



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, July 8, 2021

RDOS Boardroom – 101 Martin Street, Penticton

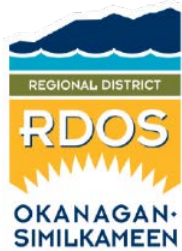
## SCHEDULE OF MEETINGS

9:00 am	-	9:15 am	Public Hearing
			Electoral Area “D” Official Community Plan Bylaw and Zoning Bylaw Amendments – C4 Zone Update
			Zoning Bylaw Amendments – Secondary Suite and Accessory Dwelling Floor Area
9:15 am	-	10:00 am	Planning and Development Committee
10:00 am	-	10:30 am	Corporate Services Committee
10:30 am	-	12:00 pm	RDOS Board of Directors

### *“Karla Kozakevich”*

Karla Kozakevich  
RDOS Board Chair

2021 Notice of Meetings			
July 22	RDOS Board	OSRHD Board	Committee Meetings
August 5	RDOS Board		Committee Meetings
August 19	RDOS Board	OSRHD Board	Committee Meetings
September 2	RDOS Board		Committee Meetings
September 23	RDOS Board	OSRHD Board	Committee Meetings
October 7	RDOS Board		Committee Meetings
October 21	RDOS Board	OSRHD Board	Committee Meetings



# NOTICE OF PUBLIC HEARING

## Electoral Area “D” Official Community Plan Bylaw and Zoning Bylaw Amendments C4 Zone Update

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area “D” Official Community Plan Amendment Bylaw No. 2603.15, 2021**, or **Electoral Area “D” Zoning Amendment Bylaw 2455.38, 2021**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a public hearing to be held by electronic means on:

**Date:** Thursday, July 8, 2021

**Time:** 9:00 a.m.

**Location:** <https://rdos.webex.com> (Event number: 187 210 8651 / Password: RD@S)

### INSTRUCTIONS ON HOW TO PARTICIPATE

To participate in the electronic public hearing, please enter the text provided under “Location” (above) into the address bar of an internet browser (e.g. Chrome, Firefox, Safari, Edge). The Regional District is utilizing Cisco’s Webex videoconferencing services and individuals interested in participating in the public hearing are encouraged to test this service on their computer or mobile device prior to the date of the hearing.

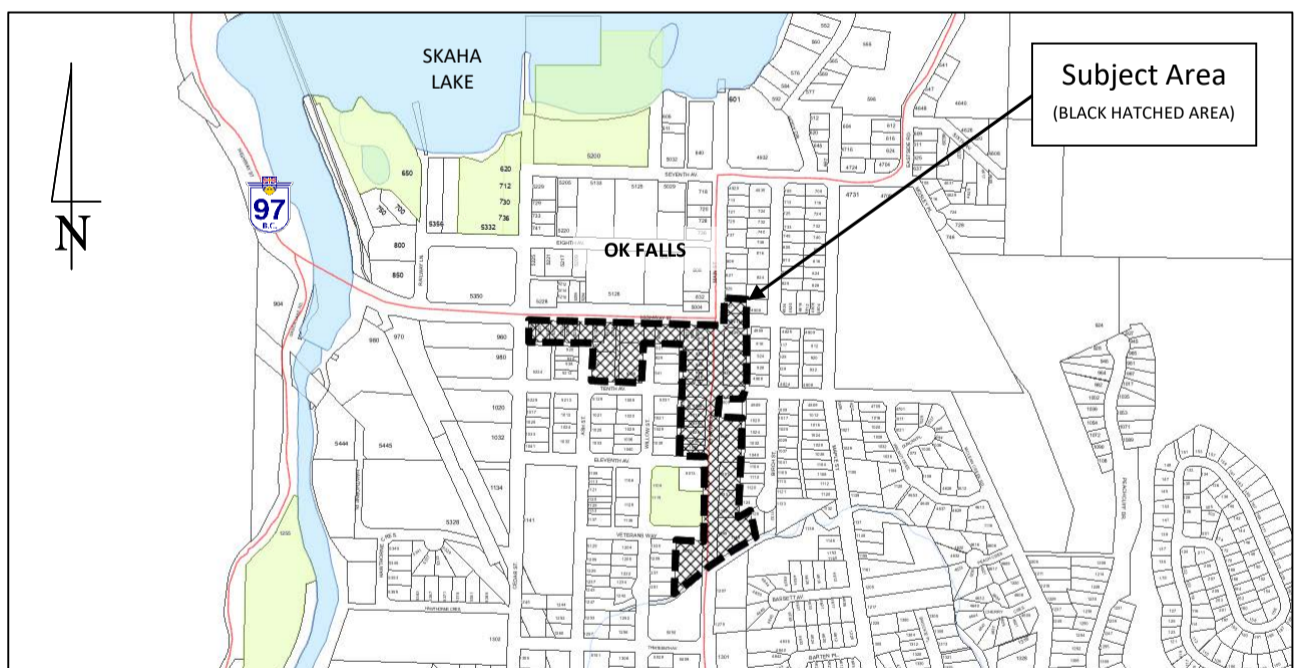
Interested individuals may also participate in the public hearing by calling 1-833-311-4101. Additional instructions on how to participate in an electronic public hearing are available on the Regional District’s website: [www.rdos.bc.ca](http://www.rdos.bc.ca).

Anyone who considers themselves affected by the amendment bylaws can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

### PURPOSE OF THE BYLAW(S):

The purpose of the proposed amendments is to update the Okanagan Falls Commercial Transition (C4) Zone as part of the final phase of implementing the Okanagan Falls Town Centre Plan. The amendments also support on-going work related to the preparation of a single zoning bylaw for the Okanagan Electoral Areas.

Specifically, it is being proposed that the zoning of 31 parcels that generally front Highway 97 south of 9<sup>th</sup> Avenue in Okanagan Falls be rezoned from the Okanagan Falls Commercial Transition Zone to other zones, such as General Commercial (C1), Medium Density Residential (RM1), Administrative and Institutional (AI) and Tourist Commercial (CT1).



### FURTHER INFORMATION

For further information about the content of **Amendment Bylaw No. 2603.15, 2021** or **Amendment Bylaw No. 2455.38, 2021**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Property & Development → Planning, Zoning & Subdivision → Strategic Projects → OK Falls Town Centre Revitalization Plan).

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

Protecting your personal information is an obligation the Regional District of Okanagan-Similkameen takes seriously. Our practices have been designed to ensure compliance with the privacy provisions of the *Freedom of Information and Protection of Privacy Act* (British Columbia) (“FIPPA”). Any personal or proprietary information you provide to us is collected, used and disclosed in accordance with FIPPA.



# NOTICE OF PUBLIC HEARING

## Zoning Bylaw Amendments

### Secondary Suite and Accessory Dwelling Floor Area

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw 2932, 2021**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at an electronic public hearing to be held on:

**Date:** Thursday, July 8, 2021

**Time:** 9:00 a.m.

**Location:** <https://rdos.webex.com> (Event number: 187 210 8651 / Password: RD@S)

#### INSTRUCTIONS ON HOW TO PARTICIPATE

To participate in the electronic public hearing, please enter the text provided under “Location” (above) into the address bar of an internet browser (e.g. Chrome, Firefox, Safari, Edge). The Regional District is utilizing Cisco’s Webex videoconferencing services and individuals interested in participating in the public hearing are encouraged to test this service on their computer or mobile device prior to the date of the hearing.

Interested individuals may also participate in the public hearing by calling 1-833-311-4101. Additional instructions on how to participate in an electronic public hearing are available on the Regional District’s website: [www.rdos.bc.ca](http://www.rdos.bc.ca).

Anyone who considers themselves affected by the amendment bylaws can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

#### PURPOSE OF THE BYLAW:

The purpose of the proposed amendments is to increase the maximum floor area allowance provided for secondary suites and accessory dwelling units from 90.0 m<sup>2</sup> to 125.0 m<sup>2</sup>.

#### FURTHER INFORMATION

For further information about the content of **Amendment Bylaw No. 2932, 2021**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Basic information related to this proposal is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Property & Development → Planning, Zoning & Subdivision → Strategic Projects → Update of Secondary Suite & Accessory Dwelling Floor Area Regulations).

#### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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**Postal:** 101 Martin St, Penticton, BC, V2A-5J9 | **Tel:** 250-490-4101 | **Email:** [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
**Planning and Development Committee**

Thursday, July 8, 2021

9:15 am

**AGENDA**

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION .**

**THAT the Agenda for the Planning and Development Committee Meeting of July 8, 2021 be adopted.**

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**B. DELEGATION**

Kwantlen Polytechnic University – Okanagan Bioregion Food System Project

Kristi Tatebe, Research Associate

Dr. Kent Mullinix, Director

Emily Hansen, Research Associate

Naomi Robert, Research Associate

Wallapak Polasub, Senior Research Associate

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**C. ADJOURNMENT**



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**  
**Corporate Services Committee**

Thursday, July 8, 2021

10:00 am

**AGENDA**

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

**THAT the Agenda for the Corporate Services Meeting of July 8, 2021 be adopted.**

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**B. MOTION TO PRODUCE VARIABLE BUDGETS**

**RECOMMENDATION 2**

**THAT the June 17<sup>th</sup> motion to provide budgets with a -2, 0, 2 and 3 percent budgets and provide live format to allow Directors to visually see the impact to each Service, Electoral Area and member municipality be defeated.**

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**C. ADJOURNMENT**

## ADMINISTRATIVE REPORT

**TO:** Corporate Services Committee

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

**DATE:** July 8,, 2021

**RE:** Motion to Produce Variable Budgets

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### Administrative Recommendation:

**THAT** the June 17<sup>th</sup> motion to provide budgets with a -2, 0, 2 and 3 percent budgets and provide live format to allow Directors to visually see the impact to each Service, Electoral Area and member municipality be defeated.

### Business Plan Objective:

To increase organizational efficiencies by utilizing staff time efficiently

### **Background:**

“At the June 17<sup>th</sup> Board meeting the following motion was referred to Administration for response:

*“THAT Finance present RDOS budgets to Directors for all services with a -2, 0, 2 and 3 percent increase at the budget committee meetings annually and that Finance present RDOS budget in a live format to allow Directors to visually see the impact to each electoral area and member municipality during decision making during all budget discussions.”*

The Regional District of Okanagan Similkameen currently is responsible for 155 services, which will increase to 156 with the addition of the Apex Fire Department service added in 2022. In addition, there will be 50 plus capital budgets.

Creating 156 realistic budgets with 4 different scenarios would be extremely laborious, as it is not as simple as reducing budget dollars; but would also affect service levels. Managers would have to review each of their services and determine what can be cut from the budget, while still being able to meet the service requirement. In some cases it would be difficult to reduce budgets, especially those that include debt servicing.

If four scenarios are required for each budget, the Board would have to review a total of 844 detailed budgets and an additional 64 budget requisitions. To produce this in a live format at a Budget Committee Meeting, with 19 Directors proposing amendments, would require many days of commitment by committee members and weeks of staff time.

Municipal budgets that normally require a general fund and a utilities fund with the ability to move money within those funds are significantly different than those for a regional district with a separate budget for each service and the inability to move funds between services.

The 156 services can be classified into four categories:

- § Regional Programs: Services where the majority of electoral areas and municipalities participate.
- Rural Programs: Services where the majority of the electoral areas participate (no Municipalities)
- Shared Programs: Services where only a defined group of properties within one or more electoral areas and municipalities participate
- Local Programs: Services where only a defined group of properties within an electoral area participate

While it is always the intent that the Board should receive the administrative recommendation on the budget, review the draft collectively and debate the level of service amongst themselves; the Director(s) whose constituents pay for the service is able to influence the administrative recommendation during budget development. These discussion can be done at the preliminary stages of the budget development and well before the budget is presented to the Board. Once the Director and Manager have reached a consensus on the budget, the Director and Manager of Finance can meet so that the yearly property tax requisition may be calculated and the Director would be able to visually see the impact to their electoral area. The budget will still be 156 pages with an additional 16 pages of the budget requisitions.

If electoral area and municipal Board members have concerns regarding a regional program, they can also be discussed at the budget meeting.

**Alternate Recommendation:**

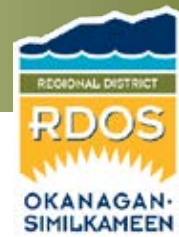
**THAT** the June 17<sup>th</sup> motion be approved.

**Respectfully submitted:**

*Jim Zaffino, Finance Manager*

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J. Zaffino, Finance Manager



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Thursday, July 8, 2021  
10:30 am

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

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

**THAT** the Agenda for the RDOS Board Meeting of July 8, 2021 be adopted.

#### 1. Consent Agenda – Corporate Issues

- a. **Okanagan Falls Parks and Recreation Commission – June 10, 2021**  
*THAT the Minutes of the June 10, 2021 Okanagan Falls Parks and Recreation Commission be received.*
- b. **Okanagan Falls Parks and Recreation Commission - June 16, 2021**  
*THAT the Minutes of the June 16, 2021 Okanagan Falls Parks and Recreation Commission be received.*
- c. **Advisory Planning Commission, Electoral Area “A” – June 14, 2021**  
*THAT the Minutes of the June 14, 2021 Advisory Planning Commission, Electoral Area “A” be received.*
- d. **Advisory Planning Commission, Electoral Area “C” – June 15, 2021**  
*THAT the Minutes of the June 14, 2021 Advisory Planning Commission, Electoral Area “C” be received.*
- e. **Advisory Planning Commission, Electoral Area “D” – June 8, 2021**  
*THAT the Minutes of the June 8, 2021 Advisory Planning Commission, Electoral Area “D” be received.*
- f. **Advisory Planning Commission, Electoral Area “E” – June 14, 2021**  
*THAT the Minutes of the June 14, 2021 Advisory Planning Commission, Electoral Area “E” be received.*
- g. **Electoral Area “I”, Advisory Planning Commission Appointment**  
*THAT the Board of Directors appoint Andrew Allin as a member of the Electoral Area “I” Advisory Planning Commission until October 31, 2022.*



- h. South Okanagan Conservation Fund – Technical Advisory Committee Appointments**  
*THAT the Board of Directors extend the appointments of the following as volunteer members of the South Okanagan Conservation Fund Technical Advisory Committee:*

*One year term ending December 31, 2021*

- Orville Dyer*
- Darcy Henderson*

- i. Electoral Area “D” Service and Boundary Configuration Study Committee – May 27, 2021**  
*THAT the Minutes of the May 27, 2021 Electoral Area “D” Service and Boundary Configuration Study Committee be received.*
- j. Electoral Area “D” Service and Boundary Configuration Study Committee – June 9, 2021**  
*THAT the Minutes of the June 9, 2021 Electoral Area “D” Service and Boundary Configuration Study Committee be received.*
- k. Corporate Services Committee – June 17, 2021**  
*THAT the Minutes of the June 17, 2021 Corporate Services Committee meeting be received.*

*THAT the following recommendations be adopted and form part of the RDOS 2021 COVID-19 Restart Plan.*

- 1. Public Meetings/ Consultations*
    - a. That the suspension of S. 5 of Bylaw 2500, 2021, being the Public Information Meeting section of the Planning Procedure Bylaw, be terminated effective September 7, 2021; and,*
    - b. That an amendment to the Planning Procedure Bylaw be brought forward to address the changes to S. 465, 466, 494, of the Local Government Act for public hearings proposed in Bill 10/2021; and,*
    - c. That all non-regulatory public hearings on land use matters continue to be waived; and, that all regulatory public hearings continue to be held electronically until Step 4 of BC Restart commences; and that all meetings be returned to normal following that date; and,*
    - d. That all Public Information Meetings be conducted electronically out of 101 Martin Street.*
  - 2. Board/Commission Meetings*
    - a. That an amendment to the Procedure Bylaw be brought forward to address the changes to S. 128 of the Community Charter for electronic regular meetings proposed in Bill 10/2021; and,*
    - b. That Select Committees and Board of Director meetings occur on the normal schedule, but that the meetings continue electronically until implementation of Step 4 of the BC Restart Plan; and,*
    - c. That the current practice of electronic Board meetings open to the public be continued, regardless of the format; and,*
    - d. That all delegations scheduled to come before the Board continue to be invited to appear electronically until implementation of Step 4 of the BC Restart Plan.*
- l. Environment and Infrastructure Committee – June 17, 2021**  
*THAT the Minutes of the June 17, 2021 Environment and Infrastructure Committee meeting be received.*

**m. Planning and Development Committee – June 3, 2021**

*THAT the Minutes of the June 3, 2021 Planning and Development Committee meeting be received.*

*THAT Zoning Amendment Bylaw No. 2895, 2020, being a bylaw to introduce zoning regulations for metal storage containers not be amended;*

*AND THAT prior to 3<sup>rd</sup> reading, Amendment Bylaw No. 2895, 2020, be considered by the Electoral Area Advisory Planning Commissions (APCs);*

*AND THAT an amendment to the Regional District's Building Bylaw No. 2805, 2018, be initiated in order to delete the requirement for a Siting Permits when placing a metal storage container.*

**n. Planning and Development Committee – June 17, 2021**

*THAT the Minutes of the June 17, 2021 Planning and Development Committee meeting be received.*

*THAT the Regional District initiate a process to amend the Development Procedure Bylaw to clarify timelines for receiving public representations on Development Variance applications and Temporary Use applications.*

**o. Protective Services Committee – June 17, 2021**

*THAT the Minutes of the June 17, 2021 Protective Services Committee meeting be received.*

**p. RDOS Regular Board Meeting – June 17, 2021**

*THAT the minutes of the June 17, 2021 RDOS Regular Board meeting be adopted.*

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

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

**2. Consent Agenda – Development Services****a. Development Variance Permit Application – 35 Robinson Point Road, Electoral Area “E”****i. Permit**

*THAT Development Variance Permit No. E-2021.022-DVP to permit the expansion of an accessory building at 35 Robinson Road be approved.*

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

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

**B. DELEGATIONS****1. South Okanagan Immigrant & Community Services**

Catarina Oliveira

Cherry Fernandez, Executive Director

Michael Lamont, Employment Navigator and Leadership Coach

Elmira Galiyeva, LIP Coordinator

South Okanagan Immigrant & Community Services will address the Board regarding OneWorld Youth & LIP

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

1. **Development Variance Permit Application – 1135 Jonathon Drive, Electoral Area “F”**
  - a. Permit
  - b. Representations

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

**THAT Development Variance Permit No. F2021.026-DVP to allow for an over-height garage in a front setback area at 1135 Jonathon Drive be denied.**

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2. **Temporary Use Permit Application – 9540 Chute Lake Road, Electoral Area “E”**
  - a. Permit
  - b. Representations

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

**THAT Temporary Use Permit No. E2021.012-TUP to permit a tourist cabin containing kitchen facilities on the Chute Lake Lodge property at 9540 Chute Lake Road be approved.**

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3. **Building Bylaw Amendment – Siting Permits**
  - a. Bylaw No. 2805.01

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

**THAT Bylaw No. 2805.01, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Building Bylaw to delete the requirement for a “Siting Permit” for the erection or placement of a portable self-contained container, be read a first and second time.**

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4. **Official Community Plan (OCP) & Zoning Bylaw Amendment – Willow Beach, Electoral Area “A”**
  - a. Bylaw No. 2905.02
  - b. Bylaw No. 2451.31
  - c. Representations

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

**THAT Bylaw No. 2905.02, 2021, being a bylaw to amend the Electoral Area “A” Official Community Plan to facilitate a 70-lot subdivision at Willow Beach , be read a first and second time and proceed to public hearing ;**

**AND THAT Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw, be read a first and second time and proceed to public hearing;**

**AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated July 8, 2021, to be appropriate consultation for the purpose of Section 475 of the Local Government Act;**

**AND THAT, in accordance with Section 477 of the Local Government Act, the Board of Directors has considered Amendment Bylaw No. 2905.02, 2021, in conjunction with its Financial and applicable Waste Management Plans;**

**AND THAT the holding of the public hearing be delegated to Director Pendergraft;**

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

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

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5. **Renewal of Vacation Rental Temporary Use Permits (TUPs) – Public Consultation**  
a. Bylaw No. 2500.20

**RECOMMENDATION 8** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2500.20, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Development Procedures Bylaw to remove the requirement for Vacation Rental approvals to be sent to APC's and hold Public Information Meetings, be read a first, second and third time.**

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6. **Amendment of the Development Procedures Bylaw No. 2500, 2011  
Deadline for Submission of Public Representations on Permit Applications**  
a. Bylaw No. 2500.21

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

**THAT Bylaw No. 2500.21, 2021, a bylaw of the Regional District of Okanagan-Similkameen to amend Planning Procedure Bylaw 2500, 2011 to set timelines for representations on permit applications, be read a first, second and third time and be adopted.**

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7. **OCP & Zoning Bylaw Amendments – Okanagan Falls Commercial Zone Review  
(Okanagan Falls Town Centre Plan – Phase 3)**  
a. Bylaw No. 2603.15  
b. Bylaw No. 2455.38  
c. Representations

**RECOMMENDATION 10** (Unweighted Rural Vote – Simple Majority)

**THAT Bylaw No. 2603.15, 2021, a bylaw to amend the Electoral Area D Official Community Plan land use map and "Form and Character Permit Areas" map to implement the Okanagan Falls Town Centre Plan – Phase 3, be read a third time;**

**AND THAT Bylaw 2455.38, 2021, a bylaw to amend the Electoral Area D Zoning Bylaw be read a third time.**

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8. **Zoning Bylaw Amendment – Electoral Areas "A", "C", "D", "E", "F", "G", "H" & "I"**  
a. Bylaw No. 2932  
b. Representations

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

**THAT Bylaw No. 2932, 2021, a bylaw to amend the Secondary Suite and Accessory Dwelling Floor Area in all Regional District of Okanagan-Similkameen Zoning Bylaws, be read a third time.**

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9. **Amendment of Development Procedures Bylaw No 2500, 2011; and Advisory Planning Commission (APC) Bylaw No. 2339, 2006  
Municipal Affairs Statutes Amendment Act, 2021 (Bill 10)**
- a. Bylaw No. 2500.22
  - b. Bylaw No. 2339.03

**RECOMMENDATION 12** (Unweighted Rural Vote – 2/3 Majority)

**THAT** Bylaw No. 2500.22, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Development Procedures Bylaw to enable amendments proposed for the Local Government Act through Bill 10, be read a first, second and third time and adopted;

**AND THAT** Bylaw No. 2339.03, 2021, a bylaw of the Regional District of Okanagan-Similkameen to amend the Advisory Planning Commission Bylaw to authorize electronic meetings, be read a first, second and third time and adopted.

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10. **Petition to Enter Service Area – Electoral Area “H” (Fire Prevention and Suppression)**
- a. Bylaw No. 2930

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

**THAT** Bylaw No. 2934, 2021 being a bylaw to amend “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to include 260 Bonlin Road in the fire prevention and suppression service within a portion of Electoral Area “H”, be adopted.

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**D. LEGISLATIVE SERVICES**

1. **Award of Electoral Area “D” Service and Boundary Configuration Study**

**RECOMMENDATION 14** (Weighted Corporate Vote – Majority)

**THAT** the contract to carry out the Electoral Area “D” Services and Boundary Configuration Study be awarded to Neilson Strategies Inc. and Leftside Partners Inc. for an amount not to exceed \$90,000.00, plus GST; and further,

**THAT** all project costs in addition to those funded by the Province of British Columbia be charged to the Electoral Area “D” Rural Projects Budget.

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**E. CAO REPORTS**

1. Verbal Update
- 

**F. OTHER BUSINESS**

1. Chair’s Report
- 

2. Directors Motions
- 

3. Board Members Verbal Update
- 

**G. ADJOURNMENT**



# Minutes

## Okanagan Falls Parks & Recreation Commission

Webex Meeting of June 10, 2021

Okanagan Falls Community Centre, 1141 Cedar Street,  
Okanagan Falls, BC



- Present:** Mr. R. Obirek, Director, Electoral Area “D”
- Members:** Linda Finner, Chair, Kelvin Hall, Matt Taylor, Barbara Shanks, Doug Lychak, JoAnne Kleb, Judy Garner; Jillian Johnston; Phyllis Radchenko
- Absent:** Alf Hartviksen, Shari Rowland
- Recording Secretary:** Linda Finner
- Staff:** Justin Shuttleworth, Manager of Parks and Facilities  
Doug Reeve, Project Coordinator II  
Christopher Garrish, Planning Manager
- Delegates:** Ryan Kononoff, Agent for Clearbridge Holdings Ltd.

### 1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

Quorum Present

#### ADOPTION OF AGENDA

#### RECOMMENDATION

It was Moved and Seconded that the Agenda of June 10, 2021 be adopted as amended.

**CARRIED**

### 2. APPROVAL OF PREVIOUS MEETING MINUTES

#### 2.1 RECOMMENDATION

It was Moved and Seconded that the Minutes for the Okanagan Falls Parks and Recreation Commission meeting of May 13, 2021 be approved.

**CARRIED**

### 3. CORRESPONDENCE / DELEGATIONS

3.1 None

#### 4. RDOS STAFF REPORTS

4.1 D00999.800/.805 Park land Dedication Proposal – C. Garrish and R. Kononoff

Discussion

**RECOMMENDATION**

It was Moved and Seconded that the Electoral Area “D” Parks and Recreation Commission recommends to the RDOS Board of Directors that the request of the property owner to waive the Park Land Dedication requirement related to the subdivision of the parcel legally described as Lots 1 & 2, Plan KAS2687, District Lot 2883S, SDYD, be denied.

**CARRIED**

4.2 Tennis / Pickle Ball Court Project

D. Reeve presented the plan to the Commission regarding the resurface of the tennis court in Okanagan Falls.

**RECOMMENDATION**

It was Moved and Seconded to proceed with the repairs to the existing tennis court and to include an annual amount in the budget for repair and replacement.

**CARRIED**

4.3 605 Willow (Lamb) Pathway Project

Discussion

**RECOMMENDATION**

It was Moved and Seconded to defer any expenditure for a path on the Lamb property.

**CARRIED**

**Action Item:**

Waterfront sub-committee should consider a Riparian Zone as part of the Master Plan.

#### 5. COMMISSION MEMBER REPORTS

5.1 Treasurer Update – *Deferred to June 16<sup>th</sup> meeting*

- 5.2 Off Leash / On Leash Findings – *Deferred to July 8<sup>th</sup> meeting*
- 5.3 Keogan Park Committee Update – *Deferred to June 16<sup>th</sup> meeting*
- 5.4 Waterfront Committee Update – *Deferred to June 16<sup>th</sup> meeting*
- 5.5 Trails Committee Update – *Deferred to June 16<sup>th</sup> meeting*
- 5.6 Future Development of Garnett Family Park – *Deferred to June 16<sup>th</sup> meeting*

**6. RDOS DIRECTOR’S REPORT**

- 6.1 Director Obirek provided an update. – *Deferred to June 16<sup>th</sup> meeting*

**7. BUSINESS ARISING**

- 7.1 None

**8. ADJOURNMENT**

**RECOMMENDATION**

It was Moved and Seconded that the meeting be adjourned at 8:58 p.m.

**CARRIED**

**NEXT MEETING** – Wednesday, June 16, 2021

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Chair, Parks and Recreation Commission – Electoral Area “D”

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Recording Secretary





# Minutes

## Okanagan Falls Parks & Recreation Commission

Webex Meeting of June 16, 2021

Okanagan Falls Community Centre, 1141 Cedar Street,  
Okanagan Falls, BC



<b>Present:</b>	Mr. R. Obirek, Director, Electoral Area “D”
<b>Members:</b>	Linda Finner, Chair, Kelvin Hall, Matt Taylor, Barbara Shanks, Doug Lychak, Judy Garner; Phyllis Radchenko, Alf Hartviksen
<b>Absent:</b>	Shari Rowland, JoAnne Kleb, Jillian Johnston
<b>Recording Secretary:</b>	Linda Finner
<b>Staff:</b>	None
<b>Delegates:</b>	None

### 1. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

Quorum Present

#### ADOPTION OF AGENDA

#### RECOMMENDATION

It was Moved and Seconded that the Agenda of June 16, 2021 be adopted.

**CARRIED**

### 2. APPROVAL OF PREVIOUS MEETING MINUTES

#### 2.1 RECOMMENDATION

It was Moved and Seconded that the Minutes for the Okanagan Falls Parks and Recreation Commission meeting of June 10, 2021 be deferred to the July 8, 2021 meeting.

**CARRIED**

### 3. CORRESPONDENCE / DELEGATIONS

3.1 None

#### 4. RDOS STAFF REPORTS

- 4.1 None

#### 5. COMMISSION MEMBER REPORTS

- 5.1 Treasurer Update

J. Garner reviewed the condensed budget for Parks and Recreation, Area “D”, for the year ending December 31, 2021, then presented the asset and project spreadsheets given to the Commission and asked Commission members to provide her with any additions and suggestions to these.

**Action Item:**

Commission agreed to meet later in summer, after the results from Area “D” survey are available, to have a strategy session to discuss next year’s budget and plan projects for a 5 year capital budget.

- 5.2 Keogan Park Committee Update

J. Garner reviewed the report given to the Commission on Keogan Park and asked that it be discussed more thoroughly at the strategy session.

- 5.3 Waterfront Committee Update

J. Garner advised that this sub-committee will meet Tuesday and will bring a report to the Commission in July or August.

- 5.4 Trails Committee Update

P. Radchenko advised members that she has arranged the Trails of the Okanagan Group to give a presentation at the July meeting. She suggested all members go to [www.trailsoftheokanagans.com](http://www.trailsoftheokanagans.com) website to read.

- 5.5 Future Development of Garnett Family Park

D. Lychak described the current years’ work being done in the park. He is waiting for updated final costs and expects that funding will be made available.

#### 6. RDOS DIRECTOR’S REPORT

- 6.1 None

**7. BUSINESS ARISING**

7.1 None

**8. ADJOURNMENT**

**RECOMMENDATION**

It was Moved and Seconded that the meeting be adjourned at 8:15 p.m.

**CARRIED**

**NEXT MEETING** – Wednesday, July 8, 2021

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Chair, Parks and Recreation Commission – Electoral Area “D”

---

Recording Secretary

# **APC MEETING AGENDA**

## **ELECTORAL AREA “A”**

Monday June 14, 2021 7:00 p.m.

Location: <https://rdos.webex.com> / 1-833-311-4101

Attendees:

Director: Mark Pendergraft

APC Members:

Peter Beckett (Chair) Jim Thornton, Dwayne Svendsen, Bill Plaskett,  
Grant Montgomery, Manfred Freese

Staff: Christopher Garrish (Planning Manager)

### **ADOPTION OF AGENDA 1.1**

That the Agenda for the Electoral Area “A” Advisory Planning Commission (APC) meeting of June 14, 2021 be adopted.

Moved: Jim Thornton – 2<sup>nd</sup>: Dwayne Svendsen - Carried

### **ADOPTION OF MINUTES 2.1**

That the Minutes of the April 12, 2021, Electoral Area “A” Advisory Planning Commission (APC) meeting be adopted

Moved: Dwayne Svendsen – 2<sup>nd</sup>: Manfred Freese - Carried

**5.1 Official Community Plan (OCP) & Zoning Bylaw Amendment  
Administrative Report submitted by Christopher Garrish, Planning  
Manager**

**A2021.003-ZONE**

**Amendment of the Electoral Area "A" OCP Bylaw No.  
2905, 2021, & Zoning Bylaw No. 2451, 2008**

**Project No:** A2021.003-ZONE

**Project Type:** OCP & Zoning Bylaw Amendment

**Application  
Date:** March 31, 2021

**Applicant:** Infinity Properties  
(Josh Turner)

**Civic Address:** 9330 202nd Avenue

**Purpose:** To facilitate a 70-lot subdivision, creation of a conservation area and  
dedication of parkland area  
Christopher Garrish

**RDOS Contact:** 250-490-4101

[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)

**Presenting: Brad Elenko (McElhanney), Josh Turner (Infinity)**

Chris Garrish gave a brief historical overview of the property.

**Discussion/Questions:**

- Will the Houses have Suites? If so, will the existing Sewer system handle this increased load?
- How will potable water be supplied?
- Was the 278.4m elevation used for the Riparian Report or did they just use the existing shoreline? Could make an impact.
- Will there not be any boat docks?
- Boat Trailer Parking?
- Designated Park Area – Parking, Washroom, ...

- The Layout of the Lots used in the Presentation was different than what was submitted to the RDOS for us to review prior to the meeting. (The two large lakefront lots (Owners) were indicated as eight smaller lots).
- How will they deal with the large differential in Floodplain Elevation and existing grade?

**Motion: 3. THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of the “Willow Beach” property be denied.**

Moved: Grant Montgomery 2<sup>nd</sup> Manfred Freese

Defeated 4 to 2

**Motion: 1. THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of the “Willow Beach” property be approved.**

Moved: Bill Plaskett 2<sup>nd</sup> Jim Thornton

Carried 4 to 2

**5.2 Renewal of Vacation Rental Temporary Use Permits (TUPs) Administrative Report submitted by Christopher Garrish, Planning Manager**

**Motion: 1. THAT the APC recommends to the RDOS Board of Directors that the proposed amendments to the processing procedures for vacation rental TUP renewals be approved.**

Moved: Grant Montgomery 2<sup>nd</sup> Dwayne Svendsen

Carried 6 to 0

**Meeting adjourned 8:48pm**

**Recording Sec. Grant Montgomery**

**APC Chair – Peter Beckett**



# Minutes

## Electoral Area 'C' Advisory Planning Commission

Meeting of: *Tuesday, June 15, 2021*

Location: <https://rdos.webex.com> / 1-833-311-4101

Time: 7pm

- Present:** Rick Knodel, Director, Electoral Area 'C'
- Members:** Sara Bunge, Chair                      David Janzen                      Beantjit Chahal  
Roger Hall, Vice Chair                      Jessica Murphy
- Absent:** Ed Machial                      Heidi Held                      Mike Stevens
- Staff:** JoAnn Peachey, Planner I  
Fiona Titley, Planner I  
Sofia Cerqueira, Recording Secretary

### 1. CALL TO ORDER

The meeting was called to order at 7:18 p.m.

#### ADOPTION OF AGENDA

##### MOTION

It was Moved and Seconded that the Agenda for the Electoral Area "C" Advisory Planning Commission (APC) meeting of January 19, 2021 be adopted.

**CARRIED**

### 2. Adoption of the Agenda

#### 2.1 ADOPTION OF THE MINUTES

##### MOTION

It was Moved and Seconded that the Minutes of the September 8, 2020 Electoral Area "C" Advisory Planning Commission (APC) meeting be adopted.

**CARRIED**

<b>3.</b>	<b>DELEGATION</b>
	3.1 Ouyang – Temporary Use Permit – C2021.010-TUP
<b>4.</b>	<b>Development Applications</b>
	<p>4.1 <u>Temporary Use Permit Application – C2021.010.TUP</u>  Administrative Report Submitted by JoAnn Peachey, Planner I</p> <p><b><u>MOTION</u></b></p> <p>THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved with the following conditions:</p> <ul style="list-style-type: none"> <li>i) Delineation of property boundaries be clearly identified to eliminate trespassing on neighbouring properties</li> <li>ii) That information regarding potential wildfire hazards &amp; practices to reduce wildfire risks be provided to guests</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
<b>5.</b>	<b>OTHER</b>
	<p>5.1 Renewal of Vacation Rental Temporary Use Permits (TUPs)  Administrative Report Submitted by Christopher Garrish, Planning Manager</p> <p><b><u>MOTION</u></b></p> <p>THAT the APC recommends to the RDOS Board of Directors that the proposed amendments to the processing procedures for vacation rental TUP renewals be approved with the following conditions:</p> <ul style="list-style-type: none"> <li>i) Any renewals that have had complaints must be sent to the APC and have a PIM</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
<b>6.</b>	<b>ADJOURNMENT</b>
	<p><b><u>MOTION</u></b></p> <p>It was Moved and Seconded that the meeting be adjourned at 8:01 pm</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>

Sara Bunge

Advisory Planning Commission Chair

Sofia Cerqueira



Recording Secretary



# Minutes

## Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday June 8<sup>th</sup>, 2021

Location: <https://rdos.webex.com/>

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**Present:**

Director: Ron Obirek

Members: Doug Lychak, Kurtis Hiebert, Jill Adamson, Don Albright, Norm Gaumont, Malcolm Peterson, Jerry Stewart,

Absent: Kelvin Hall, Alf Hartviksen, Navid Chaudry, Almira Nunes

Staff: JoAnn Peachey, Planner 1  
Cory Labrecque, Planner 2

Recording Secretary: Regional District Staff

Delegations: Marina Vinnik - D2021.009-TUP.

Annalise Toporowski – D2021.001-DP

### 1. CALL TO ORDER

The meeting was called to order 7:06 p.m.

#### ADOPTION OF AGENDA

#### MOTION

It was Moved and Seconded that the Agenda be adopted.

**CARRIED**

### 2. APPROVAL OF PREVIOUS MEETING MINUTES

#### MOTION

It was Moved and Seconded by the APC that the Minutes of May 25/2021 be approved.

**CARRIED**

### 3. DEVELOPMENT APPLICATIONS

#### 3.1 Temporary Use Permit – D2021.009-TUP.

Delegate Marina Vinnik present.

Discussion.

**MOTION**

It was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the proposed temporary use be denied.

**CARRIED**

**3. REFERRALS**

**3.2** Development Permit – D2021.001-DP

Delegate Annalise Toporowski present.

Discussion.

**MOTION**

It was Moved and Seconded that the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:

- i) White Cladding is provided around the shipping container to match the other buildings on site.

**CARRIED**

**7. ADJOURNMENT**

**MOTION**

It was Moved and Seconded that the meeting be adjourned at 8:08 p.m.

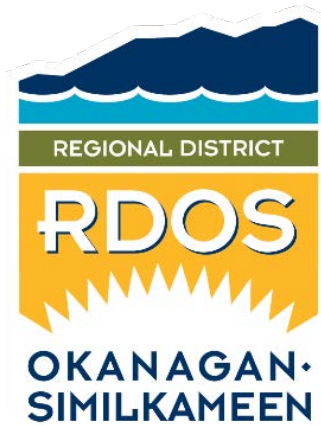
**CARRIED**

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Advisory Planning Commission Chair

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Advisory Planning Commission Recording Secretary / minute taker



# Minutes

## Electoral Area 'E' Advisory Planning Commission

Meeting of Monday, June 14, 2021 at 7:00 p.m.

RDOS WebEx, Naramata, BC

Present:

Members: Richard Roskell (Chair, Electoral Area 'E' APC), Don Mancell, Heather Fleck, Dianna Smith, Maureen Redman

Absent: Debbie Selwood

Staff: JoAnn Peachey (RDOS, Planner I)

Guests: Karla Kozakevich (RDOS Area 'E' Director), 1 member of the public

Recording Secretary: Heather Lemieux

Delegates: Wilfred Tsui left meeting at 7:22 p.m., Celia Chiang left meeting at 7:22 p.m., Pat Field left meeting at 7:35 p.m.

### 1. ADOPTION OF AGENDA

The meeting was called to order at 7:06 p.m. Quorum Present.

#### 1.1 MOTION

That the Agenda for the Electoral Area 'E' Advisory Planning Commission (APC) meeting of June 14, 2021 be adopted as presented.

CARRIED

### 2. APPROVAL OF MINUTES

#### 2.1 MOTION

It was Moved and Seconded That the Minutes of the May 10, 2021, Electoral Area 'E' Advisory Planning Commission (APC) meeting be adopted as presented.

CARRIED

### 3. DELEGATIONS

- 3.1 Chiang/Tsui - Temporary Use Permit Application - E2021.008-TUP
  
- 3.2 Chute Lake Holdings Ltd. - Temporary Use Permit Application - E2021.012-TUP

### 4. DEVELOPMENT APPLICATIONS

- 4.1 Temporary Use Permit - E2021.008-TUP  
Administrative Report Submitted by JoAnn Peachey, Planner I

#### MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.

CARRIED

- 4.2 Temporary Use Permit - E2021.012-TUP  
Administrative Report submitted by Cory Labrecque, Planner II

#### MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.

CARRIED

### 5. OTHER

- 5.1 Renewal of Vacation Rental Temporary Use Permits (TUPs)  
Administrative Report Submitted by Christopher Garrish, Planning Manager

Joanne Peachy presented the Administrative Report:

*Development Procedures Amendment Bylaw No. 2500.20, 2021 Renewal of Vacation Rental Temporary Use Permits (TUPs)*

#### MOTION

It was Moved and Seconded in favour of Option 1. THAT the APC recommends to the RDOS Board of Directors that the proposed amendments to the processing procedures for vacation rental TUP renewals be approved.

CARRIED

5.2 General Discussion around Vacation Rental TUPs

Discussion postponed to next meeting.

6. ADJOURNMENT

MOTION

It was Moved and Seconded that the meeting be adjourned at 7:44 p.m.

CARRIED

Next Meeting – July 12, 2021 at 7:00 p.m.

Location TBD

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Richard Roskell, Chair of the Area 'E' Advisory Planning Commission



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Advisory Planning Commission Recording Secretary / minute taker

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Electoral Area "I" Advisory Planning Commission (APC) Appointment

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## **Administrative Recommendation:**

**THAT the Board of Directors appoint Andrew Allin as a member of the Electoral Area "I" Advisory Planning Commission until October 31, 2022.**

---

## **Purpose:**

The purpose of this report is to seek the Board appointment of a member of the Area Planning Commission for Electoral Area "I".

## **Background:**

The role of Area Planning Commission is to provide recommendations to the Regional District on all matters referred to it by the Regional District or by its Electoral Area Director respecting land use, the preparation and adoption of an official community plan or a proposed bylaw and permits under Divisions 2, 7, 9 and 11 of Part 26 of the *Local Government Act*.

Section 4 of Bylaw 2339 (Advisory Planning Commissions) provides for the appointment of members, requiring the Board, by resolution, to appoint members to each Commission on the recommendation of the respective Electoral Area Director.

At least two-thirds of the members of a Commission for an Electoral Area shall be residents of that electoral area. Commission appointments shall be made by the Board for terms which run concurrent with the Board term, and no term of appointment shall extend beyond the term of the Electoral Area Director unless re-appointed by the Board.

## **Analysis:**

Mr. Allin has submitted an application to sit on the APC for Electoral Area "I" and Director Monteith has recommended that this application be brought forward for appointment by the Board.

## **Respectfully submitted:**

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C. Malden, Manager of Legislative Services

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## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** South Okanagan Conservation Fund - Technical Advisory Committee Appointments

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### Administrative Recommendation:

**THAT the Board of Directors extend the appointments of the following as volunteer members of the South Okanagan Conservation Fund Technical Advisory Committee:**

One year term ending December 31, 2021

- Orville Dyer
- Darcy Henderson

### Purpose:

To appoint volunteer members to the South Okanagan Conservation Fund Technical Advisory Committee (TAC) to provide expertise in the review and recommendation to the Board of Directors regarding the selection of projects or recipients of the South Okanagan Conservation Funds.

### Reference:

South Okanagan Conservation Fund Terms of Reference – (May 2017).

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

Goal 3.3 To develop an environmentally sustainable region

### Background:

In December 2016, the Regional District of Okanagan Similkameen, with public assent, adopted Bylaw No. 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.

The funds requisitioned 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.

At the June 1, 2017 Board meeting, the Board of Directors approved a Terms of Reference for a Technical Advisory Committee (TAC), which is attached to this report for reference.

The purpose of the TAC is to:



- (a) Ensure that all proposals to the Fund receive an expert technical review based on a fair assessment of merit and project effectiveness;
- (b) Provide a high level of accountability in the review process; and
- (c) Provide recommendation on technically appropriate proposals to the Board of Directors

TAC members may serve a term of up to three years (renewable upon reappointment), with some members serving one- or two-year terms initially to ensure membership continuity.

**Analysis:**

In accordance with the Terms of Reference, the TAC will be comprised of five to seven volunteer 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.

Mr. Orville Dyer, retired Senior Provincial Okanagan Species and Ecosystems at Risk Biologist and Mr. Darcy Henderson, Ph.D. Senior Species at Risk Biologist, Environment and Climate Change Canada have served on the committee for the past 4 years.

**Alternatives:**

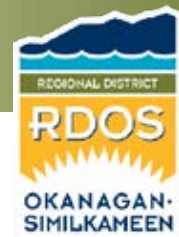
1. THAT the Board of Directors appoint as volunteer members of the South Okanagan Conservation Fund Technical Advisory Committee, candidates as contained within this report.
2. THAT the Board of Directors defer appointment of the Committee members for future consideration.
3. THAT the Board of Directors decline to appoint additional members to the Technical Advisory Committee.

**Respectfully submitted:**

*"Christy Malden"*

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C. Malden, Manager of Legislative Services



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Electoral Area "D" Service and Boundary Configuration Committee

#### MINUTES

Thursday, May 27, 2021

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#### COMMITTEE MEMBERS PRESENT:

Bob Daly

David Forst

Eleanor Walker

Kerrie MacLean

Kurt Hiebert

M. Kay Medland

Matt Taylor

Myleen Mallach

Phyllis Radchenko

Vi Creasy

#### EX-OFFICIO COMMITTEE MEMBERS PRESENT:

Electoral Area "D" Director R. Obirek

**GUEST PRESENT:** David Van Ommen

#### STAFF PRESENT:

C. Malden, Manager of Legislative Services

J. Zaffino, Manager of Finance

D. Francisco, Manager of Information Services

C. Ozaraci, Administrative Assistant

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#### A. WELCOME AND INTRODUCTIONS

Committee members, guests and staff went round table for introductions.

Director Obirek thanked all committee members for their participation in the process.

The Manager of Legislative services advised that two meetings would take place in the coming weeks, including a meeting to provide orientation and elect a Chair and Vice Chair and a second meeting to evaluate consultant submissions through the Request for Proposal Process. A discussion on formalizing a regular meeting schedule for the remainder of the study is to be initiated by the newly elected Chair.

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#### B. COMMITTEE GUIDELINES

This item was moved to the meeting of June 9, 2021 to allow more time for introductions and general questions.

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**C. REQUEST FOR PROPOSAL (RFP)**

The Manager of Legislative Services advised the committee of the proposed schedule for posting the RFP for bid and asked that the committee direct their attention to two specific areas of the document, being the proposed timeline for the RFP process and the criteria weighting proposed for use during evaluation of submissions.

Questions ensued with respect to Appendix 'A' Terms of Reference, and the committee was advised that the Terms of Reference had been developed by the Ministry and Regional District staff prior to being adopted by the Regional District Board of Directors. Proposed amendments to the Terms would need to route back through the Ministry and the Board of Directors.

Adjustments to the criteria weighting and the date for RFP were noted and amendments forwarded out to all committee members for confirmation following the meeting, prior to posting on BCbid, CivicInfo and the Regional District website. The deadline for submissions was set for Wednesday June 23, 2021 at 11:00 am.

Committee members were advised that they would receive electronic copies of all submissions along with the criteria ranking form for their evaluation. The committee is to convene on Tuesday June 29, 2021 at 6:00 pm to rank the submissions and formulate a recommendation to the Board of Directors to consider at their July 8, 2021 Board Meeting.

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**D. NEXT MEETINGS**

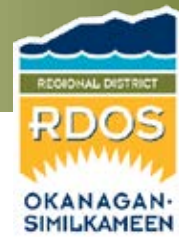
Orientation and Election of Chair/Vice Chair -Wednesday June 9, 2021 at 6:00 pm  
Evaluation of RFP submissions - Tuesday June 29, 2021 at 6:00 pm

---

**E. ADJOURNMENT**

The meeting adjourned at 7:44 pm.

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## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Electoral Area "D" Service and Boundary Configuration Committee

#### MINUTES

Wednesday, June 9, 2021

---

#### COMMITTEE MEMBERS PRESENT:

Bob Daly  
David Forst  
Eleanor Walker  
Kerrie MacLean  
Kurt Hiebert (6:33 pm)

M. Kay Medland (6:19 pm)  
Matt Taylor  
Myleen Mallach  
Phyllis Radchenko  
Vi Creasey

#### EX-OFFICIO COMMITTEE MEMBERS PRESENT:

Electoral Area "D" Director R. Obirek

Alternate Director J. D'Andrea

#### GUEST PRESENT:

Marijke Edmonson, Director Governance Structures, Ministry of Municipal Affairs  
David Van Ommen, Senior Analyst, Ministry of Municipal Affairs

#### STAFF PRESENT:

C. Malden, Manager of Legislative Services  
G. Cramm, Coordinator Legislative Services

C. Ozaraci, Administrative Assistant

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#### A. CALL TO ORDER

The Meeting was called to order at 6:00 pm

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#### B. RECEIPT OF MAY 27, 2021 MEETING NOTES

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#### C. ELECTION OF CHAIR AND VICE CHAIR

The Manager of Legislative Services called for nominations for Chair. A nomination for Matt Taylor was seconded and Mr. Taylor confirmed his acceptance of the nomination. No other nominations were received and Matt Taylor was elected to the position of Chair by acclamation.

The Manager of Legislative Services called for nominations for Vice Chair. A nomination for Bob Daly was seconded and Mr. Daly confirmed his acceptance of the nomination. No other nominations were received and Bob Daly was elected to the position of Vice Chair by acclamation.

Christy Malden/Crystal Ozaraci will perform duties of Secretary.  
Jim Zaffino will perform duties of Treasurer.

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**D. ORIENTATION**

Christy Malden, Manager of Legislative Services reviewed the Committee Guidelines with the Committee.

Marijke Edmonson, Director Ministry of Municipal Affairs discussed in-depth the role of the committee members and all parties involved in the study.

Gillian Cramm, Legislative Services Coordinator, presented regarding the Conflict of Interest Policy, Code of Ethics Policy, Discrimination, Bullying and Harassment Policy, Procedure Bylaw and Privacy/Freedom of Information.

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**E. NEXT MEETING**

The next meeting will be held June 29, 2021 to review RFP Submissions. A copy of all submissions received will be distributed to the committee prior to the meeting for evaluation. Reminder that the content of the proposals is confidential and all committee members are to complete and return evaluation forms by June 28, 2021.

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**ADDITIONAL ITEMS****F. COMMUNICATIONS**

Discussion ensued regarding the planned communication process, venues for advertising and process. A request from the committee for an initial communications plan was made. Action: Initial communications regarding the launch of the committee to be drafted and submitted to the committee.

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**G. BACKGROUND DOCUMENTATION**

The committee requested copies of all background documentation. Action: Links to all documents and the Regional Connections page be sent to the committee.

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**H. OPEN PUBLIC SESSION**

Open session to be held at future meetings, last 15 of the meeting open to public questions with the understanding that questions may not get answered but will be posted on the Regional Connections website.

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**I. FUTURE MEETINGS**

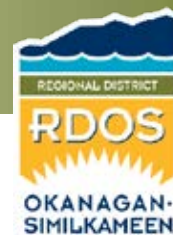
Action: Poll to be sent out to committee members to assist in determining a recurring meeting schedule and time.

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**J. ADJOURNMENT**

The meeting adjourned at 7:58 pm.

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REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
Corporate Services Committee

Thursday, June 17, 2021  
9:20 a.m.

## MINUTES

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### MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"	Director S. Monteith, Electoral Area "I"
Vice Chair S. Coyne, Town of Princeton	Director R. Obirek, Electoral Area "D"
Director M. Bauer, Village of Keremeos	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director R. Gettens, Electoral Area "F"	Director J. Sentes, City of Penticton
Director D. Holmes, District of Summerland	Director E. Trainer, District of Summerland
Director M. Johansen, Town of Oliver	Director J. Vassilaki, City of Penticton
Director R. Knodel, Electoral Area "C"	Director C. Watt, City of Penticton
Director S. McKortoff, Town of Osoyoos	

### MEMBERS ABSENT:

### STAFF PRESENT:

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

##### RECOMMENDATION 1

##### IT WAS MOVED AND SECONDED

THAT the Agenda for the Corporate Services Meeting of June 17, 2021 be adopted. - **CARRIED**

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#### B. 2021 UBCM RESOLUTIONS

- Organ Donor Onus (Approved)
- Inter-jurisdictional Cooperation (with proposed changes from June 3 Committee)
- Changes to the BC Building Code to align with FireSmart.
- Change to the timing of future Housing Needs Assessments to make use of recent Census Data
- Request for Housing Needs Assessment Reports to be made optional for Electoral Areas

*Organ Donation* – approved at the May 20, 2021 Corporate Services Committee

**WHEREAS** the population of British Columbia is 5.071 million but only 1.555 million British Columbians have registered their organ donor decision;

**AND WHEREAS** one organ donor can save up to 8 lives:

**THEREFORE BE IT RESOLVED** that UBCM request that the Province of British Columbia enact Provincial legislation whereby an individual is deemed to consent to the individual's organs and tissues being used for transplantation activities, with the inclusion of an "opt-out" provision, similar to the Presumed Consent Organ Transplant Act passed by the Province of Nova Scotia.

**It was MOVED and SECONDED**

THAT Committee submit the following recommendation to the Board of Directors later this afternoon for submission to UBCM

***Multi-jurisdictional Cooperation***

**WHEREAS** legislation does not provide regional districts authority to enforce regulatory bylaws on Crown Land and Road Rights-of-Way in Electoral Areas;

**AND WHEREAS** clarity on responsibility for enforcement in rural areas is required for constituents for issues that may cross federal, provincial, First Nation and/or regional district jurisdiction;

**NOW THEREFORE BE IT RESOLVED** that the Union of British Columbia Municipalities petition the provincial government to develop a formal multi-jurisdictional process for working in conjunction with lead agencies and governing bodies to resolve outstanding regulatory enforcement issues, by joint cooperation of the various government agencies.

**CARRIED**

**It was MOVED and SECONDED**

THAT Committee submit the following recommendation to the Board of Directors later this afternoon for submission to UBCM

***Housing Needs Reports***

**WHEREAS Bill 18 - 2018** amended the Local Government Act (LGA) to require all local governments to complete Housing Needs Reports by April 2022, and every five years thereafter.

**AND WHEREAS** all local governments will have differing access to resources to undertake Housing Needs Report updates, and differing requirements for use for this information;

**AND WHEREAS** promoting sprawling residential development into rural areas contradicts sustainable planning principles;

**THEREFORE BE IT RESOLVED** that the Union of BC Municipalities petition British Columbia to amend the Local Government Act, Division 22, Section 585.11 to make Housing Needs Reports discretionary in the future, rather than mandatory.

**CARRIED**

**It was MOVED and SECONDED**

That Committee submit the following recommendation to the Board of Directors later this afternoon for submission to UBCM

***Wildfire Risk Prevention in BC Building Code***

**WHEREAS** the frequency and intensity of wildfire activity is a rapidly increasing hazard posing a threat to the public across the province;

**AND WHEREAS** certain changes to the BC Building Code are urgently needed as part of the response to reduce the risk of wildfire threat to the public;

**THEREFORE BE IT RESOLVED** that the Union of BC Municipalities request the Province of British Columbia to amend the BC Building Code to restrict the use of untreated wood shake roofing to reduce the risk to life and property due to wildfire activity.

**CARRIED**

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**C. 2021 UBCM MEETINGS**

- a. Premier re: Horizontal Management
- b. MoTI re: Enforcement in Road Rights-of-Way
- c. Environment – Solid Waste Issues
- d. Support the Village of Keremeos on Orphan Dikes

**It was MOVED and SECONDED**

THAT Committee submit the following recommendations for Meeting Requests for the 2021 UBCM Conference to the Board of Directors for consideration later this afternoon:

- Solid Waste Update – Minister of Environment
  - BioCover Approval
  - Leachate Recovery Update
  - Organics Processing & Treatment Facility Approval and Grants
- Horizontal Management – Premier Horgan
- Ministry of Transportation and Infrastructure re derelict vehicles in Road Rights of Way

**CARRIED**

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**D. RDOS COVID-19 RESTART PROGRAM****RECOMMENDATION 2****It was MOVED and SECONDED**

THAT the following recommendations be adopted and form part of the RDOS 2021 COVID-19 Restart Plan.

1. Public Meetings/ Consultations
  - a. That the suspension of S. 5 of Bylaw 2500, 2021, being the Public Information Meeting section of the Planning Procedure Bylaw, be terminated effective September 7, 2021; and,
  - b. That an amendment to the Planning Procedure Bylaw be brought forward to address the changes to S. 465, 466, 494, of the *Local Government Act* for public hearings proposed in Bill 10/2021; and,
  - c. That all non-regulatory public hearings on land use matters continue to be waived; and, that all regulatory public hearings continue to be held electronically until Step 4 of BC Restart commences; and that all meetings be returned to normal following that date; and,
  - d. That all Public Information Meetings be conducted electronically out of 101 Martin Street.
2. Board/Commission Meetings
  - a. That an amendment to the Procedure Bylaw be brought forward to address the changes to S. 128 of the *Community Charter* for electronic regular meetings proposed in Bill 10/2021; and,
  - b. That Select Committees and Board of Director meetings occur on the normal schedule, but that the meetings continue electronically until implementation of Step 4 of the BC Restart Plan; and,
  - c. That the current practice of electronic Board meetings open to the public be continued, regardless of the format; and,
  - d. That all delegations scheduled to come before the Board continue to be invited to appear electronically until implementation of Step 4 of the BC Restart Plan.

**CARRIED**

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**E. ADJOURNMENT**

By consensus, the meeting adjourned.

The meeting adjourned at 10:34

APPROVED:

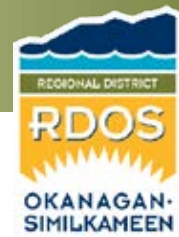
CERTIFIED CORRECT:

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K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
Environment and Infrastructure Committee**

Thursday, June 17, 2021  
10:34 a.m.

**MINUTES**

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**MEMBERS PRESENT:**

Chair R. Gettens, Electoral Area "F"	Director S. Monteith, Electoral Area "I"
Vice Chair G. Bush, Electoral Area "B"	Director R. Obirek, Electoral Area "D"
Director M. Bauer, Village of Keremeos	Director M. Pendergraft, Electoral Area "A"
Director B. Coyne, Electoral Area "H"	Director T. Roberts, Electoral Area "G"
Director S. Coyne, Town of Princeton	Director K. Robinson, City of Penticton
Director D. Holmes, District of Summerland	Director J. Sentes, City of Penticton
Director M. Johansen, Town of Oliver	Director E. Trainer, District of Summerland
Director R. Knodel, Electoral Area "C"	Director J. Vassilaki, City of Penticton
Director K. Kozakevich, Electoral Area "E"	Director C. Watt, City of Penticton
Director S. McKortoff, Town of Osoyoos	

**MEMBERS ABSENT:**

**STAFF PRESENT:**

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

**RECOMMENDATION 1**

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

THAT the Agenda for the Environment and Infrastructure Committee Meeting of June 17, 2021 be adopted. - **CARRIED**

---

**B. NATURE CONSERVANCY OF CANADA**

Barbara Pryce, Program Director, Southern Interior

a. SOSCF Project Update

Ms. Pryce provided a virtual tour of the 2020 Sage and Sparrow Expansion Project, one of the projects supported by an investment from the RDOS South Okanagan Conservation Fund.

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**C. ADJOURNMENT**

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

THAT the meeting adjourn. - **CARRIED**

The meeting adjourned at 10:57 a.m.

APPROVED:

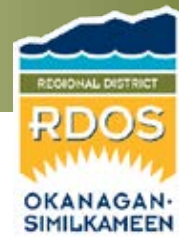
CERTIFIED CORRECT:

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R. Gettens  
Committee Chair

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B. Newell  
Corporate Officer



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
Planning and Development Committee**

Thursday, June 3, 2021  
9:01 a.m.

**MINUTES**

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**MEMBERS PRESENT:**

Chair R. Knodel, Electoral Area "C"	Director S. McKortoff, Town of Osoyoos
Vice Chair M. Pendergraft, Electoral Area "A"	Director S. Monteith, Electoral Area "I"
Director M. Bauer, Village of Keremeos	Director R. Obirek, Electoral Area "D"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director S. Coyne, Town of Princeton	Director J. Sentes, City of Penticton
Director R. Gettens, Electoral Area "F"	Director E. Trainer, District of Summerland
Director D. Holmes, District of Summerland	Director J. Vassilaki, City of Penticton
Director M. Johansen, Town of Oliver	Director C. Watt, City of Penticton
Director K. Kozakevich, Electoral Area "E"	

**MEMBERS ABSENT:**

**STAFF PRESENT:**

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

**RECOMMENDATION 1**

**It was MOVED and SECONDED**

THAT the Agenda for the Planning and Development Committee Meeting of June 3, 2021 be adopted.  
**CARRIED**

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**B. Zoning Amendment Bylaw No. 2895 – Regulation of Metal Storage Containers  
Electoral Areas "A", "C", "D", "E", "F" & "I"**

**RECOMMENDATION 2**

**It was MOVED and SECONDED**

THAT Zoning Amendment Bylaw No. 2895, 2020, being a bylaw to introduce zoning regulations for metal storage containers not be amended;

AND THAT prior to third reading, Amendment Bylaw No. 2895, 2020, be considered by the Electoral Area Advisory Planning Commissions (APCs).

**It was MOVED and SECONDED**

THAT the motion be amended to add, "THAT an amendment to the Regional District's Building Bylaw No. 2805, 2018, be initiated in order to delete the requirement for a Siting Permits when placing a metal storage container." - **CARRIED**

Opposed: Director Obirek

**QUESTION ON THE MAIN MOTION:**

THAT Zoning Amendment Bylaw No. 2895, 2020, being a bylaw to introduce zoning regulations for metal storage containers not be amended;

AND THAT prior to 3<sup>rd</sup> reading, Amendment Bylaw No. 2895, 2020, be considered by the Electoral Area Advisory Planning Commissions (APCs);

AND THAT an amendment to the Regional District's Building Bylaw No. 2805, 2018, be initiated in order to delete the requirement for a Siting Permits when placing a metal storage container.

**CARRIED**

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**C. ADJOURNMENT**

**It was MOVED and SECONDED**

THAT the meeting adjourn. - **CARRIED**

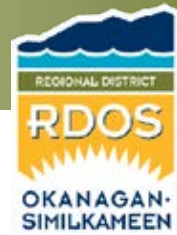
The meeting adjourned at 9:40 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
R. Knodel  
Committee Chair

\_\_\_\_\_  
B. Newell  
Corporate Officer



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
Planning and Development Committee**

Thursday, June 17, 2021

9:00 am

**MINUTES**

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**MEMBERS PRESENT:**

Chair R. Knodel, Electoral Area "C"	Director S. McKortoff, Town of Osoyoos
Vice Chair M. Pendergraft, Electoral Area "A"	Director S. Monteith, Electoral Area "I"
Director M. Bauer, Village of Keremeos	Director R. Obirek, Electoral Area "D"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director S. Coyne, Town of Princeton	Director J. Sentes, City of Penticton
Director R. Gettens, Electoral Area "F"	Director E. Trainer, District of Summerland
Director D. Holmes, District of Summerland	Director J. Vassilaki, City of Penticton
Director M. Johansen, Town of Oliver	Director C. Watt, City of Penticton
Director K. Kozakevich, Electoral Area "E"	

**MEMBERS ABSENT:**

**STAFF PRESENT:**

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

**RECOMMENDATION 1**

**It was MOVED and SECONDED**

THAT the Agenda for the Planning and Development Committee Meeting of June 17, 2021 be adopted.

Item C was brought forward as the delegation for Item B was not yet available.

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**C. DEADLINE FOR SUBMISSION OF PUBLIC REPRESENTATIONS ON PERMIT APPLICATIONS**

a. Amendment Bylaw No. 2500.21

The Committee was advised that the RDOS has been receiving responses regarding development applications up to and during Board meetings, making it challenging for directors to read all responses received before considering an application.

**RECOMMENDATION 2**

**It was MOVED and SECONDED**

THAT the Regional District initiate a process to amend the Development Procedure Bylaw to clarify timelines for receiving public representations on Development Variance applications and Temporary Use applications. - **CARRIED**

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**B. ECONOMIC TRUST of the SOUTHERN INTERIOR**

1. Laurel Douglas, CEO

Ms. Douglas provided an update on the activities of the Economic Trust of the Southern Interior.

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**C. ADJOURNMENT**

**It was MOVED and SECONDED**

**THAT the meeting adjourn. - CARRIED**

The meeting adjourned at 9:20 a.m.

APPROVED:

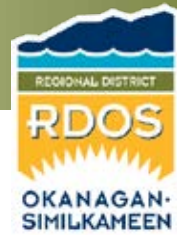
CERTIFIED CORRECT:

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R. Knodel  
Committee Chair

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B. Newell  
Corporate Officer



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
Protective Services Committee**

Thursday, June 17, 2021

11:45 a.m.

**MINUTES**

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**MEMBERS PRESENT:**

Chair T. Roberts, Electoral Area "G"	Director S. McKortoff, Town of Osoyoos
Vice Chair S. Coyne, Town of Princeton	Director S. Monteith, Electoral Area "I"
Director M. Bauer, Village of Keremeos	Director R. Obirek, Electoral Area "D"
Director G. Bush, Electoral Area "B"	Director R. Knodel, Electoral Area "C"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director M. Pendergraft, Electoral Area "A"	Director J. Sentes, City of Penticton
Director R. Gettens, Electoral Area "F"	Director E. Trainer, District of Summerland
Director D. Holmes, District of Summerland	Director J. Vassilaki, City of Penticton
Director M. Johansen, Town of Oliver	Director C. Watt, City of Penticton
Director K. Kozakevich, Electoral Area "E"	

**MEMBERS ABSENT:**

**STAFF PRESENT:**

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

**RECOMMENDATION 1**

**It was MOVED and SECONDED**

THAT the Agenda for the Protective Services Meeting of June 17, 2021 be adopted. - **CARRIED**

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**B. SIMILKAMEEN FLOOD RISK ASSESSMENT AND FLOOD MAPPING STUDY– For Information Only**  
Barret Van Vliet, Ecora Engineering, presented the hydrologic assessment of the Similkameen River watershed.

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**C. BC AMBULANCE**  
Joe Puskaric, District Manager, and Paul Swain, Director, BC Emergency Health Services, discussed their staffing model with the Committee.

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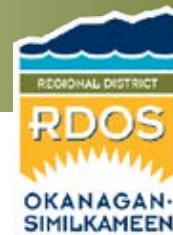
**D. ADJOURNMENT**  
**It was MOVED and SECONDED**  
THAT the meeting adjourn. - **CARRIED**  
The meeting adjourned at 1:03 p.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
T. Roberts  
Committee Chair

\_\_\_\_\_  
B. Newell  
Corporate Officer



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD of DIRECTORS MEETING

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 1:03 p.m. on Thursday, June 17, 2021 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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### MEMBERS PRESENT:

Chair K. Kozakevich, Electoral Area "E"	Director S. Monteith, Electoral Area "I"
Vice Chair S. Coyne, Town of Princeton	Director R. Obirek, Electoral Area "D"
Director M. Bauer, Village of Keremeos	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director T. Roberts, Electoral Area "G"
Director B. Coyne, Electoral Area "H"	Director K. Robinson, City of Penticton
Director R. Gettens, Electoral Area "F"	Director J. Sentes, City of Penticton
Director D. Holmes, District of Summerland	Director E. Trainer, District of Summerland
Director M. Johansen, Town of Oliver	Director J. Vassilaki, City of Penticton
Director R. Knodel, Electoral Area "C"	Director C. Watt, City of Penticton
Director S. McKortoff, Town of Osoyoos	

### MEMBERS ABSENT:

### STAFF PRESENT:

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

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

### IT WAS MOVED AND SECONDED

THAT the Agenda for the RDOS Board Meeting of June 17, 2021 be adopted as amended by moving Item A.2.C. to Item B4, and removing Item A.1.J. – **CARRIED**

---

## 1. Consent Agenda – Corporate Issues

### a. Okanagan Falls Parks and Recreation Committee – May 13, 2021

*THAT the Minutes of the May 13, 2021 Okanagan Falls Parks and Recreation Committee be received.*

### b. Naramata Parks and Recreation Committee – May 24, 2021

*THAT the Minutes of the May 24, 2021 Naramata Parks and Recreation Committee be received.*

### c. Similkameen Recreation Commission – Member Appointment

*THAT the Board of Directors appoint Sarah Martin and Eileen Oliver-Bauer to the Similkameen Recreation Commission for a two-year term, ending December 31, 2022.*

### d. Parks and Recreation Commission, Electoral Area "F" – Member Appointment

*THAT the Board of Directors appoint Darryl Dietrich to the Electoral Area "F" Parks and Recreation Commission for a two-year term ending December 31, 2022.*

### e. Electoral Area "E" Advisory Planning Commission (APC) Appointment

THAT the Board of Directors appoint Adrienne Federigo as a member of the Electoral Area "E" Advisory Planning Commission until October 31, 2022.



- f. **Advisory Planning Commission, Electoral Area "I" – May 19, 2021**  
*THAT the Minutes of the May 19, 2021 Advisory Planning Commission, Electoral Area "I" be received.*
- g. **Advisory Planning Commission, Electoral Area "D" – May 25, 2021**  
*THAT the Minutes of the May 25, 2021 Advisory Planning Commission, Electoral Area "D" be received.*
- h. **Community Services Committee – June 3, 2021**  
*THAT the Minutes of the June 3, 2021 Community Services Committee meeting be received.*
- i. **Corporate Services Committee – June 3, 2021**  
*THAT the Minutes of the June 3, 2021 Corporate Services Committee meeting be received.*
- j. **Planning and Development Committee – June 3, 2021**  
This item was removed from the agenda.
- k. **RDOS Regular Board Meeting – June 3, 2021**  
*THAT the minutes of the June 3, 2021 RDOS Regular Board meeting be adopted.*

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

**IT WAS MOVED AND SECONDED**

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

---

**2. Consent Agenda – Development Services**

- a. **Development Variance Permit Application, 710 Ritchie Avenue, Electoral Area "E"**
  - i. **Permit**  
*THAT Development Variance Permit No. E2021.020-DVP, an applicaton to vary a sideyard setback at 710 Ritchie Ave. in Naramata, be approved.*
- b. **Development Variance Permit Application, 210-290 Anna Avenue, Electoral Area "E"**
  - i. **Permit**  
*THAT Development Variance Permit No. E2021.025-DVP, an application to vary the height of an accessory building at 290 Anna Ave. in Naramata, be approved.*
- c. **Temporary Use Permit Application, 251 Alder Avenue, Electoral Area "I"**
  - i. **Permit**
  - ii. **Representations**  
*This item was removed from the Consent Agenda; please refer to Item B4.*
- d. **Development Variance Permit Application, 206 Maple Avenue, Electoral Area "I"**
  - i. **Permit**
  - ii. **Representations**  
*THAT Development Variance Permit No. I2021.027-DVP, an application for rear and sideyard setbacks for a new garage, be approved.*

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

**IT WAS MOVED AND SECONDED**

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

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

1. **Petition to Enter the Electoral Area “H” Fire Protection Local Service Area – 260 Bonlin Road**
  - a. Amendment Bylaw No. 2934

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2934, 2021, being a bylaw to amend “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to include 260 Bonlin Road in the fire prevention and suppression service within a portion of Electoral Area ‘H’, be read a first, second and third time. - **CARRIED**

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2. **Agricultural Land Commission Referral (Subdivision) – 4301 McLean Creek Road, Electoral Area “D”**

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

**It was MOVED and SECONDED**

THAT the application to subdivide the parcel located at 4301 McLean Creek Road (Lot 1, Plan KAP26887, District Lots 551, 2701 & 3090, SDYD) “be authorized” to proceed to the Agricultural Land Commission. - **CARRIED**

---

3. **Zoning Bylaw Amendment, 79 Twin Lakes Road, Electoral Area “I”**
  - a. Bylaw No. 2457.20

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2457.20, 2018, a bylaw to amend the Electoral Area “I” Zoning Bylaw to rezone parts of two legal parcels to facilitate the development of the Twin Lakes Golf Resort for residential development, be adopted. - **CARRIED**

Opposed: Directors Monteith, Knodel, Gettens

---

4. **Items Removed from Consent Agenda – Development Services**
  - a. Temporary Use Permit Application, 251 Alder Avenue, Electoral Area “I”
    - i. Permit
    - ii. Representations

**It was MOVED and SECONDED**

THAT the Board of Directors deny Temporary Use Permit No. I2021.007-TUP. - **DEFEATED**  
Opposed: Directors Bush, B. Coyne, Pendergraft, Gettens, Roberts, Knodel, Kozakevich

**It was MOVED and SECONDED**

THAT Temporary Use Permit No. I2021.007-TUP, an application for a Vacation Rental at 251 Alder Ave. in Kaleden, be approved. - **CARRIED**  
Opposed: Director Monteith

---

**C. COMMUNITY SERVICES****1. Town of Oliver Request to Provide Road Rescue Service in RDOS**

- a. Letter April 27, 2021 – Johansen to Kozakevich
- b. Letter June 1, 2021 – Gaudry to Johansen

This item was deferred from the May 20, 2021 meeting to allow for feedback from the affected Fire Chiefs.

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

**It was MOVED and SECONDED**

THAT the Regional District grant authority to the Town of Oliver to provide a Road Rescue Service within the geographic boundary of the Regional District of Okanagan Similkameen along the eastern portion of Fairview Road starting from Willowbrook Road and continuing westerly to the summit at a visual road widening. - **CARRIED**

---

**D. FINANCE****1. 2020 SOFI Report**

- a. Statement of Financial Information

**RECOMMENDATION 8** (Weighted Corporate Vote – Majority)

**It was MOVED and SECONDED**

THAT the Board of Directors approve the Regional District of Okanagan-Similkameen Statement of Financial Information for the year ended December 31, 2020 pursuant to the *Financial Information Act*, Financial Information Regulation Schedule 1, subsection 9(2). - **CARRIED**

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**2. Purchase of 105 Highway 3 East, Princeton**

**RECOMMENDATION 9** (Weighted Corporate Vote – Majority)

**It was MOVED and SECONDED**

THAT the Regional District of Okanagan Similkameen authorize the expenditure of \$150,000 from the Area "H" Community Facilities Capital Reserve Fund to partner with the Town of Princeton for the purchase of 105 Highway 3 East (Legal Description Lot "A" Plan KAP72285 District Lot 10S 1822 Land District 54, PID 025-533-665) on the following conditions:

- The purchase price of the land and improvements be no more than \$300,000.
- The Vermillion Forks Metis Association, the Town of Princeton and the Regional District agree on a five (5) year lease for the operation of the improvements, with an option to purchase by VFMA, extendable for an additional five (5) years.

**CARRIED**

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### 3. City of Penticton Overhead Resolution

#### a. Overhead Report

**RECOMMENDATION 10** (Unweighted Corporate Vote – Simple Majority)

**It was MOVED and SECONDED**

THAT the Board receive the City Review of RDOS Overhead Cost Allocation and the resolution from the City of Penticton for information; and,

THAT the Penticton Report on the Regional District Overhead Allocation Policy be referred to Administration for consideration and report. - **CARRIED**

---

## E. LEGISLATIVE SERVICES

### 1. Kaleden Sewer

- a) Bylaw No. 1239.09
- b) Bylaw No. 2889
- c) Bylaw No. 2890
- d) Bylaw No. 2923

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

**It was MOVED and SECONDED**

THAT first, second and third reading of Okanagan Falls Sanitary Sewer Service Area Amendment Bylaw No. 1239.09, 2021 be rescinded and the bylaw abandoned; and,

THAT first, second and third reading of Kaleden Extension of the Okanagan Falls Sewer Service Establishment Bylaw No. 2889, 2020, be rescinded and the bylaw abandoned; and,

THAT first, second and third reading of Kaleden Extension of the Okanagan Falls Sewer Service Loan Authorization Bylaw No. 2890, 2020 be rescinded and the bylaw abandoned; and further,

THAT first, second and third reading of Kaleden Extension of the Okanagan Falls Sewer Service Capital Reserve Establishment Bylaw No. 2923, 2021, be rescinded and the bylaw abandoned.  
**CARRIED**

---

### 2. South Okanagan Conservation Fund Update

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

**It was MOVED and SECONDED**

THAT the funding approval of the Okanagan Nation Alliance Trout Creek project be extended to December 31, 2021 to allow completion of the engineer designs selected by the most recent steering committee meeting; and further,

THAT the Freshwater Fisheries Society of BC project approved for 2022 delivery be cancelled due to receiving 100% funding from another granting organization.

**CARRIED**

---

### 3. 2021 UBCM Resolutions and Convention

This item was considered at the Corporate Services Committee of June 17, 2021

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

**It was MOVED and SECONDED**

THAT the following Resolutions be submitted to the 2021 UBCM Convention for consideration:

#### *Organ Donation*

WHEREAS the population of British Columbia is 5.071 million but only 1.555 million British Columbians have registered their organ donor decision;

AND WHEREAS one organ donor can save up to 8 lives:

THEREFORE BE IT RESOLVED that UBCM request that the Province of British Columbia enact Provincial legislation whereby an individual is deemed to consent to the individual's organs and tissues being used for transplantation activities, with the inclusion of an "opt-out" provision, similar to the Presumed Consent Organ Transplant Act passed by the Province of Nova Scotia.

#### *Multi-jurisdictional Cooperation*

WHEREAS legislation does not provide regional districts authority to enforce regulatory bylaws on Crown Land and Road Rights-of-Way in Electoral Areas;

AND WHEREAS clarity on responsibility for enforcement in rural areas is required for constituents for issues that may cross federal, provincial, First Nation and/or regional district jurisdiction;

NOW THEREFORE BE IT RESOLVED that the Union of British Columbia Municipalities petition the provincial government to develop a formal multi-jurisdictional process for working in conjunction with lead agencies and governing bodies to resolve outstanding regulatory enforcement issues, by joint cooperation of the various government agencies.

#### *Housing Needs Reports*

WHEREAS Bill 18 - 2018 amended the Local Government Act (LGA) to require all local governments to complete Housing Needs Reports by April 2022, and every five years thereafter.

AND WHEREAS all local governments will have differing access to resources to undertake Housing Needs Report updates, and differing requirements for use for this information;

AND WHEREAS promoting sprawling residential development into rural areas contradicts sustainable planning principles;

THEREFORE BE IT RESOLVED that the Union of BC Municipalities petition British Columbia to amend the Local Government Act, Division 22, Section 585.11 to make Housing Needs Reports discretionary in the future, rather than mandatory.

#### *Wildfire Risk Prevention in BC Building Code*

WHEREAS the frequency and intensity of wildfire activity is a rapidly increasing hazard posing a threat to the public across the province;

AND WHEREAS certain changes to the BC Building Code are urgently needed as part of the response to reduce the risk of wildfire threat to the public;

THEREFORE BE IT RESOLVED that the Union of BC Municipalities request the Province of British Columbia to amend the BC Building Code to restrict the use of untreated wood shake roofing to reduce the risk to life and property due to wildfire activity.

**CARRIED**

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

THAT the following Meeting Requests be submitted to the 2021 UBCM Convention: ·

- § Solid Waste Update – Minister of Environment
  - BioCover Approval
  - Leachate Recovery Update
  - Organics Processing & Treatment Facility Approval and Grants ·
- § Horizontal Management – Premier Horgan
- § Ministry of Transportation and Infrastructure re derelict vehicles in Road Rights of Way

**CARRIED**

Directors Mckortoff, Johansen, Vassilaki, Sentes left the meeting.

**F. CAO REPORTS****1. Verbal Update****G. OTHER BUSINESS****1. Chair's Report****2. Board Representation**

- a. Developing Sustainable Rural Practice Communities - *McKortoff*
- b. Municipal Finance Authority – *Kozakevich (Chair), Coyne (Vice Chair, Alternate)*
- c. Municipal Insurance Association – *Kozakevich (Chair), Coyne (Vice Chair, Alternate)*
- d. Okanagan Basin Water Board - *McKortoff, Holmes, Knodel, Pendergraft (Alternate to McKortoff), Obirek (Alternate to Holmes), Monteith (Alternate to Knodel)*
- e. Okanagan Film Commission – *Gettens, Obirek (Alternate)*
- f. Okanagan Regional Library – *Monteith, Obirek (Alternate)*
- g. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Kozakevich (Alternate)*
- h. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
- i. Starling Control – *Bush, Knodel (Alternate)*
- j. Fire Chief Liaison Committee – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
- k. Intergovernmental Indigenous Joint Council – *Kozakevich, Coyne, Roberts*
- l. Okanagan-Similkameen Regional Hospital District – *Sentes, McKortoff (Alternate)*

**3. Directors Motions**

- a. Director Monteith (Unweighted Corporate Vote – Simple Majority)

THAT Finance present RDOS budgets to Directors for all services with a -2, 0, 2 and 3 percent increase at the budget committee meetings annually and that Finance present RDOS budget in a live format to allow Directors to visually see impact to each electoral area and member municipality during decision making during all budget discussions.

**It was MOVED and SECONDED**

THAT the motion be referred to Administration. – **CARRIED**

Opposed: Director Bush

**4. Board Members Verbal Update**

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**H. ADJOURNMENT**

**IT WAS MOVED AND SECONDED  
THAT the meeting adjourn. - CARRIED**

The meeting adjourned at 2:38 p.m.

APPROVED:

CERTIFIED CORRECT:

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K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Development Variance Permit Application — Electoral Area “E”

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## Administrative Recommendation:

**THAT Development Variance Permit No. E-2021.022-DVP to permit the expansion of an accessory building at 35 Robinson Road be approved.**

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Purpose: To allow for an expansion to an existing accessory building (garage).

Civic: 35 Robinson Point Road, Naramata      Legal: Lot 8, Plan KAP14874, District Lot 210, SDYD

Folio: E-00657.035      Zone: Residential Single Family One (RS1)

Variance to reduce the minimum front parcel line setback from 7.5 metres to 0.0 metres; and

Requests: to reduce the minimum interior side parcel line setback from 3.0 metres to 0.0 metres.

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## Proposed Development:

This application is seeking a variance to the front parcel line setback requirements and interior side parcel line setback that applies to the subject property in order to undertake an addition of a cantilever and roof replacement.

Specifically, it is being proposed to reduce the minimum front parcel line setback from 7.5m to 0.0 m and; to reduce the interior side parcel line setback from 3.0 m to 0.0 m.

In support of this request, the applicant has stated that “the work is being done in the allowable setbacks all work is being done to the existing structure.”

## Site Context:

The subject property is approximately 760 m<sup>2</sup> in area and is situated on the northwest side of Robinson Point Road, on the east side of Okanagan Lake, and within the west side of the Village of Naramata. The property is currently developed to a single detached dwelling and an accessory building.

The surrounding pattern of development is characterised by other similar residential, the Naramata village center and Warf Park.

## Background:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on February 18, 1965, while available Regional District records indicate that building permits were issued for a single family dwelling (1997), an enclosing existing



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detached carport (2011), a house demo down to foundation (2020), and a dwelling rebuild above foundation (2020).

Under the Electoral Area "E" Zoning Bylaw No. 2459, 2008, the property is currently zoned Residential Single Family One (RS1) which permits accessory buildings and structures.

BC Assessment has classified the property as Residential (Class 01).

The proposal is within 4.5 metres of a road reserve, and the Ministry of Transportation and Infrastructure has advised the proposal is consistent with the setback permit (# 2010-05700) issued for the building in December 15, 2010.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

**Analysis:**

In considering this proposal, Administration notes that the proposal is for minor additions to an existing structure that was granted a development variance permit in 2011.

The proposal is not anticipated to have an impact on neighbours' sightlines as the roof will be similar to existing roof lines and the proposed additions are not directly facing the abutting parcel lines.

The Zoning Bylaw's use of setback regulations is generally to provide physical separation between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding. When a parcel is also adjacent a roadway, setbacks are further employed to maintain adequate sightlines for vehicle traffic movements.

Minimum setbacks from parcel lines are used to maintain a minimum space between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

In this instance, Administration believes that the proposed additions do no impact vehicle traffic movements or impact privacy to neighbouring parcels.

Conversely, Administration recognises that this proposal increases the non-conforming of the existing building by increasing the building footprint within the setbacks, which may be precieved as over development of the parcel.

Nevertheless, and for the reasons outlined above, Administration supports the requested variances and is recommending approval.

**Alternatives:**

1. That the Board deny Development Variance Permit No. E2021.022-DVP.
2. That the Board defer consideration of the application and it be referred to the Electoral Area "E" Advisory Planning Commission.

**Respectfully submitted**

**Endorsed by:**



Attachments:

No. 1 – Site Photo (Google Streetview)

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*Colin Martin*  
Colin Martin, Planning Student

---

C. Garrish, Planning Manager

Attachment No. 1 – Site Photo (Google Streetview)





# Development Variance Permit

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FILE NO.: E2021.022-DVP

Owner:

Agent:

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 8, Plan KAP14874, District Lot 210, SDYD

Civic Address: 35 Robinson Point Road

Parcel Identifier (PID): 008-925-887 Folio: E-00657.035

## CONDITIONS OF DEVELOPMENT

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

- i) from: 7.5 metres  
to: 0.0 metres to the outermost projection as shown on Schedule 'B'.
- b) the minimum side parcel line setback for an accessory building in the Residential Single Family One (RS1) Zone, as prescribed in Section 11.1.6(b)(iv), is varied:
  - i) from: 3.0 metres  
to: 0.0 metres to the outermost projection as shown on Schedule 'B'.

#### COVENANT REQUIREMENTS

7. Not Applicable

#### SECURITY REQUIREMENTS

8. Not applicable

#### EXPIRY OF PERMIT

9. 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 \_\_\_\_\_, 2021.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

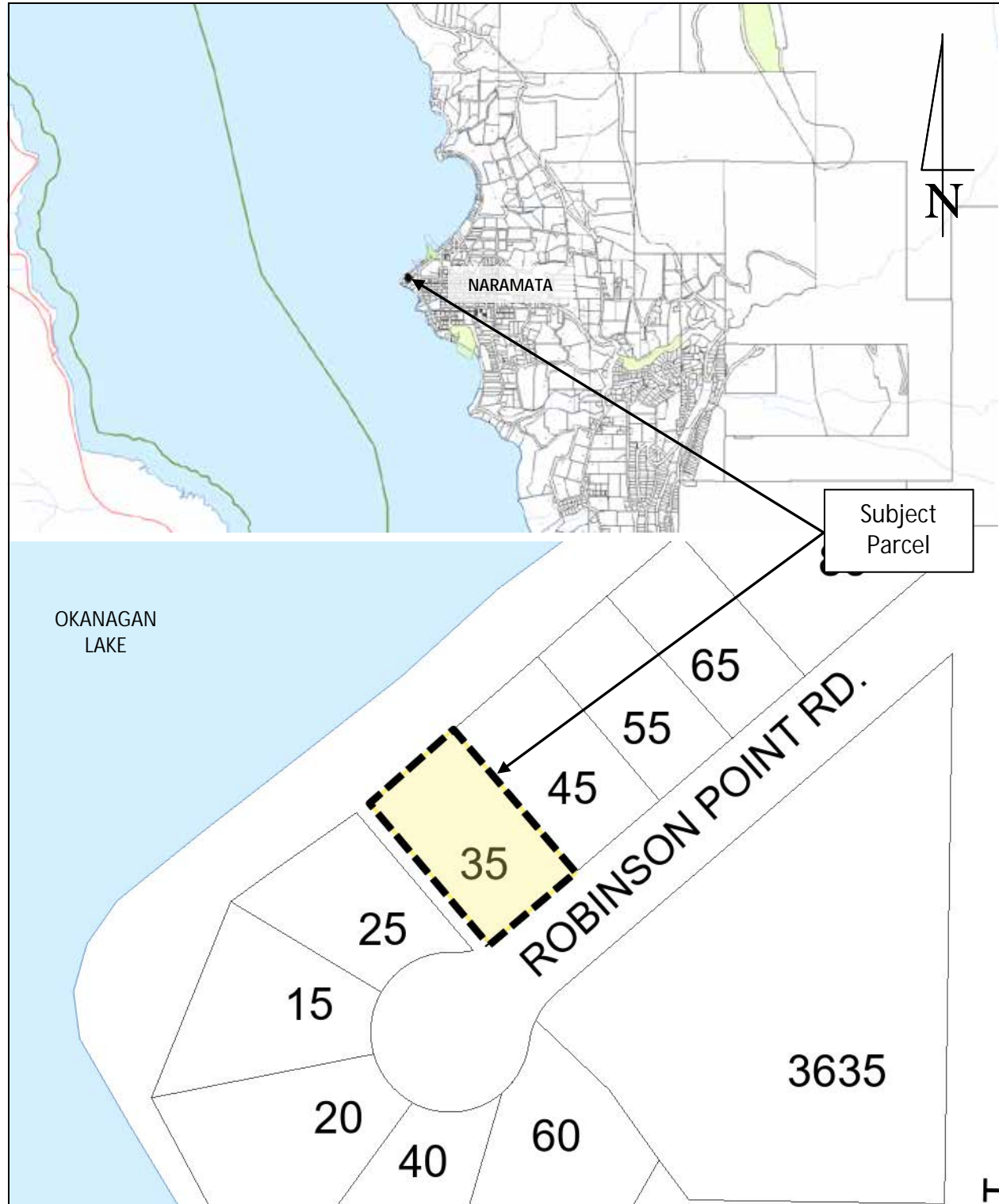
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2021.022-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

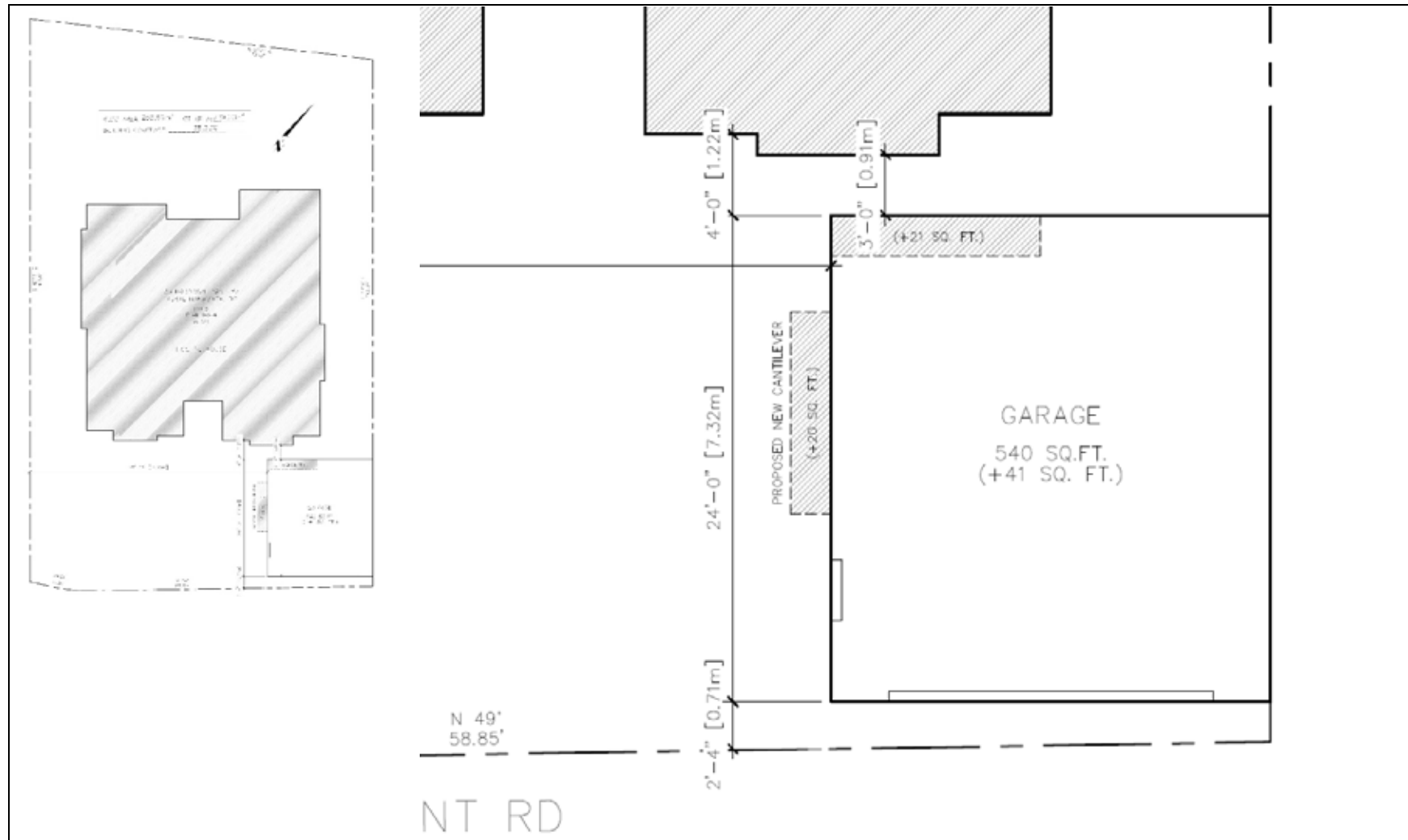
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2021.022-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

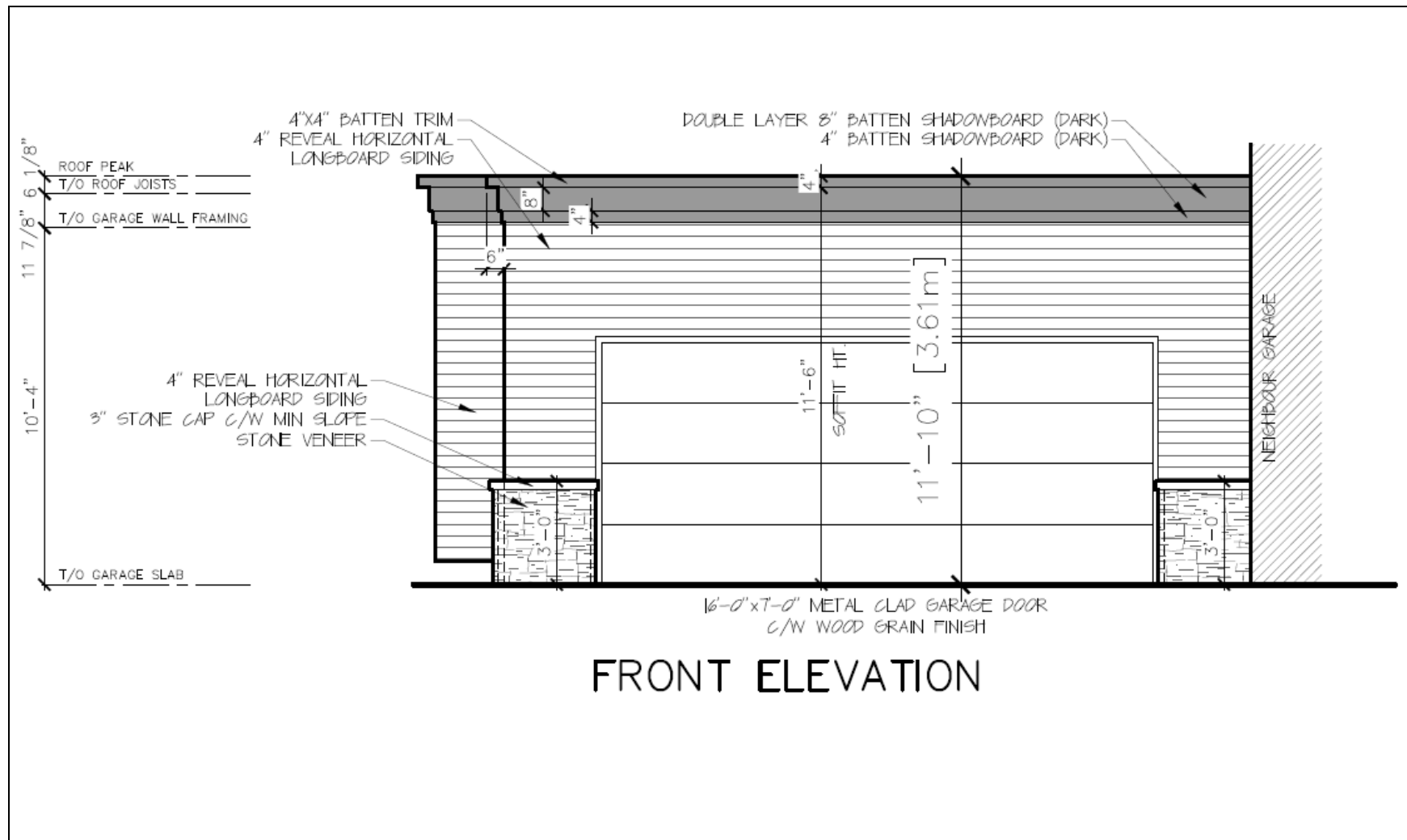
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2021.022-DVP

Schedule 'C'





# Regional District of Okanagan-Similkameen

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

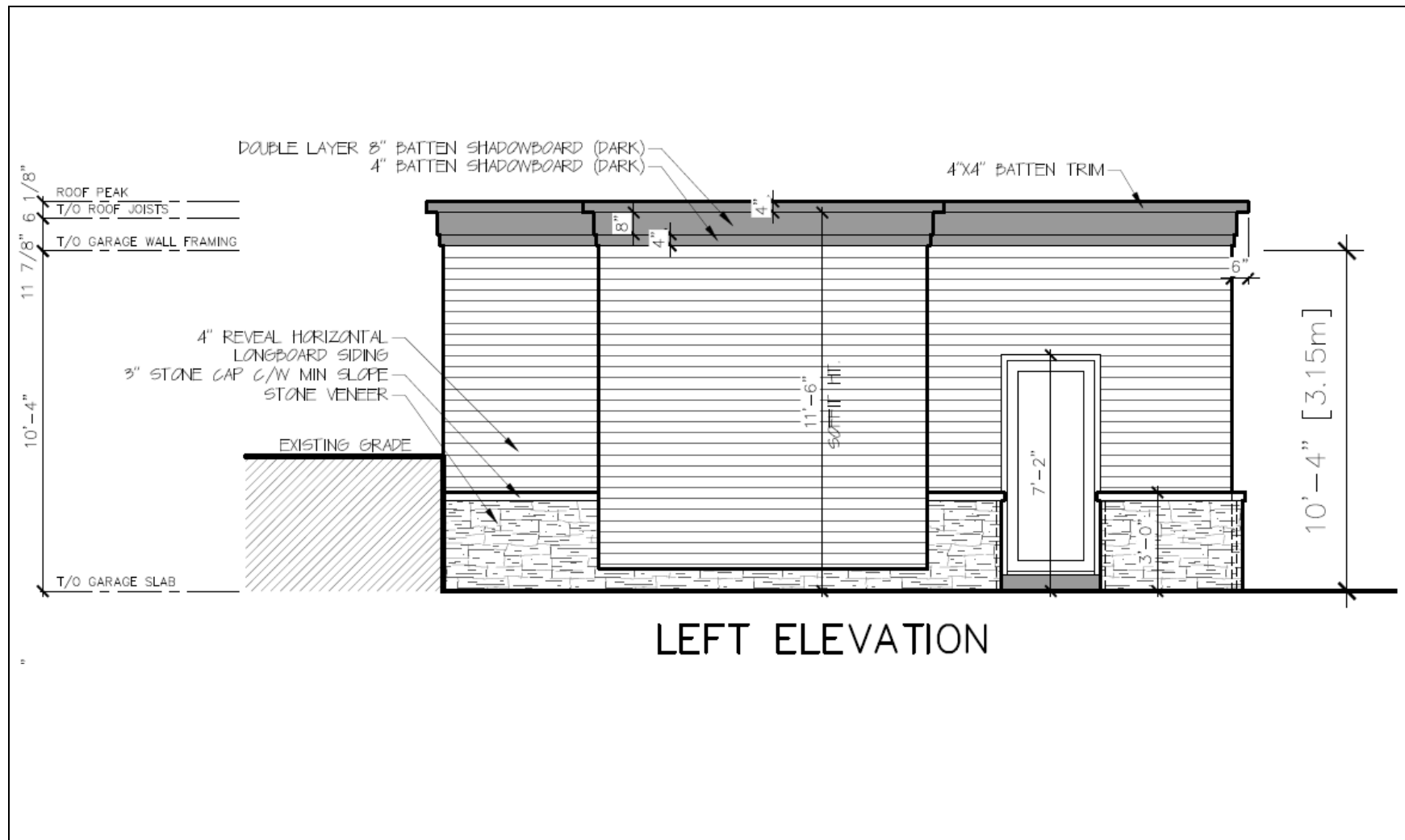
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. E2021.022-DVP

Schedule 'D'



# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Development Variance Permit Application — Electoral Area "F"

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## **Administrative Recommendation:**

**THAT Development Variance Permit No. F2021.026-DVP to allow for an over-height garage in a front setback area at 1135 Jonathon Drive be denied.**

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Purpose: to allow for an over-height garage in a front setback area.

Civic: 1135 Jonathon Drive                      Legal: Lot C, Plan KAP43732, District Lot 5145, ODYD

Folio: F-07465.120                                  Zone: West Bench Small Holdings (SH6)

Variance reduce the minimum front parcel line setback from 9.0 metres to 3.37 metres; and

Requests: increase the maximum height from 4.5 metres to 7.26 metres.

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## **Proposed Development:**

This application is seeking a number variances in order to facilitate the construction of a garage that can accommodate a lifted roof handicap vehicle.

Specifically, it is being proposed to vary the following zoning regulations for an accessory building or structure:

- reduce the minimum front parcel line setback from 9.0 metres to 3.37 metres; and
- increase the maximum height from 4.5 metres to 7.26 metres.

In support of this request, the applicant has stated that " the requested variance will only minimally be outside of bylaw requirements as it is a garage addition that will match the look of the house." They have further advised that the proposed garage is to accommodate a lifted roof handicap vehicle so that it does not have to be stored outside in the winter for wheelchair access as the applicants have indicated that the vehicle would not fit in a standard height garage.

## **Site Context:**

The subject property is situated in a cul-de-sac at the end of Jonathon Drive and is approximately 2089 m<sup>2</sup>. The property currently contains a single family dwelling with an attached garage

Surrounding land uses are predominantly Penticton Indian Band land to the North and West and Administration and Open Space and West Bench Small Holdings properties to the East and South.

## **Background:**

The current boundaries of the subject property date to a plan of subdivision that was deposited with the Land Title Office in Kamloops on September 26, 1990. Available Regional District records indicate

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that building permits have previously been issued for a single family dwelling (1991), a house addition (n.d.) and a garage addition (2002).

Under the Electoral Area "F" Official Community Plan (OCP) Bylaw No. 2790,2018, the property is Small Holdings (SH), and is subject to a Watercourse Development Permit (WDP) Area.

Under the Electoral Area "F" Zoning Bylaw No. 2781, 2017, the property is zoned West Bench Small Holdings (SH6), which lists accessory buildings and structures as a permitted accessory use.

BC Assessment has classified the property as Residential (Class 01), and does not possess a geotechnical hazard rating as it is outside the study area of the Klohn Leonoff Report.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until the commencement of the regular Board meeting. Any comments will be on the agenda as separate item.

**Analysis:**

Setbacks

The purpose of minimum setbacks as set out in the Zoning Bylaw, is to provide a physical separation between the road and a building to manage traffic and pedestrian safety, maintain an attractive streetscape, mitigate overshadowing or loss of privacy of neighbouring properties, encourage open and landscaped areas along roadways, and contain development impacts on the property.

Further, minimum setbacks from parcel lines are used to maintain a minimum space between houses in a residential neighbourhood to allow access to sunlight, to provide separation for fire safety or to mitigate nuisances (like noise) that might come from an adjacent building.

Additionally, allowing for the development of accessory structures within a front setback is considered to represent poor streetscape design and is generally not representative of other development found on Jonathon Drive.

In this instance, Administration notes that there are no other accessory structures sited within the front setback on this cul-de-sac. Similarly, there are also no over-height as significantly as the one proposed.

The proposed garage will adversely impact the streetscape of this neighbourhood and, given its height (discussed below), *may* impact the views of adjacent properties.

Building Height

Regulating the height of accessory structures through the Zoning Bylaw is done to ensure that a building does not impact the shade and outdoor privacy of adjacent properties, or views to significant landmarks, water bodies or other natural features.

Building height is also an important component of the built form of a neighbourhood and, depending upon the location of an accessory structure (i.e. near a street frontage) an excessive height can have an impact upon established streetscape characteristics.

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The intent of the lesser height allowance for accessory structures is to ensure they remain subordinate to the principle residential (dwelling) use and don't become used for other, un-related purposes not permitted by zoning (i.e. home industry).

In this instance, Administration notes that the requested height variance represents a significant increase of more than 60% over what is currently permitted (i.e. 7.26 metres vs. 4.5 metres) and its close proximity to Jonathan Drive will make it a prominent feature on the property and the streetscape.

Administration is aware that the outdoor storage of over-sized vehicles is a concern in the West Bench, the development of over-sized accessory structures is an equally important concern that was expressed during the public consultation undertaken in support of the new Official Community Plan Bylaw.

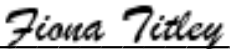
There is also a concern that large accessory buildings, like the one proposed, may be converted to an accessory dwelling or for living/sleeping facilities (bedroom) in the future or for a home industry use, both of which are not permitted in the SH6 zone.

For these reasons outlined above, Administration does not support the requested variances.

**Alternatives:**

1. That the Board approve Development Variance Permit No. F2021.026-DVP; OR
2. That the Board defer consideration of the application and it be referred to the Electoral Area "F" Advisory Planning Commission.

**Respectfully submitted**

  
\_\_\_\_\_

F. Titley, Planner I

**Endorsed by:**

  
\_\_\_\_\_

C. Garrish, Planning Manager

Attachments: No. 1 – Site Photo (Google Streetview)

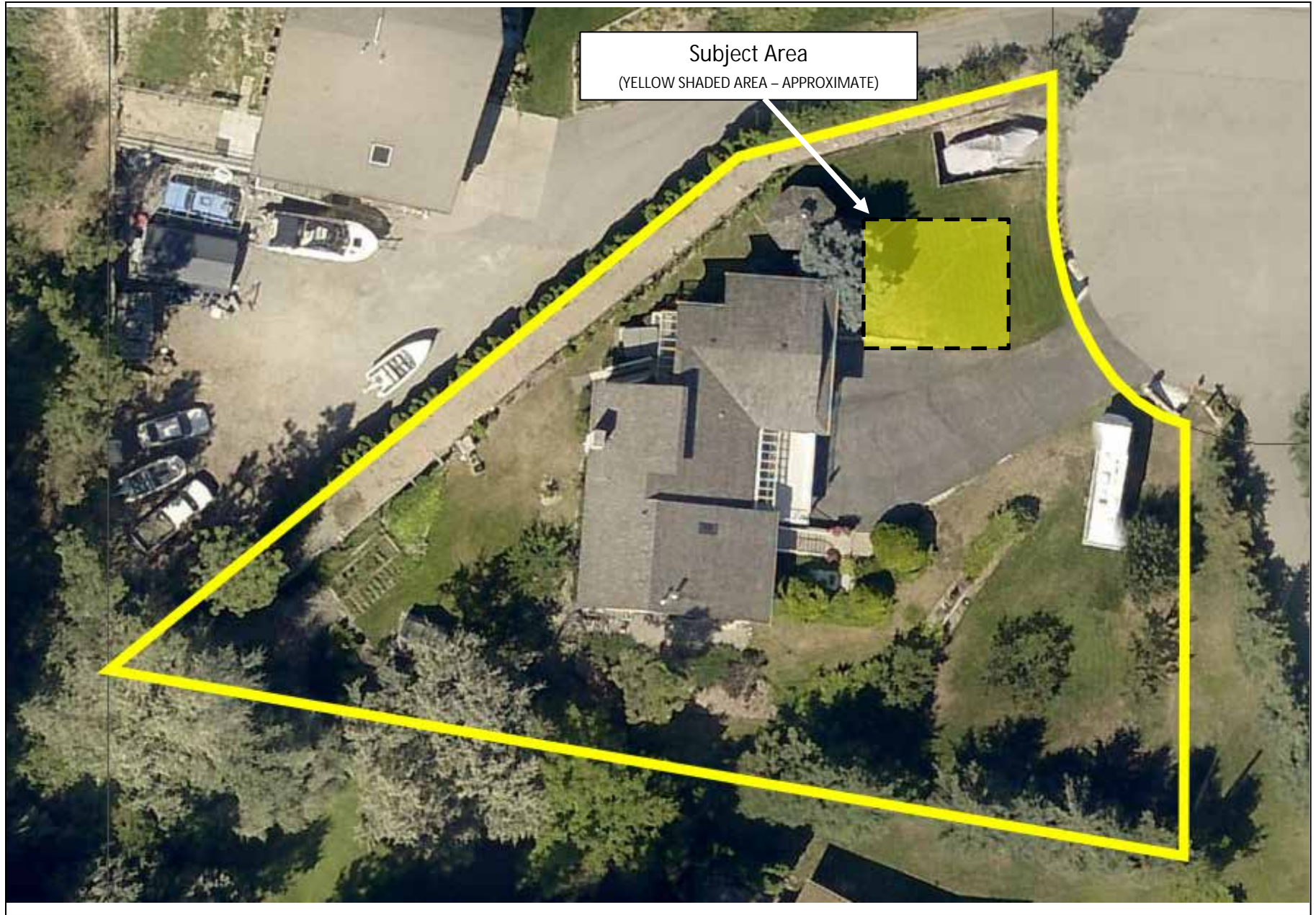
No. 2 – Aerial Photo (2017)

No. 3 – Elevation of Proposed Garage at Jonathon Drive Street Frontage

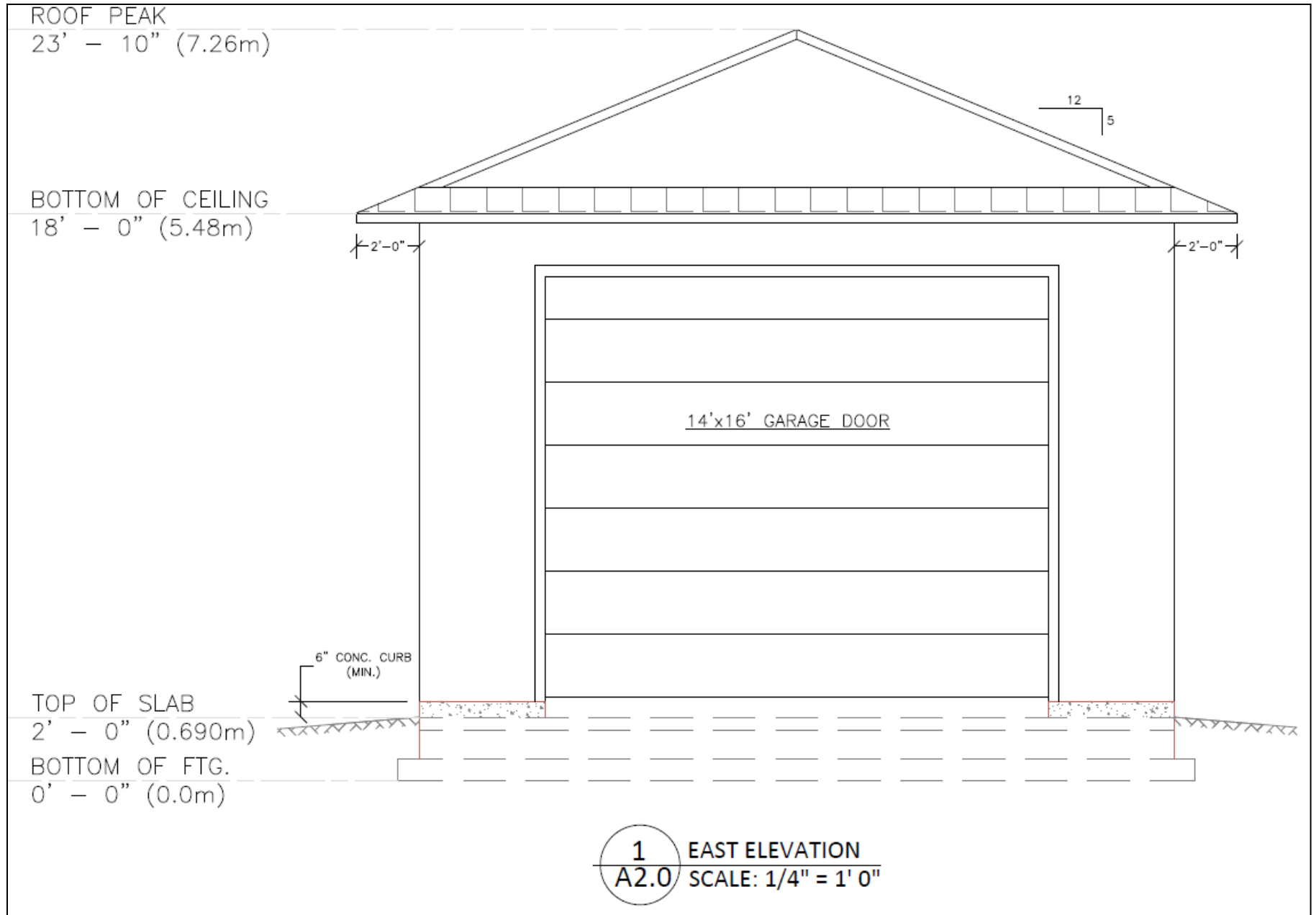
Attachment No. 1 – Site Photo



Attachment No. 2 – Aerial Photo



Attachment No. 3 – Elevation of Proposed Garage at Jonathon Drive Street Frontage





# Development Variance Permit

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FILE NO.: F2021.026-DVP

Owner:

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot C, Plan KAP43732, District Lot 5145, ODYD

Civic Address: 1135 Jonathon Drive

Parcel Identifier (PID): 016-439-856 Folio: F-07465.120

## 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. 2781,2017, in the Regional District of Okanagan-Similkameen:
  - a) the minimum front parcel line setback for an accessory building in the West Bench Small Holdings (SH6) Zone, as prescribed in Section 10.9.6(b)(i), is varied:
    - i) from: 9.0 metres



- to: 3.37 metres to the outermost projection as shown on Schedule 'B'.
- b) the maximum height for an accessory building in the West Bench Small Holdings (SH6) Zone, as prescribed in Section 10.9.7(b), is varied:
  - i) from: 4.5 metres
  - to: 7.26 metres, as shown on Schedule 'C'.

#### COVENANT REQUIREMENTS

7. Not Applicable

#### SECURITY REQUIREMENTS

8. Not applicable

#### EXPIRY OF PERMIT

9. 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 \_\_\_\_\_, 2021.

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B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

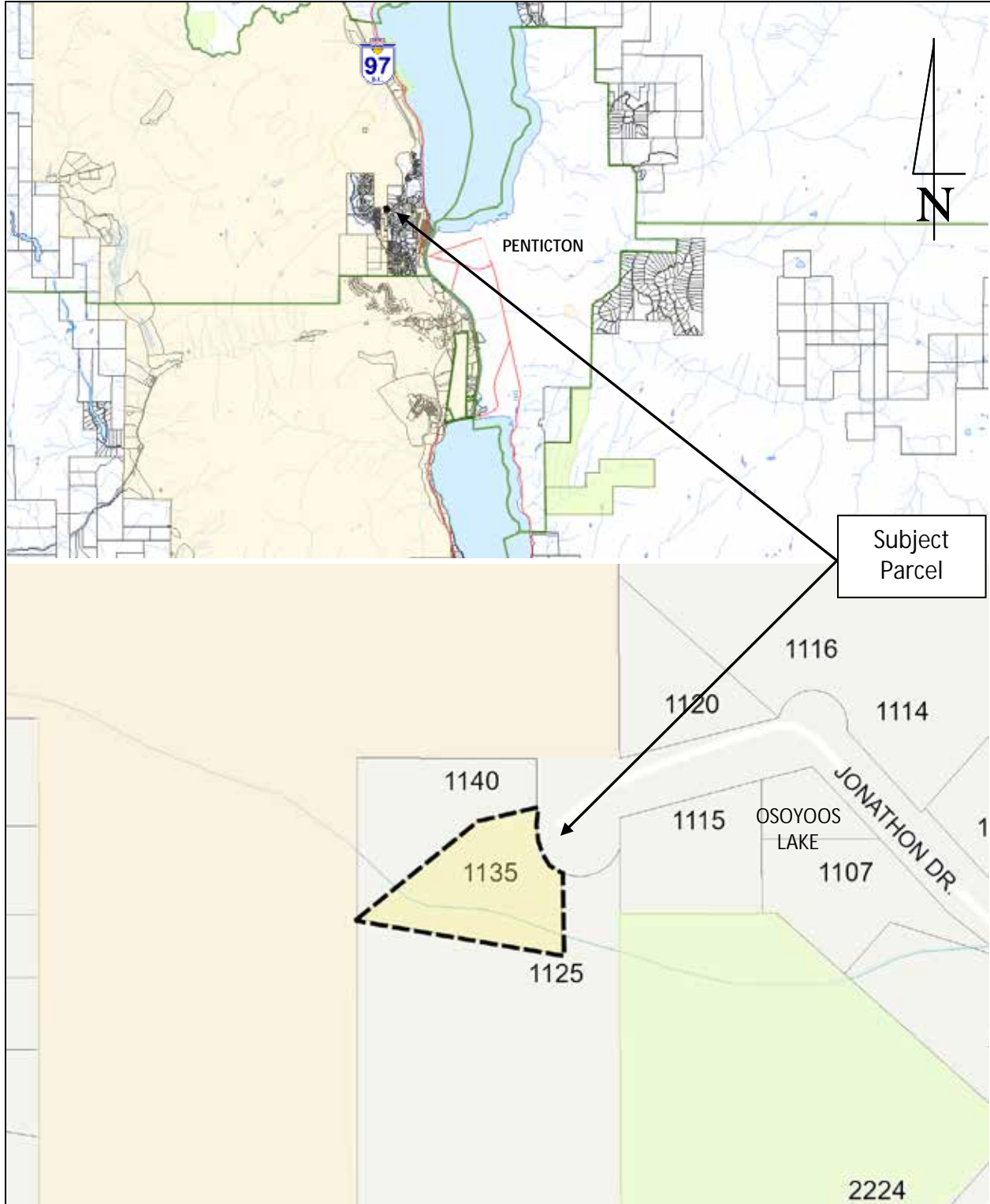
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. F2021.026-DVP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

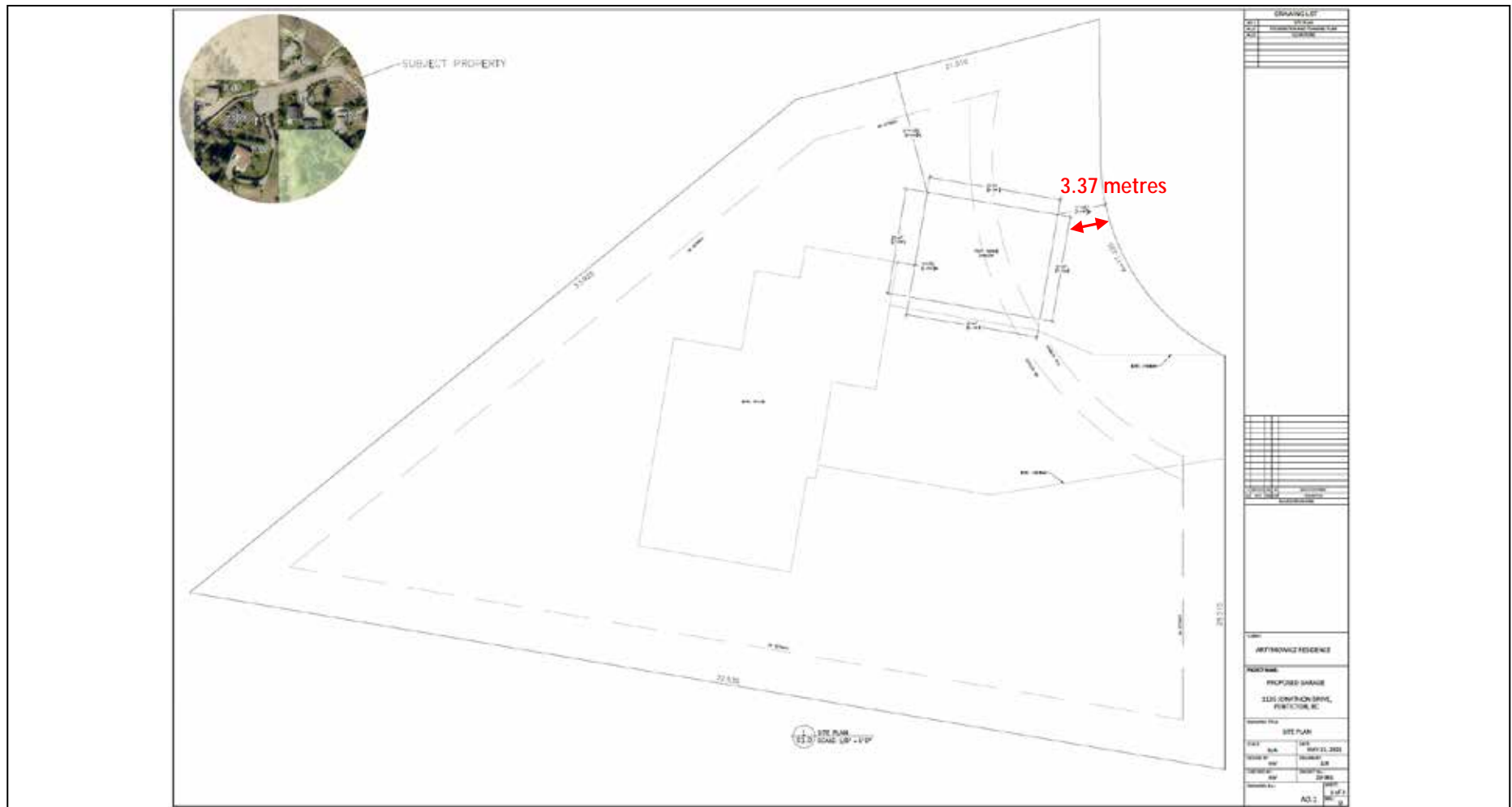
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. F2021.026-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

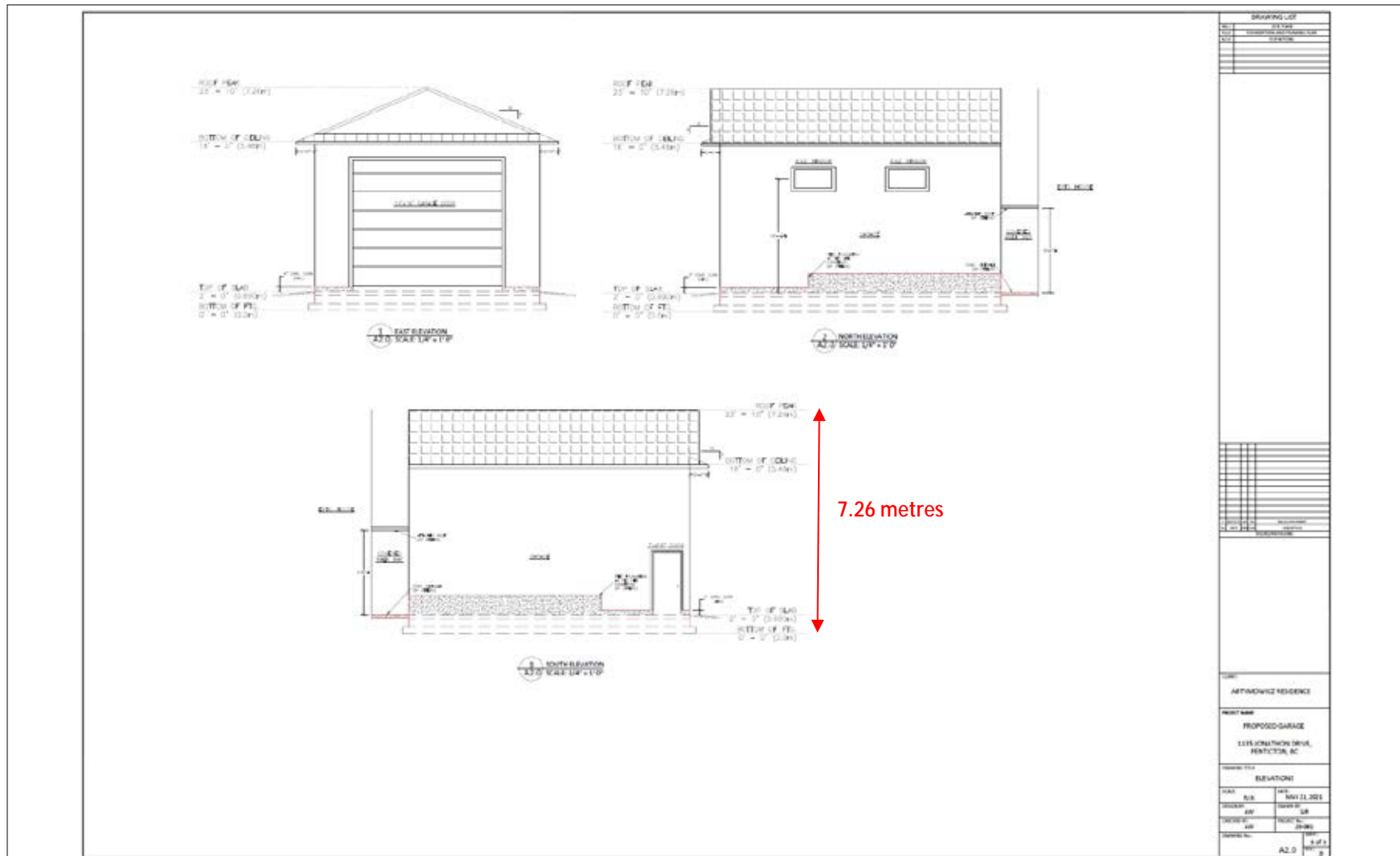
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)

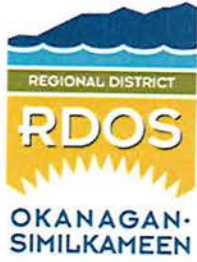


Development Variance Permit

File No. F2021.026-DVP

## Schedule 'C'





# Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: F2021.026-DVP

FROM: Name: Eva Durance \_\_\_\_\_  
(please print)

Street Address: Jonathan Dr. Penticton, BC V2A 8Z6

RE: Development Variance Permit (DVP) Application  
1135 Jonathon Drive, Electoral Area "F"

My comments / concerns are:

- I do support the proposed variances at **1135 Jonathon Drive**
- I do support the proposed variances at **1135 Jonathon Drive**, subject to the comments listed below.
- xx  I do not support the proposed variances at **1135 Jonathon Drive**.

All written submissions will be considered by the Regional District Board

- The proposed variances are both significant changes to the current standards of setback and height of accessory buildings. As well, the property is on a small cul-de-sac and the existing buildings, driveway, and boat parking already cover a large part of the land. The erection of the proposed garage would mean that almost the whole of the visible land is 'hardscaped', a serious detraction from the look of this semi-rural residential area.
- The house already has two garages, the main one of which is under the top storey and with direct connection to the house. The van for the wheelchair fits into the existing main garage. The plan for another, much larger, garage does not show any such direct house connection so the argument that it is needed so that a wheelchair and occupant can be put in and taken out of the van in the garage doesn't make sense.
- Since the current van for carrying the wheelchair and occupant (their daughter I believe) fits into the current garage, I cannot see a need for one 7.26 m high and the dimensions shown in the plans. The need is for one person, not a number of disabled people and sympathetic as I am for my neighbours, I cannot support such a drastic, and very likely unnecessary, change to the neighbourhood.
- Besides the permanent negative change to the view and whole look of the area for the other properties on the cul-de-sac, the disruption from the construction would be massive. The

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.

construction of a similar-sized garage two properties north of me from last February to early June was serious enough , but that was nothing compared to what this would be for everyone along the west end of Jonathan Dr. and especially those of us living on the cul-de-sac.

5. I trust that the Board will turn down this variance application and building plan as being inappropriate for the location. As an aside, I wonder whether the owners, who I know and like, have considered that such an addition to their house might lower, not increase, its value. That would be an unfortunate unforeseen consequence.

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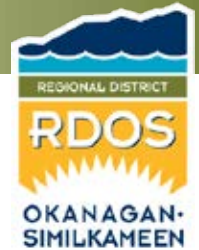
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Feedback Forms must be submitted to the RDOS office prior to the Board meeting upon which this DVP application is considered.

All representations will be made public when they are included in the Board Agenda.

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Temporary Use Permit Application – Electoral Area “E”

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### Administrative Recommendation:

**THAT Temporary Use Permit No. E2021.012-TUP to permit a tourist cabin containing kitchen facilities on the Chute Lake Lodge property at 9540 Chute Lake Road be approved.**

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### Proposed Development:

This application is seeking to permit a tourist cabin containing kitchen facilities on the Chute Lake Lodge property at 9540 Chute Lake Road, through the issuance of a Temporary Use Permit (TUP), to be valid for 3 years.

In support of this proposal, the applicant has stated that:

*We plan to build one all season cabin this year that is a two bedroom with full bathroom and kitchen facilities. The cabin is situated on the private property ... There is a public demand for high end cabin rentals and we plan to build 5 of these on the private property. We do not know how successful this concept will be post Covid and want to construct one unit now as we have already purchased the materials. We have submitted a rezoning and community plan amendment combination in conjunction with this temporary use permit application. We need to build this summer and fall before the winter snow comes to test the market.*

### Site Context:

The subject property is approximately 17.7 ha in area and is situated on the west side of Chute Lake Road. It is understood that the parcel is comprised of a tourist accommodation, including existing cabins, lodge and various accessory structures.

The surrounding pattern of development is generally characterised by undeveloped forested lands.

### Background:

It is unknown when the property was created, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area “E” Official Community Plan (OCP) Bylaw No. 2458, 2008, the subject property is currently designated Commercial Tourist (CT).

Section 22.3 of Electoral Area “E” OCP Bylaw establishes the following criteria in evaluating a Temporary Use Permit application:

- The use must be clearly temporary or seasonal in nature;
  - Compatibility of the proposal with adjacent uses;
-

- 
- Impact of the proposed uses on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
  - Intensity of the proposed use;
  - Opportunity to conduct the proposed use on land elsewhere in the community; and
  - The remedial measures to be carried out to mitigate any damage to the natural environment as result of the temporary use.

Under the Electoral Area "E" Zoning Bylaw No. No. 2459, 2008, the property is currently zoned Tourist Commercial (CT1), which provides for tourist accommodations and tourist cabins.

Tourist cabin normally excludes kitchen facilities, and is defined in the bylaw as "the use of land for a detached building containing a maximum of one sleeping unit used exclusively for tourist accommodation for the temporary accommodation of the traveling public, and may include washroom facilities."

BC Assessment has classified the property as part "Residential" (Class 01), part "Business" (Class 06) and part "Recreation" (Class 09).

The applicant has also been in discussions with the RDOS about a potential future rezoning and OCP amendment for the entirety of Chute Lake Lodge, which includes the subject property and additional surrounding lands. The general purpose of this would be to formalize Chute Lake Lodge and facilitate future expansion, as indicated future use on the concept plan provided.

#### **Public Process:**

On June 17, 2021, a Public Information Meeting (PIM) was held electronically and was attended by approximately no members of the public.

At its meeting of June 14, 2021, the Electoral Area "E" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application 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. Any comments will be on the agenda as separate item.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

#### **Analysis:**

In considering this proposal, Administration notes that the Chute Lake Lodge has a lengthy history of providing commercial tourist accommodations and recreational opportunities to the public, which predates the Regional District's existence.

Through extensive meetings and site visits, it is also apparent to Administration that the applicant's intent is to continue to operate Chute Lake Lodge as a commercial tourist accommodation, which is an allowable use under its existing CT1 zone.

It is highly unlikely that a cabin in this location would be utilized as a long-term residence, given the well-established commercial nature of Chute Lake Lodge and precedence of providing short-term tourist accommodations and recreational opportunities to the public for several decades.



---

It is also noted that the lodge and proposed cabin are in a remote location, with the adjacent neighbouring property being forested Crown land.

In terms of impact of the proposed uses on the natural environment, Administration notes that the cabin would not be located in an Environmentally Sensitive Development Permit Area, and that a single cabin would not pose a significant impact on the local environment.

In addition, the applicant has a documented history of stewardship, investing significant personal time and resources to clean up and remediate the subject property and adjacent Crown lands since purchasing the lodge.

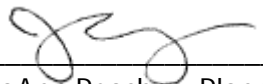
Conversely, Administration recognises that the definition for “cabin” in the Electoral Area “E” Zoning Bylaw No. 2459, 2008 does not allow for a kitchen facility. The reason for this is to distinguish between cabins and residences, and to ensure a use which is intended as a short-term commercial accommodation does not evolve into a long-term residence.

In summary, Administration supports the application, and recommends that the APC recommends to the RDOS Board of Directors that the proposed temporary use be approved.

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. E2021.012-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. E2021.012-TUP for the following reasons:
  - i) *TBD*

**Respectfully submitted:**

  
\_\_\_\_\_  
JoAnn Peachey, Planner I

**Endorsed By:**

  
\_\_\_\_\_  
C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List  
No. 2 – Applicant’s Site Photo

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, regarding Temporary Use Permit No. E2021.012-TUP:

<input type="radio"/>	Agricultural Land Commission (ALC)	<b>p</b>	Fortis
<b>p</b>	Interior Health Authority (IHA)	<input type="radio"/>	City of Penticton
<input type="radio"/>	Ministry of Agriculture	<input type="radio"/>	District of Summerland
<input type="radio"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="radio"/>	Town of Oliver
<input type="radio"/>	Ministry of Municipal Affairs & Housing	<input type="radio"/>	Town of Osoyoos
<b>p</b>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<input type="radio"/>	Town of Princeton
<input type="radio"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="radio"/>	Village of Keremeos
<input type="radio"/>	Ministry of Jobs, Trade & Technology	<input type="radio"/>	Okanagan Nation Alliance (ONA)
<input type="radio"/>	Ministry of Transportation and Infrastructure	<b>p</b>	Penticton Indian Band (PIB)
<input type="radio"/>	Integrated Land Management Bureau	<input type="radio"/>	Osoyoos Indian Band (OIB)
<input type="radio"/>	BC Parks	<input type="radio"/>	Upper Similkameen Indian Band (USIB)
<input type="radio"/>	School District #53 (Areas A, B, C, D & G)	<input type="radio"/>	Lower Similkameen Indian Band (LSIB)
<input type="radio"/>	School District #58 (Area H)	<input type="radio"/>	Environment Canada
<input type="radio"/>	School District #67 (Areas D, E, F, I)	<input type="radio"/>	Fisheries and Oceans Canada
<input type="radio"/>	Central Okanagan Regional District	<input type="radio"/>	Canadian Wildlife Services
<input type="radio"/>	Kootenay Boundary Regional District	<input type="radio"/>	OK Falls Irrigation District
<input type="radio"/>	Thompson Nicola Regional District	<input type="radio"/>	Kaleden Irrigation District
<input type="radio"/>	Fraser Valley Regional District	<input type="radio"/>	X Irrigation District / improvement Districts / etc.
<b>p</b>	Naramata Volunteer Fire Department		

Attachment No. 2 – Applicant's Site Photo





# TEMPORARY USE PERMIT

---

FILE NO.: E2021.012-TUP

Owner:

Agent:

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: District Lot 511S, SDYD

Civic Address: 9540 Chute Lake Road

Parcel Identifier (PID): 006-691-285 Folio: E-03150.000

## TEMPORARY USE

6. In accordance with Section 22.0 of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, the land specified in Section 5 may be used for a "tourist cabin", as defined in the Electoral Area "E" Zoning Bylaw, and may also include kitchen facilities.

**CONDITIONS OF TEMPORARY USE**

- 7. The tourist cabin use of the land is subject to the following conditions:
  - a) the tourist cabin must be used exclusively for the temporary accommodation (maximum of 30 days) for the traveling public;
  - b) all operations must comply with any applicable Provincial and Federal protocols regarding COVID-19.

**COVENANT REQUIREMENTS**

- 8. Not applicable.

**SECURITY REQUIREMENTS**

- 9. Not applicable.

**EXPIRY OF PERMIT**

- 10. This Permit shall expire on July 8, 2024.

Authorising resolution passed by Regional Board on \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

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

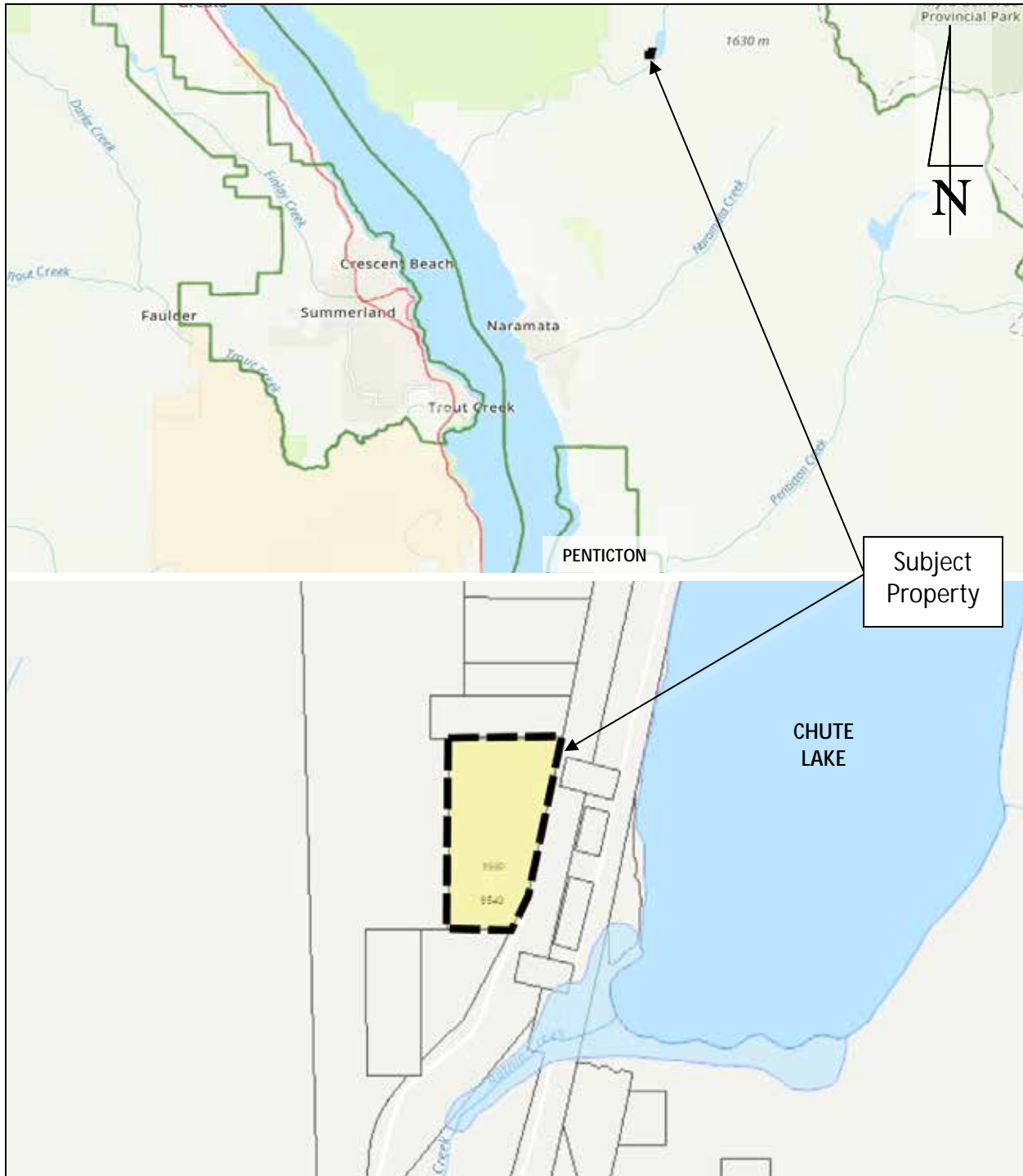
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. E2021.012-TUP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. E2021.012-TUP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

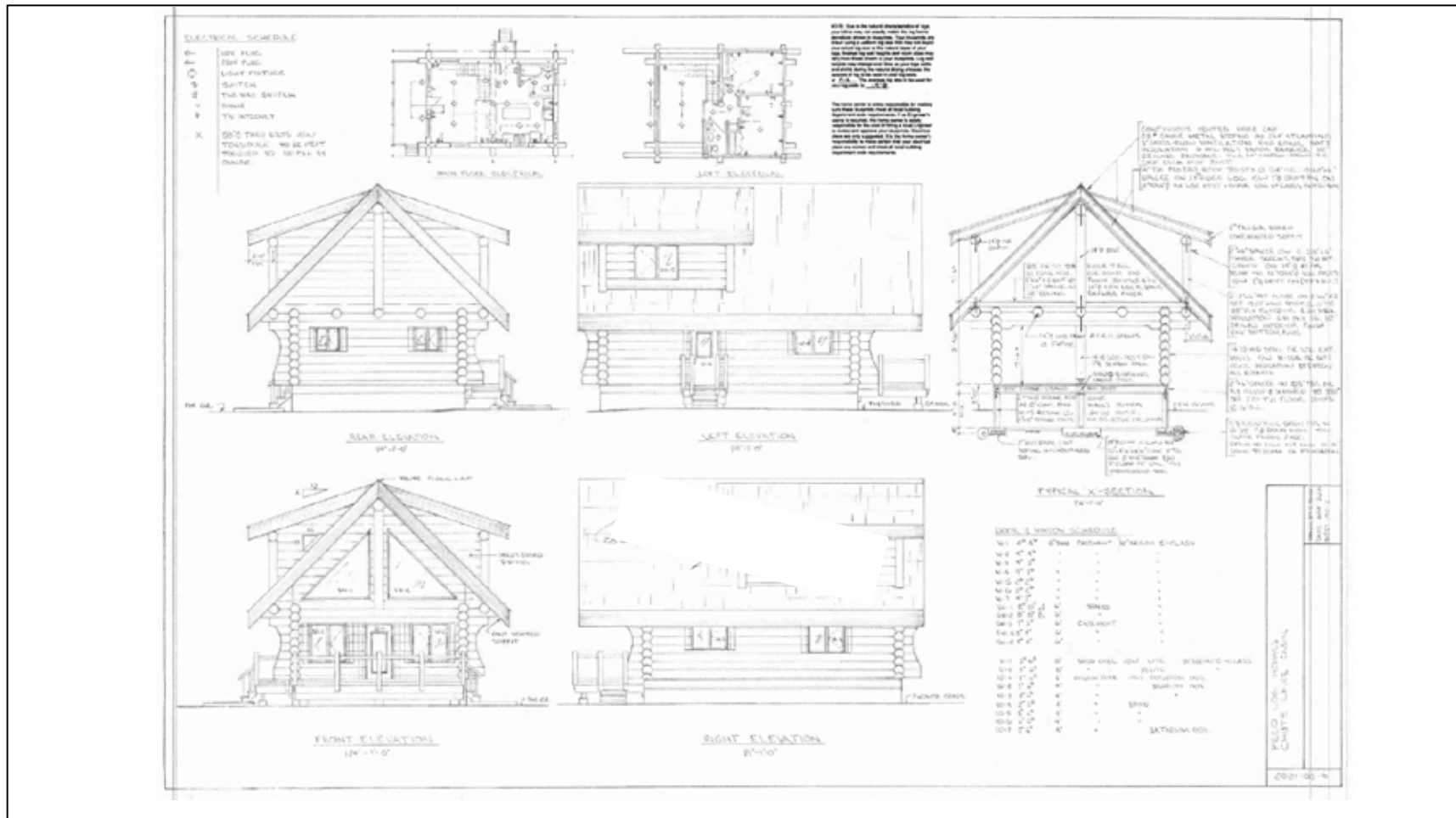
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. E2021.012-TUP

## Schedule 'C'





# Regional District of Okanagan-Similkameen

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

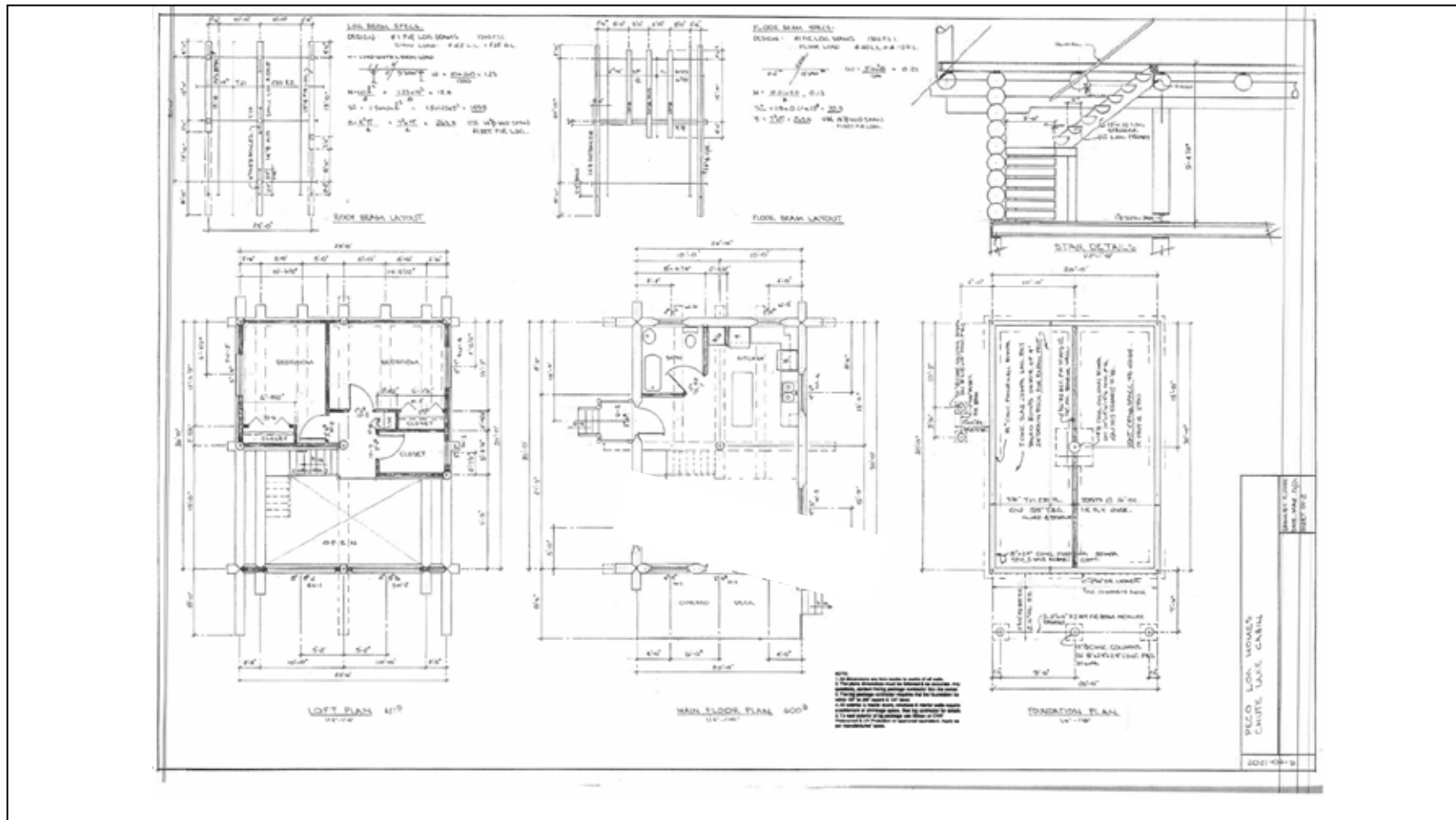
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. E2021.012-TUP

## Schedule 'D'



# Regional District of Okanagan-Similkameen

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

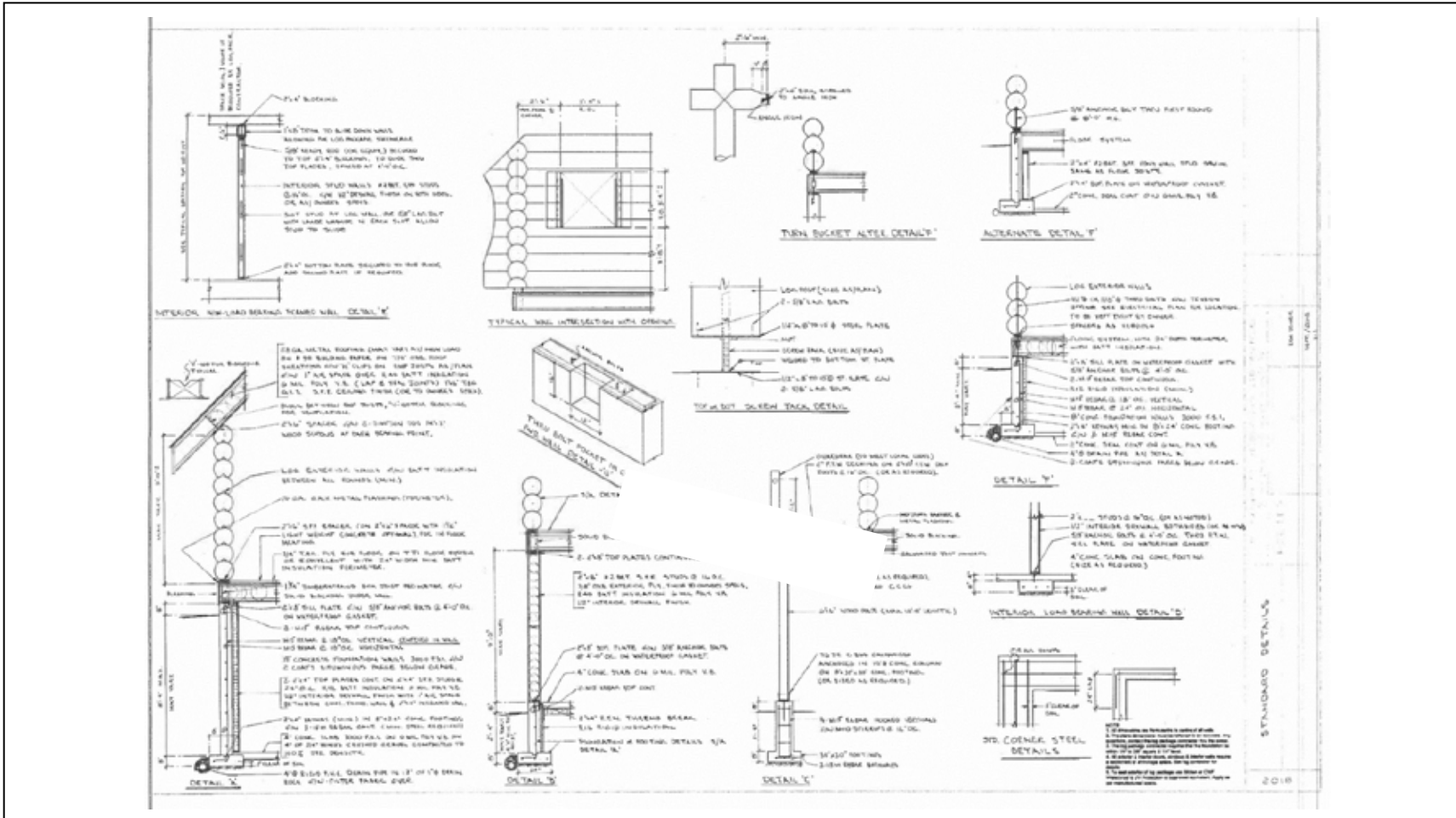
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. E2021.012-TUP

## Schedule 'E'



## Lauri Feindell

---

**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** June 28, 2021 12:46 PM  
**To:** Planning  
**Subject:** Chute Lake Rd, 9540, RDOS (E2021.012-TUP)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities within the boundary of the adjacent parcel to the east. All costs and land right requirements associated with changes to the existing servicing are the responsibility of the applicant.

For any changes to the existing service, the applicant must contact an FBC(E) designer as noted below for more details regarding design, servicing solutions, and land right requirements.

**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

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.

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,

**Steve Danielson, AACI, SR/WA**

**Contract Land Agent | Property Services | FortisBC Inc.**

2850 Benvoulin Rd

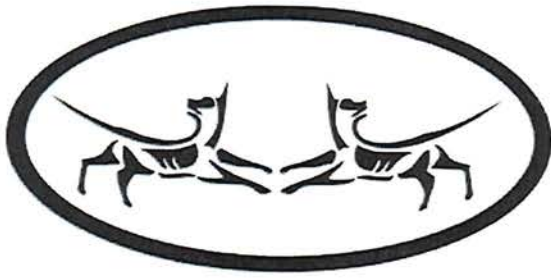
Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

[FBCLands@fortisbc.com](mailto:FBCLands@fortisbc.com)





**Pentiction Indian Band**  
Natural Resources Department  
841 Westhills Drive | Pentiction, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

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**Project Name:**

Temporary Use Permit - Referral E2021.012-TUP (Chute Lake)

**FN Consultation ID:**

L-210602-E2021-012-TUP

**Consulting Org Contact:**

Lauri Feindell

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Tuesday, June 22, 2021

**Company Project ID (province/proponent ID):**

E2021.012-TUP

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

Attention: Lauri Feindell,

We are in receipt of the above referral. The proposed activity is located within syilx (Okanagan) Nation Territory and the Pentiction Indian Band (PIB) Area of Interest. All lands and resources within the vicinity of the proposed project are subject to our unextinguished Aboriginal Title and Rights. The Pentiction Indian Band has now had the opportunity to review the proposed project. Our preliminary office review has indicated the proposed project is located within an area of cultural significance and has the potential to impact PIB tmx<sup>w</sup>ulax<sup>w</sup>(lands), siw<sup>+</sup>k<sup>w</sup> (water, the lifeblood of the land) and syilx cultural heritage. Our tmx<sup>w</sup>ulax<sup>w</sup> and siw<sup>+</sup>k<sup>w</sup> are sacred to the syilx nation and it is PIB's responsibility to take care of all lands, waters and living things within the PIB Area of Interest.

As the proposed activity has the potential to impact irreplaceable syilx cultural heritage, the PIB is requiring a Cultural Heritage Resource Assessment be undertaken by qualified PIB Cultural Heritage Technicians to determine the nature and extent of any potential impacts. The PIB CHRA process involves in-field pedestrian surveys using either systematic or judgmental site sampling techniques undertaken by qualified PIB Technicians to assess the archaeological, cultural, and environmental resource potential of the study area, and to identify the need for project modifications and/or appropriate scope of further field studies if required.

In addition, the PIB is requesting any studies or assessments completed within the proposed project area.

The Pentiction Indian Band makes information-based decisions and without a CHRA and requested further information, we do not have enough information on potential impacts to syilx cultural heritage. Therefore, if our requirements are not fulfilled, we will have no other option but to reject the proposed project.

Please note that our participation in the referral and consultation process does not define or amend PIB's Aboriginal Rights and Title, or limit any priorities afforded to Aboriginal Rights and Title, nor does it limit the positions that we may take in future negotiations or court actions.

Please contact me at your earlier convenience to discuss.

limləmt,

Maryssa Bonneau  
Referrals Coordinator  
Natural Resources Department  
Penticton Indian Band  
W: 250-492-0411  
C: 250-486-3241  
[Referrals@pib.ca](mailto:Referrals@pib.ca)

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## RESPONSE SUMMARY

### TEMPORARY USE PERMIT NO. E2021.012-TUP

Approval Recommended for Reasons  
Outlined Below

Interests Unaffected

Approval Recommended Subject to  
Conditions Below

Approval Not Recommended  
Due to Reasons Outlined Below

An Authorized Person, under the BC Sewerage System Regulation, should inspect the existing sewerage system that the proposed cabin will tie into to determine if it can handle the increased flows, meets today's standard, and is in good working order. We recommend that this confirmation be provided to the RDOS prior to issuing a TUP.

Signature: 

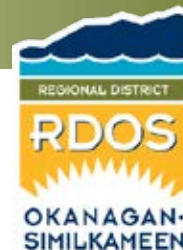
Signed By: Janelle Rimell

Agency: Interior Health Authority

Title: Environmental Health Officer

Date: June 29, 2021

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Building Bylaw Amendment – Siting Permits

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## Administrative Recommendation:

**THAT Bylaw No. 2805.01, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Building Bylaw to delete the requirement for a “Siting Permit” for the erection or placement of a portable self-contained container, be read a first and second time.**

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## Proposed Development:

The purpose of Amendment Bylaw No. 2805.01, 2021, is to delete the requirement for a “Siting Permit” for the erection or placement of a portable self-contained container on a property under the Regional District’s Building Bylaw No. 2805, 2018.

## Background:

At its meeting of June 3, 2021, the Planning and Development (P&D) Committee considered a report related to the introduction of zoning regulations governing the placement of metal storage containers as well as the use of Siting Permits in the Building Bylaw.

It was determined that an amendment to the Regional District’s Building Bylaw to delete the requirement for a Siting Permits when placing a metal storage container would be the preferred option.

## Analysis:

Amendment Bylaw No. 2805.01 proposes to delete the requirement under the Building Bylaw that a “Siting Permit” be required prior to placing a metal storage container on a property.

## Alternatives:

1. THAT Regional District of Okanagan-Similkameen Siting Permit Amendment Bylaw No. 2805.01, 2021, be deferred; or
2. THAT Regional District of Okanagan-Similkameen Siting Permit Amendment Bylaw No. 2805.01, 2021, be denied.

## Respectfully submitted:

A handwritten signature in blue ink, appearing to read "C. Garrish".

C. Garrish, Planning Manager

A handwritten signature in blue ink, appearing to read "L. Miller".

L. Miller, Building & Enforcement Services Manager

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2805.01, 2021

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A Bylaw to amend the Building Bylaw No. 2805, 2018

---

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 Siting Permit Amendment Bylaw No. 2805.01, 2021."
2. The "Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018" is amended by:
  - i) replacing Section 10.64 (Siting Permit) under Part 10 (Building Application Requirements) in its entirety with the following:

**Siting Permit**  
10.64 *deleted.*
  - ii) replacing the heading to Section 10.65 (Inspections for Temporary Buildings and Siting Permit) in its entirety with "Inspections for Temporary Buildings".

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

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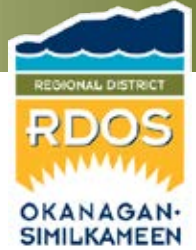
Board Chair

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Corporate Officer



# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “A”  
“Willow Beach”

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**Administrative Recommendation:**

THAT Bylaw No. 2905.02, 2021, being a bylaw to amend the Electoral Area “A” Official Community Plan to facilitate a 70-lot subdivision at Willow Beach, be read a first and second time and proceed to public hearing;

AND THAT Bylaw No. 2451.31, 2021, a bylaw to amend the Electoral Area “A” Zoning Bylaw, be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated July 8, 2021, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2905.02, 2021, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be delegated to Director Pendergraft;

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

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

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Purpose: To facilitate a 70-lot subdivision and creation of conservation and dedicated park areas.

Legal: Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 67; and Folio: A-06379.000  
Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726 A-06377.000

OCP: [see amendment bylaw] Proposed OCP: [see amendment bylaw] Civic: 9330 202<sup>nd</sup> Ave.

Zone: [see amendment bylaw] Proposed Zoning: [see amendment bylaw]

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**Proposed Development:**

This application is seeking to amend the zoning of the subject property in order to facilitate a 70-lot residential subdivision, which will occur on approximately 30% of the site with the remaining 70% of the site to be zoned either Conservation Area (CA) or Parks and Recreation (PR).

In support of the rezoning, the applicant has stated, amongst other things, that:

- 
- *Compared to past application, the current proposal has a significantly smaller development footprint which has been primarily driven by the results of the updated Environmental Impact Assessment.*
  - *Zoning is very similar to the zoning that the Board had previously given 3<sup>rd</sup> reading ...*
  - *Zoning is consistent with Regional Growth Strategy (RGS) and Official Community Plan (OCP).*
  - *The identified SPEA will be protected.*
  - *Highway access was previously dealt with by MoTI through recent H97 improvements.*
  - *The proposed parkland dedication is in accordance with the RDOS parkland dedication requirements and the proposed zoning and subsequent density has remained consistent with the previously adopted by-laws.*

### **Site Context:**

The subject properties are comprised of two legal parcels representing a combined land area of 29.7 ha that is situated approximately 5 km north of the Town of Osoyoos municipal boundary.

Historically, the site was occupied by the Willow Beach mobile home park and campground along with an owner's residence on 500 metres of waterfront. The site also comprises a vacant agricultural parcel north of the former campground area.

Surrounding land uses are seen to be comprised of conservation areas to the north-east (associated with the Okanagan River Channel and oxbows) and agricultural lands to the north and west (across Highway 97).

### **Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office on August 16, 1926, while BC Assessment has classified the property as "Residential" (Class 01).

#### RGS Bylaw:

Under the South Okanagan Regional Growth Strategy (RGS) Bylaw No. 2770, 2017, part of the Willow Beach site has been designated as a "Rural Growth Area".

#### OCP Bylaw:

Under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2905, 2021, the property is designated part Agriculture (AG), part Commercial Tourist (CT) and part Medium Density Residential (MR).

As a Rural Growth Area under the RGS, the OCP speaks to supporting the development of Willow Beach (see Attachment No. 3) by discouraging the re-designation or re-zoning of land that permits increased residential densities outside of Growth Area containment boundaries.

The OCP also speaks, however, to the suitability of Willow Beach as a Rural Growth Area being reconsidered when the RGS Bylaw is next reviewed (NOTE: the RGS Bylaw is currently being reviewed).

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The property is also subject to a Watercourse Development Permit (WDP) Area associated with Osoyoos Lake and the various oxbows that bisect the property; as well as an Environmentally Sensitive Development Permit (ESDP) Area also associated with the various oxbows that adjoin the property.

Zoning Bylaw:

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008, the property is zoned part Agriculture One (AG1), part Commercial Campground (CT2) and part Medium Density Residential One (RM1). The property is also below the designated floodplain associated Osoyoos Lake (based upon Geodetic Survey Canada datum for the 280.70 metre contour).

Development History:

Channelization of the Okanagan River in the 1950s resulted in the watercourse being straightened and dyked in the vicinity of "Willow Beach", with the result that the southern portion of the property was no longer seasonally flooded (but is occasionally inundated when Osoyoos Lake is at a high level, such as in 1972, and, to a lesser extent, 2011).

This channelization allowed for the establishment of a campground, mobile home park and residential dwellings near the foreshore of Osoyoos Lake in the early 1970s. In the intervening decades, the site was also utilised for the storage of automobile and agricultural equipment.

In 2004, the Electoral Area "A" OCP and Zoning Bylaws were formally reviewed and the level of density for the site was established as being approximately 240 units for that area zoned RM1.

In 2007, an application to rezone the "Willow Beach" site to accommodate the development of approximately 1,088 units was submitted to the Regional District. This proposal received third reading on August 21, 2008, but failed to receive the formal approval of the Minister of Transportation (MoT) for the zoning component of the amendments and was eventually abandoned in 2011.

In 2012, the northwest sewer extension was completed from the Town of Osoyoos and has provided 80 connections for single family residential units to the sewer main at the Willow Beach site. It is further understood that the Town of Osoyoos has previously committed to extend a rural water system (i.e. the former SOLID Water System No. 8) to a maximum of 80 connections.

In 2016, a rezoning application proposing the creation of 80 strata lots was submitted to the Regional District but was closed in December of 2020 due to a failure to submit required information.

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and

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waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

Pursuant to Section 475 of the *Local Government Act*, the Regional District must consult with the Agricultural Land Commission (ALC) when proposing to amend an OCP which might affect agricultural. Both the ALC and the Ministry of Agriculture have been made aware of the proposed amendment bylaws.

**Public Process:**

On June 16, 2021, an electronic Public Information Meeting (PIM) was held online using the Webex software and was attended by approximately six (6) members of the public.

At its meeting of June 14, 2021, the Electoral Area "A" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Administration recommends that the written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, should be considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*. As such, the consultation process undertaken is seen to be sufficiently early and does not need to further ongoing.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Analysis:**

In considering this proposal, Administration notes that it is *generally* consistent with the designation of Willow Beach as a Rural Growth Area under the RGS Bylaw as well as the Containment Boundary established by the OCP Bylaw.

While it could be argued that a downzoning of land in a Rural Growth Area is inconsistent with the intent of the RGS — which generally encourages higher density due to these locations having infrastructure servicing — it is noted that the site has a limited number connections to the Northwest Sewer and the OCP speaks to the suitability of Willow Beach as a growth area as warranting reconsideration.

Similarly, while the proposed area to be rezoned extends beyond the Willow Beach Rural Growth Area Containment Boundary, Administration notes that a significant reduction in density is being proposed, with the allowable limit to decrease from 240 units to 70 strata parcels (NOTE: each parcel may be developed with a principle dwelling and a secondary suite *or* "carriage house").

Accordingly, the extension to the east of the Containment Boundary will not result in additional density being created.

The applicant has submitted a preliminary environmental assessment, hydrogeology assessment and archaeological impact assessment (AIA), all of which have generally concluded that the development can proceed subject to certain provisions and conditions

The Regional District is anticipating that significant earthworks may be required on parts of the site in order to address its location within the floodplain associated with Osoyoos Lake and the Okanagan

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River Channel. Any subsequent application for a building permit on the site will need to demonstrate compliance with the floodplain regulations in the Zoning Bylaw.

With regard to traffic impact, due to the reduction in density as well as the significant highway access upgrades that were previously completed adjacent to this property, Administration is not anticipating any adverse impacts as a result of this development.

Administration notes that the OCP supports the dedication of park land adjacent to Osoyoos Lake and that the location of the proposed park will further be adjacent to an existing trail to the site from 95<sup>th</sup> Street.

While Administration further supports the preservation of the remainder of the development site through the proposed Conservation Area zoning, it is understood that Ducks Unlimited (an adjacent property owner) has previously expressed interest in this land and it is hoped that an arrangement for its transfer/donation to a conservation organization can be arranged in future.

As a bare land strata subdivision, many of the servicing requirements contained within the Regional District's Subdivision Servicing Bylaw will not be applicable to this development (i.e. water system design, sewer system design, street lighting, fire hydrant and underground wiring requirements, etc.).

In summary, this proposal is generally seen to be consistent with the RGS and OCP Bylaws and is seen to be far more sympathetic to the nature of this site than have previous proposals, such as the 1,088 units proposed in 2007. For these reasons, Administration is recommending in favour of approval.

#### Alternatives:

1. THAT Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in this report from the Chief Administrative Officer dated July 8, 2021, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2905.02, 2021, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of August 5, 2021;

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

2. THAT Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be deferred; or
3. THAT Bylaw No. 2905.02, 2021, Electoral Area "A" Official Community Plan Amendment Bylaw and Bylaw No. 2451.31, 2021, Electoral Area "A" Zoning Amendment Bylaw be, be denied.

Respectfully submitted:



Attachments:

No. 1 – Agency Referral List

No. 2 – Applicant's Site Plan

No. 3 – Willow Beach Rural Growth Area Containment Boundary

No. 4 – Aerial Photo (2007)

File No: A2021.003-ZONE

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C. Garrish, Planning Manager

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a **p**, prior to the Board considering first reading of Amendment Bylaw No. 2905.02, 2021.

<b>p</b>	Agricultural Land Commission (ALC)	<b>o</b>	Fortis
<b>p</b>	Interior Health Authority (IHA)	<b>o</b>	City of Penticton
<b>p</b>	Ministry of Agriculture	<b>o</b>	District of Summerland
<b>o</b>	Ministry of Energy, Mines & Petroleum Resources	<b>o</b>	Town of Oliver
<b>o</b>	Ministry of Municipal Affairs & Housing	<b>p</b>	Town of Osoyoos
<b>p</b>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Ecosystem Section)	<b>o</b>	Town of Princeton
<b>p</b>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<b>o</b>	Village of Keremeos
<b>o</b>	Ministry of Jobs, Trade & Technology	<b>o</b>	Okanagan Nation Alliance (ONA)
<b>p</b>	Ministry of Transportation and Infrastructure	<b>o</b>	Penticton Indian Band (PIB)
<b>o</b>	Integrated Land Management Bureau	<b>p</b>	Osoyoos Indian Band (OIB)
<b>o</b>	BC Parks	<b>o</b>	Upper Similkameen Indian Band (USIB)
<b>p</b>	School District #53 (Areas A, B, C, D & G)	<b>o</b>	Lower Similkameen Indian Band (LSIB)
<b>o</b>	School District #58 (Area H)	<b>o</b>	Environment Canada
<b>o</b>	School District #67 (Areas D, E, F, I)	<b>o</b>	Fisheries and Oceans Canada
<b>o</b>	Central Okanagan Regional District	<b>p</b>	Canadian Wildlife Services
<b>o</b>	Kootenay Boundary Regional District	<b>o</b>	OK Falls Irrigation District
<b>o</b>	Thompson Nicola Regional District	<b>o</b>	Kaleden Irrigation District
<b>o</b>	Fraser Valley Regional District	<b>o</b>	Irrigation District / improvement Districts / etc.
<b>p</b>	Osoyoos Fire Department		

Attachment No. 2 – Applicant’s Site Plan





Attachment No. 3 – Willow Beach Rural Growth Area Containment Boundary



**Willow Beach Rural  
Growth Area  
Containment Boundary**  
(BLACK DASHED LINE)

Attachment No. 4 – Aerial Photo (2007)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2905.02, 2021**

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**A Bylaw to amend the Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021**

---

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "A" Official Community Plan Amendment Bylaw No. 2905.02, 2021."
2. The Official Community Plan Bylaw Map, being Schedule 'B' of the Electoral Area "A" Official Community Plan Bylaw No. 2905, 2021, is amended by changing land use designation on:
  - (i) an approximately 20.2 ha part of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded green on Schedule 'B', which forms part of this Bylaw, from Agriculture (AG) to Conservation Area (CA);
  - (ii) An approximately 4.35 ha area of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded blue on Schedule 'B', which forms part of this Bylaw, from Agriculture (AG) to Low Density Residential (LR);
  - (iii) an approximately 2.43 ha area of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726 and Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded red on Schedule 'B', which forms part of this Bylaw, from Medium Density Residential (MR) to Low Density Residential (LR);
  - (iv) an approximately 1.81 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded orange on Schedule 'B', which forms part of this Bylaw, from Commercial Tourist (CT) to Low Density Residential (LR);

- (v) an approximately 0.17 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Medium Density Residential (MR) to Parks, Recreation and Trails (PR); and
- (vi) an approximately 0.237 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Commercial Tourist (CT) to Parks, Recreation and Trails (PR).

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2021.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED this this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
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](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2905.02, 2021

File No. A2021.003-ZONE

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

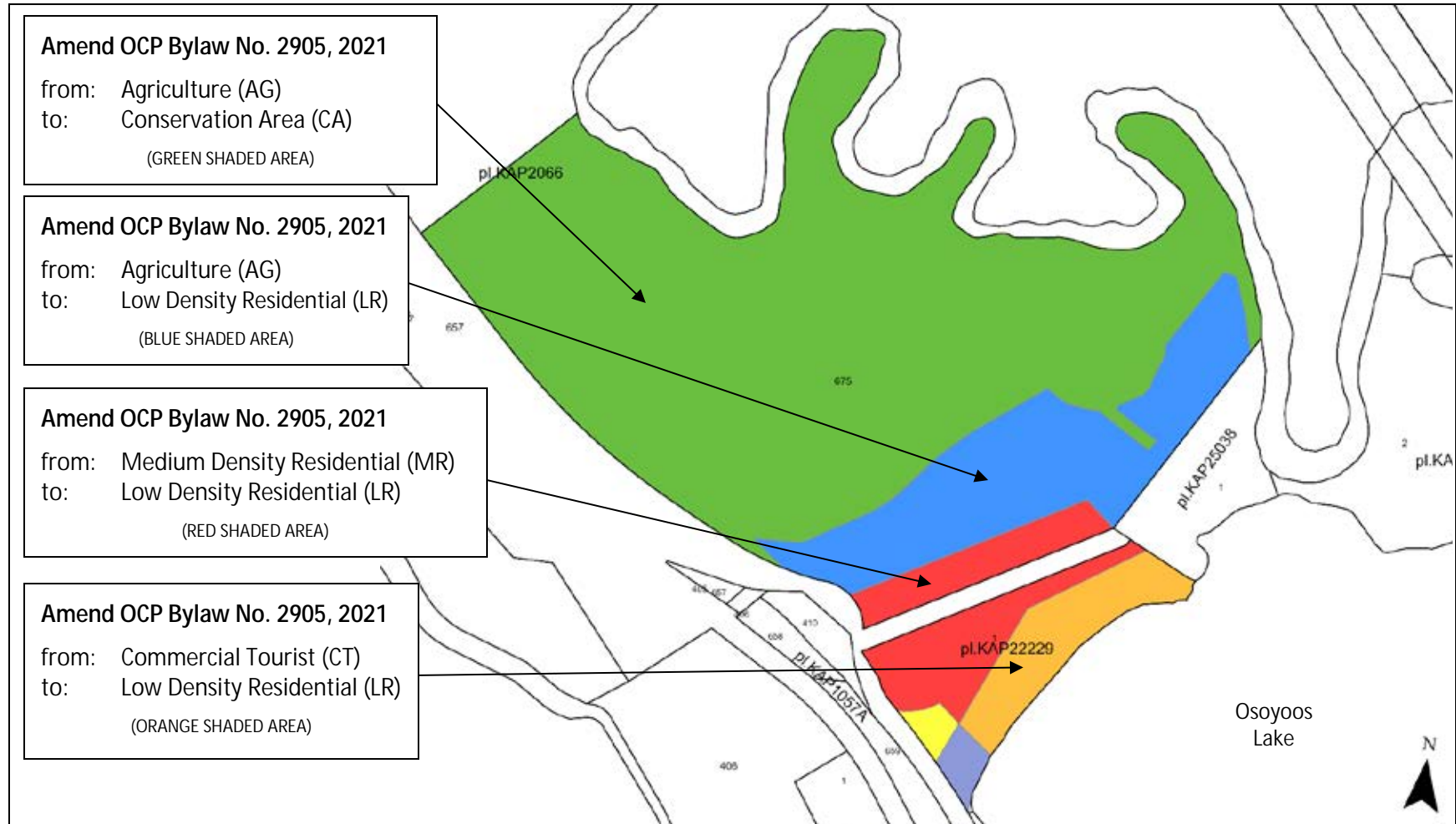
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2905.02, 2021

File No. A2021.003-ZONE

## Schedule 'B'



# Regional District of Okanagan-Similkameen

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

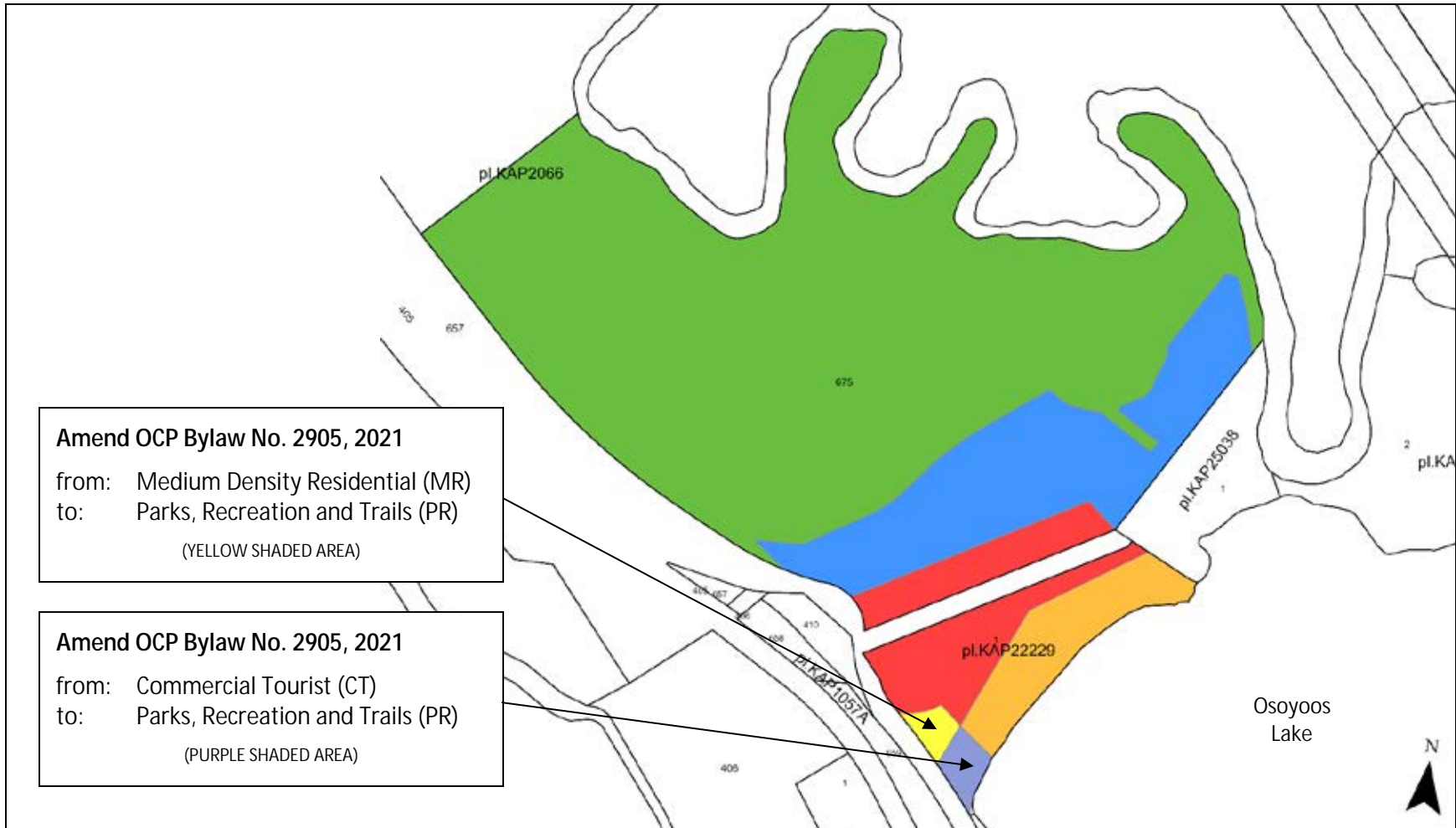
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2905.02, 2021

File No. A2021.003-ZONE

## Schedule 'C'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2451.31, 2021**

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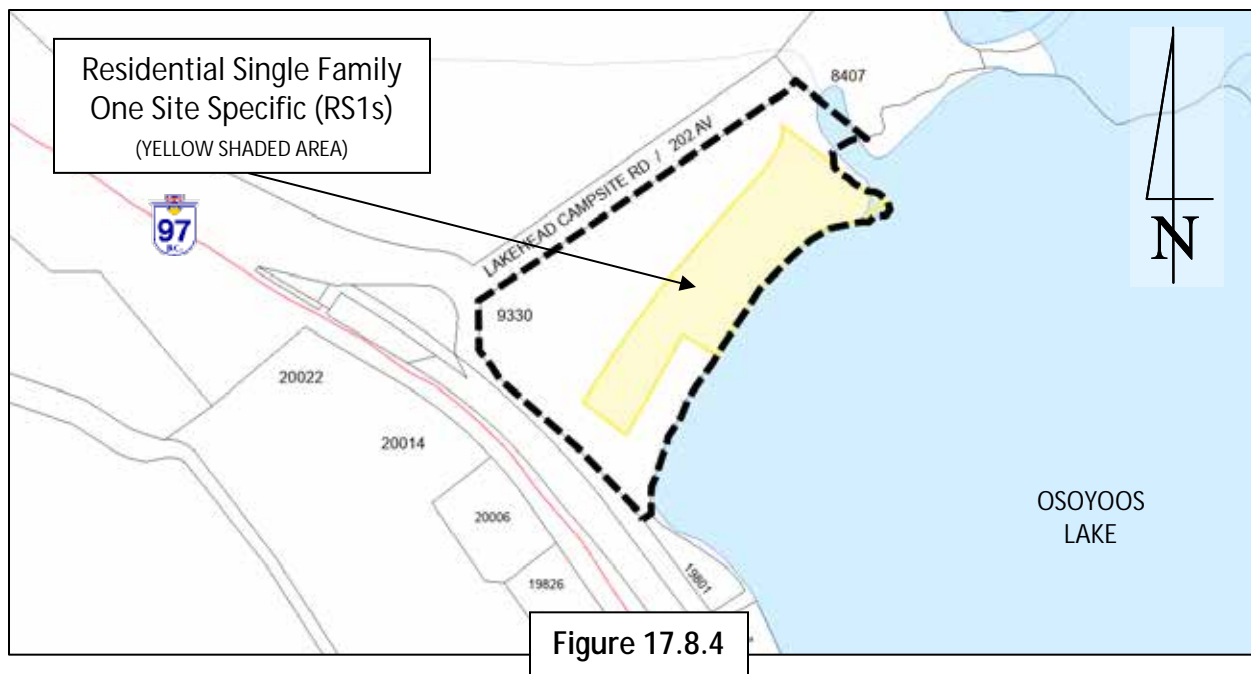
**A Bylaw to amend the Electoral Area "A" Zoning Bylaw No. 2451, 2008**

---

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 "A" Zoning Amendment Bylaw No. 2541.31, 2008."
2. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
  - i) adding a new sub-section 17.8.4 under Section 17.8 (Site Specific Residential Single Family One Provisions) to read as follows:
    - .4 in the case of an approximately 0.85 ha area of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677 (9330 202<sup>nd</sup> Avenue), and shown shaded yellow on Figure 17.8.4:
      - a) despite Section 11.1.4, the minimum parcel width for subdivision shall be 14.0 metres.





3. The Official Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation on:
  - i) an approximately 20.2 ha part of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded green on Schedule 'B', which forms part of this Bylaw, from Agriculture One (AG1) to Conservation Area (CA).
  - ii) an approximately 4.35 ha part of the land described as Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded blue on Schedule 'B', which forms part of this Bylaw, from Agriculture One (AG1) to Residential Single Family One (RS1);
  - iii) an approximately 2.43 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded red on Schedule 'B', which forms part of this Bylaw, from Medium Density Residential One (RM1) to Residential Single Family One (RS1);
  - iv) an approximately 0.41 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded turquoise on Schedule 'B', which forms part of this Bylaw, from Medium Density Residential One (RM1) to Residential Single Family One Site Specific (RS1s).
  - v) an approximately 1.4 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded orange on Schedule 'B', which forms part of this Bylaw, from Campground Commercial (CT2) to Residential Single Family One Site Specific (RS1s).

- vi) an approximately 0.17 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and Lot 675, Plan KAP2066, District Lot 2450S, SDYD, Except Plan 22229, 43613 & H9726, and shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Medium Density Residential One (RM1) to Parks and Recreation (PR).
- vii) an approximately 0.237 ha part of the land described as Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L 677, and shown shaded purple on Schedule 'C', which forms part of this Bylaw, from Campground Commercial (CT2) to Parks and Recreation (PR).

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2021.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "A" Zoning Amendment Bylaw No. 2451.31, 2008" as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_\_, 2021.

Dated at Penticton, BC this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

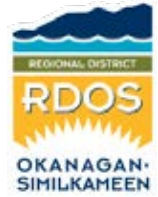
ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

# Regional District of Okanagan-Similkameen

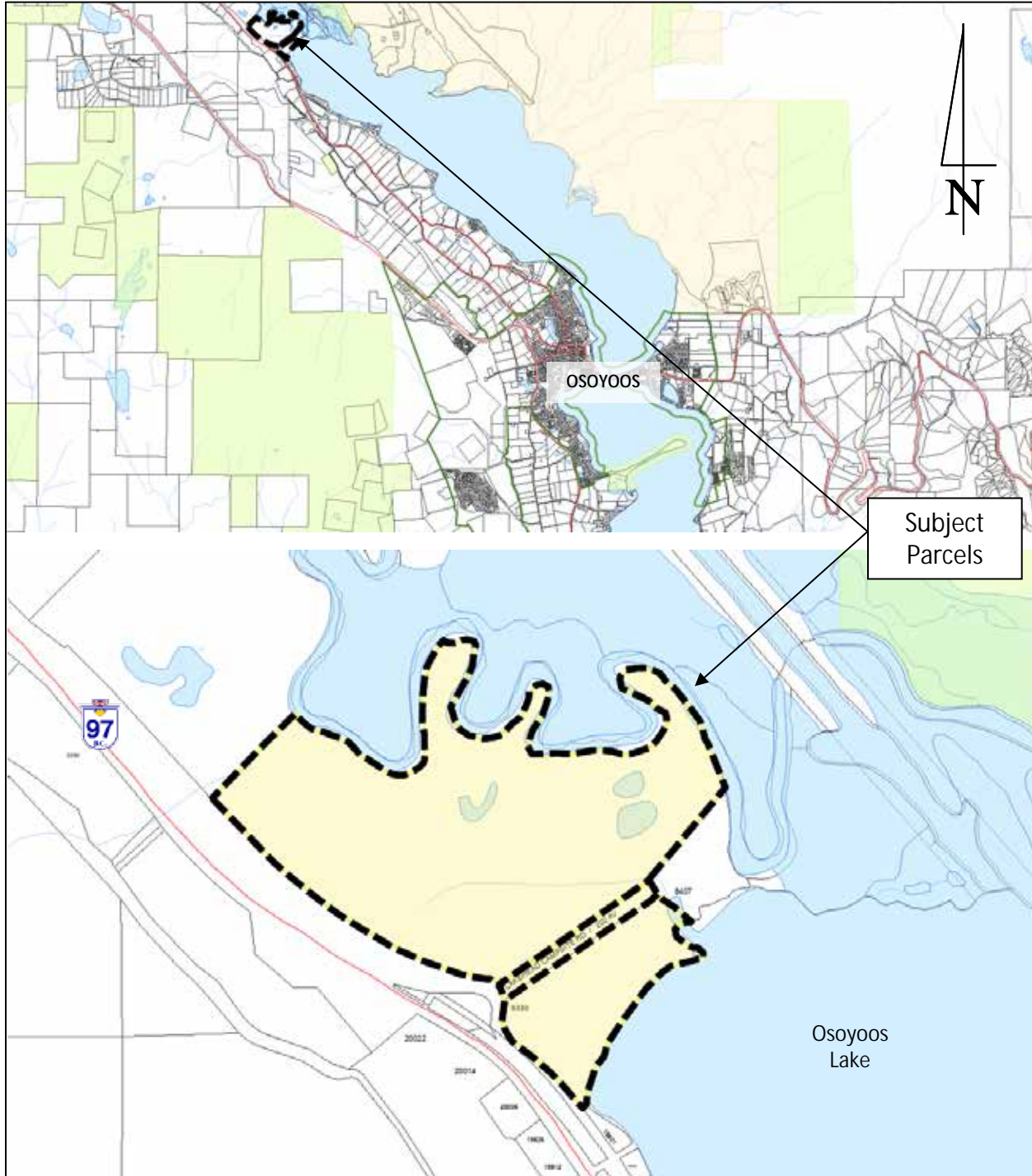
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2451.31, 2021

File No. A2021.003-ZONE

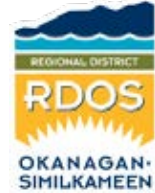
## Schedule 'A'



# Regional District of Okanagan-Similkameen

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

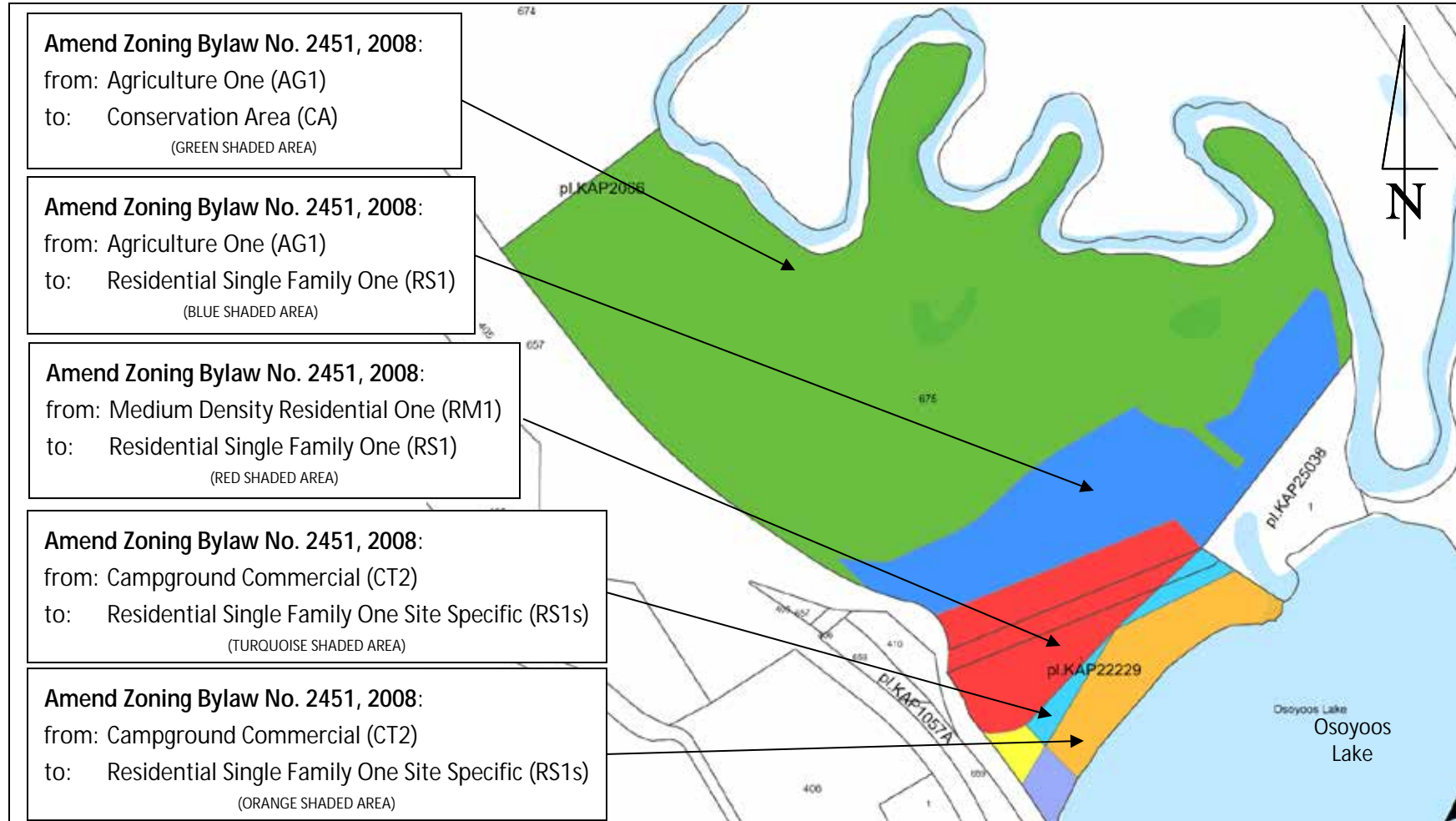
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2451.31, 2021

File No. A2021.003-ZONE

## Schedule 'B'



Amendment Bylaw No. 2451.31, 2021  
(A2021.003-ZONE)

# Regional District of Okanagan-Similkameen

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

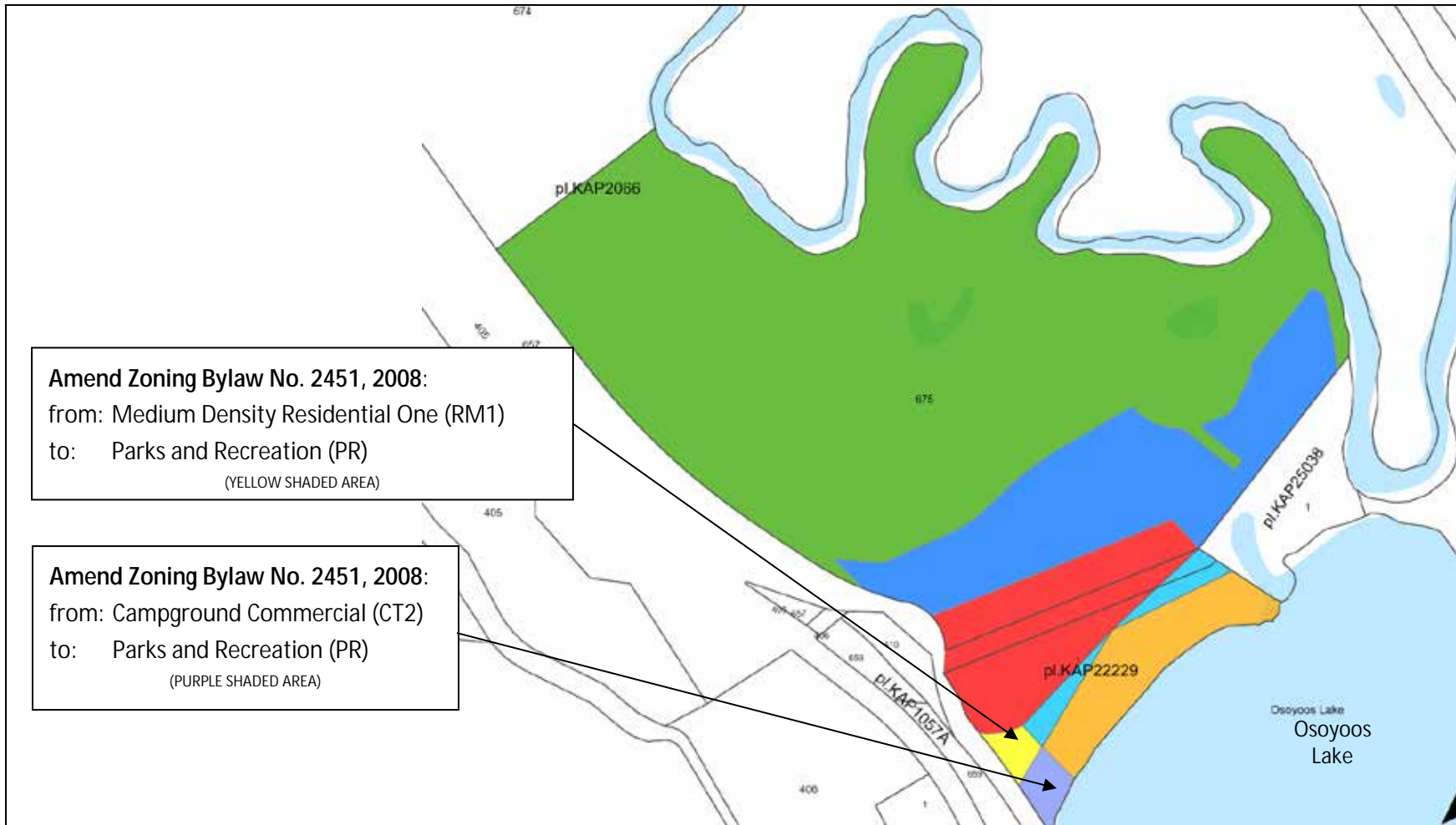
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2451.31, 2021

File No. A2021.003-ZONE

## Schedule 'C'





May 10, 2021

Reply to the attention of Sara Huber  
 ALC Issue: 52236  
 Local Government File: 2021-003-ZONE

Chris Garrish  
 Planning Manager, RDOS  
[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**Re: Regional District of Okanagan Similkameen Official Community Plan and Zoning Amendment Bylaw Nos. 2905.02 and 2451.31 (Willow Beach)**

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2905.02 and 2451.31 (the "Amendment Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendment Bylaws are consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

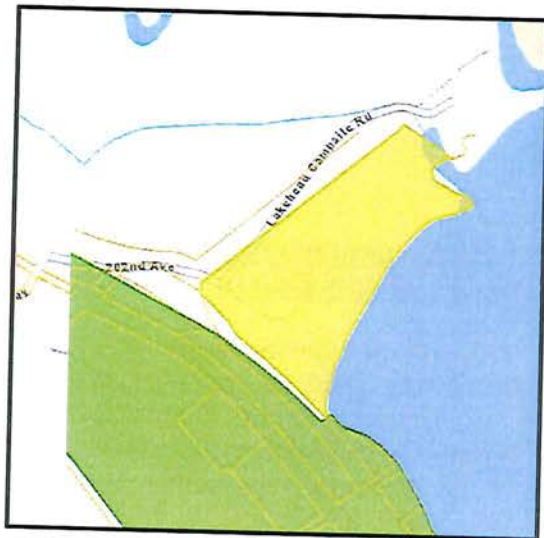
The Amendment Bylaws propose to amend the OCP and Zoning Bylaw land use designations of the of the property identified as 9330 202 Avenue; PID: 002-036-738 (the "Property") in order to facilitate a 66-lot subdivision with a 0.36 ha park dedication adjacent to Osoyoos Lake and the remainder of the Property to the north used for conservation. Specifically, the Amendment Bylaws propose to amend the OCP land use designation of the Property from part Medium Density Residential (MR), part Commercial Tourist (CT) and part Agriculture (AG) to part Low Density Residential (LR), part Parks, Recreation and Trails (P) and part Conservation Area (CA) and amend the Zoning Bylaw zone of the Property from part Medium Density Residential One (RM1), part Tourist Commercial (CT1) and part Agriculture One (AG1) to part Residential Single Family One (RD10), part Residential Single Family One Site Specific (RS1s), part Conservation Area (CA) and part Parks and Recreation (PR).

**Proposal Map:**



The ALC recognizes that the Property is not within the ALR; however, a very small portion of the southeast boundary of the Property is adjacent to ALR lands.

**ALR Context Map:**



ALC staff note that on the Proposal Map, a Ministry of Transportation and Infrastructure (MoTI) 20 m wide road is shown directed towards the ALR. ALC staff are unaware if this area forms part of the highway dedication, or whether there are plans to construct this road in future as an access to the subdivision. If construction is proposed within the ALR (regardless of whether a statutory right-of-way has been dedicated), an application to the ALC would be required. Aside from that, ALC staff do not object to the Amendment Bylaws.

\*\*\*\*\*

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Sara Huber, Regional Planner

Enclosure: Referral of RDOS 2021-003-ZONE

CC: Ministry of Agriculture – Attention: Alison Fox ([Alison.Fox@gov.bc.ca](mailto:Alison.Fox@gov.bc.ca))

52236m1



**From:** [Cooper, Diana FLNR:FX](#)  
**To:** [Christopher Garrish](#)  
**Cc:** [Lauri Feindell](#)  
**Subject:** RE: Bylaw Referral (A2021.003-ZONE) Willow Beach  
**Date:** May 27, 2021 11:06:32 AM  
**Attachments:** [image001.png](#)  
[image010.png](#)  
[image012.png](#)

---

Hello Christopher,

Thank you for your referral regarding proposed re-zoning and subdivision of 9330 202<sup>nd</sup> Avenue, PID 002036738, LOT 1 DISTRICT LOT 2450S SIMLKAMEEN DIVISION YALE DISTRICT PLAN 22229 and PID 002036967, LOT 675 DISTRICT LOT 2450S SIMLKAMEEN DIVISION YALE DISTRICT PLAN 2066 EXCEPT PLANS 22229, 43613 AND H9726. Please review the screenshot of the properties below (outlined in yellow) and notify me immediately if it does not represent the properties listed in your referral.

### Results of Provincial Archaeological Inventory Search

According to Provincial records, there are no known archaeological sites recorded on either property.

However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the properties, as indicated by the brown colour over everything shown in the second screenshot below. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

The waterfront location of Lot 1 also increases the potential for unknown/unrecorded archaeological deposits.

### Archaeology Branch Advice

If land-altering activities (e.g., home renovations, property redevelopment, landscaping, service installation) are planned for the subject property, a Provincial heritage permit is not required prior to commencement of those activities.

However, a Provincial heritage permit will be required if archaeological materials are exposed and/or impacted during land-altering activities. Unpermitted damage or alteration of a protected archaeological site is a contravention of the *Heritage Conservation Act* and requires that land-altering activities be halted until the contravention has been investigated and permit requirements have been established. This can result in significant project delays.

Therefore, the Archaeology Branch strongly recommends engaging an eligible consulting archaeologist prior to any land-altering activities. The archaeologist will review the proposed activities, verify archaeological records, and possibly conduct a walk-over and/or an archaeological impact assessment (AIA) of the project area to determine whether the proposed activities are likely to damage or alter any previously unidentified archaeological sites.

Please notify all individuals involved in land-altering activities (e.g., owners, developers, equipment operators) that if archaeological material is encountered during development, they **must stop all activities immediately** and contact the Archaeology Branch for direction at 250-953-3334.

### Rationale and Supplemental Information

- There is high potential for previously unidentified archaeological deposits to exist both properties.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.
- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

## How to Find an Eligible Consulting Archaeologist

An eligible consulting archaeologist is one who can hold a Provincial heritage permit to conduct archaeological studies. To verify an archaeologist's eligibility, ask an archaeologist if he or she can hold a permit in your area, or contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists are listed on the BC Association of Professional Archaeologists website ([www.bcapa.ca](http://www.bcapa.ca)) and in local directories.

### Questions?

For questions about the archaeological permitting and assessment process, please contact the Archaeology Branch at 250-953-3334 or [archaeology@gov.bc.ca](mailto:archaeology@gov.bc.ca).

For more general information, visit the Archaeology Branch website at [www.gov.bc.ca/archaeology](http://www.gov.bc.ca/archaeology).

Please let me know if you have any questions regarding this information.

Kind regards,

*Diana*





*Please note that subject lot boundaries (yellow) and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change.*

**Diana Cooper**  
**Archaeologist/Archaeological Information Administrator**  
Archaeology Branch | Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
Phone: (250) 953-3343 | Email: [diana.cooper@gov.bc.ca](mailto:diana.cooper@gov.bc.ca) | Website [www.gov.bc.ca/archaeology](http://www.gov.bc.ca/archaeology)

# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2905.02 & 2451.31

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below


Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide comments on this application. It is our understanding that the applicant is requesting to amend the zoning of their properties to facilitate a 66-lot subdivision. This referral has been reviewed from a Healthy Communities Development perspective. The following is for your consideration:

A healthy built environment is planned and built in a way which health evidence demonstrates has a positive impact on people's physical, mental and social health. The Healthy Built Environment Linkages Toolkit (PHSA, 2018) is an evidence-based resource, which links planning principles to health outcomes. From a healthy built environment perspective the location of this development and the distance to services will require use of a vehicle and with it an increase in greenhouse gases and the resulting impact to air quality. The distance may also minimize some opportunities for residents to incorporate active forms of travel into their daily routine.

Housing is a key determinant of health. It has a significant influence on our physical and mental health, social well-being, and indirectly influences many other determinants of health such as income, early childhood development, educational opportunities, and access to health services. Healthy housing is affordable, high quality, and in a location that supports health and well-being. On this note, there is concern regarding the fact that some of this property is within the floodplain, as this may lead to additional stress on residents on a yearly basis.

Interior Health is committed to improving the health and wellness of all by working collaboratively with local governments and community partners to create policies and environments that support good health. Please do not hesitate to reach out to if you require clarification or have questions.

Signature:  \_\_\_\_\_

Signed By: Tanya Osborne, BAHS \_\_\_\_\_

Agency: Interior Health Authority \_\_\_\_\_

Title: Community Health Facilitator \_\_\_\_\_

Date: May 7, 2012 \_\_\_\_\_

## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2905.02 & 2451.31

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

- Adequate water supply for fire suppression
- Plan in place for flood mitigation

Signature: \_\_\_\_\_



Signed By: \_\_\_\_\_

Tyler Hilland

Agency: \_\_\_\_\_

Osoyos Fire Rescue

Title: \_\_\_\_\_

Deputy Chief

Date: \_\_\_\_\_

2021 04 30

**From:** [FLNR DOS Referrals CSNR:EX](#)  
**To:** [Planning](#)  
**Subject:** A2021.003-ZONE Willow Beach - 9330-202 Avenue - MFLNRORD District Okanagan Shuswap Comments  
**Date:** May 27, 2021 2:18:32 PM  
**Attachments:** [image004.png](#)  
[image005.png](#)

---

Good day,

MFLNRORD District Okanagan Shuswap Comments:

DOS Lands Team

Without seeing a layout plan, I can advise only that this zone is under the Okanagan Large Lake Protocols with Red Zones for Freshwater Mussels which require Qualified Professional report and monitoring if “work in and about” the lake are proposed. It is also a Yellow/Red/Black zone for Foreshore Plants which at this time have no reporting required. No structures can be placed below the Present Natural Boundary. This includes retaining walls, walkways, landscaping etc. This work would require a Water Sustainability Act application.

If the proposed residential units will be “waterfront”, they are entitled to private moorage; however, it appears to be a shallow area. They should be aware that dredging for moorage is not permitted under the Land Act.

Mary Ellen Grant, Lands NR Specialist,  
250-558-6273, [MaryEllen.Grant@gov.bc.ca](mailto:MaryEllen.Grant@gov.bc.ca)

Regards,



*Patricia Shatzko*

**DOS Referrals Coordinator**

Referrals Email: [FLNRDOSReferrals@gov.bc.ca](mailto:FLNRDOSReferrals@gov.bc.ca)

Direct Phone: VOIP: 778-943-6850

***I acknowledge with gratitude that I carry out my work on the traditional territories of Indigenous Peoples. I will tread lightly and with respect while doing so.***



May 25, 2021

File: 0280-30

Local Government File: A2021.003-ZONE

Regional District of Okanagan-Similkameen

101 Martin Street

Penticton, BC V2A 5J9

Via Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Dear Christopher Garrish:

**Re: File A2021.003-ZONE – Zoning Amendment for 66 Lot Subdivision (PID: 002-036-738 & 002-036-967) – The Subject Property**

Thank you for providing the B.C. Ministry of Agriculture, Food and Fisheries (Ministry) the opportunity to comment on the zoning amendment for 9330 202<sup>nd</sup> Avenue, Osoyoos. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- The 16.53 ha Subject Property is adjacent to Agricultural Land Reserve (ALR) land to the south and south west, with the majority of ALR land buffered by Highway 97.
- The rezoning removes a portion of the designated land from the Agriculture (AG) zone and the proposed development does not support the production of agriculture commodities or the activities associated with processing these items.
- Under the agriculture capability classification, most of this parcel is within the flood plain of the now heavily modified Okanagan River and Osoyoos Lake and is classified as 6WF, meaning forage crop improvement practices are not feasible mostly due to excess water and lower fertility. The soils present are poorly suited for agriculture.
- The Ministry's [Guide to Edge Planning](#) recommends that any residential development adjacent to ALR land include a 30 metre building setback from any lot lines along the boundary of the ALR and a 15 metre vegetative buffer consistent with a Level 1 buffer as described in the Guide.

- In cases such as this development proposal, where the development is separated from the ALR by a road, the vegetative buffer may be reduced to 7.5 metres, although the 30 metre setback should be maintained. We recommend that the site plan be altered to accommodate this setback and buffer.

If you have any questions, please contact us directly by email or phone.

Sincerely,



Alison Fox, P.Ag.  
Land Use Agrologist  
BC Ministry of Agriculture, Food and  
Fisheries  
[Alison.Fox@gov.bc.ca](mailto:Alison.Fox@gov.bc.ca)  
(778) 666-0566



Philip Gyug, P.Ag.  
Regional Agrologist  
B.C. Ministry of Agriculture, Food and  
Fisheries  
[Philip.Gyug@gov.bc.ca](mailto:Philip.Gyug@gov.bc.ca)  
250-378-0573

Email copy: Sara Huber, Regional Planner (Okanagan), ALC, [Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)





Your File #: A2021.003-  
ZONE  
(BL2451.31)  
Willow Beach  
Dev

eDAS File #: 2021-02405

Date: Jun/25/2021

Regional District Okanagan Similkameen  
Lauri Feindell  
101 Martin Street  
Penticton, BC V2A 5J9  
Canada

Attention: Lauri Feindell Planning Secretary

**Re: Proposed Bylaw 2451. 2008 for:  
9330 202nd Avenue, Osoyoos  
Lot 675, Plan KAP2066, District Lot 2450S, S?DYD, Except Plan 22229,  
43613 & H9726  
Lot 1, Plan KAP22229, District Lot 2450S, SDYD, Portion L677**

Hello Lauri,

With regard to the above noted Regional District Okanagan Similkameen zoning proposal, the Ministry has reviewed the materials provided May 4, 2021. Based on this information, the Ministry has no objection to application of this zone to the lands above described.

Aspects related to drainage, land dedication, access to water/lands beyond will be addressed through subdivision process.

If you have any questions, please feel free to call Penticton Development Services at (250) 712-3660.

Yours truly,  
Blaine Garrison  
Senior Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231

## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2905.02 & 2451.31

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

Moved by Councillor Rhodes  
Seconded by Councillor Bennett  
That Council direct staff to respond to the RDOS Bylaw Referral (Amendment of the Electoral Area "A" OCP Bylaw No. 2905, 2021 & Zoning Bylaw No. 2451,2008 Willow Beach - OCP Amendment & Rezoning Proposal) as follows:  
Approval Recommended subject to the following:

- Town of Osoyoos recommends that consideration be given to expanding the public beach and parks area to allow for more visitors and locals to access the north end of Osoyoos Lake.
- That pursuant to section 13 (1) of the Community Charter the Regional District consent to the Town of Osoyoos providing municipal services (water and sewer) to the subject property on terms and conditions to be negotiated between the Town and Owner.
- That a review be completed of the Town's sewer and water capacity to ensure that the Town has the ability to provide water and sewer to the development.

CARRIED

Signature: \_\_\_\_\_ *Gina MacKay* \_\_\_\_\_

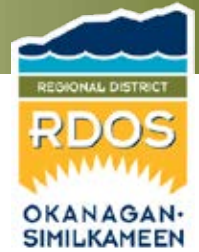
Signed By: \_\_\_\_\_ Gina MacKay \_\_\_\_\_

Agency: \_\_\_\_\_ Town of Osoyoos \_\_\_\_\_

Title: \_\_\_\_\_ Director of Planning and Development \_\_\_\_\_

Date: \_\_\_\_\_ June 26 2021 \_\_\_\_\_

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

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

**DATE:** July 8, 2021

**RE:** Renewal of Vacation Rental Temporary Use Permits (TUPs) – Public Consultation

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### **Administrative Recommendation:**

**THAT Bylaw No. 2500.20, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Development Procedures Bylaw to remove the requirement for Vacation Rental approvals to be sent to APC's and hold Public Information Meetings, be read a first, second and third time.**

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### **Purpose:**

The purpose of this report is to seek direction from the Regional District Board regarding proposed amendments to the processing of renewal applications for Vacation Rental Temporary Use Permits (TUP).

### **Background:**

At its meeting of March 28, 2020, the Electoral Area "E" Advisory Planning Commission (APC) resolved to recommend to the Regional District Board that, "in cases of TUP renewal applications where there are no complaints or changes, that the applications bypass APC approval and that public information meetings not be required."

In 2014, the Regional District Board adopted Amendment Bylaw 2595, 2013, which, amongst other things, introduced new Official Community Plan (OCP) Bylaw policies to allow for the on-going authorization of vacation rental uses in residential neighbourhoods through the issuance of a Temporary Use Permit (TUP).

Under the Regional District's *Development Procedures Bylaw No. 2500, 2011*, the renewal of an existing TUP is treated the same way as a new TUP application and requires the scheduling of a public information meeting (PIM), notification of surrounding residents and property owners and consideration by the applicable Advisory Planning Commission (APC).

Since 2014, the Regional District has issued 28 TUPs for vacation rental uses (not including renewals), and none of these permits have failed to be renewed as a result of feedback received at a PIM or due to an APC recommendation. The majority (57%) of TUPs approved by the Board for vacation rental uses have occurred within Electoral Area "E".

At its meeting of May 6, 2021, the Planning and Development (P&D) Committee of the Board resolved that "Bylaw No. 2500.20, 2021, being a bylaw of the Regional District of Okanagan-Similkameen to amend the Vacation Rental TUP Renewals Development Procedures, be initiated."

This initiation included consideration by the Electoral Area Advisory Planning Commissions (APCs). The Electoral Area "A", "C", "E" and "I" resolved to recommend that the proposed amendments be

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approved, with the Electoral Area "C" APC requesting that "any renewals that have had complaints must be sent to the APC and have a PIM".

The Electoral Area "D" APC resolved to recommend that the proposed amendments be denied, while the Electoral Area "F" APC failed to achieve a quorum for its meeting.

**Analysis:**

At the time of the 2014 OCP amendments, there was significant community concern regarding the impact that formalising vacation rental uses would have, particularly in relation to potential "bad operators" and the recourse that a community would have in such situations.

In response, the Regional District committed to notify surrounding property owners and residents of renewal applications and to provide opportunities for community input on these renewals through the convening of mandatory public information meetings.

Now, with the benefit of seven years of experience with the authorization of vacation rentals through TUPs, the mandatory scheduling of PIMs and APC consideration for renewal applications is seen to be providing minimal value to the process.

In general, the PIMs have been poorly attended (i.e. it is usually only the applicant, Area Director and staff in attendance) while there is little for the APCs to consider given a vacation rental use rarely change from what was originally approved.

Administration further considers that the scheduling of, and attendance at PIMs and APC meetings requires staff resources that could be better deployed on other Board priorities.

Accordingly, Administration is supportive of the recommendation from the Electoral Area "E" APC and favours amending existing processing procedures so that vacation rental TUP renewal applications are only notified in writing to surrounding residents and property owners before proceeding to Board consideration.

Should a renewal application prove contentious, the option to defer consideration and direct that a PIM be scheduled and that the renewal be considered by the applicable APC would remain available to the Board.

Conversely, the commitment to provide a venue for residents and property owners to present their concerns regarding a vacation rental use seeking a permit renewal was an important component of the 2014 OCP amendments.

**Alternatives:**

1. THAT first reading of the Regional District of Okanagan-Similkameen Vacation Rental TUP Renewals Development Procedures Amendment Bylaw No. 2500.20, 2021, be deferred; or
2. THAT first reading of the Regional District of Okanagan-Similkameen Vacation Rental TUP Renewals Development Procedures Amendment Bylaw No. 2500.20, 2021, be denied.

**Respectfully submitted:**



C. Garrish, Planning Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2500.20, 2021**

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**A Bylaw to amend the Regional District of Okanagan-Similkameen  
Development Procedures Bylaw 2500, 2011**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Vacation Rental TUP Renewals Development Procedures Amendment Bylaw No. 2500.20, 2021."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
  - (i) adding a new Section 2.5 (Processing Procedure) under Schedule 5.0 (Application for a Temporary Use Permit) to read as follows and renumbering all subsequent sections:
    - .5 despite sub-sections 3 and 4, an application to renew or reissue a Temporary Use Permit authorising a "vacation rental" use will not require the following prior to the application being considered by the Board:
      - i) referral to the appropriate Advisory Planning Commission (APC); and
      - ii) a public information session, open house or public meeting.

READ A FIRST, SECOND AND THIRD TIME on the \_\_ day of \_\_\_\_, 2021.

ADOPTED on the \_\_ day of \_\_\_\_, 2021.

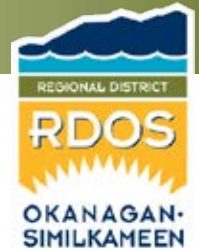
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Board Chair

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Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** July 8, 2021

**RE:** Amendment of the Development Procedures Bylaw No. 2500, 2011  
Deadline for Submission of Public Representations on Permit Applications

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### Administrative Recommendation:

**THAT Bylaw No. 2500.21, 2021, a bylaw of the Regional District of Okanagan-Similkameen to amend Planning Procedure Bylaw 2500, 2011 to set timelines for representations on permit applications, be read a first, second and third time and be adopted.**

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### Proposal:

Amendment Bylaw No. 2500.21, 2021, is proposing to establish a deadline of seven (7) calendar days prior to a Board meeting date for public representations on temporary use permit (TUP) and development variance permit (DVP) applications to be submitted to the Regional District.

It is further proposed to amend the date at which notifications are mailed to adjacent property owners and residents advising of a TUP or DVP application from 10 working days to 20 working days to account for the proposed submission deadline. This will increase the notification period by a week over current practices.

### Background:

Under Section 499 (Notice to affected property owners and tenants) of the *Local Government Act*, the Regional District must give notice of an intent by the Board to pass a resolution to issue a TUP or DVP, however, the Act does not specify that the Regional District must accept representations from property owners or tenants who may oppose, support or otherwise wish to submit comments on a proposed variance application.

At its meeting of June 17, 2021, the Planning and Development (P&D) Committee of the Regional District Board considered an Administrative Report related to the establishment of a deadline for the submission of public representations on permit applications and resolved the following:

*THAT the Regional District initiate a process to amend the Development Procedure Bylaw to clarify timelines for receiving public representations on Development Variance applications and Temporary Use applications.*

### Analysis:

The current practice of accepting representations up to and including the day of the Board meeting at which a permit will be considered is misleading to the public and unfair to Board Members. It sets no parameters as to when submissions must be received to leave sufficient time for the Board to review the contents of a representation.

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The logistical challenges of ensuring that representations submitted in close proximity to, or during, a Board meeting get identified, properly processed (i.e. any necessary redacting occurs) and forwarded to Board members in a timely fashion is prone to error and hardly meets our principles around “informed decision-making”.

Given the latitude afforded by the *Local Government Act* regarding the acceptance of representations on DVP and TUP applications, there appears to be merit in establishing a deadline for representations to be submitted to the Board.

It is being proposed that this date be set seven (7) calendar days prior to a Board meeting as this will allow for the inclusion of all representations in the board agenda package when it is formally published on the Friday before a scheduled meeting.

This proposed change will, however, increase the processing times for DVP and TUP applications. This is due to postal delivery times for notifications, and the need to ensure that property owners and tenants receive letters well in advance of the proposed deadline.

At present, the mailing of notifications occurs 10 working days (2 weeks) prior to a Board meeting. Consideration should be given to expand this timeline to 20 working days (4 weeks).

If the proposed amendment is enacted, late representations would be placed on file and not brought forward for review.

**Alternatives:**

1. THAT consideration of Regional District of Okanagan-Similkameen Permit Representations Deadline Amendment Bylaw No. 2500.21, 2021, be deferred; OR
2. THAT first reading of Regional District of Okanagan-Similkameen Permit Representations Deadline Amendment Bylaw No. 2500.21, 2021, be denied.

**Respectfully submitted:**



C. Garrish, Planning Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2500.21, 2021**

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**A Bylaw to amend the Regional District of Okanagan-Similkameen  
Development Procedures Bylaw 2500, 2011**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Permit Representations Deadline Amendment Bylaw No. 2500.21, 2021."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
  - (i) replacing a Section 2.9 (Processing Procedure) under Schedule 4.0 (Application for a Development Variance Permit) in its entirety with the following:
    - .9 No less than 20 working days prior to the Board's consideration of an application, property owners and tenants of land within a radius not less than 100 metres of the boundaries of the subject property will be notified by mail advising of the application.
  - (ii) adding a new Section 2.10 (Processing Procedure) under Schedule 4.0 (Application for a Development Variance Permit) to read as follows and renumbering all subsequent sections accordingly:
    - .10 To be considered by the Board, a representation from a property owner or tenant of land must be received by the Regional District prior to 4:30 p.m. seven (7) calendar days prior to the Board meeting at which a resolution to issue a development variance permit is to be scheduled.
  - (iii) replacing a Section 2.8 (Processing Procedure) under Schedule 5.0 (Application for a Temporary Use Permit) in its entirety with the following:
    - .8 No less than 20 working days prior to the Board's consideration of an application, property owners and tenants of land within a radius not less than 100 metres of



the boundaries of the subject property will be notified by mail advising of the application.

(iv) adding a new Section 2.9 (Processing Procedure) under Schedule 5.0 (Application for a Temporary Use Permit) to read as follows and renumbering all subsequent sections accordingly:

.9 To be considered by the Board, a representation from a property owner or tenant of land must be received by the Regional District prior to 4:30 p.m. seven calendar (7) days prior to the Board meeting at which a resolution to issue a temporary use permit is to be scheduled.

(v) adding a new Section 2.10 (Processing Procedure) under Schedule 5.0 (Application for a Temporary Use Permit) to read as follows and renumbering all subsequent sections accordingly:

.10 The application will be notified pursuant to the requirements of the *Local Government Act* in an appropriate newspaper prior to Board consideration.

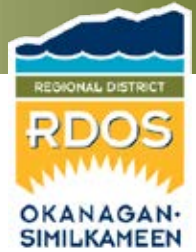
READ A FIRST, SECOND AND THIRD TIME on the \_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** June 3, 2021

**RE:** OCP & Zoning Bylaw Amendments – Okanagan Falls Commercial Zone Review  
(Okanagan Falls Town Centre Plan – Phase 3)

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### Administrative Recommendation:

**THAT** Bylaw No. 2603.15, 2021, a bylaw to amend the Electoral Area D Official Community Plan land use map and “Form and Character Permit Areas” map to implement the Okanagan Falls Town Centre Plan – Phase 3, be read a third time;

**AND THAT** Bylaw 2455.38, 2021, a bylaw to amend the Electoral Area D Zoning Bylaw be read a third time.

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### Proposal:

The amendment bylaws are proposing to update the Okanagan Falls Commercial Transition zone as part of the final phase of implementing the Okanagan Falls Town Centre Plan as well as on-going work related to the preparation of a single zoning bylaw for the Okanagan Electoral Areas.

### Background:

Between October of 2020 and February of 2021, the Regional District notified property owners on two separate occasions of the proposed zoning changes, and offering to meet to discuss any questions or comments they may have had.

In response, one (1) property owner contacted the Regional District in the fall of 2002, while five (5) property owners contacted the Regional District between February and March of 2021.

At its meeting of April 15, 2021, the Board resolved “that consideration of Zoning Bylaw Amendment – Okanagan Falls Commercial Zone Review be postponed to next meeting.”

At its meeting of May 6, 2021, the Board resolved to defer consideration of the amendment bylaws pending review by the Electoral Area “D” Advisory Planning Commission (APC).

At a special meeting of May 25, 2021, the Electoral Area “D” APC resolved to recommend to the Board that the proposed amendments to the OCP & Zoning Bylaw be approved.

At its meeting of June 3, 2021, the Regional District Board resolved to approve first and second reading of the amendment bylaws and scheduled a public hearing ahead of its meeting of July 8, 2021.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed zoning amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97).

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All comments received to date in relation to this application are included as a separate item on the Board Agenda.

**Analysis:**

A principal objective of the Okanagan Falls Town Centre Plan is to encourage the area north of Highway 97 to become the focal point of the community through the encouragement of new, mixed-used and multi-family residential developments.

In support of this strategic direction, the final phase of the Town Centre Plan involves a review of the commercial C4 zoning south of the Town Centre adjacent to Highway 97 and to replace it with more suitable zoning.

While many of the buildings along this corridor are being used for commercial purposes in the past, and are being proposed for conversion to a different commercial zone, others have been converted to non-commercial uses, such as residential or administrative.

The replacement zoning being proposed for each property was done in consideration of information obtained from BC Assessment classifications, current land use, potential re-development, and policy directions from the OCP and the Town Centre Plan.

Also, through public feedback, a number of properties have been re-designated as Highway Commercial (C4), a new zone that allows a mixed use that retains uses similar to a commercial zone and also allows for dwelling units above or at the rear of the property.

In summary, Administration believes that the proposed changes support the direction of the Okanagan Falls Town Centre Plan, and the Electoral Area "D" OCP while encouraging a broad range of commercial uses along the highway and the potential for greater residential density by introducing a Medium Density zone.

**Alternatives:**

1. THAT third reading of Official Community Plan (OCP) Amendment Bylaw No. 2603.15, 2021, and Zoning Amendment Bylaw 2455.38, 2021, be deferred;
2. THAT first and second reading of Official Community Plan (OCP) Amendment Bylaw No. 2603.15, 2021 and Zoning Amendment Bylaw No. 2455.38, 2021 be rescinded and the bylaws abandoned.

**Respectfully submitted:**



C. Garrish, Planning Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2603.15, 2021**

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**A Bylaw to amend the Electoral Area “D” Official Community Plan Bylaw No. 2603, 2013**

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “D” Okanagan Falls Town Centre Update Official Community Plan Amendment Bylaw No. 2603.15, 2021.”
2. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area “D” Official Community Plan Bylaw No. 2603, 2013, is amended by changing the land use designation of the land described as:
  - i) Plan KAP3787, District Lot 374, SDYD, Parcel A, Portion KV78711 (1045 Highway 97) and shown shaded yellow on Schedule ‘A’, which forms part of this Bylaw, from Commercial (C) to Commercial Tourist (CT).
  - ii) Lots 8-12, Block 9, Plan KAP4, District Lot 374, SDYD (923 Ash Street) and Lots 13-17, Block 9, Plan KAP4, District Lot 374, SDYD (5110 10<sup>th</sup> Avenue), and shown shaded yellow on Schedule ‘B’, which forms part of this Bylaw, from Commercial (C) to Medium Density Residential (MR).
  - iii) Plan KAP5823, District Lot 374, SDYD, Parcel A, Portion (KD776), Okanagan Falls Townsite (917 Highway 97), and shown shaded yellow on Schedule ‘C’, which forms part of this Bylaw, from Commercial (C) to Medium Density Residential (MR).
  - iv) Lot 20, Block 10, Plan KAP1280, District Lot 374, SDYD (1008 10<sup>th</sup> Avenue), and shown shaded yellow on Schedule ‘D’, which forms part of this Bylaw, from Commercial (C) to Medium Density Residential (MR).
  - v) Lot A, Plan KAP52004, District Lot 374, SDYD (917 Ash Street) and shown shaded yellow on Schedule ‘E’, which forms part of this Bylaw, from Commercial (C) to Medium Density Residential (MR).
  - vi) Parcel A, Block 10, Plan KAP1280, District Lot 374, SDYD, Portion KD20684, (1016 Highway 97) and shown shaded yellow on Schedule ‘F’, which forms part of this Bylaw, from Commercial (C) to Medium Density Residential (MR).

- vii) Plan KAS1099, District Lot 374, SDYD, (1133 & 1135 Main Street) and shown shaded yellow on Schedule 'G', which forms part of this Bylaw, from Commercial (C) to Medium Density Residential (MR).
  - viii) Lot 1, Plan KAP23248, District Lot 374, SDYD, Okanagan Falls Townsite (5099 Veterans Way) and shown shaded yellow on Schedule 'H', which forms part of this Bylaw, from Commercial (C) to Administrative, Cultural and Institutional (AI).
  - ix) Lot 9, Plan KAP34520, District Lot 374, SDYD (1145 Highway 97) and shown shaded yellow on Schedule 'I', which forms part of this Bylaw, from Commercial (C) to Administrative, Cultural and Institutional (AI).
3. The Official Community Plan Bylaw Form and Character Development Permit Areas Map, being Schedule 'E' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended by:
- i) deleting the Okanagan Falls Multiple Family Development Permit Area from the property described as Lot 1, Plan KAP23248, District Lot 374, SDYD, Okanagan Falls Townsite (5099 Veterans Way) and shown shaded yellow on Schedule 'J', which forms part of this Bylaw.
  - ii) by deleting the Okanagan Falls Commercial Development Permit Area from the property described as Lot 9, Plan KAP34520, District Lot 374, SDYD (1145 Highway 97) and shown shaded yellow on Schedule 'K', which forms part of this Bylaw.
  - iii) replacing the Okanagan Falls Commercial Development Permit Area with the Okanagan Falls Multiple Family Development Permit Area on the property described as Plan KAP5823, District Lot 374, SDYD, Parcel A, Portion (KD776), Okanagan Falls Townsite (917 Highway 97), and shown shaded yellow on Schedule 'L', which forms part of this Bylaw.
  - iv) replacing the Okanagan Falls Commercial Development Permit Area with the Okanagan Falls Multiple Family Development Permit Area on the property described as Parcel A, Block 10, Plan KAP1280, District Lot 374, SDYD, Portion KD20684, (1016 Highway 97) and shown shaded yellow on Schedule 'M', which forms part of this Bylaw.
  - v) replacing the Okanagan Falls Commercial Development Permit Area with the Okanagan Falls Multiple Family Development Permit Area on the property described as Lots 8-12, Block 9, Plan KAP4, District Lot 374, SDYD (923 Ash Street) and Lots 13-17, Block 9, Plan KAP4, District Lot 374, SDYD (5110 10<sup>th</sup> Avenue), and shown shaded yellow on Schedule 'N', which forms part of this Bylaw.
  - vi) replacing the Okanagan Falls Commercial Development Permit Area with the Okanagan Falls Multiple Family Development Permit Area on the property described as Lot 20, Block 10, Plan KAP1280, District Lot 374, SDYD (1008 10<sup>th</sup> Avenue), and shown shaded yellow on Schedule 'O', which forms part of this Bylaw.
  - vii) replacing the Okanagan Falls Commercial Development Permit Area to Okanagan Falls Multiple Family Development Permit Area on the property described as Plan

KAS1099, District Lot 374, SDYD, (1133 & 1135 Main Street) and shown shaded yellow on Schedule 'P', which forms part of this Bylaw.

- viii) replacing the Okanagan Falls Commercial Development Permit Area to Okanagan Falls Multiple Family Development Permit Area on the property described as Lot A, Plan KAP52004, District Lot 374, SDYD (917 Ash Street) and shown shaded yellow on Schedule 'Q', which forms part of this Bylaw.

READ A FIRST AND SECOND TIME this 3<sup>rd</sup> day of June, 2021.

PUBLIC HEARING HELD this 8<sup>th</sup> day of July, 2021.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Chief Administrative Officer

# Regional District of Okanagan-Similkameen

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

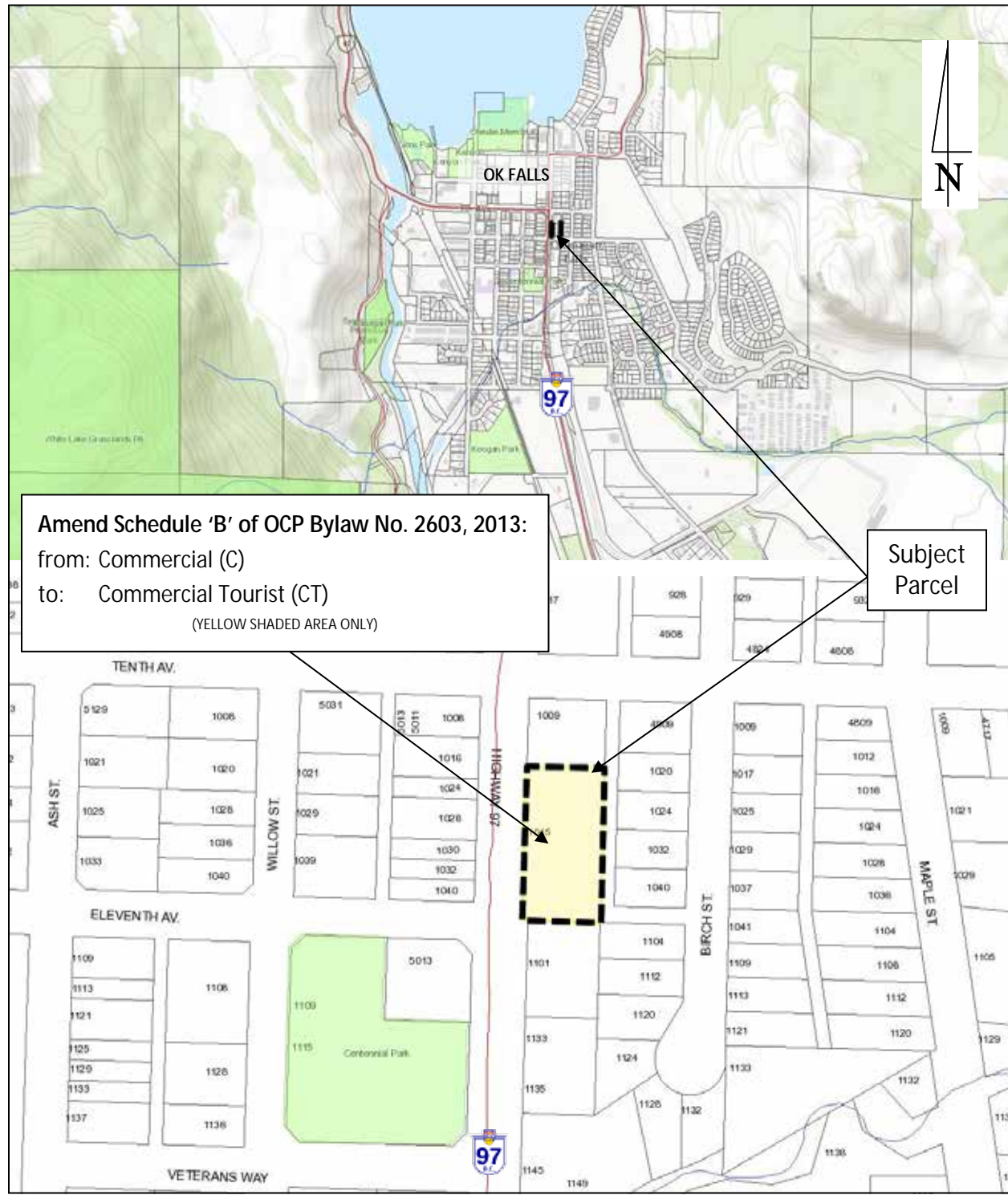
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'A'



# Regional District of Okanagan-Similkameen

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

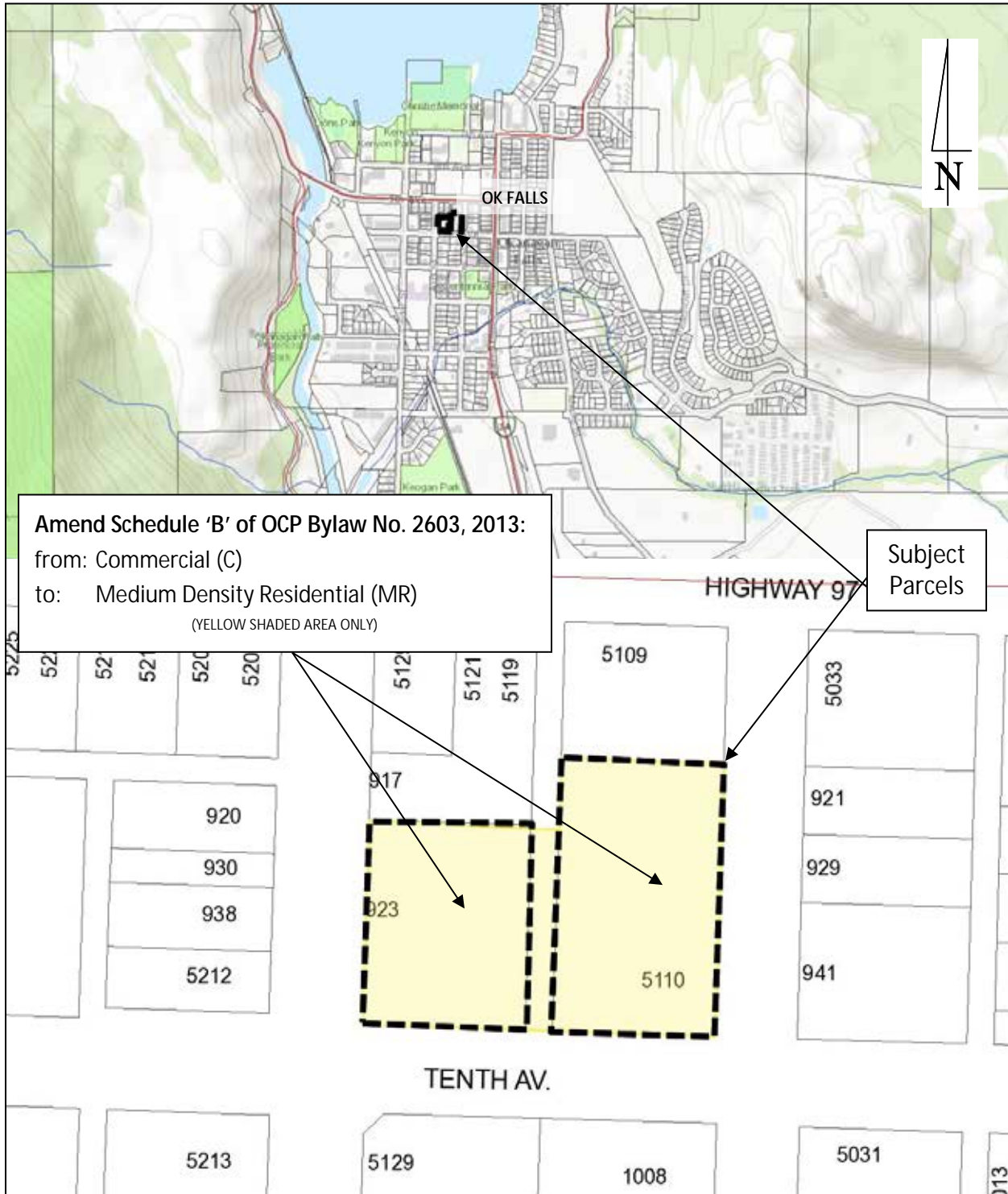
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'B'





# Regional District of Okanagan-Similkameen

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

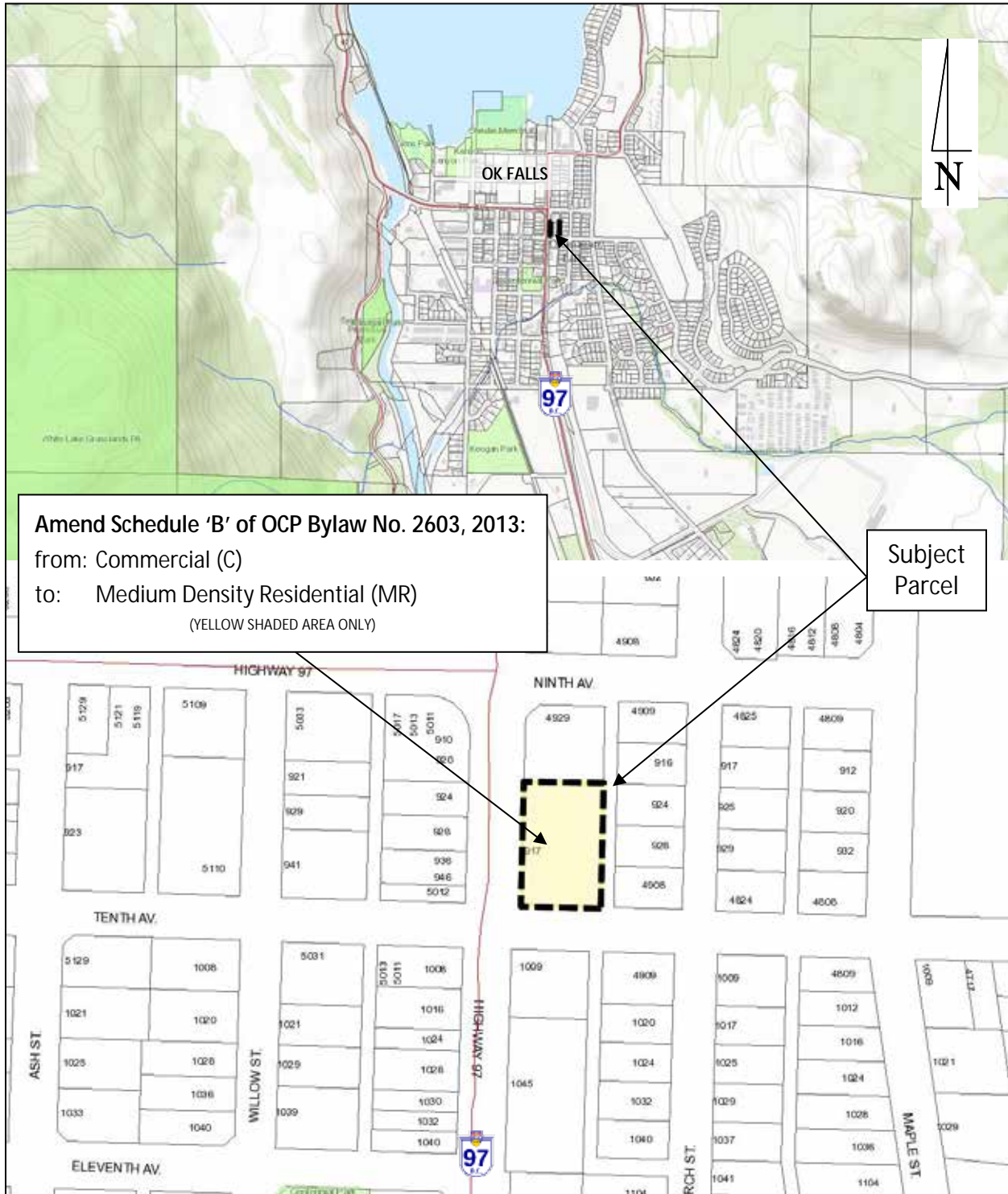
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'C'



# Regional District of Okanagan-Similkameen

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

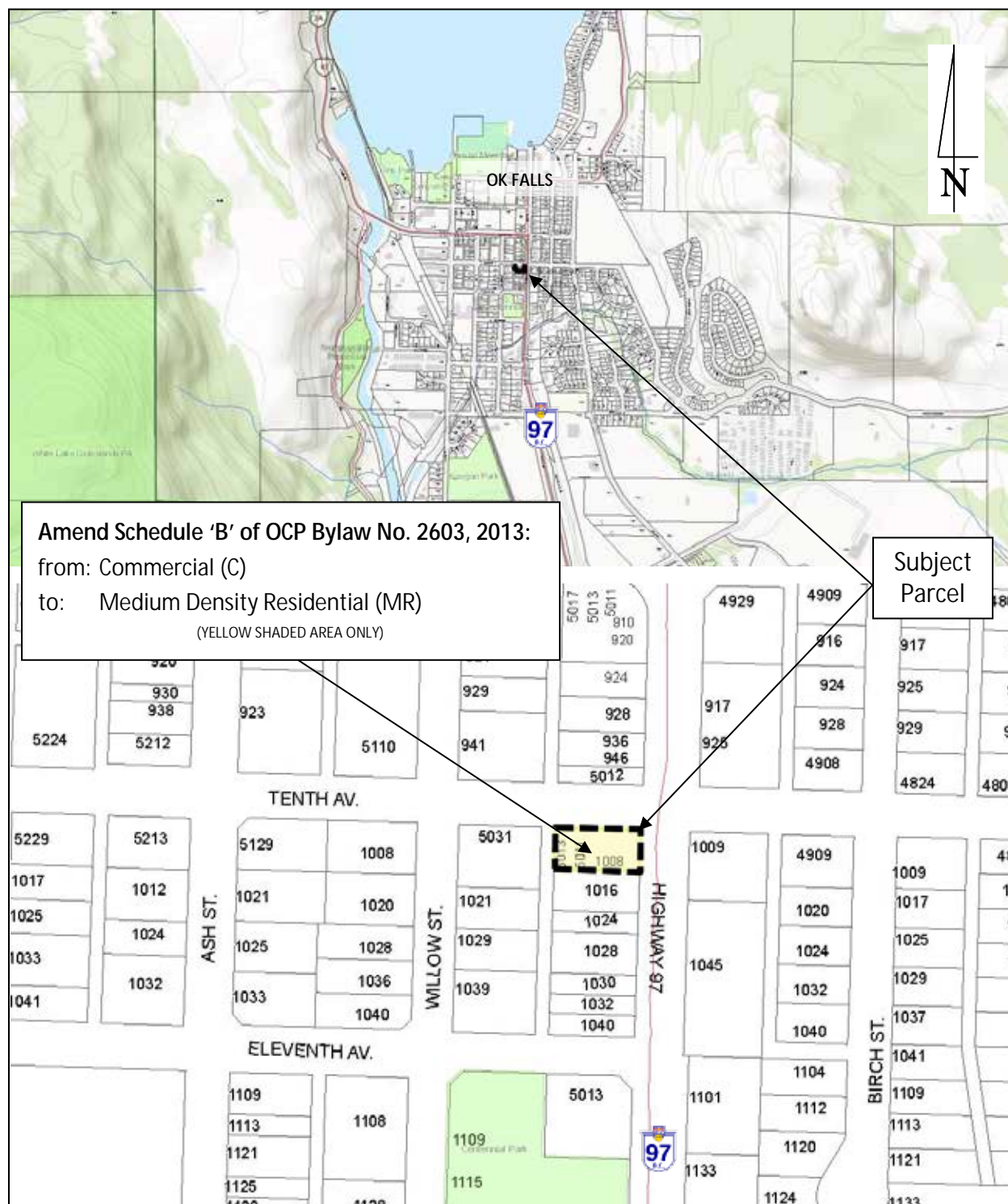
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'D'



# Regional District of Okanagan-Similkameen

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

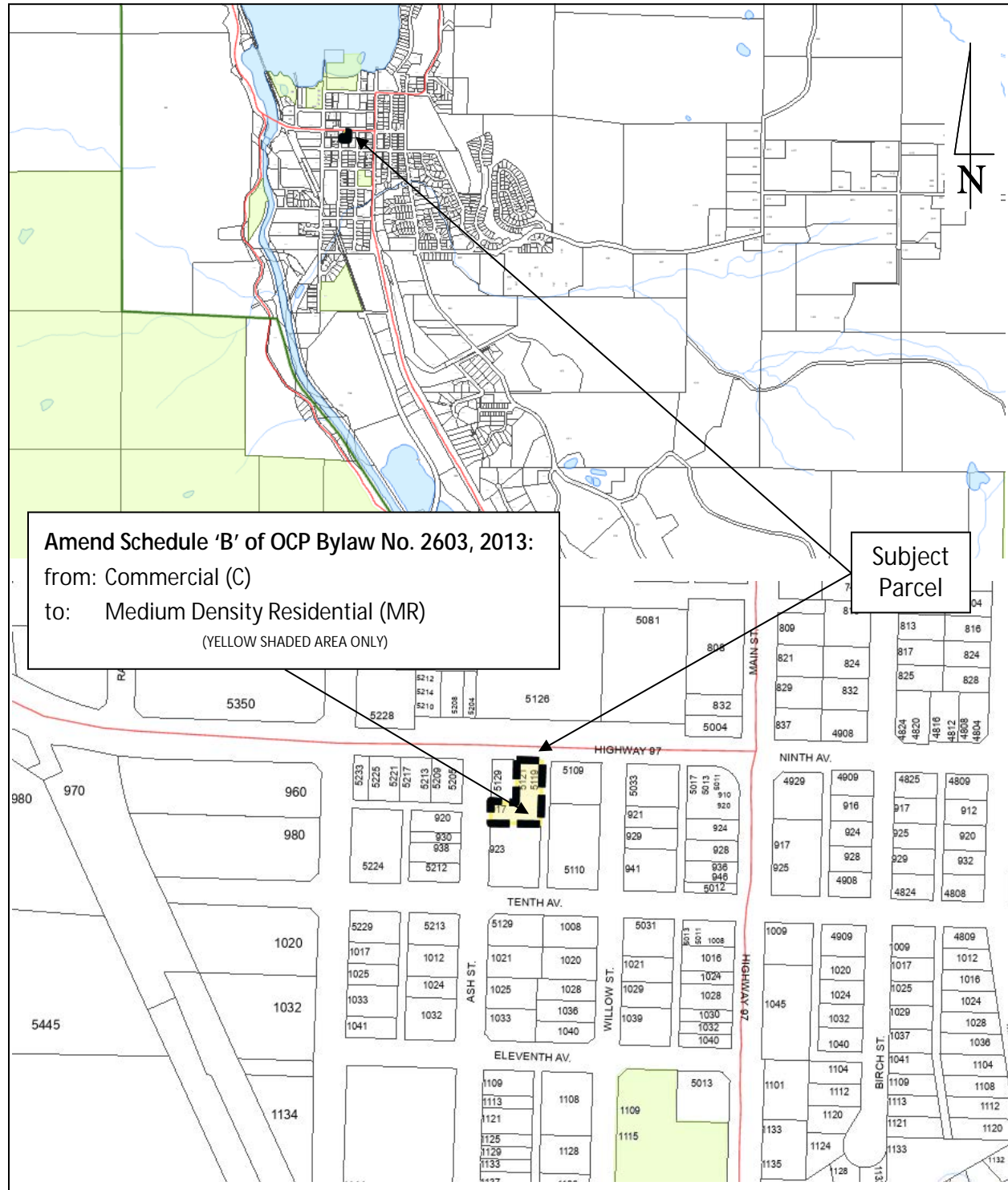
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'E'



# Regional District of Okanagan-Similkameen

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

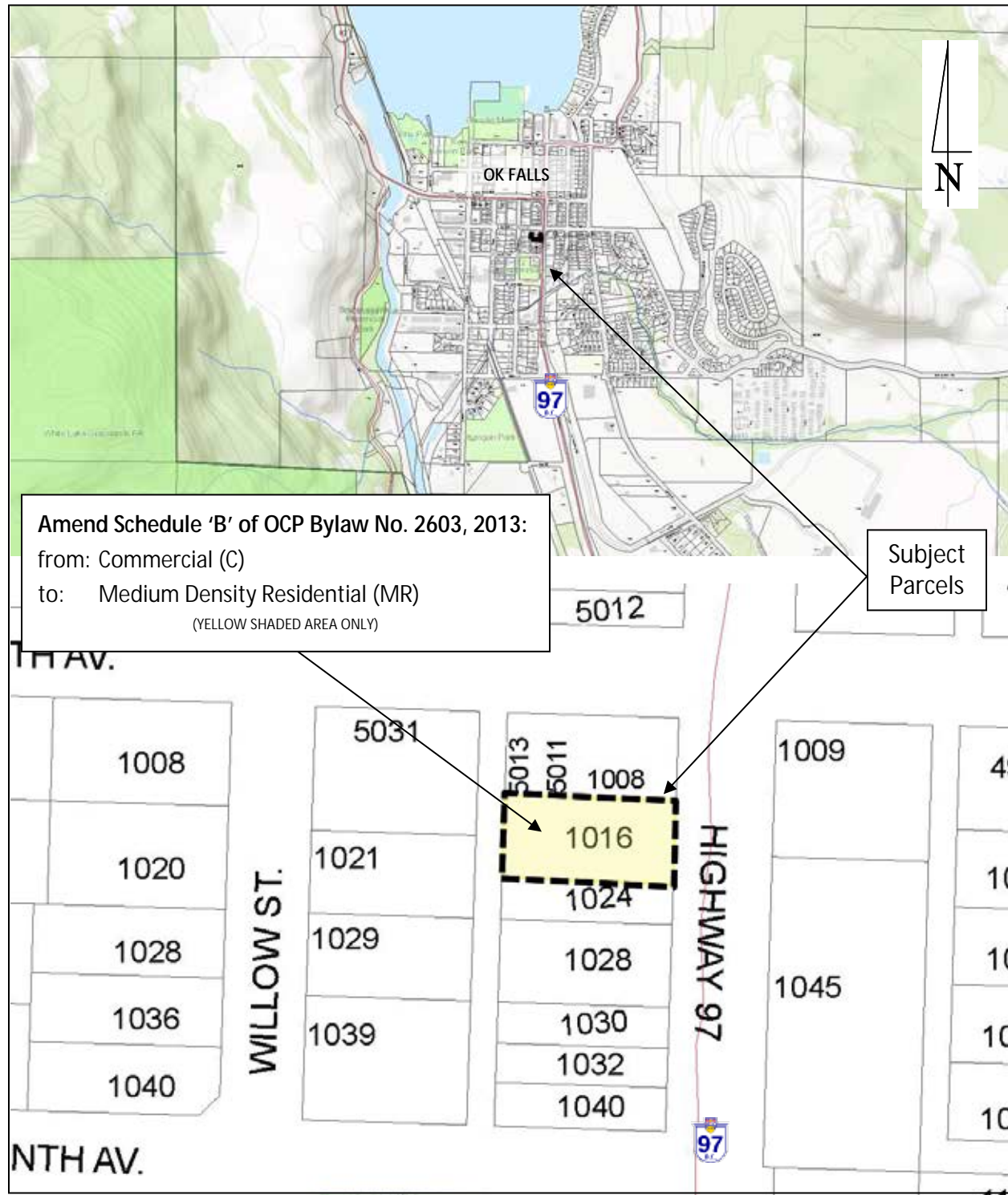
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'F'



# Regional District of Okanagan-Similkameen

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

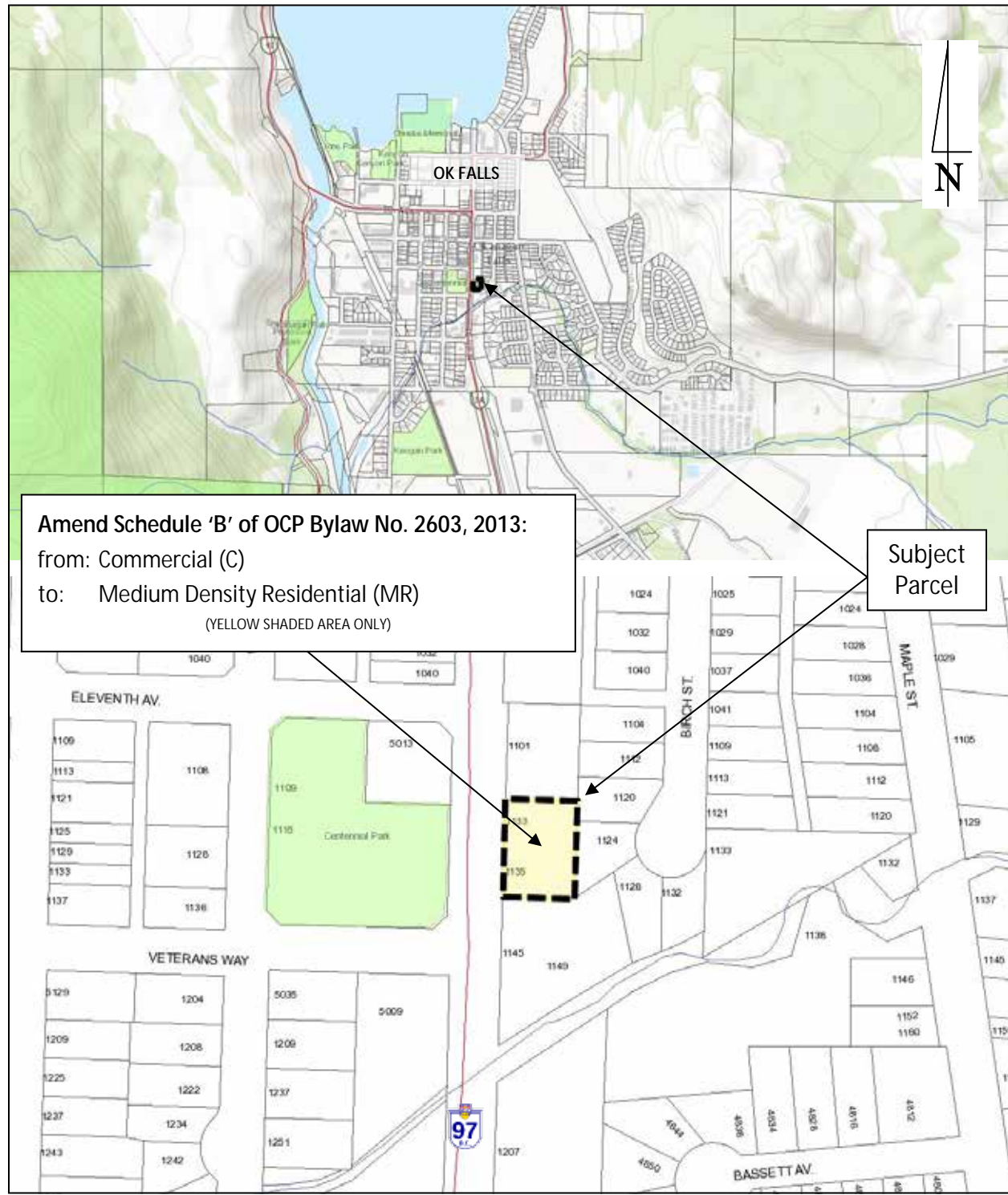
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'G'



# Regional District of Okanagan-Similkameen

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

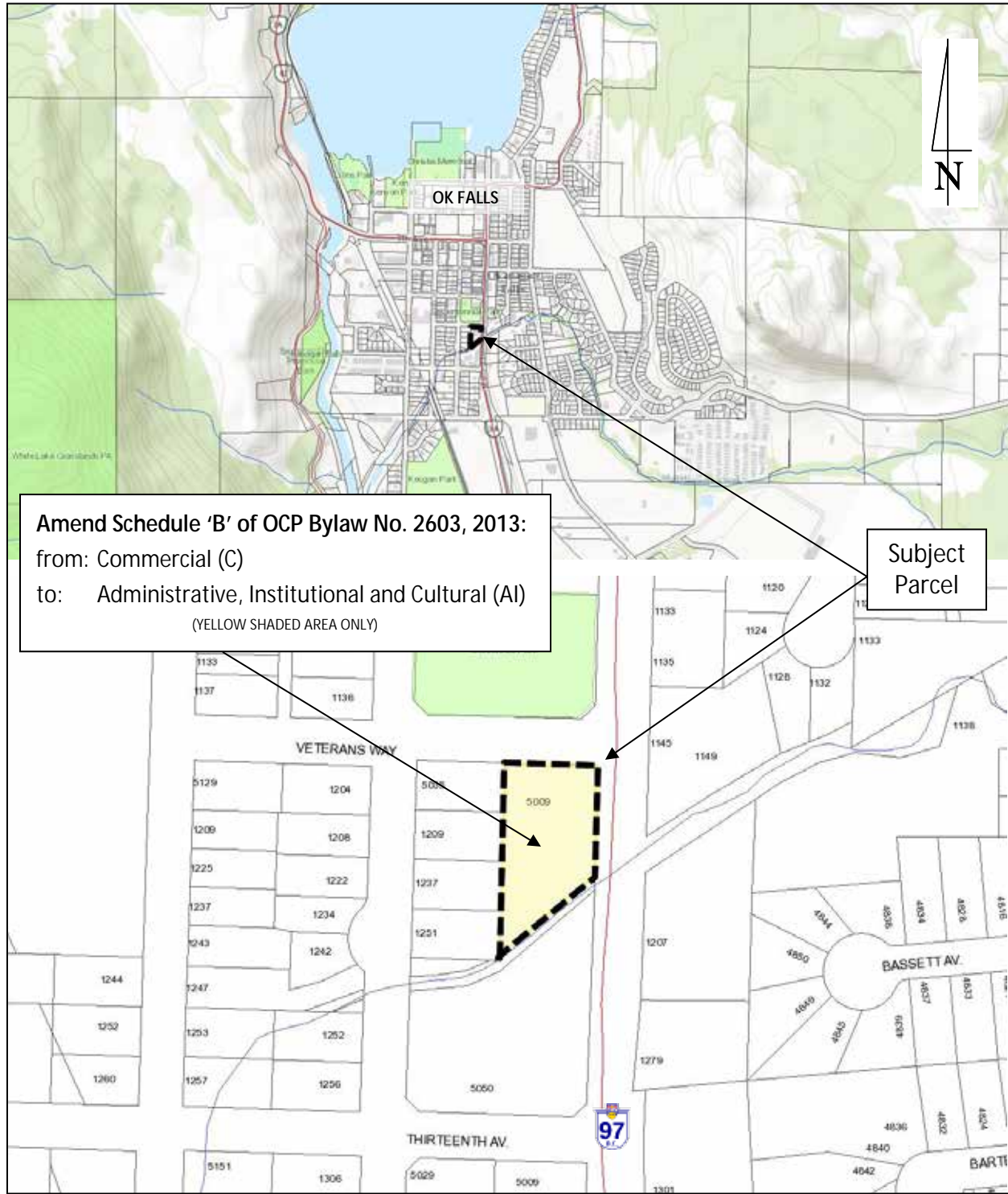
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'H'



# Regional District of Okanagan-Similkameen

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

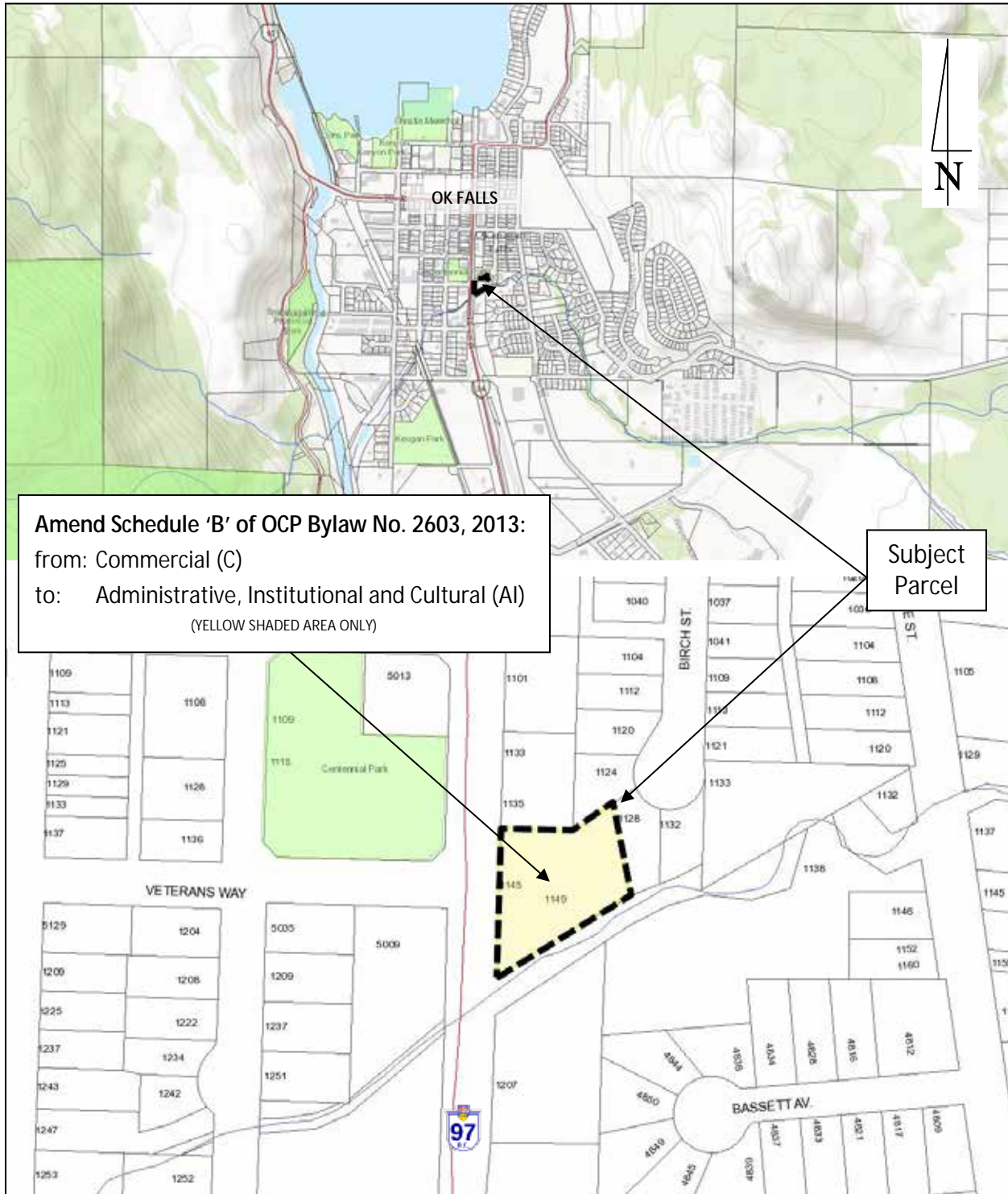
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'I'



Amendment Bylaw No. 2603.15, 2021

(D2018.089-ZONE)

Page 12 of 20

# Regional District of Okanagan-Similkameen

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

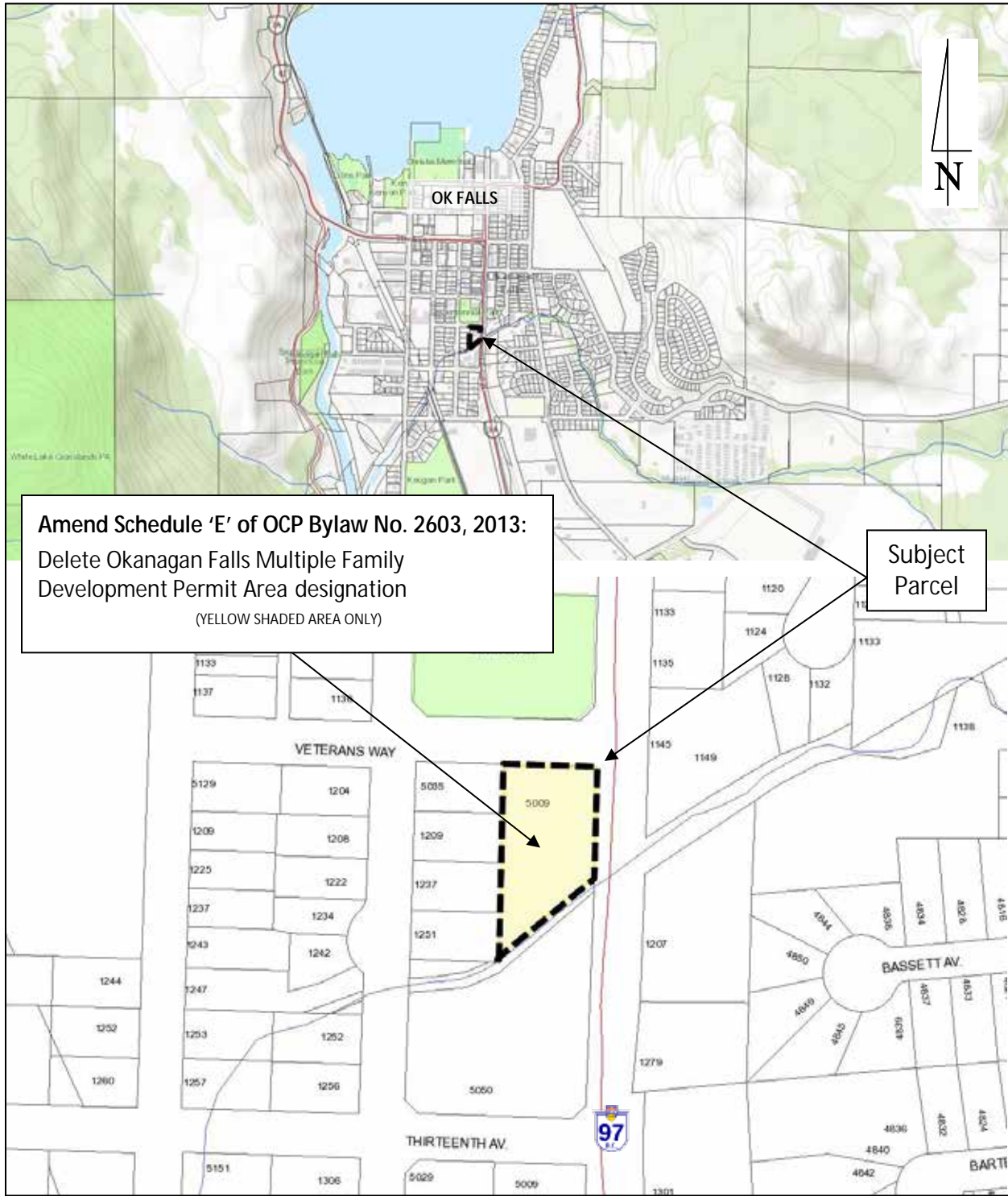
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'J'





# Regional District of Okanagan-Similkameen

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

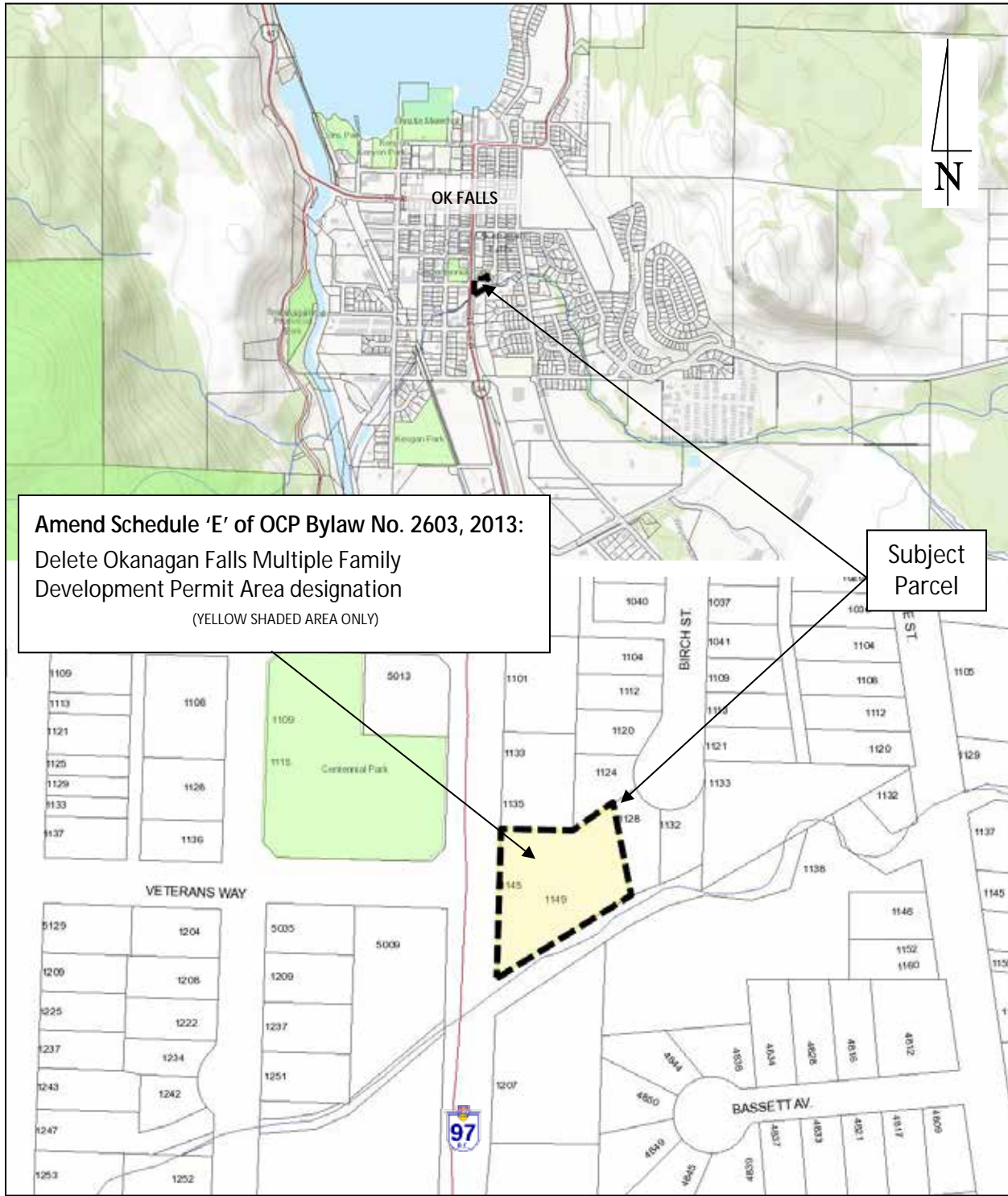
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'K'



Amendment Bylaw No. 2603.15, 2021

(D2018.089-ZONE)

Page 14 of 20

# Regional District of Okanagan-Similkameen

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

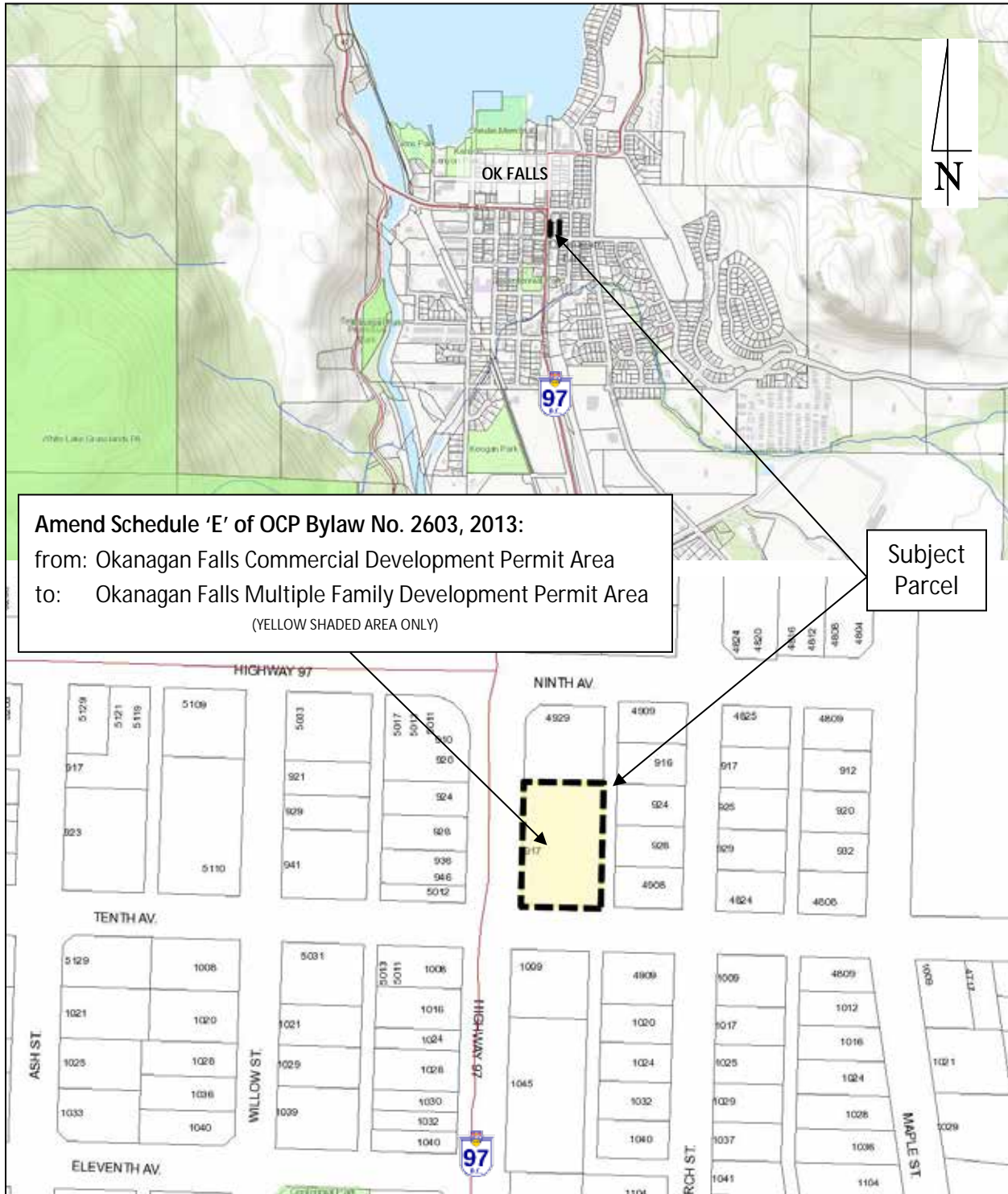
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'L'



# Regional District of Okanagan-Similkameen

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

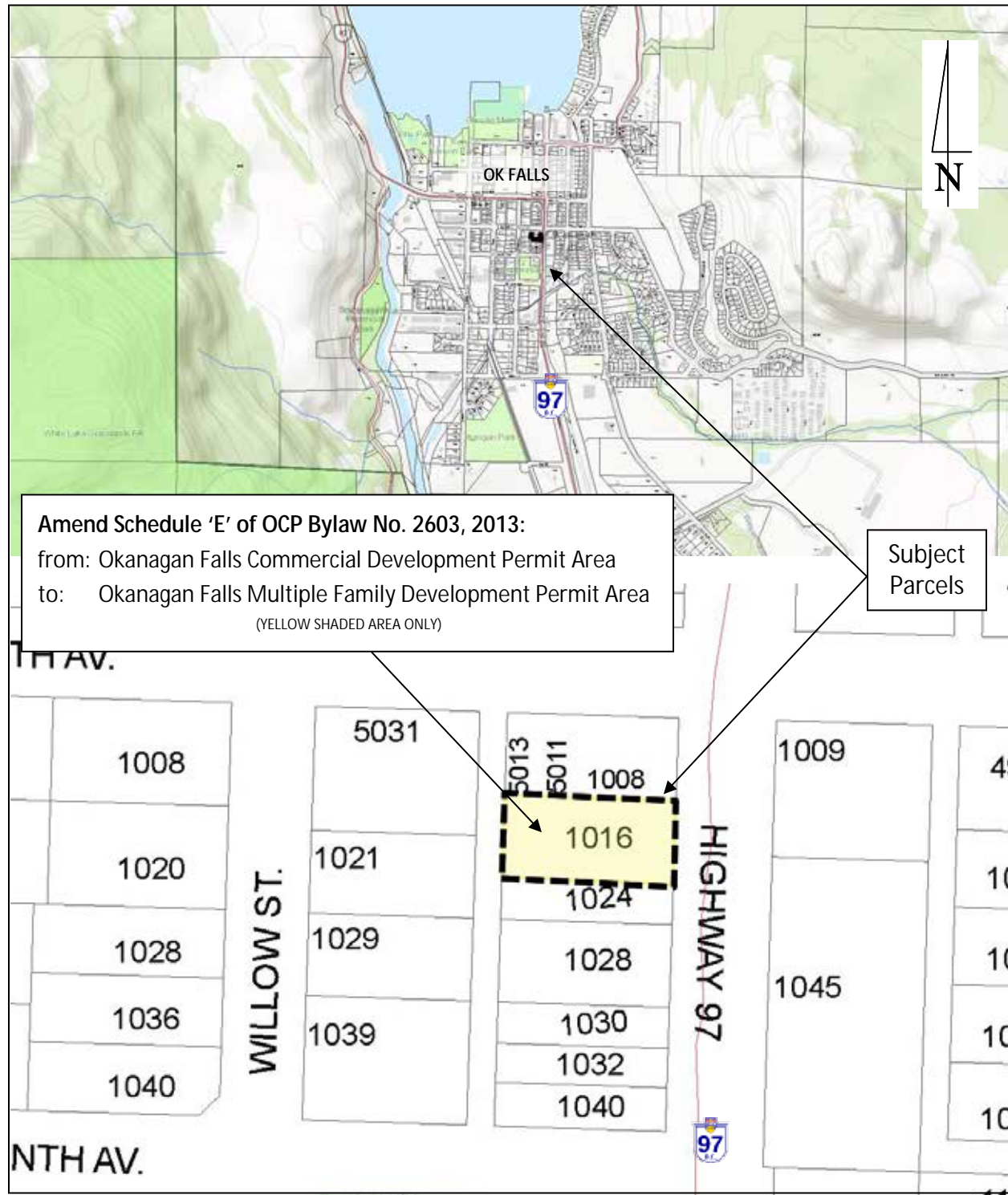
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'M'



# Regional District of Okanagan-Similkameen

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

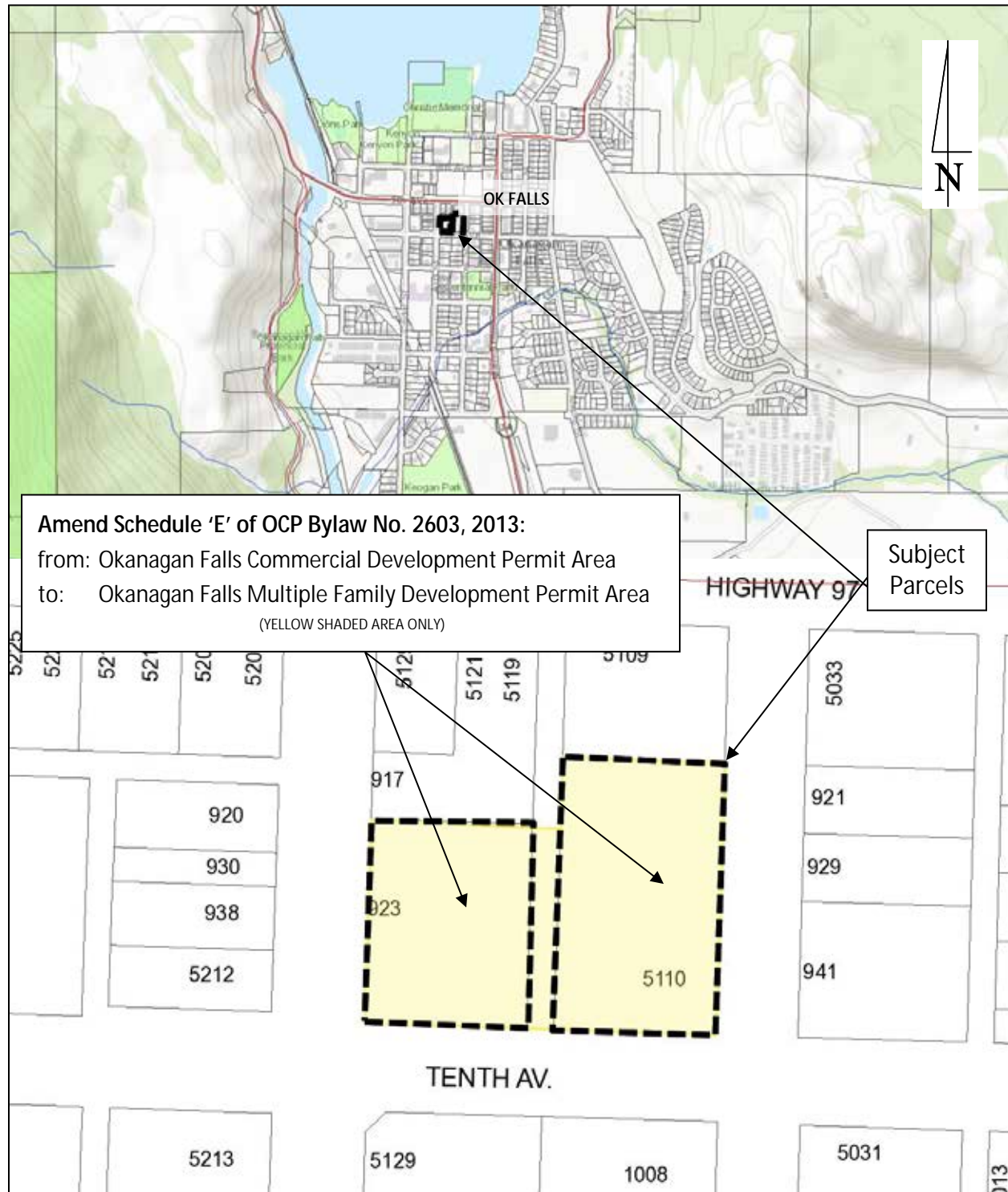
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'N'



# Regional District of Okanagan-Similkameen

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

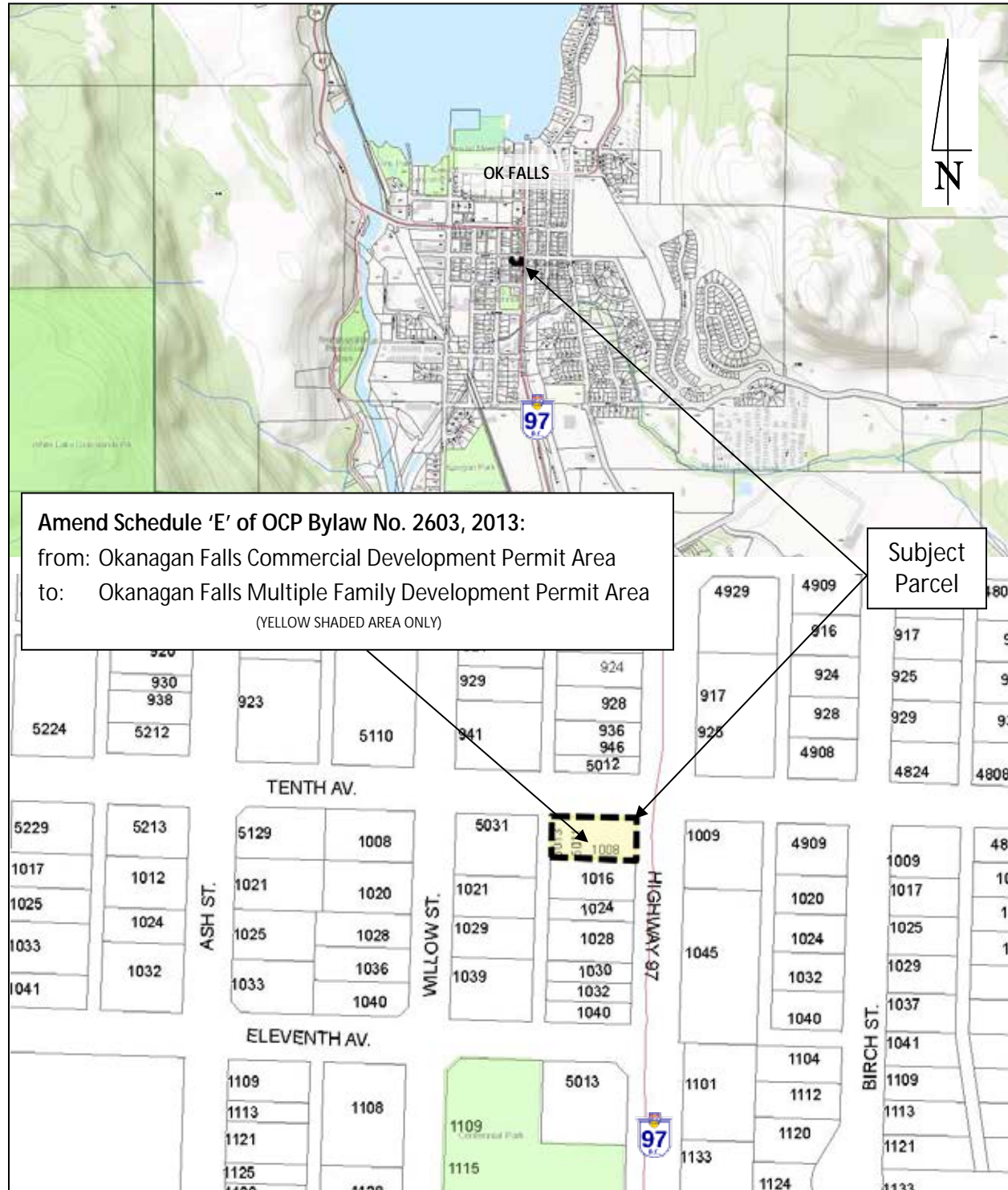
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'O'



# Regional District of Okanagan-Similkameen

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

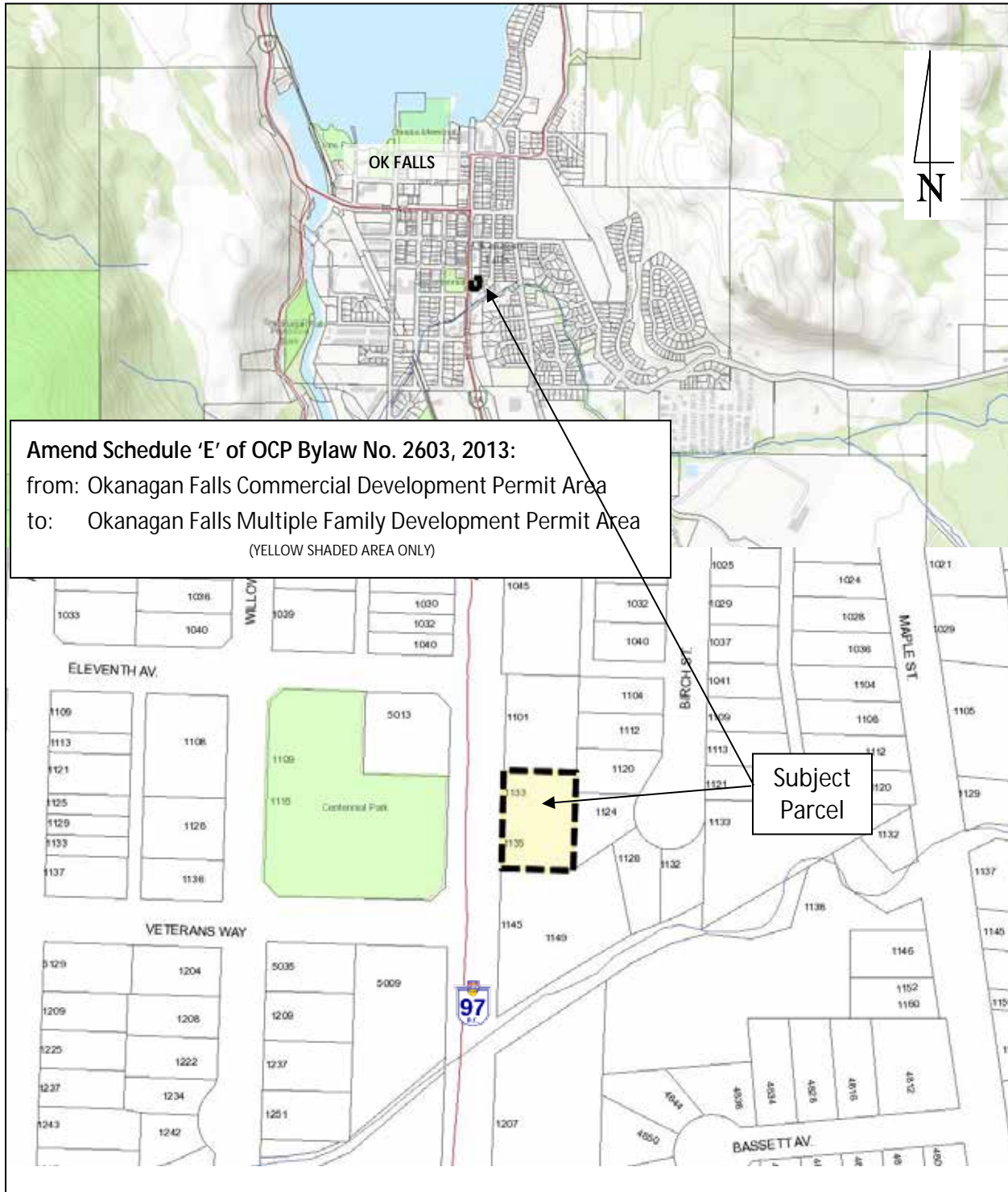
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

Schedule 'P'



# Regional District of Okanagan-Similkameen

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

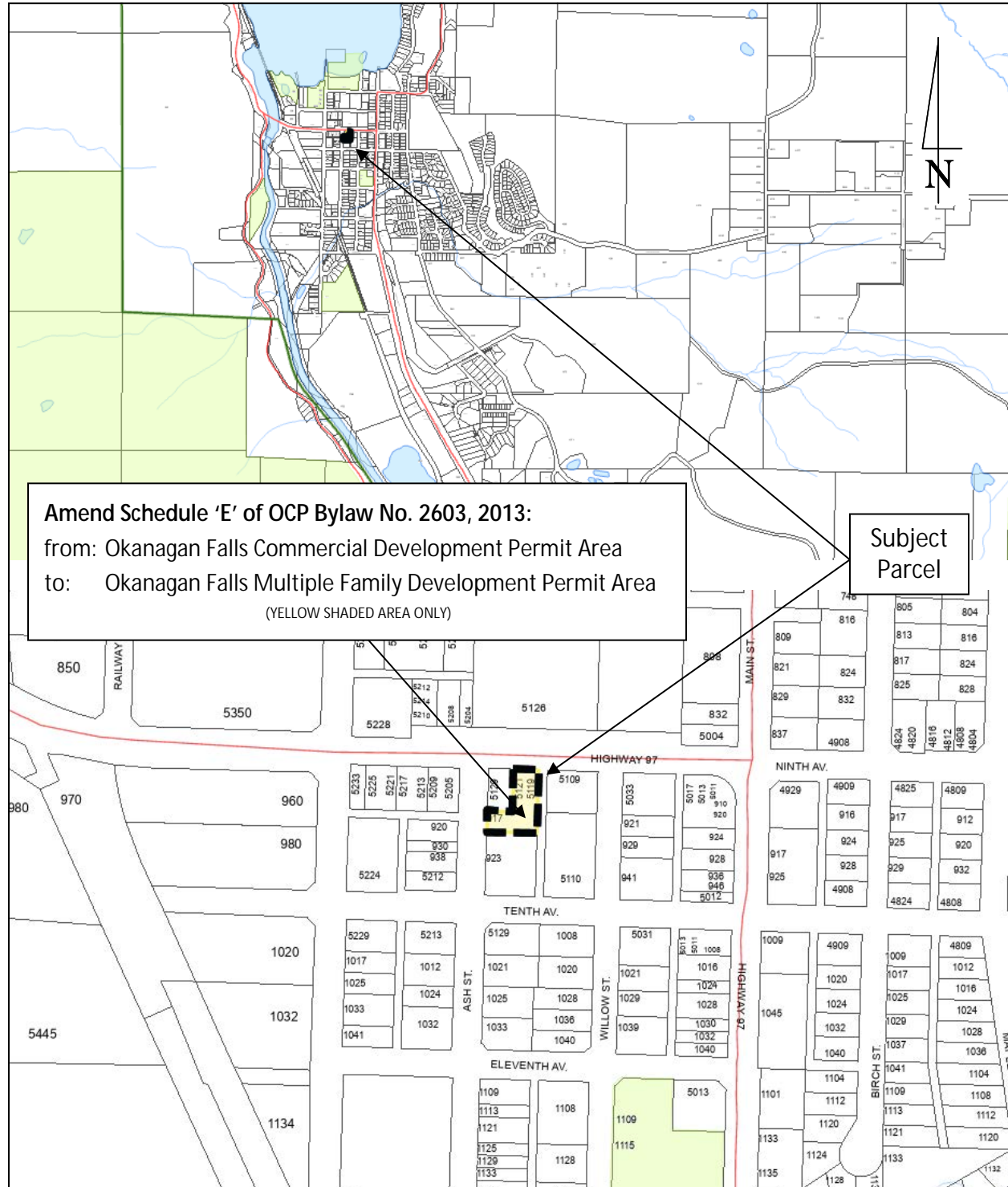
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2603.15, 2021

Project No: D2018.089-ZONE

## Schedule 'Q'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2455.38, 2021**

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**A Bylaw to amend the Electoral Area "D" Zoning Bylaw No. 2455, 2008**

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "D" Okanagan Falls Town Centre Update Zoning Amendment Bylaw No. 2455.38, 2021."
2. The Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by:
  - i) replacing Section 14.2 (Okanagan Falls Town Centre Transition Zone) under Section 14.0 (Commercial) in its entirety with the following:

**14.2 HIGHWAY COMMERCIAL ZONE (C4)**

**14.2.1 Permitted Uses:**

Principal uses:

- a) brewery, cidery, distillery, meadery or winery;
- b) eating and drinking establishments;
- c) indoor recreation;
- d) apartment building, subject to Section 14.2.5;
- e) offices;
- f) outdoor market;
- g) personal service establishment;
- h) retail stores, general;
- i) townhouse, subject to Section 14.2.5;
- j) tourist accommodation;

Secondary uses:

- k) dwelling units;



- l) bed and breakfast operation, subject to Section 7.19;
- m) home occupations, subject to Section 7.17; and
- n) accessory buildings and structures, subject to Section 7.13.

**14.2.2 Site Specific Highway Commercial Zone (C4s) Provisions:**

- a) see Section 19.15

**14.2.3 Minimum Parcel Size:**

- a) 1000 m<sup>2</sup>, subject to servicing requirements.

**14.2.4 Minimum Parcel Width:**

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

**14.2.5 Dwelling Unit Regulations:**

- a) dwelling units shall be located above the first floor or at the rear of a building containing a principal commercial use.

**14.2.6 Minimum Setbacks:**

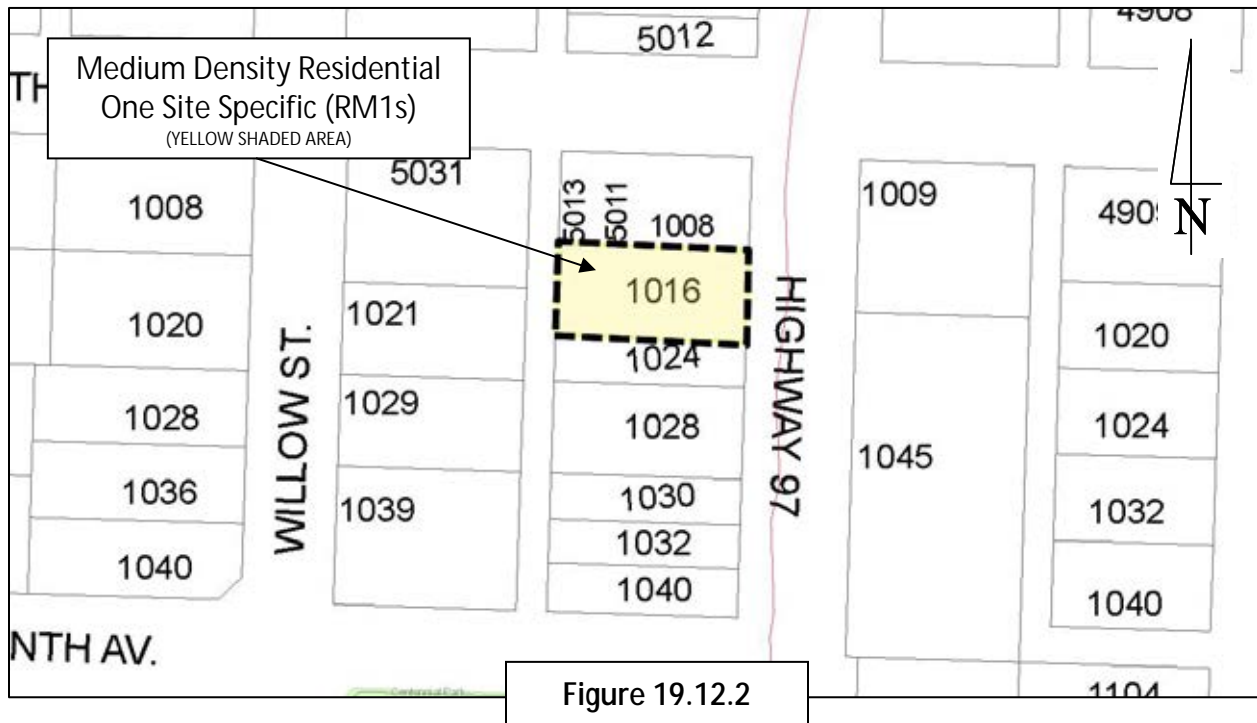
- a) Buildings and Structures:
  - i) Front parcel line: 3.0 metres
  - ii) Rear parcel line: 0.0 metres
  - iii) Interior side parcel line: 0.0 metres
  - iv) Exterior side parcel line: 3.0 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 3.0 metres
  - ii) Rear parcel line: 0.0 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 3.0 metres

**14.2.7 Maximum Height:**

- a) No building or structure shall exceed a height of 12.0 metres;
- b) No accessory building or structure shall exceed a height of 4.5 metres.

#### 14.2.8 Maximum Parcel Coverage:

- a) 80%
- ii) adding a new Section 19.12.2 (Site Specific Medium Density Residential One) under Section 19.0 (Site Specific Designations) to read as follows:
  - .2 In the case of land described as Parcel A, Block 10, Plan KAP1280, District Lot 374, SDYD, Portion KD20684 (1016 Main Street), and shown shaded yellow on Figure 19.12.2:
    - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:
      - a) eating and drinking establishments;
      - b) offices;
      - c) personal service establishment; and
      - d) retail stores, general.



- iii) adding a new Section 19.12.3 (Site Specific Medium Density Residential One) under Section 19.0 (Site Specific Designations) to read as follows:
  - .3 In the case of land described as Plan KAS1099, District Lot 374, SDYD (1135 Highway 97), and shown shaded yellow on Figure 19.12.3:
    - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:

- a) eating and drinking establishments;
- b) offices;
- c) personal services establishment; and
- d) retail stores, general

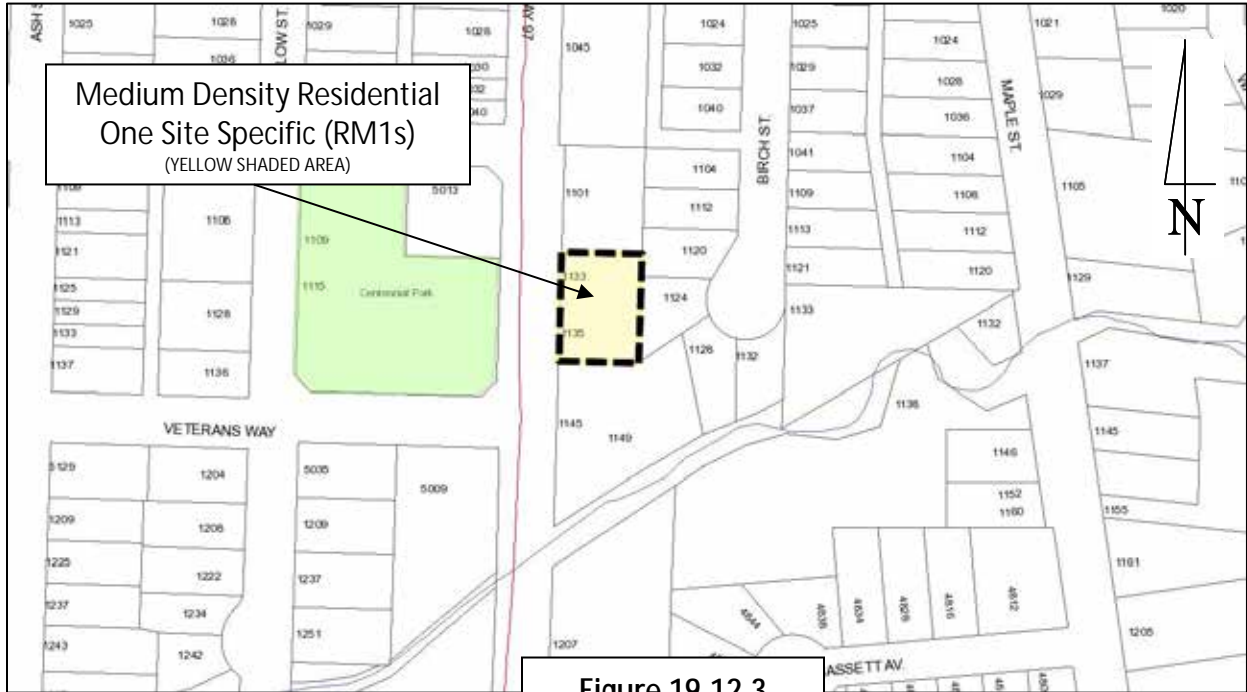
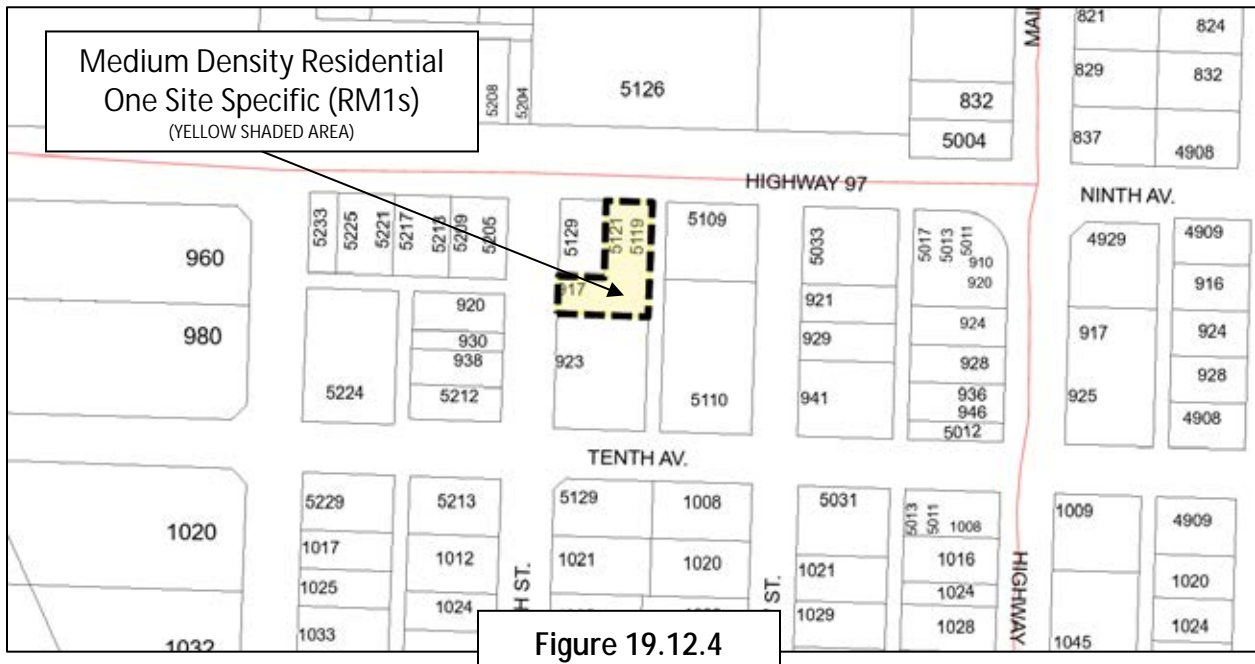


Figure 19.12.3

iv) adding a new Section 19.12.4 (Site Specific Medium Density Residential One) under Section 19.0 (Site Specific Designations) to read as follows:

.4 In the case of land described as Lot A, Plan KAP52004, District Lot 374, SDYD (917 Ash Street) and shown shaded yellow on Figure 19.12.5:

- ii) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 12.1.1:
  - a) eating and drinking establishments;
  - b) offices;
  - c) personal services establishment; and
  - d) retail stores, general.



- v) replacing Section 19.14.1 (Site Specific General Commercial Provisions) under Section 19.0 (Site Specific Designations) in its entirety with the following:
  - .1 In the case of land described as Lot 1, Plan KAP3828, District Lot 374, SDYD (5129 9<sup>th</sup> Avenue), and shown shaded yellow on Figure 19.14.1:
    - i) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 14.1.1:
      - a) service industry establishment, excluding household cleaning and repair; metal and woodworking; and plumbing and heating sales; storage and repair.



Figure 19.14.1

vi) replacing Section 19.15 (Site Specific Okanagan Falls Town Centre Provisions) under Section 19.0 (Site Specific Designations) in its entirety with the following:

**19.15 Site Specific Highway Commercial (C4s) Provisions:**

.1 Not applicable.

3. The Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended by changing land use designation of the land:
  - i) shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to General Commercial (C1).
  - ii) described as Lot 1, Plan KAP3828, District Lot 374, SDYD (5129 9<sup>th</sup> Avenue) and shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition Site Specific (C4s) to General Commercial Site Specific (C1s).
  - iii) described as Lot A, Plan KAP42658, District Lot 374, SDYD (1101 Highway 97) and shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to General Commercial (C1).
  - iv) described as Lot 16, Block 10, Plan KAP1280, District Lot 374, SDYD (1024 Main Street;) and Parcel Z, Block 10, Plan KAP1280, District Lot 374, SDYD (1028 Main Street); and Lots 11-13, Block 10, Plan KAP1280, District Lot 374, SDYD (1030, 1032 & 1040 Main Street) and shown as shaded yellow on Schedule 'D', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Highway Commercial (C4).

- v) described as Plan KAP3787, District Lot 374, SDYD, Parcel A, Portion KV78711 (1045 Highway 97) and shown shaded yellow on Schedule 'E', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Tourist Commercial One (CT1).
- vi) described as Lots 8-12, Block 9, Plan KAP4, District Lot 374, SDYD (923 Ash Street) and Lots 13-17, Block 9, Plan KAP4, District Lot 374, SDYD (5110 10<sup>th</sup> Avenue), and shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Medium Density Residential One (RM1).
- vii) described as Plan KAP5823, District Lot 374, SDYD, Parcel A, Portion (KD776), Okanagan Falls Townsite (917 Highway 97), and shown shaded yellow on Schedule 'G', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Medium Density Residential One (RM1).
- viii) described as Lot 20, Block 10, Plan KAP1280, District Lot 374, SDYD (1008 10<sup>th</sup> Avenue), and shown shaded yellow on Schedule 'H', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Medium Density Residential One (RM1).
- ix) described as Lots 1-18, Plan KAS1099, District Lot 374, SDYD, (1133 & 1135 Main Street) and shown shaded yellow on Schedule 'I', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Medium Density Residential One Site Specific (RM1s).
- x) described as Lot 1, Plan KAP23248, District Lot 374, SDYD, Okanagan Falls Townsite (5099 Veterans Way) and shown shaded yellow on Schedule 'J', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Administrative and Institutional (AI).
- xi) described as Lot 9, Plan KAP34520, District Lot 374, SDYD (1145 Highway 97) and shown shaded yellow on Schedule 'K', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Administrative and Institutional (AI).
- xii) described as Parcel A, Block 10, Plan KAP1280, District Lot 374, SDYD, Portion KD20684 (1016 Highway 97) and shown shaded yellow on Schedule 'L', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Medium Density Residential One Site Specific (RM1s).
- xiii) described as Lot A, Plan KAP52004, District Lot 374, SDYD (917 Ash Street) and shown shaded yellow on Schedule 'M', which forms part of this Bylaw, from Okanagan Falls Town Centre Transition (C4) to Medium Density Residential One Site Specific (RM1s).

READ A FIRST AND SECOND TIME this 3<sup>rd</sup> day of June, 2021.

PUBLIC HEARING HELD this 8<sup>th</sup> day of July, 2021.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

I hereby certify the foregoing to be a true and correct copy of the "Electoral Area "D" Okanagan Falls Town Centre Update Zoning Amendment Bylaw No. 2455.38, 2021" as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_, 2021.

Dated at Penticton, BC this \_\_ day of \_\_\_\_, 2021.

\_\_\_\_\_  
Chief Administrative Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Chief Administrative Officer

# Regional District of Okanagan-Similkameen

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

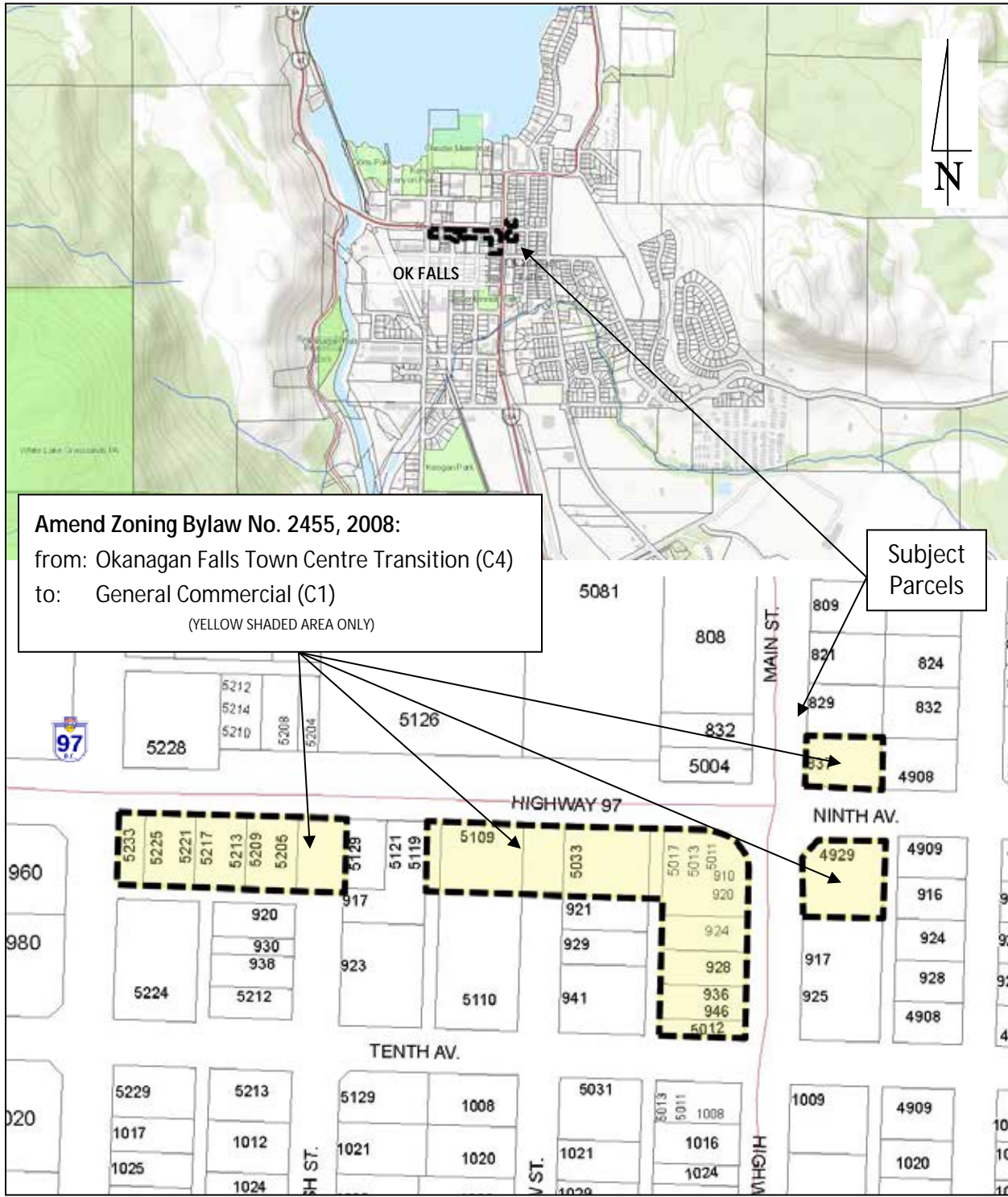
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

## Schedule 'A'





# Regional District of Okanagan-Similkameen

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

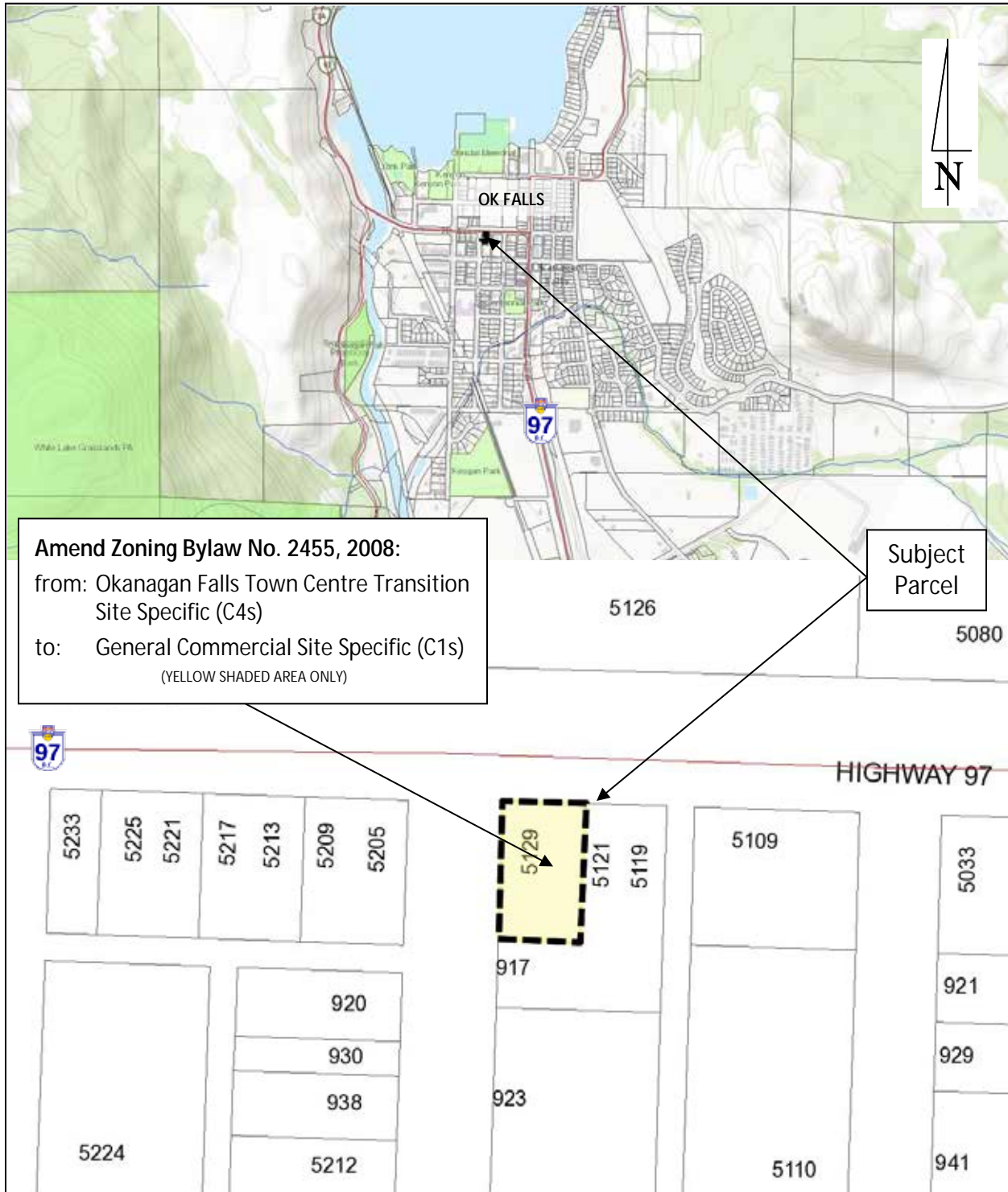
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

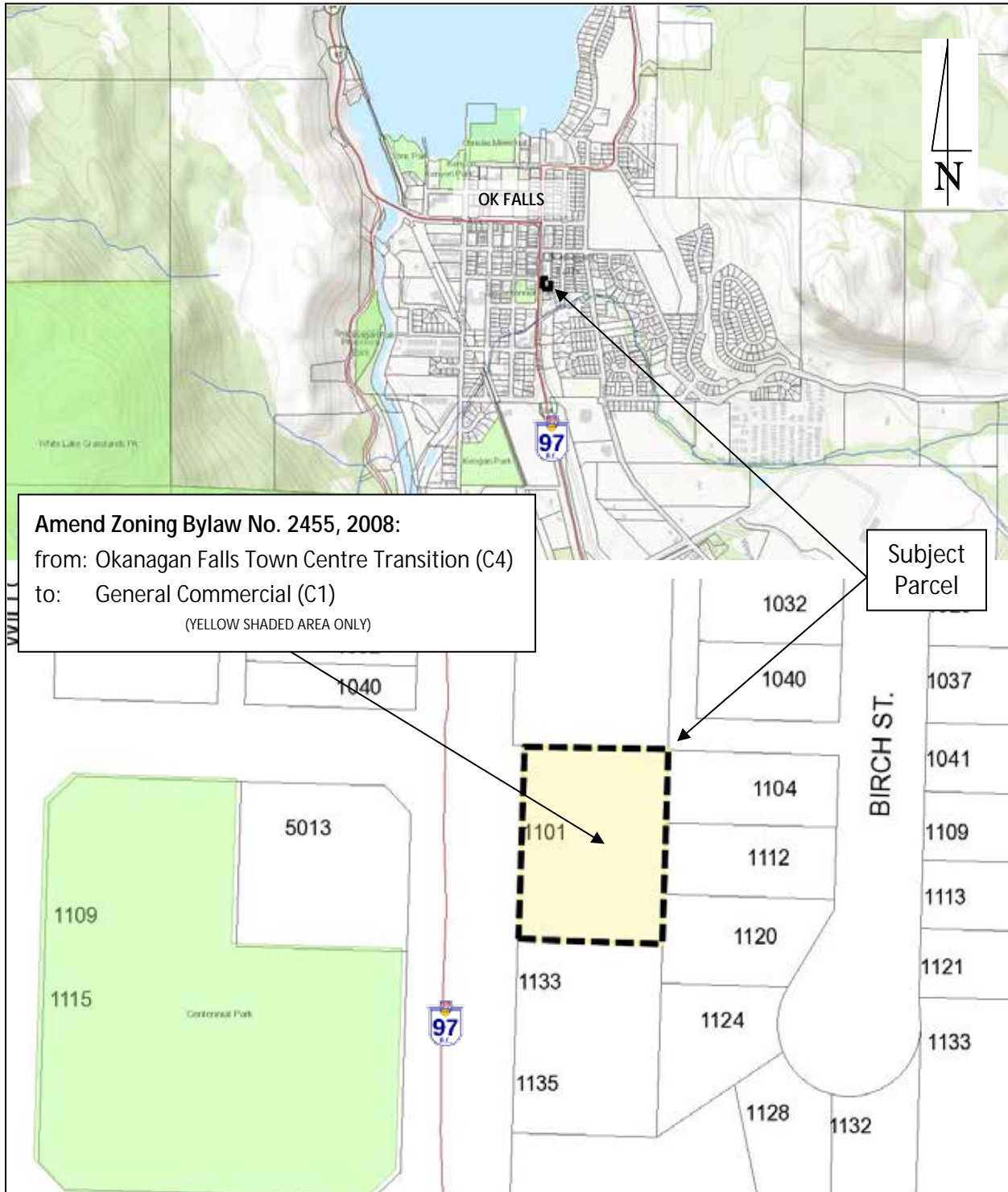
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Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'C'



# Regional District of Okanagan-Similkameen

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

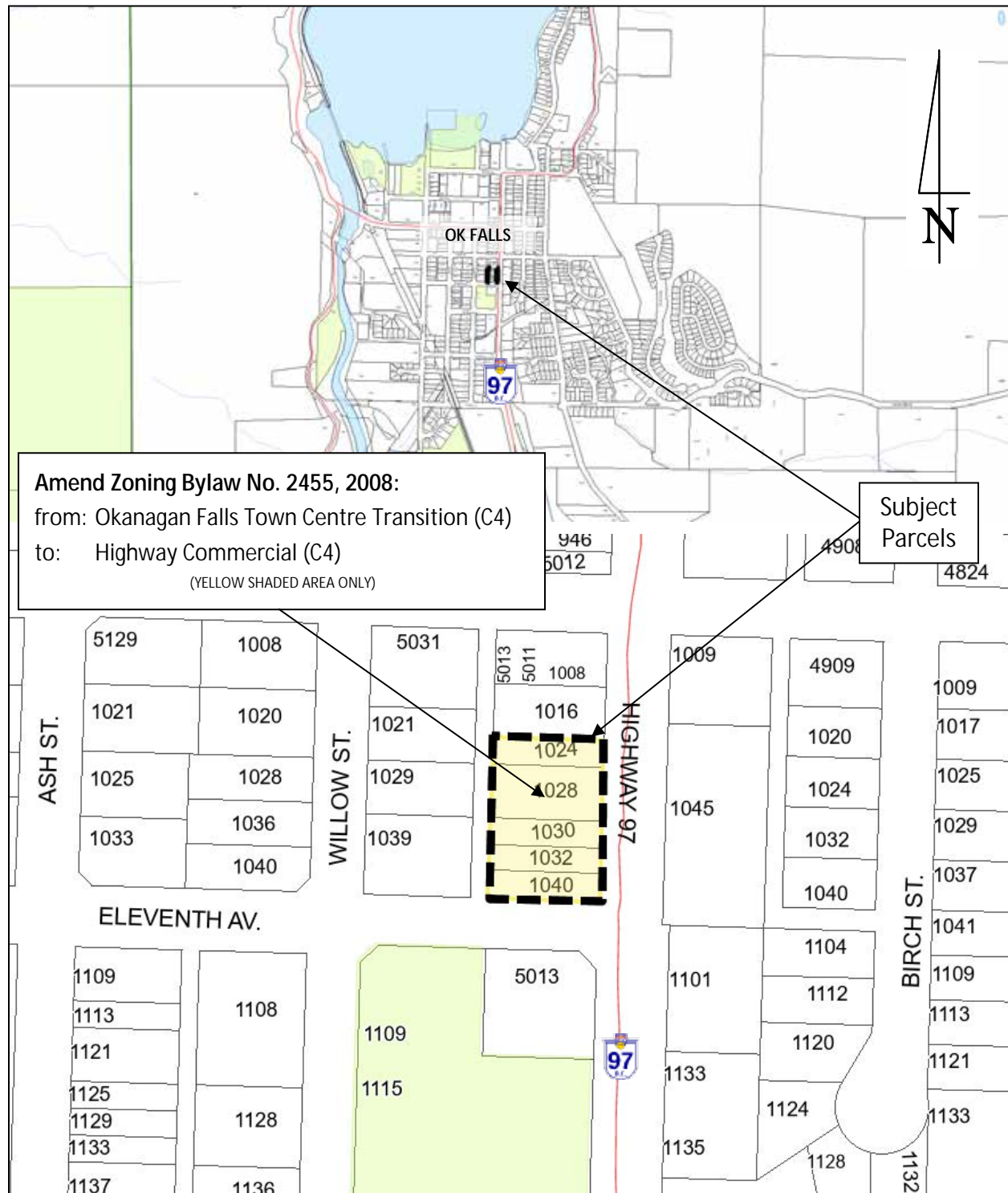
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

## Schedule 'D'



Amendment Bylaw No. 2455.38, 2021

(D2018.089-ZONE)

# Regional District of Okanagan-Similkameen

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

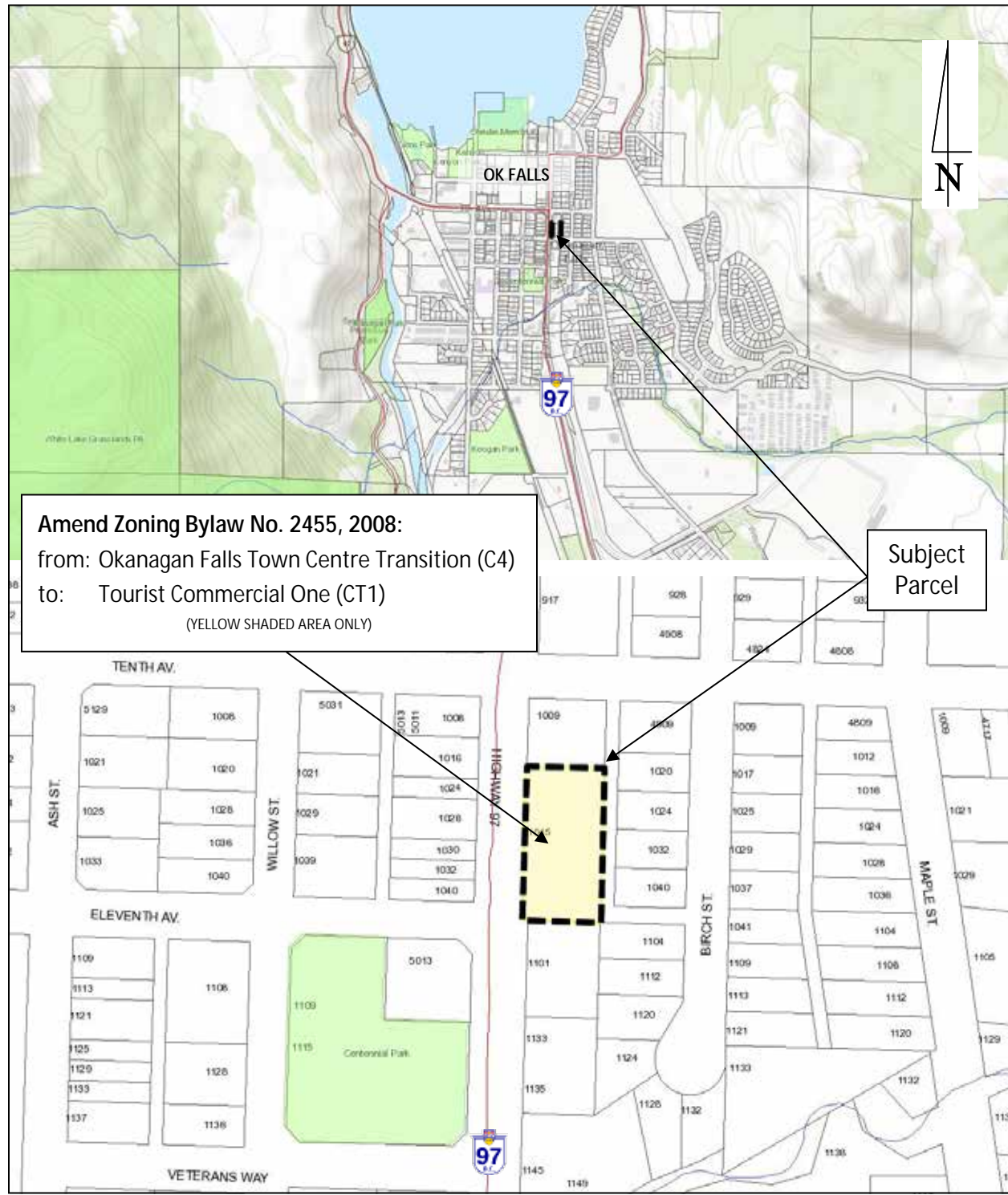
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

## Schedule 'E'



# Regional District of Okanagan-Similkameen

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

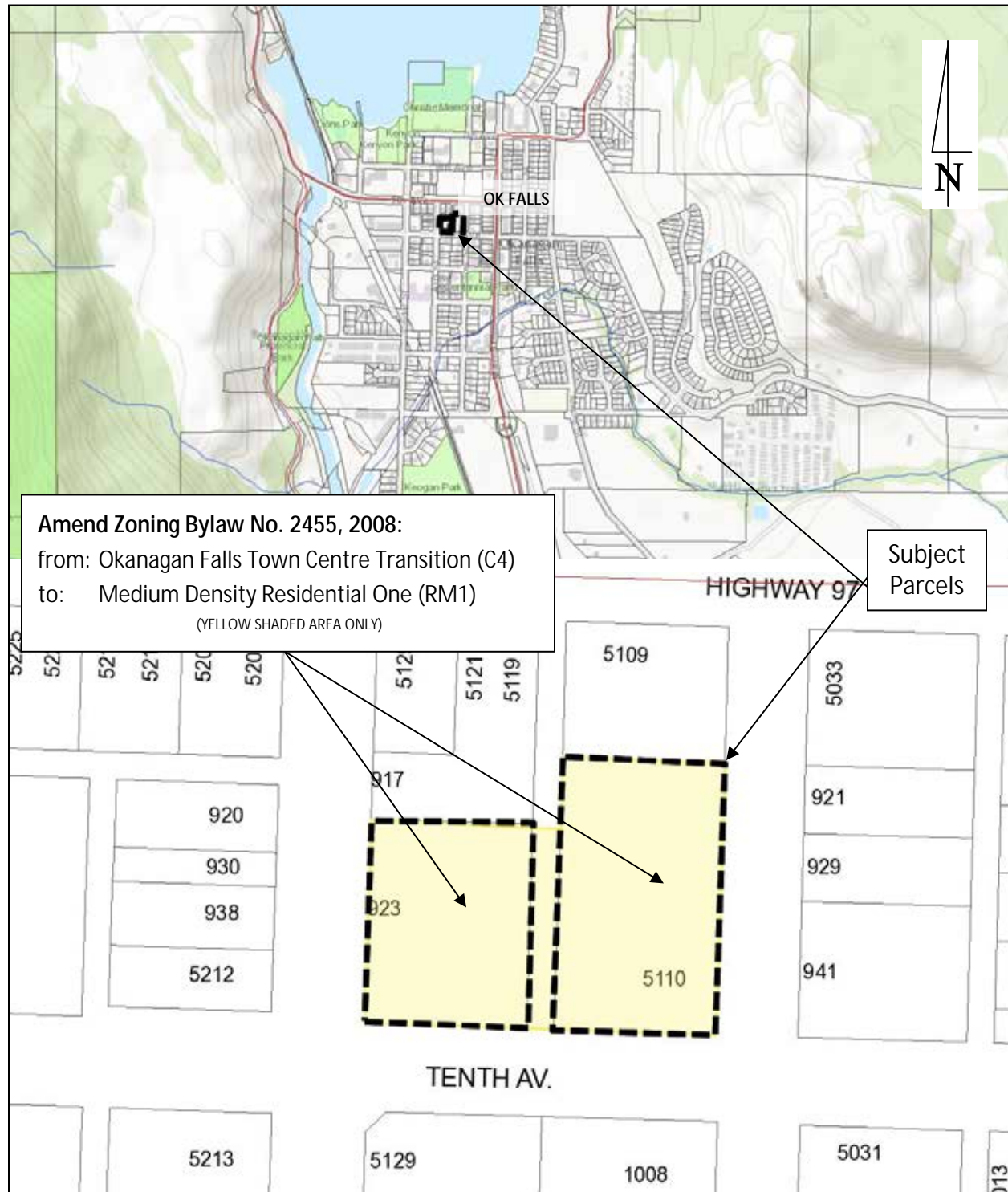
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'F'



# Regional District of Okanagan-Similkameen

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

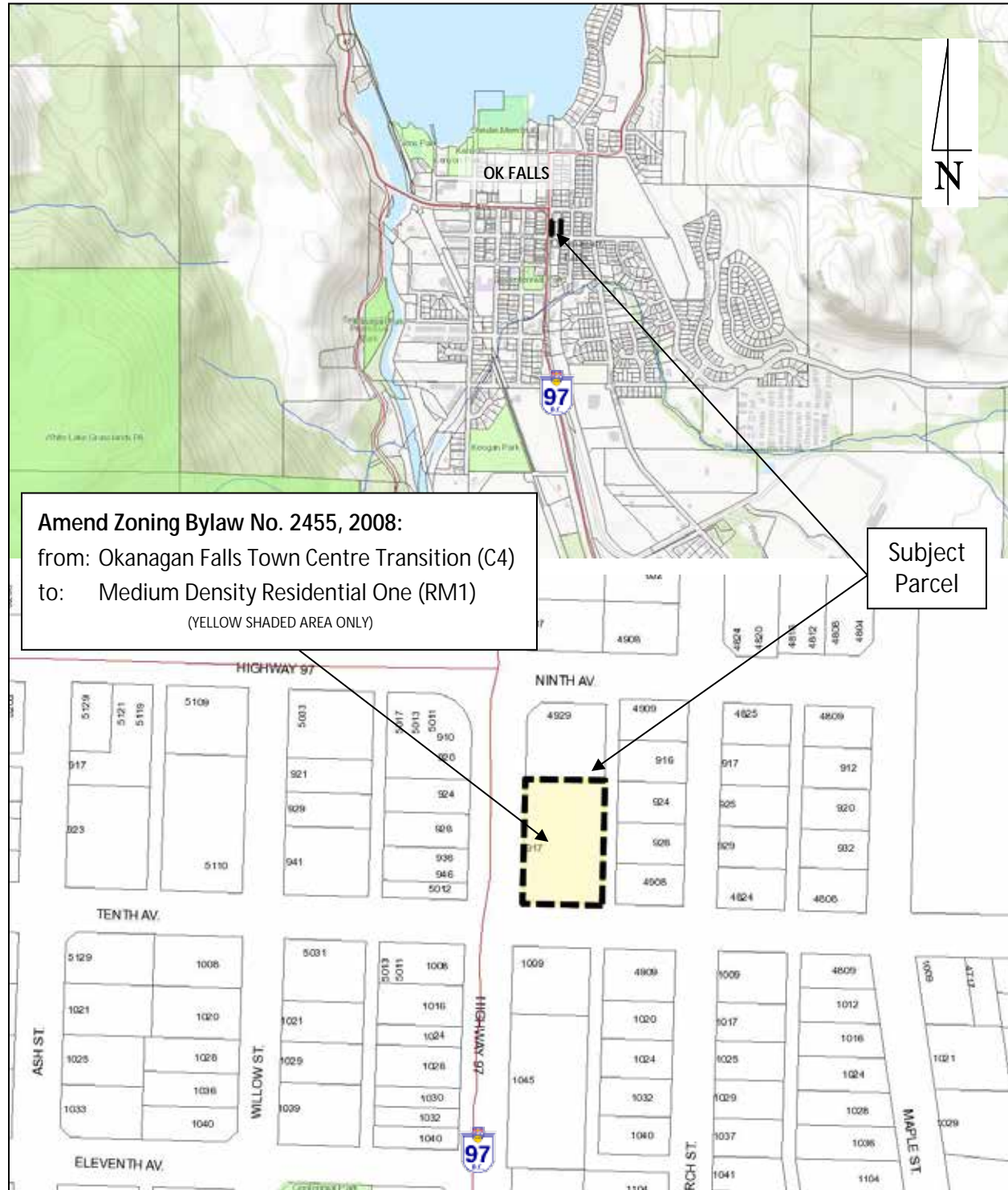
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

## Schedule 'G'



# Regional District of Okanagan-Similkameen

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

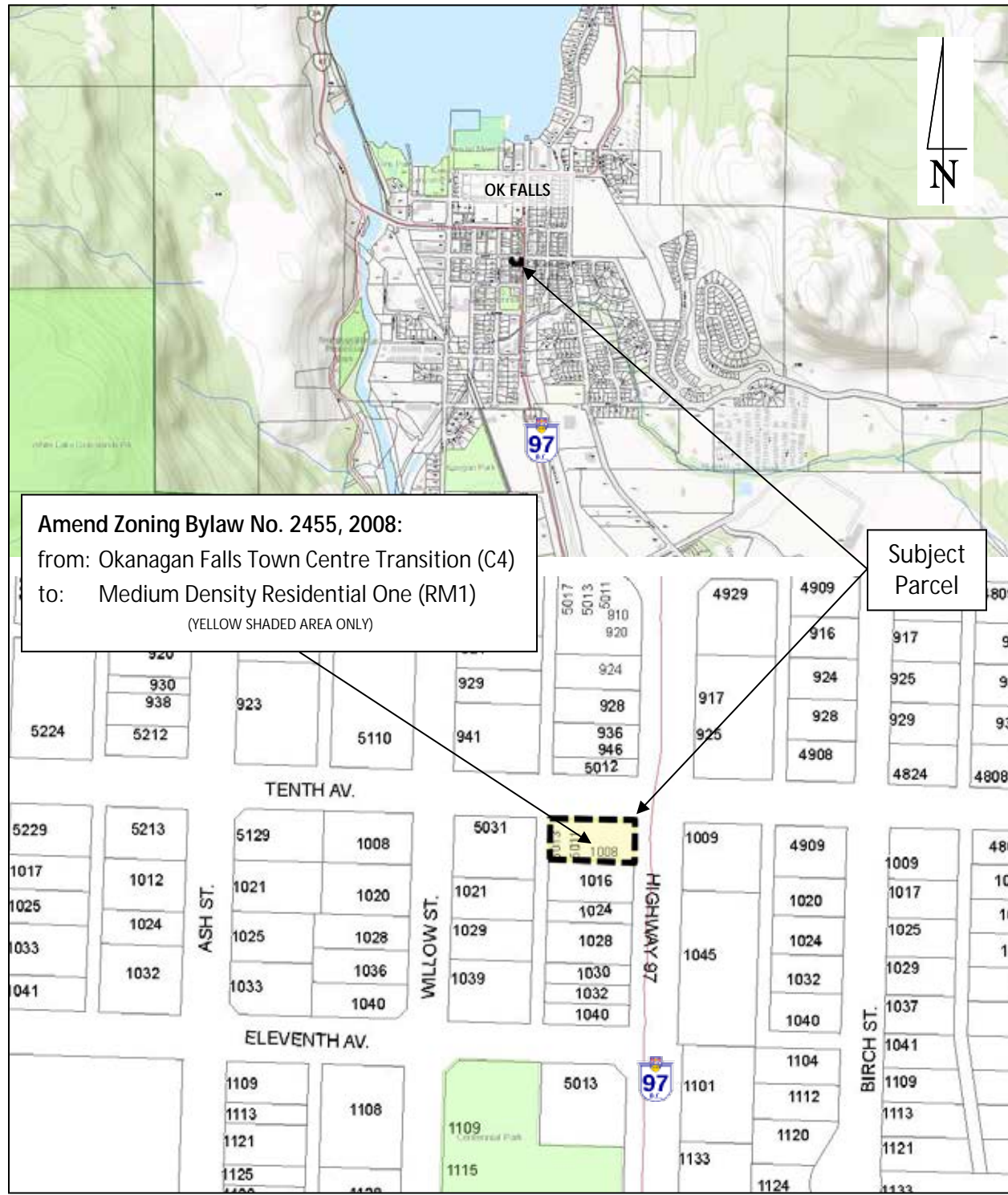
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'H'



# Regional District of Okanagan-Similkameen

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

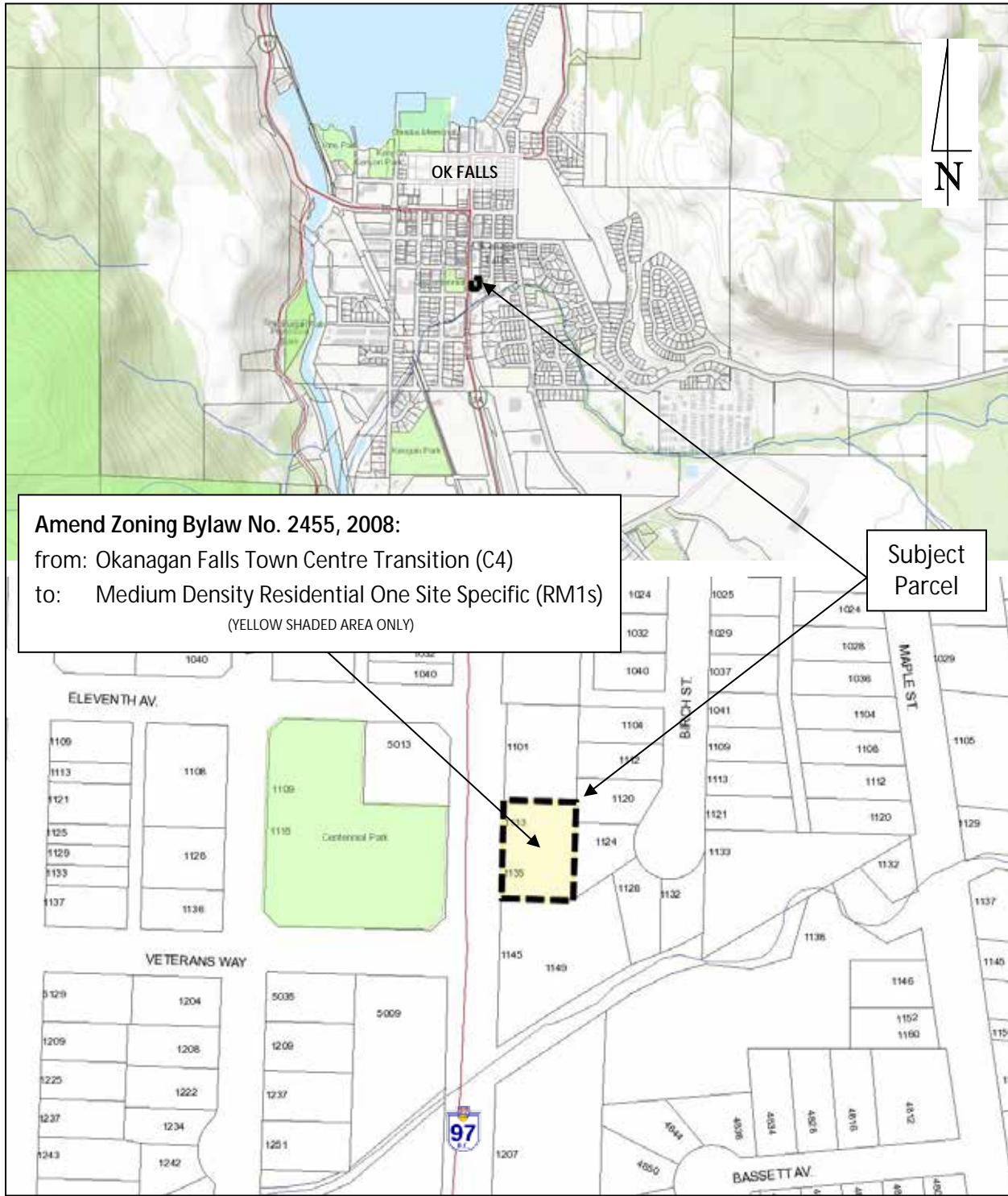
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

## Schedule '1'





# Regional District of Okanagan-Similkameen

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

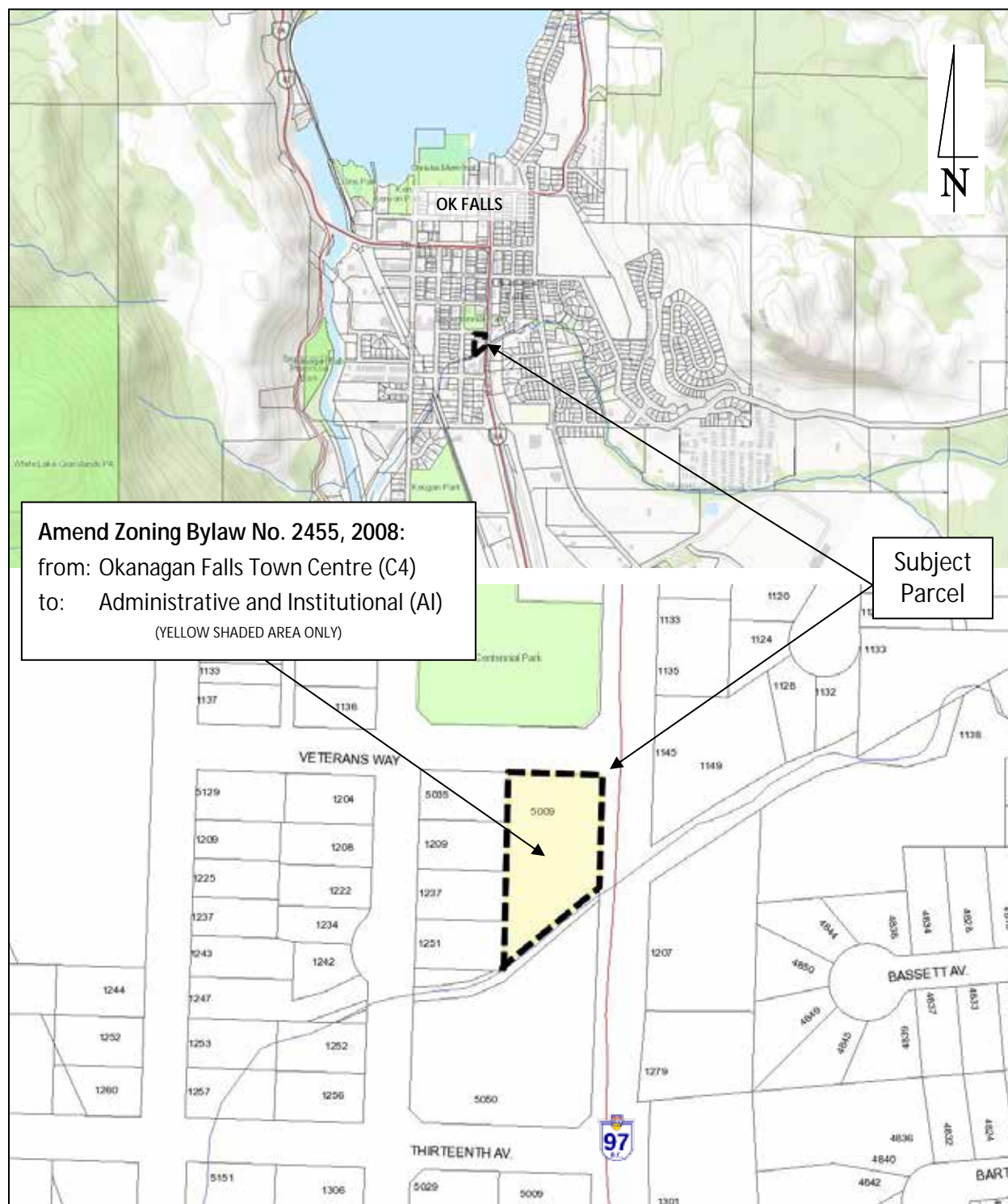
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'J'



# Regional District of Okanagan-Similkameen

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

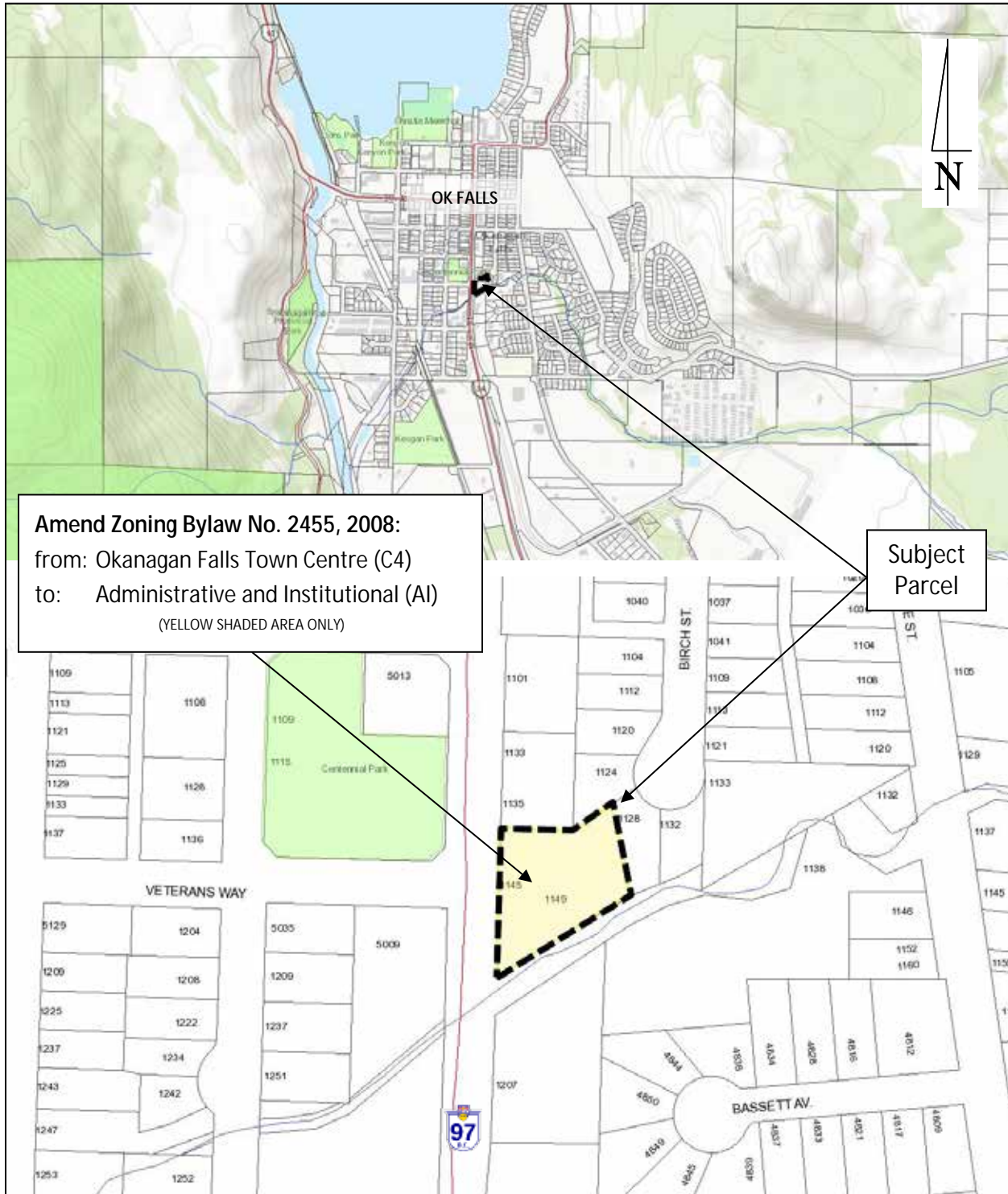
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Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

## Schedule 'K'



Amendment Bylaw No. 2455.38, 2021

(D2018.089-ZONE)

# Regional District of Okanagan-Similkameen

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

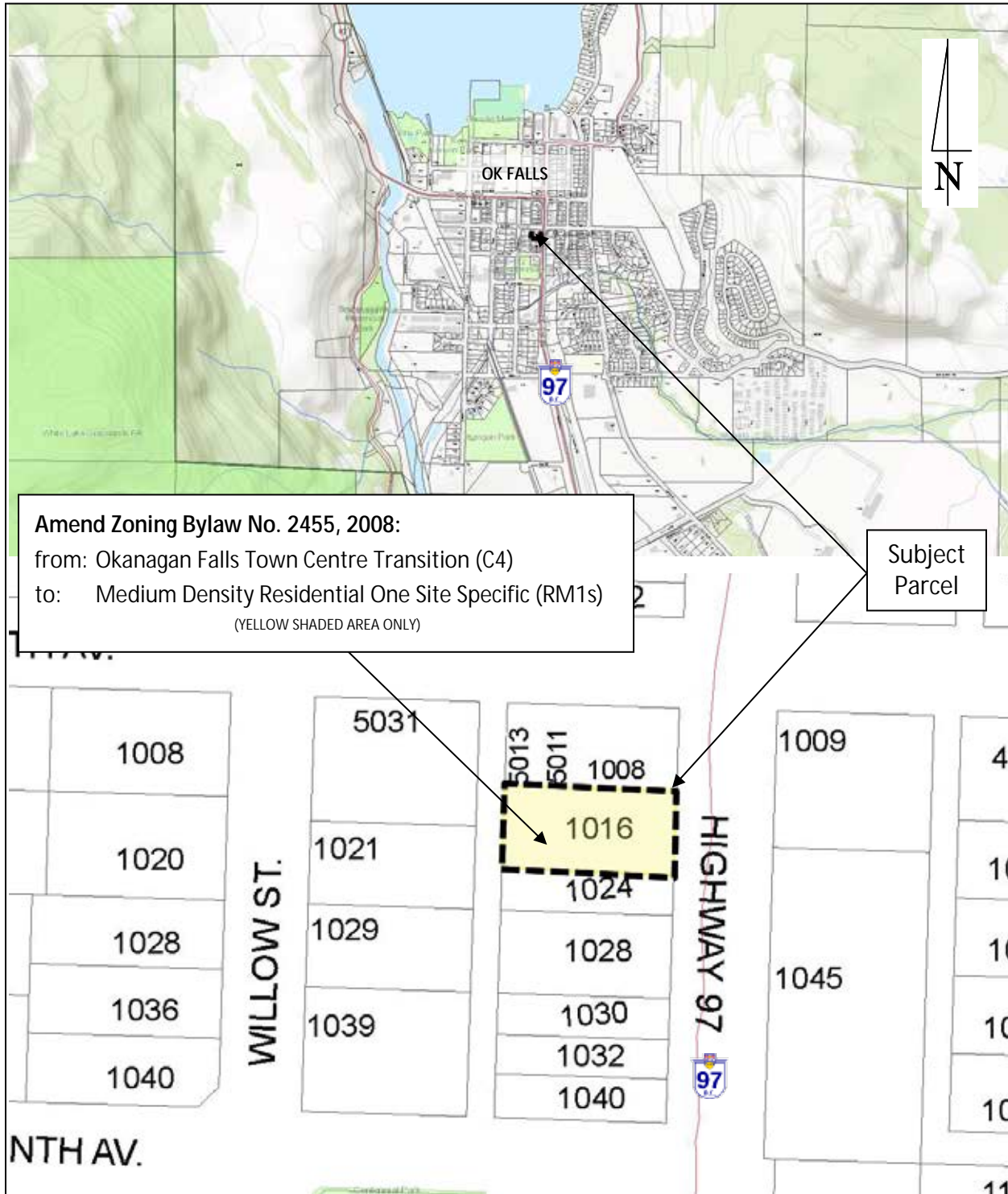
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'L'



# Regional District of Okanagan-Similkameen

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

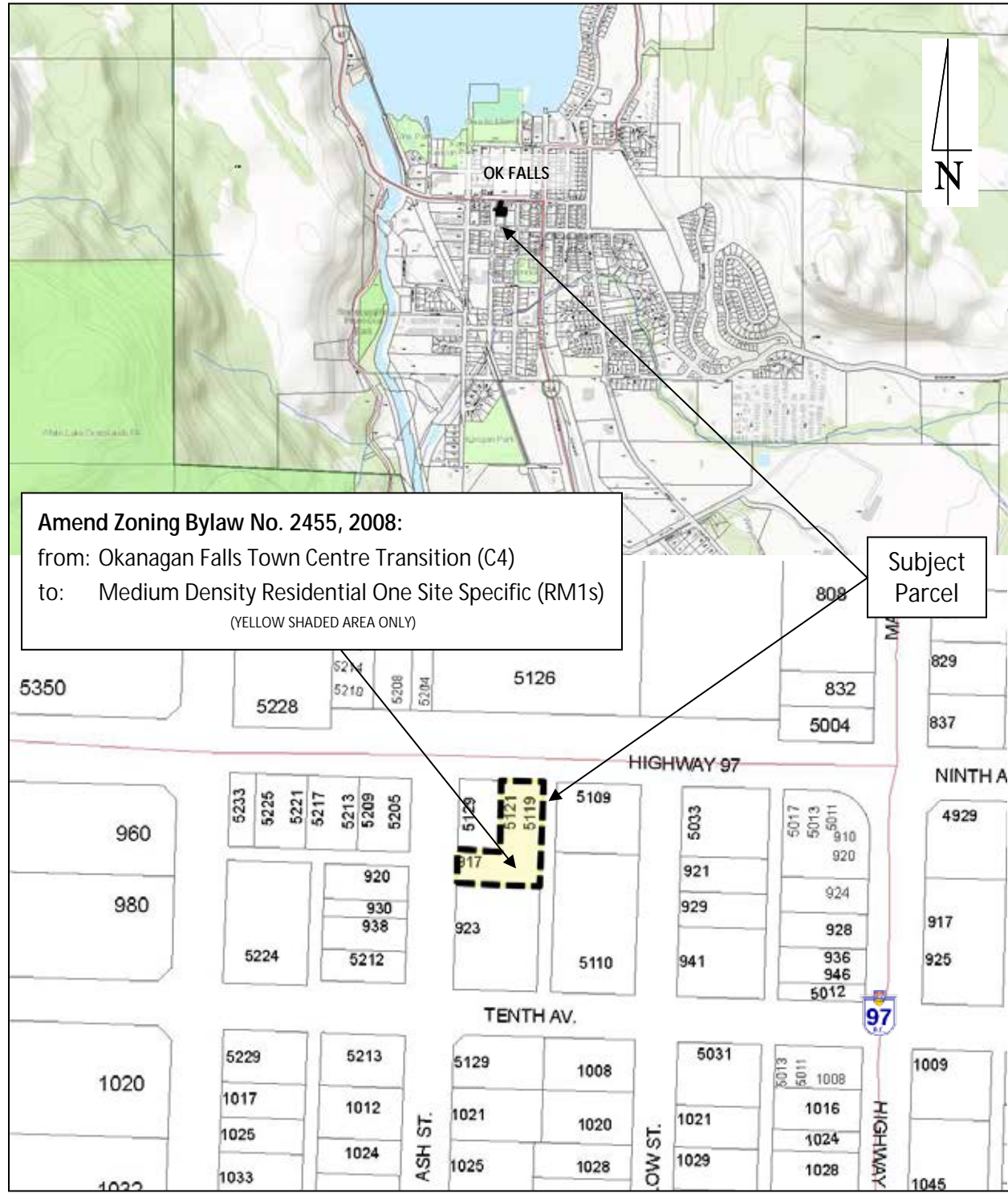
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2455.38, 2021

Project No: D2018.089-ZONE

Schedule 'M'



**Amend Zoning Bylaw No. 2455, 2008:**  
from: Okanagan Falls Town Centre Transition (C4)  
to: Medium Density Residential One Site Specific (RM1s)  
(YELLOW SHADED AREA ONLY)

Subject Parcel

**Sent:** March 16, 2021 11:19 AM  
**To:** Evelyn Riechert  
**Cc:** Christopher Garrish; Eleanor Walker  
**Subject:** Re: Proposed Zoning Review - DUPLEX, 1028 Main Street, OK Falls ~ Proposed Highway Commercial C4 Zone

Thx.

Thanks, Evelyn, I appreciate the info.

Going forward, I'm torn between retail or office space, etc. ( for the "principal" commercial use), or focus on tourist accommodation.

Tourist Accommodation means more "hands on" managing same... but given the lack of demand over the past several years for more retail or office space, I really wonder if more tourist accommodation wouldn't be the way to go??? ... the Hotel (Pub) and Falls Restaurant being located so close by are a plus, with regard to catering to tourists.

Deciding "what" to develop will also depend on building permits, cost, code, etc., etc., but it's good to know that the option will still be there (for tourist accommodation) in the "new" C4 zoning.

One way or another, I'll be doing "something" with the 1028 Main Street property. :-)

Ciao for now, Mel

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**From:** "Evelyn Riechert" <eriechert@rdos.bc.ca>  
**To:** "Melody L Walker"  
**Cc:** "cgarrish" <cgarrish@rdos.bc.ca>  
**Sent:** Tuesday, March 16, 2021 9:43:35 AM  
**Subject:** RE: Proposed Zoning Review - DUPLEX, 1028 Main Street, OK Falls ~ Proposed Highway Commercial C4 Zone

Hi Melody,

Thank you for your response. I will address your questions below.

1. There are a number of ways to provide temporary accommodation to tourists under the new C4 zone. First it is possible to develop a property as a hotel, motel, hostel, etc and to provide rooms to the travelling public as under the 'tourist accommodation' use permitted in the zone. Secondly, if a property is developed with dwelling units above or behind a commercial space, these may be rented out as a 'vacation rental', subject to meeting all the other requirements, and thirdly, the resident of a dwelling unit may also carry out a 'bed and breakfast' operation, again subject to requirements. Mainly the difference between the two is that in a B&B, the owners need to live and be on site to rent out rooms, whereas, a vacation rental can rent out the whole home.
2. The new C4 zone allows for dwelling units as a secondary use to be located above or at the rear of a commercial use. It does not specific the number of units, so it could be 1 or more. The development of a property would depend on the size of the property and the various other zoning regulations and building requirements applicable to a particular parcel.

I hope this clarifies your queries.

Regards,

Evelyn



**DEVELOPMENT SERVICES  
PRELIMINARY BYLAW  
COMMUNICATION**

Your File #: D2018.089-  
ZONE (2455.38)  
eDAS File #: 2021-01003  
Date: March 2, 2021

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

Attention: Planning Department

**Re: Proposed Text Amendment Bylaw 2455.38 for various  
properties within the OK Falls downtown area.**

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 Penticton Development Services at  
(250) 712-3660.

Yours truly,

Rob Bitte  
Development Officer

Local District Address
Penticton Area Office 102 Industrial Place Penticton, BC V2A 7C8 Canada Phone: (250) 712-3660 Fax: (250) 490-2231



**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

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**Project Name:**

Bylaw 2455.38 and 2603.15

**FN Consultation ID:**

L-210210-245538-260315

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Friday, March 19, 2021

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

March 19, 2021

Attention: Planning RDOS

File number: 2455.38 and 2603.15

RE: 40 (forty) day extension

Thank you for the above application that was sent on February 10, 2021.

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 Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economically from those uses.

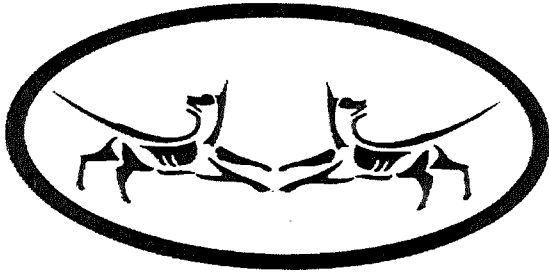
Please note that not receiving a response regarding a referral from Penticton Indian Band in the pre-application, current or post-application stage does not imply our support for the project.

I appreciate your co-operation.

limlæmt,

Maryssa Bonneau  
Referrals Coordinator  
P: 250-492-0411  
[Referrals@pib.ca](mailto:Referrals@pib.ca)

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**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

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**Project Name:**

Bylaw 2455.38 and 2603.15

**FN Consultation ID:**

L-210210-245538-260315

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

Regional District of Okanagan-Similkameen

**Date Received:**

Friday, March 19, 2021

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

March 19, 2021

Attention: Planning RDOS

File Number: 2455.38 and 2603.15

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources 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.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

Invoice Number: L-210210-245538-260315

SubTotal Tax Total

Referral Processing \$ 500.00 \$ 0.00 \$ 500.00

Total \$ 500.00 \$ 0.00 \$ 500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132 and send to 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8

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, PIB 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.

limlømt,

Maryssa Bonneau  
Referrals Coordinator  
P: 250-492-0411  
[Referrals@pib.ca](mailto:Referrals@pib.ca)

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## Lauri Feindell

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** March 10, 2021 10:28 AM  
**To:** Planning  
**Subject:** Electoral Area 'D', Okanagan Falls (D2018.089-ZONE)

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities with the Okanagan Falls town boundary along public roads and lanes servicing the affected properties. FBC(E) has no concerns with the proposed bylaw changes. Any specific servicing and setback concerns will be addressed when and if the respective property owners submit applications for development or changes to the existing service.

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

Regards,

**Steve Danielson, AACI, SR/WA**

**Contract Land Agent | Property Services | FortisBC Inc.**

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

[FBClands@fortisbc.com](mailto:FBClands@fortisbc.com)



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\*"FortisBC" refers to the FortisBC group of companies which includes FortisBC Holdings, Inc., FortisBC Energy Inc., FortisBC Inc., FortisBC Alternative Energy Services Inc. and Fortis Generation Inc.

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# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2455.38 & 2603.15

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Thank you for the opportunity to provide a health perspective on this application. It is our understanding that this application is to rezone the current Okanagan Falls Town Centre Transition (C4) Zone into a variety of other zones, including a Tourist Commercial (CT1), Medium Density Residential (RM1), and Administrative and Institutional (AI) Zone, as a part of the on-going work to modernize the downtown core of Okanagan Falls. This referral has been reviewed from a Healthy Community Development perspective and all comments are based on best practice health evidence.

We are pleased to see this update, as it supports bringing more people to the downtown core. Following the principals identified within the Provincial Health Services Authority- Healthy Built Environment Linkages Toolkit, higher densities tend to result in more people on the streets. Ensuring the walkability of the downtown core with safe and connected alternative transportation modes, further enhances both the health and economic benefits to the community.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please feel free to contact me at 250-469-7070 x12287 or via email [Tanya.Osborne@interiorhealth.ca](mailto:Tanya.Osborne@interiorhealth.ca).

Signature:  \_\_\_\_\_

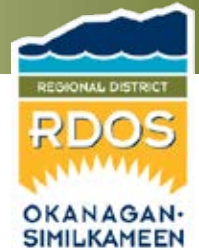
Signed By: \_\_\_\_\_ Tanya Osborne

Agency: \_\_\_\_\_ Interior Health

Title: \_\_\_\_\_ Community Health Faciliator

Date: \_\_\_\_\_ Feb 22, 2021

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 8, 2021  
**RE:** Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I”

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### Administrative Recommendation:

**THAT** Bylaw No. 2932, 2021, a bylaw to amend the Secondary Suite and Accessory Dwelling Floor Area in all Regional District of Okanagan-Similkameen Zoning Bylaws, be read a third time.

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### Purpose:

Amendment Bylaw No. 2932 is proposing to amend the Electoral Area zoning bylaw in order to increase the maximum floor area allowance provided for secondary suites and accessory dwelling units from 90.0 m<sup>2</sup> to 125.0 m<sup>2</sup>.

### Background:

At its meeting of September 3, 2020, the Regional District Board accepted the *Okanagan Falls 2020 Economic Development and Recovery Plan* as a guiding document. This plan included, amongst other things, the following “Action Item” (1.3):

*Complete a review of zoning regulations in Okanagan Falls to ensure that single family residential lots have the flexibility to construct a carriage home or a secondary suite suitable for young families (i.e. review of maximum floor area and number of bedrooms).*

At its meeting of October 15, 2020, the Planning and Development (P&D) Committee of the Board resolved “that the maximum floor area of a secondary suite and accessory dwelling be set at 125.0 m<sup>2</sup> in the Draft South Okanagan Electoral Area Zoning Bylaw No. 2800.”

At its meeting of June 3, 2021, the Regional District Board resolved to approve first and second reading of the amendment bylaw and scheduled a public hearing ahead of its meeting of July 8, 2021.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highways 97 & 3).

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

### Analysis:

Despite the direction provided by the P&D Committee at its meeting of October 15, 2020, Administration is proposing that the amendments required to increase the maximum floor area of secondary suites and accessory dwellings be considered separate from Draft Zoning Bylaw No. 2800.

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This is primarily due to an active compliance issue requiring an amendment to the Electoral Area "D" Zoning Bylaw that would increase the floor area of an accessory dwelling to a size less than the 125.0 m<sup>2</sup> previously supported by the Board (i.e. from 90.0 m<sup>2</sup> to 105.0 m<sup>2</sup>).

Administration has also been fielding on-going queries from the public regarding the timing of the change and is aware of new dwelling designs being prepared in anticipation of the increase to floor area allowances.

Accordingly, Administration is concerned that a spot rezoning grant will grant a privilege to an individual property owner that others are known to be waiting for and that the staff time required to process an ad hoc rezoning request would be better utilized on a broader amendment.

As was presented to the P&D Committee, Administration supports increasing the floor area of secondary suites and accessory dwellings to 125.0 m<sup>2</sup> in order to allow for the development of secondary suites that are more accommodating of families.

The basis of this increase is to allow for a third bedroom to comfortably be added to a suite (e.g. a master bedroom and bath requires approximately 20.0 m<sup>2</sup>) and to provide additional space to be used on increasing the size of other living areas in a suite.

**Alternatives:**

1. THAT third reading of Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw No. 2932, 2021, be deferred; or
2. THAT first and second reading of Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw No. 2932, 2021, be rescinded and the bylaw abandoned.

**Respectfully submitted:**



C. Garrish, Planning Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2932, 2021**

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**A Bylaw to amend the Electoral Area "A", "C", "D", "E", "F", "G" & "I" Zoning Bylaws**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw No. 2932, 2021."

**Electoral Area "A"**

2. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
  - i) replacing sub-section .2 under Section 7.11 (Accessory Dwelling) in its entirety with the following:
    - .2 No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.
  - ii) replacing sub-section .2 under Section 7.12 (Secondary Suites) in its entirety with the following:
    - .2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.
  - iii) replacing sub-section 10.1.5(b) under Section 10.1 (Resource Area Zone) in its entirety with the following:
    - b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

iv) replacing sub-section 10.2.5(b) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
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8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

v) replacing sub-section 10.3.5(b) under Section 10.3 (Agriculture Two Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

- vi) replacing sub-section 10.4.5(b) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

### Electoral Area "C"

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

- i) replacing sub-section .2 under Section 7.11 (Accessory Dwelling) in its entirety with the following:
- .2 No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.
- ii) replacing sub-section .2 under Section 7.12 (Secondary Suites) in its entirety with the following:
- .2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.
- iii) replacing sub-section 10.1.5(b) under Section 10.1 (Resource Area Zone) in its entirety with the following:
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>



Greater than 16.0 ha	4	500 m <sup>2</sup>
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iv) replacing sub-section 10.2.5(b) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

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12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

v) replacing sub-section 10.3.5(b) under Section 10.3 (Agriculture Two Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

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Greater than 16.0 ha	4	500 m <sup>2</sup>

vi) replacing sub-section 10.4.5(b) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

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12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

Electoral Area “D”

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

i) replacing sub-section .2 under Section 7.11 (Accessory Dwelling) in its entirety with the following:

.2 No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.

ii) replacing sub-section .2 under Section 7.12 (Secondary Suites) in its entirety with the following:

.2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.

iii) replacing sub-section 10.1.5(b) under Section 10.1 (Resource Area Zone) in its entirety with the following:

b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
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12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

iv) replacing sub-section 10.2.5(b) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and

the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

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12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

- v) replacing sub-section 10.3.5(b) under Section 10.3 (Agriculture Three Zone) in its entirety with the following:
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
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12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

- vi) replacing sub-section 10.4.5(b) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

- vii) replacing sub-section 10.5.5(b) under Section 10.5 (Large Holdings Two Zone) in its entirety with the following:
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

#### Electoral Area "E"

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

- i) replacing sub-section .2 under Section 7.11 (Accessory Dwelling) in its entirety with the following:
- .2 No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.
- ii) replacing sub-section .2 under Section 7.12 (Secondary Suites) in its entirety with the following:
- .2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.
- iii) replacing sub-section 10.1.5(b) under Section 10.1 (Resource Area Zone) in its entirety with the following:
- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>

Greater than 16.0 ha	4	500 m <sup>2</sup>
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iv) replacing sub-section 10.2.5(b) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

v) replacing sub-section 10.3.5(b) under Section 10.3 (Large Holdings One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

#### Electoral Area "F"

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

- i) replacing sub-section .2 under Section 7.11 (Accessory Dwelling) in its entirety with the following:
- .2 No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.

- ii) replacing sub-section .2 under Section 7.12 (Secondary Suites) in its entirety with the following:

.2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.

- iii) replacing sub-section 10.1.6(b) under Section 10.1 (Resource Area Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

- iv) replacing sub-section 10.2.5(b) under Section 10.2 (Agriculture Two Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

- v) replacing sub-section 10.3.5(b) under Section 10.3 (Agriculture Three Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	501 m <sup>2</sup>

vi) replacing sub-section 10.4.5(b) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

#### Electoral Area "G"

7. The "Electoral Area "G" Zoning Bylaw No. 2781, 2017" is amended by:

- i) replacing sub-section .4 under Section 6.9 (Secondary Suites) in its entirety with the following:

.2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.

- ii) replacing sub-section 10.1.4(b) under Section 10.1 (Large Holdings One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL
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Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

Electoral Area “H”

8. The “Electoral Area “H” Zoning Bylaw No. 2498, 2012” is amended by:

- i) replacing sub-section .1 under Section 7.9 (Accessory Dwellings or Mobile Homes) in its entirety with the following:
  - .1 No accessory dwelling or mobile home shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.
- ii) adding a sub-section .5(iii) under Section 7. 9 (Accessory Dwellings or Mobile Homes) to read as follows:
  - iii) despite section 7.9.1, have a maximum floor area that does not exceed the floor area of the principal permitted use.
- iii) replacing sub-section .3 under Section 7.11 (Carriage Houses) in its entirety with the following:
  - .3 No carriage house shall have a floor area greater than 125.0 m<sup>2</sup>.
- iv) replacing sub-section 11.3.1(j) under Section 11.3 (Agriculture Three Zone) in its entirety with the following:
  - j) accessory dwelling or mobile home, subject to Section 7.09;
- v) replacing sub-section 11.3.4(b) under Section 11.3 (Agriculture Three Zone) in its entirety with the following:
  - b) the maximum number of secondary suites, accessory dwellings or mobile homes permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites, accessory dwellings and mobile homes permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES, ACCESSORY DWELLINGS OR MOBILE HOMES	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES, ACCESSORY DWELLINGS AND MOBILE HOMES PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>



12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

Electoral Area “I”

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

i) replacing sub-section .2 under Section 7.11 (Accessory Dwelling) in its entirety with the following:

.2 No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified.

ii) replacing sub-section .2 under Section 7.12 (Secondary Suites) in its entirety with the following:

.2 The maximum floor area of a secondary suite shall not exceed 125.0 m<sup>2</sup>.

iii) replacing sub-section 10.1.5(b) under Section 10.1 (Resource Area Zone) in its entirety with the following:

b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

iv) replacing sub-section 10.2.5(b) under Section 10.2 (Agriculture One Zone) in its entirety with the following:

b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
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Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

v) replacing sub-section 10.3.5(b) under Section 10.3 (Agriculture Three Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

vi) replacing sub-section 10.4.5(b) under Section 10.4 (Large Holdings One Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

vii) replacing sub-section 10.5.5(b) under Section 10.5 (Large Holdings Two Zone) in its entirety with the following:

- b) the maximum number of secondary suites or accessory dwellings permitted per parcel, to a maximum of one (1) secondary suite permitted per parcel, and

the total gross floor area of all secondary suites and accessory dwellings permitted per parcel shall not exceed the following:

PARCEL AREA	MAXIMUM NUMBER OF SECONDARY SUITES OR ACCESSORY DWELLINGS	MAXIMUM GROSS FLOOR AREA OF ALL SECONDARY SUITES AND ACCESSORY DWELLINGS PER PARCEL
Less than 8.0 ha	1	125 m <sup>2</sup>
8.0 ha to 11.9 ha	2	250 m <sup>2</sup>
12.0 ha to 15.9 ha	3	375 m <sup>2</sup>
Greater than 16.0 ha	4	500 m <sup>2</sup>

READ A FIRST AND SECOND TIME this 3<sup>rd</sup> day of June, 2021.

PUBLIC HEARING held on this 8<sup>th</sup> day of July, 2021.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2021.

I hereby certify the foregoing to be a true and correct copy of the "Regional District of Okanagan-Similkameen Secondary Suite and Accessory Dwelling Floor Area Zoning Amendment Bylaw No. 2932, 2021" as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_\_, 2021.

Dated at Penticton, BC this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Corporate Officer

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
For the Minister of Transportation & Infrastructure

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer



**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033  
[www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)

May 13, 2021

Reply to the attention of Sara Huber  
ALC Planning Review: 46772  
Local Government File: X2021.005-ZONE

Chris Garrish  
Planning Manager, RDOS  
[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**Re: Regional District of Okanagan Similkameen Electoral Area A, C, D, E, F, G, and I Zoning Amendment Bylaw No. 2932, 2021**

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area A, C, D, E, F, G, and I Zoning Amendment Bylaw No. 2932, 2021 (the "Amendment Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendment Bylaw is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Amendment Bylaw proposes to increase the maximum permitted floor area for secondary suites and accessory dwellings from 90 m<sup>2</sup> to 125 m<sup>2</sup> in order to allow for units which can accommodate families (with a third bedroom).

In 2018, the British Columbia Building Code (BCBC) was revised to remove the size limitation for secondary suites to be a maximum of 90 m<sup>2</sup> or 40% of the habitable space of the building. Local governments are now able to determine appropriate sizes for secondary suites in their community.

Section 31 of the ALR Use Regulation permits secondary suites if there is one suite only and the suite is located in the principal residence. Recognizing that secondary suites are permitted within the ALR, ALC staff generally do not object to the Amendment Bylaw. That being said, ALC staff have some concern about the lack of requirement for the secondary suite to be proportional in size to the principal residence. Without requiring the secondary suite to be smaller than the principal residence, it is possible that a landowner may construct a building which is essentially a duplex, a use which is not permitted without approval of the ALC. ALC staff recommend including a requirement that the secondary suite be proportion to the size of the principal residence and suggest it be limited to one third of the principal residence.

Regarding accessory dwellings, currently there is only one residence permitted within the ALR, with the possibility of a manufactured home up to 9 m in width for the owner or the owner's immediate family. However, the Ministry of Agriculture, Food, and Fisheries (AFF) is currently pursuing proposed regulatory amendments to increase "residential flexibility" in the ALR. As such, ALC staff do not object to the inclusion of the accessory dwelling provision at this time but advise that in future the Zoning Bylaw should be updated to reflect what is permitted in the revised ALR Use Regulation.

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The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-3258 or by e-mail ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Regional Planner

Enclosure: Referral of RDOS X2021.005-ZONE

CC: Ministry of Agriculture – Attention: Alison Fox ([Alison.Fox@gov.bc.ca](mailto:Alison.Fox@gov.bc.ca))

46772m1



**Interior Health**  
Every person matters

May 25, 2021

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

<mailto:planning@rdos.bc.ca>

Dear Regional District of Okanagan-Similkameen:

**RE: File #: X2021.005-ZONE**  
**Our interests are unaffected**

The IH Healthy Built Environment (HBE) Team has received the above captioned referral from your agency. Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at [Healthy Built Environment](#).

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

However, should you have further concerns, please return the referral to [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca) with a note explaining your new request, or you are welcome to contact me directly at 1-855-744-6328 then choose HBE option.

Sincerely,

**Mike Adams, CPHI(C)**  
Team Leader, Healthy Communities  
Interior Health Authority

**Lauri Feindell**

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**Subject:** FW: RDOS-New Bylaw - Secondary/Auxiliary Dwelling Bylaw 2932

>

Sent: May 14, 2021 7:50 AM

To: Karla Kozakevich <kkozakevich@rdos.bc.ca>

Subject: RDOS-New Bylaw - Secondary/Auxiliary Dwelling Bylaw 2932

Karla

Good morning, we want to applaud the RDOS for the initiative of increasing the size of secondary/auxiliary home to 125 m2 from 90 m2.

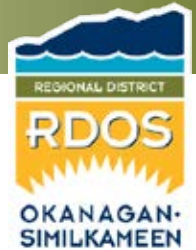
We strongly urge the RDOS to use the appropriate resources to complete the process and to bring this bylaw into effect at its earliest opportunity.

Warm regards

Randy Kowalchuk

Randy@NaramataBenchlands.com

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** July 8, 2021

**RE:** Amendment of Development Procedures Bylaw No. 2500, 2011; and Advisory Planning Commission (APC) Bylaw No. 2339, 2006  
Municipal Affairs Statutes Amendment Act, 2021 (Bill 10)

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### Administrative Recommendation:

**THAT** Bylaw No. 2500.22, 2021, a bylaw to amend the Regional District of Okanagan-Similkameen Development Procedures Bylaw to enable amendments proposed for the Local Government Act through Bill 10, be read a first, second and third time and adopted;

**AND THAT** Bylaw No. 2339.03, 2021, a bylaw of the Regional District of Okanagan-Similkameen to amend the Advisory Planning Commission Bylaw to authorize electronic meetings, be read a first, second and third time and adopted.

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### Purpose:

Amendment Bylaw No. 2500.22, 2021, is proposing a number of amendments to the Regional District's Development Procedures Bylaw No. 2500, 2011, in order to ensure consistency with proposed amendments to the *Local Government Act* formalising the authority to conduct electronic meetings and public hearings.

The amendment bylaw is further proposing to repeal a provision introduced in May of 2020 waiving the requirement for planning applications to be the subject of a public information meeting (PIM) or advisory planning commission (APC) meeting during the provincial state of emergency related to COVID 19.

Finally, it is being proposed to update section references within the bylaw to the *Local Government Act* in order to ensure consistency with revisions to the legislation implemented in 2016.

Amendment Bylaw No. 2339.03, 2021, is proposing to amend the Advisory Planning Commission (APC) Bylaw in order to allow for commissions to meet electronically.

### Background:

On May 13, 2021, the provincial government introduced Bill 10, the *Municipal Affairs Statutes Amendment Act, 2021*, which, amongst other things, amends the *Local Government Act* in order to formalize the authority of local governments to conduct electronic meetings that are currently provided for under the ongoing, temporary authority of Ministerial Order M192, which is part of the *COVID-19 Related Measures Act*.

In announcing the legislative changes, the Minister of Municipal Affairs, "the proposed amendments [contained in Bill 10] ... will provide new, permanent authorities for local governments to be able to



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hold electronic meetings, or e-meetings, as well as electronic public hearings, or e-hearings, while maintaining important transparency safeguards. This will provide local governments the ability to offer citizens a mix of in-person, hybrid or virtual meetings to meet a wider range of people's needs."

The Minister further added that the province is "hearing that being able to participate in public hearings and meetings electronically is more accessible and equitable for many people who face barriers to attending in person, whether they're single mothers, people who are caregivers, people without access to transportation or those with limited mobility."

**Analysis:**

Development Procedures Bylaw:

In response to the proposed legislative changes contained in Bill 10 that pertain to the scheduling of electronic meetings, Administration is proposing two amendments to the Development Procedures Bylaw. Specifically:

Section	Current Requirement	Proposed Requirement
5.2.1.1	The minimum duration of a Public Hearing <u>scheduled in an Electoral Area</u> shall not be less than 10 minutes.	The minimum duration of a Public Hearing <u>that has been delegated to an Electoral Area Director</u> shall not be less than 10 minutes.
5.2.1.2	If, after a minimum of 15 minutes, no members of the public are in attendance of the stated public hearing <u>meeting in an Electoral Area</u> then the Public Hearing may be adjourned.	If, after a minimum of 15 minutes, no members of the public are in attendance of the stated public hearing <u>that has been delegated to an Electoral Area Director</u> then the Public Hearing may be adjourned.

These particular sections of the bylaw are related to the conduct of public hearings that have been delegated by the Board to an Electoral Area Director.

At present, both sections reference a physical location (i.e. an Electoral Area) and it is proposed to replace this with a reference to an individual (i.e. the Electoral Area Director delegated to conduct the hearing).

This will facilitate the conducting of these delegated hearings electronically or, as suggested by the Minister, in the form of "a mix of in-person, hybrid or virtual meetings."

The majority of other amendments to the bylaw are considered to be minor in nature and relate to updated section references to the *Local Government Act*.

Finally, it is being proposed to delete from the bylaw the waiver regarding the convening of a public information meeting (PIM) or advisory planning commission (APC) meeting for planning applications during the provincial health emergency.

Given the transition over the past 12 months to convening PIM & APC meetings through the WebEx platform as well as the possible relaxation of the emergency declaration in the coming months Administration considers this waiver to no longer be necessary.

Advisory Planning Commission (APC) Bylaw:

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The proposed amendment to the APC Bylaw is to allow for meetings of the Commission to be held electronically, as required.

**Alternatives:**

1. THAT the Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.22, 2021, and Advisory Planning Commission Amendment Bylaw No. 2339.03, 2021, be deferred; or
2. THAT the Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.22, 2021, and Advisory Planning Commission Amendment Bylaw No. 2339.03, 2021, not be initiated.

**Respectfully submitted:**



C. Garrish, Planning Manager

Attachments: No. 1 – Proposed Changes to Part 14 (Planning and Land Use Management) of the LGA

(NOTE: red text denotes changes to the legislation)

### Proposed Amendment to the Act

#### Section 465 (Public hearing procedures)

- (1) A public hearing under section 464 (1) must be held after first reading of the bylaw and before third reading.
- 1.1 Subject to subsection (1.2), a public hearing under section 464 (1) may be conducted by means of electronic or other communication facilities.
- 1.2 The facilities referred to in subsection (1.1) must enable the public hearing's participants to hear, or watch and hear, each other.

- (7) A public hearing may be adjourned and no further notice of the hearing is necessary if the following are stated to those in attendance at the time the hearing is adjourned:
- (a) the time and date of the resumption of the hearing;
  - (b) the place of the resumed hearing, if applicable;
  - (c) the way in which the hearing is to be conducted by means of electronic or other communication facilities, if applicable.

#### Section 466 (Notice of Public Hearing)

- (2) The notice must state the following:
- (a) the time and date of the hearing;
  - (b) the place of the hearing, if applicable;
  - (b.1) if the hearing is conducted by means of electronic or other communication facilities, the way in which the hearing is to be conducted by those means;
  - (c) in general terms, the purpose of the bylaw;
  - (d) the land or lands that are the subject of the bylaw;
  - (e) the place where and the times and dates when copies of the bylaw may be inspected.

#### Section 494 (Public notice and hearing requirements)

- (2) The notice must state
- (a) in general terms, the purpose of the proposed permit,
  - (b) the land or lands that are the subject of the proposed permit,
  - (c) the place where and the times and dates when copies of the proposed permit may be inspected, ~~and~~
  - (d) the time and date when and, if applicable, the place where ~~and the time and date when~~ the resolution will be considered, ~~and~~
  - (e) if the meeting at which the resolution will be considered is conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means.

#### Section 541 (Notice of application for variance)

- (2) A notice under subsection (1) must state the following:
- (a) the subject matter of the application ~~and~~;
  - (b) the time and date when and, if applicable, the place where the application will be heard;

- 
- (c) if the meeting at which the application is heard is conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means.

**Section 543 (Exemption to relieve hardship from early termination of land use contract)**

- (3) A notice under subsection (2) must state the following:
- (a) the subject matter of the application ~~and~~;
  - (b) the time and date when and, if applicable, the place where the application will be heard;
  - (c) if the meeting at which the application is heard is conducted by means of electronic or other communication facilities, the way in which the meeting is to be conducted by those means.

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2500.22, 2021**

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**A Bylaw to amend the Regional District of Okanagan-Similkameen  
Development Procedures Bylaw 2500, 2011**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Development Procedures Amendment Bylaw No. 2500.22, 2021."
2. The "Regional District of Okanagan-Similkameen Development Procedures Bylaw No. 2500, 2011" is amended by:
  - (i) replacing the reference to "Part 26" of the *Local Government Act* in the recital to the bylaw with a reference to "Part 14" of the *Local Government Act*.
  - (ii) replacing the reference to "Section 895" of the *Local Government Act* in the fourth paragraph of recital to the bylaw with a reference to "Section 460" of the *Local Government Act*.
  - (iii) replacing the reference to "Section 892" of the *Local Government Act* in the fourth paragraph of recital to the bylaw with a reference to "Section 466" of the *Local Government Act*.
  - (iv) replacing the reference to "Section 925" of the *Local Government Act* in the fourth paragraph of recital to the bylaw with a reference to "Section 502" of the *Local Government Act*.
  - (v) replacing Section 1.2.4 (Scope) under Section 1.0 (Title and Scope) in its entirety with the following:
    - .4 a Floodplain Exemption under s. 522 of the *Local Government Act*.

- (vi) replacing the reference to "Section 920.1" of the *Local Government Act* under Section 3.3.1 (Performance Security) with a reference to "Section 484" of the *Local Government Act*.
- (vii) replacing the reference to "Section 925(4)" of the *Local Government Act* under Section 3.7.4 (Development Approval Information) with a reference to "Section 502" of the *Local Government Act*.
- (viii) replacing the reference to "Section 895(3)" of the *Local Government Act* under Section 3.12.2 (Re-application) with a reference to "Section 460(3)" of the *Local Government Act*.
- (ix) replacing the reference to "Section 893" of the *Local Government Act* under Section 4.2.3 (Refund of Application Fees) under Section 4.0 (Application Fees) with a reference to "Section 467" of the *Local Government Act*.
- (x) replacing Section 5.2.1.1 (Conduct of a Public Hearing) under Section 5.0 (Public Consultation) in its entirety with the following:
  - .1 The minimum duration of a Public Hearing that has been delegated to an Electoral Area Director shall not be less than 10 minutes.
- (xi) replacing Section 5.2.1.2 (Conduct of a Public Hearing) under Section 5.0 (Public Consultation) in its entirety with the following:
  - .2 If, after a minimum of 10 minutes, no members of the public are in attendance of the stated public hearing that has been delegated to an Electoral Area Director then the Public Hearing may be adjourned.
- (xii) replacing Section 5.5.1 (State of Provincial Emergency) under Section 5.0 (Public Consultation) in its entirety with the following:
  - .1 *deleted*.

READ A FIRST, SECOND AND THIRD TIME on the \_\_\_ day of \_\_\_\_, 2021.

ADOPTED on the \_\_\_ day of \_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2339.03, 2021**

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**A Bylaw to amend the Regional District of Okanagan-Similkameen  
Advisory Planning Commission Bylaw 2339, 2006**

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

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Advisory Planning Commission Amendment Bylaw No. 2339.03, 2021."
2. The Regional District of Okanagan-Similkameen Advisory Planning Commission Bylaw No. 2339, 2006 is amended by:
  - (i) replacing Section 6.6 under Section 6.0 (Meetings of the Commission) in its entirety with the following:

6.6 Meetings of the Commission shall be held in a public facility, by means of electronic or other communication facilities, or by a combination of both.

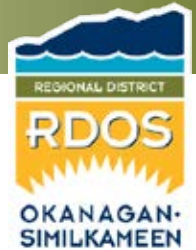
READ A FIRST, SECOND AND THIRD TIME on the \_\_\_\_ day of \_\_\_\_\_, 2021.

ADOPTED on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** July 8, 2021

**RE:** Petition to Enter Service Area – Electoral Area “H” (Fire Prevention and Suppression)

---

### Administrative Recommendation:

**THAT** Bylaw No. 2934, 2021, being a bylaw to amend “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to include 260 Bonlin Road in the fire prevention and suppression service within a portion of Electoral Area ‘H’, be adopted.

---

### Purpose:

The applicant has submitted a petition request to the Regional District that seeks to include the property at 260 Bonlin Road (being Lot A, Plan KAP78387, District Lot 1006, YDYD) in the fire prevention and suppression local service Area.

In order to facilitate this, it is being proposed to amend Schedule ‘A’ of the “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area ‘H’, a local service, being a fire prevention and suppression service”, to include the property within the service area boundary.

### Background:

At its meeting of June 17, 2021 the Board approved first, second and third reading of Amendment Bylaw No. 2934, 2021.

### Analysis:

Administration supports the amendment bylaw as this is seen as supporting fire protection measures to abutting parcels already within the service area.

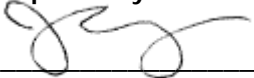
### Alternatives:

1. THAT first, second and third reading of Bylaw No. 2934, 2021,, being a bylaw to amend “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to include 260 Bonlin Road in the fire prevention and suppression service within a portion of Electoral Area ‘H’ be rescinded and the bylaw abandoned;
2. That consideration of Bylaw No. 2934, 2021, being a bylaw to amend “Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to include 260 Bonlin Road in the fire prevention and suppression service within a portion of Electoral Area ‘H’ be deferred pending:
  - a) *TBD*.



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**Respectfully submitted:**



JoAnn Peachey, Planner I

**Endorsed By:**

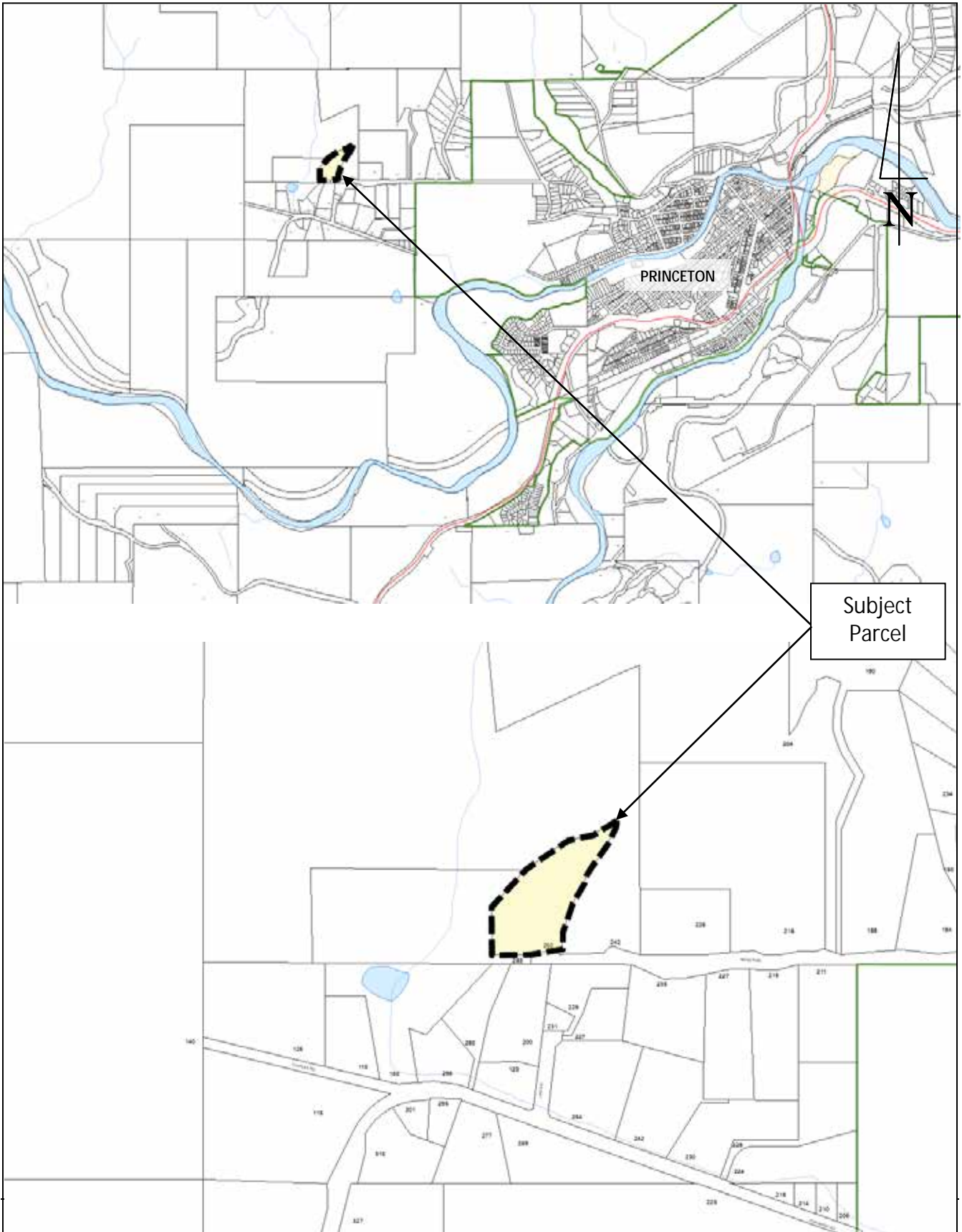


C. Garrish, Planning Manager

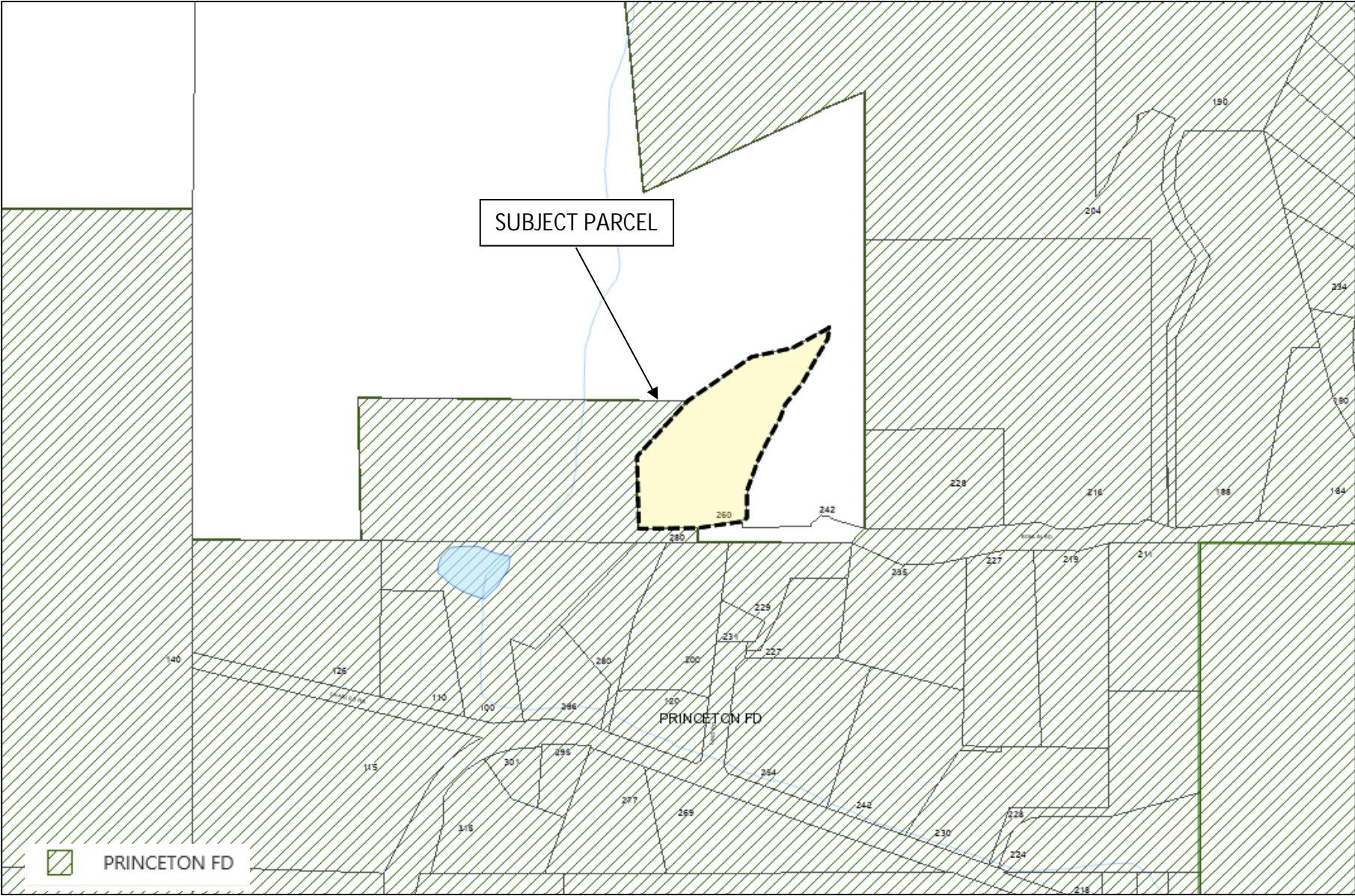
Attachments: No. 1 – Context Maps

No. 2 – Existing Boundary of service area

Attachment No. 1 – Context Maps



Attachment No. 2 – Existing Boundary of service area



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2934, 2021**

---

**A Bylaw to amend "Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service"**

---

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 Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service" Amendment Bylaw No. 2934, 2021."
2. The boundaries of the local service area, being Schedule 'A' of the "Regional District of Okanagan-Similkameen Bylaw No. 1197, 1991 to establish and operate within a portion of Electoral Area 'H', a local service, being a fire prevention and suppression service", is amended by incorporating the land described as Lot A, Plan KAP78387, District Lot 1006, YDYD (260 Bonlin Road), and shown shaded yellow on Schedule 'A', which forms part of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this 17<sup>th</sup> day of June, 2021.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.

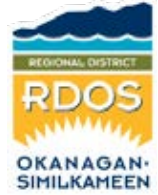
\_\_\_\_\_  
Board Chair

\_\_\_\_\_  
Corporate Officer

FILED WITH THE INSPECTOR OF MUNICIPALITIES this \_\_\_\_ day of \_\_\_\_\_, 2021.

# Regional District of Okanagan-Similkameen

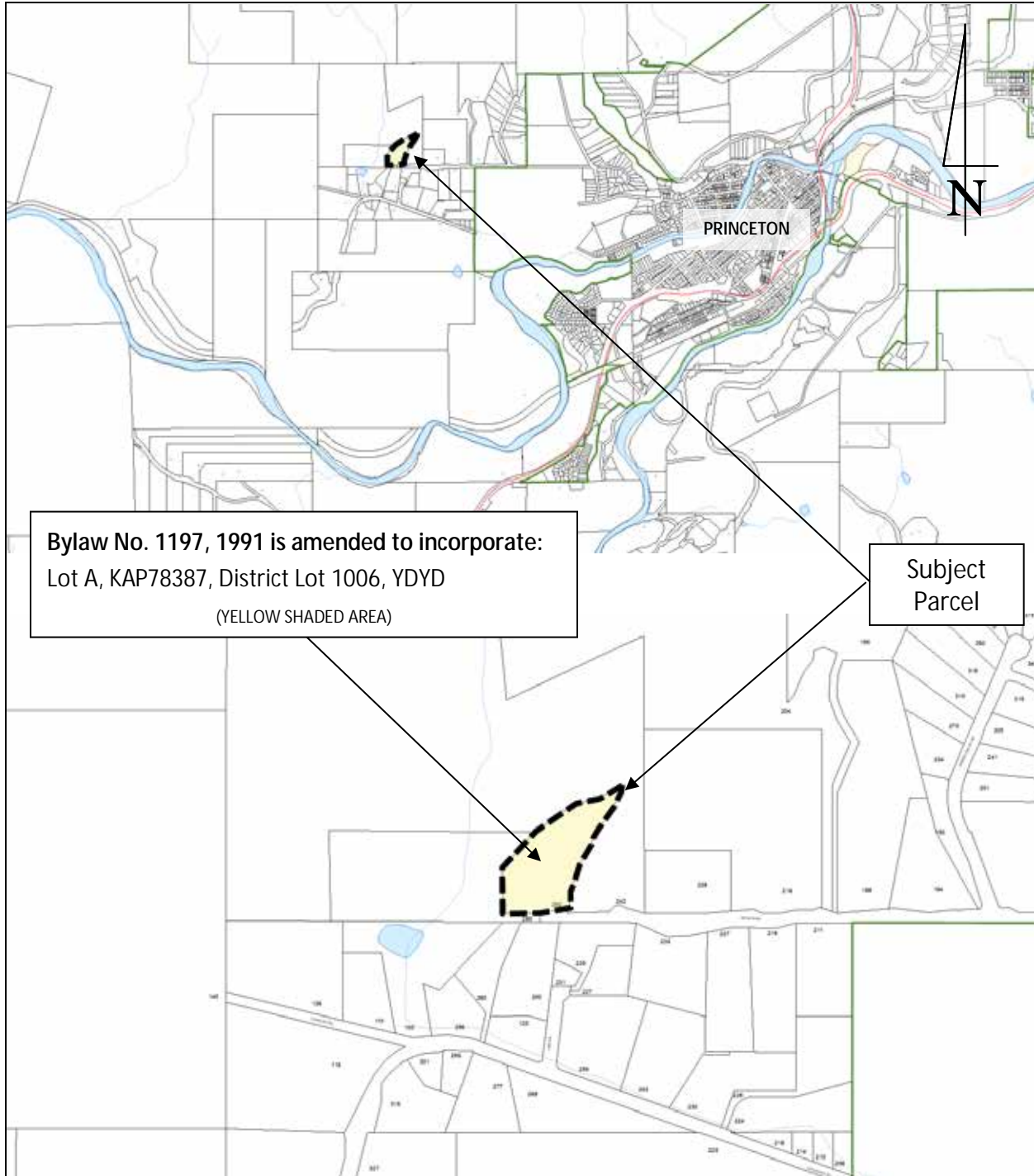
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2934, 2021

File No. H2021.003-SAP

## Schedule 'A'



## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** July 8, 2021

**RE:** Award of Electoral Area "D" Service and Boundary Configuration Study

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### **Administrative Recommendation:**

**THAT the contract to carry out the Electoral Area "D" Services and Boundary Configuration Study be awarded to Neilson Strategies Inc. and Leftside Partners Inc. for an amount not to exceed \$90,000.00, plus GST; and further,**

**THAT all project costs in addition to those funded by the Province of British Columbia be charged to the Electoral Area "D" Rural Projects Budget.**

### **Business Plan Objective:**

- Key Success Driver 3.0: Build a Sustainable Region
- Goals 3.1: To develop a healthy and socially sustainable region

### **Background:**

At the meeting of December 3, 2020 the Board of Directors resolved to support a request from the Okanagan Falls Community Association to request the Ministry of Municipal Affairs to conduct an Incorporation Study to assess costs and benefits as outlined in the recently accepted 2020 Okanagan Falls Economic Development & Recovery Plan.

On March 24, 2021, the Minister advised the Regional District that funding in the amount of \$80,000 was approved to embark on the first steps in a restructuring process, which include the following:

1. identifies the most pressing service and governance issues,
2. explores community interests in incorporation, and
3. proposes a boundary for incorporation that optimizes for service delivery, representation, tax equity, and community vision. At the conclusion of this study, the Regional District will submit a report to the Minister. Further work towards next steps in the restructuring process will be considered at that time.

In May 2021, a 10 member advisory committee was formed by the Board of Directors to work with a consultant to achieve the mandate provided by the Province.

In early June, a request for proposals (RFP) was issued to retain the services of a consultant to work with the committee to review and consider methods of improvement of local governance in the Electoral Area. The RFP was advertised on BC Bid, Civic Info, the Regional District website and social media

The key components of the evaluation process were:

- Qualifications of firm and project team members – 10 points
- Related experience of firm and project team members – 10 points
- Local Government Past Performance/project control – 5 points
- Resources - 5 points
- Methodology / Workplan – 25 points
- Understanding of Objectives - 10 points
- Public consultation process experience – 20 points
- Clarity and brevity of proposal – 10 points
- Scheduling – 5 points

One submission was received, a partnership of Neilson Strategies Inc. and Leftside Partners Inc.

### **Analysis:**

Neilson Strategies Inc. and Leftside Partners Inc. are two independent consulting firms that have collaborated on governance, incorporation and service review studies for more than 15 years.

Allan Neilson, BA, MPA of Neilson Strategies Inc. is a recognized governance expert, and has extensive experience with governance and incorporation studies, service reviews and facilitating public engagement and strategic planning sessions.

Sherry Hurst, M.Pl., RPP, MCIP of Leftside Partners Inc. is a planner and local government consultant with considerable experience in governance studies, service reviews and finance. Ms. Hurst was the project lead on the Area “D” Governance Study undertaken for RDOS in 2015/16.

The proposal details a comprehensive workplan and approach which includes a combination of online and in-person engagement methods.

Regardless that there was one submission only, the process was competitive and the one proposal received is fair for the work involved. The evaluation process was conducted by the committee members. This enabled the committee to thoroughly discuss all aspects of the submission and whether it met the criteria. The committee has supported the recommendation to award the contract.

### **Financial:**

The Minister of Municipal Affairs has committed to providing funding in the amount of \$80,000.00 for this study. The remaining portion should be funded by the citizens of Electoral Area “D” as the beneficiaries of the study.

This study will be over a two year period and is anticipated to cost \$117,735. The Project Coordinator will discuss the Terms of Reference with the consulting team to determine if parts of the project could be reduced without affecting the quality. The beneficiaries of the project will be the citizens of Electoral Area “D” and the excess cost over grant will be charged to the Area D Rural Projects Budget.

**Alternatives:**

1. Award the contract
2. Reject the contract and conduct a second competition
3. Discontinue the project

**Respectfully submitted:**

*"Christy Malden"*

C. Malden, Manager of Legislative Services



**Lauri Feindell**

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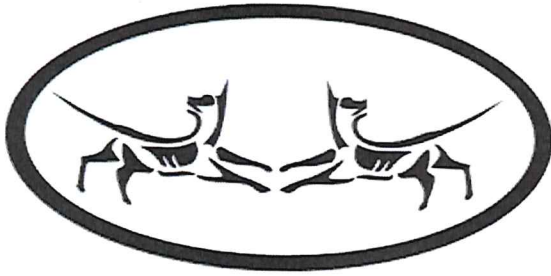
**Subject:** FW: Project No: F2021.026-DVP

Board date: July 8, 2021  
Item # C.I.B.  
Additional Representation  
DKP

**From:** James and Tammy Reid  
**Sent:** Wednesday, July 7, 2021 3:15 PM  
**To:** Fiona Titley <[ftitley@rdos.bc.ca](mailto:ftitley@rdos.bc.ca)>  
**Subject:** Project No: F2021.026-DVP

**TO:** Regional District of Okanagan Similkameen FILE NO.: F2021.026-DVP  
**FROM:** Name: James and Tammy Reid  
**Street Address:** 1140 jonathan drive  
**RE:** Development Variance Permit (DVP) Application 1135 Jonathon Drive, Electoral Area "F"  
**My comments / concerns are:** I do not support the proposed variances at 1135 Jonathon Drive

We feel that the addition of this garage to this property is far too big and close to the road, which could potentially cause safety concerns as there are children, horseback riders and bike riders etc. that use this cul de sac. We feel it does not fit in with the community appearance.  
james and tammy



BOARD DATE July 8, 2021  
ITEM# C2.B.  
Additional Represent.  
TUP

**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

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**Project Name:**

Temporary Use Permit - Referral E2021.012-TUP (Chute Lake)

**FN Consultation ID:**

L-210602-E2021-012-TUP

**Consulting Org Contact:**

Lauri Feindell

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Tuesday, June 22, 2021

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

June 22, 2021

Attention: Lauri Feindell

File number: E2021.012-TUP

RE: 40 (forty) day extension

Thank you for the above application that was received on 2021-06-22T00:00:00.

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 Penticton Indian Band will be able to ensure that an informed review process will occur. We are setting the new timeline to be 40 days from the existing timeline.

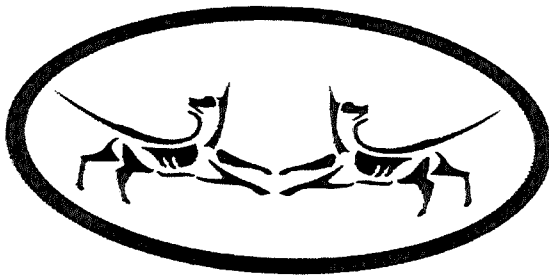
Most recently, the Supreme Court of Canada in the Tsilquot'in case confirmed that the province has been applying an incorrect and restrictive test to the determination of Aboriginal Title, and that Aboriginal Title includes the exclusive right of a First Nation to decide how that land is used and the right to benefit economically from those uses.

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

I appreciate your co-operation.

liml̓əmt,

Heather McDougall  
Referrals Clerk  
Natural Resources Department  
Penticton Indian Band  
P: 250-492-0411  
[Referrals.clerk@pib.ca](mailto:Referrals.clerk@pib.ca)



**Penticton Indian Band**  
Natural Resources Department  
841 Westhills Drive | Penticton, B.C.  
V2A 0E8  
Referrals@pib.ca | www.pib.ca  
Telephone: 250-492-0411  
Fax: 250-493-2882

**Project Name:**

Temporary Use Permit - Referral E2021.012-TUP (Chute Lake)

**FN Consultation ID:**

L-210602-E2021-012-TUP

**Consulting Org Contact:**

Lauri Feindell

**Consulting Organization:**

Regional District of Okanagan-Similkameen

**Date Received:**

Tuesday, June 22, 2021

**Company Project ID (province/proponent ID):**

E2021.012-TUP

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

Attention: Lauri Feindell

We are in receipt of the above referral. This proposed activity is within the PIB Area of Interest within the Okanagan Nation's Territory, and the lands and resources 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.

PIB has specific referral processing requirements for both government and proponents which are integral to the exercise of our management right and to ensuring that the Crown can meet its duty to consult and accommodate our rights, including our Aboriginal title and management rights. According to this process, proponents are required to pay a \$500 processing fee for each referral. This fee must be paid within 30 days. Proper consultation and consideration of potential impacts cannot occur without the appropriate resources therefore it is only with payment that proper consultation can begin and the proposed activity/development can be reviewed.

1. Invoice Number: L-210602-E2021-012-TUP

Referrals Processing Fee

Sub Total \$ 500.00

Tax \$ 0.00

Total \$ \$500.00

INVOICE AMOUNT FOR PRELIMINARY OFFICE REVIEW \$500.00

Please make cheque or cash payable to Penticton Indian Band. re: P.C.132 and send to 841 Westhills Drive, Penticton, British Columbia, Canada V2A 0E8

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, PIB 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.

limləmt,

Heather McDougall  
Referrals Clerk  
Natural Resources Department  
Penticton Indian Band  
W: 250-492-0411  
[Referrals.clerk@pib.ca](mailto:Referrals.clerk@pib.ca)

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