



**REGIONAL DISTRICT OF CENTRAL OKANAGAN
REGULAR BOARD MEETING
AGENDA**

Monday, May 27, 2019
7:00 p.m.
Woodhaven Board Room
1450 K.L.O. Road, Kelowna, BC

Pages

1. CALL TO ORDER

Chair Given acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

2. ADDITION OF LATE ITEMS

3. ADOPTION OF THE AGENDA

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the agenda be adopted.

4. ADOPTION OF MINUTES

4.1 Regional Board Meeting Minutes - May 9, 2019

8 - 14

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the Regional Board meeting minutes of May 9, 2019 be adopted.

5. CORRESPONDENCE

5.1 Okanagan Basin Water Board - Reducing Conflict Between Native Mussel Protection and Invasive Milfoil Control in the Okanagan

15 - 42

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the April 25, 2019 correspondence from the Okanagan Basin Water Board regarding reducing conflict between native mussel protection and invasive milfoil control in the Okanagan be received;

AND FURTHER THAT the Regional Board approves forwarding a letter of support to the Government of Canada Minister of Fisheries and Oceans Canada and the Province of BC Minister of Forests, Lands and Natural Resource Operations and Rural Development on this issue.

6. CORPORATE SERVICES

6.1 Appointment of Bylaw Enforcement Officers

43

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the Regional Board appoint the following Regional District employees as Bylaw Enforcement Officers to enforce the designated service bylaw(s) outlined:

- Tanya Brunelle - Noxious Weed Control Bylaw and Noxious Insect Control Bylaw
- Tara Denomme - Responsible Dog Ownership Bylaw
- Brad Ackerman - Regional Parks Bylaw and Community Parks Bylaw
- Kirk Licht - Regional Parks Bylaw and Community Parks Bylaw
- Charlie Scholl - Regional Parks Bylaw and Community Parks Bylaw
- Glenn Ross - Regional Parks Bylaw and Community Parks Bylaw

7. FINANCIAL SERVICES

7.1 Purchase Commitments >\$100,000 during 1Q 2019

44

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the Regional Board, as per section 4.6 of the RDCO Purchasing Policy, receive for information, the report on the purchase commitments which exceeded \$100,000 made during the first quarter of 2019.

8. COMMUNITY SERVICES

8.1 Request for Wireless Telecommunications Facility (Freedom Mobile Inc.) 5819 Chute Lake Road

45 - 77

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

RECOMMENDATION #1:

THAT the Regional District of Central Okanagan confirms that the proposed wireless telecommunications facility on the subject property, 5819 Chute Lake Road, conforms with RDCO Zoning Bylaw No. 871 and therefore has no objections provided it is constructed substantially in accordance with the plans submitted to the Regional District of Central Okanagan.

RECOMMENDATION #2:

THAT the Regional Board direct staff to amend Development Applications Procedures Bylaw No. 944, 2002 to include a development application procedure and application fee for future requests for installation of telecommunication towers.

8.2 Temporary Use Permit (3-Years)

78 - 137

Eldorado Ranch (owner) c/o C. MacPherson (applicant) located at 5932 Old Vernon Road (TUP-18-01) To Operate an outdoor petting zoo business (Kangaroo Creek Farm).

(Custom Vote - Electoral Areas and Kelowna Fringe Area - 1 Director, 1 Vote)

Chair invited anyone in the gallery who deems themselves affected by the permit to comment

Recommended Motion:

THAT Temporary Use Permit TUP-18-01 for Eldorado Ranch Ltd. c/o C. MacPherson to operate an outdoor petting zoo business (Kangaroo Creek Farm) to take place on part of Lot 2, Plan 3497, District Lot 120, ODYD – 5932 Old Vernon Road be issued subject to the following conditions:

- There be no changes to the proposed site plan or site footprint prepared by Ecoscape Environmental Consultants Ltd. dated May 6, 2019;
- Operate the business only between the months of March through to October;
- Receipt of approval from the RDCO Manager of Fire Services regarding an evacuation plan;
- Receipt of approval from Interior Health regarding hand washing facilities;
- The applicant to obtain a commercial access permit from the Ministry of Transportation and Infrastructure;
- Obtain an annual RDCO Business License;
- No permanent structures are to be constructed or situated on the site;
- Use of water from Mill Creek is unauthorized;
- Parking area to be converted and restored after non-farm use ceases (e.g. gravel removal);
- Should the temporary use cease on the property, all materials related to the business are to be removed from the property to the satisfaction of the RDCO;
- Existing on-site services (water and sewer) will not be used to support the operation of the business unless authorized by Interior Health and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- No impact to the operation and/or maintenance of Kelowna International Airport (YLW);
- The applicant is to apply for and receive building permits for all temporary buildings or structures over 10 m² to the satisfaction of the RDCO Building Inspection Services;
- All parking to be contained on site in accordance with the parking plan prepared by Jade Bay Constructions Ltd. dated May 8, 2019;
- Installation of appropriate fencing/landscape buffering as determined by the ALC;
- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation;
- No further buildings, structures, land clearing, vegetation removal, or activity related to the outdoor petting zoo business is permitted within 30 metres of the High Water Mark/Top of Bank of Mill Creek; other

than that recognized and approved in this Permit;

- All riparian restoration and mitigation activities must be completed as per the recommendations contained in the April 4, 2019 Memorandum conducted by Ecoscape Environmental Consultants Ltd. to the original April 2018 Environmental Assessment conducted by Ecora Engineering and Resource Group Ltd.;
- The applicant shall post a Letter of Credit or bank draft in the amount of \$13,375.00 in order to ensure completion of riparian restoration works and the removal of the materials used for the parking lot, driveway, and other crushed gravel pads associated business after non-farm use ceases. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional. The remainder of the bond shall be held to the satisfaction of Regional District Community Services staff;
- The land owner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented;
- Best Management Practices are to be used as a means to protect the riparian area;
- The Environmental Monitor shall submit monitoring reports as needed and shall prepare a substantial completion report upon completion of construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out; and
- In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.

AND FURTHER THAT the Temporary Use Permit shall expire on May 27, 2022, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

8.3 Development Variance Permit (VP-19-03)

138 - 146

For P. & J. Uppal (owners). To vary setbacks to accommodate the location of existing Temporary Agricultural Worker Dwellings and Accommodation. Located adjacent to Lakha Road, Central Okanagan East Electoral Area

(Custom Vote - Electoral Areas & Kelowna Fringe Area - 1 Director, 1 Vote)

Chair invited anyone in the gallery who deems their property affected by the variance to comment.

Recommended Motion:

THAT Development Variance Permit Application VP-19-03 to vary the following sections of Zoning Bylaw No. 871 be approved based on the Surveyor's Certificate dated February 28, 2019, by Vector Geomatics Land Surveying Ltd.:

- Section 3.25.6 by allowing a reduction of the minimum parcel line setback for a Temporary Agricultural Worker Dwellings and Accommodation from 15.0 m (49.2 ft) to 1.15 m (3.8 ft).
- Section 3.25.7 by allowing an increase in the maximum setback of a Temporary Agricultural Worker Dwellings and Accommodation building from a principal residence from 15.0 m (49.2 ft) to 32.44 m (106.4ft).

Recommended Motion:

THAT the Regional Board does not approve a refund of the Development Applications Procedures Bylaw No. 944's Development Variance Application Fee.

8.4 First Reading - Joe Rich Rural Land Use Amendment Bylaw No. 1195-18

147 - 164

For T. Lichtenstein (owner) c/o Urban Options Planning and Permits. To permit a secondary suite located at 7520 Goudie Road, RLUB-18-02, Central Okanagan East Electoral Area

(Custom Vote - Electoral Areas & Kelowna Fringe Area - 1 Director, 1 Vote)

Recommended Motion:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 be given first reading;

AND FURTHER THAT scheduling of a Public Hearing be withheld pending receipt of the following:

- a copy of the Water License for the private water source; and
- written confirmation from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes a Compliance Inspection which indicates that the existing system is capable of processing the daily domestic sewerage flow for both dwelling units and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and room on the property for a back-up type 1 trench system.

8.5 City of Kelowna Boundary Extension

165 - 179

4130, 4210, 4310 Old Vernon Road & 4444 Bulman Road, Central Okanagan East Electoral Area

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the Board supports the boundary redefinition application made by the City of Kelowna and approve a letter being sent to the City of Kelowna with a copy of the Board resolution advising the Regional District of Central Okanagan has no objections to the boundary extension of the following properties:

- 4130 Old Vernon Road, Lot 1, District Lot 122, ODYD, Plan KAP8953; PID:009-766-791
- 4210 Old Vernon Road, Lot 1, District Lot 122, ODYD, Plan KAP1629; PID:001-482-530
- 4310 Old Vernon Road, Lot 2, District Lot 122, ODYD, Plan KAP1629; PID:011-510-544
- 4444 Bulman Road, Lot 1, District Lot 122, ODYD, Plan KAP1608; PID:007-699-883

9. PARK SERVICES

9.1 Joe Rich Community Hall Operating and Recreation Programming Agreement 180 - 205

(All Directors - Weighted Vote - Simple Majority - LGA 210.2)

Recommended Motion:

THAT the Regional Board approve renewing the Joe Rich Community Hall Operating Agreement with the Joe Rich Ratepayers and Tenants Society for a term of three (3) years commencing upon the date of execution of the agreement and terminating on the 31st of December 2021.

10. NEW BUSINESS

10.1 2018 Climate Action/GHG Emissions Summary Report 206 - 225

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

Recommended Motion:

THAT the Regional Board receive the 2018 Climate Action Revenue Incentive Program Report and the 2018 Greenhouse Gas Emission Summary for information.

11. DIRECTOR ITEMS

12. ADJOURN

Minutes of the *REGIONAL BOARD MEETING* of the Regional District of Central Okanagan held at the Regional District offices, 1450 KLO Road, Kelowna, B.C. on Thursday, May 9, 2019

- Directors: M. Bartyik (Central Okanagan East Electoral Area)
C. Basran (City of Kelowna)
W. Carson (Central Okanagan West Electoral Area)
M. DeHart (City of Kelowna)
C. Fortin (District of Peachland)
G. Given (City of Kelowna)
S. Johnston (City of West Kelowna)
R. DeJong, alternate for G. Milsom (City of West Kelowna)
B. Sieben (City of Kelowna)
L. Stack (City of Kelowna)
L. Wooldridge (City of Kelowna)
T. Konek (Westbank First Nation)
- Absent: J. Baker (District of Lake Country)
C. Hodge (City of Kelowna)
- Staff: B. Reardon, Chief Administrative Officer
T. Cashin, Director of Community Services
J. Foster, Manager of Communications
C. Griffiths, Director of Economic Development
D. Komaike, Director of Engineering Services
C. Teschner, Manager of Financial Services
M. Drouin, Manager - Corporate Services (recording secretary)

1. CALL TO ORDER

Chair Given called the meeting to order at 11:00 a.m.

The meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

2. ADDITION OF LATE ITEMS

There were no late items for the agenda.

3. ADOPTION OF THE AGENDA

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

#79/19 WOOLDRIDGE/STACK

THAT the agenda be adopted.

CARRIED Unanimously

4. ADOPTION OF MINUTES

- 4.1 Regional Board Meeting Minutes – April 29 2019 *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

#80/19 WOOLDRIDGE/SIEBEN

THAT the Regional Board meeting minutes of April 11, 2019 be adopted.

CARRIED Unanimously

5. FINANCIAL SERVICES

- 5.1 BDO Auditors Report - Year ended December 31, 2018

- 5.1.1 Introduction of BDO Auditors Report

Carol Teschner, Manager - Financial Services introduced the audit process and BDO Auditors, Markus Schrott and Brennen Giroux were introduced and addressed the Board presenting the results of the audit.

- 5.1.2 Adjourn In Camera

(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)

#81/19 STACK/SIEBEN

THAT pursuant to Section 90 (1)(l) of the Community Charter the Regional Board adjourn and convene to a closed to the public meeting to discuss:

- 90(1)(l) discussions with municipal officers and employees respecting municipal (regional district) objectives, measures and progress reports for the purpose of preparing an annual report under section

CARRIED Unanimously

The Board adjourned to In Camera at 11:16 a.m.

The Board reconvened at 11:26 a.m.

- 5.1.3 BDO Auditors Report Continued (Rise From In Camera) *(All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1)*

The Board was asked if there was any further questions/concerns to be addressed by the auditors. There were none.

#82/19 DEJONG/JOHNSTON

THAT BDO's Regional District of Central Okanagan Final Audit Report for the year ended December 31, 2018 be received.

CARRIED Unanimously

- 5.2 RDCO Financial Audited Statements - Year Ended December 31, 2018 (*All Directors - Unweighted Corporate Vote - Simple Majority - LGA 208.1*)

#83/19 JOHNSTON/FORTIN

THAT the Regional District of Central Okanagan Financial Statements – year ended December 31, 2018 be approved.

CARRIED Unanimously

Director Wooldridge left at 11:36 a.m.

6. COMMUNITY SERVICES

- 6.1 First Reading - Zoning Amendment Bylaw No. 871-243, for Regional District of Central Okanagan (applicant) to amend Zoning Bylaw No. 871, 2000 to incorporate changes to Secondary Suite Regulations (Z17/05) Central Okanagan East and Central Okanagan West Electoral Areas (*Custom Vote - All Directors, Simple Majority, 1 Director, 1 Vote*)

Staff report outlined the amendment regulations to clarify secondary suite regulations and strengthen servicing requirements and to continue with the current rezoning process for a number of residential zones.

#84/19 STACK/DEHART

THAT Zoning Amendment Bylaw No. 871-243 be given first reading;

AND FURTHER THAT the application Z17/05 be scheduled for a Public Hearing.

CARRIED Unanimously

#85/19 DEJONG/BARTYIK

THAT the Regional Board approve a moratorium on secondary suite rezoning applications pending completion of the proposed amendments to Bylaw No. 871-243.

CARRIED Unanimously

- 6.2 First Reading - Joe Rich Rural Land Use Amendment Bylaw No. 1195-16, for Regional District of Central Okanagan (applicant) to incorporate changes to Secondary Suite Regulations. (RLUB-17-02) Central Okanagan East Electoral Area (*Custom Vote - Electoral Areas and Kelowna Fringe Area - Simple Majority - 1 Director, 1 Vote*)

Staff report outlined the regulations to clarify secondary suite regulations and strengthen servicing requirements and to continue with the current designation process for a number of land uses.

#86/19 BARTYIK/CARSON

THAT Joe Rich Rural Land Use Bylaw Amendment No. 1195-16 be given first reading;

AND FURTHER THAT the application RLUB-17-02 be scheduled for a Public Hearing.

CARRIED Unanimously

#87/19 SIEBEN/BASRAN

THAT the Regional Board approve a moratorium on secondary suite rezoning applications, pending completion of the proposed amendments to Bylaw No. 1195-16.

CARRIED Unanimously

7. ENGINEERING SERVICES

7.1 Water System Fees & Charges Amendment Bylaws

Rise from May 9, 2019 Governance & Services Committee. Board consensus to give first reading only to the water system bylaws.

- 7.1.1 Regional District of Central Okanagan Killiney Beach Water System Fees & Charges Amendment Bylaw No. 1435, 2019 **1st, Reading** (*All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5*)

#88/19 DEHART/FORTIN

THAT Regional District of Central Okanagan Killiney Beach Water System Fees & Charges Amendment Bylaw No. 1435, 2019 be given first reading.

CARRIED Unanimously

- 7.1.2 Regional District of Central Okanagan Falcon Ridge Water System Fees & Charges Amendment Bylaw No. 1436, 2019, **1st Reading** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#89/19 BARTYIK/CARSON

THAT Regional District of Central Okanagan Falcon Ridge Water System Fees & Charges Amendment Bylaw No. 1436, 2019 be given first reading.

CARRIED Unanimously

- 7.1.3 Regional District of Central Okanagan Sunset Ranch Water System Fees & Charges Amendment Bylaw No. 1437, 2019, **1st Reading** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#90/19 BASRAN/BARTYIK

THAT Regional District of Central Okanagan Sunset Ranch Water System Fees & Charges Amendment Bylaw No. 1437, 2019 be given first reading.

CARRIED Unanimously

- 7.1.4 Regional District of Central Okanagan Dietrich Water System Fees & Charges Amendment Bylaw No. 1438, 2019, **1st Reading** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#91/19 CARSON/DEHART

THAT Regional District of Central Okanagan Dietrich Water System Fees & Charges Amendment Bylaw No. 1438, 2019 be given first reading.

CARRIED Unanimously

- 7.1.5 Regional District of Central Okanagan Westshore Estates Water System Fees & Charges Amendment Bylaw No. 1439, 2019, **1st Reading** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#92/19 CARSON/BARTYIK

THAT Regional District of Central Okanagan Westshore Estates Water System Fees & Charges Amendment Bylaw No. 1439, 2019 be given first reading.

CARRIED Unanimously

- 7.1.6 Regional District of Central Okanagan Upper Fintry, Shalal Road, and Valley of the Sun Water System Fees & Charges Amendment Bylaw No. 1440, 2019, **1st Reading** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#93/19 CARSON/JOHNSTON

THAT Regional District of Central Okanagan Upper Fintry, Shalal Road, and Valley of the Sun Water System Fees & Charges Amendment Bylaw No. 1440, 2019 be given first reading.

CARRIED Unanimously

#94/19 BASRAN/BARTYIK

THAT staff be directed to hold an information meeting in the electoral areas in the most timely manner on the amendments to the water system fees and charges.

CARRIED Unanimously

Following the information meetings, the amendments bylaws will be brought back for consideration further readings and adoption.

- 7.2 Regional District of Central Okanagan East Sewer Systems Amendment Bylaw No. 1441, 2019, **1st, 2nd and 3rd Reading and Adoption** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#95/19 STACK/DEHART

THAT Regional District of Central Okanagan Central Okanagan East Sewer Systems Amendment Bylaw No. 1441, 2019 be given first, second and third readings and adopted.

CARRIED Unanimously

- 7.3 Regional District of Central Okanagan Water Systems Fees and Regulation Amendment Bylaw No. 1442, 2019, **1st Reading** (All Directors - Unweighted Vote - 1 Director, 1 Vote - LGA 207.5)

#96/19 BARTYIK/STACK

THAT Regional District of Central Okanagan Water Systems Fees and Regulations Amendment Bylaw No.1442, 2019 be given first reading.

CARRIED Unanimously

8. NEW BUSINESS

8.1 Rise & Report from the Governance & Services Committee Meeting – May 9, 2019

a) Central Okanagan Search & Rescue

#97/19 DEJONG/ CARSON

THAT staff be directed to prepare a report to the Board on the needs and options in support of a new Central Okanagan Search & Rescue facility including potential funding impacts can be included for consideration in the 2020 budget cycle.

CARRIED Unanimously

b) Recycling Reduction Plan

#98/19 SIEBEN/BASRAN

THAT staff be directed to explore and report to the Board on alternate collection methods including the costs for recyclable material which is currently collected through the depot system but not in residential curbside carts.

CARRIED Unanimously

9. DIRECTOR ITEMS

No director items.

10. ADJOURN IN CAMERA

#99/19 BASRAN/BARTYIK

THAT pursuant to Section 90 (1)(g) of the Community Charter the Regional Board adjourn and convene to a closed to the public meeting to discuss:

- litigation or potential litigation affecting the Regional District.

CARRIED Unanimously

There being no further business the meeting was adjourned at 11:55 p.m.

CERTIFIED TO BE TRUE AND CORRECT

G. Given (Chair)

B. Reardon (Chief Administrative Officer)

April 25, 2019

Good afternoon,

Please find attached a letter from the Okanagan Basin Water Board to local governments in our valley, regarding reducing conflict between native mussel protection and invasive milfoil control in the Okanagan.

As background, please also find attached a letter we have sent to the Minister of Fisheries and Oceans Canada, Jonathan Wilkinson, and B.C. Minister of Forests, Lands, Natural Resource Operations and Rural Development, Doug Donaldson. This comprehensive letter outlines the issues and our recommendations.

We are requesting local governments provide letters of support to the Ministers on this issue.

For more information, please contact OBWB Exec. Dir. Anna Warwick Sears at anna.warwick.sears@obwb.ca or 250-469-6251.

Best wishes,
Corinne

Corinne Jackson — Communications Director
Okanagan Basin Water Board
1450 KLO Road, Kelowna, BC V1W 3Z4
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www.obwb.ca
www.okwaterwise.ca

Okanagan Local Government Boards and Councils

April 25, 2019

Re: Reducing conflict between native mussel protection and invasive milfoil control in the Okanagan

Dear Mayors, Chairs, Councillors and Directors,

Since the 1970s, the Okanagan Basin Water Board has run a program to remove invasive Eurasian watermilfoil from the five large lakes in the Okanagan (Okanagan, Kalamalka Wood, Skaha and Osoyoos). Most public beaches throughout the valley are free of invasive weeds due to this program. However, recent changes in provincial and federal regulations are increasingly affecting our most effective treatment method, rototilling in the winter. Rototilling de-roots milfoil from the lake bottom, reducing stem densities by 80-97% in a single treatment. Rototilling is now prohibited in several areas under provincial regulations.

This recent rototilling prohibition is due to federal and provincial government staff efforts to protect a species of freshwater mussel known as the Rocky Mountain Ridged Mussel (RMRM). These mussels range from southern California, East to Nevada and throughout the Pacific Northwest, but in Canada they are limited to the Okanagan Basin, which represents only 5% of their total population range. Prior to 2003 there had been only 14 occurrences of the RMRM recorded in the Okanagan, and the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) recommended that they be listed as “Endangered” under the Species at Risk Act (SARA). However, more recent surveys have found healthy populations with successful reproduction rates in several areas throughout the valley. One study in 2015 counted more than 5,500 RMRM in just nine surveyed sites, and estimated the total population at those sites to be more than 13,000. COSEWIC has not re-assessed their recommendation since 2010, and has not accounted for this new information. Further, November 2011 was the last time that Canada’s Department of Fisheries and Oceans conducted public consultations on the recommendation to list RMRM as endangered under SARA.

Milfoil rototilling is now prohibited in any areas where RMRM are found based on an assumption that this weed control method could cause harm to RMRM. However, there is evidence to suggest that allowing milfoil to grow will create conditions which are unsuitable for RMRM, while also creating poor water quality, poor habitat for other species, as well as social and economic harm.

The OBWB has sent a detailed letter (enclosed) to the Minister of Fisheries and Oceans Canada, and to the B.C. Minister of Forests, Lands, Natural Resource Operations and Rural Development asking them to grant an authorization under the federal Fisheries Act for the milfoil control program to continue. We strongly believe that a more evidence-based and balanced approach is needed before prohibiting milfoil de-rooting and allowing this invasive weed to thrive in our lakes. We have also provided a detailed response to the recommendation to list RMRM as endangered under SARA, asking for a new round of consultations, and for COSEWIC to re-assess their recommendation based on current information. That response is included in the letter at appendix C.

We request that your local government consider providing a letter of support for our request to the ministers, authorizing the OBWB milfoil de-rooting program to continue.

We have provided extensive information in the letter to the ministers including:

- Decision sought
- History
- Concerns
- Effects of invasive Eurasian watermilfoil (Appendix A): Environmental, Social and Economic
- Methods of Milfoil Control (Appendix B)
- Comments Regarding Canada Gazette, Part 1, Volume 153, Number 12: Order Amending Schedule 1 to the Species at Risk Act.

We hope this information will address any questions or concerns you have about this issue and allow you to support us as we continue to battle this harmful invasive species in our local waters.

Sincerely,



Anna Warwick Sears, Executive Director
Okanagan Basin Water Board

Hon. Jonathan Wilkinson
Minister of Fisheries and Oceans Canada
min@dfo-mpo.gc.ca

Hon. Doug Donaldson
Minister of Forests, Lands, Natural Resource Operations and Rural Development
FLNR.Minister@gov.bc.ca

April 24, 2019

Re: Reducing conflict between native mussel protection and invasive milfoil control in the Okanagan

Dear Minister Wilkinson and Minister Donaldson,

The Okanagan Basin Water Board (OBWB) is a local government agency in B.C. established through provincial legislation in 1970, with a mandate to provide leadership on valley-wide water issues. One part of OBWB's legislated mandate is to "participate in and undertake an aquatic weed control program under a cost-sharing agreement with the province." We are writing to make you aware of a conflict that is developing between the requirement to protect a species of freshwater mussel (Rocky Mountain Ridged Mussel, RMRM), and the need to control the growth of invasive Eurasian watermilfoil (milfoil) for ecological, social and economic reasons (Appendix A). While we strongly support the protection of native species and their natural habitats, we believe that a more evidence-based and balanced approach is needed in this particular case.

While RMRM are currently listed as 'at-risk' under the Species at Risk Act (SARA), they are now being considered for up-listing to 'endangered' which would greatly increase regulatory requirements for the milfoil control program. We have submitted feedback under the Canada Gazette process for this SARA listing proposal and have included it as Appendix C.

Decision sought:

- We request that the milfoil control program of the OBWB be formally authorized, on a permanent basis, under the terms of the Fisheries Act, Aquatic Invasive Species Regulations, Section 19 (2) (a) (iii) and (b) by either the Minister of Fisheries and Oceans, or the Minister of FLNRORD. Specifically, that the Minister may take measures

to control any aquatic species in a particular region or body of water frequented by fish where the aquatic species is not indigenous and may harm fish, fish habitat or the use of fish (harm as noted in Appendices A and C).

Should the proposed up-listing of RMRM as endangered under SARA be approved, the following is an alternative to authorization under the Fisheries Act:

- We request that the Minister issue a long-term permit authorized under SARA, Section 73 (1) and (2) (c) allowing OBWB to engage in milfoil control activities in which “affecting the species is incidental to the carrying out of the activity.”

If neither of these authorizations are granted:

- We ask that Fisheries and Oceans Canada and the BC Ministry of FLNRORD conduct a literature review and further field research into the effect of uncontrolled invasive milfoil on RMRM and other native species, prior to prohibiting the ongoing beneficial and locally-funded program to de-root milfoil;
- We ask that the ministries allocate sufficient funding to complete surveys to establish the extent of RMRM habitat (a requirement if up-listing under SARA occurs), and to determine the total estimated population in Okanagan large lakes. It is likely that surveys of this type will also have a number of periphery benefits such as detecting other freshwater mussel species and informing other regulatory decision-making;

and:

- **Until further research is conducted and an evidence-based decision can be made, we ask to continue to conduct milfoil de-rooting in areas which have historically been treated using this method; and**
- **We ask that milfoil de-rooting in the Okanagan by the OBWB be allowed to continue in high public-use areas regardless of future recordings of RMRM, ensuring that prohibitions do not continue to expand in future years.**

History:

The OBWB has been controlling milfoil in the Okanagan’s major lakes for more than four decades, with a current budget of \$825,000 – entirely funded by local property taxes. The program was developed by the B.C. Ministry of Environment following more than 17 years of experiments into control methods including chemicals, bottom-barriers, biological control and several methods of mechanical treatment (Appendix B).

Ultimately, de-rooting the invasive weed using barge-mounted rototillers was found to be the most effective method of control (after aquatic herbicides), achieving an 80-97% reduction in

stem densities in water depths up to 3.5 meters.¹ Our operations are conducted using best practices incorporating all known environmental concerns and regulated species work windows, and are permitted through both provincial and federal ministries.² This program targets only invasive Eurasian watermilfoil during winter months when the plant is dormant and cannot spread.

Our annual treatment areas represent a small fraction of the lakeshore, focusing on public beaches and boating areas. Untreated areas can experience dense growth of the invasive weed, degrading the beaches for swimming and recreation. Further, untreated weed beds become mucky and anoxic with decaying milfoil.

Despite the demonstrated beneficial effects and best practices of the milfoil control program, concerns about a native freshwater mussel, (Rocky Mountain Ridged mussel, RMRM) have prompted ministry staff at both levels of government to issue increasing restrictions on the de-rooting method of milfoil control. These restrictions are based on an assumption that milfoil de-rooting has a negative effect on RMRM in the local area of milfoil control, but does not consider the negative effects of the milfoil itself on RMRM, other species, or their habitat.³

In 2010, a fisheries officer at DFO gave instructions that de-rooting could no longer be used at any site where RMRM were present, although we have been de-rooting in these locations for decades.⁴ In 2013, more mussels had been recorded at more historical de-rooting sites, and the prohibition expanded.⁵ In January 2018, the Thompson-Okanagan Ecosystem Section at the B.C. Ministry of FLNRORD released “Guidance for Freshwater Mussels in the Okanagan” which has the effect of formally prohibiting milfoil control (both de-rooting and harvesting⁶) in any area where RMRM are present, and the prohibited areas were again expanded due to new mussel recordings in historical treatment sites. These restrictions now extend to major sections of four large lakes, in areas of high public use and ecological value (Appendix A).⁷

Concerns:

We feel that the decision from both federal fisheries officers and provincial habitat officers is based on limited evidence, and does not achieve a balance between the need to protect RMRM and the need to consider the other ecological, social and economic concerns that will arise from limiting milfoil control. Serious questions remain.

1. Studies from other areas show that invasive milfoil displaces beneficial native macrophyte communities⁸, changes aquatic food webs⁹, substrate conditions and oxygen availability¹⁰ (Appendix A). It is unknown if sensitive RMRM would prefer, or could even survive in areas of untreated invasive milfoil infestation.¹¹ By removing

milfoil through de-rooting, we may help preserve more natural habitat for RMRM and other species. More research in this area is needed

2. Invasive milfoil has been shown to negatively effect many other native species of plants and aquatic animals, including salmonids and other fish (Appendix A). In extreme cases of milfoil infestation, there have been recordings of direct fish mortality from the anoxic conditions created in those areas.¹² Preventing milfoil de-rooting for RMRM is an example of one-species management, without consideration of the potential negative effects to other species.
3. Areas which have already been subject to de-rooting for several decades still show evidence of live RMRM and successful juvenile recruitment (reproduction) at the periphery of the treatment area. Any damage to individual RMRM in these limited de-rooting areas would have occurred long ago, and it is unlikely that the method of milfoil control is having a negative population-level effect on the species, given the limited total shoreline area where de-rooting occurs. More research in this area is needed.
4. A provincially-commissioned report in 1991 found that termination of the program would lead to a projected economic decline of \$85 million in annual tourism revenue, \$360 million in lost property value and over 1,700 job losses in the Okanagan alone. The study also found the further loss of \$40 million in provincial tourism revenues, \$3 million in lost provincial tax revenue and a further 800 job losses province-wide. It is likely that the numbers today are much higher given the dramatic population, economic and tourism growth in the valley in the last 28 years. We recommend that the province conduct another study to determine the current socio-economic benefits of the milfoil control program to inform decision makers of the effects of their decision to slowly erode this important program.

We have also expanded on these concerns in our feedback to the proposed changes to SARA in Appendix C.

Some B.C. provincial staff have asserted that milfoil in the Okanagan can be controlled through summer harvesting, which we conduct in limited areas where rototilling is already restricted, or where underwater infrastructure makes rototilling unfeasible. This short-term method does not have the same beneficial effects on water quality and habitat, does not prevent anoxic conditions at the lake bottom, and because it occurs during the plant's growing season, also spreads fragments which can lead to increased infestations in other areas.¹³

Harvesting is less effective than de-rooting as the plant grows back to the surface within four to six weeks of treatment, and the root systems are allowed to spread and densify. Harvesting also creates an increased danger to public safety through increased weed growth in swimming areas, as the machines enter swimming areas during beach-use, and operate in peak boating season. Harvesting is also less cost-effective and requires more equipment and on-shore infrastructure to collect and transfer the weeds to land for disposal. Finally, the harvesting season is only two months long; too short a window to treat the extensive areas of milfoil infestation in five major lakes. Harvesting is not an alternative to de-rooting for milfoil control, it is a less-effective aesthetic-only method which has limited benefit to aquatic health, and given the size of the infested treatment areas, is cost-prohibitive.

Summary:

Current management decisions being made by ministry staff under the B.C. Water Sustainability Act, the Fisheries Act and potentially the Species at Risk Act are not sufficiently informed by available evidence, and do not take a balanced approach to natural resource management. These decisions have the potential to return some areas of Okanagan lakes to the aquatic conditions of the 1970's with uncontrolled milfoil growth promoting poor water quality and toxic algae blooms, anoxic lake-bottom conditions, increased nutrient release into the water, and unusable swimming areas. There is little evidence that the restriction of milfoil de-rooting will have a positive effect on the overall RMRM population, and there is some evidence to suggest these restrictions may actually cause negative effects in their habitat. Further, RMRM are primarily known to reside in healthy populations in streams such as the Okanagan River, which are not infested by milfoil, and not subject to milfoil control.

As a water management agency, the OBWB provides leadership and funding to improve water quality, protect source waters, conserve water, prevent new invasive species and manage those that are here. Even as a small regional agency we have provided more than \$90 million over our history to support these efforts. In cooperation with federal, provincial, and local governments and First Nations, the programs of the OBWB over the last 50 years, including the control of invasive milfoil, have likely had a significantly positive effect on the RMRM species and its habitat. Provincial studies show that the species is thriving in several locations, including through healthy juvenile recruitment, and in parts of our system which were heavily modified in the last several decades, demonstrating their resilience.

We ask you to consider the potential harm that could be done to the Okanagan aquatic ecosystem, economy and way of life if milfoil treatment is curtailed. We are happy to continue working with ministry staff at all levels of government and to continue to provide leadership on valley-wide water issues.

Sincerely,



Anna Warwick Sears, Executive Director
Okanagan Basin Water Board

CC:

- Okanagan MPs: Mel Arnold, Stephen Fuhr, Dan Albas, Richard Cannings;
- MLAs: Eric Foster, Norm Letnick, Steve Thomson, Ben Stewart, Dan Ashton, Linda Larson, Jackie Tegart, Greg Kylo
- Chiefs Executive Council, Okanagan Nation Alliance;
- Regional District Chairs for North Okanagan, Central Okanagan, and Okanagan-Similkameen;
- Okanagan Municipalities;
- Okanagan Chambers of Commerce
- Thompson Okanagan Tourism Association
- FLNRORD Thompson Okanagan Region, Ecosystems Section Head

References

- ¹ Newroth, Peter R. and Roger J. Soar, "Eurasian Watermilfoil Management Using Newly Developed Technologies." *Lake and Reservoir Management*, Vol 2, Issue 1, 1986, pp. 252-257. <https://www.tandfonline.com/doi/abs/10.1080/07438148609354638>
- ² Letter from Ministry of FLNRO, 12 July, 2013. File: R8-7520
- ³ RMRM have been found on the periphery of milfoil beds and rototilling areas, but due to the conditions created in the milfoil bed, surveyors have been unable to enter the beds. Sloey, David et al., 1996 found that "the edges of the milfoil bed (either shallow or pelagic or both) contained higher biomass, density and taxa richness than the center of the bed." (abstract) This correlates with a finding that RMRM would be healthier at the margins of a milfoil bed, but not necessarily able to live within the bed.
- Sloey, David., Terry Schenck and Richard Narf, "Distribution of Aquatic Invertebrates within a Dense Bed of Eurasian Milfoil (*Myriophyllum spicatum* L.)." *Journal of Freshwater Ecology*, Vol 12, Issue 2, 1997, pp. 303-313.
<https://www.tandfonline.com/doi/abs/10.1080/02705060.1997.9663537>
- ⁴ Email correspondence DFO, 08 November 2010.
- ⁵ Letter from Ministry of FLNRO, 29 November, 2012. File: R8-7222
- ⁶ Recent changes (January 2018) to the Okanagan Large Lakes Foreshore Protocol upgraded milfoil harvesting to a "high-risk" activity, requiring extra mitigation measures than were previously required when it was designated as a "low-risk" activity, including through the new Guidance for Freshwater Mussels, also published in January 2018.
- ⁷ Mussel Habitat Zones Okanagan Region:
<https://catalogue.data.gov.bc.ca/dataset/mussel-habitat-zones-okanagan-region>
- ⁸ Ring, R.A., N.N. Winchester and I.V. MacRae. "Myriophyllum spicatum L., Eurasian Water Milfoil (Haloragaceae)." *Biological Control Programmes in Canada, 1981-2000*, edited by P.G. Mason and J.T. Huber, CABI Publishing, 2002, pp. 402-407.
<https://books.google.ca/books?hl=en&lr=&id=tDHWhOEhTckC&oi=fnd&pg=PA402&dq=milfoil+and+anoxic&ots=b6jZsJiqqd&sig=mGPMJgTxkVSwuDNpH3JmUm-pqXU#v=onepage&q&f=false>
- Madsen, J.D., C.F. Hartleb, and C.W. Boylen. "Photosynthetic characteristics of *Myriophyllum spicatum* and six submersed aquatic macrophyte species native to Lake George, New York." *Freshwater Biology*, Vol. 26, Issue 2, 1991, pp. 233-240. Found that the canopy of invasive milfoil reduces light transmissivity into the water column, preventing other native plants from growing.

⁹ Wilson, Sarah J. and Anthony Ricciardi. "Epiphytic macroinvertebrate communities in watermilfoil (*Myriophyllum spicatum*) and native milfoils *Myriophyllum sibiricum* and *Myriophyllum alterniflorum* in Eastern North America." *Canadian Journal of Fisheries and Aquatic Sciences*, Vol 66, Issue 1, 2009, pp. 18-30. Found that invasive milfoil supports different macroinvertebrate communities compared to native aquatic macrophytes and "the replacement of native milfoils by *M. spicatum* (Eurasian water milfoil) may have indirect effects on aquatic food webs." (Abstract)

<https://www.nrcresearchpress.com/doi/10.1139/F08-187#.XK-Go5hKjcs>

¹⁰ Frodge, Jonathan et al., "Mortality of Largemouth Bass (*Micropterus salmoides*) and Steelhead Trout (*Onorhynchus mykiss*) in Densely Vegetated Littoral Areas Tested Using in situ Bioassay." *Lake and Reservoir Management*, Vol 11, Issue 4, 1995, pp. 343-358.

<https://www.tandfonline.com/doi/abs/10.1080/07438149509354216>

Zavinski, Erik, "Lake Group Responds to Burtis Bay fish kill." *Observer*. November 17, 2018.

<http://www.observertoday.com/news/page-one/2018/11/lake-groups-respond-to-burtis-bay-fish-kill/>

¹¹ Burlakova, Lyubov E., and Alexander Y. Karatayev., "The Effects of Invasive Macrophytes and water level fluctuations on unionids in Texas impoundments." *Hydrobiologia*, Vol 586, Issue 1, 2007, 291-302. "In two ponds, horizontal distribution of unionids was limited by dense beds of invasive and noxious macrophytes (mainly Eurasian watermilfoil *Myriophyllum spicatum* and American lotus *Nelumbo lutea*): mussel densities were significantly lower in these macrophyte beds ($P < 0.001$)." (Abstract).

<https://link.springer.com/article/10.1007/s10750-007-0699-1>

¹² Frodge, Jonathan et al., demonstrated that anoxic conditions caused by dense aquatic macrophytes led to significant fish mortalities (steelhead trout and largemouth bass) and found that "at high densities aquatic macrophytes can have significant detrimental localized effects on fish." (abstract) See note 10 for Citation.

¹³ Newroth, Peter R., "British Columbia Aquatic Plant Management Program." *Journal of Aquatic Plant Management*, Vol 17, 1974, pp. 12-19. Continued use of the harvester did not provide lasting control, and since it tended to encourage further spread of Eurasian watermilfoil, reviews of other mechanical removal options were continued." 17.

<http://www.apms.org/japm/vol17/v17p12.pdf>

Appendix A: Effects of invasive Eurasian watermilfoil

Economic Effects:

According to Fisheries and Oceans Canada: “Eurasian Water Milfoil grows and spreads rapidly while invading replacing native plants. It negatively impacts fish and wildlife populations as well as human activities such as swimming, boating, waterskiing, fishing and tourism in affected areas. This plant also has been known to impede flood control, water conservation and drainage and irrigation works. Milfoil populations can be very dense making it very costly to control.” <http://www.dfo-mpo.gc.ca/species-especes/profiles-profils/eurasianwatermilfoil-myriophylleenepi-eng.html>

The current annual budget of the OBWB Milfoil Control Program is \$825,000.

In 1991, the BC Ministry of Environment released an independent report: *Evaluation of the Socio-Economic Benefits of the Okanagan Valley Eurasian Water Milfoil Control Program*. The report found that terminating the milfoil control program would lead to an economic decline of:

- \$85 million in tourism revenues;
- Employment in tourism of 1,700 positions;
- Real estate values of \$360 million (3.8% of net taxable values of Okanagan properties); and a further projected decline (outside the Okanagan) of:
- \$40 million in BC Tourism Revenues;
- Employment in tourism of 800 positions in BC;
- \$3 million in tax revenues;

Further, the report found that “increasing emphasis should continue to be placed on de-rooting rather than harvesting as a means to control Eurasian water milfoil.”

A 2014 study in King County, Washington found “that milfoil has a significant negative effect on property sales price (\$94,385 USD lower price), corresponding to a 19% decline in mean property values.” Olden J.D., and M. Tamayo. (2014) “Incentivizing the Public to Support Invasive Species Management: Eurasian Milfoil Reduces Lakefront Property Values.” *PLoS ONE* 9(10): e110458. <https://doi.org/10.1371/journal.pone.0110458>

Environmental Effects:

“From an ecosystem standpoint, the most important consequences of macrophyte decay are release of dissolved substances, deoxygenation and sediment accretion.” Carpenter, Stephen R. and David M. Lodge, “Effects of Submersed Macrophytes on Ecosystem

Processes.” *Aquatic Botany*, Vol 26, 1986, 341-370.

<https://www.sciencedirect.com/science/article/pii/0304377086900318>

Water flow effects One experiment on the effects of aquatic macrophytes on water flow, showed that invasive milfoil beds decreased water flux through the littoral zone by 36%. (Ibid 344)

Increase in organic sediments In streams, “macrophyte stands act as a sieve retaining coarse particulate detritus” and terrestrial organic material “is retained in macrophyte beds and decomposed to a much greater extent than in unvegetated reaches of streams. In lakes, macrophytes contribute refractory organic matter directly to sediments...” (Ibid, 344)

Changes in free-water dissolved oxygen levels Dense macrophyte stands create significant oxygen changes in the water column, reducing available dissolved oxygen near the lake substrate, and increasing it at the surface. “Oxygen flux in a dense *Myriophyllum spicatum* stand was about twice as great as that of an adjacent harvested plot.” (Ibid 345)

Nutrient release into the water column The literature review from Carpenter and Lodge (1986) found that submersed macrophyte stands act as translocators of dissolved organic carbon and phosphorus, by absorbing it from the substrate through the plant, and releasing it back into the water during decomposition. (349)

Social Effects:

Invasive milfoil infests many public beaches and boating areas throughout North America. In the Okanagan, approximately 58 linear kilometers of shoreline covering approximately 6km² have been historically treated for milfoil using either winter de-rooting or summer harvesting methods or both. This represents 13.9% of the total shoreline area of major Okanagan Lakes.

The following public beaches in the Okanagan are infested with milfoil and historically subject to milfoil control (* Areas are now partially or wholly prohibited for milfoil de-rooting due to RMRM occurrences.):

Kin Beach – Vernon *
Paddlewheel Park Beach – Vernon *
Kalamalka Beach – Coldstream
Beasley Park – Lake Country
Reiswig Regional Park – Lake Country
Tugboat Bay – Kelowna

Hot Sands Beach/City Park – Kelowna
Strathcona Park – Kelowna
Kinsmen Park – Kelowna
Boyce-Gyro Beach – Kelowna
Rotary Beach Park – Kelowna
Pritchard Park – West Kelowna
Gellatly Bay Park – West Kelowna
Willow Beach – West Kelowna
Okanagan Lake Provincial Park North
Okanagan Lake Provincial Park South
Crescent Beach – Summerland *
Gordon Beggs Rotary Beach – Summerland *
Rotary Park Beach – Penticton
Skaha Lake Park – Penticton *
Lions Park – OK Falls *
Christie Memorial Provincial Park – Skaha Lake *
Lions Park – Osoyoos
Veterans Memorial Park – Osoyoos
Legion Beach Park – Osoyoos
Gyro Park – Osoyoos
Goodman Park – Osoyoos
Haynes Point Provincial Park *
Osoyoos Lake Regional Park

Yacht Clubs and Marinas infested with or directly affected by milfoil and subject to historical milfoil control include:

Vernon Yacht Club *
Turtle Bay Marina
Kelowna Yacht Club
El Dorado Marina
Kelowna Sailing Club
West Kelowna Yacht Club
Summerland Yacht Club *
Penticton Yacht Club
Skaha Lake Marina *
Osoyoos Boat Launch and Marina

As well as public beaches, yacht clubs and marinas, extensive lakefront business and resort areas are also treated each year for invasive milfoil. Several of these areas are also now restricted due to RMRM occurrences.

Uncontrolled invasive milfoil represents a severe threat to the economy and local way of life in the Okanagan. In 2018, nearly 80% of all visitors to Kelowna participated in beach, park and water related activities with 10% reporting that it was the primary reason for their visit.

Uncontrolled milfoil also represents an increased risk to public safety as well as beach water quality and drinking water quality. As recently as 2017, Okanagan media covered a story of a man swimming in an uncontrolled milfoil bed who described getting tangled in milfoil off of Kelowna's City Park. <https://www.pentictonwesternnews.com/news/adversity-for-lake-milfoil-harvest/> In nearby lakes in northwestern states, several drownings have been attributed to swimmers becoming caught in dense milfoil beds. Further, reduction in water quality due to milfoil increases the occurrence of swimmers itch, and promotes toxic algae blooms, which can cause a hazard to both humans, pets and wildlife.

Appendix B: Methods of Milfoil Control

There are two methods of milfoil control used in the Okanagan Basin, summer harvesting and winter rototilling. Both methods have been historically used since the 1970s in Okanagan Lakes, and were developed by the B.C. Ministry of Environment during more than 17 years of control experiments. Each machine operator has a GPS-linked tablet on board with maps showing all environmental work windows, habitat and species concerns. All information relating to federal and provincial environmental permitting is updated annually by a Qualified Environmental Professional. All milfoil control work is GPS tracked and a report is also submitted to the province annually.

Summer harvesting uses specially designed machines to cut invasive milfoil approximately 5 feet below the water's surface, and to transport the cut weeds to land. Once on shore, a truck collects the weeds for disposal. This control method only occurs during the peak milfoil growth season in July and August when the milfoil reaches the water's surface. Since milfoil grows up to 5 cm per day, a harvested milfoil bed could be back at the surface of the water in 30 days after treatment. Milfoil starts growing at water temperatures as low as 15 degrees Celsius, which occurs in Okanagan Lakes from May to October. Since mature milfoil plants naturally spread through fragmentation, the process of cutting the weeds also leads to viable plant fragments floating freely in the water to potentially establish new plants. Although the harvester collects most of the weeds, other stray fragments can create piles on beaches, get caught in boating equipment and interfere with other recreational activities.

Harvesting is not an effective method for milfoil control and is only used as an aesthetic treatment in areas of high public value where rototilling is not feasible. Harvesting also presents increased public safety risks as the machines must operate in public swimming areas during peak summer beach use. July and August are also the busiest time for boating and all water-related recreation activities in the Okanagan, creating increased workplace hazards for machine operators.

Winter rototilling occurs between October and May while milfoil is dormant and plant fragments cannot spread. The machine tills the top few inches of the lake substrate in areas where high milfoil growth were previously mapped, and where plant fragments are still visible. Root fragments float to the surface of the water and wash ashore where they decompose. The root fragments are also a food source for waterfowl which can often be seen following the machine. One year of de-rooting can lead to reduced plant density of 80-97%, while ongoing de-rooting in the same area can locally eliminate plant growth for a few years. However, once de-rooting stops, the area will become re-infested. De-rooting milfoil can also lead to a resurgence of native aquatic plants which are beneficial to the ecosystem, although the exact

mechanism for this is unknown. Milfoil is known to outcompete native plants by reducing available light for photosynthesis, and these plants have different root structures, which may not be as effectively removed from the substrate through rototilling.

De-rooting only occurs in mapped milfoil beds, accounting for all known fisheries work windows, including fish, amphibians, waterfowl, and sensitive plant areas.

Milfoil control can also occur through the use of physical, biological and chemical methods which were studied during the development of the OBWB milfoil control program. Bottom barriers are used in some places, and can be effective for a short period. However, bottom barriers have a number of environmental drawbacks and are not as effective as de-rooting. Bottom barriers create a permanent change in the substrate, limiting access to fish spawning beds and preventing all plant growth, reducing the occurrence of native aquatic plants.

Biological control includes the mass rearing of native aquatic insects such as weevils. The weevils prefer milfoil to other food sources, and also provide a food source for other species. However, in order to reduce overall milfoil density, huge numbers of weevils are needed which makes the mass-rearing process difficult and cost prohibitive. Weevils quickly consume a milfoil bed, which then eliminates the food source, killing the weevils and allowing the plants to re-grow.

Selective chemical treatment is the most effective method of milfoil control and is used extensively in the United States, including in the southern portion of the Okanagan Basin. Chemical treatment can lead to longer-term milfoil control while having limited effects on the aquatic ecosystem. Newer products have been developed since this method was last used in the 1980's in the Canadian Okanagan Basin, but they are not currently approved for use in Canada. Costs of chemical treatment are lower than the cost of rototilling and do not disturb the lake bottom. However, this method means releasing substances into drinking water while the plant has foliage in the summer months during peak beach-use. Chemical treatment does not have the same social licence as de-rooting and it is not likely a publicly acceptable alternative.

Appendix C: Comments Regarding Canada Gazette, Part 1, Volume 153, Number 12: Order Amending Schedule 1 to the Species at Risk Act

Julie Stewart, Director
Species at Risk Program
Fisheries and Oceans Canada
200 Kent Street
Ottawa, Ontario K1A 0E6

April 17, 2019

Re: Comments Regarding Canada Gazette, Part 1, Volume 153, Number 12: Order Amending Schedule 1 to the Species at Risk Act

Dear Director Stewart,

The Okanagan Basin Water Board (OBWB) is a local government agency in B.C. established through provincial legislation in 1970, with a mandate to provide leadership on valley-wide water issues. While we strongly support the protection of native species and their natural habitats, we believe that new evidence should be considered prior to the decision to up-list the Rocky Mountain Ridged Mussel (RMRM) from at-risk to endangered. To that end, we submit these comments to the subject Canada Gazette Order Amending Schedule 1 of the Species at Risk Act, regarding the recommended up-listing RMRM from “at-risk” to “endangered.”

Because of the limited time given to respond to the Canada Gazette publication, and the limited opportunity for communities to become informed and engaged, Okanagan elected officials will be directing additional correspondence directly to the Minister.

The listing considerations provided in the Canada Gazette are based on old information and in some cases, reach false conclusions. There is significant new scientific information to suggest that this species does not meet the definition of endangered under SARA, and that this new information has not been considered by COSEWIC. The Regulatory Impact Analysis Statement (RIAS) also significantly understates the social, economic and ecological impacts of regulations to protect RMRM should they be listed as endangered under the Order.

We strongly believe that the Minister should recommend to the Governor in Council that the matter be referred back to COSEWIC for further information and consideration. Specifically, that COSEWIC should consider new information about the species, published in 2015, and all

federal, provincial and academic surveys done on the RMRM since the last COSEWIC report in 2010, and that COSEWIC make a new recommendation based on this information.

This new information was also not available prior to the last round of (very limited) public, Indigenous and stakeholder consultations held in 2011. Since those consultations were held, there has been significant advancement in the understanding of Indigenous rights, changes in government at both the federal and provincial level, significant restoration activities in RMRM habitat areas, and an enhanced understanding of the issues and trade-offs among the stakeholders. **New consultations should be held to better inform the advice given to the minister.**

The Annex 1 – Description of species being added or reclassified to Schedule 1 of the Species at Risk Act section on RMRM asserts that “there may be some costs associated with reclassifying these species as endangered, due to the application of the SARA prohibitions; costs are not currently quantifiable, but are expected to be low.”

This conclusion is false and limited. There are significant extra direct and indirect costs associated with this decision which have been quantified in the past, and could be re-examined in detail given current information. There will be immediate and significant social and economic impacts related to a loss of the ability to control invasive Eurasian watermilfoil which have not been considered. We have outlined this information below.

Further, we believe it is appropriate for the Minister to consider the other factors given in this letter while preparing listing advice for the Minister of Environment.

We have organized our comments with specific reference to each of the considerations as outlined on page 5 of the Canada Gazette. Specifically: “In preparing listing advice to the Minister of Environment in relation to each aquatic species, the Minister of Fisheries and Oceans considers the following, as appropriate:

- The purposes of SARA;
- The species status assessment by COSEWIC;
- Other available information regarding the status and threats to the species;
- The *Fisheries and Oceans Canada Species at Risk Act Listing Policy for “Do Not List” Advice*;
- The results of consultations with the public, provinces and territories, appropriate Indigenous groups and organizations and wildlife management boards and with any other person or organization that the competent minister considers appropriate; and
- The socio-economic (costs and benefits) and biological impacts.

- The purposes of SARA

Page 3: The “Background” section outlines “the purposes of SARA, which are to prevent wildlife from becoming extinct or extirpated from Canada...” SARA defines an endangered species as “a wildlife species that is facing imminent extirpation or extinction.”

Comment: A 2015 study conducted by Post-Doctoral Fellow, Dr. Jon Mageroy, on behalf of the University of British Columbia and in partnership with the Province of B.C., found “Overall the investigation into RMRM juvenile recruitment in the Okanagan shows that juveniles have been recruited fairly recently at all the locations we surveyed, which indicates that the mussel population is not under immediate threat to be extirpated from the system.” (Mageroy P.4)

Further, between 1906 and 2002, only 14 records of RMRM exist from the entire range in Canada, leading to an initial precautionary COSEWIC listing of them as “at-risk”. However, Mageroy reported that snorkel surveys, limited to 3 meters in depth at only nine sites throughout the Okanagan directly recorded more than 5,500 RMRM individuals, and estimated the population at those nine sites to be over 13,300 individuals, and found healthy, recent juvenile recruitment in at least half of those surveyed sites. Mageroy also acknowledged that mussel surveys had to include excavations at the site as “juveniles are found buried in the substrate,” making them difficult to locate and identify. Still, the study found “mussels as young as two or three years old at a majority of the locations surveyed, and mussels seven years or younger at all locations.” (Mageroy P.3)

The precautionary principle defined on page 6 of the Gazette reads: “where there are threats of serious or irreversible damage to a wildlife species, cost-effective measures to prevent the reduction or loss of the species should not be postponed for a lack of full scientific certainty.” However, the initial COSEWIC assessment of RMRM as an at-risk species was only based on information available in 2003, while the latest assessment informing this Canada Gazette is only as recent as 2010. In the Mageroy study alone, the recorded population of the RMRM species in the Okanagan region increased by more than 390 times. That is, for every one Rocky Mountain Ridged Mussel recorded between 1906 and 2002, over 392 RMRM were found in just one study in just nine locations in 2013 and reported in 2015. Still, this information does not seem to have been assessed by COSEWIC, and does not seem to inform the recommendation to up-list this species to endangered.

Also since 2010, the B.C. Ministry of Forests, Lands, Natural Resource Operations and Rural Development have conducted more surveys, identified more RMRM locations, and should provide this information to COSEWIC for further assessment.

- The species status assessment by COSEWIC and The Fisheries and Oceans Canada Species at Risk Act Listing Policy for “Do Not List” Advice

The Fisheries and Oceans Canada Species at Risk Act Listing Policy and Directive for “Do Not List” Advice, 6.2.3. provides DFO with policy direction to provide “Do Not List” advice to the Minister to provide an option “to ‘refer back’ (to COSEWIC) when there is significant, credible information that:

- Was not available to, or not considered by, COSEWIC at the time of the assessment, and
- Could lead to a change in the conclusion that COSEWIC reached regarding the status of the species.”

Comment: In addition to the information on RMRM population numbers and healthy juvenile recruitment, Mageroy also examined and identified some of the host-fish species which are used by RMRM. The 2010 COSEWIC report indicated that “host species in Canada are unknown.” (COSEWIC RMRM, 2010, v.) This is another indication that the species status assessment by COSEWIC is outdated. Similarly, recent work by Snook (2018) identified more of the substrate types that provide habitat for RMRM species, another unanswered question given in the 2010 COSEWIC report.

Based on the Mageroy and Snook studies alone, there is “significant, credible information that was not available to COSEWIC and could lead to a change in the conclusion that COSEWIC reached regarding the status of the species.” It is likely that the Province of B.C. has further new information that was not previously available and should be considered.

- Other available information regarding the status and threats to the species

Significant assumptions have been made about this species and their decline in the Okanagan based on a lack of scientific knowledge. In the 2010 COSEWIC RMRM report Technical Summary, out of 21 factors used to determine demographic, extent and occupancy information, 11 were listed as “unknown,” 4 factors were listed as “possibly, likely or unlikely” and only 6 factors including geographic range were listed with certainty or from direct observation. Several of the unknown factors have now been studied in more detail and would provide for a more evidence-based assessment by COSEWIC.

The 2010 COSEWIC RMRM report also listed the following threats:

1. Introduction and establishment of the Zebra Mussel and/or Quagga Mussel in the Okanagan River basin.

Comment: Since 2010, the Province of B.C. in coordination with other northwestern jurisdictions has taken steps to prevent the introduction of invasive mussels. While these invasive species still represent the most serious threat, new prevention activities likely reduce the threat, and are another factor that has changed since 2010.

2. Ongoing foreshore/riparian development affecting quality/quantity of habitat especially on lake shorelines.

Comment: While we agree that foreshore/riparian development continues to be a threat to RMRM and aquatic habitat health in general, the regulations associated with the up-listing of SARA do not provide any additional protection for the species.

Further, habitat in the RMRM Extent of Occupancy area is generally improving from the conditions which likely led to any decline in the species in the past. Water quality in many of the main lakes of the Okanagan Basin has seen significant improvement since the 1960's, through reduced nutrient loading. Riverine environments in the Okanagan are also increasingly being protected and restored, and fish passage for potential host-fish species is being put in place around previously impassable barriers which may have prevented the species from moving in a natural way.

3. Regular rototilling of Eurasian Watermilfoil beds.

Comment: The assumption was made in both the 2010 COSEWIC RMRM report and the *Annex 1 – Description of species being added or reclassified to Schedule 1 of the Species at Risk Act section on RMRM*. However, there has never been any consideration of the effect of the invasive milfoil itself on the habitat of the RMRM. Introduced in the 1960's, invasive Eurasian water milfoil has significant effects on the substrate habitat conditions in many areas of the Okanagan. While RMRM individuals have been identified on the fringes of milfoil rototilling beds, there is no evidence that they can survive within dense milfoil beds that are left uncontrolled.

Limiting factors for RMRM survival in dense milfoil beds include lack of water flow, low dissolved oxygen conditions, nutrient loading into the water column, and lower water temperatures. Each of these factors is explained by Snook (2018) in her discussion of RMRM critical habitat identification. **It is possible that failure to control invasive milfoil will lead to a decrease in RMRM population and lower habitat quality.**

4. Channelization and water regulation in the Okanagan River.

Comment: Snook (2018) showed that RMRM density is noticeably higher in locations along channelized sections, while being “nearly absent from natural sections of Okanagan River.” Since river channelization only occurred in the Okanagan in the 1950’s, the population of RMRM that colonizes these sections has demonstrated successful juvenile recruitment since that time. This is another example of a conclusion drawn in 2010 by COSEWIC which should be reconsidered based on new information.

- The results of consultations with the public, provinces and territories, appropriate Indigenous groups and organizations and wildlife management boards and with any other person or organization that the competent minister considers appropriate

Annex 1 – Description of species being added or reclassified to Schedule 1 of the Species at Risk Act section on RMRM describes “several opportunities for consultation” that were provided over two months from October 2011 - November 2011, and only 17 responses were received. Of note, the report includes that “a face-to-face meeting (...) took place between DFO management and the Okanagan Basin Water Board to discuss specific aspects of the reclassification of the species.”

The report states: “Opposition was mainly due to fear of anticipated increases in the management costs of Eurasian Water Milfoil (an invasive aquatic plant), where rototilling is used to eliminate the plant. However, management costs are not likely to change significantly as a result of the listing of this mussel. Typically, the same areas are treated each year and the mussel is unlikely to be present in areas where rototilling has already occurred.”

Comment: RMRM mussels have been found adjacent to areas where milfoil rototilling has taken place for more than 30 years. Recent provincial restrictions have already significantly increased management costs, while reducing the effectiveness of invasive milfoil control. Further, the recent description of RMRM “critical habitat” by Snook for DFO means that restrictions could be placed on any areas of potential RMRM habitat within 80 meters of shore from the high-water mark, while provincial restrictions place a 100 meter buffer for each individual RMRM. These requirements could lead to an 800 square meter exclusion zone for milfoil control work around each new RMRM individual discovered in the future, even where the new recording is directly adjacent to the boundary of a historical rototilling bed. This would lead to significantly increased direct costs to the management program, contrary to the conclusion reached in the report.

These restrictions will have a very direct, immediate and significant impact on the local environment, economy, culture, and public enjoyment of the beaches as they are degraded by invasive milfoil.

The report also states: “For new areas that would require rototilling to eliminate the invasive plant, an environmental assessment would be required under the legislative requirements of the *Fisheries Act*, which has administrative, information and mitigation requirements similar to those required for species listed under SARA. Therefore, incremental costs for Milfoil control attributable to reclassifying the species to endangered under SARA would be negligible.”

Comment: The *Fisheries Act* relies on the listing of a species under SARA as extirpated, endangered or threatened to be in effect. Thus, the up-listing of RMRM would bring about significant new legislative requirements under the *Fisheries Act* – ONLY in relation to the SARA. Under the current listing as at-risk, the *Fisheries Act* requires the avoidance of “serious harm” to RMRM, whereas the up-listing to endangered would require the avoidance of “impacts” to RMRM – a significantly lower bar with significantly increased costs.

Further, the Benefits and Costs Analysis for RMRM on page 19 of the Gazette indicates that “there will not be any incremental costs to businesses as the majority of development that could harm the species would require a *Fisheries Act* review.”

Comment: This analysis is flawed as it only accounts for direct costs associated with the administration of the SARA regulations should the up-listing of RMRM be accepted. As outlined in the next section, there will be significant indirect costs associated with both the new requirements of the SARA permitting process, and the potential loss of milfoil control in newly identified critical habitat areas.

- **The socio-economic (costs and benefits) and biological impacts**

The listing of RMRM as an endangered species under SARA could trigger significant added burdens to proponents of any change in aquatic environments in the Okanagan without offering significant and meaningful additional protections for the survival and recovery of the species. Most significantly, increasing restrictions on milfoil control will have measurable biological effects on other species, a direct negative socio-economic effect, as well as potential negative effects on RMRM themselves (as outlined above).

1. The perimeters of areas that have already been subject to de-rooting for several decades still show evidence of live RMRM and successful juvenile recruitment (reproduction). Any damage to individual RMRM in these limited de-rooting areas would have occurred long ago, are incidental to the activity, and it is unlikely that the

method of milfoil control is having a negative population-level effect on the species, given the limited total shoreline area where de-rooting occurs. More research in this area is needed.

2. A provincially-commissioned report in 1991 found that termination of the milfoil control program would lead to a projected economic decline of \$85 million in annual tourism revenue, \$360 million in lost property value and over 1,700 job losses in the Okanagan alone. The study also found the further loss of \$40 million in provincial tourism revenues, \$3 million in lost provincial tax revenue and a further 800 job losses province-wide. It is likely that the numbers today are much higher given the dramatic population, economic and tourism growth in the valley in the last 28 years. **This report was not taken into consideration in the RIAS.**

- Reasonable alternatives, feasible measures to minimize impact, and jeopardizing the survival or recovery of the species

Should the order to up-list RMRM be approved, the following would apply:

“In order to authorize an activity that would otherwise be prohibited under SARA, the Minister of Fisheries and Oceans must be of the opinion that **one** of the following conditions is met:

- the activity is scientific research relating to the conservation of the species and is conducted by qualified persons
- the activity benefits the species or is required to enhance its chance of survival in the wild
- or affecting the species is incidental to carrying out the activity (i.e. is not the purpose of the activity)

As well, the Minister must be of the opinion that **all three** of the following conditions are met:

1. all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted
2. all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals
3. and the activity will not jeopardize the survival or recovery of the species”

Reasonable alternative:

Some B.C. provincial staff have asserted that milfoil in the Okanagan can be controlled through summer harvesting, which we conduct in limited areas where rototilling is already restricted, or where underwater infrastructure makes rototilling unfeasible. This short-term method does not have the same beneficial effects on water quality and habitat, does not prevent anoxic conditions at the lake bottom, and because it occurs during the plant's growing season, also spreads fragments which can lead to increased infestations in other areas.

Harvesting is less effective than de-rooting as the plant grows back to the surface within four to six weeks of treatment, and the root systems are allowed to spread and densify. Harvesting also creates an increased danger to public safety through increased weed growth in swimming areas, as the machines enter swimming areas during beach-use, and operate in peak boating season. Harvesting is also less cost-effective and requires more equipment and on-shore infrastructure to collect and transfer the weeds to land for disposal. Finally, the harvesting season is only two months long; too short a window to treat the extensive areas of milfoil infestation in five major lakes. Harvesting is not a reasonable alternative to de-rooting for milfoil control, it is a less-effective aesthetic-only method which has limited benefit to aquatic health, and given the size of the infested treatment areas, is cost-prohibitive.

The only known effective alternative to milfoil rototilling is the **use of aquatic herbicides** which is not socially acceptable for use in source drinking waters, and is not authorized for use in Canada.

Feasible Measures to Minimize Impact

Current policy in both provincial regulations and through SARA suggest that relocation of mussels out of a proposed work area is a feasible measure to reduce species impact. However, relocation of RMRM has been shown to also be detrimental and in many cases, difficult to conduct, and prohibitively expensive in larger areas. Through an experiment in 2013, 50 RMRM relocated to a control site were surveyed four months after relocation. Only 21 live mussels were recorded at that site, suggesting less than 50% survival of RMRM at four months after relocation. Based on the cost of relocation and the limited change of RMRM survival, it is not a feasible measure to minimize impact to individuals, and is also not likely to have a population-level effect.

Jeopardizing the survival or recovery of the species

COSWEIC acknowledges that only 5% of RMRM global habitat is in Canada, and is limited to the Okanagan Basin. Because juvenile RMRM are carried on host fish, the greater threat to the survival of the species is likely the prevention of fish passage through hydroelectric dams, and water control structures causing habitat fragmentation. Most of these structures in the broader Okanagan/Columbia basin exist in the United States, outside the control of SARA. In the Okanagan Basin, river channelization, water pollution and invasive milfoil introduction all occurred in a period between 1950 and 1975. While foreshore and riparian development continue to be a problem for RMRM and other species, the greatest threat likely occurred during that time period of rapid negative habitat change.

Since 1970, RMRM have successfully re-established in dense numbers in the channelized sections of the Okanagan River, have demonstrated successful juvenile recruitment in lake and river environments, and have enjoyed the benefit of significantly improved water quality, reduced nutrient loading, enhanced fish passage and increasing legal protection. Further, there is no evidence that RMRM prefer the same habitat as invasive milfoil, or that they can even survive in dense milfoil beds. Although rototilling for milfoil control may have negative effects for individual RMRM, the harm would be incidental to the carrying out of the activity, and may even provide broader benefits for the population based on enhanced habitat for other species, including potential host fish. The limited scope of milfoil rototilling (a small fraction of the lake shores) is also unlikely to have population-level effects to RMRM.

Conclusion

With the current information available based on locally-controllable processes, it is as likely that RMRM is in a recovery stage compared to the 1950-70's as it is that they are in decline in the Canadian Okanagan region. However, COSEWIC and other sources assert that global populations of freshwater mussels are in decline. The broader global conditions such as climate change and related increases in extreme events, effects on habitat conditions and other processes that could negatively affect freshwater mussel populations will not be addressed through the proposed changes in SARA.

We strongly believe that the Minister should recommend to the Governor in Council that the matter be referred back to COSEWIC for review of newly available information. We also strongly support the re-assessment of the RIAS, as the current version is based on old information, false conclusions and assumptions, despite other information being available. Finally, we believe new consultations should be held to better inform the advice given to the Minister.

In addition to these comments to the Canada Gazette process, we will be providing a letter directly to the Minister of Fisheries and Oceans and our local Members of Parliament to make them aware of our concerns. We will also be requesting feedback to the Minister from local governments, First Nations and local stakeholders to ensure that any decision is based on full and recent consultations, rather than a limited Regulatory Impact Analysis Statement informed by information from 2010 and very limited consultations from 2011.

We would be happy to engage further with your office on this issue which affects the Okanagan region, economy, ecosystem and Okanagan communities.

Sincerely,



Anna Warwick Sears
Executive Director

anna.warwick.sears@obwb.ca
250-469-6251

Regional Board Report

TO: Regional Board

FROM: Mary Jane Drouin
Manager-Corporate Services

DATE: May 15, 2019

SUBJECT: Appointment of Bylaw Enforcement Officers

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1*

Purpose: Board approved appointment is required to enforce provisions of bylaws of the Regional District of Central Okanagan

Executive Summary:

Tanya Brunelle (Weeds and Insects) and Tara Denomme (Animal Control) have recently joined the Regional District as Bylaw Enforcement Officers.

In addition, the following positions have recently been designated in the RDCO Ticket Information Utilization Bylaw No. 435 as bylaw enforcement officers for regional and community parks bylaws: Manager of Parks and Resource Operations and Park Operators.

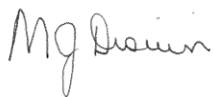
In order to enforce provisions of the ticketing bylaws for the specific services there is a requirement for the Regional Board to appoint the following staff as Bylaw Enforcement Officers for the Regional District of Central Okanagan while they are employed by the RDCO.

RECOMMENDATION:

THAT the Regional Board appoint the following Regional District employees as Bylaw Enforcement Officers to enforce the designated service bylaw(s) outlined:

- Tanya Brunelle - Noxious Weed Control Bylaw and Noxious Insect Control Bylaw
- Tara Denomme - Responsible Dog Ownership Bylaw
- Brad Ackerman - Regional Parks Bylaw and Community Parks Bylaw
- Kirk Licht - Regional Parks Bylaw and Community Parks Bylaw
- Charlie Scholl - Regional Parks Bylaw and Community Parks Bylaw
- Glenn Ross - Regional Parks Bylaw and Community Parks Bylaw

Respectfully Submitted:



M. Drouin
Manager – Corporate Services

Approved for Board's Consideration



Brian Reardon, CAO

Regional Board Report

TO: Regional Board

FROM: Carol Teschner
Manager of Finance

DATE: May 3, 2019

SUBJECT: Information Report – Purchase Commitments >\$100,000 during 1Q 2019

Voting Entitlement: All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1

Purpose: To report all purchase commitments exceeding \$100,000 during 1Q 2019 in accordance with section 4.6 of the Board's Purchasing Policy.

Executive Summary:

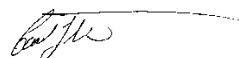
Those purchase commitments exceeding \$100,000 made during 1Q 2019 were as follows:

Contract:	Contract Awarded To:	Contract Value (excluding taxes):	Competitive Process Followed:
Landscape Maintenance Services – KLO Rd Office (#R19-461)	Asahi Contracting Ltd	\$126,823 <small>(Total fixed cost for 5 year contract term 2019 to 2023)</small>	Public Request for Proposals
Parks Automated Gates -Supply & Install (#R19-463)	Rite-Way Fencing Inc.	\$175,559	Public Request for Proposals

RECOMMENDATION:

THAT the Regional Board, as per section 4.6 of the RDCO Purchasing Policy, receive for information, the report on the purchase commitments which exceeded \$100,000 made during the first quarter of 2019.

Respectfully Submitted:



Carol Teschner
Finance Manager

Approved for Board's Consideration



Brian Reardon, CAO



Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: May 27, 2019

SUBJECT: Request for Wireless Telecommunications Facility (MISC-19-15)
Freedom Mobile Inc. c/o Cypress Land Services – Applicant
Part NW ¼, Except Plan A499, Section 13, Township 28 – 5819 Chute Lake Rd

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1*

Purpose: To consider a Freedom Mobile proposal to install a telecommunications tower on privately owned land.

Executive Summary:

The proponent, Freedom Mobile Inc. c/o Cypress Land Services, proposes to install a 50-metre-tall telecommunication tower on private land. Approval for proposed telecommunication sites on privately owned land is governed and processed by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada. Although Zoning Bylaw No. 871 permits the proposed use in all zones, in accordance with ISED's Default Public Consultation Process, the proponent requires a Regional Board resolution indicating land-use authority approval.

RECOMMENDATION #1:

THAT the Regional District of Central Okanagan confirms that the proposed wireless telecommunications facility on the subject property, 5819 Chute Lake Road, conforms with RDCO Zoning Bylaw No. 871 and therefore has no objections provided it is constructed substantially in accordance with the plans submitted to the Regional District of Central Okanagan.

RECOMMENDATION #2:

THAT the Regional Board direct staff to amend Development Applications Procedures Bylaw No. 944, 2002 to include a development application procedure and application fee for future requests for installation of telecommunication towers.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Todd Cashin'.

Todd Cashin, Director of Community Services

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read 'Brian Reardon'.

Brian Reardon, CAO

Prepared by: Brittany Lange, Planner

Implications of Recommendation:

Strategic Plan:

- Strategic Priority 1: Provide proactive and responsive governance; and,
- Strategic Priority 2: Ensure asset, service, and financial sustainability.

Organizational:

Directing staff to amend Development Applications Procedures Bylaw No. 944 will assist the organization in providing proactive governance by specifying an organizational process for future requests for concurrence.

Financial:

Directing staff to amend Development Applications Procedures Bylaw No. 944 will assist the organization in ensuring service and financial sustainability by specifying an application fee for future requests for concurrence.

Policy:

Supporting the request complies with Part 3, Section 3.12 of Zoning Bylaw No. 871 “Public utility facilities for local transmission of water, sewage, electrical power, telephone, natural gas, and other similar services are permitted uses in all land use designations”; and,

Policy No. 3.2.1.4 of the Regional Growth Strategy Bylaw No. 1336 “Encourage access to and opportunity for development of Crown resources and rural land that provide economic opportunities that contribute revenues to support community social, health, education and transportation services for the citizens of the Central Okanagan while having minimal impacts to the land, wildlife, and sensitive environmental areas”.

Legal/Statutory Authority:

Jurisdiction for approving the application lies with the Government of Canada Confirmation that the application conforms with RDCO’s zoning bylaw lies with the Regional Board.

Background

Process:

Typically, applications for proposed telecommunication sites on Crown land are processed by FrontCounter BC, reviewed by the Regional District, and approved by the Province. Final approval for tower siting decisions is governed and processed by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, on behalf of the Government of Canada. As the proposed tower is located on private property, the FrontCounter BC portion of the above process is not required.

However, in accordance with ISED’s Default Public Consultation Process (DPCP), the proponent requires acknowledgement from the Regional District that the local government process or other requirements have been satisfied in a format such as a Regional Board resolution indicating land-use authority approval. The closest structure is a Rogers Communications tower approximately 18 metres from the proposed Freedom Mobile communications tower. The Regional Board previously approved a request for a telecommunication tower on May 14, 2015 (Resolution #92/15) for the existing Rogers Communications tower.

Project Description:

The proponent, Freedom Mobile Inc. c/o Cypress Land Services, proposes to install a 50-metre-tall telecommunication tower (See Appendix 'A'). The intent is to expand their network within the Okanagan and to improve coverage and network quality in the Upper Mission area. While it is preferable to share sites with other carriers, the existing Rogers telecommunications tower located on the same parcel is unsuitable for upgrades as it was determined that it would not structurally support the equipment required for Freedom Mobile. As such, a new structure is required.

The proponent has completed preliminary design plans, which includes a simulated photo to provide a visual of what the proposed tower may look like. The proposed telecommunication tower is to be installed on privately owned land located within the South Slopes Official Community Plan Area, and will be accessed via an existing route through the property. It is in close proximity to a high density, residential area within the City of Kelowna.

Additional Information:

Applicant:	Freedom Mobile Inc. c/o Cypress Land Services
Owner:	Roman Catholic Bishop of Nelson
Legal:	Part NW ¼, Except Plan A499, Section 13, Township 28 (PID: 015-122-077)
Lot Size:	+/- 62.31 ha (153.96 acres)
Zoning:	RU1 Rural 1 / P2 Institutional and Assembly
OCP Designation:	Rural Resource / Institutional
Existing Use:	Prayer retreat centre (St. Elizabeth Seton House of Prayer) and gravel extraction operation
Surrounding Uses:	
North:	Lands within the City of Kelowna
South:	Crown Land
East:	Rural Private Parcel
West:	Lands within the City of Kelowna
A.L.R.:	Not within the A.L.R.
Fire Protection:	Not within an established Fire Protection Area

Referral Comments:

RDCO Planning Services staff advises that the proposed site is located within a Sensitive Aquatic Development Permit Area under the South Slopes Official Community Plan Bylaw No. 1304. If approved, the proposed tower will be located in close proximity to two ephemeral tributaries of Lebanon Creek, Cedar Creek and Leon Creek, which are connected to fish bearing waters and may also be of importance for wildlife habitat connectivity. Based on information provided by the proponent, it is expected that the tower will be situated a minimum of 30 m from Cedar Creek. If the tower or any other structure is to be located within Development Permit Areas, the proponent should contact the Regional District for additional information on the process for a Development Permit application.

RDCO Inspection Services staff notes that tower structures are engineered and do not fall under the B.C. Building Code. As such, the proponent's engineer would be responsible for ensuring the tower is structurally sound and built as designed. If any other associated structure over 100 sq. ft. (i.e. equipment building) is to be constructed, the proponent should contact the Regional District for additional information on the process for a Building Permit application.

FortisBC staff indicates that there are FortisBC Inc. (Electric) (“FBC(E)”) primary distribution facilities within the boundary of the subject property. The applicant is responsible for costs associated with changes to the subject property’s existing service, if any, as well as the provision of appropriate land rights where required.

There are also FBC(E) transmission facilities bisecting the subject property. While the proposed development does not appear to affect the existing transmission facilities, the applicant should note that proposals for any construction within the right of way, including, but not limited to, water, sewer, and other utilities must be reviewed and approved by FBC(E) prior to installation for safety and operational purposes. No elevation changes are permitted within all right of way areas without review and approval by FBC(E). The applicant is responsible for costs related to the detailed review of their proposal in addition to any other costs which may arise or be required related to this development’s potential or actual impact on the transmission corridor. It is advised that the applicant contact FortisBC for further information.

Unaffected RDCO Departments include Parks Services, Engineering Services, and Fire Services.

Unaffected Agencies include B.C. Hydro and the City of Kelowna.

Financial Considerations:

The Development Applications Procedures Bylaw No. 944 does not include an application fee or process for a request for concurrence. As such, staff is recommending that the Regional Board direct staff to review Development Applications Procedures Bylaw No. 944 to include a document administration fee.

Organizational Issues:

The Development Applications Procedures Bylaw No. 944 does not include application requirements, public consultation or procedures for processing a request for concurrence or other requests for written responses to inquiries requiring Regional Board resolution. As such, staff is recommending that the Regional Board direct staff to review Development Applications Procedures Bylaw No. 944 to clarify and define organizational procedures for similar requests.

External Implications:

The Regional District does not have an established public consultation process applicable to antenna siting on private property. As such, proponents must follow the ISED’s mandated public consultation process.

On April 3, 2019, the proponent provided notification letters via regular mail to residents and other affected parties within a radius of three times the height of the proposed tower (150.0 metres). The notification letter was to advise residents of the proposed installation and to offer an opportunity to obtain additional information and provide comments. Furthermore, a notice was placed in the Kelowna Capital News on April 10, 2019 inviting the community to comment on the proposal for a period of 30 days.

The proponent has advised the Regional District that no comments were received during the 30-day public consultation period, which concluded May 10, 2019 (See Appendix ‘B’). To date, the Regional District has received no submissions from the public related to the proposed telecommunication facility.

Conclusion:

Should the Board choose not to support the staff position, the following alternative recommendations are provided:

Alternative Recommendation #1:

THAT the Regional District of Central Okanagan does not concur with the proposal to build a 50-metre-tall telecommunications tower on privately owned land located at 5819 Chute Lake Road and therefore does not support the proposal (PID: 015-122-077) (MISC-19-15).

Alternative Recommendation #2:

THAT the Regional Board direct staff to continue with the current process and not amend Development Applications Procedures Bylaw No. 944, 2002 to include a development application procedure and application fee for future requests for concurrence.

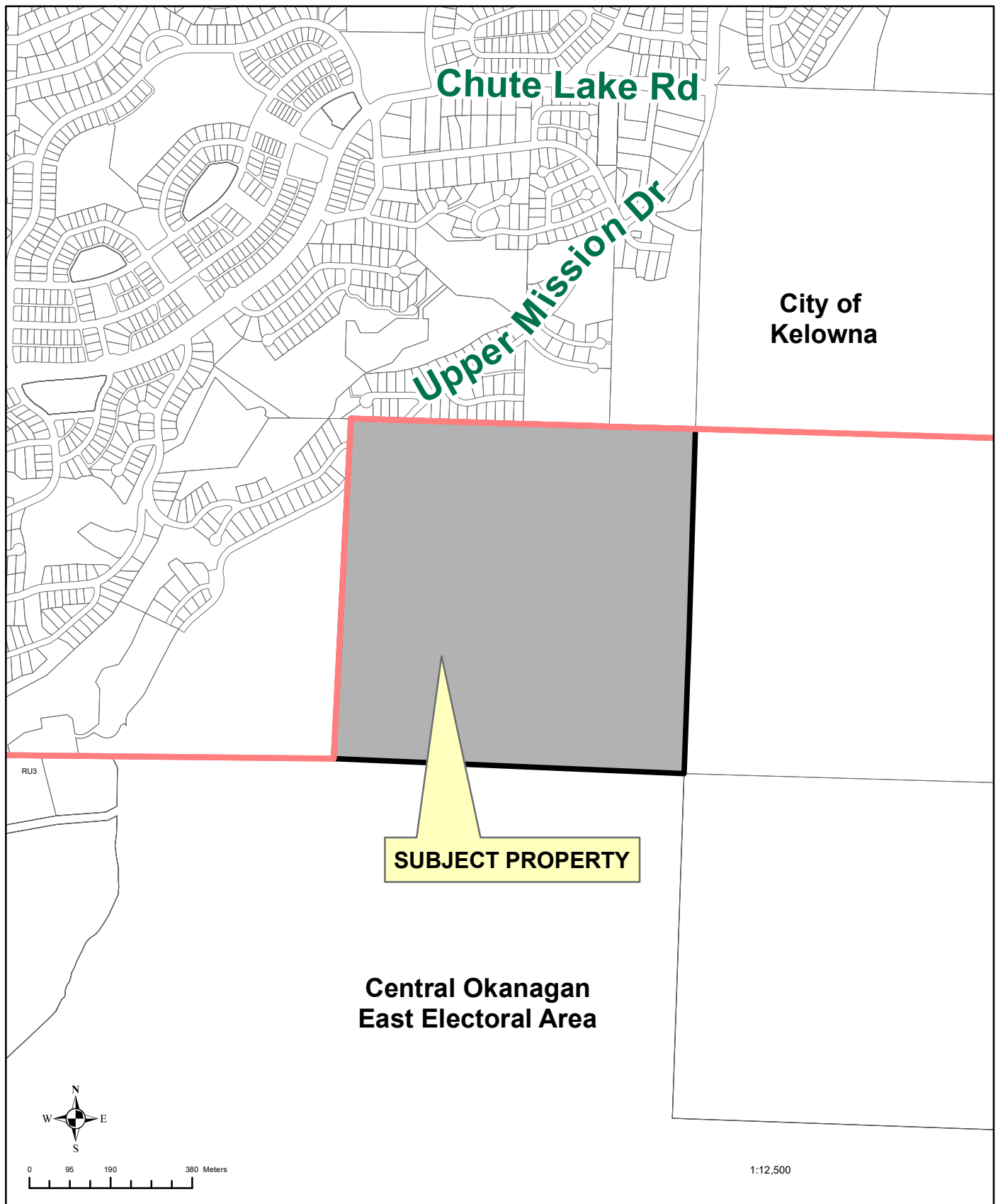
Considerations not applicable to this report:

- *General*

Attachment(s):

- Subject Property Map and Orthophoto
- Appendix 'A' – Information Package
- Appendix 'B' – Request for Concurrence and Public Consultation Summary

SUBJECT PROPERTY



File: MISC-19-15
Date: March 25, 2019

Drawn by: JM
Part NW1/4, Sec. 13, Twp 28, SDYD, Except Plan A499

ORTHOPHOTO





Cypress Land Services
Suite 1051 – 409 Granville Street
Vancouver, BC V6C 1T2

Telephone: 604.620.0877
Facsimile: 604.620.0876
Website : www.cypresslandservices.com

March 5, 2019

Via Email: planning@cord.bc.ca

Jennifer Maximuik
Planning Section, Community Services
Regional District of Central Okanagan

Dear Ms. Maximuik:

Subject: Freedom Mobile Telecommunications Facility Proposal
Information Package
Legal: PID: 015-122-077
Address: 5819 Chute Lake Road, Kelowna, BC
Coordinates: 49.785688°, -119.500122°
Freedom Mobile Site: BKE0004B

Overview

Cypress Land Services Inc., in our capacity as agents to Freedom Mobile, is submitting this information package to formalize the consultation process related to the installation and operation of a telecommunications facility. We have been in preliminary consultation with the Regional District of Central Okanagan ("CORD") to identify suitable location for the operation of telecommunications facility.

Freedom Mobile is proposing the installation as part of its network expansion to the Okanagan, which will provide improved, dependable wireless data and voice communication services to an area within a few kilometers of the proposed site. This information package is intended to formalize the consultation process to the CORD.

Proposed Site

The subject property is located at 5819 Chute Lake Road in Kelowna, BC within the CORD. The installation consists of a monopole, 50.0 metres in height with antenna equipment attached at the top of the pole. The equipment cabinets will be located at the base of the monopole enclosed by a chain-link fence occupying an area of 10.0m x 10.0m. It is proposed to situate the tower on the mountain side behind the residential community. The proposed location is in the southeast

corner of the property adjacent to the existing Rogers Tower. Please see **Schedule A: Tower Site Location**.

Rationale for Site Selection

Freedom Mobile seeks to maintain and improve high quality, dependable network services. In order to provide network services to this area, Freedom Mobile is seeking to add the proposed communications installation.

The proposed site is a result of many considerations. Freedom Mobile reviewed co-location options on nearby structures and towers. The existing Rogers tower was reviewed and it was determined that structurally it will not support the attachment of Freedom Mobile equipment. The Rogers structure is a monopole design and cannot be upgraded to add further structural capacity. As such, a new structure is required.

Proposal Details

A slim line monopole design is proposed in order to create a monopole with minimal visual impact. Freedom Mobile has completed preliminary design plans (**Schedule B: Preliminary Plans**). These preliminary design plans are subject to final engineered design, land survey and approval of Transport Canada. Transport Canada approval may require tower lighting and/or marking.

Consultation Process with the CORD

It is our understanding that the CORD does not currently have a telecommunications policy to guide the public consultation process. As such, Freedom Mobile will follow Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada's, CPC Procedures. This requires all proponents to consult with the local land use authority and public. Freedom Mobile will notify all property owners and occupants within three (3) times the height of the structure from the outer edges of the compound area (approx. 150 metre radius) and place an advertisement in the local newspaper to gather community feedback. All correspondence with community members will be shared with staff. We plan to mail the notification packages in March 2019.

Health and Safety

Health Canada's Safety Code 6 regulations are applicable to this, and all, telecommunications sites. Safety Code 6 seeks to limit the public's exposure to radiofrequency electromagnetic fields and ensures public safety. Additional information on health and safety may be found on-line at:

Health Canada:

http://www.hc-sc.gc.ca/ewh-semt/pubs/radiation/radio_guide-lignes_direct-eng.php

Concurrence Requirements

In order to complete the consultation process, Freedom Mobile will be requesting concurrence from the CORD in a form acceptable by ISED. We understand that, subsequent to the required public consultation process, the CORD would be providing a letter of resolution.

Conclusion

Please consider this information package as the official commencement of consultation with the CORD. Freedom Mobile is committed to working with the Regional District and the community to provide improve wireless services.

We look forward to working together during this process. Please do not hesitate to contact us by phone at 604-620-0877 or by email at chad@cypresslandservices.com.

Thank you in advance for your assistance and consideration.

Sincerely,

CYPRESS LAND SERVICES

Agents for Freedom Mobile



Tawny Verigin

Municipal Affairs Specialist

cc: Pascal Dube, Real Estate Supervisor, Freedom Mobile

SCHEDULE A TOWER SITE LOCATION

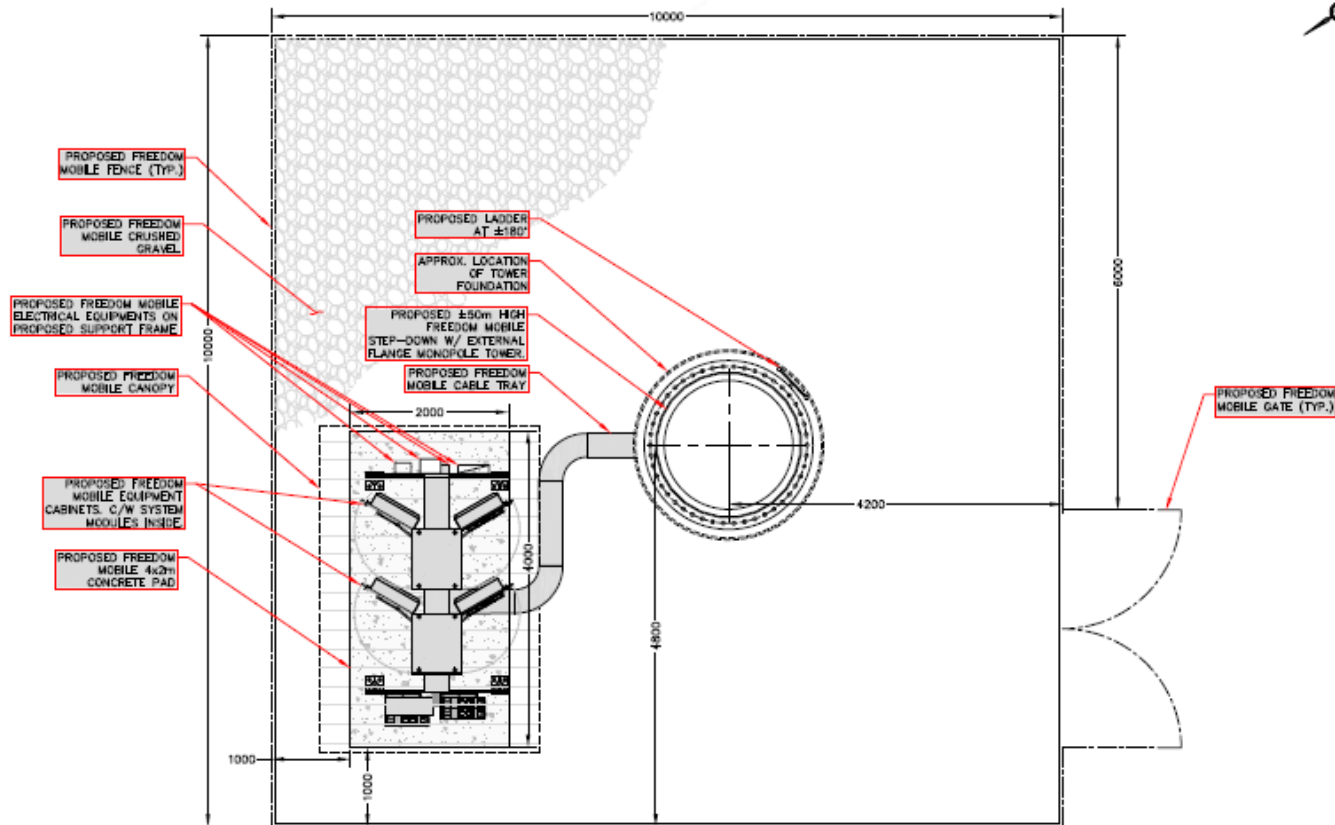


**SCHEDULE B
PRELIMINARY DESIGN PLANS – SITE LAYOUT**



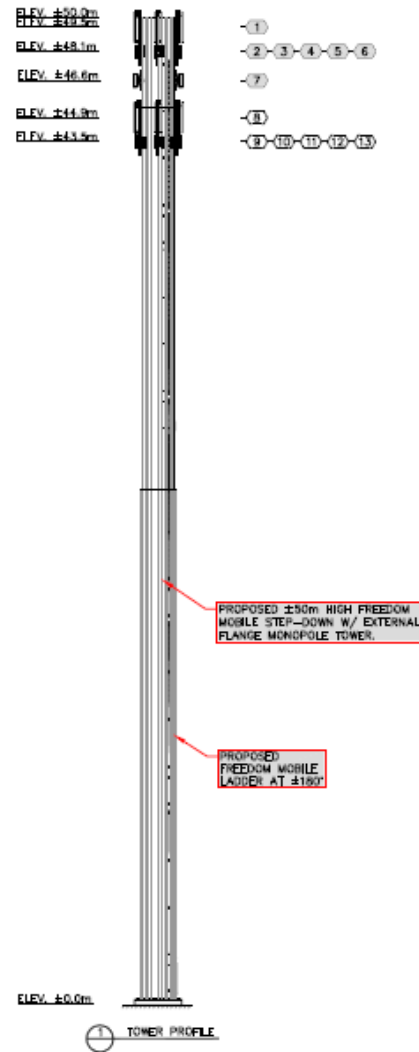
1 SITE LAYOUT

**SCHEDULE B
PRELIMINARY DESIGN PLANS – COMPOUND PLAN**



① COMPOUND LAYOUT

SCHEDULE B **PRELIMINARY DESIGN PLANS – TOWER PROFILE**





May 13, 2019

Via Email: Brittany.Lange@cord.bc.ca

Brittany Lange, Planner
Planning Services, Community Services
Regional District of Central Okanagan

Subject: Request for Concurrence for a Freedom Mobile Wireless Communications Facility Proposal

Freedom Mobile Site:	BKE0004B
Proposed Location:	5819 Chute Lake Road, Kelowna, BC
Description:	50.0 metre monopole

Dear Ms. Lange,

Please be advised that Freedom Mobile c/o Cypress Land Services Inc. has completed the public consultation process, following Innovation, Science and Economic Development Canada (ISED), formerly Industry Canada, Default Public Consultation Process. Freedom Mobile is respectfully requesting, from the Regional District of Central Okanagan Boardf, that concurrence be issued for the Freedom Mobile tower proposal in an effort to provide Freedom Mobile wireless communications services. Enclosed please find evidence of the following efforts regarding this public consultation process.

On April 3, 2019, notification letters were sent to residents and other affected parties within a radius of three times the height of the proposed tower (150.0 metres). The notification letter was to advise residents of the proposed installation and to offer an opportunity to obtain additional information and provide comments (please see **Appendix 1: Affidavit of Notification**).

A newspaper notice was placed in the April 10th edition of the Kelowna Capital News, inviting the community to comment on the proposal (please see **Appendix 2: Newspaper Tear Sheet**).

On May 10, 2019 the consultation period ended. During the consultation period, no comments were received.

RECEIVED
MAY 3 2 2011
KELOWNA

Freedom Mobile is committed to working with the community and staff to supply Freedom Mobile wireless services to the Kelowna area. If the Board concurs with the proposed wireless communications facility project, please find in **Appendix 3: Sample Resolution**, a sample resolution which may be used. Should you require any additional information, please do not hesitate to contact us 604-620-0877 or by e-mail at tawny@cypresslandservices.com.

Sincerely,

Tawny Verigin
Municipal Affairs Specialist



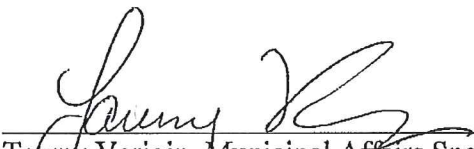
Cypress Land Services
Agents for Freedom Mobile

Appendix 1: Affidavit of Notification


Affidavit of Cypress Land Services

I, Tawny Verigin, Municipal Affairs Specialist, in the City of Vancouver in the Province of B.C., make an Oath and say:

1. THAT I caused to be sent by regular mail, a notification letter, as included in Appendix A, to property owners, occupants and other recipients, as listed in Appendix B, on April 3, 2019.


 Tawny Verigin, Municipal Affairs Specialist
 Cypress Land Services

Sworn/Affirmed/Declared before me at the City of Vancouver, in the Province of B.C., this 3rd day of April 2019.


 (Commissioner's Signature)

A Commissioner for Taking Affidavits for the Province of B.C.

Arthur Zen Chan
 A Commissioner for Taking Affidavits
 For British Columbia
 Cypress Land Services Inc.
 1051 - 409 Granville Street
 Vancouver, BC V6C 1T2
 Tel: 604-620-0877
 Expires on: December 31, 2020

(Commissioner's stamp or printed name and expiry date)

Appendix A: Notification Letter

Invitation for Public Input
Proposed Freedom Mobile Telecommunications Tower Installation
Located at 5819 Chute Lake Road, Kelowna, BC

Dear Neighbour,

Freedom Mobile ("Freedom") is striving to provide high quality wireless communications services to Canadians. Increasingly, Canadians depend on wireless voice, data and internet communications for business, personal enjoyment and personal security reasons. Freedom is actively planning its network build for the launch of its wireless services in the Okanagan. In order to launch its network Freedom requires the installation of new wireless communication facilities. One of the new installations is proposed to be located at 5819 Chute Lake Road in Kelowna, BC within the Regional District of Central Okanagan ("CORD") to service the surrounding residential properties in the Upper Mission area.

PROPOSAL DETAILS:

Freedom is proposing to install a 50.0 metre monopole wireless communications facility at 5819 Chute Lake Road, Kelowna, BC (PID: 015-122-077). It is proposed to situate the tower on the mountain side behind the residential community. The proposed location is in the southeast corner of the property adjacent to the existing Rogers Tower. The installation consists of six (6) panel antennas and four (4) microwave antenna at the top of the monopole. The two (2) equipment cabinets will be located on a concrete pad within a chain-link fenced compound area at the base of the monopole occupying an area of 10.0 metres by 10.0 metres. The installation is required to support Freedom's antennas in order to provide wireless communication network service within a few kilometres of the proposed location.

REGULATORY AUTHORITY:

Telecommunication providers are required by Innovation, Science, and Economic Development Canada (ISED), formerly Industry Canada, to consult with the local municipality and the general public regarding new installations. ISED does have exclusive jurisdiction over the approval and placement of telecommunications installations. The CORD does not have a telecommunications policy. Therefore, Freedom will be following the CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, as mandated by ISED.

The consultation process will provide an opportunity for residents, stakeholders and landowners to obtain detailed information regarding the proposal and to provide comments for consideration. Any inquiries that are received as a result of this notification will be logged and submitted to the CORD and ISED as part of our application for concurrence.

This letter provides written notification to adjacent landowners and stakeholders within a radius of three (3) times the height of the proposed structure. You have received a copy of this notification package because your property, or a property you have an interest in, is located within 150 metres of the required notification area. The consultation process provides an opportunity for the public to engage in reasonable, relevant, and timely communication regarding this proposal. The closing period for written comments regarding the proposal is May 10, 2019. Any inquiries that are received as a result of this notification will be logged and submitted to the CORD.

For additional and detailed information regarding CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, please go on-line to: <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08777.html>

Purpose

The purpose of the proposed facility is to help Freedom provide wireless coverage to areas within a few kilometres. Currently, there are no existing antenna support structures or other feasible infrastructure that can be utilized. The existing Rogers tower adjacent to the proposed Freedom Mobile tower was reviewed, and it was determined that structurally it will not support the attachment of Freedom Mobile equipment at a height required to service the area. The Rogers structure is a monopole design and cannot be upgraded to add further structural capacity. As such, a new structure is required. An aerial photo of the proposed location and a photo-simulation of the proposed tower is included as part of this notification package.

Location

The tower will be located at the coordinates 49.785688° N, 119.500122° W. It is proposed to be located at 5819 Chute Lake Road in Kelowna, BC.

Health & Safety of Wireless Facilities

ISED manages the radio communications spectrum in Canada and requires cellular telecommunications facilities to comply within the guidelines set by Health Canada in order to protect people who live or work near these facilities. These Health Canada safety guidelines are outlined in their 'Safety Code 6' document and are among the most stringent in the world. All Freedom facilities adhere to and are generally well within these standards. Freedom attests that the radio installation described in this notification package will be installed and operated on an ongoing basis so as to comply with Health Canada's Safety Code 6 for the protection of the general public including any combined effects of nearby installations within the local radio environment.

Site Access

Access is existing through the property. Construction is anticipated to take 30 to 45 days. Once complete, the site will only be accessed for routine maintenance visits which typically occur once or twice a month. To safeguard the site from the general public, the tower base and accessory equipment will be enclosed by a fence.

Environment

Freedom confirms that the installation is excluded from environmental assessment under the Canadian Environmental Assessment Act.

Design

This proposal is for a 50.0 metre monopole with six (6) flush mounted Freedom antennas, four (4) microwave dishes and two (2) accessory equipment cabinets on a concrete pad within a chain-link fenced compound area occupying an area of 10.0 metres x 10.0 metres. A preliminary design of the site plan, compound layout and monopole elevations are included in this notification for your reference.

Transport Canada

The pole will be marked in accordance with the Transportation Canada and NAV Canada requirements. Comments are pending.

Structural Considerations

Freedom confirms that the antenna structure described in this notification package will apply good engineering practices including, structural adequacy during construction. The facility will be built to the National Building Code as well as the BC Building Code.

Local Municipality

The CORD does not have a telecommunications policy. Therefore, Freedom will be following the CPC-2-0-03 — Radiocommunication and Broadcasting Antenna Systems client procedures circular, as mandated by ISED.

General Information

General information relating to antenna systems is available on ISED's Spectrum Management and Telecommunications website: http://www.ic.gc.ca/eic/site/smt-gst.nsf/en/h_sf01702e.html

Contacts

Freedom Mobile

c/o Tawny Verigin of Cypress Land Services Inc.
Agents for Freedom Mobile
Suite 1051, 409 Granville Street
Vancouver, BC V6C 1T2
Telephone: 604-620-0877
Fax: 604-620-0876
Email: publicconsultation@cypresslandservices.com

CORD

ATTN: Brittany Lange, Planner
Planning Services, Community Services
Email: planning@cord.bc.ca
Telephone: 250-469-6227

ISED

Interior British Columbia
Okanagan-Kootenay Office
1726 Dolphin Avenue, Room 603
Kelowna BC V1Y 9R9
Telephone: 250-470-5026 or 1-800-667-3780
Fax: 250-470-5045
Email: ic.spectrumkelowna-kelownaspectre.ic@canada.ca
(By appointment only)

Aerial Photo

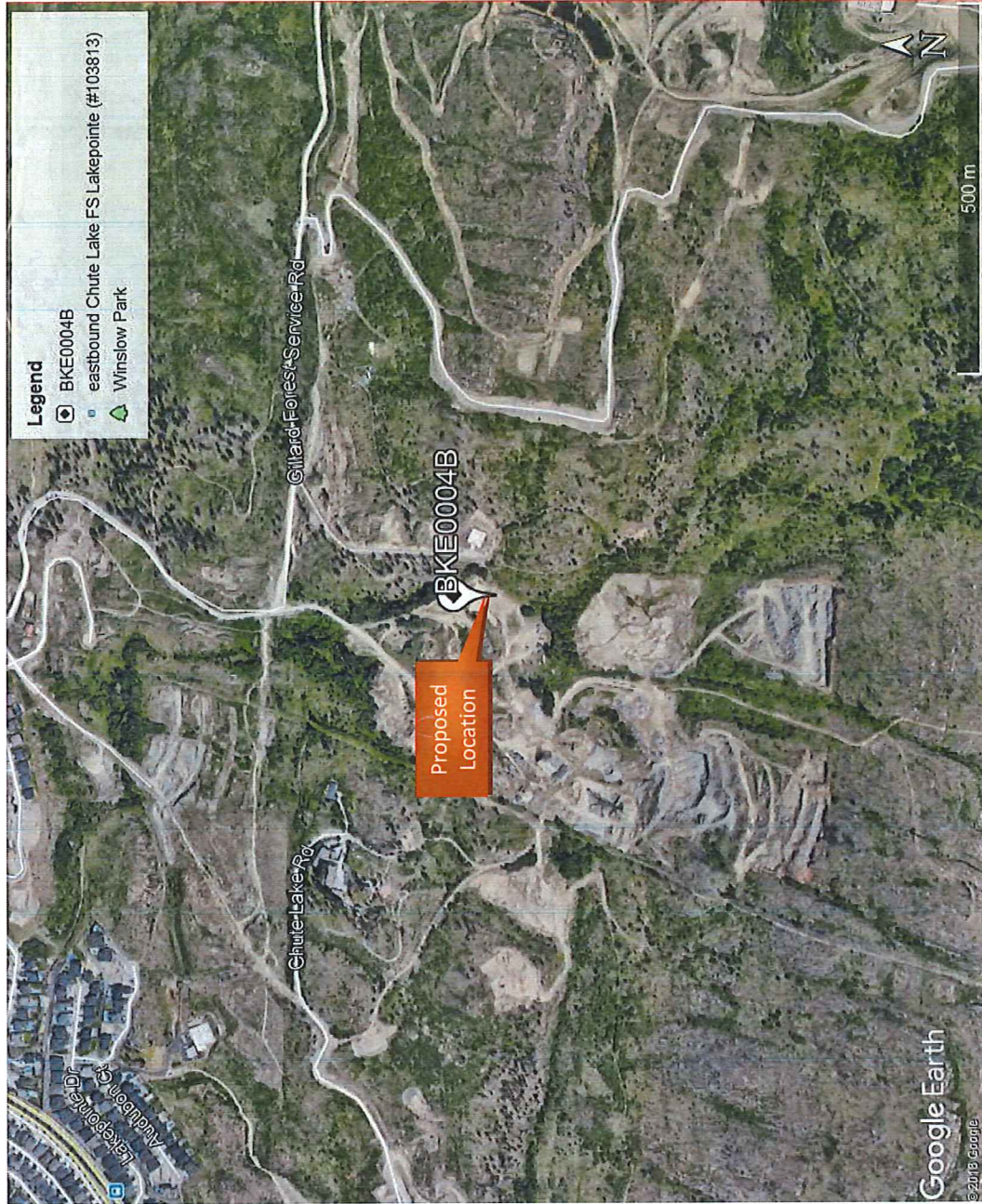
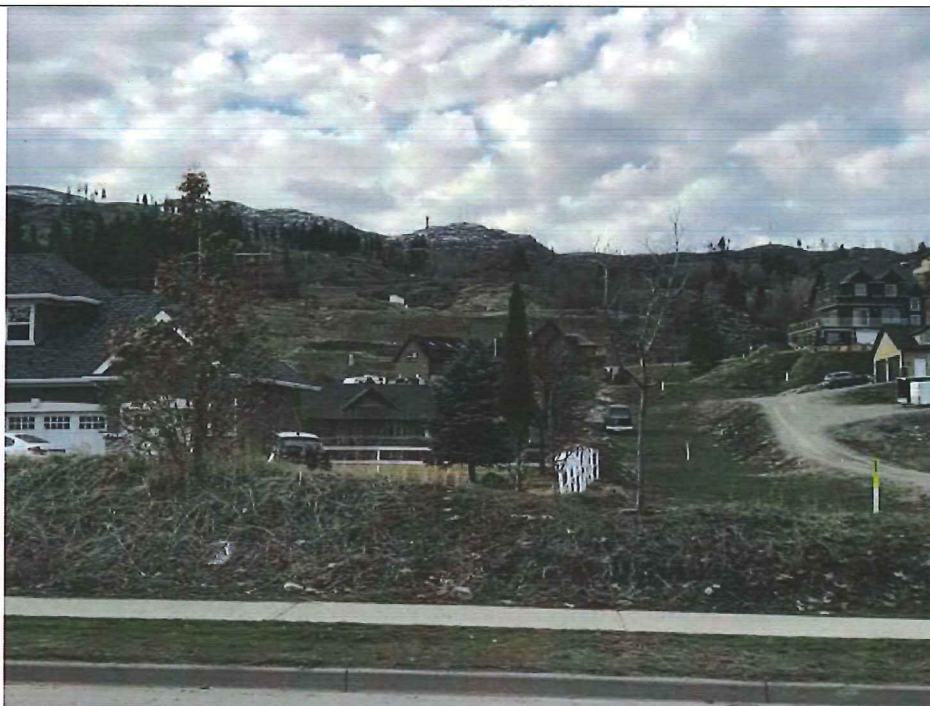
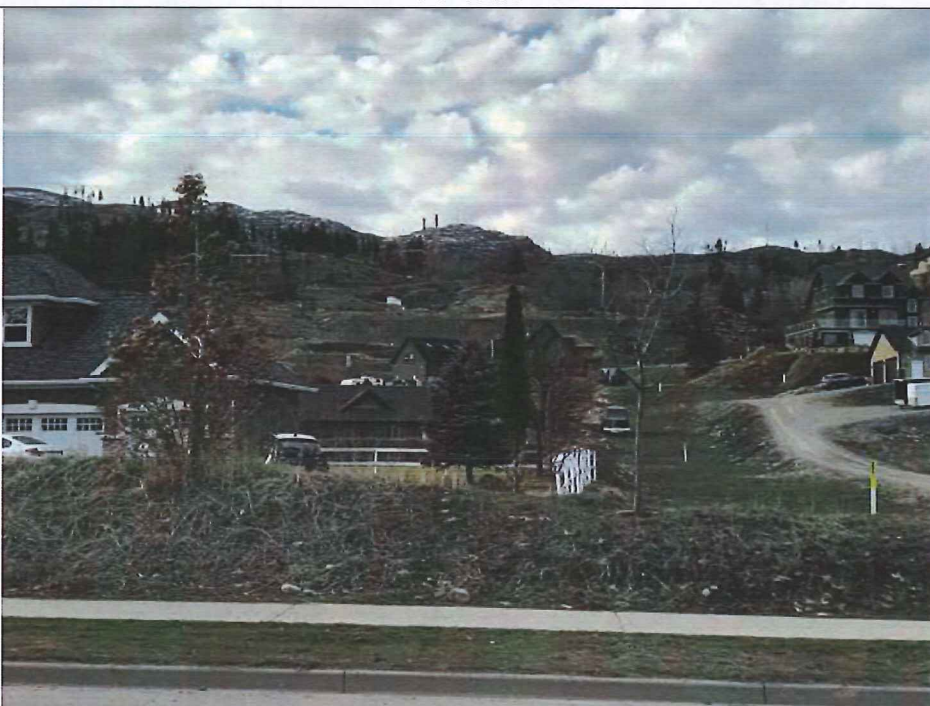


Photo-Simulation
BEFORE



AFTER

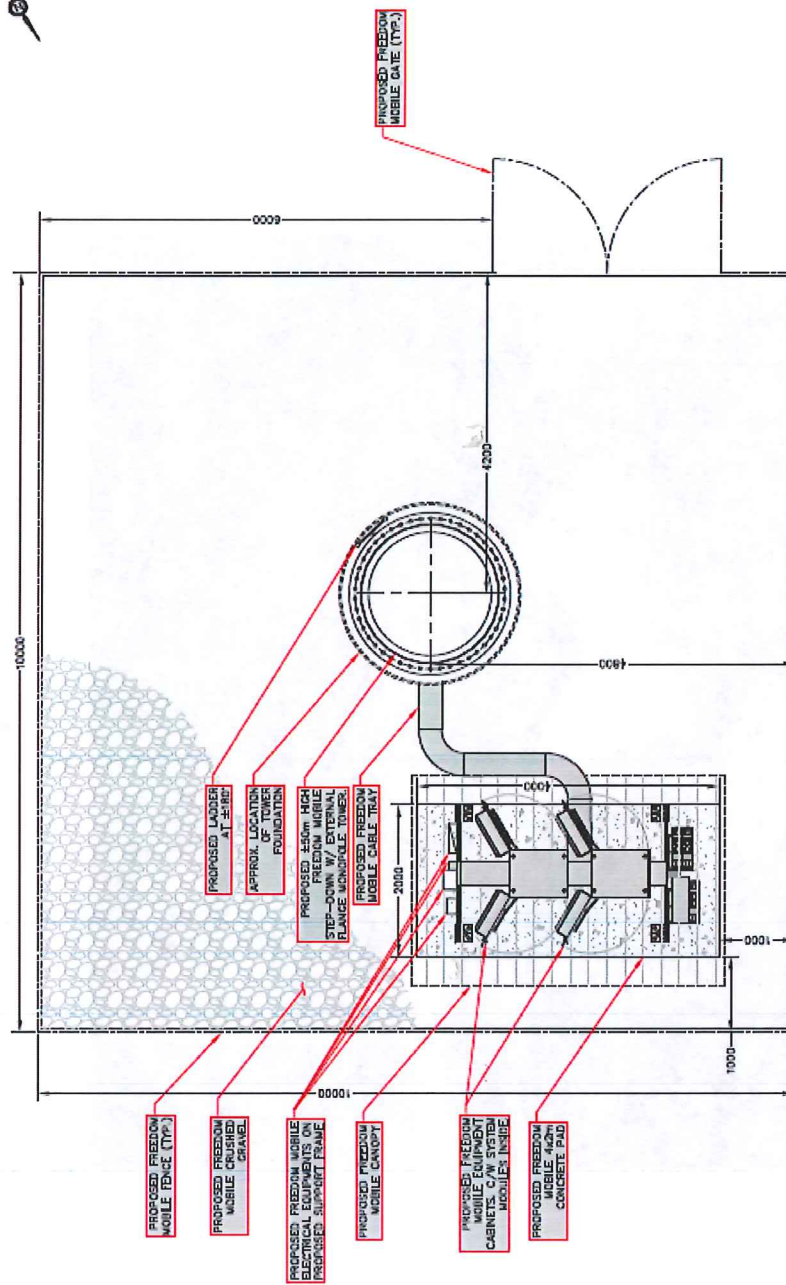


*Photo Simulation is a close representation and is for conceptual purposes only – not to scale.
Proposed design is subject to change based on final engineer plans*

Site Layout

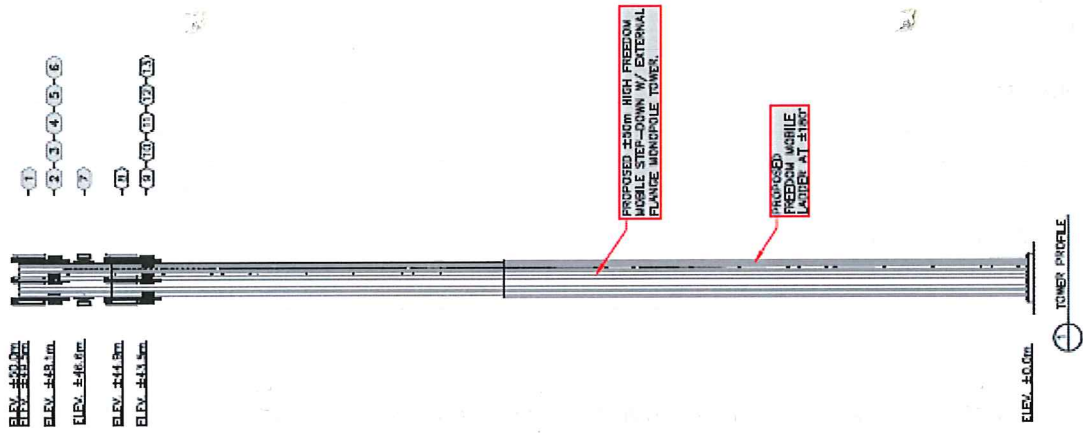


Compound Layout



① COMPOUND LAYOUT.

Monopole Elevation



**COMMENT SHEET
PROPOSED RADIOCOMMUNICATIONS TOWER
5819 CHUTE LAKE ROAD, KELOWNA, BC
FREEDOM MOBILE SITE: BKE0004B**

1. Do you feel this is an appropriate location for the proposed facility?

- ☐ Yes
☐ No

Comments _____

2. Are you satisfied with the appearance / design of the proposed facility? If not, what changes would you suggest?

- ☐ Yes
☐ No

Comments _____

3. Additional Comments

Please provide your name and full mailing address if you would like to be informed about the status of this proposal. This information will not be used for marketing purposes; however, your comments will only be used by Freedom Mobile in satisfying Innovation, Science, and Economic Development Canada (ISED)'s CPC 2-0-03 default consultation process. The closing period for comments to be received by Freedom Mobile is May 10, 2019.

Name _____
(Please print clearly)
Email Address _____
Mailing Address _____

**Freedom Mobile c/o Cypress Land Services Inc.
Suite 1051, 409 Granville Street, Vancouver, BC V6C 1T2
Attention: Tawny Verigin, Municipal Affairs Specialist**

Thank you for your input.

Appendix B: List of Property Owners, Occupants and Other Recipients

ROMAN CATHOLIC BISHOP OF
NELSON
3665 BENVOLIN RD
KELOWNA BC V1W 4M7

OCCUPANT
#1 5819 CHUTE LAKE RD
KELOWNA BC V1W 4L5

CYPRESS LAND SERVICES INC.
SUITE 1051, 409 GRANVILLE ST
VANCOUVER, BC V6C 1T2

KELOWNA MOUNTAIN
DEVELOPMENT SERVICES LTD
C/O MARK CONSIGLIO 120-1751
SAVAGE RD
RICHMOND BC V6V 1R1

OCCUPANT
5755 GILLARD CREEK FOREST
SERVICE RD
KELOWNA BC V1W 4L5

CORD
BRITTANY LANGE, PLANNER
1450 KLO ROAD
KELOWNA, BC V1W 3Z4

ISED
INTERIOR BRITISH COLUMBIA
OKANAGAN-KOOTENAY OFFICE
1726 DOLPHIN AVENUE, ROOM 603
KELOWNA BC V1Y 9R9

FREEDOM MOBILE INC.
209-221 WEST ESPLANADE
NORTH VANCOUVER, BC V7M 3J3
ATTN: DEBRA PANKRATZ

BKE0004B
TOTAL = 8

Appendix C: Envelope



c/o Cypress Land Services Inc.
Suite 1051 – 409 Granville Street
Vancouver, BC V6C 1T2

**IMPORTANT INFORMATION ENCLOSED REGARDING A PROPOSED TELECOMMUNICATIONS FACILITY WITHIN
150 METRES OF A PROPERTY YOU HAVE AN INTEREST IN**

News

Daffodil Campaign launched in Central Okanagan

Carli Berry
Capital News Staff

Yellow daffodils, a symbol of spring and hope, are sprouting up around the Central Okanagan this month.

With more than 20 years of volunteerism with the Canadian Cancer Society, Steve Francis was heavily involved with the Daffodil Campaign when it was in its prototype stage in the Central Okanagan.

"That's my baby, so I've been making sure the boxes get out to Kelowna and West Kelowna," he said.

He currently oversees the campaign in the area.

"I wear it to say I'm here. I'm here for you. I'm here for the memories of people who have lost their battle, for people who are going through it right now and I'm here for the future, beating this crazy, ugly disease called cancer. I wear it to say I'm with you."

Francis started volunteering at the cancer society because his wife has worked at the society's centre in Kelowna for the past 23 years. "The next thing you know, you just got involved," he said.

Francis' mother is a breast cancer survivor

and his dad died after he was diagnosed with colon cancer. He also knows colleagues who have faced their own cancer battles.

"It's an awareness campaign but it also represents so many facets of the Canadian Cancer Society," he said.

Last week, the Kelowna and West Kelowna mayors were pinned to launch the local campaign which takes place in conjunction with a nation-wide initiative.

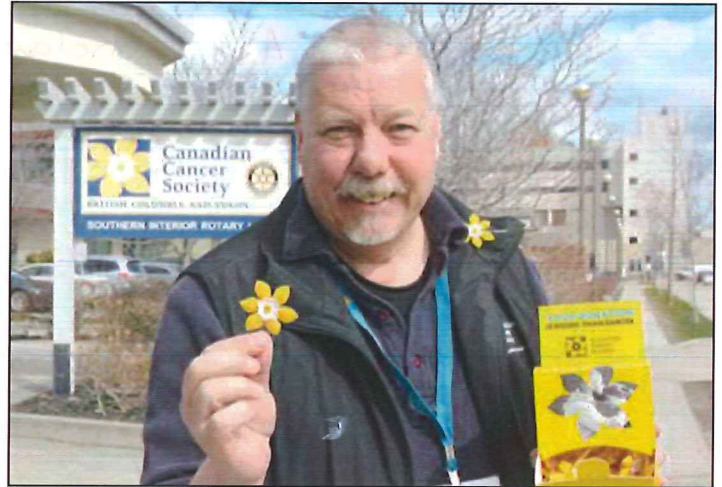
Daffodils can be purchased at local Starbucks and BC Liquor Stores, as well as online at MyDaffodil.ca. Recommendations are for \$2 but any donations will be accepted, Francis said.

The society began selling fresh daffodils April 1 in Kelowna, with all proceeds going directly to funding cancer research and local support services.

The society will also provide online donors with a two-sided digital daffodil that they can personalize and share on their social media.

For more information about the Canadian Cancer Society call 1-888-939-3333 or the local branch to learn more about the Daffodil Campaign at 250-762-6381.

The society raised \$95,000 during last year's campaign in Kelowna.



Steve Francis, longtime volunteer with the Canadian Cancer Society, holds up a daffodil, part of the society's Daffodil Campaign, which is ongoing until the end of April. (Carli Berry - Capital News)

Walk focus on ending mental health stigma

Sydney Morton
Capital News Staff

Reid Schretlen, creator of the Stigma Stroll, hopes to walk 100 kilometres in 100 hours to raise \$100,000.

All funds raised will be donated to Third Space in hopes of breaking the stigma around mental health.

A sufferer of depression himself, Schretlen hopes people will not suffer the way that he did for the past two years.

"I know how horrible it is to suffer and not tell anyone about it, to feel ashamed. If I can help someone not feel ashamed of that and to begin their journey to healing I will go for it," said Schretlen.

The inaugural stroll will take place June 6 to 9 throughout the Okanagan, starting in Penticton and working its way to Vernon.

Participants are encouraged to join for the two-kilometre walks,

but Schretlen will carry through with his "super strollers" in walking the entire way.

"Think of it like Terry Fox when he was raising money for cancer, but instead it's us and we are raising money for mental health," said Schretlen.

"Unlike other health challenges it's hidden. This walk will help be a tangible example of what supporting each other looks like."

The walk begins in Penticton on June 6 at Gyro Park, starting at 9 a.m. and in Summerland the same day at 2 p.m.

It will continue on June 7 in West Kelowna, and June 8 in Kelowna, Lake Country and Vernon.

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TOGETHER LIVE IN CONCERT

APRIL 27 SOUTH OKANAGAN EVENTS CENTRE
TICKETS ON SALE TODAY AT 10AM!

MASCOTI | 10 | GODSMACK | VOLBEAT | valleyfirstTX.com

Notice of Proposed Freedom Mobile Telecommunications Facility

Description: As part of the public consultation process required by the Innovation, Science and Economic Development Canada (ISED), Freedom Mobile is inviting the public to comment on a new wireless facility in Kelowna, BC. Freedom Mobile is proposing to install a 50.0 metre monopole wireless communications structure in order to provide wireless data and voice communication services.

Proposed Tower Location: 5819 Chute Lake Road, Kelowna, BC (PID: 015-122-077).
Coordinates: Latitude: 49.785688° N, Longitude: 119.500122° W.

For More Information:
Tawny Verigin
c/o Cypress Land Services Inc.
Agents to Freedom Mobile
Suite 1051, 409 Granville Street
Vancouver, BC V6C 1T2
telephone: 1-855-301-1520
e:publicconsultation@cyprsslandservices.com

The public is welcome to comment on the proposal by the end of the business day on May 10, 2019 with respect to this matter.

Freedom Mobile Site: BKE0004B

Location Map

ENTER TO WIN (TWO) TICKETS TO SEE GODSMACK AND VOLBEAT

NAME:

ADDRESS:

E-MAIL: PHONE:

DO YOU WANT TO JOIN THE SOEC CYBERCLUB? YES ☐ NO ☐

Fill out this ballot and drop off or mail to Kelowna Capital News
2495 Enterprise Way, Kelowna, B.C. V1X 7K2

ENTRY DEADLINE APRIL 18, 2019

valleyfirstTX.com

Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: May 27, 2019

SUBJECT: Temporary Use Permit (TUP-18-01)
Eldorado Ranch Ltd. c/o C. MacPherson (agent)
5932 Old Vernon Road
Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote – Electoral Areas and Kelowna Fringe Areas – 1 Director, 1 Vote*

Purpose: To consider issuance of a Temporary Use Permit to operate an outdoor petting zoo business located at 5932 Old Vernon Road for a period of three years.

Executive Summary:

A Temporary Use Permit has been requested to operate an outdoor petting zoo business. It is anticipated that up to 2,000 people per day may attend, operating over a five-hour period throughout the high season in July and August. In regards to land-use approvals, the use is not a permitted use under the A1 Agriculture zone; therefore, a Temporary Use Permit is required.

In accordance with the *Local Government Act*, the applicant is requesting issuance of a three year permit. It is the intent of the applicant to obtain approval and establish the business at the proposed location under a temporary basis prior to a permanent remedy through submission of, and approval of an OCP amendment and rezoning application. The greatest potential for negative impacts to the surrounding area are increased traffic and parking as a result of the Kangaroo Creek Farm.

At time of writing this report, two letters of support and four letters of opposition have been received from neighbouring property owners, and numerous concerns have been identified by various agencies. The conditions listed in the recommendation are based on comments received to date, as well as previous approvals granted by the Regional Board for the operation of businesses under a Temporary Use Permit.

RECOMMENDATION:

THAT Temporary Use Permit TUP-18-01 for Eldorado Ranch Ltd. c/o C. MacPherson to operate an outdoor petting zoo business (Kangaroo Creek Farm) to take place on part of Lot 2, Plan 3497, District Lot 120, ODYD – 5932 Old Vernon Road be issued subject to the following conditions:

- There be no changes to the proposed site plan or site footprint prepared by Ecoscape Environmental Consultants Ltd. dated May 6, 2019;

- Operate the business only between the months of March through to October;
- Receipt of approval from the RDCO Manager of Fire Services regarding an evacuation plan;
- Receipt of approval from Interior Health regarding hand washing facilities;
- The applicant to obtain a commercial access permit from the Ministry of Transportation and Infrastructure;
- Obtain an annual RDCO Business License;
- No permanent structures are to be constructed or situated on the site;
- Use of water from Mill Creek is unauthorized;
- Parking area to be converted and restored after non-farm use ceases (e.g. gravel removal);
- Should the temporary use cease on the property, all materials related to the business are to be removed from the property to the satisfaction of the RDCO;
- Existing on-site services (water and sewer) will not be used to support the operation of the business unless authorized by Interior Health and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- No impact to the operation and/or maintenance of Kelowna International Airport (YLW);
- The applicant is to apply for and receive building permits for all temporary buildings or structures over 10 m² to the satisfaction of the RDCO Building Inspection Services;
- All parking to be contained on site in accordance with the parking plan prepared by Jade Bay Constructions Ltd. dated May 8, 2019;
- Installation of appropriate fencing/landscape buffering as determined by the ALC;
- In accordance with the RDCO Noxious Weed Control Bylaw No. 179, the owner or occupier of the land shall prevent the infestation of noxious weeds and cut down or otherwise destroy and mulch or remove all noxious weeds and plant with native grasses or other native vegetation;
- No further buildings, structures, land clearing, vegetation removal, or activity related to the outdoor petting zoo business is permitted within 30 metres of the High Water Mark/Top of Bank of Mill Creek; other than that recognized and approved in this Permit;
- All riparian restoration and mitigation activities must be completed as per the recommendations contained in the April 4, 2019 Memorandum conducted by Ecoscape Environmental Consultants Ltd. to the original April 2018 Environmental Assessment conducted by Ecora Engineering and Resource Group Ltd.;
- The applicant shall post a Letter of Credit or bank draft in the amount of \$13,375.00 in order to ensure completion of riparian restoration works and the removal of the materials used for the parking lot, driveway, and other crushed gravel pads associated business after non-farm use ceases. Ninety per cent (90%) of this amount is refundable upon completion of said works and receipt of a substantial completion report signed by a registered professional. The remainder of the bond shall be held to the satisfaction of Regional District Community Services staff;
- The land owner shall obtain the services of an Environmental Monitor to ensure the recommendations of the Development Permit are implemented;
- Best Management Practices are to be used as a means to protect the riparian area;

- The Environmental Monitor shall submit monitoring reports as needed and shall prepare a substantial completion report upon completion of construction and restoration works indicating substantial completion of the conditions and requirements of the Development Permit have been carried out; and
- In the event that greater disturbance occurs due to unforeseen circumstances, the Environmental Monitor will recommend further measures to protect/restore the natural integrity of the site and report on these measures to the RDCO.

AND FURTHER THAT the Temporary Use Permit shall expire on May 27, 2022, and all uses temporarily authorized by the Permit shall cease upon expiry of the Permit, unless otherwise authorized.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Danika Dudzik, Environmental Planner

Implications of Recommendation:

Strategic Plan:	<p>Conditional Issuance of the Temporary Use Permit meets the 2015-2018 Strategic Priorities Plan</p> <ul style="list-style-type: none"> • Strategic Priority #3: Promote and support economic opportunity • Strategic Priority #4: Promote responsible environmental protection
Policy:	<p>Conditional Issuance of the Temporary Use Permit complies with</p> <ul style="list-style-type: none"> • Regional Growth Strategy Bylaw No. 1336 • Ellison Official Community Plan Bylaw No. 1124
Legal/Statutory Authority:	<p>Part 14, Division 8 of the <i>Local Government Act</i> states that a local government may issue a temporary use permit which may allow a use not permitted by a zoning bylaw, specify conditions under which the temporary use may be carried on, and/or allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. The permit may be issued for up to three years with the option of one renewal for an additional three years. Furthermore, a local government may require security to guarantee the performance of the terms of the permit.</p>

Background:

History:

Historically, Temporary Use Permit (TUP) applications have been applied for to consider various businesses in the Central Okanagan East Electoral Area that are not permitted in respective zoning regulations.

At time of considering past TUP applications, the Regional Board has identified the temporary nature of these applications and the need for a subsequent permanent remedy upon expiry. The scope of operation associated with the current TUP application is unprecedented within the RDCO.

The applicant is requesting issuance of a TUP in order to operate an outdoor petting zoo business to facilitate the relocation of Kangaroo Creek Farm which has been operating in the District of Lake Country since the late 1980's; originally operating as a private hobby farm and in more recent years been open to the general public. The popularity of the business at the current location and associated impacts such as lack of on-site parking has contributed to the proposed relocation.

The subject property has been selected by the applicant as it is seen as ideal due to the availability of grazing areas, parcel size, viable access/egress, and would accommodate enough space to satisfy the parking requirements associated with the operation.

As the subject property is located within the Agricultural Land Reserve (ALR) and the proposed operation is not considered a farm-use under the *Agricultural Land Commission Act*, the applicant submitted an application to the Agricultural Land Commission (ALC) for non-farm use. The application to consider a non-farm use to occur within the ALR (A-18-02) was conditionally supported by the Regional Board on May 28, 2018. Subsequent to consideration by the Regional Board, the application was forwarded to the ALC for consideration. On February 1, 2019 planning staff received the decision by the ALC. Conditional approval was granted to conduct a non-farm use in the Agricultural Land Reserve as outlined in ALC Application 57354 Resolution #29/2019 (see attached). The current TUP proposal is in accordance with the conditions outlined in the ALC's approval.

Project Description:

The subject property is currently vacant and unoccupied and has not been operating as an active agricultural operation for many years. Planning Services staff are of the understanding that the applicant has entered in to a long term lease with the landowner for the proposed use.

The applicant is requesting issuance of a TUP in order to operate an outdoor petting zoo business on approximately 3.8 ha (9.5 acres) of the subject property. Kangaroo Creek Farm anticipates up to 2,000 people per day, operating over a five-hour period throughout the high season in July and August. Kangaroo Creek Farm anticipates only up to 400 people per day, operating over a five-hour period March through June and September through October. Extensive information regarding the current proposal is contained in the Kangaroo Creek Farm submission (see attached) including plans for management of the operation.

The operation is modelled after an Australian wildlife park where visitors are permitted to wander the site among the animals and interact with them under the supervision of trained guides. Kangaroo Creek Farm contains extensive educational material and best practices for interacting with the animals and is separated into two pasture areas and a picnic/historical interest area which offer varying experiences to visitors.

The outdoor petting zoo business contains a variety of animals and birds including, kangaroos, wallabies, emu, goats, mara capybara, pigs, llama, miniature ponies, fancy chickens, domestic ducks, and peacocks and are spread out throughout the pasture areas. These animals are currently permitted under RDCO bylaws (**Note:** However, under the Regional District's Prohibited Animal Bylaw No. 1028, marsupials (ie: kangaroos) are prohibited. Currently, Central Okanagan East Electoral Area does not participate in the service).

Further, the operation does not contain any controlled alien species listed under the Controlled Alien Species Regulation.

The proposal includes the construction of an unpaved parking area, a public picnic area with portable toilets, modest water features, and two distinguished pastures (fenced areas for animal grazing). Portable accessory buildings (e.g. Atco trailers and greenhouse) will be utilized for storage of equipment and supplies, shelter for the animals, and administrative purposes. These structures are subject to RDCO Building Permit requirements.

Parking/Access

The parking area will be 0.71 hectares (1.75 acres) in size. In accordance with the parking plan prepared by Jade Bay Constructions Ltd. the parking area will accommodate 288 parking spaces for varying vehicle sizes. The applicant has indicated that this is more than twice the amount of spaces available associated with their current location. As part of the proposal, the applicant will be screening the parking area from the adjacent residential neighbourhood, marking stalls and drive aisles, include one way traffic flow, ensure appropriate signage, and parking lot attendants will be utilized as necessary. All parking is to be contained on site in accordance with the parking plan. There is no current provision provided for off-site parking.

Kangaroo Creek Farm will utilize the existing access to the subject property from Old Vernon Road. This access will accommodate two-way traffic and is the only point of entry and exit proposed for the petting zoo business.

Environmental Impacts

The proposed disturbance footprint of Kangaroo Creek Farm results in minor encroachment along the fringe of the existing riparian community associated with Mill Creek and overlaps the RDCO Aquatic Development Permit Area (DPA). Ecora Engineering & Resource Group Ltd. (Ecora) was retained by the applicant to complete an environmental assessment at the subject property. Overall findings of the assessment included:

- High quality riparian woodland and shrub communities along Mill Creek;
- Proposed footprint generally avoids the high value Environmentally Sensitive Areas (ESA 1 and 2), although there is minor amount of encroachment along the outer edge of the riparian community;
- Majority of the proposed development occurs within Environmentally Sensitive Area 4 (not sensitive);
- The development as proposed will not result in the removal of trees or shrubs within the riparian community and exclusion fencing will be installed surrounding the development footprint; and
- The proposal does anticipate minimal impacts to the environment however, potential adverse environmental effects will be appropriately mitigated.

Since the April 2018 assessment prepared by Ecora, Ecoscape Environmental Consultants Ltd. (Ecoscape) was retained by the applicant to define the limits and depict the disturbance boundary of the operation which was included in the April 4, 2019 Memorandum appended to the original environmental assessment. The memo includes some modifications to ESA polygons, a change to the proposed fencing footprint to accommodate a larger wildlife corridor, and specific locations and prescriptions for revegetation/ riparian restoration.

Ecoscape concludes that the restoration efforts proposed within the SPEA of Mill Creek, including additional protection for existing riparian vegetation, will increase the environmental value of the riparian area beyond what was suggested in the original assessment, and allow a shaded area for animals kept on the property in areas designated as ESA. There will be no loss of ESA 1 vegetation communities.

All riparian restoration and mitigation activities must be completed as per the recommendations contained in the April 4, 2019 Memorandum conducted by Ecoscape Environmental Consultant Ltd. to the original April 2018 Environmental Assessment conducted by Ecora Engineering and Resource Group Ltd. No further construction of, addition to or alteration of a building or structure; or alteration or clearing of land is to occur within Development Permit Areas as outlined in the Ellison OCP without prior notification and approval by RDCO.

Portable Washrooms & Hand Wash Stations

Multiple self-contained portable washrooms and hand wash stations will be located on site. One of the portable washrooms can accommodate a wheelchair. These units do not connect to any onsite services and are serviced regularly by a private off-site company. During the high season the units are served daily. The portable washrooms and hand wash stations will be strategically placed throughout the operation with the washrooms screened for aesthetic purposes.

Regional Growth Strategy Bylaw No. 1336

- Policy No. 3.2.1.3 “Support the protection of the rural areas that offer a rural lifestyle choice”.
- Policy No. 3.2.1.8 “Support the protection of ALR lands and land uses which are supportive and/or complimentary to agricultural use”.
- Policy No. 3.2.2.9 “Support effectively managing and protecting the integrity of the Region’s critical assets such as the lakes, natural environment and agricultural lands that promote attraction of employment and investment”.
- Policy No. 3.2.5.6 “Promote the use of agriculture and ALR lands for food production and ancillary agriculture processing and retailing consistent with uses outlined in the Agricultural Land Commission Act and Regulation”.
- Policy No. 3.2.8.3 “Manage growth to minimize disturbance to habitat, watershed and natural drainage areas and systems”.
- Policy No. 3.2.8.7 “Protect natural environments, parks and water systems, as these systems are essential to the quality of life in the Okanagan that support active and healthy lifestyles”.

Ellison Official Community Plan Bylaw No. 1124

Section 14 - Agriculture and Rural Lands

- Policy No. 2.6 “Reduce the negative effects at the agriculture/urban interface. This will involve reviewing measures such as buffering requirements, reducing urban densities next to farms, developing setbacks, considering neighbouring farm practices when reviewing applications for land use, encouraging responsible farm practices, requiring a restrictive covenant for land adjacent to the ALR at the time of property development etc”.
- Policy No. 2.10 “Support the Agricultural Land Commission in maintaining the integrity of suitable agricultural land”.
- Policy No. 2.11 “Support the retention of large continuous blocks of agricultural land and discourage fragmentation”.

Section 17 - Temporary Use Permits are permits to allow specific land uses to occur for a short period of time, and may be considered by the Regional Board in any Ellison Official Community Plan designations. Conditions may be applied to the permit, such as the area of use, the hours of use, appearance, site rehabilitation and holding of security to ensure compliance.

Consideration of this permit is based upon the following general conditions:

- The use must be clearly temporary or seasonal in nature,
- The use should not create an unacceptable level of negative impact on surrounding permanent uses, and
- An outline provided of when and how the temporary use in that location will be concluded.

In this instance, the proposed use is temporary in nature as it is seasonal and for a period of three years. The applicant has confirmed that a permanent solution is desired. The level of negative impact on surrounding permanent uses has been discussed within the following sections of this report: Project Description, Site Context, Agency Referral Comments, and External Implications.

Section 18 - Development Permits

- The proposal must address the objectives and policies of the Aquatic Ecosystem Development Permit Area (DPA). Any further proposed development within the DPA will require the issuance of a Development Permit prior to any land disturbance or construction activities (including but not limited to land clearing). An environmental assessment and memorandum to the original assessment defining the limits of disturbance and riparian restoration and mitigation has been prepared for the proposal.
- Specific objectives of the Aquatic Ecosystem DPA applicable to this application include the protection, restoration, and enhancement of aquatic ecosystems and protection of vital wildlife functions such as water source and fish habitat.

Site Context:

The site is located in the community of Ellison, within Central Okanagan East Electoral Area and is located within an area of active agriculture operations as well as being directly adjacent to the Kelowna International Airport (YLW). The subject property is +/- 22.3 ha (55 acres) in size; of this total, approximately +/- 3.8 ha (9.5 acres) are proposed for the operation of the business.

A portion of the subject area, specifically Mill Creek and the adjacent riparian areas, is affected by the Ellison Official Community Plan Aquatic Ecosystems Development Permit Area. The parcel is in the ALR, zoned A1 Agriculture, and has a Future Land Use of Agriculture.

Additional Information:

Owner:	Eldorado Ranch Ltd.
Agent:	C. MacPherson
Address:	5932 Old Vernon Road
Legal Description:	Lot 2, Plan 3497, District Lot 120, ODYD
Lot Size:	+/- 22.3 ha (55 acres)
Area of Land Affected	+/- 3.8 ha (9.5 acres)
Zoning:	A1 Agricultural
OCP Designation:	Agriculture

Business Sewage Disposal:	Portable washrooms
Business Water Supply:	Self-contained portable hand wash stations Water bottles available for purchase
Existing Use:	Vacant and unoccupied
Surrounding Uses:	<div style="display: flex; justify-content: space-between;"> <div style="width: 15%;"> North: South: East: West: </div> <div style="width: 85%;"> Old Vernon Road and Mill Creek / Agriculture Agriculture (orchards) and kennel service (Bark n' Fly) Small lot country residential/local commercial (Country Roads Estates) Kelowna International Airport (YLW) </div> </div>
ALR:	Within the ALR
Fire Protection:	Within Ellison Fire Protection Area

RDCO TECHNICAL COMMENTS:

Inspection Services staff advises that in accordance with Regional District of Central Okanagan Building Bylaw No. 835 any future proposed buildings or structures (temporary or permanent) over 10 m² will require Building Permits. In accordance with the submitted site plan the following will be required:

- Placement Permits for the Atco Trailers; and
- Building Permit for the Greenhouse.

Further, Building Permits may be required for the facades associated with the Atco trailers.

Fire Services staff advises that the applicant must provide an evacuation plan and subsequent approval to the satisfaction of the Manager of Fire Services. In the event of an emergency, concerns were noted regarding access as fences are proposed around the entire operation. Any proposed outbuildings associated with the business must meet or exceed the BC Fire Code. In the Description of Temporary Use Permit – Kangaroo Creek Farm Section 8.0 Emergency Preparedness there is reference to a “Fire Hose”. Should a hose be marked as such it must meet BC Fire Code Section 6.4 and must meet NFPA 25 and NFPA 1962. Further, the hose must be in good physical condition, have proper connection to a water supply, presence and operability of the appropriate water supply, and must be serviced annually.

Bylaw Enforcement staff advises that none of the respective Regional District of Central Okanagan animal bylaws apply to the proposed Temporary Use Permit application. Noise Bylaw No. 403 may apply under certain conditions; however, the noise from animals would be exempt as the animals would be permitted as part of the Temporary Use Permit.

Agriculture Advisory Commission (AAC) recommends that the application be supported on the condition that a qualified professional determine an appropriate bond for remediation.

Environmental Advisory Commission (EAC) recommends that the application be supported as presented.

Anecdotal comments:

- There shall be no runoff into the creek as a result of the proposed operation.
- In accordance with the Sensitive Ecosystem Inventory, the sensitive ecosystems such as riparian communities (cottonwoods and riparian vegetation) shall remain intact and undisturbed.

Unaffected RDCO Departments include Parks Services and Environmental Services.

AGENCY REFERRALS:

Ministry of Transportation and Infrastructure staff advises that there are no concerns with the proposed Temporary Use Permit for the relocation of “Kangaroo Creek Farm”, however staff wish to work with the applicant to ensure that the proposed access to Old Vernon Road will function safely for the type of traffic that will be using it (cars, buses, emergency vehicles, etc.).

The applicant will need to submit a *Provincial Public Highway Permit Application* for a Commercial Access along with a detailed site plan and subsequent approval.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development Water Authorization staff advises that Mill Creek runs through the property. Use of water from Mill Creek is unauthorized. It is noted that there are wells on the property. Non-domestic use of water from a well would require a licence based on the purpose (irrigation, livestock and animals, etc.)

Ministry of Agriculture staff advises from an agricultural perspective, the following comments are included for consideration:

- There are concerns regarding the impact of traffic on neighbouring and adjacent Agricultural Land Reserve (ALR) properties and encourage the applicant to engage with its neighbours and explore how any negative impacts may be alleviated. Providing notification to surrounding agricultural properties may assist them in planning their activities to minimize any potential conflict. Further, appropriate roadside signage directing people to the site may help alleviate some of these concerns.
- As of February 22, 2019, the *Agricultural Land Commission (ALC) Act* provisions and its regulations regarding soil or fill use have changed. The applicant may be required under s.20.3 of the ALC Act to submit a Notice of Intent to the Agricultural Land Commission (ALC). The applicant is encouraged to contact ALC staff to confirm. ALC's March 22, 2019 Information Bulletin 07 - Soil or Fill Uses in the ALR, provides detail on the recent changes and requirements.
- While the conditions of the ALC decision state that the parking lot and driveway must be permeable, and that no permanent structures are to be constructed for non-farm use, the RDCO may wish to consider *Local Government Act (LGA)* s.495 and as a condition of approval, introducing a requirement that the removal of the materials used for the parking lot and driveway, the proposed greenhouse' s crushed gravel pad and windmill concrete pad, be removed and the land returned to its original state if for some reason the TUP ends or no longer becomes valid.
- *Local Government Act* s.496 describes security requirements a local government may require to guarantee performance of the terms of the permit. Ministry staff suggest RDCO consider this option and establish reasonable conditions as per LGA s.496(2).

Kelowna International Airport (YLW) staff advises YLW is an active airport (both airplanes and helicopters) and there is concern that the noise resulting from operations could have a negative effect on the animals and/or the operations of the Kangaroo Farm. Staff advises conditional support subject the following:

- During freshet Kelowna International Airport would require access to Mill Creek, in accordance with the procedures required for accessing privately owned land.
- Parking is prohibited within 3m of any YLW perimeter fencing. If cars were parked within 3m of the YLW perimeter fence, YLW would have to act accordingly to mitigate the security risk.
- If animals were to enter the YLW perimeter fencing and become a safety issue, YLW would have to act accordingly to mitigate the safety risk.

City of Kelowna Planning and Engineering staff advises conditional support subject to the following:

- Driveway location to remain opposite Postill Drive for safety and sight lines;
- Sufficient on-site parking be provided; and
- No off-site parking on Old Vernon Road.

General Comments:

- Concerned with the possibility of street parking.
- Periodically a very popular destination, advised to identify an over flow parking area or secondary parking area.
- Landscape buffer adjacent to east boundary.

Road/Transportation Impacts:

- Old Vernon Road through the City is accessed from Hwy 97, currently designated a 2-lane Arterial.
- Anticipate that Old Vernon Road's need and use will increase as the airport and adjacent development proceeds.
- Within the City Boundaries, staff are working with adjacent owners to acquire the necessary (up to 30m) right-of-ways and protect this crucial link.

District of Lake Country staff advises in regards to economic development, staff are pleased to see that the Kangaroo Creek Farm is remaining within the Central Okanagan, as the business has been a major tourism draw.

Anecdotal comments:

Kangaroo Creek Farm has been operating in District of Lake Country since 2015 under the provision of a Temporary Use Permit. Previous staff reports to Council in consideration of the Temporary Use Permit application continuously identified parking congestion as a concern due to the large number of visitors at the site.

Glenmore-Ellison Improvement District staff advises at present, the subject property is not in the GEID servicing area. If the applicant wishes to connect to the GEID community water system, a boundary inclusion application shall be made to GEID. If Kangaroo Creek Farm is not going to connect to the GEID water system, GEID will have no concerns regarding the proposal.

Agricultural Land Commission staff advises that conditional approval was granted to conduct a non-farm use in the Agricultural Land Reserve as outlined in ALC Application 57354 (Resolution #29/2019). Further, the 1.76 acre (0.71 ha) parking lot, as identified in the site plan dated May 6, 2019, is in substantial compliance with the parking lot requirements of the respective resolution.

Interior Health staff advises there is little concern from an overall healthy communities perspective in allowing a petting zoo to operate on a temporary basis on the subject property provided adequate sanitation (hand washing) facilities are provided. Petting zoos present an opportunity for transmission of zoonotic (animal source) diseases; in particular to young children, pregnant women and elderly (all considered vulnerable populations). Best practice for mitigating this risk is providing adequate hand washing facilities and signage and information to inform the public about the risk of disease transmission and the importance of hand washing.

Best practice for hand washing facilities include hot and cold (warm) running water, soap and single use towels, and the water service be from a water system with a permit to operate under the *Drinking Water Protection Regulation* and the wastewater system is either connected to community sewer system or be in compliance with the *Sewerage System Regulation*. In addition, the hand washing facilities should be located in close proximity to where patrons exit from visiting with animals. Given the large number of anticipated patrons it is strongly recommended that sanitation facilities as described above be a condition of approval for the temporary permit.

Depending on the final scenario of the operation the following legislation may apply. Approval prior to construction and operation of water systems, sewerage systems and food service establishments is required.

- *Regulation Activities Regulation*
 - Division 2 - Public Sanitary Facilities and Toilets
- *Drinking Water Protection Act and Drinking Water Protection Regulation*
 - Hand washing facilities
 - Worker lunch room facilities
- *Sewerage System Regulation*
 - To manage all domestic sewage
- *Food Premises Regulation*
 - Any food service to the public including providing coffee
- *Health Hazards Regulation*
 - Provision of potable water to tenants

Staff has an interest in the preservation of farmland to support local agricultural capacity now and in the future. Agricultural capacity is a key aspect of local healthy food systems, contributing to community food security. In the interest of food security, staff advise the following:

- From a food security perspective, it is ideal that land in the ALR be used for its intended purpose. However, while this application does not directly support food security and our communities' ability to access local food, Kangaroo Creek Farm is an asset and benefits many residents and tourists. If all other non-ALR locations have been considered for re-location, then this non-farm use may be a benefit the community.
- If this application is approved, ensure any development on the property is done in a way that minimally impacts farmland and can be easily converted back to land that supports agriculture activities. This would preserve farmland for future agriculture uses.

- Farmland preservation helps to maintain a level of food production that contributes to food self-sufficiency, and food self-sufficiency increases food security and supports healthy eating. Food self-sufficiency in BC is increasingly important, as extreme weather will affect food production in California and elsewhere. Currently, California supplies 40%-50% of BC's imported fruits and vegetables.
- Greater availability of locally produced fruits and vegetables may increase their consumption.

FortisBC indicates that there are primary/and or secondary distribution facilities along Old Vernon Road and within the boundary of the existing parcel servicing existing infrastructure. FortisBC Inc (Electric) request appropriate land rights to protect the existing infrastructure in order to ensure proper delivery and maintenance to the service. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required. Otherwise, FortisBC has no concerns.

Unaffected Agencies include Telus, Shaw Cable, BC Hydro, and the RCMP.

External Implications:

In accord with provision of the *Local Government Act*, notice of the application was published in the local newspaper. Furthermore, Notice of Application signs were posted and notification forwarded to all property owners located within 100 metres of the subject property in accordance with the Development Applications Procedures Bylaw No 944.

At the time of writing this report, two letters of support and four letters of opposition have been received from neighbouring property owners. RDCO Planning staff has not received telephone calls or counter inquiries regarding the proposal.

A summary of the concerns raised by the public include an increase in traffic in the area and associated safety concerns, potential increase in incidents at the uncontrolled intersection of Old Vernon Road, Highway 97, and Dry Valley Road, need for ample on-site parking to ensure there is no parking on Old Vernon Road, need for adequate fencing height, negative impact of YLW operation on the animals, and negative impact of noisy animals associated with Kangaroo Creek Farm on adjacent neighbouring residents.

Alternative Recommendation:

Should the Board choose not to support the staff position, the following alternate recommendation is provided:

THAT Temporary Use Permit TUP-18-01 for Eldorado Ranch Ltd. c/o C. MacPherson to operate an outdoor petting zoo business NOT be issued.

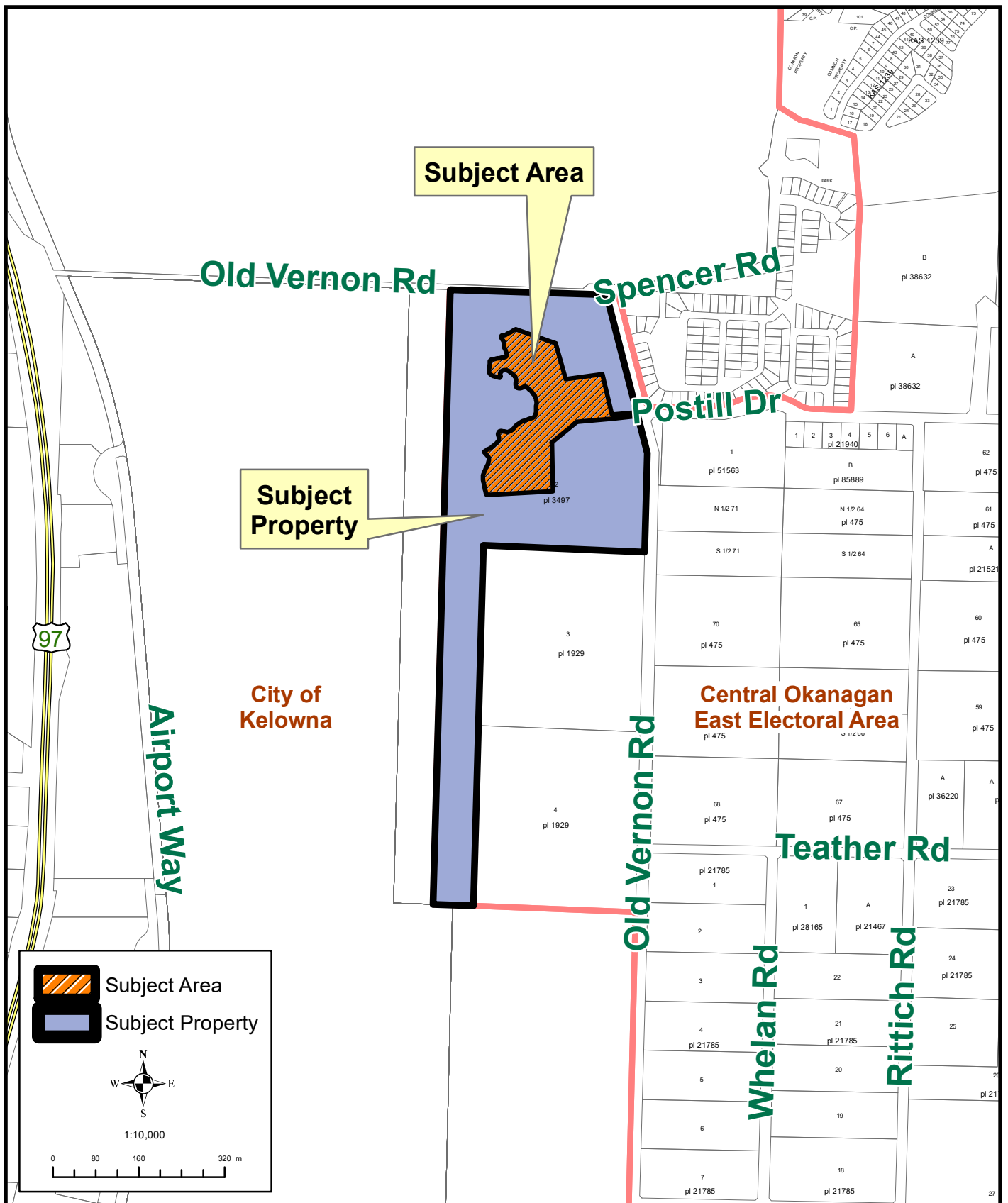
Considerations not applicable to this report:

- *General*
- *Financial Considerations*
- *Organizational Issues*

Attachment(s):

- RDCO Subject Property & Orthophoto Maps
- Site plan, received May 6, 2019
- Parking Plan, received May 8, 2019
- Description of Temporary Use Permit – Kangaroo Creek Farm
- ALC Decision Letter February 1, 2019
- Letters of Support
- Letters of Opposition

Subject Property



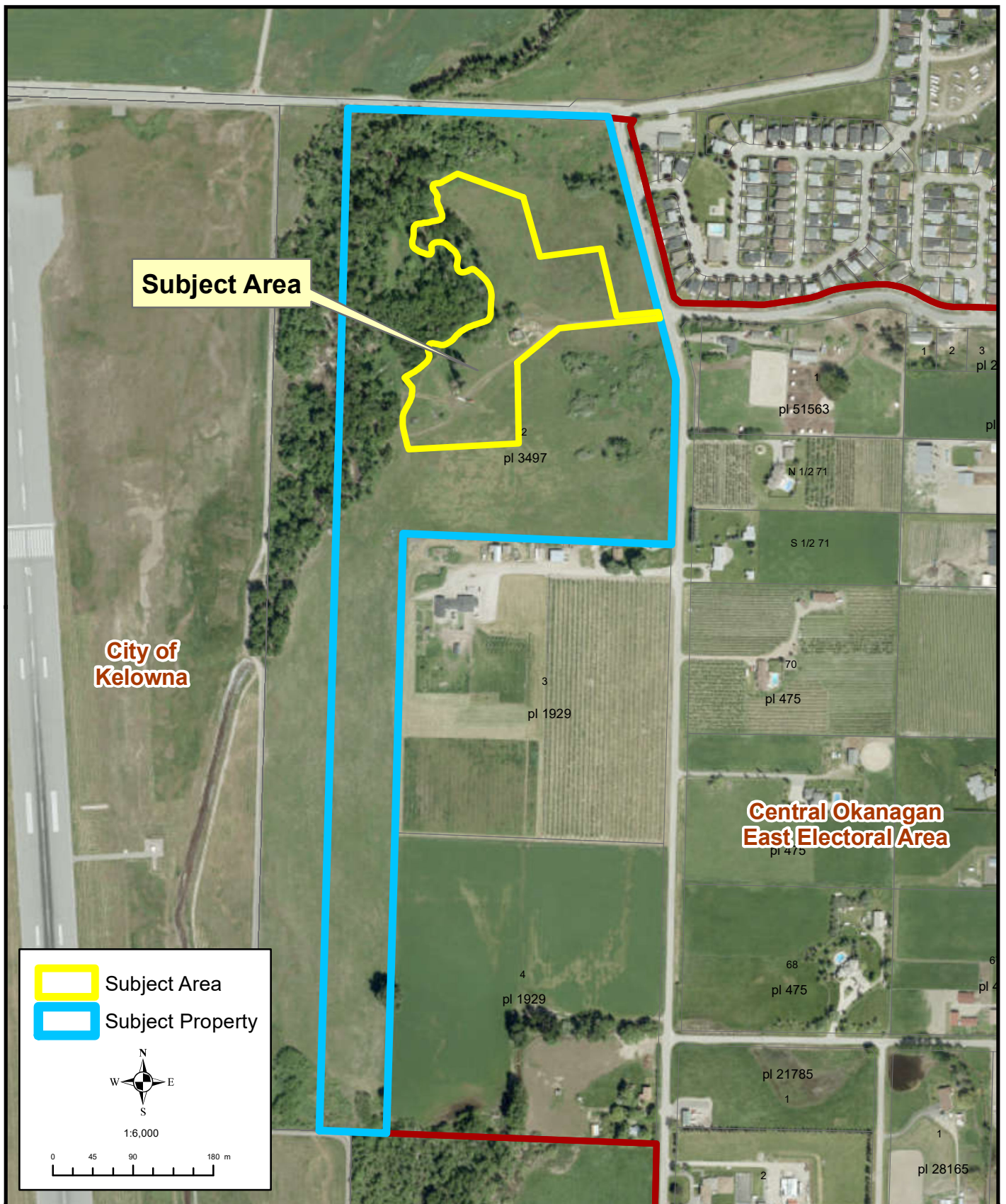
File: TUP-18-01

Drawn By: DO

Date: April 30, 2019

Lot 2, DL. 120, ODYD Plan 3497

ORTHOPHOTO

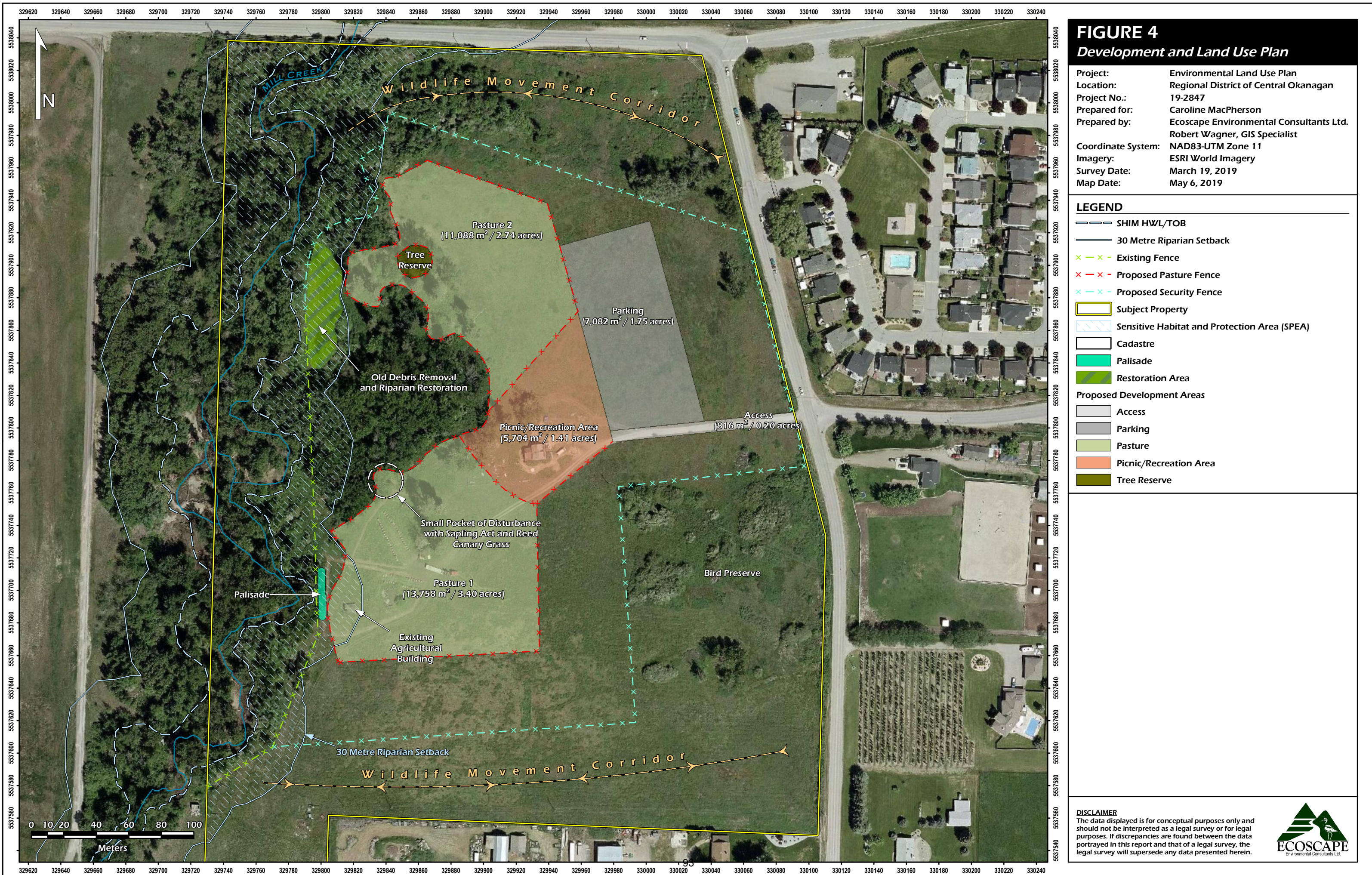


File: TUP-18-01

Drawn By: DO

Date: April 30, 2019

Lot 2, DL. 120, ODYD Plan 3497





288 spaces
39.9% Small Car (115)
S.C. = 2.3M x 5.5M
60.1% Regular Car (168 / 5 H.C.)
R.C. = 2.5M x 6.0M
H.C. = 3.5M x 6.0M
DRIVE AISLES = 7.0M
(Per Combination of City of
Vancouver Engineering
Department & City of Kelowna
Parking Specifications)

TOTAL PARKING AREA
= 1.75 Acres
Includes Pedestrian Path

A.1
1.0
SITE PLAN
SCALE: NTS



Jade Bay
Constructors Ltd.
41088 Evans Rd.
Oyama, B.C., V4V 2E9
c. 250.260.8400
e. jade.bay@hotmail.com

project:
CAROLINE
MACPHERSON

PARKING PLAN

5932
OLD VERNON
ROAD
RDCO, BC

revision:
01: 05.03.2019 - FOR
APPROVALS
02: 05.08.2019 - REVISED
PER ALC REVIEW

note:
ALL MEASUREMENTS
SHOWN IN METERS

date drawn:
MAY 2nd, 2019

date issued:
MAY 8th, 2019

scale:
NOT TO SCALE
*If printed on 11"x17" sheet

drawing:
A.1 - SITE PLAN - PARKING

sheet:
1.0 OF 1.0

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Section 7.0 Fences, Gates, and Pathways

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★

RE: Proposal to relocate Kangaroo Creek Farm in Lake Country to a site at 5932 Old Vernon Road.

This 55 acre parcel is in the jurisdiction of RDCO but outside of Kelowna City Limits. We have already done our due diligence in making sure that there are no prohibitive by-laws pertaining to exotic animals at this location.

We are aware that we need to make application through the Agricultural Land Commission for a non-farm use. We are also aware that we will need a Temporary Use Permit from the RDCO in order to operate at our proposed location. As per the RDCO's recommendation, we have been in contact with the Kelowna International Airport, The Ministry of Transport, the City of Kelowna, and our immediate neighbours. The results of these communications are attached. An overview of B.C. and Canadian Federal Laws as they pertain to our exotic animals has also been included and is attached to this cover letter.

Some background information on our business: Kangaroo Creek Farm has been in operation since the late 1980's at 3193 Hill Road in Lake Country. For many years it was a private hobby farm. Six years ago the farm opened its doors to the public. Essentially it is a petting zoo that is modelled after an Australian wildlife park where visitors wander amongst tame animals, both domestic and exotic, and interact with them under the supervision of trained guides. Our guides are very knowledgeable and are trained to answer any questions visitors have. A visitor can make their visit as educational as they choose. We have a lot of educational material on display as well as an informative show-and-tell by the Okanagan Wildlife Refuge. We do not promote exotic animals as pets and do not sell any as such. We go out of our way to educate the visiting public in regard to the difficulties associated with keeping exotic animals and why they generally don't make good pets. The farm is kept natural and quiet. There's nothing noisy, smelly or circus-like going on.

The farm is well regarded with the visiting public and has been the recipient of quite a few awards. We are, once again, voted Best of the Okanagan this year. We strive to be good community contributors. We are members of the Chamber of Commerce, we sponsor local soccer and encourage local schools, daycares, retirement homes, clubs, organizations and charities to visit the farm for free. If we move to Ellison we will continue this service to Lake Country and start contributing similarly to the Ellison area.

Almost all the animals and birds on our property were domestically bred within North America. We do not have ANYTHING that is on BC's Controlled Alien Species List (CAS).

We have farm status at our current location based on our emu production. We plan on relocating the emu to the new site. This will infer Farm Status to the proposed site. The reason we have to apply for a Non-Farm Use through the Agricultural Land Commission is that they do not feel that the "emphasis" of our operation is on emu farming.



Section 1.0 Proposal



Plans for the Site:

At the present time the site is entirely undeveloped and has not been used for agricultural activity of any kind for many years. The fencing is either non-existent or in a state of disrepair.

There is one small outbuilding and one Ontario style farm house that dates from around 1890. We would like to restore the house if possible. Visitors will not be allowed into the structure. However, we would like to have some information boards around the house to provide interesting historical information about the site, and about Ellison in general.

Fencing: The land will need to be fenced and cross-fenced. An eight foot high game fence will go up around the property while still allowing a generous passage for wildlife between the fence and the property line. Cross fencing will be 6 feet high.

Animal housing: All structures will be of the portable variety. We have provided photos and specs of all the portable buildings we propose to move to the site. They consist of Atco trailers, shipping containers (both disguised to be esthetically pleasing), and a greenhouse.

Bathrooms/hand-wash stations: An upgraded variety of portable toilets. They are self-contained, portable, and do not hook up to a source of water on the property or to a septic field or external tank. The tank is part of the portable toilet and is pumped out into a tanker truck by the company that services the units. They also fill the tank that feeds the sinks inside the units with water. They are serviced every day in high season. They will be tastefully shielded from view, and signs will direct visitors to their location. We will start with 8 portable toilets, which is what we presently have at our existing site. One of those toilets is big enough to accommodate a wheelchair. However, we would like the option to increase the number of portable toilets if that number proves to be inadequate in high season to as many as 12 units. Even though all except the handicapped portable have hand-wash sinks inside them, we will still provide hand-wash stations outside the portable toilet area. Portable hand-wash stations will also be placed just outside the gates to the animal enclosures so that they are the first thing that visitors see as they exit the animal pens. Others will be placed in strategic positions in the picnic area to make sure that visitors have every opportunity to wash their hands, and more will be at the exit so that visitors have one last chance to wash their hands as they are leaving. I estimate that we will need between 6 to 8 hand wash stations. They are self-contained and portable units provided by the same company that provides and services the portable toilets. They do not hook up to an external source of water. They have a tank. They have a very small foot-print and can easily be carried by two people when they are empty. Moving them if their initial location proves to be less than optimal is not difficult.

Parking: The 1.75 acre parking lot is shown to scale on the digitized map as a grey rectangle in the East of the property. The parking lot plan allows for 288 cars. It will have a one-way system and parking lot attendants in high season. The parking lot will consist of clean crushed gravel, much like the driveway connecting the parking lot to Old Vernon Road. Parking spaces will be marked with rubber or concrete markers (removable) and chalk. No overnight parking will be allowed. No tour buses in high season.

Numbers of Visitors, and Anticipated Foot-traffic in the Various areas.

I have been asked several times, **"How many people will be walking through the site?"** This is a very hard question to answer.

Between mid-October and mid-March there will be zero members of the public walking anywhere in the venue because we are closed at that time of year. There will be an employee passing through each area several times a day to do a security/welfare check on the animals, and to feed and water. The populations of animals will stay the same, and that situation has already been described under "Use". However, in the Winter we do confine the animals more closely to their buildings with temp-fence.

During our shoulder seasons, which run from mid-March through June, and from September through to mid-October, we have, on average, approximately 400 people per day visit our current location over a 5 hour period. If the same number of people visit us at our new location over the same period of time, that's an average of 82 people per hour travelling over a total of 9 acres, not including the parking lot. The 9 acres does include the Pink Area in the Aquatic DP zone. If you spread 82 people an hour over 9 acres, that's 9 people per acre, per hour.

The same meaningless exercise can be repeated for high season in July and August. We anticipate 2000 people per day, over a 5 hour period. That's 400 people per hour over 9 acres, not including the parking area, but including the Pink Zone. That's 45 people per acre, per hour.

These numbers are completely meaningless when you consider that in the real world people do not arrive in evenly spaced batches, or spread themselves out evenly over an area. Not everyone that is on the property is going to be on a pasture, or in the Pink Zone, or in the Picnic area. Some of them will be in the parking lot, or in the driveway. There is also the added variable of duration-of-visit. Most people stay at least 45 minutes. The average stay is 1.5 hours. The amount of time a person spends in any one location will also vary tremendously.

The only thing one can say with any degree of certainty is that these areas are unlikely to be overcrowded at any time.

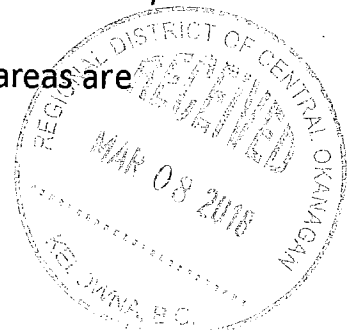


FIGURE 4

Development and Land Use Plan

Project: Environmental Land Use Plan
 Location: Regional District of Central Okanagan
 Project No.: 19-2847
 Prepared for: Caroline MacPherson
 Prepared by: Ecoscape Environmental Consultants Ltd.
 Robert Wagner, GIS Specialist
 Coordinate System: NAD83-UTM Zone 11
 Imagery: ESRI World Imagery
 Survey Date: March 19, 2019
 Map Date: May 6, 2019

LEGEND

- SHIM HWL/TOB
- 30 Metre Riparian Setback
- Existing Fence
- Proposed Pasture Fence
- Proposed Security Fence
- Subject Property
- Sensitive Habitat and Protection Area (SPEA)
- Cadastre
- Pallisade
- Restoration Area
- Proposed Development Areas
- Access
- Parking
- Pasture
- Picnic/Recreation Area
- Tree Reserve



DISCLAIMER
 This map is prepared for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data presented on this map and the data presented on the legal survey will supersede any data presented herein.

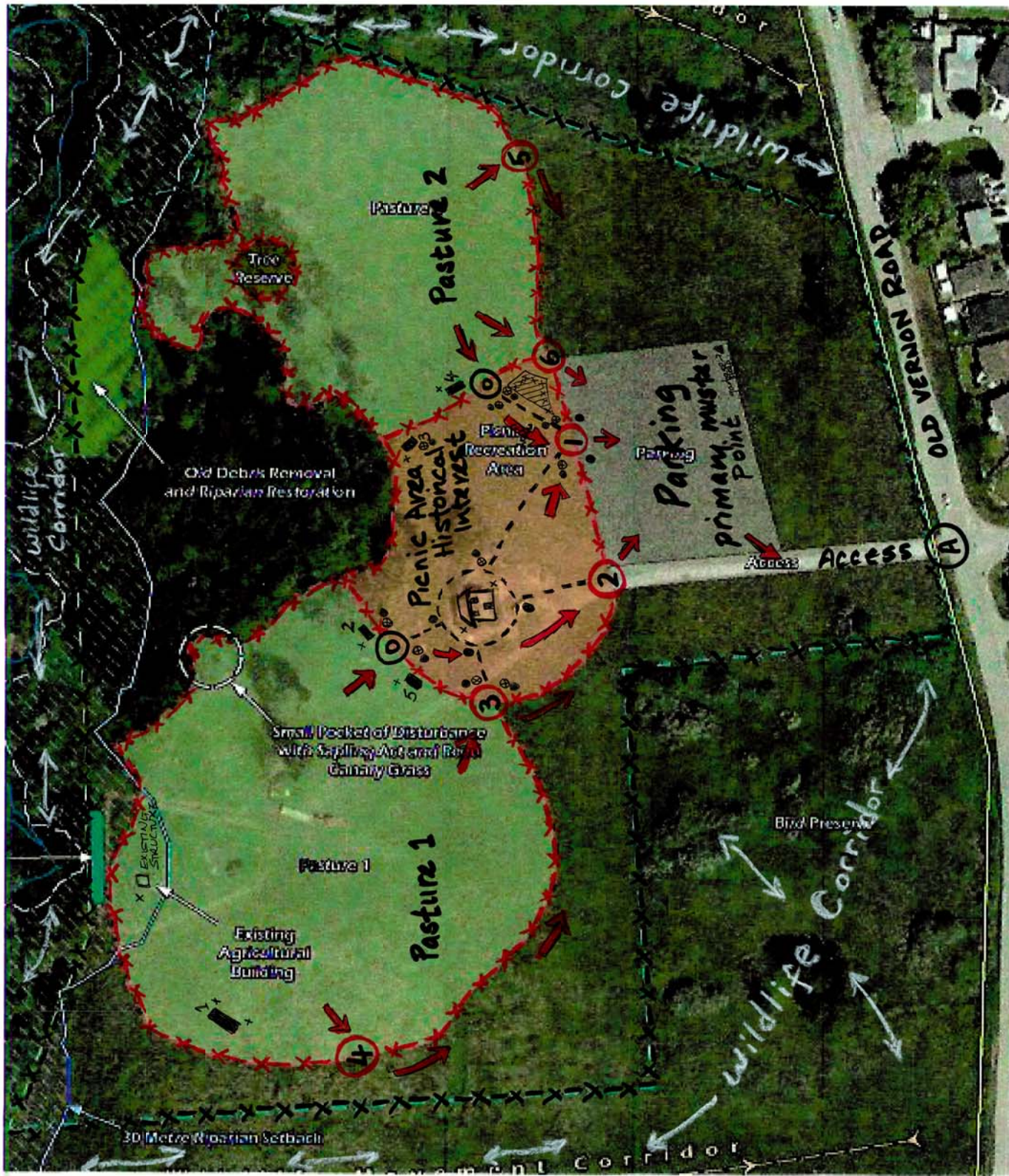


Kelowna ← → Lake Country

↑ Kelowna Airport

↑ Bark n' Fly

100



- ⑥ Double Animal escape-proof gates.
- Gates 1, 2, 3, 4, 5, 6
 - all open outwards
 - all wide enough for emergency vehicle
 - serve as emergency exits
- Gates 1, 2, 6
 - Communicate directly with the major muster point (parking lot)
- Gates 3, 4, 5
 - will have signage directing emergency evacuees to parking lot.
- ▮ Buildings 1, 2, 3, 4, 5
 - portable, non-permanent
- Ⓐ Point of Access to property
 - power gate
- perimeter fence
- pasture fencing.
- pathways
- ➔ evac routes
- x Fire extinguishers.
- very discreet and screened portable toilet area. All toilets have sinks
- Garbage can AND hand wash

Country Rhodes Estates



1041

288 spaces
 39.9% Small Car (115)
 S.C. = 2.3M x 5.5M
 60.1% Regular Car (168 / 5 H.C.)
 R.C. = 2.5M x 6.0M
 H.C. = 3.5M x 6.0M
 DRIVE AISLES = 7.0M
 (Per Combination of City of
 Vancouver Engineering
 Department & City of Kelowna
 Parking Specifications)

TOTAL PARKING AREA
 = 1.75 Acres
 Includes Pedestrian Path



A.1
1.0
SITE PLAN
SCALE: NTS

Section 4.0 Acres and Use: The 1.75 acre parking Lot.



This flat and featureless area of **1.75 acres** in the East of the property will accommodate 288 vehicles. This is more than twice the amount of parking we have available for our guests and staff at our current location.

The area is already relatively flat but it will still need to be graded. No soil will be removed from the property. The graded soil (and numerous surface rocks) will be pushed into a tidy berm between the Eastern edge of the parking lot and the Eastern perimeter fence. Plantings will be put on top of the berm in an effort to shield Country Rhodes Estates from a view of the parking lot.

Parking spaces will be marked with removable parking blocks. A detailed diagram of the parking lot, complete with information regarding the size of the spaces and the drive aisles etc has been prepared by Jade Bay Construction Ltd, and provided to the RDCO. The parking lot will have a one way system. Direction of travel will be marked with signs. Enter/Exit signs will be in place. Parking lot attendants will be added as necessary.

Handicapped parking will be in a location of maximum convenience to the entrance of the farm. It will accommodate cars, oversized vehicles such as wheelchair equipped vans, and small buses of the variety used by retirement homes etc.

The parking lot will be unfenced for ease of rapid evacuation of cars and people should there ever be the need. All the muster direction signs will take evacuees to the parking lot, which is the major muster station.

Green Shaded Pasture #1

This **3.4 acre** pasture will have a variety of animals and birds in it, including kangaroos, wallabies, emu, goats, mara (Patagonian cavies), capybara, pigs, llama and miniature ponies. There are also a variety of birds including fancy chickens, domestic ducks, and peacocks. Some of these animals might be fenced separately within the pasture. Some animals might be in one pasture but not in the other (Pasture #2) They will need to be spread out over both pastures in order to preserve genetic diversity and to separate incompatible species.

The pasture will have a perimeter fence made of high tensile steel with a 2" x 4" grid, 6 feet high and buried one foot into the ground. Fencing will be attached to wooden fence posts that will be pounded in but not concreted in place. Gates will either be wood framed with wire or metal frame with wire. The overall effect will be secure, animal proof, consistent, and tidy.

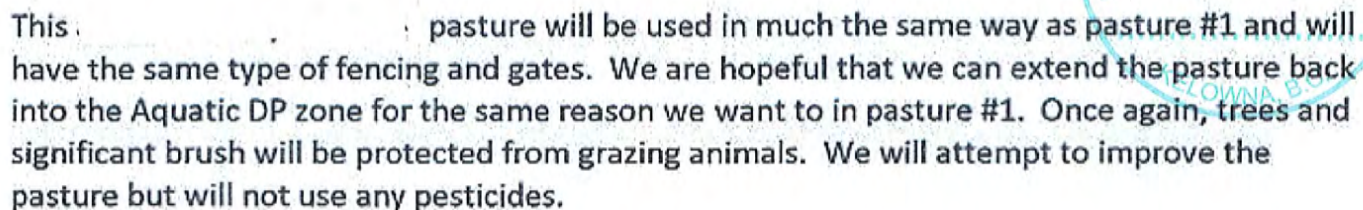
No turf will be removed and we will try to improve the grazing with seeding and the removal of the large boulders that litter the entire property. We do not intend to apply for an inclusion in an irrigation district. We intend to rely on the wells on the property. We would like to do some haying around the edge of our non-farm use area. We do not use pesticides or fertilizers because this is not compatible with the welfare of the animals we keep.

Any trees that are in the pasture will be protected with tin or wire cladding around their trunks and large clumps of bush will be fenced to prevent animals from browsing. We are very eager to maintain the vegetation because it provides cover for the animals and some interest to their habitat. Our visitors will find this esthetically pleasing as well as a welcome source of shade in the summer.

We envision our visitors doing much the same things as they do at our present location: Walking amongst the animals, watching, petting, feeding treats, taking photos and video, sitting on a bench and relaxing, reading educational plaques, talking to guides, and etc.



Green shaded pasture #2



1.41 acre Picnic/Historical Interest Area.

We are going to make this the focal point of the farm. This will happen naturally simply by being in the middle, and the first thing guests see when they turn into the driveway.

In the center of the picnic area is an 1890 Ontario style farmhouse. The house was built by an early Okanagan settler and then lived in by many others including the Simpson, Swalwell, Dickson, and Knox families.

The house has now been repaired to the point that it is structurally sound and habitable. It is the only residence on the property. The public will not have access. We plan to put placards around the building that explain the history of the house, and the agricultural history of Ellison. A variety of farming antiques will be displayed around the structure.

Picnic tables (the moveable and removable kind) will be placed in various spots so that people can relax and eat. This area will contain no roaming animals, but it is possible that some animals and birds might be displayed in this area. It is possible that local farmers might sell their produce in this area.



1.4 acre picnic area marked with a "P"



Exotic Animals and the Law

It's quite likely that some RDCO council and staff are concerned about the prospect of what is currently a "petting zoo" becoming something more. I think it's quite possible that some might be thinking along the lines of "Today a kangaroo and tomorrow lions, tigers and giraffes."

This scenario is not possible under current law. In British Columbia we now have the Controlled Alien Species Act (CAS). It specifically makes it illegal to own any animal that a panel of experts has deemed to be 1. Physically dangerous and/or 2. Biologically hazardous and/or 3. Environmentally damaging.

An animal need only be in one of these categories in order to make it onto the list that the Controlled Alien Species Act defines as illegal. The list of prohibited animals is extensive. It can be viewed in its entirety on the internet at <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/invasive-species/controlled-alien-species-regulation>

Kangaroo Creek Farm does NOT have any animals that are prohibited under CAS. All of the species we keep are legal both Provincially and Federally.

It should also be mentioned that we do not do anything with our animals or to our animals that would be generally considered distasteful. Our animals are carefully looked after and to a very high standard, not only physically but also with consideration to their mental well-being. We have good oversight from several local veterinarians and have never run afoul of the SPCA, The Humane Society or any other agency that monitors the welfare of animals.



Section 6.0 Approximate Position of Portable Buildings



1. Old West Town. Consists of disguised shipping containers.
2. Disguised Atco portable trailer
3. Greenhouse
4. Disguised Atco portable trailer
5. Disguised Atco portable trailer



Existing Residence:



Existing Agricultural building:



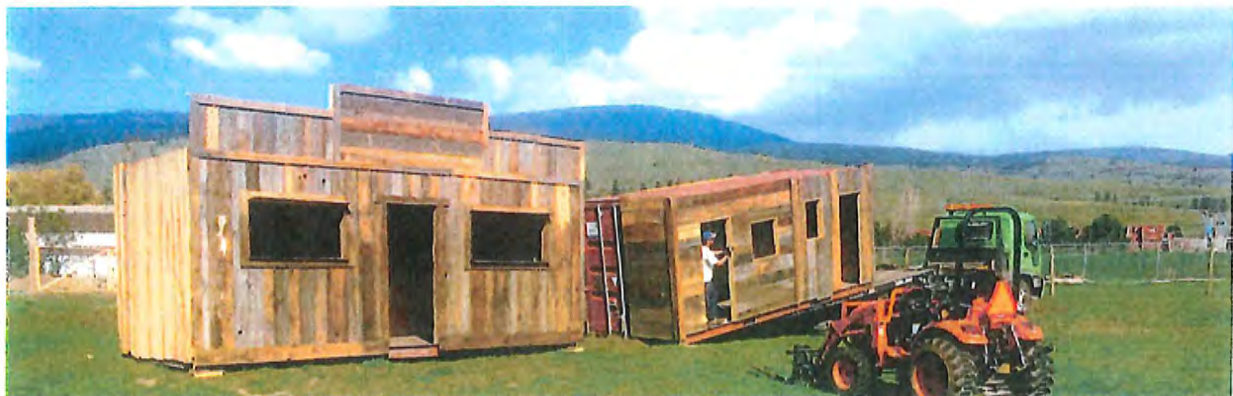
Building #1: Old West Town



Purpose is for warm weather shelter for the animals



Old West Town started out as 3 modified shipping containers that were then clad with wood. These 3 buildings are 20' x 8.5' per for a total square footage of 510 square feet. Portable.



Building #2: Office, Ticket Booth, First Aid Station

This building will be located in the yellow picnic/historical-interest area.

Its proximity to building #5 in Pasture #2 will help to delineate the entryway to the farm.

I do not have a picture of it at this time. It presently looks like an Atco trailer but will be clad with wood and made to look esthetically pleasing.

It is 60' x 10' for a total of 600 square feet.

The public will not be given access to this building.

It will be used primarily for storage and private use by staff. The public will be sold their tickets through a window.



Building #3: The greenhouse



The greenhouse is a double-skinned building heated by a pellet stove. We have many expensive plants on site that need to be moved inside during the Winter.

It measures 30' x 60' for a total of 1800 square feet.

The porch wing on one side of the greenhouse comes apart and can be re-constructed on site. The greenhouse does not have a foundation and sits on a crushed gravel pad. It can be taken down and removed in less than 2 days.

You might notice that there is a windmill in the far left of the photograph. It is our intention to move that to the new site too. It must be anchored into a concrete pad. The pad measures about 8' x 8'



Building #4: Town Hall/Fire Station



This is an Atco trailer under its wood cladding.
It is 10' x 52' for a total of 520 square feet.
Its purpose is to provide heated housing for the animals in the winter.

The public will NOT be given access to the interior of this building.

It has no foundation and is simply sitting on the ground.
It was delivered by semi-truck and trailer and can be taken away the same way.

We will have to remove some of its embellishments such as the roof over the clock and the porch to move it.

It looks like an old Town Hall on one side and like a two bay Fire Hall on the back side.

There is an antique fire truck parked in front of it for effect.
This vehicle contains no oil or gas. It does not run. It is purely decorative and would go to the new site on the back of a flat deck.



Building #5: Animal Shelter



This is a portable Britco building measuring 10' x 16' for a total of 160 square feet.

Its purpose will be for heated animal housing in the Winter.

It will be located in Pasture #1

The public will NOT have access to the interior of this building.


It will be placed in position #5 illustrated on the map. Its proximity to building #2 in the picnic/historical-interest area will help to delineate the entryway from the parking lot, into the farm via the picnic area.


It will be clad in wood to make it esthetically pleasing and in keeping with theme.





Position of Portable toilets, hand-wash stations, and garbage cans



Portable toilets are shown as  within the shaded grey area in the North/East corner of The picnic area. They are an upgraded brand of portable toilet that have sinks and a self-contained flushing system. They are serviced every day in high season so that they are always clean and odor free. They will be discreetly hidden by decorative portable fencing. They will be numerous enough that they will not be over-taxed by the number of people that might want to use them in the course of a day.

Hand wash stations are shown as  on the enlarged master map but are too small to show here.

Garbage cans are shown as  on the master map. They are too small to be shown here. Placement is only approximate as actual conditions might dictate that they be moved and/or increased in number. Garbage cans are emptied at least once a day. Visitors will be given the opportunity to sort for recycling.

Garbage skip shown as  in the North/East corner of the parking lot. It will be discreetly screened from view by decorative portable panels. The skip will be emptied and the contents taken to the dump as often as necessary.

Save 28% Off MSRP



*indicated by
O on site map.*



Description

Product inquiry

Reviews

This is a great all round trash receptacle with many of the most requested features. And the design looks just like the much more expensive slatted units at a fraction of the cost. The molded slat design gives the appearance of a recycled plastic slat with the strength of a one piece molded unit at about 60% less cost.

- Covered rain guard top with bug barrier door.
- The convoluted molded in slat design makes it very durable.
- Made of totally recyclable polyethylene.
- Made for either indoor or outdoor use.



Typical hand-wash station



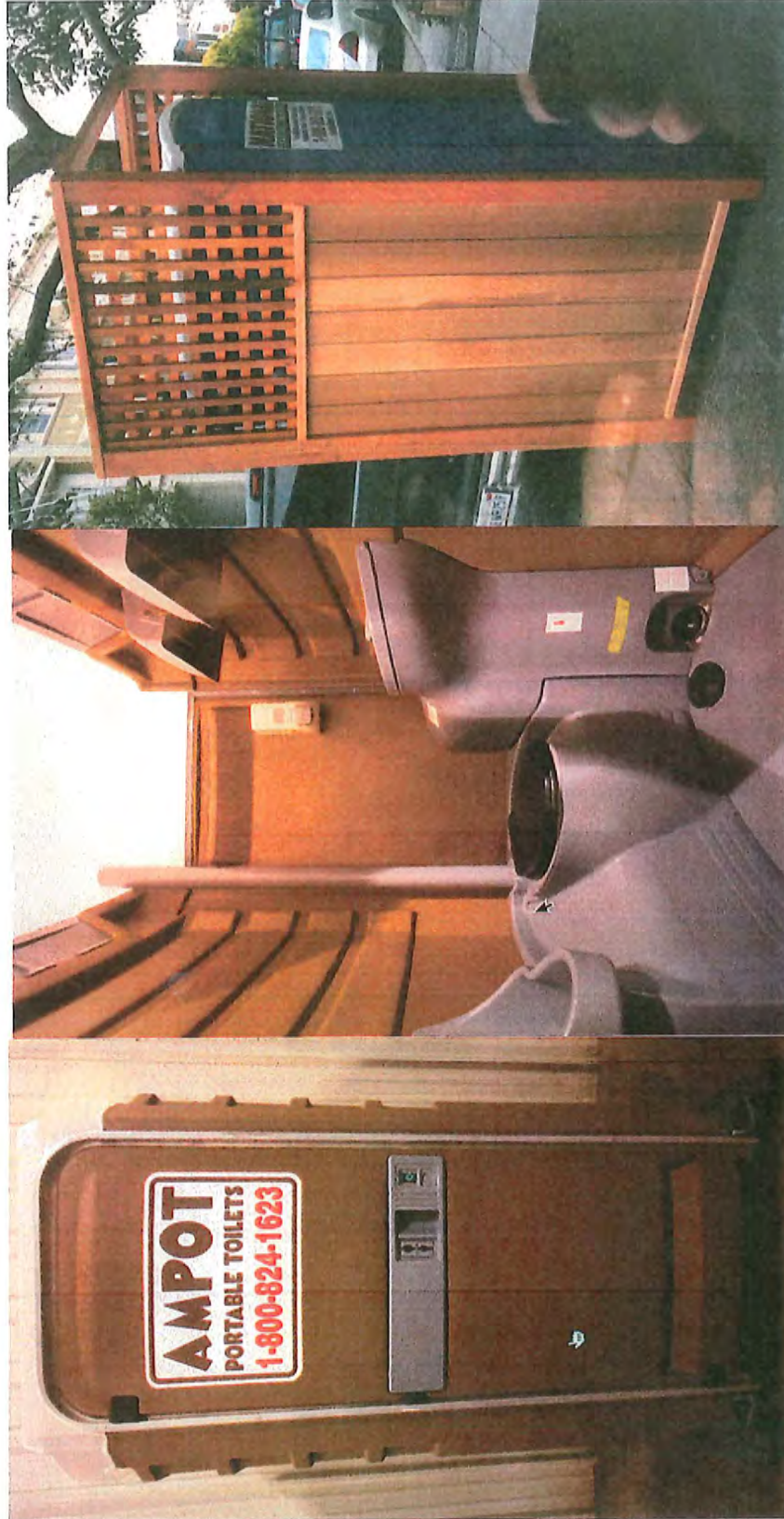
These are easy to service by staff. They are self-contained and portable.

Numbers will be adjusted according to our seasonal visitation. We will also adapt if we find that they are not in an optimal site. They are easy to move.

You might notice that there are no hand-wash stations near the bathrooms. This is because they have their own sinks and water tank.



Portable Toilet Detail



Exterior

Interior: Flush toilet/sink

Aesthetically pleasing shielding



Section 7.0 Fences, Gates and Pathways

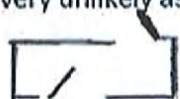


Gate: 12 feet wide, consists of 2 six foot wide/high gates swinging outward

○ 1, 2, 3, 4, 5, 6

Double man gate: Push to get in, pull to get out.

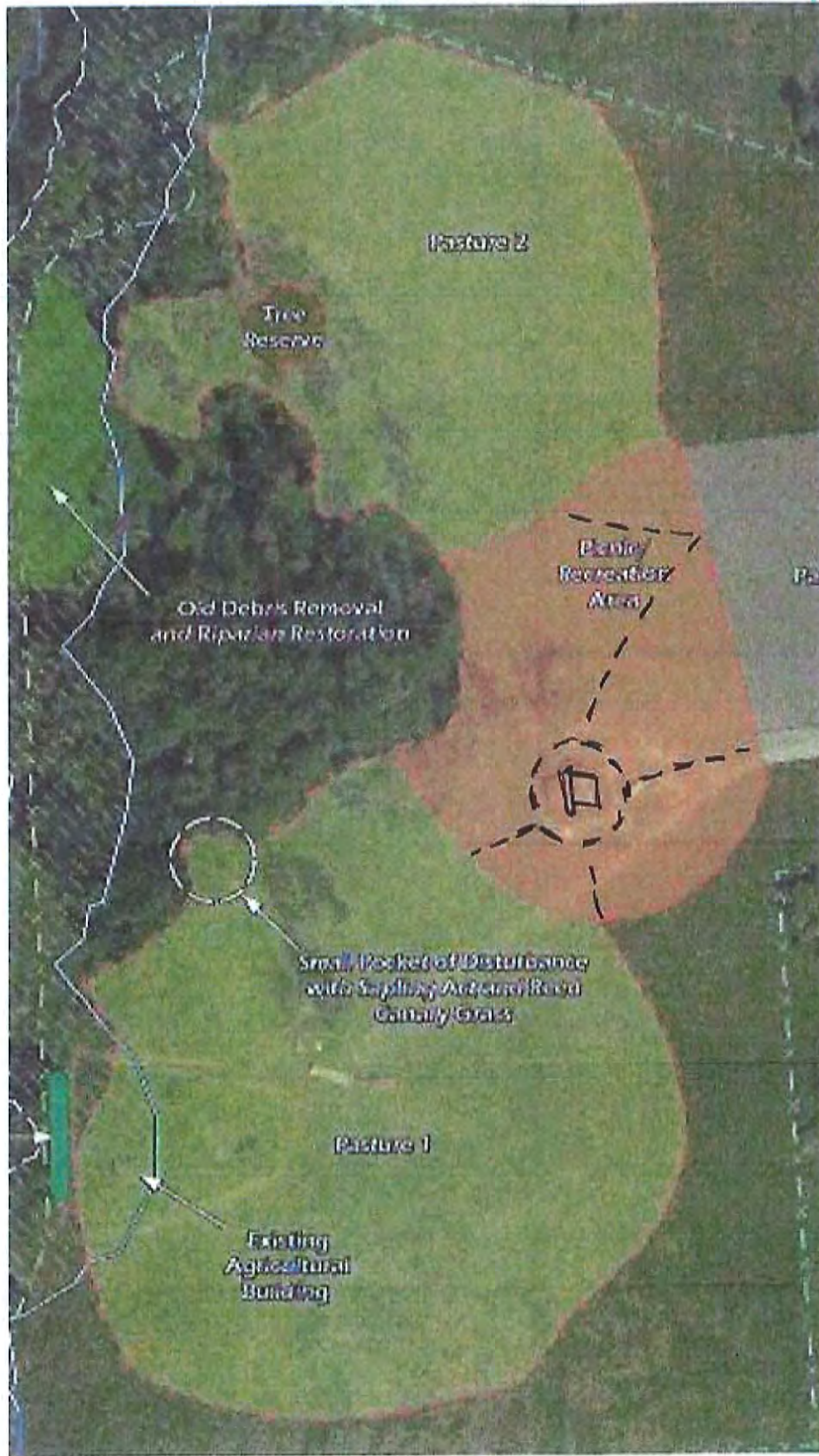
Gates will consist of either wood frame covered in wire, or steel frame covered in wire. Gates for the purpose of people transitting to and from an animal pens will be double in nature and designed in such a way that animal escape is very unlikely as there is the extra precaution of a gate attendant. The gates look something like this:

 represented as ○ on maps.

The other gates are designed to be emergency exit/service gates. They all swing outwards for ease of evacuation.

Property access gate at **A**: 24 feet wide and equipped with a power gate. They will only be open during business hours and for maintenance/service/passage of employees. The rest of the time the gate will be electronically locked. It will have a fire department box with a key/code.

Section 7.0 Fences, Gates and Pathways: PATHWAYS



Pathways are indicated by: — — — — —

Pathways in the pastures themselves have not been indicated because there is no predictable direction of habitual public travel at this time. Once pathways establish themselves, we will formalize them where necessary with packed gravel. The pathways will be kept as minimal and environmentally friendly as possible. Pathways will be graded to a maximum width of 6 feet and then the grass will be allowed to grow right up to the edges. There will be no delineating edge material.



Emergency Preparedness

In order to prepare for an emergency, one must first identify possible causes and instances of an emergency. Here are the ones that have occurred to me. Perhaps there are others I need to consider? I will consult with the Ellison Fire Chief, David Bates on this subject as previously stated.

Fire.

Flooding.

Airport incident.

Medical Emergency.

Evacuation gates and routes /muster points.






Primary concerns are the potential for Fire and Emergency Medical Evac.

Primary concerns are the potential for Fire and Emergency Medical Evac.



All six gates  are wide enough to allow passage of a fire truck and an ambulance.

All six gates can be used as emergency exits and either communicate directly with the parking lot, which is the main muster station, or there will be signs directing people to the parking lot. Routes of evacuation for foot traffic are shown as 

All structures shown as  will have at least one fire extinguisher shown as  and staff will be trained to use them.

The nature of our business demands that water hoses are readily available to water the animals. Water hoses will be in plain sight and marked with a sign that says "Fire hose". Most of the hoses will be in proximity to the structures.



Medical Emergency

We've experienced several medical emergencies at our current location including heart-attack, stroke, and fracture due to a fall caused by infirmity (elderly person). Our reaction to these emergencies was to immediately identify it as an emergency and call an ambulance. We supported and monitored the person until help arrived. We stayed on the phone with the dispatcher until help arrived and followed their specific instructions.

I am a retired paramedic with 25 years of experience. I am on site the vast majority of the time that we are open to the public. I also have at least one staff member with a current first aid certificate, including CPR, on site at all times when we are open. We have several first aid kits in strategic locations. At the new site we will have a kit in each area and others in the Greenhouse and the Office/Ticket Booth/First Aid Station.

My staff know that ALL first aid treatments need to be reported immediately to a supervisor and to the first aid attendant on staff. If they are in any doubt about the need for emergency care, they have been told to call an ambulance immediately. All the staff have two-way radios with our own dedicated private channel. Communication is immediate.

It is my experience that having someone at a point of entry, waiting for the emergency vehicle to arrive, is the best way to ensure that the vehicle is then guided to the closest point of access to the emergency. A staff member will be dispatched to each point of entry in the event of an emergency.



Flooding

The Riparian zone provides a 30 meter set-back from Mill Creek that includes a 30 meter set-back from any identified historical "high-water" areas. For most of the area of the proposed operation we have stayed OVER 30 meters away in that we have not gone into the Aquatic DP zones EXCEPT for where the operation is shown in PINK. Therefore, the prospect of flooding is mitigated to a very high degree, and unlikely to become an issue. In addition, Flooding only becomes an "emergency" in its latter stages, and with plenty of advance notice. It's the kind of emergency that tends to happen in slow motion unless a damn bursts suddenly upstream or there are tropical-level downpours or hurricanes.

Mill Creek is a relatively small water-way. It does have variations in flow that are seasonal. However, there is a bridge over which motorists cross that goes over Mill Creek on Old Vernon Road. I'm sure that many studies were done that pertain to flow and the likely-hood of flooding in that area since it would potentially threaten that bridge, long before it became an issue for us downstream.

I should say that there are many beavers working busily along Mill Creek. They have been extremely industrious and have brought down many trees including some very large ones. We noticed that they were bringing trees down at an alarming rate along the Mill Creek corridor. If this is not dealt with by an appropriate party soon, I could see there being a problem at some point in the future, not only for us, but for the District.

If there is a flood (and as I say, these things do not happen quickly) then the animals would be moved to higher ground and those portions of the property that are affected would be closed off to the public. We currently live on Middle Vernon Creek and have become quite adept over the last 30 years with the behavior of waterways.



Airport Incident

This would involve a plane coming in with mechanical difficulty where the control tower has been given advance warning of a problem, a plane coming in with mechanical/human error difficulties where there is no advance notice, a crash occurs, or a potential terrorist threat or attack.

If this information is made available to the public in a timely fashion then we can decide on a case by case basis whether or not the threat is deemed considerable, and whether or not it justifies the inherent dangers associated with mass evacuation of the farm. There is always a danger associated with precipitous evacuations in that it might cause panic and associated accidents and injuries that are out of proportion to the "emergency".





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

February 1, 2019

ALC File: 57354

Caroline MacPherson
DELIVERED ELECTRONICALLY

Dear Caroline MacPherson:

Re: Application 57354 to conduct a non-farm use in the Agricultural Land Reserve

Please find attached the Reasons for Decision of the Okanagan Panel for the above noted application (Resolution #29/2019). As agent, it is your responsibility to notify the applicant accordingly.

Review of Decisions by the Chair

Under section 33.1 of the *Agricultural Land Commission Act* (ALCA), the Chair of the Agricultural Land Commission (the Commission) has 60 days to review this decision and determine if it should be reconsidered by the Executive Committee in accordance with the ALCA. You will be notified in writing if the Chair directs the reconsideration of this decision. The Commission therefore advises that you consider this 60 day review period prior to acting upon this decision.

Request for Reconsideration of a Decision

Under section 33(1) of the ALCA, a person affected by a decision (e.g. the applicant) may submit a request for reconsideration. The request must be received within one (1) year from the date of this decision's release. For more information, refer to *ALC Policy P-08: Request for Reconsideration* available on the Commission website.

Please direct further correspondence regarding this application to ALC.Okanagan@gov.bc.ca.

Yours truly,

Celeste Barlow, Land Use Planner

Enclosures: Reasons for Decision (Resolution #29/2019)
Schedule A: Decision Map

cc: Central Okanagan Regional District (File: A-18-02)



AGRICULTURAL LAND COMMISSION FILE 57354
REASONS FOR DECISION OF THE OKANAGAN PANEL

Non-Farm Use Application Submitted Under s. 20(3) of the *Agricultural Land Commission Act*

Applicant: Eldorado Ranch Ltd., Inc. No. 83336

Agent: Caroline MacPherson

Property: Parcel Identifier: 007-247-168
Legal Description: Lot 2, District Lot 120,
Osoyoos Division Yale District Plan 3497
Civic: 5932 Old Vernon Road, Kelowna, BC
Area: 21.7 ha

Panel: Gerald Zimmermann, Okanagan Panel Chair
Jim Johnson

OVERVIEW

- [1] The Property is located within the Agricultural Land Reserve (ALR) as defined in s. 1 of the *Agricultural Land Commission Act* (ALCA). The Property is located within Zone 1 as defined in s. 4.2 of the ALCA.
- [2] The Agent currently operates a petting zoo and emu farm (the “Kangaroo Creek Farm”) on a property in Lake Country which has kangaroos, emus and goats, as well as other farm animals. The Agent wants to relocate Kangaroo Creek Farm to the Property for the purpose of providing:
- the animals with increased space and grazing ability;
 - enough room to accommodate visitors; and
 - better road access
- [3] Pursuant to s. 20(3) of the ALCA, the Applicant is applying to the Agricultural Land Commission (the “Commission”) to utilize approximately 12.0 ha of the 21.7 ha Property for a petting zoo and emu farm (the “Proposal”).
- [4] The issue the Panel considered is whether the non-farm use would impact the agricultural utility of the Property.
- [5] The Proposal was considered in the context of the purposes of the Commission set out in s. 6 of the ALCA. These purposes are:
- (a) to preserve agricultural land;
 - (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD

- [6] The Proposal along with related documentation from the Applicants, Agent, local government, and Commission is collectively referred to as the "Application". All documentation in the Application was disclosed to the Agent in advance of this decision.
- [7] The Panel conducted a walk-around site visit on August 15, 2018 in accordance with the *ALC Policy Regarding Site Visits in Applications*, (the "Site Visit"). A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by the Agent on November 8, 2018 (the "Site Visit Report").

EVIDENCE AND FINDINGS

Issue: Whether the Proposal would impact the agricultural utility of the Property

- [8] The Application submits that it has been challenging to find a suitable property for Kangaroo Creek Farm because of the unique requirements for animals and visitors. The Agent has not been able to find any land available locally, for sale or lease, that meet the necessary criteria. The Agent approached the Applicant to relocate Kangaroo Creek Farm to the Property. According to the Application, the Property provides the animals with adequate space and grazing ability, enough space to accommodate visitors, and sufficient vehicle access.
- [9] The Application submits that the Proposal to operate Kangaroo Creek Farm on the Property will not include any permanent structures or foundations. The Proposal includes an unpaved parking lot and unpaved driveway, a public picnic area with portable toilets, fenced pastures for animals grazing and five portable non-permanent buildings. In addition, there is a dilapidated single family dwelling on the Property and the Agent proposes to restore the exterior of the house to be incorporated into the visitor experience. The Panel considered the impermanency of the structures and considered the ease with which the Property could be converted to a different agricultural use at a future date. If someone intended to farm the Property in future, the buildings and structures could be removed easily with minimal

disturbance. The Panel finds that the Proposal will not permanently impact the future agricultural utility of the Property.

[10] The Application submits that the Property is not currently being used by the Applicant for ranching or farming activities. The Central Okanagan Regional District (CORD) staff report confirms and the Panel observed during the Site Visit that the Property is currently vacant and has not been utilized for agriculture for many years. The current location of the Kangaroo Creek Farm has maintained farm status through BC Assessment and the Agent intends to apply for farm status on the Property as well. The Agent also intends to include agricultural history and educational props located throughout the grounds to educate visitors on farming and the agricultural history of the area. The Panel finds that a portion of the Proposal supports agriculture through the grazing of animals and production of farm products.

[11] The Application submits that there has been concern raised by the CORD Agricultural Advisory Committee (AAC) regarding the location of the proposed parking area and length of driveway. The Agent originally proposed to have the parking area on the southern portion of the Proposal area, and have a driveway that connected to Old Vernon Road. Following a meeting with the CORD's AAC, the Agent modified the parking area and driveway proposal to be located along the eastern portion of the Property, closer to Old Vernon Road. The rationale provided by the CORD AAC is that original configuration proposed a driveway length that fragmented the Property and increased the possibility of compaction in the center of the Property. The Agent indicated that the rationale for not proposing the parking lot to be located adjacent to Old Vernon Road was based on feedback from residents in the neighbouring residential subdivision who expressed concerns regarding the visual impact, dust and increased traffic. The Panel considered the original and modified layout of the parking lot, length of the driveway, area, and the potential impacts of each design, in accordance with agricultural considerations within the context of the purposes of the Commission set out in s. 6 of the ALCA. The purpose of s. 6(a) of the ALCA is to preserve agricultural land. The Panel finds that the modified layout of the parking lot and length of the driveway is the most consistent with s. 6(a) of the ALCA and ensures that the impact or

potential impact to the land base is as minimal possible. For this reason, the Panel supports the modified Proposal layout as proposed by the CORD AAC.

DECISION

- [12] For the reasons given above, the Panel approves the Proposal to utilize 12.0 ha of the Property for Kangaroo Creek Farm subject to the following conditions:
- a. the non-farm use be in substantial compliance with Schedule A: Decision Map;
 - b. no permanent structures are to be constructed for the non-farm use;
 - c. the construction of a fence to prevent trespass of visitors or animals onto the adjacent land and to confine the non-farm use activity to the 12.0 ha area as indicated on Schedule A: Decision Map;
 - d. the 0.6 ha parking area and driveway must be permeable (composed of gravel and/or sand) and located in accordance with Schedule A: Decision Map; and
 - e. approval for non-farm use is granted for the sole benefit of the Kangaroo Creek Farm and is non-transferable.

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

- [14] These are the unanimous reasons of the Panel.

- [15] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the ALCA.



[16] Resolution #29/2018

Released on February 1, 2019

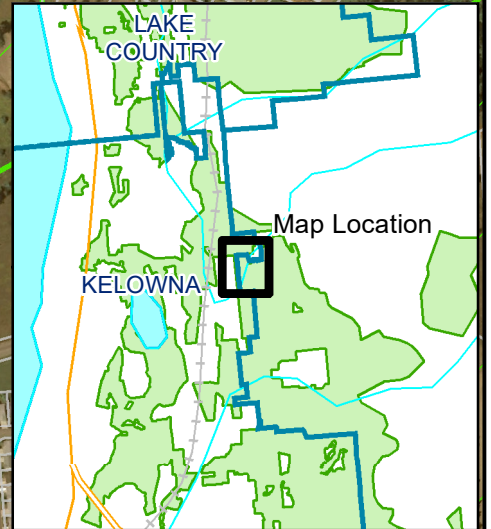
A handwritten signature in black ink, appearing to read 'G. Zimmermann', is positioned above the printed name.

Gerald Zimmermann, Panel Chair

On behalf of the Okanagan Panel

119°22'0"W

Schedule A: Decision Map
ALC Application 57354
Approved Non-Farm Use
Resolution #29/2019



Map Location

Location of 0.6 ha
parking lot and
driveway

Approximate location of
12.0 ha non-farm use

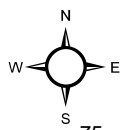
ALR



Airphoto Map

2007 Natural Colour Ortho

Map Scale: 1:7,500



75 0 75 150 225 300 375

Meters131

ALC File #: 57354

Mapsheet #: 82E.094

Map Produced: January 31, 2019

Regional District: Central Okanagan

From: [Bernie Schnieders](#)
To: [RDCO Planning Services](#)
Subject: voice your opinion
Date: Monday, May 20, 2019 8:02:52 AM

This is regarding the proposed petting zoo at 5932 old vernon road. As a nearby resident I have no objection.

Bernie & Dianne Schnieders

[REDACTED]

Kelowna BC
V1X7T9

[REDACTED]

From: [Kevan & Kendra Gilbert](#)
To: [RDCO Planning Services](#)
Subject: TUP - 18 - 01 | Kangaroo farm application
Date: Sunday, May 12, 2019 4:00:33 PM

Hi there!

My name is Kevan, I'm a resident of the Ellison neighbourhood. Our home is just up the road ([REDACTED]) from the proposed site of the kangaroo farm, which is applying for temporary use permit under file no. TUP - 18 - 01, at 5932 Old Vernon Road.

First of all, we wanted to say we think it's great. It's a lovely use of the land, it's a great addition to the community.

Second, it sounds like great consideration is already being given for parking, which is wonderful. I understand the land has space for up to 400 cars. I hope that plan will be followed through, as that will be key to making such a high-demand location work well.

Thirdly, I wanted to encourage us to give some thought to the management of the intersection at Old Vernon Rd & Hwy 97 & Dry Valley Rd. The intersection is presently not a controlled intersection. This will be the primary entry point for visitors to turn off Hwy 97 to access the kangaroo farm at the proposed site.

[According to ICBC data](#), this intersection is one of Kelowna's top 50 intersections for traffic accidents. 79 crashes have occurred here between 2013-2017, and 34 were casualties.

The kangaroo farm receives up to 2000 visitors per day on peak days at its current location in Lake Country. (100,000 visitors per year). If visitors remain as high, this will be a large increase of traffic through this intersection. (Additionally, as the airport's traffic grows over time, this will continue to be a highly-used intersection.)

It would be wise to consider ways to improve the safety of this intersection, if the kangaroo farm is to move into this location.

Thank you for your consideration!

Kevan

From: [LJ Gilbert](#)
To: [RDCO Planning Services](#)
Subject: Kangaroo Farm Application - # TUP- 18- 01
Date: Monday, May 13, 2019 3:13:33 PM

Hi...I live in the Sunset Ranch community above Sunset Ranch golf course. I have recently seen your Notice of Application concerning the relocation of the Kangaroo Farm from Lake Country to the Old Vernon Road location.

My concerns are:

1. Traffic exiting from Hwy 97 to Old Vernon road at the north end of the airport. This is already a troubled entry/exit point which will require an upgrade perhaps to lights to handle increased traffic.
2. There is a steady increase in traffic on Old Vernon road and adding a popular tourist attraction will likely impact unfavourably on the quite enjoyment of this rural area.
3. Parking will be an absolutely key issue such as no street parking be allowed for this venture.
4. Fencing to avoid entry to airport facility needs to consider that Kangaroos can jump 6 feet without too much motivation. Fencing should be adequate to protect local traffic from kangaroos who may wish to escape. Never thought as an expat Aussi I would consider this a problem in Canada.
5. If I were a Kangaroo, I might react unfavourably to jets landing and taking off in my space, especially given sensitive hearing. I presume the handlers have considered the environmental impact of jet noise on these animals.

Thank you for the opportunity to make a few comments on this application.

Sincerely,

Les Gilbert

[REDACTED]

Kelowna

[REDACTED]

From: [Mike Fairfield](#)
To: [RDCO Planning Services](#)
Subject: Petting Zoo at 5932 Old Vernon Road
Date: Tuesday, May 21, 2019 7:04:08 PM

In response to your notice of public meeting in reference to the petting zoo moving into our neighbourhood, I am writing to record my concerns.

The first is in hopes that there will be NO on-street parking. I'm sure that the property is large enough to provide for ample on-site parking. Old vernon road is too narrow to support the kind of parking headaches seen on Main street in Lake Country.

The second, and main concern, is that there be absolutely NO peacocks (or similar noisy animals) at the petting zoo. There are many factors in any residential neighbourhoods that wake people up in the middle of the night. It would be unforgivable to allow any business to move into close proximity to such a neighbourhood which would lower the existing standard of life and, with it, the property values of the area.

Mike Fairfield

, Kelowna

From: [Brenda Brezden](#)
To: [RDCO Planning Services](#)
Subject: Petting zoo
Date: Tuesday, May 21, 2019 6:53:29 PM

As a resident of [REDACTED], we feel that having a petting zoo so close by would add much more traffic to an already busy road. Old Vernon road is a very busy road for residents of our area and also truckers that come through.

We vote for a NO on the petting zoo at 5932 Old Vernon rd.

Thanks Brenda

Sent from my iPhone

From: [Harold Huber](#)
To: [RDCO Planning Services](#)
Subject: Re: proposed zoo near airport
Date: Thursday, May 16, 2019 11:50:30 PM

Hi Chris,
Thanks for your reply.
In addition to my address, I thought it would be appropriate to let you know that I'm not even an animal rights activist. Just making those comments from a non-agenda perspective.
My home address is [REDACTED]
Sincerely,
Harold Huber

ps. I work on Mondays from 2-10 pm and not able to make it out to the meeting later this month. Hence my thoughts to you via email. H.H.

From: RDCO Planning Services
To: Harold Huber
Sent: Thursday, May 16, 2019 8:19 AM
Subject: RE: proposed zoo near airport

Thanks Harold. Can I please get your address for the file?

Sincerely,

Christopher Alexander

Admin. Assistant- Planning Services, **RDCO**

Ph: 250-469-6227 | planning@cord.bc.ca

This email and any files transmitted are confidential and may contain privileged information. Any unauthorized dissemination or copying is strictly prohibited. If you have received this email in error, please delete it and notify the sender.

From: Harold Huber [mailto:huberharold9@yahoo.ca]

Sent: Wednesday, May 15, 2019 8:53 PM

To: RDCO Planning Services

Subject: proposed zoo near airport

Dear madam/sir,

My name is Harold Huber.

I live in the Country Rhodes Estates, beside the zoo proposal site. I don't think that site is a good area for animals to live. Our home is further away from the runway than where the animals would be living. I find it hard enough myself to bear with the aircraft noise day and night. There is aircraft engine testing that happens during normal sleeping hours as well. I can't imagine what the animals would have to endure being next to the runway, and being that close to the noise of engines, whether it be from the air or on the ground.

Also, I would feel bad for tourists who would have to listen to the same thing. The possibility of hearing impairment and it's side effects for both animals and tourists could become a real issue. Therefore I would recommend that the zoo Association would not move to this location.

Sincerely,

Harold Huber

Regional Board Report

TO: Regional Board

FROM: Todd Cashin
Director of Community Services

DATE: May 27, 2019

SUBJECT: Development Variance Permit (VP-19-03)
P. & B. Uppal (owner/applicant)
2711 & 2735 Lakha Road - Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote – Electoral Areas & Kelowna Area – 1 Director, 1 Vote*

Purpose: To consider issuance of a Development Variance Permit to vary setbacks to accommodate the location of existing Temporary Agricultural Worker Dwellings and Accommodation.

To consider a refund of Development Applications Procedures Bylaw No. 944's application fees.

Executive Summary:

A Development Variance Permit Application has been submitted to allow the location of two trailers used for temporary agricultural worker housing, which has been permitted since 2013 by the Regional District under a Temporary Use Permit. The applicants rationalize that the siting of the trailers makes efficient use of agricultural land and that the Temporary Agricultural Worker Dwellings and Accommodation Zoning Bylaw regulations were not adopted until 2014.

The applicants have also requested that the Regional District refund the Development Variance Permit Application Fee (\$800).

No opposition has been received from affected agencies or neighbouring residents regarding the application.

RECOMMENDATION #1:

THAT Development Variance Permit Application VP-19-03 to vary the following sections of Zoning Bylaw No. 871 be approved based on the Surveyor's Certificate dated February 28, 2019, by Vector Geomatics Land Surveying Ltd.:

- Section 3.25.6 by allowing a reduction of the minimum parcel line setback for a Temporary Agricultural Worker Dwellings and Accommodation from 15.0 m (49.2 ft) to 1.15 m (3.8 ft).
- Section 3.25.7 by allowing an increase in the maximum setback of a Temporary Agricultural Worker Dwellings and Accommodation building from a principal residence from 15.0 m (49.2 ft) to 32.44 m (106.4ft).

RECOMMENDATION #2:

THAT the Regional Board does not approve a refund of the Development Applications Procedures Bylaw No. 944's Development Variance Application Fee.

Respectfully Submitted:



Todd Cashin
Director of Community Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Janelle Taylor, Planner

Implications of Recommendation:

Strategic Plan:	Development Variance Permits provide options/solutions to address building/location issues provided there are no negative impacts (visual, health and safety) to neighbouring residents.
Policy:	The application was submitted and processed in accordance with requirements of RDCO Development Applications Procedures Bylaw No. 944.
Legal/Statutory Authority:	In accord with Section 498 of the Local Government Act, on application by an owner of land, a local government may, by resolution, issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw. A development variance permit must not vary the use or density of land from that specified in the bylaw and a local government may not delegate the issuance of a permit.

Background:**History:**

Two Atco trailers which provide accommodation for migrant farm workers were moved to the subject property prior to Zoning Bylaw No. 871 allowing temporary farm worker housing (TFWH). The Regional Board conditionally approved Temporary Use Permit (TUP-13-04) to permit temporary accommodation for 14 migrant farm workers for three years in 2013 and the Board renewed the TUP for another three years in 2016.

On March 28, 2014, the Regional Board adopted a Zoning Bylaw text amendment to allow TFWH subject to a specific list of conditions and requirements (Section 3.25 attached). Building Permit No. 7308/16 was finalized for the trailers on June 8, 2016.

Proposal:

A Development Variance Permit Application has been submitted to permit the location of the two trailers used for TFWH. TUP-13-04 is set to expire August 2019 and the trailers achieve all but two of the Zoning Bylaw regulations outlined in Section 3.25.

The owners rationalize that the siting of the trailers makes efficient use of agricultural land and at time of placement the owners could not have achieved Zoning Bylaw setback requirements as the TFWH regulations were not adopted until 2014.

The owners also request that the Board refund the Development Variance Permit Application Fee (\$800). The owners paid for processing of the TUP in 2013; however, had the Zoning Bylaw regulations been in place for TFWH the applicants could have sited the trailers in accordance with the regulations or applied for the one-time Development Variance Permit.

Site Context:

The subject property is located within the ALR, within Ellison OCP Bylaw No. 1124, and is not affected by Development Permit Areas. The property is developed with an apple orchard, one single detached home, one accessory home, and two Atco trailers.

Additional Information:

Owner/Applicant:	Parvinder & Baljit Uppal
Legal Description:	Lot A, Plan 16575, Section 6, Township 24, ODYD
Address:	2711 & 2735 Lakha Road
Lot Size:	+/- 5.5 ha (13.49 acres)
Zoning:	A1 Agricultural
OCP Designation:	Farming
Sewage Disposal:	Septic tank and tile field
Water Supply:	Black Mountain Irrigation District (BMID)
Existing Use:	Agriculture
Surrounding Uses:	North: Farming/Rural residential South: Farming/Rural residential East: Farming/Rural residential West: Lakha Road/Farming/Rural residential
A.L.R.:	Within the A.L.R.
Fire Protection Area:	Ellison Fire Protection Area

RDCO TECHNICAL COMMENTS:

Agricultural Advisory Commission supports the application as presented.

AGENCY REFERRAL COMMENTS:

Ministry of Agriculture supports the development of seasonal farm worker accommodation on the property. To maximize the greatest long term potential for agriculture in the area, it is important to site any additional homes in a manner that maintains the greatest productive capacity of the parcel while limiting potential nuisance conflicts.

Agricultural Land Commission indicates that an application for Non-Adhering Residential Use is not required as the landowners have existing valid building permits and the trailers have been approved and existed on the property prior to the new regulations. Provided there is no expansion, the trailers would be permitted without the need to make an application.

Unaffected Agencies include Ministry of Transportation and Infrastructure and Interior Health Authority.

Unaffected RDCO Departments include Engineering Services and Planning Services.

Financial Considerations:

While staff sympathizes with the applicant's position, refunding Development Applications Procedures Bylaw No. 944's Development Variance Permit Application Fee of \$800 would set an unwanted precedent for the organization.

External Implications:

In accord with Development Applications Procedures Bylaw No. 944, a Notice of Application sign was posted on the property and written notices were mailed to all registered property owners of land situated within 100 metres of the subject property. Further to the notification process, at time of writing this report, there have been no letters received for the application.

Alternative Recommendation #1:

Based on staff's analysis of the feedback received to date, staff does not propose an alternative recommendation on this matter.

Alternative Recommendation #2:

THAT the Regional Board approve a refund of the Development Procedures Applications Procedures Bylaw No. 944's Development Variance Application Fee.

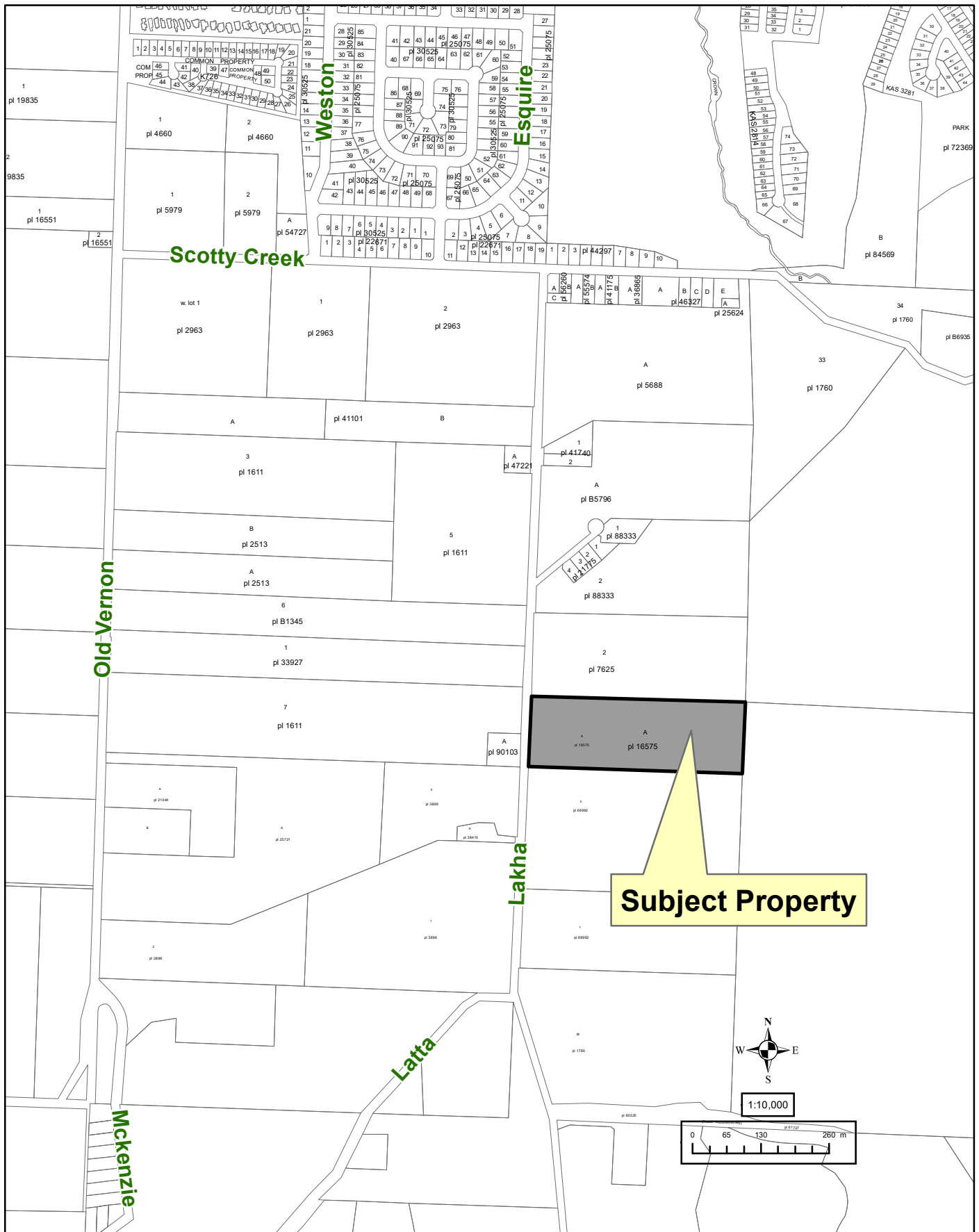
Considerations not applicable to this report:

- *General*
- *Organizational*

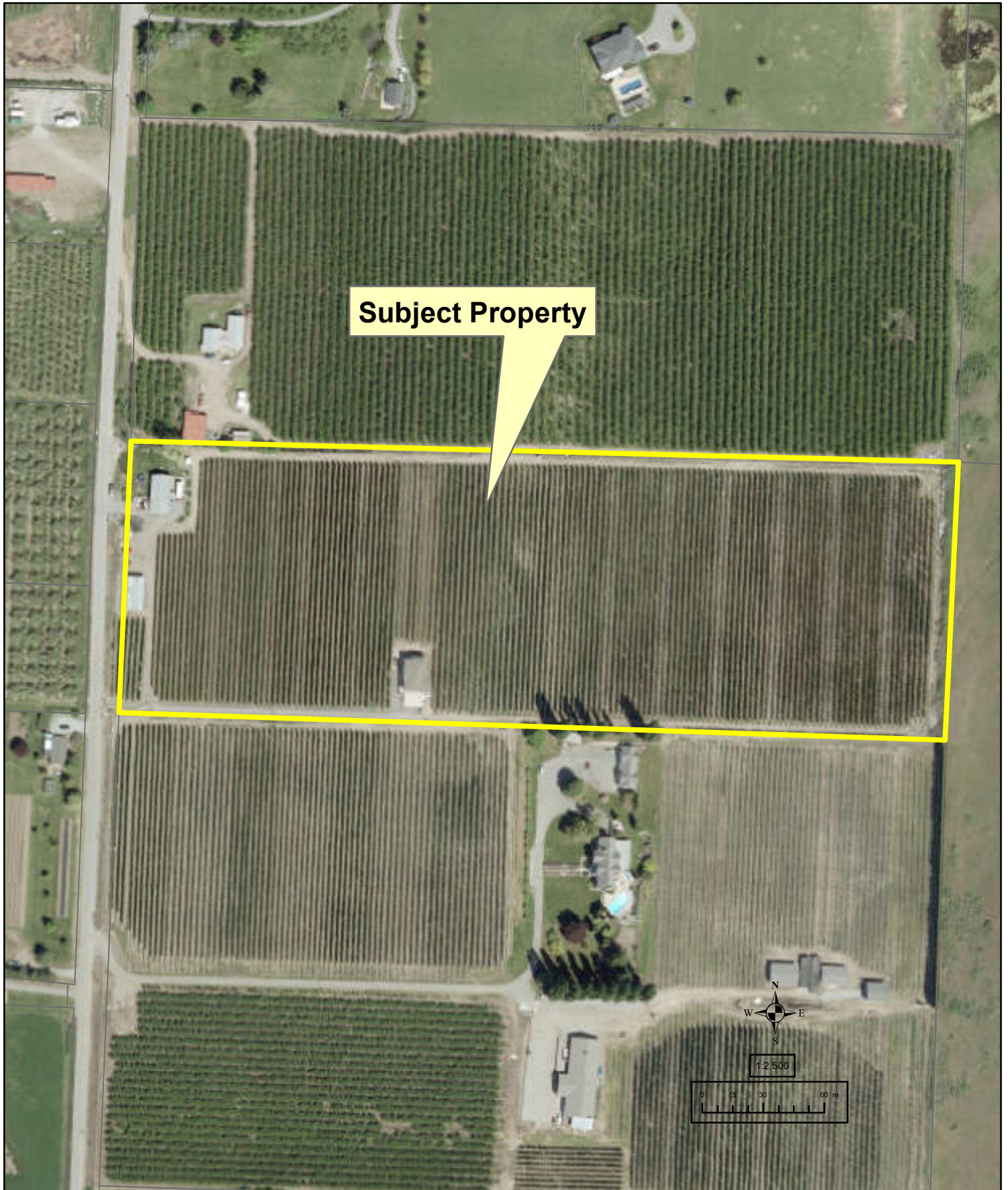
Attachment(s):

- Subject Property and Orthophoto Maps
- Surveyor's Certificate, February 28, 2019, Vector Geomatics Land Surveying Ltd.
- Request for Refund, received March 20, 2019
- Section 3.25 Zoning Bylaw No. 871 TFWH

SUBJECT PROPERTY



ORTHOPHOTO



**BC LAND SURVEYOR'S CERTIFICATE OF
LOCATION ON LOT A SECTION 6
TOWNSHIP 24 OSOYOOS DIVISION YALE
DISTRICT PLAN 16575**

CLIENT: PARVINDER UPPAL
PID: 008-566-330
CIVIC ADDRESS: 2711 LAKHA ROAD

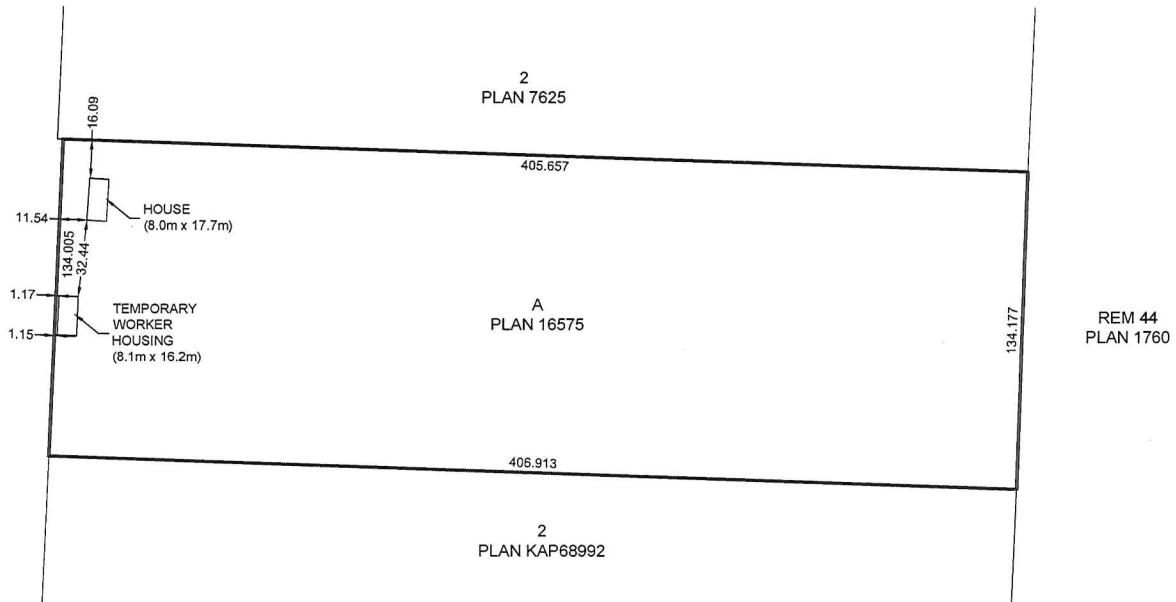
VERTICAL DATUM: CGVD28

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES, LIENS,
AND INTERESTS AFFECTING THIS LAND.

SCALE 1:2000



LAKHA ROAD



CERTIFIED CORRECT THIS 28th DAY
OF FEBRUARY, 2019.

Gary Borne

Gary Borne, B.C.L.S.

This Document Is Not Valid Unless Originally Signed and Sealed

VECTOR
GEOMATICS LAND SURVEYING LTD.
170-1855 Kirschner Rd
Kelowna, B.C. V1Y 4N7
Ph.: (250) 868-0172
www.vectorgeomatics.com

File: 1900750R0 Date: 2019-02-28
Drafted by: EC Checked by: GB

NOTES:

- THIS PLAN HAS BEEN PREPARED BASED ON LAND TITLE & SURVEY AUTHORITY RECORDS AND A FIELD SURVEY (PLAN 16575).
- OFFSET DISTANCES ARE MEASURED TO THE EXTERIOR OF CONCRETE FOUNDATION ON MAIN STRUCTURE AND ARE PERPENDICULAR TO PROPERTY LINES.
- THIS PLAN WAS PREPARED FOR MUNICIPAL BYLAW COMPLIANCE AND/OR MORTGAGE PURPOSES AND IS FOR THE EXCLUSIVE USE OF PARVINDER UPPAL
- THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.
- VECTOR GEOMATICS AND SIGNATORY ACCEPT NO RESPONSIBILITY FOR, AND HEREBY DISCLAIM, ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.

Section 3.25 of the zoning bylaw #871 The bylaw requirement cannot be met because when we placed the accommodation this bylaw was not in place at the time.

I understand these bylaws and that we should not waste our ALR but I am not wasting the land between the house and accommodation because it is being used as our fruit loading area.

I am also concerned about the fee that we have to pay again to renew the permit because I don't think that I should have to pay these fees as punishment as I did not know that the bylaws were going to be changed. Can you please consider waiving the fee for me.



3.25 Temporary Agricultural Worker Dwellings and Accommodation

Temporary Agricultural Worker Dwellings and Accommodation are subject to the following regulations:

1. A minimum *parcel* size of 3.8 ha (9.4 acres) is required to permit a *Temporary Agricultural Worker Dwellings* and Accommodation.
2. The *Temporary Agricultural Worker Dwellings* and Accommodation shall be limited to a maximum *building gross floor area* of 186 m² (2002.1 sq. ft.), except that where the owner of a farm operation can document by ownership records or copies of leases registered in the Land Title Office that the farm operation is at least 40 ha (98.8 acres) in size, a maximum *building gross floor area* of 250 m² (2,691.0 sq. ft.) for *Temporary Agricultural Worker Dwellings* and Accommodation per farm operation shall be permitted.
3. The *Temporary Agricultural Worker Dwellings* and Accommodation shall be used for the temporary accommodation of seasonal agricultural workers who are employed by the owner of the *parcel* to work in the owner's agricultural operation.
4. The parcel upon which the accommodation is located is classified as a "farm" under the Assessment Act.
5. A *Temporary Agricultural Worker Dwellings* and Accommodation is a *building* or *manufactured home* placed on a temporary foundation or footings with no basement.
6. The required minimum *setback* of a *Temporary Agricultural Worker Dwellings* and Accommodation *building* from any *parcel line* is 15.0 m (49.2 sq. ft.).
7. The required maximum *setback* of a *Temporary Agricultural Worker Dwellings* and Accommodation *building* from a principal residence is 15.0 m (49.2 ft.).
8. One parking space for every 30.0 m² (322.9 sq. ft.) of *gross floor area* of a *Temporary Agricultural Worker Dwellings* and Accommodation is required in addition to those required for the principal dwelling.
9. The owner of the *parcel* shall enter into a restrictive covenant, under the Land Title Act, with the Regional District of Central Okanagan, that states:
 - 9.1 A statutory declaration shall be filled out with local government annually stating the *building* will only be used for *Temporary Agricultural Worker Dwellings* and Accommodation for a specified period of time;
 - 9.2 only used by temporary farm workers and that the owner will remove or decommission the housing if vacant for two consecutive years;
 - 9.3 the *Temporary Agricultural Worker Dwellings* and Accommodation applies to farms registered with a Federal and/or Provincial seasonal agricultural workers program or is for the accommodation of workers employed by those farms.

Regional Board Report

TO: Regional Board

FROM: Todd Cashin, Director of Community Services

DATE: May 27, 2019

SUBJECT: Joe Rich Rural Land Use Amendment Bylaw No. 1195-19
Application RLUB-18-02 (T. Lichtenstein (owner) c/o Urban Options (agent))
7520 Goudie Road - Central Okanagan East Electoral Area

Voting Entitlement: *Custom Vote - Electoral Areas & Kelowna Area – 1 Director, 1 Vote*

Purpose: To permit a secondary suite by re-designating the subject property from RA Rural Acreage to RAs Rural Acreage (Secondary Suite).

Executive Summary:

The owner of 7520 Goudie Road wishes to add a secondary suite within an existing single family dwelling. The secondary suite would be located in the basement of the single family dwelling. The parcel is currently designated RA Rural Acreage, which does not permit a secondary suite. All technical requirements will be addressed in conjunction with the bylaw amendment and Building Permit process. To date, no opposition has been received from affected agencies or neighbouring property owners regarding the application.

The RDCO is reviewing secondary suite regulations for the Electoral Areas; granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing is in keeping with this review.

RECOMMENDATION:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 be given first reading;

AND FURTHER THAT scheduling of a Public Hearing be withheld pending receipt of the following:

- a copy of the Water License for the private water source; and
- written confirmation from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes a Compliance Inspection which indicates that the existing system is capable of processing the daily domestic sewerage flow for both dwelling units and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and room on the property for a back-up type 1 trench system.

Respectfully Submitted:



Todd Cashin, Director of Community Services

Prepared by: Janelle Taylor, Planner

Approved for Board's Consideration



Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing meets the 2015-2018 Strategic Priorities Plan, Strategic Priority #3: Nurture Responsible Growth and Development.
Policy:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing complies with: <ul style="list-style-type: none"> • Regional Growth Strategy Bylaw No. 1336, and • Joe Rich Rural Land Use Bylaw No. 1195.
Organizational:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing is in keeping with the RDCO's secondary suite regulation review (RDCO File: RLUB-17-02; Joe Rich Rural Land Use Amendment Bylaw No. 1195-16)
Legal/Statutory Authority:	Granting first reading of the bylaw amendment and requiring servicing information prior to Public Hearing is in compliance with <i>Local Government Act</i> , Sections 457 and 479: <ul style="list-style-type: none"> • The provisions of a rural land use bylaw are deemed to be provisions of a zoning bylaw. • A local government may regulate the use of land, buildings and structures within a zone.

Background:

The owner would like to construct a secondary suite in the basement of a newly constructed single family dwelling. The property's current land use is rural residential; it was previously developed with a mobile home; however, the building was removed during the construction of the new dwelling (Building Permit No. 7597/17).

Secondary Suite Regulation Review:

On May 9, 2019, the Regional Board granted first reading to Joe Rich Rural Land Use Bylaw Amendment No. 1195-16 (attached) and passed Resolution No. 87/19 "THAT the Regional Board approve a moratorium on secondary suite rezoning applications, pending completion of the proposed amendments to Bylaw No. 1195-16".

The Regional District was in receipt of this application prior to May 9; therefore, RDCO staff has continued to process the request.

Joe Rich Rural Land Use Bylaw No. 1195:

The following policies within Section 4 are applicable to the proposal:

- 2.1.3 Ensure that all development has an adequate water supply that does not adversely affect water supplies of existing lands, and that suitable means of sewage disposal are available that does not adversely affect adjoining lands;
- 2.1.4 Set aside land for rural residential use, provided that the natural character is maintained, and provided that overall water supplies and sewage disposal are adequate, and site conditions are respected;
- 3.2.1 Consider slope, soil stability, natural hazards, water supply, sewage disposal capability and road access in designating rural lands for residential use;
- 3.2.5 Require, for rural lands for residential use, the development of water supplies and sewage disposal adequate for the long term, which will not adversely affect neighbouring lands or community water supplies;
- 4.2.3 Consider the impact of any proposed development on non-farm lands upon the farmland and farm activities in the vicinity;
- 5.2.8 Require that applications for a change in land use designation include a detailed environmental review that considers conditions and future environmental impacts both on the property under application and the surrounding area. Development should avoid

sensitive areas and be designed to retain important ecosystem feature and functions. Responsiveness to this information will be a very important consideration in the approval of an application;

- 6.2.2 Require appropriate studies prepared by the appropriate professional to assess any apparent hazardous conditions prior to consideration of applications for a change in land use designation or development. Such studies may include but are not limited to geotechnical hazard, wildfire hazard, and flooding hazard;
- 9.2.10 Protect the drinking water quality and quantity in the community when considering additional uses or development; and,
- 12.2.9 Continue to protect Environmentally Sensitive Areas on private land through the development permit, rezoning, and subdivision processes.

Site Context:

The property is located in the Joe Rich Area. Servicing includes the Joe Rich Fire Protection Area, on-site sewerage disposal system and a private well. In accordance with the Joe Rich Rural Land Use Bylaw No. 1195, the property is affected by the Wildfire Interface, Aquatic Ecosystems, Slope Stability and Rural Hillside, and Sensitive Terrestrial Ecosystem Development Permit Areas.

Additional Information:

Owner/Applicant:	T. Lichtenstein
Agent:	Urban Options Planning & Permits
Legal Description:	Lot C, Plan KAP53594, Sec. 26, Twp. 27, ODYD, Except Plan KAP55472
Address:	7520 Goudie Road
Lot Size:	+/- 4.0 ha (9.88 acres)
Joe Rich Rural Land Use Designation:	RA Rural Acreage
Sewage Disposal:	Septic system
Water Purveyor:	Private well
Existing Use:	Rural Residential
Surrounding Uses:	North: Rural Residential South: Rural Residential East: Goudie Road / Rural Residential West: Crown Land
A.L.R.:	Outside of the A.L.R.
Fire Protection:	Within the Joe Rich Fire Protection Area

RDCO TECHNICAL COMMENTS:

Planning Services staff notes that while the provision of a secondary suite continues to be subject to the regulations identified in Section 3.16 of Joe Rich Rural Land Use Bylaw No. 1195 (attached), staff recommends that the applicant provides documentation which demonstrates the capability of the infrastructure (septic and water) to service the proposed use. This is in keeping with the RDCO's secondary suite regulation review (RDCO File: RLUB-17-02; Joe Rich Rural Land Use Amendment Bylaw No. 1195-16).

The RLUB amendment and all requirements of a Building Permit must be met prior to final approval for occupancy being granted by the Regional District. Based on the floor and site plans submitted, the proposal will not exceed the maximum gross floor area permitted and adequate on-site parking is achievable for the residence and secondary suite as required in Joe Rich Rural Land Use Bylaw No. 1195.

The proposed development is located outside of the Aquatic Ecosystems, Slope Stability and Rural Hillside, and Sensitive Terrestrial Ecosystem Development Permit Areas identified on the subject property. Provisions of the Wildfire Interface Development Permit Area apply and were addressed at time of Building Permit No. 7597/17.

AGENCY REFERRAL COMMENTS:

FortisBC advises that there are primary distribution facilities along Goudie Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights were required.

Unaffected Agencies include BC Hydro, City of Kelowna, Interior Health, Ministry of Transportation and Infrastructure.

Unaffected RDCO Departments include Parks Services, Environmental Services and Fire Services.

External Implications:

In accordance with Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

Alternative Recommendation #1:

THAT Joe Rich Rural Land Use Amendment Bylaw No. 1195-19 not be given first reading.

Alternative Recommendation #2:

THAT the Regional Board approve a moratorium on the secondary suite land use designation application File No. RLUB-18-02 pending completion of the proposed amendments to Bylaw No. 1195-16.

Considerations not applicable to this report:

- *Financial Considerations*
- *Organizational Issues*

Attachment(s):

- Bylaw No. 1195-19
- Orthophoto Map
- Site Plan
- Elevation Diagram & Suite Floorplan
- Photos: 7520 Goudie Road: Views of the Property & Buildings on the Land
- Joe Rich Rural Land Use Bylaw No. 1195, Section 3.16 Secondary Suites
- Joe Rich Rural Land Use Bylaw Amendment No. 1195-16 (First Reading)

REGIONAL DISTRICT OF CENTRAL OKANAGAN
BYLAW NO. 1195-19
A Bylaw to Amend Joe Rich Rural Land Use Bylaw 1195, 2007

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Joe Rich Rural Land Use Bylaw No. 1195 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw may be cited as Joe Rich Rural Land Use Amendment Bylaw No. 1195-19.**
2. **That the Joe Rich Rural Land Use Bylaw No. 1195, 2007 is hereby AMENDED by designating Lot C, Section 26, Township 27, ODYD, Plan KAP53594, Except Plan KAP55472 as shown on Schedule 'A' attached to and forming part of this bylaw from RA Rural Acreage to RAs Rural Acreage (Secondary Suite).**
3. **That Schedule 'B' (Land Use Designation Map) of the Joe Rich Rural Land Use Bylaw No. 1195, 2007 is hereby AMENDED to depict the changes.**

READ A FIRST TIME this _____ day of _____

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use
Amendment Bylaw No. 1195-19 as read a third time by the Regional District of Central
Okanagan on the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

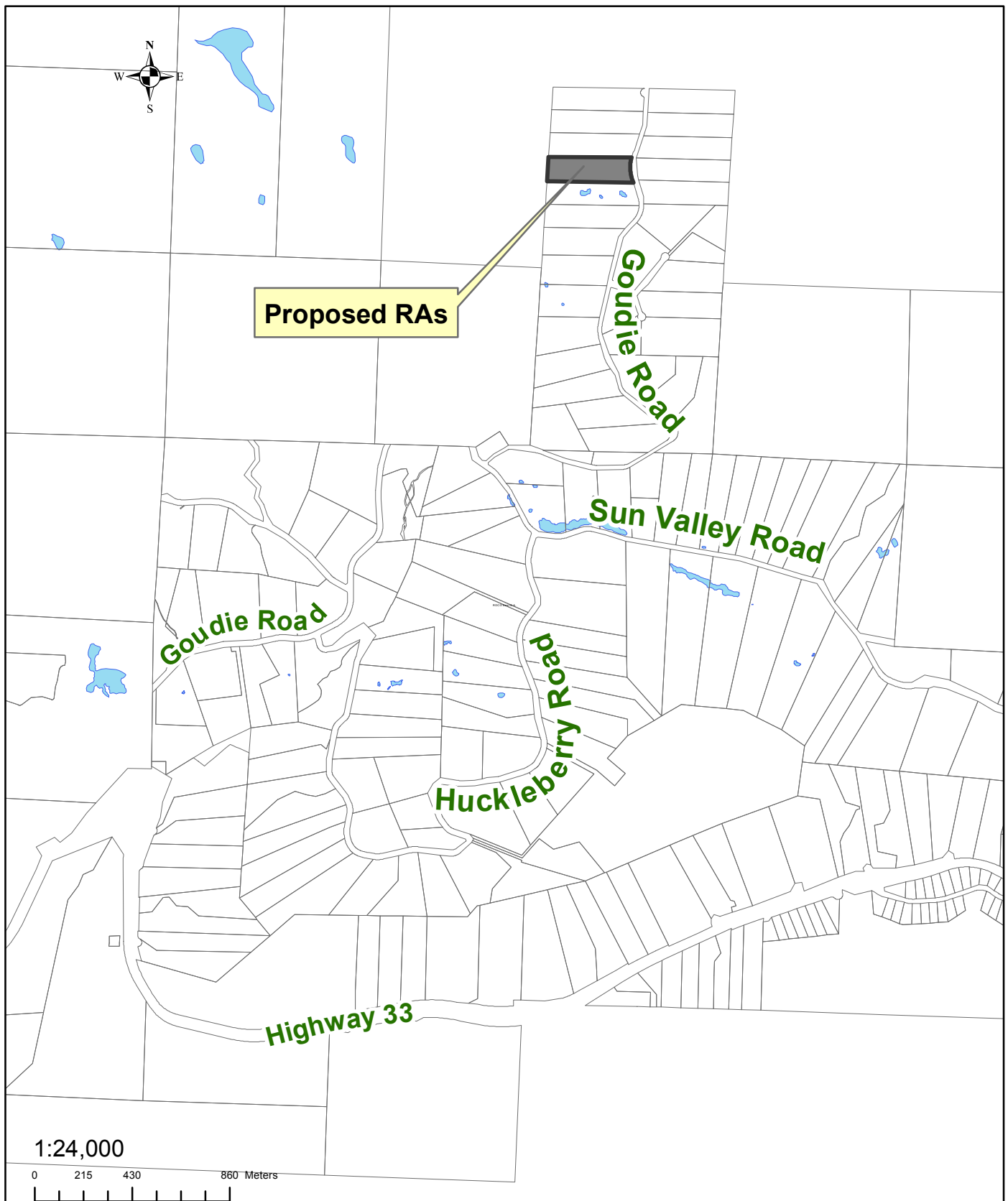
I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use
Amendment Bylaw No. 1195-19 which was Adopted by the Regional District of Central
Okanagan on the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

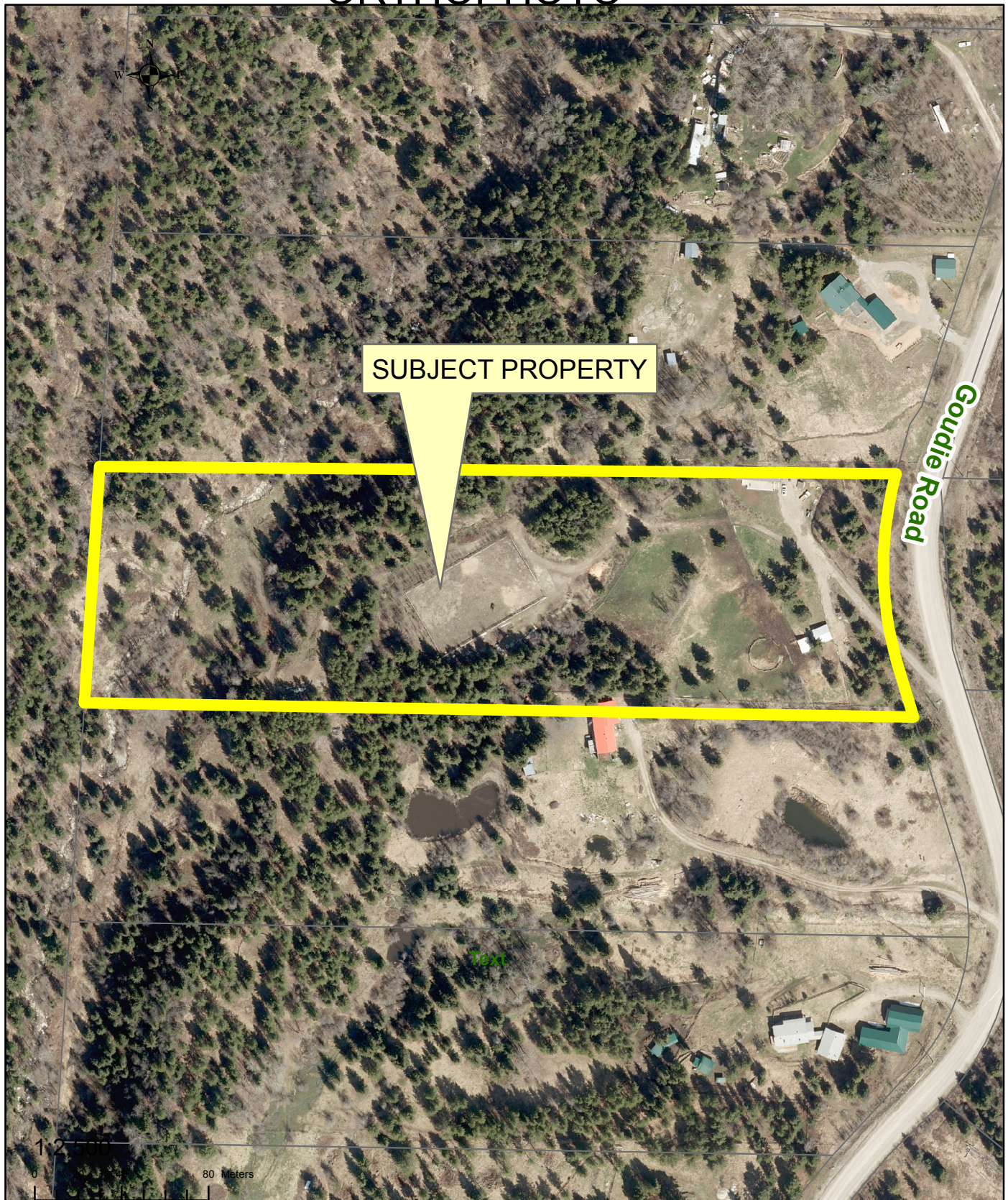
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SCHEDULE 'A'



I hereby certify this to be a true and correct copy of Schedule 'A' as described in Bylaw No. 1195-19 and read a third time by the Regional District of Central Okanagan on the day of

ORTHOPHOTO



File: RLUB-18-02

Drawn by: CA

Date: August 10, 2018

Lot C, Section 26, Township 27 ODYD
Plan KAP53594 Except Plan KAP55472

Notes:
 It is the responsibility of the client to ensure that the design and construction of the project complies with all applicable laws, regulations, codes, standards, and specifications.
 All measurements shall be in accordance with the specifications and standards of the project.
 All work shall be done in accordance with the specifications and standards of the project.
 The client shall be responsible for obtaining all necessary permits and approvals.
 The client shall be responsible for ensuring that the project is completed within the specified time frame.
 The client shall be responsible for ensuring that the project is completed within the specified budget.

Sheet

This document is:

- ☒ NOT controlled. Revisions may be made without notice.
- ☐ A CONTROLLED document. Revisions will be advised.
- ☒ The final issue of the document.
- ☐ A complete revision. Remove previous issues from use.
- ☐ A partial revision. Remove previous issues of corresponding sheets / pages from use.
- ☐ Not for construction.

02	2014/07/01	ISSUED FOR BUILDING PERMIT
01	2014/02/07	ISSUED FOR DESIGN REVIEW
00		DESCRIPTION



NOVATION
 101 - 104 ELWORTHY DR. SUITE 303
 KELLOWNA B.C. V1Y 9T1

project title

7500 Goudie Road near Rich, British Columbia
 project no. 1727

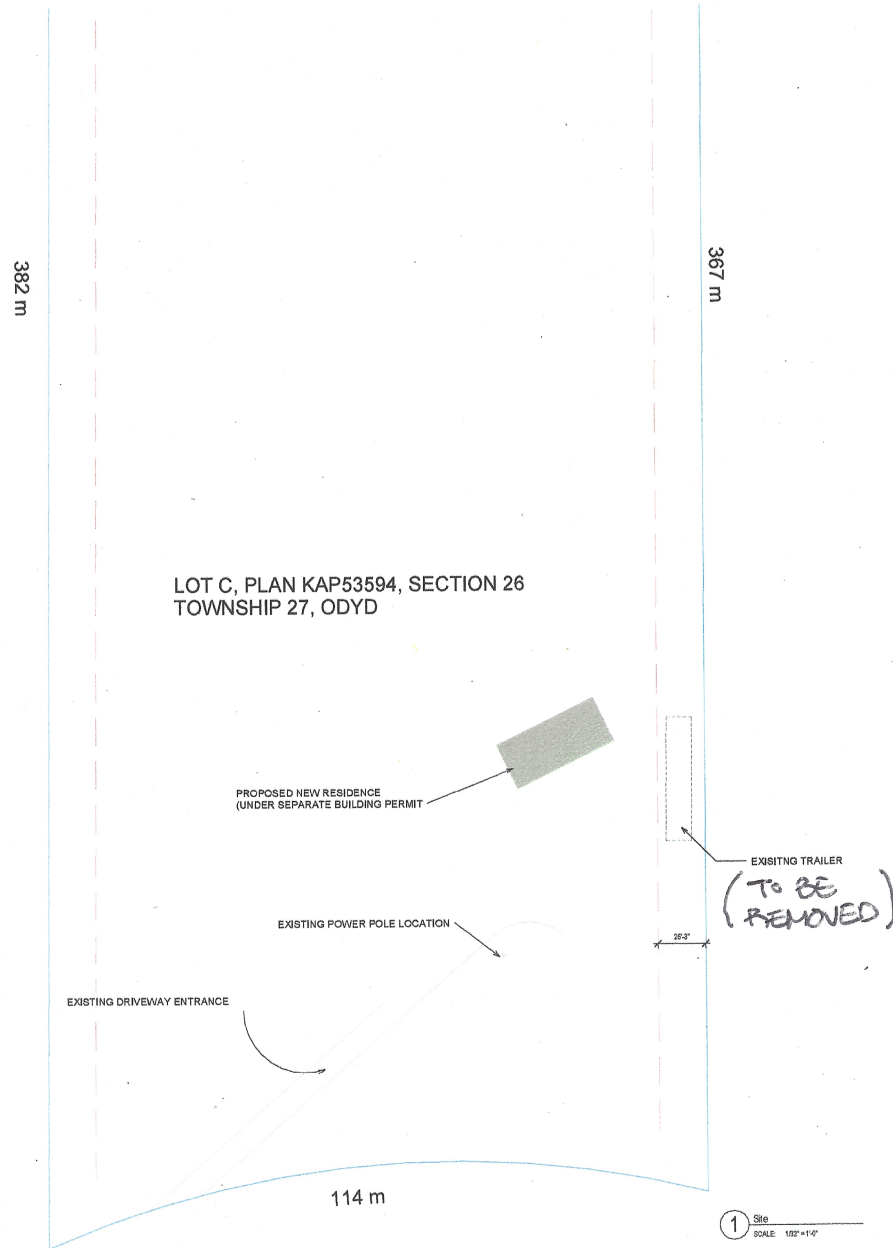
drawing title
SITE PLAN

designed	PS	scale	1/32" = 1'-0"
drawn	PS		
checked	PS		
drawn by			

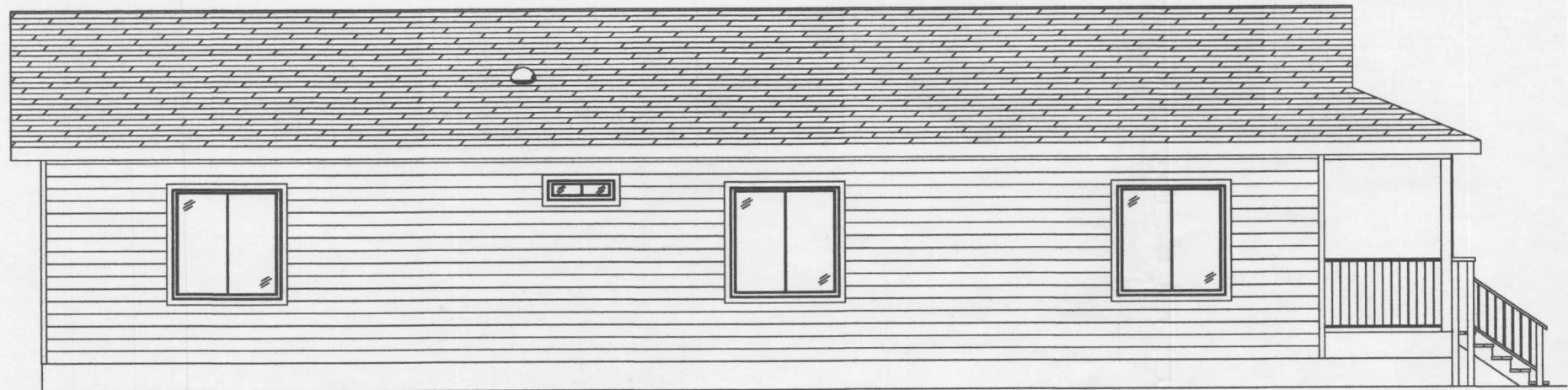
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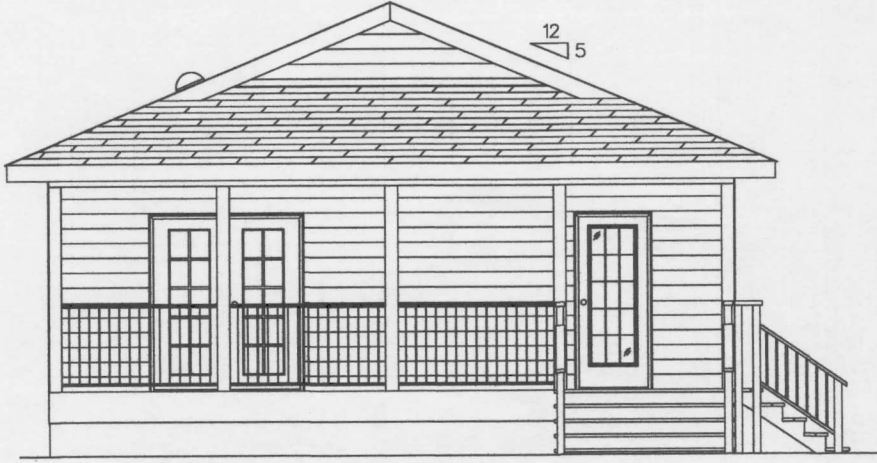
ISSUED FOR BUILDING PERMIT



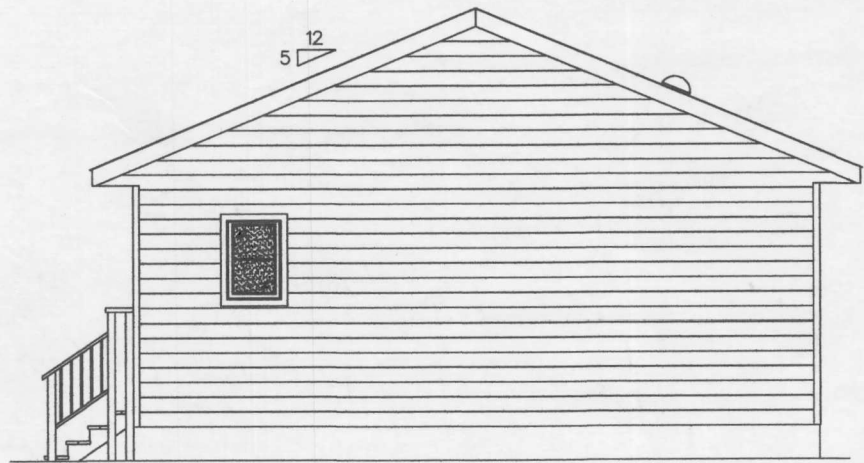
CUSTOM PRINT



FRONT SIDE ELEVATION



FRONT END ELEVATION



BACK END ELEVATION



BACK SIDE ELEVATION

NOTES: MODULINE ASSUMES NO RESPONSIBILITY FOR
FIRE SEPARATION, SEISMIC OR DOOR/WINDOW
FENESTRATION REQUIREMENTS.
CONSULT YOUR LOCAL BUILDING OFFICIAL OR
ENGINEER OF RECORD TO CONFIRM.
SHOWN OPTIONS ARE NOT INCLUDED IN PRICING

upper floor - principal
dwelling elevations

Any renderings and depictions are conceptual only and are for the convenience of reference. They should not be relied upon as representations, express or implied, of the final detail of the Units. Moduline Industries expressly reserves the right to make modifications, revisions, and changes it deems desirable in its sole and absolute discretion. All depictions of appliances, counters, furniture, finishes, lighting, plumbing fixtures, soffits, floor coverings and other matters of detail are conceptual only and are not necessarily included in each Unit. Consult your Purchase Agreement and the Offering Documents for the items included with the Unit. Dimensions and square footage are approximate and may vary with actual construction.



MODULINE PENTICTON
P.O. BOX 190
1175 RAILWAY STREET
PENTICTON, B.C. V2A 6K3
(250) 493-0122

CUSTOMER: _____
SIGN
DEALER: _____
SIGN
DATE: _____

DEALER CHANGE REQUEST	
A	
B	
C	

TITLE: CORNERSTONE
DRAWING NO.
Q10804E-CUSTOM-ELEVATION
DRAWN BY: K.E.A.
DATE: 09/28/2017



7520 Goudie Road

Views of the property.

Top: view from road looking south

Middle: view from residence to road

Bottom: view onto fields



7520 Goudie Road
Buildings on the land



Principal dwelling

Single wide mobile home (to be relocated and attached to the principal dwelling), wood shed and edge of the tractor shed



Tractor shed and storage



3.16 Secondary Suites

A secondary suite is subject to the following regulations:

Bylaw
1195-06

- 3.16.1 A secondary suite is added to the list of permitted uses in the LH, RA, SH-1, SH-2 and CR land use designations if the designation has an “s” notation shown on Schedule ‘B’ (Land Use Designation Maps) of the Joe Rich Rural Land Use Bylaw No. 1195, 2007, as part of the land use identification. The “s” notation shall be shown on Schedule B the Land Use Designation Map as follows: LHs, RAs, SH-1s, SH-2s and CRs. An “s” classification on a parcel shall be established by redesignating the subject parcel to the “s” version of the land use designation. The regulations set out for the “s” version of the land use designation will be the same as the regulations for the version without the “s”, except for the addition of secondary suite as a permitted use.
- 3.16.2 The secondary suite shall have its own separate cooking, sleeping and bathing facilities.
- 3.16.3 The secondary suite shall have direct access to outside without passing through any part of the single family dwelling.
- 3.16.4 The secondary suite shall be located within a single family dwelling.
- 3.16.5 No more than one secondary suite is permitted per single family dwelling.
- 3.16.6 The secondary suite shall not exceed the lesser of 90 m² (968.8 sq. ft.) or 40% of the gross floor area of the single family dwelling.
- 3.16.7 A bed and breakfast is not permitted if a secondary suite exists.
- 3.16.8 A bed and breakfast is not permitted within a secondary suite.
- 3.16.9 A home occupation is permitted within a secondary suite.
- 3.16.10 One parking space per secondary suite is required in addition to those required for the single family dwelling.
- 3.16.11 Secondary suites shall comply with all relevant Regional District bylaws and the BC Building Code.
- 3.16.12 No secondary suite will be permitted without connection to a community sanitary sewer unless the parcel meets the requirements of Interior Health for on site sewage disposal for the secondary suite.

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1195-16

A Bylaw to Amend Joe Rich Rural Land Use Bylaw 1195, 2007

WHEREAS the Regional Board of the Regional District of Central Okanagan is desirous of amending Joe Rich Rural Land Use Bylaw No. 1195 under the provisions of the Local Government Act.

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. **This bylaw shall be cited as Joe Rich Rural Land Use Bylaw No. 1195-16.**
2. **That the Regional District of Central Okanagan Joe Rich Rural Land Use Bylaw No. 1195, 2007 is hereby AMENDED by the following and forms a part of this bylaw:**

2.1 Amending **SECTION 2 – PART 1 – Definitions**

- 2.1.1 In the appropriate alphabetical order **ADDING** the new definition: “Breezeway means a connection between buildings that is not heated or insulated and is not restricted by intervening doors.”
- 2.1.2 In the appropriate alphabetical order **ADDING** the new definition: “Private Water Source means a water supply from a well or a surface water, not from a community water system, that serves a single parcel of land.”
- 2.1.3 **AMENDING** the “On-Site Sewage Disposal” definition to the following new definition: “On-Site Sewage Disposal means a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy, and is consistent with the British Columbia Ministry of Health (Health Protection Branch) Sewerage Standard Practices Manual”.

2.2 Amending **SECTION 2 – PART 3 – General Requirements**

- 2.2.1 By **REMOVING** SECTION 3.16 Secondary Suites in its entirety, and **REPLACING** with the following:

“Section 3.16 Secondary Suites

A secondary suite is subject to the following regulations:

1. A secondary suite is added to the list of permitted uses in the LH, RA, SH-1, and SH-2 land use designations if the designation has an “s” notation shown on Schedule ‘B’ (Land Use Designation Maps) of the Joe Rich Rural Land Use Bylaw No. 1195, 2007, as part of the land use identification. The “s” notation shall be shown on Schedule B the Land Use Designation Map as follows: LHs, RAs, SH1s, and SH-2s. An “s” classification on a parcel shall be established by redesignating the subject parcel to the “s” version of the land use designation. The regulations set out for the “s” version of the land use designation will be the same as the

regulations for the version without the “s”, except for the addition of secondary suite as a permitted use.

2. The secondary suite shall have its own separate cooking, sleeping and bathing facilities.
3. The secondary suite shall have direct access to outside without passing through any part of the single family dwelling.
4. The secondary suite shall be located within a single family dwelling.
 - a) The secondary suite shall be connected to a single family dwelling by an enclosed, conditioned space.
 - b) The gross floor area of the connection shall be included in the calculation of gross floor area of the secondary suite.
 - c) The secondary suite shall not be connected to a single family dwelling by a breezeway.
5. No more than one secondary suite is permitted per parcel.
6. The secondary suite shall not exceed 90 m² (968.8 sq. ft.) or 40% of the gross floor area of the single family dwelling, whichever is less.
7. A secondary suite is not permitted in conjunction with a bed and breakfast.
8. A secondary suite is not permitted if an additional dwelling unit exists.
9. A home occupation is permitted within a secondary suite.
10. One parking space for the secondary suite is required in addition to those required for the single family dwelling.
11. The secondary suite must be serviced by a community water system or a private water source.
 - a) For a community water system, written authorization permitting the secondary suite from the service provider is required.
 - b) For a private water source, a copy of the Water License, if applicable under the Water Sustainability Act, is required.
12. The secondary suite must be connected to a community sewer system or serviced by an on-site sewage disposal system, subject to the following:
 - a) For community sewer system, written authorization permitting the secondary suite from the service provider is required.
 - b) For on-site sewage disposal, written confirmation is required from an Authorized Person under the Public Health Act: Sewerage System Regulation which includes:
 1. For lots with an existing on-site sewage disposal system, a Compliance Inspection report must indicate that the existing system is capable of processing the daily domestic sewerage flow for both dwelling units and demonstrates the existing system meets today's standards and can be expanded for the new Daily Design Flow and room on the property for a back-up type 1 trench system.

2. For lots without an existing on-site sewage disposal system, a primary and reserve area for type 1 trench disposal for intended Daily Design Flow.

13. Secondary suites must comply with all relevant Regional District bylaws and the B.C. Building Code.

14. A secondary suite is a permitted use for the following properties:

Lot A, Plan KAP62177, District Lot 4052, ODYD

Lot 2, Plan KAP35452, District Lot 2182, ODYD

Lot 2, Plan KAP4556, District Lot 4084, ODYD

READ A FIRST TIME this 9th day of May 2019

PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this _____
day of _____

READ A SECOND TIME this _____ day of _____

READ A THIRD TIME this _____ day of _____

Approved under the Transportation Act this _____ day of _____

Ministry of Transportation & Infrastructure

ADOPTED this _____ day of _____

Chairperson

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use Bylaw
No. 1195-16 as read a third time by the Regional District of Central Okanagan the _____
day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Joe Rich Rural Land Use Bylaw No. 1195-16 which was Adopted by the Regional District of Central Okanagan on the _____ day of _____

Dated at Kelowna, this _____ day of _____

Director of Corporate Services

H:\Planning\3360-Zoning\20-Applications\2017\Z17-05 (Sec Suites)\Bylaw\Bylaw 1195-16.docx

Regional Board Report

TO: Regional Board

FROM: Brian Reardon
Chief Administrative Officer

DATE: May 27, 2019

SUBJECT: Request for Boundary Redefinition – City of Kelowna

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208(1)*

Purpose: To present a request from the City of Kelowna for a boundary redefinition into Electoral Area East to include lands that will permit additional support services for Kelowna's International Airport.

Executive Summary:

The City of Kelowna currently owns a number of parcels located immediately adjacent to the Kelowna International Airport and along the boundary with Electoral Area East.

The City of Kelowna wishes to adjust their municipal boundary to include four (4) parcels in their jurisdiction to accommodate the expansion of the aerospace campus at Kelowna International Airport. A copy of the City of Kelowna staff report and Council resolution pertaining to this matter is attached for the Board's information.

RDCO staff has evaluated the impact on existing services in Electoral Area East should this boundary redefinition application be approved and confirmed it to be minimal. Further, this matter has been discussed with the Director for Electoral Area East who indicated he has no objections to this application being approved.

RECOMMENDATION:

THAT the Board supports the boundary redefinition application made by the City of Kelowna and approve a letter being sent to the City of Kelowna with a copy of the Board resolution advising the Regional District of Central Okanagan has no objections to the boundary extension of the following properties:

- 4130 Old Vernon Road, Lot 1, District Lot 122, ODYD, Plan KAP8953; PID:009-766-791
- 4210 Old Vernon Road, Lot 1, District Lot 122, ODYD, Plan KAP1629; PID:001-482-530
- 4310 Old Vernon Road, Lot 2, District Lot 122, ODYD, Plan KAP1629; PID:011-510-544
- 4444 Bulman Road, Lot 1, District Lot 122, ODYD, Plan KAP1608; PID:007-699-883

Respectfully Submitted:



Brian Reardon, CAO

Prepared by Todd Cashin, Director of Planning

Implications of Recommendation:

Strategic Plan: The Board has adopted as a top priority, the need to provide proactive and responsive governance.

Legal/Statutory Authority: Section 44 *[Creation or restructure of municipality in regional district]* of the *Local Government Act* outlines the authority of the Lieutenant Governor in Council to extend the boundaries of a municipality.

Background:

The Regional District has been advised that the City of Kelowna wishes to extend their municipal boundaries to incorporate four (4) parcels of land adjacent to the Kelowna International Airport upon which the Airport's 2045 Master Plan identifies for future expansion. The properties are located in the northern region of Electoral Area East. An image of the properties is below:



The properties are approximately 114 acres in size and are owned by the City of Kelowna. Understandably, there is a desire by City of Kelowna staff and Council to extend the municipal boundary to bring these parcels under the jurisdiction of the City of Kelowna.

The Boundary Extension process is fairly straight forward from a City of Kelowna perspective with the general process outlined below:

1. Kelowna sends a proposal to the Province complete with maps, rationale, Council Resolution, support from the Regional District of the Central Okanagan and potentially support letters from local First Nations.
2. The Ministry will evaluate the proposal and prepare an administrative report for Kelowna's consideration, highlighting any possible issues with road networks or recommended tweaks.
3. The Ministry does its own referrals to:
 - a. Local First Nations (in addition to any support letters the City obtains)
 - b. The Ministry of Transportation and Infrastructure (to address any road network issues arising from the boundaries).
4. Once any issues have been addressed, the City would conduct the Alternative Approval Process (AAP) process and publish notice in the BC Gazette, as required by section 12(2)(b) of the *Local Government Act*.
5. If the AAP goes through, the Minister will recommend the extension to Cabinet for consideration.

From a Regional District perspective, the provisions of the *Local Government Act* limit our role to that of a referral agency only. Regional Districts have no decision making authority when it comes to extending municipal boundaries into the electoral areas; that authority is vested exclusively with the Province. What the Province will be looking for are comments describing negative impacts to Regional District services should a municipal boundary extension be approved.

RDCO staff has reviewed the municipal boundary extension application being considered by the City of Kelowna and have analysed potential impacts to existing services. Because the subject properties are now owned by the City of Kelowna there is no financial impact (2018 taxes: for 4210 Old Vernon Road was \$1,502 as it was not owned by the City at that time) to the Regional District should the boundary extension be approved. *Note: Kelowna has confirmation from the ALC that the lands have now been excluded from the ALR.*

Should the Board wish to support the Kelowna boundary extension application, a motion supporting the staff recommendation on this report would be in order.

Attachment(s): Kelowna Staff Report
Kelowna Council Resolution
Drawing Showing Proposed Boundary Extension
RDCO Property Information Report



May 16, 2019
File: 0705-20

Gail Given
Chair
Regional District of Central Okanagan
1450 KLO Road
Kelowna, BC V1W 2K8

Dear Gail,

Please consider this letter the City of Kelowna's request that the Regional District of Central Okanagan consider a boundary redefinition as outlined in the attached Report to Council dated May 6, 2019.

In accordance with the Province of British Columbia Local Government Boundary Changes, "[a] boundary redefinition is a change when two or more adjoining municipalities, electoral areas, or regional districts make concurrent adjustments to their shared boundaries." A municipal boundary redefinition can only occur under certain circumstances, including when "[l]and adjacent to and owned by the municipality should be included." In accordance with Division 3 – Municipal Boundary Changes, Section 15(1) of the Local Government Act, "After receiving a request from the council of each of 2 adjoining municipalities, the Lieutenant Governor in Council, may, by letters patent, reduce the area of one municipality and extend the area of the other by the area withdrawn."

If the Regional District of Central Okanagan approves moving forward with a boundary redefinition as outlined in the attached Report to Council dated May 6, 2019, the City of Kelowna requests that the Regional District of Central Okanagan send the Lieutenant Governor in Council a request to have the boundary between the City of Kelowna and the Regional District of Central Okanagan redefined accordingly.

Yours very truly,

Colin Basran
MAYOR

Attachment

Report to Council



Date: May 6, 2019

File: 0610-50

To: Doug Gilchrist, City Manager

From: Shayne Dyrdal, Senior Airport Finance and Corporate Services Manager

Subject: Redefinition of City of Kelowna Boundary

Report Prepared by: Mira Malkowsky, Airport Corporate Services Manager

Recommendation:

THAT COUNCIL receive for information the report of the Senior Airport Finance and Corporate Services Manager dated May 6, 2019 with respect to the redefinition of the City of Kelowna boundary;

AND THAT the Mayor, on behalf of Council, forward a letter to the Regional District of Central Okanagan regarding a City of Kelowna boundary redefinition as outlined in the report of the Senior Airport Finance and Corporate Services Manager;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary for a City of Kelowna boundary redefinition.

Purpose:

To obtain Council's approval to move forward with the redefinition of the City of Kelowna boundary adjacent to Kelowna International Airport (the Airport).

Background:

In 2018, the Airport's passengers totalled a record-breaking 2,080,372, a 31 percent increase or more than 486,700 passengers compared to 2015. As a result, the Airport became the 10th busiest airport in Canada. With increased passenger numbers comes an increase in the number of aircraft operating at the Airport and a need for additional support services for the Airport's aerospace campus (the Aerospace Campus).

The land that is or will one day become a part of the Aerospace Campus is outlined in Appendix A. In Appendix A, the land outlined in blue represents the Federally leased land. The airside land (that has direct access to the taxiways and/or runway) to the west of the runway, and to the north of the terminal building has been fully developed. In accordance with the Airport's 2045 Master Plan (the Master Plan),

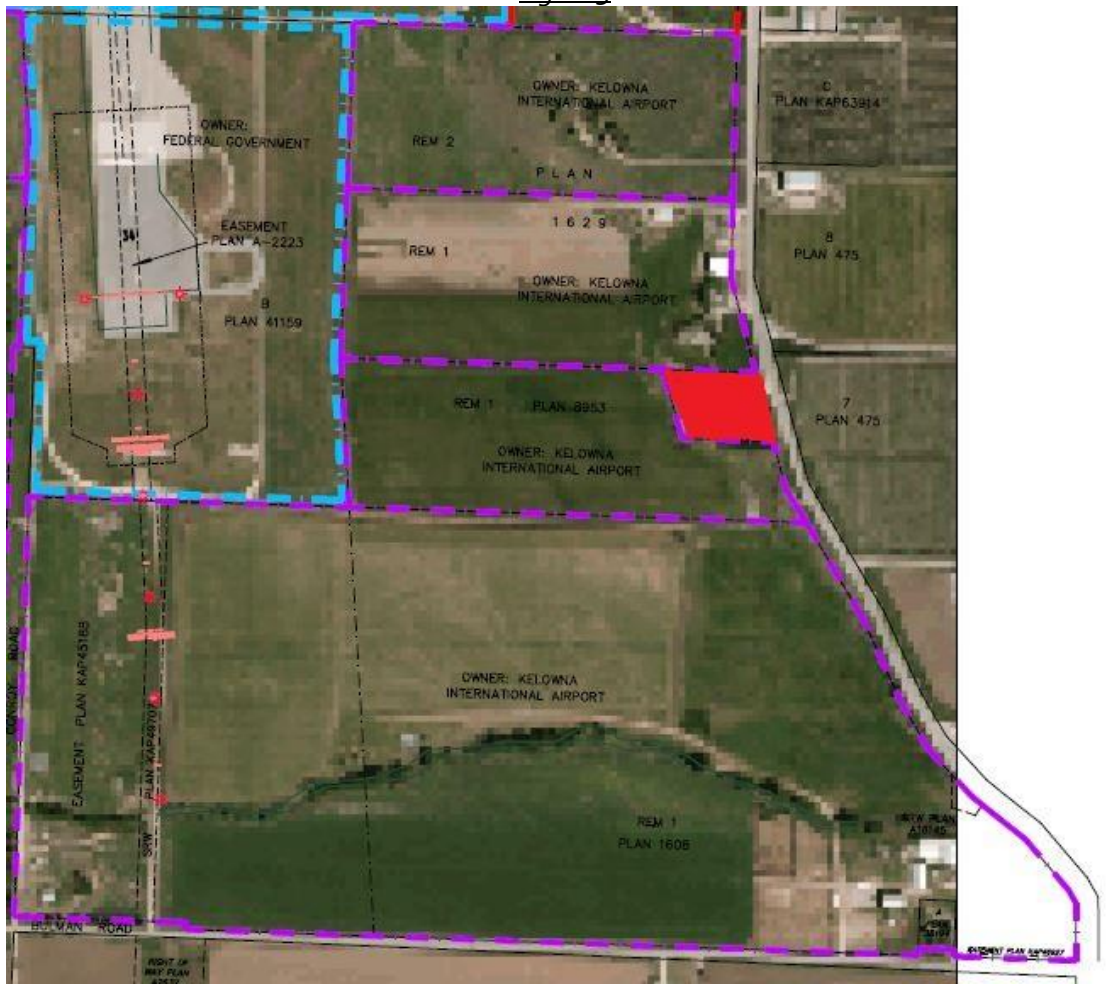
The Master Plan identified the land in the southwest corner of the Aerospace Campus to be used for future expansion of the terminal building, apron and other infrastructure owned and operated by the Airport. The Master Plan also identified the land in the southeast corner of the Airport to be developed to provide support services operated by third parties for the Aerospace Campus. The land outlined in red in Figure 1 below (the East Lands), is the land that the 2045 Master Plan identified for support services development in the short-term.

[illegible]

170

The East Lands has one home on it that is being rented by the City of Kelowna to a tenant. The Polo Fields have one home on it that is being rented by the City of Kelowna to a tenant. In addition, the Polo Fields are being leased to the Polo Club. The Homestead has a house on it that is owned and inhabited by a family.

Figure 3



It is the Airport's recommendation that the East Lands and the Polo Fields become a part of the City of Kelowna. Figure 4 on the following page shows the existing boundary outlined in red and the proposed new boundary as a blue dashed line. The Airport recommends leaving the Homestead as a part of the RDCO.

Figure 4



This proposed change in boundary would fall under a boundary redefinition.

Internal Circulation:

Stephen Fleming, City Clerk
Johannes Saufferer, Director Strategic Investments
Jackie Dueck, Controller
Kari O'Rourke, Community Communications Manager

Legal/Statutory Procedural Requirements:

In accordance with the *Local Government Act*, the City of Kelowna Council would be required to submit a request to redefine the boundary between the City of Kelowna and the RDCO to the Lieutenant Governor in Council.

Considerations not applicable to this report:

Existing Policy: N/A
Legal/Statutory Authority: N/A
Financial/Budgetary Considerations: N/A
Personnel Implications: N/A
External Agency/Public Comments: N/A
Communications Comments: N/A
Alternate Recommendation: N/A

Submitted by:

Shayne Dyrdal, Senior Airport Finance and Corporate Services Manager

Approved for inclusion:



Doug Gilchrist, City Manager
Sam Samaddar, Airport Director

cc: Derek Edstrom, Divisional Director, Strategic Investments, Parks and Building Planning, Intergovernmental Affairs, and Partnerships
Ryan Smith, Divisional Director, Community Planning, Policy and Planning, Development Services and Business Licenses
Genelle Davidson, Divisional Director, Financial Services

Certified Resolution



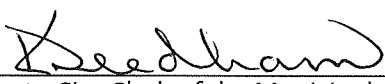
Excerpt of Minutes of the Regular Meeting of Kelowna Municipal Council held on May 6, 2019:

THAT Council receive for information the report of the Senior Airport Finance and Corporate Services Manager dated May 6, 2019 with respect to the redefinition of the City of Kelowna boundary;

AND THAT the Mayor, on behalf of Council, forward a letter to the Regional District of Central Okanagan regarding a City of Kelowna boundary redefinition as outlined in the report of the Senior Airport Finance and Corporate Services Manager;

AND FURTHER THAT the Mayor and City Clerk be authorized to execute all documents necessary for a City of Kelowna boundary redefinition.

I hereby certify this to be a true copy of a Resolution passed by the
Municipal Council of the City of Kelowna on the 6th day of May, 2019.



Deputy City Clerk of the Municipal Council of the City of Kelowna
Date: May 6, 2019

Office of the City Clerk
1435 Water Street
Kelowna, BC V1Y 1J4
TEL 250 469-8645
FAX 250 862-3315
kelowna.ca

Folio: 72310227.001

Jurisdiction: R.D.C.O. (250-763-4918)

Date: May 22, 2019

Property ID: 007-699-883

Name of Registered Owners: KELOWNA (CITY)
1435 WATER ST
KELOWNA BC V1Y 1J4

Other Owners:

Property Address: 4444 BULMAN RD KELOWNA BC (V1X 7V9)

Lot Size*: 77.356 acres

Gross Land Value: \$ 637000
Net Land Value: \$ 0

Gross Improvement Value: \$ 180000
Net Improvement Value: \$ 0

Legal Description: LOT: 1
SECTION:

PLAN NUMBER: KAP1608
TOWNSHIP:

DISTRICT LOT: 122
ELECTORAL AREA: I

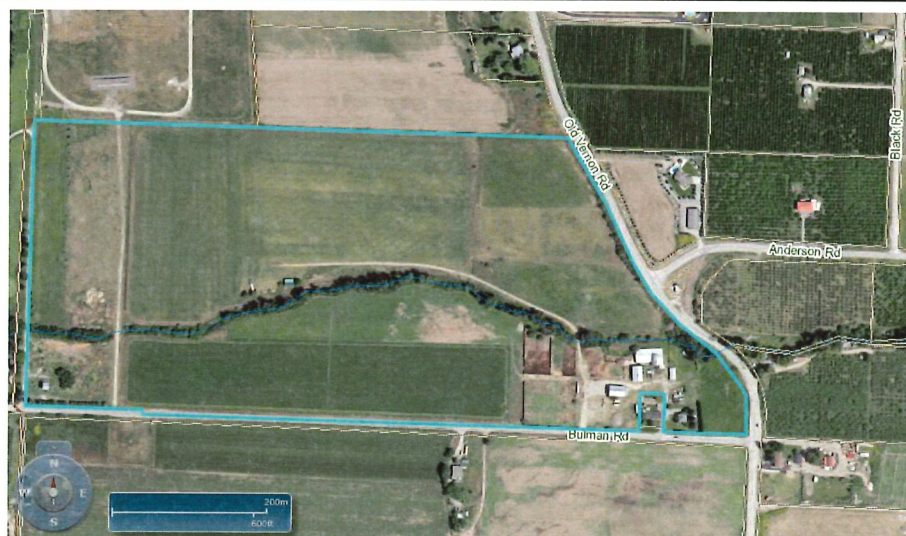
Extra Legals: Lot 1, Plan KAP1608, District Lot 122, Osoyoos Div of Yale Land District, Except Plan B5035 8953 38194

Actual Use: CODE: 060 DESCRIPTION: 2 Acres Or More (Single Family Dwelling, Duplex)

Landuse Contract:

Zoning: A1;

OCP Designation: Agriculture;
OCP DP Areas: ell_aquatic;



Notes:

* Lot size calculation is derived from the area of the parcel as COGO'd in the GIS. For a legal determination of lot size see the pertaining legal plan.

Folio: 72310235.000

Jurisdiction: R.D.C.O. (250-763-4918)

Date: May 22, 2019

Property ID: 009-766-791

Name of Registered Owners: **KELOWNA (CITY)**
1435 WATER ST
KELOWNA BC V1Y 1J4

Other Owners:

Property Address: 4130 OLD VERNON RD KELOWNA BC (V1X 7V9)

Lot Size*: 11.13 acres

Gross Land Value: \$ 666000

Gross Improvement Value: \$ 5000

Net Land Value: \$ 0

Net Improvement Value: \$ 0

Legal Description: LOT: 1
SECTION:

PLAN NUMBER: KAP8953
TOWNSHIP:

DISTRICT LOT: 122
ELECTORAL AREA: I

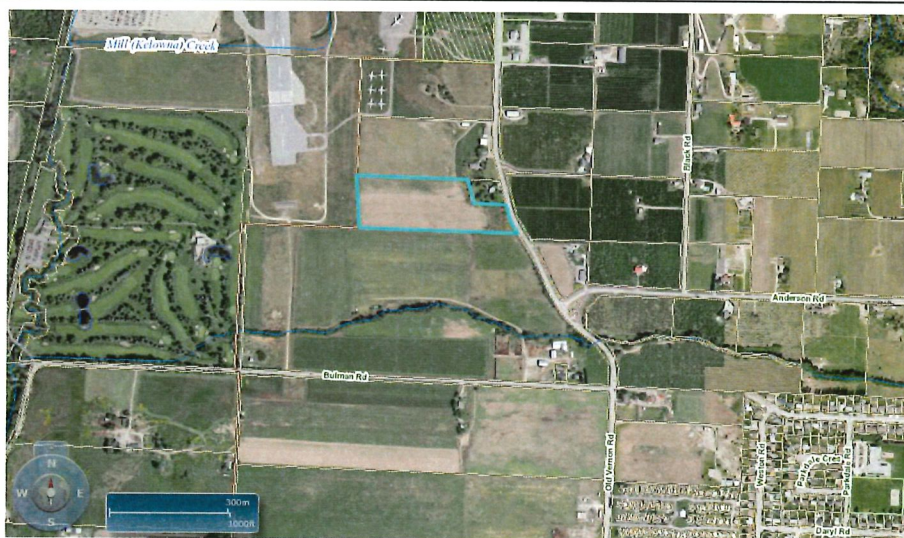
Extra Legals: Lot 1, Plan KAP8953, District Lot 122, Osoyoos Div of Yale Land District, Except Plan 15489 16500

Actual Use: CODE: 070 DESCRIPTION: 2 Acres Or More (Outbuilding)

Landuse Contract:

Zoning: A1;

OCP Designation: Agriculture;
OCP DP Areas:



Notes:

* Lot size calculation is derived from the area of the parcel as COGO'd in the GIS. For a legal determination of lot size see the pertaining legal plan.

Folio: 72310231.000

Jurisdiction: R.D.C.O. (250-763-4918)

Date: May 22, 2019

Property ID: 001-482-530

Name of Registered Owners: **KELOWNA (CITY)**
1435 WATER ST
KELOWNA BC V1Y 1J4

Other Owners:

Property Address: 4210 OLD VERNON RD KELOWNA BC (V1X 7V9)

Lot Size*: 13.18 acres

Gross Land Value: \$ 696700

Gross Improvement Value: \$ 392900

Net Land Value: \$ 62700

Net Improvement Value: \$ 321000

Legal Description: LOT: 1
SECTION:

PLAN NUMBER: KAP1629
TOWNSHIP:

DISTRICT LOT: 122
ELECTORAL AREA: I

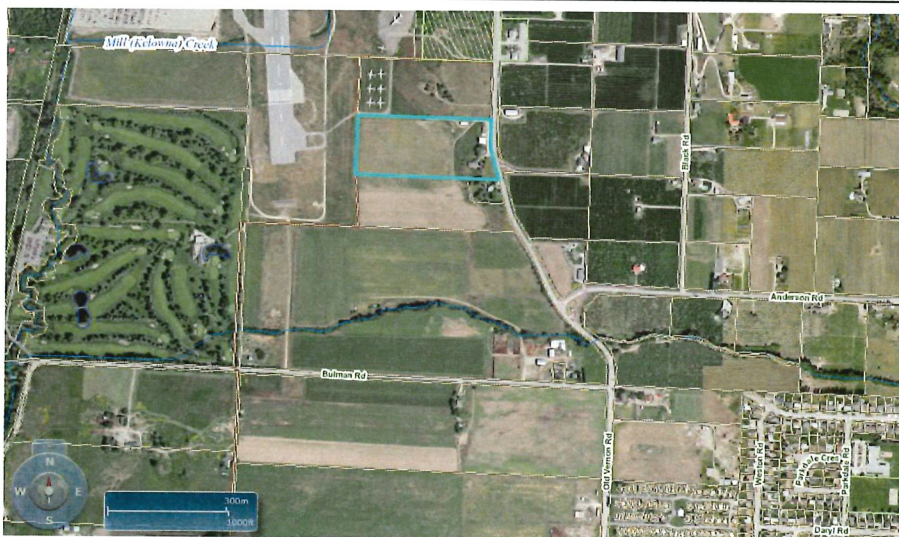
Extra Legals: Lot 1, Plan KAP1629, District Lot 122, Osoyoos Div of Yale Land District, Except Plan 17004

Actual Use: CODE: 060 DESCRIPTION: 2 Acres Or More (Single Family Dwelling, Duplex)

Landuse Contract:

Zoning: A1;

OCP Designation: Agriculture;
OCP DP Areas:



Notes:

* Lot size calculation is derived from the area of the parcel as COGO'd in the GIS. For a legal determination of lot size see the pertaining legal plan.

Folio: 72310232.000

Jurisdiction: R.D.C.O. (250-763-4918)

Date: May 22, 2019

Property ID: 011-510-544

Name of Registered Owners: **KELOWNA (CITY)**
1435 WATER ST
KELOWNA BC V1Y 1J4

Other Owners:

Property Address: 4310 OLD VERNON RD KELOWNA BC (V1X 7V9)

Lot Size*: 12.52 acres

Gross Land Value: \$ 687000

Gross Improvement Value: \$ 0

Net Land Value: \$ 0

Net Improvement Value: \$ 0

Legal Description: LOT: 2
SECTION:

PLAN NUMBER: KAP1629
TOWNSHIP:

DISTRICT LOT: 122
ELECTORAL AREA: I

Extra Legals: Lot 2, Plan KAP1629, District Lot 122, Osoyoos Div of Yale Land District, Except Plan 17004

Actual Use: CODE: 061 DESCRIPTION: 2 Acres Or More (Vacant)

Landuse Contract:

Zoning: A1;

OCP Designation: Agriculture;
OCP DP Areas:



Notes:

* Lot size calculation is derived from the area of the parcel as COGO'd in the GIS. For a legal determination of lot size see the pertaining legal plan.

Regional Board Report

TO: Regional Board

FROM: Murray Kopp
Director of Parks Services

DATE: May 21, 2019

SUBJECT: Joe Rich Community Hall Operating and Recreation Programming Agreement

Voting Entitlement: *All Directors - Weighted Vote - Simple Majority - LGA 210.2*

Purpose: To seek Board approval to renew the operating and recreation programming agreement with the Joe Rich Ratepayers and Tenants Society for the Joe Rich Community Hall.

Executive Summary:

The Regional District owns a facility in the Central Okanagan East Electoral Area known as the Joe Rich Community Hall. The Regional District currently contracts with the Joe Rich Ratepayers and Tenants Society to operate and maintain the community hall. The expiry date of the current agreement was the 31st day of December 2018, it has been extended on a month-to-month basis as the Society and the Regional District negotiated a new contract.

RECOMMENDATION:

THAT the Regional Board approve renewing the Joe Rich Community Hall Operating Agreement with the Joe Rich Ratepayers and Tenants Society for a term of three (3) years commencing upon the date of execution of the agreement and terminating on the 31st of December 2021.

Respectfully Submitted:



Murray Kopp
Director - Parks Services

Prepared by: Beverley Krakau, Administrative Assistant – Parks

Approved for Board's Consideration



Brian Reardon, CAO

Implications of Recommendation:

Strategic Plan:	The recommendation is consistent with the Regional District's Strategic Priority #2 – Ensure Asset, Service and Financial Sustainability and Strategic Priority #4 – Protect and Promote Our Environment and Lifestyle. The contract with the Joe Rich Ratepayers and Tenants Society makes use of the volunteerism within the Joe Rich community to offer recreation programming while maintaining the current tax rate. The recreation programming offered is tailored to the desires of the Joe Rich residents, helping maintain their rural lifestyle.
General:	The Joe Rich Community Hall Operating and Recreation Programming Agreement will support continued involvement of the Joe Rich Ratepayers and Tenants Society (JRRATS) in the operations and recreation programming of the community hall to the benefit of the community and citizens of Joe Rich.
Financial:	The 2019 – 2023 RDCO Five Year Financial Plan and specifically, the Joe Rich Community Hall Service Program budget has allocated sufficient funds in the operating budgets to support the proposed contract.
Legal/Statutory Authority:	Regional District of Central Okanagan Joe Rich Community Hall Service Area Establishment Bylaw No. 1127, 2005.

Background:

In 1977, the Regional District acquired the building that houses the Joe Rich Community Hall and the Joe Rich Fire Department. Funding for the Community Hall was originally from the function of the Joe Rich Fire Department, which over the years paid for the utilities and some of the upgrades on the Community Hall. Until 2005 the Community Hall was funded through the Eastside Parks and Fire Department budgets.

The Eastside Parks budget is funded by both Joe Rich and Ellison residents and in 2005 it was decided that this was no longer an equitable method of funding the Community Hall since the Ellison area operates its own hall paid for solely by Ellison residents. In addition, added amenities at the Joe Rich Community Hall, such as the sport rink, meant that a stable, secure source of funding was required.

In 2003 and 2004, the Regional District went to the electorate through the alternative approval process. In both instances the required amount of petitions were signed to send the bylaw to referendum. In 2003, the Regional Board decided not to go to referendum and the 2004 alternative approval process was not resolved by the Regional Board.

In 2005, a referendum was held and residents of Joe Rich voted to adopt Bylaw No. 1127 to establish a service area within Joe Rich to operate and maintain the Joe Rich Community Hall.

In 2006, the Regional District entered into an operating agreement with the Joe Rich Ratepayers and Tenants Society for a five (5) year term. The Society has been involved in the operation of the Community Hall since the 1990s.

The Joe Rich Ratepayers and Tenants Society executive have continued to operate the Community Hall providing recreational, educational, social and cultural events and activities that improve lives through shared opportunities for personal and community health and enrichment.

The Regional District staff and Joe Rich Ratepayers and Tenants Society executive have worked together on a focus of delivery of recreation programs at the Joe Rich Community Hall that will help build “community” in Joe Rich. The agreement includes operational metrics that will ensure that a wide range of recreation programs are delivered to children, youth, adults and families at the Joe Rich Community Hall.

Regional Parks Services staff and the Society have negotiated the attached agreement summarized as follows:

- Three year term terminating on December 31, 2021 with retroactive payment capacity for the period extending between January 1, 2019 – June 30, 2019;
- Society schedules all activities in the hall;
- Society is responsible only for the hall, no longer responsible for grounds maintenance or maintenance of the adjacent sport rink;
- Society provides and pays for all the operations and maintenance of the hall including janitorial services;
- The Regional District is responsible for Major Capital improvements of the hall;
- Society can create a reserve account for future capital and operating expenses;
- Society must be accountable to the Regional District for all financial obligations and will provide monthly hall use reports and bi-annual financial statements;
- The maximum annual 2019 funding increased by 2% from the funding supplied in 2018 and will increase by 2% annually until December 3, 2021;
- all other legal requirements normally found in a Regional District agreement including insurance and indemnification requirements.

Financial Considerations:

As part of the operating agreement, the Regional District pays the Joe Rich Ratepayers and Tenants Society a facility programming fee. The facility programming fee was approved by the Regional Board as part of the RDCO Five Year Financial Plan Bylaw. For the period January 1, 2019 to December 31, 2021 the maximum annual funding provided by the Regional District shall be \$23,154 in 2019, \$23,617 in 2020 and, \$24,089 in 2021.

Considerations not applicable to this report:

- Organizational Issues
- External Implications
- Alternative Recommendation

Attachment(s):

- Joe Rich Community Hall Operation and Recreation Programming Agreement (2019 – 2021)

OPERATING AND RECREATION PROGRAM DELIVERY AGREEMENT

THIS AGREEMENT made as of the 27th day of May, 2019.

BETWEEN:

Joe Rich Ratepayers and Tenants Society
An Association duly incorporated pursuant to the laws of the
Province of British Columbia
11481 Highway 33 East
Kelowna, British Columbia V1P 1K1

(the "Society");

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF CENTRAL OKANAGAN, having an office at
1450 K.L.O. Road, Kelowna, British Columbia, V1W 3Z4

(the "Regional District");

OF THE SECOND PART

WHEREAS:

- A. The Regional District owns the lands and improvements known as the Joe Rich Community Centre;
- B. The parties recognize the benefits of entering into an agreement to deliver programs and manage facility rentals at the Centre for recreational, educational and cultural opportunities for the public in the Central Okanagan;
- C. Each of the parties brings certain strengths and resources to creating opportunities through such agreement; and
- D. The parties wish to enter into this Operating and Recreation Program Delivery Agreement to establish a frame- work for the use and management of the Centre.

THIS OPERATING AND RECREATION PROGRAM DELIVERY AGREEMENT WITNESSES THAT, in consideration of the mutual representations, warranties and agreements contained herein, the parties agree as follows:

1. DEFINITIONS

1.1 For the purposes of this Agreement, the following words and phrases have the meanings attributed to them:

- (a) "Director" means the Director of Parks Services for the Regional District and/or designate, or any other person that the Regional District hereby advises the Society of in writing;

- (b) “Material Breach” means the breach of a warranty, representation or agreement contained in this Agreement which does or may negatively and materially impact one of the parties to this Agreement;
- (c) “Centre” means a portion of the lands and improvements, outlined in red on the sketch plan attached hereto as Schedule “A”, known as the Joe Rich Community Hall;
- (d) “President” means the President of the Society and/or designate;
- (e) “Regional District” means the Regional District of Central Okanagan, a local government, mandated to provide municipal services within the municipalities and electoral areas of the Central Okanagan;
- (f) “Society” means Joe Rich Ratepayers and Tenants Society.

2. OPERATING RATIONALE

- 2.1 The Society and the Regional District recognize the recreational and community significance of the Centre and agree to enter into this Agreement to provide recreational, educational and cultural opportunities for the public in the community of Joe Rich. Subject to the specific conditions set out herein, the Society and the Regional District agree to enter into this Agreement for the purpose of establishing the overall terms and conditions for the program delivery and rental management of the Centre.
- 2.2 The Society and the Regional District recognize that each of them brings their own strengths and resources to this Agreement for the program delivery and rental management of the Centre and in creating educational, cultural and recreational opportunities for the public in the Central Okanagan. These opportunities will be realized through the adherence to the following goals:
 - (a) To effectively manage and operate facilities and programs at the Centre for the safe enjoyment of residents and visitors to the Central Okanagan, within the organizational structure of the Society and the Regional District;
 - (b) To strive for maximum accessibility of the public to programs and facilities at the Centre, without negatively impacting the physical condition of the Centre;
 - (c) To communicate and participate in planning processes to continually assess the needs and opportunities for the public to access programs and facilities at the Centre, while at the same time understanding the impact on the condition of the Centre.

3. AUTHORITY, RESPONSIBILITY AND USE

- 3.1 The Regional District grants to the Society the occupation and use of the Centre, on the terms and subject to the conditions of this Agreement, as of the date of this Agreement.
- 3.2 The Regional District will retain sole authority over the Centre, except as outlined in this Agreement.
- 3.3 It is the intention of the parties that the Society shall be responsible for:
 - (a) fundraising activities to support operating and recreational programming costs of the Centre and future capital improvements; and

- (b) the management and programming of the Centre; and
 - (c) all costs associated with the management and programming of the Centre except as explicitly set out herein.
- 3.4 The Society acknowledges that the Regional District will not be contributing any further monies or contributions in-kind over and above the contributions set out in Paragraph 6.1(a) of this Agreement.
- 3.5 The Society acknowledges and agrees that any monies that it raises through fundraising efforts using the Centre as the focus thereof, shall be used by the Society for the management and programming of the Centre in accordance with this Agreement. Provided, however, that the Society may place a portion of such funds, in trust with the Regional District, into reserve accounts for future capital or operating expenses. If the Society embarks on a fundraising effort for other activities/responsibilities as supported through the Society's constitution, the Society must ensure that any fundraising effort outside of the Centre being a beneficiary is not subsidized or financially supported in any way through the funding supplied via taxation that supports the Operating and Recreation program delivery requirements at the Centre as identified in this Agreement.
- 3.6 The Society agrees to allow all residents within the local service area to participate in the Society as full members with all the rights and privileges as set out in their Constitution and Bylaws.
- 4. TERM
- 4.1 The term of this Agreement shall commence on the date hereof and shall end on the 31st day of December, 2021, unless earlier terminated in accordance with the provisions of this Agreement (the "Term").
- 4.2 In the event that neither the Society nor the District has not breached any of the terms and conditions of this Agreement, then six (6) months prior to the expiration of the Term, the Regional District and the Society shall, without obligation, enter into negotiations for an extension of the Term, on such terms and conditions as the parties may mutually agree. During the period of negotiation of such extension of the Term, the terms and conditions of this Agreement shall be deemed to continue on a month by month basis until such negotiations are concluded. In the event that the parties are unable to reach an agreement on the terms and conditions of such extension within six (6) months of the expiration of the Term, then the Society agrees to cease the use of and vacate the Centre within one (1) month of receiving written notice from the Regional District requiring it to do so.
- 5. COVENANTS OF THE SOCIETY
- 5.1 The Society agrees as follows:
 - (a) to promptly pay all of the costs for which it is responsible hereunder;
 - (b) to produce to the Regional District, from time to time, at the request of the Regional District satisfactory evidence of the due payment by the Society of all payments required to be made by the Society under this Agreement;
 - (c) it is responsible for the supervision of the Centre, and for controlling and managing the use of the Centre and the programs delivered by the Society during the Term, subject to the final authority of the Regional District;

- (d) to use, and allow its members, invitees and members of the public to have the full right to reserve use of the Centre during regular times, which will be at a minimum 7:00 AM – 10:00 PM seven days a week, excluding statutory holidays.
- (e) the Society will operate the Centre in such a way as to provide equal opportunity for access and availability for use by all members of the community regardless of age, gender, race, creed, spiritual belief or physical ability;
- (f) the Society will allocate a minimum of \$10,000 annually to the community hall recreational programming budget and guidelines for the use of these funds is outlined in Table 5(a).

Table 5(a) – Programming Objectives and Program Subsidy Guidelines.

Family Events (i.e. New Year Skating Party, Easter Craft, Father's Day Breakfast, Summer Event, Thanksgiving Potluck, Hallowe'en, Christmas Craft, Christmas Craft Fair, Christmas Potluck, etc.)

Family events are defined as events that help build a sense of "community" in Joe Rich. Family events will target all members of the community including children, youth and adults.

Number of Events	Max Subsidy Level	Total Budget	Budget per Event
9	100%	\$2,000	\$222

Recreation and Community Programming (i.e. Valentine's Dance, Adult Crafts, Board Games Night, Active Games, Yoga, Guest Speakers, Soup and Sandwich, Tot Time, Teen Night and After School, etc.)

Recreation and Community Programming is defined as programs that have a specific topic or interest, are targeting one specific demographic and can be one time or recurring.

Age Demographic	Min Hours of Programming	Max Subsidy Level	Total Budget	Budget per program hour
Children / Youth 0-15	140	100%	\$6,000	\$42.86
Adult 16+	160	50%	\$2,000	\$12.50

- (g) to provide the Regional District with a schedule of activities and events occurring at the Centre on a monthly basis;
- (h) the Regional District shall be permitted at any time to post notices at the Centre that the Regional District will not be responsible for any liability under the provisions of the Builders' Lien Act then in force in British Columbia;
- (i) the Society agrees to maintain and repair the Centre in a timely manner and to keep the Centre in a neat, tidy, and safe condition, as per **Schedule "B"**.
- (j) to take good care of the Centre and keep the same in a tidy, healthy and safe condition, at its own expense;

- (k) to pay when due all taxes payable by the Society in respect of the Society's occupancy of the Centre;
- (l) to conduct its affairs in a proper and efficient manner according to the reasonable standards of a facility which allows access to the public;
- (m) not to assign, sub-let, mortgage or encumber its interest in this Agreement, in whole or in part without the Regional District's prior consent in writing, which consent may be arbitrarily withheld;
- (n) not to at any time use, exercise, or carry on or permit to be used, exercised or carried on, in or upon any part of the Centre any noxious, noisome, or offensive act, trade, business, occupation or calling and no act, matter or thing whatsoever shall at any time be done in or upon any part of the Centre which is an unreasonable annoyance, nuisance or disturbance to the occupiers or owners of adjoining land and properties;
- (o) not to do or permit to be done any act or thing which may render void or voidable or conflict with the requirements of any policy of insurance, on the Centre;
- (p) to comply with all statutes, regulations, and bylaws of any governmental authority relating in any way to the Society's use or occupation of the Centre;
- (q) not to make any alterations, installations or changes of any kind to the Centre without the prior written consent of the Regional District, which consent may be arbitrarily withheld;
- (r) all alterations, additions, improvements and fixtures to, in or upon the Centre including everything attached to any part of the Centre other than the Society's trade fixtures, machinery, plant and equipment shall become the property of the Regional District and shall remain on the Centre upon the expiration or earlier termination of this Agreement subject to such exceptions that the Regional District may consent to in writing;
- (s) not to remove from the Centre any goods, chattels or fixtures moved onto the Centre, except in the normal course of business, until all payments due or to become due during the Term are fully paid;
- (t) it shall keep records of its rental management and programming activities at the Centre, in a form and content acceptable to the Regional District acting reasonably, for a period of seven (7) years, and the Regional District shall be entitled to review and obtain copies of such records as it may reasonably require from time to time;
- (u) it is responsible for the cost and supervision for all volunteers and staff required to program and manage the Centre;
- (v) it is responsible for the creation and the cost of any advertising and communications program created to promote the fundraising efforts and the programming of the Centre;
- (w) it shall require criminal records checks for all staff and volunteers who provide services to or have contact with children and vulnerable adults;

- (x) to promptly pay all charges incurred by the Society for any work materials or services that may be done, supplied or performed in respect of the Centre and shall not cause or permit any builders' lien to be registered against the Lands as a result of work, materials or services carried out by or on behalf of the Society, and if any such lien should be so registered the Society shall pay off and discharge the same immediately and, if it shall fail or neglect to do so within ten (10) days after written notice from the Regional District of the registration of such lien, the Regional District may, but shall not be obliged to, pay and discharge such lien and may collect such sum including all costs to the Regional District together with interest on such amount from the date of payment; Provided that in the event of a bona fide dispute by the Society of the validity or correctness of any such claim of lien the Society shall be entitled to defend against the same and any proceedings brought in respect of the same after having first paid into Court the amount claimed and such costs as the Court may direct or having provided such other security as the Regional District may in writing approve to ensure payment of the claim; Provided further that upon determination of the validity of any such lien the Society shall immediately pay any judgment in respect of such lien against the Regional District, including all proper costs and charges incurred by the Regional District, and the Society in connection with any such lien and shall cause a discharge of such lien to be registered without cost or expense to the Regional District;
- (y) at the expiration or earlier termination of this Agreement, to peaceably surrender and deliver up vacant possession of the Centre in the condition required in this Agreement;
- (z) to:
 - i. Notify the Regional District at once, in the event any toxic or hazardous substances are produced on or brought onto the Centre,
 - ii. Not stock-pile any toxic or hazardous substances on the Centre and if such contaminates are produced on the Centre, it shall at once notify the Regional District
 - iii. Indemnify and hold harmless the Regional District from all liability from whatever source, for pollution from any cause whatsoever, to or escaping from the Centre and this indemnity shall survive the termination or expiration of this Agreement;
 - iv. Permit the Regional District to inspect the Centre at all times and with such experts and technical personnel as the Regional District deems necessary, to oversee the production, storage, stock-piling and disposal of any substances deemed toxic by the Regional District, or liable to cause pollution within or without the Centre and to confirm that the Centre is free of all contaminates at the termination for whatever cause of this Agreement; and
 - v. When required to do so by notice in writing from the Regional District, obtain insurance coverage with an insurance company and in the amounts and on terms having the prior approval of the Regional District, sufficient to protect the Regional District from all liability in respect of pollution arising from the activities of the Society in the Centre;

- (aa) the Society acknowledges that the Regional District shall be obtaining insurance on the Regional District's own behalf with respect to the Centre, and the Society agrees to cooperate with the Regional District and/or provide further documentation in respect of the application to any insurance companies, as the Regional District may reasonably request;
- (bb) the Society shall also obtain Workers' Compensation Insurance, covering all employees of the Society, in accordance with the statutory requirements of the Province of British Columbia and agrees to provide the Regional District with a certified copy of its Workers' Compensation registration; and
- (cc) to immediately report to the Regional District, the following with respect to the Centre:
 - i. accidents which are or may be life-threatening to users and staff of the Centre;
 - ii. incidents of major vandalism;
 - iii. theft of equipment; and
 - iv. suspension of individuals from using the Centre.

6. COVENANTS OF THE REGIONAL DISTRICT

6.1 The Regional District agrees as follows:

- (a) pay to the Society a facility programming fee to be paid by equal monthly instalments of the total contract amount determined annually, less any adjustments mutually agreed by the Regional District and the Society. For the period January 1, 2019 to December 31, 2021 the maximum annual funding provided by the Regional District shall be \$23,154 in 2019, \$23,617 in 2020 and, \$24,089 in 2021.
- (b) to pay all utility rates and charges in respect of and for all water, gas, sewer, electric and power used in connection with the Centre save and except for telephone charges and cable which shall be paid by the Society;
- (c) to provide limited professional consulting advice to the Society with respect to the management and programming of the Centre;
- (d) to maintain the exterior grounds, including the skating rink, associated rink facilities and snow clearing from the parking lot.

7. PLANNING OF DEVELOPMENT AND USE

7.1 The President and the Director shall meet no less than once per year to identify and discuss the management, programming and use of the Centre, and to review the Society's achievement of the stated goals, the adherence to the criteria, and the success of the initiatives set out in this Agreement. Performance measures and data pertaining to inputs, efficiencies, outputs and effectiveness will be created and reviewed by both parties. The purpose of this review will be to assess the success of this Agreement in terms of:

- (a) the management of the Centre;
- (b) the viability of the programming of the Centre; and
- (c) the benefits realized by the public in accessing and using the Centre.

- 7.2 The President and the Director shall also discuss the maintenance and scheduled capital improvements to the Centre. A 5 year plan for improvements will result from this meeting and be shared with the President.

8. APPROPRIATE USE OF THE FACILITIES

- 8.1 Subject to a contrary agreement set out herein, the Society shall use the Centre at all times in accordance with, and in the furtherance of, the following three (3) purposes of the Society as set out in its Constitution and Bylaws:

- (a) to maintain, operate and conduct a community center and to promote the best interests of the community of the people of Joe Rich;
- (b) to build up community spirit and to engage in work of moral, benevolent, charitable, philanthropic and community service nature;
- (c) to engage in work of an educational, cultural and recreational nature;

Such use shall be in accordance of the approved policies of the Regional District, as amended from time to time. The Society agrees that there shall be no additions, alterations or modifications to its Constitution and Bylaws without the prior consultation of the Regional District. Any changes to the Societies Constitution or Bylaws that are inconsistent with recreation and community programming may provide rationale for the District to visit Section 17 of this Agreement.

- 8.2 The Society agrees that the Centre may be used for the following general public uses without the need to obtain any further consent of the Regional District:

- (a) passive recreation;
- (b) private receptions;
- (c) private, exclusive use functions;
- (d) weddings;
- (e) catered functions; and
- (f) Society programs;

For all events (b) through (e) the Society agrees to control such activities by the issuance of the permits modeled on the Regional District's standard form permit process.

- 8.3 The Society agrees that the Grounds may be used for the following general public uses with the consultation of the Regional District:

- (a) recreation programming;
- (b) private receptions;
- (c) private, exclusive use functions;
- (d) weddings;
- (e) catered functions; and
- (f) Society programs;

Permits for Society programming will be provided at no cost by the Regional District. This process is necessary as booking of Grounds is a responsibility of the Regional District. For all events (b) through (e) the Society agrees to control such activities by the issuance of the permits modeled on the Regional District's standard form permit process. The Regional District will consult with the Society when parks events are scheduled for the Grounds.

- 8.4 The Society may be allowed to use the Centre for any ongoing commercial enterprises, with the prior consent of the Regional District, which consent may be withheld. In deciding whether to provide its consent, on a case-by-case basis, the Regional District will review the following factors in deciding whether to provide such consent:
- (a) whether the Society has followed the terms and conditions of the site rental requirements of this Agreement;
 - (b) the number of people expecting to attend such event in relation to the impact on the health of the Centre;
 - (c) whether the event fits within Regional District policies from time to time; and
 - (d) the need for the Society to generate revenue.
- 8.5 The Society agrees to ensure that all users of the Centre abide by Regional District policies and practices with respect to persons smoking on Regional District property.
- 8.6 The Society agrees to ensure that all users of the Centre abide by the current Regional District policy and practice with respect to persons consuming alcohol on Regional District property. The Regional District will allow variances to the Regional District policy and practice at times and at locations to be determined by the President and the Director. All functions where alcohol is permitted will be required to provide proof of all necessary permits and programs (i.e. "Serving It Right", "Designated Drivers", etc.).
9. SCHEDULING AND AVAILABILITY
- 9.1 The principle goal of scheduling the use of the Centre will be to achieve the maximum possible use by all potential user groups for the mutual benefit of the Society, the Regional District and their stakeholders, subject to the impact on the physical condition of the Centre.
10. RENTAL OF FACILITIES
- 10.1 Subject to the terms of this Agreement, the Society shall be entitled to rent the Centre to third parties for community purposes, but not for any period exceeding twenty (20) hours consecutively without prior written consent of the Regional District, which consent may be arbitrarily withheld.
- 10.2 The Society and the Regional District shall enter into written rental agreements with all third parties using any portion of the Centre, in the form of written contract attached to this Agreement as **Schedule "C"**.
- 10.3 The terms and conditions of such third party rental agreements shall not be altered without the prior written consent of the Regional District, which may be arbitrarily withheld. All such third party rentals shall be conducted so as to comply with all laws and regulations concerning the use of the Centre and to comply with the Society's agreements for use of the Centre as set out herein.
- 10.4 The Society shall follow the Regional District facility rental policies for the Centre, as amended from time to time, except as otherwise agreed between the Regional District and the Society in this Agreement.

11. BUDGETING AND PERFORMANCES MEASURES

- 11.1 The President shall provide the Director with the Society's budget on an annual basis for the anticipated rental management and programming costs of the Centre, including any projected revenues by the end of October of each year.
- 11.2 The Society shall provide the Regional District with annual financial statements within ninety (90) days of the end of each Regional District fiscal year in accordance with generally accepted accounting practices, consistently applied, that has been duly and appropriately reviewed and approved by a majority of the Board Members of the Society. Notwithstanding the foregoing, upon written notice from the Regional District, the Regional District may require the Society to prepare such annual statements as a notice to reader, review engagement or on an audited basis at its option.
- 11.3 Within thirty (30) days of the end of June, the Society shall meet with the Regional District and provide the Regional District with an income and expense statement for the immediately preceding 6 months showing the results from the programming and management of the Centre.
- 11.4 The Society acknowledges that it is critical to the Regional District's provision of services that the Regional District maintain a set of statistics which measures certain use and performance data associated with the programming and management of Community Centres. The Society acknowledges that the Regional District is constantly reviewing, revising and enhancing such performance measures and as of the date of this Agreement, certain performance measures exist for the Centre and are attached to this Agreement as **Schedule "D"** (the "Performance Measures"). The Society agrees to provide to the Regional District a report in the form of the Performance Measures, on a quarterly basis, in arrears, within ten (10) days of the end of each calendar quarter. The Society acknowledges that the Performance Measures may be changed by the Regional District with written notice to the Society from time to time.

12. QUALITY STANDARDS OF FACILITIES

- 12.1 The Society shall cause the Centre to be open, safe and otherwise usable to the public to a standard consistent with the operation of a hall facility at all times that are scheduled for use by the Society.

13. RISK MANAGEMENT PROGRAM

- 13.1 The rental of any portion of the Centre to any third party shall require such third party to enter into a written rental agreement and to obtain comprehensive general liability insurance as specified in the rental agreement and such insurance shall name the Regional District and the Society, as additional insureds thereunder. The Society and the Regional District shall reserve the right to require proof of insurance from all users of any portion of the Centre prior to such use. The rental agreement entered into by any third party shall require an agreement that the third party shall indemnify and hold harmless the Regional District, its elected officials, officers, employees and agents and the Society, its elected officials, officers, employees and agents from and against any and all suits or claims alleging damage or injury (including death) to any person or property that may occur or that may be alleged to have occurred, in the course of the rental or other use of the specific facility described in the rental agreement.

- 13.2 The Society acknowledges and agrees that it will ensure that any and all contractors performing or engaged to perform any recreational program instruction are contractors qualified to deliver the intended recreational program, and that all safety precautions, permits, laws and regulations are fully complied with at all times. The Society shall enter into written agreements with all third parties engaged for the purposes of providing recreational programming delivery, in the form of written contract attached to this Agreement as Schedule "E".
- 13.3 The Society acknowledges and agrees that the Regional District has the right, in appropriate circumstances, to close the public access to the Centre, or any portion thereof, if the Regional District in its sole discretion determines that there is a safety risk to either persons or property. In the event that the Regional District advises the Society of such closure, the Society agrees that it shall do all things or omit to do all things as may be directed by the Regional District through its appropriate designated personnel from time to time.
- 13.4 The Society acknowledges and agrees that in the event that the Regional District determines there is an imminent threat to persons or property, the Regional District may enter to the Centre, without notice to the Society in order to deal with such risk. To the extent that such actions of the Regional District are contrary to the terms and conditions of this Agreement, the Society consents to such variation to the extent necessary to deal with such risk.

14. INDEMNITY AND INSURANCE

- 14.1 The Society agrees that the use of the Centre will be at its own risk. Notwithstanding any other provision of this Agreement, the Society shall indemnify the Regional District, its elected officials, officers, employees and agents (collectively known as the "Releasees") and save them harmless from all losses, claims, damages, liability, expenses, and outlays of any nature whatsoever in connection with loss of life, bodily injury, personal injury, damage to property, or any other loss or injury of any nature whatsoever, arising out of the Society's use of the Centre, or any occurrence in, upon or at the Centre or any part thereof, or occasioned wholly or in part by any act or omission of the Society or by anyone permitted to be on the Centre by the Society, all arising out of this Agreement. If the Regional District shall, without fault on its part, be made a party to any litigation commenced by or against the Society arising out of the Society's use of the Centre hereunder, then the Society shall protect, indemnify, and hold the Releasees harmless in connection with such litigation. At its option, the Regional District may participate in or assume carriage of any such litigation or settlement discussions in connection therewith, or alternatively, may require the Society to assume sole responsibility therefore. The provisions of this Paragraph shall survive the expiration or earlier determination of this Agreement.
- 14.2 The Regional District agrees to take out and maintain, during the Term, such insurance which contains such coverage as the Regional District considers advisable for all property owned by the Regional District. Contained in such insurance shall be such perils, for such amounts, and with such deductibles, as a reasonable owner of reasonably similar properties, improvements and equipment, would deem advisable, having regard to size, age and location.

- 14.3 Notwithstanding the Regional District's covenant in this Paragraph, the Society acknowledges and agrees that:
- (a) The Society is not relieved of any liability arising out of or contributed to by its negligence or its wilful acts or omissions;
 - (b) Except to the extent specifically set out in this Agreement, no insurable interest is conferred upon the Society under any insurance policies carried by the Regional District; and
 - (c) Except to the extent specifically set out in this Agreement, the Society has no right to receive any proceeds of insurance policies carried by the Regional District.
- 14.4 The Society shall take out and maintain, during the Term, the following insurance at its sole cost:
- (a) "All Risks" property insurance, including flood and earthquake, subject to terms, conditions, and exclusions normally found in policies carried by prudent owners of properties, improvements and equipment similar to the Society's, insuring property of every description owned by the Society including, without limiting the foregoing, leasehold and freehold improvements, while located on or in its own facilities or the Centre, in an amount not less than 90% of the full replacement cost thereof;
 - (b) Comprehensive General Liability insurance, with inclusive limits of at least \$5,000,000, and shall include the following extensions of coverages:
 - i. occurrence property damage;
 - ii. personal injury;
 - iii. contractor's and owner's protective;
 - iv. employees as insureds;
 - v. blanket contractual;
 - vi. contingent employers;
 - vii. broad form property damage; and
 - viii. non-owned automobile.
- Such policy shall name the Regional District as an Additional Insured and shall contain a Cross Liability clause;
- (c) Tenants Legal Liability insurance on the standard industry "All Risks" basis in an amount no less than a minimum of \$1,000,000;
 - (d) Automobile liability insurance on an owners form covering all licensed vehicles owned, leased, or operated by the Society with inclusive limits of at least \$2,000,000;
 - (e) Directors and Officers insurance covering the actions and omissions of its officers and directors; and
 - (f) Any other form of insurance which the Regional District, acting reasonably, requires, from time to time, in amounts and for risks which a prudent occupant would insure.
- 14.5 All policies referred to in 14.4(b) and taken out by the Society shall:
- (a) be taken out with insurers acceptable to the Regional District;
 - (b) be in a form acceptable to the Regional District;

- (c) be non-contributing and apply as primary and not as excess to any other insurance available to the Regional District; and
 - (d) contain an undertaking by the insurers to notify the Regional District by registered mail not less than thirty (30) days prior to any material change, cancellation, termination or non-renewal of coverage.
- 14.6 Certificates of Insurance, or, at the Regional District's option, certified copies of the policies shall be delivered by the Society to the Regional District forthwith upon request. If the Society fails to take out or to keep in force any insurance referred to in this Section 14, or should such insurance not be approved by the Regional District, and should the Society not commence to diligently rectify the situation within 48 hours after being notified in writing of the deficiency in coverage or reason for non-approval, the Regional District has the right, without assuming any responsibility in connection therewith, to place such insurance at the sole cost of the Society, and all outlays by the Regional District shall be paid by the Society to the Regional District without prejudice to any other rights or remedies of the Regional District.
- 14.7 If any insurer under any insurance policy of the Society's covering any part of the Centre cancels or threatens to cancel its insurance policy, or reduces or threatens to reduce its coverages under its insurance policy by reason of the use of such facilities by the Society, or by any assignee, invitee or sub-tenant of the Society, or by any one permitted to be on such facilities by the Society, the Society shall remedy such condition within 48 hours after notice thereof by the Regional District.
- 14.8 The Regional District shall not be liable for any damage to property of the Society or others on the Centre from any cause. All property of the Society shall be at the sole risk of the Society.
- 14.9 The Regional District agrees to indemnify and save harmless the Society and its elected representatives, officers, authorized agents and employees against all liabilities, actions, damages, claims and costs, including costs of a solicitor and own client basis, arising out of or in any way connected with, and only to the extent of, the negligence of the Regional District.
15. RESOLUTION OF DISPUTES
- 15.1 Any problems, concerns or disputes between the Joe Rich Fire Rescue and the Society shall firstly be mediated by the Regional District Director of Engineering, the Director of Parks, the Joe Rich Fire Rescue Fire Chief and the President. In the event that a resolution is not agreed upon; the Director of Engineering, and the Director of Parks, shall forward a report to the Chief Administrative Officer of the Regional District whose decision shall be final and binding upon the parties.
- 15.2 The President and the Director shall firstly mediate problems, concerns or disputes related to this Agreement. In the event the President and the Director are unable to resolve the issue it is agreed that the issue will be referred to the Board of Directors of the Society and the Regional District Board. If the Board of Directors of the Society and the Regional District Board are unable to resolve the issue, it is agreed that the issue will be referred to arbitration pursuant to the Commercial Arbitration Act of British Columbia for a final settlement which shall be final and binding upon the parties.

16. ASSIGNMENT

- 16.1 The Society is not permitted to assign or dispose of, in any manner whatsoever, their rights pursuant to this Agreement.

17. TERMINATION:

- 17.1 Either party may terminate this Agreement upon providing the other party with one (1) year's written notice.
- 17.2 If a party commits a Material Breach then the other party may provide written notice to the defaulting party detailing the Material Breach and demanding that the Material Breach be cured within twenty-one (21) days of receipt of such notice. In the event that the defaulting party does not cure the Material Breach within such twenty-one (21) day period, then the other party may immediately terminate this Agreement by a further written notice to the defaulting party.

18. COMMUNICATIONS

- 18.1 Unless otherwise expressly provided in this Agreement, any notice or other communication which may be, or is, required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission, addressed as follows:

For: Joe Rich Ratepayers and Tenants Society
11481 Highway 33 East
Kelowna, BC, V1P 1K1
Attention: President

For: Regional District of Central Okanagan
1450 KLO Road
Kelowna, B.C., V1W 3Z4
Attention: Director of Parks Services

or to such other address of which notice has been given as provided in this section.

19. LIMIT OF RESPONSIBILITY

- 19.1 Whenever and to the extent that the Society or the Regional District shall be unable to fulfil, or shall be delayed or restricted in fulfilling their respective obligations regarding the supply or provision of any heating, service or utility or the doing of any work or the making of any repairs by any cause beyond its control (e.g. power outages, acts of God), the Society or the Regional District shall be relieved from its obligations with respect thereto during the period which it is unable to fulfil or is delayed or restricted in fulfilling its obligations.

20. WAIVER

- 20.1 An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of this breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.

21. AUTHORITY

21.1 The Society represents and warrants that it has the authority and capacity to enter into this Agreement and perform its obligations hereunder. The Regional District represents and warrants that it has the authority and capacity to enter into this Agreement and perform its obligations hereunder.

21.2 Nothing in this Agreement shall constitute the parties as partners. Except as specifically provided herein, neither party shall be the agent of the other party or have any authority whatsoever to create obligations or bind the other party hereunder.

22. TIME OF THE ESSENCE

22.1 The parties agree that time shall be of the essence of this Agreement.

IN WITNESS WHEREOF the parties have hereunto executed this Agreement in the presence of their duly authorized signing officers on the day and year first above written,

JOE RICH RATEPAYERS AND
TENANTS SOCIETY
by its authorized signatory:

REGIONAL DISTRICT OF
CENTRAL OKANAGAN
by its authorized signatories:

President
Courtney Eyre

Chair
Gail Given

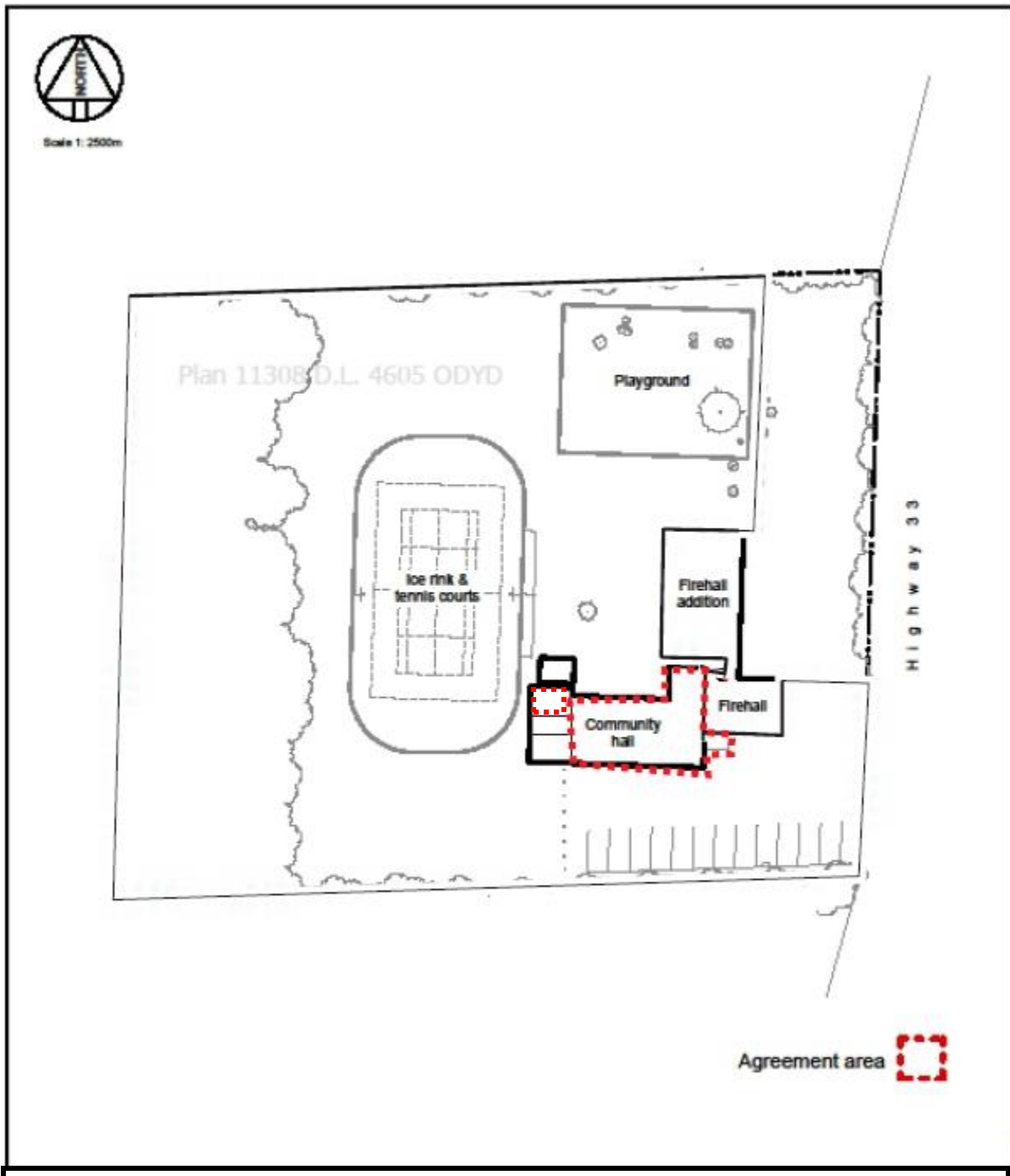
Director
Julie Johnson

Chief Administrative Officer
Brian Reardon

Date

Date

SCHEDULE "A" – JOE RICH COMMUNITY HALL



Schedule "A"
Joe Rich Community Hall Agreement
Regional District of Central Okanagan
Parks Services

SCHEDULE "B" – OPERATING STANDARDS

Maintenance and Repair

The Society will be responsible for but not limited to maintain the following:

Building Maintenance and Cleaning

- Cleaning Contractor
- Cleaning Supplies
- Floor Maintenance
- Snow removal from entrance area and sidewalk
- Ensuring that all fire exits are in proper working order and clear of all obstructions, both on the interior and exterior of the doors.

1) GENERAL CLEANING

a) Glass

- i) To be cleaned three (3) times yearly, except in those areas subject to heavy traffic i.e. all entrances and all glass doors. These areas will require cleaning on a "when required" basis. Cleaning will include dusting and wiping of frames and sills, including cobwebs. All stains or marks on exterior building surface resulting from window washing to be removed immediately.

b) Doors

- i) Refers to all doors other than glass. Doors and door frames shall be regularly spot cleaned and wiped in a method to ensure cleanliness and good appearance at all times.

c) Walls

- i) Walls are to be completely cleaned twice yearly. The Society will be required to spot clean soiled areas as part of the daily routine. Washroom walls are to be thoroughly and completely cleaned weekly.

d) Floor Maintenance

- i) Maintain all floors, both resilient tile and other types in the best manner suited to the floor manufacturer's specifications. The Society will be required to carry out regular finish removal, thorough floor cleaning and replacement of finish or the protective coating with a frequency sufficient to ensure good maintenance standards.
- ii) Carpets are to be shampooed as directed.

e) Garbage

- i) The Society Contractor will be required to remove and dispose of all garbage and waste from the building and Premises.
- ii) All recyclable "blue box" materials are to be deposited into the special bins provided by the Regional District.

f) General Cleaning

- i) General cleaning as required:
 - Damp mop floors and renew anti-slip finish as required; vacuum all carpets and remove spots and stains as required.

SCHEDULE "B" – OPERATING STANDARDS

- Mop or vacuum all stairs and landings.
- Empty and clean waste baskets
- Sweep outside entrances.
- Clean and disinfect toilets and urinals.
- Clean sinks and counter tops, splashboards, soap receptacles in washrooms.
- Refill paper and soap containers.
- Polish mirrors and all chrome fixtures.
- Clean drinking fountains.
- Empty and clean waste receptacles including napkin disposal bin.
- Clean all glass as necessary.
- Clean all counters.
- Dust and wipe thoroughly all furniture, fixtures, windowsills and railings including such items as lamps, telephones and penholders on top of desks.
- Resilient floors to be clean-water washed using a cleaner approved for the particular flooring.
- Protective coating to be renewed or replaced as recommended by manufacturers.
- Spot clean all walls as required.

g) Janitorial Rooms

- i) The Regional District will provide the Society with a locked janitor room(s) for the storage of equipment and supplies. These areas must be kept clean and tidy at all times.

h) Condition of Equipment

- i) Janitorial equipment must be kept in good operating condition at all times. The appearance, cleanliness and suitability of all equipment shall be subject to the approval of the Regional District.

i) Time of Work

- i) The Society will be required to perform the work at a time that does not conflict with the public use of the building

j) Materials and Equipment

- i) All MSDS (Material Safety Data Sheets) must be supplied, on hand and accessible as reference and in case of emergency.
- ii) A list of all materials to be used shall be submitted to the Manager of Parks and Facilities for prior approval before use. The Regional District encourages and requests the use of Environmentally Friendly cleaning products. Supplies shall be purchased whenever possible from suppliers who can provide local advisory service.

2) WORKMANSHIP

- a) In all cases, where new materials are being applied, or repair work is being carried out, the installation of such materials and/or any repair work shall be carried out in a good workman-like manner by qualified tradespeople and finished to standard acceptable to the Regional District Building Inspector.

SCHEDULE "C" – RENTAL AGREEMENTS AND REGULATIONS

Joe Rich Community Hall (the "Premises")

RENTAL AGREEMENT

Joe Rich Ratepayers and Tenants Society
11481 Highway 33 East
Kelowna, BC, V1P 1K1

IN ACCOUNT WITH:

Organization or individual (the "Applicant"):

Contact Name: _____

Telephone: _____

Billing address: _____

Booking date: _____ Booking time: from _____ to _____

Event: _____

Number of people: _____

Comments: _____

License cost \$ _____

Damage deposit \$ _____

Insurance \$ _____

Other \$ _____

TOTAL RECEIVED \$ _____

The Applicant warrants and represents that if he/she executes this Application on behalf of a Group or Organization that the Applicant has sufficient power, authority and capacity to bind the group or organization with his/her signature.

The licensee, in consideration of being granted permission to use the Premises agrees to be bound by the Terms and Regulations attached and if the Applicant represents a Group or Organization, the Applicant agrees to inform all responsible officials associated with the Group or Organization of the Terms and Regulations and Waiver and Indemnity Clause.

Agent of the Joe Rich Ratepayers and Tenants Society

Applicant or Agent / Officer of the Group

Check List:

Contract signed	Damage Deposit received
Regulations attached	Certificate of Insurance received
Rent Deposit received	Liquor License received

SCHEDULE "C" – RENTAL AGREEMENTS AND REGULATIONS

Community Hall Regulations:

THE APPLICANT WILL be responsible for advising all attendees and will ensure that all attendees adhere to all regulations posted and/or attached hereto. Failure to adhere to said regulations can result in this rental being revoked or cancelled.

THE APPLICANT WILL provide a competent and trustworthy adult who will personally undertake to be responsible for the due observance of regulations governing the Community Hall.

THE APPLICANT WILL exercise the greatest care in use of the Community Hall and adjacent facilities.

THE APPLICANT WILL report all damage immediately to the Joe Rich Ratepayers and Tenants Society.

THE APPLICANT WILL be responsible for paying for any property damage incurred in regards to the Community Hall or adjacent facilities.

THE APPLICANT WILL use only the Community Hall as detailed in this Agreement.

THE APPLICANT WILL not permit any other Group or Organization not named on this Application to use the Community Hall without the authorization of the Society.

THE APPLICANT WILL be responsible for leaving the Community Hall clean. Failure to do so may result in a fee levied for maintenance.

THE APPLICANT WILL adhere to Grass Premises Closures mandated by the Regional District.

THE APPLICANT WILL not use Grass Premises when closures are in effect.

THE APPLICANT WILL not place objects in or on grass fields without first consulting the Society.

THE APPLICANT WILL call the Society and cancel the license if you do not plan to use it.

THE APPLICANT WILL not permit liquor or beer on any portion of the Community Hall or adjacent facilities unless a valid liquor license is in effect.

THE APPLICANT understands and agrees that this permit may be revoked or cancelled at any time with or without cause. The Society will make every reasonable attempt to provide a minimum 48 hours' notice of a cancellation to the Applicant.

THE APPLICANT accepts and will use the Community Hall and adjacent facilities at their own risk and agrees that neither the Joe Rich Ratepayers and Tenants Society, nor the District, nor their respective officers, employees, servants, agents, heirs, successors and assigns have made any warranties or representations respecting the suitability or condition of the Community Hall, or adjacent facilities, and none of them shall be responsible for property damage or personal injury arising from the Applicant's use thereof.

THE APPLICANT further agrees that it will indemnify and save harmless the Joe Rich Ratepayers and Tenants Society, the District, and their respective elected officials, officers and employees, from and against any and all claims whatsoever, including all damages, liabilities, expenses, costs incurred in respect of any such claim brought thereon arising from or in connections with the granting of this permit and the Applicant's or their invitees' use of the Community Hall or adjacent facilities.

SCHEDULE "D" – PERFORMANCE MEASURES

Operating Measures

Hall Use Report

Date: _____

Reporting Period: _____

Booking Name / Event	Date	Number of Attendees	Hours of hall use	Program Fee Charged (amount)	Rental fee charged (Y/N)	Target Demographic (1, 2, 3 or 4 as per below)	Comments (special events, vandalism...)

Target Demographic: (1) Children 0-11 (2) Youth 12-15 (3) Adult 16 + (4) Family

SCHEDULE "E" – PROGRAM INSTRUCTOR CONTRACT

PROGRAM AGREEMENT

BETWEEN:

Joe Rich Ratepayers and Tenants Society
11481 Highway 33 East
Kelowna, BC, V1P 1K1

(herein called the "SOCIETY")

AND

_____ (herein called the "CONTRACT INSTRUCTOR")

Phone No: _____

In consideration on payment here after provided, the Society and the Contract Instructor agree to fulfill all conditions listed on this page.

CONDITIONS

1. The Contract Instructor shall conduct a program on the days and times in the Joe Rich Community Hall and for those purposes described in Program Information below.
2. The Contract Instructor shall: be present at the program location when the program is being conducted throughout the full period of time for each session; submit Contracted Hours of Work (CHOW) record or invoice for services; and when requested by the Recreation Coordinator complete participant and instructor evaluation forms.
3. All Contract Instructors working with children or vulnerable populations, are required to obtain a Criminal Record check and if applicable bear costs associated with this procedure.
4. A substitute instructor may be used with the prior approval of the Recreation Coordinator.
5. Liability coverage for Contract Instructors is provided through the Society's liability policy. The Society/ Insurer have the right to file an alternate suit against the Contract Instructor if gross negligence is alleged. The Contract Instructor must report any injury they sustain while instructing and/or supervising the program immediately.
6. The Society reserves the right to:
 - 6.1 Alter or change the space or time allotted.
 - 6.2 Set a minimum of the number of participants required for the program and cancel program(s) should the minimum number not be reached 48 hrs prior to the start of the program(s) or cancel program(s) for any reasonable or just cause in the opinion of the Society with no compensation to instructor.
 - 6.3 Judge whether or not the program is being conducted as identified in Program Information.
 - 6.4 Alter program(s) for any reasonable or just cause in the opinion of the Society.
7. The Society requires 7 days notice from the Contract Instructor to cancel this contract.
8. The Society reserves the right to cancel this contract with 7 days notice for any reasonable or just cause in the opinion of the Society.
9. The Society and/or Contract Instructor shall collect and account for fees according to the established accounting procedures adopted by the Society.

SCHEDULE "E" – PROGRAM INSTRUCTOR CONTRACT

PROGRAM INFORMATION	
Program Name:	Location:
Days & Times:	
Course Mins:	Max:
Start Date:	End Date:
Total # of Classes:	
Special Conditions:	
Hourly Rate: \$	Total Billable Hours per class:

The term of this contract is from _____ to _____
subject to the conditions outlined herein.

By signing, I acknowledge I agree to the terms noted above.

Society Director

Date

Contract Instructor

Date

Regional Board Report

TO: Regional Board

FROM: David Komaïke
Director of Engineering Services

DATE: May 27, 2019

SUBJECT: 2018 CARIP Climate Action/GHG Emissions Summary Public Report

Voting Entitlement: *All Directors – Unweighted Corporate Vote – Simple Majority – LGA 208.1*

Purpose: To present the 2018 Climate Action Revenue Incentive Program Report and review the 2018 Greenhouse Gas Emissions Summary.

Executive Summary:

The Regional District of Central Okanagan is a signatory of the B.C. Climate Action Charter, and therefore, eligible to apply for a grant under the Climate Action Revenue Incentive Program (CARIP). The grant provides funding equal to 100 percent of the carbon tax paid by local governments in the provision of services. Under the grant program, local governments are required to:

- Work towards carbon neutrality in their corporate operations (service delivery),
- Measure and report on their community greenhouse gas emissions profile,
- Create complete compact, energy-efficient rural and urban communities, and
- Report associated emissions and program data to the public and the Province annually.

The CARIP data is collect by the Province of British Columbia and published for public information. Please find a link to the provincial *Summary Report on Local Government Climate Actions 2017* on page three.

RECOMMENDATION:

THAT the Regional Board receive the 2018 Climate Action Revenue Incentive Program Report and the 2018 Greenhouse Gas Emission Summary for information.

Respectfully Submitted:



David Komaïke, Director of Engineering Services

Approved for Board's Consideration



Brian Reardon, CAO

Prepared by: Mareike Mimi Miller, Asset Management Analyst

Implications of Recommendation:

Strategic Plan: Strategic Priority #4: Protect and Promote Our Environment and Lifestyle.
Promote responsible environmental protection

Legal/Statutory Authority: Report aligns with the goals of the BC Climate Action Charter.

Background:

The B.C. Climate Action Charter is a voluntary agreement between the Province of British Columbia, the Union of British Columbia Municipalities and each local government signatory. The Charter was launched at the 2007 UBCM Convention; since then, the majority of local governments in B.C. have become signatories.

The overarching objective of the Charter is to take collaborative action on climate change by promoting the reduction of greenhouse gasses emitted in the provision of local government services. Charter signatories are eligible to participate in the Climate Action Revenue Incentive Program (CARIP).

Climate Action Revenue Incentive Program

CARIP is a conditional grant program that provides funding to local governments equal to 100% of the carbon taxes they pay directly in the provision of services. The objective of CARIP is to help local governments achieve carbon neutrality.

Local governments who wish to participate in the CARIP program are obligated to report, to the Province and the public, their annual progress towards carbon neutrality.

Greenhouse Gas Emissions Summary – BC Traditional Services GHG Inventory Report

The Greenhouse Gas Emissions Summary details the source of the Regional District of Central Okanagan emissions in 2018. This includes:

- Conventional Fuel Consumption (diesel, gasoline, and propane),
- Natural Gas Consumption, and
- Electrical Consumption.

2018 Emission details based on individual service activity (highest to lowest):

- | | |
|---------------------------------------|-------------|
| - Contractors above 25K* | (41.8%) |
| - Sewer Systems | (25.2%) |
| - Fleet Services | (23.5%) |
| - Corporate Services – Facilities | (4.38%) |
| - Parks Services – Facilities | (2.6%) |
| - Recreation | (0.646918%) |
| - Fire & Protective Services | (0.582279%) |
| - Solid Waste Collection* | (0.576724%) |
| - Reimbursed Travel for core Services | (0.530846%) |
| - Water Systems | (0.122888%) |
| - Temporary Accounts | (0.000988) |

In 2018, the Regional District of Central Okanagan reported a total TSI GHG Inventory of 1,272 t CO₂e.

* Contractors above 25K are service delivery contracts that cost over \$25,000 annually. The majority of the emissions from contractor services pertain to solid waste collection/transfer and wastewater biosolids transfer.

Financial Considerations:

In 2018 the Regional District of Central Okanagan paid a total of \$24,026.76 in carbon tax.

Considerations not applicable to this report:

- Policy
- Financial
- General
- Organizational

Attachment(s):

- 2018 CARIP Climate Action/Carbon Neutral Progress Survey (RDCO)
- 2018 BC Traditional Service GHG Inventory (RDCO)

Links:

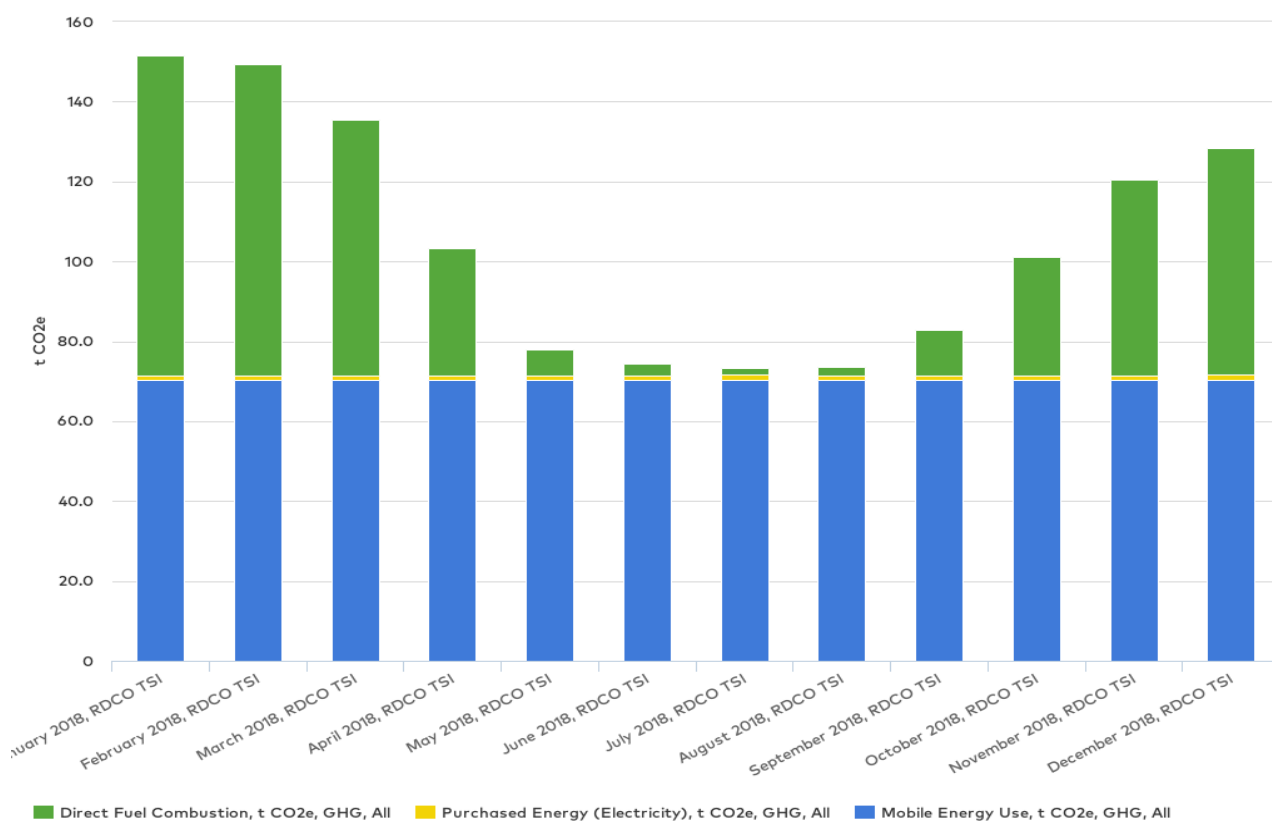
- Summary Report on Local Government Climate Actions 2017
https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/local-governments/planning-land-use/carip_2017_summary.pdf



2018 BC Traditional Services GHG Inventory

<u>Reporting Entity:</u>	Regional District of Central Okanagan
<u>Reporting Year:</u>	Calendar Year 2018
<u>Inventory Scope:</u>	BC Traditional Services Inventory "TSI"
<u>Quantification Methodology:</u>	2018 B.C. Best Practices Methodology for Quantification GHG Emissions, Local Governments & Public Sector Organizations
<u>System Support:</u>	SoFi GHG Reporting by GHG Accounting Services
<u>Data collection:</u>	Regional District of Central Okanagan
<u>Data Entry:</u>	Data Upload

Total TSI GHG Inventory: 1,272 t CO₂e



Total Energy Consumption by Energy Type for Traditional Services Inventory:

	Regional District of Central Okanagan TSI
Natural Gas Stationary [GJ]	8,106
Propane [l]	6,360
Electricity [kWh]	4,948,568
Gasoline [l]	90,757
Diesel [l]	239,357

Scope 1:

	Regional District of Central Okanagan TSI				
	GJ, Energy	t CH ₄	t N ₂ O	t CO ₂	t CO ₂ e, GHG, Scope 1
Direct Fuel Combustion	8,267	0.008258	0.007982	412	414
Mobile Energy Use	12,243	0.048072	0.088357	818	845
Total	20,510	0.056331	0.096339	1,229	1,259

Scope 2:

	Regional District of Central Okanagan TSI	
	kWh	t CO ₂ e, GHG, Scope 2
Purchased Energy (Electricity)	4,948,568	13

Biogenic GHG Emissions:

	Regional District of Central Okanagan TSI		
	t Bio CH ₄	t Bio CO ₂	t Bio CO ₂ e, GHG, All
Direct Fuel Combustion			
Mobile Energy Use		30.5	30.5
Total		30.5	30.5

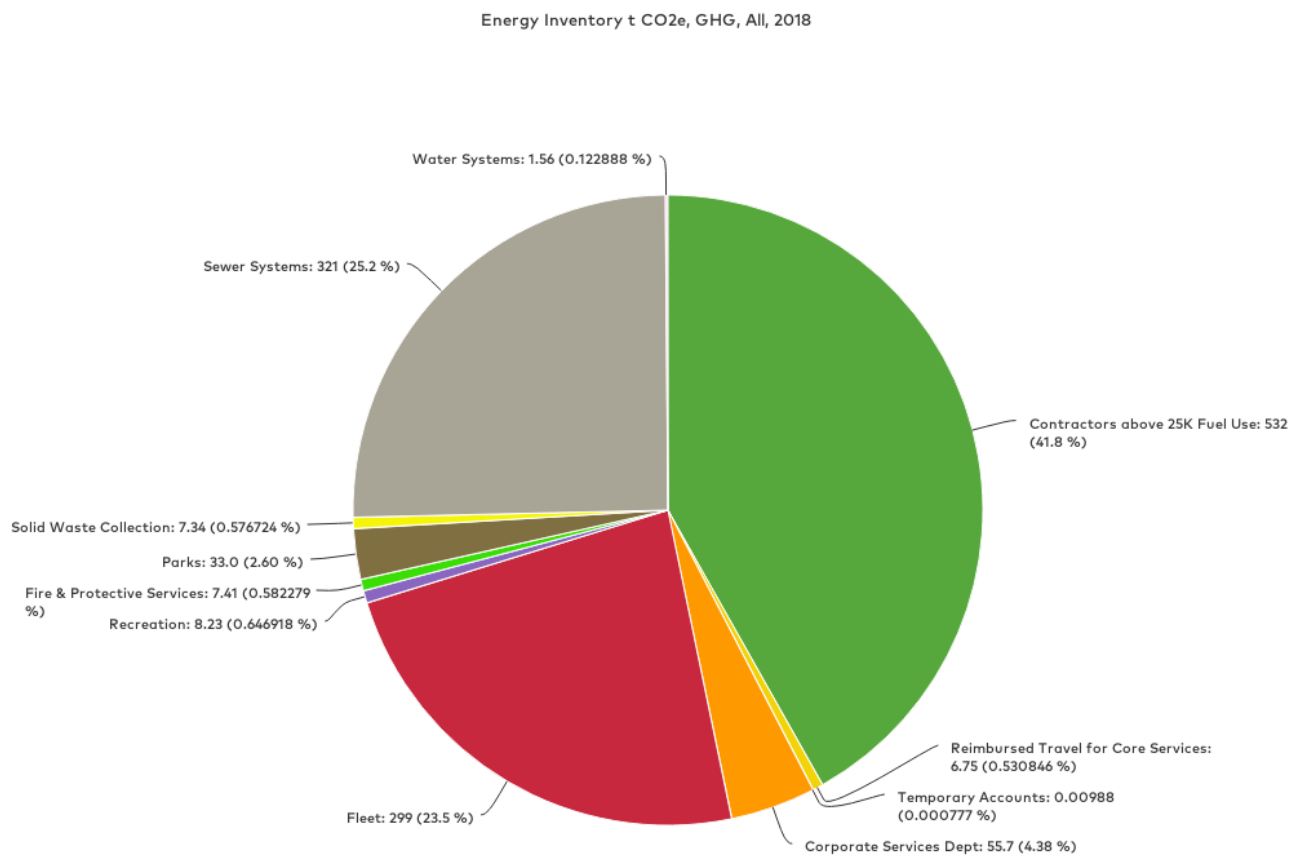
Totals by Service Delivery:

	RDCO Delivered Directly	RDCO Contracted Services	Total
	Energy Inventory	Energy Inventory	
	t CO ₂ e, GHG, All	t CO ₂ e, GHG, All	
2018	726	546	1,272

Summary:

	2018	
	Energy Inventory t CO ₂ e, GHG, All	Total
Regional District of Central Okanagan Corporate TSI	1,272	<u>1,272</u>

Overview by Service Areas:



Comments: Deviations from the 2017 data in GHG emissions by department stem from the fact that some fuel use and related GHG emissions in category *Solid Waste Collection* have been moved to the category *Contractors*.

#57

COMPLETE

Collector: Email Invitation 1 (Email)
Started: Tuesday, May 21, 2019 1:55:58 PM
Last Modified: Tuesday, May 21, 2019 4:48:06 PM
Time Spent: 02:52:08
Email: mrilkoff@cord.bc.ca
IP Address: 184.70.237.206

Page 2: LOCAL GOVERNMENT INFORMATION

Q1 Name of Local Government **Regional District of Central Okanagan**

Q2 Name of member Regional District **Central Okanagan**

Q3 Regional Growth Strategy (RGS) in your region **Yes**

Q4 Population **100,000+**

Q5 Submitted by

Name **Mareike Mimi Miller**
Position **Asset Management Analyst**
Email Address **mimi.miller@cord.bc.ca**
Phone Number **250-763-4918**

Page 3: BROAD PLANNING ACTIONS

Q6 Community-Wide Broad Planning Actions Taken in 2018

1. **Partnered with member municipalities and Westbank First Nation to implement the Regional Growth Strategy.**

Q7 Additional Community-Wide Broad Planning Actions Taken in 2018 (Optional - separate each reported action with a "\") **Respondent skipped this question**

Q8 Community-Wide Broad Planning Actions Proposed for 2019

- | | |
|----|---|
| 1. | Partnering with member municipalities and Westbank First Nation to implement the Regional Growth Strategy. |
|----|---|
-

Q9 Corporate Broad Planning Actions Taken in 2018

- | | |
|----|---|
| 1. | Continued development of a corporate asset management program. |
|----|---|
-

Q10 Additional Corporate Broad Planning Actions Taken in 2018 (Optional - separate each reported action with a "\")	Respondent skipped this question
--	---

Q11 Corporate Broad Planning Actions Proposed for 2019

- | | |
|----|--|
| 1. | Participate in implementation of the Climate Action Initiative's Okanagan Region Adaptation Strategies. |
| 2. | Continue building on the corporate asset management program. |
| 3. | Budget for Official Community Plan / Rural Land Use Bylaw Review. |
| 4. | Finalize and endorse the Regional District of Central Okanagan 2019- 2022 Strategic Plan. |
-

Q12 What is (are) your current GHG reduction target(s)?

33% reduction by 2020 from 2007 levels. 80% reduction by 2050 from 2007 levels.

Q13 Are you familiar with your local government's community energy and emissions inventory (e.g. CEEI or another inventory)?	No
---	-----------

Q14 What plans, policies or guidelines govern the implementation of climate mitigation in your community?	Official Community Plan , Regional Growth Strategy
--	---

Q15 Does your local government have a corporate GHG reduction plan?	No
--	-----------

2018 CARIP Climate Action/Carbon Neutral Progress Survey

Q16 Community-Wide Building and Lighting Actions Taken in 2018

Respondent skipped this question

Q17 Additional Community-Wide Building and Lighting Actions Taken in 2018(Optional - separate each reported action with a "\")

Respondent skipped this question

Q18 Community-Wide Building and Lighting Actions Proposed for 2019

Respondent skipped this question

Q19 Corporate Building and Lighting Actions Taken in 2018

- | | |
|----|--|
| 1. | LED lighting upgrade - administrative building parking lot |
| 2. | Supply and install LED lighting in Ellison and Joe Rich Fire Halls. |
| 3. | HVAC upgrades at Mission Creek Park. |

Q20 Additional Corporate Building and Lighting Actions Taken in 2018 (Optional - separate each reported action with a "\")

Respondent skipped this question

Q21 Corporate Building and Lighting Actions Proposed for 2019

- | | |
|----|---|
| 1. | Upgrade electrical system in Wilson's Landing Fire Hall. |
| 2. | Submitted a grant application for energy efficiency upgrades to the Westside Wastewater Treatment Plant. Upgrades include new energy efficient turbo blowers and LED lighting. |
| 3. | Provide FortisBC "New Home program" rebates information to building permit and planning customers. Rebates promote building a high-performance energy-efficient home. |

Q22 Is your local government aware of the BC Energy Step Code?

Yes

Q23 Is your local government planning on implementing the BC Energy Step Code?

Yes

2018 CARIP Climate Action/Carbon Neutral Progress Survey

Q24 Community-Wide Energy Generation Actions Taken in 2018	Respondent skipped this question
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Q25 Additional Community-Wide Energy Generation Actions Taken in 2018(Optional - separate each reported action with a "\")	Respondent skipped this question
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Q26 Community-Wide Energy Generation Actions Proposed for 2019	Respondent skipped this question
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Q27 Corporate Energy Generation Actions Taken in 2018	Respondent skipped this question
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Q28 Additional Corporate Energy Generation Actions Taken in 2018 (Optional - separate each reported action with a "\")	Respondent skipped this question
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Q29 Corporate Energy Generation Actions Proposed for 2019

1.	Submit a grant application for a feasibility assessment of heat recovery works at the Westside Wastewater Treatment Plant.
----	---

Q30 Is your local government developing or constructing a	none of the above
--	--------------------------

Q31 Is your local government operating a	none of the above
---	--------------------------

Q32 Is your local government connected to a district energy system that is operated by another energy provider?	No
--	-----------

Q33 Are you familiar with the 2018 List of Funding Opportunities for Clean Energy Projects Led by First Nations and Local Governments?	Yes
---	------------

Q34 Community-Wide Greenspace Actions Taken in 2018

- | | |
|----|---|
| 1. | Partnered with Okanagan Collaborative Conservation Program (OCCP) and other jurisdictions on the Okanagan Lake Management Plan. |
| 2. | Collaborated with the OCCP and partners to support the Bio-Diversity Conservation Strategy. |
| 3. | Worked collaboratively with OCCP, UBCO and partners to support Planning for Ecosystem Connectivity Corridors by offering mapping support, professional expertise, and participating on action teams. |
-

Q35 Does your local government have policies, plans or programs to support local food production? **Yes**

Q36 Additional Community-Wide Greenspace Actions Taken in 2018 (Optional - separate each reported action with a "\") **Respondent skipped this question**

Q37 Community-Wide Greenspace Actions Proposed for 2019

- | | |
|----|---|
| 1. | Continue to encourage the use of best management practices for property owners along the shoreline of Okanagan Lake. |
| 2. | Work with the Okanagan Collaborative Conservation Program (OCCP) and partners to support the Bio-Diversity Conservation Strategy. |
| 3. | Work with the OCCP, UBCO and partners to support Planning for Ecosystem Connectivity Corridors. |
| 4. | Work with partners to implement the recommendations of the Foreshore Inventory and Mapping Report, including outreach activities, guideline development and protection of environmentally sensitive areas. |
| 5. | Collaborate on implementation of the Okanagan Wetland Strategy. |
-

Q38 Corporate Greenspace Actions Taken in 2018

- | | |
|----|---|
| 1. | Continued with watershed improvements, stream restoration and enhancement work. |
| 2. | Collaborated with the OBWB and the OCCP on implementation of the Okanagan Wetland Strategy. |
| 3. | Applied for and received a Forest, Lands, Natural Resource Operations and Rural Development 'Invasive Plant' grant for three years (2018, 2019, and 2020). The grant provides financial resources for public education and the Noxious Weeds Program. |
| 4. | Collaborate with BC Regional Weed Coordinators, the Invasive Plant Council and other provincial agencies on invasive plant management and education. |

Q39 Additional Corporate Greenspace Actions Taken in 2018 (Optional - separate each reported action with a "\")

Respondent skipped this question

Q40 Corporate Greenspace Actions Proposed for 2019

- | | |
|----|---|
| 1. | Continue with watershed improvements, stream restoration and enhancement work. |
| 2. | Update Hazard Development Permit Area mapping and guidelines. |
| 3. | Conduct and update Environmental Inventories and Mapping. |
| 4. | Proposed update to RDCO Parks Operational Wildfire Protection Plan (OWPP) |
| 5. | Continue to educate public on invasive weeds by attending community events (Fat Cat Festival, Kelowna Block Party and schools (weed pulls). |

Q41 Does your local government have urban forest policies, plans or programs?

Yes

Page 7: SOLID WASTE ACTIONS

Q42 Community-Wide Solid Waste Actions Taken in 2018

- | | |
|----|--|
| 1. | Composter Sale (subsidize composter cost) – 300 composters sold. |
| 2. | Planned and hosted two repair café events. |
| 3. | Planned and hosted two trunk sale events. |

Q43 Additional Community-Wide Solid Waste Actions Taken in 2018(Optional - separate each reported action with a "\")

Respondent skipped this question

Q44 Community-Wide Solid Waste Actions Proposed for 2019

- | | |
|----|---|
| 1. | Continue composting program (350 composters) |
| 2. | Increase recycling education to reduce contamination, |
| 3. | Plan and host trunk sale and repair café events. |

Q45 Corporate Solid Waste Actions Taken in 2018

- | | |
|----|--|
| 1. | Contract for Regional Solid Waste/Recycling/Yard Waste Collection was awarded to E360S. |
| 2. | Commercial and Residential waste monitoring continues to ensure mandatory recyclables are not ending up at the landfill. |
| 3. | Continued with the ongoing waste reduction programs such as curbside recycling education through cart inspection program, illegal dump site monitoring, education and cleanup. |

Q46 Additional Corporate Solid Waste Actions Taken in 2018 (Optional - separate each reported action with a "\")

Respondent skipped this question

Q47 Corporate Solid Waste Actions Proposed for 2019

- | | |
|----|--|
| 1. | Single Use Plastic Reduction Review planned for 2019 |
| 2. | Complete implementation of recommendations in Westside Road Transfer Station Review. |

Q48 Does your local government have construction and demolition waste reduction policies, plans or programs?

Yes

Q49 Does your local government have organics reduction/diversion policies, plans or programs?

Yes

Q50 Community-Wide Transportation Actions Taken in 2018

- | | |
|----|---|
| 1. | Collaborated with member municipalities and Westbank First Nation on the Sustainable Transportation Partnership of the Central Okanagan (STPCO). |
|----|---|

Q51 Additional Community-Wide Transportation Actions Taken in 2018 (Optional - separate each reported action with a "\")

Respondent skipped this question

Q52 Community-Wide Transportation Actions Proposed for 2019

- | | |
|----|---|
| 1. | Continue collaboration with regional partners on the Sustainable Transportation Partnership of the Central Okanagan (STPCO). |
|----|---|

Q53 Corporate Transportation Actions Taken in 2018

- | | |
|----|--|
| 1. | Purchased an electric truck to decrease the environmental footprint of Regional Parks operation and maintenance activities. |
|----|--|

Q54 Additional Corporate Transportation Actions Taken in 2018 (Optional - separate each reported action with a "\")

Respondent skipped this question

Q55 Corporate Transportation - Actions Proposed for 2019

- | | |
|----|---|
| 1. | Continue adding energy efficient vehicles to the RDCO fleet. |
|----|---|

Q56 Does your local government have policies, plans or programs to support:

**Walking,
Cycling,
Transit Use**

Q57 Does your local government have a Transportation Demand Management (TDM) strategy (e.g. to reduce single-vehicle occupancy trips, increase travel options, provide incentives to encourage individuals to modify travel behavior)?

No

Q58 Does your local government integrate its transportation and land use planning?

Yes

Page 9: WATER AND WASTEWATER ACTIONS

Q59 Community-Wide Water and Wastewater Actions Taken in 2018

- | | |
|----|--|
| 1. | Partnered with Okanagan Basin Water Board to sell rain barrels during composter sale (150 rain barrels sold). |
|----|--|
-

Q60 Additional Community-Wide Water and Wastewater Actions Taken in 2018(Optional - separate each reported action with a "\")	Respondent skipped this question
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Q61 Community-Wide Water and Wastewater Actions Proposed for 2019

- | | |
|----|--|
| 1. | Continue to partner with OBWB to sell rain barrels (200 rain barrels) |
|----|--|
-

Q62 Corporate Water and Wastewater Actions Taken in 2018

- | | |
|----|---|
| 1. | Updated the RDCO Water conservation Plan. |
| 2. | Complete a source control education program with the public to reduce the amount of unacceptable materials and chemicals from being discharged into the sanitary sewer. A series of four videos were developed to create awareness of the issues and provide simple and effective solutions. |
| 3. | Completed the Falcon Ridge water treatment and distribution improvements for sustainable service delivery. |
| 4. | Completed the Westshore Estates Water System reservoir replacements to increase storage, improve water quality, and reduce unaccounted water. |
| 5. | Ongoing leak detection program |
-

Q63 Additional Corporate Water and Wastewater Actions Taken in 2018 (Optional - separate each reported action with a "\")

Year round outdoor irrigation restrictions are in place for water system customers. /
RDCO Water Talk Newsletter provided to water system customer. Newsletter includes conservation tips and capital projects updates. /
Participated in the National Water & Wastewater Benchmarking Initiative.

Q64 Corporate Water and Wastewater Actions Proposed for 2019

- | | |
|----|---|
| 1. | Updated water fees to account for asset replacement and to financially sustain water system operation. |
| 2. | Updated sewer fees to account for asset replacement and to financially sustain sewer system operation. |
| 3. | Installation of additional sample stations in Westshore Estates Water System for additional water quality monitoring. |
| 4. | Continue participation in the National Water & Wastewater Benchmarking Initiative. |

Q65 Does your local government have water conservation policies, plans or programs?	Yes
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Page 10: CLIMATE CHANGE ADAPTATION ACTIONS

Q66 Please identify the THREE climate impacts that are most relevant to your Local Government	<p>Changes to temperature and precipitation causing seasonal drought</p> <p>,</p> <p>Increased temperatures affecting reducing air quality,</p> <p>Extreme weather events contributing to urban and overland flooding</p>
--	---

Q67 In 2018 has your local government addressed the impacts of a changing climate using any of the following?	<p>Emergency Response Planning ,</p> <p>Infrastructure Upgrades (e.g. stormwater system upgrades)</p> <p>,</p> <p>Public Education and Awareness ,</p> <p>Mapping,</p> <p>Partnerships,</p> <p>Asset Management</p>
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Q68 Climate Change Adaptation Actions Taken in 2018 Please elaborate on (as identified above or add new) key actions and/or partnerships your local government has engaged in to prepare for, and adapt to changing climate. Add links to key documents and information where appropriate.	Respondent skipped this question
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Q69 Climate Change Adaptation Actions Proposed for 2019

1.	Collaborate with RDNO and RDOS on Climate Projections Reporting Project.
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Q70 For more information please contact**Respondent skipped this question**

Q71 The following are key resources that may be helpful to your local government in identifying climate impacts, as well as, strategies, actions and funding to deal with them. For those resources that you have used, please indicate whether they were useful in advancing your work in climate change adaptation.

National Disaster Mitigation Program (NDMP)	Useful
Community Emergency Preparedness Fund (CEPF)	Useful
Climate Adaptation Partner Grants (FCM)	Useful
Infrastructure Planning Grants (MAH)	Useful
Federal Gas Tax Fund	Useful

Page 11: OTHER CLIMATE ACTIONS

Q72 Community-Wide Other Actions Taken in 2018**Respondent skipped this question****Q73** Corporate Other Actions Taken in 2018**Respondent skipped this question****Q74** Are you familiar with the Community Lifecycle Infrastructure Costing Tool (CLIC)?**Yes****Q75** Is your local government using the CLIC tool?**No**

Page 12: INNOVATION AND PEER LEARNING

Q76 Community-Wide Innovation Action**Respondent skipped this question****Q77** Corporate Innovation Action**Respondent skipped this question****Q78** For more information on actions described above contact**Respondent skipped this question**

Q79 Mitigation Programs, Partnerships and Funding

- The Government of Canada, the Province of British Columbia, and the Union of BC Municipalities – Community Works Fund
 - National Disaster Mitigation Program (NDMP) Grant
 - Union of British Columbia Municipalities – Community Emergency Preparedness Fund (CEPF)
 - Okanagan Basin Water Board – Water Conservation and Quality Improvement Program.
-

Q80 Adaptation Programs, Partnerships and Funding

- The Union of BC Municipalities (UBCM) – Asset Management Planning Program Grant
 - The Federation of Canadian Municipalities (FCM) – Municipal Asset Management Program (MAMP)
 - The Government of Canada, the Province of British Columbia, and the Union of BC Municipalities – Community Works Fund
 - Okanagan Basin Water Board (OBWB) – Climate Resilient Landscaping Grant
 - Ministry of Municipal Affairs and Housing - Infrastructure Planning Grant Program
 - Government of Canada – Enabling Accessibility Fund
-

Page 13: CARBON NEUTRAL REPORTING

Q81 Did your local government measure corporate GHG emissions for 2018? **Yes**

Q82 If your local government measured 2018 corporate GHG emissions, please report the number of corporate GHG emissions from services delivered directly by your local government (in tonnes of carbon dioxide equivalent)

726 tCO₂s

Q83 If your local government measured 2018 corporate GHG emissions, please report the number of corporate GHG emissions from contracted services (in tonnes of carbon dioxide equivalent)

546 tCO₂e

Q84 Total A: Corporate GHG emissions for 2018 (Direct GHGs + Contracted GHGs)

1272 tCO₂e

Page 14: REPORTING REDUCTIONS AND OFFSETS

Q85 Energy Efficient Retrofits(in tonnes of carbon dioxide equivalent (tCO₂e))

Respondent skipped this question

Q86 Solar Thermal(in tonnes of carbon dioxide equivalent (tCO₂e))

Respondent skipped this question

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Q87 Household Organic Waste Composting(in tonnes of carbon dioxide equivalent (tCO ₂ e))	Respondent skipped this question
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Q88 Low Emission Vehicles(in tonnes of carbon dioxide equivalent (tCO ₂ e))	Respondent skipped this question
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Q89 Avoided Forest Conversion(in tonnes of carbon dioxide equivalent (tCO ₂ e))	Respondent skipped this question
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Q90 Total B: Reductions from all Option 1 Projects for 2018	Respondent skipped this question
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Q91 If applicable, please report the names and 2018 GHG emissions reductions (in tonnes of carbon dioxide equivalent (tCO ₂ e)) being claimed from Option 2 GHG Reduction Projects	Respondent skipped this question
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Q92 Total C: Reductions from all Option 2 Projects for 2018	Respondent skipped this question
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Q93 If applicable, please report the name of offset provider, type of project and number of offsets purchased (in tonnes of carbon dioxide equivalent (tCO ₂ e)) from an offset provider for the 2018 reporting year. Note: Please do not include funds that may be set aside in a climate action reserve fund.	Respondent skipped this question
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Q94 Total D: Offsets purchased for 2018	Respondent skipped this question
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Q95 TOTAL REDUCTIONS AND OFFSETS FOR 2018 (Total B+C+D)= tCO ₂ e	Respondent skipped this question
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Q96 Corporate GHG Emissions balance for 2018 = (A- (B+C+D) = tCO₂e

1272 tCO₂e

Q97 If your local government was carbon neutral in 2018, please record any emissions reductions you will be carrying over for future years and the source of the reductions, including the year they were earned (e.g. organics diversion, 2018 100 tCO ₂ e)	Respondent skipped this question
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2018 CARIP Climate Action/Carbon Neutral Progress Survey

Q98 Balance of reductions eligible for carry over to the next year (tCO2e)(total of emissions reductions identified above)

Respondent skipped this question

Q99 Does your local government set aside funds in a climate reserve fund or something similar?

No

Page 15: GREEN COMMUNITIES CLIMATE ACTION RECOGNITION PROGRAM

Q100 Based on your local government's 2018 Climate Action/Carbon Neutral Progress Survey, please check the GCC Climate Action Recognition Program level that best applies

Level 2 - Measuring GHG Emissions

Q101 Related to Level 3 recognition, if applicable, please identify any new or ongoing corporate or community-wide GHG reduction projects (other than an Option 1 or Option 2 project) undertaken by your local government that reflects a significant investment of time and/or financial resources and is intended to result in significant GHG reductions (e.g. project name)

Respondent skipped this question