

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** May 4, 2023

**RE:** Watercourse Development Permits (WDP) Updated Timelines (X2023.004-ZONE)

---

### **Administrative Recommendation:**

**THAT Bylaw No. 3008, 2023, a bylaw to amend the Electoral Area “A”, “C”, “D”, “E”, “F”, “H” and “I” Official Community Plans; and,**

**THAT Bylaw No. 2500.32, 2023, a bylaw to amend the Development Procedures Bylaw, be read a first and second time and proceed to public hearing; and,**

**THAT the report from the Chief Administrative Officer dated May 4, 2023, be deemed appropriate consultation for the purpose of Section 475 of the Local Government Act; and,**

**THAT, in accordance with Section 477 of the Local Government Act, the Board of Directors has considered Amendment Bylaw No. 3008, 2023, in conjunction with its Financial and applicable Waste Management Plans; and,**

**THAT the holding of a public hearing be scheduled for the Regional District Board meeting of May 18, 2023; and,**

**THAT notice of the public hearing be provided in accordance with the requirements of the Local Government Act.**

---

### **Proposed Development:**

Amendment Bylaws No. 3008 and 2500.32, 2023 are seeking to allow for consideration of the issuance of a Watercourse Development Permit (WDP) without an “Assessment Report” having been reviewed by the province whenever provincial processing times exceed six (6) months.

### **Background:**

On March 31, 2005, the Provincial *Riparian Areas Regulation* (RAR) came into effect with the purpose of establishing “directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.”

At Section 3 of the *Regulation*, the Provincial government listed 14 regional districts — including the Regional District of Okanagan-Similkameen — that are required to implement RAR through their land use bylaws.

At its meeting of June 8, 2006, the Regional District Board adopted Amendment Bylaw No. 2337, 2006, which introduced Watercourse Development Permit (WDP) Area designations into the Electoral Area OCP Bylaws.

In administering WDPs, the Regional District relies on the “professional reliance” model wherein a “qualified environmental professional” (QEP) prepares an assessment report based on “prescriptive,

---

---

repeatable assessment methodology” established by the Provincial government, and that this report forms the basis of a permit.

In 2018, the Province completed a *Professional Reliance Review* that made a number of recommendations in relation to RAR, including the introduction of “provincial authority to reject riparian assessments.”

On November 1, 2019, a new Provincial *Riparian Area Protection Regulation* (RAPR) came into effect. One of the more consequential changes was a requirement that a local government not issue a WDP until such time as the relevant Minister has forwarded a copy of a QEP’s assessment report.

At its meeting of February 20, 2020, the Board adopted Amendment Bylaw No. 2876, 2020, which updated the various Electoral Area OCP Bylaws to reflect the introduction of RAPR. This included a requirement that the Regional District receive an “Assessment Report”, prepared in accordance with RAPR, from the responsible provincial minister prior to the issuance of a permit.

At its meeting of March 16, 2023, the Planning and Development Committee was presented with options regarding Watercourse Development Permit Timeline Updates and resolved that the Watercourse Development Permit (WDP) Area Guidelines in the Electoral Area Official Community Plan (OCP) be amended.

#### **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 & 3).

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 53 / 58 / 67 have been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District’s current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS’s current waste management plan and financial plan.

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

#### **Public Process:**

On April 12, 2023, a Public Information Meeting (PIM) was held electronically via Webex and was attended by approximately 7 members of the public.

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

---

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

**Analysis:**

In response to the direction set by the Board, Administration considers the proposed amendment bylaws to address the current delay and backlog in the provincial review of “Assessment Reports” which is creating undue hardship for property owners within Electoral Areas that are attempting to undertake development in designated WDP areas.

The proposed amendments to the Electoral Area OCPs and Development Procedures Bylaw would allow for more timely consideration of WDP applications by allowing for the consideration of the issuance of a WDP without an “Assessment Report” having first been reviewed by the province, whenever provincial processing times exceed six (6) months.

The allowance is intended to be a temporary provision with the normal procedure being one in which the province reviews reports in a timely manner.

Conversely, Administration recognises that Regional District would not be able to provide the same level of review as provincial staff whom, it is believed, are QEPs.

**Alternatives:**

1. THAT the Electoral Area “A”, “C”, “D”, “E”, “F”, “H” and “I” Official Community Plan Amendment Bylaw No. 3008, 2023, and the Development Procedures Amendment Bylaw No. 2500.32, 2023, be denied.

**Respectfully submitted:**

*Fiona Titley*

---

Fiona Titley, Planner II

**Endorsed By:**

*CG*

---

C. Garrish, Planning Manager

Attachments: No. 1 – Agency Referral List

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw No. 3008:

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Fortis
<input type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input checked="" type="checkbox"/>	Ministry of Agriculture	<input type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input type="checkbox"/>	Ministry of Lands, Water and Resource Stewardship	<input type="checkbox"/>	Town of Princeton
<input checked="" type="checkbox"/>	Ministry of Environment & Climate Change	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	PIB / OIB / LSIB (via NationsConnect)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input checked="" type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input checked="" type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Vaseux Lake Irrigation District
<input type="checkbox"/>	Keremeos Irrigation District	<input type="checkbox"/>	X Irrigation District / improvement Districts / etc.
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District	<input type="checkbox"/>	Fraser Valley Regional District
<input type="checkbox"/>	Volunteer Fire Department		