

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

Thursday, July 2, 2020  
 RDOS Boardroom – 101 Martin Street, Penticton

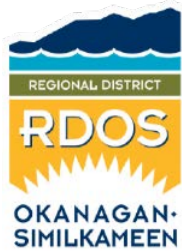
**SCHEDULE OF MEETINGS**

9:00 am	-	9:15 am	Public Hearing – Electoral Area “I” Official Community Plan Bylaw and Zoning Bylaw Amendments – Apex Mountain Zone Update
			Public Hearing – Amendment Bylaw No. 2858, 2020 – Micro Cannabis Production Facilities
9:15 am	-	9:45 am	Protective Services Committee
9:45 am	-	10:15 am	Corporate Services Committee
10:15 am	-	12:15 pm	RDOS Board

***“Karla Kozakevich”***

Karla Kozakevich  
 RDOS Board Chair

<b>Advance Notice of Meetings</b>			
<b>July 16</b>	<b>RDOS Board</b>	<b>OSRHD Board</b>	<b>Committee Meetings</b>
<b>August 6</b>	<b>RDOS Board</b>		<b>Committee Meetings</b>
<b>August 20</b>	<b>RDOS Board</b>	<b>OSRHD Board</b>	<b>Committee Meetings</b>
<b>September 3</b>	<b>RDOS Board</b>		<b>Committee Meetings</b>
<b>September 17</b>	<b>RDOS Board</b>	<b>OSRHD Board</b>	<b>Committee Meetings</b>



# NOTICE OF PUBLIC HEARING

## Electoral Area “I” Official Community Plan Bylaw and Zoning Bylaw Amendments Apex Mountain Zone Update

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Electoral Area “I” Official Community Plan Amendment Bylaw No. 2683.03, 2020**, or **Electoral Area “I” Zoning Amendment Bylaw 2457.26, 2020**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a public hearing to be held by electronic means on:

**Date:** Thursday, July 2, 2020

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

**Location:** <https://rdos.webex.com> (Meeting Number: 146 377 8561 / password: RD@S)

### INSTRUCTIONS ON HOW TO PARTICIPATE

To participate in the electronic public hearing, please enter the text provided under “Location” (above) into the address bar of an internet browser (e.g. Chrome, Firefox, Safari, Edge). The “Meeting Number” for the public hearing is: 146 337 8561 / password: RD@S). Interested individuals may also participate in the public hearing by calling 250-490-4217 or Toll Free at 1-877-610-3737.

The Regional District is utilizing Cisco’s Webex videoconferencing services and individuals interested in participating in the public hearing are encouraged to test this service on their computer or mobile device prior to the date of the hearing. Additional instructions on how to participate in an electronic public hearing are available on the Regional District’s website: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Property & Development → Planning, Zoning & Subdivision → Strategic Projects → Apex Zone Update).

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

### PURPOSE OF THE BYLAW(S):

The purpose of the proposed amendments is to update a number of residential zones at Apex Mountain as part of on-going work related to the preparation of a single zoning bylaw for the South Okanagan Valley Electoral Areas. More specifically:

**Amendment Bylaw No. 2683.03, 2020**, proposes to amend Schedule ‘A’ (OCP Text) of the Electoral Area “I” OCP Bylaw No. 2683, 2016, in order to replace the Residential Mixed Use (RMU) land use designation with a new “Village Centre” to be applied to the “Apex Village Centre (AVC)” and “Twin Lakes Village Centre (TLVC)”.

It is further proposed to amend Schedule ‘B’ (OCP Map) of Bylaw No. 2683, 2016, in order to replace the RMU land use designation at Apex and to replace it with the AVC, Medium Density Residential (MR) or Low Density Residential (LR) land use designations. At Twin Lakes, the RMU designation will be replaced with the TLVC designation.

**Amendment Bylaw No. 2457.26, 2020**, proposes to amend Schedule ‘1’ (Zoning Text) of the Electoral Area “I” Zoning Bylaw No. 2457, 2008, in order to introduce a new Low Density Residential Duplex Apex (RD2), Medium Density Residential Apex (RM2), Apex Mountain Village (AMV) and Chutes End Comprehensive Development (CD8) zones. The RD2, RM2, AMV and CD8 zones contain revised regulations to those found in the zones they are replacing.

It is further proposed to amend Schedule ‘2’ (Zoning Map) of Bylaw No. 2457, 2008, in order to replace the Residential Apex Alpine Site Specific (RS4s), Residential Multiple Unit Three (RM3) and Mixed Use Apex Alpine (RMU) with the RD2, RM2, AMV and CD8 zones.

### FURTHER INFORMATION

For further information about the content of **Amendment Bylaw No. 2683.03, 2020**, and **Amendment Bylaw No. 2457.26, 2020**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Please note that the RDOS office is currently closed to the public due to the on-going provincial health emergency and this information will be available in the front entry vestibule. This same information is also available at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Property & Development → Planning, Zoning & Subdivision → Strategic Projects → Apex Zone Update).

### FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

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



# NOTICE OF PUBLIC HEARING

Amendment Bylaw No. 2858, 2020

Micro Cannabis Production Facilities

Notice is hereby given by the Regional District of Okanagan-Similkameen (RDOS) that all persons who believe that their interest in property is affected by the **Regional District of Okanagan-Similkameen Electoral Area Official Community Plan Amendment Bylaw No. 2858, 2020**, will be afforded a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaws at a delegated public hearing to be held on:

**Date:** Thursday, July 2, 2020

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

**Location:** <https://rdos.webex.com> (Meeting Number: 146 377 8561; password RD@S)

## INSTRUCTIONS ON HOW TO PARTICIPATE

To participate in the electronic public hearing, please enter the text provided under "Location" (above) into the address bar of an internet browser (e.g. Chrome, Firefox, Safari, Edge). The "Meeting Number" for the public hearing is: **146 377 8561; password RD@S** Interested individuals may also participate in the public hearing by calling 250-490-4217 or Toll Free at 1-877-610-3737.

The Regional District is utilizing Cisco's Webex videoconferencing services and individuals interested in participating in the public hearing are encouraged to test this service on their computer or mobile device prior to the date of the hearing. Additional instructions on how to participate in an electronic public hearing are available on the Regional District's website: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Property & Development → Planning, Zoning & Subdivision → Strategic Projects → Micro Cannabis Production Facilities).

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

## PURPOSE OF THE BYLAW(S):

The purpose of the proposed amendments is to introduce new policy statements into the Electoral Area Official Community Plan (OCP) Bylaws that speak to the criteria the Regional District Board will use when considering rezoning applications proposing to allow micro cannabis production facility parcel. This includes:

- i) the parcel under application has an area not less than 2.0 hectares;
- ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
- iii) confirmation is provided that adequate water and servicing is available to the site; and
- iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

These amendments will be applied to the following bylaws:

- Electoral Area "A" OCP Bylaw No. 2450, 2008;
- Electoral Area "C" OCP Bylaw No. 2452, 2008;
- Electoral Area "D" OCP Bylaw No. 2603, 2012;
- Electoral Area "E" OCP Bylaw No. 2458, 2008;
- Electoral Area "F" OCP Bylaw No. 2790, 2018;
- Electoral Area "H" OCP Bylaw No. 2497, 2012;
- Electoral Area "I" OCP Bylaw No. 2683, 2016.

## FURTHER INFORMATION

For further information about the content of **Amendment Bylaw No. 2858, 2020**, and the land affected by them, persons are encouraged to inspect a copy of the proposed Bylaws at the Regional District of Okanagan-Similkameen office at 101 Martin Street, Penticton, BC, on weekdays (excluding statutory holidays) between the hours of 8:30 a.m. to 4:30 p.m.

Information related to this proposal is also available for viewing at: [www.rdos.bc.ca](http://www.rdos.bc.ca) (Property & Development → Planning, Zoning & Subdivision → Strategic Projects → Micro Cannabis Production

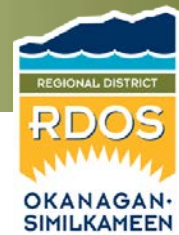
Facilities).

Anyone who considers themselves affected by **Amendment Bylaw No. 2858, 2020**, can present written information to the Regional District prior to or at the public hearing and may also speak at the public hearing. No letter, report or representation from the public will be received after the conclusion of the public hearing.

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

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



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

Thursday, July 2, 2020

09:15 am

**AGENDA**

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**A. APPROVAL OF AGENDA**

**RECOMMENDATION 1**

**THAT the Agenda for the Protective Services Meeting of July 2, 2020 be adopted.**

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**B. DELEGATIONS**

- 1. Christine Walsh, Manager of Police and Community Support Services, Regional District of Central Okanagan**

Ms. Walsh will address the Board regarding E-Comm and E9-1-1 Systems.

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**C. ADJOURNMENT**

# 911 Service Financial Overview

Regional District of Okanagan Similkameen Presentation

July 2, 2020

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1450 K.L.O. Road  
Kelowna, BC, V1W 3Z4  
rdco.com



# Cumulative Partner Requisitions Savings after 2014 – over \$2.22m – (or \$2.8m w 2% inflation)

	2014	2015	2016	2017	2018	2019	2020
<b>Requisitions:</b>							
Kootenay Boundary Regional District	(79,827)	(54,695)	(52,670)	(51,775)	(52,082)	(56,365)	(60,246)
Central Kootenay Regional District	(76,266)	(51,243)	(49,749)	(49,832)	(48,912)	(53,183)	(56,077)
Okanagan Similkameen Regional District	(162,969)	(112,592)	(113,427)	(120,525)	(127,793)	(138,231)	(139,549)
North Okanagan Regional District	(154,731)	(106,230)	(106,947)	(108,095)	(116,485)	(125,965)	(129,517)
East Kootenay Regional District	(174,235)	(120,292)	(120,223)	(120,915)	(113,588)	(118,760)	(124,584)
Columbia Shuswap Regional District	(110,778)	(76,367)	(77,972)	(79,463)	(82,771)	(89,261)	(92,749)
Thompson Nicola Regional District	(281,645)	(196,761)	(192,036)	(193,517)	(188,963)	(197,190)	(206,287)
Squamish Lillooett	(5,304)	(4,150)	(4,103)	(4,381)	(4,153)	(4,493)	(4,825)
Central Okanagan Regional District	(384,613)	(278,475)	(291,098)	(313,663)	(334,643)	(352,118)	(358,753)
Total Apportionment	(1,430,368)	(1,000,805)	(1,008,225)	(1,042,166)	(1,069,389)	(1,069,389)	(1,172,588)
	Savings compared to 2014 rates	(429,563)	(422,143)	(388,202)	(360,979)	(360,979)	(257,780)
	Cumulative savings for the group						(2,219,646)

# 911 Service Partner Budget Cost Allocation Process:

- For the purposes of the Agreement Cost Sharing:
  - Costs are shared on the basis of Assessments for all partners:
    - NOTE: IMPROVEMENTS ONLY
- RDCO makes annual requisition to partners during budget cycle.
  - Request based on current budgeted amount and apportionments to partners
  - Prior year annual “true up” of actual vs budget via the annual surplus/deficit is included in calculation (– explained later)
- Then each RD has its own bylaw and may calculate and collect taxes as per their bylaw, and remits them to RDCO in August each year.



# Partners' Assessment Shares May Shift Slightly from Year to Year: RDOS was 12.17% in 2019 vs 11.9% in 2020

<b>Apportionment Detail:</b>	<i>Improv. Assessments</i>	<i>Apportionment</i>	<b>2020</b>		2019	Change
<i>Kootenay Boundary Regional District</i>	610,570,410	60,246	<b>5.138%</b>		4.96%	0.17%
<i>Central Kootenay Regional District</i>	568,315,486	56,077	<b>4.782%</b>		4.68%	0.10%
<b>Okanagan Similkameen Regional Distric</b>	<b>1,414,271,009</b>	<b>139,549</b>	<b>11.901%</b>		<b>12.17%</b>	<b>-0.27%</b>
<i>North Okanagan Regional District</i>	1,312,592,053	129,517	<b>11.045%</b>		11.09%	-0.05%
<i>East Kootenay Regional District</i>	1,262,605,433	124,584	<b>10.625%</b>		10.46%	0.17%
<i>Columbia Shuswap Regional District</i>	939,973,065	92,749	<b>7.910%</b>		7.86%	0.05%
<i>Thompson Nicola Regional District</i>	2,090,629,964	206,287	<b>17.592%</b>		17.36%	0.23%
<i>Squamish Lillooett</i>	48,898,484	4,825	<b>0.411%</b>		0.40%	0.02%
<i>Central Okanagan Regional District</i>	3,635,799,210	358,753	<b>30.595%</b>		31.01%	-0.41%
	<b>11,883,655,114</b>	<b>1,172,588</b>	<b>100.000%</b>		<b>100.00%</b>	<b>(0.000)</b>

# RDOS Requisitions 2014 - 2020: Cumulative Share of Savings 2015-2020 \$225.7k

	2014	2015	2016	2017	2018	2019	2020	
Okanagan Similkameen Regional District	(162,969)	(112,592)	(113,427)	(120,525)	(127,793)	(138,231)	(139,549)	
Annual Savings		(50,377)	(49,542)	(42,444)	(35,176)	(24,738)	(23,420)	
Total								(225,696)

# Reserve Balances – end of 2019:

## ▪ Capital \$61k

- Reserve originated prior to 2015 when service was in house for capital replacements
- All partners contributed
- Continue to use \$19k annually toward capital improvements in agreement with Ecomm
- Balance forecast at end of 2020 is \$43k

## ▪ Operating \$227k

- Contributions have been made to reserve with agreement of partners to pay for Next Gen Technology upgrades.
- This was done so that the tax requisitions would not see a large “bump”
- Balance forecast at end of 2020 after use of \$170k is \$59.6k

# General 2020 Budget:

- 2020 Budget:

- \$1.432m

- Note: Ecomm Contract under negotiation

- Includes \$150k for Next Gen Technology upgrade and \$50k Contingency

- Funded by:

- \$170k from Operating Reserve – (as planned, to fund the Next Gen technology upgrade)

- \$89k prior year surplus carried forward (variance of budget & actual – true up)

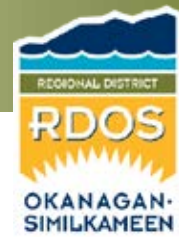
- \$1.173m tax requisition as per 1<sup>st</sup> slide.

## RECAP:

- RDOS Requisition for 2020: \$139,549 (11.9%) (vs. \$138,231 at 12.17% in 2019)



QUESTIONS?



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

Thursday, July 2, 2020

09:45 am

**AGENDA**

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- A. **APPROVAL OF AGENDA**  
**RECOMMENDATION 1**  
THAT the Agenda for the Corporate Services Meeting of July 2, 2020 be adopted.
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- B. **Regional District of Okanagan-Similkameen Stimulus Projects List – For Information Only**  
1. Stimulus Projects List
- 
- C. **2020 UBCM Convention – For information only**
- 
- D. **ADJOURNMENT**

**Proposed New Capital or Consulting Projects**

Rank	Service	Project Name	Rationale	Description	Current stage/Required before grant application	Matching funds available? Where?	Estimated total cost	PW Priority	Why a priority?	Type of Project
<b>RURAL PROJECTS AREA A - OSOYOODS RURAL</b>										
<b>RURAL PROJECTS AREA B - CAWSTON AREA</b>										
<b>RURAL PROJECTS AREA C - OLIVER RURAL</b>										
	Willowbrook Water System	New Reservoir	Existing reservoir capacity too small, fire protection issue	Replacement of existing reservoir or adding a second reservoir	No design currently completed	No reserves or secured funding in place	\$1.5-2M	1	Fire Protection; Operational	Capital
<b>RURAL PROJECTS AREA D - OKANAGAN FALLS AREA</b>										
	OK Falls Sewer and WWTP	Solids Processing	Additional funds needed; COVID-19 increased costs	Installation of a centrifuge in a building addition to the WWTP	Full design completed; tendered but not yet awarded	\$2.0M in Strategic Priorities Fund from UBCM	\$3.0M	1	Critical Infrastructure; Operational	Capital
	OK Falls Sewer and WWTP	Master Plan	Critical to creating a replacement and upgrade plan	Create overall capital plan including dynamic sewer model, upgrades, deficiencies and prioritization	No master plan has been created; basic info from AMIP but does not include condition assessments or modelling	No reserves or secured funding in place	\$75-100k	1	Operational; Critical infrastructure, Regulatory Financial Planning	Capacity Building; Assessment
	Sun Valley Water System	Water Treatment System	Precipitate from water needs to be removed as issues with water quality arise during the year	Installation of a treatment system to remove the	No design currently completed	No reserves or secured funding in place; Gas tax funded (?)	\$25-50k	1	Health & Safety; Operational	Capital
		605 Willow (Lake Front Development)					\$ 140,000			
		Year Round Washrooms Renovation Christie Park					\$ 50,000			
		Pickel Ball Courts					\$ 75,000			
<b>RURAL PROJECTS AREA E - NARAMATA</b>										
	Naramata Water System	Watermain Upgrade Works	Watermains are at or nearing end of useful life; breakages are increasing	Replacement of high priority water mains	Currently preparing RFP for design completion	Possible Capital reserves/user fees	\$5-6M+	1	Liability; Operational	Capital
<b>RURAL PROJECTS AREA F</b>										
	Faulder Water System	Mainline Valve Replacement	Issues with aging valves; inability to completely turn off	Replacement of valves along mains throughout distribution system	No design completed but will be very minimal; mostly construction work	Capital reserves		2	Operational	Capital
		Mariposa Tennis/Pickle Ball courts					\$ 130,000			
<b>RURAL PROJECTS AREA G</b>										
	Olalla Water System	Watermain Replacement	Reaching end of useful life; see increase breakage	Old watermains on side streets require replacement	Design planned for 2020 for all remaining	Community Works Gas Tax	\$2M+	2	Operational	Capital
		New Community Pool/ existing pool reno					\$ 3,100,000			
<b>RURAL PROJECTS AREA H</b>										
	Miszezula Lake Water System	Treatment Plant and Intake Improvements	Required to meet health standards	Design and Installation of new treatment system and revised intake structure	ICIP grant application submitted; if funds not received, reapplication will be necessary	Borrowing Bylaw in place	\$2.5M	1	Regulatory; Health & Safety; Operational	Capital
<b>RURAL PROJECTS AREA I</b>										
		Kaleden Hotel Project					\$ 1,000,000			
<b>OTHER PROJECTS - REGIONAL, SUB REGIONAL, MULTIPLE SERVICE AREAS</b>										
		All Water/Sewer Systems	Water & Sewer System SCADA Master Plan - Upgrades - PHASE 2/3	Critical electronic equipment at end of useful life	SCADA hardware replacement for multiple water & sewer systems	Part of Master Plan - preliminary design and cost estimates completed	Capital Reserves/User fees depending on specific water system	\$250k	1	Health & Safety; Critical infrastructure
		Campbell Mountain Landfill	Organics Composting Facility	Biosolids composting must relocate; Important waste diversion project; organic diversion may be required for using biocover	Design and Construction of new facility composting collected organics and biosolids in two streams	ICIP grant application submitted; SWMP supported; possible property acquisition still required	SWMP supported; Borrowing bylaw would be required	\$25M	1	Environment; Regulatory requirements
		Campbell Mountain Landfill	Biocover Design and Installation	Mitigation of methane produced by landfill	If approval is received from MOE then proceed to detailed design and then installation of full-scale biocover	Substituted Application to be submitted to MOE in May - wait for decision; detailed design still required	CML Closure Reserve	\$1.5M	2	Environment

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** 2020 UBCM Convention – For Information Only

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The Union of BC Municipalities (UBCM) convention will take place September 22 through 24 in a Virtual format as a result of COVID-19. .

The typical process involves the Board identifying issues they would like to discuss with the Province. Administration will then submit the list along with the issue/purpose, background and expected outcome. Shortly before the convention, we will be advised of a meeting time if our meeting request has been approved. *The Deadline to request meetings has not be determined as of yet.*

**For information, the Resolutions that were submitted to SILGA to be brought to the 2020 UBCM Convention are as follows:**

### **Hazardous Materials Recycling Regulation**

Whereas non -refillable pressurized tanks and sharps (needles) have been identified across British Columbia as creating serious health and safety concerns for the public and workers engaged in garbage and recycling collection, processing and landfilling;

And whereas the Province of British Columbia can include these hazardous materials under the Recycling Regulation to ensure cost effective and safe disposal under an Extended Producer Responsibility Program;

Therefore be it resolved that UBCM request the Province of British Columbia to include non-refillable pressurized tanks and sharps (needles) under the Recycling Regulation.

### **Venting Index Requirement and Efficiency of Burns**

Whereas there is a large amount of smoke created during forest fuel reduction burns and/or agricultural burns;

And whereas there are minimal days that the venting index permits burning resulting in a large number of burns being undertaken during the permitted times, which results in a tremendous amount of smoke being produced, as all burning is taking place within a short period of time;

And whereas forced air curtain burner or trench burner systems greatly reduce the smoke created during combustion by improving the efficiency of a fire resulting in clean burns with very little atmospheric particulate being produced;



Therefore be it resolved that UBCM request the Province of British Columbia to allow burning outside of venting days with the use of forced air systems, such as trench or curtain burners.

### **Indigenous Peoples' Representation**

Whereas the Province of British Columbia has enacted Bill 41-2019, the *Declaration on the Rights of Indigenous Peoples Act* to align BC's laws with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);

And whereas UNDRIP includes Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and culture institutions while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State;

And whereas the Local Government Act does not allow for Indigenous peoples' representation at regional district tables when the regional district is situated in non-treaty territory:

Therefore be it resolved that UBCM encourage the Province to, in consultation with BC Indigenous peoples and impacted Regional Districts, explore amending the Local Government Act to include self-determined participation by BC Indigenous peoples as voting regional district directors."

**The following resolution was sent back to be re-worded.**

### **Restructuring Regional Governance in British Columbia**

Whereas the Province of British Columbia is responsible for delivering all university, school and health services (MUSH), and many municipal services throughout the Province;

And whereas the nature of local government is evolving and it may be time for a discussion on streamlining structure and powers to facilitate better communication, economies of scale and more transparent customer service;

Therefore be it resolved that UBCM request the Province to work with local governments to identify the various services and programs offered by governments and agencies within the community, with a goal of establishing a public education/awareness program to offer clarity to residents about what services are provided by municipalities, regional districts, other orders of government and agencies, so they know who to contact when they have questions or concerns;

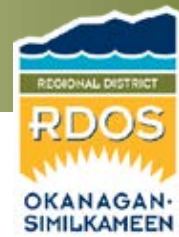
And be if further resolved that greater coordination and communication take place between orders of government and agencies about the services and programs offered, so they can better respond to public enquiries.

**Respectfully submitted:**

*"C. Malden"*

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C. Malden, Manager, Legislative Services



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Thursday, July 2, 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 July 2, 2020 be adopted.**

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – June 18, 2020

*THAT the Minutes of the June 18, 2020 Corporate Services Committee meeting be received.*

*THAT the Board of Directors implement the administrative recommendations for the 2021 RDOS budget public engagement process as contained in the report of June 18, 2020.*

*THAT Committee instruct staff to bring forward options for bylaw amendments to allow for the ticketing of development permit infractions rather than pursue legislative changes through a resolution to UBCM.*

##### b. Environment and Infrastructure Committee – June 18, 2020

*THAT the Minutes of the June 18, 2020 Environment and Infrastructure Committee meeting be received.*

##### c. RDOS Regular Board Meeting – June 18, 2020

*THAT the minutes of the June 18, 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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### B. DELEGATIONS

#### 1. Dan Albas, Member of Parliament, Central Okanagan-Similkameen-Nicola

Mr. Albas will address the Board with regards to 5G networks

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**C. DEVELOPMENT SERVICES – Rural Land Use Matters****1. Temporary Use Permit Application – 3829 37<sup>th</sup> Street – Electoral Area “A”**

- a. Permit
- b. Representations

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

**THAT** Temporary Use Permit No. A2019.011-TUP be approved, subject to the following conditions:

a) that all deficiencies identified in the health and safety inspection dated January 30, 2020 and listed below be corrected by the applicant and inspected by an RDOS Building Official, prior to issuance:

- i) smoke alarm for bedroom 4 and master bedroom
- ii) handrail for stairs to master bedroom and to pool
- iii) self closing gates for pool
- iv) posting of layout/exit paths/emergency numbers and occupancy load.

b) and that a privacy screen/fence be installed by the applicant which aligns with the highest portion of the existing fence along the north property line and extends to provide screening for the entire deck/pool area, prior to issuance.

---

**2. Zoning Bylaw Amendment – 10210 81<sup>st</sup> Street – Electoral Area “A”**

- a. Bylaw No. 2451.30, 2020
- b. Representations

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

**THAT** Bylaw No. 2451.30, 2020, being a bylaw to amend the Electoral Area “A” Zoning Bylaw to alter minimum yard setbacks at 10210 81<sup>st</sup> St., be read a first and second time;

**AND THAT** pursuant to sub-section 464 of the *Local Government Act*, the Regional District Board resolves to waive the holding of a public hearing for Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw;

**AND THAT** pursuant to sub-section 467 of the *Local Government Act*, staff give notice of the waiving of the public hearing for Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw.

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**3. Official Community Plan (OCP) and Zoning Bylaw Amendment – Electoral Area “I” Apex Mountain Zone View**

- a. Bylaw No. 2683.03, 2020
- b. Bylaw No. 2457.26, 2020
- c. Representations

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

**THAT** Bylaw No. 2683.03, 2020, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area “I” Zoning Amendment Bylaw be read a third time and adopted.

---

4. **Official Community Plan (OCP) Bylaw Amendments – Micro Cannabis Production Facilities Electoral Areas “A”, “C”, “D”, “E”, “F”, “G”, “H” & “I”**
  - a. Bylaw No. 2858, 2019
  - b. Representations

**RECOMMENDATION 6** (Unweighted Rural Vote – 2/3 Majority)

THAT Bylaw No. 2858, 2019, a bylaw to amend Electoral Area Official Community Plans to introduce criteria against which the Regional District may choose to evaluate an application for a “micro cannabis production facility”, be read a third time and adopted.

---

5. **Letters of Concurrence (Rogers) – 36030 107<sup>th</sup> Street, Electoral Area “C”**

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

THAT the Regional District defer the request for a letter of concurrence to locate a Communication Tower at 36030 107<sup>th</sup> Street (6450 Spartan Street) pending response from ratepayers within a Public Notification Area of 150 metres from the subject parcel.

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#### D. PUBLIC WORKS

1. **Campbell Mountain Landfill Leachate Management Award**

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

THAT the Campbell Mountain Landfill Leachate Management Planning and Implementation contract be sole-sourced to Sperling Hansen Associates in the amount of \$94,000 + applicable taxes; and

THAT up to \$25,000 be approved as a contingency for this project.

---

2. **Supervisory Control and Data Acquisition (SCADA) Project Award**

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

THAT the “SCADA Migration and Communications Upgrades Project” be awarded to MPE Engineering in the amount of \$189,690.00; and

THAT \$50,000 be approved as a contingency for this project.

---

#### E. FINANCE

1. **Area “D” Community Works Gas Tax Reserve Expenditure**
  - a. Bylaw No. 2904

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

THAT Bylaw No.2904, 2020, being a bylaw to authorize an expenditure of \$95,000 from the Electoral Area “D” Community Works Reserve to fund work at Garnet Family Park be given first, second, & third readings and be adopted.

2. Area "H" Community Works Gas Tax Reserve Expenditure
  - a. Bylaw No. 2906

**RECOMMENDATION 11** (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No.2906, 2020, being a bylaw to authorize an expenditure of \$85,000 from the Electoral Area "H" Community Works Reserve to provide a contribution to the Town of Princeton for the expansion of the Liquid Waste Receiving Facility be given first, second, & third readings and be adopted.

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3. Area "D" Community Works Gas Tax Reserve Expenditure
  - a. Bylaw No. 2907

**RECOMMENDATION 12** (Weighted Corporate Vote – 2/3 Majority)

THAT Bylaw No.2907, 2020, being a bylaw to authorize an expenditure of \$95,000 from the Electoral Area "D" Community Works Reserve to provide a contribution to the Okanagan Falls Irrigation District to fund the design and construction of a public washroom facility at Centennial Park in Okanagan Falls be given first, second, & third readings and be adopted.

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#### F. LEGISLATIVE SERVICES

1. Okanagan Falls Sewer
  - a. Bylaw No. 1238.08

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

THAT Bylaw No. 1239.08, 2020 Okanagan Falls Sanitary Sewer Service Area Extension Bylaw be adopted.

---

2. Ministerial Order M192/Public Access to Meetings

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

THAT meetings of the Board of Directors for the Regional District of Okanagan Similkameen be closed to the public for the duration of the State of Provincial Emergency due to the inability to meet physical distancing requirements in the Board Room in accordance with, or recommendations under, the Public Health Act; and,

THAT the Regional District meet the requirements of S. 226 of the Local Government Act for public participation by inviting the public to attend electronically.

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#### G. CAO REPORTS

1. Verbal Update
-

**H. OTHER BUSINESS**

**1. Chair's Report**

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**2. Board Members Verbal Update**

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**I. ADJOURNMENT**



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

Thursday, June 18, 2020

9:00 am

## MINUTES

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### MEMBERS PRESENT:

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

### MEMBERS ABSENT:

### STAFF PRESENT:

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

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#### A. APPROVAL OF AGENDA

##### RECOMMENDATION 1

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

THAT the Agenda for the Corporate Services Meeting of June 18, 2020 be adopted. - **CARRIED**

---

#### B. 2021 RDOS BUDGET PUBLIC ENGAGEMENT PROCESS

1. Report
2. Engagement Strategy

The Committee was advised of the plan for gathering feedback and sharing information about the proposed 2021 RDOS budget.

##### RECOMMENDATION 2

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

THAT the Board of Directors implement the administrative recommendations for the 2021 RDOS budget public engagement process as contained in the report of June 18, 2020. - **CARRIED**

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**C. COMMUNICATIONS UPDATE**

1. Report
2. CivicReady Notification Options - Mark Up

The Committee was advised of plans to streamline internal and external RDOS communications through electronic notification, information updates and regular meetings and discussions.

---

**D. 2020 UBCM PROPOSED RESOLUTION -EFFECTIVE ENFORCEMENT OPTIONS FOR DEVELOPMENT PERMITS**

1. Report

The Committee was advised that there is no authority under the *Local Government Act*, the *Community Charter* or the *Local Government Bylaw Notice Enforcement Act* that would allow a local government to enforce violations to a development permit requirement. The only recourse available to a local government seeking to enforce a development permit is by way of civil proceeding in B.C. Supreme Court, which is costly, administratively onerous and time consuming.

**RECOMMENDATION 3**

**It was MOVED and SECONDED**

THAT Committee instruct staff to bring forward options for bylaw amendments to allow for the ticketing of development permit infractions rather than pursue legislative changes through a resolution to UBCM.  
**CARRIED**

---

**E. 2020 UBCM CONVENTION – FOR INFORMATION ONLY**

1. Report

The Committee was advised that the Union of BC Municipalities (UBCM) convention will take place September 22 through 24 in a virtual format, as a result of the COVID-19 pandemic. Exact details of the virtual platform will be released in late June. Cabinet Ministers and provincial staff will still be receiving resolution requests in an abbreviated format.

---

**F. CITIZEN SURVEY**

1. Report
2. Proposed Survey
3. Previous Survey Question Sets

The Committee was advised that The RDOS will use the data from the Citizen Survey to gauge customer satisfaction with services and programs, and to determine where improvements and public education can be advanced.

---

**G. ADJOURNMENT**

**It was MOVED and SECONDED**

THAT the Corporate Services Committee meeting adjourn at 10:28 a.m. – **CARRIED**

APPROVED:

CERTIFIED CORRECT:

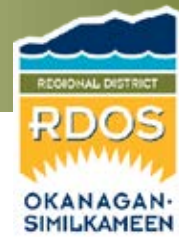
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K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer





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

Thursday, June 18, 2020  
10:40 am

# MINUTES

### MEMBERS PRESENT:

Chair G. Bush, Electoral Area "B"	Director K. Kozakevich, Electoral Area "E"
Vice Chair R. Gettens, Electoral Area "F"	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 B. Coyne, Electoral Area "H"	Director F. Regehr, City of Penticton
Director S. Coyne, Town of Princeton	Director T. Roberts, Electoral Area "G"
Director D. Holmes, District of Summerland	Director J. Vassilaki, City of Penticton
Director J. Kimberley, City of Penticton	Director P. Veintimilla, Town of Oliver
Director R. Knodel, Electoral Area "C"	

### MEMBERS ABSENT:

### STAFF PRESENT:

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

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#### A. APPROVAL OF AGENDA

##### RECOMMENDATION 1

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

THAT the Agenda for the Environment and Infrastructure Committee Meeting of June 18, 2020 be adopted. - **CARRIED**

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Because the meeting commenced earlier than anticipated, Item C was brought forward to allow the Delegation opportunity to join the meeting.

#### C. RECYCLEBC BANS BLUE BAGS

##### 1. Presentation

The Committee was advised of the changes coming to the RecycleBC recycling program.

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#### B. DELEGATION

##### 1. Michael Bezener, ECommunity Program Director, En'owkin Centre

Mr. Bezener addressed the Board regarding the South Okanagan Conservation Fund project and proposed collaborative establishment of snpinkn Conservation Land Trust by the En'owkin Centre and Penticton Indian Band

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**C. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting adjourned at 11:36 a.m.

APPROVED:

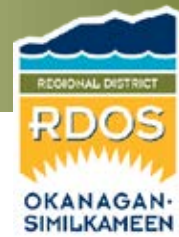
CERTIFIED CORRECT:

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G. Bush  
Committee Chair

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B. Newell  
Chief Administrative Officer



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Minutes of the Regular Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 12:00 p.m. on Thursday, June 18, 2019 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

### 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. Vassilaki, City of Penticton
Director R. Gettens, Electoral Area "F"	Director P. Veintimilla, Town of Oliver
Director J. Kimberley, City of Penticton	

### MEMBERS ABSENT:

### STAFF PRESENT:

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

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### A. APPROVAL OF AGENDA

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

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

THAT the Agenda for the RDOS Board Meeting of June 18, 2020 be adopted. - **CARRIED**

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – June 4, 2020

*THAT the Minutes of the June 4, 2020 Corporate Services Committee meeting be received.*

##### b. Environment and Infrastructure Committee – June 4, 2020

*THAT the Minutes of the June 4, 2020 Environment and Infrastructure Committee meeting be received.*

##### c. Planning and Development Committee – June 4, 2020

*THAT the Minutes of the June 4, 2020 Planning and Development Committee meeting be received.*

##### d. RDOS Regular Board Meeting – June 4, 2020

*THAT the minutes of the June 4, 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**

---

## 2. Consent Agenda – Development Services

### a. Electoral Area “D” Advisory Planning Commission (APC) Appointment

*THAT the Board of Directors appoint Bob Pearce as a member of the Electoral Area “D” 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. DELEGATIONS

### 1. Mr. Richard Cannings, Member of Parliament, New Democratic Party of South Okanagan-West Kootenay

Mr. Cannings addressed the Board regarding 5G networks.

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### 2. Mr. Leighton McCarthy, South Okanagan Performing Arts Centre Society

Mr. McCarthy addressed the Board regarding the SOPAC Workshop Results.

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## C. DEVELOPMENT SERVICES – Rural Land Use Matters

### 1. Housing Needs Assessment Report – Contract Award

**RECOMMENDATION 4** (Weighted Corporate Vote –Majority)

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

**THAT the Board of Directors award the Housing Needs Assessment Report contract to EcoPlan in the amount of \$116,827. - CARRIED**

---

**2. Floodplain Exemption Application — 3297 Coalmont Road, Electoral Area “H”****a. Flood Protection Report**

To allow for the construction of a single detached dwelling within the floodplain setback and below the flood construction level of Perley Creek.

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

**It was MOVED and SECONDED**

THAT the floodplain exemption application for Lot 2, Plan KAP18873, District Lot 1740, YDYD, in order to permit the development of a single detached dwelling within the floodplain setback and below the flood construction level of Perley Creek, be approved subject to a statutory covenant being registered on title in order to:

- a) “save harmless” the Regional District against any damages as a result of a flood occurrence; and,
- b) secure the recommendations contained within the flood hazard assessment report, dated May 5, 2020, prepared by Alan Bates (P.Eng.), of Streamworks Consulting Inc.

**CARRIED**

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**3. Agricultural Land Commission Referral (“non-farm” use) – 7738 Island Road, Electoral Area “C”**

**The Chair enquired whether the property owner was present to address the Board.**

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

**It was MOVED and SECONDED**

THAT the Board of Directors defers making a decision and directs that the proposal be considered by the Electoral Area “C” Advisory Planning Commission (APC). - **CARRIED**

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**4. Liquor and Cannabis Regulation Branch Referral – Unit 8A, 5350 Highway 97, Electoral Area “D”****a. Representations**

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

**It was MOVED and SECONDED**

THAT the matter of the Liquor and Cannabis Regulation Branch Referral for 5350 Highway 97 be referred to the Electoral Area “D” Advisory Planning Commission.

**CARRIED**

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**D. COMMUNITY SERVICES****1. South Okanagan-Similkameen Community Child Care Planning Project – Contract Award**

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

**It was MOVED and SECONDED**

THAT the Board of Directors award the South Okanagan-Similkameen Community Child Care Planning Project (the Project) to Social Planning and Research Council of British Columbia (Sparc BC) in the amount of \$114,520. - **CARRIED**

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**E. FINANCE****1. 2019 Audited Financial Statements**

As the delegation was not present when this item was introduced, the item was moved to later in the meeting. Please refer to page 5 of these minutes.

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**F. LEGISLATIVE SERVICES****1. Okanagan Sterile Insect Release Program**

- a. Report
- b. Letter

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

**It was MOVED and SECONDED**

THAT the Board of Directors support the Okanagan Kootenay Sterile Insect Release Program Board to authorize, by bylaw, a cashflow management program that mirrors the revenue anticipation borrowing authority granted to local governments under the *Local Government Act* s. 404, such that borrowed funds may only be used to cover current-year operating expenditures included in OKSIR's Five-Year Financial Plan, to a maximum of the amount owing to the OKSIR from the current-year tax requisitions.

**CARRIED**

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**2. Board Remuneration Bylaw No. 2903, 2020**

- a. Bylaw 2903

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

**It was MOVED and SECONDED**

THAT Board Remuneration, Expenses and Benefits Bylaw No. 2903, 2020 be given first, second and third readings and be adopted. - **CARRIED**

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

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**E. FINANCE****1. 2019 Audited Financial Statements**

Mr. Markus Schrott, Engagement Partner of BDO Canada LLP presented the Audited Financial Statements to the Board:

- a. Report
- b. Okanagan Similkameen Regional District Audit Final Report
- c. Draft 2019 Financial Statements

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

**It was MOVED and SECONDED**

The 2019 Audited Financial Statements of the Regional District of Okanagan-Similkameen as of December 31, 2019 be received; and

THAT the RDOS Board adopt all reported 2019 transactions as amendments to the 2019 Final Budget.

**CARRIED**

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**H. 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)*
    - i. Okanagan Basin Water Report – June 2020
  - 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. Okanagan-Similkameen Regional Hospital District – *Veintimilla, Boot (Alternate)*
  - j. South Okanagan Similkameen Rural Healthcare Community Coalition (formerly Developing Sustainable Rural Practice Communities) – *McKortoff, Bauer (Alternate)*
  - k. Southern Interior Municipal Employers Association – *Knodel, Kozakevich (Alternate)*
- 

**3. Directors Motions – Director B. Coyne**

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

**It was MOVED and SECONDED**

THAT administration be directed to investigate methods of support and funding levels of other Regional Districts with respect to Search and Rescue programs in their communities.

**CARRIED**

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#### 4. Board Members Verbal Update

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##### I. ADJOURNMENT

By consensus, the meeting adjourned at 2:02 p.m..

APPROVED:

CERTIFIED CORRECT:

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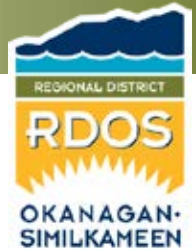
K. Kozakevich  
RDOS Board Chair

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B. Newell  
Corporate Officer



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 2, 2020  
**RE:** Temporary Use Permit Application – Electoral Area “A”

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### Administrative Recommendation:

THAT Temporary Use Permit No. A2019.011-TUP be approved, subject to the following conditions:

- a) that all deficiencies identified in the health and safety inspection dated January 30, 2020 and listed below be corrected by the applicant and inspected by an RDOS Building Official, prior to issuance:
    - i) smoke alarm for bedroom 4 and master bedroom
    - ii) handrail for stairs to master bedroom and to pool
    - iii) self closing gates for pool
    - iv) posting of layout/exit paths/emergency numbers and occupancy load.
  - b) and that a privacy screen/fence be installed by the applicant which aligns with the highest portion of the existing fence along the north property line and extends to provide screening for the entire deck/pool area, prior to issuance.
- 

Purpose: To allow for a short-term vacation rental use through issuance of a TUP

Owners: Richard and Maria Law                      Agent: John Redenbach                      Folio: A-01229.000

Civic: 3829 37<sup>th</sup> Street                      Legal: Lot 11, Plan 9792, District Lot 42, SDYD

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

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### Proposed Development:

This application is seeking to a temporary use permit to authorize the operation of a short-term vacation rental use of a single detached dwelling, from May 1<sup>st</sup> to September 30<sup>th</sup> and which is to be comprised of four (4) bedrooms and a maximum occupancy of 8 people within the existing single detached dwelling with accommodation for four (4) parking stalls.

In support of this proposal, the applicant has stated that “operating in this fashion allows this property to contribute to the local and provincial economy by bringing groups, mainly families, to town to spend money.”

### Site Context:

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The subject property is approximately 948 m<sup>2</sup> in area and is situated between 37<sup>th</sup> Street (to the west) and 35<sup>th</sup> Street (to the east). It is understood that the parcel is comprised of a single detached dwelling, garage, carport, and swimming pool.

The surrounding pattern of development is generally characterised by similarly sized residential parcels that have been developed with single detached dwellings, which is surrounded by larger agricultural parcels to the north, east and south within Electoral Area "A".

The Town of Osoyoos boundary is within 100 m of the subject parcel and includes a range of low to high density residential.

**Background:**

Parcel Information:

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on July 10, 1953, while available Regional District records indicate that building permits a garage (1970), pool (1982), and two-car garage (1999) have previously been issued for this property.

The Regional District has received written complaints regarding the operation of a vacation rental and this TUP application is an attempt to formalise the use.

In support of this TUP application, the applicant has provided a Health & Safety Inspection (January 2020) and a Septic System Review Report (February 2020) and Septic System Inspection Report (October 2019).

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

Official Community Plan Bylaw:

Under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2450, 2008, the subject property is currently designated Low Density Residential (LR).

Section 17 of the Electoral Area "A" OCP Bylaw contains the objective to consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

This is also supported under Section 8 of the Electoral Area "A" OCP bylaw, which includes vacation rental policies that support paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood needs and other land use needs can be addressed (Section 8.6.1).

Evaluation criteria in Section 8.6.2 of the Electoral Area "A" OCP bylaw for assessing applications includes:

- a) *Capability of accommodating on-site domestic water and sewage disposal;*
- b) *Mitigating measures such as screening and fencing;*
- c) *Provision of adequate off-street parking;*
- d) *Confirmation that the structure proposed complies with the BC Building Code; and*
- e) *Benefits that such accommodation may provide to the community.*

Zoning Bylaw:

---

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008, the property is currently zoned Residential Single Family One Zone (RS1) which permits single detached dwellings as a principal use, with limited accommodation for commercial uses in the form of "home occupations" and "bed and breakfast operations" as permitted secondary uses.

COVID-19:

The Province of British Columbia has declared a state of emergency in response to the COVID-19 pandemic. Travel restrictions and precautions are in place for travel across provincial and international borders and the Province is encouraging British Columbians not to travel for tourism or recreation in an effort to protect vulnerable people in communities from COVID-19.

**Public Process:**

In accordance with Section 5.5 of the Development Procedures Bylaw, referral to an Advisory Planning Commission and public information meeting requirements are waived during the provincial state of emergency declaration in relation to COVID-19.

As such, this application has not been reviewed by the Electoral Area "A" APC. However, Electoral Area "A" APC members were invited to comment individually on the application.

On June 8, 2020, an electronic Q&A session was held on Webex and was attended by approximately 10 members of the public.

Adjacent property owners received written notice of the upcoming meeting, in addition to written notice of the Q&A session.

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

**Analysis:**

In considering this proposal, Administration notes that the Electoral Area "A" OCP Bylaw includes supportive policy for vacation rental uses in residential areas and outlines a number of criteria against which the Board will consider such a use.

In response to the criteria outlined in Section 8.6.2 of the Plan, the applicant has provided the following:

- a septic system inspection, prepared by Jim Ripley, Registered Onsite Wastewater Practitioner (ROWP), in support of a four-bedroom vacation rental;
- on-site domestic water is being provided by the Osoyoos Irrigation District (Note: that the OID remains subject to a Boil Water Notice);
- the provision for adequate parking in the form of a double garage, carport and additional spaces in front;
- a health and safety inspection which identified a number of minor deficiencies; and
- The provision of screening and fencing along the northern property line (NOTE: this fencing drops in height as it approaches the front yard/pool area and it has been noted that this does not provide privacy screening between the pool area and the neighbour's deck – see Attachment No. 3).

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The applicant has stated that community benefits include contributing to the local and provincial economy by bring groups, mainly families, to town to spend money.

Conversely, unlike other Electoral Areas, Electoral Area "A" does not have a noise bylaw in place so there is no mechanism for ensuring that persons in the vicinity will not be disturbed by noise that would impair reasonable enjoyment of their property.

As such, the impact on surrounding homes and the quality of life of existing residents may be unduly impacted by loud or unruly behaviour.

However, the intent of the Regional District's "Vacation Rental Temporary Use Permit Policy", and supportive OCP policies is to allow for a new vacation rental use to operate for one "season" in order to determine if such a use is inappropriate, incompatible or unviable at a particular location and, if so, to allow for the permit to lapse or not be renewed within a relatively short period.

Public Input:

Many neighbours have noted that this vacation rental has already operated without permit for one "season" last summer and has begun to operate this "season" as well, and have expressed concerns with operations continuing due to excessive noise, littering, and unruly behavior of guests and large groups exceeding an occupancy limit of 8 people.

Administration notes that an objective of the Board's approach to vacation rental operations is to encouraging permitting so as to ensure compliance with basic health and safety requirements, servicing levels (i.e. proper sewage disposal) and to provide an incentive through the renewal process for operators to conduct their business responsibly.

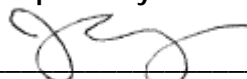
Summary:

Given the Electoral Area "A" OCP Bylaw generally supports vacation rentals in residential areas, and the applicant has or can satisfy criteria requirements, it is recommended that the vacation rental be approved, with conditions (see attached permit).

**Alternatives:**

1. THAT the Board of Directors deny Temporary Use Permit No. A2019.011-TUP; or
2. THAT the Board of Directors defer consideration of Temporary Use Permit No. 2019.011-TUP for the following reasons:
  - i) TBD

**Respectfully submitted:**

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

**Endorsed By:**

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

Attachments: No. 1 – Agency Referral List  
No. 2 – Site Photo (Google Streetview)  
No. 3 – Site Photo (Neighbouring Fence)

Attachment No. 1 – Agency Referral List

Referrals have been sent to the following agencies as highlighted with a **p**, prior to Board Consideration of TUP No. A2019.011-TUP:

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

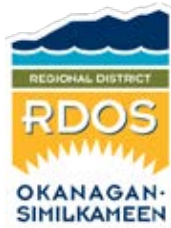
Attachment No. 2 – Site Photo (Google Streetview)



Attachment No. 3 – Site Photo (Neighbouring Fence)



View of fence along northern property line



# TEMPORARY USE PERMIT

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FILE NO.: A2019.011-TUP

Owner: Richard & Marcia Law  
3829 37<sup>th</sup> Street  
Osoyoos, BC, V0H 1V6

Agent: John Redenbach  
7 Alyssum Court  
Osoyoos, BC, V0H 1V1

## GENERAL CONDITIONS

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

## APPLICABILITY

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

Legal Description: Lot 11, Plan 9792, District Lot 42, SDYD

Civic Address: 3829 37<sup>th</sup> Street, Osoyoos

Parcel Identifier (PID): 009-635-068 Folio: A-01229.000

## TEMPORARY USE

6. In accordance with Section 17.0 of the Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008, the land specified in Section 5 may be used for "vacation rental" use as defined in the Electoral Area "A" Zoning Bylaw, being the use of a residential dwelling unit for the temporary commercial accommodation of paying guests for a period of less than 30 days.



## CONDITIONS OF TEMPORARY USE

7. The vacation rental use of the land is subject to the following conditions:
  - a) the vacation rental use shall occur only between May 1<sup>st</sup> and October 31<sup>st</sup>;
  - b) the following information must be posted within the dwelling unit while the vacation rental use is occurring:
    - i) the location of property lines by way of a map;
    - ii) measures to address water conservation;
    - iii) instructions on the use of appliances that could cause fires, and for evacuation of the building in the event of fire;
    - iv) instructions on the storage and management of garbage;
    - v) instructions on septic system care;
    - vi) instructions on the control of pets (if pets are permitted by the operator) in accordance with the Regional District's Animal Control Bylaw; and
    - vii) Boil Water Notice (when in effect) with instructions to boil water for one minute prior to drinking, caution on risk of ingesting untreated water (including pool water), and contact information for Osoyoos Irrigation District.
  - c) the maximum number of bedrooms that may be occupied by paying guests shall be four (4);
  - d) the number of paying guests that may be accommodated at any time shall not exceed eight (8);
  - e) a minimum of four (4) on-site vehicle parking spaces shall be provided for paying guests;
  - f) camping and the use of recreational vehicles, accessory buildings and accessory structures on the property for vacation rental occupancy are not permitted;
  - g) current telephone contact information for a site manager or the property owner, updated from time to time as necessary, as well as a copy of this Temporary Use Permit shall be provided to the owner of each property situated within 100 metres of the land and to each occupant of such property if the occupier is not the owner.
  - h) Vacation rental operation must follow the Ministry of Health's COVID-19 Guidance for the Hotel Sector during the Provincial State of Emergency, including environmental cleaning, staff health and communication, and any subsequent provincial health orders for hotel operators.
  - i) Information shall be posted within the dwelling unit during the Provincial State of Emergency for COVID-19 following Provincial recommended communication, signage and posters for the Hotel Sector on the following topics:

- i) Symptoms of COVID-19
- ii) B.C.'s COVID-19 Self-Assessment Tool
- iii) Handwashing
- iv) Respiratory/cough etiquette
- v) Self-isolation and self-monitoring
- j) A sign must be posted on the front entrance telling staff not to enter the premises if they are feeling ill.
- k) All guests must follow Provincial guidelines during the Provincial State of Emergency for COVID-19, including avoiding non-essential travel as a measure to protect vulnerable people in communities from COVID-19; and
- l) Pool area shall be screened for privacy along the northern property line, in vertical alignment with highest portion of the existing fence.

**COVENANT REQUIREMENTS**

8. Not applicable.

**SECURITY REQUIREMENTS**

9. Not applicable.

**EXPIRY OF PERMIT**

10. This Permit shall expire on December 31<sup>st</sup>, 2020.

Authorising resolution passed by Regional Board on \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

# Regional District of Okanagan-Similkameen

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

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



Temporary Use Permit

File No. A2019.011-TUP

Schedule 'A'



# Regional District of Okanagan-Similkameen

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

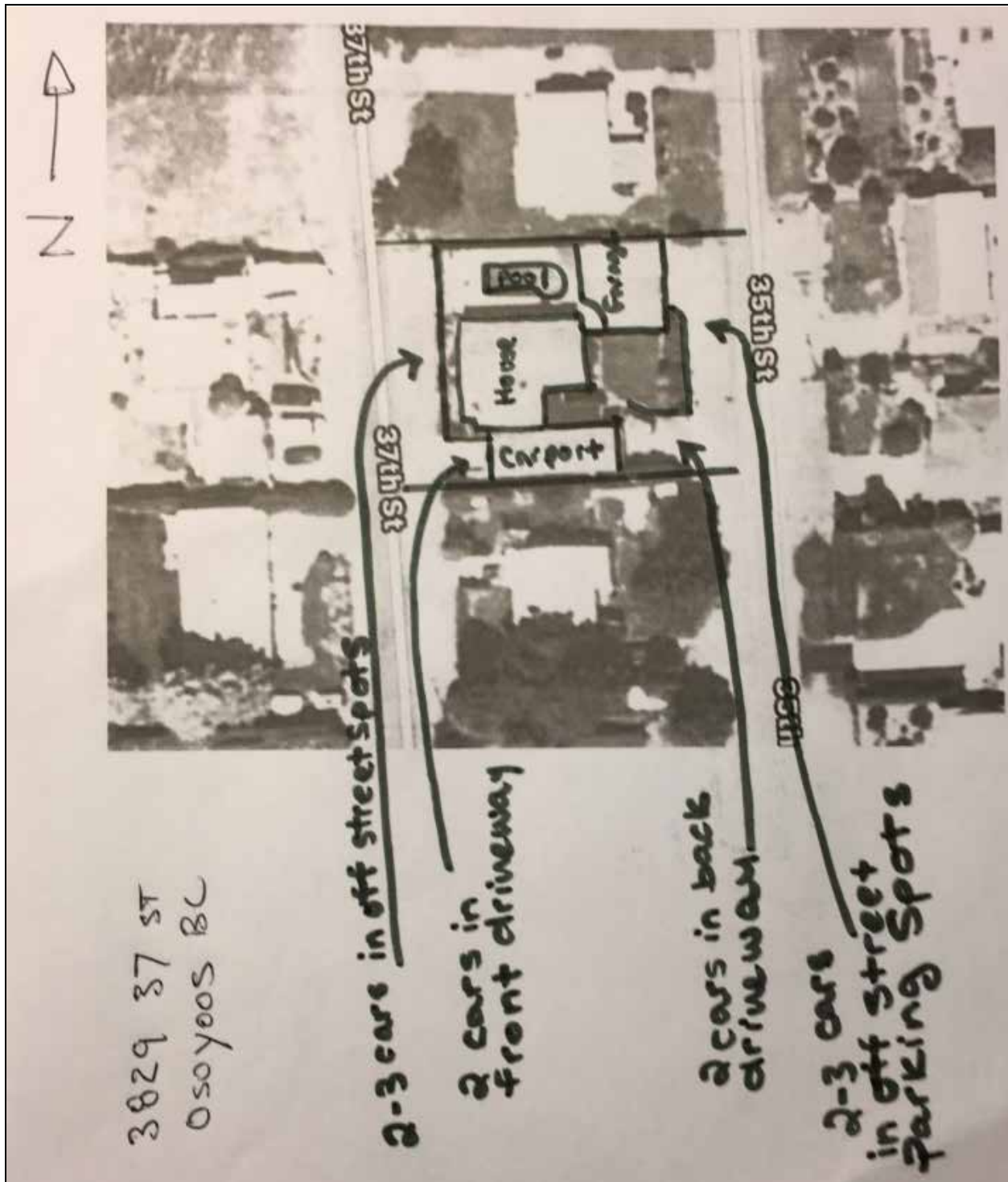
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)



Temporary Use Permit

File No. A2019.011-TUP

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

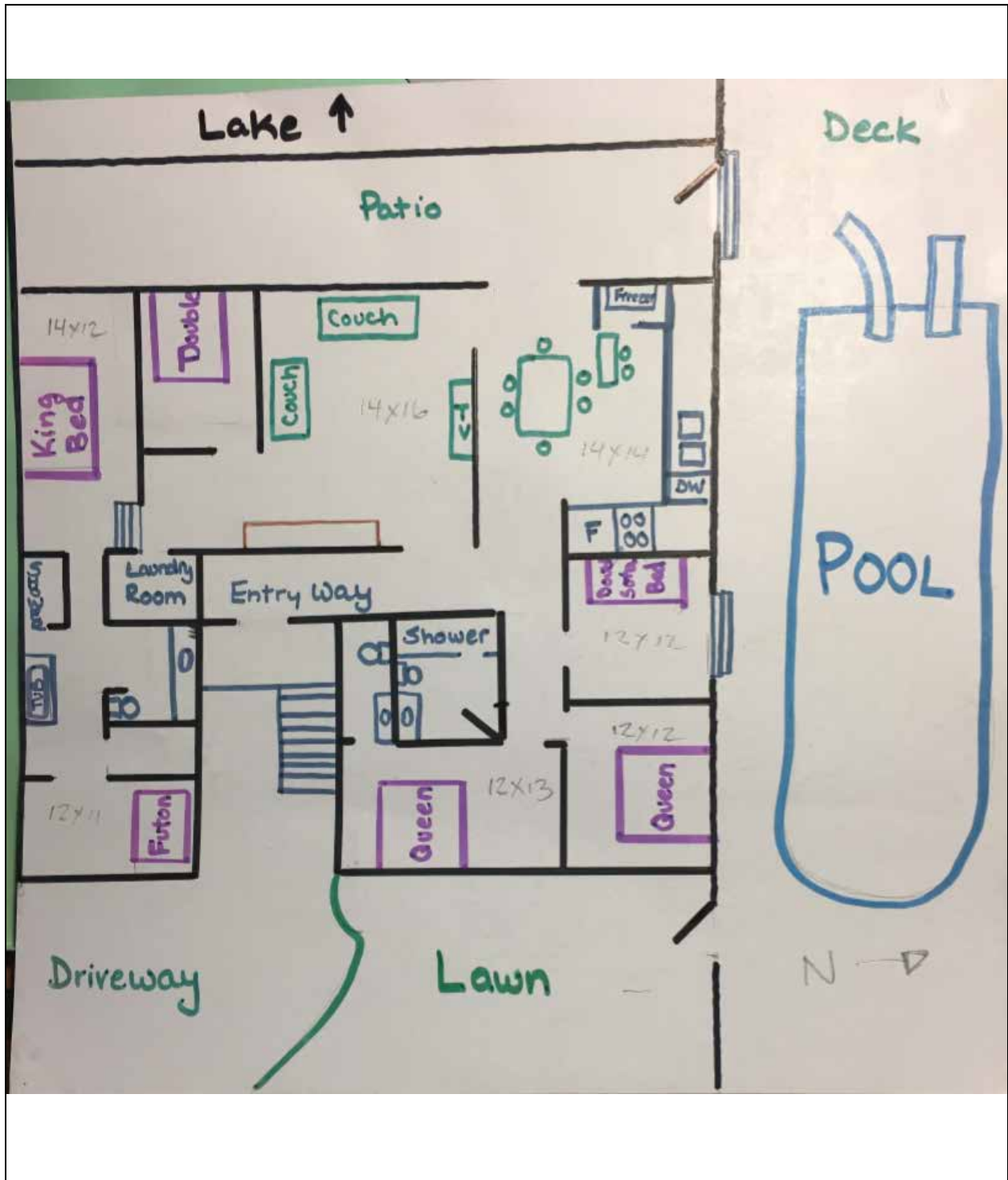
Telephone: 250-492-0237 Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

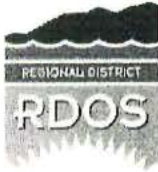


Temporary Use Permit

File No. A2019.011-TUP

Schedule 'C'





OKANAGAN-SIMILKAMEEN

# Feedback Form

**Regional District of Okanagan Similkameen**

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

**TO:** Regional District of Okanagan Similkameen **FILE NO.:** A2019.011-TUP

**FROM:** Name: DAVID RYAN & DONNA WHITE  
(please print)

Street Address: [REDACTED]

**RE:** Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use  
3829 37<sup>th</sup> Street

My comments / concerns are:

- I do support the proposed use at 3829 37<sup>th</sup> Street.
- I do support the proposed use at 3829 37<sup>th</sup> Street, subject to the comments listed below.
- I do not support the proposed use at 3829 37<sup>th</sup> Street.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this renewal application.

Please see attached pages.

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Feedback Forms must be completed and returned to the Regional District prior to the Board meeting where the TUP will be considered.

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.

## **Introduction**

As a neighbour of the property for which the TUP has been requested, we originally had mixed feelings concerning the TUP application. On the one hand, if an owner has moved and cannot sell the property, it seems reasonable to expect them to try to obtain some income from that property until it can be sold. However, it is also the case that if a property is put up for sale at an unrealistically high price, so that it has no realistic chance of selling, then there is no reason to reward the property owner's unrealistic price expectations by allowing a TUP for a vacation rental. As we thought about the issue further, and the property began to be used as a vacation rental despite not having a TUP in place, our feelings solidified strongly against allowing a TUP for a vacation rental. Our concerns were heightened as operation of the vacation rental was allowed to continue – without penalty for non-compliance prior to the TUP application and during the consideration of that application – revealing a number of negative effects of its operation on the neighbourhood.

## **Area description**

The proposed vacation rental is located within the east bench of Osoyoos in RDOS Area A on a non-through road. This area, which is not in the town of Osoyoos, is removed from the summer tourist crush, generally quiet and relatively peaceful. Residents are a mix of families with children, and retirees. We know most of our neighbours by name and enjoy the relaxing nature of the area. These factors contributed significantly to our decision to purchase a property here several years ago.

While there are several Air BnBs that are operated in the area, their effect on the neighbourhood is minimized because the owners live on the property and rent out a room or a level of their residences. As such, they are stewards of the property and are responsible for the behaviours that occur on their property. There are also some long-term rentals, again where the owner lives on site or the renters essentially act as owners for the period they are renting. These situations are quite distinct from a vacation rental property.

## **Recent non-compliant activity**

As we have witnessed in the subject property over the last year, groups of people show up for several days, are generally loud, often behave unpleasantly, and have little, if any, concern or respect for the neighbours and neighbourhood in which they are temporarily residing. They typically bring many vehicles (often 4), as well as boats and, of course, boat trailers. While the maximum capacity is set at 8 that would seem to refer only to the number of adults, and does not appear to date to have included any limit on accompanying children and pets.

## **Noise and traffic**

Typically, if someone on a property is noisy or behaving in an unpleasant way, it is possible to contact the property owners, point out the problems, and suggest that the behaviour be stopped. However, that is not an option with a vacation rental where no one connected with the property – owners or agent – lives on site. There is no noise bylaw in Area A, so contacting the police in the middle of the night when people are breaking a non-existent noise bylaw is pointless. In any event, during the tourist season the small Osoyoos RCMP resources are stretched to the limit and cannot be expected to respond to disturbance of the peace complaints as a priority. So, that leaves neighbours with having to just put up with disturbances. We have in the past been able to safely walk the streets and traffic is limited. However, there are no posted speed limits or streetlights. Visitors tend to view that as an invitation to drive at speeds not consistent with walking seniors, playing children, pets and wildlife. Granting a TUP would formalize this situation, with essentially no recourse for our neighbourhood. Further, to date, many of the renters of the vacation property have brought boats and accompanying boat trailers, which is not accounted for at all in the discussion of available parking places in the background document.

## **Refutation of arguments advanced by applicant and others:**

### ***(a) Unenforceable limitation of vacation rentals only to families***

In the web-based public Q&A session, the applicant, John Redenbach (who is not the owner of the property – it is owned by the Laws, who moved to Grand Forks), made a number of statements that can, at best, be described as disingenuous. He claimed that applicants for the rental property are vetted by him, and that only families are selected. That is simply not true. For example, last weekend (June 6-7, although the rental was for a longer period than that), there were at least 3 separate sets of adults. They may have been friends of each other, but they certainly were not what one would describe as a family. In any case, how can Mr. Redenbach effectively vet applicants? Applicants for the vacation rental can say whatever they think he wants to hear, and as long as they part with the money, it is hard to imagine that he would investigate them any further. The property in question is dated and in need of renovation before it could be termed an “expensive vacation rental”, as he described it in the public Q&A session. It is more likely to attract a group of individuals who want a place to party for a while than it is to attract what he describes as well-to-do families.

### ***(b) There are no demonstrated benefits to the town of Osoyoos and comments concerning potential tax revenue are irrelevant***

The arguments Mr. Redenbach and/or others have made about renters of the vacation property spending money in the town of Osoyoos is speculative at best. (The background document on the RDOS website concerning this TUP application, prepared for the RDOS APC, states: “The applicant has stated that community benefits include contributing to the local and provincial economy by bringing groups, mainly families, to town to spend money”. We are not sure where the applicant stated this – certainly not on the one-page application that is posted to the RDOS



website pertaining to this TUP application.) Regardless of the origin of this statement, as recently as June 9, with the ongoing COVID-19 pandemic, the provincial health officer is encouraging all visitors to other areas in BC to bring their own food and drink, etc., with them so that they do not have to interact with locals. It would seem therefore that, especially in the near future, but likely even in the longer term, vacation renters will not be contributing much, if anything, to the local economy. In any event, it could be equally well argued that groups who choose vacation rentals such as this property typically do so because they do not want to spend money at local restaurants, especially if it has cost them a considerable amount just to rent the property. Further, Mr. Redenbach's related argument, advanced in the Q&A session, that the spending by renters of the vacation property will also generate tax revenue (via GST and PST) is totally irrelevant – their spending will generate the same amount of tax revenue wherever the location of their spending may be. There is simply no gain at all to the local economy via these taxes.

### *(c) Property maintenance*

It is instructive that in the TUP application (page 3), the applicant refers to the benefits of approval of a TUP for a vacation rental being “to keep the property in the best shape possible”. Property owners and responsible long-term renters are much more likely to maintain a property than vacation renters. If, for whatever reasons, owners are not going to live in a home, a rational decision would be to lower the price to reasonable market value, or look for a long-term tenant, again at a reasonable price. Why doesn't the owner of the subject property do this? The only logical answer is that they believe that they can obtain much more money by operating the property as a vacation rental. And that really is the crux of the matter – residents in the neighbourhood are negatively impacted just so the owners and their agents can make a lot of money. Why is this a good reason to allow a TUP? The only reasonable answer is that it simply is not.

### **Property values**

Perhaps an even larger issue is that there are several properties for sale in the area, and many of these are listed at what seem to be totally unrealistic prices, and in some cases they are even advertised as excellent opportunities for vacation rentals. If these properties do not sell within a certain period of time, and buyers see the vacation rental solution as being available, especially if this current TUP application is granted, there is a strong likelihood of increased vacation rental approvals in the near future. This would destroy the character of the neighbourhood, and of course, ironically, would also have the effect of lowering property values even further, potentially leading to even more applications for TUPs to operate properties as vacation rentals.

### **Conclusion**

To conclude, we strongly urge that this TUP application be denied. There are no demonstrated benefits to the community, and especially to the neighbourhood of such a TUP, but there are a

number of negative effects on the neighbourhood, especially noise, general unpleasant and disruptive behaviour, and street congestion, all of which have been demonstrated repeatedly as the vacation rentals have been occurring despite there being no TUP in place. And for all these negative effects, neighbours have no effective recourse. (For the last year, we have not even had a contact number and name of a responsible person to whom we could complain.) It is not surprising therefore, that all who spoke at the public Q&A session, other than the applicant, were in total opposition to its approval. The likelihood that granting this application will lead to more TUP applications in the neighbourhood cannot be overemphasized, and with any one TUP approval, we believe it makes it very unlikely that others will not be approved, even if they are each considered on their own merits, as was suggested in the Q&A session.

## JoAnn Peachey

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**From:** Ron [REDACTED]  
**Sent:** June 9, 2020 10:30 PM  
**To:** JoAnn Peachey  
**Subject:** Airbnb on 37th Street

Hi JoAnn:

Regarding yesterday's teleconference:

Firstly, I never spoke to any of my Neighbour's regarding the Party House Airbnb Rental that both You, and the Regional District, have allowed to destroy our once quiet neighbourhood.

What were You, and the Regional District thinking, allowing this to continue, after I brought this offensive, disruptive, unsupervised, and un-caring Airbnb operation to my neighbourhood.

I reported this Illegally run operation to your office, and directly to Mr. Pendergraft last May. I had to endure one summer from proverbial hell, now going into the second summer. Your office did nothing, except to allow them to operate, both Illegally, without any reprecusion, and under the guise of "Apply for a Temporary use Permit" and we will make it all Legal.

I took the proper route filing complaint after complaint, yet your Bylaw Enforcement Office did nothing but build an enforcement file, going into year number two.

I would most certainly have liked an "In-Person" meeting to express my feelings to You, your Board of Directors, the Law family, and their Airbnb representative "John".

Speaking of "John", 95 percent of what he spoke was a fabrication of lies, under-exaggeration, of statement of facts, that he should be ashamed to show his face in public, let alone in this neighbourhood.

He tried to "sugar coat" clients he has rented out to with zero screening, and total disregard, void of any respect for both myself, my neighbours and this beautiful neighbourhood he has destroyed.

His claims of this "Party House" being only rented and utilized for July and August is/was total fabrication. Not only is it being rented out "Year round", his choice of Renter's leaves one believing they live smack dab in some gang infested undesirable neighbourhood.

Would YOU, or your Board of Director's appreciate living, coming home to relax and unwind, finding out that when you got home, there was a non stop party happening, night after night, day after day, from May until the end of September.

I most think definitely NOT.

Would and RESORT, Hotel, Motel or any other RESPECTABLE establishment allow this to occur. You know the answer, definitely NOT. So why do YOU and the Regional District's Board of Director's believe that this type of behaviour is normal and acceptable. Myself, and my neighbour's perhaps are all wrong?

Why has he been allowed to accept booking for this summer, and more specifically for time past this recent meeting?

At the outcome of the meeting, by logical and unanimous consent of the neighbourhood, you and your Board of Director's should IMMEDIATELY done the right thing and issue a Cease and Desist order. Was/is there any reason not having done so. Unless You and the Board of Director's are not going to be true to your MORAL OBLIGATIONS, and grant the Temporary Use Permit, or allow this to continue.

I do not want to be told, "OH well the bookings have been made, and we will let them have this summer to continue, and see where it goes".

You heard every person, have their honest, un-aided(by me), unbiased opinion input into this ongoing Airbnb nightmare on 37th Street.

I expect the board to honour the wishes of the area resident's, who were 100% unanimous in their displeasure of this Party House that YOU, JOHN, and your BOARD OF DIRECTOR's, tried to shove down our throat's, on the belief all Tourist dollars benefit the Okanagan, and this neighborhood. If You and your Board of Directors believe this, you are wrong.

A COMMERCIAL operation such as this does NOT belong in a RESIDENTIAL NEIGHBOURHOOD.

This is a neighbourhood of families, children, retired people, and mostly people that bought homes here to enjoy the quiet serenity of the neighbour hood, outside of the Osoyoos tourism area. That is why we are here.

We enjoy hearing birds sing, deer walking about, squirrel's gathering food, and walking our dogs.

We do not want to hear Drunks from 0900 to 0300 in the morning. People coming and going all times of the day and night. People yelling, swearing, and Women being abused because the men are to drunk to care.

Perhaps, in Penticton, where you and your Board members live, that is normal and acceptable.

Here, neighbours still respect one another, and show respect for their neighborhood.

If YOU, who is in District Planning, and your Board Members choose to push your un-worthy policy of Airbnb, Vacation Rental's or Bed and Breakfast's, visit the effected neighbourhood and speak to the resident's first.

Don't make decision's because you think these rentals are good for Tourism.

I have sent you many articles, showing you the problems these rental's cause in both the neighbourhood, and to homeowners who live with these nightmares.

If you need someone to look after doing "potential Site survey's", make certain they know what they are doing. You cannot make these decisions sitting behind a desk or a computer monitor. You have to get out into the FIELD.

Lastly, I think YOU, YOUR BOARD OF DIRECTORS, Mr. PENDERGRAFT, and your BYLAW ENFORCEMENT TEAM, owe a big apology to not only myself, but to this entire neighbourhood.

It was all of YOU that allowed this to happen.

I can never regain the summer I lost last year, thanks to all of you and the wonderful Airbnb next door.

I will be taking this letter around the neighbourhood, as I think they have a right to know what I have written, as they after all have all spoken from the HEART.

Regardless,of the pre-determined decision, due on or before July 02, 2020, I will peruse this matter, until this Airbnb ceases operation.

Yours truly

Ron Tayfel



Ps: for all of you in the neighbourhood, thanks for caring enough to speak out.

## JoAnn Peachey

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**From:** Greg Byron [REDACTED]  
**Sent:** June 9, 2020 10:46 AM  
**To:** JoAnn Peachey  
**Subject:** Project A2019.011-TUP 3829 27 Street Osoyoos

June 9, 2020

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, BC V2A5J9  
Attention: JoAnn Peachey

Dear Ms Peachey

### **Re: Project A2019.011-TUP, 3829 37 Street Osoyoos, BC, Proposal 4 Bedroom Seasonal Vacation Rental**

We are the owners of the property directly across the street, our address is [REDACTED]. There are many concerns that we have about this proposal being approved:

- 1) It would seem that the owner of this property has been proceeding without the project being approved. In the application the period states that it is for the months of May thru September. During May and June of this year there have been several groups in the home already. During one of these the occupants were very noticeable as the level of noise was unbearable.
- 2) We feel that a vacation rental in this quiet residential neighbourhood is not appropriate. Other such vacation rentals seem to be located on the waterfront adjacent to high traffic areas.
- 3) When considering how many parking spaces there are on Mr. Law's property, there is room for as many as 10 vehicles. This would be a visual disaster and hazardous.
- 4) The makeup of the neighbourhood is changing, just within the past several years there have been families moving here with young children [REDACTED]).
- 5) Property values and desirability of existing homes could be degraded if this were allowed.
- 6) We are not aware if there is a Noise Bylaw within the RDOS, in past years when there were renters in [REDACTED] and there was a loud party taking place I phoned the RCMP. Upon attending they advised me that there wasn't a noise bylaw that they could enforce.

7) In the application under "Describe the reasons for the proposed temporary use" the owner states "To keep property in the best shape possible". How would it be possible given that the potential traffic would create an inordinate amount of wear and tear on the house.

Residents who live on the East Bench have chosen the quiet and serenity that exists here, bringing in party going, loud, drinking individuals does not fit in with the lifestyle that we have chosen. Vacation rentals belong elsewhere.

Sincerely

Greg and Patricia Byron

[Redacted signature block]

**JoAnn Peachey**

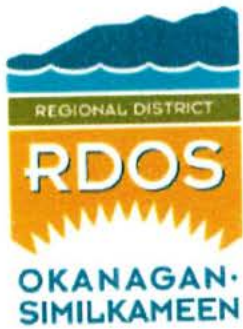
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**From:** Denise Bowes [REDACTED]  
**Sent:** June 8, 2020 3:15 PM  
**To:** Planning  
**Subject:** TUP 3829 37th Street, Area "A"

We as the homeowners of [REDACTED] DO NOT support the vacation rental use for the address above. As the homeowners do not live close to the subject property it would be difficult to govern. Parking and additional traffic is also an issue.

Keith and Denise Bowes





# 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.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:  
\_\_\_\_ Bill Plaskett \_\_\_\_\_  
(please print)

**DATE:** \_\_\_\_ June 4/20 \_\_\_\_\_

**RE:** **Temporary Use Permit – Vacation Rental Use**  
**3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD**

My comments / concerns are:

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

\_\_\_\_ First of all, I would like to correct the staff analysis in that water is not supplied by a community water system operated by the Town of Osoyoos, it is supplied by the Osoyoos Irrigation District. (an independent improvement district) OID is currently under a permanent boil water notice so I'm not sure how that fits with a vacation rental. Having cleared that up, I agree with the expressed opinion that I do not support short term rentals in an RS1 zone. I would be more inclined to support a bnb as we already have some in the area.

Bill Plaskett  
[Redacted Signature]

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



# 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.:** A2019.011-TUP

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

\_\_\_\_\_ Peter Beckett \_\_\_\_\_  
(please print)

**DATE:** \_\_\_\_\_ 05/06/2020 \_\_\_\_\_

**RE:** Temporary Use Permit – Vacation Rental Use  
3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD

My comments / concerns are:

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

To the best of my knowledge there are at least four temporary vacation rentals on our street. Three of them are within earshot of our home. In the 15 years we have lived here none of these seasonal businesses has caused a major disruption to our family or any of my other neighbors.

Although the densities of the properties involved in this application is greater than those in our neighborhood, I'd be very interested in knowing what the neighbouring property owners feel about this application. If there are no major concerns I see no reason why, having satisfied the RDOS requirements to date, this property owner should not be granted a temporary use permit.

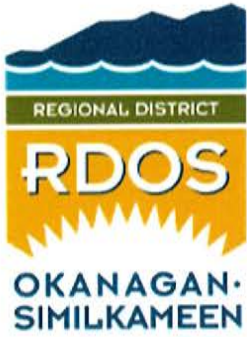
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# APC Member Feedback Form

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.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:  
\_\_\_\_\_ Manfred Freese \_\_\_\_\_  
(please print)

**DATE:** \_\_\_\_\_ May 29, 2020 \_\_\_\_\_

**RE:** **Temporary Use Permit – Vacation Rental Use**  
**3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD**

My comments / concerns are:

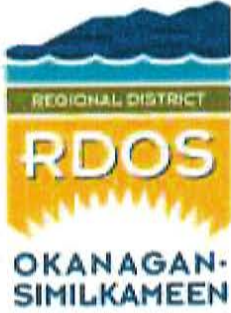
- I do support the proposed vacation rental use of the subject parcel.
- I do support the proposed vacation rental use of the subject parcel, subject to the comments listed below.
- I do not support the proposed vacation rental use of the subject parcel.

-the subject parcel is zoned Residential Single Family Zone One (RS1) under Zoning Bylaw 2451, 2008. Neighboring residences are also zoned RS1. Short term vacation rental would be contrary to the permitted uses under this zoning.

-disturbance of the neighbors (partying, noise, garbage, etc.) is almost guaranteed.

-domestic water could also be an issue. Contrary to the statement in the Analysis, water is not supplied by the Town of Osoyoos but by an Improvement District. There is a 'Boil Water Advisory' for that area year around.

-there would be an increased risk of COVID-19 being spread by tourists coming from the coast or outside BC.



# 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.:** A2019.011-TUP

**FROM:** Electoral Area "A" APC Member Name:  
Grant Montgomery \_\_\_\_\_  
(please print)

**DATE:** May 27, 2020 \_\_\_\_\_

**RE:** **Temporary Use Permit – Vacation Rental Use**  
**3829 37<sup>th</sup> Street— Lot 11, Plan 9792, District Lot 42, SDYD**

My comments / concerns are:

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

I'm guessing the complaint rec'd was mostly due to noise and excess vehicle parking on the street. 37<sup>th</sup> Street is a short dead end street. I would think the other Owners there deserve the right to live in a quiet, peaceful neighbourhood.

Renting the House out on a short term (daily, weekly rentals) would inevitably lead to a more "party" clientele. Without the Owner living on the property to oversee and control the actions of the guests it must be very frustrating for those living nearby. In a Bed and B'fast situation the Owners would be living on the Site while with the Short Term rentals they aren't.

Regarding Building Code issues, I recently came across an issue in the RDOS when the Owner or Manager don't live in the Building. According to your Building Inspector it was then deemed a "Boarding House" and therefore the fire separation between each room needed to be 45 mins. Fire rated doors to 30 mins. Standard residential construction wouldn't meet this.

I wouldn't have as much issue with Vacation Rental on large properties like those zoned in SH/LH, etc. but definitely not in the City type lots like RS1, etc.

**Lauri Feindell**

---

**Subject:** FW: APC Report - A2019.011-TUP (Law)

**From:** [REDACTED]

**Sent:** May 27, 2020 11:22 AM

**To:** Grant [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Subject:** Re: APC Report - A2019.011-TUP (Law)

I would agree wholeheartedly with Grant regarding this proposal.

Dwayne

**Lauri Feindell**

---

**Subject:** FW: APC Report - A2019.011-TUP (Law)

**From:** Mark McKenney <[REDACTED]>

**Sent:** May 27, 2020 2:19 PM

[REDACTED]  
[REDACTED]  
<[REDACTED]>  
[REDACTED]  
<[REDACTED]>  
[REDACTED] APC Report - A2019.011-TUP (Law)

I agree with my colleagues on our APC. I do not support this application.

Mark McKenney

[REDACTED]

**Lauri Feindell**

---

**From:** lynne hesketh [REDACTED]  
**Sent:** May 27, 2020 4:28 PM  
**To:** Planning

Do not support short term rental on Law property.

## JoAnn Peachey

---

**From:** Info  
**Sent:** June 8, 2020 9:28 AM  
**To:** Planning  
**Subject:** FW: A2019.011-TUP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** [REDACTED]  
**Sent:** June 8, 2020 9:23 AM  
**To:** Info <info@rdos.bc.ca>  
**Subject:** A2019.011-TUP

Hello all -- This is Christina & Warren Moser at [REDACTED]  
We are not in favor of the re-zoning at 3829 37st.  
Our concerns are many but here are a few.  
With this rental being high density there has been more traffic in our neighbourhood.  
Some guests have shown their lack of respect by throwing lit cigarettes on the road side ( we had to extinguish a lit cigarette and confront a guest last summer )  
With an absentee landlord there is no one to monitor the situation  
We are not against rentals but we don't appreciate a homeowner in our neighbourhood turning his house into a Motel.  
This would set a precedent for anyone who can't sell their house to turn it into a cash cow at the neighbours expence  
Also this house has been operating for quite some time without proper inspections or zoning approval

Thanks in advance

Christina & Warren Moser



## JoAnn Peachey

---

**From:** caroline bolland [REDACTED]  
**Sent:** June 4, 2020 8:29 PM  
**To:** Planning  
**Subject:** With regard to temporary use permit at 3829 37th street, area A ,Osoyoos (Lot 11,plan 9792,district lot 42, SDYD)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

With regard to temporary use permit at 3829 37th street, area A ,Osoyoos  
(Lot 11,plan 9792,district lot 42, SDYD)

My self and my wife Stuart and Caroline Bolland of [REDACTED] Are totally opposed to this application for vacation rental in the East Bench residential area. This property was used last year for Vacation rental purposes and noise complaints resulted in police being called to this property to stop some kind of altercation . There were numerous drunken parties with no consideration for the residents of this neighbourhood. Speeding vehicles going too and from this property we're a constant hazard to seniors and children in the area as the property rents to multiple family's staying in the house with several vehicles and motorcycles present. The owners of this property do not live in Osoyoos so there is no monitoring of events or party's at this location resulting in multitudes of people using the house in excess of a single family dwelling raising safety concerns for the surrounding properties and residents

I would respectfully request that the RDOS decline this application especially in view of the present concerns for Covid19 pandemic spread.

On a further note I would just like to mention that we never received any documentation re this properties first application for Temporary use permit Last year.

Sincerely  
Stuart and Caroline Bolland.

Sent from my iPad

## JoAnn Peachey

---

**From:** caroline bolland <[REDACTED]>  
**Sent:** June 5, 2020 5:06 PM  
**To:** JoAnn Peachey  
**Subject:** Re: With regard to temporary use permit at 3829 37th street, area A ,Osyoos (Lot 11,plan 9792,district lot 42, SDYD)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn

Thank you for your prompt response.

The property in question had renters in it this week and is advertised on air b&b which shows it to be almost fully booked from now till September which will cause a lot of distress for the surrounding residents on the East bench

Unfortunately I am working on Monday so cannot make the conference call but my wife will be there representing us.

Thank you for passing on our comments for consideration.

Here is the attached air b&b

Thanks

Caroline and Stuart Bolland

**JoAnn Peachey**

---

**From:** [REDACTED]  
**Sent:** June 6, 2020 9:53 AM  
**To:** Planning  
**Subject:** Temporary Use Permit A2019.011-TUP 37th St. Osoyoos

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good day,

We are writing this note to express our concerns over the "Air B & B" or short term rentals of the property at 3829 37th St. Osoyoos.

This is a very quiet neighbourhood and we are concerned over the excess noise and traffic that a short term rental would bring. As this is a fairly large multi bedroom rental with a pool, it would be occupied by numerous people, possibly 3-4 couples, large families, etc. Large groups tend to be loud! Some of our neighbours have seen tenants flicking cigarette butts of the balcony, a huge concern in these dry areas.

There are plenty of hotels and rentals by the lake more suited to short term renters. We choose not to live next to "spring break" 24/7 all summer.

Thanks and Regards,

Bryan and Nancy King  
[REDACTED]

## JoAnn Peachey

---

**From:** [REDACTED]  
[REDACTED] June 21, 2020 10:53 AM  
**To:** JoAnn Peachey  
**Subject:** RE: Temporary use Permit - 3829 37th street, Osoyoos, Area A, (Lot 11, Plan 9792, District Lot 42, SDYD)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn, We have just received further correspondence in the mail regarding this application. The letter states that the RDOS Board of Directors will be considering the Temporary Use Permit Application at its meeting on Thursday, July 2<sup>nd</sup>. We're not sure why this is being discussed again but our views on this application have not changed. We would like to make sure that the concerns we listed in our email below are again brought up regarding this application.

We have personally owned a vacation rental property at a resort in Osoyoos & fully understand the concerns & implications that come with a vacation rental property. We do not think it is appropriate to allow a temporary use permit for this location.

These are our concerns:

1. The out of town location of the property owner, (no immediate response to noise complaints etc.). Even a local property manager would not be able to address these problems in a timely & immediate manner for the neighbours. By the time these concerns were addressed the vacation renters would have left the property.
2. Vacation rentals in resorts, hotels etc. have an onsite manager to respond to complaints from neighbouring units.
3. Osoyoos has numerous hotels, resorts etc. to provide accommodation for vacation rentals but is lacking in year round affordable rentals. This property would provide much needed family rental accommodation on a year round basis.
4. The East bench is a small community; many of them are seniors that rely on their neighbours for support, interaction etc. Vacation rentals would not contribute to this community.
5. Possibility of increased traffic, (not sure how many people this house would be rented to).

Thank you for reviewing our concerns.

Regards

Valerie & Peter Munro  
[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** JoAnn Peachey <jpeachey@rdos.bc.ca>  
**Sent:** June 8, 2020 9:13 AM  
**To:** Peter [REDACTED]  
**Subject:** RE: Temporary use Permit - 3829 37th street, Osoyoos, Area A, (Lot 11, Plan 9792, District Lot 42, SDYD)

Hi Valerie and Peter,

Thank you for your email and providing your feedback on the temporary use permit application for 3829 37<sup>th</sup> Street.

## JoAnn Peachey

---

**From:** Ward, Lawrence [REDACTED]  
**Sent:** May 30, 2020 1:16 PM  
**To:** Planning  
**Subject:** Project NO. A2019.011-TUP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear RDOS Planning Board:

Regarding the application of the owners of 3829 37 Street Area "A" for a permit for vacation rental use of their property from May through September 2020 (and beyond?), we have two concerns:

(1) Considering the lack of a noise bylaw in Area A, local residents have little recourse if the vacationers occupying the residence engage in excessively noisy or unruly behaviour, thus destroying the quality of life of nearby residents. Noise travels here - we can hear boats on the lake blasting their music. This is our major concern.

(2) We noticed in the background memo submitted by Mr. Newell that the the water supply to the residence is described as follows "...onsite domestic water is provided by a community water system operated by the Town of Osoyoos." As far as we know this is a misrepresentation. The water system in this area, which to our knowledge includes the property in question, is operated by the "Osoyoos Irrigation District," not the Town of Osoyoos. Moreover, Interior Health of BC has issued a Boil Water Notice for this area that is in force year-round. There is no mention of any measures taken by owners to supply potable water to vacation residents of the property.

Sincerely,  
Lawrence and Brigitte Ward  
[REDACTED]

## RESPONSE SUMMARY

### TEMPORARY USE PERMIT NO. A2019.011-TUP

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

The property at 3829 – 37 Street, Osoyoos, is in the Osoyoos Irrigation District (OID). This means that water for the property is supplied by the OID. During the period requested for approval for the vacation rental, from May to September, the water that the OID supplies is taken from Osoyoos Lake. The lake water is chlorinated by the OID, but because of the high volumes of water used and the nature of the lake water, the OID remains subject to a Boil Water Notice (BWN). Property owners in the OID are aware of the BWN, but potential occupants of the vacation rental would likely not be aware of the BWN or what it means. Therefore, a condition of the rental would need to be that the BWN is posted prominently in the property, along with its implications – i.e., the need to actually boil water for one minute. Of course it is possible that the house has an adequate filtration system that processes the water used, but the OID has no information about whether such systems exist in any private dwellings in the district. Even if such a filtration system is installed, the water processed through such a system would need to be tested and confirmed to meet all requirements if it is not going to be boiled.

The OID notes that the property includes a swimming pool, which uses the same OID-supplied water. The nature of this pool is unknown to the OID, that is, whether it is salt water based or if the pool water is chemically treated, but again users would need to be aware of the implications of the BWN for the pool water and potential ingestion.

The OID would also suggest that in addition to the BWN, potential renters are advised of what to do in case of emergency water issues, such as contacting the OID via its email or web addresses. The OID uses these methods to advise users of emergency water issues, but would be unable to email renters of the vacation property, so the posting in the property should also advise renters to check the OID website ([www.osoyoosirrigationdistrict.com](http://www.osoyoosirrigationdistrict.com)) for current water issues.

Signature: David Ryan Signed By: DAVID RYAN  
Agency: OSOYOOS IRRIGATION DISTRICT Title: TREASURER, OID  
Date: 5 JUNE 2020



**Interior Health**  
Every person matters

December 3, 2019

Regional District of Okanagan-Similkameen  
Planning Department  
101 Martin Street, Penticton, BC, V2A-5J9  
<mailto:planning@rdos.bc.ca>

Dear Regional District of Okanagan-Similkameen:

**RE: File #: A2019.011-TUP**  
**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



## JoAnn Peachey

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** December 9, 2019 4:33 PM  
**To:** Planning  
**Subject:** 37 St, 3829 Osoyoos (A2019.011-TUP)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along 37 Street. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

**FortisBC Overhead Design Requirements**

<http://fortisbc.com/ServiceMeterGuide>

**FortisBC Underground Design Specification**

<http://www.fortisbc.com/InstallGuide>

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

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

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

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

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

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

2850 Benvoulin Rd

Kelowna, BC V1W 2E3

Mobile: 250.681.3365

Fax: 1.866.636.6171

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





**JoAnn Peachey**

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**From:** Ron T [REDACTED]  
**Sent:** November 20, 2019 12:56 AM  
**To:** JoAnn Peachey  
**Subject:** Fwd: What Toronto's new Airbnb rules mean for party rentals | The Star

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Just in case the RDOS is not familiar with an example of a "PARTY HOUSE RENTAL" or "TEMPORARY VACATION RENTAL" that the RDOS is trying to bring to the East Bench in Osoyoos, my next door neighbour.

If you read the entire article, this is an example of exactly what I had to put up with all summer long.

Why is the RDOS trying to make it "within the law", by issuing a Temporary use Permit, so this type of activity can go on impeded, just by the issuance of a Temporary Use Permit, in a quiet neighbourhood, specifically East Bench, Osoyoos.

Ron Tayfel

----- Forwarded message -----  
From: Ron T [REDACTED]  
To: [REDACTED]  
Subject: Fwd: What Toronto's new Airbnb rules mean for party rentals | The Star  
[REDACTED]

<https://www.thestar.com/news/gta/2019/11/19/what-torontos-new-airbnb-rules-mean-for-party-rentals.html>

## JoAnn Peachey

---

**From:** Ron T [REDACTED]  
**Sent:** November 30, 2019 12:25 PM  
**To:** JoAnn Peachey  
**Subject:** Re: Toronto 'mansion party' shooting victim sues Airbnb, property owner  
**Attachments:** image002.png

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi JoAnn.

You can forward all of those newspaper articles I sent you to the RDOS board of Directors.

That way they can see what they have been missing while they have been sleeping and doing nothing.

It seems that other cities, communities and other regulatory bodies have been Pro-Active with regards to the carnage that is being left behind by Airbnb's, Vacation Home Rental's etc.

Perhaps you can ask the Board what they have done.

You are after all in the Planning Department, are you not?  
What have you recommended to the Board, and to Bylaw Enforcement?

I can keep sending you the articles, which seem to appear on a daily basis.  
Is anyone else in that office either reading the news, or aware of what is happening.

I would be interested to hear if they are learning anything.

Ron Tayfel

On Fri, Nov 29, 2019, 10:05 AM JoAnn Peachey <[jpeachey@rdos.bc.ca](mailto:jpeachey@rdos.bc.ca)> wrote:

Hi Ron,

Thanks for your emails.

I would like to make a couple of comments about the temporary use permit application for 4003-37<sup>th</sup> Street:

- 1) I acknowledge your frustration with a vacation rental operating next door without approval.
- 2) The application for a temporary use permit is the outcome of enforcement action being taken. It was the property owner's choice to apply for the TUP to apply to legalize the vacation rental use and it is up to the Board to approve or deny that request.



# Feedback Form

Regional District of Okanagan Similkameen

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

Tel: 250-492-0237 / Fax: 250-492-0063 / Email: [planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)

TO: Regional District of Okanagan Similkameen FILE NO.: A2019.011-TUP

FROM: Name: MR. RONALD TAYFEL  
(please print)

Street Address: [REDACTED]

RE: Temporary Use Permit (TUP) Renewal – “Vacation Rental” Use  
3829 37<sup>th</sup> Street

My comments / concerns are:

- I do support the proposed use at 3829 37<sup>th</sup> Street.
- I do support the proposed use at 3829 37<sup>th</sup> Street, subject to the comments listed below.
- I do not support the proposed use at 3829 37<sup>th</sup> Street.

Written submissions received from this information meeting will be considered by the Regional District Board prior to a decision being made on this renewal application.

AS PER ATTACHED 5 pages - 2 photos

R. Tayfel

Feedback Forms must be completed and returned to the Regional District prior to the Board meeting where the TUP will be considered.

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.

**Lauri Feindell**

---

**Subject:**

FW: Temporary Use Permit Application - 3829-37th Street, Osoyoos, B.C.

[REDACTED]  
**To:** JoAnn Peachey <jpeachey@rdos.bc.ca>

**Subject:** Temporary Use Permit Application - 3829-37th Street, Osoyoos, B.C.

Hi Ms Peachy:

Please find my revision.

I am responding to your email regarding this Proposed Temporary Use Permit Application.

I Ron Tayfel, DO NOT SUPPORT THE PROPOSED USE APPLICATION BEING CONSIDERED FOR USE AT 3829 - 37th STREET IN EAST BENCH OSOYOOS.

For the following reasons:

I have lived next door to this property for the last approximately 20 years, residing at [REDACTED] East Bench, Osoyoos. In the past 18 years (up until the time they moved away) I have had a harmonious relationship with the Law family.

Two years ago, they moved after having built a new house in Grand Forks, B.C.

Their house on 37th Street was put on the market, unsuccessfully, numerous times without any successful sale. First but Private sale, then through various local Realtor's.

Last May of 2019, I happened to notice strangers coming and going from the residence. Subsequently, near the end of June 2019 it was discovered that that they had turned the house into an Airbnb Rental. At this time on, on or about July 30, I telephoned Area A Director Pendergraft and advised him. He advised me to contact in writing, the RDOS office in Penticton. I had done this via email, and a hard copy letter, of which I obtained a stamp on the letter as "received". This letter was delivered on July 02, 2019.

Since that time, continuing all summer long I have made numerous calls, and send various email's to the RDOS Bylaw Enforcement, and your Office, with a variety of complaints. Mostly partying, and loud music, arguments/ fighting amongst the various rental tenants. This has continued up until the end of September 2019. On any given day, all summer, the place was rented out to no fewer than 10 to 15 people.

During this time there was total disregard being shown to myself, or the neighborhood for the excessive noise and upheaval to the once quiet neighborhood.

All communicated efforts by myself, made to your office, we're written off as (there is no Noise Bylaw in place for Area A. Bylaw Enforcement did not attend, or do anything regarding any of my complaints. RDOS staff did nothing to enforce a Bylaw of their own, which I am sure there is in place to, stop this from happening all summer long.



I have made request's to your office to see any copy of a Temporary Use Permit that had been granted to this address last summer. My request's for such were not actioned by anyone in the RDOS office, in fact, I was ignored.

I complained to the Airbnb Host, as during the entire summer the Law's were not on site, supervising. The Airbnb Host did not provide me with a telephone number.

I advised the Airbnb Host about the continuous noise occurring from 10:00 AM till usually 03:00 in the morning. There was garbage being thrown on my yard, intoxicated resident's, pool toys, frisbees, balls etc all coming over the fence, and people walking on my property to retrieve the wayward items.

I was unable to open my doors and windows the entire summer as the noise and music was unbearable. My entire summer month's were a total ruin.

There was a total lack of respect shown towards myself and the neighbourhood.

What would one expect when you open up an entire house with a pool, with no rules or supervision. This type of conduct would surely not go unanswered in any local Motel or well run Vacation Rental.

So NOW the RDOS wants to give a TEMPORARY VACATION RENTAL USE PERMIT to the property owners so that this can continue this coming summer, and for many summers to come. WHY?

Yes tourism is wonderful for the economy, but at what cost. Where are my right's as a homeowner and a taxpayer. Why should I have my summer's ruined, for just a few tourist dollars?

Regarding RDOS AREA A's own Bylaw's namely:

17.0 Temporary Use Permit's

17.1 paragraph 2: "discretion of the Regional Board and are only in effect for a limited period of time".

What is defined as a limited period of time? Considering they have already utilized one summer.

17.2 OBJECTIVE

.4-"To consider allowing on-going short term vacation rental uses on properties designated RESIDENTIAL through the issuance of Temporary Use Permit's.

paragraph 17.1 states "a limited period, then 17.2 states "on-going".

-these two contradict one another.

-why, in the first place is their consideration for this being allowed in a RESEDENTIAL neighbourhood? Are all of the local Motel's and Resorts operating at 100% occupancy?

If so, then their are other communities. Are these Motel's and Resorts not operating by use of a Commercial Business Licence, and only in designated area's.

-Even though these Motel's and Resort's are in "typically commercial designated areas" would such loud noise and drunken disregard for anyone else be tolerated at such an establishment. No, this type of behaviour would not be allowed.

## 17.3 POLICIES

.4 (a) "the use must be clearly temporary or seasonal in nature".

-So this policy eliminates the rights of an adjacent, tax paying homeowner, like myself from enjoying the "summer season", in my own home, free of noise and loss of privacy, from 10:00 am to 03:00 AM all summer long, with my doors and window's closed up tight, living only by my airconditioning, as the noise is unbearable.

.4 (b) "compatibility of the proposal with adjacent uses"

-How is granting this TUP compatible with regard to my own rights, to live in peace, on my own property, when there is between 10 to 15 people partying around the clock? Am I expected to turn a blind eye and bear it, for the entire summer, for a few tourist dollars? Who picks up the garbage on my lawn, as surely that would be trespassing. What about the pool toys? Trespassing again.

.4 (d) "intensity of proposed use"

The property is listed as 4 bedrooms. Which equates to a minimum of 8 people. Most times this past summer 8 people was not the minimum, with 12 to 15 people staying, using the pool area from dawn to 03:00 am. They were not there for a quiet, least rely swim. They were there getting drunk, poolside, and getting louder the more they drank, until they either passed out or went to bed at 03:00. Meanwhile, the music could never be loud enough. Most times the music could be heard 3 or 4 houses down the street.

17.6 "In issuing a Temporary Use Permit for a short term Vacation rental, the Regional District may specify conditions, in addition to those listed under sub-section 17.3.5, including, but not limited to: 7xxix.

.6 (a) "the provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues.

This is currently NOT in place. The current fencing (owned by the Law's) is totally inadequate, to both suppress the noise and my own privacy rights.

.6 (b) "the provision of the Manager or Owner's contact information, as well as a copy of any issued TUP, to each neighbour whose property is located within 100 metres of the subject property.

-and that the phone be answered by the Manager or Owner in a timely manner. That way at 03:00 AM the manager or homeowner can also be awakened.

-the best scenario is that the policy be changed that the "Owner or Manager" be required to LIVE ON THE PREMISES when the home is rented.

\*\*\*The town of Oliver recently enacted this requirement\*\*\*\*\*

.6 (c) "the availability or accessibility of the Manager or Owner

In lieu of the Homeowner or Manager not being reached, RDOS should have a 24/7 contact number, so someone there can be reached at 03:00 AM.

.6 (d) "any applicable Regional District NOISE BYLAWS

Since Area A does not have any Noise Bylaw's, in allowing a "party house to co-exist in a QUIET residential neighbourhood it is clearly time to ESTABLISH AND ENFORCE a Noise Bylaw in Area A. If you are bringing the Tourist's and all their dollars up to the residential neighbourhood, to party till dawn, essentially moving them from the downtown Commercial area to the quiet residential area, NOISE BYLAW's MUST be established.

.6 (d) (iii) "measures to address water conservation.

This is a residential neighbourhood, operating under the Osoyoos Water District. Water is to be used sparingly, for Orchards and residential home use, payed for by the ratepayer's. Has the TVR obtained, and been granted a adjustment converting from residential use to commercial use?

Since I am at the end of the water line, the continual useage of between 8 to 15 people using water all day long has affected my water pressure during those peak times. How, and when, at whose cost will this be rectified, and when will this be done.

.6 (d)(v) "storage and MANAGEMENT of garbage.

How will the issue of garbage being strewn about my property be rectified?

.6 (e) "a maximum accommodation of ten (10) persons, with an aggregate occupancy of two (2) persons per bedroom within a dwelling unit when such dwelling unit is being occupied as a vacation rental.

We all know this is too high. And who will enforce this regulation. Is RDOS going to come out and do random bedroom checks/head counts?

Who and why should the neighbour next door (me) be subjected to having to live next door to 10 to 15 partying tourists all day long, all summer long. From 10:00 till 03:00 each and every day!!!

17.7 "As a condition of issuing a TUP, the Regional District MAY require the posting of a security so as to ensure compliance with the conditions of the permit.

That's it, a token SECURITY DEPOSIT to ruin my summer, and the benefit of owning my own home, in a once desireable QUIET neighbourhood. Sold out for a Security Deposit!!!

Further Point to Ponder

No respect, no regard for my tax dollars. Sold out for a few tourist dollars and a security deposit. Thanks!

Why is the Absentee Homeowner given more rights than me, the stay at home homeowner and taxpayer, keeping and maintaining my home and neighbourhood.

What benefit does a TVR bring to this neighbourhood?

What benefit will I receive having a TVR next door? None!

What does the RDOS stand to benefit? A secret deposit, and a Temporary Vacation permit fee. How much is that.. \$200, \$500...less. Not a lot.

A RESIDENTIAL NEIGHBORHOOD'S harbouring one PARTY HOUSE is not a good fit.

The RDOS will be seen as promoting tourist dollars for the sake of local tax paying homeowner.

Where was the DUE Diligence by both the RDOS and BYLAW ENFORCE ENTERPRISES to visit the neighbourhood last summer while this Party House was allowed to operate Illegally. Obviously the RDOS and BYLAW ENFORCEMENT OFFICERS do not care at all, except maybe if they get a security deposit, or a token lense fee.

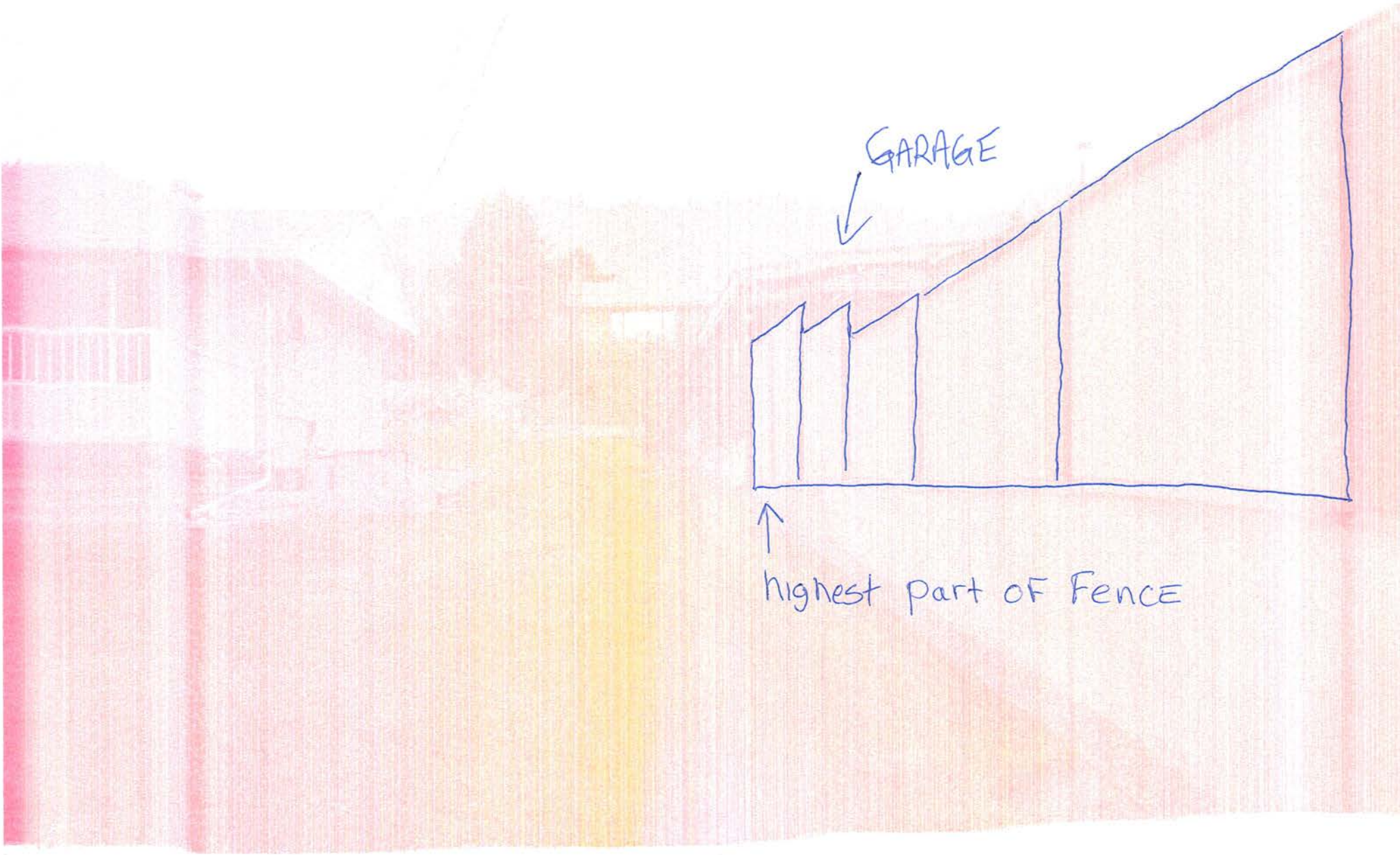
So, who are you going to designate from the RDOS and or BYLAW Enforcement to field my calls at 03:00. When will I be provided with the phone number and contact info.

Thank you, I look forward to addressing ALL of these matters at the Osoyoos Public Information Meeting.

Ron Tayfel







GARAGE

↑  
highest part of fence

## JoAnn Peachey

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**From:** Ron [REDACTED]  
**Sent:** December 3, 2019 12:36 PM  
**To:** JoAnn Peachey  
**Subject:** Re: Toronto 'mansion party' shooting victim sues Airbnb, property owner  
**Attachments:** image003.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn:

I am sorry for bothering you "one last time".

With regards to your last email, quoting what you said "the board has chosen to trial new operators by limiting approval to ONE season, to provide the opportunity for an operator to do so responsibly".

The operator has had that ONE opportunity last summer. They did not act responsibly last summer, as it was an out of control Party House.

I do not appreciate that the board did nothing to close it down last summer, and that they would give the operator one more summer, to ruin my summer.

This house, and this operator is irresponsible, and does not care what goes on in the house and or the neighbourhood.

He is absent during this period of time, and only cares about one thing, which is "Money". He does not care about my privacy, my noise tolerance till 0230 in the morning, or that on any given day he rents the house out to a bunch of idiot's.

So, I have to again, sacral ice "one more summer" putting up with this.

They have had their one chance, and it was last summer.

Their one chance was a total failure.

Perhaps, the board in their wisdom, will tell the owner he has to be present, and not be living in the quiet solitude of Grand Forks while the parties are going on until 0200 to 0300 in the morning.

And perhaps, during this one chance "the Board" will find the necessity to bring in and enforce a Noise Bylaw.

Failing all of that, I am prepared to buy a couple of "Propane Cannon's", having them set to go off all day long at 10 minute intervals. They will be placed adjacent to the pool area. And since there is no Noise Bylaw, there is nothing anyone can do.

Nothing was done last summer.

Have a nice day.



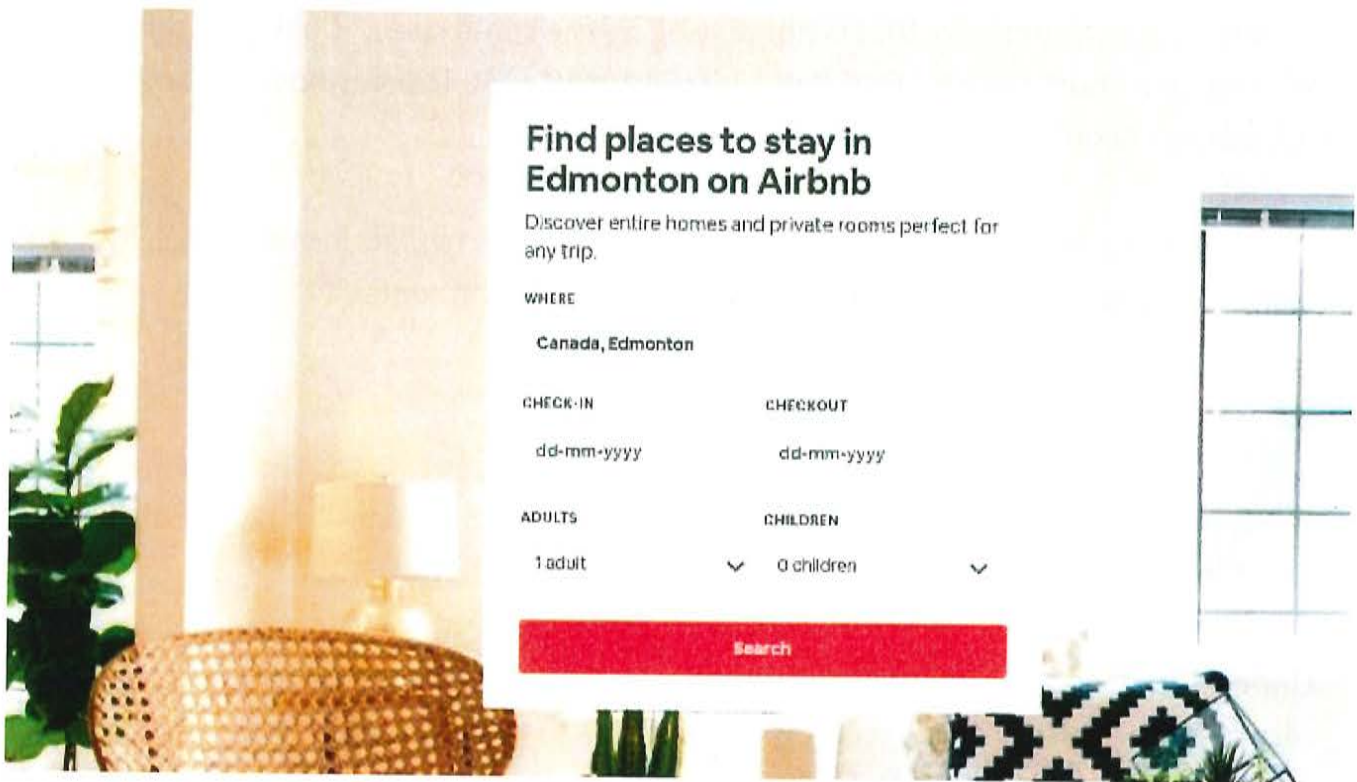
Edmonton

## 'Not playing by the same rules': Edmonton hoteliers want more regulation on short-term rentals



'We've found ourselves in a precarious situation'

CBC News · Posted: Nov 28, 2019 9:05 AM MT | Last Updated: November 28



The hotel industry wants the city to clampdown on the short-term rental market with zoning limits and new licensing fees. (Airbnb)

comments

Some of Edmonton's hoteliers say the city hasn't gone far enough in regulating the city's short-term rental industry — and some homeowners living near rental units agree.

Edmonton Destination Marketing Hotels — a non-profit marketing association representing 57 hotels in Edmonton — launched [a new online campaign](#) Thursday singling out short-term rentals and encouraging Edmontonians to write letters of complaint to city councillors.

Rentals available on sites like Airbnb, VRBO and HomeAway can cause serious problems in residential neighbourhoods, said executive director Karen Chalmers. She wants the city to start treating them like businesses.

"We've found ourselves in a precarious situation with this new entry into the accommodations industry that is not playing by the same rules," Chalmers said in an interview Thursday with CBC Radio's [Edmonton AM](#). "There is not the same standard in taxation and regulation.

"We pay commercial taxes, we have security and safety regulations that are mandated and none of those are regulated by short term rentals."

## 'Virtually no rights'

The hotel association is lobbying for new city zoning regulations to limit the ability of short-term rentals to operate in certain residential neighbourhoods.

Under the regulations proposed by the association, owners would need a criminal record check, fire safety inspections and proof of insurance. Licences would be revoked if operators failed to verify guests in person.

The association wants the city to create a special category of business licence for short-term rentals that are not owner-occupied. It would also like Edmonton to adopt primary residence rules, meaning rentals can only be operated from a principal residence.

Such rules have already been adopted in Toronto, Vancouver and Ottawa.

Short term rentals, established without community consultation and often managed by absentee landlords, can bring noise and crime to residential neighbourhoods, Chalmers said. Their proliferation in neighbourhoods across the city has been unchecked, she said.

"I want those safeguards," she said. "Because right now, if an Airbnb opens up beside me, I have virtually no rights."

## **Drunken guests**

Jeff McCammon attended a news conference hosted by the association at city hall on Thursday morning. McCammon says an Airbnb rental in his Edmonton neighbourhood of Brander Gardens has been more than a nuisance.

"Over the last few years, a neighbour across the street moved out of their home to create a commercial short-term rental business in my residential neighbourhood," McCammon said.



Jeff McCammon says this house, across the street from his own in Brander Gardens, is being used for short-term rentals. (Submitted by Jeff McCammon)

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"Since its arrival, there has been a lack of security for my neighbours, my children have witnessed vulgar acts by some transient drunken guests and there has been an overall loss of community along with diminished quality of life overall for my family.

"How this Airbnb is able to operate in a residential neighbourhood and qualify for a home-based business licence is beyond me."

- ['Essentially, a hotel': Neighbour fed up with Airbnb house in southwest Edmonton](#)
- [Hoteliers urge federal candidates to tax Airbnb hosts](#)

New regulations for operators in Edmonton came into effect on Aug. 27, 2019. Operators must complete a home-based business licence application, get an inspection from Alberta Health Services and supply guests with information about the city's bylaws.

The city started investigating regulation options after multiple complaints were filed regarding disruptive and untidy short-term rental properties, complaints that coincided with a significant increase in the number of listings.

As of May, Edmonton had more than 2,400 listings. The city only had 44 listings in 2014.

## 'This is just enough'

Angela Sun also wants Airbnb banned from residential areas. She said two Airbnb rentals across the street from her home in the Garneau neighbourhood have brought noise and crime to her previously quiet street.

"The owners are not even living in Alberta," Sun said during Thursday's news conference. "We see drunks passed out on our lawn, pounding on our door.

"There was an attempted break-in and open marijuana smoking and late-night party noise, yelling and shouting after 2 a.m."

Sun said she no longer feels safe in her own home. She said any kind of bylaw on short-term rentals will be impossible to enforce.

"We've seen it all," she said. "This is just enough. I have a four-year-old daughter. Do I feel safe living in that neighbourhood? Absolutely not."

"I do not want my family mixed with transients. They are transients. They come tonight and go the next day. They do not care."

- **Edmonton considering regulations for Airbnb, VRBO and HomeAway**

In an emailed statement to CBC News, an Airbnb spokesperson said the new city regulations should be tested before new bylaws are considered.

"It is troubling that the corporate hotel lobby is spending thousands of dollars advocating against allowing local Edmontonians benefit from the tourism industry and show visitors a more personal side of their city," an Airbnb spokesperson said in a statement.

## **More reports coming**

"The responsible approach is to allow these regulations to be implemented and assessed before demanding the city spend public money to burden Edmontonians with more red tape."

The city, however, is exploring options for increased regulation, said Coun. Aaron Paquette.

"We will be getting more reports back as time goes on and this won't be a one-off," he said. "This is something that's going to be developed in the coming months."



A further report slated to go before city council's urban planning committee next week, has been delayed until February 2020.

Paquette said he has fielded complaints about absentee landlords and a lack of taxation.

"It's definitely a debate that we're having," Paquette said. "The situation of people that are renting out homes that they don't reside in is a real issue.

"We have these large corporations who are making money off our city, but they don't pay taxes."

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# Kingston looks to fast-track short-term rental rules



Elliot Ferguson

[More from Elliot Ferguson](https://www.thewhig.com/author/elferguson) (https://www.thewhig.com/author/elferguson)

**Published on: December 2, 2019 | Last Updated: December 2, 2019 4:28 PM EST**

KINGSTON — City council is set to fast-track a new set of regulations for the local short-term rental market.

Councillors are to consider the new rules that, if passed on Tuesday night, would come into effect on Jan. 1.

The regulations, outlined in a 230-page report from interim chief administrative officer Lanie Hurdle, would require rental operators to pay \$180 a year to get a licence from the city, restrict rental units to primary residences, limit the number of people who can stay at them to four, require rental owners to pay a four per cent municipal accommodation tax, limit rental stays to 30 days, and cap the number of days a unit can be rented to 180 a year.

The city also proposes hiring Seattle-based company Host Compliance to oversee the regulating system.

“The proposed bylaw seeks to license and regulate short-term rental licences in order to help provide a healthy variety of accommodation options to support Kingston’s tourist industry, allow residents to use their properties to earn additional income to offset their housing costs, protect our community’s existing stock of long-term rental housing, and to respond to concerns with noise, garbage, parking and safety,” Hurdle wrote in the report.

The regulations are also meant to provide some protection for long-term rental stock and improve the city’s record-low rental vacancy rate of 0.6 per cent, the lowest rental vacancy rate in Ontario.

Since 2016, the number of short-term rental units from Airbnb or Vacation Rentals by Owner on the market in Kingston has grown by 146 per cent.

But some Airbnb hosts have said in interviews that if the new regulations force them to leave the short-term rental market, they will not put their rental units on the long-term rental market.

Airbnb host Ron Hartling said the proposed regulations are being rushed and are not evidence based. Hartling said the short-term rental market can be regulated with existing bylaws, and he also questioned the wisdom of hiring an American company to oversee the regulation system.

“This appears to fit the Wikipedia definition of doxing, which is ‘the internet-based practice of researching and broadcasting private or identifying information about an individual or organization,’” he wrote in a critique of the new bylaw.

“This requires very careful consideration of the ethical and legal implications of the city hiring a foreign firm to essentially spy on its residents by intentionally violating the legal terms of access to third-party websites and databases. Blindly going ahead without seeking the views of federal and provincial privacy commissioners would set a very bad precedent for how the city relates to its residents.”

## TRENDING IN CANADA

Ω



A 19-year-old who was shot at a Toronto "mansion party" hosted in an Airbnb rental is now suing the company, the property owner and the event's alleged organizers.

"It felt like someone had just stabbed something through me," said Sean McCann, recalling the moment he was struck by gunfire. "It was a sting and a burn and then just a lot of pain."

McCann attended the party in Toronto's west end on April 26 after one of his friends saw an ad on social media charging cover for the event, which was hosted [at a mansion in Etobicoke](#).

He and his friends had just finished the school year at Humber College and were looking to blow off some steam.

Shortly after arriving, McCann said he started to feel uneasy; his group decided to leave less than an hour later.

"People were smoking in the house, throwing beer cans and stuff. They were just trashing the house and it was gross," McCann said.

"People were fighting and pushing each other around and it just didn't seem great. There was one person I saw with a knife and that's when we said, 'You know what, let's go,'" he said.



Jean-François Bisson/CBC

McCann said it took a while for him and his friends to make their way through the crowded house. But then they spotted a friend in the backyard and went to say hello.

Once outside, they heard shots ring out.

"I only counted until I actually got hit, which was about four. But everyone I talked to said there was at least six afterwards," McCann said.

The bullet entered his lower back, fractured his pelvis and came out through his groin, causing nerve damage and a lot of blood loss, McCann said.

People ran to escape out the back; McCann's friends helped him over the fence and down a retaining wall.

Prior to the shooting, police had already been called to the scene because of a noise complaint. They quickly found McCann, who was rushed to hospital. He woke up there with his parents at his bedside.

"The doctors said if it had been an inch to the left, I would have been paralyzed, and an inch to the right, they said I probably would have died. And two inches down or something, I would've lost the use of my right leg," said McCann. "I got very lucky ... and I'm just thankful for that."

McCann doesn't appear to have been the intended target.

### **Lawsuit alleges negligence**

In a lawsuit filed Thursday in Ontario Superior Court, McCann alleges the shooting was the direct result of negligence on the part of Airbnb, the property owner and the party organizers.

He is seeking \$5 million in damages.

In a statement of claim, McCann alleges Airbnb "failed to investigate, vet and conduct background checks" on the person renting the property and the guest who booked it.

It also alleges the property owner, Wojciech Stasieczek, failed to vet his guests, "knew or ought to have known that the renters of the premises were using his minimally furnished rental property to throw large parties," and that he "allowed the opportunity for violence and crime to occur."



Jason Ho/CBC

The lawsuit also alleges the purported party organizers — Isabella Ibrahim and two people identified only as Jane Doe and John Doe — "allowed the opportunity for violence and

crime to occur" through a "lack of security and background checks for the guests."

When asked for comment about the lawsuit, Airbnb replied with a statement.

"The senseless violence reported has no place in the Airbnb community and we immediately removed the booking guest from our platform in April," it said. "While this listing has not been available on the Airbnb platform since September, hosting is a big responsibility and if we find that hosting activity substantially disrupts a community, we may take action against a listing — including suspension or removal."

Neither Stasieczek nor Ibrahim responded to repeated requests for comment.

After the shooting, Toronto's police chief tweeted that officers arrested two teenagers carrying guns. But no one has yet been charged. The Toronto Police Service says the investigation into the shooting remains active and open.

The April 26 event wasn't the first time that particular house had been rented out for parties.

McCann's statement of claim alleges "the premises was used for parties and large gatherings" on multiple occasions. Multiple neighbours also told CBC News loud parties continued well after the spring shooting.

According to 311 records, there have been three complaints about the property in the last year. The most recent came in late August.

#### **Violent incidents at Airbnb rentals**

In the last year, there have been at least 10 violent incidents connected to Airbnb rentals in Canada.

Earlier this year, Airbnb announced plans to ban so-called "party houses" from its platform after an Oct. 31 shooting in Orinda, Calif., [left five people dead](#). Nearly 100 guests were packed into a rental house that had been advertised for 12.

Starting next month, Airbnb will expand screening in its North American market for what it calls "high-risk reservations." [This review](#) will "help identify suspicious reservations and stop unauthorized parties before they start," it said.

But McCann says the company should have acted earlier than that Halloween incident.

"It's too little, too late. Like, I survived, but a lot of people haven't," he said. "They need to do something to make up for everything that they ignored, and I think what happened in California on Oct. 31 shouldn't have been the point where they had to say, 'OK, let's stop this.'"

"It needs to stop."

### **Canadian cities change Airbnb rules**

Cities across Canada have been grappling with complaints around short-term rentals made available through platforms like Airbnb.

In April 2018, Vancouver [brought in new rules](#) requiring all people renting their homes and condos on a short-term basis to register with the city. It says 80 per cent of Vancouver's short-term rentals are now licensed and there has been a dramatic drop in complaints.

Last week, an Ontario appeal body ruled in favour of [new bylaws for Toronto](#) that will see short-term rentals only permitted in a host's principal residence, licences required for all operators and limits placed on how long a space can be rented out.



## JoAnn Peachey

---

**From:** Ron T [REDACTED]  
**Sent:** April 21, 2020 8:25 PM  
**To:** JoAnn Peachey  
**Subject:** Airbnb Rental

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi, so I am curious as to why nothing has transpired with the Airbnb Party House, that continues to operate next to me located on 37th Street in Osoyoos?

There was supposed to be a meeting, open to concerned citizens (me especially) on the Temporary Use Permit for this Party House Rental.

Due to some fabricated story that your office was told, about the house being rented to long term tenants, over the winter season, this was not the case.

The house has, and continues to operate as an Airbnb Rental.

Today, the owners were filling the pool, for what I am assuming will be another LOST SUMMER, filled with Party's till 03:00 AM, along with Drunken Patrons celebrating with loud noise, all day long!

Where is the improvements to their Fencing to atlas block some of the noise, as well as to stop them from hanging over the fence, staring at my wife and myself.

It is quite intolerable that I can not open my window's and sleep at nite, considering the Party goes on until 03:00 each and every morning.

When will the RDOS enact Noise Bylaw's that come into effect after 11:00 PM.

Will you provide a phone number, and Guarantee that a Bylaw Officer attends at 03:00 am.

Surely, the cost of the RCMP attending has to be bore by the RDOS, as they are the ones responsible for this un-speak able activity.

So the Covid Pandemic is occurring, and people have been advised to stay home, and not travel, does this not apply to AIRBNB renter's, or am I the only one who can not travel?

Why has no meeting been held.

Why is the Sign notifying there is a application for Temporary use being considered not visible as required, and why does it still have the wrong phone number.

Does any one care?

What is the RDOS doing, or planning to do, and WHEN!  
This fiasco has been allowed, and BLESSED by the RDOS for long enough.

How about the RDOS just forgive me from paying Property taxes?

Why does this belong in a Residential neighbourhood. Where as,if this type of activity occurred in a Hotel/Motel, or Resort, the renter's would surely be told to leave.

Or is it all about promoting Tourism, taking money, and to He'll with the property owner next door??

Ron Tayfel



Ps..how come not one person from the RDOS office has attended this location, and spoken with me?

## JoAnn Peachey

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**From:** Ron T [REDACTED]  
**Sent:** April 27, 2020 2:17 AM  
**To:** JoAnn Peachey  
**Subject:** Airbnb Rental  
**Attachments:** 20191114\_140231.jpg; 20191114\_140045.jpg; 20191114\_140208.jpg; 20191114\_135947.jpg

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi JoAnn:

Before I begin, please do not take it personal, as I am not attacking you personally.

If you might consider, I bought my house 20 years ago, I have raised my daughter in this house, I have since retired in this house, and in this neighbourhood.

I have been a good neighbour, good citizen, and a taxpayer, all of my life. I have worked continuously since I was 17 years old, never, not once collecting one single unemployment cheque, or breaking any Law's of our land.

I am a quiet citizen, one who respect's the right's of others, helps out when I can, volunteer's when I can, and do not go out of my way to bother anyone, but will step up when someone else is being wronged.

So, getting to your email:

I brought this Airbnb issue to the attention of the RDOS last June. I have written countless email's to both yourself, and the RDOS office, and Bylaw Enforcement. Yet nothing has transpired.

At the end of my UNFORGETTABLE Summer, dealing with the PARTY HOUSE next door, a sign was installed at the REAR of the property in question, which although it is a Street, it is basically a Dead End Street, more of like a back lane. The Law's property front's on 37th Street, the main thoroughfare. That is where the sign should have been installed, albeit the sign did not even have the proper phone number. I took it upon myself to move the sign from the back of the house, to the front of the property, where it could be properly viewed. Subsequently, the sign was removed, then put back, then removed, and now, it is there, reversed and folded over.

So, being that a sign of some sort was put up last fall, why was a meeting not held till this day. The Covid 19 Pandemic was taken seriously, here as you know only about 35 days ago. Therefore there was all of last fall, the Winter, and early spring to hold and convene a simple meeting.

As you are probably aware, web-based meetings do not work.

As foremen toned, I have lived in this same house for the past 20 years, not once did I get a notice in the mail, a knock on my door, or a telephone call asking me for my thoughts, or input on Airbnb rentals in my neighbourhood, and most certainly , right next door to me.

How can the RDOS, and or the Planning Department, state that there is, quote: "there is a supportive policy for Vacation Rental's in residential areas".

Who supported this policy? And why we're the affected residential neighbour's not asked if they supported this policy. The RDOS simply cannot make an arbitrary descision on such a matter, without reviewing the consequences.

As you know, there are hundreds of similar Horror Stories, of Party House Airbnb Rentals throughout all of Canada.

You cannot simply throw an unsupervised, un-regulated "Hotel/Motel" smack dab in the middle of a quiet residential neighbourhood without consequences such as those which I have been subjected to last summer.

Then as you have stated, and again I quote: "Criteria to assess aplications includes, one of which is (MITIGATING MEASURES SUCH AS SCREENING AND FENCING; and BENEFITS THAT SUCH ACCOMMODATION MAY PROVIDE THE COMMUNITY.

No one from your office has attended the mentioned AIRBNB to attest that the fencing is adequate for this location.

Furthermore, as you know, there is no NOISE BYLAW in Area A. Why in the wisdom of the RDOS would they assume that it is acceptable that loud parties, loud music, loud conversations, would be acceptable at 03:00 in the morning?

Would it not make common sense if the RDOS is pushing this "Supportive Policy", that perhaps they should have considered enacting a Noise Bylaw before allowing a Party House Airbnb Rental to operate around the clock on a quiet RESIDENTIAL NEIGHBOURHOOD?

How long does it take for Bylaw Enforcement to "BUILD A FILE"?

I worked in Law Enforcement for 34 years, and I know that "Building a File", is the same as doing nothing, and not wanting to do anything.

No one from Bylaw Enforcement has ever come to my residence to confer with me about the absence of a Noise Bylaw, or have they ever parked outside the Airbnb after 1100 pm. Heck, they won't even give out an after hour phone number to phone in a complaint at 0300.

If in the RDOS's push for this "Supportive Policy for vacation Rental's in residential area's," why after all of my Invitations for someone to come out and speak with me, and to do a proper assessment of my concern's and the adjoining fencing, and the location of the pool area, adjacent to the front of my house, my deck, and my window's, has no one from the RDOS knocked on my door?

Why have not You,whom is in the Planning Department, or member's of the RDOS who support this "Policy", ever shown up at my front door to visit the affected properties.

One can not make effective policy descision's on Community Planning sitting behind a computer screen, or looking at Google Map's. However, a perusal at Google Map's would be a great start, which should have been done before this Airbnb was allowed to operate.

Why you ask do I not phone you? Because, I am tired of all the excuses, countless email's and the RDOS's and Bylaw Enforcement's, lack of initiative do rectify this problem, that they have created, and allow to continue.

As far as the recommendation you ask for the adjoining fencing:

The adjoining fence is broken into three tier's from East to West. The first section is fine, the second section should be built higher by 16 inches, and the third section should be built up by 32 inches. That would make the adjoining wall level all the way across, and stop the Airbnb Party Tourist's from hanging over the fence all day long. It may drown out a little of the sound, but certainly not at 0300 in the morning.

I might add, that none of the cost will be borne by me, as I do not have a pool that requires fencing, it is not my Partying that is a requirement of my wrong doing, and it is most definitely not my noise at 0300 in the morning.

However, I might add, that the rowdiness begins usually at 0900 in the morning, and continues non stop until 0300. But of course, I have said this too many times to count.

I do not intend on spending my summer a prisoner in my own home AGAIN, and I would like this actioned before things get out of hand again for the whole summer.

Remember, it is both the RDOS, and Richard and Sandra Law that have created this nightmare, and it is up to the RDOS to correct the wrong they have done by allowing this to continue.

It is again, as I quote: "there is a SUPPORTIVE POLICIES for Vacation Rental's in RESIDENTIAL AREA's". This is the RDOS and the Planning Department's policy, and it is their responsibility to correct it. Yes, the abscent property owner is also to blame, as is their Airbnb Representative's.

I am enclosing a picture of the aforementioned fence, as again it is too much of a bother for anyone from the RDOS or the Planning Department to do a Site Survey.

Hopefully this is my last email, as by now I have gathered they are useless, and probably too much bother to read, or action.

Again, this is not a personal attack on your moral character, or lack there of. Just the fact's, that no one want's to own up to.

Ron Tayfel

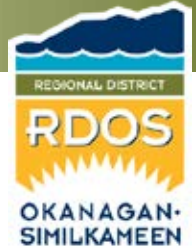








## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 2, 2020  
**RE:** Zoning Bylaw Amendment – Electoral Area “A”

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### Administrative Recommendation:

**THAT** Bylaw No. 2451.30, 2020, being a bylaw to amend the Electoral Area “A” Zoning Bylaw to alter minimum yard setbacks at 10210 81<sup>st</sup> St., be read a first and second time;

**AND THAT** pursuant to sub-section 464 of the *Local Government Act*, the Regional District Board resolves to waive the holding of a public hearing for Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw;

**AND THAT** pursuant to sub-section 467 of the *Local Government Act*, staff give notice of the waiving of the public hearing for Bylaw No. 2451.30, 2020, Electoral Area “A” Zoning Amendment Bylaw.

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Purpose: To amend minimum setbacks to expand the building envelope on the subject property.

Owners: Lual Orchards Ltd. Agent: Brad Elenko, McElhanney Ltd. Civic: 10210 81<sup>st</sup> Street

Legal: Lot 3, Plan EPP87173, District Lot 2450S, SDYD Folio: A-06047.060

OCP: Low Density Residential (LR) Proposed OCP: Low Density Residential (LR)

Zone: Residential Single Family One (RS1) Proposed Zoning: Residential Single Family One Site Specific (RS1s)

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### Proposed Development:

This application is seeking to amend the zoning of the subject property in order to expand the building envelope.

In order to accomplish this, the applicant is proposed to amend the zoning of the property under the Electoral Area “A” Zoning Bylaw No. 2451, 2008, from Residential Single Family One Zone (RS1) to Site Specific Single Family One Zone (RS1s) with the site specific regulation to reduce the rear parcel line setback (southern property line) from 7.5 metres to 2.0 metres and to increase the interior parcel line setback for the eastern property line from 1.5 metres to 7.5 metres.

In support of the rezoning, the applicant has stated that “due to the odd shape of the property and the resulting setbacks, the owner is requesting that the setbacks be re-adjusted to provide a greater spatial separation from the adjacent east property and reduced on the south side of the property where there is no real need or purpose for the large 7.5 m setback.” The applicant has also noted that:

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- 
- the setbacks defined for the property are not based on typical or obvious features or thinking, but rather all manifest from the definition of front parcel line, which in this case is very non-typical and unconventional.
  - the Streamside Protection Enhancement Area (SPEA) occupies a majority of the large ½ acre property and provides protection for riparian values. However, in doing so, it restricts development from a significant portion of the property.
  - the reduction in the setback will not have a negative impact on the use and enjoyment of any adjacent or surrounding property owners.

**Site Context:**

The subject property is approximately 2,360 m<sup>2</sup> in area and is accessible via a pan handle from 81<sup>st</sup> Street, abutting Osoyoos Lake to the North and approximately 600 metres from the Town of Osoyoos boundary.

It is understood that the parcel is vacant land, while the surrounding pattern of development is generally characterised by residential along Osoyoos Lake foreshore and a mix of agriculture and residential parcels abutting 87<sup>th</sup> Street.

**Background:**

The current boundaries of the subject property were created by a Plan of Subdivision deposited with the Land Titles Office in Kamloops on March 22, 2019, while available Regional District records indicate that building permits have not previously been issued for this property.

Under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2450, 2008, the subject property is currently designated Low Density Residential (LR), and is the subject of a Watercourse Development Permit (WDP) Area designation and is also partially identified as Important Ecosystem along the foreshore.

Under the Electoral Area "A" Zoning Bylaw No. 2451, 2008 the property is currently zoned Residential Single Family One Zone (RS1) which allows for a single detached dwelling as the only principal use.

Given the shape of this panhandle lot, the minimum setbacks for a principal building are as follows:

- front parcel line – 7.5 metres - Panhandle portion abutting 81<sup>st</sup> Street
- rear parcel line – 7.5 metres – Southern parcel line
- interior parcel line – 1.5 metres – All remaining parcel lines

Under Section 8.0 (Floodplain Regulations) of the Zoning Bylaw, the subject property is partially within the floodplain associated with Osoyoos Lake. BC Assessment has classified the property as "Residential" (Class 01).

**Referrals:**

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

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It should also be noted that in response to comments from FortisBC regarding overhead servicing and required Statutory Right-of-Way, the applicant has since provided underground services and a reference plan for a 3 m wide SROW to be registered on title. The proposed rear parcel line setback is generally aligned with the SROW, as demonstrated on Attachment 3.

**Public Process:**

On February 10, 2020 a Public Information Meeting (PIM) was held at the Sonora Community Centre at 8505 68<sup>th</sup> Avenue in Osoyoos and was attended by approximately 3-4 members of the public.

This item was referred to the Electoral Area "A" Advisory Planning Commission (APC) in the February 10, 2020 agenda; however, the meeting was cancelled due to lack of quorum.

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

**Analysis:**

In considering this proposal, Administration notes that the "U" shape of the panhandle is an unusual, atypical parcel layout, which results in an atypical application of front and rear parcel lines.

For a typical panhandle lot, the rear parcel line would be opposite where the panhandle meets the non-panhandle portion of the lot (as the panhandle would typically be straight).

As such, the applicant is requesting minimum building setbacks that are no less than what would be permitted if the "front" parcel line was aligned with where the panhandle met the buildable area of the parcel.

A reduced "rear" parcel line setback will allow for additional building area that is outside the riparian area, which is identified as 30 metres from Osoyoos Lake, and further from identified Important Ecosystems on the property along the lakeshore.

The "rear" parcel line setback reduction is considered to align with Electoral Area "A" OCP Bylaw objectives to protect aquatic habitat areas by providing a development scenario that allows development to be further from the protected riparian area.

This proposal has minimal impact to the neighbouring properties to the west and east, as the proposed setbacks along abutting parcel lines are equal to or greater than what is currently permitted under the RS1 zone.

It should be noted that this proposal reduces separation distance between residential buildings and structures on this RS1 parcel and active farming operations on the agricultural lands immediately to the south.

Although Administration has concerns with reducing separation distances between residential and agricultural uses, the southern parcel line immediately abuts a panhandle access driveway which provides a further separation of 10.0 metres between the subject property and agriculturally-designated parcel.

Conversely, this recently created parcel contains sufficient building area (360 m<sup>2</sup>) to accommodate a single detached dwelling while adhering to riparian area regulation and existing zoning setbacks.

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The "rear" parcel line setback provides additional separation between residential buildings/structures on the subject property and agricultural activities on the agriculturally-designated property to the immediate south.

Further, although the parcel is within a Watercourse Development Permit Area, a Riparian Area Assessment conducted by a Qualified Environmental Professional (QEP) has not been provided to verify the location of the Streamside Protection and Enhancement Area (SPEA).

It can also be argued that setback reductions are more appropriately administered by variance, where specific development plans are provided.

In summary, this proposal is considered consistent with the Electoral Area "A" OCP as it would allow for building options that are further from the protected riparian area.

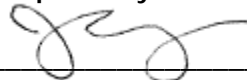
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**Alternatives:**

1. THAT Bylaw No. 2451.30, 2020, Electoral Area "A" 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 August 2, 2020;  
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2451.30, 2020, Electoral Area "A" Zoning Amendment Bylaw be read a first and second time and proceed to public hearing;  
AND THAT the holding of the public hearing be delegated to Director Pendergraft, or their delegate;  
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Pendergraft;  
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
3. THAT Bylaw No. 2451.30, 2020, Electoral Area "A" Zoning Amendment Bylaw be deferred; or
4. THAT Bylaw No. 2451.30, 2020, Electoral Area "A" Zoning Amendment Bylaw be, be denied.

**Respectfully submitted:**

**Endorsed By:**

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

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

**Attachments:** No. 1 – Applicant's Site Plan (Proposed Setbacks)

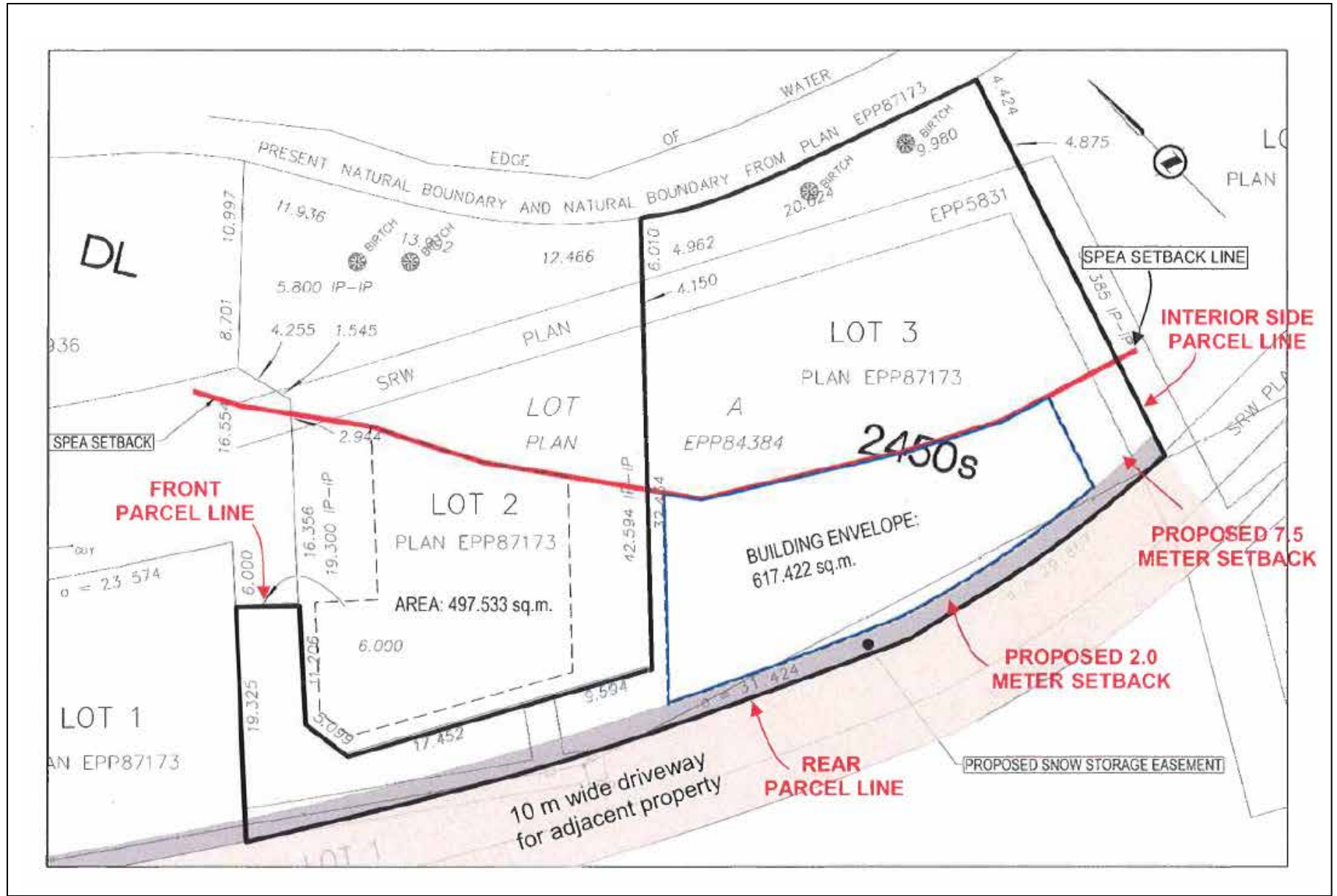
No. 2 – Applicant's Site Plan (Existing Setbacks)

No. 3 – Applicant's Site Plan (Building Envelope and Fortis SRW)

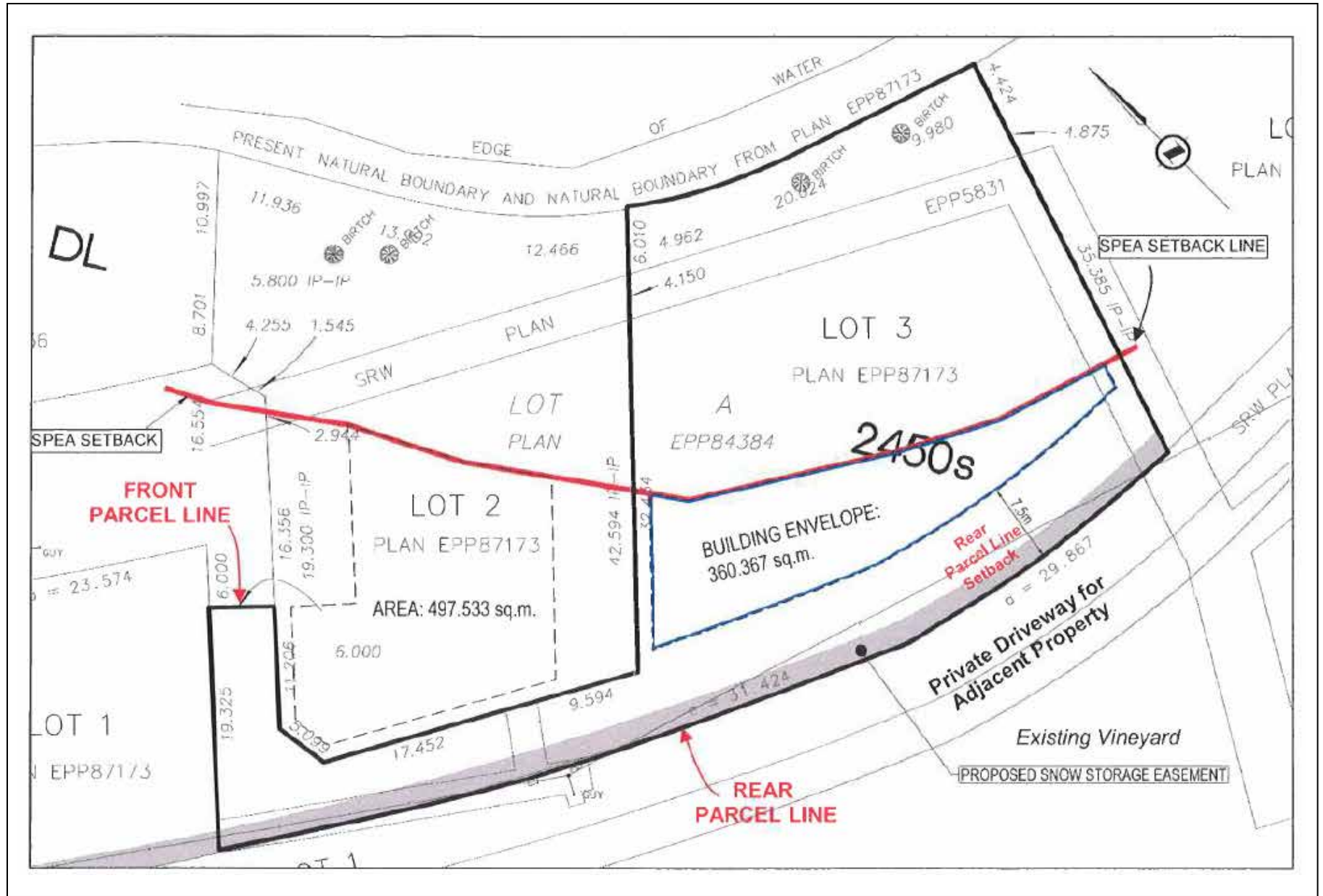
No. 4 – Fortis Statutory Right of Way Reference Plan

No. 5 – Site Photo (Google Earth)

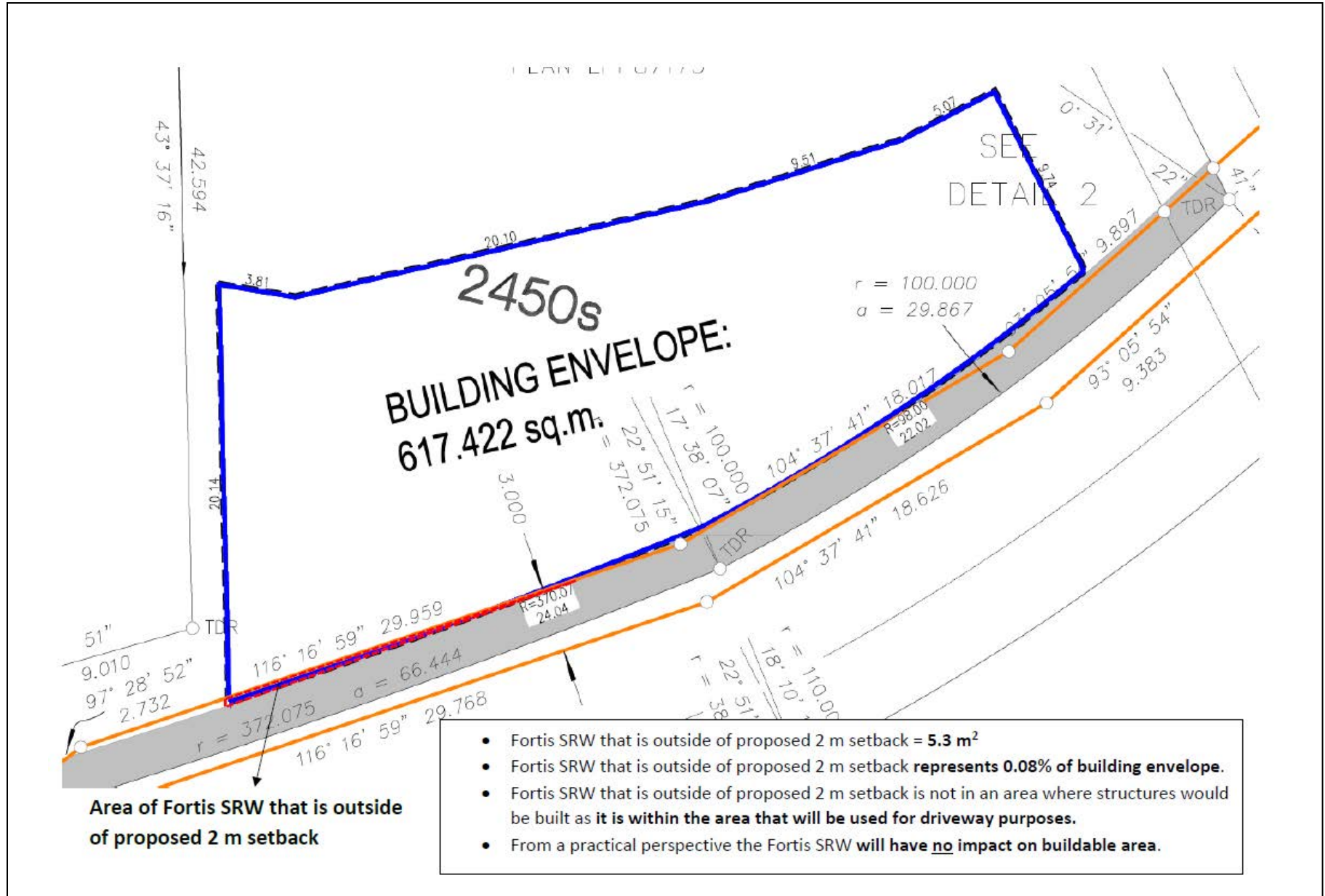
Attachment No. 1 – Applicant’s Site Plan (Proposed Setbacks)



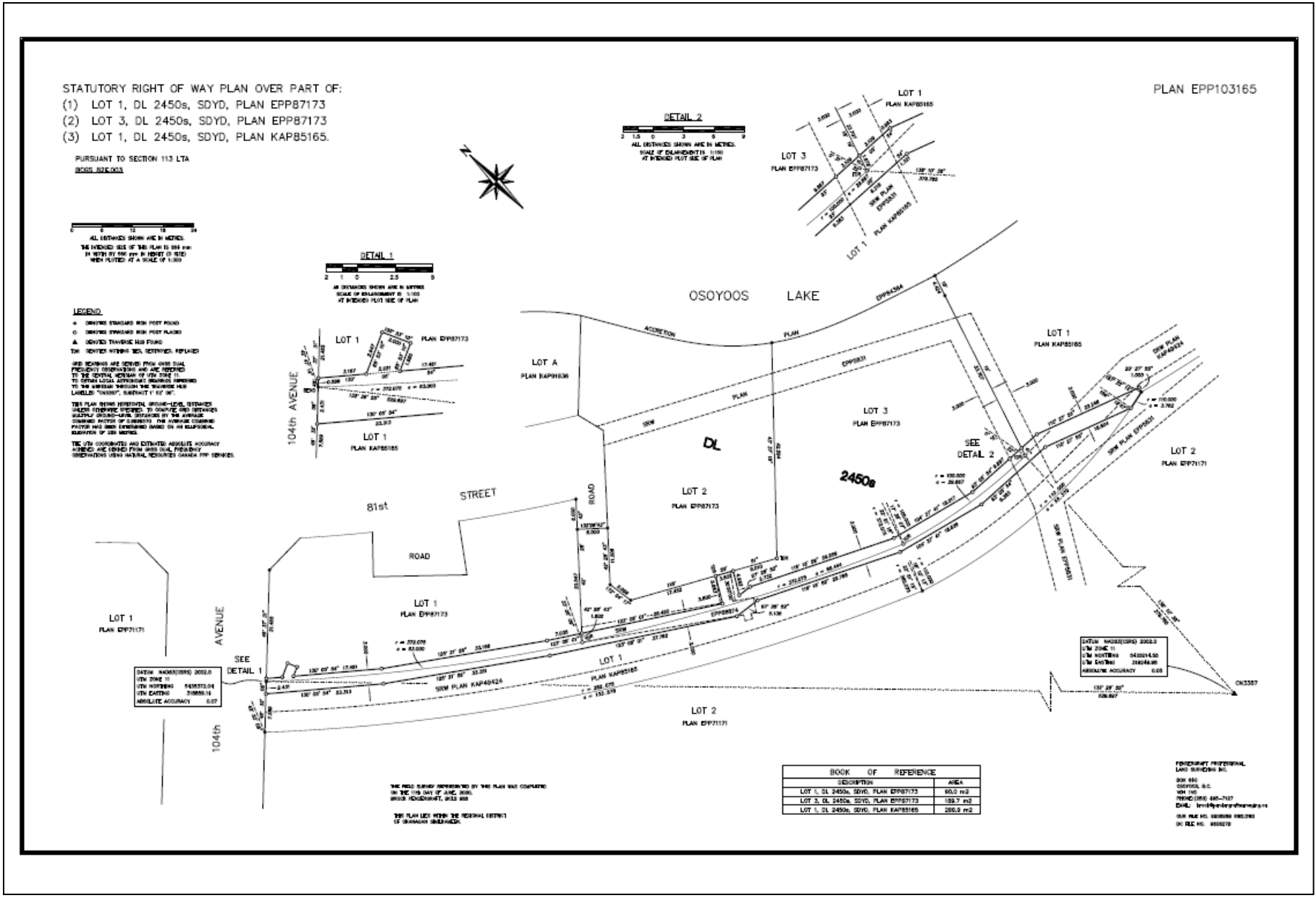
Attachment No. 2 – Applicant’s Site Plan (Existing Setbacks)



Attachment No. 3 – Applicant’s Site Plan (Building Envelope & Fortis SRW)



Attachment No. 4 –Fortis Statutory Right of Way Reference Plan





Attachment No. 5 – Site Photo (Google Earth)



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2451.30, 2020**

---

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

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

1. This Bylaw may be cited for all purposes as the "Electoral Area "A" Zoning Amendment Bylaw No. 2451.30, 2020."
2. The "Electoral Area "A" Zoning Bylaw No. 2451, 2008" is amended by:
  - i) adding a new sub-section .3 under Section 17.8 (Site Specific Residential Single Family One (RS1s) Provisions) to read as follows:
    - .3 in the case of the land described as Lot 3, Plan EPP87173, District Lot 2450S, SDYD (10210 81<sup>st</sup> Street), and shown shaded yellow on Figure 17.8.3:
      - a) despite Section 11.1.6, the minimum setbacks for buildings and structures shall be as follows:

i) Rear parcel line (southern parcel line)	2.0 metres
ii) Interior side parcel line, except eastern parcel line	1.5 metres
iii) All other parcel lines	7.5 metres

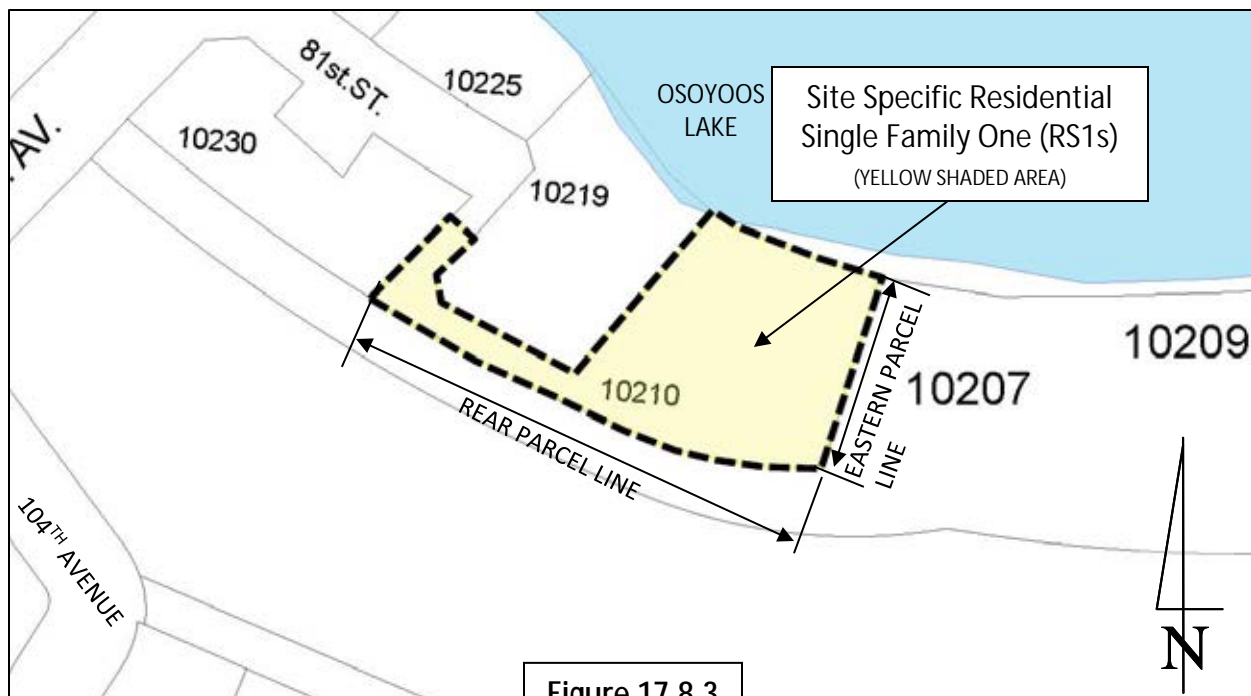


Figure 17.8.3

3. The Official Zoning Map, being Schedule '2' of the Electoral Area "A" Zoning Bylaw No. 2451, 2008, is amended by changing the land use designation on the land described Lot 3, Plan EPP87173, District Lot 2450S, SDYD, and shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Residential Single Family One (RS1) to Site Specific Residential Single Family One (RS1s).

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

PUBLIC HEARING WAS WAIVED 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 "Electoral Area "A" Zoning Amendment Bylaw No. 2451.30" 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

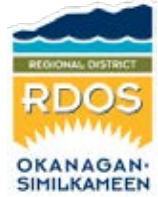
ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

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

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

# Regional District of Okanagan-Similkameen

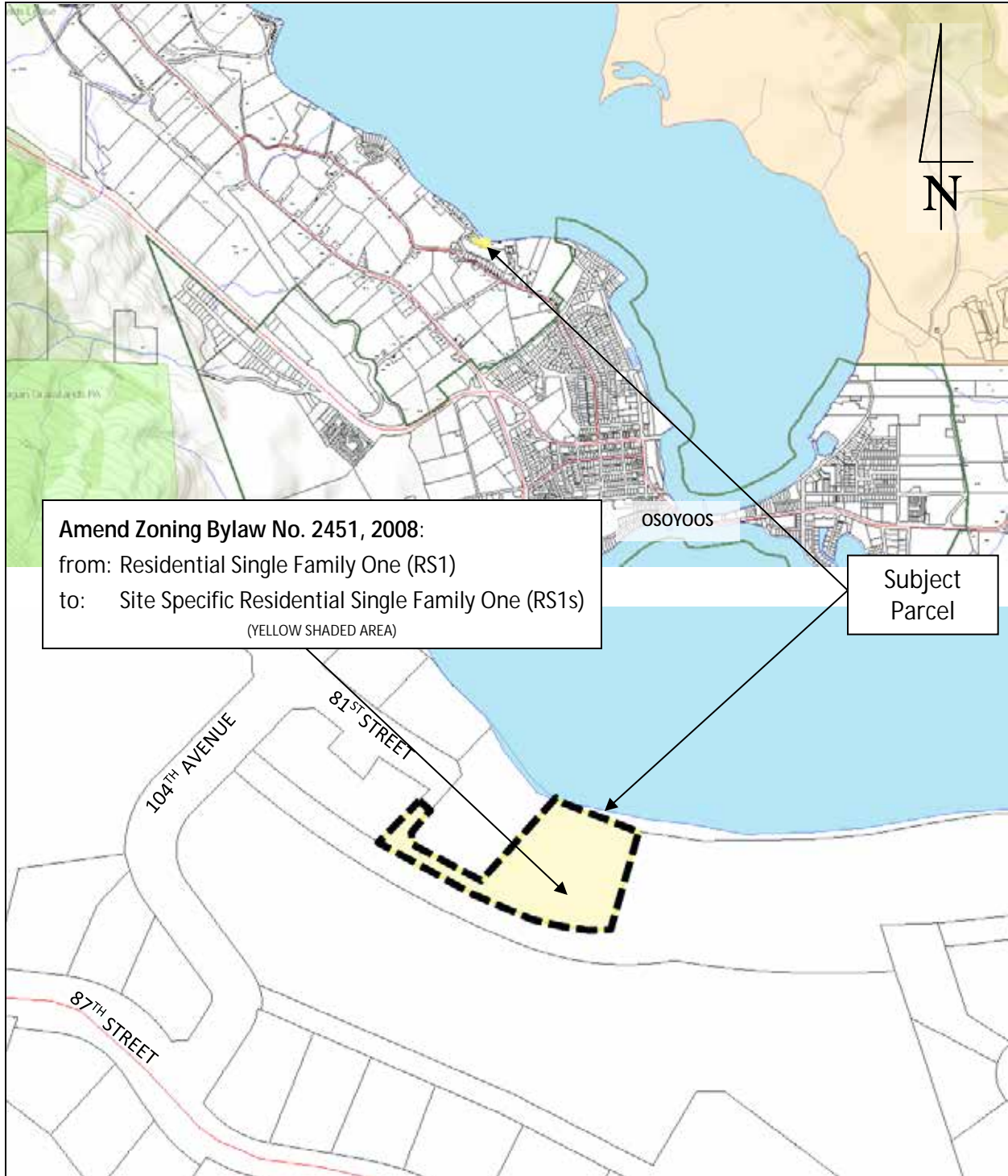
101 Martin St, Penticton, BC, V2A-5J9  
Tel: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2451.30, 2020

File No. A2019.025-ZONE

Schedule 'A'



**JoAnn Peachey**

---

**From:** Paul Dumoret [Redacted]  
**Sent:** February 5, 2020 6:28 PM  
**To:** JoAnn Peachey  
**Subject:** Rezoning at 10210 - 81st Street Osoyoos

Dear Ms. Peachey,

We are the property directly to the east and adjacent to the subject. I wish to inform you that we have no objection to the subject rezoning. We would be available for any questions should they arise, but will not attend the hearing.

Yours truly,

Paul Dumoret

**JoAnn Peachey**

---

**From:** JoAnn Peachey  
**Sent:** January 24, 2020 8:41 AM  
**To:** JoAnn Peachey  
**Subject:** FW: A2019.025-ZONE

**From:** Rick Deis <[REDACTED]>  
**Sent:** January 22, 2020 4:00 PM  
**To:** JoAnn Peachey <jpeachey@rdos.bc.ca>  
**Subject:** Re: A2019.025-ZONE

Thanks JoAnn

Too bad someone didn't take into account building set backs when the subdivision was allowed. I'm surprised the RDOS was not involved.

Originally the larger lot and two others were carved out of the Demelo agricultural land to allow the senior Demelo (Louie) to provide 3 building lots for his family members. That was the story they told to RDOS & the ALC but everyone knew they had visions of converting as much agricultural land into residential. That's why the sewer system is curiously jogged as it passes through the orchard/vineyard; we were able to stop that chunk going residential.

The weirdly configured lot in question is now landlocked without access to the Dumoret private road and without these changes and some sort of private road agreement and an agreement with the town for sewer they are left with a not very marketable property. I expect they already knew what they could get away with; a fait accompli.

You can put me down as supporting their application.

Kind regards  
Rick Deis





**Interior Health**  
Every person matters

January 15, 2020

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

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

Dear Ms. Peachey:

**RE: File #: A2019.025-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

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Bus: 1-855-744-6328, Option 4  
Email: [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca)  
Web: [interiorhealth.ca](http://interiorhealth.ca)

Kamloops Health Unit  
519 Columbia Street  
Kamloops, BC V2C2T8

Feb 10/20 CCAgent







DEVELOPMENT SERVICES  
PRELIMINARY BYLAW  
COMMUNICATION

Your File #: Lual Orchards  
A2019.025-  
ZONE  
BL2451.30  
eDAS File #: 2020-00241  
Date: January 16, 2020

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

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Bylaw 2451.30, 2020 for:  
Lot 3, District Lot 2450s, SDYD, Plan EPP87173  
10210 – 81<sup>st</sup> Street, Osoyoos, BC**

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

cc Agent Feb 10/20



## Lauri Feindell

---

**From:** Towstego, Lucas FLNR:EX <Lucas.Towstego@gov.bc.ca>  
**Sent:** January 22, 2020 11:54 AM  
**To:** Planning  
**Cc:** Lauri Feindell  
**Subject:** RE: Bylaw Referral - Project No. A2019.025-ZONE

Good morning Lauri,

Thank you for your archaeological information request regarding 10210 81<sup>st</sup> Street (PID 030732949, LD: L 3 DL 2450S SIMILKAMEEN DIVISION YALE DISTRICT PL EPP87173). Please review the screenshot of the property below (outlined in yellow) and notify me immediately if it does not represent the property listed in your information request.

### Results of Provincial Archaeological Inventory Search

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

However, archaeological potential modelling for the area indicates there is high potential for previously unidentified archaeological sites to exist on the property. Archaeological potential modelling is compiled using existing knowledge about archaeological sites, past indigenous land use, and environmental variables. Models are a tool to help predict the presence of archaeological sites but their results may be refined through further assessment.

### Archaeology Branch Advice

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

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

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

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

### Rationale and Supplemental Information

- There is high to moderate potential for previously unidentified archaeological deposits to exist on the property.
- Archaeological sites are protected under the *Heritage Conservation Act* and must not be damaged or altered without a Provincial heritage permit issued by the Archaeology Branch. This protection applies even when archaeological sites are previously unidentified or disturbed.
- If a permit is required, be advised that the permit application and issuance process takes approximately 8-12 weeks; the permit application process includes referral to First Nations and subsequent engagement.



- The Archaeology Branch must consider numerous factors (e.g., proposed activities and potential impacts to the archaeological site[s]) when determining whether to issue a permit and under what terms and conditions.
- The Archaeology Branch has the authority to require a person to obtain an archaeological impact assessment, at the person's expense, in certain circumstances, as set out in the *Heritage Conservation Act*.
- Occupying an existing dwelling or building without any land alteration does not require a Provincial heritage permit.

### **How to Find an Eligible Consulting Archaeologist**

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

### **Questions?**

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

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



*Please note that subject lot boundaries (yellow), archaeological site boundaries (red), and areas of archaeological potential (brown) indicated on the enclosed screenshot are based on information obtained by the Archaeology Branch on the date of this communication and may be subject to error or change. Archaeological site boundaries may not be identical to actual site extent.*



**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033  
www.alc.gov.bc.ca

February 6, 2020

Reply to the attention of Sara Huber  
ALC Issue: 51676  
Local Government File: A2019.025-ZONE

Planning Services  
Regional District of Okanagan Similkameen  
Planning@rdos.bc.ca

### **Delivered Electronically**

Re: **Regional District of Okanagan Similkameen Electoral "A" Zoning Amendment Bylaw No. 2451.31**

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area "A" Zoning Amendment Bylaw No. 2451.31 (the "Bylaw") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

### **Current Proposal**

The Bylaw proposes to amend the zoning of the property identified as 10210 81 Street, Osoyoos; PID: 030-732-948 (the "Property") in order to modify the minimum setbacks to create a larger building envelope outside of the Riparian Area Regulation (RAR) assessment area, called the Streamside Protection and Enhancement Area (SPEA). Specifically, the Bylaw amends the zoning of the Property under the Electoral Area "A" Zoning Bylaw No. 2451, 2008 from Residential Single Family One Zone (RS1) to Site Specific Residential Single Family One Zone (RS1s); reduces the minimum setback to the rear Property line (southern) from 7.5 metres to 2 metres; increases the minimum setback to the eastern interior Property line from 1.5 metres to 7.5 metres; and provides 1.5 metres for all other setbacks.

Due to the Property's configuration, the front Property line is the end of the panhandle on the north side, meaning that the rear parcel line is the southern Property line. This leaves a very small buildable area, as the RAR assessment area occupies over half of the Property from Osoyoos Lake.

The applicant rationalizes that the Property's long and narrow buildable area does not provide many home shape options and limits the ability to provide a creative home and yard design, serving as a major impediment to the sale of the lot.

### **Application History**

In 2005, the Commission approved the exclusion of the Property from the ALR in order to allow the applicants to subdivide the principal residence off of the remainder of the Property, as the Property is small, located within a floodplain, and adjacent land along the shoreline of Osoyoos

Feb 10/20 cc-agent

Lake had been excluded previously (Application 42035; Resolution #407/2005). The Property is now surrounded by ALR land to the south, though is physically separated by a 10 metre wide panhandle of an adjacent lot on the south.

**ALC Staff Comments**

ALC staff recognizes that the Property is not within the ALR; however, has ALR land to the south, along the same boundary which is being proposed for the setback reduction. Despite this, there is a 10 metre wide panhandle on an adjacent lot which buffers the Property from the ALR. For this reason, ALC staff has no objection to the proposed Bylaw.

\*\*\*\*\*

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

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

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

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Sara Huber, Regional Planner

Enclosure: Referral of RDOS Zoning Amendment Bylaw No. 2451.31

CC: Ministry of Agriculture – Attention: Christina Forbes

51676m1



January 17, 2020

File No: A2019.025-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. A2019-025.ZONE

To the Regional District of Okanagan Similkameen,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the site-specific zoning bylaw amendment No. 2451.30, 2020 for the property located at 10210 81<sup>st</sup> Street, Osoyoos. Ministry staff have reviewed the documents you have provided. From an agricultural perspective we can provide the following comments for your consideration:

- Ministry staff acknowledge the challenges the current setbacks create for a building location on the subject property.
- Ministry staff note that the proposed development is directly adjacent to land located in the Agricultural Land Reserve (ALR). The ALR is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged, and non-agricultural uses are restricted. This land is currently operating as a vineyard.
- It is important that the applicants/owners/potential purchasers, including those associated with any future development on the subject property, be aware that this parcel is adjacent to a farming area. There are many activities associated with the business of farming that may generate noise, dust, odours, and other disturbances. These activities may potentially create nuisance complaints and land use conflict if not adequately addressed.
- The Ministry's Guide to Edge Planning states that a total minimum separation distance of 30 metres is required to mitigate most effectively the impacts of urban and farming activities. **Ministry staff encourage RDOS to consider a 7.5 metre vegetative buffer width** (as suggested in section 3.3.h (p.14) when there are road width allowances).
- The RDOS may also want to consider requiring a restrictive covenant on the property's land title requiring preservation of the buffer and prohibiting the construction of, or addition to, any buildings or structures within the buffer area or yard adjacent to the buffer.

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)

FEB 10/20 cc Agri

## Lauri Feindell

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**From:** Danielson, Steven <Steven.Danielson@fortisbc.com>  
**Sent:** February 7, 2020 5:22 PM  
**To:** Planning  
**Subject:** 81 St, 10210 Area A RDOS (A2019.025-ZONE)

With respect to the above noted file,

There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along 81 Street and within the boundary of the subject property and adjacent parcel to the south. **While the subject property is serviceable, extension work may be required to bring service to the proposed build site. Furthermore, based on the plans submitted, the proposed building envelope appears too close to the existing above ground electrical facilities near the south property line. Any structures proposed for construction within the building envelope area may be unsafe depending on their height and configuration. Proposed structures may not be eligible for electrical service if they are deemed unsafe unless the existing facilities are reconfigured. The design as presented should not be approved. It is recommended that FBC(E) be contacted at the number below as soon as possible to determine servicing requirements for the proposed design.** The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

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

**FortisBC Overhead Design Requirements**

<http://fortisbc.com/ServiceMeterGuide>

**FortisBC Underground Design Specification**

<http://www.fortisbc.com/InstallGuide>

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

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

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

It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

If you have any questions or comments, please contact me at your convenience.

Best Regards,

**Steve Danielson, AACI, SR/WA**  
**Contract Land Agent | Property Services | FortisBC Inc.**  
2850 Benvoulin Rd  
Kelowna, BC V1W 2E3  
Mobile: 250.681.3365  
Fax: 1.866.636.6171

FEB 10, 20 cc Agent  
A06047.060



## Lauri Feindell

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**From:** FLNR DOS Referrals CSNR:EX <FLNRDOSReferrals@gov.bc.ca>  
**Sent:** February 5, 2020 1:15 PM  
**To:** Planning  
**Cc:** Lauri Feindell  
**Subject:** Bylaw Referral - Project No. A2019.025-ZONE - 10210 81st Street - MFLNRORD District Okanagan Shuswap Comments

Good day,

### **MFLNRORD District Okanagan Shuswap Comments:**

#### **DOS Lands Team:**

Our interests are unaffected.

However, as the McElhanney Information sheet mentions:

"The site-specific zoning request will allow for a yard facing the lake that has a usable area that is capable of being landscaped for recreation and entertainment use that respects the existing SPEA."

It appears that there will be development on or near Osoyoos Lake which could trigger a Water Sustainability Act application for "work in and about a stream".

Mary Ellen Grant, Natural Resource Specialist Lands Team, 250-260-4621

#### **DOS Water Allocation Team:**

There are no concerns regarding this amendment to zoning from FLNRORD Water Allocation program. The lot in question is in/adjacent to Town of Osoyoos Area 8 water system. If connection to this system is not possible, an application for a domestic water licence sourced from Osoyoos Lake would be considered.

Ray Reilly

Senior Authorizations Specialist- Water

Regards,  
Pat



*Patricia Shatzko*

Authorizations Administrator  
Referrals Co-Ordinator  
Okanagan Shuswap Natural Resource District  
Ministry of Forests, Lands, Natural Resource Operations  
and Rural Development  
Front Counter BC  
2501 - 14th Avenue, Vernon, BC V1T 8Z1  
Referrals Email: [FLNRDOSReferrals@gov.bc.ca](mailto:FLNRDOSReferrals@gov.bc.ca)  
Direct Phone: (250) 558-1705  
Main: (250)558-1700 Fax: (250)549-5485

[FrontCounter BC Website](#) | Toll-Free Contact Centre: 1-877-855-3222

Tell us about your experience with FrontCounter BC: [Complete an Online Comment Card](#)

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**From:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Sent:** January 13, 2020 5:03 PM

**Lauri Feindell**

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**Subject:** FW: Bylaw Referral - Project No. A2019.025-ZONE - 10210 81st Street

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**From:** Leathem, Jamie FLNR:EX <Jamie.Leathem@gov.bc.ca>  
**Sent:** February 11, 2020 3:22 PM  
**To:** Lauri Feindell <lfeindell@rdos.bc.ca>  
**Cc:** Lacey, Cathy M FLNR:EX <Cathy.Lacey@gov.bc.ca>  
**Subject:** FW: Bylaw Referral - Project No. A2019.025-ZONE - 10210 81st Street

The above noted referral (our file 2020011) has been reviewed by the Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

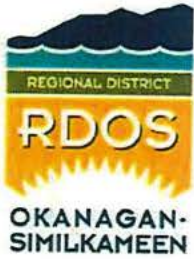
There are no concerns with the rezoning as proposed.

Jamie Leathem, M.Sc.  
Ecosystems Biologist | BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development  
102 Industrial Place, Penticton, BC V2A 7C8 | (250) 490-8294 | [Jamie.Leathem@gov.bc.ca](mailto:Jamie.Leathem@gov.bc.ca)

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*Please note my regular hours are Mon-Thurs 9:00am-5:00pm.*

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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.: A2019.025-ZONE

FROM: Name: Christopher Scheuren  
(please print)

Street Address: [Redacted]

RE: Electoral Area "A" Zoning Amendment Bylaw No. 2451.30  
10210 81<sup>st</sup> Street, Area "A"— Lot 3, Plan EPP87173, District Lot 2450S, SDYD

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.

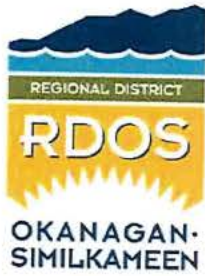
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2451.30

The meeting on Feb 10 was not very impressive. Told if project gets turn down will go back to RDOS and ask SPEA line to be more broad. Then they said they could have subdivided into 5 lots hard to see w access

In moving their setback to increase their property value it will decrease mine by impeding my view. I think a quiet pro que work allowing support change a covenant restriction be applied to the lot. Single story w total building including garage to 4800 sqft, preserving some of my view.

Feedback Forms must be completed and returned to the Regional District no later than **March 5, 2020** to be considered prior to 1<sup>st</sup> reading.

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.: A2019.025-ZONE

FROM: Name: SCOTT EDWARDS  
(please print)

Street Address: [Redacted]

RE: Electoral Area "A" Zoning Amendment Bylaw No. 2451.30  
10210 81st Street, Area "A" — Lot 3, Plan EPP87173, District Lot 2450S, SDYD

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.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1st reading of Amendment Bylaw No. 2451.30

1) House will be one of largest in neighbourhood as single - huge if 2 stories → Mc Mansion not wanted

2) SPEA area will be heavily impacted <sup>during</sup> ~~before~~ construction & likely when landscaping is "required"

3) do not believe "proposed snow storage agreement" will be adequate w/o impinging on neighbour's driveway

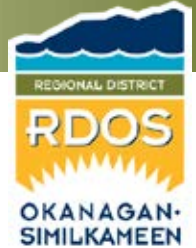
4) all shrubs along charline already removed in spite of RDOS being informed so have little faith in developer's promises.

Feedback Forms must be completed and returned to the Regional District no later than **March 5, 2020** to be considered prior to 1st reading.

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.



## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “I”  
Apex Mountain Zone Review

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### Administrative Recommendation:

**THAT Bylaw No. 2683.03, 2020, Electoral Area “I” Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area “I” Zoning Amendment Bylaw be read a third time and adopted.**

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### Purpose:

It is being proposed that the Regional District Board initiate an amendment to the Electoral Area “I” Official Community Plan No. 2603, 2013, and Zoning Bylaw No. 2457, 2008, in order to update a number of residential zones at Apex Mountain. The proposed bylaws support the on-going work related to the preparation of a single zoning bylaw for the South Okanagan Valley Electoral Areas.

### Background:

At its meeting of April 19, 2018, the Planning and Development Committee (P&D) Committee of the Board resolved to initiate amendments to the Electoral Area “I” Official Community Plan (OCP) and Zoning Bylaws in order to update the zones at Apex Mountain Resort as a stand-alone review.

On January 6, 2020, affected property owners (approximately 394) were notified of the proposed zoning changes and of a public information meeting.

On February 4, 2020, a Public Information Meeting (PIM) was held at the RDOS Boardroom (101 Martin Street, Penticton) and was attended by approximately five (5) members of the public.

The proposed bylaw amendments were notified on the Regional District’s web-site, social media accounts and by inclusion in the “bi-weekly” advertisement in local newspapers.

At its meeting of March 5, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of April 2, 2020.

At its meeting of March 19, 2020, the Board subsequently resolved that all non-regulatory public hearings on land use matters be waived, and all regulatory public hearings be postponed until further notice in response to the on-going health crisis related to the COVID-19 virus.

On May 1, 2020, Ministerial Order M139, issued under the *Emergency Program Act*, enables local governments to hold a public hearing by means of electronic or other communication facilities.

On June 4, 2020, an electronic public hearing was held ahead of the Board meeting that same day and approximately two (2) members of the public participated by conference call.

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At its meeting of June 4, 2020, the Regional District Board resolved to defer consideration of third reading and directed that a second public hearing occur at the Board meeting of July 2, 2020, and that a public information meeting be scheduled prior to the second public hearing.

On June 22, 2020, an electronic Public Information Meeting (PIM) was held via Webex and was attended by approximately 12 members of the public.

A second electronic public hearing on the amendment bylaws is scheduled to occur on July 2, 2020, ahead of the regular meeting of the Board.

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

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway (i.e. Highway 97 & 3).

### **Analysis:**

#### OCP Bylaw:

In support of the Apex Zone Review, it is being proposed to replace the current Residential Mixed use (RMU) designation with a new "Village Centre" designation to the Electoral Area "1" OCP Bylaw in order to present objectives and policies specific to Apex Mountain. These policies speak to, amongst other things, permitted uses, density, status as a Growth Area, vehicle parking, snow storage and potential design standards for the village core area.

NOTE: due to the Twin Lakes Growth Area similarly being designated RMU, it is being proposed that the objectives and policies for this site similarly be transitioned to the new "Twin Lakes Village Centre (TLVC)" designation as part of Amendment Bylaw No. 2683.03.

#### Apex Mountain Village Zone:

During the 2016 review of the Electoral Area "1" OCP Bylaw, the community expressed a desire to "consolidate and improve the village centre as the community's service centre and social heart". Administration is also aware of the community previously expressing concerns regarding the composition of the RMU Zone and the extent to which it contemplates the spread of commercial uses into residential areas, and that such a spread would be to the possible detriment of the Village core.

While the preparation of a Local Area Plan for Apex exceeds the scope of the current work being undertaken in support of a single zoning bylaw, Administration considers there to be merit in reconsidering the RMU Zone at this time.

Specifically, and in accordance with the approach previously applied to the Okanagan Falls and Naramata town sites, it is being proposed to replace the RMU Zone with a new Apex Mountain Village (AMV) Zone, and that the physical area of this zone be reduced to the village core of Apex.

While the range of uses permitted in the AMV Zone will not differ significantly from the RMU Zone, it is proposed to delete allowances for single detached and duplex dwellings as these are not seen to be compatible with the character and density of the village core.

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With regard to densities, Apex is a Rural Growth Area under the Regional Growth Strategy (RGS) Bylaw and Administration has determined that a number of buildings previously constructed within the village core exceed the current density restriction of 55 units/ha.

To address this, it is being proposed to delete the units/ha density regulation, to increase the Floor Area Ratio (FAR) from 2.0 to 3.0 and to increase the maximum building height from 10-19.0 metres to 20.0 metres in order to address a number of existing non-conformities and to encourage further densification (subject to parking and servicing requirements being met).

It is further proposed to replace a number of other variable zoning regulations, such as minimum parcel size for subdivision (505-1,010 m<sup>2</sup>), minimum parcel width (15-30 metres) and maximum parcel coverage (45-75%) with a single, standard regulations; 1,000 m<sup>2</sup> (parcel size), Not less than 25% of the parcel depth (parcel width) and 75% (parcel coverage).

Finally, it is being proposed to introduce regulations for snow storage based upon the number of outdoor vehicle parking spaces being provided on a parcel (i.e. when more than 4 are required).

#### Medium Density Residential Zone:

It is being proposed to introduce a new Medium Density Residential Apex (RM2) Zone for existing apartment buildings and townhouses at Apex, and to carry forward the vacation rental allowance that was introduced into the zoning bylaw in 2014.

In accordance with the direction contained in Phase 1 of the Residential Zone Review, it is further being proposed that single detached duplex dwellings not be carried forward into the RM2 Zone from the RMU and RM3 zones.

The other significant amendment related to the RM2 Zone is to apply it to a large parcel of undeveloped Crown land at the south-west part of the community, and which is currently zoned RMU.

#### Duplex Zone:

It is being proposed to apply a new Low Density Residential Duplex Apex (RD2) Zone to all existing duplexes at Apex as well as a majority of parcels on Clearview Drive.

When the Clearview Drive subdivision occurred, the RMU Zone stipulated that parcels less than 1,010 m<sup>2</sup> were to be developed to single detached and duplex dwellings only, whereas parcels greater than 1,010 m<sup>2</sup> could also be developed to multi-dwelling units (i.e. more than 3-units). A majority of the parcels on Clearview Drive are less than 1,000 m<sup>2</sup> in area.

#### "Chutes End" Comprehensive Development Zone:

The provincial Apex Alpine Resort Area Master Plan (1981) envisioned "seven phases of development" at Apex Mountain, five (5) of which had been completed by November of 1981.

Phase 7 of the Master Plan was to have been completed between 1983-85 and included, amongst other things, "60 residential strata lots" as well as "roads and services" to "Chutes End", which comprised an approximately 2.0 ha area near the upper parking lot (by the original "Gunbarrel").

While this area of Crown land remains undeveloped and is zoned RMU, the operator of Apex Mountain has requested a replacement zoning be introduced to allow for a range of residential densities as well as the ability to develop a new hotel near the upper parking lot.

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In response, Administration is proposing the introduction of a new "Chutes End Comprehensive Development (CD8) Zone that would allow for these range of uses and densities. This CD8 Zone is envisioned as a "holding" zone and one that would be replaced with existing low and medium density residential and tourist commercial zoning as the area is developed.

The boundaries of the proposed CD8 Zone have been expanded beyond the current RMU Zone to reflect a 2007 provincial approval for expanded development in this area of the resort.

**Alternatives:**

1. THAT first and second readings of Bylaw No. 2603.03, 2020, Electoral Area "I" Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area "I" Zoning Amendment Bylaw be rescinded and the bylaws abandoned; or
2. THAT third reading of Bylaw No. 2603.03, 2020, Electoral Area "I" Official Community Plan Amendment Bylaw and Bylaw No. 2457.26, 2020, Electoral Area "I" Zoning Amendment Bylaw be deferred.

**Respectfully submitted:**



C. Garrish, Planning Manager



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2457.26, 2020**

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**A Bylaw to amend the Electoral Area "I" Zoning Bylaw No. 2457, 2008**

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

1. This Bylaw may be cited for all purposes as the "Apex Mountain Commercial and Residential Zone Update Amendment Bylaw No. 2457.26, 2020."
2. The Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended by:
  - i) adding a reference to "Low Density Residential Duplex Apex Zone" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) to read as follows:

Low Density Residential Duplex Apex Zone	RD2
--	-----
  - ii) replacing the reference to "Medium Density Residential Zones" found at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) with the following:

**Medium Density Residential Zones**

Medium Density Residential One Zone	RM1
Medium Density Residential Apex Zone	RM2
  - iii) adding a new reference to "Village Centre Zones" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones) to read as follows:

**Village Centre Zones**

Apex Mountain Village Zone	AMV
----------------------------	-----
  - iv) adding a new reference to "Chutes End Comprehensive Development Zone CD8" at Section 5.1 (Zoning Districts) under Section 5.0 (Creation of Zones).

v) replacing Section 7.28.1 (Vacation Rentals) under Section 7.0 (General Regulations) in its entirety with the following:

.1 no more than one (1) vacation rental use is permitted per principal dwelling unit.

vi) adding a new Section 11.5 (Low Density Residential Duplex Apex Zone) under Section 11.0 (Low Density Residential) to read as follows:

**11.5 LOW DENSITY RESIDENTIAL DUPLEX APEX ZONE (RD2)**

**11.5.1 Permitted Uses:**

Principal uses:

- a) duplex;
- b) single detached dwelling;
- c) vacation rental, subject to Section 7.28;

Secondary uses:

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

**11.5.2 Site Specific Residential Duplex Apex (RD2s) Provisions:**

- a) see Section 18.30

**11.5.3 Minimum Parcel Size:**

- a) 600 m<sup>2</sup>, subject to servicing requirements;
- b) 300 m<sup>2</sup>, for the purpose of subdivision of *duplexes* into their individual units, subject to servicing requirements.

**11.5.4 Minimum Parcel Width:**

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

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

- a) two (2) principal dwelling units, provided that both dwellings are located in one (1) residential building; and
- b) one (1) secondary suite in a single detached dwelling.

**11.5.6 Minimum Setbacks:**

- a) Principal buildings:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 7.5 metres
  - iii) Interior side parcel line: 3.0 metres
  - iv) Exterior side parcel line: 4.5 metres
- b) Accessory buildings and structures:
  - i) Front parcel line: 7.5 metres
  - ii) Rear parcel line: 3.0 metres
  - iii) Interior side parcel line: 3.0 metres
  - iv) Exterior side parcel line: 4.5 metres

**11.5.7 Maximum Height:**

- a) No building and structure shall exceed a height of 10.0 metres;
- b) No accessory building or structure shall exceed a height of 5.5 metres.

**11.5.8 Maximum Parcel Coverage:**

- a) 45%

**11.5.9 Minimum Building Width:**

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

**11.5.9 Conditions of Use:**

- a) For parcels containing four (4) or more outdoor vehicle parking spaces, the following regulations shall apply:
  - i) an additional area equal to 25% of the required parking area shall be provided for snow storage on-site;
  - ii) areas required for snow storage shall not be counted towards vehicle parking requirements;
  - iii) snow storage area shall be located away from public roads and other areas so that motorist and pedestrian sight lines are not impacted.

- vii) replacing Section 12.2 (Mixed Use Apex Alpine (RMU) Zone) under Section 12.0 (Medium Density Residential) in its entirety with the following:

## **12.2 *deleted.***

- viii) replacing Section 12.3 (Residential Multiple Unit Three Zone) under Section 12.0 (Medium Density Residential (MR) in its entirety with the following:

### **12.3 MEDIUM DENSITY RESIDENTIAL APEX ZONE (RM2)**

#### **12.3.1 Permitted Uses:**

Principal uses:

- a) apartment building;
- b) townhouse;
- c) vacation rental, subject to Section 7.28;

Secondary uses:

- d) home occupation, subject to Section 7.17; and
- e) accessory buildings and structures, subject to Section 7.13.

#### **12.3.2 Site Specific Medium Density Residential Apex (RM2s) Provisions:**

- a) see Section 18.14

#### **12.3.3 Minimum Parcel Size:**

- a) 1,000 m<sup>2</sup>, subject to servicing requirements.

#### **12.3.4 Minimum Parcel Width:**

- a) 30.0 metres

#### **12.3.5 Maximum Density:**

- a) 60 dwelling units per ha

#### **12.3.6 Minimum Floor Area:**

- a) 40.0 m<sup>2</sup> for dwelling units

#### **12.3.7 Minimum Setbacks:**

- a) Buildings and Structures:
  - i) Front parcel line: 6.0 metres
  - ii) Rear parcel line: 3.0 metres
  - iii) Interior side parcel line: 3.0 metres

- iv) Exterior side parcel line: 5.0 metres
- b) Accessory Buildings or Structures:
  - i) Front parcel line: 6.0 metres
  - ii) Rear parcel line: 3.0 metres
  - iii) Interior side parcel line: 3.0 metres
  - iv) Exterior side parcel line: 5.0 metres

**12.3.8 Maximum Height:**

- a) No building or structure shall exceed a height of 15.0 metres; or
- b) No accessory building or structure shall exceed a height of 5.0 metres.

**12.3.9 Maximum Parcel Coverage:**

- a) 50%

**12.3.10 Amenity Space Requirements:**

- a) The following amenity space shall be provided for each dwelling unit:
  - i) studio suite: 7.5 m<sup>2</sup>
  - ii) one (1) bedroom: 15.0 m<sup>2</sup>
  - iii) two (2) or more bedrooms: 25.0 m<sup>2</sup>
- b) not less than 25% of required amenity space is to be located at grade;
- c) for the purpose of calculating the amenity space requirement, any indoor amenity space provided shall be counted as double its actual floor area and credited towards this requirement.

**12.3.11 Conditions of Use:**

- a) For parcels containing four (4) or more outdoor vehicle parking spaces, the following regulations shall apply:
  - i) an additional area equal to 25% of the required parking area shall be provided for snow storage on-site;
  - ii) areas required for snow storage shall not be counted towards vehicle parking requirements;
  - iii) snow storage area shall be located away from public roads and other areas so that motorist and pedestrian sight lines are not impacted.

- ix) adding a new Section 13.0 (Town Centre) to read as follows and renumbering all subsequent sub-sections:

## **13.0 VILLAGE CENTRE**

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### **13.1 APEX MOUNTAIN VILLAGE ZONE (AMV)**

#### **13.1.1 Permitted Uses:**

Principal uses:

- a) apartment building, subject to Section 13.1.10;
- b) community hall;
- c) cultural facilities;
- d) eating and drinking establishment;
- e) indoor recreational facilities;
- f) office;
- g) personal service establishment;
- h) retail store, general;
- i) tourist accommodation;
- j) townhouse;
- k) vacation rental, subject to Section 7.28;

Secondary uses:

- l) home occupation, subject to Section 7.17; and
- m) accessory buildings and structures, subject to Section 7.13.

#### **13.1.2 Site Specific Apex Mountain Village (AMVs) Provisions:**

- a) see Section 18.13

#### **13.1.3 Minimum Parcel Size:**

- a) 1,000 m<sup>2</sup>, subject to servicing requirements.

#### **13.1.4 Minimum Parcel Width:**

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

#### **13.1.5 Maximum Floor Area Ratio:**

- a) 3.0

**13.1.6 Minimum Setbacks:**

- a) Buildings and Structures:
  - i) Front parcel line: 3.0 metres
  - ii) Rear parcel line: 3.0 metres
  - iii) Interior side parcel line: 3.0 metres
  - iv) Exterior side parcel line: 4.5 metres
- b) Accessory Buildings or Structures:
  - i) Front parcel line: 3.0 metres
  - ii) Rear parcel line: 1.5 metres
  - iii) Interior side parcel line: 1.5 metres
  - iv) Exterior side parcel line: 4.5 metres

**13.1.7 Maximum Height:**

- a) No building or structure shall exceed a height of 20.0 metres;
- b) No accessory building or structure shall exceed a height of 5.0 metres.

**13.1.8 Maximum Parcel Coverage:**

- a) 75%

**13.1.9 Dwelling Unit Regulations:**

- a) Dwelling units located in the same building as a commercial use shall have separate entrances from the exterior of the building and shall not share a common hallway with a commercial use.
- b) The following amenity space shall be provided for each dwelling unit:
  - i) studio suite: 7.5 m<sup>2</sup>
  - ii) one (1) bedroom: 15.0 m<sup>2</sup>
  - iii) two (2) or more bedrooms: 25.0 m<sup>2</sup>
- c) not less than 25% of required amenity space is to be located at grade;
- d) for the purpose of calculating the amenity space requirement, any indoor amenity space provided shall be counted as double its actual floor area and credited towards this requirement.

**13.1.10 Conditions of Use:**

- a) For parcels containing four (4) or more outdoor vehicle parking spaces, the following regulations shall apply:

- i) an additional area equal to 25% of the required parking area shall be provided for snow storage on-site;
  - ii) areas required for snow storage shall not be counted towards vehicle parking requirements;
  - iii) snow storage area shall be located away from public roads and other areas so that motorist and pedestrian sight lines are not impacted.
- x) adding a new Section 17.2 (Chutes End Comprehensive Development (CD8) Zone) under Section 17.0 (Comprehensive Development) to read as follows:

## **17.2 CHUTES END COMPREHENSIVE DEVELOPMENT (CD8) ZONE**

### **17.2.1 Purpose**

The purpose of the Chutes End Comprehensive Development Zone is to create a transitional zone that will allow for the subsequent development of an approximately 12.5 ha area of predominantly vacant Crown land to a range of residents densities and dwelling types. This area comprises an incomplete phase in the development of the Apex Mountain Ski Resort.

### **17.2.2 Location**

The subject area comprises the Upper Parking Lot and related maintenance buildings and extends eastwards to Creekview Road. The area is bounded by Keremeos Creek to the north and existing ski runs associated with Apex Mountain to the south.





Figure 17.2.1

### 17.2.3 Background:

The Apex Alpine Resort Area Master Plan (1981) envisioned “seven phases of development” at Apex Mountain, five (5) of which had been completed by November of 1981.

The Plan called “for the ultimate development of 126 single family units, 411 condominium and 100 hotel units as well as 36, 281 square feet of commercial floor space. Apex Alpine also intends to construct 45 employee accommodation units with a total of 106 beds.”

Phase 7 of the Master Plan was to have been completed between 1983-85 and included, amongst other things, “60 residential strata lots” as well as “roads and services” to “Chutes End”, which is shown as comprising an approximately 2.0 ha (5.0 acre) area to be developed to “condo” (i.e. townhomes) units (see Figure 17.2.2).

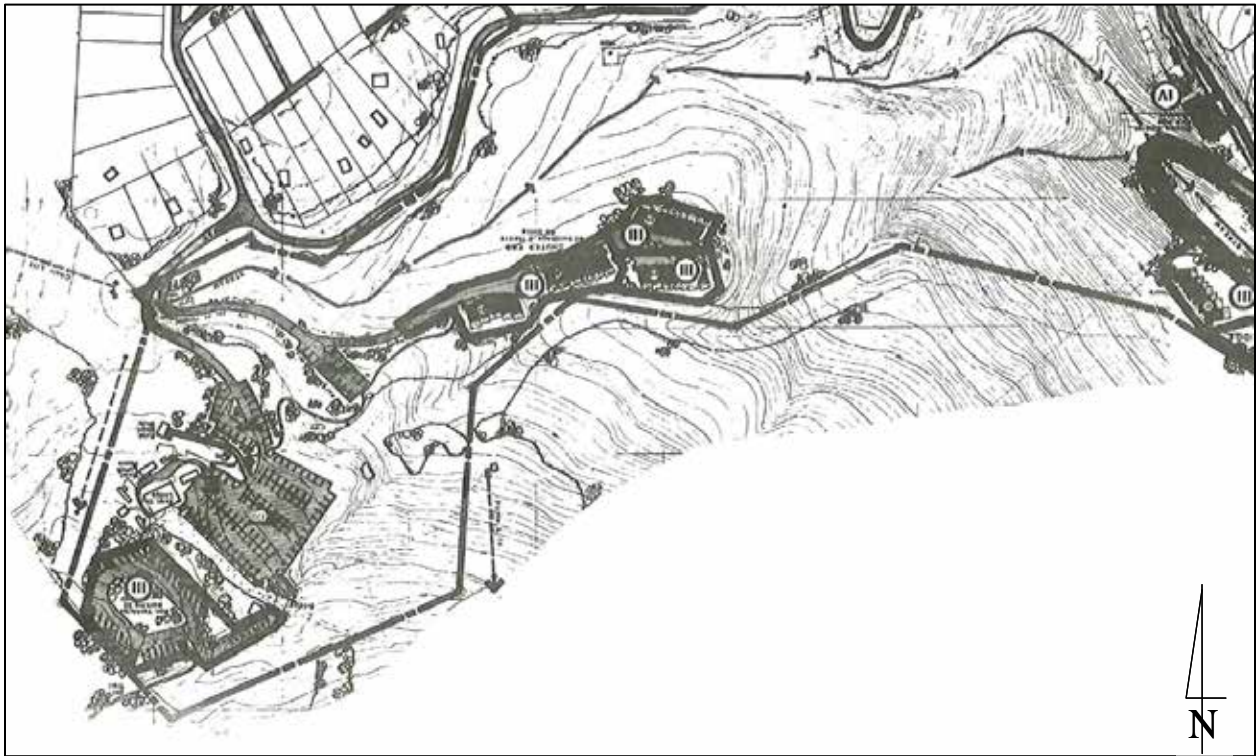


Figure 17.2.2

#### 17.2.4 Permitted Uses:

##### Principal uses:

- a) apartment building, subject to Section 17.2.13;
- b) duplex;
- c) single detached dwelling;
- d) townhouse, subject to Section 17.2.13;
- e) vacation rental, subject to Section 7.28;

##### Secondary uses:

- f) bed and breakfast operation, subject to Section 7.19;
- g) home occupation, subject to Section 7.17;
- h) secondary suite, subject to Section 7.12; and
- i) accessory buildings and structures, subject to Section 7.13.

#### 17.2.5 Minimum Parcel Size for Subdivision:

- a) 225.0 m<sup>2</sup> for the purpose of subdividing a duplex under the *Strata Property Act*, when connected to a community sewer and water system;
- b) 550.0 m<sup>2</sup>, when connected to a community sewer and water system;

- c) 0.5 ha, when connected to community sewer system and serviced by well;  
or
- d) 1.0 ha, when serviced by well and approved septic system.

**17.2.6 Minimum Parcel Width for Subdivision:**

- a) Not less than 25% of parcel depth

**17.2.7 Maximum Density:**

- a) for an apartment building or townhouse: the maximum density shall not exceed 60 dwelling units per hectare;
- b) for duplex dwellings: two (2) dwelling units per parcel, provided that both dwellings are located in one (1) residential building; or
- c) for single detached dwellings: one (1) principle dwelling unit per parcel and one (1) secondary permitted per parcel.

**17.2.8 Minimum Setbacks:**

- a) Buildings and structures:

	DWELLING TYPE		
	single detached dwelling	duplex	apartment building or townhouse
i) Front parcel line:	7.5 metres	7.5 metres	7.5 metres
ii) Rear parcel line:	7.5 metres	7.5 metres	4.5 metres
iii) Interior side parcel line:	3.0 metres	3.0 metres	3.0 metres
iv) Exterior side parcel line:	4.5 metres	4.5 metres	4.5 metres

- b) Accessory buildings and structures:

- i) Front parcel line: 7.5 metres
- ii) Rear parcel line: 1.5 metres
- iii) Interior side parcel line: 1.5 metres
- iv) Exterior side parcel line: 4.5 metres

**17.2.9 Maximum Height:**

- a) No apartment building or townhouse shall exceed a height of 15.0 metres;
- b) No single detached dwelling or duplex shall exceed a height of 10.0 metres;

- c) No accessory building or structure shall exceed a height of 4.5 metres.

**17.2.10 Maximum Parcel Coverage:**

- a) 50% for apartment buildings, townhouses and accessory buildings structures;
- b) 45% duplexes and accessory buildings structures; or
- c) 35% for single detached dwellings and accessory buildings structures.

**17.2.11 Minimum Building Width:**

- a) Detached Dwelling Units: 5.0 metres, as originally designed and constructed.

**17.2.12 Minimum Building Width:**

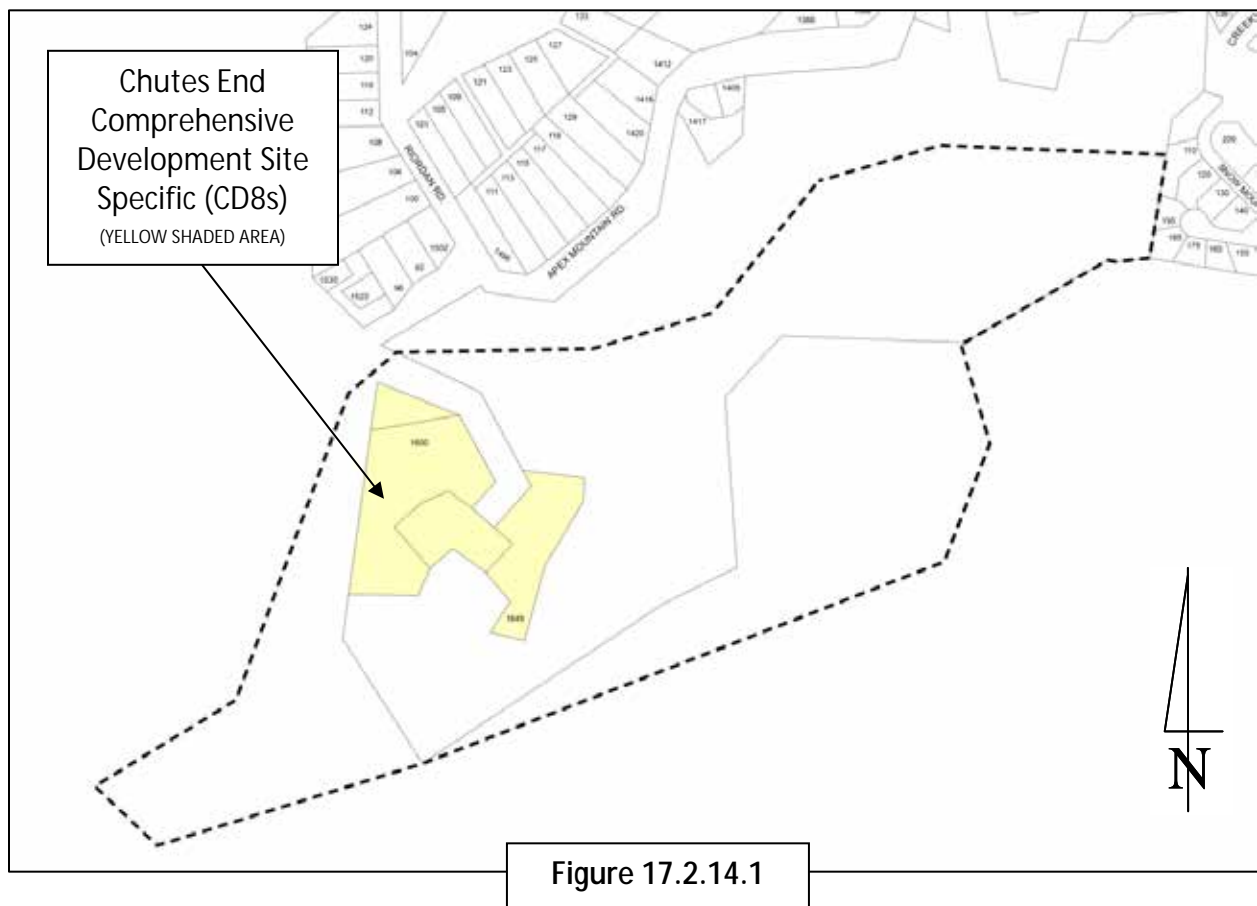
- a) The following amenity space shall be provided for each dwelling unit:
  - i) studio suite: 7.5 m<sup>2</sup>
  - ii) one (1) bedroom: 15.0 m<sup>2</sup>
  - iii) two (2) or more bedrooms: 25.0 m<sup>2</sup>
- b) not less than 25% of required amenity space is to be located at grade;
- c) for the purpose of calculating the amenity space requirement, any indoor amenity space provided shall be counted as double its actual floor area and credited towards this requirement.

**17.2.13 Conditions of Use:**

- a) the minimum land area required for the development of an apartment building or townhouse is 1,000.0 m<sup>2</sup>.
- b) for parcels containing four (4) or more outdoor vehicle parking spaces, the following regulations shall apply:
  - i) an additional area equal to 25% of the required parking area shall be provided for snow storage on-site;
  - ii) areas required for snow storage shall not be counted towards vehicle parking requirements;
  - iii) snow storage area shall be located away from public roads and other areas so that motorist and pedestrian sight lines are not impacted.

#### 17.2.14 Site Specific Chutes End Comprehensive Development (CD8s) Regulations:

- .1 in the case of an approximately 2.0 ha area of land shown shaded yellow on Figure 17.2.14.1:
  - a) the following principal use shall be permitted on the land in addition to the permitted uses listed in Section 17.2.1:
    - i) tourist accommodation.
  - b) the minimum parcel line setbacks for a building or structure to be used for tourist accommodation purposes shall be in accordance with those for an apartment building at Section 17.2.8.
  - c) despite Section 17.2.9, the maximum height for a building or structure to be used for tourist accommodation purposes shall not exceed 20.0 metres.
  - d) despite Section 17.2.10, the maximum parcel coverage for a building or structure to be used for tourist accommodation purposes shall not exceed 75%.



- xi) replacing Section 18.9 (Site Specific Residential Apex Alpine (RS4s) Provisions) under Section 18.0 (Site Specific Designations) in its entirety with the following:

**18.9 Site Specific Residential Apex Alpine (RS4s) Provisions:**

.1 *deleted.*

- xii) replacing Section 18.13 (Site Specific Mixed Use Apex Alpine (RMUs) Provisions) under Section 18.0 (Site Specific Designations) in its entirety with the following:

**18.13 Site Specific Apex Mountain Village (AMVs) Provisions:**

.1 *deleted.*

.2 *deleted.*

.3 *deleted.*

- xiii) replacing Section 18.14 (Site Specific Multiple Family Three (RM3s) Provisions) under Section 18.0 (Site Specific Designations) to read as follows:

**18.14 Site Specific Medium Density Residential Apex (RM2s) Provisions:**

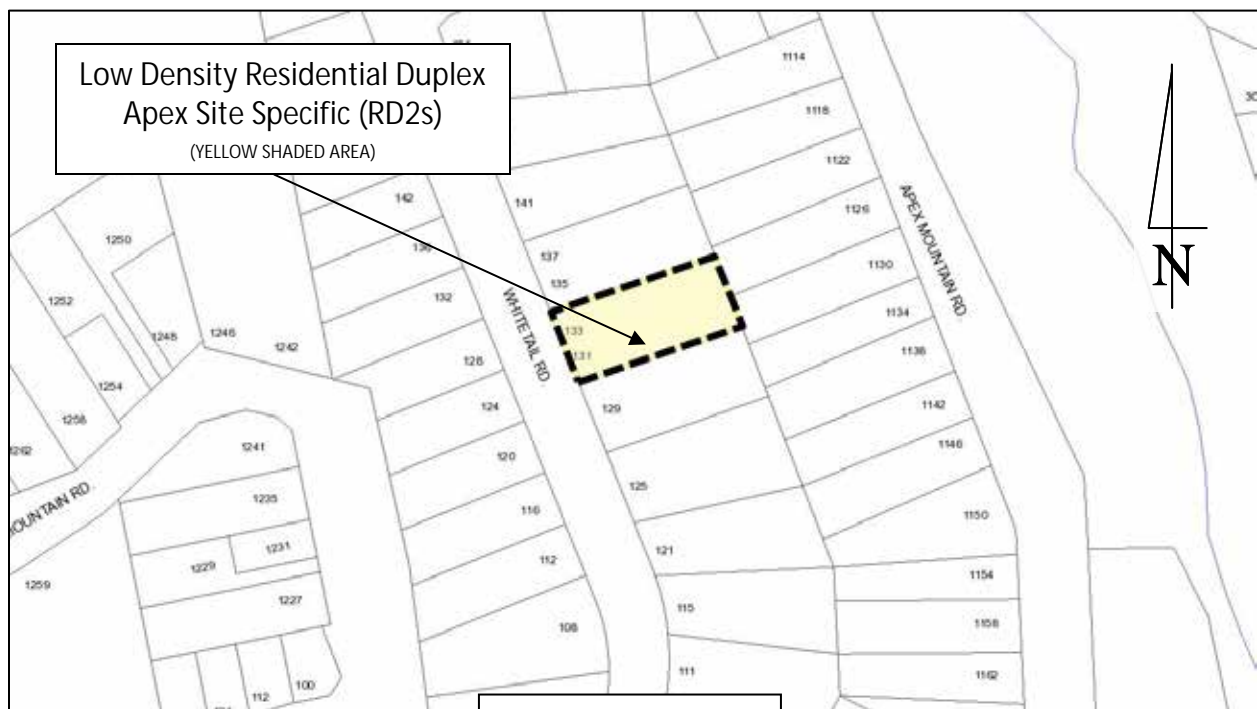
.1 Not applicable

- xiv) adding a new Section 18.30 (Site Specific Residential Apex Alpine Duplex (RD2s) Provisions) under Section 18.0 (Site Specific Designations) to read as follows:

**18.30 Site Specific Low Density Residential Duplex Apex (RD2s) Provisions:**

.1 in the case of land described as Lots 1 & 2, Plan KAS2465, District Lot 395S, SDYD (131-133 Whitetail Road, Apex), and shown shaded yellow on Figure 18.30.1:

- a) despite Section 4.0 (Definitions), a secondary suite may be located within a duplex dwelling.
- b) despite Section 7.12.2, the maximum floor area of a secondary suite shall not exceed 120.0 m<sup>2</sup>.
- c) despite Section 7.28.4, no more than 16 patrons, with an aggregate occupancy of eight (8) patrons per dwelling unit (principal and secondary suite) shall be accommodated per strata parcel.
- d) despite Section 11.5.5 (Maximum Number of Dwellings Permitted Per Parcel), the maximum number of dwellings permitted shall be two (2) principal dwelling units and 2 secondary suites, provided all dwellings are located in one (1) residential building.



3. The Zoning Map, being Schedule '2' of the Electoral Area "I" Zoning Bylaw No. 2457, 2008, is amended by:
- i) changing the land use designation of the land shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Apex Mountain Village (AMU).
  - ii) changing the land use designation of the land shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Residential Multiple Unit Three (RM3) to Medium Density Residential Apex (RM2).
  - iii) changing the land use designation of the land shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Residential Multiple Unit Three (RM3) to Low Density Residential Duplex Apex (RD2).
  - iv) changing the land use designation of the land shown shaded purple on Schedule 'C', which forms part of this Bylaw, from Residential Multiple Unit Three (RM3) to Residential Apex Alpine (RS4).
  - v) changing the land use designation of the land shown shaded yellow on Schedule 'D', which forms part of this Bylaw, from Residential Multiple Unit Three (RM3) to Medium Density Residential Apex (RM2).
  - vi) changing the land use designation of an approximately 11.0 ha area of land shown shaded red on Schedule 'E', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Chutes End Comprehensive Development (CD8).

- vii) changing the land use designation of an approximately 2.5 ha area of land shown shaded blue on Schedule 'E', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Chutes End Comprehensive Development Site Specific (CD8s).
- viii) changing the land use designation of an approximately 10.0 ha area of land shown shaded yellow on Schedule 'E', which forms part of this Bylaw, from Resource Area (RA) to Chutes End Comprehensive Development (CD8).
- ix) changing the land use designation of the land described as Lot 2, Plan KAP78308, District Lot 395S, SDYD, and Lots A & B, Plan KAP92902, District Lot 395S, SDYD, and shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Low Density Residential Duplex Apex (RD2).
- x) changing the land use designation of the land shown shaded yellow on Schedule 'G', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Medium Density Residential Apex (RM2).
- xi) changing the land use designation of the land shown shaded yellow on Schedule 'H', which forms part of this Bylaw, from Residential Apex Alpine Site Specific (RS4s) to Low Density Residential Duplex Apex (RD2).
- xii) changing the land use designation of the land shown shaded yellow on Schedule 'I', which forms part of this Bylaw, from Apex Medium Density Residential (RM3) to Low Density Residential Duplex Apex (RD2).
- xiii) changing the land use designation of the land shown shaded yellow on Schedule 'J', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Medium Density Residential Apex (RM2).
- xiv) changing the land use designation of an approximately 4.2 ha area of land shown shaded yellow on Schedule 'K', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Resource Area (RA).
- xv) changing the land use designation of the land shaded blue on Schedule 'L', which forms part of this Bylaw, from Mixed Use Apex Alpine Site Specific (RMUs) to Low Density Residential Duplex Apex (RD2).
- xvi) changing the land use designation of the land shown shaded yellow on Schedule 'L', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Low Density Residential Duplex Apex (RD2).
- xvii) changing the land use designation of the land shown shaded yellow on Schedule 'M', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Medium Density Residential Apex (RM2).
- xviii) changing the land use designation of the land shown shaded yellow on Schedule 'N', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Medium Density Residential Apex (RM2).



- xix) changing the land use designation of the land shown shaded blue on Schedule 'N', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Low Density Residential Duplex Apex (RD2).
- xx) changing the land use designation of the land shown shaded purple on Schedule 'N', which forms part of this Bylaw, from Mixed Use Apex Alpine Site Specific (RMUs) to Low Density Residential Duplex Apex (RD2).
- xxi) changing the land use designation of the land shown shaded yellow on Schedule 'O', which forms part of this Bylaw, from Mixed Use Apex Alpine (RMU) to Medium Density Residential Apex (RM2).
- xxii) changing the land use designation of the land shown shaded yellow on Schedule 'P', which forms part of this Bylaw, from Residential Apex Alpine Site Specific (RS4s) to Low Density Residential Duplex Apex (RD2).
- xxiii) changing the land use designation of the land shown shaded blue on Schedule 'P', which forms part of this Bylaw, from Residential Multiple Family Site Specific (RM3s) to Low Density Residential Duplex Apex Site Specific (RD2s).

READ A FIRST AND SECOND TIME this 5<sup>th</sup> day of March, 2020.

PUBLIC HEARING held on this 4<sup>th</sup> day of June, 2020.

A SECOND PUBLIC HEARING held on this 2<sup>nd</sup> day of July, 2020.

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

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

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

\_\_\_\_\_  
Chief Administrative Officer

# Regional District of Okanagan-Similkameen

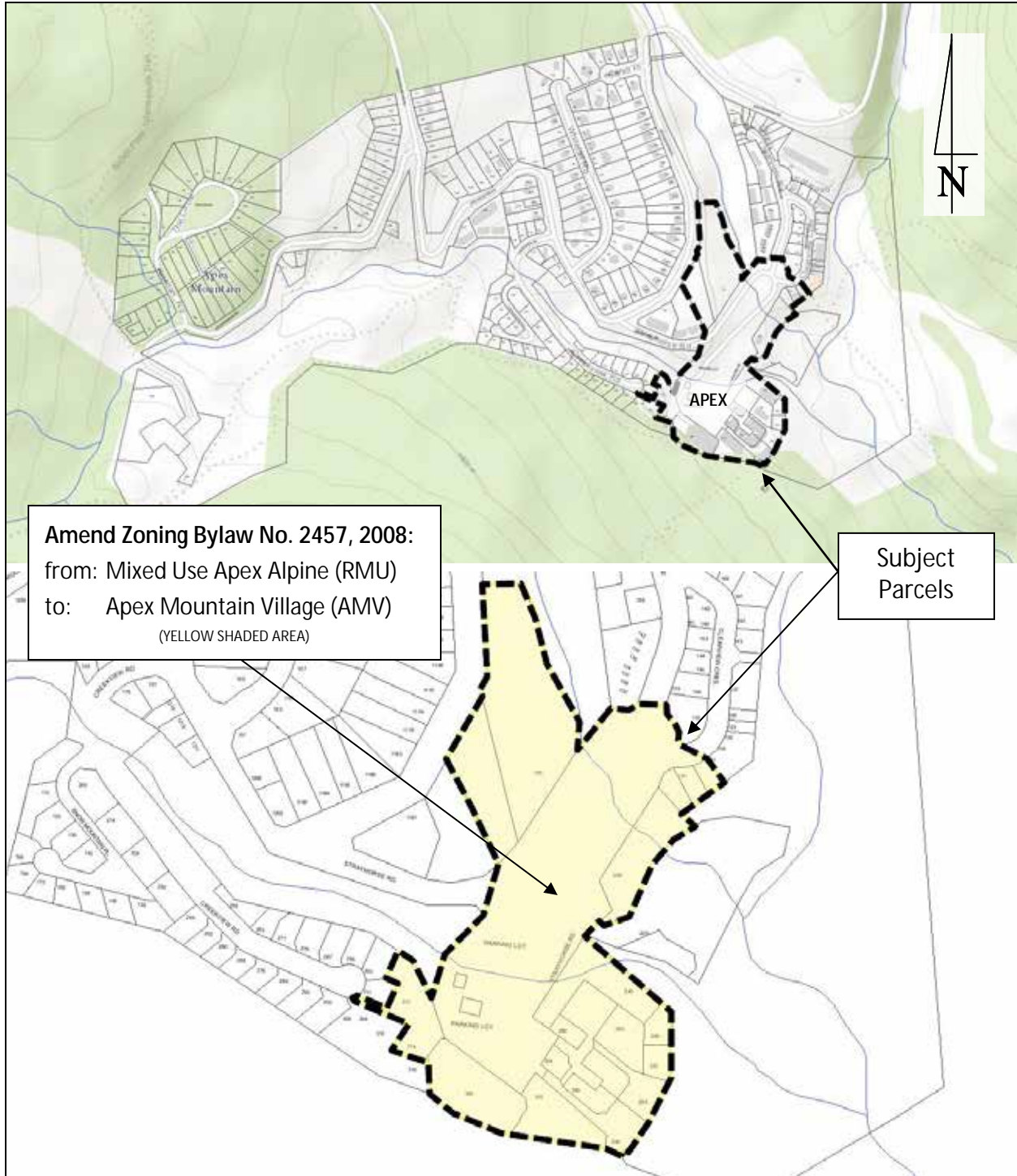
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Amendment Bylaw No. 2457.26, 2019

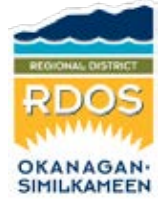
Project No: D2018.059-ZONE

## Schedule 'A'



# Regional District of Okanagan-Similkameen

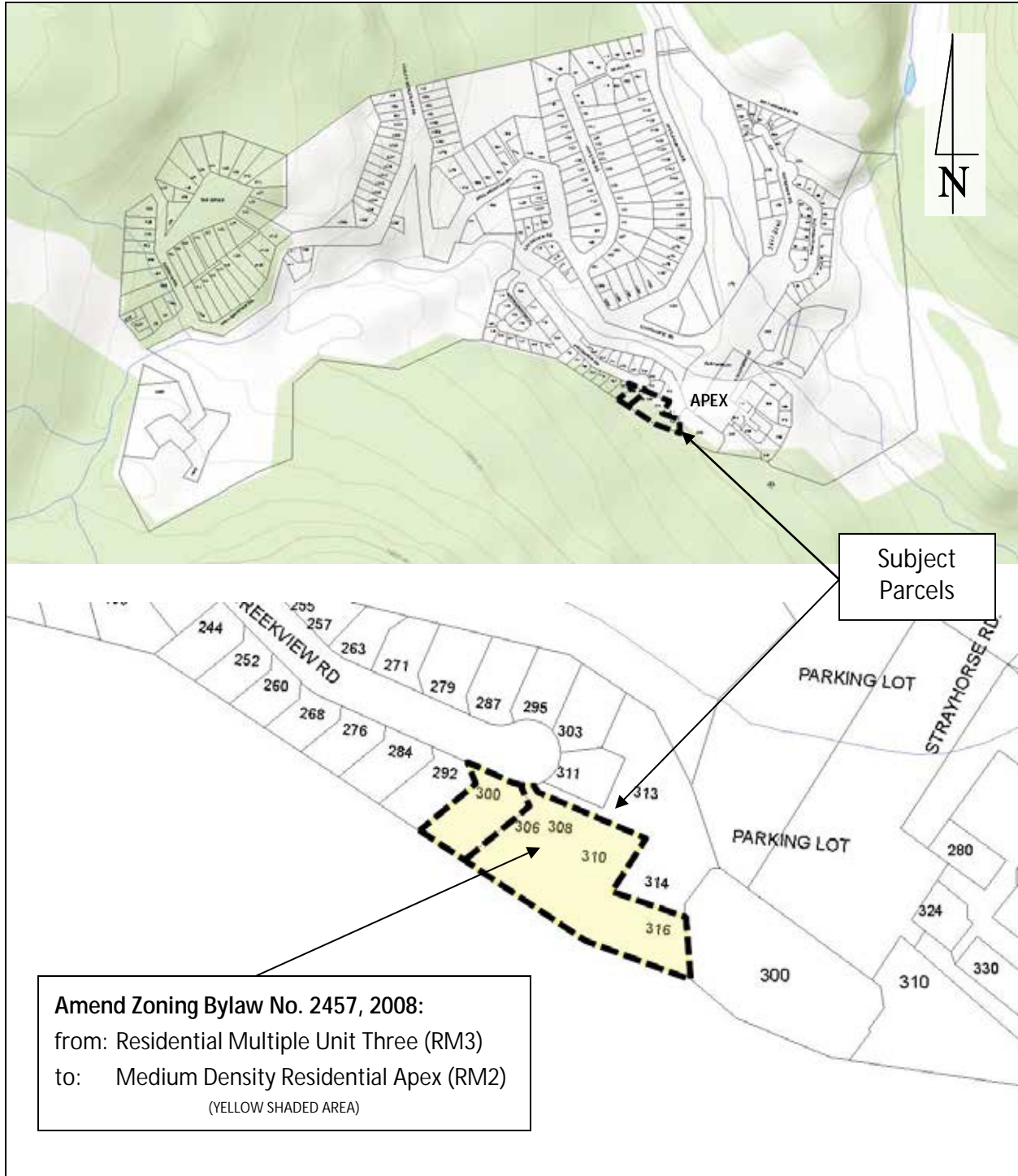
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Amendment Bylaw No. 2457.26, 2019

Project No: D2018.059-ZONE

Schedule 'B'



# Regional District of Okanagan-Similkameen

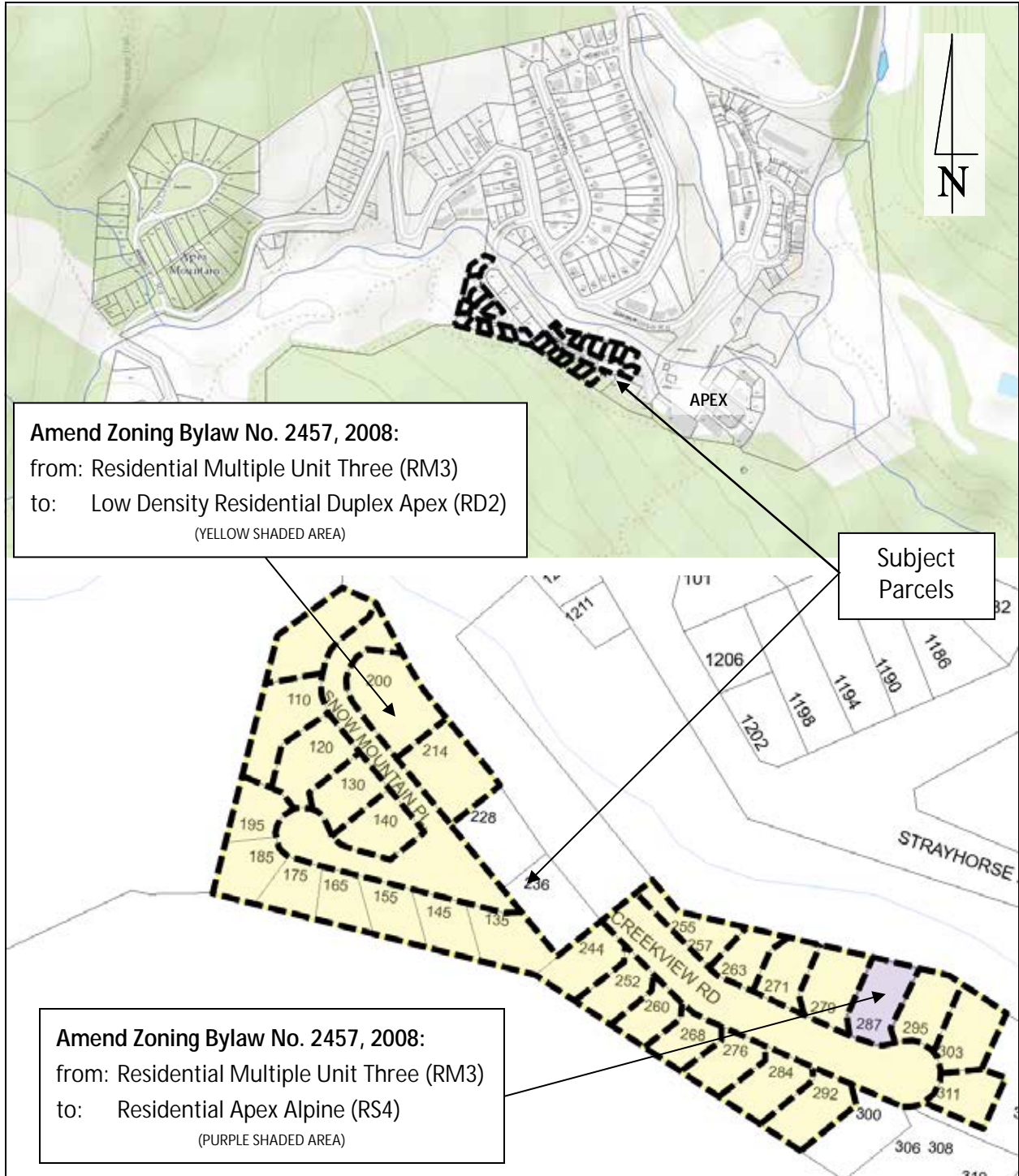
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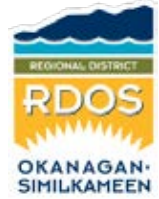
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Schedule 'C'



# Regional District of Okanagan-Similkameen

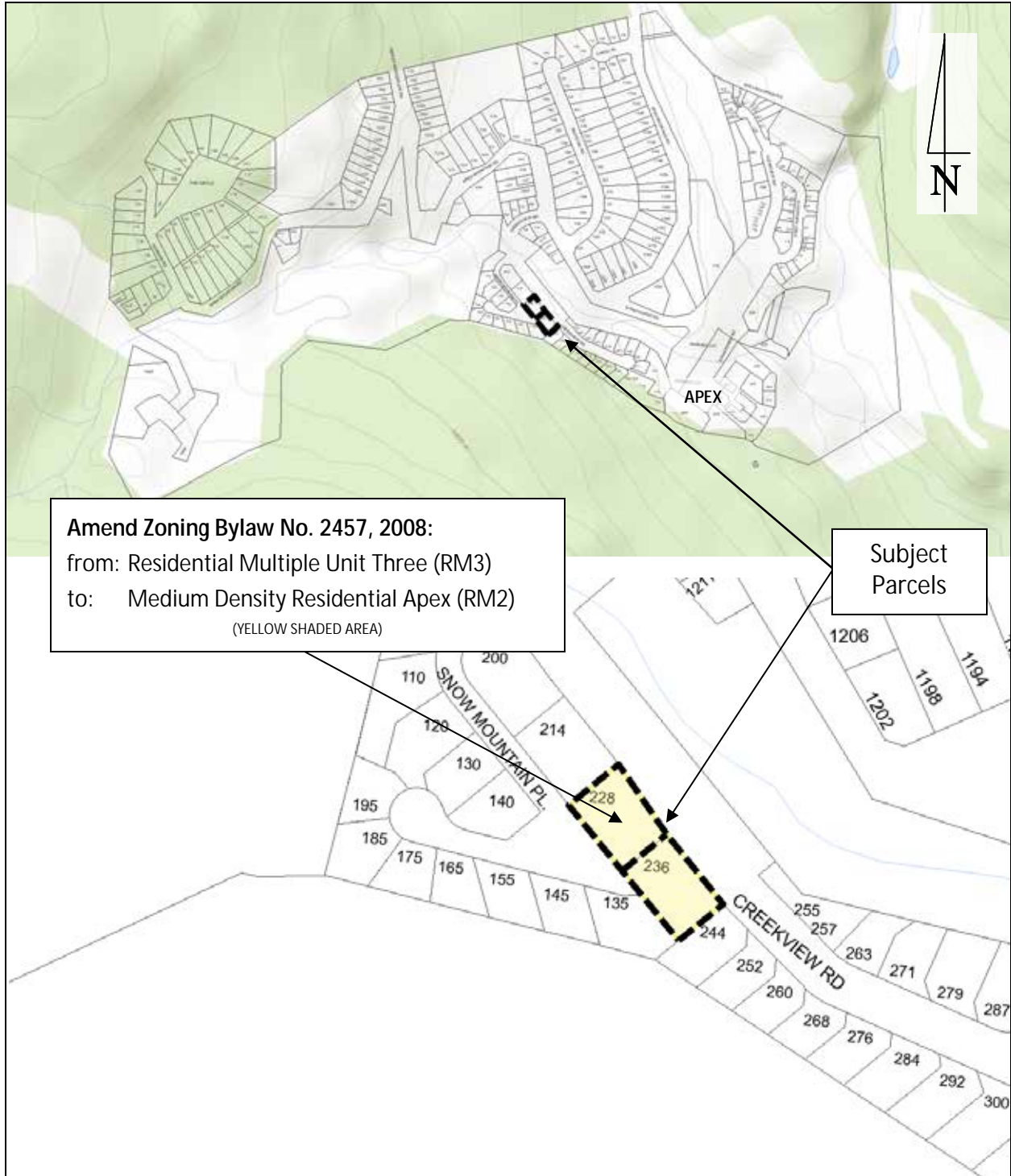
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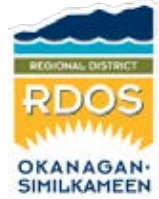
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## Schedule 'D'



# Regional District of Okanagan-Similkameen

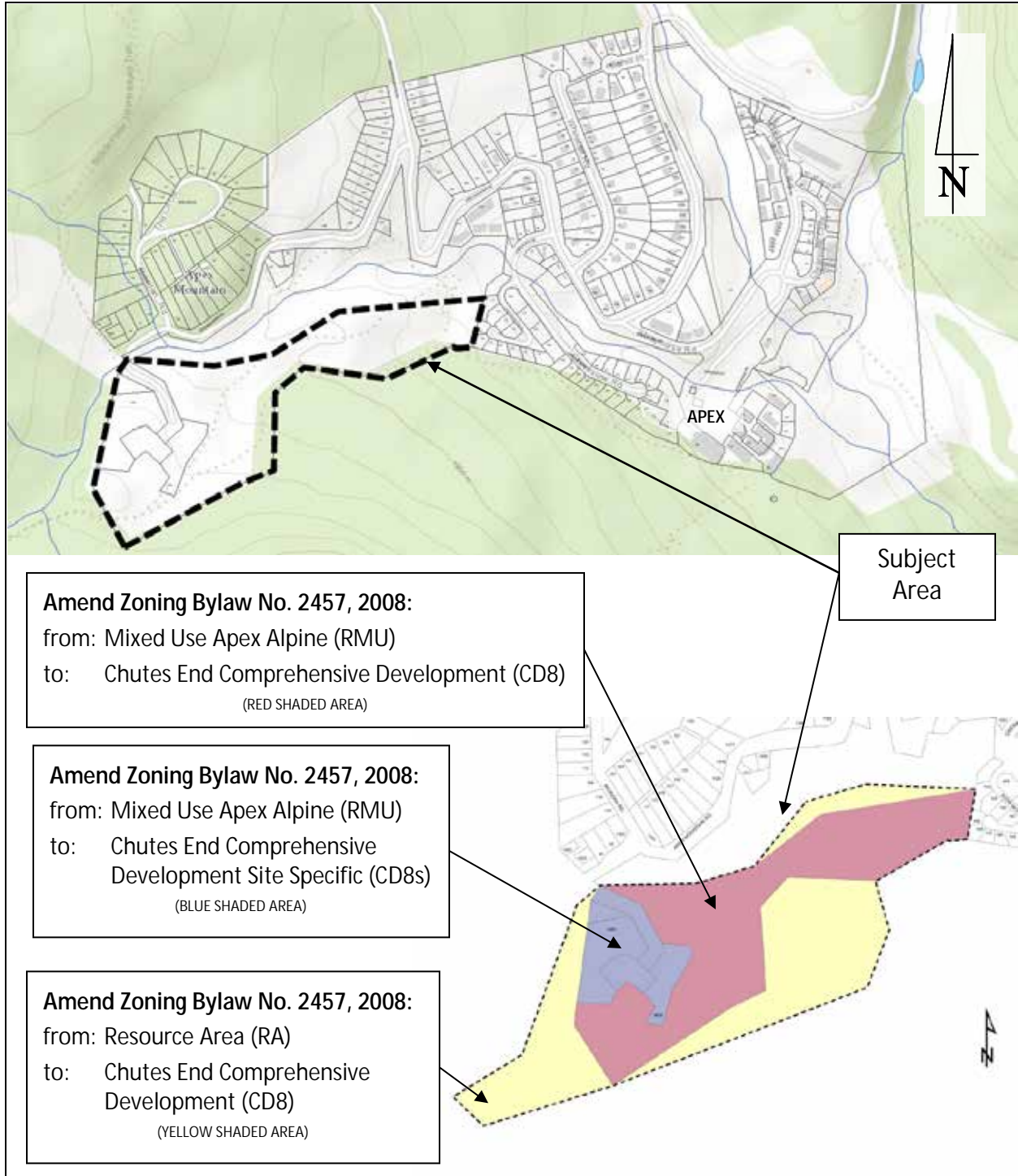
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Project No: D2018.059-ZONE

## Schedule 'E'



# Regional District of Okanagan-Similkameen

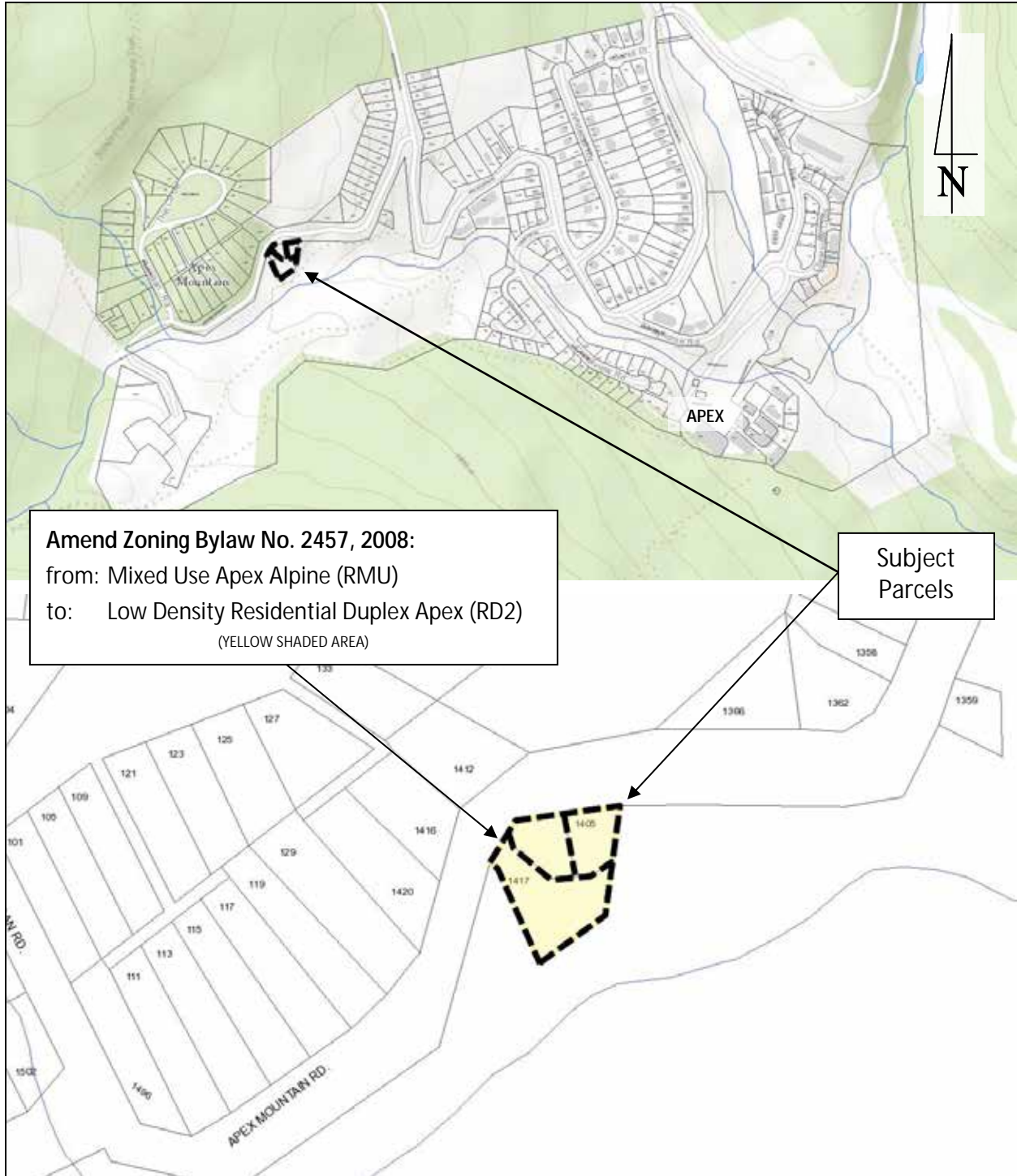
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Project No: D2018.059-ZONE

Schedule 'F'



# Regional District of Okanagan-Similkameen

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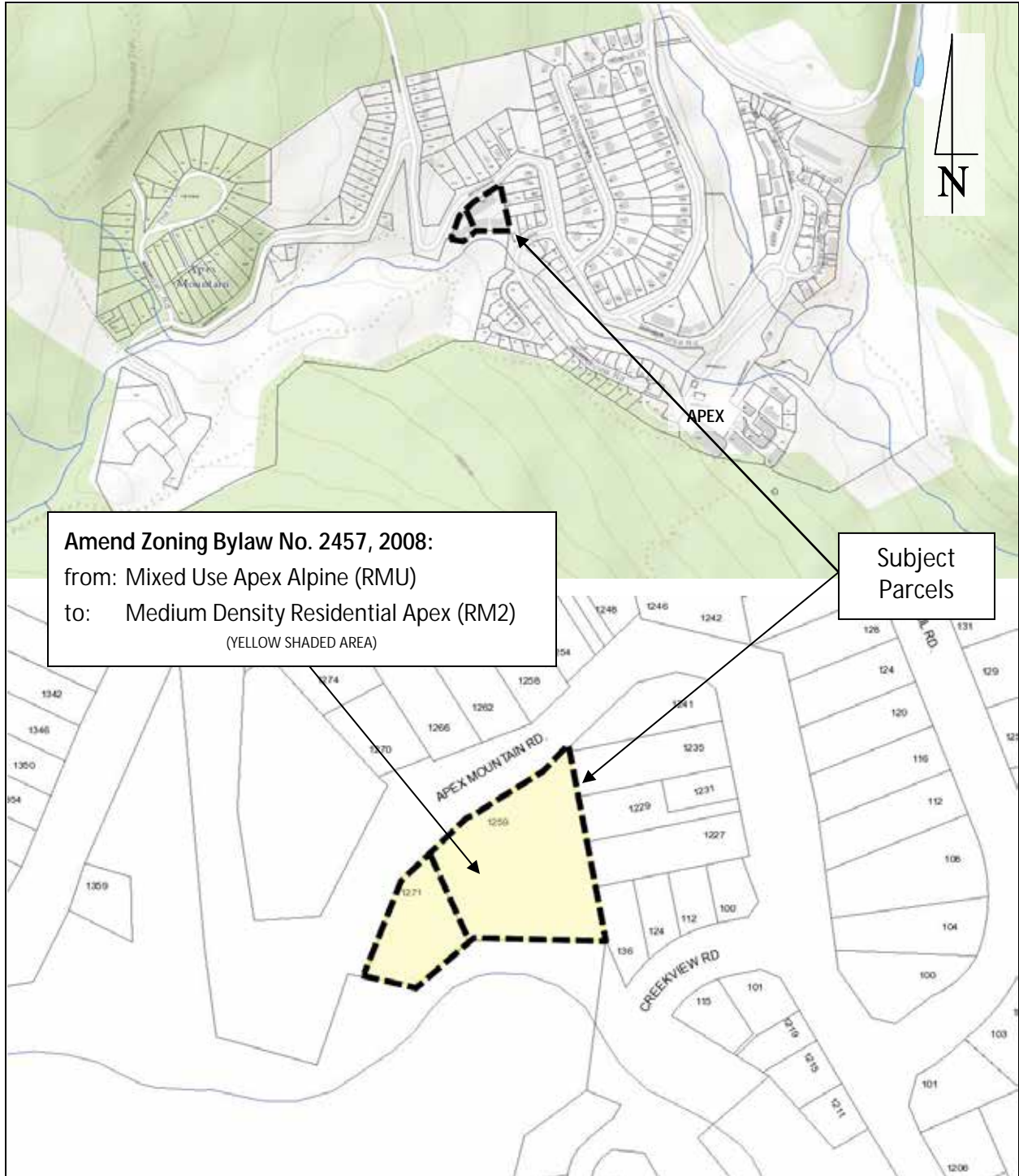
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## Schedule 'G'



Amendment Bylaw No. 2457.26, 2019

(D2018.059-ZONE)

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# Regional District of Okanagan-Similkameen

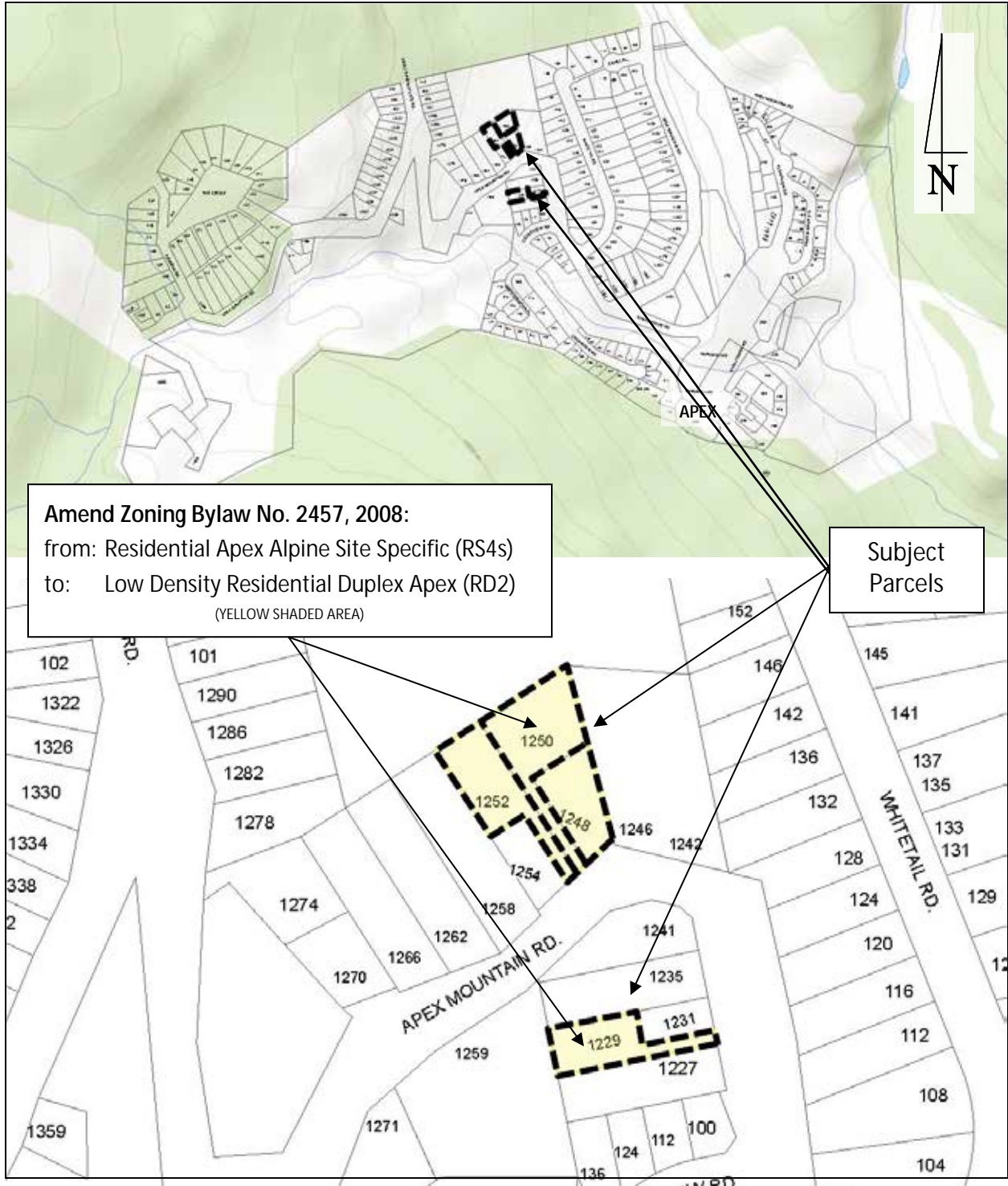
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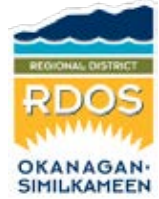
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# Regional District of Okanagan-Similkameen

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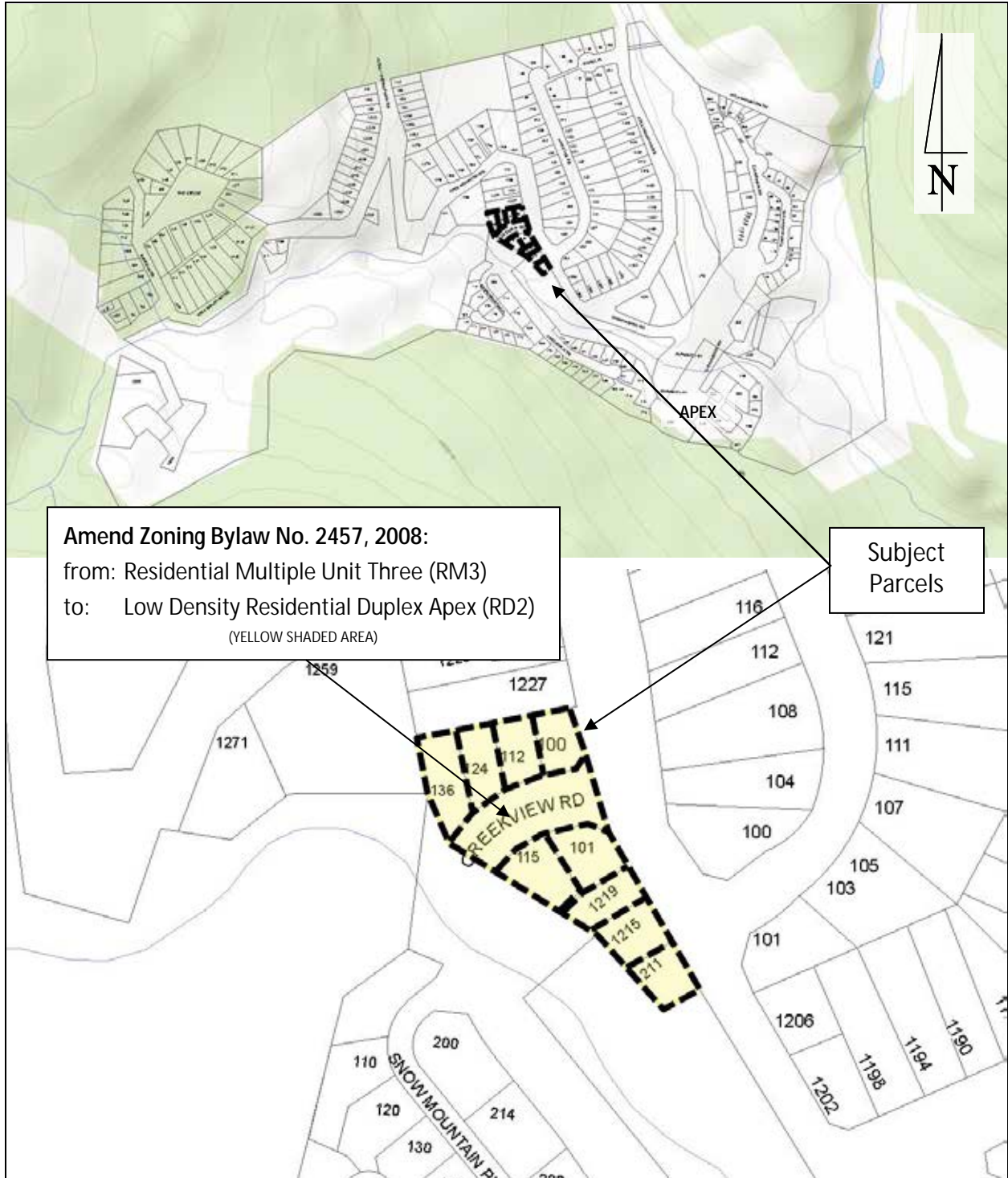
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Schedule 'I'



# Regional District of Okanagan-Similkameen

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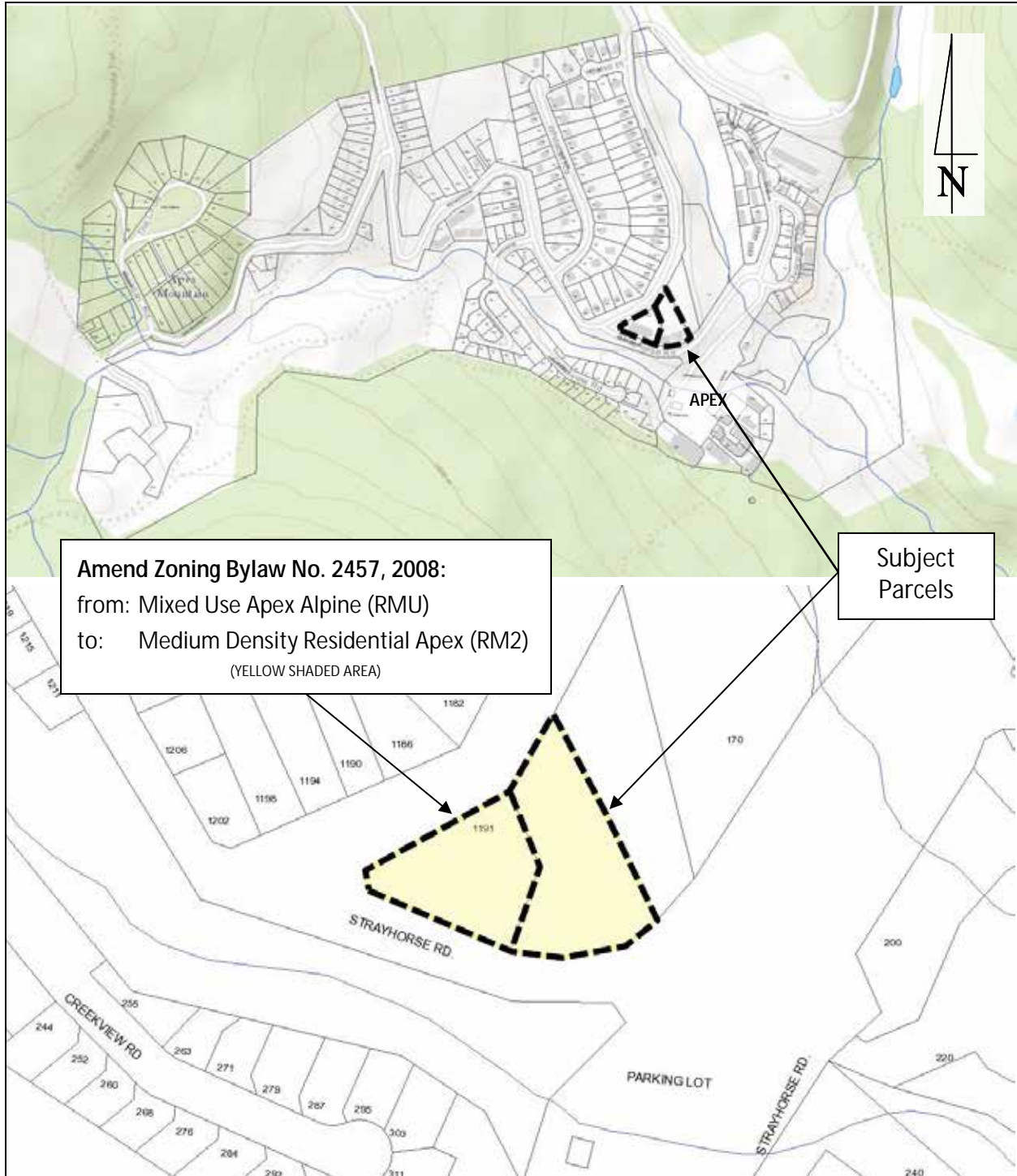
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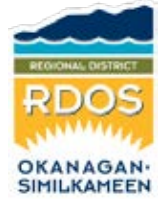
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Schedule 'J'



# Regional District of Okanagan-Similkameen

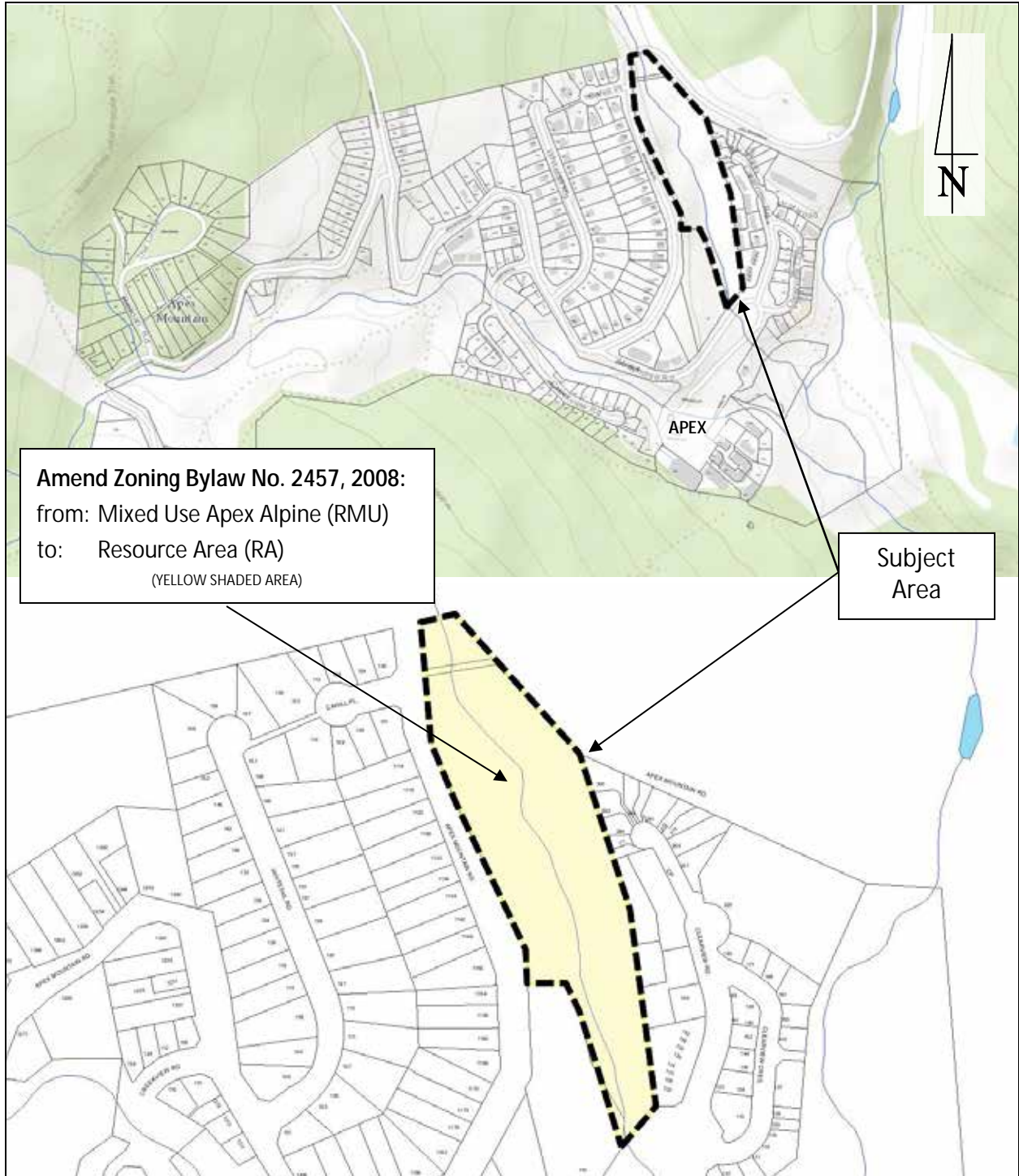
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Amendment Bylaw No. 2457.26, 2019

Project No: D2018.059-ZONE

Schedule 'K'



# Regional District of Okanagan-Similkameen

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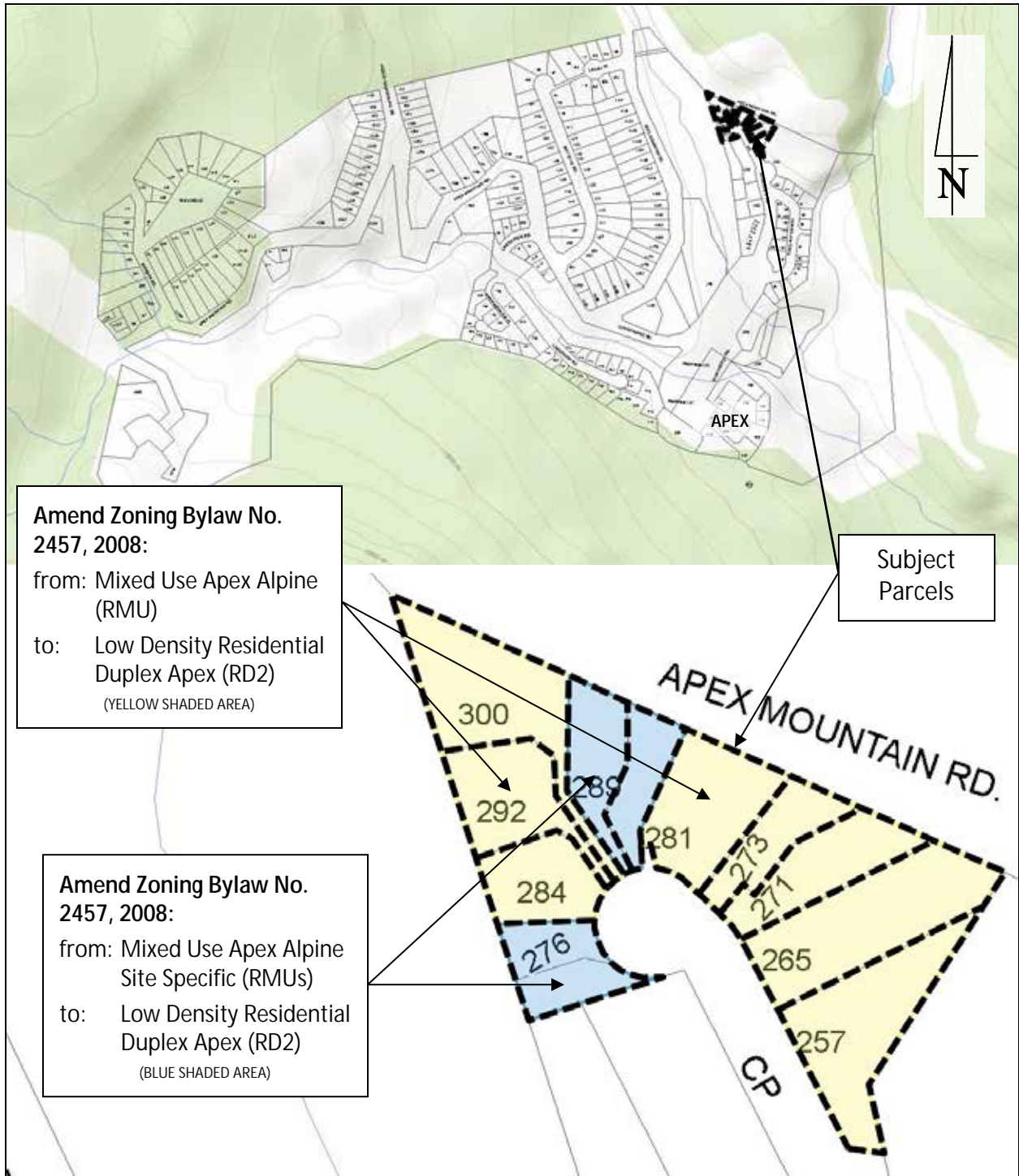
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Amendment Bylaw No. 2457.26, 2019

Project No: D2018.059-ZONE

## Schedule 'L'



# Regional District of Okanagan-Similkameen

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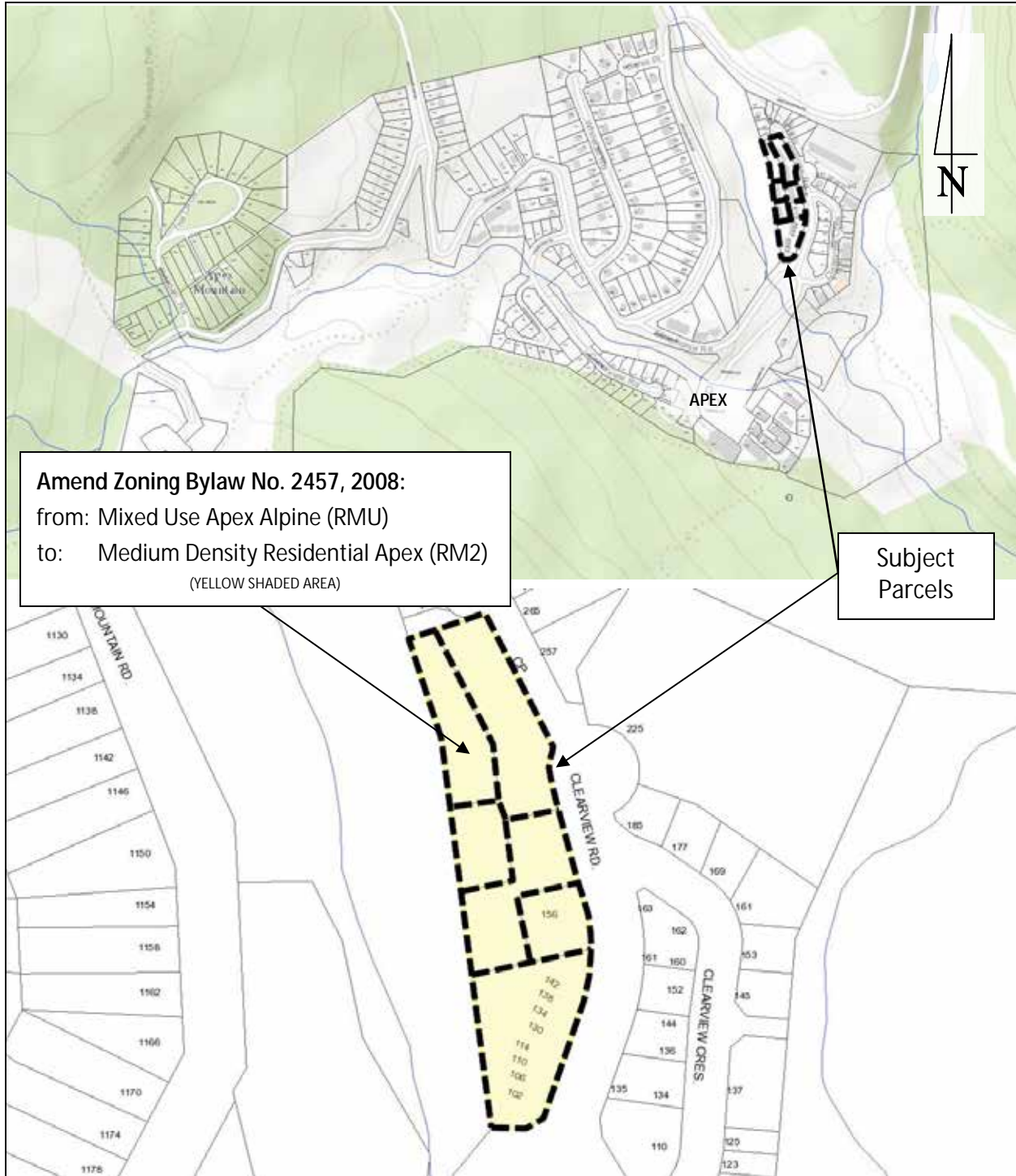
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Amendment Bylaw No. 2457.26, 2019

Project No: D2018.059-ZONE

Schedule 'M'



**Amend Zoning Bylaw No. 2457, 2008:**  
from: Mixed Use Apex Alpine (RMU)  
to: Medium Density Residential Apex (RM2)  
(YELLOW SHADED AREA)

Subject  
Parcels

# Regional District of Okanagan-Similkameen

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

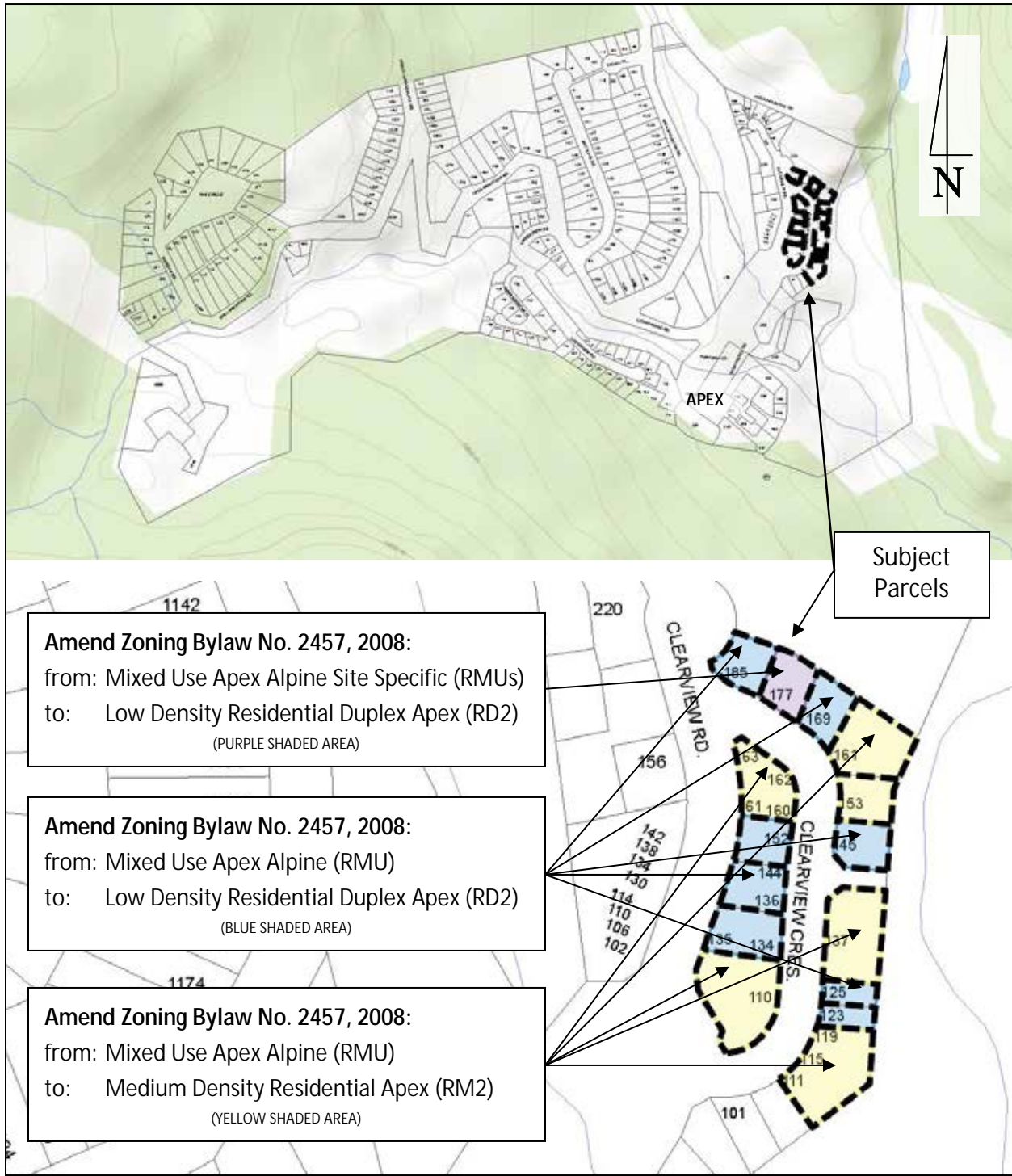
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2457.26, 2019

Project No: D2018.059-ZONE

## Schedule 'N'



# Regional District of Okanagan-Similkameen

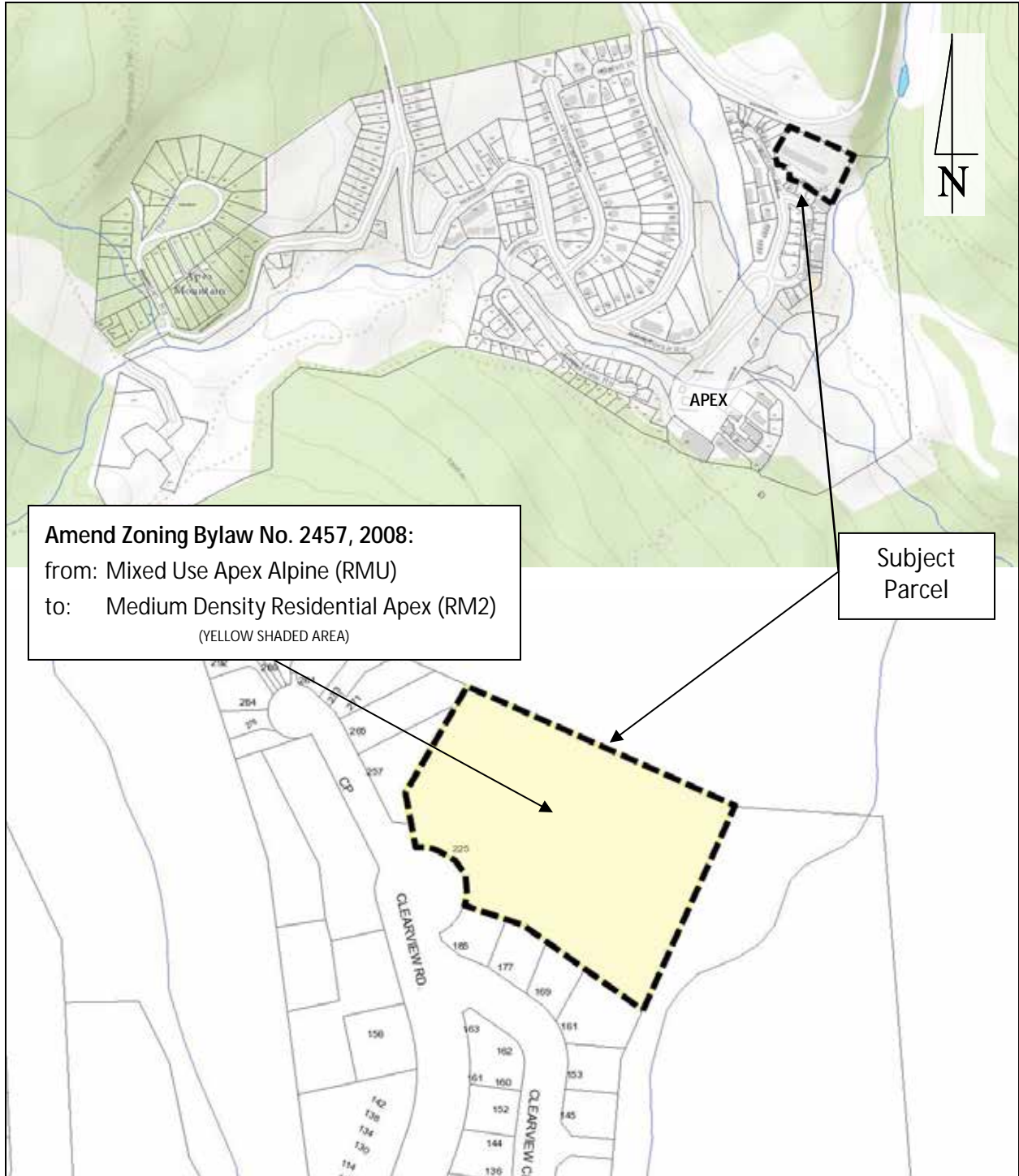
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Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2457.26, 2019

Project No: D2018.059-ZONE

Schedule 'O'





# Regional District of Okanagan-Similkameen

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

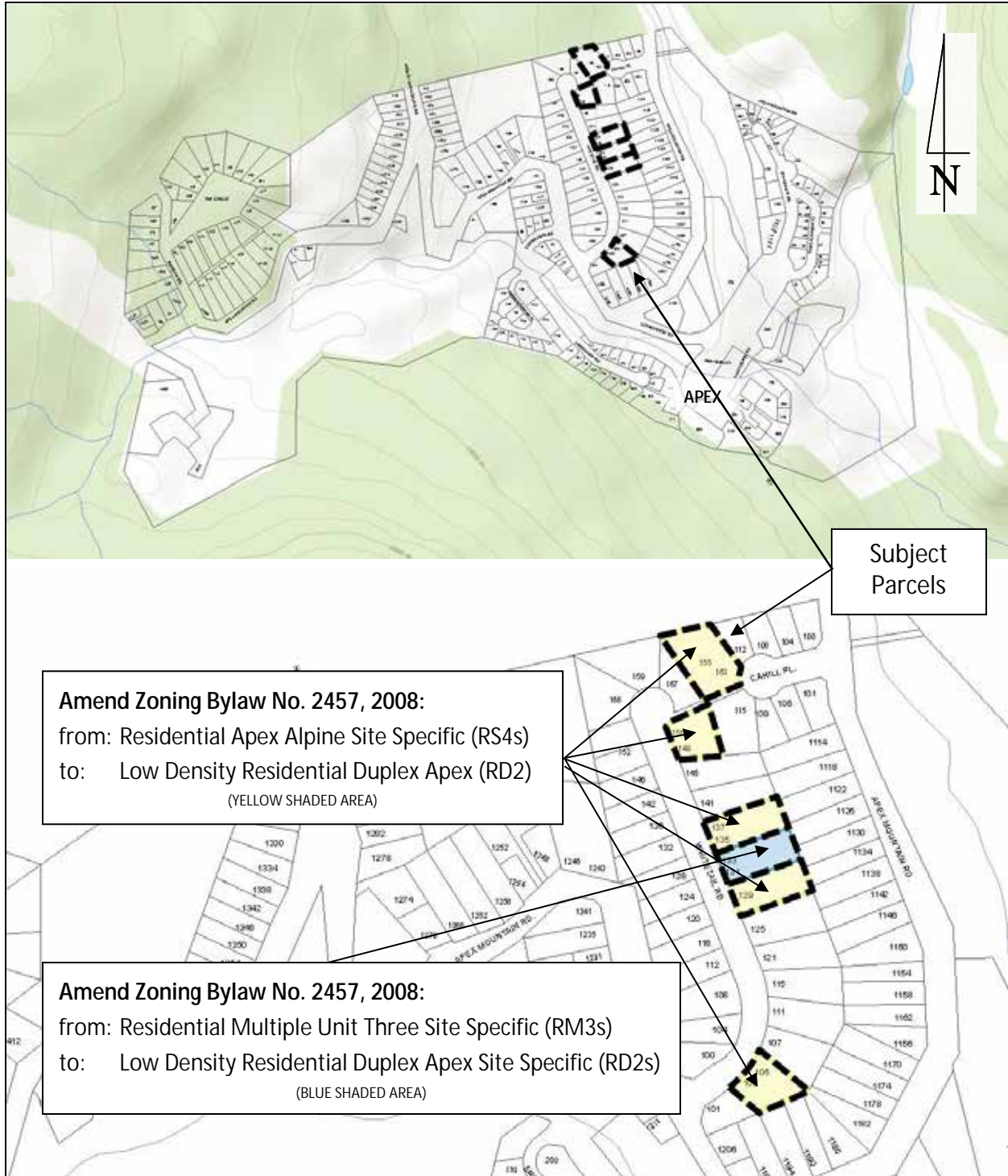
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2788, 2019

Project No: X2017.106-ZONE

Schedule 'P'



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2683.03, 2020**

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**A Bylaw to amend the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016**

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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 "Apex Mountain Commercial and Residential Designation Update Amendment Bylaw No. 2683.03, 2020."
2. The Electoral Area "I" Official Community Plan (OCP) Bylaw No. 2683, 2016, is amended by:
  - i) adding a new reference under Section 4.0 (Official Community Plan Designations) to read as follows:

**Village Centre Designations**

Apex Village Centre	AVC
Twin Lakes Village Centre	TLVC

- ii) replacing Section 11.1 (Background) under Section 11.0 (Residential) in its entirety with the following:

**11.1 Background**

Residential development in the Plan Area has occurred in four primary locations -- Kaleden, St. Andrews, Twin Lakes and Apex. Low-density single detached dwellings are the predominant housing form throughout the Plan Area including these settlement areas. Other forms of low-density residential housing include semi-detached, and manufactured homes.

The Plan Area contains a significant amount of medium density residential housing in the Apex area. The Twin Lakes Golf Resort also contains lands which are designated Medium Density Residential, but which are not yet developed. The St. Andrews Land Use Contract includes 'rowhouses' and 'semi-detached' housing.

There are two residential land use designations recognized within this Plan. Rural Holdings (i.e., Large Holdings and Small Holdings) are not included as residential designations.

- **Low Density Residential (LR):** generally includes single detached dwellings, mobile homes, duplexes, and complementary secondary uses such as daycares, preschools, and small parks which are integral to a low density residential neighbourhood.
- **Medium Density Residential (MR):** generally includes townhouses, duplexes, triplexes, fourplexes, and those complementary secondary uses such as daycares, preschools, and small parks, which are integral to a medium density area.

Comprehensive Development (CD) zones have also been applied to lands designated LR and MR, generally in order to address legally non-conforming 'shared lot' residential uses that have existing for several decades or to act as a transitional zone pending development to specific residential forms.

iii) adding a new Section 11.5.8 (Policies – Medium Density Residential) under Section 11.0 (Residential) to read as follows:

- .8 Supports the use of a comprehensive development zone to allow a range of Medium Density Residential (MR) and Low Density Residential (LR) densities and dwelling types, and a limited range of tourist commercial uses on an approximately 12.5 ha parcel land that comprises an unfinished phase ("Chutes End") of the *Apex Alpine Resort Area Master Plan (1981)*. As this land is developed, the comprehensive development zone should be replaced with existing zones found in the applicable zoning bylaw.

iv) replacing Section 11.6 (Policies – Residential Mixed Use) under Section 11.0 (Residential) in its entirety with the following:

**11.6 *deleted.***

v) adding a new Section 12.0 (Village Centre) to read as follows and renumbering all subsequent sub-sections:

## **12.0 VILLAGE CENTRE**

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### **12.1 Background**

The Village Centre designation generally incorporates mixed medium density residential, institutional and commercial lands at Apex Mountain and the designated Rural Growth Area in Twin Lakes. The designation also includes a range of higher density housing types from row housing to apartments, mixed

use recreation and commercial uses, natural open spaces, and administrative, cultural or institutional uses

The Village Centre designation supports this by focusing medium density residential growth which, in turn, will promote a more compact urban form and a more complete community.

To meet these objectives, the Village Centre designation includes a strong emphasis on encouraging commercial, tourist commercial, mixed-use commercial, and medium density residential development.

## 12.2 Objectives

- .1 Reinforce the role of lands designated Village Centre as the commercial, institutional and social heart of a community.
- .2 Retain existing business and institutional uses, while supporting their expansion and attracting additional cultural, entertainment, and commercial development to areas designated Village Centre.
- .3 Support mixed-use, commercial/office/residential uses, including development that includes medium density residential dwelling types.
- .4 Encourage the integration of medium density residential dwelling types above ground floor commercial uses.

## 12.3 Policies – Apex Village Centre

The Regional Board:

- .1 Generally supports the use of lands designated Apex Village Centre (AVC) identified in Schedule 'B' *Official Community Plan Map* for medium density mixed use developments with residential and commercial components that fit with the mixed use intent of the designation.
- .2 Supports a maximum Floor Area Ratio (FAR) of 3.0 and a maximum building height of 20.0 metres in the Apex Village Centre (AVC) designation.
- .3 Supports a high standard of architectural building design for development within the Apex Village Centre (AVC) and may explore the creation of a development permit area designation for form and character.
- .4 Encourages the continued intensification and growth of commercial activities at Apex on lands designated Apex Village Centre (AVC).
- .5 Directs the development of existing vacant lots (with servicing), or previously approved subdivisions, prior to considering more development on non-residential and non-commercial designations in identified Rural Growth Areas.
- .6 Will generally not support designating additional lands Apex Village Centre (AVC) that are outside of the Apex Rural Growth Area.

- .7 Commercial uses in the Apex Village Centre (AVC) designation are encouraged that cater to the local neighbourhood service and retail needs or provide tourist accommodation services.
- .8 Encourages the Ministry of Transportation and Infrastructure (MoTI) to provide sufficient snow storage areas for road clearing within the Apex Village Centre (AVC) designation
- .9 Supports the preparation of a strategy to address day-use and/or overnight parking at Apex Mountain Resort.
- .10 Supports the provision of paid accommodation for visitors through the short-term rental of residences in the Apex Village Centre (AVC) designation.

#### 12.4 Policies – Twin Lakes Village Centre

The Regional Board:

- .1 Generally supports the use of lands designated Twin Lakes Village Centre (TLVC) identified in Schedule 'B' *Official Community Plan Map* for medium density mixed use developments with residential and commercial components that fit with the mixed use intent of the designation.
- .2 Considers the maximum density of lands designated Twin Lakes Village Centres (TLVC) to be 60 dwelling units (townhouses and apartments) per gross hectare, subject to servicing requirements.
- .3 Supports the following types of special housing in areas designated Twin Lakes Village Centres (TLVC), subject to the creation of a local service area for fire protection:
  - a) community care housing; and
  - b) seniors and special needs housing
- .4 Will avoid locating Twin Lakes Village Centres (TLVC) development next to land designated as Agriculture. Low Density Residential (LR) uses will be preferred as a transition between Agriculture and Residential Mixed Use (RMU) development. If residential mixed use development is to be located near land designated as Agriculture (AG), the following steps must be taken:
  - a) buffering should be constructed in accordance with Ministry of Agriculture guidelines;
  - b) the ground floor of the building should be set back far enough from the agricultural use to minimize conflicts; and
  - c) the building should be designed to step back away from designated Agriculture (AG) land as the building increases in height.

- .5 Commercial uses in Twin Lakes Village Centres (TLVC) development are encouraged that cater to the local neighbourhood service and retail needs or provide small scale tourist accommodation services.
  - .6 Supports the provision of paid accommodation for visitors through the short-term rental of residences in the Twin Lakes Village Centre (TLVC) designation.
3. The Official Community Plan Map, being Schedule 'B' of the Electoral Area "I" Official Community Plan Bylaw No. 2683, 2016, is amended by:
  - i) changing the land use designation of the land shown shaded yellow on Schedule 'A', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Apex Village Centre (AVC).
  - ii) changing the land use designation of the land shown shaded yellow on Schedule 'B', which forms part of this Bylaw, from Medium Density Residential (MR) to Low Density Residential (LR).
  - iii) changing the land use designation of an approximately 12.5 ha area of land shown shaded red on Schedule 'C', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Medium Density Residential (MR).
  - iv) changing the land use designation of an approximately 11.0 ha area of land shown shaded yellow on Schedule 'C', which forms part of this Bylaw, from Resource Area (RA) to Medium Density Residential (MR).
  - v) changing the land use designation of the land described as Lot 2, Plan KAP78308, District Lot 395S, SDYD, and Lots A & B, Plan KAP92902, District Lot 395S, SDYD, and shown shaded yellow on Schedule 'D', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Low Density Residential (LR).
  - vi) changing the land use designation of the land shown shaded yellow on Schedule 'E', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Medium Density Residential (MR).
  - vii) changing the land use designation of the land shown shaded yellow on Schedule 'F', which forms part of this Bylaw, from Medium Density Residential (MR) to Low Density Residential (LR).
  - viii) changing the land use designation of the land shown shaded yellow on Schedule 'G', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Medium Density Residential (MR).
  - ix) changing the land use designation of the land described as Lots 1-2, 4, 6-8, 10-11 & 12-15 Plan KAS1487, District Lot 395S, SDYD, and shown shaded yellow on Schedule 'H', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Low Density Residential (LR).

- x) changing the land use designation of the land shown shaded yellow on Schedule 'I', which forms part of this Bylaw, from Medium Density Residential (MR) to Low Density Residential (LR).
- xi) changing the land use designation of the land described as Lots 1-3, Plan KAS3073, District Lot 395S, SDYD, and shown shaded yellow on Schedule 'J', which forms part of this Bylaw, from Medium Density Residential (MR) to Apex Village Centre (AVC).
- xii) changing the land use designation of the land described as Lots 1 & 2, Plan KAP81773, District Lot 395S, SDYD, and shown shaded yellow on Schedule 'K', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Low Density Residential (LR).
- xiii) changing the land use designation of the land described as Lots 1 & 2, Plan KAS2465, District Lot 395S, SDYD (131-133 Whitetail Road), and shown shaded yellow on Schedule 'L', which forms part of this Bylaw, from Medium Density Residential (MR) to Low Density Residential (LR).
- xiv) changing the land use designation of the land shown shaded yellow on Schedule 'M', which forms part of this Bylaw, from Residential Mixed Use (RMU) to Twin Lakes Village Centre (TLVC).

READ A FIRST AND SECOND TIME this 5<sup>th</sup> day of March, 2020.

PUBLIC HEARING held on this 4<sup>th</sup> day of June, 2020.

A SECOND PUBLIC HEARING held on this 2<sup>nd</sup> day of July, 2020.

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

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

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

\_\_\_\_\_  
Chief Administrative Officer

# Regional District of Okanagan-Similkameen

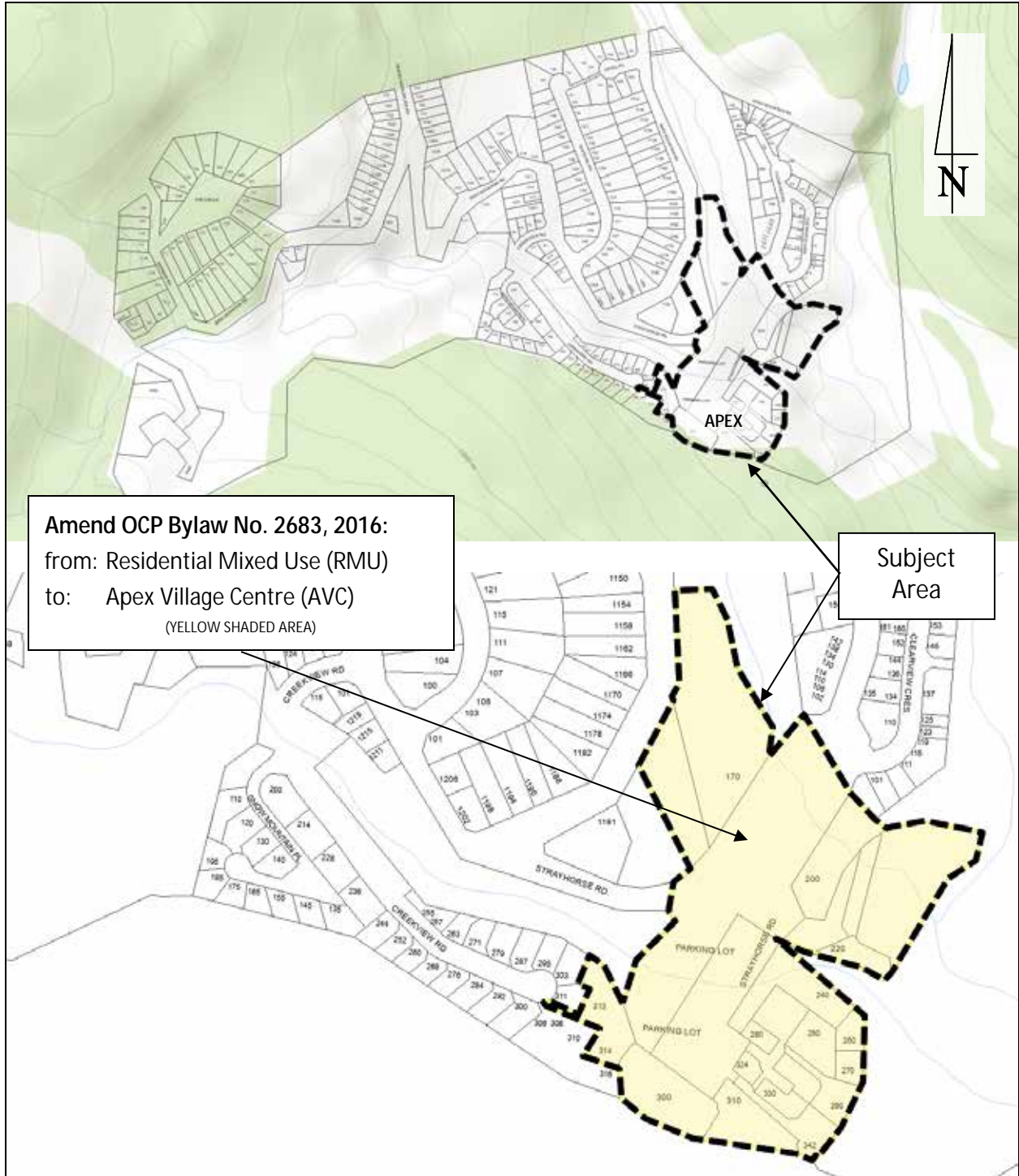
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

## Schedule 'A'





# Regional District of Okanagan-Similkameen

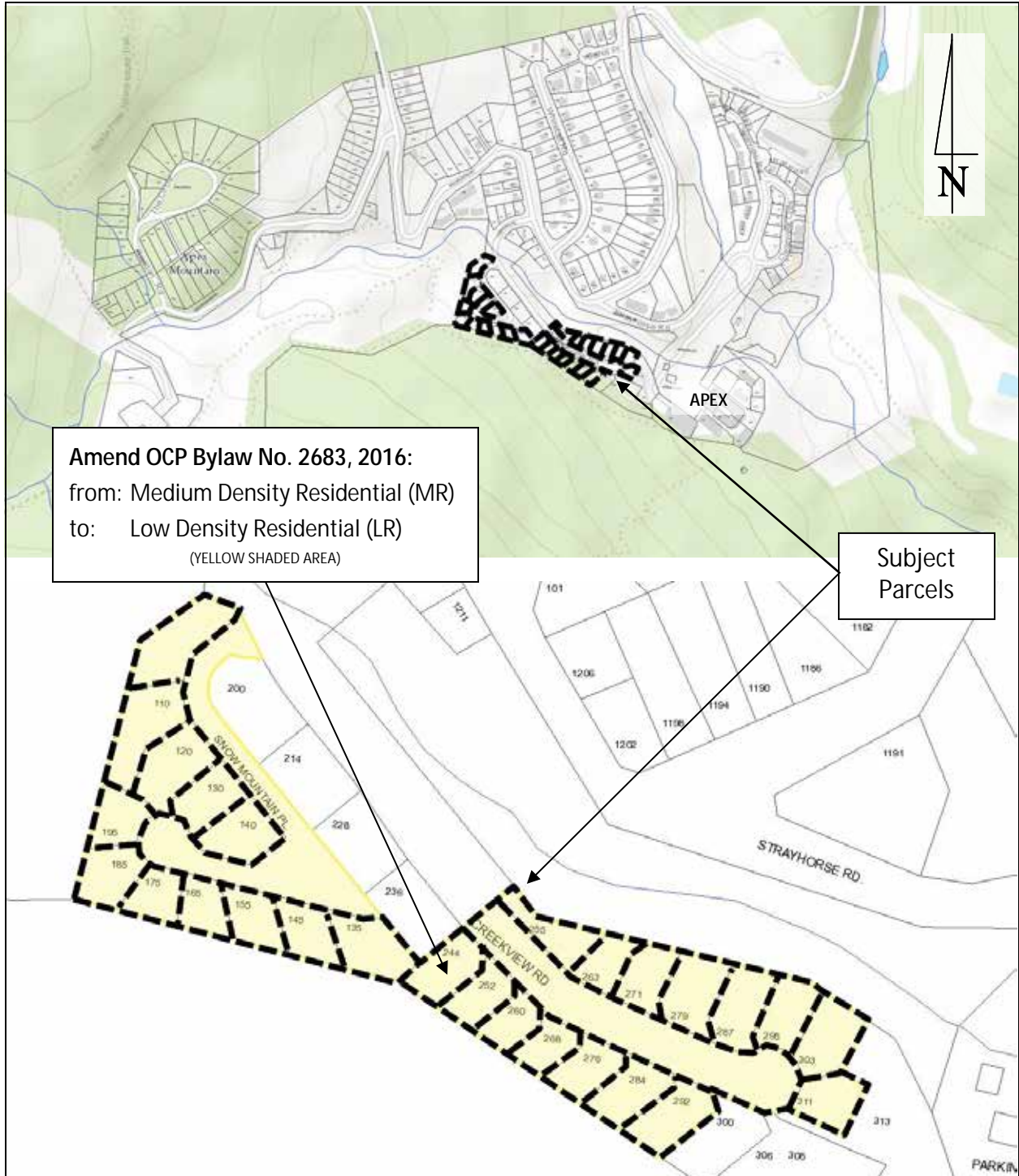
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Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'B'



# Regional District of Okanagan-Similkameen

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

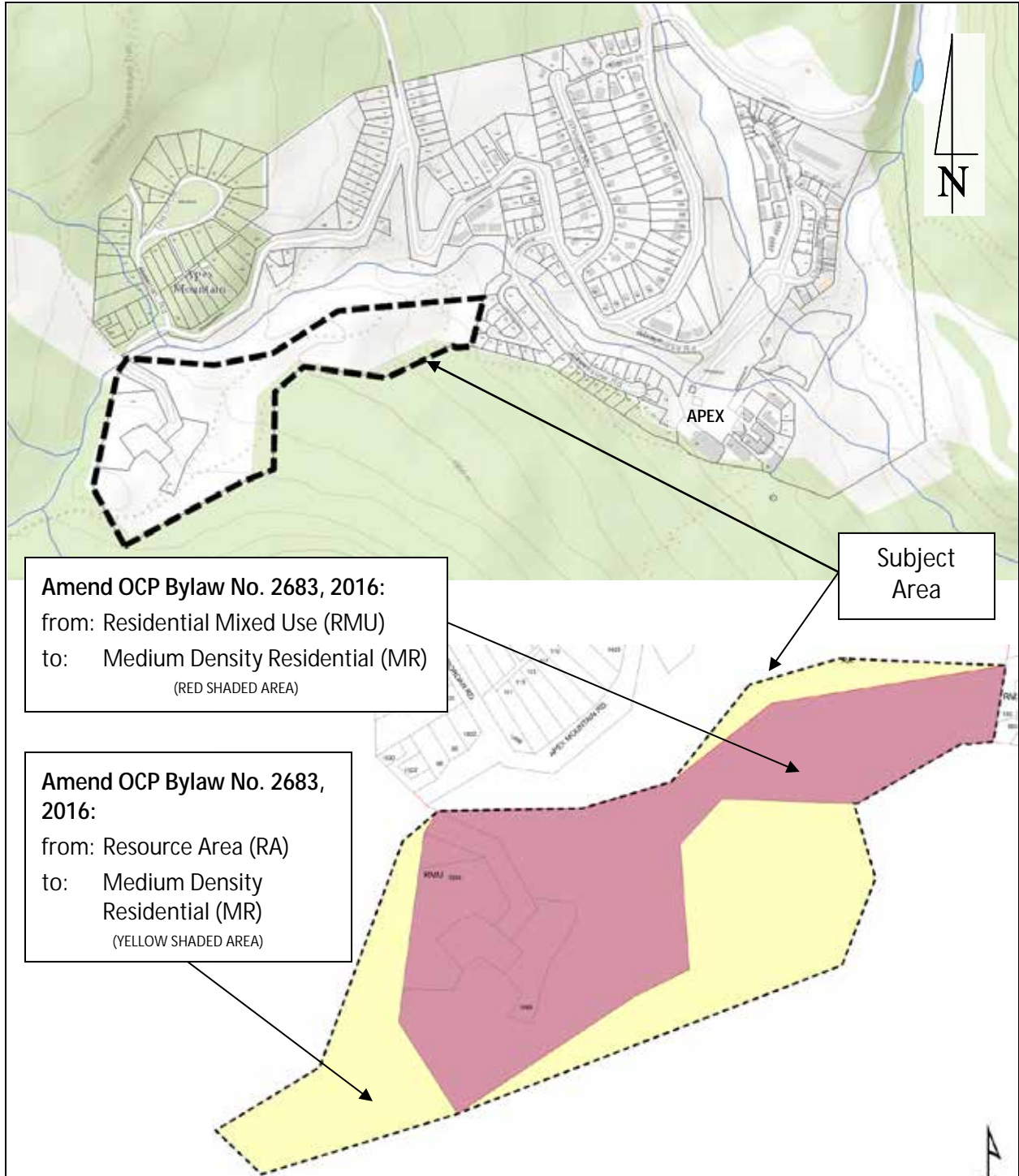
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Amendment Bylaw No. 2683.03, 2020

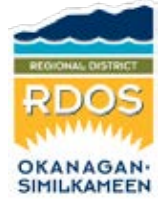
Project No: D2018.059-ZONE

## Schedule 'C'



# Regional District of Okanagan-Similkameen

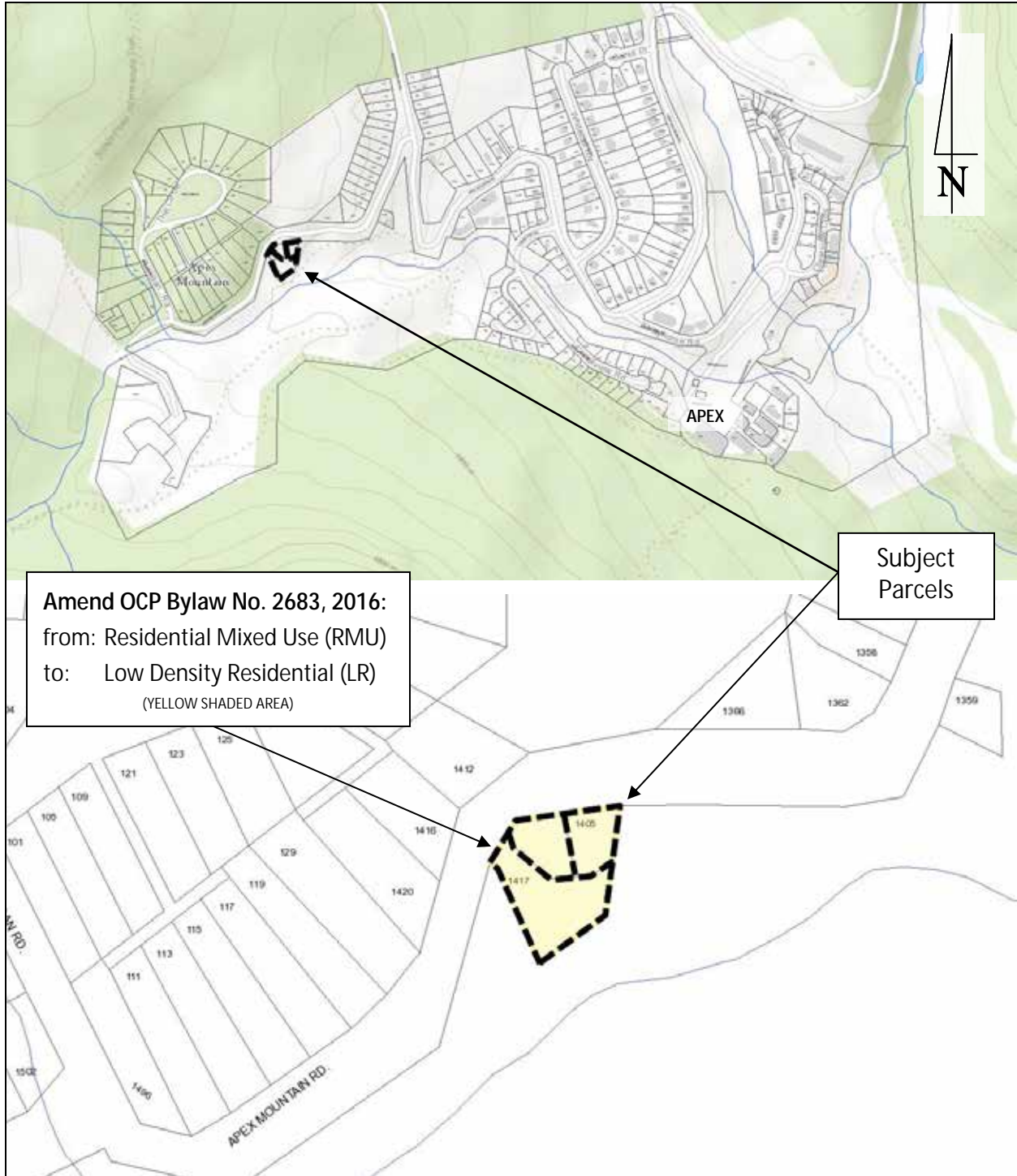
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'D'



# Regional District of Okanagan-Similkameen

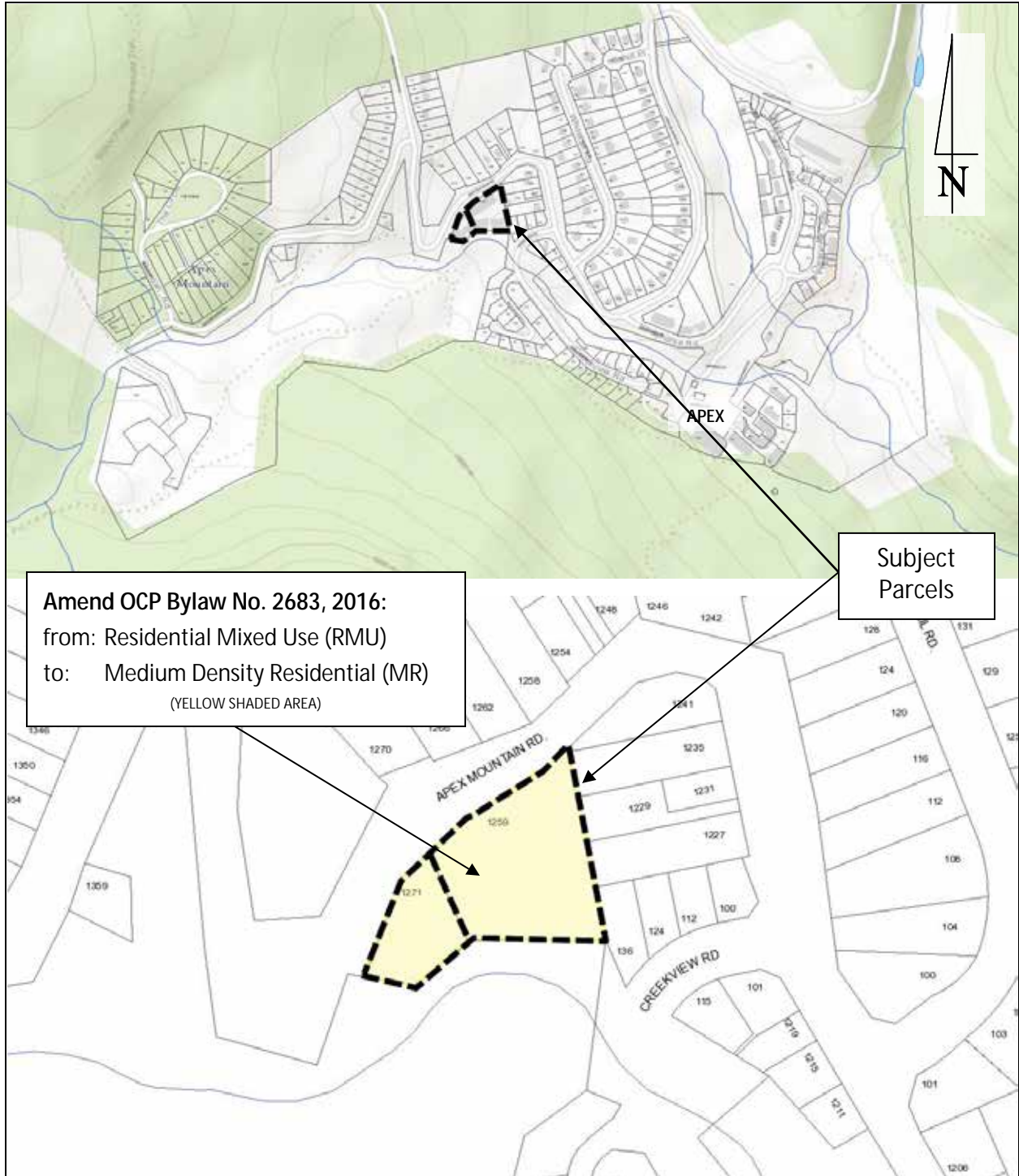
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

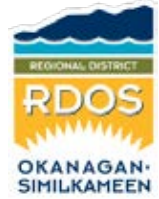
Schedule 'E'



# Regional District of Okanagan-Similkameen

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

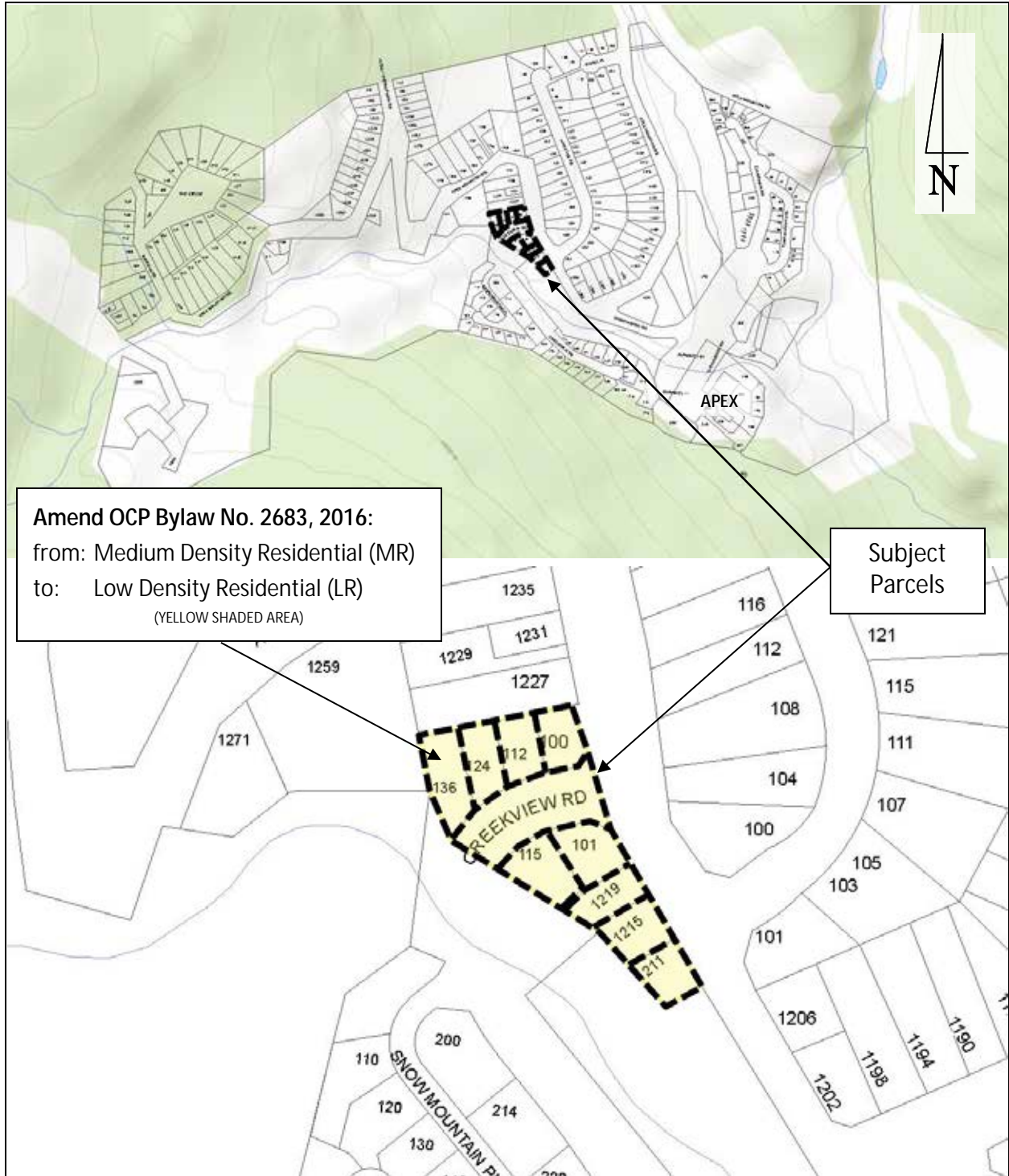
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'F'



# Regional District of Okanagan-Similkameen

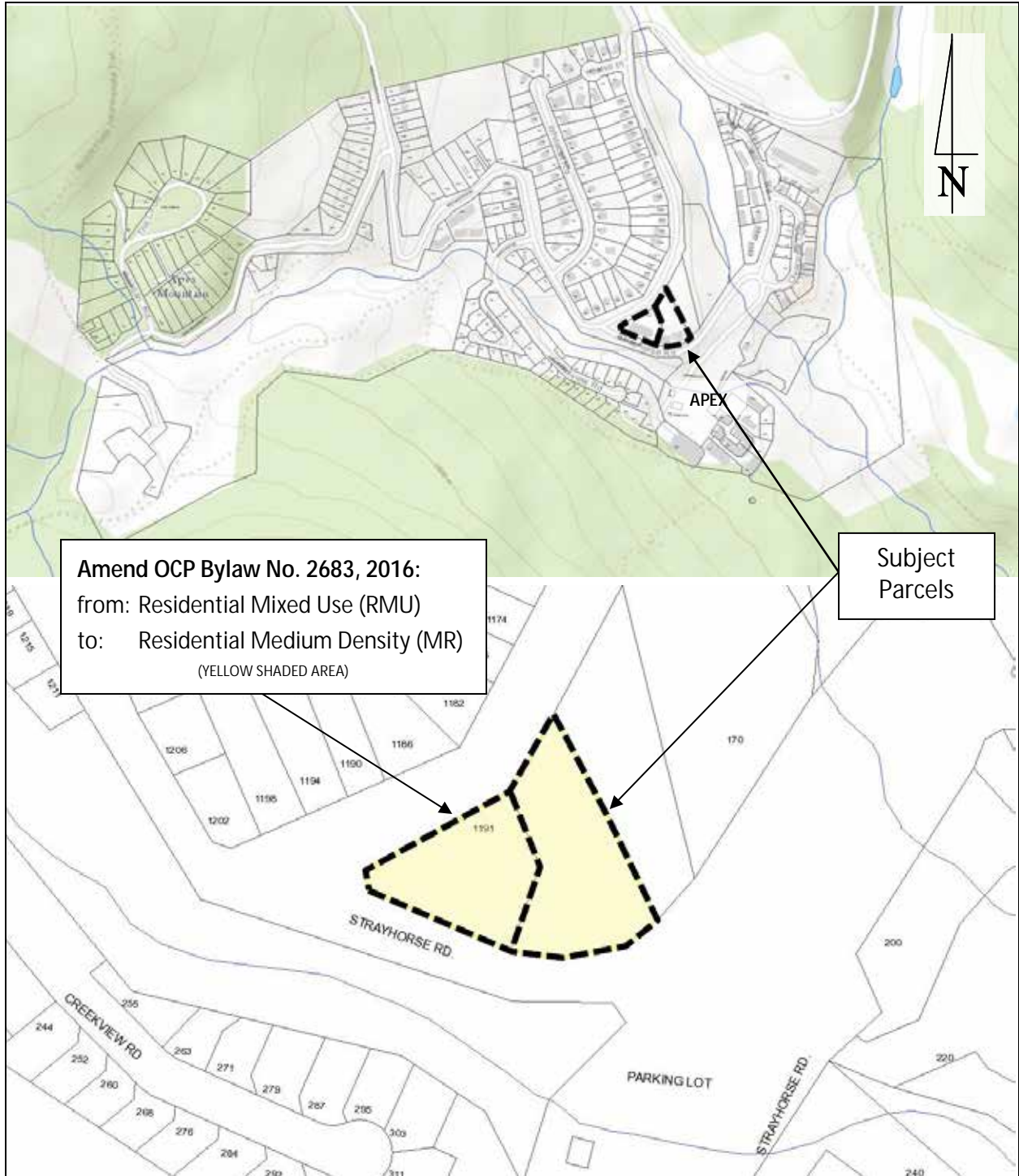
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'G'



# Regional District of Okanagan-Similkameen

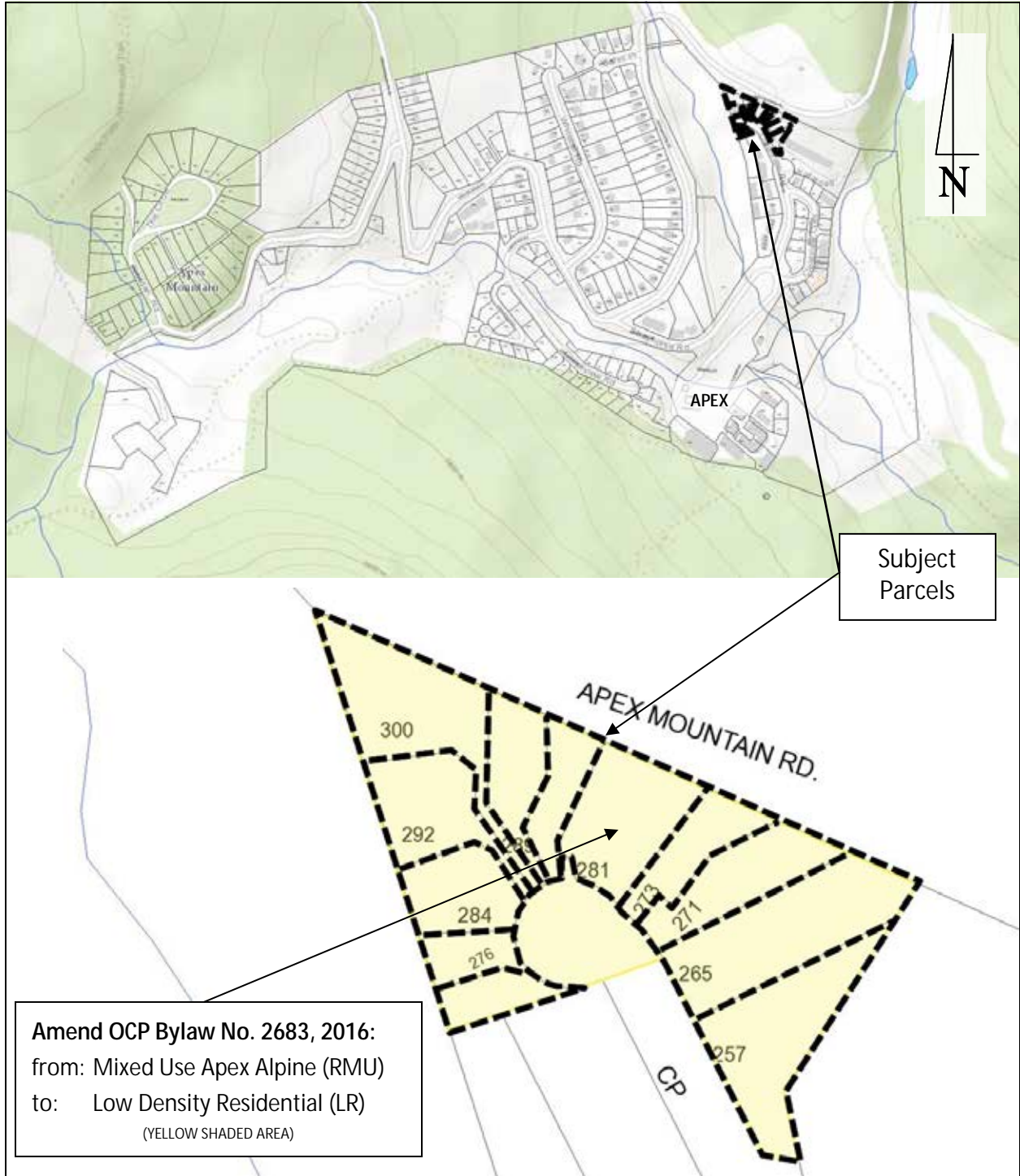
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'H'



# Regional District of Okanagan-Similkameen

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

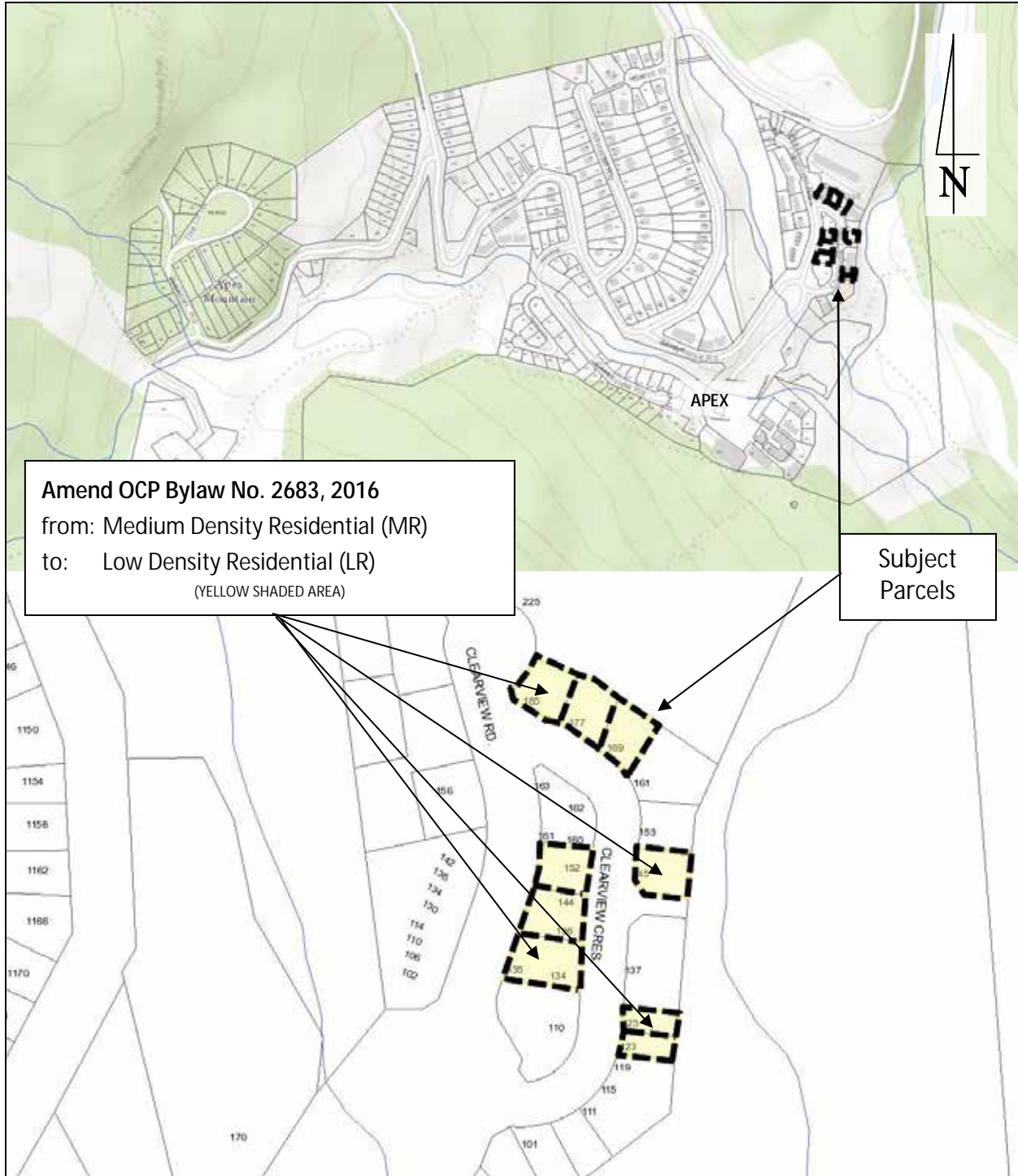
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'I'



Amendment Bylaw No. 2683.03, 2020

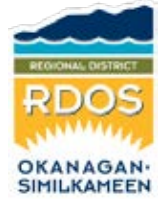
(D2018.059-ZONE)

Page 15 of 19



# Regional District of Okanagan-Similkameen

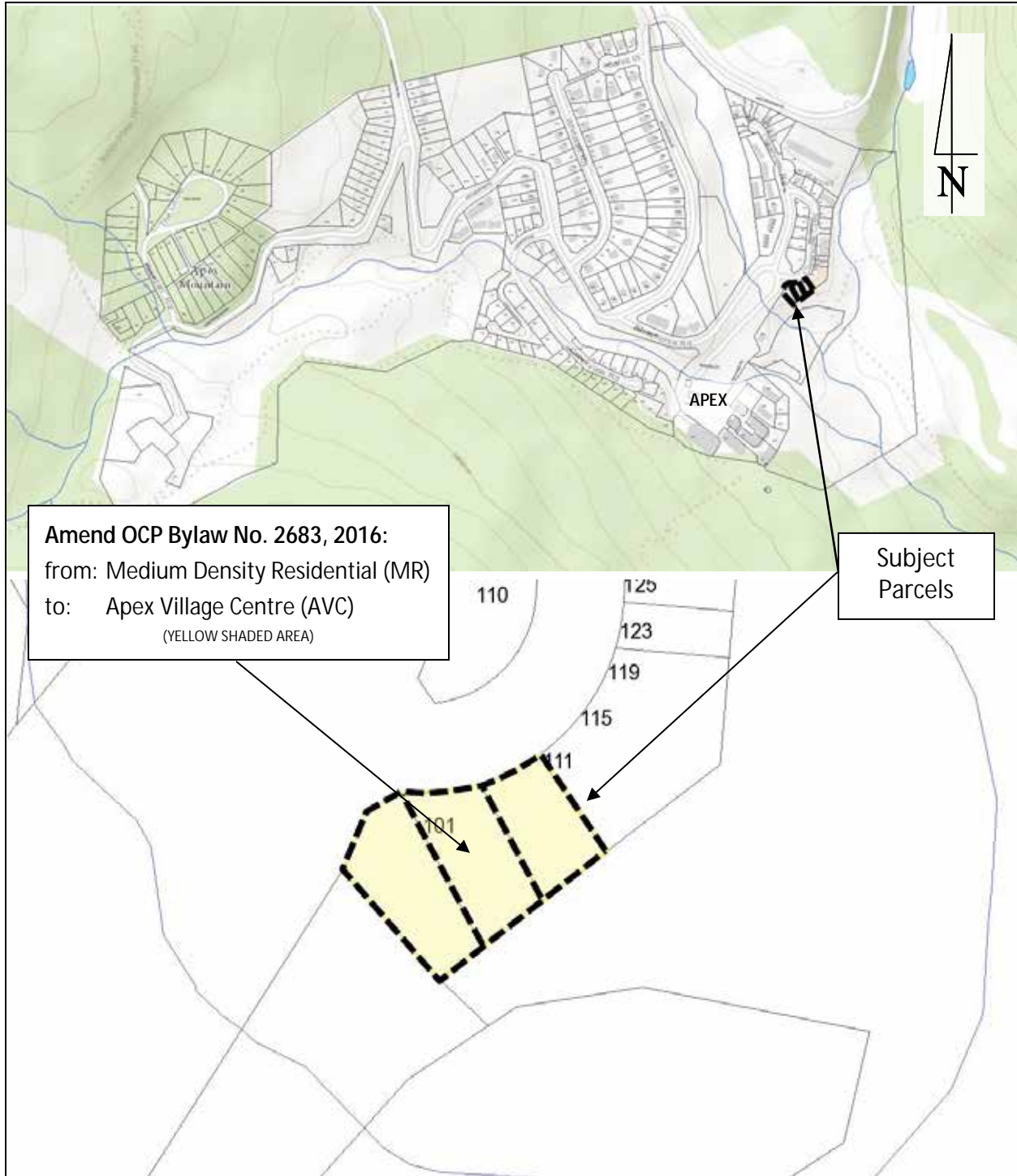
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'J'



# Regional District of Okanagan-Similkameen

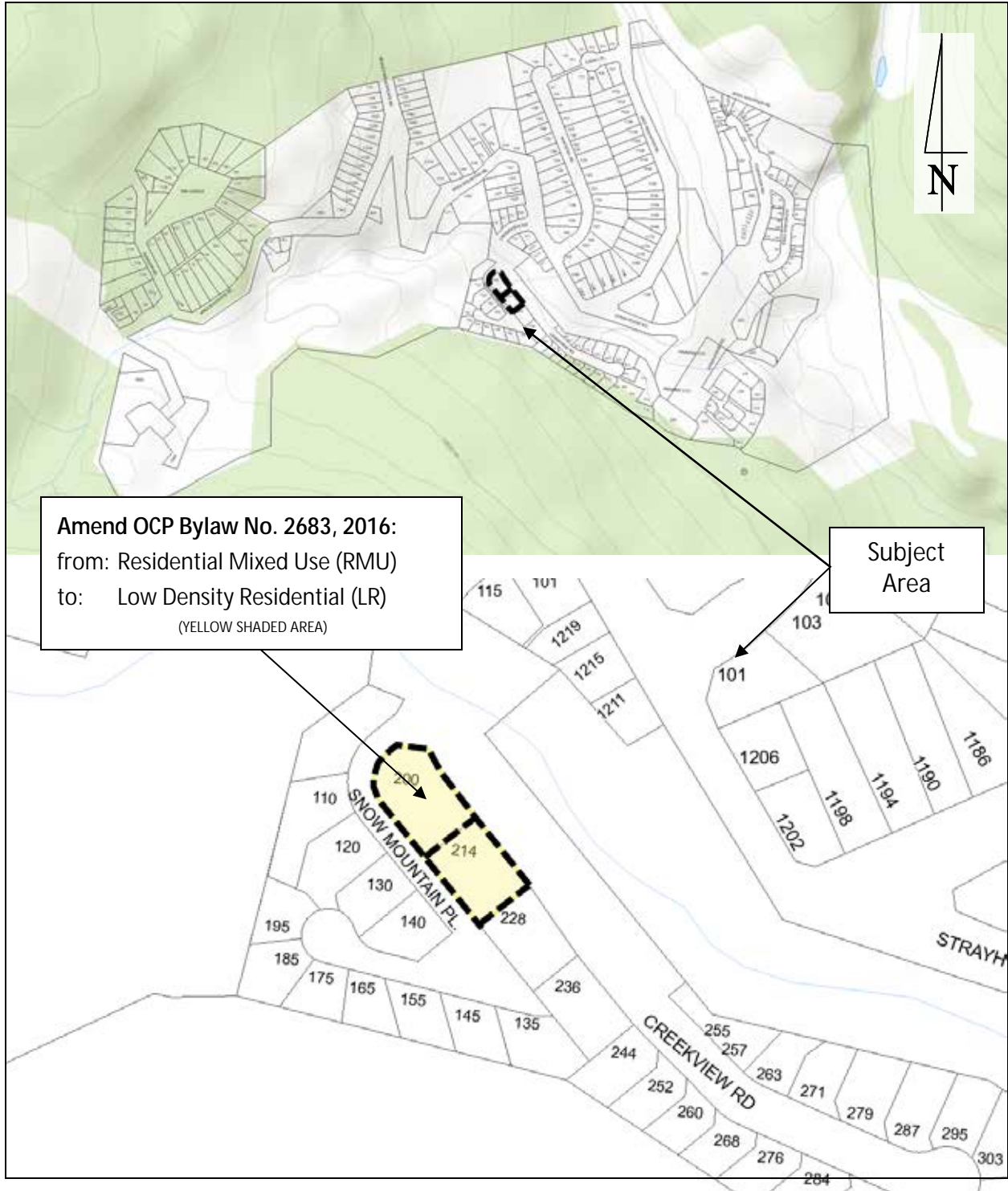
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)



Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

Schedule 'K'



# Regional District of Okanagan-Similkameen

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

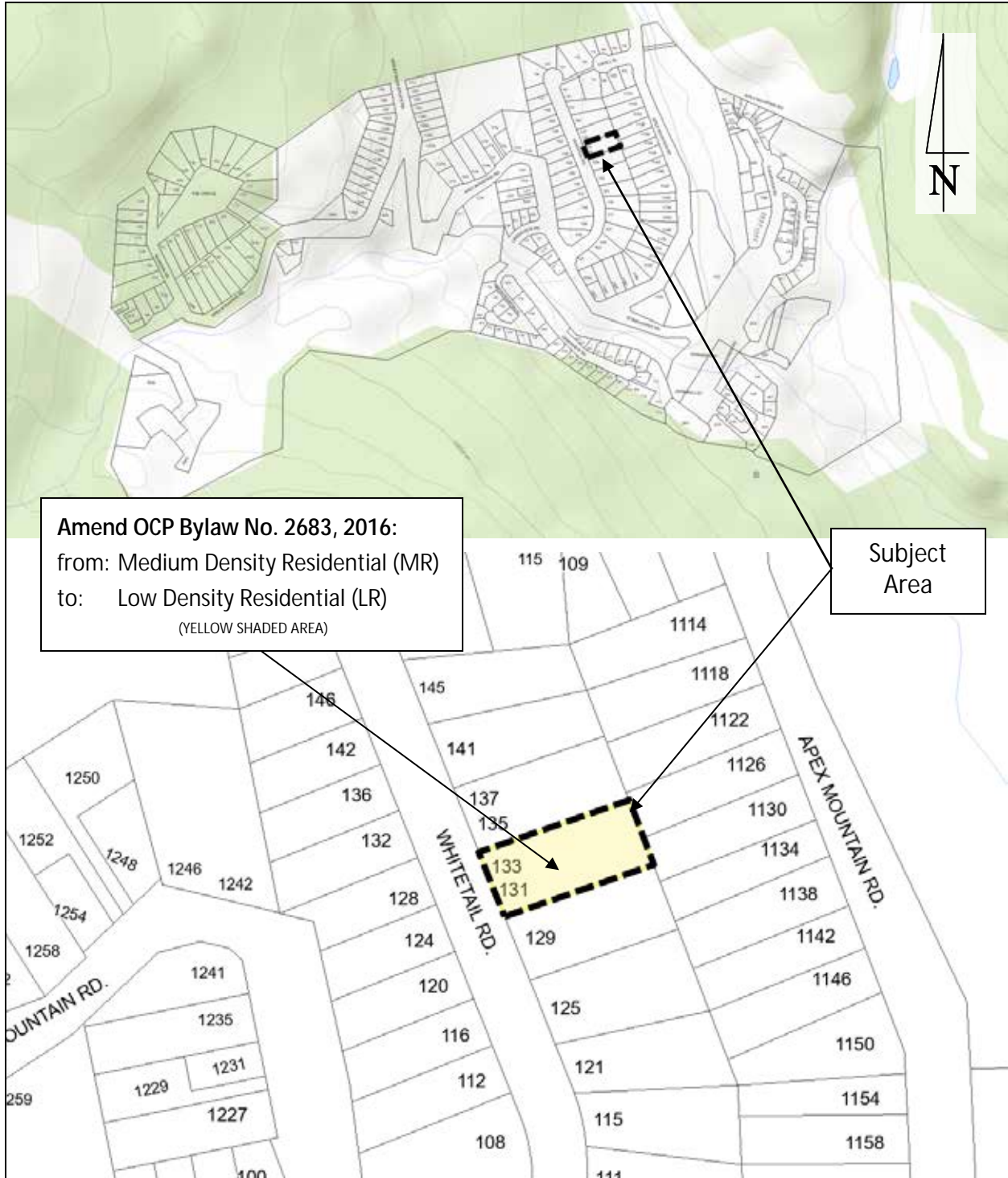
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Amendment Bylaw No. 2683.03, 2020

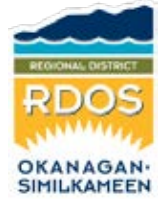
Project No: D2018.059-ZONE

Schedule 'L'



# Regional District of Okanagan-Similkameen

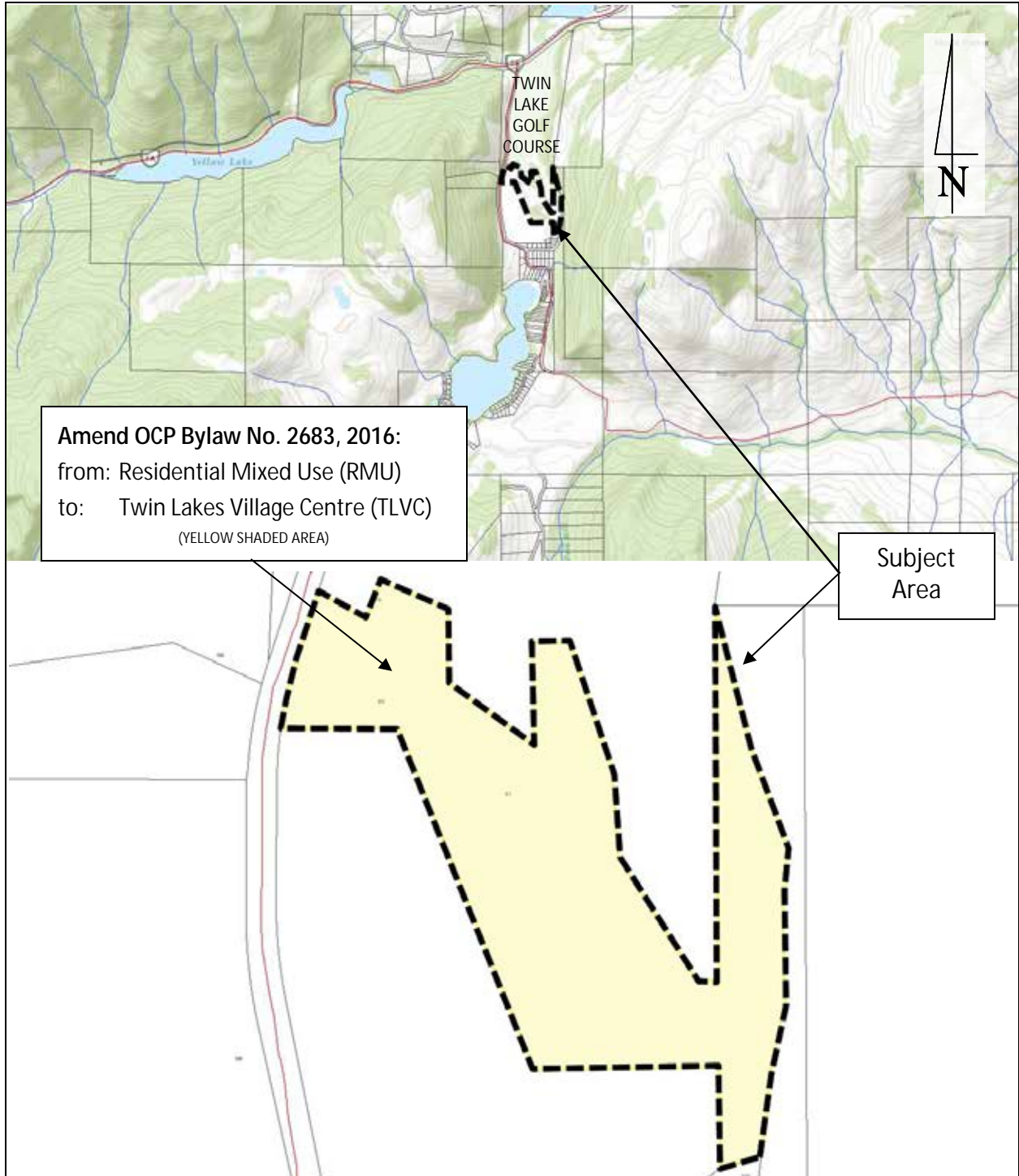
101 Martin St, Penticton, BC, V2A-5J9  
Telephone: 250-492-0237 Email: [info@rdos.bc.ca](mailto:info@rdos.bc.ca)

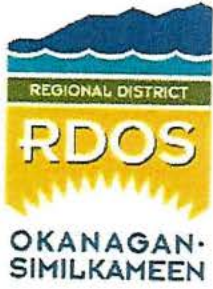


Amendment Bylaw No. 2683.03, 2020

Project No: D2018.059-ZONE

## Schedule 'M'





# 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.: D2018.059-ZONE

FROM: Name:

Christine & Rick Rempel  
(please print)

Street Address:



RE: Apex Zone Review

Electoral Area "I" Official Community Plan Amendment Bylaw No. 2683.03

Electoral Area "I" Zoning Amendment Bylaw No. 2457.26

My comments / concerns are:

- I do support the proposed amendments to the Electoral Area "I" OCP & Zoning Bylaws.
- I do support the proposed amendments to the Electoral Area "I" OCP & Zoning Bylaws, subject to the comments listed below.
- I do not support the proposed amendments to the Electoral Area "I" OCP & Zoning Bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 3<sup>rd</sup> reading of Amendment Bylaw No. 2683.03 & 2457.26.

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Feedback Forms must be completed and returned to the Regional District no later than the close of the Public Hearing on **Thursday July 2, 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.: D2018.059-ZONE

FROM: Name: Norm Davies  
(please print)

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

RE: **Apex Zone Review**  
**Electoral Area "1" Official Community Plan Amendment Bylaw No. 2683.03**  
**Electoral Area "1" Zoning Amendment Bylaw No. 2457.26**

My comments / concerns are:

- I do support the proposed amendments to the Electoral Area "1" OCP & Zoning Bylaws.
- I do support the proposed amendments to the Electoral Area "1" OCP & Zoning Bylaws, subject to the comments listed below.
- I do not support the proposed amendments to the Electoral Area "1" OCP & Zoning Bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2683.03 & 2457.26.

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Feedback Forms must be completed and returned to the Regional District  
no later than **February 14, 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.



**Interior Health**  
Every person matters

January 8, 2020

Christopher Garrish  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9  
<mailto:planning@rdos.bc.ca>

Dear Christopher Garrish:

**RE: File #: D2018.059-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

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Bus: 1-855-744-6328, Option 4  
Email: [hbe@interiorhealth.ca](mailto:hbe@interiorhealth.ca)  
Web: [interiorhealth.ca](http://interiorhealth.ca)

Kamloops Health Unit  
519 Columbia Street  
Kamloops, BC V2C2T8



**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:**

Apex Bylaw Referral

**FN Consultation ID:**

L-200106-D2018059-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, January 8, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

January 8, 2020

Applicant: Apex

Attention: Planning RDOS

File Number: D2018.059-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

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future negotiations or court actions.

If you require further information or clarification, please do not hesitate to contact me.

limlæmt,

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:**

Apex Bylaw Referral

**FN Consultation ID:**

L-200106-D2018059-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, January 8, 2020

Activity No Payment

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

February 13, 2020

File number: D2018.059-ZONE

Attention: Planning RDOS

Re: Apex Bylaw Referral: 30 Day No Payment Activity

We write regarding your failure to pay invoice #L-200106-D2018059-ZONE 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 January 6, 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.

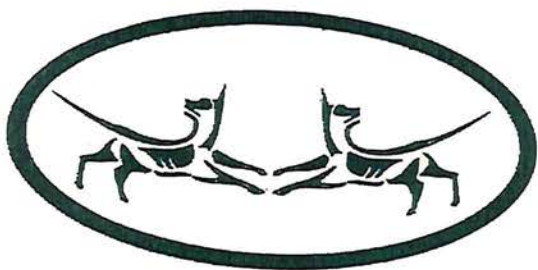
- Aboriginal title includes the right to proactively use and manage the resources.
- Once Aboriginal title is "established", the constitution prohibits incursions without the consent of the Aboriginal title holders unless the Crown can justify the infringement, which in turn requires a compelling and 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)

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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:**

Apex Bylaw Referral

**FN Consultation ID:**

L-200106-D2018059-ZONE

**Consulting Org Contact:**

Planning RDOS

**Consulting Organization:**

[Regional District of Okanagan-Similkameen](#)

**Date Received:**

Wednesday, January 8, 2020

WITHOUT PREJUDICE AND NOT TO BE CONSTRUED AS CONSULTATION

January 8, 2020

Applicant: Apex

Attention: Planning RDOS

File number: D2018.059-ZONE

RE: 40 (forty) day extension

Thank you for the above application that was sent on January 6, 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)

Thank you for the opportunity to review the proposed amendments to the OCP and zoning bylaws. Mountain Resorts Branch's (MRB's) review is in the context of Provincial approvals and authorizations on Crown land at Apex, given that:

- The Province has a significant interest in the long term success of the resort, ensuring highest and best use of Crown land, balanced resort capacity and controlled, phased development in return for the investment in Crown land recreational infrastructure.
- The Province also has a significant interest in and remains committed to enabling growth and development of the resort in the future as per the Master Plan and the contractual obligations set out within the signed Master Development Agreement (MDA) between BC and Apex.

Some of the subject parcels being considered for zoning and bylaw amendments at Apex contain Crown land, and MRB would like the RDOS to consider that these parcels are located entirely within the Controlled Recreation Area and under the MDA for the resort. MRB encourages the RDOS to work with Apex to make sure that the proposed bylaw and zoning changes will not conflict with existing and future resort development interests. The subject parcels containing Crown land are shown on the following RDOS amendment schedules:

- Zoning Amendment Bylaw No. 2457.26, 2019
  - Schedule 'A'
  - Schedule 'E'
  - Schedule 'K'
- OCP Amendment Bylaw No. 2683.03, 2019
  - Schedule 'A'
  - Schedule 'C'

MRB will defer to the RDOS on the decision to make bylaw amendments to those surveyed lots at Apex that are privately owned. MRB's interests are unaffected by the amendment bylaw pertaining to the Twin Lakes area.

It has been noted that Schedule 'J' of the OCP amendment bylaw proposes to change three subject parcels from Medium Density Residential (MR) to Mixed Use Apex Alpine (RMU), which is contrary to the objective of deleting/replacing the RMU land use designation. This appears to be an error, given that the same three parcels are shown on Schedule 'A' as belonging to the Apex Village Centre (AVC) designation.

Signature: Amber McAfee

Signed By: Amber McAfee

Agency: Mountain Resorts Branch

Title: Licensed Land Officer

Date: January 30, 2020

**Christopher Garrish**

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**From:** Kerry Patemar  
**Sent:** February 18, 2020 1:20 PM



Hi Christopher,

We have just become aware of the proposed zoning plan for Apex Mountain Resort. I am not sure what the best way is, to have our comments heard - and hope this email will work. If not please advise. We just stopped in today and the planner mentioned that we should contact you with comments.

I am acting for Mountain Landco Ltd who own property at the corner of Snow Mountain Place and Creekview Road - addresses are 200 and 214 Creekview. In reviewing the proposed zoning map, it shows these lots as RM2 and we would like it to be zoned as the proposed RD2. This would be similar to the lots currently on Snow Mountain Place.

There has been no interest in developing multiple family residential on these two lots and we would like to subdivide for single family or duplex residential.

We had dropped in today to see about a rezoning to permit duplexes instead of multiple family. Please let me know what the process is to get this considered.

Thanks so much,

Kerry

Kerry Pateman, MCIP, Registered Professional Planner



# 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.: D2018.059-ZONE

FROM: Name: ROBERT ROSS

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

RE: Apex Zone Review  
Electoral Area "I" Official Community Plan Amendment Bylaw No. 2683.03  
Electoral Area "I" Zoning Amendment Bylaw No. 2457.26

My comments / concerns are:

- I do support the proposed amendments to the Electoral Area "I" OCP & Zoning Bylaws.
- I do support the proposed amendments to the Electoral Area "I" OCP & Zoning Bylaws, subject to the comments listed below.
- I do not support the proposed amendments to the Electoral Area "I" OCP & Zoning Bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2683.03 & 2457.26.

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Feedback Forms must be completed and returned to the Regional District  
no later than February 14, 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.

# RESPONSE SUMMARY

## AMENDMENT BYLAW NO. 2683.03 & 2457.26


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


Communication with Residents by R.DOS - to give clarity to purpose of Bylaws.

**RECEIVED**  
Regional District

JAN 30 2020

101 Martin Street  
Penticton BC V2A 5J9

Signature:   
Agency: A.P.O.A.  
Date: JAN 18 / 2020

  
Signed By: ARNIE ERICKSON  
President  
Title: President





# ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** OCP Bylaw Amendments - Electoral Areas "A", "C", "D", "E", "F", "G", "H" & "I"  
Micro Cannabis Production Facilities

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## Administrative Recommendation:

**THAT Bylaw No. 2858, 2019, a bylaw to amend Electoral Area Official Community Plans to introduce criteria against which the Regional District may choose to evaluate an application for a "micro cannabis production facility", be read a third time and adopted.**

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## Purpose:

The purpose of the proposed amendments to the Electoral Area Official Community Plan (OCP) Bylaws is to introduce policy statements that indicate the criteria against which the Regional District Board *may* choose to evaluate an amendment bylaw application for a "micro cannabis production facility".

## Background:

Public information meetings were held on July 31, 2019 (Kaleden), August 1, 2019 (Princeton), August 19, 2019 (Oliver) and August 21, 2019 (Naramata). Attendance at these meetings consisted of four (4) persons in Kaleden, two (2) persons in Princeton, four (4) persons in Oliver and approximately 37 persons in Naramata.

At its meeting of October 17, 2019, the P&D Committee considered all representations received in relation to this consultation process and resolved that "more information is required."

At its meeting of January 23, 2020, the P&D Committee of the Board further considered Bylaw No. 2858 and resolved that "staff be instructed to explore separate setbacks for agricultural properties abutting agricultural and residential land and come back with recommendations as to reasonable setbacks for intensive farming operations."

At its meeting of February 6, 2020, the P&D Committee of the Board resolved that Bylaw No. 2858 be amended prior to proceeding to first reading so that:

- *all amendments to the Electoral Area zoning bylaws be removed; and*
- *new policy statements regarding the criteria against which a bylaw amendment application proposing a micro cannabis production facility in a Rural zone will be assessed against be introduced into the Electoral Area Official Community Plan Bylaws.*

At its meeting of March 19, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaws and directed that a public hearing occur at the Board meeting of April 16, 2020.

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At its meeting of March 19, 2020, the Board subsequently resolved that all non-regulatory public hearings on land use matters be waived, and all regulatory public hearings be postponed until further notice in response to the on-going health crisis related to the COVID-19 virus.

On May 1, 2020, Ministerial Order M139, issued under the *Emergency Program Act*, enables local governments to hold a public hearing by means of electronic or other communication facilities.

An electronic public hearing on the amendment bylaws is scheduled to occur on June 18, 2020, ahead of the regular meeting of the Board.

All representations received to date that are seen to be related to Bylaw No. 2858, including those from external agencies, are included as a separate item on the Board agenda.

**Analysis:**

Further to the direction provided by the P&D Committee of the Board at its meeting of February 6, 2020, Bylaw No. 2858 is proposing to introduce OCP policies that speak to the criteria the Board would use when considering rezoning applications proposing to allow micro cannabis production facility. Specifically:

- i) the parcel under application has an area not less than 2.0 hectares;*
- ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;*
- iii) confirmation is provided that adequate water and servicing is available to the site; and*
- iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.*

Administration supports these amendments as they will provide direction to the public, property owners and staff on basic parameters a rezoning application to allow for a micro cannabis production facility should be addressing.

**Alternatives:**

- .1 THAT third reading of Zoning Amendment Bylaw No. 2858, 2019, be deferred.
- .2 THAT third reading of Zoning Amendment Bylaw No. 2858, 2019, be denied.

**Respectfully submitted:**



C. Garrish, Planning Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2858, 2020**

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**A Bylaw to amend the Electoral Areas "A", "C", "D", "E", "F", "H" and "I"  
Regional District of Okanagan-Similkameen Official Community Plan 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 Micro Cannabis Production Facilities Amendment Bylaw No. 2858, 2020."

**Electoral Area "A"**

2. The "Regional District of Okanagan-Similkameen, Electoral Area "A" Official Community Plan Bylaw No. 2450, 2008" is amended by:
  - i) adding a new Section 5.3.10 (Policies) under Section 5.0 (Resource Area) to read as follows:
    - .10 Will consider "micro cannabis production facility" proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
  - ii) adding a new Section 6.3.19 (Policies) under Section 6.0 (Agriculture) to read as follows and renumbering all subsequent sections:

- .19 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
  - i) the parcel under application has an area not less than 2.0 hectares;
  - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
  - iii) confirmation is provided that adequate water and servicing is available to the site; and
  - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iii) adding a new Section 7.3.10 (Policies) under Section 7.0 (Rural Holdings) to read as follows:
  - .10 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iv) adding a new Section 8.3.13 (Policies - General) under Section 8.0 (Residential) to read as follows:
  - .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

### Electoral Area “C”

- 3. The “Regional District of Okanagan-Similkameen, Electoral Area “C” Official Community Plan Bylaw No. 2452, 2008” is amended by:
  - i) adding a new Section 8.3.10 (Policies) under Section 8.0 (Resource Area) to read as follows:
    - .10 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;

- iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
  - ii) adding a new Section 9.3.27 (Policies) under Section 9.0 (Agriculture) to read as follows:
    - .27 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
  - iii) adding a new Section 10.3.10 (Policies) under Section 10.0 (Rural Holdings) to read as follows:
    - .10 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
  - iv) adding a new Section 11.3.13 (Policies - General) under Section 11.0 (Residential) to read as follows:
    - .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

#### Electoral Area “D”

4. The “Regional District of Okanagan-Similkameen, Electoral Area “D” Official Community Plan Bylaw No. 2603, 2013” is amended by:

- i) adding a new Section 8.2.8 (Policies) under Section 8.0 (Resource Area) to read as follows and renumbering all subsequent sections:
  - .8 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- ii) adding a new Section 9.2.26 (Policies) under Section 9.0 (Agriculture) to read as follows and renumbering all subsequent sections:
  - .26 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iii) adding a new Section 10.3.12 (Policies) under Section 10.0 (Rural Holdings) to read as follows:
  - .12 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

- iv) adding a new Section 11.2.21 (Policies - General) under Section 11.0 (Residential) to read as follows:

- .21 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

#### Electoral Area “E”

- 5. The “Regional District of Okanagan-Similkameen, Electoral Area “E” Official Community Plan Bylaw No. 2458, 2008” is amended by:

- i) adding a new Section 8.3.12 (Policies) under Section 8.0 (Resource Area) to read as follows:

- .12 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:

- i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

- ii) adding a new Section 9.3.19 (Policies) under Section 9.0 (Agriculture) to read as follows:

- .19 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:

- i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

- iii) adding a new Section 10.3.11 (Policies - General) under Section 10.0 (Rural Holdings) to read as follows:

- .11 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:

- i) the parcel under application has an area not less than 2.0 hectares;
  - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
  - iii) confirmation is provided that adequate water and servicing is available to the site; and
  - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iv) adding a new Section 8.3.13 (Policies - General) under Section 8.0 (Residential) to read as follows:
- .10 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

#### Electoral Area “F”

6. The “Regional District of Okanagan-Similkameen, Electoral Area “F” Official Community Plan Bylaw No. 2790, 2018” is amended by:
- i) adding a new Section 8.3.16 (Policies) under Section 8.0 (Resource Area) to read as follows:
    - .16 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
  - ii) adding a new Section 9.3.20 (Policies) under Section 9.0 (Agriculture) to read as follows:
    - .20 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and



- iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iii) adding a new Section 10.3.10 (Policies - General) under Section 10.0 (Rural Holdings) to read as follows:
  - .10 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iv) adding a new Section 11.3.13 (Policies – General Residential) under Section 11.0 (Residential) to read as follows:
  - .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

#### Electoral Area “H”

- 7. The “Regional District of Okanagan-Similkameen, Electoral Area “H” Official Community Plan Bylaw No. 2497, 2012” is amended by:
  - i) adding a new Section 9.3.13 (Policies) under Section 9.0 (Resource Area) to read as follows and renumber all subsequent sections:
    - .13 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
      - iii) confirmation is provided that adequate water and servicing is available to the site; and
      - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
  - ii) adding a new Section 10.3.19 (Policies) under Section 10.0 (Agriculture) to read as follows:

- .19 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
  - i) the parcel under application has an area not less than 2.0 hectares;
  - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
  - iii) confirmation is provided that adequate water and servicing is available to the site; and
  - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iii) adding a new Section 11.3.11 (Policies) under Section 11.0 (Rural Holdings) to read as follows:
  - .11 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iv) adding a new Section 12.3.9 (General Residential Policies) under Section 12.0 (Residential) to read as follows:
  - .9 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

Electoral Area “I”

- 8. The “Regional District of Okanagan-Similkameen, Electoral Area “I” Official Community Plan Bylaw No. 2683, 2016” is amended by:
  - i) adding a new Section 8.3.10 (Policies) under Section 8.0 (Resource Area) to read as follows:
    - .10 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
      - i) the parcel under application has an area not less than 2.0 hectares;
      - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;

- iii) confirmation is provided that adequate water and servicing is available to the site; and
  - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- ii) adding a new Section 9.3.17 (Policies) under Section 9.0 (Agriculture) to read as follows and renumbering all subsequent sections:
  - .17 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iii) adding a new Section 10.3.12 (Policies - General) under Section 10.0 (Rural Holdings) to read as follows:
  - .12 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:
    - i) the parcel under application has an area not less than 2.0 hectares;
    - ii) the maximum size of the plant surface cultivation area is 200.0 m<sup>2</sup>;
    - iii) confirmation is provided that adequate water and servicing is available to the site; and
    - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- iv) adding a new Section 11.3.13 (Policies - General) under Section 11.0 (Residential) to read as follows:
  - .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).

READ A FIRST AND SECOND TIME this 19<sup>th</sup> day of March, 2020.

PUBLIC HEARING held on this 2<sup>nd</sup> day of July, 2020.

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

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

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

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

**Lauri Feindell**

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**Subject:** FW: Bylaw No. 2858 (Micro Cannabis Production Facilities)

**Subject:** FW: Bylaw No. 2858 (Micro Cannabis Production Facilities)

**From:** Coral Brown <  
**Sent:** June 17, 2020 3:51 PM  
**To:** Planning <[planning@rdos.bc.ca](mailto:planning@rdos.bc.ca)>  
**Subject:** Re: Bylaw No. 2858 (Micro Cannabis Production Facilities)

I am writing to you on behalf of the man, Mr. Colin Gibson, right next door to the Green Mt. Health Facility Marijuana Facility.

Do you have a clause in the bylaw about the bright night lights which can cause sleep disturbances for neighbours.

These facilities must add black out measures to their Green Houses in order to be tolerated.

Coral Brown

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Virus-free. [www.avast.com](http://www.avast.com)





February 18, 2020

File No: X2019.005-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. X2019.005-ZONE (Cannabis)

Dear Christopher Garrish,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the OCP bylaw amendment No.2858. We have reviewed the documentation you have provided. From an agricultural perspective we can offer the following comments:

- Ministry staff note that with this proposal:
  - a required site-specific rezoning for a micro cannabis production facility may place an additional burden on a potential agricultural operator, unlike for other agricultural sectors;
  - if any proposed micro processing cannabis facilities in the ALR through site-specific rezoning procedures as described are not approved by the Board, this may lead to a potential inconsistency with ALR Use Regulation section 8, which identifies certain conditions of cannabis production as a farm use in which local governments can not prohibit, and any accompanying issues.
- RDOS may wish to further consider allowing micro processing cannabis facilities on the ALR, through their zoning bylaw, and consistent with the *ALC Act*, to provide a lesser burden for the interested ALR agricultural operator.

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 Agrolgist  
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)

Gregory Bartle  
Land Use Planner  
B.C. Ministry of Agriculture  
Phone: (778) 974-3836  
Email: [Gregorv.Bartle@gov.bc.ca](mailto:Gregorv.Bartle@gov.bc.ca)



**Interior Health**  
Every person matters

February 28, 2020

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

**RE: File No. X2019.005-ZONE; Bylaw: 2858**

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Thank you for the opportunity to provide a health perspective regarding the above referenced application. It is our understanding that the proposed OCP amendments identify site specific rezoning criteria for micro cannabis production facilities. We have reviewed the application with a Healthy Communities Development lens. The following comments are noted and should be given consideration regarding the amendments:

**Drinking Water Supply:**

The water supply system that services the facility may be subject to the approval and permitting requirements of the BC Drinking Water Protection Act and Regulation.

**Waste Water Disposal:**

Domestic Sewage includes washroom, food preparation, dishwashing and showering waste. This falls under the BC Sewerage System Regulation and is enforced by Interior Health. Waste water generated by these facilities may not be considered "domestic sewage." Industrial Waste is managed by the Ministry of Environment, under the Environmental Waste Management Act, Municipal Sewage Regulation.

**Location:**

Industrial operations are expected to follow best practices for protecting the environment and public health. Best practices, however, may not be adequate to contain all odors from the operation. As such, proximity and impact on adjacent land uses need to be considered:

- proximity to residences and schools;
- the size and configuration of the property, including access to the property;
- proposed scale of the production facility and accessory usage;
- potential noise, glare and vibration issues;
- air quality – prevailing winds, ventilation, odors.

**Agricultural Land:**

Consider food security when cannabis production is a proposed use for agricultural land. Cannabis production does not support food security. While soil based cannabis production does not contribute to food security, the land is available for when food production will be needed in the future (should the cannabis production not render the land incapable of food production). Construction of indoor cannabis growing facilities contributes to the loss of agriculture land for future food production.

Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency supports healthy eating.

Bus: 250-469-7070 x12287  
[tanya.osborne@interiorhealth.ca](mailto:tanya.osborne@interiorhealth.ca)  
[www.interiorhealth.ca](http://www.interiorhealth.ca)

POPULATION HEALTH  
505 Doyle Avenue  
Kelowna BC V1Y 0C5



RDOS  
February 28, 2020

Page 2 of 2

Food self-sufficiency in BC is increasingly important as extreme weather will affect production in California, which is currently where 40%–50% of BC's supply of fruits and vegetables comes from.

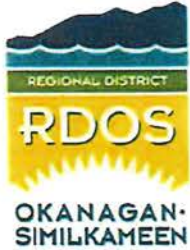
The legalization of cannabis presents both an opportunity and challenge for local governments in the development of healthy, vibrant communities. Interior Health – Healthy Communities welcomes the opportunity to collaborate with the Regional District of Okanagan-Similkameen around education and awareness efforts.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please feel free to contact me at 250-469-7070 x12287.

Sincerely,



Tanya Osborne, BAHS  
Community Health Facilitator  
Healthy Communities  
Interior Health Authority



# 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.: X2019.005-ZONE

FROM: Name: Adam Sexsmith (please print)  
Street Address: [Redacted]

RE: Proposed Electoral Area Official Community Plan Amendment Bylaw No. 2858  
Micro Cannabis Production Facility Policies

My comments / concerns are:

- I do support the proposed textual amendments to the OCP bylaws.
- I do support the proposed textual amendments to the OCP bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the OCP bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

~~I support the amendments for micro cultivation and processing for ALR land. Although I agree that post-harvest activities like Drying, curing, storage, packaging, and extraction be inside a building or structure, I would respectfully like to strongly suggest that outdoor cultivation or temporary structures be used for cultivation ie: hoop houses(in a secured area)to be able to utilize the natural sun and be able to keep costs of operations down. The LPs are making deals at 50cent per gram and micro cultivatorsust be able to produce for approximately 10cents per gram to be able to compete.~~

~~To combat imminent commoditization of raw product materials, please strongly consider not forcing these into bunkers or warehouse type operations.~~

~~Thank you very much for your time and consideration moving forward to help ensure a successful model.~~

Feedback Forms must be completed and returned to the Regional District no later than March 6, 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.

## Lauri Feindell

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**Subject:** FW: Amendment Bylaw (No. 2858) Health Canada under the federal "micro cultivation" license

**Attachments:** Understanding Cannabis Micro-cultivation copy.pdf; ATT00001.htm; RDOS BYLAW 2858,2019.pdf; ATT00002.htm

**From:** Chris Couzelis <[info@rdos.bc.ca](mailto:info@rdos.bc.ca)>  
**Sent:** January 29, 2020 8:31 AM  
**To:** Info <[info@rdos.bc.ca](mailto:info@rdos.bc.ca)>  
**Subject:** Amendment Bylaw (No. 2858) Health Canada under the federal "micro cultivation" license

### Attention: Planning & Development committee

I am submitting the attached document for your review and information regarding my input to the Draft Zoning Amendment of ByLaw No 2858. I was not aware of the prior meetings, and had I known, would have been very interested to attend.

One observation in the Bylaw amendment, [at 2.ii)7.27]) proposes to limit the building facility to not exceed 400.0 m<sup>2</sup>.

In this vein, I would state by limiting the building size, it runs counter-productive to multi-purposing the building, with other than Cannabis crops. In our case and at our farm, we are in the early stages of developing a seasonal garlic crop. This crop is planted in late fall and harvested in mid-July, each year. Currently, we do not have sufficient processing buildings on the property for the current harvest and if approved to seek a Micro Cultivation License, the option of constructing a building used for processing our food crop, would be economical and efficient.

Health Canada (in our opinion) has well thought out the restricted canopy growing area for Micro Cultivation @ 200.0 m<sup>2</sup>. With Health Canada not specifying building size, demonstrates forward thinking, as it recognizes a new farm building constructed, could have multiple uses. By limiting farm building size increases the risk of square peg and round hole, misfits. I am certain, there will be other RDOS applications for Micro Cultivation and those with existing farm building is in excess of 400m<sup>2</sup>, are disqualified misfits.

Overall, the Micro Cultivation license is a good thing for small farmers like ourselves and in time we will be contributing to a premium craft industry. And with growth, could reduce the illicit production of cannabis.

My request is to not limit the building size, although if it is an imperative part of the amendment, to take into consideration a size of at least 4 times the canopy growing area, as defined in the Health Canada regulations.

I am confident the RDOS in its progressive thinking will recognize the positive impacts and benefits of having many micro-cultivation operations legally operating, within the RODS.

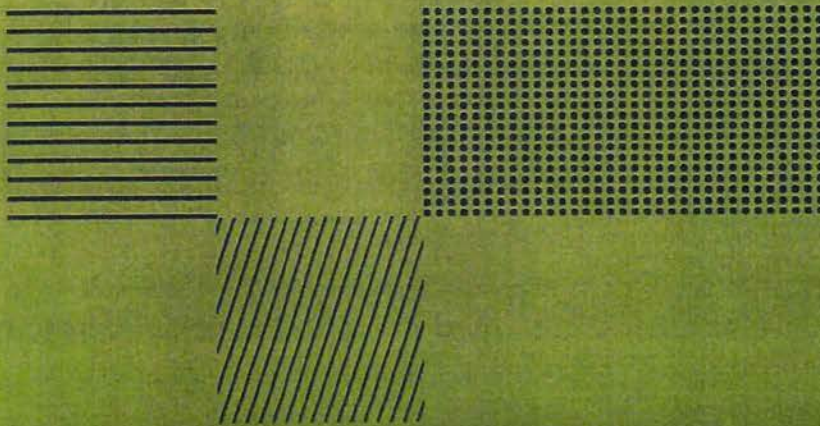
# Understanding Cannabis Micro-cultivation for Municipalities

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Susan Chapelle, MBA *Director Government Relations and Affairs*  
Patrick Mulholland, R.P. Bio. *Government Relations Strategist*

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2019



# Introduction

With the passing of the Cannabis Act in October 2018, Canada became the second country in the world to legalize the production and use of cannabis for the recreational market. The introduction of this legislation comes with the growing pains of understanding, enabling and regulating this new industry, and building the institutional infrastructure. Much of this work will fall to the municipalities who are responsible for land-use zoning, bylaw and law enforcement.

Understanding the impacts and benefits of cannabis micro-cultivation for municipalities opens new doors for tax revenue, local economic development and land use planning. The benefits of a vertically integrated economy and the many ancillary businesses that are being created can be a powerful economic driver for small communities. ■



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# Existing Small Cannabis Growers are an Integral Part of the BC Economy

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**Cannabis cultivation in British Columbia is not new. Cannabis has been important to communities in British Columbia. In the Kootenays, it is estimated that up to 30% of the local economy has been driven by cannabis cultivation (Paris, 2018). Small communities in B.C. that have had downturns in the resource sector have quietly relied on the craft cannabis industry.**

Craft growers have been operating in our communities for many years and have built an industry with a global reputation. Generally, people are unaware of the micro-cultivation facilities that exist all around them. These small growers are your friends and neighbours who care about their communities and want to contribute by entering the new, legal framework.

It wasn't the large corporations that built the cannabis industry in BC, it was craft growers and advocates for access to medicinal cannabis. It is time to recognize their achievements and allow these craft producers to enter this burgeoning market. Failing to acknowledge these craft growers with appropriate land use could lead to rural BC communities taking a financial hit. ■



# Purposes of the Cannabis Act

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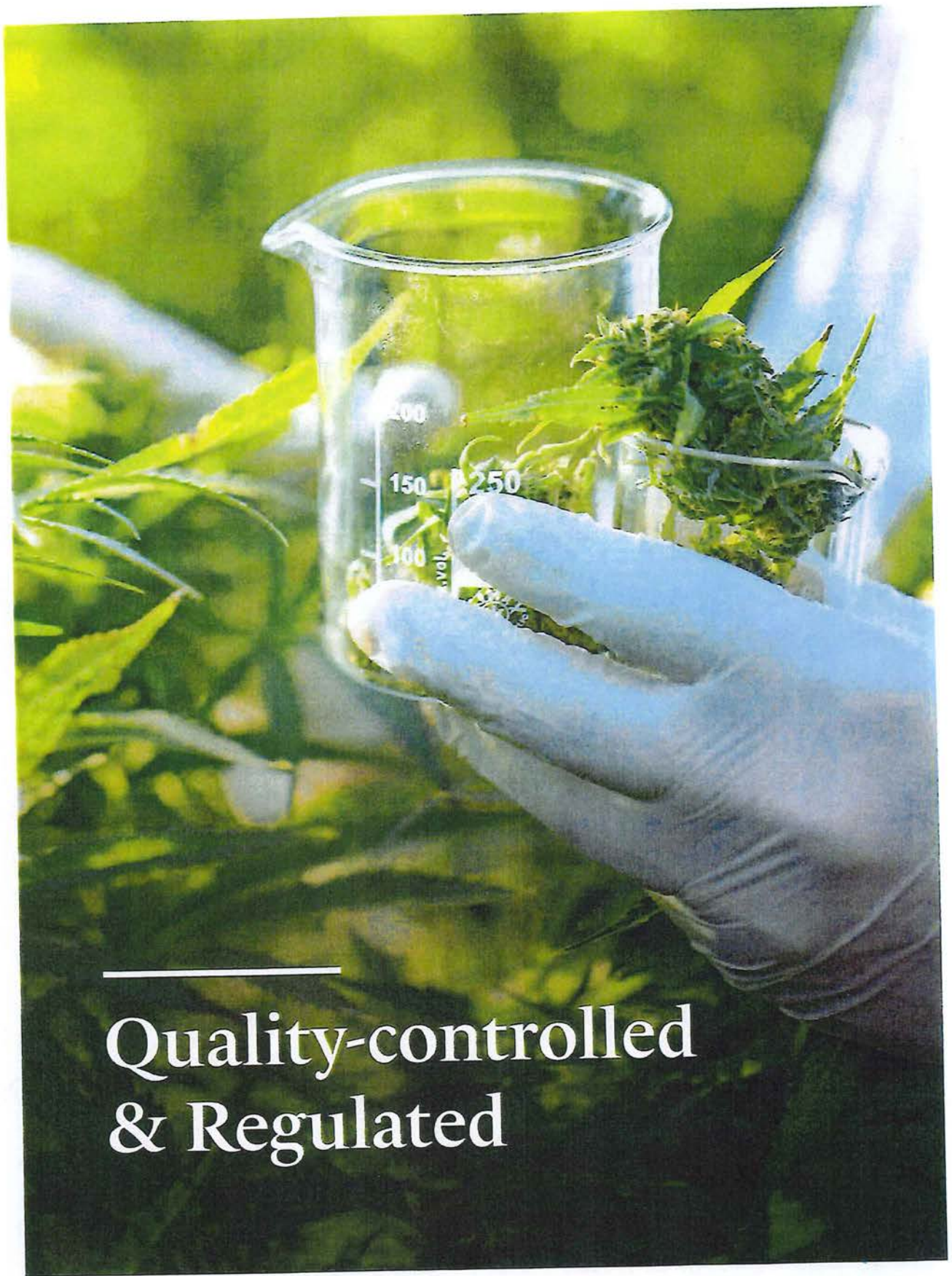
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**The Cannabis Act was established by the Government of Canada with several purposes in mind.**

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1. Protecting young persons by restricting access to cannabis
2. Protecting young persons from inducements to use cannabis
3. Provide for the licit production of cannabis to reduce illicit activities
4. Deter illicit activities in relation to cannabis
5. Reduce the burden on the criminal justice system
6. Provide access to a quality-controlled supply of cannabis
7. Enhance public awareness of the health risks associated with cannabis use

**Safety & Awareness  
Are Key**



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Quality-controlled  
& Regulated



# Health Canada Regulatory Compliance is Different Under the Cannabis Act

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Prior to the establishment of the Cannabis Act, there was little regulatory oversight into how cannabis growers operated. In order to achieve the goal of providing access to a safe, quality-controlled supply of cannabis, Health Canada has established a stringent regulatory compliance program which includes:

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- Security clearances and site-specific security requirements
- Facility inspections
- Good Production Practices (GPP)
- Odour control and mitigation requirements
- Record keeping audits, Seed to Sale tracking, and inventory verification to prevent diversion
- Product sampling and analysis to ensure product safety
- Product recall and complaint procedures

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# Classes of Licences Established in the Cannabis Act

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## Cultivation Licences

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### Standard Cultivation Licence

- There is no limit on the size of the growing area
- Facilities range in size from 2000m<sup>2</sup> (20000 ft<sup>2</sup>) to 200000m<sup>2</sup> (2,000,000 ft<sup>2</sup>)

### Micro-Cultivation Licence

- Limited to 200 m<sup>2</sup> (2100 ft<sup>2</sup>) of growing area

### Nursery Licence

- No limit on the size of the growing area for vegetative growth
- Limited to 50m<sup>2</sup> (~500 ft<sup>2</sup>) of growing area for flowering growth

## Processing Licences

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### Standard Processing Licence

- No limit on the amount of cannabis that can be processed

### Micro Processing Licences

- Limited to possession of 600kg of cannabis in a year

### Analytical Testing Licence

### Research Licence

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# Micro-cultivation Licences are Different

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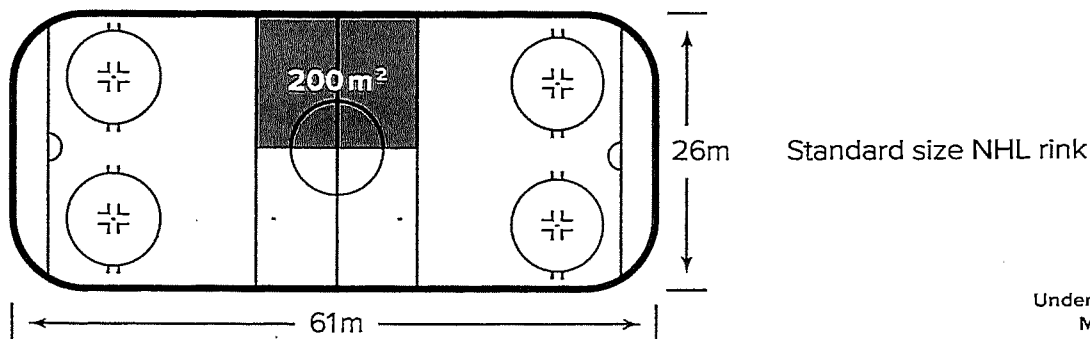
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**Micro-cultivation licences were created by Health Canada at the request of the B.C. government as a way of allowing the **EXISTING** craft cannabis growers a route to join the legal framework of the Cannabis Act.**

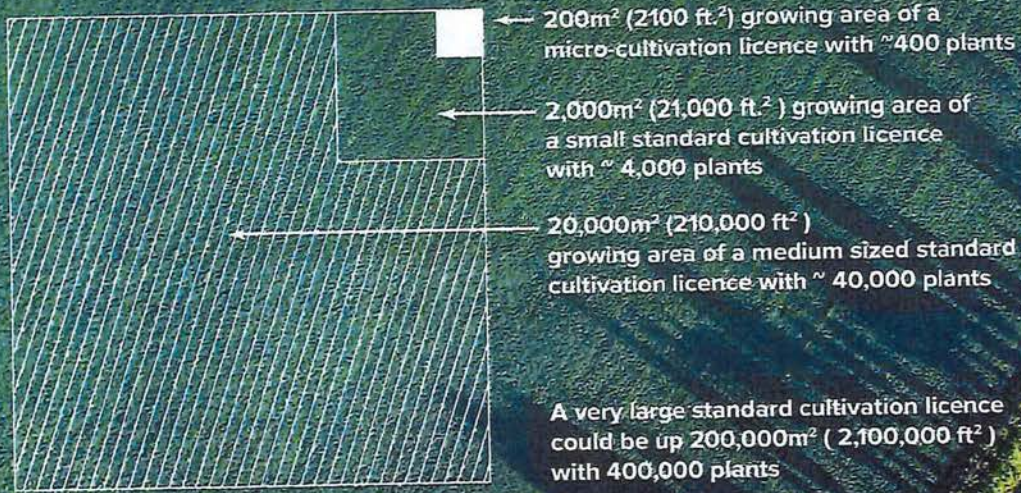
The goals of the Micro-cultivation licence are:

- **Prevent monopolization of the cannabis industry by large corporations by allowing individuals and small businesses who built the cannabis industry into the regulated framework**
- **Provide for the licit production of cannabis to reduce illicit activities by allowing existing small growers to join the legal framework**

A Micro-cultivation licence is very different than a standard cultivation licence. Growers utilize a very small footprint. The canopy area of a micro-cultivation is only 200m<sup>2</sup> which is about the size illustrated below. ■



In contrast a Standard Cultivation licence could have a growing area up to 200,000 m<sup>2</sup> or 20 Ha. An entire micro-cultivation facility including fencing and parking will only be about 1000 m<sup>2</sup> or 0.1 Ha.



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# Economic Benefits of Micro-cultivation

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**Every community has dozens and, in some cases hundreds of micro-cultivators operating within their community. These growers want to move out of the shadows and become part of the new legal framework and be accepted as local small businesses that contribute to the social fabric of their communities.**

As these facilities upgrade to meet the standards required by the Cannabis Act, they will have to engage with a large number of local contractors such as:

- Building contractors
- Electricians, HVAC Specialists, Plumbers
- Computer programmers
- Security companies
- Laboratory testing companies

# Economic Benefits of Micro-cultivation

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Continued —

In B.C. it is estimated that there are as many as 6000 of these micro-cultivators operating under the Federal program (Shore, 2019). If we look at the cumulative effects of licensing, just 10% or 600 of these existing micro-cultivators, we can see how small rural communities that are suffering from a downturn in the resource sector can benefit:

	Each Micro-cultivator	600 Micro-cultivators
<b>Amount of land used</b>	0.1 Ha	60 Ha
<b>Direct Full Time Jobs</b>	4	2400
<b>Local Wages <sup>1</sup></b>	\$200,000	\$120M
<b>Gross Revenue to Growers <sup>2</sup></b>	\$2.4M	\$1.4B

1. Assuming a \$25/hr. wage

2. Assumes 400kg/yr./micro of production and a retail price of \$12/g which is the mid-price for premium flower as listed on the BCLDB website for premium cannabis. Wholesale price to growers is assumed to be 50% of retail

Municipalities will also benefit from:

- Increased municipal revenue to communities through permits and fees
- Reduced bylaw enforcement and policing costs
- Reduced fire and life safety risks

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# Cannabis Micro-cultivation in the ALR

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**On Feb.22, 2019, the Agricultural Land Commission clarified that all forms of cannabis production are a ‘farm-use’, and that application to the ALC was not required for growing cannabis. The ALC does allow local governments to limit cannabis production in certain forms through local zoning bylaws.**

The ALC specified that local government **may not** prohibit cannabis production if it is produced:

- Outdoors in a field
- Inside a structure that has a base entirely consisting of soil
- Inside a structure built before July 13, 2018 for the purpose of growing crops

Due to concerns that large cannabis companies are accessing farmland to build huge industrial scale greenhouses for cannabis production, some municipalities have taken the path of prohibiting all forms of cannabis production in the ALR except for that which the ALC allows. ■

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# Cannabis Micro-cultivation in the ALR

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Continued —

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## **This does not acknowledge the difference in scale of operations between Micro-cultivation licences and Standard cultivation licences**

Limiting cannabis production to soil based within the ALR effectively prohibits micro-cultivation for the following reasons:

- Micro-cultivators are craft growers who tend to each plant by hand to grow the high-quality flower that B.C. has become world famous for.
- Most cannabis grown outdoors or in greenhouses with a soil base is only suitable for extraction
- Health Canada has strict limits for microbial and pesticide contamination for flower, which are difficult to achieve with a soil base
- Outdoor cannabis may be subject to contamination from neighbouring crops
- Health Canada requires licencees to use Good Production Practices (GPP) which include stringent sanitation practices that are extremely difficult to achieve with a soil base



## Micro-cultivation can Help Support B.C. Farmers

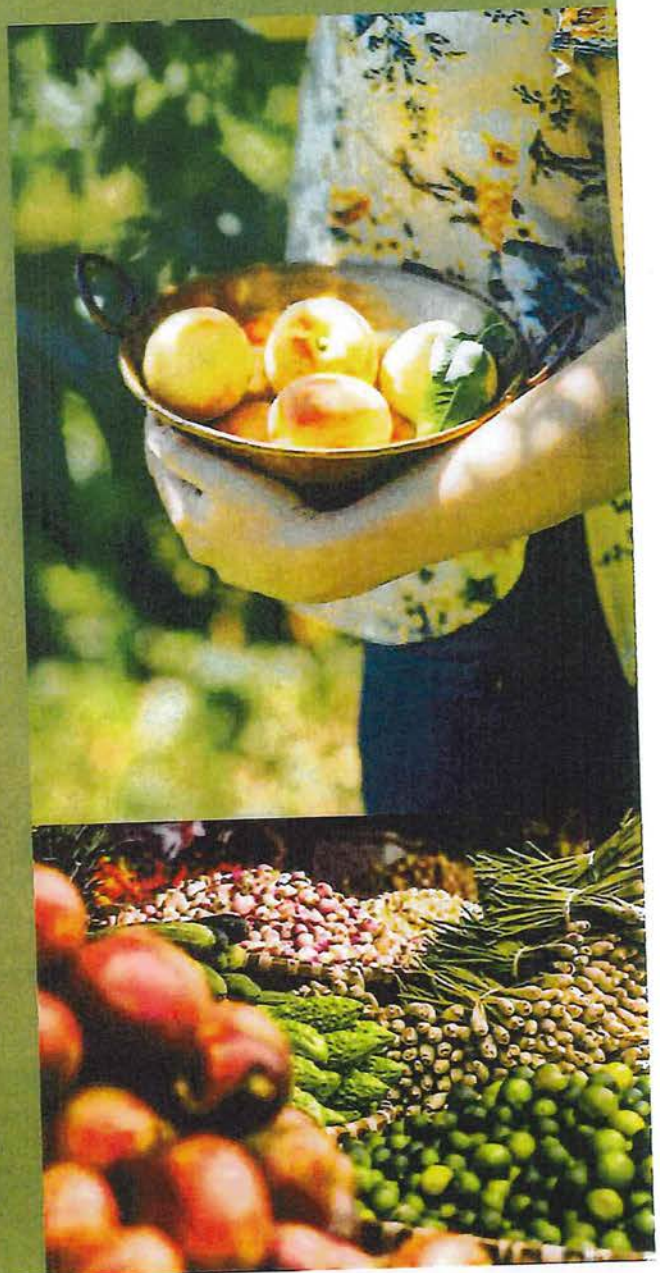
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**Municipalities are rightfully concerned about the use of agricultural land for large scale cannabis production. The conversion of large-scale greenhouses that were built for food production on ALR land into cannabis production facilities has caused municipalities to be concerned. Some believe that cannabis production on ALR land is really just about getting cheaper agricultural land for industrial use. (Kwan, 2019)**

Not all farmland is created equal and not all farmland is used for food production. The ALR represents about 5% of the land area in B.C., but only about 50% of the ALR is suitable for a range of crops. ALR land is used for growing many different crops including flowers, ornamental plants, shrubs, trees, hops and grape vines. Farming is a complicated business with huge capital expenditures and many variables. Farmers should have the right to grow the crops that they choose in the way that they choose to grow.

ALR land is used for a variety of other activities including the Oil and Gas industries, without disrupting its use for agricultural purposes.

Micro-cultivators are getting caught in the crossfire of the ALR debate. In reality, micro-cultivators are already in many outbuildings on ALR land. Allowing micro-cultivators to operate legally will have no effect on the availability of farmland for agricultural use. The additional income that this year-round crop provides to traditional food farmers enhances the viability of these farmers and allows them to continue to produce other crops that are becoming economically marginal due to cheaper production internationally. ■



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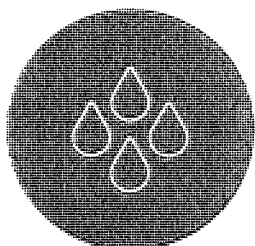
# Cannabis Production and Infrastructure

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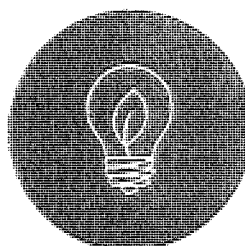
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**Municipalities have expressed concern regarding the burden that cannabis production places on local infrastructure. Micro-cultivators, due to their small size, do not place the same burden on municipal infrastructure that large corporate standard cultivators do. Micro-cultivators are focused on sustainable cannabis cultivation.**



## Water

Cannabis plants need 15-20 litres of water per day for each plant. For a micro-cultivator with 500 plants, this amounts to 7500-10000 litres per day. This is a fraction of what standard cultivators are using. Micro-cultivation facilities are developing effective water conservation strategies such as rain water collection, and reusing water from fertigation systems and dehumidifiers.



## Electricity

This is the number one input for micro-cultivation facilities. A micro-cultivation facility will use only 1% of the energy used by a medium sized 20,000 m<sup>2</sup> facility. New developments in LED technology and the use of hybrid greenhouse facilities that still utilize sunlight are all helping to reduce this cost.

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# Cannabis Production and Infrastructure



Continued —




## Wastewater

Micro-cultivation facilities are striving to reduce the discharge of waste water through the use of recirculating hydroponic systems, which recycle fertigation water.



## Organic Waste

Composting is the preferred method of disposal for the organic waste that is produced by cultivation operations. Almost all communities in B.C. have access to a commercial composting operation. It does not need to be disposed of in landfills.



**Micro-cultivators are focused on sustainable cannabis cultivation**

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# Cannabis Production and Odours

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**Some municipalities have been having problems with odour complaints due to large standard cultivation operations. Cannabis odours are created by the plant's essential oils (terpenes) that are produced during the flowering phase. There are over 200 compounds that have been identified as terpenes that can create smells ranging from pine and citrus to earthy and skunky.**

The problem is many large cultivators with 100's of thousands of plants ignored this problem. Micro-cultivators may only have a few hundred plants, and the reality is that they are already controlling their odours, because no one realizes they already exist in neighbourhoods, or industrial areas.

Public Health Ontario completed a literature search that found no studies associating health effects with these odours. However, odours can still be perceived as unpleasant even if they don't have any health effects associated with them, and this can be a source of irritation to nearby residents.

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**As per The Cannabis Act SOR 2018-144 s.85**  
**The building or part of the building where**  
**cannabis is produced, packaged, labeled and**  
**stored must be equipped with a system that**  
**filters air to prevent the escape of odours**

**Under the Cannabis Act, Health Canada has**  
**mandated that producers control their odour.**

Many industries have to control odours, so this is not something new. There are a variety of effective odour mitigation systems including: Carbon Filters, Biofilters, and Non-thermal plasma technology. Municipalities can require via their bylaws that an effective odour management plan be in place in order to prevent this from being a problem.

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# The Municipal Role in Implementing the Cannabis Act

◇◇◇◇◇◇◇◇

**Municipalities have a shared responsibility in the implementation of the institutional infrastructure that supports the implementation of the Cannabis Act. Municipalities, Provincial and Federal governments all have the same desire; to reduce crime and the costs associated with illegal cannabis activities. It is only through enabling micro-cultivation licences that we can reduce illegal activities associated with cannabis production. Municipalities need to work with the Federal government to help achieve the goals of:**

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Reducing and deterring Illicit activities in relation to cannabis.

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Reducing the burden on the criminal justice system.

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# The Municipal Role in Implementing the Cannabis Act

○○○○○○

Continued –

21

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Prohibition has not worked in reducing the illegal activities associated with cannabis. If the response is; “we don’t want production in any form in our communities”, then the underground economy will continue unabated. Municipalities can affect a positive change without the negative side effects by:

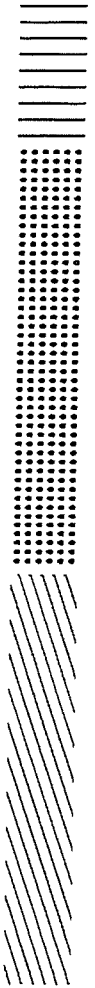
- Allowing indoor Micro-cultivation licences on ALR land up to 1000m<sup>2</sup> total facility size which aligns with ALC regulations regarding fill. This will allow Micro-cultivators to operate, while still protecting agricultural land and food production
- Specifying micro-cultivation and processing as an allowed use in current commercial (C) and industrial (I) zones
- Allowing micro-cultivation in Rural Residential (RR) areas with lot sizes greater than 2 Ha
- Developing Comprehensive Development (CD) zones that would allow for technology hubs to be created. This would allow for micro-cultivation, processing, extraction, packaging and lab services to support the entire vertical cannabis economy.



## Conclusion

Canada's cannabis industry exists because of the hard work of local craft cannabis cultivators. B.C. has a history of supporting local agriculture and 'craft' culture, through its support of local wineries and beer producers.

If you do not allow local micro-cultivators to enter the legal framework, then you are encouraging the consolidation of the cannabis industry in the hands of a few large corporations, not unlike the alcohol industry after prohibition ended. There will be few benefits to small communities across B.C. in this scenario, and the craft growers will be marginalized and pushed to the sidelines or choose to remain in the illicit market. By supporting your local growers through policy and regulations, you are building a safe and sustainable new industry. ■



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## References

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Presented by



CSE: CRFT





Representations Received at  
October 17, 2019 –  
Planning and Development Committee





Your File #: X2019.005-  
ZONE  
(Amendment  
Bylaw No. 2849)  
eDAS File #: 2019-01666  
Date: April 2, 2019

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

Attention: Lauri Feindell, Planning Secretary

**Re: Proposed Text Amendment Bylaw 2849, 2019 for:  
Electoral Areas, A, C, D, E, F, G, H, 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  
District Development Technician

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





April 29, 2019

File No: X2019.005-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. X2019.005-ZONE

Dear Christopher Garrish,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the bylaw referral X2019.005-ZONE (Home Occupation Industry & Cannabis Zoning) regarding Bylaw No. 2849, 2918 for Electoral Areas A, C, D, E, F, G, H and I. I have reviewed the documentation you have provided. From an agricultural perspective I can offer the following comments:

- Part 2 of the ALR Use Regulation lists farm uses that local governments may not prohibit; including cannabis production criteria in Section 8.
- Ministry staff recognise that the proposed zoning bylaw text on 'Prohibited Uses of Land, Buildings and Structure' specifically excludes cannabis production as described in the old ALR USP Regulation.
- For clarity and consistency Ministry staff encourage keeping cannabis production in the definition of agriculture with reference that it must be done in accordance with Section 8 of the new ALR Land Use Regulations.
- It appears that the only zoning bylaw provisions that will permit cannabis production on the ALR will be as a 'home industry'. While Ministry staff acknowledge a local government's authority to regulate use on the ALR, there are concerns that this zoning bylaw doesn't clearly identify where on the ALR cannabis production as described in section 8 of the ALR Use Regulation is permitted.
- For example, as currently drafted, the proposed Electoral Area A zoning bylaw section 7.18.3 (for home industry) appears to not permit the growing of cannabis outdoors in a field. This would appear to be inconsistent with the ALR Use Regulation.
- Ministry staff also suggest confirming with Health Canada that if the intent is to provide a path forward for micro cultivation licenses, the provisions as described for 'home industry' allow for this type of cannabis production at the federal level.
- Ministry staff support the proposed inclusion of cannabis production as a permitted use in the Regional District's Electoral Area General Industrial Zones.

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)



Gregory Bartle, Land Use Planner  
B.C. Ministry of Agriculture  
Phone: (778) 974-3836  
Email: [Gregory.Bartle@gov.bc.ca](mailto:Gregory.Bartle@gov.bc.ca)

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



**From:** Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>  
**Sent:** March 25, 2019 11:17 AM  
**To:** Planning <planning@rdos.bc.ca>  
**Subject:** FW: Bylaw Referral X2019.005-ZONE

Lauri

Thank you for the referral.

The ALC has no objection to the proposed bylaw as noted on the attached.

Regards

Martin Collins  
Director of Policy and Planning  
Agricultural Land Commission  
#201, 4940 Canada Way, Burnaby, BC V5G 4K6  
Phone: 604-660-2554  
[martin.collins@gov.bc.ca](mailto:martin.collins@gov.bc.ca)



# RESPONSE SUMMARY

## AMENDMENT BYLAW NO. 2849

- 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. Palle

Signed By: GERYLL WALLA

Agency: Kaleden Irrigation District

Title: Administrator

Date: April 24, 2019.





**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033  
www.alc.gov.bc.ca

July 4, 2019

Reply to the attention of Sara Huber  
ALC Planning Review: 46671  
Local Government File: X2019.005-ZONE

Christopher Garrish  
Regional District of Okanagan-Similkameen  
cgarrish@rdos.bc.ca

**Delivered Electronically**

Re: **RDOS Electoral Area Official Community Plan and Zoning Amendment Bylaw Nos. 2840 and 2858 (Home-Industry Occupation and Cannabis Production)**

Thank you for forwarding a draft copy of Regional District of Okanagan Similkameen (RDOS) Electoral Area Official Community Plan (OCP) and Zoning Amendment Bylaw Nos. 2840 and 2858 (the "Bylaws") for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaws is consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the "General Regulation"), the Agricultural Land Reserve Use Regulation (the "Use Regulation"), and any decisions of the ALC.

The Bylaws seek to update the regulations related to "home industry" and "home occupation" uses as well as those related to the production of cannabis, specifically:

**Bylaw No. 2849**

- Introduces policies into the Electoral Area OCP Bylaws that support the development of large-scale cannabis production facilities on lands designated Industrial (I), and not in other land use designations;
- Introduces new definitions of "cannabis production, indoor" and permit this as a use in the General Industrial (I1) and Heavy Industrial (I2) zones;
- Introduces a new regulation prohibiting "cannabis production, indoor" in all other zones unless occurring outside in a field or in a structure in the ALR with a base consisting entirely of soil (with certain exceptions for columns or posts supported by a concrete footing);
- Clarifies that the setbacks for greenhouses and cannabis production facilities from a parcel line are to be 15.0 metres;
- Introduces a new definition of "cannabis production, outdoor" and amend the definition of "agriculture" to include this use as a form of "agriculture";
- Amends the definitions of "home industry" and "home occupation" to make these consistent across Electoral Area zoning bylaws;

If you have any questions about the above comments, please contact the undersigned at 604-660-7019 or by e-mail ([Sara.Huber@gov.bc.ca](mailto:Sara.Huber@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Regional Planner

Enclosure: Bylaw Referral Sheet (Home Occupation Industry Cannabis)

CC: Ministry of Agriculture – Attention: Christina Forbes

46671m1



June 25, 2019

File No: X2019.005-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. X2019.005-ZONE

Dear Christopher Garrish,

Thank you for providing the B.C. Ministry of Agriculture the opportunity to comment on the bylaw referral X2019.005-ZONE (Home Occupation Industry & Cannabis Zoning) regarding Bylaw No. 2849 and 2858 for the South Okanagan Electoral Areas. I have reviewed the documentation you have provided. From an agricultural perspective I can offer the following comments:

- Ministry staff note that as per our previous recommendation that “cannabis production, outdoor” has been added to the definition of agriculture.
- The Strengthening Farming team has identified the definition of agriculture to be problematic with respect to processing as it prohibits processing of farm products in the Agricultural Land Reserve (ALR). As per Section 11(2) of the *ALR Use Regulation*, processing is a permitted farm use in the ALR if at least 50% of the farm product is produced on the agricultural land on which the farm product is produced.
- Ministry staff support the proposed inclusion of cannabis production as a permitted use in the Regional District’s Electoral Area General Industrial Zones.
- It appears the proposed changes with respect to cannabis are partially consistent with the *ALR Use Regulations*. The proposed changes are consistent with Section 8(1) but by banning the indoor cannabis production in the ALR (notably, the concrete bottomed industrial style) the RDOS may have also inadvertently banned the production methods as listed in Section 8(2) of the *ALR Regulations* with respect to grandfathering of existing structures.
- The Ministry’s Guide for Bylaw Development in Farming Areas provides a maximum setback for greenhouses as 4.5m from interior side and rear lot lines and 7.5m from front and exterior side lot lines. The proposed bylaw has a 15.0m setback to lot lines. Given that this bylaw appears to be driven towards cannabis production these setbacks may be overly restrictive to greenhouses used in production of other crops that may not have the same odour concerns.



## RESPONSE SUMMARY

### AMENDMENT BYLAW NOS. 2849 & 2858

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: P. S. Abrahamian

Signed By: SUBRA PALIAPPA

Agency: SD 53

Title: SECRETARY TREASURER

Date: 4<sup>th</sup> June 2019





**Interior Health**  
Every person matters

June 18, 2019

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

**RE: File No. X2019.005-ZONE; Bylaw: 2849 & 2858**

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Thank you for the opportunity to provide comments for consideration regarding the above referenced application. It is our understanding that amendments are to be made to the Electoral Area Official Community Plan and Zoning Bylaw, to allow for the production of cannabis within specific areas. We have reviewed the application with a Healthy Communities Development and Healthy Food Systems lens. The following comments are noted and should be given consideration regarding cannabis production facilities:

#### Healthy Communities Development

1. Location:  
Industrial operations are expected to follow best practices for protecting the environment and public health. Best practices, however, may not be adequate to contain all odors from the operation. As such, proximity and impact on adjacent land uses need to be considered:
  - proximity to residences and schools
  - The size and configuration of the property, including access to the property
  - Proposed scale of the production facility and accessory usage
  - Potential noise, glare and vibration issues
  - Air quality – prevailing winds, ventilation, odors

*If development is NOT on a Community Drinking Water System and/or Community Waste Water Disposal (Sewer):*

2. Drinking Water Supply:  
The water supply system that services the facility may be subject to the approval and permitting requirements of the BC Drinking Water Protection Act and Regulation.
3. Waste Water Disposal:  
Waste water generated by these operations is not considered “domestic sewage.” Domestic Sewage would include washroom, food preparation, dishwashing and showering waste. Interior Health enforces the BC Sewerage System Regulation.  
Industrial Waste is managed by the Ministry of Environment, under the Environmental Waste Management Act, Municipal Sewerage Regulation.

#### Healthy Food System

Interior Health has an interest in protecting agricultural land for food production and increasing the capacity of local food systems to support food security. Food security is vital to the health and well-being of a community and is the foundation for healthy eating. Farmland preservation helps to maintain a level of food production that

Bus: 250-469-7070 x12287  
[tanya.osborne@interiorhealth.ca](mailto:tanya.osborne@interiorhealth.ca)  
[www.interiorhealth.ca](http://www.interiorhealth.ca)

POPULATION HEALTH  
505 Doyle Avenue  
Kelowna BC V1Y 0C5





contributes to food self-sufficiency, and food self-sufficiency supports healthy eating. Food self-sufficiency in BC is increasingly important as extreme weather will affect production in California, which is currently where 40%–50% of BC's supply of fruits and vegetables comes from.

The proposed amendment to bylaw No. 2849 appears to support food security and has the potential to preserve agriculture land for future food production by:

- prohibiting large-scale and indoor cannabis production facilities in all zones other than industrial
- not supporting the use of lands designated Agriculture (AG) for indoor cannabis production
- prohibiting indoor cannabis production in the ALR, unless the structure has a base consisting entirely of soil

The proposed amendment to Bylaw No. 2858 introducing "micro cannabis production facilities" as a permitted use in AG1, AG2 and AG3 zones does not appear to support preservation of agriculture land as per the specification that "a micro cannabis production facility shall be conducted within an enclosed building or structure". Therefore, it appears this amendment does not support capacity for future local food production nor food security.

Consider food security in cannabis production on Agricultural Land Reserve (ALR) lands. See the [Agricultural Land Commission](#) website for further information on regulatory requirements.

The legalization of cannabis presents both an opportunity and challenge for local governments in the development of healthy, vibrant communities. Interior Health – Healthy Communities welcomes the opportunity to collaborate with the Regional District of Okanagan-Similkameen around education and awareness efforts.

Thank you for the opportunity to comment on this application. If you have any questions or concerns, please feel free to contact me at 250-469-7070 x12287.

Sincerely,



Tanya Osborne, BAHS  
Community Health Facilitator  
Healthy Communities  
Interior Health Authority



Kristi Estergaard, RD  
Public Health Dietitian  
Healthy Communities  
Interior Health Authority

## Lauri Feindell

---

**From:** Judy Morris <ofid@telus.net>  
**Sent:** June 13, 2019 1:57 PM  
**To:** Planning  
**Subject:** Bylaw Referral - X2019.005-ZONE - Bylaw 2849&2858

Good afternoon, the Board of Trustees have reviewed the Bylaw Referral and offer the following comments.

1/ The RDOS provide a map to the Okanagan Falls Irrigation District outlining the potential properties that could be effected by this bylaw

2/ Anyone requiring a water service/or change in existing water service be directed to our office

Thank you.



*Judy Morris*  
*Office Administrator*  
*OKANAGAN FALLS IRRIGATION DISTRICT*  
*PO Box 110 – 1109 Willow Street*  
*Okanagan Falls, BC*  
*VOH 1R0*  
*Phone: 250.497.8541*  
*Fax: 250.497.5817*  
*Email: [ofid@telus.net](mailto:ofid@telus.net)*  
*[www.okanaganfallsirrigationdistrict.ca](http://www.okanaganfallsirrigationdistrict.ca)*



# RESPONSE SUMMARY

## AMENDMENT BYLAW NOS. 2849 & 2858

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. Palla

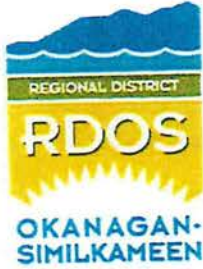
Signed By: Cheryl E. Palla

Agency: KANEZEN IRRIGATION DISTRICT

Title: Financial Administrator

Date: July 1, 2019.





# 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.: X2019.005-ZONE

FROM: Name: LINDA SEARS  
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

The production facility has been increased to 400m<sup>2</sup> from the draft bylaw 2849. No explanation is given for the proposed increase. I think that area is too large.

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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.: X2019.005-ZONE

FROM: Name: GORDON + CINDY RASMUSON  
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

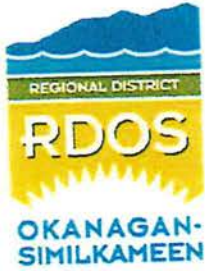
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

WE ARE CONCERNED WITH LIGHTS, NOISE  
AND SMELL OF A MICRO GROW OP.  
THERE NEEDS TO BE CHECKS AND BALANCES IN PLACE  
TO KEEP THE ABOVE AT REASONABLE LEVELS AND A WAY  
TO ENFORCE THEM

Feedback Forms must be completed and returned to the Regional District  
no later than **September 6, 2019**

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.: X2019.005-ZONE

FROM: Name: Lidia Devoushvie  
(please print)

Street Address: [Redacted]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

1 must limit lumens (light pollution)  
 2 must limit odor pollution  
 3 must limit noise pollution  
 and  
 wherever properties are surrounded by residential areas, such production is not allowed unless the above limitations are incorporated into master plan  
 Nanamata should be able to pass a law prohibiting large growing facilities.  
 My property is in the ALR but I think cannabis should be confined to area where not visible to neighborhoods

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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

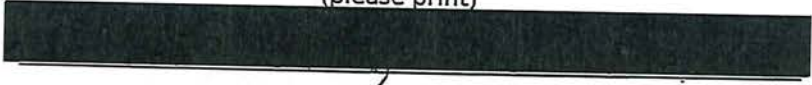
FILE NO.: X2019.005-ZONE

FROM: Name:

*Row Brown*

(please print)

Street Address:



RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

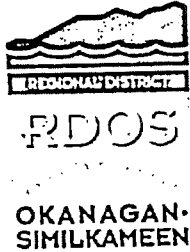
*... Regarding regulations applying to micro-cannabis production facilities ...*

*add "5 No nuisance from noise, vibration, smoke, dust, odours heat, glare, disturbance shall be produced, ..... shall not adversely affect the character of the adjoining properties"*

Feedback Forms must be completed and returned to the Regional District no later than September 6, 2019

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.: X2019.005-ZONE

FROM:

Name:

CRYSTAL COULOMBE  
(please print)

Street Address:



RE:

Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

I believe indoor micro cultivation is best suited in UH1 zones. Growing indoors is less of an eyesore than growing in rural communities.

Feedback Forms must be completed and returned to the Regional District  
no later than **September 6, 2019**

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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.: X2019.005-ZONE

FROM: Name: DUSTIN JACKSON  
 (please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2858  
 Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

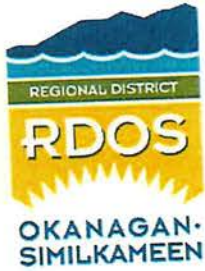
I BELIEVE INDOOR MICRO CULTIVATION SHOULD BE ALLOWED IN LHI ZONING FOR A NUMBER OF REASONS LISTED BELOW.

- LESS OF AN EYESORE TO THE COMMUNITY.
- THE SMELL CAN BE MORE EASILY CONTROLLED
- IT'S MORE DISCREET SO CRIMINALS WO'NT SEE WHAT YOU'RE DOING.
- IT CAN BE MORE EASILY SECURED, OPPOSED TO AN OPEN FIELD
- AN INDOOR ENVIRONMENT IS EASILY CONTROLLED IN REGARDS TO TEMP, HUMIDITY AND PEST/FUNGUS CONTROL.
- THIS WOULD ALLOW PEOPLE WHO DO NOT HAVE MILLIONS OF DOLLARS TO PROVIDE SMALL BATCH, HIGH QUALITY PRODUCTS.

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X



# 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.:** X2019.005-ZONE

FROM: Name: Bob Parsons (please print)

Street Address: [REDACTED]

RE: **Draft Zoning Amendment Bylaw No. 2858**  
**Micro Cannabis Production Facilities**

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

1. Inadequate Setbacks. In fact those don't appear to be written in the Draft legislation. Other communities have adopted a 60 metre setback to residential properties.
2. No protection of surrounding neighbours on residential land from odour, lights, noise is written into the By-law although it is written into the Home Occupation By-law.
3. Security has not been addressed in the By-law.
4. Highly volatile chemicals are used in the processing. Have the RDOS Board considered the implications of this in terms of a high risk fire area.
5. Public consultation. This is important legislation. Other communities have sent feedback forms to each household. These forms could go out with other information which RDOS mails regularly about garbage, Bears etc. Take the time to get this legislation right from the outset!

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no later than **September 6, 2019**

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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.: X2019.005-ZONE

FROM: Name: Libby Parsons

(please print)

Street Address: [REDACTED]

RE: **Draft Zoning Amendment Bylaw No. 2858**  
**Micro Cannabis Production Facilities**

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

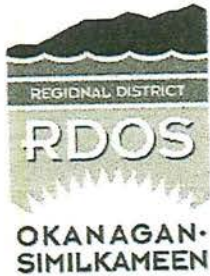
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1. Inadequate Setbacks. In fact those don't appear to be written in the Draft legislation. Other communities have adopted a 60 metre setback to residential properties.
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# Feedback Form

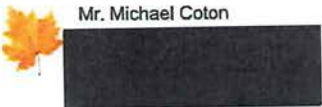
RECEIVED  
Regional District

AUG 23 2019

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.:** X2019.005-ZONE

FROM: Name:  Mr. Michael Coton \_\_\_\_\_  
(please print)  
Street Address: \_\_\_\_\_

RE: **Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities**

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

Canabis production must only occur on industrial properties (enclosed) NOT in residential neighbourhoods . My house faces two ALR properties and canabis production there is totally unacceptable.

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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September 5, 2019

Members of RDOS,

I cannot and will not support any amendment to this bylaw that does not include wording to protect neighbors from harmful and unwanted light, noise, and odours.

On your draft amendment for bylaw 2848 under section 7.18.7 you use the wording "No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance, shall be produced by the home industry, and, at all times, the privacy and enjoyment of adjacent dwellings shall be preserved and the home industry shall not adversely affect the character of the area." It is disturbing and irresponsible for you to not have similar protections for neighbours of potential cannabis micro grow ops listed within bylaw 2858.

There is some opportunity to restrict Cannabis production, even on ALR land, as evidenced in the attached ALR Bulletin (May 2019 revision). With small parcels of ALR land scattered throughout the Okanagan Similkameen it is incumbent upon RDOS to look for every opportunity to prohibit Cannabis production in residential neighborhoods and where they cannot do this then they must protect all residents and wildlife from the negative impact any Cannabis production will have on all of us by enacting rigorous bylaw protections.

Sincere thanks for your consideration of the above,



Angela Verigin



*Mark & Angela Verigin*

---

August 20, 2019

To Whom it May Concern,

We are writing in regard to the bylaw regarding Home Industry/Occupation & Cannabis Production in Naramata, BC. We would like to have our opinion heard on this matter as we are the owners of a property at [REDACTED] in Naramata

With this writing, we hereby advise that we oppose the construction and operation of cannabis production facilities/greenhouses in any residential neighborhood, regardless of the size or zoning of these properties.

That said, should RDOS permit the construction of some micro cannabis facilities within residential neighborhoods we feel that the bylaw **MUST** be strictly regulated and monitored to ensure that neighboring properties are protected from the potentially damaging effects of this industry. These concerns include but are not limited to the following:

- Regulations surrounding safety and trespassing as these facilities are often targeted by criminals and/or criminal behavior
- Regulations to protect from fire risk – especially from butane which is a common source of fuel used for these facilities.
- Regulations to eliminate noise, smell and pollution from diesel generators that are a common power source for this type of facility
- Regulations to eliminate the impact that light pollution from the greenhouse will have on the quality of life of nearby residents, local wildlife, especially nocturnal wildlife, and the environment in general.
- Regulations to eliminate the smell and odorous emissions given off as a byproduct of cannabis production.
- Regulations to ensure air “freshening” products are not used as the solution to address the smell and odorous emissions of cannabis production facilities.
- Regulations against noisy air scrubbers which can be used to try and mitigate the odour resulting from cannabis production facilities.

If cannabis facilities are approved in residential neighborhoods, they could have a significantly negative impact to the surrounding properties. The approval of such facilities may create safety concerns such as air pollution and increased green house gases, toxic exhaust from diesel generators, potential fire hazards, and the lure of criminals and criminal behaviour. RDOS must ensure that these facilities do not create unwanted light pollution, odour and noise that will adversely affect humans, the environment and other the creatures that inhabit Naramata.

Thank-you for your consideration.  
Sincerely,

[REDACTED]

Mark & Angela Verigin

[REDACTED]



**From:** [Stefanie Gale](#)  
**To:** [Planning](#)  
**Cc:** [Stefanie Gale](#)  
**Subject:** File No: X2019.005-Zone  
**Date:** September 6, 2019 2:03:54 PM

---

Re: Feedback regarding the proposed Zoning Amendments on Cannabis Micro Production Facilities in Naramata.

Given that the federal government allows for cannabis production, and assuming as a result, that the RDOS cannot *prevent* cannabis production in Area "E", I am in strongly in favour of amending the RDOS bylaws so as to provide clear parameters for cannabis production in Area "E", subject to the comments listed below:

A. I do not see any language addressing:

1. odour/air quality
2. light pollution
3. effluent pollutants

There have been many complaints and concerns voiced by residents/communities in other jurisdictions regarding the above.

B. New research has documented various environmental concerns with cannabis production that the RDOS should consider:  
[www.sciencedaily.com/releases/2017/02/170221081736.htm](http://www.sciencedaily.com/releases/2017/02/170221081736.htm); <https://daily.jstor.org/the-environmental-downside-of-cannabis-cultivation/>

For example:

1. cannabis plants are 'water-hungry'; they need double the water required by grapevines.
2. cannabis facilities require excessive energy to run:  
"Controlling the indoor growing environment requires considerable energy with power requirements estimated to be similar to that of Google's massive data centers": [www.sciencedaily.com/releases/2017/02/170221081736.htm](http://www.sciencedaily.com/releases/2017/02/170221081736.htm) I would suggest the minimum setback distance be 200 meters or more.

C. I would like to see the amended bylaws include a minimum distance between any cannabis production and residential homes. I would suggest that the minimum distance be 200 meters.

D. I was concerned to see the request for feedback occur over such a short timeframe (August 21 - Sept. 6); during a busy holiday/return to school time for many residents, and; that the request was not sent out to every mailbox as is often the case with messages from the RDOS. This is an important issue which has been raising significant concern over the past few months.

Sincerely,  
Stefanie Gale (Forsyth)





INFORMATION BULLETIN 04  
CANNABIS PRODUCTION IN THE ALR

Revised: May 8, 2019  
Issued: August 15, 2018

### 1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (ALCA) and regulations in relation to cannabis production in the Agricultural Land Reserve (ALR). The ALCA and regulations will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and regulations. Compliance with the ALCA and regulations in relation to cannabis does not relieve persons from the need to comply with all other applicable laws, regulations and bylaws at the federal, provincial and local government levels.

### 2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (now the ALR General Regulation) were amended and the Agricultural Land Reserve Use Regulation (the ALR Use Regulation) was created. Though many concepts contained in the ALCA and regulations remain unchanged, there have been changes related to the use of ALR land for cannabis production. All references in this information bulletin to the ALCA and regulations are as of February 22, 2019, unless otherwise stated.

### 3. WHETHER CANNABIS PRODUCTION IS A FARM USE

In the past, certain forms of cannabis production, but not others, had been “designated” as farm use by regulation. This was the practice followed when s. 2(2.5) of the former regulation was introduced in July 2018. The fact that certain production required “designation” to be a farm use suggested that non-designated forms of cannabis production:

- were not a farm use; and
- as such, could only be engaged in if the Agricultural Land Commission (the Commission) approved a non-farm use application specific to that use.

On February 22, 2019, s. 2(2.5) of the former regulation was repealed and the ALR Use Regulation was created. The ALR Use Regulation addresses cannabis production in s. 8, in a part of the ALR Use Regulation that is entitled “Farm Uses”, and no longer “designates” a





subset of cannabis production as farm use. This regulatory change clarifies that all forms of cannabis production are a "farm use".

Because all forms of cannabis production are a "farm use", cannabis production in the ALR does not contravene the ALCA even if engaged in without the Commission's approval.

However:

- the ALR Use Regulation specifically allows local governments to prohibit cannabis production in certain forms (see section A of this bulletin); **AND**
- certain other activities associated with cannabis production, such as fill placement or soil removal, may still require proponents to engage with the Commission (see section B of this bulletin).

A. Local Government Authority To Prohibit

Local governments play a significant role in determining what kind of cannabis production occurs in their community.

Local governments may regulate or prohibit certain kinds of cannabis production, though may not prohibit all forms of cannabis production.

Section 8 of the ALR Use Regulation provides:

- (1) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced
  - (a) outdoors in a field, or
  - (b) inside a structure that, subject to subsection (2), has a base consisting entirely of soil.
- (2) The use of agricultural land for producing cannabis lawfully may not be prohibited as described in section 4 if the cannabis is produced inside a structure that meets both of the following conditions:
  - (a) the structure was, before July 13, 2018,
    - (i) constructed for the purpose of growing crops inside it, including but not limited to producing cannabis lawfully, or
    - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
  - (A) was being conducted in accordance with all applicable authorizations and enactments, and

- (B) continues without interruption from the date it began until the date the structure is completed, other than work stoppages considered reasonable in the building industry;
- (b) the structure has not been altered since July 13, 2018 to increase the size of its base or to change the material used as its base.

Section 4 of the ALR Use Regulation provides:

The farm uses referred to in this Part [which includes s. 8] may not be prohibited

- (a) by a local government enactment except a bylaw under section 552 [farming area bylaws] of the *Local Government Act*, or
- (b) by a first nation government law, if the activity is conducted on settlement lands.

**B. Placing Fill In, And Removing Soil From, The ALR**

There are strict rules regarding placement of fill in the ALR and removal of soil from the ALR, even when necessary for a farm use, unless limited exceptions are met.

- Q. *Do the rules on placement of fill in the ALR and removal of soil from the ALR apply to the construction of structures intended to be used for the production of cannabis?*
- A. *Yes. These rules are found in ss. 35-36 of the ALR Use Regulation and apply generally, to the construction of structures for the production of cannabis, subject only to the limited exceptions summarized below.*

Typically even where the fill placement or soil removal is for cannabis production, successful completion of a notice of intent and/or use application process is required before the activity can proceed. This is so unless all of the following conditions are met:

- the fill placement or soil removal are for the purpose of constructing a structure for farm use; AND
- the total area from which the soil is removed or on which fill is placed is 1,000 m<sup>2</sup> or less; AND
- if the area from which the soil is removed or on which the fill is placed is in a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and first nation government laws, if any, respecting flood protection in the floodplain; AND
- the fill is not, and does not contain, construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste), asphalt, glass,



synthetic polymers, treated wood, or unchipped lumber, as none of these may be used as fill in the ALR: ALR Use Regulation, ss. 35-36.

*See the Commission's Information Bulletin #7 – Soil or Fill Use in the ALR for more information.*

#### **4. CONSTRUCTION, MAINTENANCE AND OPERATION OF STRUCTURES NECESSARY FOR FARM USE**

Subject to any limits and conditions set out in Part 2 of the ALR Use Regulation, the use of land in the ALR to construct, maintain or operate a structure (including a greenhouse), driveway or utility that is necessary for a farm use is designated as a farm use: ALR Use Regulation, s. 5. A designated farm use may be undertaken without making a use application to the Commission.

*Q. What does "subject to any limits and conditions set out in Part 2 of the ALR Use Regulation" mean for the construction of structures intended to be used for cannabis production?*

*A. The construction of structures for cannabis production are limited by the specific limitations for cannabis production set out at s. 8 of the ALR Use Regulation.*

In determining whether an activity is "necessary" for a farm use, consideration must be given to whether the nature and size of the activity is proportionate to the farm use. If a landowner claims that an activity is "necessary" for a farm use that has not yet commenced, issues may arise in respect of whether the proposed use is in fact going to occur, and whether the nature and size of activity characterized as "necessary" will in fact be necessary to that use.

#### **5. STORING, PACKING, PREPARING AND PROCESSING FARM PRODUCTS**

The ALR Use Regulation refers to certain other activities potentially related to cannabis that local governments may not prohibit, but may regulate, as described in s. 4 of the ALR Use Regulation, such as certain storing, packing, preparing and processing uses set out in s. 11.

The use of land in the ALR for storing, packing, preparing and processing farm products is designated as a farm use, and as such may be undertaken without application to the Commission, if at least 50% of the farm product is (a) produced either on that agricultural land or by an association (as that term is used in the *Cooperative Association Act*) to which the owner of the agricultural land belongs, or (b) feed required for farm use on that agricultural land: ALR Use Regulation, s. 11(2).



# 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.:** X2019.005-ZONE

**FROM:** Name: L. MARK VERIGIN  
(please print)

Street Address: [Redacted]

**RE:** Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

I cannot support these bylaws without attention to the items listed in the attached letter.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Feedback Forms must be completed and returned to the Regional District  
no later than September 6, 2019**

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September 6, 2019

Attention: Members of the RDOS

I do not support the proposed textual amendments to Bylaw No. 2858 as they are currently written.

Bylaw No. 2858 has not addressed any of the issues that have been brought to the attention of the RDOS by concerned neighbors and the residents of Naramata, namely:

- Odours, light pollution and noise emitted from the facility operation
- Security and/or crime prevention measures
- Limitations/restrictions/safety measures relating to fuels used to power the facility

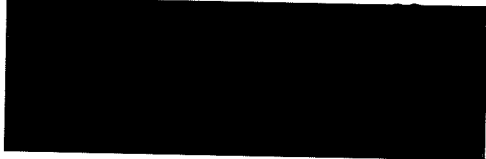
As currently written, Bylaw No. 2858 contains no meaningful and/or measurable guidelines governing the operation of this facility nor are there any mechanisms in place that can be utilized to reduce and/or mitigate nuisance concerns relating to cannabis production facilities.

Bylaw No. 2858 is precedent setting. With essentially zero guidelines governing the actual operation of the proposed facility, and no mechanisms in place to hold facility owners accountable, how does the RDOS intend to mitigate not only the concerns raised previously and highlighted above, but also the potential for new issues going forward?

Thank you for considering the above commentary and feedback.



Mark Verigin



**Lauri Feindell**

---

**From:** elizabeth rushton [REDACTED]  
**Sent:** September 6, 2019 2:08 PM  
**To:** Planning  
**Cc:** Matthew Stephenson  
**Subject:** Draft zoning amendment byelaw no. 2849

**RE: File No: X2019.005-Zone. Cannabis Micro Production Facilities**

We have been unable to add any text to the feedback form so please consider this our official feedback form.

We are not in favour of the amendments allowing a micro cannabis production plant in area E as we do not see any impact assessment report that would address concerns re odour, excessive water requirements and airborne pollutants or water/soil contamination, nor is there anything in the byelaw amendment to ensure safety around air and water issues. There have been concerns re these issues raised in scientific journals.  
eg <https://www.sciencedaily.com/releases/2017/02/170221081736.htm>.

In an area that suffers from regular water restrictions, any responsible planner should consider the impact on the current water supply as we understand that cannabis cultivation and production requires high water usage, at least double that of grapes for example.

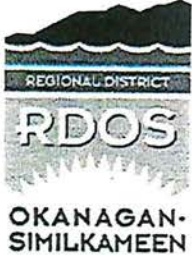
We also would note that the main and significant attraction in the area is the vineyards and associated wineries. It is a unique characteristic of the region, akin to heritage status. If RDOS allows this to be replaced by processing plants, micro or not, this will destroy that characteristic and the revenue it brings to the whole area. We would suggest that manufacturing is not appropriate in this region.

Finally, we note that communities with micro production facilities have made a number of complaints re the strong and unpleasant odour emitting from these industrial sites. Although the minimum size of the land and maximum size of the facility seems appropriate (if the above concerns have been addressed) we are concerned that no byelaw has been made for setbacks from residential properties which seems an oversight by RDOS. We would suggest a setback of at least 200 metres to mitigate the issue of odour to nearby properties.

yours faithfully

Elizabeth Rushton





# 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.: X2019.005-ZONE

FROM: Name: Chloe Robinson  
(please print)

Street Address: [Redacted]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
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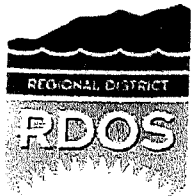
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

*I would like to see more regulations with regards to noise/light/odour pollution and security. Minimum lot size should be 4 hectares with setbacks of 60 metres.*

Feedback Forms must be completed and returned to the Regional District no later than September 6, 2019

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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.: X2019.005-ZONE

FROM:

Name:

Lorne Rubis / Kathleen Rubis  
(please print) Kathleen Rubis

Street Address:

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

I do support the proposed textual amendments to the zoning bylaws.



I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.



I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

We do not support the amendments which facilitate the operation of marijuana production for the following reasons:

- 1) Constant lights on will impact the rural night sky affect.
- 2) Equipment running 24/7 will impact noise pollution in a rural environment, disrupting nocturnal wildlife habits as well as daytime bird and wildlife populations.

(over)

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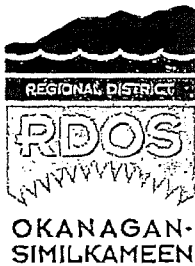




(2)

- 3) Having experienced the horrible smell from production facilities in the Colorado area, we know that we will be impacted every time we wind some from the hill areas (due over 1
- 4) Yaramata Road is already heavily impacted by industrial traffic and these amendments will facilitate even more such traffic in residential areas (Arawana Rd for example).
- 5) This is simply not a good fit for a residential neighborhood.





# Feedback Form

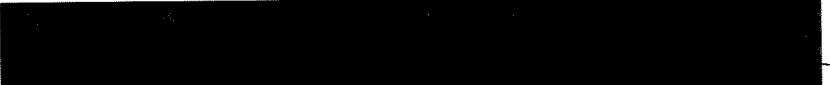
Regional District of Okanagan Similkameen

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.: X2019.005-ZONE

FROM: Name: H. JON MILLIGAN  
(please print)

Street Address: 

RE: Draft Zoning Amendment Bylaw No. 2849 + 2858  
Update of Home Occupation/Industry Regulations and Cannabis Production Facilities  
+ Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

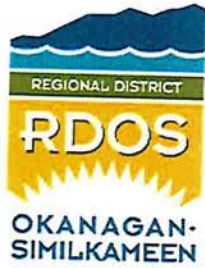
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2849 + 2858.

*- I believe the minimum lot size should be 4 hectares, the setback from residential properties should be at least 60 meters, there should be something in the bylaw limiting light + odour pollution, and noise after 10 pm. The facilities should also be required to have 24hr monitored alarm systems with security cameras.*

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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.: X2019.005-ZONE

FROM: Name: **Janie Gingell & Dave Watson**  
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

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*I have real concern about the impact on a residential neighbourhood. Agreed that if ALR the land should used be for productive use - however cannabis production is indoor not outdoor farming and more akin to manufacturing production than agriculture as envisaged when the ALR was created. I feel there is need for the bylaw changes to move with the times and protect the interests of residents in the light of a shift in type of agriculture.*

*My specific concerns are*

- a) Distance is setback from residential property. I would have thought it should be at least 200 metres.*
- b) Odour - this should be continually monitored and reported not just set at construction or checked annually*
- c) One of the touristic appeals of Naramata is its rural quality and the fact visitors can see the stars without light pollution. Nor should homeowners be subjected to intrusive light throughout the night.*
- d) Noise - we know from living close to a winery that cooling and other mechanical noise can be 24 hours. Both this noise and that of vehicles accessing the plant must be kept to low levels*
- e) Risk of explosion with residential property damage and fire on an already tinder-dry hillside in summer months.*

*It is again disappointing that as with Kettle Ridge and Outlook Development impacts on the community, the RDOS has totally failed to consult with its tax payers and citizens. We elect and employ you and we expect more consultation.*

Feedback Forms must be completed and returned to the Regional District

no later than September 6, 2019

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Lauri Feindell

**From:** Stefanie Gale [REDACTED]  
**Sent:** September 6, 2019 2:04 PM  
**To:** Planning  
**Cc:** Stefanie Gale  
**Subject:** File No: X2019.005-Zone

Re: Feedback regarding the proposed Zoning Amendments on Cannabis Micro Production Facilities in Naramata.

Given that the federal government allows for cannabis production, and assuming as a result, that the RDOS cannot *prevent* cannabis production in Area "E", I am in strongly in favour of amending the RDOS bylaws so as to provide clear parameters for cannabis production in Area "E", subject to the comments listed below:

A. I do not see any language addressing:

1. odour/air quality
2. light pollution
3. effluent pollutants

There have been many complaints and concerns voiced by residents/communities in other jurisdictions regarding the above.

B. New research has documented various environmental concerns with cannabis production that the RDOS should consider:

[www.sciencedaily.com/releases/2017/02/170221081736.htm](http://www.sciencedaily.com/releases/2017/02/170221081736.htm); <https://daily.istor.org/the-environmental-downside-of-cannabis-cultivation/>

For example:

1. cannabis plants are 'water-hungry'; they need double the water required by grapevines.
2. cannabis facilities require excessive energy to run:  
"Controlling the indoor growing environment requires considerable energy with power requirements estimated to be similar to that of Google's massive data centers": [www.sciencedaily.com/releases/2017/02/170221081736.html](http://www.sciencedaily.com/releases/2017/02/170221081736.html) would suggest the minimum setback distance be 200 meters or more.

C. I would like to see the amended bylaws include a minimum distance between any cannabis production and residential homes. I would suggest that the minimum distance be 200 meters.

D. I was concerned to see the request for feedback occur over such a short timeframe (August 21 - Sept. 6); during a busy holiday/return to school time for many residents, and; that the request was not sent out to every mailbox as is often the case with messages from the RDOS. This is an important issue which has been raising significant concern over the past few months.

Sincerely,



**Lauri Feindell**

---

**From:** Renee Chamberland [REDACTED]  
**Sent:** September 5, 2019 7:35 PM  
**To:** Planning  
**Subject:** File No: X2019.005-Zone

To whom it may concern,

Following the public information meeting here is our feedback regarding the proposed Zoning Amendments on Cannabis Micro Production Facilities in Naramata.

I am in favour of amending the bylaws to limit the size/location of new Cannabis 'plantations'. However I am asking you to make sure to protect the quality environment (air, noise, smell, etc.) of our prestine region which makes money with wine production.

If being FireSmart is a real concern, Cannabis plantations add numerous risks to our already vulnerable environment. Ref.: article in February 2015 of the Fire Engeeniring magazine.

Do we want our area to be known for its Cannabis plantations (instead of its fruits and wine business)in 5/10 years from now?

Thank you for giving us the opportunity to provide you some feedbacks.

Renée Chamberland  
[REDACTED]



**Lauri Feindell**

---

**From:** Roger Mutimer [REDACTED]  
**Sent:** September 6, 2019 10:34 PM  
**To:** Planning  
**Subject:** Draft Zoning Amendment ByLaw #2858 - Microcannabis Production Facilities

Arleigh Anderson and Roger Mutimer  
[REDACTED]

We DO NOT support the proposed textual amendments to the zoning bylaws

While we appreciate that the RDOS has to act expeditiously following the legalization of cannabis in Canada and that its powers are limited given the policies of Health Canada and the Agricultural Land Commission, we do not believe that the Bylaws as laid out for Electoral Area E are appropriate given the extraordinary circumstances that exist in the Arawana/Debeck/Juniper area of Naramata.

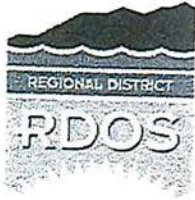
We are one of the 19 residences that directly border the proposed plant at 2860 Arawana Road. Our concerns centre around setbacks from boundaries with other properties and the allowable size of the size of the processing facilities. Our view is that they should be 60 metres and 200 square metres respectively.

Given the concerns raised at the public meeting in Naramata and the subsequent feedback you have received, our hope is that you will reconsider the proposed bylaw and reopen the amendment process.

Kindest regards,

Arleigh Anderson and Roger Mutimer





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.:** X2019.005-ZONE

**FROM:** Name: BRENDA Wozniak + Doug Gibson  
(please print)

Street Address: 

**RE:** Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

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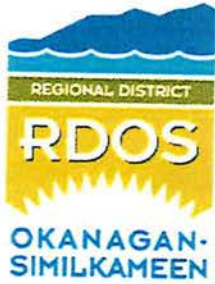
Feedback Forms must be completed and returned to the Regional District  
no later than **September 6, 2019**

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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.: X2019.005-ZONE

FROM: Name: Nicholas + Berna Gammer  
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

• See attached Nicholas + Berna Gammer Submission

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SEP 6 2019

01 Martin Street  
Penticton BC V2A 5J9

Feedback Forms must be completed and returned to the Regional District  
no later than **September 6, 2019**

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RDOS Feedback Form -Zoning Amendment Bylaw No.2858,  
Micro Cannabis Production Facilities

We do not support the proposed textual amendments to the zoning bylaws.

Written Submission

In broad terms we are opposed to the proposed textual amendments because they are inadequate and not nearly as stringent as they should be given the gravity of the Josey application and the negative impact it is likely to have on our neighbourhood and community. We are entering uncharted waters and the proposed bylaw amendments do not take into account the complexity and long-term impact of the Josey application.

In more specific terms:

- There is little protection for neighbours.
- More substantial setbacks are required (far more than 15 meters) given the serious problems with odours and bright lights (already experienced in other jurisdictions.) More research needs to be done to better establish proper and effective setbacks.
- 2-4 hectare requirements are not adequate to protect our neighbourhood. The minimum requirement should be at



least 5 hectares which many other jurisdictions have adopted.

- The other weakness of the amendment is that the RDOS amendment has increased the 200 square meter maximum of the production facility to 400 square meters. Where is the empirical data that supports and allows such an expansion? One would think that given that the RDOS is entering the uncharted waters of micro processing cannabis production, it would err on the side of caution to better protect the community and strengthen its regulatory effectiveness, especially in the event of yet unforeseen problems associated with the Josey application and others like it.

The Federal Government's "Municipal Guide to Cannabis Legislation – A Roadmap for Local Governments" highlights some of my concerns when it notes:

*As local governments anticipate an increase in nuisance complaints with legalized cannabis, odour issues rank among their top concerns—and these are notoriously difficult to regulate and remediate. Because odours are hard to quantify objectively in terms of strength or character, setting regulatory standards is challenging. While some odour testing labs exist in Canada, their usefulness for regulatory purposes is questionable, and testing can be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, an odour's source can be challenging to prove to the standard needed in court. **Proactive approaches to cannabis-related odour and nuisance abatement are therefore preferable.***

*For example, odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals in circumstances where these are authorized and warranted. **Zoning setbacks, landscaping, buffer or similar requirements may be considered for certain types of facilities that are anticipated to cause odour or other nuisances.** This is in addition to the basic locational criteria that have traditionally restricted problem activities to their own special zones. Municipalities may also want to set business licence conditions that could reduce nuisance concerns around cannabis production and retail facilities.*

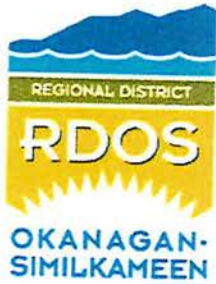


We live in a quiet residential neighbourhood that is highly prized for its serenity and beauty. Should Mr. Josey's production facility be allowed to go ahead it will mean a significant reduction in our property values upon which we depend.

I believe the RDOS is capable and obligated to do a better job of strengthening its bylaws to safeguard the integrity of our community and others like it.

Thank you.





# 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.: X2019.005-ZONE

FROM: Name: CLAUDE & MERLE DIOT  
(please print)

Street Address: [Redacted]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

RECEIVED  
Regional District

AUG 30 2019

101 Martin Street  
Penticton BC V2A 5J9

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

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*This proposed bylaw does not address the consensus of the entire residential community surrounding this particular property on Argus Road.*

*This area has been developed with RDOS blessings into a residential area, and at no time should a small home occupation business take over and dictate the established lifestyle that we enjoy at one time, should be regarded as a minority. And to call this business "farming" is absolutely a farce.*

*Regarding your bylaw, it is weak, there is no backbone, and inappropriate.*

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

*cont. on page 2*





# 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.: X2019.005-ZONE

FROM: Name: CLAUDE & MERLE DIOT  
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. ~~2849~~ 2858  
~~Update of Home Occupation/Industry Regulations and Cannabis Production Facilities~~  
MICRO CANNABIS PRODUCTION FACILITIES

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2849.

*(from page 1) - no setback comparable to other jurisdictions*  
*- no lighting consideration*  
*- odour is a major issue in established grove industrial area*  
*- absolutely no security for nearby residents (never seen a RCMP patrol car in 13 years since we've been here)*  
*- fire possibility is totally understated (we personally spend over \$2500.00 a year to trim & cut grasses on Okanagan Road around our property, as the RDOS is not capable of doing so.) Are we worried about fire or not.*  
*- we are totally fed up with the representation of this area by our*

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

*cont. page 3*

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(cont. from page 2)

lected official and it is time that this person started looking after the well being of all the taxpayers, not just a few.

- we receive absolutely no value whatsoever for our taxes that we pay.
- and this is not even talking about decrease in property value and lifestyle.

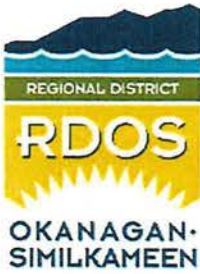
So in conclusion, before we even talk about creating new by laws, let me assure you we are TOTALLY AGAINST this possible location of this so called "farming business".

~~The~~ Business belongs in a business area where business taxes are applicable and properly controlled, and not hiding ~~tax~~ behind "everything goes" in ALR.

Yours truly

Claude + Marie Duf





# Feedback Form

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Regional District

AUG 28 2019

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.: X2019.005-ZONE

FROM: Name: HELEN COWDELL  
(please print)

Street Address: 

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

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OUR EXPERIENCE WITH THE RDOS IS THAT THEY HAVE MANY SO-CALLED BY LAWS THAT THEY DON'T ENFORCE. THIS PROPOSED ZONING CHANGE WILL BE NO DIFFERENT.

WE DON'T WANT THE SMELL-LIGHT POLLUTION- AND NEED FOR EXTRA SECURITY FOR A FACILITY THAT DOES NOT BELONG IN A RESIDENTIAL NEIGHBORHOOD.

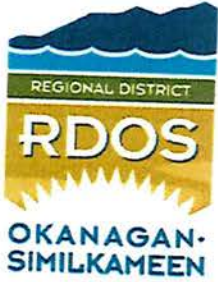
\*WE ARE TOTALLY AGAINST THIS AMENDMENT!!

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# Feedback Form

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SEP - 6 2019

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.: X2019.005-ZONE

FROM: Name: David / Donna ANDREW  
(please print)

Street Address: 

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
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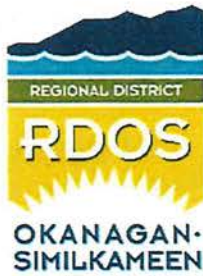
Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

*We are primarily concerned about the possibility of pervasive and obnoxious odors in the night downdraft that we have enjoyed in the thirty-one years that we have lived here. We use this downdraft to freshen our house nightly through all seasons. The building will be directly above our house. Your by-law appears to deal only with tangibles such as building size, setbacks etc., but what about prevailing winds, downdrafts, odor, light pollution, aesthetics or waste-water drainage? Have you thought of the effects of an operation which possibly can go over and under the farm fence?*

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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.: X2019.005-ZONE

FROM: Name: Row BRAUN  
(please print)

Street Address: [Redacted]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
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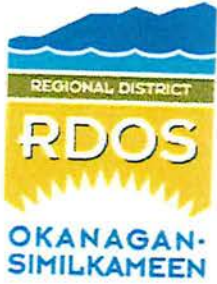
... Regarding regulations applying to micro-cannabis production facilities ...

add "5 No nuisance from noise, vibration, smoke, dust, odours, heat, glare, disturbance shall be produced, ... shall not adversely affect the character of the adjoining properties"

Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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.:** X2019.005-ZONE

FROM: Name: Lidia Devoushnie  
(please print)

Street Address: [Redacted]

RE: **Draft Zoning Amendment Bylaw No. 2858**  
**Micro Cannabis Production Facilities**

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

1 must limit lumens (light pollution)  
 2 must limit odor pollution  
 3 must limit noise pollution  
 and  
 wherever properties are surrounded by residential areas, such production is not allowed unless the above limitations are incorporated into master plan  
 Naramata should be able to pass a law prohibiting large growing facilities.  
 My property is in the ALR but I think cannabis should be confined to area where not visible to neighborhoods

Feedback Forms must be completed and returned to the Regional District

no later than **September 6, 2019**



# 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.: X2019.005-ZONE

FROM: Name: GORDON + CINDY RASMUSON  
(please print)

Street Address: [REDACTED]

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

WE ARE CONCERNED WITH LIGHTS, NOISE  
AND SMELL OF A MICRO GROW OP.  
THERE NEEDS TO BE CHECKS AND BALANCES IN PLACE  
TO KEEP THE ABOVE AT REASONABLE LEVELS AND A WAY  
TO ENFORCE THEM

Feedback Forms must be completed and returned to the Regional District  
no later than **September 6, 2019**

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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.: X2019.005-ZONE

FROM: Name: Cheryl + Ed Bingley  
(please print)

Street Address: 

RE: Draft Zoning Amendment Bylaw No. 2858  
Micro Cannabis Production Facilities

My comments / concerns are:

- I do support the proposed textual amendments to the zoning bylaws.
- I do support the proposed textual amendments to the zoning bylaws, subject to the comments listed below.
- I do not support the proposed textual amendments to the zoning bylaws.

Written submissions received from this information meeting will be considered by the Regional District Board prior to 1<sup>st</sup> reading of Amendment Bylaw No. 2858.

- Minimum parcel size should be larger than the 2 hectares proposed. Other local governments have proposed or implemented larger min. parcel sizes ie the RDCO - min 8 hectares. What happened with your recommendation to increase the min parcel size from 2 to 4 hectares as noted in your Admin Report dated May 23, 2019 ???

- A building setback is not noted in the Draft. This is a very important consideration to maintain the quality of life for surrounding residents. The RDND has implemented a 60m setback from adjacent residential zoned properties.

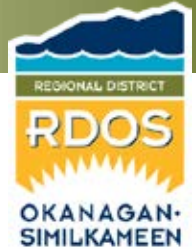
Feedback Forms must be completed and returned to the Regional District no later than **September 6, 2019**

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.





# ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 2, 2020  
**RE:** Letters of Concurrence (Rogers) – Electoral Area “C”

---

## Administrative Recommendation:

**THAT the Regional District defer the request for a letter of concurrence to locate a Communication Tower at 36030 107<sup>th</sup> Street (6450 Spartan Street) pending response from ratepayers within a Public Notification Area of 150 metres from the subject parcel.**

---

Purpose: To allow for a new Wireless Communication facility.

Owners: Town of Oliver      Agent: Chad Marlatt (Cypress Land Services for Rogers)      Folio: C-05305.005

Legal: Lot 1, Plan KAP15192, District Lot 2450S, SDYD      Civic: 36030 107<sup>th</sup> Street

OCP: Resource Area (RA)      Zoning: Resource Area (RA)

---

## Proposed Development:

Rogers is requesting of the Regional District Board its concurrence for the proposed replacement of one (1) new tri pole tower structure with six panel antennas and a lightning rod to provide wireless communication services.

This telecommunication tower is located at 36030 107<sup>th</sup> Street (6450 Spartan Street), located on adjacent to the Town of Oliver (see Attachment No. 1).

The applicant is seeking to undertake a public consultation process following the RDOS Board Policy for Communication Towers / Antenna Systems Approval Process (adopted May 7, 2015), with a reduction to the Public Notification Area of 1 km to 150 m. In support of this reduction to the Public Notification Area, the applicant has stated that:

*Rogers would like to request that the consultation radius be reduced to 5 times the tower height from the tower compound. We understand that the rationale for the RDOS' large notification radius is because towers are typically proposed on large rural properties. In this instance, the tower is proposed on the edge of town and a populated area. ISED's required notification radius is 3 times the tower height therefore Rogers feels the 5 times tower height radius is a fair compromise.*

## Statutory Requirements:

Under Section 4.2 of Innovation, Science and Economic Development Canada (ISED) Antenna Tower Siting Policy, “proponents must follow Industry Canada’s Default Public Consultation process where the local land use authority does not have an established and documented public consultation process applicable to antenna siting.”

---

The RDOS Board Policy for Communication Towers / Antenna Systems Approval Process was adopted on May 7, 2015 and outlines items required for the public consultation process and design details expected by the RDOS. The expanded public consultation in the Board Policy includes:

- Public meeting
- Written notice to properties within a notification area of 1000 m of the public meeting
- Notice of development sign posting on-site
- 2 notices in newspaper advertising the public meeting

**Site Context:**

The telecommunications tower is proposed on a 3.5 ha parcel accessed from Spartan Street, immediately adjacent to the Town of Oliver boundary. The surrounding area is comprised of large undeveloped resource area parcels to the north, south and west. To the east, in the Town of Oliver, is an established residential neighbourhood.

**Background:**

Under the Electoral Area "C" Official Community Plan (OCP) Bylaw No. 2452, 2008, the subject parcel is designated Resource Area (RA) and is the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation and is also partially within a Watercourse Development Permit (WDP) Area.

Under the Electoral Area "C" Zoning Bylaw No. 2453, 2008, the subject parcel is zoned Resource Area (RA) and defines 'utility uses' as meaning "facilities for broadcast transmission and the distribution and collection of electrical, telephone, T.V., cable, natural gas, sewer, water and transportation services servicing the general public". Section 7.3 (Uses Permitted in Every Zone) of the bylaw permits 'utility uses' in every zone.

At its August 26, 2019 Closed meeting, Oliver Council resolved to lease a small portion of space at 6450 Spartan Street for the purpose of installing a telecommunications tower and directed staff to undertake joint public notification with the RDOS for the proposed tower and disposition of land.

The subject property has been assessed as "utilities" (Class 02).

**Analysis:**

In consideration of the request to reduce the notification area, it is noted that the purpose of the Board policy is to ensure that adequate public consultation is carried out by proponents with all property owners and residents affected by the proposed towers.

The Board Policy also contains guidelines for the local, design and style of a proposed antenna system, which will be addressed after the applicant has completed the required public consultation.

It is acknowledged that a one kilometer notification area does not appear to be appropriate for an urban setting. Given the proximity to the Town of Oliver, a notification area of one kilometre would cover Oliver's entire downtown and several surrounding residential neighbourhoods (Attachment 2).



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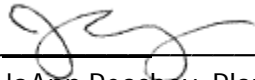
As such, a reduction to the notification area is not seen to obstruct the intent of the policy to ensure adequate public consultation of those affected. Other advertising will occur (newspaper ads and notification sign) and the proposed notification area will provide direct notification to approximately 60 properties in the immediate neighbourhood (Attachment 3).

Administration supports a reduction to the notification area to 150 m from the subject property, in recognition that the notification area was established for more rural, sparsely populated areas.

**Alternatives:**

- .1 THAT the Board deny Cypress Land Services' request to reduce the Public Notification Area of 1000 metres for the Communication Tower proposal for 36030 107<sup>th</sup> Street (6450 Spartan Street).
- .2 THAT the Board direct Cypress Land Services to proceed with an alternative Public Notification Area for the Communication Tower proposal for 36030 107<sup>th</sup> Street (6450 Spartan Street) of:
  - i) TBD

**Respectfully submitted**



JoAnn Peachey, Planner I

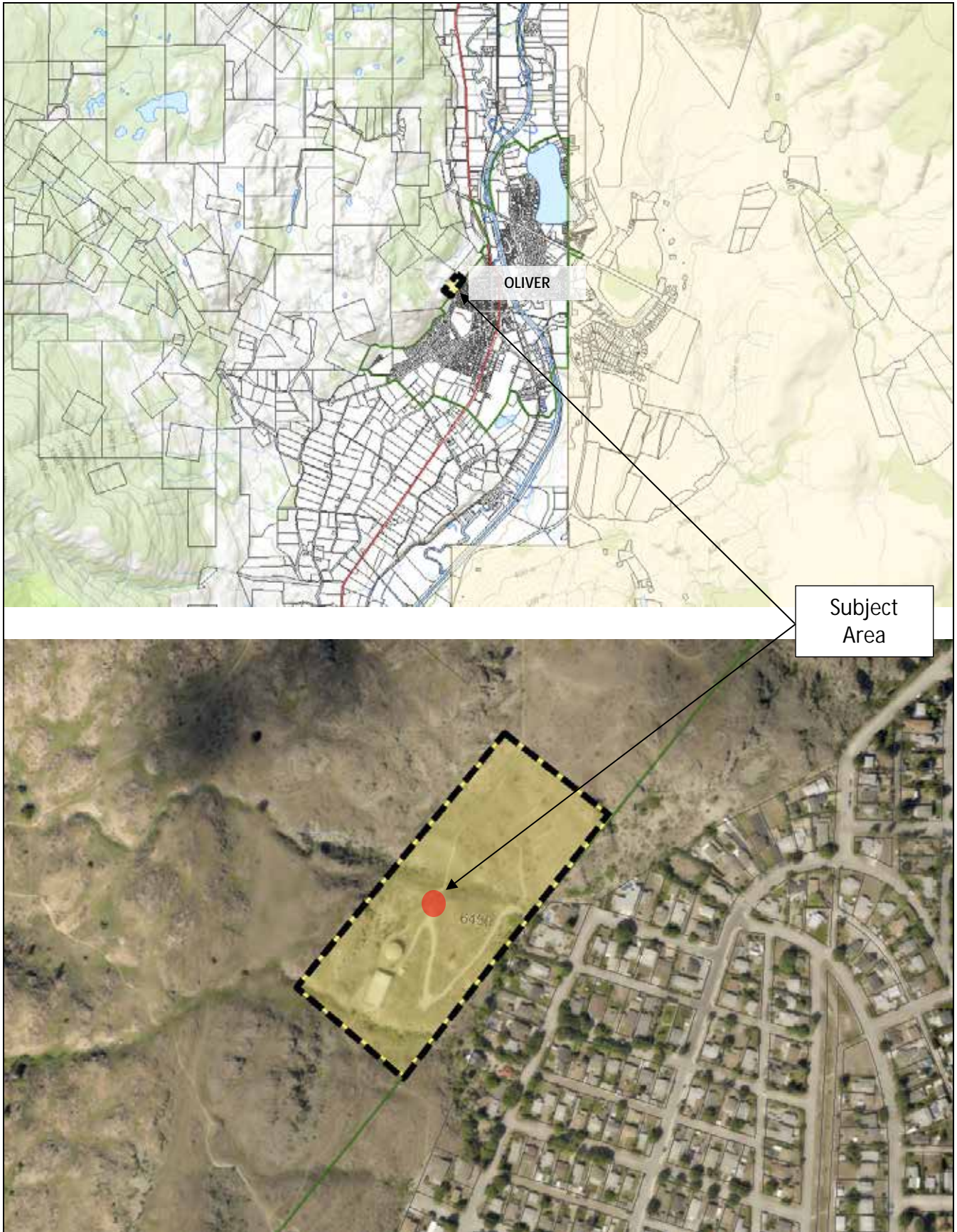
**Endorsed by:**



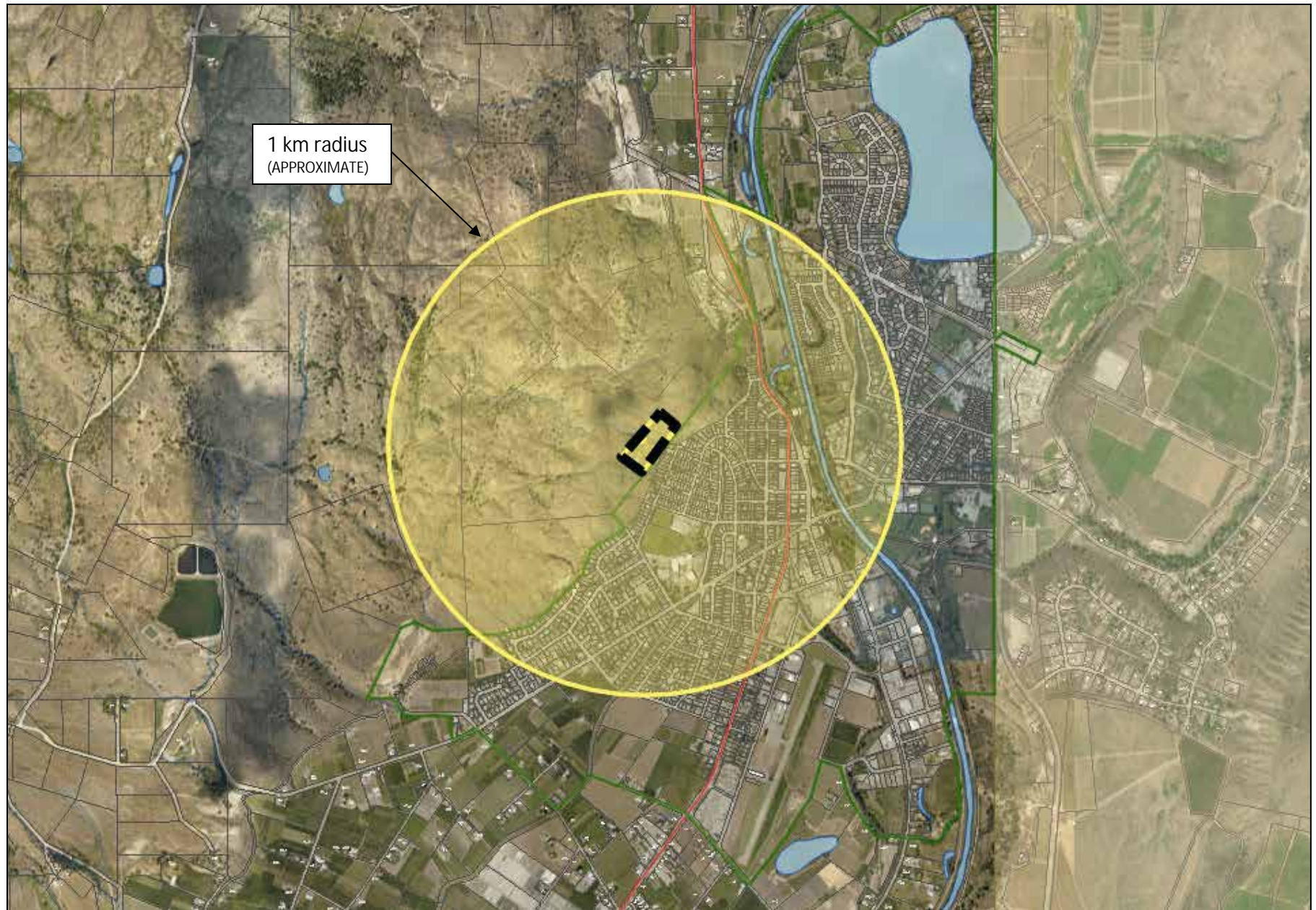
C. Garrish, Planning Manager

Attachments: No. 1 – Context Map  
No. 2 – Notification Area – 1 km  
No. 3 – Notification Area – 150 m  
No. 4 – Site Plan  
No. 5 – Site Plan (Tower Compound Area)  
No. 6 – Elevations  
No. 7 – Photo Simulation

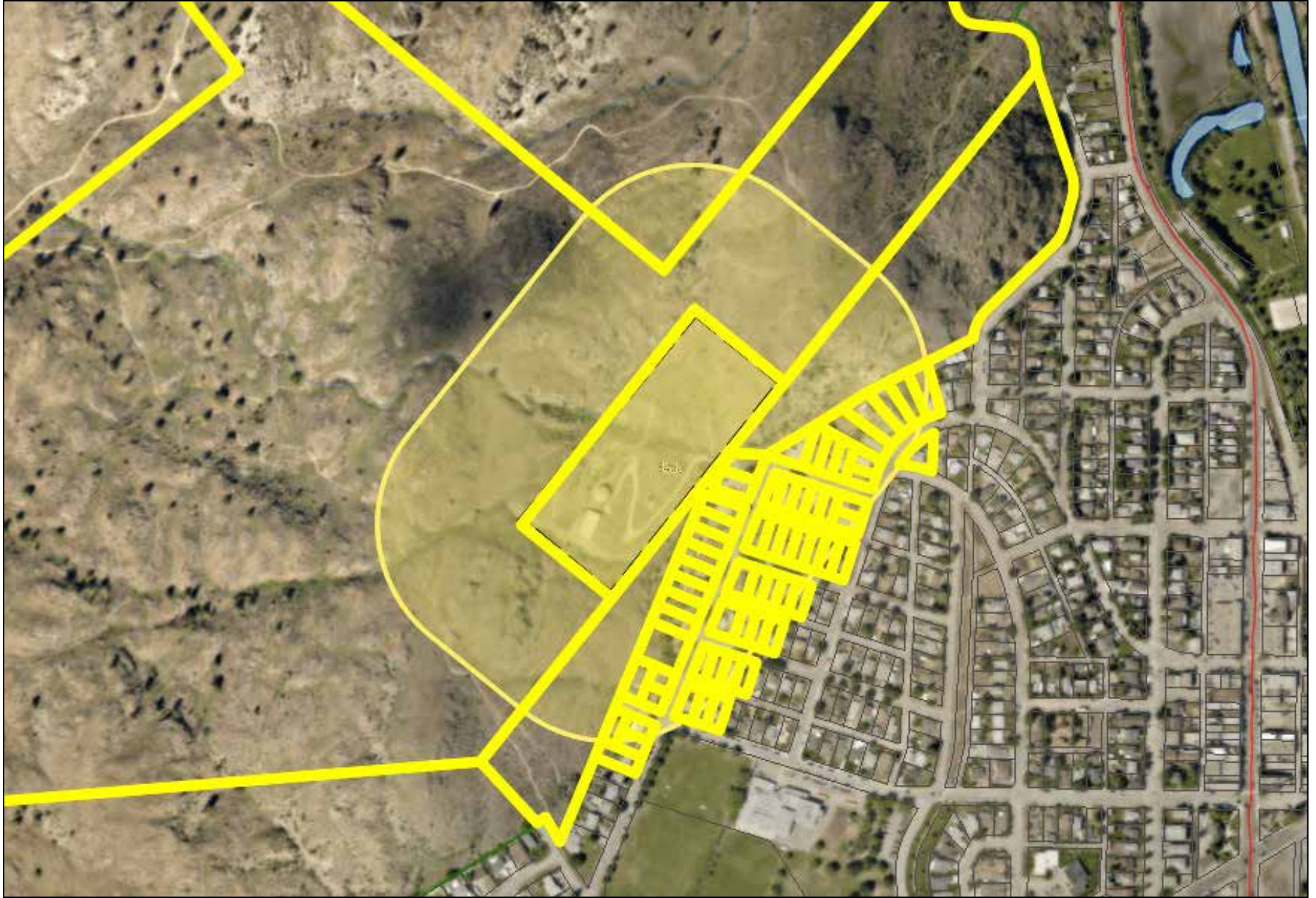
Attachment No. 1 – Context Map



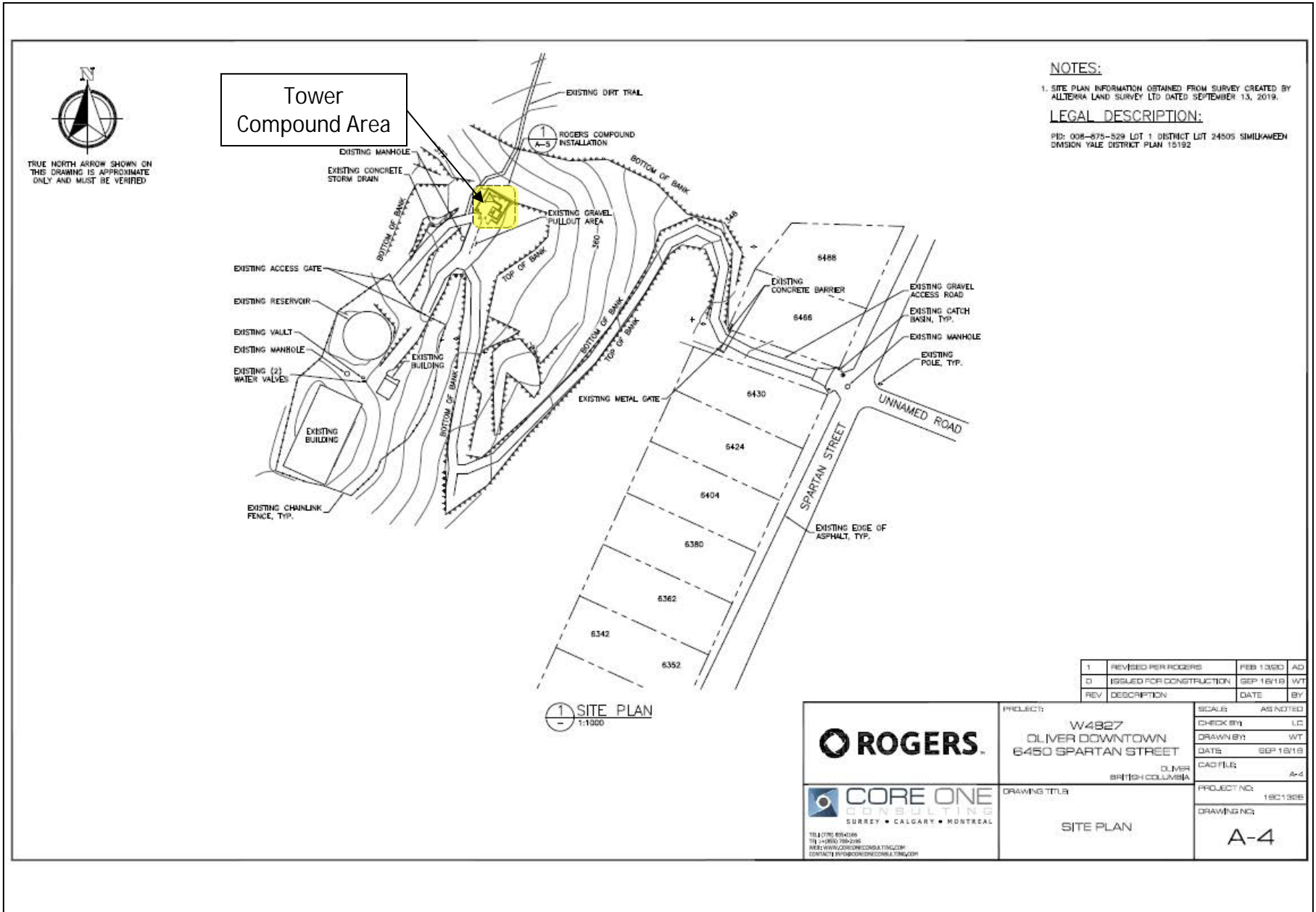
Attachment No. 2 – Notification Area – 1 km



Attachment No. 3 – Notification Area – 150 m



# Attachment No. 4 – Site Plan



**NOTES:**  
 1. SITE PLAN INFORMATION OBTAINED FROM SURVEY CREATED BY ALTEIRA LAND SURVEY LTD DATED SEPTEMBER 13, 2019.  
**LEGAL DESCRIPTION:**  
 PID: 008-875-529 LOT 1 DISTRICT LOT 24505 SIMUKAMEEN DIVISION YALE DISTRICT PLAN 15192

TRUE NORTH ARROW SHOWN ON THIS DRAWING IS APPROXIMATE ONLY AND MUST BE VERIFIED

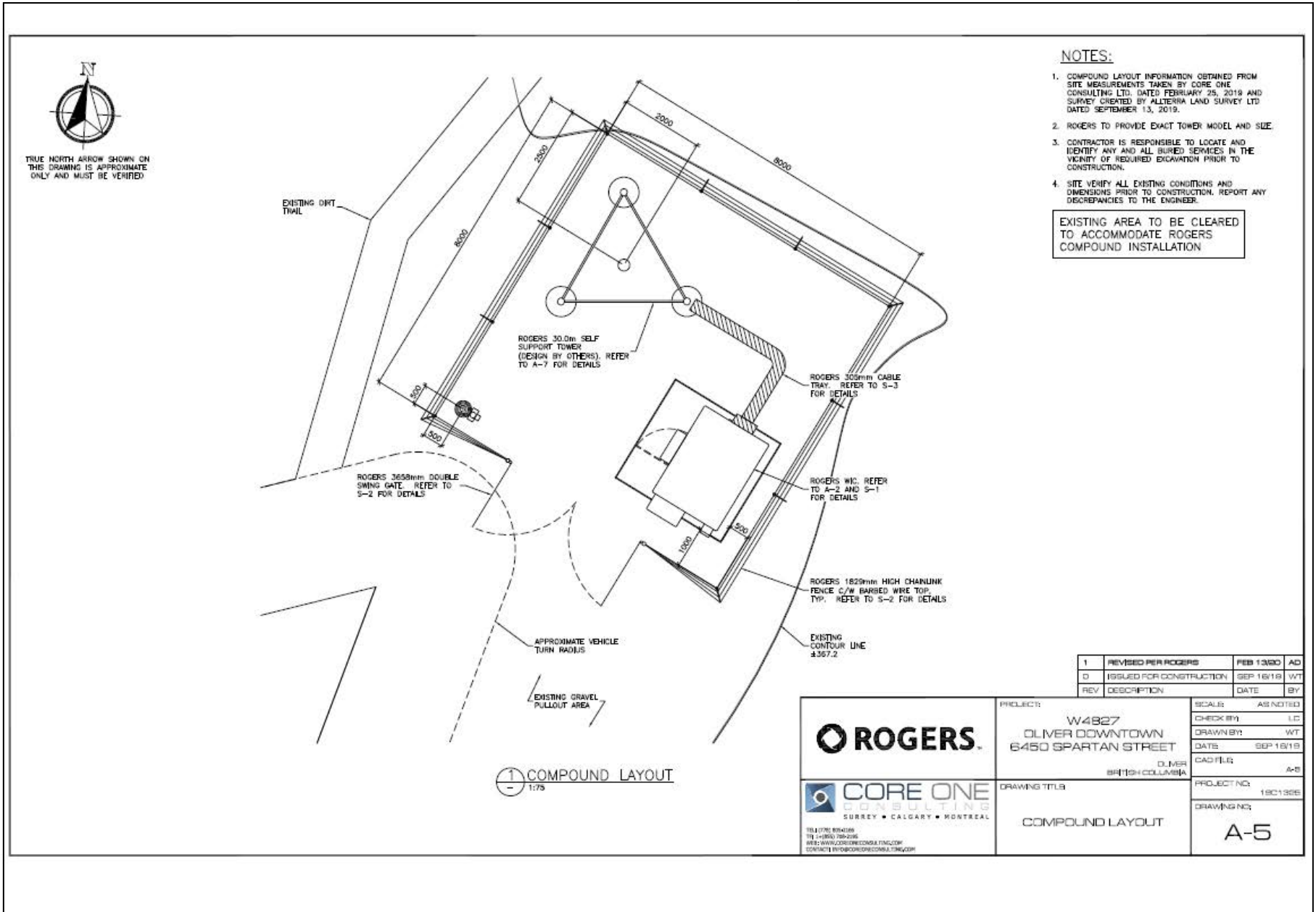
Tower Compound Area

1 SITE PLAN  
1:1000

REV	DESCRIPTION	DATE	BY
1	REVISED PER ROGERS	FEB 13/20	AD
0	ISSUED FOR CONSTRUCTION	SEP 18/19	WT

	PROJECT: W4827 OLIVER DOWNTOWN 6450 SPARTAN STREET OLIVER BRITISH COLUMBIA	SCALE: AS NOTED CHECK BY: LC DRAWN BY: WT DATE: SEP 18/19 CAD FILE: A-4
	SURREY • CALGARY • MONTREAL TEL: (604) 884-0488 TEL: (403) 239-2288 WEB: WWW.COREONECONSULTING.COM CONTACT: INFO@COREONECONSULTING.COM	DRAWING TITLE: SITE PLAN

# Attachment No. 5 – Site Plan (Tower Compound Area)



### NOTES:

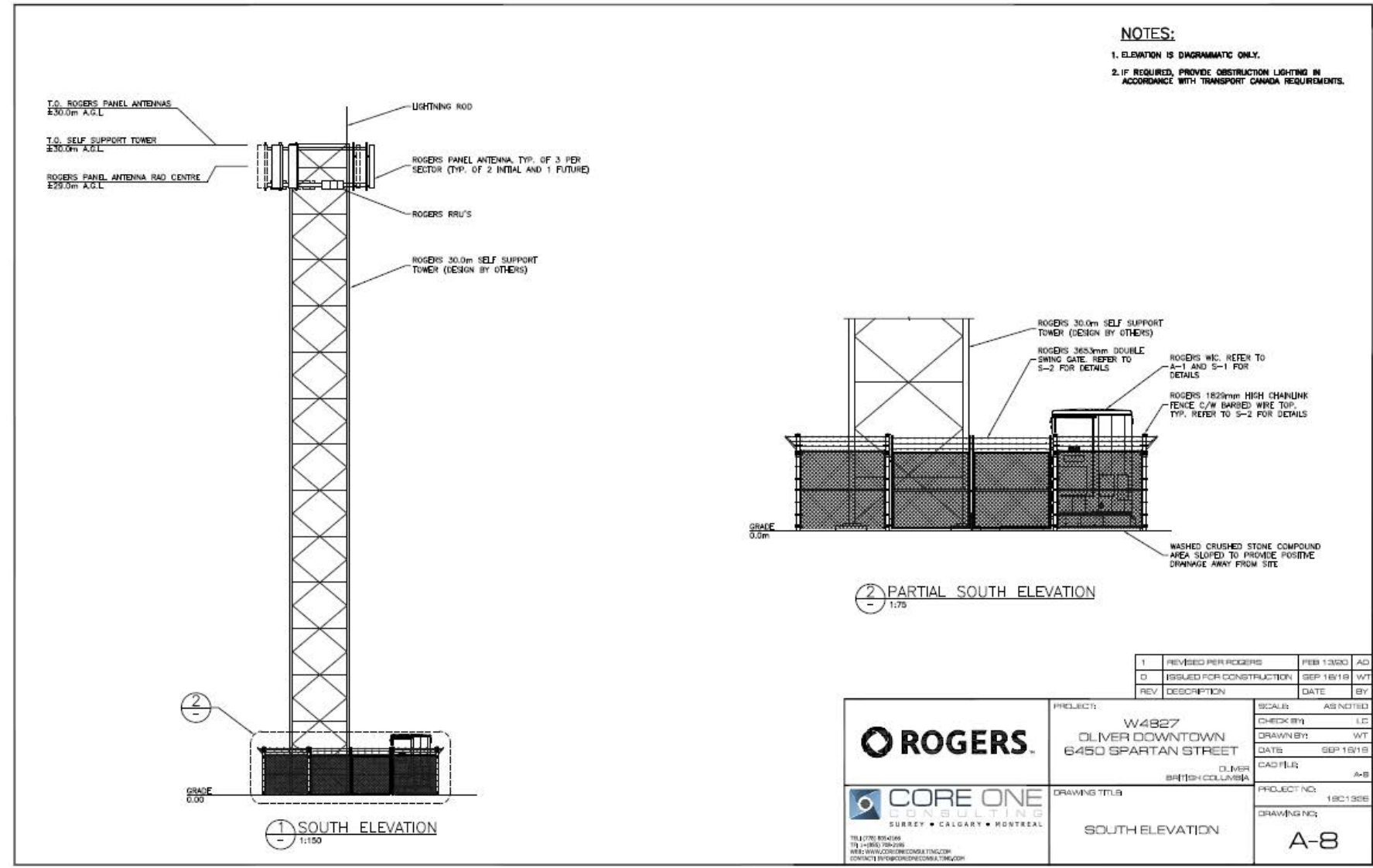
1. COMPOUND LAYOUT INFORMATION OBTAINED FROM SITE MEASUREMENTS TAKEN BY CORE ONE CONSULTING LTD. DATED FEBRUARY 25, 2019 AND SURVEY CREATED BY ALTIERRA LAND SURVEY LTD. DATED SEPTEMBER 13, 2019.
2. ROGERS TO PROVIDE EXACT TOWER MODEL AND SIZE.
3. CONTRACTOR IS RESPONSIBLE TO LOCATE AND IDENTIFY ANY AND ALL BURIED SERVICES IN THE VICINITY OF REQUIRED EXCAVATION PRIOR TO CONSTRUCTION.
4. SITE VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ENGINEER.

EXISTING AREA TO BE CLEARED TO ACCOMMODATE ROGERS COMPOUND INSTALLATION

1	REVISED PER ROGERS	FEB 13/20	AD
0	ISSUED FOR CONSTRUCTION	SEP 16/19	WT
REV	DESCRIPTION	DATE	BY

	PROJECT: W4827 OLIVER DOWNTOWN 6450 SPARTAN STREET OLIVER BRITISH COLUMBIA	SCALE: AS NOTED CHECK BY: LD DRAWN BY: WT DATE: SEP 16/19 CAD FILE: A-5
	SURREY • CALGARY • MONTREAL TEL: (250) 874-2288 TX: (403) 769-2288 WEB: WWW.COREONECONSULTING.COM CONTACT: INFO@COREONECONSULTING.COM	DRAWING TITLE: COMPOUND LAYOUT

# Attachment No. 6 – Elevations



REV	DESCRIPTION	DATE	BY
1	REVISED PER ROGERS	FEB 12/20	AD
0	ISSUED FOR CONSTRUCTION	SEP 16/19	WT

	PROJECT: W4827 OLIVER DOWNTOWN 6450 SPARTAN STREET OLIVER BRITISH COLUMBIA	SCALE: AS NOTED CHECK BY: LE DRAWN BY: WT DATE: SEP 16/19
	SURREY • CALGARY • MONTREAL TEL: (778) 854-1666 TX: (416) 756-2398 WEB: WWW.COREONECONSULTING.COM CONTACT: INFO@COREONECONSULTING.COM	DRAWING TITLE: SOUTH ELEVATION

Attachment No. 7 – Photo Simulation

BEFORE



AFTER



*Photo Simulation is a close representation and is for conceptual purposes only – not to scale.  
Proposed design is subject to change based on final engineer plans  
The tower will be marked in accordance with Transport Canada Obstruction Marking and NAV Canada requirements.*



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 2, 2020  
**RE:** Award Campbell Mountain Landfill leachate planning and implementation project

---

### Administrative Recommendation:

1. THAT the Campbell Mountain Landfill Leachate Management Planning and Implementation contract be sole-sourced to Sperling Hansen Associates in the amount of \$94,000 + applicable taxes;
2. THAT up to \$25,000 be approved as a contingency for this project.

### History:

Campbell Mountain landfill (CML) went onto the BC Contaminated Sites Register in 2016 as a result of trace elements of restricted minerals showing in groundwater off the CMLF property. Significant testing commenced, analysis was conducted, test wells and an effluent retention system were developed to collect and treat the contaminated material.

The final phase of the leachate and drainage work is a continuation on the Design, Operations and Closure Plan (DOCP). While the specific tasks outlined in the current scope of work were not discussed in detail in the DOCP, the installation of leachate collection wells, collection infrastructure and system analysis was included at a high level in the 2015 DOCP process.

The work on CML has utilized the services of Ms. Bryer Manwell as the engineer of record for the Contaminated Site Regulations with the Ministry of Environment. She will continue to be our representative to the Province under the scope of work proposed by SHA as a subconsultant for the final phase of the leachate and drainage planning. Given the history of completing the previous phases with these consultants, and on an economic basis, it is logical to continue retaining the services of these consultants through the next phase of the project. They are most knowledgeable and familiar with the unique site conditions and challenges the RDOS is facing at CML. A competitive procurement process would add significantly to the schedule and costs required to work toward regulatory compliance.

### Funding:

The leachate management planning and implementation work is approved in the 2020 budget for the Campbell Mountain Landfill through the use of reserve funds.

### Alternatives:

1. Deny the sole-source recommendation and authorize a competitive process

### Respectfully submitted:

*Liisa Bloomfield*

---

L. Bloomfield, Manager of Engineering

## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 2, 2020  
**RE:** Supervisory Control and Data Acquisition (SCADA) Project Award

---

### Administrative Recommendation:

**THAT the “SCADA Migration and Communications Upgrades Project” be awarded to MPE Engineering in the amount of \$189,690.00; and**

**THAT \$50,000 be approved as a contingency for this project.**

### History:

The Regional District owns or operates numerous water and waste water systems across a very large geographic area. A SCADA System allows for remote supervision and alarms for our water and wastewater system operators. This network is imperative to providing the most efficient and effective response for an acceptable level of service.

As the Regional District acquires systems incrementally, SCADA systems have been added in a piecemeal or retroactive fashion. The lack of integration between the systems has resulted in loss of communications between important sites, and leaves us open to potential attacks on our network without the adequate firewalls and secure connections.

In 2019 the Regional District contracted MPE to complete the analysis of our network and draft a master plan to determine the best course of action to address our issues with the network. The Regional District then issued an RFP for proposal to complete the detailed design and manage the upgrades for the systems and network.

### Analysis:

Ten Proposals were received prior to the closing date, proposals were reviewed and ranked based on the Regional District point rating system. The list of the Proponents, their ranking, and their price provided excluding GST is provided below.

### Proposal Ranking Summary

Consultant	Ranking <u>before</u> Cost considered	Total Price	FINAL Ranking
MPE Engineering Ltd	1 (tied for 1 <sup>st</sup> )	\$ 189,690	1
Tim Allen Engineering	7	\$ 145,084	2

ICI Engineering	5	\$ 157,312	3
Viva Automation	4	\$ 205,216	4
Turn-key Controls	3	\$ 222,000	5
Brock Solutions	1 (tied for 1 <sup>st</sup> )	\$ 343,780	6
Stantec	8	\$ 226,805	7
Celco Automation	6	\$ 290,754	8
Cima+	9	\$ 299,936	9
WEL Engineering	10	\$ 206,772	10

All 4 members of the review team ranked MPE Engineering to have the superior proposal after all of the criteria, including cost, were included. MPE Engineering has a strong team of industry experts that have experience completing similar projects on time and on budget. MPE also has an in-depth up-to-date knowledge of the Regional District SCADA components, which will be an asset for this project as they completed the master plan that formed the basis of the RFP for this project. MPE does not need to spend effort in becoming familiar with the system as they already understand all the background information and have a very strong understanding of the project scope and challenges.

**Funding:**

Funding for this project was approved in the 2020 budget as follows from the water and wastewater systems. The breakdown by system will be as follows:

System	Cost	% Cost	System	Cost	% Cost
Naramata Water	\$ 130,000	58%	OK Falls Sewer	\$ 13,400	9%
West Bench Water	\$ 23,300	16%	Willowbrook Water	\$ 1,440	1%
Faulder Water	\$ 10,080	7%	Sun Valley Water	\$ 990	1%
Olalla Water	\$ 14,400	10%	<b>TOTAL</b>	<b>\$190k</b>	<b>100%</b>

Naramata water system also has other electrical components that were already planned for replacement and are now included in this project. If the contingency is needed then it will be applied to the specific budget required.

**Alternatives:**

1. Cancel the project

**Respectfully submitted:**

*Liisa Bloomfield*

---

L. Bloomfield, Manager of Engineering

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** BYLAW 2904 – Area “D” Community Works (Gas Tax) Reserve Expenditure  
Bylaw

---

### Administrative Recommendation:

**THAT** Bylaw No.2904, 2020, being a bylaw to authorize an expenditure of \$95,000 from the Electoral Area “D” Community Works Reserve to fund work at Garnet Family Park be given first, second, & third readings and be adopted.

### Reference:

Bylaw 2403, 2006 - Regional District Okanagan Similkameen Electoral Area “D” Community Works (Gas Tax) Reserve Fund Establishment Bylaw.

Bylaw 2904, 2020 Electoral Area “D” Community Works (Gas Tax) Reserve Expenditure.

### Background:

The Garnet Family Park(Heritage Hills Park) development commenced in 2016. Further work to enhance the park is planned.

Specifically, the funds will be used at the park for:

- 1) construction of a public washroom facility, and
- 2) matching FortisBC donations for park development, and
- 3) matching community donations for park benches and tables.
- 4) other park development work.

### Analysis:

This project meets the criteria as set out for the Community Works Gas Tax Program since it provides parks & recreation infrastructure.

After deducting the expenditures already committed in 2020, the balance in the Area H Community Works (Gas Tax) Reserve Fund is \$543,150.45

**Alternatives:**

Status Quo – Park improvements do not occur.

**Respectfully submitted:**

*“John Kurvink, Manager of Finance/CFO”*

---

J. Kurvink, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2904, 2020**

---

A bylaw to authorize the expenditure of monies from the Electoral Area 'D' Community Works (Gas Tax) Reserve Fund to fund further work at Garnet Family Park (Heritage Hills Park)

---

**WHEREAS** Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the 'Electoral Area 'D' Community Works (Gas Tax) Reserve Fund' has sufficient monies available for community capital projects;

**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 "Electoral Area 'D' Community Works (Gas Tax) Reserve Fund Expenditure Bylaw No. 2904, 2020"

---

2. The expenditure of \$95,000 from the Electoral Area 'D' Community Works (Gas Tax) Reserve Fund is hereby authorized to fund further work at Garnet Family Park (Heritage Hills Park)

---

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

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

---

RDOS Board Chair

---

Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** BYLAW 2906 – Area “H” Community Works (Gas Tax) Reserve Expenditure  
Bylaw

---

### Administrative Recommendation:

**THAT** Bylaw No.2906, 2020, being a bylaw to authorize an expenditure of \$85,000 from the Electoral Area “H” Community Works Reserve to provide a contribution to the Town of Princeton for the expansion of the Liquid Waste Receiving Facility be given first, second, & third readings and be adopted.

### Reference:

Bylaw 2407, 2006 - Regional District Okanagan Similkameen Electoral Area “H” Community Works (Gas Tax) Reserve Fund Establishment Bylaw.

Bylaw 2906, 2020 Electoral Area “H” Community Works (Gas Tax) Reserve Expenditure.

### Background:

The current liquid waste which receives septage from Area H residents is reaching capacity. These funds will be used to construct a third liquid waste basin.

### Analysis:

This project meets the criteria as set out for the Community Works Gas Tax Program since it provides liquid waste infrastructure.

After deducting the expenditures already committed in 2020, the balance in the Area H Community Works (Gas Tax) Reserve Fund is \$518,350.54.

### Alternatives:

Status Quo – Expansion does not go forward.

Respectfully submitted:

*“John Kurvink, Manager of Finance/CFO”*

---

J. Kurvink, Finance Manager



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2906, 2020**

---

A bylaw to authorize the expenditure of monies from the Electoral Area 'H' Community Works (Gas Tax) Reserve Fund for the expansion of the Princeton Liquid Waste Receiving Facility

---

**WHEREAS** Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the 'Electoral Area 'H' Community Works (Gas Tax) Reserve Fund' has sufficient monies available for community capital projects;

**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 "Electoral Area 'H' Community Works (Gas Tax) Reserve Fund Expenditure Bylaw No. 2906, 2020"

---

2. The expenditure of \$85,000 from the Electoral Area 'H' Community Works (Gas Tax) Reserve Fund is hereby authorized towards the expansion of Princeton Liquid Waste Receiving Facility.

---

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

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

---

RDOS Board Chair

---

Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** BYLAW 2907 – Area “D” Community Works (Gas Tax) Reserve Expenditure Bylaw

---

### Administrative Recommendation:

THAT Bylaw No.2907, 2020, being a bylaw to authorize an expenditure of \$95,000 from the Electoral Area “D” Community Works Reserve to provide a contribution to the Okanagan Falls Irrigation District to fund the design and construction of a public washroom facility at Centennial Park in Okanagan Falls be given first, second, & third readings and be adopted.

### Reference:

Bylaw 2403, 2006 - Area “D” Community Works Reserve Fund Bylaw.

### Background:

Centennial Park is owned and operated by the Okanagan Falls Irrigation District and is used for recreation, community and cultural events throughout the summer, but does not have public washrooms. These funds will be used to fund design and construction of a new public washroom facility at Centennial Park in OK Falls.

### Analysis:

This project meets the criteria as set out for the Community Works Gas Tax Program since it provides parks & recreation infrastructure.

After deducting the expenditures already committed in 2020, the balance in the Area H Community Works (Gas Tax) Reserve Fund is \$448,150.45

### Alternatives:

Status Quo – Park improvements do not occur.

### Respectfully submitted:

*“John Kurvink, Manager of Finance/CFO”*

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**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2907, 2020**

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A bylaw to authorize the expenditure of monies from the Electoral Area 'D' Community Works (Gas Tax) Reserve Fund to fund design and construction of a new public washroom facility at Centennial Park in OK Falls.

**WHEREAS** Section 377 of the Local Government Act, and Section 189 of the Community Charter authorises the Board, by bylaw adopted by at least 2/3 of its members, to provide for the expenditure of any money in a reserve fund and interest earned on it;

**AND WHEREAS** the 'Electoral Area 'D' Community Works (Gas Tax) Reserve Fund' has sufficient monies available for community capital projects;

**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 "Electoral Area 'D' Community Works (Gas Tax) Reserve Fund Expenditure Bylaw No. 2907, 2020"

2. The expenditure of \$95,000 from the Electoral Area 'D' Community Works (Gas Tax) Reserve Fund is hereby authorized to fund design and construction of a new public washroom facility at Centennial Park in OK Falls.

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

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

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RDOS Board Chair

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Corporate Officer

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

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

**DATE:** July 2, 2020

**RE:** Okanagan Falls Sanitary Sewer Service Petition

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### Administrative Recommendation:

**THAT Bylaw No. 1239.08, 2020 Okanagan Falls Sanitary Sewer Service Area Extension Bylaw be adopted.**

### Purpose:

To bring a parcel into the Okanagan Falls Sanitary Sewer Service Area

### Reference:

Bylaw No. 1239, 1991

### Background:

The owner of 1543 Maple Street, Okanagan Falls has petitioned the Regional District to amend the Okanagan Falls Sanitary Sewer Service Area to include Lot 2, Plan KAP14822, DL551, SDYD. The parcel is adjacent to the existing Service Area boundary.

### Analysis:

Under Regional District Establishing Bylaw Approval Exemption Regulation 113/2007, the Board may adopt a bylaw without approval of the Inspector of Municipalities if a sufficient petition and consent from the Electoral Area Director is received. The regulation requires that a local government must allow one meeting between third reading and adoption.

The Manager of Engineering and Manager of Public Works are supportive of the inclusion of the parcel. The Corporate Officer has certified the petition as sufficient and valid. Bylaw No. 1239.08 received three readings on June 6, 2020 and may now be adopted.

### Alternatives:

1. Rescind three readings and abandon the bylaw.

### Respectfully submitted:

*"Gillian Cramm"*

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G. Cramm, Legislative Services Coordinator

### Endorsed by:

*"Christy Malden"*

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C. Malden, Manager of Legislative Services

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BYLAW NO. 1239.08, 2020**

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A bylaw to amend the Okanagan Falls Specified Area Sanitary Sewer System Local Service Establishment Bylaw No.1239, 1991.

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WHEREAS the owner of the property described in this bylaw have petitioned the Board of the Regional District to extend the boundaries of the Okanagan Falls Sanitary Sewer Service Area to include the property;

AND WHEREAS the Regional District of Okanagan-Similkameen wishes to proceed under the *Local Government Act* to amend the boundaries of the service area of the Okanagan Falls Sanitary Sewer Service Area;

AND WHEREAS the Regional District has agreed to act on that request in accordance with sections 349 and 350 of the *Local Government Act*;

NOW THEREFORE, the Board of the Regional District of Okanagan Similkameen, in open meeting assembled, enacts as follows:

**1. CITATION**

1.1. This bylaw may be cited as the "Okanagan Falls Sanitary Sewer Service Area Extension Bylaw No. 1239.08, 2020."

**2. SERVICE AREA EXTENSION**

2.1. The Okanagan Falls Specified Area Sanitary Sewer System Local Service Establishment Bylaw No. 1239, 1991 is amended by adding the property legally described as:

**Lot 2, Plan KAP14822, DL551, SDYD**

shown shaded on Schedule "A" which is attached to and forms part of this Bylaw.

READ A FIRST, SECOND AND THIRD TIME this 4<sup>th</sup> day of June, 2020.

ELECTORAL AREA DIRECTOR CONSENT OBTAINED this 2<sup>nd</sup> day of June, 2020.

ADOPTED this \_\_\_ day of \_\_, 20\_\_.

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

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

FILED with the Inspector of Municipalities this \_\_\_ day of \_\_20\_\_.



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** July 2, 2020  
**RE:** Ministerial Order M192/ Public Access to Meetings

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### Administrative Recommendation:

- 1. THAT meetings of the Board of Directors for the Regional District of Okanagan Similkameen be closed to the public for the duration of the State of Provincial Emergency due to the inability to meet physical distancing requirements in the Board Room in accordance with, or recommendations under, the Public Health Act; and,**
- 2. THAT the Regional District meet the requirements of S. 226 of the Local Government Act for public participation by inviting the public to attend electronically.**

### Purpose:

To meet the requirements of Ministerial Order M192 issued under the Emergency Program Act.

### Reference:

1. M192
2. S. 226, Local Government Act

### Background:

Order M192 was issued June 17, 2020 under the Emergency Program Act, thereby replacing MO139, to set new guidelines for public presence at local government meetings and timing requirements for bylaw adoption. All other previous provisions under MO139, such as conducting public hearings electronically, allowing for Boards to meet electronically remain in effect under Order M192. M192 provides the following:

Open meetings - regional districts

- 4 (1) A board established under the Local Government Act must use best efforts to allow members of the public to attend an open meeting of the board, board committee or body in a manner that is consistent with any applicable requirements or recommendations made under the Public Health Act.
- (2) A board, board committee or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the board, board committee or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the Public Health Act.

- (3) If a board, board committee or body does not allow members of the public to attend a meeting, as contemplated in subsection (2) of this section,
  - (a) the board must state the following, by resolution:
    - (i) the basis for holding the meeting without members of the public in attendance;
    - (ii) the means by which the board, board committee or body is ensuring openness, transparency, accessibility and accountability in respect of the meeting, and
  - (b) for the purposes of Division 3 [Open Meetings] of Part 4 [Public Participation and Council Accountability] of the Community Charter as that Division applies to a regional district under section 226 of the Local Government Act, the meeting is not to be considered closed to the public.
- (4) The board, board committee or body may pass a resolution under subsection (3) (a) in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

**Analysis:**

Order M192 requires local governments to undertake “best efforts” to meet the legislative requirements for open meetings so the public can continue to participate and understand local government decision-making in a way that is meaningful for them.

Local governments that are unable to meet the PHO recommendations and requirements and hold open meetings where the public can attend in person are now required to adopt a resolution to provide a rationale for the continued need to meet without the public present. They must also describe what local measures are being taken to meet the principles of openness, transparency and accessibility. The resolution may be in reference to a specific meeting or, if the same circumstances apply, more than one meeting.

The physical parameters of the Board Room at 101 Martin Street do not permit the physical attendance of our 19 Board Members and staff at a meeting, let alone opening to the public. While Administration is currently evaluating alternatives for meeting space, we’re not there yet and M192 requires the Board to pass a resolution identifying their intentions and how the Regional District can meet public access requirements.

The public does have full access to Board Meetings electronically.