

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, June 01, 2017
RDOS Boardroom – 101 Martin Street, Penticton

SCHEDULE OF MEETINGS

9:00 am	-	9:15 am	Public Hearings: Zoning Bylaw Amendment 137 Taggart Crescent, Kaleden Electoral Area "D" Zoning Bylaw Amendment 2870 Gammon Road, Naramata Electoral Area "E" Amendment Bylaw No. 2710, 2017 Electoral Areas "A", "C", "D", "E" & "F"
9:15 am	-	9:30 am	Protective Services Committee
9:30 am	-	10:15 am	Planning and Development Committee
10:15 am	-	11:30 am	Corporate Services Committee
11:30 am	-	12:30 pm	Environment and Infrastructure Committee
12:30 pm	-	1:00 pm	Lunch
1:00 pm	-	3:00 pm	RDOS Board

"Karla Kozakevich"

Karla Kozakevich
RDOS Board Chair

Advance Notice of Meetings:

June 15, 2017	RDOS Board/OSRHD Board/Committee Meetings
July 06, 2017	RDOS Board/Committee Meetings
July 20, 2017	RDOS Board/OSRHD Board/Committee Meetings
August 03, 2017	RDOS Board/Committee Meetings
August 17, 2017	RDOS Board/OSRHD Board/Committee Meetings



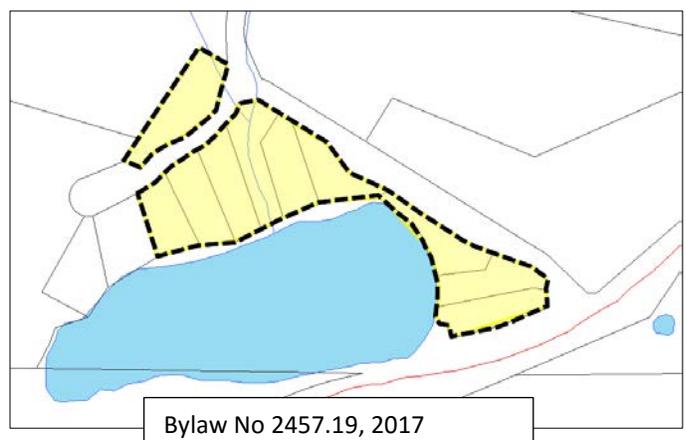
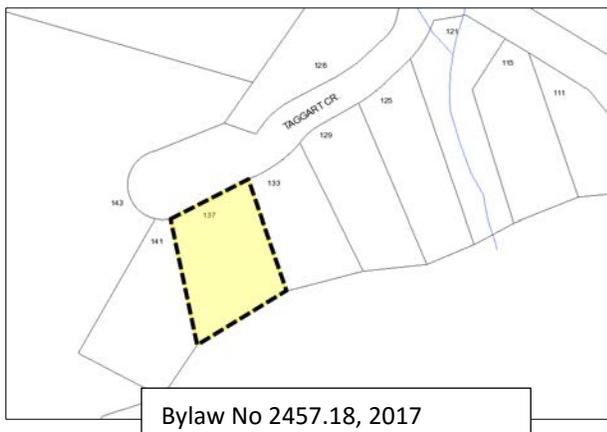
NOTICE OF PUBLIC HEARING

Electoral Area “D” Zoning Bylaw Amendment
137 Taggart Crescent and LUC-23-D-77

Date: Thursday, June 1, 2017
Time: 9:00 a.m.
Location: RDOS, Board Room, 101 Martin Street, Penticton

PURPOSE: To discharge LUC-23-D-77 on the subject property and replace it with a Small Holdings Four (SH4) Zone; and to initiate the termination process on the remaining 10 parcels within the LUC-23-D-77.

- *Amendment Bylaw No. 2457.18, 2017:* proposes to amend Schedule ‘2’ of the Electoral Area “D” Zoning Bylaw No. 2457, 2008, on the subject property described as Lot 2, DL 411, SDYD, Plan 29328 (137 Taggart Crescent), from LUC-23-D-77 to Small Holdings Four (SH4).
- *Amendment Bylaw No. 2457.19, 2017:* proposes to initiate the termination process on the remaining 10 parcels and amend Schedule ‘2’ of the Electoral Area “D” Bylaw No. 2457, 2008 on these properties from LUC-23-D-77 to Small Holdings Four (SH4).



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

(Departments → Development Services → Planning → Current Applications & Decisions → Electoral Area “D-1”)

Anyone who considers themselves affected by the proposed bylaw amendments can present written information or speak at the public hearing. All correspondence received for the public hearing will be made public and should be addressed to: Public Hearing Bylaw No.(s)2457.18, 2017 and 2457.19, 2017, c/o Regional District of Okanagan-Similkameen at 101 Martin Street, Penticton, BC, V2A 5J9. 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

Donna Butler, MCIP
Manager of Development Services

Bill Newell
Chief Administrative Officer



NOTICE OF PUBLIC HEARING

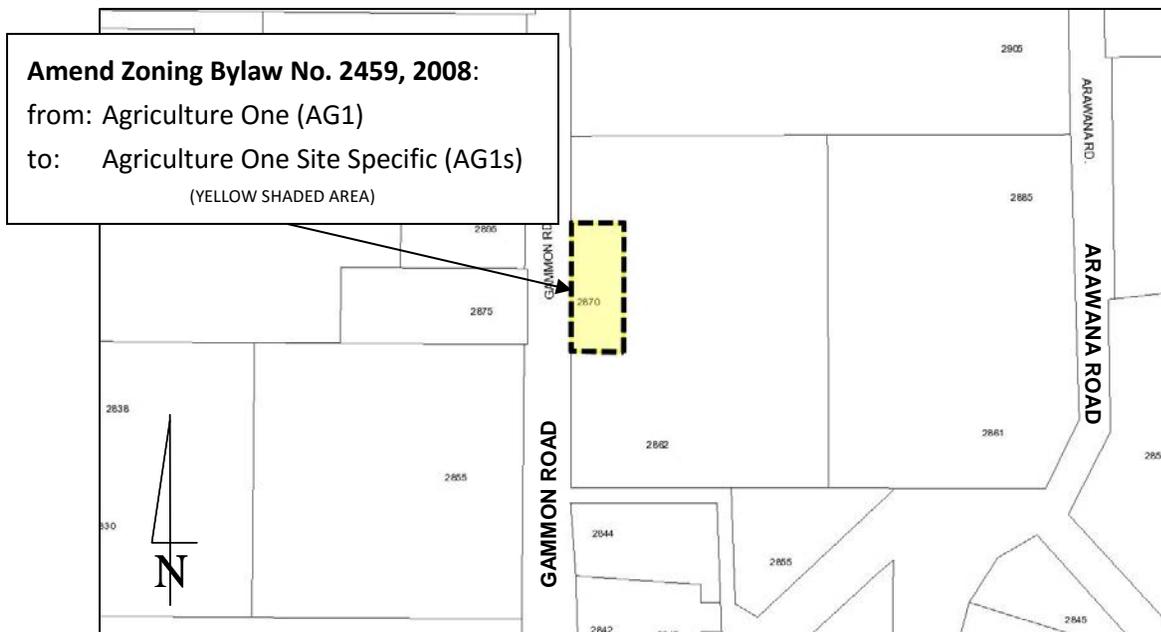
Electoral Area “E” Zoning Bylaw Amendment
2870 Gammon Road, Naramata

Date: Thursday, June 1, 2017
Time: 9:00 A.M.
Location: RDOS, Board Room, 101 Martin Street, Penticton

PURPOSE: To facilitate the development of an accessory dwelling on the second floor of an existing detached garage (i.e. “carriage House”).

- *Amendment Bylaw No. 2459.25, 2017:* proposes to amend Schedule ‘2’ of the Electoral Area “E” Zoning Bylaw No. 2459, 2008, by changing the land use designation on the land described as Lot A, Plan KAP36242, District Lot 207, SDYD (2870 Gammon Road) from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).

The site specific regulation will allow an accessory dwelling to not exceed a maximum height of two stories and 6.2 metres and will further limit the number of accessory dwellings permitted on the parcel to one (1) “accessory dwelling”, “secondary suite” or “mobile home”.



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

(Departments → Development Services → Planning → Current Applications & Decisions → Electoral Area “E”)

Anyone who considers themselves affected by the proposed bylaw amendments can present written information or speak at the public hearing. All correspondence received for the public hearing will be made public and should be addressed to: Public Hearing Bylaw No.2459.25, c/o Regional District of Okanagan-Similkameen at 101 Martin Street, Penticton, BC, V2A 5J9. 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

Donna Butler, MCIP
Manager of Development Services

Bill Newell
Chief Administrative Officer



NOTICE OF PUBLIC HEARING

Amendment Bylaw No. 2710, 2017

Electoral Areas “A”, “C”, “D”, “E”, and “F”

Date: Thursday, June 1, 2017

Time: 9:00 a.m.

Location: 101 Martin Street, Penticton, BC (RDOS Boardroom)

PURPOSE: Amendment Bylaw No. 2710 represents the culmination of a multi-year review and update of the environmental and park/recreational policies and objectives, including a comprehensive review of the Environmentally Sensitive Development Permit (ESDP) Area designations found in the Okanagan Electoral Area Official Community Plan Bylaws and Zoning Bylaws.

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

(Departments → Development Services → Planning → Strategic Projects → ESDP Update)

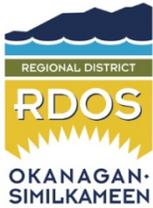
Anyone who considers themselves affected by the proposed bylaw amendments can present written information or speak at the public hearing. All correspondence for the public hearing to be addressed to: Public Hearing Bylaw No. 2710, 2017, c/o Regional District of Okanagan-Similkameen. No letter, report 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

Donna Butler, MCIP
Manager of Development Services

Bill Newell
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, June 01, 2017

9:15 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

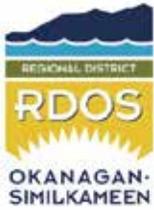
RECOMMENDATION 1

THAT the Agenda for the Protective Services Committee Meeting of June 1, 2017 be adopted.

B. EMERGENCY OPERATION CENTRE UPDATE

Mark Woods will update the Board of Directors on the emergency response.

C. ADJOURNMENT



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, June 01, 2017

9:30 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Planning and Development Committee Meeting of June 1, 2017 be adopted.

B. BUILDING DEPARTMENT ACTIVITY UPDATE – For Information Only [Page 7]

To provide information on building department activity levels.

C. REVIEW OF ZONING REGULATIONS – DOMINION RADIO ASTROPHYSICAL OBSERVATORY [Page 9]

1. Bylaw No. 2777, 2017 (Draft) [Page 13]

To discuss amendments to the Electoral Area “C” Official Community Plan and Zoning Bylaws and Electoral Area “D-1” Zoning Bylaw as they relate to the Dominion Radio Astrophysical Observatory (DRAO).

RECOMMENDATION 2

THAT Bylaw No. 2777, being a bylaw of the Regional District to amend the Electoral Area C OCP and Zoning Bylaw, and the Area D-1 Zoning Bylaw to update the mapping and policy around DREO, be initiated.

D. REGULATION OF METAL STORAGE (“SHIPPING”) CONTAINERS [Page 22]

To discuss the possible introduction of regulations governing the use and placement of metal shipping containers within the Okanagan Electoral Area zoning bylaws.

RECOMMENDATION 3

THAT the Regional District introduce regulations governing the placement of metal storage containers as part of preparation of the draft Okanagan Electoral Area Zoning Bylaw.

E. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Planning & Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: June 1, 2017
RE: Building department activity update – For Information Only

Purpose:

To provide information on building department activity levels.

Background:

The 2017 budget process estimated the annual building permit revenue to be \$500,000. As at May 23, 2017 the revenue received to date from building permits is \$496,743.11. \$270,000 of this revenue is associated with a winery valued at \$30,000,000.00 which is being constructed on Black Sage Road in Oliver

The average processing time for issuing a building permit from application is 4 weeks, depending on complexity. In order to accommodate the extra workload and maintain process efficiency, the Regional District has hired additional staff to assist throughout the summer.

1. Additional clerical assistance for permit entry and issuance three days/week.
2. Planning student – assists two full-time planning technicians ensure building applications comply with zoning regulations.
3. Part-time plan checker two days/week to review applications for building code compliance.

The additional staff will maintain an acceptable level of service throughout the persistently busy summer building season. Incomplete building permit applications are accepted, or a supporting application such as a development variance permit are occasionally received, which does cause a delay in issuing the permits.

(Values as at May 23, 2017)

	2017 (as at May 23)	2016 (to end of May)
Permits issued	171	184
Construction Value	\$48,669,015.41	\$17,040,238
Applications received (May)	72	58
Applications received YTD	241	211
Permit fees	\$496,743.11	\$212,462.50

Kennedy Lake

It has been over three years since the court order of January, 2014 for demolition of all structures without building permits at Kennedy Lake (Electoral Area H).

Permits issued to date: 218

Permits completed and closed: 84

Active permits: 134

Demolitions: 2

4 permits have been extended as these individuals have demonstrated commitment to completing the work.

At the end of March, 2017 a series of letters went out to leaseholders advising that all work must be completed, or substantially completed by the end of June 2017. No further extensions will be granted.

At the end of June a further review will be conducted to determine which structures will be scheduled for demolition this summer. Structures which have had no inspections, or no response to our request for action, will be the first identified to demolish.

Building permits with no inspections: 18

Respectfully submitted:

"Laura Miller"

L. Miller, Building Department Supervisor

ADMINISTRATIVE REPORT



TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: June 1, 2017

RE: Review of Zoning Regulations — Dominion Radio Astrophysical Observatory

Administrative Recommendation:

THAT Bylaw No. 2777, being a bylaw of the Regional District to amend the Electoral Area C OCP and Zoning Bylaw and the Area D-1 Zoning Bylaw to update the mapping and policy around DREO be initiated.

Purpose:

The purpose of this report is to discuss amendments to the Electoral Area “C” Official Community Plan and Zoning Bylaws and Electoral Area “D-1” Zoning Bylaw as they relate to the Dominion Radio Astrophysical Observatory (DRAO).

Background:

At its meeting of December 15, 2016, the Regional District Board adopted the Electoral Area “D-1” Official Community Plan (OCP) Bylaw No. 2683, 2016.

This bylaw included a new and more comprehensive set of objectives and policies related to the Dominion Radio Astrophysical Observatory at White Lake, including a new Schedule (‘C’) which presents updated mapping showing the extent of the Radio Frequency Interference (RFI) Area that affects the operation of the observatory.

Conversely, the Electoral Area “D-1” Zoning Bylaw, which gives effect to some of these policies — such as the requirement that new subdivisions within the RFI Area be not be less than 20.0 ha in area — continues to rely on “High Risk Electromagnetic Interference Area” mapping produced at the time of the previous Electoral Area “D-1” OCP and Zoning Bylaw Review completed in the 1990s.

Similarly, within Electoral Area “C” the OCP Bylaw is relying on the same outdated mapping, while the Zoning Bylaw is silent on the Observatory despite significant RFI Areas occurring within the electoral area.

In addition, Administration has previously been made aware that a number of the general regulations governing development within the RFI Area and contained within the Electoral Area “D-1” Zoning Bylaw represent an unlawful delegation of Board authority.

The impetus for this review is the direction contained within the 2016 Business Plan to develop “a consolidated Okanagan Valley Zoning Bylaw” as well as the direction in the 2017 Business Plan to ensure “all existing bylaws and policies are kept in a current and useful form ...”

The current Okanagan Electoral Area zoning bylaws were adopted on November 6, 2008, and have been subject to numerous amendments in the intervening years (i.e. over 30 in Electoral Area “C”). In

the coming months, Administration is anticipating seeking direction from the Board on a number of existing and potential land use regulation and zone changes.

Analysis:

The Regional District has strongly supported the continued operation of DRAO and its protection from increased electromagnetic interference.

Accordingly, and to ensure that the Regional District's policies toward DRAO are consistent across Electoral Areas, it is proposed to:

- introduce updated mapping to the Electoral Area "C" OCP & Zoning Bylaw and Electoral Area "D-1" Zoning Bylaw based on the mapping introduced into the Electoral Area "D-1" OCP Bylaw;
- introduce new objectives and policy statements related to DRAO to the Electoral Area "C" OCP Bylaw based on those introduced into the Electoral Area "D-1" OCP Bylaw; and
- introduce revised general regulations to the Electoral Area "C" and "D-1" Zoning Bylaw that remove unlawful delegations of Board authority.

With regard to this latter amendment, it is also proposed to dispense with the overly prescriptive list of residential activities that might result in electromagnetic interference (i.e. restricting the use of fluorescent lights, lamp dimmers, shortwave radios or microwaves).

The enforceability of these provisions as a land use bylaw regulation is questionable and Administration considers that other, more substantive options are available to the Board, such as increasing the minimum parcel size within the RFI Area.

For instance, the current 20.0 ha restriction is no greater than the minimum parcel size requirement of the three most common zones in the RFI Area; being the Resource Area (RA), Crown Research Area (CRA) and Agriculture Three (AG3) zones. Alternatively, the Board may wish to consider increasing the restriction on subdivision in the RFI Area to 50.0 or 60.0 ha.

Similarly, the Board could also limit residential density within the RFI Area by restricting the ability to develop accessory dwellings on a parcel. Both the RA and AG3 zones allow for the development of up to four (4) accessory dwellings on parcels greater than 16.0 ha in area.

To ensure consistency with the provisions of the ALC Act and Regulations, accessory dwelling densities could be reduced to one (1) on the Agricultural Land Reserve (ALR) and a similar number (or no accessory dwellings) on parcels in the RFI Area but outside the ALR.

The Board is asked to be aware that these proposed changes will not affect the Land Use Contract which applies to the St. Andrews area and will continue to be in effect until 2024 (subject to an early termination or voluntary discharge).

Respectfully submitted:



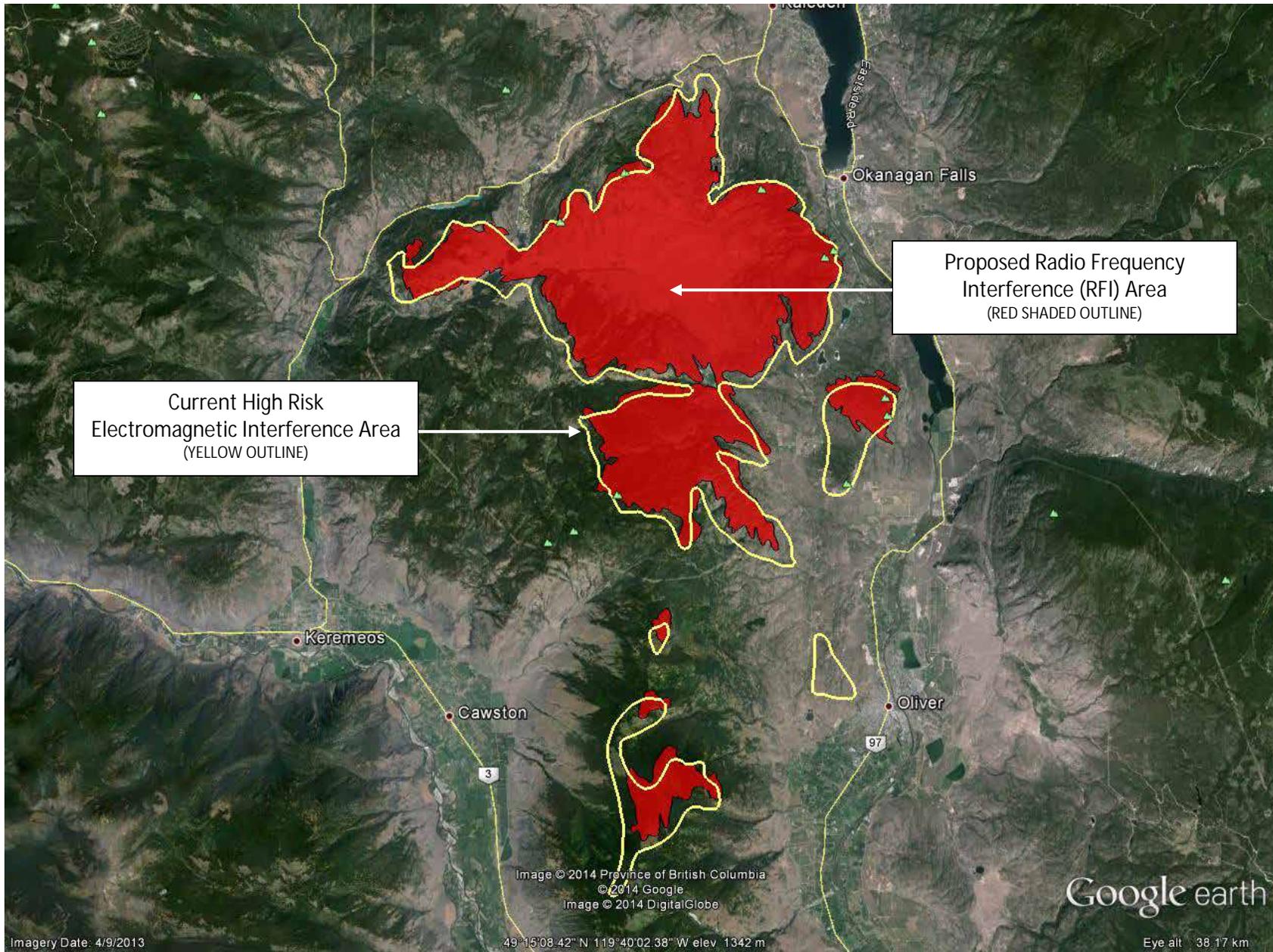
C. Garrish, Planning Supervisor

- Attachments:** No. 1 — Draft Amendment Bylaw No. 2777
No. 2 — Current & Proposed General Regulations for DRAO
No. 3 — Current High Risk Electromagnetic Interference Area & Proposed Radio Frequency Interference Area

Attachment No. 2 — Current & Proposed General Regulations for DRAO

Current	Proposed
<p>.1 Land within the following is designated as “High Risk Electromagnetic Interference Area”:</p> <ul style="list-style-type: none"> a) directly within the line-of-sight of the existing Dominion Radio Astrophysical Observatory telescopes; b) within 61.0 metres of Section (a); c) within 2.5 km of the astrophysical observatory facility, as determined by the Dominion Radio Astrophysical Observatory; and d) as depicted on Diagram 1. <p>.2 The minimum parcel size for subdivision within any zone within the High Risk Electromagnetic Interference Area is 20 ha.</p> <p>.3 No person will construct, reconstruct, move or extend any building or structure which would increase the level of electromagnetic interference from:</p> <ul style="list-style-type: none"> a) electrical motors and generators; b) fluorescent lights - including neon, mercury vapour, and other gas discharge lamps; c) SCR type lamp dimmers and controllers; d) shortwave radios; e) transmitters and electrical utility above ground wiring; f) electrical machinery and equipment which is operated by means of a spark or ignition system; and g) ultrasonic appliances <p>unless the person receives approval from the Dominion Radio Astrophysical Observatory that the proposed development will not effect the observatory.</p> <p>.4 The Dominion Radio Astrophysical Observatory may require a restrictive covenant to be registered against the subject lands to limit the potential for electromagnetic interference. This covenant may be required prior to obtaining a building permit and must advise future purchasers of the High Risk Electromagnetic Interference Area requirements.</p>	<p>The lands shown hatched on Schedule ‘3’ are designated as a “Radio Frequency Interference Area” and include lands:</p> <ul style="list-style-type: none"> a) directly within the line-of-sight of the existing Dominion Radio Astrophysical Observatory telescopes; b) within 61.0 metres of Section (a); and c) within 2.5 km of the astrophysical observatory facility.

Attachment No. 3 – Current High Risk Electromagnetic Interference Area & Proposed Radio Frequency Interference Area



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2777, 2017

A Bylaw to amend the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, Electoral Area "C" Zoning Bylaw No. 2453, 2008, and Electoral Area "D" Zoning Bylaw No. 2457, 2008

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Dominion Radio Astrophysical Observatory Official Community Plan and Zoning Amendment Bylaw No. 2777, 2017."
2. The "Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008" is amended by:
 - i) deleting Section 11.2.4 under Section 11.0 (Administrative, Cultural and Institutional).
 - ii) deleting Section 11.2.9 under Section 11.0 (Administrative, Cultural and Institutional).
 - iii) deleting Map 3 (High Risk Electromagnetic Interference Areas) under Section 11.0 (Administrative, Cultural and Institutional).
 - iv) adding a new Section 11.4 (Dominion Radio Astrophysical Observatory) under Section 11.0 (Administrative, Cultural and Institutional) to read as follows:

11.4 Dominion Radio Astrophysical Observatory

The Dominion Radio Astrophysical Observatory (DRAO) is the only research facility of its kind in Canada, and provides a significant contribution to the local economy and ongoing contributions to national and international research initiatives.

The Regional District acknowledges the critical scientific and economic importance of DRAO, and recognizes its sensitivity to Radio Frequency Interference (RFI) that may result from development and human activity outside of DRAO property but within the RFI area.

The degree to which development may interfere with Observatory activities is, in part, a function of distance and whether the development lies within lines-of sight

Commented [CG1]: Proposed to move this objective into new Section devoted to DRAO.

Commented [CG2]: Proposed to move this policy into new Section devoted to DRAO.

Commented [CG3]: Proposed to replace this Map with a new Schedule 'E' to the OCP Bylaw incorporating updated mapping for the RFI Area around DRAO.

Commented [CG4]: New Section introducing wording from Electoral Area "D-1" OCP regarding DRAO to the Electoral Area "C" OCP Bylaw.

of radio-telescope equipment. Schedule 'E' (Dominion Radio Astrophysical Observatory RFI Area) identifies the approximate areas that are:

- . directly within the lines-of-sight of existing telescopes or potentially within the lines-of-sight of any future telescopes;
- . within 61.0 metres vertically of such lines-of-sight; and
- . within 2.5 km of the Observatory.

Development within the area identified in Schedule 'E' (Dominion Radio Astrophysical Observatory RFI Area) could significantly interfere with the research activities conducted at DRAO. While the impact of RFI generated by human activity within 61 metres vertically of the lines-of-sight of existing telescopes; it is nevertheless important to minimize the levels of RFI or risks of potential RFI.

The Regional District will work with DRAO with respect to any development proposed in the area identified in Schedule 'E' to avoid RFI risk.

11.4.1 Objectives

- .1 Minimize the levels of Radio Frequency Interference (RFI) on DRAO from existing development.
- .2 Prevent and/or minimize additional RFI from potential new development.

11.4.2 Policies

The Regional Board:

- .1 Generally will not support future rezoning or subdivision applications that will create additional development or intensify development within the area illustrated on Schedule 'E' (Dominion Radio Astrophysical Observatory RFI Area).
- .2 Encourages the Federal Government to purchase undeveloped lands that could present a potential significant risk of RFI wherever feasible and appropriate.
- .3 Will continue supporting and working with DRAO to:
 - a) help inform current and prospective residents about their properties being located within, or near, an RFI area as illustrated on Schedule 'E' (Dominion Radio Astrophysical Observatory RFI Area);
 - b) inform current and prospective owners about RFI impacts on this major scientific facility; and
 - c) educate current and prospective residents on how to prevent and minimize uses with a RFI impact.

v) adding a new Schedule 'E' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area) as shown on the attached Schedule 'A' (which forms part of this bylaw).

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

i) replacing Section 7.27 (Astrophysical Observatory Electromagnetic Interference) under Section 7.0 (General Regulations) in its entirety with the following:

7.27 Dominion Radio Astrophysical Observatory Radio Frequency Interference Area

The lands shown hatched on Schedule '3' are designated as a "Radio Frequency Interference Area" and include lands:

- a) directly within the line-of-sight of the existing Dominion Radio Astrophysical Observatory telescopes;
- b) within 61.0 metres of Section 7.27(a); and
- c) within 2.5 km of the astrophysical observatory facility.

ii) replacing Section 10.2.3 (Minimum Parcel Size) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

10.2.3 Minimum Parcel Size:

- a) 4.0 ha;
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

iii) replacing Section 10.3.3 (Minimum Parcel Size) under Section 10.3 (Agriculture Two Zone) in its entirety with the following:

10.3.3 Minimum Parcel Size:

- a) 10.0 ha;
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

iv) replacing Section 10.4.3 (Minimum Parcel Size) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:

Commented [CG5]: Proposes to simplify Section 7.27 by removing those sections which deal with an authorised delegation of Board authority (i.e. sub-section 7.27.3 currently states "unless the person receives approval from the Dominion Radio Astrophysical Observatory ...").

It is further proposed to transfer the 20.0 ha minimum parcel size for subdivision to those zones affected by the RFI Area.

Commented [CG6]: New provisions. Designed to ensure consistency with the Electoral Area "D-1" Zoning Bylaw and how it treats the subdivision of parcels within the RFI Area.

Commented [CG7]: New provisions. Designed to ensure consistency with the Electoral Area "D-1" Zoning Bylaw and how it treats the subdivision of parcels within the RFI Area.

10.4.3 Minimum Parcel Size:

- a) 4.0 ha; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG8]: New provisions. Designed to ensure consistency with the Electoral Area "D-1" Zoning Bylaw and how it treats the subdivision of parcels within the RFI Area.

- v) replacing Section 15.2.3 (Minimum Parcel Size) under Section 15.2 (Parks and Recreation Zone) in its entirety with the following:

15.2.3 Minimum Parcel Size:

- a) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG9]: New provisions. Designed to ensure consistency with the Electoral Area "D-1" Zoning Bylaw and how it treats the subdivision of parcels within the RFI Area.

- vi) adding a new Schedule '3' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area) as shown on the attached Schedule 'B' (which forms part of this bylaw).

Commented [CG10]: Proposes to update and transfer RFI Area from Schedule '1' to its own stand-alone Schedule.

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

- i) replacing Section 7.26 (Astrophysical Observatory Electromagnetic Interference) under Section 7.0 (General Regulations) in its entirety with the following:

7.26 Dominion Radio Astrophysical Observatory Radio Frequency Interference Area

The lands shown hatched on Schedule '3' are designated as a "Radio Frequency Interference Area" and include lands:

- a) directly within the line-of-sight of the existing Dominion Radio Astrophysical Observatory telescopes;
- b) within 61.0 metres of Section 7.26(a); and
- c) within 2.5 km of the astrophysical observatory facility.

Commented [CG11]: Proposed to introduce these provisions to the Electoral Area "C" Zoning Bylaw to ensure consistency with the proposed regulations to be applied in Electoral Area "D-1".

- ii) replacing Section 10.2.3 (Minimum Parcel Size) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

10.2.3 Minimum Parcel Size:

- a) 4.0 ha;
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw; or
- c) where the Agricultural Land Commission permits a subdivision under its homesite severance policy, there shall be no minimum parcel size.

Commented [CG12]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- iii) replacing Section 10.4.3 (Minimum Parcel Size) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:

10.4.3 Minimum Parcel Size:

- a) 4.0 ha; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG13]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- iv) replacing Section 10.5.3 (Minimum Parcel Size) under Section 10.5 (Large Holdings Two Zone) in its entirety with the following:

10.5.3 Minimum Parcel Size:

- a) 8.0 ha; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG14]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- v) replacing Section 10.6.3 (Minimum Parcel Size) under Section 10.6 (Small Holdings Two Zone) in its entirety with the following:

10.6.3 Minimum Parcel Size:

- a) 2.0 ha; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG15]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- vi) replacing Section 10.7.3 (Minimum Parcel Size) under Section 10.7 (Small Holdings Three Zone) in its entirety with the following:

10.7.3 Minimum Parcel Size:

- a) 1.0 ha; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG16]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- vii) replacing Section 11.1.3 (Minimum Parcel Size) under Section 11.1 (Residential Single Family One Zone) in its entirety with the following:

11.1.3 Minimum Parcel Size:

- a) 500 m², subject to servicing requirements; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG17]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- viii) replacing Section 11.2.3 (Minimum Parcel Size) under Section 11.2 (Residential Single Family Two Zone) in its entirety with the following:

11.2.3 Minimum Parcel Size:

- a) 500 m², subject to servicing requirements; or
- b) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG18]: Currently comprised at Section 7.27 of the Zoning Bylaw. Proposed to move this minimum parcel size requirement into all zones within DRAO's RFI Area.

- ix) replacing Section 15.2.3 (Minimum Parcel Size) under Section 15.2 (Parks and Recreation Zone) in its entirety with the following:

15.2.3 Minimum Parcel Size:

- a) 20.0 ha when a parcel is situated within the "Radio Frequency Interference Area" as shown on Schedule '3' to this bylaw.

Commented [CG19]: New provisions. Designed to ensure consistency with the Electoral Area "D-1" Zoning Bylaw and how it treats the subdivision of parcels within the RFI Area.

- x) adding a new Schedule '3' (Dominion Radio Astrophysical Observatory Radio Frequency Interference Area) as shown on the attached Schedule 'C' (which forms part of this bylaw).

Commented [CG20]: Proposes to introduce the RFI Area as a Schedule to the Electoral Area "C" Zoning Bylaw. Map will be consistent with that proposed for the Electoral Area "D-1" Zoning Bylaw.

DRAFT

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2777, 2017

Project No: X2017.072-ZONE

Schedule 'A'

Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008
[Schedule 'E' \(Dominion Radio Astrophysical Observatory Radio Frequency Interference Area\)](#)

DRAFT

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2777, 2017

Project No: X2017.072-ZONE

Schedule 'B'

Electoral Area "C" Zoning Bylaw No. 2453, 2008
[Schedule '3' \(Dominion Radio Astrophysical Observatory Radio Frequency Interference Area\)](#)

DRAFT

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2777, 2017

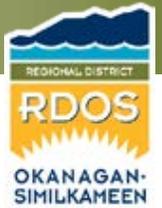
Project No: X2017.072-ZONE

Schedule 'C'

Electoral Area "D" Zoning Bylaw No. 2457, 2008
[Schedule '3' \(Dominion Radio Astrophysical Observatory Radio Frequency Interference Area\)](#)

DRAFT

ADMINISTRATIVE REPORT



TO: Planning and Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: June 1, 2017
RE: Regulation of Metal Storage ("Shipping") Containers

Administrative Recommendation:

THAT the Regional District introduce regulations governing the placement of metal storage containers as part of preparation of the draft Okanagan Electoral Area Zoning Bylaw.

Purpose:

The purpose of this report is to discuss the possible introduction of regulations governing the use and placement of metal shipping containers within the Okanagan Electoral Area zoning bylaws.

Background:

The regulation of metal storage containers is already being undertaken by Penticton, Summerland and Oliver. These local governments generally permit containers only in industrial and commercial zones and include provisions which:

- limit the stacking of containers to no more than two (2);
- exclude their placement in residential zones;
- prohibit their placement between a principal building and the street frontage;
- prohibit their placement on required on-site parking spaces; and
- establish a maximum number of containers per parcel (i.e. 10).

For reference purposes, the regulations utilised by Town of Oliver and City of Penticton are included at Attachment No. 1.

The impetus for this review is related to the direction contained within the 2016 Business Plan to develop "a consolidated Okanagan Valley Zoning Bylaw" as well as the direction in the 2017 Business Plan to ensure "all existing bylaws and policies are kept in a current and useful form ..."

The current Okanagan Electoral Area zoning bylaws were adopted on November 6, 2008, and have been subject to numerous amendments in the intervening years (i.e. over 30 in Electoral Area "C"). In the coming months, Administration is anticipating seeking direction from the Board on a number of existing and potential land use regulation and zone changes as it continues to work toward an updated Okanagan Electoral Area Zoning Bylaw.

Analysis:

Despite the Electoral Area Zoning Bylaws being silent on the use of metal storage ("shipping") containers, Administration has interpreted these to be "accessory structures" that are allowed within

a zone provided they are being used in association with a principal permitted use and comply with all relevant zoning provisions (i.e. setback, building height, parcel coverage, etc.).

The use of metal storage containers within the Regional District, due to their versatility and ease of re-use for residential, agricultural, commercial and industrial purposes, has led to an occasional concern being expressed, including:

- aesthetic considerations (i.e. compatibility with residential neighbourhoods / highway commercial developments);
- safety concerns (i.e. targets for break-ins when being used for storage purposes); and
- Building Permit implications (i.e. confirmation the structure complies with the BC Building Code in relation to its intended re-use).

From an aesthetic point of view, there is little to differentiate the built form of a metal shipping container from a single wide mobile home, and the Board has previously implemented regulations to prohibit the latter in most Small Holdings and Residential zones. As a matter of consistency, there may be merit in taking a similar approach to regulating the use of shipping containers.

With regard to possible safety concerns, Administration is unaware of any data regarding the prevalence of break-ins involving metal storage containers versus more traditional accessory buildings or structures.

Similarly, with regard to building permit implications, Administration notes that the current interpretation of these as “accessory structures” limits their re-use to non-habitable purposes under the Zoning Bylaw.

Administration also notes that the existing interpretation of metal storage containers as constituting an “accessory building or structure” has not resulted in serious complaint or objection from the community.

Should the Board be of an opinion to regulate these structures, it is recommended that staff be directed to undertake further research on this issue.

Options:

- .1 THAT the Board of Directors resolves to direct staff to draft regulations governing the placement of metal storage containers as part of preparation of the draft Okanagan Electoral Area Zoning Bylaw; or
- .2 THAT the Board of Directors resolves to direct staff to not draft regulations governing the placement of metal storage containers.

Respectfully submitted:


C. Garrish, Planning Supervisor

Attachments: No. 1 – Examples of regulations approved by member municipalities (Oliver & Penticton)

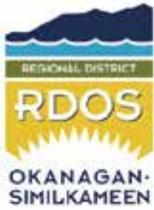
Town of Oliver - Metal Storage Container Regulations

1. A metal storage container is permitted in the M1 Zone provided that:
 - a) metal storage containers may only be stacked to a maximum of two (2) containers and subject to the prior issuance of a building permit; and
 - b) metal storage containers shall be sited in accordance with the regulations for the siting of accessory buildings or structures.
2. Despite sub-section 6.15.1, one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing the construction. The metal storage container must be removed upon completion of the construction.

City of Penticton - Metal Storage Container Regulations

Notwithstanding section 5.9.2, metal storage containers are permitted in the M1, M2, C4, C6, C7, and P1 zones under the following conditions:

1. Metal storage containers may only be stacked one (1) on top of the other in the M1 and M2 zones, to a maximum of two (2) containers high and subject to the prior issuance of a building permit;
2. Metal storage containers shall be sited according to the siting regulations for buildings in the zones listed. In the C4, C6, and P1 zones, metal storage containers shall not be located between the principal building and any street frontage, except a lane.
3. Metal storage containers shall not be located on a required parking space, except for a garden centre below, on parking drive aisles, within driveway accesses or fire lanes;
4. On lots within the C4, C7, and P1 zones, the maximum number of metal storage containers shall be (2) containers per lot for the first 0.2 ha or less of lot area plus 2 additional containers for each 0.2 ha of additional lot area, to a maximum of 10 containers;
5. On lots within the C6 zone, the maximum number of metal storage containers shall be two (2) containers per lot for the first 0.2 ha or less of lot area plus 2 additional containers for each 0.2 ha of additional lot area, to a maximum of 10 containers;
6. A metal storage container may be used as temporary storage for a permitted seasonal garden centre and may be located between the principal building and the street;
7. Metal storage containers shall only be used to store materials or products that are incidental to the operation of the business or facility located on the lot; and
8. Notwithstanding subsections .2 to .7 on the lot in which the container is placed, a metal storage container may be used as temporary storage during construction provided that a valid building permit has been issued authorizing the construction. The metal storage container must be removed upon completion of the construction.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, June 01, 2017

10:15 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Corporate Services Committee Meeting of June 1, 2017 be adopted.

B. DELEGATION

1. MLA Dan Ashton, Penticton
2. MLA Linda Larson, Boundary-Similkameen

MLA's Ashton and Larson will address the board to present a look forward into 2017 and beyond.

C. VIDEO SURVEILLANCE POLICY [Page 26]

1. Video Surveillance Policy [Page 28]

To establish guidelines for the use of video surveillance in the Regional District of Okanagan-Similkameen.

RECOMMENDATION 2

THAT the Board of Directors approve the RDOS Video Surveillance Policy as presented at the June 1, 2017 Corporate Services meeting.

D. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: June 1, 2017

RE: Video Surveillance Board Policy

Administrative Recommendation:

THAT the Board of Directors approve the RDOS Video Surveillance Policy as presented at the June 1, 2017 Corporate Services meeting.

Purpose:

To establish guidelines for the use of video surveillance in the Regional District of Okanagan-Similkameen

Reference:

- Freedom of Information and Protection of Privacy Act, BC (FIPPA) – Part 3
- Public Sector Surveillance Guidelines, January 2014 – Office of the Information & Privacy Commissioner for British Columbia (OIPC)
- Guide to using overt video surveillance, December 2016 - OIPC

Business Plan Objective:

Goal 4.4 of the RDOS Business Plan is to develop a responsive, transparent, effective organization. One of the objectives of this goal is achieved by developing policy framework and ensuring policy is effective and represents the Board's intentions.

Analysis:

When implementing video surveillance, public bodies must balance the need for security of property with the protection of personal privacy of citizens. Video surveillance systems are by nature considered privacy-intrusive; therefore public bodies must ensure that any collection of data must comply with privacy protection provisions in Part 3 of FIPPA.

The OIPC suggests that if a public body makes a decision to use video surveillance measures, it should do so in accordance with a comprehensive policy that ensures compliance with FIPPA. Such

policies are one part of an overall privacy management program, which may also include the completion of Privacy Impact Assessments and the training of employees and contractors, in conjunction with the installation of video surveillance systems.

As an owner of significant public assets that represent a large investment of public money, the Regional District of Okanagan-Similkameen wishes to make use of video surveillance to better protect the security of its assets and property.

As video surveillance is a complex and often misinterpreted subject, administration obtained legal advice on the development and implementation of a comprehensive, FOI compliant policy. David Loukidelis, legal counsel with Young Anderson and former Information and Privacy Commissioner has reviewed and provided recommendations, which have been incorporated into the policy currently before the Board for approval.

Alternatives:

1. THAT the Board of Directors approve the RDOS Video Surveillance policy as presented at the June 1, 2017 Corporate Services meeting
2. THAT the Board of Directors defer implementation of video surveillance within the Regional District

Communication Strategy:

If the Board of Directors approves the Video Surveillance policy, an information release will be issued, advising the media and public. A copy of the policy will be included on the RDOS website.

In accordance with the policy, prominent signage must be posted at the site where video surveillance occurs.

RDOS Staff, affected contractors and consultants will be advised of, and requested to comply with, the policy.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
BOARD POLICY**

POLICY: Video Surveillance Policy

AUTHORITY: Board Resolution No. _____ dated _____.

POLICY STATEMENT

The Regional District of Okanagan-Similkameen wishes to make use of video surveillance systems to better protect the security of its people, assets and property. The Regional District does not wish to impair personal privacy any more than is warranted to provide necessary and reasonable protection of its property against vandalism, theft, damage and destruction. Video surveillance systems will be installed only after other security methods have been considered or attempted and have been found to be insufficient or unworkable. Before implementing a new surveillance system or expanding an existing video surveillance system, the need for introducing or expanding the video surveillance is to be provided in writing and approval must be granted by the Board of Directors.

PURPOSE

To establish guidelines for the use of video surveillance technology consistent with the *Freedom of Information and Protection of Privacy Act*, in furtherance of the Regional District's activities to protect its property and the safety of those using it.

DEFINITIONS

FIPPA Head means the person or persons named to this position by Regional District of Okanagan-Similkameen bylaw.

Open Public Space means the grounds of any real property, or portions of real property, owned or subject to a right of occupancy by the Regional District to which the public is invited or permitted to be on.

Personal Information means recorded information about an identifiable individual, other than contact information.

Privacy Impact Assessment (PIA) means an assessment that is conducted to determine if an enactment, system, project or program meets the requirements of the *Freedom of Information and Protection of Privacy Act*.

Regional District means Regional District of Okanagan-Similkameen.

Video surveillance system means a mechanical, electronic, or digital surveillance system or device that enables continuous or periodic video recording, observing or monitoring of individuals, assets or property.

PRIVACY CONSIDERATIONS

Video surveillance systems that record images of individuals collect personal information and therefore are subject to the *Freedom of Information and Protection of Privacy Act*.

Video surveillance systems are to be clearly visible and marked by signage. This signage will state the following:

"This area is monitored by video surveillance to protect persons and property. For further information please contact the Regional District of Okanagan-Similkameen Freedom of Information & Protection of Privacy Head, 101 Martin Street, Penticton BC or 250-492-0237."

Video surveillance systems may be restricted to times when incidents are most likely to occur.

RESPONSIBILITIES

The FIPPA Head is responsible for:

- Ensuring the establishment of procedures for the use of video surveillance equipment, including the random audit of such procedures.
- Confirming signage is posted in accordance with the policy.
- Documenting the reason for implementation of a video surveillance system at the designated area.
- Maintaining a record of the location of the video camera equipment.
- Maintaining a list of personnel who are authorized to access and operate the system.
- Maintaining a record of the times when video surveillance will be in effect.
- Retaining and/or destroying any recorded information in accordance with this policy.

The Manager of Information Services or designate is responsible for the life cycle management of authorized video surveillance systems including, but not limited to, specifications, installation, maintenance, replacement, disposal and related requirements. Equipment specifications and standards are to follow corporate policy.

Regional District staff, contractors and/or consultants are responsible to review and comply with the policy in performing their duties and functions related to the operation of video surveillance systems. No employee, consultant or contractor shall knowingly or deliberately breach the policy.

PROCEDURES

Installation and Placement

- Video surveillance will not be installed in locations where confidential or private activities or functions which are normally carried out may be viewed.
- Cameras will not be directed to look through windows of buildings.
- Installation of video recording equipment should be restricted to areas identified as high crime areas, public nuisance areas or where Regional District or other property has been stolen or damaged in the past.
- Covert surveillance. ie. hidden cameras without signage, is not contemplated under this policy.

Video Surveillance Access, Use, and Disclosure

- Within the Regional District, access to video surveillance information is limited to the following individuals:
 - FIPPA Head or designate
 - Chief Administrative Officer
- Images recorded by a video surveillance system will be stored in a locked facility as determined by the FIPPA Head. Physical and computer-related security will be in place at all times to prevent unauthorized access to the recording equipment and images.
- Use of video surveillance information is to be for the purposes of investigation of an incident.
- Information Services staff may have access to surveillance systems for the purposes of system installation, maintenance, trouble-shooting, repair or upgrade. They will not access images recorded in the system unless that is necessary for these system purposes.
- Images may be disclosed to police or another law enforcement agency for the purposes of a law enforcement investigation or proceedings. The Regional District also may use and disclose images for its own investigations

and proceedings. Images will otherwise be disclosed only to comply with a subpoena, warrant or order issued by a court, person or body in Canada with jurisdiction to compel disclosure.

- Any requests for access to incident-specific information must be referred to the FIPPA Head.
- Before introducing new video surveillance systems in any Regional District facilities, parks, or public spaces, the need for video surveillance will clearly meet the criteria of this Policy and the installation will conform to this Policy and be approved by the Board of Directors. When considering the proposal, staff will provide a report to the Board outlining the following:
 - a. Incident reports respecting vandalism, theft, property damage, and safety concerns.
 - b. Safety or security measures currently in place or attempted before installing video surveillance.
 - c. Safety or security problems that video surveillance is expected to resolve.
 - d. Areas and times of operation.
 - e. Expected impact on personal privacy.
 - f. How the video surveillance will benefit the Regional District or is related to Regional District business.
 - g. How the benefits are expected to outweigh any privacy rights as a result of video surveillance.
- A privacy impact assessment will be conducted for each proposed surveillance system and for expansion of an existing system. This will be done before the report to the Board of Directors is prepared.

RESPONDING TO UNAUTHORIZED ACCESS, USE OR DISCLOSURE

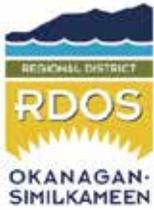
If the Regional District has reason to believe that unauthorized access to, use or disclosure of video surveillance system images or data has or may have occurred, it will promptly investigate the matter and take reasonable steps to remedy the matter, including by retrieving any images or data and stopping the unauthorized access, use or disclosure. The Regional District also will assess whether any affected individuals should be notified and will notify them in appropriate cases where it is possible to do so. The Regional District will also assess, and implement, measures to prevent unauthorized access, use or disclosure in future.

RETENTION AND DESTRUCTION

Images and other data recorded by a video surveillance system will be retained for 30 days after recording. Images and data relating to an incident reported to or identified by the Regional District will be retained until the completion of all related investigations and proceedings are completed.

When recorded information which contains personal information about an individual reveals an incident and the Regional District uses this information to make a decision that directly affects the individual, the information will be retained for one (1) year after the decision has been made.

Images and other data that are to be disposed of will be destroyed in a secure and permanent manner.



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, June 01, 2017

11:30 a.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1

THAT the Agenda for the Environment and Infrastructure Committee Meeting of June 1, 2017 be adopted.

B. RESULTS OF PUBLIC CONSULTATION REGARDING CART COLLECTION – For Information Only [Page 32]

1. Cart Survey Results - RDOS Service Areas Only (May 19, 2017) [Page 34]
2. Cart Survey Results – Total Results All Surveys Received (May 19, 2017) [Page 36]

To discuss the results of public consultation as they relate to carts.

C. CLOSED SESSION

RECOMMENDATION 2

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

D. ADJOURNMENT

ADMINISTRATIVE REPORT

TO: Environment and Infrastructure Committee

FROM: B. Newell, Chief Administrative Officer

DATE: June 1, 2017

RE: Results of Public Consultation Regarding Cart Collection – For Information Only

Purpose:

To discuss the results of public consultation as they relate to carts.

Background:

The Regional District presently provides curbside collection service to over 9000 homes in Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F', 'G' and the Village of Keremeos. The present service contract for curbside collection expires June 30th 2018. The Regional District, Penticton, Oliver, Osoyoos and Summerland conducted a joint Request for Proposal (RFP) earlier this year to allow for the award of a new collection contract.

The RFP asked for pricing for both customer supplied container collection and automated cart collection for all Regional District, Summerland, Oliver and Osoyoos service areas. Customer supplied container collection is the collection method used in these communities presently. Home owners supply bags, cans or wheeled containers for collection. Automated cart collection would require the chosen contractor to supply and maintain carts for all homes collected.

To assist the Board in making a decision between these two services, Staff conducted the following public consultation:

- Press releases and advertising,
- Newsletters sent by Neighbourhood Mail (junk mail) to all participating service areas,
- An online survey which was also supplied at open houses,
- 8 public open houses in Kaleden, Keremeos, Naramata, Okanagan Falls, Oliver, Osoyoos, Summerland and West Bench where carts were shown and discussed.

Analysis:

The number of participants in the survey were not statistically significant but the results are included for discussion. Attached are the results of the survey by Electoral Area and the Village of Keremeos. Total results include responses from municipal residents in Summerland, Oliver and Osoyoos as well as residents serviced by the RDOS.

The results and comments indicate that some residents are interested in receiving carts while some are opposed. Residents in favour have experienced carts in a different community or rent them currently. Others expressed an interest in protecting drivers and reducing litter. Some residents would like options for different sized carts.

Public consultation was helpful in identifying concerns that local governments should consider and address if cart collection is chosen:

- Reduction in yard waste service. Concerns were raised that carts would not allow for as much collection of yard waste as the current unlimited yard waste collections; especially where yard waste is collected bi-weekly.
- Space concerns were raised especially in mobile home parks and tight strata areas. Concerns raised were for both storing the carts and placing them out for collection.
- On street parking issues where vehicles block the curb. Carts may need to be stored in a centralized area.
- Seniors concerned they may not be able to move the carts easily.
- Snow was a concern including placement and damage from snow removal.
- Long driveways were a concern as well as properties with gravel areas that wouldn't allow smooth rolling.
- Carts may be left out during the week and some people think they are not nice to look at.
- Bike lanes was mentioned as potentially being blocked by carts left out.
- Many residents noted that they generate small amount of garbage so don't need big bins.
- Wind blowing over carts was concern.

Other local governments, including those in rural areas have implemented successful cart collection programs by respecting these concerns. If carts is chosen as a method of collection it will be important for local government Staff and the chosen Contractor to work with residents to address concerns before the launch of the program.

Respectfully submitted:

Cameron Baughen

C. Baughen, Solid Waste Management Coordinator

RDOS SERVICE AREAS ONLY: CART SURVEY RESULTS MAY 19th, 2017

Electoral Area	Surveys Received
A	14
B	4
C	13
D	80
E	35
F	17
G	23
Keremeos	21

The very low response to this survey, as compared to local population, means that the results are in no way statistically significant. The percentages below are precise but the results may not be accurate. It is intended for discussion purposes only.

In terms of any additional cost per year, how do you feel about being provided carts for your property?

Electoral Area	I do not want carts.	I would accept carts but at no additional cost.	An extra \$10 a year is OK but definitely no more.	I would pay around \$20 per year to have carts.	Even at \$30 extra per year, carts would be great!
A	42.9%	21.4%	28.6%	0%	7.1%
B	50%	50%	0%	0%	0%
C	23.1%	7.7%	30.8%	30.8%	30.8%
D	42.5%	22.5%	1.8%	12.5%	8.8%
E	51.4%	17.1%	5.7%	14.3%	17.1%
F	29.4%	23.5%	23.5%	17.6%	5.9%
G	56.5%	21.7%	0%	17.4%	8.7%
Keremeos	19.0%	38.1%	9.5%	23.8%	19%

The smell of garbage can attract animals. There are wildlife resistant carts but they can be considerably more expensive to supply. Which of the following steps would you take to handle this risk? (Choose what works best for your property)

Electoral Area	I would keep my cart empty and only place out garbage on collection day.	I can keep my garbage cart inside a garage or shed until collection day.	I require a wildlife resistant cart (at a potentially higher cost) as there is no way to store my garbage inside.
A	42.9%	42.9%	14.3%
B	50%	50%	0%
C	38.5%	69.2%	0%
D	23.8%	43.8%	32.5%
E	25.7%	62.9%	20%
F	11.8%	64.7%	23.5%
G	39.1%	39.1%	21.7%
Keremeos	33.3%	71.4%	0%

Recycling would occur every other week. What is the maximum number of large clear blue bags of recycling (not little bags!) your property can generate every two weeks?

Electoral Area	Maybe one large bag of recycling every two weeks.	Commonly place out 2 large bags of recycling every two weeks.	Often place out 3-4 large bags of recycling every two weeks.	Will need to place out 5-6 large bags of recycling once in a while.	My property can often create more than 6 bags of recycling in a two week period.
A	42.9%	57.1%	0%	0%	0%
B	50%	25%	25%	0%	0%
C	30.8%	61.5%	15.4%	0%	0%
D	41.3%	41.3%	15%	0%	3.8%
E	34.3%	48.6%	14.3%	2.9%	2.9%
F	11.8%	47.1%	41.2%	0%	0%
G	47.8%	34.8%	13%	4.3%	0%
Keremeos	57.1%	28.6%	4.8%	4.8%	4.8%

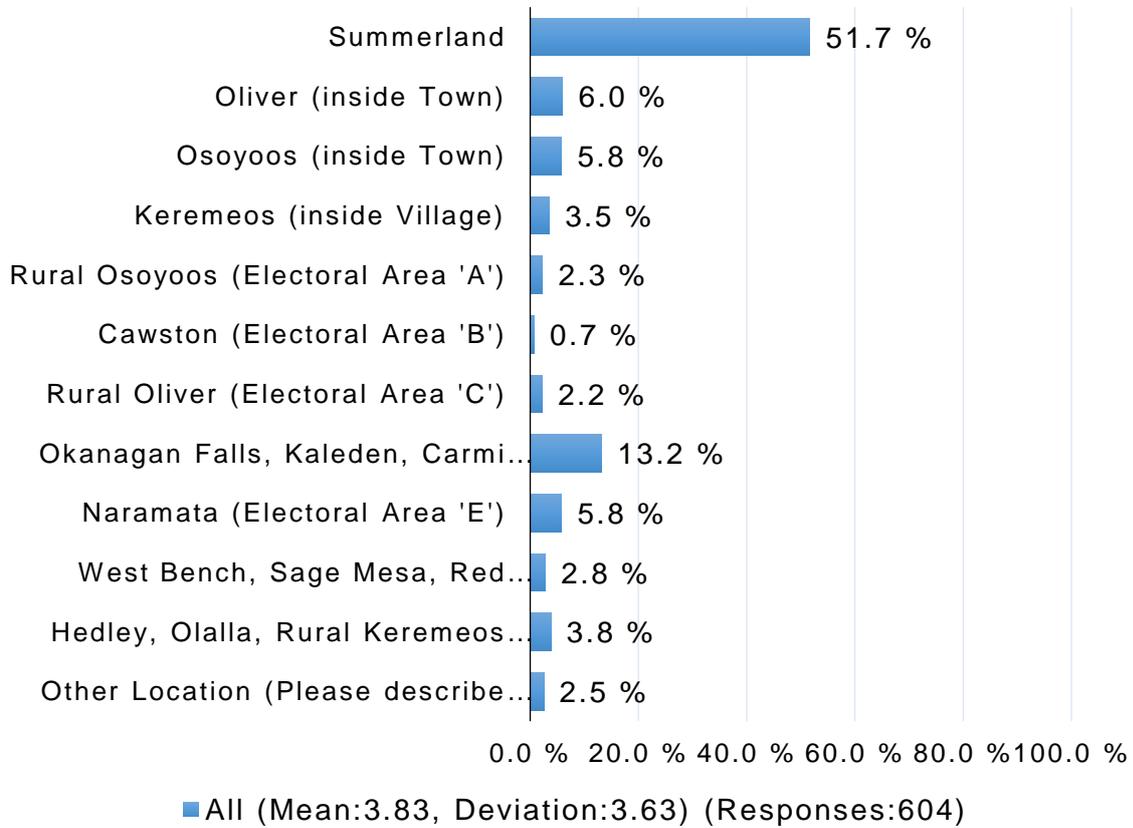
From March to middle of December, residents could have yard waste cart collection every two weeks. The volume of yard waste collected would potentially be limited to just the volume of your cart. To help property owners deal with fallen leaves, local governments intend to collect unlimited bagged or bundled yard waste several times in the Spring and Fall (see picture below).

Outside of early Spring and late Fall, what is a normal amount of yard waste your property generates every two weeks throughout the year?

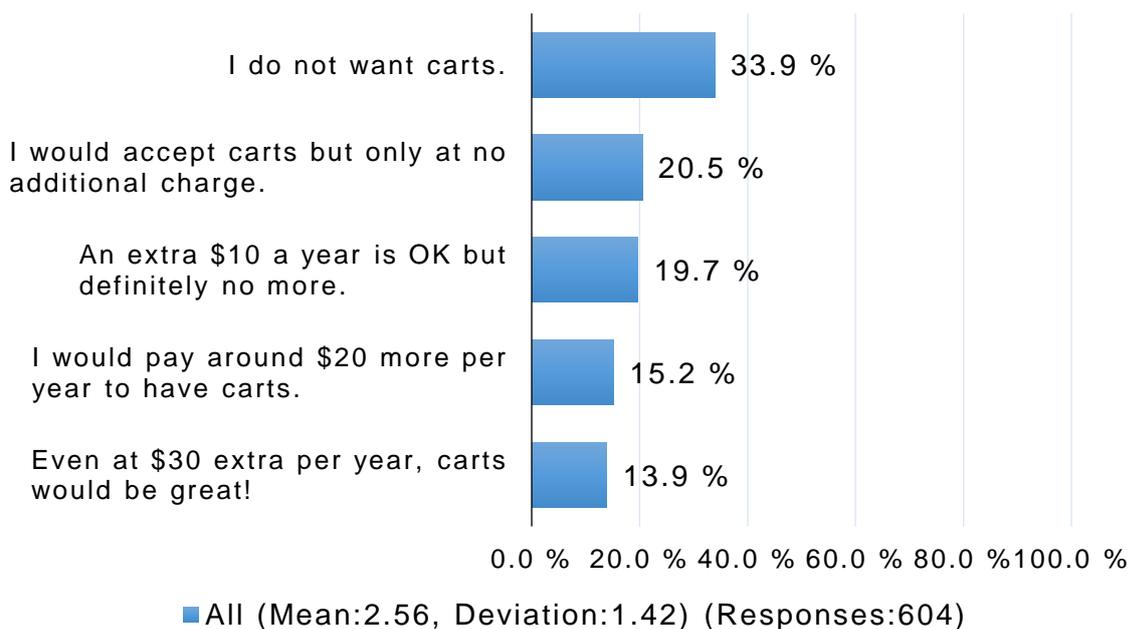
Electoral Area	I don't/rarely place out yard waste for collection.	I may place out a large bag of yard waste once a month.	I generate an average of 1 large bag of yard waste every two weeks	I generate 2-3 large bags of yard waste every two weeks	I have 4-5 large bags or more of yard waste every two weeks
A	57.1%	7.1%	14.3%	7.1%	14.3%
B	50%	0%	0%	25%	25%
C	69.2%	7.7%	15.4%	7.7%	0%
D	32.5%	13.8%	17.5%	16.3%	20%
E	22.9%	8.6%	20%	25.7%	22.9%
F	5.9%	17.6%	5.9%	35.3%	35.3%
G	39.1%	30.4%	13%	8.7%	8.7%
Keremeos	42.9%	19%	9.5%	14.3%	14.3%

TOTAL RESULTS: ALL CART SURVEYS RECEIVED MAY 19th, 2017

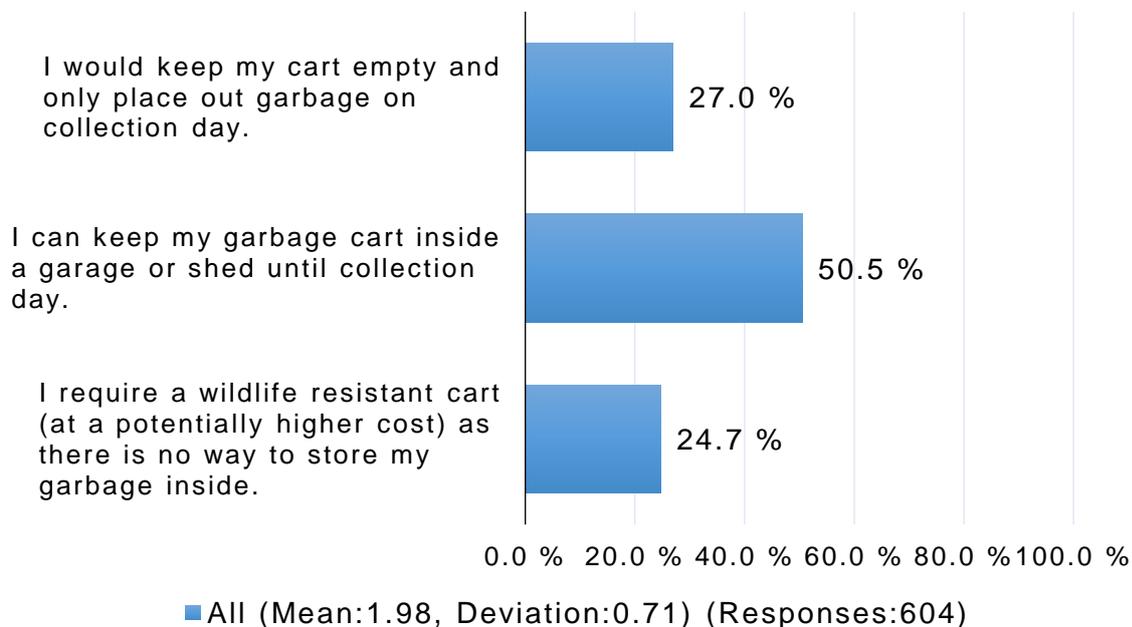
Please describe where you live or have a home. No need for Penticton residents to fill in this survey.



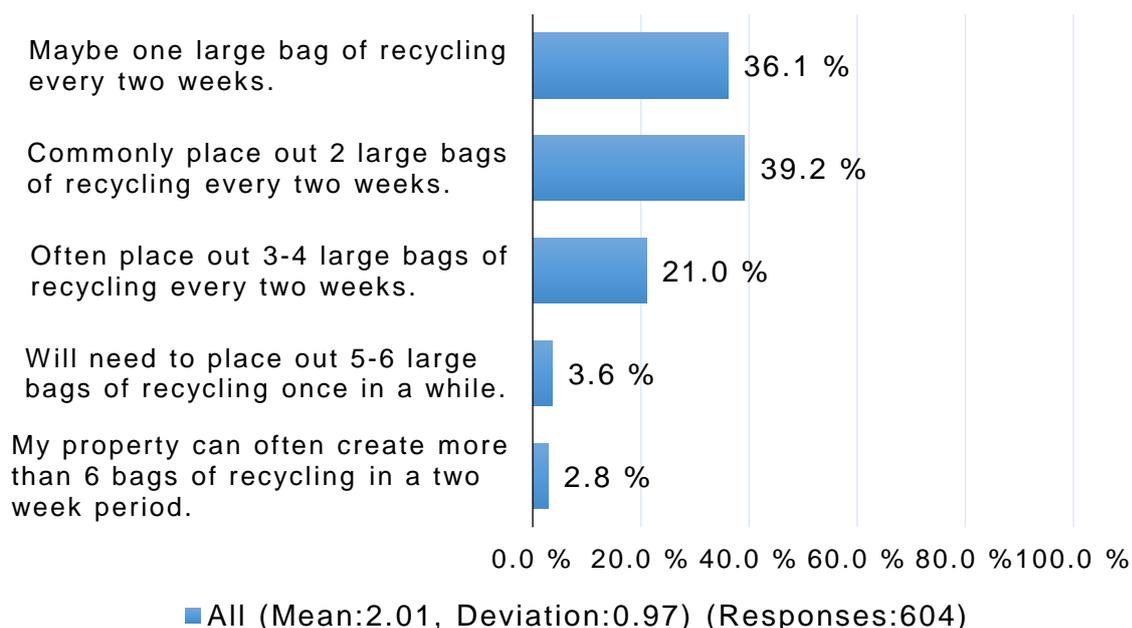
In terms of any additional cost per year, how do you feel about being provided carts for your property?



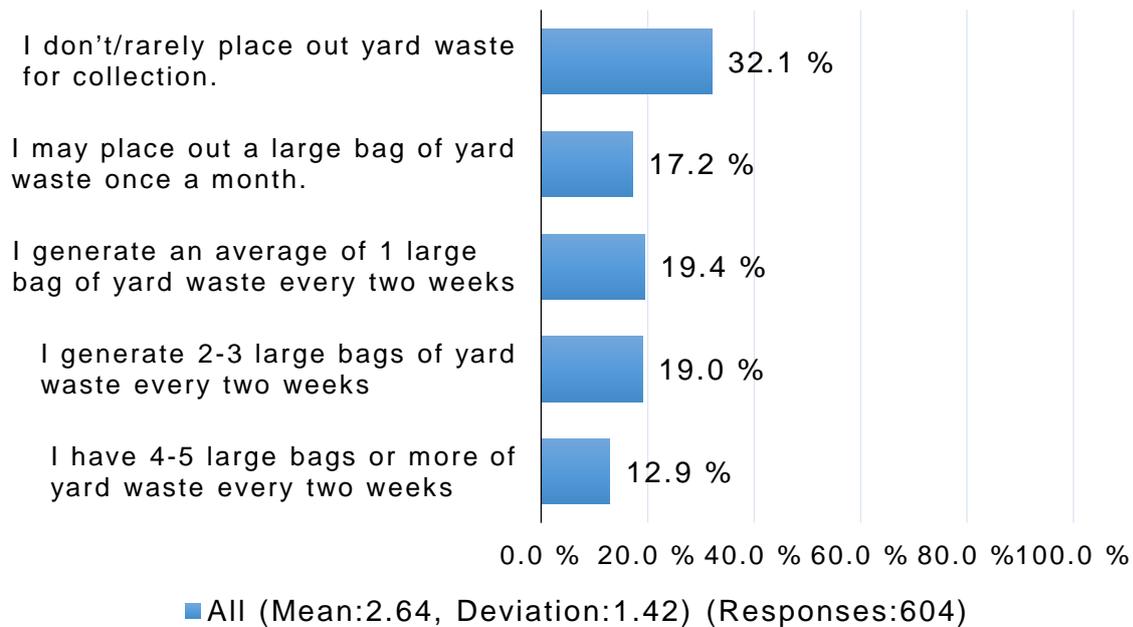
The smell of garbage can attract animals. There are wildlife resistant carts but they can be considerably more expensive to supply. Which of the following steps would you take to handle this risk? (Choose what works best for your property)



Recycling would occur every other week. What is the maximum number of large clear blue bags of recycling (not little bags!) your property can generate every two weeks?



From March to middle of December, residents could have yard waste cart collection every two weeks. The volume of yard waste collected would potentially be limited to just the volume of your cart. To help property owners deal with fallen leaves, local governments intend to collect unlimited bagged or bundled yard waste several times in the Spring and Fall (see picture below). Outside of early Spring and late Fall, what is a normal amount of yard waste your property generates every two weeks throughout the year?



Thank you for filling out this survey. Your local government will be looking at the results of this survey and make a decision on whether to proceed with carts later this year. If you have any further comments please add them below. (All)

- Strata/Condos????
- Carts would be a waste in Osoyoos, Things are just fine as is.
- During winter months, with large snowbanks at the end of driveways, will this new bin system be difficult to operate? Will it be necessary to provide a certain amount of space between bins at the curb on collection day? If so, that may become a bit of a problem particularly during winter months with snow piled up at the curb. I have experience with the bin system from another community (Grand Forks) and was disgusted with what was allowed to be deposited in the kitchen waste bin (soiled diapers, soiled kitty litter, used Kleenex, etc.). Bins take up a lot of space in a garage/car port, and for those who do not have a garage or car port, where are they supposed to store the bins in a place where animals will not access them? I recall the system in Grand Forks required use of an entire wall in my garage for storage of bins (1 garbage, 1 kitchen waste, 1 recycle, 3 garden waste as I had a large garden) - this results in requirement for a 2 car garage (1 space for vehicle, 1 space for waste)

collection system) which is not financially sensible. If bins are stored outdoors, what an eyesore that will be throughout the entire community.

- I would be interested in the composting of food waste in the Oliver/Osoyoos area. I believe this could provide useful soil generation which could be shared with local residents and would reduce landfill mass. Thank you
- I have carts for garbage and recycling and appreciate this as it is place to put garbage and recycling in
- I have issues as I can manage my recycling and yard waste in a bag, by taking 1 bag at a time to the curb, but it would be impossible to manage the large bins as I have to use a walker.
- After recycling and composting we don't have enough garbage to fill a cart in six months, so I don't want a cart
- my strata already has carts. I do not want to see my garbage bill increase due to the implementation of carts. BFI should absorb the cost due to efficiency improvements. Pest resistant carts should only be necessary for rural zoned areas, not Medium or high density core zones.
- Our virtually exclusive yard waste is the kerf from preparing out firewood for home heating. Typically we have 6 bags of kerf in the spring and that is about it. With respect to compost collection, we would not require this service since we keep a four-section compost for kitchen 'waste' and yard 'waste' without issues with bears. Since we would not use this service we would want this reflected on our tax invoice. Present waste collection is the best we have experienced in our twenty years in Upper Carmi. The carts are logical. Make it happen. Keep up the great work.
- I don't want to pay more to move to a cart system (\$10 annually is acceptable), but don't want a separate rental system, but be provided OR the fee added to my annual bill. I like the idea of a cart for yard waste - providing there will still be a few unlimited yard waste days - I would put more yard waste out for collection if there was a cart to make it easy. I never throw yard waste in the garbage, it's saved for the yard waste pick ups, or I compost or store on my property.
- I do not want to be forced to use those big carts for garbage collection... way too big for us. I would use the smaller compost bin for sure.
- Trying to cart yard waste on the West Bench is a ridiculous proposition. My regular sized property often has 10 large bags of yard waste generated every two weeks. Unless yard waste is being picked up in its entirety every two weeks it will likely end up being dumped somewhere. Please use some common sense here instead of trying to ram through your political agenda.
- Not sure we could drag one of those large carts up, our steep driveway (Heritage Hills). Would be an issue for many in this hood.

- I despise the carts and wonder why a survey was never put out for Penticton. They are heavy, gaudy, awkward, and half the time, the garbage doesn't even empty. DESPISE them.
- Looking forward to the bins in OK Falls!
- I don't put yard waste out because I have too much and haul it in a utility trailer to the landfill. I also currently rent a bear proof garbage can and I find it very convenient and well worth the price.
- I live in naramata. My biggest waste is garden. I think most people that recycle properly, should have very little garbage, mostly garden, & I always drop my recycling off at the depot, it's so simple & convenient. And I also compost... And we do have a rat problem... I am very educated on this problem. Thx for your survey.
- I would hate to see people leave carts out at the curb on a permanent basis, just because they're too lazy to haul them into their yard after they've been emptied. It sure spoils the look of the neighbourhood when residents leave trashcans and/ or trash out on the street all week.
- With just two of us at home now we only put our garbage can out every two weeks and we do a lot of compost and recycling. :)
- I have seen this program for garbage in other areas...it is an eye sore!., most people have no storage so leave all the cans at the end of their driveways! My son complains the cans are not big enough in his area so people throw their extras in the bush & ditches, refusing to take their extra to the dump themselves! And pay once again for a service they are already paying for! If you do not put your garbage in plastic bags the cans stink to the point were they cannot be odour free no matter what you clean them with...once again attracting bugs, rodents and animals! If your drivers are getting back injuries for picking up less than 50 lbs maybe they need to hit the gym!.,you don't think they will have health issues for sitting in a truck all day??
- Carts for yard waste on 1/2 acre lots will not work. We need to continue to be able to transport free pickup loads to the landfill in the spring and fall.
- Most rural properties have longer driveways, unpaved, not easy to roll any cart to the road, nevermind 2 or 3 of them. We lived in the large city and purchased additional carts, brought them here as we moved to the RDOS. However, we only used them a few times. They are not convenient, smelly, unsightly, require unnecessary storage space outside. We compost what ever possible, have minimal garbage, manage to keep recyclables in bags inside and also use garbage bags inside until collection date. Garbage, recyclables and especially yard waste in bags are much more easily stuffed into any size vehicle to drive to the road instead of cumbersome wheeled stiff containers.
All in all, not a preferred way for rural areas.

- yard waste is not year round, larger volumes in spring from pruning, no yard waste in winter, impossible survey question to answer
- I live on a hill; the street is paved but there are no sidewalks, which means that the "curbside" is uneven gravel and steeply sloped. Will this affect the ability of a garbage collection truck to pick up a cart?
- I like the fact that I can work with the RDOS to enhance my effect on the landfill site. I have noticed a commitment from my neighbours as well.
- Having lived in the lower mainland for many years, we really miss having the multi cart system. It seems ridiculous to have to buy bags for both recyclables and yard waste (and rather defeats the purpose of recycling by having to bag it)! Really hope RDOS can successfully implement this program, also for the health and safety of the collection staff!
- Please focus on the roads, not the garbage....Eastside Road is dangerous. With the nice weather cyclists are having to veer into oncoming lanes in order to avoid potholes. Roads in the area are terrible. Patching that was conducted last year was minimal and needs to be redone. A bike lane needs to be added to Eastside Road and all areas where bikes are frequenting. Cyclists are overtaking roadways and this could lead to bad accidents. Note - I'm not a cyclist, but trying to dodge them and remain safe is getting very difficult, especially through the Corkscrew stretch.
- We do not want carts. We have well over 50 bags of pine needles we collect and could not fit all of them in carts regardless of the additional pick ups.
- we compost our waste for our own garden.
tree branches are our only garden waste and rarely easily bundled
- I Compost my Kitchen Waste for my Garden.
Tree Branches from Trimming Fruit and other Trees are the Biggest Problem for Most persons here.
Its nearly Impossible to Bundle most of them for Pickup.
Some branches are Quite Large.
How about putting a Large Container in town?
When Full, it could be taken away and Mulched, at an appropriate location.
- Sure why not quite overdue I might say.
- I would like to see the issue of baby diapers in our landfills dealt with.
- If food waste could be allowed with yard waste it would be even better! Thank you for looking at new options to enhance diversion!
- If this can be done for the same cost of garbage pick up now and WITHOUT hiring an outside consultant telling the RDOS staff how to initiate the program I say go for it.
- The first answer was that I do NOT want any cart yet the other question was where would I keep my garbage and do I require bear proof carts.....does your survey even consider a "do not want a cart" answer?

- I moved to Keremeos from Surrey and we had the bins there. I loved the system and found it more convenient and liked not having to haul bags to the curb. Also cutting the costs of the bags is a good thing.
- We don't need cart collection at all as we are retired.
We generate very little garbage, one bag a week.
We use a small container for yard waste, twice a year.
We use a blue recycle bag, once a month.
- Our property's waste is NOT collected at our curb side. As instructed by RDOS in 2015, we have to take our garbage to the nearest street intersection, (on HAYMAN RD), which is about 800 meters from our property boundary. WE CAN NOT CART TWO BIG CARTS EVERY WEEK TO THE COLLECTION POINT. (currently we are putting bags in the trunk of our car) Will RDOS service our carts at our property boundary? IF NOT, THE CARTS WILL NOT WORK FOR US. (this comment submitted by owners of 3023 STEEL RD, Naramata.)
- I would really prefer a wildlife-proof trash cart. It would also be nice to have more frequent recycling pick up. Thank you.
- I have no use for a cart, we (2 households) rarely put out more than 2 small grocery bags of garbage weekly. I have to put them in a can to prevent the roaming dogs from tearing them up. But that's another issue the RDOS ignores.
- Spring yard waste generates fairly large quantities all at once and items such as limbs etc. would only be collected as stated in the survey (couple of times in the spring) which could be 100's of bags due to property lot sizes. Change in your dumping policy effective May 01 ...500kg to 100kg is going to lead to more cases of illegal dumping as residents are wanting to remove the waste asap. Charging for over 100kgs is ridiculous as this is resold as compost or used as ground cover at the dump we are already paying for to operate.
- We would welcome the carts. We had them were we use to live. Thank-you so much for looking into this for the RDOS.
- We in Heritage Hills are encouraged to keep yard waste, pine needles, etc., under control due to the potential for fires. Often this results in 15 to 20 bags of pine needles every 8 weeks or so during yard waste collection dates of March through December. We need to have unlimited collection of yard waste. To be honest people that I know in Penticton dislike this new system of not only yard waste limitation but recycling too. Thank you.
- I suggest the person(s) making the decision regarding carts to drive through Oliver on residential collection day - most houses have one small or medium bag; meaning no need for a cart. The line up of the cart(s) is critical for the automated pick up - how will it work in a small circular cul de sac?
The waste food collection cart "rot pot" I think if you check other municipalities you will find this cart is reviled by owners and refuse collectors alike.
From the home owner (my) point of view, Oliver has one of the best collection services I have experienced here in BC.

- The allegation that pick-up is easier and faster with carts is totally false!! We live in a "carts optional" town and the drivers manually pick up and dump the carts to save time instead of using the hydraulic handling system.

Plastic bins absorb odours from garbage and rotting yard waste, and I don't want to use them. Also, they are too big to fit in my garage until garbage day and I don't want to store them at the front of the house because I'd have to go outside in all weather to deposit material...poor "curb appeal" as well, every day looks like garbage pick-up day. Side yard storage is out of the question as I have a narrow side yard covered with cobbles which is too rough to wheel a cart on to...works fine for bagged yard waste.
- I do not want these large bins. As a senior I would have a difficult time moving these bins, and I do not have any place to store them. Our neighbourhoods and homes have not been constructed to accommodate these huge bins. Also during the heat of summer pick up every two weeks would not be sufficient, particularly for yard waste and household garbage. It would end up being a smelly mess.
- Why does the RDOS entertain the idea that residents should be obligated to using these carts. I am from Penticton, and due to our city council I had no opportunity to say one way or the other whether or not I would accept carts. The entire issue is trumped up. We already pay for our waste, and we have had for years to separate our garbage and recyclable items from yard waste and garbage. Now the waste management companies and their employees are dictating to us what we will do with our garbage to accommodate them. On top of all that, we have endless items that have to be modified to their specifications, or taken to some other location to dispose of them, or take them to the landfill site. All this is to accommodate the waste management people in their effort to make money. When will the authorities wake up and say NO to these people.
- Carts would be extremely difficult for me. I live down the hill from Naramata Road and put my garbage and recycling in the trunk of my car to drive it up the hill - I fear that the "Carts" would be too large to fit in the trunk of my car and I would be left with trying to figure out how to drag these carts up hill for over 100 meters.
- we have to bring our garbage up to naramata rd for collection by car as it is too far up hill to drag a garbage container. the carts would not fit in the car.
- We must have bear/dog/raven proof garbage and recycle containers for our property.
- I have a crowded garage as is. Adding two more carts would not be possible. This is a huge expense for minimal benefit. The current system works very well. Thank You.
- Curb side recycling should include, glass jars, and any cans and bottles that now must go to the bottle depot. The current system is terribly inefficient for home owners who must drive to this facility. Many people just pack them into regular garbage, which is counter-productive. Other recycle items, such as electronics and styrofoam are not an issue.
- I have a long gravel driveway, uphill to the road. I won't be pushing bins each week!

- We have a long drive way. As much as I like the carts when I see them out and about they are not convenient when we have so far to take them. I always drop my garbage and recycling at 6:30 a.m. Do not leave out at night due to neighbour dogs ripping up. Was thinking of building small structure for bags at head of drive way to allow leaving earlier than the Monday morning pickup.
- We have a lot of strong wind and are living on a Highway. I think these cart will cause danger to the traffic.
Many times I have picked up empty bins or blue bags from my neighbours down the road. Sometimes you see them in properties and stay there forever. I would have to haul my carts over a 100 feet gravel driveway. Just think how I would have to do this in the winter time
- I am super supportive for the inclusion of household compost /food scraps pick up!!!
- I do not want the wheeled carts as I have a 200yard gravel driveway. I also Think they would be too heavy for me to load into my truck .I'm a 75 year old lady, living on her own.
- We compost as much yard waste as we can. We also compost household food scraps. I live on a cul-de-sac and we all put our garbage bags, recycling and/or yard waste out the morning of collection. We have no problem with spillage. I will tell you that there would be no room for your trucks to pick up the cans you are proposing. I see this as an added burden and not worth the taxation.
- What is the cost of this proposal? I WOULD NOT want to pay any more!!! What are the benefits? What is the carbon footprint of producing the bins? What specifically is wrong with the system as it is? We live in a bear smart area so bins would need to be bear proof as I do not have room for large bins.
- As for storage, because of wildlife...nothing changes with or without carts. They don't make it better for worse, so not sure why that's in the survey. I keep my garbage in the freezer until collection day. No issues, no cart needed.
My driveway is 1.2 km. Long. I can transport garbage in my vehicles. But a cart? Not a chance. I do NOT think they are a good idea for rural properties. They work well in City of Penticton, my Dad has them. But they will not work for many of us in the RDos.
- 1. It was very difficult to find this survey based on the URL in the paper handout. 2. We have a significantly higher volume of yard waste in early spring and late fall. This issue was avoided in the survey. It needs to be addressed. 3. Oliver currently has a lower "bag limit" for household garbage than other RDOS areas, with a concurrent reduction in costs. Will this lower cost be factored into the cost of the cart system, or will Oliver see an increase in costs since we will be "allowed" a higher volume of waste?
- There seems to be no advantage to the homeowner and only for the pickup company. I would have to drag the carts down a long driveway making 3 trips to the road and then 3 trips back to the house. Seniors are going to have a terrible time

dragging them through the snow. If the process is not broken DON'T fix it. KEEP things as they are.

- I have purchased my own carts already. I have no desire to pay for more carts through this program. If this program is introduced, what would I do with the carts I already own?
- Although we are in favour of the carts generally, we are concerned about having so many carts to store, especially if one is full of kitchen waste that is only collected every other week (Smelly in the summer, and our local raccoons would love it!). We have a Sinkerator and have very little kitchen waste usually. The plan of having kitchen and garden waste turned into compost is excellent, though, and we could live with a herd of bins somehow. ;)
- I have a super long driveway (agricultural property), and don't want ugly carts left at the street end of the driveway. Right now I throw my one garbage bin and 2 bags of recycling (and occasional yard waste bag) into the back of my pickup truck and drop them at the end of the driveway on my way to work. Having to throw three big ungainly rolling carts in the back of my truck would be a nightmare I don't want to have to deal with, and walking them all the way up the driveway would be annoying as hell. I also don't like being told what kind of bin to use and then having to pay for it (either directly or through my waster service fees) when the one I have seems to be working just fine. Think of all the garbage bins that would have to be thrown out! How ironic.
- I am disabled and carts would be great, even a multi family cart for us, would make life easier. I do hope we start organic composting soon. It would be nice to have little waist and recycle just about everything. Thanks for listening.
- Most of my neighbours set out just plastic bags, whereas, I set out my barrel with a lid secured. I prefer to take the precaution to prevent any animal being attracted to the smell. So, I very much encourage you to set up a cart program. The carts have wheels, so anyone can move them and not be inconvenienced with having to retrieve them once they have been emptied.
- Our site, while still developing, will eventually have 285 homes & would greatly benefit from a system as described.
- Some of the "mandatory" responses did not match my particular property waste activities.
I live alone (Widower) and take re-cycling very seriously. I generate one (1) "smallish" (77 Litres) Rubbermaid Garbage can every second and sometimes third Monday pickup - and, it's not full. My household waste is generally less than one typical grocery store (Save-On, Safeway) plastic shopping bag, and I put the small can at the end of "my 225 driveway" when I have 3 to 5 plastic shopping bags tightly tied. And there would still be room for an extra one.
I take my re-cycling to the Campbell Mountain Landfill "Bin staging area" every 5 to 6 weeks - if needed. It is only a short detour on my way to Penticton. I feel this is more efficient for the "sorting crew", and it keeps the large 'blue or clear' bags out of the

waste stream.

I like to use the bio-degradable large paper bags (Home Hardware, Canadian Tire, Rona etc.) for my yard waste, perhaps 1 to 2 every second week. Near the end of the growing season, I may put out 4 to 5 bags once. When I have a major outgrowth, I borrow a friend's trailer and take a load to the Landfill.

I am not interested in having the 3 or 2 or 1 of those large wheeled containers - cluttering the side of my house and not enough room in my single car garage. I'm sure if I waited until the household "Cart" was full before pushing it out to my driveway - the contents would be very stinky and sloppy with deteriorating liquids at the bottom.

I occasionally see the waste management driver pull up and stop at the end of the driveway and easily lift the partially filled "small" garbage can and empty it in the truck (...and, I appreciate that he places the can on the driveway and places the lid "upside down" on the can so I know it is empty), and it happens quicker than "grab" equipment likely would be. Also, the road at the end of our driveway is at an 8% - 9% slope - ...don't know if that is compatible with the grab equipment.

In Summary - I DON'T NEED or WANT the Carts. And, I certainly don't want the "extra" fees that would be incurred if we are forced to have the Carts. I already feel over charged for the actual "waste pickup" services which I use: every 2nd or 3rd pickup of Household Waste, an average of 1 to 2 Yard Waste paper bags during the summer, and ZERO pickup of Re-cycling Waste. And, I don't want 3 large wheeled Carts on the property.

- This survey is flawed because when I answer the first question with "I don't want carts", in order to finish the survey I have to answer the next question untruthfully. The existing process allows meat and poultry scraps to be picked up weekly. Under the proposed model, this type of material will be handled every second week. This will cause more concern over odor issues and wildlife threats. It will stink to high heaven.
Again, the Open House process is being used because it's the least responsible method of communication. You try to make this sound transparent, however questions do not answered because staff, not elected representatives are the face of the process.
- I believe that introduction of the cart system is a necessary step regardless of cost. Apart from safety issues for the drivers, we cannot ignore the long term negative effects on our local ecology.
Time to walk the walk on reducing waste.
- I recently purchased carts and want to get my money's worth out of them so not thrilled to have to get more carts. Is there a way to phase them in over time?
Also what would everyone do with their old collection bins - I am concerned amount the massive amount of garbage generated.
- living on forest rural interface we have bears commonly in our neighbourhood...also large trucks have difficulty turning around so multiple carts from 5 residences could cause traffic congestion for turning around

- Surrey, BC has smaller blue bins for recycling - should look into those - they also had organic bins that did not turn out too well - check them out
- Having just moved here 3 years ago I was amazed that the carts weren't already here being used? I have used them before and they are great! I RECYCLED WAY MORE, leaving less actual garbage in the green cart and they will also cause less strain/injury on the collector without having to lift large heavy bags into the truck. Yes, our taxes will have to be adjusted for the cost of these but it's a minor cost to me as a taxpayer compared to the convenience and practicality in using them. I say "HELL YA!!"
- Question #2 - none of the 3 responses applies, I shouldn't have to do anything different with my garbage &/or recycle or yard waste that I do now.
Question #3 - none of the 5 responses adequately address recycling - It depends what time of the year it is & what is happening @ my home. i.e. Christmas vs mid Fed - the amounts would be totally different. This cannot be that generalized.
Question #4 - none of the responses are accurate - What size is your lot? Is it traditional landscaping or zeroscape? Perhaps this year I am traditional and next year zero - I'd end up with a bin I don't need and I'm paying for it.
For those citizens that do not remain in our community for a period of months at any time during the year, should be able to deduct those months for their garbage pick as we used to when it was private. Having to pay all year whether you are here or not is nonsense - it is just a money maker for the community!
Too many things are just thrown at us as citizens that affect our lives, and we have no say in what happens.
- The reason I don't want the carts are they are too large and I don't have room for them
- We are not interested in carts as it would not work for us. Our driveway is gravel and way too long to push a cart out to the road, and we are not interested in having large unsightly bins at our entrance. We feel we already pay too much for our garbage services and an extra cost for bins and composting is unnecessary. We feel our rural way of life is being compromised by these actions.
- I currently rent all 3 carts from BFI because they ran a program in Osoyoos a couple of years ago. We love them as we did in our previous community of Port Coquitlam. Having employees jumping out of trucks and throwing up heavy containers manually is the dark ages. Protect these backs and have a safer alternative. Our politicians should be smart enough to know this and not even give the public the opportunity of voting it down because they don't want a few dollars added to their tax bill.
- We have a compost so generate very little organic waste normally.
- I came from the lower mainland and found them to be very easy to use. Also for composting as rats got into my composter that was stationary and so it was great to get it picked up every week. So hopefully it will go through. I will definitely be on board.

- The garbage cart would have to be at least what we can put out now (2 cans) or not worth it. I recycle a lot but I am a house hold with with 2 under 3 which both are in diapers
- We need to be as efficient and follow as many best practices as possible ... we and the planet are depending on you !!!
- I would love to be able to recycle food waste. I would like to see the green organic a bins also available
- Our garbage consists of 1/4 - 1/2 grocery bag of waste per week. Obviously we do not need a cart for garbage. We put out 1 large bag of recycling once every 2-3 months. Our recycling could go directly into a cart instead of a large bag, but only if the cart fits where we now keep the bag. A yard waste cart might be handy if it can safely be kept outside against the house.
- there is not room to place carts more myself and the folks next door .Also the recycling and yardwaste limits and to small .please nomore cost increases. ken mackay ok falls
- My opinion is that the bins is a good step forward. The bins are used in other communities and seem to keep a lot of litter off the streets (e.g. birds do not get into the bins like they do the bags)
- These carts are so large and cumbersome and we do not have an easy accessible place to store them.
- We are in our eighties and live on a small street (on a hill) across Skaha Lake from Kaledan. It would be very awkward for us to be struggling with carts in this area as they would have to dragged down to Eastside Road.
- Yes I would love carts in Summerland and have already sent an email to our city council asking if this is possible.
- I currently have a cart for garbage and one for recycle that I keep in the garage. Will I be able to continue with these or need the new ones.
- our yard waste increases in spring and fall, but you know that, just a fyi
- A great plan for the workers. Heavy lifting should NOT be an option
- I do NOT want a cart system. I have heard nothing but complaints from my penticton friends.
- Now I drive the garbage out to the curb side in the morning of pickup day. There is no way I could do that with bins and I have no intention of making 2 trips out to curb to get bins there. Also now leave bags just off road as is main road for Sumac Ridge and road leading into golf course. I work 12 hour shifts and can't see these not being in the way for cars as I would not be able to retrieve and in the winter that would mean in the dark. In the winter I can foresee this also being very difficult getting them to the curb through the snow even when road is plotted.

- The Summerland garbage pickup frequently and arbitrarily fails to pick up our garbage (we share a double driveway with 4 other households) and we have no confidence that this service would be any better.
- Only apply the increased cost to homes serviced by garbage pickup. Living in a rural area of Summerland we do not get garbage pickup at this time and wouldn't get it in the future. As such I would not like to pay extra for a service I don't receive.
- No carts
- I do not wish the present garbage pickup to change, cost more or the existing company to be replaced!
- carts are a great idea! I would love to have a recycling cart especially, since those blue bags never work very well.
- Carts would not work well in the windy area where we live. Empty cart on roadside would disappear as have empty garbage cans and lids in the past. We've found placing bags only out works best. Bags seldom weigh more than 25 lbs. also from my observations, cart pick up takes more time.
- No extra cost, every year it goes up faster than inflation!
- if a wildlife cart was needed, who would cover the cost and would those carts belong to the homeowner or city?
- As seniors, we only have 1 small bag of garbage (as do most of our neighbours) a week. A big cart seems like overkill.
- The amount of bird/dog penetration and subsequent mess would be reduced.
- Summerland used to have this system. I dont understand why it was taken away and considered better and yet now we will be paying more to go back to this system.
- I am currently renting the carts and love them.
- We are originally from the lower mainland and have this system- it works great. We also could put our kitchen waste into the yard waste bin- that worked great. We had recycling every 2 weeks, garbage on the alternate weeks and yard/kitchen scraps picked up weekly.
- I just paid to over \$150 for a garbage can with very large wheels so I can get it down my driveway and I don't want to be forced to purchase another one when this one works great for my needs and it works with the electronic system for the garbage truck so they don't have to lift it
- yesterday I drove through a community that uses the cart method of collecting waste, the parking along the street was very restricted by the carts requirement to be placed accessible to machine pickup. I guessed that 25 to 30 percent of the spaces were occupied. this oprion seems to be a non starter for communities without a great

excess of parking and would be very undesirable in areas where increased infill of elderly parent suites are considered.

- We rent the carts now at a cost of \$120 a year (too expensive) have had for over a year and really like. We require an extra large yard waste cart. Sometimes we have 4 extra bins with yard waste. We have had no issues with animals getting in them. They are outside, we have raccoons but they don't go in the garbage. We love the carts. Saves bags and fits lots. Please bring to Summerland
- Would there be glass, plastic bags, and styrofoam collection added as well
- I used to work for BFI as garbage collector, although for only a short time. Reason for quitting: too many 'garbage jus showers' from leaking garbage bins, with carts I probably still would do the job. Try to explain to people what it means to get in and out of the truck 400 -700 times a day, lifting up to 14 tons of garbage a day, inhaling all the nice smells, from well seasoned diapers and pet litter, dust from renovation projects and dumped ashtrays.....
- There is no way that you can supply enough carts for either yard waste or blue bags that residents in my area generate. What are we supposed to do with yard waste that cannot fit in the cart???? Store it? Buy a truck to haul it ourselves? This is a VERY poorly thought out program and unacceptable.
- We just moved to this area from Squamish, B.C. which started this same program a few years back. It was a disaster.. Everyone was FORCED to purchase the more expensive bear proof bins for around \$ 150 as well as additional "bear proof" locks for all the morons in our subdivision who left their garbage out which attracted bears. For those of us with newer homes with fully insulated garages this was a total waste of money and caused much anger in the community. If RDOS & others are truly concerned about wildlife, ticket & fine people who continuously leave out garbage which attracts wildlife, especially if the animal has to be put down due to their negligence...
Additionally, this system of different bins every 2 weeks essentially causes the residents to lose true "garbage" days. Additionally, regarding the third bin for compost would seem to us like a brain dead idea for our specific area. Everyone either buries or composts their organics or burns them. I could see perhaps down in the valley bottom with orchards having compost collection, but not on the top of a mountain...
Please make bins available for purchase should people choose to do so, but don't FORCE it on to people who don't need it. As for the garbageman, at least with the old school method of lifting cans, it keeps them employed, as surely there will be job losses as automation comes in.
Thanks for your time, please continue using common sense with these issues :)
- The garbage collectors do an incredible job picking up our waste. It's a physically very hard job and they deserve a break. I'm all for the garbage carts!

- We don't put out yard waste because we have too much. Typically, we take 8 truckloads of garden waste to the dump each spring. We also have a very long driveway which makes pulling carts out impractical for us.
- Great idea! We will definitely support it.
- We LOVED our carts in West Kelowna! Can't wait for them to come to Summerland.
- please consider adding garbage collection in Faulder, we of all areas should have this service due to wildlife, most my Neighbours burn (it absolute stinks & sometimes we actually have to go inside) or store massive amounts of garbage for weeks at a time in the backs of old pick ups or trailers encouraging the wildlife.
I currently pay Appleton waste to collect my garbage weekly. Why not just provide the service to us for an additional fee on our taxes.
Thanks
- We live in the desert where summer temperatures can potentially reach 37°+ for days on end. Leaving unbagged food waste in a cart for two weeks is unacceptable and may be a health risk. The odour would be unbearable. It will attract animals to our yard that normally stay away - skunks, coyotes, rats, dogs.
- The carts should be wildlife (bear) proof to discourage them from entering the town core and surrounding residential areas.
- I think this is a great idea! I also think that having a more central area for some basic recycling (like plastics not accepted in the curbside collection) instead of going to the landfill to drop off would be helpful. I'd love to be able to recycle my plastics at the curbside again (or somewhere in town) and I would be fine with it being in a separate container (or bag). More education on what is accepted in the curbside recycling would help me.
- I'm concerned where the carts would stand along our road and about the wind knocking them onto the road. We live on Happy Valley and it's very narrow. If we can resolve those concerns I fully support the carts.
- Please do this!
- This is a fantastic direction!
- I have 300 foot driveway. Impossible to move carts back and forth. Currently i use used feed bags instead of garbage bags and keep garbage secure inside till pu day. With carts in this agricultural area this would be impossible and would need to be kept at roadside. Which in turn would bring wildlife to road instead of now in the hills surrounding. Making more auto accidents possible and also safety issue or a constant mess to clean up. Keep carts out of rural areas! They are fine for residential lots in town though.
- Great idea!!
- I am unsure if this program would refer to me as I live in a strata of semi-detached homes.

- The carts they have in Penticton are ridiculously small. Any program such as this doesn't adequately take into consideration the varying size of different households. There are five people living in my house. My neighbours on both sides are only one person households. It makes a huge difference in the amount of garbage and recycling that is generated. I'm perfectly happy with the current system
- The idea of having the really big carts in a lot of the newer subdivisions in Oliver does not work, there is no where to store them, as most of the lots are smaller, with a 4 ft. space down the side of the house and most people also have rocks along side their house which would make it very difficult to transport to the curb and it would be too unsightly to have them stored on a driveway. There is simply nowhere to put a large garbage cart - also note a lot of the newer garages are smaller and simply do not have room for the size of carts proposed
- The carts will not be good for those of us with VERY LONG driveways. We can't wheel them all the way out to the road especially in the winter so we will have to keep the carts out by the road and just take the bags out there just as we do now. There is really no benefit for us. We have a wooden bin at the road that we put our garbage in now so again, no value to us. We have too much recycling to fit in one cart every other week. We definitely do not support having to pay for the carts - especially when they are useless for us.
- I would rather supply my own bins instead of a permanent rental fee.
- We live Ina gated community and many of our residents will have a problem storing large bins. Not sure if bins would be the answer here.
- This survey is NOT designed for large rural properties!
My property generates much more than 4-5 bags of yard waste in a two week period. The bins you propose are too small and the alternative, purchasing and paying for added yard waste bins, would be prohibitively expensive. This will NOT work for my property. [NOTE: The plan also assumes paved driveways. Getting these bins to the 'curbside' will be extremely labour intensive over long, hilly gravel driveways. Under these conditions the streets will be littered with bins that must be left on the 'curbside'. The streets will be full of stored bins and will look cluttered, bins will be subject to vehicle/human/animal damage, and bins are likely to collect water and contribute to mosquito breeding, etc. I see these conditions in the areas of the City of Penticton which are rural. Bins are great for urban areas. They are NOT great for rural areas.
- I welcome this concept and will pay for it. Easy to use, large containers, good quality. Wheeled. Please do this!!
- I compost my food scraps and grass cutting myself for improving my garden soil. Do not need compost service and don't wish to pay for it. If bins become mandatory I have really no place to store them and pick up area is not flat to make pickup easy. Bins would probably be falling over at front of lot when put out. Hilly streets not well suited to this program.

- I live in Summerland and I already own a very large size blue recycle wheelie bin and a much larger wheelie bin that is used for yard waste. As a result, I am not in favour of having to pay for wheelie bins when the program is implemented. It might be a good idea to have an "opt-out" option for people that already have wheelie bins. With the advancement of recycling, our garbage output has decreased significantly. In the winter months, when wildlife or garbage odours are not an issue, I see no reason why collection cannot occur every two weeks. This could result in a reduction in collection costs as well as GHG outputs from the trucks. I think it would be worth conducting a volunteer pilot program in a couple of neighbourhoods.

Thanks!
- Don't see a need or any advantage for me to have a cart. I take care of all yard waste and food waste with my compost bins. I generate on the average 1 bag of garbage and 1 blue bag of recyclables each month for which I pay \$150. a year -- (too much) -- I'm subsidizing people who produce 6 Or 8 times as much garbage as me . If this program is initiated and results in even higher costs I will refuse to pay my bill! Perhaps you should be looking at waste management with a more user pay approach.
- What about a kitchen organics program? Why not have a compost Bin program with a kitchen tote. If we're doing this why not do it right? Many other areas have started curbside collection of organics to separate it from "black" garbage. We just moved from Salmon Arm and are very sorry to lose this project. Please look at bringing in curbside organics. Maybe scrap the yard waste cart in favour of an organics one. I would think this would be very popular. It would also cut down on wildlife going after the black bins if there were no organics in them.
- Where we live the wind would blow a cart over. In the winter we would not be able to get the cart down the driveway.
- I have a sloped gravel driveway and a bin would not work for us.
- We don't want to use carts we compost our own in yard, The proposed site near S'land Landfill area is TOO CLOSE TO OUR DRINKING WATER AND TOO CLOSE TO RESIDENTIAL AREA.. It is at the North end of the areas of catchment We are going to fight like hell to keep it out of our neighborhood! Go somewhere else with the Valley's rotting garbage.
Give your heads a shake!
- We currently use three large carts, four regular size garbage cans plus a number of paper bags for our yard waste every two weeks for the first five or six pickups in the spring and the last four or five in the fall. During the summer we usually use one or two carts only. We do have a fairly large property in the village of Naramata and we really don't want to have to resort to burning our yard waste in the spring and fall as we used to do years ago. Hope this helps with your decisions on yard waste pickups.
- Carts would not really work for me due to a long gravel driveway and the inability to lift up carts into a vehicle.

- We live in a rural area (Anarchist Mtn - Area A). We and many of our neighbours have very long (700 - 900 ft.) drives, with steep grades. Disposal carts would be a total pain in the neck for us. We have a sealable garbage enclosure at the end of our drive, so using bags that we can drive out to the end of our driveway to leave waste & recyclable works well. We prefer the status quo that we have now.
- Storing 3 carts is a challenge especially on small properties and because of that I'm not in favour of the 3 cart system. About attracting wildlife, I think there is research that indicates educational programs have a better outcome. Where are the cost benefits with this program? How is the current system not working? Have neighbouring communities where the program is already in place been surveyed to determine satisfaction and cost benefits?
- Pleasssssse do this!!! We are so behind compared to other towns/cities/municipalities!!!
- We like the idea of bin carts. If the costs don't become a burden we would like a future confirmation of them coming to our town soon.
- There is no need for the added expense of the public to purchase carts. The system is working just fine the way it is now. Leave things alone!!
- Carts should reduce injury risk for garbage collection workers, in increase speed of pick-up versus manually loading trash at each house. This could / should reduce costs for contractor, and would offset capital costs of carts & vehicle modifications over time
Sydney, Australia (previous home) introduced mechanical pick-up almost 30 years ago - why did it take so long here?
- d page does not have an appropriate response as we do not have space to store the bins inside and we need to be near aware meaning that they cannot be stored outside
- Will we learn of the operator cost savings after the first year of the program?
- Carts work well in other towns so let's go for it!
- Am ok with keeping things as they are. Will go with what costs less
- W have concerns re a very long driveway. We are also at the top of a culde-sac with 4 other homes and feel there is not room to position these bins. In the winter when it snows the ploughing banks decrease the available room even more.
The idea of leaves these bins out at the bottom of driveways or in a visual spot makes our community appear very unattractive.
Also, what is the RDOS prepared to do to assist the homeowner in disposing of their current garbage cans???
The idea that this change would allow for smaller individuals to be hired; however there is no consideration being given for the elderly home owner that could hurt or injure themselves in getting these cans to the curbside-leaving them down there should not be viewed as the solution.

- I think consideration should be given to homeowners with larger properties. The grass I collect while mowing would probably fill 3 containers. I also think weekly pickup in the summer would work rather than bi weekly. I realize that you are trying to end the manual labor in lifting, but again I think the paper bags should be included in the yard trimmings pickup. Thank you.
- The more "unfriendly" yard waste pickup becomes the more people dump things illegally or keep a garbage mess in on their property.
 Although we pay the fees when going to the Landfill, I think that there should be No Fees Just think what an incentive that would be to have a tidy clean town.
 To make waste disposal. Simple and easy and CHEAP, benefits a town in so many ways.
 We need to look at the ramifications of limiting the amount that can be picked up.
 Yes we need to become more environmentally conscience BUT who wants to live in a town where every other yard has dumped garbage .. I am aware of one resident in Kelowna that built a large deck over top of all his renovation garbage.
 I feel that it is important to stress the environment BUT in a stressed economy where people have trouble paying their utility bills garbage is going to be found "hidden" or dumped within private yards.
 As a town you must keep the Big picture in mind.
 Living here in the Okanagan ALL carts should be Wild Life Proof. (Even Rats in town)
 Many people have no garages or sheds. It is ridiculous to think garbage can be kept in the house till garbage day.
 Also these carts are being stolen by homeless people as a storage for their personal stuff.
 QUESTION will larger yards (ours is .4 of an acre) be allowed more yard waste??
 Again I highly recommend getting rid of fees at the Landfill the result would BENEFIT the Whole Town in so many ways.. AND implementing Serious Fines for garbage dumps in yards and private property.
 Imagine a town with no unsightly yards !!!!!
- I don't want containers. We take our yard waste directly to the dump ourselves. We are happy with how the present system works now and don't want to change to containers. We have acreage and bears etc, at present we keep our garbage in a small shed and don't have room for 3 big, cumbersome containers. They are unsightly and we don't want them in our yard. We have a long steep driveway and would be difficult to manoeuvre containers especially in snow.
- We just moved from Kelowna last fall. We had the garbage cart system there and it was way easier for us.
- I would prefer carts for organic waste only.
- I just to live in westbank we had carts, moving here i was suprised that summerland didnt have that service. Carts are 100 percent effective
- 1. Do the carts come in different sizes? When I lived in Victoria there was a choice of large or small carts.
 2. Three large carts requires an unreasonable amount of storage space.

3. I have a very long driveway, so this would take three trips to get the bins to the curbside. At present I put a small bin and the bags in my car and make one trip.

- My house is on a hill. I would be worried the cart may roll down the hill. Not suitable for this location. My household waste is one small black bag a week; recycling is 1 blue bag per 2 weeks; yard waste is about one bag a month. That is hardly worth the space required to house large carts.
- (1) Naramata's township roads are in certain locations not wide enough for carts IN THE ROAD, ON BOTH SIDES (because there is in fact nowhere else to put them). (2) Not all properties have curb-side collection -- dragging carts along unserviced (eg. snow plowing) right-of-way is not an option. (3) Naramata Road is popular bicycle route -- bins are/will be placed in bike lanes/road shoulders, forcing cyclists into harm's way; this is a serious public safety concern!
- These carts are large & with nowhere to store them inside they would take up precious space outside & be extremely unsightly. I do not want them.
- Our drive is very long and steep and we live in an area with wildlife. I separate and remove all our yard waste and recyclable's directly to the landfill. I do not want these containers and I do not want to pay for them. If this becomes our only option I would want to be removed from roadside collection and manage our waste ourselves.
- I do not want carts. I have a long steep driveway and carts would be cumbersome and could cause a safety issue. You comment on injury to handlers in using bags, what about the safety of users using carts? Would exemptions be allowed? We all don't live in the cities!
- On some rural acreages, it can be quite a long way from the residence to the road. Moving a cart to and from the road each week (especially during the snowy months) could prove a real problem!
- Carts will make it hard to deal with large amounts of yard waste outside of the early spring and fall large collections. I don't have a way to take yard waste to the dump. Can the carts sit on the gravel curb up higher from the road? Our road is narrow and busy so they can't be on the road.
- Garbage carts will not work well for recycling or yard waste, they are too small. We already have so many stipulations on our garbage how are we supposed to downsize more. The town I came from had these. If the recycling was loose (because why would we need to waste money on putting a blue bag in the garbage can) the recycling would sometimes go all over the place on the way back down from getting dumped. It was always a huge mess for the homeowner to clean up. I do not support this at all.
- I like the idea of the carts to eliminate the issues that arise from people putting out their garbage the night before in a plastic bag that attracts wildlife and makes a mess. I would like to see some sort of food scrap recycling as well.

- Let's go!
- I am a retired Shop Foreman of the City of Port Coquitlam, (20 years) as foreman, now living in Summerland. A cart collection system started a few years prior to my retirement, As the shop foreman in charge of vehicles & equipment I was a bit concerned of higher maintenance on the garbage packers. After a few years of operation the maintenance did not become a problem. As a resident I was concerned with the weight of the full carts on a steep driveway and moving them in 6 inches of snow, This proved to be no problem . I am much in favor of the cart system. I would prefer to use the mid sized carts for garbage, recycling & green waste.
In Poco you had the option of choosing your cart size at additional cost. I definitely recommend the cart collection system.
- These carts better serve urban residents than rural or acreage dominated municipalities. These carts are NOT going to work in many Summerland households because many residents live on acreage, farm, or orchard/vineyards with long driveways that are NOT paved. It is too difficult for many people to wheel them down these dirt driveways when they are loaded up with yard waste or garbage. And the carts can't be left down at the road-side more permanently and loaded in situ as they are expensive and could well be stolen.
And how about winter months when there is snow overnight. Currently we have to have our garbage at road-side by 7:00 a.m.. It would be impossible for us to shovel our driveway and be able to get the cart down to roadside by this early morning time. Sorry, they just won't work for us!!
- I am not interested in having the cart system in Summerland. I am well aware of all the requirements of it along with the problems and I don't feel that it suits the Summerland area.
- I recognize the benefits to workers (little or no lifting, less injury). If recycling bins still limit what can be binned, then I would be less happy...how about all plastics, Styrofoam, ewaste (special day, for example picking up old TVs and other electronics once or twice a year). Special pick up day per year for broken furniture that doesn't fit bin requirements. Green waste bins more useful, I often drive to dump with a car load. Drive to dump to recycle plastic bags and styrofoam, but don't know where they end up. I fill one black garbage bag in a month, because I compost all veggies, freeze a little meat waste until that day. Not sure how this benefits a one person household, but see the benefit for families. Not really willing to pay more unless more waste options are included, otherwise, I and many others will still drive to dump, which defeats the purpose of lowering carbon emissions from general populace. If all meat waste and veggie waste and yard waste goes into green bin, foresee odour issues in heat of summer, plus animal attraction, despite wildlife proof bins...the smell will attract them much more than presently.
If this bin proposal is connected to the proposal for Summerland to become a central dumping ground for the RDOS, then I do not support it at all....!!!!!! Do not see any benefits for the citizens of Summerland, only the companies paid to do the work.

- I am constantly amazed at how much garbage people put out. I recycle everything I can and have been doing so for 40+ years. There are currently 2 of us in a single family home and we can get by putting out one normal garbage can once a month and one blue plastic recycling bag also just once a month. We have and use a compost pile in the garden. I hope we will not be FORCED to accept and pay for these new bins which we have no need for.
- For the convenience of the garbage collector, we carry our garbage to the end of our unpaved, narrow, rough street. (Beggs St. Summerland). Therefore, the wheelie bins would not work for us. If, however the street were paved, we definitely could use them.
- Since I have a fairly long driveway the bins would certainly be an improvement. I also like the idea of the collectors not having to lift heavy bins.
- We experienced the adoption of carts in Victoria. An excellent upgrade to waste recycling. Our landfill-only garbage reduced dramatically to less than half. Some push-back or non-compliance from condominium residents can be expected. Please note that Nimbyism is the easiest thing to criticize by those not affected. If their home was affected by location they would be immediate Nimbys too. It all depends upon "whose ox is being gored"!
- We are seniors on low income and cannot afford to pay more for garbage/recycle pickup.
- I do not want carts, at any cost
- I am opposed to this Waste Management Plan
- Varied sizes of carts is critical. Thank you.
- We generate less than a half can of garbage every week. I believe all carts should be wildlife proof.
- Would like to use the cart I have already purchased.
- Everybody needs wildlife resistant - don't want bears in my yard going to my neighbours garbage.
- We own a one acre parcel in rural Summerland and currently take our own waste to the landfill. We are therefore uncertain if any of this would apply to us since we do not have garbage or recycling pick up at present.
- Take my own yard waste to dump
- We compost our own food waste
- I think carts would be a good idea
- I have mixed feelings about the carts. I like the idea of using fewer plastic bags for recycling. However, I have an extensive garden and even though I have my own

composting system, I still generate a lot more yard waste than would go in one cart. Storage would also be an issue.

- Storing Carts requires a lot of space. Should residents not take their carts in, roads could be littered with carts!
- I would still need a large garbage bag to store garbage thru the week til pickup day. That's the bag I set out at street on pickup day. No Carts
- I have more than 4-5 bags of yard waste. I have 1.8 acres. Much of it is woodland with lots of fallen branches. Sometimes I have 25 bags or more in Spring and Fall. I have a metal garbage can for food waste. I never fill it. I never put oil, meat or cheese waste in my compost. I've had a rat problem, so now I put food waste into my garbage can. I am not keen on any garbage container that cannot be latched against wild animals.
- My driveway is too long and is gravel. It would be difficult to push a cart down every garbage day and bring it back. I also keep my garbage in and bring it back. I also keep my garbage in a shed - cart would difficult to get a cart in & out at 70 - I am not getting any younger
- I live in gated subdivision - space for the larger carts is a concern for our residents. Strata rules states waste containers must be stored out of sight from street.
- I live in a gated community not much room for 3 big garbage containers.
- We do our own composting of kitchen & yard waste.
- Long driveways & snow removal will be problematic
- NO CARTS DICKTATORS
- If this reduces injuries & takes less time to pickup we should not have to pay.
- The system Oliver (urban) has works well. 1 Why spend \$ to fix something that is not broken? 2 How well senior population manage big carts? 3 No space to store. 4 Don't want extra cost.
- Carts should eliminate plastic bags which is a good thing. Smell will be a big issue in the summer.
- When putting these carts out in the new small subdivisions - driveways would be blocked by the carts on garbage days. This is not feasible in a small new tighter, more res lots with houses. When subdivisions with small lots are created they are not compatible to these big carts. There is no where to put them & garages are smaller with no room. Also most small lot subdivision houses have gravel/ rock along the sides & it would be too difficult as a senior to drag a great big cart along the rocks. Maybe Oliver should consider no more small lot subdivisions or no carts.
- I live in Deer Ridge. I have a rather long, steep driveway. I could not haul a cart or mulitple carts up and down my driveway. When it snows and IF the snow plow

comes we are left with huge windrows of snow across our driveway. There is no way we would ever be plowed by the city before the current garbage pick up time of 7 am., sometimes it is days before we are plowed. How do I haul multiple carts over a windrow?? Or if it snows at night my driveway could be a foot deep. Up in deer ridge we get more snow than town, and more often.

The yard waste carts are notoriously famous for not holding enough yard waste so trips to the dump or extra bags for yard waste would be necessary. I don't carts, I live rurally, it just doesn't work for me.

- We have a steep 400 m long gravel driveway & would have to cross a cattle guard so this doesn't seem practical at all for us. Please before implementing carts consider how people with long driveways such as us will manage this. Let us know what the options are.
- Have more than 5 large bags of yard waste every two weeks
- The combination of a bin holding 2-3 bags plus the lowering of the wt. of yard waste for free with penalize larger landowners.
- Would pay \$15 per year for carts
- 'Big Items' pick-up needs to be increased and/or addressed in Naramata! The place is turning into a slum - check the alleyways!! Rats are a huge problem (& the racoons burn diesel!)
- The cart system means higher cost to reduction in service for collecting yard waste.
- I DO NOT want to rent a container. If decision is to go this way, then sell them. Save all the bother & administration.
- Very disappointed lowering to 100 kg of yard waste - I typically take in 4-500 kg every spring.
- Collection every two weeks is ample
- Carts can contain materials not wanted in landfills since they are automatically dumped by the truck, there will be no monitoring.
- Carts can contain materials not wanted in landfills since they are automatically dumped by the truck, there will be no monitoring.
- I realize it would be a logistical nightmare to charge customers by individual usage of the system... or perhaps not? The point being, we have very little yard waste, so burn it or compost it. Also, very little garbage, because I compost everything myself and recycle the rest... so my garbage can goes out once every three weeks, so a small cart for garbage would suffice. I'm not sure how much extra should be charged... what is fair? As well, when it comes to recycling, I am still obliged to collect my Styrofoam, glass and soft plastic and take it to my local depot. If there is going to be a substantial extra charge perhaps these should be added to pickup at curbside. Bears are not concern as I compost everything, nothing smelly goes in my garbage. Note: If I remember correctly from Cameron's presentation, we would be obliged to

take all 3 carts... one for garbage, recycling and yard waste. What we had a choice or was sizes for our individual needs. If true, and I never put out yard waste, for example, why would I be forced to take said bin and be charged for something I won't use?



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BOARD of DIRECTORS MEETING

Thursday, June 01, 2017

1:00 p.m.

REGULAR AGENDA

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

THAT the Agenda for the RDOS Board Meeting of June 1, 2017 be adopted.

1. Consent Agenda – Corporate Issues

a. Corporate Services Committee – May 18, 2017 [Page 67]

THAT the Minutes of the May 18, 2017 Corporate Services Committee be received.

THAT status quo be maintained with regard to the LCLB Liquor Licensing policy.

b. Environment and Infrastructure Committee – May 18, 2017 [Page 69]

THAT the Minutes of the May 18, 2017 Environment and Infrastructure Committee be received.

c. RDOS Regular Board Meeting – May 18, 2017 [Page 71]

THAT the minutes of the May 18, 2017 RDOS Regular Board meeting be adopted.

d. Similkameen Recreation Commission – May 28, 2017 [Page 79]

THAT the Minutes of the May 28, 2017 Similkameen Recreation Commission be received.

e. Electoral Area “E” Advisory Planning Commission – May 8, 2017 [Page 82]

THAT the Minutes of the May 8, 2017 Electoral Area “E” Advisory Planning Commission be received.

f. Electoral Area “F” Advisory Planning Commission – May 18, 2017 [Page 85]

THAT the Minutes of the May 18, 2017 Electoral Area “F” Advisory Planning Commission be received.

g. Electoral Area “G” Advisory Planning Commission – May 17, 2017 [Page 87]

THAT the Minutes of the May 17, 2017 Electoral Area “F” Advisory Planning Commission be received.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

THAT the Consent Agenda – Corporate Issues be adopted.

2. Consent Agenda – Development Services**a. Development Variance Permit Application – R. Jacobs, 916 Newton Drive, Electoral Area “F” [Page 89]****i. Permit No. F2017.065-DVP [Page 91]**

THAT the Board of Directors approve Development Variance Permit No. F2017.065-DVP.

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)
THAT the Consent Agenda – Development Services be adopted.

B. DEVELOPMENT SERVICES – Rural Land Use Matters**1. Zoning Bylaw Amendment – N. & B. Gammer, 2870 Gammon Road, Naramata, Electoral Area “E” [Page 95]****a. Bylaw No. 2459.25, 2017 [Page 98]****b. Responses Received [Page 101]**

The public hearing for this item was held Thursday, June 1, 2017 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

To allow for the development of an accessory dwelling on the second storey of an existing garage.

RECOMMENDATION 4 (Unweighted Rural Vote – 2/3 Majority)
THAT Bylaw No. 2459.25, 2017, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

2. Zoning Bylaw Amendment – Taggart Crescent, Twin Lakes, Electoral Area “D” [Page 108]**a. Bylaw No. 2457.18, 2017 [Page 111]****b. Bylaw No. 2457.19, 2017 [Page 118]****c. Responses Received [Page 121]**

The public hearing for this item was held Thursday, June 1, 2017 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

To undertake a “voluntary discharge” and “early termination” of LUC-23-D-77 on 11 properties adjoining Taggart Crescent at Twin Lakes and to replace it with a Small Holdings Four (SH4) Zone.

RECOMMENDATION 5 (Unweighted Rural Vote – Simple Majority)
THAT Bylaw No. 2457.18, 2017 and Bylaw No. 2457.19, 2017, Electoral Area “D-1” Zoning Amendment Bylaws, as amended, be read a third time.

3. **Official Community Plan (OCP) Bylaw & Zoning Bylaw Amendments, Electoral Areas “A”, “C”, “D”, “E”, & “F” (ESDP Update) [Page 127]**
 - a. Bylaw No. 2710, 2017 [Page 129]
 - b. Responses Received – Submitted at July 7, 2016 Planning & Development Committee Meeting [Page 298]
 - c. Responses Received [Page 336]

The public hearing for this item was held Thursday, June 1, 2017 at 9:00 a.m. in the RDOS Board Room located at 101 Martin Street, Penticton.

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2710, 2017, Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw be read a third time.

4. **Development Procedures Bylaw No. 2500, 2011 – ESDP Update Amendment [Page 350]**
 - a. Bylaw No. 2500.08, 2017 [Page 352]

To introduce updated application requirements for Environmentally Sensitive Development Permit (ESDP) to the Regional District’s Development Procedures Bylaw No. 2500, 2011.

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

THAT Bylaw No. 2500.08, 2017, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a third time.

C. PUBLIC WORKS

1. **Campbell Mountain Landfill Lease Amendment [Page 361]**
 - a. Modification Agreement dated May 1, 2017 (clean copy) [Page 366]
 - b. Modification Agreement dated May 1, 2017 (marked-up copy) [Page 369]
 - c. Lease dated September 1, 2005 [Page 371]
 - d. License Agreement dated September 1, 2005 [Page 399]

RECOMMENDATION 8 (Weighted Corporate Vote – Majority)

THAT the Campbell Mountain Landfill Lease Payment Plan be approved; and further,

THAT the Modification Agreement to amend the Lease for the Campbell Mountain Landfill Site and the License for the Compost Site between the City of Penticton and the Regional District be adopted as appended hereto.

D. LEGISLATIVE SERVICES

1. Sun Valley Water Service Conversion and Continuation Bylaw [Page 408]
 - a. Bylaw No. 2764, 2017 [Page 410]
 - b. Schedule A [Page 412]

RECOMMENDATION 9 (Unweighted Corporate Vote – Simple Majority)

THAT Bylaw No. 2764, 2017 Regional District of Okanagan-Similkameen Sun Valley Water Service Conversion and Continuation Bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval.

2. Environmental Conservation Service (South Okanagan Conservation Fund) Administration [Page 413]
 - a. Draft Agreement [Page 415]
 - b. Draft Terms of Reference [Page 419]

This item is brought forward from the May 18, 2017 Environment and Infrastructure Committee Meeting.

To propose and obtain approval for the administrative structure and Terms of Reference for managing the South Okanagan Conservation Fund.

RECOMMENDATION 10 (Weighted Corporate Vote – Majority)

THAT the Regional District sole-source the contract to administer the South Okanagan Conservation Fund to the South Okanagan Similkameen Conservation Program (SOSCP) for an amount not to exceed 7% of the amount requisitioned annually through the Environmental Conservation Service Establishment Bylaw.

3. Ratification of Emergency Operation Centre Order
-

E. CAO REPORTS

1. Verbal Update
-

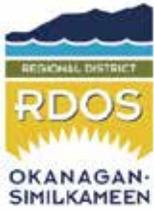
F. OTHER BUSINESS

1. Chair’s Report

2. Directors Motions

3. Board Members Verbal Update

G. ADJOURNMENT



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

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Corporate Services Committee

Thursday, May 18, 2017

10:10 a.m.

Minutes

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair M. Bauer, Village of Keremeos
Director F. Armitage, Town of Princeton
Director R. Barkwill, Alt. District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director E. Christensen, Electoral Area "G"
Director B. Coyne, Electoral Area "H"

Director R. Hovanes, Town of Oliver
Director H. Konanz, City of Penticton
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director J. Sentes, City of Penticton
Director T. Schafer, Electoral Area "C"
Director T. Siddon, Electoral Area "D"

MEMBERS ABSENT:

Director T. Boot, District of Summerland
Director A. Jakubeit, City of Penticton

Director P. Waterman, District of Summerland

STAFF PRESENT:

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

C. Garrish, Planning Supervisor

A. APPROVAL OF AGENDA

RECOMMENDATION 1

By consensus, the Agenda for the Corporate Services Committee Meeting of May 18, 2017 was adopted.

B. CENSUS DATA

The Committee reviewed the latest census data. The Village of Keremeos had a significant population increase. Electoral Area "H" also experienced an increase and the Ministry will increase their voting strength to two (2) in the fall.

C. LIQUOR LICENSING

It was MOVED and SECONDED

THAT status quo be maintained with regard to the LCLB Liquor Licensing policy. - CARRIED

D. ELECTION STRATEGY

The Board discussed actions to be taken in the coming weeks with regard to changes at the Provincial level.

E. ADJOURNMENT

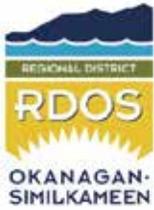
By consensus, the meeting adjourned at 11:01 a.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer



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

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Environment and Infrastructure Committee

Thursday, May 18, 2017

9:14 a.m.

Minutes

MEMBERS PRESENT:

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

Director E. Christensen, Electoral Area "G"
Director R. Hovanes, Town of Oliver
Director H. Konanz, City of Penticton
Director K. Kozakevich, Electoral Area "E"
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director T. Schafer, Electoral Area "C"
Director J. Sentes, City of Penticton

MEMBERS ABSENT:

Director T. Boot, District of Summerland
Director A. Jakubeit, City of Penticton

Director P. Waterman, District of Summerland

STAFF PRESENT:

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

J. Dougall, Manager of Public Works

A. APPROVAL OF AGENDA

RECOMMENDATION 1

It was MOVED and SECONDED

THAT the Agenda for the Environment and Infrastructure Committee Meeting of May 18, 2017 be adopted. - **CARRIED**

B. ENVIRONMENTAL CONSERVATION SERVICE (SOUTH OKANAGAN CONSERVATION FUND) ADMINISTRATION

1. Draft Agreement
2. Draft Terms of Reference

To propose and obtain approval for the administrative structure and Terms of Reference for managing the South Okanagan Conservation Fund.

Director Bush entered the Boardroom at 9:45 a.m.

RECOMMENDATION 2

It was MOVED and SECONDED

THAT the Regional District approve the Terms of Reference for the South Okanagan Conservation Fund. - **CARRIED**

It was MOVED and SECONDED

THAT the Regional District sole-source the contract to administer the South Okanagan Conservation Fund to the South Okanagan Similkameen Conservation Program (SOSCP) for an amount not to exceed 7% of the amount requisitioned annually through the Environmental Conservation Service Establishment Bylaw. - **CARRIED**

C. ADJOURNMENT

By consensus, the meeting adjourned at 10:09 a.m.

APPROVED:

CERTIFIED CORRECT:

T. Siddon
Environment and Infrastructure Committee Chair

B. Newell
Chief Administrative Officer



Minutes are in DRAFT form and are subject to change pending approval by the 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 11:10 a.m. Thursday, May 18, 2017 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"
Vice Chair M. Bauer, Village of Keremeos
Director F. Armitage, Town of Princeton
Director R. Barkwill, Alt. District of Summerland
Director M. Brydon, Electoral Area "F"
Director G. Bush, Electoral Area "B"
Director B. Coyne, Electoral Area "H"
Director E. Christensen, Electoral Area "G"

Director R. Hovanes, Town of Oliver
Director H. Konanz, City of Penticton
Director A. Martin, City of Penticton
Director S. McKortoff, Town of Osoyoos
Director M. Pendergraft, Electoral Area "A"
Director J. Sentes, City of Penticton
Director T. Schafer, Electoral Area "C"
Director T. Siddon, Electoral Area "D"

MEMBERS ABSENT:

Director T. Boot, District of Summerland
Director A. Jakubeit, City of Penticton

Director P. Waterman, District of Summerland

STAFF PRESENT:

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

A. APPROVAL OF AGENDA

RECOMMENDATION 1 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

THAT the [Agenda](#) for the RDOS Board Meeting of May 18, 2017 be adopted. - **CARRIED**

1. Consent Agenda – Corporate Issues

a. Environment and Infrastructure Committee – May 4, 2017

THAT the Minutes of the May 4, 2017 Environment and Infrastructure Committee be received.

THAT the Regional District of Okanagan-Similkameen proceed with the assessment and acquisition process of the Missezula Lake Water System.

b. Planning and Development Committee – May 4, 2017

THAT the Minutes of the May 4, 2017 Planning and Development Committee be received.

THAT Bylaw No. 2500, being a bylaw of the Regional District to establish procedures for processing of land development applications, be amended.

THAT the Board of Directors direct staff to amend Draft Amendment Bylaw No. 2728 (Update of Agricultural Regulations) to:

- allow accessory dwellings to be constructed within an accessory building or structure in the Agriculture zones; and*
- allow the keeping of honey bees in the Low Density Residential zones; and*

THAT staff are further directed to initiate an update of the Protection of Farming Development Permit Area in the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008.

THAT the Board of Directors direct staff to initiate Draft Amendment Bylaw No. 2773.

THAT staff be directed to initiate an amendment to the Electoral Area "D-2" Official Community Plan (OCP) Bylaw in order to amend the Hillside and Steep Slope Development Permit Area to better address subdivision and neighbourhood character.

- c. RDOS Regular Board Meeting – May 4, 2017
THAT the minutes of the May 4, 2017 RDOS Regular Board meeting be adopted.
- d. Okanagan Falls Parks & Recreation Commission – April 13, 2017
THAT the Minutes of the April 13, 2017 Okanagan Falls Parks & Recreation Commission be received.
- e. Kaleden Recreation Commission – April 25, 2017
THAT the Minutes of the April 25, 2017 Kaleden Recreation Commission be received.
- f. Naramata Parks & Recreation Commission – April 24, 2017
THAT the Minutes of the April 24, 2017 Naramata Parks & Recreation Commission be received.
- g. Electoral Area "G" Advisory Planning Commission Appointments
THAT the Board of Directors appoint Don Armstrong as a member of the Electoral Area "G" Advisory Planning Commission for a term ending October 31, 2018.

RECOMMENDATION 2 (Unweighted Corporate Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

- 2. Consent Agenda – Development Services
 - a. Development Variance Permit Application – M. & A. Ferguson, 124 Oak Avenue, Kaleden, Electoral Area "D"
 - i. Permit No. D2017.027-DVP
THAT the Board of Directors approve Development Variance Permit No. D2017.027-DVP.

- b. Development Variance Permit Application – B. & C. Kneller, 6869 Indian Rock Road, Naramata, Electoral Area “E”
- i. Permit No. E2017.045-DVP
THAT the Board of Directors approve Development Variance Permit No. E2017.045–DVP

RECOMMENDATION 3 (Unweighted Rural Vote – Simple Majority)

IT WAS MOVED AND SECONDED

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

B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Official Community Plan Bylaw & Zoning Bylaw Amendments – M. Ingraham & S. Nelson, 170 Sunnybrook Drive, Okanagan Falls, Electoral Area “D”
- a. Bylaw No. 2455.27, 2017
- b. Bylaw No. 2603.10, 2016
- c. Public Hearing Report dated May 3, 2017
- d. Responses Received

To allow for the subdivision of two new lots.

Directory Siddon advised that the public hearing report regarding Bylaw Nos. 2455.27 and 2603.10 reflected an accurate account of what took place at the public hearing held May 3, 2017.

RECOMMENDATION 4 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

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

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

It was MOVED and SECONDED

THAT Bylaw No. 2603.10, 2017, Electoral Area “D-2” Official Community Plan Amendment Bylaw and Bylaw No. 2455.27, 2017, Electoral Area “D-2” Zoning Amendment Bylaw be read a third time and adopted. - **CARRIED**

2. Official Community Plan & Zoning Bylaw Amendment – L. Burdett, 161 6th Street, Tulameen, Electoral Area “H”
 - a. Bylaw No. 2497.07, 2017
 - b. Bylaw No. 2498.13, 2017
 - c. Responses Received

To formalize the existence of a single detached dwelling.

RECOMMENDATION 6 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2497.08, 2017, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.13, 2017, Electoral Area “H” Zoning Amendment Bylaw be read a third time as amended to reflect the housekeeping change to correct the amendment number to .08; and further,

THAT Bylaw No. 2497.08, 2017, Electoral Area “H” Official Community Plan Amendment Bylaw and Bylaw No. 2498.13, 2017, Electoral Area “H” Zoning Amendment Bylaw be adopted.

CARRIED

3. Zoning Bylaw Amendment – N. & B. Gammer, 2870 Gammon Road, Naramata, Electoral Area “E”
 - a. Bylaw No. 2459.25, 2017
 - b. Responses Received

To allow for the development of an accessory dwelling on the second storey of an existing garage.

RECOMMENDATION 7 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2459.25, 2017, Electoral Area “E” 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 June 1, 2017; and

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

CARRIED

4. Official Community Plan (OCP) Bylaw & Zoning Bylaw Amendments, Electoral Areas "A", "C", "D", "E" & "F" (ESDP Update)
 - a. Bylaw No. 2710, 2017
 - b. Responses Received - Submitted at July 7, 2016 Planning & Development Committee Meeting
 - c. Responses Received

RECOMMENDATION 8 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2710, 2017, Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw be read a first and second time and proceed to a public hearing; and

THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated May 18, 2017, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*; and

THAT, in accordance with Section 477 of the Local Government Act, the Board of Directors has considered Amendment Bylaw No. 2710, 2017, in conjunction with its Financial and applicable Waste Management Plans; and

THAT the holding of a public hearing be scheduled for the Regional District Board meeting of June 1, 2017; and

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

CARRIED

5. Development Procedures Bylaw No. 2500, 2011 – ESDP Update Amendment
 - a. Bylaw No. 2500.08, 2017

The purpose of these amendments are to introduce updated application requirements for Environmentally Sensitive Development Permit (ESDP) to the Regional District Development Procedures Bylaw No. 2500, 2011.

RECOMMENDATION 9 (Unweighted Rural Vote – Simple Majority)

It was MOVED and SECONDED

THAT Bylaw No. 2500.08, 2017, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a first and second time.

CARRIED

6. Amendment Bylaw – Development Procedures Bylaw
 - a. Bylaw No. 2500.09, 2017

The proposed amendments seek to give formal effect to new public hearings and public information meetings scheduling procedures.

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

It was MOVED and SECONDED

THAT Bylaw No. 2500.09, 2017, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a first, second and third time and be adopted. - **CARRIED**

C. ENGINEERING SERVICES

1. Applications to Federal Gas Tax Fund – Strategic Priorities Fund
 - a. Program Guidelines for the Federal Gas Tax Fund Strategic Priorities Fund, Capital Infrastructure Projects Stream and Capacity Building Stream

Receive the required Board resolution for submission of applications to the Federal Gas Tax Fund, Strategic Priorities Fund programs.

RECOMMENDATION 11 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT the Board of Directors support the application to the Strategic Priorities Fund – Capital Infrastructure Project Stream for the Phase 2A of the Skaha Estates and Kaleden Sewering Project. - **CARRIED**

RECOMMENDATION 12 (Unweighted Corporate Vote – Simple Majority)

It was MOVED and SECONDED

THAT Board of Directors support the application to the Strategic Priorities Fund – Capacity Building Stream for the Asset Management Plan project. - **CARRIED**

D. PUBLIC WORKS

1. Award of Contract for Okanagan Falls Landfill Operations Services

RECOMMENDATION 13 (Weighted Corporate Vote – Majority)

It was MOVED and SECONDED

THAT the Regional District sole-source the operation of the Okanagan Falls Landfill to Wildstone Construction & Engineering Ltd. for a 3-year term with an additional 2-year option for renewal; estimated at \$360,000/annum. - **CARRIED**

E. FINANCE**1. Five Year Financial Plan Amendment – Ortho Photos Project**

To authorize an expenditure for the 2017 ortho photos project. Amendments to the approved Five-year Financial Plan are brought forward as supporting resolutions with bylaw amendments taking place in aggregation annually at the end of the calendar year.

RECOMMENDATION 14 (Weighted Corporate Vote – Majority)**It was MOVED and SECONDED**

THAT the Board of Directors amend the 2017 Five Year Financial Plan to authorize an expenditure of up to \$30,000 for the ortho photos update. - **CARRIED**

2. Information Services Renewal Capital Reserve Expenditure Bylaw**a. Bylaw No. 2776, 2017****RECOMMENDATION 15 (Weighted Corporate Vote – 2/3 Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 2776, 2017, Information Systems Renewal Capital Reserve Fund Expenditure Bylaw authorizing up to \$15,000 for the purchase of a plotter/scanner be read a first, second and third time and be adopted. - **CARRIED**

F. LEGISLATIVE SERVICES**1. Destination Osoyoos Municipal Regional Destination Tax (MRDT)****RECOMMENDATION 16 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board of Directors provide a letter of support to Destination Osoyoos for their reapplication to the Province to continue to collect the Municipal and Regional Destination Tax (MRDT). - **CARRIED**

2. Petition to Enter Naramata Water Service Area**a. Bylaw No. 2747, 2016****b. Bylaw No. 1804.07, 2016****RECOMMENDATION 17 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT Bylaw No. 2747, 2016, "Naramata Water Service Extension Bylaw" be adopted; and,

THAT Bylaw No. 1804.07, 2016, "Naramata Water System Development Cost Charge Amendment Bylaw" be adopted.

CARRIED

G. CAO REPORTS

- 1. Verbal Update
-

H. OTHER BUSINESS

- 1. Chair’s Report
-

2. Board Representation

- a. Developing Sustainable Rural Practice Communities - *McKortoff*
 - b. Intergovernmental First Nations Joint Council - *Kozakevich, Bauer, Pendergraft*
 - c. Municipal Finance Authority (MFA) – *Kozakevich, Bauer*
 - d. Municipal Insurance Association (MIA) - *Kozakevich, Bauer*
 - e. Okanagan Basin Water Board (OBWB) – *McKortoff, Hovanes, Waterman*
 - i. Board Report: May 5, 2017
 - f. Okanagan Film Commission (OFC) – *Jakubeit*
 - g. Okanagan Regional Library (ORL) – *Kozakevich*
 - h. Okanagan Sterile Insect Release Board (SIR) – *Bush*
 - i. Okanagan-Similkameen Regional Hospital District (OSRHD) - *Brydon*
 - j. Southern Interior Beetle Action Coalition (SIBAC) - *Armitage*
 - k. Southern Interior Local Government Association (SILGA) – *Kozakevich*
 - l. Southern Interior Municipal Employers Association (SIMEA) – *Kozakevich, Martin*
 - m. Starling Control - *Bush*
 - n. UBCO Water Chair Advisory Committee – *Bauer*
-

3. Directors Motions

4. Board Members Verbal Update

I. ADJOURNMENT

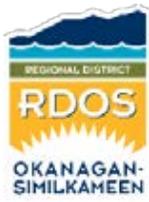
By consensus, the meeting adjourned at 12:02 p.m.

APPROVED:

CERTIFIED CORRECT:

K. Kozakevich
RDOS Board Chair

B. Newell
Corporate Officer



MINUTES

Similkameen Recreation Commission

Tuesday, March 28, 2017 at 7.00pm

Similkameen Recreation Centre

203rd meeting

Members Present: Charlene Cowling, Wendy Stewart, Marnie Todd,
Absent: Jennifer Roe, Marie Marven
Area Representatives: R. Mayer (Alt Area G), J. Evans (Keremeos)
Staff: Karl Donoghue,
Recording Secretary: Karl Donoghue
Guests: T. Robbins, L. Toronchuk Delegation for gym.

1. Approval of Agenda

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the Agenda for the 203rd Similkameen Recreation Meeting of March 28, 2017 be adopted and all presentations and reports be accepted. – CARRIED

2. Approval of Last Meeting Minutes

RECOMMENDATION

IT WAS MOVED AND SECONDED

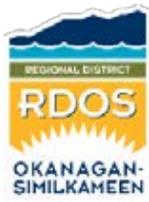
That the minutes for the 202nd Similkameen Recreation Meeting of February 28, 2017 be adopted. – CARRIED

3. Correspondence/Delegations/Public Questions

L. Toronchuk presented verbal comments regarding the fitness room as follows.

Replacing old equipment, stair access, removing courts to bring everything to one level, increasing memberships and installing showers.

Members of the Rec. Commission discussed the presentation.



MINUTES

Similkameen Recreation Commission

Tuesday, March 28, 2017 at 7.00pm

Similkameen Recreation Centre

203rd meeting

4. Staff Report

4.1 Staff report presented together with updates, discussed including giving up the wading pool area to Village or wrapping the fence.

4.2 The token machines for court lights was discussed together with costs of memberships.

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the wading pool not be given up and that a wrap would hinder sightlines– **CARRIED**

RECOMMENDATION

IT WAS MOVED AND SECONDED

That the token machines be removed and replaced with timers to operate the lights and the cost of memberships be aligned with fitness memberships- **CARRIED**

5. Commission Member Reports

5.1 C. Cowling raised the issue of a point of sale debit card machine. It was generally agreed that the costs of installation compared to the number of transactions is not viable.

6. RDOS Director Report

Alternate Director R. Mayer asked if there was a response to the presentation by L. Toronchuk.

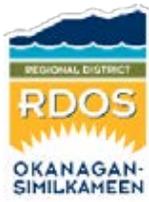
7. Business Arising

7.1 Check budget for funding to investigate a replacement pool.

8. Adjournment

RECOMMENDATION

IT WAS MOVED AND SECONDED



MINUTES

Similkameen Recreation Commission

Tuesday, March 28, 2017 at 7.00pm

Similkameen Recreation Centre

203rd meeting

That the 203rd Similkameen Recreation Commission meeting dated March 28, 2017 be adjourned. – **CARRIED**

NEXT MEETING: April 25, 2017

Similkameen Recreation Centre

Recreation Commission Chair

Recording Secretary



Minutes

Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, May 8th, 2017 at 7:30 p.m.

OAP Hall, 330 - 3rd Street, Naramata, BC

Present:

Members: Dave Kopp (as Chair), Heather Fleck, Tim Forty, Tom Hoenisch, Phil Janzen

Absent: Bruce Clough (Chair, Electoral Area 'E' APC), Don Mancell

Staff: Evelyn Riechert (RDOS Planner), Kevin Taylor (RDOS Planning Technician), Levan King-Cranston all left meeting at 8:37 p.m.

Guests: Karla Kozakevich (RDOS Area 'E' Director)

Recording Secretary: Heather Lemieux (Recording Secretary)

Delegates: Nicolas Gammer left meeting at 8:02 p.m., Robert Mackenzie left meeting at 8:21 p.m., Craig Dusel left meeting at 8:37 p.m.

1. ADOPTION OF AGENDA

The meeting was called to order at 7:34 p.m. Quorum Present.

MOTION

It was Moved and Seconded that the Agenda be adopted as presented.

CARRIED (UNANIMOUSLY)

2. DELEGATIONS

2.1 Gammer, Nicholas & Bernadette for Zoning Bylaw Amendment Application E02086.010 (E2017.054-ZONE)

2.2 Kneller, Bryan & Carrol for Development Variance Permit Application Agent: Mackenzie, Robert
E02329.025 / (E2017.045-DVP)

3. DEVELOPMENT APPLICATIONS

- 3.1 E02086.010 (E2017.054-ZONE) - Zoning Bylaw Amendment Application Administrative Report submitted by Christopher Garrish, Planning Supervisor

MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

CARRIED (UNANIMOUSLY)

- 3.2 E02329.025 (E2017.045-DVP) - Zoning Bylaw Amendment Application Administrative Report submitted by Evelyn Riechert, Planner

MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

CARRIED (UNANIMOUSLY)

4. OTHER

- 4.1 E2017.022-CROWN - Integrated Land Management Bureau

Naramata Benchland Properties Ltd.

Agent: Elenko, Brad

For Information Purposes Only

Evelyn Riechert (RDOS Planner) and Craig Dusel presented the proposed site drainage solution, options, potential plans and responsibilities.

The Area 'E' APC has concerns regarding maintenance and liability, if there is a drainage failure, responsibility remains with the approving authorities.

- 4.2 APC Bylaw No. 2339 5.1 - Chair of the Commission

Election of the Chair, Vice-Chair and Secretary (to be performed at the first meeting of each new year - Section 5.1; Bylaw No. 2339)

Voting postponed to the next Area 'E' APC Meeting on June 12th, 2017

5. APPROVAL OF PREVIOUS MEETING MINUTES

Date error noted in the footer and in Next Meeting section of the minutes, 2016 will be amended to 2017.

MOTION

It was Moved and Seconded by the APC that the Minutes of April 10th, 2017 be approved as amended.

CARRIED (UNANIMOUSLY)

6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 8:39 p.m.

CARRIED (UNANIMOUSLY)

Next Electoral Area 'E' Advisory Planning Commission Meeting
Monday, June 12th, 2017 at 7:30 p.m.

Advisory Planning Commission Chair



Advisory Planning Commission Recording Secretary / minute taker

MINUTES
Electoral Area F Advisory Planning Commission
Meeting of Thursday May 18, 2017
RDOS 101 Martin Street, Penticton

Members Present:

Sandy Berry, Vice Chair
Don Barron
Natalie Minunzie, Acting Sectary

Also Present:

Michael Brydon, RDOS Director Area F
Rhonda Jacobs
Rick Clarke
Kevin Taylor, RDOS Planning Technician

Absent:

Hillary Ward, APC Chair
Bob Nicholson, APC Secretary
Stewart Patterson, APC member

1. CALL TO ORDER: Meeting called to order at 7:00 p.m.

2. ADOPTION OF AGENDA:

MOTION: Moved and Seconded that the Agenda be adopted.
CARRIED UNANIMOUSLY.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING:

MOTION: Moved and Seconded that the Minutes of the APC Meeting, April 6, 2017 be approved.
CARRIED UNANIMOUSLY.

4. DELEGATIONS:

4.1 Jacobs, Rhonda for Development Variance Permit Application.
Agent: Clarke, Rick.
FO7390.005 / Project # F2017.065.DVPC

5. DEVELOPMENT APPLICATION:

5.1. To allow for the installation of an in ground swimming pool.
Rhonda Jacobs, 916 Newton Drive, West Bench Small Holdings Five (SH5).
Agent: Rick Clarke.
Legal Lot A, District Lot 5076, ODYD, Plan 28659. Requested variance SMH 5 (SH5) - to reduce the rear parcel line setback from 9.0 metres to 3.0 metres to accommodate a swimming pool.

Discussion.

MOTION: Moved and Seconded that the APC recommend to the RDOS that the subject development application be approved.
CARRIED UNANIMOUSLY.

6. ADJOURNMENT:

MOTION: Moved and Seconded that the meeting be adjourned at 8:15, p.m.
CARRIED UNANIMOUSLY.

Sandy Berry

Advisory Planning Commission Vice Chair

Natalie Minunzie

Acting Secretary

It was Moved and Seconded that the APC recommends to the RDOS that the subject Referral Application be approved with the following conditions: that the subdivision be considered as a parcel only, regardless of farm status.

CARRIED 4 in favour/ 3 opposed

3.2 [G02834.010 \(G2017.043-ALC\) – Agricultural Land Commission Referral Application](#)

Administrative Report submitted by Evelyn Riechert, Planner

Delegate: Pereira, John & Deanna present

It was Moved and Seconded that the APC recommends to the RDOS that the subject Referral Application be approved.

CARRIED (UNANIMOUSLY)

3. Other

3.1 APC Bylaw No. 2339 5.1 – Chair of the Commission
Election of the Chair, Vice-Chair and Secretary (to be performed at the first meeting of each new year – *Section 5.1; Bylaw No. 2339*)

Commission members nominated Walter Despot for Chair, who declined.

Commission nominates Brad Clifton as Chair, who accepted

Commission nominates Gary Lawrence as Vice-Chair, who accepted

No nominations for Secretary.

4. ADJOURNMENT

4.1 **MOTION**

It was Moved and Seconded that the meeting be adjourned at 8:30 pm.

CARRIED (UNANIMOUSLY)

Walter Despot

Advisory Planning Commission Chair

ERiechert

Advisory Planning Commission Recording Secretary / minute taker

The geotechnical classification of the property under the "West Bench/Sage Mesa Area Geological Hazards Review" (1992), prepared by Klohn Leonoff Limited, is Gravel or Bedrock: "Limited or no hazard of slumps and slides."

Public Process:

At its meeting of May 18, 2017, the Electoral Area "F" Advisory Planning Commission (APC) resolved to recommend to the Board that Development Variance Permit No. F2017.065-DVP be approved.

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting.

Analysis:

When assessing variance requests a number of factors are generally taken into account. These include: the intent of the zoning; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

The purposes of a setback regulation is to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. In this instance, the requested variance is considered to be relatively minor. The proposed swimming pool will be installed in ground at grade and it is not anticipated that this will adversely impact the adjacent parcel.

Administration believes that the 9.0 metres setback for accessory structures was to prevent these from imposing on neighbouring properties as the current maximum height in the SH5 Zone is 8.0 metres. By way of comparison, the rear yard setback in Electoral Area "D-2" for accessory structures in the SH5 Zone is 1.5 metres with a maximum height of 5.5 metres.

As part of the proposed amendments to the Electoral Area Zoning Bylaws related to height and retaining walls it is proposed to reduce the rear parcel line setback in the SH5 Zone from 9.0 metres to 3.0 metres to be consistent with reduced heights for accessory structures.

The applicant has indicated that the proposed 3.0 metre setback would be sufficient, however the timeline they have established with their contractor does not enable them to wait for the amendments to be formally considered by the Board.

A geotechnical report will be required at time of building permit as the Regional District of Okanagan-Similkameen Policy P3740-00.02 requires a report certified by a professional engineer with experience in geotechnical engineering to certify that the land may be used safely for the uses intended and to assess the impacts of the proposed development on adjacent and downstream lands.

Alternative:

THAT the Board of Directors deny Development Variance Permit No. F2017.065-DVP.

Respectfully submitted

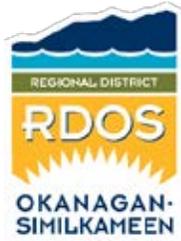


K. Taylor, Planning Technician

Endorsed by:



C. Garrish, Planning Supervisor



Development Variance Permit

FILE NO.: F2017.065-DVP

Owner: Rhonda Jacobs
916 Newton Drive
Penticton, BC, V2A 8Z3

Agent: Richard Clarke
916 Newton Drive
Penticton BC, V2A 8Z3

GENERAL CONDITIONS

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District of Okanagan-Similkameen applicable thereto, except as specifically varied or supplemented by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit that shall form a part thereof.
3. Where there is a conflict between the text of the permit and permit drawings or figures, the drawings or figures shall govern the matter.
4. This Development Variance Permit is not a Building Permit.

APPLICABILITY

5. This Development Variance Permit is substantially in accordance with Schedules 'A' & 'B', and applies to and only to those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot A, DL 5076, ODYD, Plan 28659

Civic Address: 916 Newton Drive

Parcel Identifier (PID): 004-520-661 Folio: F07390.005

CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "F" Zoning Bylaw No. 261, 2008, in the Regional District of Okanagan-Similkameen:
 - a) The minimum rear parcel line setback for an accessory structure in the Small Holdings Five (SH5) zone, as prescribed at Section 10.8.7(b)(ii) is varied:
 - i) from: 9.0 metres, as shown on Schedule 'B'.

to: 3.0 metres, as shown on Schedule 'B'.

7. **COVENANT REQUIREMENTS**

a) Not Applicable

8. **SECURITY REQUIREMENTS**

a) Not applicable

9. **EXPIRY OF PERMIT**

The development shall be carried out according to the following schedule:

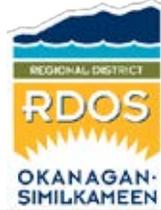
- a) In accordance with Section 504 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within two (2) years after the date it was issued, the permit lapses.
- b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on _____, 2017.

B. Newell, Chief Administrative Officer

Regional District of Okanagan-Similkameen

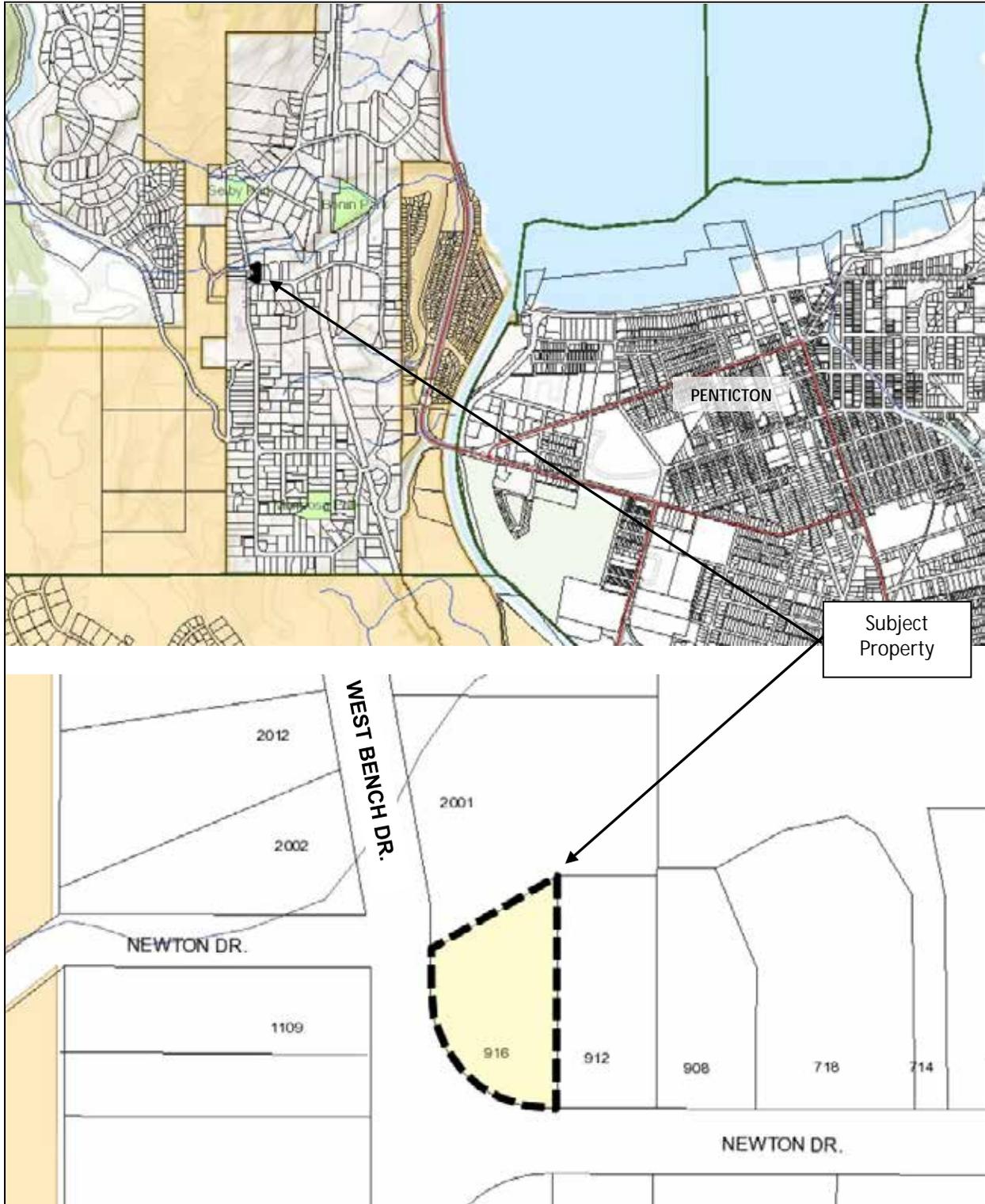
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Development Variance Permit

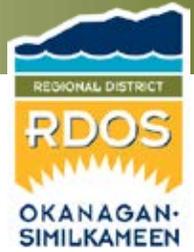
File No. E2017.065-DVP

Schedule 'A'



Subject Property

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 1, 2017
RE: Zoning Bylaw Amendment – Electoral Area “E”

Administrative Recommendation:

THAT Bylaw No. 2459.25, 2017, Electoral Area “E” Zoning Amendment Bylaw be read a third time and adopted.

Purpose: To allow for the development of an accessory dwelling on the second storey of an existing garage.

Owners: Nicolas & Bernadette Gammer Agent: Nicolas Gammer Folio: E-02086.010

Civic: 2870 Gammon Road, Naramata Legal: Lot A, Plan KAP36242, District Lot 207, YDYD

Zone: Agriculture One (AG1) Proposed Zoning: Agriculture One Site Specific (AG1s)

Proposed Development:

This application is seeking to allow for the conversion of the second story of an existing garage for residential purposes.

Specifically, it is being proposed to introduce a site specific zoning that will allow an accessory dwelling to not exceed two stories and a maximum height of 6.2 metres on the subject property (NOTE: the AG1 Zone currently limits accessory dwellings to a maximum height of one storey and 5.0 metres in height).

In support of the application, the applicant has stated that “this ‘carriage house’, with its striking view, has been designed to blend nicely into the rest of our large, well-treed and landscaped property ...”, a new septic system has been designed to accommodate the proposed use and that developing this dwelling unit will allow the applicant to “accommodate visiting family and friends”.

Site Context:

The subject property is approximately 1,524 m² in area and is situated on the east side of Gammon Road and comprises a single detached dwelling and garage (which will be replaced as part of the current proposal) and is within the Naramata Community Water Service area and on a private septic system.

The surrounding pattern of development is seen to be characterised by a mix of residential, rural-residential and agricultural uses.

Background:

At its meeting of May 8, 2017, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that the application be approved.

A Public Information Meeting was held ahead of the APC meeting on May 8, 2017, and was attended by no members of the public.

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

At its meeting of May 18, 2017, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed the scheduling of a public hearing.

A Public Hearing is scheduled to occur ahead of the Regular Board Meeting on June 1, 2017.

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 notes its previous support for the introduction of “carriage houses” as a permitted form of residential development in other Electoral Areas on the basis that “carriage houses” present an opportunity to diversify housing stock, create a more liveable alternative to basement suites, create potential accommodation for extended family, and allow people to age in place.

Administration further considers the merits of allowing “carriage houses” to be akin to that of “secondary suites” — which are permitted in the AG1 Zone — and as furthering the objectives of the OCP to provide affordable and rental housing opportunities within Naramata.

That said, Administration is concerned about the density of development that may occur on smaller parcel sizes and believes that the number of units should be limited to either a secondary suite or carriage house, but not both.

Accordingly, it is being proposed to structure the site specific provision to exclude the ability to undertake a secondary suite on the subject property if an accessory dwelling is to be constructed above the garage.

With regard to the requested increase to the maximum allowable height, draft Amendment Bylaw No. 2728 (which was considered by the Planning and Development Committee at its meeting of May 4, 2017) is proposing to remove the 5.0 metre / one storey limitation on “accessory dwellings” in the AG1 Zone. In place of these general regulations, it is proposed to rely on the maximum height permitted of the zoning, which is generally 10.0 metres in the AG zones.

Alternative:

THAT first and second readings of Bylaw No. 2459.25, 2017, Electoral Area “E” Zoning Amendment Bylaw be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Site Photos

Attachment No. 1 – Site Photos



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2459.25, 2017

A Bylaw to amend the Electoral Area "E" Zoning Bylaw No. 2459, 2008

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "E" Zoning Amendment Bylaw No. 2459.25, 2017."
2. The Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2012, is amended by changing the land use designation on the land described as Lot A, Plan KAP36242, District Lot 207, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Agriculture One (AG1) to Agriculture One Site Specific (AG1s).
3. The Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended by:
 - i) adding a new section following 15.2.12 under Section 15.2 (Site Specific Agriculture One (AG1) Provisions) to read as follows:
 - .12 in the case of land described as Lot A, Plan KAP36242, District Lot 207, SDYD, and shown shaded yellow on Figure 15.2.12:
 - a) despite Section 10.2.5, the maximum number of dwellings permitted per parcel shall be:
 - i) one (1) principal dwelling; and
 - ii) one (1) accessory dwelling, mobile home or secondary suite.
 - b) despite Section 7.11.2, an accessory dwelling shall not exceed two stories and a maximum height of 6.2 metres.

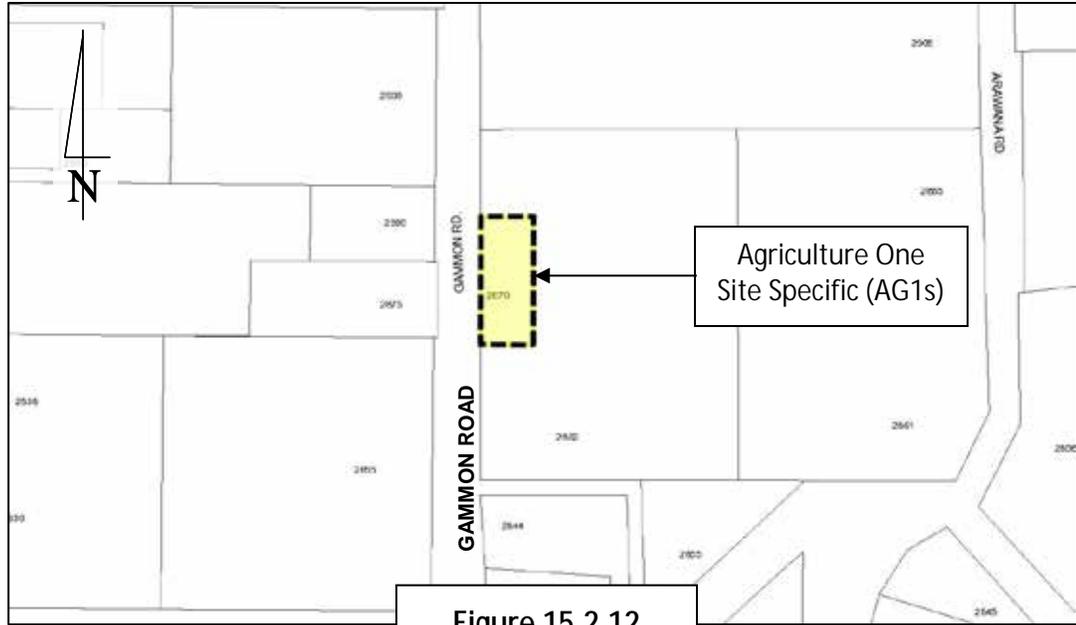


Figure 15.2.12

READ A FIRST AND SECOND TIME this 18th day of May, 2017.

PUBLIC HEARING held on this 1st day of June, 2017.

READ A THIRD TIME this ____ day of _____, 2017.

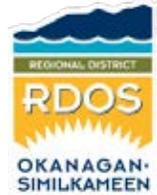
ADOPTED this ____ day of _____, 2017.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

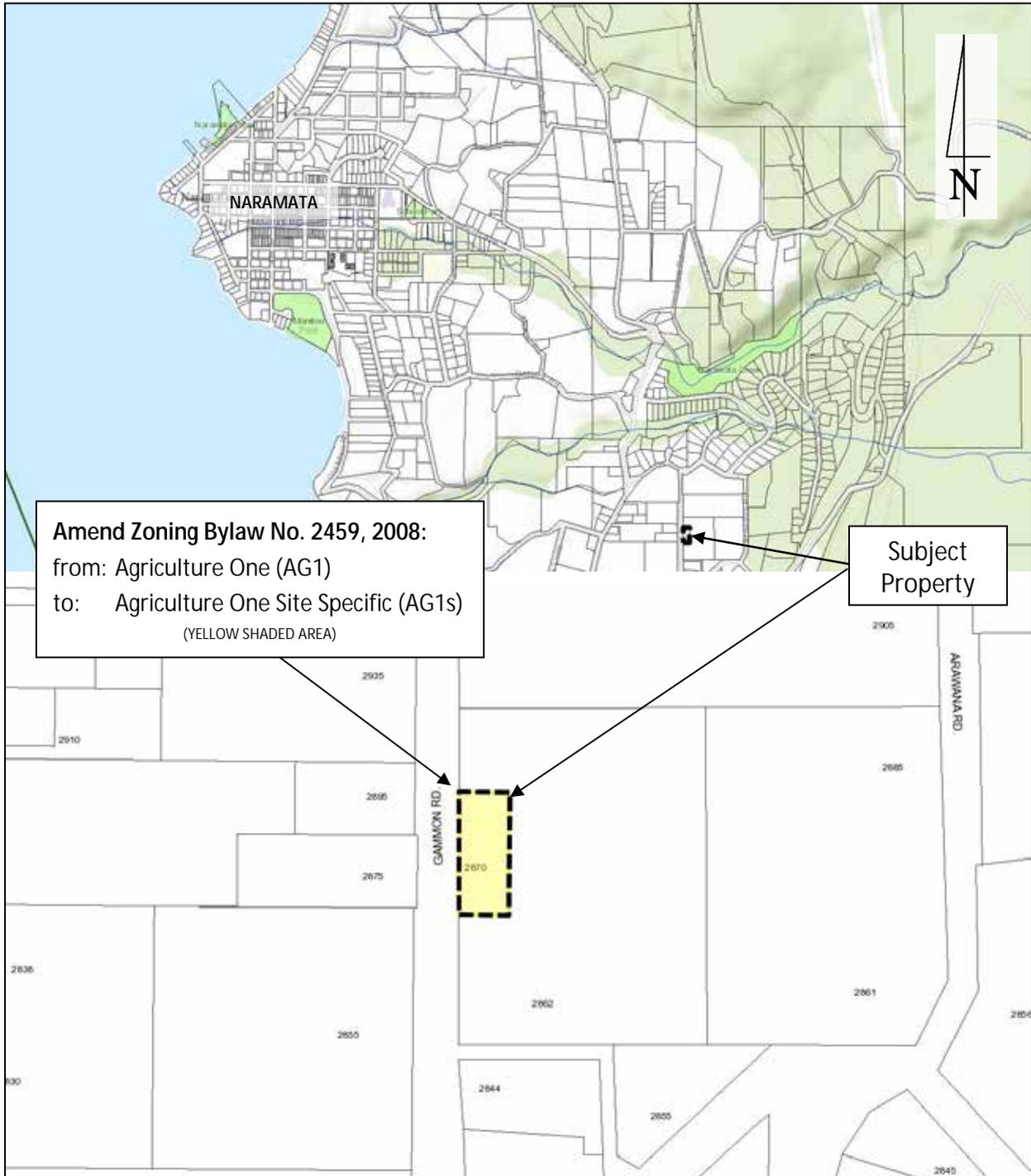
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca

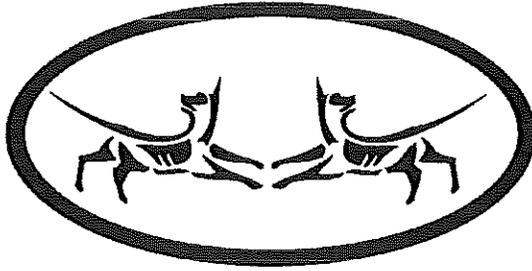


Amendment Bylaw No. 2459.25, 2017

Project No: E2017.054-ZONE

Schedule 'A'





Penticton Indian Band

Natural Resource Department
R.R. #2, Site 80, Comp.19
Penticton, British Columbia
Canada V2A 6J7
Referrals@pib.ca | www.pib.ca
Telephone: 250-492-0411 Fax: 250-493-2882

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

April-20-17

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

RTS ID: 2338

Referral ID: 2017-04-12 ZON 2338

Reference ID: BL2459.25 E2017.054-Zon

Referral Date: April-12-17

Summary: Amend the maximum height for an accessory dwelling from one storey & 5.0 metres to 6.2 metres in order to allow for the development of a dwelling unit above an existing garage (i.e. "carriage house").

Attention: Christopher Garrish

The Penticton Indian Band acknowledges receipt of your referral dated April-12-17. 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
- Original Application
- Archaeology Impact Assessment Report
- Archaeology Overview Assessment Report
- Environmental Assessment Report

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

RTS ID: 2338



Lauri Feindell

Subject: FW: Bylaw Referral E2017.054-ZONE (Gammer)

From: Collins, Martin J ALC:EX [mailto:Martin.Collins@gov.bc.ca]
Sent: April 24, 2017 1:28 PM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Cc: Bedore, Jenna ALC:EX <Jenna.Bedore@gov.bc.ca>
Subject: RE: Bylaw Referral E2017.054-ZONE (Gammer)

Lauri

This is to advise that the ALC does not support the bylaw amendment because a dwelling over a farm building is only permitted when the property has "farm" assessment tax status.

No information is provided in the referral indicating that the proposal is consistent with the ALC Regulation.

Regards

Martin Collins
Director, Policy and Planning
Agricultural Land Commission
#133 4940 Canada Way
Burnaby, BC, V5G 4K6
martin.collins@gov.bc.ca
604-660-7014



April 10, 2017

Re: Letter of support – Nicholas & Bernadette Gammer’s “Site Specific Re-zoning Application”
of April 6, 2017

To: Christopher Garrish
Planning Supervisor
RDOS
101 Main St
Penticton, BC
V2A 5J9

Re: Re-zoning application to allow for the completion of the construction of a building under
section “7.11 Accessory Dwelling as a “Carriage House”

I have no issue with the completion of the building as a “Carriage House”.

Sincerely,



Dale Collins

2844 Gammon Rd
Naramata, BC
V0H 1N0

RECEIVED
Regional District

APR 11 2017

101 Martin Street
Penticton BC V2A 5J9





Minutes

Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, May 8th, 2017 at 7:30 p.m.

OAP Hall, 330 - 3rd Street, Naramata, BC

Present:

Members: Dave Kopp (as Chair), Heather Fleck, Tim Forty, Tom Hoenisch, Phil Janzen

Absent: Bruce Clough (Chair, Electoral Area 'E' APC), Don Mancell

Staff: Evelyn Riechert (RDOS Planner), Kevin Taylor (RDOS Planning Technician), Levan King-Cranston all left meeting at 8:37 p.m.

Guests: Karla Kozakevich (RDOS Area 'E' Director)

Recording Secretary: Heather Lemieux (Recording Secretary)

Delegates: Nicolas Gammer left meeting at 8:02 p.m., Robert Mackenzie left meeting at 8:21 p.m., Craig Dusel left meeting at 8:37 p.m.

1. ADOPTION OF AGENDA

The meeting was called to order at 7:34 p.m. Quorum Present.

MOTION

It was Moved and Seconded that the Agenda be adopted as presented.

CARRIED (UNANIMOUSLY)

2. DELEGATIONS

2.1 Gammer, Nicholas & Bernadette for Zoning Bylaw Amendment Application
E02086.010 (E2017.054-ZONE)

2.2 Kneller, Bryan & Carrol for Development Variance Permit Application Agent:
Mackenzie, Robert
E02329.025 / (E2017.045-DVP)



3. DEVELOPMENT APPLICATIONS

- 3.1 E02086.010 (E2017.054-ZONE) - Zoning Bylaw Amendment Application**
Administrative Report submitted by Christopher Garrish, Planning Supervisor

MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

CARRIED (UNANIMOUSLY)

- 3.2 E02329.025 (E2017.045-DVP) - Zoning Bylaw Amendment Application**
Administrative Report submitted by Evelyn Riechert, Planner

MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.

CARRIED (UNANIMOUSLY)

4. OTHER

- 4.1 E2017.022-CROWN - Integrated Land Management Bureau**

Naramata Benchland Properties Ltd.

Agent: Elenko, Brad

For Information Purposes Only

Evelyn Riechert (RDOS Planner) and Craig Dusel presented the proposed site drainage solution, options, potential plans and responsibilities.

The Area 'E' APC has concerns regarding maintenance and liability, if there is a drainage failure, responsibility remains with the approving authorities.

- 4.2 APC Bylaw No. 2339 5.1 - Chair of the Commission**
Election of the Chair, Vice-Chair and Secretary (to be performed at the first meeting of each new year - Section 5.1; Bylaw No. 2339)

Voting postponed to the next Area 'E' APC Meeting on June 12th, 2017

5. APPROVAL OF PREVIOUS MEETING MINUTES

Date error noted in the footer and in Next Meeting section of the minutes, 2016 will be amended to 2017.

MOTION

It was Moved and Seconded by the APC that the Minutes of April 10th, 2017 be approved as amended.

CARRIED (UNANIMOUSLY)

6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 8:39 p.m.

CARRIED (UNANIMOUSLY)

Next Electoral Area 'E' Advisory Planning Commission Meeting
Monday, June 12th, 2017 at 7:30 p.m.

Advisory Planning Commission Chair



Advisory Planning Commission Recording Secretary / minute taker

Lauri Feindell

From: Beaupre, John <John.Beaupre@interiorhealth.ca>
Sent: May 1, 2017 4:48 PM
To: Planning
Cc: Christopher Garrish
Subject: Application to Amend Height Restrictions to Allow Construction of Carriage House - RDOS File: E2017.054-ZONE

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

Attention Christopher Garrish:

**Re: Proposed Amendment of Zoning Bylaw to Allow Over Height Building With Secondary Dwelling
Lot A, Plan KAP36242, District Lot 207, SDYD (2870 Gammon Road, Naramata)**

Thank you for the opportunity to provide comment on the above referenced application to increase the allowed building height from 5.0 meters to 6.2 meters.

Information provided indicates a new Sewerage Dispersal System (SDS) was installed on the subject property in September of 2014 to replace a failed system. The new system is designed to service a 3 bedroom dwelling and a washroom in a garage/workshop on the property.

Given that the existing SDS was **not** sized to accommodate both the primary dwelling and a secondary dwelling on the subject property this office recommends that an "Authorized Person" as defined in the Sewerage System Regulation assess the existing SDS and confirm whether or not the current system is of sufficient size and capacity to service both the existing dwelling and the proposed secondary dwelling. Depending on the ROWP's findings the existing SDS may need to be enlarged or another separate SDS may need to be constructed to service the proposed secondary dwelling.

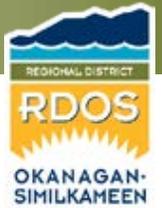
It is understood that there are existing constraints to SDS installation on the subject property which include presence of bedrock and natural topography. Consideration should be given to ensuring a suitable area exists on the property for installation of replacement SDS's for when the existing and/or future SDS's fail.

Please contact me with any questions you may have.

Thank you.

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

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 1, 2017
RE: Zoning Bylaw Amendment – Electoral Area “D”

Administrative Recommendation:

THAT Bylaw No. 2457.18, 2017 and Bylaw No. 2457.19, 2017, Electoral Area “D-1” Zoning Amendment Bylaws, as amended, be read a third time.

Purpose: To undertake a “voluntary discharge” and “early termination” of LUC-23-D-77 on 11 properties adjoining Taggart Crescent at Twin Lakes and to replace it with a Small Holdings Four (SH4) Zone.

Owners: various Agent: N/A Folios: various Civic: Taggart Crescent, Twin Lakes

Legal: Lots 1-8, Plan KAP29328, District Lot 411, SDYD; and Lots 1-3, Plan KAP58276, District Lot 411, SDYD.

Zoning: LUC-23-D-77 Proposed Zoning: Small Holdings Four (SH4)

Proposal:

The purpose of the amendment bylaws is to undertake a “voluntary discharge” and “early termination” of Land Use Contract (LUC) No. LU-23-D-77 on 11 properties adjoining Taggart Crescent at Twin Lakes and to replace it with a Small Holdings Four (SH4) Zone.

This process was initiated by a rezoning application submitted by the property owners at 137 Taggart Crescent in order to replace LUC No. LU-23-D-77 with zoning so that they could develop a secondary suite (which is not currently permitted by the LUC).

The Board as asked to be aware that following approval of second reading of the amendment bylaws at its meeting on April 20, 2017, the property owner of 125 Taggart Crescent (Lot 5, Plan KAP29328, District Lot 411, SDYD) requested to participate in the “voluntary discharge” option. Administration supports this request and is recommending that both amendment bylaws be read a third time, as amended, to reflect this.

Site Context:

The subject properties are approximately 4,134 m² (Lot 2) and 3849 m² (Lot 5) in area, and are located in the Twin Lakes area, fronting Trout Lake, approximately 220 m from Highway 3. The entire LUC area is approximately 4.7 ha in area and contains 11 properties.

Background:

A Public Information Meeting was held on March 29, 2017 at the Kaleden Hall where eight members of the public were in attendance.

At its meeting of April 11, 2017, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the Board to approve the subject application.

At its meeting of April 20, 2017, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed the scheduling of a public hearing.

A Public Hearing is scheduled to occur ahead of the Regular Board Meeting on June 1, 2017.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the proposed amendment affects land within 800 metres of a controlled area.

Analysis:

In considering this proposal, Administration notes that most of the permitted uses and siting regulations contained with LUC-23-D align directly with those permitted within the Small Holdings Four (SH4) zone.

The notable difference between the two zones is that the SH4 zone permits a secondary suite whereas the LUC does not. In the Electoral Area "D-1" Zoning Bylaw No. 2457, 2008, a secondary suite may; however, be contained in an accessory structure such as a garage.

Permitting secondary suites, as long as they meet the associated regulations with regards to size of property, servicing requirements and location, has been seen as a progressive step in providing housing options and consistency between electoral areas. The Board is advised that a future planning project is to consider the merits of introducing 'carriage houses' as a permitted accessory use in certain zones, such as the SH4 zone.

Alternative:

THAT first and second reading of Bylaw No. 2457.18, 2017 and Bylaw No. 2457.19, 2017, Electoral Area "D-1" Zoning Bylaw amendments be abandoned.

Respectfully submitted

ERiechert

E. Riechert, Planner

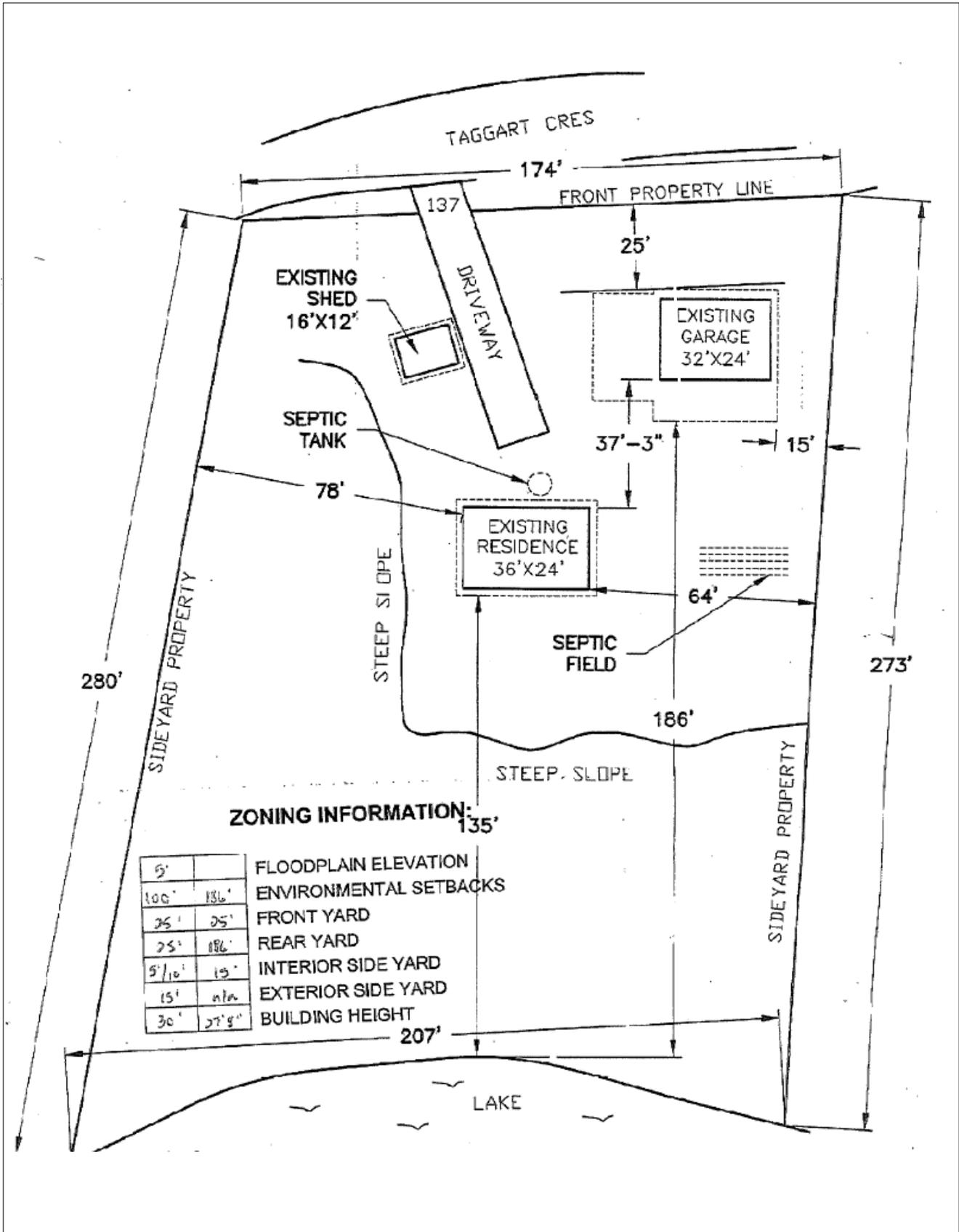
Endorsed by:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Applicant's Site Plan (137 Taggart Crescent)

Attachment No. 1 – Applicant's Site Plan



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2457.18, 2017

**A Bylaw to partially discharge Land Use Contract No. LUC-23-D-77 and
to amend the Electoral Area "D" Zoning Bylaw No. 2457, 2008**

WHEREAS pursuant to s. 548 of the *Local Government Act*, a local government may, by bylaw, terminate a land use contract that applies to land within the jurisdiction of the local government; and

WHEREAS the registered owners of the land described in Section 2 of this bylaw have agreed to the discharge for the land use contract that applies to their lands;

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Trout Lake Land Use Contract 23-D-77 Discharge and Zoning Amendment Bylaw No. 2457.18, 2017."
2. The Land Use Contract No. LUC-23-D, registered in the Kamloops Land Title Office under charge number N26319 against title to the lands described as Lots 2 & 5, Plan KAP29328, District Lot 411, SDYD, and shown shaded yellow on the attached Schedule 'Y-1' (which forms part of this Bylaw), is discharged in respect of that land and the authorized signatories of the Regional District may execute the discharge agreement attached to this bylaw as Schedules 'Y-2' and 'Y-3'.
3. The land specified in section 2, and shown shaded yellow on the attached Schedule 'Y-1' (which forms part of this Bylaw) is zoned Small Holdings Four (SH4) in the Regional District of Okanagan-Similkameen, Electoral Area "D" Zoning Bylaw No. 2457, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2457, 2008, is amended accordingly.
4. The Electoral Area "D" Zoning Bylaw No. 2457, 2008, is amended by:

- a) adding a new reference to “Small Holdings Four SH4” under Section 6.1 (Zoning Districts).
- b) adding a new sub-section 10.7 (Small Holdings Four Zone) under Section 10.0 (Rural Zones) to read as follows:

10.7 SMALL HOLDINGS FOUR ZONE (SH4)

10.7.1 Permitted Uses:

Principal Uses:

- a) agriculture, subject to Section 7.22;
- b) single detached dwellings;

Secondary Uses:

- c) secondary suites, subject to 7.12;
- d) home occupations, subject to Section 7.17;
- e) bed and breakfast operations, subject to Section 7.19;
- f) accessory buildings and structures, subject to Section 7.13.

10.7.2 Site Specific Small Holdings Four (SH4s) Provisions:

- a) see Section 16.25

10.7.3 Minimum Parcel Size:

- a) 0.5 ha, subject to servicing requirements.

10.7.4 Minimum Parcel Width:

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

10.7.5 Maximum Number of Dwellings Permitted Per Parcel:

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

10.7.6 Minimum Setbacks:

- a) Buildings and structures, subject to Section 7.22:

- i) Front parcel line 7.5 metres
- ii) Rear parcel line 7.5 metres
- iii) Interior side parcel line 4.5 metres
- iv) Exterior side parcel line 4.5 metres
- b) Accessory buildings or structures, subject to Section 7.22:
 - 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

10.7.7 Maximum Height:

- a) No building, accessory building or structure shall exceed a height of 10.0 metres;

10.7.8 Maximum Parcel Coverage:

- a) 25%

10.7.9 Minimum Building Width:

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

- c) adding a new sub-section 16.25 under Section 16.0 (Site Specific Designations) to read as follows:

16.25 Site Specific Small Holdings Four (SH4) Provisions:

- .1 *blank*

READ A FIRST AND SECOND TIME this 20th day of April, 2017.

PUBLIC HEARING held on this 1st day of June, 2017.

READ A THIRD TIME, AS AMENDED, this ___ day of _____, 2017.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area 'D' Zoning Amendment Bylaw No. 2457.18, 2017" as read a Third time by the Regional Board on this ___day of ___, 2017.

Dated at Penticton, BC this ___ day of ___, 2017

Chief Administrative Officer

Approved pursuant to Section 52(3) of the Transportation Act this ___ day of _____, 2017.

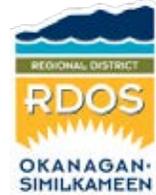
ADOPTED this ___ day of _____, 2017.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

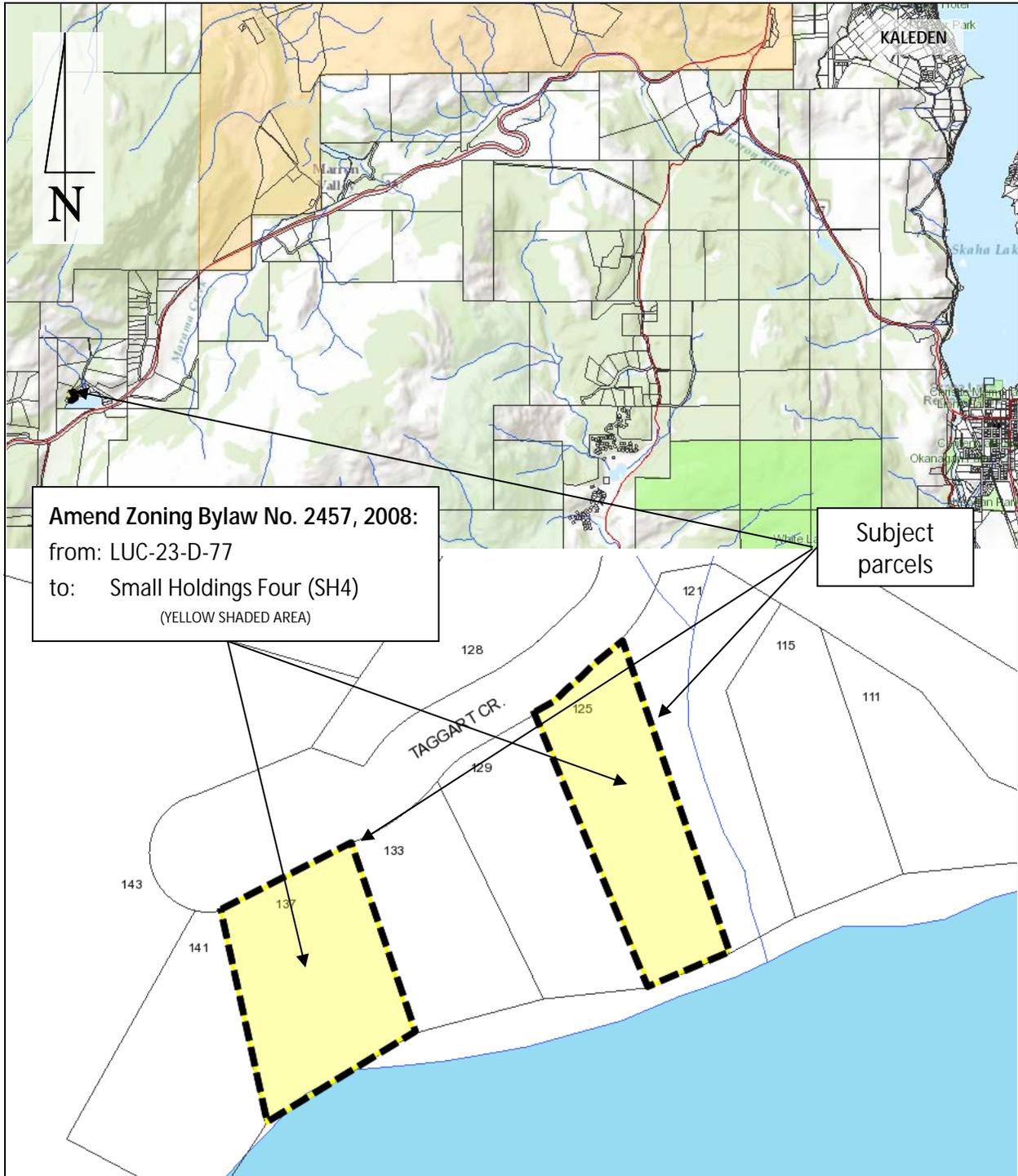
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.18, 2017

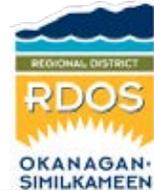
Project No: D2017.016-ZONE

Schedule 'Y-1'



Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2457.18, 2017

Project No: D2017.016-ZONE

Schedule 'Y-2'



LAND USE CONTRACT DISCHARGE AGREEMENT

Regional District of Okanagan-Similkameen

WHEREAS on November 17, 1977 the Okanagan-Similkameen Regional District entered into a land use contract with TAB Holdings Ltd in respect to lands described as "that part shown as parcel "B" on Plan "B"6484 of District Lot 411, Similkameen Division Yale District, Kettle River Assessment Area", which land use contract was authorized by Electoral Area "D" Zoning Bylaw No. 100 Amendment Bylaw No. 377, 1977 and registered in the Kamloops Land Title Office under N26319 (the 'Land Use Contract'); and

WHEREAS the Land was subsequently subdivided by Plan 29328 deposited in the Kamloops Land Title Office on October 11, 1978; and

WHEREAS on May 26, 2006 Andrew Gordon Joyner and Debbie Lee McCartney (the "Owners") became the owners in fee simple of Lot 2, District Lot 411, SDYD, Plan 29328 ("Lot 2"); and

WHEREAS the Regional District and the Owner wish to discharge the Land Use Contract in respect of Lot 2; and

WHEREAS under Section 546 of the *Local Government Act* a land use contract that is registered in a land title office may be discharged by bylaw, with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment; and

WHEREAS the Regional District has held a public hearing in accordance with Sections 464 of the *Local Government Act* and has authorized the execution of this Agreement by Electoral Area "D" Land Use Contract Discharge and Zoning Amendment Bylaw No. 2457.18, 2017;

THIS AGREEMENT is evidence that, in consideration of the premises and the sum of one dollar paid to the Regional District by the Owner, the receipt and sufficiency of which are acknowledged by the Regional District, the Owner and the Regional District agree that the Land Use Contract is discharged in relation to Lot 2.

ANDREW G JOYNER AND DEBBIE L MCCARTNEY AS JOINT TENANTS



Authorized Signatories:

REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN
By its authorized signatories:

Board Chair:

Corporate Officer:

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2457.18, 2017

Project No: D2017.016-ZONE

Schedule 'Y-3'



LAND USE CONTRACT DISCHARGE AGREEMENT

Regional District of Okanagan-Similkameen

WHEREAS on November 17, 1977 the Okanagan-Similkameen Regional District entered into a land use contract with TAB Holdings Ltd in respect to lands described as "that part shown as parcel "B" on Plan "B"6484 of District Lot 411, Similkameen Division Yale District, Kettle River Assessment Area", which land use contract was authorized by Electoral Area "D" Zoning Bylaw No. 100 Amendment Bylaw No. 377, 1977 and registered in the Kamloops Land Title Office under N26319 (the 'Land Use Contract'); and

WHEREAS the Land was subsequently subdivided by Plan 29328 deposited in the Kamloops Land Title Office on October 11, 1978; and

WHEREAS on Oct 1996 (date of purchase) Richard & Sandra Hawthorne (the "Owners") became the owners in fee simple of Lot 5, District Lot 411, SDYD, Plan KAP29328 ("Lot 5"); and

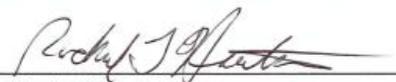
WHEREAS the Regional District and the Owner wish to discharge the Land Use Contract in respect of Lot 5; and

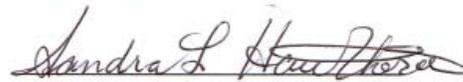
WHEREAS under Section 546 of the *Local Government Act* a land use contract that is registered in a land title office may be discharged by bylaw, with the agreement of the local government and the owner of any parcel of land that is described in the bylaw as being covered by the amendment; and

WHEREAS the Regional District has held a public hearing in accordance with Sections 464 of the *Local Government Act* and has authorized the execution of this Agreement by Electoral Area "D" Land Use Contract Discharge and Zoning Amendment Bylaw No. 2457.18, 2017;

THIS AGREEMENT is evidence that, in consideration of the premises and the sum of one dollar paid to the Regional District by the Owner, the receipt and sufficiency of which are acknowledged by the Regional District, the Owner and the Regional District agree that the Land Use Contract is discharged in relation to Lot 5.

RICHARD T HAWTHORNE AND SANDRA L HAWTHORNE AS JOINT TENANTS


Authorized Signatories:



REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN
By its authorized signatories:

Board Chair:

Corporate Officer:

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2457.19, 2017

**A Bylaw to terminate Land Use Contract No. LU-23-D-77 and
to amend the Electoral Area "D" Zoning Bylaw No. 2457, 2008**

WHEREAS pursuant to s. 548 of the *Local Government Act*, a local government may, by bylaw, terminate a land use contract that applies to land within the jurisdiction of the local government;

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" Trout Lake Land Use Contract LU-23-D-77 Termination and Zoning Amendment Bylaw No. 2457.19, 2017."
2. The Land Use Contract No. LU-23-D-77, registered in the Kamloops Land Title Office under charge number JN26319 against title to the land described as:
 - i) Lots 1, 3, 4, 6-8, District Lot 411, SDYD, Plan KAP29328; and
 - ii) Lots 1-3, District Lot 411, SDYD, Plan KAP58276;

and shown shaded yellow on the attached Schedule 'Y' (which forms part of this Bylaw), is terminated.

3. The land specified in section 2, and shown shaded yellow on the attached Schedule 'Y' (which forms part of this Bylaw) is zoned Small Holdings Four (SH4) in the Regional District of Okanagan-Similkameen, Electoral Area "D" Zoning Bylaw No. 2457, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2457, 2008, is amended accordingly.
4. This Bylaw shall come into force on the day that is one year and one day after the date this Bylaw is adopted.

READ A FIRST AND SECOND TIME this 20th day of April, 2017.

PUBLIC HEARING held on this 1st day of June, 2017.

READ A THIRD TIME this ___ day of _____, 2017.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "D" Zoning Amendment Bylaw No. 2457.19, 2017" as read a Third time by the Regional Board on this ___day of ___, 2017.

Dated at Penticton, BC this __ day of ___, 2017

Chief Administrative Officer

Approved pursuant to Section 52(3) of the Transportation Act this ___ day of _____, 2017.

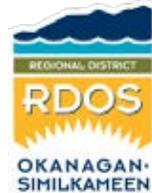
ADOPTED this ___ day of _____, 2017.

Board Chair

Corporate Officer

Regional District of Okanagan-Similkameen

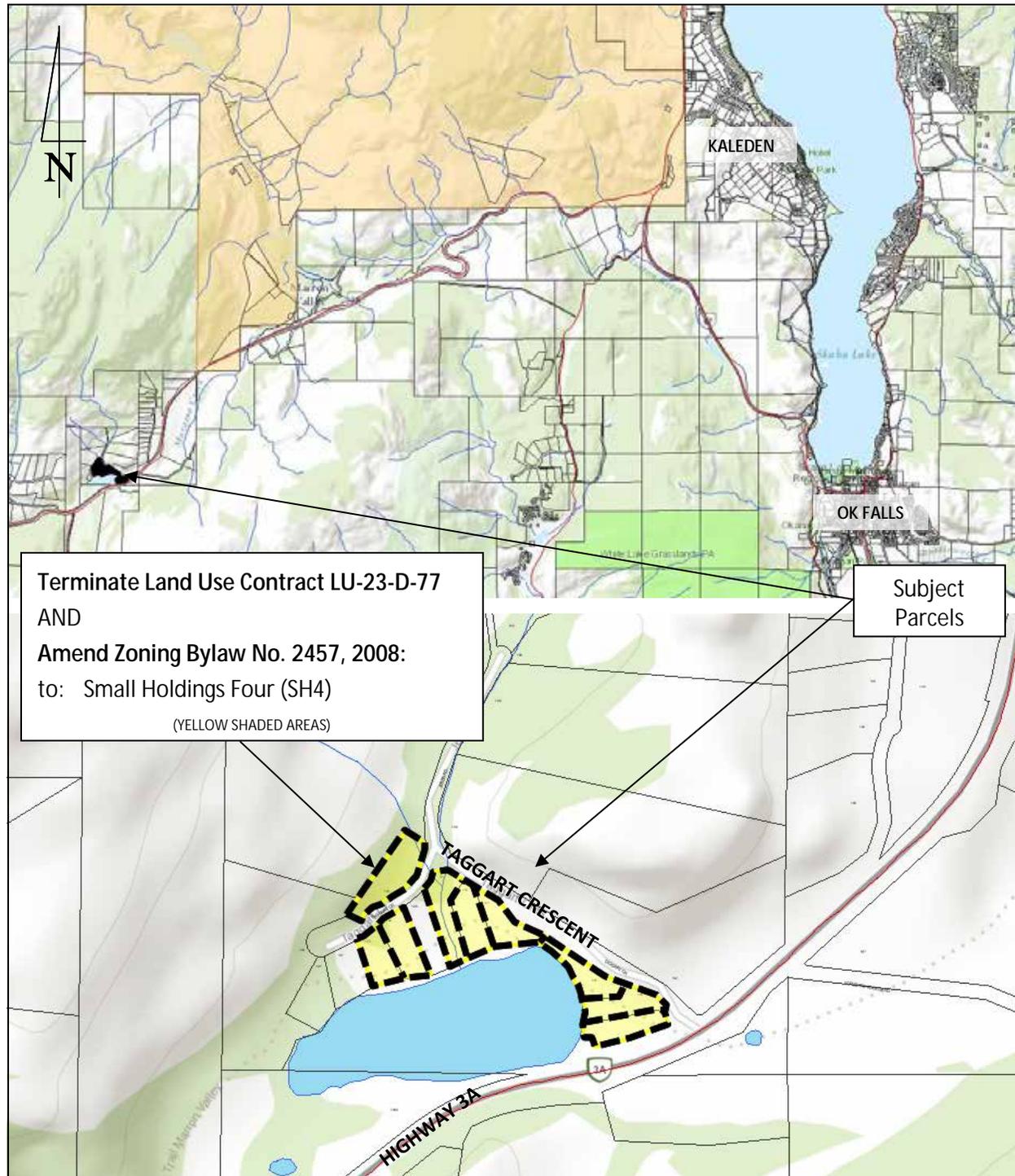
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2457.19, 2017

File No. D2017.016-ZONE

Schedule 'Y'



Lauri Feindell

From: Danielson, Steven <Steven.Danielson@fortisbc.com>
Sent: April 20, 2017 3:33 PM
To: Planning
Subject: Taggart Cres, 137 RDOS (2017.016-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Taggart Crescent. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

FortisBC Overhead Design Requirements
<http://fortisbc.com/ServiceMeterGuide>

FortisBC Underground Design Specification
<http://www.fortisbc.com/InstallGuide>

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

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

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

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.
Supervisor | Property Services | FortisBC Inc.

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



Lauri Feindell

From: Beaupre, John <John.Beaupre@interiorhealth.ca>
Sent: April 4, 2017 4:02 PM
To: Planning
Cc: Evelyn Riechert
Subject: LUC Discharge and Designation of Zone - RDOS File: D2017.016-ZONE

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

Attention Evelyn Riechert:

Re: Discharge of Land Use Contract (LUC)-23-D-77 and Replacement With Small Holdings Four (SH4) Zone and Proposed Secondary Suite at 137 Taggart Crescent Lot 2, DL411, SDYD, Plan KAP29328.

Thank you for the opportunity to provide comment on the above referenced discharge of LUC 23-D-77 and subsequent zoning of the 11 affected properties to Small Holdings Four zone and associated proposed secondary suite construction at 137 Taggart Crescent.

Typically this office would recommend against development of lots under 1.0 ha in size serviced by onsite sewerage dispersal systems and individual onsite water supply systems. However it is understood that the existing 11 developed properties under LUC-23-D do not meet the minimum lot size of 1.0 ha as required by RDOS subdivision servicing bylaws and recommended by Interior Health. It is also understood that the proposed SH4 zoning most closely fits the existing properties as developed over the life of the LUC.

Regarding the proposed secondary suite on Lot 2, DL 411, SDYD, Plan KAP29328 this office recommends having an "Authorized Person" (AP) as defined in the Sewerage System Regulation investigate the property and confirm whether or not the existing Sewerage Dispersal System (SDS) can be upsized to accommodate the additional sewage flows from the proposed suite. Should the existing SDS be found unsuitable for upsizing the AP should then confirm whether or not suitable area exists on the property for installation of a new SDS to service the proposed suite.

Consideration should also be given to identifying suitable sites for replacement SDS's for when the initial systems fail.

Please contact me with any questions you may have.

Thank you.

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





DEVELOPMENT APPROVALS
PRELIMINARY BYLAW
COMMUNICATION

Your File #: Joyner -
D2017.016-
ZONE
eDAS File #: 2017-01441
Date: March 27, 2017

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

Attention: Lauri Feindell

Re: **Proposed Bylaw 2457.18 for:**
137 Taggart Crescent
Lot 2, District Lot 411, SDYD, Plan KAP29328

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



Byner

From: Referral Apps REG8 FLNR:EX [mailto:ReferralAppsREG8@gov.bc.ca] ,
Sent: March 22, 2017 3:44 PM
To: Lauri Feindell <lfeindell@rdos.bc.ca>
Subject: RE: Bylaw Referral - D2017.016-ZONE

Hi Laurie,

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

Thank you

Cathy Lacey
Admin Support
MOE/MFLNRO Penticton



Lauri Feindell

From:
Sent: April 6, 2017 5:50 PM
To: Planning
Subject: Proposed project no.d2017.016-zone

Hi there I live in 101 taggart crescent, kaleden and I support the proposed development at 137 Taggart crescent. In fact , I wish for all the properties on this crescent to be able to have a secondary suite. It just makes sense in today's world.

These neighbors are very good people and wish for them to receive this new zoning!!
If you have any questions please don't hesitate to call me at 1-403-620-1276 Thankyou

Monique Dupre



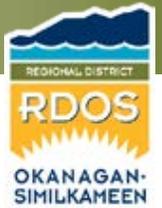
Lauri Feindell

From: >
Sent: April 6, 2017 5:57 PM
To: Planning
Subject: Project no. D2017.016-zone 137 taggart crescent

Hello I am writing to give my approval for this development so that 137 taggart crescent can have a secondary suite!
I live at 101 Taggart crescent
I can be reached at 250-497-5321
Thanks
David Fraser



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 1, 2017

RE: Official Community Plan (OCP) Bylaw & Zoning Bylaw Amendments
Electoral Areas "A", "C", "D", "E" & "F" (ESDP Update)

Administrative Recommendation:

THAT Bylaw No. 2710, 2017, Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw be read a third time, as amended.

Proposal:

Amendment Bylaw No. 2710 represents the culmination of a multi-year review and update of the environmental and park/recreational policies and objectives — including a comprehensive review of the Environmentally Sensitive Development Permit (ESDP) Area designations — found in the Okanagan Electoral Area Official Community Plan Bylaws and Zoning Bylaws.

Background:

At its meeting of September 5, 2013, the Planning and Development (P&D) Committee resolved to "accept *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* as a guiding document for the Regional District of Okanagan-Similkameen and the amendment of Official Community Plans."

Subsequent administrative reports related to the update of Parks, Recreation, Trails, Conservation Areas and Environmental Areas objectives and policies were considered by the P&D Committee at its meetings of October 16, 2014, September 17, 2015, July 7, 2016 and March 16, 2017.

Public Information Meetings were previously held on November 17, 2015 (Oliver), December 2, 2015 (West Bench), December 8, 2015 (OK Falls), December 14, 2015 (Osoyoos) and January 11, 2016 (Naramata).

A session with local area QEPs (qualified environmental professionals) occurred on March 15, 2016.

The proposed amendments were also considered by the Okanagan Advisory Planning Commissions (APCs) at meeting occurring between November of 2015 and January of 2016.

At its meeting of May 18, 2017, the Regional District Board resolved to approve first and second reading of the amendment bylaw and directed that a public hearing occur at the Board meeting of June 1, 2017.

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 considers the work undertaken to modernise and update the text and mapping within the Okanagan Electoral Area OPC Bylaws to represent a significant commitment by the Regional District Board to protecting the environmental resources found in the South Okanagan.

The new mapping associated with *Keeping Nature in our Future* will represent the first time that a consistent data set has been applied to ESDP Areas within the Okanagan Electoral Areas.

The introduction of an Expedited Rapid Environmental Assessment (REA) application option is seen to be an innovative approach to addressing one of the major short-comings of the current scheme, which has been the blanket exemption applied to all forms of residential development.

Replacement of the Terms of Reference for professionals with more definitive application requirements in the Development Procedures Bylaw as well as clearer guidelines within the OCP's is seen to provide a greater level of clarity for QEPs completing assessment report in support of ESDP applications.

The comprehensive review of the OCP and Zoning Map Schedules that has occurred will also address a number of consistency issues across the Electoral Areas (i.e. designation of provincial parks and protected areas), errors dating back to the 2008 Repeal and Re-enactment (R&R) process, allow for the incorporation of new provincial data on the Electoral Area boundaries and the colourisation of these schedules.

Given the scope of proposed changes associated with Amendment Bylaw No. 2710, Administration is proposing to monitor its implementation over the next 12 months and report back to the Board with any identified issues affecting the intended operation of the new ESDP Area scheme and possible remedies.

With regard to the proposed changes being introduced at third reading, this relates to wording that will allow all building permit applications submitted to the Regional District prior to adoption of Amendment Bylaw No. 2710 (i.e. anticipated to be June 15, 2017) to continue to be progressed under the current ESDP Area regulations.

Alternative:

THAT first and second readings of Bylaw No. 2710, 2017, Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw, be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Supervisor

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2710, 2017

**A Bylaw to amend the Electoral Areas “A”, “C”, “D”, “E”, and “F”
Regional District of Okanagan-Similkameen Official Community Plan & Zoning Bylaws**

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Parks, Recreation, Trails, Conservation Areas and Environmental Areas Update Amendment Bylaw No. 2710, 2017."
2. Subject to subsections 3-6, this bylaw comes into force on the date of adoption.
3. This bylaw does not apply in respect of any parcel that is the subject of a complete building permit application made prior to the date of adoption of the bylaw, to the extent that the bylaw would prevent the issuance of a building permit authorizing the development described in the application, provided that the application fully complies with the applicable Electoral Area zoning bylaw as of the date of adoption of this bylaw and any relevant variance and the building permit is issued within 12 months of the date of adoption of this bylaw. For these purposes, a building permit application is complete only if it includes all of the information that the Regional District requires to determine whether the development described in the application complies with the B.C. Building Code, Building Bylaw No. 2333, 2005, the applicable Electoral Area zoning bylaw and all other applicable enactments, and the permit application fee has been paid.
4. The development permit area designations effected by this bylaw do not apply to any development for which a complete building permit application has been made prior to the date of adoption of the bylaw, if on the date of application the parcel that is the subject of the application was not within a development permit area of the type

designated by this bylaw, provided that the building permit is issued within 12 months of the date of adoption of this bylaw.

5. The development permit guidelines established by this bylaw do not apply to any development for which a complete development permit application has been made prior to the date of first reading of the bylaw, to the extent that the guidelines would prevent the issuance of a development permit authorizing the development described in the application, provided that the development described in the application is in accordance with the applicable guidelines in the applicable Electoral Area official community plan bylaw and the development permit is issued within 12 months of the date of adoption of this bylaw.
6. For the purposes of subsections 4 and 5, a permit application is complete only if it includes all of the information that the Regional District requires to determine whether the development described in the application complies with the all applicable enactments, and the permit application fee has been paid.

Electoral Area "A"

7. The "Osoyoos Rural Official Community Plan Bylaw No. 2450, 2008" is amended by:
 - (i) replacing the ninth paragraph of the recital to this bylaw with the following:

The Osoyoos Rural Official Community Plan attached hereto as Schedules 'A', 'B', 'C', 'D' and 'E' and forming part of this bylaw is adopted as the Regional District of Okanagan-Similkameen, Osoyoos Rural Official Community Plan.
 - (ii) replacing the first paragraph under Section 2.0 (Official Community Plan Map Designations) with the following:

The future use and development of land within the Osoyoos Rural area should be consistent with the overall pattern of land use depicted on Schedules 'B', 'C', 'D' and 'E' based on the following land use designations:
 - (iii) replacing the reference to Parks (P) under Section 2.0 (Official Community Plan Map Designations), with the following:

Parks, Recreation and Trails	PR
------------------------------	----
 - (iv) deleting the reference to Public Corridor (PC) under Section 2.0 (Official Community Plan Map Designations).
 - (v) replacing Section 4.4.4 with the following:

Generally, does not support increasing densities or intensifying land uses within areas designated as an Environmentally Sensitive Development Permit Area or shown as an Important Ecosystem Area on Schedule 'C'. Increasing densities or intensifying land uses in areas previously zoned to allow such developments, however, will be considered if the development meets the policies and guidelines set out in this Plan.

(vi) replacing Section 4.4.5 with the following:

Works with land owners whose land is zoned for residential development and is found within an area designated as an Environmentally Sensitive Development Permit Area or shown as an Important Ecosystem Area on Schedule 'C' to consider establishing a different zoning that reasonably reflects the current density and gives due regard to physical constraints and environmental attributes.

(vii) replacing Section 7.2.3 with the following:

To preserve and protect areas with environmentally sensitive values and encourage conservation stewardship within the Large and Small Holdings designation.

(viii) replacing Section 7.3.3(c) with the following:

impact on the natural environment;

(ix) replacing Section 8.3.1(b) with the following:

capability of the natural environment to support the proposed development;

(x) replacing Section 8.4.3(e) with the following:

provides access without constructing new roads or utility corridors through areas designated or identified as environmentally sensitive on Schedule 'C', Agricultural Land Reserve, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.

(xi) replacing Section 9.3.6(a) with the following:

provides access without constructing new roads or utility corridors through areas designated or identified as environmentally sensitive on Schedule 'C', Agricultural Land Reserve, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.

(xii) replacing Section 9.3.7 with the following:

Supports open space recreation, resort commercial, agri-tourism and eco-tourism opportunities such as guest ranches, trail rides, campgrounds and/or wilderness tours, providing they do not have a detrimental impact upon the natural environment or adjacent land uses.

(xiii) replacing Section 10.3.6(a) with the following:

provides access without constructing new roads or utility corridors through areas designated or identified as environmentally sensitive on Schedule 'C', Agricultural Land Reserve, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.

(xiv) amending Section 10.5.2(e) to read as follows:

environmental sensitivity of the site, and adjacent lands as shown on Schedule 'C'.

(xv) replacing Section 12.0 (Parks and Natural Environment) in its entirety with the following:

12.0 PARKS, RECREATION AND TRAILS

12.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Osoyoos Lake Regional Park is operated and maintained by the Regional District.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publically owned and maintained by the Regional District are designated Park, Recreation and Trails.
- **Provincial Recreation Areas:** s̀wìẁs Provincial Park (formerly Haynes Point) is a provincially designated Recreation Area.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities

ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes only one small regional park, the need for additional community parks is moderated both by the area's small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland — equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Osoyoos Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide regional trail development and management through to 2021.

See Schedule 'E' (Road and Trail Network Plan) for a map of designated trails in the Plan Area.

12.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.

- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

12.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Supports trail use guidelines that promote “leave no trace” trail use.
- .10 Supports the continued public use of Osoyoos Lake Park.
- .11 Supports the designation of the abandoned irrigation canal right-of-way situated west of Osoyoos Lake as Park in order to protect options for future use as a recreation and/or utility corridor.

- .12 Seeks to review this Official Community Plan for consistency with any National Park proposal approved by the Federal Government and which affects lands within the Plan Area.
- .13 Recognizes that parkland corridors located along the Okanagan River channel are located within a flood control right-of-way, and that the Province needs to undertake and maintain flood control works, activities and devices within the PR designation.
- .14 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area to accommodate a variety of uses, including but not limited to: walking, running, bicycling, horseback riding and cross country skiing.
- .15 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown land, and natural open space, and allow for easy pedestrian access through residential areas.
- .16 Seeks to continue to provide universal access to recreational amenities in the Plan Area, including parks, trails, facilities and programs.
- .17 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.

12.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount up to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or

- b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
- a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
- .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.
- .7 Encourages developers to dedicate greater than 5% parkland in areas where parkland is desired.
- .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.

.9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

(xvi) adding the following as Section 13.0 and renumbering the subsequent sections accordingly:

13.0 NATURAL ENVIRONMENT & CONSERVATION

13.1 Background

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada.

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. As the Plan Area contains significant developed areas and a variety of land uses including recreation, agriculture, forestry areas and the like, it also contains a high number of species at risk.

The Plan Area itself is home to many unique environmental features, including Kruger Mountain, Richter Pass as well as various lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess "high" and "very high" ecologically sensitive classifications as identified by the *Keeping Nature in our*

Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and is described further in Section 18.2 of this Plan.

Some other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule 'C' as an "Important Ecosystem Area" and is described further in Section 18.2 of this Plan.

As a local government listed under Section 3 of the *Riparian Areas Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lands within 30 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 18.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).

13.1.1 Objectives - General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quality today and for future generations.

13.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 18.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

13.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes one large lake, Osoyoos Lake, and several smaller lakes including Spotted, Kilpoola, Blue, and Richter Lakes. The Plan Area also includes the Okanagan River and various smaller streams including Haynes Creek, Nine Mile Creek, Inkameep Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are

very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystems benefits that costly water treatment and recovery planning for species at risk cannot replace.

Generally land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 18.3). Other activities that are subject to regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

13.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem

Area) and Schedule 'D' (Watercourse Development Permit Area).

- .3 Improve and better manage waterfront public access along the Osoyoos Lake shoreline, while limiting the overall number of public access points.
- .4 Minimize and avoid development in high hazard soil instability areas on the Osoyoos Lake foreshore and riparian area.
- .5 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .6 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .7 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

13.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Areas Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 18.3 (Watercourse Development Permit Area) of this Plan unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'D'.
- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.

- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and requires environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.
- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

13.3 Terrestrial Areas

Terrestrial areas are simply described as the areas upland or beyond water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: the Haynes & Field Lease Ecological Reserves, Anarchist Mountain Protected Area, and South Okanagan Grasslands Protected Area.

The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

13.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.
- .4 Encourage and facilitate linkages of protected habitat areas.

13.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has on Schedule 'C':
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or
 - b) Identified these lands as an "Important Ecosystem Area".
- .2 Requires that land designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 18.2 of this Plan unless an exemption applies.
- .3 Considers that land identified as an "Important Ecosystem Area" should generally be retained in a natural state and, if a re-designation of the land under the OCP or a re-zoning of the land under the Zoning Bylaw is proposed, that these lands be

considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule 'C'.

- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule 'C' to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.
- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;
 - d) creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or
 - h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.

- .9 Encourages the use of native vegetation to restore disturbed sites.

13.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas(ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the CA designation applies to a large area at the head of Osoyoos Lake held by various conservation organisations. In addition, approximately 50% of the Regal Ridge development situated on Anarchist Mountain was set aside for conservation purposes in 2004.

For a map of Conservation Areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

13.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.

13.4.2 Policies

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations, and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will seek to work with local First Nations to incorporate it where feasible, practical and appropriate.

(xvii) amending the first sentence of Section 14.1 to read as follows:

The Plan sets out Schedule 'E' (Road and Trail Network Plan) for current and future roads and trails proposed for the area.

(xviii) amending Section 15.6.2 to read as follows:

- .2 Encourages public utility companies and the Province to locate and develop utility corridors and roads in a way that will not have a negative impact on environmentally sensitive areas , as shown on Schedule 'C'.

(xix) amending Section 15.6.3 to read as follows:

- .3 Recognizes the various interests in the future use of the abandoned irrigation canal right-of-way, and designates it Parks, Recreation and Trails (PR) in order to protect options for future use as a recreation and/or utility corridor.

(xx) Replacing Section 17.2 (Environmentally Sensitive Development Permit (ESDP) Area) in its entirety with the following:

17.2 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule 'C' are designated as an Environmentally Sensitive Development Permit Area.

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect important sensitive ecosystems and biological diversity including valuable habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. Specifically, BC's pocket desert, Kruger Mountain, Osoyoos Lake, the oxbows and wetlands of Okanagan River, Richter Pass with the natural ridgeline views between Highway 3 and Osoyoos Lake. It is the close proximity of these

diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 17.2.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

- .1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:
 - a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:
 - i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of Environmentally Sensitive Areas (ESAs).
 - ii) An Impact Assessment and Mitigation Phase including:
 - .1 description of proposed development;
 - .2 assessment of potential impacts;

- .3 short and long term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.
- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
 - c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
 - d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.
 - e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.
- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Expedited Development Permit

- .1 Despite sub-section 17.2.6.1(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
 - a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:
 - i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
 - ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 there is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
 - iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.
 - b) If a QEP cannot certify the absence of EVRs or that impacts to known EVRs have been avoided or acceptably mitigated through a REA to the satisfaction of the Regional District, an EA as outlined under sub-section 17.2.6.1(a) will be required.
 - c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

.8 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;
- .2 the repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;
- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:
 - a) an alteration or addition to the original footprint of an existing principal dwelling unit; or
 - b) the construction of an accessory building or structure, provided the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping);
- .5 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission Act* on land located in the ALR and classified as “farm” under the *Assessment Act*;
- .6 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
- .7 any farm use that is subject to an approved Environmental Farm Plan (EFP) through the Canada-British Columbia Environmental Farm Plan Program;
- .8 the repair of existing fences;

.9 subdivisions that propose to:

- a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
- b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.

(xxi) replacing Section 17.3.2 (Watercourse Development Permit Areas) with the following:

The lands within 30 metres of a stream or ravine including lands within 30 metres of a stream or a ravine shown as Watercourse Development Permit Area on Schedule 'D' are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

(xxii) replacing Schedule 'B' (Official Community Plan Map) with a new Schedule 'B' (Official Community Plan Map), as shown on the attached Schedule 'A' (which forms part of this bylaw).

(xxiii) replacing Schedule 'C' (Road and Trail Network Plan) with a new Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area), as shown on the attached Schedule 'B' (which forms part of this bylaw).

(xxiv) replacing Schedule 'D' (Development Permit Areas) with a new Schedule 'D' (Watercourse Development Permit Area), as shown on the attached Schedule 'C' (which forms part of this bylaw).

(xxv) adding a new Schedule 'E' (Road and Trail Network Plan), as shown on the attached Schedule 'D' (which forms part of this bylaw).

8. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:

(i) replacing the definition of "conservation area" under Section 4.0 (Definitions) with the following:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land

Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include outdoor and indoor recreation services, or open land recreation;

- (ii) adding a new definition of “interpretive centre” under Section 4.0 (Definitions) to read as follows:

“interpretive centre” means a building that provides interpretation of a place of interest related to the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include accessory facilities such as a refreshment stand or gift shop.

- (iii) replacing the definition of “recreation services, outdoor” under Section 4.0 (Definitions) with the following

“recreation services, outdoor” means facilities that are available to the general public for sports and active recreation conducted outdoors. Typical uses include but are not limited to ball fields and athletic fields;

- (iv) replacing Section 15.2 (Parks and Recreation Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.2 PARKS AND RECREATION ZONE (PR)

15.2.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

- d) carnivals, circuses and fairs;
- e) community hall;
- f) public moorage and marina;
- g) recreation services, indoor;

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

15.2.2 Site Specific Parks and Recreation (PRs) Provisions:

- a) see Section 16.15

15.2.3 Minimum Parcel Size:

- a) Not applicable

15.2.4 Minimum Parcel Width:

- a) Not applicable

15.2.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.2.6 Maximum Height:

- a) No building or structure shall exceed a height of 15.0 metres

15.2.7 Maximum Parcel Coverage:

- a) 25%

- (v) replacing Section 15.3 (Conservation Area Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.3 CONSERVATION AREA ZONE (CA)

15.3.1 Permitted Uses:

Principal Uses:

- a) conservation area;

Secondary Uses:

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

15.3.2 Site Specific Conservation Area (CAs) Provisions:

- a) see Section 16.16

15.3.3 Minimum Parcel Size:

- a) Not applicable

15.3.4 Minimum Parcel Width:

- a) Not applicable

15.3.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.3.6 Maximum Height:

- a) Not applicable

15.3.7 Maximum Parcel Coverage:

- a) 5%

- (vi) replacing Schedule '2' (Electoral Area 'A' Zoning Map) with a new Schedule '2' (Electoral Area 'A' Zoning Map), as shown on the attached Schedule 'E' (which forms part of this bylaw).

Electoral Area "C"

9. The "Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008" is amended by:

- (i) replacing the ninth paragraph of the recital to this bylaw with the following:

The Oliver Rural Official Community Plan attached hereto as Schedules ‘A’, ‘B’, ‘C’, ‘D’ and ‘E’ and forming part of this bylaw is adopted as the Regional District of Okanagan-Similkameen, Oliver Rural Official Community Plan.
- (ii) replacing the first paragraph under Section 2.0 (Official Community Plan Map Designations) with the following:

The future use and development of land within the Osoyoos Rural area should be consistent with the overall pattern of land use depicted on Schedules ‘B’, ‘C’, ‘D’ and ‘E’ based on the following land use designations:
- (iii) replacing the reference to Parks (P) under Section 2.0 (Official Community Plan Map Designations) with the following:

Parks, Recreation and Trails	PR
------------------------------	----
- (iv) deleting the reference to Public Corridor (PC) under Section 2.0 (Official Community Plan Map Designations).
- (v) replacing Section 4.3.3 with the following:

Generally, does not support increasing densities or intensifying land uses within areas designated as an Environmentally Sensitive Development Permit Area or shown as an “Important Ecosystem Area” on Schedule ‘C’. Increasing densities or intensifying land uses in areas previously zoned to allow such developments, however, will be considered if the development meets the policies and guidelines set out in this Plan.
- (vi) replacing Section 4.3.4 with the following:

Works with land owners whose land is zoned for residential development and is found within an area designated as Environmentally Sensitive Development Permit Area or shown as comprising “Important Ecosystem Area” on Schedule ‘C’ to consider establishing a different zoning that reasonably reflects the current density and gives due regard to physical constraints and environmental attributes.
- (vii) amending Section 7.2.3 to read as follows:

To preserve and protect areas with environmentally sensitive values and encourage conservation stewardship within the Large and Small Holdings designation.

- (viii) amending Section 7.3.3(c) to read as follows:
deleted;
- (ix) amending Section 8.3.1(a) to read as follows:
capability of the natural environment to support the proposed development;
- (x) amending Section 8.3.1(c) to read as follows:
deleted;
- (xi) replacing Section 8.4.1.4(d) with the following:
provides access without constructing new roads or utility corridors through areas designated or identified as environmentally sensitive on Schedule 'C', Agricultural Land Reserve, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.
- (xii) replacing Section 9.3.5(c) with the following:
provides access without constructing new roads or utility corridors through areas designated or identified as environmentally sensitive on Schedule 'C', Agricultural Land Reserve, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas.
- (xiii) replacing Section 12.0 (Parks and Natural Environment) in its entirety with the following:

12.0 PARKS, RECREATION AND TRAILS

12.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** McIntyre Canyon Regional Park is operated and maintained by the Regional District.

- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publically owned and maintained by the Regional District are designated Park, Recreation and Trails.
- **Provincial Recreation Areas:** Deadman Lake Park, Inkaneep Provincial Park is a provincially designated Recreation Area.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes only one small regional park, the need for additional community parks is moderated both by the area's small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland — equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail, although the Regional District will consider acquiring new parkland as opportunities arise.

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide regional trail development and management through to 2021.

12.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

12.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof

garbage and recycling receptacles, and signage where feasible and appropriate.

- .9 Supports trail use guidelines that promote “leave no trace” trail use.
- .10 Supports the designation of the former Kettle Valley Railway (KVR) right-of-way and abandoned irrigation canal right-of-way as Park in order to protect options for future use (i.e. recreation and/or utility corridor).
- .11 Seeks to review this Official Community Plan for consistency with any National Park proposal approved by the Federal Government and which affects lands within the Plan Area.
- .12 Recognizes that parkland corridors located along the Okanagan River channel are located within a flood control right-of-way, and that the Province needs to undertake and maintain flood control works, activities and devices within the PR designation.
- .13 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area to accommodate a variety of uses, including but not limited to: walking, running, bicycling, horseback riding and cross country skiing.
- .14 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown land, and natural open space, and allow for easy pedestrian access through residential areas.
- .15 Seeks to continue to provide universal access to recreational amenities in the Plan Area, including parks, trails, facilities and programs.
- .16 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.

12.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.

- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
- .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared.

Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.

- .7 Encourages developers to dedicate greater than 5% park land in areas where parkland is desired.
- .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
- .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

(xiv) adding the following as a new Section 13.0 and renumbering the subsequent sections accordingly:

13.0 NATURAL ENVIRONMENT & CONSERVATION

13.1 Background

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada.

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. As the Plan Area contains significant developed areas and a variety of land uses including recreation, agriculture, forestry areas and the like, it also contains a high number of species at risk.

The Plan Area itself is home to many unique environmental features, including Mount Baldy, as well as various smaller lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife, and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess “high” and “very high” ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and as described further in Section 18.2 of this Plan.

Other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule ‘C’ as an “Important Ecosystem Area” and is described further in Section 18.2 of this Plan.

As a local government listed under Section 3 of the *Riparian Area Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lands within 30 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 18.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule ‘C’ (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule ‘D’ (Watercourse Development Permit Areas).

13.1.1 Objectives - General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.

- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quantity today and for future generations.

13.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 18.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

13.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes several

smaller lakes such as Gallagher, Ripley, Madden, Burnell, Rattlesnake and Deadman Lakes. The Plan Area also includes the Okanagan River, and other river and stream features like the old Okanagan River Channel, Park Rill Creek and Vaseux Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystems benefits that costly water treatment and recovery planning for species at risk cannot replace.

Generally, land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 18.3). Other activities that are subject to regulation include dock construction and modification, mooring

buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

13.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).
- .3 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .4 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .5 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

13.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Areas Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 18.3 (Watercourse Development Permit Area) of this Plan unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'D'.
- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid

the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.

- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and require environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.
- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

13.3 Terrestrial Areas

Terrestrial areas are simply described as the areas upland or beyond water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: the Inkaneep Provincial Park, Vaseux Protected Area, White Lake Grasslands and South Okanagan Grasslands Protected Area. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

13.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.
- .4 Encourage and facilitate linkages of protected habitat areas.

13.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has designated these lands on Schedule 'C' as:
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or
 - b) Identified these lands as an "Important Ecosystem Area".
- .2 Requires that land formally designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 18.2 of this Plan unless an exemption applies.

- .3 Considers that land identified as an “Important Ecosystem Area” should generally be retained in a natural state and, if a re-designation of the land under the OCP or a re-zoning of the land under the Zoning Bylaw is proposed, that these lands be considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule ‘C’.
- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule ‘C’ to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the rezoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.
- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;
 - d) creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or

- h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.
- .9 Encourages the use of native vegetation to restore disturbed sites.

13.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas (ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the CA designation applies to a couple of parcels comprising remnant oxbows held by various conservation organisations.

For a map of Conservation Areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

13.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.

13.4.2 Policies

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations, and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will seek to work with local First Nations to incorporate it where feasible, practical and appropriate.

(xv) replacing Section 15.2.2.1 with the following:

Encourages Registered Onsite Wastewater Practitioners to design onsite sewage systems that avoid the placement of dispersal areas within environmentally sensitive areas.

(xvi) replacing Section 15.2.4.2 with the following:

Encourages public utility companies and the Province to locate and develop utility corridors and roads in a way that will not have a negative impact on environmentally sensitive areas, as shown on Schedule 'C'.

(xvii) replacing Section 17.2 (Environmentally Sensitive Development Permit (ESDP) Area) in its entirety with the following:

17.2 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule 'C' are designated as an Environmentally Sensitive Development Permit Area.

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect important sensitive ecosystems and biological diversity including valuable habitat for endangered

species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 17.2.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and

- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

- .1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:
 - a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:
 - i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of Environmentally Sensitive Areas (ESAs).
 - ii) An Impact Assessment and Mitigation Phase including:
 - .1 description of proposed development;
 - .2 assessment of potential impacts;
 - .3 short and long term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.

- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
 - c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
 - d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.
 - e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.
- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Expedited Development Permit

- .1 Despite sub-section 17.2.6.1(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
- a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:

- i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
 - ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 There is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 Known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
 - iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.
- b) If a QEP cannot certify the absence of EVRs or that impacts to known EVRs have been avoided or acceptably mitigated through a REA to the satisfaction of the Regional District, an EA as outlined under sub-section 17.2.6.1(a) will be required.
 - c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

.8 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;
- .2 the repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;

- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:
 - a) an alteration or addition to the original footprint of an existing principal dwelling unit; or
 - b) the construction of an accessory building or structure, provided the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping);
- .5 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission Act* on land located in the ALR and classified as “farm” under the *Assessment Act*;
- .6 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
- .7 any farm use that is subject to an approved Environmental Farm Plan (EFP through the Canada-British Columbia Environmental Farm Plan Program;
- .8 the repair of existing fences;
- .9 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.

(xviii) replacing Section 17.3.2 with the following:

The lands within 30 metres of a stream or ravine including lands within 30 metres of a stream or a ravine shown as Watercourse Development Permit

Area on Schedule 'D' are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

(xix) replacing Section 17.4.2 with the following:

The PFDP area is shown on Schedule 'E' and is measured 150 metres back from the boundary of all Agricultural zoned parcels.

This Development Permit area is applicable to all lands adjoining Agricultural zoned parcels, or separated by a right of way, a statutory right-of-way, or a dedicated road.

(xx) replacing Schedule 'B' (Official Community Plan Map) with a new Schedule 'B' (Official Community Plan Map), as shown on the attached Schedule 'F' (which forms part of this bylaw).

(xxi) replacing Schedule 'C' (Development Permit Areas) with a new Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Areas), as shown on the attached Schedule 'G' (which forms part of this bylaw).

(xxii) replacing Schedule 'D' (Protection of Farming Development Permit Area) with a new Schedule 'D' (Watercourse Development Permit Area), as shown on the attached Schedule 'H' (which forms part of this bylaw).

(xxiii) adding a new Schedule 'E' (Protection of Farming Development Permit Areas), as shown on the attached Schedule 'I' (which forms part of this bylaw).

10. The "Electoral Area "C" Zoning Bylaw No. 2453, 2008" is amended by:

(i) replacing the definition of "conservation area" under Section 4.0 (Definitions) with the following:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and

providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include outdoor and indoor recreation services, or open land recreation;

- (ii) adding a new definition of “interpretive centre” under Section 4.0 (Definitions) to read as follows:

“interpretive centre” means a building that provides interpretation of a place of interest related to the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include accessory facilities such as a refreshment stand or gift shop.

- (iii) replacing the definition of “recreation services, outdoor” under Section 4.0 (Definitions) with the following

“recreation services, outdoor” means facilities that are available to the general public for sports and active recreation conducted outdoors. Typical uses include but are not limited to ball fields and athletic fields;

- (iv) replacing Section 15.2 (Parks and Recreation Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.2 PARKS AND RECREATION ZONE (PR)

15.2.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

- d) carnivals, circuses and fairs;
- e) community hall;
- f) public moorage and marina;
- g) recreation services, indoor;
- h) one (1) accessory dwelling, subject to Section 7.11; and
- i) accessory buildings and structures, subject to Section 7.13.

15.2.2 Site Specific Parks and Recreation (PRs) Provisions:

- a) see Section 16.25

15.2.3 Minimum Parcel Size:

- a) Not applicable

15.2.4 Minimum Parcel Width:

- a) Not applicable

15.2.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.2.6 Maximum Height:

- a) No building or structure shall exceed a height of 15.0 metres

15.2.7 Maximum Parcel Coverage:

- a) 25%

- (v) replacing Section 15.3 (Conservation Area Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.3 CONSERVATION AREA ZONE (CA)

15.3.1 Permitted Uses:

Principal Uses:

- a) conservation area;

Secondary Uses:

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

15.3.2 Site Specific Conservation Area (CAs) Provisions:

- a) see Section 16.26

15.3.3 Minimum Parcel Size:

- a) Not applicable

15.3.4 Minimum Parcel Width:

- a) Not applicable

15.3.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.3.6 Maximum Height:

- a) Not applicable

15.3.7 Maximum Parcel Coverage:

- a) 5%

- (vi) replacing Schedule '2' (Zoning Map) with a new Schedule '2' (Zoning Map), as shown on the attached Schedule 'J' (which forms part of this bylaw).

Electoral Area "D-1"

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

- (i) adding a new definition of "conservation area" under Section 4.0 (Definitions) to read as follows:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land

Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include outdoor and indoor recreation services, or open land recreation;

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

“**golf course**” means a tract of land for playing golf, pitch and putt courses or driving ranges, including clubhouses, restaurants, pro shops and similar accessory facilities necessary for golf purposes and which may include buildings necessary for the maintenance and administration of the golf course;

- (iii) adding a new definition of “interpretive centre” under Section 4.0 (Definitions) to read as follows:

“**interpretive centre**” means a building that provides interpretation of a place of interest related to the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include accessory facilities such as a refreshment stand or gift shop.

- (iv) replacing the definition of “open land recreation” under Section 4.0 (Definitions) with the following:

“**open land recreation**” means the use of land for recreational purposes and includes paint ball sport, rifle range, fishing camp, guide camp; guest ranch or ski resort and may include a lodge facility;

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

“**parks**” means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, buildings and structures consistent with the general purpose of public park land;

- (vi) adding a new definition of “recreation services, indoor” under Section 4.0 (Definitions) to read as follows:

“**recreation services, indoor**” means facilities within an enclosed building for sports, active recreation and cultural arts and may include but are not limited to athletic clubs, health and fitness clubs, swimming pools, curling clubs, hockey rinks, bowling alleys and racquet clubs;

- (vii) adding a new definition of “recreation services, outdoor” under Section 4.0 (Definitions) to read as follows:

“**recreation services, outdoor**” means facilities that are available to the general public for sports and active recreation conducted outdoors. Typical uses include but are not limited to ball fields and athletic fields;

- (viii) adding a new reference to “Tourist Commercial Six Zone CT6” under Section 6.1 (Zoning Districts).

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

m) *deleted*;

- (x) adding a new Section 13.6 (Tourist Commercial Six) under Section 13.0 (Commercial) to read as follows:

13.6 TOURIST COMMERCIAL SIX ZONE (CT6)

13.6.1 Permitted Uses:

Principal Uses:

- a) golf course;

Secondary Uses:

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

13.6.2 Site Specific Tourist Commercial Six (CT6s) Provisions:

- a) see Section 16.26

13.6.3 Minimum Parcel Size:

- a) 20.0 ha

13.6.4 Minimum Parcel Width:

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

13.6.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

13.6.6 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.

13.6.7 Maximum Parcel Coverage:

- a) 5%

(xi) replacing Section 15.1.1(e) under Section 15.1 (Administrative and Institutional Zone) with the following:

- e) *deleted*;

(xii) replacing Section 15.2 (Parks and Recreation Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.2 PARKS AND RECREATION ZONE (PR)

15.2.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

- d) carnivals, circuses and fairs;

- e) community hall;
- f) public moorage and marina;
- g) recreation services, indoor;
- h) one (1) accessory dwelling, subject to Section 7.11; and
- i) accessory buildings and structures, subject to Section 7.13.

15.2.2 Site Specific Parks and Recreation (PRs) Provisions:

- a) see Section 16.21

15.2.3 Minimum Parcel Size:

- a) Not applicable

15.2.4 Minimum Parcel Width:

- a) Not applicable

15.2.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.2.6 Maximum Height:

- a) No building or structure shall exceed a height of 15.0 metres

15.2.7 Maximum Parcel Coverage:

- a) 25%

(xiii) replacing Section 15.3 (Conservation Area Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.3 CONSERVATION AREA ZONE (CA)

15.3.1 Permitted Uses:

Principal Uses:

- a) conservation area;

Secondary Uses:

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

15.3.2 Site Specific Conservation Area (CAs) Provisions:

- a) see Section 16.22

15.3.3 Minimum Parcel Size:

- a) Not applicable

15.3.4 Minimum Parcel Width:

- a) Not applicable

15.3.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.3.6 Maximum Height:

- a) Not applicable

15.3.7 Maximum Parcel Coverage:

- a) 5%

- (v) replacing Section 10.2.6(b)(iv) with the following:
impact on important environmentally sensitive areas, as shown on Schedule 'C'.
- (vi) replacing the first paragraph of Section 11.2.14 with the following:
Where residential development is proposed near or within known areas of high wildfire hazard, as mapped in Schedule 'I', the following measures will be encouraged to reduce wildfire risk:
- (vii) replacing Section 12.4.1(d) with the following:
access can be provided to the area without constructing new roads or utility corridors through environmentally sensitive areas, as shown on Schedule 'C', the Agricultural Land Reserve, moderate or high hazard areas as identified on slope stability mapping (See Section 17), and without creating a permanent visible scar on side slopes.
- (viii) replacing Section 13.2.3 with the following:
Recognizes the need for quality industrial design and the protection of groundwater and has designated certain areas as an Industrial Development Permit Area. These areas are shown on Schedule 'E'.
- (ix) replacing Section 13.2.5(e) with the following:
access can be provided to the area without constructing new roads or utility corridors through environmentally sensitive areas, as shown on Schedule 'C', the Agricultural Land Reserve, moderate or high hazard areas as identified on slope stability mapping (See Section 18), and without creating a permanent visible scar on side slopes.
- (x) replacing Section 15.0 (Parks and Recreation) with a new Section 15.0 (Parks, Recreation and Trails) to read as follows:

15.0 PARKS, RECREATION AND TRAILS

15.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on

a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Kenyon Park, Keogan Park, Christie Memorial Park, Centennial Park and Lions Park are operated by the Okanagan Falls Parks and Recreation Commission.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publically owned and maintained by the Regional District are designated Parks, Recreation and Trails.
- **Provincial Recreation Areas:** Vaseux Lake, s̓x̓w̓ə̓x̓nitk̓w̓ (formerly Okanagan Falls), and a portion of the Skaha Bluffs Provincial Park are provincially designated Recreation Areas.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes five regional parks, the need for additional community parks is moderated by the extensive opportunities available on Crown land, area lakes, and in provincial protected areas.

Provincial legislation authorizes the provision of land to the Regional District as parkland — equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Skaha Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to

define and guide regional trail development and management through to 2021.

See Schedule 'G' (Transportation and Trail Network) for a map of designated trails in the Plan Area.

15.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

15.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.

- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Support trail use guidelines that promote “leave no trace” trail use.
- .10 Recognizes that parkland corridors located along the Okanagan River channel and parts of Shuttleworth Creek are located within a flood control right-of-way, and that the Province needs to undertake and maintain flood control works, activities and devices within the parkland designation; these will continually be recognized as permitted uses in the Zoning Bylaw.
- .11 Seeks to work collaboratively with the Province and other relevant parties/organizations to improve and maintain the Kettle Valley Railway Trail between Kaleden and Okanagan Falls.
- .12 Seeks to explore opportunities to establish interpretative signage along the Kettle Valley Railway Trail between Kaleden and Okanagan Falls.
- .13 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area, as shown on Schedule ‘G’ (Transportation and Trail Network), to accommodate a variety of uses, including but not limited to: walking, running, bicycling, horseback riding and cross country skiing.
- .14 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown land, and natural open space, and allow for easy pedestrian access through residential areas.
- .15 Recognizes and supports the efforts of the Okanagan Falls Recreation Commission in developing and maintaining parkland, and designing and delivering recreational programs.
- .16 Seeks to continue to provide universal access to recreational amenities in the Plan Area, including parks, trails, facilities and programs.

- .17 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.
- .18 Continues to encourage the use of school buildings and grounds, after regular school hours, by community groups, clubs, sports teams and the Plan Area population at large.
- .19 Seeks to continue to work collaboratively with the Okanagan Falls Recreation Commission and local residents to consider options for, and the feasibility of a future recreation complex and additional or expanded sports fields.
- .20 Seeks to ensure that any future site chosen for a recreation complex meet the following general criteria:
 - a) large enough to accommodate desired uses;
 - b) located within or close to Okanagan Falls;
 - c) located where good road access and trail linkages exist or can be established between the facility, the elementary school, and the community in general;
 - d) located where it can preferably be connected to a community water system and a community sewer system.

15.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.

- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
- .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.
- .7 Encourages developers to dedicate greater than 5% park land in areas where parkland is desired.
- .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
- .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organisation or the

Regional District in addition to the parkland or cash in-lieu required by the Act.

- (xi) replacing Section 16.0 (Natural Environmental & Energy) with a new Section 16.0 (Natural Environmental & Conservation) to read as follows:

16.0 NATURAL ENVIRONMENT & CONSERVATION

16.1 Background

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada.

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. As the Plan Area contains significant developed areas and a variety of land uses including recreation, agriculture, forestry areas and the like, it also contains a high number of species at risk.

The Plan Area itself is home to many unique environmental features, including Vaseux Grasslands, Skaha Bluffs and Venner Meadows, as well as various lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess "high" and "very high" ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen

Conservation Program (SOSCP), and is described further in Section 23.2 of this Plan.

Other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule 'C' as an "Important Ecosystem Area" and is described further in Section 23.2 of this Plan.

As a local government listed under Section 3 of the *Riparian Area Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lands within 30.0 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 23.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Areas) and Schedule 'D' (Watercourse Development Permit Areas).

16.1.1 Objectives - General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quality today and for future generations.

16.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.

- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 23.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.
- .6 Supports provincial management of Endangered Species identified in the Okanagan Land and Resource Management Plan (LRMP) by discouraging sale of crown land in environmentally sensitive areas.
- .7 Supports the development of an Environmental Advisory Commission to consider and provide input to the Regional Board and residents in the protection, enhancement, restoration, and management of developments on or adjacent to environmentally sensitive lands.

16.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes two large lakes, Skaha Lake and Vaseux Lake, and several various smaller lakes. Vaseux Lake is recognized and important habitat for several red listed plant and wildlife species and is also a migratory bird sanctuary under the Migratory Birds Convention Act. Crown land

that largely flanks Vaseux Lake limits the amount of development that can occur in close proximity to this unique environment. The plan area also includes the Okanagan River and various streams including Shuttleworth Creek and McLean Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystems benefits that costly water treatment and recovery planning for species at risk cannot replace.

Generally land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 24.3). Other activities that are subject to regulation include dock construction and modification, mooring

buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

16.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Areas) and Schedule 'D' (Watercourse Development Permit Areas).
- .3 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .4 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .5 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.
- .6 Create a mixed-use and vibrant place, incorporating both public and private developments with park, cultural, commercial, residential and recreational uses at the south shore of Skaha Lake in Okanagan Falls,.
- .7 Provide continuous waterfront public access along the entire Okanagan Falls area.
- .8 Encourage high quality lakeshore development sympathetic to the natural character of Skaha Lake.
- .9 Ensure development impacts do not negatively impact the health of aquatic habitats of both Skaha and Vaseux Lakes.

16.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Area Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse

Development Permit Area shall be developed according to the guidelines outlined in Section 23.3 (Watercourse Development Permit Area) of this Plan, unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'D'.

- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.
- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and requires environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.
- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*, and Section 9 of the *Bare Land Strata Regulations*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

- .9 Supports the implementation of the recommendations of the Skaha Shoreline Study and Management Plan which includes environmental land use planning, and land use policy.
- .10 Supports the exploration of options and opportunities to have more jurisdictional control over the Skaha Lake foreshore.
- .11 Supports a demand study to determine the feasibility of a commercial moorage facility at Okanagan Falls.
- .12 Supports the preparation of design guidelines for public access to water areas.
- .13 Supports the preservation of viewsapes in Okanagan Falls by introducing zoning regulations restricting the maximum height of a building to no more than two storeys within 100.0 metres of Skaha Lake, and three storeys between 100.0 metres and 150.0 metres of Skaha Lake.
- .14 Requires that a public access corridor of not less than 7.0 metres in width (measured from the high water mark of Skaha Lake), be provided along the waterfront of new Tourist Commercial developments in Okanagan Falls. This can be achieved through the following methods:
 - a) acquire a statutory right-of-way under Section 218 of the Land Title Act;
 - b) require that the land below the natural boundary revert to the Crown during subdivision; and
 - c) allow the proposed development to own the land, with a legal agreement to allow access, and restrict the placement of fencing, buildings or other barriers that would restrict public access.
- .15 Seeks to work with other agencies to limit the number of wharves or docks, and encourage sharing of such structures.

16.3 Terrestrial Areas

Terrestrial areas are simply described as the areas upland or beyond water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: the Skaha Bluffs Provincial Park, Vaseux Lake Provincial Park, Vaseux Protected Area. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes. The federal government also has important land holdings including Vaseux Lake Migratory Bird Sanctuary and Vaseux-Bighorn National Wildlife Area.

16.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Areas).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.
- .4 Encourage and facilitate linkages of protected habitat areas.

16.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has on Schedule 'C':
 - a) designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or

- b) identified these lands as an “Important Ecosystem Area”.
- .2 Requires that land designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 23.2 of this Plan, unless an exemption applies.
- .3 Considers that land identified as an “Important Ecosystem Area” should generally be retained in a natural state and, if a re-designation of the land under the OCP or a re-zoning of the land under the Zoning Bylaw is proposed, that these lands be considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule ‘C’.
- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule ‘C’ to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.
- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;

- d) creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or
 - h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.
 - .9 Encourages the use of native vegetation to restore disturbed sites.
 - .10 Supports protecting Bighorn Sheep habitat by discouraging development on areas of natural grasslands, on open shrub steppe, older open forest and rugged terrain that includes rock outcrops and cliffs with ledges.

16.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas (ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the CA designation applies to a large area of land adjacent to Vaseux Lake as well as other parcels held by conservation organisations adjacent to, or near provincially protected areas.

For a map of Conservation Areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

16.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.

16.4.2 Policies

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations, and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will seek to work with local First Nations to incorporate it where feasible, practical and appropriate.

(xii) deleting Section 17.0 (Foreshore Management) and renumbering all subsequent sections and section references.

(xiii) replacing Section 18.3.1 with the following:

Encourages the Provincial Subdivision Approving Authority to require a developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application, where the property is located within a high, or greater, risk area within the Wildfire Hazard area (Schedule 'I'). The Regional Board may require the same assessment during the land use designation amendment process.

(xiv) replacing the fourth paragraph under Section 19.0 (Transportation) with the following:

The Plan sets out a Major Road and Trail Network in Schedule 'G', which delineates the current roads and trails in the area.

(xv) replacing Section 19.1.5 with the following:

To minimize the impacts of traffic corridors on farmland and environmentally sensitive areas, as shown on Schedule 'C'.

(xvi) replacing Section 19.2.1 with the following:

Encourages the improvement of existing major roads, and support the construction of proposed major roads under the jurisdiction of the Province, as set out in the Major Road Network shown in Schedule 'G'.

(xvii) replacing the third sentence under Section 22.0 (Aggregate Resources) with the following:

The 'primary' potential areas shown on Schedule 'H' have the highest potential of finding sand and aggregate resources.

(xviii) adding a new after Section 20.5 to read as follows:

20.6 Policies – Energy Efficiency

- .1 Encourages energy efficient forms of development through methods such as: energy efficient subdivision design; site planning including building orientation; energy efficient building design, materials, lighting and appliances; water conservation in landscaping; and, mixed-use forms of development.
- .2 Strives to become more self-reliant in meeting community energy needs by supporting the appropriate scale of renewable and alternative energy generation including but not limited to geothermal, microhydro, solar, bio fuels and wind.
- .3 Promotes education and awareness of energy conservation and actions that could be taken to mitigate increasing energy prices and GHG emissions.

(xix) replacing Section 22.2.1 with the following:

Recognizes known primary sand and gravel resources as mapped by the Province and shown on Schedule 'H'.

- (xx) replacing Section 24.2 (Environmentally Sensitive Development Permit (ESDP) Area) in its entirety with the following:

24.2 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule 'C' are designated as an Environmentally Sensitive Development Permit Area.

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect important sensitive ecosystems and biological diversity including valuable habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of

provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 24.2.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

- .1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:
 - a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:
 - i) An Ecological Assessment Phase including:

- .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of Environmentally Sensitive Areas (ESAs).
- ii) An Impact Assessment and Mitigation Phase including:
- .1 description of proposed development;
 - .2 assessment of potential impacts;
 - .3 short and long term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.
- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
- c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
- d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.
- e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Expedited Development Permit

- .1 Despite sub-section 24.2.6.1(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
 - a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:
 - i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
 - ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 There is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 Known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
 - iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.

- b) If a QEP cannot certify the absence of EVRs or that impacts to known EVRs have been avoided or acceptably mitigated through a REA to the satisfaction of the Regional District, an EA as outlined under sub-section 24.2.6.1(a) will be required.
- c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

.8 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;
- .2 the repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;
- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:
 - a) an alteration or addition to the original footprint of an existing principal dwelling unit; or
 - b) the construction of an accessory building or structure, provided the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping);
- .5 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission*

Act on land located in the ALR and classified as “farm” under the *Assessment Act*;

- .6 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
- .7 any farm use that is subject to an approved Environmental Farm Plan (EFP through the Canada-British Columbia Environmental Farm Plan Program;
- .8 the repair of existing fences;
- .9 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.

(xxi) replacing Section 24.3.2 with the following:

The lands within 30 metres of a stream or ravine including lands within 30 metres of a stream or a ravine shown as Watercourse Development Permit Area on Schedule ‘D’ are designated as a “Watercourse Development Permit Area”.

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

(xxii) replacing Section 24.4.2 with the following:

The designated areas are shown as the Okanagan Falls Commercial Development Permit Area in Schedule ‘E’.

(xxiii) replacing Section 24.5.2 with the following:

The designated area is shown as the Multiple Family Development Permit Area on Schedule ‘E’.

(xxiv) replacing the first sentence of Section 24.6.2 with the following:

The designated area is shown as the Hillside / Steep Slope Development Permit Area on Schedule ‘F’.

- (xxv) replacing Section 24.7.2 with the following:

The area designated within the Industrial Development Permit Area generally includes properties to and including the former Weyerhaeuser site. The designated area is shown on Schedule 'E'.
- (xxvi) replacing Schedule 'B' (Future Land Use Map), with a new Schedule 'B' (Official Community Plan Map), as shown on the attached Schedule 'L' (which forms part of this bylaw).
- (xxvii) replacing Schedule 'C' (Environmental and Watercourse Development Permit Areas) with a new Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area), as shown on the attached Schedule 'M' (which forms part of this bylaw).
- (xxviii) replacing Schedule 'D' (Development Permit Areas) with a new Schedule 'D' (Watercourse Development Permit Area) as shown on the attached Schedule 'N' (which forms part of this bylaw).
- (xxix) replacing Schedule 'E' (Transportation and Trail Network) with a new Schedule 'E' (Form and Character Development Permit Areas) as shown on the attached Schedule 'O' (which forms part of this bylaw).
- (xxx) replacing Schedule 'F' (Aggregate Potential) with a new Schedule 'F' (Hillside and Steep Slope Development Permit Area) as shown on the attached Schedule 'P' (which forms part of this bylaw).
- (xxxii) replacing Schedule 'G' (Wildfire Hazard), with a new Schedule 'G' (Transportation and Trail Network), as shown on the attached Schedule 'Q' (which forms part of this bylaw).
- (xxxii) adding a new Schedule 'H' (Aggregate Potential), as shown on the attached Schedule 'R' (which forms part of this bylaw).
- (xxxiii) adding a new Schedule 'I' (Wildfire Hazard), as shown on the attached Schedule 'S' (which forms part of this bylaw).

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

- (i) adding a new definition of “conservation area” under Section 4.0 (Definitions) to read as follows:

“conservation area” means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include outdoor and indoor recreation services, or open land recreation;

- (ii) adding a new definition of “interpretive centre” under Section 4.0 (Definitions) to read as follows:

“interpretive centre” means a building that provides interpretation of a place of interest related to the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include accessory facilities such as a refreshment stand or gift shop.

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

“parks” means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, buildings and structures consistent with the general purpose of public park land;

- (iv) adding a new definition of “recreation services, indoor” under Section 4.0 (Definitions) to read as follows:

“recreation services, indoor” means facilities within an enclosed building for sports, active recreation and cultural arts and may include but are not limited to athletic clubs, health and fitness clubs, swimming pools, curling clubs, hockey rinks, bowling alleys and racquet clubs;

- (v) adding a new definition of “recreation services, outdoor” under Section 4.0 (Definitions) to read as follows:

“**recreation services, outdoor**” means facilities that are available to the general public for sports and active recreation conducted outdoors. Typical uses include but are not limited to ball fields and athletic fields;

- (vi) replacing Section 15.2 (Parks and Recreation Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.2 PARKS AND RECREATION ZONE (PR)

15.2.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

- d) carnivals, circuses and fairs;
- e) community hall;
- f) public moorage and marina;
- g) recreation services, indoor;
- h) one (1) accessory dwelling, subject to Section 7.11; and
- i) accessory buildings and structures, subject to Section 7.13.

15.2.2 Site Specific Parks and Recreation (PRs) Provisions:

- a) see Section 17.28

15.2.3 Minimum Parcel Size:

- a) Not applicable

15.2.4 Minimum Parcel Width:

- a) Not applicable

15.2.5 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 4.5 metres
- iv) Exterior side parcel line 4.5 metres

15.2.6 Maximum Height:

- a) No building or structure shall exceed a height of 15.0 metres;
- b) despite sub-section a), no building or structure shall exceed a height of 7.0 metres at Lions, Kenyon and Christie Memorial Parks.

15.2.7 Maximum Parcel Coverage:

- a) 25%

(vii) replacing Section 15.3 (Conservation Area Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.3 CONSERVATION AREA ZONE (CA)

15.3.1 Permitted Uses:

Principal Uses:

- a) conservation area;

Secondary Uses:

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

15.3.2 Site Specific Conservation Area (CAs) Provisions:

- a) see Section 17.29

15.3.3 Minimum Parcel Size:

- a) Not applicable

15.3.4 Minimum Parcel Width:

- a) Not applicable

15.3.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.3.6 Maximum Height:

- a) Not applicable

15.3.7 Maximum Parcel Coverage:

- a) 5%

(viii) replacing Schedule '2' (Zoning Map) with a new Schedule '2' (Zoning Map), as shown on the attached Schedule 'T' (which forms part of this bylaw).

Electoral Area "E"

14. The "Naramata Area Official Community Plan Bylaw No. 2458, 2008" is amended by:

- (i) replacing the ninth paragraph of the recital to this bylaw with the following:

The Naramata Area Official Community Plan attached hereto as Schedules 'A', 'B', 'C', 'D', 'E', and 'F' and forming part of this bylaw is adopted as the Regional District of Okanagan-Similkameen, Naramata Area Official Community Plan.
- (ii) replacing the reference to Parks (P) under Section 4.0 (Official Community Plan Map Designations), with the following:

Parks, Recreation and Trails	PR
------------------------------	----
- (iii) deleting the reference to Public Corridor (PC) under Section 2.0 (Official Community Plan Map Designations).
- (iv) replacing Section 7.3.11 to read with the following:

Generally, does not support increasing densities or intensifying land uses within areas designated as an Environmentally Sensitive Development Permit Area or shown as an “Important Ecosystem Area” on Schedule ‘C’. Increasing densities or intensifying land uses in areas previously zoned to allow such developments, however, will be considered if the development meets the policies and guidelines set out in this Plan.

(v) replacing Section 7.3.12 with the following:

Works with land owners whose land is zoned for residential development and is found within an area designated as an Environmentally Sensitive Development Permit Area or shown as an “Important Ecosystem Area” on Schedule ‘C’ to consider establishing a different zoning that reasonably reflects the current density and gives due regard to physical constraints and environmental attributes.

(vi) replacing Section 10.3.3(c) with the following:

impact on important environmentally sensitive areas, as shown on Schedule ‘C’.

(vii) replacing Section 11.3.1(c) with the following:

capability of the natural environment to support the proposed development, and its impact on environmentally sensitive and riparian areas, as shown on Schedules ‘C’ and ‘D’.

(xxxiv) replacing Section 11.4.1(e) with the following:

access can be provided to the area without constructing new roads or utility corridors through environmentally sensitive areas, as shown on Schedule ‘C’, the Agricultural Land Reserve, moderate or high hazard areas and without creating a permanent visible scar on side slopes.

(xxxv) replacing Section 12.3.5(a) with the following:

access can be provided to the area without constructing new roads or utility corridors through environmentally sensitive areas, as shown on Schedule ‘C’, the Agricultural Land Reserve, moderate or high hazard areas and without creating a permanent visible scar on side slopes;

(xxxvi) replacing Section 15.0 (Parks and Natural Environment) in its entirety with the following:

15.0 PARKS, RECREATION AND TRAILS

15.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Rock Ovens, Naramata Wharf, Naramata Creek and Manitou Parks are operated and maintained by the Regional District.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publically owned and maintained by the Regional District are designated Parks, Recreation and Trails.
- **Provincial Recreation Areas:** Okanagan Mountain Provincial Park is a provincially designated Recreation Area.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes four small regional parks, the need for additional community parks is moderated both by the area's small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland — equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will

be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Okanagan Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide regional trail development and management through to 2021.

See Schedule 'F' (Road and Trail Network Plan) for a map of designated trails in the Plan Area.

15.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

15.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.

- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Support trail use guidelines that promote “leave no trace” trail use.
- .10 Recognizes the various interests in the future use of the Kettle Valley Railway, and designates it Park (PR) in order to protect options for future use as a public corridor
- .11 Encourages the development of a watershed or drinking water management plan that serves to protect Naramata’s water quality, in consultation with the community.
- .12 Encourages the development of a Parks & Recreation Master Plan that outlines park strategies and functions, addresses public and commercial recreation needs, as well as infrastructure requirements, in consultation with the community.
- .13 Supports the Naramata Parks and Recreation Commission in maintaining park land and Public Recreation corridors.
- .14 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area to accommodate a variety of uses, including but not limited to: walking, running, bicycling, horseback riding and cross country skiing.
- .15 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown

land, and natural open space, and allow for easy pedestrian access through residential areas.

- .16 Seeks to continue to provide universal access to recreational amenities in the Plan Area, including parks, trails, facilities and programs.
- .17 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.

15.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;

- ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
 - .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.
 - .7 Encourages developers to dedicate greater than 5% park land in areas where parkland is desired.
 - .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
 - .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

(xxxvii) adding the following as Section 16.0 and renumbering the subsequent sections accordingly:

16.0 NATURAL ENVIRONMENT & CONSERVATION

16.1 Background

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the

province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada.

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. As the Plan Area contains significant developed areas and a variety of land uses including recreation, agriculture, forestry areas and the like, it also contains a high number of species at risk.

The Plan Area itself is home to many unique environmental features, including the silt benches above Okanagan Lake, as well as various other lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess "high" and "very high" ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and is described further in Section 21.2 of this Plan.

Other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule 'C' as an "Important Ecosystem Area" and is described further in Section 21.2 of this Plan.

As a local government listed under Section 3 of the *Riparian Areas Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lands within 30.0 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 21.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).

16.1.1 Objectives - General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quality today and for future generations.

16.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 21.2 as well as relevant federal and provincial best management guidelines.

- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's approved Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

16.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes one large lake, Okanagan Lake, and several smaller lakes including Chute, Greyback, and Naramata Lakes. The Plan Area also includes various streams including Naramata Creek, and Robinson Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through

groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystems benefits that costly water treatment and recovery planning for species at risk cannot replace.

Generally land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 21.3). Other activities that are subject to regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

16.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).
- .3 Improve and better manage waterfront public access along the Okanagan Lake shoreline, while limiting the overall number of public access points.
- .4 Minimize and avoid development in high hazard soil instability areas on the Okanagan Lake foreshore and riparian area.
- .5 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .6 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .7 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

16.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Area Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 21.3 (Watercourse Development Permit Area) of this Plan, unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'D'.
- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.
- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and require environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.

- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

16.3 Terrestrial Areas

Terrestrial areas are simply described as the areas upland or beyond water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: Okanagan Mountain Provincial Park. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes. Rock Ovens Regional Park also protects significant sensitive habitat.

16.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.

- .4 Encourage and facilitate linkages of protected habitat areas.

16.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has on Schedule 'C':
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or
 - b) Identified these lands as an "Important Ecosystem Area".
- .2 Requires that land designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 21.2 of this Plan, unless an exemption applies.
- .3 Considers that land identified as an "Important Ecosystem Area" should generally be retained in a natural state and, if a re-designation of the land under the OCP or a re-zoning of the land under the Zoning Bylaw is proposed, that these lands be considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule 'C'.
- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule 'C' to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.

- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;
 - d) creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or
 - h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.
- .9 Encourages the use of native vegetation to restore disturbed sites.

16.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas (ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the CA designation

applies to an upper portion of Naramata Creek held by a conservation organisation as well as some small portions of privately held land identified as warranting protection through a rezoning process.

For a map of Conservation Areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

16.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.

16.4.2 Policies

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations, and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will work with local First Nations to incorporate it where feasible, practical and appropriate.

(xxxviii) replacing the first sentence of Section 17.1 with the following:

The Plan sets out Schedule 'F' Road and Trail Network Plan for current and future roads and trails proposed for the area

(xxxix) replacing Section 17.2.4 with the following:

To achieve a coordinated open space system incorporating cyclists and pedestrians, and to encourage non-vehicular accessibility, respecting

designated Environmentally Sensitive Development Permit Areas and “Important Ecosystem Areas”, as shown on Schedule ‘C’.

- (xl) replacing Section 17.3.4 with the following:

Supports the protection of future road rights-of-way identified and endorsed by the Province as set out in the Road and Trail Network Plan (Schedule ‘F’).
- (xli) replacing Section 17.3.5(b) with the following:

existing and future roads and alignments are designed with due consideration for the protection of designated Environmentally Sensitive Development Permit Area and Important Ecosystem Area, as shown on Schedule ‘C’.
- (xlii) replacing Section 17.3.6(a) with the following:

Designates the KVR corridor as a Park (PR). This corridor is an integral component of the Trans-Canada Trail and the Naramata Area Road and Trail Network Plan. The Board recognizes that there will be growth in the Naramata area, and that the Province maintains interest in utilizing the KVR corridor for motorised vehicle transportation purposes if development needs in Electoral Area ‘E’ are such that a secondary road is required. The community strongly discourages the development of any portion of the KVR for motorised vehicle transportation purposes since it is a valued public recreation resource.
- (xliii) replacing Section 17.3.6(c) with the following:

Encourages the KVR corridor to be maintained as a public trail corridor for hiking, biking and other leisure pursuits. Where there is no other alternative for motorised vehicle transportation purposes, Provincial and local government agencies will embark on a management planning exercise, with community input and support. It is encouraged that the KVR corridor be maintained where possible, and where not possible, be a separate route from any surfaced road area.
- (xliv) replacing Section 18.1.6.2 with the following:

Encourages public utility companies and the Province to locate and develop utility corridors and roads in a way that will not have a negative impact on designated Environmentally Sensitive Development Permit Area and Important Ecosystem Area, as shown on Schedule ‘C’, or on agriculture.

- (xlv) replacing Section 20.1 with the following:

The OCP may designate development permit areas under the authority of Local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any development or subdivision of land within a designated development permit area.

- (xlvi) replacing Section 20.2 (Environmentally Sensitive Development Permit (ESDP) Area) in its entirety with the following:

20.2 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule 'C' are designated as an Environmentally Sensitive Development Permit Area.

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect important sensitive ecosystems and biological diversity including valuable habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a

largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 20.2.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

- .1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:
 - a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by

a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:

- i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of Environmentally Sensitive Areas (ESAs).
- ii) An Impact Assessment and Mitigation Phase including:
 - .1 description of proposed development;
 - .2 assessment of potential impacts;
 - .3 short and long term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.
- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
- c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
- d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.

- e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.
- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Expedited Development Permit

- .1 Despite sub-section 20.2.6.1(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
- a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:
 - i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
 - ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 there is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or

- b) acceptable restoration/mitigation have been prescribed.
- iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.
- b) If a QEP cannot certify the absence of EVRs or that impacts have been avoided or acceptably mitigated through a REA, an EA as outlined under sub-section 20.2.6.1(a) will be required.
- c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

.8 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;
- .2 the repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;
- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:
 - a) an alteration or addition to the original footprint of an existing principal dwelling unit; or
 - b) the construction of an accessory building or structure, provided a majority of the footprint of the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site

native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping);

- .5 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission Act* on land located in the ALR and classified as “farm” under the *Assessment Act*;
- .6 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
- .7 any farm use that is subject to an approved Environmental Farm Plan (EFP) through the Canada-British Columbia Environmental Farm Plan Program;
- .8 the repair of existing fences;
- .9 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.

(xlvii) replacing Section 20.3.2 (Watercourse Development Permit Area) with the following:

The lands within 30 metres of a stream or ravine including lands within 30 metres of a stream or a ravine shown as Watercourse Development Permit Area on Schedule ‘D’ are designated as a “Watercourse Development Permit Area”.

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

(xlviii) replacing the first paragraph of Section 20.4.2 with the following:

The development permit for the Naramata towsite area includes General Commercial, Tourist Commercial and Low and Medium Density Residential designations in order to provide guidelines for the form and character of development of the towsite of Naramata (see Schedule ‘E’). The purpose of this development permit area is to ensure that revitalization reflects and enhances the quality and uniqueness of the towsite with its small village character

- (xlix) replacing Schedule 'B' (Official Community Plan Map), with a new Schedule 'B' (Official Community Plan Map), as shown on the attached Schedule 'U' (which forms part of this bylaw).
- (l) replacing Schedule 'C' (Road and Trail Network Plan), with a new Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area), as shown on the attached Schedule 'V' (which forms part of this bylaw).
- (li) replacing Schedule 'D' (Development Permit Areas), with a new Schedule 'D' (Watercourse Development Permit Areas), as shown on the attached Schedule 'W' (which forms part of this bylaw).
- (lii) adding a new Schedule 'E' (Naramata Townsite Development Permit Area), as shown on the attached Schedule 'X' (which forms part of this bylaw).
- (liii) adding a new Schedule 'F' (Road and Trail Network Plan), as shown on the attached Schedule 'Y' (which forms part of this bylaw).

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

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

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include outdoor and indoor recreation services, or open land recreation;
- (ii) adding a new definition of "interpretive centre" under Section 4.0 (Definitions) to read as follows:

"interpretive centre" means a building that provides interpretation of a place of interest related to the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and

which may also include accessory facilities such as a refreshment stand or gift shop.

- (iii) replacing Section 14.3 (Parks and Recreation Zone) under Section 14.0 (Administrative and Open Space) with the following:

14.3 PARKS AND RECREATION ZONE (PR)

14.3.1 Permitted Uses:

Principal Uses:

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

Secondary Uses:

- d) carnivals, circuses and fairs;
- e) community hall;
- f) public moorage and marina;
- g) recreation services, indoor;
- h) one (1) accessory dwelling, subject to Section 7.11; and
- i) accessory buildings and structures, subject to Section 7.13.

14.3.2 Site Specific Parks and Recreation (PRs) Provisions:

- a) see Section 15.15

14.3.3 Minimum Parcel Size:

- a) Not applicable

14.3.4 Minimum Parcel Width:

- a) Not applicable

14.3.5 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 4.5 metres

iv) Exterior side parcel line 4.5 metres

14.3.6 Maximum Height:

a) No building or structure shall exceed a height of 15.0 metres

14.3.7 Maximum Parcel Coverage:

a) 25%

(iv) replacing Section 14.4 (Conservation Area Zone) under Section 14.0 (Administrative and Open Space) with the following:

14.4 CONSERVATION AREA ZONE (CA)

14.4.1 Permitted Uses:

Principal Uses:

a) conservation area;

Secondary Uses:

b) interpretive centre;

c) one (1) accessory dwelling, subject to Section 7.11; and

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

14.4.2 Site Specific Conservation Area (CAs) Provisions:

a) see Section 15.16

14.4.3 Minimum Parcel Size:

a) Not applicable

14.4.4 Minimum Parcel Width:

a) Not applicable

14.4.5 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 4.5 metres
- iv) Exterior side parcel line 4.5 metres

14.4.6 Maximum Height:

- a) Not applicable

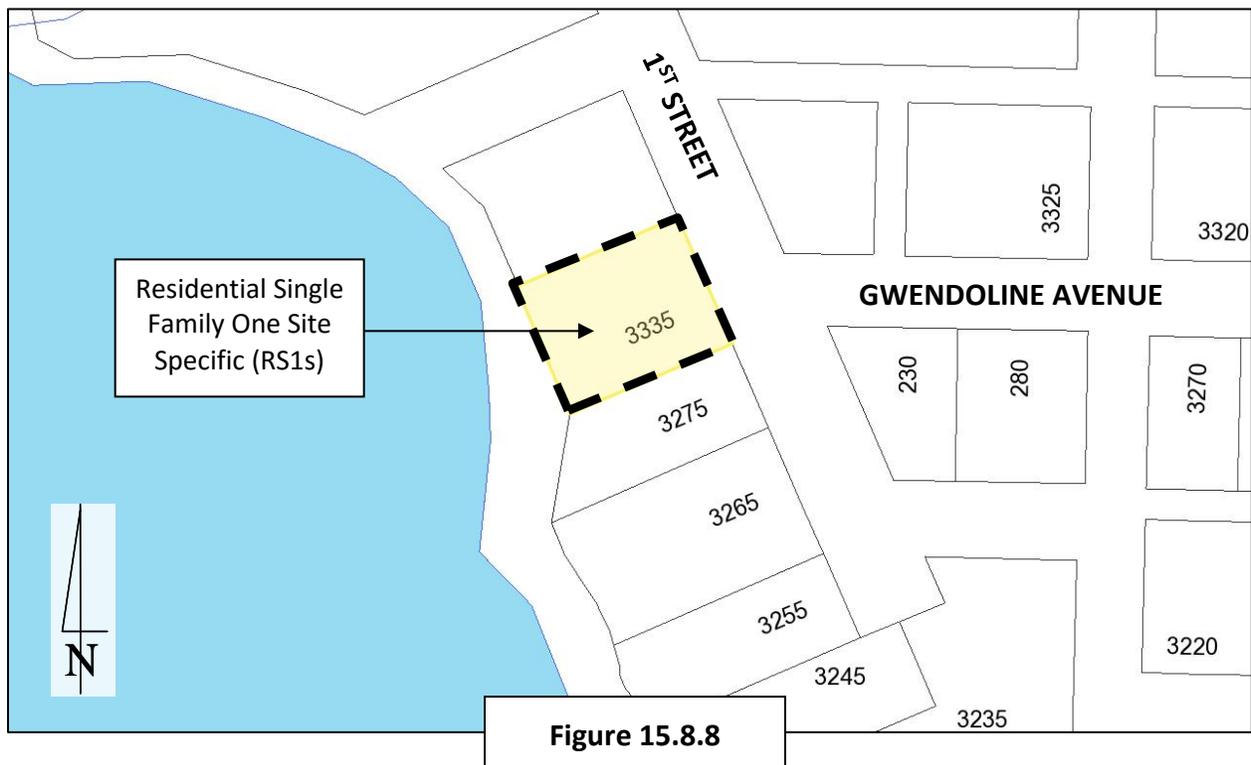
14.4.7 Maximum Parcel Coverage:

- a) 5%

(v) adding a new sub-section 15.8.8 (Site Specific Residential Sing Family One) under Section 15.0 (Site Specific Designation) to read as follows:

.8 in the case of land described as Lots 4-6, Plan KAP1145, District Lot 210, SDYD, (3335 1st Street, Naramata) and shown shaded yellow on Figure 15.8.8:

- a) despite Section 11.1.6(a)(i), the minimum front parcel line setback for a building or structure shall be 4.0 metres;
- b) despite Section 11.1.6(a)(iv), the minimum interior side parcel line setback for a building or structure shall be 1.5 metres; and
- c) despite Section 11.1.8(a), the maximum parcel coverage shall be 37%.



a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Selby, Mariposa and Bonin Parks are operated and maintained by the Regional District.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publically owned and maintained by the Regional District are designated Parks, Recreation and Trails.
- **Provincial Recreation Areas:** Darke Lake Provincial Park, Enease Lakes Provincial Park, Kickininee Provincial Park, Okanagan Lake Park are provincially designated Recreation Areas.
- **Other Recreation Areas:** a small area of land at Greata Ranch and “Camp Boyle”, which is operated by The Boy Scouts of Canada, have been designated as Park.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area’s trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes three small regional parks, the need for additional community parks is moderated both by the area’s small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland — equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Okanagan Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

In 2012, the Regional District adopted a *Regional Trails Master Plan*

that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide regional trail development and management through to 2021.

12.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

12.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.

- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Support trail use guidelines that promote “leave no trace” trail use.
- .10 Encourages the School Districts to establish joint use agreements to support the multiple use of school and school grounds in the community, particularly the West Bench elementary school.
- .11 Supports the Kettle Valley Railway right-of-way being preserved and utilized as a linear park and recreation corridor.
- .12 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area to accommodate a variety of uses, including but not limited to: walking, running, bicycling, horseback riding and cross country skiing.
- .13 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown land, and natural open space, and allow for easy pedestrian access through residential areas.
- .14 Seeks to continue to provide universal access to recreational amenities in the Plan Area, including parks, trails, facilities and programs.
- .15 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.

12.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.

- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
- .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared.

Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.

- .7 Encourages developers to dedicate greater than 5% park land in areas where parkland is desired.
- .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
- .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

- (v) adding the following as Section 13.0 (Natural Environmental & Conservation) and renumbering the subsequent sections accordingly:

13.0 NATURAL ENVIRONMENT & CONSERVATION

13.1 Background

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada.

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. As the Plan Area contains significant developed areas and a variety of land uses including recreation, agriculture, forestry areas and the like, it also contains a high number of species at risk.

The Plan Area itself is home to many unique environmental features, including the silt benches above Okanagan Lake and Trout Creek valley as well as various other lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. These areas generally comprise privately held lands not in the Agricultural Land Reserve (ALR) that possess “high” and “very high” ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and is described further in Section 17.2 of this Plan.

Other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule ‘H’ as an “Important Ecosystem Area” and is described further in Section 17.2 of this Plan.

As a local government listed under Section 3 of the *Riparian Area Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lands within 30.0 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 17.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule ‘H’ (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule ‘G’ (Watercourse Development Permit Areas).

13.1.1 Objectives - General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.

- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quality today and for future generations.

13.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 17.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

13.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes one large

lake, Okanagan Lake, and several smaller lakes including Darke Lake, Garnet Lake, and Eneas Lakes. The Plan Area also includes various streams including Trout Creek, and Eneas Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystem benefits that costly water treatment and recovery planning for species at risk cannot replace.

Generally, land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark or a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 17.3). Other activities that are subject to regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

13.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'H' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'G' (Watercourse Development Permit Areas).
- .3 Improve and better manage waterfront public access along the Okanagan Lake shoreline, while limiting the overall number of public access points.
- .4 Minimize and avoid development in high hazard soil instability areas on the Okanagan Lake foreshore and riparian area.
- .5 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .6 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .7 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

13.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Area Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 17.3 (Watercourse Development Permit Area) of this Plan, unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'G'.

- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.
- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and requires environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.
- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

13.3 Terrestrial Areas

Terrestrial areas are simply described as the areas upland or beyond water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: Brent Mountain Protected Area, Eneas Lakes Provincial Park and Darke Lake Provincial Park. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

13.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'H' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.
- .4 Encourage and facilitate linkages of protected habitat areas.

13.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has on Schedule 'H':
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or
 - b) Identified these lands as an "Important Ecosystem Area".
- .2 Requires that land designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state

and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 17.2 of this Plan, unless an exemption applies.

- .3 Considers that land identified as an “Important Ecosystem Area” should generally be retained in a natural state and, if a re-designation of the land under the OCP or a re-zoning of the land under the Zoning Bylaw is proposed, that these lands be considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule ‘H’.
- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule ‘H’ to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.
- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;
 - d) creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;

- f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or
 - h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.
 - .9 Encourages the use of native vegetation to restore disturbed sites.

13.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas (ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, there are currently no lands that have been designated for conservation purposes.

For a map of Conservation Areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

13.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.

13.4.2 Policies

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations, and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will seek to work with local First Nations to incorporate it where feasible, practical and appropriate.

(liv) adding a new section Section 16.2 (Watercourse Development Permit (WDP) Area) and renumbering the subsequent sections accordingly:

16.2 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule 'H' are designated as an Environmentally Sensitive Development Permit Area.

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect important sensitive ecosystems and biological diversity including valuable habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to

protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 17.6.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

- .1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:
 - a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:
 - i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of Environmentally Sensitive Areas (ESAs).
 - ii) An Impact Assessment and Mitigation Phase including:
 - .1 description of proposed development;
 - .2 assessment of potential impacts;
 - .3 short and long term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.
 - b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.

- c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
 - d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.
 - e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.
- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Expedited Development Permit

- .1 Despite sub-section 16.2.6.1(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
- a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:
 - i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.

- ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 there is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
- iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.
- b) If a QEP cannot certify the absence of EVRs or that impacts have been avoided or acceptably mitigated through a REA, an EA as outlined under sub-section 16.2.6.1(a) will be required.
- c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

.8 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;
- .2 the repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;
- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:

- a) an alteration or addition to the original footprint of an existing principal dwelling unit; or
 - b) the construction of an accessory building or structure, provided a majority of the footprint of the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping);
 - .5 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission Act* on land located in the ALR and classified as “farm” under the *Assessment Act*;
 - .6 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
 - .7 any farm use that is subject to an approved Environmental Farm Plan (EFP) through the Canada-British Columbia Environmental Farm Plan Program;
 - .8 the repair of existing fences;
 - .9 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.
- (vi) replacing Section 16.2.2 (Watercourse Development Permit Area) with the following:

The lands within 30 metres of a stream or ravine including lands within 30 metres of a stream or a ravine shown as Watercourse Development Permit Area on Schedule ‘G’ are designated as a “Watercourse Development Permit Area”.

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

- (vii) replacing Schedule 'B' (Official Community Plan Map), with a new Schedule 'B' (Official Community Plan Map) as shown on the attached Schedule 'AA' (which forms part of this bylaw).
- (viii) replacing Schedule 'G' (Watercourse Development Permit Area), with a new Schedule 'G' (Watercourse Development Permit Area) as shown on the attached Schedule 'BB' (which forms part of this bylaw).
- (ix) adding a new Schedule 'H' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area), as shown on the attached Schedule 'CC' (which forms part of this bylaw).

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

- (i) adding a new definition of "conservation area" under Section 4.0 (Definitions) to read as follows:

"conservation area" means land that is preserved and protected, and may be owned by an individual, the Province including ecological reserves or protected areas, the Canadian Wildlife Service, The Nature Trust, The Land Conservancy, Regional District of Okanagan-Similkameen, the public or other not for profit organizations interested in conservation for the prime purpose of conserving natural habitat. Typical examples include but are not limited to land protected in a natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife or fish. A Conservation Area does not include outdoor and indoor recreation services, or open land recreation;

- (ii) adding a new definition of "interpretive centre" under Section 4.0 (Definitions) to read as follows:

"interpretive centre" means a building that provides interpretation of a place of interest related to the natural environment through a variety of media, such as video displays, information panels and exhibitions of material, and which may also include accessory facilities such as a refreshment stand or gift shop.

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

"parks" means any publicly-owned, held or beneficially owned outdoor land or facility specifically designed for passive or active recreation including tot-

lots, playgrounds, walkways, trails, band shells, greenbelts, buffers, nature interpretation areas, or similar land uses, including all uses permitted in Provincial Parks, and all natural and constructed landscaping, facilities, playing fields, buildings and structures consistent with the general purpose of public park land;

- (iv) adding a new definition of “recreation services, indoor” under Section 4.0 (Definitions) to read as follows:

“recreation services, indoor” means facilities within an enclosed building for sports, active recreation and cultural arts and may include but are not limited to athletic clubs, health and fitness clubs, swimming pools, curling clubs, hockey rinks, bowling alleys and racquet clubs;

- (v) adding a new definition of “recreation services, outdoor” under Section 4.0 (Definitions) to read as follows:

“recreation services, outdoor” means facilities that are available to the general public for sports and active recreation conducted outdoors. Typical uses include but are not limited to ball fields and athletic fields;

- (vi) adding a reference under Section 6.1 (Zoning Districts) to “Conservation Area CA” as an Administrative and Open Space zoning.

- (vii) replacing Section 15.2 (Parks and Recreation Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.2 PARKS AND RECREATION ZONE (PR)

15.3.1 Permitted Uses:

Principal Uses:

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

Accessory Uses:

- d) carnivals, circuses and fairs;
- e) community hall;
- f) public moorage and marina;
- g) recreation services, indoor;

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

15.2.2 Site Specific Parks and Recreation (PRs) Provisions:

- a) see Section 16.20

15.2.3 Minimum Parcel Size:

- a) Not applicable

15.2.4 Minimum Parcel Width:

- a) Not applicable

15.2.5 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 4.5 metres
 - iv) Exterior side parcel line 4.5 metres

15.2.6 Maximum Height:

- a) No building or structure shall exceed a height of 15.0 metres

15.2.7 Maximum Parcel Coverage:

- a) 25%

(viii) adding a new Section 15.3 (Conservation Area Zone) under Section 15.0 (Administrative and Open Space) with the following:

15.3 CONSERVATION AREA ZONE (CA)

15.3.1 Permitted Uses:

Principal Uses:

- a) conservation area;

Secondary Uses:

- b) interpretive centre;
- c) one (1) accessory dwelling, subject to Section 7.11; and

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

15.3.2 Site Specific Conservation Area (CAs) Provisions:

a) see Section 16.21

15.3.3 Minimum Parcel Size:

a) Not applicable

15.3.4 Minimum Parcel Width:

a) Not applicable

15.3.5 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 | 4.5 metres |
| iv) Exterior side parcel line | 4.5 metres |

15.3.6 Maximum Height:

a) Not applicable

15.3.7 Maximum Parcel Coverage:

a) 5%

(ix) amending Section 16.20 (Site Specific Park and Recreation Provisions) under Section 16 (Site Specific Designations) to read as follows:

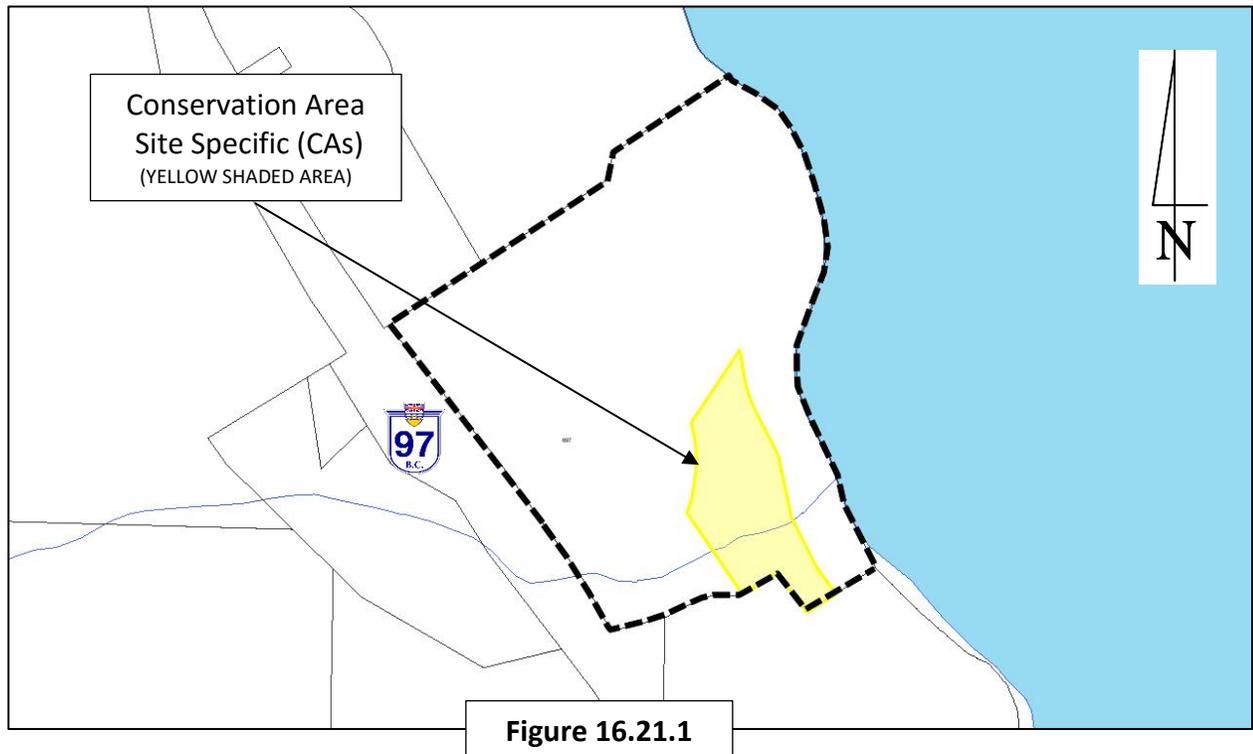
16.20 Site Specific Parks and Recreation (PRs) Provisions:

.1 *deleted.*

(x) adding a new Section 16.21 (Site Specific Conservation Area Provisions) under Section 16 (Site Specific Designations) to read as follows:

16.21 Site Specific Conservation Area (CAs) Provisions:

- .1 in the case of an approximately 1.1 ha part of the land described as Lot 1, Plan KAP83541, District Lot 2537, ODYD, Except Plan KAP85241 (697 Highway 97) and shown shaded on Figure 16.21.1:
 - i) the following accessory uses shall be permitted on the land in addition to the permitted uses listed in Section 15.3.1:
 - a) eating and drinking establishment.



- (xi) replacing Schedule '2' (Zoning Map) with a new Schedule '2' (Zoning Map), as shown on the attached Schedule 'DD' (which forms part of this bylaw).

READ A FIRST AND SECOND TIME this 18th day of May, 2017.

PUBLIC HEARING HELD this 1st day of June, 2017.

READ A THIRD TIME, AS AMENDED, this ____ day of _____, 2017.

I hereby certify the foregoing to be a true and correct copy of the “Regional District of Okanagan-Similkameen Parks, Recreation, Trails and Environmental Areas Update Amendment Bylaw No. 2710, 2017”, as read a Third time by the Regional Board on this ____ day of ____, 2017.

Dated at Penticton, BC this __ day of ____, 2017.

Corporate Officer

Approved pursuant to Section 52(3) of the Transportation Act this ____ day of _____, 2017.

For the Minister of Transportation & Infrastructure

ADOPTED this ____ day of _____, 2017.

Board Chair

Chief Administrative Officer

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'A'

[Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008](#)
[Schedule 'B' \(OCP Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'B'

[Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008](#)
[Schedule 'C' \(Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'C'

[Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008](#)
[Schedule 'D' \(Watercourse Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'D'

[Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008](#)
[Schedule 'E' \(Road and Trail Network Plan\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'E'

[Electoral Area "A" Zoning Bylaw No. 2451, 2008](#)
[Schedule '2' \(Zoning Map\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

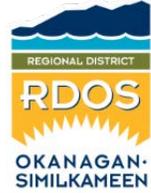
Project No: X2015.100-ZONE

Schedule 'F'

[Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008](#)
[Schedule 'B' \(OCP Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'G'

[Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008](#)
[Schedule 'C' \(Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'H'

[Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008](#)
[Schedule 'D' \(Watercourse Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'I'

[Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008](#)
[Schedule 'E' \(Protection of Farming Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'J'

[Electoral Area "C" Zoning Bylaw No. 2453, 2008](#)
[Schedule '2' \(Zoning Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'K'

[Electoral Area "D" Zoning Bylaw No. 2457, 2008](#)
[Schedule '2' \(Zoning Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'L'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'B' \(OCP Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'M'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'C' \(Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'N'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'D' \(Watercourse Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'O'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'E' \(Form and Character Development Permit Areas\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'P'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013
Schedule 'F' \(Hillside and Steep Slope Development Permit Areas\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'Q'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'G' \(Transportation and Trail Network\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'R'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'H' \(Aggregate Potential\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'S'

[Electoral Area "D-2" Official Community Plan Bylaw No. 2603, 2013](#)
[Schedule 'I' \(Wildfire Hazard\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

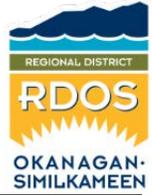
Schedule 'T'

[Electoral Area "D" Zoning Bylaw No. 2455, 2008](#)
[Schedule '2' \(Zoning Map\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'U'

[Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008](#)
[Schedule 'B' \(OCP Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'V'

[Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008](#)
[Schedule 'C' \(Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'W'

[Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008](#)
[Schedule 'D' \(Watercourse Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

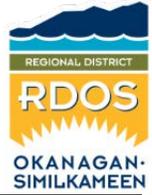
Schedule 'X'

[Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008](#)
[Schedule 'E' \(Naramata Townsite Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'Y'

[Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008](#)
[Schedule 'F' \(Road and Trail Network Plan\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'Z'

[Electoral Area "E" Zoning Bylaw No. 2459, 2008](#)
[Schedule '2' \(Zoning Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'AA'

[Electoral Area "F" Official Community Plan Bylaw No. 2460, 2008](#)
[Schedule 'B' \(OCP Map\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'BB'

[Electoral Area "F" Official Community Plan Bylaw No. 2460, 2008](#)
[Schedule 'G' \(Watercourse Development Permit Area\)](#)

Regional District of Okanagan-Similkameen

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'CC'

[Electoral Area "F" Official Community Plan Bylaw No. 2460, 2008](#)
[Schedule 'H' \(Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area\)](#)

Regional District of Okanagan-Similkameen

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

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



Amendment Bylaw No. 2710, 2017

Project No: X2015.100-ZONE

Schedule 'DD'

[Electoral Area "F" Zoning Bylaw No. 2461, 2008](#)
[Schedule '2' \(Zoning Map\)](#)

From: Adam Patterson
Sent: March-31-16 1:33 PM
To: White, Bryn E FLNR:EX; Planning
Subject: RE: Regional District Okanagan Similkameen Invitation to Qualified Environmental Professionals

Hi Bryn,

Sorry for the late timing but I was able to collect the following few points from a circulation in our office:

Checklist:

- Could include property description, such as zoning/ALR, size, which jurisdiction/OCP guidelines apply
- Under riparian might be good to have a checkbox for lake and stream
- Could include fish habitat/spawning category
- Under Environmentally valuable resources include Large Lakes Protocol Zoning – not necessary but provides a heads up if the property is in a Black Zone/mussel zone etc.
- Another habitat feature could include rock outcrop/cliff

Perhaps a bit clarification around whether both the EA and rapid checklist are required for all DP's or whether just the rapid checklist can be completed if there are no sensitive features could be included. The Terms of Reference appear to be quite comprehensive.

Hope that helps! Thanks,

Adam Patterson, R.P.Bio.
Natural Resource Biologist
ECOSCAPE Environmental Consultants Ltd.

This email, and any files transmitted, are confidential and may contain privileged information. Any unauthorized dissemination or copying is strictly prohibited. If you have received this email in error, please notify the sender immediately and delete the email.



Please consider the environment before printing this e-mail

Many thanks for hosting this information session. I wish to follow-up on the discussion regarding the Draft Terms of Reference – Professional Report that the RDOS is releasing:

My comments are more of a professional context/content aspect being an R.P.Bio. for close to twenty years in BC, the former President of the Association of Professional Biologists and entering my second term as a College Councilor with the College of Applied Biology, rather than solely from the firm I currently am employed with.

Suggest the title should clearly reflect the scope with an indication that this document is solely for environmental assessment submissions to the RDOS and suggest the citation be more aptly named Terms of Reference – Professional Environmental Assessment Reporting. Suggest the introductory scope more clearly outline the rationale [purpose] to more clearly reflect the proposed change that only Registered Professional Biologists must be the lead and senior author of these reports. I would suggest that R.P. Tech. also be suitably endorsed for completing these reports and suggest College of Applied Biology requirement for this be explored by reviewing the required qualifications as outlined in the following link: <https://www.cab-bc.org/membership-categories/registered-biology-technologist>

I suggest the introduction include a discussion as the Region's overall context of a phased aspect into completing and reporting out on environmental assessments, as was outlined during the presentation. I was initially confused when data deliverables were organized into Phase when the content was outlining report requirements.

Section 2.2.4 Site Maps: suggest have an initial existing condition figure, followed by a proposed development plan. Placing details such as item b) post development contours - will result in an overly complicated drawing.

Section 2.2.4.e) maybe a typo to reference Section 2.3.2(?), rather than 2.4?

Section 2.2.4.f) aquatic features should be more specific stating "surface waterbodies and defined waterway channels whether flowing or not". Therein my experience has needed to confirm intermittent waterways shown many times on background maps are waterways placed solely based on topology and have no defined channel characteristics.

Section 2.2.6 Referencing: is not "developed to certify" but rather suggest "compiled and verify".

Section 2.3.1 "from other interested parties" is hard from a consultants viewpoint to ascertain who else may be interested and how is this substantiated, consider "third party or grey literature"; also typo - "neighbours".

Section 2.3.2 suggest stipulate the requirement to adhere to existing and most current RISC standards, see: <https://www.for.gov.bc.ca/hts/risc/>

Section 2.3.2c) BEC/TEM/SEI 's are provincially compiled and available and suggest be included as separate base mapping figures to outline current recognition of subject property conditions

Section 2.3.2d) please give some requirement as to distance depicting "adjacent lands" must extend to as I consider this something different than just neighbouring parcels

Section 2.3.2e) suggest deleting the use of "or" to be more meaningful and inclusive

Section 2.3.2h) if contours and cross sections are required then ", if available," is redundant or are contours and cross sections only deliverable "if available"?

Section 2.3.2i) suggest to include ditches

Section 2.3.2j) is asking for a Phase 1 Contaminant Site land use history and seems rather excessive and hard to substantiate without a time frame and suggest current land owner use

Section 2.3 has a typo "IMPABC suggest be "iMapBC" (?) and the requirement that "inventory must be conducted, in the appropriate seasons" is too onerous and suggest that this be a requirement when species at risk habitat has been documented and a pre-disturbance survey becomes a requirement to be undertaken "according to RISC standards in the appropriate season in which the species may be detected"

Section 2.4 "generally applies" suggest be replaced more simply with "applies"

Section 5 is the first time the word "restoration" is used and suggest replacing that throughout with "rehabilitation" more or as the ESA verbiage uses "habitat improvements" as true restoration is not attainable nor desirable given pending climate change expectations

Section 6.e) "reported sightings of uncommon species" needs clarification as to where these reports are kept and consideration if indeed a new or simply 'lost' migrant

Section 6.g) not aware of any source to identify subsurface flow and recharge areas as an ecosystem at risk, beyond the Registered Biology scope for sure and suggest that be deleted

Section 6.j) appreciate more clarity to this requirement as to scope/distance of "surrounding land uses" and how this is completed and reported out

And similar comments to

Section 2.4.4 that again states "consider cumulative impacts....in surrounding lands" as well as "subsurface drainage"

Section 2.4.6b) suggest QEP be replaced with R.P. Bio.

Section 2.4.6c) suggest delete "plant"

Section 2.4.6e) suggest insert "potential" nesting sites

Section 2.4.6g) suggest remove "and fish"

Section 2.4.8 suggest greater clarity be given as to monitoring time length required to ensure bonding letter reflects that time period

Section 2.4.11.c) suggest clarity be given on circumstances when "the District must be given the authorization to stop work" without recognition that they have the appropriate QEP certification for environmental monitoring

Section 2.5 suggest similar consideration for R.P.B.Tech as being suitable to undertake this work and recognition that REA's applies to single residential development, modifications to existing residences and ancillary structures that do not alter the existing permitted use

Section 5.1.b).i) suggest wetlands be replaced with or minimally include surface waters

Section 5.1.F0 suggest where listed species are required to be considered – are they to include sightings or uncommon species

The REA Checklist suggest to include an "n/a" column and the occurrence of listed species define where they are listed and that the Comments are for RDOS staff

Again, trust that the above may be of use and would appreciate a final opportunity to comment once final revisions have be drafted ~

I also look forward the changes in the current brochures found on-line regarding Qualified Environmental Professional and the Environmental and Watercourse Development Permits

From: [Lalonde](#)
To: [Christopher Garrish](#)
Subject: a question re ESDP proposal
Date: January-15-16 9:28:38 AM

Hello Chris,

Further to our meeting yesterday at the RDOS office, there was another question I meant to ask. At the public presentation in Naramata on Monday evening you mentioned that the Government authorized the Regional District to effectively prevent or minimize development. Could you point me to the legislation that specifically deals with this effective capture of private property for conservation?

To reiterate what we discussed yesterday, we still ask that the RDOS remove our property at 503 Newton Drive from the proposed ESDP areas; to be in-line/consistent with the way it was applied to the rest of the West Bench area.

Thank you for your time,

Gerry Lalonde

From: kowalchuk
To: Christopher Garrish
Cc: Karla Kozakevich
Subject: Area E - Proposed Environment Development Permit Area (ESDP)
Date: January-13-16 10:22:38 AM
Attachments: Family.vcf

Chris

I am following up on your presentation at the Open House for Area E this past Monday, on the Proposed Environment Development Permit Area (ESDP).

We request that the following properties be excluded from the proposed new ESDP area:

- Lot A Plan KAP 91675 DL 2711 SDYD- Known as Naramata Benchlands Phase 2.
- Proposed Lot 2 (+/- 14.3 ha) currently in the subdivision process with RDOS and MOT- DL 3474 SDYD Except Plans KAP44343, KAP53674 and KAP59640 & Lot A DL 3474 SDYD Plan KAP 58675, Except Plan KAP 86517 - Known as (Naramata Benchlands Phase 3) – zoning swap 41 Residential Lots for creating the Conversation area Below

The RDOS has extensive knowledge of these lands previously provided by Naramata Benchlands and the previous owner Blackwell Stores that was not considered when the proposed ESDP mapping was prepared. If you require additional information or clarification on these properties please contact me immediately.

We look forward to being provided mapping that reflects these these properties being excluded from the ESDP area.

Regards

Randy Kowalchuk
Naramata Benchlands



This email has been checked for viruses by Avast antivirus software.

www.avast.com

From: Jerrilynn DeCock
To: Christopher Garrick
Subject:
Date: January-04-16 11:06:13 AM

Happy New Year Christopher. Since the meeting was set so close to Christmas, I left this until now. You had said to me that the person doing the maps would have to see my place to evaluate the environmental sensitivity of my property because the map was just made up of all the existing properties without actually seeing them. How do I go about this now please?

Also, I am very concerned with the fire hazard map and guess that it was made up simply by trees near residences. It is well enough known around here that the people and vehicles on the road are the greatest fire hazard and yet the roadway was not classified. In fact, I argue that the fact that people are living here and can report and fight a fire before it becomes a wildfire should have the area around residences as lower risk. There is greater risk of a wildfire in the wilderness where there is no-one to report a fire start from lightning. Of course, that same argument would apply to around habitation when no one is home.

My water system has a 1000 US gal cistern that I am not allowing to get below half full. I have a 50 foot hose and nozzle connected to a pressurized tap in the room and coiled for quick withdrawal for use in the event of fire so I have some fire protection. The cistern room is at the back of the house near the back door and not far from the wood stove.

Jerrilynn DeCock, P. Eng. Retired
Senior Electrical Engineer

Re: Update of Environmentally Sensitive Development Permit (ESDP) Areas

Having been lucky enough to live in Area F the majority of my life, I am appreciative of the beautiful environment that we residents of the south Okanagan are blessed with. That beautiful environment is the reason many people desire to move here, resulting in demand for land development. As a potential land developer, I see the foolishness of ruining the environment that creates that demand, and would prefer to collaborate with the RDOS and other agencies to minimize the impact on, and preferably enhance, the environment.

However, I feel this needs to be a cooperative effort, with professional expertise and on-site study, taking precedent. I do not feel that a landowner, RDOS, nor any other agency, should be able to veto a qualified professional's recommendations.

Specifically, as an RDOS constituent and taxpayer, I support the proposed changes, subject to the comments/conditions listed below:

Removal or alteration of proposed wording in the OCP (13.3.2 policy #5), ESDP (guideline # 2), etc., such that the developer, RDOS, nor other agency, can veto or contravene site-specific Environmental Assessment reports from Qualified Environmental Professionals.

Thank you for your consideration.

John Chapman
John Chapman

Chris Garrish
RDOS101 Martin Street
Penticton, BC V2A 5J9

December 15, 2015

Dear Mr. Garrish,

At the information meeting held in Osoyoos on December 14, 2014 regarding the proposed changes to the ESDP areas in RDOS Area A, there was a map displayed that showed the areas to be included in the proposed ESDP area.

One of the areas proposed to be made into an ESDP area was my property at 89th Street, Osoyoos, Lot B, Plan KAP66886, DL 2450S, SDYD, PID 024-814-407,. I do not agree that this property is environmentally sensitive except in the foreshore area adjacent to Osoyoos Lake, which is protected by existing regulations.

In 2013 I had a Terrestrial Environmental Assessment completed on that property by John Grods, R.P.Bio of Makonis Consulting Ltd. This assessment concluded that the only high value, ESA 1, land is the foreshore of Osoyoos Lake. The majority of the land is ESA 4 and ESA 3. There is a small area adjacent to 89th Street that is classed as ESA 2. (See paragraph 3.0 Environmental Sensitive Areas on page 7 and paragraph 4.0 Recommendations on page 8 as well as the ESA map at Figure Two on page 14)

I enclose a copy of the Terrestrial Environmental Assessment dated 31 October 2013.

I respectfully request that the property at 89th Street, Osoyoos, Lot B, Plan KAP66886, DL 2450S, SDYD, PID 024-814-407, be removed from the proposed ESDP area map.

Yours sincerely,

Susan Cooper

Michael, hope you are well.

I have a conflicting engagement tomorrow evening so unfortunately cannot attend the Area F meeting.

Here are my comments on ESDPs and other matters of concern:

1. ESDPs are long overdue; good on you for bringing them to Area F. The mapping provided by RDOS does not seem entirely accurate – the pdf file provided does not completely match the kmz. I used the kmz for review. I'm assuming you've used the Keeping Nature conservation ranks but have attempted to separate Crown from private lands for designation? I can see errors in the mapping including ESPD designation over lakeshore fronting Crown provincial parkland – where I believe the park boundaries actually extend into the lake. If your Crown/private base mapping contains errors or uncertainty, then some private lands that are ranked sensitive may be excluded inadvertently by not being designated ESDP and the environmental values they contain will therefore not be appropriately addressed on development. I suggest that RDOS designate all sensitive private lands regardless of map assumptions – ie. those private lands conservation ranked as very high and high would automatically be within an ESDP area.
2. Conservation Funding Proposal: I am 100% percent in agreement with a parcel-based levy to support conservation acquisitions and management across the Regional District.
3. Vaseux Lake bike path: This is not within Area F but is of concern to me; I have considerable experience with land and wildlife management in the Vaseux area. Encouraging and/or improving public bike/recreation access to the west side of Vaseux Lake as identified as a priority in the RDOS recreation strategy unfairly impacts long-standing conservation efforts. This is one of the highest value conservation land holdings in the entire region and only one of a couple of places in the entire valley that wildlife have currently unimpeded access to lakeshore. Is the concept of a National Wildlife Area and Migratory Bird Sanctuary lost on the RDOS? It is a place for wildlife, not people! Increasing people presence and bike traffic on the west side of Vaseux Lake will cause conflict (e.g. snake encounters and bike-caused injuries and death to snakes and other wildlife) and loss of



1

wildlife habitat suitability in the area. Many years ago I fought the province's proposal to twin the highway on that side of the lake and will fight hard again to prevent further development of a west side bike route! I suggest the RDOS look instead to a bike path that crosses the river channel on the drop structure just north of the national wildlife area and route it down the east dyke (the west dyke is well known for its basking snakes) then across the conservation lands to a shoulder-path at the side of the existing highway. This would not be as aesthetic for riders for a short distance but would respect the right of wildlife to have safe and less-disturbed habitat available to use.

4. Westbench School: We believe the school adds to property value, contributes to a diverse population demographic, and is an open-space and facility asset to the community. We would support a parcel-based levy specific to supporting continued operation of Westbench School.
5. Natural Gas: Have voted in support of bringing gas line to Sage Mesa.

Best regards, and thank you for your service to our community!

Al Peatt

Registered Professional Biologist

Lauri Feindell

From: Doug Kenyon
Sent: December-10-15 1:04 PM
To: Planning
Cc: Larry Kenyon; Tom Siddon; Tom Styffe
Subject: environmental plan for Area D

Christopher

I attended your information meeting at OK Falls with reference to adding an environmental report to a building permit and completely disagree with this cumbersome and bureaucratic process. It will do very little to enhance the environment and likely be harmful as owners try to circumvent the process as is now happening on Indian land which is under a similar process to what you are proposing. Our company has spent over \$100,000 to Summit Environmental on a Penticton project with very little positive results. Put your energies and money towards forming alliances to secure and protect sensitive areas. Don't broadbrush the entire community with an inefficient and costly bureaucracy.



Lauri Feindell

From: lmck
Sent: December-08-15 3:43 PM
To: Planning
Subject: ESDP areas

Hello,

I am a biologist and I live up on the west bench. I came out to the meeting at the west bench school about the ESDP areas. I think having ESDP areas is a great idea but I have some concerns about section 16.3.6b of the proposed area guidelines.

It states

Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees

As a biologist I have a few worries about that wording.

1. Area F contains mainly mixed Douglas Fir/ Ponderosa Pine forest which is not a terribly threatened ecotype. This wording suggests that building on grassland is preferable and could even lead to coniferous forest being planted in existing grasslands. I think it may be more valuable to take replace trees with native vegetation and get a QEP to choose the best location for disturbance

2. One of our most threatened ecotypes is mature Ponderosa Parkland Forest. This is a historic ecosystem that was maintained through fire.

This Ecotype features large ponderosa pines that are widely spaced and surrounded by a grassland of pinegrass, with occasional shrubs. This habitat is important for woodpeckers like the whiteheaded and Lewis's woodpeckers as well as a many other animals.

Because forest fires are now heavily restricted this habitat type is disappearing. The open understory is being replaced by many many young trees. These trees tend to be spindly competing for light with all the other young trees and they don't produce the large numbers of cones that many animals rely on as a food source. Increasing shading of the forest floor eventually favors Douglas fir and a completely different type of forest is created. Without having forest fires to clear out young saplings the best thing land managers can do to maintain this habitat is to clear out most of the young trees. Which this Bylaw wouldn't allow. I think that the quality of trees can be vastly different from the quantity of trees though it may be much harder to write into a bylaw

I know that people really gravitate towards trees, people love to plant trees on earthday and no one goes out to hug a grassland. These seemingly harsh environments are some of our most threatened and they provide a home for some of our most amazing and unique wildlife. I would like to urge you to reconsider your wording and consider trying to find a way to make it possible for people to help maintain Ponderosa Parkland by thinning sapplings. I'm afraid I don't have many suggestions of how to do that without leaving loopholes that people might abuse. Maybe you could have an OK



for trained professionals to thin existing forest to maintain the historic ecotype? Then have a workshop for some of the local companies that specialize in tree trimming?

I think that it's great that you are working on the ESDP areas for area F

Goodluck!

Lia McKinnon

From: _____
Sent: Monday, January 25, 2016 12:17 PM
To: planning@rdos.bc.ca
Subject: ESDP Ara Guidelines Revision

I am a landowner in Area C of the RDOS.

I am fundamentally opposed to the establishment of ESDP Areas, but, as that has occurred, however illogical the mapping, I have the following to suggest:

1. Regarding the Natural Environment & Conservation proposed policy 13.3.2.4 Encourages the parcel sizes of areas designated as "environmentally sensitive" or as "important ecosystem areas" on Schedule C to remain as large as possible to protect these habitat areas.

If the word "encourages" allows the RDOS board to vary from the words of the provision, if it sees fit for valid reasons, then that is fine. But if the word restricts the RDOS board, then the board might find that it cannot encourage a cluster development, which could quite conceivably have smaller lot sizes (but no greater density) as is encouraged in the OCP. Cluster developments quite conceivably, as has happened in the past, actually allow the owner to designate some of the property, hopefully and usually the most environmentally valuable, to remain free of development, which is surely the intent of the ESDP Area legislation.

Also, reference to Schedule C is problematic. Schedule C is not perfect; it is a mapping project painted with very large brush strokes. If a property was to be removed from Schedule C, then this policy should not apply to that property. This means the policy should read "....on Schedule C, or Schedule C as amended from time to time."

2. I suggested at the Area C APC meeting that a carrot might produce better results than a stick. Meaning, if property owners are encouraged—not forced—to protect the environment, they might be happier to do so. Encouragement could be in various forms. Perhaps, if certain parts of the property are voluntarily designated Conservation Area, the cost of the QEP report could be borne by the RDOS, or at least shared. And if a portion of the property is designated Conservation Area, that the allowable density of development on the remaining parcel remains at the level of allowable density when no part of the property was Conservation Area. There are probably many more mutually beneficial ways of developing property, which I am sure your staff are aware of, or have already seen or put in place. It would be a welcome encouragement to landowners, particularly of the larger parcels, to be able to read a policy paragraph which actually states that such cooperation will be encouraged. Your policy about encouraging giving one's land to some conservation group, is annoyingly self-serving to the SOSCP and its landholding members. In the real world, this simply is not a reasonable expectation of most landowners.

GIDAVE ✓

Lauri Feindell

From: Christopher Garrish
Sent: December 9, 2015 3:37 PM
To: Lauri Feindell
Subject: FW: ESDP values in an area of Kaleden

From: Bruce Shepherd
Sent: December-09-15 12:30 PM
To: Christopher Garrish; Evelyn Riechert; John Ingram
Cc: Alison Peatt
Subject: Re: ESDP values in an area of Kaleden

Thanks -- this helps (and looks different from what I recall from the larger-scale map displayed at last night's Open House in OK Falls -- probably a function of things pixillating as they are shrunk down). I will be sharing this with the KID Board members at our monthly meeting this coming Monday, and will provide any additional comments/questions received from them.

Following up on my earlier discussion at RDOS on Dec 4 with Alison, as well as my telecon with Chris today, I would like to float the idea of substituting ESDP designations for the WDP areas I contested in an earlier email. While the ravine/gully areas that had been identified as WDP areas using the provincial TRIM mapping are not in fact watercourses, I would suggest that they do have value for our "urbanized" wildlife as habitat refuges and connectivity corridors, and thus should be identified as ESDPs instead of WDPs. Your thoughts?

Cheers....Bruce

ote:

Feedback for “Update of Environmentally Sensitive Development Areas”.

1. It is my professional opinion that an alternative “project delivery” model exists – one that would be different than the one shown on the Flowchart presented at the Public Information Meeting held at Osoyoos on 2015-12-14.
2. My basic concern stems from the “setup” shown on this flowchart, in which a project “proponent” would engage an environmental professional, and not the public body in the jurisdiction in which this development proposal is located (= RDOS).
3. I would suggest that following the above path would eventually lead to some future situations with innumerable conflict and confusion. Some of this, I have actually experienced in my 50+ year career as a professional engineer. I could wax eloquently about this if required, but not here and now. I believe I am not the only person who is aware of the professional ethical pitfalls that will inevitably result if the RDOS chooses to follow the process as proposed to date. Why?
4. Any development proponent has an ultimate purpose for what he proposes. This is exactly as normally known the “bottom line”, whether this becomes “maximum lot yield”, “highest density” or variations of the above, meaning always “the very least restrictions to allow him the highest return on investment, come what may”. Developers are not by definition “agents of philanthropy” (although some of them say that they are, particularly during public hearings). On the other hand, the RDOS, and its employed professional staff, (representing the taxpayer = the general public), has a different purpose in allowing/permitting any development to happen: the promotion of various aspects of the “public good”, which in the current situation of the Official Community Plan might well be defined as better protection of the natural environment, to a much higher degree than what any developer might (by himself or by his consultants) ever envisage. As a civil engineer, having worked in both private and public sectors, I believe that these statements are true, and do reflect those of RDOS staff as well.
5. This is where the problem lies with the current “model”. Allowing a development proponent to engage an environmental consultant becomes automatically a professional ethical issue. It boils down to: “Does this professional person (and not that I am not questioning anybody’s professional ethics, but only stating the basics)
 - (a) do what the proponent (who pays him) wants him to do (= to improve the proponent’s bottom line), even to the extent of somehow compromising his professional ethics, however “good” they may be, or does he
 - (b) do everything for the common good, including the environment, even to the extent of suggesting (e.g. in a report to RDOS) that “what my client wants to develop would not really be promoting the natural environment and would actually be detrimental to it”?
6. This is not a fictitious or far-fetched problem. Professional bodies that regulate the professions like engineering, medicine, law, surveying, accounting (and the like) are all being plagued with situations from “setups” like this, and their “directors of legislation, ethics and compliance” are quite concerned about it. We all know that environmental consultants hired by Enbridge and by Trans Mountain Pipeline are being opposed vehemently by environmental consultants hired by groups opposing these two project proposals, and who can really tell what is the truth? Would it perhaps be the public, or the environmental professionals who happen to work for the federal, provincial, regional or municipal governments (some of whom may well dance to the tunes of their political masters)???

7. I am pretty sure that the above would not be the only (although extreme) current file within the basket of complaints (to and fro) in the office of the "Director of Ethics" for the (fictitious) "BC Association of Professional Environmentalists". But I do know that APEGBC (the Association of Professional Engineers and Geoscientists of BC) is receiving complaints of this nature. The November/December 2015 issue of its Journal "Innovation" shows that. Page 36 contains an article by their Mr. Efren Swartz LLB, which is just the first in a series of articles about this issue. (Copy attached).

8. Scripture clearly says that "No one can serve two masters, for either he will hate the one and love the other, or he will be devoted to the one and despise the other." (Matthew 6:24). Allowing a developer to retain an environmental consultant would mean that RDOS would not be loved and not be devoted; it would mean that the general public of Area A of the Regional District Okanagan Similkameen may in fact be "despised" by some future development project that is not in the common good and does not really protect some specific aspect of the natural environment as well as it could have been – IF the RDOS follows a different model of "project delivery".

9. I would therefore humbly suggest to you that for any proposed development under this revision of the OCP, the RDOS retain the "right" (or is it a duty?) to hire or engage the necessary environmental professional for the project, without any prior or subsequent involvement of the proponent himself. This could easily be done (as it is in some jurisdictions) by setting up of an "on-call" list of consultants, from which RDOS staff would do the selection and management of "service contracts" (as they were called on one jurisdiction where I worked). In this way, the RDOS (through staff) would keep control of that consultant, and would afterwards "backcharge" the developer for the work done by the environmental consultant. That would give us all a much higher level of "transparency".

10. I know that the details of such different model would need to be worked out, thrashed around and eventually approved by your Board, and that none of these details are shown in this "feedback". I am quite prepared to assist your staff in some of the details, so that future pitfalls may be avoided. Believe me, I am old enough to have been in working environments where different methods were used. The City of Surrey had an "Environmental Manager" in their Engineering Department until about 1997. I dealt with him on a number of environmental issues. But suddenly, his position was scratched.

Respectfully submitted for your kind attention.

Jacob A. de Raadt, P.Eng., MBA,

Comments by Jason de Rosier
2016-03-04

Proposed "Parks and Recreation" Policies Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008

12.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Osoyoos Lake Regional Park is operated and maintained by the Regional District.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publicly owned and maintained by the Regional District are designated Park, Recreation and Trails.
- **Provincial Recreation Areas:** swiws Provincial Park (formerly Haynes Point) is a provincially designated Recreation Area.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes only one small regional park, the need for additional community parks is moderated both by the area's small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland – equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Osoyoos Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

Comment [CJG1]: Updated Section dealing with park issues. Introduces a consistent layout to what is being proposed in the other Okanagan Electoral Area OCP Bylaws.

inconsistent for Area "A"

The KVR actually ended at Oliver. The railway extension to Osoyoos (1944) was part of CP Rail and not the KVR

This misimpression should be dispelled as the name KVR Trail is wrong

NOTE: THIS HAS BEEN PREPARED FOR CONSULTATION PURPOSES ONLY
FINAL TEXT MAY BE DIFFERENT IF ADDITIONAL RECEIVED FEEDBACK

perhaps "KVR/CP Rail Trail")

as far as Area "A" is concerned

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide regional trail development and management through to 2021.

See Schedule 'C' (Road and Trail Network Plan) for a map of designated trails in the Plan Area.

12.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

Comment [CJG2]: These are to be made consistent across Okanagan Electoral Areas reflecting the Regional District's approach to the provision of parkland for residents.

12.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Support trail use guidelines that promote "leave no trace" trail use.

Comment [CJG3]: These are to be made consistent across Okanagan Electoral Areas reflecting the Regional District's approach to the provision of parkland for residents.

NOTE: THIS HAS BEEN PREPARED FOR CONSULTATION PURPOSES ONLY
FINAL TEXT MAY BE DIFFERENT BASED UPON RECEIVED FEEDBACK

including comments to the existing plan

Add: Support the development and public use of the picnic grounds

- .10 Supports the continued public use of Osoyoos Lake Park.
- .11 Supports the designation of the abandoned irrigation canal right-of-way situated west of Osoyoos Lake as Park in order to protect options for future use (i.e. recreation and/or utility corridor).
- .12 Will review this Official Community Plan for consistency with any National Park proposal approved by the Federal Government and which affects lands within the Plan Area.

Comment [CJG4]: Amended and carried forward from current OCP policies - Section 12.2.6

Comment [CJG5]: Amended and carried forward from current OCP policies - Section 12.2.7.

Comment [CJG6]: Amended and carried forward from current OCP policies - Section 12.3.2.20

Comment [CJG7]: These are to be made consistent across Okanagan Electoral Areas reflecting the Regional District's approach to the provision of parkland for residents.

12.4 Parkland Dedication Policies:

- .1 For the purposes of Section 941(2) of the Local Government Act, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 Will determine, in accordance with Section 941 of the Local Government Act, at the time of a subdivision to which Section 941 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional-District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 Will consider, when determining a potential park land dedication under Section 941 of the Local Government Act, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.

not for future residents

Parkland dedicated should be 100% outside SPEA boundaries

Parking lot should not be accepted at Reflection Point and should

the "parking lot" should be rejected on this basis.

Designs not done for Reflection Point.

NOTE: THIS HAS BEEN PREPARED FOR CONSULTATION PURPOSES ONLY. FINAL TEXT MAY BE DIFFERENT BASED UPON RECEIVED FEEDBACK.

be returned to the developer of Phase 1)

There should be a section on "accreted land"

-
- .5 Considers that park land proposals must provide a benefit for the community and those lands with no benefit to the community should not be accepted.
 - .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.
 - .7 Encourages developers to dedicate greater than 5% ^{usable} park land in areas where parkland is desired.
 - .8 If cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
 - .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, developers are encouraged to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

*except of
invasive
species.*

Comments by Jacob Rebood
2016-03-04

Proposed ESDP Area Guidelines Electoral Area "A" Official Community Plan Bylaws

16.3 Environmentally Sensitive Development Permit (ESDP) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated under Section 919.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as ESDP Area on Schedule 'D' are designated as an "Environmentally Sensitive Development Permit Area".

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. This Development Permit Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife habitat and plant communities. Sensitive ecosystems in the area include grasslands,

riparian areas, forest, wetlands, shallow soiled rock outcrops and ridges. Specifically, BC's pocket desert, Kruger Mountain, Osoyoos Lake, the oxbows and wetlands of Okanagan River, Richter Pass with the natural ridgeline views between Highway 3 and Osoyoos Lake. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

.1 A development permit is required, except where specified under Section 18.2.9 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:

- a) subdivision;
- b) the construction of, addition to or alteration of a building or other structure; and
- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

.1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:

a) An Environmental Assessment (EA), prepared in accordance with the Regional District's Terms of Reference for Professional Reports, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) or team that shall include a Registered Professional Biologist (RPBio) under contract to the development applicant and shall include:

No 6

should be prepared by consultant "for RDOs and not for developer"

- i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species;
 - .4 consideration of Riparian Areas Regulations (RAR);
 - .5 stratification and rating of Environmentally Sensitive Areas (ESAs); and

.6 ecological assessment results.

ii) An Impact Assessment and Mitigation Phase including:

.1 description of proposed development;

.2 short and long term impacts;

.3 cumulative and residual impacts;

.4 avoidance of ESAs;

.5 mitigation and compensation;

.6 security requirements;

.7 monitoring reports;

.8 accountability; and

.9 monitoring plan.

b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.

c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.

d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.

e) Despite sub-section 18.2.7(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report prepared in respect of the construction, alteration, addition, repair, demolition and maintenance of a residential building or structure.

? f) An REA, prepared in accordance with the Regional District's Terms of Reference for Professional Reports, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) or team that includes a Registered Professional Biologist (RPBio) under contract to the development applicant, and shall include:

the word "simple" is used in the "subdivisions" Report No. 50 on page 30

NO!

The "Guidbook" has now been withdrawn from the website.

see 2015 Annual Report by Ombudsman Person.

I am not sure if the "Simple" EA's are still allowed - see footnote 70 on page 33 of Public Report No. 50

i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.

ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:

- .1 There is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
- .2 Known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.

g) If a QEP cannot certify the absence of EVRs or that impacts have been avoided or acceptably mitigated through a REA, an EA as outlined under sub-section 18.2.7(a) will be required.

.2 The Regional District reserves the right to seek a third party review of a submitted assessment. If necessary, the third party reviewer will be a mutually acceptable QEP and the cost of the review shared equally among the applicant and the Regional District.

.3 If an area of land is subject to additional Development Permit Area designations under Section 919.1(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 the repair or maintenance of existing buildings and structures provided there is no additions or increases to the footprint of a building or structure occurs;
- .2 an alteration or addition to an existing residential building or structure where the proposed footprint of the alteration or addition does not

exceed 50.0 m², and a completed Building Permit application has been accepted by the Regional District.

- .3 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping plan);
- .4 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use on a parcel in the ALR or on a parcel classified as "farm" under the *Assessment Act*;
- .5 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR, provided farming practices are in accordance with Provincial and Federal policies and environmental guidelines;
- .6 community utility services where they meet provincial and federal regulations;
- .7 the repair of existing fences;
- .8 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.
- .9 any type of development, provided that a QEP has submitted confirmation to the Regional District of the absence of sensitive ecosystems or federally or provincially listed species and their habitats on the property.



Feedback Form

Regional District of Okanagan Similkameen
101 Martin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Fax: 250-492-0083 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2015.100-ZONE

FROM: Name: Okanagan Similkameen Stewardship Society

i(please print)

Street Address: _____

Tel/Email: _____

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments / conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca
(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

Our concern with the proposed Official Community Plans is that as it is currently worded, there are barriers to conservation, enhancement and stewardship work being developed through the plans. By Ecological Assessment by a OEP and a Development Permit for habitat enhancement activities such as native plant re-vegetation and invasive species management, the proposed OCPs will hinder conservation and responsible land management. Annually, our charitable Society enhances approximately 100-200 acres of ecologically sensitive habitat in the RDOS under supervision of experienced biologists. With the proposed framework and additional process required for enhancement activities, we estimate that our positive impact to habitat for wildlife and species at risk would be reduced to approximately 25-50 acres due to increased time and direct expense related to Ecological Assessments and the Development Permit process.

Exemptions for habitat enhancement and restoration activities should be considered, such as:

- Land alterations for the purpose of ecological restoration
- Removal of non-native invasive vegetation or the planting of native vegetation

Time, capacity and cost are already currently barriers to conservation of important habitats on private lands and within our local communities. If the RDOS states that it wants to encourage restoration with native plants, we suggest that an exemption for DP requirements for such projects is considered.

Feedback Forms must be completed and returned to the Regional District no later than January 31, 2016
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

Environmental degradation is everywhere. Houses are being built further & further up in the hills of Peñitón. So we're pumping water there at great expense as watershed becomes compromised.

I think beach accesses are important and I was happy to see them properly marked in Naramata. I think it's use of designated areas rather than areas which still afford nature to the lake. Not sure what you mean limiting the number of accesses.

I am happy to see this document know there is acknowledgment things that degrade the environment I have just "cherry picked" a few to comment on.

Generally, I would say "do we owe it to those that wilded for us. Formalized parks & areas nice but things created by us are priceless."

Thanks



Feedback Form

Regional District of Okanagan Similkameen
101 Marlin Street, Penticton, BC, V2A 5J9
Tel: 250-492-0237 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

TO: Regional District of Okanagan Similkameen FILE NO.: X2015.100-ZONE

FROM: Name: DENIS POTTER
(please print)

Street Address: _____

Tel/Email: _____

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments / conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca
(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

I WOULD SUGGEST THAT THE QUALIFIED PROFESSIONAL ENVIRONMENTAL PROFESSIONALS SHOULD BE CHOSEN AND ASSIGNED BY RDOS STAFF. THERE COULD BE A PERCEPTION THAT A QEP HIRED BY A PROPERTY OWNER MIGHT TEND TO SLANT HIS FINDINGS IN FAVOUR OF THE OWNER.

RECEIVED
Regional District

101 Marlin Street
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District no later than January 31, 2016
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca

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.

QEP Workshop Feedback Form

RDOS Environmentally Sensitive Development Permit Area Update



March 15, 2016

1) How would you rate this workshop?

Poor

Average

Good

Very Good

Excellent

2) Did the workshop meet your expectations?

Yes/No - thought we would cover the
Terms of Ref in greater detail.

3) What did you find was most useful and why?

Hearing insights of other QEPs.

4) If RDOS was to hold another workshop on this topic would you
recommend it to your colleagues and peers?

Yes.

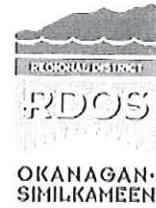
5) Do you have suggestions for future workshops (topics, areas of needed
learning or attention?)

RDOS is looking for comments and feedback from QEP's on the new ESDPA
provisions (e.g. Rapid Environmental Assessment, Terms of Reference for
Professional Reports, ESDPA Mapping etc.)

Please provide any additional feedback here, and on the back page.

QEP Workshop Feedback Form

RDOS Environmentally Sensitive Development Permit Area Update



March 15, 2016

1) How would you rate this workshop?

Poor

Average

Good

Very Good

Excellent

2) Did the workshop meet your expectations?

Yes

3) What did you find was most useful and why?

Discussion following

4) If RDOS was to hold another workshop on this topic would you recommend it to your colleagues and peers?

Yes

5) Do you have suggestions for future workshops (topics, areas of needed learning or attention?)

New mapping

RDOS is looking for comments and feedback from QEP's on the new ESDPA provisions (e.g. Rapid Environmental Assessment, Terms of Reference for Professional Reports, ESDPA Mapping etc.)

Please provide any additional feedback here, and on the back page.

will submit my mapping



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

TO: Regional District of Okanagan Similkameen FILE NO.: X2015.100-ZONE

FROM: Name: Coral & Alex Brown
(please print)

Street Address: _____

Tel/Email: _____

RE: Update of Environmentally Sensitive Development Permit (ESDP) Areas

My comments / concerns are:

- I do support the proposed changes.
- I do support the proposed changes, subject to the comments/conditions listed below.
- I do not support the proposed changes.

For more information visit: www.rdos.bc.ca

(Departments → Development Services → Planning → Projects → ESDP Area Update)

Written submissions received in relation to this process will be considered by the Regional District Board prior to 1st reading of any amendment bylaw and subsequently included in the public hearing binder.

An ESDP is essential but the mapping must be more complete. To make sense of the ESDP map for lay persons and planners the Sensitive Ecosystem (SE) inventory mapping should be included. It is now found on Eco Cost Ministry of Environment website.

An ESDP can be as you have chosen - not including ~~ALR~~ crownlands and ALR, but the map of the SE and water courses must be shown in the ALR + Crownland as it affects the sensitivity of the land at a lower elevation.

RECEIVED
Regional District

DEC 3 12:15

101 Martin Street
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District no later than January 31, 2016
In-person: 101 Martin Street, Penticton, BC, V2A-5J9 / Fax: 250-492-0063 / Email: planning@rdos.bc.ca



Your File #: X2016.100-
ZONE Bylaw
2710 ESDP
eDAS File #: 2017-00015
Date: January 3, 2017

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

Attention: Lauri Feindell

Re: **Proposed Bylaw 2710 for:
Electoral Areas A (Osoyoos), C (Oliver), D(OK Falls, Kaleden, Apex),
E (Naramata) and F (West Bench, Faulder)**

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

AMENDMENT BYLAW NO. 2710

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: 
Agency: Town of Oliver
Date: Jan 4/2017

Signed By: LINDA Schuetz
per Cathy Cowan
Title: ICO



OSOYOOS INDIAN BAND

1155, SEN*POK*CHIN BOULEVARD, OLIVER BC, V0H 1T8
PHONE: (250) 498-3444 ~ FAX: (250) 498-6577

January-30-17

Referral ID: Bylaw/2710/X2015.100-ZONE

RTS #: 941

Date:December-23-16

Reference#: R-77-000764

Regional District of Okanagan-Similkameen

101 Martin ST.

Penticton, BC V2A 5J9

RE: 60 (sixty) day extension

Thank you for the above application that was received on December-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, the Osoyoos 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. 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 the Osoyoos Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

We appreciate your co-operation.

Respectfully,

Limlæmt,

Yvonne Weinert
Lands Manager

Per:

Chief Clarence Louie
Osoyoos Indian Band

cc:



Lauri Feindell

From: Christopher Garrish
Sent: January 20, 2017 10:17 AM
To: referrals@lsib.net
Subject: RE: UPDATE OF ESDP AREAS - X2015.100-ZONE - Referral

Hi Wendy,

See my comments in red below.

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

www.rdos.bc.ca | cgarrish@rdos.bc.ca | [FACEBOOK](#) | [YOUTUBE](#) | Sign up for [REGIONAL CONNECTIONS](#)

This Communication is intended for the use of the recipient to which it is addressed, and may contain confidential, personal and/ or privileged information. Please contact the sender immediately if you are not the intended recipient of this communication and do not copy, distribute or take action relying on it. Any communication received in error, or subsequent reply, should be deleted or destroyed.

From: Referrals [mailto:referrals@lsib.net]
Sent: January 18, 2017 2:45 PM
To: Christopher Garrish <cgarrish@rdos.bc.ca>
Cc: Nicole Mack <referralsclerk@lsib.net>
Subject: RE: UPDATE OF ESDP AREAS - X2015.100-ZONE - Referral

Hi Chris,

In follow up to the voice mail I just left you. Here are LSIB questions.

Is area G included in the update? I followed the link but found no schedule for area G **No, Electoral Area "G" is not part of this process, nor is Electoral Areas "B" (Cawston) & "H" (Princeton).**

1. How much has the ESD area been reduced? "The practical effect of this change will be to refocus and reduce the physical extent of the ESDP Area designation in the Okanagan Electoral Areas."

ELECTORAL AREA	CURRENT ESDP AREA (HA)	PROPOSED ESDP AREA (HA)	PROPOSED IMPORTANT ECOSYSTEM AREA (HA)
A	15,359 ha	5,935 ha	14,076 ha
C	26,247 ha	4,211 ha	29,189 ha
D	50,289 ha	8,696 ha	59,575 ha
E	21,934 ha	2,005 ha	26,465 ha
F	N/A	3,324 ha	38,971 ha

2. How can I look at areas being reduced?



The current ESDP layers for each of the Okanagan Electoral Areas can be found here:

<http://www.rdos.bc.ca/regional-government/regional-bylaws/>

The draft ESDP layers for each of the Okanagan Electoral Areas can be found here:

<http://www.rdos.bc.ca/departments/development-services/planning/strategic-projects/esdp-area-update/>

3. Does the RDOS provide a list of QEPs to applicant if requested. **Yes.**
4. Will the ONA be included on RDOS list of QEPs? **If they request to be included.**

Wendy Hawkes, BA

Natural Resources Referrals Coordinator

Lower Similkameen Indian Band - M/A: PO Box 100, Keremeos, BC V0X1N0 - 1420 Hwy 3, Cawston, BC V0X 1C3

Ofc: (250) 499-5528 ext. 126

(all calls related to referrals are audio recorded for documentation purposes)

Without Prejudice to Aboriginal Title and Rights

LSIB Referral Policy link: <http://www.lsib.net/blog/wp-content/uploads/2011/07/Lower-Similkameen-Indian-Band-Referral-Policy2.pdf>

CONFIDENTIALITY NOTICE: This email transmission and attachments are confidential and for the sole use of the intended recipient(s) and may contain information protected by legal privilege. If you are not an intended recipient, you may not review, use, copy, disclose or distribute this message or any of the information contained in this message to anyone. If you have received this e-mail in error, please contact the sender by reply e-mail and destroy all copies of this message and any attachments.

From: Lauri Feindell [<mailto:lfeindell@rdos.bc.ca>]

Sent: December 23, 2016 3:49 PM

To: 'Collins, Martin J ALC:EX' (Martin.Collins@gov.bc.ca) <Martin.Collins@gov.bc.ca>; HBE@interiorhealth.ca; anne.skinner@gov.bc.ca; mmd-kamloops@gov.bc.ca; 'Referral Apps REG8 ENV:EX' (ReferralAppsREG8@gov.bc.ca) <ReferralAppsREG8@gov.bc.ca>; Diana.Cooper@gov.bc.ca; Info Cord <info@cord.bc.ca>; plandept@rdkb.com; lucy.reiss@canada.ca; ReferralsPacific@dfo-mpo-gc.ca; mbjerkkan@sd53.bc.ca; rs@summer.com; fbclands@fortisbc.com; development@penticton.ca; 'info@summerland.ca' (info@summerland.ca) <info@summerland.ca>; 'admin@oliver.ca' (admin@oliver.ca) <admin@oliver.ca>; tosoyoos@osoyoos.ca; PIB Referrals (referrals@pib.ca) <referrals@pib.ca>; referrals@oib.ca; Referrals <referrals@lsib.net>; onareception@syilx.org

Cc: Christopher Garrish <cgarrish@rdos.bc.ca>

Subject: UPDATE OF ESDP AREAS - X2015.100-ZONE - Referral

Good Afternoon,

Re: Update of Environmentally Sensitive Development Permit Areas
Okanagan Electoral Area Official Community Plan (OCP) Bylaws

Please find a copy of the Bylaw Referral (Bylaw No. 2710) and relating documents. Please review all documentation and forward any comments or concerns you may have to planning@rdos.bc.ca.

Due to the size of the documentation, we have attached a link in the Bylaw Referral and also a link below that will take you directly to our website, with all the documentation and Schedules for review. If you have any questions with respect to this update, please contact Christopher Garrish, at 250-490-4101 or cgarrish@rdos.bc.ca.

Link:

<http://www.rdos.bc.ca/departments/development-services/planning/strategic-projects/esdp-area-update/>

Please forward your comments to our office by February 2, 2016.



January 31, 2017

Christopher Garrish
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton BC V2A 5J9
cgarrish@rdos.bc.ca

Dear Christopher:

RE: File X2015.100-ZONE; Electoral Areas "A" (Osoyoos), "C" (Oliver), "D" (OK Falls, Kaleden, Apex), "E" (Naramata) & "F" (West Bench, Faulder)

Thank you for the opportunity to review the above-noted application and provide a population health perspective. The proposal includes a number of textual and mapping amendments associated with Environmentally Sensitive Development Permit Area (ESDP's) throughout the Regional District.

Our health stands to improve when land use decisions enhance the ability of natural environments to mitigate negative health impacts associated with development. Current evidence supports a relationship between biodiversity and measures of ecosystem functioning such as improved water and air quality. The proposed updates to the Regional District's ESDP designations demonstrate an effort to ensure that future development will be sensitive to the environment and we therefore support the proposal. Furthermore, measures to secure funding and other resources to support future conservation efforts, contributes to long-term sustainable development planning and is supported by Interior Health.

If you would like to discuss this further, or if you have any questions or concerns, please contact the undersigned.

Yours sincerely,

Marion Masson
Environmental Health Officer – Healthy Built Environment

Bus: (250) 420-2233 Fax: (250) 426-3022
HBE@interiorhealth.ca
www.interiorhealth.ca

POPULATION HEALTH
1700 4th Street South
Cranbrook, BC, V1C 7C2





February 2, 2017

File: 58000-20/2016192
Your File: X2015.100-ZONE Bylaw 2710

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

Attention: Christopher Garrish, Planning Supervisor, planning@rdos.bc.ca

Re: Bylaw Referral (No. 2710) for Update to Environmentally Sensitive Development Permit Areas (ESDPA) in Okanagan Electoral Area Official Community Plan Bylaws, Regional District of Okanagan-Similkameen, B.C.

Thank you for the opportunity to participate in the above noted referral. The Ecosystems Section of the Ministry of Forests, Lands, and Natural Resource Operations (FLNR) has reviewed the referral information provided and conducted a cursory review of the bylaw and its schedules. Three cornerstone documents guide our input into this referral: 1) *Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure*¹, 2) *Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia*², and 3) *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen*³. We provide the following comments for consideration.

The Green Bylaws Toolkit identifies ways that local governments are enabled to achieve protection for sensitive environmental features, including through official community plans (OCPs), environmental development permit areas (EDPAs), and specific environmental bylaws (e.g., soil removal and deposit, watercourse protection). In conjunction with other tools, EDPAs are considered the best way to protect sensitive ecosystems on individual properties as they allow site-specific pre-development decisions about protecting environmentally sensitive areas, they prohibit site disturbance before development approval, and they contain flexibility that allows specific objectives to be achieved. Recommended EDPA bylaw provisions are provided in Chapter 20 of the Green Bylaws Toolkit. We recommend that wording in the Update reflect as closely as possible these provisions.

Wetland protection is a priority for Ecosystems Section. In 2015-2016 we conducted a review of local government bylaws in the Okanagan to determine the extent to which sensitive features are protected at the local government level, with a specific focus on wetlands. We are concerned that the proposed ESDPA designation does not apply to



lands that are designated for low, medium or high density residential use, as these lots could still contain sensitive features such as wetlands. Our expectation is that all wetlands mapped within the applicable Electoral Areas of the RDOS would be included on the ESDPA schedules, the Watercourse Development Permit Area schedules, or both. To be consistent with the Green Bylaws Toolkit, we further recommend that the RDOS add the following requirement to the ESPDA: require restoration if wetlands or other EVRs are disturbed during development. We also recommend that RDOS consider developing a soil removal and deposition bylaw that is consistent with the Green Bylaws Toolkit and as enabled by the British Columbia *Local Government Act* s. 327. Enacting this bylaw may be an appropriate tool to further protect mapped and unmapped wetlands from infilling and to provide enforcement options.

Develop with Care is a provincial document that provides guidance on urban and rural land development in BC. Section 2 of this document describes objectives and guidelines for local governments in environmental planning at the community level. Section 3 describes the objectives and guidelines for good environmental planning, development and management at the site level, and Section 4 defines environmentally valuable resources and provides objectives and guidelines for land development where EVRs are present. We recommend that all EVRs identified in Section 4 be included in the Rapid Environmental Assessment (REA) checklist.

Ecosystems Section was a partner organization in the development of *Keeping Nature in Our Future*. We recognize the RDOS's commitment to working with the South Okanagan Similkameen Conservation Program (SOSCP) and to implementing the ESDPA recommendations identified in this biodiversity strategy. Overall, we recognize the proposed ESDPA Update as exemplary of using available bylaw tools to protect green infrastructure in BC.

Please contact the undersigned at Josie.Symonds@gov.bc.ca or 250-490-2254 if you have any questions or require additional information.

Sincerely,



Josie Symonds, M.Sc., R.P.Bio.
Ecosystems Biologist

JS/cl

¹ <http://www.greenbylaws.ca/>

² <http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare/>

³ <http://www.soscp.org/biodiversity/>

Lauri Feindell

From: Janelle Taylor <janelle.taylor@cord.bc.ca>
Sent: January 30, 2017 8:25 AM
To: Planning
Subject: RDCO Response: X2015.100-ZONE (Bylaw 2710)

Good Morning,

In response to the above noted referral, RDCO staff provides the following comments:

Parks Section

For consideration and inclusion in the amendments under Parks, Recreation and Trails sections of the Okanagan Electoral Area OCP Bylaws:

- Connectivity between future parks and trails with existing regional parks, community parks, Provincial parks, regional trails and Crown lands beyond.
- Provide, preserve and maintain public access points on popular trail corridors, future public access location and to Crown lands when proposed development occurs adjacent to Crown lands.
- Support, encourage and seek partnerships and opportunities with community organizations, NGOs, local/Provincial/Federal governments to further parks, recreation and trail interests, acquisitions and ongoing maintenance needs.

Parks, Recreation and Trails – objectives and policies

- It is good to see in the draft comments - the proposal to have a consistent set of objectives and policies across the Okanagan Electoral Area OCP Bylaws in addition to Electoral Area specific policies.
The policies under Section 15.3 that would be good to have in all the Electoral Area OCP Bylaws include policies .13, .14, .16, and .17.

Environmental/Land Use Planner

Thank you for the opportunity to provide comment on RDOS's proposed ESDPA policies and guidelines. There are a number of innovative approaches being taken. Congratulations on a job well done!

A few items are noted for your consideration.

- It appears that ALR lands do not need a DP. RDCO has found that having DP areas across ALR lands ensures that non-farm uses and residential uses will still be evaluated and DPs required. RDCO specifically will exclude farm uses as noted under the Farm Practices in BC Reference Guide and the Farm Protection Act or other applicable legislation. Ministry of Agriculture supported this approach.
- 13.3.2.7 outlines specific methods for environmental protection. It would be prudent to add a qualifier such as "or other methods as appropriate", or state "...through methods such as..." to ensure new methods that may come available can be utilized.
- 13.3.2.8 – thank you for noting ecosystem connectivity. Perhaps you could add ... "and adjacent Regional Districts" or some wording to make it clear that RDOS recognizes the need to address ecosystem connectivity across local government jurisdictional boundaries.
- Very interested in the idea of identifying private land stewardship initiatives as conservation areas. Good idea.
- Section 17.2.5.1 (c) RDCO has included specifically reference to blasting as this has been an issue in the RDCO.
- Section 17.2.6.1 (d). RDCO requires monitoring reports during development as well as a substantial completion report. This process ensures that issues may be addressed promptly as they arise. May want to add "...during development and following the completion of development..."
- For your REA – will the QEP be required to address EVR's off of the proposed development site (i.e. within the required 100m). This can be done as a desktop exercise but may not be able to be done through field



investigation without other property owner permission to access their property. I believe it should stay as noted and ensure that as a minimum a desktop exercise is carried out within the 100m buffer.

- Exemption 3. Perhaps another qualifier should be considered such as provided the small development is located further away from riparian areas or ESAs. Allowing small developments to go closer to riparian areas in particular can be problematic.
- Exemptions 5 and 6, gives the impressions that ALR lands are within DPAs yet page 8 indicated that This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess “high” and “very high” ecologically sensitive classifications ... Please see comment above.
- Exemption 7 – great idea.
- Another exemption that RDCO has incorporated and may be of interest is restoration or enhancement or park maintenance works provided it is conducted in accordance with established BMPs and/or Provincial approvals, and through local government parks services. In RDOS case, may also want to add - or established stewardship initiatives or within Conservation Areas.
- 16.1.2.7 – RDCO’s Environmental Advisory Commission is invaluable and it is good to see this policy being brought forward.

Should you have any questions, please do not hesitate to contact RDCO staff.

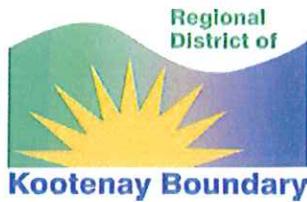
All the best,

Janelle Taylor
Planner 1
Development Services, Planning Section
Regional District of Central Okanagan
Planning Section Phone: (250) 469-6227

‘Celebrating 50 Years – 1967 – 2017’

Like the Regional District on Facebook!

This email and any files transmitted are confidential and may contain privileged information. Any unauthorized dissemination or copying is strictly prohibited. If you have received this email in error, please delete it and notify the sender.



March 1, 2017

RDKB File No. O-2
Please Quote on Correspondence

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

RE: RDOS PROPOSED BYLAW 2710

This is to advise that on February 21, 2017, the Regional District of Kootenay Boundary (RDKB) Board of Directors adopted the following resolutions respecting the above-referenced matter:

77-17 *Moved: Director Grieve Seconded: Director Danchuk*

That the Regional District of Kootenay Boundary Board of Directors notify the Regional District of Okanagan Similkameen that the Regional District of Kootenay Boundary's interests are unaffected by proposed Bylaw No. 2710.

Carried.

Should you require further information regarding the above, please contact the Planning and Development Department.

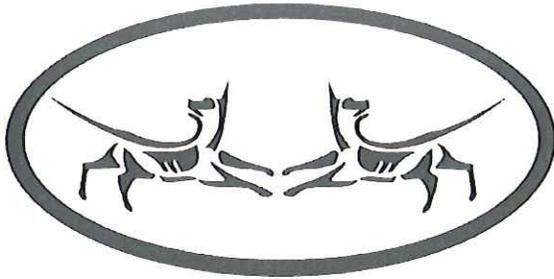
Sincerely,

A handwritten signature in black ink that reads "M. Ciardullo".

Maria Ciardullo
Planning and Development Department
Senior Secretary

P:\PD\PD_Committee\BoardFollowUp\Municipalities and Regional Districts\RDOS proposed bylaw 2710 March 2017.doc





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-11-17

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

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

Referral ID: 2016-12-23 ZON 2153

RTS #: 2153

Date: December-23-16

Reference #: BLY2710 X2015.100-Zone

Summary: Update of Environmentally Sensitive Development Permit Areas Okanagan Electoral Area Official Community Plan (OCP) Bylaws.

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:

Invoice Number: 659

	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	\$ 67.50	\$ 0.00	\$ 67.50

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





Assessment (Band Administrator)			
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 #2153

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.

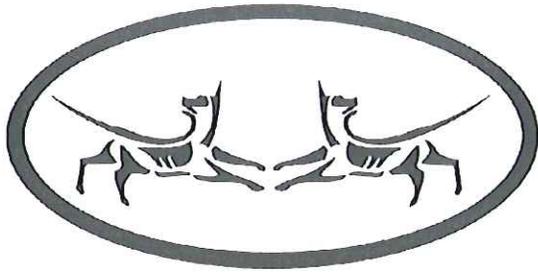
If you require further information or clarification, please do not hesitate to contact me.

limlɛmt,

Lavonda Nelson
Referrals Administrator
P: 250-492-0411
Referrals@pib.ca

CC: Penticton Indian Band (jpepper@pib.ca), ONA (salexis@syilx.org)

¹The 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

January-11-17

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

RTS #: 2153

Date: December-23-16

Referral ID: 2016-12-23 ZON 2153

Reference #: BLY2710 X2015.100-Zone

Summary: Update of Environmentally Sensitive Development Permit Areas Okanagan Electoral Area Official Community Plan (OCP) Bylaws.

Attention: Christopher Garrish

RE: Request for a 60 (sixty) day extension

Thank you for the above application that was received on January-11-17. 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.

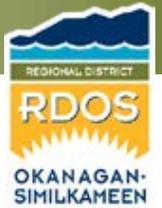
I appreciate your co-operation.

Limlɛmt,

Lavonda Nelson
Referrals Administrator
P:250-492-0411
Referrals@pib.ca



ADMINISTRATIVE REPORT



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: June 1, 2017

RE: Development Procedures Bylaw No. 2500, 2011 – ESDP Update Amendment

Administrative Recommendation:

THAT Bylaw No. 2500.08, 2017, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be read a third time.

Purpose:

The purpose of these amendments are to introduce updated application requirements for Environmentally Sensitive Development Permit (ESDP) to the Regional District's Development Procedures Bylaw No. 2500, 2011.

Background:

At its meeting of May 18, 2017, the Regional District Board resolved to approve first and second reading of Amendment Bylaw No. 2500.08, 2017.

At this same meeting, the Board also approved first and second reading of Amendment Bylaw No. 2710, 2017, which, amongst other things, includes a comprehensive review of the Environmentally Sensitive Development Permit (ESDP) Area designations.

As the amendments contained within Amendment Bylaw No. 2500.08, 2017, support the broader update of the ESDP Area designation, Administration is proposing that these bylaws proceed in unison.

Analysis:

As part of the "ESDP Update" project, a review of the Regional District's existing "Term of Reference [ToR] for Professional Reports" (accepted by the Board 2008) was undertaken.

From this, it was determined that many of the provisions found in the ToR are, in fact, application requirements and rightly belong in the Development Procedures Bylaw.

In addition, the current provisions contained in the ToR do not reflect the proposed changes to the ESDP Areas (and those already in place in Electoral Area "D-1"), including the ability to submit a Rapid Environmental Assessment for developments that are not affecting any "environmentally valuable resources (EVRs) within 100 metres of a proposed development site.

Accordingly, Administration has redrafted the ToR and updated its provisions to reflect the new ESDP Area guidelines.

Administration is also proposing a number of housekeeping amendments to the ESDP and Watercourse Development Permit (WDP) Area processing procedures to reflect that approval of these

types of permits may be by the CAO "or their delegate" (in accordance with the Regional District's *Delegation of Local Government Authority Bylaw No. 2509, 2010*).

It is also proposed to remove references to ESDP and WDP applications being referred to external agencies and provincial ministries for comment (as this has not been the Regional District's practice) and also to remove references to the provincial "Riparian Area Regulation Implementation Guidebook" as this document has since been found by the courts to have no basis in law.

Alternative:

THAT first and second readings of Bylaw No. 2500.08, 2017, Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw, be rescinded and the bylaw abandoned.

Respectfully submitted:

A handwritten signature in blue ink, appearing to be 'C. Garrish', written over a horizontal line.

C. Garrish, Planning Supervisor

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2500.08, 2017

**A Bylaw to amend the Regional District of Okanagan-Similkameen
Development Procedures Bylaw 2500, 2011**

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 Development Procedures Amendment Bylaw No. 2500.08, 2017."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
 - (i) replacing sub-section 1. (Application Requirements) under Schedule 3 (Application for a Development Permit) with the following:

1. Application Requirements

(a) General Application Requirements

.1 Authorisation

- (a) An application for a Development Permit (DP) shall be made to the Chief Administrative Officer in writing and on the appropriate form, and shall be:
 - (i) made by the owner(s) of the subject property or by a person authorized by all property owner(s);
 - (ii) if a numbered company holds the property, a corporate search shall accompany the application illustrating the company directors. The signatory on the application form shall be a company director;
 - (iii) made on the appropriate form designated by the CAO; and
 - (iv) accompanied by the appropriate application fee outlined in the Fees and Charges Bylaw.

- .2 Proposal Summary
 - (a) An outline of the type of development or land use proposed, including:
 - (i) explanation of compliance with current OCP guidelines.
- .3 State of Title Certificate
 - (a) a copy of the Land Title Office search print, issued not more than thirty (30) calendar days prior to the application date for any parcel of land subject to the application; and
 - (b) a copy of all non-financial charges (i.e. covenants, easements and rights-of-way, etc.) registered on the subject property(s).
- .4 Site Plan
 - (a) a site plan of the proposed development drawn to scale and showing dimensions, and including the following (as applicable):
 - (i) north arrow and scale;
 - (ii) dimensions and boundaries of property lines, rights-of-way, covenant areas and other easements;
 - (iii) location and dimensions of existing and proposed structures and setbacks (including projections and overhangs) to parcel lines, rights-of-way, and easements;
 - (iv) location of existing and proposed access roads, driveways, vehicle parking spaces, pathways, screening and fencing;
 - (v) natural and finished grades of site at buildings and retaining walls (indicate source of grade data);
 - (vi) location of any physical or topographical constraints (e.g. watercourses, shorelines, ravines, wetlands, steep slopes, bedrock outcrops, etc.);
 - (vii) location of all existing and proposed water lines, wells, and septic fields, including sizes; and
 - (viii) proposed covenant areas (if any).
- .5 Development Plans (drawn to scale, in metric)
 - (a) detailed drawings of the proposed development, including building sections, elevations, finishes, floor plans, landscaping, pathways, and screening and fencing proposed for the site;
 - (b) a project summary sheet outlining density and number of dwelling units, site coverage, heights, setbacks, and other relevant data; and
 - (c) location and width of existing or proposed access(es) to the property, driveways, manoeuvring aisles and parking layout.
- .6 Site Surveys

- (a) if a proposed development involves a variance to the siting or building envelope of an existing structure a current sketch plan, certified by a BC Land Surveyor, in metric, shall be required. This may be combined with the requirements for sub-section 4 of this Schedule 3 (where appropriate).
- (b) if a proposed development is within 10% of the setback line (i.e. within 3.0 metres of a 30.0 metre setback line), a current sketch plan, certified by a BC Land Surveyor, in metric, shall be required. This may be combined with the requirements for sub-section 4 of this Schedule 3 (where appropriate).

(b) Watercourse Development Permit Application Requirements

- .1 In addition to the application requirements listed in Section 1(a), the following is also required for Watercourse Development Permit Applications:
 - a) a site plan shall also include the high water mark; natural boundary; floodplain setbacks & elevations; zones of sensitivity (ZOS); and the Streamside Protection and Enhancement Area (SPEA).

(c) Environmentally Sensitive Development Permit Application Requirements

- .1 In addition to the application requirements listed in Section 1(a), the following is also required for Environmentally Sensitive Development Permit Applications:
 - a) an Environmental Assessment (EA) Report; or
 - b) a Rapid Environmental Assessment (REA) Report.

Environmental Assessment (EA) Report

- .2 An Environmental Assessment (EA) Report must be prepared, signed and sealed by an RPBio and include the following:
 - a) an Ecological Assessment Phase prepared in accordance with the requirements of sections 1(c)(3) & (4) of this Schedule.
 - b) an Impact Assessment Mitigation Phase prepared in accordance with the requirements of section 1(c)(5) of this Schedule.

Ecological Assessment Phase

- .3 The Ecological Assessment Phase shall include the following:
 - a) an overview of all habitats and features found within a subject property;
 - b) a site map with a scale of not less than 1:500 or greater than 1:5,000 that includes the following information:

- i) location of plant species and plant communities;
 - ii) location of sensitive ecosystems;
 - iii) a list of found species (e.g. fish distribution);
 - iv) areas of expected/potential terrestrial/aquatic wildlife use;
 - v) observations and/or recorded locations of federally listed, provincially ranked, or regionally significant plant communities and species (for all life stages) or their habitats (including Critical Habitat for Species at Risk Act listed species);
 - vi) a Streamside Protection and Enhancement Area (SPEA) setback (if applicable);
 - vii) other existing environmentally valuable resources, including wildlife connectivity corridors, wildlife trees, and hibernacula, etc.;
 - viii) landforms, site stability, geological and topographical features and contours;
 - ix) adjacent lands and uses;
 - x) contour maps and cross sections, if available, for sites with slopes greater than 20%;
 - xi) surface and ground water features including swales, wetlands, draws, spring discharge or recharge areas, floodplains, top of bank, high water mark; and
 - xii) existing structures, paved and unpaved roads, soil disturbance, logging, and land clearing.
- c) rare and endangered species records, within and adjacent to the subject property. If rare and endangered species potentially utilize the site, a species specific inventory must be conducted, in the appropriate season(s).
- d) the findings of any Riparian Area Assessment report prepared if the proposed development involves the disturbance of land within a designated Watercourse Development Permit (WDP) Area.
- e) identification of environmentally valuable resources occurring within the study area. This is to be based upon the following four-class rating system:
- i) ESA-1 (High), which shall be applied to occurrence-based Critical Habitat, locally and provincially significant ecosystems, extremely rare and/or of critical importance to rare wildlife species.

- ii) ESA-2 (Moderate), which shall be applied to attribute-based Critical Habitat, locally or provincially significant ecosystems, uncommon and important to rare wildlife species.
 - iii) ESA-3 (Low), which shall be applied to ecosystems that may have low to moderate conservation values because of importance to wildlife (e.g. disturbed or fragmented ecosystems or habitat features).
 - iv) ESA-4 (Not Sensitive), which shall be applied to areas with little or no inherent ecological value or importance as wildlife habitat.
- f) The ESA criteria/rating system used in the evaluation of ESAs, which should include the following components:
- i) ecosystem mapping refined to 1:5,000 or less, including structural stage and seral association or condition;
 - ii) rarity in the region, province, country, including historical loss;
 - iii) landscape context including contiguity to other ESAs (buffering function) and whether the area is vital to health of ecosystems beyond its boundaries (water catchment, storage/recharge zone);
 - iv) habitat suitability for provincially ranked and/or federally listed or significant species;
 - v) presence of important environmentally valuable resources (e.g. breeding/spawning areas, hibernacula, migration stop over, connectivity corridors, reported sightings of uncommon species, ungulate winter range, high value wildlife trees);
 - vi) species diversity/habitat complexity;
 - vii) ecosystems at risk in the Okanagan including riparian (including subsurface flow and recharge areas), wetlands, grasslands, rock outcrops, talus and cliffs, old growth, and low elevation forests;
 - viii) vulnerability to anthropogenic disturbance (e.g. soil disturbance, road conflicts, pets, invasive plants);
 - ix) current condition (biological integrity) function, structure, stability and probability of restoration to a functional level or ecological capability; and,
 - x) cumulative impacts from surrounding land uses.
- g) recommendations to be used to guide project design and planning for the development.

Impact Assessment & Mitigation Phase

- .4 The Impact Assessment & Mitigation Phase shall include the following:
- a) an assessment of potential impacts resulting from the proposed development that considers the following:
 - i) magnitude of the proposed development;
 - ii) geographic extent of the proposed development;
 - iii) timing of the proposed development;
 - iv) duration of the proposed development;
 - v) frequency of the proposed development;
 - vi) reversibility of the proposed development; and
 - vii) likelihood of occurrence of the proposed development.
 - b) an assessment of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of natural ecosystems and features by reducing or eliminating potential impacts from development that considers the following:
 - i) management of erosion and sediment impacts during and after construction;
 - ii) control of invasive plant species using site and species appropriate methods (e.g. hand pulling, digging, cutting, and mowing);
 - iii) scheduling construction during recommended timing windows for species;
 - iv) designing linear corridors such as roads, driveways, or trails to be as narrow as possible, create as little disturbance as possible and configure them to allow for wildlife crossings;
 - v) the use of permeable surfaces or other means to minimize impact and maintain the characteristics of the non-disturbance areas;
 - vi) management of access to “non-disturbance areas”;
 - vii) compensation for environmental losses at a 3:1 ratio on the “no net loss principle”.
 - c) identification of those persons who will be:
 - i) responsible for monitoring potential impacts, and propose a monitoring schedule including who will perform the monitoring;

- ii) accountable for potential impacts that might occur; and
 - iii) responsible for unintended but foreseeable impacts.
- d) a Monitoring Plan that should include, but is not limited to:
- i) the installation of temporary fencing to clearly delineate 'no disturbance areas' around ESAs and other areas designated for protection;
 - ii) pre-construction meeting onsite between QEP and contractors to insure all site workers are aware of non-disturbance areas;
 - iii) monitors or the District must be given the authorization to stop work if they believe that on-site conditions are in contravention of the conditions of the permit; and
 - iv) regular monitoring reports sent to the District and regulatory agencies involved and a final 'substantial completion' report at a suitable interval following the completion of a project.

Rapid Environmental Assessment

- .5 A Rapid Environmental Assessment (REA) Report must include the following:
- a) Site Plan indicating proposed footprint of development;
 - b) an Environmentally Valuable Resources (EVR) assessment indicating the following values within 100 metres of a proposed development site:
 - i) Sensitive Ecosystems (SEI: Vernon to Osoyoos):
 - .1 Wetland (includes vernal or ephemeral);
 - .2 Riparian;
 - .3 Old Forest;
 - .4 Grasslands (including disturbed);
 - .5 Shrub-steppe (includes antelope- brush, sage-brush);
 - .6 Broadleaf Woodland;
 - .7 Coniferous Woodland;
 - .8 Sparsely vegetated areas and rocky outcrops; and
 - .9 Other Sensitive Ecosystems.
 - ii) Ecological Communities on BC CDC red or blue lists;
 - iii) Known occurrences of listed species (federal or provincial);

- iv) Critical Habitat as identified under SARA (source: Species at Risk Act Public Registry); and
 - v) Habitat Features with high potential for important life requisites of listed species:
 - .1 Wildlife Trees;
 - .2 Hibernacula/Roosts;
 - .3 Active nest sites or areas known for nesting;
 - .4 Dens and burrows;
 - .5 Wildlife corridor considerations; and
 - .6 Other landscape features of environmental significance.
 - c) Mitigation information on EVR locations, strategies to achieve avoidance, and/or recommendations for restoration, protection and mitigation measures shall be provided in the form of a summary report where restoration, protection or mitigation measures are prescribed.
- (ii) replacing sub-section 3.3 (Processing Procedure – Watercourse Development Permit) under Schedule 3 (Application for a Development Permit) with the following:
- .3 Development Services staff will evaluate the proposal for compliance with relevant Regional District bylaws and policies, and applicable provincial and federal procedures. Staff may conduct a site visit to view the property as part of the evaluation process.
- (iii) replacing sub-section 3.4 (Processing Procedure – Watercourse Development Permit) under Schedule 3 (Application for a Development Permit) with the following:
- .4 Development Services staff will refer the application to all applicable Regional District departments and committees as applicable. The referral comments and/or recommendations may then be incorporated into the WDP.
- (iv) replacing sub-section 3.6 (Processing Procedure – Watercourse Development Permit) under Schedule 3 (Application for a Development Permit) with the following:
- .6 If approval of the permit is granted by the CAO, the Development Services Manager will execute the Development Permit.
- (v) replacing sub-section 4.4 (Processing Procedure – Environmentally Sensitive Development Permit) under Schedule 3 (Application for a Development Permit) with the following:
- .4 Development Services staff will refer the application to all applicable Regional District departments and committees as applicable. The referral comments

and/or recommendations may then be incorporated into a staff memo to the CAO, or their delegate, and/or the Development Permit, as applicable.

(vi) replacing sub-section 4.5 (Processing Procedure – Environmentally Sensitive Development Permit) under Schedule 3 (Application for a Development Permit) with the following:

.5 When all relevant conditions and guidelines have been satisfied, the staff memo and drafted Development Permit will be considered for approval by the CAO, or their delegate.

(vii) replacing sub-section 4.6 (Processing Procedure – Environmentally Sensitive Development Permit) under Schedule 3 (Application for a Development Permit) with the following:

.6 If approval of the permit is granted by the CAO, or their delegate, the Development Services Manager will execute the Development Permit

(viii) replacing sub-section 4.8 (Processing Procedure – Environmentally Sensitive Development Permit) under Schedule 3 (Application for a Development Permit) with the following:

.8 An owner of property may request a reconsideration of a decision by the CAO, or their delegate, as outlined in the Regional District's *Delegation of Local Government Authority Bylaw No. 2509, 2010*, as amended. A decision by the Board is considered final.

READ A FIRST AND SECOND TIME on the 18th day of May, 2017.

READ A THIRD TIME on the ____ day of _____, 2017.

ADOPTED on the ____ day of _____, 2017.

Board Chair

Corporate Officer

-ADMINISTRATIVE REPORT

TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: June 1, 2017
RE: Campbell Mountain Landfill Lease Amendment

Administrative Recommendation:

- 1. THAT the Campbell Mountain Landfill Lease Payment Plan be approved.**
- 2. THAT the Modification Agreement to amend the Lease for the Campbell Mountain Landfill Site and the License for the Compost Site between the City of Penticton and the Regional District be adopted as appended hereto.**

Reference:

1. CMLF Lease
2. CMLF Organics Site License

Background:

The Campbell Mountain Landfill is located on Spiller Road, approximately 10 km. from downtown Penticton. Bylaw 1104 established the service from the SLP function. It applied to Penticton, Naramata, West Bench and Kaleden. In 2006 the service was expanded to include Electoral Areas B and G and the Village of Keremeos and the Okanagan Falls Landfill local service area. The CMLF is classified as a "Regional Waste" landfill and the Okanagan Falls Sanitary Landfill is classified as a "Construction Waste" Landfill.

The Regional District of Okanagan Similkameen has leased District Lot 368 SDYD, excepting Plan B1544, designated as the Campbell Mountain Landfill (CMLF), from the City of Penticton since 1972, but with a commencement date for the current lease of September 1, 2005 and expiring August 31, 2035. The closure date for CMLF is now between 2104 – 2107.

The Regional District has granted the City a license for a 5 acre parcel within this lease area for the purpose of operating a compost facility, for the same term. The License and the Lease set out the covenants, conditions and agreements of both parties for a mutually beneficial working relationship.

As the term of the lease and license (the "documents") progress and landfill standards evolve, certain terms of the documents need to be addressed.

Alternatives:

1. Approve the proposed lease/license amendments and lease payment plan.
2. Commission a separate appraisal to confirm market value.
3. File for Arbitration

Analysis:

Lease Amendments:

Article 3.3 Basic Rent Review

The Lease provides that every 5 years the Basic Rent should be revised to reflect fair market value. This is typically assessed by contracting for an independent appraiser to provide a report. In 2016, Inland Appraisals was contracted and a significant increase in value was reflected in comparison to the Basic Rent that was established in 2005. To meet the intent of the lease, a phased-in adjustment has been developed to bring the Basic Rent up to Fair Market Value by the next assessment period in 2020.

The 2016 appraisal is based on the “going concern” methodology and appears to form an acceptable foundation for future appraisals, based on the following factors being taken into account:

1. Total CMLF area = 145.38 acres.
2. Area of the Landfill lot used by the City for Compost Operations = 5 acres.
3. Area of the Landfill lot not used by the RDOS for Landfill purposes = 60.62 acres.
4. Area of the Landfill Lot used by the RDOS = 79.76 acres.
5. 2016 Landfill Lease Rate (\$19,500) = \$134.13/acre/year
6. Market Value Lease Rate from Appraisal (\$180,500) = \$1,245/acre/year
7. The four year phase-in takes us to 2020 to reflect the next market adjustment.
8. The proposed Lease rate would increase by \$277.72/acre/year plus CPI up to 2020.
9. The Lease rate will be based on the number of acres occupied, adjusted on aerial photos.

The above approach would lead to an Annual **Lease Payment Plan** as follows:

Year	per Acre Rent	CPI	CPI Adjusted per Acre Rent	acreage	Annual Rent
2016	\$ 134.13	0.00%	\$ 134.13	145.38	\$ 19,500
2017	\$ 411.85	0.00%	\$ 411.85	79.76	\$ 32,849
2018	\$ 689.57	1.30%	\$ 698.54	79.76	\$ 55,715
2019	\$ 976.26	1.30%	\$ 988.95	79.76	\$ 78,879
2020	\$ 1,266.67	1.30%	\$ 1,283.14	79.76	\$ 102,343
2021	REVISE LEASE RATE BASED ON MARKET EVALUATION				

The 2017 impact of \$10,000 can be accommodated within the 2017 Budget and future years increases can proceed in a planned manner.

Article 10.1 Tenant's Insurance

The Regional District has an obligation to carry \$6.3M in Environmental Impairment Insurance, which is an abnormal amount for a local government, which means it is a very expensive annual cost. In discussions with Capris Insurance, it has been determined that \$3M/event would be an adequate coverage and provide a much more reasonable cost. To action this changed amount would require a lease amendment.

The Parties agree that Article 10.1 be amended as follows:

- (c) Change the Environmental Impairment Insurance amount from \$6,300,000.00 to \$3,000,000.00 and delete the requirement for an annual increment.

Article 19. Remediation Reserve & Environmental Impairment Reserve

Article 19.2 requires the RDOS to increase the Remediation Reserve Fund by the CPI on an annual basis. The Parties agree that it would be beneficial to delete this requirement on the understanding that the Remediation Reserve is reviewed from time-to-time and will go up and down depending on the circumstance.

Article 19.7 requires the RDOS to increase the Environmental Impairment Reserve by the CPI on an annual basis. The Parties agree that it would be beneficial to delete this requirement on the understanding that the Impairment Reserve is reviewed from time-to-time and will go up and down depending on the circumstance.

License Amendments

Article 10. Insurance

The License issued to the City for the purpose of operating a compost facility contains a similar clause with regard to Environmental Impairment Insurance as that in the Lease. Following review by the Insurer, it is agreed that it would be beneficial to amend the insurance requirement to a more reasonable amount. Consequently, it is proposed to amend the License to change the Environmental Impairment Insurance requirement from \$5,000,000.00 to \$3,000,000.00 and delete the requirement for an annual increment.

Other Issues to be Addressed:

The Regional District and the City will continue to work through the ongoing Organics Site Feasibility Study process to determine the most effective location for the City Compost Site.

The Regional District has advised the City that the RDOS is in contravention of the Contaminated Sites Regulation with regard to leachate leaving the CMLF. The Regional District will initiate a study to determine if the City Compost Facility might be contributing.

The Regional District has a requirement to provide a 300m. buffer around the CMLF. A letter will be submitted to the City during the Public Consultation Process for the review of the City Official Community Plan to protect the buffer through zoning.

Respectfully submitted:

“insert digital signature; or name in italics”

Select report author...

MODIFICATION AGREEMENT

THIS AGREEMENT made as of the 1st day of May, 2017.

BETWEEN:

The Corporation of the City of Penticton
a municipal Corporation having an address at
171 Main Street, Penticton, BC, V2A 5A9

(the "Landlord")

OF THE FIRST PART

AND:

The Regional District of Okanagan-Similkameen,
A Regional District having an address at 101
Martin Street, Penticton, BC, V2A 5J9

(the "Tenant")

OF THE SECOND PART

WHEREAS:

A. The parties hereto entered into a Lease dated for reference the 1st day of September, 2005 (the "Lease"); and

B. The parties hereto wish to amend the Lease, subject to the hereinafter terms and conditions;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of One Dollar (\$1.00) and the premises and mutual agreements and covenants herein contained (the receipt and adequacy being mutually acknowledged by each party, the parties do agree as follows:

1. **MODIFICATION**

1.01 The Lease be modified and effective as of the date hereof by:

(i) deletion of paragraph 10.1(c) and the following inserted in substitution therefor:

“(c) Environmental Impairment Insurance in an amount of not less than Three Million Dollars (\$3,000,000.00) in a form acceptable to the Landlord and the said insurance shall remain in effect for Thirty (30) years following the final closure of the Landfill, provided however, the aggregate amount of Environmental Impairment Insurance together with the amount of the Environmental Impairment Reserve Fund need not exceed Three Million Dollars (\$3,000,000.00); and”

- (ii) deletion of paragraph 19.2 and the following inserted in substitution therefor:

“19.2 Levies

The Tenant shall during each year during the Term give due consideration to an increase to the Remediation Reserve Fund by a user levy to be included as a component of the tipping fees as referred to in paragraph 7.1(e) herein by the sum as identified in the Life Cycle Costing Report or any supplement to the said report”;

- (iii) deletion of paragraph 19.7 and the following inserted in substitution therefor:

“19.7 Levies

The Tenant shall during each year during the Term collect an Environmental Impairment user levy to be incorporated as identified in the Golder Report as a component of the tipping fees referred to in paragraph 7.1(e) herein and to be deposited in the Environmental Impairment Reserve Fund.”;

- (iv) deletion of the heading in paragraph 19.4 and the following inserted in substitution therefor:

“19.4 Remediation Reserve Fund”; and

- (v) deletion of the second line in paragraph 19.4 and the following inserted in substitution therefor:

“prior to the end of the Term all monies in the Remediation Reserve Fund, including any interest....”.

2. **GENERAL**

- 2.01 It is agreed that this Modification Agreement shall be read and construed along with the Lease, the Lease shall be regarded as being amended as herein provided, and the Lease as so amended shall be and continue to be in full force and effect.
- 2.02 The Lease and the terms thereof in all respects is ratified and confirmed.
- 2.03 This Modification Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns.
- 2.04 This Agreement may be executed by the parties and transmitted by telecopy and if so executed and transmitted, this Agreement will be for all purposes as effective as if the parties hereto had delivered an executed original of this Agreement.
- 2.05 This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding agreement which may be sufficient evidence by any one such original counterpart.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

**The Corporation of the City of
Penticton** by its Authorized Signatories:

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

**THE REGIONAL DISTRICT OF
OKANAGAN-SIMILKAMEEN** by its
Authorized Signatories:

File: 52006/rpt

L:\W5\RDOS\Agreements\Modification Agrmt\Lease Modification Campbell Mtn Lanfill - City May 23 2017 CLEAN.doc/NN

MODIFICATION AGREEMENT

THIS AGREEMENT made as of the 1st day of May, 2017.

BETWEEN:

The Regional District of Okanagan-Similkameen,

A Regional District having an address at 101
Martin Street, Penticton, BC, V2A 5J9

(the "Regional District")

OF THE FIRST PART

AND:

The Corporation of the City of Penticton

a municipal Corporation having an address at
171 Main Street, Penticton, BC, V2A 5A9

(the "City")

OF THE SECOND PART

WHEREAS:

A. The parties hereto entered into a License Agreement made the 1st day of September, 2005 (the "License"); and

B. The parties hereto wish to amend the License, subject to the hereinafter terms and conditions;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the sum of One Dollar (\$1.00) and the premises and mutual agreements and covenants herein contained (the receipt and adequacy being mutually acknowledged by each party, the parties do agree as follows:

1. **MODIFICATION**

1.01 The License be modified and effective as of the date hereof by the deletion of paragraph 10 and the following inserted in substitution therefor:

"10. Insurance. The City shall effect and keep in force during the term, insurance protecting the Regional District and the City (without any rights of cross-claim or subrogation against the Regional District) against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Land to an amount not less than Three Million Dollars (\$3,000,000.00), and environmental impairment insurance in an amount of not less than Three Million Dollars (\$3,000,000.00)

which insurance shall remain in effect for five (5) years after the expiry or termination of this License.”.

2. **GENERAL**

- 2.01 It is agreed that this Modification Agreement shall be read and construed along with the License, the License shall be regarded as being amended as herein provided, and the License as so amended shall be and continue to be in full force and effect.
- 2.02 The License and the terms thereof in all respects is ratified and confirmed.
- 2.03 This Modification Agreement shall enure to the benefit of and be binding upon the parties hereto and their successors and assigns.
- 2.04 This Agreement may be executed by the parties and transmitted by telecopy and if so executed and transmitted, this Agreement will be for all purposes as effective as if the parties hereto had delivered an executed original of this Agreement.
- 2.05 This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding agreement which may be sufficient evidence by any one such original counterpart.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

**The Corporation of the City of
Penticton** by its Authorized Signatories:

Andrew Jakubeit, Mayor

Dana Schmidt, Corporate Officer

**THE REGIONAL DISTRICT OF
OKANAGAN-SIMILKAMEEN** by its
Authorized Signatories:

CML

LEASE

THIS LEASE dated for reference the 1st day of September 2005.

BETWEEN:

THE CORPORATION OF THE CITY OF PENTICTON

a municipal corporation having an address at 171 Main Street, Penticton, British Columbia V2A 5A9

(the "Landlord")

OF THE FIRST PART

AND:

THE REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

a Regional District having an address of
101 - 123 Martin Street, Penticton, B.C. V2A 5J9

(the "Tenant")

OF THE SECOND PART

WITNESSES that in consideration of the mutual covenants, conditions and agreements herein contained, the Landlord and the Tenant covenant and agree as follows:

1. DEFINITIONS

1.1 Definitions

In this lease, unless there is something in the context inconsistent therewith, the Landlord and the Tenant agree that:

- (a) "Basic Rent" means be the amount referred to in paragraph 3.1 herein;
- (b) "Commencement Date" means the 1st day of September, 2005;
- (c) "Contaminated Site" means such an area of land as defined in the *Environmental Management Act*;
- (d) "CPI" means the all items Consumer Price Index for Vancouver, British Columbia (or any index published in substitution for the Consumer Price Index or any other replacement index designated by the Landlord acting reasonably, if it is no longer published); published by Statistics Canada (or by any successor thereof or any requirement agency including a provincial agency). In the case of any required substitution, the Landlord, acting reasonably, shall be entitled to make all necessary conversions for comparison purposes;
- (e) "Demolition, Land Clearing, and Construction Waste" means solid waste, largely inert waste, resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm-related cleanup. Such wastes may include, but are not limited to, asphalt, bricks, concrete and other masonry materials, roofing materials, soil, rock, wood, wood products, wall covering, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials and non asbestos insulation, but does not include solid waste materials typically generated by residential, commercial or institutional sources.
- (f) "Design and Operating Plan" means a plan prepared by the Tenant and approved by the Landlord that the MOE confirms in writing is acceptable and which outlines without limitation, the design, current and proposed footprint, proposed upgrades, operating and lay down areas, and any and all other details relating to the Sanitary Landfill Operation;

- (g) **“End Use Plan”** means a plan prepared by the Tenant for the staged and ultimate closure, post-closing, grading, use and stewardship of the Landfill in accordance with the *Environmental Management Act*;
- (h) **“Environmental Impairment”** means the migration of Hazardous Substance(s) outside of the Landfill that would adversely impact adjacent properties by creating levels of Hazardous Substance(s) on the said adjacent properties above the maximum standard determined by Environment Laws and/or any adverse impacts to the use and enjoyment of the Premises and adjacent properties caused by but not limited to, groundwater contamination detected outside the boundaries of the Premises, significant west faced slope failure, significant offsite nuisance issues including visual, odor, noise, litter, pests, significant cover erosion or breach from surface-water runoff, subsurface Landfill gas detected beyond anticipated limits, Landfill gas emissions which exceed anticipated regulatory limits and significant Landfill fire or explosion;
- (i) **“Environmental Impairment Reserve Fund”** means the fund created pursuant to paragraph 19.6 to self insure the Tenant and the Landlord against liabilities, damages, costs, expenses, causes of action, actions, claims, suits and judgments which the Tenant or the Landlord may incur or suffer or be put to by reason of or in connection with Environmental Impairment;
- (j) **“Environmental Laws”** means all applicable federal, provincial, municipal or local laws, statutes or ordinances, as they may be amended from time to time after the Commencement Date of the Term including without limitation, all relevant federal, provincial laws and other applicable laws relating to the environment, occupational safety and the transportation or regulation of Hazardous Substances;
- (k) **“The Golder Report”** means the Golder Associates Inc. Environmental Impairment Risk Assessment for Campbell Mountain Landfill Report dated September 23, 2005 and any supplement thereto;
- (l) **“Governmental Requirement”** means all requirements made or imposed pursuant to law by federal, provincial, municipal or other governments including requirements of Environmental Laws;
- (m) **“Hazardous Substance”** means any, contaminants, pollutants, dangerous substances, industrial waste, toxic substances, Hazardous Waste, hazardous material or hazardous substance whether or not defined as such or pursuant to any law, regulation or order;
- (n) **“Hazardous Waste”** means as defined in the *Environmental Management Act* including any regulations thereto;
- (o) **“Landfill”** means the Sanitary Landfill Operation carried out on the Premises and includes all ancillary operations in relation thereto, including without limitation all composting facilities other than the composting facilities of the Landlord, maintenance facilities, buildings and recycling facilities and the areas comprising all buffer zones within the Premises, as specifically provided for herein, located thereon and adjacent thereto;
- (p) **“Lease”** means this lease and all attached schedules;
- (q) **“Life Cycle Costing Report”** means the report referred to in paragraph 7.1(q);
- (r) **“MOE”** means the Ministry of the Environment for British Columbia or its successor in function;
- (s) **“Operational or Operating Certificate”** means an Operational Certificate issued pursuant to the *Environmental Management Act*;

- (t) **"Permits"** means permits issued by the MOE or any of its predecessors for the operation of the Landfill;
- (u) **"Premises"** means those certain lands legally described as:
Parcel Identifier 014-780-704
District Lot 368, Similkameen Division Yale District, Except Plan B1544;
- (v) **"Remediation Reserve Fund"** means those monies collected and deposited in an interest bearing reserve account by the Tenant for the closure, post-closure, remediation, monitoring of the Premises, engineering studies required from time to time and permitting requirements for a new regional landfill;
- (w) **"Sanitary Landfill Operation"** means any method of handling, processing and disposing of municipal solid waste on the Premises, pursuant to the Environmental Management Act and any Permit or Operating Certificate, and all other and ancillary facilities or operations which support a sanitary landfill operation, including without limitation composting facilities, recycling facilities, septic dumping station, drainage facilities, landfill gas facilities, equipment repair facilities, fire protection works and any other operations and facilities approved from time to time by the MOE and all buffer zones, as more specifically provided herein, located thereon and adjacent thereto.
- (x) **"Solid Waste Management Plan"** means the Solid Waste Management Plan prepared by and at the expense of the Tenant approved in writing by the Landlord and the MOE that includes the recommendations with respect to the Design and Operating Plan and End Use Plan;
- (y) **"Term"** means the term of thirty (30) years commencing on the Commencement Date as set out in Article 2.2.
- (z) **"Waste Management Permit"** means a permit issued pursuant to the Environmental Management Act.

2. DEMISE AND TERM

2.1 Demise

The Landlord, in consideration of the rents, covenants, agreements and conditions herein to be paid, observed and performed by the Tenant, does hereby demise and lease to the Tenant the Premises for the Term.

2.2 Term

Subject to the terms and conditions of this Lease, the Tenant shall have and hold the Premises for a term of thirty (30) years from and including the Commencement Date.

3. RENT, TAXES AND OTHER CHARGES

3.1 Basic Rent

The Lessee shall pay as Basic Rent an annual sum of NINETEEN THOUSAND FIVE HUNDRED DOLLARS (\$19,500.00) payable in advance on the first day of the Term and on each and every anniversary date thereafter.

3.2 Basic Rent Increase

Notwithstanding anything herein to the contrary Basic Rent shall be increased on the anniversary date of this Lease commencing January 1, 2006 and on each and every anniversary thereafter during the term of this Lease by multiplying the previous year's rent by the increase in the CPI for the previous twelve (12) month period. If the CPI declines during the said periods there shall be no reduction in Basic Rent.

3.3 Basic Rent Review

In addition to paragraph 3.2 herein on the fifth (5th) anniversary date commencing the 1st day of September, 2010 and on each and every fifth (5th) anniversary date thereafter the Basic Rent for the ensuing five (5) year period shall be adjusted to the fair market rent for the Premises as between persons dealing in good faith and at arms length. If the Landlord and Tenant have not mutually agreed upon the Basic Rent three (3) months prior to the commencement of the said five (5) year anniversary date then the Basic Rent shall be determined by binding arbitration as provided herein.

3.4 Additional Rent

All monies which from time to time may be owing by the Tenant to the Landlord pursuant to this Lease whether expressed as rent or not, are hereby deemed to be additional rent. The Tenant will pay any such money to the Landlord upon demand by the Landlord unless other terms for payment are expressly stipulated in this Lease. If the Tenant fails to pay any additional rent, as and when due, the Landlord will have the same remedies for the collection thereof as it has for the recovery of Basic Rent in arrears. If the Tenant at any time or from time to time fails to pay to any person any sum which the Tenant is obliged to pay pursuant to this Lease, the Landlord may pay any such sum on behalf of the Tenant and same will then be a debt owing by the Tenant to the Landlord from and including the date of payment by the Landlord.

3.5 Interest on amounts in arrears

When Basic Rent or additional rent, including any interest accrued thereon, payable hereunder by the Tenant to the Landlord is in arrears, the same will bear interest at an annual rate equal to five percent (5%) above the prime rate being charged by the Royal Bank of Canada, Main Branch, Vancouver, British Columbia, as its prime rate per annum to its most favoured commercial customers at the time such Basic Rent or additional rent became due, compounded monthly, from the date such rent becoming due to and including the date of payment. The Landlord will have all remedies for the collection of such interest as it has for the recovery of Basic Rent in arrears.

3.6 No set-off

The Tenant will pay to the Landlord duly and punctually all Basic Rent and additional rent required to be paid by the Tenant pursuant to this Lease without any deduction, abatement or set-off whatsoever.

3.7 Irregular periods

If, for any reason, it becomes necessary to calculate Basic Rent or additional rent for irregular periods an appropriate pro rata adjustment will be made on a daily basis in order to compute such rent for such irregular periods, unless otherwise expressly set out in this Lease.

3.8 Dispute as to costs

If the Tenant disputes the amount of any monies to be paid by the Tenant to the Landlord pursuant to this Lease, the certificate of an accountant having a nationally recognized accreditation appointed by the Landlord to determine such amount will be conclusive and binding on the Landlord and Tenant. The cost of obtaining such certificate will be for the account of the Tenant if the amount of money to be paid by the Tenant, as established in the certificate, is not more than five percent (5%) less than the amount claimed by the Landlord.

4. QUALITY AND USE OF THE PREMISES

4.1 Examinations of Premises

The Tenant has inspected the Premises having been in possession thereof prior to execution of this Lease. The Tenant acknowledges that it is leasing the Premises on an "as is" basis in accordance with the provisions of this Lease. The Tenant specifically acknowledges the Landlord has made no representation, agreement or warranty with

respect to the Premises or as to the fitness of the Premises for the use referred to in Article 4.2.

4.2 Use

Subject to Article 7.1 the Tenant shall use the Premises solely for a Sanitary Landfill Operation.

5. ASSIGNING AND SUB-LETTING

5.1 Assigning and sub-letting by Tenant

The Tenant will not assign this lease or sub-let or part with possession of the whole or any part of the Premises for the whole or any part of the Term.

6. COMPLIANCE WITH LAWS

6.1 Compliance with laws

The Tenant, at its own expense, will promptly comply with all applicable requirements of government or administrative authorities which relate, directly or indirectly to the use and occupation of the Premises including, without limitation, all those relating to environmental matters.

6.2 Notice of non-compliance

The Tenant will deliver promptly to the Landlord a copy of any notice, request, order, demand or claim of any person, and any documentation ancillary thereto, pertaining to any actual or alleged failure to comply with any laws relating to environmental matters or any common law obligations relating to environmental matters or any actual or alleged presence or discharge of any Hazardous Substance on, under or affecting the Premises.

6.3 Builders' Liens

The Tenant shall not suffer any lien under the *Builders' Lien Act* or like statute to be registered against title to the Tenant's interest in the Premises by reason of labour, services or materials supplied or claimed to have been supplied to the Tenant or anyone holding any interest through or under the Tenant other than the Landlord. If any such lien is registered, the Tenant will procure registration of its discharge forthwith after the liens has come to the notice of the Tenant. The Landlord may, but will not be obliged to, discharge any such lien at any time if, in the Landlord's judgment, the Premises or the Tenants leasehold interest therein becomes liable to any forfeiture or sale or is otherwise in jeopardy and any amount paid by the Landlord in so doing, together with all reasonable costs and expenses of the Landlord, will be reimbursed to the Landlord by the Tenant forthwith on demand.

7. OPERATIONAL COVENANTS

7.1 Operational Covenants

The Tenant shall or cause its contractor(s) to:

- (a) operate the Landfill in accordance with the terms and conditions of the Permit(s) and Operational or Operating Certificate(s);
- (b) accept waste, save and except but subject to paragraph 7.9 herein Demolition, Land Clearing and Construction Waste from areas only within the boundaries of the Landlord, the Penticton Indian Reserve No. 1 and Electoral Areas E and F of the Tenant, and provided that the Tenant has enacted the required bylaws in a form reasonably acceptable to the Landlord and obtained the required Provincial approvals to operate a landfill for Demolition, Land Clearing and Construction Waste from areas within the boundaries of the Landlord and that the said landfill is in full operation, accept waste from Electoral Areas B, D and G of the Tenant, the Village of Keremeos and the Indian Reserves known as Chopaka No.s 7 and

8, Lower Similkameen No. 2, Range No. 13, Narcisse's Farm No. 4, Blind Creek No. 6, Alexis No.9. Ashnola No. 10, Keremeos Forks No.s 12 and 12A, Chuchuwayha No.s 2 and 2C;

- (c) accept waste from the Village of Keremeos, Electoral Areas B, D, E, F and G of the Tenant and the Indian Reserves known as Chopaka No.s 7 and 8, Lower Similkameen No. 2, Range No. 13, Narcisse's Farm No. 4, Blind Creek No. 6, Alexis No.9. Ashnola No. 10, Keremeos Forks No.s 12 and 12A, Chuchuwayha No.s 2 and 2C only if the Village of Keremeos and the Tenant have enacted bylaws regarding the use of curbside recycling services that establish standards from time to time for the recycling of materials at least as high as those in force within the boundaries of the Landlord and the Tenant and the Village of Keremeos provide a written commitment to the Landlord that the said bylaws will be vigilantly enforced with respect thereto;
- (d) the Tenant covenants and agrees to exercise its best efforts to encourage the Band Councils of the Indian Reserves known as Chopaka No.s 7 and 8, Lower Similkameen No. 2, Range No. 13, Narcisse's Farm No. 4, Blind Creek No. 6, Alexis No.9. Ashnola No. 10, Keremeos Forks No.s 12 and 12A, Chuchuwayha No.s 2 and 2C to enact Band Council Resolutions regarding the use of curbside recycling services that establish standards from time to time for the recycling of materials at least as high as those in force within the boundaries of the Landlord and to obtain from the Band Councils of the said Indian Reserves written commitment to enforce the said Band Council Resolutions.
- (e) adopt and collect tipping fees as recommended in the Life Cycle Costing Report;
- (f) on June 5th, 2005 and on each and every fifth (5th) anniversary thereafter submit to the Landlord independent audited statements reporting on the status and changes to the Remediation Reserve Fund and the Environmental Impairment Reserve Fund and provided further that in the event the amounts of the Remediation Reserve Fund or the Environmental Impairment Reserve Fund are not sufficient pursuant to the recommendations in the Life Cycle Costing Report or any supplement to that report, the Tenant shall increase the amount of tipping fees to ensure that the Remediation Reserve Fund and the Environmental Impairment Reserve Fund are in compliance therewith;
- (g) on or before January 1, 2006 prepare and submit a site plan and operational protocol in a form satisfactory to the Landlord that considers and addresses operational concerns of the Landlord with respect to the operation of the Landlord's composting facility referred to in paragraph 17.1 provided however that the Landlord shall have the right from time to time to require the Tenant to revise the said site plan and operational protocol;
- (h) in consultation and in agreement with the Landlord exercise its best efforts to settle in amounts acceptable to the Landlord and Tenant with the owners of lands adjacent to the Premises claims advanced or otherwise with respect to the impact of the operation of the Landfill thereon including the Landlord's and/or the MOE's requirement for a Landfill buffer and obtain a release of claims in favour of the Landlord and the Tenant in a form and amounts acceptable to the Landlord and the Tenant;
- (i) take all reasonable measures to prevent any burning of materials or explosions of gases on or under the Landfill, and extinguish as quickly as possible any accidental fires that might occur therein to the reasonable satisfaction of the Landlord, but the Tenant may permit the burning of materials by the Royal Canadian Mounted Police or the Penticton Fire Department and may burn materials to reduce the hazard of fire or to dispose of wood waste that cannot be composted at the Landfill within a reasonable period of time;

- (j) take all reasonable measures to prevent or minimize the breeding of rats, flies, mosquitoes, noxious weeds, and other vermin and insects and similar nuisances on the Landfill and use all reasonable means to control the same;
- (k) take all reasonable measures to prevent wind blown litter from escaping the working face of the Landfill and collect such litter as does escape on a regular basis;
- (l) take all reasonable measures to ensure that any leachate or other substance discharged, spilled, emitted, released or permitted to escape, seep or leak on or adjacent to the Premises or into any ditches, culverts, drains, water courses or sewers on or adjacent to the Premises does not contain any Hazardous Substances;
- (m) subject to the use authorized pursuant to paragraph 4.2 herein and as authorized pursuant to any Permit or Operating Certificate at no time during the Term carry on, permit or suffer to be carried on in the Premises or elsewhere on the Premises anything which is noxious or offensive or which would constitute a public or private nuisance or cause any waste or damage to the Premises provided however and notwithstanding anything herein to the contrary the Tenant shall not relocate any existing facility, erect any new facility, or initiate any material change to the operation of the Landfill which would constitute a public or private nuisance or cause any waste or damage to the Premises;
- (n) not knowingly accept for disposal any Hazardous Waste except asbestos, which may be disposed of in the Landfill in accordance with the Permit or Operating Certificate, but the Tenant may accept Hazardous Waste for temporary storage not exceeding one (1) year for subsequent transport to a Hazardous Waste disposal facility;
- (o) keep the Premises neat, clean in sanitary condition taking into consideration the authorized use herein;
- (p) upon notice take all reasonable measures to mitigate the impact of the Sanitary Landfill Operation save and except for any composting facility operated on the Premises by the Landlord on the adjacent lands to the Premises including by limiting, preventing and remedying any release, escape or migration of odours, air pollution, waste, contamination or noise from the Premises;
- (q) obtain a Life Cycle Costing Report pursuant to a proposal submitted by CH2MHILL dated September 4, 2004 pursuant to a Request for Proposal issued by the Tenant entitled "Life Cycle Costing Report - Campbell Mountain Sanitary Landfill" dated August 2004, and obtain on each fifth anniversary after the date of this Lease a supplement to the Life Cycle Costing Report prepared by a qualified professional pursuant to the terms of reference approved by the Landlord, updating the said report and identifying any adjustments in user levies that are warranted to ensure the adequacy of the Remediation Reserve Fund;
- (r) provide copies of all drafts of the Life Cycle Costing Report provided by CH2MHILL, as referred to in paragraph 7.1(q) herein to the Landlord and solicit comments from the Landlord and give due consideration thereto;
- (s) provide the Landlord with a copy of the Life Cycle Costing Report in final form upon receipt thereof;
- (t) comply with the requirements of the Life Cycle Costing Report.

7.2 The Tenant at its own expense will repair and maintain the Premises and all improvements thereon including without limitation the office kiosk and weigh scales excepting from such standard of repair and maintenance damage by fire and other risks for which the Landlord is insured, reasonable wear and tear to the extent only that such reasonable wear and tear is not inconsistent with maintenance in good order and

condition of the Premises generally. In this Article repairs will include replacement and renewals when necessary.

7.3 **Inspection and emergencies**

The Landlord, by its representatives may enter upon the Premises at all reasonable times and during any emergency to inspect the state of repair and maintenance.

7.4 **Repair according to notice**

Without restricting the generality of Article 7.2, the Tenant, promptly upon notice by the Landlord, will make and do all repairs and maintain the Premises for which it is responsible in a good and workmanlike manner. If the Tenant fails to repair or maintain the Premises within what the Landlord considers to be a reasonable time, then the Landlord may cause such repairs and maintenance to be undertaken (and may cause its representatives to enter on the Premises for such purpose). Should the Landlord deem it necessary to undertake any repairs or maintenance, then the Tenant will pay to the Landlord a fee for supervision for carrying out the Tenant's obligations in an amount equal to ten percent (10%) of the cost of repairs or maintenance carried out by the Landlord, which amount will be in addition to the cost of such repairs or maintenance.

7.5 **Alterations**

Notwithstanding anything herein to the contrary the Tenant will not demolish any buildings currently on the Premises and will not make or erect on the Premises any installations, alterations or additions without having received the prior written approval of the Landlord, which approval may be arbitrarily withheld, and all necessary approvals of any relevant statutory authority provided however the Tenant may with the consent of the Landlord, such consent not to be unreasonably withheld, install facilities to contain burning operations.

7.6 **Repair and maintenance by Landlord**

The Landlord shall not be obliged to furnish any services or facilities or to make repairs, replacements or alterations in or to the Premises.

7.7 **Type of Waste**

In the event of a change to the Environmental Laws wherein the definition of waste is expanded or new methods of disposal of waste become available the Tenant shall not accept any new waste as referred to in the said expanded definition of waste or incorporate in the operation of the Landfill new methods of disposal without the prior written consent of the Landlord, which consent may be arbitrarily withheld.

7.8 **MOE**

The Tenant will not submit any application or amendments thereto for any plan, certificate, permit, or any other approval to the MOE without the prior written consent of the Landlord, such consent not to be unreasonably withheld.

7.9 **Demolition, Land Clearing and Construction Waste**

The Tenant may accept Demolition, Land Clearing and Construction Waste for temporary storage purposes provided the Demolition, Land Clearing and Construction Waste is stored separately in storage bins that are emptied on a regular basis to a location off-site.

7.10 **Septic Dumping Station**

Notwithstanding anything herein to the contrary the Tenant may continue to operate the existing septic dumping station on the Premises until a replacement facility has been constructed off-site provided however the Tenant may not add to or construct any substantial improvements to the said existing septic dumping station without the prior written consent of the Landlord, such consent not to be unreasonably withheld taking into consideration the Landlord's expectation that the said composting facility is to be phased out of operation in the near future.

8. SURRENDER OF PREMISES AND REMOVAL OF FIXTURES

8.1 Surrender

Upon the expiration or earlier termination of this Lease and the Term and any period of permitted overholding, the Tenant will:

- (a) surrender to the Landlord possession of the Premises all in good order, condition and repair in accordance with the Tenant's obligation to repair and to maintain, and free and clear of all encumbrances and all claims of the Tenant or of any person claiming by or through or under the Tenant and all the rights of the Tenant under this Lease will terminate save as herein expressly set out;
- (b) complete all items in accordance with the End Use Plan.

8.2 Removal of Fixtures

In the event this Lease is terminated prior to the end of the Term or the at the expiration of the Term and if the Landlord intends to continue the operation of the Landfill the Tenant shall not remove from the Premises any of the Tenant's fixtures unless the Landlord has advised on the expiration or earlier termination of this Lease to require the Tenant to remove the same and to make good any damage caused to the Premises by such removal at the Tenant's costs. If the Tenant does not so remove, the Landlord may do so and the Tenant will be responsible for the costs of such removal and for any necessary storage charges. The Landlord will not be responsible for any damage caused to the Tenant's property by reason of such removal.

8.3 Removal of Fixtures by Tenant

In the event at the expiration of the Term the Landlord intends to discontinue the operation of the Landfill the Tenant may remove from the Premises any of the Tenant's fixtures. In such event the Tenant shall make good any damage to the Premises by such removal at the Tenant's costs.

9. LIABILITY AND INDEMNIFICATION

9.1 Non-Liability of Landlord

The Landlord will not be liable or responsible in any way for any personal injury that may be sustained by the Tenant or any invitee or licensee of the Tenant, or of any other person who may be upon the Premises or for any loss of or damage or injury to, property belonging to or in the possession of the Tenant or any invitee or licensee of the Tenant or any other person, unless caused by negligence of the Landlord or those for whom it is in law responsible.

9.2 Indemnification

The Tenant will indemnify and save harmless the Landlord its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of actions, actions, claims, suits and judgments which the Landlord may incur or suffer or be put to by reason of or in connection with or arising from:

- (a) any breach, violation or non-performance by the Tenant of any obligation contained in this lease to be observed or performed by the Tenant;
- (b) any damage to the Premises by the Tenant, or any person claiming through or under the Tenant, or damage to any other property of the Landlord howsoever occasioned by the condition, use, occupation, repair or maintenance of the Premises, unless caused by the negligence of the Landlord or those for whom it is in law responsible;
- (c) any injury to any person, including death resulting at any time therefrom, occurring in or about the Premises unless caused by the negligence of the Landlord or those for whom it is in law responsible;

- (d) any wrongful act or neglect of the Tenant, its invitees and licensees, in and about the Premises;
- (e) any request or order made by any government authority requiring investigation or remediation of any Hazardous Substance on, under or affecting the Premises unless caused by the negligence of the Landlord or those for whom it is in law responsible.

Such indemnification will survive any termination or expiration of this Lease.

9.3 The Tenant shall promptly:

- (a) notify the Landlord in writing of any enforcement, order, investigation, litigation or other governmental, regulatory, judicial or administrative action instituted, contemplated or threatened against the Tenant or the Premises pursuant to any laws;
- (b) notify the Landlord in writing of all claims, actions, orders or investigations, made or threatened by any third party against the Tenant or the Premises relating to damage, contribution, cost, recovery, compensation, loss or injury, resulting from any environmental contaminants brought onto or created on the Premises by the Tenant arising from the use or occupation of the Premises, or the exercise of the Tenant's rights, or any breach of any laws arising from any of the foregoing; and
- (c) provide to the Landlord a copy of any site profile, site investigation, or environmental report prepared by or on behalf of the Tenant in respect of the Premises.

10. INSURANCE

10.1 Tenant's Insurance

The Tenant, at its cost, will obtain and keep in force throughout the Term:

- (a) fire insurance with extended coverage endorsement;
- (b) comprehensive general liability insurance (including, without limitation, tenant's fire, legal liability and contractual liability to cover the responsibilities assumed under Article 9.2 hereof) against claims for personal injury, death or property damage occurring upon or in or about the Premises, in an amount of not less than five million dollars (\$5,000,000.00) or such greater amount as the Landlord may reasonably require from time to time;
- (c) Environmental Impairment insurance in an amount of not less than Six Million Three Hundred Thousand Dollars (\$6,300,000.00) and the said amount of insurance to be increased in each and every year during the Term commencing September 1, 2006 in the same manner as the adjustment to Basic Rent is increased pursuant to paragraph 3.2 herein in a form acceptable to the Landlord which said insurance shall remain in effect for Thirty (30) years following the final closure of the Landfill provided however, the aggregate amount of Environmental Impairment Insurance together with the amount of the Environmental Impairment Reserve Fund need not exceed Six Million Three Hundred Thousand Dollars (\$6,300,000.00) plus any increases thereto as provided in this paragraph; and
- (d) such other insurance as the Landlord might reasonably require.

10.2 Policies

All insurance required to be maintained by the Tenant hereunder shall be on terms and with insurers to which the Landlord has no reasonable objection. The Tenant shall furnish to the Landlord certificates or other evidence acceptable to the Landlord as to the insurance from time to time required to be effected by the Tenant and its renewal or continuation in force, either by means of a certified copy of the policy or policies of insurance with all amendments and endorsements or a certificate from the Tenant's

insurer which, in the case of comprehensive general liability insurance, shall provide such information as the Landlord reasonably requires. If the Tenant fails to take out, renew and keep in force such insurance the Landlord may do so as the agent of the Tenant and the Tenant shall repay to the Landlord any amounts paid by the Landlord as premiums forthwith upon demand.

10.3 Terms of insurance

The Tenant will cause each of the policies for the insurance referred to in Article 10.1 to contain an undertaking by the insurer(s) to notify the Landlord at least thirty (30) days prior to cancellation or any other change material to the Landlord's interests. The liability policy will include the Landlord as an additional named insured with a cross-liability clause and shall protect the Landlord in respect of claims by the Tenant as if the Landlord were separately insured. The Tenant will cause any insurance policy obtained by it pursuant to this Lease to contain a waiver of subrogation clause in favour of the Landlord.

If any of the policies to be obtained by the Tenant pursuant to its obligations herein contain any co-insurance clauses, the Tenant shall maintain at all times a sufficient amount of insurance to meet the requirements of such co-insurance clause so as to prevent the Landlord or the Tenant from becoming a co-insurer under the terms of such policy or policies and to permit full recovery from the insurance in the event of loss.

10.4 Release of Landlord from Liability for Insured Loss or Damage

The Tenant hereby releases the Landlord, its elected and appointed officials and employees from any and all liability for loss or damage caused by any of the perils against which the Tenant shall have insured or pursuant to the terms of this Lease is obligated to insure as provided herein, and the Tenant hereby covenants to indemnify and save harmless the Landlord, its elected and appointed officials and employees from and against all manner of actions, causes of action, suits, damages, loss, costs, claims, and demands of any nature whatsoever relating to such insured loss or damage or loss or damage which the Tenant is obligated to insure.

10.5 Workers' Compensation Coverage

At all times during the Term, the Tenant shall at its own expense procure and carry, or cause to be procured and carried and paid for, full workers' compensation coverage in respect of all workmen, employees, servants, and others engaged in or upon any work, non-payment of which would create a lien on the Premises .

11. QUIET ENJOYMENT

11.1 Quiet enjoyment

If the Tenant duly and punctually pays the Basic and additional rent and complies with its obligations under this Lease the Tenant will be entitled to peaceably possess and enjoy the Premises as provided herein during the Term without any interruption or disturbance from the Landlord or any person or persons claiming by through or under the Landlord.

12. PERFORMANCE OF TENANT'S COVENANTS, DEFAULT AND BANKRUPTCY

12.1 Landlord may perform covenants

If the Tenant is in default of any of its obligations under this Lease then the Landlord without limiting any other remedy which it may have, will have the right to remedy any such default and for such purpose may at any time enter upon the Premises. No entry for such purpose will be deemed to cause a forfeiture or termination of this Lease. In order to cure such default, the Landlord may do such things as are necessary to cure the default and such things as may be incidental thereto (including without limitation, the right to make repairs and to expend monies). The Tenant will reimburse the Landlord for the aggregate of all expenses incurred by the Landlord in remedying any such default. The Landlord will be under no obligation to remedy any default of the Tenant and will not incur

any liability to the Tenant for any action or omission in the course of its remedying or attempting to remedy any such default unless such act amounts to intentional misconduct or gross negligence on the part of the Landlord.

12.2 **Rights of termination**

If and whenever:

- (a) the Premises become vacant or remain unoccupied for five days or more or are not used for the purpose herein permitted;
- (b) any Basic rent or additional rent remains unpaid after any of the days on which the same ought to have been paid and following five (5) days written notice of non-payment by the Landlord to the Tenant;
- (c) there is a breach of any of the Tenant's obligations hereunder (other than as set out in the other clauses of this Article) which is not cured within ten (10) days after delivery of written notice by the Landlord to the Tenant specifying such breach provided that if any default of the Tenant can only be cured by the performance of work or the furnishing of materials and if such work cannot reasonably be completed or such materials reasonably obtained and utilized within said ten (10) days, then as provided in paragraph 13.1 herein such default will not be deemed to continue if the Tenant proceeds promptly with such work as may be necessary to cure the default and continues diligently to complete such work; or
- (d) the Tenant assigns, sub-lets or parts with possession of the Premises, or any part thereof;
- (e) if in the opinion of the Landlord the Remediation Reserve Fund is insufficient to address the needs and requirements as set out in the Life Cycle Costing Report and the Tenant has not implemented the necessary steps to remedy the said deficiency

then in any of the said cases (and notwithstanding any prior waiver of breach of covenant) the Landlord, at its option, may (and without prejudice to any other right or remedy it may then have or be entitled to) immediately or at any time thereafter and without notice or any form of legal process take possession of the Premises or any part thereof in the name of the whole and expel the Tenant and those claiming through or under it and remove its or their effects (forcibly if necessary) without being deemed guilty of any manner of trespass, any statute or law to the contrary notwithstanding.

12.3 **Waiver with respect to re-entry**

The Tenant hereby waives any present or future requirement that notice of the Landlord's intention to re-enter pursuant to paragraph 12.2 herein be served or that the Landlord commence legal proceedings in order to re-enter.

12.4 **Waiver of benefit of legislation and seizure**

The Tenant irrevocably waives and renounces the benefit of any present or future law taking away or diminishing the Landlord's privilege on the property of the Tenant and right of distress and agrees with the Landlord, notwithstanding any such law, that the Landlord may seize and sell all the Tenant's goods and property, whether within the Premises or not, and apply the proceeds of such sale upon Basic Rent and additional rent and upon the cost of the seizure and sale in the same manner as might have been done if such law had not been passed. If the Tenant vacates the Premises leaving any Basic Rent or additional rent unpaid, the Landlord, in addition to any remedy otherwise provided at law or in equity, may seize and sell the goods and chattels of the Tenant at any place to which the Tenant or any other person may have removed them in the same manner as if such goods and chattels had remained on the Premises. If the Landlord, being entitled to do so, levies distress against the Tenant's goods and chattels, the Landlord may use such force as the Landlord may deem necessary for the purpose and

for gaining admission to the Premises without the Landlord being liable for any loss or damage caused thereby.

12.5 Re-entry and damages

If and whenever the Landlord is entitled to re-enter the Premises, or does re-enter the Premises, the Landlord may either terminate this Lease by giving written notice of termination to the Tenant, or by posting notice of termination on the Premises, and in such event the Tenant will forthwith vacate and surrender the Premises, or alternatively, the Landlord may from time to time without terminating the Tenant's obligations under this Lease make alterations and repairs considered by the Landlord necessary to facilitate a subletting including changing of any locks (without this being deemed to be a termination of the Lease), and sublet the Premises or any part thereof as agent of the Tenant for such term or terms and at such rental or rentals and upon such other terms and conditions as the Landlord in its reasonable discretion considers advisable. Upon each subletting all rent and other monies received by the Landlord from the subletting will be applied first to the payment of costs and expenses of the subletting including brokerage fees and solicitors' fees and costs of the alterations and repairs, second to the payment of indebtedness other than Basic Rent due hereunder from the Tenant to the Landlord and third to the payment of Basic Rent due and unpaid hereunder. The residue, if any, will be held by the Landlord and applied in payment of future rent as it becomes due and payable. If the rent received from the subletting during a month is less than the rent to be paid during that month by the Tenant, the Tenant will pay the deficiency to the Landlord. The deficiency will be calculated and paid monthly. No re-entry by the Landlord will be construed as an election on its part to terminate this Lease unless a written notice of that intention is given to the Tenant. Despite a subletting without termination, the Landlord may elect at any time to terminate this Lease for a previous breach. If the Landlord terminates this Lease for any breach and elects to claim damages for such breach, the Tenant will pay to the Landlord on demand therefor:

- (a) Basic Rent to the date of termination;
- (b) all additional charges and additional rent payable by the Tenant pursuant to the provisions hereof to the date of termination;
- (c) such expenses as the Landlord may incur or have incurred in connection with re-entering or terminating and reletting, collecting sums due or payable by the Tenant and realizing upon assets seized, including brokerage expense, legal fees and disbursements determined on a solicitor-client basis, keeping the Premises in good order and repairing and maintaining the same, and preparing the Premises for re-letting; and
- (d) as liquidated damages for the loss of Basic Rent and additional rent and other income of the Landlord expected to be derived from this Lease during the period which would have constituted the unexpired portion of the Term had it not been terminated, the amount, if any, by which the rental value of the Premises for such period established by reference to the terms and provisions of this Lease, exceeds the rental value of the Premises for such period established by reference to the terms and provisions upon which the Landlord re-lets them, if such re-letting is accomplished within a reasonable time after termination of this Lease and otherwise with reference to all market and other relevant circumstances.

12.6 Remedies of Landlord are cumulative

The remedies of the Landlord in this Lease are cumulative and are in addition to any remedies of the Landlord at law or in equity. No remedy will be deemed to be exclusive and the Landlord may from time to time have recourse to one or more of all the available remedies specified herein or at law or in equity.

12.7 Payment of Landlord Expenses

Other than as provided herein if at any time an action is brought where the Landlord is otherwise required to employ the services of a bailiff, a contractor, an agent, or its solicitors because of the breach by an act or omission of any covenant herein contained on the part of the Tenant, the Tenant shall pay to the Landlord all expenses incurred by the Landlord in the enforcement of its rights and remedies hereunder, including the Landlord's administrative costs and legal fees on a solicitor and his own client basis in connection therewith, together with interest at the rate equivalent to the prime rate of the Royal Bank of Canada as referred to in paragraph 3.5 herein plus five percent (5%) per annum calculated monthly not in advance from the date of demand until paid.

12.8 Remediation Reserve Fund

In the event this Lease is terminated as provided herein all monies with respect to the Remediation Reserve Fund, subject to any statutory restrictions to the contrary shall be transferred by the Tenant forthwith to the Landlord. In the event any further acts of the Tenant are required with respect to the said transfer of the Remediation Reserve Fund the Tenant shall do such further acts and things as may be reasonably required to carry out the intent and meaning of this paragraph.

12.9 Environmental Impairment Reserve Fund

In the event this Lease is terminated or when the Lease term has expired, which ever comes first, all monies contained in the Environmental Impairment Reserve Fund shall, subject to any statutory restrictions to the contrary, be maintained by the Tenant for the sole purposes of self insuring the Tenant and the Landlord against Environmental Impairment resulting from the operation of the Landfill by the Tenant until such time as the parties agree that the risk of the fund being drawn upon has diminished such that the fund is in whole or in part no longer required, upon which time the Tenant may, subject to any statutory requirement to the contrary, use the Environmental Reserve Fund in whole or in part at another Tenant operated landfill providing service to one or more of the areas referred to in paragraph 7.1(b) herein. In the event the parties cannot agree as to whether the fund is any longer required or the eligibility of a particular landfill operated by the Tenant, the matter shall be referred to arbitration as provided for in paragraph 24.2 herein.

13. ABILITY TO PERFORM

13.1 Except as herein otherwise expressly provided, if and whenever to the extent that either the Landlord or the Tenant shall be prevented, delayed, or restricted in the fulfillment of any of its obligations hereunder other than the payment of Basic Rent or additional Rent by reason of civil commotion, warlike operation, or like operation, invasion, rebellion, hostilities, sabotage, strike, or work stoppage, or being unable to obtain any material, service, utility, or labour required to fulfill such obligation, or by reason or any statute, law, or regulation of, or inability to obtain any permission from any governmental authority having lawful jurisdiction preventing, delaying, or restricting such fulfillment, or by reason of other unavoidable occurrence, other than the lack of funds, the time for fulfillment of such obligations shall be extended during the period in which such circumstance operates to prevent, delay, or restrict the fulfillment thereof, and the other party to this Lease shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned.

14. OVERHOLDING

14.1 If the Tenant remains in possession of the Premises after the expiration of the Term and without the execution and delivery of a new lease, the Landlord may re-enter and take possession of the Premises and remove the Tenant therefrom and the Landlord may use such force as it may deem necessary for that purpose without being liable in respect thereof or for any loss or damage occasioned thereby. While the Tenant remains in possession of the Premises after the expiration of the Term, the tenancy, in the absence of written agreement, will be from month to month only at a rent per month equal to two

times the rent payable in respect of the month immediately preceding expiration of the Term payable in advance on the first day of each month and the Tenant will be subject to all terms of this lease, except that the tenancy will be from month to month only and a tenancy from year to year will not be created by implication of law or otherwise.

15. MISCELLANEOUS

15.1 Waiver

No waiver of any default will be binding unless acknowledged in writing by the Landlord.

15.2 Condoning

Any condoning, excusing or overlooking by the Landlord of any default by the Tenant will not operate as a waiver of the Landlord's rights hereunder in respect of any subsequent default.

15.3 Severability

If any provision of this Lease is found to be illegal or invalid or unenforceable at law it will be deemed to be severed from this Lease and the remaining provisions will continue to have full force and effect.

15.4 Headings

All headings in this Lease are inserted for convenience of reference only and will not affect the construction and interpretation of this Lease.

15.5 Representations and entire agreement

The Tenant acknowledges and agrees that the Landlord has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Tenant other than those contained in this Lease that no agreement collateral hereto will be binding upon the Landlord unless made in writing and signed by the Landlord and that this Lease constitutes the entire agreement between the Landlord and Tenant.

15.6 Notices

Any notice required to be given hereunder by the either party shall be in accordance with the provisions of the *Local Government Act* of British Columbia.

15.7 Time of essence

Time will be of the essence of this Lease.

15.8 Governing Law

This Lease will be construed and governed by the laws of British Columbia.

15.9 Interpretation

Unless the context otherwise requires, the word "Landlord" wherever it is used herein shall be construed to include and shall mean the Landlord, its successors and/or assigns, and the word "Tenant" shall be construed to include and mean the Tenant and its successors and/or assigns; and when there are two or more Tenants or two or more persons bound by the Tenant's covenants herein contained, their obligations hereunder shall be joint and several; the word "Tenant" and the personal pronoun "it" relating thereto and used therewith shall be read and construed as Tenants and "his", "her" or "its" or "their" respectively, as the number and gender of the party or parties referred to each require and the number of the verb agreeing therewith, shall be construed and agreed with the said word pronoun so substituted.

15.10 Triple Net Lease

The Tenant covenants that this Lease shall be a completely carefree triple net lease for the Landlord, except as shall be otherwise provided, and that the Landlord shall be not responsible during the Term or any renewal thereof for any costs, charges, expenses and

outlays of any nature whatsoever, arising from or related to the Premises or in the contents thereof. Except as otherwise provided, the Tenant shall pay, in the manner more particularly described in this Lease, and all reasonable charges, impositions and costs of every nature and kind related to the Premises whether or not referred to in the Lease and whether or not of a kind now existing or contemplated by the parties.

15.11 Registration

Notwithstanding any statutory provisions to the contrary, in the event the Tenant wishes to register this Lease in the Kamloops Land Title Office, all costs relating to such preparation of the Lease and any schedules attached thereto for registration and the registration shall be borne by the Tenant.

16. ENVIRONMENTAL MATTERS

16.1 The Tenant covenants with the Landlord that if, as a consequence of any release of a Hazardous Substance in on or under the Premises resulting from the construction or the operation on the Premises or any other activity carried out, on or in the vicinity of the Premises by the Tenant or its servants, agents, or contractors or any person for whom the Tenant is in law responsible, actions are required to be taken in order to comply with any Governmental Requirement other than any municipal enactments applicable to the presence or removal of any Hazardous Substance on or from the Premises (including any Governmental Requirement other than any municipal enactments relating to testing for or identification of Hazardous Substances), and if the Tenant has received notice in writing of such Governmental Requirement other than any municipal enactments from the relevant authority or from the Landlord, then the Tenant shall at its expense take such action as required by the Governmental Requirement other than any municipal enactments (or alternatively such other action as may be acceptable to the relevant authority after discussions with the Tenant).

16.2 Landlord's Option

If the Tenant fails to take any action required to be taken by the Tenant pursuant to this Article 16, the Landlord may (but shall not be obligated to) take such action after giving thirty (30) days written notice to the Tenant of its intention to do so, unless within such thirty (30) day period the Tenant has taken the required action or has commenced in and is continuing diligently to carry out such action, and the Landlord shall, for that purpose, be permitted to enter the Premises with appropriate equipment. The Tenant covenants to reimburse the Landlord for all reasonable costs as referred to in paragraph 12.7 herein incurred by the Landlord in taking such required action pursuant to this Article 16 within thirty (30) days after receiving from the Landlord an invoice and reasonable supporting details relating to such costs.

16.3 Indemnity

In addition to the indemnity referred to in paragraph 9.2 herein the Tenant shall indemnify and save harmless the Landlord, the Landlord's elected officials and employees from and against any and all liabilities, claims, damages, costs, loss, suits, or actions of any nature whatsoever (including legal fees incurred by the Landlord in any relating proceedings on a solicitor and own client basis) arising out of any release of a Hazardous Substance in the Premises or on or below the surface of the Premises as a result of the construction or operation of the Premises or any other activity carried out, on or in the Premises by the Tenant or its servants, or contractors or any person for whom the Tenant is in law responsible. The obligations of the Tenant under the indemnity in this Article 16, shall with respect to liability arising for any matter during the Term and prior to the expiration or any termination of the Lease, survive the expiration or any termination of this Lease.

17. COMPOSTING BY THE LANDLORD

17.1 Composting

Notwithstanding anything herein to the contrary the Tenant shall grant to the Landlord on the Commencement Date a licence to use a portion of the Premises for compost purposes in the form attached hereto as Schedule "A".

18. ENVIRONMENTAL MANAGEMENT ACT

18.1 Conflict

The Landlord and Tenant covenant, acknowledge and agree that the MOE, through the *Environmental Management Act*, is the primary regulatory agency for the Landfill and any conflict between this agreement and the *Environmental Management Act* shall be resolved in accordance with the terms set forth in the *Environmental Management Act*.

18.2 Precedence

The Landlord and Tenant agree that if there is a conflict between this agreement and the requirements of the MOE, invoked at any time, then the requirements of the MOE shall take precedence and the applicable provisions of this agreement which conflict with the MOE requirement shall be of no force and effect.

19. REMEDIATION RESERVE FUND & ENVIRONMENTAL IMPAIRMENT RESERVE FUND

19.1 Accumulation of Remediation Reserve Fund

The Tenant acknowledges to date it has accumulated in the Remediation Reserve Fund the sum of Three Million Five Hundred Thirty-Eight Thousand Seven Hundred Ninety-One Dollars (\$3,538,791.00) on account of monies necessary for the closure, post-closure, remediation and grading of the Premises.

19.2 Levies

The Tenant shall during each year during the Term endeavour to increase the Remediation Reserve Fund by a user levy to be included as a component of the tipping fees as referred to in paragraph 7.1(e) herein by the sum as identified in the Life Cycle Costing Report or any supplement to that report and the said sum will be adjusted each year during the Term commencing September 1, 2006 in the same manner as the adjustment to Basic Rent calculated pursuant to paragraph 3.2 herein.

19.3 Investment of Remediation Reserve Fund

That all monies deposited to the Remediation Reserve Fund shall be invested in an interest bearing account or government security for the benefit of the Remediation Fund.

19.4 Remittance of Remediation Fund

Subject to any statutory authority to the contrary in the event this Lease is terminated prior to the end of the Term all monies in the Remediation Fund, including any interest thereon, shall be remitted forthwith to the Landlord. In the event any further acts are required to carry out the intent of this paragraph the Tenant shall do such further acts and things as may be reasonably required from time to time.

19.5 Remittance of Remediation Reserve Fund

In the event at the end of the Term the Tenant has not completed the remediation requirements pursuant to article 20 herein, subject to any statutory authority to the contrary, all monies in the Remediation Reserve Fund, including any interest thereon, shall be remitted forthwith to the Landlord. In the event any further acts are required to carry out the intent of this paragraph the Tenant shall do such further acts and things as may be reasonably required from time to time.

19.6 Environmental Impairment Reserve Fund

The Tenant covenants and agrees to establish a Regional District of Okanagan Similkameen Environmental Impairment Reserve Fund

19.7 Levies

The Tenant shall during each year during the Term collect an Environmental Impairment user levy to be incorporated as a component of the tipping fees referred to in paragraph 7.1(e) herein and adjusted each year during the Term commencing September 1, 2006 in the same manner as the adjustment to Basic Rent calculated pursuant to paragraph 3.2 herein, as identified in the Golder Report and to be deposited in the Environmental Impairment Reserve Fund.

19.8 Investment of Environmental Impairment Reserve Fund

That all monies deposited to the Environmental Impairment Reserve Fund shall be invested in an interest bearing account or government security for the benefit of the Environmental Impairment Reserve Fund.

19.9 Use of Environmental Impairment Reserve Fund

Subject to any statutory authority to the contrary, in the event this Lease is terminated or when the Term has expired, whichever shall occur first, the Tenant shall continue to maintain the Environmental Impairment Reserve Fund for the sole purposes of self insuring the Tenant and the Landlord against Environmental Impairment liabilities, damages, costs, expenses, causes of action, actions, claims, suits or judgments which they may incur or suffer to be put to by reason or in connection with the Environmental Impairment, for a period of Thirty (30) years after final closure of the Landfill, upon which time the Tenant may, subject to any statutory restrictions to the contrary, use the Environmental Impairment Reserve Fund in whole or in part at another Tenant operated landfill providing services to one or more of the areas referred to in paragraph 7.1(b) herein. In the event the parties cannot agree as to whether the fund is any longer required or the eligibility of a particular landfill operated by the Tenant, the matter shall be referred to arbitration as provided for in paragraph 24.2 herein.

20. REMEDIATION**20.1 Remediation**

The Tenant shall have fully remediated the Premises at the end of the Term in accordance with all Governmental Requirements and the End Use Plan as approved by MOE with respect to the Landfill.

20.2 Commencement of Remediation

In order to comply with paragraph 20.1 herein the Tenant shall commence due diligence to the reasonable satisfaction of the Landlord four (4) years prior to the end of the Term the necessary steps to satisfy the remediation requirements pursuant to the said paragraph 20.1.

21. LANDLORD AND TENANT ONLY**Relationship Between the Parties**

It is understood and agreed that nothing contained in this Lease nor any acts of the parties hereto shall be deemed to create any relationship between the said parties, other than the relationship of Landlord and Tenant.

22. BINDING NATURE**Enuring Effect**

This Lease and everything herein contained will enure to the benefit of and be binding upon the parties hereto and each of their respective successors and permitted assigns.

23. GOOD FAITH EFFORTS TO SETTLE DISPUTES**Mediation**

The Landlord and the Tenant agree, in the event of a dispute between the Landlord and the Tenant with respect to this Agreement, that prior to referring the matter in dispute to

arbitration, as provided herein, or prior to initiating any legal proceedings a representative of each of the parties hereto shall meet with a qualified mediator in a timely manner and attempt in good faith to negotiate a settlement of such dispute during which time such representatives shall disclose to the other all relevant information relating to such dispute.

24. **ARBITRATION**

24.1 **Arbitration** Whenever this Lease specifically contemplates arbitration, such arbitration shall be by a single arbitrator pursuant to the *Commercial Arbitration Act* of British Columbia, and any statutory modification or re-enactment thereof or successor legislation thereto. The decision of the arbitrator shall be final and binding upon the Landlord and Tenant and the costs of such arbitration shall be payable by the party against whom they are awarded by the arbitrator.

24.2 **Selected Operational Covenants**

Notwithstanding anything herein to the contrary in the event the parties are in dispute with respect to paragraphs 7.1(i), (j), (k), (l) and (p), paragraph 12.9 and paragraph 19.9 the matter shall be referred to a single arbitrator as referred to in paragraph 24.1 herein. In the event it is necessary to refer the appointment of an arbitrator to the Supreme Court of British Columbia pursuant to the provisions of the *Commercial Arbitration Act* each of the parties agree to request a Judge of the Supreme Court of British Columbia to appoint a single arbitrator who is a senior partner/principal employed in a branch office located in the Province of British Columbia of a national or international consulting firm having experience in design, construction, and operation of landfills.

25. **EXECUTION**

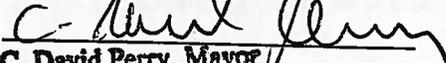
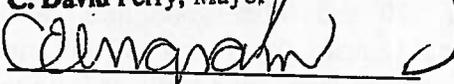
Counterparts

This document may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding document which may be sufficient evidence by any one such original counterpart.

IN WITNESS WHEREOF the parties hereto have executed this Lease as of the day and year first above written.

THE CORPORATION OF THE CITY OF PENTICTON

by its authorized signatories:

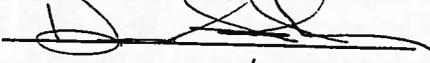
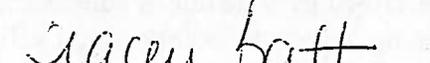

C. David Perry, Mayor


Cathy Ingram, City Clerk

Council Approval
Res. No. 487/2005
Date June 20 2005

THE REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

by its authorized signatories:



Tracy Pratt

LICENSE AGREEMENT

THIS AGREEMENT regarding the occupation of a portion of the Campbell Mountain Landfill for a composting facility is made the 1ST day of September, 2005

BETWEEN:

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
101 Martin Street, Penticton BC V2A 5J9

(the "Regional District")

AND:

CITY OF PENTICTON
171 Main Street, Penticton BC V2A 5A9

(the "City")

WHEREAS:

- A. The Regional District is the lessee under a lease dated the 1st day of September, 2005 (the "Lease") of land legally described as District Lot 368 Similkameen Division Yale District Except Plan B1544 (the "Landfill Site"); and
- B. The Lease contemplates the granting of a License to the City in respect of a portion of the Landfill Site, for the operation of composting facilities of the City; and
- C. The City wishes to occupy and use a certain portion of the Landfill Site for a composting service that the City operates separately from the Regional District's solid waste disposal service; and
- D. The Regional District wishes to permit the City to occupy such portion of the Landfill Site on the terms and conditions more particularly set out in this Agreement.

NOW THEREFORE in consideration of the sum of \$10 and other good and valuable consideration now paid and given by the City to the Regional District, the receipt and sufficiency of which are acknowledged by the Regional District, the parties covenant and agree as follows:

1. **Grant of License.** The Regional District grants to the City a License for the City and its directors, officers, employees, agents, invitees, permittees and licensees to at all times by day and by night and with or without vehicles and equipment enter on the Landfill Site to, use and occupy the portion of the Landfill Site described in Schedule A (the "License Area") and to use, occupy, operate, maintain, service and repair the composting facilities existing on the License Area on the date of execution of this Agreement, for all purposes in connection with the operation of the City's composting service.

2. **Location of Compost Site.** Notwithstanding the generality of paragraph 1, at the time of execution of this Agreement the use of the License Area by the City shall be restricted to the area indicated on Schedule A as the Existing Compost Site (the "Existing Compost Site") until such time as the City relocates firstly to Relocated Compost Site Ph1 and thereafter expands to Relocated Compost Site Ph2 each as shown on Schedule A (collectively the "Relocated Compost Site"), and the process of transition within the Relocated Compost Site shall be at the discretion of the City subject to receipt of notice from the Regional District pursuant to Schedule B.
3. **Term.** This Agreement shall, subject to Section 9, be and remain in full force and effect for the term of the Lease.
4. **Pay Trades.** The City shall pay accounts and expenses as they become due for labour performed on, or material supplied to, the License Area.
5. **Contamination of the Existing Compost Site.** As between the City and the Regional District, the City shall from the date hereof remain the owner of any Hazardous Substance deposited in the Existing Compost Site by the City or those for whom it is in law responsible in the course of the City's use of the Existing Compost Site under this Agreement, and the City shall indemnify and save harmless the Regional District, its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of action, actions, claims, suits and judgments which the Regional District may incur or suffer or be put to by reason of or in connection with or arising from any request or order made by any government authority requiring investigation or remediation of any Hazardous Substance on, under or affecting the Existing Compost Site unless caused by the negligence of the Regional District or those for whom it is in law responsible. For the purpose of this Agreement, the term "Hazardous Substance" shall have the meaning ascribed to it in the Lease.
6. **Contamination of the Relocated Compost Site.** As between the City and the Regional District, the City shall from the date the City relocates to the Relocated Compost Site be the owner of any Hazardous Substance deposited in the Relocated Compost Site by the City or those for whom it is in law responsible in the course of the City's use of the Relocated Compost Site, and the City shall indemnify and save harmless the Regional District, its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of action, actions, claims, suites and judgments which the Regional District may incur or suffer or be put to by reason of or in connection with or arising from any request or order made by any government authority requiring investigation or remediation of any Hazardous Substance on, under or affecting the Relocated Compost Site at higher than the baseline levels determined by the baseline contamination testing referred to in Schedule B unless caused by the negligence of the Regional District or those for whom it is in law responsible.
7. **Landfill Site Plan.** The Regional District shall:

- (a) prepare on or before January 1, 2006 a Site Plan of the Landfill Site;
- (b) consult with the City with respect to the terms of reference for the preparation of the Site Plan;
- (c) provide to the City all draft copies of the Site Plan and give due consideration to the City's comments prior to the finalizing thereof; and
- (d) provide to the City a final copy of the Site Plan on receipt thereof.

The City shall share in the cost of preparation of the Site Plan based on the ratio of the area of the Licence Area to the total area of the Landfill Site. For the purposes of this Agreement, "Site Plan" shall mean a plan and profile drawings of the Landfill Site complete with relevant cross sections showing the set up of the entire Landfill Site including but not limited to fencing, fire guards, visual screening, material handling area including the composting sites, roadways, gate houses and access points, and piped and well water systems.

8. **Other Rights as to License Area.** This License shall not entitle the City to exclusive possession of the License Area, and the Regional District may grant licenses to others to use the License Area for any purpose other than that permitted herein, so long as the grant does not materially affect the exercise of the City's rights hereunder. In the event the parties cannot agree on whether a grant materially affects the exercise of the City's rights hereunder the matter shall be referred to arbitration pursuant to paragraph 24.2 of the Lease.
9. **Operation of Composting Facilities.** The parties agree that the composting facilities in the License Area shall be operated in accordance with the operating plan and protocol attached as Schedule B. The parties acknowledge that the location of the License Area depicted in Schedule A and the operating plan and protocol in Schedule B may be revised from time to time by mutual agreement.
10. **Insurance.** The City shall effect and keep in force during the term, insurance protecting the Regional District and the City (without any rights of cross-claim or subrogation against the Regional District) against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Land to an amount not less than \$5,000,000, and environmental impairment insurance in an amount of not less than \$5,000,000 which insurance shall remain in effect for five (5) years after the expiry or termination of this License.
11. **Indemnity.** The City shall indemnify and save harmless the Regional District, its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of action, actions, claims, suits and judgments which the Regional District may incur or suffer or be put to by reason of or in connection with or arising from any breach, violation or non-performance of any covenant, condition or agreement in this

License by the City and any personal injury, death or property damage occurring on the License Area caused by the negligence of the City or for whom it is in law responsible.

12. **Termination of City Obligations.** Notwithstanding anything herein to the contrary, on the date the City relocates from the Existing Compost Site to the Relocated Compost Site the City shall have no further obligations or responsibilities with respect to the Existing Compost Site except its obligations related to Hazardous Substances that may exist up to the date of relocation as provided herein.
13. **Early Termination by the Regional District.** If the City fails to observe or perform any of the covenants, agreements, provisions or conditions contained herein, and such failure continues for a period of 30 days after the giving of written notice by the Regional District to the City of the nature of the failure unless such failure reasonably requires more than 30 days to cure and the City commences the curing of the default within such 30 day period and thereafter diligently pursues the curing thereof until such default is rectified, the Regional District may on 60 days' written notice to the City, cancel this License. The City shall not be entitled to any compensation, whether for damages or otherwise, in respect of a cancellation of this License by the Regional District under this Article.
14. **On Expiration.** On the expiration or at the earlier termination of this Agreement the City shall peaceably quit and deliver possession of the License Area to the Regional District. All compost products produced within the License Area shall at all times be the property of the City and may be sold or disposed of in such manner as determined by the City from time to time. Notwithstanding anything herein to the contrary in the event this License is terminated for whatever reason prior to expiry of the Lease the City may store and remove, from time to time, the said compost within the License Area for a period of 180 days after the said termination provided however during the said 180 day period the City may not add to its inventory of compost.
15. **Notice.** Any notice, document or communication required or permitted to be given hereunder shall be in writing and may be given by hand delivery or by facsimile transmission addressed:

City of Penticton
 171 Main Street
 Penticton BC V2A 5A9
 Attention: Corporate Officer
 Facsimile No. (250) 490-2402

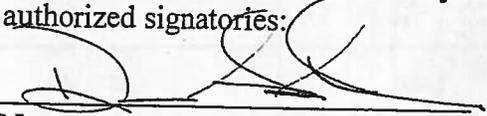
Regional District of Okanagan-Similkameen
 101 Martin Street
 Penticton BC V2A 5J9
 Attention: Administrator
 Facsimile No. (250) 492-0063

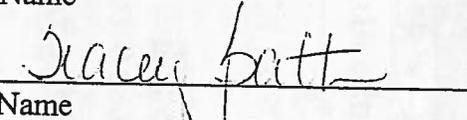
or to such other address or facsimile number as either party may in writing advise. Any notice, document or communication shall be deemed to have been given and received, if delivered or sent by facsimile, on the day received if a business day prior to 4 p.m. and otherwise on the next business day.

16. **Assignment.** The City shall not assign this License or sublicense any part of the License Area without the prior written consent of the Regional District such consent not to be unreasonably withheld.
17. **Force Majeure.** Except as expressly provided herein, if and whenever and to the extent that either the City or the Regional District shall be prevented, delayed, or restricted in the fulfillment of any of its obligations by reason of civil commotion, warlike operation, invasion, rebellion, hostilities, sabotage, strike or work stoppage, or being unable to obtain any material, service, utility, or labour required to fulfill such obligation, or by reason of any statute, law, or regulation of, or inability to obtain any permission from, any governmental authority having lawful jurisdiction preventing, delaying, or restricting such fulfillment, or by reason of other unavoidable occurrence other than the lack of funds, the time for fulfillment of such obligations shall be extended during the period in which such circumstance operates to prevent, delay, or restrict the fulfillment thereof, and the other party shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned.
18. **Interpretation.** It is also agreed that:
 - (a) In this Agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation;
 - (b) The captions and headings contained in this License are for convenience only and are not to be construed as defining or in any way limiting the scope or intent of the provisions hereof;
 - (c) If any section of this License or any part of a section is found to be illegal or unenforceable, that part or section, as the case may be, shall be considered separate and severable and the remaining parts or sections, as the case may be, shall not be affected thereby and should be enforceable to the fullest extent permitted by law; and
 - (d) The terms and provisions of this License shall extend to, be binding upon and enure to the benefit of each of the Regional District and the City and their respective successors and permitted assigns.
19. The parties hereto acknowledge and agree that the License granted to the City herein is a License only and shall not, under any circumstances, constitute a partnership, lease or joint venture between the parties.
20. This License merges and supercedes all prior negotiations, representations, and agreements between the parties relating in any way to the Landfill Site. The parties agree that there are no representations, covenants, agreements, warranties or conditions in any way relating to the subject matter of this License or the occupation or use of the Land, whether express or imposed, or otherwise, except as set forth in this License.

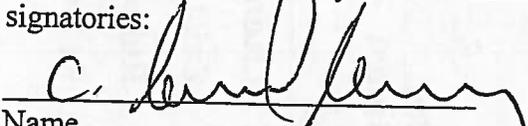
IN WITNESS WHEREOF the parties have executed this License as of the day and year first above written.

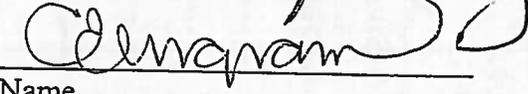
REGIONAL DISTRICT OF
OKANAGAN-SIMILKAMEEN by its
authorized signatories:


Name


Name

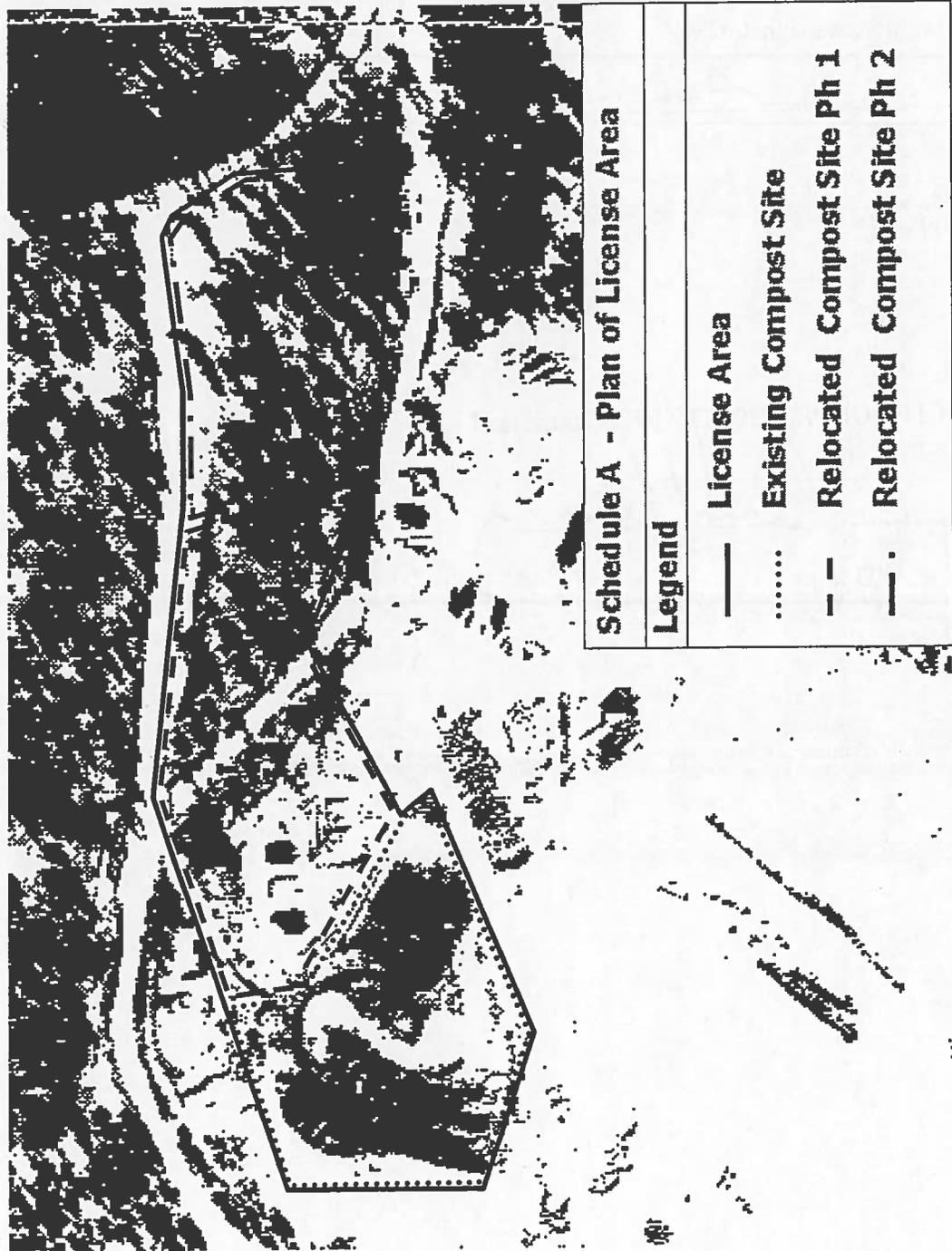
CITY OF PENTICTON by its authorized
signatories:


Name


Name

Council Approval
Res. No. <u>487/2005</u>
Date <u>JUNE 20, 2005</u>

SCHEDULE A
PLAN OF LICENSE AREA



Schedule A - Plan of License Area	
Legend	
—	License Area
.....	Existing Compost Site
- -	Relocated Compost Site Ph 1
- .	Relocated Compost Site Ph 2

SCHEDULE B**COMPOSTING FACILITY OPERATING PLAN AND PROTOCOL****City Obligations**

- design and construct all composting facilities in accordance with all applicable legislation;
- operate the composting facility in the License Area in accordance with operating permit PE 12221 and any replacement permit, the Organic Material Recycling Regulation and all other applicable legislation;
- monitor the perimeter of the License Area to ensure that materials transported to the License Area are contained therein;
- fence the License Area in accordance with the specifications contained in the Site Plan, within one (1) year of completion thereof;
- take all reasonable measures to store compost materials in a manner which minimizes combustion, spontaneous or otherwise;
- install fireguards around the License Area in accordance with the specifications contained in the Site Plan, within one (1) year of completion thereof;
- have available for transport to the License Area a water truck for fire suppression services until such time as an alternative supply of water for fire suppression services is provided to the Landfill Site by the Regional District;
- have the status of principal contractor in respect of activities within the License Area for the purposes of occupational health and safety regulations and will provide and implement an approved safety and emergency response plan;
- take all reasonable measures to mitigate all adverse vector, odour and pathogenic impacts and in the event the parties cannot agree on the reasonable measures the matter shall be referred to arbitration as provided in paragraph 24.2 of the Lease;
- obtain the approval of the Regional District to construct all new facilities and works such consent not to be unreasonably withheld;
- assist the Regional District to develop and prepare the Site Plan including the terms of reference therefor; and

- work co-operatively with the Regional District on issues of common interest such as water supply for composting, water supply for fire suppression, road improvement, fencing and visual screening.

Regional District Obligations

- in respect of the Relocated Compost Site:
 - within six (6) months of the completion of the Site Plan clear the Relocated Compost Site of all potential landfill cover;
 - within nine (9) months of the completion of the Site Plan level the Relocated Compost Site in accordance with the Site Plan;
 - on or before September 1, 2006 obtain an engineer's report to determine the baseline contamination for the Relocated Compost Site, it being understood that the Regional District will consult with the City with respect to the terms of reference for the report, will deliver a draft of the report to and solicit comments from the City prior to the finalization of the report, and will provide a copy of the final report to the City on receipt thereof;
 - remove the existing lagoon system therefrom;
 - relocate the metal materials stored therefrom; and
 - take such other steps as the City may reasonably require to put the Relocated Compost Site in an acceptable condition for the authorized use thereof;
- work co-operatively with the City on issues of common interest, including without limiting the generality of the foregoing adequate piped water or on-site well water for composting and fire suppression, road improvements, fencing and visual screening;
- install visual screening around the Landfill Site save and except for areas in respect of which topography would render the screening ineffective; and
- provide to the City two (2) years' prior written notice as of the date the Site Plan is completed to relocate from the Existing Compost Site to the Relocated Compost Site as specified in the Site Plan.

LICENSE AGREEMENT

THIS AGREEMENT regarding the occupation of a portion of the Campbell Mountain Landfill for a composting facility is made the 1ST day of September, 2005

BETWEEN:

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

101 Martin Street, Penticton BC V2A 5J9

(the "Regional District")

AND:

CITY OF PENTICTON

171 Main Street, Penticton BC V2A 5A9

(the "City")

WHEREAS:

- A. The Regional District is the lessee under a lease dated the 1st day of September, 2005 (the "Lease") of land legally described as District Lot 368 Similkameen Division Yale District Except Plan B1544 (the "Landfill Site"); and
- B. The Lease contemplates the granting of a License to the City in respect of a portion of the Landfill Site, for the operation of composting facilities of the City; and
- C. The City wishes to occupy and use a certain portion of the Landfill Site for a composting service that the City operates separately from the Regional District's solid waste disposal service; and
- D. The Regional District wishes to permit the City to occupy such portion of the Landfill Site on the terms and conditions more particularly set out in this Agreement.

NOW THEREFORE in consideration of the sum of \$10 and other good and valuable consideration now paid and given by the City to the Regional District, the receipt and sufficiency of which are acknowledged by the Regional District, the parties covenant and agree as follows:

1. **Grant of License.** The Regional District grants to the City a License for the City and its directors, officers, employees, agents, invitees, permittees and licensees to at all times by day and by night and with or without vehicles and equipment enter on the Landfill Site to, use and occupy the portion of the Landfill Site described in Schedule A (the "License Area") and to use, occupy, operate, maintain, service and repair the composting facilities existing on the License Area on the date of execution of this Agreement, for all purposes in connection with the operation of the City's composting service.

2. **Location of Compost Site.** Notwithstanding the generality of paragraph 1, at the time of execution of this Agreement the use of the License Area by the City shall be restricted to the area indicated on Schedule A as the Existing Compost Site (the "Existing Compost Site") until such time as the City relocates firstly to Relocated Compost Site Ph1 and thereafter expands to Relocated Compost Site Ph2 each as shown on Schedule A (collectively the "Relocated Compost Site"), and the process of transition within the Relocated Compost Site shall be at the discretion of the City subject to receipt of notice from the Regional District pursuant to Schedule B.
3. **Term.** This Agreement shall, subject to Section 9, be and remain in full force and effect for the term of the Lease.
4. **Pay Trades.** The City shall pay accounts and expenses as they become due for labour performed on, or material supplied to, the License Area.
5. **Contamination of the Existing Compost Site.** As between the City and the Regional District, the City shall from the date hereof remain the owner of any Hazardous Substance deposited in the Existing Compost Site by the City or those for whom it is in law responsible in the course of the City's use of the Existing Compost Site under this Agreement, and the City shall indemnify and save harmless the Regional District, its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of action, actions, claims, suits and judgments which the Regional District may incur or suffer or be put to by reason of or in connection with or arising from any request or order made by any government authority requiring investigation or remediation of any Hazardous Substance on, under or affecting the Existing Compost Site unless caused by the negligence of the Regional District or those for whom it is in law responsible. For the purpose of this Agreement, the term "Hazardous Substance" shall have the meaning ascribed to it in the Lease.
6. **Contamination of the Relocated Compost Site.** As between the City and the Regional District, the City shall from the date the City relocates to the Relocated Compost Site be the owner of any Hazardous Substance deposited in the Relocated Compost Site by the City or those for whom it is in law responsible in the course of the City's use of the Relocated Compost Site, and the City shall indemnify and save harmless the Regional District, its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of action, actions, claims, suites and judgments which the Regional District may incur or suffer or be put to by reason of or in connection with or arising from any request or order made by any government authority requiring investigation or remediation of any Hazardous Substance on, under or affecting the Relocated Compost Site at higher than the baseline levels determined by the baseline contamination testing referred to in Schedule B unless caused by the negligence of the Regional District or those for whom it is in law responsible.
7. **Landfill Site Plan.** The Regional District shall:

- (a) prepare on or before January 1, 2006 a Site Plan of the Landfill Site;
- (b) consult with the City with respect to the terms of reference for the preparation of the Site Plan;
- (c) provide to the City all draft copies of the Site Plan and give due consideration to the City's comments prior to the finalizing thereof; and
- (d) provide to the City a final copy of the Site Plan on receipt thereof.

The City shall share in the cost of preparation of the Site Plan based on the ratio of the area of the Licence Area to the total area of the Landfill Site. For the purposes of this Agreement, "Site Plan" shall mean a plan and profile drawings of the Landfill Site complete with relevant cross sections showing the set up of the entire Landfill Site including but not limited to fencing, fire guards, visual screening, material handling area including the composting sites, roadways, gate houses and access points, and piped and well water systems.

8. **Other Rights as to License Area.** This License shall not entitle the City to exclusive possession of the License Area, and the Regional District may grant licenses to others to use the License Area for any purpose other than that permitted herein, so long as the grant does not materially affect the exercise of the City's rights hereunder. In the event the parties cannot agree on whether a grant materially affects the exercise of the City's rights hereunder the matter shall be referred to arbitration pursuant to paragraph 24.2 of the Lease.
9. **Operation of Composting Facilities.** The parties agree that the composting facilities in the License Area shall be operated in accordance with the operating plan and protocol attached as Schedule B. The parties acknowledge that the location of the License Area depicted in Schedule A and the operating plan and protocol in Schedule B may be revised from time to time by mutual agreement.
10. **Insurance.** The City shall effect and keep in force during the term, insurance protecting the Regional District and the City (without any rights of cross-claim or subrogation against the Regional District) against claims for personal injury, death, property damage or third party or public liability claims arising from any accident or occurrence on the Land to an amount not less than \$5,000,000, and environmental impairment insurance in an amount of not less than \$5,000,000 which insurance shall remain in effect for five (5) years after the expiry or termination of this License.
11. **Indemnity.** The City shall indemnify and save harmless the Regional District, its elected and appointed officials and employees from and against any and all liabilities, damages, costs, expenses, causes of action, actions, claims, suits and judgments which the Regional District may incur or suffer or be put to by reason of or in connection with or arising from any breach, violation or non-performance of any covenant, condition or agreement in this

License by the City and any personal injury, death or property damage occurring on the License Area caused by the negligence of the City or for whom it is in law responsible.

12. **Termination of City Obligations.** Notwithstanding anything herein to the contrary, on the date the City relocates from the Existing Compost Site to the Relocated Compost Site the City shall have no further obligations or responsibilities with respect to the Existing Compost Site except its obligations related to Hazardous Substances that may exist up to the date of relocation as provided herein.
13. **Early Termination by the Regional District.** If the City fails to observe or perform any of the covenants, agreements, provisions or conditions contained herein, and such failure continues for a period of 30 days after the giving of written notice by the Regional District to the City of the nature of the failure unless such failure reasonably requires more than 30 days to cure and the City commences the curing of the default within such 30 day period and thereafter diligently pursues the curing thereof until such default is rectified, the Regional District may on 60 days' written notice to the City, cancel this License. The City shall not be entitled to any compensation, whether for damages or otherwise, in respect of a cancellation of this License by the Regional District under this Article.
14. **On Expiration.** On the expiration or at the earlier termination of this Agreement the City shall peaceably quit and deliver possession of the License Area to the Regional District. All compost products produced within the License Area shall at all times be the property of the City and may be sold or disposed of in such manner as determined by the City from time to time. Notwithstanding anything herein to the contrary in the event this License is terminated for whatever reason prior to expiry of the Lease the City may store and remove, from time to time, the said compost within the License Area for a period of 180 days after the said termination provided however during the said 180 day period the City may not add to its inventory of compost.
15. **Notice.** Any notice, document or communication required or permitted to be given hereunder shall be in writing and may be given by hand delivery or by facsimile transmission addressed:

City of Penticton
171 Main Street
Penticton BC V2A 5A9
Attention: Corporate Officer
Facsimile No. (250) 490-2402

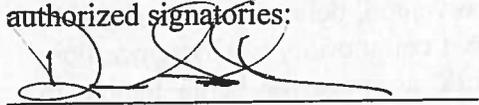
Regional District of Okanagan-Similkameen
101 Martin Street
Penticton BC V2A 5J9
Attention: Administrator
Facsimile No. (250) 492-0063

or to such other address or facsimile number as either party may in writing advise. Any notice, document or communication shall be deemed to have been given and received, if delivered or sent by facsimile, on the day received if a business day prior to 4 p.m. and otherwise on the next business day.

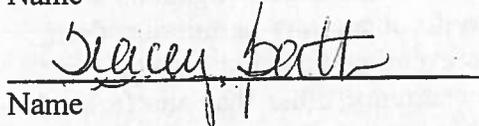
16. **Assignment.** The City shall not assign this License or sublicense any part of the License Area without the prior written consent of the Regional District such consent not to be unreasonably withheld.
17. **Force Majeure.** Except as expressly provided herein, if and whenever and to the extent that either the City or the Regional District shall be prevented, delayed, or restricted in the fulfillment of any of its obligations by reason of civil commotion, warlike operation, invasion, rebellion, hostilities, sabotage, strike or work stoppage, or being unable to obtain any material, service, utility, or labour required to fulfill such obligation, or by reason of any statute, law, or regulation of, or inability to obtain any permission from, any governmental authority having lawful jurisdiction preventing, delaying, or restricting such fulfillment, or by reason of other unavoidable occurrence other than the lack of funds, the time for fulfillment of such obligations shall be extended during the period in which such circumstance operates to prevent, delay, or restrict the fulfillment thereof, and the other party shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned.
18. **Interpretation.** It is also agreed that:
 - (a) In this Agreement, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation;
 - (b) The captions and headings contained in this License are for convenience only and are not to be construed as defining or in any way limiting the scope or intent of the provisions hereof;
 - (c) If any section of this License or any part of a section is found to be illegal or unenforceable, that part or section, as the case may be, shall be considered separate and severable and the remaining parts or sections, as the case may be, shall not be affected thereby and should be enforceable to the fullest extent permitted by law; and
 - (d) The terms and provisions of this License shall extend to, be binding upon and enure to the benefit of each of the Regional District and the City and their respective successors and permitted assigns.
19. The parties hereto acknowledge and agree that the License granted to the City herein is a License only and shall not, under any circumstances, constitute a partnership, lease or joint venture between the parties.
20. This License merges and supercedes all prior negotiations, representations, and agreements between the parties relating in any way to the Landfill Site. The parties agree that there are no representations, covenants, agreements, warranties or conditions in any way relating to the subject matter of this License or the occupation or use of the Land, whether express or imposed, or otherwise, except as set forth in this License.

IN WITNESS WHEREOF the parties have executed this License as of the day and year first above written.

REGIONAL DISTRICT OF)
OKANAGAN-SIMILKAMEEN by its)
authorized signatories:)

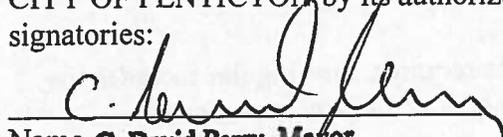


Name)

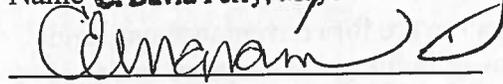


Name)

CITY OF PENTICTON by its authorized)
signatories:)



Name **C. David Perry, Mayor**)

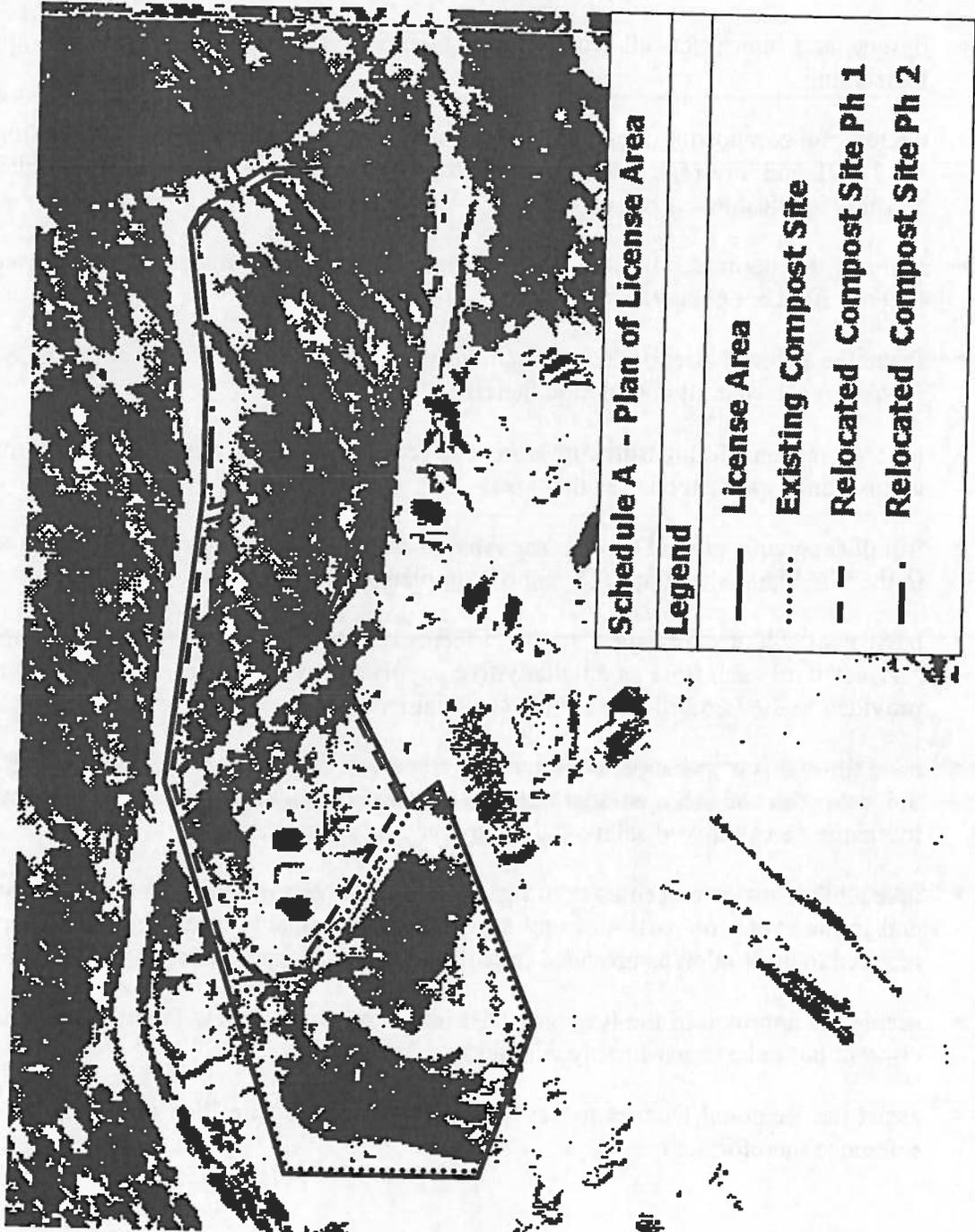


Name)

Cathy Ingram, City Clerk)

Council Approval
Res. No. 487/2005
Date JUNE 20, 2005

SCHEDULE A
PLAN OF LICENSE AREA



SCHEDULE B**COMPOSTING FACILITY OPERATING PLAN AND PROTOCOL****City Obligations**

- design and construct all composting facilities in accordance with all applicable legislation;
- operate the composting facility in the License Area in accordance with operating permit PE 12221 and any replacement permit, the Organic Material Recycling Regulation and all other applicable legislation;
- monitor the perimeter of the License Area to ensure that materials transported to the License Area are contained therein;
- fence the License Area in accordance with the specifications contained in the Site Plan, within one (1) year of completion thereof;
- take all reasonable measures to store compost materials in a manner which minimizes combustion, spontaneous or otherwise;
- install fireguards around the License Area in accordance with the specifications contained in the Site Plan, within one (1) year of completion thereof;
- have available for transport to the License Area a water truck for fire suppression services until such time as an alternative supply of water for fire suppression services is provided to the Landfill Site by the Regional District;
- have the status of principal contractor in respect of activities within the License Area for the purposes of occupational health and safety regulations and will provide and implement an approved safety and emergency response plan;
- take all reasonable measures to mitigate all adverse vector, odour and pathogenic impacts and in the event the parties cannot agree on the reasonable measures the matter shall be referred to arbitration as provided in paragraph 24.2 of the Lease;
- obtain the approval of the Regional District to construct all new facilities and works such consent not to be unreasonably withheld;
- assist the Regional District to develop and prepare the Site Plan including the terms of reference therefor; and

- work co-operatively with the Regional District on issues of common interest such as water supply for composting, water supply for fire suppression, road improvement, fencing and visual screening.

Regional District Obligations

- in respect of the Relocated Compost Site:
 - within six (6) months of the completion of the Site Plan clear the Relocated Compost Site of all potential landfill cover;
 - within nine (9) months of the completion of the Site Plan level the Relocated Compost Site in accordance with the Site Plan;
 - on or before September 1, 2006 obtain an engineer's report to determine the baseline contamination for the Relocated Compost Site, it being understood that the Regional District will consult with the City with respect to the terms of reference for the report, will deliver a draft of the report to and solicit comments from the City prior to the finalization of the report, and will provide a copy of the final report to the City on receipt thereof;
 - remove the existing lagoon system therefrom;
 - relocate the metal materials stored therefrom; and
 - take such other steps as the City may reasonably require to put the Relocated Compost Site in an acceptable condition for the authorized use thereof;
- work co-operatively with the City on issues of common interest, including without limiting the generality of the foregoing adequate piped water or on-site well water for composting and fire suppression, road improvements, fencing and visual screening;
- install visual screening around the Landfill Site save and except for areas in respect of which topography would render the screening ineffective; and
- provide to the City two (2) years' prior written notice as of the date the Site Plan is completed to relocate from the Existing Compost Site to the Relocated Compost Site as specified in the Site Plan.

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: May 18, 2017

RE: Sun Valley Water Service Conversion and Continuation Bylaw

Administrative Recommendation:

THAT Bylaw No. 2764, 2017 Regional District of Okanagan-Similkameen Sun Valley Water Service Conversion and Continuation Bylaw be read a first, second and third time and be forwarded to the Inspector of Municipalities for approval.

Reference:

Local Government Act
Order In Council (OIC) No. 652 – September 19, 2016

Business Plan Objective:

Goal 2.3 To meet public needs through the provision and enhancement of key services

History:

Sun Valley Improvement District (SVID) in Okanagan Falls was incorporated in November, 1983, its purpose to service 28 residences with domestic and irrigation water. In recent years, SVID has been challenged to retain the volunteers required to serve on their board of five trustees.

At their April 2016 Annual General Meeting, after consultation with and the support of the RDOS, the SVID initiated the process to transfer the water system to the Regional District.

The Province issued an Order in Council (No. 652) on September 19, 2016, dissolving the SVID and transferring the rights, property and assets of the SVID to the Regional District of Okanagan-Similkameen. Additionally, the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, were continued as a function of the Regional District of Okanagan-Similkameen. The Order came into effect on January 1, 2017.

Analysis:

Pursuant to section 45 (3), (4) and (6) of the *Local Government Act*, the Board must adopt a bylaw in respect to the service that is consistent with the Order and meets the requirements for an establishing bylaw. The bylaw must be adopted “within a reasonable time” after the order comes into effect.

Alternatives:

That the Board of Directors abandon Bylaw No. 2764, 2017 at this time and determine a reasonable period of time within which to adopt the required conversion and continuation bylaw in accordance with section 45 of the *Local Government Act*.

Communication Strategy:

The bylaw, once adopted, will be posted to the RDOS website.

Respectfully submitted:

"Gillian Cramm"

G. Cramm, Administrative Assistant

Endorsed by:

"Christy Malden"

Christy Malden, Manager of Legislative Services

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2764, 2017

A bylaw to convert and continue the Sun Valley Water Service as a service of the Regional District of Okanagan-Similkameen.

WHEREAS the Lieutenant Governor, by Order in Council No. 652 dated September 19, 2016, and pursuant to sections 680 and 681 of the *Local Government Act*, revoked the Letters Patent of the Sun Valley Improvement District and transferred the rights, property and assets of the Sun Valley Improvement District to the Regional District of Okanagan-Similkameen;

AND WHEREAS the Lieutenant Governor, by Order in Council No. 652 dated September 19, 2016, ordered that the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, and all matters incidental to those purposes, are continued as a service of the Regional District of Okanagan-Similkameen;

AND WHEREAS the Trustees of the Sun Valley Improvement District resolved to transfer governance of the water service to the Regional District of Okanagan-Similkameen;

AND WHEREAS the Regional District of Okanagan-Similkameen wishes to convert the Sun Valley Water Service to a service exercised under the authority of an service continuation bylaw;

AND WHEREAS consent on behalf of the participating area has been given by the Director of Electoral Area "D" pursuant to section 347 of the *Local Government Act*;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1 CITATION

This Bylaw shall be cited as the Regional District of Okanagan-Similkameen Sun Valley Water Service Conversion and Continuation Bylaw No. 2764, 2017

2 SERVICE

The Sun Valley Water Service is continued for the purpose of the acquisition, maintenance and operation of works for waterworks purposes and for irrigation purposes, and all matters incidental to those purposes.

3 SERVICE AREA

The boundaries of the Sun Valley Water Service area, shown outlined on Schedule A attached to and forming part of this bylaw, are the boundaries of the Sun Valley Improvement District immediately before it was dissolved.

5 PARTICIPATING AREAS

The Sun Valley Water Service is located entirely within the boundaries of Electoral Area "D".

6 METHODS OF COST RECOVERY

The annual costs for the Sun Valley Water Service shall be recovered pursuant to Section 378.(1)(a), (b), and (c) of the *Local Government Act* as follows:

- (a) by the requisition of money to be collected by a property value tax on the net taxable value of land and improvements within the service area, to be levied and collected in accordance with the *Local Government Act*;
- (b) by the requisition of money to be collected by a parcel tax on those properties within the service area, to be levied and collected in accordance with *the Local Government Act*;
- (c) by the imposition of fees or other charges that may be fixed by separate bylaw for the purpose of recovering those costs; or
- (d) by a combination of one or more of a, b, and c above.

8 LIMIT

The annual maximum amount that may be requisitioned under section 378 of the *Local Government Act* for the Sun Valley Water Service shall not exceed the greater of \$80,000 or \$5.1255 per thousand dollars of net taxable value of land and improvements in the Sun Valley Water Service Area.

READ A FIRST, SECOND, AND THIRD TIME this ___ day of ____, 20__

ELECTORAL AREA DIRECTOR CONSENT OBTAINED this ___ day of ____, 20__

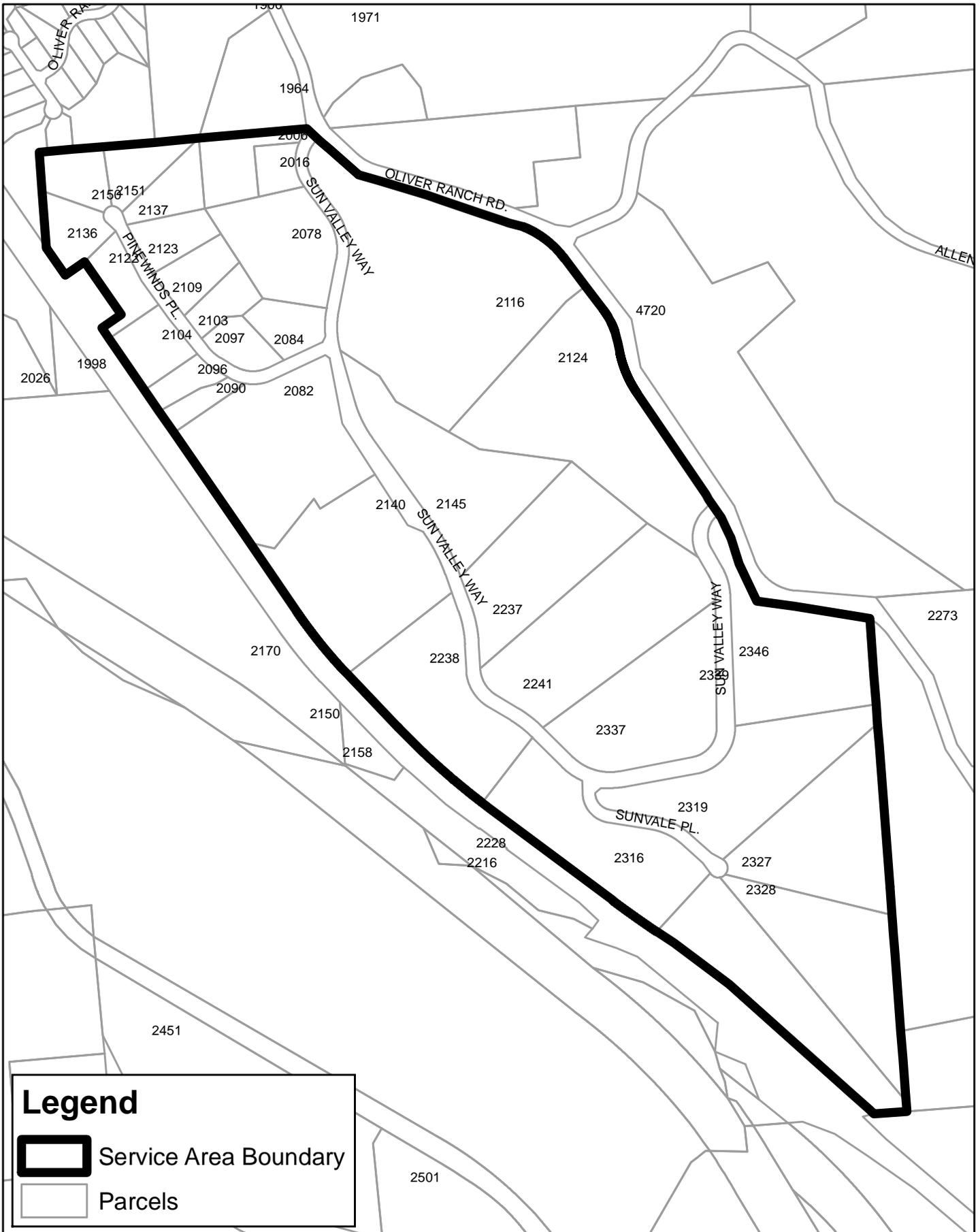
APPROVED by the Inspector of Municipalities this ___ day of ____, 20__

ADOPTED this ___ day of ____, 20__

RDOS Board Chair

Corporate Officer

Schedule A



Legend

-  Service Area Boundary
-  Parcels



ADMINISTRATIVE REPORT

TO: Corporate Services Committee

FROM: B. Newell, Chief Administrative Officer

DATE: May 18, 2017

RE: Environmental Conservation Service (South Okanagan Conservation Fund) Administration

Administrative Recommendation:

THAT the Regional District approve the Terms of Reference for the South Okanagan Conservation Fund; and further

THAT the Regional District sole-source the contract to administer the South Okanagan Conservation Fund to the South Okanagan Similkameen Conservation Program (SOSCP) for an amount not to exceed 7% of the amount requisitioned annually through the Environmental Conservation Service Establishment Bylaw

Purpose:

To propose and obtain approval for the administrative structure and Terms of Reference for managing the South Okanagan Conservation Fund.

References (both attached):

1. Draft Agreement
2. Draft Terms of Reference

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

Key Success Driver 3, Goal 3.3 – to develop an environmentally sustainable region

Background:

On December 15, 2016, the RDOS Board adopted Bylaw No. 2690 to establish an Environmental Conservation Service. The concept of an Environmental Conservation Service came from the Regional Biodiversity Conservation Strategy *Keeping Nature In our Future* document, developed by the South Okanagan Similkameen Conservation Program (SOSCP), and accepted by the Board in September of 2013.

Over the next number of years, RDOS staff and SOSCP worked together to obtain public opinion on the concept of a Conservation Fund, and further develop fund details. SOSCP further undertook additional public and stakeholder outreach, as well as public opinion and focus group research, and in the late fall of 2016, RDOS garnered public assent through an Alternate Approval Process that resulted in less than 1% in opposition.

The bylaw establishes an Environmental Conservation Service for the Electoral Areas "A", "C", "D", "E", "F" and the City of Penticton, District of Summerland, and Town of Oliver (the participating areas). The annual maximum amount that may be requisitioned for the cost of the service will not exceed the greater of \$450,000 (or \$0.0292 per thousand dollars of net taxable value of land and improvements in the RDOS). These requisitioned funds are in support of undertaking and administering activities, projects, and works that will include, but not limited to; water, environment, wildlife, land and habitat conservation efforts to protect natural areas within the participating areas.

Alternatives:

1. Defer approval of the Terms of Reference for the Fund for future consideration
2. Initiate a Call for Proposals to seek a Fund Administrator
3. Administer the Fund in-house

Analysis:

Terms of Reference

A Terms of Reference has been drafted to guide the South Okanagan Conservation Fund Program, and addresses all aspects of fund detail including the purpose, administration, themes/goals, guiding principles, timelines, governance, fund design, and supporting appendices relating to criteria for ineligible activities, terms for a Technical Advisory Committee and conflict of interest guidelines.

Agreement

It is proposed that RDOS enter into an **annual** agreement with the SOSCP to administer aspects of the Fund that will provide economic efficiencies and draw on environmental expertise that is not available internally to RDOS. The Manager of Legislative Services has been assigned as the contact for SOSCP.

Communication Strategy:

A webpage developed for the RDOS website will provide basic information on the fund, it's accomplishments and financials, and will provide a link to the SOSCP for additional information, eligibility criteria and application information.

Respectfully submitted:

"Christy Malden"

C. Malden, Manager of Legislative Services



REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

THIS AGREEMENT dated for reference the _ day of _, 2017.

BETWEEN: REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN
101 Martin Street,
Penticton BC V2A 5J9;

(“RDOS”)

AND: OF THE FIRST PART

THE SOUTH OKANAGAN SIMILKAMEEN CONSERVATION PROGRAM
SOSCP
102 Industrial Place,
Penticton, BC V2A 7C8

(the “Consultant”)

OF THE SECOND PART

WHEREAS:

- A. The Regional District of Okanagan Similkameen (RDOS) has adopted Bylaw No. 2690 establishing an Environmental Conservation Service for the boundaries of Electoral Areas “A”, “C”, “D”, “E”, “F”, the City of Penticton, District of Summerland, and the Town of Oliver.
- B. The RDOS is desirous of having the Consultant administer the Environmental Conservation Service also known as the “South Okanagan Conservation Fund” in accordance with the Terms of Reference and the annually approved budget.

NOW THEREFORE, in consideration of the premises and the terms, conditions, consideration, warranties, and representations contained herein, the parties hereto covenant and agree with each other as follows:

1. DEFINITIONS

“**Funds**” means the money paid by the RDOS to the Consultant for Program delivery and administration costs in accordance with this agreement.

“**Program**” means the delivery and administration of the South Okanagan Conservation Fund, as described in the Terms of Reference, attached hereto as Schedule A and forming part of this agreement.

“**Terms of Reference**” means the South Okanagan Conservation Fund Terms of Reference approved by the RDOS on _, 2017 and which may be amended from time to time without affecting the remainder of this agreement.

2. TERM

2.1 This agreement shall commence on June 1, 2017 and expire on December 31, 2019.

3. PROGRAM DELIVERY AND ADMINISTRATION

- 3.1 The Consultant will deliver and administer the Program as described in this agreement, and in accordance with the Terms of Reference. Under this formal written agreement, the Consultant will be responsible for all aspects of Fund management, other than the direct financial management. This management includes drafting the Fund design documents, preparing and advertising the call for proposals, responding to enquiries, vetting TAC applicants, providing recommendations and Fund program summary to the Board, project evaluation and overall program evaluation.
- 3.2 The RDOS will be the approving authority for all documents relating to the Fund. The RDOS may appoint a Technical Advisory Committee to provide expertise in the review and selection of projects or recipients of funds. The consultant will organize the Technical Advisory Committee and forward all recommendations coming from the Committee to the RDOS.

4. FINANCIAL MANAGEMENT

- 4.1 By December 31 of each year, the Consultant will provide the RDOS an annual budget detailing the costs associated with the administration of the Program for the one-year period from January 1 to December 31 the next following year. In the first year of the agreement, the budget shall be submitted by June 30, 2017 for the partial year to December 31, 2017.
- 4.2 The Consultant agrees to receive these Funds from the RDOS in a manner consistent with the terms of this Agreement and to expend said Funds solely for the purposes of this Program.
- 4.3 The Consultant will use the Funds to pay all costs for the delivery and administration of the Program on behalf of the RDOS, including but not limited to:
- a) Communications and Advertising costs;
 - b) Technical Advisory Committee expenses;
 - c) Consultants Program Management expenses related to the Program.
- 4.4 The Consultant will maintain the Funds in a separate coded account and ensure they are only used for the activities associated with the delivery and administration of the Program.
- 4.5 The Consultant will maintain accurate financial records and supporting receipts for the Program, and will provide same to the RDOS on demand.
- 4.6 Funds payable to the Consultant will not exceed 7% of the amount requisitioned annually through the service by the RDOS.
- 4.7 The RDOS will pay the Funds to the Consultant in one annual payment on August 1st of each year of the Agreement. In the first year of the Agreement, payment will be made immediately following RDOS approval of the submitted 2017 Program budget as per Section 4.1 of this Agreement.
- 4.8 Payment of the Funds is subject to the submission of an annual Program budget as per Section 4.1 of the Agreement and RDOS approval of the annual budget and Funds.

5. CONFIDENTIALITY

5.1 The Consultant will keep any information about the RDOS and the Program which is not otherwise available to the public, including property negotiations, confidential unless required by law to release such information.

6. INDEMNITY

6.1 The Consultant shall indemnify and save harmless the RDOS from and against all claims, demands, losses, costs, damages, actions, suits or other proceedings arising out of, related to, occasioned by or attributable to the Program under this Agreement, except to the extent the same is caused or contributed to by the negligence of the RDOS in which case the RDOS shall indemnify the Consultant in the same like manner and to the same extent as set out above.

7. TERMINATION AND NON-COMPLIANCE

7.1 The parties agree that either party may terminate this agreement for any reason. The Consultant or the RDOS must give 90 days written notice of its intention to do so.

7.2 Upon termination of this Agreement the Consultant will immediately return all unspent Funds to the RDOS.

7.3 If the Consultant fails to observe, perform or comply with any provision of the Agreement then the RDOS may terminate the Agreement and require the Consultant to repay all, or a portion, of the Funds received under this Agreement.

8. DIFFERENCES

8.1 All matters of difference arising between the RDOS and the Consultant in any matter connected with or arising out of this Agreement whether as to interpretation or otherwise, shall be determined by the RDOS but without prejudice to the Consultant to any recourse available under law.

9. ASSIGNMENT

9.1 This Agreement shall not be assigned by either party without the prior written approval of the other.

10. CHANGES TO AGREEMENT

10.1 The RDOS and the Consultant may, by reciprocal correspondence, agree to add to, delete, vary or amend any provision of this Agreement. Any changes that are mutually agreed upon by the RDOS and the Consultant shall be included in and form part of this Agreement.

10.2 The RDOS and the Consultant agree that changes may, from time to time, be made to the Terms of Reference by the RDOS attached to and forming part of this Agreement and that such changes will not require a formal written amendment to this Agreement.

11. INTERPRETATION

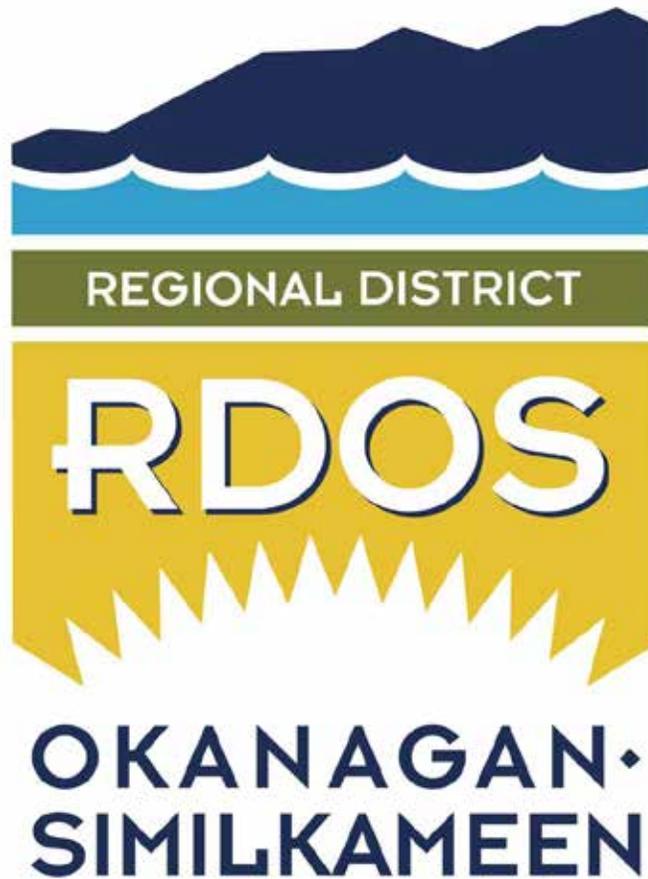
- 11.1 Headings are inserted in this Agreement for convenience only and shall not be construed as affecting the meaning of this Agreement.
- 11.2 This Agreement constitutes the entire Agreement amongst the parties and there are no terms, conditions, representations, or warranties, expressed or implied, statutory or otherwise, except for those expressly set forth herein.
- 11.3 Whenever the singular or masculine is used herein, the same shall be construed as meaning the plural or feminine or body politic or corporate where the context of the parties hereto so require.
- 11.4 This Agreement shall endure to the benefit of and be binding upon the parties hereto and their permitted successors and assigns.
- 11.5 This Agreement shall be governed by and construed in accordance with the laws of British Columbia.
- 11.6 If a portion of this Agreement is found invalid by a court, it will be severed and the remainder of the Agreement will remain in effect.

On behalf of **REGIONAL DISTRICT
OF OKANAGAN SIMILKAMEEN:**

Karla Kozakevich, Chair

Bill Newell, CAO

On behalf of **the Consultant:**



REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

SOUTH OKANAGAN CONSERVATION FUND

Leaving a natural legacy for future generations...

TERMS OF REFERENCE

Date

Approved on __, 2017

SOUTH OKANAGAN CONSERVATION FUND

DRAFT TERMS OF REFERENCE

TABLE OF CONTENTS

1.	Background	3
2.	Fund Purpose	3
3.	Fund Administration	3
3.1	RDOS Responsibility	3
3.2	Consultant Responsibility.....	3
3.3	Technical Advisory Committee	3
4.	Conservation Themes and Goals.....	4
4.1	Themes	4
4.2	Targets	4
4.3	Classification Scheme	4
5.	Guiding Principles.....	6
6.	Time Lines	6
6.1	General Projects.....	6
6.2	Land Securement Projects.....	6
7.	Governance	7
8.	Fund Design	8
9.	References	8
	Appendix 1 – Ineligible Activities.....	9
	Appendix 2 – Technical Advisory Committee.....	10
	Appendix 3 – Technical Advisory Committee Conflict of Interest Guidelines	14

1. BACKGROUND

In December 2016, the Regional District of Okanagan Similkameen (“RDOS”), with public assent, adopted Bylaw #2690 to establish an Environmental Conservation Service for the Electoral Areas “A”, “C”, “D”, “E”, “F”, the City of Penticton, District of Summerland, and the Town of Oliver (collectively referred to as “the participating areas”). Under this Bylaw, the annual maximum amount to be requisitioned for the cost of the service was not to 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. These funds are in support of undertaking and administering activities, projects, and works that include, but are not limited to, water, environment, wildlife, land and habitat conservation efforts to protect natural areas within the participating areas of the Regional District of Okanagan-Similkameen.

For the purposes of this Terms of Reference, the Environmental Conservation Service is also known as the “South Okanagan Conservation Fund” or “the Fund”.

2. FUND PURPOSE

The South Okanagan Similkameen is biologically, a unique area of Canada. The RDOS has the second highest number of species at risk of any other Regional District in BC as well as the highest proportion of sensitive ecosystems.

Natural lands in both rural and urban areas filter our water, supply open spaces for wildlife and people, and provide quality of life to communities. Unfortunately, these systems are under stress. The current generation must take action now to ensure a healthy physical environment for future generations.

The purpose of the Fund is to provide local financial support for projects that will contribute to the conservation of our valuable natural areas; one step towards restoring and preserving a healthy environment. The intent is to provide funding for conservation projects that are not the existing responsibility of the federal, provincial or local governments.

3. FUND ADMINISTRATION

3.1 RDOS Responsibility

The RDOS is responsible for maintaining the integrity of the Fund and retains the responsibility for approval of all matters related thereto, including projects, payments, and financial audits of the Fund.

3.2 Consultant Responsibility

The RDOS may enter into agreement with a third party to be responsible for aspects of administrative management of the fund for a fee for service.

3.3 Technical Advisory Committee

The RDOS may also appoint a Technical Advisory Committee to provide expertise in the review and selection of projects or recipients of funds, as outlined in Appendix 2.

Some of the top-mentioned public environmental concerns from RDOS citizen and public opinion surveys include; water quality and quantity, air quality, wildfires, preserving lands and parks, the loss of natural areas due to land conversion and development, population growth and development, sprawl, and the loss or extinction of wildlife.

4. CONSERVATION THEMES AND GOALS

4.1 Themes

The themes for the Fund shall address top public environmental issues including: conservation of water quality and quantity stewardship, (aquatic ecosystems, surface and groundwater), protection, enhancement and restoration of sensitive terrestrial and aquatic ecosystems, wildlife species (including those at risk), and habitat for native fish and wildlife.

These themes are based on market research done in RDOS community surveys (2010, 2012, and 2014) and SOSCP opinion polling (2004 and 2008) to identify what residents value in the RDOS region. Themes are also consistent with the Biodiversity Conservation Strategy *Keeping Nature in Our Future*.

4.2 Targets

Projects that can demonstrate a reduction of a known threat to a biodiversity target will be given priority (see Appendix 1 for a list of ineligible projects). Projects on all land tenure types will be considered. The biodiversity targets are:

- Sensitive Ecosystems as defined by Provincial SEI classifications and predominantly occurring in the valley bottom <1200m in elevation*.
 - Riparian, foreshore and water bodies including gullies, creeks, rivers, ponds, lakes, marshes and swamps;
 - Wetlands both permanent and ephemeral including wet meadows, marshes, swamps and shallow open water areas including ponds
 - Grasslands and shrub-steppe
 - Sparsely Vegetated rock outcrops, talus, cliffs and slopes;
 - Broadleaf & coniferous woodlands and old forests;
 - Other important ecosystems such as mature forest and Seasonally Flooded Fields; and,
 - *Exception is high elevation alpine areas. These are to be included.
- Watersheds at important source water protection areas.
- Connectivity for natural areas and wildlife corridors.
- Native fish and wildlife habitat including for species at risk.
- Urban and rural wild-land interface areas.

4.3 Classification Scheme

The aim is to “think globally; act locally.” The framework for Technical Review (see Appendix 2) will be based on the International Union for the Conservation of Nature (IUCN) classification of direct threats. The value of this classification scheme is to provide nomenclature for practitioners world-wide to describe the common problems they are facing and solutions they are using in a mutually intelligible way. The

issues outlined below are those that currently have the highest relevance to the area around RDOS. This is only a partial list and other IUCN threats will be considered in evaluating proposals:

(a) Residential and Commercial Development

Development activity continues to lead to conversion and fragmentation of important habitats and greater demands on water.

(b) Climate Change

Climate change will have a dramatic influence on Okanagan ecosystems over the next 20 years. Higher summer and winter temperatures, declining mountain snowpack, reduced snowfall, long dry summers, and sudden heavy rains are just some of the changes. These changes will have a dramatic impact on fire regimes, geo-hazards and flooding, river flow, water availability, plant distribution, and wildlife populations.

(c) Terrestrial and Aquatic Invasive Species

When natural areas are disturbed there is often an opportunity for invasive species to flourish. Invasive species, both terrestrial and aquatic, can disrupt natural ecological processes as there are often no natural agents present to keep these species in check. Invasive species can affect fish and wildlife habitat, range values, food security, and timberland.

(d) Natural System Modifications (Fire maintained ecosystems, Dams and Water Management and Use)

When natural systems are modified such as through fire suppression, or non-ecological fireproofing or hydrological flow regimes altered, the ecological degradation and loss of biological diversity can be widespread.

(e) Transportation and Service Corridors

Wildlife mortality and habitat fragmentation are direct consequences of road corridors. These corridors are concentrated in valley bottoms and traffic volumes are increasing over time thereby increasing the risk.

(f) Human Intrusions and Disturbance (Recreational Activity)

Recreational activity, particularly increasing off-road activity, can lead to a range of impacts including soil compaction, erosion, spread of invasive plants, and disturbance to wildlife.

(g) Agriculture and Aquaculture

Threats from farming and ranching as a result of agricultural expansion and intensification, can lead to loss of important ecosystem and wildlife habitat, soil compaction, spread of invasive plants, human health issues with surface and groundwater.

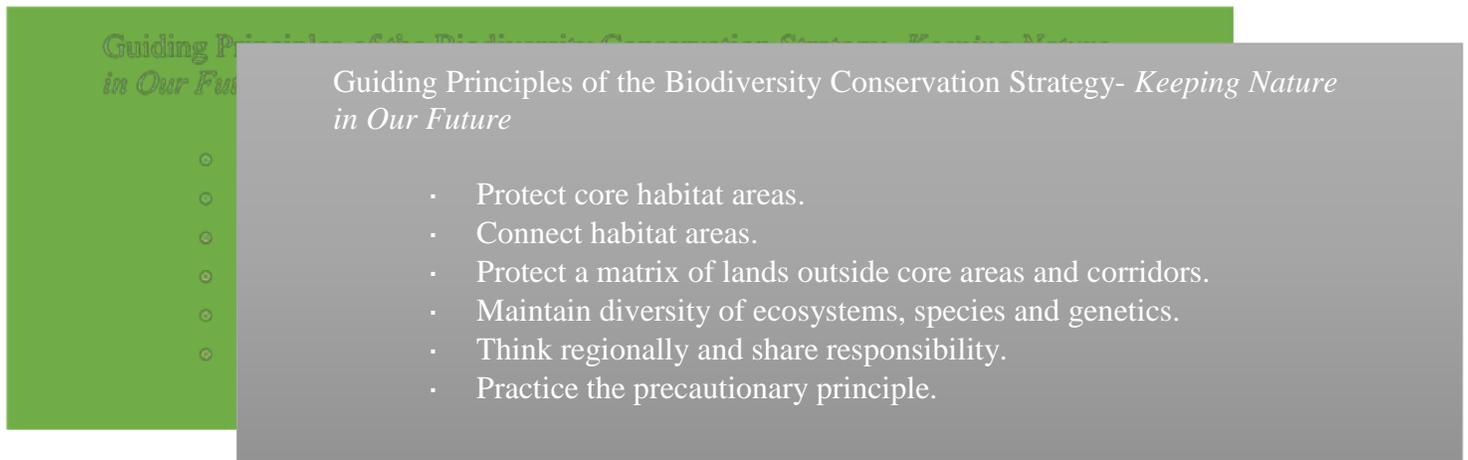
(h) Biological Resource Use

Harvesting trees and other woody vegetation for timber, fibre, or fuel can have an impact on ecosystems, wildlife habitat, surface and groundwater, including soil compaction, erosion, spread of invasive plants and disturbance to wildlife.

5. GUIDING PRINCIPLES

To best support the most effective projects, the guiding principles of the *Conservation Framework for British Columbia* will be followed:

- **Acting sooner** – before species and ecosystems are at risk.
- **Acting smarter** – priority setting is science-based; the results move us from reactive conservation to prevention using appropriate management actions.
- **Acting together** – coordinated and inclusive action.
- **Investing more wisely** – align conservation investments, priorities, and actions among conservation partners and stakeholders.



The following guiding principles will also be used with respect to the Fund:

- Projects that fall into the **existing responsibilities of federal, provincial or local governments will not be eligible** for funding.
- The review process will be as **simple** as possible, particularly with the recognition that a relatively small Fund is being administered.
- Projects will be ranked on **technical soundness, technical effectiveness, and value for money**.
- Projects will initially be ranked based on technical merit, regardless of where they occur within the participating area. Subsequently, regional equity may be considered in decision-making
- Only **highly ranked projects** will be funded. If there are not enough high quality projects in any given year, funds will be carried forward to future years.
- **Changes to program design** will be considered as more is learned about the needs of the areas, provided always that the goals of the Fund are still met.

6. TIMELINES

6.1 General Projects

- Call for proposals – September
- RDOS administrative review– October
- Technical review – October
- RDOS final approval – November

- Successful applicants advised and informed – January
- Contribution Agreements between the RDOS and applicants are finalized – February
- Interim Report Due – September
- Final Report Due – February

6.2 Land Securement Projects

Land acquisition or covenant proposals may be submitted at any time during the year provided there is sufficient time for the Technical Advisory Committee and RDOS to review the proposals. All securement proposals will be treated as confidential unless other specific arrangements have been approved by all parties.

7. GOVERNANCE

The governance model is based on three guiding principles:

1. This is a tax-based fund; therefore, in the decision-making process, taxpayers will be represented through their elected officials.
2. The Fund was created to provide a conservation service. Technical merit is of utmost importance to determine which projects are supported.
3. There is a relatively small amount of annual funding available and it is important to design a simple, cost effective decision-making structure.

The governance model may be modified as necessary to accommodate the goals of the Fund. A two-tiered process may be employed, with a Technical Advisory Committee (see Appendix 2) making recommendations to the RDOS.

The RDOS may appoint a Technical Advisory Committee based on nominations or applications received in response to an open call to fill a vacancy. Five to seven committee members may be selected with a maximum term of three years. Some members may be asked to serve for only one or two year terms to ensure membership continuity in each year. The RDOS will base any appointment of members to a Technical Advisory Committee on qualification criteria found in Appendix 2. The Technical Advisory Committee shall follow the Conflict of Interest Guidelines defined in the Local Government Act.

8. FUND DESIGN

- (1) A call for project proposals will be issued annually (September).
- (2) Funds will be dispersed based on responses to calls for proposals. Any funds not dispersed shall be carried forward to the next fiscal year.
- (3) Projects must be in the Fund participating areas.
- (4) Multi-year projects are acceptable to a maximum of three years. Multi-year projects will require annual funding approval and will be subject to oversight by the Technical Advisory Committee to ensure they are on track.
- (5) Projects must address IUCN threats to biodiversity targets and fall into at least one theme area (see Section 4).
- (6) Proponents must be an incorporated non-profit society in good standing or must partner with an organization that has registered society status.

- (7) Project evaluation by the Technical Advisory Committee includes consideration of conservation value for money.
- (8) Proposals should reflect continuity with the Biodiversity Conservation Strategy *Keeping Nature in Our Future*.
- (9) If invited, proponents must be prepared to make a 10-minute presentation to the Technical Advisory Committee or the RDOS on the outcomes of their projects on an annual basis, in addition to submitting written interim and final reports.
- (10) Proponents will receive 70% of the grant upon signing a contribution agreement and 30% upon completion of the approved final report.
- (11) All financial changes to a workplan must be approved by the RDOS, upon recommendation from the Technical Advisory Committee.

RDOS CONSERVATION FUND

TERMS OF REFERENCE

APPENDIX 1 INELIGIBLE ACTIVITIES

The following types of projects will not be considered for funding:

- (a) Existing federal, provincial or local government responsibilities;
- (b) Capacity building or operating only expenses for organizations;
- (c) Projects with recreational benefits only;
- (d) Community infrastructure services;
- (e) Lobbying or advocacy initiatives;
- (f) Wildlife feeding programs;
- (g) Non-applied research (research not related to a conservation action goal);
- (h) Training costs for contractors;
- (i) Enforcement activities;
- (j) Fish rearing, farming, stocking or hatchery projects;
- (k) *Rehabilitation, captive breeding or control of wildlife species;
- (l) *Mapping only projects;
- (m) *Inventory only projects;
- (n) *Planning only projects;
- (o) *Education only projects;
- (p) Fishing and hunting tour or curriculum guides;
- (q) Information projects on regulations or stocking;
- (r) Conferences;
- (s) Production or sponsorship of commercial programs;
- (t) *Interpretive services;
- (u) *Creation or management of electronic databases, websites or file systems.

*These activities will be considered if they are part of an eligible project that will lead to 'on-the-ground' implementation or if they provide knowledge which is vital to achieving the overall objectives of the Fund.

SOUTH OKANAGAN CONSERVATION FUND

TERMS OF REFERENCE

APPENDIX 2

TECHNICAL ADVISORY COMMITTEE

1. PURPOSE

The purpose of the Technical Advisory Committee (“the Committee”) is to ensure that:

- (a) All proposals to the Fund receive a sound technical review based on a fair assessment of merit and project effectiveness;
- (b) There is a high level of accountability in the review process; and
- (c) Recommended lists of technically appropriate proposals are provided to the RDOS.

2. COMPOSITION

The Committee will be comprised of five to seven members with expertise in each theme area of hydrology, ecology, conservation biology, ecosystems (sensitive terrestrial and aquatic ecosystems, management, enhancement and restoration), restoration and enhancement of habitat, fish and wildlife conservation including species at risk. To ensure consistency and continuity, some members may be asked to serve on the Committee in consecutive years. Quorum for the Technical Advisory Committee shall be 3.

3. PROPOSAL RANKING GUIDELINES

- (a) Each proposal will be independently reviewed by each Committee member and be rated on what is submitted by the proponent.
- (b) The Committee will only review proposals on their technical merit and effectiveness.
- (c) Experts in fields related to the activities within proposals may be consulted as necessary.
- (d) Each proposal will be discussed collectively and Committee members will have an opportunity to change their scores based on input from other members.
- (e) Scores from each Committee member will be used to determine the final evaluation score for the proposal. The proposals will be ranked from highest to lowest score.
- (f) New funding proposals will be rated on whether they meet the Fund criteria and if the project should be considered for funding. For continuing projects, ratings will be based on whether the project should be continued.
- (g) The Committee chair will sign the ranked list and the Committee’s comments will then be forwarded to the RDOS in a summary report.
- (h) The consultant retained by the RDOS to oversee the administrative management will participate in the technical review process, but will not rank proposals or influence the TAC; will provide additional file information as requested by the Committee members before and at review meetings; and will be available to answer questions from the RDOS on behalf of the Committee.

4. TECHNICAL EVALUATION CRITERIA

4.1 New Projects

(a) Feasibility (i.e., is the project doable – Yes or No)

- Is the overall proposal well written?
- Are the objectives clearly defined?
- Are the techniques and methods proposed the most appropriate ones to address the threat?
- Does the proponent clearly understand the challenges they may face in completing the project?
- Has the proponent demonstrated that the project will be able to overcome these challenges?
- Are the proposed timelines reasonable?
- Do the proponents have the capacity to deliver the project?
- If applicable, are plans in place to get required permits or authorizations?
- Have any possible negative implications or effects on other targets been identified and minimized?

Based on the answers to the above questions, rank the feasibility of the project from 0-10 with 10 being the highest ranking.

(b) Cost Effectiveness (Yes or No)

- Is there value for the funding being requested?
- Are the benefits as described in the proposal in line with the cost of the project?
- Are the project budget and in-kind rates realistic?

Based on the answers to the above questions, rank the cost effectiveness of the project from 0-5 with 5 being the highest ranking.

(c) Outside Participation / Cost Sharing (Yes or No)

- Do the proposed activities involve other agencies and organizations?
- Does the project leverage funds from other sources?

Based on the answers to the above questions, rank the leverage potential of the project from 0-5 with 5 being the highest ranking.

(d) Project Effectiveness (i.e., is the project worth doing?)

- Is there a clearly demonstrated ability for the results of this project to reduce an identified threat (IUCN) to a biodiversity target?
- Is the project outside of the realm of regular government responsibilities?
- Is the project rationale science-based and do the results move us from reactive conservation to prevention using appropriate management actions?
- Does the project build on conservation measures from relevant strategies including *Keeping Nature in our Future*?
- Does the project align conservation investments, priorities, and actions among conservation partners and stakeholders?
- Is there an evaluation of project benefit or other measurables or indicators identified in the proposal?

- Ø Is there a clearly described extension component of the project (e.g., communicating results to the community, resource managers, workshops, reports, presentations, etc.)?

Based on the answers to the above questions, rank the effectiveness of the project from 0-20 with 20 being the highest ranking.

(e) Other Comments

- Ø Are there any other technical concerns?
- Ø Are there any technical conditions to funding?
- Ø Are there any other general comments from reviewers?

4.2 Continuing Projects

Each Committee member answers Yes or No to the following criteria and on whether the project should continue to be funded. Continuing projects have undergone an extensive review to receive original approval; therefore, no evaluation score is needed.

(a) Progress to Date

- Ø Has there been satisfactory progress to date in terms of the project's scheduled activities?
- Ø Does the proposal build on past accomplishments?
- Ø If difficulties arose in the previous or current year, will they affect proposal activities?
- Ø Should the proposal be modified to address any problems arising from the previous year?
- Ø Are any budget changes justified?

(b) Overall Evaluation

- Ø Should the project continue to be funded?
- Ø Are there any conditions to continued funding?

SOUTH OKANAGAN CONSERVATION FUND

TERMS OF REFERENCE

APPENDIX 3

TECHNICAL ADVISORY COMMITTEE CONFLICT OF INTEREST GUIDELINES

1. GENERAL GUIDELINES

- (a) Technical Advisory Committee (“Committee”) members will act at all times with honesty and in good faith, for the public interest.
- (b) The conduct and language of Committee members will be free from any discrimination or harassment prohibited by the *Human Rights Code of Canada*.
- (c) The conduct of Committee members will reflect social standards of courtesy, respect, and dignity.

2. CONFIDENTIAL INFORMATION

- (a) Committee members will not reveal or divulge confidential information (defined as that which cannot be obtained from other sources) received in the course of Committee duties.
- (b) Confidential information must not be used for any purposes outside that of undertaking the work of the Committee.

3. DUTY TO INFORM

- (a) Committee members will disclose any perceived or real conflict of interest which may have a negative or harmful effect on their ability to perform the duties required of the appointment or the reputation of the Committee. The member will advise all other members and staff, in writing (email accepted), well in advance of the Committee meeting: (a) that there is a potential conflict; (b) the nature and scope of the conflict; and (c) the specific project to which the conflict may apply.
- (b) Upon disclosure of any conflict, the Committee member shall leave the meeting during the discussion of such proposals.

4. STATEMENT OF INTENT

- (a) Participation in Committee work should not result in any personal or private financial or other substantive gain.
- (b) Members of the Committee will avoid any conflict of interest that may impair or impugn the independence, integrity or impartiality of the RDOS.
- (c) There shall be no apprehension of bias based on what a reasonably knowledgeable and informed observer might perceive of the actions of the Committee or the actions of an individual member of the Committee.

5. PRACTICAL CONSIDERATION IN DETERMINING CONFLICT

- (a) Activities undertaken as a citizen must be kept separate and distinct from any responsibilities held as a member of the Committee.
- (b) Activities undertaken as a Committee member must be kept separate and distinct from other activities as a citizen.
- (c) Other memberships, directorships, voluntary or paid positions, or affiliations remain distinct from work undertaken in the course of Committee work.
- (d) Committee members will not assist anyone in their dealings with the Committee if this may result in advantageous treatment or the perception of advantageous treatment by a reasonably knowledgeable and informed observer.
- (e) Actions taken in the course of Committee duties can neither cause nor suggest to a reasonably knowledgeable and informed observer that members' ability to exercise those duties has or could be affected by private gain or interest.
- (f) All personal financial interests, assets, and holdings must be kept distinct from and independent of any decision, information or other matter that may be heard by or acted upon by the Committee.
- (g) Personal employment shall not be dependent on any decision, information or other matter that may be heard by or acted upon by the Committee. If such a situation arises, Committee members must disclose to the Committee any involvement in a proposal or issue before the proposal or issue is discussed by the Committee. Members will leave the meeting during discussion of the project.

DECLARATION

I hereby acknowledge that I have read and considered the conflict of interest guidelines for Technical Advisory Committee members of the South Okanagan Conservation Fund and agree to conduct myself in accordance with these guidelines.

Name of Committee Member (print) _____

Signature of Committee Member _____

Date Signed _____