at 7:30 PM Monday, May 9th at the Naramata OAP Hall.

We oppose this rental application for the reasons set out in the attached email.

Please confirm that you have received this email.

Thank you.

Respectfully submitted,
Charles and Brenda Van Iderstine

> From: Brenda Van Iderstine ≤
> Subject: Application for Vacation Rental - 2835 Arawana Place,
> Naramata
> To: tdonegan@rdos.bc.ca
> Cc: cqarrish@rdos.bc.ca. "Brenda" ≤
>
> Received: Wednesday, April 6, 2016, 1:28 PM
>
>
> Hello Timothy,
>
> We are emailing you to express our firm opposition to the Application
> for Vacation Rental submitted (to your
> department) by Stephen Janzen, the owner of 2835 Arawana Place,
> Naramata, BC. Your File # (from your website) on Mr Janzen's
> application is E2015.130 - TUP.
>
> Our names are Charles and Brenda Van Iderstine and we own the adjacent
> property 2833 Arawana Place. We have owned our lot since 1992. Our lot
> is currently vacant, but we intend to be very soon be building a new
> home on our lot in the
> 2016/2017 period that will become our future primary residence in
> 2017.
>
> We have been advised by our neighbors in the immediate area that Mr.
> Janzen has already rented out his home at 2835 Arawana Place in 2015
> and prior years. Unfortunately the noise levels from his renters, we
> were told, has been very regularly excessive and very disturbing, and
> the renters have not been properly responsible, thoughtful and
> respectful to neighboring residents..
>
> Mr Janzen lives remotely in Grande Prairie, Alberta.
>
> We think vacation rentals in general SHOULD NOT be allowed on the
> Naramata Benches, and most definitely NOT to very noisy renters that
> are not responsible, nor respectful. The owner in this case is not
> even in the area to monitor the behavior of his renters. It
> essentially has been an uncontrolled situation.
>
> We are planning to spend our retirement years in the beautiful,
> tranquil, quiet Naramata Benches, and in a neighborhood of people that
> are very responsible and very respectful of other residents.
>
> We strongly encourage you to NOT approve Mr Janzen's application.
>
> Notably, Mr Janzen has put up a For Sale sign at his 2835 Arawana
> Place house in the last 10 days.
>
> Respectfully submitted,
> Charles and Brenda Van Iderstine
>
>

PHILIP & EVA McDOUALL

May 9th, 2016

Timothy Donegan
Planning Department
RDOS
101 Martin St.
Penticton
BC V2A 5J9

Dear Mr. Donegan,

Proposed TUP Application – Vacation Rental, 2835 Arawana Place, Naramata

Re: RDOS Notice dated April 28, 2016
RDOS File: E2015.130-TUP
Folio No. E02087.350

Thank you for informing us of the proposed vacation rental property close to our home.

In the past, we noticed that this property has already been used as a vacation rental, and our experience has not been good for the following reasons:

1. There have usually been quite a few people on the property, including children, and the excessive noise after hours has been a significant disturbance, even though our house is on Noyes Road.
2. This neighborhood is a quiet, retirement community, and a vacation rental is simply not compatible.
3. Unless the owner is on premises at all times, or living very close by, then we strongly object to this application.

Thank you for taking our opinion into consideration.

Sincerely, 

Philip McDouall

Eva McDouall

RECEIVED
Regional District

101 Martin St.
Penticton BC V2A 5J9

From: Florian Maurer [<mailto:florian@florianmaurer.ca>]

Sent: Sunday, May 08, 2016 9:48 PM

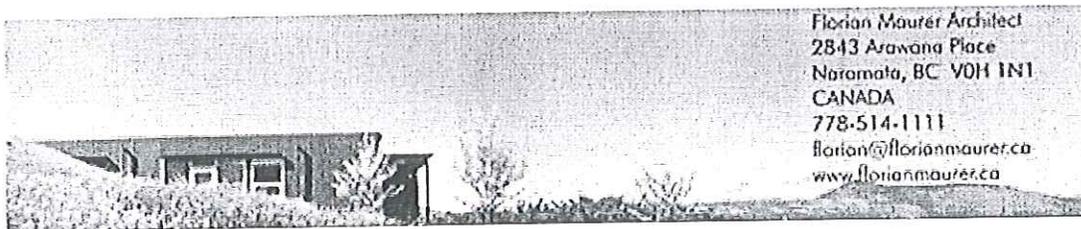
To: 'R PARSONS'; Karla Kozakevich; Timothy Donegan

Subject: RE: Proposed Temporary Use Permit (TUP) Application - Vacation Rental Use - 2835 Arawana Place, Naramata

..looks like the RDOS has homework to do! Please inform me about how you intend to remedy and clarify the many points raised by the Parsons! Being situated "within 100 m" of the subject property I also wish to be informed about any further developments in this matter. Please also acknowledge receipt of my past messages : I wish to have them on record and not "lost" because of some technicality!

Best regards,

Florian Maurer



Lauri Feindell

Subject: FW: Proposed Temporary Use Permit (TUP) Application - Vacation Rental Use - 2835 Arawana Place, Naramata

Importance: High

From: R PARSONS [mailto:_____]_____
Sent: Sunday, May 8, 2016 1:23 PM
To: kkozakevich@rdos.bc.ca; tdonegan@rdos.bc.ca
Subject: Proposed Temporary Use Permit (TUP) Application - Vacation Rental Use - 2835 Arawana Place, Naramata

References:

- A. Proposed Temporary Use Permit (TUP) Application - 'Vacation Rental' use 2835 Arawana Place, Naramata, dated 28 April 2016
- B. Telephone Conversations x 2 - Ms Kozakevich and Libby and Bob Parsons Thursday 05 May 2016
- C. RDOS Board Policy - Vacation Rental Temporary Use Permit (undated)
- D. Naramata Noise Bylaw 2386, 2006
- E. RDOS Board Policy- Vacation Rentals Enforcement Policy - Board Staff Reports 2014/2014-08-21/Planning Approved/Vacation Rental Policy
- F. RDOS Colour Brochure - The Good Neighbours Guide To Vacation Rental -Information For Owners of Vacation Rental Properties (undated)
- G. Naramata Area A - Official Community Plan Bylaws 2458, 2008 20 March 2014
- H. Vacation Rentals: A TUP Makes Business Sense (undated)

Dear Ms Kozakevich and Mr Donegan:

1. We have just received by mail, the Proposed Temporary Use Permit Application - "Vacation Rental" Use - 2835 Arawana Place, Naramata (Ref A). We wish to express our concern over that document, as well as to register our disagreement with the use of 2835 Arawana Place as a Vacation Rental.....TUP or no TUP!!

2. First of all, there appears to be a number of discrepancies and areas that require clarification between the Application (Ref A) and the various RDOS documents (and conversations) relating to 'vacation rentals' and TUPs (Refs B to H). These include:

a) Ref A Covering Letter, third paragraph indicates that, *"To ensure that the Board of Directors receive all information prior to the Board meeting (19 May 2016) written comments be received regarding this Application....."* **Therefore, we have to assume that "all information" will include all previous written complaints, as well as current complaints, including this complaint. Please confirm.**

b) Ref A, page 2, para 7(a) it states, *"the vacation rental use shall occur only between May 1st and Oct 30th"*. However, in the same document on page 3, para 10 it clearly indicates that, *"This permit shall expire on the 31st day of December 2016."* Which is it? **Please clarify but we recommend that Ref A be consistent . Note: 30 Oct would be consistent with Ref C, RDOS Board Policy Vacation Rental Temporary Use Permit para 4.**

c) Ref A, page 2, para 7(b) states, *"the following information must be posted within the dwelling unit while the vacation rental is occurring:"* **How would RDOS confirm that all such requirements had been met and** 

that all of the required information had been posted inside the house, particularly Ref D, Section 3 of Naramata Noise Bylaw 2835,2006?

d) Ref A, page 2, para 7(c) states, "*the max number of bedrooms that may be occupied by paying guests shall be four(4)*". The owners VRBO advertisement (VRBO 483043) indicates that, "*we do have an additional bed that can be set up in the media room for overnight*." That can only be interpreted as there is a bed for one or two other people which would allow more than eight (8) occupants. **Why is that acceptable and how is it confirmed that only eight, versus more folks are staying in the house?**

e) Ref A, page 2, para 7(d) states, "*the number of paying guests that may be accommodated at any time shall not exceed ten(8)*." **That number must be corrected to read "eight(8)" not "ten(8)".** Aside from the error, reducing the numbers from ten to eight will do little or nothing to alleviate the noise.

f) Ref A, page 2, para 7(g) states, "*current telephone contact information for site manager or the property owner...shall be provided to the owner of each property situated within 100 metres to the land and to each occupant of such property*". *the bold part of that statement is in contradiction with two other RDOS documents - Refs E and F. Ref E para 7 states that, "vacation rentals that have one or more of the following characteristics will be subject to enforcement" (1) "if they are advertised as providing accommodation for less than one month and don't have an agent of the property owner residing in the Okanagan-Similkameen area".* Additionally, (Ref F) the RDOS brochure entitled, The Good Neighbours Guide To Vacation Rental clearly states, "*The owner must provide your neighbours with the name and telephone number of a local property manager they can call with a complaint. Make sure this local contact is available 24 hours a day, 7 days a week.*" Furthermore, in conversation with Ms Kozakevich (Ref B), it was made very clear by Ms Kozakevich that the owner would have to have a local manager. **Why then, in direct contravention to at least two RDOS documents and the statement by Ms Kozakevich, does the current TUP Application (Ref A) not require the owner to have a 'local' property manager?**

3. In addition to the specific issues with the TUP Application (Ref A), there are a number of other items we wish to highlight. These include the following:

a. Ref D, Naramata Noise Bylaw 2386, 2006, Section 3 - Regulation- indicates that, "*no person shall make, cause or permit to be made or caused, any noise in Electoral Area E of the Regional District which disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.*" In discussion with Ms Kosakevich (Ref B), she also confirmed the Bylaw is in force 24 hours a day (ie not just after a certain time such as 2200 or 2300 etc.) The words used in Ref D are very strong. Unfortunately, as a result of the Vacation Rental in question, where there can be, and regularly are, up to eight or ten people in the house (and more specifically the backyard that faces our house) we are constantly "*disturbed, tended to be disturbed and lack the quiet, peace, rest, enjoyment,*" that we expect from our neighbourhood. In conversation with Ms Kozakevich (Ref B) she indicated that a Bylaw Enforcement Officer must be called for him to document the noise. Let's be clear about the noise, it is a constant compendium of noise produced when up to six, eight or ten people, in the backyard, are drinking, talking, laughing, joking, bouncing a basketball, playing music and generally having a fun, holiday time. While this may sound benign, the point is that it is constant, from the time the renters' step out onto the backdeck/yard, until they either leave the property or retire to the house - in essence, for vacationers who are in the house, it's Friday night every night!!

Furthermore, sound tends to travel 'up' and as we live above the subject house and backyard, the sound is amplified. Thus, at street level the noise is less than higher up where we live. Any Bylaw Officer who showed up would more than likely write, "*the renters appeared to be just talking and laughing (with the odd very loud laugh) and someone was bouncing a basketball.*" But, if that same Bylaw Officer were to park his vehicle

in our driveway and monitor the noise for weeks at a time from 0600 to 2400, his report would be very different. But of course we know that will never happen. So.....we are faced with the attitudes that if this activity doesn't occur in 'your backyard' it is difficult to make people understand what is happening.

b. Ref E, RDOS Policy, Purpose Section, para 2 states that, "*The RDOS supports the local economy and encourages entrepreneurship within its jurisdiction, but on the understanding that they have a regulatory role and have a duty to protect residential uses from being negatively impacted by vacation rentals within their neighbourhood.*" The key words here are "*regulatory role and have a duty to protect*". Those are very strong and definitive words and we believe that RDOS is NOT protecting our interests as people who reside in Naramata on a quiet and peaceful street. **The owner of 2835 Arawana Place resides in Alberta!!** He is simply making money at our expense and RDOS' s so-called "**regulatory role and protective duty**" to permanent residents such as us, seems to be lacking.

c. Under para 3 of the previous Ref E, it also indicates that, "*it is believed that the issuance of a TUP.....will permit neighbours to enjoy peaceful use of their properties and support the local economy at the same time.*" The subject property has been operating as a Vacation Rental for three years. We finally submitted a formal complaint last summer (2015). **How will the issuance of a TUP change the noise that constantly emanates from 2835 Arawana Place during the six 'active' rental months (May - Oct) that "disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience," of our property??** Additionally, Ref G, Naramata Official Community Plan, Section 11.6.1, Vacation Rental Policies, page 35, indicates that, "*RDOS supports provision of paid accommodation for visitors through the short term rental of residences provided that community and neighbourhood residential needs can be addressed.*" Again, is providing, what would simply be a formal recognition of the subject house being run as a Vacation Rental via a TUP, going to **address our needs of "disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort or convenience," of our home?**

d. Additionally, Ref G, the Naramata Community Plan in Section 11.6.2, page Vacation Rental Policies dated 20 March 2014, "*supports the use of a residence for short term vacation rental where permitted by a TUP or rezoning.*" Notwithstanding that, Ref F, The Good Neighbours Guide To Vacation Rentals for Owners, which was presumably issued sometime before last year, states, "*Property owners in the RDOS wanting to operate their home as a vacation rental require a permit.....and vacation rental properties without the required TUP are subject to fines of up to \$500.00 a day for non-compliance.*" A further single page document Ref H, entitled Vacation Rentals: A TUP Makes Business Sense states, "*Unless otherwise permitted within your specific area zoning, a TUP is now required to operate a vacation rental in RDOS.....and, if you operate a vacation rental and do not have a valid TUP, you may be subject to daily fines if enforcement action is initiated.*" **So why hasn't enforcement action been taken, as the subject house has been operating as a vacation rental for three years without a TUP? Furthermore, as of Sunday 08 May 2016 there are 27 vacation properties in Naramata listed on the VRBO website. Do all of those properties have TUPS, and.....if not, why not?**

4. In summary, it is easy to say that, "*oh well, the renters are just talking, laughing, drinking wine and beer, BBQing, lounging in the hot tub and yes, bouncing a basketball, playing a bit of music and just having a having a jolly good, fun time.*" Well, that's exactly what they're doing, renter after renter after renter, day after day after day, week after week after week, month after month after month. We have listened to the noise from the subject vacation rental for three years. Please try and appreciate that on many occasions due to the noise, we are forced off our balcony or deck and forced to close our bedroom patio doors and windows in order to get to sleep. Unfortunately, we don't seem to see the 'fun' in having to do that.

5. As pointed out, there are many discrepancies and inconsistencies in RDOS documents regarding Vacation Rentals, including the TUP Application for 2835 Arawana Place. All of this leads to the conclusion that the RDOS policies relating to vacation rentals appear to be very loosely interpreted, bordering on "the whim of whomever." Consequently, we are concerned that the Region's 'economic needs', as well as the owner's

'economic needs' will continue to trump our "undisturbed, peaceful and quiet enjoyment needs"despite the fact that we are permanent residents. As already highlighted, RDOS documents provide some strong supportive words for 'neighbours', but apparently they are **toothless** words. Complaints from other neighbours have already been sent to RDOS, including one by us last summer....but the only result appears to be a foregone conclusion that the owner of 2835 Arawana Place will be given a TUP (and a weak one at that)....all of which means very little, as four, six or eight, vice ten people will still be making constant noise in the backyard. As one neighbour expressed, "*we live in a residential area, not a hotel district.*"

6. Additionally, the TUP Application clearly indicates that the owner will not require a 'local manager'. This is in direct contravention with a number of RDOS documents as already pointed out. Furthermore, during our telephone conversations with Ms Kozakevich (Ref B) she specifically stated that the owner would require a 'local manager'.....so why the change?

7. What is quite clear to us is that this Application is merely a formality and the owner is assured of getting his TUP. This whole process is clearly favouring an Albertan property owner over the needs of the permanent residents. As his house is currently For Sale, most likely his argument is that he will just operate for one more summer and wishes to make as much income as possible before selling the house. **Our argument is that we have tolerated this for three summers and we have had enough.** Additionally, potential purchasers for the subject house may see the issuance of a TUP as an opportunity to buy the house with the full intent of carrying on as a vacation income property. Despite the fact that any new owner would have to apply for a TUP, a strong and unfortunate precedent would have been set if the TUP application at Ref A is approved and we would once again have to repeat this whole nauseating process.....**But here's 'the rub'..... if a vacation rental home was operating next to your home, how would you feel if you decided to sell your house and perspective buyers asked the question, "what are the neighbours like?" Could you truly bring yourself to say, "well, the house next door is a vacation rental (a.k.a party house) but don't you worry, the eight holiday renters are always very quiet and you'll hardly even notice they are there."** The next thing you would see would be the tail lights of their vehicle driving away from your house. So, while this vacation rental has positive economic impacts for both the owner and the Region, the reverse is true for the immediate neighbours. **Quite simply this vacation rental will most likely have a significant negative economic impact on the sale of any of the surrounding properties, including our house.**

8. In conclusion, we are disappointed with this process and the discrepancies we see here. It certainly appears that the issuance of a TUP for the subject property is a foregone conclusion. We are disappointed that weight has not been given to on-going complaints.

9. So that Board Members can be apprised of the current situation with regard to the subject Vacation Rental please ensure that this and other letters are provided to the Board Members **prior** to the 19 May Board Meeting. If that is not the case how can Board Members make an informed decision.....or is all of this simply an 'academic and futile exercise'?

10. **Finally, we do not want this property to operate as a Vacation Rental at this time or any time in the future.**

11. We have had a trip planned for many months and therefore we are out of town until 24 May and will be out of e-mail or cell contact for much of that time. Notwithstanding that, we would, as a courtesy, expect a reply that includes answers to our questions and concerns.

12. This letter has been Bcc'd to a number of people.

Thank you and Respectfully Yours
Libby and Bob Parsons

From: Florian Maurer [<mailto:>]

Sent: May 4, 2016 8:41 PM

To: Karla Kozakevich

Cc:

Subject: FW: Complaint regarding Vacation Rental at 2835 Arawana Place

Dear Karla,

This is to support Ms. Parson's position in this matter and to remind you of our own letter that was sent previously in this regard. While vacation rentals per se are non in principle objectionable, the experience with this particular property have not been positive: loud, abusive behaviour by the typical "wine tourists" have been experienced on more than one occasion. Since it is unfortunately impossible to enforce a reasonable standard of behaviour by those that are excited to "let loose" on a weekend of wine-tasting, we must register our objection to granting the T.U.P. for this particular property and property owner.

Best regards,

Florian Maurer



On Wednesday, May 4, 2016 12:55 PM, Elizabeth (Libby) Parsons

ote:

Hello Neighbours:

We are going to be out of town, leaving tomorrow and unable to attend the Advisory Planning Committee meeting on **Monday, May 9th at 7:30pm at the Naramata OAP Hall.**

We have discussed our concerns with a member of the APC, who advised us that most T.U.P.s are approved and to express our concerns directly to Karla Kozakevich. I attempted to see her at the RDOS building yesterday but found she works from home, so sent her the email (see below).

We would strongly encourage any of you to attend the meeting. According to Timothy Donegan, the APC will only be told there has been "a" complaint (not how many) and no further details of the neighbours concerns. As of today the Vacation Rental is booked for 103 days out of 122 in the months of June, July, August and September - this is more days than last year. It also shows that the property owner fully expects to get the T.U.P.

Approving this T.U.P. could set a precedent for this neighbourhood and I think we all agree that we would not want to have further Vacation Rentals. (B&Bs or rental suites in a home are a different matter as the home owner is present and controls the noise).

Best regards
Libby and Bob

Begin forwarded message:

From: "Elizabeth (Libby) Parsons" <libby@rdos.bc.ca>
Subject: Complaint Regarding Vacation Rental at 2835 Arawana Place
Date: May 3, 2016 at 3:50:41 PM PDT
To: Karla Kozakevich <kkozakevich@rdos.bc.ca>

Re: Application for a T.U.P. for 2835 Arawana Place

Hello Karla:

We are not sure if you have been following the emails on this T.U.P. application (as you have been cc'd on several emails) but we have to admit to a certain amount of confusion and concern. I tried to see you at the RDOS office today but found you work from home. A member of the APC advised us to write to you directly.

Quite a number of letters of complaint from neighbours have been delivered to Timothy Donegan who we were told by Rosa Aylwin would be coordinating this file.



We have tried to keep ourselves updated and informed on the process but have had to be proactive in obtaining information - as evidenced by several emails we have sent asking for an update or further information (see below) (and to date Public Works has not replied to 2 emails and a phone call requesting information).

The most recent email from Timothy Donegan below has caused some additional concern. It appears that the plan changed this week and instead of this going to the Board of Directors meeting, as we were told would happen on April 28th, the plan seems to be changed to presenting this application to an Advisory Planning Committee in Naramata on May 9th. After several more emails trying to understand the process, the reply below is what we received.

So basically, although quite a number of immediate neighbours have expressed concern in writing, their letters will not reach the Advisory Planning Committee but the APC will simply be notified that "a" complaint has been filed. From the emails from Timothy Donegan, it appears we are being discouraged from writing any further letters of complaint to the APC.

In speaking to a member of the APC today, we were told that T.U.P.s are very rarely turned down or advised against. You would think if the surrounding neighbours are concerned, that the APC should be made aware of the nature of their complaints and these should be taken seriously. The most immediate neighbours to this house do not want a vacation property in this quiet residential neighbourhood nor do those living bit further away.

Karla, we are permanent residents of this community; Libby is active in the Naramata Community Women's Group raising money for this community, and the Naramata Arts Studio providing art scholarships and volunteering in school art projects and Bob also supports many community endeavours including Friends of MyNaramata. Other neighbours are also involved and supportive of the Naramata Community. This process really seems to be favouring the applicant (a resident of Alberta who does not spend here in this community what he is earning at our expense), and it is not respecting the surrounding residents who have all voiced concerns and are permanent residents.

This vacation rental property has been running for three years. We do not want to see it operating for another summer season in this quiet neighbourhood where the occupants of the Vacation Rental show little regard for surrounding neighbours. We are concerned that if a T.U.P. is issued that this will be a selling feature for this house which is currently on the real estate market. Potential buyers, if they see the house has a T.U.P. could buy it with the plan to operate as a Vacation Rental and we would have to go through this process all over again.

The bottom line is, would you or any of the Board members or APC members want to have this in your backyard? The residents here have the right to quiet enjoyment of their

property but what we see are the rights of this property owner trumping the rights of the local residents.

As the name of the Advisory Planning Committee very clearly implies, it is only an 'advisory' body and any final decision rests with the elected RDOS council. As our representative on the Council we would ask that you support our request to not allow the house in question to be used as a Vacation Rental.

In conclusion, we would like the letters of concern from neighbours to be forwarded to the APC for the meeting. We would like to see a summary of the complaints also forwarded to the APC. And we hope that our complaints will be taken more seriously than they have been to this point. Unfortunately, since the meeting was changed to this APC meeting on May 9th, we will be unable to attend as we are out of town at that time.

Kind Regards
Libby and Bob Parsons
2820 Arawana Road

Lauri Feindell

From: Timothy Donegan
Sent: April 27, 2016 10:39 AM
To: Elizabeth (Libby) Parsons
Cc: Lauri Feindell; Karla Kozakevich; ;
Subject: RE: Complaint Regarding Vacation Rental at 2835 Arawana Place

Libby, the application is not going to the Board tomorrow. However, the application will be going to the Area "E" Advisory Planning Commission (APC) to be held at 7:30 PM on Monday, May 9th at the Naramata Old Age Pensioners Hall at Third & Richie Avenue.

FYI, the APC does not receive complaint letters and the public is not notified about the meeting; however, the public may attend. Permission to speak at the meeting is the discretion of the Chair.

Regards,



Timothy Donegan • Planning Technician
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4212 • tf. 1.877.610.3737 • f. 250.492.0063
www.rdos.bc.ca • tdonegan@rdos.bc.ca

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From: Elizabeth (Libby) Parsons [mailto:
Sent: Tuesday, April 26, 2016 6:44 PM
To: Timothy Donegan
Subject: Re: Complaint Regarding Vacation Rental at 2835 Arawana Place

Hello again Mr Donegan:

It was our understanding from the emails from you (below) that neighbours within 100 m of this property would receive notices regarding this application.

As we did not receive such notice, would you please email a copy to us.

In addition, would you let us know if the Board Meeting is still at 12 noon on April 28th.

Thanks you again for your assistance

Libby and Bob Parsons
2820 Arawana Road

On Mar 18, 2016, at 12:30 PM, Timothy Donegan <tdonegan@rdos.bc.ca> wrote:

Written comments regarding the proposal will be accepted until 12:00 noon on Thursday, April 21, 2016.

<image002.png> **Timothy Donegan** <image004.png> Planning Technician
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4212 <image004.png> tf. 1.877.610.3737 <image004.png> f. 250.492.0063
www.rdos.bc.ca <image004.png> tdonegan@rdos.bc.ca

<image006.jpg> *This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.*

From: Elizabeth (Libby) Parsons [mailto:
Sent: Friday, March 18, 2016 12:21 PM
To: Timothy Donegan
Subject: Re: Complaint Regarding Vacation Rental at 2835 Arawana Place

So, the application would be discussed at a Board meeting? Do residents have input before that or at that meeting? Or do you assume that we have already had our input?

Libby and Bob Parsons

On Mar 18, 2016, at 11:31 AM, Timothy Donegan <tdonegan@rdos.bc.ca> wrote:

Libby and Bob, public notification will be mailed on April 8. The application will be scheduled for the April 28 Board Agenda, time to be determined.

<image007.png> **Timothy Donegan** <image008.png> Planning Technician
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4212 <image008.png> tf. 1.877.610.3737 <image008.png> f. 250.492.0063
www.rdos.bc.ca <image008.png> tdonegan@rdos.bc.ca

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From: Elizabeth (Libby) Parsons [mailto:
Sent: Friday, March 18, 2016 10:54 AM
To: Timothy Donegan
Subject: Fwd: Complaint Regarding Vacation Rental at 2835 Arawana Place

Re: 2835 Arawana Place

Hello Mr. Donegan:

In reference to the emails below, we understand that we should address questions to you regarding this application. We notice that the house in question now has a sign posted (A Notice of Development) but we have not received a notice in the mail. We hope you realize that it is not residents on Arawana Place who are only affected by this Vacation Rental, but also and probably more importantly homes on Arawana Road and Winifred.

We would like to know when the proposed meeting will take place and what the format of the meeting would be.

Thanks in advance for your help,
Libby and Bob Parsons

Begin forwarded message:

From: Roza Aylwin <raylwin@rdos.bc.ca>
Subject: RE: Complaint Regarding Vacation Rental at 2835 Arawana Place
Date: March 1, 2016 at 4:29:10 PM
To: "Elizabeth (Libby) Parsons" <libby@rdos.bc.ca>
Cc: Karla Kozakevich <kkozakevich@rdos.bc.ca>, Timothy Donegan <tdonegan@rdos.bc.ca>, Kim Roemer <kroemer@rdos.bc.ca>

Good afternoon: The owner has made application for a Temporary Use Permit. This is currently being processed and you should receive notification in the mail of the meeting date. In addition, the property owner will be posting a sign on the property indicating a proposal for vacation rental use of the property.

If you have any questions about this application or process, please contact Timothy Donegan, RDOS Planning Technician. He is the file manager for this application and is aware of the enforcement history.

In light of the submitted application, enforcement is suspended until this process is complete. I can answer any questions you may have in this regard.

Sincerely,

Roza Aylwin
Bylaw Enforcement Coordinator

KIM: I printed the copy for the paper file. Please file this in EDMS. Thanks.

-----Original Message-----

From: Elizabeth (Libby) Parsons [[mai](mailto:libby@rdos.bc.ca)]
Sent: March 1, 2016 4:17 PM
To: Roza Aylwin
Subject: Re: Complaint Regarding Vacation Rental at 2835 Arawana Place

Hello Ms. Aylwin:

We would like to follow up on the status of this Vacation Home.

Sincerely
Libby and Bob Parsons

> -----Original Message-----

> From: Robert Parsons [mailto:

> Sent: August-27-15 1:27 PM

> To: Roza Aylwin

> Cc: Karla Kozakevich

> Subject: Complaint Regarding Vacation Rental at 2835 Arawana Place

>

> Ms. Rosa Aylwin

> By-Law Enforcement

>

> Dear Ms. Aylwin:

>

>

> As the subject line details, we have decided to make a formal written complaint against the Vacation Home rental at 2835 Arawana Place. The owner is aware that we are not happy about having a vacation rental directly across from our property. For three summers, we have not had "quiet enjoyment" of our property during the spring/summer vacation rental months. During this rental period, the subject vacation house, has caused us constant and considerable stress.

>

> Let us be clear, any vacation house that is advertised to accommodate up to ten people, is a "party house"!! This is not a B&B - it is a vacation, party house. For details of the advertised Vacation Rental see the website, Vacation Rentals by Owner (VRBO) # 483043.

>

> We have attached a detailed description of events and our concerns.

>

>

> Regards,

>

> Robert and Elizabeth Parsons

> 2820 Arawana Road,

> cc: Karla Kozakevich

>

>

Lauri Feindell

From: Timothy Donegan
Sent: April 5, 2016 3:39 PM
To: Lauri Feindell
Subject: FW: T.U.P. Application 2835 Arawana Place
Attachments: Letter to the RDOS August 2015.docx; Letter to RDOS 31 March 2016.docx



Timothy Donegan • Planning Technician
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4212 • tf. 1.877.610.3737 • f. 250.492.0063
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From: Elizabeth (Libby) Parsons [[mailto:](#)]
Sent: Tuesday, April 05, 2016 8:47 AM
To: Timothy Donegan
Cc: Karla Kozakevich
Subject: T.U.P. Application 2835 Arawana Place

Hello:

Please find attached letter from us regarding the application by Steve Janzen for a Temporary Use Permit for his property, 2835 Arawana Place. Also attached is a Reference letter from August 2015 which was sent to you.

Sincerely

Libby and Bob Parsons

VACATION RENTAL AT 2835 ARAWANA PLACE
OWNER: STEPHEN JANZEN

2013

- We became aware that this property had become a vacation rental in the summer of 2013 when there was noise which was unusual several nights in a row coming from the house. Several times we were awoken about 3 am hearing people talking and laughing.
- **The property was for sale during 2013 and 2014 and we hoped that with a sale, we would not be subjected to the continuous noise.**

In 2014

- we were repeatedly subjected to noisy parties which carried on into the night. One weekend mid summer, there were 10 women staying there. Finally after two evenings of noise, Bob went down and asked them to tone it down. They didn't and we called from our balcony asking them to be quiet. Their reply was to "eat shit". The following morning we contacted our regional representative Karla Kozakevich as we didn't know who to contact (we did not have the owners contact information). We were put in touch with Roza Aylwin. She explained that there is an SOS Security person in Naramata to call after hours. She asked if we wished to lodge a complaint at that time. We decided to deal with the owner and discuss it with him, which we did. We had not been given his phone number in Alberta but another neighbor provided it. He was apologetic. The summer continued with noise levels sometimes several nights in a row. A wedding party stayed at the house and afterwards stated on Trip Advisor that they were glad the neighbours couldn't hear them as they had been quite loud. Well the neighbours definitely heard them. When we have guests and would like to eat on our balcony, we are unable to due to the noise level.
- **In the summer of 2014**, a lot was for sale just south of us. A buyer put in a conditional offer but after spending a weekend in the area, withdrew his offer due to the noise from the subject property. He discussed this with us personally.

In 2015,

- **We were concerned that the house was removed from the real estate market** as that indicated that we would be subjected to more summers of noise and being unable to enjoy our outdoor space and have to retreat indoors and close windows and doors. We went to the RDOS to inquire what the new regulations entailed and to ask if this property had applied for a permit. We were informed that a permit had not been applied for as of **February 23, 2015**. We sent an email to the owner expressing our concerns. He responded that he can't do anything about it if we don't contact him every time people are noisy. He doesn't have an on site property manager and he lives in Alberta. What can he really do? We contacted the RDOS again on **May 17, 2015** to ask if the property had a Temporary Use Permit and were told that no application had been made.

- **June 5 – 7th**. Nine people arrived to stay at the house. We were aware as soon as we heard loud voices and occasional yelling. We could not enjoy dinner on our balcony.
- **June 11- 14.** People arrived on the 11th about 6 pm. Started playing music loudly. Voices became louder as the evening progressed with some yelling. We could not have dinner on our balcony and ate indoors with doors shut.
- **June 18-30.** Young family staying. They were mostly quiet due to poor weather and they stayed indoors. However Jun 22 and 23 they were in the yard talking and laughing until after midnight. Someone played basketball and there was a constant sound of the ball bouncing.
- **June 29.** Spoke to another neighbor, who has noticed the unacceptable noise levels coming from the subject house.
- **June 30 – Jul 5.** 3 cars and 3 couples arrived. Loud voices and cheering from the backyard. The basketball was being used frequently. The noise went on past 9:30 pm. Unable to sit outside at our house in the evening. The pingpong table was moved outdoors to add to the noise level.
- **July 3.** Received an email from another neighbor, commenting on the noisy neighbourhood.
- **July 10 -16.** Noise started about 5 pm when about 8 women arrived. They spent most of their time on the back patio both in the evening and in the morning laughing loudly, shrieking and playing loud music.
- In addition, during this time, we noticed the **air conditioner** (which also faces our house) has started making quite a racket and obviously needs repair. It starts running about 7 am in the morning and runs non-stop all day, rattling away. **Another neighbor contacted the owner during this week about repair of the air conditioner.**
- **July 17 – 25.** 3 Vehicles and a boat arrived. There are 6 adults and 5 children in the house so you can imagine what those numbers do. Unable to sit out and have to sleep with windows and doors shut.
- **July 21.** Kids were in the yard crying and screaming and adults yelling until 9:45 pm when the kids were put to bed. However, the adults carried on talking loudly, laughing and shouting until 1 am. The noise level was such that it could be heard at the back of our house, not only the front. We called the owner in Alberta after midnight as we had to close our windows and doors to be able to sleep. We were only able to leave him a message that we would appreciate if he would talk to them about the noise.
- **July 22.** 9am The owner called and admitted that he had gone to bed at 9 pm last night and didn't hear his phone. He had previously told us to call him any time with complaints and that he can't respond if we don't call him. Well, he can't respond if he is asleep too! He said the problem is the noise travels up toward our house and when people visit the Okanagan they want to sit outside late and talk and laugh and enjoy themselves. But I reiterated that that is not fair to us night after night when we have to be indoors with our windows closed.
- **July 27-Aug 3rd**. 4 vehicles at the house with adults and kids – possibly 8 adults and 4 or 5 children. Very noisy in the evenings. Basketball thumping, kids crying. **One neighbor went over and asked them to be quiet.**

- Aug 7 – 14th. 2 vehicles. 4 young children and 4 adults. Kids crying and yelling, adults doing the same. Talking until quite late on the patio. In the hot tub at 7 am. Playing basketball at 7 am for 90 minutes non stop.
- Aug 15-22. Very loud group arrived with 3 vehicles. 4-5 children. 6 adults. Extra people arrived in the evenings with extra vehicles. Lots of yelling, cheering, clapping hands and loud karaoke in the evenings. Unable to be on our balcony in the evenings and had to sleep with windows and doors shut. In walking past the house the evening of August 19th, noticed a strong sewer smell. Air conditioner still not repaired – comes on early in the morning and runs all day.
- Out of the 92 days in June, July and August, the house is booked for 76 days and there are only 16 days without guests.
- Aug 24 4 pm. Arrival of a new group – young adults – within 5 minutes they were outside playing basketball.

OUR CONCERNS:

1. We **do not** have quiet enjoyment of our property at all times of the day.
2. The property owner **has not** applied for a Temporary Use Permit. The owner has shown **no intention** of applying for a Temporary Use Permit.
3. The owner **did not** inform us that he was starting to run a vacation property in 2013.
4. The owner **did not** provide us with contact information – that had to be obtained from another neighbor in 2014.
5. The owner **does not** respond to phone calls quickly and really, what can he do from a long distance. He **does not** have a local property manager.
6. The RDOS By Law is to protect adjacent property owners but **only after 11 pm**. Can we only enjoy our balcony after 11 pm – not in the morning for breakfast or lunch or dinner? Where are our rights to enjoy our property? If we want to have a quiet dinner on our deck or balcony, we are unable to do that. **Can we only enjoy our balcony or deck 16 days out of 92 this summer?**
7. We have to **close all windows and doors** to be able to sleep in the evening.
8. When we went to the RDOS, it was suggested to us by an employee there, that we need to remediate our property to block the noise! We are not the ones who want to run a vacation home and should not be asked to remediate our property. But in any case we have a hedge and trees on our property and they have a hedge and trees on theirs. **The slope is so steep to our house that the noise carries directly up above any tree barriers.**

9. As soon as people go to a vacation rental, they are ready to relax and enjoy themselves. The owner of this property agrees with that statement. There are no owners close at hand, so they are free to relax completely. The house has a hot tub and as soon as people are in the hot tub, their voices elevate. After a few drinks and their voices elevate more. If there are two couples it can be a bit noisy but if there are 5 couples (the house can accommodate 10 people), it is a PARTY. And this house is a **Party House!**
10. The property has a fire pit – in reading reviews on VRBO where the owner advertises, we notice that guest have said how nice it was to use the fire pit. Are we not worried about fires and extreme drought?
11. We purchased a .5 acre lot **for some privacy and quiet**. We purchased in this neighbourhood for the **quality of the property and the quality of the neighbourhood.** For two years while the owner lived at the house, we enjoyed that. The odd party did not bother us. But in 2013, all that changed.
12. We are permanent residents here. The owner is not – he lives in Alberta. He is making a good profit on this vacation home **and it is at our expense.** **Where and how are the rights of the permanent residents being protected?**
13. We continue to be concerned that the Temporary Use Permit By-Law was approved by RDOS Council, Brochures such as the Good Neighbour's Guide to Vacation Rentals outlines this requirement. Notices were sent out via MyNaramata and other means. If this Vacation House is a "business", and it certainly seems to be making good income, should there not be some kind of business licensing such as B&Bs have to have.
14. We understand that the RDOS wants to support the entrepreneurs in the community but this quiet residential neighbourhood is not the right place for a Vacation Home.

RECOMMENDATIONS:

We understand that complaining alone, isn't always the answer to issues so we have a few recommendations:

1. Obviously our first recommendation would be to stop operating this house as a Vacation Home. HOWEVER, we understand that that may not be possible and we get the distinct impression that the entrepreneur is winning out over the residential owner in the RDOS.
2. Remove the basketball net and ball.
3. Remove the hot tub.

4. Repair the air conditioner.
5. Remove the fire pit – with the drought, it is a hazard.
6. Build a high trellis or arbour around both the back patio and fire pit areas.
7. Reduce the number of guests staying at the house. Surely the septic system can't handle the numbers staying there and the noise would be reduced with fewer people.
8. Have the owner appoint a local manager we can call so various neighbours don't have to keep going over to ask the guests to keep the noise down.
9. Require the owner apply for a Temporary Use Permit.

DATE: 31 March 2016

SUBJECT: Notice of Development 2835 Arawana Place, Naramata – Application for a Temporary Use Permit (TUP)

REFERENCE: Email dated 27 August 2015

In response to the Subject sign that has recently been erected, and in preparation for the RDOS Council Meeting 28 April 2015, we would like to express our further concerns that we initially outlined in the Reference.

The house in question has been used as a Vacation Rental house for the past three years and has been advertised as accommodating up to ten people. Consequently, we have been subjected to constant noise, including music, very loud voices and laughter and ‘partying’ throughout the day and into the late evening. On many occasions, due to the noise, we have been forced to move inside to have dinner or breakfast rather than enjoy dining on our balcony. This noise has also forced us to keep our bedroom patio door and windows closed when trying to sleep. At one point a party of 10 women were so drunk that when we asked them to ‘tone it down’ we were told to “eat shit”. Clearly, all of this disruptive activity has significantly impacted on the ‘quiet enjoyment’ of our property. Consequently, our patience has worn thin, and we sent a formal and detailed complaint to RDOS last year (see Reference). In spite of several phone conversations and emails with the owner, he said there is nothing more he can do and that when people come to the Okanagan, **they want to have fun and party.**

In 2015, from June to August inclusive, a total of 96 days, the house was booked (as we could tell from the VRBO website) for 72 days leaving only 16 days of that time with no guests. Normally, if a neighbor has a party a few times during the summer or even once a week, that is okay, but . . . imagine a party going on most of those 72 summer days and nearly always with six, eight or ten people involved. **Our major concern is that while the renters may not contravene noise by-laws, the issue is that we are subjected to unrelenting noise throughout the day from 7 am to 11 pm day after day that impacts significantly on our quiet enjoyment of our home.** Our only real respite is when the renters leave the house to visit the local area but when they return, our anxiety ratchets up again. Also, each time a new group of renters arrive, our stress level goes up sharply. Can we plan a nice dinner with friends on our balcony or will we be forced indoors with windows closed? Will we have to close our windows and doors so that we can sleep? Will we be awakened at 7 am by a group in the hot tub or by the basketball thumping? This constant worry results in constant stress!!

As **permanent residents of this area**, are we only able to enjoy our property ‘stress free’ for a few days each summer (last year only 16 days) when the property isn’t booked? Whose rights are being respected in this case? The owner lives in Alberta, and thus is not a local resident. He is operating a commercial business and **deriving income at our expense.** Does he pay higher water or higher taxes? B&Bs in the area are quiet due to fewer guests as well as owners who live in the home. Additionally, we have been told B&Bs must be licensed and pay higher water and sometimes taxes.

The essence of this Vacation House situation is that the house in question is simply a ‘party house’ – full stop...where drinking, music, loud laughter and loud voices reign supreme....and this is **relentless throughout the summer months.** For the past three years, we have witnessed time and again this ‘let’s party’ attitude. Enough is enough! This is a quiet residential neighbourhood where we believe a Vacation Rental is non-compatible. If you follow the news in

BC and the rest of Canada, Vacation Rentals are becoming an increasing 'problem,' so we are not alone in our concerns.

Presumably, the RDOS By-Law governing Vacation Rentals was created in part to protect the rights of the surrounding neighbours to 'quiet enjoyment' of our homes. Giving this owner a Temporary Use permit will change very little. He will have to reduce the number of guests from ten to eight – but that still comprises a PARTY and the type of noise will not be reduced. Although the owner has changed his VRBO ad to reduce the numbers from ten to eight people, in the body of the ad he says there is a pull-out bed for additional guests. (www.vrbo.com # 483043)

While the noise factor is a major issue, there are other considerations such as water use, taxes, a constant stream of non-locals in the neighbourhood each week, septic issues (and there was a strong septic smell in the vicinity of the house toward the end of the summer), traffic, etc. Additionally, a Vacation Rental house in a neighbourhood could very likely **impact on the value of the surrounding houses** – who wants to purchase a house in close proximity to a 'Party House' Rental!! One can imagine the question from a prospective buyer – "*What are your neighbours like?*" One can also imagine the reaction when the response is, "*that house there is a Vacation Rental....a party house.*" The next thing you'll see are the taillights of their vehicle heading for another neighborhood.

The fact that a 'For Sale' sign is now in front of the subject property should have no bearing on the TUP Application, as it is quite possible that the house may not sell for a long time and during that time the owner will likely want to continue with his Vacation Rental. As of 31 March, he has his Vacation Rental house **already** booked for 70 days of the summer and has the closing date on the sale of his house as October. Isn't it a bit presumptuous of him to automatically assume he will receive a TUP to continue operating this summer. Additionally, any new owner could very well purchase the house and continue it as a Vacation Rental (Party) House as they would see it is already doing so.

We **strongly disagree** with giving a Temporary Use Permit to 2835 Arawana Place allowing the use as a Vacation Rental home.

Thank you
Libby and Bob Parsons

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Temporary Use Permit Application — Electoral Area “E”

Administrative Recommendation:

THAT the Board of Directors approve Temporary Use Permit No. E2016.028-TUP.

Purpose: To allow a gravel crushing operation use for the construction of roads and building sites.

Owners: Kettle Ridge Development Corp. Agent: Ecora Engineering Ltd Folio: E-02100.100

Civic: 2697 Workman Place, Naramata Legal: Lot 1, DL 207, SDYD, Plan 38207, except Plans KAP72459 & KAP84271

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

Proposal:

This application seeks approval for the operation of gravel processing equipment for the purpose of road and building site construction for Phase 2 of the Kettle Ridge residential subdivision.

Processing and crushing is limited to materials on site and dust control measures will be necessary. In addition finished materials are not to be removed from the site. The applicant is proposing to operate the gravel crusher for the period between June 1st and September 30th, 2016, but will not be in operation every day. Hours of operation are proposed for 8 AM to 5 PM, Monday to Friday.

Site Context:

The subject parcel is approximately 7.9 ha in area, is situated on the east side of the KVR and is to the south of Workman Place cul-de-sac. The property is currently vacant.

The surrounding pattern of development is characterised by residential zoned properties to the north and west of the KVR that are mostly vacant. To the east there are large tracks of Crown Lands and there are agricultural parcels to the south.

Background:

The property was created by subdivision in 1984 and is slated for the phase 2 and 3 of the Kettle Ridge residential development. Phase 2 is proposed for 20 single family residential lots with sizes ranging from 1,100 m² to 2,013 m².

Under the Electoral Area “E” Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) and under the Official Community Plan (OCP) Bylaw No. 2458, 2008, the property is designated as Low Density Residential (LR). The property is identified as being within an

Environmentally Sensitive Development Permit (ESDP) area and an ESD Permit was approved on Dec 8, 2015.

Public Process:

At its meeting of March 14, 2016, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the proposed temporary use **be approved**.

Under Section 5.1.1 of the Regional District’s Development Procedures Bylaw No. 2500, 2011, the Board may require that a Public Information Meeting be held prior to the consideration of a TUP, “if it considers the proposal to be of a significant scale or nature warranting an additional opportunity for the public to access information and inquire about the proposal beyond that available through the regular application referral and public hearing process.”

In this instance, Administration notes that this property’s location is relatively isolated, that the crusher will be placed in a natural depression to lessen noise, and that the actual crushing time will be approximately 3 to 4 weeks within the timeframe before September 30, 2016, that an open house was not warranted.

In accordance with Section 2.5 of Schedule ‘5’ of the Development Procedures Bylaw, this proposal has been referred to the external agencies listed at Attachment No. 2. To date, comments have been received from the Ministry of Forests, Lands and Natural Resource Operations, Ministry of Transportation and Infrastructure, and Archeology Branch, and are included as a separate item on the Agenda.

Alternatives:

1. THAT the Board of Directors deny Temporary Use Permit No. E2016.028-TUP; OR
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2016.028-TUP subject to the completion of a Public Information Meeting to be organised by the applicant.

Analysis:

In assessing this proposal, Administration notes that the OCP Bylaw contains a number of criteria against which the Board will consider an application for a TUP. These include:

- a) *The use must be clearly temporary or seasonal in nature;*
- b) *Compatibility with adjacent uses;*
- c) *Impact on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;*
- d) *Intensity of use;*
- e) *Opportunity to conduct the proposed use on land elsewhere in the community;*
- f) *Remedial measures to mitigate any damage as a result of the temporary use.*

In this case, the use is proposed to be temporary in nature and will be concluded by the end of September 2016. There are mostly vacant parcels around the area where the crushing is proposed to take place although there are two homes to the west of the KVR and one home at the end of Workman Place.

An ESDP was issued in December 2015 and included an Environmental Impact Assessment Report, completed by a Qualified Environmental Professional, that makes recommendations to avoid or mitigate project effects on environmentally sensitive areas during the planning and construction phases of the development.

Rock crushing is generally considered a fairly intense use due to the noise, dust and trucking that occurs as part of construction. However, the crushing is proposed not to take place every day and when in operation will be done during the hours of 8 AM and 5 PM. Dust control measures are to be included in the Permit and practised accordingly. It is estimated that the actual crushing would take only about 4 weeks within the four month timeframe. The applicant has also stated that the location of the crusher will be in a natural depression that should help to mitigate noise.

If the use were to be located off site, material would need to be trucked to a location outside of Naramata that would result in up to 1250 truckloads along North Naramata Rd and would be far more costly for the developer. The applicant states that the economic feasibility of the development could be jeopardized due to the extra costs if a TUP were not approved.

Respectfully submitted:

E Riechert
E. Riechert, Planner

Endorsed by:

CG
C. Garrish, Planning Supervisor

Endorsed by:

Donna Butler
D. Butler, Development Services Manager

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a , prior to Board consideration of TUP No. E2016.028-TUP:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Energy & Mines	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Forests, Lands & Natural Resource Operations	<input type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input checked="" type="checkbox"/>	Archaeology Branch	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input checked="" type="checkbox"/>	Naramata Water Utility
<input type="checkbox"/>	School District #67 (Okanagan Skaha)	<input checked="" type="checkbox"/>	Fortis

- a) "gravel processing", which is defined as meaning the processing of aggregate material for the purpose of constructing roads and building sites.

CONDITIONS OF TEMPORARY USE

- 7. The gravel processing use of the land is subject to the following conditions:
 - i) The location of the gravel processing shall not occur beyond the area shown outlined in a red dashed line on Schedule 'B';
 - ii) The processing of aggregate is limited to only material found on site;
 - iii) The processing of material will be limited to the period between June 1, 2016 and September 30, 2016;
 - iv) The hours of operation shall be 8:00 a.m. to 5:00 p.m. Monday to Friday;
 - v) Dust control measure are to include a water truck on site at all times during crushing; water for the truck will be supplied by the RDOS hydrant at Workman Place and the operator shall have a Hydrant Permit in place.

COVENANT REQUIREMENTS

- 8. Not applicable.

SECURITY REQUIREMENTS

- 9. Not applicable.

EXPIRY OF PERMIT

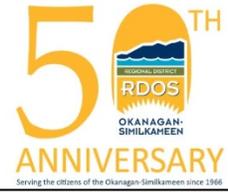
- 10. This Permit shall commence on June 1, 2016 and shall expire on September, 30, 2016.

Authorising resolution passed by Regional Board on ___ day of _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

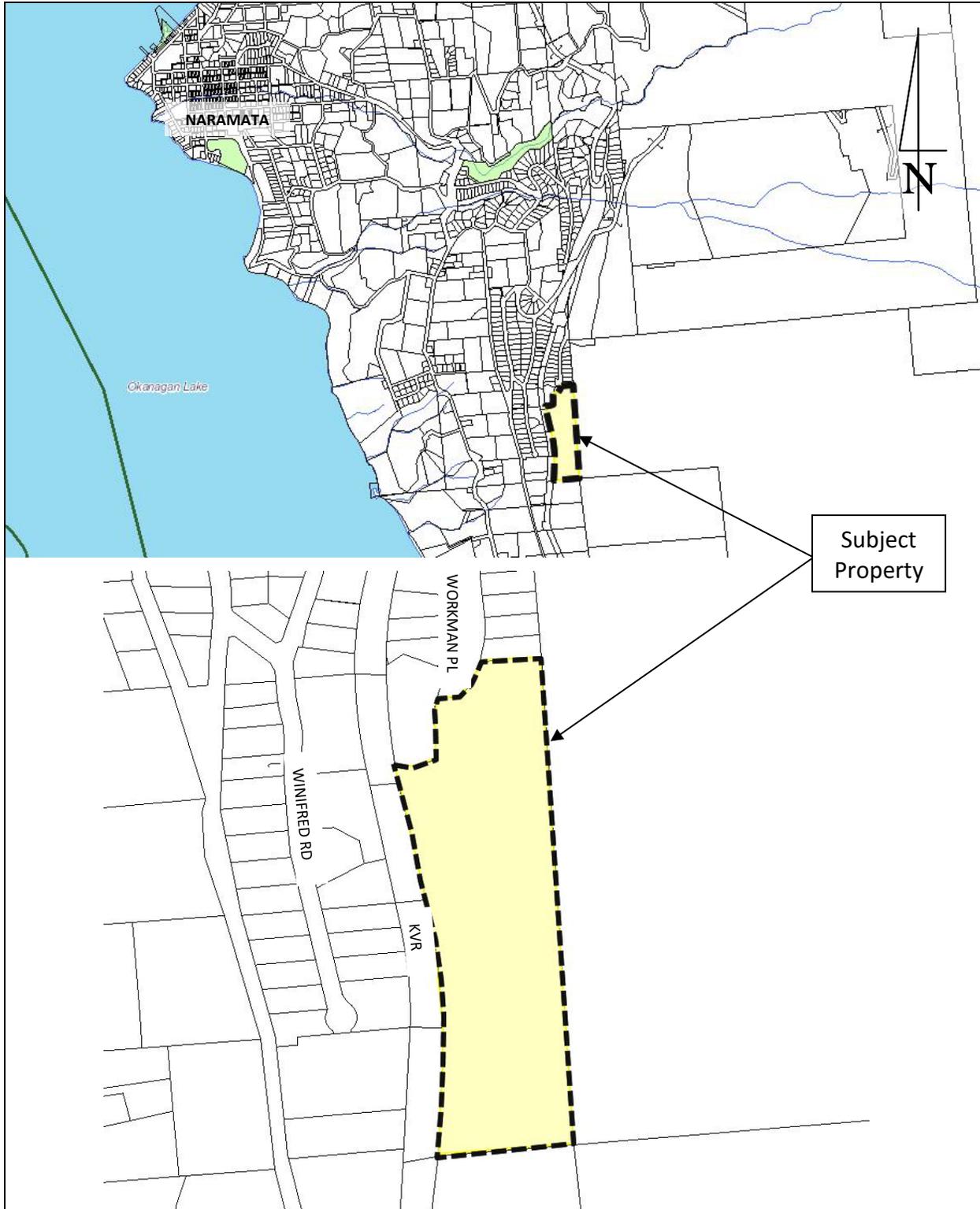
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Temporary Use Permit

File No. E2016.028-TUP

Schedule 'A'



Regional District of Okanagan-Similkameen

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



Temporary Use Permit

Schedule 'B'

File No. E2016.028-TUP



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: May 10, 2016 4:38 PM
To: Planning
Cc: Mirsky, Nicholas
Subject: Workman Pl, 2697 RDOS (E2016.028-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Workman Place. 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.

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

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, P.App.
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



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Lauri Feindell

Subject: FW: Temporary Use Permit - Referral

From: FLNR DOS Referrals CSNR:EX [<mailto:FLNRDOSReferrals@gov.bc.ca>]
Sent: April 18, 2016 2:41 PM
To: Lauri Feindell
Subject: RE: Temporary Use Permit - Referral

The applicant is required to obtain a Mines Permit from the Ministry of Energy and Mines to remove the material.

Lauri Feindell

From: Evelyn Riechert
Sent: April 19, 2016 12:16 PM
To: Lauri Feindell
Subject: FW: Kettle Ridge Developments Naramata

fyi

From: Bitte, Rob TRAN:EX [<mailto:Rob.Bitte@gov.bc.ca>]
Sent: April-14-16 10:19 AM
To: Evelyn Riechert
Subject: RE: Kettle Ridge Developments Naramata

Thanks Evelyn. No further details are required.

Regards,

ROB BITTE

DISTRICT DEVELOPMENT TECHNICIAN
BC MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
102 INDUSTRIAL PLACE PENTICTON V2A 7C8
T: 250.490.2280 | **C:** 250.809.6886 | **F:** 250.490.2231

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From: Evelyn Riechert [<mailto:eriechert@rdos.bc.ca>]
Sent: Thursday, April 14, 2016 10:07 AM
To: Bitte, Rob TRAN:EX
Cc: Stephen Juch
Subject: Kettle Ridge Developments Naramata

Hi Rob,

This is to let you know that we have received a Temporary Use Permit (TUP) application for rock crushing for the Phase 2 part of the Kettle Ridge development. The rock crushing is proposed to take place between June and September. (2697 Workman Place)

Let me know if you would like further details.

Regards,
Evelyn



Evelyn Riechert MCIP, RPP Planner
Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
p. 250.490.4204 • tf. 1.877.610.3737 • f. 250.492.0063
www.rdos.bc.ca • eriechert@rdos.bc.ca



Lauri Feindell

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: April 21, 2016 11:39 AM
To: Evelyn Riechert; Planning
Subject: Temporary Use Permit Referral E2016.028 TUP

Hello Evelyn and the Planners! (sounds like a good name for a rock band!)

Thank you for your referral regarding file E2016.028 TUP for 2697 Workman Place, PID 007717750, L 1 DL 207 SIMILKAMEEN DIVISION YALE DISTRICT PL 38207 EXC PLS KAP72459 & KAP84271. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling indicates there is a moderate possibility for unknown/unrecorded archaeological sites to exist on the property.

Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch.

Prior to any land alterations (*e.g.*, addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through local directories.

If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent.

If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities **must** be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the *Heritage Conservation Act* and likely experience development delays while the appropriate permits are obtained.

Please review the screenshot of the property below (outlined in yellow). The property is in an area with moderate potential for unknown/unrecorded archaeological deposits (indicated by the beige 'haze' overlay).

If this does not represent the property listed in the referral please contact me.

Kind regards,

Diana



RESPONSE SUMMARY

TEMPORARY USE PERMIT NO. E2016.028-TUP

- | | |
|---|---|
| <input type="checkbox"/> Approval Recommended for Reasons Outlined Below | <input type="checkbox"/> Interests Unaffected by TUP |
| <input type="checkbox"/> Approval Recommended Subject to Conditions Below | <input type="checkbox"/> Approval Not Recommended Due to Reasons Outlined Below |

Noise and dust must be addressed by the applicant by following industry best practices and control measures.

This activity may have a negative health impact on KVR trail users, especially during the busy summer months.

Signature: 

Agency: PENTICTON, B.C.

Date: MAY 10 2016

Interior Health Authority

Signed By: Jacqueline Durran

Title: ENO.



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Development Variance Permit Application — Electoral Area “F”



Administrative Recommendation:

THAT the Board of Directors approve Development Variance Permit No. F2016.009–DVP.

Purpose: To formalize the siting of an existing accessory building (garage/shop).

Owners: Reb and Michelle Lesnoski Agent: NA Folio: F-07316.000

Civic: 513 Sunglo Drive Legal: Lot 18, Plan 5817, District Lot 5076, ODYD

OCP: Small Holdings (SH) Zone: Small Holdings Five (SH5)

Requested Variance: to vary the minimum front parcel line setback from 9.0 metres to 7.4 metres.

Proposed Development:

This application proposes to reduce the front parcel line setback in order to formalize the existence of an “accessory building” (i.e. garage/shop) which has a floor area of approximately 217 m².

Specifically, the applicant is seeking to reduce the minimum front parcel line setback from 9.0 metres to 7.4 metres.

In support of the application the applicant has stated “the building was not placed within the setback provisions on the front. We hired a builder to do a job and he did not do it correctly. We are now requesting a variance to allow for this mistake”.

Site Context:

The subject property is approximately 6,477 m² in area and is situated at the corner of Sunglo Drive and Bing Drive, bordering the Penticton Indian Reserve to the south. The property contains a principal dwelling, the subject accessory building, two hay barns, and several outbuildings. The surrounding pattern of development is generally characterised as low density residential.

Background:

Under the Electoral Area “F” Zoning Bylaw, the subject property is zoned Small Holdings Five (SH5) Zone, wherein accessory buildings and structures are permitted uses.

Building Permit No. 27284 was issued April 17, 2012 for the subject building and was subsequently extended. During the course of construction the building was inaccurately sited within the front setback. This DVP application attempts to resolve the issue.

Public Process:

At its meeting of April 7, 2016, the Regional District Board resolved to refer this application to the Electoral Area “F” Advisory Planning Commission (APC) for comment. At its May 5, 2016 meeting, the APC recommended that the Board approve the application with the following conditions:

- *that the RDOS make a thorough review of the Building Permit process to prevent mis-siting of building projects.*

Adjacent property owners received notification of this application and written comments regarding the proposal were accepted until 12:00 noon on Thursday, March 31, 2016. Copies of all received representations are included as a separate item in the Board Agenda.

Analysis:

When assessing variance requests a number of factors are generally taken into account and 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 will 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 providing opportunities for openness and landscaping.

In considering this proposal, the shop is seen to be accessory to the principle dwelling, which is consistent with zoning, and the use of the building is unlikely to result in a loss of amenity at adjacent properties.

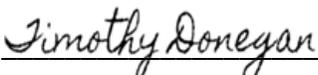
Streetscape characteristics may be affected, however, the building is already setback further from the front parcel line than five other buildings in the area (all principal dwellings within 55 metres of the subject property). Further, any effect on streetscape would likely have more to do with building size and design rather than the 0.99 metre encroachment into the setback.

(NOTE: the wall of the “accessory building” encroaches 0.99 metres into the front setback. The reason the requested variance is not to 8.01 metres is due to these being measured to the outermost projection, which in this case is 7.4 metres. Ordinarily, when a building is sited outside of a setback roof overhangs are allowed to project up to 0.6 m into the setback).

Alternatives:

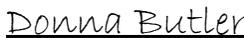
- .1 THAT the Regional Board deny Development Variance Permit No. F2016.009–DVP.

Respectfully submitted:


T. Donegan, Planning Tech.


C. Garrish, Planning Supervisor

Endorsed by:


D. Butler, Dev. Services Manager

Attachments: No. 1 – Site Photos

Attachment No. 1 – Site Photos



View of Subject Property looking south from Sunglo Drive



Subject Property

View of Sunglo Drive looking west from Bing Drive



Subject Property

View of Sunglo Drive looking east

Development Variance Permit

FILE NO.: F2016.009-DVP

Owner: Reb and Michelle Lesnoski
513 Sunglo Drive
Penticton, BC V2A-8X7

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 '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 18, Plan 5817, District Lot 5076, ODYD

Civic Address: 513 Sunglo Drive

Parcel Identifier (PID): 010-241-728 Folio: F-07316.000

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "F" Zoning Bylaw No. 2461, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The minimum front parcel line setback for an accessory building or structure, as prescribed at Section 10.8.7(b)(i), is varied :

- i) from: 9.0 metres
to: 7.4 metres, as measured from the outermost projection and 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 926 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 _____, 2016.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

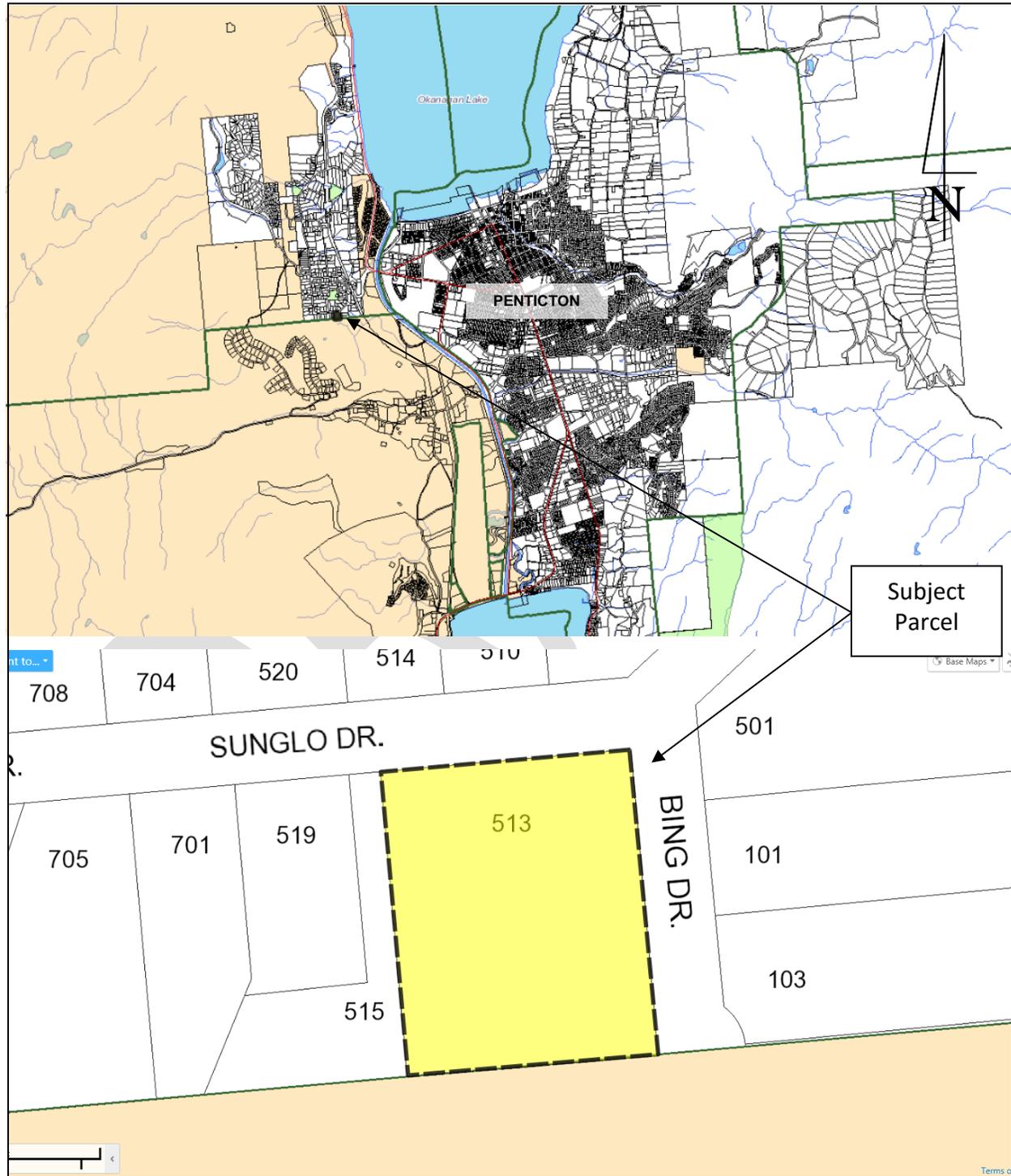
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

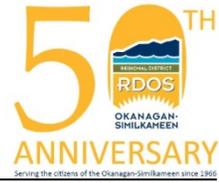
File No. F2016.009-DVP

Schedule 'A'



Regional District of Okanagan-Similkameen

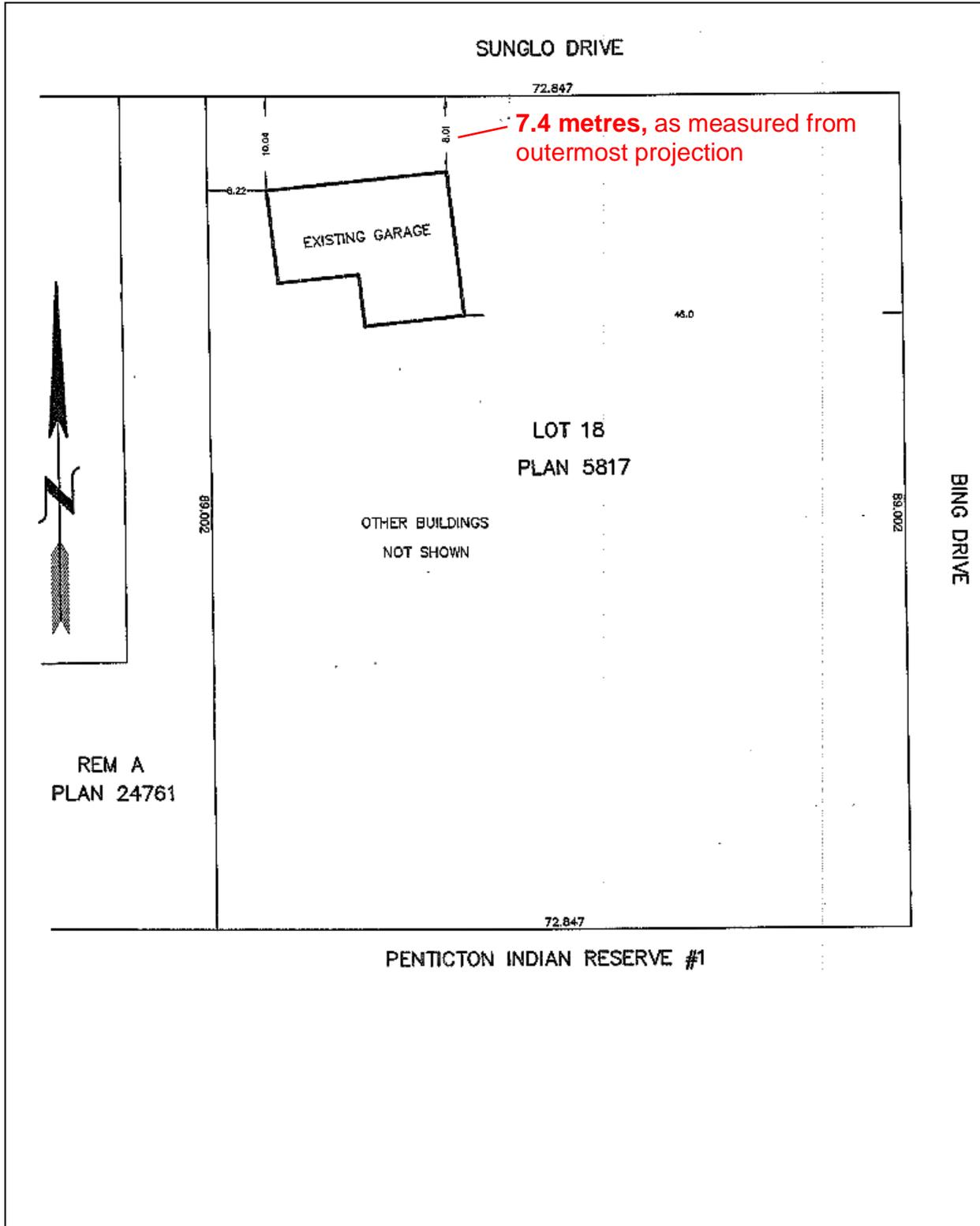
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

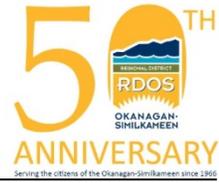
File No. F2016.009-DVP

Schedule 'B'



Regional District of Okanagan-Similkameen

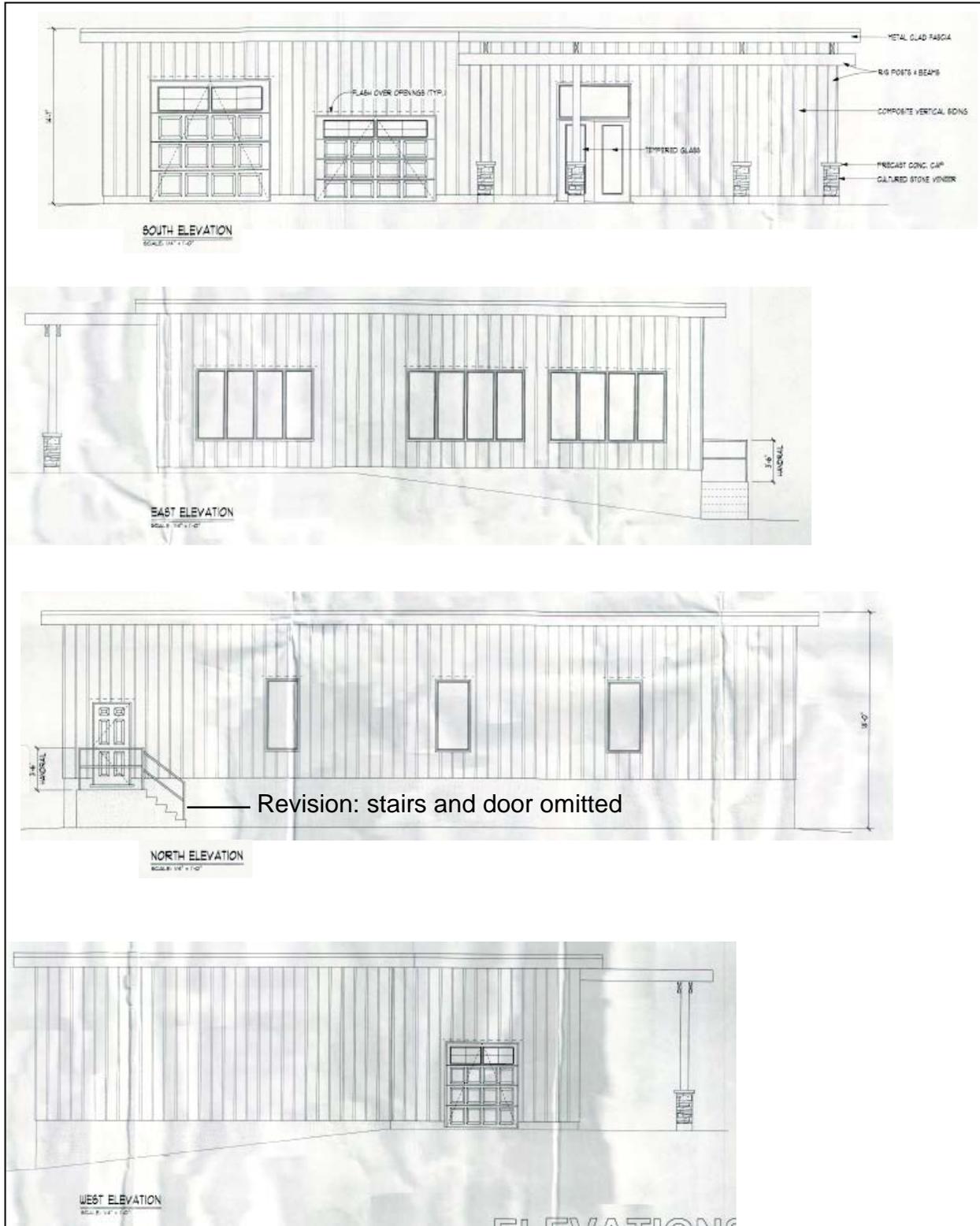
101 Martin St, Penticton, BC V2A 5J9
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. F2016.009-DVP

Schedule 'C'





ALBUQUERQUE
Technical District

Variance Permit Application 513 Sunglo Dr
RDOS file: F2016.009-DVP

29

101 Martin Street
Albuquerque, NM 87102-2509

My wife and I are writing to again voice our concerns over the building which was constructed at 513 Sunglo Dr. The difficulties which we have had with this neighbor and the concerns about the use of the structure have made it a concern for many of the residents in our area. As clearly stated earlier by Mr. Bryon July 11, 2013 detailed in the correspondences below that his assessment of the structure was that it " is a bit like a suicide bomber problem:" and that the building was " ...quite shocking" in our neighbourhood

I earlier wrote about our concerns about the scope and size of this structure included in the email exchange between Mr. Bryon as listed below. Now to find that an error in the setback has occurred is deeply troubling to my family and me. I question what Mr. and Ms. Lesnoski are planning to do and how they will proceed as a result of the error in their planning? He has paid little attention to the concerns of neighbours and approaches projects in a cavalier manner. I have found Mr. Lesnoski very confrontational in previous situations when issues arose. He approached me on the evening of March 28, 2016 on the street outside my house, he had berating and intimidating remarks followed by threats directed towards me about how he would proceed as a result of discussions of this issue with fellow neighbours. I feel concerned for my personal well-being and will not be interacting with Mr. Lesnoski in future.

I hope that the issue can be resolved and that it can maybe bring discussion about the type and size of structures which are placed in a rural /residential area like the West Bench.

Sincerely Alex Gardner and Rachel Clarkson

From: Gardner Clarkson [REDACTED]
Sent: Wednesday, July 10, 2013 08:48 AM
To: Michael Brydon; Gardner Clarkson [REDACTED]
Subject: building code concerns

Mr. Brydon, I would like to write to voice my concern with regards to the codes governing building construction on the West Bench. I live at 514 Sunglo Dr. and have been witness to the construction of what I deem to be an industrial size and looking building at 513 Sunglo dr. This structure received the necessary building permits from the RDOS office; however I question whether the officials in this office have the ability under the present building code to make decisions that which will not adversely affect a neighbourhood.

The building which is now nearing completion has several issues which adversely affect the rural 'charm' of our neighbourhood.

First of all it is an immense structure; at approx. 2500 sq ft it is a commanding structure which is blight on the surrounding area. It does not follow any land contours, instead is built on a approx. 12 ft foundation and then has the garage built on top towering 25ft over the surrounding area.

The second issue is the placement of the structure. While it does follow the setback codes the building doesn't follow the land contours. As a result it has obscured the view for homes behind and it has given the neighbourhood an industrial feel as it towers above the surrounding neighbourhood.

Finally, the future use of this structure has been a concern. The owners of this property have casually spoken about having a garage to carry on their automotive business which is at present up for sale on Ellis St in Penticton. I understand that this is not allowed under the terms of residential living on the West Bench, but the owner in question has flouted rules and regulations about use of property in the past. He erected a stone barricade around his property on the road easement. He only stopped when the highways department intervened and he has not removed the rocks even though it contravenes the codes in place. When I spoke to RDOS employees in the planning department they detailed that a business of this sort was not allowed. They however told me that the onus would be on the neighbours to monitor the situation and advise the RDOS if infractions were any issue. One only has to look at the size and design of the addition of this garage to get an idea as to what the implications are based on the casual admissions of the homeowner.

I believe that the building codes must be tightened to make sure that neighbourhoods are not adversely impacted by construction. As issues like vacation rental housing come into play what is to stop motel like structures being erected? Buildings should need to follow land contours so that they have minimal impact on the surrounding area.

Finally the rural ambience should be taken into account so that industrial sized and looking additions do not adversely impact the surrounding area.

Sincerely, Alex Gardner

March 28, 2016

RDOS
101 Martin Street
Penticton, BC
V2A 5J9

RECEIVED
Regional District
101 Martin Street
Penticton BC V2A 5J9

Re: RDOS File: F2016.009-DVP
Folio No.: F07316.000
513 Sunglo Drive

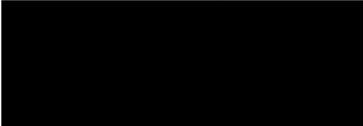
Regarding the above DVP application, it must be noted that the applicant has frequently been in violation of RDOS by-laws since taking ownership of the property. Unfortunately, the RDOS has been reluctant at times to enforce the by-laws, and this has relevance to this application.

When the building in question was approved, how is it that the NE corner of the building was allowed to infringe on the setback requirements? No adjacent owners were notified of the proposed infringement, so we are left to conclude the original plans did not call for such an infringement; it was done by the owner after receiving a permit. Now, in a back-door attempt to get the building into compliance, a set of stairs is proposed which would have the effect of making the building compliant. These stairs could be placed at the NW corner, where a DVP would not be required. The objective seems to be to get the building approved, not a set of skinny stairs.

We are not in favour of granting this variance. It appears to be a manipulation of zoning by-laws, and is simply another attempt by this applicant to skirt the rules.

Further, we have reason to believe that commercial business is being conducted from this building, which is not permitted.

Sincerely,


/Jim Cavin



Marcia Cavin

10/2
Comments regarding 513 Sunjo Drive Variance Permit

I am, Jesse Conihar, owner 510 Sunjo Drive

Concerns I have regarding the Variance Application for 513 Sunjo Drive are

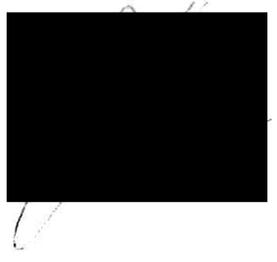
Primarily - that the structure will be used for business. There seems to be industrial type ventilation and any business that would need that should not be allowed in our neighbourhood

Secondly - I believe the structure was owner built, making them the general contractor, which may explain why the building was positioned incorrectly. Now if a legitimate general contractor made this mistake surely there would be some serious repercussions. I feel that whatever would have happened to a general contractor the same sort of penalties or course of action should be taken. An owner who choose to build their own structure can save a lot of money. So if something is done incorrectly they shouldn't be in a situation where they have done it wrong, save a bunch of money and have no negative consequences.

Thirdly - The position of the building does not bother me that much but does a variance mean other buildings can be built within the set back? That does not seem right.

(2 of 2)

A mistake was made and now ~~the~~ the lot
actually get bigger with regard to allowable
building locations?



Thank you

Jesse Campbell



RECEIVED
Regional District

MAR 3 2015

101 Martin Street
Penticton BC V2A 5J9

29 March 2016

W. M. Cutler



RECEIVED
Regional District

101 Martin Street
Penticton BC V2A 5J9

* { RPOS File No. F216,009-DVP
Folio No. F07316,000

The Board of Directors
Regional District of Okanagan-Similkameen
101 Martin St.
Penticton, B. C.
V2A 5J9

Directors, with respect:

My name is William M. Cutler. I am a retired airline pilot with over 26 years service with Jazz Aviation. I have studied Geological Engineering at the University of British Columbia, worked as a carpenter's apprentice in construction of all types, and sold real-estate. My family settled here in 1953 as part of the Veteran Land Affairs development program, to help build a superlative residential and agricultural neighborhood. They succeeded. And we must maintain that, even on the precipice of this unwarranted assault.

I thank the Board for the opportunity to bring to your attention the negative impacts of the recent developments on the property at 513 Sunglo Dr., by the new owners, Mr. Reb Lesnoski and Ms. Michelle Lesnoski.

Mr./Ms Lesnoski have been a serious disappointment to us as neighbors, to say the very least. They have presented to the neighborhood wood piles along their Sunglo Dr. frontage, and rock piles along the rest of Sunglo Dr. and the entirety of Bing Dr. Installation of these unapproved boulders has resulted in total destruction of the respective shoulders, disallowing safe parking for over 150 meters ~~of potential parking~~ along these roadways, and the imminent need to repair the undermined pavement surface as the edges crumble away.

(3)

They have brought us unwarranted and unnecessary noise and dust with their incessant use of their farm tractor to clean out two horse shelters; leaf blower to move piles of leaves to their northern frontage fence, only to dump them all over the fence onto Sunglo Dr. so that they may become someone else's responsibility. Their horses create more dust for us with the prevailing south winds than we have ever encountered in the previous 62 years here; even before the roads were paved.

And, just to round out the "new" ambience around here, their horses like to fling their free standing feed (apple) bins about the paddock, making more than sufficient noise to awaken me most mornings around 3⁰⁰ a.m. so that I might contemplate the peaceful and serene neighborhood we once had, for nearly 60 years.

When discussing these ongoing problems with Mr. Lesnoski, I can only conclude that he is totally unconcerned, has no intention of remedying anything, and has merely been paying me lip service equal to a diarrhetic male bovine.

Further, Mr. Lesnoski has declared to me that upon selling his automotive repair business in Pentrieton that this new "subject" building is going to house:

a) a music recording studio with over 2500 Watts of amplification power.

b) an automotive repair shop servicing cars of over 1000 horsepower, and...

c) that there will be adequate "sound insulation" installed for these, loudest possible endeavors being calculated for my future retirement years, and real estate investment here,

d) that there will be no problem with parking or extra traffic.

Thus far, the veracity of Mr. Lesnoski's verbal commitments has been well established; he has none. This avowed development of commercial/industrial businesses, and their ensuing proceeds, helps to explain why this overshadowing, monolithic, architecturally uninspiring, one-storey ~~multi-story~~ structure must be so very tall; to accommodate a vehicle overhead lifting device and a ~~sound~~ ^{music} studio.

Due to the height and real intended ~~use~~ purpose of this building, ~~that~~ it requires, at the very minimum, the properly mandated "setback" ~~and mandated~~ distance, if not more, to reduce the impending catastrophe occurring in our beloved neighborhood.

Since Mr. Lesnoski has taken liberties with not only common courtesy and respect among neighbors, but with the democratically and purposefully ~~regulation~~ developed building regulations, designed with fairness and forewarning for all, I feel I must petition the Board to absolute

not grant any variance whatsoever, in these circumstances.

Please, help us maintain this, therefore, lovely neighborhood as a place to live and raise young families, alongside we retirees, this legacy of many surviving Canadian Veterans of World War II, ~~some~~ ^{many} wounded, that has been left for all of us to enjoy peacefully.

Yours truly,



ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Nondisclosure Agreement with Telus Communications Company



Administrative Recommendation:

THAT the Board enter into a Nondisclosure Agreement with Telus Communications Company and that each Regional Director sign the Agreement.

Purpose:

Corporate request.

Background:

Telus has an established Selection Process to engage with local governments in considering investments in infrastructure improvements in B.C. communities. The process includes requests for:

- Nondisclosure / Confidentially Agreement (for proprietary interests)
- Memorandum of Understanding (for operational items)
- Small Cell Agreement (for improvements to wireless system)

Analysis:

At this time, Telus Communications has requested that the Regional Board enter into a Nondisclosure Agreement due to the Company's proposed telecommunications development plans for a part of the RDOS.

Alternatives:

1. Enter into the Agreement
2. Do not enter into the Agreement

Respectfully submitted:

"Donna Butler"

D. Butler, Development Services Manager

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Area “D” and “E” Park Planning and Design –
Expression of Interest Award



Administrative Recommendation:

THAT the Board of Directors award the Area “D” and “E” Park Planning and Design to L.A. West for \$46,127.70 plus applicable taxes;

AND THAT the Board of Directors authorize the Chair and Chief Administration Officer to execute the Contracting Services Agreement.

Reference:

Expression of Interest for Park Planning and Design

Background:

The RDOS owns and operates various parks and recreation assets throughout the region. The RDOS released an Expression of Interest (EOI) on March 3, 2016, seeking qualified consultants in the park planning and landscape architectural field to guide the long term planning for the future development and improvement for four unique parks in distinct communities throughout the region. The four locations are:

Rural Area / Service Area	Location
Area D / Kaleden Parks & Rec	Kaleden / All Parks
Area D / Ok Falls Parks & Rec	Heritage Hills / New Park
Area D / Ok Falls Parks & Rec	Ok Falls / Lake Front
Area E / Naramata Parks & Rec	Naramata / Manitou Park

The Expression of Interest for Area “D” and “E” Park Planning and Design closed on April 5, 2016. In accordance with the Purchasing and Sales Policy, the Regional District Board shall approve all purchases over \$50,000.

The scope of work outlined in the EOI set the following objectives for the project:

- An executive summary
- Conceptual plan based on public consultation and feedback
- Development cost estimates
- A quote for the detailed design
- Long term vision for the existing park space (Kaleden only)
- Provide guidance on other outdoor recreational opportunities identified in the 2015 OCP (Kaleden only)

Analysis:

Seven (7) proposals were submitted by qualified consultants by the closing date.

The initial evaluation team consisted of the Parks and Facilities Coordinator (J. Shuttleworth) and Rural Projects Coordinator (L. Bourque). The purpose of this review was to evaluate the proposals based on criteria set out in the EOI. Of the proposals received, four (4) met or exceeded the criteria, however, one proposal was cost prohibitive and was eliminated (O2).

Proponent Name	Met Criteria?	Comments
BENCH Site Design Inc.	No	<ul style="list-style-type: none"> • Light on content • Only one combined stakeholder meeting
Escapes Landscape Design	No	<ul style="list-style-type: none"> • Light on content • No details • No schedule
L. A. West Associates Inc. (Kamloops)	Yes	<ul style="list-style-type: none"> • Proposal breakdown clear • Good value/groundwork done on analysis • Good breakdown of hours required • Acknowledge that community buy-in is crucial
MMM Group	No	<ul style="list-style-type: none"> • Light on content and consultation
O2 Planning + Design Inc.	Yes	<ul style="list-style-type: none"> • Good content • Detailed hourly breakdown • High Cost
Outland Design Landscape Architecture	Yes	<ul style="list-style-type: none"> • Good substance in proposal • Impressive portfolio • Public Input: <ul style="list-style-type: none"> ○ Communication strategy with community ○ Detailed action plan • Good breakdown of hours • Team members identified to tackle specific portions of the project according to expertise
Urban Systems	Yes	<ul style="list-style-type: none"> • No hourly breakdown • Good reputation/track record • Good staff resources

Candidates who met criteria set out in EOI with price:

Proponent Name	Price
L.A. West Associates Inc.	\$46,127.70
Outland Design Landscape Architecture	\$56,480
Urban Systems	\$52,470

Following the internal review, RDOS staff met with representatives from each of the participating Parks Commissions to review the shortlisted submissions. It was felt that all three of the proposals brought forward were high caliber, qualified professionals. However, the recommended proponent, L.A. West, showed comparatively greater strength, value and efficiency in the categories of project methodology and approach, public engagement, experience, project team and overall price.

Financial:

Rural Area / Service Area	2016 Budget	Cost / Service Area
Area D / Kaleden Parks & Rec	\$12,000	\$11,268
Area D / Ok Falls Parks & Rec (Ok Falls Lakefront + Heritage Hills)	\$25,000	\$24,147
Area E / Naramata Parks & Rec	\$10,900	\$10,712.70

Alternatives:

- 1. That the Board of Directors NOT award the contract to L.A. West and send back to staff for more information**

Respectfully submitted:

Lindsay Bourque

L. Bourque, Rural Projects Coordinator



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Expression of Interest

Park Planning and Design

March 3, 2016

1.0 Introduction

The Regional District of Okanagan-Similkameen (RDOS) seeks to learn of consultants or consultant teams that could potentially work under staff's direction in development of various parks throughout the region.

2.0 Project Overview

The RDOS owns and operates various parks and recreation assets throughout the region. RDOS is seeking qualified consultants in the park planning and landscape architectural field to guide the long term planning for the future development and improvement for up to four unique parks in distinct communities throughout the region.

2.1 Heritage Hills

Located in the bluffs east of Skaha Lake, the RDOS has acquired park lands totalling 5 acres adjacent to newly developed residential land and existing development. The land is raw with some rough grading and engineering components set. The developer has committed to provide a number of specific amenities that would be incorporated in to the ultimate layout of the park. Working with RDOS staff, Heritage Hills/Lakeshore Highlands Homeowner's Associations, and the Okanagan Falls Parks and Recreation Commission, the successful proponent will provide:

- An executive summary
- Conceptual plan based on public consultation and feedback
- Development cost estimates
- A quote for the detailed design

2.2 Okanagan Falls Lake Front

The RDOS has acquired a former lake front residential lot with a single family home located on the southern shore of Skaha Lake for the purpose of developing into a park. This parcel adds to the existing three lake front parks in Okanagan Falls. Working with RDOS staff and the Okanagan Falls Parks and Recreation Commission, the successful proponent will provide options for the integration of the new parcel into the existing parks inventory including:

- An executive summary
- Conceptual plan based on public consultation and feedback
- Development cost estimates
- A quote for the detailed design

2.3 Kaleden Parks

Kaleden is small rural community located on the western shore of Skaha Lake and has two existing parks located on the lake connected by the Kettle Valley Rail Trail. Pioneer Park is a well-used beach park with a number of existing recreational amenities, including: tennis courts, washrooms, playground, and boat

launch. Kaleden Hotel Park is a more passive space with a historical structure. Working with RDOS staff and the Kaleden Parks and Recreation Commission the successful proponent will provide:

- Long term vision for the existing park space
- Provide guidance on other outdoor recreational opportunities identified in the 2015 OCP
- Conceptual plans based on public consultation and feedback
- Development cost estimates
- A quote for the detailed design

2.4 Manitou Park

Located in the community of Naramata, Manitou Park is a high use beach park located on the eastern shore of Okanagan Lake with a number of existing amenities, including: washrooms, playgrounds, ball diamond, and a sand volleyball court. Accessibility has been identified as a constraint and the community has the desire to improve access with the installation of a universally accessible pathway. One of the goals of this plan is to restructure the programming in the park to accommodate the new circulation. Working with RDOS staff and the Naramata Parks and Recreation Commission the successful proponent will provide:

- An executive summary
- Conceptual plan based on public consultation and feedback
- Development cost estimates
- A quote for the detailed design

3.0 Timeline

All queries must be submitted by March 29, 2016. Answers to all queries will be provided prior to March 31, 2016.

The tentative 2016 timelines (*subject to discussion with awarded Contractor*):

- Public engagement and presentation of the design concepts by June 30, 2016.
- Presentation of a draft report to the advisory commissions and the committee by September 2, 2016.
- Final report delivered to RDOS, Penticton Office by October 3, 2016

4.0 Deliverables

RDOS requests proponents to submit their 'Expressions of Interest' containing the following information:

- Project methodology and approach
- Public engagement strategy
- Corporation experience and examples of similar projects.
- Project team experience and qualifications
- Proposed fees schedule broken down for each project.

5.0 Submissions

Submissions shall be delivered in person or by mail, fax or email by April 5, 2016 at 3:00p.m. to:

Regional District of Okanagan-Similkameen
Attention: Lindsay Bourque
101 Martin Street,
Penticton, BC V2A 5J9
Email: info@rdos.bc.ca
Fax: 250.492.0063

Please clearly state in the subject line or on the envelope of your proposal: **“Request for Expression of Interest - Park Planning and Design”**

It is not necessary to e-mail and mail your submission.

6.0 Further Information

Inquiries prior to submission of ‘Expressions of Interest’ shall be directed to:

Lindsay Bourque, *Rural Projects Coordinator*
Phone: 250.490.4218
Toll free within BC: 1.877.610.3737 ext. 4218
lbouque@rdos.bc.ca

7.0 General Terms and Conditions

7.1 Signed Submissions

The submission must be signed by the person(s) authorized on behalf of the Proponent or company and binds the Proponent to the statements made in the EOI response.

7.2 Irrevocability of Submissions

At the appointed closing time, all submissions become irrevocable. By submission of an EOI, the Proponent agrees that should its EOI be shortlisted, the Proponent will be able to participate in a future Request for Proposal (RFP) with the Regional District of Okanagan-Similkameen.

7.3 Changes to the EOI Wording and Content

The Proponent is entitled to amend its EOI at any time before the deadline for submission of their EOI. After the closing date and time, the Proponent will not change the wording or content of the EOI and no words will be added to the EOI, including changing the intent or content of the EOI, unless requested by the Regional District of Okanagan-Similkameen.

7.4 Proponent Expenses

Proponents are solely responsible for their own expenses in preparing the EOI, presentations of their EOI, and travel costs incurred presenting and negotiating their EOI.

7.5 Acceptance of EOI

The Regional District of Okanagan-Similkameen reserves the right to reject any EOI for any reason whatsoever.

7.6 Alternative Solutions

Please submit alternative options as a separate EOI. If any other type of alternative options is proposed, Proponents are also requested to submit the alternative or option as a separate EOI.

7.7 Sub consultants

Proposed sub consultants must be listed with attached resumes. Joint EOI submission must indicate which Proponent would have overall responsibility of the project.

7.8 Liability for Errors

The information contained in this ROI is supplied solely as a guideline for Proponents. The information is not guaranteed or warranted to be accurate by the Regional District of Okanagan-Similkameen, nor is it necessarily comprehensive

7.9 Agreement with Terms

The Proponent, through the submission of an EOI, agrees to all terms and conditions of this ROI.

7.10 Modification of Terms

The Regional District of Okanagan-Similkameen reserves the right to modify the terms of the EOI at its sole discretion at any time prior to the submission deadline.

7.11 Confidentiality of Information

Information pertaining to the Regional District of Okanagan-Similkameen obtained by the Proponent as a result of participation in this project is confidential and must not be disclosed without written permission from the Regional District of Okanagan-Similkameen.

7.12 Confidentiality of EOI

The Owner (RDOS) is subject to the British Columbia Freedom of Information and Protection of Privacy Act. That Act creates a right of access to records in the custody or under the control of the Owner, subject to the specific exceptions in that right set out in the Act. The Owner will receive all submissions submitted in response to this EOI in confidence. Because of the right of access to information created by that Act, the Owner does not guarantee that information contained in any submission will remain confidential if a request for access in respect of any submission is made under the Act. Proponents are required to keep their EOI confidential and must not disclose their EOI, or information contained in them, to anyone else without the prior written consent of the Owner.

7.13 Responsibility

The Proponent shall not transfer responsibility to meet the obligations of this contract to a third party without the consent, in writing, of the Regional District of Okanagan-Similkameen project manager.

7.14 No Collusion

Proponents shall not directly or indirectly communicate with any other Proponent regarding the preparation or presentation of their EOI, or in connection with the EOI engage in any collusion, fraud or unfair competition.

7.15 Laws of the Jurisdiction

Any contract resulting from this EOI will be governed by and will be interpreted in accordance with the laws of the Province of British Columbia.

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: License to Use Agreement - Community Parks
Town of Oliver and Regional District of Okanagan-Similkameen



Administrative Recommendation:

THAT the Board of Directors authorize the Chair and Chief Administrative Officer to execute the License to Use Agreement between the Town of Oliver and Regional District of Okanagan-Similkameen for the community parks legally described as:

PID 011-024-402, Lot 707, DL 24505, SDYD, Plan 2133 (Rotary Beach.6759 Lakeside Drive);

PID 006-278-159, Lot 362, DL 24505, SDYD, Plan KAP1996, Except Plans A1274, 18418, 20723, 30688 and Plan 38045 (Oliver Community Park, 799 McKinney Road);

PID 008-354-197, Lot 985, DL 24508, SDYD, Plan 17753 Except Plan KAP90396 (Oliver Lions Park, 6607 Main Street); and

(PID 023-973-803, Lot A, DL 24508, SDYD, Plan KAP60696 Except Plan KAP67689 (Oliver Kinsmen Park, (255 Fairview Road);

Purpose:

The purpose of this report is to advise the Board that the Regional District wishes to enter into a formal License to Use Agreement with the Town to augment the provisions of the original 2004 agreement with the Oliver Parks & Recreation Society.

Reference:

License to Use - Community Parks
Town of Oliver and Regional District of Okanagan-Similkameen

Background:

In 2004, the Regional District of Okanagan-Similkameen and the Oliver Parks & Recreation Society entered into an agreement for the Society to undertake the management, supervision, and operation of the Oliver Arena, Oliver Community Pool, the Community Parks, the Oliver Community Centre, and recreation programming.

The Society manages the Town's parks (Lions Park, Kinsman Park, Rotary Beach Community Park, and Oliver Community Park) by scheduling events, which includes the rental and use for recreational and community purposes.

The Regional District requisitions funds from both the Town of Oliver and Electoral Area "C" (rural Oliver) to fund the Society for the management and operation of the parks, along with the Oliver Arena, Oliver Community Pool, and Oliver Community Centre.

Analysis:

In order to requisition funds to operate a service on land not owned by the Regional District, some form of legal tenure is required. Following a second legal review, staff at the Town and the Regional District determined that a License to Use was sufficient for the RDOS to defer management to the Oliver Parks and Recreation Society.

At their April 25, 2016, regular council meeting, the Town of Oliver Council authorized the execution of the License on behalf of the Town.

Alternatives:

That the Board not authorize the Chair and Chief Administrative Officer to execute the License to Use Agreement.

Respectfully submitted:

L. Bourque

L. Bourque, Rural Projects Coordinator

LICENSE TO USE AGREEMENT

THIS AGREEMENT MADE as of the 1st day of December, 2015.

BETWEEN:

THE TOWN OF OLIVER,

a Municipality pursuant to the *Community Charter*
having an address at 6150 Main Street, PO Box 638,
Oliver, BC, V0H 1T0

(hereinafter called "**the Town**")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

a Regional District pursuant to the *Local Government Act* of
British Columbia, having an address at 101 Martin Street,
Penticton, BC, V2A 5J9

(hereinafter called "**the Regional District**")

OF THE SECOND PART

WHEREAS:

- A. The Town is the owner of lands located in the Town of Oliver, Province of British Columbia and more particularly described in Schedule "A" attached hereto (hereinafter collectively referred to as the "Lands");
- B. The Town has agreed to grant a non-exclusive License to the Regional District to have access and use of the Lands for the purposes described herein;

NOW THEREFORE, in consideration of the fee to be paid by, and the covenants of, the Regional District, the parties agree as follows:

Article I - Grant of License

- 1.01 The Town, on the terms set forth herein, hereby grants to the Regional District a non-exclusive License to enter onto the Lands for the purposes of operating community parks, recreational and auxiliary uses thereto and such other uses as the Town may consent, such consent not to be unreasonably withheld.

Article II - Duration

- 2.01 The duration of this License and the rights herein granted shall be for a term of Five (5) years commencing on the 1st day of December, 2015 (herein called the

"Commencement Date") through to the 30th day of November, 2020, unless cancelled in accordance with the terms hereof.

Article III - License Fee

- 3.01 The Regional District shall pay to the Town, the License fee of One (\$1.00) Dollar, the receipt of which is hereby acknowledged (hereinafter referred to as the "License Fee").
- 3.02 It is intended that this Agreement is a "gross" license to the Regional District and that the Town is not responsible for any costs, charges, expenses and outlays of any nature whatsoever arising from this Agreement and the Regional District shall pay all charges and costs of every nature related to this Agreement whether or not referred to in this License and whether or not of a kind now existing or contemplated by the parties, including, but not limited to, any operating and utility costs.

Article IV - Covenants of the Regional District

- 4.01 The Regional District covenants with the Town:
- (a) to pay the License Fee due at the address of the Town first written or at such other place as the Town may specify from time to time;
 - (b) to observe, abide by and comply with all applicable laws, bylaws, orders, directions, ordinances and regulations of any competent governmental authority in any way affecting the Lands and improvements situate thereon, or their use and occupation;
 - (c) not to commit or suffer any willful or voluntary waste, spoil or destruction on the Lands or do or suffer to be done thereon anything that may be or become a nuisance or annoyance to owners or occupiers of adjoining land;
 - (d) to deliver to the Town from time to time, upon demand, proof of insurance required to be maintained by the Regional District;
 - (e) to indemnify, save harmless, release and forever discharge the Town its elected and appointed officials and employees from and against all manners of actions, causes of actions, claims, debts, suits, damages, demands and promises, at law or in equity, whether known or unknown, including without limitation for injury to persons or property including death, or any person directly or indirectly arising or resulting from, or attributable to, any act, omission, negligence or default of the Regional District in connection with or in a consequence of this agreement, save and except to the extent caused by any act, omission, negligence or default of the Town, its elected and appointed officials and employees;
 - (f) to keep the Lands in a safe, clean, tidy and sanitary condition satisfactory to the Town and to make clean, tidy and sanitary any portion of the Lands or any improvement that the Town may reasonably direct by notice in writing to the Regional District;

- (g) to permit the Town, or its authorized representative, to enter upon the Lands at any time to inspect the Lands and any improvements thereon;
- (h) on the expiration or at the earlier cancellation of this License to peaceably quit and deliver possession of the Lands to the Town, and to the extent necessary, this covenant shall survive the expiration or cancellation of the License;
- (i) to effect and keep in force during the term, insurance protecting the Town and the Regional District (without any rights of cross-claim or subrogation against the Town) against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Lands to an amount not less than Two Million Dollars (\$2,000,000.00), and to name the Town as a named insured on the policy and to deliver to the Town written confirmation of the required insurance coverage upon execution of this agreement; and
- (j) notwithstanding subsection (i) of Section 4.01, the Town may from time to time notify the Regional District that the amount of insurance posted by the Regional District pursuant to that subsection be changed and the Regional District shall, within Sixty (60) days of receiving such notice, cause the amount of insurance posted, pursuant to subsection (i) of Section 4.01 to be changed to the amount specified in the notice and deliver to the Town written confirmation of the change.

Article V – Non-exclusivity

- 5.01 (a) The Regional District acknowledges and agrees that the License herein shall not entitle the Regional District to exclusive possession of the Lands;
- (b) The Regional District covenants and agrees not to interfere with the activities of any other person to enter on and use the Lands under any prior or subsequent license granted by the Town; and
- (c) The parties hereto acknowledge that the License granted to the Regional District herein is a licence only and shall not, under any circumstances, constitute a partnership, lease or joint venture between the parties.

Article VI – Assignment

- 6.01 The Regional District shall not assign, sub-license or transfer this license or permit any person to use or occupy the Lands save and except Oliver Parks and Recreation Society, without the prior written consent of the Town which consent may be arbitrarily withheld.

Article VII - Cancellation

- 7.01 In the event that:
- (a) The Town requires the Lands for its own use or in its sole discretion, considers that it is in the public interest to cancel the rights herein granted, in whole or in part,

- (b) The Regional District ceases to use the Lands for the purposes permitted herein
- (c) The Town, in its sole discretion, considers that it is no longer necessary for the Regional District to use the Lands for the purposes permitted herein,

the Town may on Six (6) month's written notice to the Regional District, cancel this License and the rights herein granted, in whole or in part and the Regional District agrees that the Town shall not be responsible for payment of any costs, compensation, reimbursement or any monies whatsoever as a result of a notice pursuant to this paragraph 7.01 (a), (b), or (c).

7.02 If the Regional District is in default in the observance of any covenants, agreements, provisions or other conditions contained herein and such failure continues for a period of Sixty (60) days after the giving of written notice by the Town to the Regional District of the nature of the failure the Town may cancel this License, without prejudice to any rights to which the Town has accrued under this License before the said cancellation.

Article VIII - General

- 8.01
- (a) The terms and provisions of this License shall extend to, be binding upon and enure to the benefit of the parties, hereto and their successors and permitted assigns;
 - (b) This License and all the terms and conditions of it may be inspected by the public at such times and at such places as the Town may determine;
 - (c) Time is of the essence in this agreement;
 - (d) The records of the Town shall be conclusive evidence of the contents of any schedule referred to in this License;
 - (e) In this License, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation;
 - (f) Where in this License there is a reference to bylaws, that reference shall include a reference to any subsequent enactment of like effect, and unless the context otherwise requires all bylaws referred to herein are enactments of the Town;
 - (g) Any waiver or acquiescence by the Town of or in any breach by the Regional District of any covenant or condition shall not be deemed to be a waiver of the covenant or condition of any subsequent or other breach of any covenant or condition of this License;
 - (h) If the Regional District continues to exercise the license granted after the expiration of the term of it without objection by the Town and without any written agreement providing otherwise, the Regional District shall be deemed to be a Licensee from month to month, and subject to the provisions of this License insofar as applicable, but it shall be lawful for the Town to cancel and determine this License granted by delivering to the

Regional District notice to that effect, and upon delivery of such notice the License shall cease without prejudice to any rights of the Town under this License accrued before the cancellation;

- (i) Any notice required to be given by either of the parties hereto shall be deemed to have been well and sufficiently given if mailed, by prepaid express mail, telefaxed to or delivered to:

The Town at:
6150 Main Street
PO Box 638
Oliver, BC, V0H 1T0

and

The Regional District at:
101 Martin Street
Penticton, BC, V2A 5J9

or such other address as the Town or the Regional District may from time to time direct in writing, and any such notice by either party shall be deemed to have been received, if mailed, five (5) days after the time of mailing, or if telefaxed seventy-two (72) hours after the time of telefaxing and if delivered upon the date of delivery. If normal mail service, telefax service is interrupted by strike, slow down, force majeure or other cause, a notice sent by the impaired means of communication will not be deemed to have been received until actually received, and the Town or the Regional District may utilize any such services which have not been so interrupted;

- (j) This License merges and supersedes all prior negotiations, representations, and agreements between the parties relating in any way to the Lands. The parties agree that there are no representations, covenants, agreements, warranties, or conditions in any way relating to the subject matter of this License or the occupation or use of the Lands, whether express or implied, or otherwise, except as set forth in this License; and
- (k) Upon the expiration or termination of this License, for whatever reason, the obligations of either party remaining unsatisfied hereunder shall nevertheless continue and survive the termination date, unless otherwise expressly provided herein.

Article IX – Force Majeure

- 9.01 Except as herein otherwise expressly provided, if and whenever and to the extent that the Regional District or the Town shall be prevented, delayed or restricted in the fulfillment of any obligations hereunder in respect of the supply or provisions of any service or utility, the making of any repair, the doing of any work or any other thing (other than the payment of the License Fee or other monies due) by

reason of strikes or work stoppages, or being unable to obtain any material, service, utility or labour required to fulfill such obligation or by reason or any statute, law or regulation of or inability to obtain any permission from any governmental authority having lawful jurisdiction preventing, delaying or restricting such fulfillment, or by reason of other unavoidable occurrence, the time for fulfillment of such obligation shall be extended during the period in which such circumstances operate to prevent, delay or restrict the fulfillment thereof, and neither the Regional District nor the Town shall be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned.

Article X – Entire Agreement

10.01 This Agreement constitutes the entire Agreement between the parties hereto and supersedes all prior agreements and understandings, oral or written, by and between the parties hereto with respect to the subject matter hereof.

Article XI - Execution

11.01 This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding document which may be sufficient evidence by any one such original counterpart.

11.02 This Agreement may be executed by the parties and transmitted by telecopy / electronic mail and if so executed and transmitted, this Agreement will be for all purposes as effective as if the parties hereto had delivered an executed original of this Agreement.

IN WITNESS WHEREOF the parties hereto have hereunto executed this agreement as of the date and year first above written.

THE TOWN OF OLIVER)
by its authorized signatory(ies):)
)
_____)
)
)
_____)
)

REGIONAL DISTRICT OF)
OKANAGAN-SIMILKAMEEN)
by its authorized signatory:)
)
)
)
)
)
_____)
Bill Newell, CAO)

File 52006(154)

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SCHEDULE "A"

DESCRIPTION OF LANDS

PID 011-024-402, Lot 707, DL 2450S, SDYD, Plan 2133
(Rotary Beach.6759 Lakeside Drive);

PID 006-278-159, Lot 362, DL 2450S, SDYD, Plan KAP1996, Except Plans A1274,
18418, 20723, 30688 and Plan 38045
(Oliver Community Park, 799 McKinney Road);

PID 008-354-197, Lot 985, DL 2450S, SDYD, Plan 17753 Except Plan KAP90396
(Oliver Lions Park, 6607 Main Street); and

PID 023-973-803, Lot A, DL 2450S, SDYD, Plan KAP60696 Except Plan KAP67689
(Oliver Kinsmen Park, (255 Fairview Road);

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: New Building Canada Fund Grant Application Resolution



Administrative Recommendation:

THAT the Board of Directors commit to proceeding with the Skaha Estates and Kaleden Sewering Project and commit to approve borrowing of funds after completion of a successful referendum in the new service areas provided grant funding is received from the New Building Canada Fund – Small Communities Fund for this project.

Purpose:

To provide an updated supporting resolution to the New Building Canada Fund – Small Communities Fund grant program for our recent submission for the Skaha Estates and Kaleden Sewering Project – Phase 1 as requested by the grant reviewers at the Ministry of Community, Sports and Cultural Development

Reference:

New Building Canada Fund – Small Communities Fund Program Guide
Updated December 23, 2015

Business Plan Objective: *(Tie to current RDOS Business Plan)*

Goal 3.3, under Key Success Driver 3.0 Build a Sustainable Community, states ‘to develop an environmentally sustainable region’. In the 2016 Business Plan, Objective 3.3.8 involves bringing Skaha Estates and Kaleden into the Okanagan Falls Wastewater Treatment System.

Background:

On November 6, 2014 the Board of Directors approved the recommended resolution to support the Skaha Estates and Kaleden wastewater collection system project. This resolution was used for the first intake of grant applications submitted in February 2015. The project was unsuccessful at obtaining funding in that first intake.

A second intake closed on April 28, 2016. A subsequent application was submitted for the Skaha Estates and Kaleden project. Previous discussions with the administration staff at the Ministry of Community Sports and Cultural Development (MCSCD) for the grant indicated that the previous resolution would be sufficient. After initially reviewing the application submitted, the MCSCD have now requested an updated Board resolution.

Analysis:

As part of the application, the applicants must demonstrate that their share of the funding has been

https://Portal.Rdos.Bc.Ca/Departments/Officeofthecao/Boardreports/2016/2016-05-19/Boardreports/D1_20160519_RPT_BCF_SS_Grant_Resolution.Docx
text.

File No: [Click here to enter](#)

or will be secured. As the funds are not yet available the option is to commit to completing a Referendum or Alternative Approval Process to authorize the borrowing of funds necessary to implement the project.

The Province requires the Referendum or AAP to be completed within six (6) months of receiving the grant approval.

For the Skaha Estates and Kaleden wastewater collection project, staff recommend proceeding with a referendum for the defined service areas. The service area establishment bylaw and borrowing bylaw will be prepared prior to the six months so the information is available to all residents prior to the referendum vote.

Alternatives:

The Board not endorse the resolution and the submitted application would have to be withdrawn.

Respectfully submitted:

Liisa Bloomfield, P.Eng.

L. Bloomfield, Engineering Supervisor



Canada-British Columbia
NEW BUILDING CANADA FUND -
SMALL COMMUNITIES FUND

Provincial Program Guide

Foreword

The British Columbia Provincial Program Guide provides an overview of the New Building Canada Fund - Small Communities Fund (NBCF-SCF) program requirements. This Guide will walk you through the application process, and provide helpful information to assist in preparing and submitting an application under the NBCF-SCF Program.

The Appendix A contains Category Specific Supplements for each project category:

- Brownfield Redevelopment
- Connectivity and Broadband
- Disaster Mitigation Infrastructure
- Drinking Water
- Green Energy
- Highways and Major Roads
- Innovation
- Local and Regional Airports
- Public Transit
- Short Sea Shipping
- Shortline Rail
- Solid Waste Management
- Wastewater

The Category Specific Supplements have been created to identify pertinent information that must be reviewed during the application process. This additional information will be required to ensure a comprehensive application is submitted.

The following project categories are required to submit a Project Justification/Business Case as part of their application (see Appendix B): Brownfield Redevelopment, Connectivity and Broadband, Disaster Mitigation Infrastructure, Highways and Major Roads, Innovation, Local and Regional Airports; Public Transit, Short Sea Shipping, and Shortline Rail.

The following green project categories are required to submit a category specific Supplementary Form as part of their application (go to www.gov.bc.ca/smallcommunitiesfund for supplementary forms): Drinking Water, Green Energy, Solid Waste Management, and Wastewater.

The Program Guide contains the significant references to the NBCF-SCF Program Agreement which can be found at www.gov.bc.ca/smallcommunitiesfund.

In the event of a conflict between the Program Guide and the NBCF-SCF Agreement, the Agreement prevails.

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1. INTRODUCTION

1.1 ABOUT THE PROGRAM

Canada and British Columbia governments are investing up to \$218 million under the New Building Canada Fund - Small Communities Fund (NBCF-SCF) Program to support infrastructure projects in communities with a population of less than 100,000 people. The federal and provincial governments will each contribute up to \$109 million of the total program funds.

Applications for funding will be evaluated on the extent to which the project meets the following program objectives:

- economic growth;
- a clean environment; and
- building stronger communities.

It is expected that there will be more projects that qualify for funding than there are program funds available. Consequently, eligible projects will be ranked according to the extent to which they meet the program's objectives and the eligibility criteria.

An Oversight Committee consisting of two representatives each from the federal and provincial governments is responsible for managing the NBCF-SCF Agreement.

1.2 PURPOSE

The NBCF-SCF will help communities with populations of less than 100,000*, address their infrastructure needs to help develop economic growth, cleaner environment and stronger communities for all British Columbians.

**as determined by Statistics Canada's Final 2011 census*

1.3 APPLICATION DEADLINE

The application intake deadline is **April 28, 2016**.

1.4 LIMIT ON NUMBER OF APPLICATIONS

Eligible applicants may submit **one** application per intake. Applications not approved from the first intake may be re-submitted. This will count towards the limit on the number of applications submitted.

Regional districts may submit **one** application per intake for each community in their area*.

** A community is defined as a settlement area within a regional district electoral area or an established or proposed service area.*

Private sector bodies, including for profit and non-profit organizations may submit **one** application per intake, supported by a municipal or regional government by way of a resolution from the municipal or regional government council or board.

If a local government is applying on behalf of a non-governmental organization, the limit on number of applications (**one** for a municipality) still applies. **

*** A local government is defined as the council of a municipality or the board of a regional district.*

If a private sector body is applying on behalf of a local government, the limit on number of applications (**one** for a municipality) still applies.

Applications from improvement districts or water utilities must be made by the local government in which the project is located. If the application is successful in obtaining program funding, the ownership of the infrastructure and associated assets must be transferred to the sponsoring local government.

1.5 COST-SHARING, STACKING AND LIMITS TO FUNDING AWARD

This program offers funding up to a maximum of two-thirds of the total eligible project costs. One-third is contributed by the Government of Canada and one-third by the Province of British Columbia. The remaining eligible project costs, plus all ineligible projects costs are the responsibility of the applicant. Where applicants plan to use or have applied for funds from other federal or provincial programs, the source of these funds must be indicated on the application form. The disclosure of other funding sources must be provided by the successful recipient up to the completion of the project.

Through cost-sharing, the funding provided by the federal government towards infrastructure projects is matched by other partners, such as provinces, municipalities or the private sector.

The maximum federal or provincial contribution from all sources will be one-third (33.3 per cent) of the total eligible costs of a project, with the following exceptions:

- For all traditionally-procured projects in the Highways and Major Roads category where the asset is **provincially-owned**, and those in the Public Transit category, the maximum federal or provincial contribution **from all sources** will be fifty percent (50%) of the total eligible costs; and
- For all projects that are delivered as public-private partnerships or where the applicant is from the for-profit private sector, the maximum federal or provincial

contribution from **all sources** will be twenty-five percent (25%) of the total eligible costs.

- The provincial contribution will be equal to the federal contribution.

For projects advanced by a First Nation applicant, with regard to financial support that the First Nation receives from Aboriginal Affairs and Northern Development Canada (AANDC), only funding received from the First Nations Infrastructure Fund (FNIF) would be counted towards the federal stacking limits for NBCF-SCF. All other sources of funds the First Nation receives from AANDC would not count towards the stacking limits.

2. APPLICANTS

2.1 ELIGIBLE APPLICANTS

- A municipal or regional government established by or under British Columbia legislation;
- A provincial entity or public sector body (e.g., a department, corporation or agency) that provides municipal-type infrastructure services to communities, established under British Columbia legislation;
- A band council within the meaning of section 2 of the *Indian Act*, or a government or authority established pursuant to a Self-Government Agreement or a Comprehensive Land Claim Agreement between Her Majesty the Queen in right of Canada and an Aboriginal people of Canada, that has been approved, given effect and declared valid by federal legislation.
- A private sector body, including for-profit organizations and not-for-profit organizations, whose application is supported by a municipal or regional government referred to above by way of a resolution from the municipal council or regional government board.

2.2 INELIGIBLE APPLICANTS

- Municipalities having a population in excess of 100,000 as determined by Statistics Canada's Final 2011 census.
- Federal entities, including federal Crown Corporations.
- Applicants not defined in section 2.1.

3. PROJECTS

3.1 ELIGIBLE PROJECTS

Infrastructure is defined as “publicly or privately owned tangible assets in British Columbia primarily for public use or benefit”. To be eligible for funding, a Project must:

- a) demonstrate that it will be able to operate and maintain the resulting infrastructure over the long term;
- b) fall within one of the applicable project categories (see 3.3), be consistent with the objectives of the category and directly related to one of its subcategories (see Appendix A), meet one or more of the project outcomes of the category and meet the specific project criteria of the category;
- c) be for the acquisition, construction, renewal, rehabilitation or material enhancement of infrastructure, excluding normal maintenance or operation;
- d) be supported by:
 - a project justification/business case(see Appendix B) for project categories: Brownfield Redevelopment, Connectivity and Broadband, Disaster Mitigation Infrastructure, Highways and Major Roads, Innovation, Local and Regional Airports; Public Transit, Short Sea Shipping, and Shortline Rail; or
 - a project specific supplementary form for project categories: Drinking Water, Green Energy, Solid Waste Management, and Wastewater;
- e) the application and supporting documents should be comprehensive, credible, and feasible;
- f) stipulate a construction completion date of no later than March 31, 2022;
- g) be implemented in communities served by Local Governments with a population of less than 100,000 people, as set out in the Statistics Canada Final 2011 Census;
- h) be duly authorized or endorsed by, as applicable:
 - in the case of a local government applicant, a resolution of its council/board; or
 - in the case of a private sector body, including for-profit and not-for-profit organizations, a resolution of its board of directors and a resolution of the local government where the proposed project to be located;
- i) meet all the program criteria identified in this Guide;
- j) contributions to for-profit, private sector bodies through the NBCF-SCF will be considered only when these projects will be for public use or benefit. In these cases, applicants will be required to demonstrate the broader public benefits of the project;
- k) First Nations projects, located partially or entirely on reserve, that are aligned with the parameters of the program are eligible if they can demonstrate benefits extending beyond the reserve community, in addition to meeting the above conditions (a-i).

3.2 INELIGIBLE PROJECTS

A project will be deemed ineligible if:

- a) the tender has been awarded or construction has already begun or project is completed prior to approval;
- b) the project will be completed after March 31, 2022;
- c) the project deals with assets owned by the Government of Canada including federal Crown Corporations;
- d) it does not meet the conditions outlined in Section 3.1.

3.3 ELIGIBLE PROJECT CATEGORIES

The following are eligible project categories:

- Brownfield Redevelopment
- Connectivity and Broadband
- Disaster Mitigation Infrastructure
- Drinking Water
- Green Energy
- Highways and Major Roads
- Innovation
- Local and Regional Airports
- Public Transit
- Short Sea Shipping
- Shortline Rail
- Solid Waste Management
- Wastewater

3.4 PHASING PROJECTS

For large, long-term improvements to infrastructure projects that require significant funding support, proponents may consider implementing the project in distinct stand-alone phases. While applicants can apply for a larger project, they also may instead focus on a single component of the phased project that best meets program objectives.

If applying for a phase of a larger project, identify how the project will be phased. This should be demonstrated in the accompanying cost estimates, and the project descriptions should be organized to easily understand each of the distinct phases of the project and which phase is the subject of the funding request.

It is important to note that the approval of one phase of a project does not guarantee that other phases will receive NBCF-SCF funding.

4. COSTS

See Appendix C for examples of eligible and ineligible costs.

4.1 ELIGIBLE COSTS

Eligible costs are limited to the following:

- a) the capital costs of acquiring, constructing or renovating a tangible asset, as defined and determined according to generally accepted accounting principles in Canada;
- b) the costs directly associated with joint federal and provincial communication activities (press releases, press conferences, translation, etc.) and with federal and provincial project signage;
- c) all planning (including plans and specifications) and assessment costs specified in the agreement such as the costs of environmental planning, surveying, engineering, architectural supervision, testing and management consulting services, to a maximum of 15% of total funding award;
- d) the costs of engineering and environmental reviews, including environmental assessments and follow-up programs as defined in the *Canadian Environmental Assessment Act 2012* and the costs of remedial activities, mitigation measures and follow-up identified in any environmental assessment;
- e) the expenditures for project-related signage, lighting, project markings and utility adjustments;
- f) the costs of Aboriginal consultation;
- g) the incremental costs of the eligible recipient's employees or leasing of equipment related to construction of the project may be included as eligible costs under the following conditions:
 - i. The recipient is able to demonstrate that it is not economically feasible to tender a contract;
 - ii. The employee or equipment is engaged directly in respect of the work that would have been the subject of the contract; and
 - iii. The arrangement is approved in advance and in writing by the Province.
- h) other costs that, in the opinion of Canada and British Columbia, are considered to be direct and necessary for the successful implementation of the project and have been approved in writing prior to being incurred.

4.2 INELIGIBLE COSTS

The following are deemed ineligible costs:

- a) costs incurred prior to the approval of the project;
- b) costs incurred after the project completion date with the exception of expenditures related to audit and evaluation requirements pursuant to the agreement;
- c) costs related to developing a funding application, business case or supporting documentation;
- d) costs related to purchasing land, buildings and associated real estate and other fees;
- e) financing charges and interest payments on loans;
- f) leasing land, buildings and other facilities;
- g) leasing of equipment, except those noted under 4.1 g);
- h) furnishing and non-fixed assets which are not essential for the operation of the asset/project;
- i) general repairs and maintenance of a project and related structures, unless they are part of a larger capital expansion project;
- j) services or works normally provided by the recipient, incurred in the course of implementation of the project, except those specified as eligible expenditures;
- k) costs related to any goods and services which are received through donations or in kind;
- l) any overhead costs, including salaries and other employment benefits of any employees of the recipient, its direct or indirect operating or administrative costs of ultimate recipients, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with b) and g) of the list of eligible expenditures above;
- m) taxes for which the ultimate recipient is eligible for a tax rebate and all other costs eligible for rebates; and
- n) legal fees.

5. GENERAL REQUIREMENTS

5.1 FUNDING

Applicants must demonstrate that their share of funding has been, or is being secured. Further, they must demonstrate, where applicable, that funds have been committed to operate, maintain and plan for replacement of the capital assets resulting from the project during its life cycle. The evidence necessary to demonstrate these commitments may include:

- A council/board resolution or by-law, committing the proponent to contribute its share of the eligible project costs and all the ineligible costs. The resolution/bylaw must identify the source of the proponent's share of the projects costs.
- A council/board resolution committing to complete an Alternative Approval Process (AAP) and by-law to authorize the borrowing of funds or a resolution committing to hold a referendum to borrow the necessary funds. The AAP and by-law or referendum must be completed within 6 months of receiving NBCF-SCF approval for the project unless an extension has been approved by the Province.

5.2 SELECTION PROCESS AND CRITERIA

Please ensure that your application addresses the required criteria, the category specific criteria, as well as outcomes and benefits.

5.2.1 Required Criteria

- Application form and mandatory documents have been filled out in full and submitted.
- Application must be submitted by an "eligible applicant" (defined in Section 2).
- Application must be for an "eligible project" (defined in Section 3).
- Application includes an authorization to proceed with the project from all appropriate approval authorities.
- Application includes a commitment to pay the applicant share of the eligible costs and ongoing (operating and other) costs associated with the project.
- In order to properly assess an application, the questions must be completed and remember to be clear and succinct.
- Project is consistent with applicable provincial, regional or municipal plans (e.g., land-use, integrated watershed management plan, municipal official plans, Integrated Community Sustainability Plans).
- Major risks related to extreme natural events and/or climate change risks with a potential impact on the project during construction or once completed have been considered, and, where applicable, a mitigation plan developed.
- For newly constructed or materially rehabilitated infrastructure intended for use by the public, the project must provide appropriate access for persons with disabilities,

including meeting the requirements of the Canadian Standards Association Technical Standard Accessible Design for the Built Environment (CAN/CAS B651-04) or any acceptable or similar provincial or territorial standards (describe the variances and plans to achieve compliance).

- For newly constructed or materially rehabilitated infrastructure intended for use by the public, the project must meet or exceed the energy efficiency requirements of the Model National Energy Code for Buildings, where applicable (describe the variances and plans to achieve compliance).
- Successful applicants must meet all applicable legislative or regulatory requirements. This includes requirements for a federal Environmental Assessment (FEA) process, provincial Environmental Assessment process and requirements for Aboriginal Consultation. Where a project is excluded from a review under the Canadian Environmental Assessment Act, it may require permits or approvals from local, regional or provincial government agencies. It is the applicant's responsibility to ensure that any additional approvals and permits are obtained.

For project categories under the responsibility of the Ministry of Community, Sport and Cultural Development there will be a **financial analysis** of each application. This will contain a review of the periodic financial information submitted to the Ministry of Community, Sport and Cultural Development (the Ministry).

This required financial reporting is available on Ministry files, and thus does not need to be submitted with an application. However; local government applicants should recognize that the ranking of applications may reflect the extent to which applicants have met financial criteria such as:

- Met the deadlines for legislated financial reporting, including the financial plan, audited financial statements, Local Government Data Entry (LGDE) forms and Statement of Financial Information (SOFI).
- Submitted the financial plan to the Ministry to meet requirements of s 165 of the Community Charter found in Financial Circulars 08:10 (Financial Plan: New Revenue Policy Disclosure Requirements) and 08:15 (Guide to the Amortization of Tangible Capital Assets).
- Measures of financial stability and sustainability which include property tax structures and development costs charge structure.

5.2.2. Individual Category Specific Criteria

Individual category specific criteria and documentation is outlined in the Appendix A - Category Specific Supplements.

5.3 PROJECT OUTCOMES AND BENEFITS

It is vital that all projects demonstrate that they will achieve measurable project benefits as outlined in Appendix A – Category Specific Supplement.

5.4 PROJECT RANKING

Project applications will be evaluated based on how well the project meets the federal and provincial program objectives of economic growth; a cleaner environment; and, stronger communities. In addition, projects will be assessed based on funding history, regional distribution, community size, and the degree to which they meet the following:

- represents good value for money;
- enhances and protects public health;
- enhances and protects environmental health;
- supports sustainability principles;
- consistent with integrated long-term planning and management;
- utilizes best technologies and practices;
- demonstrates efficient use of resources;
- uses new and innovative approaches;
- supports sustainable long-term economic growth;
- is situated within, and advances, the sponsoring local government's development and financial plans;
- exhibits long-term sustainability, including operational viability, asset management (maintenance), and environmental sensitivity;
- contributes to environmental, economic, community and innovation objectives;
- requires the federal and provincial governments' financial support to enable the proposed project to be implemented, its scope enhanced (increase in size - expressed in the form of a percentage) or its timing accelerated (by number of years);
- the best available economically feasible technology, if applicable.

5.5 PROJECT JUSTIFICATION/BUSINESS CASE GUIDELINES (SEE APPENDIX B)

This is a requirement for the following project categories:

Brownfield Redevelopment, Connectivity and Broadband, Disaster Mitigation Infrastructure, Highways and Major Roads, Innovation, Local and Regional Airports; Public Transit, Short Sea Shipping, and Shortline Rail.

6. APPLICATION PROCESS

All proposed projects must complete and submit an on-line application form. In addition, a signed certification form and supporting documentation are to be emailed or mailed to the lead ministry by the application deadline.

The following mandatory documents must be clearly identified and submitted as separate documents as part of your application:

- Certification Form
- Detailed Cost Estimates

- Project Justification/Business Case or Supplementary Form
- Site Plan / Map
- Council/Board Resolution
- List and status of required licenses, permits and approvals

The following documents may be used to support the application:

- Options Assessment
- Feasibility Assessment
- Business Plan
- Cost Benefit Analysis or Other Study

Applicants are responsible for ensuring full and accurate information is submitted.

Applications will not be considered for funding until all mandatory documents are fully completed and submitted by the application deadline.

6.1 OPTIONS ASSESSMENT

It is vital that applicants conduct an assessment to ensure that they have considered the options and chosen the best engineering solution for a particular issue. This assessment should identify what the solution is and why it is being recommended and should address capital and life cycle expenditures; annual operating costs, emerging technologies, environmental considerations and societal impacts.

6.2 LIST OF REQUIRED LICENSES, PERMITS AND APPROVALS

All applicants are required to investigate and submit a list of licenses, permits and approvals which are required for their project to proceed and they must advise on the status of any that have been applied for. This is important as it demonstrates that a project is on track or that the proponent has considered and commenced applications for these required items.

6.3 DETAILED COST ESTIMATES

Detailed costs estimates must include but not limited to: an itemized description, cost per unit of measure, number of units, as well as design, engineering, contingency costs, and tax rebate breakdowns. Applicants are to identify which costs are eligible and which are ineligible and to state what class or confidence level the estimates are (e.g., class B or the level of confidence of the proposed cost). If a project can be broken into phases, each phase must be clearly identified separately in the detailed cost estimate.

If the project is part of a larger project, the detailed cost estimates should only include the costs for the project.

It is important to note that projects will be reviewed in the context of the *Canadian Environmental Assessment Act (CEAA) 2012* and regulations as discussed in Section 7. Where applicable, project cost estimates should include costs to conduct a CEAA study.

IMPORTANT: It is necessary to provide **up-to-date cost estimates** and identify and account for inflation, increasing construction costs and possible delays in start and completion dates. Factors that may delay construction include: the timing of the grant announcement date, fisheries window, public consent, weather and construction seasons, delays in the CEAA process, right of way negotiations, regulatory applications, etc.

6.4 CONTACT INFORMATION

For the following project categories:

Brownfield Redevelopment, Connectivity and Broadband, Disaster Mitigation Infrastructure, Highways and Major Roads, Innovation, Local and Regional Airports; Public Transit, Short Sea Shipping, and Shortline Rail.

Ministry of Transportation and Infrastructure

**PO Box 9850 Stn Prov Govt
5C - 940 Blanshard St.
Victoria, BC V8W 9T5
Phone: 250-952-0675
Fax: 250-356-0897
Email: infrastructure@gov.bc.ca**

For the following project categories:

Drinking Water, Green Energy, Solid Waste Management, and Wastewater.

Ministry of Community, Sport and Cultural Development

**PO Box 9838 Stn Prov Govt
4th Floor 800 Johnson St.
Victoria, BC V8W 9T1
Phone: 250-387-4060
Fax: 250-356-1873
Email: infra@gov.bc.ca**

7. CANADIAN ENVIRONMENTAL ASSESSMENT ACT, 2012 REQUIREMENTS

The *Canadian Environmental Assessment Act 2012* (the Act) and its regulations are the legislative basis for the federal practice of environmental assessment. A Federal Environmental Assessment (FEA) is a process to evaluate the environmental effects and identify measures to mitigate potential adverse effects of a proposed project. The Act ensures that the environmental effects of a project are carefully reviewed before a federal department/agency makes a decision to allow the proposed project to proceed.

Detailed information on the *Canadian Environmental Assessment Act* and regulations can be found at the Canadian Environmental Assessment Agency's website: www.ceaa-acee.gc.ca/.

All projects that receive funding through the NBCF-SCF Agreement have to comply with the Act. However, since not all projects are on federal lands or affect the environment in a significant way, many projects may not require an environmental assessment under the Act. It is the responsibility of the Proponent to determine the FEA requirements and contact the relevant Federal departments, as indicated below.

7.1 HOW TO DETERMINE IF A FEDERAL ENVIRONMENTAL ASSESSMENT (FEA) IS REQUIRED

An FEA will be required under CEAA 2012 if the project meets the definition of a designated project and or it is located on federal lands.

Is it a designated project?

Designated projects can be found on the *Regulations Designating Physical Activities*: <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-147/page-1.html#docCont>
Only projects on the designated project list require FEA or projects designated by the Minister due to potential for environmental effects or public concerns. Should the Project meet the definition of a designated project, proponents must provide to the Canadian Environmental Assessment Agency a description of their proposed project to initiate the process.

Is the project on federal lands?

Projects on federal lands are subject to an assessment of environmental effects. Information must be provided to NBCF-SCF program staff on whether or not the project will be located on federal lands. Proponents must engage with the federal lands' owner to establish the process and requirements to meet CEAA, 2012.

For more information refer to the Operation Policy Statement:

<http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=22CA364E-1>

7.2 TIME AND COST CONSIDERATIONS

Time and Costs involved in completing the FEA and associated studies will depend on site accessibility and the availability of local expertise, the nature and complexity of the project, potential environmental implications and the level of public/First Nations interest. When developing the project cost estimates, please consider the potential expenses involved in preparing a FEA.

7.3 DIALOGUE WITH ENVIRONMENTAL AGENCIES

For projects that require a FEA, proponents are encouraged to contact relevant federal departments or provincial ministries (e.g., Fisheries & Oceans Canada, Environment Canada - Canadian Wildlife Service or BC Ministry of Environment). A proactive discussion with such agencies during the project-planning phase will assist in identifying potential environmental impacts and necessary mitigation measures.

IMPORTANT NOTE:

- NBCF-SCF funding is conditional upon completion of an environmental assessment review of the project under the Act with a satisfactory outcome.
- Starting BC and Canada environmental assessments early in the planning of a project will assist the British Columbia and the Government of Canada in discharging the legal duty to consult and, if appropriate, accommodate Aboriginal peoples when the Crown contemplates conduct that might adversely impact established or potential Aboriginal or Treaty rights.
- Successful applicants must agree to adhere to mitigation requirements as may be specified in the FEA and/or recommended by federal departments and agencies participating in the review process.
- Any changes to the scope of the project while it is underway could re-open the FEA review and cause the project to have construction delays. In addition, project scope changes need to be brought to the NBCF-SCF program staff immediately as they need the Province's approval prior to going forward with any changes to the original approved scope.

7.4 OTHER REGULATORY CONSIDERATIONS

Projects must meet all applicable federal and provincial environmental legislation and standards. Even though a project is excluded from a review under the *Canadian Environmental Assessment Act*, it may require permits or approvals from local, regional or provincial government agencies. It is the applicant's responsibility to ensure that any additional approvals and permits are obtained.

7.5 B.C. ENVIRONMENTAL ASSESSMENT PROCESS

Proposed projects that are subject to the *British Columbia Environmental Assessment Act* (BCEAA) are specified in the Environmental Assessment Reviewable Project Regulations by both category and minimum-size threshold. All applicants should review a copy of the regulations for information on projects that may be subject to the BCEAA. Information must be provided to NBCF-SCF program staff on whether or not the project will be subject to BC Environmental Assessment.

Refer to BC Environmental Assessment Office's website at www.eao.gov.bc.ca or contact their office at:

**1st Floor 836 Yates Street
PO Box 9426 Stn Prov Govt
Victoria, BC V8W 9V1
Phone: 250-356-7441**

8. ABORIGINAL CONSULTATION

Proponents may be required to consult with Aboriginal groups if the project is located in an area where Aboriginal communities have potential or established Aboriginal or Treaty rights. It is the responsibility of the Proponent to determine whether or not the project requires consultation with Aboriginal groups. Information must be provided to NBCF-SCF program staff on whether or not the project will be subject to Aboriginal Consultation.

For more information on British Columbia's consultation policy:

<http://www2.gov.bc.ca/gov/topic.page?id=8CF98F756A984198AFD80AEA0E472F05>

For more information on Aboriginal Consultation in Federal Environmental Assessment:

<http://www.ceaa-acee.gc.ca/default.asp?lang=En&n=ED06FC83-1>

9. APPROVED APPLICATIONS

Successful recipients will be notified in writing if their application is approved.

Funding is conditional upon the recipient signing a shared cost agreement with the Province.

The Province of British Columbia will advise applicants in writing of the terms and conditions of their award through a shared cost agreement.

The Province will provide a shared cost agreement to those proponents approved for funding outlining the terms and conditions associated with the funding.

Note: If a signed shared cost agreement between the recipient and the Province is not in place two years from the approval date, the Province may withdraw the offer to fund the project.

9.1 SHARED COST AGREEMENT

“Shared Cost Agreement” means an agreement between the Province of British Columbia and a Recipient whereby the Province agrees to contribute financially to an approved project.

9.2 CONTRACT PROCEDURES AND PROVISIONS

“Contract” means a Contract between a Recipient and a Third Party whereby the latter agrees to contribute a product or service to a project in return for financial consideration which may be claimed as an Eligible Cost.

All contracts will be awarded in a way that is transparent, competitive and consistent with value for money principles.

The following objectives for procurement activity for goods, services and construction are based on the principles of fair and open public sector procurement: competition, demand aggregation, value for money, transparency and accountability:

- acquisitions are managed consistent with the policy of the Province of British Columbia (The Province of British Columbia Policies can be accessed at: www.fin.gov.bc.ca/ocg/fmb/manuals/CPM/06_Procurement.htm);
- proponents receive the best value for money spent on contracts;
- vendors have fair access to information on procurement opportunities, processes and results;
- acquisition opportunities are competed, wherever practical;
- proponents only engage in a competitive process with the full intent to award a contract at the end of that process;
- proponents are accountable for the results of their procurement decisions and the appropriateness of the processes followed; and
- the cost of the procurement process, to both vendors and proponents, is appropriate in relation to the value and complexity of each procurement.

Proponents are responsible for:

- planning, managing and fully documenting the process to acquire goods, services and construction;
- managing solicitation and contract award processes in a prudent and unbiased manner that fairly treats all potential vendors and bidders;
- ensuring that contracts for goods, services and construction are designed to provide the best value; and
- ensuring that all acquisitions are consistent with policy and applicable legislation.

It is expected that all contracts for works associated with projects that are approved for NBCF-SCF funding will be publicly tendered. If this is not feasible or practicable, the Recipient must notify the Province in writing before proceeding with the project.

The Province reserves the right to review a Recipient's procurement and tendering policies and practices relating to contracts for works associated with projects funded through this program at any time from the date of approval of the project to three years after project completion date.

Two resources are available to help applicants to achieve excellence in the awarding of contracts in a way that is transparent, competitive, and consistent with value for money principles:

- The Master Municipal Construction Documents Association (MMCD) provides its members with standardized contract documents and training programs to maximize the benefits of the documents. The Province of British Columbia encourages British Columbia Municipalities to use the Master Municipal Construction Documents for the construction of municipal services. Many B.C. local governments have been, and continue to, subscribe to the MMCD documents, certification, training and procedures. For further information about MMCD access its website at: www.mmcd.net/.
- BC Bid, the e-Procurement site of the Province of British Columbia can be accessed at: www.bcbid.gov.bc.ca/open.dll/welcome.

9.3 CHANGES OR VARIATIONS TO AN APPROVED PROJECT

Applicants need to advise the lead provincial Ministry, **in writing**, of any variation from the approved project (e.g. changes to financial forecast, milestones, project title, completion dates) before such changes are implemented.

Changes of 25% or greater in the total eligible project costs or any changes in the project scope or a change in project location must be approved **in advance** by the appropriate ministry.

Program staff will adjust future claims and/or require the provincial government to be reimbursed if any costs that have been reimbursed are subsequently found to be ineligible.

9.4 PROGRESS REPORTS

A Progress Report will be required quarterly, and a Budget Forecast Report will be required monthly or upon request by the Province. These are summary reports that update the federal and lead provincial agencies regarding timelines, percentage completion, milestones, forecasting and other information regarding the project. Progress reports are required whether or not a claim is made, or whether or not construction has begun. The reports are required for the period between project approval and project completion.

9.5 CLAIMS

To receive both the federal and provincial governments' contributions for approved projects, claims must be submitted for eligible costs to the lead provincial Ministry. Only costs incurred, paid and consistent with and comparable to those identified in the signed shared cost agreement are eligible for reimbursement. Where multiple projects are ongoing (e.g. through different grant funding programs or through a phased approach), please ensure that claims are specific to the approved project only.

A summary of expenditures is required for each claim, including: name of payee, date paid, work rendered start/end dates, invoice number, invoice date, etc. An up-to-date progress report is also required with each claim. All projects are subject to site visits and audit at any time during the project and up to three years after the final settlement of accounts.

9.6 ACCOUNTING RECORDS

Applicants must maintain acceptable accounting records that clearly disclose the nature and amounts of the different items of cost pertaining to the project. These records should include both the records of original entry and supporting documents of the applicant, divisions or related parties, and any third party, named in the application or contract, as appropriate to the project. Applicants must retain accounting records for a minimum of six years after the final settlement of accounts.

Failure to keep acceptable accounting records and tender documents may result in a cessation or interruption in funding.

The Province can require applicants to provide details of the types and amounts of all fees for consultants and contractors.

9.7 COMMUNICATIONS

Procedures for Communications

An important aspect of the program is to communicate the program's impact in helping improve the quality of life in British Columbia communities. The purpose of joint communications activities is to provide information on the NBCF-SCF Program to the public in a well-planned, appropriate, timely and consistent manner that recognizes the benefits of the initiative and the contribution of all parties.

Timeline for Public Events

Please contact the lead provincial Ministry for your project at least **20 working days** prior to any scheduled public events. The federal and provincial Ministers, or their designated representatives, regularly participate in the events, thus need time to schedule for such an occasion.

APPENDIX A - Category Specific Supplement

BROWNFIELD REDEVELOPMENT

I. Objective

To invest in the remediation and redevelopment of public infrastructure and associated properties that contribute to economic growth, a clean environment and stronger communities.

II. Subcategories

Remediation or decontamination and redevelopment of a brownfield site within municipal boundaries, where the redevelopment includes:

- The construction of public infrastructure as identified in the context of any category under the NBCF-SCF; and
- The construction of municipal use public parks and affordable housing.

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Removing or neutralizing the negative effects of brownfields on communities and the environment by remediating and redeveloping these properties in a sustainable manner;
- Reducing the environmental and health risks posed by contaminated sites within municipal boundaries;
- Increasing local or regional economic development and competitiveness;
- Increasing the supply of affordable housing; and
- Increasing the sustainability of municipal development and encouragement of more efficient and the intensification of land use.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- The eligible costs in respect of the remediation/decontamination shall be prorated based on the land use share of the eligible public infrastructure component (as described in the subcategories).

- Must be undertaken on properties that are contaminated, as determined using remediation criteria as established by the relevant jurisdiction for the proposed redeveloped land uses, as confirmed by a Phase II Environmental Site Assessment (ESA), which shall include a detailed historical description of the site's previous uses and owners.
- Must identify relationships, if any, to the originator(s) of the pollution source, as identified in the Phase I or II ESA, if known.
- Must have a remediation action plan, that includes the following:
 - description of contamination, including types of contaminants and potential for offsite contamination;
 - mediums and extent of contamination to be addressed (soil, sediment, groundwater, surface water, air, etc.);
 - remediation criteria to be used for addressing the contamination;
 - whether in-situ or ex-situ treatment, or removal and disposal of contaminated soils or materials will be the method of remediation, and the provision of an alternatives assessment to support the remedial action plan;
 - if excavation of contaminated material will be undertaken, final disposal location must be identified; and
 - method for addressing off-site contamination, where there is a potential risk, including implementation of appropriate monitoring systems.
- Must identify potential regulatory or civil liability risks and provide a risk management plan (including confirmation of pollution legal liability insurance).

V. Sources for Best Practices

- [BC Brownfield Renewal Strategy:](http://www.agf.gov.bc.ca/clad/ccs/brownfields/renewal_strategy.html)
www.agf.gov.bc.ca/clad/ccs/brownfields/renewal_strategy.html

APPENDIX A - Category Specific Supplement

CONNECTIVITY AND BROADBAND

I. Objectives

To invest in broadband infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- High-speed backbone
- Point of presence
- Local distribution within communities
- Satellite capacity

Notes:

- *In Canada, broadband service refers to download speeds of 1.5 Mbps or greater. In Telecom Regulatory Policy 2011-291, the CRTC established a universal broadband Internet access target download speed of 5 Mbps.*

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Increasing in geographical area, to account for industrial/resource development investments, with access to broadband speeds of 1.5 Mbps or higher, contributing to improved economic development in remote areas; or
- Increasing in number of British Columbians with access to broadband speeds of 1.5 Mbps or higher, contributing to improving the quality, accessibility and effectiveness of public services.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Uses technological solutions that are appropriate, reasonable and available.
- Must promote competitiveness by conducting a commercially and technologically neutral Request for Proposal.
- Must provide for third party open access.
- Must be based on a practical needs assessment and is scalable to realistically meet future needs.

APPENDIX A - Category Specific Supplement

DISASTER MITIGATION INFRASTRUCTURE

I. Objectives

To invest in disaster mitigation infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Construction, modification, reinforcement or relocation of public infrastructure that protects from, prevents, reduces the impact and/or likelihood of, or mitigates the potential damage resulting from natural hazards, including impacts or events related to climate change.

Notes: *Construction, modification or reinforcement of public infrastructure excludes normal routine, maintenance and operational work (e.g., dredging of sediment, gravel removal, debris traps, etc.). The relocation of entire communities is also excluded.*

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Reducing the social, physical and/or economic risks associated with natural hazards and/or adverse effects related to climate change;
- Improving the resiliency of public infrastructure to natural hazards and/or adverse effects related to climate change; or
- Supporting an all-hazard risk assessment and related mitigation plan to address disaster risks.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Must have conducted a risk assessment that supports the proposed mitigation project. The risk assessment shall include: the likelihood of a natural hazard occurring and the potential impacts of such an event (including social, economic and environmental impacts).
- Must demonstrate that the project is the most-effective mitigation approach, including other structural and non-structural mitigation options.
- Must demonstrate that project design has taken into consideration the increasing magnitude of natural hazards and any “down-stream” negative consequences of the structural mitigation project.

APPENDIX A - Category Specific Supplement

DRINKING WATER

I. Objective

To invest in water infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Drinking water treatment infrastructure.
- Drinking water distribution systems (may include metering as part of a larger project).

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Improving the quality of drinking water, and where possible, alignment with the Guidelines for Canadian Drinking Water Quality;
- Increasing the number of households, industries, commercial establishments, and institutions provided with access to safe drinking water;
- Improving the efficiency and service reliability of water treatment facilities and/or distribution systems, as demonstrated by a reduction in water leakage or loss, use of treatment chemicals, energy use and/or number of boil water advisories;
- Improving water conservation (i.e. increased number of households equipped with residential metering, and decreased daily per capita water use);
- Improving the protection and/or management of drinking water sources.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Where the project involves the new construction of or material rehabilitation of a drinking water treatment plant, the drinking water quality following completion of the project must meet or exceed provincial/territorial standards.
- A multi-barrier approach to safe drinking water including, where possible, source water protection.
- For non-commercial ventures, the proponent must indicate whether full cost pricing supported by universal metering for water is in place, and if not, how cost recovery will be pursued and how capital and operating and maintenance shortfalls will be addressed.

V. Sources for Best Practices

- British Columbia Water and Waste Association (BCWWA): This non-profit association is dedicated to the safeguarding of public health and the environment through the sharing of skills, knowledge and experience in the water and wastewater industries. BCWWA's website provides several resources including best management practices. <http://www.bcwwa.org/>
- Water Conservation Guide for BC: The guide supports small to mid-size BC local governments in developing or improving water conservation plans. <http://www.obwb.ca/water-conservation-guide-for-bc-now-available/>
- Canada Mortgage & Housing Corporation Healthy Housing – Water Conservation: Provides highlights of recent Canadian and international research and efforts in the field of water conservation. <http://www.cmhc-schl.gc.ca/en/inpr/su/waho/index.cfm>
- Greater Vancouver Regional District Water Conservation Initiatives: Provides information on a range of water conservation initiatives such as conducting water use audits for businesses. <http://www.metrovancouver.org/services/water/conservation/Pages/default.aspx>
- InfraGuide Best Practices for Potable Water: Provides technical solutions to challenges municipalities commonly face with potable water. <http://www.fcm.ca/home/programs/past-programs/infraguide.htm>
- Living Water Smart: B.C.'s Water Plan: Living Water Smart is the provincial government's vision and plan to keep our water healthy and secure for the future. Through this plan, the Province commits to new actions and targets, and builds on existing efforts to protect and keep our water safe. <http://www.livingwatersmart.ca/>
- Ministry of Health Services – Drinking Water Program: This program works to ensure safe, reliable and accessible drinking water for all British Columbians. http://www.health.gov.bc.ca/protect/dw_index.html
- Water Conservation Strategy for BC: The Strategy promotes water as a highly valuable resource and provides a framework to guide and encourage efficient and cost-effective water use throughout the province. http://www.env.gov.bc.ca/wsd/plan_protect_sustain/water_conservation/wtr_cons_strategy/toc.html
- Water Use Efficiency Catalogue for B.C.: Written as a companion piece to the Water Conservation Strategy for B.C., the Catalogue encourages cooperation and information sharing, and promotes a proactive approach to water conservation. http://www.env.gov.bc.ca/wsd/plan_protect_sustain/water_conservation/wtr_use_eff_cat_bc/toc.html.

- Water Conservation Calculator: A free, web based decision support tool used to investigate how specific water conservation measures can yield both fiscal and physical savings for communities. <http://www.waterconservationcalculator.ca>

APPENDIX A - Category Specific Supplement

GREEN ENERGY

I. Objectives

To invest in green energy infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Reinforcement, expansion of existing and construction of new transmission grids to transmit clean electricity, including smart grid technologies.
- Renewable Electricity Generation facilities (e.g., wind energy, solar energy, small scale hydro).
- Thermal heat/cooling delivery system (i.e. district energy systems) using renewable or combined heat/power plants.
- Projects for new or material rehabilitation or expansion of carbon transmission and storage infrastructure;
- Electric vehicle infrastructure.
- Clean coal facilities.

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Increasing the security of British Columbia's clean electricity supply;
- Increasing installation of clean energy technologies that improve air quality and/or reduce greenhouse gases;
- Increasing the number of private sector and public sector installations and/or use of clean-energy technologies;
- Providing open-access to a large number of carbon capture facilities; or
- Increasing electricity trade connections between provinces, and/or between Canada and the United States that facilitate the transfer of clean electricity.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- For Transmission grid projects, the project must:
 - Support the development or transfer of clean electricity, especially to displace more carbon-intensive electricity; and
 - Support the security of electricity supplies, allowing for more efficient electricity markets/electricity use.
- For carbon transmission and storage project, the project must address:
 - Pipeline networks, or parts thereof, for transporting CO₂ that has been captured from large industrial emitters; or
 - Centralized hubs for injecting, monitoring, and permanently storing CO₂ in a geological formation.
- For clean coal facilities, the proponent must deploy technology to reduce air pollutants and GHG emissions at least as low as natural gas combined cycle technology such that it will satisfy the Canadian regulations for the coal-fired electricity sector, set to come into force on July 1, 2015.

V. Sources for Best Practices

- A Vision and Implementation Plan for Growing a Sustainable Energy Cluster in British Columbia: Provides a framework that promotes building smart, sustainable energy systems that leverage innovations to enhance how the province generates, delivers and uses energy.
http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/402789/aept_report.pdf
- BC Hydro Power Smart: Provides tips, tools, programs and products that are designed to enhance energy management expertise, so you can improve energy efficiency.
<http://www.bchydro.com/powersmart.html>
- BC Sustainable Energy Association: This non-profit association of citizens, professionals and practitioners is committed to promoting understanding, development and adoption of sustainable energy, energy efficiency and conservation in British Columbia. <http://www.bcsea.org/>
- Canada Green Building Council: The Council is a broad-based inclusive coalition of representatives from different segments of the design and building industry that work to accelerate the design and construction of Green Buildings across Canada.
<http://www.cagbc.org/>

- **Community Energy Association:** This charitable, non-profit society is taking action on climate change and energy sustainability by assisting communities to develop and implement energy efficiency and green energy initiatives.
<http://communityenergy.bc.ca/>
- **BC Energy Plan:** Provides updates on the 55 policy actions outlined in the BC Energy Plan, which focus on the province's key natural strengths and competitive advantages of clean and renewable sources of energy.
<http://www.energyplan.gov.bc.ca/default.htm>
- **The BC Climate Action Plan:** Provides summary of BC's actions to date and highlights new and future initiatives to reduce BC's carbon footprint.
http://www.livesmartbc.ca/attachments/climateaction_plan_web.pdf
- **BC Climate Action Charter:** Details on how BC communities can commit to the goals of being carbon neutral.
http://www.cscd.gov.bc.ca/lgd/greencommunities/climate_action_charter.htm
- **Weather, Climate and the Future:** Links to articles and information on BC air Quality.
www.env.gov.bc.ca/air/climate/cc_plan/pdfs/bc_climatechange_plan.pdf
- **Greening the Building Code:** Provides information on how green building supports sustainable communities. www.housing.gov.bc.ca/building/green/index.htm
- **Air Action Plan:** Sets out actions to reduce air pollution, complementing the government's plan to reduce greenhouse gas emissions.
<http://www.bcairsmart.ca/docs/bcairactionplan.pdf>
- **BC Bioenergy Strategy:** Provides information on how to reduce greenhouse gas emissions and strengthen BC's electricity self-sufficiency.
www.energyplan.gov.bc.ca/bioenergy

APPENDIX A - Category Specific Supplement

HIGHWAYS AND MAJOR ROADS

I. Objective

To invest in highways and major roads, including bridges that have broad public benefits, and that contribute to economic growth, to a clean environment, and stronger communities.

II. Subcategories

New construction, additional capacity, or rehabilitation of highways and major roads, including bridges and tunnels that are:

- High capacity roads such as freeways, expressways or major arterials with an Annual Average Daily Traffic count greater than 3,000 vehicles.
- Highways and roads related to natural resource development opportunities; or,
- Road/rail grade separations on one of the above highways or major roads.

Notes:

- *Project under this category could include: Intelligent Transportation Systems (ITS), and/or active transportation infrastructure (e.g. sidewalks, bicycle lanes, pedestrian/bike/multi-use pathways) components as a part of the overall project.*

III. Outcomes and Benefits

These benefits support one or more of the following outcomes:

- Increasing efficiency and mobility by supporting efforts to reduce congestion, effectively manage traffic volume, and reduce travel time;
- Improving safety;
- Improving access for remote areas affected by resource development-related activity, and/or improved social and economic outcomes in affected communities; or
- Extending the life of the existing asset.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Must be compatible with official transportation plans or other transportation strategies, where appropriate.

- Must demonstrate that the proposal is based on current demand (e.g., significant volumes of traffic and/or trucks), and if the project is intended to expand existing asset or build new asset, the intended results must be substantiated.
- For projects with Intelligent Transportation Systems (ITS) components, such components or system must be compliant with the ITS Architecture for Canada and/or the Border information Flow Architecture where applicable.

APPENDIX A - Category Specific Supplement

INNOVATION

I. Objectives

To invest in infrastructure at post-secondary institutions that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Post-secondary research and development laboratories and centres, and related teaching facilities.
- Office space for the purpose of conducting research and development.
- Research libraries associated with the research laboratories and centres.

Notes: *Eligible investments under each sub-category could include installation of underlying connective infrastructure as necessary (e.g. water/sewer connections, electricity connections, new technologies and implementation of approaches for improved energy efficiency in laboratories, telecommunications infrastructure).*

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Enhancing capacity of post-secondary institutions to develop and transfer new knowledge through leading-edge basic and applied research and teaching;
- Increasing opportunities for collaboration between public institutions and the private sector supporting the transfer of innovative technologies and research to market; and,
- Developing a highly-skilled workforce driving innovation in sectors that support increased diversification or competitiveness of the national, regional, or local economy and contribute to sustained long-term growth.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Demonstrates that there is an existing or new research or teaching program and committed funding associated with it.
- Demonstrates that the project will primarily support basic or applied research and development, and teaching programs in one or more of the following disciplines: natural sciences; health sciences; engineering; computer science, technology and mathematics; or demonstrates that the project will primarily support development in the area of industrial innovation.

APPENDIX A - Category Specific Supplement

LOCAL AND REGIONAL AIRPORTS

I. Objective

To invest in airport infrastructure that has broad public benefits, and contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

Construction projects that enhance airports that are accessible all year-round, through the development, enhancement or rehabilitation of aeronautical and/or non-aeronautical infrastructure:

- Aeronautical infrastructure includes, but is not limited to: runways, taxiways, aprons, hangars, lighting, aids to navigation (Nav aids), maintenance sheds, airside mobile equipment and associated shelters, air terminal buildings, and groundside safety-related infrastructure;
- Non-aeronautical infrastructure such as groundside access, inland ports, parking facilities, and commercial and industrial activities.

Notes:

- a. *Local and regional airports are defined as those sites **having scheduled passenger traffic**, not located in the national capital or a provincial/territorial capital and not classified by Transport Canada as an Arctic or remote airport.*
- b. *Federally-owned airports and federal assets are not eligible for funding.*
- c. *Safety and security projects that are eligible for funding under Priorities 1 and 2 of Transport Canada's Airports Capital Assistance Program (ACAP) are funded under that program, and are not eligible for funding unless they are part of a larger project.*

ACAP priorities 1 and 2 may be described as:

Priority 1: Safety-related airside projects required to accommodate the aircraft providing year-round, regularly scheduled passenger service such as rehabilitation of runways, taxiways, aprons, associated lighting, visual aids, sand storage sheds, utilities to service eligible items, related site preparation costs including directly associated environmental costs, aircraft firefighting equipment and equipment shelters which are necessary to maintain the airport's level of protection as required by regulation.

Priority 2: Heavy airside mobile equipment (safety-related) such as runway snow blowers, runway snowplows, runway sweepers, spreaders, winter friction testing devices, and heavy airside mobile equipment shelters.

III. Outcomes and Benefits

Proponents must demonstrate the economic advantages and the broader public benefits of the project.

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Improving efficiency (e.g., increased traffic volumes, passenger volume, cargo etc.);
- Increasing regional or local economic development (e.g., number of new carriers, new businesses operating at the airport, increased volume of interprovincial/territorial and international trade such as in the resource sector);
- Improving safety; or
- Increasing accessibility of local and regional airports (e.g., to remote and northern communities, to larger population centres).

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Local and Regional Airport projects must demonstrate financial support from provincial and/or regional/local governments by meeting the following criteria:
 - For all projects, the provincial government contribution must be no less than the federal government contribution;
 - For local and/or regional assets, local/regional government interests must furnish at least one-third (33.33 percent) of the total project costs.
- For non-provincial assets, a municipal council resolution in support of Local and Regional Airport projects must be submitted.
- Must demonstrate that projects are consistent with long-term regional development plans and provide significant economic benefits across the region.
- Must demonstrate that projects do not negatively impact other airports in their vicinity and the overall provision of airport and air transportation services in the region, and demonstrate broad public benefits.
- If the project includes an ITS component or system, that the ITS component or system is compliant with the ITS Architecture for Canada and the Border Information Flow Architecture, or expand in new areas of national interest.

APPENDIX A - Category Specific Supplement

PUBLIC TRANSIT

I. Objectives

To invest in public transit infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Transit infrastructure and rolling stock, including but not limited to bus rapid transit (BRT), light rail transit (LRT), subways, buses, urban passenger ferries and regional commuter rail.
- Transit facilities and supporting infrastructure including but not limited to transit queue-jump lanes, reserved bus lanes, turning lanes or other related enhancements in support of public transit, streetcar/trolley infrastructure, storage and maintenance facilities, security enhancements, and transit passenger terminals.
- Intelligent Transportation Systems (ITS) in support of public transit services.

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Supporting efforts to reduce urban congestion;
- Increasing transit ridership;
- Improving safety; or
- Improving mobility (e.g., improved access, reduced travel times).

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Must be part of an official, integrated land-use and transportation development plan or strategy. Where applicable, projects must be consistent with the approved plans of regional transportation bodies.
- Must demonstrate the economic advantages and the broader public benefits of the project.
- For project with Intelligent Transportation Systems (ITS) components, such components or system must be compliant with the ITS Architecture for Canada.

APPENDIX A - Category Specific Supplement

SHORT SEA SHIPPING

I. Objective

To invest in improvements to short sea shipping infrastructure that contribute to economic growth, a clean environment and stronger communities.

II. Subcategories

New construction, additional capacity, and rehabilitation of the following capitalized and fixed port infrastructure that increases short sea shipping capacity:

- Wharves and associated infrastructure;
- Intermodal facilities, multi-modal, or transfer facilities; or
- Capitalized and fixed equipment for loading/unloading required for expansion of short sea shipping.

Notes:

- Short sea shipping is defined as the movement of cargo by water over relatively short distances, excluding trans-oceanic voyages.*
- Projects under this category could include Intelligent Transportation Systems (ITS) components as part of the overall project.*
- The purchase of vessels, infrastructure that supports passenger-only ferry services, maintenance of existing facilities, as well as maintenance activities including dredging, are not eligible for funding.*

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Improving efficiency (e.g., reduced traffic congestion, increased freight capacity and speed, results in new shippers and trade movements);
- Improving safety;
- Reducing the environmental footprint and providing environmental benefits such as air quality improvement; or
- Improving integration between transportation modes.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Demonstration that the project improves access to at least one of the following:
 - Multi-modal transportation corridors, and/or intermodal transfer facilities;
 - Commercial and/or industrial sites; or
 - Regions with significant natural resource potential.
- Confirmation that the project will be built on or adjacent to port lands.

APPENDIX A - Category Specific Supplement

SHORTLINE RAIL

I. Objective

To invest in improvements to existing shortline rail infrastructure that contribute to economic growth, a clean environment and stronger communities.

II. Subcategories

New construction, additional capacity or rehabilitation of rail infrastructure including:

- Industrial branch lines to allow a railway to serve a group of companies, an industrial park, a logistic park, an intermodal yard, a multimodal facility, a port, a transfer facility, or a marine terminal;
- Tracks and structures, excluding regular or deferred maintenance, to ensure safe travel at speeds deemed acceptable for safe and efficient operations;
- Facilities to improve the interchange of goods between modes; or
- Capitalized equipment for loading/unloading required for expansion of shortline rail.

Notes:

- a. *Shortline rail is typically defined as a Class III railway that provides regional service to a small number of towns or industries and/or serves as a feeder line for one or more larger railroads.*
- b. *Projects under this category could include Intelligent Transportation Systems (ITS) components as part of the overall project.*

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Improving efficiency (e.g., increased traffic volumes, new shippers, increased speed, etc.);
- Increasing freight capacity of short-line railways (e.g., heavier traffic loads and volume, etc.); or
- Improving safety.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Must demonstrate that their proposal is based on current demand (e.g., significant volumes of rail traffic), and if projects are intended to expand existing assets or build new assets, the intended results must be substantiated.
- If the project includes an ITS component or system, that the ITS component or system is compliant with the ITS Architecture for Canada and the Border Information Flow Architecture, or expand in new areas of national interest.

APPENDIX A - Category Specific Supplement

SOLID WASTE MANAGEMENT

I. Objective

To invest in solid waste infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Waste diversion infrastructure (e.g., recycling, composting, anaerobic digestion, eco centers).
- Waste disposal infrastructure (e.g., thermal processes, landfill gas recovery).

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Increasing the quantity (kg/capita) of solid waste diverted from disposal;
- Reducing environmental impacts from landfills (e.g. greenhouse gas emissions, leaching of liquid waste, soil contamination); or
- Increasing energy recovery from solid waste management activities.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Solid waste diversion projects must result in a measurable increase in the quantity (kg/capita) of material diverted from disposal as measured against a baseline using the Generally Accepted Principles for Calculating Municipal Solid Waste System Flow.
- Disposal projects must be complemented by the implementation of a municipal waste management plan.

APPENDIX A - Category Specific Supplement

WASTEWATER

I. Objective

To invest in wastewater infrastructure that contributes to economic growth, a clean environment and stronger communities.

II. Subcategories

- Wastewater treatment facilities or systems
- Wastewater collection systems
- Separation of combined sewers and/or combined sewer overflow control, including real-time control and system optimization
- Separate storm water collection systems and/or storm water treatment facilities or systems
- Wastewater sludge treatment and management systems

III. Outcomes and Benefits

The project must demonstrate how it provides benefits to British Columbians in support of one or more of the following outcomes:

- Measurably and quantifiably reducing the volume and/or improvement in the level of treatment of wastewater effluent;
- Increasing the number of households, industries, commercial establishments, and institutions with untreated wastewater connected to sanitary wastewater systems;
- Reducing the volume and incidents of discharge of untreated wastewater effluent as a result of sanitary sewer and combined sewer overflow events;
- Improving quality of treated stormwater effluent;
- Improving the reliability or performance of the wastewater collection; and/or treatment system;
- Improving wastewater sludge treatment and management.

IV. Project Specific Criteria

- Must demonstrate the economic advantages and the broader public benefits of the project.
- Projects for the construction of new or material rehabilitation or expansion of existing wastewater treatment facilities must result in wastewater effluent that meets the Wastewater Systems Effluent Regulations (WSER), where applicable.
 - In jurisdictions where the WSER does not yet apply, the afore-mentioned projects must meet provincial/territorial equivalency.

- Projects for the construction of new or material rehabilitation or expansion of existing wastewater sludge treatment and management facilities must meet applicable provincial/territorial and federal regulations and licensing requirements.

V. Sources for Best Practices

- British Columbia Water and Waste Association (BCWWA): This non-profit association is dedicated to safeguarding of public health and the environment through the sharing of skills, knowledge and experience in the water and wastewater industries. <http://www.bcwwa.org/>
- Canadian Council of Ministers of the Environment: Canada-wide Strategy for the Management of Municipal Wastewater Effluent: The strategy will provide specific measures to improve management of municipal wastewater in a consistent manner that will better protect the environment and human health. http://www.ccme.ca/en/resources/water/municipal_wastewater_effluent.html
- Environmental Operators Certification Program: The Program's objective is to protect human health, the environment, and the investment in facilities through increased knowledge, skill and proficiency of the members of the Program. <http://www.eocp.org/>
- InfraGuide Best Practices for Wastewater: Technical solutions to challenges municipalities commonly face with storm and wastewater. <https://www.fcm.ca/home/programs/past-programs/infraguide.htm>
- Ministry of Health Services – Land Use Program (Sewerage): Provides expert advice to Health Authorities and develops legislation and guidelines regarding all aspects of sewerage systems. https://www.health.gov.bc.ca/protect/lup_index.html
- Municipal Sewage Regulation – Highlights Regarding Use of Reclaimed Water: This fact sheet describes the production and use of reclaimed water. <https://www2.gov.bc.ca/gov/theme.page?id=1D1E3C96BFEE11B9960E8FFEC5AF406A>.

APPENDIX B – PROJECT JUSTIFICATION/BUSINESS CASE GUIDELINES

INTRODUCTION

The project justification/business case is an essential document that complements your application for funding. Its purpose is to elaborate on elements contained in the application and to provide any further details or relevant information that was not captured on the application form. The information contained in this document is intended to help you develop a sound rationale which may help you in obtaining funding under the NBCF-SCF program.

Note: This is a requirement for the following project categories: Brownfield Redevelopment, Connectivity and Broadband, Disaster Mitigation Infrastructure, Highways and Major Roads, Innovation, Local and Regional Airports, Public Transit, Short Sea Shipping, and Shortline Rail.

ASSESSMENT

The assessment of proposals is a criteria-based process for evaluating proposals submitted by applicants for funding. The assessment determines the merits of the proposal and informs the decision for recommending proposals to the appropriate decision-making bodies and parties.

Below are a few examples of factors that impact the assessment of your proposal and will be considered in determining if it is eligible for funding.

- How your project responds to an identified Infrastructure need within the community?
- How realistic are the objectives and are the expected results achievable? Will the activities identified be completed within your proposed timeframe?
- How does your proposed project fit with local, regional and national priorities?
- How you, as the applicant have the capacity to see the project through from beginning to end?
- How do you plan to mitigate the risks associated with your project?
- How realistic is the budget and breakdown of costs?
- How will you manage the asset over its life cycle? Do you have operating funds?

ELEMENTS OF A GOOD BUSINESS CASE

A good business should give the reader a clear understanding of the “Who, What, Where, Why, When and How” of the project. The business case should be able to be

extracted as a stand-alone document for the purposes of describing the entire project. Additionally, it should not depend on future funding in order to achieve its desired project outcomes.

The business case should include, but not be limited to, the following:

- Problem statement
- Identification and analysis of options (relevance, feasibility)
- Rationale for chosen option
- Project objective
- Description of activities
- Timelines and milestones
- Expected benefits
- Performance and progress measures
- Project risks
- Rationale
- Budget

WRITING THE BUSINESS CASE

Project Objective
This is one of the most important sections of the business case. The objective should respond to your problem statement and be clear, concise and easy for you to achieve. The objective must also be measurable. A clear statement of your project objective makes the assessment easier.
Proposed activities
Provide a description of proposed activities that addresses: <ul style="list-style-type: none"> • The scope of the project (local, regional, national) • The location • How the project responds to the goals, objectives and priorities of the program • Who will most benefit and how.
Project Rationale
This section should: <ul style="list-style-type: none"> • Provide a synopsis of what is happening currently within the municipality or region and what might happen if no action is taken at this time, if your project is not approved. It should also give the reader a sense that your project is important and thus demonstrate the need for funding. • Make sure you clearly define the project. If statistical information is available to support your project make sure you include the data and state where it can be found.
Expected Benefits
Expected benefits must: <ul style="list-style-type: none"> • Identify the project outcomes according to the program (sub) categories that apply to the project being proposed. • Indicate all the project benefits and how the benefits were obtained.

Timelines and Milestones
<p>It is important to indicate the duration of your project, how long you expect it to take from start to finish. In addition, you should highlight how your project is broken down by project activities, phases and/or stages. This should be done on a quarterly basis. (i.e. 1st quarter - list of activities to be accomplished (planning, studies, etc.); 2nd quarter – additional activities (construction to commence)).</p>
Performance and Progress Measures
<p>In this section, you should clearly identify how the project will meet expected benefits; and, how these will be measured and monitored throughout the course of your project duration. (i.e. phase development, planning phase, regular site visits, construction start/end-dates, etc.)</p>
Project Risks
<p>What are the significant project risks and what is your strategy to mitigate those risks? Risks are uncertainties or constraints that may prevent the project from being completed on time, on budget, or in its original scope. Few projects are completely without risk; however, most successful projects manage or mitigate their risks through good planning and ongoing management.</p> <p>This section should indicate any known risks (such as short construction season, possible uncertainties in building site that might influence cost, etc.) and specify how those uncertainties may impact the performance of the project (either in duration, cost, or meeting the requirements). Then, indicate what actions could possibly be taken in advance, or during the project lifecycle, to reduce the effect of the risk (mitigation).</p>
Project Budget
<p>A comprehensive budget must include:</p> <ul style="list-style-type: none"> • An anticipated start and end date of expenditures (funding period). No expenditures can be incurred outside the start and end dates of the shared cost agreement. • A detailed breakdown of expenses such as overhead operating costs, salaries, capital costs, phases of construction etc. if applicable. • A listing of other funding sources and those amounts. • Cash flow projections throughout project lifecycle. • A capital cost estimate for the infrastructure that includes an amount for contingency costs, and an amount for inflation. • A comprehensive budget summary indicating the sources of financing for the construction, operation and replacement of the infrastructure. • The sources should include, as applicable, grants, property taxes, fees, debt, Integrated Resource Management (IRM)* strategies and other sources. • The financing should be matched by expenditures for the construction and subsequent operation and maintenance of the infrastructure <u>as well as a contribution to a reserve fund for the replacement of the infrastructure.</u> • A description of how rate structures (if applicable) will encourage

conservation of resources, reduce operating costs, and defer the need to expand infrastructure.

- Where the potential for revenue from IRM exists, a brief description of the proposed strategy.
- A discussion of the method by which the infrastructure will be amortized to meet the new requirements for financial reporting under Generally Accepted Accounting Principles.
- An indication that information in the five year budget provided is or will be incorporated into the financial plan required under s.165 of the *Community Charter* or s.815 of the *Local Government Act*.
- Grant per person served: the total Federal/Provincial request divided by the number of individuals served by the infrastructure.
- For Regional Districts, the number, type and assessed value of properties served by the infrastructure and a description of the area that will be served by the infrastructure and how the costs of the service will be allocated among participants in the service.

*Revenue from Integrated Resource Management (IRM) –utilizes solid and liquid waste to create energy, reduce greenhouse gas emissions, conserve and re-use water, and recover nutrients.

Project Justification/Business Case Checklist

To ensure that you have addressed all aspects of the project justification/business case, see the below checklist.

- Is there a Problem Statement
- Does your business case include a rationale for decision on chosen option
- Did you state your project’s objective
- Is there a description of activities included
- Have timelines and milestones been addressed
- Did you list the expected benefits of your project
- Performance and progress measures
- Have you indicated the risks associated with the project
- Is there a rationale on file
- Has the budget been included
- Is there a breakdown of expenses
- Location
- Who will benefit
- Any statistical information to include
- Is there any relevant documentation that details the issues addressed by the project, i.e. copies of studies, reports, letters from agencies, etc.

APPENDIX C – Examples of Eligible Costs and Ineligible Costs

Please note: If a cost is not listed below, contact program staff prior to undertaking the cost. (See Section 6.4 for contact information)

General

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> • Costs paid under contract for goods or services necessary to implement the project 	<ul style="list-style-type: none"> • Any unpaid costs including invoices or holdbacks • Accrued costs
<ul style="list-style-type: none"> • Costs paid by the Recipient only after project approved by the Province and Canada. and deemed properly and reasonably incurred 	<ul style="list-style-type: none"> • Costs incurred prior to the Province and Canada approving the project and/or after the project completion date
<ul style="list-style-type: none"> • Capital costs as defined by Generally Accepted Accounting Principles (except capital costs included in INELIGIBLE COSTS) 	<ul style="list-style-type: none"> • Services or works normally provided by the Recipient, including: <ul style="list-style-type: none"> • overhead costs • salaries and other employment benefits of any employees of the Recipient • leasing of equipment except those noted under section 4.1 g) • purchasing equipment • accounting fees incurred in the normal course of operation • auditing fees incurred in the normal course of operation
	<ul style="list-style-type: none"> • Taxes for which the Recipient is eligible for a tax rebate and all other costs eligible for rebates

Environmental Assessment/Aboriginal Consultation Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> • Environmental reviews • Environmental costs • Remedial activities • Mitigation measures • Aboriginal consultation 	<ul style="list-style-type: none"> • Costs incurred prior to the Province and Canada approving the project and/or after the project completion date.

Design / Engineering Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Fees paid to professionals, technical personnel, consultants and contractors specifically engaged to undertake the surveying, design, and engineering of a project. 	<ul style="list-style-type: none"> Costs incurred prior to the Province and Canada approving the project and/or after the project completion date
<ul style="list-style-type: none"> Accommodation costs included in consulting fees or disbursement for out of town/province professionals 	<ul style="list-style-type: none"> Any legal fees including those for land transfers (easements, Right of Way)
	<ul style="list-style-type: none"> Feasibility studies, planning costs, and/or costs related to preparing an application and accompanying documents.

Construction/Materials Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Tenure fee – Ministry of Agriculture and Lands & Plan of Statutory Right of Way. 	<ul style="list-style-type: none"> Cost of purchasing land and associated real estate and other fees Value of donated land Interim financing and interest costs Appraisal fees Land title fees Leasing of land or facilities
<ul style="list-style-type: none"> Permit fees 	<ul style="list-style-type: none"> Building permit charged by proponent to itself Development cost charges
<ul style="list-style-type: none"> Insurance related to construction 	<ul style="list-style-type: none"> Liability insurance for directors
<ul style="list-style-type: none"> Project management fees 	
<ul style="list-style-type: none"> Material testing necessary to prove suitability of soils and specified structural elements 	
<ul style="list-style-type: none"> Fencing for the construction site Permanent fencing 	
<ul style="list-style-type: none"> Towing heavy equipment to and from the construction site 	<ul style="list-style-type: none"> Towing vehicles
<ul style="list-style-type: none"> Security guard & First Aid attendant (contracted for construction project) 	<ul style="list-style-type: none"> Ambulance for workplace accidents First aid courses
<ul style="list-style-type: none"> Furniture and/or equipment essential for operation of the project 	<ul style="list-style-type: none"> Tools (e.g. hammer, broom, shovel, rakes, hoses, hose nozzles, measuring tapes, leather gloves)
<ul style="list-style-type: none"> Utility, electrical, sanitary sewer, and storm sewer set-up/connection services to the site property line 	<ul style="list-style-type: none"> General repairs and maintenance of a project and related structures

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> Safety equipment to be kept at the project site (e.g. safety goggles, beakers, eye wash bottles, latex gloves, UV lamp, vacuum hand pump, forceps, etc.) 	
<ul style="list-style-type: none"> Fire protection equipment as required by the fire department 	
<ul style="list-style-type: none"> Third party (contractor) rental of a trailer/site office 	
<ul style="list-style-type: none"> Permanently installed 2 way radios, phone system for facility 	<ul style="list-style-type: none"> Monthly bills for utilities and phone/internet
	<ul style="list-style-type: none"> Contributions in kind
<ul style="list-style-type: none"> Fuel costs for rental equipment Temporary construction or permanent signage, specific to the project Street signage (during construction) if specific to the project (e.g. 1st Street Closed) 	<ul style="list-style-type: none"> Vehicle maintenance and fuel costs General construction signs (e.g. detour, street closed)
<ul style="list-style-type: none"> Relocation/renovation kiosk signs for public information 	<ul style="list-style-type: none"> Temporary “Hours of Business” signs
<ul style="list-style-type: none"> Surveys necessary to determine the site’s suitability for the intended purpose 	<ul style="list-style-type: none"> Any other surveys except to determine the site’s suitability
<ul style="list-style-type: none"> Demolition of unwanted structures from the site 	
<ul style="list-style-type: none"> Landscaping to restore construction site to original state following construction Installation of landscaping 	<ul style="list-style-type: none"> Maintaining landscaping
<ul style="list-style-type: none"> Newspaper/radio ads related to contract tenders and contract award notifications; or public safety, road closure or service interruption notices related to the project 	
<ul style="list-style-type: none"> Printing and distribution costs for public information materials regarding the project 	
<ul style="list-style-type: none"> Printing costs for preparing contract documents or tenders, blue prints, plans/drawings 	
<ul style="list-style-type: none"> Courier services, specific to project e.g. delivering drawings/designs 	
<ul style="list-style-type: none"> Paving of access and curb cuts 	

Communication Activities Costs

ELIGIBLE	INELIGIBLE
<ul style="list-style-type: none"> • Any costs reasonably incurred to undertake communication activities, such as, but not limited to: <ul style="list-style-type: none"> - federal or provincial funding recognition signage - permanent commemorative plaques - A/V rental and set up costs - event equipment rental and set up costs, such as stage and podium for joint events - event photography 	<ul style="list-style-type: none"> • Media consultant • Event planners • Gifts • Hospitality costs, such as, but not limited to: <ul style="list-style-type: none"> - food/beverages - liquor - entertainment

APPENDIX D – Communications Protocol

PURPOSE

This Communications Protocol shall guide all communications activity planning, development and implementation with a view to ensuring efficient, structured, continuous and coordinated communications to British Columbians.

The provisions of this Communications Protocol shall apply to all communications activities related to any Projects funded through the Small Communities Fund Program, or allocations. Such communications activities may include, but are not limited to, public or media events, news releases, reports, web and social media products or postings, blogs, Project signs, digital signs, publications, success stories and vignettes, photo compilations, videos, advertising campaigns, awareness campaigns, editorials, and multi-media products.

GUIDING PRINCIPLES

Communications activities undertaken through this Communications Protocol should ensure that British Columbians are informed of infrastructure investments made to help improve their quality of life and that they receive consistent information about funded Projects and their benefits.

The communications activities undertaken jointly by Canada, British Columbia, and the Ultimate Recipient shall recognize the funding of all parties to the Projects.

PROGRAM COMMUNICATIONS

The Ultimate Recipients will not unreasonably restrict Canada and British Columbia from using, for their own purposes, public communications products related to Projects funded through the Small Communities Fund Program and if web-based, from linking to it.

OPERATIONAL COMMUNICATIONS

The Ultimate Recipients are solely responsible for operational communications with respect to Projects, including but not limited to, calls for tender, construction, and public safety notices. Operational communications as described above are not subject to the federal official language policy.

The Ultimate Recipients shall share information promptly with the lead ministry staff should significant media inquiries be received or emerging media or stakeholder issues arise relating to the Projects.

MEDIA EVENTS AND ANNOUNCEMENT FOR PROJECTS

Media events include, but are not limited to, news conferences, public announcements, official events or ceremonies, and news releases.

The Ultimate Recipients will have regular media events about the funding and status of the Projects. Key milestones may be marked by public events, news releases and/or other mechanisms.

Media events related to the Projects shall not occur without the prior knowledge and agreement of Canada and British Columbia.

The Ultimate Recipients shall provide at least **20 working days' notice** to the lead ministry staff of their intention to undertake a media event. The event shall take place at a mutually agreed date and location.

All joint communications material related to media events shall be approved by Canada and British Columbia and recognize the funding of all funding partners, as appropriate.

All joint communications material shall reflect Canada's policy on official languages and the federal identity program.

PROJECT CONSTRUCTION SIGN GUIDE

Note: Please hold off on producing the federal construction signs until the Ministry staff receive further notice.

This guide provides information on the production and installation of provincial construction signs for projects approved under the Small Communities Fund Program.

The cost of project construction signs is an eligible project cost.

The Ultimate Recipient shall produce and install federal and provincial signs at each Project site in accordance with current federal and provincial construction sign guidelines (see Appendix E).

You are required to submit a layout of the project construction sign prior to final production via e-mail to the lead ministry staff which will coordinate provincial and federal government approval.

Signs should be installed at the project site thirty (30) days before construction begins, be visible for the duration of the Project, and remain in place until 30 days after construction is completed and the infrastructure is fully operational or opened for public use.

Federal and provincial signs shall be at least equivalent in size and prominence to Project signage for contributions by other orders of government. Signs should be installed in a prominent and visible location.

All federal signs must be bilingual.

They should not obstruct traffic or cause safety concerns, particularly if located near a road. To avoid potential safety issues, ensure that the appropriate provincial and municipal authorities are consulted.

A brief and concise title (no longer than five words) should be developed in consultation with the lead ministry staff.

Federal and provincial construction signage can be ordered directly through Queen's Printer. Below is the contact information:

Paula Peterson
Print Agent
Queen's Printer
Shared Services BC
Phone: (250) 387-9364
Fax: (250) 356-7380
E-mail: Paula.Peterson@gov.bc.ca

PERMANENT SIGN OR PLAQUE

The lead ministry will determine whether your project will require a permanent sign or plaque. The signage wording of the permanent sign or plaque must be in both official languages. It shall also recognize the federal and provincial contribution.

You are required to submit a layout of the permanent sign or plaque prior to final production via e-mail to the lead ministry staff which will coordinate provincial and federal government approval.

The cost of Project permanent signs or plaques is an eligible project cost.

COMMUNICATIONS COSTS

The eligibility of expenditures related to communication activities will be subject to Eligible and Ineligible Costs under the Small Communities Fund Program.

APPENDIX E –Provincial and Federal Construction Sign Guidelines

Please note:

- The Federal Construction Guidelines are pending until further notice.
- Projects that are managed by the Ministry of Transportation and Infrastructure are required to include the *BC on the Move* 10 Year Transportation Plan branding at the bottom.

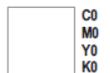
PROVINCIAL CONSTRUCTION SIGN

Use below guidelines for projects managed by the Ministry of Community, Sport and Cultural Development: Drinking Water, Green Energy, Solid Waste Management, and Wastewater

 	New Building Canada Fund - Small Communities Fund	Catalogue Item #
		C-035 Series



Plywood edges must be sealed and both the edges and back of the plywood sign shall be painted green (pantone 349C) with one coat of exterior oil based enamel paint over a compatible primer per Sec. 635.26 of the Standard Specification for Highway Construction.



White Background

ASTM level 1



Yellow Background & Sunburst

Custom Transparent Ink



Dark Blue Mountainscape

Custom Transparent Ink

Sign Item Number	Dimensions (W X H) mm	Substrate Sign Blank #	Reflectivity	Colour
C-035-u	1951 x 1220	12 mm MDO PLY	1	As indicated

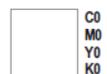
PROVINCIAL CONSTRUCTION SIGN

Use below guidelines for projects managed by the Ministry of Transportation and Infrastructure: Brownfield Redevelopment, Connectivity & Broadband, Disaster Mitigation, Highways and Major Roads, Innovation, Local & Regional Airports, Public Transit, Short Sea Shipping, and Shortline Rail

 	New Building Canada Fund - Small Communities Fund	Catalogue Item #
		C-035 Series



Plywood edges must be sealed and both the edges and back of the plywood sign shall be painted green (pantone 349C) with one coat of exterior oil based enamel paint over a compatible primer per Sec. 635.26 of the Standard Specification for Highway Construction.



C0
M0
Y0
K0

White Background

ASTM level 1



C0
M30
Y100
K0

Yellow Background & Sunburst

Custom Transparent Ink



C100
M67
Y0
K23

Dark Blue Mountainscape

Custom Transparent Ink

Sign Item Number	Dimensions (W X H) mm	Substrate Sign Blank #	Reflectivity	Colour
C-035-u	1951 x 1220	12 mm MDO PLY	1	As indicated

ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: Board Policy Review



Administrative Recommendation:

THAT the Board of Directors adopt the revised Information Systems Use and Social Media Policy as presented to the Corporate Services Committee on April 28, 2016.

Purpose:

To rescind outdated policies.

Reference:

[Regional District of Okanagan-Similkameen Policy Manual](#)

Information Systems Use and Social Media Policy - clean
Information Systems Use and Social Media Policy – marked up

Analysis:

At the April 28, 2016 Corporate Services Committee meeting, the Board reviewed the above noted policy.

The Information Systems Use and Social Media policy amendment prohibits the sharing of Personal Identification Numbers (PINs) for corporate smart phones, and prohibits the sharing of email mailboxes with the exception of a few specific circumstances spelled out in the section 1.14 of the amended policy.

Respectfully submitted:

“Christy Malden”

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Information Systems Use and Social Media Policy

AUTHORITY: Board Resolution dated June 18, 2015.

AMENDED: Board Resolution No. _____ dated _____.

POLICY STATEMENT

The use of computers and social media in both a personal and professional setting is now, and will more so become critical to the success of the Regional District of Okanagan-Similkameen (RDOS). To maintain the credibility and trust of our citizens, it is important that our employees, volunteers and elected officials be accountable for maintaining high standards of ethical conduct in their use of company property.

PURPOSE

1. To establish corporate practice and provide guidance around acceptable and appropriate usage of:
 - a. computers owned by the RDOS and provided to employees, volunteers and elected officials for work purposes; and,
 - b. work related Social Media
2. To set out the means to correct unethical conduct;

DEFINITIONS (IF REQUIRED)

“Computer” is defined as Computer hardware and ancillary devices (including but not limited to desktop and laptop workstations, mobile or “smart” phones, tablet computers, PDA’s, and portable USB Flash drives photocopiers, printers, fax machines and the telephone system) as well as the software and data contained on them.

“Information Systems” include (but are not limited to) Computers, network infrastructure, servers, internet, remote access, corporate software (including but not limited to email, Electronic Document Management Software, Financial and GIS) and databases.

“Social Media” is defined as any group of internet based applications that allow the creation and exchange of user-generated content (including but not limited to Facebook and Twitter).

“Illegal activity” is an act committed in violation of the law (including but not limited to downloading copyright or pirated songs or videos and hacking into other computer systems).

RESPONSIBILITIES

1. The Board of Directors shall:
 - a. make such revisions, additions or deletions to the Policy as may be required.
 - b. investigate allegations and inquiries relating to unethical conduct by elected officials and the CAO and take appropriate action.

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2. The Chief Administrative Officer shall:
 - a. make such revisions, additions or deletions to the Policy as may be required by law.
 - b. investigate allegations and inquiries relating to unethical conduct by employees and volunteers and take appropriate action.
 - c. ensure the administrative controls referred to in the Code of Conduct are in place.
 3. Information Services Department shall:
 - a. maintain overall security and integrity of the Information Systems.
 4. Managers shall:
 - a. ensure that each employee in their Department is familiar with this policy.
 5. User's shall:
 - a. comply with this policy and any related procedural documents that may be issued.
 - b. not use the Information Systems for an activity that could expose the RDOS, themselves, or colleagues to potential criminal, ethical or any legal proceedings.
 - c. take reasonable steps to not compromise the performance and/or affect the integrity of the Information Systems.
 - d. follow security measures and restrictions that are in place.
 - e. report to the Information Services Department if something potentially negative happens, or anything suspicious is noticed in regards to the Information Systems.

PROCEDURES

This Procedure is broken down into four specific areas:

1. General Computer use guidelines for employees and Elected Officials on RDOS Computers.
2. RDOS Social Media internal operational guidelines.
3. Internal guidelines for public interaction with Social Media sites and key components to keep in mind.
4. General guidelines and summary.

1. *General Computer Use Guidelines for Employees, Volunteers and Elected Officials on RDOS Computers.*

- 1.1 The RDOS recognizes there are times when company Computers may be used (i.e. email, web surfing, use of audio/visual programs/software, Social Media sites, phones) for personal use. However using Computers for personal use must not affect the productivity, disrupt the system and/or harm the RDOS's reputation.
- 1.2 All Computers are to have a login password set and a Computer lockout after a period of idle activity.
- 1.3 Login information (including PIN or Personal Identification Number for RDOS phones) is to be protected and not shared with anyone. The exception being for IT related troubleshooting purposes only.
- 1.4 Report lost/stolen Computers to the Information Services Department as soon as possible.
- 1.5 Downloading of large personal use programs/files/software is monitored by IS Department for bandwidth usage and security issues, and subsequent information may be brought to the users attention, or their respective supervisor. Users unsure of bandwidth allocation/usage for specific downloads/programs should consult the IS Department beforehand.
- 1.6 Downloading and/or viewing illegal material or participating in illegal activity on RDOS Computers is not permitted. Illegal activity conducted on RDOS Computers and/or portable/handheld devices will be dealt with through respective legal and labour relations means.

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- 1.7 Downloading and/or viewing of pornographic material on the internet, or through email, is not permitted, and any user caught downloading/viewing pornographic material will face disciplinary action.
 - 1.8 Installation of non-work-related programs/software or “apps” should be approved by the IS Department. Installed non work-related programs/software is subject to removal by IS Department.
 - 1.9 Do not intentionally expose the Information Systems to viruses, spyware or other security threats. Make every effort to avoid risky websites, programs, emails, attachments, etc. If you are not sure what something is, please consult the IS Department.
 - 1.10 If there is a need for data to be taken out of the corporate environment or work related personal/non-public data to be stored on a RDOS portable storage device (including but not limited to USB flash drives, SDcards, USB hard drives), then the RDOS portable storage device must be encrypted with appropriate password protection.
 - 1.11 Use of RDOS Computers for private enterprise is not permitted unless authorized by the CAO.
 - 1.12 Use of cloud servers outside Canada (including but are not limited to Dropbox, iCloud, Google Drive, SkyDrive) is discouraged. Downloading of documents/files from these sites is permitted but any outgoing documents/files should be managed on the RDOS cloud file share (i.e., ownCloud) or the RDOS FTP (File Transfer Protocol) site. Please contact the IS Department if you are unsure on how you should be using cloud services.
 - 1.13 If a user requests to connect their personal device to the corporate e-mail system, and such action is approved by their department manager and the IS Department, the user must sign the Personal Device Usage Agreement.
 - 1.14 Staff and Elected Officials are permitted to share their calendar with other staff and Elected Officials at their discretion. Because of the sensitive nature sometimes found in email, sharing of email mailboxes is only to be done if an employee has left the organization, if it is a “resource” type mailbox (i.e. info@rdos.bc.ca) or rarely and at the Managers discretion if the employee is unavailable (i.e. sick or on holiday) and access is required of the mailbox.
 - 1.15 Some corporate web based applications including but not limited to OWA (Outlook Web Access), RDP (Remote Desktop Protocol) and EDMS (Electronic Document Management System) allow downloading of documents to local computers outside the RDOS network. Any downloading of documents should only be done on a temporary basis and corporate documents are not to be stored on remote personal computers.

2 RDOS Social Media Internal Operational Guidelines.

- 2.1 The RDOS has approved Social Media accounts (example: Facebook, Twitter, YouTube) which are operated internally by staff designated by the CAO or a CAO-approved designate. Any new Social Media sites must be approved by the CAO.
- 2.2 The RDOS’s Social Media sites are public forums and platforms for information release which can include the following: utilities advisories, emergency services, public hearings, bylaw announcements, information releases, photos, maps, reports and any other information deemed pertinent and approved for public viewing by designated staff.
- 2.3 Until there is a dedicated resource to monitor Social Media sites, the ability for the public to add posts, general requests or comments to the RDOS Social Media sites will be disabled whenever possible.

3. Internal Guidelines for Public Interaction With Social Media Sites and Key Components to Keep In Mind.

- 3.1 RDOS users are not recommended to directly link their personal Social Media site profile to the RDOS’s approved Social Media sites, unless they feel confident about their knowledge of the specific Social Media platform. Linking a personal site to an employer’s site forms a professional connection via Social Media, thus an exchange of information may also take place and staff should take a proactive approach and educate themselves about applicable privacy settings beforehand.

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- 3.2 Users are not permitted to use company email as login accounts for personal Social Media sites.
 - 3.3 Users are required to comply with the code of conduct when answering questions or posting/linking information to other Social Media sites on RDOS related business.

4. *General guidelines and summary*

- 4.1 Users should be aware that RDOS Computers can be monitored internally, and made public through a *Freedom of Information and Protection of Privacy Act* request. Access to these devices may be requested by the Head of FOI at any time.
- 4.2 Collection of personal information through monitoring applications will be in accordance with *Freedom of Information and Protection of Privacy Act* legislation.
- 4.3 The RDOS reserves the right to recover costs due to inappropriate use of company property which includes Computers and Portable Devices.
- 4.4 Users assume responsibility and risk by using personally owned devices in the corporate environment.

RELATED POLICIES

Electronic Mobile Communication Device Policy

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Information Systems Use and Social Media Policy

AUTHORITY: Board Resolution dated June 18, 2015.

AMENDED: Board Resolution No. _____ dated _____.

Comment [g1]: Insert superscript number, and same superscript number again at amended part of policy.

POLICY STATEMENT

The use of computers and social media in both a personal and professional setting is now, and will more so become critical to the success of the Regional District of Okanagan-Similkameen (RDOS). To maintain the credibility and trust of our citizens, it is important that our employees, volunteers and elected officials be accountable for maintaining high standards of ethical conduct in their use of company property.

PURPOSE

1. To establish corporate practice and provide guidance around acceptable and appropriate usage of:
 - a. computers owned by the RDOS and provided to employees, volunteers and elected officials for work purposes; and,
 - b. work related Social Media
2. To set out the means to correct unethical conduct;

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“Computer” is defined as Computer hardware and ancillary devices (including but not limited to desktop and laptop workstations, mobile or “smart” phones, tablet computers, PDA’s, and portable USB Flash drives photocopiers, printers, fax machines and the telephone system) as well as the software and data contained on them.

“Information Systems” include (but are not limited to) Computers, network infrastructure, servers, internet, remote access, corporate software (including but not limited to email, Electronic Document Management Software, Financial and GIS) and databases.

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“Illegal activity” is an act committed in violation of the law (including but not limited to downloading copyright or pirated songs or videos and hacking into other computer systems).

RESPONSIBILITIES

1. The Board of Directors shall:
 - a. make such revisions, additions or deletions to the Policy as may be required.
 - b. investigate allegations and inquiries relating to unethical conduct by elected officials and the CAO and take appropriate action.

-
2. The Chief Administrative Officer shall:
 - a. make such revisions, additions or deletions to the Policy as may be required by law.
 - b. investigate allegations and inquiries relating to unethical conduct by employees and volunteers and take appropriate action.
 - c. ensure the administrative controls referred to in the Code of Conduct are in place.
 3. Information Services Department shall:
 - a. maintain overall security and integrity of the Information Systems.
 4. Managers shall:
 - a. ensure that each employee in their Department is familiar with this policy.
 5. User's shall:
 - a. comply with this policy and any related procedural documents that may be issued.
 - b. not use the Information Systems for an activity that could expose the RDOS, themselves, or colleagues to potential criminal, ethical or any legal proceedings.
 - c. take reasonable steps to not compromise the performance and/or affect the integrity of the Information Systems.
 - d. follow security measures and restrictions that are in place.
 - e. report to the Information Services Department if something potentially negative happens, or anything suspicious is noticed in regards to the Information Systems.

PROCEDURES

This Procedure is broken down into four specific areas:

1. General Computer use guidelines for employees and Elected Officials on RDOS Computers.
2. RDOS Social Media internal operational guidelines.
3. Internal guidelines for public interaction with Social Media sites and key components to keep in mind.
4. General guidelines and summary.

1. **General Computer Use Guidelines for Employees, Volunteers and Elected Officials on RDOS Computers.**

- 1.1 The RDOS recognizes there are times when company Computers may be used (i.e. email, web surfing, use of audio/visual programs/software, Social Media sites, phones) for personal use. However using Computers for personal use must not affect the productivity, disrupt the system and/or harm the RDOS's reputation.
- 1.2 All Computers are to have a login password set and a Computer lockout after a period of idle activity.
- 1.3 Login information (including PIN or Personal Identification Number for RDOS phones) is to be protected and not shared with anyone. The exception being for IT related troubleshooting purposes only.
- 1.4 Report lost/stolen Computers to the Information Services Department as soon as possible.
- 1.5 Downloading of large personal use programs/files/software is monitored by IS Department for bandwidth usage and security issues, and subsequent information may be brought to the users attention, or their respective supervisor. Users unsure of bandwidth allocation/usage for specific downloads/programs should consult the IS Department beforehand.
- 1.6 Downloading and/or viewing illegal material or participating in illegal activity on RDOS Computers is not permitted. Illegal activity conducted on RDOS Computers and/or portable/handheld devices will be dealt with through respective legal and labour relations means.

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- 1.7 Downloading and/or viewing of pornographic material on the internet, or through email, is not permitted, and any user caught downloading/viewing pornographic material will face disciplinary action.
 - 1.8 Installation of non-work-related programs/software or “apps” should be approved by the IS Department. Installed non work-related programs/software is subject to removal by IS Department.
-

- 1.9 Do not intentionally expose the Information Systems to viruses, spyware or other security threats. Make every effort to avoid risky websites, programs, emails, attachments, etc. If you are not sure what something is, please consult the IS Department.
- 1.10 If there is a need for data to be taken out of the corporate environment or work related personal/non-public data to be stored on a RDOS portable storage device (including but not limited to USB flash drives, SD cards, USB hard drives), then the RDOS portable storage device must be encrypted with appropriate password protection.
- 1.11 Use of RDOS Computers for private enterprise is not permitted unless authorized by the CAO.
- 1.12 Use of cloud servers outside Canada (including but are not limited to Dropbox, iCloud, Google Drive, SkyDrive) is discouraged. Downloading of documents/files from these sites is permitted but any outgoing documents/files should be managed on the RDOS cloud file share (i.e., ownCloud) or the RDOS FTP (File Transfer Protocol) site. Please contact the IS Department if you are unsure on how you should be using cloud services.
- 1.13 If a user requests to connect their personal device to the corporate e-mail system, and such action is approved by their department manager and the IS Department, the user must sign the Personal Device Usage Agreement.

1.14 Staff and Elected Officials are permitted to share their calendar with other staff and Elected Officials at their discretion. Because of the sensitive nature sometimes found in email, sharing of email mailboxes is only to be done if an employee has left the organization, if it is a “resource” type mailbox (i.e. info@rdos.bc.ca) or rarely and at the Managers discretion if the employee is unavailable (i.e. sick or on holiday) and access is required of the mailbox.

- 1.15 Some corporate web based applications including but not limited to OWA (Outlook Web Access), RDP (Remote Desktop Protocol) and EDMS (Electronic Document Management System) allow downloading of documents to local computers outside the RDOS network. Any downloading of documents should only be done on a temporary basis and corporate documents are not to be stored on remote personal computers.

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- 2.2 The RDOS’s Social Media sites are public forums and platforms for information release which can include the following: utilities advisories, emergency services, public hearings, bylaw announcements, information releases, photos, maps, reports and any other information deemed pertinent and approved for public viewing by designated staff.
- 2.3 Until there is a dedicated resource to monitor Social Media sites, the ability for the public to add posts, general requests or comments to the RDOS Social Media sites will be disabled whenever possible.

3. Internal Guidelines for Public Interaction With Social Media Sites and Key Components to Keep In Mind.

- 3.1 RDOS users are not recommended to directly link their personal Social Media site profile to the RDOS's approved Social Media sites, unless they feel confident about their knowledge of the specific Social Media platform. Linking a personal site to an employer's site forms a professional connection via Social Media, thus an exchange of information may also take place and staff should take a proactive approach and educate themselves about applicable privacy settings beforehand.
- 3.2 Users are not permitted to use company email as login accounts for personal Social Media sites.
- 3.3 Users are required to comply with the code of conduct when answering questions or posting/linking information to other Social Media sites on RDOS related business.

4. General guidelines and summary

- 4.1 Users should be aware that RDOS Computers can be monitored internally, and made public through a *Freedom of Information and Protection of Privacy Act* request. Access to these devices may be requested by the Head of FOI at any time.
- 4.2 Collection of personal information through monitoring applications will be in accordance with *Freedom of Information and Protection of Privacy Act* legislation.
- 4.3 The RDOS reserves the right to recover costs due to inappropriate use of company property which includes Computers and Portable Devices.
- 4.4 Users assume responsibility and risk by using personally owned devices in the corporate environment.

RELATED POLICIES

Electronic Mobile Communication Device Policy

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: B. Newell, Chief Administrative Officer
DATE: May 19, 2016
RE: **Electoral Boundary Between B and G**



Administrative Recommendation:

THAT the Board of Directors supports an amendment to boundary between Electoral Areas B and G as represented by the Province so it aligns to the RDOS Electoral Area boundary.

Purpose:

The purpose of this report is to fulfill a requirement of the Ministry of Community, Sport and Culture Development to amend the Province's version of the boundary between Electoral Area B and G to the location that the RDOS is currently using.

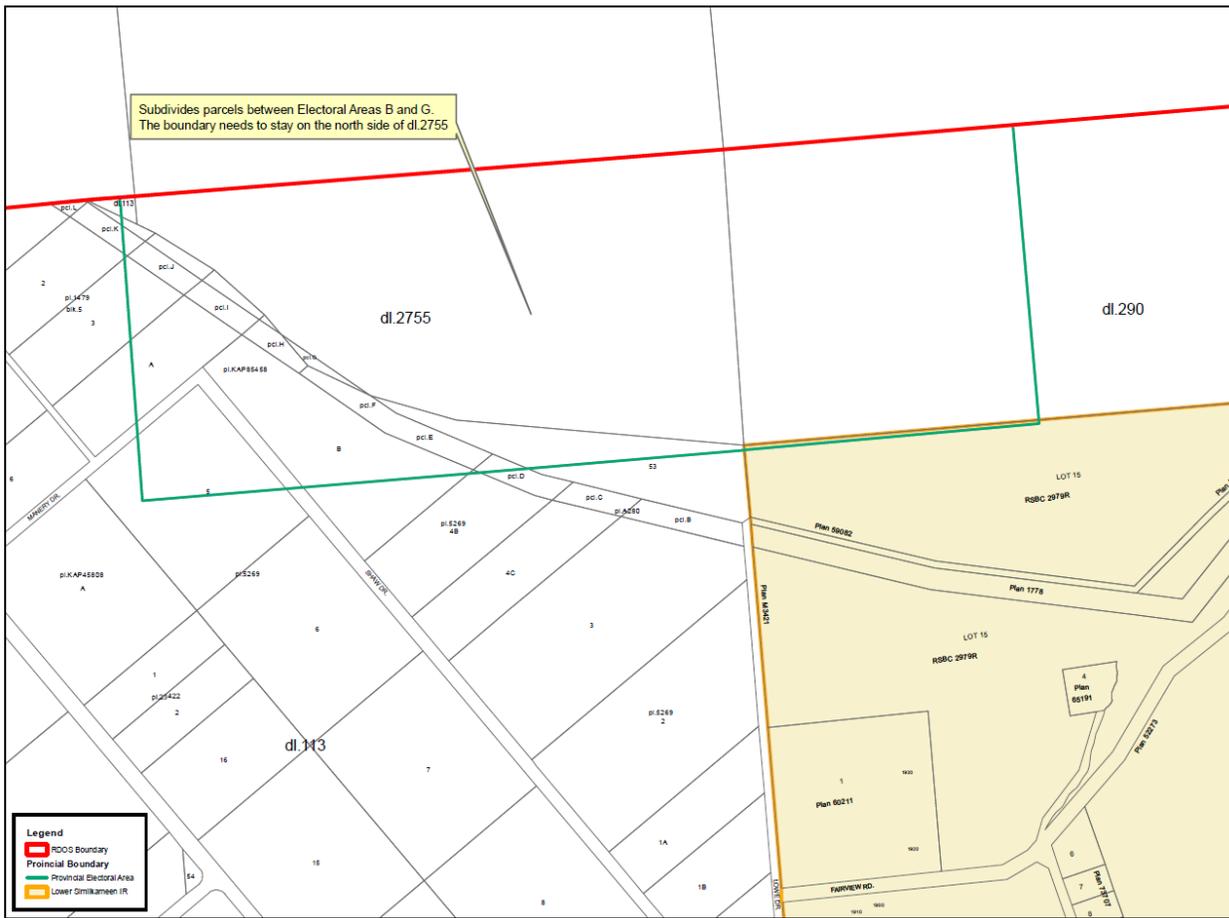
Background:

Electoral Area boundaries are defined by metes and bounds, a legal text description of the boundary based on natural features (i.e. height of land, the middle of a river) and/or the boundaries of a parcel of land (i.e. the southern boundary of DL 24). In the 1960's or early 70's, after the RDOS was established, a drafts person from the RDOS interpreted this written description and drew a map showing the electoral boundaries which is the basis of the boundaries that we are currently using today.

In 2015, the Province undertook an exercise to map the metes and bounds for all Electoral Area boundaries in the Province to create their version of Electoral Area mapping.

Analysis:

When comparing the Electoral Area boundaries between the Provincial version and the RDOS version there were several discrepancies. Most are in remote crown land where current mapping software can much better interpret height of land as compared to the mapping used by the RDOS in the 60's or 70's. There was one discrepancy however, along the northern portion of Area B where it intersects Area G. The metes and bounds follow the southern boundary of District Lot 2755. The District Lot was partially subdivided in 1913 by Plan number KAP1479. This subdivision took place 53 years before the Regional District was created. At the time when the original boundaries were created, the RDOS draftsmen drew a line straight across the northern portion of this District Lot, to what we are currently using as an Electoral Area Boundary (red line in the map below). The Provincial interpretation follows the southern boundary of District Lot District Lot 2755 before it was subdivided (green line in the map below).



As a housekeeping exercise; for the Province to amend their boundary to the RDOS line-work, the Province requires a motion from the Board stating the Board supports the amendment of the Provincial version of the boundary to the one used by the RDOS.

Respectfully submitted:

“Tim Bouwmeester”

T. Bouwmeester, Manager of Information Services

MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA

REPORT FROM THE CHAIR and VICE-CHAIR

ON ACTIVITIES FOR THE PERIOD OF OCTOBER 2015 – MARCH 2016

PURPOSE

This report is intended to provide a summary of the activities and performance of the Municipal Finance Authority of British Columbia (“MFA”) for the six-month period of October 2015 to March 2016.

BOARD OF TRUSTEES MEETINGS

The Board of Trustees attended three meetings.

The Investment Advisory Committee, comprising all trustees, held one meeting. The purpose of these meetings is to receive reports and analysis from management and our pooled investment fund manager Phillips, Hager & North (PH&N).

The Annual General Meeting of all Members was held on March 31, 2016. Malcolm Brodie (Metro Vancouver) and Al Richmond (Cariboo Regional District) were re-elected as the Chair and Vice-Chair of the MFA, respectively. Derek Corrigan, Greg Moore and Richard Walton (from Metro Vancouver) were re-elected as Trustees. Also re-elected as Trustees were Joe Stanhope (Nanaimo Regional District), Rob Gay (East Kootenay Regional District), Ron Toyota (Central Kootenay Regional District) and Sharon Gaetz (Fraser Valley Regional District). David Howe (Capital Regional District) is a new Trustee, replacing Susan Brice. Trustees are elected annually.

2015 FINANCIAL RESULTS

Our Retention Fund grew to \$47 million at the end of 2015, a \$6.9 million increase from 2014. This was accomplished by a combination of income from operations of \$2.3 million, short-term debt fund earnings of \$3.4 million, and interest earned on the Fund itself of \$1.2 million. The Retention Fund is unrestricted and is available for operating activities, debt obligations, and distributions to clients and members.

FINANCING

Spring Refinancing:

On February 23, MFA BC issued a \$515 million 5-year new issue priced at +104 bps over the Government of Canada bond (or +24 bps to Ontario) for a coupon of 1.65% (and an all-in yield of 1.682%). The issue was among the largest and lowest coupon offerings in the history of MFABC.

The MFA continues to achieve lower interest rates when compared to all other municipal participants in the bond market across Canada, particularly in current challenging market conditions. This reflects our triple A credit ratings and the strong local governments throughout B.C. We are able to lend to all our members at the same low rate, regardless of the size of each community we serve in BC.

At the end of 2015, the MFA finances 1,875 long-term loans through 28 regional districts and three other entities.

The short-term borrowing program is currently maintaining a balance of \$550 million in Commercial Paper outstanding. This program provides interim financing for capital projects during construction, as well as our equipment financing (formerly leasing) program. The current offered rate is 1.41%. At the end of 2015, we have 649 short-term lending agreements with an outstanding balance of \$327 million.

POOLED INVESTMENT FUNDS

The 2015 gross results for the three managed funds are all positive relative to the benchmark indexes. These are Money Market Fund, 1.01 % (Index 0.56%), Intermediate Fund, 1.65% (Index 1.04%) and Bond Fund, 2.67% (Index 2.61%).

The total pooled funds at year end was \$2.254 billion (2014, \$2.184 billion), with the Money Market Fund at \$1.116 billion (\$1.236 billion), the Intermediate Fund at \$0.374 billion (\$0.328 billion) and the Bond Fund at \$0.764 billion (\$0.620 billion).

MUNICIPAL INVESTMENT PLAN

The Municipal Investment Plan is an individual investment plan accessible to all municipal employees, elected officials, and their spouses. A broad selection of funds eligible for RRSP, TFSA (tax free savings accounts), and non-registered accounts are available through Sun Life Financial. These funds are offered at a substantial reduction in management fees for plan members. The MFA facilitates contributions via payroll deduction or individual pre-authorized debit arrangements.

As at December 31, 2015 we had 401 participants and \$3.87 million invested with Sun Life. There has been steady growth in participant numbers for this program throughout 2015, and we

are booking retirement planning education sessions or informational web conferences for staff and council members.

MFA SEMI-ANNUAL MEETING – 2016

The MFA Semi-Annual Meeting of Members will be held Tuesday, September 27, 2016, in Victoria.

Submitted by:

A handwritten signature in black ink, appearing to read "Malcolm Brodie".

Malcolm Brodie
Chair

A handwritten signature in blue ink, appearing to read "Al Richmond".

Al Richmond
Vice-Chair



Okanagan Basin
WATER BOARD

BOARD REPORT: May 6, 2016

1450 KLO Road, Kelowna, BC V1W 3Z4

P 250.469.6271 F 250.762.7011

www.obwb.ca

OBWB Directors

Doug Findlater - Chair,
Regional District of Central
Okanagan

**Juliette Cunningham - Vice-
Chair,** Regional District of
North Okanagan

Doug Dirk, Regional District of
North Okanagan

Bob Fleming, Regional District
of North Okanagan

Cindy Fortin, Regional District
of Central Okanagan

Tracy Gray, Regional District
of Central Okanagan

Andre Martin, Regional
District of Okanagan-
Similkameen

Sue McKortoff, Regional
District of Okanagan-
Similkameen

Peter Waterman, Regional
District of Okanagan-
Similkameen

To be announced,
Okanagan Nation Alliance

Toby Pike, Water Supply
Association of B.C.

Rob Birtles, Okanagan Water
Stewardship Council

**The next regular meeting of the
OBWB will be at 9 a.m. June 7,
2016 at the Coast Capri Hotel
in Kelowna.**

Okanagan Basin Water Board Meeting Highlights

Board hears delegation on tool to measure drinking water quality: Directors heard from Solomon Tesfamariam of UBC Okanagan regarding an asset management tool to help small to medium-sized communities determine, and address, the challenges posed by aging drinking water infrastructure. The board was interested in the presentation, recognizing that prevention is often less costly than dealing with disasters.

Special Board–Council meeting to include First Nations workshop: The annual joint Water Board–Okanagan Water Stewardship Council meeting is set for June 7. This year's joint meeting will include a special presentation on the 2014 Tsilhqot'in Supreme Court of Canada decision and the Syilx (Okanagan Nation) context. The workshop is organized in partnership with the Okanagan Nation Alliance.

Okanagan Wetland Project enters phase 3: The board received a report on Phase 2 of the Okanagan Wetland Project which included development of an online wetland database, as well as hands-on restoration in several Okanagan locations, including the Osoyoos Oxbows and Lakers Park in Vernon. There has been installation of turtle basking logs at various sites including Kelowna's Munson Pond, and development of a website showcasing a few of the valley's wetlands at www.OkanaganWetlands.ca. Phase 3 will focus on developing a strategy for further wetland protection, enhancement and creation.

Milfoil crews prepping for summer harvest season: The winter rototilling (derooting) portion of the milfoil control program is now complete and crews are preparing their machines for their spring/summer season with the harvesters (similar to mowing). Additional hours were spent rototilling this winter in anticipation of a possible repeat of 2015. Last year, the early warm spring created warm waters. This, along with nutrients (e.g. fertilizers) washing into the lakes, created aggressive growing conditions. Staff will be monitoring growth this year and hope that the extra winter work will have paid off.

Make Water Work Plant Collection expands: Just in time for spring gardening, the board was updated on an expanded Make Water Work (MWW) Plant Collection. The collection, launched last year, was developed in partnership between the OBWB's Okanagan WaterWise program, the Okanagan Xeriscape Association, and Bylands Nursery in an effort to encourage low-water landscapes. The collection has been expanded to include 54 plants, including grasses, perennials, shrubs and trees, perfect for the dry Okanagan climate. As well, two new garden centres have joined the program, bringing the total to nine, ensuring nearly all Okanagan residents have access to a garden centre in their community carrying the collection. The plant program is part of the the larger "Make Water Work" campaign, a valley-wide outdoor water conservation initiative delivered by OkWaterWise and local governments and utilities. Learn more at www.MakeWaterWork.ca.

For more information, please visit: www.OBWB.ca