

AREA “A” OSOYOOS RURAL



Photo by: Oda Lindner

OCP Bylaw No. 2450, 2008 – Regional District of Okanagan-Similkameen

OFFICIAL COMMUNITY PLAN

This bylaw has been consolidated for
convenience only and includes all
amendments to the text up to:
January 7, 2021



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN
Osoyoos Rural
Official Community Plan Bylaw No. 2450, 2008

TABLE OF CONTENTS

1.0	INTERPRETATION AND ADMINISTRATION.....	12
1.1	PURPOSE.....	12
1.2	INTERPRETATION.....	12
1.3	ADMINISTRATION.....	12
1.4	DEVELOPMENT APPROVAL INFORMATION.....	13
2.0	OFFICIAL COMMUNITY PLAN MAP DESIGNATIONS.....	15
3.0	BROAD GOALS.....	16
3.1	SOCIAL.....	16
3.2	ECONOMIC.....	16
3.3	ENVIRONMENTAL.....	17
3.4	OTHER.....	17
4.0	GROWTH MANAGEMENT	18
4.1	HISTORICAL	18
4.2	BACKGROUND	18
4.3	OBJECTIVES	19
4.4	POLICIES	19
5.0	RESOURCE AREA.....	22
5.1	BACKGROUND	22
5.2	OBJECTIVES	22
5.3	POLICIES	22
6.0	AGRICULTURE	24
6.1	BACKGROUND	24
6.2	OBJECTIVES	24
6.3	POLICIES	24
7.0	RURAL HOLDINGS.....	29
7.1	BACKGROUND	29
7.2	OBJECTIVES	29
7.3	POLICIES	29
8.0	RESIDENTIAL	32

8.1	BACKGROUND	32
8.2	OBJECTIVES	32
8.3	POLICIES - GENERAL RESIDENTIAL	33
8.4	POLICIES - LOW DENSITY RESIDENTIAL	34
8.5	POLICIES - MEDIUM DENSITY RESIDENTIAL	34
8.6	POLICIES - VACATION RENTAL	35
9.0	COMMERCIAL.....	36
9.1	BACKGROUND	36
9.2	OBJECTIVES	36
9.3	POLICIES – GENERAL COMMERCIAL	36
9.4	POLICIES – TOURIST COMMERCIAL	37
10.0	INDUSTRIAL.....	38
10.1	BACKGROUND	38
10.2	INDUSTRIAL OBJECTIVES	38
10.3	INDUSTRIAL POLICIES	38
10.4	AGGREGATE AND MINERAL RESOURCES OBJECTIVES	40
10.5	AGGREGATE AND MINERAL RESOURCES POLICIES	40
11.0	ADMINISTRATIVE, CULTURAL & INSTITUTIONAL	42
11.1	BACKGROUND	42
11.2	OBJECTIVES	42
11.3	POLICIES	42
12.0	PARKS, RECREATION AND TRAILS	43
12.1	BACKGROUND	43
12.2	OBJECTIVES	44
12.3	POLICIES	44
12.4	PARKLAND DEDICATION POLICIES:.....	45
13.0	NATURAL ENVIRONMENT & CONSERVATION.....	47
13.1	BACKGROUND	47
	13.1.1 Objectives - General.....	48
	13.1.2 Policies - General	48
13.2	RIPARIAN AND FORESHORE AREAS.....	48
	13.2.1 Objectives	49
	13.2.2 Policies	50
13.3	TERRESTRIAL AREAS	51
	13.3.1 Objectives	51
	13.3.2 Policies	51
13.4	CONSERVATION AREAS.....	53
	13.4.1 Objectives	53
	13.4.2 Policies	53
13.5	OKANAGAN BASIN LAKES	54

13.5.1	Objectives	54
13.5.2	Policies	54
14.0	HAZARD LANDS	56
14.1	BACKGROUND	56
14.2	HAZARDS OBJECTIVES	56
14.3	HAZARDS POLICIES	56
15.0	TRANSPORTATION	58
15.1	BACKGROUND	58
15.2	TRANSPORTATION OBJECTIVES	58
15.3	TRANSPORTATION POLICIES	58
16.0	SERVICING.....	60
16.1	BACKGROUND	60
16.2	SERVICING OBJECTIVES.....	60
16.3	WATER POLICIES.....	60
16.4	SEWAGE COLLECTION AND DISPOSAL POLICIES	60
16.5	DRAINAGE POLICIES	61
16.6	OTHER UTILITIES POLICIES	61
17.0	TEMPORARY USE PERMITS	62
17.1	BACKGROUND	62
17.2	OBJECTIVE	62
17.3	POLICIES	62
18.0	DEVELOPMENT PERMIT AREAS	65
18.1	BACKGROUND	65
18.2	ENVIRONMENTALLY SENSITIVE DEVELOPMENT PERMIT (ESDP) AREA	65
18.3	WATERCOURSE DEVELOPMENT PERMIT (WDP) AREA	70
19.0	GREEN HOUSE GAS REDUCTIONF	74
19.1	BACKGROUND	74
19.2	OBJECTIVES	74
19.3	POLICIES	74
20.0	IMPLEMENTATION	76
20.1	INTRODUCTION.....	76
20.2	REFINEMENTS	76
20.3	ZONING BYLAW	76
20.4	SERVICING BYLAW.....	76
20.5	OTHER STUDIES AND INITIATIVES	77
20.6	OTHER AGENCIES.....	77
20.7	MONITORING.....	77

LIST OF SCHEDULES, MAPS, AND FIGURES

<u>Schedule 'A'</u>	<u>Osoyoos Rural Official Community Plan Text</u>
Map 1	General Context Map
Figure 1	Cluster Development Example
Figure 2	Agricultural Protection Area ⁱ
<u>Schedule 'B'</u>	<u>Osoyoos Rural Official Community Plan Map</u>
<u>Schedule 'C'</u>	<u>Osoyoos Rural Road and Trail Network Plan</u>
<u>Schedule 'D'</u>	<u>Osoyoos Rural Development Permit Areas</u>

Note: Schedule 'B', 'C' and 'D' can be viewed either on the RDOS website at www.rdos.bc.ca, or by requesting hard copy at the RDOS office.

ⁱ Amendment Bylaw No. 2450.09, 2014 – adopted September 18, 2014

Acronyms used in this document

Agricultural Land Reserve	ALR
Agricultural Land Commission	ALC
Environmental Impact Assessment	EIA
Environmentally Sensitive Area	ESA
Environmentally Sensitive Development Permit	ESDP
Official Community Plan	OCP
Okanagan Shuswap Land & Resource Management Plan	OSLRMP
Regional District Okanagan-Similkameen	RDOS
Watercourse Development Permit	WDP

Regional District of Okanagan-Similkameen
Electoral Area “A”
Official Community Plan Bylaw No. 2450, 2008

A Bylaw to guide land use decisions within Electoral Area “A” pursuant to Division 4 under Part 14 of the *Local Government Act of British Columbia, R.S.B.C. 2015*.

WHEREAS the Regional District of Okanagan-Similkameen wishes to adopt an Official Community Plan pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS the Regional Board may adopt an Official Community Plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all directors of the Regional Board who are entitled to vote on that bylaw;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the Official Community Plan in conjunction with its most recent capital expenditure program, the waste management plan, wastewater management plan, and economic strategy plan that is applicable in the Regional District to ensure consistency between them, in accordance with the *Local Government Act*;

AND WHEREAS if the Official Community Plan applies to land in an Agricultural Land Reserve established under the *Agricultural Land Reserve Act*, the Regional Board shall refer the Official Community Plan to the provincial Agricultural Land Commission for comment;

AND WHEREAS the Regional Board has provided one or more opportunities for consultation with persons, organizations and authorities it considers affected in the development of the Official Community Plan in accordance with Section 475 of the *Local Government Act*;

AND WHEREAS the Regional Board of the Regional District of Okanagan-Similkameen has complied with all requirements of the *Local Government Act* prior to adoption of this bylaw and Official Community Plan including all of the foregoing;

AND WHEREAS upon adoption of this bylaw, the plan is an Official Community Plan of the Regional District of Okanagan-Similkameen.

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

The Electoral Area “A” Official Community Plan attached hereto as Schedule ‘A’ and Map Schedules ‘B’, ‘C’, ‘D’ and ‘E’ forming part of this bylaw are adopted as the Regional District of Okanagan-Similkameen Electoral Area “A” Official Community Plan.

The bylaw shall apply only to that portion of the Regional District of Okanagan-Similkameen shown outlined on the attached Schedule ‘B’ Official Community Plan Maps forming part of this bylaw.

If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw and the Official Community Plan adopted by this bylaw is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw and Official Community Plan.

This bylaw may be cited for all purposes as the “Electoral Area “A” Official Community Plan Bylaw No. 2450, 2008”.ⁱⁱ

ⁱⁱ Amendment Bylaw No., 2830, 2018 – adopted October 18, 2018.

Transition

The Electoral Area 'A' Osoyoos Rural Official Community Plan Bylaw No. 2260, 2004, is repealed.

READ A FIRST TIME on the 17th day of July, 2008.

READ A SECOND TIME on the 17th day of July, 2008.

SECOND READING RESCINDED on the 21st day of August, 2008.

RE-READ A SECOND TIME on the 21st day of August, 2008.

PUBLIC HEARING held on the 2nd day of October, 2008.

READ A THIRD TIME as amended on the 2nd day of October, 2008.

Approved by the Minister of Community Development this 28th day of October, 2008.

ADOPTED this 6th day of November, 2008.

Dan Ashton

Chair

Tracey Batton

General Manager of Administration
Services

SCHEDULE 'A'

Regional District Okanagan-Similkameen

Osoyoos Rural

Official Community Plan, Bylaw No. 2450, 2008

1.0 INTERPRETATION AND ADMINISTRATION

The provisions of this Plan apply to all lands and surface of water, excluding areas within the reserves of the Osoyoos First Nations, within the Osoyoos Rural area identified on Schedule 'B' of this bylaw. Map 1, General Context Map, generally illustrates the boundaries of the Plan area.

1.1 Purpose

The Electoral Area "A" Official Community Plan is intended to ensure that decisions of the use and development of property within that part of the electoral area shown on Schedule 'B', are made with regard to land capabilities and constraints, growth trends, the interrelationship of land uses, and the aspirations of the people, for the benefit of the whole community.ⁱⁱⁱ Further, the Plan is intended to:

- .1 form the basis for regulatory land use bylaws, capital expenditures programming, and waste management;
- .2 to provide guidance and information for private and public organizations and individuals.

1.2 Interpretation

An Official Community Plan means a community plan as referred to in the *Local Government Act* and as adopted by the Regional Board of the Regional District of Okanagan-Similkameen (hereafter referred to as the Regional Board), in accordance with the requirements of the *Local Government Act*.

1.3 Administration

- .1 This Official Community Plan comes into effect as of the date of formal adoption by the Regional Board.
- .2 The Zoning Bylaw will be the primary tool to regulate development, not the Official Community Plan. All rezoning proposals must be consistent with the intent of this Official Community Plan that serves as a policy foundation for the Zoning Bylaw.
- .3 This Plan will be reviewed on a yearly basis and, in order that the document continues to accurately reflect the long-range planning objectives of the Osoyoos Rural area, the Plan will undergo a comprehensive review every five to ten years.
- .4 The Official Community Plan can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the Official Community Plan cannot commit the Regional Board to specific expenditures, the Regional Board cannot enact bylaws or undertake works that are contrary to it without amending the Plan.

ⁱⁱⁱ Amendment Bylaw No. 2830, 2018 – adopted October 18, 2018.

1.4 Development Approval Information^{iv}

This Plan Area is a development approval information area, and the Regional District may require development approval information for a Zoning Bylaw Amendment application, Development Permit application, and Temporary Use Permit application.

The objective in designating the Plan Area as a development approval information area is for the Regional District to obtain information from the applicant for the Regional District to gain a sound understanding of the anticipated impact of the proposed activity or development on the community and to make a well informed decision regarding such applications. Where deemed relevant, an applicant may be expected to provide information regarding:

- .1 The impact of the proposed development with surrounding land uses.
- .2 The consideration of public facilities such as schools, park land, public spaces, and/or amenities.
- .3 The impact of the proposed development on groundwater quantity and quality, surface water generated by the proposed development, and the options for collection, storage, and dispersal of such drainage.
- .4 The impact of the proposed development on the natural environment such as adjacent aquatic areas, vegetation, soils and erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species.
- .5 The ability of the proposed development to provide on-site water and septic disposal or to connect to community services, if available.
- .6 The impact of the proposed development on public infrastructure and community services such as water supply, sewage disposal, fire protection systems, and recycling.
- .7 The aesthetic values of the proposed development such as visual character, integration with public areas and the natural environment, lighting, noise, and odour.
- .8 The impact of proposed development on traffic volumes and roads.
- .9 How the proposed development provides buffers for adjoining farming and rural areas to ensure no negative impact is caused by the proposal.
- .10 The archaeological impact of a proposed development in areas identified to have high archaeological potential.

^{iv} Amendment Bylaw No. 2570, 2012 adopted January 24, 2013

2.0 OFFICIAL COMMUNITY PLAN MAP DESIGNATIONS

The future use and development of land within the Osoyoos Rural area should be consistent with the overall pattern of land use depicted on Schedules 'B', 'C', 'D' and 'E' based on the following land use designations:^v

Rural Designations:

Resource Area	RA
Agriculture	AG
Large Holdings	LH
Small Holdings	SH

Residential Designations:

Low Density Residential	LR
Medium Density Residential	MR

Commercial Designations:^{vi}

Commercial	C
Commercial Tourist	CT

Industrial Designations:

Industrial	I
------------	---

Community Services and Administrative Designations:

Administrative, Cultural and Institutional	AI
Parks, Recreation and Trails	PR ^{vii}
Conservation Area	CA
Okanagan Basin Lakes	BL ^{viii}

The general types of uses encouraged in each land use designation are explained in subsequent sections of this Bylaw.

The Regional Board recognizes that some existing land uses do not conform to the designations shown on the Official Community Plan Maps. The intent of the Regional Board is not to change

^v Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017.

^{vi} Amendment Bylaw No. 2788, 2018 - adopted October 4, 2018.

^{vii} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017.

^{viii} Amendment Bylaw No. 2862, 2020 - adopted January 7, 2021.

the uses of this land in the immediate future but to illustrate the preferred pattern of land use as redevelopment occurs while this Plan is in force.

3.0 BROAD GOALS

The Regional District Okanagan-Similkameen aims to achieve the goals set out for the Osoyoos rural area as a foundation for the objectives and policies of the Osoyoos Rural Official Community Plan.

3.1 Social

- .1 Maintain the rural character of the Plan area by ensuring that future development is compatible with community values expressed while developing this Plan. Community values to be preserved include but are not limited to: scenic vistas, green space, privacy, quality of life, low population density, dark skies and rural ambience.
- .2 Ensure growth is managed so that the quality of life and rural character are maintained.
- .3 Maintain access to and enjoyment of community parks and recreation areas with an emphasis on new development being required to provide green space, and connectivity to public areas.
- .4 Provide services in a manner that reflects the rural character of the community while addressing the needs of the community with respect to medical care and human health, water and air quality, safety, fire protection, governmental and non-governmental services.
- .5 Encourage the conservation of sites and structures with cultural heritage values.

3.2 Economic

- .1 Support and encourage agriculture in the community through preservation of the agricultural land base and restrictions on uses that are not compatible with agricultural activities.
- .2 Support development of all agricultural and agricultural-related business and activities that have an added tourism value.
- .3 Promote economic development that not only supports the unique character of the rural area but also adapts to business and personal needs of the community as demographics shift.
- .4 Encourage small-scale business of an appropriate scale to the rural character of the area, and encourage high density residential, large-scale commercial and heavy industrial to locate near services in urban areas.
- .5 Balance economic development with protection of environmental values.

3.3 Environmental

- .1 Provide a system of protected areas with the primary purpose of preserving and restoring historic aquatic and terrestrial natural habitat, including representative ecosystems, fish and wildlife habitats and movement corridors.
- .2 Protect the quantity and quality of ground and surface water resources through positive development decisions based on sustainable use of those resources.
- .3 Support preserving and restoring natural waterways to improve both ground water quality and a cleaner healthier lake environment for humans, wildlife, and aquatic life.
- .4 Ensure that future development is compatible with the physical nature, resources and limitations of the land base and that growth is planned in a manner that ensures protection for the environment.
- .5 Protect the fragile natural environment for future generations.
- .6 Recognize the inherent value of Osoyoos Lake to the region, and ensure its protection for the use and enjoyment of future generations.
- .7 Balance protection of environmental values with economic development.

3.4 Other

- .1 Keep regulations to a minimum and ensure consistent and appropriate enforcement.
- .2 Ensure communication and community participation in decision making and working collaboratively with adjacent jurisdictions of the Town of Osoyoos and the Osoyoos Indian Band.

4.0 GROWTH MANAGEMENT

4.1 Historical

Osoyoos is a place name for the area where the water is shallow enough to walk across,, and Nk'Mip was originally the name of the village at the north end of Osoyoos

Shelley Witzky, Osoyoos Indian Band

... Osoyoos means 'narrowing of the waters' or 'sand bar across'

'Osoyoos Deserving Of All The Praise It Receives' Christian Cook archivist / researcher Penticton Museum

The Okanagan nation, the Nk'Mip, celebrate thousands of years of Okanagan First Nations habitation on desert lands. The Nk'Mip lands are one of Canada's three most endangered ecosystems and are home to many endangered plant and animal species.

Nk'Mip Desert & Heritage Centre

The rolling, bunch grass hills made an ideal range ... The Hudson's Bay Company servants were quick to see its possibilities. There was always a ready local market for packhorses, and a market for cattle ... The first fruit trees planted in the Okanagan appear to have been those planted by Hiram F. "Okanogan" Smith in 1857 on his tract of land beside Osoyoos Lake ... most orchard development resulted when land speculators bought out the estates of the early cattlemen and subdivided these into ten-, twenty-, forty- or even, occasionally, one hundred-acre lots ... irrigation system[s] were installed ... About 1957, because of an increased demand for grapes by existing and new wineries a new era in grape growing started ... Aware of the pressures urbanization was putting on BC lands the provincial government in ... 1973 brought in the Land Commission Act ... which froze agricultural lands...

A Rich and Fruitful Land, Webber, 1999 p.56, 167, 170, 183, 189

4.2 Background

Osoyoos is located in the Regional District of Okanagan-Similkameen (RDOS) at the south end of the Okanagan Valley on the international border of Canada and the United States of America. The rural Osoyoos area is 313 square kilometres, 2.8% of the total area of the RDOS. Osoyoos is found at the cross roads of Highway 97 and Highway 3. The entire Osoyoos area includes rural Osoyoos, Osoyoos Indian Band lands, and the Town of Osoyoos. The Osoyoos Rural Official Community Plan addresses only the rural area.

Population growth in the Osoyoos area has been moderate but steady. The 1996 - 2001 census indicates the population of rural Osoyoos grew at 0.56% per year, while the Town of Osoyoos grew at 0.80% per year. The 2001-2006 census indicates the population of rural Osoyoos grew at 0.25% per year (or 1.3% for the five year span of the census), while the Town of Osoyoos grew at 2.05% per year (or 10.6% for the five year span of the census).

While historical growth rates are difficult to assess accurately for the rural area due to changes in the Town of Osoyoos' boundary, the 1966 census for the rural population is

shown as 1,794, and Town of Osoyoos 1,166, whereas the 2006 census for the rural and Osoyoos Indian Band population is 1,921, and the Town of Osoyoos population is 4,752. Overall, the population of the Osoyoos area increased by 125% in the past 40 years, which equates to a 2.0% per year growth rate.

The *“Population and Housing Demand for the Okanagan Similkameen Regional District 2001-2031”*, The Real Estate Foundation of BC & The Canadian Land Centre, 2003, estimates population growth at 1% per year, revised downward from its 1996-2026 projection in 1998 of 1.3% per year.

The Osoyoos rural area is capable of accommodating a 1% rate of population growth with its existing land use designations and capacity for subdivision and lot development to the year 2100. The majority of this capacity is being provided through the Willow Beach development, which caters to medium and high density residential demand, and the Regal Ridge development, which caters to rural residential (i.e. small holdings) demand.^{ix}

4.3 Objectives

- .1 To encourage a continued, moderate population growth in order to recognize existing development rights and maintain a healthy economy while protecting the rural character of the Plan area.
- .2 To utilize a wide range of growth management techniques to direct growth to where it will have the most positive and least negative impacts on the community, the agricultural and the natural environment.

4.4 Policies

The Regional Board:

- .1 Encourages the development of existing vacant lots and those lands with development approval prior to redesignating new areas to permit residential use.
- .2 Requires new development on parcels less than approximately 1 hectare to connect to a community sanitary sewer system.
- .3 Encourages all land use within the Agricultural Land Reserve to be in accordance with the provisions of the provincial Agricultural Land Reserve Act, associated regulations, orders and decisions of the Agricultural Land Commission.
- .4 Generally, does not support increasing densities or intensifying land uses within areas designated as an Environmentally Sensitive Development Permit Area or shown as an Important Ecosystem Area on Schedule ‘C’. Increasing densities or intensifying land uses in areas previously zoned to allow such developments, however, will be considered if the development meets the policies and guidelines set out in this Plan.^x

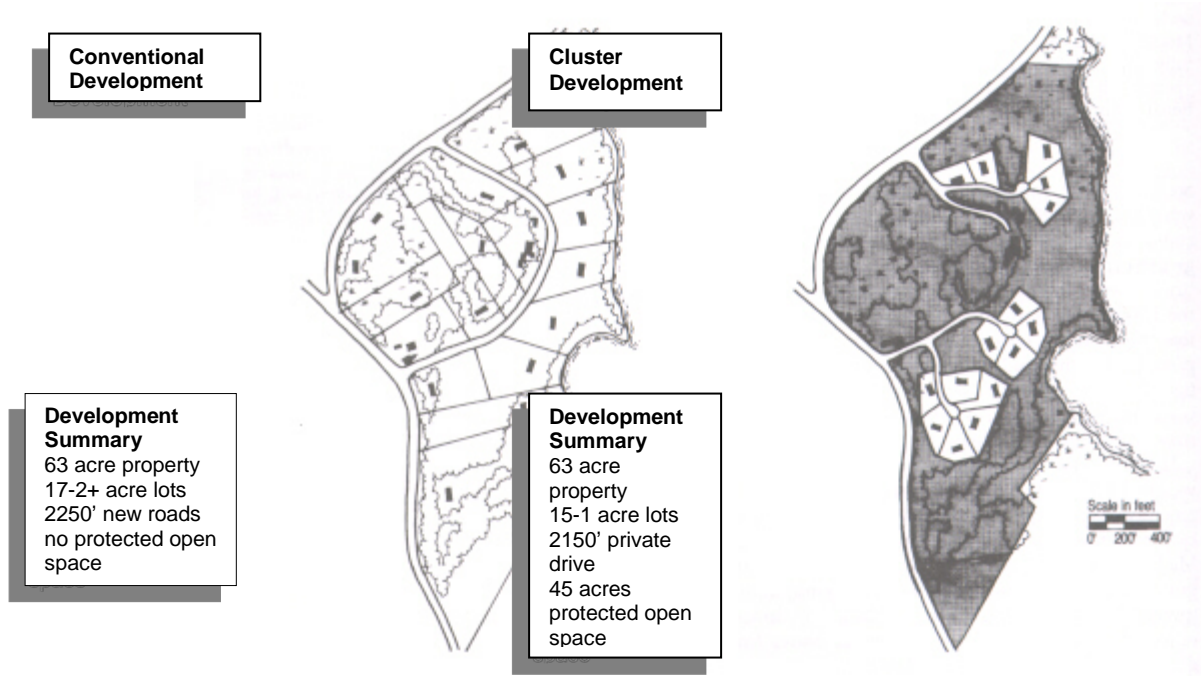
^{ix} Amendment Bylaw No. 2260.19, 2008 adopted April 2, 2009.

^x Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

- .5 Works with land owners whose land is zoned for residential development and is found within an area designated as an Environmentally Sensitive Development Permit Area or shown as an Important Ecosystem Area on Schedule 'C' to consider establishing a different zoning that reasonably reflects the current density and gives due regard to physical constraints and environmental attributes.^{xi}
- .6 Encourages conservation organizations to secure important habitat by means of acquisition, conservation covenants or other stewardship agreements for conservation purposes.
- .7 Generally, directs new urban residential growth to those urban communities within the Plan area that currently have the community infrastructure, services and employment opportunities to sustain higher densities. Where a demonstrated need is identified for servicing parcels adjacent to the urban community, the Regional District may support a boundary expansion within the greater context of growth management for the region.
- .8 Will review the Official Community Plan for consistency with a Regional Growth Strategy that may be approved by the Regional Board in the future.
- .9 Recognizes and supports the 'Okanagan-Shuswap Land and Resource Management Plan (LRMP)' as a means to ensure that local government concerns are addressed with respect to the management of resources in the Plan area.
- .10 Encourages cluster forms of development to reduce the amount of land impacted by residential growth, where the permitted number of units is clustered on part of the site, protecting the remaining area in its natural state, or protecting adjacent important habitat, and may consider alternatives such as comprehensive development zones, density averaging or other methods to achieve this purpose. A proposal for cluster development, as shown in Figure 1, should clearly demonstrate and articulate how environmental, economic and social development sustainability principles are satisfied, and meet the following conditions:
 - a) the total area of land to be subdivided excluding undevelopable land, such as land in the Agricultural Land Reserve, watercourses and leave areas, slopes in excess of 3:1 (30%), divided by the number of lots to be created is no greater than the density permitted under the Zoning Bylaw.
 - b) the parcel configuration and sizes are adequate to accommodate buildings and structures appropriate to the intended use and in compliance with the Zoning Bylaw,
 - c) that a zoning restricting further development and subdivision is applied against the undeveloped part of the parcel(s),
 - d) a long term management plan, including responsibilities and actions, for the future management of the remaining, protected area.

^{xi} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

FIGURE 1 CLUSTER DEVELOPMENT example Source: Arendt, 1999



5.0 RESOURCE AREA

5.1 Background

For the purpose of this section, Resource Areas are described as large parcels of land, primarily 20 hectares or greater, and includes both private and/or Crown land. Typical uses include forest land, grazing or range land, recreation areas, and resource extraction areas. Although it is recognized that local zoning does not apply to Crown land, the 20 hectare minimum parcel size is still applied to Crown land in order to provide regulations upon alienation, and to address Crown leases.

5.2 Objectives

- .1 To recognize that much of the land designated as Resource Area in the Plan area is part of the Okanagan provincial Forest, and to minimize conflicts between these lands and other land uses.
- .2 To maintain the rural character and compatibility of land designated Resource Area.

5.3 Policies

The Regional Board:

- .1 Continues to support a 20 hectare minimum parcel size for 'Resource 'Area' designations in recognition that these areas will remain rural with limited community services and infrastructure.
- .2 Recognizes the jurisdiction of the Province over public Crown land.
- .3 Generally supports Provincial policies on protection and use of working forests and grass land, and discourages development that might conflict with forestry, livestock and grazing operations and management, or protection of important habitat.
- .4 Supports the 'Okanagan-Shuswap Land and Resource Management Plan (LRMP)' as a means to ensure that local government concerns are addressed regarding visual, recreation, timber, range, important habitat and other resources in the Plan area.
- .5 Encourages cluster housing development based on examination of the criteria set out under Section 4.0.
- .6 Will support only those open land recreation use proposals that clearly satisfy sustainable environmental, economic and social development principles, and demonstrate appropriate screening between potentially conflicting uses.
- .7 Supports the wild fire hazard prevention policies set out in Section 13.0 (Hazard Lands) for any proposed residential uses.
- .8 Provides for property owners or occupiers to diversify and enhance uses secondary to Resource Area uses with home industry, home occupation, or bed and breakfast

establishment business opportunities, provided that these developments are compatible with the rural character of the area.

- .9 Does not support the use of lands designated Resource Area (RA) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.^{xii}
- .10 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:^{xiii}
 - i) the parcel under application has an area not less than 2.0 hectares;
 - ii) the maximum size of the plant surface cultivation area is 200.0 m²;
 - iii) confirmation is provided that adequate water and servicing is available to the site; and
 - iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

^{xii} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

^{xiii} Amendment Bylaw No. 2585, 2020 – adopted July 2, 2020.

6.0 AGRICULTURE

6.1 Background

Lands designated as Agriculture on the Official Community Plan maps include areas with potential for agricultural operation or activity generally including but not limited to the production of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, fibre crops and horticultural and aquaculture products, as well as activities associated with the production and processing of these items. Agricultural land primarily includes land in the Agricultural Land Reserve. Agriculture operations and activities, such as livestock grazing, are also dependent on lands located outside of the Agriculture designation on the Official Community Plan maps.

6.2 Objectives

- .1 To preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
- .2 To minimize conflicts between agriculture and other land uses.
- .3 To encourage the agricultural sector's improvement and expansion by pursuing supportive land use policies within and adjacent to farming areas.
- .4 To support any Agricultural Land Reserve boundary changes initiated by the Agricultural Land Commission arising from joint local government and land reserve initiatives which review agricultural suitability in the Plan area, provided affected landowners are notified and have opportunity for input.
- .5 To support a strategy for diversifying and enhancing farm income by creating opportunities for uses secondary to and related to the agricultural use.

6.3 Policies^{xiv}

The Regional Board:

- .1 Directs that the principal use of lands designated as Agriculture on the Official Community Plan Map shall be agriculture.
- .2 Will work with the Agricultural Land Commission to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with provincial Agricultural Land Commission specifications.
- .3 Encourages the rural area to participate in the creation of an Agricultural Advisory Committee to consider and advise the Board on agricultural matters, and the possible preparation of an Agricultural Area Plan.

^{xiv} Amendment Bylaw No. 2450.09, 2014 – adopted September 18, 2014

- .4 Supports the policy direction of the Province to implement the *Farm Practices Protection (Right to Farm) Act*, and associated amendments to the *Local Government Act*.
- .5 Permits parcel sizes to vary depending on respective zoning and decisions of the provincial Agricultural Land Commission, but generally shall not be smaller than 10 hectares for large commercial operations of vine growing and other compatible agricultural uses and 4 hectares for fruit and vegetable farming operations.
- .6 Will consider applications to subdivide parcels smaller than 4 hectares within the Agricultural Land Reserve, subject to approval of the provincial Agricultural Land Commission, in the following cases:
 - a) for a homesite severance under the Agricultural Land Commission’s homesite severance policy;^{xv}
 - b) where the subdivision or boundary adjustment will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes; and
 - c) where the community interests in the subdivision of the land outweigh the community interests in the retention of the land in a larger parcel.

In these cases, the individual parcel sizes within the ‘Agriculture’ designation are subject to approval by the provincial Agricultural Land Commission, and must meet minimum parcel size required to meet the relevant Provincial regulations for septic disposal fields.

- .7 Supports the consolidation of legal parcels that support more efficient agricultural operations.
- .8 Supports the planning of new and modified roads, utility and communication corridors in the Plan area that avoid disruption and fragmentation of existing and potential agricultural land.
- .9 Supports the wild fire hazard prevention policies set out in Section 13.0 (Hazard Lands) for any proposed residential uses.
- .10 Supports directing intensive agricultural operations to larger lots or increasing building setbacks and other possible mitigation measures in the Zoning Bylaw or separate Farm Bylaw to prevent potential conflicts with adjacent uses, subject to compliance with the *Farm Practices Protection (Right to Farm) Act*, and associated amendments to the *Local Government Act*.
- .11 Supports preservation of important values such as wildlife and fish, and where ever possible these should be conserved providing they do not interfere with agricultural practices and the *Farm Practices Protection (Right to Farm) Act*, and associated amendments to the *Local Government Act*.

^{xv} Amendment Bylaw No. 2483, 2010 – adopted April 7, 2011

- .12 Provides for property owners or occupiers to diversify and enhance uses secondary to agricultural uses with home industry, home occupation, or bed and breakfast establishment business opportunities.
- .13 Encourages secondary ‘value added’ uses such as agri-tourism for the purpose of diversifying and enhancing farm income, provided that these developments are compatible with the agricultural character of the area, and that they do not present a potential land use conflict with surrounding properties.
- .14 Encourages the protection of agricultural lands and maximizing productive farm activity.
- .15 Encourages the clustering of buildings, structures and related activities in order to maximize productive farm activities and to minimize areas of development.
- .16 Supports the establishment of housing for year round farm help and seasonal farm workers.
- .17 Will consider permitting the provision of agri-tourism accommodation units in the form of seasonal recreation vehicles (RVs) and tenting sites through a rezoning. The Regional Board will use the following criteria to assess future applications;
 - a) capability of handling of on-site domestic water and sewage disposal;
 - b) impact on agriculturally productive lands;
 - c) impact on adjacent land uses and character of the existing area;
 - d) location relative to existing roads, access and other buildings;
 - d) consideration of visual impacts where development is proposed on hillsides and other visually sensitive areas;
 - e) methods to control potential late night noise and disturbances.
- .18 Does not support the use of lands designated Agriculture (AG) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is not considered an appropriate use of farmland.^{xvi}
- .19 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:^{xvii}
 - a) the parcel under application has an area not less than 2.0 hectares;
 - b) the maximum size of the plant surface cultivation area is 200.0 m²;
 - c) confirmation is provided that adequate water and servicing is available to the site; and

^{xvi} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

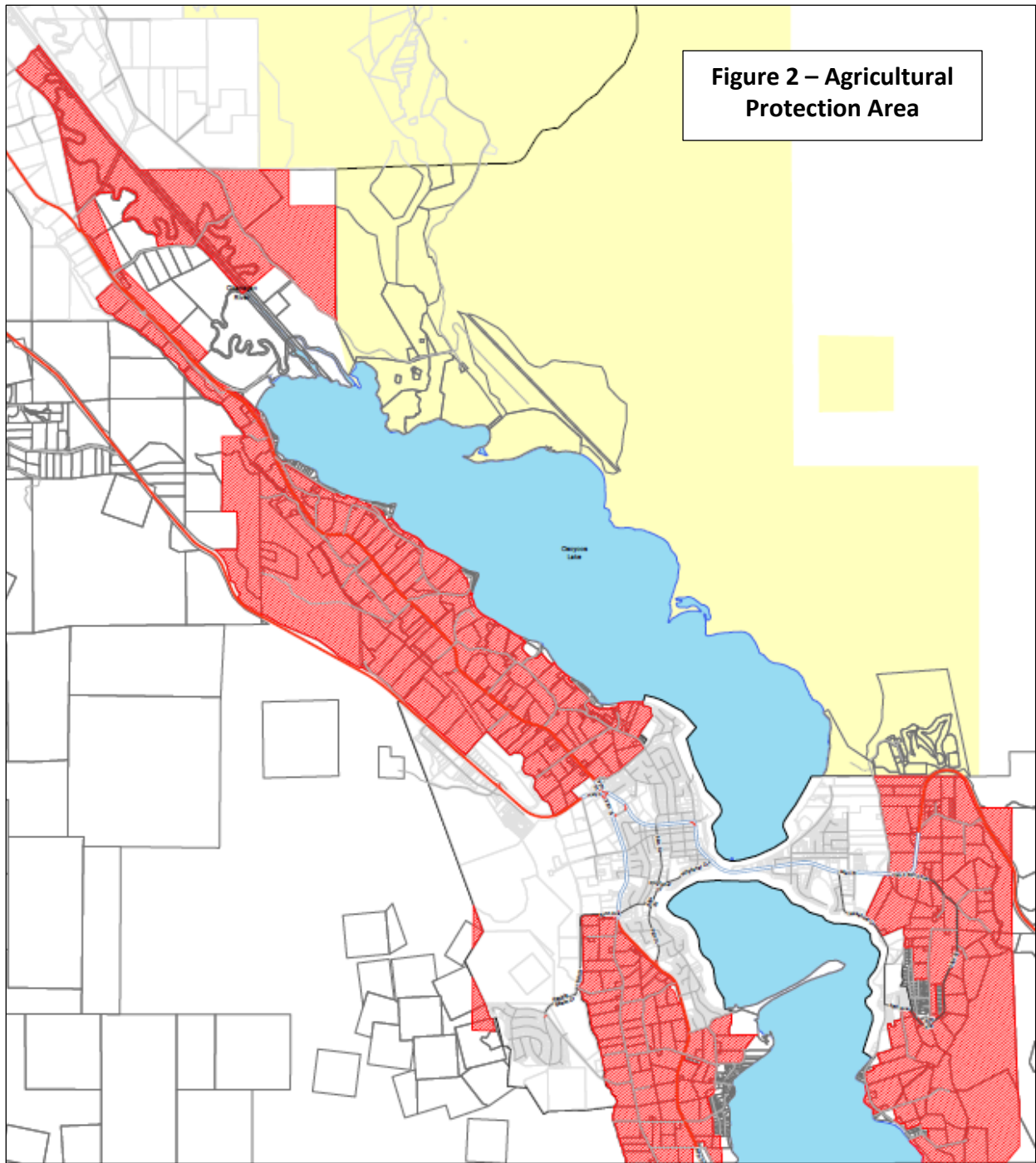
^{xvii} Amendment Bylaw No. 2858, 2020 – adopted July 2, 2020.

- d) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.
- .20 Recognises that production of cannabis in the Agricultural Land Reserve is considered a permitted “farm use” by the Agricultural Land Commission if produced outdoors in a field or inside a structure that has a base consisting entirely of soil and cannot be prohibited by local government bylaw.^{xviii}

Agricultural Protection Area Policies

- .21 Considers the extension of the Town of Osoyoos’ Northwest Sector Sewer Service along Osoyoos Lake to be primarily for the protection of water quality and not in support of facilitating future non-agricultural development on the agriculturally designated properties.
- .22 Will generally not support applications seeking to rezone lands designated as Agriculture, within the Agricultural Protection Area, or exclude land from the Agricultural Land Reserve for the purposes of future urban, recreation or amenity uses.

^{xviii} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.



7.0 RURAL HOLDINGS

7.1 Background

Rural holdings include land use designations for Large Holdings and Small Holdings, and range from large to medium sized parcels.

The Large Holdings designation, typically smaller than resource area parcels, includes large parcels of land generally used for ranching, grazing, general resource management, outdoor recreation, fish and wildlife habitat, and other uses that fit with the character of this area. Large Holdings areas are generally undeveloped except for limited utility and access corridors, as well as one principal single detached dwelling per parcel.

The Small Holdings designation includes medium sized parcels of land generally used for rural residential, part time farming, limited agriculture, limited resource management, home industry uses and other uses that fit with the character of the area.

7.2 Objectives

- .1 To retain and enhance the rural character of rural holdings.
- .2 To retain land designated Large Holdings in as natural a state and at a low density of development to the greatest extent possible.
- .3 To preserve and protect areas with environmentally sensitive values and encourage conservation stewardship within the Large and Small Holdings designation.^{xix}
- .4 To minimize the effects from wildfires from the interface area where residential development adjoins forested areas and where there is an identified wildfire hazard.

7.3 Policies

The Regional Board:

- .1 Directs that Large Holdings parcel sizes should not be less than 4 hectares to ensure that large parcels of land in these areas are protected.
- .2 Has established a range of densities and parcel sizes for areas designated as Small Holdings to provide for a rural or semi-rural, country residential lifestyle ranging in minimum parcel size from 2 hectares to 0.4 ha, subject to servicing requirements.
- .3 Considers that a proposal to create additional land designated Rural Holdings should clearly demonstrate and articulate the need for it in the context of its impact on the community, and will use the following criteria to assess future applications:
 - a) capability of the natural environment to support the proposed development;
 - b) capability of accommodating on-site domestic water and sewage disposal;

^{xix} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

- c) impact on the natural environment;^{xx}
 - d) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - e) compatibility with adjacent land uses and designations, and the character of the existing area;
 - f) proximity and access to existing roads and other community and essential services;
 - g) consideration of visual impacts where development is proposed on hillsides and other visually sensitive areas; and
 - h) type, timing and staging of the development.
- .4 Encourages voluntary environmental stewardship on private land within rural holdings designations.
 - .5 Encourages the Regional Subdivision Approving Authority to ensure that development or subdivision located within Rural Holdings areas allow for public access to Crown land.
 - .6 Encourages cluster housing development based on examination of the criteria set out under Section 4.0 (Growth Management).
 - .7 Supports the wild fire hazard prevention policies set out in Section 13.0 (Hazard Lands) for any proposed residential uses.
 - .8 Provides for property owners or occupiers to diversify and enhance uses secondary to rural holdings with home industry, home occupation, or bed and breakfast establishment business opportunities, and including affordable housing in the form of secondary suites, provided that these developments are compatible with the rural character of the area.
 - .9 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.^{xxi}
 - .10 Supports secondary suites and accessory dwellings in the Large Holdings (LH) and Small Holdings (SH) designations, subject to accessory dwellings on parcels less than 1.0 ha in area being connected to a community sewer system.^{xxii}
 - .11 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:^{xxiii}
 - i) the parcel under application has an area not less than 2.0 hectares;

^{xx} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

^{xxi} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

^{xxii} Amendment Bylaw No. 2785, 2020 – adopted February 20, 2020.

^{xxiii} Amendment Bylaw No. 2858, 2020 – adopted July 2, 2020.

- ii) the maximum size of the plant surface cultivation area is 200.0 m²;
- iii) confirmation is provided that adequate water and servicing is available to the site; and
- iv) if the parcel of land that is the subject of an application adjoins a Low or Medium Density Residential zone, the micro cannabis production facility will be setback 60.0 metres from that zone boundary.

8.0 RESIDENTIAL^{xxiv}

8.1 Background

There are two residential land use designations recognized within this Plan. Rural Holdings (i.e., Large Holdings and Small Holdings) are not included as residential designations.

- **Low Density Residential (LR):** generally includes single detached dwellings, mobile homes, duplexes, and complementary secondary uses such as daycares, preschools, and parks which are integral to a low density residential neighbourhood.
- **Medium Density Residential (MR):** generally includes townhouses, triplexes, fourplexes, and those complementary secondary uses such as daycares, preschools, and parks, which are integral to a medium density area.

Low Density Residential (LR) development in the Plan Area has typically occurred adjacent to or near Osoyoos Lake and low-density single detached dwellings are the predominant housing form throughout the Plan Area. Other forms of low-density residential housing include semi-detached, and manufactured homes.

Medium Density Residential (MR) designated lands in the Plan Area are limited and exist at the north end of Osoyoos Lake and also near the Town of Osoyoos.

Under the South Okanagan Regional Growth Strategy (RGS) Bylaw, Willow Beach and Osoyoos Mountain Estates have been designated as Rural Growth Areas in the Plan area, while the Town of Osoyoos is a designated Primary Growth Area.

The Plan supports these designations by directing new LR and MR designations to Rural Growth Areas, subject to servicing, as well as to Primary Growth Areas (i.e. Town of Osoyoos), and that proposed high density residential developments also be directed to Primary Growth Areas.

8.2 Objectives

- .1 Direct new residential development to existing serviced areas, within designated Primary and Rural Growth Areas to protect the predominately rural character of the Plan Area.
- .2 Minimize impacts from new residential development on the natural environment.
- .3 Accommodate a range of housing types and tenures to meet the socio-economic needs of the community.
- .4 Direct new residential development away from hazard lands, critical habitat areas, and watercourses.

^{xxiv} Amendment Bylaw No. 2804, 2019 – adopted February 6, 2020.

8.3 Policies - General Residential

The Regional Board:

- .1 Directs the development of new housing to existing vacant lots (with servicing), or previously approved residential subdivisions, prior to considering more residential development on non-residential designations in identified Primary and Rural Growth Areas.
- .2 Encourages residential infill development to maximize land use and servicing efficiencies.
- .3 Supports a range of residential densities and parcel sizes for the existing residential areas in the Plan Area.
- .4 Supports housing for a range of income levels, lifestyles and ages including rental housing and secondary suites where appropriate and feasible.
- .5 Will assess proposed residential developments on the following development criteria:
 - a) capability of accommodating on-site domestic water and sewage disposal, or the availability of community water or sewer;
 - b) ability of community water or sewer systems to be extended to existing neighbouring subdivisions which are presently un-serviced;
 - c) proximity to Environmentally Sensitive Development Permit Areas;
 - d) proximity to Watercourse Development Permit Areas;
 - e) impact on adjacent land uses and character of the existing area;
 - f) proximity to existing roads and other community and essential services;
 - g) susceptibility to natural hazards including, but not limited to, flooding, soil instability, land slide, rockfall, moderate or higher forest fire;
 - h) parkland dedication; and
 - i) demonstration of housing need, and provision for a variety of housing types.
- .6 Will evaluate any new residential development on its implications and impacts on adjacent lands designated as Agriculture (AG).
- .7 Encourages new developments that abut agricultural land or livestock grazing land to provide perimeter fencing.
- .8 Encourages residential development that abuts land designated Agriculture (AG) to provide buffers pursuant to Ministry of Agriculture guidelines.
- .9 Requires that new parcels to be created by subdivision that are less than 1.0 hectare in area be connected to a community sanitary sewer system.
- .10 Requires that accessory dwellings on parcels less than 1.0 hectare in area be connected to a community sanitary sewer system.

- .11 Requires that secondary suites on parcels less than 1.0 hectare in area be connected to a community sanitary sewer system or the same septic system that serves the principal dwelling unit.
- .12 Encourages new residential development to locations away from Osoyoos Lake to protect this important resource, reducing human impact on the lake and maintaining and improving water quality and habitat, and encourages a strong component of redesign for redevelopment of areas adjacent to the lake.
- .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).^{xxv}

8.4 Policies - Low Density Residential

The Regional Board:

- .1 Generally supports the use of lands designated Low Density Residential (LR) identified in Schedule ‘B’ (Official Community Plan Map) for single detached dwellings, duplexes, secondary suites, accessory dwellings, manufactured home parks, parks, religious buildings and facilities, institutional buildings, local convenience stores and other uses that fit with the low density residential character of the designation.
- .2 Support a maximum net density for single detached dwelling units on lands designated Low Density Residential (LR) to be 30 units per hectare for areas served by a community water system and a community sewage treatment system. The calculation of net density does not include accessory dwellings and secondary suites.
- .3 Supports a maximum net density for duplexes on lands designated Low Density Residential (LR) to be 45 dwelling units per hectare for areas served by a community water system and a community sewage treatment system.
- .4 Supports the re-designation of lands to Low Density Residential (LR) only within designated Primary and Rural Growth Areas in order to achieve lower servicing costs and to minimize environmental impacts.
- .5 Supports home occupations and bed and breakfasts within a single detached dwelling provided the operation does not have an unacceptable negative impact on the surrounding homes and the quality of life of existing residents.

8.5 Policies - Medium Density Residential

The Regional Board:

- .1 Generally supports the use of lands designated Medium Density Residential (MR) identified in Schedule ‘B’ (Official Community Plan Map) for multi-family developments, including triplexes, fourplexes, townhouses and apartment buildings that fit with the residential intent of the designation.

^{xxv} Amendment Bylaw No. 2858, 2020 – adopted July 2, 2020.

- .2 Supports a maximum net density on lands designated Medium Density Residential (MR) of 60 dwelling units per hectare for areas served by a community water system and a community sewage treatment system.
- .3 Supports the re-designation of lands to Medium Density Residential (MR) only within designated Primary and Rural Growth Areas in order to achieve lower servicing costs and to minimize environmental impacts.
- .4 Encourages affordable, community care housing, seniors housing, and special needs housing in Medium Density Residential (MR) areas.
- .5 Requires a high standard of architectural building design and landscaping for medium density residential development by supporting the inclusion of lands designated as Medium Density Residential (MR) in a Multi-Family Development Permit Area.
- .6 Will avoid locating Medium Density Residential (MR) development next to land designated as Agriculture (AG). If multiple family development is to be located near land designated as Agriculture (AG), then the following steps must be taken:
 - a) buffering should be constructed in accordance with Ministry of Agriculture guidelines;
 - b) the ground floor of the building should be set back far enough from the agricultural use to minimize conflicts; and
 - c) the building should be designed to step back away from the Agriculture land as the building increases in height.

8.6 Policies - Vacation Rental

- .1 Supports the provision of paid accommodation for visitors through the short-term rental of residences provided that community and neighbourhood residential needs and other land use needs can be addressed.
- .2 Supports the use of a residence for short-term vacation rental where permitted by a Temporary Use Permit. The Regional Board may use the following criteria to assess applications:
 - a) capability of accommodating on-site domestic water and sewage disposal;
 - b) mitigating measures such as screening and fencing;
 - c) provision of adequate off-street parking;
 - d) confirmation that the structure proposed complies with the BC Building Code; and
 - e) benefits that such accommodation may provide to the community.

9.0 COMMERCIAL^{xxvi}

9.1 Background

Commercial development in the Plan area is generally limited to existing commercial sites along Highway 97 and Highway 3, and adjacent to Osoyoos Lake. The Plan recognizes that large scale service and commercial development will be directed to existing settlement areas, such as the Town of Osoyoos, which are better able to function as service centers.

9.2 Objectives

- .1 Maintain the current level of local commercial sites to serve the existing communities and tourists, and expand services as future growth may dictate.
- .2 Direct major commercial development to Primary Growth Areas.
- .3 Support existing and new recreation and resort commercial opportunities.
- .4 To minimize land use incompatibility between commercial activities and surrounding land uses.
- .5 To ensure the scale of all commercial developments harmonize with the natural surroundings and the rural character of the Plan area.

9.3 Policies – General Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial (C) identified in Schedule 'B' (Official Community Plan Map) for smaller-scale, neighbourhood-serving commercial activities.
- .2 Limits local commercial uses to those existing designated areas, or to areas where they may be developed in conjunction with future residential or commercial tourism developments.
- .3 Limits highway commercial development along Highways 97 to parcels already zoned accordingly, or designated as Commercial (C) or Commercial Tourist (CT).
- .4 Will work with the Ministry of Transportation and Infrastructure to help ensure safe access and egress for commercial areas fronting Highway 97.
- .5 Directs major office, service and general business commercial uses to Primary Growth Areas such as the Town of Osoyoos, which have the necessary infrastructure and support services.
- .6 Encourages an attractive and safe highway streetscape by including provisions for adequate off-street parking requirements, landscaping and screening, height

^{xxvi} Amendment Bylaw No. 2788, 2018 - adopted October 4, 2018.

requirements, signage and drainage within the implementing bylaws for commercial uses.

- .7 Supports redirecting existing commercial development adjacent Osoyoos Lake to upland areas, and the redevelopment of these area to Low Density Residential with a strong component of redesign to protect environmental and riparian values.
- .8 Encourages future commercial development to locations away from Osoyoos Lake to reduce human impact on the lake, and in order to maintain and improve water quality and habitat.
- .9 Does not support the use of lands designated Commercial (C) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use of commercial lands.^{xxvii}

9.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.
- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.
- .3 May support proposed tourist and resort developments that:
 - a) are located outside the Agricultural Land Reserve;
 - b) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - c) enhance adjacent land uses or the character of the existing area;
 - d) can be accessed safely from local highways (Highway 97 & 3);
 - e) can be adequately serviced by emergency services, in particular fire protection;
 - f) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
 - g) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
 - h) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.

^{xxvii} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

10.0 INDUSTRIAL

10.1 Background

Industrial activities are provided for under the Industrial land use designation. The zoning provides for one light industrial designation. Industrial uses may range from manufacturing, assembly, processing, machining, fabricating, service and repair of equipment, and trucking, to removal of aggregate and mineral resources, wholesaling, warehousing, storage, and limited associated retail sales. The principal industrial activity in the Plan area is light, small scale industrial, and the Plan recognizes that heavy industrial development will be directed to existing settlement areas, such as the Town of Osoyoos, which are better able to function as service centers.

10.2 Industrial Objectives

- .1 To provide for small scale, light industrial activities servicing the needs of local residents.
- .2 To minimize land use incompatibility and conflicts between industry and surrounding land uses.
- .3 To ensure that all industrial development is in scale with and appropriate to the character of the rural community and does not adversely affect the natural environment.
- .4 To support a strategy of directing major industrial development to urban areas where services are more readily available.

10.3 Industrial Policies

The Regional Board:

- .1 Recognizes the maintenance and enhancement of existing industry located in areas designated for industrial use, and supports new small scale light industry so that a broader employment base may be achieved.
- .2 Directs new small scale light industrial development away from highways to protect the visual character of the rural area, and to achieve a proper distribution of traffic flow throughout the road network.
- .3 Encourages existing industrial development located on Osoyoos Lake to reduce its impact on the lake in order to maintain and improve water quality and habitat.
- .4 Directs major and heavy industry to the urban area that has the necessary infrastructure and support services.
- .5 Will consider small scale light industrial development proposals that reflect the needs of the local community and provide for local employment, and will use the

following criteria, in addition to the criteria for major or heavy industrial development where appropriate in the following policy, to assess future applications:

- a) impact on farm land;
 - b) capability of accommodating on-site domestic water and sewage disposal;
 - c) capability of the natural environment to support the proposed development;
 - d) compatibility with adjacent land uses and designations, and the character of the existing area;
 - e) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - f) proximity and access to the existing road network;
 - g) mitigation of visual impacts where development is proposed on hillsides and other visually sensitive areas;
 - h) provides for solid screening or other mitigation works from adjacent land uses and designations to lessen its impact (visual, loading, noise, odour, parking, etc. impacts);
 - i) exhibits an attractive and safe streetscape by providing for adequate off-street parking requirements, on-site landscaping, and appropriate signage.
- .6 Strongly discourages major or heavy industrial development in the rural area, particularly on farm land, and therefore, a proposal to create this type of industrial development should clearly articulate the need for it, analyze its impact on the rural community, and demonstrate how it will respect the character of the rural area. The Regional Board will use the following criteria, in addition to the criteria for small scale light industrial development in the former policy, to assess future applications:
- a) provides access without constructing new roads or utility corridors through areas designated or identified as environmentally sensitive on Schedule 'C', Agricultural Land Reserve, hazard areas, and without creating permanent scarring on slopes visible from major roads or residential areas;^{xxviii}
 - b) provides for development of new, or upgrading of existing, roads and community services;
 - c) provides for screening from adjacent land uses and designations, and to lessen visual impacts where development is proposed on hillsides or in critical views; and,
 - d) provides for collection and retention works for surface runoff, and collection and treatment works for domestic wastewater.

^{xxviii} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

- .7 Permits home industries as an accessory use in the Resource Area, Agriculture and certain Rural Holdings designations, provided that these developments are compatible with the character of the area, provided they do not present a potential land use conflict with surrounding properties, and subject to provisions of pertinent bylaws and Acts.
- .8 Discourages industrial activities that are considered noxious or emit large volumes of pollutants, or are otherwise detrimental to the environment, neighbouring properties and the community as a whole.
- .9 Supports the use of lands designated Industrial (I) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is considered an appropriate use of industrial lands.^{xxix}

Aggregate and Mineral Resources

10.4 Aggregate and Mineral Resources Objectives

- .1 To protect non-agricultural lands having recoverable aggregate or mineral resources from development or adjacent uses that would limit or prohibit extraction.
- .2 To designate areas capable of long-term aggregate processing as industrial.
- .3 To minimize conflicts between sand and gravel processing operations and adjacent land uses.
- .4 To support the Province to require rehabilitation and reclamation of resource extraction sites.

10.5 Aggregate and Mineral Resources Policies

The Regional Board:

- .1 The Province is encouraged to refer mineral exploration proposals to the Regional District for comments and give due consideration to the impact of resource extraction activities on surrounding land uses and developments.
- .2 Will consider rezoning applications for the processing of aggregate resources on the basis of a variety of criteria, including:
 - a) extent of visual screening, and other mitigation works proposed;
 - b) type of processing proposed;
 - c) prevailing wind direction, and the potential for noise and dust;
 - d) compatibility with adjacent land uses;

^{xxix} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

- e) environmental sensitivity of the site, and adjacent lands as shown on Schedule 'C';^{xxx}
 - f) accessibility; and
 - g) characteristics of aggregate deposits and groundwater resources.
- .3 Encourages the Province not to issue new surface leases and permits for mineral processing near designated residential areas unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.
 - .4 Encourages the Province to include in their licensing, the rehabilitation of aggregate extraction and processing sites after extraction and processing are completed.
 - .5 Will consider permitting sand or gravel extraction or processing if the land is located in the Agricultural Land Reserve only when in conformity with a decision of the Agricultural Land Commission.
 - .6 Will consider implementing conditions set by the Agricultural Land Commission to mitigate the impact of aggregate extraction and processing sites.
 - .7 Will consider the utilization of recoverable deposits prior to subsequent development in areas where recoverable deposits are located.

^{xxx} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017.

11.0 ADMINISTRATIVE, CULTURAL & INSTITUTIONAL

11.1 Background

The Administrative, Cultural and Institutional land use designation generally refers to public, non-profit or utility uses such as schools, churches, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement district buildings. Cultural and historic sites are also included within this designation. The Plan recognizes that administrative, cultural and institutional development will generally be directed to existing settlement areas, such as the Town of Osoyoos, which are better able to function as service centers.

11.2 Objectives

- .1 To support a strategy of directing administrative and institutional development to urban areas where services and amenities are more readily available, and where they best serve the needs of residents.
- .2 To recognize and validate heritage, cultural and historical sites in cooperation with appropriate provincial ministries, committees, societies and organizations.

11.3 Policies

The Regional Board:

- .1 Generally discourages administrative and institutional uses from locating in rural areas, particularly on agricultural land, and directs them to the urban area which has the necessary infrastructure and support services, and therefore, a proposal to introduce major this type of development in the rural area should clearly articulate the need for it, analyse its impact on the rural community, and demonstrate how it will respect the character of the rural area.
- .2 Supports locating fire halls and community halls in the rural area as development requires, and the needs of the community change.
- .3 Supports the Province, First Nations and other interest groups in identifying and protecting features and sites of scenic, architectural, historical or archaeological significance within the Plan area.
- .4 Encourages the development community to consider cultural and heritage resources in project planning and design.

12.0 PARKS, RECREATION AND TRAILS^{xxx}

12.1 Background

Parks are generally publicly owned areas that provide an opportunity for individuals to pursue leisure and recreation activities. In the Plan Area, parkland includes Crown land, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

Some of the types of park and recreation facilities under the Parks, Recreation and Trails (PR) designation in the Plan Area include:

- **Regional Parks:** Osoyoos Lake Regional Park is operated and maintained by the Regional District.
- **Kettle Valley Railway (KVR) Trail:** The sections of the KVR Trail that are publically owned and maintained by the Regional District are designated Park, Recreation and Trails.
- **Provincial Recreation Areas:** swiws Provincial Park (formerly Haynes Point) is a provincially designated Recreation Area.

The Plan Area also provides diverse recreation opportunities for a range of trail users. Local residents use the trail system for activities ranging from an evening stroll along the KVR to commuting to work from one community to another, to active motorized and non-motorized trail-based recreation. Visitors also frequent the Plan Area's trails to participate in a wide range of activities from walking and backcountry hiking to cycle touring and off-road vehicle recreation.

Together, parks and trails provide a valued amenity for Plan Area residents and visitors and provide important environmental benefits. While the Plan Area includes only one small regional park, the need for additional community parks is moderated both by the area's small population and the extensive opportunities available on Crown land, area lakes, and in provincial protected areas. It is also a challenge to provide community park services to areas with small, dispersed populations.

Provincial legislation authorizes the provision of land to the Regional District as parkland — equivalent in size to 5% of the parcel being subdivided. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Osoyoos Lake access, although the Regional District will consider acquiring new parkland as opportunities arise.

In 2012, the Regional District adopted a *Regional Trails Master Plan* that defines future direction, policies, priorities, standards and actions for the Regional District and its partners with respect to existing and potential future linear parks and trails and support of a regional trail network. The plan provides the basic framework to define and guide

^{xxx} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

regional trail development and management through to 2021.

See Schedule 'E' (Road and Trail Network Plan) for a map of designated trails in the Plan Area.

12.2 Objectives

- .1 Provide a level of parks and recreational opportunities that can meet the needs of local residents, within their ability and resources to pay for such facilities.
- .2 Promote recreational opportunities that meet local needs and complement the natural environment and existing resources.
- .3 Improve and maintain public access to park and recreation resources.
- .4 Promote the development of an integrated trail and park system.
- .5 Identify and work to acquire parks and recreation sites to meet the present and future needs of residents.

12.3 Policies

The Regional Board:

- .1 Encourages that all new trail projects are designed and constructed using provincial best management practices, in order to minimize the impact on the natural environment.
- .2 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .3 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .4 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .5 Encourages the Province to undertake a backcountry recreation planning process.
- .6 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .7 Seeks to work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .8 Seeks to work with regional partners to ensure that trails within Plan Area boundaries include adequate parking, bear-proof garbage and recycling receptacles, and signage where feasible and appropriate.
- .9 Supports trail use guidelines that promote "leave no trace" trail use.
- .10 Supports the continued public use of Osoyoos Lake Park.

- .11 Supports the designation of the abandoned irrigation canal right-of-way situated west of Osoyoos Lake as Park in order to protect options for future use as a recreation and/or utility corridor.
- .12 Seeks to review this Official Community Plan for consistency with any National Park proposal approved by the Federal Government and which affects lands within the Plan Area.
- .13 Recognizes that parkland corridors located along the Okanagan River channel are located within a flood control right-of-way, and that the Province needs to undertake and maintain flood control works, activities and devices within the PR designation.
- .14 Seeks to continue to work towards developing a comprehensive system of linear parks, trails and pedestrian linkages throughout the Plan Area to accommodate a variety of uses, including but not limited to: walking, running, bicycling, horseback riding and cross country skiing.
- .15 Seeks to ensure that future linear parks, trails, and pedestrian linkages connect to existing and future parks, schools, Crown land, and natural open space, and allow for easy pedestrian access through residential areas.
- .16 Seeks to continue to provide universal access to recreational amenities in the Plan Area, including parks, trails, facilities and programs.
- .17 Strives to ensure that there are recreational opportunities that suit a variety of age groups and interests.

12.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount up to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;

- b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:
 - i) vehicular ingress and egress should meet or exceed Ministry of Transportation standards;
 - ii) in the case of trails and pedestrian-access only parks, there should be various linkages to and from the trail or park, with at least one linkage wide enough to allow for maintenance vehicle access;
 - e) cultural or natural features of significance;
 - f) potential for additional dedication of parkland from subdivision applications of surrounding parcels; and
 - g) potential for recreation (active park), conservation (passive park) or enhancement of public access.
- .5 Considers that park land proposals should provide a benefit for the community and those lands with no benefit to the community should not be accepted.
- .6 Strongly prefers that land being considered for parkland be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed parkland is to be used for recreational uses which require cleared lands, or can be reclaimed for park purposes.
- .7 Encourages developers to dedicate greater than 5% parkland in areas where parkland is desired.
- .8 Considers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, the preference is that the benefits accrue to those communities from which the funds are received.
- .9 Where environmentally sensitive areas or Critical Habitat for species at risk have been identified, encourages developers to donate such lands to a conservation organisation or the Regional District in addition to the parkland or cash in-lieu required by the Act.

13.0 NATURAL ENVIRONMENT & CONSERVATION^{xxxii}

13.1 Background

The South Okanagan-Similkameen is recognized as a region that combines a wide range of natural habitat areas with a large number of unique species, many of which are not found elsewhere in the province or in Canada. The area is also home to the largest number of endangered and threatened species of plants and animals in BC and Canada.

The variety of life (also called biodiversity) is very high in the South Okanagan-Similkameen, because of the region's milder climates and diversity of landscapes. Species at risk are linked to human settlement areas and land use. As the Plan Area contains significant developed areas and a variety of land uses including recreation, agriculture, forestry areas and the like, it also contains a high number of species at risk.

The Plan Area itself is home to many unique environmental features, including Kruger Mountain, Richter Pass as well as various lakes and streams important to biodiversity in the area.

Under the *Local Government Act*, the Regional District has the authority to establish Development Permit (DP) Areas in order to protect the natural environment, its ecosystems and biological diversity.

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess "high" and "very high" ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and is described further in Section 18.2 of this Plan.

Some other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule 'C' as an "Important Ecosystem Area" and is described further in Section 18.2 of this Plan.

As a local government listed under Section 3 of the *Riparian Areas Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lands within 30 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 18.3 of this bylaw.

For maps of development permit areas and other environmentally sensitive areas in the Plan Area see Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).

^{xxxii} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017.

13.1.1 Objectives - General

- .1 Maintain and sustain a healthy environment by encouraging the enhancement of ecological systems and by protecting biodiversity.
- .2 Integrate measures to sustain environmental quality and consider impacts on the environment in future land use decisions.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to important landscape features such as watercourses, hillsides, and sensitive ecosystems of the Okanagan.
- .4 Support efforts to protect source water quality and quality today and for future generations.

13.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 18.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

13.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes one large lake, Osoyoos Lake, and several smaller lakes including Spotted, Kilpoola, Blue, and Richter Lakes. The Plan Area also includes the Okanagan

River and various smaller streams including Haynes Creek, Nine Mile Creek, Inkameep Creek among others.

The Plan Area is generally dry and riparian areas tend to be unusually productive and support a disproportionately high number of species. In addition, riparian and foreshores areas tend to have significant land use and development impacts. Most wetlands that once occurred in the Okanagan have been lost to infilling, development, roads, agriculture etc. Thus, the areas that remain are very important to retain. Many species and species at risk require riparian habitats for some part of their life cycle.

Activities in riparian areas have potential to impact water quality, affect erosion, damage fish habitat and impact habitat for species at risk.

Trees like Black Cottonwood that once were common in these areas have been removed and replaced with non-native trees or invasive trees like Russian Olive and Siberian Elm. Some limited areas of willow, birch, red osier dogwood and other shrubs remain in foreshore areas, but much of the developed area has been replaced by lawns and landscaped yards. Road construction near, or within riparian areas is also common. Agriculture impacts are significant and range from infilling to cultivation and livestock use.

Because riparian and foreshore areas are so strongly connected to both habitats for species at risk and water quality through groundwater/surface water, it is vital that land use practices protect riparian areas by retaining and restoring native species, and ecosystems. Natural riparian areas provide significant ecosystems benefits that costly water treatment and recovery planning for species at risk cannot replace.

Generally land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 18.3). Other activities that are subject to regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

13.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).
- .3 Improve and better manage waterfront public access along the Osoyoos Lake shoreline, while limiting the overall number of public access points.

- .4 Minimize and avoid development in high hazard soil instability areas on the Osoyoos Lake foreshore and riparian area.
- .5 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.
- .6 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .7 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

13.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Areas Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 18.3 (Watercourse Development Permit Area) of this Plan unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'D'.
- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.
- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and requires environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.

- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

13.3 Terrestrial Areas

Terrestrial areas are simply described as the areas upland or beyond water. They include areas with grassland and shrub-steppe, sparsely vegetated, broadleaf woodlands, coniferous woodlands and old forest ecosystems. Many at risk species are found in terrestrial ecosystems in the Plan Area.

Like foreshore and riparian areas, terrestrial areas also contain areas sensitive to development and land use. Of the various ecosystem types, the grassland and shrub-steppe ecosystems are particularly sensitive to disturbance and subject to habitat loss through development, agriculture conversion, impacts from invasive plants, and habitat loss resulting from recreation use.

Significant proportions of sensitive terrestrial habitat have been provincially recognized and protected in the Plan Area and include: the Haynes & Field Lease Ecological Reserves, Anarchist Mountain Protected Area, and South Okanagan Grasslands Protected Area. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

13.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for species at risk in the Plan Area.
- .3 Work cooperatively with regional partners and support rehabilitation, restoration and enhancement of wildlife habitats and environmentally sensitive areas that have been subject to negative impacts in the past.
- .4 Encourage and facilitate linkages of protected habitat areas.

13.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has on Schedule 'C':
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or

- b) Identified these lands as an “Important Ecosystem Area”.
- .2 Requires that land designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP) in accordance with the guidelines outlined at Section 18.2 of this Plan unless an exemption applies.
- .3 Considers that land identified as an “Important Ecosystem Area” should generally be retained in a natural state and, if a re-designation of the land under the OCP or a re-zoning of the land under the Zoning Bylaw is proposed, that these lands be considered for inclusion in the Environmentally Sensitive Development Permit Area in Schedule ‘C’.
- .4 Encourages the parcel sizes of land designated as an Environmentally Sensitive Development Permit Area or identified as an Important Ecosystem Area on Schedule ‘C’ to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or the re-zoning of land under the Zoning Bylaw where it is determined that the proposed development is contrary to the ESDP Area Guidelines of this Plan and the impact cannot be mitigated to a level acceptable to the Regional Board.
- .6 Will strive for development that avoids impacting important native species, habitats, ecosystems or sensitive areas and to retain important ecosystem features and functions. Responsiveness to this policy will be a very important consideration in the approval of an application.
- .7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a) donation of areas to the Regional District or provincial government;
 - b) donation of areas to a land trust or conservation organization;
 - c) introduction of conservation area designation and zoning;
 - d) creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - e) establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - f) establishment of long-term leases for sensitive areas;
 - g) land stewardship and participation in conservation initiatives by the private landowner; or
 - h) consideration of alternative development standards.
- .8 Supports conserving, enhancing and promoting the protection of wildlife corridors and ecosystem connectivity with interfacing Crown lands.

- .9 Encourages the use of native vegetation to restore disturbed sites.

13.4 Conservation Areas

For the purpose of protecting environmentally sensitive areas (ESAs), the Regional District may designate lands as Conservation Area (CA). The Conservation Area designation is applied to land that is preserved and protected for its unique natural value, land left in a natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the CA designation applies to a large area at the head of Osoyoos Lake held by various conservation organisations. In addition, approximately 50% of the Regal Ridge development situated on Anarchist Mountain was set aside for conservation purposes in 2004.

For a map of Conservation Areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

13.4.1 Objectives

- .1 Protect and steward designated Conservation Areas in their natural or semi-natural state for the purpose of conserving plant life and providing habitat for wildlife or fish.
- .2 Work with agencies and partners, including local First Nations to enhance, protect and interpret ecological systems and biodiversity in Conservation Areas.
- .3 Work with property owners and agents to inform and guide the design of development in a way that is sensitive to adjacent or abutting Conservation Areas.

13.4.2 Policies

The Regional Board:

- .1 Recognizes and encourages the educational and eco-tourism contributions toward protection of Conservation Areas made by environmental organizations, and supports accommodating these uses where they do not conflict with Conservation Area objectives.
- .2 Supports the incorporation of traditional ecological knowledge in the stewardship of Conservation Areas, and will seek to work with local First Nations to incorporate it where feasible, practical and appropriate.

13.5 Okanagan Basin Lakes^{xxxiii}

The Okanagan watershed, or basin, is a narrow strip that spans from Armstrong in the north to the US border in the south and includes six main lakes – Okanagan, Kalamalka, Wood, Skaha, Vaseux and Osoyoos – and surrounding mountains. Penticton, Summerland, Oliver and Osoyoos as well as the surrounding rural areas all lie within the Okanagan Basin.

Water in the Okanagan Basin has a variety of uses including irrigation for crops, as a domestic supply for residential use and in various industrial and recreational activities. Achieving a balance among the many uses associated with the basin lakes, and particularly between private use and public access, is an on-going challenge.

The Basin Lakes designation serves to maintain opportunities on the major lakes in the Valley for community and visitor use, while also seeking to protect the environmental qualities of the lakes and existing community infrastructure such as water intakes.

For a map of Basin Lakes areas in the Plan Area see Schedule 'B' (Official Community Plan Map).

13.5.1 Objectives

- .1 Maintain opportunities for responsible residential water-based recreation on Osoyoos Lake, including small-scale docks and swimming platforms associated with adjacent residential use.
- .2 Minimize the potential negative impacts of intensive water-based uses, by ensuring that the RDOS Board has an opportunity to review and assess commercial, marina and group moorage, on a case-by-case basis.

13.5.2 Policies

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, and swimming platforms.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat, including shared docks and swimming platforms between neighbouring properties where appropriate.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 18.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.

^{xxxiii} Amendment Bylaw No. 2862, 2020 - adopted January 7, 2021.

- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Does not support non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs on docks, swimming platforms, or marinas.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
 - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
 - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
 - iii) compatibility with, and proximity to adjacent land uses; and
 - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).

14.0 HAZARD LANDS

14.1 Background

Hazard lands include, but are not limited to areas the Regional District has reason to believe are subject to flooding, mud flows, torrents of debris, erosion, rock fall, landslip, subsidence, avalanche and wildfire.

14.2 Hazards Objectives

- .1 To prevent development in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
- .2 To prevent injury and loss of life and to prevent or minimize property damage as a result from natural hazards.
- .3 To recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.

14.3 Hazards Policies

The Regional Board:

- .1 Will direct development away from those lands that may have a potential natural hazard, or have been identified as hazardous by the Regional District or other agencies having jurisdiction.
- .2 Will direct development away from lands identified to being susceptible to soil instability, potentially hazardous geotechnical conditions.
- .3 Requires new development areas with slopes and grades in excess of 3:1 to be reviewed for soil instability, potentially hazardous conditions and environmental sensitivity. Development shall follow the recommendations of a geotechnical report, and an environmental impact assessment where environmentally sensitive areas exist, that have been prepared by a qualified professional to address the potential hazards and environmental sensitivity. Will consider preparing design guidelines to guide development in potentially unstable areas.
- .4 Discourages development of land susceptible to flooding. Lands subject to a general liability to flood should be used for parks, open space, habitat conservation, recreation or agricultural uses.
- .5 Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to standards consistent with applicable provincial flood hazard management guidelines where land that may be prone to flooding is required for development and no alternative is available.

- .6 May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the province indicates that a property may be subject to a moderate or higher fire risk. The Regional Board may require the same assessment during the rezoning or development permit process. The assessment will provide a recommended fire hazard mitigation strategy, that will be submitted to both the Regional District and the Province and is recommended to include, but is not limited to, the following:
- a) incorporating fuel breaks adjacent to or on the residential subdivisions;
 - b) establishing zones around potential structures and homes which are clear of debris, highly combustible material or trees;
 - c) utilizing fireproofing techniques and fireproof materials in building design;
 - d) designing roads that provide evacuation routes and facilitate movement of fire fighting equipment;
 - e) ensuring all roads are named and signed;
 - f) ensuring availability of water supply facilities adequate for fire suppression;
 - g) ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements;
 - h) implementing setbacks, interfacing fire protection standards, and building material standards pursuant to the Provinces publication *The Beware and Prepare Community Planner - Working towards a fire safe community*; and
 - i) establishing a building setback of 30.0 metres abutting Crown land.
- .7 Encourages the Regional Subdivision Approving Authority to require that where a fire hazard mitigation strategy has been prepared the developer enter into a restrictive covenant to ensure the strategy is followed.

15.0 TRANSPORTATION

15.1 Background

The Plan sets out Schedule 'E' (Road and Trail Network Plan) for current and future roads and trails proposed for the area.^{xxxiv} It does, however, recognize the work in the South Okanagan Corridor Management Plan, 2003 and the local Road Network Plan, 1991 developed by the Ministry of Transportation responsible for the regulation, design, implementation and maintenance of existing and future roads. The Plan recognizes the importance of a mutually supportive partnership to acknowledge the plans and policies of both the Regional District and the Province.

15.2 Transportation Objectives

- .1 To provide a road system that ensures the current and future role, performance goals and functional needs for Highway 97 and Highway 3 to support the intra- and inter-regional movement of people and goods.
- .2 To ensure that future development patterns and land use decisions recognize and support highway safety and mobility objectives.
- .3 To recognize and minimize the impacts of transportation corridors on farmland, and important wildlife and fish habitat in environmentally sensitive areas.
- .4 To achieve a coordinated open space system incorporating cyclists and pedestrians, and to encourage non-vehicular accessibility.

15.3 Transportation Policies

The Regional Board:

- .1 Discourages continuous development along the highway and other network roads in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.
- .2 Encourages the development of land uses compatible with highway noise and speed along the highway.
- .3 Supports the enhancement of cycling and pedestrian systems in new and existing developments, and the improvement of safety for walking and cycling along roads, while encouraging incorporation of sufficient buffering consistent with provincial Agricultural Land Commission, and other Provincial agency specifications and accommodation of the movement of agricultural machinery.
- .4 Will work with the Province to discuss the Road Network Plan prepared in 1991 to ensure that it is made current, to define access management agreements where applicable, and to coordinate mapping with the RDOS.

^{xxxiv} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

- .5 Encourages the Province to ensure that traffic impact studies are undertaken for major development proposals so that:
- a) the proposals are in accordance with the objectives of the Corridor Management Plan;
 - b) existing and future roads and alignments are designed with due consideration for the protection of fish and wildlife habitat;
 - c) safety and mobility is maintained through access management;
 - d) disruption to farming operations is minimized; and
 - e) projected traffic volumes do not reduce the present service levels for the existing roadway.

16.0 SERVICING

16.1 Background

The Plan acknowledges the advantages of orderly growth and preplanning of subdivisions, and the disadvantages of high density un-serviced development or premature, uneconomic extensions of utilities and services. It also supports combining servicing with sound land use development principles for the protection of environmentally sensitive land.

16.2 Servicing Objectives

- .1 To ensure the coordinated and phased development of water, sewer and drainage.
- .2 To direct development to areas that can be best serviced by existing or planned utility services.
- .3 To ensure that water, sewer and drainage systems support good health and safety, and meet recognized standards of service.
- .4 To encourage the cooperation and coordination in the provision of other utilities that service existing and future developments, such as telephone, hydro and gas service.
- .5 To design service alignments to avoid disruption of environmentally sensitive land and riparian areas, or to fully mitigate or compensate for impacts of development to meet Provincial or Federal requirements.
- .6 To require that all new parcels of 1 hectare or less in size connect to a community sewer system.

16.3 Water Policies

The Regional Board:

- .1 Requires that all new developments are adequately serviced by a water supply system in accordance with the Regional District's Subdivision Servicing Bylaw.
- .2 Directs that new developments not restrict or limit the availability of water supply for agricultural irrigation.
- .3 Will liaise with the relevant Provincial agency and the Plan area water purveyors to ensure an overall coordinated water management strategy for water quality and quantity.

16.4 Sewage Collection and Disposal Policies

The Regional Board:

- .1 Will coordinate efforts with the relevant Provincial agency through a referral process to ensure that development follows the septic tank disposal field setbacks within environmentally sensitive areas.
- .2 Will consider amending the Regional District’s servicing bylaw to allow alternative sewerage system evaluation studies done at the time of subdivision.
- .3 Supports the Regional Solid Waste Management Plan, and its strategy for the future of the Osoyoos Landfill.
- .4 Encourages the preservation of an area for future community sewage collection formerly occupied by a railway right-of-way on the west side of Osoyoos Lake.
- .5 Will work with the Province, Fisheries and Oceans Canada, Osoyoos Indian Band and Town of Osoyoos to implement a future community sewer system on Osoyoos Lake.

16.5 Drainage Policies

The Regional Board:

- .1 Encourages the review of stormwater management in new and existing developments by the Province.
- .2 Encourages the Regional Subdivision Approving Authority to require that each parcel of land within a proposed subdivision have a plan to address storm water runoff.
- .3 Coordinates efforts with the Province to monitor water quality runoff into major watercourses.
- .4 Will consider regulations that control or prevent discharge of construction silts, gravel and debris into natural drainage courses, streams, or onto agricultural lands or highways.

16.6 Other Utilities Policies

The Regional Board:

- .1 Encourages the cooperation and coordination of utility companies in utilizing existing corridors for multiple uses.
- .2 Encourages public utility companies and the Province to locate and develop utility corridors and roads in a way that will not have a negative impact on environmentally sensitive areas, as shown on Schedule ‘C’.^{xxxv}
- .3 Recognizes the various interests in the future use of the abandoned irrigation canal right-of-way, and designates it Parks, Recreation and Trails (PR) in order to protect options for future use as a recreation and/or utility corridor.^{xxxvi}

^{xxxv} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

^{xxxvi} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

17.0 TEMPORARY USE PERMITS^{xxxvii}

17.1 Background

Temporary Use Permits may be considered by the Regional Board to allow specific land uses to occur for a short period of time. The permit can contain very detailed requirements such as indicating the buildings that can be used, the time frame of the permit, and other conditions.

Such permits are provided at the discretion of the Regional Board and are only in effect for a limited period of time. They are not a substitute for a rezoning.

17.2 Objective

- .1 To avoid conflicts between different types of uses (i.e. residential, commercial and industrial).
- .2 To provide for temporary approval of transitional uses, or uses where uncertainty exists respecting appropriateness or viability of the use, and where it is premature to decide upon rezoning and long-term land use patterns.
- .3 To ensure that temporary use permits are not considered a substitute for a rezoning application.
- .4 To consider allowing on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.^{xxxviii}

17.3 Policies

The Regional Board's policies are as follows:

- .1 Land within all of the Land Use Designations in this OCP is designated under Section 492 of the *Local Government Act* as an area in which Temporary Use Permits may be issued.^{xxxix}
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District by the applicant, the Regional District may consider the following criteria:
 - a) the use must be clearly temporary or seasonal in nature;
 - b) compatibility of the proposal with adjacent uses;

^{xxxvii} Amendment Bylaw No. 2570, 2012 adopted January 24, 2013.

^{xxxviii} Amendment Bylaw No. 2595, 2013 – adopted March 20, 2014.

^{xxxix} Amendment Bylaw No. 2830, 2018 – adopted October 20, 2018.

- c) impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
 - d) intensity of the proposed use;
 - e) opportunity to conduct the proposed use on land elsewhere in the community; and
 - f) the remedial measures to be carried out to mitigate any damage to the natural environment as a result of the temporary use.
- .5 In issuing a Temporary Use Permit, the Regional District may specify conditions including, but not limited to:
- a) the buildings to be used;
 - b) the area of use;
 - c) the hours of use;
 - d) appearance;
 - e) environmental protection measures, and
 - g) groundwater protection.
- .6 In issuing a Temporary Use Permit for a short-term vacation rental, the Regional District may specify conditions, in addition to those listed under sub-section 17.3.5, including, but not limited to: 7^{xl}
- a) the provision of screening or fencing in order to address potential impacts or to address neighbour privacy issues;
 - b) the provision of the manager or owner's contact information, as well as a copy of any issued Temporary Use Permit, to each neighbour whose property is located within 100 metres of the subject property;
 - c) the availability or accessibility by telephone of the manager or owner;
 - d) the posting of the following information:
 - i) the location of property lines by way of a map;
 - ii) any applicable Regional District noise bylaws;
 - iii) measures to address water conservation;
 - iv) fire safety regulations;
 - v) storage and management of garbage;
 - vi) septic system care; and
 - vii) control of pets (if pets are permitted) in accordance with the applicable Regional District bylaw.

^{xl} Amendment Bylaw No. 2595, 2013 – adopted March 20, 2014

- e) a maximum accommodation of ten (10) persons, with an aggregate occupancy of two (2) persons per bedroom within a dwelling unit when such dwelling unit is being occupied as a vacation rental;
 - f) the provision of one (1) parking space for each bedroom available for vacation rental use;
 - g) the prohibition of the use of recreational vehicles or camping on the property or any use of accessory buildings for vacation rental occupancy;
 - h) confirmation from a qualified person that the building used for vacation rental meets a minimum standard for health and safety; and
 - i) other requirements that the Regional District Board may consider appropriate.
- .7 As a condition of issuing a Temporary Use Permit, the Regional District may require the posting of a security so as to ensure compliance with the conditions of a permit.

18.0 DEVELOPMENT PERMIT AREAS

18.1 Background

The OCP may designate development permit areas under the authority of local government legislation. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any disturbance, development or subdivision of land within a designated development permit area. The purpose of acquiring a development permit is to ensure certain requirements are addressed towards the protection, restoration and preservation of the natural environment. Due to their significance and sensitivity, all watercourses and riparian areas in the RDOS have been designated as development permit areas.

18.2 Environmentally Sensitive Development Permit (ESDP) Area^{xli}

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Area

The lands shown as Environmentally Sensitive Development Permit Area on Schedule 'C' are designated as an Environmentally Sensitive Development Permit Area.

.3 Justification

To regulate development activities within environmentally sensitive areas in order to protect important sensitive ecosystems and biological diversity including valuable habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat.

.4 Background

The natural environment provides essential habitat and corridors for plants, fish, birds and other organisms. It also acts as a natural water storage, drainage and purifying system, which can help to protect private property from flooding or land loss due to watercourse erosion. Furthermore, as concerns over climate change grow, it should be recognized that functioning ecosystems are more efficient at consuming carbon dioxide as well as carbon storage. Vegetation adjacent to watercourses needs to remain in a largely undisturbed state in order to maintain a healthy environment and clean water.

The south Okanagan-Similkameen area is considered one of the most ecologically diverse in British Columbia and Canada, and includes sensitive ecosystems which support a

^{xli} Amendment Bylaw No. 2710, 2017 - adopted June 15, 2017

number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. Specifically, BC's pocket desert, Kruger Mountain, Osoyoos Lake, the oxbows and wetlands of Okanagan River, Richter Pass with the natural ridgeline views between Highway 3 and Osoyoos Lake. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

.5 Development requiring a permit

.1 A development permit is required, except where exempt under Section 18.2.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:

- a) subdivision;
- b) the construction of, addition to or alteration of a building or other structure; and
- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.6 Guidelines

.1 A Development Permit is required for development within an ESDP Area, and shall be in accordance with the following guidelines:

- a) An Environmental Assessment (EA) Report, prepared in accordance with the requirements of the Regional District's Development Procedures Bylaw, must be submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a Registered Professional Biologist in British Columbia (RPBio) or team that shall include a RPBio under contract to the development applicant, and shall include:
 - i) An Ecological Assessment Phase including:
 - .1 background information;
 - .2 an ecological assessment;
 - .3 listing of rare and endangered species; and
 - .4 stratification and rating of Environmentally Sensitive Areas (ESAs).
 - ii) An Impact Assessment and Mitigation Phase including:
 - .1 description of proposed development;

- .2 assessment of potential impacts;
 - .3 short and long term impacts;
 - .4 cumulative and residual impacts;
 - .5 avoidance of ESAs;
 - .6 mitigation and compensation;
 - .7 security requirements;
 - .8 monitoring reports;
 - .9 accountability; and
 - .10 monitoring plan.
- b) Development should be planned away from native trees and trees containing active nest sites or cavities. If removal of native trees cannot be avoided, mitigation should include restoration and replanting with equivalent native trees.
 - c) Habitat connectivity and the retention of connectivity corridors between sensitive ecosystems should be preserved. Wildlife crossings should be designed to protect continuity of wildlife corridors where these are interrupted by roadways.
 - d) Monitoring reports may be required to be submitted to the Regional District following the completion of a development in order to confirm the conditions of a development permit have been met.
 - e) The Regional District may incorporate any areas or measures identified in an EA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.
- .2 If an area of land is subject to additional Development Permit Area designations under Section 488(1)(a) of the *Local Government Act*, the Regional District requires that a single development permit application that combines the requirements of each Development Permit Area be submitted. The application will be assessed in accordance with the individual development permit guidelines for each applicable Development Permit Area under this bylaw and, if approved, issued under a combined development permit.

.7 Expedited Development Permit

- .1 Despite sub-section 17.2.6.1(a), the Regional District may issue a development permit on the basis of a Rapid Environmental Assessment (REA) Report for development where:
 - a) A REA, prepared in accordance with the Regional District's Development Procedures Bylaw, has been submitted to the Regional District in respect of the proposed development by a qualified environmental professional (QEP) that is a

Registered Professional Biologist in British Columbia or team that includes a Registered Professional Biologist in British Columbia (RPBio) under contract to the development applicant, and includes:

- i) a site plan documenting, if applicable, the location and extent of Environmentally Valuable Resources (EVRs) occurring within 100 metres of the proposed footprint of the development.
 - ii) a completed Rapid Environmental Assessment Checklist signed and sealed by the responsible QEP indicating:
 - .1 there is no known occurrence of an EVR on or within 100 metres of the proposed footprint of the development; or
 - .2 known EVR occurrence(s) have been identified and:
 - a) measures have been prescribed to avoid impacts; or
 - b) acceptable restoration/mitigation have been prescribed.
 - iii) recommended avoidance or mitigation measures if known EVR occurrences have been identified.
- b) If a QEP cannot certify the absence of EVRs or that impacts to known EVRs have been avoided or acceptably mitigated through a REA to the satisfaction of the Regional District, an EA as outlined under sub-section 17.2.6.1(a) will be required.
- c) The Regional District may incorporate any areas or measures identified in a REA to protect sensitive ecosystems from the effect of development as terms and conditions of the development permit.

.8 Exemptions

A development permit is not required for development within land in the ESDP area for:

- .1 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works, but excluding communication towers and antenna systems;
- .2 the repair or maintenance of existing buildings and structures provided there are no additions or increases to the footprint of the building or structure;
- .3 Residential development where a completed Building Permit application has been accepted by the Regional District, the proposed development does not exceed 50.0 m² from the original footprint of the principal dwelling unit and the development comprises either:
 - a) an alteration or addition to the original footprint of an existing principal dwelling unit; or

- b) the construction of an accessory building or structure, provided the accessory building or structure is not situated beyond 10.0 metres of a principal dwelling unit.
- .4 works conducted in accordance with the Provincial *FireSmart Manual*, provided that all landscaping is conducted within 10.0 metres of an existing structure or building (existing on-site native plants which meet the *FireSmart Manual* guidelines are encouraged to be maintained as part of the landscaping);
- .5 the construction, alteration, addition, repair, demolition and maintenance of buildings and structures to be used in relation to a farm use as defined in the *Agricultural Land Commission Act* on land located in the ALR and classified as “farm” under the *Assessment Act*;
- .6 any farm use as defined in the *Agriculture Land Commission Act* on land located in the ALR;
- .7 any farm use that is subject to an approved Environmental Farm Plan (EFP) through the Canada-British Columbia Environmental Farm Plan Program;
- .8 the repair of existing fences;
- .9 subdivisions that propose to:
 - a) consolidate existing parcels, including the consolidation of parts of a closed road to an existing parcel; or
 - b) alter parcel lines between two or more parcels where no additional parcels are created upon completion of the alteration.

18.3 Watercourse Development Permit (WDP) Area^{xlii}

18.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

18.3.2 Area

Lands designated as Watercourse Development Permit Area are:

- .1 shown as Watercourse Development Permit Area on Schedule 'D'; or
- .2 within 30.0 metres of a stream; or
- .3 where a stream is in a ravine:
 - a) within 30.0 metres of the top of a ravine bank when the ravine is less than 60.0 metres wide; or
 - b) within 10.0 metres of the top of a ravine bank when the ravine is more than 60.0 metres wide.

The definitions used in the *Local Government Act* and provincial *Riparian Area Protection Regulation* (RAPR) shall apply.

18.3.3 Justification

To regulate development activities within riparian assessment areas as a means to protect aquatic habitat, enhance, conserve and restore watercourses and their riparian areas.

18.3.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 18.3.8 (Exemptions), for residential, commercial or industrial development on lands within the WDP area, which includes the following:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and
 - c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

18.3.5 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:

^{xlii} Amendment Bylaw No. 2570, 2012 - adopted January 24, 2013; and Amendment Bylaw No. 2876, 2020 – adopted February 20, 2020.

- a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the provincial *Riparian Area Protection Regulation*, must be received by the Regional District in respect of the proposed development from the responsible provincial minister.

18.3.6 Variances to Protect the SPEA

The Regional District encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots in order to reduce impacts and preserve the SPEA.

18.3.7 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint.
- .3 Where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope.
- .4 Where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 Where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and

- .6 Where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

18.3.8 Exemptions

A WDP is not required under this section for any of the following:

- .1 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.
- .2 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected.
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the *Riparian Areas Protection Regulation* on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or IAS certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .9 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .10 Emergency procedures to prevent, control, or reduce erosion, or other immediate threats to life and property including:

- a) emergency flood or protection works;
- b) clearing of an obstruction from bridge, culvert, or drainage flow, repairs to bridges and safety fences;
- c) any emergency works to be undertaken in accordance with the Provincial *Water Sustainability Act* and *Wildlife Act*, and the federal *Fisheries Act*.

Notwithstanding the above, emergency actions for flood protection and clearing of obstructions by anyone other than the Regional District must be reported to the Regional District immediately to secure exemption under this provision. Note that once the emergency has passed, a development permit may be required for remediation or permanent protection works.

19.0 GREEN HOUSE GAS REDUCTION^{xliii}

19.1 Background

The scientific community has a general consensus that the increasing emissions of human-caused greenhouse gases (GHG) are rapidly changing the earth's climate. Greenhouse gases refer to any or all of carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, perfluorocabrons, sulphur hexafluoride and any other substance prescribed by regulation. Globally, the impacts of climate change will be significant, and are already evident in some areas. Locally, the potential impacts and vulnerabilities are less well documented; however they are a growing concern. As one of 175 local governments that are signatory to the B.C. Climate Action Charter, the RDOS is committed to reducing GHGs and has agreed to take actions to achieve certain goals. In order to address growing concerns regarding climate change, B.C.'s Local Government Act was amended in 2008 to require all Official Community Plans to set targets for the reduction of greenhouse gases, as well as policies and actions to achieve the targets in accordance with Provincial Bills 44, 27, and the Climate Action Charter.

19.2 Objectives

- .1 Understand the likely impacts and vulnerabilities of regional climate change within Electoral Area "A".
- .2 Reduce greenhouse gas emissions measurably within Electoral Area "A".
- .3 Achieve carbon neutral local government operations by 2012.
- .4 Promote and provide community outreach and education related to Climate Change and reduction of Greenhouse Gas Emissions.

19.3 Policies

The Regional Board:

- .1 Will work towards the target of reducing GHG emissions by 30% below 2007 levels by 2030.
- .2 Will work with other agencies, stakeholders and the community to achieve emission reduction targets and energy conservation goals by encouraging:
 - a) the construction of energy efficient buildings;
 - b) improvements to the energy efficiency of existing buildings;
 - c) the increased use of alternative energies;
 - d) energy efficient developments;

^{xliii} Amendment Bylaw No. 2561, 2011 – adopted February 16, 2012

- e) improvements to alternative transportation amenities;
 - f) the use of fuel-efficient vehicles;
 - g) reduction and diversion of waste from landfills;
 - h) maximizing value from agricultural wastes;
 - i) the development of more compact and complete communities;
 - j) the protection and restoration of natural areas and forest ecosystems; and
 - k) the protection of riparian areas and sensitive habitats.
- .3 Will work towards a corporate GHG reduction strategy to achieve carbon neutral operations by 2012.

20.0 IMPLEMENTATION

20.1 Introduction

The Official Community Plan sets out statements on the broad objectives, polices and directions for the Plan area, but does not provide the tools for implementing its policies. The Regional District has a number of tools and methods available for implementing the Plan. The purpose of this section is to set out specific steps the Regional District can take to implement this Plan. Some of the steps include refining the Plan; changing existing bylaws; adopting new bylaws; conducting studies to obtain more information and direction; and working closely with other jurisdictions and government agencies. Some of the specific steps are set out in the subsections below.

20.2 Refinements

The Regional District will need to consider making refinements to this Official Community Plan. These refinements may include but are not limited to the following:

- .1 coordination with the Okanagan / Shuswap Land and Resource Management Plan;
- .2 changes resulting from various transportation planning initiatives;
- .3 refining the Environmentally Sensitive Development Permit Area as part of area-specific plans, Environmental Impact Assessment Reports, subdivision applications and development permit applications;
- .4 coordination with the Town of Osoyoos Waste Management Plan.

20.3 Zoning Bylaw

The Zoning Bylaw sets out the density of development on a parcel of land, as well as specifying the permitted uses allowed. It also contains specific regulations that control the size, siting and various other details of development on a parcel of land. The Zoning Bylaw will be updated to ensure consistency with the Official Community Plan and to implement portions of the Plan.

20.4 Servicing Bylaw

The Subdivision Servicing Bylaw sets out minimum standards for roads, sidewalks, curb and gutter, water systems, sewer systems, storm drainage, and street lighting. Subdivisions must meet these standards before they are approved. The Subdivision Servicing Bylaw will need to be reviewed and amended where necessary to ensure that it works to implement various policies in the Plan, particularly with respect to servicing levels related to parcel sizes.

20.5 Other Studies and Initiatives

There are other studies and initiatives that have been identified which may be undertaken to implement the Plan. These include:

- .1 Implementation of an Agricultural Advisory Committee;
- .2 Creation of an Agricultural Plan;
- .3 Implementation of a Farm Bylaw;
- .4 Implementation of Hillside Development Guidelines;
- .5 Preparation of an Osoyoos Lake Foreshore Plan.

20.6 Other Agencies

The Regional District will need to work with other Provincial agencies, and the School District to help implement and complement portions of the Plan.

20.7 Monitoring

The Official Community Plan should be monitored on an ongoing basis and revised when necessary to ensure it addresses current needs and aspirations of the community and reflects changing local and external conditions. In support of this initiative, the Regional District should monitor:

- .1 population growth and demographic changes;
- .2 land supply / demand;
- .3 changing housing requirements; and
- .4 economic and environmental factors.

~ end of Schedule 'A' ~