



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, October 1, 2020  
RDOS Boardroom – 101 Martin Street, Penticton

### SCHEDULE OF MEETINGS

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9:00 am	-	9:45 am	Planning and Development Committee
9:45 am	-	10:15 am	OSRHD
10:15 am	-	11:15 am	RDOS Board

***“Karla Kozakevich”***

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Karla Kozakevich  
RDOS Board Chair

2020 Notice of Meetings			
<b>October 15</b>	<b>RDOS Board</b>	<b>OSRHD Board</b>	<b>Committee Meetings</b>
<b>November 5</b>	<b>RDOS Board Inaugural</b>	<b>OSRHD Board Inaugural</b>	
<b>November 19</b>	<b>RDOS Board</b>	<b>OSRHD Board</b>	<b>Committee Meetings</b>
<b>December 3</b>	<b>RDOS Board</b>		<b>Committee Meetings</b>
<b>December 17</b>	<b>RDOS Board</b>	<b>OSRHD Board</b>	<b>Committee Meetings</b>



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Planning and Development Committee

Thursday, October 1, 2020

9:00 am

### AGENDA

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

**THAT the Agenda for the Planning and Development Committee Meeting of October 1, 2020 be adopted.**

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**B. Zoning Bylaw Amendment – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’, & ‘I’**

**Regulation of “Solar Energy Systems”**

1. Bylaw No. 2911

**RECOMMENDATION 2**

**THAT Amendment Bylaw No. 2911 (Solar Energy Systems Amendment Bylaw) be drafted to include:**

1. ground mounted systems, when limited to the height of accessory buildings and structures allowed under the applicable zone, be required to comply with the minimum setbacks for accessory buildings and structures outlined in that zone.
  2. if the height of ground mounted systems exceed the height of accessory building and structures allowed under the applicable zone, such systems be set back at least twice the height of the solar energy systems installed in that zone.
  3. that a maximum of 1.0 m height for roof-mounted systems be allowed above the maximum building height allowed under that zone
  4. that the height and setbacks for ground-mounted systems be required to meet the maximum permitted height requirements for a given zone, as well as setback requirements.
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**C. Zoning Bylaw Amendment – Electoral Areas ‘A’, ‘C’, ‘D’, ‘E’, ‘F’ & ‘I’**

**Regulation of Metal Storage Containers**

1. Bylaw No. 2895
2. Representations

**RECOMMENDATION 3**

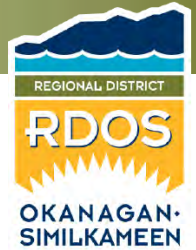
**THAT Amendment Bylaw No. 2895 be amended to incorporate the following prior to consideration of first reading:**

1. a minimum parcel size requirement of 0.5 ha

2. **the replacement of the cladding and roofing requirement with a requirement to paint the container the same colour as the principal dwelling in Low Density Residential and Small Holdings zones;**
  3. **a definition of “metal shipping container”;**
  4. **a regulation that metal shipping containers not be located between the front parcel line of a property and the principal dwelling unit in Low Density Residential and Small Holdings zones; and**
  5. **a regulation permitting one (1) metal storage container to be used for temporary storage of household goods for a period not exceeding one (1) month.**
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**D. ADJOURNMENT**

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

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

**DATE:** October 1, 2020

**RE:** Zoning Bylaw Amendment – Electoral Area ‘A’, ‘C’, ‘D’, ‘E’, ‘F’, ‘G’, ‘H’ & ‘I’  
Regulation of “Solar Energy Systems”

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### **Administrative Recommendation:**

**THAT Amendment Bylaw No. 2911 (Solar Energy Systems Amendment Bylaw) be drafted to include:**

1. ground mounted systems, when limited to the height of accessory buildings and structures allowed under the applicable zone, be required to comply with the minimum setbacks for accessory buildings and structures outlined in that zone.
  2. if the height of ground mounted systems exceed the height of accessory building and structures allowed under the applicable zone, such systems be set back at least twice the height of the solar energy systems installed in that zone.
  3. that a maximum of 1.0 m height for roof-mounted systems be allowed above the maximum building height allowed under that zone
  4. that the height and setbacks for ground-mounted systems be required to meet the maximum permitted height requirements for a given zone, as well as setback requirements.
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### **Purpose:**

To determine zoning regulations for the use and placement of solar energy systems in the Okanagan Electoral Area zoning bylaws.

### **Background:**

At its meeting of May 21, 2020, a Notice of Motion was carried requesting “staff bring forward options for zoning regulations to govern the placement of solar energy devices (e.g. solar panels, solar trees, etc.).”

It is understood that this motion was in response to a number of solar energy devices being erected in Electoral Area “E”, and that have raised concerns from the neighbouring property owners regarding visual impressions (blocked views, glare, shadowing etc.).

### **Solar Energy Systems:**

A solar energy system is a form of renewable energy that converts sunlight into means of energy that can be used to generate electricity, space heating, space cooling or water heating. Such systems can take the form of being either roof or building-mounted, or ground-mounted or freestanding.

Single or multiple panels can be mounted on individual or multiple poles when space, structural, shade, or other constraints inhibit roof-mounted systems (see Attachment No. 1).

### **Zoning Bylaws:**



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At present, the Electoral Area Zoning Bylaws are all silent on the use, size, erection and placement of solar energy systems. This is seen to be reflection of solar energy systems not being a viable source of on-site power generation at the time the bylaws were drafted.

**Analysis:**

The regulation of solar energy systems presents a challenge; on the one hand is the desire to encourage the use of renewable energy without create disincentives to its uptake and expansion through new regulation and potential permitting requirements.

On the other hand is an understandable desire of residents and property owners to ensure that the installation of such systems on adjacent or nearby properties does not occur to the detriment of their use and enjoyment of their own property.

The intent of any regulation for “the establishment of renewable energy projects that use water, wind, sunlight, biomass or geothermal energy to generate electricity”, should help to mitigate the potential for conflict in residential neighbourhoods.

Based upon a review of solar energy system zoning regulations implemented by Summerland, along with other local government approaches, a number of options are available to the Board should it wish to introduce regulations. This includes:

- introducing a new definition for “solar energy device”;
- allowing solar energy systems to project 1.0 meter above the height of a building;
- ensuring that solar energy systems do not extend beyond the roofline;
- establishing a minimum parcel size of 1.0 ha in order to install a ground mounted system, except in the Industrial (I) and Administrative and Institutional (AI) zones;
- requiring that ground mounted systems not be sited within a setback area;

**Minimum Parcel Size Requirement:**

The recommendation for a 1.0 ha minimum parcel size for ground mounted systems is to ensure that there is an adequate land area to facilitate the separation of uses (i.e. towers vs. neighbouring dwelling units).

Ground mounted systems can range between 3.0 metres to 7.0 metres in height and potentially obstruct access to sunlight, block views for neighbouring properties and impede in fire safety depending on the size and number of panels.

A minimum parcel size requirement is not seen to be applicable to roof mounted devices as they are built into the design of the dwelling and can be less obtrusive yet still generate similar energy output as a ground mounted system.

Such a parcel size requirement is seen as a way to encourage property owners in residential neighbourhoods to pursue roof mounted systems and avoid creating conflicts with neighbouring properties.

The proposed exemptions for Industrial (I) and Administrative and Institutional (AI) zones is a reflection that the placement of ground mounted systems in these areas is unlikely to adversely impact on the use and enjoyment of adjacent properties.

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Conversely, restricting such devices on lots smaller than 1.0 ha may discourage property owners wanting to install alternative renewable forms of energy.

Setback Requirement:

Studies from different municipalities generally concluded that the height of ground-mounted systems play a vital role in determining setback requirements for such systems.

Staff is therefore recommending that ground mounted systems, when limited to height of accessory building and structures allowed under the applicable zone, comply with the minimum setbacks for accessory building and structures outlined in that zone.

However, if the height of such systems exceed height of accessory building and structures allowed under the applicable zone, it is recommended that such systems be setback at least twice the height of the solar energy systems installed in that zone.

This is to ensure that a physical separation is maintained between neighbouring properties in order to protect privacy and prevent the appearance of overcrowding.

Height Exemption:

According to studies, roof mounted solar systems when tilted on roof optimizes the amount of energy derived from the sun. A building with a flat roof at the maximum permitted height would impose a constraint under this scenario.

It is therefore recommended that a maximum of 1.0 m height for roof-mounted systems be allowed above the maximum building height allowed under that zone, to allow property owners enjoy the use of such systems and optimize the maximum amount of energy from the sun, while not compromising the building height.

The height and setbacks for ground-mounted systems are interlinked and for this reason, it is recommended that such systems meet the maximum permitted height requirements for a given zone, as well as setback requirements.

Variances:

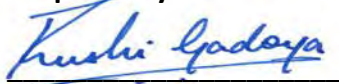
If implemented, anyone seeking to vary from these proposed regulations when installing a solar energy system would be required to seek a Development Variance Permit approval from the Board.

This would allow adjacent property owners the opportunity to review a proposal and submit their concerns to the Board for consideration.

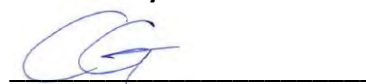
**Alternatives:**

1. THAT Amendment Bylaw No. 2911 not be initiated; or
2. THAT consideration of Amendment Bylaw No. 2911 be deferred for the following reasons:
  - i) TBD

**Respectfully submitted:**



**Endorsed By:**



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Rushi Gadoya, Planning Technician

C. Garrish, Planning Manager

Attachments: No. 1 – Photos of Solar Energy Devices  
No. 2 – Photos of Solar Energy Devices  
No. 3 – Photos of Solar Energy Devices

Attachment No. 1 – Photos of Solar Energy Devices



Ground mounted – Naramata  
Photo Source: RDOS



Ground mounted – Oliver  
Photo Source: Swiss Solar Tech



Attachment No. 2 – Photos of Solar Energy Devices



Ground mounted – Naramata  
Photo Source: Swiss Solar Tech



Roof mounted – Naramata  
Photo Source: Swiss Solar Tech



Attachment No. 3 – Photos of Solar Energy Devices



Roof mounted (patio) – Willowbrook  
Photo Source: Swiss Solar Tech

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2911, 2020**

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**A Bylaw to amend the Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “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 Solar Energy System Amendment Bylaw No. 2911, 2020."

**Electoral Area “A”**

2. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:
  - i) adding definition for “solar energy device” under Section 4.0 Definitions as following:  
    **“solar energy device”** means a device designed to collect, store and distribute solar energy;
  - ii) adding a new sub-section 7.7.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:
    - iii) roof-mounted solar energy devices, may project no more than:
      - .1 beyond the roofline of the building; and
      - .2 beyond the outermost edge of the roof.
  - iii) adding a new sub-section 7.7.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:
    - b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.

- iv) adding a new Section 7.27 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:

**7.27 Solar Energy Systems**

- .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
  - i) extend beyond the outermost edge of the roof; or
  - ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
  - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

Electoral Area “C”

- 3. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:

- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:  
    **“solar energy device”** means a device designed to collect, store and distribute solar energy;

- ii) adding a new sub-section 7.7.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:

- iii) roof-mounted solar energy devices, may project no more than:
  - .1 beyond the roofline of the building; and
  - .2 beyond the outermost edge of the roof.

- iii) adding a new sub-section 7.7.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:

- b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.

- iv) adding a new Section 7.28 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:

**7.28 Solar Energy Systems**



- .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
  - i) extend beyond the outermost edge of the roof; or
  - ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
  - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

Electoral Area “D”

4. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:
- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:
 

**“solar energy device”** means a device designed to collect, store and distribute solar energy;
  - ii) adding a new sub-section 7.7.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:
    - iii) roof-mounted solar energy devices, may project no more than:
      - .1 beyond the roofline of the building; and
      - .2 beyond the outermost edge of the roof.
  - iii) adding a new sub-section 7.7.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:
    - b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.
  - iv) adding a new Section 7.28 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:
 

**7.28 Solar Energy Systems**

    - .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
      - i) extend beyond the outermost edge of the roof; or

- ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
  - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

Electoral Area “E”

5. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:

- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:
 

**“solar energy device”** means a device designed to collect, store and distribute solar energy;
- ii) adding a new sub-section 7.7.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:
  - iii) roof-mounted solar energy devices, may project no more than:
    - .1 beyond the roofline of the building; and
    - .2 beyond the outermost edge of the roof.
- iii) adding a new sub-section 7.7.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:
  - b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.
- iv) adding a new Section 7.28 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:

**7.28 Solar Energy Systems**

- .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
  - i) extend beyond the outermost edge of the roof; or
  - ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:

- i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
- ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

Electoral Area “F”

6. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:

- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:  
**“solar energy device”** means a device designed to collect, store and distribute solar energy;

- ii) adding a new sub-section 7.7.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:

- iii) roof-mounted solar energy devices, may project no more than:

- .1 beyond the roofline of the building; and
    - .2 beyond the outermost edge of the roof.

- iii) adding a new sub-section 7.7.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:

- b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.

- iv) adding a new Section 7.29 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:

**7.29 Solar Energy Systems**

- .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
  - i) extend beyond the outermost edge of the roof; or
  - ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
  - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or

- ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

### Electoral Area “G”

7. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:

- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:  
    **“solar energy device”** means a device designed to collect, store and distribute solar energy;

- ii) adding a new sub-section 6.5(4) (Projections) under Section 6.0 (General Regulations) to read as follows:

.4 roof -mounted solar energy devices, may project no more than:

- .1 beyond the roofline of the building; and
- .2 beyond the outermost edge of the roof.

- iii) adding a new sub-section 6.5(.5) (Projections) under Section 6.0 (General Regulations) to read as follows:

.5 roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.

- iv) adding a new Section 6.16 (Solar Energy Systems) under Section 6.0 (General Regulations) to read as follows:

#### **6.16 Solar Energy Systems**

- .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
  - i) extend beyond the outermost edge of the roof; or
  - ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
  - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

### Electoral Area “H”

8. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:
- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:  
    **“solar energy device”** means a device designed to collect, store and distribute solar energy;
  - ii) adding a new sub-section 7.5.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:
    - iii) roof-mounted solar energy devices, may project no more than:
      - .1 beyond the roofline of the building; and
      - .2 beyond the outermost edge of the roof.
  - iii) adding a new sub-section 7.5.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:
    - b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.
  - iv) adding a new Section 7.30 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:

**7.30 Solar Energy Systems**

    - .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
      - i) extend beyond the outermost edge of the roof; or
      - ii) extend higher than the vertical building envelope.
    - .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
      - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
      - ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

#### Electoral Area “I”

9. The “Regional District of Okanagan-Similkameen, Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:
- i) adding definition for “solar energy device” under Section 4.0 Definitions as following:

**“solar energy device”** means a device designed to collect, store and distribute solar energy;

- ii) adding a new sub-section 7.7.1(c)(iii) (Projections) under Section 7.0 (General Regulations) to read as follows:
  - iii) roof-mounted solar energy devices, may project no more than:
    - .1 beyond the roofline of the building; and
    - .2 beyond the outermost edge of the roof.
- iii) adding a new sub-section 7.7.2(b) (Projections) under Section 7.0 (General Regulations) to read as follows:
  - b) roof mounted solar energy devices to a maximum of 1.0 meter above the maximum height allowed for the building on which it is installed.
- iv) adding a new Section 7.31 (Solar Energy Systems) under Section 7.0 (General Regulations) to read as follows:

**7.31 Solar Energy Systems**

- .1 on parcels 1.0 ha in area or less, a solar energy system shall be attached to a principal or accessory building or structure and shall not:
  - i) extend beyond the outermost edge of the roof; or
  - ii) extend higher than the vertical building envelope.
- .2 despite sub-section 1, in an Industrial or Administrative and Institutional zone, a solar energy system is permitted on a parcel less than 1.0 ha in area provided that:
  - i) the device is attached to either a principal or accessory building or structure, in which case the device shall not extend beyond the outermost edge of the roof; or
  - ii) the system is a standalone structure subject to the siting requirements for accessory buildings and structures.

READ A FIRST AND SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLIC HEARING held on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ADOPTED this this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

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

**TO:** Planning and Development Committee

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

**DATE:** October 1, 2020

**RE:** Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F” & “I”  
Regulation of Metal Storage Containers

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## **Administrative Recommendation:**

**THAT Amendment Bylaw No. 2895 be amended to incorporate the following prior to consideration of first reading:**

- a minimum parcel size requirement of 0.5 ha
  - the replacement of the cladding and roofing requirement with a requirement to paint the container the same colour as the principal dwelling in Low Density Residential and Small Holdings zones;
  - a definition of “metal shipping container”;
  - a regulation that metal shipping containers not be located between the front parcel line of a property and the principal dwelling unit in Low Density Residential and Small Holdings zones; and
  - a regulation permitting one (1) metal storage container to be used for temporary storage of household goods for a period not exceeding one (1) month.
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## **Purpose:**

The purpose of this report is to seek direction from the Board regarding public feedback received in relation to the introduction of regulations governing the use and placement of metal storage containers within the Okanagan Electoral Area zoning bylaws.

## **Background:**

At its meeting of February 20, 2020, the P&D Committee considered a Draft of the 2020 Corporate Action Plan. This Plan included, as an action, a “review the Area I Zoning Bylaw to establish controls for tiny homes, shipping containers and B&B at Apex Mountain Resort” to be completed by Q4 2020.

At its meeting March 5, 2020, the P&D Committee of the Board considered a series of draft zoning regulations governing the placement of metal storage containers, which included:

- limiting containers to the Resource Area, Agriculture, Large Holdings and Industrial zones;
  - limiting the stacking of containers to no more than two (2);
  - requiring that containers meet the siting regulations for accessory structures (i.e. setbacks); and
  - an exemption allowing for the placement of a container during construction authorized by a building permit.
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The Committee subsequently resolved that the Regional District of Okanagan-Similkameen Storage Container Regulations Zoning Amendment Bylaw No. 2895, be initiated and verbally directed Administration to amend the bylaw to include the following:

- an allowance for one (1) container in the Low Density Residential (LR) and Small Holdings (SH) zones; and
- to require containers in the LR & SH zones be clad in a material consistent with the principal building and covered by a roof with a pitch consistent with the principal building.

**Public Consultation:**

As part of the initiation of Amendment Bylaw No. 2895, the following consultation was undertaken:

- referral to individual members of the Electoral Area Advisory Planning Commissions (NOTE: due to the provincial health emergency, in-person and electronic APC meetings were not being held at this time);
- notification of external agencies (April 15, 2020);
- documentation added to Regional District web-page (March 10, 2020);
- notification posted to the Regional District’s Facebook page (April 16, 2020); and
- notification on CivicReady to approximately 450 persons (June 9, 2020).

In response to this notification, the following comments were received:

- 20 individual responses from APC members were received (see summary at Attachment No. 1);

Electoral Area	“A”	“C”	“D”	“E”	“F”	“I”	Total
<b>Support</b>	1	4	2	4	2	2	15
<b>Oppose</b>	3	1	0	0	0	1	5
Total	4	5	2	4	2	3	20

- 51 responses were received from the public (see summary at Attachment No. 2):

Electoral Area	“A”	“C”	“D”	“E”	“F”	“I”	Total
<b>Support</b>	32	0	0	0	2	3	37
<b>Oppose</b>	8	0	0	0	3	2	13
Total	40	0	0	0	5	5	50

- 3 responses were received from external agencies, including the Kaleden Irrigation District (KID), Ministry of Agriculture and the Interior Health Authority (IHA).

**Analysis:**

The following discussion items are based upon a review of the representations received and the comments that were raised most frequently:

Parcel Size

It is noted that none of the Okanagan member municipalities currently permit metal storage containers in their Residential zones (e.g. Summerland specifically prohibits containers), and that

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concerns have been raised by some residents of West Bench (Area “F”) and Anarchist Mountain (Area “A”) regarding allowing such containers on rural-residential parcels (e.g. the Small Holdings (SH) zones).

While Administration maintains its support for only permitting containers in the Rural Zones ( as these have a minimum parcel for subdivision of 4.0 ha), the Board may wish to consider an alternate requirement to its previous direction of allowing containers in the Residential and SH zones. This could be in the form of a minimum land area of 0.5 ha or 1.0 ha.

Conversely, Administration recognises that comments were received that did not take issue with allowing containers in the Residential and SH zones, or felt that any regulation was unnecessary.

#### Exemptions – Building Permits

A number of concerns were raised with the potentially open-ended nature of building permit applications and that a specific time-frame should be imposed on the exemption allowing the placement of a container while construction is occurring on a property.

While a building permit is valid for a two (2) year period, with construction to commence within 6 months of issuance, the option to apply for a 12-month extension followed by additional extensions through “completion permits” is available to property owners and *could* extend a construction period over many years.

Administration is concerned that a specific time limit on exemptions for construction could become problematic as it may require the removal of a storage container prior to the completion of construction. In addition, extending such an exemption would require the approval of a Development Variance Permit (DVP) by the Board.

Conversely, the imposition of a time limit, such as 24-months, could create an incentive to complete a construction project within the initial timeframe of a building permit.

#### Exemptions – Moving

A comment was made in relation to making an allowance for the temporary placement of a container related to the storage of household goods ahead of a move/relocation.

In response, the Board may wish to consider the following:

*one (1) metal storage container may be used for temporary storage of household goods for a period not exceeding one (1) month.*

#### Cladding & Roofing

A number of representations raised concerns that the requirement for roofing and cladding to match the principal dwelling in the Residential and SH zones was too onerous.

This included the cost, unnecessary use of materials, potential hazard created by improperly constructed roof structures, impediment to resale of the container, challenges if principal dwelling is a log cabin or metal clad itself, and that location on the property is more important than the aesthetics of the container.

An alternate solution put forward in a number of representations was requiring that the container only be painted in the same colour as the principle dwelling and that cladding and roofing not be required.

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Conversely, a number of representations supported the requirement that the container be clad and roofed in a similar manner to the principal dwelling.

### “Grandfathering”

A number of representations requested that “grandfathering” of existing containers not be allowed, and that they be required to comply with any new regulations adopted by the Board.

Under the *Local Government Act*, a use lawfully established prior to a bylaw change that renders that use in contravention of the bylaw, “may be continued as a non-conforming use.”

Accordingly, the Regional District does not have the authority to over-ride or extinguish non-conforming use rights.

### Setbacks

A suggestion was made to require that containers not be placed between the principal dwelling and the front parcel line.

Generally, the prescribed setback for an accessory structure is equal to or greater than that for a principle building – meaning an accessory structure cannot be placed in front of a dwelling when the principal dwelling unit is constructed to the setback line.

This would not, however, preclude the placement of an accessory structure in front of a principal dwelling unit when the principal dwelling unit has been constructed well beyond the setback line.

For instance, a dwelling could be constructed 15.0 metres from the front parcel line and if the zoning allows for an accessory structure no closer than 7.5 metres from the front parcel line it is possible the accessory structure could be placed between the dwelling and the road.

The Board may wish to consider requiring a revised setback requirement for containers in the Residential and SH zones:

*metal storage containers not to be located between the front parcel line and a principal building.*

### Definition

One representation noted the absence of a definition of “metal shipping container” in the Amendment Bylaw and suggested, for clarity, that one be added.

Based upon a review of the Okanagan member municipality zoning bylaws, most of which include a definition for storage containers, it is suggested the following be added:

*“metal storage container” means a purpose-designed metal cargo container for holding of goods, which is intended to be placed on a ship, truck or railcar.*

### Summary

Administration supports a number of amendments to Bylaw 2895 based upon the representations received, including:

- a minimum parcel size requirement of 0.5 ha (i.e. not permitting containers in Low Density Residential zones and certain Small Holdings zones);
  - if supported, Administration supports replacing the cladding and roof requirement with a requirement for painting containers the same colour as the principal dwelling.

- 
- a definition of “metal shipping container”;
  - a regulation that metal shipping containers not be located between the front parcel line of a property and the principal dwelling unit; and
  - allowing one (1) metal storage container to be used for temporary storage of household goods for a period not exceeding one (1) month.

**Alternatives:**

- .1 THAT Amendment Bylaw No. 2895 be brought forward for first reading; or
- .2 THAT prior to first reading of Amendment Bylaw No. 2895, it be amended to incorporate the following:
  - i) *TBD*.
- .3 THAT Amendment Bylaw No. 2895 be abandoned.

**Respectfully submitted:**



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C. Garrish, Planning Manager

Attachments: No. 1 – Summary of Advisory Planning Commission (APC) Responses  
No. 2 – Summary of Community Responses  
No. 3 – Public and Agency Representations  
No. 4 – Draft Amendment Bylaw No. 2895 (referral version of 2020-04-15)

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Attachment No. 1 – Summary of Advisory Planning Commission (APC) Responses

In Support:

*Permitted Zones / Parcel Sizes*

- storage containers should only be permitted in Industrial (I) zones and if for Small Holdings (SH) zones should be the same as Large Holdings (LH) zones;
- storage containers should be prohibited in Low Density Residential (LR) zones;
- I am okay with them in Low Density Residential (LR) zones;
- Small Holdings (SH) zoned parcels that are larger than 1.0 ha in area should be treated the same as Large Holdings (LH) parcels;
- not suitable for Town/Village Centre zones;
- be allowed in Low Density Residential (LR) zones with a limitation of one (1) per parcel;
- if the proposed regulations are not adopted, I would totally oppose allowing metal storage containers in Low Density Residential (LR) and Small Holdings (SH) zones, other than for construction and other short-term purposes;
- should be prohibited on parcels less than 0.4 ha in area;
- smaller parcels in the AG zones should be treated the same as the RS1, RS2 zones, etc.;
- regulations should address the visual impact of unsightly containers on Agriculture (AG) and Large Holdings (LH) zoned parcels (require painting);
- any regulation should have a relationship to the size of the parcel and the placement of the container;

*Exemptions*

- exemption for storage containers required during construction (with valid building permit) should not be open-ended and should have a set timeline;
- contractors use storage containers when building and this needs to be allowed;
- a time limit should be imposed for containers allowed in relation to a building permit (i.e. 12 months);
- short-term use of containers for waste removal should be allowed (i.e. 1-6 months);
- storage containers should be allowed for a short-term period in relation to moving (i.e. 1 month);
- built-up areas like Okanagan Falls, Naramata and the Westbench should have a time limit placed on the use similar to what is found in the municipalities;

*Cladding / Roofing*

- will result in buildings that architecturally match the principle residence and this may be an improvement in the appearance of accessory structures in residential zones and should be applied to all such structures – storage containers or not;
- no cladding or roofing should be required, but a coat of paint to allow a container to blend in should be required;

- 
- the requirement that a storage container be clad and roofed is not required (doing so makes resale of the container difficult);
  - I would rather look at a storage container than junk;
  - I do not agree with the cladding and roofing requirement;

#### *Restrictions on Use*

- ventilation should be added to containers if flammable materials or explosives are stored;
- if large quantities of materials are stored, container should be marked to indicate this;
- example of 2011 house fire in Enderby causing adjacent storage container to explode and blowing doors off resulting in death of a fire fighter;
- refer to “Office of Fire Commissioner – Shipping Container Fire Safety”;
- storage containers should not be used as a spray shed;

#### *Setbacks*

- must comply with required setbacks;
- should comply with setbacks for principal structure if allowed to be stacked, setbacks for accessory structure if no stacking allowed;
- storage containers should not be allowed to be placed between the road and the principal building;

#### *Stacking*

- no stacking should occur on parcels less than 20.0 ha;
- a Building Permit should be required if stacking of storage containers is proposed;

#### *Miscellaneous*

- make regulation of storage containers user friendly please;
- quantity should be limited by length and not numbers (2 small containers could take up the same footprint as a single standard container);
- allowance should be made for storage containers converted into above ground pools;

#### In Opposition:

- metal storage containers are more secure than most outbuildings;
- on Small Holdings (SH) parcels, the location of the storage container is more important than whether or not it is made to look good;
- small parcels may not be able to accommodate a storage container;
- other parcels may be able to shield a storage container with an existing structure or vegetation;
- the requirement to finish a storage container to look like the house in all cases is un-necessary;
- I don't support the requirement to clad container and put a matching roof over it for Low Density Residential (LR) and Small Holdings (SH) parcels;

- 
- I don't think there is any need for zoning regulations for metal storage containers;
  - storage containers are much safer and better than small sheds and temporary storage;
  - the requirement to clad and roof a storage container is particularly onerous on the property owner, resulting in considerable cost;
  - complaints about storage containers should be dealt with through enforcement and not the enactment of new regulations affecting all Electoral Areas;
  - existing building bylaws should be sufficient;
  - unsightly premises bylaw should be used to address the placement of excessive of obnoxious containers;
  - too many unnecessary and costly hoops; and
  - a storage container will last longer than a wooden structure and is more secure.

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## Attachment No. 2 – Summary of Community Responses

### In Support:

#### *Cladding / Roofing*

- we moved to this area because of the visual appeal and do not want it to become unsightly;
- existing containers should be required to be clad and roofed similar to proposal for new containers;
- we would like to see regulations on the amount of junk that can be placed on residential parcels;
- containers are so ugly to look at and devalue neighbouring properties, they are also so ugly in their natural metal state;
- the exterior cladding must be consistent with the material used on the principal building and must match the colour of the principal building;
- what if the principal dwelling is a log cabin, is the expectation that a log cabin will be built around a storage container;
- this is not feasible in some cases, it would be challenging to build a roof to match the home and homemade efforts could look more unsightly than simply painting the container;
- I do not agree with the requirement that the container must have a pitched roof and be clad in same material as house;
- The bylaw should require that the container is painted or finished to complement the primary residence;

#### *“Grandfathering”*

- grandfathering of existing containers should not be permitted;
- no grandfathering;
- no grandfathering of existing containers please;
- existing containers in the Low Density Residential (LR) and Small Holdings (SH) zones should be made to come into compliance with the new bylaw in a reasonable timeframe;
- grandfathering in existing containers;
- no grandfathering;
- what will be done about any existing metal storage containers to meet appearance specifications – please do not “grandfather” them in as is;
- no grandfathering please;

#### *Exemptions*

- I am strongly opposed to any metal storage containers unless they are being temporarily used during construction or renovations;
- there are a lot of properties that have building permits active for multiple years, is allowing a storage container for this duration appropriate;



- 
- placement during construction should not trigger the need for an environmental assessment;
  - extra storage is often required for property maintenance equipment;
  - removal once home is occupied is ideal but not practical for everyone;

#### *Size and Number*

- the number of containers should be limited to one (1);
- multiple storage containers on a single parcel diminishes the aesthetics of the area and property values;
- storage container should be a maximum length of 20 feet;
- any storage container should not exceed 20 feet in length;

#### *Safety / Theft*

- containers can attract theft and increases in container number risks an increase in break-ins and theft;
- storage containers with good padlocks are much more theft resistant than a wood structure, important in a high risk zone for wild fires;
- all storage containers meet the same high standard and pose no risk to humans, unlike stick-built structures;

#### *Permitted Zones / Parcel Sizes*

- storage containers on parcels zoned Small Holdings (SH) greater than 1.0 ha should be regulated in the same way as parcels zones Large Holdings (LH);
- on large land parcels (Low Density Residential and Small Holdings) the aesthetic aspect is a much smaller concern and the amendment feels overly regulatory;

#### *Setbacks*

- containers should not be located between the principal residence and the front of the property;
- placement of a container near a side parcel line should not adversely affect their neighbouring property;

#### *Restrictions on Use*

- concerned about materials stored in a container and if these are hazardous;
- currently no regulations governing the storage of hazardous materials in storage containers;

#### *Stacking*

- not to be stacked;

#### *Environmental Impacts*

- concerned about transportation of containers and disturbance of soil during placement on a property;

#### *Miscellaneous*

- 
- why does the RDOS issue building permits for mobile homes, small square box houses and cabins at Anarchist Mountain, these homes are awful looking;
  - what is being done about people living in RVs [at Anarchist Mountain] with no intention of building or completing a home (some don't have a septic);
  - metal storage container should be defined in the zoning bylaw, referring to it as a type of accessory structure is confusing;
  - great idea much overdue;

#### In Opposition:

##### *Opposed to proposed regulations*

- proposed regulations are incorrectly and unfairly focusing on container ownership;
- containers should be regulated through an untidy and unsightly bylaw and not zoning;
- proposed regulations are punishing storage container owners who have done nothing wrong;
- our container is not visible from the road, is on a pad, conforms to FireSmart, is in a secure place to keep our garbage away from bears and other critters, adding a roof would make it an eye sore, this amendment makes no sense for the Anarchist Mountain community;
- we purchased our land to have to space to adapt our property to our needs yet maintain the rural aspect, if regulations change this it will be unfair and unreasonable – these changes are a travesty;
- I am a Small Holdings (SH) owner of 3.5 acres and I use the storage containers for storage of car parts and equipment on my property. The loss of the existing storage would adversely effect my use of the property;
- requiring cladding is overkill and impossible for most storage containers due to door hinges. Placing a roof on the container and painting it to match the principal building will make it look better than most accessory structures;
- a building permit should not be required for the placement of a single container on a property;
- storage containers are structurally sound, need only be founded on a gravel pad, are constructed of metal which conforms to the provincial FireSmart program and are very secure;
- there is no logical rationale to cladding them with other materials or adding an unnecessary roof and doing so is a “lipstick” application that would diminish value;
- if I have a storage container on my property and then have to clad it I may as well put up a building because that is what I am effectively being required to do;
- requiring cladding is wasteful as it will have to be removed and likely sent to the landfill if the container is sold;

##### *Opposed to allowing containers*

- we are not in favour of metal storage containers as they will create an environment of clutter, unkept properties and more of a commercial feel;

- 
- storage containers would do nothing to enhance a property's look;
  - we are against storage containers in our neighbourhood, lot sizes are too small and containers will be an eyesore to neighbours and will reduce property values;
  - we do not believe that those that get containers will abide by the law to clad them and change the roof design to match the home as the RDOS does not enforce most of its bylaws.

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2895, 2020**

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**A Bylaw to amend the Electoral Area “A”, “C”, “D”, “E”, “F” & “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 Shipping Container Regulations Zoning Amendment Bylaw No. 2895, 2020.”
2. The “Electoral Area “A” Zoning Bylaw No. 2451, 2008” is amended by:
  - i) adding a new sub-section 7.27 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

**7.27 Metal Storage Containers**

- .1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria:
  - a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
  - b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if it is:
    - i) completely clad in a material consistent with the principal building; and
    - ii) covered by a roof with a pitch consistent with the principal building.
  - c) Despite sub-section 7.27.1(a) and (b), one (1) metal storage container may be used for temporary storage during construction

in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied.

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

- i) adding a new sub-section 7.28 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

**7.28 Metal Storage Containers**

.1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria:

- a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
- b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if it is:
  - i) completely clad in a material consistent with the principal building; and
  - ii) covered by a roof with a pitch consistent with the principal building.
- c) Despite sub-section 7.28.1(a) and (b), one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied.

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

- i) adding a new sub-section 7.28 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

**7.28 Metal Storage Containers**

- .1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria:
  - a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
  - b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if it is:
    - i) completely clad in a material consistent with the principal building; and
    - ii) covered by a roof with a pitch consistent with the principal building.
  - c) Despite sub-section 7.28.1(a) and (b), one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied.

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

- i) adding a new sub-section 7.28 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

**7.28 Metal Storage Containers**

- .1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria:
  - a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
  - b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if it is:
    - i) completely clad in a material consistent with the principal building; and

- ii) covered by a roof with a pitch consistent with the principal building.
  - c) Despite sub-section 7.28.1(a) and (b), one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied.
6. The “Electoral Area “F” Zoning Bylaw No. 2461, 2008” is amended by:
- i) adding a new sub-section 7.29 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

**7.29 Metal Storage Containers**

- .1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria:
  - a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
  - b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if it is:
    - i) completely clad in a material consistent with the principal building; and
    - ii) covered by a roof with a pitch consistent with the principal building.
  - c) Despite sub-section 7.29.1(a) and (b), one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied.

7. The “Electoral Area “I” Zoning Bylaw No. 2457, 2008” is amended by:
- ii) adding a new sub-section 7.31 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

**7.31 Metal Storage Containers**

- .1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria:
  - a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
  - b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if it is:
    - iii) completely clad in a material consistent with the principal building; and
    - iv) covered by a roof with a pitch consistent with the principal building.
  - c) Despite sub-section 7.31.1(a) and (b), one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied.



READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2020.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify the foregoing to be a true and correct copy of the “Regional District of Okanagan-Similkameen Shipping Container Regulations Zoning Amendment Bylaw No. 2895, 2020” as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_\_, 2020.

Dated at Penticton, BC this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

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

DRAFT REFERRAL



# APC Member 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.: X2020.006-ZONE  
FROM: APC Member Name: ELECTORAL AREA:  
\_\_\_\_\_ Mark McKenney \_\_\_\_\_ A \_\_\_\_\_  
(please print)  
DATE: June 19, 2020  
RE: Regional District Zoning Amendment Bylaw No. 2895,  
2020 Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- X I do not support the proposed regulation of metal storage containers.

I do not support this proposed bylaw that a metal storage container may be used as an accessory building ; only if it is:

- i) completely clad in a material consistent with the principal building; and
- ii) covered by a roof with a pitch consistent with the principal building.

These two requirements are particularly onerous on the property owner, resulting in a considerable cost to the resident.

If RDOS is receiving "occasional" complaints as described in the staff report, the Region should develop some alternative solution to deal with THOSE complaints individually and not enact a blanket bylaw affecting the RDOS all RDOS Areas'.

**From:** [dsvendse](#)  
**To:** [Mark McKenney](#)  
**Cc:** [Planning](#); [Christopher Garrish](#); [pbeckett](#); [Mark Pendergraft](#)  
**Subject:** Re: Bylaw 2895 - 2020 - Shipping Containers  
**Date:** June 20, 2020 11:14:36 AM

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I totally agree with Mark on this.  
Just too many unnecessary and costly 'hoops'!

Dwayne

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# APC Member 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.:** X2020.006-ZONE

**FROM:** APC Member Name: **ELECTORAL AREA:**  
Peter Beckett \_\_\_\_\_ **A** \_\_\_\_\_  
(please print)

**DATE:** 21 June 2020 \_\_\_\_\_

**RE:** **Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations**

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

Metal shipping containers are more secure than most outbuildings used on property for the purpose of storage. The concern of safety and security is less warranted for this structure than for a wooden shed. The real concern for most residents (i.e. neighbours) is the aesthetics of a neighbourhood. On smaller holdings in particular, the location of the unit is more important than whether or not it is made to look like the main building on the lot. Very small lots may not have adequate space for a shipping container. Other lots may be able to shield the shipping container from view with an existing structure (e.g.house or garage), or vegetation (hedge, woodlot or orchard). The requirement to finish the shipping container to look like the house in all cases is unnecessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



**From:** Grant Montgomery

**Sent:** May 11, 2020 1:29 PM

**To:** Donna Sellin <dsellin@rdos.bc.ca>

**Subject:** RE: APC Memo - Review of Proposed Metal Storage Container Zoning Regulations (X2020.006-ZONE)

Donna,

Definition of a Metal Storage Container (max. length, width and height) - The quantity should be limited by overall length not units. 2 small ones could equal one large one, etc.

No Cladding or Roofs should be required to be added but a coat of paint to clean up and blend in. If you think they are that ugly then don't allow them in those zones. People trying to attach roofs to those things as the Home Handyman could be dangerous. Plus they would often end up looking worse. A nice wind gust could easily take them off if not done right. To make sure it is done right you will now have to inspect them – Building Permit, etc... pain in the butt.

The smaller parcels in AG zones (lots of them ½ acres, etc.) should be treated the same as RSI, RS2, etc.

Personally I don't think you should be allowed to have one on any property under an 0.4 ha, other than if you are moving

No stacking on any parcels smaller than 20ha. When they are stacked no one will hardly ever do anything with the one on top as they won't be crawling up a ladder all the time, etc. Easily become an eyesore. Stacking of containers must be the same setbacks as a principal residence then.

SH zones – 1

LH zones - 2

Same setback rules as Accessory Buildings.

During Construction – yes but a time limit. If you can't build a house in under a year you shouldn't be building. There is a lot of theft from job sites.

People should be allowed to park a Storage Container out front of their house when they are moving. 1 month is plenty of time. (size limit on container in the smaller zones <SH so they don't park a humungous one on their front long.

You should also look at how to incorporate the above ground “Swimming Pool” containers. They are very nice but sit quite high when not dug into the ground. Some aren't.

Regards,

**Grant Montgomery,**

Phone:

Osoyoos, BC Canada or

Prachuap Khiri Khan, Thailand





# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name: ELECTORAL AREA:

Sara BUNGE Area C  
(please print)

DATE: MAY 20, 2020

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

- I dont think a building permit is required prior to having a metal storage container
- I am okay with them in low density residential zones
- comply w setbacks
- small holdings large than 1 ha should be treated like large holdings
- I dont support requirement to clad container + put a matching roof over it for low density ~~residential~~ residential & small holdings.

**From:** [Gurmeet Chahal](#)  
**To:** [Rick Knodel](#)  
**Cc:**

**Subject:** APC memo-Review of proposed Metal Storage Containers zoning Regulations  
**Date:** May 18, 2020 8:10:08 PM

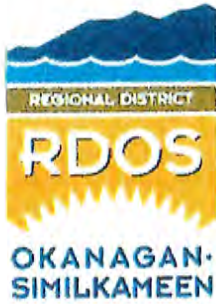
---

Hi,

I donot think that there is any need for zoning Regulations for Metal storage Containers. In my views they are much safer and better than small sheds and temporary storage. RDOS can set a limit of containers that how many one property can have?

Beantjit chahal





# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name:

ELECTORAL AREA:

DAVID JAMRAN  
(please print)

C

DATE: MAY 10

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

- BE ALLOWED IN RESIDENTIAL ZONING WITH A  
LIMIT OF 1 500 8x20 ???

- DO NOT HAVE WITH CHIMNEY AND COVERED ROOF

- BUILDING PERMIT ONLY w/ STACKING 2

- LOTS OF CONTRACTORS USE THESE FOR  
STORAGE WHILE BUILDING WHATS NEEDS TO BE ALLOWED

- NOT BE USED AS A SPREAD SHED



## Christopher Garrish

---

**From:** Jack Bennest  
**Sent:** May 7, 2020 3:09 PM  
**To:** Donna Sellin  
**Cc:**

**Subject:** Re: APC Memo - Review of Proposed Metal Storage Container Zoning Regulations (X2020.006-ZONE)

my only comment is on duration

I believe the Town of Oliver allows a metal bin/container/waste removal structure for a certain time limit.

Would be nice to see a recommendation from staff in the form of

1. one month
2. three months
3. six months

Action mandated by bylaw with no exceptions after six months. - A warning given one month prior to expiry of limit.

I pause to note that one home in Oliver received a building permit almost 20 years ago but the obligations not fulfilled and the corp now in the position not being able to act because it never acted when it should have.

Jack

**From:** [Jack Bennest](#)  
**To:** [ED Machial](#); [Christopher Garrish](#)  
**Subject:** Re: APC Memo - Review of Proposed Metal Storage Container Zoning Regulations (X2020.006-ZONE)  
**Date:** May 13, 2020 11:47:43 AM  
**Attachments:** |

---

a follow to ed's remark  
some areas of the regional district have large lots, orchards, ranches etc - I think any regulation should have a relationship to the size of the lot and the placement of the steel structure that is convenient to the owner but not an eye sore. There are many RDOS built up areas near Okanagan Falls, Naramata, Westbench where steel containers should have a time limit placed on the use similar to Town of Oliver and other municipalities.

Jack

## Christopher Garrish

---

**From:** fairviewhouse  
**Sent:** May 20, 2020 2:10 PM  
**To:** Jack Bennest; Christopher Garrish  
**Cc:** Sara Bunge; chahal 9188; David Janzen; Ed Machial; Louise Conant; Rick Knodel; Donna Sellin  
**Subject:** Re: APC Memo - Review of Proposed Metal Storage Container Zoning Regulations (X2020.006-ZONE)

Hello Chris and members of the Area C APC: I could not make the response form work as I could not print it (out of ink) and the form was not subject to edit which would have allowed me to make my responses on it, then submit. Did no one think of that?

Anyway, I know people are going to erect really ugly structures on their properties, be they shipping containers or chicken coops. My suggestion is that the placement of any shipping containers should ensure that the main building-- commercial building, industrial plant, residence, whatever--must be situate directly between the shipping container and the main road access to that property. Pretty simple, but it would help contain the ugly.

Jessica Murpphy  
Area C APC

I support the proposed bylaw subject to the above.



# APC Member 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.:** X2020.006-ZONE

**FROM:** APC Member Name: **ELECTORAL AREA:**  
D.A. LYCHAK \_\_\_\_\_  
(please print)

**DATE:** MAY 6, 2020 \_\_\_\_\_

**RE:** **Regional District Zoning Amendment Bylaw No. 2895, 2020**  
**Metal Storage Container Zoning Regulations**

My comments / concerns are:

- XXX** I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

I support the proposed regulations because the result in residential zones (Low Density & Smallholdings) would be accessory buildings that arcitecturally match the principle residence with a steel box inside (presumably for security). This, in fact, may be an improvement to the appearance of accessory structures in residential zones and I believe that the same design principles should be applied to ANY accessory building – steel containers or not.

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**Donna Sellin**

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**From:** JoAnn Peachey  
**Sent:** May 6, 2020 3:38 PM  
**To:** Christopher Garrish  
**Subject:** FW: APC MEMBER FEEDBACK - DOUG LYCHAK

**From:** Susan Lychak  
**Sent:** May 6, 2020 3:37 PM  
**To:** JoAnn Peachey <jpeachey@rdos.bc.ca>  
**Subject:** RE: APC MEMBER FEEDBACK - DOUG LYCHAK

**Hi JoAnn,**

**I have just sent off my response regarding the Zoning Bylaw Amendment regarding metal containers and I wish to add another thought:**

**If the regulations outlined on Appendix #1 are not adopted as part of the Bylaw, I would totally oppose allowing metal containers in low density residential and smallholding zones – other than for construction and other related short-term purposes.**

**Thanks.**

**Regards,**

**Doug Lychak**

**From:** JoAnn Peachey <jpeachey@rdos.bc.ca>  
**Sent:** May 6, 2020 2:32 PM  
**To:** Doug Lychak  
**Subject:** RE: APC MEMBER FEEDBACK - DOUG LYCHAK

**Hi Doug,**  
Thanks for your providing your feedback. Your comments will be included in materials forwarded to the ALC for their consideration.

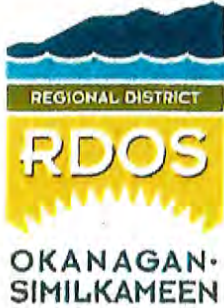
**Regards,**



**JoAnn Peachey** • Planner I  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4384 • tf. 1.877.610.3737 • f. 250.492.0063  
[jpeachey@rdos.bc.ca](mailto:jpeachey@rdos.bc.ca) • [RDOS](#)  
[FACEBOOK](#) • [YOUTUBE](#) • Sign up for [REGIONAL CONNECTIONS](#)







# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name: ELECTORAL AREA:  
Dianna Smith E  
(please print)

DATE: May 9, 2020

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

- Need to address/reduce the visual impact to Neighbours when unsightly (damaged / peeling paint / rust / etc.) containers are placed on Agricultural or Large Holdings parcels.

(Painting them to better fit in surrounding?)  
Within so many days of placement?





# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name: Donald Marcel ELECTORAL AREA: \_\_\_\_\_  
(please print)

DATE: May 12 / 2020

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

I don't feel I know enough about this issue to make a recommendation one way or another





**From:**  
**To:** [Christopher Garrish](#)  
**Subject:** Re: Emailing: Response - Heather Fleck (2020-05-12)  
**Date:** May 13, 2020 3:24:00 PM

---

So sorry I was trying to be organized but forgot to check the box .. I so support the proposed regulation of metal storage containers

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

From: "Christopher Garrish" <[cgarrish@rdos.bc.ca](mailto:cgarrish@rdos.bc.ca)>  
To:  
Sent: Tuesday, May 12, 2020 4:44:47 PM  
Subject: Emailing: Response - Heather Fleck (2020-05-12)

Hi Heather,  
Thanks for submitting the attached feedback sheet on the proposed shipping containers zoning regulations.  
I just wanted to confirm that it was intentionally left blank?  
Sincerely,  
Chris.







# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name: ELECTORAL AREA:  
BRUCE CLOUGH  
(please print)

DATE: May 14 / 2020

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

- storage containers prohibited in residential zones

- exception to prohibitions for construction purposes -  
 construction will need <sup>building</sup> permit could be allowed but include  
 set timeline not just open-ended to completion of construction

- storage containers usage for industrial zones only and  
 if for all zones shouldn't be same as if large hold'g zone.

- not suitable in town centre areas

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# APC Member 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.:** F2020.008-ZONE

**FROM:** Electoral Area "F" APC Member Name:

Brad Hillis

(please print)

**DATE:** May 18, 2020

**RE:** **Electoral Area "F" Zoning Amendment Bylaw No. 2461.14**  
**8025 Princeton Summerland Road — Lot 10, Plan 27332, District Lot 2893, ODYD, Except Plan KAP51912**

My comments / concerns are:

- I do support the proposed rezoning of the subject parcel.
- I do support the proposed rezoning of the subject parcel, subject to the comments listed below.
- I do not support the proposed rezoning of the subject parcel.

A restrictive covenant is utilized to ensure the proposed mitigation measures for noise are kept to a high standard of sound dampening measures with a provision that outdoor storage of materials is prohibited to ensure no negative impacts to the streetscape and that all associated storage and business activities are fully contained. \_\_\_\_\_

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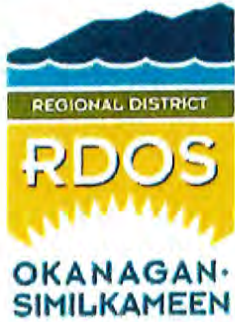
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# APC Member Feedback Form

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.: X2020.006-ZONE

FROM: APC Member Name: Chris Struthers (please print) ELECTORAL AREA: I

DATE: 18-May-2020

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

If containers are being utilized in a permanent arrangement, existing building bylaws should be sufficient.  
Bylaws regarding unsightly properties may also be used to regulate excessive or obnoxious placement of containers



RDOS

OKANAGAN-  
SIMILKAMEEN

# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name: MIKE GANE ELECTORAL AREA: I  
(please print)

DATE: MAY 14 / 20

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020  
Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

1) - THE STIPULATION THAT THE SEACAN ~~BE~~ MUST BE CLADDED ~~AND~~ AND HAVE A ROOF IS NOT REQUIRED

REASON - IF ONE WISHES TO SELL THE SEACAN AFTER A FEW YEARS OF USE - IT IS NOT EASILY SALEABLE OR EASY TO MOVE IF IT HAS BEEN CLADDED AND ROOFED.

2) - MOST PEOPLE WANT A SEACAN TO STORE ITEMS THAT WOULD OTHERWISE BE AN EYESORE IN THEIR YARD. I WOULD RATHER LOOK AT A SEACAN THAN JUNK! MAKE REGULATION OF SEACAN USE "FRIENDLY" PLEASE.





# APC Member 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.: X2020.006-ZONE

FROM: APC Member Name: Darlene Bailey (please print) ELECTORAL AREA: I

DATE: May 20, 2020

RE: Regional District Zoning Amendment Bylaw No. 2895, 2020 Metal Storage Container Zoning Regulations

My comments / concerns are:

- I do support the proposed regulation of metal storage containers.
- I do support the proposed regulation of metal storage containers, subject to the comments listed below.
- I do not support the proposed regulation of metal storage containers.

My concern is regarding the addition of more ventilation if flammable or explosive materials are stored.

As fire chief pre 2017 a resident of the community stored fire works as he sold them and stored in metal containers on his property. I had been doing this before I found out.

In 2011 a fire fighter from Enderby B.C. was killed when a structure on fire next to storage containers caused the containers to explode blowing doors off. Perhaps if large quantities are stored the containers should be marked.

Ref: to Office of Fire Commissioner - Shipping Containers Fire Safety.



# Feedback Form

RECEIVED  
Regional District

JUN 30 2020

107 Martin Street  
Penticton BC V2A 5J9

OKANAGAN  
SIMILKAMEEN

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.: X2020.006-ZONE

FROM: Name: Candace Anders  
(please print)

Street Address: 388 Sasquatch Tr.

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers, subject to the comments listed below.
- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

environmental concerns when container located/soil/truck movement + potential product storage - non hazardous etc.

concern regarding other items on property ie - unused vehicles on front lawn/visible from road are not "Yart Art" they

We moved to this district because of the visual + community appeal + do not want it to become a Hodge Podge that is

Feedback Forms must be completed and returned to the Regional District

no later than July 3, 2020 ~~see~~ seen in some other areas

Thank you for giving

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.

me an opportunity to share feedback.



**From:** [Candy Anders](#)  
**To:** [Christopher Garrish](#)  
**Subject:** PROPOSED BYLAW 2895 FEEDBACK (METAL Storage Containers)  
**Date:** July 3, 2020 10:40:25 AM

---

Please accept this as 'Feedback Form'

Re: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020

**WE DO support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers, subject to the comments listed below:**

1. Esthetics/Property Value/Care - when we purchased a 3 acre property in the former Regal Ridge development, we were attracted to the guidelines and former covenant along with the RDOS' good governance in general. It is our desire to live in an area uncluttered from unsightly premises and have an enjoyment of a good quality of life for all. Containers only benefit the owner and not the rest of the region. There should also be a focus on enjoyment of the area for future generations. We have counted as many as 7 structures on one property (including primary residence, sheds, RV's, containers, etc.).
2. Safety - As containers can attract theft, an increase in the number of containers risks an increase in theft and safety concerns for residents whose properties are invaded. Large heavy doors - is there a risk of someone getting locked inside?
3. Environmental - risk of disturbing land when delivered. We acknowledge and support that much of our and our neighbours' 3 acre lots were meant to be preserved in a natural state and to be used as wildlife corridors. We have additional concern with containers that may have non-regulated foundations, potential for run-off of chemicals, non-permitted use, sewage effluent etc.
4. Fire Department and Fire Risk - There is no regulation regarding storage of hazardous materials in air tight containers. For example, the incidents of Enderby 2011 and Saanich 2013 and WorkSafe BC come to mind. On the mountain, there has been a fire at a residence where oily rags were neglected. In addition, if containers are located on properties in an obscure location, it may make it difficult for the fire department to access, maneuver large vehicles around etc.
5. Location - it is noted that containers should not be located between the principal residence and the front of the property. What about the other property borders, sides and back? For example, a container placed near the property line of a neighbour, whereby it may not be visible by the owner however it affects the enjoyment of the adjacent property owner, if:  
A/ there are no setbacks, and  
B/ recognizing that the lots in the former Regal Ridge are irregular in shape and that the amount of vegetation varies even within a property. There is risk that a container owner could place the unit out of their sightline, but not that of another owner.
6. Grandfathering - recognizing that there is not much scope for a local government to deviate from to reduce the unsightliness, recommend that it be modified that existing units must follow requirements of newly located units i.e. location of unit, cladding/colour to match primary residence, roof pitch and to remove any reference to advertising/former

owners' name/business etc.

Thank you for considering the above as it relates to the proposed bylaw.

John Anders and  
Candy Anders

**From:** [John Anders](#)  
**To:** [Christopher Garrish](#)  
**Subject:** metal storage containers on small rural lots  
**Date:** June 10, 2020 10:06:37 PM

---

Thank you for your initiative. My wife and I both support the limitation to one seaman on these types of lots and your proposed design requirements 9similar colouring to main residence and sloped roofs and restrictions on where they can be placed. We would also like to see restrictions on the amount and type of junk that can be placed on primarily residential lots.

Best Regards

John and Candy Anders

Osoyoos BC



# 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.:** X2020.006-ZONE

**FROM:** Name: Brenda Arychuk  
(please print)

Street Address: Osroydos, B.C. V0H 1V6

**RE:** **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers, subject to the comments listed below.
- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

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Feedback Forms must be completed and returned to the Regional District  
no later than **July 3, 2020**

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# 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.:** X2020.006-ZONE

FROM: Name: Michael J. Arychuk  
(please print)

Street Address: Osogow, BC, V0H-1V6

RE: **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Elec: Bylaws to regulate the placement of metal storage containers.
- I do support the proposed textual amendments to the Okanagan Valley Electoral Ar... ig Bylaws to regulate the placement of metal storage containers, subject to the commen ted below.
- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

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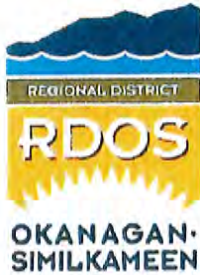
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Feedback Forms must be completed and returned to the Regional District no later than **July 3, 2020**

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# 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.: X2020.006-ZONE

FROM: Name: SCOTT AVERY + JACKIE DINGS  
(please print)

Street Address: 3, Osoyoos V0H 1V6

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
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Feedback Forms must be completed and returned to the Regional District  
no later than **July 3, 2020**





# 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.:** X2020.006-ZONE

**FROM:** Name: Lori Barron  
(please print)

Street Address: Trail

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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# Feedback Form

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JUN 30 2020

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)

101 Martin Street  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: X2020.006-ZONE

FROM: Name: Suzanne Beckmann  
(please print)

Street Address: Osoyoos, BC  
V0H 1V6

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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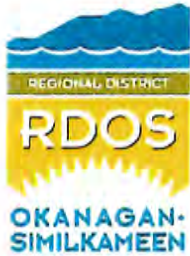
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JUN 30 2020

101 Martin Street  
Penticton BC V2A 5J9

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.: X2020.006-ZONE

FROM: Name: Stefan Beckmann  
(please print)

Street Address: Area A

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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*There are several metal storage containers on Sarquatch Trail. Some residences have one only, two properties have two each. This diminishes the aesthetics of the area, reduces property values.*

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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.: X2020-006-ZONE

FROM: Name: Mr & BOBUE (Please print)

Street Address: 101 - SAsQUATCH TRAIL

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "J" Zoning Bylaws

My comments / concerns are:

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*Please visit our website at [www.rdos.bc.ca](http://www.rdos.bc.ca)*

*We our "doers" locally. We are proud that our zoning bylaws will protect the rights of our citizens and our community for our children and grandchildren to appreciate.*

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

**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** X2020.006-ZONE

**FROM:** Name:

T. Carrochan

(please print)

Street Address:

Sasquatch Trail

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

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Please see attached

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## Feedback Form Addendum

Proposed Bylaw No. 2895, 2020

Comments:

Background Memo, May 6, 2020:

<https://www.rdos.bc.ca/assets/Uploads/APCMemo20200506.pdf>

Regarding the given reasons for the proposed change:

Okanagan Mountain Estates (twenty kilometres east of Osoyoos on Hwy. #3) is not a typical "residential neighbourhood" and has no "highway commercial developments". Almost all of the area consists of 3+ acre properties (**Small Holdings**) and is mostly covered in mature forest which generally hides any shipping containers.

Shipping containers, with good padlocks, are much more theft resistant than a wood shed, and are a less likely target as they have no windows to reveal whether or not the contents are worth stealing.

In addition, shipping containers are much more fire resistant than a wood structure, important in a high risk zone for wild fires.

Regarding the building code, all shipping containers meet the same high standard and pose no risk to humans as compared to stick-built structures.

Included in the Memo is the item:

"Conversely, it has also been suggested that the Regional District should be treating storage containers on larger parcels in the Small Holdings zones (i.e. with parcels greater than 1.0 ha in area) the same as those parcels zoned Large Holdings. Specifically, that there be no regulations on numbers of containers or how they are clad (NOTE: Amendment Bylaw 2886 currently proposes to regulate container numbers and cladding in all SH zones)."

I would like to suggest that this clause be included in the final draft.





# 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.: X2020.006-ZONE

FROM: Name: LIZ CRAIK  
(please print)

Street Address: KALEDEN-VOH-1KO

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

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This bylaw is focusing incorrectly & unfairly on container ownership. If peoples properties are unsightly due to containers, old cars, junk being stored on properties then that issue should be addressed + amended accordingly. Blocking out container owners under the new bylaw is unfair to those that have pride in their property. They should not be punished due to another bylaw not being enforced. We live in a rural area w/ over 2 acres, This new bylaw is →

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Feedback Form 2/2 - Storage Container Bylaw.  
CRAIK, L

(cont)

penishing those that have done nothing wrong. Amend the currently bylaw to include unsightly objects such as containers, old cars, old machinery, etc,

And deal with it on a case to case basis as a complaint arises. Coming from the 2nd largest city in British Columbia there was no enforcement re containers, only issues with unsightly properties, moving demmentally to a rural area in 2017, with over 100 acres we never thought we'd have to worry about a container that was acceptable in a major city. Paid for shipping, it, placing it on an acceptable pad and it not interfering with anything or anybody

Please reconsider this new bylaw. AMEND THE CURRENT PROPERTY BYLAWS. that will allow officers to investigate unsightly property on a case by case issue.

Regards Liza Craik





# 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.:** X2020.006-ZONE

FROM: Name: GARRY + ROSINA DEPAOLI  
(please print)

Street Address: \_\_\_\_\_

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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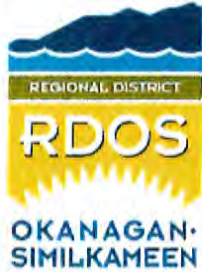
WE ARE NOT IN FAVOUR OF METAL STORAGE CONTAINERS. THEY WILL CREATE AN ENVIRONMENT OF CLUTTER, UNKEPT PROPERTIES AND MORE OF A COMMERCIAL FEEL. THE WEST BENCH IS APPEALING BECAUSE IT IS A QUIET WELL KEPT RESIDENTIAL AREA. CERTAINLY ~~NOT~~ UGLY METAL CONTAINERS WOULD DO NOTHING TO ENHANCE PROPERTIES LOOK!

**RECEIVED**  
Regional District

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**MAY - 7 2020**  
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Penticton BC V2A 5J9



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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.:** X2020.006-ZONE

**FROM:** Name:  (please print)

Street Address:

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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Our metal storage container is not visible from the road. It is on a pad. It conforms to Fire Smart requirements. It is a secure place to keep our garbage away from bears and other critters.  
Adding a roof would make it an eye sore.  
This amendment makes no sense for this community.

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TO: Regional District of Okanagan Similkameen FILE NO.: X2020.006-ZONE

FROM: Name: MICHAEL DRUMMOND  
(please print)

Street Address: \_\_\_\_\_  
OSOYOOS, BC

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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No Grandfathering

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

FILE NO.: X2020.006-ZONE

TO: Regional District of Okanagan Similkameen

FROM: Name: Sarah Drummond  
(please print)

Street Address: \_\_\_\_\_

Osoyoos BC

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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No grandfathering.

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# Feedback Form

OKANAGAN-SIMILKAMEEN

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.: X2020.006-ZONE

FROM: Name: Reg Forster  
(please print)

Street Address: Osbyous

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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Thanking you in advance for this bylaw amendment !!  
These containers are so ugly to look at and they devalue neighbouring properties. They are so ugly in their natural metal state.

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**TO:** Regional District of Okanagan Similkameen

**FILE NO.:** X2020.006-ZONE

**FROM:** Name:

Nancy Forster  
(please print)

Street Address:

2, Oroyoo

**RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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

TO: Regional District of Okanagan Similkameen FILE NO.: X2020.006-ZONE

FROM: Name: Kim Gelinias & Bill Hughes  
(please print)

Street Address: Osoyoos

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2020.006-ZONE

**FROM:** Name: BRENT GILBEY  
(please print)

Street Address: \_\_\_\_\_

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
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NO GRANDFATHERING OF EXISTING  
CONTAINERS PLEASE.

Feedback Forms must be completed and returned to the Regional District  
no later than **July 3, 2020**

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# 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.: X2020.006-ZONE

FROM: Name: Deanna Greer  
(please print)

Street Address: \_\_\_\_\_

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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\* Not to be double Stacked.

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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.:** X2020.006-ZONE

**FROM:** Name: Pat Greer  
(please print)

Street Address: \_\_\_\_\_

**RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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RDOS

OKANAGAN-SIMILKAMEEN

# 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.: X2020.006-ZONE

FROM: Name: Tony & Maria Ianni  
(please print)

Street Address: \_\_\_\_\_, Osoyoos, BC V0H 1V4

RE: **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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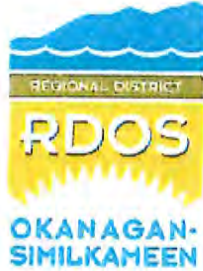
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One of the reasons we purchased up<sup>here</sup> was because of having the space to adapt our property to our needs yet maintain the rural aspect - all of which was confirmed by our real estate agent. IF regulation change that is unfair and unreasonable - we are rural therefore our land isn't in the city centre we have 3<sup>+</sup> acres and pay taxes - these changes are a travesty.

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

JUL - 3 2020

101 Martin Street  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen FILE NO.: X2020.006-ZONE

FROM: Name: BRYAN JUDS  
(please print)

Street Address: 702005, B.C. V0H 1V6

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

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

RECEIVED  
Regional District

JUN 30 2020

101 Martin Street

FILE NO: X2020.006-ZONE  
Penticton BC V2A 5J9

TO: Regional District of Okanagan Similkameen

FROM: Name:

Chris Kayes

(please print)

Street Address:

0504005

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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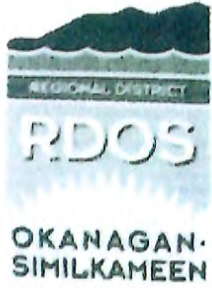
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I Don't support the proposed bylaw.  
Prior to purchasing my season I checked with the RDOS  
and was informed it was allowed.  
I am a small holding owner (3 1/2 acres) I use the  
cons for storage of car parts & equipment on my property.  
The loss of this existing storage would adversely affect  
my use of the property.

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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.:** X2020.006-ZONE

FROM: Name: WAYNE KELLEY  
(please print)

Street Address: OSOYOOS R.C.

RE: **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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PLEASE SEE ATTACHMENT.

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Proposed Bylaw No. 2895, 2020

Comments:

Background Memo, May 6 2020

<https://www.rdos.bc.ca/assets/Uploads/APCMemo20200506.pdf>

Regarding the given reasons for the proposed change:

Okanagan Mountain Estates (twenty Kms east of Osoyoos on Hwy. #3) is not a typical "residential neighbourhood" and has no "highway commercial developments". Almost all of the area consists of 3 + acre properties (**Small Holdings**) and is mostly covered in mature forest which generally hides any shipping containers.

Shipping containers with good padlocks are much more secure and theft resistant than a wood shed and are a less likely target as they have no windows to reveal the contents and are made of metal.

In addition, shipping containers are much more fire resistant than a wood structure, important in a high risk zone for wild fires.

Regarding the building code, all shipping containers meet or exceed the same high standard and pose no risk to humans as compared to wood built structures.

I do not support the proposed bylaw that a metal storage container may be used as an accessory building: only if it is:

- i) completely clad in a material consistent with the principal building; and
- ii) covered by a roof with a pitch consistent with the principal building.

These two requirements are particularly onerous on the property owner, resulting in a considerable cost to the resident.

If RDOS is receiving "**occasional**" complaints as described in the staff report, the Region should develop some alternative solution to deal with **Those complaints individually** and not enact a blanket bylaw affecting all RDOS Areas.

Included in the Memo is the item:

"Conversely it has been suggested that the Regional District should be treating storage containers on larger parcels in the Small Holdings zone (i.e. with parcels greater than 1.0 ha in area) the same as those parcels zoned Large Holdings. Specially that there be no regulations on

numbers of containers or how they are clad (NOTE: Amendment Bylaw 2886 currently proposes to regulate container numbers and cladding in all SH zones).”

I would like to suggest that this clause be included in the final draft.

The intent is to stop or amend the proposed bylaw before it reaches the First Reading with the RDOS.

Wayne Kelley

Osoyoos, BC  
Canada, V0H 1V6





# Feedback Form

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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.:** X2020.006-ZONE

**FROM:** Name: Arnold Kettenacker  
(please print)

Street Address: ---

**RE:** **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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\_\_\_\_\_  
Please See Attached

\_\_\_\_\_  
Whereas some regulation for storage containers is necessary, I believe the current document and  
\_\_\_\_\_  
approach is too restrictive. Comments are attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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We currently reside in a small holding and would be subject to proposed amendment 7.27.1b).

Paragraph 7.27.1 b) (1) i) requires the metal storage container to be completely clad in a material consistent with the principal building. This is over kill and impossible for most shipping containers. The door hinges have pivot points that will prevent the door from opening if clad. Similarly, cladding the door itself will prevent access to the opening levers thereby preventing access to the container. If a roof is placed on the container and the exterior walls and doors are painted in a manner consistent with the principal building, the shipping container should look as good as, if not better than, most other compliant accessory buildings. As such, the text and requirements are NOT supported, but could be supported with the following:

Recommend that the text be changed from "*completely clad in a material consistent with the principal building*" to "*completely painted in a colour consistent with the principal building*"

Reading 7.27.1a) as it relates to multiple containers, indicates a permit is required. Sub paragraph b) doesn't indicate the same. If no permit is required, then I support 7.27.1b) with the changes mentioned above. I tried to seek clarity on the point of permits, but my call was not returned. If a permit is required, then the text is NOT supported for reasons listed below.

We completed our initial residential building under permit. After which and upon reviewing the applicable bylaw, we placed a metal container on the property in good faith. We submitted further permits for other projects where the inspector was onsite while the metal container remained in full sight. Arguably we have approval (albeit maybe tacit) for the container and should be under a grandfather clause for any metal container permit requirement. We should not be punished with a permit fee and/or potentially a very expensive environmental assessment because of ambiguity in the bylaw.

Finally and in general, given our current national and local economic environment and outlook, I believe it is inappropriate to initiate and implement NEW measures through a recent "interpretation" that will burden residents with potentially NEW taxes, fees, and potentially fines (where residents are simply unable to comply through no fault of their own). A grandfather clause or no cost grace period to register and retain the metal shipping container(s) should be implemented.

Thank you for considering my feedback.

Sincerely,

Arnold Kettenacker



# 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.:** X2020.006-ZONE

**FROM:** Name: Kathleen Lausman & John Gagnon  
(please print)

Street Address: \_\_\_\_\_

**RE:** **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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Our neighborhood (Anarchist Mountain) properties are a minimum 3 acres in size. The building sites for the most part are set back from streets & sheltered by earth berms.

SeaCans are used predominantly as storage structures - a site requirement. They are structurally sound and need only be founded on a gravel pad. They are constructed of metal which conforms perfectly to the Provincial Fire Smart Program. They are very secure from both two & four legged intruders. (SeaCans do not constitute a safety/security concern.) There is NO logical rationale to cladding them with other materials or adding an unnecessary roof. A "lipstick" application would add unnecessary capital & O&M cost while diminishing value. As an unoccupied storage unit, they exceed the BC Building Code.

Should they be repurposed as a dwelling unit, they would need to comply with the Building Code.

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RDOS

# Feedback Form

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

OKANAGAN-SIMILKAMEEN

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2020.006-ZONE

**FROM:** Name: NICHOLAS MARTY  
(please print)

Street Address: \_\_\_\_\_

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020.  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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**OKANAGAN-SIMILKAMEEN**

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2020.006-ZONE

**FROM:** Name: Teresa Marty  
(please print)

Street Address: Osroyos, V0H 1V6

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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**From:** [Yvonne McAdam](#)  
**To:** [Christopher Garrish](#)  
**Subject:** Storage containers  
**Date:** May 25, 2020 11:54:19 AM

---

I live on the West Bench, Area F.

I'm not sure if I am to express my feelings in this email. In any event, I am strongly opposed to any metal storage containers, unless being used temporarily during construction or renovations.

I find them to be aesthetically unpleasant.

Yvonne McAdam

Sent from my iPhone





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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.:** X2020.006-ZONE

**FROM:** Name: Brenda Weidert  
(please print)

Street Address: Drive, Osoyoos, BC

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

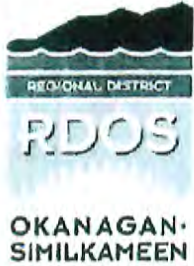
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When we bought our property the rules were you had to build a min. 1800 sq Ft house. Mobile homes are not allowed and you can only live in your RV while building. But now there are several Mobile homes here, people are living in there RV's year round. Some are building a little box and calling it a house which is no where near 1800 sq Ft this should also be stopped as well, it looks trashy!

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# Feedback Form

Regional District of Okanagan Similkameen

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

TO: Regional District of Okanagan Similkameen FILE NO.: X2020.006-ZONE

FROM: Name: GARY NEIDERT  
(please print)

Street Address: RDOS, B.C.

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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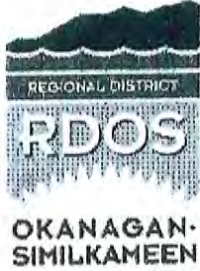
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

*C-CANS MUST BE 20' MAX. HIGH... THERE ARE PLENTY OF PLACES THAT HAVE BUILDING PERMITS FOR YEARS. IS A C-CAN ACCEPTABLE FOR YEARS?*

*NEXT - WHY DOES THE RDOAS ALLOW BUILDING PERMITS FOR MOBILE HOMES, SMALL SQUARE BOX HOMES & "CABINS", AND ARCHITECT MIT? THESE "HOMES" ARE UGLY LOOKING NEXT TO EXPENSIVE HOMES! WHAT IS BEING DONE ABOUT PEOPLE LIVING IN RVS WITH NO INTENTION OF BUILDING OR COMPLETING A HOME? SOME DON'T HAVE SEPTIC!*

Feedback Forms must be completed and returned to the Regional District no later than **July 3, 2020**





# 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.:** X2020.006-ZONE

**FROM:** Name: OSOYOOS MOUNTAIN ESTATES INC  
(please print)

Street Address: OSOYOOS B.C.

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
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REFER ATTACHED - 1 PAGE

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Feedback Forms must be completed and returned to the Regional District  
no later than **July 3, 2020**



**Osoyoos Mountain Estates**  
PO Box 327,  
Osoyoos, BC V0H 1V0

June 29, 2020

Regional District of Okanagan Similkameen

101 Martin Street,

Penticton BC V2A 5J9

**Reference: BYLAW NO. 2895,2020**

We propose the following amendments to the proposed by law as it relates to Electoral Area A – Zoning Bylaw No. 2451, 2008:

**7.27 (1) (b)**

**Low Density Residential and Small Holding Zones**

1. Any shipping container cannot exceed 20 feet in length;
2. The exterior cladding must be consistent with the material used on the principal building and must match the **colour** of the principal building.
3. A building permit is required before placement however; this would not trigger the need for an environmental report.
4. There should be a mechanism that requires existing containers in the low density and small holding zones to come into compliance with the new bylaw in a reasonable time frame.

We agree that the number of storage containers be limited to one (1) and that any storage container be covered with a roof, with the roof pitch being consistent with the principal building.

Signed \_\_\_\_\_

Ronald N. Palmer

Managing Partner



# 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.:** X2020.006-ZONE

**FROM:** Name: Diane Pelle  
(please print)

Street Address: \_\_\_\_\_

**RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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# 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.:** X2020.006-ZONE

**FROM:** Name: GERALD PELLE  
(please print)

Street Address: OSOYCOOS BC  
VOH 116

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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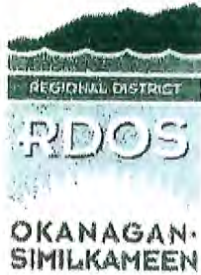
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# Feedback Form

**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.:** X2020.006-ZONE

**FROM:** Name: BRIAN PERRY  
(please print)

Street Address: \_\_\_\_\_

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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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.:** X2020.006-ZONE

**FROM:** Name: Gerry & Cynthia Pieters  
(please print)

Street Address: \_\_\_\_\_

**RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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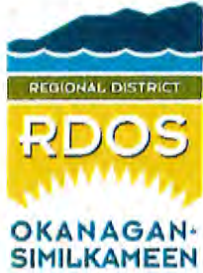
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I feel if I have a sea can on my property and then have to clad it (build walls around it and then put on a pitched roof I may as well put up a building because in essence that is what I am doing. Defeats the purpose of convenience of using the sea can. Also when you want to move it or are done with it you now have to dismantle the structure and get rid of the building material. More stuff to the landfill

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Feedback Forms must be completed and returned to the Regional District  
no later than **May 29, 2020**





# 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.:** X2020.006-ZONE

**FROM:** Name: Ter esa Salamone  
(please print)

Street Address: \_\_\_\_\_

**RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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See attached comments.

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## **Metal Storage Container Zoning Review**

Comments on draft Bylaw No. 2895 (Area A)  
Submitted by Teresa B. Salamone (June 24, 2020).

### **Comment #1. Is a container as regulated in Bylaw 2895 to be defined solely as an "accessory building or structure"?**

The draft container bylaw states: 7.27.1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria". (Emphasis added.)

The language describes the requirements for a Metal Storage Container only when it is used "as accessory building or structures." Does that mean that there's another authorized use besides "accessory building or structure?" The definition states:

#### 4.0 Definitions

"accessory building or structure" means a detached building or structure located on the same parcel as the principal building, the use of which is subordinate, customarily incidental, and exclusively devoted to that of the principal building; Electoral Area "A" Zoning Bylaw No. 2451, 2008

If 7.27 is intended to make containers an "accessory building or structure", why isn't that explicit? And if 7.27 doesn't mean to do that, under what other definition would the container fall? It seems pretty important that the container have a very specific definition under Bylaw 2451 since there are so many other provisions that are triggered by the definition of "accessory building or structure."

If this is what you meant, then the draft bylaw 7.27 could say

"Metal Storage Containers are defined as accessory buildings or structures. The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria".

If you don't mean to say that a container is only an "accessory building or structure", then you need to be very clear and define all the various structural definitions that could apply to a container.

**Comment #2. If a container is an “accessory building or structure,” does that mean that a container is subject to all the other requirements under Bylaw 2451?**

See for example,

7.13 Accessory Buildings and Structures cxviii

.5 No accessory building or structure shall be situated on a parcel unless:

- a) a principal building has already been erected on the same lot;
- b) a principal building will be erected simultaneously with the accessory building or structure on the same lot; or
- c) the accessory building or structure does not exceed 10.0 m<sup>2</sup> in area, one story in building height, and is limited to one (1) per parcel. (Emphasis added.)

However, Bylaw 2895 section 7.27 .1a) seems to allow two (2) containers in a LH area (for example):

- a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit. (Emphasis added.)

If this is an unintended inconsistency, then one or the other provision should be revised to be consistent. If there is another reading of these two provisions that makes them simultaneously enforceable, the relationship between the two seemingly inconsistent requirements should be made clear.

**Comment #3. Are there any other inconsistencies between the existing bylaw and the draft bylaw that would create confusion among the regulated community if not identified and addressed?**

There are probably other inconsistencies between the existing bylaw and the draft bylaw, but it seems more like the job of the regulator to identify those when drafting a new bylaw than the job of the public to do so. My general comment is that the new bylaw and the existing bylaw should be able to read simultaneously and be consistently applied.

## **Other Comments:**

**Comment #4** – the language of the draft bylaw is not consistent when referring to the units that are to be regulated. Are you regulating Metal Shipping Containers or Metal Storage Containers? Or both? For example:

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

i) adding a new sub-section 7.27 (Metal Shipping Containers) under Section 7.0 (General Regulations) to read as follows:

7.27 Metal Storage Containers

.1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except in accordance with the following criteria: (Emphasis added.)

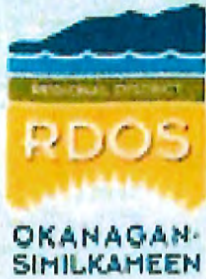
Also suggest that if you suspect there is going to be ambiguity about what units you are trying to regulate, create a definition for whichever term you are going to use.

**Comment #5.** The draft Bylaw doesn't address requirements if you don't stack containers two (2) high. If they are not stacked does that mean you can have more than two (2) in LH for example? The curse of language is ambiguity. If you don't ever want containers stacked more than 2 high you can say that. For example:

"There can be no more than two (2) containers on a [to whatever zoning parcel you want this to apply] If there are two (2) containers, they must be stacked..."

**Comment #6.** The draft Bylaw doesn't address requirements for existing containers. People should not have to guess how the rule applies to them. What if I am SH and already have five (5) unclad containers? What if I am LH and have five (5) unstacked containers? If I am an existing LH with five (5) unstacked containers, could I then add a sixth (6<sup>th</sup>) container if I stack it? Is there a general grandfathering rule somewhere in the Area A bylaws? If there is a grandfather rule, that should be referenced: "These provisions come into force on [whatever is that date] and apply except as set out in [the grandfather rule.]"





# 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.: X2020.006-ZONE

FROM: Name: JUDGE ROSANNA SACCOMANI  
(please print)

Street Address: [REDACTED] - SASQUATCH TRAIL

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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Let's create Okanagan's finest  
across development by doing  
everything we can to enhance  
the value of everyone's property.

We are a community - not  
separate "fiefdoms."

"No grandfathering of existing containers"

Feedback Forms must be completed and returned to the Regional District  
no later than July 3, 2020

**Comment #7.** The draft Bylaw calls for container on SH to be: "completely clad in a material consistent with the principal building ." What if the principal building is a log cabin? Can you really expect a home owner to pay to have a log cabin built around his storage container? These rules were clearly drafted without consideration for the real world implications but I suppose if the goals are to prevent the use of storage containers, and to ensure consistency among the Regional Areas no matter what, this is one way to do it.





# Feedback Form

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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.:** X2020.006-ZONE

**FROM:** Name: BILL & LYNN SERES  
(please print)

Street Address: \_\_\_\_\_, 0504005

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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\_\_\_\_\_

GREAT IDEA MUCH OVERDUE

THANK YOU!

\_\_\_\_\_

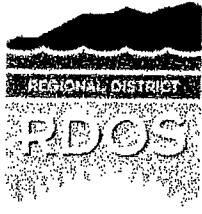
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OKANAGAN-SIMILKAMEEN

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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.: X2020.006-ZONE

FROM: Name:

KHALID SHAH

(please print)

Street Address:

OSOYOUS  
ELECTORAL AREA "A"

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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*- Support bylaw subject to following modifications:*

*\* 1(b) - (i) and (ii) - this is not necessary and is not feasible in some cases - it would be challenging to build a roof to match the home & homemade efforts could look more unsightly than simply painting the container*

*- 1(c) - this is an excellent guideline but extra storage is often required for property maintenance equipment*

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# Feedback Form



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 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.: X2020.006-ZONE

FROM: Name: GWENDOLYN SHAH (please print)

Street Address: ELECTORAL AREA "A", 0504005

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
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- THE GOAL IS TO ENSURE THAT UNSIGHTLY STRUCTURES DO NOT AFFECT PROPERTY VALUES OF OUR "ESTATE" COMMUNITY  
 - I DO NOT AGREE WITH: 1) AN EXTRA FEE OR PERMIT FOR THE METAL CONTAINER, 2) THE REQUIREMENT THAT THE CONTAINER MUST HAVE A PITCHED ROOF + GARD IN SAME MATERIAL AS HOUSE.  
 - THE BYLAW SHOULD REQUIRE THAT THE CONTAINER IS PAINTED OR FINISHED TO COMPLEMENT THE PRIMARY RESIDENCE + OR PROPERTY AND LIMITED TO ONE CONTAINER.  
 - REMOVAL ONCE HOME IS OCCUPIED IS IDEAL BUT NOT PRACTICAL FOR FEEDBACK FORMS MUST BE COMPLETED AND RETURNED TO THE REGIONAL DISTRICT EVERY ONE no later than July 3, 2020



RDOS

OKANAGAN-SIMILKAMEEN

# Feedback Form

Regional District of Okanagan Similkameen

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

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TO: Regional District of Okanagan Similkameen **FILE NO.:** X2020.006-ZONE

FROM: Name: SIMPSON GAIL  
(please print)

Street Address: \_\_\_\_\_ Kaladem

RE: **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

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Grand father in existing  
containers.

**RECEIVED**  
Regional District

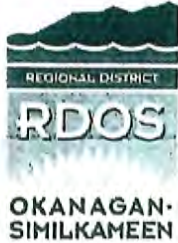
JUN 22 2020

101 Martin Street  
Penticton BC V2A 5J9

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

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** X2020.006-ZONE

**FROM:** Name: Lee Suppna  
(please print)

Street Address: \_\_\_\_\_  
K

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

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Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

No grandfathering

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Feedback Forms must be completed and returned to the Regional District  
no later than **July 3, 2020**

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.



# 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.: X2020.006-ZONE

FROM: Name: JIM THORNTON

Street Address: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ 04005

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers, subject to the comments listed below.
- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

PLEASE SEE ATTACHED.

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no later than **July 3, 2020**

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## Feedback Form Addendum

Proposed Bylaw No. 2895, 2020

Comments:

Background Memo, May 6, 2020:

<https://www.rdos.bc.ca/assets/Uploads/APCMemo20200506.pdf>

Regarding the given reasons for the proposed change:

Okanagan Mountain Estates (twenty kilometres east of Osoyoos on Hwy. #3) is not a typical "residential neighbourhood" and has no "highway commercial developments". Almost all of the area consists of 3+ acre properties (**Small Holdings**) and is mostly covered in mature forest which generally hides any shipping containers.

Shipping containers, with good padlocks, are much more theft resistant than a wood shed, and are a less likely target as they have no windows to reveal whether or not the contents are worth stealing.

In addition, shipping containers are much more fire resistant than a wood structure, important in a high risk zone for wild fires.

Regarding the building code, all shipping containers meet the same high standard and pose no risk to humans as compared to stick-built structures.

Included in the Memo is the item:

"Conversely, it has also been suggested that the Regional District should be treating storage containers on larger parcels in the Small Holdings zones (i.e. with parcels greater than 1.0 ha in area) the same as those parcels zoned Large Holdings. Specifically, that there be no regulations on numbers of containers or how they are clad (NOTE: Amendment Bylaw 2886 currently proposes to regulate container numbers and cladding in all SH zones)."

I would like to suggest that this clause be included in the final draft.





# 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.:** X2020.006-ZONE

**FROM:** Name: Bruce and Jennifer Turnbull  
(please print)

Street Address: \_\_\_\_\_

**RE:** **Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws**

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers, subject to the comments listed below.
- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

~~We are against having storage containers in our neighbourhood. Lot sizes here are too small and so the containers will be an eyesore to neighbours and will reduce property values based on their unkept appearance. We also do not believe those that get containers will abide by the bylaw to clad them and change the roof design to match the home as the District does not enforce most bylaws that are existing. If someone wants a garden shed there are many in different sizes at local building supply businesses that are more appropriate for a yard than a steel and rusting storage container.~~

~~We have no confidence that this bylaw will be enforced or that residents will abide by the provisions within the bylaw so our answer to this is no shipping containers.~~

Feedback Forms must be completed and returned to the Regional District  
no later than **May 29, 2020**

**From:** [Bruce Turnbull](#)  
**To:** [Planning](#)  
**Subject:** Re: Bylaw No. 2895 (Metal Storage Container Zoning Regulations)  
**Date:** June 10, 2020 5:19:27 AM

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So despite the widespread rejection of shipping containers by residents you intend to go ahead with this. Show us the results of the polling of the residents in Area F. Answer my questions as to how the cladding and roofing of containers will be enforced and the penalty imposed if not? Answer my question as to the stacking of containers in residential areas? Will containers that are already in peoples yards be required to be clad and roofed as per the ruling? And finally why containers which are an enormous eye sore? Who is behind pushing this through?

Totally disagree with this as do most if not all of my neighbours.

Bruce Turnbull  
Area F

On Tue, Jun 9, 2020 at 3:43 PM Planning Department <[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)> wrote:

The Regional District is proposing the introduction of new zoning regulations to govern the placement of metal storage ("shipping") containers within various zones. This includes, amongst other things, the following:

- permitting the placement of containers in Resource Area, Agriculture, Large Holdings and Industrial Zones;
- permitting the placement of containers in Low Density Residential and Small Holdings zones subject to being clad and roofed in a material consistent with the principal; building on a parcel; and
- limit the stacking of containers to no more than two (2).

Additional information regarding these proposed amendments, including copies of the draft bylaw, supporting materials and feedback forms (which should be submitted to the RDOS by **July 3, 2020**) can be found at the Regional District's web site:

<https://www.rdos.bc.ca/development-services/planning/strategic-projects/metal-storage-review/>

You received this message because you are subscribed to the [[Regional District of Okanagan-Similkameen, BC-Land Use Changes: Applications F](#)] group.

Visit this topic here: <https://rdos.ca.regroup.com/networks/rdos/groups/land-use-changes-applications-f/topics/bylaw-no-2895-metal-storage-container-zoning-regulations-20200609174341>

To unsubscribe from this group click here:

{<http://rdos.ca.regroup.com/networks/rdos/groups/land-use-changes-applications-f/unsubscribe>}.





# 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.: X2020.006-ZONE  
FROM: Name: DEBORAH & MARK WEBB  
(please print) & J. O.  
Street Address: \_\_\_\_\_  
RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

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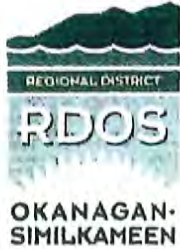
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

What will be done about any  
EXISTING metal storage  
containers to meet appearance  
specifications - please do  
what bylaws do then!! them in  
as is.

Feedback Forms must be completed and returned to the Regional District  
no later than May 29, 2020

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# 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.:** X2020.006-ZONE

**FROM:** Name: Suzy Williamson  
(please print)

Street Address: \_\_\_\_\_

**RE:** Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
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- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

No grandfathering please

Feedback Forms must be completed and returned to the Regional District  
no later than **July 3, 2020**

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# 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.: X2020.006-ZONE

FROM: Name: JAMIE & KEN WRIGHT  
(please print)

Street Address: OSOYOOS, BC.  
V0H1V6

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.
- I do support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers, subject to the comments listed below.
- I do not support the proposed textual amendments to the Okanagan Valley Electoral Area Zoning Bylaws to regulate the placement of metal storage containers.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2895, 2020.

WE UNDERSTAND THE AMENDMENT AS IT APPLIES TO HIGH-DENSITY RESIDENTIAL AREAS (APEX VILLAGE) FOR AESTHETIC REASONS. HOWEVER, ON LARGER LAND PARCELS (LOW-DENSITY RESIDENTIAL & SMALL HOLDINGS), THE AESTHETIC ASPECT IS A MUCH SMALLER CONCERN AND THE AMENDMENT FEELS OVERLY REGULATORY

**RECEIVED**  
Regional District

Feedback Forms must be completed and returned to the Regional District no later than **July 3, 2020**

JUL - 3 2020

**From:** [Gary Zappone](#)  
**To:** [Christopher Garrish](#)  
**Subject:** Sea cans  
**Date:** May 15, 2020 5:40:56 PM

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As long as the sea can is set in off the road way an kept tidy I find no issue with this storage resource. The can itself will last many times longer than a wooden structure as well as more secure than a falling down shed that harbors rodents and a invitation to the two legged vermin that seems to be invading our local area as of late. Much expense by residents Have been incurred in purchase, and placing them on the property. I say restrict the number on each property, an leave the issue alone. Spend our money on more important issues that will benefit our local area. Lots can be done for all the seniors, as well as the new families with children moving in the district.  
Sent from my iPhone



250-492-8063



# 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.: X2020.006-ZONE

FROM: Name: Abish Zelaya  
(please print)

Street Address: Osoyoos BC

RE: Metal Storage Container Regulations Zoning Amendment Bylaw No. 2895, 2020  
Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaws

My comments / concerns are:

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May 15, 2020

File No: X2020.006-ZONE

Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, B.C. V2A 5J9  
Via E-mail: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

Re: Bylaw Referral – File No. X2020.006-ZONE

Dear Christopher Garrish,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the proposed Bylaw No. 2895, regarding new regulations for the placement of metal storage “shipping” containers on properties in RDOS’s Electoral Areas A, C, D, E, F and I. I have reviewed the documentation you have provided.

From an agricultural perspective I can offer the following comments:

- Ministry staff appreciate that the proposed bylaws do not prohibit these metal storage “shipping” containers in the identified Electoral Area agricultural zones. Metal shipping containers serve a variety of purposes for farmers including operating as greenhouses and storage of agricultural products.
- Ministry staff however suggest that the maximum limit of two (2) containers per parcel may place an unnecessary constraint for agricultural operators pursuing their business in the RDOS. If farmers are already using them as storage or greenhouses and wish to expand, there is a concern that these bylaw amendments may require them to search for less optimal alternatives. Ministry staff point to the RDOS’s June 1, 2017 Administration Report that states, “Administration also notes that the existing interpretation of metal storage containers as constituting an “accessory building or structure” has not resulted in serious complaint or objection from the community.”
- RDOS therefor may wish to consider revising these proposed bylaw provisions to make an exception to this limit for parcels in the Agricultural Land Reserve and lands zoned for Agriculture in an effort to support their rural agricultural sector.

If you have any questions, please contact me directly at [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca) or 250-861-7201.

Sincerely,

Christina Forbes, P.Ag., Regional Agrologist  
B.C. Ministry of Agriculture – Kelowna  
Office: (250) 861-7201  
E-mail: [christina.forbes@gov.bc.ca](mailto:christina.forbes@gov.bc.ca)

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

## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2895

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

Signature: Cheryl E. Nalla

Signed By: Cheryl E. NALLA

Agency: KALEDOH TRIBUTION DISTRICT

Title: Finance / Corp. Admin.

Date: April 29, 2020.





**Interior Health**  
Every person matters

April 16, 2020

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

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

To Whom it May Concern:

**RE: File #: X2020.006-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



**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 No. 2895-Metal Storage Container Regulations

**FN Consultation ID:**

L-200415-2895

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Monday, April 20, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

April 20, 2020

Attention: Planning RDOS

File number: X2020.006-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was sent on April 15, 2020.

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.

limlemt,

Maryssa Bonneau  
Referrals Administrator  
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 No. 2895-Metal Storage Container Regulations

**FN Consultation ID:**

L-200415-2895

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Monday, April 20, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

April 20, 2020

Attention: Planning RDOS

File Number: X2020.006-ZONE

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.

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 Administrator

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 No. 2895-Metal Storage Container Regulations

**FN Consultation ID:**

L-200415-2895

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Monday, April 20, 2020

Activity No Payment

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

\*Please do not reply to this email message. Replies to this message will not be received as this is a no-reply email address\*

June 15, 2020

File number: X2020.006-ZONE

Attention: Planning RDOS

Re:Bylaw No. 2895-Metal Storage Container Regulations: 30 Day No Payment Activity

We write regarding your failure to pay invoice #L-200415-2895 to conduct a review to obtain additional information in the area of the above referral. To date, no payment has been received and we have therefore been unable to conduct a review of this referral; we must therefore put you on notice that we do not consent, agree or otherwise approve of the activity / development referred to by you in your letter to us dated April 15, 2020.

The Okanagan Nation holds unextinguished aboriginal title to the land and resources within our traditional territory. The above-noted activity / development is within PIB's Area of Responsibility within Okanagan territory and as such, is subject to Okanagan title, jurisdiction, rights and interests, and PIB decision making and responsibility.

Over the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of aboriginal people in British Columbia, which includes the Penticton Indian Band, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the Constitution Act, 1982.

Most recently, in June 2014, the Supreme Court of Canada in the Tsilhqot'in case set out the following characteristics and implications of Aboriginal title:

- Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.
- The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in

Aboriginal title lands and resources; the beneficial interest is held by the Aboriginal title holding group. Allocations of Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.

- Aboriginal title includes the right to proactively use and manage the resources.
- Once Aboriginal title is "established", the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown's fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- Before Aboriginal title is "established", the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co-existence or accommodation of our jurisdiction and title. The Province continues to act as though we have no beneficial interest or authority, and it takes for itself the revenues derived from our lands and resources. The payment of the referral fee is necessary in order for us to assess your proposal, assess potential impacts and determine whether it should be approved and if so, on what conditions. Because we are unable to undertake such an assessment, we must at this time advise you that we are opposed to your proposed development/activity.

limlamt,

Please do not reply to this email message. Replies to this message will not be received as this is a no-reply email address. Please contact us at:

Maryssa Bonneau  
Referrals Administrator  
P: 250-492-0411  
[Referrals@pib.ca](mailto:Referrals@pib.ca)

---



**BOARD OF DIRECTORS MEETING**

Thursday, October 1, 2020  
9:45 am

**BOARD MEETING AGENDA**

---

**A. ADOPTION OF AGENDA**

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

THAT the Agenda for the Okanagan-Similkameen Regional Hospital District Board meeting of October 1, 2020 be adopted.

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**B. ELECTION OF ACTING CHAIRPERSON**

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**C. ELECTION OF ACTING VICE-CHAIRPERSON**

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**D. MINUTES**

1. **OSRHD Board Meeting – September 17, 2020**

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

**THAT the Minutes of the September 17<sup>th</sup>, 2020 Okanagan-Similkameen Regional Hospital District Board meeting be adopted.**

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**E. ADJOURNMENT**

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

### BOARD OF DIRECTORS MEETING

Minutes of the Board Meeting of the Okanagan-Similkameen Regional Hospital Board (OSRHD) of Directors held at 11:50 a.m. on Thursday, September 17, 2020, in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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#### MEMBERS PRESENT:

Chair P. Veintimilla, Town of Oliver	Director T. Schafer, Alt. Electoral Area “C”
Vice-Chair T. Boot, District of Summerland	Director K. Kozakevich, Electoral Area “E”
Director M. Bauer, Village of Keremeos	Director S. McKortoff, Town of Osoyoos
Director J. Bloomfield, City of Penticton	Director S. Monteith, Electoral Area “I”
Director G. Bush, Electoral Area “B”	Director M. Pendergraft, Electoral Area “A”
Director B. Coyne, Electoral Area “H”	Director R. Obirek, Electoral Area “D”
Director S. Coyne, Town of Princeton	Director F. Regehr, City of Penticton
Director R. Gettens, Electoral Area “F”	Director T. Roberts, Electoral Area “G”
Director D. Holmes, District of Summerland	Director J. Sentes, City of Penticton, Alternate
Director K. Robinson, City of Penticton	

#### MEMBERS ABSENT:

Director J. Vassilaki, City of Penticton

#### STAFF PRESENT:

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

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

##### IT WAS MOVED AND SECONDED

THAT the Agenda for the Okanagan-Similkameen Regional Hospital District Board meeting of September 17, 2020 be adopted. - **CARRIED**

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#### B. MINUTES

1. **OSRHD Board Meeting – July 16, 2020**

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

##### IT WAS MOVED AND SECONDED

THAT the Minutes of the July 16, 2020 Okanagan-Similkameen Regional Hospital District Board meeting be adopted. - **CARRIED**

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**C. DELEGATIONS**

1. Carl Meadows, Executive Director, Clinical Operations, Acute and Community, South Okanagan  
Tracy St. Claire, Executive Director, Division of Family Practice  
Dr. Tim Phillips, Physician Lead, Division of Family Practice  
Dan Goughnour, Director Business Support, Interior Health

Messrs. Meadow and Goughnour, Ms. St. Claire and Dr. Phillips addressed the Board regarding funding physician recruitment and the Primary Care Network.

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2. Joanna Harrison, Long Term Care, Executive Director, Seniors Specialized Care Transformation  
Ms. Harrison addressed the Board regarding Long Term Care in the region.
- 

**D. ADJOURNMENT**

By consensus, the meeting adjourned at 12:48 p.m.

APPROVED:

CERTIFIED CORRECT:

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P. Veintimilla  
OSRHD Board Chair

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B. Newell  
Corporate Officer



### ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** Bill Newell, CAO  
**DATE:** 1 October 2020  
**RE:** Election for positions of Chair and Vice Chair – For Discussion

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#### ISSUE:

1. The Okanagan Similkameen Regional Hospital District (OSRHD) has received notice that the incumbent Chairperson has been replaced by the Town of Oliver and this position is declared vacant.
2. The OSRHD has received notice that the incumbent Vice-Chairperson has taken leave to the end of the 2019/2020 term.

#### HISTORY:

The Hospital District Act, RSBC 1996, Chapter 202 provides the following for Chair/Vice Chair vacancy.

#### Chair and acting chair

- 13** (1) Where the directors hold office under section 8 (1), the board must elect a chair from among its directors at the first meeting held in each year.
- (2) The board may elect from among its directors an acting chair, who, during the absence or disability of the chair, has all the powers and is subject to the same rules as the chair.
- (3) Each director has only one vote for an election under this section.

#### ALTERNATIVES:

1. Appoint the Chair/ Vice-Chair of the Regional District to fill the gap on the OSRHD.
2. Elect a Chair and Vice-Chair for the one-month interim period, but suspend the typical election process.

#### ANALYSIS:

The Chair and Vice-Chair of the OSRHD are elected annually at the inaugural meeting. The inaugural meeting for the 2020/2021 term is scheduled for November 5<sup>th</sup>. So, although we're right at the end of this one-year term, the Act would seem to require that the Board have a Chair, even though the Board may not choose to meet prior to the inaugural.

Some members have expressed a concern that electing members to these two positions for the interim period may influence the election to be held for the next term on November 5<sup>th</sup> and have asked if this could be avoided. The option to appoint the Chair/Vice Chair of the Regional District to similar roles

with OSRHD is available, on the understanding that neither would put their name forward for the Hospital Board for the 2020/2021 term.

With the vote being held electronically, it is not possible to carry out the typical election process, including a secret ballot. We're working on this and hope to have a solution prior to November 5<sup>th</sup>. For this election for the interim, the election process will be suspended and would be conducted by a show of hands.



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BOARD OF DIRECTORS MEETING**

Thursday, October 1, 2020  
10:15 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 October 1, 2020 be adopted.**

**1. Consent Agenda – Corporate Issues**

**a. Similkameen Recreation Commission – August 11, 2020**

*THAT the Minutes of the August 11, 2020 Similkameen Recreation Commission meeting be received.*

**b. Naramata Parks Recreation Commission**

*THAT the Board of Directors appoint the following member to the Electoral Area “E” Naramata Parks and Recreation Commission for a two year term, ending December 31, 2022.*

**c. Advisory Planning Commission, Electoral Area ‘C’ – September 8, 2020**

*THAT the Minutes of the September 8, 2020 Advisory Planning Commission, Electoral Area ‘C’ meeting be received.*

**d. Advisory Planning Commission, Electoral Area ‘D’ – July 14, 2020**

*THAT the Minutes of the July 14, 2020 Advisory Planning Commission, Electoral Area ‘D’ meeting be received.*

**e. Corporate Services Committee – September 17, 2020**

*THAT the Minutes of the September 17, 2020 Corporate Services Committee meeting be received.*

**f. Environment and Infrastructure Committee – September 17, 2020**

*THAT the Minutes of the September 17, 2020 Environment and Infrastructure Committee meeting be received.*

**g. Planning and Development Committee – September 17, 2020**

*THAT the Minutes of the September 17, 2020 Planning and Development Committee meeting be received.*

*THAT the Board of Directors advise the Ministry of Municipal Affairs and Housing that it supports the extension of Land Use Contract No. LU-6-D to June 30, 2029, in order that replacement federal and/or provincial legislation can be enacted.*

**h. RDOS Regular Board Meeting – September 17, 2020**

*THAT the minutes of the September 17, 2020 RDOS Regular Board meeting be adopted.*



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

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

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**2. Consent Agenda – Development Services****a. Development Variance Permit – 218 Cedar Avenue, Electoral Area “I”**

*THAT the Board of Directors approve Development Variance Permit No. I2020.009-DVP*

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

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

---

**B. DEVELOPMENT SERVICES – Rural Land Use Matters****1. Agricultural Land Commission Referral – 5317 Sunflower Street, Electoral Area ‘C’****RECOMMENDATION 4** (Unweighted Rural Vote – Simple Majority)

**THAT the RDOS “not authorize” the application for a “non-adhering residential use” at 5317 Sunflower street (Lot 249 Plan KAP1789, DL 2450, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission.**

---

**2. Official Community Plan (OCP) and Zoning Bylaw Amendments****Proposed Dock Regulations – Okanagan Basin Lakes**

- a. Bylaw No. 2862
- b. Representations

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

**THAT Bylaw No. 2862, 2020 the Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and 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 October 1, 2020, 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. 2862, 2020, in conjunction with its Financial and applicable Waste Management Plans;**

**AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 19, 2020;**

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

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**C. PUBLIC WORKS****1. Organic Composting Site**

**RECOMMENDATION 6** (Weighted Corporate Vote – Majority)

**THAT the Regional District purchase the modular home at 1313 Greyback Road for \$110,000 plus applicable taxes from the Campbell Mountain Landfill Reserve to provide office space at the proposed Organics Composting Facility.**

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**2. Net Zero Waste Eastgate Partnership Agreement**

**RECOMMENDATION 7** (Weighted Corporate Vote – Majority)

**THAT the Regional District execute a Partnership Agreement with Net Zero Waste Inc. and Net Zero Waste Eastgate Ltd. to meet the requirements of the Shared Cost Agreement to accept the \$4,066,666 grant from the Organics Infrastructure Program funding.**

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**D. COMMUNITY SERVICES****1. Award of Garnett Family Park – Public Washroom Project**

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

**THAT the construction of a Public Washroom at Garnett Family Park be awarded to Plan B Contractors Inc. up to the amount of \$96,000.00 exclusive of GST.**

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**2. 2021 UBCM Community Resiliency Investment Grant Program**

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

**THAT the Regional District submit a grant application for the 2021 UBCM Community Resiliency Investment Program in the amount of \$600,000 for the identified work as outlined in the October 1, 2020 Administrative Report to the Board from CAO, Bill Newell.**

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**E. FINANCE****1. Property Tax Exemption Bylaw No. 2910, 2020**

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

**THAT Bylaw No. 2910, 2020, being a bylaw of the Regional District of Okanagan-Similkameen to exempt specific properties from property taxation, be read a first, second and third time and be adopted.**

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

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**G. OTHER BUSINESS**

**1. Chair's Report**

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**2. Directors Motions**

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**3. Board Members Verbal Update**

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**H. ADJOURNMENT**





# MINUTES

## Similkameen Recreation Commission

Aug 11, 2020 @ 6:30 PM  
Similkameen Recreation Centre

**Members Present:** Tom Robins, Selena Despres, Darrell Taylor, Jennifer Roe,  
**Absent:** Duncan Baynes, Tim Austin, Arden Holley (Village of Keremeos),  
Jeremy Evans (Village of Keremeos), Tim Roberts (Area "G")  
**Area Representatives:** George Bush (Area "B"), Manfred Bauer (Mayor Keremeos).  
**Staff:** Andy Foster  
**Recording Secretary:** Andy Foster  
**Guests:** None

CALL TO ORDER

1. APPROVAL OF AGENDA

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That; the Agenda for the August 11th, 2020 Similkameen Recreation Meeting be approved.**

**CARRIED**

---

1. APPROVAL OF LAST MEETING MINUTES

**RECOMMENDATION**

**IT WAS MOVED AND SECONDED**

**That; the minutes for the February 4th, 2020 Similkameen Recreation meeting be approved.**

**CARRIED**

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2. CORRESPONDENCE/DELEGATIONS

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3. RDOS STAFF REPORTS

3.1. Rec Centre

3.1.1. Operational overview and Covid impacts

3.1.2. Facility Assessment/Audit overview

3.1.3. 2020 Capital Projects update and review

3.2. Swimming Pool

3.2.1. Operational overview and Covid impacts

3.2.1.1. 2020 Capital project review

3.2.1.1.1. Project on hold to leverage the spend and project for potential grant application to achieve more within the budget.



# MINUTES

## Similkameen Recreation Commission

Aug 11, 2020 @ 6:30 PM  
Similkameen Recreation Centre

### 3.3. General

#### 3.3.1. Program update

### 3.4. 2021 Projects & Budget

- 3.4.1.1. Overview of process and timeline
  - 3.4.1.2. Discussed future capital projects
  - 3.4.1.3. Discussed potential changes to facility service and maintenance staffing
  - 3.4.1.4. Discussed potential change to programming
- 

## 4. COMMISSION MEMBER REPORTS

None provided

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## 5. RDOS DIRECTOR'S REPORTS

### 5.1. Village of Keremeos

- None provided

### 5.2. Electoral Area B

- None provided

### 5.3. Electoral Area G

- None provided
- 

## 6. BUSINESS ARISING

- 6.1. Tom Robins – To ensure we achieve Quorum it was asked that commission members reply to the minute's email confirming attendance. If we have not heard two days prior to meeting Andy is asked to call members to confirm
  - 6.2. Discussed need for 7<sup>th</sup> Commission member to help achieve quorum more often
- 

## 7. ADJOURNMENT

### RECOMMENDATION

**IT WAS MOVED AND SECONDED that; the August 11th, 2020 Similkameen Recreation meeting be adjourned.**

**– CARRIED**

**NEXT MEETING:** Tuesday, Sept 29, 2020  
Similkameen Recreation Centre  
6:30pm

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 1, 2020

**RE:** Electoral Area “E” Naramata Parks and Recreation Commission  
Appointment

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### Administrative Recommendation:

**THAT the Board of Directors appoint the following member to the Electoral Area “E” Naramata Parks and Recreation Commission for a two year term, ending December 31, 2022.**

<b>Area “E”</b>
<b>Naramata Parks and Recreation Commission</b>
Cynthia Enns

### Purpose:

To appoint a new member to the Naramata Parks and Recreation Commission.

### Reference:

Bylaw 2732, 2016 Regional District of Okanagan-Similkameen Parks and Recreation Commission Establishment Bylaw.

### Background:

Pursuant to the Bylaw 273, 2016, parks and recreation commissions are appointed by and advise the Board of Directors regarding matters related a local parks and recreation service area. Members must reside in the service area in which they serve and terms are for two years. New members can be appointed at any time provided there is openings. Advertisements for membership occurs each fall with most members beginning their term January 1st each year.

### Analysis:

Jeff Gagnon and Lyle Resh of the Naramata Parks and Recreation Commission have retired, leaving the commission with seven members with a maximum allowed of eleven. Letters to be provided to Jeff and Lyle thanking them for their contribution to their commission.

The Electoral Area Director has reviewed the new application, and is recommending Cynthia Enns be appointed to the Naramata Parks and Recreation Commission.



**Alternatives:**

That the Board not appoint the new member to the Naramata Parks and Recreation Commission.

**Respectfully submitted:**

*Justin Shuttleworth*

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J. Shuttleworth, Parks & Facilities Manager



# Minutes

## Electoral Area 'C' Advisory Planning Commission

Meeting of: *Tuesday, September 8, 2020*

Community Centre, Oliver BC

**Present:** Rick Knodel, Director, Electoral Area 'C'

**Members:** Ed Machial, Vice-Chair                      David Janzen                      Jack Bennest  
                     Beantjit Chahal    Jessica Murphy

**Absent:** Sara Bunge, Chair  
                     Louise Conant  
                     Terry Schafer, Alternate Director, Electoral Area "C"

**Staff:** Cory Labrecque, Planner II  
                     Rushi Gadoya, Planning Technician  
                     Sofia Cerqueira, Recording Secretary

**Delegation:** Singh, Sukhmander

<b>1.</b>	<b>CALL TO ORDER</b>
	<p>The meeting was called to order at 7:05p.m.</p> <p><b>ADOPTION OF AGENDA</b></p> <p><b><u>MOTION</u></b></p> <p>It was Moved and Seconded that the Agenda for the Special Electoral Area "C" Advisory Planning Commission (APC) meeting of September 8, 2020 be adopted.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
<b>2.</b>	<b>Adoption of the Agenda</b>
	<p>2.1     <b>ADOPTION OF THE AGENDA</b></p> <p><b><u>MOTION</u></b></p> <p>It was Moved and Seconded that the Minutes of the July 7, 2020 Electoral Area "C" Advisory Planning Commission (APC) meeting be adopted.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>

3.	<p style="text-align: center;"><b>DELEGATION</b></p>
	<p>3.1 Singh, Sukhmander &amp; Sandhu, Surjit –Agricultural Land Commission (ALC) Application C05664.000 (C2020.007-ALC)</p> <p>3.2 <u>C06519.200 (C2019.15.TUP) – Temporary Use Permit Application</u> Administrative Report submitted by JoAnn Peachey, Planner</p> <p><b><u>MOTION</u></b></p> <p>That the APC recommends to the RDOS Board that the proposed temporary use be approved.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
4.	<p style="text-align: center;"><b>Development Applications</b></p>
	<p>4.1 C05664.000 (C2020.007-ALC) –ALC Application Administrative Report submitted by Rushi Gadoya</p> <p><b><u>MOTION</u></b></p> <p>THAT the APC recommends to the RDOS Board of Directors that the subject application be “authorized” to proceed to the Agricultural Land Commission be denied.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p> <p>4.2 C05193.008 (C2020.010-ZONE) –Zoning Bylaw Amendment Administrative Report submitted by Cory Labrecque</p> <p><b><u>MOTION</u></b></p> <p>THAT the APC recommends to the RDOS Board of Directors that the proposed rezoning of an approximately 5.5ha part of Block A, Plan KAP1729, District Lot 2450S, SDYD, to accommodate the “Loose Bay” campground be approved.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
5.	<p style="text-align: center;"><b>ADJOURNMENT</b></p>
	<p><b><u>MOTION</u></b></p> <p>It was Moved and Seconded that the meeting be adjourned at 7:48pm.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Ed Machial

Advisory Planning Commission Vice-Chair

Sofia Cerqueira

Recording Secretary

# Minutes

## Electoral Area “D” Advisory Planning Commission

Meeting of Tuesday, July 14, 2020

Okanagan Falls Seniors Centre

1128 Willow Street, Okanagan Falls, BC

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Present: Ron Obirek, Director, Electoral Area “D”  
Members: Doug Lychak, Chair, Kurtis Hiebert, Vice-Chair, Almira Nunes, Jerry Stewart, Norm Gaumont, Kelvin Hall, Alf Hartviksen, Jill Adamson, Alf Hartviksen, Bob Pearce  
Absent: Don Allbright, Navid Chaudry, Malcolm Paterson  
Staff: JoAnn Peachey, RDOS Planner 1  
Rushi Gadoya – RDOS Planning Technician  
Debbie Morrow & Sue Gibbons, Recording Secretary  
  
Delegates: Middlebrook, Julia Abigail

### 1. CALL TO ORDER

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

### 2. ADOPTION OF AGENDA

#### MOTION

It was Moved and Seconded that the Agenda be adopted.

**CARRIED**

### 3. APPROVAL OF PREVIOUS MEETING MINUTES

#### MOTION

It was Moved and Seconded by the APC that the Minutes of February 11, 2020 be approved.

The Chair called for errors or omissions and there were none.

**CARRIED**

**4. OTHER**

- 4.1** D00890.010 (D2019.014-LCRB) – Liquor and Cannabis Regulation Branch (LCRB) Application  
Delegates: Middlebrook, Julia Abigail

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) Additional public consultation in the form of a public hearing be scheduled*

**DEFEATED**

**MOTION**

It was Moved and Seconded that the APC recommends to the RDOS Board that the subject development application be approved.

**CARRIED**

**5. ADJOURNMENT**

**MOTION**

It was Moved and Seconded that the meeting be adjourned at 8:07 pm.

**CARRIED**

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Advisory Planning Commission Chair

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Advisory Planning Commission Recording Secretary





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

Thursday, September 17, 2020  
10:15 am

**MINUTES**

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**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Director J. Vassilaki, City of Penticton

**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 September 17, 2020 be adopted. - **CARRIED**

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**B. 2020 Year-End Meeting Schedule – For Information**

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**C. UBCM Update – Verbal Update**

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**D. Information Services – Verbal Update**

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**E. ADJOURNMENT**

By consensus, the Corporate Services Committee meeting adjourned at 10:45 a.m.

APPROVED:

\_\_\_\_\_  
K. Kozakevich  
RDOS Board Chair

CERTIFIED CORRECT:

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



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

Thursday, September 17, 2020  
9:38 a.m.

**MINUTES**

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**MEMBERS PRESENT:**

Chair G. Bush, Electoral Area "B"	Director S. McKortoff, Town of Osoyoos
Vice Chair R. Gettens, Electoral Area "F"	Director S. Monteith, Electoral Area "I"
Director M. Bauer, Village of Keremeos	Director R. Obirek, Electoral Area "D"
Director J. Bloomfield, City of Penticton	Director M. Pendergraft, Electoral Area "A"
Director T. Boot, District of Summerland	Director F. Regehr, City of Penticton
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, Alternate
Director R. Knodel, Electoral Area "C"	Director P. Veintimilla, Town of Oliver
Director K. Kozakevich, Electoral Area "E"	

**MEMBERS ABSENT:**

Director J. Vassilaki, City of Penticton

**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 September 17, 2020 be adopted. - **CARRIED**

---

**B. DELEGATIONS**

Sarah Boyle, Project Manager, Parks Canada

Keith Baric, Planning Section Head, Okanagan, BC Parks

Ms. Boyle and Mr. Baric addressed the Committee to provide an update on the proposed National Park Reserve

- i. Parks Canada Update on the proposed national park reserve in the South Okanagan-Similkameen
- 

**C. Large Item Collection Rescheduled – For Information Only**

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**D. ADJOURNMENT**

The meeting was adjourned at 10:15 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
G. Bush  
Committee Chair

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





## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Planning and Development Committee

Thursday, September 17, 2020

9:00 am

## Minutes

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#### MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"  
Vice Chair R. Knodel, Electoral Area "C"  
Director M. Bauer, Village of Keremeos  
Director J. Bloomfield, City of Penticton  
Director T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director B. Coyne, Electoral Area "H"  
Director S. Coyne, Town of Princeton  
Director R. Gettens, Electoral Area "F"  
Director D. Holmes, District of Summerland

Director K. Kozakevich, Electoral Area "E"  
Director K. Robinson, City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director S. Monteith, Electoral Area "I"  
Director R. Obirek, Electoral Area "D"  
Director F. Regehr, City of Penticton  
Director T. Roberts, Electoral Area "G"  
Director J. Sentes, City of Penticton, Alternate  
Director P. Veintimilla, Town of Oliver

#### MEMBERS ABSENT:

Director J. Vassilaki, City of Penticton

#### 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 September 17, 2020 be adopted. - **CARRIED**

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#### B. DELEGATION

1. Michael Rupen, Director, Dominion Radio Astrophysical Observatory  
Mr. Rupen addressed the Committee to provide an overview of the operations of the Dominion Radio Astrophysical Observatory.

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#### C. Status of Land use Contract No. LU-6-D (St. Andrews) – Electoral Area "I"

1. National Research Council Canada Response

##### RECOMMENDATION 2

##### It was MOVED and SECONDED

THAT the Board of Directors advise the Ministry of Municipal Affairs and Housing that it supports the extension of Land Use Contract No. LU-6-D to June 30, 2029, in order that replacement federal and/or provincial legislation can be enacted. - **CARRIED**

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**D. ADJOURNMENT**

By consensus, the meeting adjourned at 9:38 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
M. Pendergraft  
Committee Chair

\_\_\_\_\_  
B. Newell  
Chief Administrative 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 10:45 a.m. on Thursday, September 17, 2020 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Director J. Vassilaki, City of Penticton

**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 September 17, 2020 be adopted as amended by removing Item A2b Development Variance Permit Application from the Consent Agenda and moving it to Item B4. - **CARRIED**

---

**1. Consent Agenda – Corporate Issues**

- a. Environment and Infrastructure Committee – September 3, 2020  
*THAT the Minutes of the September 3, 2020 Environment and Infrastructure Committee meeting be received.*
  
- b. Planning and Development Committee – September 3, 2020  
*THAT the Minutes of the September 3, 2020 Planning and Development Committee meeting be received.*  
  
*THAT the Regional District accept the Okanagan Falls 2020 Economic Development and Recovery Plan as a guiding document.*
  
- c. RDOS Regular Board Meeting – September 3, 2020  
*THAT the minutes of the September 3, 2020 RDOS Regular Board meeting be adopted.*



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

**IT WAS MOVED AND SECONDED**

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

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## 2. Consent Agenda – Development Services

a. Temporary Use Permit – 345 Kathleen Avenue, Electoral Area “E”

1. Permit
2. Representations

*THAT the Board of Directors approve Temporary Use Permit No. E2020.007-TUP*

b. Development Variance Permit – 2620 West Bench Drive, Electoral Area “F”

1. Permit
- This item was removed from the Consent Agenda; please refer to Item B4.

c. Temporary Use Permit – District Lot 1838, SDYD, Except That Part Thereof Outlined Red on Plan B1374, Electoral Area “H”

1. Permit
2. Representations

*THAT the Board of Directors approve Temporary Use Permit No. H2020.009-TUP*

d. Electoral Area “E” Advisory Planning Commission (APC) Appointment

*THAT the Board of Directors appoint Debbie Selwood as a member of the Electoral Area “E” Advisory Planning Commission until October 31, 2022.*

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

**IT WAS MOVED AND SECONDED**

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

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## B. DEVELOPMENT SERVICES – Rural Land Use Matters

1. Zoning Bylaw Amendment – 2390 Coalmont Road, Electoral Area “H”

- a. Bylaw No.2498.22, 2020
- b. Representations

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2498.22, 2020, Electoral Area “H” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT, the holding of a public hearing be scheduled for the Regional District Board meeting of October 15, 2020;

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

**CARRIED**

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2. Zoning Bylaw Amendment – Loose Bay, Electoral Area “C”
  - a. Bylaw No.2453.38, 2020
  - b. Representations

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2453.38, 2020, Electoral Area “C” Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;

AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of October 15, 2020;

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

**CARRIED**

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3. Agricultural Land Commission Referral (Non-Farm Use) – 1543 Maple Street, Electoral Area “D”

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

**It was MOVED and SECONDED**

THAT the RDOS “not authorize” the application to allow a warehouse as a non-farm use on the parcel located at 1543 Maple Street, Okanagan Falls (Lot 2, Plan 14822, District Lot 551, SDYD) to proceed to the Agricultural Land Commission. - **CARRIED**

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4. Development Variance Permit – 2620 West Bench Drive, Electoral Area “F”
  1. Permit

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

**It was MOVED and SECONDED**

THAT the Board of Directors approve Development Variance Permit No. F2020.008-DVP. - **CARRIED**

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## C. FINANCE

1. Utility Billing – Late Payment Fee

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

**It was MOVED and SECONDED**

THAT the Regional District waive late payment charges to outstanding utility bill accounts up to, but not including, those balances that remain unpaid as at December 31, 2020. - **CARRIED**

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**D. LEGISLATIVE SERVICES****1. Open Burning Regulations Bylaw**

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

**It was MOVED and SECONDED**

THAT Regional District of Okanagan-Similkameen Open Burning Regulations Bylaw No. 2898, 2020 be read a first, second and third time and be adopted. - **CARRIED**

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**E. CAO REPORTS****1. Verbal Update**

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

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**2. Board Representation**

- a. BC Grape Growers Association and Starling Control – *Bush, Monteith (Alternate)*
  - b. Municipal Finance Authority – *Kozakevich (Chair), Holmes (Vice Chair, Alternate)*
  - c. Municipal Insurance Association – *Kozakevich (Chair), Holmes (Vice Chair, Alternate)*
  - d. Okanagan Basin Water Board - *McKortoff, Boot, Knodel, Pendergraft (Alternate to McKortoff), Holmes (Alternate to Boot), Monteith (Alternate to Knodel)*
  - e. Okanagan Film Commission – *Gettens, Holmes (Alternate)*
  - f. Okanagan Regional Library – *Kozakevich, Roberts (Alternate)*
  - g. Okanagan-Kootenay Sterile Insect Release Board – *Bush, Knodel (Alternate)*
  - h. South Okanagan Similkameen Fire Chief Association – *Pendergraft, Knodel, Monteith, Obirek, Roberts*
  - i. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
  - j. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
- 

**3. Directors Motions**

- a. Director's Motion – Director Obirek

**It was MOVED and SECONDED**

THAT staff investigate the impacts of increasing agricultural reserves and agricultural operations to increase food security. - **CARRIED**

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**4. Board Members Verbal Update**

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**G. ADJOURNMENT**

The meeting adjourned at 11:50 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
K. Kozakevich  
RDOS Board Chair

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



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**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on January 26, 1968, while available Regional District records indicate that a building permit was issued for a single detached dwelling (1981).

Under the Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, the subject property is currently designated Low Density Residential (LR).

Under the Electoral Area "I" Zoning Bylaw No. 2457, 2008, the property is currently zoned Residential Single Family Two (RS2) which requires a minimum exterior side parcel line setback of 4.5 meters and maximum height of 5.5 meters for accessory buildings.

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

**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.

At its meeting of September 16, 2020, the Electoral Area "I" Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject application be approved.

**Analysis:**Exterior side parcel line setback

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 considering this proposal, Administration notes that the topography of site and steep variations in the natural grades limits the ability to construct a structure and that the requested variance will allow the structure to be sited at the most accessible, flattest and least encumbered portion of the parcel. Further the proposed setback allows a reasonable separation from existing septic location and edge of the Pineview Drive (approximately 16 meters) to build a two-storey garage with least impact on streetscape which requires least engineering cut and fill.

Conversely, there is an opportunity through engineering fill along the rear of the property, closer to ESDP area, to construct a garage that meets setback requirements and is away from septic field.

However, reducing the setback seems to be a reasonable option with least impact on neighbouring properties to allow the use of the flat portion of the property on a severely sloped lot.

Maximum building height

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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.

Accordingly, when assessing variance requests a number of factors are taken into account, including the intent of the regulation; the presence of any potential limiting physical features on the subject property; established streetscape characteristics; and whether the proposed development would have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this instance, the applicant is proposing a two-storey accessory building, which includes a garage on main floor and room for storage on the upper floor. The applicant has indicated that the lot shape and septic location, limits their ability to construct a structure that would accommodate all their equipments including boat, woodworking tools and craft supplies.

Administration notes that the grade from Pineview Drive to the base of the proposed garage drops approximately by 10 meters and the perception of a reduced setback and over-height will be mitigated by this significant grade change along with significant tree cover within the setback area.

Conversely, there is 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, which is not permitted in this instance (parcel size less than 1.0 ha with no community sewer in the area).

Further, the neighbouring properties (at similar grade with Pineview Drive) are generally one or two storey dwelling and do not feature two-storey accessory structures. There is concern that permitting a variance would set a negative precedent for the neighbourhood.

However, taking into consideration the topographical limitation while allowing a reasonable building on site, staff is of the opinion to support the application.

For these reasons, Administration supports the requested variances and is recommending approval.

**Alternatives:**


1. That the Board deny Development Variance Permit No. I2020.009-DVP.

**Respectfully submitted**

*R. Gadoya*

R. Gadoya, Planning Technician

**Endorsed by:**

  
\_\_\_\_\_

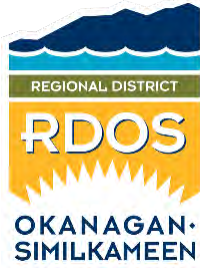
C. Garrish, Planning Manager

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



Attachment No. 1 – Site Photo (Google Streetview)





# Development Variance Permit

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FILE NO.: I2020.009-DVP

Owner: Jo-Ann Smith  
218 Cedar Avenue  
Kaledan, BC V0H 1K0

Agent: David Blue  
12151 216<sup>th</sup> Street  
Maple Ridge, BC V2X 5J5

## 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', 'D', 'E' and 'F', 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 20, Plan 17890, District Lot 103S, YDYD

Civic Address: 218 Cedar Avenue

Parcel Identifier (PID): 006-556-680 Folio: I-01645.200

## CONDITIONS OF DEVELOPMENT

6. The land specified in Section 5 may be developed in accordance with the following variances to the Electoral Area "I" Zoning Bylaw No. 2457, 2008, in the Regional District of Okanagan-Similkameen:
  - a) the minimum exterior side parcel line setback for an accessory building in the Residential Single Family Two (RS2) Zone, as prescribed in Section 11.2.6(b)(iv), is varied:
    - i) from: 4.5 metres

- to: 0.5 metres to the outermost projection as shown on Schedule 'B'.
- b) the maximum height for an accessory building in the Residential Single Family Two (RS2) Zone, as prescribed in Section 11.2.7(b), is varied:
  - i) from: 5.5 metres
  - to: 7.9 metres measured to the highest point of the roof or structure

### **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 \_\_\_\_\_, 2020.

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B. Newell, Chief Administrative Officer



# Regional District of Okanagan-Similkameen

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

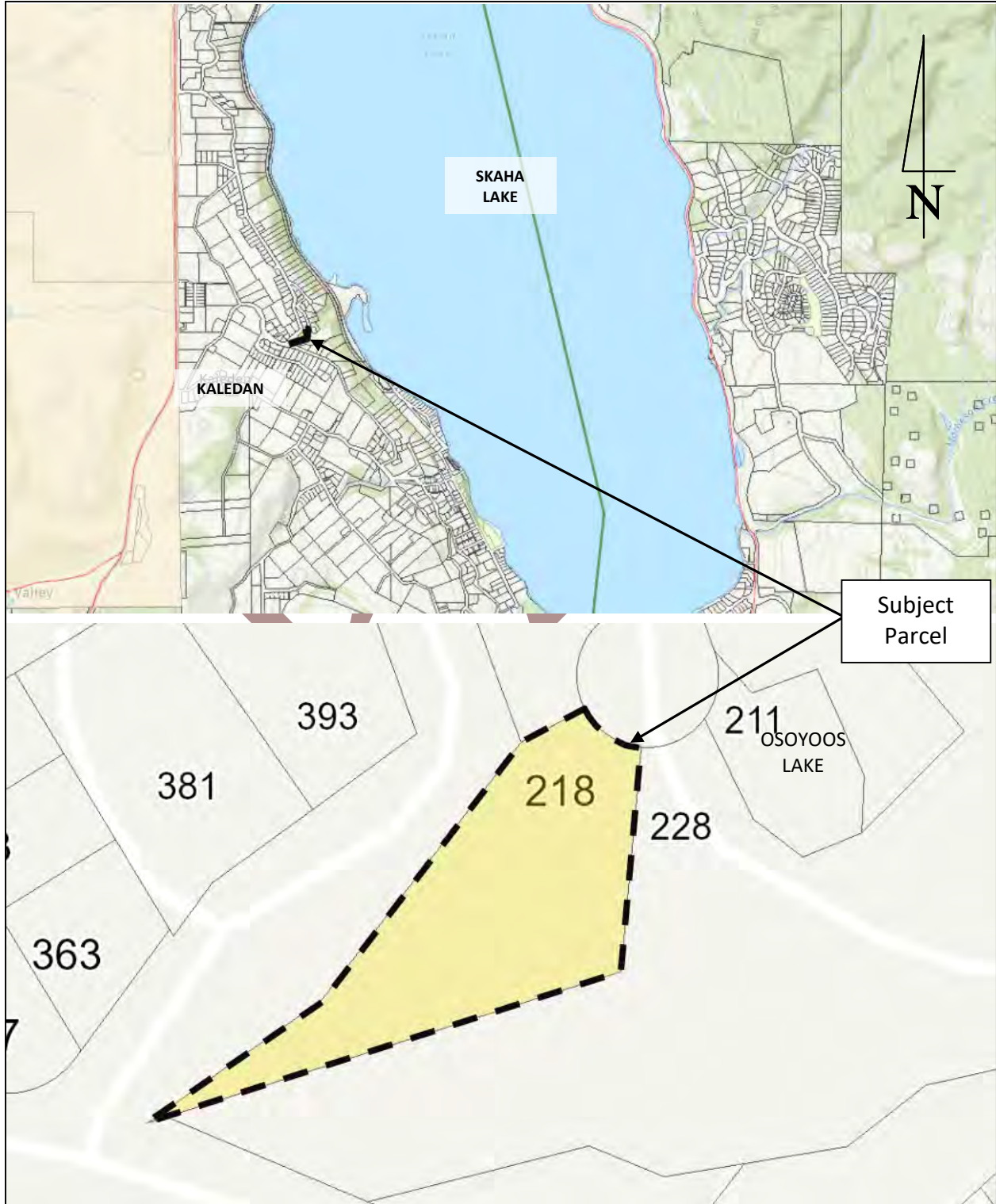
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. I2020.009-DVP

Schedule 'A'

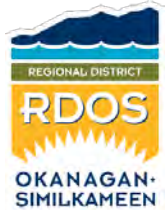




# Regional District of Okanagan-Similkameen

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

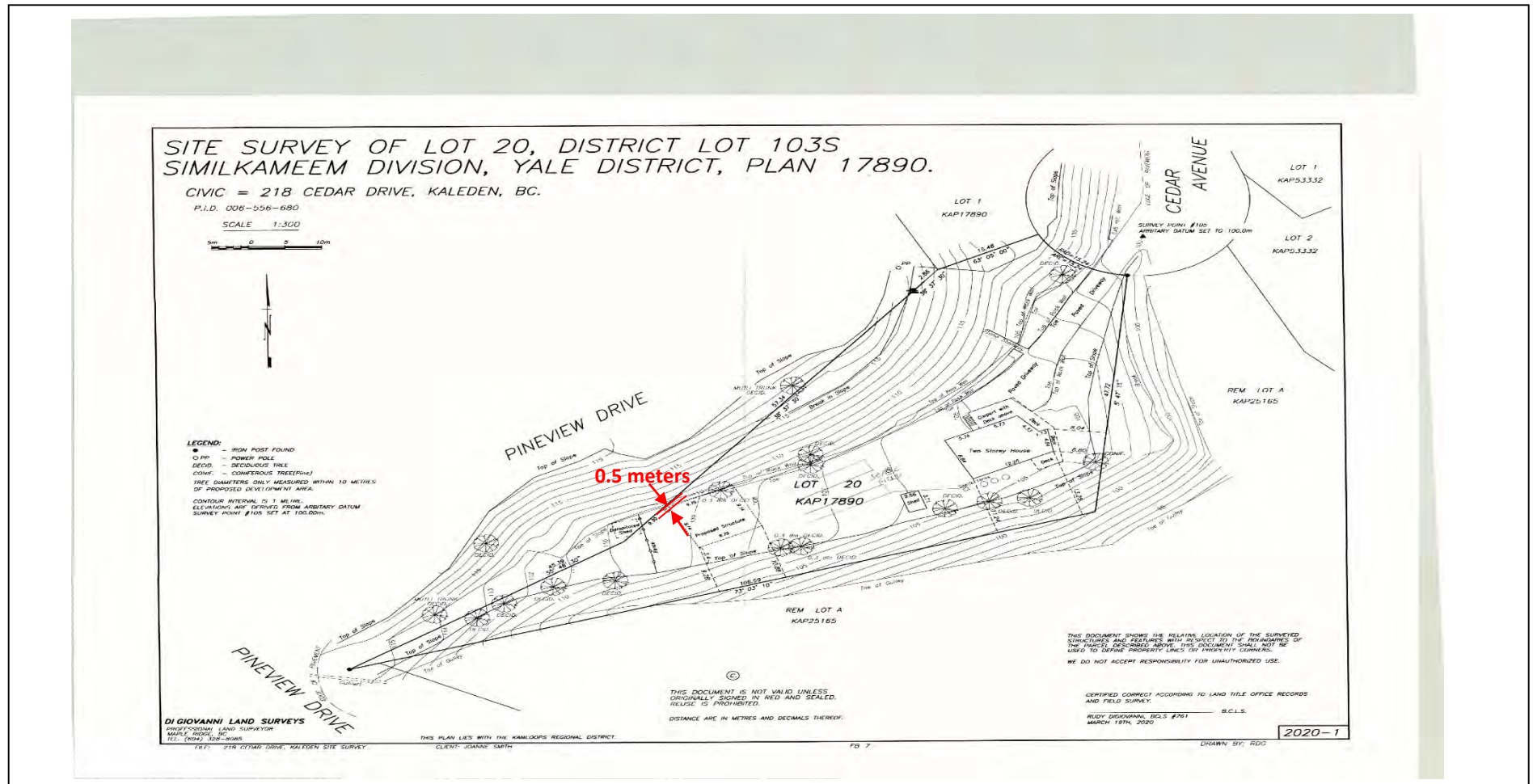
Tel: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Development Variance Permit

File No. I2020.009-DVP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

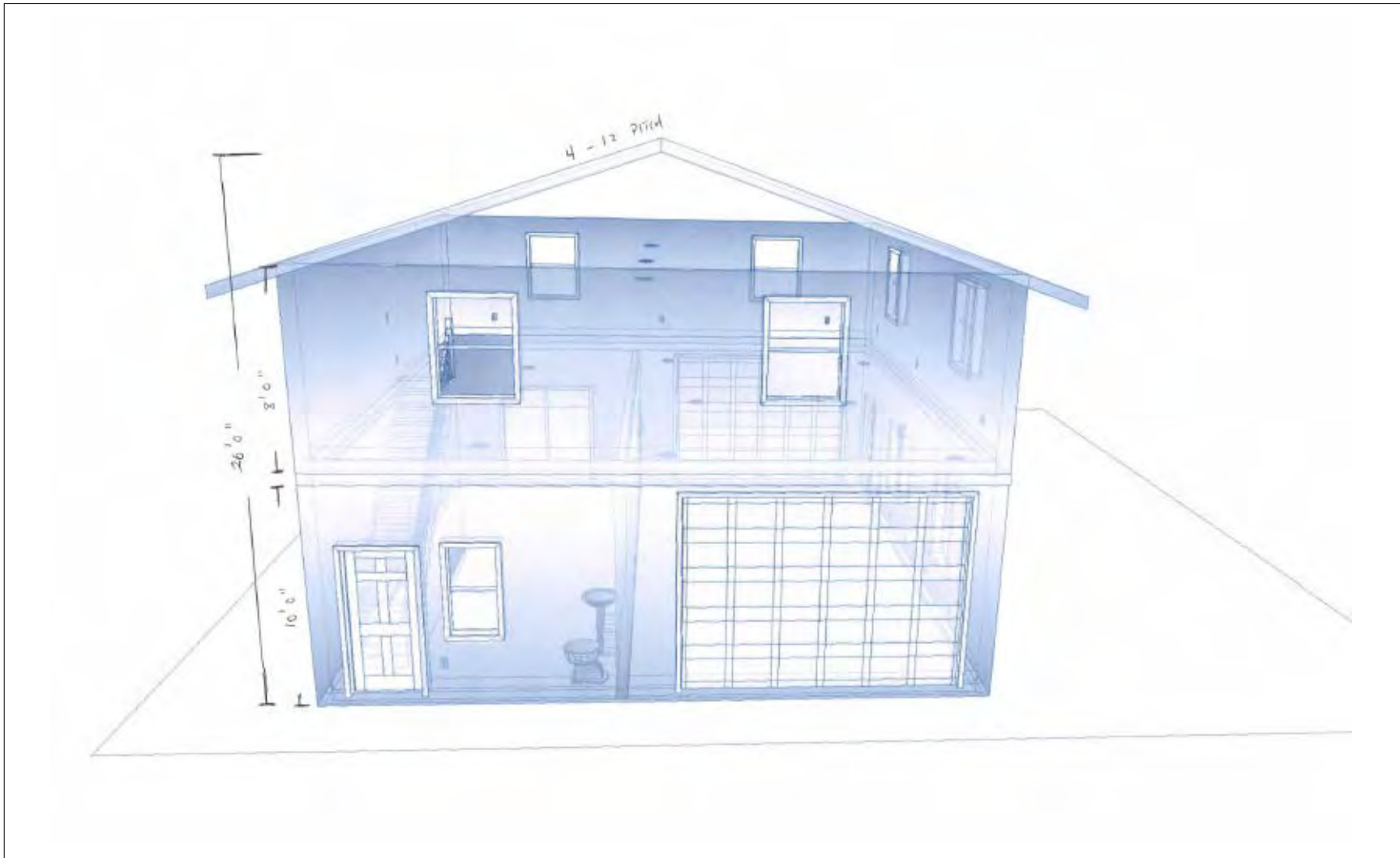
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. I2020.009-DVP

## Schedule 'C'



# Regional District of Okanagan-Similkameen

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

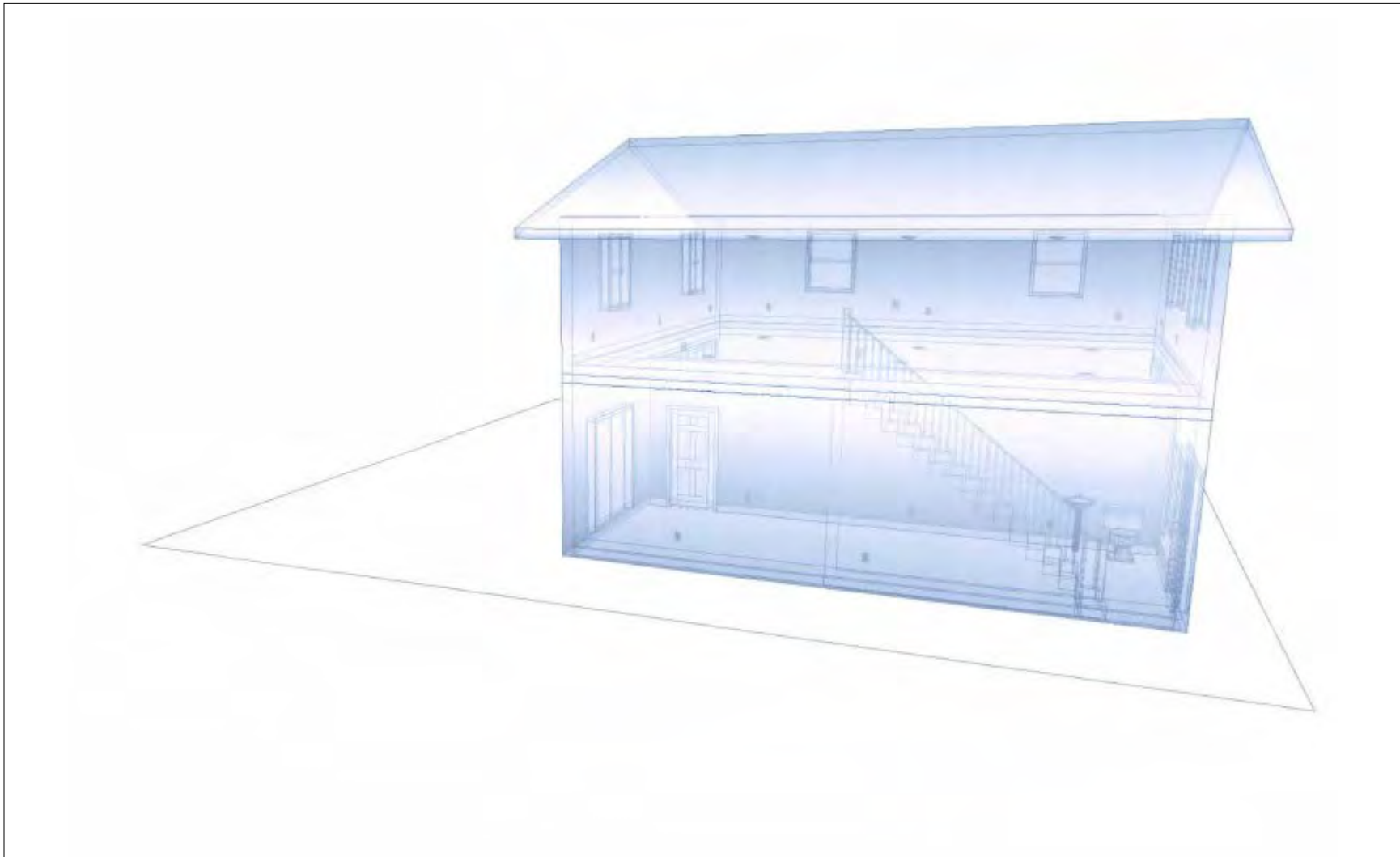
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. I2020.009-DVP

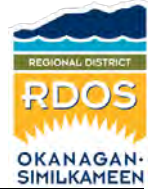
Schedule 'D'



# Regional District of Okanagan-Similkameen

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

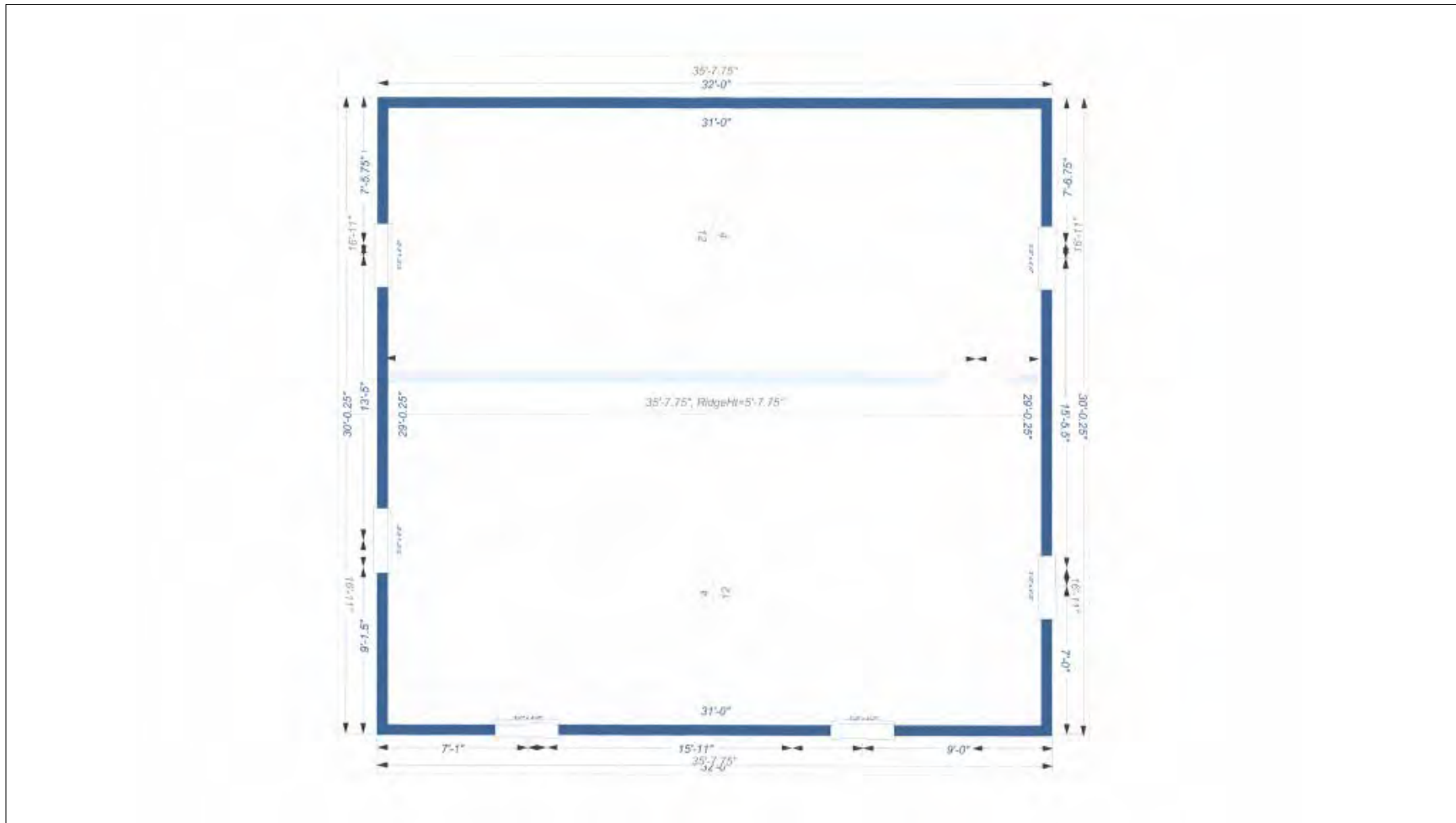
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. I2020.009-DVP

## Schedule 'E'





# Regional District of Okanagan-Similkameen

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

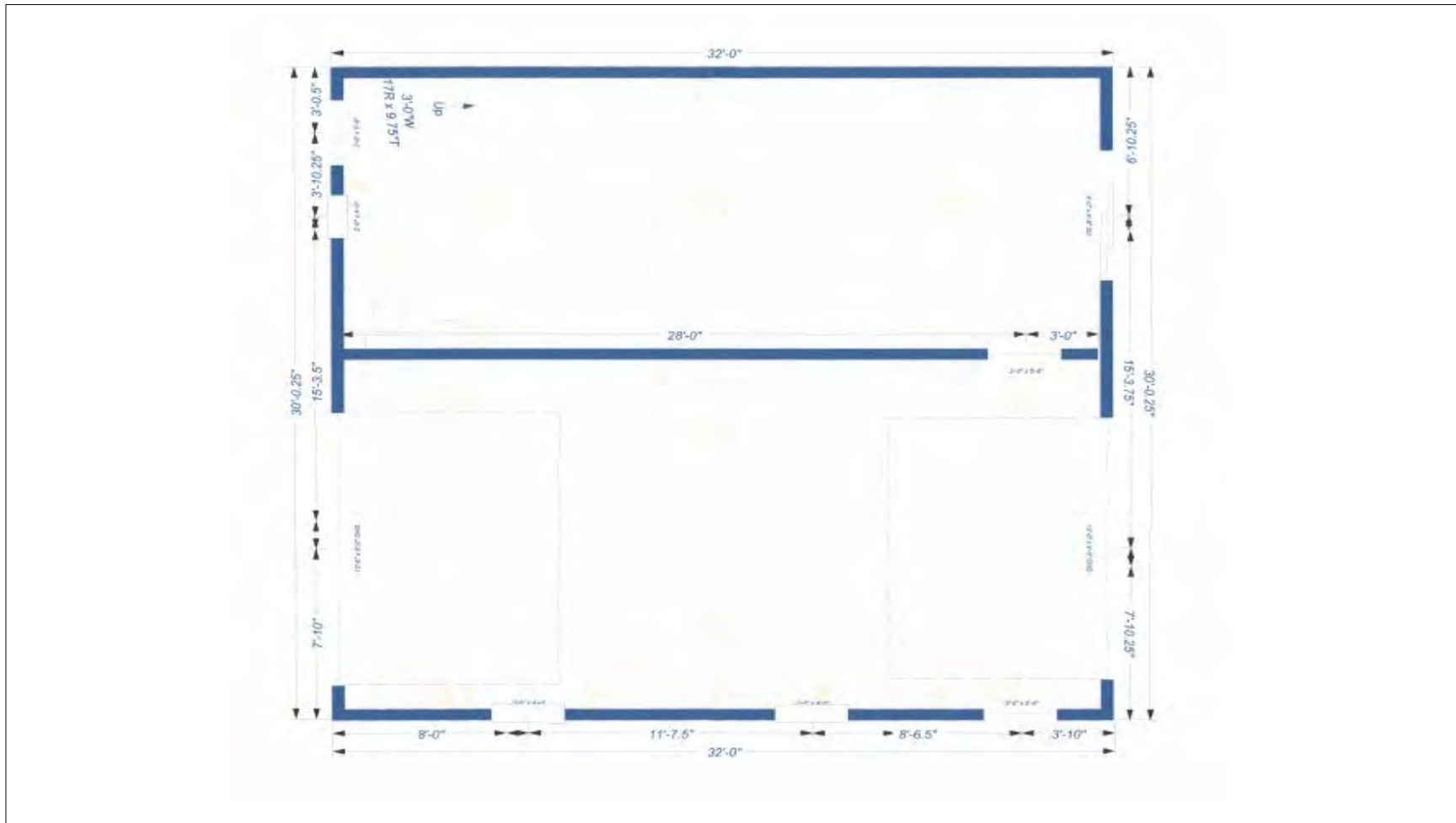
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Development Variance Permit

File No. I2020.009-DVP

## Schedule 'F'





**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** October 1, 2020  
**RE:** Agricultural Land Commission Referral (“non-adhering residential use”) – Electoral Area “C”

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**Administrative Recommendation:**

**THAT the RDOS “not authorize” the application for a “non-adhering residential use” at 5317 Sunflower street (Lot 249 Plan KAP1789, DL 2450, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission.**

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Purpose: To allow principal residence with parcel coverage of 676 m<sup>2</sup> within Agricultural Land Reserve.  
Owner: Sukhmander Singh & Surjit Sandhu    Agent: N/A    Folio: C-05664.000  
Civic: 5317 Sunflower street    Legal: Lot 249 Plan KAP1789, DL 2450, LD SDYD  
OCP: Agriculture (AG)    Zoning: Agriculture One Zone (AG1)

---

**Proposed Development:**

An application to the Agricultural Land Commission (ALC) under Section 20.1(2) of the *Agricultural Land Commission Act* (the Act) has been referred to the Regional District, and is proposing the development of a principle residence in the Agricultural Land Reserve (ALR) with total floor area of 867 m<sup>2</sup> (9,332.3 sq. ft.) when the legislation otherwise permits a maximum floor area of 500 m<sup>2</sup>.

The proposed residence is to comprise seven (7) bedrooms, kitchen, five (5) car garage and area for media room, living room, family room and covered decks.

In support of this application, the proponent has stated that “we are two separate families that want to live together. We are two families that wish to ask if we are eligible to build a house together (joint) for two families that is more than [500 m<sup>2</sup>].”

**Statutory Requirements:**

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

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

**Site Context:**

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The subject property is approximately 4.6 ha in area and is situated on the west side of Highway 97, approximately 3 km south from the boundary with Town of Oliver.

The property is understood to contain one (1) single detached dwelling (195 m<sup>2</sup>) built in 1940 and an accessory building (shed) and is currently used to farm organic cherries and apples. The site has been cleared and improvements have been made to prepare the land for farming.

The surrounding pattern of development is generally characterised by similar agricultural lands.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on November 30, 1921, while available Regional District records indicate that building permit(s) have not previously been issued for this property.

Under the Electoral Area “C” Official Community Plan (OCP) Bylaw No. 2452, 2008 the subject property is currently designated Agriculture (AG), and is also within Watercourse Development Permit (WDP) area.

An objective of the AG designation is “to preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.”

Under the Electoral Area “C” Zoning Bylaw No. 2453, 2008, the property is currently zoned Agriculture One Zone (AG1) which allows maximum parcel coverage of 600 m<sup>2</sup> for residential uses for parcels greater than 0.8 ha in area.

The property is entirely within the Agricultural Land Reserve (ALR), and is surrounded by ALR lands and has been classified as “Residential” (Class 01), and “Farm” (Class 09) by BC Assessment.

**Board & APC Consideration**

At its meeting of August 6, 2020, the Regional District Board resolved to refer this application to the Electoral Area “C” Advisory Planning Commission (APC).

At its meeting of August 18, 2020, the Electoral Area “C” APC resolved to support to authorize this application to proceed to the ALC, with the intent of denial.

**Analysis:**

In considering this referral, Administration notes that restricting the size of dwellings in agricultural areas is generally undertaken in order to minimize the impact of residential development on agricultural land.

The Board previously endorsed this approach to planning for agricultural areas when it adopted amendments to the Electoral Area “C” Zoning Bylaw in 2011 that limited the size of dwellings and related structures in the AG1 Zone to a footprint not exceeding 600 m<sup>2</sup>.

This was based upon a recommendation in the Electoral Area “C” Agricultural Area Plan (AAP) that sought to “reduce the on-farm footprint, limit site coverage by non-farm structures while not limiting productive farm structures; allow more flexibility in the use of buildings, encourage clustering of development on farms, [and] encourage ‘stacking’ of farm use buildings.”

---

In 2019, and for similar reasons, the ALC implemented a maximum footprint requirement for principal dwellings of 500 m<sup>2</sup>. As stated at the time, the provincial government was concerned about the impact of “mega-homes” on agricultural lands as such homes lead to speculation in the ALR, driving up land costs and making it prohibitive for young people to enter the agricultural industry when they are forced to compete with people looking for “lifestyle estates”.

In this instance, Administration is concerned that the size of dwelling being proposed is unrelated to the agricultural use of the subject property (which is 4.6 ha) and runs counter to the land use concerns that previously prompted the Board (as well as the ALC) to limit the size of such structures on farmland.

Administration further considers that other options are available to the property, primarily in the form of complying with existing regulations and redesigning the proposed dwelling to not exceed a floor area of 500 m<sup>2</sup>. Similarly, the option to accommodate an additional family on the property is available through the allowance for an accessory dwelling (with a floor area not exceeding 90.0 m<sup>2</sup>).

Conversely, Administration recognises that a majority of the area proposed for the construction of the new dwelling has previously been disturbed and developed with farm buildings. It is not anticipated that allowing an over-sized dwelling at this same location will result in significant alienation of agriculture land.

While 30 fruit trees will require removal to accommodate the proposed new dwelling, the applicant is proposing to rehabilitate part of the property that currently comprises the existing dwelling and plant this same area with more than 300 new fruit trees.

Administration also notes that the applicant is indicating that all of the family members that will be residing in the proposed new dwelling are required to support the farm use of the property, thereby satisfying a key ALC requirement.

In summary, the current zoning restriction limiting the residential use of agricultural land is seen to be an important mechanism to preserve the agricultural land base from non-farm use and to forestall the use of ALR lands for “lifestyle estates”. For these reasons, Administration is recommending that this application not be authorised to proceed to the ALC.

Should the Board authorize the application to proceed to ALC and it be approved by the ALC, a Development Variance Permit to vary Section 10.2.8(b)(i)(1) of the Electoral Area “C” Zoning Bylaw No. 2453, 2008, will be required to allow (one) principal residence of size exceeding 600 m<sup>2</sup>.

**Alternatives:**

1. THAT the RDOS “authorize” the application for a “non-adhering residential use – principal residence more than 500 m<sup>2</sup>” at 5317 Sunflower Street (Lot 249 Plan KAP1789, DL 2450, SDYD) in Electoral Area “C” to proceed to the Agricultural Land Commission.

**Respectfully submitted**

R. Gadoya

Rushi Gadoya, Planning Technician

**Endorsed by:**



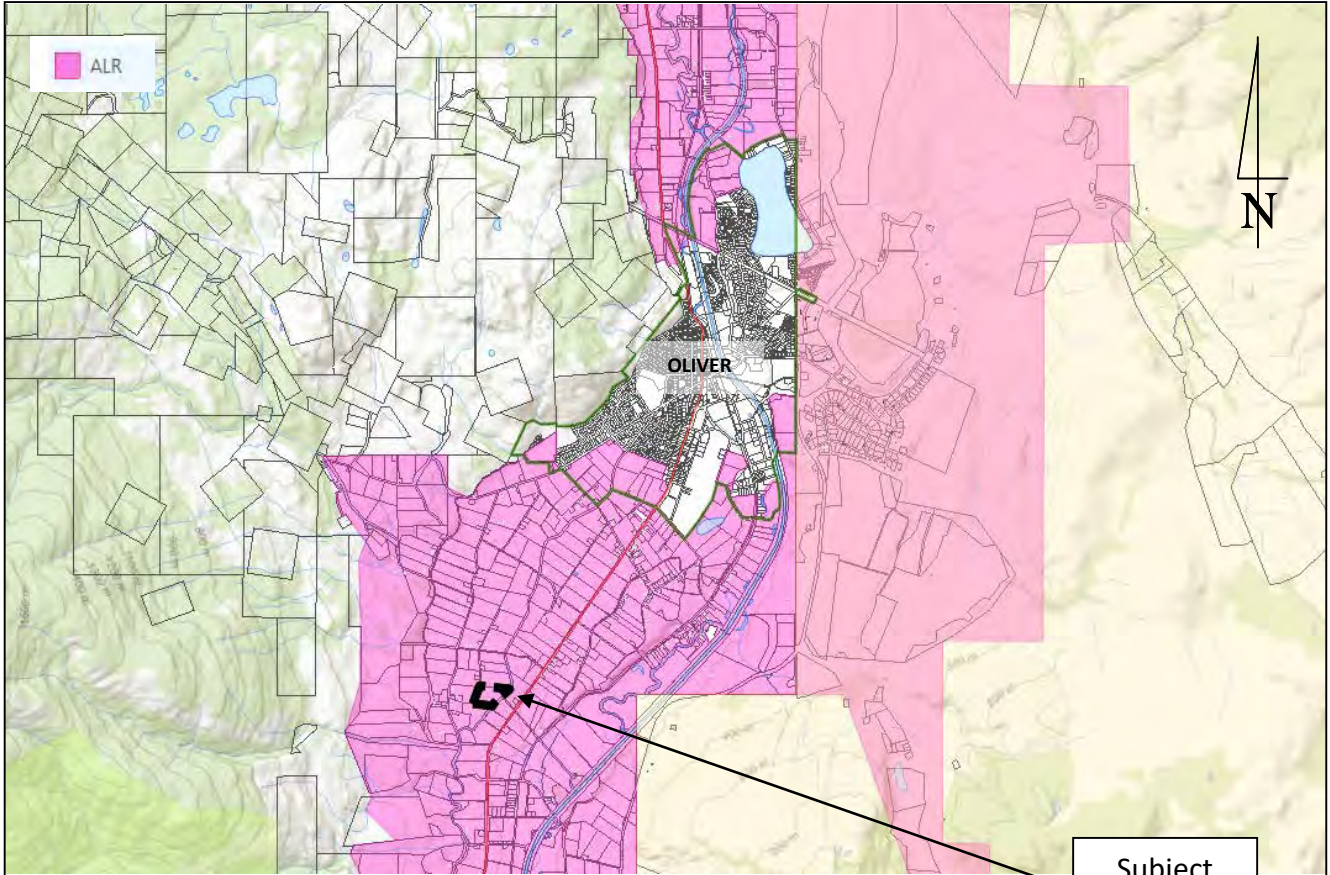
C. Garrish, Planning Manager

Attachments:

- No. 1 – Context Map
- No. 2 – Applicant’s Site Plan
- No. 3 – Aerial Photo of Site
- No. 4 – Ground Floor Plan
- No. 5 – Upper Floor Plan
- No. 6 – Site Photos (Google)



Attachment No. 1 — Context Maps



Subject Property





Attachment No. 2 — Applicant's Site Plan



**LOT 249 - 11.7acres**  
 (509,652sf -47,348sm)  
 House Coverage = 6,458sf = 600sm  
 Prop. House Coverage = 1,280sf = 676sm

ALC-May 8/19  
 - 500sm Max = 5,302sf  
 (Includes basement if 50% above Ground  
 and any excess of Garage over 42sm (452sf)  
 No Decks, etc. unless enclosed.  
 Swimming Pools only local rules  
 Farm Buildings - only local rules  
 ALC permit if removing or bringing in fill.

Remove Existing  
 House -2,000sf

**PROPOSED NEW  
 RESIDENCE**

Existing Storage  
 -9,000sf  
 Approx. 1,300sf  
 to be removed

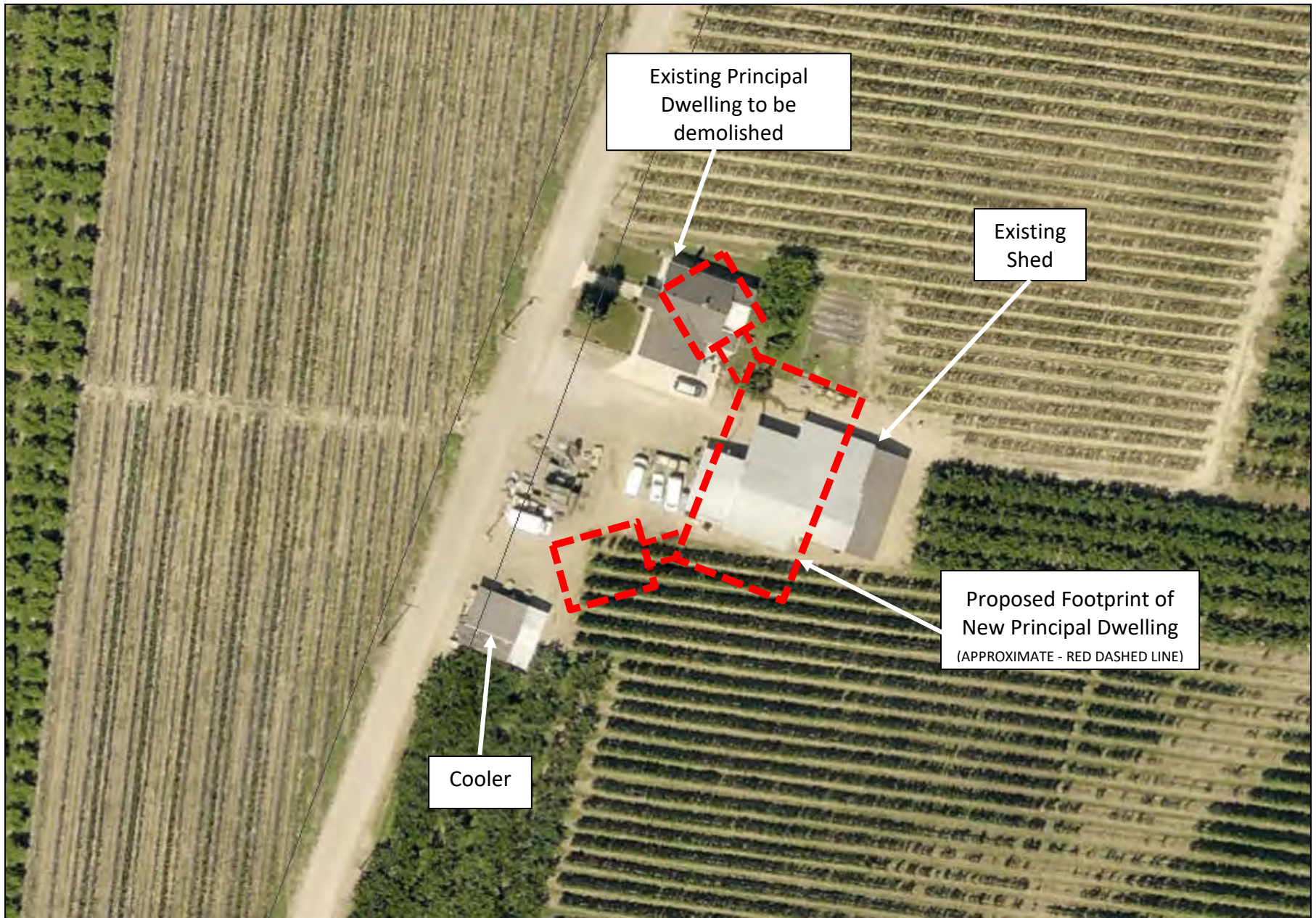
Cold Storage  
 -784sf  
 Remains

**SITE PLAN**  
 Scale: 1" = 50ft

**LEGAL DESCRIPTION**  
 Lot 249 Plan: KAP1789  
 DL 2450s S.D.Y.D.



Attachment No. 3 — Aerial Photo

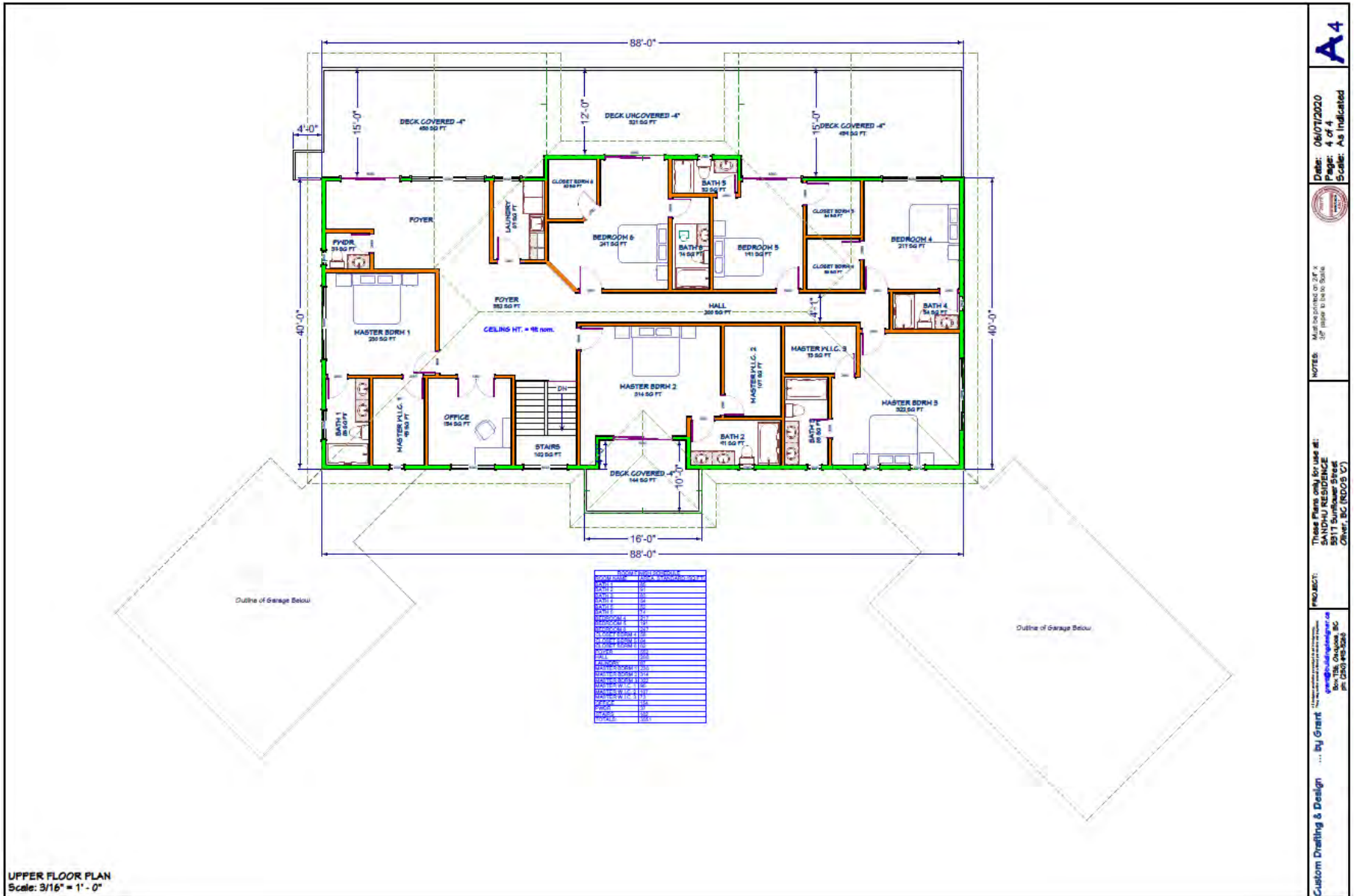








# Attachment No. 5 — Upper Floor Plan



**A4**

Date: 06/07/2020  
Page: 4 of 4  
Scale: As Indicated



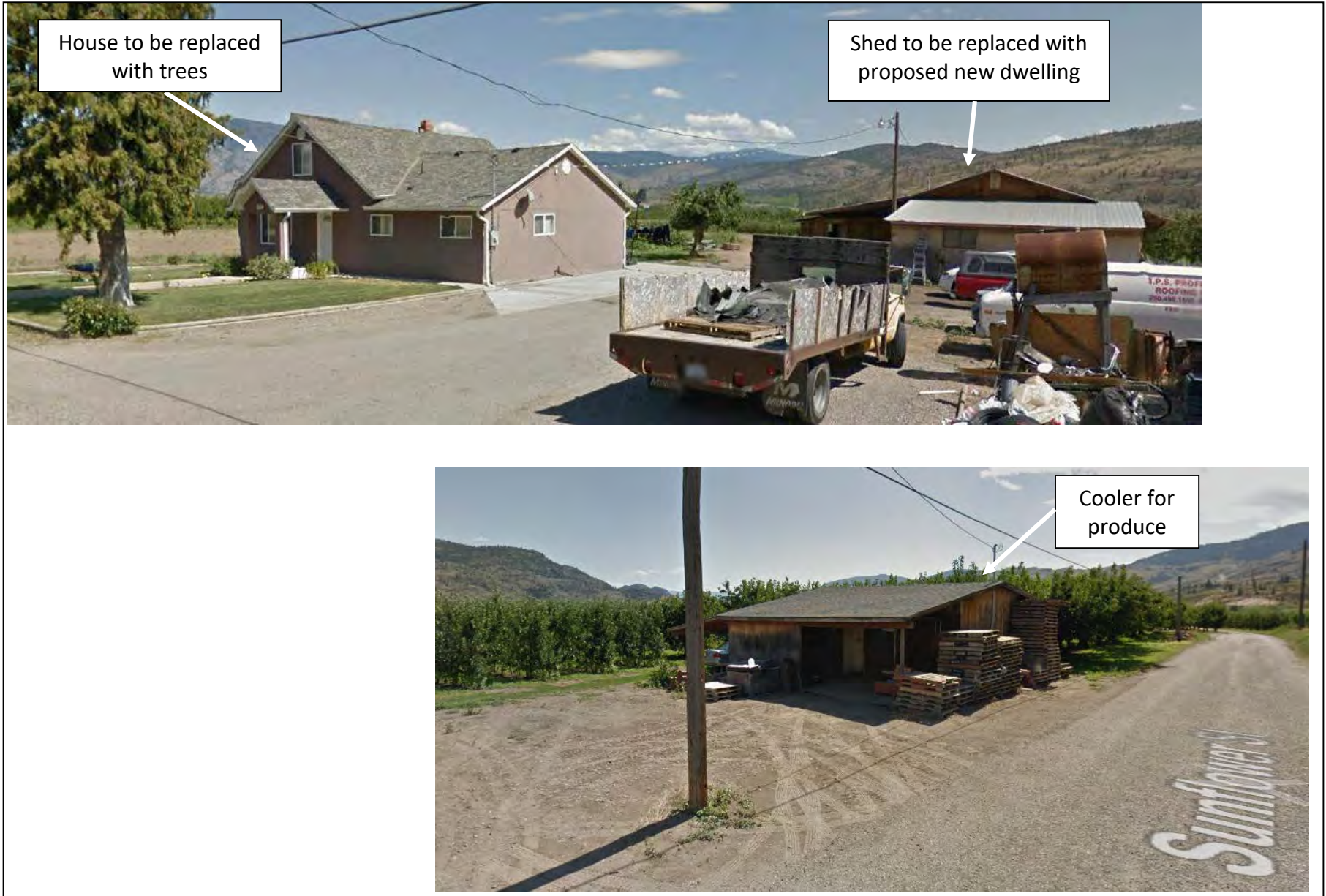
NOTES: Must be printed on 24" x 36" paper to be to scale

These Plans are to be used at:  
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Attachment No. 6 —Site Photos (Google)



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** October 1, 2020

**RE:** Official Community Plan (OCP) and Zoning Bylaw Amendments  
Proposed Dock Regulations – Okanagan Basin Lakes

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### **Administrative Recommendation:**

**THAT Bylaw No. 2862, 2020 the Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and 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 October 1, 2020, 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. 2862, 2020, in conjunction with its Financial and applicable Waste Management Plans;**

**AND THAT the holding of a public hearing be scheduled for the Regional District Board meeting of November 19, 2020;**

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

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### **Purpose:**

The purpose of this report is to seek direction from the Board regarding revised Official Community Plan (OCP) and Zoning Bylaw amendments related to the regulation of docks on major lakes within Electoral Areas “A”, “C”, “D”, “E”, “F”, and “I”.

### **Background:**

The construction and placement of private moorage facilities on aquatic Crown land (foreshore) requires authorization from the Ministry of Forests, Lands, and Natural Resource Operations. Private moorage facilities include docks, boat ways/ramps or boatlifts that are used for private residential use.

Provincial permission is typically granted for docks on aquatic Crown land, as long as the dock is constructed in accordance with the terms and conditions contained in the General Permission to Use Crown Land for a Private Moorage Dock. For larger scale facilities (e.g. commercial dock or marina), a more complex tenure from the Province must first be obtained to lease Crown land.

In the past, the RDOS has responded to Crown Land Referrals for larger scale commercial docks that met the province’s approval, but did not necessarily align with the RDOS’s expectations. While

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Administration responded with expressed concerns over potential uses and conflicts with other upland properties, there were no zoning regulations governing such water based uses.

At its meeting of May 3, 2018, the P&D Committee directed staff to research further the potential of creating a new water zone along the lakeshore of Okanagan Valley lakes.

At its meeting of March 17, 2019, the P&D Committee resolved “that the Okanagan Electoral Area Zoning Bylaws be amended to introduce a Water Use Zone in order to regulate the development of commercial docks.”

Most recently, at its meeting of May 21, 2020, the Planning and Development Committee resolved “that the Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 proceed to first reading.”

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97 & 3).

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 / 58 / 67 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 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/inconsistent (if inconsistent additional explanation will be needed) 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 bylaw(s).

**Public Process:**

Public Information Meetings were hosted electronically on July 30, August 4 and August 5, 2020, and were attended by approximately twenty (20) members of the public.

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.



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**Analysis:**

Further to the direction previously provided by the Committee, Draft Amendment Bylaw No. 2862 contains a number of proposed General Regulations that would govern the placement of docks on Okanagan, Osoyoos, Skaha, and Vaseux Lakes.

In general, the draft regulations are designed so that most residential-scale docks, swimming platforms, moorage buoys, and boat launches would not require the Board's approval. The proposed zoning regulations align with the Provincial General Permission for the Use of Crown Land for Private Moorage, including these key regulations:

- one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel;
- a dock does not extend a distance greater than 42.0 metres into the lake from the upland parcel;
- a dock does not exceed a width of 1.5 metres, or a platform exceeding a width of 3.0 metres; and
- a dock does not impede pedestrian access along the foreshore.

In addition, the adjacent upland parcel must be zoned to permit a single detached dwelling, and a maximum of one (1) standalone swimming platform is permitted per upland parcel, so long as the total area of the platform does not exceed 10.0 m<sup>2</sup>.

Following stakeholder input, discussions with the Province, and further analysis, some key improvements were made to the draft bylaw since the May 21, 2020 Committee meeting:

- All references to moorage buoys are removed from the draft bylaw, given the Board's primary objectives of the dock regulations initiative, higher-level government jurisdictional issues, and capacity issues related to the RDOS's capacity to properly monitor and enforce the widespread installation of moorage buoys.
- Shared neighbour docks are a permitted use, in order to promote responsible shared dock ownership and cost sharing, while potentially reducing future dock construction on the lakes over time (these are first still subject to provincial approval).
- The maximum number of boat moorage areas per dock has increased from two (2) to four (4) moorage areas, in order to reflect current private residential moorage practices, and to remove a possible disincentive for shared neighbour docks.

**Intensive Uses Requiring Board Approval:**

However, larger scale docks and related developments that do not meet all of the above listed requirements would automatically be subject to the Board's review through a Site Specific Rezoning process.

This will provide an opportunity for the Board to review any proposals that do not conform to the requirements, including group moorage, commercial docks and marinas, float plane moorage, on a case-by-case basis. The supporting OCP policy amendments list a number of criteria that could be used in such a review (see Attachment No. 1).

**Official Community Plan (OCP) Bylaw - Objectives and Policies:**

In support of the amendments, Administration is proposing the introduction of supportive objectives and policies to the Electoral Area Official Community Plan Bylaws (see Attachment No. 1).

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In addition, it is being proposed to apply a new “Basin Lakes (BL)” land use designation to the surface of the lakes to indicate where these new objectives and policies are to be applied and to include this on the applicable OCP Map schedules.

Both of these proposals are new since the P&D Committee last considered this matter at its meeting of March 19, 2019.

Zoning Bylaw Map:

The new “Okanagan Basin Lakes Zone” would generally apply to the whole of the lakes within each respective Electoral Area boundary and would allow as a principal permitted use “water-based recreation”. Permitted accessory uses are to include a smaller scale dock, boatlift, and swimming platform.

Parks and Recreation (PR) Zone

Due to the PR Zone currently permitting “public moorage and marina”, it is being proposed to amend this to ensure consistency with other amendments to “public moorage”, thereby ensuring that any marina proposals are subject to the Board’s review through a site-specific rezoning process.

Electoral Area “F”:

Electoral Area “F” is the only Electoral Area that currently has zoning regulations for docks and boat lifts. The zoning designations along Okanagan Lake upland properties currently all extend out over the water and there is a section contained in the general regulations specifically for Docks and Boatlifts that outlines the size, shape, setbacks from property line, and conditions of use.

In the case of Electoral Area “F” Zoning Bylaw, the proposed Zoning Bylaw would replace the existing regulations related to docks and marinas, and also pull any existing zones that extend over the lake back to the shoreline.

It should be noted that for any existing docks or moorage that do not meet the new zoning, they will be considered legally non-conforming.

**Alternatives:**

1. THAT consideration of Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 be deferred; or
2. THAT Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 not proceed to first reading; or
3. THAT prior to first reading, Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 be amended to:
  - i) *TBD*

**Respectfully submitted:**

*Cory Labrecque*  
C. Labrecque, Planner II

**Endorsed by:**

  
C. Garrish, Planning Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2862, 2020**

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**A Bylaw to amend the Electoral Area “A”, “C”, “D”, “E”, “F”, and “I”  
Official Community Plan Bylaws and 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 Okanagan Basin Lakes Zoning Amendment Bylaw No. 2862, 2020.”

**Electoral Area “A”**

2. The Electoral Area “A” Official Community Plan Bylaw No. 2450, 2008, is amended by:
  - i) adding a reference to “Okanagan Basin Lakes BL” under “Community Services and Administrative Designations” at Section 2.0 (Official Community Plan Map Designations).
  - ii) adding a new Section 13.5 (Basin Lakes) under Section 13.0 (Natural Environment & Conservation) to read as follows:

**13.5 Okanagan Basin Lakes**

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

### **13.5.1 Objectives**

- .1 Maintain opportunities for responsible residential water-based recreation on Osoyoos Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- .2 Minimize the potential negative impacts of intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

### **13.5.2 Policies**

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, and swimming platforms.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 18.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs on docks, swimming platforms, or marinas.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
  - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;



- ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
  - iii) compatibility with, and proximity to adjacent land uses; and
  - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).
3. The land shown shaded yellow on the attached Schedule 'A-1' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, and the OCP Map, being Schedule 'B' of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, is amended accordingly.
4. The Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by:
- i) adding a new definition of "boat lift" under Section 4.0 (Definitions) to read as follows:  
**"boat lift"** means a structure supported from the bottom of the lake which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;
  - ii) adding a new definition of "boat launch" under Section 4.0 (Definitions) to read as follows:  
**"boat launch"** means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;
  - iii) adding a new definition of "dock" under Section 4.0 (Definitions) to read as follows:  
**"dock"** means an aquatic structure used for the purpose of mooring of boats and for providing pedestrian access to and from the moored boats. Dock does not include the moorage of float planes, group moorage facilities, strata moorage facilities, or marina facilities;
  - iv) adding a new definition of "foreshore" under Section 4.0 (Definitions) to read as follows:  
**"foreshore"** means that land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;
  - v) adding a new definition of "group moorage facility" under Section 4.0 (Definitions) to read as follows:  
**"group moorage facility"** means one or more multi-berth docks providing communal moorage to an adjacent apartment building or townhouse development or multi-parcel residential development, including a strata or shared interest development;
  - vi) adding a new definition of "marina" under Section 4.0 (Definitions) to read as follows:

**“marina”** means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels and lubricants, boating accessory retail sales and wastewater pumping facilities may also be provided;

- vii) adding a new definition of “moorage” under Section 4.0 (Definitions) to read as follows:

**“moorage”** means the tying, fastening or securing of a boat or other watercraft to a dock;

- viii) adding a new definition of “swimming platform” under Section 4.0 (Definitions) to read as follows:

**“swimming platform”** means a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but excludes moorage;

- ix) adding a new definition of “water-based recreation” under Section 4.0 (Definitions) to read as follows:

**“water-based recreation”** means the use of water for outdoor recreation activities such as fishing, water skiing, boating, swimming, and diving;

- x) adding a reference to “Okanagan Basin Lakes Zone W1” under the “Administrative and Open Space Zones” sub-section of Section 5.1 (Zoning Districts) at Section 5.0 (Creation of Zones).

- xi) adding a new Section 7.28 (Dock and Boatlift Regulations) under Section 7.0 (General Regulations) to read as follows:

### **7.28 Dock, Boatlift & Swimming Platform Regulations**

Docks, boatlifts and swimming platforms may only be sited directly adjacent to a parcel zoned to permit “single detached dwelling”, and only subject to the following regulations:

- .1 No more than one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel.
- .2 A maximum of one (1) standalone swimming platform is permitted per upland parcel.
- .3 A dock shall not extend a distance greater than 42.0 metres from the natural boundary of the upland parcel.
- .4 A dock walkway shall not exceed a width of 1.5 metres.
- .5 A dock moorage platform shall not exceed a width of 3.0 metres.

- .6 A dock shall be sited and designed so as not to impede pedestrian access along the foreshore. Without limiting the foregoing, if a dock platform is raised by more than 0.3 metres above any point on the public foreshore, steps must be provided on both sides of the dock to permit public access along the foreshore, and this access must not be blocked by fences or other means.
  - .7 A maximum of four (4) boat moorage areas are allowed for any dock at any given time.
  - .8 The maximum surface area of a swimming platform shall not exceed 10.0 m<sup>2</sup>.
- xii) replacing Section 16.2.1(f) (Parks and Recreation Zone (PR)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:
- f) public moorage;
- xiii) adding a new Section 16.4 (Okanagan Basin Lakes Zone (W1)) under Section 16.0 (Administrative and Open Space) to read as follows:

**16.4 OKANAGAN BASIN LAKES ZONE (W1)**

**16.4.1 Permitted Uses:**

Principal Uses:

- a) water-based recreation;

Accessory Uses:

- b) dock;
- c) boat launch;
- d) boatlift; and
- e) swimming platform.

**16.4.2 Site Specific Okanagan Basin Lakes (W1s) Regulations:**

- a) Not applicable

**16.4.3 Minimum Parcel Size:**

- a) Not applicable

**16.4.4 Minimum Parcel Width:**

- a) Not applicable

**16.4.5 Maximum Number of Dwelling Permitted Per Parcel:**

- a) Not applicable

**16.4.6 Minimum Setbacks:**

- a) A dock or swimming platform shall be setback:
  - i) 5.0 metres from the side parcel line boundaries of a parcel adjoining the foreshore of the lake, as projected onto the foreshore and water; or
  - ii) 0.0 metres when a dock is shared between two adjacent parcels and centered along side parcel line boundary, as projected onto the foreshore and water.

**16.4.7 Maximum Height:**

- a) Not applicable

**16.4.8 Maximum Parcel Coverage:**

- a) Not applicable

- 5. The land shown shaded yellow on the attached Schedule 'A-2' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "A" Zoning Bylaw No. 2451, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended accordingly.

Electoral Area "C"

- 6. The Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, is amended by:
  - i) adding a reference to "Okanagan Basin Lakes BL" under "Community Services and Administrative Designations" at Section 4.0 (Official Community Plan Map Designations).
  - ii) adding a new Section 16.5 (Basin Lakes) under Section 16 (Natural Environment & Conservation) to read as follows:

**16.5 Okanagan Basin Lakes**

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated



with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

### **16.5.1 Objectives**

- .1 Maintain opportunities for responsible residential water-based recreation on Vaseux Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- .2 Minimize the potential negative impacts of intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

### **16.5.2 Policies**

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, and swimming platforms.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 21.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs on docks, swimming platforms, or marinas.

- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
  - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
  - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
  - iii) compatibility with, and proximity to adjacent land uses; and
  - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).
7. The land shown shaded yellow on the attached Schedule 'C-1' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, and the OCP Map, being Schedule 'B' of the Electoral Area "C" Official Community Plan Bylaw No. 2452, 2008, is amended accordingly.
8. The Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended by:
  - i) adding a new definition of "boat lift" under Section 4.0 (Definitions) to read as follows:

**"boat lift"** means a structure supported from the bottom of the lake which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;
  - ii) adding a new definition of "boat launch" under Section 4.0 (Definitions) to read as follows:

**"boat launch"** means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;
  - iii) adding a new definition of "dock" under Section 4.0 (Definitions) to read as follows:

**"dock"** means an aquatic structure used for the purpose of mooring of boats and for providing pedestrian access to and from the moored boats. Dock does not include the moorage of float planes, group moorage facilities, strata moorage facilities, or marina facilities;
  - iv) adding a new definition of "foreshore" under Section 4.0 (Definitions) to read as follows:

**"foreshore"** means that land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;
  - v) adding a new definition of "group moorage facility" under Section 4.0 (Definitions) to read as follows:

**“group moorage facility”** means one or more multi-berth docks providing communal moorage to an adjacent apartment building or townhouse development or multi-parcel residential development, including a strata or shared interest development;

vi) adding a new definition of “marina” under Section 4.0 (Definitions) to read as follows:

**“marina”** means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels and lubricants, boating accessory retail sales and wastewater pumping facilities may also be provided;

vii) adding a new definition of “moorage” under Section 4.0 (Definitions) to read as follows:

**“moorage”** means the tying, fastening or securing of a boat or other watercraft to a dock;

viii) adding a new definition of “swimming platform” under Section 4.0 (Definitions) to read as follows:

**“swimming platform”** means a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but excludes moorage;

ix) adding a new definition of “water-based recreation” under Section 4.0 (Definitions) to read as follows:

**“water-based recreation”** means the use of water for outdoor recreation activities such as fishing, water skiing, boating, swimming, and diving;

x) adding a reference to “Okanagan Basin Lakes Zone W1” under the “Administrative and Open Space Zones” sub-section of Section 5.1 (Zoning Districts) at Section 5.0 (Creation of Zones).

xi) adding a new Section 7.28 (Dock and Boatlift Regulations) under Section 7.0 (General Regulations) to read as follows:

#### **7.28 Dock, Boatlift & Swimming Platform Regulations**

Docks, boatlifts and swimming platforms may only be sited directly adjacent to a parcel zoned to permit “single detached dwelling”, and only subject to the following regulations:

- .1 No more than one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel.
- .2 A maximum of one (1) standalone swimming platform is permitted per upland parcel.

- .3 A dock shall not extend a distance greater than 42.0 metres from the natural boundary of the upland parcel.
- .4 A dock walkway shall not exceed a width of 1.5 metres.
- .5 A dock moorage platform shall not exceed a width of 3.0 metres.
- .6 A dock shall be sited and designed so as not to impede pedestrian access along the foreshore. Without limiting the foregoing, if a dock platform is raised by more than 0.3 metres above any point on the public foreshore, steps must be provided on both sides of the dock to permit public access along the foreshore, and this access must not be blocked by fences or other means.
- .7 A maximum of four (4) boat moorage areas are allowed for any dock at any given time.
- .8 The maximum surface area of a swimming platform shall not exceed 10.0 m<sup>2</sup>.

xii) replacing Section 16.2.1(f) (Parks and Recreation (PR) Zone) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

- f) public moorage;

xiii) adding a new Section 16.4 (Okanagan Basin Lakes (W1) Zone) under Section 16.0 (Administrative and Open Space) to read as follows:

**16.4 OKANAGAN BASIN LAKES ZONE (W1)**

**16.4.1 Permitted Uses:**

Principal Uses:

- a) water-based recreation;

Accessory Uses:

- b) dock;
- c) boat launch;
- d) boatlift; and
- e) swimming platform. .

**16.4.2 Site Specific Okanagan Basin Lakes (W1s) Regulations:**

- a) Not applicable

**16.4.3 Minimum Parcel Size:**

- a) Not applicable



**16.4.4 Minimum Parcel Width:**

- a) Not applicable

**16.4.5 Maximum Number of Dwelling Permitted Per Parcel:**

- a) Not applicable

**16.4.6 Minimum Setbacks:**

- a) A dock or swimming platform shall be setback:
  - i) 5.0 metres from the side parcel line boundaries of a parcel adjoining the foreshore of the lake, as projected onto the foreshore and water; or
  - ii) 0.0 metres when a dock is shared between two adjacent parcels and centered along side parcel line boundary, as projected onto the foreshore and water.

**16.4.7 Maximum Height:**

- a) Not applicable

**16.4.8 Maximum Parcel Coverage:**

- a) Not applicable

9. The land shown shaded yellow on the attached Schedule 'C-2' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "C" Zoning Bylaw No. 2453, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "C" Zoning Bylaw No. 2453, 2008, is amended accordingly.

Electoral Area "D"

10. The Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended by:

- i) adding a reference to "Okanagan Basin Lakes BL" under "Community Services and Administrative Designations" at Section 5.0 (Official Community Plan Map Designations).
- ii) adding a new Section 17.5 (Basin Lakes) under Section 17 (Natural Environment & Conservation) to read as follows:

**17.5 Okanagan Basin Lakes**

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and

surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

### **17.5.1 Objectives**

- .1 Maintain opportunities for responsible residential water-based recreation on Vaseux Lake and Skaha Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- 2 Minimize the potential negative impacts of more intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

### **17.5.2 Policies**

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, and swimming platforms.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 24.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks

and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.

- .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs on docks, swimming platforms, or marinas.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
  - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
  - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
  - iii) compatibility with, and proximity to adjacent land uses; and
  - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).

11. The land shown shaded yellow on the attached Schedule 'D-1' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, and the OCP Map, being Schedule 'B' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended accordingly.

12. The land shown shaded yellow on the attached Schedule 'D-2' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, and the OCP Map, being Schedule 'B' of the Electoral Area "D" Official Community Plan Bylaw No. 2603, 2013, is amended accordingly.

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

- i) adding a new definition of "boat lift" under Section 4.0 (Definitions) to read as follows:

**"boat lift"** means a structure supported from the bottom of the lake which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;
- ii) adding a new definition of "boat launch" under Section 4.0 (Definitions) to read as follows:

**"boat launch"** means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;
- iii) adding a new definition of "dock" under Section 4.0 (Definitions) to read as follows:

**"dock"** means an aquatic structure used for the purpose of mooring of boats and for providing pedestrian access to and from the moored boats. Dock does not include

the moorage of float planes, group moorage facilities, strata moorage facilities, or marina facilities;

- iv) adding a new definition of “foreshore” under Section 4.0 (Definitions) to read as follows:

**“foreshore”** means that land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;

- v) adding a new definition of “group moorage facility” under Section 4.0 (Definitions) to read as follows:

**“group moorage facility”** means one or more multi-berth docks providing communal moorage to an adjacent apartment building or townhouse development or multi-parcel residential development, including a strata or shared interest development;

- vi) adding a new definition of “marina” under Section 4.0 (Definitions) to read as follows:

**“marina”** means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels and lubricants, boating accessory retail sales and wastewater pumping facilities may also be provided;

- vii) adding a new definition of “moorage” under Section 4.0 (Definitions) to read as follows:

**“moorage”** means the tying, fastening or securing of a boat or other watercraft to a dock;

- viii) adding a new definition of “swimming platform” under Section 4.0 (Definitions) to read as follows:

**“swimming platform”** means a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but excludes moorage;

- ix) adding a new definition of “water-based recreation” under Section 4.0 (Definitions) to read as follows:

**“water-based recreation”** means the use of water for outdoor recreation activities such as fishing, water skiing, boating, swimming, and diving;

- x) adding a reference to “Okanagan Basin Lakes Zone W1” under the “Administrative and Open Space Zones” sub-section of Section 5.1 (Zoning Districts) at Section 5.0 (Creation of Zones).

- xi) adding a new Section 7.28 (Dock and Boatlift Regulations) under Section 7.0 (General Regulations) to read as follows:

### **7.28 Dock, Boatlift & Swimming Platform Regulations**



Docks, boatlifts and swimming platforms may only be sited directly adjacent to a parcel zoned to permit “single detached dwelling”, and only subject to the following regulations:

- .1 No more than one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel.
- .2 A maximum of one (1) standalone swimming platform is permitted per upland parcel.
- .3 A dock shall not extend a distance greater than 42.0 metres from the natural boundary of the upland parcel.
- .4 A dock walkway shall not exceed a width of 1.5 metres.
- .5 A dock moorage platform shall not exceed a width of 3.0 metres.
- .6 A dock shall be sited and designed so as not to impede pedestrian access along the foreshore. Without limiting the foregoing, if a dock platform is raised by more than 0.3 metres above any point on the public foreshore, steps must be provided on both sides of the dock to permit public access along the foreshore, and this access must not be blocked by fences or other means.
- .7 A maximum of four (4) boat moorage areas are allowed for any dock at any given time.
- .8 The maximum surface area of a swimming platform shall not exceed 10.0 m<sup>2</sup>.

xii) replacing Section 17.2.1(f) (Parks and Recreation Zone (PR)) under Section 17.0 (Administrative and Open Space) in its entirety with the following:

f) public moorage;

xiii) adding a new Section 17.4 (Okanagan Basin Lakes Zone (W1)) under Section 17.0 (Administrative and Open Space) to read as follows:

**17.4 OKANAGAN BASIN LAKES ZONE (W1)**

**17.4.1 Permitted Uses:**

Principal Uses:

a) water-based recreation;

Accessory Uses:

b) dock;

c) boat launch;

d) boatlift; and

swimming platform.

**17.4.2 Site Specific Okanagan Basin Lakes (W1s) Regulations:**

- a) Not applicable

**17.4.3 Minimum Parcel Size:**

- a) Not applicable

**17.4.4 Minimum Parcel Width:**

- a) Not applicable

**17.4.5 Maximum Number of Dwelling Permitted Per Parcel:**

- a) Not applicable

**17.4.6 Minimum Setbacks:**

- a) A dock or swimming platform shall be setback:
  - i) 5.0 metres from the side parcel line boundaries of a parcel adjoining the foreshore of the lake, as projected onto the foreshore and water; or
  - ii) 0.0 metres when a dock is shared between two adjacent parcels and centered along side parcel line boundary, as projected onto the foreshore and water.

**17.4.7 Maximum Height:**

- a) Not applicable

**17.4.8 Maximum Parcel Coverage:**

- a) Not applicable

14. The land shown shaded yellow on the attached Schedule 'D-3' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "D" Zoning Bylaw No. 2455, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended accordingly.

15. The land shown shaded yellow on the attached Schedule 'D-4' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "D" Zoning Bylaw No. 2455, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, is amended accordingly.

Electoral Area "E"

16. The Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, is amended by:

- i) adding a reference to “Okanagan Basin Lakes BL” under “Community Services and Administrative Designations” at Section 4.0 (Official Community Plan Map Designations).
- ii) adding a new Section 18.5 (Basin Lakes) under Section 18.0 (Natural Environment & Conservation) to read as follows:

### **18.5 Okanagan Basin Lakes**

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule ‘B’ (Official Community Plan Map).

#### **18.5.1 Objectives**

- .1 Maintain opportunities for responsible residential water-based recreation on Okanagan Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- .2 Minimize the potential negative impacts of intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

#### **18.5.2 Policies**

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule ‘B’ (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, and swimming platforms.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.

- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 23.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubes on docks, swimming platforms, or marinas.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
  - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
  - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
  - iii) compatibility with, and proximity to adjacent land uses; and
  - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).

17. The land shown shaded yellow on the attached Schedule 'E-1' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, and the OCP Map, being Schedule 'B' of the Electoral Area "E" Official Community Plan Bylaw No. 2458, 2008, is amended accordingly.

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

- i) adding a new definition of "boat lift" under Section 4.0 (Definitions) to read as follows:
 

**"boat lift"** means a structure supported from the bottom of the lake which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;
- ii) adding a new definition of "boat launch" under Section 4.0 (Definitions) to read as follows:
 

**"boat launch"** means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;
- iii) adding a new definition of "dock" under Section 4.0 (Definitions) to read as follows:



**“dock”** means an aquatic structure used for the purpose of mooring of boats and for providing pedestrian access to and from the moored boats. Dock does not include the moorage of float planes, group moorage facilities, strata moorage facilities, or marina facilities;

- iv) adding a new definition of “foreshore” under Section 4.0 (Definitions) to read as follows:

**“foreshore”** means that land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;

- v) adding a new definition of “group moorage facility” under Section 4.0 (Definitions) to read as follows:

**“group moorage facility”** means one or more multi-berth docks providing communal moorage to an adjacent apartment building or townhouse development or multi-parcel residential development, including a strata or shared interest development;

- vi) adding a new definition of “marina” under Section 4.0 (Definitions) to read as follows:

**“marina”** means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels and lubricants, boating accessory retail sales and wastewater pumping facilities may also be provided;

- vii) adding a new definition of “moorage” under Section 4.0 (Definitions) to read as follows:

**“moorage”** means the tying, fastening or securing of a boat or other watercraft to a dock;

- viii) adding a new definition of “swimming platform” under Section 4.0 (Definitions) to read as follows:

**“swimming platform”** means a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but excludes moorage;

- ix) adding a new definition of “water-based recreation” under Section 4.0 (Definitions) to read as follows:

**“water-based recreation”** means the use of water for outdoor recreation activities such as fishing, water skiing, boating, swimming, and diving;

- x) adding a reference to “Okanagan Basin Lakes Zone W1” under the “Administrative and Open Space Zones” sub-section of Section 5.1 (Zoning Districts) at Section 5.0 (Creation of Zones).

- xi) adding a new Section 7.28 (Dock and Boatlift Regulations) under Section 7.0 (General Regulations) to read as follows:

**7.28 Dock, Boatlift & Swimming Platform Regulations**

Docks, boatlifts and swimming platforms may only be sited directly adjacent to a parcel zoned to permit “single detached dwelling”, and only subject to the following regulations:

- .1 No more than one (1) dock, one (1) boat launch, one (1) standalone boatlift or one (1) swimming platform is permitted per upland parcel.
- .2 A maximum of one (1) standalone swimming platform is permitted per upland parcel.
- .3 A dock shall not extend a distance greater than 42.0 metres from the natural boundary of the upland parcel.
- .4 A dock walkway shall not exceed a width of 1.5 metres.
- .5 A dock moorage platform shall not exceed a width of 3.0 metres.
- .6 A dock shall be sited and designed so as not to impede pedestrian access along the foreshore. Without limiting the foregoing, if a dock platform is raised by more than 0.3 metres above any point on the public foreshore, steps must be provided on both sides of the dock to permit public access along the foreshore, and this access must not be blocked by fences or other means.
- .7 A maximum of four (4) boat moorage areas are allowed for any dock at any given time.
- .8 The maximum surface area of a swimming platform shall not exceed 10.0 m<sup>2</sup>.

- xii) replacing Section 16.3.1(f) (Parks and Recreation Zone (PR)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

f) public moorage;

- xiii) adding a new Section 16.4 (Okanagan Basin Lakes Zone (W1)) under Section 16.0 (Administrative and Open Space) to read as follows:

**16.4 OKANAGAN BASIN LAKES ZONE (W1)**

**16.4.1 Permitted Uses:**

Principal Uses:

- a) water-based recreation;

Accessory Uses:

- b) dock;

- c) boat launch;
- d) boatlift; and
- e) swimming platform.

**16.4.2 Site Specific Okanagan Basin Lakes (W1s) Regulations:**

- a) Not applicable

**16.4.3 Minimum Parcel Size:**

- a) Not applicable

**16.4.4 Minimum Parcel Width:**

- a) Not applicable

**16.4.5 Maximum Number of Dwelling Permitted Per Parcel:**

- a) Not applicable

**16.4.6 Minimum Setbacks:**

- a) A dock or swimming platform shall be setback:
  - i) 5.0 metres from the side parcel line boundaries of a parcel adjoining the foreshore of the lake, as projected onto the foreshore and water; or
  - ii) 0.0 metres when a dock is shared between two adjacent parcels and centered along side parcel line boundary, as projected onto the foreshore and water.

**16.4.7 Maximum Height:**

- a) Not applicable

**16.4.8 Maximum Parcel Coverage:**

- a) Not applicable

19. The land shown shaded yellow on the attached Schedule 'E-2' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "E" Zoning Bylaw No. 2459, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "E" Zoning Bylaw No. 2459, 2008, is amended accordingly.

Electoral Area "F"

20. The Electoral Area “F” Official Community Plan Bylaw No. 2790, 2018, is amended by:

- i) adding a reference to “Okanagan Basin Lakes BL” under “Community Services and Administrative Designations” at Section 4.0 (Official Community Plan Designations).
- ii) adding a new Section 16.5 (Basin Lakes) under Section 16.0 (Natural Environment & Conservation) to read as follows:

### **16.5 Okanagan Basin Lakes**

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule ‘B’ (Official Community Plan Map).

#### **16.5.1 Objectives**

- .1 Maintain opportunities for responsible residential water-based recreation on Okanagan Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- .2 Minimize the potential negative impacts of intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

#### **16.5.2 Policies**

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule ‘B’ (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, swimming platforms and moorage buoys.



- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.
  - .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 23.3 of this Bylaw.
  - .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
  - .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
  - .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs on docks, swimming platforms, or marinas.
  - .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
    - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
    - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
    - iii) compatibility with, and proximity to adjacent land uses; and
    - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).
21. Schedule 'B' (Official Community Plan Map) of the Electoral Area "F" Official Community Plan Bylaw No. 2790, 2018, is amended by decreasing the extent of those land use designations that currently adjoin Okanagan Lake by 50.0 metres over the surface water, as measured from the high water mark.
22. The land shown shaded yellow on the attached Schedule 'F-1' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "F" Official Community Plan Bylaw No. 2790, 2018, and the OCP Map, being Schedule 'B' of the Electoral Area "F" Official Community Plan Bylaw No. 2790, 2018, is amended accordingly.
23. The Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended by:
- i) deleting the definitions of "docks community" and "docks private" under Section 4.0 (Definitions).
  - ii) adding a new definition of "boat lift" under Section 4.0 (Definitions) to read as follows:

**“boat lift”** means a structure supported from the bottom of the lake which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;

- iii) adding a new definition of “boat launch” under Section 4.0 (Definitions) to read as follows:

**“boat launch”** means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;

- iv) adding a new definition of “dock” under Section 4.0 (Definitions) to read as follows:

**“dock”** means an aquatic structure used for the purpose of mooring of boats and for providing pedestrian access to and from the moored boats. Dock does not include the moorage of float planes, group moorage facilities, strata moorage facilities, or marina facilities;

- v) adding a new definition of “foreshore” under Section 4.0 (Definitions) to read as follows:

**“foreshore”** means that land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;

- vi) adding a new definition of “group moorage facility” under Section 4.0 (Definitions) to read as follows:

**“group moorage facility”** means one or more multi-berth docks providing communal moorage to an adjacent apartment building or townhouse development or multi-parcel residential development, including a strata or shared interest development;

- vii) adding a new definition of “marina” under Section 4.0 (Definitions) to read as follows:

**“marina”** means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels and lubricants, boating accessory retail sales and wastewater pumping facilities may also be provided;

- viii) adding a new definition of “moorage” under Section 4.0 (Definitions) to read as follows:

**“moorage”** means the tying, fastening or securing of a boat or other watercraft to a dock;

- ix) adding a new definition of “swimming platform” under Section 4.0 (Definitions) to read as follows:

**“swimming platform”** means a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but excludes moorage;

- x) adding a new definition of “water-based recreation” under Section 4.0 (Definitions) to read as follows:

**“water-based recreation”** means the use of water for outdoor recreation activities such as fishing, water skiing, boating, swimming, and diving;

- xi) adding a reference to “Okanagan Basin Lakes Zone W1” under the “Administrative and Open Space Zones” sub-section of Section 5.1 (Zoning Districts) at Section 5.0 (Creation of Zones).

- xii) Replacing Section 7.26 (Dock and Boatlift Regulations) under Section 7.0 (General Regulations) in it’s entirety with the following:

### **7.26 Dock, Boatlift & Swimming Platform Regulations**

Docks, boatlifts and swimming platforms may only be sited directly adjacent to a parcel zoned to permit “single detached dwelling”, and only subject to the following regulations:

- .1 No more than one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel.
- .2 A maximum of one (1) standalone swimming platform is permitted per upland parcel.
- .3 A dock shall not extend a distance greater than 42.0 metres from the natural boundary of the upland parcel.
- .4 A dock walkway shall not exceed a width of 1.5 metres.
- .5 A dock moorage platform shall not exceed a width of 3.0 metres.
- .6 A dock shall be sited and designed so as not to impede pedestrian access along the foreshore. Without limiting the foregoing, if a dock platform is raised by more than 0.3 metres above any point on the public foreshore, steps must be provided on both sides of the dock to permit public access along the foreshore, and this access must not be blocked by fences or other means.
- .7 A maximum of four (4) boat moorage areas are allowed for any dock at any given time.
- .8 The maximum surface area of a swimming platform shall not exceed 10.0 m<sup>2</sup>.

- xiii) replacing Section 10.1.1(s) (Resource Area (RA) Zone – Permitted Uses) under Section 10.0 (Rural) in its entirety with the following:

s) *deleted*;

- xiv) replacing Section 10.2.1(l) (Agriculture Two (AG2) Zone – Permitted Uses) under Section 10.0 (Rural) in its entirety with the following:
  - l) *deleted*;
- xv) replacing Section 10.3.1(m) (Agriculture Three (AG2) Zone – Permitted Uses) under Section 10.0 (Rural) in its entirety with the following:
  - m) *deleted*;
- xvi) replacing Section 10.5.1(i) (Small Holdings Two (SH2) Zone – Permitted Uses) under Section 10.0 (Rural) in its entirety with the following:
  - i) *deleted*;
- xvii) replacing Section 10.7.1(f) (Small Holdings Four (SH4) Zone – Permitted Uses) under Section 10.0 (Rural) in its entirety with the following:
  - f) *deleted*;
- xviii) replacing Section 10.8.1(h) (Small Holdings Five (SH5) Zone – Permitted Uses) under Section 10.0 (Rural) in its entirety with the following:
  - h) *deleted*;
- xix) replacing Section 11.1.1(d) (Residential Single Family One (RS1) Zone – Permitted Uses) under Section 11.0 (Low Density Residential) in its entirety with the following:
  - d) *deleted*;
- xx) replacing Section 11.2.1(d) (Residential Single Family Two (RS2) Zone – Permitted Uses) under Section 11.0 (Low Density Residential) in its entirety with the following:
  - d) *deleted*;
- xxi) replacing Section 16.2.1(f) (Parks and Recreation (PR) Zone) under Section 16.0 (Administrative and Open Space) in its entirety with the following:
  - f) public moorage;
- xxii) adding a new Section 16.4 (Okanagan Basin Lakes Zone (W1)) under Section 16.0 (Administrative and Open Space) to read as follows:
  - 16.4 OKANAGAN BASIN LAKES ZONE (W1)**
  - 16.4.1 Permitted Uses:**
  - Principal Uses:
  - a) water-based recreation;



Accessory Uses:

- b) dock;
  - c) boat launch;
  - d) boatlift; and
- swimming platform.

**16.4.2 Site Specific Okanagan Basin Lakes (W1s) Regulations:**

- a) Not applicable

**16.4.3 Minimum Parcel Size:**

- a) Not applicable

**16.4.4 Minimum Parcel Width:**

- a) Not applicable

**16.4.5 Maximum Number of Dwelling Permitted Per Parcel:**

- a) Not applicable

**16.4.6 Minimum Setbacks:**

- a) A dock or swimming platform shall be setback:
  - i) 5.0 metres from the side parcel line boundaries of a parcel adjoining the foreshore of the lake, as projected onto the foreshore and water; or
  - ii) 0.0 metres when a dock is shared between two adjacent parcels and centered along side parcel line boundary, as projected onto the foreshore and water.

**16.4.7 Maximum Height:**

- a) Not applicable

**16.4.8 Maximum Parcel Coverage:**

- a) Not applicable

24. Schedule '2' (Zoning Map) of the Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended by decreasing the extent of those land use zonings that currently adjoin Okanagan Lake by 50.0 metres over the surface water, as measured from the high water mark.

25. The land shown shaded yellow on the attached Schedule 'F-2' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "F" Zoning Bylaw No. 2461, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended accordingly.

### Electoral Area "I"

26. The Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended by:

- i) adding a reference to "Okanagan Basin Lakes BL" under "Community Services and Administrative Designations" at Section 4.0 (Official Community Plan Designations).
- ii) adding a new Section 16.5 (Basin Lakes) under Section 16.0 (Natural Environment & Conservation) to read as follows:

#### **16.5 Okanagan Basin Lakes**

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

#### **16.5.1 Objectives**

- .1 Maintain opportunities for responsible residential water-based recreation on Skaha Lake and Vaseux Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- .2 Minimize the potential negative impacts of intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

#### **16.5.2 Policies**

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, and swimming platforms.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 23.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs on docks, swimming platforms, or marinas.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
  - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
  - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
  - iii) compatibility with, and proximity to adjacent land uses; and
  - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).

27. The land shown shaded yellow on the attached Schedule 'I-1' (which forms part of this Bylaw) is designated Basin Lake (BL) in the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, and the OCP Map, being Schedule 'B' of the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended accordingly.

28. The Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended by:

- i) adding a new definition of "boat lift" under Section 4.0 (Definitions) to read as follows:  
**"boat lift"** means a structure supported from the bottom of the lake which facilitates the removal of a boat from the water, and may allow for a boat to be stored above the water;

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

**“boat launch”** means a ramp into a lake that is intended to be used for the purpose of placing or removing a boat in the water;
- iii) adding a new definition of “dock” under Section 4.0 (Definitions) to read as follows:

**“dock”** means an aquatic structure used for the purpose of mooring of boats and for providing pedestrian access to and from the moored boats. Dock does not include the moorage of float planes, group moorage facilities, strata moorage facilities, or marina facilities;
- iv) adding a new definition of “foreshore” under Section 4.0 (Definitions) to read as follows:

**“foreshore”** means that land lying between the highest water mark and the lowest water mark that is alternatively covered and exposed by water with the normal rise and fall of the level of the body of water;
- v) adding a new definition of “group moorage facility” under Section 4.0 (Definitions) to read as follows:

**“group moorage facility”** means one or more multi-berth docks providing communal moorage to an adjacent apartment building or townhouse development or multi-parcel residential development, including a strata or shared interest development;
- vi) replacing the definition of “marina” under Section 4.0 (Definitions) in its entirety with the following:

**“marina”** means a commercial or government establishment or premise, containing multi-berth docking facility where more than two (2) boats or other vessels are berthed or stored, or where any number of watercraft are serviced, constructed or kept for sale or rent. Facilities for the sale of marine fuels and lubricants, boating accessory retail sales and wastewater pumping facilities may also be provided;
- vii) adding a new definition of “moorage” under Section 4.0 (Definitions) to read as follows:

**“moorage”** means the tying, fastening or securing of a boat or other watercraft to a dock;
- viii) adding a new definition of “swimming platform” under Section 4.0 (Definitions) to read as follows:

**“swimming platform”** means a floating structure used for recreational activities, such as swimming, diving, and sun bathing, but excludes moorage;



- ix) adding a new definition of “water-based recreation” under Section 4.0 (Definitions) to read as follows:

“**water-based recreation**” means the use of water for outdoor recreation activities such as fishing, water skiing, boating, swimming, and diving;

- x) adding a reference to “Okanagan Basin Lakes Zone W1” under the “Administrative and Open Space Zones” sub-section of Section 5.1 (Zoning Districts) at Section 5.0 (Creation of Zones).
- xi) adding a new Section 7.31 (Dock and Boatlift Regulations) under Section 7.0 (General Regulations) to read as follows:

### **7.31 Dock, Boatlift & Swimming Platform Regulations**

Docks, boatlifts and swimming platforms may only be sited directly adjacent to a parcel zoned to permit “single detached dwelling”, and only subject to the following regulations:

- .1 No more than one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel.
- .2 A maximum of one (1) standalone swimming platform is permitted per upland parcel.
- .3 A dock shall not extend a distance greater than 42.0 metres from the natural boundary of the upland parcel.
- .4 A dock walkway shall not exceed a width of 1.5 metres.
- .5 A dock moorage platform shall not exceed a width of 3.0 metres.
- .6 A dock shall be sited and designed so as not to impede pedestrian access along the foreshore. Without limiting the foregoing, if a dock platform is raised by more than 0.3 metres above any point on the public foreshore, steps must be provided on both sides of the dock to permit public access along the foreshore, and this access must not be blocked by fences or other means.
- .7 A maximum of four (4) boat moorage areas are allowed for any dock at any given time.
- .8 The maximum surface area of a swimming platform shall not exceed 10.0 m<sup>2</sup>.

- xii) replacing Section 16.2.1(f) (Parks and Recreation Zone (PR)) under Section 16.0 (Administrative and Open Space) in its entirety with the following:

f) public moorage;

- xiii) adding a new Section 16.5 (Okanagan Basin Lakes Zone (W1)) under Section 16.0 (Administrative and Open Space) to read as follows:

**16.5 OKANAGAN BASIN LAKES ZONE (W1)**

**16.5.1 Permitted Uses:**

Principal Uses:

- a) water-based recreation;

Accessory Uses:

- b) dock;
- c) boat launch;
- d) boatlift;
- e) swimming platform.

**16.5.2 Site Specific Okanagan Basin Lakes (W1s) Regulations:**

- a) Not applicable

**16.5.3 Minimum Parcel Size:**

- a) Not applicable

**16.5.4 Minimum Parcel Width:**

- a) Not applicable

**16.5.5 Maximum Number of Dwelling Permitted Per Parcel:**

- a) Not applicable

**16.5.6 Minimum Setbacks:**

- a) A dock or swimming platform shall be setback:
  - i) 5.0 metres from the side parcel line boundaries of a parcel adjoining the foreshore of the lake, as projected onto the foreshore and water; or
  - ii) 0.0 metres when a dock is shared between two adjacent parcels and centered along side parcel line boundary, as projected onto the foreshore and water.

**16.5.7 Maximum Height:**

- a) Not applicable

**16.5.8 Maximum Parcel Coverage:**

a) Not applicable

29. The land shown shaded yellow on the attached Schedule '1-2' (which forms part of this Bylaw) is zoned Okanagan Basin Lakes (W1) in the Electoral Area "I" Zoning Bylaw No. 2457, 2008, and the Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended accordingly.

READ A FIRST AND SECOND TIME this \_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLIC HEARING held on this \_\_\_\_ day of \_\_\_\_\_, 2020.

READ A THIRD TIME this \_\_\_\_ day of \_\_\_\_\_, 2020.

I hereby certify the foregoing to be a true and correct copy of the “Regional District of Okanagan-Similkameen Okanagan Basin Lakes Zoning Amendment Bylaw No. 2862, 2020” as read a Third time by the Regional Board on this \_\_\_\_ day of \_\_\_\_\_, 2020.

Dated at Penticton, BC this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

Approved pursuant to Section 52(3) of the *Transportation Act* this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

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



# Regional District of Okanagan-Similkameen

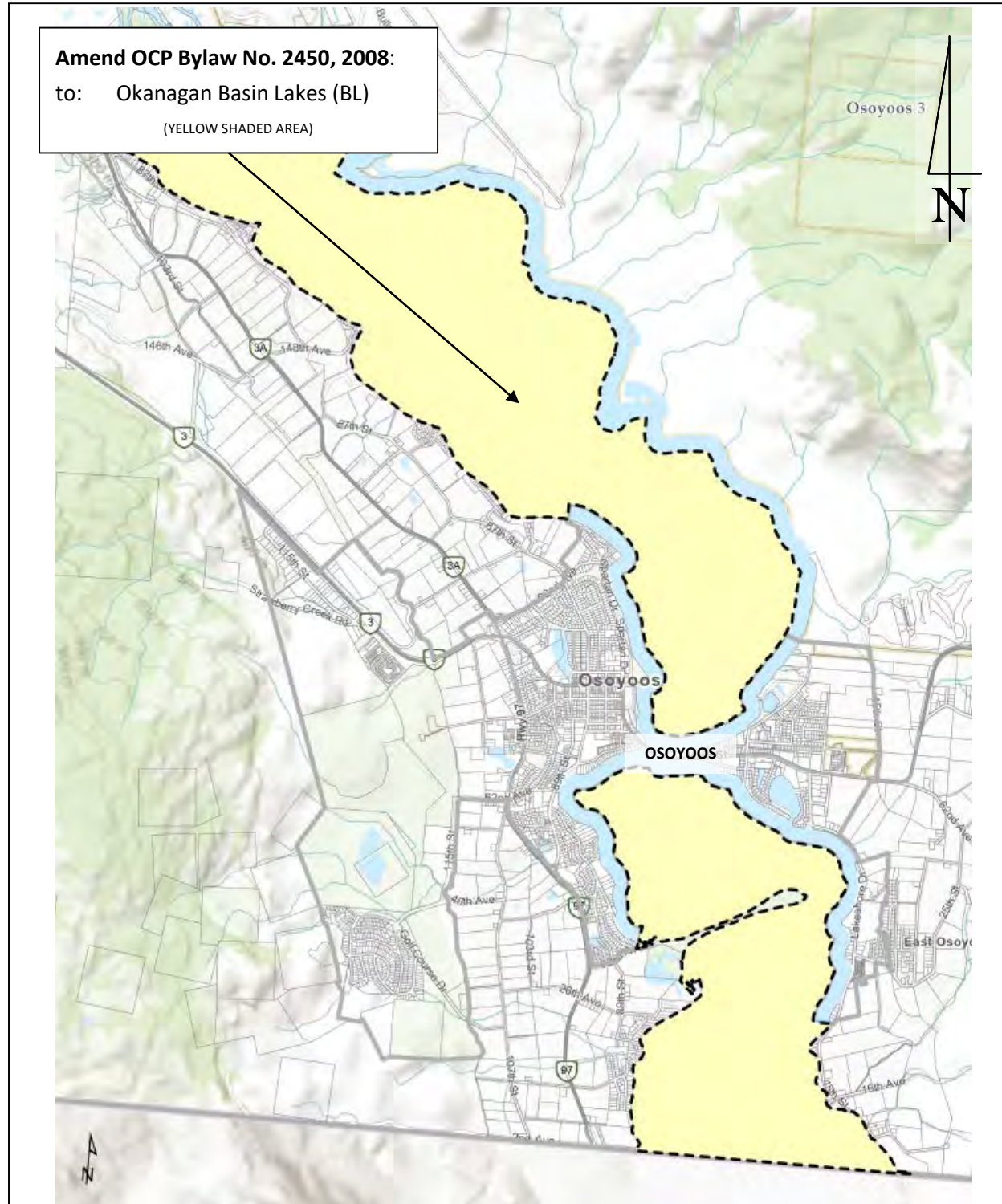
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'A-1'



# Regional District of Okanagan-Similkameen

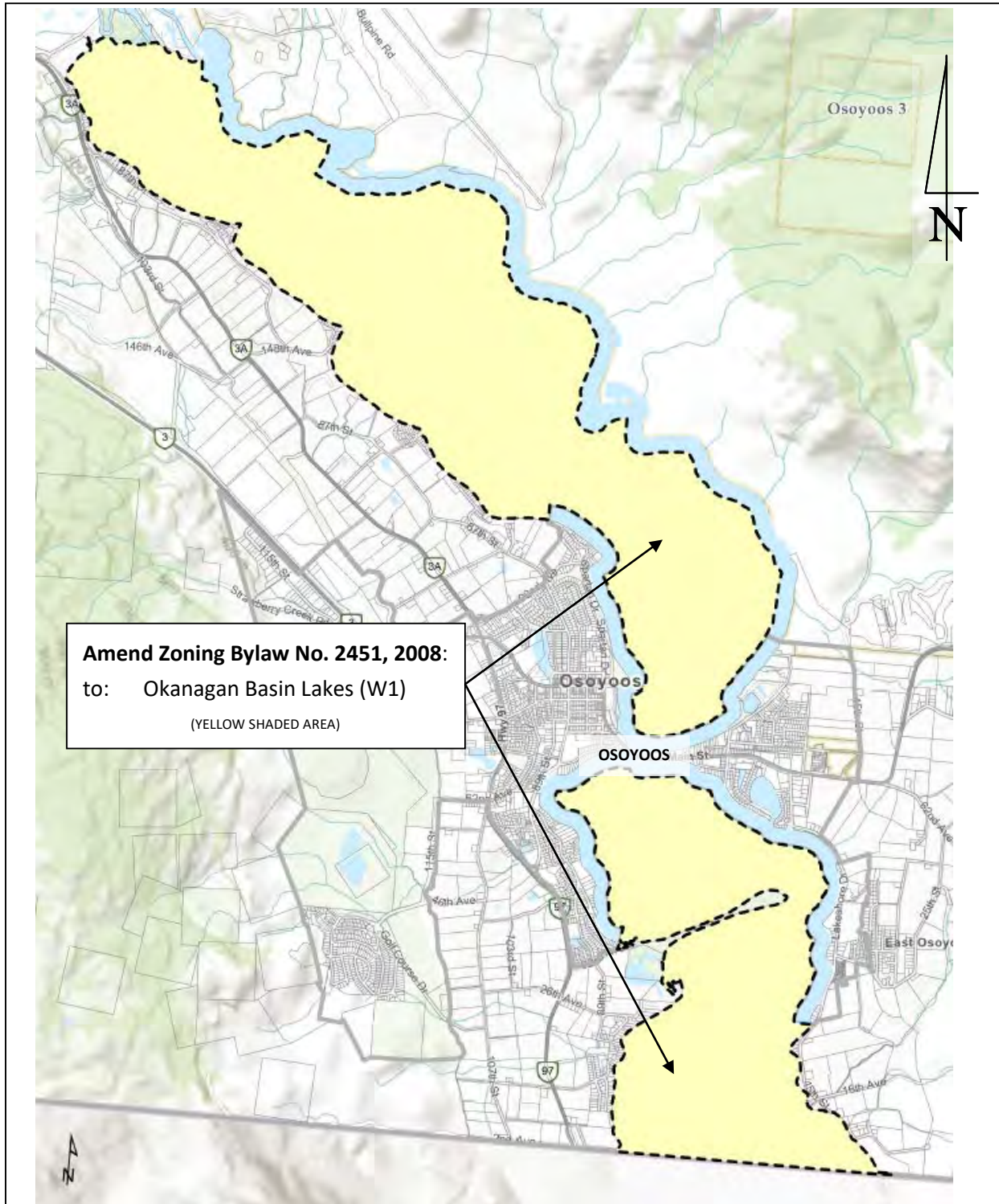
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'A-2'





# Regional District of Okanagan-Similkameen

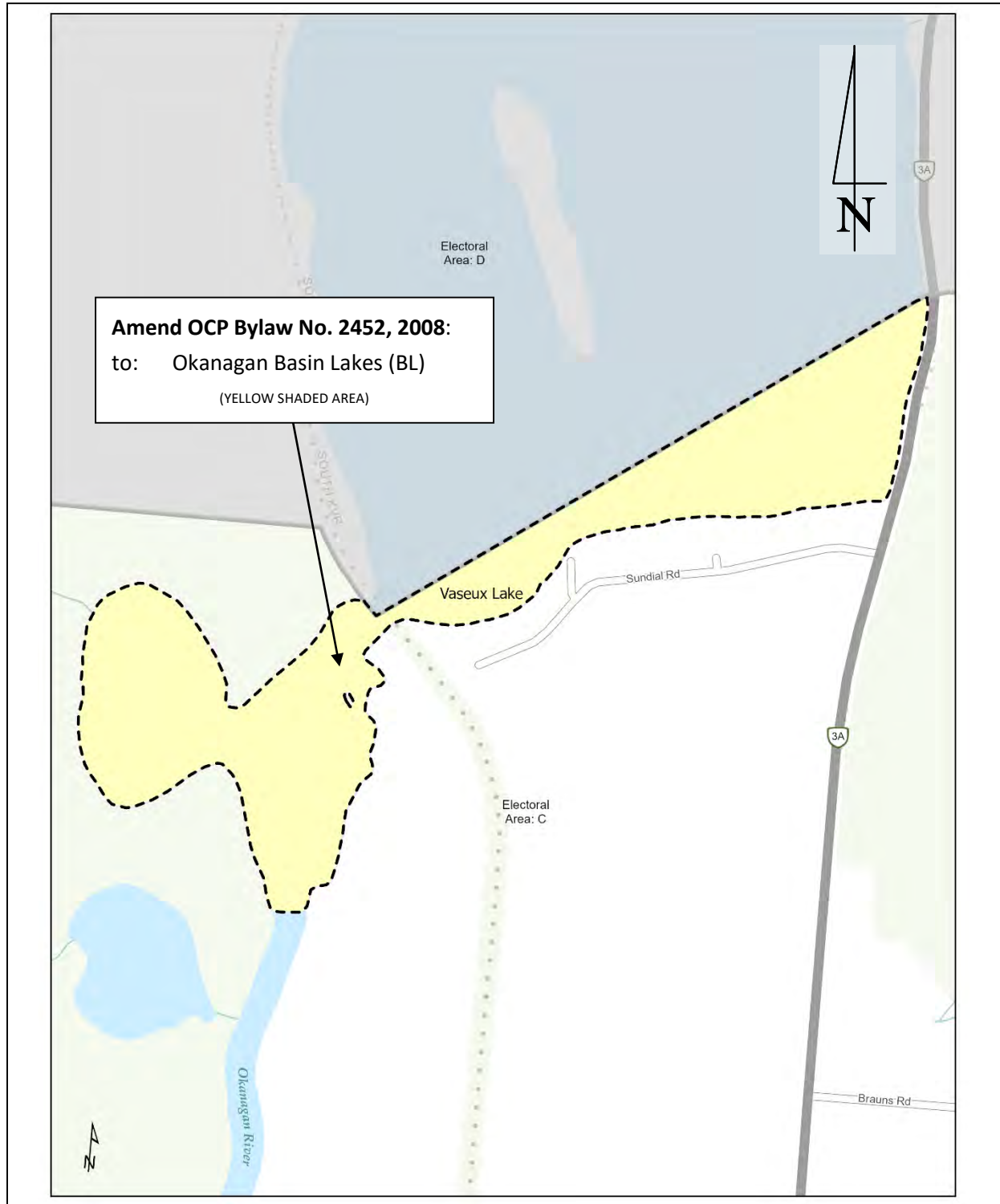
101 Martin St, Penticton, BC, V2A-5J9  
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'C-1'



# Regional District of Okanagan-Similkameen

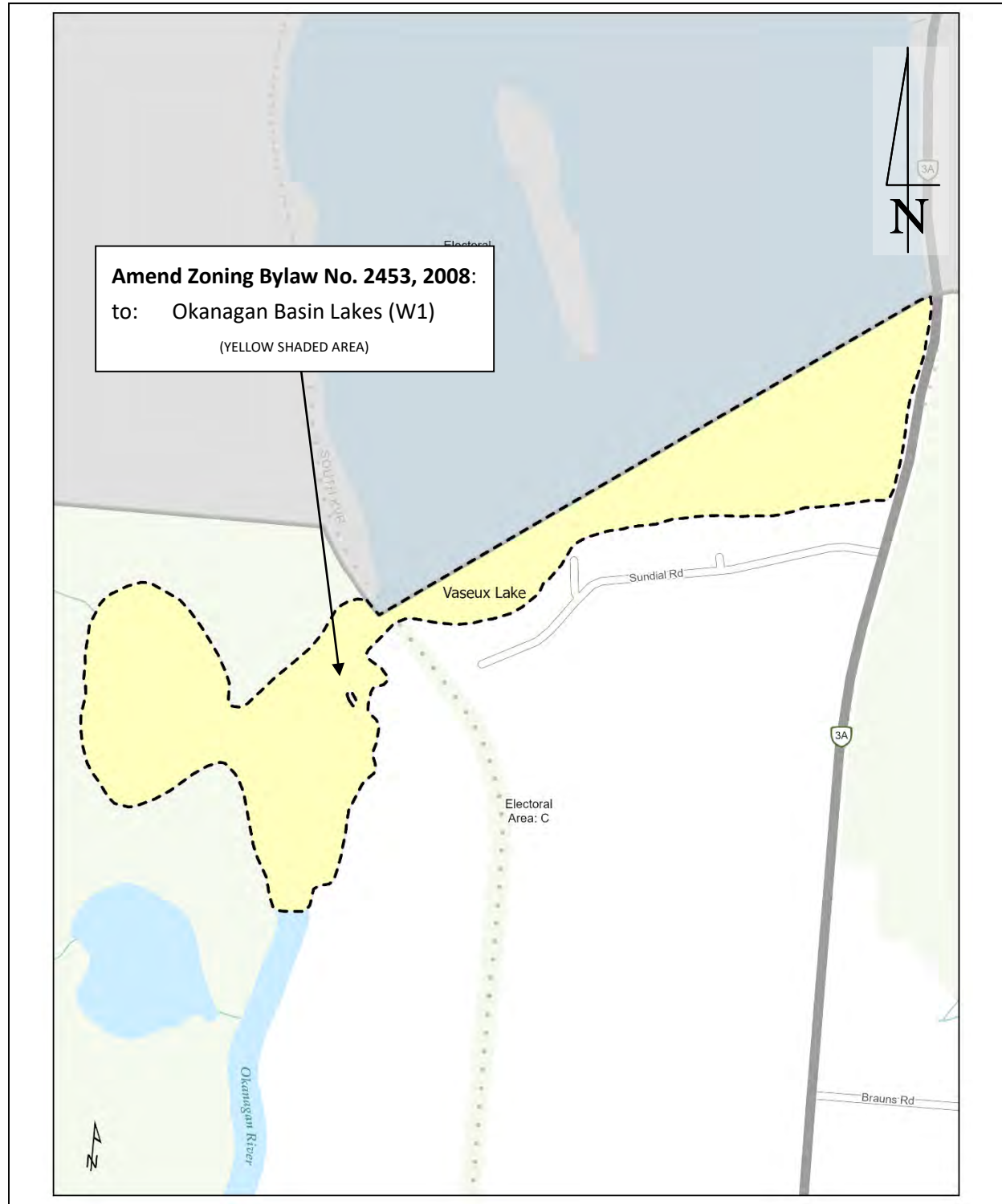
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'C-2'





# Regional District of Okanagan-Similkameen

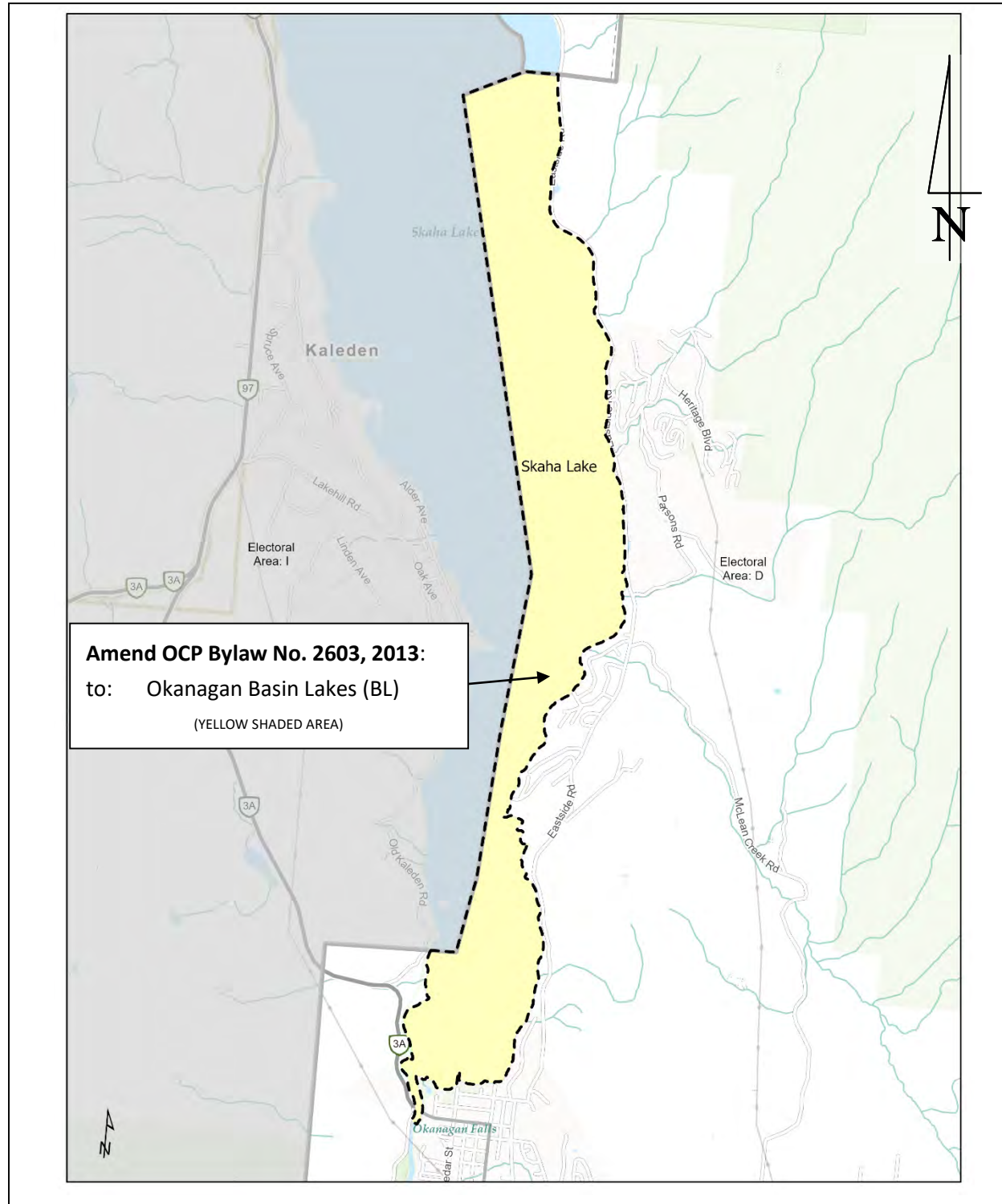
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'D-1'



# Regional District of Okanagan-Similkameen

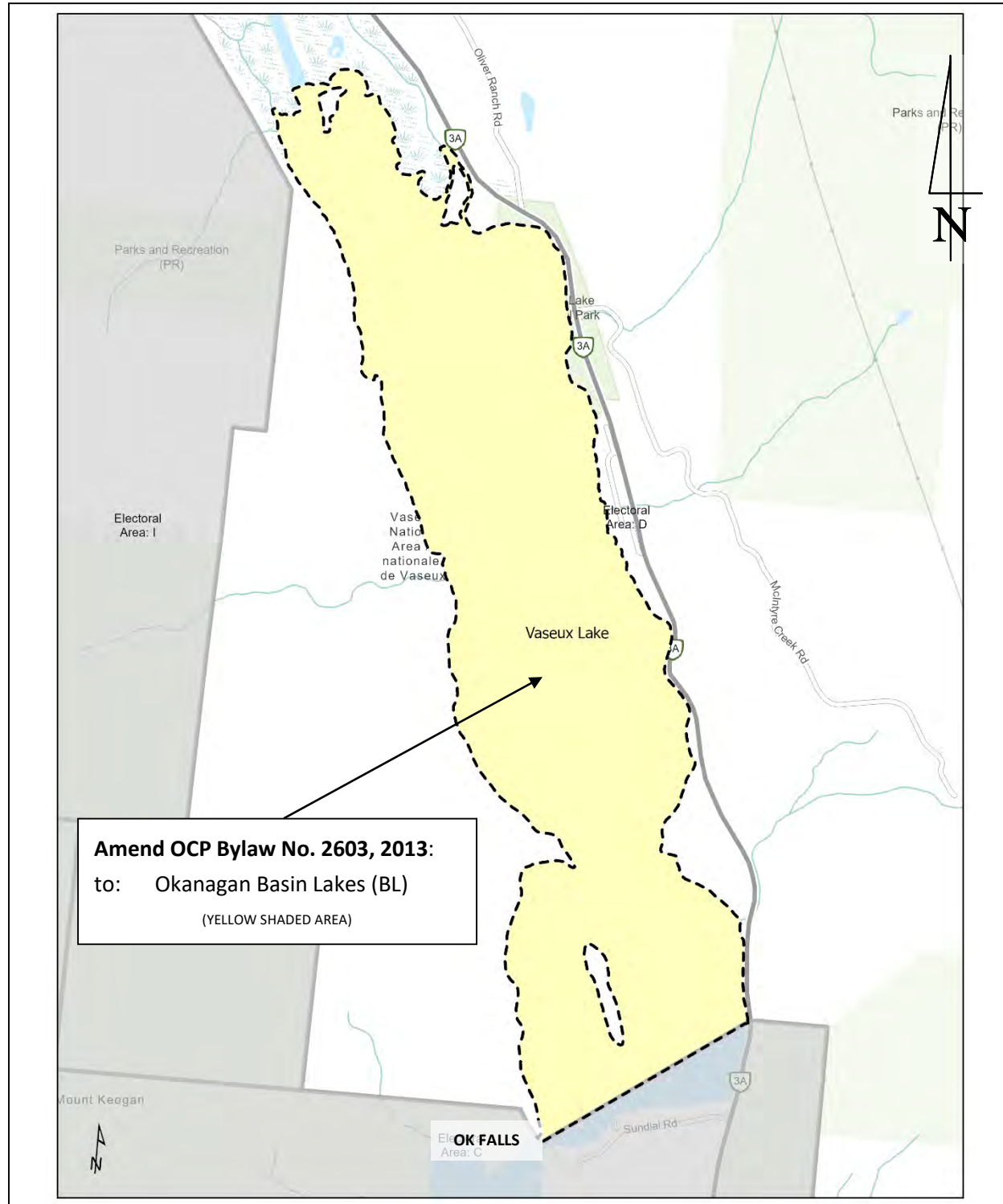
101 Martin St, Penticton, BC, V2A-5J9  
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'D-2'



# Regional District of Okanagan-Similkameen

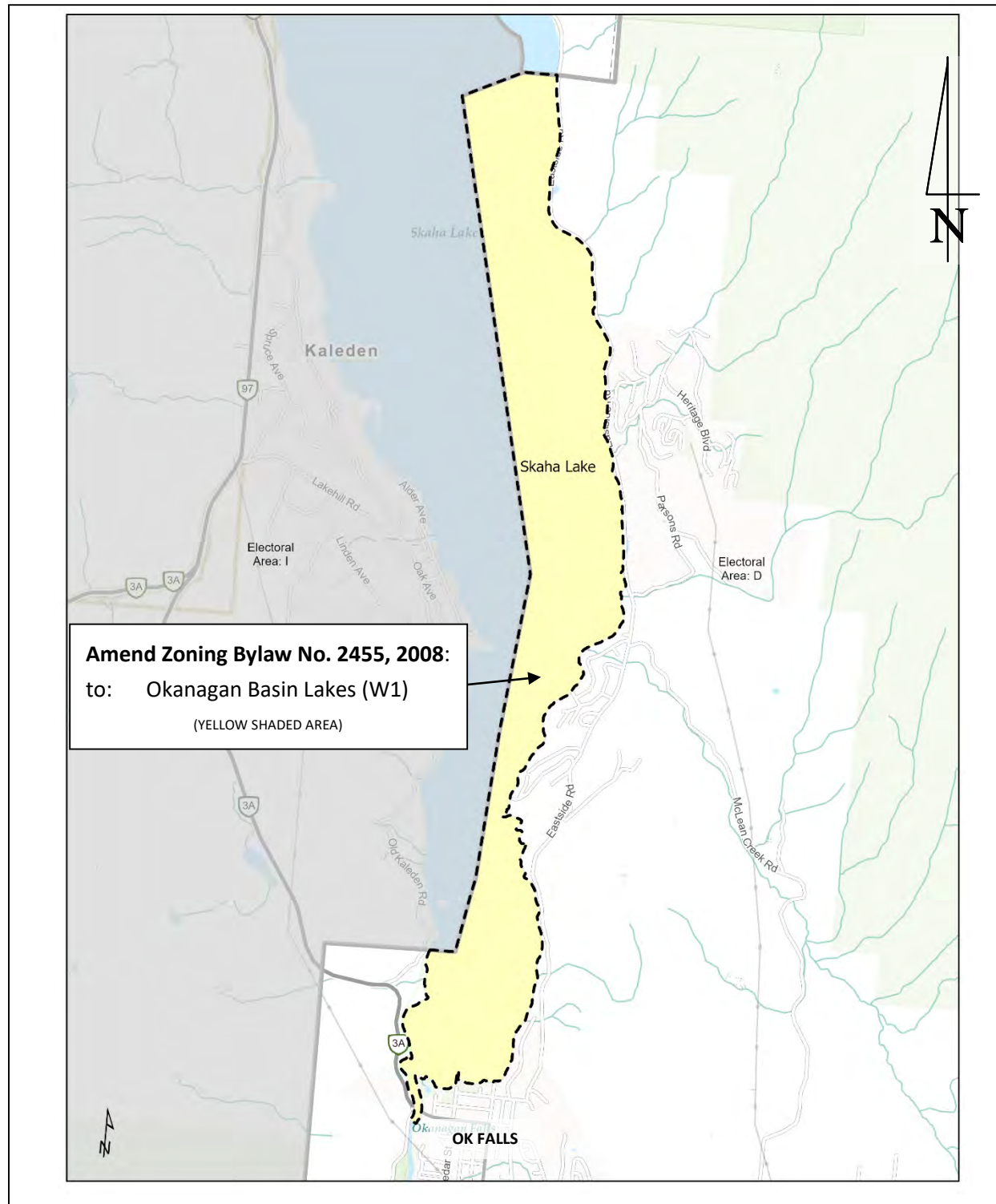
101 Martin St, Penticton, BC, V2A-5J9  
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'D-3'



# Regional District of Okanagan-Similkameen

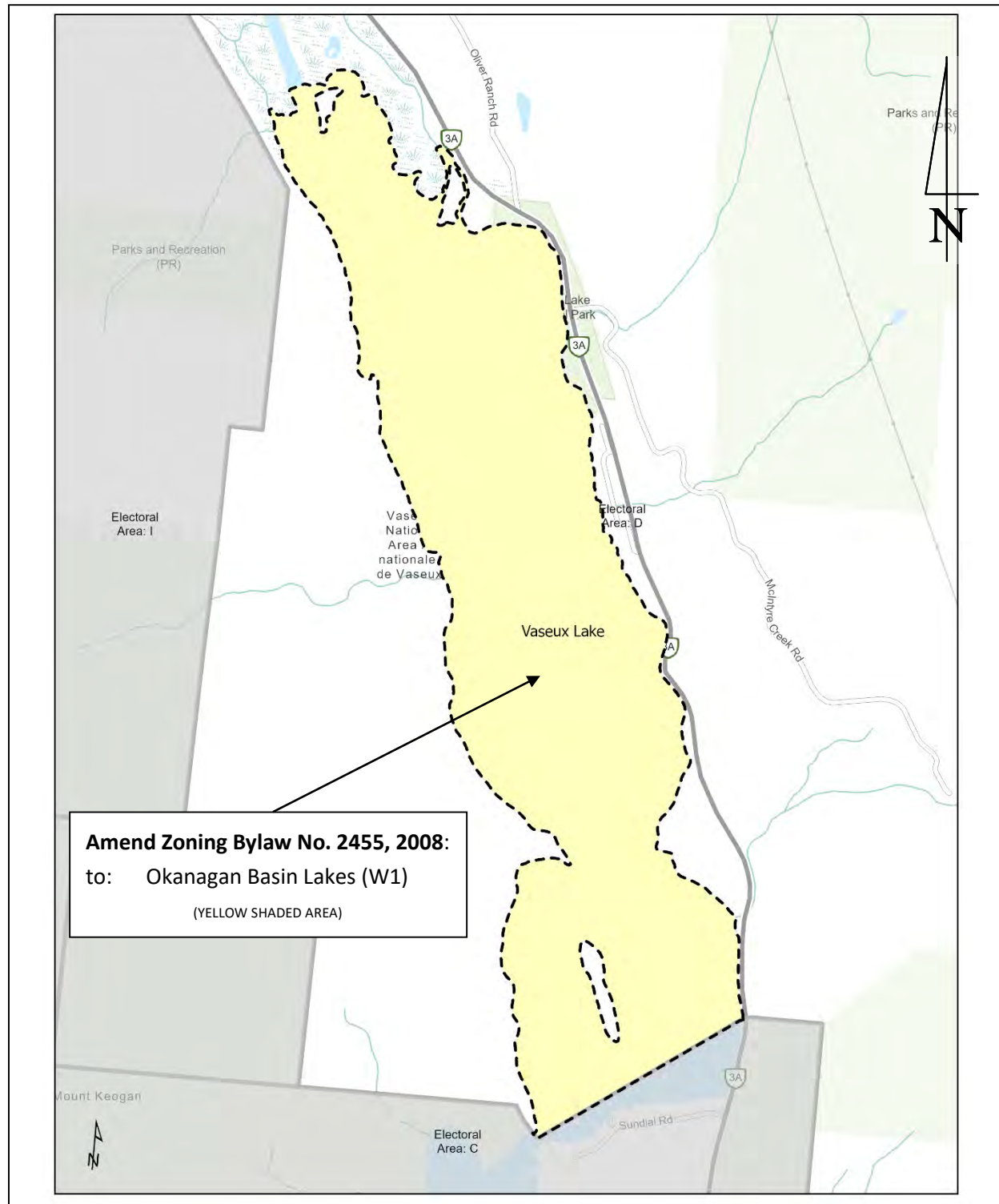
101 Martin St, Penticton, BC, V2A-5J9  
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'D-4'





# Regional District of Okanagan-Similkameen

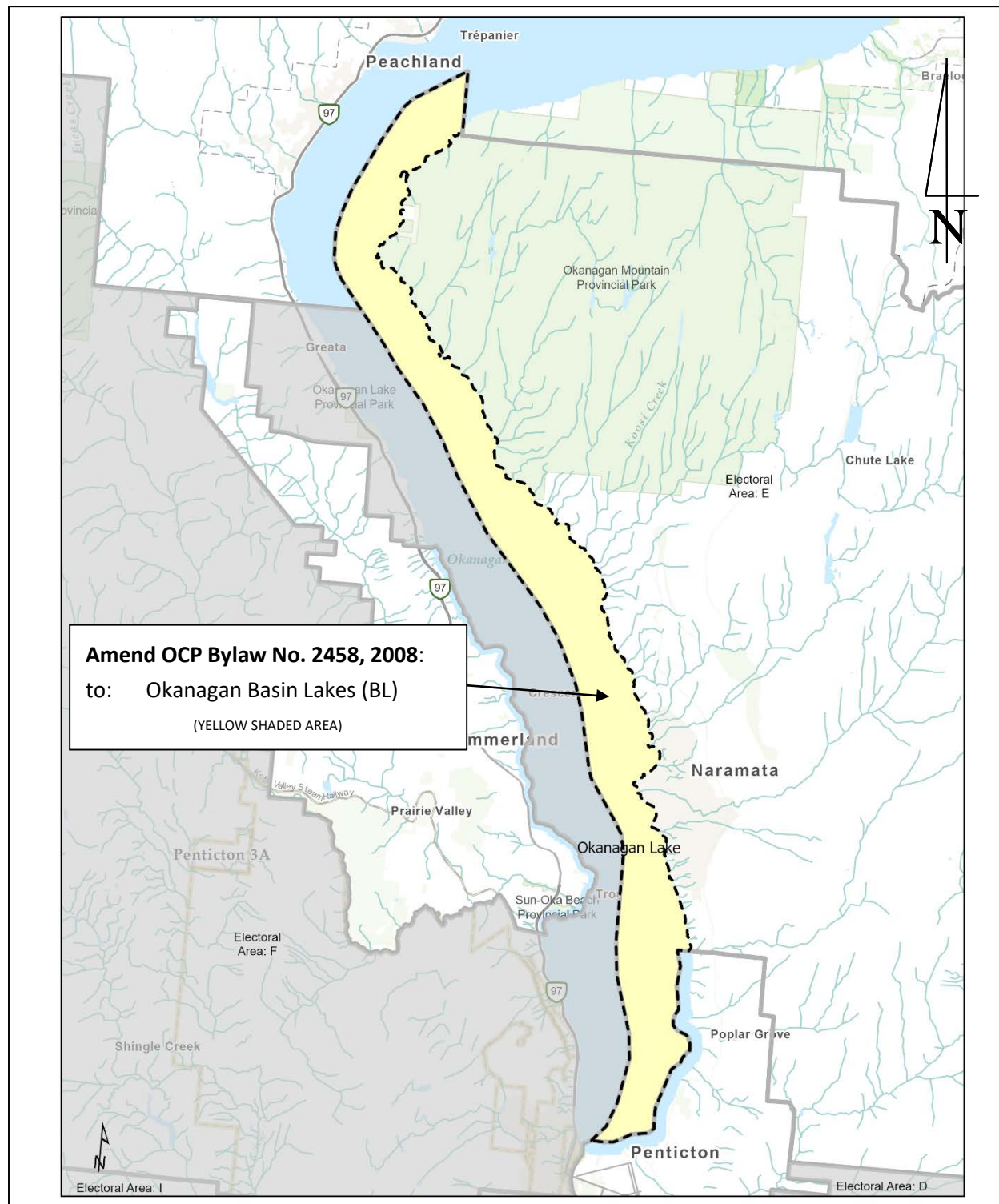
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'E-1'



# Regional District of Okanagan-Similkameen

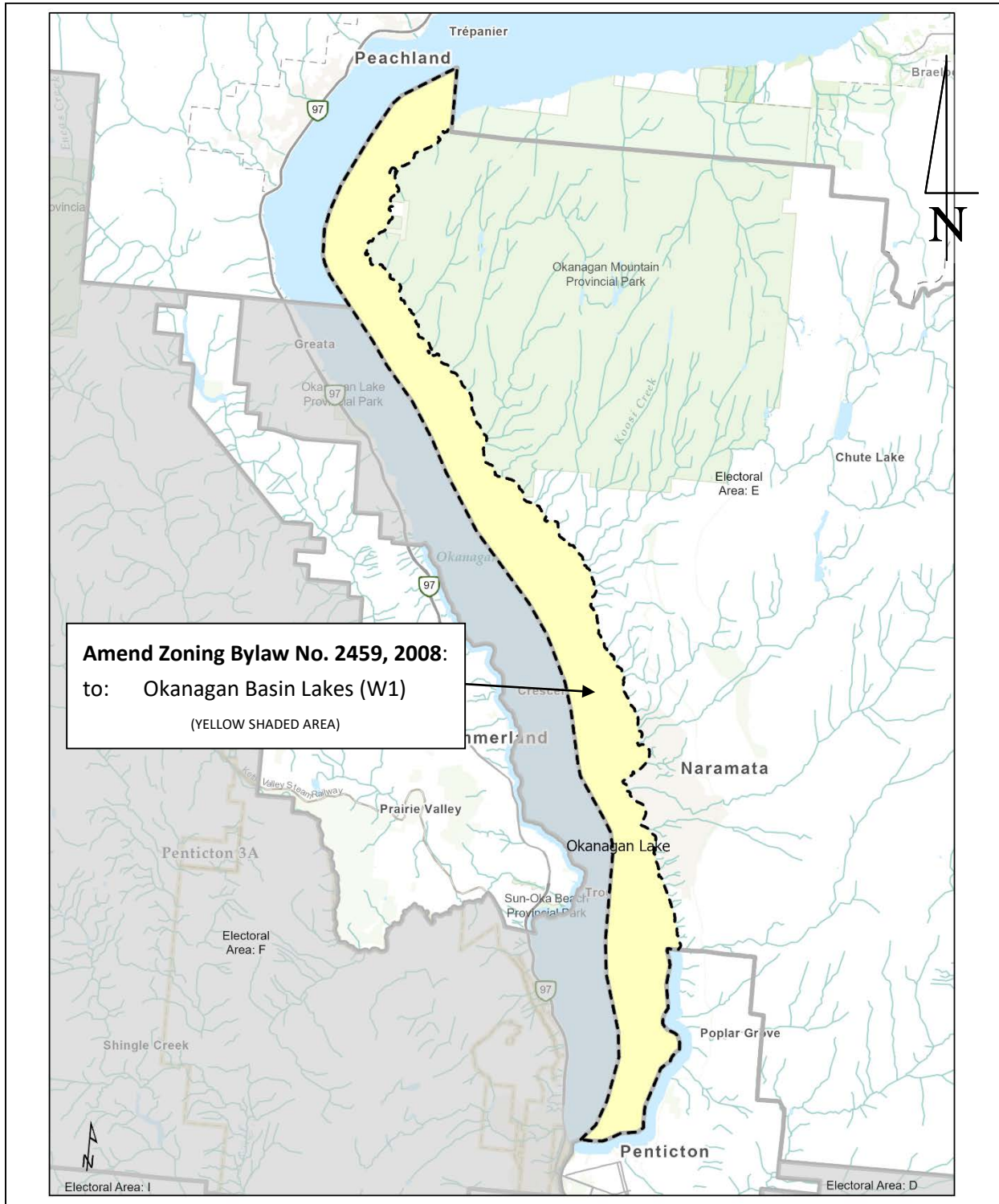
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'E-2'





# Regional District of Okanagan-Similkameen

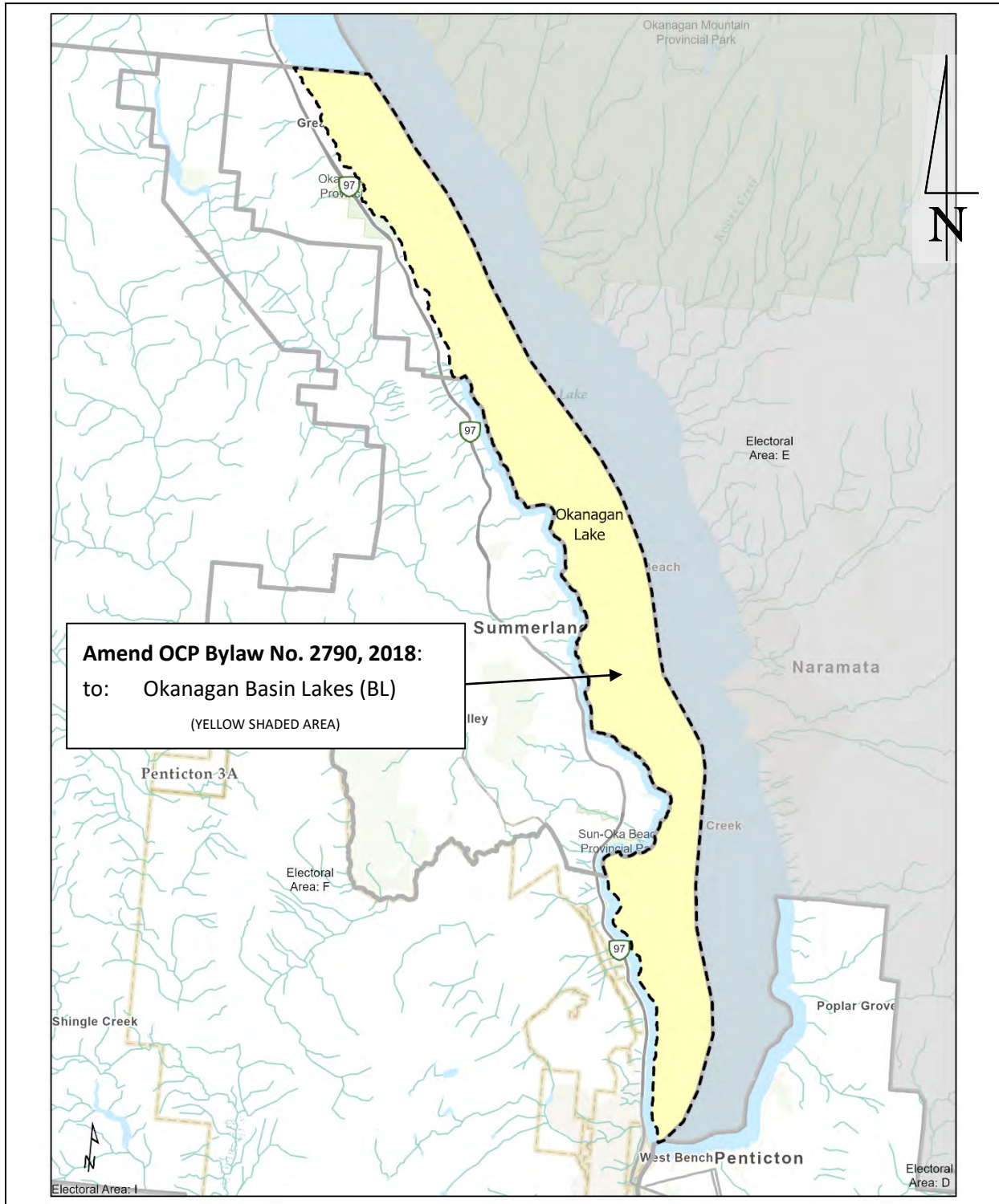
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'F-1'



# Regional District of Okanagan-Similkameen

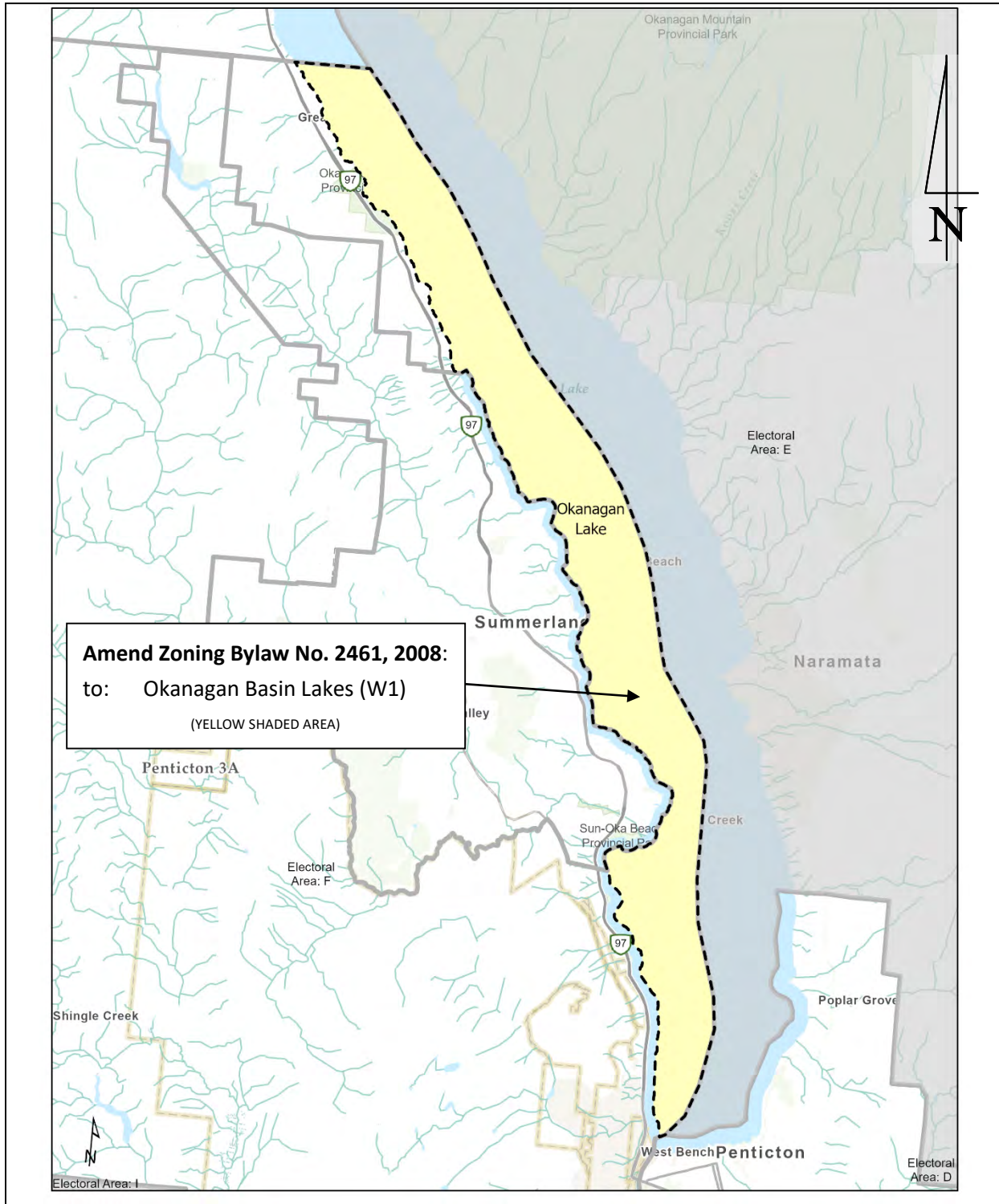
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'F-2'





# Regional District of Okanagan-Similkameen

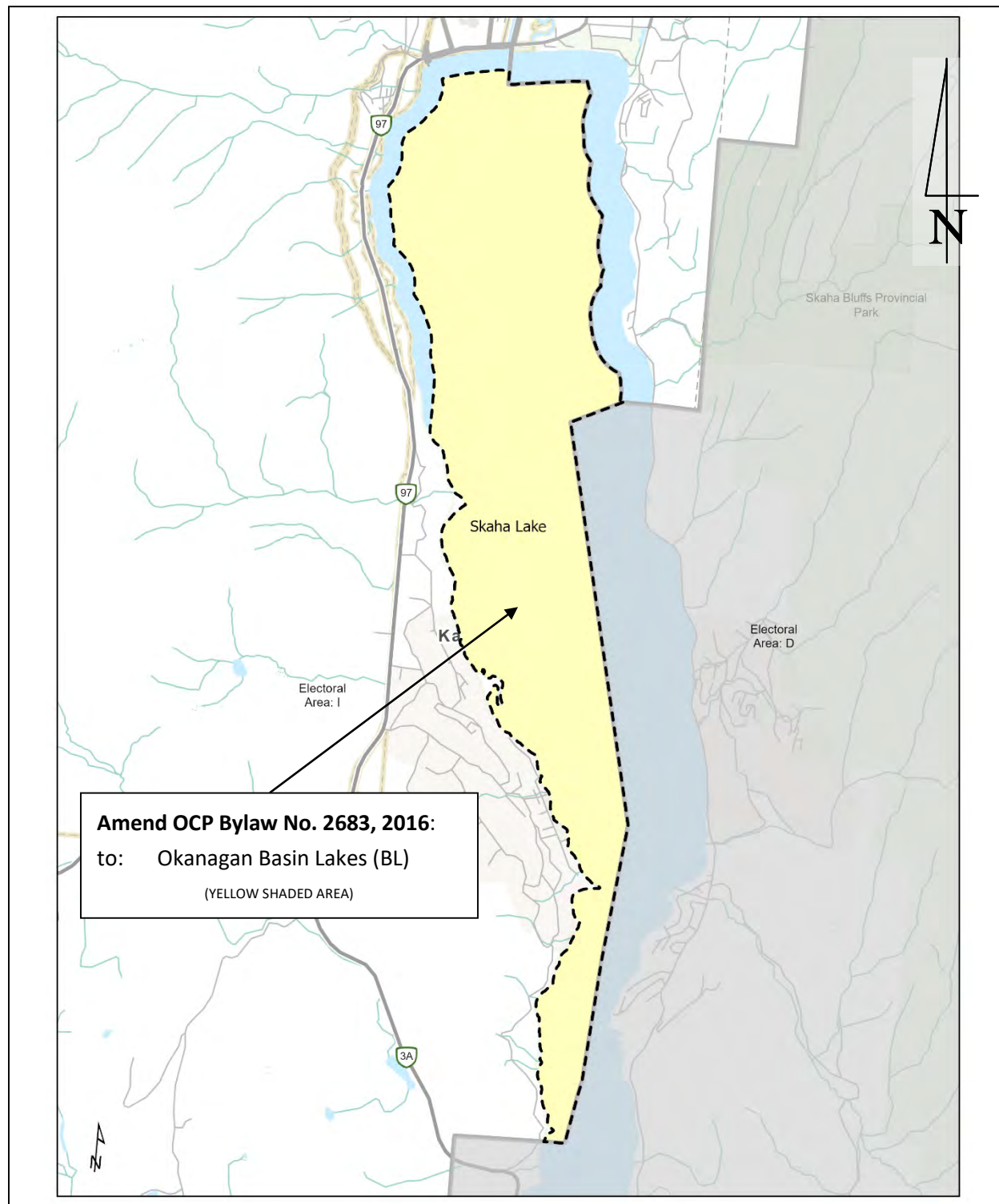
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Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule 'I-1'



# Regional District of Okanagan-Similkameen

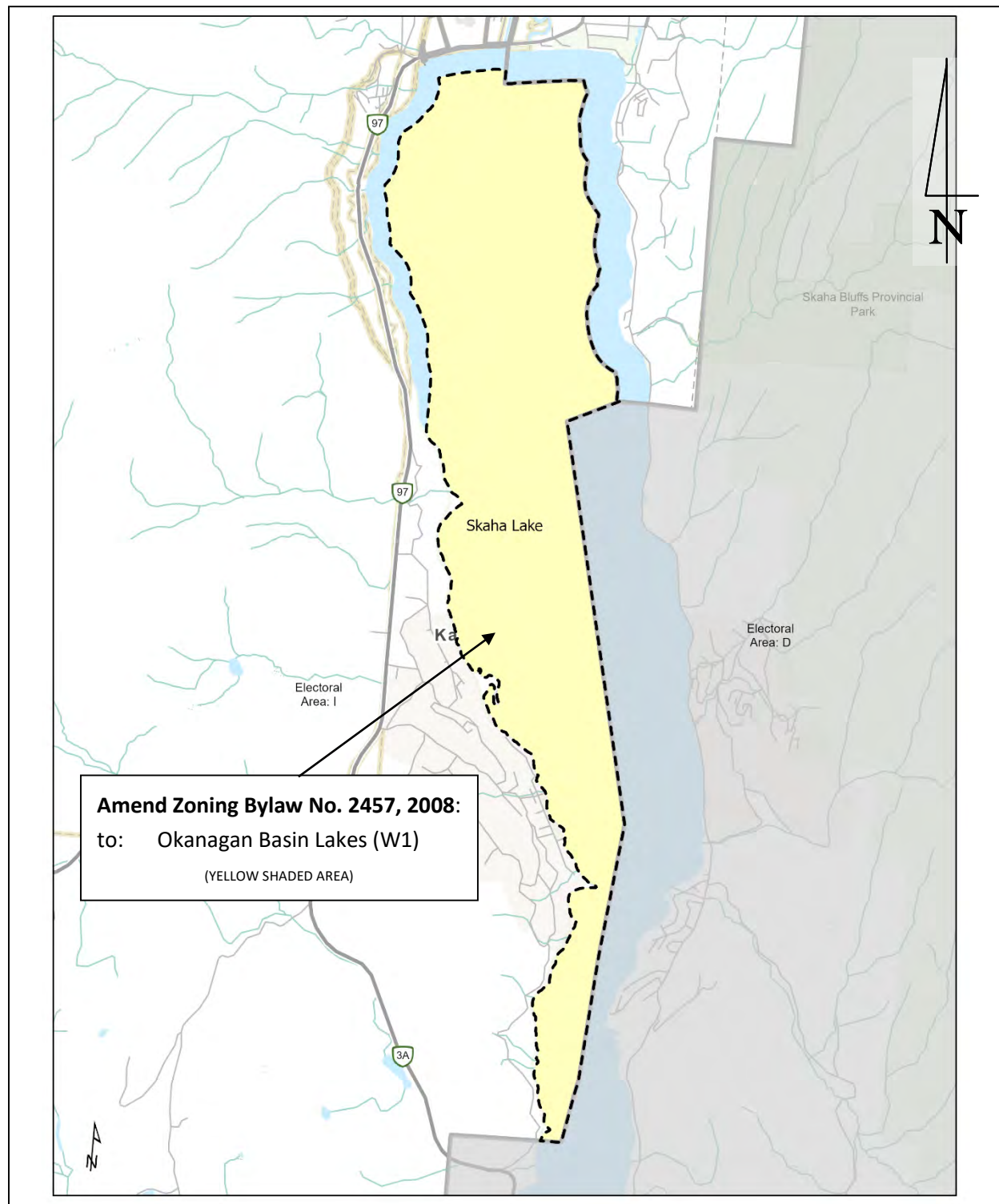
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Amendment Bylaw No. 2682, 2020

File No. X2020.009-ZONE

## Schedule '1-2'



## Lauri Feindell

---

**Subject:** FW: Bylaw Referral X2019.009-ZONE

**From:** Meeks, Tori FLNR:EX <Tori.Meeks@gov.bc.ca>

**Sent:** May 4, 2020 9:51 AM

**To:** Lauri Feindell <lfeindell@rdos.bc.ca>

**Subject:** RE: Bylaw Referral X2019.009-ZONE

Hi Lauri,

The interests of the Mountain Resorts Branch are unaffected by this bylaw referral.

I also wanted to advise that our branch now has a general email for referrals and inquiries. In future, please direct referrals for our branch to [MountainResortsBranch@gov.bc.ca](mailto:MountainResortsBranch@gov.bc.ca).

Thanks,

Tori


## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2862

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

Council considered this at the May 19th, 2020 Council meeting with the following staff recommendations see below:

Approval Recommended with a notation that RDOS staff and Town of Osoyoos staff continue to work together to ensure that incompatible uses are prevented from locating adjacent to each other across jurisdictional boundaries.

Signature: 

Signed By: Gina MacKay, MCIP, RPP

Agency: Town of Osoyoos

Title: Director of Planning and Development

Date: May 26, 2020





**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 Referral X2019.009-ZONE

**FN Consultation ID:**

L-200504-X2019-009-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, May 6, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

May 6, 2020

Attention: Planning RDOS

File number: X2019.09-ZONE

Bylaw: 2862

RE: 40 (forty) day extension

Thank you for the above application that was sent on May 4, 2020.

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.

limlɛmt,

Maryssa Bonneau  
Referrals Administrator  
P: 250-492-0411  
[Referrals@pib.ca](mailto:Referrals@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

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**Project Name:**

Bylaw Referral X2019.009-ZONE

**FN Consultation ID:**

L-200504-X2019-009-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, May 6, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

May 6, 2020

Attention: Planning RDOS

File Number: X2019.09-ZONE

Bylaw: 2862

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.

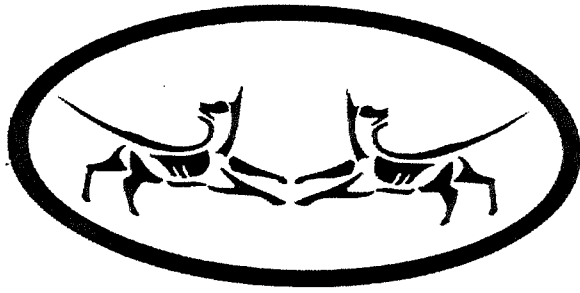
The Supreme Court of Canada in the *Tsilhqot'in* case has confirmed that the province and Canada have been applying an incorrect and impoverished view of Aboriginal Title, and that Aboriginal Title includes the exclusive right of Indigenous People to manage the land and resources as well as the right 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.

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



**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:**

Bylaw Referral X2019.009-ZONE

**FN Consultation ID:**

L-200504-X2019-009-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

Regional District of Okanagan-Similkameen

**Date Received:**

Wednesday, May 6, 2020

Activity No Payment

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

June 23, 2020

File number: X2019.09-ZONE

Attention: Planning RDOS

Re: Bylaw Referral X2019.009-ZONE

We write regarding your failure to pay invoice #L-200504-X2019-009 to conduct a review to obtain additional information in the area of the above referral. To date, no payment has been received and we have therefore been unable to conduct a review of this referral; we must therefore put you on notice that we do not consent, agree or otherwise approve of the activity / development referred to by you in your letter to us dated May 4, 2020.

The Okanagan Nation holds unextinguished aboriginal title to the land and resources within our traditional territory. The above-noted activity / development is within PIB's Area of Responsibility within Okanagan territory and as such, is subject to Okanagan title, jurisdiction, rights and interests, and PIB decision making and responsibility.

Over the last two decades, the Supreme Court of Canada has clarified the law respecting the rights of aboriginal people in British Columbia, which includes the Penticton Indian Band, Okanagan Nation. The Court has clarified that Aboriginal title continues to exist in British Columbia, and is protected by s. 35 of the Constitution Act, 1982.

Most recently, in June 2014, the Supreme Court of Canada in the Tsilhqot'in case set out the following characteristics and implications of Aboriginal title:

- Aboriginal title is not limited to intensively used sites; it extends to lands physically occupied and lands over which Indigenous peoples exercised control. Regular use of territories for hunting, fishing, trapping and foraging, with an intention and capacity to control the lands, grounds Aboriginal title.
- The Crown has no beneficial interest (the right to use, enjoy and profit from the economic development of lands) in Aboriginal title lands and resources; the beneficial interest is held by the Aboriginal title holding group. Allocations of



Aboriginal title lands or resources to third parties are serious infringements of Aboriginal title.

- Aboriginal title includes the right to proactively use and manage the resources.
- Once Aboriginal title is “established”, the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and substantial public purpose as well as consistency with the Crown’s fiduciary duty to the Aboriginal title holders, requiring the involvement of the Aboriginal title holding group in decisions.
- Before Aboriginal title is “established”, the only way to ensure certainty is to obtain consent; in the absence of consent, the Crown must consult and accommodate. If consultation or accommodation is inadequate, the Crown decision can be suspended or quashed. Moreover, fulfilling the duty to consult and accommodate does not provide the certainty that consent provides; once Aboriginal title is established, the Crown may be required to cancel projects where there was no consent and the justification test noted above cannot be met.

At this time there has been no reconciliation of our interests with those of the Province of British Columbia and Canada and no process in place to adequately recognize and negotiate co- existence or accommodation of our jurisdiction and title. The Province continues to act as though we have no beneficial interest or authority, and it takes for itself the revenues derived from our lands and resources. The payment of the referral fee is necessary in order for us to assess your proposal, assess potential impacts and determine whether it should be approved and if so, on what conditions. Because we are unable to undertake such an assessment, we must at this time advise you that we are opposed to your proposed development/activity.

limlæmt,

Maryssa Bonneau  
Referrals Administrator  
P: 250-492-0411  
[Referrals@pib.ca](mailto:Referrals@pib.ca)

CC: Band and provincial contact

---



July 14, 2020

**RDKB File No. O-2**

*Please Quote on Correspondence*

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

via email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**RE: RDOS proposed OCP and Zoning Bylaw amendments**

---

This is to advise that on June 25, 2020, the Regional District of Kootenay Boundary (RDKB) Board of Directors adopted the following resolutions respecting the above-referenced matter:

**305-20** *Moved: Director McGregor*

*Seconded: Director Korolek*

*That the Regional District of Kootenay Boundary Board of Directors advise the Regional District of Okanagan Similkameen that the Regional District of Kootenay Boundary supports the amendments to the Official Community Plan and Zoning Bylaws for RDOS's Electoral Areas 'A', 'C', 'D', 'E', 'F' and 'I' as outlined in the Bylaw Referral.*

*Carried.*

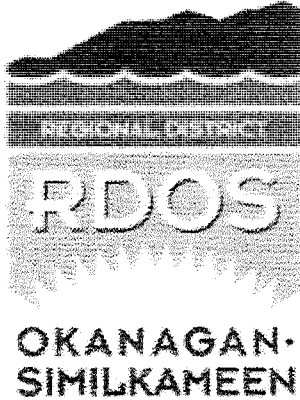
Should you require further information regarding the above, please contact the Planning and Development Department.

Sincerely,



Maria Ciardullo  
Planning and Development Department  
Senior Secretary

P:\PD\PD\_Committee\BoardFollowUp\Municipalities and Regional Districts\RDOS proposed bylaw amendments-July 2020.doc.docx



# Feedback Fo

**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

**FROM:** Name: BILL & LYNN S  
(please print)

Street Address: 137 CARIBOU

**RE:** **Metal Storage Container Regulations Zoning Amendme**  
**Electoral Area "A", "C", "D", "E", "F" & "I" Zoning Bylaw**

My comments / concerns are:

- I do support the proposed textual amendments to the Okana Bylaws to regulate the placement of metal storage container:
- I do support the proposed textual amendments to the Okana Bylaws to regulate the placement of metal storage container below.
- I do not support the proposed textual amendments to the Okana Bylaws to regulate the placement of metal storage co

13 May 2020

TO: Cory Labrecque, Planner II  
clabrecque@rdos.bc.ca

FM: Bruce Shepherd

**RE: COMMENTS ON PROPOSED DOCK REGULATIONS (Bylaw No. 2862)**

I would like to submit the following comments in response to version 2020-05-11 of the above-named draft bylaw:

- Let me begin with an overall comment that would be applicable to all Electoral Areas that are covered in this document. I would hope that the final version includes advice that there are other jurisdictions aside from RDOS that may need to be contacted in advance of undertaking any of these structures, including:

- (1) Federal Department of Fisheries and Oceans, who could have concerns regarding Navigable Waters (which the Okanagan system is so designated), aquatic species at risk, and destruction of riparian vegetation and fish habitat.
- (2) BC Ministry of Forests, Lands, Natural Resource Operations & Rural Development, who will grant General Permission for docks, but requires an application for Special Permission for boat ramps and stand-alone boat lifts (and a \$250 application fee).
- (3) I find it discouraging that no accommodation is made in this document for the option of shared docks by neighboring owners of single-residence properties. This has long been a general recommendation by both federal and provincial ministries as a way to reduce the environmental footprint of these structures. Indeed, the requirement of a 5m setback from property lines within this document seems to preclude this option.

- As I reside in Kaleden, the following comments pertain primarily to Electoral Area 'I' but may also apply to other Electoral Areas as well:

- (1) On the advice of the Interior Health Authority and consultant expertise, the Kaleden Irrigation District (KID) has established an Intake Protection Zone (IPZ). Within that IPZ, it would be prudent to require a site-specific review process (that includes KID input) prior to construction of any of the structures listed in this document.
- (2) While the length of dock has been set at 42m in this document to be consistent with Provincial guidelines, this is excessive for smaller waterbodies such as Skaha Lake and Vaseux lake. For normal recreational usage, there is no need for docks to extend out past depths more than 2m.
- (3) The maps of Skaha Lake provided as Schedules 'I-1' and 'I-2' confuse me. The northern sections as mapped would be totally ineffectual for the purpose of regulating nearshore structures. If they are meant to designate that the principal use of the area is for water-based recreation, then the boundary lines should run along the high-water mark. I suspect that the boundaries were set to avoid criticism from First Nations on the western portion and from the City of Penticton on the east side. I suggest that these maps either need to be redrawn, or include some additional explanation of the boundaries. As they sit, they are trying to cover at least two conflicting objectives and are doing so unsuccessfully.

Thanks for taking the time to consider these comments....

Bruce Shepherd

Kaleden, BC V0H 1K0



## RESPONSE SUMMARY

### AMENDMENT BYLAW NO. 2862

Approval Recommended for Reasons Outlined Below

Interests Unaffected by Bylaw

Approval Recommended Subject to Conditions Below

Approval Not Recommended Due to Reasons Outlined Below

The Kaleden Irrigation District is providing the comments below for consideration prior to the RDOS approving the subject bylaw:

Skaha Lake serves as Kaleden's drinking water source and encouraging more aquatic activity without the RDOS Board's approval would create more pollution to the water and the shoreline. Even with the Board's approval, source water protection may not be taken into their decision.

Our drinking water intake would be more susceptible to damage from anchoring, moorage buoys or platforms that may drift or be illegally installed.

On the advice of the Interior Health Authority and with consultant expertise, the Kaleden Irrigation District (KID) has established an Intake Protection Zone (IPZ). Within that IPZ, it would be prudent to require a site-specific review process (that includes KID input) prior to construction of any of the structures listed in this document. KID recommends that this should be included in the bylaw amendment for all Electoral Areas where water suppliers have established IPZs to protect their water intakes and water quality. Such a review process becomes even more essential should the maximum length of docks remain at 42 m to be consistent with Provincial guidelines. KID is of the opinion that 42 m is excessive for smaller water bodies such as Skaha Lake and Vaseux Lake, and that there is no need for docks to extend out beyond depths more than 2m for normal recreational activities.

The bylaw must enshrine all current and future applicable Federal and Provincial laws.

A copy of Kaleden Irrigation District's brochure containing information on our IPZ, which was sent to all ratepayers on our system, is attached as part of the above comments.

Signature: Cheryl E. Halla

Signed By: Cheryl E. Halla

Agency: KALEDEN IRRIGATION DISTRICT

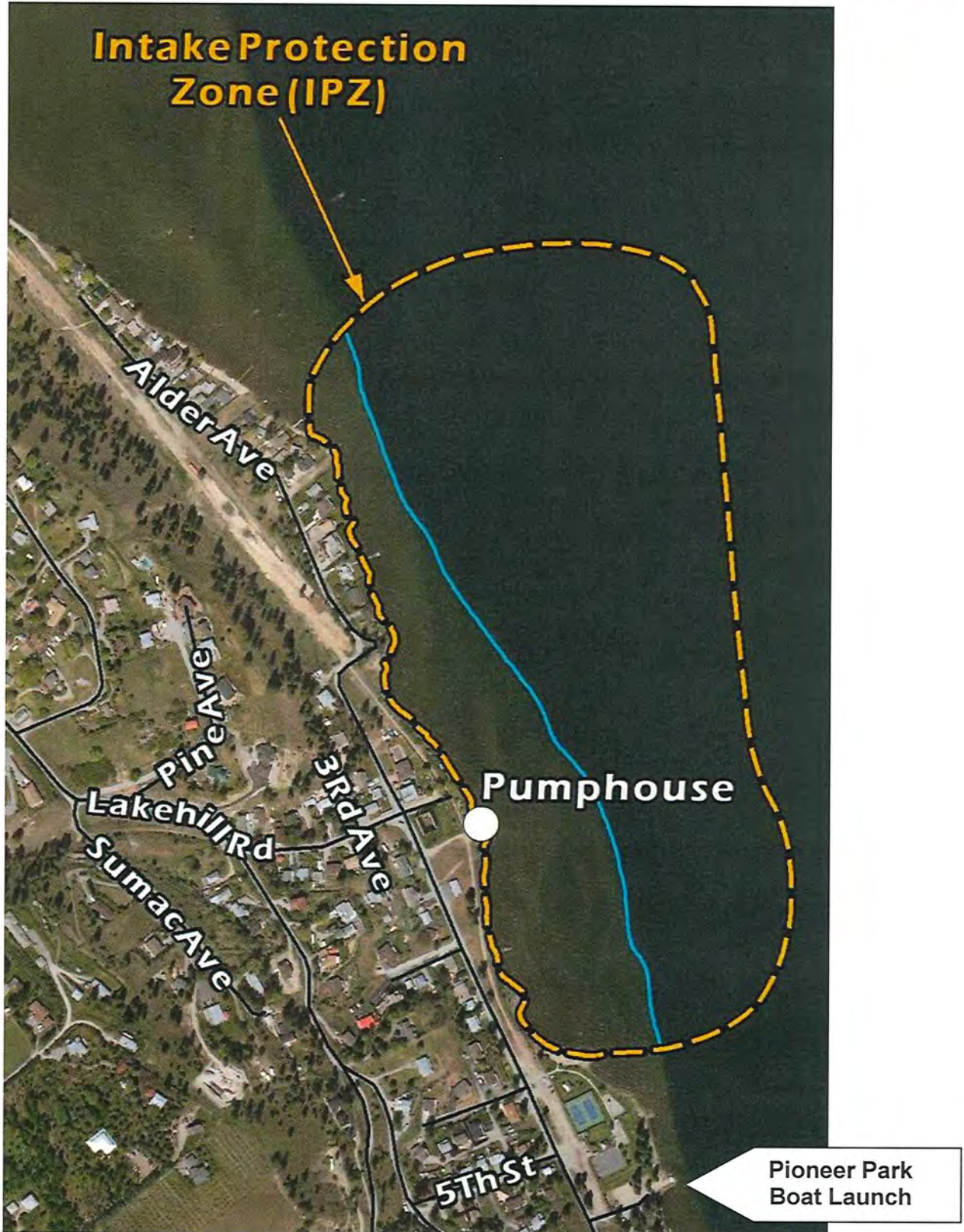
Title: Financial / Corp. Admin

Date: May 25, 2020



# KALEDEN'S INTAKE PROTECTION ZONE

Do You Live, Work or Play Near the Yellow Dotted Boundaries on This Map?



If You Do, Check out the Information on the Flip Side!

## Lauri Feindell

---

**From:** Michael Greig  
**Sent:** July 26, 2020 8:48 PM  
**To:** Planning  
**Subject:** Dock Regulation Review | RDOS

Hello Cory,

I've read with interest the RDOS proposals for proposed dock regulations. They could go a long way to overcoming some of the dock application issues of the past.

I have two questions and one comment. I hope to attend one of the Q&A sessions but thought I might bounce this off you in advance.

1. To what extent will the RDOS have authority over the approval of new docks on Crown land lakes, such as north osoyoos lake? Recommendations from the RDOS to another government body such as Crown Lands holds no merit if they can be ignored or some 'compromise solution' that still bends the intent is struck.
2. To what extent does the RDOS have authority to create bylaws or rules for foreshore use if the upland is controlled by another government agency, such as the Agriculture Land Commission (ALC), who may set their own rules or regulations for use of upland that may not coincide with RDOS desires on the foreshore? The ALC and ALR regulations I believe allow commercial uses of the upland that may conflict with desired foreshore uses. This puts BC Lands in a difficult position having to approve applications if they coincide with upland property uses.
3. It seems that both BC Lands and the ALC need to agree with the direction that the RDOS wish to move in if this is to be effective.

Thankyou for your consideration and great work.

Mike and Sharon Greig,

Osoyoos, BC  
VOH 1H2  
N

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

Sent: July 26, 2020 1:19 PM

Subject: Dock Regulation Review | RDOS

<https://www.rdos.bc.ca/development-services/planning/strategic-projects/dock-regulation-review/>

## Lauri Feindell

---

**From:** Cory Labrecque  
**Sent:** September 23, 2020 11:41 AM  
**To:** Lauri Feindell  
**Subject:** FW: Docks and swimming rafts

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

From: VELMA BATEMAN <almostparadise@shaw.ca>  
Sent: August 10, 2020 8:40 AM  
To: Cory Labrecque <clabrecque@rdos.bc.ca>  
Cc: Karla Kozakevich <kkozakevich@rdos.bc.ca>  
Subject: Docks and swimming rafts

Hello Corey - thanks for the phone call on Friday which helped me to understand why some things are set out as they are! Anyway, I am going to put in my two cents worth for the record.

In my everyday life, I worry a lot about Okanagan Lake. So many towns and cities taking water from it, so many people along the lakeshore using the services of Nutri-lawn which uses formulas containing 2-4D (which of course ends up in the lake due to rain and watering of lawns), so many water vehicles which use gasoline for power and create the attendant emissions, spills, noise pollution, etc.)

Docks create another form of pollution in the lake. My personal experience is that the water and rocks in dock areas are not pristine, a result I assume of the water's rush for the shore being broken up by supports which hold up the docks. For this reason, I think we should be very careful regarding the number of docks permitted and how they are built. I am encouraged that there is provision coming for two properties to share a dock. Something that would have helped some areas of Mill Bay in Naramata and other areas which are 'over-docked'.

As I mentioned, I am astonished to learn that permits would or could actually be granted for docks up to a length of 42 metres. That would outstrip our 100 foot lot in Naramata by over 36 feet!

With regard to the width of docks, reasonable at 1.5 metres, the situation becomes far less reasonable with permission to have four boat births on said dock. If said dock is built at the 15 foot setback from the next door neighbour, with even one boat on the neighbour's side the dock has come within two or three feet of the neighbour's yard.

With regard to pedestrian access, I was astonished to read that docks are not permitted to prevent pedestrian passage along the lake shore and if they do prevent, a style is to be constructed! I walk along the beach frequently from our location and find it necessary to step up onto the lawn at some places in order to get around the dock. I wonder if responsibility for some of the enforcement of this could be placed with the companies who build the docks. To date, it appears no other authority is enforcing it.

You have probably noticed that I think protection of the lake (and the environment) is paramount in making decisions about anything which will have an impact. I would be gratified to see this objective enshrined in all legislations relating to use of the lake.

Thank you for your efforts

Velma Bateman



## Lauri Feindell

---

**Subject:** FW: Bylaw Referral X2019.009-ZONE  
**Attachments:** V2\_Bylaw Referral Sheet (Docks) - Copy.docx

**From:** Forbes, Christina D AGRI:EX <Christina.Forbes@gov.bc.ca>  
**Sent:** May 4, 2020 10:51 AM  
**To:** Planning <planning@rdos.bc.ca>  
**Subject:** FW: Bylaw Referral X2019.009-ZONE

Good morning

The Ministry of Agriculture has no comment to provide for this referral.

Thank you,  
Christina

**Christina Forbes** BSc, P.Ag | Regional Agrologist | Kelowna  
p: 250-861-7201 | c: 250-309-2478  
Email: [Christina.Forbes@gov.bc.ca](mailto:Christina.Forbes@gov.bc.ca)

Generic Email: [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)



Your File #: D2019.009-  
ZONE

eDAS File #: 2020-02132

Date: May 8, 2020

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

Attention: Lauri Feindell, Planning Secretary

Re: **Proposed Text Amendment Bylaw 2862, 2020 for:**  
**Dock Regulation Bylaw - Electoral Area "A" "C" "D" "E" "F" and "I"**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

If you have any questions, please feel free to call Rob Bitte at (250) 490-2280.

Yours truly,

Rob Bitte  
Development Officer

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

## Lauri Feindell

---

**From:** Cory Labrecque  
**Sent:** August 7, 2020 3:56 PM  
**To:** Lauren Wornig  
**Cc:** Lauri Feindell  
**Subject:** RE: Dock Question - FILE IN DOCKS

**Categories:** filing to edms

Hi Lauren,

Thank you for your interest in our proposed dock regulations.

In cases where dock permission is being granted/considered by the Province, they will indicate to any applicant when they need to consult with the RDOS on our bylaw requirements. For most residential docks that align with the Province's stipulations, additional permitting/rezoning processes would not be required (aside from our existing Watercourse Development Permit (WDP) process). A formal rezoning process would only be triggered for more intensive uses, such as commercial, float-plane and group moorage.

It is important to note that the RDOS would not have the legislative authority or capacity to interfere with the decisions of the province, or mediate between the province and property owners over the individual dock disputes. The province and federal government maintain the highest level of authority on the use of Crown land (i.e. the lakes and foreshores), and the RDOS's draft bylaw is predicated on any dock installations first aligning with provincial and federal legislation/decisions.

Kind Regards,  
Cory



Cory Labrecque, MCIP, RPP, Planner II  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4204 • tf. 1.877.610.3737 • [clabrecque@rdos.bc.ca](mailto:clabrecque@rdos.bc.ca) • RDOS  
[FACEBOOK](#) • [YOUTUBE](#) • Sign up for [REGIONAL CONNECTIONS](#)

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**From:** Lauren Wornig <[laurenwornig@gmail.com](mailto:laurenwornig@gmail.com)>  
**Sent:** August 6, 2020 4:40 PM  
**To:** Planning <[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)>  
**Subject:** Dock Question for Cory Labrecque

Hi Cory,

Thank you for the presentations on July 30, August 4 & 5 regarding Public Q & A Sessions for Proposed Dock Regulations. As per your invitation to e-mail additional questions, I have the following query.

How involved will the RDOS be in disputes over dock regulations?

What will be the RDOS's role be in future applications for docks, platforms or boat launches?

For instance, since the 2017 flood and the resulting multiple cases of damaged docks, I am aware of some applications to the province (via FLNR Front Counter) for General Permission to repair these structures that have resulted in disputes between the province and upland owners. There are clear cases where the damaged docks were not built according to regulation, but there are other cases where the dock builders insist the regulations at the time of construction were followed while the province disagrees and will not process a permit for repair. Is it the RDOS's intention to help mediate these disputes in any way?

Thank you,

Lauren



July 14, 2020

**RDKB File No. O-2**

*Please Quote on Correspondence*

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

via email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**RE: RDOS proposed OCP and Zoning Bylaw amendments**

---

This is to advise that on June 25, 2020, the Regional District of Kootenay Boundary (RDKB) Board of Directors adopted the following resolutions respecting the above-referenced matter:

**305-20** *Moved: Director McGregor*

*Seconded: Director Korolek*

*That the Regional District of Kootenay Boundary Board of Directors advise the Regional District of Okanagan Similkameen that the Regional District of Kootenay Boundary supports the amendments to the Official Community Plan and Zoning Bylaws for RDOS's Electoral Areas 'A', 'C', 'D', 'E', 'F' and 'I' as outlined in the Bylaw Referral.*

*Carried.*

Should you require further information regarding the above, please contact the Planning and Development Department.

Sincerely,



Maria Ciardullo  
Planning and Development Department  
Senior Secretary

P:\PD\PD\_Committee\BoardFollowUp\Municipalities and Regional Districts\RDOS proposed bylaw amendments-July 2020.doc.docx

**From:** Tobin, Patrick J FLNR:EX <[Patrick.Tobin@gov.bc.ca](mailto:Patrick.Tobin@gov.bc.ca)>

**Sent:** August 10, 2020 12:03 PM

**To:** Cory Labrecque <[clabrecque@rdos.bc.ca](mailto:clabrecque@rdos.bc.ca)>

**Cc:** Boivin, Janis FLNR:EX <[Janis.Boivin@gov.bc.ca](mailto:Janis.Boivin@gov.bc.ca)>; Tobin, Patrick J FLNR:EX <[Patrick.Tobin@gov.bc.ca](mailto:Patrick.Tobin@gov.bc.ca)>

**Subject:** RE: X2019.009-ZONE - Proposed Dock Regulations: Okanagan Basin Lakes Zone - MFLNRORD District Okanagan Shuswap Comments

Good morning Cory.

There is a long and short answer to the question surrounding placement of buoys.

The short answer is "buoys are managed by transport Canada". This is what you will see on Provincial websites and policy direction but the truth of the matter is that it is not a complete answer.

While it is true that buoys are managed by Transport Canada it is the shape, size, colour, markings, identification, intended uses etc that Transport Canada manages. What is not addressed in the short answer is that the anchoring of buoys to the bed of the lake actually requires permission from the province. To reframe it the anchor occupies Crown Land and as such legally requires a licence or some form of permission/authorization to occupy the bed of the lake.

And to jump ahead to a possible next question the Province is not really interested in tenuring the tens or maybe even hundreds of thousands of buoys that occupy the waters of BC.

To be honest the yacht club is wrong. They have no legal authority to place buoys wherever they want. If a person complains to FLNRORS C&E staff they may be able to get the buoys removed if they are creating an issue fronting their property. Where there are congregations of buoys (referred to as buoy farms) developing in an area C&E and even Transport Canada Officers can have them removed.

I always advise property owners that only they have the ability to place buoys fronting their properties. If someone else places a buoy in front of their property they can contact Transport Canada (if the bou does not meet their specifications, most notably a contact phone number of the buoys owner) or C&E via the NRVV reporting line.

That said for this kind of non-compliance to rise to the top of the Officers investigation/action list the transgressions will likely need to be substantial or the complainant very persistent. C&E and even Transport Canada Officers do not go looking for these with all the other issues they have on their plates.

If RDOS puts in a bylaw that seeks to manage buoys it could help C&E immensely in cleaning up problem areas.

I have cc'd the Regional Manager for Compliance and Enforcement in the Thompson Okanagan, Janis Boivin. She may be able to assist with some strategies to assist the District in this regard.

Please feel free to call me to discuss should you have any further questions.

Take care.

Patrick Tobin, RPF  
Senior Authorizations Officer  
Okanagan Shuswap Resource District



Ministry of Forests, Lands and Natural Resource Operations  
NOTE NEW Phone # (778) 943-6987

**From:** Cory Labrecque [<mailto:clabrecque@rdos.bc.ca>]  
**Sent:** Wednesday, August 5, 2020 9:37 AM  
**To:** Tobin, Patrick J FLNR:EX  
**Subject:** RE: X2019.009-ZONE - Proposed Dock Regulations: Okanagan Basin Lakes Zone - MFLNRORD District Okanagan Shuswap Comments

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hi Patrick,

Thank you for taking the time to comment on our proposed Docks bylaw. We did make improvements to our draft bylaw based on your feedback.

RDOS is now in the process of public consultation. One question that's come up through the RDOS Board Chair is:

*"On slide # 5, it references 2 moorage buoys. How will that be something that can be controlled when currently folks place these buoys in front of other people's properties. For example, right now the Penticton Yacht Club places buoys in the lake for their members to use. a Naramata resident complained about them being in front of her house and the Penticton Yacht club said that is permitted as the water is open for use by all. If this moves forward, will we be able to restrict the yacht club from doing this?" (Note that in the draft bylaw, we increased the number of moorage areas to four per dock. An additional two standalone buoys are also permitted - which are now separated from the total moorage area count).*

What is the Province's take on this type of question – namely the placement of buoys in front of other properties? Any comments/guidance you have on this would be much appreciated.

Kind Regards,



Cory Labrecque, MCIP, RPP, Planner II  
Regional District of Okanagan-Similkameen  
101 Martin Street, Penticton, BC V2A 5J9  
p. 250.490.4204 • tf. 1.877.610.3737 • [clabrecque@rdos.bc.ca](mailto:clabrecque@rdos.bc.ca) • [RDOS](#)  
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**From:** FLNR DOS Referrals CSNR:EX <[FLNRDOSReferrals@gov.bc.ca](mailto:FLNRDOSReferrals@gov.bc.ca)>  
**Sent:** May 28, 2020 8:30 AM  
**To:** Planning <[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)>  
**Cc:** Lauri Feindell <[lfeindell@rdos.bc.ca](mailto:lfeindell@rdos.bc.ca)>  
**Subject:** X2019.009-ZONE - Proposed Dock Regulations: Okanagan Basin Lakes Zone - MFLNRORD District Okanagan Shuswap Comments



Good day,

## MFLNRORD District Okanagan Shuswap Comments

DOS Lands Team:

Some comments for the RDOS folks on their proposed bylaw.

1. The provincial policy governing private moorage allows for 1 dock or 1 boat ramp or 1 standalone boatlift. The dock regulation review seems to indicate that a property may have a dock and a boatway. This would not be permitted by the province. The definition of Private Moorage is as follows:

<b>Private Moorage Facility</b>	means a dock, a permanent boat way (i.e. boat ramp), or a stand-alone boat lift that is permanently affixed to aquatic Crown land. It is for the personal and private residential use by one or a number of individuals or a family unit for boat moorage.
---------------------------------	--

This is further defined in the policy as follows:

### Requirements for All Private Moorage Facilities

DO:

- **Construct only one private moorage facility per property (e.g. only one dock or one boat way, not both).**
- **If it is located in a marine environment ensure that it is limited to a single dock which consists of an elevated pier leading to a ramp and one moorage float only.**
- **Ensure that all structures (i.e. dock, boat way, boat lifts) are at least 5 metres from the projected side property line (6 metres if adjacent to a**

FILE: 12565-00


PAGE: 10

EFFECTIVE DATE: January 21, 2019

AMENDMENT:

2. The proposed bylaw limits the number of moorage areas on a structure to 2 boat moorage areas (or one boatlift and a moorage area of which a buoy would counted as a moorage area). A few considerations:
  - a. Are personal water craft (ie seedoo) lifts considered part of the number?
  - b. Our provincial policy does not set a number of lift/moorage features for **Private Moorage** (which differs significantly from commercial, marina or strata include group moorage) so this could be viewed as more restrictive than provincial policy. While it is absolutely within the purview of Local government to set the standards for their jurisdictions (provided the local government standards at least meet the provincial standards) there could be pushback on this restriction. We often see 2-3 boatlifts on a dock with a couple of buoys fronting a property. Future dock approvals would no longer allow more than two such features and if we find they have been added afterwards the structure would be deemed to be unauthorized as it would be inconsistent with local government bylaws
  - c. We do not track buoys so addition of buoys or pre-existing buoys onsite would complicate issues if the buoy is tied to dock authorization. I would suggest separating buoys out from docks and either allowing one or two independabnt of the dock.



- 
3. The bylaw envisions 2 moorage areas (ie 2 boatlifts max) but makes no mention of a maximum platform area. In our most restrictive zones (Red and Black zones for Kokanee foreshore spawning) the maximum platform area is 24 m2 (typically 3x8 meters). We have yet to have upland owners in Red/Black zones complain that they cannot adequately moore their vessels on a lift with a 24m2 platform. In our less restrictive zones (yellow and no colour) there are no set maximum platform areas save for what can fit within a properties riparian footprint. Docks with greater than 24 m2 platform areas have been approved in these less restrictive zones
  4. Consider setting a maximum platform area. 24 m2 is, as I mention above, a very adequate platform area allowing two lifts and even room for pwc lifts is permitted (providing depth can be achieved).
  5. We permit Private Moorage fronting "lots" within "Paper Subdivisions". North Bench Road is an example. Technically 1 surveyed legal lot that is informally subdivided (ie the subdivision is not registered with Land Titles) . Would these applications require Board approval?
  6. The bylaw mentions some key dimensions but there is no mention of setbacks requirements. We require 5 meter (6 meter from public access, parks etc) for docks, swim platforms and ideally buoys. This provincial standard is based on Transport Canada requirements for safe boating.
  7. In the Okanagan we typically do not differentiate boat moorage from float plane moorage.
  8. As a matter of course new or modifications to Private Moorage structures requiring a formal Specific Permission (docks on an Arch site, shared docks, docks fronting "lots" in Paper Subdivisions, docks with non-conforming features that do not meet the January 17, 2017 GP grandfathering criteria, case by case specific requirements ie docks greater than 42 meters) are referred to local government for review and comment.
  9. For new applications that meet our January 17, 2017 GP criteria or docks that are being converted from formal licences to General Permissions local governments are advised, along with the proponent that the Province has determined the dock to be a GP structure according to provincial criteria. In these notifications we advise the proponent to contact local governments to ensure that the design meets local government bylaws and if they do not either seek a variance or modify the design to comply. While we are familiar with many of the local governments bylaws we do not adjudicate applications based on these bylaws as there are too many to keep track of. We look to local governments to advise us if there is a problem and if there is we can intervene as necessary. For some jurisdictions the bylaws are fairly strict and substantially different enough from provincial standards we can readily advise proponents and their agents if a design contradicts local government bylaws but this is not always the case.

Please feel free to call me directly to discuss if you wish to do so.

Patrick Tobin, RPF  
Senior Authorizations Officer  
Okanagan Shuswap Resource District  
Ministry of Forests, Lands and Natural Resource Operations  
Office: (778) 943-6987 (VOIP)  
[Patrick.Tobin@gov.bc.ca](mailto:Patrick.Tobin@gov.bc.ca)

*Patricia Shatzko*

**Authorizations Administrator  
Referrals Coordinator**

Resource Team Email: [DOSRESOU@Victoria1.gov.bc.ca](mailto:DOSRESOU@Victoria1.gov.bc.ca)

Direct Email: [Patricia.Shatzko@gov.bc.ca](mailto:Patricia.Shatzko@gov.bc.ca)

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

Direct Phone: VOIP: 778-943-6850

## ADMINISTRATIVE REPORT

**TO:** Environment and Infrastructure Committee

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

**DATE:** October 1st, 2020

**RE:** Organic Composting - Proposed Scope and Location

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### **Administrative Recommendation:**

**THAT the Regional District purchase the modular home at 1313 Greyback Road for \$110,000 plus applicable taxes from the Campbell Mountain Landfill Reserve to provide office space at the proposed Organics Composting Facility.**

### **Background:**

The new Organic Composting Facility proposed for 1313 Greyback road will benefit from office space, a lunch/first aid room, changing rooms and washrooms for the staff operating the facility. The modular home currently located on site, but not part of the purchase, can be easily converted for these purposes. The existing facility is connected to septic, water and power.

The 2009 modular home has 1485 sq. ft., consisting of 3 bedrooms, 2 bathrooms, a mechanical room, kitchen, dining room and a living room. Regional District building officials have inspected the property and the structure appears to be in excellent condition. The structure was valued between \$160,000 - \$200,000 by a realtor, was listed for \$120,000 and has an agreed upon price of \$110,000.

### **Analysis:**

The proposed purchase price is well below the costs to build a comparable office space. Should the construction of an Organics Composting Facility not proceed, the structure could be sold with the property.

### **Respectfully submitted:**

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Andrew Reeder, Manager of Operations

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 1, 2020

**RE:** Net Zero Waste Eastgate Partnership Agreement

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### Administrative Recommendation:

**THAT the Regional District execute a Partnership Agreement with Net Zero Waste Inc. and Net Zero Waste Eastgate Ltd. to meet the requirements of the Shared Cost Agreement to accept the \$4,066,666 grant from the Organics Infrastructure Program funding.**

### Purpose:

Approval of a partnership agreement with Net Zero Waste Eastgate Ltd. and Net Zero Waste Inc. until the year 2030 in order to receive funds from the Organics Infrastructure Program.

### Reference:

October 18, 2018 –resolution supporting the Expression of Interest to the Organics Infrastructure Program for the Net Zero Waste facility

July 19, 2019 –resolution authorizing the RDOS to submit a full application to the OIP on behalf of the NZW project in Eastgate

### Background:

In October 2018, Net Zero Waste (NZW) requested that the RDOS support their application for an Expression of Interest (EOI) for the Organics Infrastructure Program (OIP) for capital upgrades to an existing mushroom composting facility near Eastgate, BC. As the OIP was only available for local governments, NZW needed to partner with the RDOS to apply. Support was provided and the EOI was submitted.

The operation of NZW at the Eastgate site will draw most of its content from around the province, but has the potential to provide a backup for existing or future food/yard waste composting operations located in the RDOS. The site is already zoned for a compost operation and various designs have been completed. Significant consultation was completed in the area and the project has been widely supported with letters of support received from the RDOS Board, Town of Princeton, Upper Similkameen Indian Band and Lower Similkameen Band.

In 2019, confirmation was received that the NZW project was selected to submit a complete application for the composting facility project in the Eastgate area. In July, an initial agreement was approved with NZW for submitting the application.



In late December 2019, the RDOS was informed that the grant application had been successful for receiving up to \$4,066,666 of funding under the OIP grant. The subsequent step has been formulation of an extensive partnership agreement with NZW. This agreement will be in place for a period of 10 years, until 2030, to meet the requirements of the Shared Cost Agreement (SCA) that the RDOS would enter into with the Province upon accepting the grant funds.

**Alternatives:**

1. Execute the agreement
2. Refer the agreement back to Administration for additional information
3. Reject the agreement

**Analysis:**

In order to move forward with the facility construction, the partnering agreement and the Shared Cost Agreement (SCA) both require execution by the RDOS. The partnering agreement, prepared by Mike Quattrocchi, a Barrister and Solicitor at Young Anderson, contains many benefits for the RDOS. NZW have approved of all the included clauses and have executed the partnering agreement. The SCA is signed between the RDOS and the Province only.

Some of the benefits for the RDOS include provisions for the acceptance of RDOS originating materials, the annual purchasing ability of the RDOS for Class A compost from the facility and annual compensation for the RDOS to recover costs associated with project monitoring until 2030. At this time, the communities within the RDOS have not yet committed to sending waste to the new facility but this option is available in the future should the solid waste plan deem it favorable for the area.

The highest risk for the RDOS is the repayment clause in the SCA should the Province deem the NZWE facility to be in default of the approved terms of the grant. In this case, the Province can request repayment of any amount up to the full grant value of \$4,066,666. In order to mitigate this risk to the RDOS the following has been included in the partnering agreement.

1. GSA (General Securities Agreement) will give the RDOS security over all assets of the company. The project itself is estimated to cost over \$8.0 M for all the construction and equipment. As the site is a brownfield site (old mushroom composting operation), most of the project costs will be equipment that could be liquidated in case of default. NZW intends to keep re-investing over \$500k in their facility each year to keep operations efficient and grow.
2. The RDOS would be able to take over the lease with the Province if necessary, and ultimately take over the operation or hand the facility over to another operator. NZW purchased the lease from the prior operator. An application is currently in process to have the lease extended with the Province for an additional 20 years after the current expiry of 2024. This extension is necessary as the facility must operate until at least 2030 to meet grant requirements.



3. Two of their most successful NZW facilities are Net Zero Waste Abbotsford Inc. and Sea to Sky Soils and Composting Inc. Both of these businesses have significant retained earnings which continue to grow in 2020. The RDOS has been provided an additional guarantee by NZW to recover funds if necessary.

**Respectfully submitted:**

*Liisa Bloomfield*

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L. Bloomfield, Engineering Manager

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 1, 2020

**RE:** Award of Garnett Family Park - Public Washroom Project

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**Administrative Recommendation:**

**THAT the construction of a Public Washroom at Garnett Family Park be awarded to Plan B Contractors Inc. up to the amount of \$96,000.00 exclusive of GST;**

**Reference:**

Garnett Family Park Site & Washroom Design Plan

**Business Plan Objective:**

Key Success Driver 3.0: To Build a Sustainable Region

**Background:**

Garnett Family Park is located on the East side of Skaha Lake at 176 Chadwell Place in the Heritage Hills/Lakeshore Highlands area. The park has been under development since 2018.

Development of Garnett Family Park is being done in cooperation with the Heritage Hills/Lakeshore Highlands Community Association. The development has been guided by a plan developed by LA West Associates in 2016. Recent additions to the park include a playground, paved pathway with solar lighting, a pavilion, and park benches/tables.

**Analysis:**

The project Request for Proposals (RFP) invited bids for the construction of a public washroom with two accessible washrooms and a mechanical room. The work scope includes completion of the building and utility connections.

The Regional District received three submissions from qualified contractors. A committee comprised of Community Services staff evaluated the proposals based on the criteria outlined within the advertisement. Criteria included price, company history, methodology and proposal clarity.

<b>Contractor</b>	<b>Evaluation Score/100</b>	<b>Cost (Plus GST)</b>
Plan B Contractors	97	\$96,000
Greyback Construction	83	\$141,735
Sterling Okanagan Builders	65	\$126,566.70

Funding for the project will be financed by Electoral Area “D” Community Gas Tax funding through the Okanagan Falls Parks and Recreation service with the funding currently available for the project set at **\$100,000**. The Plan B Contracting proposal meets all mandatory requirements and is within the proposed budget.

**Alternatives:**

- Deny the award and go back out for bids.

**Respectfully submitted:**

*Doug Reeve*

D. Reeve, Project Coordinator

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 1, 2020

**RE:** **2021 UBCM Community Resiliency Investment Grant Program**

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### **Administrative Recommendation:**

**THAT the Regional District submit a grant application for the 2021 UBCM Community Resiliency Investment Program in the amount of \$600,000 for the identified work.**

### **Purpose:**

The Community Resiliency Investment (CRI) program is a Union of B.C. Municipalities (UBCM) funded initiative to reduce the risk and impact of wildfire to communities in B.C. through community funding, supports and priority fuel management activities on provincial Crown land.

The FireSmart Community Funding and Supports program provides funding to local governments and First Nations in B.C. to increase community resiliency by undertaking community-based FireSmart planning and activities that reduce the community's risk from wildfire.

### **Business Plan Objective:**

This project is tied to Key Success Driver 3.0: Build a Sustainable Region; 2020 Business Plan and the specific objective of completing FireSmart and Community Wildfire Protection Plan initiatives.

### **Background:**

Under the 2020 CRI Program, the RDOS was awarded a grant of \$150,000 for developing a RDOS FireSmart website, amending the Electoral 'A' OCP to include FireSmart principles, defining wildfire urban interface Development Permit Areas zones in all nine electoral areas, establishing interagency wildfire planning and FireSmart committee initiatives, FireSmart assessments for Apex, Hedley and Olalla, and for chipping and binning events to provide neighbourhoods with off-site debris disposal. This work is ongoing throughout 2020.

For 2021, the RDOS may submit a single application for eligible, collaborative projects that includes multiple electoral areas up to a maximum \$150,000, plus up to \$50,000 for FireSmart activities for each electoral area (\$450,000) that is included in the application. Thus, the potential total funding available for the RDOS in 2021 is \$600,000. The application deadline to UBCM is October 9, 2020. The RDOS will be advised of the status of their application by February 5, 2021. Under the 2021 CRI Program, the RDOS proposes to apply for the full \$600,000 in grant funds to address the



recommendations outlined in the 2020 RDOS Community Wildfire Protection Plan and align with eligible 2021 CRI grant activities as follows:

- Education – organize, implement and/or update public meetings, signage, social media, applicant websites and/or newsletters, community site visits, and community education. \$141,400
- Development Considerations – revise 2 RDOS OCP’s to incorporate FireSmart principals. \$57,500
- Inter-agency Cooperation – participate in multi-agency wildfire and Community FireSmart Resiliency Committee planning tables. \$44,000
- FireSmart Training – funding towards local FireSmart representative training. \$20,800
- FireSmart Demonstration Project – replace combustible wood siding on the Juniper Pump Station (Naramata) with non-combustible fibre-cement siding. \$17,250
- FireSmart Community Plans – develop FireSmart Neighbourhood Plans. \$157,500
- FireSmart residential rebate initiative – for residential property or home owners that complete eligible FireSmart activities. \$67,500
- Off-site vegetative debris disposal – chipping and disposal for residential property or home owners who have undertaken their own vegetation management. \$62,100
- Fuel Management treatments – on publicly owned land within the RDOS. \$31,950

**Analysis:**

Research has shown that communities that implement FireSmart principles have a greater chance of survival during wildfire. As identified in the BC Flood and Wildfire Review, there is a critical need to “strengthen public understanding of the risks and personal responsibilities associated with living in a fire-dependent ecosystem.” Further, findings from the 2016 Horse River wildfire in Fort McMurray indicate that FireSmart principles were one of the main reasons why individual homes survived, regardless of the broader wildfire threat surrounding them. This was true in both the urban and rural areas. (Source: Union of BC Municipalities).

**Alternatives:**

Not to endorse or support the application and discontinue the support of this program.

**Respectfully submitted:**

*“Doug Reeve”*

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D. Reeve, Project Coordinator

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** October 1, 2020

**RE:** Property Tax Exemption Bylaw No. 2910, 2020

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### **Administrative Recommendation:**

**THAT** Bylaw No. 2910, 2020, being a bylaw of the Regional District of Okanagan-Similkameen to exempt specific properties from property taxation be read a first, second and third time and be adopted.

### **Reference:**

Local Government Act Section 391

### **Background:**

The Board , at its discretion, may grant an exemption to eligible organizations from taxes payable to the RDOS for the upcoming tax year. Organizations within a member municipality's taxing jurisdiction make application for property tax exemption directly to the member municipality.

Annually, the RDOS invites qualifying non-profit organizations to apply for a Property Tax Exemption. Notifications of the exemption application process and July 31 deadline are advertised in local area newspapers in early June and again in early July.

### **Analysis:**

There is one new applicant for the 2021 exemption. Estimated 2021 taxes are based on 2020 assessment data and tax rates.

All exemptions whether statutory or permissive are reviewed by BC Assessment who make the final determination.

Previous Exemptions:	Area	2020 RDOS Est Taxes Exemption	2021 RDOS Est Taxes Based on 2020 Assessments		2021 RDOS Est Taxes Difference Exemption
			Without	With Exemption	
Keremeos-Cawston Sportsmen Association	G	\$2,224	\$2,425		\$2,425
South Okanagan Sportsmen Association	C	\$180	\$186		\$186
South Okanagan Sportsmen Association	C	\$1,144	\$1,176		\$1,176
Fairview Mountain Golf Club Society	C	\$13,388	\$15,281	\$1,671	\$13,610
OK Falls Heritage & Museum Society	D	\$3,836	\$4,218		\$4,218
City of Penticton - golf course	I	\$1,046	\$1,015		\$1,015
Nickel Plate X-Country Ski Club	G	\$419	\$478		\$478
Princeton Golf Club	H	\$5,982	\$4,544	\$140	\$4,404
Hedley Sports Association	G	\$445	\$475		\$475
Keremeos Elks Lodge	G	\$1,530	\$1,674		\$1,674
Okanagan Falls United Church	D	\$787	\$780		\$780
Naramata Museum Society (RDOS Ownership)	E	\$1,989	\$2,135		\$2,135
Penticton Shooting Sports Association	F	\$866	\$926		\$926
The Natures Trust	C	\$614	\$683		\$683
South Skaha Housing Society*	D	\$3,398	\$8,493		\$8,493
<b>New Exemptions:</b>					
Royal Canadian Legion, Okanagan Falls	D	\$0	\$2,327		\$2,327
		\$37,848	\$46,816	\$1,811	\$45,005

**\*BC Assessment disallowed the exemption for 2019**

The above table is the approximate amount of property taxes foregone by exemption.

Historically the Board has relied upon the amount of demonstrative benefits each exempted group provides to the community. For example, due to the vast amount of land that a cross-country ski club uses, the amount of taxes on the land would make the fees for cross-country skiing too expensive for everyone wishing to participate in this activity. The golf courses are partial exemptions to offset the public access portions of the fees.

**Respectfully submitted:**

*“Noelle Evans-MacEwan, Finance Supervisor”*

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N. Evans-MacEwan, Finance Supervisor



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BYLAW NO. 2910, 2020

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A bylaw to exempt property tax assessments

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**WHEREAS** the Board of the Regional District of Okanagan-Similkameen is empowered by the Local Government Act to exempt certain land and improvements;

**AND WHEREAS** it is deemed desirable and expedient to exempt specific properties from property taxation;

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

### 1 Citation

1.1 This Bylaw shall be cited as the "Regional District of Okanagan-Similkameen Property Tax Exemption Bylaw No. 2910, 2020".

2.1 Pursuant to Section 391 (1) of the Local Government Act, the following parcels of land shall be exempt from taxation with respect to land and improvements for the year 2021;

**Owners Name**

**Legal Description**

Naramata Museum Society

Parcel A, BI 3, DL 210 SDYD  
PI 519 715-00565.105

2.2 Pursuant to Section 391 (4) of the Local Government Act, the following parcels of land shall be exempt from taxation with respect to land and improvements for the year 2021;

**Owners Name**

**Legal Description**

Keremeos-Cawston Sportsmen Association

Parcel A, PI B6949, DL 319, SDYD 716-2752.000

South Okanagan Sportsmen Association

Lot 3, PI 4041, DL 2450S, SDYD Portion L 727  
714-6485.000 **and** Lot 1, PI 13268, DL 2450S,  
SDYD Portion L 727 714-6485.100

Fairview Mountain Golf Club Society  
(to the extent of an 80% exemption for  
improvements for clubhouse excluding  
residential portion of facility)

Lot 1, PI KAP62023, DL 2450S SDYD  
714-6476.020

OK Falls Heritage & Museum Society

Lot 9, PI 34520, DL 374, SDYD 714-796.090

City of Penticton (leased to golf course)

Lot A, PI 40972, DL 2 366 367, ODYD (Portion  
outside Municipal Boundary) 715-2713.010

Nickel Plate X-Country Ski Club	SDYD, SUP 11350 716-10308.000
Princeton Golf Club (to the extent of an 80% exemption for improvements for clubhouse facility)	Block B, DL 1091, SDYD 717-895.600, except Plan KAP75166
Hedley Sports Association	Lot 13-15, Block 8, PI 2565, DL 2482, SDYD 716-09035.000, 716-09035.002
Keremeos Elks Lodge	Parcel A, PI DD143573, DL 0457 , SDYD 716-02837.000
Okanagan Falls United Church	Block 8, Parcel Y, PI 1280, DL 0374 , SDYD 714-00819.081
Penticton Shooting Sports Association	ODYD, DL 2499 Except Plan H397 41847, For Mobile Folio C/REF 89000.100 777-09000.100
The Natures Trust	Lot B, PL 89970, DL 2450S 714-05353.070
Royal Canadian Legion Okanagan Falls Branch No. 227	Lot 1, Plan KAP 23248, District Lot 374, Similkameen Div of Yale Land District

2.3 Pursuant to Section 15 (1) (p) of the Rural Tax Act, the following parcels of land should be exempt from taxation with respect to land and improvements for the year 2021;

South Skaha Housing Association	Lot 1, KAP 12558, District Lot 374, Similkameen Div of Yale Land District, Okanagan Falls Townsite
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**READ A FIRST, SECOND, AND THIRD TIME** this 1<sup>st</sup> day of October, 2020

**ADOPTED** this 1st day of October, 2020

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RDOS Board Chair

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Corporate Officer