



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, September 1, 2016  
RDOS Boardroom – 101 Martin Street, Penticton

## SCHEDULE OF MEETINGS

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9:00 am	-	9:15 am	Public Hearing
9:15 am	-	12:00 pm	Environment and Infrastructure Committee
12:00 pm	-	12:30 pm	Lunch
12:30 pm	-	1:30 pm	Protective Services Committee
1:30 pm	-	1:45 pm	Corporate Services Committee
1:45 pm	-	4:00 pm	RDOS Board

*"Mark Pendergraft"*

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Mark Pendergraft  
RDOS Board Chair

### Advance Notice of Meetings:

September 15 RDOS Board/OSRHD Board/Committee Meetings  
October 6 RDOS Board/Committee Meetings  
October 20 RDOS Board/OSRHD Board/Committee Meetings  
November 3 Inaugural RDOS Board Meeting  
November 17 RDOS Board/OSRHD Board/Committee Meetings  
December 1 RDOS Board/Committee Meetings  
December 15 RDOS Board/OSRHD Board/Committee Meetings



## NOTICE OF PUBLIC HEARING

Zoning Bylaw Amendment No. 2743, 2016  
Update of Modular and Mobile Home Regulations  
Electoral Areas "A", "C", "D", "E", "F" & "H"

**Date:** Thursday, September 1, 2016  
**Time:** 9:00 a.m.  
**Location:** 101 Martin Street, Penticton, BC (RDOS Boardroom)

**PURPOSE:** To undertake an updating of the regulations which govern the placement of Canadian Standards Association (CSA) certified A277 ("modular") and Z240 ("mobile") homes within the Electoral Area "A", "C", "D", "E", "F" and "H" Zoning Bylaws. This includes, amongst other things:

- permitting CSA A277 homes as a form of "single detached dwelling" and "accessory dwelling unit";
- permitting CSA Z240 homes as a form of "single detached dwelling" and "accessory dwelling unit" in the RA, LH and AG zones; and
- introducing a consistent building width requirement of "5.0 metres, as originally designed and constructed" for principal dwelling units in the SH and RS Zones.

### VIEW COPIES OF THE DRAFT BYLAWS, THE RESOLUTION DELEGATING THE HOLDING OF THE PUBLIC HEARING & SUPPORTING INFORMATION AT:

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

Weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca)

(Departments → Development Services → Planning → Strategic Projects → Manufactured Home Zoning Update)

Anyone who considers themselves affected by the proposed bylaw amendments can present written information or speak at the public hearing. All correspondence for the public hearing to be addressed to: Public Hearing Bylaw No. 2743, 2016, c/o Regional District of Okanagan-Similkameen. No letter, report or representation from the public will be received after the conclusion of the public hearing.

### FOR MORE INFORMATION PLEASE CONTACT DEVELOPMENT SERVICES:

Telephone: 250-490-4107 | Fax: 250-492-0063 | Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Donna Butler, MCIP  
Manager of Development Services

Bill Newell  
Chief Administrative Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, September 1, 2016

9:15 a.m.

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

That the Agenda for the Environment and Infrastructure Committee Meeting of September 1, 2016 be adopted.

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**B. Campbell Mountain Landfill**

**1. Design Operations and Closure Plan Presentation**

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**C. Campbell Mountain Landfill – Additional Testing of Landfill Gas System**

To meet the compliance requirements of the Landfill Gas Management Regulation through the use biocover rather than the typical gas management system.

**RECOMMENDATION 2**

THAT the Board of Directors approve an additional scope for the comparison between the biocover and active gas collection system for the Campbell Mountain Sanitary Landfill Design, Operations and Closure Plan to Sperling Hansen Associates for the amount of \$200,000; and,

THAT the Board of Directors approve a supplementary amount of \$175,000 to be applied to preparation and completion of all requirements as requested by the Ministry of Environment in the application for landfill gas substituted requirements for Campbell Mountain Sanitary Landfill.

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**D. Strategy for Organic Management Infrastructure**

To establish the optimal locations for the development of a composting site capable of managing food waste, bio-solids, yard waste and wood waste as determined by the Organic Management Facilities Feasibility Study.

1. Solid Waste 101 Presentation
2. Organics Presentation

**RECOMMENDATION 3**

THAT the Board authorize a non-binding letter of intent to allow for the assessment of a private property for the potential development of an Organics Management site;

AND THAT the Board authorize the development of a public consultation strategy and budget as laid out in the report dated September 1, 2016 from B. Newell.

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**E. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Campbell Mountain Landfill - Additional Testing for Landfill Gas System

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### Administrative Recommendation:

**THAT the Board of Directors approve an additional scope for the comparison between the biocover and active gas collection system for the Campbell Mountain Sanitary Landfill Design, Operations and Closure Plan to Sperling Hansen Associates for the amount of \$200,000; and,**

**THAT the Board of Directors approve a supplementary amount of \$175,000 to be applied to preparation and completion of all requirements as requested by the Ministry of Environment in the application for landfill gas substituted requirements for Campbell Mountain Sanitary Landfill.**

### Purpose:

To meet the compliance requirements of the Landfill Gas Management Regulation through the use of biocover rather than the typical gas management system.

### Reference:

Landfill Gas Management Regulation

### Business Plan Objective: *(Tie to current RDOS Business Plan)*

Objective 3.3.7 discusses the 2016 phase of the Solid Waste Management Plan. The continuation of the Campbell Mountain Landfill Gas Capture Plan is one of the identified 2016 activities.

### Background:

On November 5, 2015 the Board of Directors approved the award of the Campbell Mountain Design Operation and Closure (DOC) Plan to Sperling Hansen Associates for \$222,649. The DOC plan project was initiated to fulfill a requirement of the new Operational Certificate. The DOC plan was completed and submitted to the Ministry of Environment.

As part of the project, full design drawings are also to be completed for the surface drainage system, leachate collection system and the landfill gas system. Work is underway on all of these systems and designs will be available soon.

As part of the landfill gas capture system, the Regional District is still seeking approval for the use of substituted requirements in Landfill Gas Management Regulation (LFGMR). Section 20(6) of the LFGMR states "*An applicant must demonstrate to the satisfaction of a Director that the substituted requirement meets the intent of the regulation.*"

Further section 19(3) of the LFGMR states "A director, on application under section 20, may, by order, substitute a different requirement for a requirement contained in this regulation if he or she considers that, in the individual case, the intent of the regulation will be met by the substituted requirement."

For the past several years the Regional District has been waiting for an outline on what the Ministry was seeking regarding our application for substituted requirements. With the recent correspondence, the Regional District now holds the requirement list for our formal application.

**Analysis:**

In providing evidence on the effectiveness of the biocover media at CML, three test plots were already planned— one control plot and two with different combinations of biocover media. The combination of biocover plots would utilize the local City of Penticton biosolids and the Iona Island Biosolids provided by Metro Vancouver. To date the funding for test plots and analysis is part of the approved Sperling Hansen Associates workplan with additional funding provided by Metro Vancouver.

With approval to move forward with the biocover installation pilot from the Ministry, the importing of biosolids from Metro Vancouver would be included to cover the initial 8 hectare area. After this initial influx of biosolids, the local composted biosolids, are expected to meet most of the demand on future progressively closed landfill areas.

The Ministry of Environment has now stipulated the conditions for a substituted requirements application and it must include a comparison between the proposed biocover test plots and an active collection system test plot. Thus an "apples-to-apples" comparison is desired prior to the Ministry committing to allowing the substituted requirements for the CML gas system.

The estimated cost for installation of a fourth test plot includes one gas extraction well, nine probes surrounding the extraction well and monthly monitoring, measuring and analysis of the data. The estimated cost is almost \$175,000. In addition to other requirements, the Ministry will require a Peer Review of the analysis on the proposed system. Funds for this study are available in the Landfill Closure Reserve.

Once the sampling and analysis is completed for a minimum of 1 year, the Regional District will formally apply for the substituted requirements. The funding for the project is available in the Campbell Mountain Landfill Closure Plan Reserve and will not affect tipping fees or taxation.

**Alternatives:**

The Board of Directors may deny the request for the necessary additional test plot.

**Respectfully submitted:**

*"Lisa Bloomfield"*

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L. Bloomfield, Engineer

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Strategy for Organic Management Infrastructure

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### **Administrative Recommendation:**

**THAT the Board authorize a non-binding letter of intent to allow for the assessment of a private property for the potential development of an Organics Management site; and,**

**THAT the Board authorize the development of a public consultation strategy and budget as laid out in this report.**

### **Purpose:**

To establish the optimal location for the development of a composting site capable of managing food waste, bio-solids, yard waste and wood waste as determined by the Organic Management Facilities Feasibility Study.

### **Reference:**

[Webpage Organic Management Facilities Feasibility Study](#)

### **Business Plan Objective:**

Developing a diversion of food waste strategy.

### **Background:**

The Regional District commenced a review of Organic Management Strategies in 2010. The results were brought forward for extensive public consultation as part of the Solid Waste Management Plan adopted in 2012. A key objective of the plan was to develop food waste treatment services and improve bio-solid, yard waste and wood waste composting.

Using partial funding of \$175,000 from the Federation of Canadian Municipalities, the Regional District assessed 9 publicly owned properties. Feasibility studies, including odour modeling, have been completed on 8 of the sites.

The Regional District conducted a Request for Proposals in early 2016 for both private sector organic services and provision of private sector properties to house a compost site. Nine private properties were brought forward through this process with four of the sites linked to a specific organic service provider.

The properties were ranked and five properties were identified for Triple Bottom Line analysis. The Penticton Advanced Waste Water Treatment Plant was added to this list for review.

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<https://Portal.Rdos.Bc.Ca/Departments/Officeofthecao/Boardreports/2016/20160901 Board Report/Environment/D. Administrative Report Organics Management Sep 1 2016.Docx>

File No: 5330.20 Development of Organic Infrastructure

Page 1 of 3

**Analysis:**

The Regional District has conducted a series of high level feasibility studies and assessments. These show the cost savings of one Regional Organic Management site as compared to several sub-regional sites that can deal with all organics. These savings result as each site would require extensive odour control, staffing, buildings and weight scales. Working together will allow for the lowest cost of treating organics.

Two sites have been identified as sites for developing a Regional Organic Management site. 'Private Site 1' has been determined as having the best composting location in terms of Green House Gas emissions (GHGs), transportation to site and overall lifecycle costing and is the preferred site. The Summerland Landfill has been found to have the best odour potential of any compost site and ranks second in terms of GHGs, transportation and lifecycle costings.

Following the ratification of the preferred and alternate site by the Board, it would be appropriate to go out to public consultation on the development of an Organic Facility at both sites. Development of environmental, archeological, water and power assessments, along with appraisals would be initiated for the sites prior to coming back to the Board with a lease.

There should also be public consultation for the viability of treating residentially collected food waste at the Oliver and Summerland Landfills. Residentially collected food scraps mixed with yard waste have the potential to be composted with limited odour potential using a low cost method called Open Windrow. This method of composting is already being used at both landfill sites. Open Windrow composting was not found to have adequate odour control for commercial food waste, bio-solids or potentially large volumes of residential food scraps. There are risks such as odour and attraction of vermin which must be incorporated into the design and operation of any compost facility.

In the event that a Regional Organic Facility was not sited at the Summerland Landfill, the District of Summerland may choose to collect residential food waste from their municipality and compost it in their existing open windrow composting system. Taking District of Summerland's bio-solids for composting at a Regional Compost facility may further reduce odours and increase the value of finished compost.

The RDOS could consider using Open Windrow composting of residential food scraps from the Town of Oliver, Town of Osoyoos and Electoral Areas 'A' and 'C'. For both the Summerland and Oliver Landfills the potential community benefits include lower costs for residential collection due to potentially less trucking and the availability of locally produced food waste compost for agriculturists.

**Expected timelines for this project:**

- September 2016 – Development of Public Consultation and non-binding letter of intent
- October to November 2016 – Public Consultation
- December 15 2016 – Decision of Board on Regional Organics Management site
- Spring 2017 – Procurement for design and construction
- July 2018 – Potential commencement of residential food scraps collection

**Communication Strategy:**

Once a Letter of Intent is established the Regional District can release information to the public regarding the location of the potential private site.

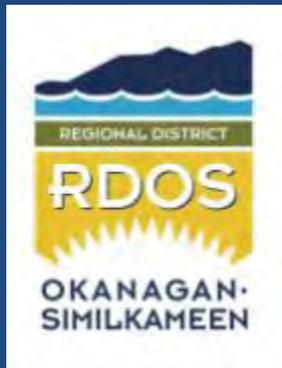
The Province of BC requires extensive public consultation to allow for the amendment of a Solid Waste Management Plan which is a requirement of siting a new compost facility. Consultation will include letters to potentially affected properties, public open houses, advertising and press releases.

**Respectfully submitted:**

*Cameron Baughen*

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C. Baughen, Solid Waste Management Coordinator



# Solid Waste 101

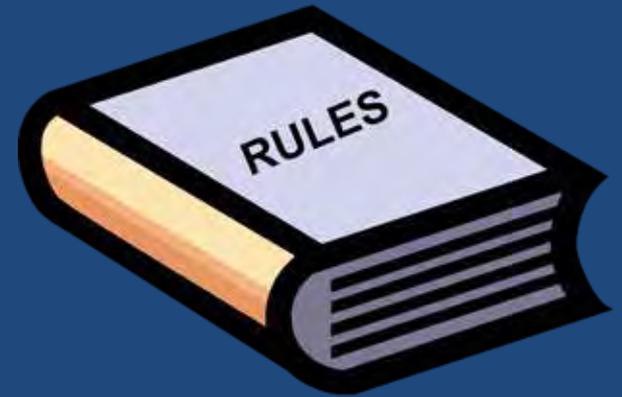
September 1<sup>st</sup>, Environment &  
Infrastructure Committee

# Overview

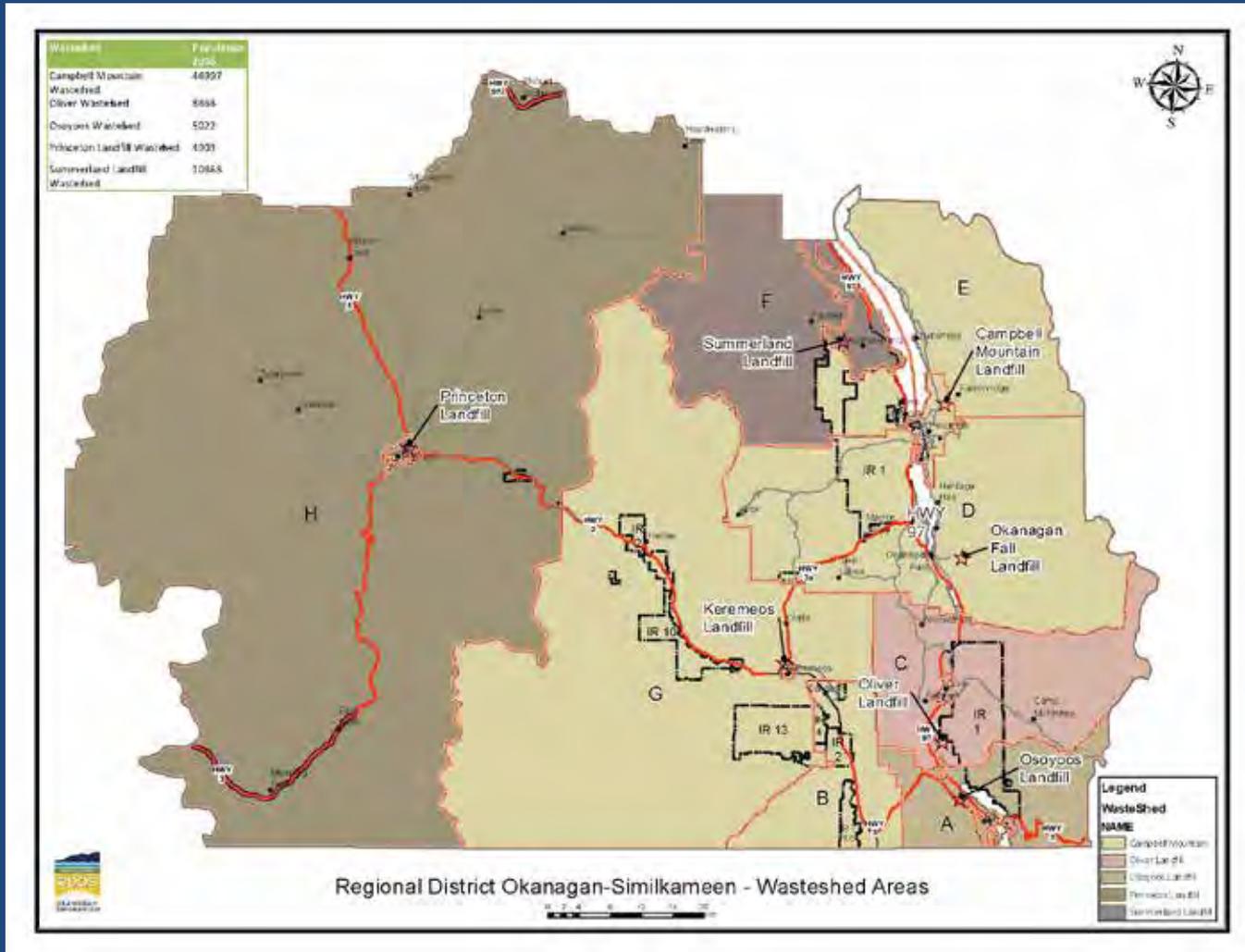
- Legislation
- Services
- Issues
- How We Pay
- Where We Are Going

# Legislation

- Local Government Act
- Local Service Area Establishment Bylaws
- Operational Certificates
- Leases
- Waste Management Plans  
(Solid and Liquid)
- Environmental Management Act and  
Regulations (Landfill Gas)



# Services - Landfills



7 Facilities with 5 Landfill Service Areas

# Campbell Mountain



24,901 tonnes disposed 2015

# Summerland



4,864 tonnes disposed 2015

# Oliver



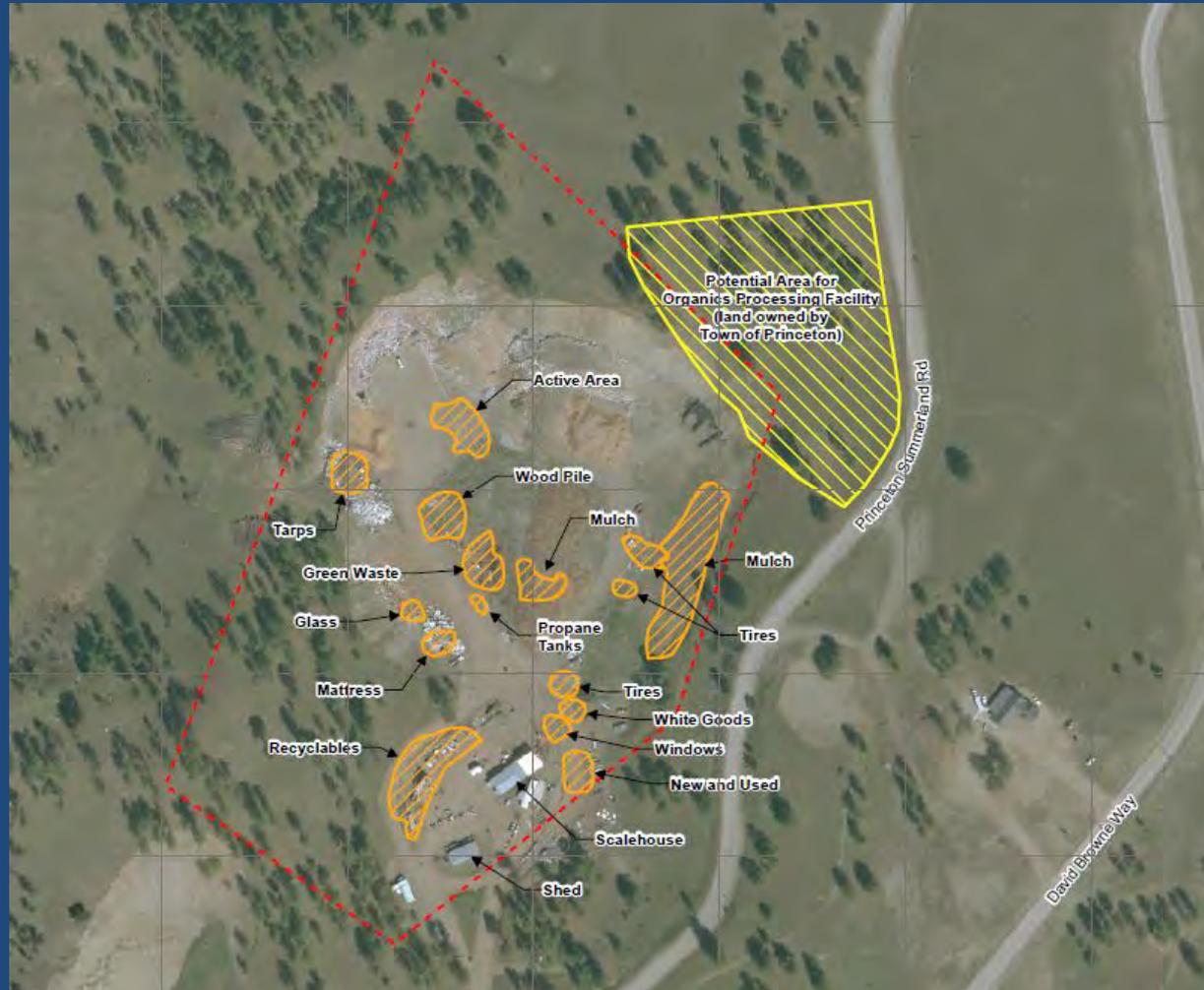
4681 tonnes disposed 2015

# Osoyoos



4077 tonnes disposed 2015

# Princeton



4358 tonnes disposed 2015

# Okanagan Falls



2195 tonnes disposed 2015  
Demolition, Renovation, Construction Landfill  
No food waste

# Keremeos Transfer Station



418 tonnes transferred to Campbell Mountain in 2015

# Illegal Dumping



Often yard waste and recyclables with little bit of garbage

Price of garbage does not seem to drive illegal dumping

# Regional Education



# Solid Waste Management Planning

- Provincial requirement
- Extensive public consultation allows public assent for local government
- Updated 2012
- Three key goals
  - Demolition waste recycling
  - Organics diversion
  - Business and multifamily recycling



# Bio-Solids

- Created by WWTP in Penticton, Summerland and Keremeos
- Composted at Campbell Mountain and Summerland Landfill
- Keremeos incorporated at OK Falls Landfill



# Curbside Collection



RDOS, Penticton, Summerland,  
Oliver, Osoyoos, Keremeos have  
conducted joint RFP in past  
Working together saves money  
Contracts expires June 30<sup>th</sup> 2018

# Curbside Collection RFP

Slated Spring of 2017

Award for June or July 2017

Organics collection?

Carts?

MMBC take over?

Series of reports  
over next months



# Significant Issues

- Landfill Gas Capture System
- Landfill Buffer
- Leachate
- Closure Plans and Reserves

# Landfill Gas Capture

- Landfill Gas Management Regulation released 2009
- Requires negative pressure to suck up gas
- Unknown expense so not in reserve



# Landfill Gas Capture



Fractured Bedrock



Landfill Fire



Base Liner



Top Cover

# Landfill Buffer

- No homes within set distance of buried garbage
- 300 m in Operational Certificate



# Leachate

- Chemicals can leak from landfills into neighbouring properties
- Created from wet garbage, rain and run on adding water to landfill
- Common problem at self-attenuating landfills (without liner)
- Mitigation possible (to be discussed)



# Landfill Life

- All RDOS Landfills have over 15 years of life – potential to be extended
- Requirements to have reserves in place for closure
- Lifecycle costing required



# How We Pay



- Tipping fees
- Taxation
- Small revenue from sale of materials
- Campbell Mountain and OK Falls full tipping fees
- Oliver mix of fees and taxation
- Keremeos Transfer Station primarily taxation with some tipping fees

# Fees

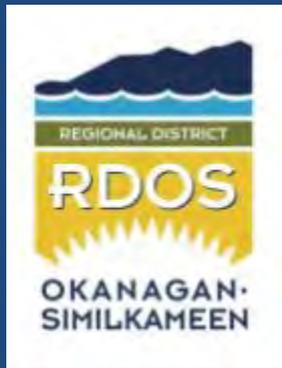
- Recyclables and compostables subsidized by garbage tipping fees
- Higher fees for unsorted waste
- Reduced fees on many building materials
- Encourages diversion



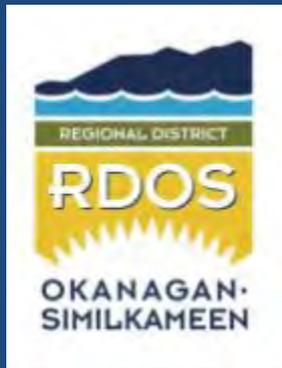
# MMBC

- Multi Material BC stewardship program for recyclables
- Reduces costs of curbside collection and landfill depots
- Does not cover full costs of programs
- Discuss in detail this Fall





# Questions

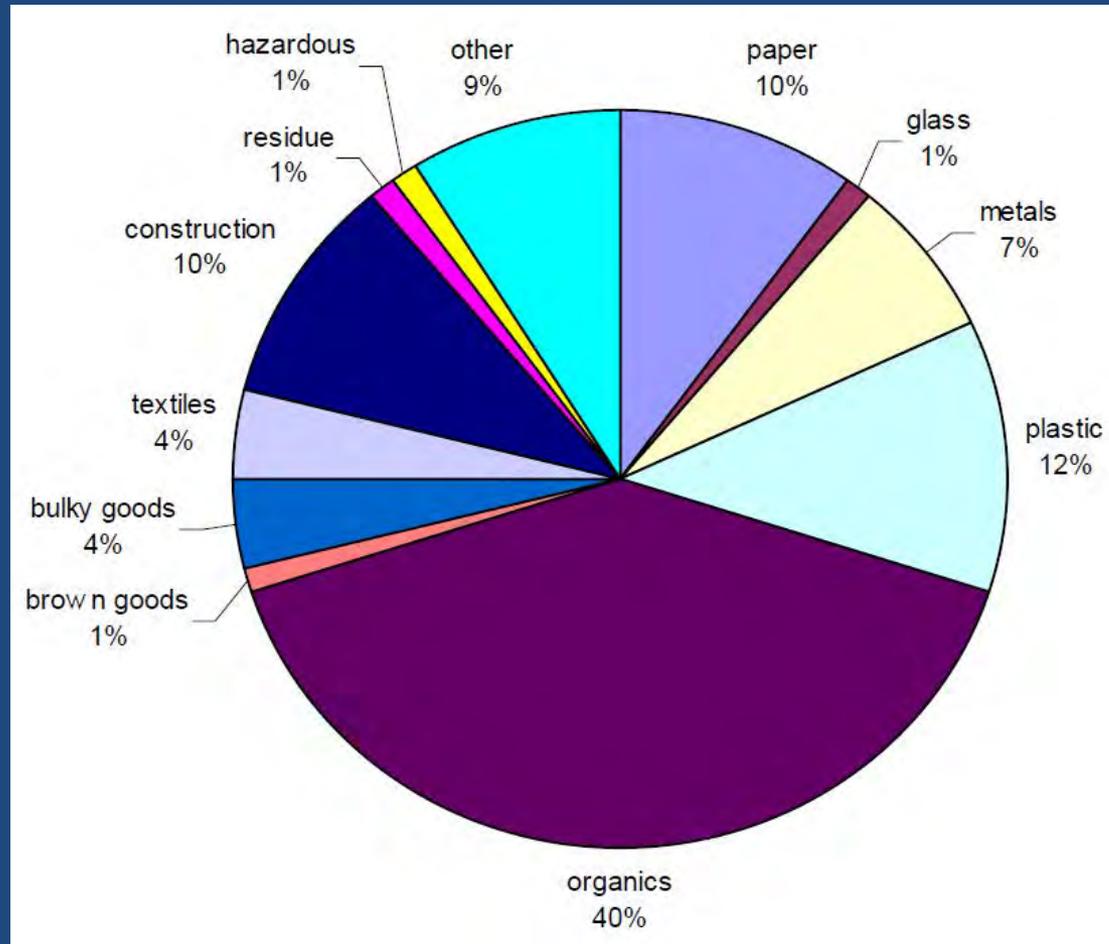


# Organic Management Feasibility Study

# Benefits to Diverting Organics

- Composting saves money compared to landfilling food waste
- Provides valuable compost to local market
- Reduces Green House Gases and creates potential carbon credits (3750-4000 net tonnes CO<sub>2</sub>e year)
- Longer life of landfill / air space
- Works in conjunction with Campbell Mountain bio-cover

# RDOS Current Waste



Organics largest source of waste remaining

# Commercial Versus Residential

Metro Vancouver Waste Audit	Average % Compostables Before Organics Ban
Residential	45
ICI	35
Multi-Family	43
ALL SOURCES	36

- Across RDOS estimate over 4000 tonnes of residential and over 9500 tonnes of multi-family and ICI organic waste going to landfill
- Food waste is dense and heavy! May not look like large part of garbage!
- Local waste audit study \$20,000 to \$40,000

# Communities Banning Organics at Landfills

- 64% of BC population under organics ban (Metro Vancouver, Capital RD, Nanaimo RD)
- Collection of residential organics and provide options for commercial groups
- Grand Forks, through Kootenay Boundary Regional District, collects just residential organics



# Compost Fees



- ~\$85 per tonne common for food waste (varies greatly by facility!)
- Lower than garbage (\$95 to \$110)
- Lower cost for just yard waste
- Additional costs for materials with higher contaminants
- Bio-solids charged higher rates due to low re-sale value of compost

# Compost Benefits

- Food waste compost can meet organic certification standards
- Ag Canada local proponent of compost for growers
- Many users expressed interest in non-bio-solids option for purchase



# Bio-Solids Compost

- New markets for bio-solids compost concern for current producers
- Landfill bio-cover a huge potential
- Better marketing and quality of compost



# Problems Identified

- Odours
- Transportation – dust, access issues, steep grades of roads
- Distance to homes, schools or other receptors
- Higher cost of managing smaller sites
- Lack of Public Consultation; especially business sector
- Developing options for commercial and institutional groups
- Ground water contamination from finished compost
- Less materials than expected
- Too much materials than expected
- Bankruptcy of site
- Fly by night competition offering lower, unsustainable rates
- Protests against land application of bio-solids

Addressing all these risks key goal of Feasibility Study

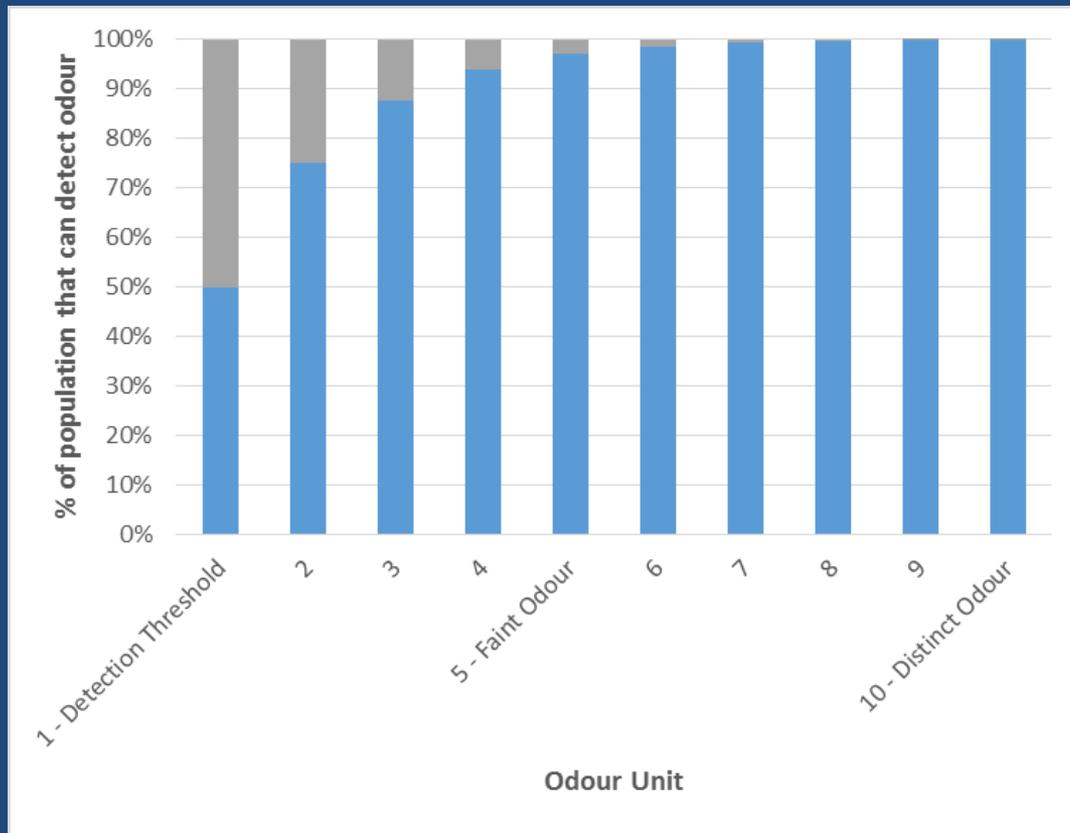
# RDOS Project History

- 2010 completed Organics Strategy
- Incorporated into 2012 Solid Waste Management Plan
- Feasibility Study Conducted with partial funding from FCM
- Assessment 9 government properties
- Feasibility studies on 8 including odour modelling

# RDOS Project History

- Private sector RFP conducted
- 9 private properties identified through RFP process
- 4 sites tied to specific technologies
- 5 sites total chosen for further analysis plus Penticton AWWTP
- Lifecycle costing of each site considered including transportation, compost marketing, GHGs, odour

# Odour Modelling

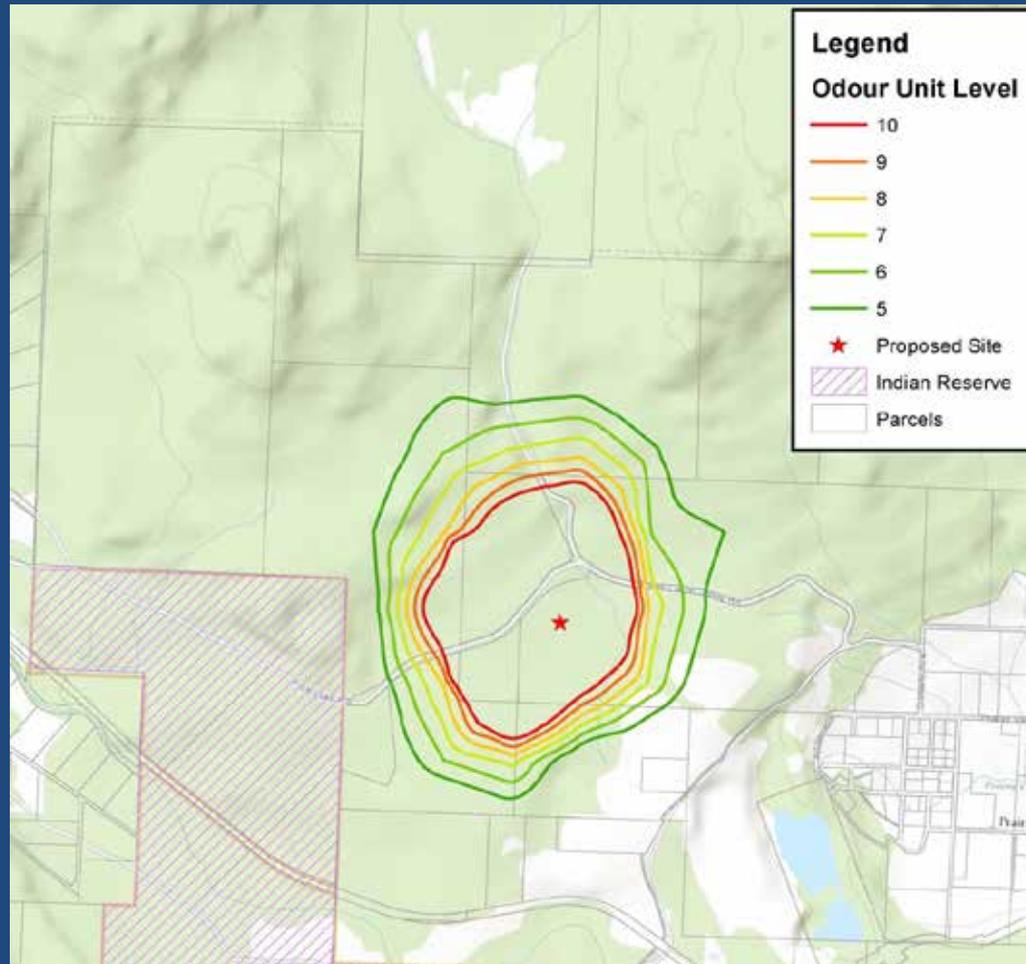


- 1 odour unit just detectable by 50% of testers
- 5 odour units faint odour for most people
- 10 odour units distinct odour for most people

# Odour Modelling

- Air moves generally uphill during day and downhill at night
- Follow flow of water bodies or cold air draws
- Winter time inversions trap odour
- Night time in winter most likely time to smell
- Less likely in summer; UV rays help destroy odour
- All locations require strict odour control but some further from homes
- Air filters will need to be well designed and odour control priority for site when receiving and turning piles
- Small sites generate little odour but increases with more materials received





Summerland Landfill Site  
Maximum OU for 10 minutes in 1 year

- Shows no current homes within 5 or 10 OU estimates

<b><u>Location</u></b>	<b><u>Buildings 10 OU</u></b>	<b><u>Buildings 5 OU*</u></b>	<b><u>Notes</u></b>
<b>Private Site 1</b>	14	31	All homes in mainly agricultural area
<b>Summerland Landfill</b>	6	6	No homes. Only landfill buildings affected
<b>Private Site 2 (proposal)</b>	0	0	As provided by proponent
<b>Private Site 2 (loss odour control)</b>	13	100	Potential if there is an extended breakdown
<b>Oliver Landfill</b>	5	5	Some homes
<b>Campbell Mtn Landfill</b>	5	14	Homes and agricultural buildings
<b>Osoyoos Landfill (Res Food Only)</b>	2	3	No homes affected

- Maximum Predicted OU Over a Sustained 10-Minute Period within the Course of 1 Year; very sensitive analysis
- \*5 OU includes all 10 OU properties
- Feasibility study based on low tech odour filters; conservative approach
- Private sector proposals show technologies and techniques to limit odour
- All sites will require rigorous odour control to proceed
- Turned windrow for just residential organics show good odour model

# Results Technology



Membrane Cover

Enclosed Aeration



- In Vessel recommended to minimize odours (membrane cover and enclosed)
- Centralized site offers economies of scale over de-centralized (staff, scale, capital)
- Exact brand of technology not determined

# Turned Windrow



- Potential for smaller communities (Oliver, Osoyoos, Summerland) for only residential food/yard waste!
- May reduce costs for residential collection and keep compost local
- Not viable to take commercial food waste!
- Commercial food scraps to central facility

# Results Technology



Aerated Static Pile



High Solid Anaerobic



Low Solid Anaerobic

- These technologies considered but business case not strong
- Aerated static pile has high potential for odour
- High and Low Solid Anaerobic Digestion have high capital expense with limited return due to low electrical and natural gas markets in BC
- Anaerobic Digestion still requires compost site for remaining materials

# Compare Price per Tonne

Site (Waste)	Estimated Cost Per Tonne
Oliver Landfill (Oliver, Area C only)	\$157-\$186
Summerland Landfill (Summerland only )	\$134-\$148
Princeton Landfill (Princeton, Area H only)	\$226-\$246
Summerland Landfill (Full Regional)	\$65-\$80
Summerland Landfill (Super Regional)	\$58-\$78
Osoyoos Landfill Windrow (Residential Food/Yard Waste for Osoyoos, Area A only)	\$33-\$59
<i>Penticton AWWTP Anaerobic Digestion</i>	<i>\$327-\$382</i>

- Smaller sites have higher costs as lower economies of scale
- Centralized site required for commercial food waste and most residential food waste
- In some areas residential food/yard waste composting with turned windrow to consider if saves money and provides local compost

# Sites Results

Site	Recommendation
Private Site 1	Preferred Regional location. Recommend non-binding Letter of Intent for assessment, appraisal and public consultation for Regional site.
Summerland Landfill	Alternate Regional site. Recommend public consultation for Regional site and residential food waste composting at facility.
Oliver Landfill	Alternate site. Recommend public consultation of residential only food waste composting at facility.

- Private Site 1 shows best transportation, GHG and lifecycle costing
- Summerland Landfill has best odour regime and second best transportation, GHG and lifecycle costing

# Private Site 1 for Lease

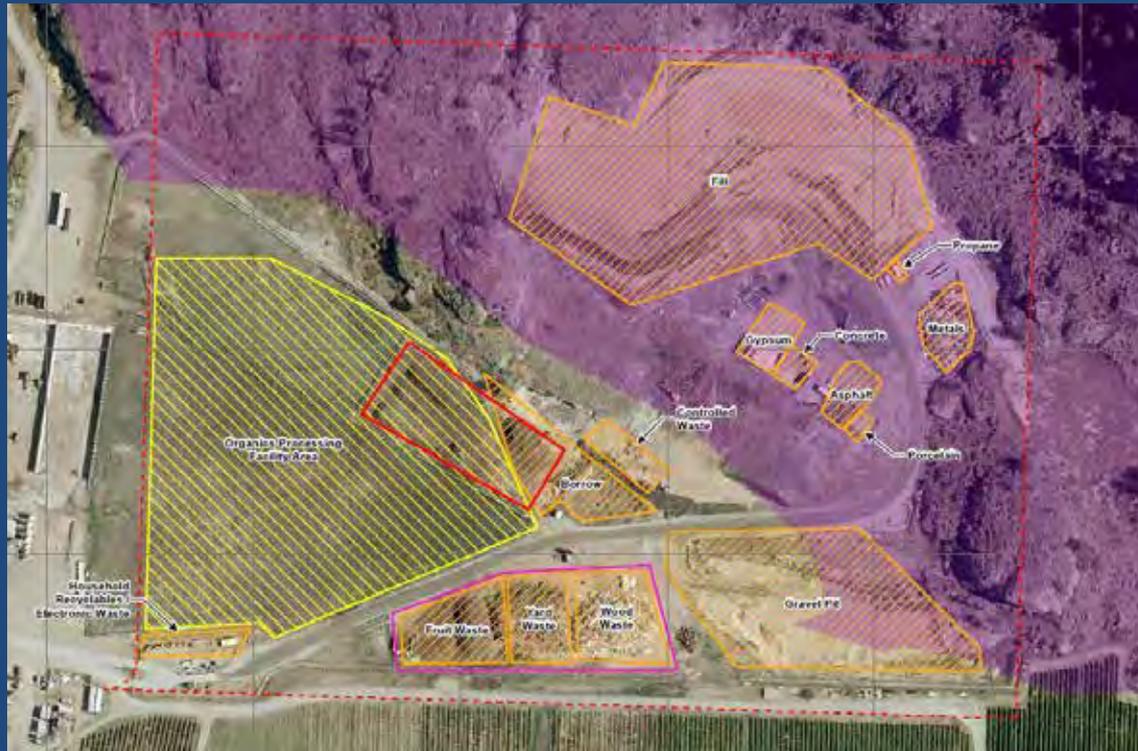
- Location cannot be released until non-binding Letter of Intent
- Best transportation, GHG and lifecycle costs for all compost sites
- Better bulk compost price as near agriculturists
- Lease to be developed
- Requires strict odour control as homes potentially affected by odour

# Summerland Landfill



- Best odour model
- Owned by Summerland
- 7 km of municipal roads to site
- Travel distance higher than Private Site 1
- Steep grades Summerland/Princeton Road.
- Potential for Regional site and residential food/yard waste from Summerland.

# Oliver Landfill



- Good odour model as few homes
- Leased by RDOS
- Furthest site from population centroid of RDOS
- Need transfer station residential food waste from Penticton and Summerland raising costs Regional site
- Potential for taking residential food/yard waste from homes in Oliver, Osoyoos, Area 'A' and 'C'
- Commercial food waste would go to central facility

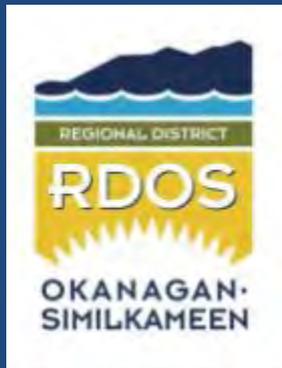
# Recommended Strategy

- Not enough information at this time for Board or Councils to make final decision
- Enter into non-binding Letter of Intent to investigate Private Site 1
- Conduct environmental, archeological assessments, appraisals and further feasibility studies of Private Site 1 and Summerland Landfill
- Public consultation this Fall for proposed Regional Site at Private Site 1 or Summerland Landfill and residential food waste composting at Oliver and Summerland Landfills
- December 15<sup>th</sup>, 2016 bring final recommendation to Board

# Public Consultation

- Bring forward results to Public Consultation
- To commence when non-binding LOI adopted with private property owner
- Newsletters, Ads, Open Houses, Council delegations
- End result: Informed decision from Board on location of Regional compost site
- End result: Development of a Local Service Area establishment bylaw for construction of site with participating municipalities and electoral areas identified





# Questions

Nanaimo  
Food Waste Only  
Small Bin Supplied



North Vancouver  
Food/Yard Waste  
Bin Not Supplied



West Vancouver  
Food Waste separate Yard Waste  
Small Bin Supplied for Food Waste



City of Vancouver  
Food/Yard Waste  
Large Cart Supplied

Container types for curbside collection do not need to be determined immediately. We need to establish site.

Residential collection to be discussed in detail at meetings this Fall

# Curbside Collection

- Curbside collection contract expires June 30<sup>th</sup>, 2018 for RDOS, Penticton, Summerland, Oliver, Osoyoos, Keremeos
- Ideal to link new contract to start of organics collection (new disposal routes, new equipment)
- Creates tight timelines to site and construct site
- Public consultation required before securing location
- Securing location will allow clear RFP for curbside collection





# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Protective Services Committee

Thursday, September 1, 2016

12:30 p.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

#### RECOMMENDATION 1

That the Agenda for the Protective Services Committee Meeting of September 1, 2016 be adopted.

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### B. Closed Session

#### RECOMMENDATION 2

THAT in accordance with Section 90(1)(c) and (k) of the *Community Charter*, the Board close the meeting to the public on the basis of labour relations or other employee relations; negotiations and related discussions respecting the proposed provision of a regional service that are at their preliminary stages and that, in view of the Board, could reasonably be expected to harm the interests of the region if they were held in public.

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### C. ADJOURNMENT



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, September 1, 2016

1:30 p.m.

## REGULAR AGENDA

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A. APPROVAL OF AGENDA

**RECOMMENDATION 1**

That the Agenda for the Corporate Services Committee Meeting of September 1, 2016 be adopted.

---

B. 2016 UBCM – Ministry Meetings Briefing Notes – For Information Only

---

C. ADJOURNMENT

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** 2016 UBCM – Ministry Meetings – Briefing Notes

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### For Information Only

#### Reference:

2016 UBCM Appointments

The Regional District of Okanagan-Similkameen has made the following Ministry meeting requests at the upcoming Union of British Columbia Municipalities (UBCM) conference.

#### Ministry of Forests Lands and Natural Resource Operations

- Wildfire Mitigation Program Funding - RDOS
- South Okanagan KVR Trail - RDOS
- Electoral Approval for Essential Water Works – RDOS
- Prohibiting Riverbed Camping – Village of Keremeos

#### Ministry of Justice / Attorney General

- Increased policing related to the new correctional facility - RDOS

#### Ministry of Education

- School Closures – RDOS
- Secondary School Closure / Rural Education Enhancement Funds / Future Funding – Town of Osoyoos
- Development of Adequate Library Funding Model – Village of Keremeos

#### Ministry of Health

- Youth Mental Health - RDOS
- IH Planning for Aging Populations - RDOS
- Sage Mesa Water – Boil Water Notice - RDOS
- High Risk Hazard Field Support Guide – RDOS
- Electronic Medical Records Technology (jointly with Town of Osoyoos) – Town of Oliver

#### Ministry of Environment

- Landfill Gas Capture Regulation Substituted Requirements - RDOS
- Sage Mesa Water – Water Comptroller - RDOS

#### Ministry of Community, Sport and Cultural Development

- Electoral Area “D” Governance Study – RDOS
- Rural Education Enhancement Fund / School Board Governance – Town of Osoyoos
- Infrastructure Funding (replace grants with funding modeled after gas tax) – City of Penticton
- Governance / Infrastructure Study for Westbench (sewer, possibly water) – City of Penticton

#### Ministry of Transportation and Infrastructure

- Gallagher Lake Speed Limits - RDOS

- Weyerhauser Road - RDOS
- Traffic Speed at Cedar Street – RDOS
- Elimination of Illegal Highway Signage – Town of Osoyoos

**Ministry of Natural Gas, Deputy Premier and Minister Responsible for Housing**

- Okanagan Falls Affordable Housing Program - RDOS

**MINISTRY STAFF – Ministry of Forests, Lands and Natural Resource Operations**

- South Okanagan KVR Trail - RDOS

**Ministry of Finance**

- Resort Municipality – Town of Osoyoos
- Canal Rehabilitation and Repairs (Joint with Ministry of Agriculture) – Town of Oliver

**Ministry of Small business, Red Tape Reduction and Responsible for the Liquor Distribution Branch**

- Central Job Board, Support for Relocation of Spousal Employment – City of Penticton

**Minister of Aboriginal Relations and Reconciliation**

- Referral Fees - RDOS

**MINISTRY STAFF - Ministry of Environment**

- Sage Mesa Water - RDOS

Typically each Local Government is provided one meeting per Ministry. Given the restricted time, it may be beneficial to prioritize the topics per Ministry.

**Respectfully submitted:**

*“Nona Lynn”*

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N. Lynn, Administrative Assistant

**Endorsed by:**

*“Christy Malden”*

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Christy Malden, Manager of Legislative Services



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, September 1, 2016

1:45 p.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

**RECOMMENDATION 1** (Unweighted Corporate Vote – Simple Majority)

**THAT the Agenda for the RDOS Board Meeting of September 01, 2016 be adopted.**

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – August 18, 2016

*THAT the Minutes of the August 18, 2016 Corporate Services Committee be received.*

##### b. RDOS Regular Board Meeting – August 18, 2016

*THAT the minutes of the August 18, 2016 RDOS Regular Board meeting be adopted.*

**RECOMMENDATION 2** (Unweighted Corporate Vote – Simple Majority)

**THAT the Consent Agenda – Corporate Issues be adopted.**

---

### B. DEVELOPMENT SERVICES – Rural Land Use Matters

#### 1. Zoning Bylaw Amendment – Modular and Mobile Homes – Electoral Areas “A”, “C”, “D”, “E”, “F” and “H”

##### a. Bylaw No. 2743, 2016

##### b. Responses Received

Textual changes proposed for the Electoral Area Zoning Bylaws that will allow for modular homes (A277) and mobile homes (Z240) in a broader range of zones.

**RECOMMENDATION 3** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2743, 2016, Regional District of Okanagan-Similkameen Modular and Mobile Home Amendment Bylaw be read a third time.**

---

2. **Zoning Bylaw Amendment – L. DeMelo, Electoral Area “A”**
  - a. Bylaw No. 2451.21, 2016
  - b. Response Received

To allow for a boundary adjustment between two parcels.

**RECOMMENDATION 4** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2451.21, 2016, Electoral Area “A” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing.**

**RECOMMENDATION 5** (Unweighted Corporate Vote – Simple Majority)

**THAT the holding of the public hearing be delegated to Chair Pendergraft or delegate;**

**AND THAT staff schedule the date, time, and place of the public hearing in consultation with Chair Pendergraft;**

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

---

3. **Zoning Bylaw Amendment – Electoral Area Boundaries, Electoral Area “H”**
  - a. Bylaw No. 2498.10, 2016
  - b. Zoning Map

To amend the schedules to the Electoral Area “H” Zoning Bylaw No. 2498, 2012, in order to update the electoral area boundaries.

**RECOMMENDATION 6** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2498.10, 2016, Electoral Area “H” Zoning Amendment Bylaw be adopted.**

---

4. **Official Community Plan (OCP) & Zoning Bylaw Amendment – E. & W. Monteith, Electoral Area “D-2”**
  - a. Bylaw No. 2603.07, 2016
  - b. Bylaw No. 2455.23, 2016
  - c. Public Hearing Report – August 10, 2016
  - d. Responses Received

To allow for the subdivision of a new 5.1 ha parcel while leaving a 47.7 ha remainder parcel.

**RECOMMENDATION 7** (Unweighted Rural Vote – Simple Majority)

**THAT the Board of Directors rescind first and second reading of Amendment Bylaw Nos. 2603.07 and 2455.23, 2016, and abandon the bylaws.**

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5. **Official Community Plan (OCP) & Zoning Bylaw Amendment - Commercial Zone Update, Electoral Area “D-2”**
    - a. Bylaw No. 2455.24, 2016
    - b. Bylaw No. 2603.08, 2016
    - c. Public Hearing Report – August 10, 2016
    - d. Responses Received

**RECOMMENDATION 8** (Unweighted Rural Vote – 2/3 Majority)

**THAT Bylaw No. 2603.08, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time and adopted.**

**RECOMMENDATION 9** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2455.24, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a third time, as amended.**

---

## C. ENGINEERING SERVICES

### 1. Award Naramata Stand-By Power Project

- a. Tender Evaluation

To hire a qualified contractor to provide, install and commission three (3) diesel standby generators for the Naramata Water System.

**RECOMMENDATION 10** (Weighted Corporate Vote – Majority)

**THAT the Board of Directors receive the August 19th, 2016 tender evaluation report for award of the “Naramata Water System-Standby Power Upgrade” tender from AECOM as attached; and,**

**THAT the Regional District award the “Naramata Water System-Standby Power Upgrade” project to Houle Electric Ltd. in the amount of \$1,052,505.28 plus applicable taxes; and,**

**THAT the Regional District approve a contingency for the construction in the amount of \$105,000.**

---

**D. PUBLIC WORKS****1. Establishment of Natural Gas Service for the Husula Highlands Neighborhood – Electoral Area “F”, For Information Only**

To determine whether the electors within Husula Highlands wish to proceed with establishing a service and borrowing money for the provision of Natural Gas to those neighborhoods.

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**E. COMMUNITY SERVICES – Protective Services****1. Purchase of Bush Truck for Keremeos Fire Department**

To replace existing 1992 Chev Single Cab Bush Truck due to fatigue.

**RECOMMENDATION 11** (Weighted Corporate Vote – Majority)

**THAT the Board of Directors approve the purchase of a 2014 - F550 Super Duty flat deck Crew Cab truck from Driving Force – Langley for \$48,429.00 plus applicable taxes.**

---

**F. OFFICE OF THE CAO****1. Alternate Approval Process (AAP) for South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016**

- a. Notice of Alternative Approval Process
- b. Electoral Response Form

**RECOMMENDATION 12** (Unweighted Corporate Vote – Simple Majority)

**THAT the deadline for submitting elector response forms in relation to Bylaw No. 2741, 2016 to the Manager of Legislative Services is no later than 4:30 pm on Monday, October 17, 2016; and,**

**THAT the elector response form attached to the report dated September 1, 2016 be the approved form for Bylaw No. 2741, 2016 alternative approval process; and**

**THAT the total number of eligible electors to which the alternative approval process applies is 15,962; and,**

**THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 1,596.**

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- 
2. **Alternate Approval Process for Regional Economic Development Service Establishment Bylaw No. 2734, 2016**
    - a. Notice of Alternative Approval Process
    - b. Electoral Response Form

**RECOMMENDATION 13** (Unweighted Corporate Vote – Simple Majority)

**THAT the deadline for submitting elector response forms in relation to Bylaw No. 2734, 2016 to the Manager of Legislative Services is no later than 4:30 pm on October 17, 2016; and,**

**THAT the elector response form attached to the report dated September 1, 2016 be the approved form for Bylaw No. 2734, 2016 alternative approval process; and**

**THAT the total number of eligible electors to which the alternative approval process applies is 70,890; and,**

**THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 7,089.**

- 
3. **Environmental Conservation Service Establishment Bylaw**
    - a. Bylaw 2690, 2016 - Marked-Up
    - b. Bylaw 2690, 2016 - Clean

**RECOMMENDATION 14** (Unweighted Corporate Vote – Simple Majority)

**THAT third reading of Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 be rescinded; and**

**THAT Regional District of Okanagan-Similkameen Environmental Conservation Service Establishment Bylaw No. 2690, 2016 be read a third time, as amended.**

**RECOMMENDATION 15** (Unweighted Corporate Vote – 2/3 Majority)

**THAT upon approval by the Inspector of Municipalities, participating area approval for Regional District of Okanagan-Similkameen Environmental Conservation Service Establishment Bylaw No. 2690, 2016 be obtained for the entire service area through an Alternative Approval Process in accordance with section 342 (4) of the *Local Government Act*.**

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**4. Noxious and Destructive Insect and Pest Control Amendment Bylaw****a. Bylaw No. 2711.01**

To add the Brown Marmorated Stink Bug to the list of noxious and destructive pests requiring control.

**RECOMMENDATION 16** (Unweighted Corporate Vote – 2/3 Majority)

**THAT Noxious and Destructive Insect and Pest Control Amendment Bylaw No. 2711.01, 2016 be read a first, second and third time and be adopted.**

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**G. CAO REPORTS****1. Verbal Update**

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

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**2. Directors Motions**

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**3. Board Members Verbal Update**

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**I. 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, August 18, 2016

9:22 a.m.

## Minutes

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

### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

### STAFF PRESENT:

M. Woods, Acting Chief Administrative Officer  
C. Malden, Manager of Legislative Services

T. Bouwmeester, Information Services Manager

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### A. APPROVAL OF AGENDA

#### **RECOMMENDATION 1**

#### **It was MOVED and SECONDED**

That the Agenda for the Corporate Services Committee Meeting of August 18, 2016 be adopted. - **CARRIED**

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### B. Updated Board Intranet and Internet Mapping –

Tim Bouwmeester, Information Services Manager, provided a demonstration of the new Board Intranet and the new Internet mapping program.

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### C. ADJOURNMENT

By consensus, the meeting adjourned at 9:45 a.m.

APPROVED:

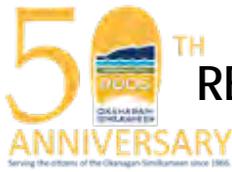
CERTIFIED CORRECT:

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M. Pendergraft  
RDOS Board 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 BOARD of DIRECTORS MEETING

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 9:45 a.m. Thursday, August 18, 2016 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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

### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

### STAFF PRESENT:

M. Woods, Acting Chief Administrative Officer  
C. Malden, Manager of Legislative Services

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### 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 August 18, 2016 be amended by adding:

Item F8 Letter of Support for ABC Communications.

**CARRIED**

---

### 1. Consent Agenda – Corporate Issues

#### a. Corporate Services Committee – August 04, 2016

*THAT the Minutes of the August 04, 2016 Corporate Services Committee be received.*

#### b. Community Services Committee – August 04, 2016

*THAT the Minutes of the August 04, 2016 Community Services Committee be received.*

#### c. Environment and Infrastructure Committee – August 04, 2016

*THAT the Minutes of the August 04, 2016 Environment and Infrastructure Committee be received.*

- d. RDOS Regular Board Meeting – August 04, 2016  
*THAT the minutes of the August 04, 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**

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**B. DELEGATIONS**

1. Mr. Duane Ophus, Board Chair, and Ms. Melissa Tesche, Acting General Manager, Okanagan-Kootenay Sterile Insect Release (SIR) Program

Mr. Ophus and Ms. Tesche addressed the Board to present an update on SIR activities.

[PowerPoint](#)

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**C. DEVELOPMENT SERVICES – Rural Land Use Matters**

1. Zoning Bylaw Amendment – H. Noble, 2825 Naramata Road, Electoral Area “E”  
a. Bylaw No. 2459.20, 2016  
b. Responses Received

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2459.20, 2016, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted. - **CARRIED**

---

2. Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area Boundaries, Electoral Area “H”
  - a. Bylaw No. 2497.07, 2016
  - b. Schedule B – Electoral Area “H” Official Community Plan Bylaw No. 2497, 2013
  - c. Bylaw No. 2498.10, 2016
  - d. Schedule 2 – Electoral Area “H” Zoning Bylaw No. 2498, 2013
  - e. Responses Received

**RECOMMENDATION 4 (Unweighted Rural Vote – 2/3 Majority)**

**It was MOVED and SECONDED**

THAT Bylaw No. 2497.07, 2016, Electoral Area “H” Official Community Plan Amendment Bylaw be read a third time and adopted;

AND THAT Bylaw No. 2498.10, 2016, Electoral Area “H” Zoning Amendment Bylaw be read a third time.

**CARRIED**

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**D. PUBLIC WORKS**

1. Household Hazardous Waste Facility Operations Contract Award  
Brought forward from August 4, 2016 Environment and Infrastructure Committee.

**RECOMMENDATION 5 (Weighted Corporate Vote – Majority)**

**It was MOVED and SECONDED**

THAT the contract for the “Household Hazardous Waste Facility Service Provider” be awarded to Terrapure Environmental. - **CARRIED**

---

**E. FINANCE**

1. Community Facilities Capital Reserve Expenditure Bylaw – Electoral Area “H”
  - a. Bylaw No. 2753, 2016

**RECOMMENDATION 6 (Weighted Corporate Vote – 2/3 Majority)**

**It was MOVED and SECONDED**

THAT Bylaw No. 2753, 2016, Electoral Area “H” Community Facilities Capital Reserve Fund Expenditure Bylaw be read a first, second and third time and be adopted.

**CARRIED**

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**F. OFFICE OF THE CAO****1. Appointment of Additional Bylaw Enforcement Officer****RECOMMENDATION 7 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board of Directors appoint Don Lowndes of South Okanagan Security as a Bylaw Enforcement Officer for the purposes of enforcing regulatory bylaws within the Regional District of Okanagan-Similkameen. - **CARRIED**

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**2. Loose Bay Campground Service - Electoral Area "C"**

- a. Bylaw No. 2757, 2016
- b. Administrative Report - June 5, 2014 – For Reference
- c. Bylaw No. 2659, 2014 – To Be Rescinded

**RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT first, second and third reading of Bylaw No. 2659, 2014 Electoral Area "C" (Loose Bay) Water Service be rescinded; and further,

THAT Bylaw No. 2757, 2016 be read a first, second and third time and forwarded to the Inspector of Municipalities for approval, prior to elector approval; and,

THAT the Board of Directors authorize that electoral approval for the adoption of the bylaw be obtained through an alternative approval process.

**CARRIED**

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3. Okanagan Regional Library Contribution Service Establishment Bylaws - Electoral Areas "B" and "G"
  - a. Bylaw No. 2756, 2016
  - b. Administrative Report – August 04, 2016 – For Reference
  - c. Bylaw No. 2751, 2016 – To Be Rescinded
  - d. Bylaw No. 2755, 2016 – To Be Rescinded

**RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT first, second and third readings of Electoral Area "B" Okanagan Regional Library Contribution Service Establishment Bylaw No. 2751, 2016 be rescinded;

THAT first, second and third readings of Electoral Area "G" Okanagan Regional Library Contribution Service Establishment Bylaw No. 2755, 2016 be rescinded;

THAT Bylaw No. 2756, 2016 Okanagan Regional Library Contribution Service Establishment Bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval;

THAT the Board of Directors, with a 2/3 vote, authorize that elector approval for Okanagan Regional Library Contribution Service Establishment Bylaw No. 2756, 2016 be obtained for the entire service area through an Alternative Approval Process in accordance with section 342 (4) of the *Local Government Act*. - **CARRIED**

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4. Naramata Water Advisory Committee Repeal Bylaw No. 2752, 2016
  - a. Bylaw No. 2752, 2016
  - b. Naramata Water Advisory Committee Bylaw No. 1969, 1999 – To Be Rescinded

**RECOMMENDATION 10 (Unweighted Corporate Vote – 2/3 Majority)**

**It was MOVED and SECONDED**

THAT Naramata Water Advisory Committee Repeal Bylaw No. 2752, 2016 be read a first, second and third time, and be adopted. - **CARRIED**

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5. Bordertown Vineyard and Estate Winery – Application for a Permanent Change to Liquor License

**RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors advise the Liquor Control and Licensing Branch that it will not provide comment on the Bordertown Vineyard and Estate Winery request for a change to hours of sale. - **CARRIED**

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6. OK Falls Hotel – Application for a Permanent Change to Liquor License

**RECOMMENDATION 12 (Unweighted Corporate Vote – Simple Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors advise the Liquor Control and Licensing Branch that it will not provide comment on the OK Falls Hotel request for a change to hours of sale. - **CARRIED**

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7. Mailing and Inserter/Folder Machines

a. Administrative Report – April 28, 2016

**RECOMMENDATION 13 (Weighted Corporate Vote – Majority)**

**It was MOVED and SECONDED**

THAT the Board of Directors approve a liability under Section 175 of the Community Charter authorizing the purchase of the NeoPost DS-75 Inserter/Folder in the amount of \$19,883 and the IS-480 Mail System in the amount of \$6,870 with no provision for renewal. - **CARRIED**

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addendum

8. Letter of Support for ABC Communications

**It was MOVED and SECONDED**

THAT the Regional District of Okanagan-Similkameen supports ABC Communications' application to Northern Development Initiative Trust - Connecting British Columbia Program. - **CARRIED**

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**G. CAO REPORTS**

1. Verbal Update

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**H. OTHER BUSINESS**

1. Chair's Report

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**2. Board Representation**

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

**3. Directors Motions**

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**4. Board Members Verbal Update**

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**I. ADJOURNMENT**

By consensus, the meeting adjourned at 11:05 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Pendergraft  
RDOS Board Chair

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B. Newell  
Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** B. Newell, Chief Administrative Officer

**DATE:** September 1, 2016

**RE:** Zoning Amendment Bylaw – Electoral Area “A”, “C”, “D”, “E”, “F” & “H”  
Modular and Mobile Homes

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### Administrative Recommendation:

**THAT Bylaw No. 2743, 2016, Regional District of Okanagan-Similkameen Modular and Mobile Home Amendment Bylaw be read a third time.**

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### Purpose:

This proposal relates to a number of textual changes proposed for the Electoral Area Zoning Bylaws that will allow for modular homes (A277) and mobile homes (Z240) in a broader range of zones.

### Background:

At its meeting of June 2, 2016, the Planning and Development (P&D) Committee considered a report outlining the current zoning issues governing the placement of mobile and modular homes within the Regional District and resolved to direct staff to prepare an amendment to the Electoral Area Zoning Bylaws.

Staff subsequently referred a draft amendment bylaw to external agencies for comment and scheduled the proposed changes for consideration by the Electoral Area Advisory Planning Commissions (APCs).

At its meeting of July 21, 2016, the P&D Committee considered a report outlining the results of the consultation process and directed staff to initiate Amendment Bylaw 2743.

At its meeting of August 4, 2016, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of September 1, 2016.

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

Prior to adoption, approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the amendments will affect lands situated within 800 metres of a controlled area (i.e. Highway 3 & 97).

### Analysis:

Administration is concerned that the Regional District's zoning bylaws have not kept pace with changes occurring in the manufactured home industry or with the zoning regulations implemented by member municipalities as they pertain to modular homes, and supports an update of the regulations to allow for modular and mobiles in a greater number of zones.

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To this end, it is proposed that “modular homes” be permitted in all zones which allow for “single detached dwellings” by amending the definition of “single detached dwelling” to include a reference to “modular homes”. This change would similarly allow for “modular homes” to become a permitted form “accessory dwelling” unit in all zones in which this use is currently permitted.

Administration is also proposing that “mobile homes” become a permitted form of principal and accessory dwelling unit in larger Rural Zones (i.e. those which generally require a minimum parcel size for subdivision of 4.0 hectares). To achieve this, it is proposed to list “mobile home” as a permitted principal and accessory dwelling type in the Resource Area (RA), Large Holdings (LH) and Agriculture (AG) zones.

It is recognised that the proposal to allow mobile homes in the RA, LH and AG Zones was not fully supported by all of the Electoral Area APCs (i.e. Electoral Area “F”). Nevertheless, Administration considers this to be an issue of equality and one that should be applied consistently across the Regional District.

Finally, it is proposed to introduce a consistent building width requirement of “5.0 metres, as originally designed and constructed” in the Small Holdings and Low Density Residential Zones.

**Alternative:**

THAT the Board of Directors rescind first and second reading of Amendment Bylaw No. 2743, 2016, and abandon the bylaw.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2743, 2016**

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**A Bylaw to amend the Electoral Areas "A", "C", "D-1", "D-2", "E", "F" and "H"  
Regional District of Okanagan-Similkameen Zoning Bylaws**

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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 Modular and Mobile Home Amendment Bylaw No. 2743, 2016."

**Electoral Area "A"**

2. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
  - i) replacing the definition of "accessory dwelling" under Section 4.0 (Definitions) with the following:

**"accessory dwelling"** means a single detached dwelling or other detached dwelling which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;
  - ii) replacing the definition of "habitable area" under Section 4.0 (Definitions) with the following:

**"habitable area"** means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

- iii) adding the definition of “manufactured home” under Section 4.0 (Definitions) to read as follows:

“**manufactured home**” means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;

- iv) adding the definition of “manufactured home park” under Section 4.0 (Definitions) to read as follows:

“**manufactured home park**” means any parcel of land, upon which three (3) or more manufactured homes or single detached dwellings are located on individual manufactured home sites that are occupied exclusively for residential purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;

- v) adding the definition of “manufactured home space” under Section 4.0 (Definitions) to read as follows:

“**manufactured home space**” means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;

- vi) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

“**mobile home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- vii) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

“**modular home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- viii) replacing the definition of “single detached dwelling” under Section 4.0 (Definitions) to read as follows:

“**single detached dwelling**” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if

permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

ix) replacing Section 7.11 (Accessory Dwellings) with the following:

**7.11 Accessory Dwellings**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than 70.0 m<sup>2</sup>, except for:
  - i) one (1) accessory dwelling unit which may have a floor area not greater than 140.0 m<sup>2</sup>; and
  - ii) accessory dwellings located in the Commercial and Industrial zones.
- .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and
- .3 In the Commercial and Industrial zones, accessory dwellings shall:
  - i) be located at the rear of a building on the ground floor, or above the first storey; and
  - ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.

x) replacing section 10.1.1(e) under Section 10.1 (Resource Area Zone) with the following:

- e) single detached dwelling or mobile home;

xi) replacing section 10.1.1(l) under Section 10.1 (Resource Area Zone) with the following:

- l) accessory dwelling or mobile home, subject to Section 7.11;

xii) replacing section 10.1.5(a) under Section 10.1 (Resource Area Zone) with the following:

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of	Maximum Number of
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	Accessory Dwellings or Mobile Homes	Principal Dwellings
Less than 3.5 ha	0	1
3.5 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	2	1
12.0 ha to 15.9 ha	3	1
16.0 ha or greater	4	1
8.0 ha or greater	0	2

xiii) replacing section 10.2.1(h) under Section 10.2 (Agriculture One Zone) with the following:

h) single detached dwelling or mobile home;

xiv) replacing section 10.2.1(i) under Section 10.2 (Agriculture One Zone) with the following:

i) accessory dwelling or mobile home, subject to Section 7.11;

xv) replacing section 10.2.5 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.5 Maximum Number of Dwellings Permitted Per Parcel:**

a) the number of principal dwellings and the number of accessory dwellings, mobile homes and temporary farm worker housing permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF PRINCIPLE DWELLINGS	MAXIMUM NUMBER OF ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM NUMBER OF TEMPORARY FARM WORKER HOUSING	MAXIMUM FLOOR AREA OF ACCESSORY DWELLINGS AND TEMPORARY FARM WORKER HOUSING PER PARCEL
Less than 3.5 ha	1	0	0	0
3.5 ha to 7.9 ha	1	1	1	140 m <sup>2</sup>
8.0 ha to 11.9 ha	1	2	1	210 m <sup>2</sup>
12.0 ha to 15.9 ha	1	3	1	280 m <sup>2</sup>
Greater than 16.0 ha	1	4	1	350 m <sup>2</sup>
Greater than 8.0 ha	2	0	0	0

b) one (1) secondary suite.

- c) despite Section 10.2.5(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as “farm” under the *Assessment Act*.
  - d) despite Section 10.2.5(a), for parcels between 3.5 ha to 7.9 ha, only one (1) accessory dwelling or mobile home, or one (1) temporary farm worker housing shall be permitted.
- xvi) replacing section 10.3.1(g) under Section 10.3 (Agriculture Two Zone) with the following:
- g) single detached dwelling or mobile home;
- xvii) replacing section 10.3.1(h) under Section 10.3 (Agriculture Two Zone) with the following:
- h) accessory dwelling or mobile home, subject to Section 7.11;
- xviii) replacing section 10.3.5 under Section 10.3 (Agriculture Two Zone) with the following:

**10.3.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings, mobile homes and temporary farm worker housing permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF PRINCIPLE DWELLINGS	MAXIMUM NUMBER OF ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM NUMBER OF TEMPORARY FARM WORKER HOUSING	MAXIMUM FLOOR AREA OF ACCESSORY DWELLINGS AND TEMPORARY FARM WORKER HOUSING PER PARCEL
Less than 3.5 ha	1	0	0	0
3.5 ha to 7.9 ha	1	1	1	140 m <sup>2</sup>
8.0 ha to 11.9 ha	1	2	1	210 m <sup>2</sup>
12.0 ha to 15.9 ha	1	3	1	280 m <sup>2</sup>
Greater than 16.0 ha	1	4	1	350 m <sup>2</sup>
Greater than 8.0 ha	2	0	0	0

- b) one (1) secondary suite.
- c) despite Section 10.2.5(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in

farming on parcels classified as “farm” under the *Assessment Act*.

- d) despite Section 10.2.5(a), for parcels between 3.5 ha to 7.9 ha, only one (1) accessory dwelling or mobile home, or one (1) temporary farm worker housing shall be permitted.
- xix) replacing section 10.4.1(f) under Section 10.4 (Large Holdings Zone) with the following:
  - f) single detached dwelling or mobile home;
- xx) replacing section 10.4.1(g) under Section 10.4 (Large Holdings Zone) with the following:
  - g) accessory dwelling or mobile home, subject to Section 7.11;
- xxi) replacing section 10.4.5(a) under Section 10.4 (Large Holdings Zone) with the following:
  - a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF PRINCIPLE DWELLINGS	MAXIMUM NUMBER OF ACCESSORY DWELLINGS OR MOBILE HOMES
Less than 3.5 ha	1	0
3.5 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	1	2
12.0 ha to 15.9 ha	1	3
Greater than 16.0 ha	1	4
Greater than 8.0 ha	2	0

- xxii) adding a new Section 10.5.9 under Section 10.6 (Small Holdings Two Zone) with the following:

**10.5.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

- xxiii) adding a new Section 10.6.9 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxiv) replacing Section 10.7.9 under Section 10.7 (Small Holdings Four Zone) with the following:
- 10.7.9 Minimum Building Width:**
    - a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxv) replacing Section 11.1.9 under Section 11.1 (Residential Single Family One Zone) with the following:
- 11.1.9 Minimum Building Width:**
    - a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxvi) replacing Section 11.2.9 under Section 11.2 (Residential Two Family (Duplex) Zone) with the following:
- 11.2.9 Minimum Building Width:**
    - a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxvii) replacing Section 12.1.11 under Section 12.1 (Residential Multiple Family Zone) with the following:
- 12.1.11 Minimum Building Width:**
    - a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxviii) deleting Section 13.1.8 under Section 13.1 (General Commercial Zone).
- xxix) deleting Section 13.2.9 under Section 13.2 (Tourist Commercial One Zone).

### Electoral Area "C"

3. The "Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:
- i) deleting the definition of "additional dwelling for farm labour" under Section 4.0 (Definitions).
  - ii) replacing the definition of "accessory dwelling" under Section 4.0 (Definitions) with the following:

**“accessory dwelling”** means a single detached dwelling or other detached dwelling which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;

- iii) replacing the definition of “habitable area” under Section 4.0 (Definitions) with the following:

**“habitable area”** means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

- iv) replacing the definition of “manufactured home” under Section 4.0 (Definitions) with the following:

**“manufactured home”** means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;

- v) replacing the definition of “manufactured home park” under Section 4.0 (Definitions) with the following:

**“manufactured home park”** means any parcel of land, upon which three (3) or more manufactured homes or single detached dwellings are located on individual manufactured home sites that are occupied exclusively for residential purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;

- vi) replacing the definition of “manufactured home site” under Section 4.0 (Definitions) with the following:

**“manufactured home space”** means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;

- vii) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

**“mobile home”** means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- viii) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

**“modular home”** means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- ix) replacing the definition of “single detached dwelling” under Section 4.0 (Definitions) to read as follows:

**“single detached dwelling”** means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

- x) adding the definition of “temporary farm worker” under Section 4.0 (Definitions) to read as follows:

**“temporary farm worker”** means an individual or individuals who carry out agricultural work on a temporary seasonal basis on a farm operation;

- xi) adding the definition of “temporary farm worker housing” under Section 4.0 (Definitions) to read as follows:

**“temporary farm worker housing”** means a structure or building providing cooking, sanitary and sleeping facilities to house temporary farm workers(s) on a farm operation necessary for the farm operation.

- xii) replacing Section 7.11 (Accessory Dwellings) under Section 7.0 (General Regulations) with the following:

### **7.11 Accessory Dwellings**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than 70.0 m<sup>2</sup>, except for accessory dwellings located in the Commercial and Industrial zones;
- .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and

.3 In the Commercial and Industrial zones, accessory dwellings shall:

- i) be located at the rear of a building on the ground floor, or above the first storey; and
- ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.

xiii) replacing section 10.1.1(e) under Section 10.1 (Resource Area Zone) with the following:

- e) single detached dwelling or mobile home;

xiv) replacing section 10.1.1(m) under Section 10.1 (Resource Area Zone) with the following:

- m) accessory dwelling or mobile home, subject to Section 7.11;

xv) replacing section 10.1.5(a) under Section 10.1 (Resource Area Zone) with the following:

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 3.5 ha	0	1
3.5 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	2	1
12.0 ha to 15.9 ha	3	1
16.0 ha or greater	4	1
8.0 ha or greater	0	2

xvi) replacing Section 10.2.1(e) under Section 10.2 (Agriculture One Zone) with the following:

- e) single detached dwelling or mobile home;

xvii) replacing Section 10.2.1(f) under Section 10.2 (Agriculture One Zone) with the following:

- f) accessory dwelling or mobile home, subject to Section 7.11;

xviii) adding a new Section 10.2.1(p) under Section 10.2 (Agriculture One Zone) to read as follows:

p) temporary farm worker housing.

xix) replacing Section 10.2.5 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.5 Maximum Number of Dwellings Permitted Per Parcel:**

a) the number of principal dwellings and the number of accessory dwellings, mobile homes and temporary farm worker housing permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF PRINCIPLE DWELLINGS	MAXIMUM NUMBER OF ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM NUMBER OF TEMPORARY FARM WORKER HOUSING	MAXIMUM FLOOR AREA OF ACCESSORY DWELLINGS AND TEMPORARY FARM WORKER HOUSING PER PARCEL
Less than 3.5 ha	1	0	0	0
3.5 ha to 7.9 ha	1	1	1	70.0 m <sup>2</sup>
8.0 ha to 11.9 ha	1	2	1	140.0 m <sup>2</sup>
12.0 ha to 15.9 ha	1	3	1	210.0 m <sup>2</sup>
Greater than 16.0 ha	1	4	1	280.0 m <sup>2</sup>
Greater than 8.0 ha	2	0	0	0

b) one (1) secondary suite.

c) despite Section 10.2.5(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as "farm" under the *Assessment Act*.

d) despite Section 10.2.5(a), for parcels between 3.5 ha to 7.9 ha, only one (1) accessory dwelling or mobile home, or one (1) temporary farm worker housing shall be permitted.

xx) replacing Section 10.3.1(f) under Section 10.3 (Agriculture Two Zone) with the following:

f) single detached dwelling or mobile home;

xxi) replacing Section 10.3.1(g) under Section 10.3 (Agriculture Two Zone) with the following:

- g) accessory dwelling or mobile home, subject to Section 7.11;
- xxii) adding a new Section 10.3.1(q) under Section 10.3 (Agriculture Two Zone) to read as follows:
  - q) temporary farm worker housing.
- xxiii) replacing Section 10.3.5 under Section 10.3 (Agriculture Two Zone) with the following:

**10.3.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings, mobile homes and temporary farm worker housing permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF PRINCIPLE DWELLINGS	MAXIMUM NUMBER OF ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM NUMBER OF TEMPORARY FARM WORKER HOUSING	MAXIMUM FLOOR AREA OF ACCESSORY DWELLINGS AND TEMPORARY FARM WORKER HOUSING PER PARCEL
Less than 3.5 ha	1	0	0	0
3.5 ha to 7.9 ha	1	1	1	70.0 m <sup>2</sup>
8.0 ha to 11.9 ha	1	2	1	140.0 m <sup>2</sup>
12.0 ha to 15.9 ha	1	3	1	210.0 m <sup>2</sup>
Greater than 16.0 ha	1	4	1	280.0 m <sup>2</sup>
Greater than 8.0 ha	2	0	0	0

- b) one (1) secondary suite.
- c) despite Section 10.2.5(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as "farm" under the *Assessment Act*.
- d) despite Section 10.2.5(a), for parcels between 3.5 ha to 7.9 ha, only one (1) accessory dwelling or mobile home, or one (1) temporary farm worker housing shall be permitted.
- xxiv) replacing Section 10.4.1(f) under Section 10.4 (Large Holdings Zone) with the following:
  - f) single detached dwelling or mobile home;

xxv) replacing section 10.4.1(g) under Section 10.4 (Large Holdings Zone) with the following:

- g) mobile home or accessory dwelling, subject to Section 7.11;

xxvi) replacing section 10.4.5 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

PARCEL AREA	MAXIMUM NUMBER OF PRINCIPLE DWELLINGS	MAXIMUM NUMBER OF ACCESSORY DWELLINGS OR MOBILE HOMES
Less than 3.5 ha	1	0
3.5 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	1	2
12.0 ha to 15.9 ha	1	3
Greater than 16.0 ha	1	4
Greater than 8.0 ha	2	0

- b) one (1) secondary suite.

xxvii) adding a new Section 10.5.9 under Section 10.6 (Small Holdings Two Zone) with the following:

**10.5.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxviii) adding a new Section 10.6.9 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxix) replacing Section 10.7.9 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxx) replacing Section 10.8.9 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxi) replacing Section 11.1.9 under Section 11.1 (Residential Single Family One Zone) with the following:

**11.1.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxii) adding a new Section 11.2.9 under Section 11.2 (Residential Single Family Two Zone) to read as follows:

**11.2.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxiii) adding a new Section 11.3.9 under Section 11.3 (Residential Two Family (Duplex) Zone) to read as follows:

**11.3.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxiv) adding a new Section 12.1.10 under Section 12.1 (Residential Multiple Family Zone) to read as follows:

**12.1.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

Electoral Area "D-1"

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

- i) replacing the definition of “accessory dwelling” under Section 4.0 (Definitions) with the following:

“**accessory dwelling**” means a single detached dwelling or other detached dwelling which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;

- ii) replacing the definition of “amenity area” under Section 4.0 (Definitions) with the following:

“**amenity area**” means:

- i) an area located on the same parcel as a manufactured home park which:
  - a) is required under this Bylaw to be used for landscaping or communal recreational purposes; and
  - b) may include a landscaped area, rooftop gardens, tennis courts, swimming pools and communal lounges; or
- ii) an area, not including the front setback, located on the same parcel as a multi dwelling unit, which
  - a) is required under this Bylaw to be used for landscaping or communal recreational purposes; and
  - b) may include a landscaped area, rooftop gardens, tennis courts, swimming pools, communal lounges and private balconies to the extent of not more than 5.0 m<sup>2</sup> of private balcony space per dwelling;

- iii) replacing the definition of “habitable area” under Section 4.0 (Definitions) with the following:

“**habitable area**” means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

- iv) replacing the definition of “manufactured home” under Section 4.0 (Definitions) with the following:

“**manufactured home**” means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not

include travel trailers, recreational vehicles, park model recreational vehicles or campers;

- v) replacing the definition of “manufactured home park” under Section 4.0 (Definitions) with the following:

“**manufactured home park**” means any parcel of land, upon which three (3) or more manufactured homes or single detached dwellings are located on individual manufactured home sites that are occupied exclusively for residential purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;

- vi) adding the definition of “manufactured home site” under Section 4.0 (Definitions) to read as follows:

“**manufactured home space**” means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;

- vii) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

“**mobile home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- viii) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

“**modular home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- ix) replacing the definition of “single detached dwelling” under Section 4.0 (Definitions) to read as follows:

“**single detached dwelling**” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

- x) replacing Section 7.11 (Accessory Dwellings) under Section 7.0 (General Regulations) with the following:

### **7.11 Accessory Dwelling**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than the principal dwelling, except for accessory dwellings located in the Commercial and Industrial zones;
  - .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and
  - .3 In the Commercial and Industrial zones, accessory dwellings shall:
    - i) be located at the rear of a building on the ground floor, or above the first storey; and
    - ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.
- xi) replacing section 10.1.1(o) under Section 10.1 (Resource Area Zone) with the following:
- o) single detached dwelling or mobile home;
- xii) replacing section 10.1.1(q) under Section 10.1 (Resource Area Zone) with the following:
- q) accessory dwelling or mobile home, subject to Section 7.11;
- xiii) replacing section 10.1.5(a) under Section 10.1 (Resource Area Zone) with the following:
- a) *deleted*.
- xiv) replacing section 10.1.6 under Section 10.1 (Resource Area Zone) with the following:
- 10.1.6 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) principal dwelling per parcel;
  - b) one (1) secondary suite per parcel; and
  - c) one (1) mobile home or accessory dwelling per parcel.
- xv) replacing section 10.2.1(e) under Section 10.2 (Agriculture One Zone) with the following:

- e) single detached dwelling or mobile home;
- xvi) replacing section 10.2.1(h) under Section 10.2 (Agriculture One Zone) with the following:
  - h) accessory dwelling or mobile home, subject to Section 7.11;
- xvii) replacing section 10.2.5(a) under Section 10.2 (Agriculture One Zone) with the following:
  - a) *deleted*.
- xviii) replacing section 10.2.6 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 3.49 ha	0	1
3.5 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	2	1
12.0 ha 15.9 ha	3	1
16.0 ha or greater	4	1

- b) despite Section 10.2.6(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as "farm" under the *Assessment Act*.
- c) one (1) secondary suite.
- xix) replacing section 10.3.1(h) under Section 10.3 (Agriculture Three Zone) with the following:
  - h) single detached dwelling or mobile home;

xx) replacing section 10.3.1(j) under Section 10.3 (Agriculture Three Zone) with the following:

j) accessory dwelling or mobile home, subject to Section 7.11;

xxi) replacing section 10.3.5(a) under Section 10.3 (Agriculture Three Zone) with the following:

a) *deleted.*

xxii) replacing section 10.3.6 under Section 10.3 (Agriculture Three Zone) with the following:

**10.3.6 Maximum Number of Dwellings Permitted Per Parcel:**

a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 3.49 ha	0	1
3.5 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	2	1
12.0 ha 15.9 ha	3	1
16.0 ha or greater	4	1

b) despite Section 10.2.6(a), for parcels situated within the Agricultural Land Reserve, all dwellings in excess of one (1) must be used only for the accommodation of persons engaged in farming on parcels classified as "farm" under the *Assessment Act*.

c) one (1) secondary suite.

xxiii) replacing section 10.4.1(j) under Section 10.4 (Large Holdings Zone) with the following:

j) single detached dwelling or mobile home;

xxiv) replacing section 10.4.1(l) under Section 10.4 (Large Holdings Zone) with the following:

l) accessory dwelling or mobile home, subject to Section 7.11;

xxv) replacing section 10.4.5(a) under Section 10.4 (Large Holdings Zone) with the following:

a) *deleted.*

xxvi) replacing section 10.4.6 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling per parcel;
- b) one (1) secondary suite per parcel; and
- c) one (1) mobile home or accessory dwelling per parcel on parcels greater than 12.0 ha in area.

xxvii) replacing Section 10.5.5 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxviii) replacing Section 10.5.8 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxix) replacing Section 10.6.5 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxx) replacing Section 10.6.8 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxi) replacing Section 11.1.5 under Section 11.1 (Residential Single Family One Zone) with the following:

**11.1.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxxii) replacing Section 11.1.9 under Section 11.1 (Residential Single Family One Zone) with the following:

**11.1.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxiii) replacing Section 11.2.5 under Section 11.2 (Residential Single Family Two Zone) with the following:

**11.2.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxxiv) replacing Section 11.2.9 under Section 11.2 (Residential Single Family Two Zone) with the following:

**11.2.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxv) replacing Section 11.3.5 under Section 11.3 (Residential Apex Alpine Zone) with the following:

**11.3.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling per parcel; and
- b) one (1) secondary suite per parcel.

xxxvi) replacing Section 11.3.9 under Section 11.3 (Residential Apex Alpine Zone) with the following:

**11.3.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxvii) adding a new Section 12.1.10 under Section 12.1 (Residential Multiple Family Zone) to read as follows:

**12.1.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxviii) replacing Section 12.2.12 under Section 12.2 (Mixed Use Apex Alpine Zone) with the following:

**12.2.12 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxxix) replacing Section 12.3.10 under Section 12.3 (Residential Multiple Unit Three Zone) to read as follows:

**12.3.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

Electoral Area "D-2"

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

i) deleting the definition of "single-wide mobile home" under Section 4.0 (Definitions).

ii) replacing the definition of "amenity area" under Section 4.0 (Definitions) with the following:

"amenity area" means:

iii) an area located on the same parcel as a manufactured home park which:

c) is required under this Bylaw to be used for landscaping or communal recreational purposes; and

d) may include a landscaped area, rooftop gardens, tennis courts, swimming pools and communal lounges; or

iv) an area, not including the front setback, located on the same parcel as a multi dwelling unit, which

- c) is required under this Bylaw to be used for landscaping or communal recreational purposes; and
  - d) may include a landscaped area, rooftop gardens, tennis courts, swimming pools, communal lounges and private balconies to the extent of not more than 5.0 m<sup>2</sup> of private balcony space per dwelling;
- iii) replacing the definition of “habitable area” under Section 4.0 (Definitions) with the following:

“**habitable area**” means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;
- iv) replacing the definition of “mobile home” under Section 4.0 (Definitions) with the following:

“**manufactured home**” means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;
- v) replacing the definition of “mobile home park” under Section 4.0 (Definitions) with the following:

“**manufactured home park**” means any parcel of land, upon which three (3) or more manufactured homes or single detached dwellings are located on individual manufactured home sites that are occupied exclusively for residential purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;
- vi) replacing the definition of “mobile home site” under Section 4.0 (Definitions) with the following:

“**manufactured home space**” means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;
- vii) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

**“mobile home”** means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- viii) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

**“modular home”** means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- ix) replacing the definition of “single detached dwelling” under Section 4.0 (Definitions) to read as follows:

**“single detached dwelling”** means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

- x) replacing the definition of “owner” under Section 4.0 (Definitions) to read as follows:

**“owner”** means an owner, agent, lessor or manager of a parcel or a person who operates a manufactured home park.

- xi) replacing Section 7.11 (Accessory Dwellings) under Section 7.0 (General Regulations) with the following:

### **7.11 Accessory Dwelling**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than 70.0 m<sup>2</sup>, except for accessory dwellings located in the Commercial and Industrial zones;
- .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and
- .3 In the Commercial and Industrial zones, accessory dwellings shall:
  - i) be located at the rear of a building on the ground floor, or above the first storey; and

- ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.
- xii) replacing section 10.1.1(f) under Section 10.1 (Resource Area Zone) with the following:
  - f) single detached dwelling or mobile home;
- xiii) replacing section 10.1.1(n) under Section 10.1 (Resource Area Zone) with the following:
  - n) accessory dwelling or mobile home, subject to Section 7.11;
- xiv) replacing section 10.1.5(c) under Section 10.1 (Resource Area Zone) with the following:
  - c) one (1) accessory dwelling or mobile home per parcel.
- xv) replacing section 10.2.1(c) under Section 10.2 (Agriculture One Zone) with the following:
  - c) single detached dwelling or mobile home;
- xvi) replacing section 10.2.1(h) under Section 10.2 (Agriculture One Zone) with the following:
  - h) accessory dwelling or mobile home, subject to Section 7.11;
- xvii) replacing section 10.2.5(a) under Section 10.2 (Agriculture One Zone) with the following:
  - a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 4.0 ha	0	1
4.0 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	2	1
12.0 ha 15.9 ha	3	1
16.0 ha or greater	4	1

xviii) replacing section 10.3.1(c) under Section 10.3 (Agriculture Three Zone) with the following:

c) single detached dwelling or mobile home;

xix) replacing section 10.3.1(h) under Section 10.3 (Agriculture Three Zone) with the following:

h) accessory dwelling or mobile home, subject to Section 7.11;

xx) replacing section 10.3.5(a) under Section 10.3 (Agriculture Three Zone) with the following:

a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 4.0 ha	0	1
4.0 ha to 7.9 ha	1	1
8.0 ha to 11.9 ha	2	1
12.0 ha 15.9 ha	3	1
16.0 ha or greater	4	1

xxi) replacing section 10.4.1(d) under Section 10.4 (Large Holdings Zone) with the following:

d) single detached dwelling or mobile home;

xxii) replacing section 10.4.1(j) under Section 10.4 (Large Holdings Zone) with the following:

j) accessory dwelling or mobile home, subject to Section 7.11;

xxiii) replacing section 10.4.5(a) under Section 10.4 (Large Holdings Zone) with the following:

c) one (1) accessory dwelling or mobile home per parcel.

xxiv) replacing Section 10.5.8 under Section 10.5 (Small Holdings One Zone) with the following:

**10.5.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxv) adding a new Section 10.6.9 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxvi) replacing Section 10.7.8 under Section 10.7 (Small Holdings Five Zone) with the following:

**10.7.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxvii) replacing Section 11.1.9 under Section 11.1 (Residential Single Family One Zone) with the following:

**11.1.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxviii) adding a new Section 11.2.8 under Section 11.2 (Residential Single Family Two Zone) to read as follows:

**11.2.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxix) adding a new Section 11.3.8 under Section 11.3 (Residential Two Family (Duplex) Zone) to read as follows:

**11.3.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxx) adding a new Section 12.1.12 under Section 12.1 (Residential Multiple Family Zone) to read as follows:

### 12.1.12 Minimum Building Width:

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

#### Electoral Area "E"

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

- i) deleting the definition of "principal dwelling" under Section 4.0 (Definitions).
- ii) replacing the definition of "accessory dwelling" under Section 4.0 (Definitions) with the following:

**"accessory dwelling"** means a single detached dwelling or other detached dwelling which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;

- iii) replacing the definition of "habitable area" under Section 4.0 (Definitions) with the following:

**"habitable area"** means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

- iv) adding the definition of "manufactured home" under Section 4.0 (Definitions) to read as follows:

**"manufactured home"** means a "mobile home" or "modular home" normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;

- v) adding the definition of "manufactured home park" under Section 4.0 (Definitions) to read as follows:

**"manufactured home park"** means any parcel of land, upon which three (3) or more manufactured homes or single detached dwellings are located on individual manufactured home sites that are occupied exclusively for

residential purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;

- vi) adding the definition of “manufactured home space” under Section 4.0 (Definitions) to read as follows:

“**manufactured home space**” means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;

- vii) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

“**mobile home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- viii) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

“**modular home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- ix) replacing the definition of “single detached dwelling” under Section 4.0 (Definitions) to read as follows:

“**single detached dwelling**” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

- x) replacing Section 7.11 (Accessory Dwellings) under Section 7.0 (General Regulations) with the following:

#### **7.11 Accessory Dwellings**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than 70.0 m<sup>2</sup>, except for:
  - i) one (1) accessory dwelling unit which may have a floor area not greater than 140.0 m<sup>2</sup>; and
  - ii) accessory dwellings located in the Commercial and Industrial zones.

- .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and
- .3 In the Commercial and Industrial zones, accessory dwellings shall:
  - i) be located at the rear of a building on the ground floor, or above the first storey; and
  - ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.
- xi) replacing section 10.1.1(e) under Section 10.1 (Resource Area Zone) with the following:
  - e) single detached dwelling or mobile home;
- xii) replacing Section 10.1.1(q) under Section 10.1 (Resource Area Zone) with the following:
  - q) accessory dwelling or mobile home, subject to Section 7.11.
- xiii) adding a new Section 10.1.1(r) under Section 10.1 (Resource Area Zone) with the following:
  - r) accessory buildings and structures, subject to Section 7.13.
- xiv) replacing Section 10.1.5 under Section 10.1 (Resource Area Zone) with the following:

**10.1.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 4.0 ha	1	1
4.0 ha to 7.9 ha	2	1
8.0 ha to 11.9 ha	3	1
12.0 ha or greater	4	1
12.0 ha or greater	0	2

- b) one (1) secondary suite.
- xv) replacing section 10.2.1(i) under Section 10.2 (Agriculture One Zone) with the following:
  - i) single detached dwelling or mobile home;
- xvi) replacing Section 10.2.1(j) under Section 10.2 (Agriculture One Zone) with the following:
  - j) accessory dwelling or mobile home, subject to Section 7.11.
- xvii) replacing Section 10.2.5 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 4.0 ha	1	1
4.0 ha to 7.9 ha	2	1
8.0 ha to 11.9 ha	3	1
12.0 ha or greater	4	1
12.0 ha or greater	0	2

- b) one (1) secondary suite.
- xviii) replacing section 10.3.1(g) under Section 10.3 (Large Holdings Zone) with the following:
  - g) single detached dwelling or mobile home;
- xix) replacing Section 10.3.1(i) under Section 10.3 (Large Holdings Zone) with the following:
  - i) accessory dwelling or mobile home, subject to Section 7.11.
- xx) replacing Section 10.3.5 under Section 10.3 (Large Holdings Zone) with the following:

**10.3.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 4.0 ha	1	1
4.0 ha to 7.9 ha	2	1
8.0 ha to 11.9 ha	3	1
12.0 ha or greater	4	1
8.0 ha or greater	0	2

- b) one (1) secondary suite.

- xxi) replacing Section 10.4.5 under Section 10.4 (Small Holdings One Zone) with the following:

**10.4.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings	Maximum Number of Principal Dwellings
Less than 4.0 ha	1	1
4.0 ha to 7.9 ha	2	1
8.0 ha to 11.9 ha	3	1
12.0 ha or greater	4	1
8.0 ha or greater	0	2

- b) one (1) secondary suite.

- xxii) replacing Section 10.4.9 under Section 10.4 (Small Holdings One Zone) with the following:

**10.4.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxiii) replacing Section 10.5.5 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit; and
- b) one (1) secondary suite.

xxiv) replacing Section 10.5.9 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxv) replacing Section 10.6.5 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit; and
- b) one (1) secondary suite.

xxvi) adding a new Section 10.6.9 under Section 10.6 (Small Holdings Three Zone) to read as follows:

**10.6.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xxvii) replacing Section 10.7.5 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit; and
- b) one (1) secondary suite.

xxviii) adding a new Section 10.7.9 under Section 10.7 (Small Holdings Four Zone) to read as follows:

**10.7.9 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxix) replacing Section 10.8.5 under Section 10.8 (Small Holdings Five Zone) with the following:
- 10.8.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) principal dwelling unit; and
  - b) one (1) secondary suite.
- xxx) adding a new Section 10.8.9 under Section 10.8 (Small Holdings Five Zone) to read as follows:
- 10.8.9 Minimum Building Width:**
- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxxi) replacing Section 11.1.5 under Section 11.1 (Residential Single Family One Zone) with the following:
- 11.1.5 Maximum Number of Dwellings Permitted Per Parcel:**
- a) one (1) principal dwelling unit; and
  - b) one (1) secondary suite.
- xxxii) replacing Section 11.1.9 under Section 11.1 (Residential Single Family One Zone) with the following:
- 11.1.9 Minimum Building Width:**
- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxxiii) replacing Section 11.2.9 under Section 11.2 (Residential Two Family (Duplex) Zone) with the following:
- 11.2.9 Minimum Building Width:**
- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
- xxxiv) replacing Section 12.1.11 under Section 12.1 (Residential Multiple Family Zone) with the following:
- 12.1.11 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

### Electoral Area "F"

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

- i) deleting the definition of "single wide manufactured home" under Section 4.0 (Definitions).

- ii) replacing the definition of "accessory dwelling" under Section 4.0 (Definitions) with the following:

**"accessory dwelling"** means a single detached dwelling or other detached dwelling which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;

- iii) adding the definition of "farm building" under Section 4.0 (Definitions) with the following:

**"farm building"** means a building or part thereof which is associated with and located on land devoted to the practice of agriculture, and used essentially for the housing of equipment or livestock, or the production, storage, processing, marketing and selling of agricultural and horticultural produce or feeds;

- iv) adding the definition of "gas bar" under Section 4.0 (Definitions) with the following:

**"service station"** means premises used principally for the retail sale of motor fuels, lubricating oils, propane and motor vehicle accessories, retail sales by way of vending machines and the servicing of motor vehicles, excluding other retail sales, wholesale sales, or motor vehicle structural body repairs and painting;

- v) replacing the definition of "habitable area" under Section 4.0 (Definitions) with the following:

**"habitable area"** means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

- vi) replacing the definition of “manufactured home” under Section 4.0 (Definitions) with the following:

“**manufactured home**” means a “mobile home” or “modular home” normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not include travel trailers, recreational vehicles, park model recreational vehicles or campers;

- vii) replacing the definition of “manufactured home park” under Section 4.0 (Definitions) with the following:

“**manufactured home park**” means any parcel of land, upon which three (3) or more manufactured homes or single detached dwellings are located on individual manufactured home sites that are occupied exclusively for residential purposes on a rental basis. Includes all buildings and structures used or intended to be used as part of such manufactured home park;

- viii) adding the definition of “manufactured home space” under Section 4.0 (Definitions) to read as follows:

“**manufactured home space**” means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;

- ix) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

“**mobile home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- x) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

“**modular home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- xi) adding a new definition of “personal service establishment” under Section 4.0 (Definitions) to read as follows:

“**personal service establishment**” means a business which caters to a person's personal needs, and includes a tailor, seamstress, cobbler,

photographer, barber, beautician, hairdresser, and laundry and dry cleaning facilities;

- xii) replacing the definition of “secondary suite” under Section 4.0 (Definitions) to read as follows:

“**secondary suite**” means a self-contained second dwelling unit located within a principal single detached dwelling accessory to the principal dwelling used or intended to be used as a residence, with self-contained sleeping, living, cooking and sanitary facilities and direct access to the open air without passage through any portion of the principal dwelling unit. A secondary suite does not include duplex housing, semi-detached housing, multiple-dwelling housing or boarding and rooming housing;

- xiii) replacing the definition of “single family dwelling” under Section 4.0 (Definitions) to read as follows:

“**single detached dwelling**” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

- xiv) replacing Section 7.11 (Accessory Dwellings) under Section 7.0 (General Regulations) with the following:

### **7.11 Accessory Dwellings**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than 70.0 m<sup>2</sup>, except for accessory dwellings located in the Commercial and Industrial zones.
- .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and
- .3 In the Commercial and Industrial zones, accessory dwellings shall:
  - i) be located at the rear of a building on the ground floor, or above the first storey; and
  - ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.

- xv) replacing Section 7.15 (Manufactured Homes) under Section 7.0 (General Regulations) with the following:

**7.15 Manufactured Homes**

*deleted.*

- xvi) replacing Section 10.1.1 under Section 10.1 (Resource Area Zone) with the following:

**10.1.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) agriculture, intensive, subject to Section 7.22 and 7.23;
- c) processing and retail sales of farm and off-farm products;
- d) animal hospital;
- e) campground;
- f) cemetery;
- g) forestry;
- h) golf course;
- i) government airport;
- j) guest ranch;
- k) guide camp;
- l) natural resource extraction;
- m) place of worship;
- n) public facilities;
- o) provincial reserve, community recreation services and open land recreation;
- p) Regional District sanitary landfill;
- q) single detached dwelling or mobile home;
- r) stable, subject to Section 7.22;

Accessory Uses:

- s) accessory dwelling or mobile home, subject to Section 7.11;
- t) bed and breakfast operations, subject to Section 7.19;

- u) docks, subject to Section 7.26;
- v) home industry, subject to Section 7.18;
- w) home occupation, subject to Section 7.17;
- x) kennel (commercial and hobby), subject to Section 7.22; and
- y) accessory buildings and structures, subject to Section 7.13.

xvii) replacing Section 10.1.5 under Section 10.1 (Resource Area Zone) with the following:

**10.1.5 Maximum Density:**

- a) 30 campground units per ha.

xviii) replacing Section 10.1.6 under Section 10.1 (Resource Area Zone) with the following:

**10.1.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 8.0 ha	0	1
8.0 ha to 11.9 ha	1	1
12.0 ha or greater	2	1

- b) one (1) secondary suite.

xix) replacing Section 10.1.7 under Section 10.1 (Resource Area Zone) with the following:

**10.1.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres

- b) Accessory Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 3.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres

xx) replacing Section 10.1.8 under Section 10.1 (Resource Area Zone) with the following:

**10.1.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and
- b) despite sub-section 10.1.8(a), no "farm building" shall exceed a height of 15.0 metres.

xxi) replacing Section 10.2.1 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) processing and retail sales of farm and off-farm products;
- c) animal hospital;
- d) guest ranch;
- e) natural resource extraction;
- f) single detached dwelling or mobile home;
- g) stable, subject to Section 7.22;
- h) winery;

Accessory Uses:

- i) accessory dwelling or mobile home, subject to Section 7.11;
- j) bed and breakfast operations, subject to Section 7.19;
- k) docks, subject to Section 7.26;
- l) home industry, subject to Section 7.18;
- m) home occupation, subject to Section 7.17;

- n) kennel (commercial and hobby), subject to Section 7.22;
- o) secondary suite, subject to Section 7.12; and
- p) accessory buildings and structures, subject to Section 7.13.

xxii) replacing Section 10.2.5 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.5 Maximum Density:**

- a) *deleted.*

xxiii) replacing Section 10.2.6 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 8.0 ha	0	1
8.0 ha to 11.9 ha	1	1
12.0 ha or greater	2	1

- b) one (1) secondary suite.

xxiv) replacing Section 10.2.7 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres

- ii) Rear parcel line 3.0 metres
- iii) Interior side parcel line 3.0 metres
- iv) Exterior side parcel line 4.5 metres

xxv) replacing Section 10.2.8 under Section 10.2 (Agriculture One Zone) with the following:

**10.2.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and
- b) despite sub-section 10.2.8(a), no “farm building” shall exceed a height of 15.0 metres.

xxvi) replacing Section 10.3.1 under Section 10.3 (Agriculture Three Zone) with the following:

**10.3.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) agriculture, intensive, subject to Section 7.22 and 7.23;
- c) processing and retail sales of farm and off-farm products;
- d) animal hospital;
- e) forestry;
- f) guest ranch;
- g) natural resource extraction;
- h) single detached dwelling or mobile home;
- i) stable, subject to Section 7.22;
- j) winery;

Accessory Uses:

- k) accessory dwelling or mobile home, subject to Section 7.11;
- l) bed and breakfast operation, subject to Section 7.19;
- m) docks, subject to Section 7.26;
- n) home industry, subject to Section 7.18;
- o) home occupation, subject to Section 7.17;

- p) kennel (commercial and hobby), subject to Section 7.22;
- q) secondary suite, subject to Section 7.12; and
- r) accessory buildings and structures, subject to Section 7.13.

xxvii) replacing Section 10.3.5 under Section 10.3 (Agriculture Three Zone) with the following:

**10.3.5 Maximum Density:**

- a) *deleted.*

xxviii) replacing Section 10.3.6 under Section 10.3 (Agriculture Three Zone) with the following:

**10.3.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) the number of principal dwellings and the number of accessory dwellings or mobile homes permitted per parcel shall be as follows:

Parcel Size	Maximum Number of Accessory Dwellings or Mobile Homes	Maximum Number of Principal Dwellings
Less than 8.0 ha	0	1
8.0 ha to 11.9 ha	1	1
12.0 ha or greater	2	1

- b) one (1) secondary suite.

xxix) replacing Section 10.3.7 under Section 10.3 (Agriculture Three Zone) with the following:

**10.3.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres

- ii) Rear parcel line 3.0 metres
- iii) Interior side parcel line 3.0 metres
- iv) Exterior side parcel line 4.5 metres

xxx) replacing Section 10.3.8 under Section 10.3 (Agriculture Three Zone) with the following:

**10.3.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and
- b) despite sub-section 10.3.8(a), no “farm building” shall exceed a height of 15.0 metres.

xxxi) replacing Section 10.4.1 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) agriculture, intensive, subject to Section 7.22 and 7.23;
- c) processing and retail sales of farm and off-farm products;
- d) animal hospital;
- e) care centre, major;
- f) cemetery;
- g) community hall;
- h) forestry;
- i) guest ranch;
- j) guide camp;
- k) natural resource extraction;
- l) place of worship;
- m) single detached dwelling or mobile home;
- n) stable, subject to Section 7.22;

Accessory Uses:

- o) bed and breakfast operation, subject to Section 7.19;

- p) home industry, subject to Section 7.18;
- q) home occupation, subject to Section 7.17;
- r) kennel (commercial and hobby), subject to Section 7.22;
- s) secondary suite, subject to Section 7.12; and
- t) accessory buildings and structures, subject to Section 7.13.

xxxii) replacing Section 10.4.5 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.5 Maximum Density:**

- a) *deleted.*

xxxiii) replacing Section 10.4.6 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit; and
- b) one (1) secondary suite.

xxxiv) replacing Section 10.4.7 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 3.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres

xxxv) replacing Section 10.4.8 under Section 10.4 (Large Holdings Zone) with the following:

**10.4.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and
- b) despite sub-section 10.4.8(a), no "farm building" shall exceed a height of 15.0 metres.

xxxvi) replacing Section 10.5.1 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) processing and retail sales of farm and off-farm products;
- c) animal hospital;
- d) community hall;
- e) forestry;
- f) place of worship;
- g) single detached dwelling;
- h) stable, subject to Section 7.22;

Accessory Uses:

- i) bed and breakfast operation, subject to Section 7.19;
- j) home industry, subject to Section 7.18;
- k) home occupation, subject to Section 7.17;
- l) kennel (commercial and hobby), subject to Section 7.22;
- m) secondary suite, subject to Section 7.12;
- n) docks, subject to Section 7.26; and
- o) accessory buildings and structures, subject to Section 7.13.

xxxvii) replacing Section 10.5.5 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.5 Maximum Density:**

- a) *deleted.*

xxxviii) replacing Section 10.5.6 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit; and
- b) one (1) secondary suite.

xxxix) replacing Section 10.5.7 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres

xl) replacing Section 10.5.8 under Section 10.5 (Small Holdings Two Zone) with the following:

**10.5.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and
- b) despite sub-section 10.5.8(a), no "farm building" shall exceed a height of 15.0 metres.

xli) adding a new Section 10.5.10 under Section 10.5 (Small Holdings Two Zone) to read as follows:

**10.5.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xlii) replacing Section 10.6.1 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) single detached dwelling;

Accessory Uses:

- c) bed and breakfast operation, subject to Section 7.19;
- d) home occupations, subject to Section 7.17; and
- e) accessory buildings and structures, subject to Section 7.13.

xliii) replacing Section 10.6.5 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.5 Maximum Density:**

- a) *deleted.*

xliv) replacing Section 10.6.6 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit.

xlvi) replacing Section 10.6.7 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres
  - ii) Rear parcel line 9.0 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory Buildings or Structures, subject to Section 7.22:
  - i) Front parcel line 9.0 metres

- ii) Rear parcel line 9.0 metres
- iii) Interior side parcel line 3.0 metres
- iv) Exterior side parcel line 4.5 metres

xlvi) replacing Section 10.6.8 under Section 10.6 (Small Holdings Three Zone) with the following:

**10.6.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and
- b) despite sub-section 10.5.8(a), no “farm building” shall exceed a height of 15.0 metres.

xlvii) adding a new Section 10.6.10 under Section 10.6 (Small Holdings Three Zone) to read as follows:

**10.6.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xlvi) replacing Section 10.7.1 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) single detached dwelling;

Accessory Uses:

- c) bed and breakfast operation, subject to Section 7.19;
- d) home occupation, subject to Section 7.17;
- e) docks, subject to Section 7.26; and
- f) accessory buildings and structures, subject to Section 7.13.

xlvi) replacing Section 10.7.5 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.5 Maximum Density:**

- a) *deleted.*

- l) replacing Section 10.7.6 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit.

- li) replacing Section 10.7.7 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:
- |                                |            |
|--------------------------------|------------|
| i) Front parcel line           | 9.0 metres |
| ii) Rear parcel line           | 9.0 metres |
| iii) Interior side parcel line | 3.0 metres |
| iv) Exterior side parcel line  | 4.5 metres |
- b) Accessory Buildings or Structures, subject to Section 7.22:
- |                                |            |
|--------------------------------|------------|
| i) Front parcel line           | 9.0 metres |
| ii) Rear parcel line           | 9.0 metres |
| iii) Interior side parcel line | 3.0 metres |
| iv) Exterior side parcel line  | 4.5 metres |

- lii) replacing Section 10.7.8 under Section 10.7 (Small Holdings Four Zone) with the following:

**10.7.8 Maximum Height:**

- a) No building or structure shall exceed a height of 8.0 metres; and  
b) despite sub-section 10.5.8(a), no "farm building" shall exceed a height of 15.0 metres.

- liii) adding a new Section 10.7.10 under Section 10.7 (Small Holdings Four Zone) to read as follows:

**10.7.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

- liv) replacing Section 10.8.1 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.1 Permitted Uses:**

Principal Uses:

- a) agriculture, subject to Section 7.22 and 7.23;
- b) open land recreation, on parcels greater than 2.0 ha in area;
- c) single detached dwelling;

Accessory Uses:

- d) bed and breakfast operation, subject to Section 7.19;
- e) home occupation, subject to Section 7.17;
- f) docks, subject to Section 7.26; and
- g) accessory buildings and structures, subject to Section 7.13.

- lv) replacing Section 10.8.3 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.3 Minimum Parcel Size:**

- a) 2,020 m<sup>2</sup>, subject to servicing requirements.

- lvi) replacing Section 10.8.5 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.5 Maximum Density:**

- a) *deleted.*

- lvii) replacing Section 10.8.6 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) principal dwelling unit.

- lviii) replacing Section 10.8.7 under Section 10.8 (Small Holdings Five Zone) with the following:

**10.8.7 Minimum Setbacks:**

- a) Buildings or Structures, subject to Section 7.22:

- i) Front parcel line 9.0 metres
    - ii) Rear parcel line 9.0 metres
    - iii) Interior side parcel line 3.0 metres
    - iv) Exterior side parcel line 4.5 metres
  - b) Accessory Buildings or Structures, subject to Section 7.22:
    - i) Front parcel line 9.0 metres
    - ii) Rear parcel line 9.0 metres
    - iii) Interior side parcel line 3.0 metres
    - iv) Exterior side parcel line 4.5 metres
  
- lix) replacing Section 10.8.8 under Section 10.8 (Small Holdings Five Zone) with the following:
  - 10.8.8 Maximum Height:**
    - a) No building or structure shall exceed a height of 8.0 metres; and
    - b) despite sub-section 10.5.8(a), no “farm building” shall exceed a height of 15.0 metres.
  
- lx) adding a new Section 10.8.10 under Section 10.8 (Small Holdings Five Zone) to read as follows:
  - 10.8.10 Minimum Building Width:**
    - a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.
  
- lxi) replacing Section 11.1.1 under Section 11.1 (Residential Single Family Zone) with the following:
  - 11.1.1 Permitted Uses:**
    - Principal Uses:
      - a) single detached dwelling;
    - Accessory Uses:
      - b) bed and breakfast operation, subject to Section 7.19;
      - c) home occupation, subject to Section 7.17;
      - d) docks, subject to Section 7.26; and

e) accessory buildings and structures, subject to Section 7.13.

lxii) replacing Section 11.1.5 under Section 11.1 (Residential Single Family Zone) with the following:

**11.1.5 Maximum Number of Dwellings Permitted Per Parcel:**

a) one (1) principal dwelling unit.

lxiii) adding a new Section 11.1.9 under Section 11.1 (Residential Single Family Zone) to read as follows:

**11.1.9 Minimum Building Width:**

a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

lxiv) replacing Section 11.2.1 under Section 11.2 (Residential Single Family Two Zone) with the following:

**11.2.1 Permitted Uses:**

Principal Uses:

a) single detached dwelling;

Accessory Uses:

b) bed and breakfast operation, subject to Section 7.19;

c) home occupation, subject to Section 7.17;

d) docks, subject to Section 7.26; and

e) accessory buildings and structures, subject to Section 7.13.

lxv) replacing Section 11.2.5 under Section 11.2 (Residential Single Family Two Zone) with the following:

**11.2.5 Maximum Number of Dwellings Permitted Per Parcel:**

a) one (1) principal dwelling unit.

lxvi) adding a new Section 11.2.9 under Section 11.2 (Residential Single Family Two Zone) to read as follows:

**11.2.9 Minimum Building Width:**

a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

lxvii) replacing Section 12.1.1 under Section 12.1 (Residential Multiple Family Zone) with the following:

**12.1.1 Permitted Uses:**

Principal Uses:

- a) congregate care housing;
- b) duplex or semi-detached dwellings;
- c) multiple family dwellings;
- d) rowhouse or townhouse dwellings;
- e) senior citizens housing;
- f) single detached dwelling;

Accessory Uses:

- g) home occupation, subject to Section 7.17;
- h) docks, subject to Section 7.26; and
- i) accessory buildings and structures, subject to Section 7.13.

lxviii) replacing Section 12.1.3(a)(i) under Section 12.1 (Residential Multiple Family Zone) with the following:

- i) 460 m<sup>2</sup> — single detached dwelling;

lxix) replacing Section 12.1.4(a) under Section 12.1 (Residential Multiple Family Zone) with the following:

- a) 13.5 metres — single detached dwelling with lane;

lxx) replacing Section 12.1.4(b) under Section 12.1 (Residential Multiple Family Zone) with the following:

- b) 15.0 metres — single detached dwelling without lane;

lxxi) adding a new Section 12.1.13 under Section 12.1 (Residential Multiple Family Zone) to read as follows:

**12.1.13 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

lxxii) replacing Section 12.2.1 under Section 12.2 (Integrated Housing Zone) with the following:

**12.2.1 Permitted Uses:**

Principal Uses:

- a) congregate care housing;
- b) multiple family dwellings;
- c) rowhouse or townhouse dwellings;
- d) senior citizens housing; and

Accessory Uses:

- e) accessory buildings and structures, subject to Section 7.13.

lxxiii) replacing Section 13.1.1 under Section 13.1 (Neighbourhood Commercial Zone) with the following:

**13.1.1 Permitted Uses:**

Principal Uses:

- a) retail sales, convenience;
- b) personal service establishment, not exceeding 223 m<sup>2</sup>;
- c) offices;
- d) farmers market;
- e) eating and drinking establishment;

Accessory Uses:

- f) service station, accessory to retail sales, convenience;
- g) one (1) accessory dwelling, subject to Section 7.11; and
- h) accessory buildings and structures, subject to Section 7.13.

lxxiv) replacing Section 13.1.5(a)(ii) under Section 13.1 (Neighbourhood Commercial Zone) with the following:

- ii) Front parcel line (service station) 7.5 metres

lxxv) replacing Section 13.1.6 under Section 13.1 (Neighbourhood Commercial Zone) with the following:

**13.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres; and
- b) No accessory building or structure shall exceed a height of 4.5 metres.

lxxvi) replacing Section 13.2.1 under Section 13.2 (Marina Commercial Zone) to read as follows:

**13.2.1 Permitted Uses:**

Principal Uses:

- a) marina;

Accessory Uses:

- b) one (1) accessory dwelling, subject to Section 7.11;
- c) home occupation, subject to Section 7.17; and
- d) accessory buildings and structures, subject to Section 7.13.

lxxvii) replacing Section 13.2.6 under Section 13.2 (Marina Commercial Zone) with the following:

**13.2.6 Maximum Height:**

- a) No building or structure shall exceed a height of 7.6 metres; and
- b) No accessory building or structure shall exceed a height of 4.5 metres.

lxxviii) replacing Section 13.3.1(h) under Section 13.3 (Tourist Commercial One Zone) to read as follows:

**13.3.1 Permitted Uses:**

Principal Uses:

- a) eating and drinking establishment;
- b) motel
- c) retail sales, convenience;
- d) service station;

Accessory Uses:

- e) home occupation, subject to Section 7.17;

- f) one (1) single detached dwelling, subject to Section 7.11; and
- g) accessory buildings and structures, subject to Section 7.13.

lxxix) replacing Section 13.3.7 under Section 13.3 (Tourist Commercial One Zone) with the following:

**13.3.7 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres; and
- c) despite Section 13.3.7(b), no single detached dwelling shall exceed a height of 10.0 metres.

lxxx) adding a new Section 13.3.10 under Section 13.3 (Tourist Commercial One Zone) to read as follows:

**13.3.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

lxxxi) replacing Section 13.4.1(e) under Section 13.4 (Tourist Commercial Two (Limited) Zone) to read as follows:

**13.4.1 Permitted Uses:**

Principal Uses:

- a) campground, on parcels greater than 1.0 ha in area and subject to the Regional District's Campsite Bylaw No. 713, 1982;
- b) eating and drinking establishment;
- c) motel;
- d) retail sales, convenience;

Accessory Uses:

- e) home occupation, subject to Section 7.17;
- f) one (1) single detached dwelling, subject to Section 7.11; and
- g) accessory buildings and structures, subject to Section 7.13.

lxxxii) replacing Section 13.4.3 under Section 13.3 (Tourist Commercial Two (Limited) Zone) with the following:

**13.4.3 Minimum Parcel Size:**

- a) 505 m<sup>2</sup>, subject to servicing requirements.

lxxxiii) replacing Section 13.4.7 under Section 13.4 (Tourist Commercial Two (Limited) Zone) with the following:

**13.4.7 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres; and
- c) despite Section 13.4.7(b), no single detached dwelling shall exceed a height of 10.0 metres.

lxxxiv) adding a new Section 13.4.10 under Section 13.4 (Tourist Commercial Two (Limited) Zone) to read as follows:

**13.4.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

lxxxv) replacing Section 13.5.1(e) under Section 13.5 (Tourist Commercial Three (Limited) Zone) to read as follows:

**13.5.1 Permitted Uses:**

Principal Uses:

- a) campground, on parcels greater than 1.0 ha in area and subject to the Regional District's Campsite Bylaw No. 713, 1982;
- b) eating and drinking establishment;
- c) motel;
- d) retail sales, convenience;
- e) service station;

Accessory Uses:

- f) home occupation, subject to Section 7.17;
- g) one (1) single detached dwelling, subject to Section 7.11; and
- h) accessory buildings and structures, subject to Section 7.13.

lxxxvi) replacing Section 13.5.7 under Section 13.5 (Tourist Commercial Three (Limited) Zone) with the following:

**13.5.7 Maximum Height:**

- a) No building or structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 5.0 metres; and
- c) despite Section 13.5.7(b), no single detached dwelling shall exceed a height of 10.0 metres.

lxxxvii) replacing Section 13.5.9(b) under Section 13.5 (Tourist Commercial Three (Limited) Zone) to read as follows:

- b) A single detached dwelling shall not have a floor area of less than 60.0 m<sup>2</sup>.

lxxxviii) adding a new Section 13.5.10 under Section 13.5 (Tourist Commercial Three (Limited) Zone) to read as follows:

**13.5.10 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

lxxxix) replacing Section 14.1.1 under Section 14.1 (Industrial (Light) One Zone) to read as follows:

**14.1.1 Permitted Uses:**

Principal Uses:

- a) natural resource extraction;
- b) gravel crushing operation;
- c) asphalt plant;

Accessory Uses:

- d) one (1) accessory dwelling, subject to Section 7.11; and
- e) accessory buildings and structures, subject to Section 7.13.

xc) replacing Section 14.1.5 under Section 14.1 (Industrial (Light) One Zone) with the following:

**14.1.5 Minimum Setbacks:**

- a) Buildings or Structures;
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 3.0 metres
  - iii) Interior side parcel line 4.5 metres
  - iv) Exterior side parcel line 4.5 metres
- b) despite Section 14.1.5(a), setbacks for “gravel crushing operations” and “asphalt plants” from an SH4, SH5, RS1, RS2, RM1 and RM2 zone shall be:
  - i) Front parcel line 50.0 metres
  - ii) Rear parcel line 50.0 metres
  - iii) Interior side parcel line 50.0 metres
  - iv) Exterior side parcel line 50.0 metres

xcj) replacing Section 14.1.6 under Section 14.1 (Industrial (Light) One Zone) with the following:

**14.1.6 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres or 25% of parcel depth, whichever is less.

xcii) adding a new Section 14.1.8 under Section 14.1 (Industrial (Light) One Zone) to read as follows:

**14.1.8 Minimum Building Width:**

- a) Principal Dwelling Unit: 5.0 metres, as originally designed and constructed.

xciii) replacing Section 15.1.1 under Section 15.1 (Administrative and Institutional Zone) to read as follows:

**15.1.1 Permitted Uses:**

Principal Uses:

- a) cemeteries;
- b) churches;
- c) community care or social care facilities;

- d) community halls;
- e) fire halls, police stations, ambulance service uses and similar emergency services;
- f) funeral homes;
- g) government buildings;
- h) hospitals;
- i) libraries, museums, art galleries;
- j) schools, colleges or other educational centres;
- k) multi-dwelling units for special needs and affordable housing;
- l) charitable, fraternal or philanthropic institutions;

Accessory Uses:

- m) accessory offices; and
- n) accessory buildings and structures, subject to Section 7.11.

xciv) replacing Section 15.2.1 under Section 15.2 (Parks and Recreation Zone) to read as follows:

**15.2.1 Permitted Uses:**

Principal Uses:

- a) cemeteries;
- b) open land recreation;
- c) parks;
- d) recreation services, outdoors;

Accessory Uses:

- a) one (1) accessory dwelling, subject to Section 7.11;
- b) amusement establishments, indoor;
- c) carnivals, circuses and fairs;
- d) community buildings and associated structures;
- e) interpretation centres;
- f) public moorage and marinas;
- g) recreation services, indoor;

h) accessory buildings and structures, subject to Section 7.13.

xcv) replacing Section 16.1.2(b)(xi) under Section 16.1 (Site Specific Resource Area (RAs) Provisions) with the following:

xi) single detached dwelling or mobile home;

xcvi) replacing Section 17.1.5(a) under Section 17.1 (Comprehensive Development One (North Beach Estates) Zone) with the following:

a) single detached dwelling or mobile home;

xcvii) replacing Section 17.1.8(b) under Section 17.1 (Comprehensive Development One (North Beach Estates) Zone) with the following:

b) one (1) single detached dwelling or mobile home per share lot.

#### Electoral Area "H"

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

i) deleting the definition of "pad" under Section 4.0 (Definitions).

ii) replacing the definition of "accessory dwelling" under Section 4.0 (Definitions) with the following:

**"accessory dwelling"** means a single detached dwelling or other detached dwelling which is permitted as an accessory use in conjunction with a principal use. The accessory dwelling is a complete living unit and indicates a private kitchen and bath;

iii) replacing the definition of "habitable area" under Section 4.0 (Definitions) with the following:

**"habitable area"** means, for the purpose of the flood construction level provisions of this Bylaw, any space or room within a building or structure, including a manufactured home or unit, which is used or is capable of being used for human occupancy or industrial, business or commercial use, or storage of goods, including equipment (and furnaces), which is susceptible to damage by floodwater;

iv) replacing the definition of "manufactured home" under Section 4.0 (Definitions) with the following:

**"manufactured home"** means a "mobile home" or "modular home" normally built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than that of its manufacture, but does not

include travel trailers, recreational vehicles, park model recreational vehicles or campers;

- v) adding the definition of “manufactured home space” under Section 4.0 (Definitions) to read as follows:

“**manufactured home space**” means an area of land for the installation of one manufactured home with permissible additions and situated within a manufactured home park;

- vi) adding the definition of “mobile home” under Section 4.0 (Definitions) to read as follows:

“**mobile home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association Z240 Mobile Home Series Standard;

- vii) adding the definition of “modular home” under Section 4.0 (Definitions) to read as follows:

“**modular home**” means a manufactured home which is certified as being constructed to the Canadian Standards Association A277 Standard;

- viii) replacing the definition of “single detached dwelling” under Section 4.0 (Definitions) to read as follows:

“**single detached dwelling**” means a detached building used for residential use of one family and consisting of one dwelling unit and a secondary suite if permitted in the applicable zone. May include a “modular home” but does not include a “mobile home”.

- ix) replacing Section 7.11 (Accessory Dwellings) under Section 7.0 (General Regulations) with the following:

### **7.11 Accessory Dwellings**

The following regulations apply to accessory dwellings where permitted as a use in this Bylaw:

- .1 No accessory dwellings shall have a floor area greater than 70.0 m<sup>2</sup>, except for:
  - i) one (1) accessory dwelling unit which may have a floor area not greater than 140.0 m<sup>2</sup>; and
  - ii) accessory dwellings located in the Commercial and Industrial zones.

- .2 Accessory dwellings shall not exceed one storey and a maximum height of 5.0 metres, except for accessory dwellings located in the Commercial and Industrial zones; and
- .3 In the Commercial and Industrial zones, accessory dwellings shall:
  - i) be located at the rear of a building on the ground floor, or above the first storey; and
  - ii) have separate entrances from the exterior of the building and shall not share a common hallway with commercial or industrial uses.
  
- x) replacing Section 11.1.1(f) under Section 11.1 (Resource Area Zone) with the following:
  - f) single detached dwelling, or mobile home, or recreational vehicle;
  
- xi) replacing Section 11.3.1(i) under Section 11.3 (Agriculture Three Zone) with the following:
  - i) single detached dwelling or mobile home;
  
- xii) replacing Section 11.4.1(e) under Section 11.4 (Large Holdings One Zone) with the following:
  - e) single detached dwelling, or mobile home, or recreational vehicle;
  
- xiii) replacing Section 11.4.1(f) under Section 11.4 (Large Holdings One Zone) with the following:
  - f) accessory dwelling or mobile home, subject to Section 7.09;
  
- xiv) replacing Section 11.5.1(d) under Section 11.5 (Large Holdings Two Zone) with the following:
  - d) single detached dwelling, or mobile home, or recreational vehicle;
  
- xv) replacing Section 11.6.1(c) under Section 11.6 (Small Holdings Two Zone) with the following:
  - c) single detached dwelling, or mobile home, or recreational vehicle;
  
- xvi) replacing Section 11.7.1(b) under Section 11.7 (Small Holdings Three Zone) with the following:
  - b) single detached dwelling, or mobile home, or recreational vehicle;

xvii) replacing Section 11.8.1(b) under Section 11.8 (Small Holdings Four Zone) with the following:

b) single detached dwelling, or mobile home, or recreational vehicle;

xviii) replacing Section 12.1.1(a) under Section 12.1 (Residential Single Family One Zone) with the following:

a) single detached dwelling or mobile home;

READ A FIRST AND SECOND TIME this 4<sup>th</sup> day of August, 2016.

PUBLIC HEARING HELD this 1<sup>st</sup> day of September, 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 Modular and Mobile Home Amendment Bylaw No. 2743, 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

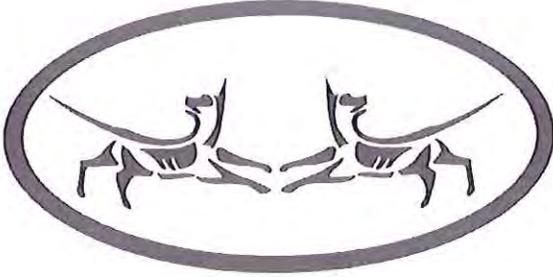
**From:** Referral Apps REG8 FLNR:EX [mailto:ReferralAppsREG8@gov.bc.ca]  
**Sent:** June 24, 2016 12:54 PM  
**To:** Lauri Feindell  
**Subject:** RE: Bylaw Referral X2016.057-ZONE - bylaw 2743

Hi Lauri,

The Ecosystems Section of the Ministry of Forest Lands and Natural Resources has reviewed the above mentioned referral and will not be commenting.

Cathy Lacey  
Admin Support  
MOE/MFLNRO Penticton





# 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

June-23-16

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

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

**Referral ID:** 2016-06-20 ZON 1770

**RTS #:** 1770

**Date:** June-20-16

**Reference #:** BL2743 X2016.057-Zone

**Summary:** amendment to the Electoral Area A-Osoyoos Rural; C-Oliver Rural, D-OK Falls, Kaleden, Apex; E-Naramata; F-Westbench; H-Eastgate, Tulameen, Coalmont, Alison Lake, Missezula Lake.

**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 Technician)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
<b>Total</b>	<b>\$ 500.00</b>	<b>\$ 0.00</b>	<b>\$ 500.00</b>

<sup>1</sup>The 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 #1770

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.

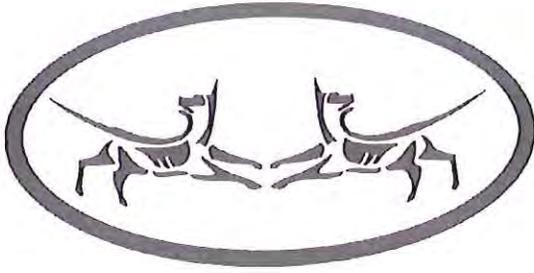
Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlæmt,

Lavonda Nelson  
Data Management Clerk

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



## 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

June-23-16

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

**Referral ID:** 2016-06-20 ZON 1770

**RTS #:** 1770

**Date:** June-20-16

**Reference #:** BL2743 X2016.057-Zone

**Summary:** amendment to the Electoral Area A-Osoyoos Rural; C-Oliver Rural, D-OK Falls, Kaleden, Apex; E-Naramata; F-Westbench; H-Eastgate, Tulameen, Coalmont, Alison Lake, Missezula Lake.

**Attention: Christopher Garrish**

**RE: Request for a 60 (sixty) day extension**

Thank you for the above application that was received on June-23-16. 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.

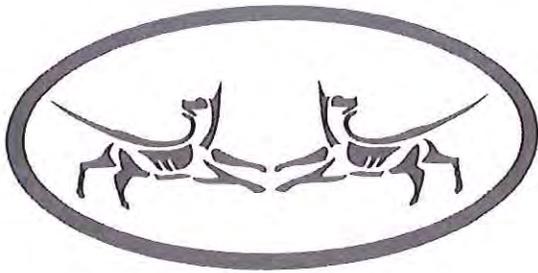
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlɛmt,

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

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

July-28-16

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

**Referral ID:** 2016-06-20 ZON 1770

**RTS #:** 1770

**Date:** June-20-16

**Reference #:** BL2743 X2016.057-Zone

**Summary:** amendment to the Electoral Area A-Osoyoos Rural; C-Oliver Rural, D-OK Falls, Kaleden, Apex; E-Naramata; F-Westbench; H-Eastgate, Tulameen, Coalmont, Alison Lake, Missezula Lake.

**Attention: Christopher Garrish**

**Re: RTS Invoice #500**

We write regarding your failure to pay invoice #500 to conduct a review to obtain additional information in the area of the above referral. To date, no payment has been received and we have therefore been unable to conduct a review of this referral; we must therefore put you on notice that we do not consent, agree or otherwise approve of the activity / development referred to by you in your letter to us dated June-20-16.

**Please make cheque payable to Penticton Indian Band. re: P.C. 132 RTS #1770**

The Okanagan Nation holds unextinguished aboriginal title to the land and resources within our traditional territory. The above-noted activity / development is within PIB's Area of Responsibility within Okanagan territory and as such, is subject to Okanagan title, jurisdiction, rights and interests, and PIB decision making and responsibility.

Over the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of aboriginal people in British Columbia, which includes the Penticton Indian Band, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the *Constitution Act, 1982*.

Most recently, in June 2014, the Supreme Court of Canada in the *Tsilhqot'in* case set out the following characteristics and implications of Aboriginal title:

- ◆ Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.



- ◆ The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in Aboriginal title lands and resources; the beneficial interest is held by the Aboriginal title holding group. Allocations of Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.
- ◆ Aboriginal title includes the right to proactively use and manage the resources.
- ◆ Once Aboriginal title is "established", the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown's fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- ◆ Before Aboriginal title is "established", the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co-existence or accommodation of our jurisdiction and title. The Province continues to act as though we have no beneficial interest or authority, and it takes for itself the revenues derived from our lands and resources. The payment of the referral fee is necessary in order for us to assess your proposal, assess potential impacts and determine whether it should be approved and if so, on what conditions. Because we are unable to undertake such an assessment, we must at this time advise you that we are opposed to your proposed development/activity.

If you require further information or clarification, please do not hesitate to contact me.

limləmt,

Lavonda Nelson  
Data Management Clerk

cc:

## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2743

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

Signature: John C. Beaupré

Agency: Interior Health

Date: July 22, 2016

Signed By: John C. Beaupré

Title: EHO





Your File #: X2016.057-  
ZONE

eDAS File #: 2016-03184

Date: June 22, 2016

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

Attention: Lauri Feindell

Re: **Proposed Bylaw 2743 for:**  
**RDOS - Electoral Area's "A", "C", "D", "E", "F", and "H"**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

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

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 490-8200 Fax: (250) 490-2231



**Lauri Feindell**

MANUFACTURED HOMES  
X2016.057-ZONE

**From:** Carly Rimell <crimell@rdkb.com>  
**Sent:** August 9, 2016 8:20 AM  
**To:** Planning  
**Subject:** RE: Bylaw No 2743, 2016 Project No. X2016.057-ZONE  
**Attachments:** 2016-08-09-RDKBResponse.pdf

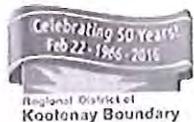
Bylaw No 2743, 2016  
Project No. X2016.057-ZONE

Good Morning,

Attached is the RDKB's response form for the bylaw noted above. It indicates our interests are unaffected by the bylaw. My apologies for missing the response date deadline of July 20.

Regards,

**Carly Rimell | Planner**  
Regional District of Kootenay Boundary  
Direct: 250.368.0252 | Cell: 250.368.7647 | 1.800.355.7352  
[crimell@rdkb.com](mailto:crimell@rdkb.com)  
[www.rdkb.com](http://www.rdkb.com)



8

**MINUTES**  
**Electoral Area F Advisory Planning Commission**  
**Meeting of Thursday June 9 2016**  
**RDOS 101 Martin Street, Penticton**

**Present**

**Members:**

Sandy Berry

Bob Nicholson

Stewart Patterson, Secretary

Don Barron

**Absent:**

Natalie Minunzie, Chair

Hillary Ward ,Vice-Chair

**Staff:**

Chris Garrish, RDOS Planning Supervisor

**Also Present:**

Michael Brydon, RDOS Director Area F

**1. CALL TO ORDER:**

The meeting was called to order at 7:00p.m.

**ADOPTION OF AGENDA**

**MOTION**

It was Moved and Seconded that the Agenda be adopted.

**CARRIED**

**2. APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION**

It was Moved and Seconded by the APC that the Minutes of Thursday May 6 2016 be approved.

**CARRIED**

**3. DEVELOPMENT APPLICATIONS**

**3.1 Development Variance Permit Application -Smith, Darick (Agent)**

**F07395.005 / Project # F2016.039-DVP**

**Legal: Lot 2, Plan KAP26033, DL 5076, SDYD, Except Plan KAP51065**

Delegates: Paddy & Sharon Mullaney (not present); Smith, Darick (Agent) (present)

**Discussion**

**MOTION**

It was Moved and Seconded that the APC recommends to the RDOS Board that the subject Development Application be approved.

**CARRIED (UNANIMOUSLY)**

there is equipment on site. There is a well in place and they would need to put in a septic system.

Motion: by Gerry Hesketh, seconded by Bonnie Douglas

That the APC recommends to the RDOS Board that the proposed temporary use be approved.

Vote: All in favor

### Other

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#### **4.1 X2016.057-ZONE**

Evelyn Riechert discussed The Zoning Bylaws in regards to Modular and Mobile Homes. There was discussion about the difference between modular and mobile homes, and about wording of current by-law.

#### **Summary of Questions 1-5 and APC recommendations:**

#1 Modular Homes to be permitted as a form of "single detached dwelling" in all zones.

Vote: All in favor

#2 Modular homes to be permitted as an allowable form of accessory dwelling in all zones.

Vote: All in favor

#3 Mobile homes be permitted as an allowable form of principal dwelling unit in the RA, LH and AG zones.

Vote: 4 in favor, 1 abstained

#4 Mobile homes be permitted as an allowable form of accessory dwelling in the RA, LH, and AG zones.

Vote: All in favor

#5 Should consistent building width requirement for principal dwelling units be introduced in SH and RS Zones?

There was discussion on this question, is this being targeted on single wide mobile homes?

Vote: 4 no, 1 yes

More discussion, all in favor of the building width requirement for RS Zone but not for the SH size. The APC felt there was too much discrepancy in the size of Small Holdings.

Motion to adjourn by Peter Beckett at 8:11 pm. <sup>5</sup>

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July 11, APC AREA 'A' MINUTES

#### 4. REFERRALS

##### 4.1 C2016.059-CROWN - Integrated Land Management Bureau Referral Application; Crown Land Referral – Trails and Recreation Facilities Tenure

There was incomplete information presented in the referral documents to the APC by FLNRO Ministry staff on this matter and they had not provided answers to the RDOS planning staff request for additional information prior to this meeting. The APC responded to the limited information they had received for the meeting.

Discussion: APC members raised a number of concerns regarding this application for motorized recreation track on Oliver Mountain:

- Potential noise impacts to neighbours and beyond
- Impacts to species at risk including Lewis Woodpecker and Antelope-brush
- Motorized vehicles will not stay within designated area due to lack of fencing
- It needs to be shown how this use would be compliant with the Okanagan Shuswap LRMP direction on uses of this particular Crown Land which we understand was to be reserved for a protected area
- No provisions for monitoring usage
- Motorized and non-motorized users groups sharing same area is not compatible
- APC would like to see defined guidelines or protocol for motorized use, that could be used as assessment tool (i.e. staying within designated area, noise restrictions, use of spark arrestors and the concerns noted here) to determine whether used should continue after 5 year trial
- After 5 years the tenure should expire automatically and a new application be made for this use on these lands. It should not be an automatic renewal. Review of any new application will be made conditional upon the compliance of the motorized users with the terms of the use guidelines in the previous period.
- If guidelines/protocols are not followed, prior to end of 5 year trial, motorized use of the recreation area should be removed and the tenure cancelled for the motorized use of these lands.

#### 5. Other

##### 5.1 X2016.057-ZONE Review of Zoning Bylaw Regulations – Modular and Mobile Homes

A discussion was held about the definitions of modular and mobile homes and the social stigma which appears to be held for variations of these types of home construction. Members felt modular homes were equal to a single family dwelling. Mobile homes give people on low incomes (i.e. seniors, youth, young farmers, etc.) an opportunity to have their own home.

A member of the public questioned why a registered double wide mobile home could not be moved to another property. She stated that the current RDOS definitions of a mobile home capture these types of structure which, in essence, are modular homes when established on a property yet exclude them on certain sized zonings.

In the absence of clear recommendations for the Area 'C' APC to address, the members present chose to address the summary conditions which were presented in the information package. These indicate where the two types of manufactured homes might be initially be accepted within the various zoning categories.

Generally, the members felt that on the larger size properties that either type of manufactured home would be acceptable. The smaller sized properties in the zonings of SH and RS will need to be further addressed to provide a process for allowing mobile homes under certain conditions, possibly parcel size. Additional work will be needed to provide for the conditions under which they might be acceptable to provide for administrative fairness.

The APC's response follows the questions regarding the proposed changes to the Electoral Area Zoning Bylaws:

*.1 should modular homes be permitted as a form of "single detached dwelling" in all zones;*  
YES

*.2 should modular homes be permitted as an allowable form of "accessory dwelling" in all zones;* YES

*.3 should mobile homes be permitted as an allowable form of principal dwelling unit in the RA, LH and AG zones;* YES

*.4 should mobile homes be permitted as an allowable form of "accessory dwelling" in the RA, LH and AG zones;* YES and

*.5 should consistent building width requirement for principal dwelling units be introduced in SH and RS Zones?* APC is in favour of consistent building width requirements, so that all areas in the RDOS are consistent. However, as stated above, additional consideration should be given regarding allowing manufactured/mobile homes on other zoning with smaller parcel sizes like SH and RS.

**CARRIED**

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## **6. ADJOURNMENT**

### **6.1 MOTION**

It was Moved and Seconded that the meeting be adjourned at 8:42 pm.

**CARRIED UNANIMOUSLY**

3.1 Referral Application: D01432.695 / D2016.025-CROWN

Delegate: McGinn, Tyler not present.

Discussion.

**MOTION**

It was Moved and Seconded that the Regional District recommends to FrontCounter BC that the application for Specific Permission Tenure for Private Moorage fronting on Lot A, Plan EPP51239, District Lot 105s, SDYD, be refused due to the reasons outlined below:

- Negative environmental impact
- Public safety concerns
- precedent setting regarding proliferation of docks
- RDOS Board to direct staff to draft bylaws extending zoning 50 meters into the lake

**CARRIED (UNANIMOUSLY)**

4. APPROVAL OF PREVIOUS MEETING MINUTES

**MOTION**

It was Moved and Seconded by the APC that the Minutes of May 10, 2016 be approved.

**CARRIED (UNANIMOUSLY)**

5. OTHER

5.1 X2016.057-ZONE – Review of Zoning Bylaw Regulations – Modular and Mobile Homes

Discussion.

**MOTION**

It was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the subject development application be approved as follows:

1. Should modular homes be permitted as a form of “single detached dwelling” in all zones – **CARRIED**
2. Should modular homes be permitted as an allowable form of “accessory dwelling” in all zones – **CARRIED (UNANIMOUSLY)**
3. Should mobile homes be permitted as an allowable form of principal dwelling unit in the RA, LH and AG zones – **CARRIED**
4. Should mobile homes be permitted as an allowable form of “accessory dwelling” in the RA, LH and AG zones – **CARRIED (UNANIMOUSLY)**

JUNE 14, APC MINUTES - AREA D'

Roundtable discussion held in regards to the application. Concerns heard about the parking, vehicle accessibility and the role of the Ministry of Transportation.

### 3. DEVELOPMENT APPLICATIONS

- 3.1 E02140.000 (E2016.063-ZONE) - Zoning Bylaw Amendment Application Administrative Report written by Christopher Garrish, Planning Supervisor & presented in his absence by Donna Butler (Development Services Manager, RDOS).

No Motion was made due to unmaintained Quorum, but Karla Kozakevich (Area 'E' Director) & Donna Butler (Development Services Manager, RDOS) gained insight into matters regarding the application.

Heather Fleck, APC member, rejoined commission as active participant at 8:18 p.m. restoring Quorum for remaining matters.

Departure of all public guests at 8:19 p.m., except Justin Skidmore & Heidi Noble who left at 8:30 p.m.

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### 4. OTHER

#### 4.1 X2016.057-ZONE

Review of Zoning Bylaw Regulations - Modular and Mobile Homes Administrative Report submitted by Christopher Garrish, Planning Supervisor

Delegate: Christopher Garrish (Planning Supervisor) not present. Donna Butler (Development Services Manager, RDOS) present.

Donna Butler (Development Services Manager, RDOS) presented details of the review. Discussed definitions, current bylaws and zoning for mobile vs. modular (manufactured) homes.

The APC then considered the following questions before making their recommendation to the Board regarding the proposed changes to the Electoral Area Zoning Bylaws:

**4.1.1 *Should modular homes be permitted as a form of "single detached dwelling" in all zones?***

Yes, subject to same limitations as in any normal home dwelling.

**4.1.2 *Should modular homes be permitted as an allowable form of "accessory dwelling" in all zones?***

Yes, subject to same limitations as in any normal home dwelling.

**4.1.3 *Should mobile homes be permitted as an allowable form of principal dwelling unit in the RA, LH and AG zones?***

JULY 11, APC AREA 'E' MINUTES ↘

Yes, in RA & LH zones and only in AG zones on lot sizes of greater than 5 acres.

**4.1.4 *Should mobile homes be permitted as an allowable form of "accessory dwelling" in the RA, LH and AG zones?***

Yes, but only for the RA & LH zones and only on AG zones greater than 10 acres.

**4.1.5 *Should consistent building width requirement for principal dwelling units be introduced in SH and RS Zones?***

Yes, but with no mobile homes in SH & RS zones and modular homes permitted only for greater than a 5 metre width.

**MOTION**

It was Moved and Seconded in favour of Option 2. THAT the APC recommends to the RDOS Board of Directors that the proposed textual amendments addressing the placement of modular and mobile homes be approved with the following conditions:

- i) THAT modular homes be permitted as single detached dwellings in all zones, subject to the same limitations as any 'normal' homes.
- ii) THAT modular homes be permitted as accessory dwellings in all zones, subject to the same limitations as any 'normal' homes.
- iii) THAT mobile homes be permitted as an allowable principal dwelling unit in RA & LH, but in AG zones only on lot sizes of greater than 5 acres.
- iv) THAT mobile homes be permitted as an allowable form of accessory dwelling in the RA & LH zones and only on AG zones with lot sizes greater than 10 acres.
- v) THAT consistent building width requirements for principal dwelling units be introduced for RS and SH zones but no mobile homes to be permitted and modular homes only with a greater than 5 metre width.

**CARRIED (UNANIMOUSLY)**

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**5. APPROVAL OF PREVIOUS MEETING MINUTES**

**MOTION**

It was Moved and Seconded by the APC that the Minutes of May 9th, 2016 be approved.

**CARRIED (UNANIMOUSLY)**

**6. ADJOURNMENT**

**Rationale:** We addressed our concerns about the applicant proceeding to replace an existing horse barn without a permit.

We were also concerned that the applicant would have been denied a permit to replace the existing barn, that was in poor repair, under the current bylaws, which seemed completely unfair as he is buying it with the intent of keeping horses on the property as had previous owners.

The APC feels that this is a good example why our community plan and bylaws need to be reviewed and updated more often, so as to actually reflect the situation in the community – a new demographic of owners, making different uses on smaller parcels than was the historic norm.

---

#### 4. OTHER 5.1 X2016.057-ZONE

**Review of Zoning Bylaw Regulations – Modular and Mobile Homes Administrative**  
Administrative Report submitted by Christopher Garrish, Planning Supervisor

##### **Discussion**

##### **MOTION**

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved, with specific reference to the following questions:

1. Should modular homes be permitted as a form of "single detached dwelling" in all zones? **YES**
2. Should modular homes be permitted as an allowable form of "accessory dwelling" in all zones? **YES**
3. Should mobile homes be permitted as an allowable form of principal dwelling unit in the RA, LH and AG zones? **NO**
4. Should mobile homes be permitted as an allowable form of "accessory dwelling" in the RA, LH and AG zones? **YES**
5. Should consistent building width requirement for principal dwelling units be introduced in SH and RS Zones? **YES**

**CARRIED (UNANIMOUSLY)**

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#### 5. ADJOURNMENT

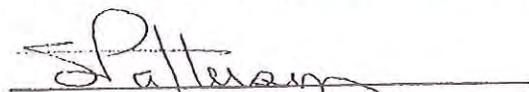
##### **MOTION**

It was Moved and Seconded that the meeting be adjourned at 8:50pm.

**CARRIED**

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For Advisory Planning Commission Chair



Advisory Planning Commission Recording Secretary

JUNE 9, APC AREA "F" MINUTES

AREA 'H' APC

JUNE 14, NO QUORUM

## ADMINISTRATIVE REPORT

TO: Board of Directors  
FROM: B. Newell, Chief Administrative Officer  
DATE: September 1, 2016  
RE: Zoning Bylaw Amendment – Electoral Area “A”



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### Administrative Recommendation:

THAT Bylaw No. 2451.21, 2016, Electoral Area “A” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of the public hearing be delegated to Chair Pendergraft or delegate;

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

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

---

Purpose: To allow for a boundary adjustment between two parcels.

Owner: Luis DeMelo                      Agent: Brad Elenko (McElhanney Ltd.)                      Folio: A-06047.010

Legal: Lot B Plan KAP72608 DL 2450S SDYD                      Civic: N/A

Zoning: Agriculture One (AG1)      Proposed Zoning: Agriculture One Site Specific (AG1s)

---

### Proposal:

This proposal is seeking to amend the current zoning on part of the subject property in order to allow for a boundary adjustment.

Specifically, it is being proposed to consolidate an approximately 3.89 hectare (ha) section of the subject property situated on the west side of 104<sup>th</sup> Avenue with an adjacent parcel in order to create a new 7.89 ha property. This will result in an approximately 2.0 ha remainder parcel on the east side of 104<sup>th</sup> Avenue.

As the 2.0 ha remainder parcel will not meet the 4.0 ha minimum parcel size requirement for subdivision in the AG1 Zone, the applicant is requesting a site specific provision that would allow for the creation of a 2.0 ha parcel at this location.

The applicant has indicated, amongst other things, that “as this parcel is surrounded on three sides by residential development, some residents in the neighbourhood have not respect[ed] the requirements of a farm operation, and have caused problems for the present farm owner. The proposed rezoning to allow a separate parcel to be created [and] will allow the farm to be sold to another farmer who may [conduct] alternate types of agriculture that may result in less resistance from the surrounding neighbourhood and may result in a less adversarial relationship between the farmer and the surrounding residents.”

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**Site Context:**

The subject property is approximately 5.89 ha in area and is bisected by 104<sup>th</sup> Avenue, with approximately 3.89 ha of land situated on the west side of 10<sup>th</sup> Avenue and 2.0 ha situated on the east side.

It is understood that the subject property is generally undeveloped and is currently utilised for agricultural production. Surrounding land use patterns within are primarily low density residential while agricultural operations occur further to the west.

**Background:**

Under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2450, 2008, the subject property is designated as Agriculture (AG) and is also shown as being comprised within the "Agricultural Protection Area".

Under the Electoral Area "A" Zoning Bylaw No. 2453, 2008, the subject property has been zoned Agriculture One (AG1), which stipulates a minimum parcel size for subdivision of 4.0 ha. While a number of exemptions from rezoning exist within the Zoning Bylaw for boundary adjustments, because this proposal would result in a parcel that currently meets the 4.0 ha minimum becoming sub-minimal (i.e. less than 4.0 ha), a rezoning is required.

The subject area has been assessed as "farm" by BC Assessment, and is within the Osoyoos Rural Water System & North-West Osoyoos Sanitary System service areas operated by the Town of Osoyoos, and is within the Town of Osoyoos fire department fire district area and has a 'Moderate' fire hazard rating.

In 2015, a proposal to exclude that part of the property on the west side of 104<sup>th</sup> Avenue was refused by the ALC. The Commission advised, however, that they would be willing to "allow the subdivision of the 2.7 ha portion of Lot B lying south of 104<sup>th</sup> Avenue subject to the consolidation of the remainder lying north of 104<sup>th</sup> Avenue with the adjoining property to the north." The current proposal is seeking to act upon this direction provided by the Commission.

**Referrals:**

At its meeting of August 11, 2016, the Electoral Area "A" Advisory Planning Commission (APC) failed make a recommendation to the RDOS Board (NOTE: a motion to support the rezoning proposal failed on a tie vote and no other motion was put forward).

A Public Information Meeting was held ahead of the APC meeting on August 11, 2016, and was attended by approximately 30 members of the public. A number of objections were raised at the meeting including the intent of the rezoning, the potential for future exclusion and subdivision applications and potential loss of farmland to residential development. Written representations received as a result of this meeting are included as a separate item on the Board Agenda.

Referral comments on this proposal have been received from the Agricultural Land Commission (ALC), Ministry of Agriculture, Ministry of Forests, Lands and Natural Resource Operations (Archaeology Branch) and these are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption as the proposal is situated within 800 metres of a controlled area (i.e. Highway 97).

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## Analysis:

Staff do not generally support the creation of ad hoc or spot zonings where they are divorced from broader strategic land use objectives. In such instances, spot zonings grant privileges to a single parcel which are not granted or extended to other parcels in the vicinity.

In this instance, however, Administration recognises that it has previously supported proposals in other Electoral Areas seeking to undertake the subdivision of agricultural parcels along a road alignment (generally to separate agricultural from non-agricultural lands).

Importantly, no additional parcels will be created as a result of this rezoning, which is consistent with the OCP policies of only supporting subdivisions within the ALR where they will either result in a more efficient use of agricultural land, which includes the consolidation of parcels.

In addition, the ALC has previously indicated its support for this proposal on the basis that it will create a larger agricultural parcel (i.e. 7.89 ha) on the west side of 104<sup>th</sup> Avenue and will allow the current owner to sell the remainder to someone else.

For these reasons, Administration is generally supportive of the proposal, despite the creation of a 2.0 ha parcel on the east side of 104<sup>th</sup> Avenue that would normally be considered a rural-residential (i.e. Small Holdings) type of lot.

## Public Hearing:

Further to the Administrative Report considered by the Planning and Development (P&D) Committee at its meeting of January 21, 2016, this particular application has been processed as part of the "Lean Kaizen" trial regarding the scheduling of public hearings.

As the Board is aware, under this trial process community attendance at a Public Information Meeting is to be used to determine whether a public hearing could be waived, held at a Board meeting or delegated to a Director for scheduling in the affected community.

In this instance, given the level of attendance at the August 11<sup>th</sup> Public Information Meeting, Administration is recommending that the Public Hearing be delegated to Chair Pendergraft for scheduling in Osoyoos.

## Alternatives:

- .1 THAT Bylaw No. 2451.21, 2016, Electoral Area "A" 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 2451.21, 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 2451.21, 2016.

OR

- .2 THAT Bylaw No. 2451.21, 2016, Electoral Area "A" Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of October 6, 2016;

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

OR

.3 THAT Bylaw No. 2451.21, 2016, Electoral Area "A" Zoning Amendment Bylaw be denied.

**Respectfully submitted:**



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C. Garrish, Planning Supervisor

**Endorsed by:**

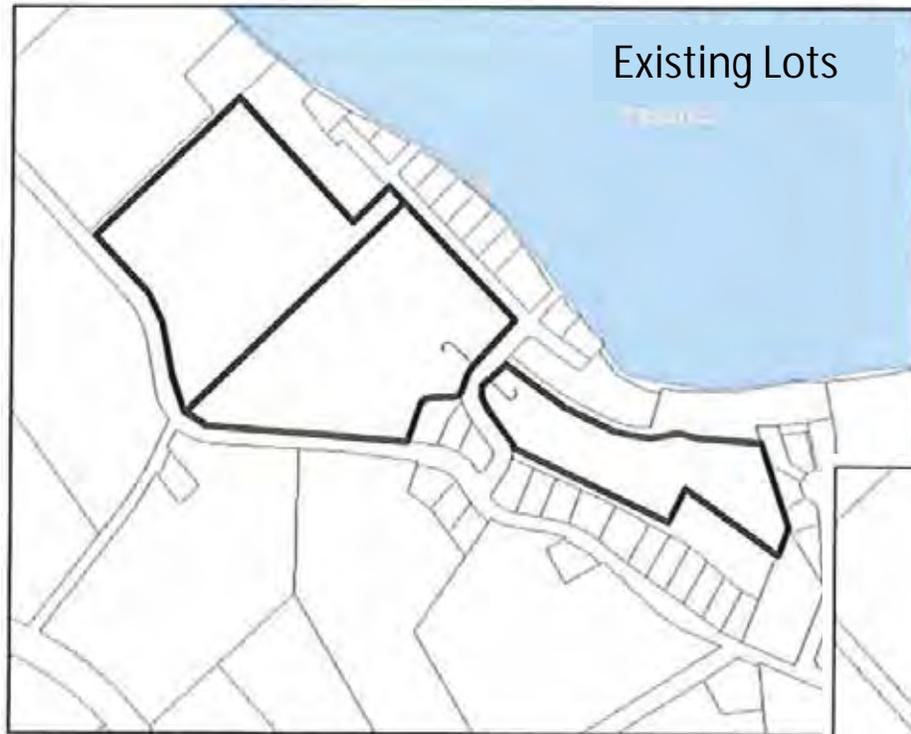
*Donna Butler*

---

D. Butler, Development Services Manager

Attachments: No. 1 – Applicant's Site Plans

Attachment No. 1 – Applicant's Site Plans



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2451.21, 2016**

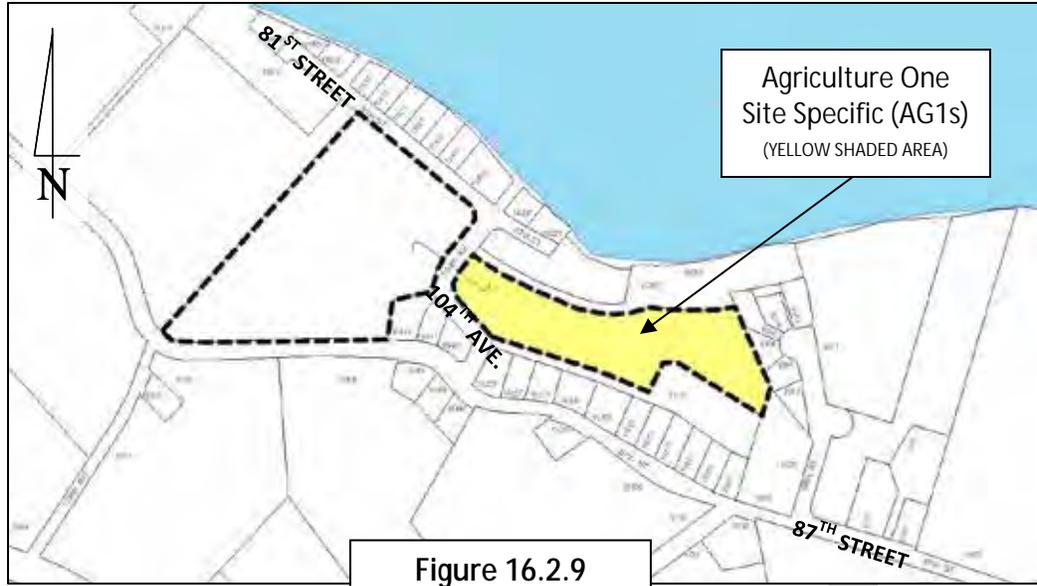
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**A Bylaw to amend the Electoral Area "A" Zoning Bylaw No. 2451, 2008**

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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 "A" Zoning Amendment Bylaw No. 2451.21, 2016."
2. The Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation on an approximately 2.0 hectare part of the land described as Lot B, Plan KAP72608, District Lot 2450S, SDYD, and shown shaded yellow on Schedule 'Y-1', which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
3. The Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by:
  - i) adding a new section following 16.2.9 under Section 16.0 (Site Specific Designations) to read as follows:
    - .10 in the case of land described as Lot B, Plan KAP72608, District Lot 2450S, SDYD, and shown shaded yellow on Figure 16.2.10:
      - a) despite Section 10.2.3(a), the minimum parcel size shall be 2.0 ha.



READ A FIRST AND SECOND TIME this \_\_\_ day of \_\_\_\_\_, 2016.

PUBLIC HEARING held on this \_\_\_ day of \_\_\_\_\_, 2016.

READ A THIRD TIME this \_\_\_ day of \_\_\_\_\_, 2016.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "A" Zoning Amendment Bylaw No. 2451.21, 2016" as read a Third time by the Regional Board on this \_\_\_ day of \_\_\_, 2016.

Dated at Penticton, BC this \_\_\_ day of \_\_\_, 2016.

\_\_\_\_\_  
Chief Administrative Officer

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

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# Regional District of Okanagan-Similkameen

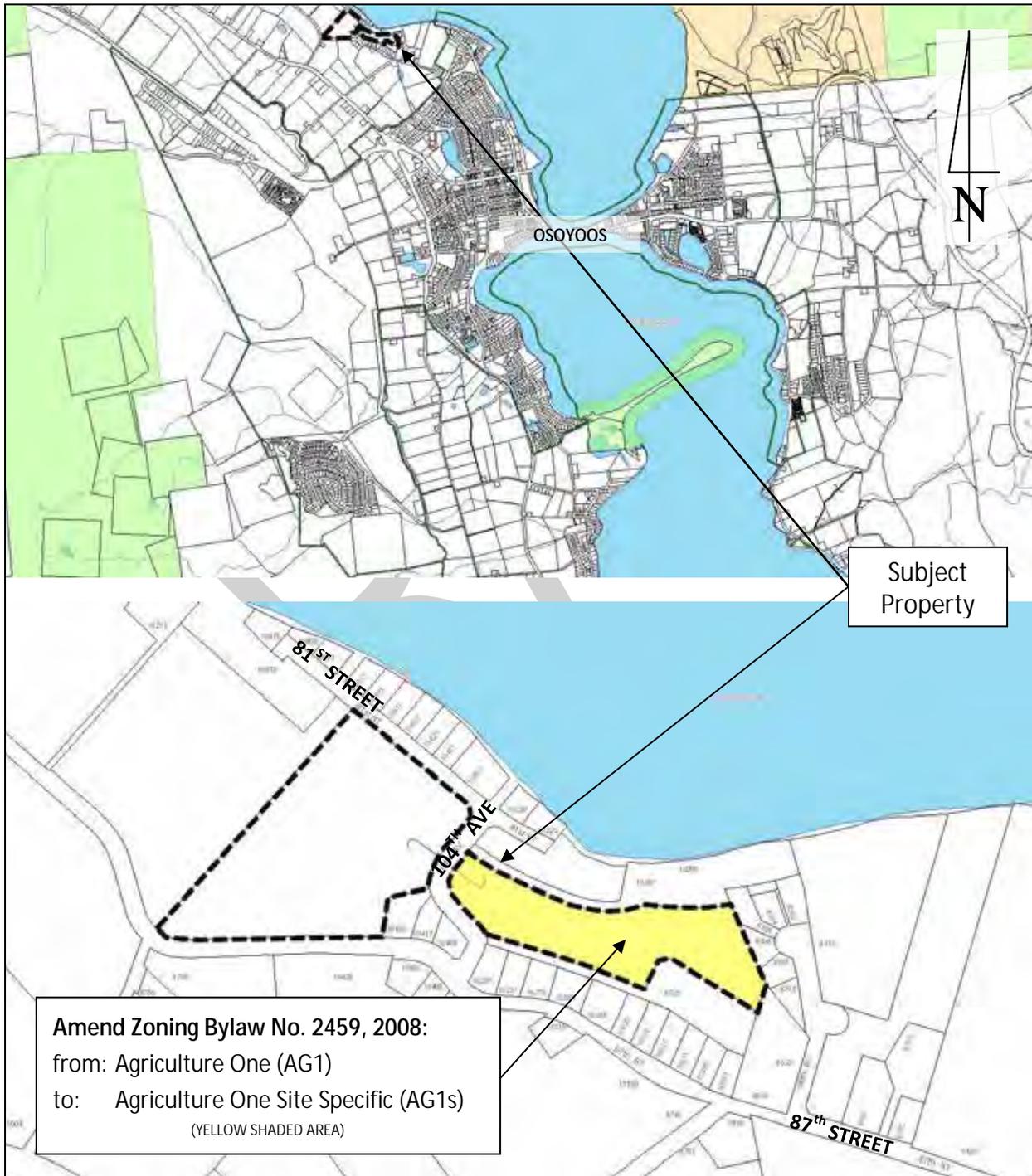
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2451.21, 2016

Project No: A2016.075-ZONE

## Schedule 'Y-1'





Your File #: A2016.075-  
ZONE Lual  
Orchards  
eDAS File #: 2016-04083  
Date: August 23, 2016

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

Attention: Lauri Feindell

Re: **Proposed Bylaw 2451.21 for:**  
**Lot B, Plan KAP72608, District Lot 2450S, SDYD**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

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

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 490-8200 Fax: (250) 490-2231

**From:** [Cooper, Diana FLNR:EX](#)  
**To:** [Christopher Garrish](#)  
**Subject:** re: Project No. A2016.075-ZONE  
**Date:** August 4, 2016 2:45:22 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

DEVELO

Hello Christopher,

Thank you for your referral regarding proposed rezoning of 2 parcels that comprise Lot B, DL2450s, SDYD, Plan KAP72608. According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling for the area indicates there is the possibility for unknown/unrecorded archaeological sites to exist.

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, 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.

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.

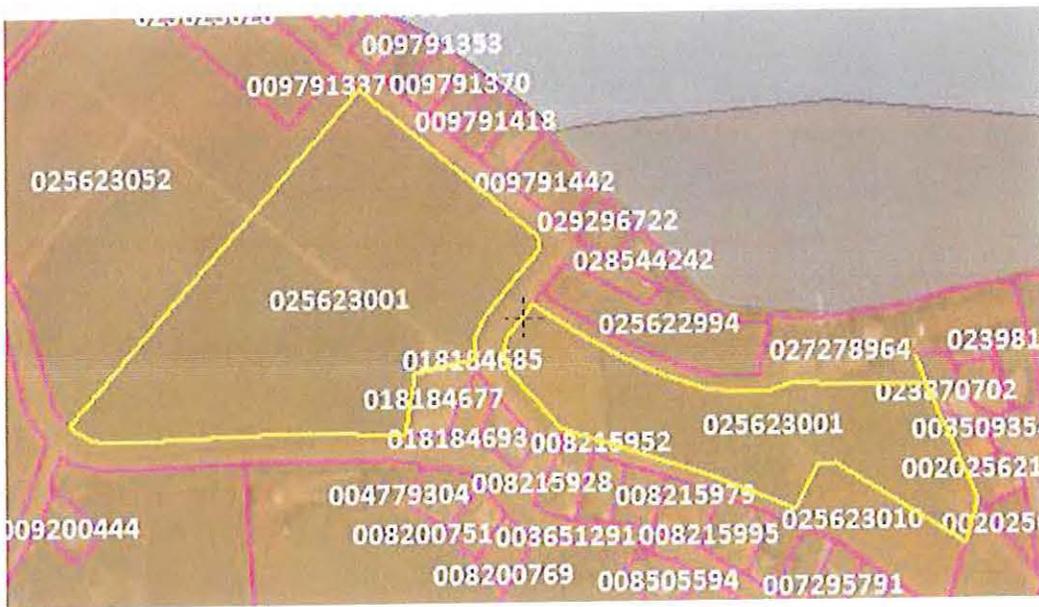
Please review the screenshot of the property below (outlined in yellow). The entire area has high potential for unknown/unrecorded archaeological materials.

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 Street, Victoria, BC V8W2K7 | PO Box 9816 Stn Prov Govt, Victoria BC V8W9W3  
 Phone: 250-953-3343 | Fax: 250-953-3340 | Website: <http://www.for.gov.bc.ca/archaeology/>

## Lauri Feindell

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**Subject:** FW: Bylaw Referral - Rezoning A2016.075-ZONE  
**Attachments:** RE\_ Bylaw Referral - Rezoning A2016.075-ZONE.pdf

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**From:** Collins, Martin J ALC:EX [<mailto:Martin.Collins@gov.bc.ca>]  
**Sent:** August 8, 2016 2:38 PM  
**To:** Christopher Garrish  
**Subject:** RE: Bylaw Referral - Rezoning A2016.075-ZONE

Hi Chris

This is to advise that the ALC has no objection to the proposed Zoning Bylaw No. 2451.21, 2016 as it is consistent with the ALC's approval to allow subdivision of a 2.7 ha lot.

Regards

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



## Lauri Feindell

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**Subject:** FW: Bylaw Referral - Rezoning A2016.075-ZONE

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**From:** Skinner, Anne E AGRI:EX [<mailto:Anne.Skinner@gov.bc.ca>]  
**Sent:** July 28, 2016 4:52 PM  
**To:** Christopher Garrish  
**Cc:** Lauri Feindell  
**Subject:** RE: Bylaw Referral - Rezoning A2016.075-ZONE

Hi Chris,

This is a growing issue where agriculture lands interphase with urban residential - it seems like a reasonable solution as an alternative to exclusion. The Ministry has no concerns with this re-zoning for the purpose identified and will defer to any recommendations from the ALC with respect to buffers or other conditions.

Thanks,

---

Anne Skinner *P.Ag* | Regional Agrologist  
BC Ministry of Agriculture - Kelowna | 250- 861-7272 | Cell: 250-309-2478  
Email: [anne.skinner@gov.bc.ca](mailto:anne.skinner@gov.bc.ca)  
1-888-221-7141 | [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)

*"Wisdom is the reward for listening over a lifetime."*



## **Advisory Planning Commission Minutes**

**RDOS Electoral Area A**

**Thursday August 11, 2016**

**Sonora Centre, Osoyoos, B.C.**

**Present:** Chair Peter Beckett, Gerry Hesketh, Grant Montgomery, Bonnie Douglas (Secretary)

**Absent:** Vice Chair Mark McKenney, Dwayne Svendsen, Bill Plaskett

**In Attendance:** Area A Director Mark Pendergraft, RDOS Planning Supervisor, Christopher Garrish

**Guests:** Fred and Sue Babyn, Brock Jackson, Geraldine Manossa, Karen Edwards, Pela and Vicki Stafford, Gerry and Lorna Short, Rick and Deb Deis, Julie Hamilton

Meeting was called to order at 6:40 pm

Minutes of the previous meeting were adopted by consensus

### **Proposed Zoning Bylaw Amendment Application (DeMelo)**

#### **A06047.010/A2016.075-ZONE**

Chair Peter Beckett explained the role of the APC to the guests. He talked about the zoning application and Chris clarified it. Grant asked if small acreages have ever come out of the ALR. Director Pendergraft said the only one he knows of was Reflection Point. There was some concern about the wording in the agenda about whether it was 2 or 2.7 H. that was being subdivided off. Chris explained about this and procedures of the zoning. Resident Karen Edwards spoke of her concern that a smaller parcel could be taken out of the ALR and subdivided. Rick Deis spoke on his concern as well. Brad Elenko spoke about the application and this was not about being taken out of the ALR but a lot line adjustment.

Motion by Grant Montgomery, seconded by Gerry Hesketh.

That the APC recommends to the RDOS that the subject development application be approved.

Vote: 2-2, defeats motion

Meeting adjourned 7:08

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Bonnie Douglas, Secretary

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Peter Beckett, Chair



# Feedback Form

RECEIVED  
Regional District  
AUG 18 2016

Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

101 Martin Street  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: A2016.075-ZONE

FROM: Name: GERALD L. SHORT  
(please print)

Street Address: 10011 87<sup>th</sup> STREET, 0504005, BC.

Tel/Email: ;

RE: Electoral Area "A" Zoning Amendment Bylaw No. 2451.21, 2016  
Lot B Plan KAP72608 DL 2450S SDYD

My comments / concerns are:



I do support the proposed development.

I do support the proposed development, subject to the comments listed below.

I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2451.21.

THE SEPARATION OF LOT B EAST OF 104<sup>th</sup> STREET FROM LOT B WEST OF 104<sup>th</sup> STREET IS JUST AN ATTEMPT AT REMOVING THE EAST SIDE FROM AGRICULTURAL LAND TO RESIDENCIAL IN THE VERY NEAR FUTURE. THIS WOULD MAKE THE SELLER EXTRA MONEY AT THE LIKELY LOSS OF VIEW AND LAND VALUE OF A DOZEN PEOPLE ABOVE THAT 2HA. PROPERTY. THE 2HA PROPOSED PIECE IS VIABLE AGRICULTURAL LAND AND SHOULD STAY AS SUCH.

Feedback Forms must be completed and returned to the Regional District no later than Thursday August 25, 2016

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the Freedom of Information and Protection of Privacy Act (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.

August 19, 2016

FEEDBACK

Board Members

Regional District of Okanagan Similkameen

101 Martin Street

Penticton, B.C. V2A 5J9

Dear Board Members,

**RE: Project No. A2016.075-ZONE**

**Proposed Rezoning of Lot B, Plan KAP72608, District Lot 2450S, SDYD**

With reference to the above application for rezoning a 2 ha parcel from AG1 to “site specific” AG1s, this is only one of three steps required for a successful outcome. Approval for the subdivision (“boundary adjustment”) of Lot B and the amalgamation of a portion of Lot B with Lot E will also be required prior to the rezoning taking effect.

The following comments address both the present rezoning application and the potential subsequent applications for Lot B, including matters discussed at the Aug. 11<sup>th</sup> pre-APC meeting Q & A session between Mr. Garrish (Planning Supervisor), Mr. Elenko (agent for Mr. Demelo) and neighbors.

**Rezoning application for a NON-EXISTING Parcel**

At present, the AG1s application is for a non-existing legal parcel. There is NO approval to subdivide Lot B into two parcels of 2.0 ha and 3.89 ha (or any size).

**Present boundaries of Lot B and Lot E are conforming**

A site specific zoning applies to an individual piece of property much like a variance with the building code. Lot B is presently conforming and therefore does not require rezoning. How does creating two non-conforming parcels from Lot B provide any agricultural land use benefits to the property? The applicant has not given any explanation for this.

### **Division of Lot B by 104<sup>th</sup> Ave**

Traffic on 104<sup>th</sup> Ave. can neither be described as busy nor a deterrent to safe, efficient agricultural practices of Lot B. This road is the primary access for two residences and a few non-residential orchards (owned by Mr. Demelo). The avenue connects to 81<sup>st</sup> St, a dead-end, which serves 12 residences; the majority are used only seasonally.

### **Trigger road expropriation reducing parcels sizes**

Subdivision and amalgamation applications can trigger expropriation of road widening allowances by the Ministry of Transportation and Infrastructures (MoTI). The proposed 2.0 ha and 3.89 ha parcel sizes could be reduced by land expropriation for the widening of 104<sup>th</sup> Ave. The proposed 3.89 ha parcel boundary could also be affected along 81<sup>st</sup> St. causing further reduction.

In addition, Lot E's parcel size could be reduced through the amalgamation process with the proposed 3.89 parcel along 81<sup>st</sup> St.

With this regard, Mr. Garrish has advised that "it appears the Ministry has taken widening in the past from parcels on the south side" (of 104<sup>th</sup> Ave. on 81<sup>st</sup> St.). He is "not sure if they would look at taking from properties on the north side".

### **Purpose behind creating of 2.0 ha parcel from Lot B**

The purpose behind this rezoning application for "boundary adjustment", as discussed by Mr. Elenko at the Q & A session, is for the sale of the property by owner, Mr. Demelo. No explanation was given as to why Lot B cannot be sold as is, without a parcel size reduction.

### **Closing**

The present zoning of Lot B is in conformity with the AG1 by-laws. There does not appear to be any reason why the applicant should receive rezoning approval for a hypothetical, non-conforming site that does not create any advantages for the agricultural land use. The property division by 104<sup>th</sup> Ave is a non-issue, but the

possible parcel size reduction by the MoTI has a real potential negative impact on the agricultural land inventory.

Rezoning for the reason of resale of a portion of Lot B should not be a factor in approving this application.

Thank you for your consideration in this matter.

With regards,

Roberta Wight

V0H 1V2



# Feedback Form

## Regional District of Okanagan Similkameen

101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: A2016.075-ZONE

FROM: Name: Rick Deis  
(please print)

Street Address: 10025 87<sup>th</sup> street, Osoyoos, V0H1V2

Tel/Email: \_\_\_\_\_

RE: Electoral Area "A" Zoning Amendment Bylaw No. 2451.21, 2016  
Lot B Plan KAP72608 DL 2450S SDYD

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2451.21.

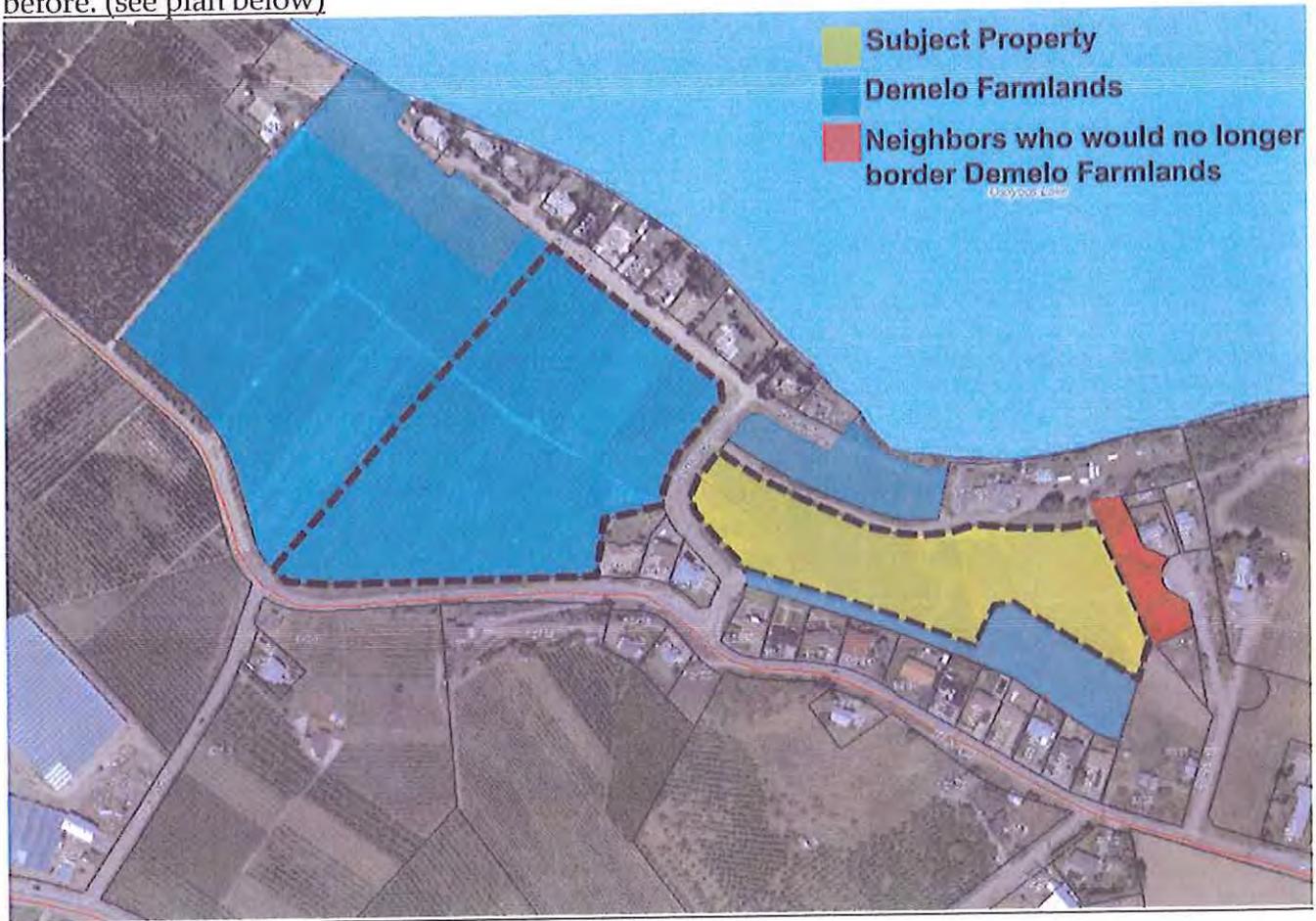
1./ Applicant's reasoning is predicated on unproven allegations of Theft, Vandalism & Trespass by neighbors.

2./ Applicant's long history of applications to subdivide this and adjoining farmland into smaller parcels seeking homesite lots for family members is suspect. The applicant has not transferred ownership of those parcels to family members nor have they built homes on those sites. The major portion of those 3 small homesite lots continue to be farmed as part & parcel of the whole farm. Just this year lot "C" was replanted with new fruit trees as was the SW corner of the subject property.

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) ("FIPPA"). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA. Should you have any questions about the collection, use or disclosure of this information please contact: Manager of Legislative Services, RDOS, 101 Martin Street, Penticton, BC V2A 5J9, 250-492-0237.



3./ Applicants rational that "selling the subject property and farming alternate crops may result in a better relationship between the farmer and the surrounding residents" is illogical in two respects. Firstly they are suggesting that farming cherries and nectarines creates a neighbor/farmer problem which is ridiculous. Secondly the net affect of a successful application, sale and conversion to alternate crops would be to provide desired separation to only three 98<sup>th</sup> street properties . The Demelo's properties will continue to border the majority of those neighbors as before. (see plan below)

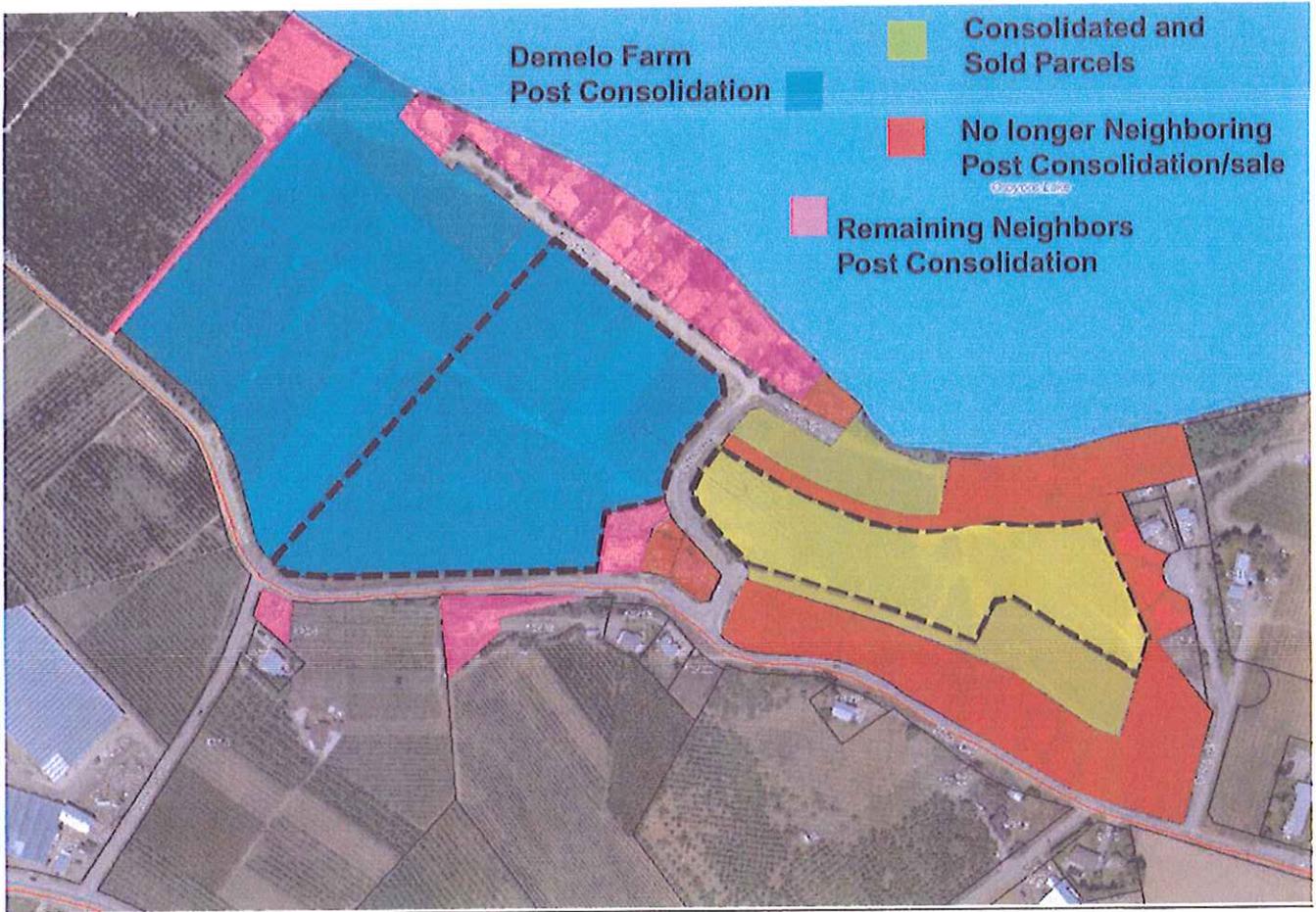


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4./ We believe that previous Demelo actions together with a successful zoning change and subsequent severing from its sister parcel will put the Demelo's one step closer to their ultimate goal. That being to convert these valuable agricultural properties including homesite A , homesite C and Louis Plut's lot 4 into a residential subdivision. What next; then Nichols 11.235+ acres or the Demelo's 13.269 acres at the edge of the town boundaries. It is the RDOS board's duty to stop urban expansion especially for the flawed reasoning that "residential properties border agricultural land". A truly sad example of urban sprawl that the RDOS has the power to prevent.

---

5./ If the Demelos are serious about not wanting to farm this parcel because of perceived "neighbor conflicts" I suggest they not only sell the subject property but firstly apply to consolidate it with homesite's A & C and then sell it. (yellow on map) That would leave them separated from Dumoret, the 98<sup>th</sup> avenue and most of the 87<sup>th</sup> street neighbors. (red on map) In retrospect their new consolidated parcel on the west side of 104<sup>th</sup> (blue) could also (using Demelo/Elenko logic) be considered "surrounded on 3 or more sides by neighbor homes (pink)



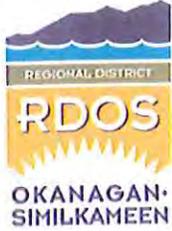
6./ Both the RDOS area A's Official Community Plan and their Agricultural Plan speak to minimum parcel sizes in agricultural zones. It is the duty of the RDOS board of directors to adhere to those policies and prevent severing and chopping up agricultural parcels.



Respectfully submitted

Rick Deis

Feedback Forms must be completed and returned to the Regional District  
no later than Thursday August 25, 2016



# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** A2016.075-ZONE

**FROM:** Name: G. ALLAN PHILLIPS  
(please print)

Street Address: 8308 98TH AVENUE, OSOYOOS

Tel/Email:

**RE:** Electoral Area "A" Zoning Amendment Bylaw No. 2451.21, 2016  
Lot B Plan KAP72608 DL 2450S SDYD

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support these bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2451.21.

1. My home on 98th borders the subject agricultural property.
  2. I concur with the comments of Rick Deis in his Feedback Form submitted in this matter.
  3. Please also see the attached copy of my letter of 10 August 2016 to Christopher Garrish.
  4. I see no significant conflict between the operation of the Demelo Orchards and the enjoyment of my residential property. In fact, I see the orchards as an enhancement.
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Feedback Forms must be completed and returned to the Regional District no later than **July 8, 2015**  
**In-person:** 101 Martin Street, Penticton, BC, V2A-5J9 / **Fax:** 250-492-0063 / **Email:** [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



# G. ALLAN PHILLIPS

August 10, 2016

BY EMAIL

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

Attention: Christopher Garrish

Dear Sir:

Re: Public Hearing 11 August 2016  
Lot B Plan KAP72608 DL245OS SDYD (Elenko/Demelo application)

My wife and I purchased the lot at 8308 98<sup>th</sup> Avenue in 1993 and had a house built on it. I continue to own that property which is one of three residential properties adjacent to the Demelo parcel noted above.

When we purchased the property the existing orchard was in place and we expected there would be ongoing farming activity. I come from a farming background and was not surprised by nor have I ever complained of any farming activity. The location of the lot next to farm land was a major factor in our decision to purchase it. Similarly, the orchard property has had the same owner for many years. Given that this is a transition or border area between residential and farm areas it should not surprise anyone that there may be occasional inconveniences on both sides. So far as I am aware, there has been minimal conflict except in the context of the various applications to remove the subject lands from the ALR or to subdivide or otherwise modify them.

On a personal level, I met Luis Demelo shortly after arriving in Osoyoos and have always had cordial relations with him.

The current applications appear to have the ultimate objective of creating a non-conforming parcel which the owner will say is too small to be viable farm land and therefore should be used for residential development.

I note the relatively recent change to the minimum size of parcels in the RDOS and assume it was, at least in part, meant to preserve viable farm land and not to promote residential development on such parcels.

Accordingly, I oppose the current application.

Yours truly,

**G. ALLAN PHILLIPS**  
cc: various recipients (per attached list)

**From:** Scott and Karen Edwards  
**Sent:** August 6, 2016 7:09 PM  
**To:** Christopher Garrish  
**Subject:** Application A2016.075-Zone (Rezoning Lot B Plan KAP72608, District Lot 2450S SDYD)

Good afternoon, sir:

Thank you for your letter of July 9, 2016 regarding the proposed rezoning of Lot B Plan KAP72608, District Lot 2450S SDYD.

Quite frankly, I was appalled to receive notification of yet another application for rezoning of this property, especially considering that Mr Fry just sent out the findings of the last application regarding this property. As a taxpayer, I believe this application is a huge waste of government time and resources - commodities we are led to believe are scarce and under constant pressure - and I am shocked that the application has not been rejected at your level, on behalf of the Chief Executive Officer per the *Agriculture Land Commission Act Section 30.1* as part of a previous application within the past 5 years (last year, in fact (54317 (Exclusion) & 54318 (Inclusion) - DeMelo) and the latest in a series of similar applications in the past few years.) Further, unless there has been a huge change of opinion amongst the neighbours about which I am unaware, the comments you will receive will be likely be very similar - again, a needless duplication of efforts.

I will point out the obvious, which still bears repeating, that the size of the property in question is a direct result of the applicant's own past machinations to have property lines redrawn and adjacent land removed from the Agricultural Land Reserve for development purchases - which you can confirm by consulting your voluminous files on this area. (It should be noted that the adjacent land is still in agricultural use.) Further, if the proposed redrawing of property lines and consolidation of properties is being done for efficiency and continuity, the road dividing the property is a quiet residential road with no exit - not a major highway with which many orchardists have to content - and, in the past, the applicant has dealt with ease. (In fact, given that the applicant has been repeatedly applied for various consolidations, with this one still pending, I suggest that all the properties involved be consolidated into a single piece of property and even more efficient for agriculture.)

In closing, we will be attending the Question and Answer Session to be held 11 August but would rather that you or your manager exercise initiative and avoid any further expenditure of taxpayer dollars and staff resources by making the event unnecessary by denying the application entirely and telling the applicant not to apply again until at least 2020.

Regards,  
Scott Edwards M.P.A, BSc.(For.), B.E.S. and Karen Edwards B.F.A.



## Lauri Feindell

---

**From:** Scott and Karen Edwards  
**Sent:** August 12, 2016 2:39 PM  
**To:** Planning  
**Cc:** Wallace, Ron ALC:EX; Fry, Colin ALC:EX; agr.minister@gov.bc.ca; Mark Pendergraft  
**Subject:** Electoral Area "A" Zoning Amendment Bylaw No. 2451.21, 2016 Lot B Plan KAP72608 DL 2450S SDYD - Open House/APC Meeting and Feedback Form

**Importance:** High

Good afternoon, Christopher:

Thank you for holding the Open House on the proposed Bylaw amendment. We found the event both informative and useful. We certainly appreciated the clarifications on the process you provided and support the change in procedures to allow such information exchanges before the formal process occurs.

As you know, we do not support the proposed development and you noted that many of those in attendance are of the same mind. Outside the concerns voiced last night, we would provide the following comments/observations/process clarifications:

1) first and foremost are the allegations of theft, vandalism and interference with farming practices against the neighbours of the applicant. These have now been included in two applications and reiterated in at least one public forum by the agent of the applicant. We have asked for proof of such incidents, as have others, and none is forthcoming. Yet, without this proof, at least one of the members of the Agricultural Planning Commission referenced these problems as a reason to support the application. The inclusion of such unsubstantiated allegations should not form part of any approval for changes. (It has been suggested that, in fact, the neighbours have *prima facie* cases for legal actions for both slander and libel against both the applicant and the agent.) It is a bit ironic that many of the older neighbours remember very good relations with the applicant and family - when the applicant allowed neighbours to walk dogs or stroll through the orchards and were given permission to glean fruit remaining after the harvest with one even recounting how the applicant delivered fruit to the door - until around 2006;

2) unfortunately, there is little trust in the actions or promises of the applicant or his agent. The use of repeated applications for severing/amalgamating/adjusting properties, combined with the failure of the applicant to follow direction given by the Agricultural Land Commission (for example, failing to build fences to keep out the vandals and thieves), to whittle away at the Agricultural Land Reserve has left many of the neighbours suspicious of any proposal by the applicant. By way of example of this reduction of the ALR, there are now two homesites and a small holding on/adjacent to landholdings totalling less than ten (10) hectares. In short, we believe the applicant has little or no respect for the ALR and is making a mockery of the entire process;

3) related to the paragraph above, the lack of trust in the applicant is certainly not allayed in any way, by the artful interpretation of the history of the previous rulings of the ALC and RDOS and the installation of the sewage system. (As well, the agent's comments that the area to be "unhooked" could be converted to ground crops and/or greenhouses could be interpreted as a veiled threat - given the unsightliness of a nearby greenhouse (Paul's) which resembles an industrial garbage dump at the best of times.);

4) while we found the APC meeting to be of great interest, we were rather disappointed to discover that several members were unaware of the nature of the property lines through their declaration that they thought the



smaller area had already been unhooked and/or was a separate parcel already. We were also disappointed that at least one member of the APC appeared to be supporting the application based on his belief that the removal of the 2.0 ha from the ALR was inevitable anyway;

5) as to process, IF the proposal is approved and presuming the land is subsequently sold, an outcome which is by no means foreseen given the number of changes of plans by the applicant, will the new owner be allowed to have a homesite approved on this land - further reducing the agricultural land base and giving more justification to remove the area from the ALR? For that matter, if the proposal is approved, can the current owner then apply for yet another homesite - just in case the property is ever sold - thereby giving him four (4) sites on which to build homes and outbuildings? I know that ALC Policy #11 (Jan 2016) speaks to the process of homesite severance but, given this applicant's past practice of not building on existing homesites in the immediate area (or on the adjacent land already removed from the ALR, for that matter), we are very concerned about this possibility and the strong possibility of a subsequent application to remove the now-reduced farm from the ALR.

In conclusion, we tried to focus on this application, but, as you can see, it comes with a great deal of baggage - precedence as it were - and, although it was stated last night that the RDOS and the ALC do not look at precedents when making their decisions, history is important and is to be considered in any decision. Thank you, again, for the opportunity to comment.

Regards,

Scott Edwards M.P.A, BSc.(For.), B.E.S. and Karen Edwards B.F.A.

1-250-492-0063



# Feedback Form

**Regional District of Okanagan Similkameen**

101 Martin Street, Penticton, BC, V2A 5J9

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen

FILE NO.: A2016.075-ZONE

FROM: Name:

VICKI A. STAFFORD

(please print)

Street Address: \_\_\_\_\_

Tel/Email: \_\_\_\_\_

RE: Electoral Area "A" Zoning Amendment Bylaw No. 2451.21, 2016  
Lot B Plan KAP72608 DL 2450S SDYD

My comments / concerns are:

- I do support the proposed development.
- I do support the proposed development, subject to the comments listed below.
- I do not support the proposed development.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2451.21

1. This appears to be the most recent in a series of efforts over many years on the part of Mr. De Melo to position himself or a related entity to eventually secure the release of this particular parcel from the A1.
2. In the circumstances we refer to our many comments and responses over the years which are on file with RDOS. We also associate ourselves with the comments on the Feedback Form submitted by Rick Oeis.
3. The various reasons given by Mr. De Melo in this and previous applications are not convincing - even if the parcel concerned was released from the A1R, the larger adjoining parcel would still be in the immediate vicinity of the same neighbours, the allegations against whom are

Feedback Forms must be completed and returned to the Regional District any case unpi  
no later than Thursday August 25, 2016

## ADMINISTRATIVE REPORT

TO: Board of Directors  
FROM: B. Newell, Chief Administrative Officer  
DATE: September 1, 2016  
TYPE: Zoning Bylaw Amendment — Electoral Area Boundaries



---

### Administrative Recommendation:

THAT Bylaw No. 2498.10, 2016, Electoral Area "H" Zoning Amendment Bylaw be adopted.

---

### Proposal:

To amend the schedules to the Electoral Area "H" Zoning Bylaw No. 2498, 2012, in order to update the electoral area boundaries.

### Background:

On January 1, 2016, the Province approved the incorporation of approximately 5,274.4 ha of land comprising the Copper Mountain mine site within the Town of Princeton's municipal boundaries.

As part of this process, mapping provided by the Province highlighted a number of other discrepancies between the existing Town and Electoral Area "H" boundaries, as well as discrepancies between the boundaries of Electoral Areas "H" & "G".

At its meeting of April 19, 2016, the Electoral Area "H" Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that the proposed amendments be approved.

At its meeting of July 21, 2016, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of August 18, 2016.

A Public Hearing was held on August 18, 2016, where approximately one (1) members of the public attended.

At its meeting of August 18, 2016, the Regional District Board resolved to approve third reading of the amendment bylaw.

Approval from the Ministry of Transportation and Infrastructure (MoTI), due to the amendments applying to land within 800 metres of a controlled area, was obtained on August 25, 2016.

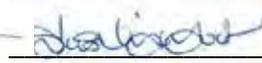
### Alternative:

THAT the Board of Directors rescind first, second and third reading of Amendment Bylaw No. 2498.10, 2016, and abandon the bylaw.

### Respectfully submitted:

### Endorsed by:

  
C. Garrish, Planning Supervisor

  
S. Lightfoot, Planning Tech.

  
D. Butler, Dev. Services Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2498.10, 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. 2498.10, 2016."
2. The Electoral Area "H" Zoning Bylaw No. 2498, 2012, is amended by:
  - i) replacing Schedule '2' (Electoral Area 'H' Zoning Map) with a new Schedule '2' (Electoral Area 'H' Zoning Map), as shown on the attached Schedule 'Y-1', which forms part of this Bylaw.

READ A FIRST AND SECOND TIME this 21<sup>st</sup> day of July, 2016.

PUBLIC HEARING held on this 18<sup>th</sup> day of July, 2016.

READ A THIRD TIME this 18<sup>th</sup> day of August, 2016.

Approved pursuant to Section 52(3) of the *Transportation Act* this 25th day of August, 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



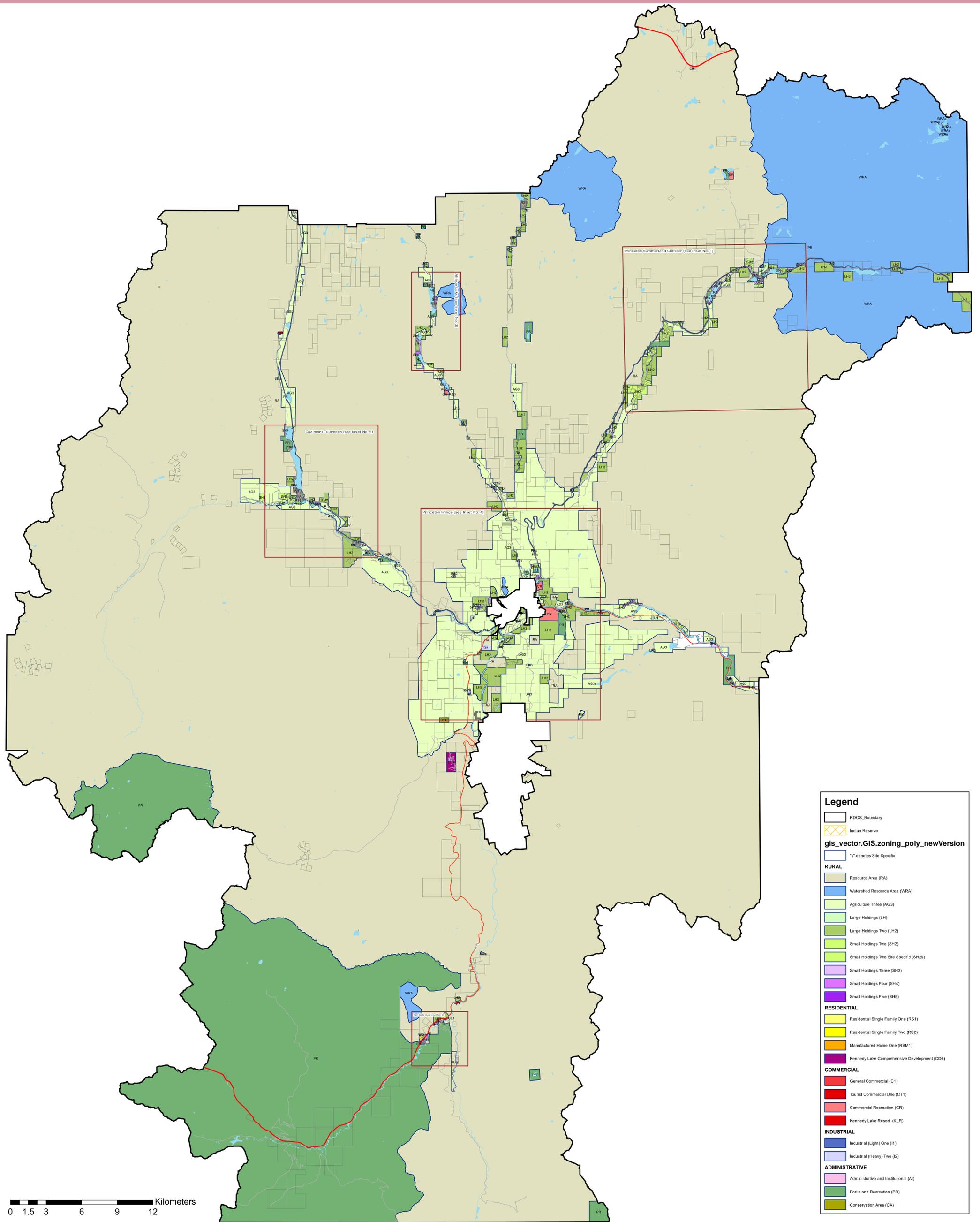
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Amendment Bylaw No. 2498.10, 2016

Project No: H2016.030-ZONE

Schedule 'Y-1'

*"Schedule '2' — Electoral Area 'H' Zoning Map"*



**Legend**

- RDOS\_Boundary
- Indian Reserve
- \* denotes Site Specific

**gis\_vector.GIS.zoning\_poly\_newVersion**

**RURAL**

- Resource Area (RA)
- Watershed Resource Area (WRA)
- Agriculture Three (AG3)
- Large Holdings (LH)
- Large Holdings Two (LH2)
- Small Holdings Two (SH2)
- Small Holdings Two Site Specific (SH2s)
- Small Holdings Three (SH3)
- Small Holdings Four (SH4)
- Small Holdings Five (SH5)

**RESIDENTIAL**

- Residential Single Family One (RS1)
- Residential Single Family Two (RS2)
- Manufactured Home One (RSM1)
- Kennedy Lake Comprehensive Development (CD6)

**COMMERCIAL**

- General Commercial (C1)
- Tourist Commercial One (CT1)
- Commercial Recreation (CR)
- Kennedy Lake Resort (KLR)

**INDUSTRIAL**

- Industrial (Light) One (I1)
- Industrial (Heavy) Two (I2)

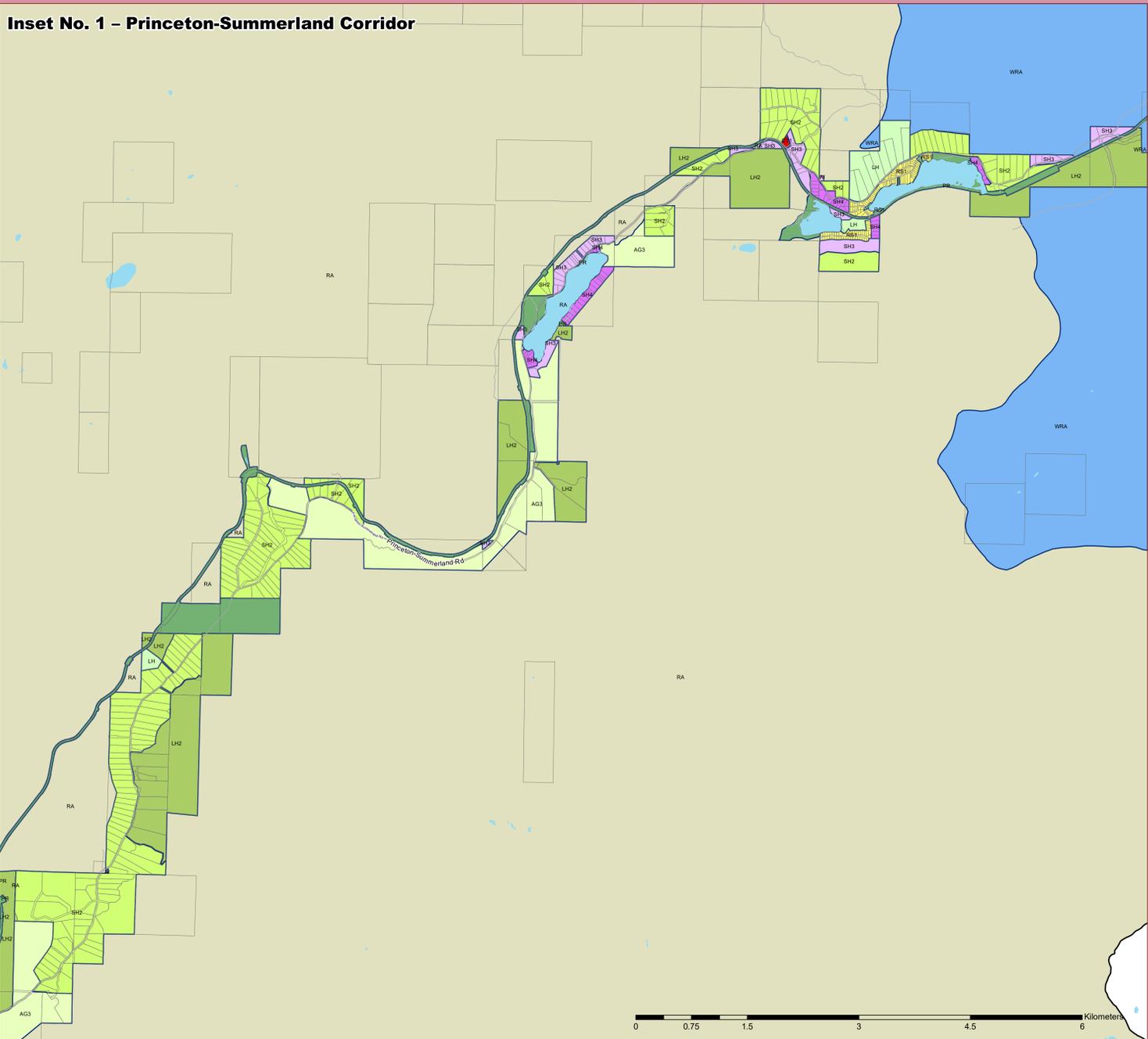
**ADMINISTRATIVE**

- Administrative and Institutional (AI)
- Parks and Recreation (PR)
- Conservation Area (CA)

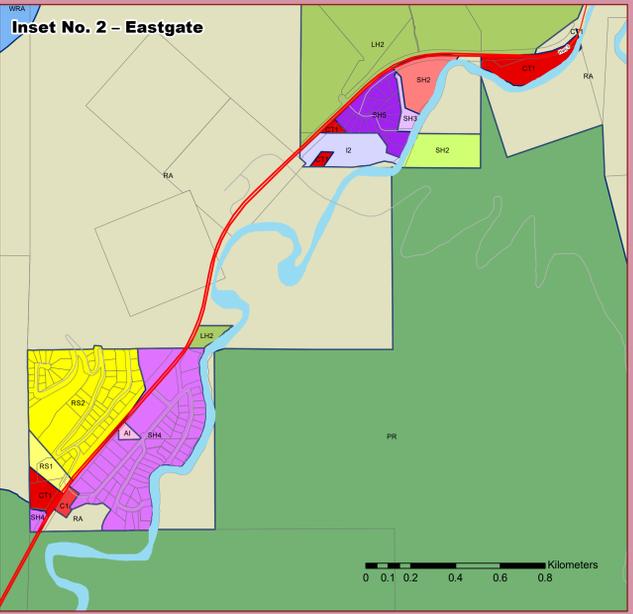
**Zoning Map**  
**Schedule '2' Electoral Area 'H' Zoning Bylaw**  
**No. 2498, 2013.**

This is Schedule '2' (Zoning Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'H' Zoning Bylaw No. 2498, 2013.

**Inset No. 1 – Princeton-Summerland Corridor**



**Inset No. 2 – Eastgate**



**Inset No. 3 – Allison Lake**



**Legend**

RDOS\_Boundary  
Indian Reserve  
gis\_vector.GIS.zoning\_poly\_newVersion  
"s" denotes Site Specific

**RURAL**

- Resource Area (RA)
- Watershed Resource Area (WRA)
- Agriculture Three (AG3)
- Large Holdings (LH)
- Large Holdings Two (LH2)
- Small Holdings Two (SH2)
- Small Holdings Two Site Specific (SH2s)
- Small Holdings Three (SH3)
- Small Holdings Four (SH4)
- Small Holdings Five (SH5)

**RESIDENTIAL**

- Residential Single Family One (RS1)
- Residential Single Family Two (RS2)
- Manufactured Home One (RSM1)
- Kennedy Lake Comprehensive Development (CD6)

**COMMERCIAL**

- General Commercial (C1)
- Tourist Commercial One (CT1)
- Commercial Recreation (CR)
- Kennedy Lake Resort (KLR)

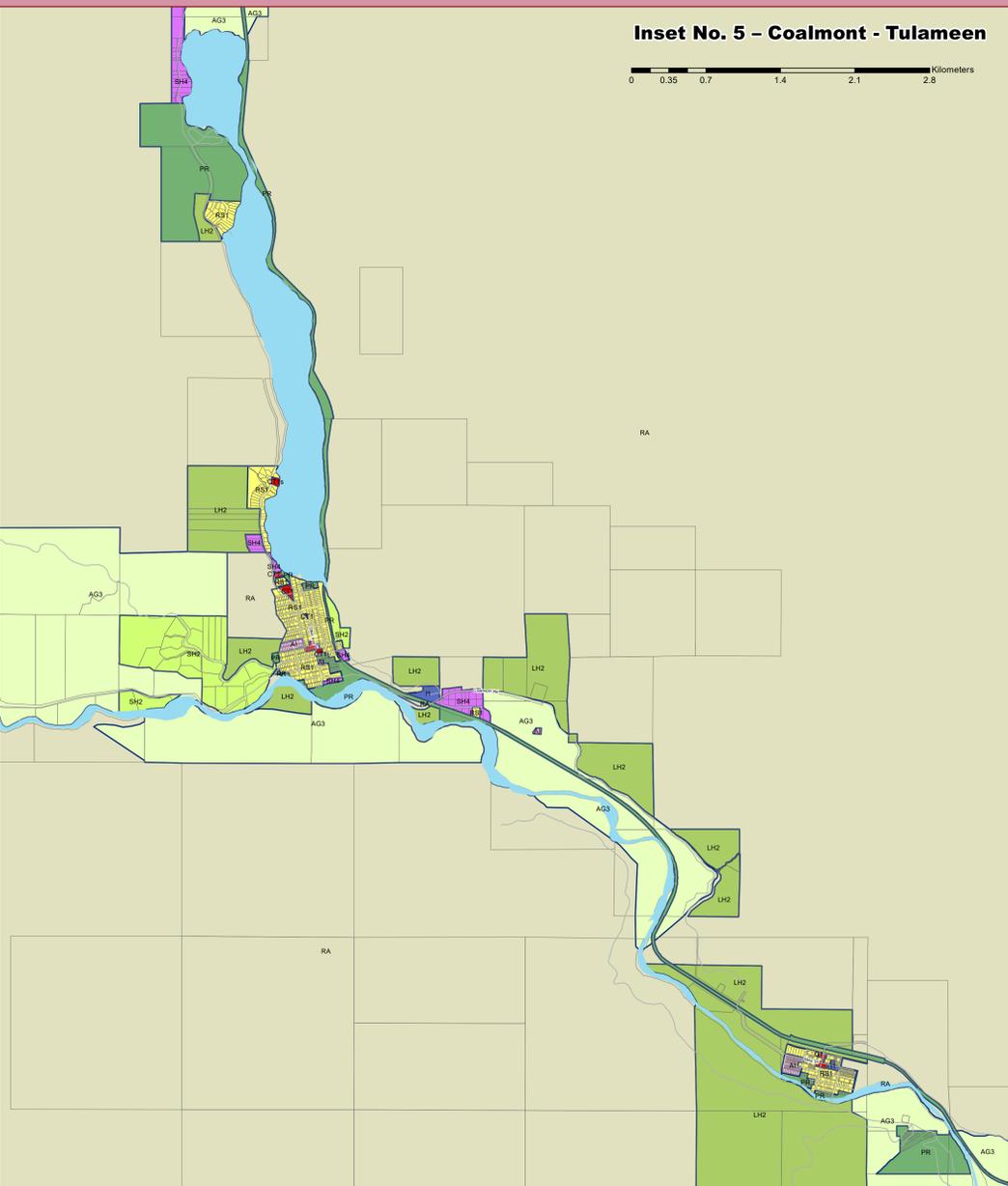
**INDUSTRIAL**

- Industrial (Light) One (I1)
- Industrial (Heavy) Two (I2)

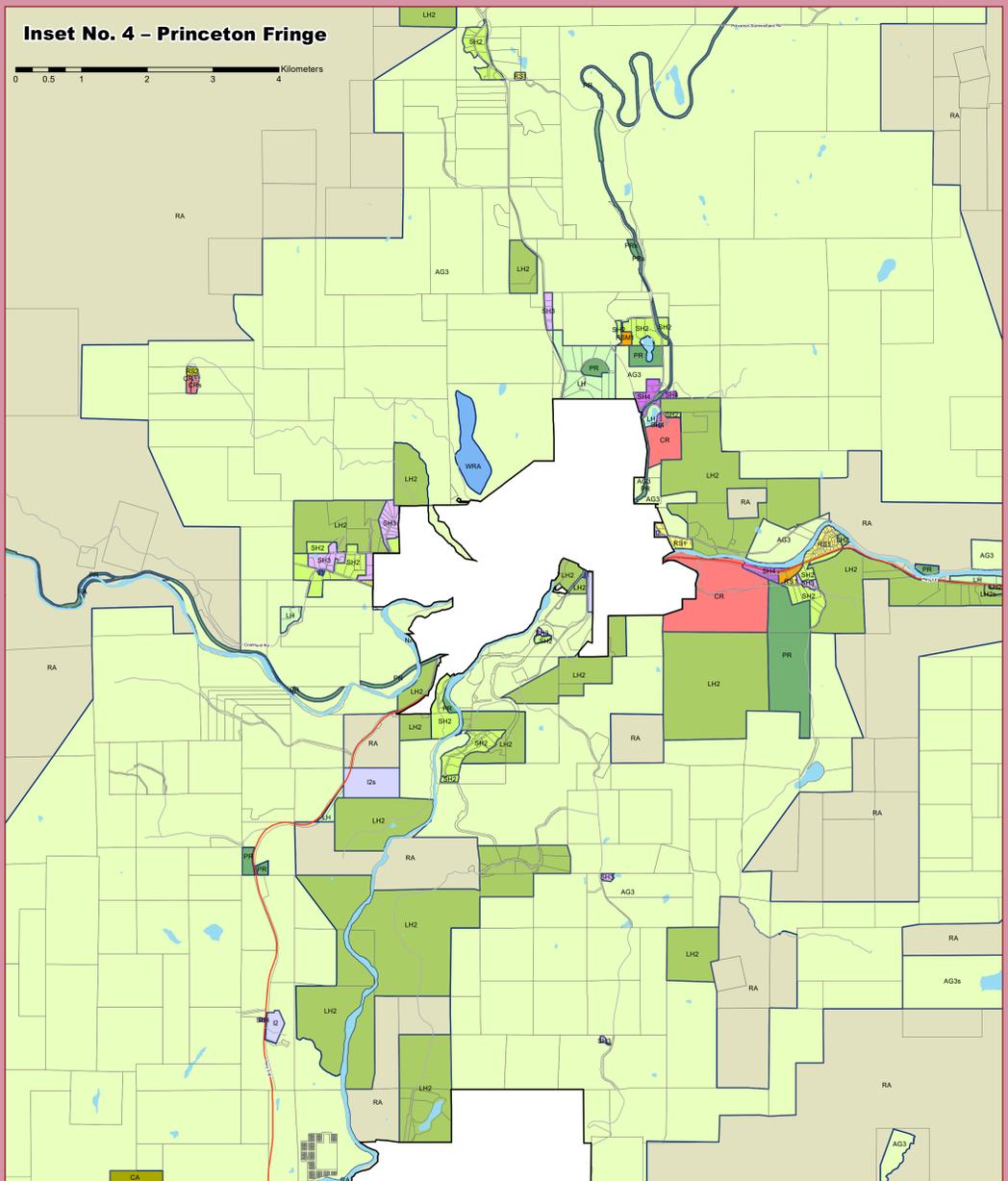
**ADMINISTRATIVE**

- Administrative and Institutional (AI)
- Parks and Recreation (PR)
- Conservation Area (CA)

**Inset No. 5 – Coalmont - Tulameen**



**Inset No. 4 – Princeton Fringe**



**Zoning Map**  
Schedule '2' Electoral Area 'H' Zoning Bylaw  
No. 2498, 2013.

This is Schedule '2' (Zoning Map) as referenced in the Regional District of Okanagan-Similkameen's Electoral Area 'H' Zoning Bylaw No. 2498, 2013.

Chair

Chief Administrative Officer



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** OCP & Zoning Bylaw Amendment — Electoral Area “D-2”



---

### Administrative Recommendation:

**THAT the Board of Directors rescind first and second reading of Amendment Bylaw Nos. 2603.07 & 2455.23, 2016, and abandon the bylaws.**

---

Purpose: To allow for the subdivision of a new 5.1 ha parcel while leaving a 47.7 ha remainder parcel.

Owner: Eileen & William Monteith                      Agent: McElhanney (Brad Elenko)                      Folio: D-02881.000

Legal: DL 461, SDYD, except Plan 890, B4454, 5152, 16913, KAP50649, KAP67022.                      Civic: unknown

OCP: Large Holdings (LH)                      Proposed OCP: part LH and part Agriculture (AG)

Zoning: Large Holdings (LH)                      Proposed Zoning: part LH and part Agriculture One (AG1)

---

### Proposal:

This proposal is seeking to amend the zoning on a 5.1 hectare (ha) part of the subject property in order to facilitate the subdivision of a new parcel adjacent to McLean Creek Road while leaving a remainder parcel of 47.7 ha that will be hooked across McLean Creek Road with additional road frontage to Eastside Road.

Specifically, it is being proposed to amend the Official Community Plan (OCP) designation on the proposed new 5.1 ha parcel from Large Holdings (LH) to Agriculture (AG) and the zoning of this same area under the Zoning Bylaw from Large Holdings (LH) to Agriculture One (AG1).

In support of this proposal, the applicant has stated the configuration of the proposed parcel reflects the natural and constructed barriers associated with McLean Creek Road, an un-made road at the north-west corner of the property and McLean Creek; and that this part of the property could be better utilised for agricultural purposes if it was subdivided.

### Site Context:

The subject property is approximately 52.8 ha in area and is situated on the eastern side of Eastside Road, and is bisected by McLean Creek Road. The property appears to be largely undeveloped apart from two farm outbuildings near McLean Creek Road.

The surrounding pattern of development is generally characterised by low density residential development to the west (i.e. Skaha Estates), agricultural operation in the Agricultural Land Reserve (ALR) to the north and similar open land and un-surveyed Crown land to the east.

---

**Background:**

At its meeting of March 8, 2016, the Electoral Area "D" Advisory Planning Commission (APC) resolved to recommend that the proposed amendments to the Commercial Zone be denied.

At its meeting of July 21, 2016, the Board approved first and second reading of the amendment bylaws and sent it to public hearing. A Public Hearing was held on August 10, 2016, where approximately 27 members of the public attended.

Approval from the Ministry of Transportation and Infrastructure (MoTI) will not be required prior to adoption as the proposed amendments do not affect land within 800 metres of a controlled area (i.e. Highway 97).

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

**Analysis:**

In considering this proposal, Administration maintains its concern that the objectives and policies of the new OCP Bylaw do not speak in favour of such a rezoning and that there appears to be no substantial benefit to the community by the creation of a single new parcel (i.e. no sensitive lands on the parent parcel are being protected).

It is also felt that other options are available to the property owner, such as pursuing a subdivision along McLean Creek Road as this would not require rezoning as the resultant parcels would each meet the 20 ha minimum parcel size requirement of the LH Zone.

On the other hand, it is recognised that the RGS contemplates a limited amount of infill development in the rural areas; the Regional District has previously approved a number of rezoning proposals that created smaller lots near the subject property (for the reasons mentioned above); and the proposed 5.0 ha parcel is not inconsistent with the pattern of development found further west on McLean Creek Road (but which is generally zoned SH5).

Administration also concurs with the applicant that it is unlikely that the creation of a new parcel at this location would adversely affect the use of adjacent properties.

**Alternative:**

THAT Bylaw No. 2603.07, 2016, Electoral Area "D" Official Community Plan Amendment Bylaw and Bylaw No. 2455.23, 2016, Electoral Area "D" Zoning Amendment Bylaw be read a third time and adopted.

**Respectfully submitted:**

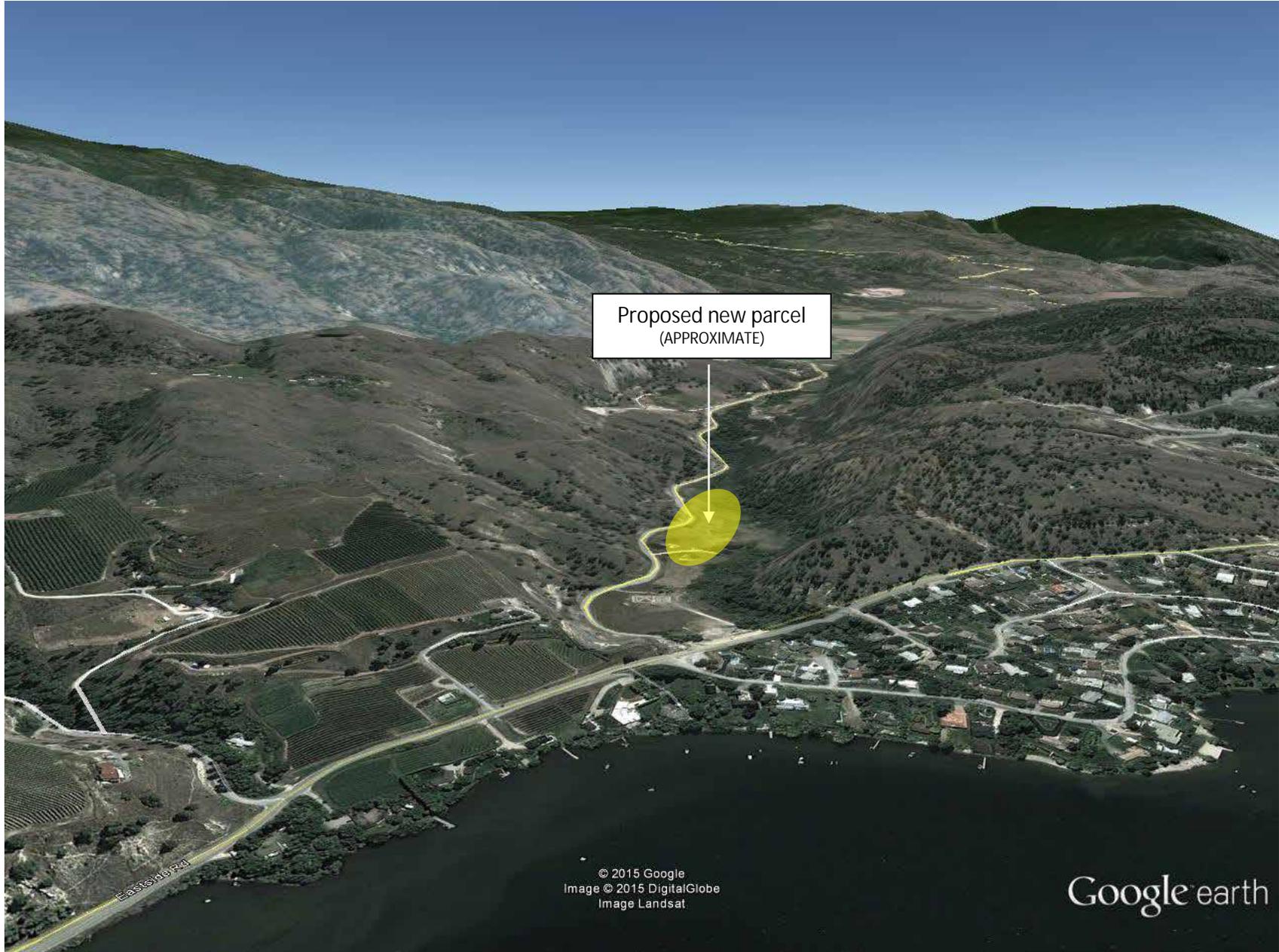
C. Garrish, Planning Supervisor

**Endorsed by:**

D. Butler, Development Services Manager

Attachments: No. 1 – Aerial Photo (Google Earth)

Attachment No. 2 — Aerial Photo (Google Earth)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
**BYLAW NO. 2603.07, 2016**

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**A Bylaw to amend the Electoral Area "D"  
Official Community Plan Bylaw No. 2603, 2013**

---

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Official Community Plan Amendment Bylaw No. 2603.07, 2016."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation on an approximately 5.1 hectare part of the land described as District Lot 461, SDYD, Except Plans 890, 4544, 5152, 16913, KAP50649 and KAP 67022, and shown shaded yellow on Schedule 'X-2', which forms part of this Bylaw, from Large Holdings (LH) to Agriculture (AG).

READ A FIRST AND SECOND TIME this 7<sup>th</sup> day of July, 2016.

PUBLIC HEARING held on this 10<sup>th</sup> day of August, 2016.

READ A THIRD TIME AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Board Chair

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Corporate Officer

# Regional District of Okanagan-Similkameen

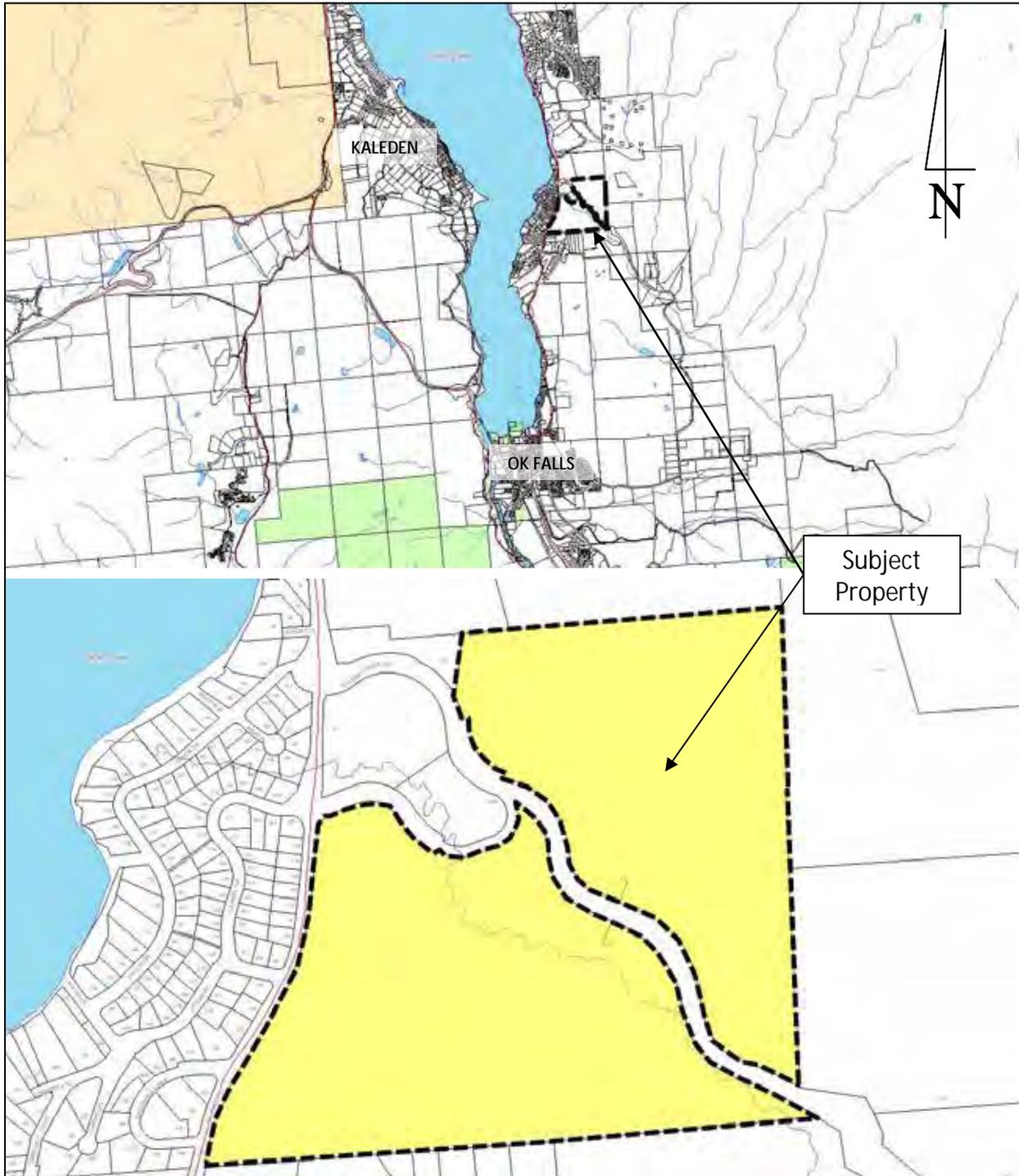
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2603.07, 2016

Project No: D2015.128-ZONE

## Schedule 'X-1'





**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2455.23, 2016**

---

**A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2455, 2008**

---

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Zoning Amendment Bylaw No. 2455.23, 2016."
2. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation on an approximately 5.1 hectare part of the land described as District Lot 461, SDYD, Except Plans 890, 4544, 5152, 16913, KAP50649 and KAP 67022, and shown shaded yellow on Schedule 'Y-2', which forms part of this Bylaw, from Large Holding (LH) to Agriculture One (AG1).

READ A FIRST AND SECOND TIME this 7<sup>th</sup> day of July, 2016.

PUBLIC HEARING held on this 10<sup>th</sup> day of August, 2016.

READ A THIRD TIME AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

---

Board Chair

---

Corporate Officer

# Regional District of Okanagan-Similkameen

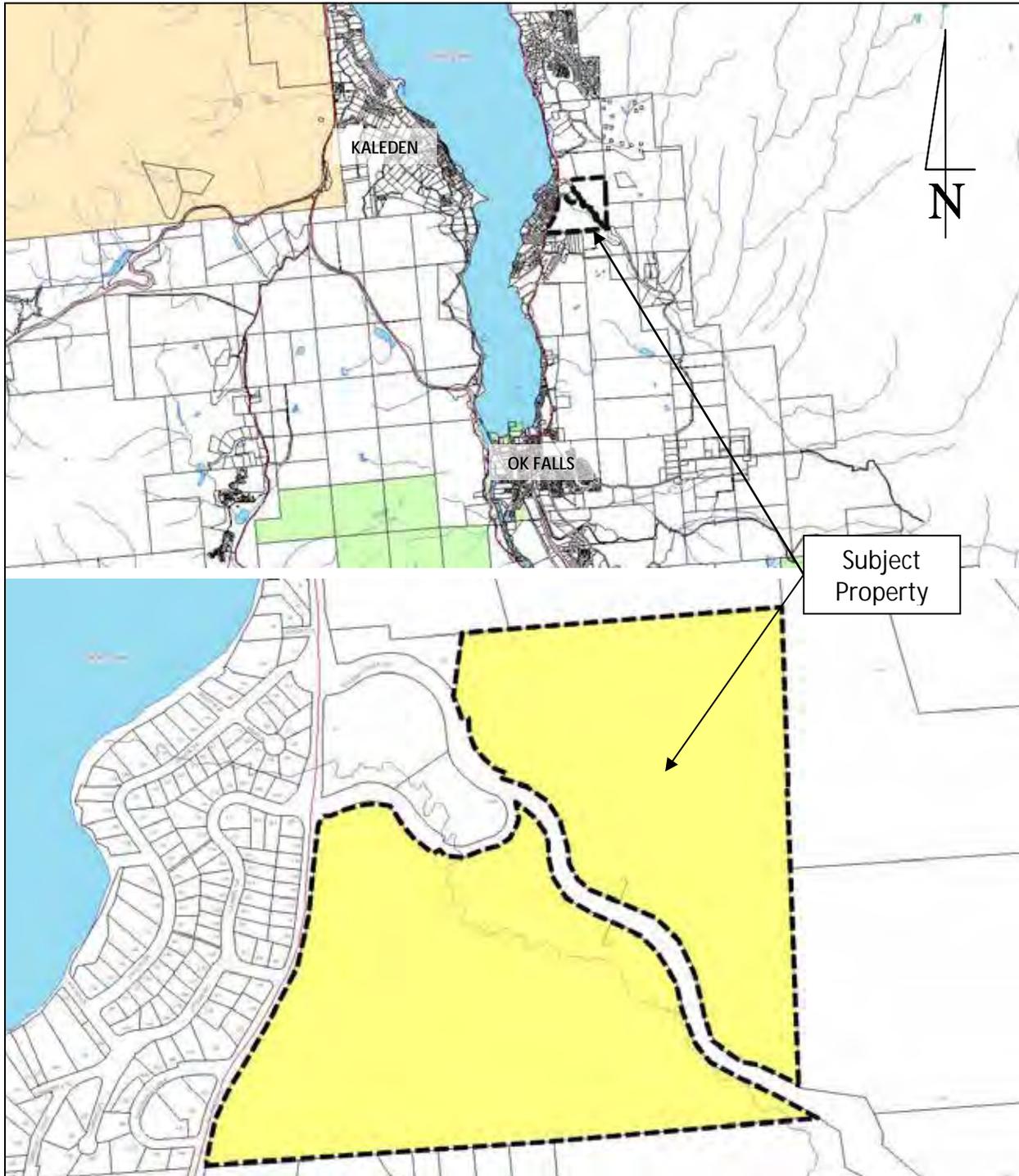
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.23, 2016

Project No: D2015.128-ZONE

## Schedule 'Y-1'



# Regional District of Okanagan-Similkameen

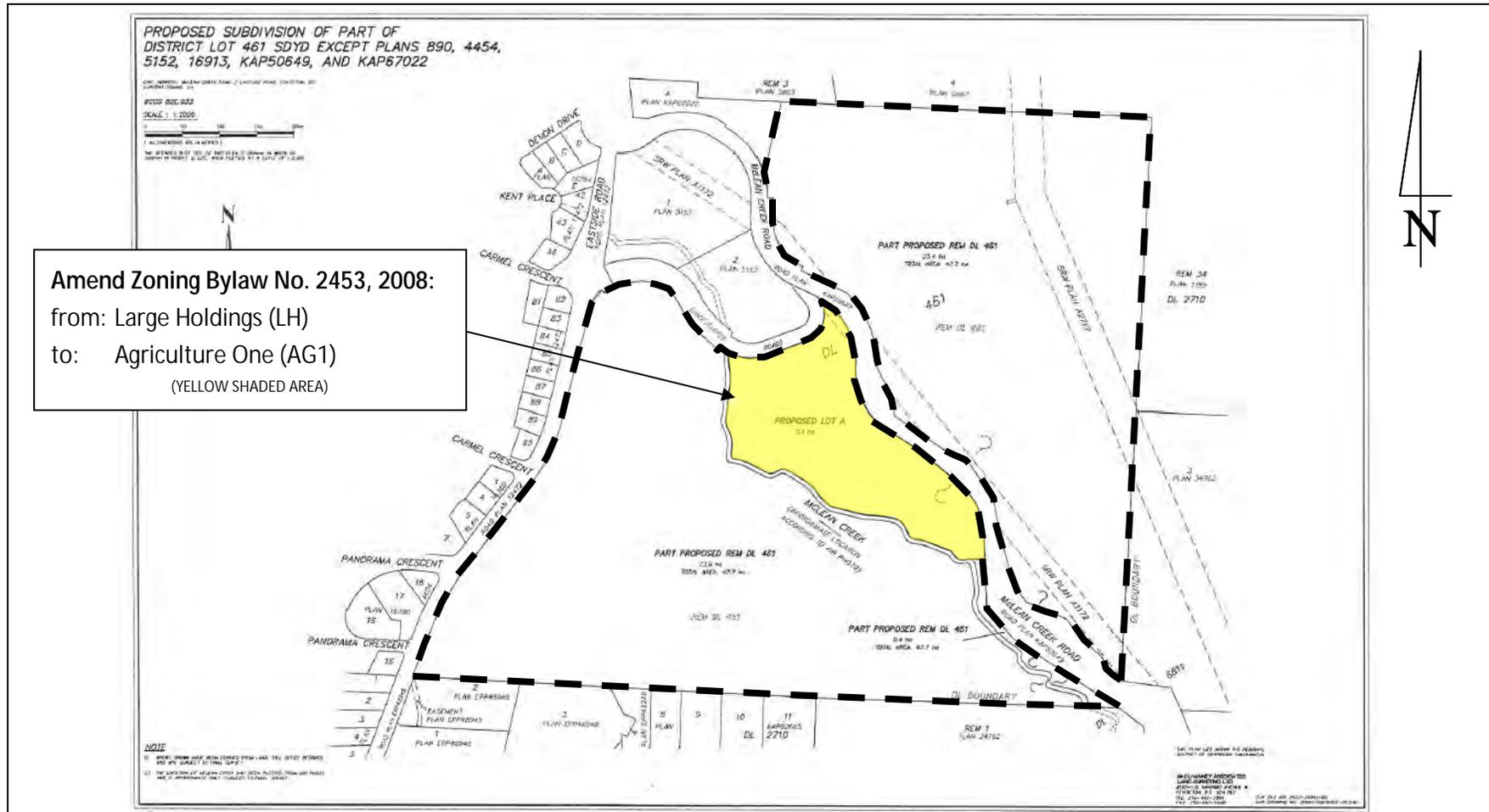
101 Martin St, Penticton, BC V2A 5J9  
 Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.23, 2016

Project No: D2015.128-ZONE

## Schedule 'Y-2'



## PUBLIC HEARING REPORT

**TO:** Regional Board of Directors  
**FROM:** Chair Tom Siddon, Electoral Area "D"  
**DATE:** August 10, 2016  
**RE:** Public Hearing Report on Amendment Bylaw Nos. 2603.07 & 2455.23, 2016

---



### Purpose of Amendment Bylaw:

The purpose of the amendment bylaws is to amend the zoning on a 5.1 hectare (ha) part of the property described as District Lot 461, SDYD, except Plan 890, B4454, 5152, 16913, KAP50649, KAP67022, in order to facilitate the subdivision of a new parcel adjacent to McLean Creek Road while leaving a remainder parcel of 47.7 ha that will be hooked across McLean Creek Road with additional road frontage to Eastside Road.

Specifically, it is being proposed to amend the Official Community Plan (OCP) designation on the proposed new 5.1 ha parcel from Large Holdings (LH) to Agriculture (AG) and the zoning of this same area under the Zoning Bylaw from Large Holdings (LH) to Agriculture One (AG1).

### Public Hearing Overview:

The Public Hearing for Amendment Bylaw Nos. 2603.07 and 2455.23, 2016, was convened on Wednesday, August 10, 2016, at 7:00 pm, at 1141 Cedar Street, Okanagan Falls, B.C. (Okanagan Falls Community Centre Meeting Room).

There were twenty-seven (27) members of the public present.

Members of the Regional District Board present were:

- Chair Tom Siddon

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor
- Nona Lynn, Recording Secretary

Chair Siddon called the Public Hearing to order at 7:11 pm at the Okanagan Falls Community Centre, Okanagan Falls, BC, pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Amendment Bylaw Nos. 2603.07 & 2455.23, 2016.

In accordance with Section 466, the time and place of the public hearing was advertised in the July 27<sup>th</sup> and August 3<sup>rd</sup>, editions of The Keremeos Review.

Copies of reports and correspondence received related to Amendment Bylaw Nos. 2603.07 & 2455.23, 2016, were available for viewing at the Regional District office during the required posting period.

**Summary of Representations:**

There were ten (10) written briefs submitted at the public hearing.

**Chair Siddon** called a first time for briefs and comments from the floor and noted that a binder is available which includes all written comments received to date and anyone wishing to review the comments could do so.

**C. Garrish, Planning Supervisor**, outlined the proposed amendment bylaws.

**Chair Siddon** asked if anyone wished to speak to the proposed bylaw.

**Brad Elenko, McElhanney Consulting Services Ltd, representative of applicant**, spoke in support of the application on behalf of the applicant.

**Arleen Sloan, 29 East Side Road**, discussed history of the property. Spoke in opposition of the proposal.

**Chris Danninger, 449 Parcels Road**, spoke in opposition of the proposal.

**Chair Siddon** asked a second time if there was anyone who wished to speak further to the proposed bylaw.

**Chair Siddon** asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at 7:27 p.m.

Recorded by:

'Nona Lynn'

Nona Lynn  
Recording Secretary

Confirmed:



Christopher Garrish  
Planning Secretary

Confirmed:

'Tom Siddon'

Tom Siddon  
Chair

Re: Monteith

Lauri Feindell

**From:** Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>  
**Sent:** January 29, 2016 9:20 AM  
**To:** Planning  
**Subject:** rezoning referral File D2015.128-ZONE

Hello Christopher,

Thank you for your referral regarding file D2015.128-ZONE for the property DL 461 SIMILKAMEEN DIVISION YALE DISTRICT EXC PLS 890 4454 5152 16913 KAP50649 & KAP67022, PID 014778343. Provincial records indicate previously recorded archaeological site DiQv-14 is recorded on the portion of the property south of McLean Creek Road. DiQv-14, consisting of cultural depressions and lithics (flakes of stone produced making tools) is protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. Additionally, the remainder of the property has high to moderate potential to contain previously unknown/unrecorded archaeological materials and the property is situated directly east of DiQv-27, which covers a large portion of the foreshore of Skaha Lake.

Prior to any land-altering activities (e.g. addition to home, property redevelopment, extensive landscaping, service installation), an Eligible Consulting Archaeologist should be engaged to determine if there are other archaeological deposits on the property and also the steps in managing impacts to the known archaeological site. 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](http://www.bcapa.ca)) or through local directories.

Occupying an existing dwelling or building without any land alterations does not require archaeological study or permitting.

If a permit is required, proponents should be advised that the permit application and issuance process takes approximately 8-10 weeks and should plan their development schedule accordingly.

If work is planned that is outside of the red area as shown in the screenshot below, the Archaeology Branch cannot require the proponent conduct an archaeological study or obtain a permit prior to development. In this instance it is a risk management decision for the proponent. However, the Archaeology Branch strongly encourages engaging an archaeologist prior to development as the site may extend beyond the limits indicated on the attached screenshot, or DiQv-27 may extend on to the property.

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.

If you or the property owners have questions, please visit the FAQ page at <http://www.for.gov.bc.ca/archaeology/faq.htm> and the Property Owners and Developers web page at [http://www.for.gov.bc.ca/archaeology/property\\_owners\\_and\\_developers/index.htm](http://www.for.gov.bc.ca/archaeology/property_owners_and_developers/index.htm).



If you or the property owners have further questions regarding the permitting process, please contact Paula Thorogood (Supervisor of Permitting and Assessment, Archaeology Branch) at 250-953-3300 or [Paula.Thorogood@gov.bc.ca](mailto:Paula.Thorogood@gov.bc.ca).

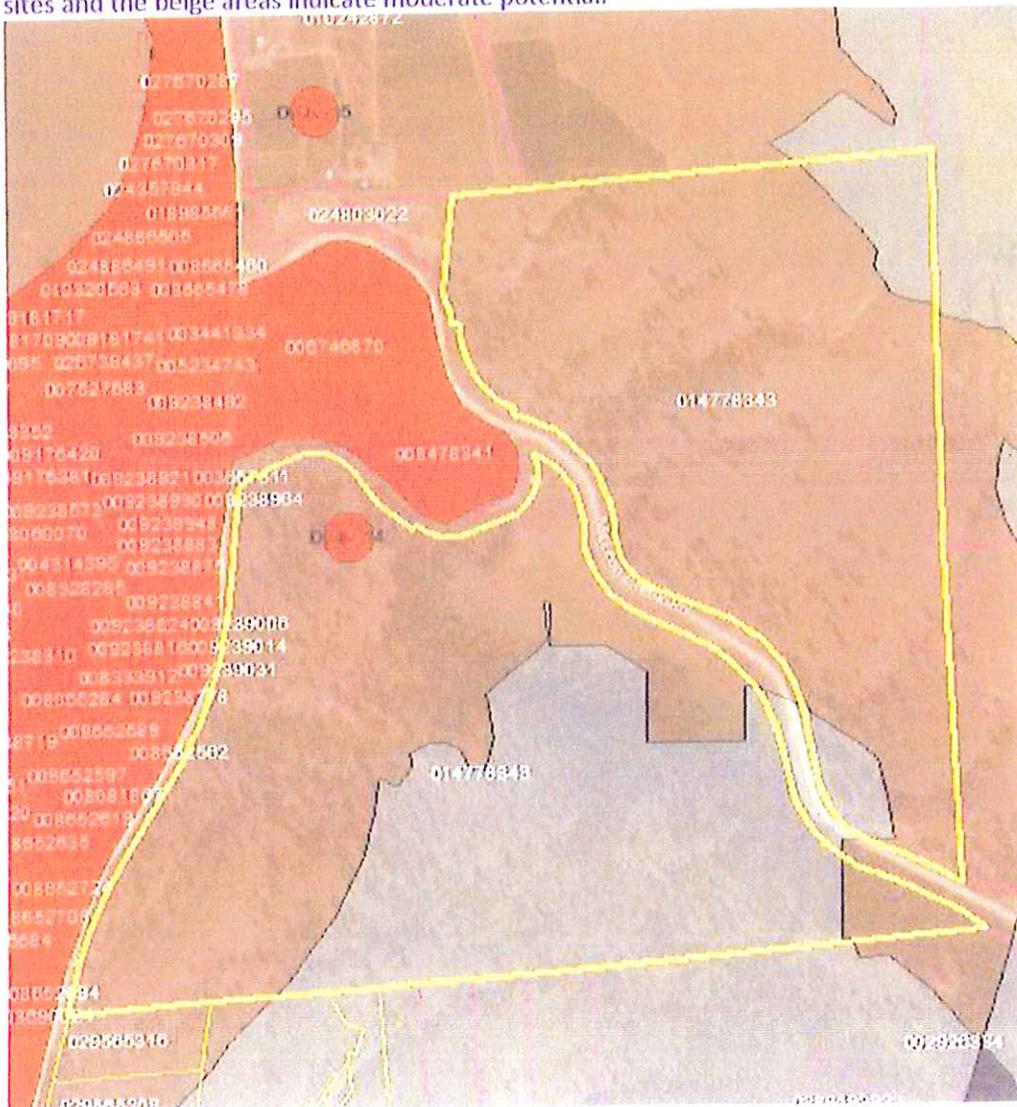
Below is a screenshot showing the property (outlined in yellow) in relation to DiQv-14 and DiQv-27 (red areas). If this is not the property as described in the referral, please contact me.

Please feel free to contact me should you have any questions regarding this data request.

Kind regards,

Diana

The red areas are archaeological sites. The brown areas indicate high potential for unknown/unrecorded archaeological sites and the beige areas indicate moderate potential.



**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:** Cameron Baughen  
**Sent:** March 1, 2016 4:55 PM  
**To:** Lauri Feindell  
**Cc:** Roger Huston  
**Subject:** RE: Bylaw Referral (D2015.128-ZONE)

Does not impact Solid Waste Management Plan. I don't know if a Liquid Waste Management Plan has been set for the area.

Cameron Baughen, RDOS Solid Waste Management Coordinator  
101 Martin Street, Penticton BC  
Ph 250-490-4203 TF 1-877-610-3737  
[cbaughen@rdos.bc.ca](mailto:cbaughen@rdos.bc.ca) [www.rdos.bc.ca](http://www.rdos.bc.ca)

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---

**From:** Lauri Feindell  
**Sent:** March-01-16 9:21 AM  
**To:** Sandy Croteau; Roger Huston  
**Cc:** Cameron Baughen; Christopher Garrish  
**Subject:** FW: Bylaw Referral (D2015.128-ZONE)

Good Morning,

**Re: Bylaw 2455.23**  
(Monteith)

Under Section 447 of the *Local Government Act*, when considering an amendment to an OCP, the Regional District must:  
*After first reading of a bylaw under subsection (1), the local government must, in sequence, do the following:*

- (a) consider the plan in conjunction with*
  - (i) its financial plan, and*
  - (ii) any waste management plan that is applicable in the municipality or regional district;*

Please forward comments if you have, and if no comments or concerns, could you also please send a quick email,

Much appreciated,

Lauri



## Lauri Feindell

---

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** January 20, 2016 4:04 PM  
**To:** Planning  
**Cc:** Mirsky, Nicholas  
**Subject:** Eastside Rd & McLean Creek Rd, DL 461 RDOS (D2015.128-ZONE)

With respect to the above noted file,

There are primary distribution facilities along McLean Creek Road. However, due to their size, both proposed lots may require extension work to bring service to potential building sites; the cost of which may be significant. To date, arrangements have not been completed to meet the requirements to service the proposed subdivision. The applicant is responsible for costs associated with any change to the proposed lots' existing service, if any, as well as the provision of appropriate land rights where required.

Otherwise, FortisBC Inc. (Electric) has no concerns with this circulation.

In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

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

Best Regards,

*Steven Danielson,  
Contract Land Agent for:*

**Nicholas Mirsky, B.Comm., AACI, P.App.  
Land Agent | Lands & Planning | FortisBC Inc.**

2350 Benvoulin Rd  
Kelowna, BC V1W 2L3  
Office: 250.469.8033  
Mobile: 250.718.9398  
Fax: 1.866.636.6171  
[nicholas.mirsky@fortisbc.com](mailto:nicholas.mirsky@fortisbc.com)



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D02881.000  
Monteith

**Lauri Feindell**

**From:** Sandy Croteau  
**Sent:** March 1, 2016 9:27 AM  
**To:** Lauri Feindell  
**Subject:** RE: Bylaw Referral (D2015.128-ZONE)

No issues

Sandy Croteau  
250-490-4230

**From:** Lauri Feindell  
**Sent:** March-01-16 9:21 AM  
**To:** Sandy Croteau; Roger Huston  
**Cc:** Cameron Baughen; Christopher Garrish  
**Subject:** FW: Bylaw Referral (D2015.128-ZONE)

Good Morning,

Re: Bylaw 2455.23  
(Monteith)

Under Section 447 of the *Local Government Act*, when considering an amendment to an OCP, the Regional District must:

*After first reading of a bylaw under subsection (1), the local government must, in sequence, do the following:*

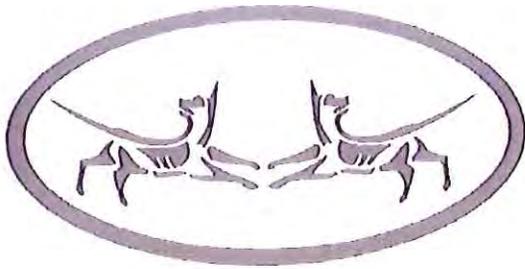
- (a) consider the plan in conjunction with*
  - (i) its financial plan, and*
  - (ii) any waste management plan that is applicable in the municipality or regional district;*

Please forward comments if you have, and if no comments or concerns, could you also please send a quick email,

Much appreciated,

Lauri





## 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**

February-16-16

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

RTS #: 1444  
Referral ID: 2015-12-22 ZON 1444  
Reference #: BL2603.06 2455.23 D2015.128-Zone  
Referral Date: December-22-15

**Attention: Lauri Feindell**

**Re: Regional District of Okanagan Similkameen RTS #1444, Invoice #376**

We write regarding your failure to pay invoice #376 to conduct a review to obtain additional information in the area of the above referral. To date, no payment has been received and we have therefore been unable to conduct a review of this referral; we must therefore put you on notice that we do not consent, agree or otherwise approve of the activity / development referred to by you in your letter to us dated December-22-15.

**Please make cheque payable to Penticton Indian Band. re: P.C. 132 RTS #1444**

The Okanagan Nation holds unextinguished aboriginal title to the land and resources within our traditional territory. The above-noted activity / development is within PIB's Area of Responsibility within Okanagan territory and as such, is subject to Okanagan title, jurisdiction, rights and interests, and PIB decision making and responsibility.

Over the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of aboriginal people in British Columbia, which includes the Penticton Indian Band, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the *Constitution Act, 1982*.

Most recently, in June 2014, the Supreme Court of Canada in the *Tsilhqot'in* case set out the following characteristics and implications of Aboriginal title:

- ♦ Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.
- ♦ The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in Aboriginal title lands and resources; the



beneficial interest is held by the Aboriginal title holding group. Allocations of Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.

- ◆ Aboriginal title includes the right to proactively use and manage the resources.
- ◆ Once Aboriginal title is "established", the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown's fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- ◆ Before Aboriginal title is "established", the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co-existence or accommodation of our jurisdiction and title. The Province continues to act as though we have no beneficial interest or authority, and it takes for itself the revenues derived from our lands and resources. The payment of the referral fee is necessary in order for us to assess your proposal, assess potential impacts and determine whether it should be approved and if so, on what conditions. Because we are unable to undertake such an assessment, we must at this time advise you that we are opposed to your proposed development/activity.

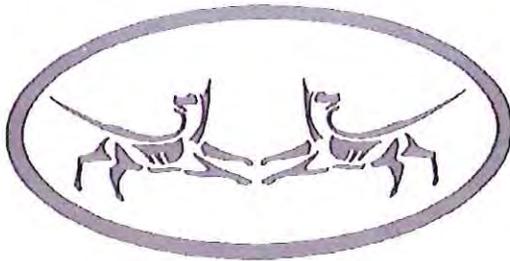
If you require further information or clarification, please do not hesitate to contact me.

limlmt,

Lavonda Nelson  
Data Management Clerk

cc:

DO/831000  
Mont 11/3



## 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

January-05-16

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

Attention: Lauri Feindell

RTS #: 1444  
Referral ID: 2015-12-22 ZON 1444  
Ref #: BL2603.06 2455.23 D2015.128-Zone  
Date: December-22-15

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on January-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.

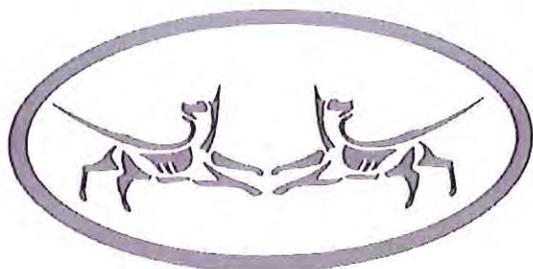
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

Limlmt,

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

January-05-16

WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION

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

RTS #: 1444  
Referral ID: 2015-12-22 ZON 1444  
Ref #: BL2603.06 2455.23 D2015.128-Zone  
Date: December-22-15

Attention: Lauri Feindell

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 Technician)	\$ 110.00	\$ 0.00	\$ 110.00
R.T.S. Data Entry (Technical Services)	\$ 80.00	\$ 0.00	\$ 80.00
Referral Assessment (Band Administrator)	\$ 67.50	\$ 0.00	\$ 67.50
Referral Coordination (Referrals Coordinator)	\$ 190.00	\$ 0.00	\$ 190.00
Total	\$ 500.00	\$ 0.00	\$ 500.00

**INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00**  
Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #1444

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

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.

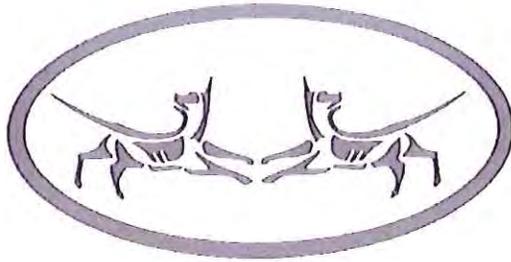
Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

Sincerely,

Lavonda Nelson  
Data Management Clerk

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



## Penticton Indian Band

Natural Resource Department  
R.R. #2, Site 80, Comp.19  
Penticton, British Columbia  
Canada V2A 6J7  
Telephone: 250-493-0048 Fax: 250-493-2882

January-05-16

WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION

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

**Summary:** the zoning on a 5.1 hectare; subdivision of a new parcel adjacent to McLean  
RTS #: 1444  
Referral ID: 2015-12-22 ZON 1444  
Ref #: BL2603.06 2455.23 D2015.128-Zone  
Date: December-22-15  
Creek Road ; of 47.7 ha that will be hooked across McLean Creek Road, Eastside Road  
to Okfalls.

Attention: Lauri Feindell

The Penticton Indian Band acknowledges receipt of your referral dated December-22-15. The PIB has insufficient information to begin review of your referral. Please provide the information indicated below.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

- Proponent contact info  
Please provide : name, phone, email, address

Without this information, we cannot make an informed decision and we would have no other alternative but to reject the proposed activity/development. We look forward to your response.

If you require further information or clarification, please do not hesitate to contact me.

Limlɛmt,

Lavonda Nelson  
Data Management Clerk



August 2, 2016

Mr. Tom Siddon, Director Electoral Area "D"  
Mr. Christopher Garrish MCTP-RPP  
Planning Supervisor  
Regional District Okanagan Similkameen  
101 Martin Street  
Penticton BC V2A-5J9

Re: Amendment Bylaw #'s 2603.07 & 2455.23  
RDOS File D2015.128  
Electoral Area D - DL 461 SDYD EXCEPT PLAN 890, E4454, S15Z, I6913,  
KAP 50649, KAP 67022  
McLean Creek Road / Frontage to Eastside Road

---

Dear Sir's:

I am the property owner of 450 Matheson Road, Okanagan Falls BC  
BLK 2 DL 2710 SDYD DP890 SL 34 DL 2710 SDYD DP 1189 EXCEPT PLANS 890 & 29693

As a large adjoining property owner to the above rezoning application, I would like to formally express my objection to the above noted amendment bylaws.

I feel this new zoning is not in character with the adjoining neighborhood large land holdings. I request that the RDOS board reject this application.

Yours truly,

*Mrs. Hildegard Spieldiener*

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
KAP50649

I am a property owner in the surrounding area and I have no objections to the rezoning of a  $\pm$  5 ha. portion of the above noted property from Large Holdings to Agriculture 1. I understand the rezoning will allow for the creation of  $\pm$ 5 ha farm parcel and I believe this zoning change will not have a negative impact on our property.

Yours Truly,

307 CARMIE - O.K. FARMS.  
civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
KAP50649

I am a property owner in the surrounding area and I have no objections to the rezoning of a  $\pm 5$  ha. portion of the above noted property from Large Holdings to Agriculture 1. I understand the rezoning will allow for the creation of  $\pm 5$  ha farm parcel and I believe this zoning change will not have a negative impact on our property.

Yours Truly,

TERRY PREMACK

309 CARAMEL CRESS, ORFALLS V0H1R5  
civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
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Yours Truly,

104 Eastside Rd. O.K. Falls  
civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
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Yours Truly,

106 Eastside Road  
civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
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Yours Truly

*K. de Broekert*

112 EASTSIDE RD, OK. FALLS  
civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
KAP50649

I am a property owner in the surrounding area and I have no objections to the rezoning of a  $\pm$  5 ha. portion of the above noted property from Large Holdings to Agriculture 1. I understand the rezoning will allow for the creation of  $\pm$ 5 ha farm parcel and I believe this zoning change will not have a negative impact on our property.

Yours Truly,

*Melissa Edwards*

103 Devon Drive  
civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
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I am a property owner in the surrounding area and I have no objections to the rezoning of a  $\pm$  5 ha. portion of the above noted property from Large Holdings to Agriculture 1. I understand the rezoning will allow for the creation of  $\pm$ 5 ha farm parcel and I believe this zoning change will not have a negative impact on our property.

Yours Truly,

116 EASTSIDE Rd.  
OKANAGAN FALLS BC  
civic address of property I own in the area VOH 1125

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
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Yours Truly,

105 Devon Drive

civic address of property I own in the area

August 10, 2016

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C.  
V2A 5J9

Dear RDOS Board Members:

Re: Proposed Rezoning from Large Holdings to Agriculture 1  
Portion of District Lot 461, SDYD, Except Plans B4454, 5152, 16913, KAP67022  
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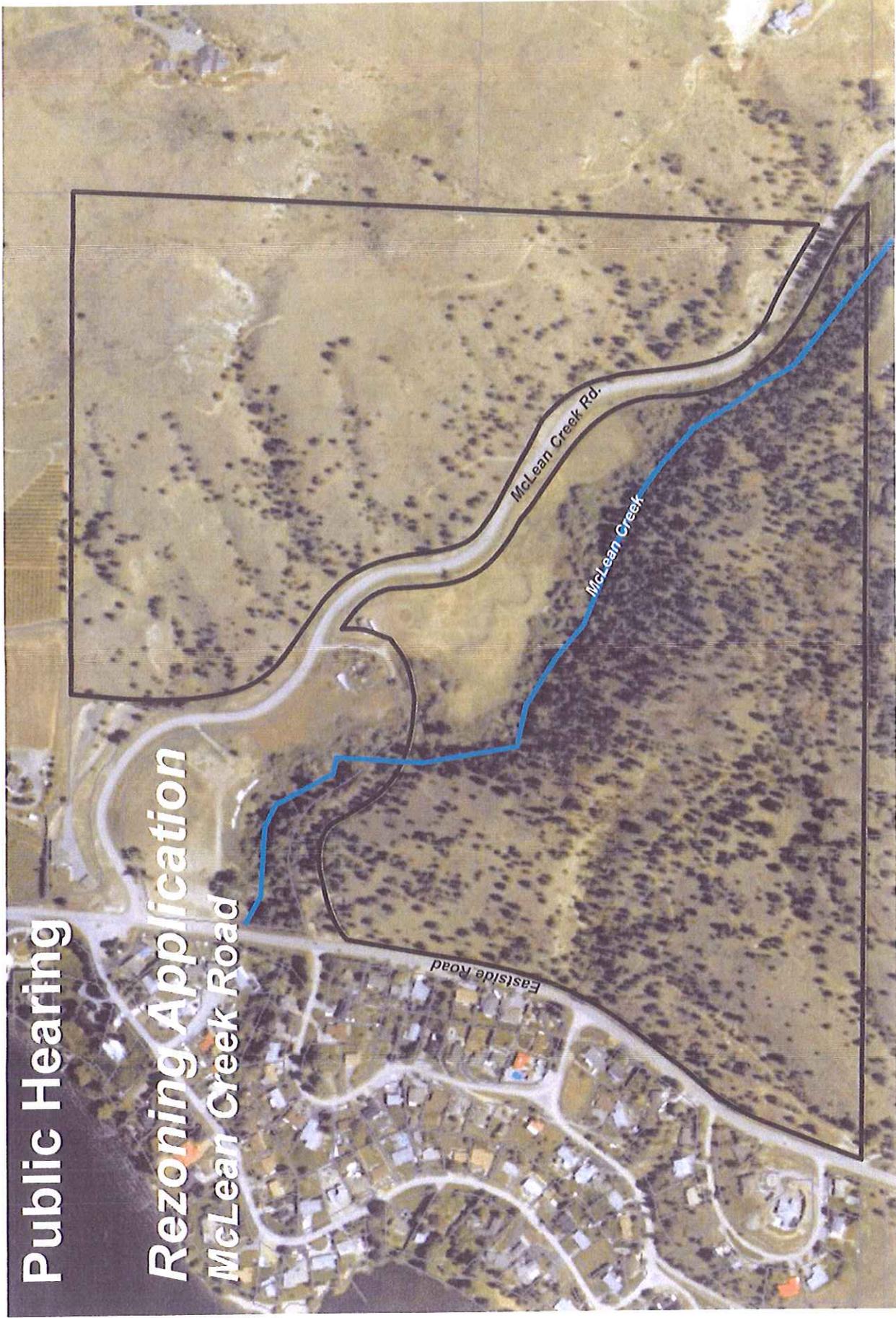
Yours Truly, /

3670 McLEAN CREEK ROAD, OKANAGAN FALLS, BC V0H 1R5.  
civic address of property I own in the area

**Public Hearing**

**Rezoning Application**

**McLean Creek Road**



**MONTIETH**



**McElhanney**

# Proposed Area to be Rezoned

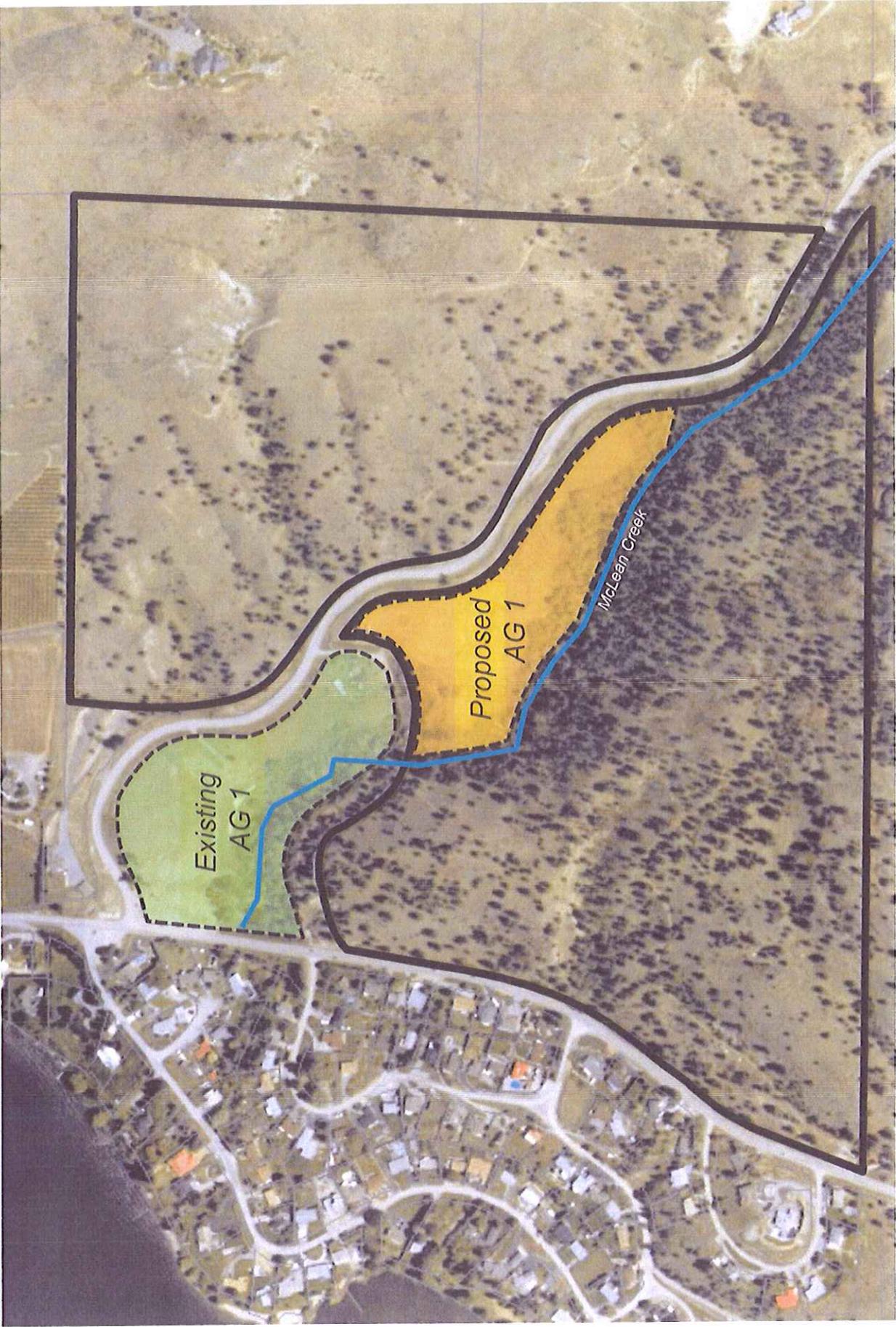


## **Proposed Rezoning to Agriculture**

- **The rezoning application is a request to rezone 5.1 ha. of land from Large Holdings to Agriculture 1. The application is also a request to amend the OCP land use designation from LH to AG.**
- **The purpose of the application is to facilitate a subdivision to create a 5.1 ha. agricultural parcel. The proposed agricultural parcel is physically separated and biophysically different from the balance of the parcel.**



# Adjacent AG1 Zoning

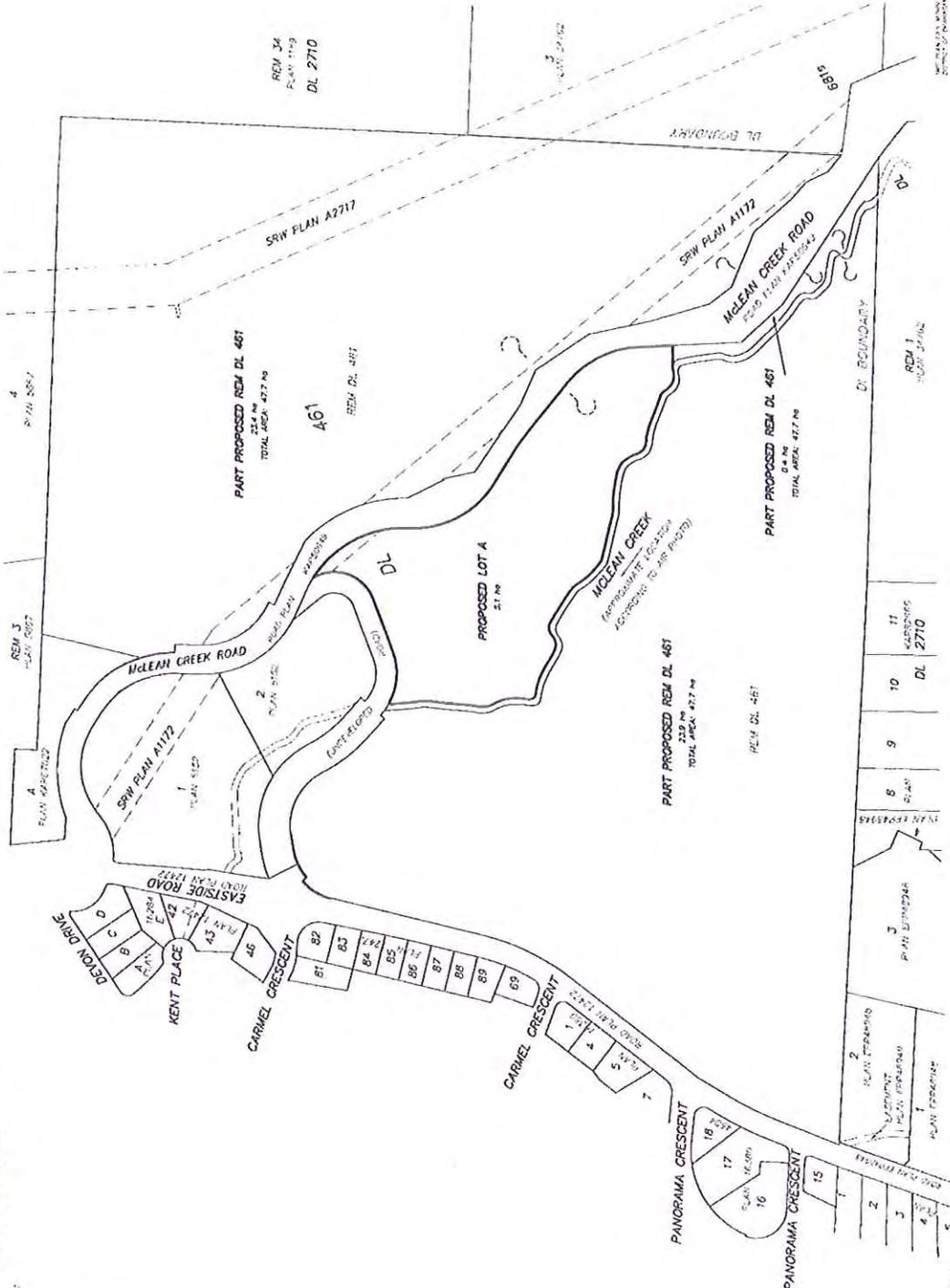


# Proposed Subdivision

PROPOSED SUBDIVISION OF PART OF  
DISTRICT LOT 461 SDYD EXCEPT PLANS 890, 4454,  
5152, 16913, KAP50649, AND KAP67022

DL 461

SCALE 1:2000



NOTES:  
1. THIS SUBDIVISION IS BEING FILED AS A PART OF DISTRICT LOT 461.  
2. THE LOCATION OF ALL UTILITIES AND STRUCTURES ARE SHOWN AS PER THE RECORDS OF THE DISTRICT OF COLUMBIA.

# BILL MONTIETH – Rezoning Application



## **Rationale and Justification to Support Rezoning Application**

- 1. The owner has submitted an Agricultural Land Reserve Inclusion application to include the proposed  $\pm$  5 ha. parcel into the ALR to entrench the farming future of the property.**
- 2. The proposed agricultural parcel is physically separated from the balance of the parcel by McLean Creek and McLean Creek Road making it a very natural subdivision by physical and natural features and there is presently access to the site.**



## **Rationale and Justification to Support Rezoning Application**

- 3. The proposed agricultural parcel is biophysically very different from the balance of the parcel. The proposed parcel is flat fertile valley bottom land void of trees with a good CLI agricultural rating. The balance of the parcel is hillside with a very poor CLI agricultural rating.**
- 4. The proposed rezoning and subsequent subdivision will create an agricultural parcel that will have a value consistent with other 5 ha. agricultural parcels, allowing it to be purchased and viably used for agricultural.**



## **Rationale and Justification to Support Rezoning Application**

- 5. The proposed rezoning and creation of the parcel is necessary if these lands are to be viably farmed. The value of the 56 ha. parcel is too high to support or justify a farm on only 5 ha. The only way the agriculturally productive land will be economically farmed is if a separate parcel is created that only includes the farmland. This will allow a farmer to acquire only the farmland and not be required to purchase 51 ha. of non-agricultural land with it.**



## **Rationale and Justification to Support Rezoning Application**

- 6. Riparian and other environmental values adjacent to McLean Creek will be protected by the  $\pm$  12 m SPEA that exists on the north side of the creek.**
- 7. The proposed zoning is consistent with the zoning of the adjacent north west parcels.**
- 8. The proposed rezoning is not inconsistent with any growth policies in the RGS or OCP as this application is not a request to create residential parcels, but rather a rezoning to create a viable agricultural parcel.**



## **Rationale and Justification to Support Rezoning Application**

- 9. The proposed rezoning will support all three of the Objectives outlined in the Agricultural section of the OCP.**
- 10. The proposed rezoning will not have a negative impact on adjacent or surrounding properties.**
- 11. Nine letters of support from the neighbouring property owners have been received regarding the proposed agricultural rezoning.**



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** OCP & Zoning Bylaw Amendment — Electoral Area “D-2”  
Commercial Zone Update



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### Administrative Recommendation:

**THAT** Bylaw No. 2603.08, 2016, Electoral Area “D” Official Community Plan Amendment Bylaw be read a third time and adopted;

**AND THAT** Bylaw No. 2455.24, 2016, Electoral Area “D” Zoning Amendment Bylaw be read a third time, as amended.

---

### Proposal:

The Regional District Board is proposing to undertake an update of the commercial zones comprised within the Electoral Area “D-2” Zoning Bylaw.

### Background:

At its meeting of March 6, 2014, the Board adopted a new Electoral Area “D-2” Official Community Plan (OCP) Bylaw No. 2603, 2013.

The OCP contemplates a number of changes to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, including “relabeling the highway commercial zone and providing a range of permitted uses that complement the vibrant, mixed use vision for the downtown area of Okanagan Falls that the OCP seeks.”

At its meeting of January 21, 2016, the Planning and Development (P&D) Committee of the Regional District Board resolved to “direct staff to initiate an amendment to the Electoral Area “D” Zoning Bylaw No. 2455, 2008, in order to update the commercial zones.”

All property owners affected by the proposed changes were notified by mail in early February of 2016.

At their meeting of February 9, 2016, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend that the proposed amendments to the Commercial Zone be approved.

At its meeting of July 7, 2016, the P&D Committee of the Regional District Board resolved to direct staff to apply a minimum parcel size requirement of 4.0 hectares to the C7 Zone, and to bring forward the amendment bylaw.

At its meeting of July 21, 2016, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing be scheduled.

A Public Hearing was held on August 10, 2016, where approximately 23 members of the public attended.

---

Approval from the Ministry of Transportation and Infrastructure (MoTI) will be required prior to adoption of Amendment Bylaw No. 2455.24, 2016, as the amendments will affect land situated within 800 metres of a controlled area (i.e. Highway 97).

**Analysis:**

As discussed at the P&D Committee meeting of January 21<sup>st</sup>, Administration fully supports updating the uses permitted in the C4 Zone and extending this to include the other commercial zones found in the Electoral Area “D-2” Zoning Bylaw. Specifically, it is being proposed to:

- retitle the C4 Zone “Okanagan Falls Town Centre” (from “Highway Commercial”);
- update the language used to describe permitted uses in the C3, C4, C6 and C7 Zones (NOTE: the C1 & C2 Zones do not exist in Electoral Area “D-2”, while the C5 Zone was removed in 2015);
- exclude automobile related uses (i.e. “service stations”) from the C4 Zone and include these in a new Service Commercial One (CS1) Zone to be applied to parcels where these are occurring;
- include the Okanagan Falls Heritage & Museum Society property (1145 Highway 97) in the C4 Zone (it is currently zoned Commercial Amusement (C6));
- rezone a non-conforming residential property in Upper Carmi from C6 to Small Holdings One (SH1) (the property owner has been consulted and is supportive of this change). This requires an amendment to the Electoral Area “D” OCP Bylaw in order to change the designation of the property from Commercial (C) to Small Holdings (SH);
- update the C7 Zone and consolidate an existing site specific zoning; and
- delete the Specialized Commercial (C8) Zone from the bylaw and rezone the only property it applies to back to Large Holdings (LH), which is the zoning that applied to the property prior to the “movie studio” concept being applied for in 2001 (the property owner received written notification of this proposal and has not responded).

With regard to the proposed amendments to Bylaw No. 2455.24, this is in relation to a minor typo identified in the permitted uses in the C4 Zone. Specifically, the proposed Section 13.2.1(f) makes reference to “multi-dwelling units, subject to Section 13.2.9”, however, the proposed C4 Zone does not include a Section 13.2.9 (or a Section 13.2.8).

At present, Section 13.2.9 (Provisions for Multi-Dwelling Units) is a requirement that multi-dwelling units “must be located above the first floor or in the rear of the same building containing the area intended for a commercial use.”

To address, this staff recommend that Bylaw No. 2455.16, be re-read at third reading in order to:

- amend Section 13.2.1(f) in order to update the reference to Section 13.2.8 (i.e. “multi-dwelling units, subject to Section 13.2.8”); and
- introduce a new sub-section 13.2.8 to read as follows:

**13.2.8 Multi-Dwelling Unit Regulations:**

- a) multi-dwelling units shall be located above the first floor or at the rear of a building containing a principal commercial use.

---

**Alternative:**

THAT the Board of Directors rescind first and second reading of Amendment Bylaw Nos. 2603.08 & . 2455.24, 2016, and abandon the bylaws.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**

Donna Butler

D. Butler, Development Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2455.24, 2016

---

**A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2455, 2008**

---

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Zoning Amendment Bylaw No. 2455.24, 2016."
2. The "Electoral Area "D" East Skaha, Vaseux Zoning Bylaw No. 2455, 2008" is amended by:
  - i) deleting the definitions of "sporting, amusement and recreation facility", "farmer's/flea market", "convenience stores", "indoor retail trade", "supermarkets", "pharmacies/drugstores", "video sales and rentals", "brew your own operations" under Section 4.0 (Definitions).
  - ii) replacing the definition of "amusement establishment, indoor" under Section 4.0 (Definitions) with the following:

**"amusement establishment, indoor"** means premises that provide video, pinball, player participation table top games, computer games and other interactive electronic games for use by the general public. This use does not include indoor recreational services;
  - iii) replacing the definition of "amusement establishment, outdoor" under Section 4.0 (Definitions) with the following:

**“amusement establishment, outdoor”** means premises for entertainment or amusement activities that primarily take place outdoors where the patrons are the primary participants. Typical uses include but are not limited to amusement parks, go-cart tracks, batting cages, water slides and miniature golf establishments. This use does not include open land recreation;

- iv) replacing the definition of “art gallery” under Section 4.0 (Definitions) with the following:

**“art gallery”** means a building or part of a building where works of art, such as paintings, sculpture, pottery, glass or weaving are displayed for public viewing, sale or both;

- v) replacing the definition of “hotel” under Section 4.0 (Definitions) with the following:

**“hotel”** means a building containing commercial guest accommodation units, and a lobby area for guest registration and access to the accommodation units and may contain accessory uses such as a restaurant, licensed drinking facilities, accessory retail store; and meeting rooms;

- vi) adding a new definition of “outdoor market” under Section 4.0 (Definitions) to read as follows:

**“outdoor market”** means a temporary use where groups of individual sellers offer new and used goods, crafts or produce for sale directly to the public;

- vii) adding a new definition of “personal service establishment” under Section 4.0 (Definitions) to read as follows:

**“personal service establishment”** means a business which caters to a person's personal needs, and includes a tailor, seamstress, cobbler, photographer, barber, beautician, hairdresser, and laundry and dry cleaning facilities;

- viii) adding a new definition of “retail store, general” under Section 4.0 (Definitions) to read as follows:

**“retail store, convenience”** means a retail sales outlet for the sale of foodstuffs, periodicals, sundries, fresh fruit and vegetables, hygienic or cosmetic goods or plants to serve the residents of the surrounding community on a day to day basis, which may include a confectionery, delicatessen, meat market, bakery, automated banking machines, video sales

and rental, and depots for film or postal services, and which has a maximum gross retail floor area including storage of 250 m<sup>2</sup>;

- ix) adding a new definition of “retail store, general” under Section 4.0 (Definitions) to read as follows:

**“retail store, general”** means premises where goods, merchandise, and other materials, and personal services, including those listed for convenience retail stores, are offered for sale at retail to the general public. Typical uses include by are not limited to grocery, clothing, shoe, hardware, pharmaceutical, appliance, and sporting goods stores. This use excludes warehouse sales and the sale of gasoline, heavy agricultural and industrial equipment or retail stores requiring outdoor storage;

- x) replacing the definition of “recreation vehicle (rv) park” under Section 4.0 (Definitions) with the following:

**“recreational vehicle park”** means a parcel of land occupied and maintained for temporary accommodation (maximum 180 days) of the travelling public or persons who are the owners of a strata recreational vehicle space within the recreational vehicle park. May include a laundry facility, washroom and shower facility, convenience store, office, storage area, and recreational facilities as part of the permitted use but does not include cabins, hotels, manufactured homes, manufactured home parks, or motels.

- xi) adding a new definition of “recreation vehicle space” under Section 4.0 (Definitions) to read as follows:

**“recreational vehicle space”** means an area of land within a recreational vehicle park designed for the siting of one recreational vehicle and accessory buildings and structures.

- xii) replacing Section 12.1.1(j) (Residential Multiple Family Zone) with the following:

j) retail sales, general, accessory to multi-dwelling units; and

- xiii) replacing the title of Section 12.1.10 (Residential Multiple Family Zone) with the following:

**12.1.10 Provisions for Accessory Retail Sales**

xiv) replacing Section 13.1.1 (Neighbourhood Commercial Zone) with the following:

**13.1.1 Permitted Uses:**

Principal uses:

- a) retail sales, convenience;
- b) offices;
- c) personal service establishments;

Secondary uses:

- d) accessory dwellings, subject to Section 7.11;
- e) home occupations, subject to Section 7.17;
- f) bed and breakfast operation, subject to Section 7.19;
- g) accessory buildings and structures, subject to Section 7.13.

xv) replacing Section 13.2 (Highway Commercial Zone) to read as follows:

**13.2 OKANAGAN FALLS TOWN CENTRE ZONE (C4)**

**13.2.1 Permitted Uses:**

Principal uses:

- a) amusement establishment, indoor;
- b) art galleries, libraries, museums;
- c) eating and drinking establishments;
- d) hotels;
- e) motels;
- f) multi-dwelling units, subject to Section 13.2.8;
- g) offices;
- h) outdoor market;
- i) personal service establishment;
- j) retail store, general;

Secondary uses:

- k) accessory dwellings, subject to Section 7.11;
- l) home occupations, subject to Section 7.17;
- m) bed and breakfast occupation, subject to Section 7.19;
- n) accessory buildings and structures, subject to Section 7.13.

**13.2.2 Site Specific Okanagan Falls Town Centre (C4s) Provisions:**

- a) see Section 17.31

**13.2.3 Minimum Parcel Size:**

- a) 500 m<sup>2</sup>

**13.2.4 Minimum Parcel Width:**

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

**13.2.5 Minimum Setbacks:**

- a) Buildings and Structures:
  - i) Front parcel line:
 

.1 with secondary lane access:	3.0 metres
.2 without secondary lane access:	4.5 metres
  - ii) Rear parcel line:
 

.1 adjacent a Residential Zone:	4.5 metres
.2 adjacent all other zones:	0.0 metres
  - iii) Interior side parcel line: 0.0 metres
  - iv) Exterior side parcel line: 3.0 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 3.0 metres
  - ii) Rear parcel line:
 

1. adjacent a Residential Zone:	6.0 metres
2. adjacent all other zones:	0.0 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 3.0 metres

**13.2.6 Maximum Height:**

- a) No building shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

**13.2.7 Maximum Parcel Coverage:**

- a) 80%

**13.2.8 Multi-Dwelling Unit Regulations:**

- a) multi-dwelling units shall be located above the first floor or at the rear of a building containing a principal commercial use.

xvi) replacing Section 13.4 (Commercial Amusement Zone) with the following:

**13.4 COMMERCIAL AMUSEMENT ZONE (C6)**

**13.4.1 Permitted Uses:**

Principal uses:

- a) amusement establishments, indoor and outdoor;

Secondary uses:

- b) accessory dwelling, subject to Section 7.11;
- c) eating and drinking establishments;
- d) retail store, general, not to exceed 200 m<sup>2</sup> gross floor area;
- e) accessory buildings and structures, subject to Section 7.13.

**13.4.2 Site Specific Commercial Amusement (C6s) Provisions:**

- a) see Section 17.17

**13.4.3 Minimum Parcel Size:**

- a) 5.0 ha

**13.4.4 Minimum Parcel Width:**

- a) Not less than 25% of parcel depth

**13.4.5 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) accessory dwelling

**13.4.6 Minimum Setbacks:**

- a) Buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line 7.5 metres
  - ii) Rear parcel line 7.5 metres
  - iii) Interior side parcel line 3.0 metres
  - iv) Exterior side parcel line 4.5 metres

**13.4.7 Maximum Height:**

- a) No building or structure shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 12.0 metres.

**13.4.8 Maximum Parcel Coverage:**

- a) 35%

xvii) replacing Section 13.5 (Recreational Vehicle Park Zone) with the following:

**13.5 RECREATIONAL VEHICLE PARK ZONE (C7)**

**13.5.1 Permitted Uses:**

Principal uses:

- a) recreational vehicle park;

Secondary uses:

- b) accessory dwellings, subject to Section 7.11;
- c) home occupations, subject to Section 7.17;
- d) bed and breakfast operation, subject to Section 7.19; and
- e) accessory buildings and structures, subject to Section 7.13.

**13.5.2 Site Specific Recreational Vehicle Park (C7s) Regulations:**

- a) see Section 17.18

**13.5.3 Minimum Parcel Size:**

- a) 4.0 ha for recreational vehicle park; and
- b) 130 m<sup>2</sup> for each recreational vehicle space, subject to servicing requirements.

**13.5.4 Maximum Parcel Size:**

- a) not applicable for recreational vehicle park; and
- b) 223 m<sup>2</sup> for each recreational vehicle space, subject to servicing requirements.

**13.5.5 Minimum Parcel Width:**

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

**13.5.6 Maximum Number of Dwellings Permitted Per Parcel:**

- a) one (1) accessory dwelling.

**13.5.7 Maximum Density:**

- a) 50 recreational vehicle spaces per ha, subject to servicing requirements.

**13.5.8 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: 1.5 metres

- iv) Exterior side parcel line: 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 7.5 metres
  - iii) Interior parcel line: 1.5 metres
  - iv) Exterior parcel line: 4.5 metres
- c) Setbacks within each recreational vehicle space for buildings and structures, including recreational vehicles (subject to sub-sections (a) & (b) above):
  - i) Front parcel line: 1.5 metres
  - ii) Rear parcel line: 1.5 metres
  - iii) Interior parcel line: 2.5 metres
  - iv) Exterior parcel line: 3.5 metres

**13.5.9 Minimum Buffer Area:**

- a) 1.5 metres around perimeter of parcel for RV Park use.

**13.5.10 Maximum Height:**

- a) No building or structure shall exceed a height of 8.5 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

**13.5.11 Maximum Parcel Coverage:**

- a) 35%; and
- b) 40% for recreational vehicle spaces.

**13.5.12 General Provisions:**

- a) All provisions in the Campsite Bylaw No. 713, 1982, as amended from time to time that have not been specified in this particular bylaw shall be met.

xviii) replacing Section 13.6 (Specialised Commercial Zone) with the following:

**13.6 Deleted.**

xix) replacing Section 13.7.1(f) (Tourist Commercial One Zone) with the following:

f) outdoor markets;

xx) replacing Section 13.7.1(h) (Tourist Commercial One Zone) with the following:

h) retail sales, convenience;

xxi) replacing Section 13.7.1(j) (Tourist Commercial One Zone) with the following:

j) retail sales, general accessory to outdoor markets, campgrounds and resorts;

xxii) replacing Section 13.7.1(l) (Tourist Commercial One Zone) with the following:

l) accessory dwellings, excluding "hotels", "outdoor markets", "recreation amusement and cultural facilities" and "retail sales, convenience" uses, and subject to Section 7.11;

xxiii) replacing Section 13.8.1(d) (Tourist Commercial Four Zone) with the following:

h) retail sales, convenience, accessory to campgrounds and to a maximum floor area of 235 m<sup>2</sup>;

xxiv) replacing Section 13.8.9 (Tourist Commercial Four Zone) with the following:

**13.8.9 deleted.**

xxv) adding a new Section 13.9 (Service Commercial One Zone) to read as follows:

**13.9 SERVICE COMMERCIAL ONE ZONE (CS1)**

**13.9.1 Permitted Uses:**

Principal uses:

a) car washes;

b) propane and other vehicle fuel sales;

c) retail store, general;

- d) service stations;
- e) vehicle sales and service establishments;

Secondary uses:

- f) eating and drinking establishments;
- g) accessory buildings and structures, subject to Section 7.13.

**13.9.2 Site Specific Service Commercial One (CS1s) Provisions:**

- a) see Section 17.31

**13.9.3 Minimum Parcel Size:**

- a) 1,000 m<sup>2</sup>, subject to servicing requirements.

**13.9.4 Minimum Parcel Width:**

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

**13.9.5 Minimum Setbacks:**

- a) Buildings and Structures:
  - i) Front parcel line: 6.0 metres
  - ii) Rear parcel line: 6.0 metres
  - iii) Interior side parcel line: 3.0 metres
  - iv) Exterior side parcel line: 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 6.0 metres
  - ii) Rear parcel line: 3.0 metres
  - iii) Interior side parcel line: 3.0 metres
  - iv) Exterior side parcel line: 4.5 metres

**13.9.6 Maximum Height:**

- a) No building shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

**13.9.7 Maximum Parcel Coverage:**

- a) 35%

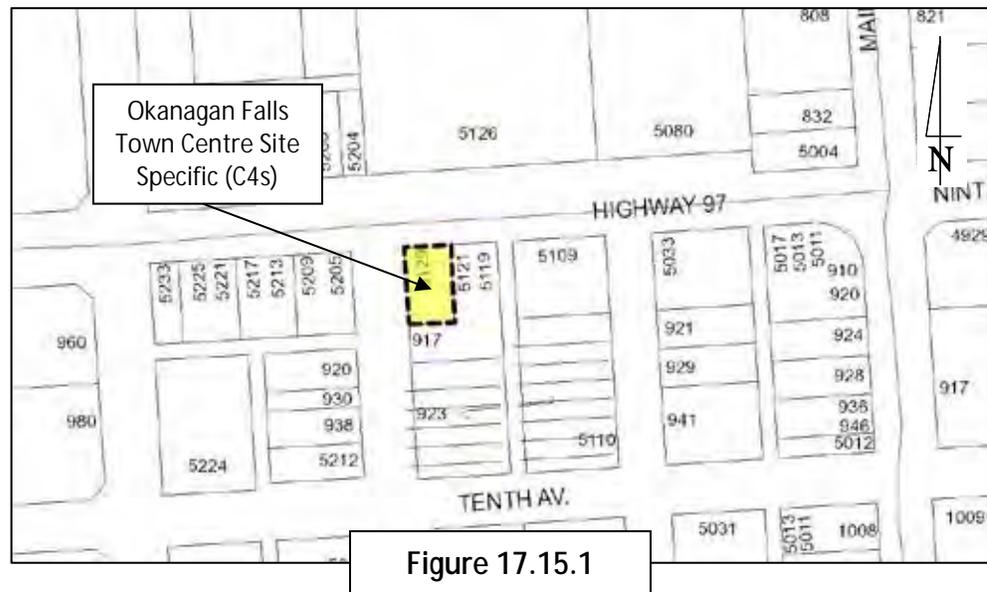
xxvi) replacing Section 17.15 (Site Specific Highway Commercial (C4s) Provisions) with the following:

**17.15 Site Specific Okanagan Falls Town Centre (C4s) Provisions:**

.1 In the case of land described as Lot 1, Plan KAP3828, District Lot 374, SDYD, and shown shaded yellow on Figure 17.15.1:

i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 13.2.1:

- a) "vehicle sales and service establishments".



xxvii) replacing Section 17.18 (Site Specific Recreation Vehicle Park (C7s) Provisions) with the following:

**17.18 Site Specific Recreation Vehicle Park (C7s) Provisions:**

.1 *deleted*

xxviii) replacing Section 17.19 (Site Specific Specialised Commercial (C8s) Provisions) with the following:

**17.19** *deleted.*

xxix) adding a new Section 17.31 (Site Specific Service Commercial One (CS1s) Provisions) to read as follows:

**17.31 Site Specific Service Commercial One (CS1s) Provisions:**

.1 *blank*

3. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by replacing the reference under the Legend to Highway Commercial (C4) with Okanagan Falls Town Centre (C4).
4. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot 9, Plan KAP34520, District Lot 374, SDYD, and shown shaded yellow on Schedule 'Y-1', which forms part of this Bylaw, from Commercial Amusement (C6) to Okanagan Falls Town Centre (C4).
5. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot 9, Plan KAP34520, District Lot 374, SDYD, and shown shaded yellow on Schedule 'Y-2', which forms part of this Bylaw, from Recreation Vehicle Park Site Specific (C7s) to Recreation Vehicle Park (C7).
6. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot 9, Plan KAP2480, District Lot 3090, SDYD, and shown shaded yellow on Schedule 'Y-3', which forms part of this Bylaw, from Specialised Commercial (C8) to Large Holdings (LH).
7. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot A, Plan KAP56500, District Lot 2710, SDYD, Subsidy Lot 17; and Lot 1, Plan KAP50708, District Lot 2710, SDYD, Subsidy Lot 17, Except Plan KAP56500, and shown shaded yellow on Schedule 'Y-4', which forms part of this Bylaw, from Commercial Amusement (C6) to Small Holdings One (SH1).
8. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot 1, Plan KAP12468, District Lot 374, SDYD, Except Plan 16980, and

shown shaded yellow on Schedule 'Y-5', which forms part of this Bylaw, from Highway Commercial (C4) to Service Commercial One (CS1).

9. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lots 1 & 2, Plan KAP3787, District Lot 374, SDYD, and shown shaded yellow on Schedule 'Y-6', which forms part of this Bylaw, from Highway Commercial (C4) to Service Commercial One (CS1).
10. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot 11, Plan KAS2687, District Lot 2883S, SDYD, and shown shaded yellow on Schedule 'Y-7', which forms part of this Bylaw, from Highway Commercial Site Specific (C4s) to Okanagan Falls Town Centre (C4).
11. The Official Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing the land use designation for the land described as Lot 1, Plan KAP3828, District Lot 374, SDYD, and shown shaded yellow on Schedule 'Y-8', which forms part of this Bylaw, from Highway Commercial (C4) to Okanagan Falls Town Centre Site Specific (C4s).

READ A FIRST AND SECOND TIME this 21<sup>st</sup> day of July, 2016.

PUBLIC HEARING held on this 10<sup>th</sup> day of August, 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 "D" Zoning Amendment Bylaw No. 2455.24, 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

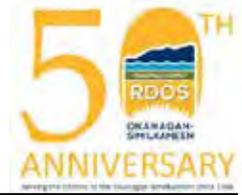
ADOPTED this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# Regional District of Okanagan-Similkameen

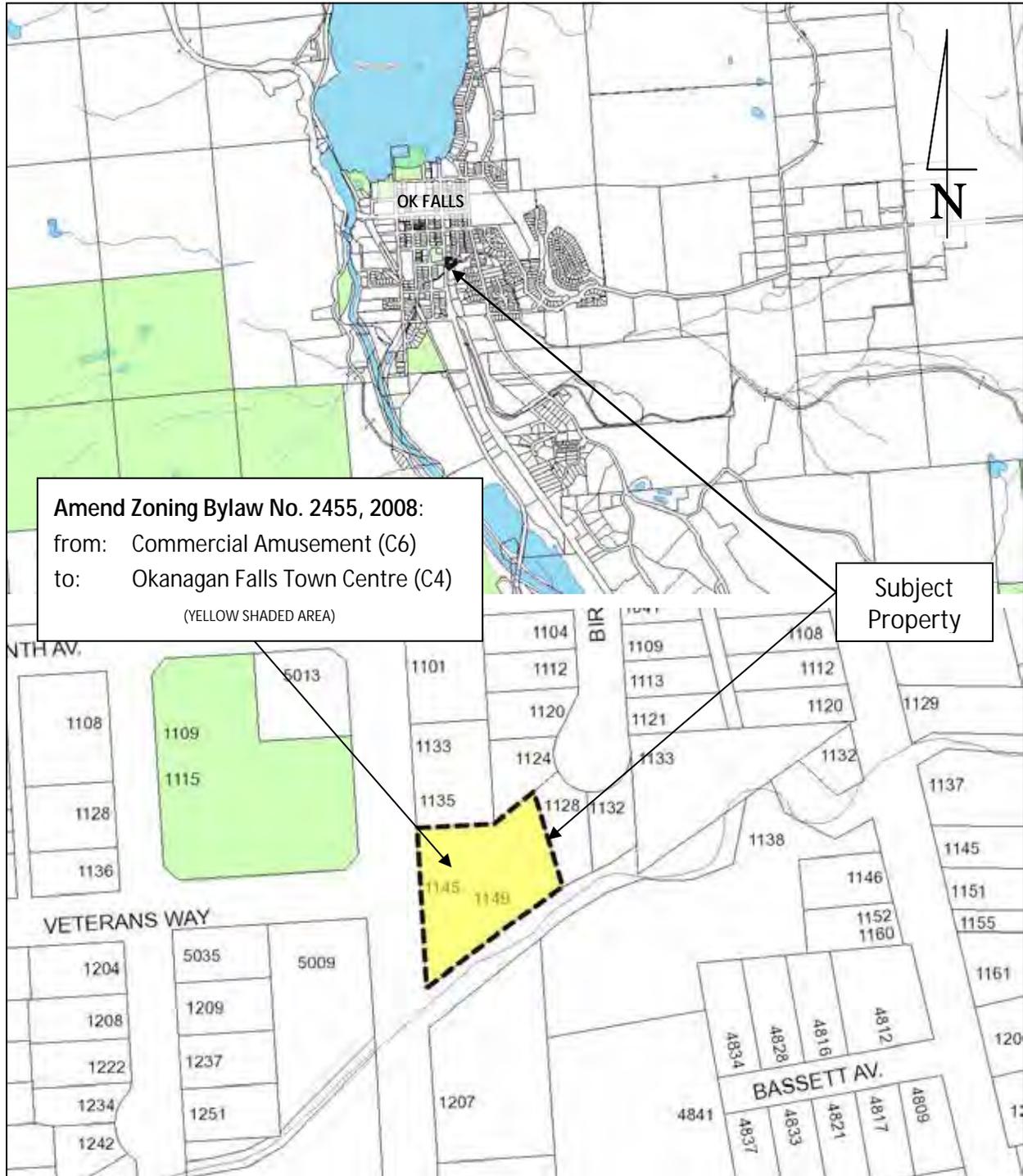
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-1'



# Regional District of Okanagan-Similkameen

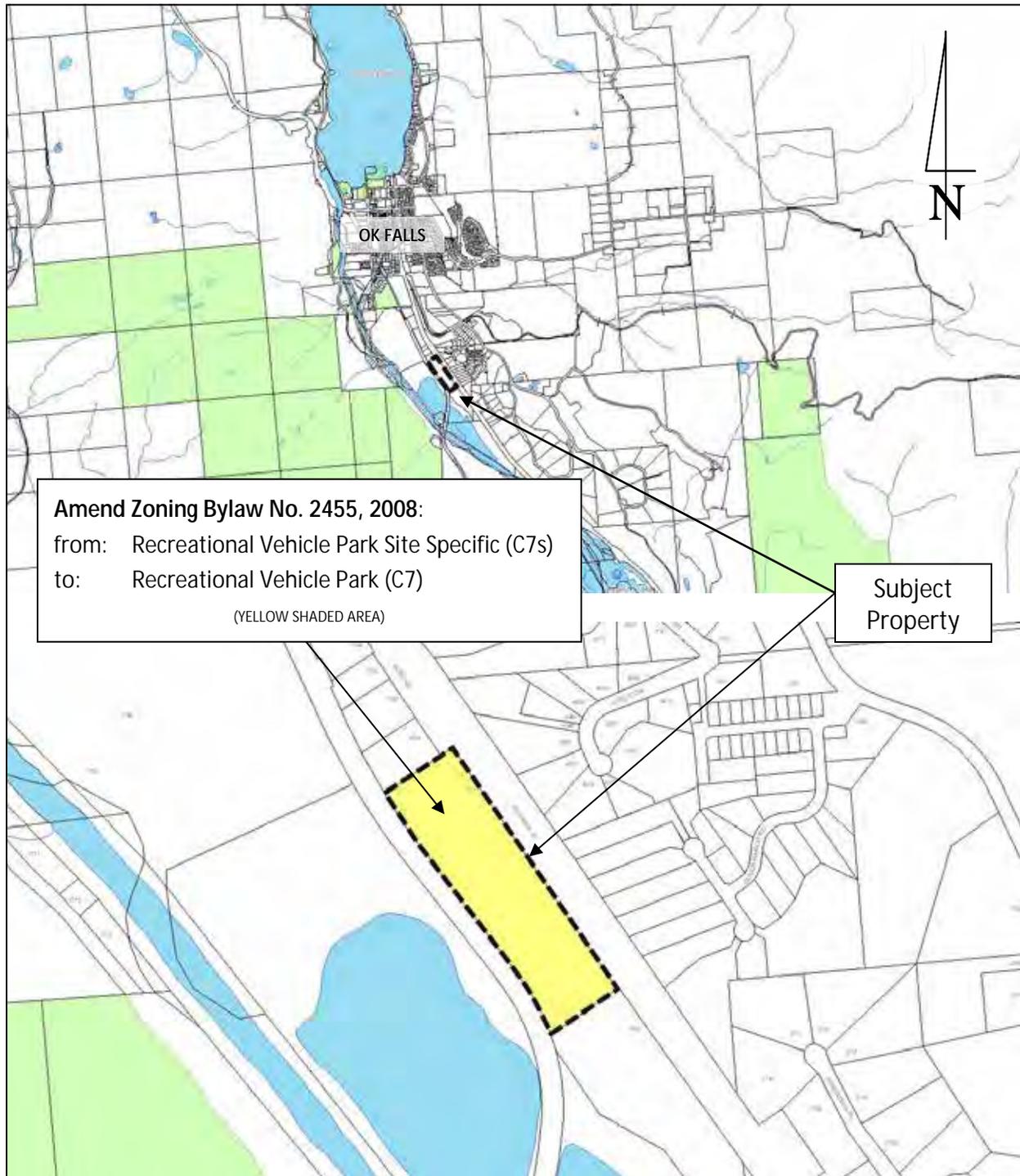
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-2'



# Regional District of Okanagan-Similkameen

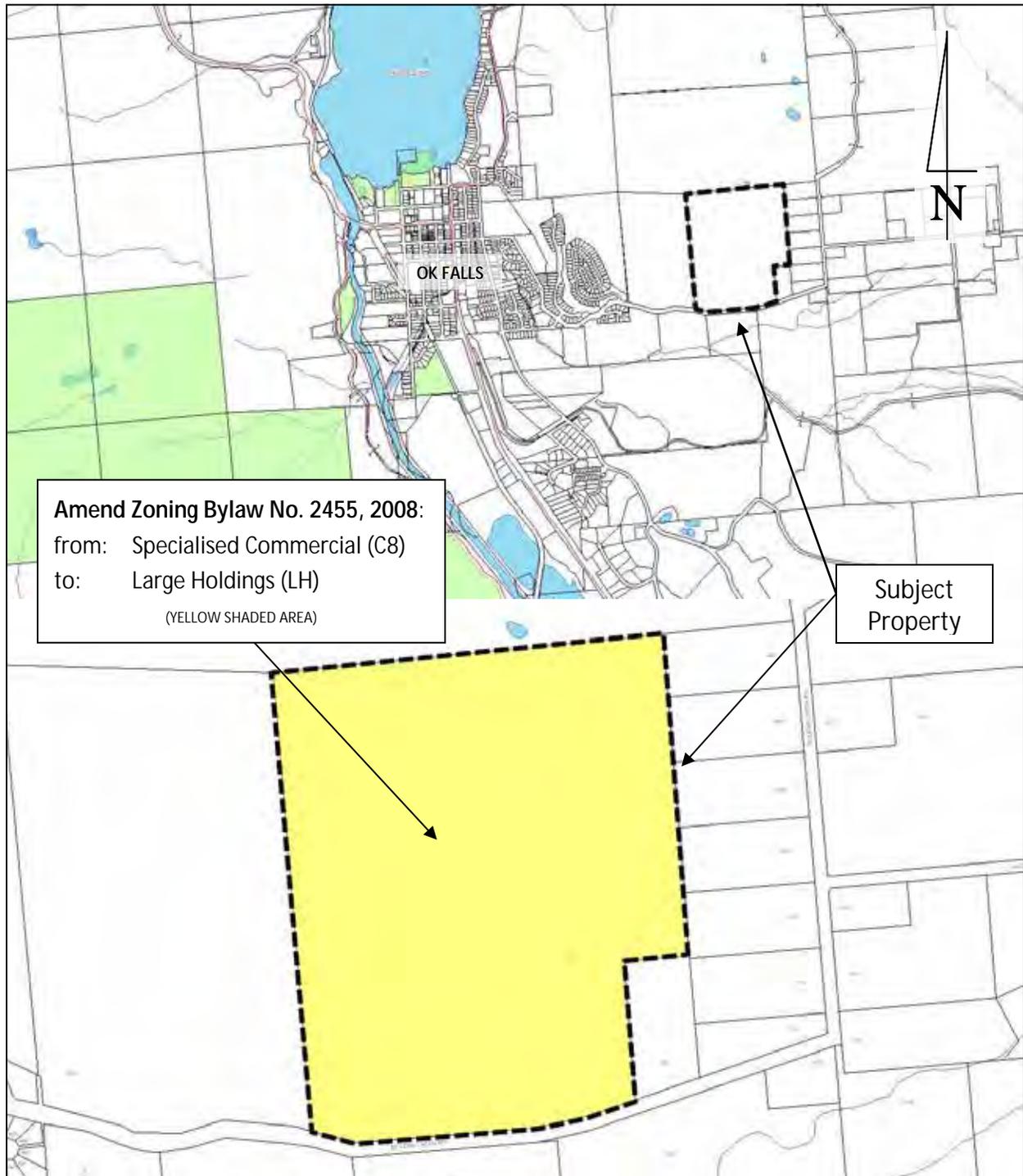
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-3'



# Regional District of Okanagan-Similkameen

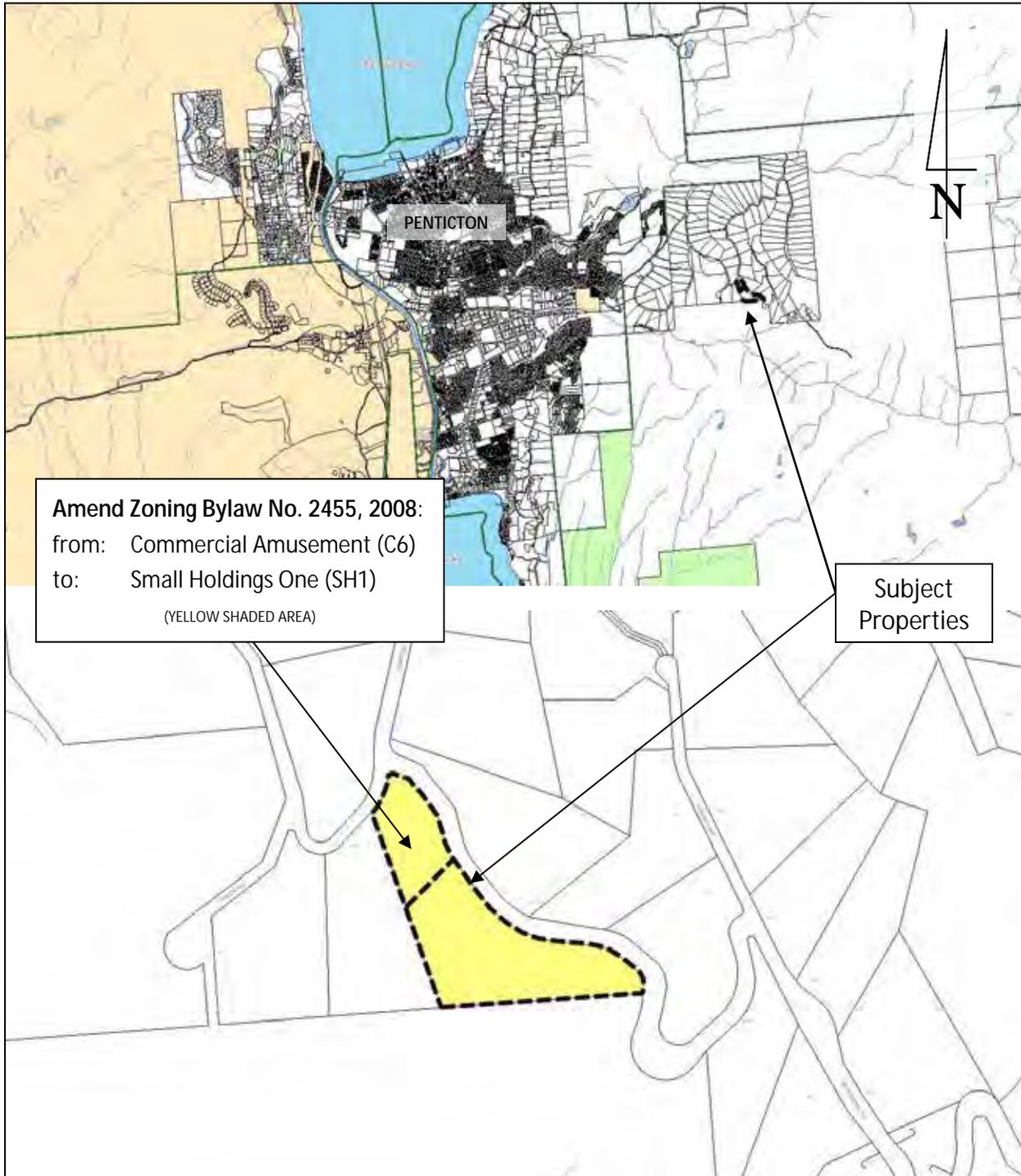
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Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-4'



# Regional District of Okanagan-Similkameen

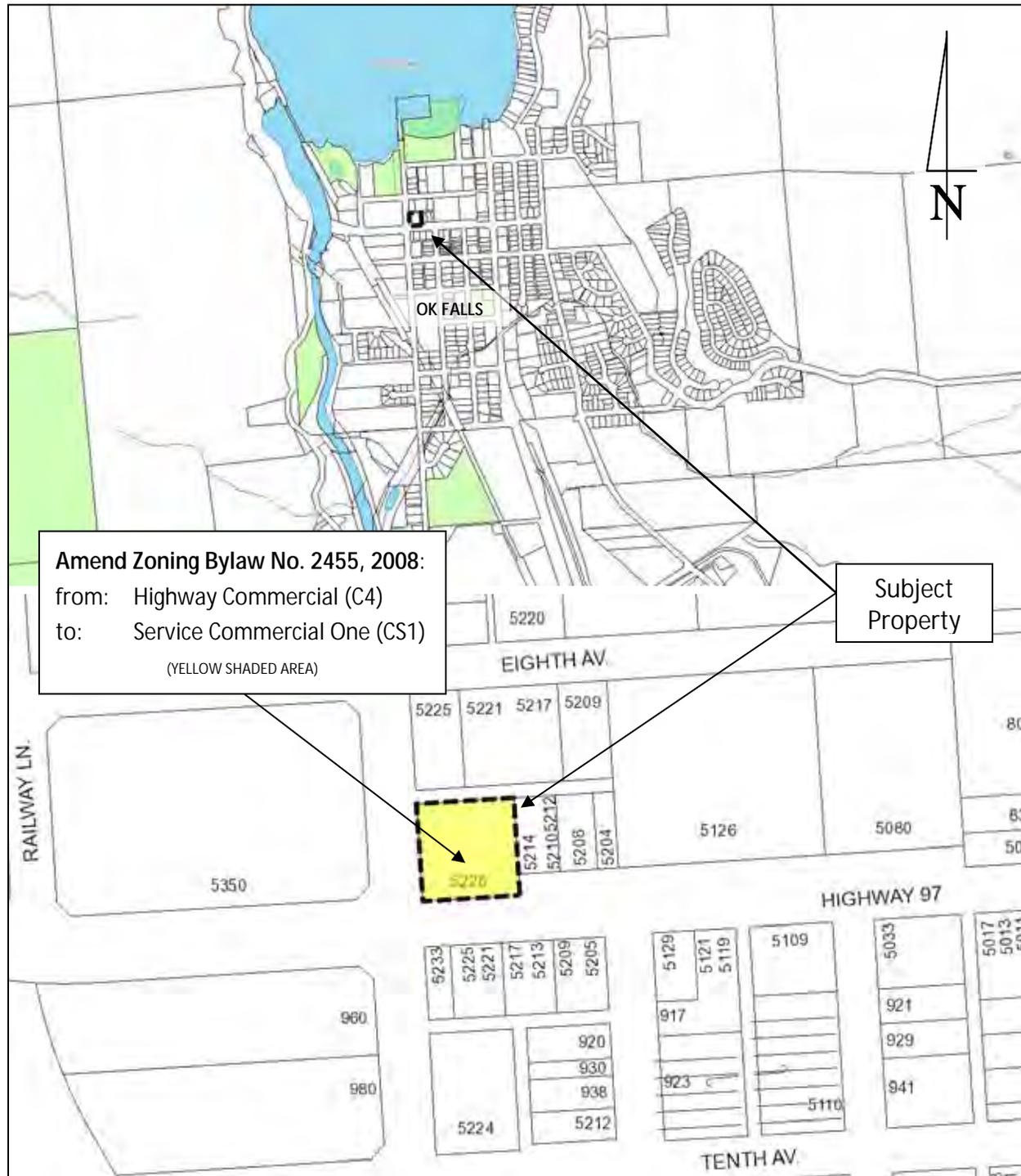
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Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-5'



# Regional District of Okanagan-Similkameen

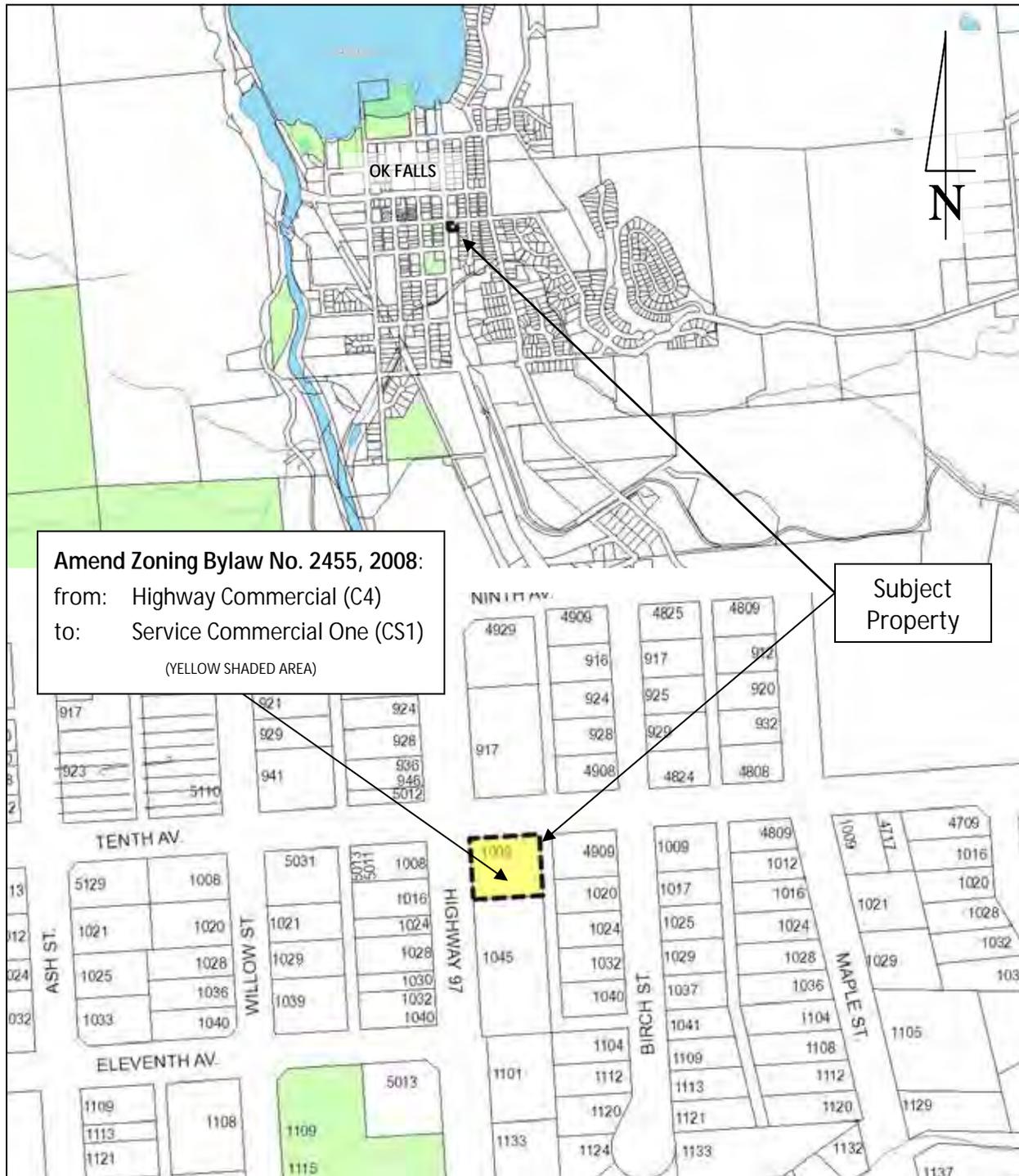
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-6'



# Regional District of Okanagan-Similkameen

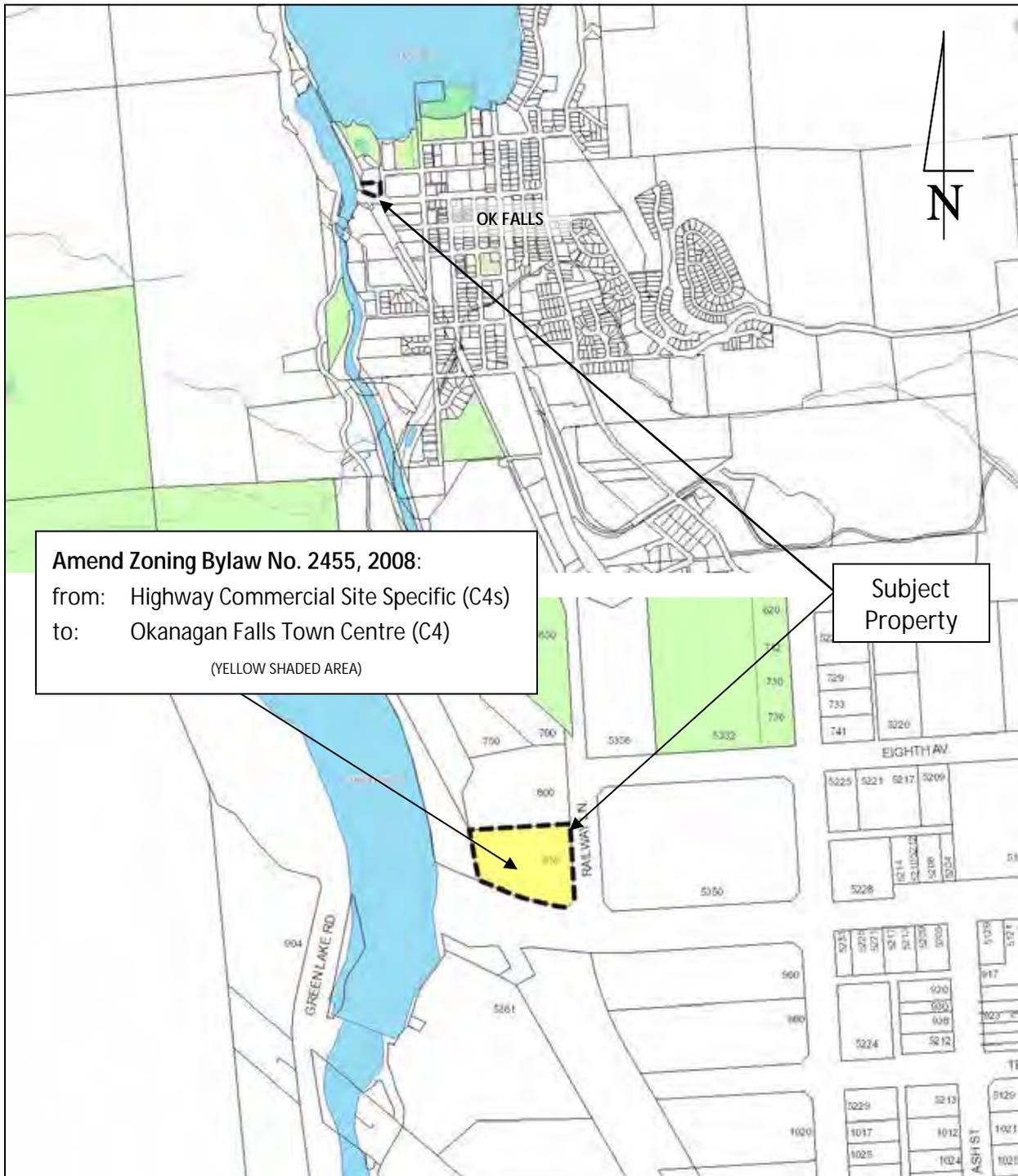
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-7'



# Regional District of Okanagan-Similkameen

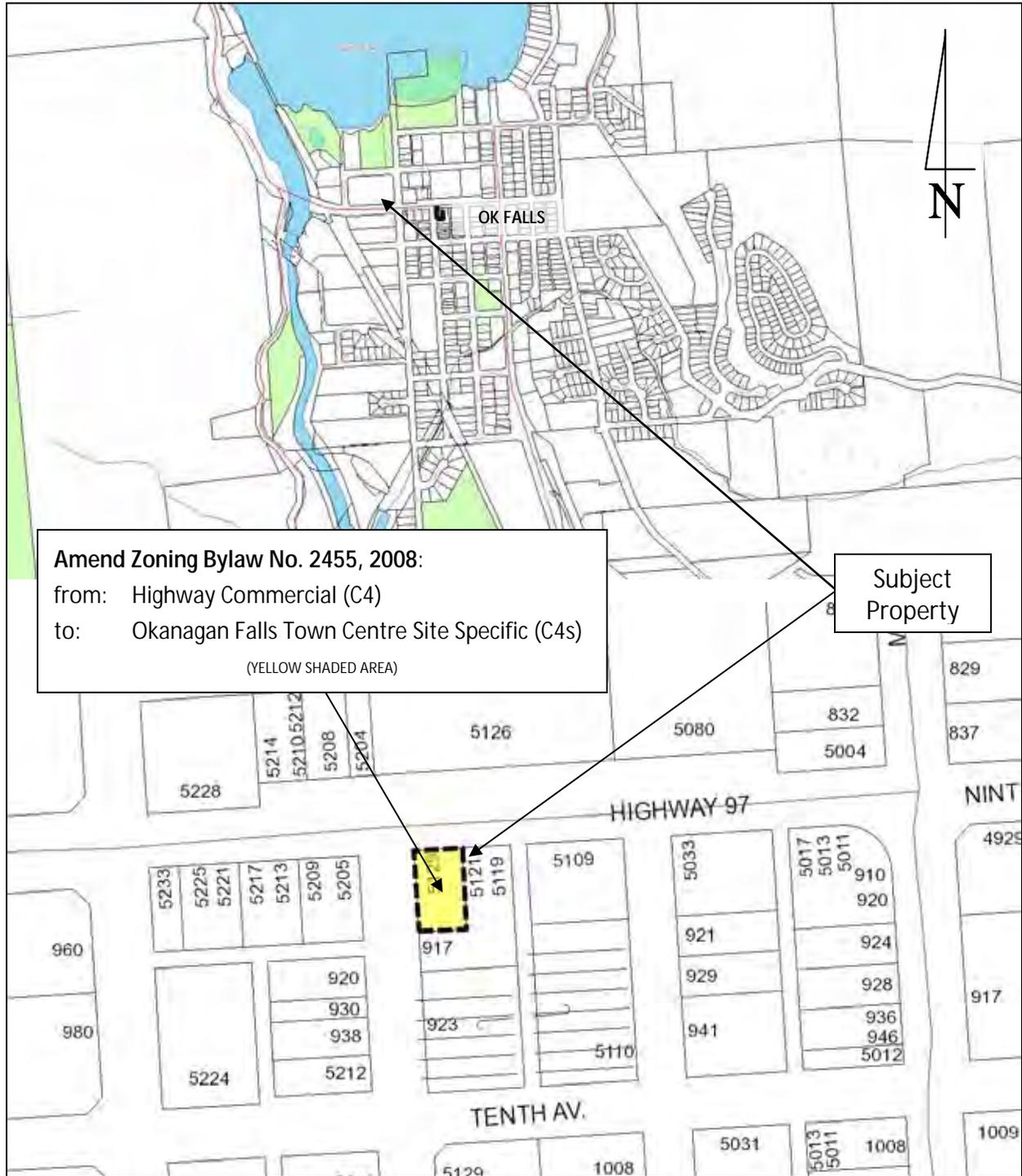
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Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2455.24, 2016

Project No: D2016.002-ZONE

## Schedule 'Y-8'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
**BYLAW NO. 2603.08, 2016**

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**A Bylaw to amend the Electoral Area "D"  
Official Community Plan Bylaw No. 2603, 2013**

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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" Official Community Plan Amendment Bylaw No. 2603.08, 2016."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation for the land described as Lot A, Plan KAP56500, District Lot 2710, SDYD, Subsidy Lot 17; and Lot 1, Plan KAP50708, District Lot 2710, SDYD, Subsidy Lot 17, Except Plan KAP56500, and shown shaded yellow on Schedule 'X-1', which forms part of this Bylaw, from Commercial (C) to Small Holdings (SH).

READ A FIRST AND SECOND TIME this 21<sup>st</sup> day of July, 2016.

PUBLIC HEARING held on this 10<sup>th</sup> day of August, 2016.

READ A THIRD TIME AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

---

Board Chair

---

Corporate Officer

# Regional District of Okanagan-Similkameen

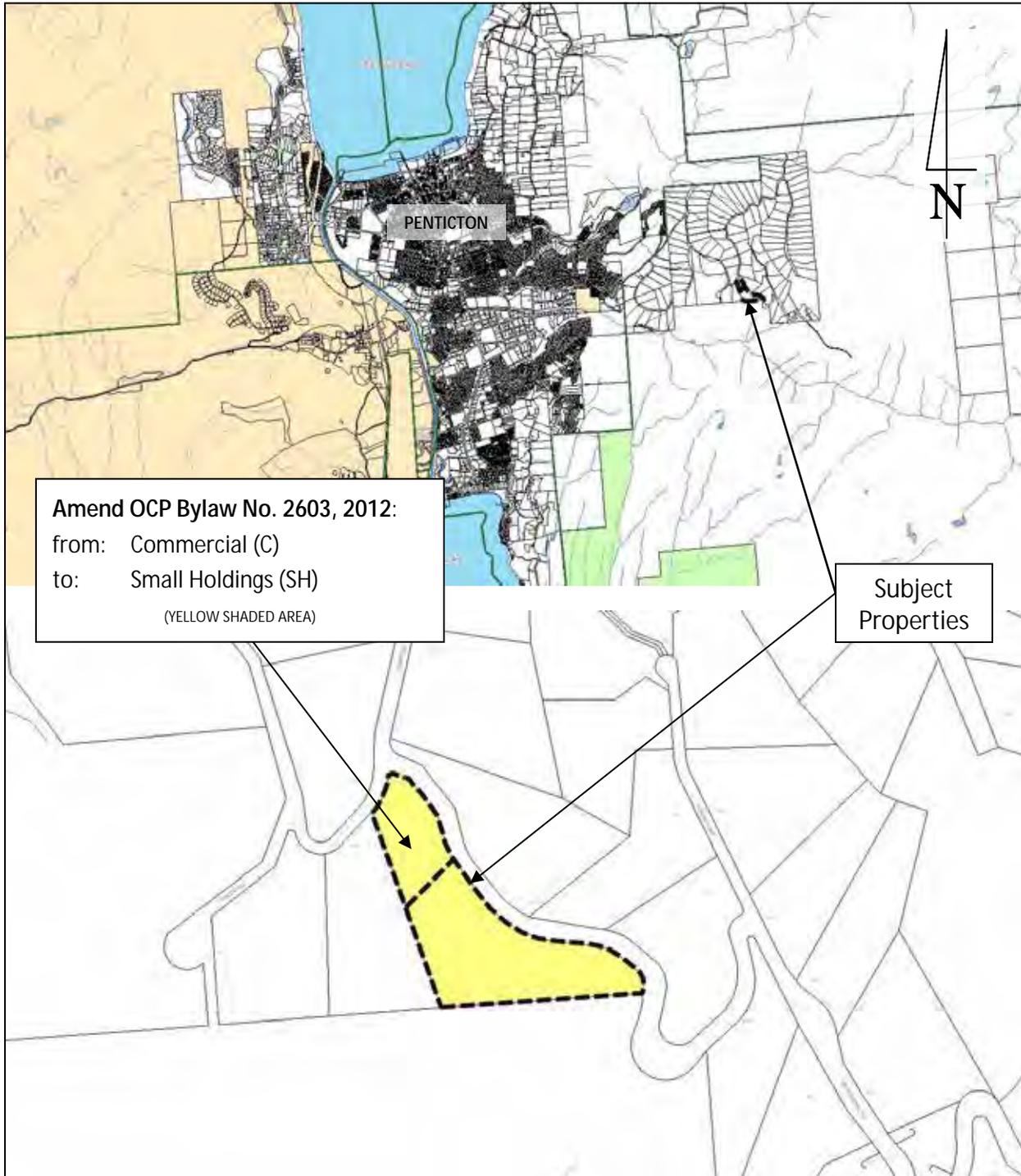
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2603.08, 2016

Project No: D2016.002-ZONE

## Schedule 'X-1'



## PUBLIC HEARING REPORT

**TO:** Regional Board of Directors  
**FROM:** Chair Tom Siddon, Electoral Area "D"  
**DATE:** August 10, 2016  
**RE:** Public Hearing Report on Amendment Bylaw Nos. 2603.08 & 2455.24, 2016

---



### Purpose of Amendment Bylaw:

The purpose of the amendment bylaws is to undertake an update of the commercial zones comprised within the Electoral Area "D-2" Zoning Bylaw No. 2455, 2008. This includes, amongst other things:

- retitling the C4 Zone "Okanagan Falls Town Centre" (from "Highway Commercial");
- updating the language used to describe permitted uses in the C3, C4, C6 and C7 Zones (NOTE: the C1 & C2 Zones do not exist in Electoral Area "D-2", while the C5 Zone was removed in 2015);
- excluding automobile related uses (i.e. "service stations") from the C4 Zone and include these in a new Service Commercial One (CS1) Zone to be applied to parcels where these are occurring;
- including the Okanagan Falls Heritage & Museum Society property (1145 Highway 97) in the C4 Zone (it is currently zoned Commercial Amusement (C6));
- rezoning a non-conforming residential property in Upper Carmi from C6 to Small Holdings One (SH1) (the property owner has been consulted and is supportive of this change). This requires an amendment to the Electoral Area "D" OCP Bylaw in order to change the designation of the property from Commercial (C) to Small Holdings (SH);
- updating the C7 Zone and consolidate an existing site specific zoning; and
- deleting the Specialized Commercial (C8) Zone from the bylaw and rezone the only property it applies to back to Large Holdings (LH), which is the zoning that applied to the property prior to the "movie studio" concept being applied for in 2001 (the property owner received written notification of this proposal and has not responded).

### Public Hearing Overview:

The Public Hearing for Amendment Bylaw Nos. 2603.08 and 2455.24, 2016, was convened on Wednesday, August 10, 2016, at 7:00 pm, at the Okanagan Falls Community Centre, Okanagan Falls.

There were twenty-three (23) members of the public present.

Members of the Regional District Board present were:

- Chair Tom Siddon

Members of the Regional District staff present were:

- Christopher Garrish, Planning Supervisor

· Nona Lynn, Recording Secretary

Chair Siddon called the Public Hearing to order at 7:35 pm at the Okanagan Falls Community Centre, Okanagan Falls, BC, pursuant to Section 464, 465 & 468 of the *Local Government Act* in order to consider Amendment Bylaw Nos. 2603.08 & 2455.24, 2016.

In accordance with Section 466, the time and place of the public hearing was advertised in the July 27<sup>th</sup> and August 3<sup>rd</sup>, editions of The Keremeos Review.

Copies of reports and correspondence received related to Amendment Bylaw Nos. 2603.08 & 2455.24, 2016, were available for viewing at the Regional District office during the required posting period.

### **Summary of Representations:**

There were no written briefs submitted at the public hearing.

**Chair Siddon** called a first time for briefs and comments from the floor and noted that a binder is available which includes all written comments received to date and anyone wishing to review the comments could do so.

**C. Garrish, Planning Supervisor**, outlined the proposed amendment bylaws.

**Chair Siddon** asked if anyone wished to speak to the proposed bylaw.

**Pat Burton, 8<sup>th</sup> Avenue, Okanagan Falls**, Discussed the use of the property which the proposed amendment bylaw would affect.

**C. Garrish, Planning Supervisor**, explained the potential uses of the property.

**Brad Elenko, McElhanney Consulting Services Ltd.**, spoke in opposition to 2 provisions in the C7 RV Park zone regarding 4 ha minimum parcel size and removal of reference to "strata lots" and suggested that the existing zone not be changed.

**Elaine Chernoff, neighbor of development**, questioned the development potential of the property.

**C. Garrish, Planning Supervisor**, provided a history of the zoning on the property.

**Brad Elenko, McElhanney Consulting Services Ltd.**, suggested a commercial analysis be done in Okanagan Falls.

**C. Garrish, Planning Supervisor**, explained the scope of the rezoning proposal.

**Chris Pool, 4958 Bassett Avenue**, Questioned the potential development of the "flea market" property and the design of the buildings. Questioned if commercial development is required on the

ground floor of the vacant site just east of the bridge and if residential could be built on first floor. Questioned specific areas covered by amendment.

**C. Garrish, Planning Supervisor**, explained the oversight in the amendment bylaw related to Section 13.2.8, which is to be addressed at 3<sup>rd</sup> reading. Discussed interpretation of the bylaw, and explained the area that this zoning amendment would cover.

**Terry Feeny, 104 Devon Drive**, new owner of Flea Market property spoke in favour of rental housing and against development of more commercial floor space in Okanagan Falls.

**Robin Agur, Okanagan Falls**, spoke in opposition the proposed 4 ha minimum parcel size in the C7 RV Park zone and spoke of general concerns about the Town Centre Plan under preparation. There is concern about the amount of commercial space being proposed and supports more residential development.

**Elaine Chernoff, Okanagan Falls**, asked for clarification of the application.

**C. Garrish, Planning Supervisor**, explained the history of the C6 zoning designation. Explained the basis of the recommendation is to update errors made in the zoning bylaw, and is an update to commercial zones.

**Chair Siddon** asked a second time if there was anyone who wished to speak further to the proposed bylaw.

**Chris Pool, 4958 Bassett Avenue**, questioned the commercial zoning and any future changes on the 'Flea Market' property, now that it has been purchased. Can future amendments be made to the zoning.

**C. Garrish, Planning Supervisor**, explained that the purpose of this application is to update the language of the zoning bylaw. This amendment is to clean up errors in the bylaw made previously.

**Brad Elenko, McElhanney Consulting Services Ltd.**, questioned if the source of the original requirement to consolidate the RV site into a 4 ha parcel was from the MOTI not the RDOS Board.

**Ken Hale, 667 Hody Drive**, questioned how much of the first floor needs to be commercial.

**C. Garrish, Planning Supervisor**, referenced the bylaw. Explained that residential must be above commercial use.

**Chair Siddon** asked a third time if there was anyone who wished to speak further to the proposed bylaw and hearing none, declared the public hearing closed at **8:16** p.m.

Recorded by:

*'Nona Lynn'*

Confirmed:



Confirmed:

*'Tom Siddon'*

---

Nona Lynn  
Recording Secretary

Christopher Garrish  
Planning Secretary

Tom Siddon  
Chair

# RESPONSE SUMMARY

AMENDMENT BYLAW NO. 2455.24

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

OKANAGAN FALLS UTILIZATION DISTRICT  
HAS NO OBJECTION TO THIS  
PROPOSAL.

Signature: J. Morley

Signed By: Judy Morley

Agency: OKANAGAN FALLS  
UTILIZATION DISTRICT

Title: OFFICE ADMINISTRATOR

Date: FEB 16/11



February 24, 2016

File: 58000-20/201614  
Your File: D2016.001-ZONE

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

Attention: Christopher Garrish

Re: Update of the C4-Zone for Bylaw 2455.24 Okanagan Falls Town-site and the  
Upper Carmi Area

The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) provides the following response to the above noted referral.

To ensure proposed activities are planned and carried out with minimal impacts to the environment and in compliance with all relevant legislation, the proponent and approving agency are advised to adhere to guidelines in the provincial best management practices (BMP's) document: Develop with Care: Environmental Guidelines for Urban & Rural Land Development (<http://www.env.gov.bc.ca/wld/BMP/bmpintro.html>).

It is the proponent's responsibility to ensure their activities are in compliance with all relevant legislation.

If you have any other questions or require further information please feel free to contact me.

Yours truly,

Robert Stewart  
Ecosystems Biologist

RS/cl



DEVELOPMENT APPROVALS  
PRELIMINARY BYLAW  
COMMUNICATION

Your File #: D2016.001-ZONE "D"  
Commercial Zone 2455.24  
eDAS File #: 2016-00556  
Date: February 9, 2016

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

Attention: Lauri Feindell

Re: **Proposed Bylaw 2455.24 for:**  
**Electoral Area D - OK Falls Town site and Upper Carmi area**

Preliminary Approval is granted for the Text Amendment for one year pursuant to section 52(3)(a) of the *Transportation Act*, subject to the Front Yard Setbacks remaining the same as shown on the "Draft" Bylaw.

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

Yours truly,

Rob Bitte  
District Development Technician

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 490-8200 Fax: (250) 490-2231

OK FALLS - ZONE UPDATE

Lauri Feindell

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** February 26, 2016 2:04 PM  
**To:** Planning; Christopher Garrish  
**Cc:** Mirsky, Nicholas  
**Subject:** Electoral Area D Okanagan Falls (D2016.00) - ZONE

With respect to the above noted file,

There are primary distribution facilities along the streets fronting the affected properties. The proposed change in land use designation for these properties does not appear to affect the existing electrical facilities. 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, FortisBC Inc. (Electric) 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.  
Land Agent | Lands & Planning | FortisBC Inc.**

2850 Benvoulin Rd  
Kelowna, BC V1W 2E3  
Office: 250.469.8033  
Mobile: 250.748.9398  
Fax: 1.866.636.6171  
[nicholas.mirsky@fortisbc.com](mailto:nicholas.mirsky@fortisbc.com)



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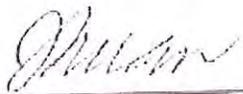
## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2603.08 & 2455.24

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

Thank you for the opportunity to provide comment on the above referenced proposed zoning bylaw amendment.

The new amendments to the Electoral Area D Zoning Bylaw No.2455, 2008 promote a variety of mixed-land uses in the downtown core of Ok Falls. Having access to a variety of amenities within close proximity of home makes active transportation more convenient. The latest changes since the previous referral (D2016.001-ZONE) do not have a negative impact on the healthy built environment.

Signature: 

Signed By: Jacqueline Duncan

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: May 26, 2016

**From:** Collins, Martin J ALC:EX  
**To:** Christopher Garrish  
**Subject:** RE: Bylaw Referral - OK Falls Commercial Zone Update (D2016.002-ZONE)  
**Date:** May-09-16 1:51:47 PM  
**Attachments:** [Image003.png](#)  
[Image004.png](#)

---

Chris

No objection to bylaw. ALR lands mostly unaffected, except on MacLean Creek Road – though no objection to large parcel, partially within the ALR, being rezoned to LH – Large Holdings.

Regards

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

---

**From:** Christopher Garrish [mailto:[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)]  
**Sent:** Friday, May 6, 2016 1:33 PM  
**To:** Collins, Martin J ALC:EX; Skinner, Anne E AGRI:EX; onareception@sylix.org; Referral Apps REG8 FLNR:EX; fbclands@fortisbc.com; ofid@telus.net; HBE@interiorhealth.ca; PIB Referrals (referrals@pib.ca); XT:Shongrunden, Ron FIN:IN  
**Cc:** Lauri Feindell  
**Subject:** RE: Bylaw Referral - OK Falls Commercial Zone Update (D2016.002-ZONE)

Further to our email of February 2, 2016, a number of minor amendments have been made to Draft Amendment Bylaw No. 2455.24, particularly in relation to the C7 Zone, as well as the introduction of a site specific C4 zone. In addition, an amendment to the OCP Bylaw is also required in order to accommodate the rezoning of the property at 2115 Carmi Road and 2128 Beaverdell Road from C6 to Small Holdings One (SH1).

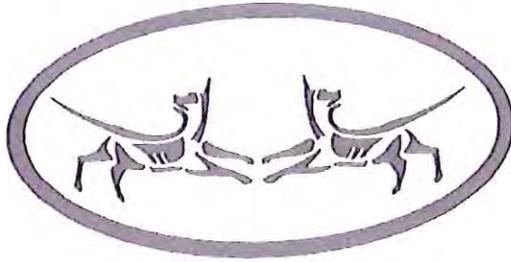
Please find attached to the Bylaw Referral a copy of the Administrative Report and Bylaw 2455.24 & 2603.08. Please review and forward any additional comments you may have to [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca) by **May 20, 2016**. If you have any questions, please feel free to contact me at [cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca) or 250-490-4101.

Sincerely,

Chris.

**Christopher Garrish** MA, MSS, MCIP, RPP • Planning Supervisor  
Regional District of Okanagan-Similkameen

CRITIS  
D 02-02-16



### Penticton Indian Band

Natural Resource Department  
R.R. #2, Site 80, Comp.19  
Penticton, British Columbia  
Canada V2A 6J7  
Telephone: 250-492-0411 Fax: 250-493-2882

February-02-16

WITHOUT PREJUDICE AND NOT TO  
BE CONSTRUED AS CONSULTATION

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

**Summary:** Relabeling the highway commercial zone and providing a range of permitted  
RTS #: 1505  
Referral ID: 2016-02-02 ZON 1505  
Ref #: BY2455.24 D2016.001 ZONE  
Date: February-02-16  
uses that complement the vibrant, mixed use vision for the downtown area of Okanagan  
Falls that the OCP seeks.

Attention: Christopher Garrish

The Penticton Indian Band acknowledges receipt of your referral dated February-02-16.  
The PIB has insufficient information to begin review of your referral. Please provide the  
information indicated below.

Please note that our participation in the referral and consultation process does not define  
or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal  
Rights and Title, nor does it limit the positions that we may take in future negotiations or  
court actions.

- KMZ file for area of interest
- Shape files of are of interest

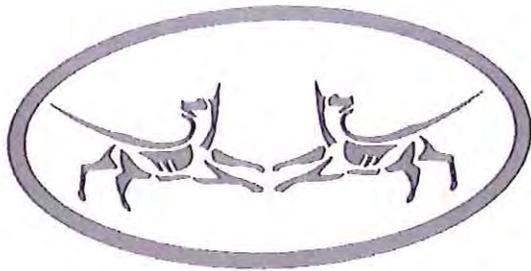
Without this information, we cannot make an informed decision and we would have no  
other alternative but to reject the proposed activity/development. We look forward to your  
response.

If you require further information or clarification, please do not hesitate to contact me.

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

February-02-16

WITHOUT PREJUDICE AND NOT TO  
 BE CONSTRUED AS CONSULTATION

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

RTS #: 1505  
 Referral ID: 2016-02-02 ZON 1505  
 Ref #: BY2455.24 D2016.001 ZONE  
 Date: February-02-16

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

**INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00**  
 Please make cheque payable to Penticton Indian Band. re: P.C.132 RTS #1505

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

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.

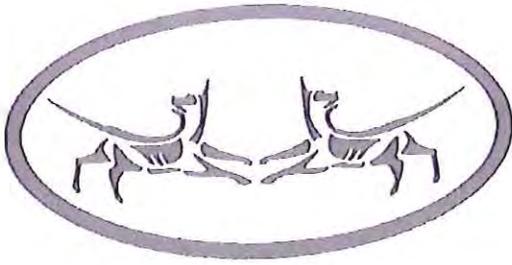
Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlørnt,

Lavonda Nelson  
Data Management Clerk

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



## 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**

February-02-16

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

Attention: Christopher Garrish

RTS #: 1505  
Referral ID: 2016-02-02 ZON 1505  
Ref #: BY2455.24 D2016.001 ZONE  
Date: February-02-16

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on February-02-16.

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.

Liml̓amt,

Lavonda Nelson  
Data Management Clerk

**Lauri Feindell**

---

**From:** Christopher Garrish  
**Sent:** February 2, 2016 4:23 PM  
**To:** Lauri Feindell  
**Subject:** FW: RTS\_1505\_2016-02-02 ZON 1505 - Penticton Indian Band - ADDITIONAL INFO REQUIRED  
**Attachments:** RTS\_1505\_2016-02-02 ZON 1505\_Regional District of Okanagan Similkameen\_ADDITIONAL INFO REQUIRED\_2016-02-02.pdf; RTS\_1505\_2016-02-02 ZON 1505\_Regional District of Okanagan Similkameen\_INITIAL RESPONSE INVOICE\_2016-02-02.pdf; RTS\_1505\_2016-02-02 ZON 1505\_Regional District of Okanagan Similkameen\_60 DAYS\_2016-02-02.pdf

---

**From:** PIB Referrals [<mailto:referrals@pib.ca>]  
**Sent:** February-02-16 4:09 PM  
**To:** Christopher Garrish  
**Subject:** RTS\_1505\_2016-02-02 ZON 1505 - Penticton Indian Band - ADDITIONAL INFO REQUIRED

Please find attached our response for the above referral and keep for your records.  
If you have any questions, please do not hesitate to contact me.

limlømt,  
Lavonda Nelson



**PIB NATURAL RESOURCES**  
Data Management Clerk

[referrals@pib.ca](mailto:referrals@pib.ca)  
| Penticton Indian Band | RR2 S80 Comp18 | Penticton, BC | V2A-6J7  
T: 250-492-0411 | F: 250-493-2882 |

Please consider the environment before printing this e-mail  
**This communication is not consultation and must not be construed by the Crown or third parties as fulfillment of its duty to consult with the Penticton Indian Band.**  
*Confidentiality Warning: This e-mail contains information intended only for the use of the addressee(s). If you have received this email in error, please notify the sender and destroy this email. You must not copy, disseminate or publish this e-mail*

**From:** Brad Elenko  
**To:** Christopher Garrish  
**Subject:** Rezoning 2114 Carmi Road and 2128 Beaverdell Road  
**Date:** May-06-16 5:03:53 PM

---

Chris,

Further to our discussions, I have met with Ken Martin and he confirmed that he is aware of the RDOS' intentions to rezone his two properties at 2114 Carmi Rd. and 2128 Beaverdell Rd. to SH1. Mr. Martin confirmed that he is in agreement with the rezoning of these two properties to SH1.

Thank you for your attention to this matter.

Cheers,

Brad Elenko, MCIP, RPP  
Senior Planner  
Division Manager, Engineering & Planning  
McElhanney Consulting Services Ltd.  
Suite 100 | 8305 68<sup>th</sup> Ave | Osoyoos BC V0H 1V0  
D 250 495 0499 | T 250 492 7399 | C 250 485 7387  
[belenko@mcelhanney.com](mailto:belenko@mcelhanney.com) | [www.mcelhanney.com](http://www.mcelhanney.com)  
 **McElhanney**



*This message and attachment may contain privileged and confidential information. If you are not the intended recipient, please notify us of our error, do not disseminate or copy this communication, and destroy all copies.*

**From:** [Brad Elenko](#)  
**To:** [Christopher Garrish](#)  
**Cc:** [Robin Agur](#)  
**Subject:** RE: Proposed Changes to the C7 Zone - Electroal Area "D-2"  
**Date:** June-28-16 10:48:43 AM  
**Attachments:** [image007.png](#)  
[image008.png](#)

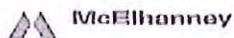
---

Chris,

You are correct. Robin does not want to have the minimum parcel size increased.

Cheers,

Brad Elenko, MCIP, RPP  
Senior Planner  
Division Manager, Engineering & Planning  
McElhanney Consulting Services Ltd.  
Suite 100 | 8305 68<sup>th</sup> Ave | Osoyoos BC V0H 1V0  
D 250 495 0499 | T 250 492 7399 | C 250 485 7387  
[belenko@mcelhanney.com](mailto:belenko@mcelhanney.com) | [www.mcelhanney.com](http://www.mcelhanney.com)



**From:** Christopher Garrish [<mailto:cgarrish@rdos.bc.ca>]  
**Sent:** Tuesday, June 28, 2016 10:32 AM  
**To:** Brad Elenko <[belenko@mcelhanney.com](mailto:belenko@mcelhanney.com)>  
**Cc:** Donna Butler <[dbutler@rdos.bc.ca](mailto:dbutler@rdos.bc.ca)>; Robin Agur <[robinagur@me.com](mailto:robinagur@me.com)>  
**Subject:** RE: Proposed Changes to the C7 Zone - Electroal Area "D-2"

Hi Brad,

Based upon your comments below, am I correct in thinking that the only outstanding area of disagreement is the minimum parcel size?

I will update my report to the Board to reflect this.

Sincerely,

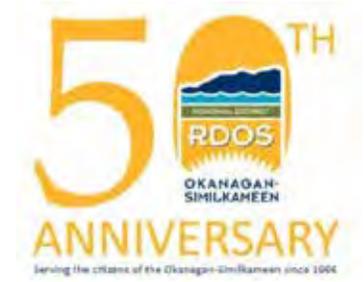
Chris.

**Christopher Garrish** MA, MSS, MCIP, RPP Planning Supervisor  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4101 • tf. 1.877.610.3737 • f. 250.492.0063



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Award of Naramata Water System–Standby Power Upgrade



---

### Administrative Recommendation:

**THAT** the Board of Directors receive the August 19<sup>th</sup>, 2016 tender evaluation report for award of the “Naramata Water System-Standby Power Upgrade” tender from AECOM as attached; and,

**THAT** the Regional District award the “Naramata Water System-Standby Power Upgrade” project to Houle Electric Ltd. in the amount of \$1,052,505.28 plus applicable taxes; and,

**THAT** the Regional District approve a contingency for the construction in the amount of \$105,000.

### Purpose:

To hire a qualified contractor to provide, install and commission three (3) diesel standby generators for the Naramata Water System. A generator will be installed at each of the following sites: Raw Water Pump Station, Water Treatment Plant and Juniper Pump Station. The associated work includes all that is required to bring the standby power upgrades into operation.

### Reference:

In accordance with the Purchasing and Sales Policy, the Regional District Board shall approve all purchases over \$50,000.

### Business Plan Objective:

Goal 2.3: To meet public needs through the provision and enhancement of key services  
Public Works 2016 Business Plan – Key Focus Area - Projects Naramata Generators

### Background:

Water systems rely on power to maintain operations for pumping in source water, for treatment and for distribution of the water to the customers. All pumps, machinery, computers and sensors are all dependent on the continuous supply of power.

The Naramata water system currently does not operate with standby power. In the upgrades in 2007, standby power was initially included in the designs but budget constraints saw this eliminated during final design. A power outage in the summer of 2012 demonstrated the importance of having standby power for the water system. If power is lost and the system is at full demand, the supply would be depleted within a couple hours in the summer and up to possibly half a day during low demand in winter months.

The addition of standby power to the Naramata Water System was identified as a priority need and AECOM began the design plans in 2014.

**Analysis:**

On July 5th, 2016 the Regional District issued an Invitation to Tender for the Naramata Water System-Standby Power Upgrades with the tender closing August 12<sup>th</sup>, 2016. Eleven sets of contract documents were purchased by Contractors and Sub-Contractors. An optional information meeting to ensure all of the proponents were able to familiarize themselves with the layout and constraints of each site was held on July 19<sup>th</sup>, 2016. Nine Companies (Contractors and Sub-Contractors) attended the optional meeting. One (1) bid was received from Houle Electric Ltd.

The tender called for three (3) new standby power generators, with the option of supplying used generators if the Proponent was able to source ones that they were confident in and met the required specifications needed for the Naramata Water System. The bid received did not include any optional used generators. The generators specified with in the bid will be manufactured by Kohler Co./Frontier Power Products.

The following provides the Contractor and bid information submitted:

Contractor	Sub-Contractor	Total Tendered Price
Houle Electric Ltd.	Chute Creek Industries Ltd.	\$1,052,505.28
	Rite Way Fencing	
	Greyback Construction	
	Interior Instruments	

The amount budgeted for this project was \$1,300,000. The tender price submitted by Houle Electric Ltd. is within the amount budgeted and is reasonable for the required work in the industry. We recommend that Houle Electric Ltd. be retained to complete this work. The expected completion date is May 31<sup>st</sup>, 2017.

**Funding:**

The funding for this project is available in the 2016 Capital budget for the Naramata Water System.

**Contingency Request:**

A contingency of an additional \$105,000 is requested for the work. Based on our experience when working with projects of this size of scope and complexity, we have found that it is common for unforeseen circumstances to arise. Changes to the overall project design and construction may need to be completed in order to ensure the existing water works tie together with the proposed standby upgrades.

**Communication Strategy:**

A letter of award will be sent to Houle Electric Ltd. notifying them of their successful tender.

**Respectfully submitted:**

*Lisa Bloomfield*

---

L. Bloomfield, Engineer



August 19, 2016

Liisa Bloomfield  
Engineering Supervisor  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

Dear Liisa Bloomfield:

**Project No: 60317873**

**Regarding: Naramata Water System Standby Power Upgrade – Tender Evaluation**

## **INTRODUCTION**

One (1) tender was received at 3:00 pm, August 10, 2016, at the office of the Regional District of Okanagan-Similkameen (RDOS) for the above-noted project. The tender was publicly advertised and multiple contractors purchased tender documents. Houle Electric Ltd. (Houle) is the sole contractor to submit a tender for the project. The tender price submitted by Houle is **\$ 1,052,505.28** (including \$50,000 contingency allowance and excluding GST).

The tender price submitted aligns with the engineer's estimate of \$1,180,000 (which included a 15% construction contingency in the amount of \$154,000). The pre-tender estimate was carefully prepared based on budget quotations for all the major equipment and past regionally specific construction costs for the civil and site work. Given the tender submission from Houle is about 10% lower than the engineer's pre-tender construction estimate, it is our opinion that the tender price is fair and reasonable.

## **TENDER REVIEW**

The tender submitted by Houle has reviewed and we provide the following comments:

1. Houle acknowledges receipt of Addenda 1 to 3. This is important and was completed properly.
2. Personnel: Al Faraguna and Mike Evasin are proposed as the Project Manager and Superintendent respectively. AECOM has not had direct experience with these employees from Houle, but both are experienced personnel. AECOM checked references after the tender closing and received positive feedback for both Al Faraguna and Mike Evasin. Based on the feedback from the references, we expect the leadership for this project to be capable of completing the assignment on-time and on-budget.

3. Sub-Contractors: The key sub-contractors proposed for this project are listed in the Form of Tender. With the exception of Chute Lake Industries, all the subcontractors listed are known to AECOM and have the resources to successfully complete the work. Chute Lake Industries provided Roger Huston as a reference, and based on a conversation with Mr. Huston, they have successfully completed similar work in the past for the RDOS.
4. Corporate Experience: Houle Electric Ltd. is an experienced contractor in the Okanagan. AECOM has past experience with Houle. Houle was a sub-consultant to Maple Reinders Inc. on the 90 ML/d Adam UV Disinfection Facility in Kelowna. This was a favourable experience and Houle successfully completed their scope of work.
5. Houle has not offered the option of used generators and intend to use new equipment for this project.

## CLOSURE

Houle provided the sole submission in response to a public tender request. They provided a reasonable tender price based on the engineer's estimate, have suitable personnel, sub-contractors, and sufficient corporate experience to successfully complete this project. Therefore, we recommend that this project be awarded to Houle in the amount of **\$ 1,052,505.28**, plus GST.

Please contact the undersigned if you have any questions. Otherwise, please provide written confirmation once the Regional District Board has endorsed the award recommendation and we will issue the "Notice of Award" to Houle on behalf of the Regional District.

Sincerely,  
**AECOM Canada Ltd.**



Brett deWynter, P.Eng.  
Project Manager

BD:jf

Cc: Regional District of Okanagan-Similkameen – Candace Pilling

Enclosure: Tender Submission

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Establishment of Natural Gas Service for the Husula Highlands neighbourhood – For Information Only

---



### Purpose:

To determine whether the electors within Husula Highlands wish to proceed with establishing a service and borrowing money for the provision of Natural Gas to those neighborhoods.

### Reference:

*Local Government Act*

**Business Plan Objective:** *(Tie to current RDOS Business Plan)*

Key Success Driver 2 – To optimize the customer experience through the provision and enhancement of key services.

### Background:

In 2014, FortisBC received inquiries from residents in the Sage Mesa and Husula Heights neighborhoods about the possibility of having natural gas installed in their area. As a result, FortisBC commenced preliminary discussions with the staff at the RDOS of the possibility of installing a gas main in those areas, with the premise that the gas main would be installed by FortisBC and the cost of installing the gas main absorbed by the residents of those areas. The role of the RDOS would be to financially administer those costs through a service area. There will be no maintenance costs realized by the RDOS.

On October 22, 2015, FortisBC and the RDOS held an open house for the residents of Husula Highlands and Sage Mesa to discuss the feasibility of installing natural gas in those neighborhoods. Estimated costs were provided to the residents by FortisBC at this meeting. A Sage Mesa gas main install would service 79 homes in that service area and the Husula Highland area gas main install would service 76 homes. With install costs amortized over 20 years, the estimated annual cost per household would be \$190 for Sage Mesa and \$198 for Husula Highlands. It should be noted that this cost encompasses the install of the natural gas main by FortisBC in the road right-of-way plus a service lateral of up to 20m from the centerline of the road to the property. Costs to install the service to the residence house would be borne by the homeowner. A detailed cost of install will be finalized if the petition is approved.

At the public meeting held in October 2015, an exit survey was distributed asking if the residents were interested in pursuing the process of installing natural gas in their areas, that being Sage Mesa and Husula Highlands. Husula Highlands results was 14 replied in the positive and 1 in the negative for a percentage of 93% to the positive. The residents for Sage Mesa had 10 responses in the positive with 11 in the negative for an approval of 48%.

In April 2016, an informal petition was received by the residents of Husula Highlands, requesting consideration of an extension to the Fortis Gas main into that neighborhood. The process will now proceed to the formal petition process for Husula Highlands only.

### **Analysis:**

In accordance with the Local Government Act, the owners of parcels in an electoral area may sign and submit to the regional district a petition for a service in all or part of that electoral area. The petition must describe the service, define the boundaries, and indicate the proposed method for recovering annual costs.

In order for a petition to be certified as sufficient and valid the petition must be signed by the owners of at least 50% of the parcels liable to be charged for the proposed service, and the persons signing must be the owners of parcels that in total represent 50% of the net taxable value of all land and improvements within the proposed service area.

The expression of interest submitted by the residents of Husula Highlands does not have the detail needed to meet the legislative requirements for a petition, leaving it as a request that the Regional District commence a process to establish a service and borrow the required funds.

With the public consultation process conducted in October 22, 2015 and the submission of the information petition, or expression of interest, it appears that there is sufficient interest to conduct a formal petition process to establish a service to extend the Fortis gas main into the Husula Highlands neighbourhood.

Should the petition be sufficient, a service establishment bylaw and a loan authorization bylaw would be brought forward to the Board and the Ministry of Community, Sport and Cultural Development for approval.

The citizens of the Regional District are increasingly engaging in, and building an awareness of, Regional District services within their areas. As a result, administration notes an increase in request for services from those citizens. To ensure that the process for citizens to ask for services is accessible and consistent, administration is formalizing a petition process which will be communicated and made available on the RDOS website.

### **Respectfully submitted:**

*Roger Huston*

---

R. Huston, Public Works Manager

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Purchase of Bush Truck for Keremeos Fire Department



### Administrative Recommendation:

**THAT the Board of Directors approve the purchase of a 2014 - F550 Super Duty flat deck Crew Cab truck from Driving Force – Langley for \$48,429.00 plus applicable taxes.**

### Purpose:

To replace existing 1992 Chev Single Cab Bush Truck due to fatigue.

### Reference:

Email responses from vendors

### Background:

The Keremeos Fire Department sent out an RFQ to 5 different companies to supply a F550 (or equivalent) 4x4, crew cab and chassis new or slightly used. The five companies were Driving Force – Langley, Northland Dodge – Prince George, Maple Ridge Chrysler-Jeep-Dodge, Metro Ford – Port Coquitlam, and Skaha Ford – Penticton.

The amount of \$60,000.00 has been budgeted and approved in their 2016 budget.

### Analysis:

The following bids were received for the request to supply a F550 (or equivalent) 4x4 CCab, automatic, gas engine, bench seats with PTO or pump mode capability. New or slightly used. Red in color preferred:

Dealer	Vehicle	Particulars	Price
Driving Force	2014 - F550	14573km – gas engine – avail now	\$48,429 + taxes
Northland Dodge	2015 - 5500	New -Diesel engine available only	\$49,762 + taxes
Maple Ridge Chrysler	2016 - 5500	New -Diesel engine available only	\$58, 238 + taxes
Metro Ford	Nothing quoted	Will need 12 to 16 weeks to build	No price included
Skaha Ford	Located F550	Nothing avail, can order new	No price included

### Alternatives:

Go back out to tender

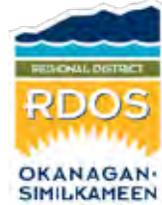
**Respectfully submitted:**

A handwritten signature in blue ink, appearing to be 'D. Kronebusch', is positioned above a horizontal line.

---

D. Kronebusch, Emergency Services Supervisor

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Alternate Approval Process for South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016

---

### Administrative Recommendation:

THAT the deadline for submitting elector response forms in relation to Bylaw No. 2741, 2016 to the Manager of Legislative Services is no later than 4:30 pm on Monday, October 17, 2016; and,

THAT the elector response form attached to the report dated September 1, 2016 be the approved form for Bylaw No. 2741, 2016 alternative approval process; and

THAT the total number of eligible electors to which the alternative approval process applies is 15,962; and,

THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 1,596.

### Reference:

*Local Government Act*  
*Community Charter*

### History:

South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 received three readings July 7, 2016, and then received approval by the Inspector of Municipalities. Pursuant to Section 345 of the *Local Government Act*, the Board may now proceed with the alternative approval process (AAP).

### Analysis:

Section 345 of the *Local Government Act* and Section 86 of the *Community Charter* outline the requirements of the AAP. The Board must establish a deadline for elector response forms, establish an elector response form and determine the number of eligible electors in the service area.

Staff proposes advertising as follows:

<u>Newspaper</u>	<u>Publication Dates</u>
Penticton Western News	September 9 & 14, 2016
Osoyoos Times	September 14, 2016
Oliver Chronicle	September 14, 2016

The deadline for elector response forms must be thirty days after the second publication date; therefore, the deadline date will be Monday October 17, 2016.

The Regional District does not maintain a voter's list. The Information Services Department has determined the eligible electors within the Regional District. The number of electors in the proposed service area is estimated to be 15,962.

If the number of elector response forms signed is less than 10% of the estimated electors, the Board may consider adopting the bylaw. If the number of elector response forms signed is more than 10% of the estimated eligible electors, the bylaw would require elector assent through referendum.

**Communication Strategy:**

1. Although the statutory requirement for advertising AAPs is limited to two ads in a single newspaper, it is acknowledged that many residents of smaller communities refer frequently to the small paper or online publications created within those communities. To ensure optimal coverage, the Regional District will advertise the AAP in the Oliver Daily News, Osoyoos Daily News, Skaha Matters as well as the RDOS Facebook page and the bi-weekly ad in the Penticton Herald.
2. A data sheet containing the details of proposed South Okanagan Transit System Service will be included on the AAP webpage, along with all of the required forms and bylaws.
3. The Ministry of Community, Sport and Cultural Development has developed a guide for local governments in BC on the Alternative Approval Process - [AAP - Guide for Local Governments](#). The guide, although created primarily for Local Government staff and Elected Officials, contains information which is an excellent resource for the public in helping to understand why an AAP is held instead of an Assent vote (referendum).

Staff has developed a more condensed guide geared specifically towards the public and a copy will be available on the AAP webpage.

**Respectfully submitted:**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

Attachments: Notice  
Elector Response Form



## South Okanagan Transit System Service Establishment Bylaw BYLAW No. 2741, 2016

### Notice of Alternative Approval Process

NOTICE IS HEREBY GIVEN pursuant to Section 86 of the Community Charter, that the Board of Directors of the Regional District of Okanagan-Similkameen seek the approval of the electors with the boundaries of the South Okanagan Transit System Service Area of the Regional District for the adoption of the South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016.

In general terms, the bylaw authorizes the Board of the Regional District of Okanagan-Similkameen to undertake and carry out, or cause to be undertaken and carried out, provisions of the South Okanagan Transit System Service.

The alternative approval process applies to qualified electors within the proposed South Okanagan Transit System Service Area.

PLEASE TAKE NOTICE THAT the Regional District may proceed with the approval of South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 unless at least ten percent (10%) of the qualified electors (those meeting the criteria below) within the proposed South Okanagan Transit System Service Area indicate their opposition by signing the Elector Response Form.

The Regional District has estimated the total number of qualified electors in the service area to be 15,962 and that 10% of that number, or 1,596 qualified electors, must submit signed Elector Response Forms to prevent the Regional District from adopting the bylaw without the full assent of the electors by referendum.

An elector response form must be in the form established by the Regional District. Elector Response Forms are available from the Regional District office, including by mail, fax, or email, on request or on the Regional District website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

The deadline for delivering the original signed Elector Response Form to the Regional District is 4:30 pm on Monday October 17, 2016.

The only persons entitled to sign an Elector Response Form are those who meet the following criteria:

**Resident electors must:**

- (a) be 18 years of age or older;
- (b) be a Canadian citizen;
- (c) be a resident of British Columbia, for at least 6 months;
- (d) be a resident of the proposed South Okanagan Transit System Service Area for at least 30 days; and
- (e) not be disqualified by an Provincial enactment, or otherwise disqualified by law, from voting in an election.

**Non-Resident property electors must:**

- (a) not be entitled to register as a resident elector of the proposed South Okanagan Transit System Service Area;
- (b) be 18 years of age or older;
- (c) be a Canadian citizen;
- (d) be a resident of British Columbia, for at least 6 months;
- (e) be a registered owner of real property in the jurisdiction for at least 30 days;
- (f) not be disqualified by any Provincial enactment or otherwise disqualified by law, from voting in an election; and
- (g) only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.

The bylaw is available for public inspection at the Regional District Office **101 Martin Street, Penticton, BC V2A 5J9**, during regular office hours, or alternatively, on our website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

For more information on the alternative approval process please contact:

Christy Malden, Manager of Legislative Services  
101 Martin Street, Penticton, BC V2A 2A5  
250-490-4146 1-877-610-3737 [toll free]  
cmalden@rdos.bc.ca



# SOUTH OKANAGAN TRANSIT SYSTEM SERVICE ESTABLISHMENT BYLAW NO. 2741, 2016 Elector Response Form

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I am **OPPOSED** to the adoption of South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016 by the Regional Board of the Regional District of Okanagan-Similkameen, whereby the said bylaw would authorize the Regional Board to undertake and carry out, or cause to be undertaken and carried out, provisions of the South Okanagan Transit System Service, and

I, the undersigned, hereby certify that:

- I am eighteen years of age or older; and
- I am a Canadian Citizen; and
- I have resided in British Columbia for at least six months; and
- I have resided in, OR have been a registered owner of real property in the proposed South Okanagan Transit System Service Area for at least 30 days; and
- I am not disqualified by law from voting in local elections; and
- I am entitled to sign this elector response form, and have not previously signed an elector response form related to Bylaw No. 2741, 2016.

<b>ELECTOR'S FULL NAME (print)</b>
<b>RESIDENTIAL ADDRESS<sup>1</sup> (AND mailing address if different from residential address)</b>
<b>SIGNATURE OF ELECTOR</b>

**See the reverse side of this form for further information regarding the petition process.**

---

<sup>1</sup> Non-resident Property Electors must include the address of their property in order to establish their entitlement to sign the petition.



**SOUTH OKANAGAN TRANSIT SYSTEM SERVICE  
ESTABLISHMENT BYLAW NO. 2741, 2016  
Elector Response Form**

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# SOUTH OKANAGAN TRANSIT SYSTEM SERVICE ESTABLISHMENT BYLAW NO. 2741, 2016 Elector Response Form

Pursuant to Section 269 of the *Local Government Act*, the Regional Board of the Regional District of Okanagan-Similkameen is proposing to seek the assent of the electors of the Regional District by alternative approval process in accordance with Section 86 of the *Community Charter*. The question before the electors is whether they are opposed to the adoption of South Okanagan Transit System Service Establishment Bylaw No. 2741, 2016, which, if adopted, will authorize the Regional Board to undertake and carry out, or cause to be undertaken and carried out, provisions of the South Okanagan Transit System Service.

## INSTRUCTIONS

1. If you are opposed to the adoption of Bylaw No. 2741, 2016, you can sign an elector response form **if you qualify as an elector of designated service area**.
2. If you are NOT opposed to the adoption of the bylaw, you need do nothing.
3. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the Regional District. If you are unsure if you qualify, please contact the Regional District Office at 492-0237.
4. Each Elector Response form may be signed by one elector of the Regional District.

### 1.

All Elector Response Forms must be received by the Regional District on or before 4:30 p.m. on **October 17, 2016** to be considered.

No faxed elector response forms will be accepted; must be **original signatures**.

### 2.

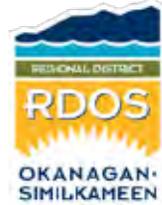
The number of electors in the service area is estimated to be 15,962. If ten (10%) percent [1,596 electors] of the estimated number of electors in the Regional District sign an elector response form in opposition to the adoption of the said bylaw, Regional District cannot adopt the bylaw without receiving the assent of the electors by referendum.

### 3.

For further information, contact:

Christy Malden  
Manager of Legislative Services  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9  
250-490-4146  
1-877-610-3737 [toll free]  
cmalden@rdos.bc.ca

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Alternate Approval Process for Regional Economic Development Service Establishment Bylaw No. 2734, 2016

---

### Administrative Recommendation:

THAT the deadline for submitting elector response forms in relation to Bylaw No. 2734, 2016 to the Manager of Legislative Services is no later than 4:30 pm on October 17, 2016; and,

THAT the elector response form attached to the report dated September 1, 2016 be the approved form for Bylaw No. 2734, 2016 alternative approval process; and

THAT the total number of eligible electors to which the alternative approval process applies is 70,890; and,

THAT the number of elector responses required to prevent the bylaw from proceeding without a referendum is 7,089.

### Reference:

*Local Government Act*  
*Community Charter*

### History:

The Regional Economic Development Service Establishment Bylaw No. 2734, 2016 received three readings June 2, 2016, and then received approval by the Inspector of Municipalities. Pursuant to Section 345 of the *Local Government Act*, the Board may now proceed with the alternative approval process (AAP).

### Analysis:

Section 345 of the *Local Government Act* and Section 86 of the *Community Charter* outlines the requirements of the AAP. The Board must establish a deadline for elector response forms, establish an elector response form and determine the number of eligible electors in the service area.

Staff proposes advertising as follows:

<u>Newspaper</u>	<u>Publication Dates</u>
Penticton Western News	Friday Sept. 9 & Wednesday Sept. 14
Osoyoos Times	Wednesday Sept. 14
Oliver Chronicle	Wednesday Sept. 14

Summerland Review	Thursday Sept. 15
Keremeos Review	Wednesday Sept. 14
Similkameen Spotlight	Wednesday Sept. 7 & 14

The deadline for elector response forms must be thirty days after the second publication date; therefore, the deadline date will be October 17, 2016.

The Regional District does not maintain a voter's list. The Information Services Department has determined the eligible electors within the Regional District. The number of electors in the proposed service area is estimated to be 70,890.

If the number of elector response forms signed is less than 10% of the estimated electors, the Board may consider adopting the bylaw. If the number of elector response forms signed is more than 10% of the estimated eligible electors, the bylaw would require elector assent through referendum.

**Communication Strategy:**

1. Although the statutory requirement for advertising AAPs is limited to two ads in a single newspaper, it is acknowledged that many residents of smaller communities refer frequently to the small paper or online publications created within those communities. To ensure optimal coverage, the Regional District will advertise the AAP in Skaha Matters, Osoyoos Daily News, Oliver Daily News as well as the RDOS Facebook page and the bi-weekly ad in the Penticton Herald.
2. A data sheet containing the details of the Regional Economic Development Service Establishment Bylaw will be included on the AAP webpage, along with all of the required forms and bylaws.
3. The Ministry of Community, Sport and Cultural Development has developed a guide for local governments in BC on the Alternative Approval Process - [AAP - Guide for Local Governments](#). The guide, although created primarily for Local Government staff and Elected Officials, contains information which is an excellent resource for the public in helping to understand why an AAP is held instead of an Assent vote (referendum).

Staff has developed a more condensed guide geared specifically towards the public and a copy will be available on the AAP webpage.

**Respectfully submitted:**

*"Christy Malden"*

---

C. Malden, Manager of Legislative Services

Attachments: Notice  
Elector Response Form



## **Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw BYLAW No. 2734, 2016**

### **Notice of Alternative Approval Process**

NOTICE IS HEREBY GIVEN pursuant to Section 86 of the Community Charter, that the Board of Directors of the Regional District of Okanagan-Similkameen seek the approval of the electors with the boundaries of the Regional District for the adoption of Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016.

In general terms, the bylaw is would authorize the establishment of a service for the promotion of economic development, including without limitation the promotion of tourism and grants for the promotion of economic development.

The alternative approval process applies to qualified electors within the Regional District of Okanagan-Similkameen.

PLEASE TAKE NOTICE THAT the Regional District may proceed with the approval of Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016 unless at least ten percent (10%) of the qualified electors (those meeting the criteria below) within the Regional District indicate their opposition by signing the Elector Response Form.

The Regional District has estimated the total number of qualified electors in the Regional District to be 70,890 and that 10% of that number, or 7,089 qualified electors, must submit signed Elector Response Forms to prevent the Regional District from adopting the bylaw without the full assent of the electors by referendum.

An elector response form must be in the form established by the Regional District. Elector Response Forms are available from the Regional District office, including by mail, fax, or email, on request or on the Regional District website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

The deadline for delivering the original signed Elector Response Form to the Regional District is 4:30 pm on Monday, October 17, 2016.

The only persons entitled to sign an Elector Response Form are those who meet the following criteria:

**Resident electors must:**

- (a) be 18 years of age or older;
- (b) be a Canadian citizen;
- (c) be a resident of British Columbia, for at least 6 months;
- (d) be a resident of the Regional District for at least 30 days; and
- (e) not be disqualified by an Provincial enactment, or otherwise disqualified by law, from voting in an election.

**Non-Resident property electors must:**

- (a) not be entitled to register as a resident elector of the Regional District;
- (b) be 18 years of age or older;
- (c) be a Canadian citizen;
- (d) be a resident of British Columbia, for at least 6 months;
- (e) be a registered owner of real property in the jurisdiction for at least 30 days;
- (f) not be disqualified by any Provincial enactment or otherwise disqualified by law, from voting in an election; and
- (g) only register as a non-resident property elector in relation to one parcel of real property in a jurisdiction.

The bylaw is available for public inspection at the Regional District Office **101 Martin Street, Penticton, BC V2A 5J9**, during regular office hours, or alternatively, on our website at [www.rdos.bc.ca](http://www.rdos.bc.ca).

For more information on the alternative approval process please contact:

Christy Malden, Manager of Legislative Services  
101 Martin Street, Penticton, BC V2A 2A5  
250-490-4146 1-877-610-3737 [toll free]  
[cmalden@rdos.bc.ca](mailto:cmalden@rdos.bc.ca)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
REGIONAL ECONOMIC DEVELOPMENT SERVICE  
ESTABLISHMENT BYLAW NO. 2734, 2016  
Elector Response Form**

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I am **OPPOSED** to the adoption of Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016 by the Regional Board of the Regional District of Okanagan-Similkameen, whereby the said bylaw would authorize the establishment of a service for the promotion of economic development, including without limitation the promotion of tourism and grants for the promotion of economic development, and

I, the undersigned, hereby certify that:

- I am eighteen years of age or older; and
- I am a Canadian Citizen; and
- I have resided in British Columbia for at least six months; and
- I have resided in, OR have been a registered owner of real property in the Regional District of Okanagan-Similkameen for at least 30 days; and
- I am not disqualified by law from voting in local elections; and
- I am entitled to sign this elector response form, and have not previously signed an elector response form related to Bylaw No. 2734, 2016.

<b>ELECTOR'S FULL NAME (print)</b>
<b>RESIDENTIAL ADDRESS<sup>1</sup> (AND mailing address if different from residential address)</b>
<b>SIGNATURE OF ELECTOR</b>

**See the reverse side of this form for further information regarding the petition process.**

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<sup>1</sup> Non-resident Property Electors must include the address of their property in order to establish their entitlement to sign the petition.



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN REGIONAL ECONOMIC DEVELOPMENT SERVICE ESTABLISHMENT BYLAW NO. 2734, 2016 Elector Response Form

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Pursuant to Section 269 of the *Local Government Act*, the Regional Board of the Regional District of Okanagan-Similkameen is proposing to seek the assent of the electors of the Regional District by alternative approval process in accordance with Section 86 of the *Community Charter*. The question before the electors is whether they are opposed to the adoption of Regional District of Okanagan-Similkameen Regional Economic Development Service Establishment Bylaw No. 2734, 2016, which, if adopted, will authorize the Regional Board to establish a service for the promotion of economic development, including without limitation the promotion of tourism and grants for the promotion of economic development.

## INSTRUCTIONS

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1. If you are opposed to the adoption of Bylaw No. 2734, 2016, you can sign an elector response form **if you qualify as an elector of designated service area**.
  2. If you are NOT opposed to the adoption of the bylaw, you need do nothing.
  3. To sign an elector response form you MUST meet the qualifications as either a Resident Elector or a Non-Resident (Property) Elector of the Regional District. If you are unsure if you qualify, please contact the Regional District Office at 492-0237.
  4. Each Elector Response form may be signed by one elector of the Regional District.
- 

### 1.

All Elector Response Forms must be received by the Regional District on or before 4:30 p.m. on **October 17, 2016** to be considered.

No faxed elector response forms will be accepted; must be **original signatures**.

### 2.

The number of electors in the service area is estimated to be 70,890. If ten (10%) percent [7,089 electors] of the estimated number of electors in the Regional District sign an elector response form in opposition to the adoption of the said bylaw, Regional District cannot adopt the bylaw without receiving the assent of the electors by referendum.

### 3.

For further information, contact:

Christy Malden  
Manager of Legislative Services  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9  
250-490-4146  
1-877-610-3737 [toll free]  
cmalden@rdos.bc.ca

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** RDOS Environmental Conservation Service Establishment  
Bylaw No. 2690, 2016

---



### **Administrative Recommendation 1:**

**THAT third reading of Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 be rescinded; and**

**THAT Regional District of Okanagan-Similkameen Environmental Conservation Service Establishment Bylaw No. 2690, 2016 be read a third time, as amended.**

### **Administrative Recommendation 2:**

**THAT upon approval by the Inspector of Municipalities, participating area approval for Regional District of Okanagan-Similkameen Environmental Conservation Service Establishment Bylaw No. 2690, 2016 be obtained for the entire service area through an Alternative Approval Process in accordance with section 342 (4) of the *Local Government Act*.**

### **Reference:**

Bylaw 2690, 2016 Marked Up with changes requested by the Ministry  
Bylaw 2690, 2016 Clean

### **Purpose:**

To establish a service for the requisition of funds to assist with achieving environmentally sustainable objectives and conservation of our natural areas through a conservation service.

### **Background:**

On July 7, 2016 the Board of Directors gave first, second and third reading to Regional District of Okanagan-Similkameen Sub-Regional Conservation Fund Service Establishment Bylaw No. 2690, 2016 and the bylaw was forwarded to the Ministry of Community, Sport and Cultural Development for approval.

### **Analysis:**

The Ministry has requested that the bylaw wording be amended to detail the purpose of the bylaw; therefore the bylaw is now before the board to rescind third reading, amend the wording and re-read as amended. The bylaw will then be returned to the Ministry and receive approval.

### **Respectfully submitted:**

*"C. Malden"*

---

C. Malden, Manager of Legislative Services



## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **BYLAW NO. 2690, 2016**

---

A bylaw to establish ~~a Sub-Regional Conservation Fund~~ an Environmental Conservation Service

---

**WHEREAS** a Regional District may, by bylaw, establish and operate a service under the provisions of the *Local Government Act*;

**AND WHEREAS** the Board of the Regional District of Okanagan-Similkameen wishes to establish a service for the purpose of ~~establishing-creating an Environmental Conservation Service~~ a Sub-Regional Conservation Fund in the Regional District of Okanagan-Similkameen;

**AND WHEREAS** the Board of Directors resolved by a 2/3 vote that participating area approval be obtained for the entire proposed service area;

**AND WHEREAS** approval of the Electors has been obtained for the entire service area by the alternative approval process, in accordance with the *Local Government Act*;

**NOW THEREFORE** the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

#### **1. CITATION**

1.1 This Bylaw may be cited as the "Regional District of Okanagan-Similkameen ~~Sub-Regional Conservation Fund~~ Environmental Conservation Service Establishment Bylaw No. 2690, 2016".

#### **2. ESTABLISHMENT OF THE SERVICE**

2.1 The Service established by this bylaw is for the purpose of establishing ~~a sub-regional Conservation Fund~~ an Environmental Conservation Service in the Regional District of Okanagan-Similkameen for the purpose of undertaking and administering activities, projects, and works that will include, but is not limited to, water, environment, wildlife, land, habitat conservation efforts to protect natural areas within the Regional District of Okanagan-Similkameen.

#### **3. BOUNDARIES OF THE SERVICE AREA**

3.1 The boundaries of the service area are the boundaries of Electoral Areas "A", "C", "D", "E", "F", the City of Penticton, District of Summerland, and the Town of Oliver.

#### **4. PARTICIPATING AREA**

4.1 The participating areas are Electoral Areas "A", "C", "D", "E", "F", the City of Penticton, District of Summerland, and the Town of Oliver.

**5. SERVICE PROVISION**

5.1 The Board of Directors may enter into an agreement for the administration of the ~~local conservation fund~~ environmental conservation service.

**6. COST RECOVERY**

6.1 As provided in the *Local Government Act*, the annual costs of the Service shall be recovered by one or more of the following:

(a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*];

(b) subject to subsection (2) of section 378, parcel taxes imposed in accordance with Division 3;

(c) fees and charges imposed under section 397 [*imposition of fees and charges*];

(d) revenues raised by other means authorized under this or another Act;

(e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

**7. LIMIT**

7.1 The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$450,000 or \$0.0292 per thousand dollars of net taxable value of land and improvements in the Regional District of Okanagan-Similkameen.

**READ A FIRST, SECOND AND THIRD TIME** this 7<sup>th</sup> day of July, 2016.

~~**THIRD READING RESCINDED** this \_\_\_ day of \_\_\_, 2016~~

~~**THIRD READING RE-READ AS AMENDED** this \_\_\_ day of \_\_\_, 2016~~

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** this \_\_\_ day of \_\_\_, 201\_\_.

**RECEIVED APPROVAL OF THE ELECTORATE THROUGH AN ALTERNATIVE APPROVAL PROCESS** this \_\_\_ day of \_\_\_, 201\_\_.

**ADOPTED** this \_\_\_ day of \_\_\_, 201\_\_.

\_\_\_\_\_  
RDOS Board Chair

\_\_\_\_\_  
Corporate Officer

## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **BYLAW NO. 2690, 2016**

---

A bylaw to establish an Environmental Conservation Service

---

**WHEREAS** a Regional District may, by bylaw, establish and operate a service under the provisions of the *Local Government Act*;

**AND WHEREAS** the Board of the Regional District of Okanagan-Similkameen wishes to establish a service for the purpose of creating an Environmental Conservation Service in the Regional District of Okanagan-Similkameen;

**AND WHEREAS** the Board of Directors resolved by a 2/3 vote that participating area approval be obtained for the entire proposed service area;

**AND WHEREAS** approval of the Electors has been obtained for the entire service area by the alternative approval process, in accordance with the *Local Government Act*;

**NOW THEREFORE** the Board of the Regional District of Okanagan-Similkameen, in open meeting assembled, enacts as follows:

#### **1. CITATION**

- 1.1 This Bylaw may be cited as the “Regional District of Okanagan-Similkameen Environmental Conservation Service Establishment Bylaw No. 2690, 2016”.

#### **2. ESTABLISHMENT OF THE SERVICE**

- 2.1 The Service established by this bylaw is for the purpose of establishing an Environmental Conservation Service in the Regional District of Okanagan-Similkameen for the purpose of undertaking and administering activities, projects, and works that will include, but is not limited to, water, environment, wildlife, land, habitat conservation efforts to protect natural areas within the Regional District of Okanagan-Similkameen.

#### **3. BOUNDARIES OF THE SERVICE AREA**

- 3.1 The boundaries of the service area are the boundaries of Electoral Areas “A”, “C”, “D”, “E”, “F”, the City of Penticton, District of Summerland, and the Town of Oliver.

#### **4. PARTICIPATING AREA**

- 4.1 The participating areas are Electoral Areas “A”, “C”, “D”, “E”, “F”, the City of Penticton, District of Summerland, and the Town of Oliver.

#### **5. SERVICE PROVISION**

- 5.1 The Board of Directors may enter into an agreement for the administration of the Environmental Conservation service.

**6. COST RECOVERY**

- 6.1 As provided in the *Local Government Act*, the annual costs of the Service shall be recovered by one or more of the following:
- (a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*];
  - (b) subject to subsection (2) of section 378, parcel taxes imposed in accordance with Division 3;
  - (c) fees and charges imposed under section 397 [*imposition of fees and charges*];
  - (d) revenues raised by other means authorized under this or another Act;
  - (e) revenues received by way of agreement, enterprise, gift, grant or otherwise.

**7. LIMIT**

- 7.1 The annual maximum amount that may be requisitioned for the cost of the service shall not exceed the greater of \$450,000 or \$0.0292 per thousand dollars of net taxable value of land and improvements in the Regional District of Okanagan-Similkameen.

**READ A FIRST, SECOND AND THIRD TIME** this 7<sup>th</sup> day of July, 2016.

**THIRD READING RESCINDED** this \_\_\_ day of \_\_\_, 2016

**THIRD READING RE-READ AS AMENDED** this \_\_\_ day of \_\_\_ 2016

**APPROVED BY THE INSPECTOR OF MUNICIPALITIES** this \_\_\_ day of \_\_\_, 201\_\_.

**RECEIVED APPROVAL OF THE ELECTORATE THROUGH AN ALTERNATIVE APPROVAL PROCESS** this \_\_\_ day of \_\_\_, 201\_\_.

**ADOPTED** this \_\_\_ day of \_\_\_, 201\_\_.

\_\_\_\_\_  
RDOS Board Chair

\_\_\_\_\_  
Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** September 1, 2016  
**RE:** Bylaw No. 2711.01 Noxious and Destructive Insect and Pest Control Amendment Bylaw

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### Administrative Recommendation:

**THAT Noxious and Destructive Insect and Pest Control Amendment Bylaw No. 2711.01, 2016 be read a first, second and third time and be adopted.**

### Purpose:

The purpose of the bylaw amendment is to add the Brown Marmorated Stink Bug to the list of noxious and destructive pests requiring control.

### Business Plan Objective:

- Goal 3.2 To develop an economically sustainable region
- Goal 3.3 To develop an environmentally sustainable region

### History:

The Regional District first introduced a bylaw to control noxious insects in 1970 to require owners or occupiers of property to prevent and clear infestation of caterpillars or other noxious insects on their property. Concerns included infestations of codling moth, apple mealybug and gypsy moth. Schedule A of our current bylaw, Bylaw No. 2711 adopted November 5, 2105, lists 23 different noxious or destructive insects and related pests requiring control.

### Analysis:

The Brown Marmorated Stink Bug poses a significant threat to the local economy as it damages a wide variety of host plants including apple, peach and choke cherry trees, beans, tomatoes, peppers and corn.

A Penticton Indian Band Lands and Natural Resources representative found the stink bug on Penticton Indian Band (PIB) land in a Choke Cherry bush by the channel. Representatives from BC Ministry of Agriculture and OASISS attended the site to confirm the identity of the bug, finding four adult stink bugs. At the August 16, 2016 Council meeting, Penticton Indian Band Council expressed support for the need to remove the bush and prevent the spread of the bug. The infested bush will be removed next week. Costs to remove the bush will be borne by the BC Fruit Growers Association with the Penticton Indian Band and Ministry of Agriculture providing equipment and labourers.

Adult brown marmorated stink bug



Apple damage



**Alternatives:**

That Bylaw No. 2711 not be amended to add the Adult Brown Marmorated Stink Bug to the list of pests requiring control.

**Communication Strategy:**

The list of pests requiring control will be published in an upcoming edition of our Regional Connections newsletter and on the Regional District Facebook page.

**Respectfully submitted:**

**Endorsed by:**

*"Gillian Cramm"*

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G. Cramm, Administrative Assistant

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C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN  
BYLAW NO. 2711.01, 2016**

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A bylaw to amend Regional District of Okanagan-Similkameen Noxious and Destructive Insect and Pest Control Bylaw No. 2711, 2015

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**WHEREAS** the Board of the Regional District Okanagan-Similkameen has adopted Regional District of Okanagan-Similkameen Noxious and Destructive Insect and Pest Control Bylaw No 2711, 2015 to regulate and prevent infestation by noxious or destructive insects and to clear the property of such insects;

**AND WHEREAS** the Board of Directors wishes to add an additional pest to the list of Noxious or destructive insects and related pests requiring control;

**NOW THEREFORE** the Board of Directors of the Regional District of Okanagan-Similkameen in open meeting assembled ENACTS as follows:

**1. CITATION**

1.1 This Bylaw shall be cited as Regional District of Okanagan-Similkameen Noxious and Destructive Insect and Pest Control Amendment Bylaw No. 2711.01, 2016

**4. INTERPRETATION**

4.1 Schedule 'A' of Bylaw No. 2711, 2015 is amended by adding "Brown Marmorated Stink Bug – Halyomorpha halys

READ A FIRST, SECOND AND THIRD TIME this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

ADOPTED this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
RDOS Chair

\_\_\_\_\_  
Corporate Officer