

Regional District of Okanagan-Similkameen

**SCHEDULE OF MEETINGS**

**THURSDAY, MAY 7, 2015**

**RDOS BOARDROOM**

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9:00 am	-	10:45 am	Protective Services Committee
10:45 am	-	11:45 am	Community Services Committee
11:45 am	-	12:15 pm	Lunch
12:15 pm	-	1:15 pm	Planning and Development Committee
1:15 pm	-	1:30 pm	OSRHD Special Board Meeting
1:30 pm	-	3:30 pm	RDOS Regular Board Meeting

*"Mark Pendergraft"*

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Mark Pendergraft  
RDOS Board Chair

Advance Notice of Meetings:

May 21	RDOS/OSRHD Board/Committee Meetings
June 4	RDOS Board/Committee Meetings
June 18	RDOS/OSRHD Board/Committee Meetings
July 2	RDOS Board/Committee Meetings
July 16	RDOS/OSRHD Board/Committee Meetings
August 6	RDOS Board/Committee Meetings
August 20	RDOS/OSRHD Board/Committee Meetings
September 3	RDOS Board/Committee Meetings

May 7, 2015



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Protective Services Committee

Thursday, May 7, 2015

9:00 a.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

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### B. DELEGATION

1. RCMP, Penticton Detachment – Superintendent Kevin Hewco.  
Supt. Hewco will be addressing the Committee to provide a quarterly report and introduce Staff Sergeant Kirsten Marshall who is now overseeing operations in the greater Regional District area.
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### C. BC Office of the Fire Commissioner – Firefighter Competency and Training Playbook

1. Playbook
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### D. Emergency Communications Strategic Vision

1. Letter from Clayton Pecknold, Assistant Deputy Minister
2. Emergency Communications Service Delivery in British Columbia

#### **RECOMMENDATION 1**

**THAT the Board of Directors appoint a representative to attend the June 1, 2015 consultation forum regarding the future of emergency communications across the province involving 9-1-1 and police communication centres.**

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### E. ADJOURNMENT

# British Columbia Fire Service Minimum Training Standards

*Structure Firefighters  
Competency and Training*

## PLAYBOOK



September 2014

Pursuant to section 3(b) of the *Fire Services Act* of B.C.

## ***Acknowledgements***

The Office of the Fire Commissioner wishes to acknowledge the contributions of the following organizations in the compilation, consultation, evaluation and drafting of the B.C. Fire Service Minimum Training Standards:

Fire Chiefs Association of British Columbia

British Columbia Fire Training Officers Association

Justice Institute of British Columbia

Vancouver Island Emergency Response Agency

College of the Rockies

It was through the efforts of these organizations as well as staff and other individuals within the fire service that this Playbook was created. In moving forward, the Playbook is intended to be a living document that will be periodically reassessed with a view to enhancing or clarifying aspects identified by the fire service.

## 1. Purpose:

To establish minimum standards of training required for fire services personnel in British Columbia. This Playbook sets out a competency-based ladder that provides for a minimum level of sequential training and operational requirements that must be met by each fire department. The level of minimum standards that must be met by each fire department is determined by the Service Level provided by a fire department as determined by the Authority Having Jurisdiction that is responsible for that fire department.

## 2. Scope:

This **Playbook** and establishment of the **Service Level** requirement are intended to provide an industry recognized minimum standard of training that utilizes, and bridges to, the current National Fire Protection Association (NFPA) Firefighter qualifications. It is not intended to change or nullify any requirements or training related to other roles or functions in the fire service.

This Playbook establishes the minimum standards of training that must be met and does not encompass all roles or functions of the fire service. Some roles and functions will require additional training. This **Playbook** does not preclude the need for fire services to obtain and maintain training in these other roles or functions (example: pump operator).

This document is applicable to any fire service/department in British Columbia that provides fire services and includes municipal fire departments, volunteer fire departments, and fire departments established as a society under the *Society Act* of BC. For the purpose of this document, the term “Authority Having Jurisdiction” or “AHJ” correctly describes local or regional government. It does not apply to provincial Wildfire Management Branch (WMB) resources.

This document and program establishes the minimum standards for the skills and training necessary to perform the role of a firefighter and team leader at each designated level of competency.

This document and program does not cover the minimum standards for the skills and training necessary to perform other advanced or specific functions/roles such as, but not limited to: Incident Commander, Driver/Operator, Incident Safety Officer, or Rapid Intervention Team. **The competencies and/or requirements of these and other specific fire operations functions should be addressed through other applicable training programs and standards.**

## 3. Principles:

Each AHJ must select and declare its firefighting **Service Level** in order for the AHJ to determine which set of minimum standards are to be met. This declared **Service Level** needs to be fully reflected in the fire department’s operating guidelines and policies. The AHJ’s decision should be based upon:

- local conditions;
- consultation with representatives of local fire service delivery organization;
- availability of resources and the ability of those resources to respond;

- the realities of the community in terms of demographics, travel distances, fire hall locations, and staffing models; and
- the ability of the jurisdiction or organization to financially support the operations and meet all applicable safety and operational requirements.

There are three (3) **Service Level** options available under this **Playbook**. Each AHJ must carefully examine what level of service its department is mandated to provide and then meet the appropriate training and operations identified in the competency ladder. Ensuring compliance with minimum standards established in this Playbook is the responsibility of the AHJ.

It is the responsibility of each AHJ to immediately take steps to ensure implementation of the training requirements associated to the **Service Level** selected. The AHJ is responsible to ensure that any training provided internally or by an outside agency, meets the competencies and minimum standards identified in this **Playbook**. As a competency-based program, formal accreditation, while encouraged, is not required by this **Playbook**. Each firefighter must be provided training and evaluation in all competencies, both theoretical classroom and hands-on practical skills, that are identified in the curriculum. Assessments/evaluations of competencies can be carried out by the AHJ so long as the evaluation instruments follow the criteria of this **Playbook** and that detailed records of firefighter training and evaluation are maintained.

#### 4. Competencies

The Playbook establishes and describes the minimum competencies required of firefighter roles in the following three (3) categories:

- Exterior Operations Level Firefighter
- Interior Operations Level Firefighter
- Full-Service Operations Level Firefighter

In addition, the Playbook establishes three new fire ground supervisory descriptions related to training competencies. These are:

- Exterior Operations Level Team Leader
- Exterior Operations Level Risk Management Officer
- Interior Operations Level Team Leader

The fire service has a number of well-established officer ranks within its structure. However, use of departmental officer rank identification is not included within this Playbook as they do not necessarily signify an operational role on the fire ground. The supervisory descriptions identified above do not require new “positions” in the department; they simply reflect specific skills and training required to lead a functional crew. Each department must determine the number of these trained individuals required for their AHJ/department.

## 5. Terminology:

### **Team Leader:**

In this **Playbook** the term **Team Leader** is applied to identify the individual, whether they be a firefighter or officer, responsible for a specific crew function at an emergency incident.

*Background: On the fire ground most departments operate in a manner whereby not all activities are supervised by an officer; commonly there are simply not enough officers for all the functions being performed. Usually a functional role being performed, such as ventilation, results in the identification and assignment of a **Team Leader**. This individual may commonly be referred to as the Ventilation **Team Leader**, or some other functional description. Frequently a senior or more qualified firefighter will lead the team, even if they are not of officer rank. This reality is identified and accounted for in this **Playbook**. This terminology also recognizes the reality of elected officers in some department structures who may/may not have advanced operational qualifications or skills.*

**Team Leaders** require a higher degree of competency than those they are supervising. This is a worker safety requirement of WorkSafeBC as well as being operationally sound. This **Playbook** therefore identifies the minimum training competencies required for those individuals who will be assuming **Team Leader** roles within Exterior and Interior Operations Service Level departments.

### **Risk Management Officer:**

The Incident Commander (IC) manages a specific incident in a safe and effective manner, while the Risk Management Officer role ensures that the department has in place Operational Guidelines, training programs and other administrative processes that ensure safe and effective operations at all incidents. In this **Playbook** the term **Risk Management Officer** is applied to identify the individual, usually a senior officer, responsible for ensuring administrative processes are followed to ensure an Exterior Operations Level department practices safe and effective fire ground operations as a matter of principle. This position does not replace either the Incident Commander (IC) or Safety Officer (ISO) role at a scene.

The **Risk Management Officer** may be the Fire Chief, or they may be another senior officer depending on the composition and structure of the department. Regardless of who performs the role, it is not a single incident function. Individuals may be trained, or assume, multiple diverse roles within a department or during fire ground operations.

## 6. Instruction and Evaluation:

The instruction and evaluation components of this Playbook are detailed within the document. There are clear expectations identified related to training materials, lesson plans, instructional qualifications, evaluation instruments, and training records database management. Training and evaluation can occur via either a 3<sup>rd</sup> party accredited training organization, or “in-house” using non-accredited instructors and evaluators. The decision on the most appropriate method for each department rests with the AHJ.

It is the responsibility of all fire departments/AHJ's to be able to accurately identify, record, edit and report out on a complete list of training records for each individual firefighter including specific training subjects covered at each training session. All training records must be kept in accordance with WorkSafeBC Regulations and any other regulatory requirements.

#### 7. Maintenance Training:

This Playbook identifies the minimum training competencies required of all firefighters at each service level. The maintenance of training competencies is the responsibility of the Authority Having Jurisdiction and it is expected that this will be accomplished through ongoing skills maintenance training and education.

#### 8. Authority to Amend:

The Fire Commissioner is empowered to make minor amendments in the form of corrections or clarifications to the content of the Playbook without approval of the Minister, providing there is no substantive change to the minimum standards outlined. Any other amendments are subject to the approval of the Minister pursuant to section 3 of the *Fire Services Act*. Amendments shall be posted to the Office of the Fire Commissioner (OFC) website.



# Definitions

For the purpose of this Playbook, the following definitions apply:

**Appliances** – various purpose-designed and built devices which can be deployed, to assist in the acquisition and delivery of water flows (e.g. nozzle, wye, gate valve).

**Authority Having Jurisdiction (AHJ)** – for the purpose of this document the AHJ is any local government or other entity or organization that provides fire services in British Columbia

**Basic Firefighter Training Program** – This was a “made in British Columbia” training program designed for firefighters working in fire services that provide only exterior fire suppression practices. The program is based upon the NFPA 1001 training curriculum involving those components which specifically address skills relevant to exterior firefighting only. Firefighters only trained in the Basic Firefighter Training Program are not trained to undertake offensive, interior attacks at structural or other fires and never should do.

**Certification/Accreditation** – is awarded to firefighters trained or qualified to meet or exceed a specific operational standard AND who are successfully evaluated by a third party organization, or by an agency on their behalf.

**Competency/Requirement** – is achieved by firefighters trained or qualified and evaluated to meet the operational requirements of a given standard or program but not necessarily certified by an accredited agency to that standard. Competency is recognized if full training and evaluation records for a given skill performed by the individual firefighter can clearly demonstrate that all identified competency requirements of the standard have been met.

**Exterior Operations** – is the **Service Level** that includes firefighting activities restricted to the control and/or extinguishment of fire from a position external to the building or object in question, and outside of any IDLH environment.

**Full Service Operations** – is the **Service Level** that includes activities that are undertaken by firefighters trained in the full spectrum of competencies outlined in the NFPA 1001 *Standard for Fire Fighter Professional Qualifications*.

**Hose** – water hose which is purpose-designed and built for structural firefighting. Size and type must be appropriate to the hazards and intended use.

**IDLH** (Immediately dangerous to life and health) - Is a descriptor commonly used to describe incident conditions that present an immediate threat to a person’s safety through inhalation or exposure (e.g. smoke, noxious vapor, super-heated air).

**Incident Commander** – is a designated and specifically trained individual responsible for safety, strategies and tactics during any fire service operation.

**Incident Safety Officer (ISO)** – is a trained firefighter with fire ground experience and education in identification of incident hazards before they become issues and capability of generating solutions or direct actions to avoid such hazards.

**Interior Operations** – is the **Service Level** that includes firefighting activities that include entry into structures and objects with the purpose of control and/or extinguishment of fire. This requires use of specialized protective equipment and procedures not covered by the training provided in relation to Exterior Operations **Service Level**.

**Maintenance Training** – ongoing training provided to firefighters to ensure previously acquired skills, abilities and knowledge are retained at a level sufficient to meet the associated competencies.

**NFPA 1001** - National Fire Protection Association *Standard for Fire Fighter Professional Qualifications*. Pursuant to the *Fire Services Act* (BC) and this **Playbook**, NFPA standards have been identified in British Columbia as the standards upon which all firefighter competency training will be based and evaluated. The most current version of NFPA 1001 must be used.

**PASS Alarm** – Personal Alert Safety System. A purpose-designed and built device worn by a firefighter during operations that quickly identifies and sounds an alarm should the firefighter become incapacitated. PASS Alarms may be incorporated into an SCBA device by manufacturers.

**Personal Protective Equipment (PPE)** – Typically consists of purpose-made and regulated garments for structural firefighting including: protective boots, turn-out coat and pants, balaclava, helmet and firefighting gloves.

**Pumping Apparatus** – a purpose-designed built structural firefighting engine/pumper originally designed and built based upon NFPA 1901 and/or ULC S-515. This vehicle must be capable of delivering water flows to a fire hose and nozzle which are suitable for the hazards present in the community. It must have an on-board initial water supply and capability of drawing water from external sources for extended periods.

**Rapid Intervention Team (RIT)** – a dedicated crew of firefighters, at a minimum trained to conduct Interior Operations as set out in this **Playbook** and assembled within the time frames required under s. 31.23(4) of the *Occupational Health and Safety Regulation* under the *Workers Compensation Act*, ready to engage in firefighter rescue operations.

**Risk Management Officer** – an administrative position created within this **Playbook** framework to ensure that External Operations Level fire services are identifying and managing the risk and safety aspects of their operation. Areas of concern include: training program design, training records management, Bylaw management, Operational Guidelines, adherence to applicable regulations and standards, and other non-fire ground administrative matters related to safety and risk.

**SCBA** (Self-contained breathing apparatus) - is purpose-designed and built for firefighters to allow for operations in and around dangerous atmospheres.

**Service Level** – means Exterior Operations, Interior Operations or Full Service Operations

**Team Leader** – a firefighter or officer trained/qualified to lead a team of firefighters in the undertaking of a fire ground task, or set of tasks, as applicable to the operational **Service Level** provided by the department. Team Leader qualifications are not based, nor necessarily applicable, to a department rank. Requirements are set out in the Standards and Requirements sections of this document.

# Instruction and Evaluation Requirements

Training and evaluation may be administered via 3<sup>rd</sup> party accredited providers, or be done “in-house” by qualified department personnel. The following describes the requirements for “In-House” delivery of **Playbook** training related requirements. If departments choose to utilize a 3<sup>rd</sup> party, providers will facilitate all training and evaluation instruments. It is recommended that departments ensure compliance when organizing training with any 3<sup>rd</sup> party provider to ensure compliance with the competencies required, at minimum.

## 1. Training Materials for departments choosing to train “In-House”

Exterior Operations Level:

- Exterior Operations Level training materials will be those included as part of the Exterior Operations Level Train-the-Trainer curriculum package, as provided by the OFC. Lesson plans, instructional techniques and evaluation tools and instruments are included as part of the curriculum package

Interior and Full-Service Operations Levels:

- Interior and Full-Service Level training materials must be obtained by the fire department from recognized third party instructional material providers such as IFSTA (Essentials), Jones & Bartlett (Fundamentals), or other organizations recognized by the OFC. These comprehensive materials include detailed reference articles, lesson plans, and skill sheets that can be used as a portion of the overall evaluation.

## 2. Instructor Qualification requirements for “In-House” training delivery

Exterior Operations Level:

- The fire service member responsible for the delivery of Exterior Operations Level training to firefighters must be a graduate of a current Train-the-Trainer for the Exterior Operations Level from a program recognized by the Office of the Fire Commissioner of BC. Contact the OFC for a list of qualifying programs.

Interior Operations Level:

- The fire service member responsible for the delivery of Interior Operations Level training programs must possess current NFPA 1001-FF2 Certification. It is optionally recommended that they also be certified as a Fire Service Instructor 1. In addition the individual responsible must ensure the training meets the requirements of *the Occupational Health and Safety Regulation* under the *Workers Compensation Act*, Part 31:

### **31.4 Instruction and direction**

The employer must ensure the adequate instruction and direction of firefighters in the safe performance of their duties.

Full-Service Operations Level:

- The fire service member responsible for the delivery of Full-Service Operations Level training programs must possess current NFPA 1001-FF2 Certification **and** certification as a Fire Service Instructor 1. In addition the individual responsible must ensure the training meets the requirements of the *Occupational Health and Safety Regulation* under the *Workers Compensation Act*, Part 31:

**31.4 Instruction and direction**

The employer must ensure the adequate instruction and direction of firefighters in the safe performance of their duties.

**3. Evaluator Qualification** requirements for “In-House” training delivery

Exterior Operations Level:

- Evaluations for the Exterior Operations Level must be conducted as part of the training program and under the direct responsibility of a graduate of a current BC Fire Training Officers Association (BCFTOA) Train-the-Trainer (TTT) program. Evaluation instruments for firefighter skill competencies are included as part of the Train-the-Trainer curriculum.

Interior and Full-Service Operations Levels:

- Evaluations for the Interior Operations and Full-Service Levels must be conducted as part of the training program and under the direct responsibility of a qualified instructor. Evaluation checklists can be obtained from the British Columbia Fire Training Officers Association (BCFTOA). Skill sheets and other basic evaluation tools included within the curriculum materials should be used. In addition, relevant competency evaluations based upon the current NFPA 1001 Standard should be utilized.

**4. Student Tracking**

Training providers and individual departments are required by WorkSafeBC to track training. Globally, the BCFTOA will voluntarily track all departments utilizing this Playbook as best they can. Departments are strongly encouraged to update the BCFTOA on a regular basis.

**5. Exams and Skill Sheets**

The BCFTOA can assist in the creation of evaluation tools for all service levels contained within this Playbook. Skills sheets will be available for all levels as well. Evaluation packages will be distributed to individual departments for “in-house” delivery upon request. Third party provider agencies, whose programs have been vetted as compliant with program competencies by the OFC and BCFTOA, are expected to utilize their own internal training and evaluation instruments.

**6. Bridging and Prior Learning Assessment**

Bridging from one level to a higher one within the Playbook is possible.

Provider agencies have agreed to recognize all graduates of training programs from other providers that meet, or exceed, the core competencies as described in this Playbook and as determined by the OFC. Only the core competencies will be universally recognized. Any materials covered above the core competencies can be evaluated for equivalency by the provider being considered.

Departments that train in-house **and** complete one of the accredited provider agencies evaluation processes will also be accepted by alternative providers.

In terms of Prior Learning Assessment for firefighters who may have previous training, at whatever level, the onus is on the Fire Chief to put in place any processes whereby the department determines, to their satisfaction, whether the prior learning and competencies of a firefighter meet the required training of that department.

## **7. Important Considerations for local decisions on Service Level and Training**

It is important to recognize that a number of the certification components may not be applicable for all jurisdictions (e.g. fire hydrants). Therefore, the AHJ must identify the competencies that do not have application in their jurisdiction. These areas must be identified in the Service Level Policy Statement and must be reflected in the training program description and evaluation processes.

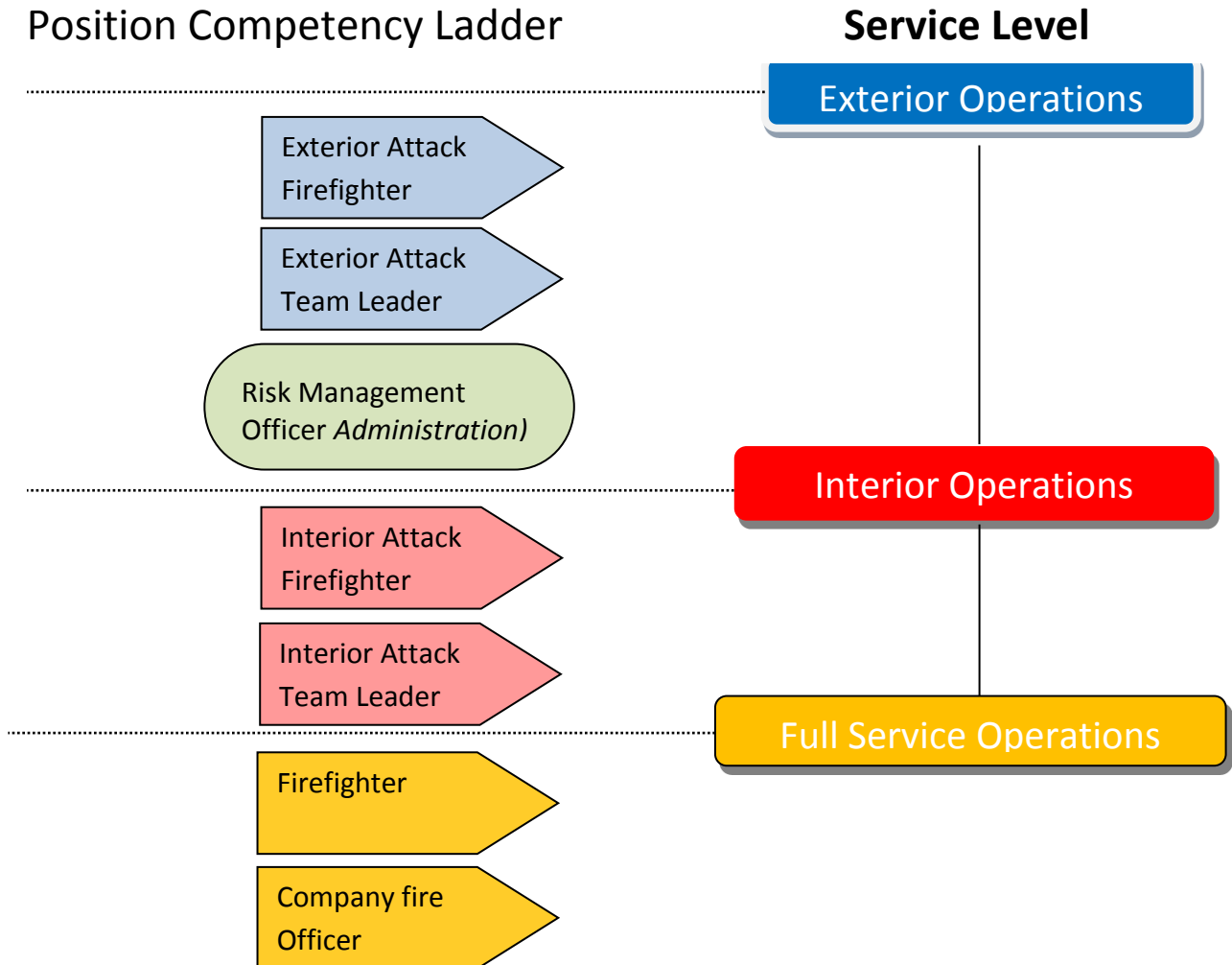
In addition, this Playbook is not an “all encompassing” program: additional training and competency in specific skill areas is required for a department to operate at an emergency incident such as driver training, pump operations, rapid intervention team, incident safety officer and others. These aspects of fire service function are beyond the scope of this Playbook, but are nonetheless still critical areas that must be addressed through training and operational procedure.

# BC Firefighter Competency Matrix

## Requirements

- Determination by the AHJ of the Service Level appropriate to community needs
- Policy Statement describing fire department’s authority and Service Level
- WorkSafeBC firefighter coverage in place
- WorkSafeBC safety and functional requirements in place (Eg. firefighter fitness records, Employer/Worker OH&S program representatives, Rapid Intervention Team OG)
- A Training Record recording and retention process which permits ready identification of the current training level and/or certification of each firefighter. It must also provide for retention of all records previously undertaken by every firefighter and kept indefinitely, regardless if they leave the department
- Appropriate equipment and apparatus available to meet the declared Service Level requirements

## Position Competency Ladder



**\*\* Each level in the Competency Ladder has identified requisite minimum training requirements described within this document that must be met.**

	<b>The following competencies extracted from NFPA 1001 – FF1 must be met to achieve the requirements for Exterior Ops Firefighter (specific competency lesson plans and evaluations are available from the OFC and partner training provider agencies)</b>		
	Emergency Scene Traffic NFPA 1001 5.3.3	Job Performance Requirements (Exterior Firefighter competencies)	External Operations - Firefighter
	Safety & Communications NFPA 1001 5.1.1, 5.1.2, 5.2, 5.2.1, 5.2.2, 5.2.3, 5.3.2, 5.3.17, 5.3.18		
	PPE and Self Contained Breathing Apparatus NFPA 1001 5.1.2, 5.2, 5.3, 5.3.1, 5.3.2, 5.5.1		
	Ropes and Knots NFPA 1001 5.1.2, 5.3.20, 5.5.1		
	Fire Streams, Hose and Appliances NFPA 1001 5.3.7, 5.3.8, 5.5.1, 5.5.2		
	Ventilation NFPA 1001 5.3.11, 5.5.1		
	Water Supply NFPA 1001 5.3.15, 5.5.1, 5.5.2		
	Ladders NFPA 1001 5.3.6, 5.5.1		
	Rehabilitation Area (REHAB) NFPA 1001 5.1.1, NFPA 1500, NFPA 1584		
	Introduction to Basic Fire Behavior and Building Construction NFPA 220, NFPA 921, NFPA 1001 5.3.11, 5.3.12, 5.3.13 NFPA 5000		
	Dangerous Goods or Hazmat Awareness (from NFPA 472) <sup>1</sup>		
	Gas & Electrical Safety for Firefighters (supplied by a BC Utility utilizing an evaluation mechanism) <sup>2</sup>		
	Incident Command System 100 (from BCEMS curriculum) <sup>3</sup>		
	<b>All of Exterior Operations Firefighter PLUS completion of the following competencies from NFPA 1001 – FF1</b>		
	Organization, Safety and Communications NFPA 1001 5.2.4		
	RIT Training – pertinent to jurisdictional hazards NFPA 1001 5.3.9 NFPA 1407, NFPA 1500		
	Self Contained Breathing Apparatus NFPA 1001 5.3.1, 5.3.5, 5.3.9		
	Search and Rescue NFPA 1001 5.3.9		
	Fire Behavior NFPA 1001		
	Fire Extinguishers NFPA 1001 5.3.16		
	Building Construction NFPA 1001 5.3.11, 5.3.12 (not sure how far the exterior takes the Building Construction)		
	Forcible Entry NFPA 1001 5.3.4		
	Ventilation NFPA 1001 5.3.12		
	Loss Control NFPA 1001 5.3.13, 5.3.14		
	Live Fire Exterior NFPA 1001 5.3.7, 5.3.8, 5.3.10, 5.3.19		

	<b>All of NFPA 1001 – FF2 competencies (except Hazmat and Medical Response) and with the addition of:</b>	Job Performance Requirements (NFPA 1001 – FF2 competencies)	<b>Full Service Operations - Firefighter</b>
	<b>Live Fire Exterior and Interior</b>		
	<b>Hazmat Operations (NFPA core competencies plus 6.6)</b>		

	<b>Completion of the Operational Firefighter requirements for <u>either</u> the Exterior or Interior Service Level <u>PLUS</u> the following competencies from NFPA 1021:<sup>4</sup></b>	Job Performance Requirements (NFPA 1021 – competencies)	<b>Team Leader Exterior &amp; Interior</b>
	<b>- Incident Command and Fire Attack NFPA 1021 4.1.1, 4.2.1, 4.2.2, 4.2.3</b>		
	<b>- Pre-Incident Planning, Size-up and Incident Action Planning NFPA 1021 4.5.2, 4.5.3, 4.6, 4.6.1, 4.6.2</b>		
	<b>- Fire ground Accountability NFPA 1021 4.6.1, 4.6.2</b>		
	<b>Live Fire – Exterior (Recommended for Exterior Operations)NFPA 1001 5.3.7, 5.3.8, 5.3.19</b>		
	<b>Live Fire Exterior and Interior (Recommended for Interior Operations)</b>		
	<b>Completion of the Team Leader requirements for the Exterior Operations level <u>PLUS</u> the following courses (1 from each area):</b>	<b>One of One of</b>	<b>Risk Management Officer</b>
	<b>Incident Action Planning (operational)<sup>5</sup></b>		
	<b>Incident Safety Officer NFPA 1521 6.1 – 6.7.2 (operational)</b>		
	<b>FCABC/LGMA Chief Officer Orientation (administrative)</b>		
	<b>Beyond Hoses and Helmets, or equivalent (administrative)</b>		
	<b>Fire Officer 1 (NFPA 1021)</b>	Job Performance Requirements (NFPA 1021 – competencies)	<b>Company Fire Officer</b>
	<b>Incident Command 200</b>		
	<b>Fire Service Instructor 1</b>		
	<b>Emergency Scene Management (Fireground control)</b>		

**Footnotes:**

1. Can utilize any training provider, including internal, that meets the competencies of NFPA 472 – Awareness Level
2. Can utilize any program, developed by a registered Gas or Electrical Utility within the Province of BC, which includes an evaluation instrument based upon current recommended practice
3. Can utilize any training provider, including internal, using certified training and evaluation based upon the BCEMS model
4. Can utilize any training provider, including internal, that meets the competencies of NFPA 1021 – Fire Officer Professional Qualifications
5. Recognized program with subject matter covering areas such as strategies and tactics, fire ground command, emergency scene management, or other program acceptable to the OFC



## Exterior Operations Service Level Definition

Exterior Operations Level fire service firefighters shall not enter any building, vehicle, dumpster or other object if an IDLH atmosphere is present. If an IDLH atmosphere is present, Exterior Operation firefighters shall only engage in external fire suppression activities. Operational Guidelines that restrict them to Exterior Operations must be written and enforced by the department, even though they may possess equipment that would otherwise permit them to respond at a higher level.

On occasions where the department responds to a simple incident, such as a pot on the stove or electrical outlet fire and an IDLH atmosphere does not yet exist, it is reasonable to address the issue from inside the structure. However, if an IDLH atmosphere develops or the fire progresses beyond the object of origin, or the environment or structure become compromised in any way, all firefighters must immediately withdraw to the exterior and combat the situation from the outside.

Exterior Operations require at least three personnel to be carried out safely and effectively. A target response time, as applicable and acceptable to the AHJ, should be established.

Exterior Operations Team Leaders are trained to supervise safe exterior operations only. The Exterior Operations Risk Management Officer is an administrative role focused on ensuring departmental safe work practices and adherence to the relevant regulations and standards.

The External Operations Level applies to all external fire ground operational functions except support positions such as, but not restricted to: rehab/first aid, first medical responder, vehicle driver. Specific training for these roles, and applicable to the hazards involved, is still required for these positions and must be addressed elsewhere in departmental training programs.

# Exterior Operations Requirements

## Administration

- Policy Statement from governing organization describing authority to operate and mandated service level
- WorkSafe BC coverage in place
- The AHJ must create and retain records of the training taken by each firefighter
- Completion of Exterior Attack Training Requirements

## Equipment

- Personal Protective Equipment (as required by WSBC/NFPA)
- Pumping Apparatus, hose and appliances
- Adequate water supply and flow

## Fire Ground Requirements (WorksafeBC)

- Incident Commander (Supervision)
- SCBA worn for any IDLH atmospheres
- A firefighter must be trained and provided with the appropriate resources/PPE in order to perform the work expected

## Interior Operations Service Level Definition

Interior Operation Fire Departments may engage in internal fire suppression activities within simple structures or objects such as a vehicle, single family dwelling or other small structure. Interior Operations may also include other structures that the AHJ has assessed and pre-planned for such that they determine the structure to be safe for Internal Operations qualified firefighters. Firefighters must be trained specific to the risks associated with these structures.

Interior Operations Level fire services will have Operational Guidelines, that must be written and enforced by the department, that describe advanced training in fire operations activities that allow for a calculated fire attack within permitted structures and objects.

Interior operations must be undertaken in accordance with the requirements of WorkSafeBC (including, in particular, s. 31.23 of the *Occupational Health and Safety Regulation* made under the *Workers Compensation Act* (BC)).

Before any entry to a fire-involved structure is made, the fire department must have qualified Team Leaders on scene and ensure that the correct requirement for water and suppression activities can be maintained at all times as per the Incident Action Plan.

Interior Operations require a contingent of personnel on scene to meet the WorkSafeBC *Occupational Health and Safety Regulation* requirements. A target response time, as applicable and acceptable to the AHJ, should be established.

Interior Operations Team Leaders are trained to supervise safe interior operations. Team Leaders must follow established Operational Guidelines or Procedures for safety during all fire ground operations.

The Incident Commander must recognize the need, and staff appropriately, for a Rapid Intervention Team (RIT) with trained firefighters following the requirements of WorkSafe BC Regulations.

# Interior Operations Requirements

## Administration

- Policy Statement from governing organization describing authority to operate and service level
- WorkSafe BC coverage in place
- The AHJ must create and retain records of the training taken by each firefighter
- Completion of Interior Attack Training Requirements

## Equipment

- Personal Protective Equipment (as required by WSBC/NFPA)
- Pumping Apparatus, hose and appliances
- Adequate water supply and flow

## Fire Ground Requirements (WorkSafe BC)

- Incident Commander (Supervision)
- SCBA worn
- Rapid Intervention Team (RIT) capability (s. 31.23(4) OS&H Reg.)
- PASS Alarm (may be integrated into SCBA)
- A firefighter must be trained and provided with the appropriate resources/PPE in order to perform the work expected

## Full Service Level Definition

Full Service Operations Fire Departments are equipped and have completed the appropriate training identified in this **Playbook** to provide a full spectrum of fire services. These services are based on the competencies included within the NFPA Firefighter and Fire Officer Standards.

Full service fire departments will have Operational Guidelines that must be written and enforced by the department, that describe advanced training in fire operations activities.

These fire departments are organized such that the suppression activities that occur are based on response protocols which include the appropriate staffing levels, and number and type of apparatus on scene.

Full-service level fire services should utilize Incident Action Plans based on standardized responses for all types of fire suppression activities matched against an established benchmark.

# Full Service Operational Requirements

## Administration

- Policy Statement from governing organization describing authority to operate and service level
- Worksafe BC coverage in place
- The AHJ must create and retain records of the training taken by each firefighter
- Completion NFPA 1001 Firefighter 2 training competencies
- Completion of NFPA 1021 Level 1 Fire Officer training competencies

## Equipment

- Personal Protective Equipment (as required by WSBC/NFPA)
- Pumping Apparatus, hose and appliances
- Adequate water supply and flow

## Fire Ground Requirements (WorksafeBC)

- Incident Commander (Supervision)
- SCBA worn
- Rapid Intervention Team (RIT) capability (s. 31.23(4) OS&H Reg.)
- PASS Alarm (may be integrated into SCBA)
- A firefighter must be trained and provided with the appropriate resources/PPE in order to perform the work expected

# Playbook Compliance Checklist

(Fire Department Internal Use)

Department Name: \_\_\_\_\_

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

<b>Fire Fighter Competency and Training Playbook Checklist</b>		
<p><b>1. Does your local government have a bylaw to establish the fire department or if you are a registered society, do your constitution and bylaws provide the mandate to establish a fire department? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p> <p><i>Note: If the answer is "no" the fire department will not be considered by the Office of the Fire Commissioner for deployments under the Provincial Mobilization Plan. If "yes", identify the functions that the fire department is authorized by the local authority to deliver?</i></p>		
<p><b>2. Is your local authority/registered society registered with WorkSafe BC? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p> <p><i>Note: If the answer is "no" the fire department will not be considered by the Office of the Fire Commissioner for deployments under the Provincial Mobilization Plan.</i></p>		
<p><b>3. Is there a policy statement determining if the fire department will provide either a defensive/exterior or an offensive/interior structure fire attack type for fire suppression? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p>		
<p><b>4. Is there a policy statement determining the training standards to which the fire department will train? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p> <p><i>Note: If the answer is "no" the fire department will not be considered by the Office of the Fire Commissioner for deployments under the Provincial Mobilization Plan. If "yes", what standards have been adopted for the fire department?</i></p>		
<p><b>5. Who coordinates your department's firefighter training? Please list positions:</b></p>		
<p><b>6. Is there a Training Records database and records management system that provides detailed records for the training of each firefighter? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p>		
<p><b>7. Does the training records system maintain records for every members training in perpetuity (their lifetime)? Yes <input type="checkbox"/> No <input type="checkbox"/></b></p>		
<b>Fire Department Service Level Identification</b>	<b>Yes</b>	<b>No</b>
Exterior Operations – Buildings, Vehicles, Dumpsters		
Interior Operations – Simple structures		
Full Service		
<b>Other Comments</b>		

\_\_\_\_\_  
Name of Individual completing the Checklist

\_\_\_\_\_  
Title/Position

# **Training Organizations**

*(Information only)*

The following professional organizations can assist with agency direction and training provider contacts:

**FCABC – Fire Chiefs Association of BC** [www.fcabc.ca](http://www.fcabc.ca)

**BCFTOA – BC Fire Training Officers Association** [www.bcftoa.com](http://www.bcftoa.com)

**OFC – Office of the Fire Commissioner of BC** <http://embc.gov.bc.ca/ofc/index.htm>

**BC Wildfire Management Branch** [www.bcwildfire.ca](http://www.bcwildfire.ca)

**FPOABC – Fire Prevention Officers Association of BC** [www.fpoabc.bc.ca](http://www.fpoabc.bc.ca)

**FNESS – First Nations Emergency Services Society of BC** [www.fness.bc.ca](http://www.fness.bc.ca)





April 20, 2015  
Ref: 508904

Dear Regional District Chairs and Directors:

As you are aware, times have changed since the 911 system was implemented in the late 1980s, when the technology was predominantly wireline telephone services (landlines). More households are abandoning wireline services in favour of wireless services, and Next Generation 911 (text and images) is expected to be complex and costly. As you may also be aware, in the recently released Earthquake Consultation Report, consultation chair Henry Renteria raised the need for the provincial government, local authorities and key partners to assess opportunities to enhance the resiliency and capacity of the 911 system. System resiliency (the ability to function effectively regardless of adverse circumstances) is critical to public safety.

Given these challenges, the Ministry of Justice (the Ministry) is seeking input from key stakeholders, including local governments, in order to inform the future of emergency communications across the province involving 911 and police communication centres. By modernizing the current approach to a more streamlined, equitable and resilient emergency communications system, services and public safety will be enhanced province-wide.

The Ministry provides overall direction respecting police services in the province and ensures there are adequate and effective levels of policing. Although 911 Public Safety Answering Point (PSAP) is a local government responsibility and not a policing function, dispatching of police related calls is and the two functions are inextricably linked. Local governments have worked to manage and improve service over the years, and the Ministry values the role of local government in the provision of 911 PSAP, and they are considered a key stakeholder.

The attached Discussion Paper outlines the background, challenges, and strategic vision for emergency communications service delivery involving 911 PSAPs. Specifically, the vision includes a consolidated 911 PSAP and police dispatch service delivery model, with enhanced support from a call answer levy on wireless devices. The Ministry is seeking input from key stakeholders in order to inform the future of emergency communications service delivery across the province in these areas.

Please refer to the Discussion Questions in the attached document. Written feedback is requested via email by May 15, 2015 to: [SGPSPB@gov.bc.ca](mailto:SGPSPB@gov.bc.ca).

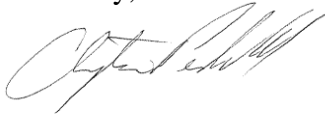
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We would also like to invite you to attend a consultation forum on **Monday, June 1, 2015 from 8:30 a.m. to 3:30 p.m.** in the **Strategy Room** at the **SFU Morris J Wosk Centre** (580 West Hastings Street, Vancouver). The goal of the forum is to share information on emergency communications issues and solicit your ideas, suggestions and feedback on key themes in the Discussion Paper including service delivery, governance, and a call answer levy on wireless devices.

Please **RSVP by Thursday, May 8, 2015** to [SGPSPB@gov.bc.ca](mailto:SGPSPB@gov.bc.ca). A follow-up email will be sent to all confirmed attendees with an agenda. As several stakeholders have been invited to this event, space is limited. We kindly request that you only send **one delegate** from your organization.

We look forward to hearing your feedback on this important initiative.

Yours truly,



Clayton J.D. Pecknold  
Assistant Deputy Minister  
and Director of Police Services  
Policing and Security Branch

Attachment:                   Emergency Communications Service Delivery in British Columbia  
  “*Strategic Vision Discussion Paper*” – March 2015

# **EMERGENCY COMMUNICATIONS SERVICE DELIVERY IN BRITISH COLUMBIA**

**Police Communication Centres and 911 PSAP**

**STRATEGIC VISION  
DISCUSSION PAPER**

MARCH 2015



Ministry of  
Justice

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## INTRODUCTION

The Ministry of Justice (the Ministry) is seeking input from key stakeholders in order to inform the future of emergency communications across the province. This Discussion Paper outlines the background, challenges, and strategic vision for emergency communications service delivery involving 911 PSAP (Public Safety Answering Point). Specifically, the vision includes a consolidated 911 PSAP and police communications service delivery model, with enhanced support from a provincial call answer levy on wireless devices.

911 PSAP is the initial service a caller, requiring immediate emergency services, reaches when dialling 911. The PSAP creates an immediate link between individuals in crisis and their local emergency response agencies (police, fire, ambulance). 911 operators function in a crisis environment where incoming calls must be handled promptly and information conveyed in an accurate and timely manner. In this context, 911 PSAP is an integral component of the overall emergency communications system, and plays a significant role in public safety.

911 PSAP is a local government responsibility in British Columbia and is optional. Local governments have worked to manage and improve service since the 911 system was implemented in the late 1980s, when the technology was predominantly wireline telephone services (landlines). Three decades later, the system faces new and distinct challenges related to:

- Migration of households from wireline services to mobile wireless service;
- Implementation of Next Generation 911 (NG911) technologies;
- Gaps in the provision of 911 service;
- Ensuring resiliency of the 911 system amid major catastrophic events.

Given these challenges, there is a need – indeed, an opportunity – to revisit and renew the overall approach to 911 service delivery in British Columbia. By modernizing the current approach to a more streamlined, equitable and resilient system, the emergency communications system will be better positioned to enhance service province-wide.

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## BACKGROUND

There are currently ten 911 PSAPs in British Columbia under local government authority, with a patchwork of different service providers. Local governments voluntarily contract with the RCMP Provincial Police Service, deliver the service through E-Comm (Emergency Communications for BC, Inc), or provide the 911 service themselves.

1. E-Comm
2. Nanaimo (RCMP)
3. West Shore (RCMP)
4. Chilliwack (RCMP)
5. Prince George (RCMP)
6. Victoria Police
7. Saanich Police
8. Nelson Police
9. Abbotsford Police
10. Prince Rupert Fire Rescue

E-Comm is governed by the *Emergency Communications Corporation Act*, and has integrated emergency communications in much of the Lower Mainland. E-Comm handles 80% of the 1.5 million 911 calls in the province each year.

Many PSAPs are co-located with police dispatch services. There are currently seventeen police communication centres across the province, and similar to 911 PSAPs, is a patchwork of RCMP, E-Comm and independent municipal police departments. Funding of the two functions (911 PSAP and police dispatch) is separate. There are two general funding sources available to local governments for 911 PSAP: a call answer levy (CAL) on wireline telephone services and a levy charged on residential property taxes.

In the past the Union of British Columbia Municipalities (UBCM) endorsed a number of resolutions calling for the Province to introduce legislation that would allow the implementation of a province-wide 911 CAL on wireless devices. In July 2013, UBCM released a report on the issue and requested that local governments provide further input on the provincial call answer levy issue. In May 2014, UBCM advised there was not sufficient support for the CAL among local governments.

*The Ministry would like to acknowledge the work of UBCM on this issue and the July 12, 2013 report by Dave Mitchell and Associates Ltd. "911 Services in British Columbia: Background Review in Relation to a Province-Wide Call Answer Levy". The report is an invaluable resource on issues related to 911 PSAPs and can be found at:*

<http://www.ubcm.ca/assets/Resolutions~and~Policy/Policy/Community~Safety/911%20Services%20in%20BC.pdf>

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## CHALLENGES

When the 911 system was implemented several decades ago it reflected the organizational and technical realities of the day. For example, in the 1980s physical landlines served as the primary means of telephone communication, and mobile/cellular devices with embedded functionality (e.g., global positioning systems) were merely nascent technologies. Moreover, our awareness and readiness for natural and human-based threats to public safety – earthquakes, tsunamis, and terrorism, for example – was comparatively unrefined.

Now, some 30 years later, the pace of technological change has placed increasing and inevitable pressure on 911 PSAPs – not only in terms of how services are delivered, but also how the system and its constituent parts interact and function. In this context, several distinct challenges to the 911 PSAP status quo have emerged.

### **Changing landscape – wirelines to wireless**

The number of wireline (landline) telephones is declining as more people migrate from wireline to wireless services. This declining number means reduced revenue collected by local governments to support PSAPs in British Columbia. It also means that more and more calls to 911 are generated from cell phones – in fact 67% of 911 calls are from cell phones.

### **The wave of Next Generation 911 (NG911) technology**

“NG911” broadly refers to ongoing efforts to improve the capacity of PSAPs to leverage increasingly powerful internet protocol (IP) based systems, sensors and devices in a manner that enhances 911 services and emergency response. Examples of NG911 functionality include text messaging, integrated photo/video, and Global Positioning Systems (GPS) to assist in conveying critical situational details from the location of an emergency directly to a 911 PSAP and first responders.

Despite the potential they offer, harnessing NG911 capacities remains a challenge as it involves considerable investments to upgrade and/or replace legacy infrastructure and associated business processes (e.g., staffing, training). Nonetheless, citizens are increasingly information-oriented and dependent on personal mobile devices, and with that transformation come reasonable expectations that public safety mechanisms such as 911 will be appropriately aligned to emergent technologies. As such, there is value in emphasizing the imperative to embrace and enable NG911.

### **Gaps in the provision of 911 service**

In some areas of the province there are gaps in 911 services. These gaps include areas where no landline or wireless connectivity is available, however the focus of this discussion is on areas where 911 services are not provided (regardless of whether connectivity exists). These areas include the Stikine Region, Central Coast Regional District, Northern Rockies Regional Municipality, and the Skeena-Queen Charlotte Regional District (outside the City of Prince Rupert).

Although much of the territory within these jurisdictions is vast, isolated and inaccessible, it nonetheless encompasses numerous, long-standing communities with typical emergency service needs. Moreover, their local economies are increasingly premised on burgeoning industries such as energy and tourism, which not only elevate demands on existing services but also create unique service pressures.

### **Ensuring resiliency of the 911 system amid major catastrophic events**

The inherent critical nature of emergency situations necessitate that the supporting 911 system must be robust and resilient across the entire service continuum, fully capable of functioning amid wide-scale and severe emergency events. A system that falls short of these fundamental business continuity requirements threatens public safety, jeopardizes the lives and safety of citizens and emergency responders, and endangers private property and strategic assets.

Achieving the required measure of resiliency for 911 services, however, is an ongoing and costly pressure, and involves a number of aspects including human resources (e.g., appropriate staffing levels, training); information technology (e.g., capacity, redundancy, back-up systems); physical infrastructure (e.g., structural integrity of buildings, communications systems, powers connections); organizational preparedness (e.g., procedural, planning and response functions); and business continuity (e.g., work-flow maintenance).

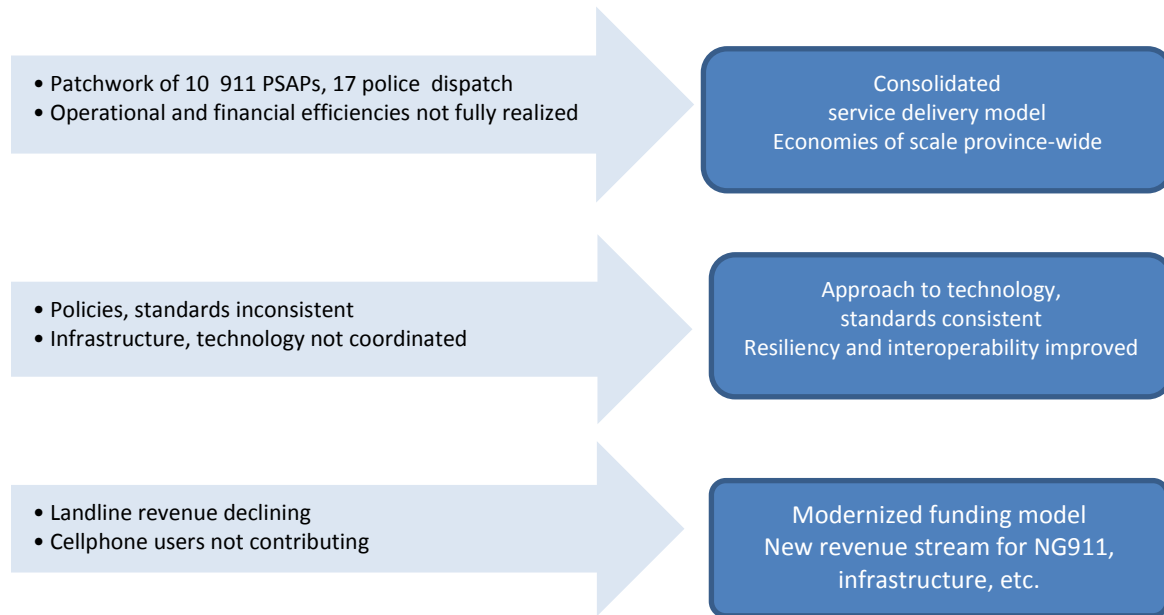
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## **STRATEGIC VISION**

The following sections outline what is needed on a provincial level to address the challenges described above. The proposed approach is for discussion, and represents the strategic vision that the Ministry of Justice is currently considering. The Ministry welcomes comments and input on the discussion questions provided in the following sections.



## Strategic Vision



### 1. Consolidated 911 PSAP and police dispatch service delivery model

As described earlier, British Columbia has 10 PSAPs under local government authority, and 17 police communication centres across the province. From both a public interest and public safety perspective, the Ministry is interested in exploring options to develop a more streamlined service delivery model. Benefits of consolidation include economies of scale, and operational and financial efficiencies (for example, improved communication, reduced duplication, financial savings, volume purchasing, uniform policies and procedures, etc.).

There are a number of guiding principles to inform the vision:

- Enhanced public safety
- Improvements to resiliency, interoperability and capacity building
- Leverage existing efficiencies and economies of scale
- Equitable funding
- Cost-recovery for consolidation
- Consistency province-wide: approach to NG911, policies, standards etc.
- Accountability for performance

## Discussion Questions:

### *Vision*

- Is the current service delivery model as efficient as it could be?

### *Service Delivery*

- What are the key factors to consider in consolidating 911 PSAP and police communications across the province?

### *Funding*

- How does local government in your community currently fund 911 PSAP?
- Will local governments be able to fund these and enhanced services such as NG911 in the future?
- What funding model options exist and would be successful? Why or why not?
- With respect to existing funding for emergency communications, what works well, needs improvement, or could be done differently?

### *Next Generation 911*

- What is the most appropriate response to infrastructure and technological pressures related to Next Generation 911?

### *Resiliency*

- How can resiliency of emergency communications best be addressed (e.g., appropriate back-up, redundancies)?

### *Governance*

- What is an appropriate method for emergency communications governance and regulation in British Columbia?
- Would standardization be of benefit to emergency communications? If so, in what areas (e.g., policies, procedures, standards, education, other)?

## **2. Modernized funding model**

Local governments currently rely on a wireline call answer levy (CAL) and property taxes to fund 911 PSAP services. This varies by local government. With the proliferation of cell phones, and with 67% of 911 calls from cell phones, the Ministry is of the view that it would be reasonable for cell phone users to contribute to funding the emergency communications system. In fact, seven other provinces already have provincial CAL legislation in place.

As described earlier, UBCM had looked at a provincial CAL on all wireless devices that connect to 911 services, and the Ministry was part of a working group exploring the issue. Although UBCM withdrew the proposal, the Ministry considers there is still merit in considering a CAL on wireless devices.

Discussion Questions:

*CAL Scope*

- What scope of services would be appropriate to be funded by a provincial CAL? Emergency communications only or broader services? If broader services, what else should be included?

*CAL Administration*

- What would be the most effective process for administering the CAL?
- How should the revenue be managed?

*CAL Amount*

- What would be the most appropriate way to determine the amount of the CAL?

**Thank you in advance for your time and consideration of these important issues. Please provide written feedback via email to the following email address: [SGPSPB@gov.bc.ca](mailto:SGPSPB@gov.bc.ca)**

**All input is requested by May 15, 2015.**

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## **NEXT STEPS**

In addition to seeking feedback on this paper, the Ministry of Justice is meeting with select key stakeholders such as UBCM, local governments and police agencies. A summary of information received will be provided to those who submit feedback. The Ministry will consider the results of this targeted stakeholder engagement as part of the analysis of the strategic vision. Thank you for your feedback.



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Community Services Committee

Thursday, May 7, 2015

10:45 a.m.

## REGULAR AGENDA

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### A. APPROVAL OF AGENDA

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### B. DELEGATION

#### 1. Environment Canada-Canadian Wildlife Service – Ken Brock

Mr. Brock will be addressing the Committee to discuss the federal Species at Risk Act and its application within RDOS area; Short-rayed Alkali Aster and Christie Memorial Park, and Connecting Canadians to Nature initiative at Vaseux-Bighorn National Wildlife Area and Migratory Bird Sanctuary.

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### C. ADJOURNMENT



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Planning and Development Committee

Thursday, May 7, 2015

12:15 p.m.

## REGULAR AGENDA

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**A. APPROVAL OF AGENDA**

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**B. Bylaw Notice Enforcement Bylaw 2507, 2010.**

**1. Bylaw**

**RECOMMENDATION 1**

**THAT the Board of Directors support amendments to Bylaw No. 2507, 2008, as presented to the Planning and Development Committee on May 7, 2015.**

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**C. Land Use Contract LU-3-D – Lakeshore Highlands / Heritage Hills / Vintage Views, Electoral Area “D”.**

**RECOMMENDATION 2**

**THAT the Board of Directors resolves to initiate amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, and Electoral Area “D” Zoning Bylaw No. 2455, 2008, in order to discharge and terminate Land Use Contract No. LU-3-D.**

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**D. Health and Safety Inspections for Temporary Use Permits (TUPs)**

**Process to initiate an amendment to the Electoral Area “A”, “C”, “D-1”, “D-2”, “E” & “F” Official Community Plan Bylaws in order to remove the following policy statement from those Sections pertaining to Temporary Use Permits:**

- confirmation from a qualified person that the building used for vacation rental meets a minimum standard for health and safety.***
- 

**E. ADJOURNMENT**

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Bylaw Notice Enforcement Bylaw 2507, 2010

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### Administrative Recommendation:

**THAT the Board of Directors support amendments to Bylaw 2507, 2010, as presented to the Planning and Development Committee.**

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### Reference:

Local Government Bylaw Notice Enforcement Act, Chapter 60  
Community Charter, Chapter 26, Part 8, Division 1  
RDOS Zoning Bylaws  
RDOS Untidy and Unsightly Premises Bylaws

### History:

On June 17, 2010, The Regional District of Okanagan-Similkameen (RDOS) joined the Southern Interior Bylaw Notice Adjudication Registry Agreement between the RDOS and the City of Kelowna, et al. We also adopted Bylaw Notice Enforcement Bylaw 2507, 2010, which identifies fines amounts and authorizes our Enforcement Officer(s) to issue tickets.

This bylaw has been amended over the years to recognize amendments to RDOS regulatory bylaws, to introduce fines for violating these amended sections and to recognize the ability of the Regional District to enter into compliance agreements with violators to obtain voluntary compliance reducing the need for costly injunctive action. This bylaw was last amended in May 2014.

### Alternatives:

1. **THAT the Committee defer Bylaw 2507.05, 2015, in its entirety until May 21, 2015, for further discussion; or**
2. **THAT the Committee refer the proposed amendments to the May 21, 2015 Board meeting for further discussion; or**
3. **THAT the Committee abandon Bylaw No. 2507.05, 2015.**

### Analysis:

Each Appendix, 1 through to 23, within Schedule "A" is proposed to be amended. Administration recommends that the current Schedule "A", attached to Bylaw 2507, be deleted in its entirety and replaced with the proposed Schedule "A". Each proposed amendment is described below to facilitate a clear discussion of the proposed amendment and to provide clarity enabling the Board to approve, amend or defer each amendment individually.

- 1) Delete the word "fine" within Column 3 of Schedule A and replace with "penalty": Current wording is

- inconsistent with the Bylaw Notice Enforcement Act.
- 2) Delete the word “penalty” within column 4 and 5 of Schedule A: The Bylaw Notice Enforcement Act states that the highest “penalty” that can be applied to a Bylaw Offence Notice is \$500.00. The early discount and late payment were not intended to be part of the “penalty” and as such should not be identified as such.
  - 3) Replace “idling vehicle” with “idling\running diesel engine, truck, or bus”: Wording is inconsistent with Noise Bylaw creating inability to issue fines for idling or running a diesel engine, truck or bus.
  - 4) Introduce a new Appendix to Schedule A: The RDOS Board adopted a Noise Bylaw for Electoral Area H in 2013. A new Appendix is being added to recognize this bylaw and to introduce fines for contraventions.
  - 5) Amend Appendices relating to Zoning Bylaws as follows:
    - a) introduce a \$200.00 penalty for obstructing an officer, person or employee;
    - b) increase penalty for “operating a use not listed in a particular zone” from the current \$200.00 to \$500.00;
    - c) introduce a \$300.00 penalty for contravening “conditions of use” (restrictions within Sections 10.0 to 16);
    - d) introduce a \$300.00 penalty for “uses in contravention of conditions of TUP”;
    - e) renumber Sections 7.42 and 7.43 to reflect amendments made to Zoning Bylaws;
    - f) rework the order of contraventions to be in numerical order by Section number of bylaw;
    - g) correct numbering errors in bylaw section identification;
    - h) recognize “Vacation Rental Regulations” within Area D-1 (Kaleden/Apex) Zoning Bylaw and introduce a \$300.00 penalty for contravention of such use;
    - i) recognize the prohibition to “use of land as asphalt plant” within the Area D-2 (East Skaha/Vaseux) Zoning Bylaw and introduce a \$500.00 penalty;
    - j) recognize the removal of “Private Visitor Accommodation” from Area “E” bylaw and replace with “Bed and Breakfast” ;
    - k) recognize the adoption of the current Princeton Rural Zoning Bylaw No. 2498, 2012, and reflect new Section numbers.
  - 6) Amend Appendices relating to Untidy/Unsightly Premises Bylaws as follows:
    - a) introduce a \$100.00 penalty for “graffiti on building or structure;
    - b) introduce a \$100.00 penalty for “any other unsightly condition”; and
    - c) introduce a \$200.00 fine for “obstructing or interfering with Officer”.
  - 7) Introduce a New Appendix to recognize adoption of Electoral Area ‘H’ Untidy/Unsightly Premises Bylaw No. 2637 and penalties applicable to each section, consistent with penalties applied to other Untidy and Unsightly Premises bylaws in other Electoral Areas.
  - 8) Renumber all Appendices, grouping all similar bylaws by Appendix number, and reducing the number from 23 to 7. This will streamline future amendments and provide further clarity.

**Respectfully submitted:**

*Roza Aylwin*

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R. Aylwin, Bylaw Enforcement Coordinator

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BYLAW NO. 2507.05, 2015**

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**A bylaw to amend the service for enforcement of bylaw notices.**

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WHEREAS the Board of Directors of the Regional District of Okanagan-Similkameen wishes to proceed under Section 802 of the *Local Government Act*, to amend the use of the bylaw notices enforcement bylaw;

AND WHEREAS the Regional Board wishes to amend the Bylaw Notice Enforcement Bylaw No. 2507, 2010;

NOW THEREFORE the Board of Directors of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

CITATION

1. This bylaw may be cited for all purposes as Bylaw Notice Enforcement Bylaw No. 2507.05, 2015.

AMENDMENT OF SERVICE

1. Bylaw Notice Enforcement Bylaw No. 2507, 2010 is amended by:
  - (a) Repealing Schedule A of bylaw 2507, 2010; and
  - (b) Replacing it with Schedule A as attached to Bylaw 2507.05, 2015.

READ A FIRST, SECOND AND THIRD TIME this \_\_\_\_\_ of \_\_\_\_\_, 2015.

ADOPTED this \_\_\_\_\_ of \_\_\_\_\_, 2015.

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RDOS Board Chair

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Corporate Officer



## SCHEDULE 'A'

### Appendix 1(a) to Schedule A

#### Electoral Areas A, C, D, E, and F Animal Control Bylaw No. 1838, 1998

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Unlicensed Dog	2.1.1	\$100.00	\$90.00	\$110.00	Yes
Dog at Large	2.2.1 (a)	\$100.00	\$90.00	\$110.00	No
Uncontrolled Dog in a Public Place	2.2.1 (b)	\$100.00	\$90.00	\$110.00	No
Dog Defecating	2.2.1 (c)	\$75.00	\$67.50	\$82.50	No
Insecurely Confined Dangerous Dog	2.2.7 (a)	\$500.00	\$450.00	\$550.00	No
Uncontrolled Dangerous Dog	2.2.7 (b)	\$500.00	\$450.00	\$550.00	No
Animal at Large	3.1.1	\$100.00	\$90.00	\$110.00	No
Bird at Large	4.1.1	\$100.00	\$90.00	\$110.00	No
Flock fewer than 25 animals	8.1.1	\$100.00	\$90.00	\$110.00	Yes
Domestic Sheep/Goats at Large	8.1.3	\$100.00	\$90.00	\$110.00	No
Domestic Sheep/Goats not within a Non- contact Fence	8.2.1	\$100.00	\$90.00	\$110.00	Yes
Domestic Sheep/Goats At Large	8.2.2	\$100.00	\$90.00	\$110.00	No
Facilitating contact between Domestic Sheep/Goats and Wild Sheep	8.3.1	\$100.00	\$90.00	\$110.00	No

**SCHEDULE 'A'**

**Appendix 1(a) to Schedule A, continued**

**Electoral Areas A, C, D, E, and F  
Animal Control Bylaw No. 1838, 1998**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
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Facilitating Wild Sheep to leave Fenced or Enclosed Area	8.3.2	\$100.00	\$90.00	\$110.00	No
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**SCHEDULE 'A'**

**Appendix 1(b) to Schedule A**

**Electoral Area B  
Animal Control Bylaw No. 1991, 2000**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Too many Animals less than 0.5 ha	1.3 (a – h)	\$100.00	\$90.00	\$110.00	Yes
Unlicensed Dog	2.1	\$100.00	\$90.00	\$110.00	Yes
Dog at Large	3.1 (a)	\$100.00	\$90.00	\$110.00	No
Dog not on a Leash	3.1 (b) (i)	\$100.00	\$90.00	\$110.00	No
Dog not under Control	3.1 (b) (ii)	\$100.00	\$90.00	\$110.00	No
Aggressive Dog Not Muzzled	3.2	\$200.00	\$180.00	\$220.00	No

## SCHEDULE 'A'

### Appendix 1(c) to Schedule A

#### Electoral Area G Animal Control Bylaw No. 1992, 2000

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Too many Animals less than 0.5 ha	1.3 (a – h)	\$100.00	\$90.00	\$110.00	Yes
More than 15 animals per ha; not meeting 30 m set back	1.4 (a – d)	\$100.00	\$90.00	\$110.00	Yes
Unlicensed Dog	2.1	\$100.00	\$90.00	\$110.00	Yes
Dog at Large	3.1 (a)	\$100.00	\$90.00	\$110.00	No
Dog not on a Leash	3.1 (b) (i)	\$100.00	\$90.00	\$110.00	No
Dog not under Control	3.1 (b) (ii)	\$100.00	\$90.00	\$110.00	No
Aggressive Dog not Muzzled	3.2	\$200.00	\$180.00	\$220.00	No

# SCHEDULE 'A'

## Appendix 2(a) to Schedule A

### Electoral Area C Noise Regulation and Prohibition Bylaw No. 2397, 2007

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Disturbing the Peace	3.1	\$100.00	\$90.00	\$110.00	No
Animal Making Noise	3.2	\$150.00	\$135.00	\$165.00	No
Making Construction Noise	3.3	\$150.00	\$135.00	\$165.00	No
Idling\running diesel engine, truck, or bus	3.4	\$100.00	\$90.00	\$110.00	No

# SCHEDULE 'A'

## Appendix 2(b) to Schedule A

### Electoral Area D Noise Regulation and Prohibition Bylaw No. 1527, 1994

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Disturbing the Peace	6	\$100.00	\$90.00	\$110.00	No
Animal Making Noise	7	\$150.00	\$135.00	\$165.00	No
Making Construction Noise	8	\$150.00	\$135.00	\$165.00	No
Idling\running diesel engine, truck or bus	9	\$100.00	\$90.00	\$110.00	No

**SCHEDULE 'A'**

**Appendix 2(c) to Schedule A**

**Electoral Area E**

**Noise Regulation and Prohibition Bylaw No. 2386, 2006**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Disturbing the Peace	3.1	\$100.00	\$90.00	\$110.00	No
Animal Making Noise	3.2	\$150.00	\$135.00	\$165.00	No
Making Construction Noise	3.3	\$150.00	\$135.00	\$165.00	No
<b>Idling/running diesel engine, truck or bus</b>	3.4	\$100.00	\$90.00	\$110.00	No

# SCHEDULE 'A'

## Appendix 2(d) to Schedule A

### Electoral Area 'F'

#### Noise Regulation and Prohibition Bylaw No. 1526, 1994

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Disturbing the Peace	4	\$100.00	\$90.00	\$110.00	No
Animal Making Noise	5	\$150.00	\$135.00	\$165.00	No
Making Construction Noise	6	\$150.00	\$135.00	\$165.00	No



# SCHEDULE 'A'

## Appendix 2(e) to Schedule A

### Electoral Area 'H'

#### Noise Regulation and Prohibition Bylaw No. 2628, 2013

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Disturbing the Peace	3.1	\$100.00	\$90.00	\$110.00	No
Animal Making Noise	3.2	\$150.00	\$135.00	\$165.00	No
Making Construction Noise	3.3	\$150.00	\$135.00	\$165.00	No
Idling/running diesel engine, truck or bus	3.4	\$100.00	\$90.00	\$110.00	No

## SCHEDULE 'A'

### Appendix 3(a) to Schedule A

#### Electoral Area 'A' Osoyoos Rural Zoning Bylaw No. 2451, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Obstructing an officer, person or employee</b>	<b>3.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
Operating a Use Not Listed in Respect of a Particular Zone	6.4.1 – 6.4.3	<b>\$500.00</b>	<b>\$450.00</b>	<b>\$550.00</b>	<b>No</b>
<b>Conditions of Use (restrictions within Section 10.0 to 16)</b>	<b>6.5</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
<b>Uses in contravention of terms or conditions of TUP</b>	<b>7.4.1</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
Recreational Vehicle Used as Residence (no principal dwelling)	7.4.2	\$200.00	\$180.00	\$220.00	Yes
Too many Derelict Vehicles	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Fence too High	7.8.2	\$100.00	\$90.00	\$110.00	Yes
Corner Fence too High	7.8.3	\$100.00	\$90.00	\$110.00	Yes
Deer Fence not Permitted/Wrong Material	7.8.4	\$100.00	\$90.00	\$110.00	Yes
Barbed Wire Fence	7.8.6	\$100.00	\$90.00	\$110.00	No
Razor Wire Fence	7.8.7	\$100.00	\$90.00	\$110.00	No
Lighting not Deflected	7.10.1	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(a) to Schedule A, continued**

**Electoral Area 'A'  
Osoyoos Rural Zoning Bylaw No. 2451, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Temporary Residential Building or Structure occupied Contrary to Provisions	7.14.1	200.00	180.00	220.00	Yes
Not a Permitted Home Occupation	7.17.1	\$200.00	\$180.00	\$220.00	No
Home Occupation too Large	7.17.2	\$100.00	\$90.00	\$110.00	Yes
Home Occupation External Storage	7.17.3	\$100.00	\$90.00	\$110.00	Yes
Retail Sales Prohibited	7.17.4	\$100.00	\$90.00	\$110.00	Yes
Commercial Vehicle too Large	7.17.5	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Occupation	7.17.6	\$100.00	\$90.00	\$110.00	No
Home Occupation which Disturbs	7.17.7	\$100.00	\$90.00	\$110.00	No
Home Industry Not Permitted on Parcel Size	7.18.1	\$100.00	\$90.00	\$110.00	Yes
Retail Sales Prohibited	7.18.6	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Industry	7.18.7	\$100.00	\$90.00	\$110.00	No

**SCHEDULE 'A'**

**Appendix 3(a) to Schedule A, continued**

**Electoral Area 'A'  
Osoyoos Rural Zoning Bylaw No. 2451, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Too many Non-resident Personnel Operating Home Industry	7.18.7	\$100.00	\$90.00	\$110.00	Yes
Bed and Breakfast operating contrary to regulations	7.19.1 to 7.19.9	\$300.00	\$270.00	\$330.00	Yes
Sign Not Permitted	7.20.1	\$100.00	\$90.00	\$110.00	Yes
More than One Sign and Exceeds Total Sign Area	7.20.2	\$100.00	\$90.00	\$110.00	Yes
More than One Sign and Exceeds Total Sign Area and Height	7.20.3	\$100.00	\$90.00	\$110.00	Yes
More than One Sign, Wrong Type, Exceeds Sign Area and Height	7.20.4	\$100.00	\$90.00	\$110.00	Yes
More than One Sign, Wrong Type, Exceed Sign Area and Height	7.20.5	\$100.00	\$90.00	\$110.00	Yes
Sign to Close to Property Line	7.20.6	\$100.00	\$90.00	\$110.00	Yes
Sign Illumination not from Internal Source	7.20.7	\$100.00	\$90.00	\$110.00	Yes
Parking and Loading Not on Same Parcel	9.2.1	\$100.00	\$90.00	\$110.00	Yes
Not Enough Parking	9.5, Table 2	\$100.00	\$90.00	\$110.00	Yes

## SCHEDULE 'A'

### Appendix 3(b) to Schedule A

#### Electoral Area 'C' Oliver Rural Zoning Bylaw No. 2453, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Obstructing a person, officer or employee</b>	<b>3.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
Operating a Use Not Listed in Respect of a Particular Zone	6.4.1 – 6.4.3	<b>\$500.00</b>	<b>\$450.00</b>	<b>\$550.00</b>	No
Conditions of Use (restrictions within Sections 10.0 to 16)	<b>6.5</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
Uses in contravention of terms or conditions of TUP	<b>7.4.1</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
Recreational Vehicle Used as Residence (no principal dwelling)	7.4.2	\$200.00	\$180.00	\$220.00	Yes
Too many Derelict Vehicles or not Enclosed within Garage or Carport	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Fence too High	7.8.2	\$100.00	\$90.00	\$110.00	Yes
Corner Fence too High	7.8.3	\$100.00	\$90.00	\$110.00	Yes
Deer Fence Wrong Material	7.8.4	\$100.00	\$90.00	\$110.00	Yes
Barbed Wire Fence	7.8.6	\$100.00	\$90.00	\$110.00	No
Razor Wire Fence	7.8.7	\$100.00	\$90.00	\$110.00	No
No Screening/Landscaping as Required	7.9	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(b) to Schedule A, continued**

**Electoral Area 'C'  
Osoyoos Rural Zoning Bylaw No. 2453, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <i>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</i>
Lighting not Deflected	7.10.1	\$100.00	\$90.00	\$110.00	Yes
Temporary Residential Building or Structure Occupied Contrary to Provisions	7.14.1	\$200.00	\$180.00	\$220.00	Yes
Not a Permitted Home Occupation	7.17.1	\$200.00	\$180.00	\$220.00	No
Home Occupation Too Large	7.17.2	\$100.00	\$90.00	\$110.00	Yes
Home Occupation External Storage	7.17.3	\$100.00	\$90.00	\$110.00	Yes
Retail Sales Prohibited	7.17.4	\$100.00	\$90.00	\$110.00	Yes
Commercial Vehicle Too Large	7.17.5	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Occupation	7.17.6	\$100.00	\$90.00	\$110.00	No
Home Occupation that Disturbs	7.17.7	\$100.00	\$90.00	\$110.00	No
Parcel too Small for Home Industry	7.18.1	\$100.00	\$90.00	\$110.00	Yes
Not a Permitted Home Industry	7.18.2	\$100.00	\$90.00	\$110.00	No
Prohibited Storage	7.18.3	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(b) to Schedule A, continued**

**Electoral Area 'C'  
Oliver Rural Zoning Bylaw No. 2453, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Home Industry not within Building	7.18.4	\$100.00	\$90.00	\$110.00	Yes
Home Industry too Large	7.18.5	\$100.00	\$90.00	\$110.00	Yes
Retail Sales Prohibited	7.18.6	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Industry	7.18.7	\$100.00	\$90.00	\$110.00	No
No Dwelling Unit	7.18.8	\$100.00	\$90.00	\$110.00	No
Bed and Breakfast Operated Contrary to Provisions	7.19.1 to 7.19.9	\$300.00	\$270.00	\$330.00	Yes
Sign Not Permitted	7.20.1	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceed Sign Area	7.20.2	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceed Sign Area/Height	7.20.3	\$100.00	\$90.00	\$110.00	Yes
Too many Signs/Exceeds Sign Area/Height	7.20.4	\$100.00	\$90.00	\$110.00	Yes
Too many Signs/Exceeds Sign Area/Height	7.20.5	\$100.00	\$90.00	\$110.00	Yes
Sign too close to Property Line	7.20.6	\$100.00	\$90.00	\$110.00	Yes
Sign Illumination not from Internal Source	7.20.7	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(c) to Schedule A**

**Electoral Area 'D-1'**

**Kaleden – Apex Southwest Sector Zoning Bylaw No. 2457, 2008**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Obstructing an officer, person or employee</b>	<b>3.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
Operating a Use Not Listed in Respect of a Particular Zone	6.4.1 – 6.4.3	<b>\$500.00</b>	<b>\$4500.00</b>	<b>\$550.00</b>	No
<b>Conditions of use (restrictions within Sections 10.0 to 16)</b>	<b>6.5</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
<b>Uses in contravention of terms or conditions of TUP</b>	<b>7.4.1</b>	<b>\$300.00</b>	<b>\$330.00</b>	<b>\$270.00</b>	<b>Yes</b>
Recreational Vehicle Used as Residence (no principal dwelling)	7.4.2	\$200.00	\$180.00	\$220.00	Yes
Too many Derelict Vehicles	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Fence too High	7.8.2	\$100.00	\$90.00	\$110.00	Yes
Corner Site Fence Too High	7.8.3	\$100.00	\$90.00	\$110.00	Yes
Deer Fence Wrong Material	7.8.4	\$100.00	\$90.00	\$110.00	Yes
Use of Barbed Wire in Prohibited Zone	7.8.6	\$100.00	\$90.00	\$110.00	No
Use of Razor Wire	7.8.7	\$100.00	\$90.00	\$110.00	No
No Screening/Landscaping as Required	7.9	\$100.00	\$90.00	\$110.00	Yes



**SCHEDULE 'A'**

**Appendix 3(c) to Schedule A, continued**

**Electoral Area 'D-1'  
Oliver Rural Zoning Bylaw No. 2457, 2008**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Lighting not Deflected	7.10.1	\$100.00	\$90.00	\$110.00	Yes
Temporary Residential Building or Structure Occupied Contrary to Provisions	7.14.1	\$200.00	\$180.00	\$220.00	Yes
Not a Permitted Home Occupation	7.17.1	\$200.00	\$180.00	\$220.00	No
Home Occupation not Within a building	7.17.2	\$100.00	\$90.00	\$110.00	Yes
Home Occupation Too Large	7.17.5	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Occupation	7.17.6	\$100.00	\$90.00	\$110.00	No
Commercial Vehicle Too Heavy or Not Enclosed	7.17.7	\$100.00	\$90.00	\$110.00	Yes
Home Occupation Traffic and/or Parking	7.17.10	\$100.00	\$90.00	\$110.00	Yes
Not a Permitted Home Industry	7.18.1	\$100.00	\$90.00	\$110.00	No
Derelict Vehicles/Prohibited Storage	7.18.2	\$100.00	\$90.00	\$110.00	Yes
Home Industry not Within a Building	7.18.3	\$100.00	\$90.00	\$110.00	Yes
Home Industry too Large	7.18.4	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(c) to Schedule A, continued**

**Electoral Area 'D-1'  
Oliver Rural Zoning Bylaw No. 2457, 2008**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Retail Sales Prohibited	7.18.5	\$100.00	\$90.00	\$110.00	Yes
Storage Not Screened or Exceeds Size	7.18.6	\$100.00	\$90.00	\$110.00	Yes
Non-residents Operating Home Industry	7.18.7	\$100.00	\$90.00	\$110.00	No
No Dwelling Unit	7.18.8	\$100.00	\$90.00	\$110.00	Yes
Bed and Breakfast Operated Contrary to Provisions	7.19.1 to 7.19.9	\$300.00	\$270.00	\$330.00	Yes
Sign Not Permitted	7.20.1	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Area	7.20.2	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Area/Height	7.20.3	\$100.00	\$90.00	\$110.00	Yes
Number Type Signs/Exceeds Area/Height	7.20.4	\$100.00	\$90.00	\$110.00	Yes
Number Type Signs/Exceeds Area/Height	7.20.5	\$100.00	\$90.00	\$110.00	Yes
Sign too Close to Property Line	7.20.6	\$100.00	\$90.00	\$110.00	Yes
Sign Illumination not from Internal Source	7.20.7	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(c) to Schedule A, continued**

**Electoral Area 'D-1'  
Oliver Rural Zoning Bylaw No. 2457, 2008**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Vacation Rental Regulations</b>	<b>7.28.1 – 7.28.8</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
Parking not on Same Parcel	9.2.1	\$100.00	\$90.00	\$110.00	Yes
Not Enough Parking	9.5, Table 9-2	\$100.00	\$90.00	\$110.00	Yes

## SCHEDULE 'A'

### Appendix 3(d) to Schedule A

#### Electoral Area 'D-2' East Skaha, Vaseux Zoning Bylaw No. 2455, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Obstructing an officer, person or employee	3.2	\$200.00	\$180.00	\$220.00	No
Operating a Use Not Listed in Respect of a Particular Zone	6.4.1 – 6.4.3	\$500.00	\$450.00	\$550.00	No
Conditions of use (restrictions within Sections 10 to 16)	6.5	\$300.00	\$270.00	\$330.00	Yes
Uses in contravention of terms or conditions of TUP	7.4.1	\$300.00	\$270.00	\$250.00	Yes
Recreational Vehicle Used as Residence (no principal dwelling)	7.4.2	\$200.00	\$180.00	\$220.00	Yes
Too many Derelict Vehicles	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Use of land as asphalt plant	7.4.4	\$500.00	\$450.00	\$550.00	No
Corner Site Fence Too High	7.8.3	\$100.00	\$90.00	\$110.00	Yes
Deer Fence Wrong Material	7.8.4	\$100.00	\$90.00	\$110.00	Yes
Barbed Wire Fence	7.8.6	\$100.00	\$90.00	\$110.00	No
Razor Wire Fence	7.8.7	\$100.00	\$90.00	\$110.00	No
No Screening/Landscaping as Required	7.9	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(d) to Schedule A, continued**

**Electoral Area 'D-2'  
Oliver Rural Zoning Bylaw No. 2455, 2008**

Column 1 <b>Offence</b>	Column 2 <b>Section</b>	Column 3 <b>Penalty</b>	Column 4 <b>Early Payment</b>	Column 5 <b>Late Payment</b>	Column 6 <b>Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Temporary Residential Building or Structure Occupied Contrary to Provisions	7.14.1	\$200.00	\$180.00	\$220.00	Yes
Not a Permitted Home Occupation	7.17.1	\$200.00	\$180.00	\$220.00	No
Home Occupation Too Large	7.17.2	\$100.00	\$90.00	\$110.00	Yes
Home Occupation Not Enclosed within a Building	7.17.3	\$100.00	\$90.00	\$110.00	Yes
Commercial Vehicle Too Heavy or Not Enclosed	7.17.4	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Occupation	7.17.5	\$100.00	\$90.00	\$110.00	No
Home Occupation which Disturbs	7.17.6	\$100.00	\$90.00	\$110.00	No
Not a Permitted Home Industry	7.18.1	\$100.00	\$90.00	\$110.00	No
Derelict Vehicles/Prohibited Storage	7.18.2	\$100.00	\$90.00	\$110.00	Yes
Home Industry not within a Building	7.18.3	\$100.00	\$90.00	\$110.00	Yes
Home Industry too Large	7.18.4	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(d) to Schedule A, continued**

**Electoral Area 'D-2'  
Oliver Rural Zoning Bylaw No. 2455, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Retail Sales Prohibited	7.18.5	\$100.00	\$90.00	\$110.00	Yes
Storage Not Screened, Exceeds Size	7.18.6	\$100.00	\$90.00	\$110.00	Yes
Non-residents Operating Home Industry	7.18.7	\$100.00	\$90.00	\$110.00	No
No Dwelling Unit	7.18.8	\$100.00	\$90.00	\$110.00	Yes
Bed and Breakfast operated contrary to provisions	7.19.1 – 7.19.9	\$300.00	\$270.00	\$330.00	Yes
Too Many Signs/Exceeds Area	7.20.2	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Area/Height	7.20.3	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Sign Area/Height	7.20.4	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Area/Height	7.20.5	\$100.00	\$90.00	\$110.00	Yes
Too Close to Property Line	7.20.6	\$100.00	\$90.00	\$110.00	Yes
Sign Illumination not from Internal Source	7.20.7	\$100.00	\$90.00	\$110.00	Yes
Parking not on Same Parcel	9.2.1	\$100.00	\$90.00	\$110.00	Yes
Not Enough Parking	9.6	\$100.00	\$90.00	\$110.00	Yes

## SCHEDULE 'A'

### Appendix 3(e) to Schedule A

#### Electoral Area 'E' Naramata Area Zoning Bylaw No. 2459, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Obstructing an officer, person or employee</b>	<b>3.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
Operating a Use Not Listed in Respect of a Particular Zone	6.4.1 – 6.4.3	<b>\$500.00</b>	<b>\$450.00</b>	<b>\$550.00</b>	No
<b>Conditions of use (restrictions within Sections 10.0 to 15)</b>	<b>6.5</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
<b>Uses in contravention of terms or conditions of TUP</b>	<b>7.4.1</b>	<b>\$500.00</b>	<b>\$450.00</b>	<b>\$550.00</b>	<b>Yes</b>
Recreational Vehicle Used as Residence (no principal dwelling)	7.4.2	\$200.00	\$180.00	\$220.00	Yes
Too Many Derelict Vehicles	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Fence Too High	7.8.2	\$100.00	\$90.00	\$110.00	Yes
Corner Site Fence Too High	7.8.3	\$100.00	\$90.00	\$110.00	Yes
Deer Fence Wrong Material	7.8.4	\$100.00	\$90.00	\$110.00	Yes
Park Fence Wrong Material	7.8.5	\$100.00	\$90.00	\$110.00	Yes
Barbed Wire Fence	7.8.6	\$100.00	\$90.00	\$110.00	No
Razor Wire Fence	7.8.7	\$100.00	\$90.00	\$110.00	No

**SCHEDULE 'A'**

**Appendix 3(e) to Schedule A, continued**

**Electoral Area 'E'  
Oliver Rural Zoning Bylaw No. 2459, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
No Screening/Landscaping as Required	7.9	\$100.00	\$90.00	\$110.00	Yes
Lighting not Deflected	7.10.1	\$100.00	\$90.00	\$110.00	Yes
Secondary Suite Contrary to Provisions	7.12.1 – 7.12.6	\$100.00	\$90.00	\$110.00	Yes
Not a Permitted Home Occupation	7.17.1	\$200.00	\$180.00	\$220.00	No
Home Occupation Too Large	7.17.2	\$100.00	\$90.00	\$110.00	Yes
Home Occupation not within a Building	7.17.3	\$100.00	\$90.00	\$110.00	Yes
Retail Sales Not Permitted	7.17.4	\$100.00	\$90.00	\$110.00	Yes
Commercial Vehicle Too Heavy or not Enclosed	7.17.5	\$100.00	\$90.00	\$110.00	Yes
Non-inhabitants Operating Home Occupation	7.17.6	\$100.00	\$90.00	\$110.00	No
Home Occupation Which Disturbs	7.17.7	\$100.00	\$90.00	\$110.00	No
Too Many Non-Resident Personnel	7.17.8	\$100.00	\$90.00	\$110.00	Yes
Not a Permitted Home Industry	7.18.1	\$100.00	\$90.00	\$110.00	No



## SCHEDULE 'A'

### Appendix 3(e) to Schedule A, continued

#### Electoral Area 'E' Oliver Rural Zoning Bylaw No. 2459, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Derelict Vehicles/Prohibited Storage	7.18.2	\$100.00	\$90.00	\$110.00	Yes
Home Industry not within a Building	7.18.3	\$100.00	\$90.00	\$110.00	Yes
Home Industry Too Large	7.18.4	\$100.00	\$90.00	\$110.00	Yes
Retails Sales Prohibited	7.18.5	\$100.00	\$90.00	\$110.00	Yes
Storage Area Set Back	7.18.6	\$100.00	\$90.00	\$110.00	Yes
External Storage Not Screened / Building Exceeds Size	7.18.7	\$100.00	\$90.00	\$110.00	Yes
Non-residents Operating Home Industry	7.18.8	\$100.00	\$90.00	\$110.00	No
<b>Bed and Breakfast</b> Operated Contrary to Provisions	7.19.1 – 7.19.9	\$300.00	\$270.00	\$330.00	Yes
Sign Not Permitted	7.20.1	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Area	7.20.2	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Area/Height	7.20.3	\$100.00	\$90.00	\$110.00	Yes
Too Many Signs/Exceeds Sign Area/Height	7.20.4	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(e) to Schedule A, continued**

**Electoral Area 'E'  
Oliver Rural Zoning Bylaw No. 2459, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Too Many Signs/Exceeds Sign Area/Height	7.20.5	\$100.00	\$90.00	\$110.00	Yes
Sign too Close to Property Line	7.20.6	\$100.00	\$90.00	\$110.00	Yes
Sign Illumination not from Internal Source	7.20.7	\$100.00	\$90.00	\$110.00	Yes
Livestock Exceeds Number Permitted	7.23.1	\$100.00	\$90.00	\$110.00	Yes
Poultry/Fur Bearing Animals Exceed Number Permitted	7.23.2	\$100.00	\$90.00	\$110.00	Yes

## SCHEDULE 'A'

### Appendix 3(f) to Schedule A

#### Electoral Area 'F'

#### Okanagan Lake West / West Bench Zoning Bylaw No. 2461, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Obstructing an officer, person or employee</b>	<b>3.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
Operating a Use Not Listed in Respect of a Particular Zone	6.4.1 – 6.4.3	<b>\$500.00</b>	<b>\$450.00</b>	<b>\$550.00</b>	No
<b>Conditions of use (restrictions within Sections 10.0 to 16)</b>	<b>6.5</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
<b>Uses in contravention of terms and conditions of TUP</b>	<b>7.4.1</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
Recreational Vehicle Used as Residence (no principal dwelling)	7.4.2	\$200.00	\$180.00	\$220.00	Yes
Derelict Vehicles	7.4.3	\$200.00	\$180.00	\$220.00	Yes
Fence too High	7.8.2 (a-c)	\$100.00	\$90.00	\$110.00	Yes
Corner Site Fence too High	7.8.3	\$100.00	\$90.00	\$110.00	Yes
Deer Fence Wrong Material	7.8.4	\$100.00	\$90.00	\$110.00	Yes
Park Fence Wrong Material	7.8.5	\$100.00	\$90.00	\$110.00	Yes
Barbed Wire Fence	7.8.6	\$100.00	\$90.00	\$110.00	No
Razor Wire Fence	7.8.7	\$100.00	\$90.00	\$110.00	No

**SCHEDULE 'A'**

**Appendix 3(f) to Schedule A, continued**

**Electoral Area 'F'  
Oliver Rural Zoning Bylaw No. 2461, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Commercial/Industrial Use not Screened	7.9	\$100.00	\$90.00	\$110.00	Yes
Outdoor Storage Unit not Screened	7.9	\$100.00	\$90.00	\$110.00	Yes
Home Occupation/Home Industry not Screened	7.9	\$100.00	\$90.00	\$110.00	Yes
Home Occupation Creates Traffic	7.17.10	\$100.00	\$90.00	\$110.00	Yes
Not a Permitted Home Industry	7.18.1	\$100.00	\$90.00	\$110.00	No
Derelict Vehicles/Not Enclosed or Screened	7.18.2	\$100.00	\$90.00	\$110.00	Yes
Home Industry not within a Building	7.18.3	\$100.00	\$90.00	\$110.00	Yes
Home Industry too Large	7.18.4	\$100.00	\$90.00	\$110.00	Yes
Retail Sales Prohibited	7.18.5	\$100.00	\$90.00	\$110.00	Yes
Storage not within a Building/Building Exceeds Size	7.18.6	\$100.00	\$90.00	\$110.00	Yes
Too many Non-Resident Personnel	7.18.7	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(f) to Schedule A, continued**

**Electoral Area 'F'  
Oliver Rural Zoning Bylaw No. 2461, 2008**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Home Industry which Disturbs	7.18.9	\$100.00	\$90.00	\$110.00	No
Home Industry Creates Pedestrian Traffic, or Parking Problems	7.18.10	\$100.00	\$90.00	\$110.00	Yes
Home Industry Sign Exceeds Size	7.18.11	\$100.00	\$90.00	\$110.00	Yes
Bed and Breakfast Operated Contrary to Provisions	7.19.1 – 7.19.9	\$300.00	\$270.00	\$330.00	Yes
Not a Permitted Sign	7.20.1	\$100.00	\$90.00	\$110.00	Yes
Too many Signs Exceeds Area/Height	7.20.2 – 7.20.6	\$100.00	\$90.00	\$110.00	Yes
Parking not on same Parcel	9.2.1	\$100.00	\$90.00	\$110.00	Yes

**SCHEDULE 'A'**

**Appendix 3(g) to Schedule A**

**Electoral Area 'H'**

**Princeton Rural Zoning Bylaw No. 2498, 2012**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Obstructing an officer, person or employee</b>	<b>3.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
<b>Operating a Use Not Listed in Respect of a Particular Zone</b>	<b>6.4</b>	<b>\$500.00</b>	<b>\$450.00</b>	<b>\$550.00</b>	<b>No</b>
<b>Conditions of Use (restrictions within Sections 11.0 to 15.0)</b>	<b>6.5</b>	<b>\$300.00</b>	<b>\$270.00</b>	<b>\$330.00</b>	<b>Yes</b>
<b>Tent as permanent residence</b>	<b>7.4.1</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>No</b>
<b>Recreational vehicle as permanent residence</b>	<b>7.4.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>
<b>Derelict vehicles exceed number permitted</b>	<b>7.4.3</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>Yes</b>
<b>Features projecting into setbacks</b>	<b>7.5</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Fence Height</b>	<b>7.6</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Provision and maintenance of screening and landscaping</b>	<b>7.7</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Exterior lighting not deflected</b>	<b>7.8</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Accessory dwelling exceeds size permitted</b>	<b>7.9.1</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>Yes</b>
<b>Accessory dwelling exceeds storey and/or height</b>	<b>7.9.2</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>Yes</b>

**SCHEDULE 'A'**

**Appendix 3(g) to Schedule A, continued**

**Electoral Area 'H'**

**Princeton Rural Zoning Bylaw No. 2498, 2012**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Secondary Suite	7.10.1 – 7.10.6	\$100.00	\$90.00	\$110.00	Yes
Carriage houses	7.11.1 – 7.11.6	\$100.00	\$90.00	\$110.00	Yes
Accessory building and structures	7.12.1 – 7.12.3	\$100.00	\$90.00	\$110.00	Yes
Residential occupancy of recreational vehicle	7.14.1 – 7.14.4	\$200.00	\$180.00	\$220.00	Yes
Agri-Tourism Accommodation	7.15.1 – 7.15.9	\$400.00	\$360.00	\$440.00	Yes
Home Occupation	7.16.1 – 7.16.7	\$200.00	\$180.00	\$220.00	Yes
Home Industry	7.17.1 – 7.17.10	\$200.00	\$180.00	\$220.00	Yes
Bed and Breakfast	7.18.1 – 7.18.9	\$300.00	\$270.00	\$330.00	Yes
Signs	7.19.1 – 7.19.7	\$100.00	\$90.00	\$110.00	Yes
Farm buildings, structures and uses	7.21	\$100.00	\$90.00	\$110.00	Yes
Keeping of Livestock	7.22.1 – 7.22.2	\$100.00	\$90.00	\$110.00	Yes
Fuel distribution pumps or devices setbacks	7.24.2	\$300.00	\$270.00	\$330.000	Yes
Composting Facilities	7.25	\$300.00	\$270.00	\$330.00	Yes

**SCHEDULE 'A'**

**Appendix 3(g) to Schedule A, continued**

**Electoral Area 'H'**

**Princeton Rural Zoning Bylaw No. 2498, 2012**

Column 1 <b>Offence</b>	Column 2 <b>Section</b>	Column 3 <b>Penalty</b>	Column 4 <b>Early Payment</b>	Column 5 <b>Late Payment</b>	Column 6 <b>Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
<b>Tourist Cabin</b>	<b>7.26.1</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>No</b>
<b>Parking / loading not on same parcel</b>	<b>9.2.1</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Not enough parking</b>	<b>9.5, Table 9.2</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>



## SCHEDULE 'A'

### Appendix 4(a) to Schedule A

#### Parks Regulation Bylaw No. 704, 1982

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Selling without Permission	3 (g) (i)	\$100.00	\$90.00	\$110.00	No
Prohibited Event	3 (g) (iii)	\$100.00	\$90.00	\$110.00	No
Lighting Fire	3 (g) (iii)	\$100.00	\$90.00	\$110.00	No
Advertising without Permission	3 (g) (iv)	\$100.00	\$90.00	\$110.00	No
Camping outside of Designated Area	5 (a)	\$50.00	\$45.00	\$55.00	No
Unregistered Person in Campsite After Hours	5 (e)	\$50.00	\$45.00	\$55.00	No
Deposit of Waste	5 (g)	\$250.00	\$225.00	\$275.00	No
Discharge of Water	5 (h)	\$250.00	\$225.00	\$275.00	No
Discharge of Liquid Waste	5 (i)	\$250.00	\$225.00	\$275.00	No
Damage to Tree	5 (j)	\$250.00	\$225.00	\$275.00	No
Activity which Disturbs	5 (k)	\$100.00	\$90.00	\$110.00	No
Firearm within a Park	5 (l)	\$100.00	\$90.00	\$110.00	No
Injure Wild Animal	5 (m)	\$100.00	\$90.00	\$110.00	No
Animal at Large	5 (n)	\$75.00	\$67.50	\$82.50	No
Damage/Destroy Property	5 (o)	\$100.00	\$90.00	\$110.00	No
Unlicensed Vehicle in Park	5 (q)	\$100.00	\$90.00	\$110.00	No

**SCHEDULE 'A'**

**Appendix 4(a) to Schedule A, continued**

**Parks Regulation Bylaw No. 704, 1982**

<b>Column 1 Offence</b>	<b>Column 2 Section</b>	<b>Column 3 Penalty</b>	<b>Column 4 Early Payment</b>	<b>Column 5 Late Payment</b>	<b>Column 6 Compliance Agreement Available</b> <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Driving in Non-Designated Area	5 (q)	\$100.00	\$90.00	\$110.00	No
Vehicle Obstructing Traffic	5 (r)	\$50.00	\$45.00	\$55.00	No
No Overnight Camping	Schedule A 1 (a), 2 (c), 4 (a)	\$100.00	\$90.00	\$110.00	No
Horses, Dogs, Animals in Park	Schedule A 1 (b)	\$100.00	\$90.00	\$110.00	No
Timber Cut From Park	Schedule A 2 (a)	\$100.00	\$90.00	\$110.00	No
Interference with Roads or Trails	Schedule A 2 (b)	\$100.00	\$90.00	\$110.00	No
Vehicle Park during Prohibited Hours	Schedule A 5 (a)	\$100.00	\$90.00	\$110.00	No
Horse in Park	Schedule A 5 (b)	\$150.00	\$135.00	\$165.00	No
Dog not on Leash	Schedule A 5 (b)	\$150.00	\$135.00	\$165.00	No

## SCHEDULE 'A'

### Appendix 5(a) to Schedule A

#### Building Bylaw No. 2333, 2005

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Occupancy before Final Inspection (non-complex building)	19.3.6, 20.1	\$100.00	\$90.00	\$110.00	Yes
Occupancy before Final Inspection (complex building)	20.4	\$100.00	\$90.00	\$110.00	Yes
Obstruct Building Inspector	6.6, 7.2	\$100.00	\$90.00	\$110.00	No
No Building Permit	5.1, 6.1, 8.1	\$200.00	\$180.00	\$220.00	Yes
Construction at Variance with Plans	6.5	\$100.00	\$90.00	\$110.00	Yes
Fail to Post Permit in Conspicuous Place	18.2.1	\$50.00	\$45.00	\$55.00	Yes
Fail to Keep Drawings and Specifications on the Property	18.2.2	\$100.00	\$90.00	\$110.00	Yes
Fail to Provide Swimming Pool Fencing as Required	22.3, 22.4, 22.5	\$100.00	\$90.00	\$110.00	Yes
No Demolition Permit	9.0, 24.1, 24.2, 24.3, 24.4	\$100.00	\$90.00	\$110.00	Yes
No Moving Permit	10.0, 23.1, 23.2, 23.3, 23.4	\$100.00	\$90.00	\$110.00	Yes
Fail to Obey Stop Work Order	26.4	\$200.00	\$180.00	\$220.00	No
Fail to Provide Notice for Inspection	19.3	\$100.00	\$90.00	\$110.00	Yes

## SCHEDULE 'A'

### Appendix 5(a) to Schedule A, continued

#### Building Bylaw No. 2333, 2005

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Building Code Contravention	3.2.2, 4.3, 4.2, 7.4, 8.2, 19.2, 26.3	\$100.00	\$90.00	\$110.00	Yes
Disobey No Occupancy Notice	26.6	\$200.00	\$180.00	\$220.00	Yes
Interfere with Notice	6.4	\$100.00	\$90.00	\$110.00	Yes
False or Misleading Information	6.3	\$100.00	\$90.00	\$110.00	Yes
Change of Occupancy without Permit	6.1	\$100.00	\$90.00	\$110.00	Yes
Failure to Provide Schedule C-B from Registered Professional	17.2, 25.0	\$100.00	\$90.00	\$110.00	Yes

## SCHEDULE 'A'

### Appendix 6(a) to Schedule A

#### Open Air Burning Bylaw, 2364, 2005

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Burning Prohibitive Materials	Part V, 1.1 a)	\$500.00	\$450.00	\$550.00	No
Permitted Materials not from land originated	Part V, 1.1 b)	\$250.00	\$225.00	\$275.00	No
Burning outside 7:00 a.m. and sunset	Part V, 1.1 c)	\$125.00	\$112.50	\$137.50	Yes
Burning stumps beyond 72 hours, not substantially smokeless	Part V, 1.1 d)	\$125.00	\$112.50	\$137.50	Yes
Burning stumps beyond 72 hours, combustible materials added	Part V, 1.1. d)	\$125.00	\$112.50	\$137.50	Yes
Fire not controlled and supervised	Part V, 1.1 e)	\$250.00	\$225.00	\$275.00	No
Fire within minimum separation requirements	Part V, 1.1. g) 1 – iv	\$250.00	\$225.00	\$275.00	No
Burning initiated against venting index guidelines	Part V, 1.1 h)	\$500.00	\$450.00	\$550.00	No
Smoke release beyond 72 hours	Part V, 1.1 i)	\$125.00	\$112.50	\$137.50	Yes
Exceed burn period per calendar year	Part V, 1.1 j)	\$125.00	\$112.50	\$137.50	No

## SCHEDULE 'A'

### Appendix 6(a) to Schedule A, continued

#### Open Air Burning Bylaw, 2364, 2005

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Burning outside Open Burn Dates (April 15 – October 15)	Part V, 1.1 k)	\$125.00	\$112.50	\$137.50	No
Campfire exceeds size	Part V, 2.1 a)	\$125.00 - \$500	\$112.50 – \$450	\$137.50 – \$550	Yes
Campfire located within minimum separation	Part V, 2.1 b)	\$250.00	\$225.00	\$275.00	No
Campfire constructed near combustibles	Part V, 2.1 c)	\$250.00	\$225.00	\$275.00	No
Campfire not permitted during time	Part V, 2.1 d)	\$125.00	\$112.50	\$137.50	No
Campfire contains non-permitted materials	Part V, 2.1 e)	\$500.00	\$450.00	\$550.00	No
Campfire not controlled/supervised	Part V, 2.1 f)	\$500.00	\$450.00	\$550.00	Yes
Campfire not contained in fire pit	Part V, 2.1 h)	\$250.00	\$225.00	\$275.00	No
Campfire not used for food preparation or warmth	Part V, 2.1 i)	\$125.00	\$112.50	\$137.50	Yes
Campfire permitted in exceptional circumstances	Part V, 2.1 j)	\$125.00	\$112.50	\$137.50	Yes
Campfire without property owner permission	Part V, 2.1 k)	\$250.00	\$225.00	\$275.00	No

## SCHEDULE 'A'

### Appendix 6(a) to Schedule A, continued

#### Open Air Burning Bylaw, 2364, 2005

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Burn Prohibited Materials	Part V, 3.1	\$500.00	\$450.00	\$550.00	No
Fire Hazard Restriction	Part V, 3.2	\$500.00	\$450.00	\$550.00	No
Smoke emitting/enclosed fire	Part V, 3.3	\$250.00	\$225.00	\$275.00	No
Fire started with strong wind	Part V, 3.4	\$250.00	\$225.00	\$275.00	No
Uncontrolled fire not controlled or reported	Part V, 3.5	\$500.00	\$450.00	\$550.00	No
Burn without a Permit	Part V, 3	\$125.00	\$112.50	\$137.50	Yes

## SCHEDULE 'A'

### Appendix 7(a) to Schedule A

#### Electoral Area 'C' Untidy/Unsightly Premises Bylaw No. 2393, 2007

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Accumulation of Refuse, Garbage, Noxious, Offensive, Unwholesome material on Real Property	2 a)	\$100.00	\$90.00	\$110.00	Yes
Water to Accumulate on Real Property	2 b)	\$100.00	\$90.00	\$110.00	Yes
Noxious Weeds to Grown or Accumulate on Real Property	2 c)	\$100.00	\$90.00	\$110.00	Yes
Trees, Brush Creating a Safety Hazard on Real Property	2 d)	\$100.00	\$90.00	\$110.00	Yes
<b>Graffiti on building or structure</b>	<b>2 e)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Any other unsightly condition</b>	<b>2 f)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Obstructing or interfering with Officer</b>	<b>6</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>



## SCHEDULE 'A'

### Appendix 7(b) to Schedule A

#### Electoral Area 'D' Untidy/Unsightly Premises Bylaw No. 2326, 2004

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Accumulation of Refuse, Garbage, Noxious, Offensive, Unwholesome material on Real Property	2 a)	\$100.00	\$90.00	\$110.00	Yes
Water to Accumulate on Real Property	2 b)	\$100.00	\$90.00	\$110.00	Yes
Noxious Weeds to Grown or Accumulate on Real Property	2 c)	\$100.00	\$90.00	\$110.00	Yes
Trees, Brush Creating a Safety Hazard on Real Property	2 d)	\$100.00	\$90.00	\$110.00	Yes
<b>Graffiti on building or structure</b>	<b>2 e)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Any other unsightly condition</b>	<b>2 f)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Obstructing or interfering with Officer</b>	<b>6</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>

## SCHEDULE 'A'

### Appendix 7(c) to Schedule A

#### Electoral Area 'E' Untidy/Unsightly Premises Bylaw No. 2391, 2006

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Accumulation of Refuse, Garbage, Noxious, Offensive, Unwholesome material on Real Property	2 a)	\$100.00	\$90.00	\$110.00	Yes
Water to Accumulate on Real Property	2 b)	\$100.00	\$90.00	\$110.00	Yes
Noxious Weeds to Grown or Accumulate on Real Property	2 c)	\$100.00	\$90.00	\$110.00	Yes
Trees, Brush Creating a Safety Hazard on Real Property	2 d)	\$100.00	\$90.00	\$110.00	Yes
<b>Graffiti on building or structure</b>	<b>2 e)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Any other unsightly condition</b>	<b>2 f)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Obstructing or interfering with Officer</b>	<b>6</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>

## SCHEDULE 'A'

### Appendix 7(d) to Schedule A

#### Electoral Area 'F' Untidy/Unsightly Premises Bylaw No. 2438, 2008

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Accumulation of Refuse, Garbage, Noxious, Offensive, Unwholesome material on Real Property	2 a)	\$100.00	\$90.00	\$110.00	Yes
Water to Accumulate on Real Property	2 b)	\$100.00	\$90.00	\$110.00	Yes
Noxious Weeds to Grown or Accumulate on Real Property	2 c)	\$100.00	\$90.00	\$110.00	Yes
Trees, Brush Creating a Safety Hazard on Real Property	2 d)	\$100.00	\$90.00	\$110.00	Yes
<b>Graffiti on building or structure</b>	<b>2 e)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Any other unsightly condition</b>	<b>2 f)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Interfering or obstructing an Officer</b>	<b>6</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>

## SCHEDULE 'A'

### Appendix 7(e) to Schedule A

#### Electoral Area 'G' Untidy/Unsightly Premises Bylaw No. 2521, 2010

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Accumulation of Refuse, Garbage, Noxious, Offensive, Unwholesome material on Real Property	2 a)	\$100.00	\$90.00	\$110.00	Yes
Water to Accumulate on Real Property	2 b)	\$100.00	\$90.00	\$110.00	Yes
Noxious Weeds to Grown or Accumulate on Real Property	2 c)	\$100.00	\$90.00	\$110.00	Yes
Trees, Brush Creating a Safety Hazard on Real Property	2 d)	\$100.00	\$90.00	\$110.00	Yes
<b>Graffiti on building or structure</b>	<b>2 e)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Any other unsightly condition</b>	<b>2 f)</b>	<b>\$100.00</b>	<b>\$90.00</b>	<b>\$110.00</b>	<b>Yes</b>
<b>Interfering or obstructing an Officer</b>	<b>6</b>	<b>\$200.00</b>	<b>\$180.00</b>	<b>\$220.00</b>	<b>No</b>

**SCHEDULE 'A'**

**Appendix 7(f) to Schedule A**

**Electoral Area 'H' Untidy/Unsightly Premises Bylaw No. 2637, 2013**

Column 1 Offence	Column 2 Section	Column 3 Penalty	Column 4 Early Payment	Column 5 Late Payment	Column 6 Compliance Agreement Available <small>Maximum 50% reduction in Penalty Amount when Compliance Agreement shown as YES</small>
Accumulation of Refuse, Garbage, Noxious, Offensive, Unwholesome material on Real Property	2 a)	\$100.00	\$90.00	\$110.00	Yes
Water to Accumulate on Real Property	2 b)	\$100.00	\$90.00	\$110.00	Yes
Noxious Weeds to Grown or Accumulate on Real Property	2 c)	\$100.00	\$90.00	\$110.00	Yes
Trees, Brush Creating a Safety Hazard on Real Property	2 d)	\$100.00	\$90.00	\$110.00	Yes
Graffiti on building or structure	2 e)	\$100.00	\$90.00	\$110.00	Yes
Any other unsightly condition	2 f)	\$100.00	\$90.00	\$110.00	Yes
Interfering or obstructing an Officer	6	\$200.00	\$180.00	\$220.00	No

## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

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

**DATE:** May 7, 2015

**RE:** Land Use Contract LU-3-D — Lakeshore Highlands / Heritage Hills / Vintage Views Electoral Area “D”

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### **Administrative Recommendation:**

**THAT the Board of Directors resolves to initiate amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, and Electoral Area “D” Zoning Bylaw No. 2455, 2008, in order to discharge and terminate Land Use Contract No. LU-3-D.**

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### **Issue:**

It has recently been brought to Administration’s attention that a Land Use Contract (LUC) that was thought to have been discharged from the title of an approximately 75 ha property in 1983 — a property which has subsequently been developed into 225 parcels comprising the Heritage Hills and Vintage Views neighborhoods — was not properly executed and remains on title.

Consequently, the Official Community Plan (OCP) designation of Low Density Residential (LR) and zoning district of Residential Single Family One (RS1) that have previously applied to these properties are of no effect and the terms of Land Use Contract No. LU-3-D remains in force.

While this is likely to have little bearing on parcels that have already been created, it is problematic for a number of other reasons including the future issuance of building permits on the vacant lots in Phase 2 of Vintage Views, previous site specific zonings, a recent temporary use permit related to “gravel processing” as well as the planned Phase 3 of the Vintage Views subdivision.

### **Background:**

Land Use Contract No. LU-3-D, which was authorized by Bylaw No. 158, was adopted by the Board at its meeting of January 17, 1974, it contemplated the development of approximately 162 parcels over four phases at a density not exceeding one parcel per 0.4 ha (1 acre) with a significant amount of land set aside as green space.

Following the completion of Phase 1, the developer approached the Regional District in order to have the LUC discharged on the stated basis that “it became apparent ... that subdivision in accordance with the Land Use Contract was not an economic proposition primarily because of the cost of providing water services to the subdivided lots and the remaining property and as a result ... application [was] made ... to permit the remaining property to be subdivided into a greater number of lots”.

At its meeting of September 16, 1982, the Board agreed and adopted Amendment Bylaw Nos. 715 & 716, 1982, which amended the OCP land use map and zoning bylaw map for the remainder of the property by replacing the LUC designation with the (then) OCP designation of Country Residential and zoning of Small Holdings – ½ acre (A-0.5).

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According to current legal advice, the discharge of LU-3-D would have been governed by Section 717.1 of the (then) *Municipal Act*, which required a formal agreement entered into by the Regional District and the relevant property owner(s) and a Regional District bylaw authorizing the agreement, in addition to bylaws dealing with OCP and zoning designations replacing the LUC provisions. The legislation required that the bylaw authorizing the agreement be registered in the Land Title Office (LTO).

The amending bylaws do not indicate, on their face, that the owners of the affected land had agreed to the amendment, or that any agreement was entered into. A review of available Regional District files has revealed that a draft agreement was prepared but does not appear to have been executed.

That the LTO subsequently left the LUC notification on the title of the subject property despite the Amendment Bylaws being forwarded suggests that the transaction was deficient (i.e. finalizing the agreement did not occur, or if it did an authorizing bylaw was not provided to the LTO).

The majority of subdivision activity at Heritage Hills occurred in the ten years between 1992 and 2002, with build-out continuing to the present day. More recently, Phases 1 & 2 of the “Vintage Views” neighbourhood were completed in 2008 and 2010, with Phase 3 due to be completed in 2015.

For comparative purposes, a chart showing some of the provisions of LUC-3-D versus the current RS1 zoning is provided at Attachment No. 1. As can be seen, the provisions related to building envelopes are not that dissimilar between the RS1 Zone and LU-3-D.

Where the greatest divergences occur is in relation to permitted uses and density (i.e. no more than one dwelling per 0.4 ha (1 acre) and a minimum parcel size of 0.2 ha (1/2 acre) under LU-3-D). While the majority of parcels in Heritage Hills appear to comply with the Land Use Contract, this is not the case with the smaller lots being created at Vintage Views.

**Alternative:**

THAT the Board of Directors resolves to not initiate amendments to the Electoral Area “D” Official Community Plan (OCP) Bylaw No. 2603, 2013, and Electoral Area “D” Zoning Bylaw No. 2455, in order to discharge and terminate Land Use Contract No. LU-3-D.

**Analysis:**

In considering this issue, Administration notes that the intent of the 1982 amendment bylaws was to discharge the LUC; that the LUC only remained on title due to an apparent administrative oversight on the part of the Regional District in 1983; and, it is assumed, that every property owner in the affected area of Heritage Hills subsequently purchased in the belief that the use of their property would be governed by the Electoral Area “D” OCP and Zoning Bylaws and not LUC No. LU-3-D.

Going forward, maintaining the status quo (i.e. that the LUC had been properly discharged) is not recommended given this issue is now known to the Regional District, approximately 225 parcels have been created and sold on the basis that they were no longer governed by an LUC as well as the implications for bylaw enforcement along with future development proposals — specifically the development of dwellings units in Phase 2 of Vintage Views, which is a strata subdivision, (i.e. compliance with setbacks), as well as Phase 3 of Vintage Views, which is currently under construction.

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It is recommended that the Regional District correct this situation through the Board initiating a series of amendment bylaws in order to properly replace LU-3-D with an RS1 zoning. Under the *Local Government Act* there are two mechanisms by which the Regional District could do this.

The first of these is a voluntary discharge of the LUC under Section 930 of the Act, but this would require the consent of all affected property owners (i.e. upwards of 225 individuals).

The second option would be to undertake an early termination of the LUC under Section 914.2 of the Act (all land use contracts in the province will automatically terminate in 2024). This would not require the consent of affected properties but comes with a statutory requirement that any new zoning not come into force for 12 months and a day following termination.

While early termination is the preferred option as it would save the Regional District from potentially having to enter into negotiations with hundreds of different property owners (this would exceed available staff resources), the 12 month waiting period is unlikely to suit the needs of those property owners who currently have building permit applications, subdivision referrals or TUP applications lodged with the Regional District.

Accordingly, Administration's preferred option is a two-pronged approach in which the voluntary discharge is used for properties subject to a current application or a recent approval involving a use (on the basis that these property owners will agree to such a course of action). These would be the properties shaded in green on Attachment No. 3.

NOTE: the second prong would involve applying an early termination option to **all** other properties remaining within LU-3-D — including those properties shaded in yellow on Attachment No. 3 (which would likely be assigned a Small Holdings zoning and Agricultural zoning if in the ALR).

All costs associated with this process would be borne by the Regional District, including the scheduling of a public information meeting with affected property owners.

The Board is asked to be aware that the TUP approved at its meeting of January 8, 2015, to allow gravel crushing in relation to the development of Phase 3 of Vintage Views is invalid as a result of the LUC still being on title.

It is further unlikely that the LUC could be removed from title in time to allow for the reissuance of a new TUP prior to the date the proponent indicated they will have completed their crushing operation (being May 31, 2015).

Accordingly, it is thought that the proponent *may* be delayed in completing Phase 3 of Vintage Views until this situation is rectified, or that crushing *may* occur on the site without the appropriate approval of the Regional District Board having been obtained.

Under this latter scenario, there would be no \$5,000 bond to withhold (NOTE: the applicant has not yet provided this bond, and the Regional District cannot legally require it) and, in the event of written complaints being received regarding any gravel crushing activities, the Regional District might find itself having to take enforcement actions.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

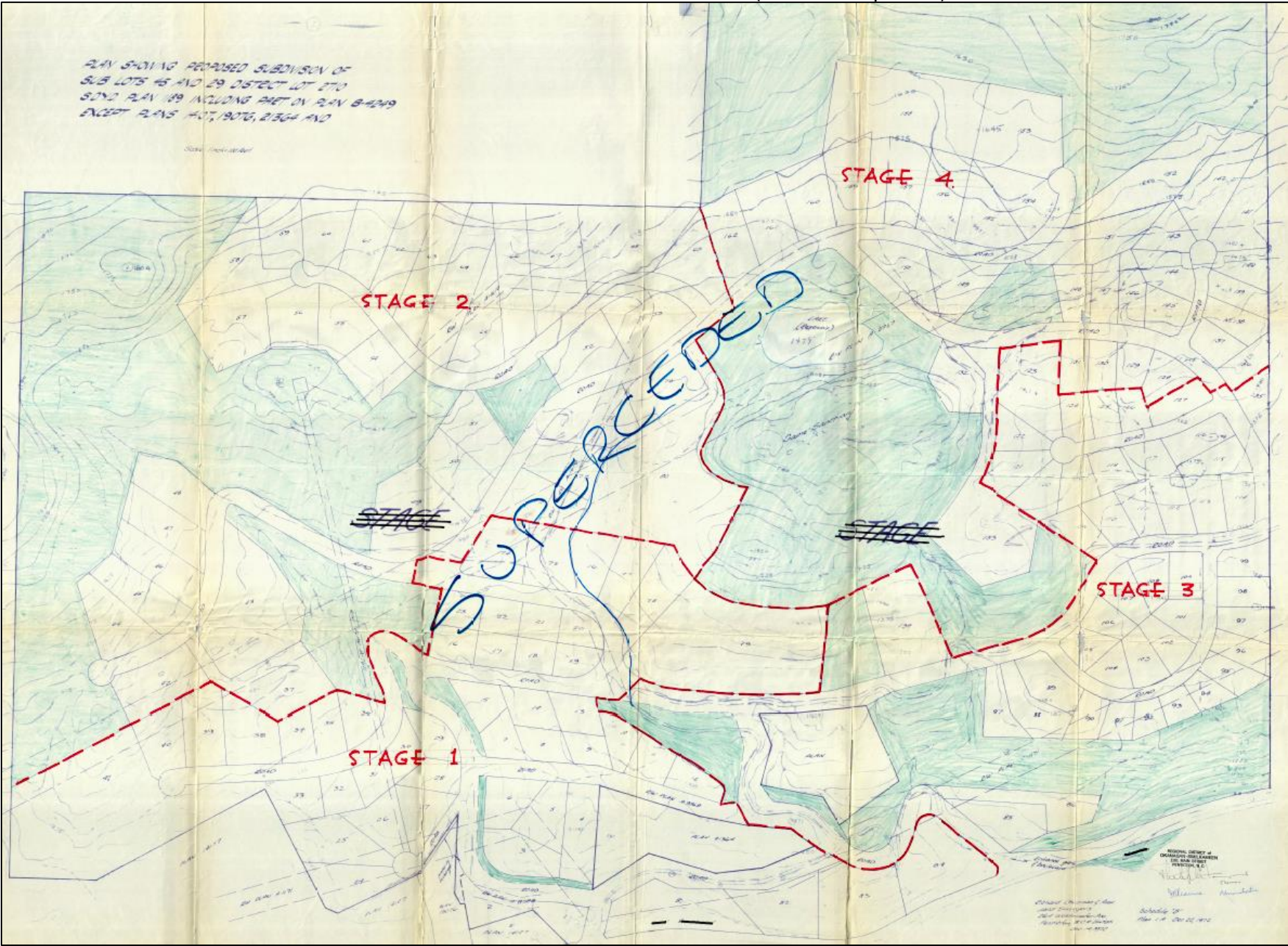


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- Attachments: No. 1 – Comparison of RS1 & LU-3-D Provisions  
No. 2 – Schedule 'B' to LU-3-D (1974 Concept Plan)  
No. 3 – Status of Land Use Contract at Heritage Hills

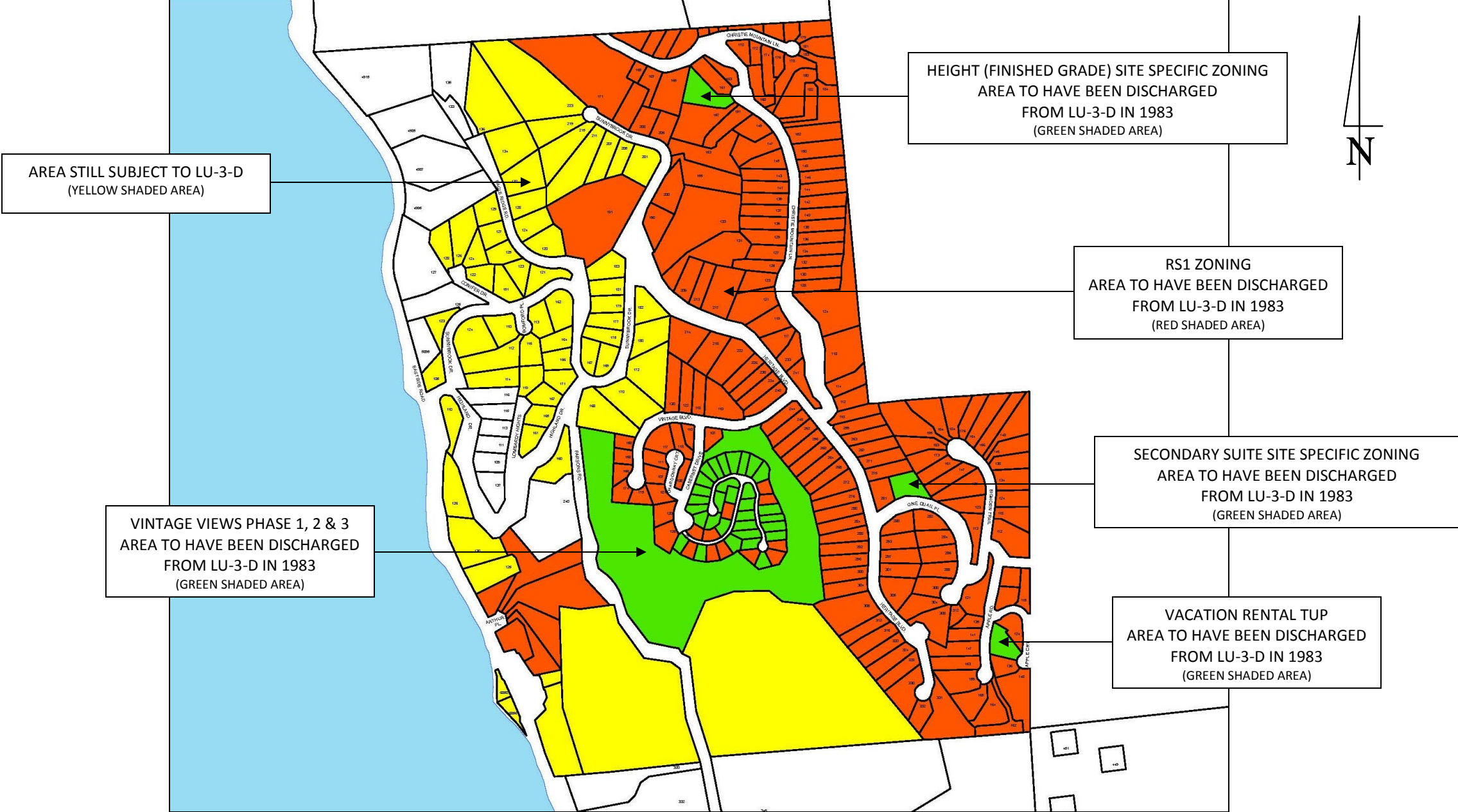
Attachment No. 1 – Comparison of RS1 & LU-3-D Provisions

Zoning Bylaw No. 2455, 2008	Land Use Contract LU-3-D
<p><b>Permitted Uses:</b>  <u>Principal uses:</u>                      a) single detached dwellings;  <u>Secondary uses:</u>                      b) home occupations;                      c) bed and breakfast operation; and                      d) accessory buildings and structures.                      (NOTE: parks, playground and utilities are permitted in all zones).</p>	<p><b>Permitted Uses:</b>                      a) agriculture (including livestock and kennels);                      b) single family dwellings;                      c) mobile homes;                      d) home occupations, subject to Section 7.17;                      e) parks, playgrounds and cemeteries;                      f) public service or utility buildings and structures;                      g) accessory buildings and structures.</p>
<p><b>Minimum Parcel Size:</b>                      a) 667 m<sup>2</sup>, subject to servicing requirements</p>	<p><b>Minimum Parcel Size:</b>                      a) 0.5 acre (2,020 m<sup>2</sup>)</p>
<p><b>Minimum Parcel Width:</b>                      a) Not less than 25% of the parcel depth</p>	<p><b>Minimum Parcel Width:</b>  <i>Not applicable</i></p>
<p><b>Maximum Density:</b>  <i>Not applicable</i></p>	<p><b>Maximum Density:</b>                      a) one (1) lot per acre</p>
<p><b>Maximum Number of Dwellings Per Parcel:</b>                      a) one (1) dwelling per parcel</p>	<p><b>Maximum Number of Dwellings Per Parcel:</b>                      a) one (1) dwelling per parcel</p>
<p><b>Minimum Setbacks:</b>                      a) Principal buildings:                          i) Front parcel line: 7.5 metres                          ii) Rear parcel line: 7.5 metres                          iii) Exterior side parcel line: 4.5 metres                          iv) Interior side parcel line: 1.5 metres                      b) Accessory buildings and structures:                          i) Front parcel line: 7.5 metres                          ii) Rear parcel line: 1.0 metres                          iii) Exterior side parcel line: 4.5 metres                          iv) Interior side parcel line: 1.5 metre</p>	<p><b>Minimum Setbacks:</b>                      a) Principal buildings:                          i) Front parcel line: 25 feet (7.6m)                          ii) Rear parcel line: 25 feet (7.6m)                          iii) Exterior side parcel line: 15 feet (4.6m)                          iv) Interior side parcel line: 10 feet (3.1m); &amp; 5 feet (1.5m).</p>
<p><b>Maximum Height:</b>                      a) No principal building shall exceed a height of 10.0 metres;                      b) No accessory building or structure shall exceed a height of 5.5 metres</p>	<p><b>Maximum Height:</b>                      a) twenty-five (25) percent of lot or site depth or 50 feet (15.24 metres) whichever is less. In no case shall a dwelling exceed a height of thirty (30) feet (9.14 metres).</p>
<p><b>Maximum Parcel Coverage:</b>                      a) 35%</p>	<p><b>Maximum Parcel Coverage:</b>                      a) 30%</p>
<p><b>Minimum Floor Area:</b>                      a) 98.0 m<sup>2</sup>, for first storey of a single detached dwelling as originally designed and constructed</p>	<p><b>Minimum Floor Area:</b>                      a) No dwelling unit, factory built unit home or mobile home on sites less than five (5) acres (2.0 ha) shall have a floor area of less than 750 sq. ft (69.68 m<sup>2</sup>)</p>

Attachment No. 2 – Schedule 'B' to LU-3-D (1972 Concept Plan)



Attachment No. 3 – Status of Land Use Contract at Heritage Hills



## ADMINISTRATIVE REPORT



**TO:** Planning & Development Committee

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

**DATE:** May 7, 2015

**RE:** Health & Safety Inspections for Temporary Use Permits (TUPs)

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### RECOMMENDATION:

**THAT the Board of Directors resolves to initiate an amendment bylaw to the Electoral Area “A”, “C”, “D-1”, “D-2”, “E” & “F” Official Community Plan Bylaws in order to remove the following policy statement from those Sections pertaining to Temporary Use Permits:**

- *confirmation from a qualified person that the building used for vacation rental meets a minimum standard for health and safety.*

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### Purpose:

To provide an overview of proposed amendments to the Electoral Area “A”, “C”, “D”, “E” & “F” Official Community Plan (OCP) Bylaws in order to remove a policy statement supporting the submission of a Health & Safety inspection for Temporary Use Permit (TUP) applications.

### Background:

At its meeting of March 20, 2014, the Regional District adopted Amendment Bylaw No. 2595, 2013, which introduced a number of new policy statements into the Okanagan Electoral Area Official Community Plan (OCP) Bylaws relating to vacation rental uses, including:

- *confirmation from a qualified person that the building used for vacation rental meets a minimum standard for health and safety.*

At its meeting of April 2, 2015, the Board considered Amendment Bylaw No. 2500.04, 2015, which would have given effect to this policy statement by amending the Development Procedures Bylaw to formally require the submission of a Health & Safety inspection as an application requirement for TUPs. In approving this amendment bylaw, the Board first resolved to amend it “by removing health and safety inspection and the associated fees.”

### Analysis:

The Board’s decision to not support the submission of Health & Safety inspections with TUP applications at its April 2<sup>nd</sup> meeting has effectively established a new policy direction to that currently articulated in the Electoral Area OCPs; which is that it is the stated policy of the Regional District Board to require such inspections.

Current legal advice provides that the wording currently found in the OCP Bylaws — which is that these inspections are “to confirm compliance” — does create a liability if the Regional District is no longer carrying out such inspections.

In addition, the Electoral Area “A”, “C”, “D”, “E” & “F” OCPs should be amended to remove this reference to Health & Safety inspections prior to the issuance of any TUPs for vacation rental uses.

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It is anticipated that the soonest such an amendment bylaw could be adopted would be a July or August Board meeting, which will likely delay the approval of those TUP applications already received (being 8 at the time this report was written) by a number of months (and beyond the summer season of May to October).

A risk associated with removing the Health and Safety inspection currently required is difficulty in determining the proposed number of bedrooms that actually qualify as “bedrooms” under the Building Code (i.e. proper fire egress), and that this has an impact on the number of persons that may reasonably be accommodated within a dwelling as well as the number of parking spaces that need to be provided on-site.

Prior to the Board’s direction of April 2<sup>nd</sup>, a Health and Safety inspection was completed in relation to a proposed vacation rental use in Naramata. This determined, amongst other things, that:

- the window in one of the two bedrooms is too small;
- there is no hard-wired smoke alarm;
- no carbon monoxide alarm despite there being a wood burning fireplace;
- a sign on the fireplace that it was not to be used but evidence of use; and
- no exterior lights at some of the exits/entrances.

As a result of the Board decision on April 2<sup>nd</sup>, Administration is not requiring that these issues be addressed by the applicant prior to the Board’s consideration of their TUP application.

By way of comparison, it is understood that the City of Penticton requires similar inspections in relation to the issuance of a business license for vacation rentals and that other Regional District’s, such as the Island Trust, require these inspections.

**Respectfully submitted:**



C. Garrish, Planning Supervisor

**Endorsed by:**



D. Butler, Development Services Manager

**SPECIAL BOARD of DIRECTORS MEETING**

May 7, 2015

1:15 p.m.

**BOARD MEETING AGENDA**

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**A. ADOPTION OF AGENDA**

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**B. MINUTES**

1. OSRHD Regular Board Meeting – April 16, 2015
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**C. DELEGATION**

1. Interior Health Authority – Lori Motluk, Acute Health Service Administrator.  
Ms. Motluck will be addressing the Committee to discuss the funding change requested by Interior Health to reallocate 2015 capital funding from the Pediatric Patient Room to the Psychiatry Project at the Penticton Regional Hospital.
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**D. ADJOURNMENT**

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

### BOARD of DIRECTORS MEETING

Minutes of the Regular Board Meeting of the Okanagan-Similkameen Regional Hospital Board (OSRHD) of Directors held at 2:17 pm on Thursday, April 16, 2015, in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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#### MEMBERS PRESENT:

Chair M. Brydon, Electoral Area "F"  
Vice Chair J. Sentes, City of Penticton  
Director F. Armitage, Town of Princeton  
Director M. Bauer, Village of Keremeos  
Director T. Boot, District of Summerland  
Director G. Bush, Electoral Area "B"  
Director E. Christensen, Electoral Area "G"  
Director B. Coyne, Electoral Area "H"  
Director M. Doerr, Alt. Town of Oliver

Director A. Jakubeit, City of Penticton  
Director H. Konanz, City of Penticton  
Director K. Kozakevich, Electoral Area "E"  
Director A. Martin, City of Penticton  
Director M. Pendergraft, Electoral Area "A"  
Director S. McKortoff, Town of Osoyoos  
Director T. Schafer, Electoral Area "C"  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

#### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

#### STAFF PRESENT:

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

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#### A. **ADOPTION OF AGENDA**

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

THAT the Agenda for the OSRHD Board Meeting of April 16, 2015 be adopted. - **CARRIED**

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#### B. **MINUTES**

1. OSRHD Board Meeting – March 5, 2015

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

THAT the minutes of the March 5, 2015 Okanagan-Similkameen Regional Hospital Board meeting be adopted. - **CARRIED**

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**C. FINANCE**

## 1. 2015 Project Funding Change Request

**It was MOVED and SECONDED**

THAT the Board defer consideration of Interior Health's request to reallocate 2015 capital funding from the Pediatric Patient Room to the Psychiatry Project at the Penticton Regional Hospital until the May 7, 2015 meeting; and,

THAT Interior Health staff be requested to attend that meeting to discuss the funding change with the Board. - **CARRIED**

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**D. ADJOURNMENT**

By consensus, the meeting adjourned at 2:26 p.m.

APPROVED:

CERTIFIED CORRECT:

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M. Brydon  
OSRHD Board Chair

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B. Newell  
Corporate Officer



# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## BOARD of DIRECTORS MEETING

Thursday, May 7, 2015

1:30 p.m.

## 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 May 7, 2015 be adopted.**

#### 1. Consent Agenda – Corporate Issues

##### a. Corporate Services Committee – April 16, 2015

*THAT the Minutes of the April 16, 2015 Corporate Services Committee be received.*

##### b. Community Services Committee – April 16, 2015

*THAT the Minutes of the April 16, 2015 Community Services Committee be received.*

##### c. Environment and Infrastructure Committee – April 16, 2015

*THAT the Minutes of the April 16, 2015 Environment and Infrastructure Committee be received.*

##### d. Planning and Development Committee – April 16, 2015

*THAT the Minutes of the April 16, 2015 Planning and Development Committee be received.*

*THAT the Board endorse the Industry Canada Public Consultation Process, but direct staff to bring forward modifications to:*

- a. increase the public notification area; and,*
- b. add siting and design guidelines for Antenna Systems; and,*
- c. establish a \$500 application fee.*

##### e. Protective Services Committee – April 16, 2015

*THAT the Minutes of the April 16, 2015 Protective Services Committee be received.*

##### f. RDOS Regular Board Meeting – April 16, 2015

*THAT the minutes of the April 16, 2015 RDOS Regular Board meeting be adopted.*

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

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

**2. Consent Agenda – Development Services****a. Development Variance Permit (DVP) Application – Electoral Area “D” – Unit Electrical Engineering Ltd., 1406 Maple Street, Okanagan Falls.****i. Permit**

*THAT the Board of Directors approve Development Variance Permit No. D2015.024-DVP*

**b. Development Permit (DP) Application – Electoral Area “D” – Unit Electrical Engineering Ltd., 1406 Maple Street, Okanagan Falls.****i. Permit**

*THAT the Board of Directors approve Development Permit No. D2015.027-DP; and*

*THAT prior to the issuance of Development Permit No. D2015.027-DP, the applicant submit to the Regional District a security in the amount of \$17,250.00 for the installation of landscaping in relation to the proposed development.*

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

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

---

**B. DEVELOPMENT SERVICES – Rural Land Use Matters****1. Agricultural Land Commission Referral (Exclusion) – Electoral Area “A”, L. & A. DeMelo, unknown & 8525 104<sup>th</sup> Avenue.**

*To facilitate the exclusion of approximately 3.4 ha so that it may be subdivided in future to low density residential parcels.*

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

**THAT the Board of Directors not “authorise” the application to exclude approximately 3.4 ha of land comprised within Lot C, Plan KAP72608, District Lot 2450S, SDYD, and part of Lot B, Plan KAP72608, District Lot 2450S, SDYD, in Electoral Area “A” to proceed to the Agricultural Land Commission.**

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2. **Land Use Contract Termination / OCP & Zoning Bylaw Amendment – Electoral Area “E”.**
  - a. Bylaw No. 2458.08
  - b. Bylaw No. 2459.15

*Administration is proposing that the Regional District Board resolve to initiate an amendment bylaw in order to discharge Land Use Contract No. LU-2-E (being Bylaw No. 407) from the property at 2800 Aikens Loop (being Lot A, Plan KAP27210, District Lot 209, SDYD) and to designate and zone the property under the Electoral Area “E” OCP and Zoning Bylaws.*

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

**THAT Bylaw No. 2458.08, 2015, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.15, 2015, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing; and**

**THAT the Board considers the process, as outlined in the report from the Chief Administrative Officer dated May 7, 2015, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*; and**

**THAT, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2458.08, 2015, in conjunction with its Financial and applicable Waste Management Plans; and**

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

**THAT the holding of the public hearing be delegated to Director Kozakevich or delegate; and**

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

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

---

## C. DEVELOPMENT SERVICES - PLANNING

1. **Communication Towers / Antenna Systems Approval Process and Location and Design Guidelines Policy**
  - a. Antenna Policy

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

**THAT the Board of Directors endorse the Communication Towers / Antenna Systems Approval Process and Location & Design Guidelines Policy.**

- 2. The following Board resolution from the April 16, 2015 Planning and Development Committee requires additional information for staff:**

*“THAT staff be directed to bring forward a proposal and Budget for a study to assess visual and electro-magnetic disturbances and negative impact on adjacent property values of both telecommunications and large utility towers for electric power.”*

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**D. FINANCE**

- 1. Bylaw 2702, 2015 Oliver / Electoral Area “C” – Oliver Parks and Recreation Society Capital Reserve Establishment Bylaw**

- a. Bylaw No. 2689
- b. Bylaw No. 2702
- c. Bylaw No. 2610
- d. Bylaw No. 2611
- e. Bylaw No. 2612
- f. Bylaw No. 2613
- g. Bylaw No. 1213
- h. Bylaw No. 1214
- i. Bylaw No. 1293
- j. Bylaw No. 1294

**RECOMMENDATION 8** (Unweighted Corporate Vote – 2/3)

**THAT Bylaw No 2689, 2015 Oliver/Electoral Area “C” Tangible Capital Asset Replacement Reserve Funds Repeal Bylaw being a bylaw of the Regional District of Okanagan Similkameen to repeal Oliver/Electoral Area “C” Arena, Pool, Hall, and Parks Tangible Capital Asset Replacement Reserve Funds be read a first, second and third time, and be adopted.**

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

**THAT Bylaw No 2702, 2015 “Oliver/Electoral Area ‘C’ - Oliver Parks and Recreation Society Services Capital Reserve Establishment Bylaw”, being a bylaw of the Regional District of Okanagan Similkameen establish a capital reserve for all services provided by the Oliver Parks and Recreation Society be read a first, second and third time, and be adopted.**

- 
- 2. Revision of Local Services Agreement with Penticton Indian Band**

- a. Local Services Agreement 2015
- b. Mutual Release and Termination of Agreement

**RECOMMENDATION 10** (Weighted Corporate Vote)

**THAT the Chair and Chief Administrative Officer be authorized to execute a revised Local Services Agreement with Penticton Indian Band.**

**3. 2014 Audited Financial Statements**

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

**THAT the 2014 Audited Financial Statements of the Regional District Okanagan Similkameen as of December 31, 2014 be received; and**

**THAT the RDOS Board adopts all reported 2014 transactions as amendments to the 2014 Final Budget**

---

**E. OFFICE OF THE CAO****1. Bylaw No. 2685, 2015 Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw.**

a. Bylaw No. 2685

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

**THAT Bylaw No. 2685, 2015 Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw be adopted.**

---

**2. Electoral Area “F” Advisory Planning Commission Resignation**

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

**THAT the Board of Directors accept the resignation of Phil Lawton and rescind Mr. Lawtons’ appointment as a member of the Electoral Area “F” Advisory Planning Commission; and**

**THAT a letter be forwarded to Mr. Lawton thanking him for his contribution to the Electoral Area “F” Advisory Planning Commission.**

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**3. Electoral Area “E” Advisory Planning Commission Appointment**

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

**THAT the Board of Directors appoint Donald Mancell as a member of the Electoral Area “E” Advisory Planning Commission.**

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**4. Osoyoos Museum Project**

- a. Main Lease Amending Agreement
- b. Letter of Request – Home Hardware
- c. Town of Osoyoos Resolution of Support
- d. Legal Compliance Opinion
- e. Letter of Understanding – Regional District of Okanagan-Similkameen / Museum Society
- f. Letter – Museum Society

**RECOMMENDATION 15** (Weighted Corporate Vote)

**THAT the Regional District extend the term of the main lease of the Home Hardware Building in Osoyoos to Home Hardware Stores Ltd. until December 31, 2019.**

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**F. CAO REPORTS**

- 1. Verbal Update**
- 

**G. OTHER BUSINESS**

- 1. Chair’s Report**
- 

- 2. Directors Motions**
- 

- 3. Board Members Verbal Update**
- 

**H. ADJOURNMENT**



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Corporate Services Committee

Thursday, April 16, 2015

12:47 PM

## Minutes

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#### MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"  
Vice Chair A. Jakubeit, City of Penticton  
Director F. Armitage, Town of Princeton  
Director M. Bauer, Village of Keremeos  
Director T. Boot, District of Summerland  
Director M. Brydon, Electoral Area "F"  
Director G. Bush, Electoral Area "B"  
Director E. Christensen, Electoral Area "G"  
Director B. Coyne, Electoral Area "H"

Director M. Doerr, Alt. Town of Oliver  
Director H. Konanz, City of Penticton  
Director K. Kozakevich, Electoral Area "E"  
Director A. Martin, City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director T. Schafer, Electoral Area "C"  
Director J. Sentes, City of Penticton  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

#### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

#### STAFF PRESENT:

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

N. Evans-MacEwan, Finance Supervisor  
N. Lynn, Administrative Assistant

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#### A. APPROVAL OF AGENDA

##### It was MOVED and SECONDED

THAT the agenda for the Corporate Services Committee Meeting of April 16, 2015 be adopted. - CARRIED

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By consensus, the Committee brought forward Item B.2.

#### B. DELEGATION

2. Dan Albas, Member of Parliament for Okanagan — Coquihalla  
Mr. Albas updated the Committee on activities within the riding of Okanagan-Coquihalla.

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1. Capri Insurance – Paula Garrecht, Commercial Account Executive  
Ms. Garrecht provided the Committee with an overview of the coverage that Capri Insurance provides to the Regional District.

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**C. First Quarter Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the first quarter of 2015 and the planned activities for the second quarter.

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**D. Board Action Tracking for First Quarter – For Information Only**

## 1. Spreadsheet

The Committee reviewed the outstanding Board Action from previous Board meetings.

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**E. Regional District Board Reference Manual – For Information Only**

## 1. Manual

**F. 2015 Community Engagement Program**

## 1. Regional Engagement Opportunities

**G. Closed Session****RECOMMENDATION 1****It was MOVED and SECONDED**

THAT in accordance with Section 90.(1)(c) of the *Community Charter*, the Committee close the meeting to the public on the basis of labour relations or other employee relations. - **CARRIED**

The meeting was closed to the public at 1:52 p.m.

The meeting was opened to the public at 2:16 p.m.

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**H. ADJOURNMENT**

By consensus, the meeting adjourned at 2:16 p.m.

APPROVED:

CERTIFIED CORRECT:

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M. Pendergraft  
RDOS Board Chair

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B. Newell  
Corporate Officer



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

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Community Services Committee

Thursday, April 16, 2015

10:30 AM

### Minutes

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#### MEMBERS PRESENT:

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

Director A. Jakubeit, City of Penticton  
Director H. Konanz, City of Penticton  
Director A. Martin, City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director M. Pendergraft, Electoral Area "A"  
Director T. Schafer, Electoral Area "C"  
Director J. Sentes, City of Penticton  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

#### MEMBERS ABSENT:

Vice Chair R. Hovanes, Town of Oliver

#### STAFF PRESENT:

B. Newell, Chief Administrative Officer  
C. Malden, Manager of Legislative Services  
M. Woods, Manager of Community Services  
L. Bourque, Rural Projects Coordinator

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#### A. APPROVAL OF AGENDA

##### It was MOVED and SECONDED

THAT the agenda of the Community Services Committee meeting of April 15, 2015 be adopted. - CARRIED

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#### B. DELEGATION

1. Daniel Pizarro, Regional Transit Manager– BC Transit  
Mr. Pizarro addressed the Board to present on the final draft of the Transit Future Plan.

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#### C. First Quarter Activity Report – For Information Only

The Committee was advised of the activities that occurred in the first quarter of 2015 and the planned activities for the second quarter.

---

**D. ADJOURNMENT**

By consensus, the Community Services Committee meeting of April 16, 2015 adjourned at 11:31 a.m.

APPROVED:

CERTIFIED CORRECT:

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K. Kozakevich  
Community Services Committee Chair

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B. Newell  
Chief Administrative Officer



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

# REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

## Environment and Infrastructure Committee

Thursday, April 16, 2015

11:31 AM

### Minutes

**MEMBERS PRESENT:**

- |  |  |
|--|--|
| Chair T. Siddon, Electoral Area "D"          | Director M. Doerr, Alt. Town of Oliver       |
| Vice Chair K. Kozakevich, Electoral Area "E" | Director A. Jakubeit, City of Penticton      |
| Director F. Armitage, Town of Princeton      | Director H. Konanz, City of Penticton        |
| Director M. Bauer, Village of Keremeos       | Director A. Martin, City of Penticton        |
| Director T. Boot, District of Summerland     | Director S. McKortoff, Town of Osoyoos       |
| Director M. Brydon, Electoral Area "F"       | Director M. Pendergraft, Electoral Area "A"  |
| Director G. Bush, Electoral Area "B"         | Director T. Schafer, Electoral Area "C"      |
| Director E. Christensen, Electoral Area "G"  | Director J. Sentes, City of Penticton        |
| Director B. Coyne, Electoral Area "H"        | Director P. Waterman, District of Summerland |

**MEMBERS ABSENT:**

Director R. Hovanes, Town of Oliver

**STAFF PRESENT:**

- |  |   |
|--|---|
| B. Newell, Chief Administrative Officer    | C. Pilling, Engineering Technologist      |
| C. Malden, Manager of Legislative Services | C. Baughen, Solid Waste Mgmt. Coordinator |
| R. Huston, Manager of Public Works         |   |

**A. APPROVAL OF AGENDA**

**It was MOVED and SECONDED**

THAT the agenda of the Environment and Infrastructure Committee meeting of April 16, 2015 be adopted. - **CARRIED**

**B. First Quarter Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the first quarter of 2015 and the planned activities for the second quarter.

**C. ADJOURNMENT**

By consensus, the Environment and Infrastructure Committee meeting of April 16, 2015 adjourned at 11:45 a.m.

APPROVED:

CERTIFIED CORRECT:

\_\_\_\_\_  
T. Siddon  
Environment and Infrastructure Committee Chair

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



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

## **REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

### **Planning and Development Committee**

Thursday, April 16, 2015

9:02 AM

### **Minutes**

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#### **MEMBERS PRESENT:**

Chair M. Brydon, Electoral Area "F"  
Vice Chair G. Bush, Electoral Area "B"  
Director F. Armitage, Town of Princeton  
Director M. Bauer, Village of Keremeos  
Director T. Boot, District of Summerland  
Director E. Christensen, Electoral Area "G"  
Director B. Coyne, Electoral Area "H"  
Director M. Doerr, Alt. Town of Oliver  
Director A. Jakubeit, City of Penticton

Director K. Kozakevich, Electoral Area "E"  
Director H. Konanz, City of Penticton  
Director A. Martin, City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director M. Pendergraft, Electoral Area "A"  
Director T. Schafer, Electoral Area "C"  
Director J. Sentes, City of Penticton  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

#### **MEMBERS ABSENT:**

Director R. Hovanes, Town of Oliver

#### **STAFF PRESENT:**

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

D. Butler, Manager of Development Services

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#### **A. APPROVAL OF AGENDA**

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

THAT the agenda of the Planning and Development Committee meeting of April 16, 2015 be adopted. - **CARRIED**

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#### **B. DELEGATION**

1. Rogers Communications Inc. – Samuel Sugita, Municipal Project Manager  
Mr. Sugita provided the Board an overview of locational factors and considerations by the company when proposing new communication towers in a local area.
-

**C. Antenna Siting and Public Consultation Policy**

1. Industry Canada
2. Antenna System Siting Protocol
3. Safety Code 6

**Recommendation:****It was MOVED and SECONDED**

THAT the Board endorse the Industry Canada Public Consultation Process, but direct staff to bring forward modifications to:

- a. increase the public notification area; and,
- b. add siting and design guidelines for Antenna Systems; and,
- c. establish a \$500 application fee.

**CARRIED****Recommendation:****It was MOVED and SECONDED**

THAT staff be directed to bring forward a proposal and Budget for a study to assess visual and electro-magnetic disturbances and negative impact on adjacent property values of both telecommunications and large utility towers for electric power.

**CARRIED**

---

**D. First Quarter Activity Report – For Information Only**

The Committee was advised of the activities that occurred in the first quarter of 2015 and the planned activities for the second quarter.

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**E. ADJOURNMENT**

By consensus, the Planning and Development Committee meeting of April 16, 2015 adjourned at 10:45 a.m.

APPROVED:

CERTIFIED CORRECT:

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M. Brydon  
Planning and Development Committee Chair

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B. Newell  
Corporate Officer



## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### Protective Services Committee

Thursday, April 16, 2015

11:46 AM

## Minutes

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#### MEMBERS PRESENT:

Chair A. Jakubeit, City of Penticton	Director M. Doerr, Alt. Town of Oliver
Vice Chair T. Schafer, Electoral Area "C"	Director H. Konanz, City of Penticton
Director F. Armitage, Town of Princeton	Director K. Kozakevich, Electoral Area "E"
Director M. Bauer, Village of Keremeos	Director A. Martin, City of Penticton
Director T. Boot, District of Summerland	Director S. McKortoff, Town of Osoyoos
Director M. Brydon, Electoral Area "F"	Director M. Pendergraft, Electoral Area "A"
Director G. Bush, Electoral Area "B"	Director J. Sentes, City of Penticton
Director E. Christensen, Electoral Area "G"	Director T. Siddon, Electoral Area "D"
Director B. Coyne, Electoral Area "H"	Director P. Waterman, District of Summerland

#### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

#### STAFF PRESENT:

B. Newell, Chief Administrative Officer	M. Woods, Manager of Community Services
C. Malden, Manager of Legislative Services	D. Kronebusch, Protective Services Supervisor

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#### A. APPROVAL OF AGENDA

##### It was MOVED and SECONDED

THAT the agenda of the Protective Services Committee meeting of April 16, 2015 be adopted. - CARRIED

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#### B. DELEGATION

1. Community Wildfire Protection Program (CWPP) – John Davies, RFP, Program Manager  
Mr. Davies addressed the Committee to discuss the new CWPP program offered by UBCM.

---

#### C. First Quarter Activity Report – For Information Only

The Committee was advised of the activities that occurred in the first quarter of 2015 and the planned activities for the second quarter.

---

**D. ADJOURNMENT**

By consensus, the Protective Services Committee meeting of April 16, 2015 adjourned at 12:15 p.m.

APPROVED:

CERTIFIED CORRECT:

---

A. Jakubeit  
Protective Services Committee Chair

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B. Newell  
Chief Administrative Officer





## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### BOARD of DIRECTORS MEETING

Minutes of the Board Meeting of the Regional District of Okanagan-Similkameen (RDOS) Board of Directors held at 2:33 pm Thursday, April 16, 2015 in the Boardroom, 101 Martin Street, Penticton, British Columbia.

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#### MEMBERS PRESENT:

Chair M. Pendergraft, Electoral Area "A"  
Vice Chair A. Jakubeit, City of Penticton  
Director F. Armitage, Town of Princeton  
Director M. Bauer, Village of Keremeos  
Director T. Boot, District of Summerland  
Director M. Brydon, Electoral Area "F"  
Director G. Bush, Electoral Area "B"  
Director E. Christensen, Electoral Area "G"  
Director B. Coyne, Electoral Area "H"

Director M. Doerr, Alt. Town of Oliver  
Director H. Konanz, City of Penticton  
Director K. Kozakevich, Electoral Area "E"  
Director A. Martin, City of Penticton  
Director S. McKortoff, Town of Osoyoos  
Director T. Schafer, Electoral Area "C"  
Director J. Sentes, City of Penticton  
Director T. Siddon, Electoral Area "D"  
Director P. Waterman, District of Summerland

#### MEMBERS ABSENT:

Director R. Hovanes, Town of Oliver

#### STAFF PRESENT:

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

R. Huston, Manager of Public Works  
D. Butler, Manager of Development 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 April 16, 2015 be amended by adding Item E2 MFA Leasing of Regional Trails Vehicle. - **CARRIED**

##### **1. Consent Agenda – Corporate Issues**

###### **a. Corporate Services Committee – April 2, 2015**

*THAT the Minutes of the April 2, 2015 Corporate Services Committee be received.*

*That the Regional District of Okanagan-Similkameen recommend to the UBCM a special session or a Resolution for debate on the subject of Dr. Bish's report at the next UBCM Conference; and,*

*That UBCM be requested to include Dr. Bish as a guest presenter; and,*

*That the Board of Directors send a letter response to UBCM within the prescribed timeline. - Carried*

###### **b. Community Services Committee – April 2, 2015**

*THAT the Minutes of the April 2, 2015 Community Services Committee be received.*

- c. RDOS Regular Board Meeting – April 2, 2015  
*THAT the minutes of the April 2, 2015 RDOS Regular Board meeting be adopted.*

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

**It was MOVED and SECONDED**

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

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**B. DEVELOPMENT SERVICES – Building Inspection**

1. Building Violations  
a. Units 1-4, 300 Creekview Road, Electoral Area “D”.

The Chair asked if anyone was present to speak to the application. No one was present.

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

**It was MOVED and SECONDED**

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Strata Lot 1, Plan KAS3992, District Lot 395S, together with an interest in the common property, in proportion to the unit entitlement of the Strata Lot as shown on Form V, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and,

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Strata Lot 2, Plan KAS3992, District Lot 395S, together with an interest in the common property, in proportion to the unit entitlement of the Strata Lot as shown on Form V, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and,

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Strata Lot 3, Plan KAS3992, District Lot 395S, together with an interest in the common property, in proportion to the unit entitlement of the Strata Lot as shown on Form V, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333; and,

THAT a Section 695 Notice on Title, pursuant to Section 695 of the *Local Government Act* and Section 57 of the *Community Charter* (made applicable to Regional Districts by Section 695 of the LGA), be filed against the title of lands described as Strata Lot 4, Plan KAS3992, District Lot 395S, together with an interest in the common property, in proportion to the unit entitlement of the Strata Lot as shown on Form V, SDYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2333.

**CARRIED**

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

1. Zoning Bylaw Amendment – Electoral Area “D”

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

**It was MOVED and SECONDED**

THAT the Board of Directors proceed with a proposed amendment to the Electoral Area “D-1” Zoning Bylaw No. 2457, 2008, at Lots 1,2,3,4,5,6,7 and Lots 10,11,12,13,16, and 17, District Lot 395s, SDYD, Plan KAP83847 (Creekview Road, Apex) - **CARRIED**

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**D. COMMUNITY SERVICES – Rural Projects**

1. Okanagan-Similkameen Transit Future Plan
  - a. Transit Future Plan

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

**It was MOVED and SECONDED**

THAT the Board endorse the Okanagan-Similkameen Transit Future Plan as distributed on April 9, 2015. - **CARRIED**

---

**E. FINANCE**

1. Electoral Area “A” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw 2701
  - a. Bylaw No. 2701

**RECOMMENDATION 6 (Weighted Corporate Vote – 2/3 majority)****It was MOVED and SECONDED**

THAT Bylaw No 2701, 2015 Electoral Area “A” Community Works (Gas Tax) Reserve Fund Expenditure Bylaw, being a bylaw of the Regional District of Okanagan Similkameen to authorize the expenditure of funds from the Area “A” Community Works Program for Desert Park Recreation Complex Upgrades be read a first, second and third time, and be adopted. - **CARRIED**

---

- ADDENDUM** 2. MFA Leasing of Regional Trails Vehicle

**RECOMMENDATION 7 (Weighted Corporate Vote – majority)****It was MOVED and SECONDED**

THAT the Board authorize a liability under Section 175 of the *Community Charter* to purchase a 2015 GMC Sierra 3500HD truck in the amount of \$ 43,372 with no provisions for renewal. - **CARRIED**

---

**F. OFFICE OF THE CAO**

1. Okanagan Falls Parks and Recreation Commission - Rescinding Appointment

**RECOMMENDATION 8 (Unweighted Corporate Vote – Simple Majority)****It was MOVED and SECONDED**

THAT the Board rescind the appointment Tamie Smart to the Okanagan Falls Parks & Recreation Commission;

AND THAT a letter is forwarded to Ms. Smart thanking her for her contribution to the Okanagan Falls Parks & Recreation Commission. - **CARRIED**

---

2. DC Fast Charger
  - a. Land Lease Agreement
  - b. Station Lease Agreement

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

**It was MOVED and SECONDED**

THAT the Regional District of Okanagan-Similkameen enter into agreement with Sunshine Valley Recreation Inc. dba Manning Park Resort for the lease of space to install a DC Fast Charger; and,

THAT the Regional District enter into agreement with BC Hydro to operate and maintain the DC Fast Charger. - **CARRIED**

---

3. Gallagher Lake Sewer and Water Service Amendment Bylaw No. 2360.02, 2015
  - a. Bylaw No. 2360.02

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

**It was MOVED and SECONDED**

THAT Bylaw No. 2630.02, 2015 Gallagher Lake Sewer and Water Service Amendment Bylaw be adopted. - **CARRIED**

---

**G. CAO REPORTS**

1. Verbal Update
- 

**H. OTHER BUSINESS**

1. Chair's Report
- 

2. Board Representation
  - a. Chair's Report
  - b. Municipal Finance Authority (MFA)
  - c. Okanagan Basin Water Board (OBWB)
  - d. Okanagan-Kootenay Sterile Insect Release Board (SIR)
  - e. Okanagan Regional Library (ORL)
  - f. Okanagan Film Commission (OFC)
  - g. Southern Interior Beetle Action Coalition (SIBAC)
  - h. Southern Interior Municipal Employers Association (SIMEA)
  - i. Southern Interior Local Government Association (SILGA)
  - j. Starling Control
  - k. UBC Water Chair Advisory Committee

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3. Directors Motions

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4. Board Members Verbal Update

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**I. ADJOURNMENT**

By consensus, the meeting adjourned at 3:30 p.m.

APPROVED:

CERTIFIED CORRECT:

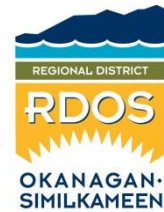
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M. Pendergraft  
RDOS Board Chair

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B. Newell  
Corporate Officer

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Development Variance Permit Application — Electoral Area “D”

---

### **Administrative Recommendation:**

**THAT the Board of Directors approve Development Variance Permit No. D2015.024-DVP**

---

Purpose: To reduce the interior parcel line setback for a principal building.

Owners: Unit Electrical Engineering Ltd      Folio: D0115.010

Civic: 1406 Maple St, OK Falls      Legal: Lot A, DL 10 & 551, SDYD, Plan KAP47617

OCP: Industrial (I)      Zone: Industrial One (I1)

Requested Variance: to vary the interior parcel line setback from 15.0 metres to 3.0 metres to outermost projection

---

### **Proposed Development:**

This application is seeking to reduce the interior parcel line setback on the south side of the subject property from the required 15.0 metres to 3.0 metres for a new manufacturing facility building.

Specifically, the proposed manufacturing facility is to be approximately 54.9 m by 64 m in size and approximately 10.4 m in height. The building will house areas for manufacturing including space for welding, fabrication, painting as well as a general offices and staff room.

In support of the proposal, the applicant states that “the variance addresses an unusual jog in the south property line. The proposed building will continue to observe a 15.0 m setback for the east, road fronting portion of the south property line”.

### **Site Context:**

The subject property is approximately 2.6 ha in size, situated on the west side of Maple Street in Okanagan Falls, and located approximately 670 m south of the main business area of Okanagan Falls.

The property currently is being used for industrial purposes and has an existing manufacturing building and two accessory structures. The subject property is within the OK Falls Irrigation District water and the Okanagan Falls Sewer service areas and is within the OK Falls Fire Protection area.

Neighbouring properties are characterized as industrial to the south, agricultural land to the east, with residential to the north east, parkland to the north and industrial land and a Fortis site between the property and Highway 97 to the west. There is a fairly steep bank to the west side of the property that drops down to Highway 97. The industrial land immediately adjacent to the south is also owned by the applicant.

---

**Background:**

Under the Electoral Area “D” Zoning Bylaw No. 2455, 2008, the subject property is zoned Industrial (Light) One (I1) which permits industries such as manufacturing plants and industrial oriented offices.

Under Schedule ‘D’ of the Electoral Area “D” OCP Bylaw No. 2603, 2012, the subject property has been identified as lands designated as being within an Okanagan Falls Industrial Development Permit area. An Industrial Development Permit application has been submitted and is addressed in a separate report. The western portion of the property is also identified as being within an Environmentally Sensitive Development Permit area (ESDP); however, the proposed development is outside of the ESDP area.

The applicant has confirmed that a lot line adjustment has been initiated that would straighten the property line between the subject property and the one immediately to the south (1490 Maple St) that will increase the distance between the proposed building and the parcel line. The process to complete the property line adjustment will take longer than completing the subject variance application.

**Public Process:**

Adjacent property owners will have received notification of this application with written comments regarding the proposal being accepted until 12:00 noon on Thursday April 30, 2015.

**Alternatives:**

1. THAT the Regional Board deny Development Variance Permit No. D2015.024–DVP; or
2. THAT the Regional Board defers making a decision and directs that the proposal be considered by the Electoral Area “D” Advisory Planning Commission (APC).

**Analysis:**

When assessing a variance request, a number of factors are generally taken into account, and these include the intent of the zoning; the presence of any potential limiting physical features on the subject property; and whether the proposed development will have a detrimental impact upon the amenity of the area and/or adjoining uses.

In this case, the use is permitted on the property and there is limited space to place a new manufacturing facility given existing buildings, steep slopes and access. The zoning regulations place a 15.0 metre setback for both the rear and interior parcel lines, in part, to mitigate potential negative impacts on adjacent properties. The interior parcel line for the subject property contains a jog of approximately 15 m at the easterly Maple Street portion of the parcel line which limits placement of a new building.

Administration recognizes the limitations on the subject property and the desire for economic opportunities within OK Falls area. The proposed manufacturing building is not seen to have a detrimental impact on the amenity or character of the area.

**Respectfully submitted:**

*E Riechert*

\_\_\_\_\_  
E.Riechert, Planner

**Endorsed by:**

*CG*

\_\_\_\_\_  
C. Garrish, Planning Supervisor

**Endorsed by:**

\_\_\_\_\_

D. Butler, Development Services Manager



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

Attachment No. 1 – Site Photo (Google Streetview)



© 2015 Google  
**View from Maple Street**

Google earth



# Development Variance Permit

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FILE NO.: D2015.024-DVP

TO: Unit Electric Engineering Ltd  
1406 Maple Street  
Okanagan Falls, BC V0H 1R0

AGENT: Landform Architecture  
205-301 Main St  
Penticton, BC V2A 5B7

## ADMINISTRATION

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

## APPLICABILITY

5. This Development Variance Permit applies 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 A, District Lots 10 & 551, SDYD, Plan KAP47617

Civic Address: 1406 Maple Street, Okanagan Falls

Parcel Identifier (PID): 017-842-905 Folio: D-01115.010

## CONDITIONS

### 6. Development Variance

- a) The minimum interior side parcel line setback for a building or structure in the Industrial One (I1) Zone, as prescribed at Section 14.1.5(a)(iii) of the Electoral Area "D" Zoning Bylaw No. 2455, 2008, in the Regional District of Okanagan-Similkameen, is varied as follows:
  - i) from: 15.0 metres

to: 3.0 metres, as measured from the outermost projection, and as shown on Schedules 'B' ; and 'C'

7. **Covenant** Not Applicable

8. **Security** Not Applicable

9. **Schedule**

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

- (a) In accordance with Section 926 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was issued within **two (2) years** after the date it was issued, the permit lapses.
- (b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on \_\_\_\_\_, 2015.

---

B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

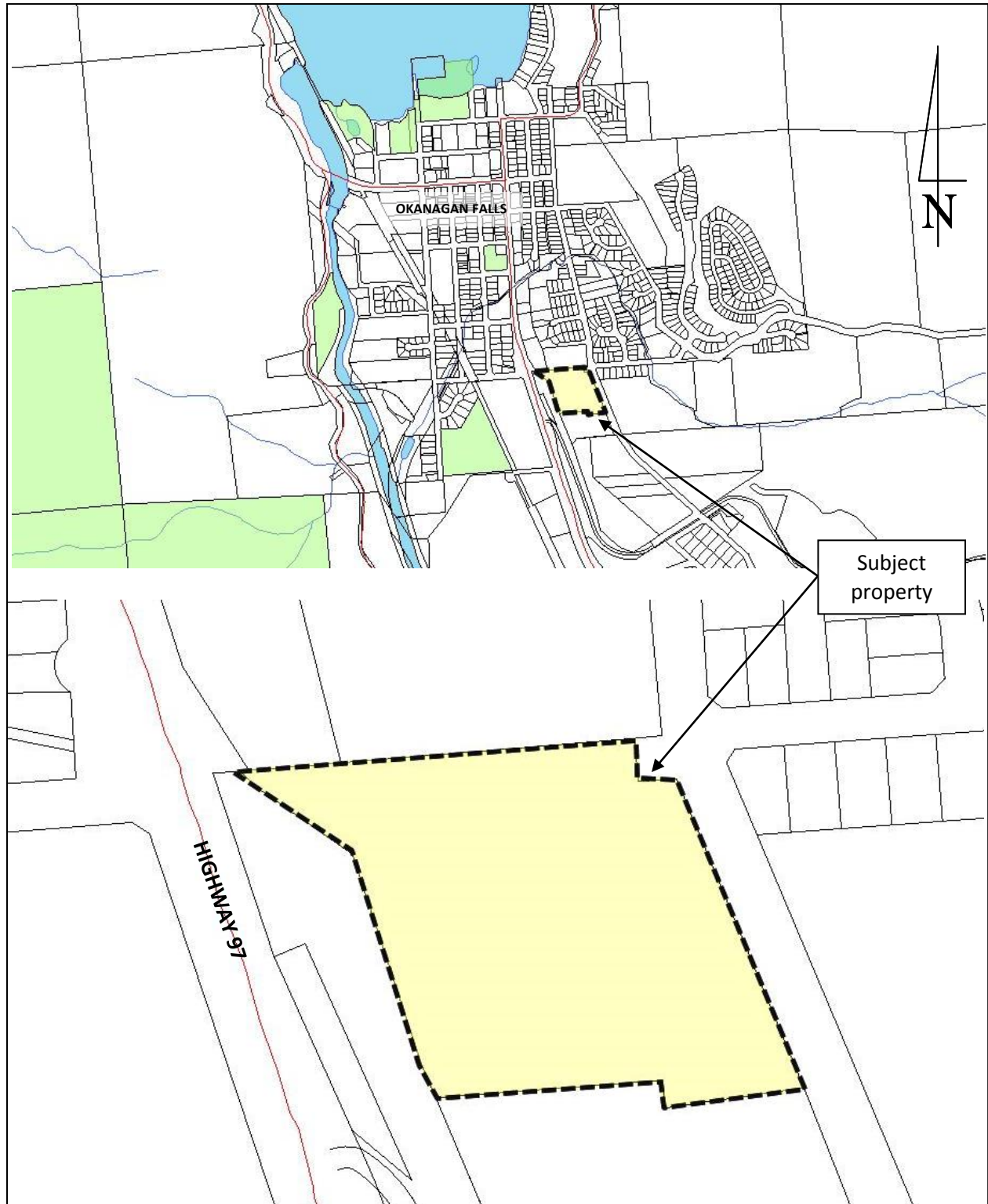
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.024-DVP

## Schedule 'A'



# Regional District of Okanagan-Similkameen

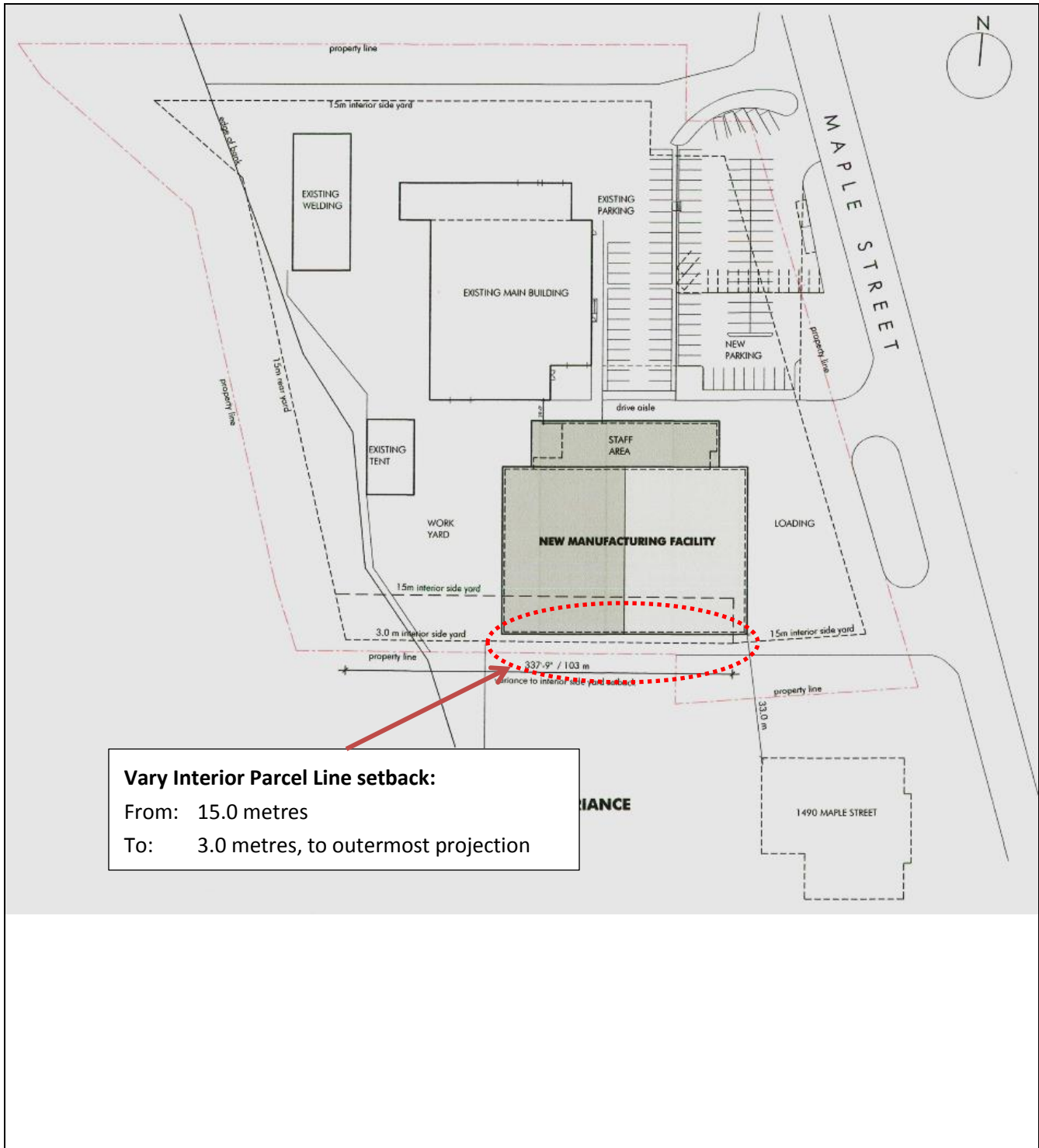
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.024-DVP

## Schedule 'B'



# Regional District of Okanagan-Similkameen

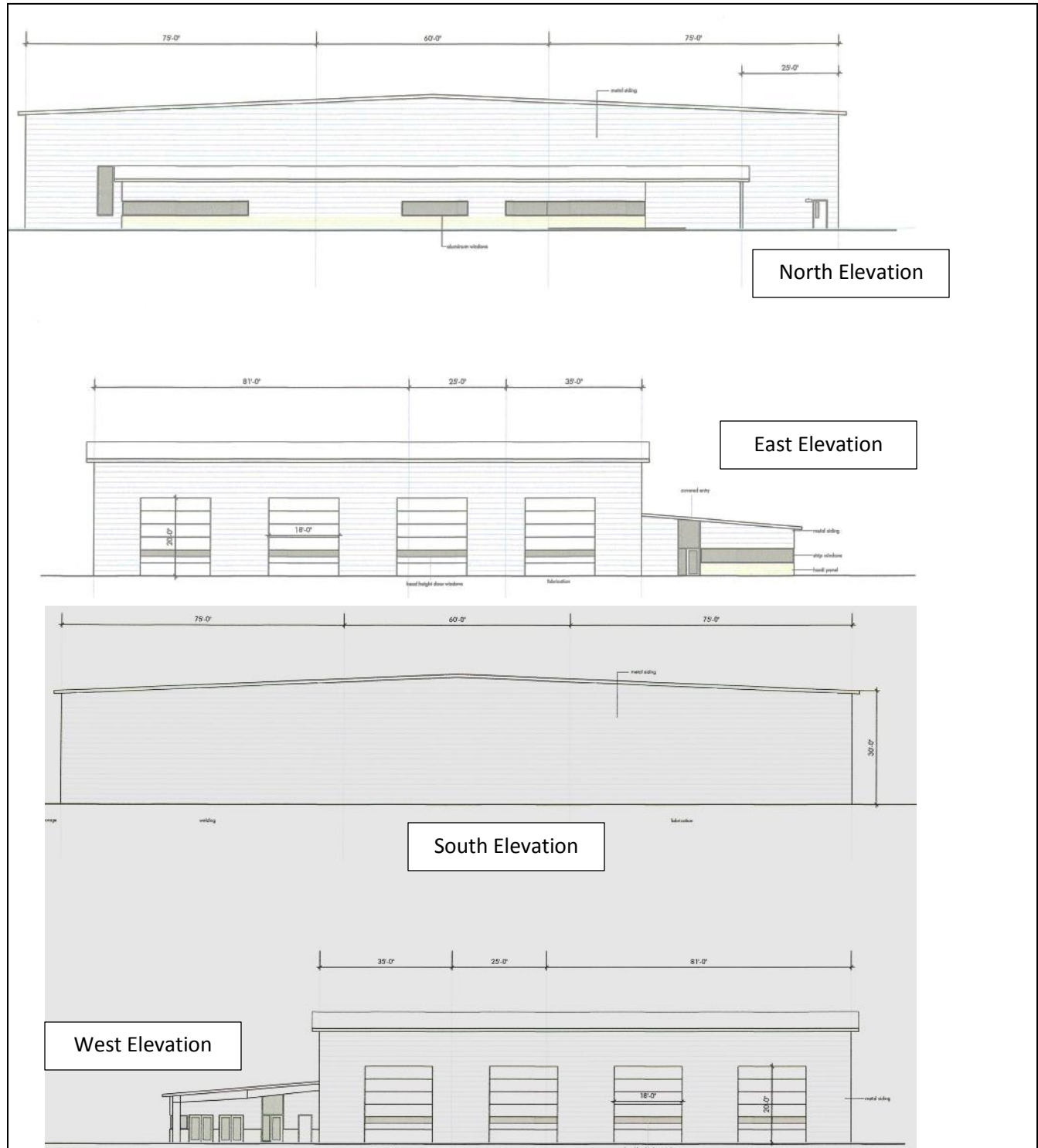
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2015.024-DVP

## Schedule 'C'



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Development Permit Application (Industrial) — Electoral Area “D”

---

### Administrative Recommendation:

**THAT the Board of Directors approve Development Permit No. D2015.027-DP;**

**AND THAT prior to the issuance of Development Permit No. D2015.027-DP, the applicant submit to the Regional District a security in the amount of \$17,250.00 for the installation of landscaping in relation to the proposed development.**

---

Purpose: To construct a new manufacturing building, increase parking area and provide landscaping.

Owner: Unit Electric Engineering                      Agent: Chris Allen                      Folio: D-01115.010

Civic: 1406 Maple Street, Okanagan Falls              Legal: Lot A, Plan KAP47617, DL 10 & 551, SDYD

OCP: Industrial (I)                      Zone: Industrial One (I1)

---

### Proposed Development:

This application is seeking to meet the requirements of an Industrial Development Permit as outlined in Section 24.7 of the Electoral Area “D” East Skaha, Vaseux Official Community Plan (OCP) Bylaw No. 2603, 2013.

The property owners are proposing to construct a new manufacturing facility on the subject property. Specifically, the new building is to be approximately 55 m by 64 m in size and approximately 10.4 m in height. The building will house areas for manufacturing including space for welding, fabrication, painting as well as a general offices and staff room.

### Site Context:

The subject property is approximately 2.6 ha in size, situated on the west side of Maple Street in Okanagan Falls, and located approximately 670 m south of the main business area of Okanagan Falls.

The property currently is being used for industrial purposes and has an existing manufacturing building and two accessory structures. The subject property is within the OK Falls Irrigation District water and the Okanagan Falls Sewer service areas and is within the OK Falls Fire Protection area.

Neighbouring properties are characterized as industrial to the south, agricultural land to the east, with residential to the north east, parkland to the north and industrial land and a Fortis site between the property and Highway 97 to the west. There is a fairly steep bank to the west side of the property that drops down to Highway 97. The industrial land immediately adjacent to the south is also owned by the applicant.



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**Background:**

Under the Electoral Area “D” East Skaha, Vaseux Official Community Plan Bylaw No. 2603, 2013, the property is designated within the Industrial Development Permit Area.

The Industrial Development Permit has two main objectives: one is to ensure future development revitalizes and enhances industrial activity through the promotion of attractive design that meets the needs of the industry; and two, the protection of the Okanagan Falls aquifer.

**Public Process:**

Where no variances have been requested, the Regional District does not provide notification of the Development Permit.

**Alternative:**

1. THAT the Regional Board deny Development Permit No. D2015.027-DP.
2. That the RDOS Board defers making a decision and directs that the proposal first be reviewed by the Electoral Area “D” Advisory Planning Commission (APC).

**Analysis:**

The OCP guidelines for an Industrial Development Permit area encourage new development helps to revitalize and enhance industrial activity with the promotion of attractive design that meets the needs of industry and is compatible with surrounding developments.

The Development Permit area is also identified to be part of the Aquifer Protection area delineated in the *Source Water Assessment and Protection Plan for Okanagan Fall Irrigation District*. Care must be taken in the storage, handling, manufacturing and use of products to avoid contamination of the underlying aquifer.

The Form and Character guidelines in OCP provide design features for buildings, parking and access, and landscaping and screening and are assessed below:

**Building and Structures**

Building should be finished in painted metal, wood or textured concrete and buildings should be finished consistently on all elevations.

- In this case, the building is proposed to be is to be clad in pre-finished metal siding and painted Hardie board on all sides.

**Parking and Access**

In addition to the parking requirements set in the Electoral Area “D-1” Zoning Bylaw, parking should also avoid large area and should be broken into smaller groups divided by and surrounded by landscaping. Loading areas should be located away from street frontages and buffered from public view.

- In this case, the new parking areas are to be landscaped and buffered from Maple Street. There is also a vegetative buffer proposed between existing and new parking areas.

**Landscaping and Screening**

---

Landscaping should present a pleasing street image, provide definition for pedestrian corridors, soften the transition between adjacent land uses, and create focal points into and out of the site. Landscaping should be of substantial proportion to ensure compatible transition to abutting residential and other users. The scale and location of complement the scale and massing of buildings and the selection of plant materials should be based on drought tolerance and indigenous species. Supplementary screening should also be provided for outdoor storage, waste containers, heating and cooling equipment and other service areas.

- In this case, new landscaping is proposed to act as buffer areas between the adjacent property and the street. There are also a number of existing trees within the MOTI right of way that as focal points near the main access. The loading area is shown facing Maple Street; however, there is a landscape buffer proposed adjacent to the street.

#### Aquifer Protection

All applications for an Industrial Development Permit should be accompanied by a report certified by a Professional Engineer or Geoscientist, registered in BC and experienced in hydrogeological investigations. The purpose of the report is to ensure that hazardous materials storage and handling procedures, facility design and operation will not compromise the integrity of the underlying aquifer.

- In this case, a report, *Aquifer Vulnerability Assessment for Proposed New Building – 1406 Maple Street, Okanagan Falls*, dated April 20, 2015, and further an *Industrial Development Permit Application Addendum*, dated April 28, 2015, prepared by Paul Glen, P.Eng, Rock Glen Consulting have been submitted. The report concludes that Unit Electric will be using a variety of typical industrial chemicals and that Unit Electric will flow accepted chemical and management practises to limit the potential for spills. The report also finds that the groundwater flows generally southward and that a low permeable sand till layer acts as an effective zone to restrict the flow of groundwater. The addendum also includes specific Unit Electric Environmental Waste Storage and Disposal Policies that outline how materials are to be stored, disposed and spills contained.

In summary, Administration is satisfied that the objectives and guidelines outlined in the Industrial Development Permit as outlined in Section 24.7 of the Electoral Area “D” East Skaha, Vaseux Official Community Plan (OCP) Bylaw No. 2603, 2013 have been met.

#### **Respectfully submitted:**

*E Riechert*

E. Riechert, Planner

#### **Endorsed By**



C. Garrish, Planning Supervisor

#### **Endorsed By**

*Donna Butler*

D. Butler, Manager Development Services



# Development Permit

## Industrial

FILE NO.: D2015.027-DP

Owner: Unit Electric Engineering Ltd  
1406 Maple Street  
Okanagan Falls, BC V0H 1R0

Agent: Landform Architecture  
205-301 Main St  
Penticton, BC V2A 5B7

### ADMINISTRATION

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

### APPLICABILITY

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

Legal Description: Lot A, District Lots 10 & 551, SDYD, Plan KAP47617

Civic Address: 1406 Maple Street, Okanagan Falls

Parcel Identifier (PID): 017-842-905 Folio: D-01115.010

### CONDITIONS

#### 6. Development Guidelines

The land described herein shall be developed strictly in accordance with the following terms, conditions and provisions of this permit:

- a) That the proposed manufacturing building is constructed in accordance with the plans attached as Schedule 'A', 'B', 'C', and 'D'

- b) That protection of the aquifer be in accordance with the *Aquifer Vulnerability Assessment for Proposed New Building 1406 Maple Street, Okanagan Falls*, dated April 20, 2015, and the *Industrial Development Permit Application Addendum*, dated April 28, 2015, as prepared by Paul Glen, P.Eng, Rock Glen Consulting, attached as Schedule 'E'.

**7. Covenant**

- a) Not required.

**8. Landscape Security**

- a) In accordance with Section 925 of the *Local Government Act*, the RDOS has obtained cash security in the amount of **\$17,250.00** for the installation of landscaping in relation to the proposed development. The maintenance and release of the security is in accordance with the applicable RDOS bylaws and policies.

**9. Schedule**

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

- a) In accordance with Section 926 of the *Local Government Act* and subject to the terms of the permit, if the holder of this permit does not substantially start any construction with respect to which the permit was amended within **two (2) years** after the date it was issued, the permit lapses.
- b) Lapsed permits cannot be renewed; however, an application for a new development permit can be submitted.

Authorising resolution passed by the Regional Board on \_\_\_\_ 2015.

---

B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

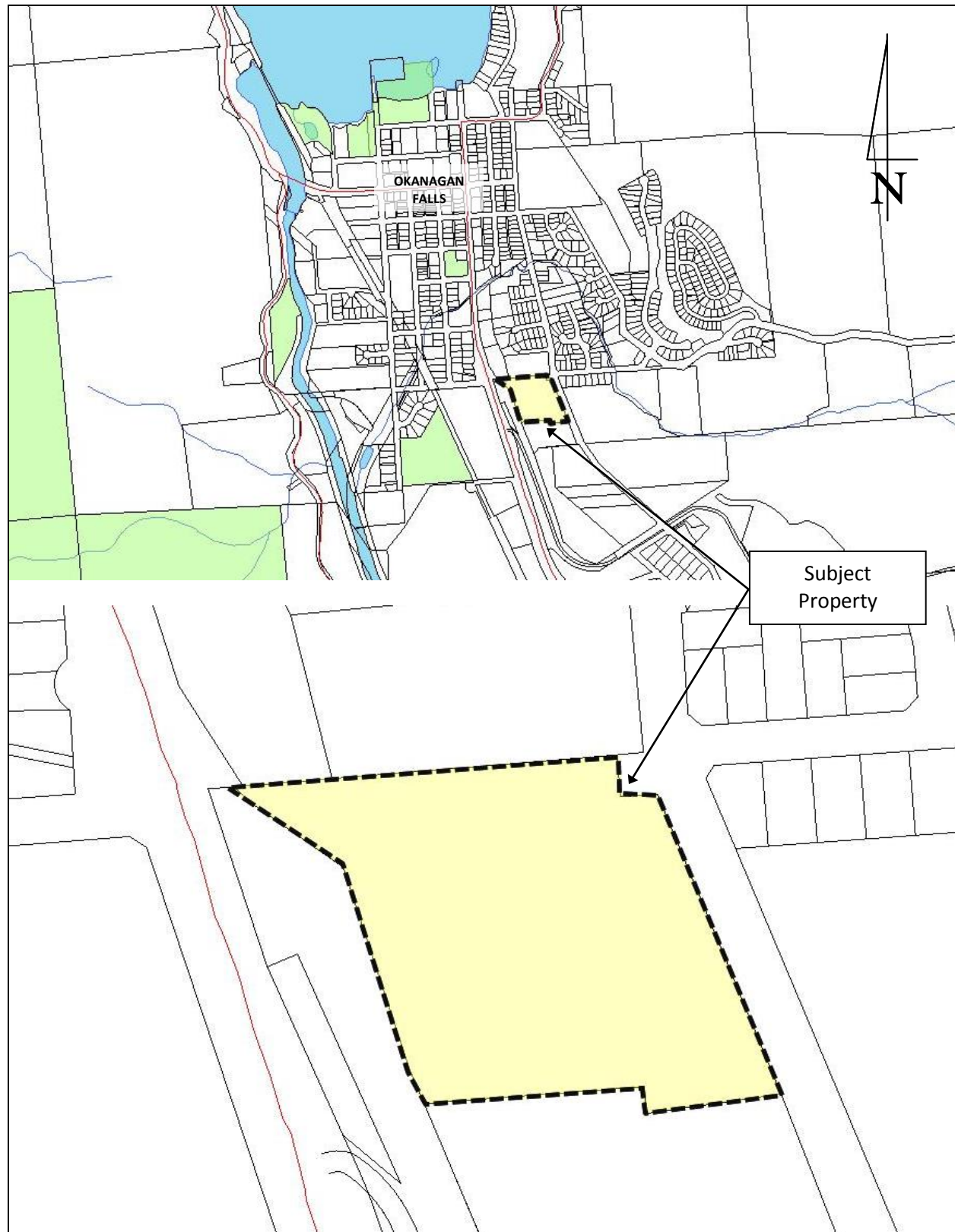
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Industrial Development Permit

File No. D2015.027-DP

## Schedule 'A'



# Regional District of Okanagan-Similkameen

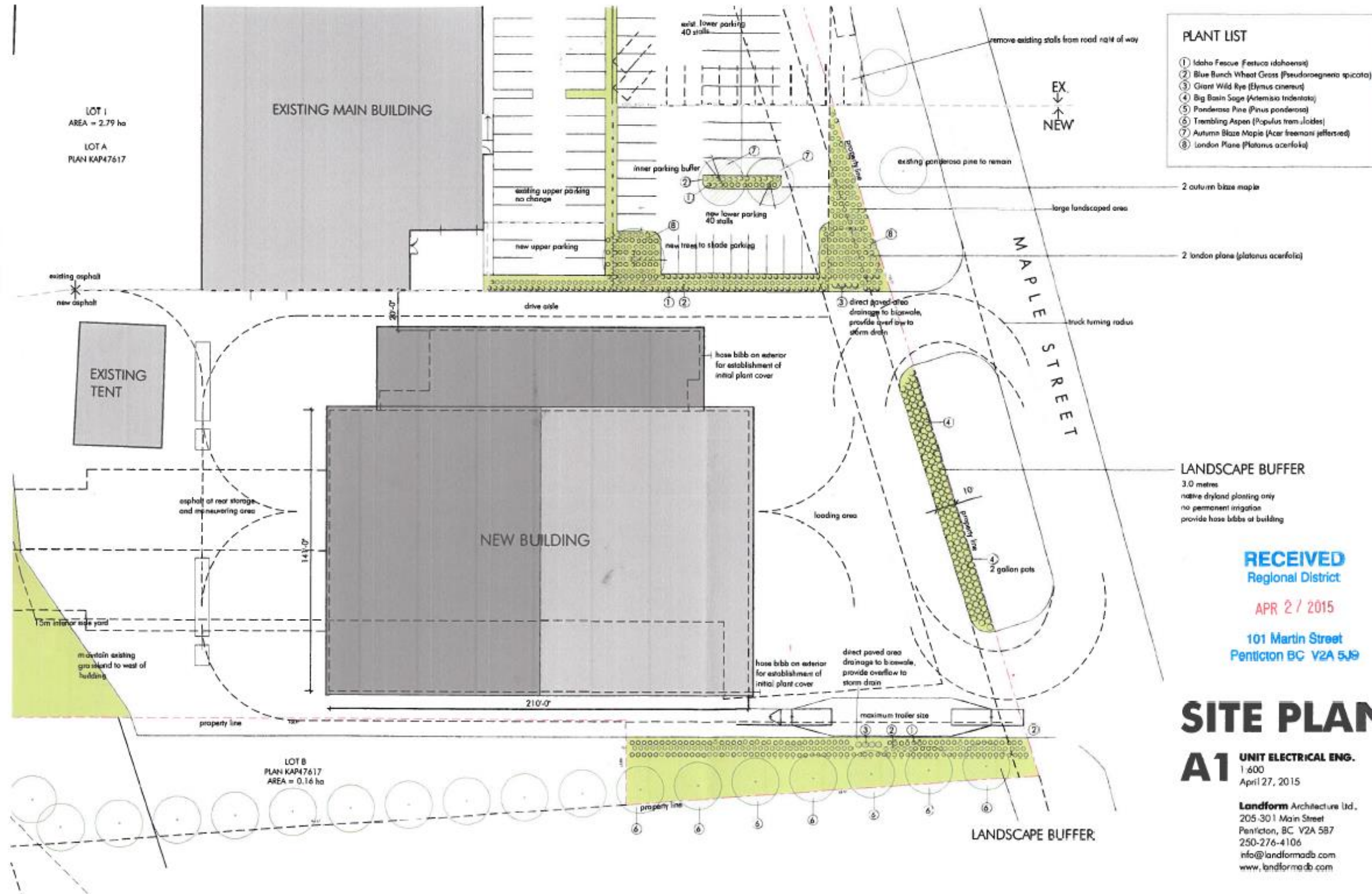
101 Martin St, Penticton, BC V2A 5J9  
 Tel: (250) 492-0237 Fax (250) 492-0063



Industrial Development Permit

Schedule 'B'

File No. D2015.027-DP



# Regional District of Okanagan-Similkameen

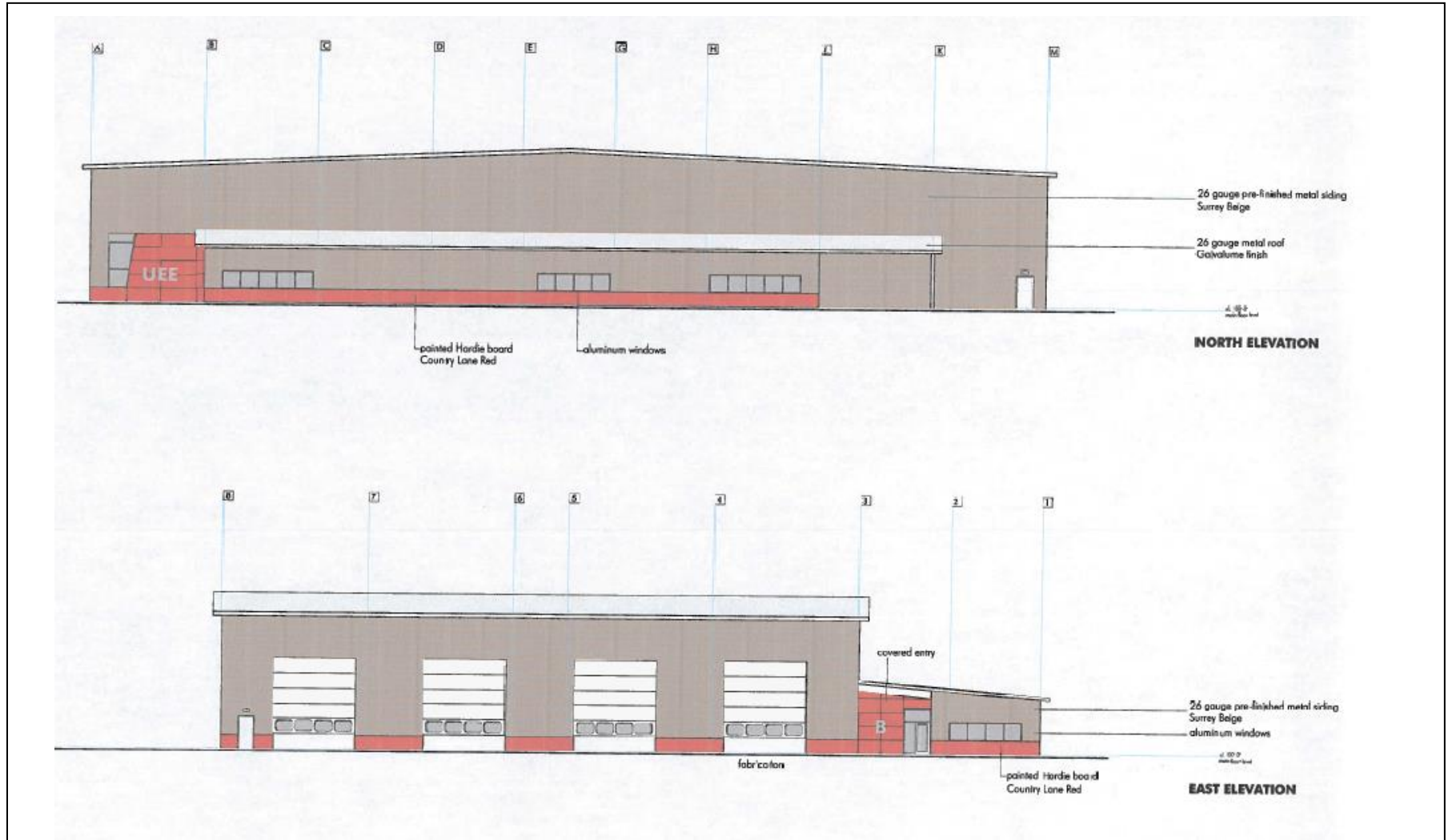
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Industrial Development Permit

File No. D2015.027-DP

## Schedule 'C'



# Regional District of Okanagan-Similkameen

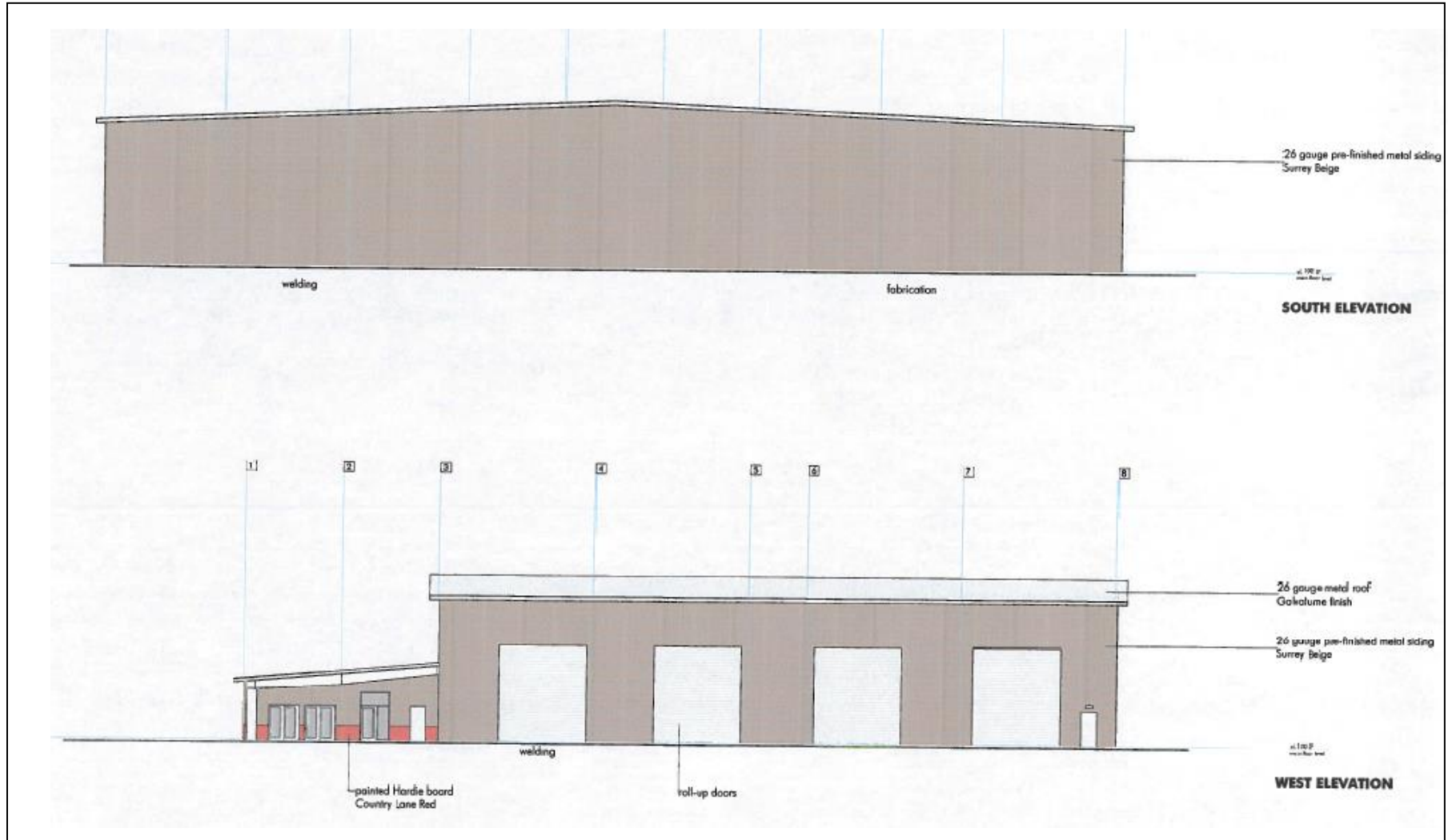
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Industrial Development Permit

File No. D2015.027-DP

## Schedule 'D'





# Regional District of Okanagan-Similkameen

101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Industrial Development Permit

File No. D2015.027-DP

Schedule 'E'

*Aquifer Vulnerability Assessment for Proposed New Building 1406 Maple Street, Okanagan Falls, dated April 20, 2015, prepared by Paul Glen, P.Eng, Rock Glen Consulting Ltd.*

&

*Industrial Development Permit Application Addendum – 1406 Maple Street, Okanagan Falls, April 28, 2015, prepared by Rock Glen Consulting*

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Agricultural Land Commission Referral (Exclusion) – Electoral Area “A”

---

### Administrative Recommendation:

**THAT the RDOS Board not “authorise” the application to exclude approximately 3.4 ha of land comprised within Lot C, Plan KAP72608, District Lot 2450S, SDYD, and part of Lot B, Plan KAP72608, District Lot 2450S, SDYD, in Electoral Area “A” to proceed to the Agricultural Land Commission.**

---

Purpose: To facilitate the exclusion of approximately 3.4 ha so that it may be subdivided in future to low density residential parcels.

Owners: Luis & Alcida DeMelo                      Agent: Brad Elenko                      Folio: A-06047.010/.015

Civic: unknown & 8525 104<sup>th</sup> Avenue                      Legal: Lots B & C, Plan KAP72608, District Lot 2450S, SDYD

OCP: part Agriculture (AG); and                      Zone: part Agriculture One (AG1)  
part Small Holdings (SH)                                      part Small Holdings Four (SH4)

---

### Proposed Development:

An application has been lodged with the Agricultural Land Commission (ALC) under Section 30(1) of the Agricultural Land Commission Act (the Act) in order to allow for an Exclusion from the Agricultural Land Reserve (ALR).

Specifically, the applicant is seeking to exclude an approximately 3.4 hectare (ha) area currently comprised within parts of two legal parcels in order to *potentially* undertake a future low density residential subdivision.

The 3.9 ha remainder of Lot B (situated on the west side of 104<sup>th</sup> Avenue), is to remain within the ALR and is proposed to be consolidated with the adjacent parcel described as Lot E, Plan KAP72608, District Lot 2450S, SDYD, in order to form a new 8.1 ha parcel.

In support of this proposal, the applicant has stated that there has been a history of conflict with adjacent residential uses which has impaired the ability of the property owner to effectively farm these parcels, specifically:

- *theft and vandalism of farm equipment, theft of fruit and trespass of neighbours and neighbour pets onto the farmland ...;*
- *the farm owners cannot efficiently or practically farm the lands proposed for exclusion due to the added cost of the ongoing vandalism, the cost of compromising required farm practices due to neighbourhood complaints, and the lost opportunity due to theft of fruit;*

- 
- *the cost to farm the lands including repairs and replacement of farm equipment on the land and the compromised farm practices due to neighbourhood complaints, outweighs the revenue generated from the sale of the fruit from the property; and*
  - *the proposed exclusion ... will not result in any future land use conflicts with agriculture as 104<sup>th</sup> Avenue will provide a very defined and distinct division between farm and non-farm uses.*

The Board is also asked to be aware that the applicant is suggesting that an approximately 36 ha area of land situated within the Old Camp McKinny Road community of Electoral Area “C” will be included in the ALR and planted with fruit trees, in exchange for the exclusion of the subject area.

As proposals to include land within the ALR do not require Board “authorization”, this application will be dealt with administratively should the Board authorise the exclusion application (NOTE: the applicant has indicated that they will withdraw the inclusion should the exclusion not be authorised).

### **Statutory Requirements:**

Under Section 34 of the *Agricultural Land Commission Act*, the Regional District of Okanagan-Similkameen (RDOS) must “review the application, and ... forward to the commission the application together with [its] comments and recommendations”, unless Section 30(4) applies wherein the Board has the ability to refuse to “authorise” an application.

In this instance, Section 30(4) is seen to apply as the property “is zoned by bylaw to permit [an] agricultural or farm use”.

### **Site Context:**

The area that is proposed for exclusion is comprised in parts of two legal parcels (i.e. Lots B & C, Plan KAP72608, District Lot 2450S, SDYD) representing a land area of approximately 3.4 ha that is situated on the west side 104<sup>th</sup> Avenue between 81<sup>st</sup> Street and 87<sup>th</sup> Street. More specifically:

- Lot B is approximately 5.89 ha and is bisected by 104<sup>th</sup> Avenue. The parcel is seen to be undeveloped (i.e. no structures) and is currently under agricultural production; and
- Lot C (8525 104<sup>th</sup> Avenue) is approximately 0.7 ha in area and is seen to be a “panhandle” lot and is similarly undeveloped (i.e. no structures) and is currently under agricultural production.

Surrounding land use patterns within are primarily low density residential while agricultural operations occur further to the west.

### **Background:**

In 1996, an application to exclude what was then described as Lot 491 (being approximately 3.24 ha in area) from the ALR was refused by the ALC on the basis that “the subject property has a reasonable degree of agricultural capability and utility which could be compromised through exclusion”, but:

*the Commission would be willing to allow the creation of a small lot in the southeast corner of the property ... [as] this option will allow you to eliminate the conflict problems you have experienced with the land owners on the south boundary of the property [emphasis added] by creating a controlled land use transition will minimizing the impact on the agricultural land base ...*

The property owner subsequently submitted a revised proposal to create a “small lot”, in accordance with the ALC’s comments, and this was approved by the Commission in August of 1998.

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In order to give effect to this decision, the Regional District Board, at its meeting of March 28, 2002, adopted Amendment Bylaw Nos. 2096 & 2097, 2001, which changed the zoning on part of the subject property from Agricultural (AG) to (what is now known as) Small Holdings Four (SH4). A significant number of representations were submitted to the Regional District in relation to this rezoning application.

A new survey plan creating the current boundaries of the subject parcels was subsequently deposited with the Land Titles Office on January 16, 2003.

In 2004, a proposal to exclude the subject properties was notified in the local press and an application submitted to the Regional District, but subsequently withdrawn for unknown reasons. A number of representations were submitted to the Regional District in relation to this proposed exclusion.

At present, the area under application is designated part Agriculture (AG) and part Small Holdings (SH) under the Electoral Area "A" Official Community Plan (OCP) Bylaw No. 2450, 2008, and is also shown as being comprised within the "Agricultural Protection Area" referenced at Section 6.3.19 of the Plan.

Under the Electoral Area "A" Zoning Bylaw No. 2453, 2008, these same areas are zoned part Agriculture One (AG1) and part Small Holdings Four (SH4).

The subject area has been assessed as "farm" by BC Assessment, and is currently being utilised for tree fruit production.

In accordance with Section 16 of the *ALR Use, Subdivision and Procedure Regulation*, this proposal was notified by the applicant to surrounding residents and advertised in the local Osoyoos Times newspaper. To date, seventeen (17) representations have been received by the Regional District and are included as a separate item on the Board's Agenda.

**Alternatives:**

1. THAT the RDOS Board "authorise" the application to exclude approximately 3.4 ha of land comprised within Lot C, Plan KAP72608, District Lot 2450S, SDYD, and part of Lot B, Plan KAP72608, District Lot 2450S, SDYD, in Electoral Area "A" to proceed to the Agricultural Land Commission; OR
2. That the RDOS Board defers making a decision and directs that the proposal first be considered by the Electoral Area "A" Advisory Planning Commission (APC).

**Analysis:**

While Exclusion requests are generally considered to be the purview of the ALC, in this instance there are seen to be strong Board policy statements against the exclusion of these parcels and their subsequent development for non-agricultural purposes.

Specifically, the recent Agricultural Area Plan (AAP) supported by the Board and implemented into the OCP in 2014 introduced a policy statement to the effect that the Board "will generally not support applications to ... exclude land from the Agricultural Land Reserve for the purposes of future urban, recreation or amenity uses" within the Agricultural Protection Area (see Attachment No. 3).

Furthermore, while it is recognised that the Northwest Sector Sewer Service traverses this property, it is Board policy (through the OCP, and as informed by the AAP) that this infrastructure was "not [to be]

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in support of facilitating future non-agricultural development on the agriculturally designated properties.”

In this instance, while the applicant has not provided a future development proposal, they have suggested that low density residential development could occur, similar to that found adjacent 87<sup>th</sup> Street. With a land area of 3.4 ha, Administration considers that this *could* result in upwards of 25 new residential parcels (under a similar RS1 zoning).

From a growth management perspective, while the Town of Osoyoos is designated as a Primary Growth Area under the Regional Growth Strategy (RGS), it is not currently contemplating these parcels as a potential “Municipal Extension Area” under its OCP.

It is further noted that the RGS speaks to discouraging incremental rural growth (including rezoning of large rural land parcels to smaller parcel sizes), *except* “where such growth is infill and does not significantly increase the number of units or the established density ...”

While there may be an argument to be made that this represents infill development in light of the low density development found in this area, Administration notes that many of these small lots predate the creation of the ALR and are not reflective of current land use policies adopted by the Board – such as those related to the Agricultural Protection Area.

With regard to the reasons for exclusion, Administration notes that these are substantially the same as those considered by the Commission in 1996 (i.e. nuisance complaints about neighbours), but that the property owner has chosen to not create the buffer recommended by the ALC in 1998 to mitigate these conflicts.

Moreover, it has not been demonstrated — through the submission of a capability study prepared by a suitably qualified individual — that the proposed exclusion area is unsuitable for agricultural use and should be removed from the Reserve.

#### Proposed Inclusion – Electoral Area “C”

The following is presented for the information of the Board only. As stated above, the applicant has suggested that in exchange for excluding these lands in Electoral Area “A”, the property owner is prepared to include approximately 36 ha of land in Electoral Area “C” (near Old Camp McKinny Road) which will be developed to cherry orchard.

Administration considers these types of “exchanges”, “swaps” or “offsets” of ALR for non-ALR lands to be separate, unconnected and potentially inequitable.

The Board is asked to consider that, in the absence of a capability study, the value of the lands to be included is unknown and potentially less than those to be excluded. Moreover, funding the development of potentially marginal agricultural lands through the sale and conversion of ALR lands is not seen to be sustainable in the long-term. There is also no assurance that the lands to be included will be farmed in future (as inclusion in the ALR carries no requirement to actually farm a parcel).

Finally, “swaps” of ALR lands for non-ALR lands are not contemplated by the OCP, and do not reflect any known ALC policy.

**Respectfully submitted:**

**Endorsed by:**



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Donna Butler

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C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

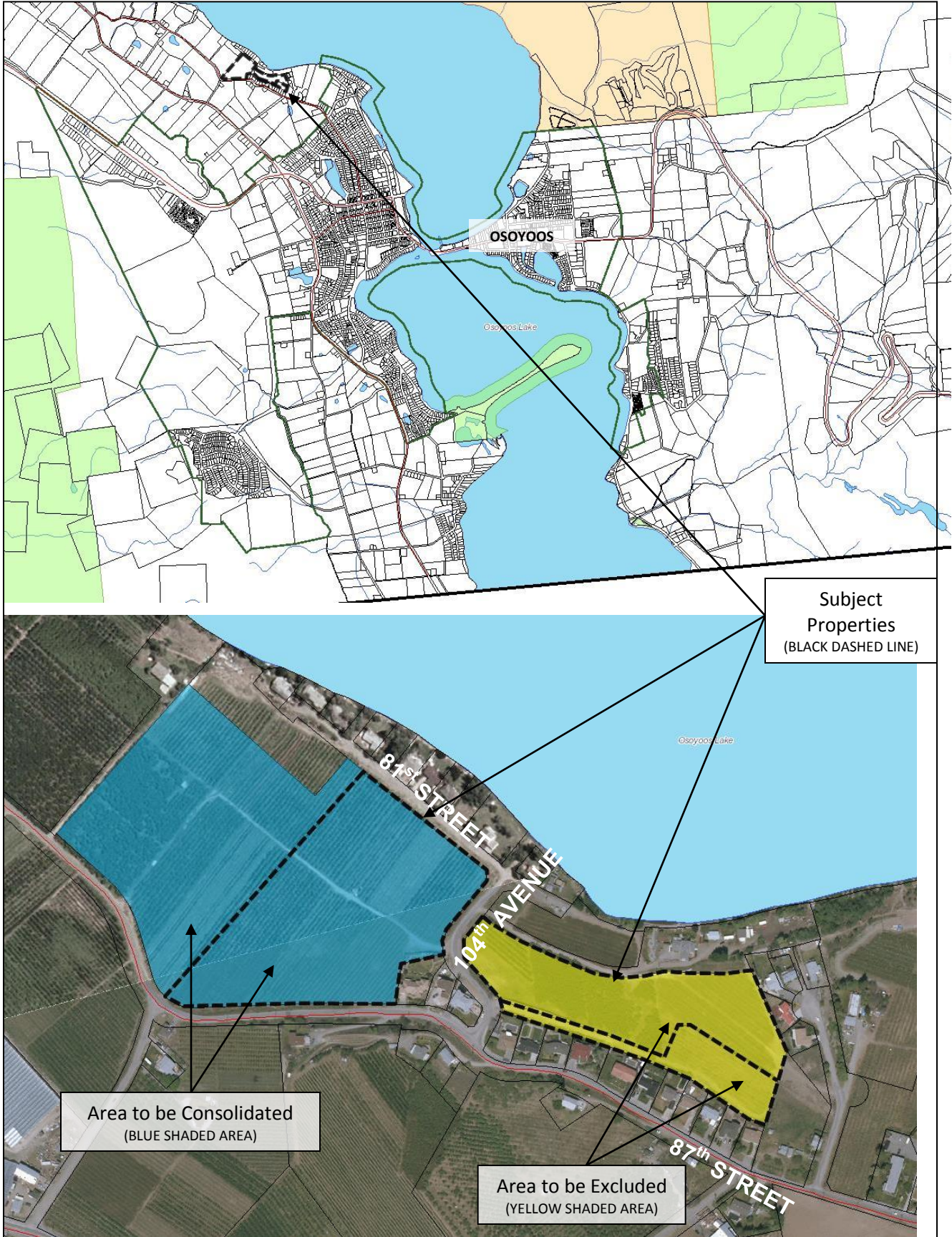
Attachments: No. 1 — Context Map

No. 3 — Agricultural Protection Area

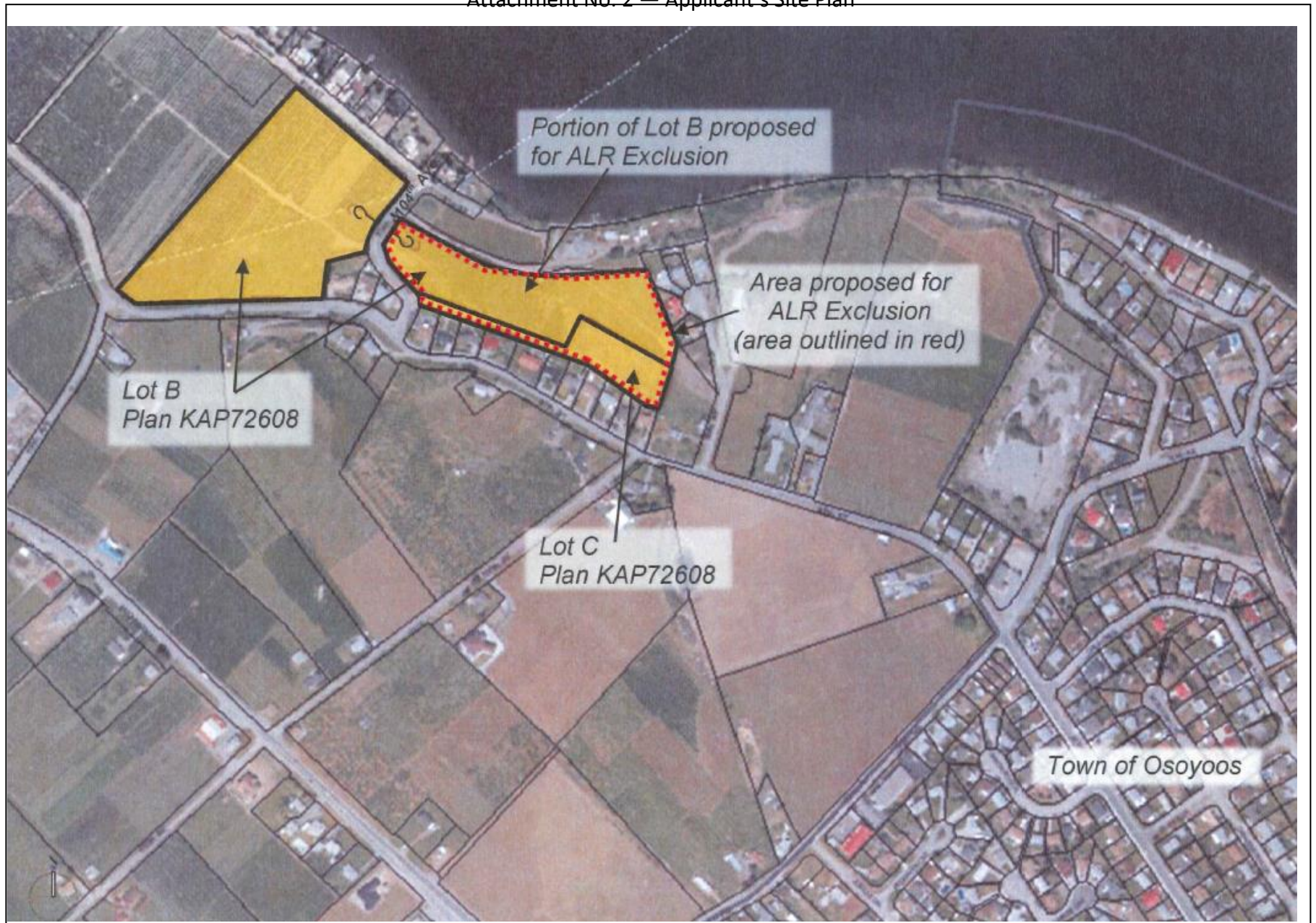
No. 2 — Applicant's Site Plan

No. 4 — Aerial Photo (2007)

Attachment No. 1 — Context Maps

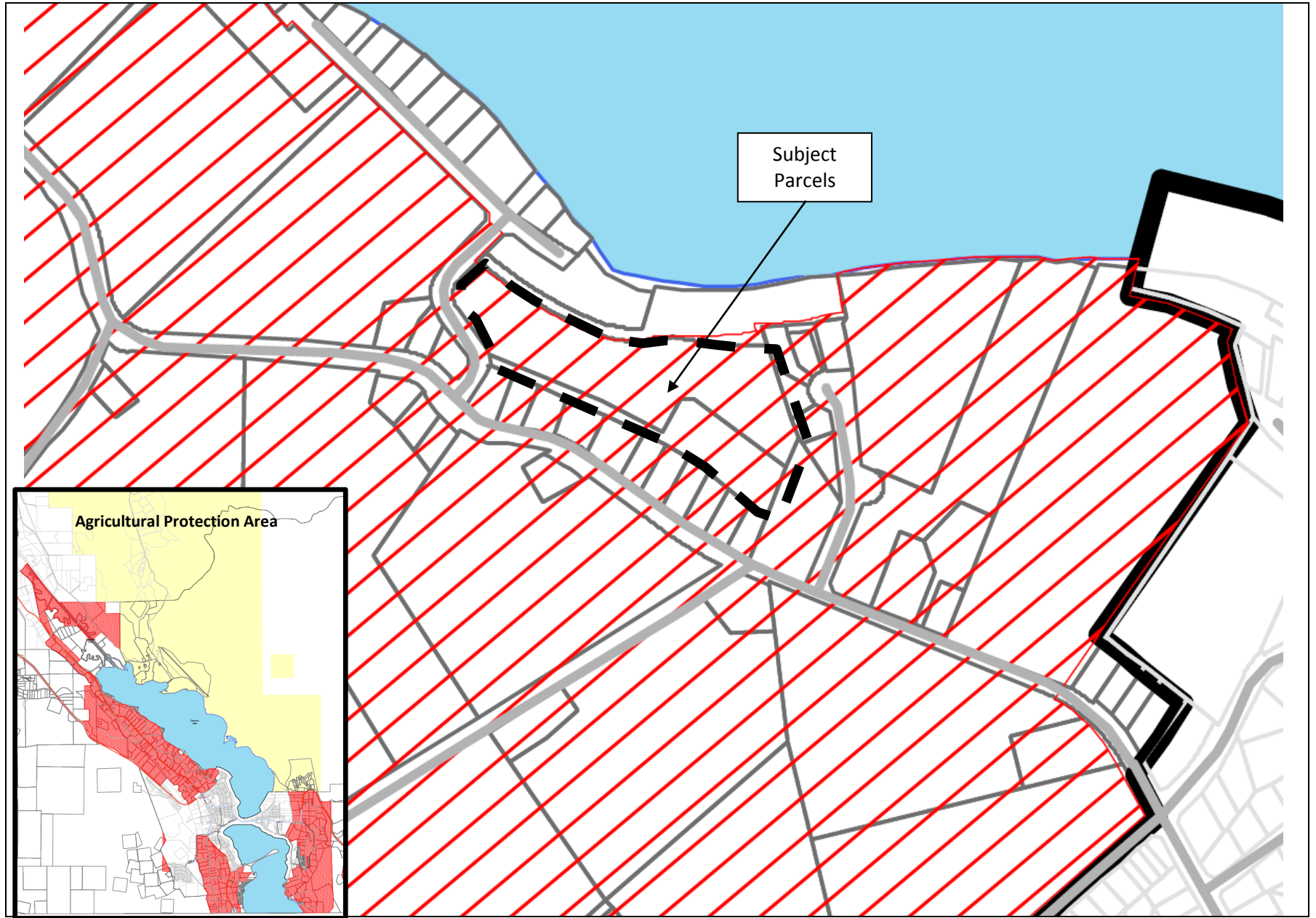


Attachment No. 2 — Applicant's Site Plan





Attachment No. 3 — Agricultural Protection Area



Attachment No. 4 — Aerial Photo (2007)



Area to be Excluded  
(APPROXIMATE)

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** May 7, 2015

**RE:** Land Use Contract Termination / OCP & Zoning Bylaw Amendment — Electoral Area “E”

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### **Administrative Recommendation:**

**THAT** Bylaw No. 2458.08, 2015, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.15, 2015, Electoral Area “E” Zoning Amendment Bylaw be read a first and second time and proceed to a public hearing;

**AND THAT** the Board considers the process, as outlined in the report from the Chief Administrative Officer dated May 7, 2015, to be appropriate consultation for the purpose of Section 879 of the *Local Government Act*;

**AND THAT**, in accordance with Section 882 of the *Local Government Act*, the Board has considered Amendment Bylaw No. 2458.08, 2015, in conjunction with its Financial and applicable Waste Management Plans;

**AND THAT** the holding of the public hearing be delegated to Director Kozakevich or delegate;

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

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

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### **Purpose:**

Administration is proposing that the Regional District Board resolve to initiate an amendment bylaw in order to terminate Land Use Contract No. LU-2-E (being Bylaw No. 407) from the property at 2800 Aikens Loop (being Lot A, Plan KAP27210, District Lot 209, SDYD) and to designate and zone the property under the Electoral Area “E” OCP and Zoning Bylaws.

### **Site Context:**

The subject property is approximately 2.04 ha in area and is situated on the east side of Aikens Loop approximately 2.5 kilometres (km) south of the Naramata Townsite. The property is seen to be comprised of a single detached dwelling and packing and sorting facility with the remained of the land base under agricultural production. The surrounding pattern of development is generally characterised by agricultural properties (in the Agricultural Land Reserve).

### **Background:**

In August of 1973, an application seeking to rezone a number of parcels around Aikens Loop (comprising “Workman Orchards Limited”) from Agricultural-Residential (A-R) to General Industrial (M2) under the (then) Electoral Area “E” Zoning Bylaw No. 122, 1972, was submitted to the Regional District.

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The purpose of this rezoning was in order to extend the use of a cold storage facility then being contemplated for the property to be used for the purpose of processing and packing fruit brought in from other sources, such as BC Tree Fruits (the A-R zoning otherwise limited this use to only fruit grown on-site). The property owner had indicated that they wished to undertake a “apple slicing” and canning business.

At its meeting of September 20, 1973, the Regional District Board rejected this proposal and directed “that the proposed development be regulated under a Land Use Contract.”

An LUC application was subsequently submitted and, at its meeting of November 22, 1973, the Board approved third reading of Amendment Bylaw No. 193, 1973, (which was to authorise LUC No. LU-2-E), but the bylaw was subsequently abandoned by the Board — for unknown reasons — at its meeting of June 19, 1975.

An amended version of this proposal, now to apply only to the property at 2800 Aikens Loop, was re-submitted to the Regional District on April 21, 1978, and subsequently approved by the Board at its meeting of July 20, 1978, (as Amendment Bylaw No. 407, which authorised LUC No. LU-2-E).

Due to the nature of Land Use Contracts, these provisions have applied to the subject property over the intervening 37 years, despite the land use bylaws which apply to Electoral Area “E” having been subject to two comprehensive reviews (1993-95 & 2004-06).

In 2014, the provincial government amended the *Local Government Act* in order that all remaining land use contracts will automatically be terminated, and shall be deemed to be discharged from the title of the applicable parcel by June 30, 2024.

A new Section (914.2) of the Act allows the Regional District to terminate, by bylaw, a Land Use Contract prior to 2024 provided it does so in accordance with the standard procedures for amending a land use bylaw (i.e. public hearing). Importantly, the provisions of any new zoning applied to a property currently subject to a LUC will not come into effect for one (1) year following adoption.

#### **Referrals:**

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

Pursuant to Section 881 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. 67 has been made aware of the proposed amendment bylaw.

Pursuant to Section 882 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.

#### **Alternative:**

THAT Bylaw No. 2458.08, 2015, Electoral Area “E” Official Community Plan Amendment Bylaw and Bylaw No. 2459.15, 2015, Electoral Area “E” Zoning Amendment Bylaw be denied.

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**Public Process:**

At its meeting of April 13, 2015, the Electoral Area “E” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board that the subject development application be approved.

Administration recommends that consideration by the APC as well as formal referral to the agencies listed at Attachment No. 1 should be considered appropriate consultation for the purpose of Section 879 of the *Local Government Act*, as the change in OCP designations involves an area less than 20 ha and the creation of less than 30 new parcels. As such, this process is seen to be sufficiently early and does not need to be further ongoing.

Comments have been received from the Ministry of Forests, Lands and Natural Resource Operations (Archaeology Branch and Ecosystems Section), Agricultural Land Commission (ALC), Fortis, and the Interior Health Authority (IHA) and these are included as a separate item on the Board Agenda.

**Analysis:**

Administration considers that the principal challenge associated with the termination of a Land Use Contract is going to be the transition of a parcel into the zoning bylaw, given its use under the provisions of the LUC may be completely incongruous with available zonings.

In resolving this, two options are seen to be available to the Board and these include:

- recreating the provisions of the LUC in the form of a new zone; or
- applying an existing zone, which *may* result in the use of the land becoming lawfully non-conforming use under section 911 of the *Local Government Act*.

In this instance, Administration believes this question to be moot due to the reliance of LU-2-E on “the Electoral Area “E” Zoning Bylaw Number 122 of the Regional District, as amended from time to time [emphasis added]” when determining such things as the range of permitted uses, density and development controls (i.e. setbacks, building height, parcel coverage, etc.) that are to apply to the subject property.

Importantly, LU-2-E applied the Agricultural-Residential (A-R) Zone under to the subject property while also making special provision for “the processing, packing, storage and sale of agricultural produce, and the necessary buildings therefore, are permitted.”

The current iteration of the A-R Zone is the Agricultural One (AG1) Zone which was updated in 2006 to allow for the “processing, packing and storage of farm and off-farm products, including sales”.

Consequently, Administration considers LU-2-E to be redundant as it no longer bestows any special privileges upon the subject property not otherwise permitted by the AG1 Zone.

In place of LU-2-E, it is proposed to formally introduce the AG1 Zone as well as an OCP designation of Agriculture (AG). Of note, the property will not be subject to any Development Permit Area designations (i.e. watercourse or environmentally sensitive).

**Respectfully submitted:**

**Endorsed by:**



Donna Butler

C. Garrish, Planning Supervisor

D. Butler, Development Services Manager

Attachments: No. 1 – Agency Referral Sheet

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. 2458.08, 2015, and No. 2459.15, 2015.

<input checked="" type="checkbox"/>	Agricultural Land Commission (ALC)	<input type="checkbox"/>	Kootenay Boundary Regional District
<input checked="" 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	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Community, Sport and Cultural Development	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Environment	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands & Natural Resource Operations	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Tourism and Innovation	<input checked="" type="checkbox"/>	Okanagan Nation Alliance (ONA)
<input type="checkbox"/>	Ministry of Transportation and Infrastructure	<input checked="" type="checkbox"/>	Penticton Indian Band (PIB)
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Osoyoos Indian Band (OIB)
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Upper Similkameen Indian Bands (USIB)
<input type="checkbox"/>	School District #53 (Okanagan Similkameen)	<input type="checkbox"/>	Lower Similkameen Indian Bands (LSIB)
<input type="checkbox"/>	School District #58 (Nicola Similkameen)	<input type="checkbox"/>	Environment Canada
<input checked="" type="checkbox"/>	School District #67 (Okanagan Skaha)	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	Central Okanagan Regional District	<input checked="" type="checkbox"/>	Archaeology Branch
<input checked="" type="checkbox"/>	Fortis	<input type="checkbox"/>	Westbank First Nation

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2458.08, 2015**

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**A Bylaw to amend the Electoral Area “E”  
Naramata Area Official Community Plan Bylaw No. 2458, 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 “E” Naramata Area Official Community Plan Amendment Bylaw No. 2458.08 2015.”
2. The Official Community Plan Bylaw Map, being Schedule ‘B’ of the Electoral Area “E” Official Community Plan No. 2458, 2008, is amended by introducing a land use designation for the land described as Lot A, Plan KAP27210, District Lot 209, SDYD, and shown shaded yellow on the attached Schedule ‘X-1’ (which forms part of this Bylaw) of Agriculture (AG).

READ A FIRST AND SECOND TIME this \_\_ day of \_\_\_\_, 2015.

PUBLIC HEARING held this \_\_ day of \_\_\_\_, 2015.

READ A THIRD TIME this \_\_ day of \_\_\_\_, 2015.

ADOPTED this \_\_ day of \_\_\_\_, 2015.

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Board Chair

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Corporate Officer

# Regional District of Okanagan-Similkameen

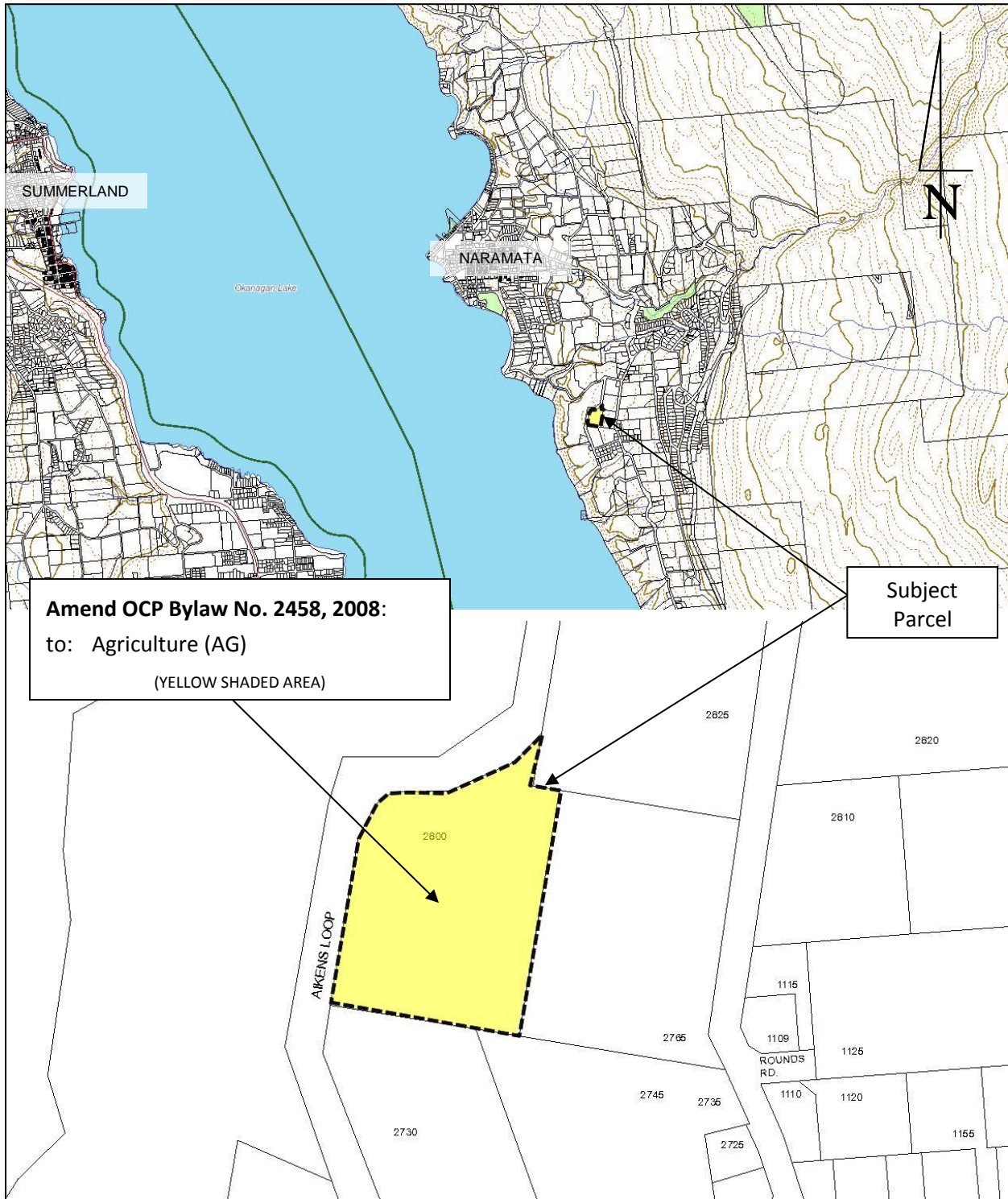
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2458.08, 2015

File No. E2014.143-ZONE

## Schedule 'X-1'





**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2459.15, 2015**

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**A Bylaw to terminate Land Use Contract No. LU 2 E and to amend the Electoral Area  
“E” Zoning Bylaw No. 2459, 2008**

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WHEREAS pursuant to s. 914.2 of the *Local Government Act*, a local government may, by bylaw, terminate a land use contract that applies to land within the jurisdiction of the local government;

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

1. This Bylaw may be cited for all purposes as the “Electoral Area “E” Zoning Amendment Bylaw No. 2459.15, 2015.”
2. The Land Use Contract No. LU 2 E, registered in the Kamloops Land Title Office under charge number N64921 against title to the land described as Lot A, Plan KAP27210, District Lot 209, SDYD, and shown shaded yellow on the attached Schedule ‘Y-1’ (which forms part of this Bylaw), is terminated.
3. The land described as Lot A, Plan KAP27210, District Lot 209, SDYD, and shown shaded yellow on the attached Schedule ‘Y-1’ (which forms part of this Bylaw) is zoned Agriculture One (AG1) in Regional District Okanagan-Similkameen, Electoral Area “E” Zoning Bylaw No. 2459, 2008 and the Zoning Map, being Schedule ‘2’ of the Electoral Area “E” Zoning Bylaw No. 2459, 2008, is amended accordingly.
4. This Bylaw shall come into force on the day that is one year and one day after the date this Bylaw is adopted.

READ A FIRST AND SECOND TIME this \_\_ day of \_\_\_\_, 2015.

PUBLIC HEARING held on this \_\_ day of \_\_\_\_, 2015.

READ A THIRD TIME this \_\_ day of \_\_\_\_, 2015.

ADOPTED this \_\_ day of \_\_\_\_, 2015.

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

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

# Regional District of Okanagan-Similkameen

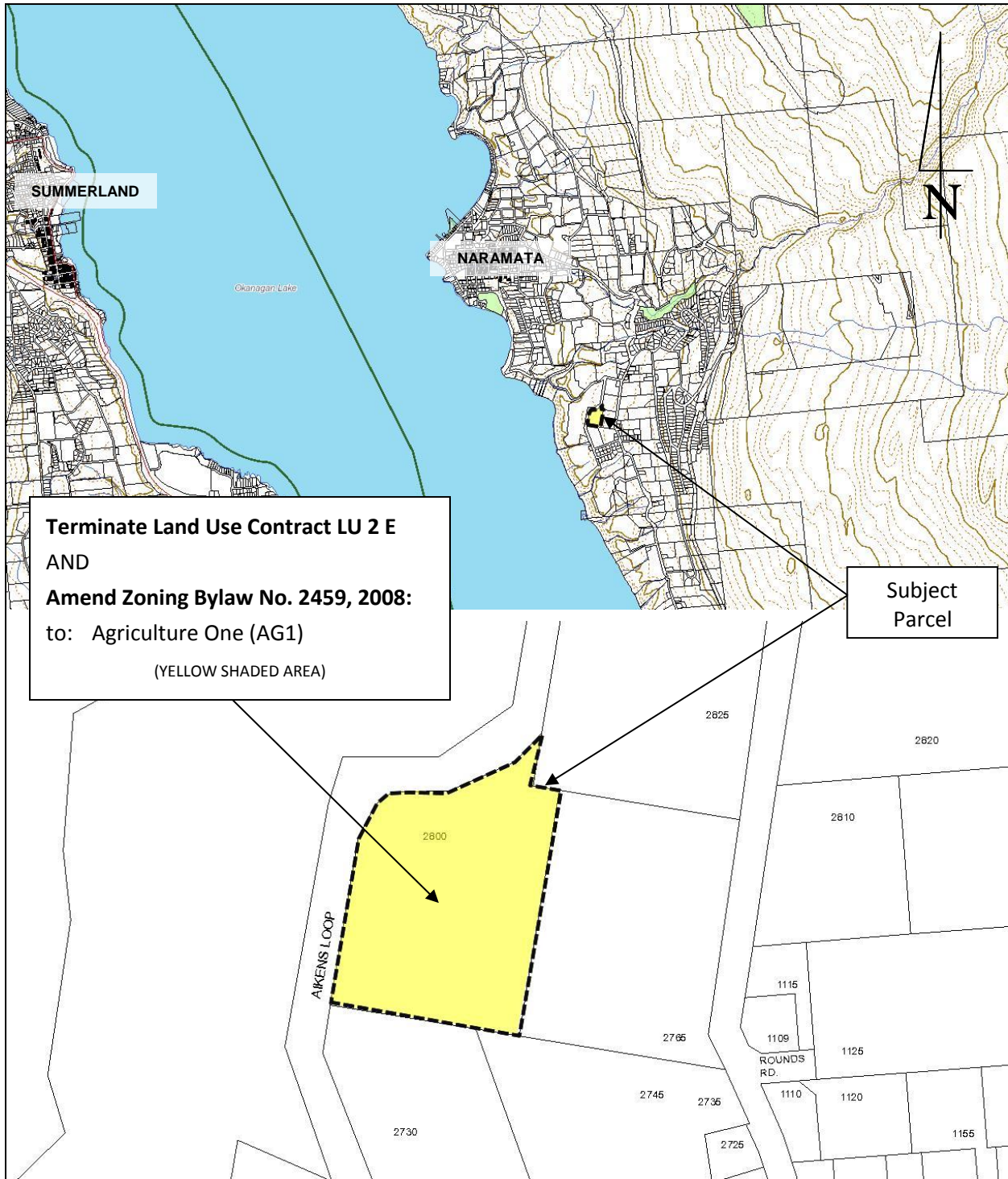
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Amendment Bylaw No. 2459.15, 2015

File No. E2014.143-ZONE

Schedule 'Y-1'



## ADMINISTRATIVE REPORT

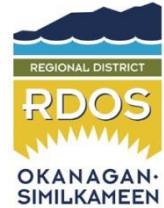
**TO:** Board of Directors

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

**DATE:** 7 May 2015

**RE:** **Communication Towers / Antenna Systems Approval Process and Location & Design Guidelines Policy**

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### **Administrative Recommendation:**

**THAT the Board endorse the Communication Towers / Antenna Systems Approval Process and Location & Design Guidelines Policy .**

### **Background:**

At the April 16, 2015 Planning and Development Committee, the Board received a presentation by Rogers Communications and reviewed a staff report on options for an Approval Process for Antenna Systems. The Board accepted the following staff recommendation:

**THAT the Board endorse the Industry Canada Public Consultation Process, but direct staff to bring forward modifications to:**

- a. increase the public notification area; and,**
- b. add siting and design guidelines for Antenna Systems; and,**
- c. establish a \$500 application fee.**

### **Proposed Policy:**

The attached Policy provides recommendations to establish RDOS preferences for public consultation in the Antenna System approval process as well as Location and Design Guidelines. These attempt to address a number of Board concerns about public consultation with the Industry Canada process.

The Public Consultation component of the Policy includes:

- Request for proponent pre-consultation with RDOS staff prior to formal submission
- Notification of Electoral Area Director and adjacent municipality of submission
- Expanded public notification area to a minimum of 250m
- Request that the proponent hold a public meeting as part of consultation process
- Ongoing proponent communication with the RDOS and consideration for additional public consultation as requested by the RDOS.

The Location and Design Guidelines provide for:

- Preferred Antenna System locations in industrial, commercial, agricultural and rural areas and some institutional and park locations
- Discouraged in residential areas, view corridors, waterfronts, heritage and environmentally sensitive areas
- Environmental Assessments required in sensitive habitat
- Designs that minimize impact and appearance that is compatible with area
- Landscaping and buffering of equipment

Note that upcoming amendments to the Fees and Charges Bylaw will incorporate an Antenna System processing fee of \$500.

**Alternatives:**

1. Adopt Policy
2. Refer the Policy to staff for amendments

**Recommendation:**

As the proposed policy addresses stated Board objectives for an enhanced public consultation process and provides recommendations to proponents in the location and design of Antenna Systems, it is recommended that the policy be adopted.

**Respectfully submitted:**

*"Donna Butler"*

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D. Butler, Development Services Manager

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

**POLICY:**                   **Communication Towers / Antenna Systems Approval Process  
And Location & Design Guidelines**

**AUTHORITY:**           Board Resolution dated \_\_\_\_\_.

**POLICY STATEMENT**

The policy establishes the preferences of the Board of Directors for enhanced public consultation and locational & design guidelines in the Antenna System approval process.

**PURPOSE**

Overall the purpose of the Antenna approval process is to:

1. Consider co-locations and optimal site selection prior to the submission of site proposal.
2. Provide that telecommunications structures required with the RDOS are located and designed in a manner that is sensitive to potential impacts on the surrounding community.
3. Ensure that adequate public consultation is carried out by proponents with all property owners and residents affected by the proposed towers.
4. Establish a process for the RDOS to gather adequate information to provide a “letter of concurrence or non-concurrence” to Industry Canada at the end of the process

**RESPONSIBILITIES**

Development Services Department – Planning Services.

**PROCEDURES**

The Board of Directors, at the April 16, 2015 meeting, acknowledged the Industry Canada Public Consultation Process for processing of referrals by proponents seeking to install or modify Antenna Systems. A number of preferences for expanded public consultation in the RDOS are provided in this Board Policy as follows:

**NOTIFICATION:**

1. Prior to submitting an Antenna System proposal, the Proponent is requested to undertake Pre-Consultation with the RDOS Planning Department. This will include a review of:
  - a. Co-location opportunities in the area of the proposed new Antenna;
  - b. RDOS public consultation preferences; and
  - c. Location and Design Guidelines
2. Submission of an Antenna System siting proposal shall be accompanied by a processing fee, as per the Fees and Charges Bylaw, information on co-location opportunities/use of other existing structures and plans indicating the location and design of the structure and other relevant information.
3. Upon receipt of the submission, RDOS staff will notify the Electoral Area Director (s) and the adjacent municipality (s) if in close proximity to the proposed Antenna.
4. Public Notification Area is requested to include all properties within a minimum of 250 m from the Antenna system. A greater Notification Area may be requested by the RDOS.

- 
5. The proponent is requested to hold a public meeting and to include the details of the public meeting in the written notice to properties. In addition 2 newspaper advertisements is requested to be placed in separate editions.
  6. Throughout the Industry Canada Public Consultation process, the proponent will keep the RDOS informed of significant public concerns. During the consultation process or upon completion of the Industry Canada Process, the RDOS may request additional public engagement opportunities including a second public meeting.

## LOCATION AND DESIGN GUIDELINES

### Preferred Locations:

- Every effort to locate on existing structures, including antenna systems, transmission towers, utility poles, roof tops and similar structures.
- Areas that maximize the distance from Residential zoned areas and dwellings in Small and Large Holdings zoned areas.
- Industrial and commercial areas, including on buildings and structures within a downtown commercial area.
- Areas that minimize the impact on public views and vistas of important natural or manmade features.
- Agricultural and Rural areas.
- Transportation and utility corridors.
- Institutional areas, including but limited to those institutions that require telecommunications technology, such hospitals, colleges, research centres and public works facilities, but excluding schools.
- Adjacent to parks, green spaces and golf courses and sites and sites with mature trees.
- Other non-residential areas where appropriate.

### Discouraged Locations:

- Residential areas and locations directly in front of dwellings and their view scape.
- Lakeshore and riverbank lands.
- Inappropriate sites within parks and green spaces.
- Sites of topographic prominence.
- Heritage areas or sites, unless integrated into the structure in a compatible manner
- Locations that impact community view corridors from trail and road systems and other public lands.

### Environmentally Sensitive Areas:

- Where a proposed Antenna is on a site indicated as “Environmentally Sensitive” in a Community Plan, an Environmental Impact Assessment shall be prepared and recommendations incorporated into the Antenna site design.

### Design, Style and Colour:

- Architectural style of Antenna system should be compatible with the surrounding area and adjacent uses (ie. monopole near residential area or lattice-style in industrial areas.
- The proponent should mitigate negative visual impacts through use of appropriate landscaping, screening, stealth design techniques and similar approaches.
- An Antenna System may be designed or combined as a landmark feature to resemble features found in the area, such as a flagpole or clock tower, where appropriate.

- 
- In commercial areas and Downtowns, and in parks, public spaces or heritage areas, the design of the Antenna system should generally be unobtrusive and consider special design treatments. Cable trays should generally not be run up the exterior faces of buildings.
  - Towers and communication equipment should have a non-reflective surface and colours that blend into the surroundings.
  - Antennas that extend above the top of a supporting utility pole or light standard should appear in terms of colour, shape and size, to be a natural extension of the pole.

#### **Buffering and Screening**

- Antenna Systems and associated equipment shelters should be attractively designed or screened and concealed from ground level or other public views to mitigate visual impacts. Screening could include existing vegetation, landscaping, fencing or other means in order to blend with the built and natural environment.
- A mix of deciduous and coniferous trees is preferred to provide year round coverage. Irrigation should be provided if available alternatively low water requirements plants be selected.

#### **Security**

- The RDOS may request the posting of security for the construction of any proposed fencing, screening or landscaping.



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Telecommunication and Utility Tower Study

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### **Administrative Recommendation:**

**THAT the Board authorize staff to reallocate up to \$20,000.00 within the General Government Budget to retain experts to form a panel to provide information to the Board on various opinions on the harmful effects of Telecommunication and Utility Towers; and further,**

**THAT this panel discussion be scheduled for September 2015.**

### **Reference:**

Board Resolution – 16 April 2015

“That staff be directed to bring forward a proposal and Budget for a study to assess visual and electro—magnetic disturbances and negative impact on adjacent property values of both telecommunications and large utility towers for electric power”.

### **History:**

The Board has had discussions and presentations indicating harmful effects of Towers on adjacent areas. At the same time, Canada has established emission standards that they purport to be safe.

On April 16<sup>th</sup>, while considering a request for a letter of concurrence on a cell tower application near Osoyoos, the Board identified a need for additional information to help form an opinion. Canada has indicated that they are interested in an opinion from a local government on the public benefit of telecommunication tower applications in their area, they would not typically debate health standards.

Local Government staff is not qualified to venture opinions on the safety or impact of telecommunication towers and the Board has resolved to consider allocating resources to this project.

### **Alternatives:**

1. Rescind the resolution
2. Provide resources to:
  - a. Conduct a literature search to provide materials and information to the Board.
  - b. Engage an expert panel to provide the pros and cons of telecommunications towers.
3. Rescind this resolution, but instruct administration to advise the Board when the next application for approval of a major telecommunications project or a rate application is before the BC Utilities Commission with the intention of engaging expert advice to intervene.

**Analysis:**

Administration doesn't truly have a sense of what the Board is intending to accomplish with this resolution. It would seem that local governments are not the decision-making authority on utility or telecommunication infrastructure. We would interpret then, that the Board is interested in becoming generally more knowledgeable about the health, aesthetic and safety aspects related to towers so they could develop an opinion that could be relayed to those making decisions.

In that regard, the Board could retain an objective expert to conduct a literature search and provide a paper to the board on the findings of the study and pass on references for the Board to conduct further individual research, should they be interested. Alternatively, the Board could instruct administration to engage partisan experts to sit as a panel to argue both sides of the issue to give Members a better understanding of the diversity of the issue and the process to influence a decision.

Utility rates and infrastructure projects fall under the jurisdiction of the BC Utilities Board. Should the Board be willing to wait for the appropriate time, it may be more productive to engage experts to provide the information that would allow the Regional District to intervene in that venue where future decisions might be influenced. An intervention could be a learning opportunity for the Regional District, but may be some time off.

## ADMINISTRATIVE REPORT



**TO:** Board of Directors

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

**DATE:** May 7, 2015

**RE:** Bylaw 2689, 2015 Oliver/Electoral Area "C" Tangible Capital Asset Replacement Reserve Funds Repeal Bylaw and Bylaw 2702,2015 Oliver/Electoral Area 'C' -Oliver Parks and Recreation Society Capital Reserve Establishment Bylaw

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### **Administrative Recommendation:**

#### **Recommendation 1**

**THAT Bylaw No 2689, 2015 Oliver/Electoral Area "C" Tangible Capital Asset Replacement Reserve Funds Repeal Bylaw being a bylaw of the Regional District of Okanagan Similkameen to repeal Oliver/Electoral Area "C" Arena, Pool, Hall, and Parks Tangible Capital Asset Replacement Reserve Funds be read a first, second and third time, and be adopted.**

#### **Recommendation 2**

**THAT Bylaw No 2702, 2015 "Oliver/Electoral Area 'C' - Oliver Parks and Recreation Society Services Capital Reserve Establishment Bylaw", being a bylaw of the Regional District of Okanagan Similkameen establish a capital reserve for all services provided by the Oliver Parks and Recreation Society be read a first, second and third time, and be adopted.**

#### **Reference:**

Bylaw No 2610,2012 Oliver/Electoral Area 'C' - Arena Tangible Capital Asset Replacement Reserve Fund Establishment

Bylaw No 2611,2012 Oliver/Electoral Area 'C' - Pool Tangible Capital Asset Replacement Reserve Fund Establishment

Bylaw No 2612,2012 Oliver/Electoral Area 'C' - Hall Tangible Capital Asset Replacement Reserve Fund Establishment

Bylaw No 2613,2012 Oliver/Electoral Area 'C' - Parks Tangible Capital Asset Replacement Reserve Fund Establishment

Bylaw 1213, 1991 Oliver/Electoral Area 'C' Arena Capital Works, Machinery & Equipment Reserve Fund Establishment

Bylaw 1214, 1991 Oliver/Electoral Area 'C' Community Hall Capital Works, Machinery & Equipment Reserve Fund Establishment

Bylaw 1293, 1992 Oliver/Electoral Area 'C' ' Parks Capital Works, Machinery & Equipment Reserve Fund Establishment

Bylaw 1294, 1992 Oliver/Electoral Area 'C' ' Pool Capital Works, Machinery & Equipment Reserve Fund Establishment

**History:**

In December 2012, the Board approved Bylaws 2610, 2611 2612 and 2613 to create four new reserves to accumulate funds with the sole purpose of funding the replacement of assets. The reserves were created prior to any funding formula being established by the OPRS Board. To date no such funding formula has been created and the reserves established, have never been used to accumulate funds.

In July 2014, the OPRS Board of Directors passed the following resolution:

MOTION: *to direct Staff to*

- 1) *work with the RDOS to complete the necessary paperwork to request the creation of a new reserve bylaw that funds could be transferred to and from all five (5) existing functions for capital purposes*
- 2) *make the necessary changes to the proposed 2015 budget to dissolve the TCA reserves and allow for the new single reserve bylaw.*

**Analysis:**

While in theory, specific dedicated tangible capital asset replacement reserves are desirable, similar results can be achieved with prudent long term asset planning using the broader capital reserves. As the TCA bylaws created have not be utilized and it is now not the intent of the OPRS Board to use them, they should be repealed.

Four of the five existing OPR Society services have individual capital reserves. The Local Government Act only allows reserves to be used for the specific purpose outlined in the reserve establishment bylaws. Existing funding in each of these existing capital reserves (Bylaw 1213, 1214, 1293 and 1294) will be used within the restrictions of the existing reserve bylaws for the specific service designated in the reserve establishment bylaw until they are exhausted. At a future date, when all funds have been used within these reserves, they will be repealed as well.

The creation of a single capital reserve that can be contributed to and drawn from by any of the five OPR services provides greater flexibility for the OPR Society Board to address the needs within the various services as they arise. Future reserve contributions will be directed to the new combined capital reserve bylaw.

**Respectfully submitted:**

*“Sandy Croteau”*

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S. Croteau, Finance Manager

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN  
BYLAW NO. 2689, 2015**

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**A bylaw to repeal Bylaw No 2610,2012 Oliver/Electoral Area “C” - Arena Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2611,2012 Oliver/Electoral Area “C” - Pool Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2612,2012 Oliver/Electoral Area “C” - Hall Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2613,2012 Oliver/Electoral Area “C” - Parks Tangible Capital Asset Replacement Reserve Fund Establishment.**

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**WHEREAS** the Board of Directors of the Regional District of Okanagan-Similkameen wishes to repeal Bylaw No 2610,2012 Oliver/Electoral Area “C” - Arena Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2611,2012 Oliver/Electoral Area “C” - Pool Tangible Capital Asset Replacement Reserve Fund Establishment; AND Bylaw No 2612,2012 Oliver/Electoral Area “C” - Hall Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2613,2012 Oliver/Electoral Area “C” - Parks Tangible Capital Asset Replacement Reserve Fund Establishment;

**NOW THEREFORE** the Board of Directors of the Regional District Okanagan-Similkameen, in open meeting assembled, **ENACTS** as follows:

**1. REPEAL OF BYLAW**

Bylaw No 2610,2012 Oliver/Electoral Area “C” - Arena Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2611,2012 Oliver/Electoral Area “C” - Pool Tangible Capital Asset Replacement Reserve Fund Establishment; AND Bylaw No 2612,2012 Oliver/Electoral Area “C” - Hall Tangible Capital Asset Replacement Reserve Fund Establishment AND Bylaw No 2613,2012 Oliver/Electoral Area “C” - Parks Tangible Capital Asset Replacement Reserve Fund Establishment are repealed in their entirety.

**2. CITATION**

This bylaw may be cited for all purposes as the “Oliver/Electoral Area “C” Tangible Capital Asset Replacement Reserve Funds Repeal Bylaw No. 2689, 2015”.

**READ A FIRST TIME, SECOND AND THIRD TIME** this day of,.

**ADOPTED BY AT LEASE 2/3 OF THE VOTES** this day of,.

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RDOS Board Chair

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Corporate Officer

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 2702, 2015**

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A bylaw to establish an Oliver/Electoral Area 'C' -Oliver Parks and Recreation Society Services Capital Reserve Fund for capital expenditures related to the services provided under the Oliver Parks and Recreation Society

---

**WHEREAS** Section 814(3) of the Local Government Act and Division 4 of Part 5 of the Community Charter authorizes the Board, by bylaw to establish a capital reserve fund for or in respect of capital projects and land;;

**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 "Oliver/Electoral Area 'C' -Oliver Parks and Recreation Society Services Capital Reserve Establishment Bylaw No 2702, 2015".

**2 Interpretation**

2.1 The "Oliver/Electoral Area 'C' -Oliver Parks and Recreation Society Services Capital Reserve Fund" is hereby established for the purposes of expenditures for or in respect of capital expenditures in relation to any regional district service provided by the Oliver Parks and Recreation Society including, but not limited to, land acquisition, construction and renovation of facilities; and machinery and equipment necessary for any regional district service provided by the Oliver Parks and Recreation Society.

2..2 Money from current revenue, or appropriated from surplus (to the extent to which it is available), from any Oliver Parks and Recreation Society service, from time to time, may be paid into the Reserve Fund.

**READ A FIRST, SECOND, AND THIRD TIME** this \_\_\_ day of \_\_\_\_, 20\_\_

**ADOPTED** this \_\_\_ day of \_\_\_\_, 20\_\_

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RDOS Board Chair

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Corporate Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2610, 2012

---

**A bylaw to authorize the establishment of a reserve fund for Oliver/Electoral Area 'C' - Arena Tangible Capital Asset Replacement**

---

WHEREAS Section 188 of the *Community Charter* (which applies to the Regional District by virtue of Section 814 (3) of the *Local Government Act*) authorises the Board, by bylaw to establish a reserve fund for a specified purpose;


NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1. This Bylaw shall be cited as the "Regional District of Okanagan-Similkameen Oliver /Electoral Area 'C' - Arena Tangible Capital Asset Replacement Reserve Fund Establishment Bylaw No. 2610, 2012".
2. Tangible capital assets are defined as the asset reported on the annual consolidated audited financial statements.
3. The "Oliver/Electoral Area 'C'- Arena Tangible Capital Asset Replacement Reserve Fund" is hereby established for the purpose of expenditures for or in respect of replacing tangible capital assets for the arena.

**READ A FIRST, SECOND, AND THIRD TIME** this 20<sup>th</sup> day of December, 2012

**ADOPTED** this 20<sup>th</sup> day of December, 2012

  
Board Chair

  
Chief Administrative Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2611, 2012

---

**A bylaw to authorize the establishment of a reserve fund for Oliver/Electoral Area 'C' - Pool Tangible Capital Asset Replacement**

---

WHEREAS Section 188 of the *Community Charter* (which applies to the Regional District by virtue of Section 814 (3) of the *Local Government Act*) authorises the Board, by bylaw to establish a reserve fund for a specified purpose;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1. This Bylaw shall be cited as the "Regional District of Okanagan-Similkameen Oliver /Electoral Area 'C' - Pool Tangible Capital Asset Replacement Reserve Fund Establishment Bylaw No. 2611, 2012".
2. Tangible capital assets are defined as the asset reported on the annual consolidated audited financial statements.
3. The "Oliver/Electoral Area 'C'- Pool Tangible Capital Asset Replacement Reserve Fund" is hereby established for the purpose of expenditures for or in respect of replacing tangible capital assets for the pool.

**READ A FIRST, SECOND, AND THIRD TIME** this 20<sup>th</sup> day of December, 2012

**ADOPTED** this 20<sup>th</sup> day of December, 2012

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

  
\_\_\_\_\_  
Chief Administrative Officer



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2612, 2012

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**A bylaw to authorize the establishment of a reserve fund for Oliver/Electoral Area 'C' – Hall Tangible Capital Asset Replacement**

---


WHEREAS Section 188 of the *Community Charter* (which applies to the Regional District by virtue of Section 814 (3) of the *Local Government Act*) authorises the Board, by bylaw to establish a reserve fund for a specified purpose;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1. This Bylaw shall be cited as the "Regional District of Okanagan-Similkameen Oliver /Electoral Area 'C'- Hall Tangible Capital Asset Replacement Reserve Fund Establishment Bylaw No. 2612, 2012".
2. Tangible capital assets are defined as the asset reported on the annual consolidated audited financial statements.
3. The "Oliver/Electoral Area 'C'- Hall Tangible Capital Asset Replacement Reserve Fund" is hereby established for the purpose of expenditures for or in respect of replacing tangible capital assets for the hall.

**READ A FIRST, SECOND, AND THIRD TIME** this 20<sup>th</sup> day of December, 2012

**ADOPTED** this 20<sup>th</sup> day of December, 2012

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

  
\_\_\_\_\_  
Chief Administrative Officer

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2613, 2012

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**A bylaw to authorize the establishment of a reserve fund for Oliver/Electoral Area 'C' –Parks Tangible Capital Asset Replacement**

---


WHEREAS Section 188 of the *Community Charter* (which applies to the Regional District by virtue of Section 814 (3) of the *Local Government Act*) authorises the Board, by bylaw to establish a reserve fund for a specified purpose;

NOW THEREFORE, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

1. This Bylaw shall be cited as the "Regional District of Okanagan-Similkameen Oliver /Electoral Area 'C' - Parks Tangible Capital Asset Replacement Reserve Fund Establishment Bylaw No. 2613, 2012".
2. Tangible capital assets are defined as the asset reported on the annual consolidated audited financial statements.
3. The "Oliver/Electoral Area 'C'- Parks Tangible Capital Asset Replacement Reserve Fund" is hereby established for the purpose of expenditures for or in respect of replacing tangible capital assets for the parks.

**READ A FIRST, SECOND, AND THIRD TIME** this 20<sup>th</sup> day of December, 2012

**ADOPTED** this 20<sup>th</sup> day of December, 2012

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

  
\_\_\_\_\_  
Chief Administrative Officer

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 1213, 1991**

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**A bylaw to establish an Oliver/Electoral Area 'C' Arena reserve fund for new works, extensions, or renewals of existing works and purchase of machinery and equipment.**

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**WHEREAS** the Regional District of Okanagan-Similkameen is empowered to undertake the service of Oliver/Electoral Area 'C' - Arena pursuant to Supplementary Letters Patent issued July 9, 1968.

**NOW THEREFORE** the Regional Board of the Regional District of Okanagan-Similkameen in open meeting assembled, **ENACTS** as follows:

1. There shall be and is hereby established a reserve fund, under the provisions of Section 811 of the Municipal Act, to be known as the "**Oliver/Electoral Area 'C' - Arena Capital Works, Machinery and Equipment Reserve Fund.**"
2. Money from current revenue, or appropriated from surplus (to the extent to which it is available), or as otherwise provided in the Municipal Act from time to time be paid into the Reserve Fund.
3. The monies set aside shall be recorded in a separate financial statement account and, until required to be used, may be invested in the manner provided by the Municipal Act.
4. Monies in the Reserve Fund shall only be used for:
  - (a) Expenditures for Oliver/Electoral Area 'C' - Arena, in respect of, capital projects and land, machinery or equipment necessary therefore, including the extension or renewal of existing capital works;
  - (b) The purchase of machinery and equipment to maintain regional district property (specifically the Oliver/Electoral Area 'C' - Arena), and for the protection of persons and property.

BYLAW NO. 1213, 1991

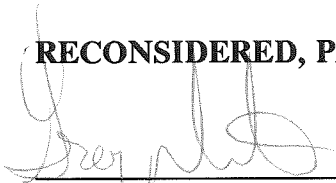
5. This bylaw may be cited as the "Oliver/Electoral Area 'C' - Arena Capital Works, Machinery and Equipment Reserve Fund Establishment Bylaw No. 1213, 1991".

READ A FIRST TIME this 21st day of March, 1991.

READ A SECOND TIME this 21st day of March, 1991.

READ A THIRD TIME this 21st day of March, 1991.

**RECONSIDERED, PASSED AND FINALLY ADOPTED** this 21st day of March, 1991.

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Administrator/Secretary-Treasurer

sjc  
BL1213.91

REVIEWED BY: \_\_\_\_\_

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 1214, 1991**

A bylaw to establish an Oliver/Electoral Area `C' Community Hall reserve fund for new works, extensions, or renewals of existing works and purchase of machinery and equipment.

**WHEREAS** the Regional District of Okanagan-Similkameen is empowered to undertake the service of Oliver/Electoral Area `C' - Community Hall pursuant to Bylaw No. 303 and Supplementary Letters Patent.

**NOW THEREFORE** the Regional Board of the Regional District of Okanagan-Similkameen in open meeting assembled, **ENACTS** as follows:

1. There shall be and is hereby established a reserve fund, under the provisions of Section 811 of the Municipal Act, to be known as the **"Oliver/Electoral Area `C' - Community Hall Capital Works, Machinery and Equipment Reserve Fund."**
2. Money from current revenue, or appropriated from surplus (to the extent to which it is available), or as otherwise provided in the Municipal Act from time to time be paid into the Reserve Fund.
3. The monies set aside shall be deposited in a separate financial statement account and, until required to be used, may be invested in the manner provided by the Municipal Act.
4. Monies in the Reserve Fund shall only be used for:
  - (a) Expenditures for Oliver/Electoral Area `C' - Community Hall, in respect of, capital projects and land, machinery or equipment necessary therefore, including the extension or renewal of existing capital works;
  - (b) The purchase of machinery and equipment to maintain regional district property (specifically the Oliver/Electoral Area `C' - Community Hall), and for the protection of persons and property.

BYLAW NO. 1214, 1991

5. This bylaw may be cited as the "Oliver/Electoral Area `C' - Community Hall Capital Works, Machinery and Equipment Reserve Fund Establishment Bylaw No. 1214, 1991".

READ A FIRST TIME this 21st day of March, 1991.

READ A SECOND TIME this 21st day of March, 1991.

READ A THIRD TIME this 21st day of March, 1991.

RECONSIDERED, PASSED AND FINALLY ADOPTED this 21st day of March, 1991.

\_\_\_\_\_  
Chairman

Administrator/Secretary-Treasurer

sjc  
BL1214.91

REVIEWED BY:

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 1293, 1992**

A bylaw to establish an Oliver/Electoral Area `C' - Parks Reserve Fund for new works, extensions, or renewals of existing works and purchase of machinery and equipment.

WHEREAS the Regional District of Okanagan-Similkameen is empowered to undertake the service of Oliver/Electoral Area `C' - Parks pursuant to Supplementary Letters Patent issued **March 3, 1977**;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. There shall be and is hereby established a reserve fund, under the provisions of Section 811 of the Municipal Act, to be known as the **"Oliver/Electoral Area `C' - Parks Capital Works, Machinery and Equipment Reserve Fund"**.
2. Money from current revenue, or appropriated from surplus (to the extent to which it is available), or as otherwise provided in the Municipal Act from time to time be paid into the Reserve Fund.
3. The monies set aside shall be recorded in a separate financial statement account and, until required to be used, may be invested in a manner provided by the Municipal Act.
4. Monies in the Reserve Fund shall only be used for:
  - (a) Expenditures for the Oliver/Electoral Area `C' - Parks, respect of capital projects and land, machinery or equipment necessary therefore, including the extension or renewal of existing capital works;
  - (b) The purchase of machinery and equipment to maintain Regional District property, (specifically the Oliver/Electoral Area `C' - Parks), and for the protection of persons and property.
5. This bylaw may be cited as the **"Oliver/Electoral Area `C' Parks Capital Works, Machinery and Equipment Reserve Fund Establishment Bylaw No. 1293, 1992"**.

READ A FIRST TIME 27th day of February, 1992.

READ A SECOND TIME this 27th day of February, 1992.

READ A THIRD TIME this 27th day of February, 1992.

**RECONSIDERED, PASSED AND FINALLY ADOPTED** this 27th day of February, 1992.

\_\_\_\_\_  
Chairman

Administrator/Secretary-Treasurer

REVIEWED BY:

BL1293.92  
sje  
February 12, 1992



**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

**BYLAW NO. 1294, 1992**

A bylaw to establish an Oliver/Electoral Area `C' - Pool Reserve Fund for new works, extensions, or renewals of existing works and purchase of machinery and equipment.

WHEREAS the Regional District of Okanagan-Similkameen is empowered to undertake the service of Oliver/Electoral Area `C' - Pools pursuant to Supplementary Letters Patent issued **January 22, 1987**;

NOW THEREFORE the Board of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. There shall be and is hereby established a reserve fund, under the provisions of Section 811 of the Municipal Act, to be known as the **"Oliver/Electoral Area `C' Pool Capital Works, Machinery and Equipment Reserve Fund"**.
2. Money from current revenue, or appropriated from surplus (to the extent to which it is available), or as otherwise provided in the Municipal Act from time to time be paid into the Reserve Fund.
3. The monies set aside shall be recorded in a separate financial statement account and, until required to be used, may be invested in a manner provided by the Municipal Act.
4. Monies in the Reserve Fund shall only be used for:
  - (a) Expenditures for the Oliver/Electoral Area `C' - Pool, in respect of capital projects and land, machinery or equipment necessary therefore, including the extension or renewal of existing capital works;
  - (b) The purchase of machinery and equipment to maintain Regional District property (specifically the Oliver/Electoral Area `C' - Pool), and for the protection of persons and property.
5. This bylaw may be cited as the **"Oliver/Electoral Area `C' - Pool Capital Works, Machinery and Equipment Reserve Fund Establishment Bylaw No. 1294, 1992"**.

READ A FIRST TIME this 27th day of February, 1992.

READ A SECOND TIME this 27th day of February, 1992.

READ A THIRD TIME 27th day of February, 1992.

**RECONSIDERED, PASSED AND FINALLY ADOPTED** this 27th day of February, 1992.

\_\_\_\_\_  
Chairman

Administrator/Secretary-Treasurer

REVIEWED BY:

BL1294.92  
sje  
February 12, 1992

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Revision of Local Services Agreement with Penticton Indian Band

---

### **Administrative Recommendation:**

**THAT the Chair and Chief Administrative Officer be authorized to execute a revised Local Services Agreement with Penticton Indian Band.**

### **Reference:**

Local Services Agreement 2015  
Mutual Release and Termination of Agreement

### **History:**

In 2009, the RDOS signed a Local Services Agreement with the Penticton Indian Band for provision of select District services to Non-Native Interest on Band Lands.

The form of the agreement signed in 2009 did not clearly lay out the services provided or the manner in which the fee for service would be calculated.

### **Analysis:**

The revised agreement does not change the intent of the agreement or the original end date of the agreement of December 31, 2023. The new agreement does clarify which services the Penticton Indian Band currently receives and links the fee calculation with the individual service establishment bylaws. The creation of the new agreement requires a Mutual Release and Termination Agreement for the original 2009 agreement.

### **Respectfully submitted:**

*Sandy Croteau*

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S. Croteau, Finance Manager

## Local Services Agreement

**THIS** Agreement made this 1st day of January, 2015.

**BETWEEN:**

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**

101 Martin Street  
 Penticton, B.C.  
 V2A 5J9

(hereinafter called the "District")

### OF THE FIRST PART

**AND:**

**PENTICTON INDIAN BAND**

168 Westhill Crescent  
 RR #2, Site 80, Comp. 19  
 West Bench, Penticton, B.C.  
 V2A 6J7

(hereinafter called the "Band")

### OF THE SECOND PART

**WHEREAS** the District has historically provided certain services to specified areas of the Band Lands;

**AND WHEREAS** Section 176 (b) of the Local Government Act empowers the District's Board to make agreements with a public authority respecting activities, works or services within the powers of a party to the agreement, including agreements respecting the undertaking, provision and operation of activities, works and services;

**AND WHEREAS** the District, at the request of the Band, has agreed to provide to the Band District Services (hereinafter defined) to specific Band Lands, subject to the terms and conditions of this Agreement;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the mutual covenants herein contained, the parties mutually covenant and agree as follows:

**Definitions**

1. In this Agreement, the following words and phrases shall have the meaning set forth after each:
  - a) "Band" means the Penticton Indian Band;

- b) **“Band Lands” means lands administered by the Band under the provisions of the Indian Act (Canada) and includes designated lands occupied by persons who are not Band members;**
- c) **“District Services” means the specific services as described in Schedule A attached hereto provided by the District to Non-Native interests;**
- d) **“Establishment Bylaw” means a bylaw enacted by the District’s Board to establish a service, which bylaw describes the service, defines the boundaries of the service area, identifies the methods of cost recovery for the service, including the form of local service tax (property value tax and/or parcel tax) and the portion of the costs of the service that are to be recovered by the local service tax, and if applicable, identify the portion of the costs of the service that are to be recovered by a general property tax; and**
- e) **“Non-Native Interests” means land and improvements located on Band Lands that are leased or occupied pursuant to a written agreement to non-Band members.**

#### **District Services**

- 2. **The District will provide District Services to Non-Native interests as described within applicable Establishment Bylaws, current amendment bylaws or Letters Patent.**
- 3. **The District Services provided to Non-Native Interests will be on the same basis, and to the same extent as those services are generally provided within the District.**
- 4. **The District shall consult with the Band regarding any significant changes or modifications to a District Service, including changes or modifications that would result in a significant increase in the cost of the District Service. The District shall as soon as is practicable and without delay give notice to the Band of any proposed change or modification of a District Service or increased cost of the District Service and the parties shall, if requested in writing by either party, meet to discuss the same.**
- 5. **Where, in the view of the Band, the change or modification to a District Service or increase in the cost of a District Service is unreasonable or too onerous to the Band, the Band, at its sole discretion, may withdraw from the District Service. The Band’s withdrawal from the District Service shall become effective on the earlier of six months after the Band has given notice of its intention to withdraw from the District Service or June 30 of the next year of the Term. Upon withdrawal of the Band from a District Service, the applicable schedule shall be deleted from this Agreement.**

### **Collection of Arrears**

- 6. For those District Services where the District will bill residents of the Band Lands directly, the District will provide a list of properties on the Band Lands in arrears for each applicable District Service by March 1st of each year of the Agreement and the Band shall collect and pay to the District all such arrears by August 1 of each year. Once the Band has paid the District, the District transfers its interest in all outstanding arrears to the Band.**

### **Payment for District Services**

- 7. Commencing in the year 2015 and each year thereafter, the Band shall make an annual payment to the District for the provision of the District Services under this Agreement in each of those years in the amount equal to the total cost of all District Services, (the "Fee").**
- 8. For budgeting purposes, an estimate of the Fee for each upcoming year shall be calculated by the District and provided to the Band not later than March 1<sup>st</sup> of each year of the Term.**
- 9. For the purposes of calculating the Fee, the cost for each District Service shall be determined in accordance with the method of calculation set out in the applicable Establishment Bylaw, current amendment bylaw or Letters Patent as identified in Schedule A.**
- 10. The Band shall prepare assessment rolls for District Services to Non-Native Interests and the Non-Native Interests shall be assessed by the Band's assessors as if the same were located within the District rather than on Band Lands.**
- 11. At all times it will be the responsibility of the Band to provide the District with a complete assessment roll in order for a District Service to be provided to a Non-Native interest.**
- 12. For each year of the Term, the Band shall provide to the District, in a timely manner, a copy of its completed, revised and final assessment rolls for Non-Native Interests.**

### **Payment Due Dates**

- 13. Commencing in 2015, the Fee shall be payable on August 1<sup>st</sup> in each year.**
- 14. For greater certainty, in the event that the actual expenditure by the District for a District Service in a given year is either greater or less than the amount estimated for the purposes of determining the Fee, then any deficit or surplus shall be carried forward into the following year.**

### **Exempt Property**

- 15. In no event shall properties that are exempt from taxation by the Band be included or deemed to be included for calculation of any tax requisition for**

## **District Services.**

### **Term**

- 16. The term of this Agreement shall be for nine (9) years from the 1<sup>st</sup> day of January 2015 to the 31<sup>st</sup> day of December 2023 (the “Term”), unless terminated in accordance with this Agreement.**
- 17. Notwithstanding any other remedy available at law or equity, either party may terminate this Agreement for default or breach by the other party if written notice of the default is provided to the defaulting party and such default is not remedied within 60 days of the receipt of notice.**

### **Discontinuance of Service**

- 18. Upon termination or other determination of this Agreement, the District may, at its option, terminate the provision of any or all of the District Services.**
- 19. Within thirty (30) days of the termination or other determination of this Agreement, the District will provide the Band with a statement of the pro-rated amount of the Fee up to the date of termination. If there is an underpayment for the applicable year, the District shall invoice the Band for the amount owed and the Band will pay the invoice within thirty (30) days of its receipt. If there is an overpayment for the applicable year, the District will refund the Band the full amount of the overpayment within thirty (30) days of termination or other determination of this Agreement.**
- 20. Any dispute between the Band and the District in respect of the determination of the amount owed by the Band or refundable to the Band will be resolved in accordance with the Dispute Resolution process set out in this Agreement notwithstanding the prior termination or other determination of this Agreement.**

### **Notice**

- 21. Wherever in this Agreement it is required or permitted that notice, demand or other communications be given or served by either party to the other, such notice or demand shall be given and served in writing and forwarded by registered mail, prepaid courier or confirmed facsimile, addressed as follows:**
  - a) in case of communication to the District:  
101 Martin Street  
Penticton, B.C.  
V2A 5J9**
  - b) in the case of communication to the Band:  
168 Westhill Crescent  
RR #2, Site 80, Comp. 19  
West Bench, Penticton, B.C.  
V2A 6J7**

## **Assignment**

- 22. This Agreement shall not be assigned by either party hereto, except with the prior written consent of the other.**
- 23. Without limiting Clause 22, the District shall obtain from any proposed assignee of the whole or any part of this Agreement a written agreement, in a form approved by the Band, whereby the assignee covenants and agrees to perform all of the covenants and agreements to be observed or performed by the District under the Agreement.**

## **Dispute Resolution**

- 24. Unless this Agreement provides otherwise, any disagreement between the Band and the District that arises out of this Agreement or in regard to the interpretation of this Agreement shall be resolved pursuant to this Clause and where such a disagreement arises either party may give written notice to the other that it wishes to resolve the disagreement through the process set out in this Clause (the "Dispute Resolution Notice") which notice shall be set out:
  - a) The matter which the issuer wishes to have resolved pursuant to this Clause; and**
  - b) The position of the issuer in respect of the matter which is the subject of the dispute.****
- 25. Upon receipt of a Dispute Resolution Notice by either the Band or the District, the Director of Operations of the Band, the Chief Administrative Officer of the District, the Chairperson of the District and the Chief of the Band, or an appointee of the Band Council, shall meet together in an attempt to settle the disagreement through negotiation and if the disagreement cannot be so settled and ratified by the Council of the Band and the Board of the District within thirty (30) working days of receipt of the Dispute Resolution Notice by the party to whom it was issued, then the same shall be submitted to an Arbitrator agreed upon between the Band and the District whose decision shall be handed down within twenty (20) working days of appointment.**
- 26. Should the Band and the District fail to resolve the dispute through negotiations held pursuant to Clause 26 and fail to agree on an Arbitrator within fifteen (15) working days of receipt of the Dispute Resolution Notice by the party to whom it was issued, a sole Arbitrator may be appointed by a Judge of the Supreme Court of British Columbia upon application by either the Band or the District, provided that the applicant shall give to the other party five (5) working days notice of its application for such an appointment.**
- 27. The decision of an Arbitrator appointed pursuant to this Agreement will be considered final and binding upon the parties.**
- 28. The cost of any arbitration shall be borne equally by the District and the Band unless otherwise ordered by the Arbitrator.**



29. If upon a reference to it, an Arbitrator refuses jurisdiction or otherwise fails to determine the question, then the question may be referred by either party to any court of competent jurisdiction, and the parties may exercise any other right or remedy they may have under this Agreement or otherwise.

#### **Indemnity**

30. The District shall indemnify and save harmless the Band from and against all claims, demands, losses, costs, damages, actions, suits, proceedings, fines or assessments by whoever made, brought or prosecuted and in any manner based upon, arising out of, related to, occasioned by, or attributed to the breach of any provision of this Agreement to be performed by the District, its officials, servants, employees, agents and contractors. This condition shall survive the termination of this Agreement.
31. Except with respect to the District Services to be provided by the District under this Agreement for which the District shall remain responsible, the Band shall indemnify and save harmless the District from and against all claims, demands, losses, costs, damages, actions, suits, proceedings or fines or assessments by whoever made, brought or prosecuted and in any manner based upon, arising out of, occasioned by, or attributed to, the breach of any provision of this Agreement to be performed by the Band and the officials, servants, employees, members, agents and contractors of the Band. This condition shall survive the termination of this Agreement.
32. The District shall, during the Term of this Agreement, at its sole cost and expense, maintain comprehensive general liability insurance against claims for personal injury, death, or property damage occurring on, off, in or about the Band Lands, arising out of or resulting from negligence of the District and the officials, servants, employees, members, agents and contractors of the District in the provision of services to be provided by the District pursuant to this Agreement; such insurance to afford protection to the minimum limit of FIVE MILLION (\$5,000,000.00) DOLLARS or to such limit as may be agreed upon by the parties in writing.
33. The Band Council, officers, officials, servants, employees, agents and contractors shall be added by the District to its comprehensive general liability insurance policy required to be maintained under Clause 32 as Additional Insured's with respect to the liability of the Band arising out of the provision of the District Services by the District.

#### **Review**

34. In addition to the review of District Services in Clause 5, the parties shall review this Agreement not less than once within the first five years of the Term.

#### **Amendment**

35. No change or modification of this Agreement is valid unless it is in writing and

signed by the Band and the District.

#### Interpretation

36. Nothing contained or implied herein shall fetter, prejudice or affect the rights and powers of the District or the Band in the exercise of their functions under any public or private statutes, bylaws, orders, ordinances, rules and regulations of every federal, provincial, municipal or Band authority and agency by law constituted and the parties shall not commit nor suffer any breach thereof to be committed.
37. This Agreement shall not be construed so as to create any greater standard of care or liability on the part of the District in respect of the supplying of District Services to the Band Lands than that which applies to the supply of such services generally within the District.
38. Nothing in this Agreement shall be interpreted as creating an agency, partnership or joint ventureship between the District and the Band.
39. Time shall be of the essence of this Agreement.
40. In the event that any provision of this Agreement or any part thereof is invalid, illegal, or unenforceable, the remainder shall be construed as if the invalid provisions or part thereof had been deleted from this Agreement.
41. Headings are inserted in this Agreement for convenience only and shall not be construed as affecting the meaning of the Agreement.
42. No waiver of any term or condition of this Agreement by any party hereto shall be effective unless it is in writing and no waiver of breach even if in writing shall be construed as a waiver of any future breach.
43. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural or feminine or body politic or corporate where the context or the parties hereto so require.

Each party warrants and represents that it has full legal capacity and authority to enter into this Agreement and that this Agreement has been executed by the proper signing authorities for the party after all acts legally required to authorize the party to enter into this Agreement have been completed.

This Agreement shall supersede all communications, negotiations and agreements, either written or verbal, made between the parties in respect of matters pertaining to this Agreement prior to its execution and delivery.

This Agreement shall enure to the benefit of and be binding upon the parties hereto and upon their respective successors, heirs, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

**THE PENTICTON INDIAN BAND**

by its authorized signatories

\_\_\_\_\_  
Chief

\_\_\_\_\_  
Councillor

)  
)  
)  
)  
)  
)  
)  
)

C/S

**THE REGIONAL DISTRICT OF**

**OKANAGAN-SIMILKAMEEN**

by its authorized signatories

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chief Administrative Officer

)  
)  
)  
)  
)  
)  
)  
)  
)

C/S

# SCHEDULE A

**Contribution Calculation for each Service:**

The calculation for each service shall be as defined within the applicable RDOS Service Establishment Bylaw or current amendment bylaw or Letters Patent and will be based on as if the Non-Native interest were within the RDOS boundaries

<b>DISTRICT SERVICES</b>	<b>CURRENT ALLOCATION BASED ON ASSESSED VALUES OF:</b>	<b>CURRENT TAX LIMIT</b>	<b>BYLAW # OR LETTER PATENT (LP)</b>
911 Emergency Call System	Improvements	N/A	1095
Emergency Planning	Land & Improvements	N/A	2375
Solid Waste Management	Land & Improvements	Greater of \$0.01386 per \$1,000 or \$200,000	1899, 1899.01 1899.02
Electoral Area Planning	Land & Improvements	N/A	LP
Mosquito Control	3 previous years average of time spent on site		1149, 2055, 2602, 2658
Okanagan Basin Water Board	Land & Improvements	\$0.21 per \$1,000	LP
Area F Transit -SERVICE CURRENTLY INACTIVE	Land & Improvements	\$13,000	1440
Campbell Mountain Sanitary Landfill	Bylaw allows for User fees and/or on Improvements - currently just User fees	\$600,000	1104, 1104.01, 1912
Residential Garbage and Recycling Collection	Bylaw allows for User fees and/or on land & Improvements - currently just User fees	\$1,250,000	2190 - 2190.07
General Government	Land & Improvements	N/A	LP

## MUTUAL RELEASE AND TERMINATION AGREEMENT

This Agreement made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

### BETWEEN:

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN,**  
101 Martin Street,  
Penticton, B.C.  
V2A 5J9  
(the "Regional District")

**OF THE FIRST PART**

### AND:

**PENTICTON INDIAN BAND,**  
RR #2, Site 80, Compt. 19  
Penticton, B.C.  
V2A 6J7  
(the "Band")

**OF THE SECOND PART**

### WHEREAS:

- A. The parties entered into an agreement made the \_\_\_ day of \_\_\_\_\_, 2009 to provide District Services to Non-Native Improvements (the "Agreement");
- B. The parties wish to terminate the Agreement and any amendments thereto and to provide a full release to each other with respect thereto.

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of ONE DOLLAR (\$1.00) paid by the Regional District to the Band and other good and valuable consideration (the receipt whereof is hereby acknowledged) the parties mutually covenant and agree as follows:

- 1. The Agreement
  - 1.1 The Agreement and any amendments thereto are terminated and at an end as at the 31<sup>st</sup> day of December, 2014.

## 2. Mutual Release

- 2.1 The undersigned each irrevocably and unconditionally, remise, release and forever discharge each other, and as applicable, each others officers, councilors, directors, partners, employees, agents, successors, administrators, executors, heirs and assigns of and from any and all actions, causes of action, suits, debts, dues, accounts, costs, legal costs, contracts, claims and demands of every nature or kind, statutory or otherwise which either of the undersigned now have or hereafter can, shall or may have against the other in any way arising or resulting from any cause, matter or anything whatsoever existing as to the present time and with respect to any matter arising from or in respect to the Agreement.
- 2.2 Each party hereby declares that the release herein contains the entire agreement between the parties and that the terms of the release herein are contractual and not a mere recital.
- 2.3 Each of the parties does hereby declare that in making the release herein it is understood and agreed that they fully relied on their own judgment, belief and knowledge and have not been unduly influenced to any extent whatsoever in making this release by any representative or statement made by the other, their respective servants, agents or employees.
- 2.4 Each of the parties declares and represents that no promise or inducement not herein expressed has been made to the other and that the release herein contains the entire agreement between the parties hereto.

## 3. General

- 3.1 Whenever the singular or masculine is used throughout this agreement the same shall be construed as meaning the plural or feminine or body politic or corporate where the context of the parties hereto permits.
- 3.2 The parties hereto agree, represent and declare that each of the parties has executed this agreement as their own free act (and has not be

influenced to any extent whatsoever in executing this agreement) and that each of the parties has read this agreement and taken independent legal advice as to the terms hereof the parties acknowledge and agree each relies on this representation and declaration.

3.3 This agreement shall enure of and be binding upon the parties hereto and their respective administrators, successors and permitted assigns as the case may be.

3.4 This document may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding document which may be sufficient evidence by any one such original counterpart.

The parties hereto have executed this agreement as of the day and year first above written.

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN** by its Authorized Signatories:

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

**PENTICTON INDIAN BAND** by its Authorized Signatories:

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

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** 2014 Audited Financial Statements

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### **Administrative Recommendation:**

**THAT the 2014 Audited Financial Statements of the Regional District Okanagan Similkameen as of December 31, 2014 be received;**

**AND THAT the RDOS Board adopts all reported 2014 transactions as amendments to the 2014 Final Budget**

### **Analysis:**

The 2014 Financial Statements are presented with an unqualified audit opinion. This means that in the opinion of the independent auditors, our financial statements represent fairly, in all material respects, the financial position of the RDOS in accordance with GAAP (Generally Accepted Accounting Principles) and PSAB (Public Sector Accounting Board).

The Audit Findings Letter provided by our auditors outlines procedures for identifying significant issues and transactions throughout the audit. Many discussion points review how the audit requires staff/management consultation and cooperation. The report indicates there were no significant disagreements, difficulties or issues encountered during the audit.

In addition to the Audited Financial Statements and Audit Findings letter, the auditors provide a Management Letter outlining areas of concern and recommendations for improvement. The auditors have identified a weakness with regards to Asset management. They are recommending we employ a dedicated staff member to manage and maintain capital assets in the organization. Management will take the recommendation under consideration and bring forward options for mitigation during the 2016 budget process.

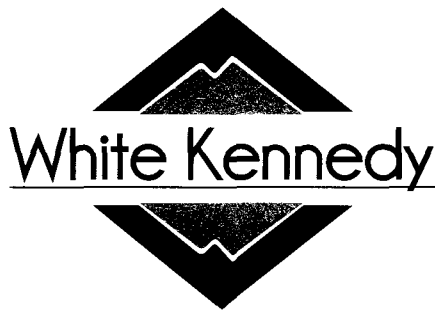
### **Respectfully submitted:**

*"Sandy Croteau"*

---

S. Croteau, Finance Manager





Ian S. Kennedy, BA, CPA, CA  
Michael P. Doherty, BSc, CPA, CA  
H. Jon Milligan, BCom, CPA, CA

Chris D. Browne, BCom, CPA, CA  
Jeff Duguid, BSc, BCom, CPA, CA  
Don E. Jones, CPA, CA

Marielle J. Brûlé, CPA, CA  
Peter MacIntosh, BA, CPA, CA  
Darrell Swetlishoff, BBA, CPA, CA

April 26, 2015

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

Dear Board of Directors:

We have been engaged to audit the financial statements of Regional District of Okanagan Similkameen for the year ending December 31, 2014. Canadian Public Sector accounting standards for audit engagements require that we communicate the following information with you in relation to your audit.

#### **Evaluation of Internal Controls**

Audits include a review and evaluation of the system of internal controls to assist in determining the level of reliance that may or should be placed on the system in assessing the nature and extent of audit procedures to be undertaken.

#### **Significant Accounting Principles**

Management is responsible for the appropriate selection and application of accounting policies. Our role is to review the appropriateness and application as part of our audit. The accounting policies used by Regional District of Okanagan Similkameen are described in Note 1, Summary of Significant Accounting Policies, in the financial statements.

There were no new accounting policies adopted or changes to the application of accounting policies of Regional District of Okanagan Similkameen during the year.

#### **Significant Unusual Transactions**

We are not aware of any significant or unusual transactions entered into by Regional District of Okanagan Similkameen that you should be informed about.

#### **Accounting Estimates**

Management is responsible for the accounting estimates included in financial statements. Estimates and the related judgments and assumptions are based on management's knowledge of the business and past experience about current and future events.

(1)

Our responsibility as auditors is to obtain sufficient appropriate evidence to provide reasonable assurance that management's accounting estimates are reasonable within the context of the financial statements as a whole. An audit includes performing appropriate procedures to verify the:

- Calculation of accounting estimates;
- Analyzing of key factors such as underlying management assumptions;
- Materiality of estimates individually and in the aggregate in relation to the financial statements as a whole;
- Estimate's sensitivity to variation and deviation from historical patterns;
- Estimate's consistency with the entity's business plans; and
- Other audit evidence.

### **Disagreements with Management**

We are required to communicate any disagreements with management, whether or not resolved, about matters that are individually or in aggregate significant to the Regional District's financial statements or auditor's report. Disagreements may arise over:

- Selection or application of accounting principles;
- Assumptions and related judgments for accounting estimates;
- Financial statement disclosures;
- Scope of the audit; or
- Wording of the auditor's report.

We are pleased to inform you that we had no disagreements with management during the course of our audit.

### **Consultation with Other Accountants (Second Opinions)**

Management may consult with other accountants about auditing and accounting matters to obtain a "second opinion". When an entity requests that another accountant provide a written report or oral advice on the application of accounting principles to a specific transaction or the type of opinion that may be rendered on the entity's financial statements, we are required to ensure that the accountant has ensured that the reporting accountant has knowledge of all facts and circumstances and has conducted the engagement in accordance with Canadian generally accepted auditing standards on the Reports on the Application of Accounting Principles.

We are not aware of any consultations that have taken place with other accountants.

### **Issues Discussed**

The auditor generally discusses, amongst other matters, the application of accounting principles and auditing standards, and fees, etc. with management in during the initial or recurring appointment of the auditor. There were no major issues discussed during our audit with regards to our retention that were not in the normal course of business.

**Difficulties Encountered During the Audit**

We encountered no significant difficulties during our audit that should be brought to the attention of the audit committee.

We would be pleased to discuss any matters mentioned above with you at your convenience.

This communication is prepared solely for the information of the audit committee and is not intended for any other purpose. We accept no responsibility to a third party who uses this communication.

To ensure there is a clear understanding and record of the matters discussed, we ask that members of the board sign their acknowledgement in the spaces provided below. Should any member of the board wish to discuss or review any matter addressed in this letter, or any other matters related to financial reporting, please do not hesitate to contact us at any time.

Yours truly,



White Kennedy LLP, Chartered Accountants

**Acknowledgement of Board:**

We have read and reviewed the above disclosures and understand the comments therein:

Per: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Per: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

# **REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN**

## **Index to Consolidated Financial Statements**

**December 31, 2014**

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<b>Consolidated Statement of Operations</b>	<b>3</b>
<b>Consolidated Statement of Change in Net Financial Assets</b>	<b>4</b>
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<b>Schedule 3 - Debenture Debt Schedule</b>	<b>20 - 21</b>

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## INDEPENDENT AUDITOR'S REPORT

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To the Chairman and Directors of the Regional District of Okanagan Similkameen

We have audited the accompanying consolidated financial statements of the Regional District of Okanagan Similkameen, which comprise the consolidated statement of financial position as at December 31, 2014, and the consolidated statements of operations, net financial assets, and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### *Management's Responsibility for the Consolidated Financial Statements*

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian Public Sector accounting principles, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### *Opinion*

In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of Regional District of Okanagan-Similkameen as at December 31, 2014, and the results of its operations and its cash flows for the year then ended in accordance with Canadian Public Sector accounting principles.

CHARTERED ACCOUNTANTS

Penticton, British Columbia  
May XX, 2015

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Consolidated Statement of Financial Position

December 31, 2014, With Comparative Figures for 2013

	2014	2013
	\$	\$
<b>FINANCIAL ASSETS</b>		
Cash	298,302	1,270,385
Short term investments (Note 2)	26,127,528	19,607,258
Accounts receivable (Note 3)	3,393,790	6,215,840
Municipal Finance Authority deposits (Note 4)	7,685,266	7,380,259
Municipal financing (Note 5)	85,277,264	93,113,850
	<u>122,782,150</u>	<u>127,587,592</u>
<b>FINANCIAL LIABILITIES</b>		
Accounts payable and accrued liabilities	4,195,582	3,345,963
Deposits	1,254,599	1,509,305
Deferred revenue (Note 6)	490,979	341,692
Gas Tax deferred revenue (Note 7)	3,710,301	3,485,783
Restricted deferred revenue (Note 8)	1,337,138	1,806,586
Municipal Finance Authority debt reserve (Note 4)	7,685,266	7,380,259
Long term debt (Note 9) (Schedule 3)	102,463,791	109,771,796
Municipal Finance Authority leases (Note 14)	68,969	134,379
	<u>121,206,625</u>	<u>127,775,763</u>
<b>NET FINANCIAL ASSETS (LIABILITIES)</b>	<b>1,575,525</b>	<b>(188,171)</b>
<b>NON-FINANCIAL ASSETS</b>		
Tangible capital assets (Note 10)	69,186,450	64,946,393
Prepaid items	16,784	170,478
	<u>69,203,234</u>	<u>65,116,871</u>
<b>ACCUMULATED SURPLUS</b>	<b>70,778,759</b>	<b>64,928,700</b>
<b>REPRESENTED BY:</b>		
Unrestricted surplus (deficit)	(1,857,024)	(1,057,233)
Restricted surplus (Schedule 1)	15,924,416	14,310,843
Equity in tangible capital assets (Note 11)	56,711,367	51,675,090
	<u>70,778,759</u>	<u>64,928,700</u>

CONTINGENT LIABILITY (Note 12)

PENSION LIABILITY (Note 13)

COMMITMENTS (Note 14)

Approved on behalf of the board:

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

See the accompanying notes to consolidated financial statements

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Consolidated Statement of Operations

Year Ended December 31, 2014, With Comparative Figures for 2013

	Actual 2014	Budget 2014	Actual 2013
	\$	\$	\$
<b>REVENUES</b>			
Tax requisition	14,106,923	13,816,219	13,353,914
Sales of goods and services	10,380,706	9,774,485	8,754,313
Grants	4,005,925	6,200,595	3,314,462
Investment income	1,020,709	30,750	339,742
Administrative and recoveries	540,016	807,167	844,482
Development cost charges	320,000	-	-
Grants in lieu of taxes	93,871	46,683	79,590
	<b>30,468,150</b>	<b>30,675,899</b>	<b>26,686,503</b>
<b>EXPENSES</b>			
Wages and benefits	6,991,128	7,257,972	6,700,701
Contracted services	4,824,899	5,634,091	5,139,190
Maintenance and equipment	3,954,414	15,250,917	3,664,252
Requisition to other boards	2,405,456	2,406,162	2,418,987
Amortization expense	1,997,308	-	1,669,788
Materials and supplies	1,231,636	1,482,260	1,041,994
Grants	747,970	2,295,280	4,097,083
Interest expense	698,009	962,884	723,764
Utilities and telephone	695,849	696,350	638,989
Purchased services	689,431	712,755	527,996
Insurance	367,343	331,489	338,521
Administration charges	23,248	702,435	22,646
	<b>24,626,691</b>	<b>37,732,595</b>	<b>26,983,911</b>
<b>EXCESS (DEFICIENCY)</b>	<b>5,841,459</b>	<b>(7,056,696)</b>	<b>(297,408)</b>
Gain (loss) on disposal of assets	8,600	-	(495,598)
<b>EXCESS (DEFICIENCY) FOR THE YEAR</b> (Schedule 2)	<b>5,850,059</b>	<b>(7,056,696)</b>	<b>(793,006)</b>
<b>ACCUMULATED SURPLUS, beginning of year</b>	<b>64,928,700</b>	<b>-</b>	<b>65,721,706</b>
<b>ACCUMULATED SURPLUS (DEFICIENCY), end of year</b>	<b>70,778,759</b>	<b>(7,056,696)</b>	<b>64,928,700</b>

See the accompanying notes to consolidated financial statements

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Consolidated Statement of Net Financial Assets

Year Ended December 31, 2014, With Comparative Figures for 2013

	2014	2013
	\$	\$
<b>EXCESS (DEFICIENCY) FOR THE YEAR</b>	<b>5,850,059</b>	<b>(793,006)</b>
Acquisition of tangible capital assets	<b>(6,415,503)</b>	(5,550,522)
Amortization of tangible capital assets	<b>1,997,308</b>	1,669,788
Proceeds on disposal of tangible capital assets	<b>186,738</b>	5,340
Loss (gain) on disposal of tangible capital assets	<b>(8,600)</b>	495,598
	<b>(4,240,057)</b>	<b>(3,379,796)</b>
Use of prepaid items	<b>153,694</b>	23,668
<b>INCREASE (DECREASE) IN NET FINANCIAL ASSETS</b>	<b>1,763,696</b>	<b>(4,149,134)</b>
<b>NET FINANCIAL ASSETS, BEGINNING OF YEAR</b>	<b>(188,171)</b>	3,960,963
<b>NET FINANCIAL ASSETS (LIABILITIES), END OF YEAR</b>	<b>1,575,525</b>	<b>(188,171)</b>

See the accompanying notes to consolidated financial statements



# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Consolidated Statement of Cash Flows

Year Ended December 31, 2014, With Comparative Figures for 2013

	2014	2013
	\$	\$
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>		
Excess (deficiency) for the year	5,850,059	(793,006)
Non-cash items within excess (deficiency) for the year:		
Amortization of tangible capital assets	1,997,308	1,669,788
Loss (gain) on disposal of tangible capital assets	(8,600)	495,598
	<u>7,838,767</u>	1,372,380
Non-cash changes to operations:		
Accounts receivable	2,822,049	1,480,347
Accounts payable and accrued liabilities	849,619	(886,680)
Deposits	(254,706)	(260,687)
Deferred revenue	149,287	(838,489)
Gas Tax deferred revenue	224,518	378,422
Restricted deferred revenue	(469,448)	1,424
Prepaid items	153,694	23,668
	<u>11,313,780</u>	1,270,385
<b>CASH FLOWS FROM CAPITAL ACTIVITIES</b>		
Purchase of tangible capital assets	(6,415,503)	(5,550,522)
Proceeds on disposal of tangible capital assets	186,738	5,340
	<u>(6,228,765)</u>	(5,545,182)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>		
Proceeds of borrowing from Municipal Finance Authority	10,566,500	5,850,250
Repayment of long term debt	(15,865,696)	(9,114,737)
Reduction of debt by actuary	(2,008,808)	(2,249,932)
Municipal Finance Authority debt reserve	305,007	(943,667)
Municipal Finance Authority leases	(65,409)	(56,610)
	<u>(7,068,406)</u>	(6,514,696)
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>		
Short term investments	(6,520,270)	(285,526)
Municipal Finance Authority deposits	(305,007)	943,667
Municipal financing	7,836,585	9,364,497
	<u>1,011,308</u>	10,022,638
<b>NET DECREASE IN CASH AND CASH EQUIVALENTS</b>	(972,083)	(766,855)
<b>CASH, beginning of year</b>	<u>1,270,385</u>	2,037,240
<b>CASH, end of year</b>	<u>298,302</u>	1,270,385

See the accompanying notes to consolidated financial statements

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### General

The Regional District of Okanagan-Similkameen (Regional District) was incorporated in 1966 under the Local Government Act (formerly Municipal Act), a statute of the Province of British Columbia. Its principal activities include the provision of local government services to the residents of the Regional District. These services include administrative, protective, recreational, water, sewer, solid waste management, electrical, and various other services.

### Basis of presentation

The Regional District's policy is to follow Canadian accounting principles for British Columbia Regional Districts as prescribed by the Public Sector Accounting Board (PSAB), and to apply such principles consistently. These consolidated financial statements include the results of operations for all functions of the Regional District.

## 1. Summary of Significant Accounting Policies

### CASH AND CASH EQUIVALENTS

Cash and cash equivalents are comprised of cash and highly liquid investments that are redeemable on demand. Cash and cash equivalents are recorded at cost, which approximates market value.

### SHORT TERM INVESTMENTS

Short term investments consist of Municipal Finance Authority of B.C. short term bonds and money market instruments with an original maturity date of three months or less. Because of the short term maturity of these investments, the carrying amount approximates the fair value.

### VACATION LEAVE

Vacation leave is recorded in the period in which it was earned.

### SICK LEAVE

The Regional District accrues 1.5% of budgeted exempt staff salaries per annum in a fund for short term sickness that extends beyond five days and is less than six months. Exempt staff are eligible for long term disability after six months of illness. Sick leave for union staff is accrued as per the collective agreement.

### DEFERRED REVENUE

Funding and grants received for specific projects are initially recorded as deferred revenue. The funding and grants are recorded as revenue as the related project costs are incurred.

### RESTRICTED SURPLUS

Restricted surplus represents funds set aside for future expenditures in operations and property and equipment purchases. Schedule 1 of these financial statements provides details of the various funds.

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### 1. Summary of Significant Accounting Policies (Continued)

#### TANGIBLE CAPITAL ASSETS

Property and equipment are stated at cost less accumulated amortization. Property and equipment purchased, constructed, and work in progress are reported as property and equipment additions, and are classified according to their functional use. Work in progress additions are not amortized until the work is complete and the asset is ready for use. Donated property and equipment are recorded at fair market value at the time of the donation.

Property and equipment are amortized over their estimated useful lives on a straight-line basis using cost less any salvage value, at the following rates:

<b>ASSET TYPE</b>	<b>DEPRECIABLE LIFE IN YEARS</b>
Land improvements	5 - 20
Building structures	40 - 75
Building improvements	
Exterior envelope	30 - 40
HVAC systems	10 - 12
Roof	10 - 20
Electrical/plumbing/fire suppression	15 - 20
Site works - asphalt, water and sewer lines	10 - 50
Machinery and equipment	
Furniture and equipment	5 - 20
Emergency	5 - 10
Emergency operations centre	5 - 10
Other	5 - 20
Vehicles	
Fleet	5 - 10
Fire trucks	10 - 20
Other	5 - 10
IT infrastructure	
Hardware	3 - 5
Software	5 - 10
Telephone	7 - 10
Utilities infrastructure	
Water	10 - 75
Sewer	10 - 75
Drainage	10 - 75

#### PREPAID ITEMS

The Regional District has various prepaid expenses. Included with prepaids are inventory items purchased for resale to the public. The inventory items are valued at the lower of cost or market value, with cost being determined on an average basis, and are not significant to disclose separately. Inventory is purchased as part of a Regionally Significant Gas Tax project that sells composting units to the public at the various landfill sites. Management estimates that all remaining inventory will be sold in the upcoming fiscal year.

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### 1. Summary of Significant Accounting Policies (Continued)

#### NON-FINANCIAL ASSETS

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year and are not intended for sale in the normal course of operations.

#### REVENUE RECOGNITION

Revenue derived from the provision of utility services is recognized quarterly, bi-annually, or annually depending on the service provided and the service area. Revenue derived from the sale of goods or services is recognized when the good or service is rendered. Revenue from tax requisitions is recognized when received from the Provinces and municipalities. Grant revenue is recognized when funding becomes receivable.

#### FINANCIAL INSTRUMENTS

The Regional District's financial instruments consist of cash, short term investments, accounts receivable, Municipal Financing Authority (MFA) deposits, Municipal financing, accounts payable and accrued liabilities, deposits, deferred revenue, MFA debt reserves, long term debt, and MFA leases. Unless otherwise noted, it is management's opinion that the Regional District is not exposed to significant interest, liquidity, currency or credit risks arising from these financial instruments. The fair values of these financial instruments approximate their carrying values, unless otherwise noted.

#### BUDGET FIGURES

The budget figures are from the Bylaw 2640, 2013, that was adopted March 6, 2014. Subsequent amendments have been made by the Board to reflect changes in the budget as required by law.

#### MANAGEMENT ESTIMATES

The preparation of financial statements in accordance with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

### 2. Short term investments

The Regional District invests in short term bonds and money market funds through the Municipal Finance Authority of British Columbia. The income from these bonds is received in the form of interest, dividends, and realized capital gains. The income is allocated to the investment from which it was earned. Investments are reported at fair market value, which approximates the book value. The details of the short term investments at the year end are as follows:

	<u>2014</u>	<u>2013</u>
	\$	\$
Operations	<b>25,368,395</b>	19,120,203
Oliver Parks and Recreation	<b>720,294</b>	449,401
Kaleden Recreation	<b>38,839</b>	37,654
	<b><u>26,127,528</u></b>	<u>19,607,258</u>

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

### 3. Accounts receivable

	2014	2013
	\$	\$
Regional and local government	1,476,609	1,047,758
Trade receivables	1,132,561	832,951
Combined Federal/Provincial	575,565	157,646
Government of Canada	174,887	260,173
Province of British Columbia	34,168	3,917,312
	<b>3,393,790</b>	<b>6,215,840</b>

### 4. Municipal Finance Authority deposits

The Regional District issues its debt instruments to local municipalities with financing obtained from the Municipal Finance Authority. As a condition of these borrowings, a portion of the debenture proceeds are withheld by the Municipal Finance Authority as a debt reserve fund.

The Regional District also executes demand notes in connection with each debenture, whereby the District may be required to loan certain amounts to the Municipal Finance Authority. These demand notes are contingent in nature and are not reflected in the accounts.

The details of the cash deposits and demand notes at the year end are as follows:

	Demand Notes	Cash Deposits	2014	2013
	\$	\$	\$	\$
Municipal general	2,582,846	809,404	3,392,250	3,431,213
Municipal water	1,277,241	605,003	1,882,244	1,857,619
Municipal sewer	1,214,823	512,991	1,727,814	1,720,949
Regional District general	187,996	86,071	274,067	257,508
Regional District water	163,017	62,819	225,836	112,970
Regional District sewer	126,984	56,071	183,055	-
<b>Totals</b>	<b>5,552,907</b>	<b>2,132,359</b>	<b>7,685,266</b>	<b>7,380,259</b>

### 5. Municipal financing

The Regional District issues debt instruments to various local municipalities in the form of demand notes with financing obtained from the Municipal Finance Authority. The details of the debt instruments issued at the year end are as follows:

	2014	2013
	\$	\$
City of Penticton	54,718,867	60,295,262
District of Summerland	24,832,579	26,677,355
Town of Oliver	4,450,027	4,757,808
Town of Osoyoos	1,054,276	1,130,651
Village of Keremeos	221,515	252,774
	<b>85,277,264</b>	<b>93,113,850</b>

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### 6. Deferred revenue

Deferred revenue is comprised of grants and funding received by the Regional District and is designated for specific projects. Deferred amounts are recognized as revenue as the costs of the specified project are incurred.

### 7. Gas Tax deferred revenue

#### Federal Gas Tax and Public Transit Agreements

Federal Gas Tax funds are received from the Government of Canada. The use of the funds is established by an agreement between the Regional District and the Union of British Columbia Municipalities.

Federal Gas Tax funds may be used towards designated projects, as specified in the funding agreement.

	Opening Balance	Funding Receipts	Interest Allocation	Expenses	Closing Balance
	\$	\$	\$	\$	\$
Area A	425,110	91,927	8,313	(276,586)	<b>248,764</b>
Area B	255,612	55,389	7,077	-	<b>318,078</b>
Area C	901,460	168,744	21,846	(222,512)	<b>869,538</b>
Area D	631,167	277,773	18,754	(44,501)	<b>883,193</b>
Area E	277,678	89,595	7,570	(38,885)	<b>335,958</b>
Area F	341,970	102,033	7,747	(165,633)	<b>286,117</b>
Area G	384,726	112,431	11,014	-	<b>508,171</b>
Area H	268,060	85,902	6,520	(100,000)	<b>260,482</b>
<b>Total 2014</b>	<b>3,485,783</b>	<b>983,794</b>	<b>88,841</b>	<b>(848,117)</b>	<b>3,710,301</b>
Total 2013	3,107,361	677,576	50,454	(349,608)	3,485,783

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

### 8. Restricted deferred revenue

Restricted deferred revenues are funds received and designated for improvements to the parks, water, and sewer systems of the Regional District.

	Opening	Receipts	Interest	Transfers	Closing
	\$	\$	\$	\$	\$
Area A Parkland Acquisition	5,630	-	141	-	5,771
Area C Parkland Acquisition	37,415	-	934	-	38,349
Area D Parkland Acquisition	682	-	871	(1,553)	-
Area E Parkland Acquisition	419,569	-	10,481	-	430,050
Area F Parkland Acquisition	16,457	-	411	-	16,868
Area H Parkland Acquisition	106,606	-	2,662	-	109,268
OK Falls Parkland Acquisition	752	-	955	(1,707)	-
OK Falls Sewer DCC	317,174	321,300	7,939	(320,000)	326,413
Faulder Water System DCC	6,898	-	172	-	7,070
Olalla Water CEC	5,042	-	126	-	5,168
Naramata Water:					
Dualling - Covenant 219	205,540	-	253	(205,793)	-
Naramata Water DCC	12,885	-	322	-	13,207
Lower Zone Capital	391,074	-	6,022	(300,000)	97,096
Upper Zone Capital	280,862	-	7,016	-	287,878
	<b>1,806,586</b>	<b>321,300</b>	<b>38,305</b>	<b>(829,053)</b>	<b>1,337,138</b>

### 9. Long Term Debt

The Regional District obtains and issues debt instruments through loans from the Municipal Finance Authority and the Minister of Finance. The financing is obtained on behalf of the various local municipalities, as well as the Regional District, for water, sewer, and capital projects.

Financing is secured by deposits and claims against specific property. The maturity dates and interest rates of the long term debt vary and depend on the date of issue of the debt instrument. Long term debt is comprised of numerous issues that generally mature in 20 years.

	2014	2013
	\$	\$
Municipal Finance Authority	102,432,944	109,712,700
Minister of Finance	30,847	59,096
Total long term debt (Schedule 3)	102,463,791	109,771,796
Less: Regional District portion	17,186,527	16,657,946
Total local municipal portion	85,277,264	93,113,850

The following principal amounts are payable over the next five years:

2015	6,750,255
2016	6,573,121
2017	6,503,691
2018	6,345,170
2019	6,418,083
Thereafter	69,873,471
Total long term debt	102,463,791

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

### 10. Tangible capital assets

	Land	Buildings	Utilities infrastructure	Machinery & equipment	IT infra- structure	Vehicles	2014 \$	2013 \$
<b>COST:</b>								
BALANCE, BEGINNING OF YEAR	23,595,950	6,633,550	35,496,613	3,914,530	777,341	5,181,303	<b>75,599,287</b>	63,123,003
Work in progress, opening	-	-	4,948,519	-	-	-	<b>4,948,519</b>	12,806,345
Work in progress, additions	-	-	1,206,183	-	-	-	<b>1,206,183</b>	3,523,215
Work in progress, disposals	-	-	(4,694,708)	-	-	-	<b>(4,694,708)</b>	(11,381,041)
Acquisition of tangible capital assets	903,393	634,178	6,656,844	1,454,614	118,011	136,988	<b>9,904,028</b>	13,408,348
Disposals	(178,138)	-	-	-	(42,374)	(83,457)	<b>(303,969)</b>	(932,064)
BALANCE, END OF YEAR	<u>24,321,205</u>	<u>7,267,728</u>	<u>43,613,451</u>	<u>5,369,144</u>	<u>852,978</u>	<u>5,234,834</u>	<b><u>86,659,340</u></b>	<u>80,547,806</u>
<b>ACCUMULATED AMORTIZATION:</b>								
BALANCE, BEGINNING OF YEAR	710,277	2,111,788	6,076,366	2,837,863	543,800	3,321,319	<b>15,601,413</b>	14,362,749
Annual amortization	130,212	228,261	1,012,259	275,715	83,474	267,387	<b>1,997,308</b>	1,669,788
Amortization adjustments	-	-	-	-	(42,374)	(83,457)	<b>(125,831)</b>	(431,124)
BALANCE, END OF YEAR	<u>840,489</u>	<u>2,340,049</u>	<u>7,088,625</u>	<u>3,113,578</u>	<u>584,900</u>	<u>3,505,249</u>	<b><u>17,472,890</u></b>	<u>15,601,413</u>
<b>NET BOOK VALUE OF TANGIBLE CAPITAL ASSETS</b>	<u>23,480,716</u>	<u>4,927,679</u>	<u>36,524,826</u>	<u>2,255,566</u>	<u>268,078</u>	<u>1,729,585</u>	<b><u>69,186,450</u></b>	<u>64,946,393</u>



# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

### 11. Equity in tangible capital assets

Equity in tangible capital assets represents the net book value of the total tangible capital assets less any long term debt assumed to acquire those assets along with any actuarial adjustments.

	<u>2014</u>	<u>2013</u>
	\$	\$
Net book value of tangible capital assets, end of year	<b>69,186,450</b>	64,946,393
Less Regional District debenture debt:		
Actuarial adjustment	<b>(40,668)</b>	(34,260)
General capital	<b>(2,670,071)</b>	(2,836,652)
Water capital	<b>(2,095,375)</b>	(2,143,012)
Sewer capital	<b>(4,800,000)</b>	-
Less Regional District short-term debt	<b>(2,800,000)</b>	(8,123,000)
Less MFA leases payable	<b>(68,969)</b>	(134,379)
<b>Equity in tangible capital assets, end of year</b>	<b><u>56,711,367</u></b>	<b><u>51,675,090</u></b>

### 12. Contingent liability

On February 10, 2000, West View Developments Ltd. filed an application for determination of compensation with the Expropriation Compensation Board (ECB) claiming compensation in relation to the Campbell Mountain Landfill. The claimant states that the Regional District, by reason of the construction and use of the Campbell Mountain Landfill has, in effect, expropriated the land or injuriously affected the claimant's property.

On September 4, 2006, the lands in question were sold to Canadian Horizons. Since that time the RDOS have been in negotiations with the City of Penticton, and the Ministry of Environment, to establish an appropriate buffer area around the landfill.

The RDOS is currently in negotiations over a claim at Oliver landfill for wrongful placement of solid waste on the claimant's property. The likely outcome of this claim is unknown at this time.

### 13. Pension liability

The Regional District and its employees contribute to the Municipal Pension Plan (the Plan), a jointly trustee pension plan. The Board of Trustees, representing plan members and employers, is responsible for overseeing the management of the Plan, including investment of the assets and administration of benefits. The Plan is a multi-employer contributory pension plan. Basic pension benefits provided are based on a formula. The Plan has about 182,000 active members and approximately 75,000 retired members. Active members include approximately 36,000 contributors from local governments.

The latest valuation as at December 31, 2012, indicated a \$1,370 million funding deficit for basic pension benefits. The next valuation will be as at December 31, 2015, with results available in 2016.

Employers participating in the Plan record their pension expense as the amount of employer contributions made during the fiscal year (defined contribution plan accounting). This is because the Plan records accrued liabilities and accrued assets for the Plan in aggregate, with the result that there is no consistent and reliable basis for allocating the obligation, assets and cost to individual employers participating in the Plan.

The Regional District of Okanagan-Similkameen paid \$357,215 (2013 - \$335,147) for employer contributions to the Plan in fiscal 2014.

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### 14. Commitments

#### a) Landfills

##### (i) Campbell Mountain Landfill

- a) The updated Campbell Mountain Landfill Life Cycle Cost Assessment report (the report) dated September 2011 is used as the basis to estimate future closure and post-closure expenditures.
- b) Based on the report, anticipated closure and annual post-closure costs are approximately \$4.6M (2010\$) for the cover system, and \$240,000 (2010\$) for the decommissioning and removal of site infrastructure. Closure will be done in phases.
- c) Closure and post-closure costs are funded from tipping fees.
- d) An annual sum of \$390,000 is budgeted for the Closure Reserve Fund to cover anticipated closure and post-closure costs. As at December 31, 2014, the fund had a balance of \$5,614,536.
- e) In 2000, the Capital Expenditure Reserve Fund was created to offset unforeseen future capital expenses. An annual sum of \$148,000 is budgeted for the reserve. As at December 31, 2014, the fund had a balance of \$577,689.
- f) In 2006, the Environmental Impairment Reserve Fund was created to offset future environmental impairment costs. An annual sum of \$110,000 is budgeted for the reserve. As at December 31, 2014, the fund had a balance of \$1,012,086.
- g) The estimated length of time needed for post-closure care is 25 years.

##### (ii) Oliver Sanitary Landfill

- a) The Oliver Landfill Operations, Filling, and Closure Plan was prepared in April 2001. An update of the plan was completed in 2010. The revised plan will be used as the basis to estimate future closure and post-closure expenditures.
- b) In 2010, the remaining life of the site was estimated to be 40 years.
- c) Closure and post-closure costs are funded from tipping fees and the annual tax requisition.
- d) Based on the report completed in 2010, the anticipated closure and decommissioning costs are approximately \$3M(2010\$). Annual post-closure monitoring costs are estimated at \$41,000/year.
- e) In 1996, a Reserve Fund was established for capital expenditures, as well as closure and post-closure costs. An annual sum of \$150,000 is budgeted for the reserve. As at December 31, 2014, the fund had a balance of \$803,832.
- f) The estimated length of time needed for post-closure care is 25 years.
- g) In the process of preparing the 2009/2010 Operations, Filling, and Closure Plan, an encroachment by the landfill was discovered on the northern boundary. The recommendations to address the issue are in draft and must be approved by the Ministry of Environment before further action can be taken.

##### (iii) Keremeos Sanitary Landfill

- a) The Keremeos Landfill Operations, Filling, and Closure Plan (the plan), completed in June 2009, is used as the basis to estimate future closure and post-closure expenditures.
- b) According to the plan, the most cost effective closure option has a cost of \$289,000 plus annual post-closure monitoring costs of \$26,000.
- c) Closure and post-closure costs are funded from tipping fees and the annual tax requisition.
- d) A Reserve Fund was established for capital expenditures, as well as closure and post-closure costs. During the 2014 fiscal year expenditures were made, and as at December 31, 2014, the fund had a balance of \$405.
- e) The estimated length of time needed for post-closure care is 25 years.
- f) The landfill has become a transfer station, with all major transition work completed in 2007.

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### 14. Commitments (continued)

#### b) Municipal Finance Authority leases

The Regional District has various capital leases with the Municipal Finance Authority to finance equipment and vehicle purchases. The annual lease repayments for the next five years, including PST payable, are as follows:

	\$
2015	56,011
2016	12,721
2017	<u>237</u>
Total	<u>68,969</u>

### 15. Oliver Parks & Recreation Society

The Regional District Okanagan-Similkameen exercises significant influence over the Oliver Parks & Recreation Society via an agreement to provide funds for operations at Oliver Parks and Recreation. The agreement stipulates that written approval be provided prior to any facility improvements, and that any such improvements become the property of the Regional District. The recreational facilities managed by the Society are recorded as assets of the Regional District.

Both parties continue to operate under the terms of their initial agreement pending a new agreement.

The Oliver Parks and Recreation Society 2014 financial statements were audited by another firm of Chartered Accountants.

### 16. Lower Similkameen Community Forests Limited Partnership

The Regional District Okanagan-Similkameen is a partner in the Lower Similkameen Community Forests Limited Partnership that funds a First Nations forestry program in the Ashnola watershed. The forest program includes silviculture, planting, and harvesting.

The Regional District's allocation of the partnership deficit during the 2014 fiscal year is \$11,534 (2013 - \$11,201 deficit). Net equity in the partnership for the 2014 fiscal year end is \$33,584 (2013 - \$45,118). The financial statements of the partnership were compiled by another firm of Chartered Accountants.

### 17. Vermilion Forks Community Forests Corporation

The Regional District Okanagan-Similkameen is a shareholder along with the Upper Similkameen Indian Band and the Town of Princeton in a corporation that manages a community forest in the Princeton area. The community forest project includes silviculture, planting, and harvesting of specified forest areas operated under license. The Regional District's dividend for the 2014 fiscal year is \$402,377 (2013 - \$235,000). The financial statements of the Corporation are audited by another firm of Chartered Accountants, the results of which were not available at the report date of the Regional District.

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Notes to Consolidated Financial Statements

Year Ended December 31, 2014

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### 18. Budget reconciliation

	\$
<b>Excess (deficiency) for the year</b>	(7,056,696)
Budget items not included for PSAB disclosure:	
Prior year surpluses	1,403,475
Transfers to reserves	(1,764,033)
Transfers from reserves	4,786,585
Principal portion of long term debt	(3,494,590)
Debenture proceeds	5,781,765
Naramata Water System budget items	<u>343,494</u>
<b>Balanced budget under PSAB disclosure</b>	<u>-</u>

### 19. Segmented Information

The Regional District provides a wide range of services to eight services areas (Areas A - H) located in the South Okanagan and Similkameen Valleys. The various services provided are organized and reported by departments. The segment information in *Schedule 2* groups the various services provided by the Regional District and are broken down as follows:

*Regional Services* are comprised of a number of different services including general government services providing administrative and finance functions, municipal fiscal services which provide MFA financing, the 911 emergency system, solid waste management, regional growth strategy, air quality, regional trails, noxious weed control, the Sterile Insect Release program, and the Okanagan Basin Water Board.

*Rural Services* are comprised of electoral area services including administration, planning, projects and grants, and economic development. Rural services include the development services of Geographic Information Services, building inspection, sub-division services, bylaw enforcement, and animal and pest control.

*Emergency Services* are comprised of emergency planning and fire protection services. Fire protection is provided by seven volunteer departments located in Keremeos, Okanagan Falls, Coalmont and Tulameen, Willowbrook, Kaleden, Naramata, and Anarchist Mountain. The Regional District also provides fire protection for West Bench and rural Princeton areas.

*Solid Waste and Recycling Services* are comprised of the garbage collection, recycling, and landfill operations for the various areas. Landfills within the Regional District are located in Oliver, Keremeos, Okanagan Falls, and Penticton (Campbell Mountain).

*Engineering Services* are comprised of sewer systems, water systems, and electrical systems operations. Sewer systems are located in Okanagan Falls, Osoyoos, and Gallagher Lake. Water systems are located at Apex, Faulder, Naramata, Olalla, West Bench, and Gallagher Lake. Electrical systems are located at Missezula Lake, Anarchist Mountain, West Bench and Husula, Heritage Hills, and Naramata (street lights). Engineering services also include wastewater management planning, transit, and cemetery operations.

*Recreation Services* are comprised of arena facilities, swimming pools, halls and centres, parks, and museum operations. Recreation services also include the recreation and heritage commissions. Arenas are located in Princeton, Keremeos, Osoyoos, and Oliver. Pools are maintained in Keremeos and Oliver. Halls, centres, and parks are spread throughout the Regional District area.

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Restricted surplus - Reserves for Future Expenditures

Year Ended December 31, 2014, With Comparative Figures for 2013

Schedule 1

The restricted surplus is an appropriation of surplus for specific future expenditures.

	Opening balance	Contributions	Return on investment	Transfers	Closing balance
	\$	\$	\$	\$	\$
Apex Circle Water System	23,220	-	300	(23,520)	-
Arena - Osoyoos & Area A	32,470	25,000	811	(20,320)	37,961
Arena - Princeton & Area H	59,961	30,000	433	(90,394)	-
Building Inspection	157,043	30,000	4,672	-	191,715
Building Inspection Equip.	992	-	25	-	1,017
Emergency System 911	143,274	10,000	3,704	-	156,978
Fire Protection:					
Anarchist Mtn. Building	2,873	-	72	-	2,945
Anarchist Mtn. Equipment	17,507	4,000	487	-	21,994
Area B, G & Keremeos	164,931	15,000	2,463	(147,646)	34,748
Kaleden	282,438	61,000	7,817	-	351,255
Keremeos Building	36,666	-	916	-	37,582
Naramata	92,071	-	1,869	(34,472)	59,468
OK Falls Building	158,229	25,000	3,951	(25,111)	162,069
OK Falls Equipment	366,085	60,000	9,894	-	435,979
Tulameen	59,410	24,000	1,783	-	85,193
Willowbrook	3,851	-	96	-	3,947
General Gov't Capital	173,749	53,000	4,916	(23,371)	208,294
General Gov't Carbon Neutral	9,550	9,610	358	-	19,518
General Gov't Economic Dev't	20,293	-	423	(6,727)	13,989
GIS Fund	73,769	-	1,842	-	75,611
Info Systems Renewal	78,924	-	1,972	-	80,896
Keremeos:					
Pool	87,461	20,000	2,435	-	109,896
Recreation Facility	228,476	48,593	6,315	-	283,384
Mosquito Control	4,467	-	111	-	4,578
Naramata:					
Library	134,663	19,031	3,467	(10,765)	146,396
Recreation - Capital	165,460	5,000	4,208	-	174,668
Recreation - Tractor	19,691	-	492	-	20,183
Naramata Cemetery	7,780	-	194	-	7,974
Naramata Street Lights	22,485	-	562	-	23,047
Naramata Water:					
Emergency Works	739,554	125,200	12,757	(582,740)	294,771
Dualling Reserve	1,233,929	131,557	32,465	-	1,397,951
Vehicle Replacement	170,361	11,940	4,059	(27,682)	158,678
<b>Sub-total (to next page)</b>	<b>4,771,633</b>	<b>707,931</b>	<b>115,869</b>	<b>(992,748)</b>	<b>4,602,685</b>

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Restricted surplus - Reserves for Future Expenditures

Year Ended December 31, 2014, With Comparative Figures for 2013

Schedule 1

The restricted surplus is an appropriation of surplus for specific future expenditures.

	Opening balance	Contributions	Return on investment	Transfers	Closing balance
	\$	\$	\$	\$	\$
<b>Sub-total (from last page)</b>	4,771,633	707,931	115,869	(992,748)	<b>4,602,685</b>
OK Falls Parks Acquisition	-	76,679	-	-	<b>76,679</b>
OK Falls Sewage Disposal	16,148	-	404	-	<b>16,552</b>
OK Falls Sewer Capital	555,939	100,000	8,749	(511,409)	<b>153,279</b>
Olalla Water System	138,648	25,000	3,776	-	<b>167,424</b>
Oliver & Area C:					
Arena	79,242	(36,277)	849	(40,000)	<b>3,814</b>
Recreation Hall	66,785	48,630	2,315	-	<b>117,730</b>
Park	267,700	21,533	6,368	(20,000)	<b>275,601</b>
Pool	226,588	25,486	5,451	(4,000)	<b>253,525</b>
Programs	63,537	28,060	1,408	(45,000)	<b>48,005</b>
Osoyoos Museum	56,820	82,881	1,975	(46,929)	<b>94,747</b>
Parks - Area D	-	69,917	-	-	<b>69,917</b>
Parks - Area F	18,699	2,000	242	(20,000)	<b>941</b>
Recreation Commission:					
OK Falls	43,199	39,172	1,693	-	<b>84,064</b>
Cawston	12,064	-	301	-	<b>12,365</b>
Kaleden	36,462	25,000	742	(48,000)	<b>14,204</b>
Refuse Disposal:					
Area H	20,030	-	501	-	<b>20,531</b>
Keremeos	47,810	-	595	(48,000)	<b>405</b>
Campbell Mtn - Closure	5,090,838	390,000	133,698	-	<b>5,614,536</b>
Campbell Mtn - Capital	416,902	148,000	12,787	-	<b>577,689</b>
Campbell Mtn - E. I.	878,762	110,000	23,324	-	<b>1,012,086</b>
Liquid Waste Handling	33,237	-	830	-	<b>34,067</b>
Okanagan Falls	18,332	-	457	-	<b>18,789</b>
Oliver	636,070	150,000	17,762	-	<b>803,832</b>
Regional Parks Capital	135,354	38,500	3,524	(27,000)	<b>150,378</b>
Rural Area Feasibility	86,761	25,000	1,952	(42,203)	<b>71,510</b>
Shinish Creek Diversion	49,011	-	1,224	-	<b>50,235</b>
VFCFC Area H Capital	-	637,377	6,337	(130,000)	<b>513,714</b>
West Bench Irrigation District	544,272	500,000	20,840	-	<b>1,065,112</b>
<b>Totals</b>	<b>14,310,843</b>	<b>3,214,889</b>	<b>373,973</b>	<b>(1,975,289)</b>	<b>15,924,416</b>

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Consolidated Revenues and Expenditures by Object

Year Ended December 31, 2014, With Comparative Figures for 2013

Schedule 2

	Regional Services	Rural Services	Emergency Services	Solid Waste & Recycling	Engineering Services	Recreation Services	Actual 2014	Budget 2014	Actual 2013
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>REVENUE</b>									
Tax requisition	3,604,673	3,628,407	2,049,654	495,644	982,344	3,346,201	14,106,923	13,816,219	13,353,914
Sale of goods and services	68,030	788,111	44,520	5,391,401	3,178,370	910,274	10,380,706	9,774,485	8,754,313
Grants	123,293	740,448	138,164	-	2,765,608	238,412	4,005,925	6,200,595	3,314,462
Investment income	62,313	571,474	24,688	207,348	113,868	41,018	1,020,709	30,750	339,742
Administrative & recoveries	11,351	43,443	37,062	-	400,301	47,859	540,016	807,167	844,482
Development cost charges	-	-	-	-	320,000	-	320,000	-	-
Grant in lieu of taxes	30,851	27,183	5,173	3,149	31	27,484	93,871	46,683	79,590
	3,900,511	5,799,066	2,299,261	6,097,542	7,760,522	4,611,248	30,468,150	30,675,899	26,686,503
<b>EXPENSES</b>									
Wages and benefits	1,074,691	2,784,518	519,266	695,979	885,287	1,031,387	6,991,128	7,257,972	6,700,701
Contracted services	429,200	537,707	456,322	3,224,410	100,686	76,574	4,824,899	5,634,091	5,139,190
Maintenance and equipment	231,802	52,705	343,295	571,720	904,508	1,850,384	3,954,414	15,250,917	3,664,252
Requisitions to other boards	1,613,123	792,333	-	-	-	-	2,405,456	2,406,162	2,418,987
Amortization expense	147,364	4,924	350,326	77,033	1,047,692	369,969	1,997,308	-	1,669,788
Materials and supplies	303,761	307,704	157,473	78,088	203,398	181,212	1,231,636	1,482,260	1,041,994
Grants	209,909	297,833	5,391	1,500	59,400	173,937	747,970	2,295,280	4,097,083
Interest expense	41,217	-	27,337	-	429,823	199,632	698,009	962,884	723,764
Utilities and telephone	54,937	23,374	74,980	37,340	285,611	219,607	695,849	696,350	638,989
Purchased services	130,868	149,582	129,621	115,091	31,987	132,282	689,431	712,755	527,996
Insurance	15,502	47,012	88,110	44,657	58,938	113,124	367,343	331,489	338,521
Administration charges	-	100	-	4,003	-	19,145	23,248	702,435	22,646
	4,252,374	4,997,792	2,152,121	4,849,821	4,007,330	4,367,253	24,626,691	37,732,595	26,983,911
<b>EXCESS (DEFICIENCY)</b>	(351,863)	801,274	147,140	1,247,721	3,753,192	243,995	5,841,459	(7,056,696)	(297,408)
Gain (loss) on disposal of assets	(600)	9,200	-	-	-	-	8,600	-	(495,598)
<b>EXCESS (DEFICIENCY) FOR THE YEAR</b>	(352,463)	810,474	147,140	1,247,721	3,753,192	243,995	5,850,059	(7,056,696)	(793,006)

# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Debenture Debt Schedule

Year Ended December 31, 2014, With Comparative Figures for 2013

Schedule 3

	MFA Issue #	Maturity Date	2014	2013
			\$	\$
<b>Municipal financing</b>				
<b>General capital</b>				
Oliver	85	2024	<b>318,739</b>	342,873
	95	2025	<b>104,930</b>	112,412
	104	2028	<b>1,645,652</b>	1,732,158
	111	2025	<b>1,949,061</b>	2,093,676
	121	2022	<b>431,645</b>	476,689
Penticton	61	2015	<b>229,264</b>	447,612
	63	2016	<b>179,045</b>	262,225
	72	2020	<b>1,007,709</b>	1,151,275
	73	2020	<b>604,625</b>	690,765
	81	2024	<b>209,119</b>	224,953
	85	2024	<b>1,626,481</b>	1,749,637
	93	2025	<b>807,151</b>	870,040
	95	2025	<b>628,496</b>	673,306
	99	2026	<b>6,536,247</b>	6,954,517
	102	2017	<b>5,132,154</b>	6,712,998
	102	2027	<b>1,028,666</b>	1,088,154
	103	2028	<b>2,331,759</b>	2,454,331
	104	2018	<b>5,146,632</b>	6,311,998
	104	2028	<b>12,459,367</b>	13,114,310
	105	2019	<b>167,076</b>	196,736
	106	2029	<b>9,256,919</b>	9,701,439
	110	2030	<b>6,847,167</b>	7,148,837
	116	2031	<b>520,990</b>	542,129
Summerland	64	2016	<b>149,204</b>	218,520
	69	2023	<b>4,538,856</b>	4,930,885
	71	2014	-	90,970
	71	2019	<b>687,895</b>	808,131
	75	2021	<b>464,313</b>	518,625
	95	2025	<b>4,383,356</b>	4,695,877
	97	2026	<b>5,524,561</b>	5,878,092
	102	2027	<b>4,408,569</b>	4,663,518
	106	2029	<b>163,622</b>	171,479
	110	2030	<b>1,714,793</b>	1,790,342
	116	2031	<b>2,797,410</b>	2,910,916
Keremeos	61	2015	<b>19,105</b>	37,301
	63	2016	<b>15,099</b>	22,114
	106	2034	<b>187,311</b>	193,359
Sub-total General capital			<b>84,222,988</b>	91,983,199



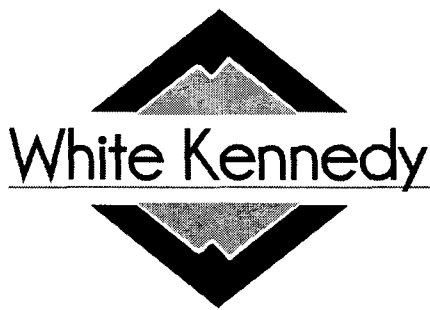
# REGIONAL DISTRICT OF OKANAGAN SIMILKAMEEN

## Debenture Debt Schedule

Year Ended December 31, 2014, With Comparative Figures for 2013

Schedule 3

	MFA Issue #	Maturity Date	2014	2013
			\$	\$
<b>Municipal financing</b>				
<b>General capital (continued)</b>			<b>84,222,988</b>	91,983,199
Osoyoos	59	2019	54,986	64,464
	74	2021	67,126	74,978
	80	2023	485,938	527,909
	112	2030	168,622	176,050
	112	2033	277,604	287,250
Total Municipal financing			<b>85,277,264</b>	<b>93,113,850</b>
<b>Regional District financing</b>				
<b>General capital</b>				
Naramata Fire Department	Min. Finance	2015	30,847	59,096
Misesezula Lake Electrification	64	2021	49,080	54,821
Okanagan Falls Recreation	97	2016	58,135	85,536
Keremeos Fire Department	99	2021	132,799	148,965
Osoyoos Museum	121	2032	1,138,876	1,181,577
Okanagan Falls Parkland	124	2033	1,275,672	1,320,000
Total			<b>2,685,409</b>	2,849,995
<b>General operating</b>				
Anarchist Mountain Fire Department	95	2025	190,160	203,718
Venables Auditorium	127	2034	3,700,000	-
Northwest Sewer	130	2034	697,000	-
Total			<b>4,587,160</b>	203,718
<b>Sewer capital</b>				
OK Falls WWTP	127	2034	4,800,000	-
<b>Water capital</b>				
Olalla	72	2015	17,601	34,443
Naramata	99	2031	1,767,759	1,839,486
West Bench Irrigation District	121	2023	265,845	290,000
Apex Circle	127	2034	69,500	-
Total			<b>2,120,705</b>	2,163,929
<b>Water operating</b>				
Naramata	85	2015	193,253	377,303
<b>Short term borrowing</b>				
OK Falls WWTP	Bylaw 2527	2014	-	5,400,000
Frank Venables Auditorium	Bylaw 2545	2014	-	2,940,000
Apex Water Circle	Bylaw 2608	2014	-	246,000
Osoyoos Area A NW Sewer	Bylaw 2609	2014	-	977,000
West Bench Water Supply	Bylaw 2609	2015	2,800,000	1,500,000
Total			<b>2,800,000</b>	11,063,000
<b>Total Consolidated Debenture Debt</b>			<b>102,463,791</b>	109,771,795



Ian S. Kennedy, BA, CPA, CA  
Michael P. Doherty, BSc, CPA, CA  
H. Jon Milligan, BCom, CPA, CA

Chris D. Browne, BCom, CPA, CA  
Jeff Duguid, BSc, BCom, CPA, CA  
Marielle J. Brûlé, CPA, CA

Peter MacIntosh, BA, CPA, CA  
Darrell Swetlishoff, BBA, CPA, CA  
Aaron Dodsworth, BBA, CPA, CA  
Jodi Hansen, CPA, CA

April 26, 2015

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

Attention: Sandy Croteau

Dear Sandy:

During the course of our audit of Regional District of Okanagan Similkameen for the year ended December 31, 2014, we identified matters that may be of interest to management. The objective of an audit is to obtain reasonable assurance whether the financial statements are free of material misstatement and it is not designed to identify matters that may be of interest to management. Accordingly, an audit would not usually identify all such matters.

The matters identified were as follows:

**Asset management - personnel**

**Weakness**

During the course of our audit, it was noted that there is not a dedicated staff member responsible for asset management. As the capital assets of the RDOS total over \$69 million, this is a significant area for the organization to track and maintain the value of these assets.

**Implications**

There is a risk that the value of the assets will be prematurely reduced due to lack of timely maintenance and tracking. There is also a risk that assets could be misplaced or not appropriately used for the organization's purposes.

**Recommendations**

Employ a dedicated staff member to manage and maintain capital assets of the organization.

This communication is prepared solely for the information of management and is not intended for any other purpose. We accept no responsibility to a third party who uses this communication.

We trust you will implement our recommendations; however, should you require further clarification or information, please contact the undersigned.

Yours truly,



Michael P. Doherty, B.Sc., CPA, CA  
Partner

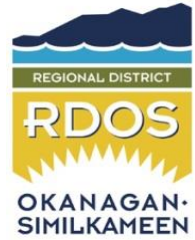
WHITE KENNEDY LLP CHARTERED ACCOUNTANTS



## ADMINISTRATIVE REPORT

**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Bylaw No. 2685, 2015 Okanagan Falls & District Parkland Acquisition  
Loan Authorization Bylaw

---



### **Administrative Recommendation:**

**THAT Bylaw No. 2685, 2015 Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw be adopted.**

### **History:**

Bylaw No. 2685, Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw provides for long-term borrowing of up to \$ 950,000 for the purchase of parkland to serve the Okanagan Falls Recreation Service Area. At the January 22, 2015 Board meeting, the bylaw was given three readings and Administration was directed to proceed with an assent vote (referendum) to seek approval from the electorate.

Pursuant to Section 148 of the *Local Government Act* and within 30 days after the declaration of official election results under Section 136 for an election by voting, the Chief Election Officer must submit a report of the election results to the local government. The Act further states that in the case of an election by voting, the report must include a compilation of the information on the ballot accounts for the election.

### **Analysis:**

The assent vote (referendum) was held on April 25, 2015, and approval of the electorate was received for the adoption of Bylaw No. 2685. The Board may now proceed with the adoption of this bylaw. A thirty day quashing period is required prior to the issuance of a Certificate of Approval (CA) from the Ministry of Community, Sport and Cultural Development, at which time the Regional District may proceed with borrowing for the acquisition.

### **Electoral Area "D" – Okanagan Falls & Recreation Parkland Acquisition Loan Authorization Elector Assent**

Yes 294  
No 232

Number of ballots	4500
Ballots without objection	526
Ballots accepted subject to objection under S. 130	0

Ballots rejected without objection	2
Ballots rejected subject to objection under S. 130	0
Spoiled ballots that were replaced under S. 118	5
Number of ballots given to the electors	533
Unused ballots	3967
Number of ballots not accounted for	0

**Respectfully submitted:**



---

C. Malden, Manager of Legislative Services

## REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

### BYLAW NO. 2685, 2015

---

A bylaw to authorize the long-term borrowing for the acquisition of parkland within the Okanagan Falls & District Recreation Service Area

---

**WHEREAS** pursuant to Section 819 of the Local Government Act and Section 179 of the Community Charter, the Regional District of Okanagan-Similkameen may, by loan authorization bylaw, borrow money for capital purposes;

**AND WHEREAS** the Board of the Regional District of Okanagan-Similkameen has established by Bylaw No.1174, a service for the purpose of providing recreation to the Okanagan Falls Recreation Service Area;

**AND WHEREAS** it is deemed desirable and expedient to acquire parkland serving the Okanagan Falls Recreation Service Area;

**AND WHEREAS** the maximum term for which a debenture may be issued to secure the debt created by this bylaw is for a term not to exceed twenty (20) years;

**AND WHEREAS** the authority to borrow under this bylaw expires five (5) years from the date on which this bylaw is adopted;

**AND WHEREAS** the Regional Board of the Regional District of Okanagan-Similkameen has obtained the approval of electors in accordance with the *Local Government Act*;

**NOW THEREFORE**, the Board of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

**1. AUTHORIZATION OF PURCHASE**

The Regional Board is hereby empowered and authorized, under Bylaw No. 1174, to purchase lands which will be used as parkland serving the Okanagan Falls Recreation Service Area and to do all things necessary in connection therewith and without limiting the generality of the foregoing:

**2. LOAN AUTHORIZATION**

- a) To borrow upon the credit of the Regional District a sum not more than nine hundred and fifty thousand dollars (\$950,000).
- b) To acquire all such real property, easements, rights-of-way, licenses, rights or authorities as may be requisite or desirable for or in connection with the construction of said parks & playgrounds to the Okanagan Falls Recreation Service Area.

**3. TERM OF DEBENTURE**

The maximum term for which debentures may be issued to secure debt created by this bylaw is twenty (20) years.

**4. CITATION**

This bylaw may be cited as Okanagan Falls & District Parkland Acquisition Loan Authorization Bylaw No. 2685, 2015

**READ A FIRST, SECOND, AND THIRD TIME** this 22<sup>nd</sup> day of January, 2015

**APPROVED** by the Inspector of Municipalities this 23<sup>rd</sup> day of February, 2015

**RECEIVED ASSENT OF THE ELECTOR THIS** 25 day of April, 2015

**ADOPTED** this xx day of xx, 2015

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

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

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Electoral Area "F" Advisory Planning Commission Resignation

---

### **Administrative Recommendation:**

**THAT the Board of Directors accept the resignation of Phil Lawton and rescind Mr. Lawton's appointment as a member of the Electoral Area "F" Advisory Planning Commission; and THAT a letter be forwarded to Mr. Lawton thanking him for his contribution to the Electoral Area "F" Advisory Planning Commission.**

### **Analysis:**

On April 13, 2015, the Director for Electoral Area "F" informed staff that Mr. Lawton had advised of his intent to retire as a member of the Electoral Area "F" APC

As the Regional District Board appoints members to the Advisory Planning Commissions a resolution is required to rescind the appointment of members.

### **Respectfully submitted:**

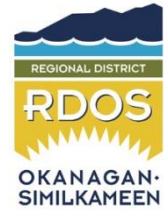
*"Christy Malden"*

---

C. Malden, Manager of Legislative Services



## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Electoral Area "E" Advisory Planning Commission Appointment

---

### **Administrative Recommendation:**

**THAT the Board of Directors appoint Donald Mancell as a member of the Electoral Area "E" Advisory Planning Commission.**

### **Analysis:**

On April 19, 2015, Director Kozakevich recommended Mr. Mancell for appointment to the Electoral Area "E" Advisory Planning Commission.

### **Respectfully submitted:**

---

C. Malden, Manager of Legislative Services

## ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** May 7, 2015  
**RE:** Osoyoos Museum Project

---

### **Administrative Recommendation:**

**THAT the Regional District extend the term of the main lease of the Home Hardware Building in Osoyoos to Home Hardware Stores Ltd. until December 31, 2019.**

### **Reference:**

1. Main Lease Amending Agreement
2. Letter of Request – Home Hardware
3. Town of Osoyoos Resolution of Support
4. Legal Compliance Opinion
5. LoU – RDOS/Museum Society
6. Letter of Objection – Museum Society

### **History:**

Bylaw 2553 established the Osoyoos Museum Property Debt Service in order to fund the purchase of the “Home Hardware” property in the Town of Osoyoos from Gaertner Holdings Ltd. Since purchasing the property, a long term lease between Gaertner Holdings and Home Hardware was assumed and the lease had approximately 5 years remaining on it, expiring on Sept. 30, 2016. Home Hardware Stores Ltd. was to locate a suitable replacement site to build on during that period and then to vacate so the Museum Society could relocate into the building. The Tenant was to pay \$8,666.67/month with a COLA clause. The lease proceeds have been used to offset the interest on the temporary borrowings until a parcel tax was established and the remainder was transferred to reserve to assist the Museum Society with design and renovations.

The Regional District received notice from Home Hardware Stores Ltd. on April 15<sup>th</sup> that it wished to extend the main lease for an additional 3 years & 3 months, terminating on December 31, 2019. The Town supports this request while the Museum Society has filed a letter of objection. The funds raised to purchase the Home Hardware Building clearly state the borrowing is for the purposes of providing a home for the museum. There is nothing in the Bylaw that restricts an extension of the existing lease until all parties are ready for the transition.

### **Alternatives:**

1. Deny the request for extension
2. Propose alternative periods of extension
3. Approve the request for extension

**Analysis:**

While the Osoyoos Museum Society is in need of a new facility, a significant amount of planning and fundraising is required prior to moving into their new home. With the initial target over 1 year away, the Society is not ready for the move in 2015 and, as they get more detailed drawings, the estimates for retrofit are rising and additional time to plan and raise funds may be required. The Museum Society has submitted that this extension will damage their fundraising efforts and may be harmful to their long-term goal.

The RDOS entered into a Letter of Understanding with the Museum Society committing to lease the facility to the Museum Society upon the termination of the Home Hardware lease. The letter of understanding needs no amendment because it remains in force until the termination of the Home Hardware lease. The Museum society has requested a lease commencing on January 1, 2020, but a previous legal opinion has indicated that the best the Regional District can do at this point is to provide the Letter of Understanding; that we have no ability to issue a lease on a property that already has a valid lease against it.

**MAIN LEASE AMENDING AGREEMENT**

THIS INDENTURE made as of the <sup>September</sup> 12 day of August, 2011 *sh*  
*ML*

**BETWEEN:**

**GAERTNER HOLDINGS LTD.**

(the "Landlord")

**AND:**

**HOME HARDWARE STORES LIMITED**

(the "Tenant")

WHEREAS by a lease dated April 17, 1996 and registered in the Kamloops Land Title Office under KK41221 (the "Old Lease") the Landlord leased to Best Way Building Materials Ltd. the Leased Premises (as defined in the Old Lease) for a term of five (5) years commencing October 1, 1996 and expiring September 30, 2001;

AND WHEREAS with the consent of the Landlord, Best Way Building Materials Ltd. assigned the Old Lease to Beaver Lumber Company Limited effective May 26, 1996;

AND WHEREAS by a Lease dated "June 1, 1988" and registered under KN9989 with a Commencement Date of October 1, 1996 (the "Lease") the Landlord leased to Beaver Lumber Company Limited the Leased Premises for a term of five (5) years commencing October 1, 1996 and expiring September 30, 2001;

AND WHEREAS Beaver Lumber Company Limited by an Assignment registered under LA101629 assigned the Lease to the Tenant effective August 18, 1999;

AND WHEREAS the Lease was amended by an Amending Agreement dated May 16, 2001 to extend the term of the Lease to September 30, 2006;

AND WHEREAS the Lease was further amended by an Amending Agreement dated June 2, 2006 to extend the term of the Lease to September 30, 2011 and to grant to the Tenant a right of renewal for one further term of five (5) years at a rental to be agreed upon;

AND WHEREAS the leased premises were transferred to the Landlord on December 17, 2007;

*1.109-5*  
*Tenant*

*sh*  
*ML*

AND WHEREAS the Tenant has requested that the Landlord grant to the Tenant a renewal lease for one further term of five (5) years;

AND WHEREAS the Landlord and Tenant wish to amend the Lease in the manner set forth in this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the rent, covenants and obligations on the part of the Landlord and Tenant under this Agreement, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

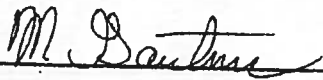
1. The term of the Lease shall be further extended from September 30, 2011 to September 30, 2016.
2. The rent payable for the period commencing October 1, 2011 to September 30, 2016 shall be \$104,000.00 per annum payable in equal monthly payments in advance on the 1<sup>st</sup> day of each and every month of \$8,666.67 provided that the annual rent will increase on October 1<sup>st</sup> of each year by an amount equal to the percentage increase in the "all items" cost of living Index for Vancouver, B.C. published by Statistics Canada for the previous year. Each increase in annual rent will be effective on and retroactive to October 1<sup>st</sup> of each year, even though the parties may not be aware of the amount of the increase until a later date.
3. The provisions of paragraphs 3, 4, 5, 6 and 7 of the Amending Agreement dated June 2, 2006 are hereby expressly deleted and shall not apply during this renewal term.
4. The Tenant shall have no further right of renewal.
5. In the event the Leased Premises are purchased by Town of Osoyoos and/or Regional District of Okanagan-Similkameen on November 1, 2011 the following provision shall be added to the Lease during this renewal term:  

"PROVIDED that the Tenant may terminate this Lease after October 1, 2013 upon six (6) months prior written notice to the Landlord"
6. All other terms and conditions of the Lease shall remain in full force and effect, unamended.
7. The Landlord and Tenant acknowledge and agree to perform and observe, respectively, the obligations of the Landlord and the Tenant under the Lease as renewed and modified hereby. The Landlord and the Tenant hereby confirm and ratify the Lease and renewal thereof as hereby further renewed and amended.
8. This Amending Agreement shall enure to the benefit of and be binding upon the parties and their respective successors and assigns.

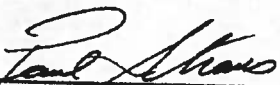


IN WITNESS WHEREOF the Landlord and Tenant have executed this Agreement as of the date first above written.

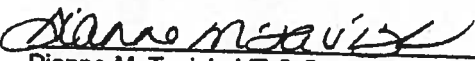
GAERTNER HOLDINGS LTD. by its  
authorized signatory

  
\_\_\_\_\_

HOME HARDWARE STORES LIMITED  
by its authorized signatories

  
\_\_\_\_\_

Paul Straus, President & CEO

  
\_\_\_\_\_

Dianne McTavish, VP & Corporate Secretary





Home Hardware Stores Limited  
34 Henry Street West, St. Jacobs, Ontario, Canada N0B 2N0

T 519 664 2252 F 519 664 2865

April 15, 2015

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

Attention: Mark Pendergraft, RDOS Chair

Dear Sir:

**Re: Gaertner Holdings Ltd. ("Gaertner Holdings") and Ernest Siegfried Gaertner ("Gaertner") Lease to Best Way Building Materials Ltd. ("Best Way") dated April 17, 1996  
as assigned by Best Way to Beaver Lumber Company Limited ("Beaver") effective May 26, 1996  
and as further assigned by Beaver to Home Hardware Stores Limited effective October 25, 1999 and  
as amended by Main Lease Amending Agreement dated May 16, 2001 and further amended by Main Lease Amending Agreement dated June 2<sup>nd</sup>, 2006 and assigned by transfer of the property from Gaertner Holdings and Gaertner to Gaertner Holdings effective December 17, 2007 and further amended by Main Lease Amending Agreement dated September 12, 2011 and assigned by sale of the property by Gaertner Holdings to The Regional District of Okanagan-Similkameen effective January 1, 2012  
Lots 1 - 4, Lots 18 and 19, DL 2450S, SDYD, Except Plan KAP48143 ("Lease")**

We hereby give you notice of our request to renew the Lease for a further term of 3 years and 3 months commencing on October 1, 2016 and expiring on December 31, 2019, upon the same terms and conditions contained in the Lease, except the right of early termination.

Yours truly,

HOME HARDWARE STORES LIMITED

Barbara J. Sutherland  
Director, Real Estate Business

BJS/em  
Encl.

100% Dealer Owned

**From:** Barry Romanko [mailto:bromanko@osoyoos.ca]  
**Sent:** April 21, 2015 3:47 PM  
**To:** Bill Newell  
**Cc:** Barry Romanko; Mark Pendergraft; Donna Core  
**Subject:** Home Builders- AGR-050

Listed below are Osoyoos council motions relating to the extension of the Home Builders lease. The Osoyoos Council would like this request to be taken to the May 07<sup>th</sup> RDOS Council meeting. Do you require a formal letter or will this do? Do you feel there is value added to me sending this information to Home Builders as an advance warning, the RDOS should follow up or no information needs to be forwarded. In our discussions the Home Builders were desirous of a asap response to their request for a lease extension to assist with staff management.

MOTION IC 48/15 Moved by Councillor Rhodes and seconded by Councillor King and resolved that Council requests that the RDOS Board supports the request from Home Hardware Stores Limited to renew their lease for a further term of 3 years and 3 months, commencing on October 1, 2016 and expiring on December 31, 2019, upon the same terms and conditions contained in the Lease, except the right of early termination. CARRIED

2015 04 20 In Camera Meeting MOTION IC 49/15 Moved by Councillor Rhodes and seconded by Councillor Campol and resolved that MOTION IC 48 /15 be released to the April 20, 2015 regular meeting. CARRIED

**Barry Romanko, CLGM** | Chief Administrative Officer | **Town of Osoyoos** | 8707 Main Street, Box 3010, Osoyoos BC V0H 1V0  
**T** 250.495.4603 | **F** 250.495.2400 | **TF** 1.888.495.6515 | **E** [bromanko@osoyoos.ca](mailto:bromanko@osoyoos.ca) | **W** [www.osoyoos.ca](http://www.osoyoos.ca)

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# GILCHRIST & COMPANY

BARRISTERS-AT-LAW, SOLICITORS,  
NOTARIES PUBLIC

Reply Attn: Richard P. Thompson  
Our File: 52006(37)/rpt  
Your File:

101-123 Martin Street  
Penticton, B.C., V2A 7X6  
Telephone: 250-492-3033  
Fax: 250-492-6162  
Email: [rpt@gilchristlaw.com](mailto:rpt@gilchristlaw.com)

LEGAL SERVICES PROVIDED BY A  
LAW CORPORATION

April 22, 2015

**Via Email**

Regional District of Okanagan Similkameen  
101 Martin Street  
Penticton, B.C. V2A 5J9

**ATTENTION: Bill Newell, CAO**

Dear Sirs:

**RE: Lease Extension – Home Hardware Property – Osoyoos Museum**

We acknowledge receipt of your email dated April 20, 2015 regarding the above noted matter.

We confirm your request for our advice as to whether or not the Regional District may consent, subject to the passing of an appropriate Board Resolution, to the request of Home Hardware Stores Limited to extend the term of a current Lease Agreement between the Regional District and the Town of Osoyoos as Landlord and Home Hardware Stores Limited as Tenant of the Lands legally described as:

PID 011-088-869, Lot 1, Block 733, DL 2450S, SDYD, Plan 2450 (Regional District Property);

PID 011-088-877, Lot 2, Block 733, DL 2450S, SDYD, Plan 2450 (Regional District Property);

PID 011-088-885, Lot 3, Block 733, DL 2450S, SDYD, Plan 2450 (Regional District Property);

PID 011-088-893, Lot 4, Block 733, DL 2450S, SDYD, Plan 2450 (Regional District Property);

PID 011-088-966, Lot 19, Block 733, DL 2450S, SDYD, Plan 2450(Regional District Property) ; and

PID 003-645-860, Lot 18, Block 733, DL 2450S, SDYD, Plan 2450 (Town of Osoyoos Property);

from September 30, 2016 to September 30, 2019.

In providing you with our advice we have examined:

1. the Borrowing Referendum;
2. Bylaw No. 2554, 2011;
3. Administration Recommendation of Bill Newell dated March 17, 2011; and
4. Letter of Understanding between the Regional District and Osoyoos Museum Society.

Also, we have taken into consideration your advice that the Osoyoos Museum Society (the "Society") has been unable to date to raise sufficient funds to undertake the necessary construction of the museum on the said lands and therefore may not be in a position in 2016 to effectively assume possession thereof.

In our review of the said material, it was clearly an intention of the Borrowing Referendum that the acquisition of the said lands was for the purposes of operating a museum on the land "...to establish a service for the acquisition of lands and improvements for the purposes of operating a museum in the Town of Osoyoos.". We note while there is no specific date for the Regional District and the Town of Osoyoos to turn over the said lands for the use and occupancy of the Society. We also note that there is no legal obligation in the Letter of Understanding to grant to the Society a lease or other form of occupancy of the said lands. However, it would, in our opinion, be contrary to the clear intentions of the Borrowing Referendum to ultimately refuse the use of the lands for the purpose of operating a museum thereon.

In regards to the said request for a lease extension by Home Hardware Stores Limited, we are of the opinion that it would not be a breach of trust nor unreasonable on the part of the Town of Osoyoos or the Regional District to grant the request of Home Hardware Stores Limited to extend their current lease for a further term of three years, particularly giving consideration to the current financial resources of the Society and that three years is a relatively short period. However, we would recommend that it be made very clear to the tenant there will be no further extensions.

We therefore enclose herewith a draft Lease Modification Agreement for your review and if in satisfactory form, a draft should be sent to the Town of Osoyoos for their comments prior to forwarding the same to Home Hardware Stores Limited for their review.

Please note the Town of Osoyoos should consider amending its current lease (the warehouse) with Home Hardware Stores Limited for Lot 1, Plan KAP48143.

We look forward to hearing from you.

Yours very truly,

**Richard P. Thompson Personal Law Corporation**

**Per:**

**Richard P. Thompson**

Encls.

L:\W5\RDOS\LT RDOS\Bill Newell\2015\Apr 22 re Home Hardware Osoyoos Lease Ext.docx/nn

**LEASE AMENDMENT AGREEMENT**

**DRAFT**

**THIS AGREEMENT** is made as of the \_\_\_\_ day of May, 2015

**BETWEEN:**

**REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN**,  
A Regional District pursuant to the provisions of the *Local Government Act* of British Columbia, having its office at  
101 Martin Street, Penticton, B.C., V2A 5J9

(hereinafter called "**the Regional District**")

**OF THE FIRST PART**

**AND:**

**TOWN OF OSOYOOS**, A municipality pursuant to the  
*Community Charter*, having an address at 8707 Main  
Street, Box 3010, Osoyoos, B.C., V0H 1V0

(hereinafter called "**Osoyoos**")

(hereinafter collectively called "**the Landlord** ")

**OF THE SECOND PART**

**AND:**

**HOME HARDWARE STORES LIMITED**, (Inc. No. A0031485),  
an extra-provincially registered company, having  
an address for delivery at Suite 2300, Bentall 5,  
550 Burrard Street, Vancouver, British Columbia, V6C 2B5

(hereinafter called "**the Tenant**")

**OF THE THIRD PART**

**WHEREAS:**

A. The Regional District is the owner of the following lands located in the Town of Osoyoos, British Columbia, legally described as:

PID 011-088-869, Lot 1, Block 733, DL 2450S, SDYD, Plan 2450;

PID 011-088-877, Lot 2, Block 733, DL 2450S, SDYD, Plan 2450;

PID 011-088-885, Lot 3, Block 733, DL 2450S, SDYD, Plan 2450;

PID 011-088-893, Lot 4, Block 733, DL 2450S, SDYD, Plan 2450; and

PID 011-088-966, Lot 19, Block 733, DL 2450S, SDYD, Plan 2450

(herein collectively called "**Regional District Lands**");

B. Osoyoos is the owner of certain lands located in the Town of Osoyoos, British Columbia, legally described as:

PID 003-645-860, Lot 18, Block 733, DL 2450S, SDYD, Plan 2450

Except Plan KAP48143

(herein called the "Osoyoos Lands");

C. The Regional District Lands and the Osoyoos Lands are subject to a Lease Agreement dated October 1, 1996 between Gaertner Holdings Ltd. and Ernest Siegfred Gaertner (collectively as Landlord) and Beaver Lumber Company Limited (as Tenant) registered in the Kamloops Land Title Office under filing number KN9989;

D. Beaver Lumber Company Limited, the original tenant, assigned the said lease to the Tenant pursuant to an Assignment of Lease dated effective August 18, 1999 and registered in the Kamloops Land Title Office under filing number LA101629;

E. The said Lease has been amended a number of times and most recently, on September 12, 2011;

F. The said Lease and the various amendments thereto are collectively referred to as the "Lease";

G. The Lease has an expiry date of September 30, 2016; and

H. The Landlord and the Tenant wish to amend the Lease, subject to the hereinafter terms and conditions.

NOW THEREFORE this agreement witnesses that in consideration of the mutual covenants and agreements herein contained, the sum of ONE DOLLAR (\$1.00) paid by each party to the other and other good and valuable consideration, (the receipt and sufficiency of which is hereby acknowledged), the parties hereto mutually covenant and agree:

**Amendments to Lease**

1. The Lease be amended as follows:
  - (a) that the term of the Lease be extended from September 30, 2016 to September 30, 2019;
  - (b) that the consecutive monthly rent payable for the period commencing October 1, 2016 through September 30, 2019 shall be the equivalent to current rent as of September 1, 2016, and in addition the said monthly rent payable shall be increased on each October 1<sup>st</sup> during the extended term commencing October 1, 2016 by an amount equal to the current rent multiplied by the increase in the Consumer Price Index for the immediate twelve month period. For the purpose of this Agreement, the Consumer Price Index shall mean the Consumer Price Index for the Province of British Columbia (or any index published in substitution for the Consumer Price Index or any other replacement index designated by Statistics Canada (or by any successor thereof or any other governmental agency, including a Provincial agency). In the case of any required substitution, the Regional District, acting reasonably, shall be entitled to make all necessary conversions for comparison purposes. The increase in monthly payments effective on and retroactive to October 1<sup>st</sup> of each year commencing October 1, 2016, even though the parties may not be aware of the amount of the increase until a later date;
  - (c) that notwithstanding the Lease provides for no further renewal, the Lease term shall be extended to September 30, 2019 as provided herein, however there shall be no further right of renewal or extension; and
  - (d) that paragraph 5 of the Main Lease Amending Agreement made as of the 12<sup>th</sup> day of September, 2011 between Gaertner Holdings Ltd. as Landlord and the Tenant be deleted.

**General**

2. All other terms and conditions of the Lease shall remain in full force and effect and unamended.

3. The Landlord and Tenant acknowledge and agree to perform and observe respectively the obligations of the Landlord and Tenant under the Lease as modified hereby.

4. This Agreement, as and from the date hereof will be read and construed along with the Lease, and treated as part thereof; and the Lease, as modified and extended, will continue to be in full force and effect; and the Landlord and Tenant confirm and ratify the Lease as modified and extended.

5. This Agreement may be executed in any number of counterparts, each of which so executed shall be deemed an original and the counterparts together form a valid and binding agreement which may be sufficient evidence by any one such original counterpart.

6. This Agreement may be executed by the parties and transmitted by telecopy / electronic mail and if so executed and transmitted, this Agreement will be for all purposes as effective as if the parties hereto had delivered an executed original of this Agreement.

**IN WITNESS WHEREOF** the parties have executed this Agreement effective the day and year firm above written.

**REGIONAL DISTRICT OF OKANAGAN- )**  
**SIMILKAMEEN by its Authorized Signatories: )**  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

**TOWN OF OSOYOOS by its Authorized )**  
**Signatories: )**  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

**HOME HARDWARE STORES LIMITED** )  
by its Authorized Signatories: )  
 )  
\_\_\_\_\_)  
 )  
\_\_\_\_\_)  
 )  
 )



## Letter of Understanding

---

**THIS LETTER OF UNDERSTANDING** made in quadruplicate this \_\_\_\_\_ day  
of \_\_\_\_\_, 2012

**BETWEEN:**

REGIONAL DISTRICT OKANAGAN-SIMILKAMEEN

101 Martin Street  
PENTICTON, B.C.  
V2A 5J9  
(hereinafter called the "RDOS")

**OF THE FIRST PART**

**AND:**

OSOYOOS MUSEUM SOCIETY

19 Park Place, Box 791  
Osoyoos, B.C.  
V0H 1V0  
(hereinafter called the "OMS")

**OF THE SECOND PART**

**WHEREAS**, the RDOS has implemented Bylaw 2553, 2011 to establish a jointly funded museum service in Area A and the Town of Osoyoos;

**AND WHEREAS**, the RDOS has implemented Bylaw 2554, 2011 authorizing the long-term borrowing for the purchase of land and improvements for the purpose of providing a jointly funded museum service in Area A and the Town of Osoyoos;

**AND WHEREAS**, the RDOS has purchased the building and properties at 8702-8706 Main Street and 8703 78<sup>th</sup> Street Osoyoos, BC (legal descriptions and maps attached) for the purposes of a jointly funded museum service in Area A and the Town of Osoyoos;

**AND WHEREAS**, the RDOS has a lease with Home Hardware Stores Ltd (attached) for a term of up to five years ending September 30, 2016.

**AND WHEREAS**, the RDOS-Home Hardware Stores Ltd Lease generates a monthly income to the RDOS;

**NOW THEREFORE THIS LETTER OF UNDERSTANDING WITNESSETH** that in consideration of the mutual covenants herein contained, the parties mutually covenant and agree as follows:

**LEASE FOR THE PURPOSE OF PROVIDING MUSEUM SERVICE**

1. Upon termination of the RDOS-Home Hardware Stores Ltd lease the RDOS commits to lease the property to the Society for the purposes of operating the Osoyoos & District Museum and Archives.
2. The term of the lease will be at least equivalent to the term of the debt on the property which is twenty (20) years.
3. It is the intent of the RDOS and OMS to enter into a capital planning process to identify capital expenditure requirements for the eventual operation of the property as a museum and archives.

#### **ESTABLISHMENT OF RESERVE**

4. The RDOS passed a bylaw to establish a capital reserve for the purpose of accumulating funds for building maintenance, capital planning and upgrades. The reserve is funded with net lease revenues from the RDOS-Home Hardware Stores Ltd lease for the life of the lease.
5. The OMS will be required to apply to the RDOS and Town of Osoyoos for access to capital reserve funding on an individual project basis. Each project will require a submission of a capital plan and budget.
6. Removal of funds from the reserve for capital purposes will require a reserve expenditure bylaw from the RDOS Board and an expenditure resolution from the Town of Osoyoos Council.

#### **TERMINATION**

7. This Letter of Understanding will terminate upon the termination of the RDOS-Home Hardware Stores Ltd lease at which time it will be replaced with a long term lease between the RDOS and the OMS for the purpose of operating the Osoyoos and District Museum and Archives.

#### **SCOPE OF LETTER OF UNDERSTANDING**

8. This Letter of Understanding shall be deemed to have commenced on the date of signing and shall continue until terminated by either party.
9. This Letter of Understanding shall supersede all communications, negotiations and agreements, either written or verbal, made between the parties in respect of matters pertaining to this Letter of Understanding prior to its execution and delivery but shall never supersede any RDOS bylaw or resolution of the RDOS Board.
10. This Letter of Understanding is not intended to be a complete statement of the terms and conditions of lease or operating agreement.

- 11. The terms of this Letter of Understanding shall be considerably elaborated upon in the lease and operating agreement that follow upon this Letter's expiration.
- 12. The RDOS agrees that it shall not enter into negotiations with any other party for the adaptive re-use of the properties at 8702-8706 Main Street and 8703 78<sup>th</sup> Street Osoyoos, BC unless the Society becomes unable to meet the ongoing obligations of the Osoyoos and Area "A" Museum Service.

IN WITNESS WHEREOF the parties hereto have executed this Letter of Understanding as of the day and year first above written.

SIGNED, SEALED AND DELIVERED by the )  
authorized signatories of OSOYOOS MUSEUM SOCIETY )  
and in the presence of: )

\_\_\_\_\_  
OMS Chairman )

C/S

\_\_\_\_\_  
Executive Director )

The Corporate Seal of the REGIONAL )  
DISTRICT of OKANAGAN-SIMILKAMEEN )  
was hereunto affixed in the presence of its duly )  
authorized signing authority. )

C/S

\_\_\_\_\_  
RDOS Chairman )

\_\_\_\_\_  
Chief Administrative Officer )

**OSOYOOS**  
& DISTRICT  
**MUSEUM**  
AND ARCHIVES

April 24, 2015

Mr. Mark Pendergraft  
Chair and Director for Area "A"  
Regional District of Okanagan-Similkameen  
101 Martin Street  
Penticton, BC V2A 5J9

Re: Osoyoos Museum Society New Museum Project

Dear Mark:

While the Board of Directors of the Osoyoos Museum Society (OMS) understands the reasons for extending the lease to the Home Building Centre until December 31, 2019, we are disappointed with this further delay and have some concerns regarding the negative effects on our project. For example, the lease extension has resulted in direct additional costs to the OMS because we now need to change and reprint all of our fundraising materials to reflect the new possession date and we will need to pay for new cost estimates in 2018-19 because of the start date is now delayed until January of 2020. We are also concerned that the engineering assessment of the HVAC system in 2013 which indicated we would not have to consider replacement during Phase One will no longer be valid given the system will be five years older by the time we get possession of the building. Finally, our credibility with funding sources (programs, foundations and some individuals) has been adversely affected by the further delay and we have had to withdraw a number of recent funding request submissions because we are now well outside their grant parameters (i.e. must be within 18 – 24 months of completing construction). Consequently, the Board of Directors requests that the RDOS give serious consideration to the following matters:

1. Lease Extension with Home Building Centre

The lease extension must be for a guaranteed period (October 1, 2016 to December 31, 2019) and not permit either earlier release or further extension. While the monthly rate will be subject to negotiations, we hope that it will be no less than at present and hopefully more than was considered the market rate when the current lease was negotiated in 2011.

2. Successor Lease with the OMS

After the referendum in June of 2011 which approved the purchase of the property for the museum, the RDOS provided a Letter of Understanding which stated that OMS would be

**RECEIVED**  
Regional District

APR 28 2015

101 Martin Street  
Penticton BC V2A 5J9

given a long term lease upon possession of the property which was supposed to be no later than October 1, 2016. We needed that basic guarantee but we also had to have documentary evidence for potential funders that we would, in fact, have possession of the property which is owned by the RDOS and not the OMS. Recent events obviously rendered that Letter of Understanding of no value. Therefore, the OMS requests that the RDOS execute a long term lease agreement with the OMS for the property to commence "no later than January 1, 2020". We must have a legal guarantee to protect our interests against a repeat of the current situation. Furthermore, at least one of our potential funders has now indicated that it will require solid legal documentation regarding possession before it will even consider a new request for funding within the new construction completion window.

3. Designated Liaison

The OMS is a small, non-profit society which has invested very heavily over the past seven years in trying to provide the community with a new museum. While the community approved the purchase of the property by referendum, the OMS is responsible for raising the funds required to convert the building and develop the new museum. The RDOS owns the building and property at 8702 Main Street and the Town of Osoyoos has authority over the future museum building project. Given the interest and role of both the RDOS and the Town of Osoyoos, the OMS Board of Directors requests that both levels of government identify and designate a person (either elected or staff) to serve as the official liaison to the OMS on this project. This will help to ensure proper lines of communication and reduce the chance misunderstandings as we work collectively, on behalf of the citizens and property owners of the Town of Osoyoos and Area "A" of the RDOS, on this community project.

Thank you in advance for your positive consideration of our requests. We are readily available to provide any clarification and look forward to being able to focus, once again, on moving forward with this community project.

Yours truly,



Mat Hassen  
President, Osoyoos Museum Society

c.c. Mayor Sue McKortoff  
Town of Osoyoos