

AREA “1”

KALEDEN / APEX / TWIN
LAKES / ST. ANDREWS



OCP Bylaw No. 2683, 2016 – 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
May 18, 2023



Regional District of Okanagan-Similkameen
Electoral Area “I”
Official Community Plan Bylaw No. 2683, 2015

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Acronyms used in this document

Agricultural Land Reserve	ALR
Agricultural Land Commission	ALC
Dominion Radio Astrophysical Observatory	DRAO
Environmental Impact Assessment	EIA
Environmentally Sensitive Development Permit Area	ESDPA
Kettle Valley Railway	KVR
Official Community Plan	OCP
Radio Frequency Interference	RFI
Regional District of Okanagan-Similkameen	RDOS
Watercourse Development Permit Area	WDPA

Regional District of Okanagan-Similkameen
Electoral Area "I" Kaleden-Apex
Official Community Plan Bylaw No. 2683, 2016

A Bylaw to guide land use decisions within Electoral Area "I" pursuant to Division 4 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 Division 4 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 RDOS to ensure consistency between them, in accordance with the *Local Government Act*;

AND WHEREAS the Regional Board shall refer the Official Community Plan to the Province for comment with respect to land in the Agricultural Land Reserve pursuant to the *Agricultural Land Commission Act*;

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 RDOS 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 RDOS;

NOW THEREFORE the Regional Board of the RDOS, in open meeting assembled, enacts as follows:

The Electoral Area "I" Official Community Plan attached hereto as Schedule 'A' and Map Schedules 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', and 'J' forming part of this bylaw are adopted as the Regional District of Okanagan-Similkameen Electoral Area "I" Official Community Plan.

The bylaw shall apply only to that portion of the RDOS shown outlined on Schedule 'B' (Official Community Plan Map) 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 "I" Official Community Plan Bylaw No. 2683, 2016.

Transition

The Kaleden-Apex Southwest Sector Official Community Plan Bylaw No. 2456, 2008, is repealed.

READ A FIRST TIME on the 15th day of September, 2016.

READ A SECOND TIME on the 15th day of September, 2016.

PUBLIC HEARING held on the 16th day of November, 2016.

READ A THIRD TIME, as amended, on the 15th day of December, 2016.

ADOPTED this 15th day of December, 2016.

Karla Kozakevich

Chair

Bill Newell

Corporate Officer

SCHEDULE 'A'

Regional District of Okanagan-Similkameen

Electoral Area "I"

Official Community Plan Bylaw No. 2683, 2016

1.0 INTERPRETATION AND ADMINISTRATION

The provisions of this Plan apply to all lands and surface of water within Electoral Area “I” identified on Schedule ‘B’ Official Community Plan Map of this bylaw.

1.1 Purpose

The Electoral Area “I” Kaleden-Apex Official Community Plan (OCP) contains objectives, policies, and land use designations adopted by the Regional District of Okanagan-Similkameen (RDOS) Board of Directors. The purpose of these objectives, policies and designations is to provide direction for land use and development consistent with the community values of the Electoral Area. The policies of the Plan are intended to balance the demands placed on the land base in order to ensure an equitable, comprehensive, and logical distribution of land uses. Policies are often implemented on a long-term basis, generally over a seven to 10 year period.

The OCP provides a basis for the following actions:

- .1 The adoption or amendment of land use regulations, such as the Zoning Bylaw.
- .2 The direction of public and private investment.
- .3 The guidance of elected officials, and others who have statutory approval authority, in the evaluation of proposals, referrals, and amendment of bylaws.
- .4 Bringing the Regional District into compliance with provincial regulations, such as the Riparian Area Regulation and the greenhouse gas management requirements of the *Local Government Act*.

1.2 Interpretation

An OCP means an Official Community Plan as referred to in the *Local Government Act*, and as adopted by the Regional Board of the RDOS (hereafter referred to as the Regional Board), in accordance with the requirements of the *Local Government Act*.

1.3 Administration

- .1 This OCP comes into effect as of the date of adoption by the Regional Board.
- .2 The Zoning Bylaw will be the primary tool to regulate development, not the OCP. All rezoning proposals must be consistent with the intent of this OCP that serves as a policy foundation for the Zoning Bylaw.
- .3 This Plan will be reviewed on a regular basis and, in order that the document continues to accurately reflect the long-range planning objectives of Electoral Area “I”, the Plan should undergo a comprehensive review every seven to 10-years.
- .4 The OCP can only encourage senior levels of government to take action; it cannot force or require senior governments to act. Furthermore, although the OCP 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.

- .5 No one goal, objective or policy contained within this OCP should be read in isolation from the others to imply a particular action or consequence.

2.0 WHAT IS AN OFFICIAL COMMUNITY PLAN?

2.1 Background

An Official Community Plan (OCP) is a planning document that provides policies on a broad range of topics including land-use, transportation, housing, parks and infrastructure. OCPs designate land for specific purposes, such as commercial/retail, residential, park, and industrial. OCPs are developed through public consultation and the objectives and policy statements within them reflect the collective desires of the people within the planning area.

Effectively, OCPs provide a blueprint and map for the community's future. They are created to guide decisions on planning and land use management by establishing a long-term vision, supporting goals and objectives, and policies to achieve them.

Municipalities in British Columbia are given the authority to adopt an OCP through the *Local Government Act* (LGA), which describes what must be included in the OCP, what may optionally be included, and what steps need to be followed for the OCP to be adopted. The required content of an OCP is defined in Section 473 of the *Local Government Act*.

This OCP should be re-examined and updated every seven to 10-years to ensure that it continues to reflect the long-range planning objectives of Plan Area residents, local government staff, and the Regional Board. Occasional updates also ensure the OCP remains consistent with other procedures, bylaws and government implementation tools.

2.2 Planning Process

This OCP was developed over a period of fourteen months. Commencing in September 2014, development of the Plan included a substantial community outreach component, which included open houses, surveys (137 completed on-line and paper copies), project newsletters, a project website, regular email updates, and meetings with community stakeholders and agencies throughout the process (e.g. South Okanagan Stewardship Committee, Penticton Indian Band). The first project open house in Kaleden was attended by over 100 people and was one of the best-attended public outreach events the Regional District has hosted (see Figure 1).

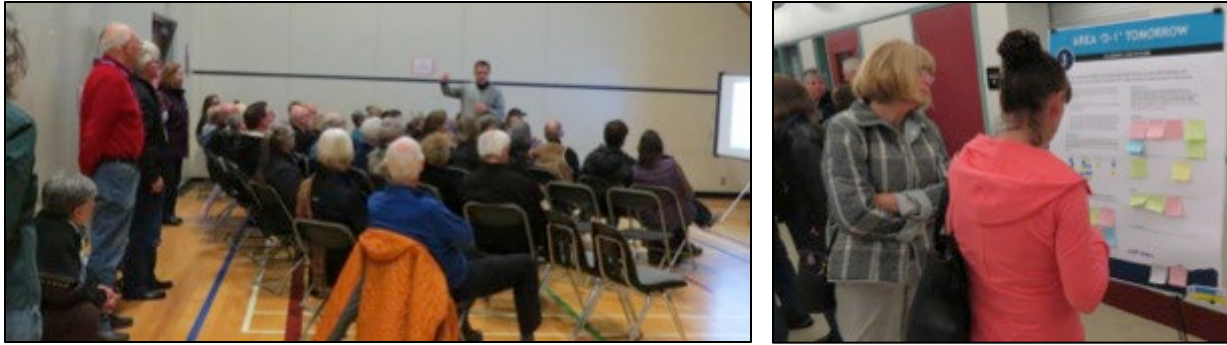


Figure 1: Electoral Area “I” OCP Update Open House – Kaleden, February 2015

2.3 Amending the Plan

An OCP is not a static document. Rather, it is intended to be adaptable to new trends within society and responsive to changing circumstances within the community. As such, following careful consideration by the Regional District Board, policies and land use designations in this OCP may be revised by an amending bylaw pursuant to provisions outlined within the *Local Government Act*. A comprehensive review of the OCP should occur every seven to 10 years, with public open houses being held to review all major development proposals prior to the formal public hearing process.

2.4 Development Approval Information

Electoral Area “I” (the “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, or Temporary Use Permit application.

The objective in designating the Plan Area as a Development Approval Information Area is to ensure the Regional District can obtain information from the applicant in order 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 on surrounding land uses.
- .2 The consideration of public facilities such as schools, parkland, 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 Development Permit Areas,

Watercourse Development Permit Areas, 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, solid waste management and recycling.
- .7 The impact of the proposed development on the radio frequency interference (RFI) protection requirements of the Dominion Radio Astrophysical Observatory (DRAO).
- .8 The aesthetic values of the proposed development such as visual character, integration with public areas and the natural environment, lighting, noise, and odour.
- .9 The impact of proposed development on traffic volumes and roads.
- .10 How the proposed development provides buffers for adjoining farming and rural areas to ensure no negative impact is caused.
- .11 The archaeological impact of a proposed development in areas identified to have high archaeological potential.
- .12 Fire hazard risk assessment in accordance with the *Community Wildfire Protection Plan*.

3.0 COMMUNITY PROFILE

3.1 Location and Geography

The Plan Area extends north along the boundary of Electoral Area “F” and Penticton Indian Reserve No. 1; south and west along the boundary of Electoral Area “G” and “C”; and east to Skaha Lake and Electoral Area “D”.ⁱ

The Plan Area is mostly rural with a dispersed and relatively small population. There are four main communities – Kaleden, Twin Lakes, St. Andrews, and Apex – and several smaller, rural areas, including Farleigh Lake and along Green Mountain Road.

The area is a semi-arid, mountain-to-valley landscape with human settlements and agriculture clustered in the valley bottoms, and cattle grazing in the native grasslands between the valleys and the treeline above.

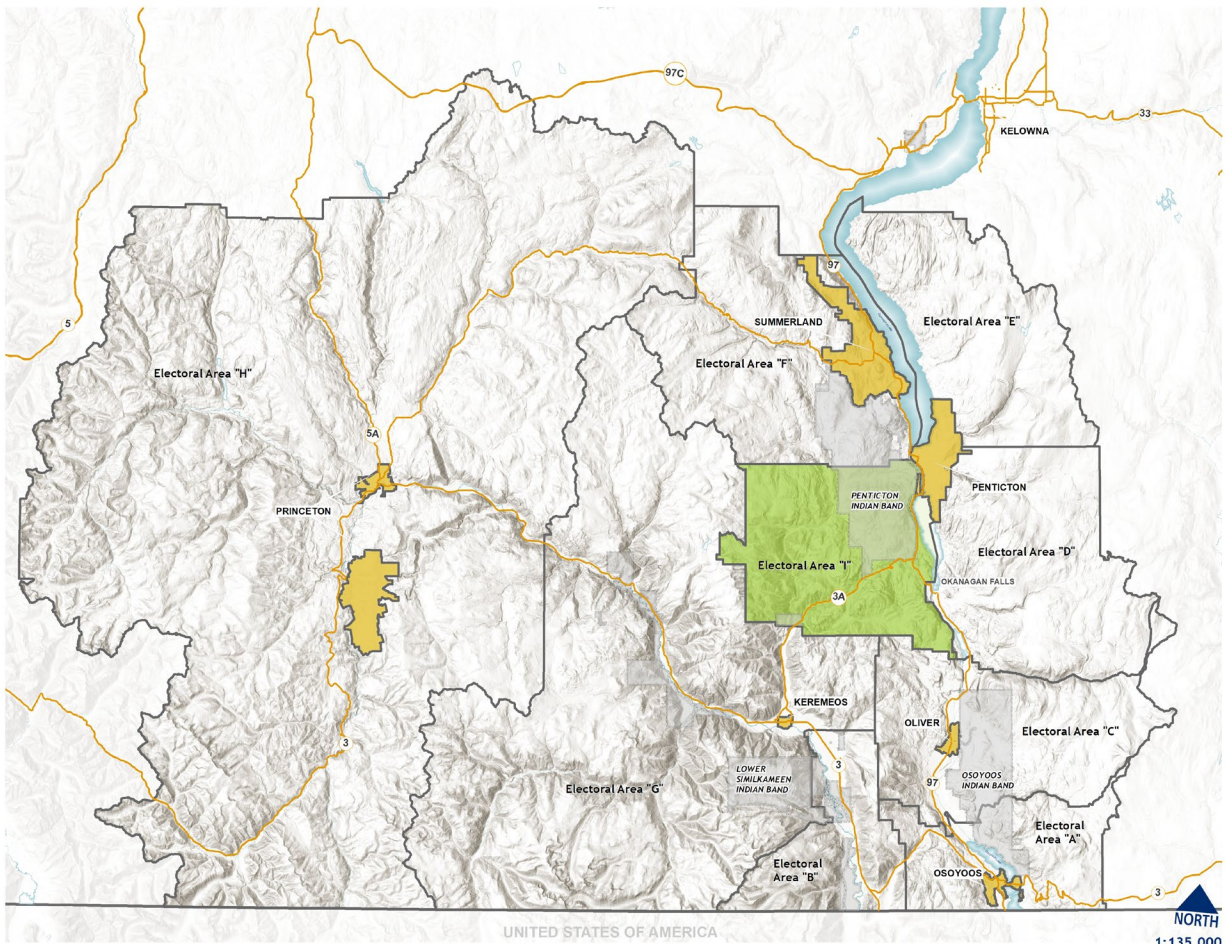


Figure 2: Plan Area Regional Contextⁱⁱ

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

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

3.2 History

Indigenous people lived in the Regional District area for thousands of years prior to the arrival of Europeans. The original people of the Okanagan are known as the Syilx speaking people – the “Okanagans” and according to their history have been in the area since the beginning of people on this land. The Okanagans (Syilx) people occupied an area that extended over approximately 69,000 square kilometres. The northern area of this territory stretched from the area of Mica Creek, just north of modern day Revelstoke, BC and east to Kootenay Lake. The southern boundary extended to the vicinity of Wilbur, Washington and the western border extended into the Nicola Valley.

Today, there are two First Nations (Syilx/Okanagan) with reserve land in the Plan Area, Penticton Indian Band and the Lower Similkameen Indian Band. Neither community is engaged in the current BC Treaty process and both are members of the Okanagan Nation Alliance (ONA).

The non-Indigenous historical records of the Plan Area date back to 1821 with establishment of the Hudson’s Bay Fur Brigade trail. The trail represented a fur trading supply route through the Okanagan Valley north to Kamloops. With the United States and Canada boundary settlement in 1847, alternative trails were developed from Kamloops through the Fraser Canyon to Fort Langley. The last brigade took the trail in 1847.

Non-Indigenous settlement in the Plan Area began in the 1890’s. During this period several of the current settlements known today were established (e.g., Okanagan Falls). Due to the absence of a public roadway system connecting the early settlements, stern-wheeler boats played an important role transporting supplies to residents, and agricultural produce to trail heads at the three Okanagan Valley centres.

The following provides a brief summary of some of the historical settlements in the Plan Area.

- **White Lake:** White Lake derives its name from white alkali, which is found around its shoreline. The White Lake area was located along the Hudson’s Bay Brigade Trail. Between 1895 and 1905, much of the lower elevation lands were settled. Ranches, mixed farms and some orchards dominated the landscape. A post office was established in the White Lake area in 1895.

The area is home to the National Research Council’s Dominion Radio Astrophysical Observatory. The White Lake Basin was selected after a Canada-wide search and was followed by significant federal land purchases to assemble the site and complementary Provincial land reserves. The Observatory opened in 1960.

- **Kaleden:** Kaleden was the vision of Mr. Jim Ritchie, who began assembling land in the area in 1905. By 1908 Mr. Ritchie had assembled some 1,200 hectares (3,000 acres) of land on the west shores of Skaha Lake. In 1909 a contest was held to choose a name for the development area. Reverend Walter Russell combined the Greek word “Kalos” meaning beautiful, with Eden for the name Kaleden. His prize was a lot in the new townsite.

Mr. Ritchie's vision for Kaleden included the establishment of an agricultural community served by a townsite commercial centre. This vision was realized with development of a concrete irrigation system in 1909, and development of permanent buildings in the town site (Kaleden Post Office 1910 and Kaleden Hotel 1912), the remains of which still stand.

- **Apex:** Mount Beaconsfield was used by local Penticton Scout troops from the late 1940's for ski camps. In the late 1950's a Penticton group initiated steps to establish a permanent ski hill on Mount Beaconsfield, and to establish the mountain as a Provincial Park. After resolving mineral claims and road access issues through private ranch land (today know as Apex Aspen Ranch), the Apex Alpine Ski Resort officially opened in December 1961. Since that time the resort has expanded several times to include Mount Riordan (1963) and further development on Mount Beaconsfield (1969).
- **Farleigh Lake:** named after William James Farleigh who farmed and bred registered cats at his Sunnyside Ranch from 1903 to 1908.
- **Green Mountain Road:** was first surveyed and roughed in around 1903 to provide access to Nickel Plate Mine above Hedley, BC. Over time, it became the main road to the Similkameen from the Okanagan, first by stagecoach and later by vehicle.

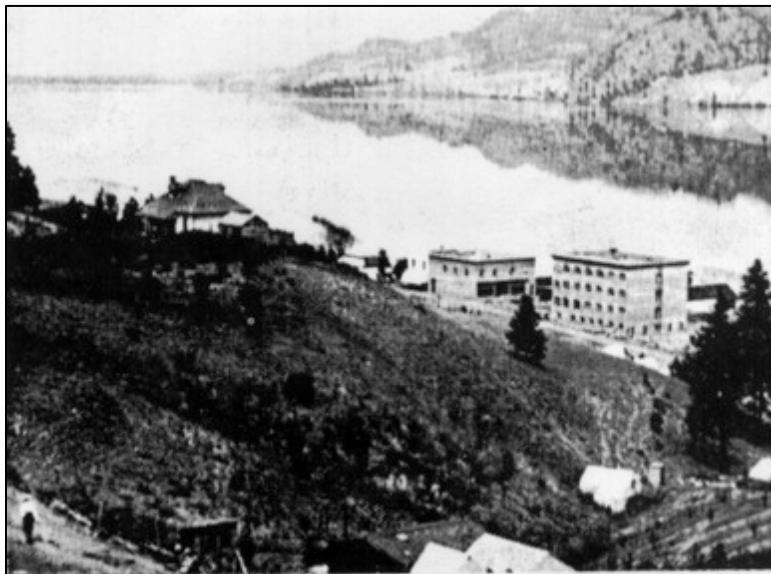


Figure 3: Kaleden 1912

3.3 Communities and Other Areas

The four main communities within the Plan Area are Kaleden, Twin Lakes, Apex and St. Andrews. The Plan Area is also home to a number of smaller, settlement areas, including Farleigh Lake and along Green Mountain Road. These communities are described further in Section 7.0 Local Area Policies.

3.4 Penticton Indian Band

While not within the jurisdiction or planning authority of the Regional District, a significant portion of the Plan Area is occupied by Penticton Indian Band reserve lands. The Penticton Indian Band (PIB), also known as SnPink'tn, has three reserves, all of which are located within the Regional District. It should also be noted that PIB traditional lands, where PIB has significant cultural and environmental interests, occupy the totality of the Plan Area.

Penticton Indian Reserve No.1 (IR#1) is located immediately west of Penticton and is located entirely within the Plan Area boundaries. At 19,277 hectares (47,630 acres), Penticton IR1 is the largest reserve by land area in BC, and it is the main community for the Penticton Indian Band. PIB has 1,035 members (as of 2014), and the population has been growing at about 2% per year since 2007. Approximately 450 members currently live on PIB's principal reserve (IR#1).

In June 2013, PIB, Lower Similkameen Indian Band (who have a small, unpopulated reserve in the Plan Area), and the Osoyoos Indian Band signed a protocol agreement with the Regional District. The agreement represents a significant step toward improved partnership and communication, and commits the parties to more collaborative and cooperative land use planning.

PIB has been involved in several new development projects and has emerged as one of the Regional District's major land developers. One development in Electoral Area "I" is a 223 hectare residential development called Skaha Hills. To date, the first phase of the multi-phase, mixed-use residential, commercial development is nearing completion and the second phase of residential units should commence construction soon. When completed, the development will feature a vineyard and up to 600 single-family and multi-family units.

PIB has identified several Crown Land parcels abutting IR#1 on the south and west boundaries in the Plan Area that the Band is exploring to have added to the reserve. The addition-to-reserve process is a federal process coordinated through Aboriginal and Northern Development Canada and can take several years to complete.

PIB underwent a seven-year process to create a community-driven Comprehensive Community Plan that outlines and provides a mandate for leadership to make decisions for the community based on a common vision. The plan created the foundation to begin a community-driven Land Use Plan that will be completed by December 31, 2015. This plan will outline areas for development and protection, both on and off reserve.

Land Use Plan implementation tasks are expected to include PIB's continued work on building relationships with all levels of government, including the Regional District, by:

- Encouraging continued recognition and implementation of the existence of Indigenous peoples' inherent title and rights

- Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
- Acknowledgment of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
- Move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements.

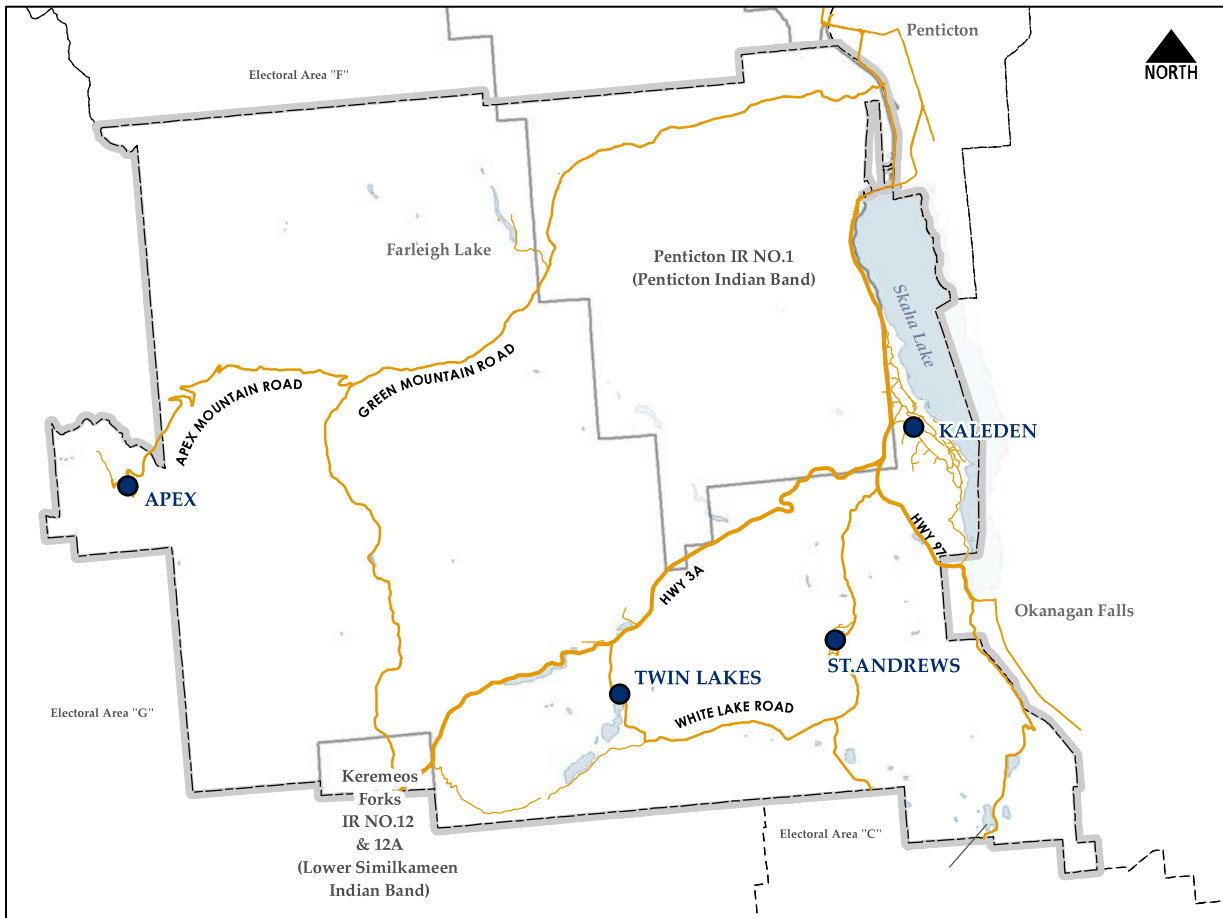


Figure 4: Plan Area Communities and Settlement Areas

3.5 Population and Demographics

The population of Electoral Area “D” Census District was 5,717 residents in 2011. It is estimated that approximately 40% of Electoral Area “D” residents were, as of 2011, living in what is now Electoral Area “I”, for a population of about 2,400.ⁱⁱⁱ

ⁱⁱⁱ This number is an approximation based on data obtained through Statistics Canada’s GeoSearch tool. Because this number is based on an amalgamation of smaller dissemination areas that do not precisely comprise the boundaries of Area “I”, it is not an exact figure. The following Statistics Canada dissemination areas have been included in this approximation: 59070206, 59070172, 59070177, and 59070178. Amendment Bylaw No. 2830, 2018 – adopted October 18, 2018.

The age and gender distribution of the Plan Area is illustrated in **Figure 5**. Overall, approximately 47.5% of the population of the Plan Area is male, while 52.5% is female. In the Plan Area, the “baby boomer” generation makes up the most significant proportion of the population, particularly in comparison to the number of residents aged 20-39. This data indicates the population of the Plan Area is aging, which is a consistent trend across the Regional District and the province as a whole. A recently completed *Age Friendly Assessment Report (2014)* recognized this trend and the resulting need for seniors housing and associated support services.

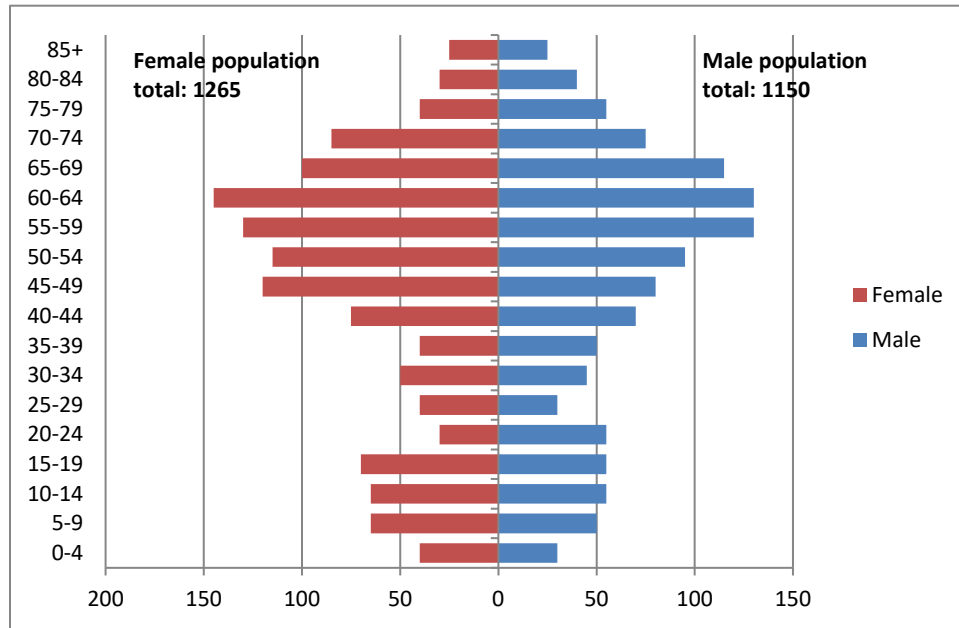


Figure 5: Plan Area 2011 Estimated Population by Gender and Age Cohort, 2011

As population data for the Plan Area is not available for past years, the population growth pattern of what was Electoral Area “D” as a whole has been used as a proxy to help understand the trends in the region and to project future population growth.^{iv}

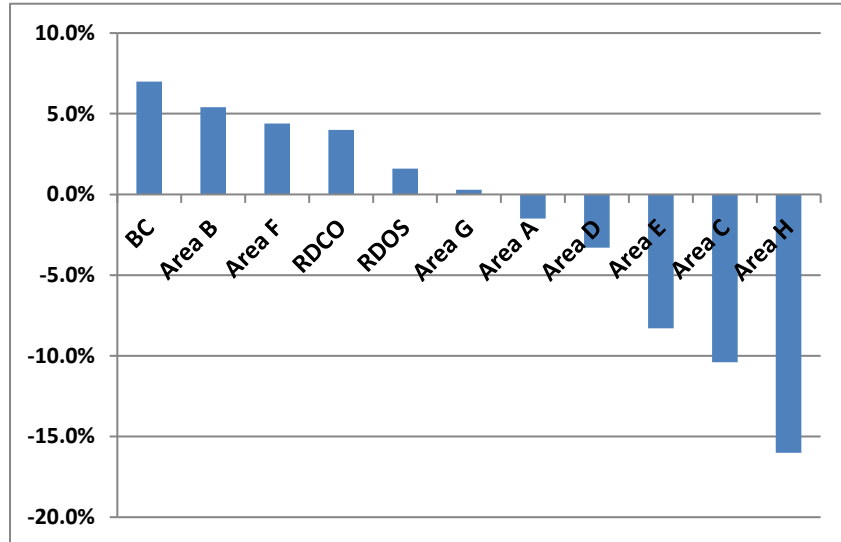
Between 2006 and 2011, the population in Electoral Area “D” as a whole declined 3.3%. This downward trend was apparent in the Plan Area where the largest community, Kaleden, declined in population 5% between 2006 and 2011.

Despite the declining population, enrolment at Kaleden Elementary has remained fairly constant according to the local School District. While there are fewer school aged children in Kaleden, the School District reports parents living in Okanagan Falls and working in Penticton are enrolling their children at the school (dropping them off and picking them up on their way to and from work in Penticton), which has helped maintain enrolment.

^{iv} Amendment Bylaw No. 2830, 2018 – adopted October 18, 2018.

Of the eight electoral areas that comprise the Regional District, just three saw growth between 2006 and 2011; Electoral Areas “B”, “F” and “G”. Overall, the population of the Regional District grew by just 1.6%, less than half the growth experienced in the Regional District of Central Okanagan (RDCO in Figure 6). This low growth rate is consistent with other similar areas in BC and influenced by both an aging population and decreasing fertility rates.

Figure 6: Population Growth Rates 2006-2011 BC, RDOS, Regional District of Central Okanagan



Although the population of the Electoral Area “D” Census District as a whole has declined, some population growth is expected over the next twenty to thirty years. According to projections, the population of the Electoral Area “D” Census District could grow to 5,910 by 2021, an increase of 3.3% over 2011, and a return to 2006 levels (see Figure 7). By 2031, the population of Electoral Area “D” Census District could total 6,115 (about a 2% growth rate). A more conservative growth rate (1.5% below the projected rate) would see the Electoral Area “D” Census District return to 2006 population levels by 2026.^v

Population forecasts are based on BC Statistics P.E.O.P.L.E. methodology/model (Population Extrapolation for Organizational Planning with Less Error) using Statistics Canada census data up to 2011. The methodology/model is a standard framework for developing population projections and is used by local governments throughout BC. It is based on historic population trends (e.g., fertility, death rates) and historic in- and out-migration trends.

^v Amendment Bylaw No. 2830, 2018 – adopted October 18, 2018.

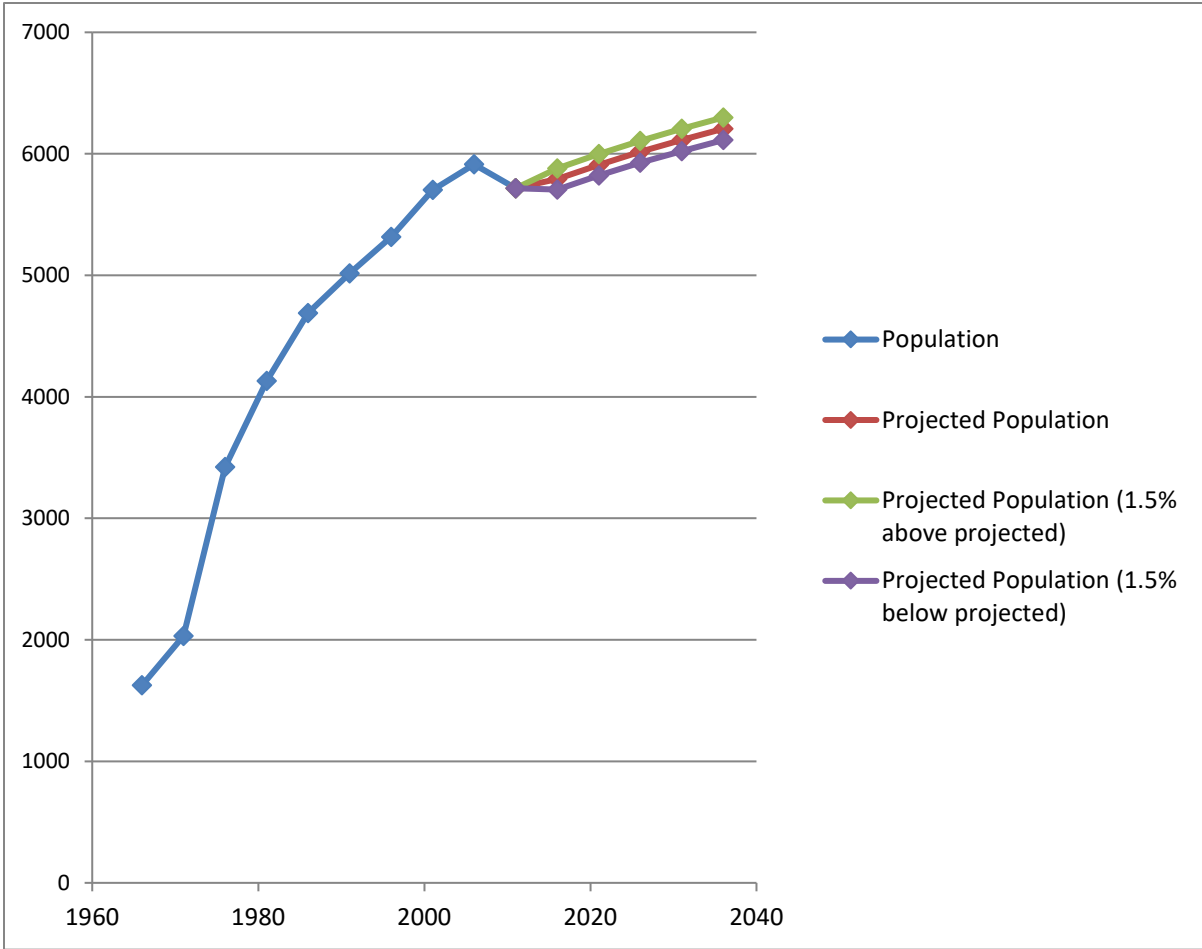


Figure 7: Electoral Area “D” Projected Population Growth (1966-2036)

3.6 Housing types

For the most part, housing in the Plan Area consists primarily of single-detached homes. There are also a small number of manufactured/mobile homes in the Plan Area, along with a limited amount of apartment-style and semi-detached (e.g., row, duplex) housing. Much of the medium-density housing in the Plan Area is located in Apex. **Figure 8** illustrates housing by dwelling type in Electoral Area “I”.

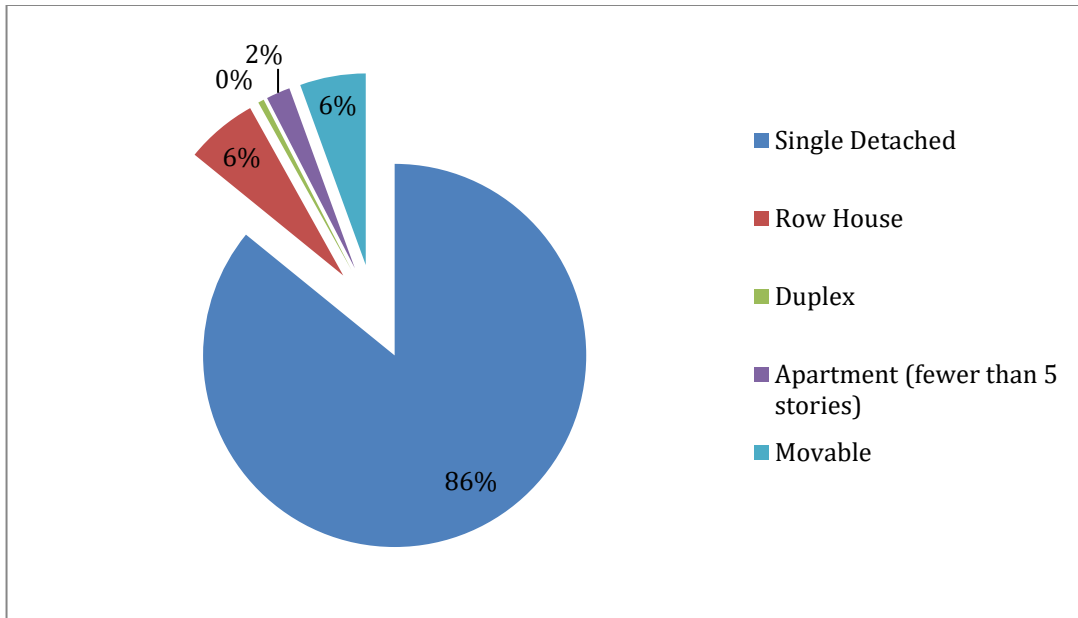


Figure 8: Plan Area Housing by Dwelling Type

As illustrated in

Figure 9, the majority of households (52%) in Electoral Area “I” are two person households according to recent Census data. Together one and two person households account for 71% of households. The smaller household sizes are consistent with an aging population and people having fewer children.

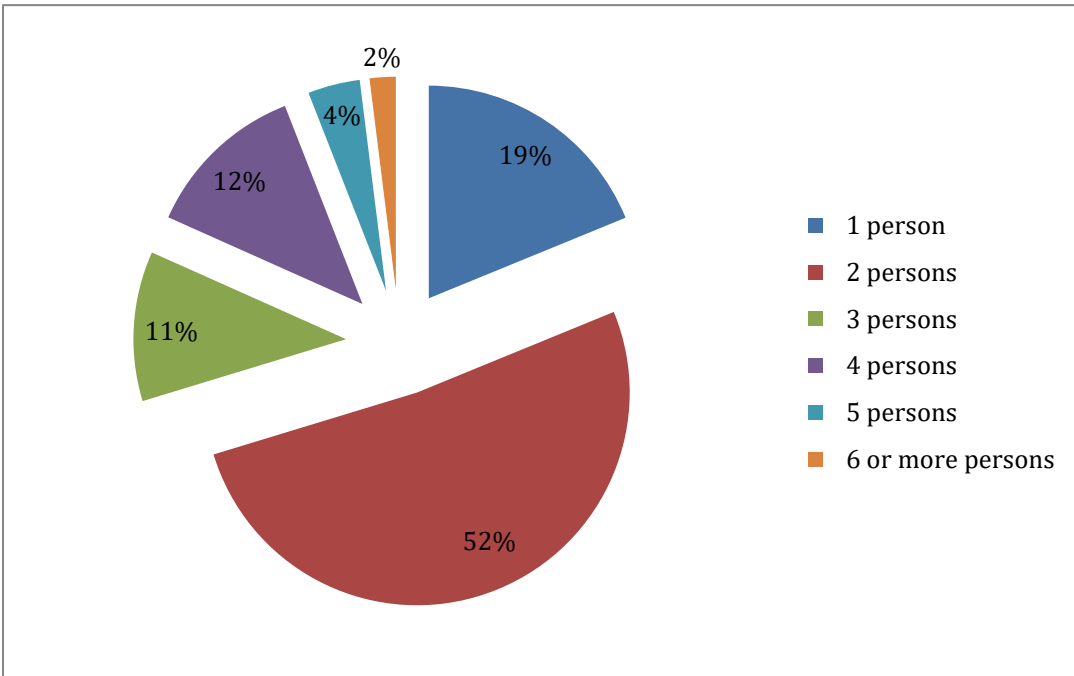


Figure 9: Electoral Area "I" Household Size

4.0 OFFICIAL COMMUNITY PLAN DESIGNATIONS

The future use and development of land within Electoral Area “I” must be consistent with the land use designations illustrated on Schedule ‘B’ (Official Community Plan Map). Inset maps are provided the planning area’s four main communities, Kaleden, Twin Lakes, St. Andrews and Apex.

Rural Designations

Resource Area	RA
Agriculture	AG
Large Holdings	LH
Small Holdings	SH

Residential Designations

Low Density Residential	LR
Medium Density Residential	MR
Residential Mixed Use	RMU

Village Centre Designations^{vi}

Apex Village Centre	AVC
Twin Lakes Village Centre	TLVC

Commercial Designations

Commercial	C
Commercial Tourist	CT

Industrial Designation

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

Community Services and Administrative Designations

Administrative, Cultural and Institutional	AI
Parks, Recreation and Trails	P
Conservation Area	CA

^{vi} Amendment Bylaw No. 2683.03, 2020 – adopted July 2, 2020.

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 OCP maps. The intent of the Regional Board is not to change 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.

^{vii} Amendment Bylaw No. 2862, 2020 – adopted January 7, 2021.

5.0 VISION AND BROAD GOALS

5.1 Vision

The Plan Area's communities and settlement areas share a similar rural lifestyle and values. While each may face its own unique challenges, community consultation identified a set of common values and a shared vision for the Plan Area. The following vision statement describes a preferred future for the Plan Area.

Electoral Area "I" is a safe, peaceful rural area made up of small communities and settlement areas that support a mix of housing types with both permanent and seasonal residents. The area's rural lifestyle and character is valued by all residents and supported by the preservation and stewardship of the area's important agricultural, natural habitat, and recreation areas. Water resources are well-managed and protected for residential and agricultural uses and ecosystem health and wellbeing.

5.2 Broad Goals

The following broad goals reflect the input and priorities of Plan Area residents and are the guiding principles of this Official Community Plan. These goals will be used by the Regional District and senior government agencies to help guide future decisions on development proposals, environmental protection initiatives, and infrastructure development in the Plan Area. They are organized and prioritized according to feedback from Plan Area residents, which was provided through community engagement activities and events and resident surveys.

- .1 **Natural environment.** Steward and protect the area's natural features and systems, including sensitive and endangered ecosystems, fish and wildlife habitats, and wildlife corridors.
- .2 **Water resources.** Protect and manage water resources, including both surface and groundwater, for residential and agricultural uses, and for ecosystem health and wellbeing.
- .3 **Infrastructure and services.** Improve and expand infrastructure in designated rural growth areas, including water and wastewater treatment systems, and cellular and Internet coverage and connectivity for all settled areas without compromising the protection of the Dominion Radio Astrophysical Observatory from Radio Frequency Interference (RFI).
- .4 **Community health and wellbeing.** Promote community health, active living and recreation, and support the area's aging population, including encouraging supported and/or seniors housing where appropriate and feasible.
- .5 **Economic development.** Work to strengthen and diversify a sustainable economic

and employment base for the Plan Area, including year-round tourism and recreation, agriculture, research and technology.

- .6 **Transportation.** Maintain a safe and effective transportation system for all road users and improve public transit options from area communities to larger regional centres.
- .7 **Residential development and housing.** Encourage a diversity of housing options for all age groups, while ensuring new housing development maintains the area's rural character, protects and respects unique and fragile habitats, and does not exceed the sustainable water supply.
- .8 **Agriculture.** Maintain existing and encourage new, compatible agricultural activities in the Agricultural Land Reserve and connect local residents, particularly younger generations and new community members, with the agricultural legacy of the Plan Area.
- .9 **Public and stakeholder engagement.** Improve and expand communications, consultation and engagement with residents and community stakeholders, including the Penticton Indian Band.

6.0 GROWTH MANAGEMENT

6.1 Background

Growth Management is a critical aspect of planning for a community's future. It allows a community to forecast growth, based on trends and aspirations and to direct anticipated growth to areas that align with the community's vision and broad goals.

In 2010, the Regional District adopted a Regional Growth Strategy (RGS) for the South Okanagan. Under the *Local Government Act*, once an RGS has been adopted, OCPs must be consistent. The goal of the RGS is to direct the substantial majority of future growth in the south Okanagan Valley area to designated Primary Growth Areas (e.g., City of Penticton, Town of Osoyoos, Okanagan Falls). The RGS envisions maintaining the rural character of the Plan Area, but anticipates directing growth to designated Rural Growth Areas, which the RGS specifically identifies as areas with:

- Established rural settlement areas with a minimum of 200 lots and/or dwelling units;
- Community water or community sewer services in place;
- Existing commercial or industrial; or
- Where development has been pre-determined through zoning, but not yet developed (e.g., Twin Lakes).

Within the Plan Area, the South Okanagan RGS designates Kaleden, Twin Lakes and Apex as Rural Growth Areas. There are no Primary Growth Areas in the Plan Area. The three areas were designated based on existing zoning, OCP designations and service areas.

The South Okanagan RGS recognizes that "some infill development may occur" in areas not designated as Rural Growth Areas as these other settlement areas evolve over time, provided that development "does not significantly increase the number of units or the established density and respects the character of the communities." Policy H3, "Protect the character of rural areas" of the South Okanagan RGS further stipulates that, "Proposed developments that do not closely adhere to OCP guidelines for the protection of rural and resource areas will not be supported."

Because of the South Okanagan RGS's emphasis to direct growth where infrastructure exists, an *Infrastructure Study for Electoral Area "I"* (April 2015, KWL Kerr Wood Leidal Consulting Engineers) was completed to understand the capacity of utilities in the Plan Area. The Rural Growth Containment Areas were informed by the infrastructure study and will help ensure future development is directed to areas known to have some capacity in order to maximize community infrastructure efficiencies.

6.2 Rural Growth Areas and Capacity

Based on population projections carried out as part the OCP Update (see Section 3.5), it was determined that the Plan Area could become home to between 160 and 240 additional residents (low and high projections) by 2031. Based on 2.3 people per

household (Census Canada figures), there is a projected need for between 70 to 104 homes by 2031, or between five to seven new homes per year.

	1.5% below projected growth rate	1.5% above projected growth rate
Additional population estimate (2031)	160	240
Persons per household	2.3	2.3
New dwellings required	70	104

Figure 10: New Dwelling Unit Requirements Projections

It is estimated that there is sufficient development capacity available to accommodate projected population growth. This estimate was based on existing zoning established through the zoning bylaw.^{viii} The numbers indicated in the table below represent new unit capacity on both vacant and underdeveloped lots on residentially zoned properties. Constraints were considered including the Agricultural Land Reserve, steep slopes and other terrain hazards that would not permit development, watercourses, and DRAO’s acknowledged requirement for an operating environment with minimal radio frequency interference (RFI). The table differentiates between Rural Growth Areas (Kaleden, Twin Lakes and Apex) and ‘other’ areas.

It is important to note that water supply and servicing was not included as a constraint in this analysis. In some areas the additional dwelling unit capacity would be further limited by these considerations. Also, actual dwelling unit capacity would be subject to additional Regional District review and approvals.

Development Type	Zoning Districts	Potential New Units - Rural Growth Areas	Potential New Units - outside Rural Growth Areas	Total Potential new units
Medium Density Residential Mixed Use	RMU	370	-	370
Medium Density Residential	RM1, RM3	100	-	100
Low Density Residential	RS1, RS2, RS4, RSM1	260	80	340

^{viii} Amendment Bylaw No. 2954, 2022 – adopted April 21, 2022.

Rural Residential	SH2, SH3, LH	15	57	72
TOTAL		745	137	882

Figure 11: Residential Development Capacity

While not under the jurisdiction of the Regional District, Penticton Indian Band is currently developing Skaha Hills in IR#1, a phased, mixed-use development that will feature up to 600 single-family and multi-family units, which will add additional residential capacity to the Plan Area.

6.3 Rural Growth Areas Development Considerations and Constraints

Future growth and development in each of the three designated Rural Growth Areas will be influenced by a number of potential development constraints and considerations. These constraints and considerations are summarized by area on the following pages. Approximate Rural Growth containment boundaries are illustrated in accompanying figures.

The Regional Board recognizes that to create a continuous boundary to contain growth there are properties within the boundary that are protected from development by provincial legislation and Development Permit Area regulations. It is not the intention of the Regional Board to encourage development of land within designated Agricultural areas or land identified as Parks/Recreation, Conservation Area, environmentally sensitive areas, watercourses, or steep slopes and terrain hazards within the defined growth boundary. Land with these designations or characteristics should continue to be protected from development.

Kaleden: The Regional District’s South Okanagan Regional Growth Strategy Bylaw designated Kaleden as a Rural Growth Area. With a planned sewer extension from a new wastewater treatment plant in Okanagan Falls, there may be some capacity for the community to grow in the future, although this capacity will be limited by steep, hazard slopes and ALR land in the area.

There is a planned two phase sewer extension to the community. While the first phase of the planned sewer extension is not anticipated for at least several years given funding requirements and the planned extension of services to Skaha Estates first, the new sewer service will permit infill development through subdivision that is not currently achievable due to septic system requirements. Completion of the project is not anticipated for 10 to 15 years, or beyond the timeline of this OCP.

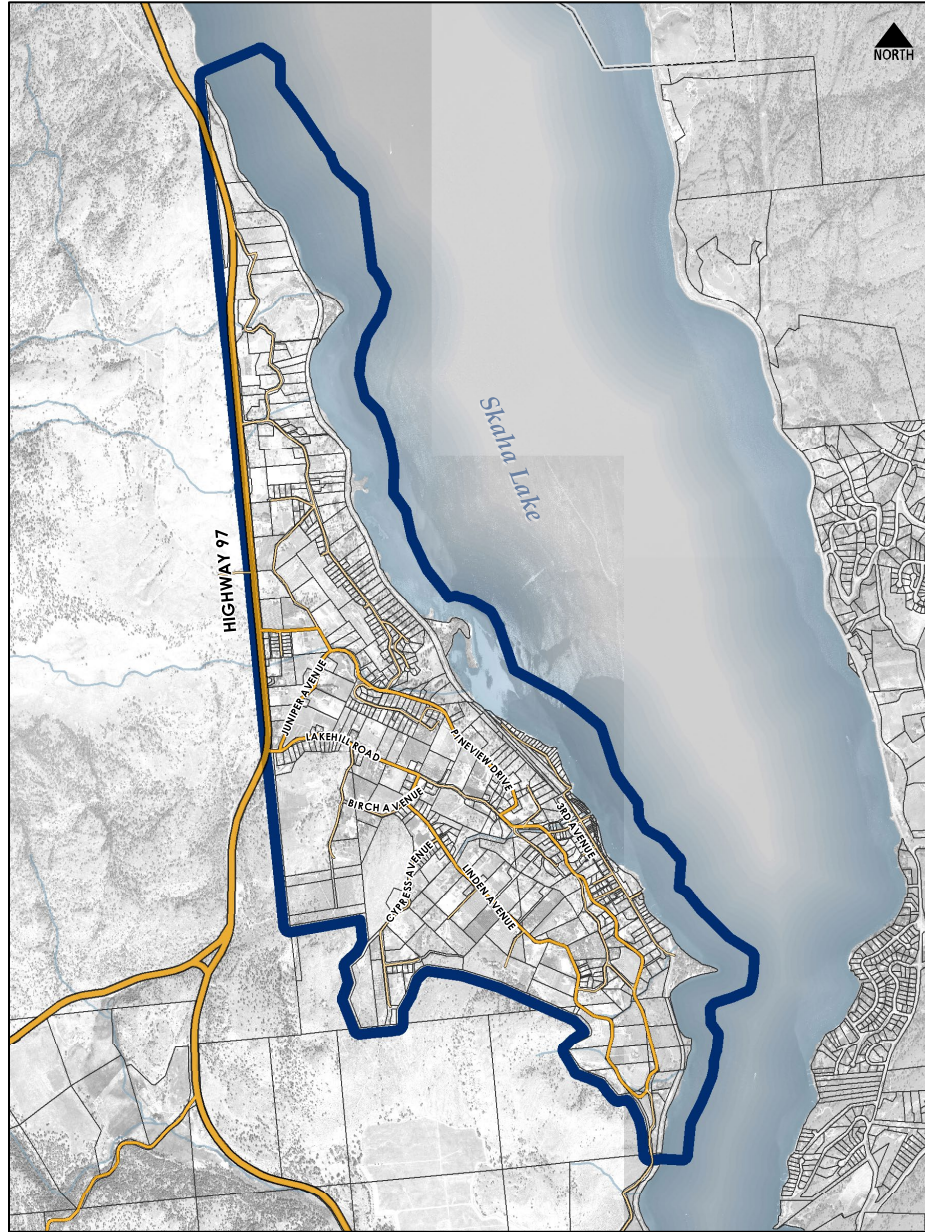
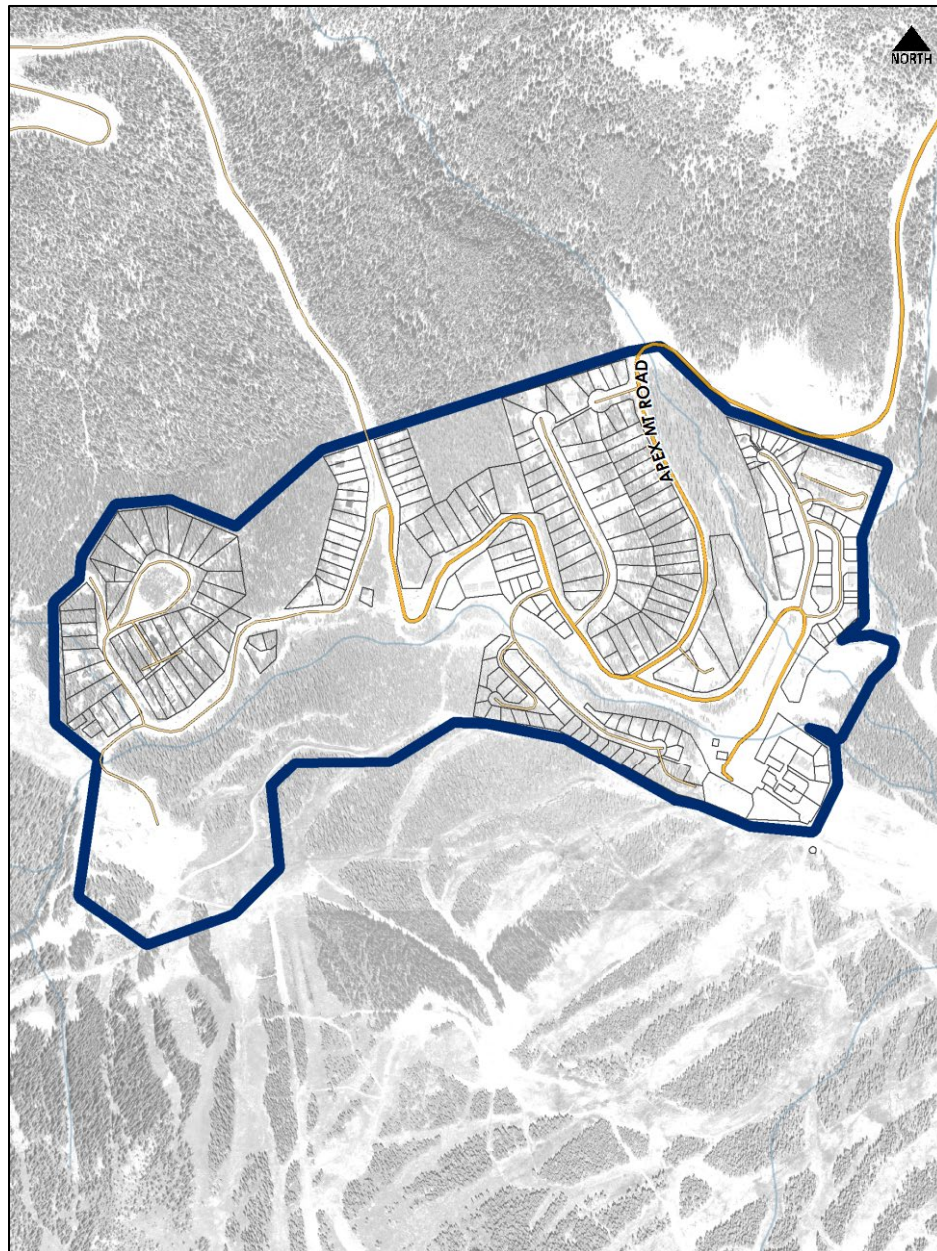


Figure 12: Kaleden Rural Growth Area Containment Boundary

Apex: The *South Okanagan Regional Growth Strategy* designated Apex as a Rural Growth Area. While Apex has the most significant growth potential of the three Rural Growth Areas, the likelihood of year-round residency is limited by the area’s seasonal nature and distance from services and employment opportunities. Until such time as a more year-round village develops, Apex’s growth will likely be limited to mostly seasonal residents.

Figure 13: Apex Rural Growth Area Containment Boundary



Twin Lakes: The *South Okanagan Regional Growth Strategy* designated Twin Lakes as a Rural Growth Area. Growth capacity for Twin Lakes is constrained by groundwater supply issues, or more specifically the significance or consequences of the groundwater constraints. Several studies have been undertaken to determine groundwater supply and capacity in the area, including a high-level, technical summary review carried out in conjunction with the Plan Area OCP update project (*Infrastructure Study for Electoral Area “I”, KWL Consulting Engineers, 2015*). The issue remains unresolved and will likely require a longer monitoring period to confirm supply issues. While zoning has been in place for a proposed 200-unit development on a bluff above the golf course since 1992, both the market and groundwater supply issues have not enabled the development to proceed. A revised, preliminary development concept removes the residential land use designations from the bluff to the Twin Lakes Golf Course commercial area where the clubhouse and an RV park are currently located. The revised, preliminary development concept features clustered townhouses on a relatively small footprint. Any new formal application will remain subject to sustainable groundwater supply and capacity issues.

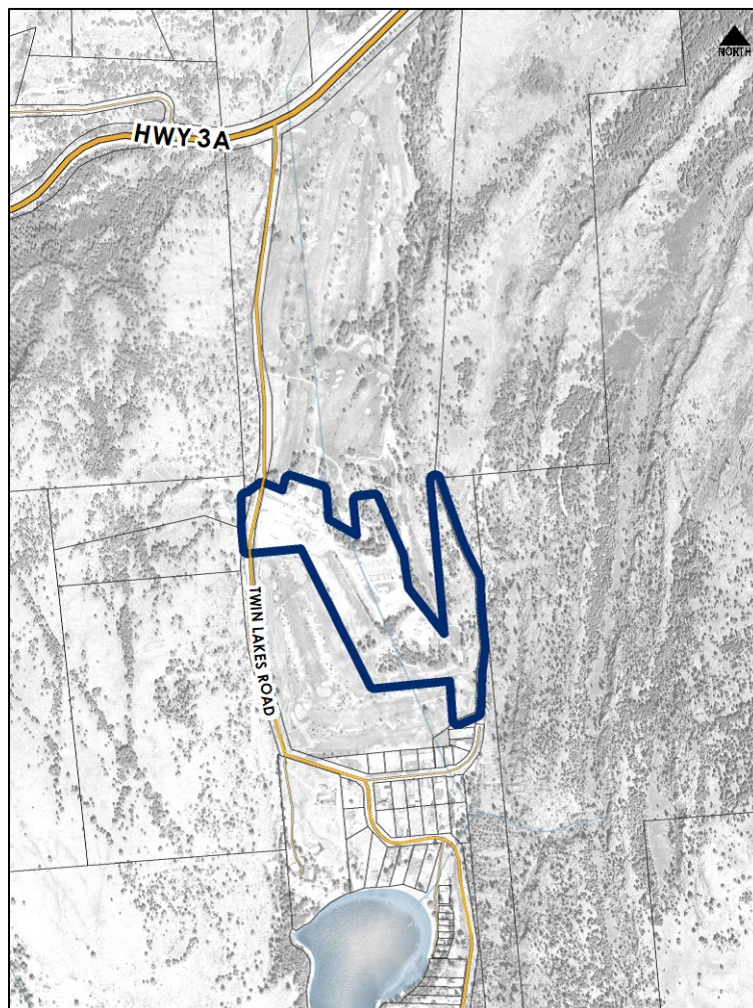


Figure 14: Twin Lakes Rural Growth Area Containment Boundary

6.4 Objectives

- .1 Manage growth within the Plan Area by directing residential development to designated Rural Growth Areas subject to confirmation of sustainable water supply.
- .2 Accommodate anticipated growth while maintaining the rural character and conserving the natural environment of the Plan Area.
- .3 Consider limited new development in other existing settlement areas where appropriate and in keeping with this OCP's broad goals and policies.

6.5 Policies

The Regional Board:

- .1 Recognizes Kaleden, Apex and Twin Lakes as the designated Rural Growth Areas in the Plan Area.
- .2 Will direct growth to designated Rural Growth Areas, by discouraging the re-designation or re-zoning of land that permits residential uses outside of the Rural Growth Area containment boundaries.
- .3 Recognizes the need for ongoing monitoring of groundwater at Twin Lakes to determine the area's capacity to accommodate additional development on a sustainable basis as a currently designated Rural Growth Area.
- .4 Recognizes that there is an appropriate amount of residential land designated to permit residential development within the Rural Growth Area containment boundaries to accommodate anticipated growth to 2031.
- .5 Recognizes Okanagan Falls and Penticton as designated Primary Growth Areas that have the community infrastructure, community services, economic and employment opportunities to sustain higher densities and residential growth than the Plan Area.
- .6 Will ensure any new development in designated Rural Growth Areas to provide community services pursuant to the Regional District's Subdivision Servicing Bylaw.
- .7 Directs development away from hazard lands, critical habitat areas, watercourses and the Dominion Radio Astrophysical Observatory Radio Frequency Interference (RFI) area.
- .8 Directs residential development away from designated Agricultural AG areas.
- .9 Will consider requests for the Regional District to initiate an application to the Agricultural Land Commission to have lands excluded from the Agricultural Land Reserve only within the context of a comprehensive review of this Official Community Plan (OCP) Bylaw.^{ix}

^{ix} Amendment Bylaw No. 2913, 2020 – adopted March 4, 2021.

- .10 Encourages property owners to seek, as an alternative to the exclusion of lands from the Agricultural Land Reserve, approval from the Agricultural Land Commission for other application types under the Agricultural Land Commission Act such as non-farm use, non-adhering residential use and subdivision.^x
- .11 Generally supports maintaining the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.^{xi}
- .12 Requires that all new parcels of less than one hectare in size connect to a community sewer system.
- .13 Supports water metering and other residential water conservation measures.

^x Amendment Bylaw No. 2913, 2020 – adopted March 4, 2021.

^{xi} Amendment Bylaw No. 2913, 2020 – adopted March 4, 2021.

7.0 LOCAL AREA POLICIES

7.1 Background

The Plan Area is comprised of four distinct communities and several smaller rural areas. While they each have much in common, including a strong desire to maintain and protect the larger Plan Area’s rural qualities and environmental values, each community is also unique. This section of the Plan outlines policies for each of the Plan Area’s main communities.

7.2 Apex

Apex is a ski resort community located approximately 33 kilometers west of Penticton and is a significant attraction and employer within the I area. Primarily a winter resort, Apex and the surrounding area offer activities such as downhill and cross-country skiing, tubing, skating, and snowshoeing during the winter season. The village area at the resort has amenities including restaurants, a ski sales and repair shop, a general store, day lodges, equipment rental, childcare facilities, and a range of accommodations, including a hostel, condos, hotels, B&Bs, and private cabins. During the summer months there are many mountain biking and hiking opportunities.

A large portion of the Apex area has been designated for mixed use and has a greater proportion of medium-density housing such as apartments and mixed-use commercial/residential buildings than other parts of the Plan Area. A 2006 study indicated there were approximately 40 year-round residents^{xii}, and had a current “bed base” of 2,600, with a total “bed base” of 3,800 at build-out. There is no current estimate of year-round residents, but monthly water consumption data indicates that between 60 and 180 people may be in the community at any one time during the shoulder and summer season.

Apex is a designated Rural Growth Area with the potential to support a larger, year round population. As primarily a seasonal resort area, any new growth and development will depend upon a broader range of services being available in the village centre and new residential development. Through the OCP update process, Apex homeowners were strongly supportive of a renewed local area planning process to address community issues, concerns and opportunities that have arisen since the first resort master plan was completed for Apex over 30 years ago. The need for a new Local Area Plan for the community is underscored by potential resort expansion in the future that could greatly expand the community’s footprint.

7.2.1 Policies

The Regional Board:

^{xii} *Feasibility of Fire Protective Services within Apex Mountain Resort, 2006*

- .1 Supports the development of a Local Area Plan for Apex in partnership with the Resort owners prior to, or concurrent with, any expansion of the resort to:
 - a) consolidate and improve the village centre as the community's service centre and social heart;
 - b) address residential development and servicing; and
 - c) support improved services and infrastructure, including fire and emergency services, sewer, water and solid waste management.
- .2 Requests provincial financial and planning support to carry out the creation of a new Local Area Plan and help support consultation and engagement with Penticton Indian Band.
- .3 Requests that the Province consult with the RDOS in the early stages of any proposed expansion of Apex resort.
- .4 Supports the creation of a Form and Character Development Permit Area during the development of any Local Area Plan for Apex that includes guidelines around:
 - a) environmental considerations, including snow, ice and wind;
 - b) site design;
 - c) building orientation and form;
 - d) building materials; and
 - e) snow management.
- .5 Encourages new development to consider and plan for safe storage of snow removed from roads and driveways.
- .6 Will continue to support the creation of a local service area for fire protection.
- .7 Strongly encourages and supports the development of a solid waste and recycling transfer station in Apex.
- .8 Supports ongoing community consultation and coordination between forestry operators within the Resource Area RA designation to minimize the impacts of forest harvesting on the community and its associated scenic and recreation values.
- .9 Supports enhanced road connectivity between Apex and the City of Penticton to improve safety, provide transportation alternatives to the single occupant vehicle, and ensure a safer road environment for residents living along Green Mountain Road and in Penticton Indian Band lands.
- .10 Supports the development of a recreational trail network in the area.

7.3 Kaleden

Kaleden is a small, unincorporated community located along the western side of Skaha Lake. Home to approximately 1,224 residents, Kaleden is situated south of Penticton

with access from Highway 97. Kaleden is the largest community in the Plan Area; though it incurred a 5% decrease in residents between 2006 and 2011, primarily due to the community's aging population and an associated decrease in fertility rates. In prior years, the community experienced sustained, if slow, growth.

In recent years, grape production has increased in prominence in tandem with the overall growth of the Okanagan's wine industry. Approximately 45% of Kaleden's land base is in Agricultural Land Reserve, or about 45% of the community's total area. Kaleden is also home to significant tourism industry. The area features a number of B&Bs, a beautiful lakeside area, camping, and many recreational options (e.g., biking, rock climbing, hiking, swimming, sailing). In addition, the town is located along the historic Kettle Valley Railway, which today is a popular trail network for cyclists and hikers.

The community has grown over the years and now supports several community amenities, including a small elementary school, a branch of the Okanagan Library, community hall, post office, general store, fire hall and gas station.

As a designated Rural Growth Area, the community has some growth and development opportunities, particularly when sewer service is extended to the community from Okanagan Falls in the medium-term. Access and traffic safety on Highway 97 entrances and exits to the community are concerns. The gradual expansion of commercial and community services in Kaleden, including the development of a broader range of residential housing opportunities to support and attract young families and permit older residents to age-in-place and remain in the community, is important. Access to Skaha Lake and the ongoing development and improvement of the Kettle Valley Railway (KVR) Trail are also important community issues.

7.3.1 Policies

The Regional Board:

- .1 Supports extension of community sewer services to Kaleden.
- .2 Supports the development of a Local Area Plan for Kaleden concurrent with longer-term sewer service planning and community engagement to:
 - a) encourage a broader range of residential housing opportunities;
 - b) consolidate and improve the community commercial services; and
 - c) ensure that the Regional District's vision and broad goals direct and guide future development in the area.
- .3 Supports maintaining and enhancing the existing commercial uses for both local services and tourist commercial activities.
- .4 Supports a broader range of residential housing opportunities, including seniors housing, when feasible and appropriate, respects the character of the area, and is supported by the community.

- .5 Encourages and supports the Province to continue safety and access improvements along the Highway 97 corridor, at Kaleden, within the existing right-of-way, including improved lighting, medians and traffic lights.
- .6 Encourages the Province to review safety issues related to commercial development accesses along Highway 97 at Kaleden.
- .7 Supports improving transit connections and linkages between Kaleden and surrounding communities, including Okanagan Falls, the City of Penticton, the Town of Osoyoos and the Town of Princeton.
- .8 Supports Kaleden Recreation and Parks Commission in their efforts to manage and enhance Pioneer Park.
- .9 Supports completion of the KVR Trail as an important linear park to link Kaleden with Okanagan Falls and, in the future, the City of Penticton.
- .10 Should work collaboratively with the Province and other relevant stakeholders to improve and maintain the KVR Trail between Kaleden and Okanagan Falls and the City of Penticton including interpretive signage and the development of non-vehicular accesses.
- .11 Supports improving public access from upper Kaleden to Skaha Lake and the KVR trail where feasible and appropriate, including the use of road ends. Potential access points for further consideration include from Pineview Drive near the south end of Banbury Point, and from Oak Avenue to the KVR trail near the Ponderosa Resort.
- .12 Supports working with the Ministry of Transportation and Infrastructure to maintain the old Kaleden to Okanagan Falls Road for bicycle and pedestrian traffic as an adjunct to the KVR Trail.
- .13 Recognizes that Skaha Lake access and completion of the KVR Trail are priorities in terms of parkland acquisition.
- .14 Supports the provision of public access to Skaha Lake and recognizes road ends to the Lake as an important public resource that should be open where feasible and appropriate.
- .15 Encourages the restoration and re-vegetation of Skaha Lake public access points that have been damaged by public access and supports the use of interpretive and educational signage to enhance public awareness of the environment and help limit potential future damage.
- .16 Should work with partner agencies and organizations to identify Crown land parcels and adjacent accreted lands along Skaha Lake that may be suitable for designation as a Conservation Area.
- .17 Will consider developing public access objectives and design guidelines for the Skaha Lake shoreline that include criteria to minimize impacts to the foreshore ecosystem and species.

- .18 Should work with other agencies to limit the number of wharves, docks, retaining walls and other structures on Skaha Lake, encourage sharing of docks and wharves on the lake, and consider future dock regulations.
- .19 Should work with partner agencies and organizations, to identify and minimize shoreline infill below the Skaha Lake high water mark (natural boundary) on private properties and public access points.
- .20 Should manage development to ensure that Skaha Lake water quality and supply is protected for long-term sustainability.
- .21 Will protect existing ALR areas in Kaleden from residential development, and encourage agricultural development on these ALR lands.

7.4 St. Andrews

Commonly known by the name of nine-hole golf course around which the development is centred (St. Andrews-by-the-Lake), St. Andrews is a small, privately developed strata community home to approximately 86 residential dwellings, with an additional eight parcels surveyed and registered but not yet built. A further 56 units were approved in the original Land Use Contract. The built residential units are organized in a cluster-housing concept ranging from single-family dwellings to attached units. There is also a clubhouse at the golf course containing a small pro shop, a full service licensed restaurant, a banquet hall, and six rental "motel" rooms. It is a very popular venue for weddings and other events.

While the community has not grown significantly since its initial development, recent indications show that a small number of young families are moving into the community, which has helped stabilize its population.

New development at St. Andrews is constrained by its proximity to the Dominion Radio Astrophysical Observatory (DRAO), an internationally important research facility (and the Plan Area's largest year-round employer) that is extremely sensitive to human generated Radio Frequency Interference (RFI). As a result, the St. Andrews development was intentionally restricted as a condition of initial project approval and several specific clauses were included in the Land Use Contract to protect the Observatory from RFI related to human development and activity. The Land Use Contract specifically laid out conditions to restrict installation and use of electrical equipment on the lands that could cause radio interference with the Observatory. These are included in agreements between the developer and buyers of lots in St. Andrews.

Technical background studies carried out as part of the development of this OCP determined that sustainable groundwater supply is also an issue for the community along with wastewater management. The studies recommend no further groundwater development in this area without a detailed capacity assessment.

7.4.1 Policies

The Regional Board:

- .1 Supports the eventual termination of the existing Land Use Contract in St. Andrews and its replacement with appropriate designations and zoning and other necessary measures including supporting DRAO securing an enduring legal basis for RFI protection and management.
- .2 Supports the Residential - Low Density Residential (LR) designation in the St. Andrews Land Use Contract area with implementation and zoning subject to:
 - a) clear demonstration of consistency with the broad goals and objectives of this OCP;
 - b) location of new development outside the identified RFI area as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area).
 - c) proof of sustainable water availability and supply based on measured residential use and St. Andrews Golf Course use;
 - d) establishment of adequate community on-site domestic water and sewage disposal in accordance with the Regional District's Subdivision Servicing Bylaw and provincial regulations and submission of an assessment from a Qualified Professional;
 - e) compatibility and integration 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) appropriate distribution of land uses, timing and staging of the development; and
 - h) clear demonstration of best practice residential water conservation standards, including water metering and xeriscaping.
- .3 Supports low densities of land within the identified RFI area as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area) designated AG Agricultural, RA Resource Area or AI Administrative, Cultural and Institutional to reflect its ALR status, environmental sensitivity, or presence of DRAO facilities as the case may be.
- .4 Encourages the reuse of treated grey water for golf course irrigation, where feasible and appropriate.
- .5 Supports upgrading the community wastewater infrastructure and will explore the feasibility and appropriateness of establishing a community sewer service.
- .6 Supports detailed assessment and determination of a sustainable supply of groundwater as a condition of all potential new development in the area.

7.5 Twin Lakes

Located about twenty minutes southwest of Kaleden, the Twin Lakes area is a small, but

relatively dispersed community that developed over time from a number of historic ranches that operated in the area. The Twin Lakes Guest Ranch existed from 1945 to 1975. The first owners of the Guest Ranch also initiated the area's first residential property subdivisions in 1959.

With the popular 18-hole Twin Lakes Golf Course roughly marking the geographic centre of the community today, the area generally includes Twin Lake (also known as Nipit Lake), Horn Lake, Trout Lake (across Highway 3A from the golf course), Toy Lake, Sheep Creek, and the Marama Creek areas. Over the years, the area has grown to about approximately 175 properties, including about 55 residential properties and a small commercial complex with a gas station, convenience store and restaurant clustered near Trout Lake. The area's year-round population estimated to be about 200 people, though there are more seasonal residents (most of whom live in summer homes around Twin Lake).

Much of the housing in Twin Lakes consists of single-family detached homes. There is also a 39-site RV park adjacent to the Twin Lakes Golf Course, which includes a seasonal clubhouse and associated facilities.

Groundwater supplies the majority of residential users in the Twin Lakes area and community members have expressed concerns regarding aquifer and groundwater sustainability. Engineering studies, including a high-level, technical summary review carried out in conjunction with the Plan Area OCP update project (*Infrastructure Study for Electoral Area "I", KWL Consulting Engineers, 2015*), have identified and confirmed a number of aquifer issues and groundwater scarcity issues. The golf course uses a significant amount of water for irrigation, but has reported reducing its consumption by 50% over the past several years. Balancing any new potential development with water conservation and environmental stewardship is the community's driving objective. Longer-term monitoring of groundwater with community observation wells, combined with monitoring of residential, agricultural and golf course use will determine the long-term sustainability of groundwater supply in the community and, potentially, Twin Lakes viability as a designated Rural Growth Area. Technical background studies carried out as part of the development of this OCP recommended no further development without additional groundwater studies.

Twin Lakes is a designated Rural Growth Area in the South Okanagan RGS. A preliminary revised concept envisions shifting a development originally proposed for bench lands above the Twin Lakes Golf Course to an area in and around the existing clubhouse and RV park (see Section 6.3). Should development not proceed in Twin Lakes over the lifetime of this OCP, there is an opportunity for the Regional District to consider removing the area as designated Rural Growth Area during an RGS review process.

7.5.1 Policies

The Regional Board:

- .1 Supports the termination of the Land Use Contract in Twin Lakes and its

replacement with appropriate zoning, specifically:

- i) designating Lot 20, Plan KAP17461, Section 36, Township 89, District lot 2169, SDYD, as Agriculture (AG); and
 - ii) designating Lots 1, 2 & 4-6, Plan KAP38989, Section 36, Township 89, District Lot 2169, SDYD, and Lots 1 & 2, Plan KAP58497, District Lot 2169, SDYD, as Small Holdings (SH).
- .2 Supports the designation of the Rural Growth Area as Residential Mixed Use (RMU).
- .3 Should consider new residential development proposals within the designated Rural Growth Area containment boundary subject to water supply availability.
- .4 Must require new, multi-unit or multi-lot residential development, or RV park development proposed for the designated Rural Growth Area to:
- a) clearly demonstrate its consistency with the broad goals and objectives of this OCP;
 - b) provide an assessment of the proposal against the following criteria:
 - i) provision of sustainable water supply without impacting existing residential developments and environmental flows;
 - ii) establishment of adequate community on-site domestic water and sewage disposal in accordance with:
 - .1 the Regional District's Subdivision Servicing Bylaw
 - .2 provincial regulations and
 - .3 submission of an assessment from a Qualified Professional.
 - iii) compatibility with adjacent land uses and designations, and the character of the existing area; and
 - iv) type, timing and staging of the development.
 - c) consider an urban village concept with pedestrian focus;
 - d) clearly demonstrate best practice residential water conservation standards, including water metering, water re-use, and xeriscaping; and
 - e) be organized around a phased concept plan where any future development phases are contingent upon sustainable water availability and supply based on at least ten-years of supply data monitored by a Qualified Professional from both existing groundwater observation wells and measured residential and Twin Lakes Golf Course use.
- .5 May review the suitability of Twins Lakes as a Rural Growth Area in the event development does not proceed within the area designated for Residential Mixed Use by 2025.

- .6 Supports the Small Holdings SH designation within the RFI area as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area) to reduce subdivision potential and prevent and minimize potential additional RFI from new residential development.
- .7 Supports the development of a community sewer system in the Nipit and Trout Lake areas in coordination with potential new residential development in the designated Rural Growth Area.
- .8 Supports water metering and water conservation measures for existing and new development.
- .9 Supports the reuse of treated grey water for golf course irrigation, where feasible and appropriate.
- .10 Supports the establishment of a fire protection service for Twin Lakes, when appropriate and feasible.
- .11 Supports the development of a recreational trail network in the area.

7.6 Other Areas

Farleigh Lake, Green Mountain Road and Marron Valley are three rural areas in the Plan Area.

The Farleigh Lake area is home to about 14 homes on both large lot and agricultural designations, with properties primarily clustered around the lake. The area is accessed via a paved road from Green Mountain Road.

Unlike Farleigh Lake, which is a focused area around its namesake lake, Green Mountain Road is a rural area spread along approximately 60 kilometres of road between Highway 3A, the Apex turn off, and the Penticton Indian Band IR#1. Located primarily in the Resource Area designation, the area is home to approximately 34 homes on large rural parcels. The area includes 17 properties that are designated Large Holdings (LH) close to the intersection of Apex Mountain Road and Green Mountain Road intersection.

Marron Valley includes about 24 rural properties along Highway 3A between Twin Lakes and Kaleden, and along Marron Valley Road between Highway 3A and Green Mountain Road.

7.6.1 Policies

The Regional Board:

- .1 Supports working with the Ministry of Transportation and Infrastructure and the RCMP to improve road safety on Green Mountain Road.
- .2 Supports working with Penticton Indian Band to minimize conflict between agricultural and non-agricultural uses (i.e., livestock) in areas where Penticton Indian Band IR#1 abuts Regional District lands in the Farleigh Lake and Green Mountain Road areas.

- .3 Supports ongoing collaboration with Penticton Indian Band regarding the management of wild horses in the area.
- .4 Recognizes the limited potential for further expansion of rural holdings in the Farleigh Lake area within the time frame of this Plan in consideration of physical and servicing limitations of the remaining lands.

8.0 RESOURCE AREA

8.1 Background

This designation encompasses lands used and valued for grazing or rangelands, forestry, natural resource extraction, recreation, environmental conservation opportunities, and large rural residential. The designated Resource Areas in Electoral Area “I” reinforce the rural character of Plan Area and are a valued community resource.

The Resource Area designation is intended to guide development outside of existing settlement areas, and provide direction for responses to referrals from provincial agencies. Resource Areas are described as large parcels of land, and includes both private and/or Crown land.

It is recognized that certain matters considered in this section are beyond the jurisdiction of the Regional District (e.g., Crown land); however, the objectives and policies relating to these are intended to serve as indicators of community preference and to assist senior levels of government in planning and decision making.

8.2 Objectives

- .1 Conserve scarce water resources and protect the quality and quantity of those resources for future generations.
- .2 Maintain the renewable natural resource land base and protect it from activities that may diminish the resource value and potential.
- .3 Plan for and protect wildlife corridors, habitat of threatened and endangered species and ecosystem connectivity.
- .4 Encourage and protect responsible outdoor recreation activities.

8.3 Policies

The Regional Board:

- .1 Supports the use of lands designated Resource Area (RA) identified in Schedule ‘B’ (Official Community Plan Map) for grazing or rangelands, forestry, natural resource extraction, recreation, environmental conservation, watershed protection and management opportunities, and limited rural residential uses.
- .2 Supports lands designated as Resource Area (RA) generally being maintained as large land parcels (i.e., as un-surveyed Crown land, or as District Lots).
- .3 Supports a 20 hectare minimum parcel size in recognition that these areas will remain as rural, with limited community services and infrastructure.
- .4 Supports responsible, low impact recreational uses which avoid critical habitats and minimize disturbance; and will work with the Province and others to ensure there are adequate staging areas with off-road parking.

- .5 Supports communication with and participation by Syilix/Okanagan communities in the management and development of Crown resources.
- .6 Supports activities that improve range and forage conditions, including the continuation of the Noxious Weed Control Program to help control the invasion and spread of noxious weeds in the Plan Area.
- .7 Where there is forestry use, supports selective logging to maintain undiminished the capacity of the land to absorb and retain water, prevent erosion, and permit groundwater recharge throughout the harvest cycle.
- .8 Supports the identification and establishment of a Watershed Resource Area (WRA) zone in the Zoning Bylaw for designated community watersheds under the *Forest and Range Practices Act* where:
 - a) one of the primary land management priorities is to maintain and manage local water quality and quantity;
 - b) the minimum parcel size is 120 ha with a limited range of uses permitted;
 - c) intensive recreation, subdivision and rezoning of lands within the zone are discouraged;
 - d) recreationalists are encouraged to minimize stream crossings and stay on existing trails to prevent erosion; and
 - e) the Province is encouraged to retain, in perpetuity, public ownership and to manage, for watershed protection purposes, all Crown land within designated community watersheds of existing major or minor domestic water sources.

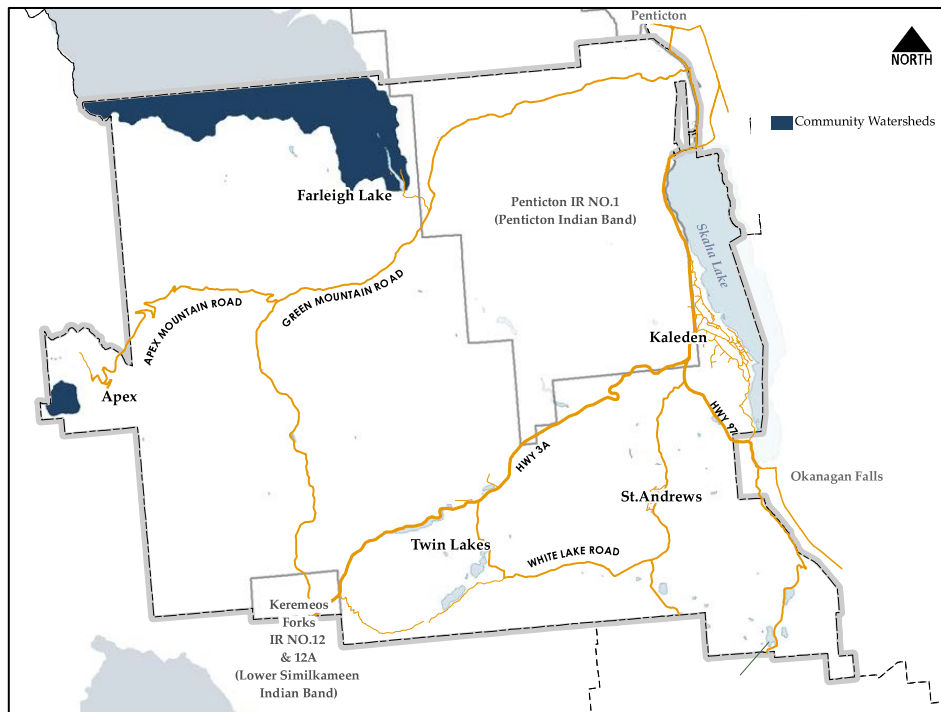


Figure 15: Plan Area – Designated Community Watersheds

- .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.^{xiii}
- .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:^{xiv}
- 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.

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

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

9.0 AGRICULTURE

9.1 Background

The agricultural land base in the Plan Area is limited and widely dispersed. Approximately 9.3% of the total land base of the Plan Area is designated as Agriculture (AG). The area's agricultural land generally consists of two types. Small intensively managed areas are devoted to the production of tree fruits, grapes and vegetables; and larger areas, usually at higher elevations, generally consisting of rangeland for grazing cattle. The smaller areas are at lower elevations and are often irrigated. The larger areas consist mainly of Crown land leases and may have some forest cover.

Land used for agricultural purposes is generally located within the Agricultural Land Reserve (ALR) and is therefore regulated by the Agricultural Land Commission (ALC).

The Agriculture AG designation within the Plan Area applies to land used or intended to be used for an agricultural operation or activity generally including the production of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, wood and fibre crops, grapes, and horticultural and aquaculture products, as well as activities associated with the production and processing of these items.

9.2 Objectives

- .1 Protect the agricultural land base of the Plan Area and associated farming, ranching and general agricultural activities.
- .2 Minimize conflicts and improve the compatibility between non-agricultural uses and agricultural uses.
- .3 Minimize the impacts of agriculture and ranching on sensitive environmental resources.

9.3 Policies

The Regional Board:

- .1 Generally supports the use of lands designated Agriculture (AG) identified on Schedule 'B' (Official Community Plan Map) for an agricultural operation or activity generally including the production of livestock, poultry, farmed game, fur bearing animals, crops, fruit, grain, vegetables, milk, eggs, honey, mushrooms, wood and fibre crops, grapes, and horticultural and aquaculture products, as well as activities associated with the production and processing of these items.
- .2 Recognizes agricultural land as necessary for agricultural businesses that provide regional economic stability and growth opportunities.

- .3 Encourages the preservation of environmental values in the Agriculture (AG) designation.
- .4 Discourages subdivisions that fragment farm, vineyard, or orchard units and will encourage consolidation of small parcels into larger farm units to increase efficiency and production.
- .5 *deleted.*^{xv}
- .6 Supports additional dwellings within the Agricultural (AG) designation where they are used to support agricultural activities and purposes (e.g., workers' housing).^{xvi}
- .7 Encourages new development adjacent to agricultural areas to provide sufficient buffering in the form of setbacks, fencing and landscaping that is consistent with Ministry of Agriculture guidelines.
- .8 Encourages provincial and utility agencies to minimize the impact of new roads and utility corridors through agricultural land by utilizing only those lands necessary, and by maximizing the capacity of existing corridors and roads.
- .9 Supports the agricultural industry by considering the establishment of economic strategies that promote the industry, and identify new farm markets.
- .10 Supports the agricultural and rural economy by encouraging secondary, value-added uses such as agritourism, secondary processing of products, and home occupations/industry provided they are compatible with surrounding land uses.
- .11 Encourages the consolidation of legal parcels that form part of the same farm unit where the consolidation permits a more efficient use of agricultural land.
- .12 Supports measures by the Province to reduce agricultural/residential conflicts through education, aimed at helping residents better understand the requirements of farm operations, and helping farm operations use different methods that may create fewer conflicts.
- .13 Recognizes that parcel sizes within the Agriculture designation may vary depending on respective zoning, and the decisions of the Agricultural Land Commission, but generally shall not be smaller than 4 ha for orchards, 10 ha for vineyards and 20 ha for ranching.
- .14 May consider supporting applications to subdivide parcels smaller than 4 ha within the Agricultural Land Reserve, subject to approval of the ALC, in the following cases:
 - a) for a homesite severance under the ALC's homesite severance policy; and
 - b) where the subdivision or boundary adjustment enhances agricultural viability.

Note: In these cases, the individual parcel sizes within the Agriculture designation are subject to approval by the Agricultural Land Commission, and must meet minimum parcel size required to satisfy the relevant Provincial regulations for septic disposal fields. The Agricultural Land Commission may not always support applications for these forms of subdivision.

^{xv} Amendment Bylaw No. 2913, 2020 – adopted March 4, 2021.

^{xvi} Amendment Bylaw No. 2950, 2022 – adopted May 5, 2022.

- .15 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.^{xvii}
- .16 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}
- .17 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:^{xix}
- 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.
- .18 Supports the temporary siting of a dwelling unit for farm labour that does not comply with zoning regulations where permitted by a Temporary Use Permit. The Regional Board may use the following criteria to assess applications:^{xx}
- a) the accommodation is to be installed on a temporary foundation with no basement.
 - b) the size of the current farm unit (i.e., total size of all parcels under the farm operation).
 - c) whether other farm unit parcels contain existing dwellings suitable for use as farm worker accommodation.
 - d) the size of the accommodation and total residential footprint.
 - e) the number of proposed persons to be housed in the accommodation structure.
 - f) the parcel has been classified as “farm” under the *BC Assessment Act*.
 - g) the location of the accommodation on a parcel, specifically:
 - i) is it to be sited on the least arable soils on a property or within an existing “farm home plate” (i.e. that portion of a property where all residential

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

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

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

^{xx} Amendment Bylaw No. 2950, 2022 – adopted May 5, 2022.

and related buildings, structures and activities are clustered, thereby leaving the balance of the property for agricultural use);

- ii) if new driveways and vehicle parking areas are required and will result in the alienation of cultivated land.

10.0 RURAL HOLDINGS

10.1 Background

The Plan Area's rural character and lifestyles are some of the most valued aspects to area residents. While the majority of future residential growth will be directed to designated Rural Growth Areas, there is potential for limited rural development.

Within the Plan Area, Rural Holdings are generally grouped into two categories, Large Holdings (LH) and Small Holdings (SH).

The Large Holdings designation, applies to typically privately-held properties smaller than Resource Area parcels and includes large parcels of land generally used for acreages, hobby farms, limited agriculture, ranching, grazing, and other uses that fit with the character of this area. Large Holdings should have a range of minimum parcel sizes but no less than of 4 hectares.

The Small Holdings designation includes medium sized parcels of land generally used for rural residential, part time farming, limited agriculture, home industry uses and other uses that fit with the character of the area. As with Large Holdings, Small Holdings are located outside of the Agricultural Land Reserve.

10.2 Objectives

- .1 Retain and enhance the rural character of lands designated for Large Holdings and Small Holdings.
- .2 Prevent rural sprawl, by limiting development on Small Holdings properties to rural residential densities and agricultural uses.
- .3 Reduce potential conflicts between rural residential developments and agricultural operations on Rural Holdings.
- .4 Reduce the wildfire hazard threat to residential areas located within the Small and Large Holdings designations.

10.3 Policies - General

The Regional Board:

- .1 Supports home occupation and home industry uses on lands designated Small Holdings (SH) and Large Holdings (LH), provided the uses are compatible with the surrounding rural character.
- .2 Will evaluate new Rural Holdings developments against the implications and impacts on the agricultural uses in the area.

- .3 Generally does not support additional development outside of the designated Rural Growth Areas.
- .4 Requires any proposal to create additional land designated or zoned either Large Holdings or Small Holdings to:
 - a) Clearly demonstrate and articulate the need for it in the context of its impact on the community and the objectives of this OCP; and
 - b) Provide an assessment of the proposal against the following criteria:
 - i) availability of vacant land currently designated as either Large Holdings or Small Holdings;
 - ii) capability of the natural environment to support the proposed development;
 - iii) impact on environmentally sensitive areas, as illustrated on Schedule 'I' (Environmentally Sensitive Development Permit Areas);
 - iv) capability of accommodating on-site domestic water and sewage disposal, or availability of community water or sewer, and submission of an assessment from a qualified professional in accordance with the Regional District Subdivision Servicing Bylaw;
 - v) proximity to existing roads and other community and essential services;
 - vi) susceptibility to natural hazards including but not limited to flooding, slope instability or wildfire risk;
 - vii) compatibility with adjacent land uses and designations, and the character of the existing area;
 - viii) consideration of visual impacts where development is proposed on hillsides and other visually sensitive areas; and
 - ix) type, timing and staging of the development.
- .5 Supports home occupation and home industry uses which can potentially generate RFI within the identified RFI area as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area) only if compatible with DRAO's operations.
- .6 Protects and conserves agriculturally productive land, and environmentally sensitive areas within designated Small Holdings and Large Holdings areas.
- .7 Should work collaboratively with the Subdivision Approving Authority to ensure that rural developments and subdivisions allow for public access to Crown land.
- .8 Encourages voluntary environmental stewardship on private lands within Small and Large Holdings areas.
- .9 Generally will not support applications for rezoning or subdivision of lands designated as Radio Frequency Interference (RFI) areas as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area).

- .10 Encourages new developments that abut agricultural land or livestock grazing land to provide perimeter fencing.
- .11 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}
- .12 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:^{xxii}
 - 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.

10.4 Policies – Large Holdings

The Regional Board:

- .1 Supports the use of lands designated Large Holdings identified in Schedule ‘B’ (Official Community Plan Map) for ranching, grazing, outdoor recreation, open space, limited residential use and other uses that will have minimal environmental impact and preserve the lands in a largely undeveloped state.
- .2 Will establish a range of densities and parcel sizes, to be no less than 4 ha in area, for land designated Large Holdings in the Plan area through the Zoning Bylaw.
- .3 Allows secondary suites and may consider additional accessory dwellings based on the size of parcel.
- .4 Will not consider accessory dwelling units within the identified RFI area as shown on Schedule ‘C’ (Dominion Radio Astrophysical Observatory RFI Area) to reduce RFI risks.
- .5 Discourages changes in land designation or zoning that will allow for incompatible land uses or the subdivision of Large Holdings parcels to less than four hectares in size.

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

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

10.5 Policies – Small Holdings

The Regional Board:

- .1 Generally supports a range of uses on the lands designated Small Holdings in Schedule 'B' (Official Community Plan Map), including: rural residential, hobby farming, limited agriculture and others uses that fit within the rural character of the surrounding area.
- .2 Will establish a range of densities and parcel sizes for lands designated Small Holdings in the Plan Area through the Zoning Bylaw.
- .3 Supports a minimum parcel size of one hectare for lands without community sewer within the Small Holdings (SH) designation.
- .4 Supports secondary suites and accessory dwelling, subject to accessory dwellings on parcels less than 1.0 ha in area being connected to a community sewer system.^{xxiii}
- .5 Requires that any proposal seeking to rezone the parcel described as Lot 20, Plan KAP17461, Section 36, Township 89, District Lot 2169, SDYD (160 Twin Lakes Road) in order to facilitate subdivision demonstrate the ability to connect to a community water and sewer system, and that the land is no longer designated, in accordance with the *Agricultural Land Commission Act*, as being within the Agricultural Land Reserve (ALR).^{xxiv}

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

^{xxiv} Amendment Bylaw No. 2683.03, 2019 – adopted November 21, 2019.

11.0 RESIDENTIAL

11.1 Background^{xxv}

Residential development in the Plan Area has occurred in four primary locations -- Kaleden, St. Andrews, Twin Lakes and Apex. Low-density single detached dwellings are the predominant housing form throughout the Plan Area including these settlement areas. Other forms of low-density residential housing include semi-detached, and manufactured homes.

The Plan Area contains a significant amount of medium density residential housing in the Apex area. The Twin Lakes Golf Resort also contains lands which are designated Medium Density Residential, but which are not yet developed. The St. Andrews Land Use Contract includes 'rowhouses' and 'semi-detached' housing.

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

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

Comprehensive Development (CD) zones have also been applied to lands designated LR and MR, generally in order to address legally non-conforming 'shared lot' residential uses that have existing for several decades or to act as a transitional zone pending development to specific residential forms.

11.2 Objectives

- .1 Direct new residential development to existing serviced areas, within designated 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 Environmentally Sensitive Development Permit Areas, Watercourse Development Permit Areas and hazard lands.
- .5 Protect the Dominion Radio Astrophysical Observatory by minimizing residential uses in the White Lake Basin, St. Andrews and other areas within the RFI areas shown on

^{xxv} Amendment Bylaw No. 2683.03, 2020 – adopted July 2, 2020.

Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area), to help minimize Radio Frequency Interference (RFI) from residential uses.

11.3 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 Rural Growth Areas.
- .2 Encourages residential infill development to maximize land use and servicing efficiencies.^{xxvi}
- .3 Supports a range of residential densities and parcel sizes for the existing residential areas and resort communities 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 In consideration of the potential of RFI impacts on the Dominion Radio Astrophysical Observatory facility, generally will not support applications for rezoning or subdivision upon lands identified as radio frequency interference (RFI) areas as shown on Schedule 'C' *Dominion Radio Astrophysical Observatory RFI Area*.
- .7 Will evaluate any new residential development on its implications and impacts on adjacent lands designated as Agriculture AG.
- .8 Encourages new developments that abut agricultural land or livestock grazing land to provide perimeter fencing.

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

- .9 Encourages residential development that abuts land designated Agriculture AG to provide buffers pursuant to Ministry of Agriculture guidelines.
- .10 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.^{xxvii}
- .11 Requires that accessory dwellings on parcels less than 1.0 hectare in area be connected to a community sanitary sewer system.^{xxviii}
- .12 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.^{xxix}
- .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).^{xxx}

11.4 Policies –Low Density Residential^{xxxi}

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) of 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) of 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.

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

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

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

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

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

11.5 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.^{xxxii}
- .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.^{xxxiii}
- .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.^{xxxiv}
- .4 May consider the designation of new Medium Density Residential (RM) areas in Kaleden in conjunction with planned sewer service to the area, additional planning and analysis, and community input.
- .5 Encourages affordable, community care housing, seniors housing, and special needs housing in Medium Density Residential (MR) areas.^{xxxv}
- .6 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.^{xxxvi}
- .7 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 Supports the use of a comprehensive development zone to allow a range of Medium Density Residential (MR) and Low Density Residential (LR) densities and dwelling types, and a limited range of tourist commercial uses on an approximately 12.5 ha parcel land that comprises an unfinished phase ("Chutes

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

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

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

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

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

End”) of the *Apex Alpine Resort Area Master Plan (1981)*. As this land is developed, the comprehensive development zone should be replaced with existing zones found in the applicable zoning bylaw.^{xxxvii}

11.6 *deleted.*^{xxxviii}

11.7 Policies - Vacation Rentals

The Regional Board:

- .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.

^{xxxvii} Amendment Bylaw No. 2683.03, 2020 – adopted July 2, 2020.

^{xxxviii} Amendment Bylaw No. 2683.03, 2020 – adopted July 2, 2020.

12.0 VILLAGE CENTRE^{xxxix}

12.1 Background

The Village Centre designation generally incorporates mixed medium density residential, institutional and commercial lands at Apex Mountain and the designated Rural Growth Area in Twin Lakes. The designation also includes a range of higher density housing types from row housing to apartments, mixed use recreation and commercial uses, natural open spaces, and administrative, cultural or institutional uses

The Village Centre designation supports this by focusing medium density residential growth which, in turn, will promote a more compact urban form and a more complete community.

To meet these objectives, the Village Centre designation includes a strong emphasis on encouraging commercial, tourist commercial, mixed-use commercial, and medium density residential development.

12.2 Objectives

- .1 Reinforce the role of lands designated Village Centre as the commercial, institutional and social heart of a community.
- .2 Retain existing business and institutional uses, while supporting their expansion and attracting additional cultural, entertainment, and commercial development to areas designated Village Centre.
- .3 Support mixed-use, commercial/office/residential uses, including development that includes medium density residential dwelling types.
- .4 Encourage the integration of medium density residential dwelling types above ground floor commercial uses.

12.3 Policies – Apex Village Centre

The Regional Board:

- .1 Generally supports the use of lands designated Apex Village Centre (AVC) identified in Schedule 'B' *Official Community Plan Map* for medium density mixed use developments with residential and commercial components that fit with the mixed use intent of the designation.
- .2 Supports a maximum Floor Area Ratio (FAR) of 3.0 and a maximum building height of 20.0 metres in the Apex Village Centre (AVC) designation.
- .3 Supports a high standard of architectural building design for development within the Apex Village Centre (AVC) and may explore the creation of a development permit area designation for form and character.

^{xxxix} Amendment Bylaw No. 2683.03, 2020 – adopted July 2, 2020.

- .4 Encourages the continued intensification and growth of commercial activities at Apex on lands designated Apex Village Centre (AVC).
- .5 Directs the development of existing vacant lots (with servicing), or previously approved subdivisions, prior to considering more development on non-residential and non-commercial designations in identified Rural Growth Areas.
- .6 Will generally not support designating additional lands Apex Village Centre (AVC) that are outside of the Apex Rural Growth Area.
- .7 Commercial uses in the Apex Village Centre (AVC) designation are encouraged that cater to the local neighbourhood service and retail needs or provide tourist accommodation services.
- .8 Encourages the Ministry of Transportation and Infrastructure (MoTI) to provide sufficient snow storage areas for road clearing within the Apex Village Centre (AVC) designation
- .9 Supports the preparation of a strategy to address day-use and/or overnight parking at Apex Mountain Resort.
- .10 Supports the provision of paid accommodation for visitors through the short-term rental of residences in the Apex Village Centre (AVC) designation.

12.4 Policies – Twin Lakes Village Centre

The Regional Board:

- .1 Generally supports the use of lands designated Twin Lakes Village Centre (TLVC) identified in Schedule 'B' *Official Community Plan Map* for medium density mixed use developments with residential and commercial components that fit with the mixed use intent of the designation.
- .2 Considers the maximum density of lands designated Twin Lakes Village Centres (TLVC) to be 60 dwelling units (townhouses and apartments) per gross hectare, subject to servicing requirements.
- .3 Supports the following types of special housing in areas designated Twin Lakes Village Centres (TLVC), subject to the creation of a local service area for fire protection:
 - a) community care housing; and
 - b) seniors and special needs housing
- .4 Will avoid locating Twin Lakes Village Centres (TLVC) development next to land designated as Agriculture. Low Density Residential (LR) uses will be preferred as a transition between Agriculture and Residential Mixed Use (RMU) development. If residential mixed use development is to be located near land designated as Agriculture (AG), the following steps must be taken:
 - a) buffering should be constructed in accordance with Ministry of Agriculture

guidelines;

- b) the ground floor of the building should be set back far enough from the agricultural use to minimize conflicts; and
 - c) the building should be designed to step back away from designated Agriculture (AG) land as the building increases in height.
- .5 Commercial uses in Twin Lakes Village Centres (TLVC) development are encouraged that cater to the local neighbourhood service and retail needs or provide small scale tourist accommodation services.
- .6 Supports the provision of paid accommodation for visitors through the short-term rental of residences in the Twin Lakes Village Centre (TLVC) designation.

13.0 COMMERCIAL

13.1 Background

Commercial development in the Plan Area is limited and generally occurs in the form of gas stations (with convenience stores), some tourist commercial lodgings and RV sites, and fruit stands in Kaleden. Currently, most commercial sites are located along Highway 97 at Kaleden and Highway 3A at Twin Lakes. There are a few smaller, neighbourhood commercial sites located in Kaleden. Apex includes mixed-use commercial and residential development, clustered primarily in the village centre. There is a designated Tourist Commercial area on Green Mountain Road at the turn-off for Apex that is currently undeveloped.

The Plan recognizes highway commercial and tourist commercial developments under the same Commercial designation and also generally encourages larger scale services and commercial developments be directed to designated Primary Growth Areas such as Okanagan Falls and the City of Penticton, which are better able to function as regional service centres.

At the time of adoption of this Plan, the Regional District is not designating any additional areas for proposed commercial uses, as it considers that there is sufficient unused land presently designated for commercial uses.

13.2 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.

13.3 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 and 3A 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 in Kaleden and Highway 3A at Twin Lakes.

- .5 Directs major office, service and general business commercial uses to Primary Growth Areas such as Okanagan Falls or the City of Penticton, which have the necessary infrastructure and support services.
- .6 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.^{x1}

13.4 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, golf courses, and agri-tourism businesses, including fruit stands.
- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides, campgrounds, and/or wilderness guides in areas designated as Resource Area or Large Holdings 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) are located outside the Radio Frequency Interference (RFI) areas as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area);
 - c) can accommodate on-site domestic water and sewage disposal, or have community water or sewer available;
 - d) enhance adjacent land uses or the character of the existing area;
 - e) can be accessed safely from local highways (Highway 97 or Highway 3A);
 - f) can be adequately serviced by emergency services, in particular fire protection;
 - g) meet any Watercourse or Environmentally Sensitive Development Permit Area requirements;
 - h) are outside areas susceptible to natural hazards, including but not limited to, steep slopes, flooding, soil instability, or rock fall; and
 - i) indicate an adequate wildfire hazard interface area if located in or near an identified high-risk wildfire hazard area.

^{x1} Amendment Bylaw No. 2849, 2019 – adopted December 5, 2019.

14.0 INDUSTRIAL

14.1 Background

There are currently no designated Industrial areas in the Plan Area, however, the principal industrial activity in the Plan Area is logging, which generally occurs on Crown lands that are subject to the Resource Area designation. Small-scale resource extraction also occurs within the Plan Area.

Limited and small-scale industrial home-occupations (e.g., small scale sawmilling) can occur in Resource Areas and Rural Holdings. Larger industrial activities, including light manufacturing and fabricating are encouraged to locate in designated, serviced industrial areas in Okanagan Falls, which are better suited to accommodate them.

The Plan recognizes the importance — to Electoral Areas “I” & “D” — of the former Weyerhaeuser site in Okanagan Falls as an industrial park and supports this initiative by directing more intensive industrial development to this site, which is also better able to function as a service centre.^{xii}

Accordingly, at the time of adoption of this Plan, the Regional District is not designating any areas for proposed industrial uses. The Regional District may consider designating land for proposed industrial uses on a case-by-case basis if or when demand warrants.

14.2 Objectives

- .1 Support Okanagan Falls as the industrial centre for the larger area (i.e., outside of the Plan Area).
- .2 Support small-scale home industry and home occupation activities in Resource Areas and Large Holdings where appropriate.

14.3 Policies

The Regional Board:

- .1 Encourages larger-scale industrial and light manufacturing activities to locate in Okanagan Falls and other serviced and designated industrial areas in the Regional District.
- .2 May consider designating land Industrial, where appropriate, on a case-by-case basis.
- .3 May consider accommodating time limited industrial uses through Temporary Use Permits if compatible with adjacent uses and RFI impacts.

^{xii} Amendment Bylaw No. 2830, 2018 – adopted October 18, 2018.

15.0 ADMINISTRATIVE, CULTURAL AND INSTITUTIONAL

15.1 Background

As a primarily rural area with a relatively small, dispersed population, the Plan Area contains limited administrative and community facilities and cultural resources.

The Administrative, Cultural and Institutional designation includes public, non-profit or utility uses such as schools, religious buildings, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement or irrigation district buildings.

The principal institutional use in Plan Area is the National Research Council of Canada's Dominion Radio Astrophysical Observatory (DRAO) at White Lake. Inaugurated in 1960, the internationally significant component of NRC activities currently operates three telescopes on its extensive radio-quiet site, including a 26-metre fully steerable radio receiver dish. The only radio astronomy site in Canada, the large facility site was selected following a Canada wide site selection process for its rural location and the fact that it is shielded significantly by surrounding terrain from Radio Frequency Interference (RFI). The site remains sensitive to RFI and requires ongoing protection. DRAO is the Plan Area's largest, year-round employer with approximately 50 staff and plays an important role in the regional economy as well as being of national and international scientific importance.

At the time of adoption of this Plan, the Regional District is not designating any additional areas for proposed institutional uses. The Regional District may consider designating land for proposed institutional uses on a case-by-case basis, as demand warrants.

15.2 Educational and Community Facilities

The school system within the Plan Area is operated by two school districts, School District No. 67 and School District No. 53. The Regional District has no mandate on education policies other than advocating to the School Districts on policy areas that impact the Regional District.

Presently there is only one elementary school in the Plan area and it is located in Kaleden, School District No. 67. Students in the rural areas are bussed into the more populated communities such as Kaleden for elementary school and to the Town of Oliver and City of Penticton for high school. The school population is stable and the School District does not anticipate any changes to Kaleden Elementary School over the longer term.

The Plan Area presently has one community hall at Kaleden. The facility is joint use with a library and daycare centre operated from the building.

15.2.1 Objective

- .1 Maintain existing facilities and provide new or expanded community facilities consistent with population growth.

15.2.2 Policies

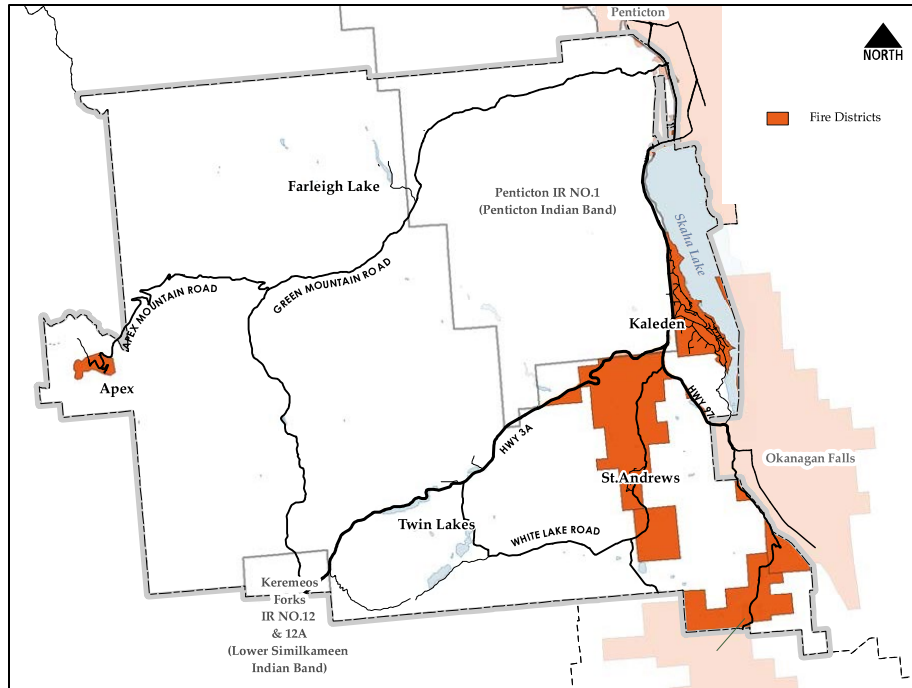
The Regional Board:

- .1 Continues to liaise with School Districts No. 67 (Okanagan Skaha) and No. 53 (Okanagan Similkameen) to determine needs and issues.
- .2 Will continue to encourage the use of school buildings and grounds, after regular school hours, by community groups, clubs, sports teams and Plan Area residents.
- .3 Recognizes the use of private community facilities and amenities (e.g., clubhouses, etc.) for community activities, events and programs in Apex, St. Andrews and Twin Lakes.
- .4 Supports Kaleden Recreation and Parks Commission and Kaleden Community Association in their efforts to maintain and enhance Kaleden Community Hall and park amenities.

15.3 Protective Services

The Kaleden fire district includes Kaleden as well as the area to the southwest along White Lake Road to St. Andrews. It is important to ensure these communities have sufficient water supply to support fire protection. There is also a need to provide fire protection services to those areas presently not covered. This includes Apex Mountain where a local service area for fire protection has been proposed for a number of years, but has been difficult to secure given the limited number of year-round residents (i.e., limited volunteer capacity).

Police services are provided by the RCMP, which has stations in the City of Penticton and the Town of Oliver as does the BC Ambulance Service.



Map Note:
 Apex Fire District is proposed but it does not yet exist due to limited tax base and volunteer base.

Figure 16: Plan Area Fire Protection Service Areas

15.3.1 Objectives

- .1 Maintain existing protective services and facilities, and coordinate resources to establish new facilities and services.
- .2 Expand and enhance existing community policing programs as resources and population growth allow.

15.3.2 Policies

The Regional Board:

- .1 Should continue exploring opportunities to establish fire protection services to Twin Lakes and Apex Mountain.
- .2 Should continue to work with senior governments to ensure adequate and visible provincial and federal services are maintained in the Plan Area.
- .3 Encourages new community water systems to be capable of fire suppression as required under the Regional District's Subdivision and Servicing Bylaw.
- .4 Should work with the RCMP and Regional District staff to review opportunities to expand community policing in the Plan Area where necessary.
- .5 Should support and facilitate effective and efficient bylaw enforcement in the Plan Area.
- .6 Supports fire protection service for all established communities within the Plan Area.

15.4 Dominion Radio Astrophysical Observatory

The Dominion Radio Astrophysical Observatory (DRAO) is the only research facility of its kind in Canada, and, as the largest year-round employer in the Plan Area, provides a significant contribution to the local economy and ongoing contributions to national and international research initiatives.

The Regional District acknowledges the critical scientific and economic importance of DRAO, and recognizes its sensitivity to Radio Frequency Interference (RFI) that may result from development and human activity outside of DRAO lands (property of the National Research Council of Canada and associated land reserves established by BC for Observatory purposes) but within the designated RFI area described below.^{xliii}

The degree to which development may interfere with Observatory activities is, in part, a function of distance and whether the development lies within lines-of-sight of radio-telescope equipment. Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area) identifies the approximate areas that are:

- directly within the lines-of-sight of existing telescopes or potentially within the lines-of-sight of any future telescopes;
- within 61.0 metres vertically of such lines-of-sight; and
- within 2.5 km of the Observatory.

Development within the area identified in Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area) could significantly interfere with the research activities conducted at DRAO. While the impact of RFI generated by human activity within 61 metres vertically of the lines-of-sight of existing telescopes; it is nevertheless important to minimize the levels of RFI or risks of potential RFI.

The Regional District will work with DRAO with respect to any development proposed in the area identified in Schedule 'C' to avoid RFI risk.

15.4.1 Objectives

- .1 Minimize the levels of Radio Frequency Interference (RFI) on DRAO from existing development.
- .2 Prevent and/or minimize additional RFI from potential new development.

15.4.2 Policies

The Regional Board:

- .1 Supports the designation of that part of Lot A, Plan KAP27201, Section 3 10, Township 88, District Lot 2463S, SDYD, Except Plan SPK180 (St Andrews), situated outside the RFI area as Low Density Residential (LR), provided such development meets the criteria outlined in Section 7.4.1 (Local Area Policies).

^{xliii} Amendment Bylaw No. 2777, 2017 – adopted January 4, 2018.

- .2 Generally will not support future rezoning or subdivision applications that will create additional development or intensify development within the area illustrated on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area).
- .3 Encourages the Federal Government to purchase undeveloped lands that could present a potential significant risk of RFI wherever feasible and appropriate.
- .4 Will continue supporting and working with DRAO staff to:^{xliii}
 - a) help inform current and prospective residents about their properties being located within, or near, a designated RFI area as shown on Schedule 'C' (Dominion Radio Astrophysical Observatory RFI Area);
 - b) inform current and prospective owners about RFI impacts on this major scientific facility; and
 - c) educate current and prospective residents on how to prevent and minimize uses with a risk of RFI impact.

15.5 Heritage and Cultural Resources

The Regional District recognizes that heritage conservation is an important community value that contributes to the distinct identity of the region.

The Regional Heritage Strategic Plan will identify community heritage values and places of historical significance in Electoral Area "I", such as historic buildings and landscapes, features such as the Fur Brigade Trail, and other significant heritage resources.

With Indigenous traditional use activities dating back millennia, the Plan Area is also home to a large number of important cultural sites and landscapes of profound value to the Penticton Indian Band, Lower Similkameen Indian Band and other Okanagan Nation Alliance members. One of the most important cultural resource areas is White Lake, which is still actively used for cultural activities. Other important sites include a number of important Senklip (Coyote) landmarks (e.g., winter house, tribute rock) and other cultural sites in the Twin Lakes area.

15.5.1 Objectives

- .1 Promote the conservation of heritage resources in the Plan Area, as indicated by the Regional District's Regional Heritage Strategic Plan.
- .2 Celebrate the culture and heritage of the peoples and communities, including Indigenous communities, within the Plan Area to educate and inform visitors and residents alike.
- .3 Seek opportunities to work with Penticton Indian Band and Lower Similkameen Indian Band through the Protocol Agreement's Joint Council and other planning

^{xliii} ^{xliii} Amendment Bylaw No. 2777, 2017 – adopted January 4, 2018.

avenues, to recognize, protect and, where appropriate and feasible, interpret important cultural sites and features in the Plan Area.

- .4 Support incorporation of Penticton Indian Band and Lower Similkameen Indian Band cultural and heritage resource objectives within the Regional District's Regional Heritage Strategic Plan where appropriate and practical.
- .5 Seek opportunities to work with the Osoyoos Indian Band to recognize, protect and, where appropriate and feasible, interpret important cultural sites and features in the Plan Area.

15.5.2 Policies

The Regional Board:

- .1 May consider the inclusion of heritage conservation in all aspects of community and regional planning.
- .2 Supports the Province and other interest groups in identifying and protecting features and sites of Indigenous, paleontological, scenic, architectural, historical, archaeological and other sites of significance within the Plan Area.
- .3 Supports the management of heritage resources on a regional basis including the establishment of a Regional District community heritage commission and the creation of a community heritage register.
- .4 Should undertake the conservation and protection of heritage resources through the Regional Heritage Strategic Plan using appropriate heritage conservation tools.
- .5 Encourages developers to consider cultural and heritage resource opportunities in project planning and design.
- .6 Recognizes and celebrates the rich Syilix/Okanagan cultural and cultural features that exist in the Plan Area.
- .7 Should consult with Penticton Indian Band, Lower Similkameen Indian Band and other Okanagan Nation Alliance (ONA) members on development proposals within the Plan Area through the Protocol Agreement's Joint Council and other appropriate planning avenues.

16.0 PARKS, RECREATION AND TRAILS

16.1 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, such as Apex Recreation Area, land owned by the Regional District, land zoned for park purposes and land designated as park on a subdivision plan, including some private

park and recreation areas. Parkland also includes land or general areas that the Regional District may have an interest in for park in the future.

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

- **Regional District Parks:** There are two small parks, one regional park (Kaleden Hotel Park), and one local park (Pioneer Park). Both are 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.
- **Controlled Recreation Area:** Apex Mountain is a provincially designated Controlled Recreation Area.
- **Provincial Protected Areas:** There are two provincial protected areas in the Plan Area. Brent Mountain Protected Area, and White Lake Grasslands Protected Area.

The Plan Area also includes 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, Kaleden Hotel Park, and one small community park, Pioneer Park, the need for additional parks is moderated both by the area's small population and the extensive opportunities available on Crown land, Plan 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 up to 5% of the parcel being subdivided. As an alternative, the Regional District may take cash in lieu representing the market value equivalent in size to 5% of the parcel being subdivided land. It is anticipated that acquisition of new land will be focused upon completion of the Kettle Valley Railroad (KVR) trail and improving Skaha 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 regional trail development and management through to 2021.

The Parks designation applies to the Plan Area's regional and local parks, the completed portion of the KVR trail, a potential park area behind Kaleden Elementary

School, and an area in St. Andrews that was designated for future park development for its conservation values during the early development of the area.

See Schedule 'D' (Parks, Recreation and Trails) for a map of designated parks and trails in the Plan Area.

16.2 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.

16.3 Policies

The Regional Board:

- .1 Supports the stewardship, enhancement and interpretation of important environmental features and areas in park and recreation lands.
- .2 Supports Kaleden Recreation and Parks Commission in their efforts to manage and enhance Pioneer Park and other parks and recreation amenities.
- .3 Supports completion of the KVR Trail as an important linear park to link Kaleden with Okanagan Falls and, in the future, the City of Penticton.
- .4 Should work collaboratively with the Province and other relevant parties/organizations to improve and maintain the KVR Trail between Kaleden and Okanagan Falls and the City of Penticton including the signage and development of non-vehicular accesses.
- .5 May explore opportunities to establish interpretative signage along the KVR Trail between Kaleden and Okanagan Falls.
- .6 Recognizes that Skaha Lake access and completion of the KVR Trail are priorities in terms of land acquisition.
- .7 Supports improving local linkages and connections to the KVR Trail in Kaleden.
- .8 Supports improving public access from upper Kaleden to Skaha Lake and the KVR trail where feasible and appropriate, including the use of road ends. Potential access points for further consideration include from Pineview Drive near the south end of Banbury Point, and from Oak Avenue to the KVR trail near the Ponderosa Resort.

- .9 Supports working with the Ministry of Transportation and Infrastructure to maintain the old Kaleden to Okanagan Falls Road for bicycle and pedestrian traffic as an adjunct to the KVR Trail.
- .10 Supports the Provincial Approving Officer taking all accesses to water to the Regional District for review and comment.
- .11 Should work to implement the action items, recommendations and overarching direction for the Plan Area identified in the *Regional Trails Master Plan*.
- .12 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.
- .13 Seeks to mitigate existing and future conflicts between trail users, agricultural operators and rural landowners.
- .14 Encourages relevant provincial agencies and tenure holders to manage public access to the backcountry.
- .15 Encourages trails proposed on agricultural lands, including those located within the ALR, to be developed using Ministry of Agriculture guidelines.
- .16 Encourages tenure holders to preserve, steward and maintain trails to maintain the integrity of the larger trail system and the natural environments they traverse.
- .17 Encourages the Province to undertake a backcountry recreation planning process.
- .18 Encourages the Province to ensure timber harvesting is carried out in such a manner as to preserve the recreational and aesthetic qualities of the Apex Mountain Resort Area.
- .19 Supports consultations with Penticton Indian Band in all processes related to establishing parks, recreation areas and trails, and their operation.
- .20 Should work with regional partners and local environmental organizations to support wildlife education programs to minimize wildlife/human conflicts on trails.
- .21 Should 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.
- .22 Supports trail use guidelines that promote “leave no trace” trail use.

16.4 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, including the KVR Trail.
- .3 May determine, in accordance with the criteria below, whether at the time of a subdivision, the owner of land being subdivided must:
 - a) provide without compensation, parkland in an amount that does not exceed 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 up to 5% required for park purposes.
- .4 Prefers that if cash in-lieu is chosen at the time of subdivision for park acquisition and development in the Plan Area, that the benefits accrue to those communities from which the funds are received.
- .5 May consider, when determining a potential parkland dedication under Section 510 of the *Local Government Act*, the following criteria:
 - 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, stewardship and preservation of important natural features and areas, or enhancement of public access.
- .6 Considers that park proposals must provide a benefit for the community; proposals with no benefit to the community may not be accepted.
- .7 Strongly prefers that land considered for park be maintained in its natural state and should not be cleared. Cleared and disturbed lands should only be accepted where the proposed park is to be used for recreational uses that require cleared lands, or can be reclaimed for other purposes.

17.0 NATURAL ENVIRONMENT AND CONSERVATION

17.1 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 White Lake Basin and Skaha Lake among others.

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 habitat areas for wildlife, including plant communities, the Regional District has also implemented an Environmentally Sensitive Development Permit (ESDP) Area. These areas generally comprise "high" and "very high" ecologically sensitive areas as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen (2013)* prepared by South Okanagan Similkameen Conservation Program (SOSCP), and as described further in Section 24.2 of this Plan. The two layers on the ESDP mapping indicate all of the "high" and "very high" ecological sensitive areas; however the Permit area does not include Crown land or ALR land.

As a local government listed under Section 3 of the *Riparian Area Regulation*, the Regional District has implemented a Watercourse Development Permit (WDP) Area designation in order to protect riparian areas; being lakes, watercourses and wetlands along with lands and vegetation within a 30 metre buffer, and as described further at Section 24.3 of this bylaw.

For maps of sensitive foreshore areas, watercourses, and habitat areas in the Plan Area see Schedule 'I' (Environmentally Sensitive Development Permit Areas) and Schedule 'J' (Watercourse Development Permit Areas).

17.1.1 Objectives

- .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 quantity today and for future generations.

17.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling invasive plants and 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 Impact Assessment (EIA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 24.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EIA reports prepared by QEPs be undertaken in accordance with the Regional District's approved terms of reference for professional reports.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will work with the Penticton Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

17.2 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 foreshore is specifically defined as the areas surrounding lakes, including land within 30.0 metres of the high water mark and areas in shallow shoal areas beneath the water. The Plan Area includes one large lake, Skaha Lake, and several smaller lakes including Nipit, Twin, Trout, Green and Mahoney Lakes.

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 is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 24.0). Other foreshore activities that may be subject to provincial regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

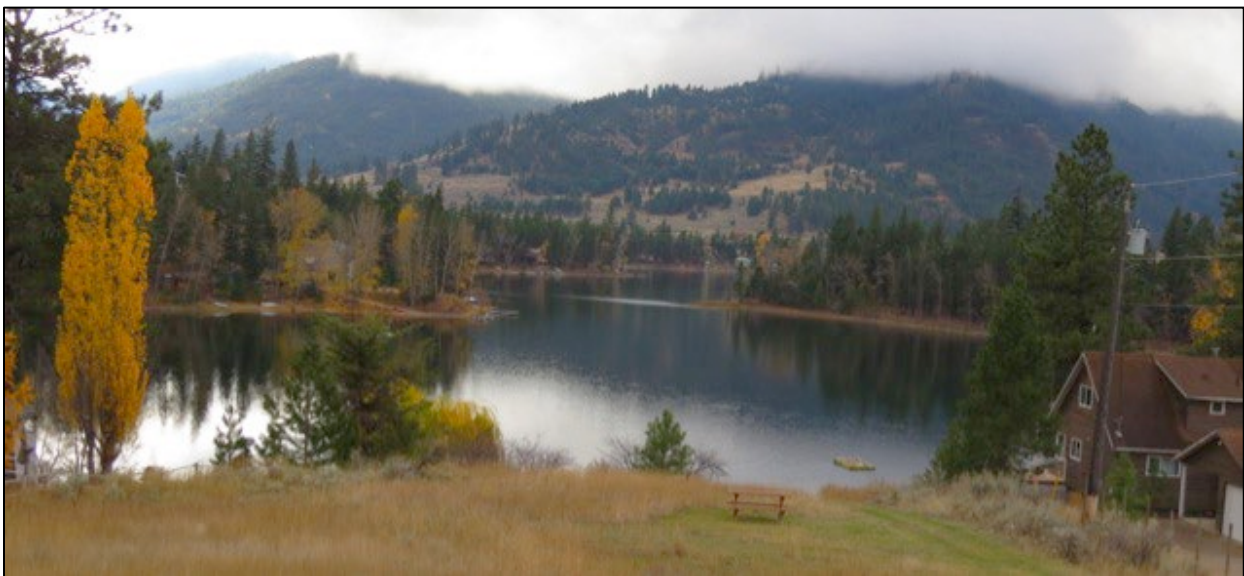


Figure 17: Nipit Lake

17.2.1 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 'I' (Environmentally Sensitive Development Permit Areas) and Schedule 'J' (Watercourse Development Permit Areas).
- .3 Improve and better manage waterfront public access along the Skaha Lake shoreline in Kaleden, while limiting the overall number of public access points.
- .4 Minimize and avoid development in high hazard soil instability areas on the Skaha Lake foreshore. See Schedule 'E' (Hazard Lands – Soil) and Schedule 'F' (Hazard Lands – Steep Slopes).
- .5 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive 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.

17.2.2 Policies

The Regional Board:

- .1 Recognizes riparian values and, in accordance with the provincial *Riparian Area Regulation*, has designated watercourses as Development Permit Areas in the Watercourses Development Permit (WDP) Area. Development in designated WDP areas is to occur according to guidelines outlined in Section 24.3 of this OCP. WDP Areas are identified in Schedule 'J' (Watercourse Development Permit Areas).
- .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 and 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 groundwater hydrology in areas with identified aquifers, and require environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage containment.
- .6 Discourages development that will have a negative environmental impact on lake foreshore areas.
- .7 Will work with other partners and landowners to identify and restore riparian areas.
- .8 Encourages the provincial Subdivision Approving Officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .9 Encourages the restoration and re-vegetation of Skaha Lake public access points that have been damaged by public access and supports the use of interpretive and educational signage to enhance public awareness of the environment help limit potential future damage.
- .10 May consider developing public access objectives and design guidelines for the Skaha Lake shoreline that include criteria to minimize impacts to the foreshore ecosystem and species.
- .11 Should work with other agencies to limit the number of wharves, docks, retaining walls and other structures on Skaha Lake, and encourage sharing of docks and wharves on all lakes.
- .12 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.

17.3 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 Mahoney Lake Ecological Reserve, Brent Mountain Protected Area, and White Lake Grasslands Protected Area. Additional lands

have been protected in the White Lake Basin around the Dominion Radio Astrophysical Observatory, where sensitive lands owned by the National Research Council of Canada plus those dedicated by the Province for Observatory purposes limit development. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

17.3.1 Objectives

- .1 Protect and steward sensitive and important terrestrial ecosystem areas as identified in Schedule 'I' (Environmentally Sensitive Development Permit Areas).
- .2 Encourage provincial and federal governments, private organizations and private landowners to protect, enhance and manage critical habitat areas for endangered or threatened species 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.



Figure 18: White Lake Basin

17.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and designates these lands on Schedule 'I' (Environmentally Sensitive Development Permit Areas) as:
 - a) Development Permit Areas under Section 489 of the *Local Government Act*;
or
 - b) "Important Ecosystem Areas".

- .2 Requires that land designated as environmentally sensitive on Schedule 'I' (Environmentally Sensitive Development Permit Areas) 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 24.2 of this Plan.
- .3 Considers that land listed as comprising "Important Ecosystem Areas" should generally be retained in a natural state and, if a re-designation of land under the OCP or Zoning bylaws is proposed, that these lands be considered for inclusion as formal development permit areas in Schedule 'I'.
- .4 Encourages the parcel sizes of areas designated as environmentally sensitive on Schedule 'I' (Environmentally Sensitive Development Permit Areas) to remain as large as possible to protect these habitat areas.
- .5 Will not support the re-designation of land under the OCP or Zoning bylaws 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 Encourages 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 the local government, provincial government, or 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; or
 - g) land stewardship and participation in conservation initiatives by the private landowner.
- .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.
- .10 Supports the retention of land listed as comprising "important ecosystem areas" in a natural state but has not designated such lands on Schedule 'I'

(Environmentally Sensitive Development Permit Areas) where they are in Crown ownership or regulated by the ALC. In the event of a Crown land disposition, ALR exclusion, or re-designation of land in the OCP, such lands will be considered for inclusion in Schedule 'I' (Environmentally Sensitive Development Permit Areas).

17.4 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 Area. It can also include 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 one small ecological reserve, Mahoney Lake Ecological Reserve. It also applies to two parcels located behind the Kaleden Elementary School.

There are two significant areas of private lands that have been acquired for conservation purposes in the Plan Area. In the spring of 2012, The Nature Trust of BC secured the Twin Lakes Ranch Conservation Area. The 809 hectare property is one of the largest intact private grassland properties in the South Okanagan. A second area is The Nature Trust of BC's White Lake Basin Biodiversity Ranch, acquired in phases between 1996 and 2012. The biodiversity ranch program integrates livestock management with conservation of habitat for species at risk. The 905.9 hectare site is home to a number of threatened and endangered species. As these lands are within the Agricultural Land Reserve, and portions of the properties are used for environmentally sensitive ranching and agriculture, both areas are designated Agriculture. They are sufficiently protected for their conservation values by the designation, underlying zoning and the conservation covenants that apply to the areas.

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



Figure 19: Mahoney Lake Ecological Reserve

17.4.1 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 Penticton Indian Band and Lower Similkameen Indian Band 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.

17.4.2 Policies - General

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 work with the Penticton Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.
- .3 Will work with partner agencies and organizations to identify Crown land parcels and accreted lands along Skaha Lake that may be suitable for designation as a Conservation Area.

17.5 Okanagan Basin Lakes^{xliv}

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).

17.5.1 Objectives

- .1 Maintain opportunities for responsible residential water-based recreation on Skaha Lake and Vaseux 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.

17.5.2 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 23.3 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.

^{xliv} 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).

18.0 HAZARD LANDS

18.1 Background

Hazard lands include, but are not limited to areas the Regional District has reason to believe are subject to natural hazards including flooding, mud flows, torrents of debris, erosion, rockfall, landslip, sink holes, avalanche and wildfire.

The information available for the entire Regional District can be variable and may lack detail, so hazards often need to be investigated on a site-by-site basis. Recognizing this, site planning for proposed developments should consider the potential hazards on any given site. Some hazards, such as geologic issues, can be evaluated and the risk reduced at the time of development. Other hazards, such as wildfire, can not only impact new developments, but also threaten existing structures.

In 2011, the Regional District prepared a *Community Wildfire Protection Plan (CWPP)* for those communities with a high probability and consequence of fire in the interface zone. The plan was developed in accordance with recommendations contained within the provincial government's *Firestorm 2003 Provincial Review*. The CWPP program was launched to improve fire prevention in the Wildfire-Urban Interface Zone and to improve community safety and reduce the risk of property damage.

As dynamic systems, forested ecosystems change over time along with the fuel hazards they pose. As the South Okanagan Valley contains ecosystems within which wildfire is a natural disturbance, and since wildfire cannot be eliminated from these ecosystems, the threat of wildfire will always be present. However, the risk wildfire poses to development can be managed through appropriate development policies and continual management efforts.

The Plan Area and larger region has been recognized for radon issues. Radon gas is a recognized health hazard and the Province has established regulations in the BC Building Code for new construction to vent radon that may seep into homes.

See Schedule 'E' (Hazard Lands – Soil), Schedule 'F' (Hazard Lands – Steep Slopes), and Schedule 'G' (Hazard Lands – Wildfire) for maps of key hazard areas in the Plan Area.

18.2 Objectives

- .1 Prevent injury and loss of life and to prevent or minimize property damage as a result of natural hazards.
- .2 Ensure development does not occur in areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed and mitigated.
- .3 Recognize that important habitat may also be found in natural areas that are considered hazardous, and that disruption of these areas should be minimized.
- .4 Reduce wildfire hazard threats to proposed new and existing development.

18.3 Policies – General Hazard Lands

The Regional Board:

- .1 Will strive to prevent development on lands that may be susceptible to a potential natural hazard, or have been identified as hazardous by the Regional District or other agencies having jurisdiction, unless the applicant can prove the land can be safely used for the use intended.
- .2 Will direct development away from lands identified as being susceptible to soil instability and potentially hazardous geotechnical conditions.
- .3 Discourages development on slopes with grades in excess of 30% to avoid geotechnical hazards.
- .4 Requires new development areas with slopes greater than 30% to be reviewed for soil instability, potentially hazardous conditions and environmental sensitivity. Development shall follow the recommendations of a geotechnical report.
- .5 Requires that where the Regional District or the Subdivision Approving Officer has requested a geotechnical report, a qualified professional registered by the Association of Professional Engineers and Geoscientists of British Columbia (APEGBC) shall prepare the report.
- .6 Requires that where the Regional District or the Subdivision Approving Officer has requested a geotechnical report, the report should be registered in a Section 218 covenant on title to ensure safe use for all subsequent owners as per Section 86 (1)(d) of the *Land Title Act*.
- .7 Requires that where a non-geotechnical report has been requested by the Regional District or the Subdivision Approving Officer, the report must be prepared by a relevant qualified professional (e.g., RPBio, certified arborist, BCSLA) acceptable to the Regional District.
- .8 Discourages development of land susceptible to flooding and encourages those lands to be used for parks, open space, habitat conservation, recreation or agricultural uses.
- .9 Requires that where land subject to flooding is required for development and no alternative land is available, construction and siting of buildings and manufactured homes to be used for habitation, business, industry, or the storage of goods damageable by floodwaters shall comply with Provincial Flood Hazard Area Management Guidelines or the recommendations of a geotechnical report prepared by a qualified professional.
- .10 Encourages provincial and/or federal agencies to conduct further research on possible radon health risks in and around the Plan Area.

- .11 Encourages Plan Area residents to test their homes for radon exposure and to take appropriate mitigation measures where radon levels are found to be higher than recommended levels.
- .12 Supports providing information on radon and radon mitigation opportunities to Plan Area residents.

18.4 Fire Management

A *Community Wildfire Protection Plan (CWPP)* was completed for the Regional District in 2011. The plan assessed wildfire risk across the region and made recommendations to improve the community's risk profile through pre-planning and preparedness, policy, and fuel management.

As a predominantly rural area, the CWPP determined that development in the Plan Area generally consists of:

- low to moderately dense rural intermix areas (>1structure/ha) with more forested areas between structures and a less defined perimeter;
- a well-defined urban/interface complex where the interface perimeter is more clearly defined; and
- individual structures remotely scattered within the wildlands.

See Schedule 'G' (Hazard Lands – Wildfire) for a map of wildfire hazard areas in the Plan Area.

18.4.1 Objectives

- .1 Minimize fire risk to people and property within the Plan Area.

18.4.2 Policies

The Regional Board:

- .1 In reviewing a rezoning application submitted to the Regional District for development in those areas identified in the *Community Wildfire Protection Plan (CWPP)* and shown on Schedule 'G' (Hazard Lands – Wildfire), the Regional District may require a fire hazard risk assessment from the applicant that 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 firefighting 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; and
 - h) implementing setbacks, interface fire protection standards, and building material standards pursuant to Provincial guidelines, or their equivalent.
- .2 Strives to foster wildfire awareness and resiliency through public education materials, programs and events.
 - .3 Strongly encourages that all new developments be designed to incorporate best practice interface forest fire mitigation techniques for buildings and landscaping.
 - .4 Should review and update wildfire protection approaches as often as necessary based on changing community circumstances, climate change driven ecosystem conditions, and mitigation techniques.
 - .5 Encourages property owners to adhere to the relevant Provincial guidelines to protect properties and communities from wildfire risk through such measures as reducing fuel loads. Such measures should be supportive of the natural environment and mimic the natural effects of localized ground fire such as thinning and spacing trees and vegetation, removal of debris and dead material from the ground, and removal of lower tree branches.
 - .6 Supports pursuing provincial funding and resources to undertake wildfire risk reduction in the community/forest interface areas.

19.0 TRANSPORTATION

19.1 Background

The Province identifies Highway 97 as a primary highway (Okanagan Valley Corridor), and Highway 3A as a secondary highway. The Province's projections forecast that Highway 97 in the vicinity of Kaleden will see traffic volumes and congestion increase over the next 20 years. The Regional District does not; however, anticipate construction of any new major road systems within the Plan area.

The road network indicated on Schedule 'H' (Transportation Network) shows:

- Highways (Highway 97 and Highway 3A), allow for rapid, efficient movement of large volumes of through traffic to achieve regional continuity. To secure swift and safe traffic movement, direct access onto Controlled Access Highways will be limited, and more turning lanes and channelization may be required at major intersections;
- Collector Roads (e.g., Green Mountain Road, Apex Mountain Road, White Lake Road, Lakehill Road) are paved secondary roads linking rural communities.
- Local Roads (e.g., Farleigh Lake Road) are generally gravel roads providing access to smaller, secondary communities.

In addition, Schedule 'D' (Parks, Recreation and Trails) shows existing trails within the Plan Area.

19.2 Objectives

- .1 Enable safe, efficient mobility of goods and people within the Plan Area.
- .2 Ensure safe and convenient movement of goods and people through Highway 97 and 3A.
- .3 Provide for safe and convenient pedestrian and bicycle access to schools and parks throughout all Plan Area communities.
- .4 Minimize the impacts of traffic corridors on farmland, ESDP Areas and WDP Areas.
- .5 Support an expanded regional transit system that services communities throughout the Regional District.
- .6 Provide a multi-model transportation system and secure road and trail networks for all forms of transport, including pedestrians and bicycles.

19.3 Policies

The Regional Board:

- .1 Encourages and supports the Province to continue safety and access improvements along the Highway 97 corridor, at Kaleden, within the existing right-of-way, including improved lighting, medians and traffic lights.

- .2 Encourages the Province to review safety issues related to commercial development accesses along Highway 97 at Kaleden.
- .3 Encourages and supports the Province to work with regional partners, including Penticton Indian Band and the Regional District, to improve safety at the Highway 97 and Highway 3A intersection.
- .4 Supports and encourages the provision of safe pedestrian and cycling opportunities along all Plan Area roads where feasible and appropriate as improvements are made to the roadways.
- .5 Encourages the Province to widen and pave shoulders on designated cycle routes and improve safety signage for cyclists and drivers.
- .6 Supports large-scale cycling events on Plan Area roads, such as the Granfondo, and encourages the Province to improve cyclist safety for these events.
- .7 Encourages the Province to require traffic impact studies as part of development proposals which may impact safety and mobility on network roadways and, to ensure that:
 - a) existing and future roads and alignments are designed with due consideration for watercourses and critical habitat areas;
 - b) safety is maintained through access management and control;
 - c) disruption to farming operations is minimized; and
 - d) projected traffic volumes do not reduce the present service levels for the existing roadway.
- .8 Supports the development of an improved local road network system in Kaleden to reduce the reliance on Highway 97 for short local trips.
- .9 Encourages and supports the Province to locate and design at-grade intersections along Highway 97 such that they do not interfere with passing sight distance for highway traffic.
- .10 Supports and facilitates bicycle safety improvements in the White Lake area.
- .11 Supports the implementation of the Okanagan-Similkameen Transit Future Plan.
- .12 Encourages the RCMP to improve traffic safety and enforcement on all Plan Area roads.

20.0 INFRASTRUCTURE AND SERVICING

20.1 Background

A well-planned community ensures services are able to meet the needs of its residents, with development occurring in a manner that allows infrastructure and utilities to be provided efficiently and cost-effectively.

By having a more compact form of growth, it is more affordable to provide infrastructure to the community. Sewer and water lines do not have to be extended over long distances, and there will be a population base in a defined area, large enough to fund infrastructure and services.

Infrastructure and services within the jurisdiction of the Regional District include water distribution, liquid waste management, stormwater and solid waste management. As electrical, gas and communication utilities are also important to the community, the Regional District has an interest in helping guide the provision of these services.

Within the life of this Plan, sewer services may be provided to Kaleden. The presence of community sewer in Kaleden could encourage further development in the community. With the provision of sewer services Kaleden has the capacity to absorb modest growth within the existing lands designated for residential use.

It is also anticipated that a Waste Transfer Station should be constructed in the Apex area in the next year. The Waste Transfer Station will be to consolidate and reload solid waste and recycling but not to permanently dispose of materials.

20.2 Objectives

- .1 Implement a coordinated approach to infrastructure planning within the Plan Area.
- .2 Ensure that water, sewer and drainage systems support good health and safety, and meet recognized standards of service.
- .3 Maintain and foster relationships with provincial agencies, Improvement Districts and Irrigation Districts that influence the delivery and management of community infrastructure.
- .4 Discourage the development of additional private systems for the provision of water and sewer services.

20.3 Policies

The Regional Board:

- .1 Promotes orderly, logical, economic growth and extension of community water and sewer services.

- .2 May require that adequate infrastructure, including water, sewer, roads, and stormwater management be provided in new developments, at no cost to public agencies.
- .3 Requires that all new parcels of one hectare or less in size connect to a community sewer system.
- .4 Encourages the implementation of sustainable development principles through consideration of renewable and alternative technologies for community infrastructure.

20.4 Water Supply and Distribution

The Plan Area contains two water purveyors or irrigation districts, a number of private community systems, and private individual wells and water licenses. There is a need to ensure future developments have a secure, safe, and sustainable water supply and distribution system.

For the Plan Area, groundwater is a critical resource and source for residential and agricultural uses in all communities and rural settlement areas. The Regional District acknowledges that land use activities play a significant role in the quality and quantity of local groundwater resources. Local aquifer's water quality and quantity varies due to a number of factors, including geological conditions, soils, vegetation cover, impermeable cover, sewage disposal methods, and handling and storage of potential contaminants. A large number of aquifers are located within the Plan area as documented in Figure 20. Managing these aquifers to ensure their long-term sustainability is essential. The Regional District will take into account the effects of climate change, the needs of residential and agricultural water users, and the intrinsically regional character of groundwater resources when assessing future development.

Surface water is also a critical resource with Skaha Lake providing water for Kaleden. Protecting Skaha Lake water quality is highlighted in multiple OCP policy sections, including local area policies for Kaleden and Section 17.0 Natural Environment and Conservation.

20.4.1 Objectives

- .1 Continue cooperation and coordination between water purveyors (e.g. irrigation districts), the Province, and fire protection services in order to ensure adequate water quantity and quality.
- .2 Manage development to ensure that surface water sources and aquifers are not depleted and their long-term sustainability is protected.
- .3 Manage and protect the Plan Area's groundwater resources on a sustainable basis and work to prevent irreversible or other adverse impacts to water resources.
- .4 Continue to work in conjunction with the Ministry of Environment, the Interior Health Authority, and residents to protect, manage and maintain high water

quality and to ensure the sustainable use of the Plan Area's surface and groundwater resources.

20.4.2 Policies

The Regional Board:

- .1 May consider developing a groundwater bylaw for the Regional District to better protect, manage and steward groundwater resources in the Plan Area and other electoral areas.
- .2 Actively promotes, educates, coordinates and implements water conservation practices, and will work with water utilities to establish water conservation programs.
- .3 Should consider new development only if proven adequate water supply and appropriate water systems are in place. New community water systems should be designed and built to the satisfaction of the Regional District.
- .4 Encourages continued maintenance and upgrading of existing water systems.
- .5 May consider undertaking a study, or encourage water utilities to undertake a study, to examine the options for coordinating or amalgamating some of the various small water utilities in the Plan Area under Regional District management.
- .6 Encourages private water utilities to adopt the Regional District's Subdivision Servicing Bylaw regulations, requirements, standards and specifications.
- .7 Strongly discourages the creation of new private water utilities.
- .8 Strives to ensure that new developments do not restrict or limit the availability of water supply for existing users and agricultural irrigation.
- .9 Supports amending the Development Procedures Bylaw to require all rezoning applications to include information on water and liquid waste servicing design for the subject lands.
- .10 Promotes management of demand through water conservation measures to reduce per capita consumption levels.
- .11 Supports working with Penticton Indian Band on regional water management initiatives to protect, revitalize and restore waters systems within the Plan Area.
- .12 As a development information area, may request additional information for Twin Lakes and St. Andrews for aquifer protection containing the following:
 - a) a professionally prepared background analysis that includes the following known information on the site:
 - i) a description of the hydrological system and setting, including the type of aquifer, aquifer boundaries, local surficial and bedrock geology, physical hydrogeology, local surface water features, estimated recharge area and conditions and climate;

- ii) a description of existing users within 1.0 km of the development site;
 - iii) a preliminary pre-development water budget;
 - iv) water quality, including characterization of natural groundwater quality, potability, as well as possibility of contamination; and
 - v) methodology and, if applicable, uncertainties and limitations of the report.
- b) a description of the proposed work, detailing construction, cut and fill, blasting, road, driveway or utility line construction, vegetation clearing, water supply requirements, alteration to hydrological systems, septic field installation, landscaping, or other land alteration during or after the development phase.
- c) conclusions and recommendations consisting of:
- i) a summary of results and impact assessment;
 - ii) a statement that the proposed development will not adversely impact aquifer(s), existing wells, or surface water bodies in terms of water quality and quantity; or
 - iii) specific recommendations on well and aquifer protection measures and mitigation activities.
- d) any recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule.

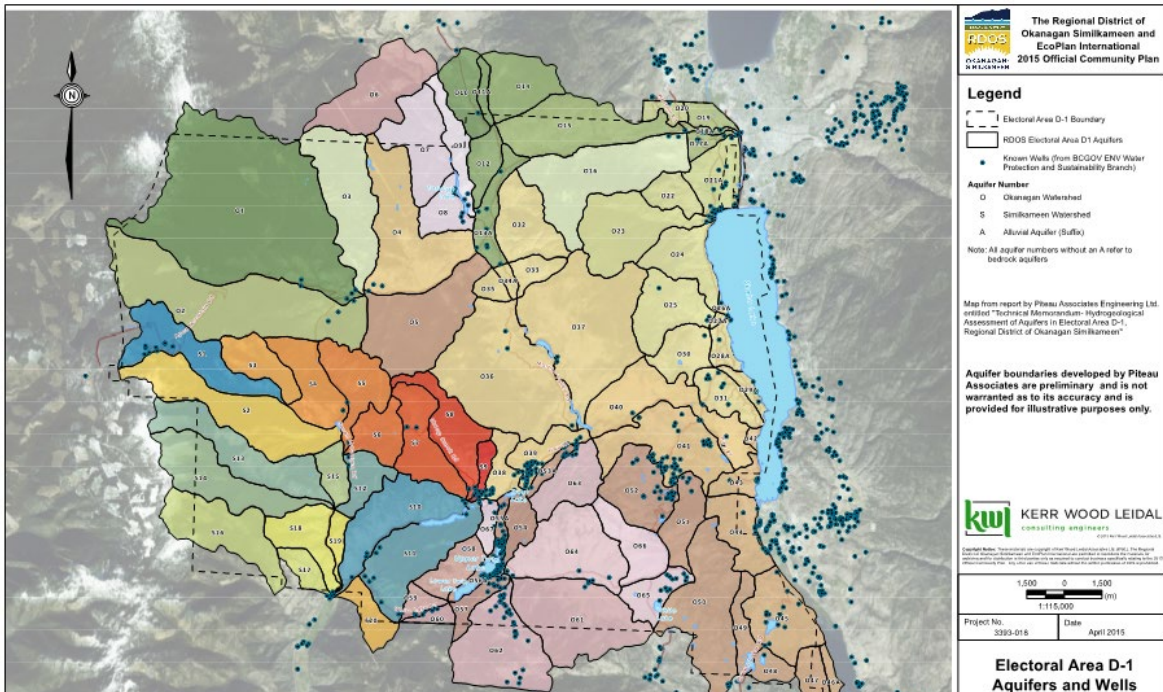


Figure 20: Plan Area Aquifers

Map Note: Please see *Infrastructure Study for Electoral Area "I"*, KWL Consulting Engineers, 2015 for aquifer details.

20.5 Wastewater and Sewage

The predominant sewage disposal method in the Plan Area is individual on-site septic systems. Individual septic systems are not viewed as a long-term sustainable method of sewage disposal unless parcels are over one hectare in size. This method of disposal also increases the probability of potable groundwater contamination and nutrient loading into watercourses such as Skaha Lake.

The Okanagan Falls Area *Liquid Waste Management Plan* reviewed the potential for the provision of sewer services to Kaleden. For the purpose of the review Kaleden was split into two sewerage areas. The first, Kaleden Lakeshore, is immediately adjacent to the southwest portion of Skaha Lake and is considered high priority for sewer as it has a high water table. The Kaleden Lakeshore Sewerage Area covers a 32 hectare area of Kaleden and includes 142 lots. The second, Kaleden Bench Sewerage Area, is considered a lower priority, even though it covers the majority of Kaleden, as it consists mainly of large agricultural parcels. The Kaleden Bench Sewerage Area covers 349 hectares and includes 438 lots.

20.5.1 Objectives

- .1 Reduce levels of nutrients and effluent disposal into watercourses.
- .2 To maintain healthy aquatic and groundwater environments and protect human health from water contamination.
- .3 Establish long-term sustainable sewage collection and disposal methods.

20.5.2 Policies

The Regional Board:

- .1 Strives to work with the Province and local authorities to ensure any development is in compliance with all applicable legislation governing sewage disposal.
- .2 Encourages the Province to educate residents about the requirements for properly maintaining a septic tank and tile fields.
- .3 In areas where there is no community sewer or water systems, requires all new and re-development to adhere to the best practices recommendations of the Regional District's *Liquid Waste Management Plan* as well as the Provincial Sewerage System Regulation administered by Interior Health Authority for on-site sewage disposal and private wells.
- .4 Strives to ensure that private septic tanks and ground disposal systems be sited to minimize pollution of surface and groundwater, and have appropriate setbacks from watercourses, lakes, and water wells.
- .5 Does not support the use of septic holding tanks for new developments.

20.6 Street Lighting^{xlv}

The Regional District does not currently maintain a service area for street lighting within Electoral Area “I”.

While street lights can improve visibility and safety for pedestrians and traffic, particularly at intersections, the Plan Area is comprised of predominately rural communities and street lighting is seen to be incompatible with the character of these areas (e.g. loss of dark skies to light pollution).

Typically, there are two types of street lights used within the Regional District, being Overhead Street Lights, which is typically mounted to a utility pole and is in the form of a “cobra-head”. The other type is Ornamental Street Lights, which are independent, free-standing and serviced through underground wiring and tend to be “decorative”.

20.6.1 Objectives

- .1 Discourage the creation of street lighting service areas outside of designated Primary and Rural Growth Areas in order to preserve the rural character of the Plan Area.

20.6.2 Policies

The Regional Board:

1. Strongly discourages the creation of new street lighting service areas outside of Primary and Rural Growth Areas.
2. Requires the establishment of a new street lighting service area occur through a formal assent process initiated by property owners living within an area currently un-served by street lighting.
3. Will asses requests seeking to create a new or expand an existing street lighting service area on the following criteria:
 - a) if the proposed service area is within a designated Primary or Rural Growth Area;
 - b) if there is a need to improve vehicle and pedestrian safety;
 - c) if neighbourhood support exceeds 66% of affected property owners representing more than 50% of the land value within the proposed boundaries of the service area; and
 - d) if street lights will promote economic development.

^{xlv} Amendment Bylaw No. 2944, 2021 – adopted December 16, 2021.

4. Will evaluate requests proposing the installation new street lighting within a service area administered by the Regional District against the following priority locations:
 - a) intersections;
 - b) adjacent to an existing educational facility;
 - c) adjacent to an existing park;
 - d) a transit stop;
 - e) a cluster mailbox location; or
 - f) within a designated Town Centre or Village Centre area.
5. Supports the conversion of existing street lights to energy efficient fixtures in order to reduce maintenance, energy consumption costs and “sky glow”.
6. Supports new street lights being energy efficient fixtures in order to reduce maintenance, energy consumption costs and “sky glow”.
7. Supports the use of ornamental poles and fixtures that are owned or funded by the Regional District complying with approved fixtures and designs set within the Approved Products List under the subdivision servicing bylaw.
8. Supports working with Dominion Radio Astrophysical Observatory (DRAO) to ensure that new street-lighting installations and upgrades within the DRAO Radio Frequency Interference (RFI) Area, as shown on Schedule ‘C’ of this bylaw, are compatible with Observatory operations.

20.7 Stormwater Management

Effective stormwater management will help protect the water quality of the various lakes and other water bodies found within the Plan Area. Currently, stormwater drainage in the Plan Area is comprised of open ditches, natural drainage courses and absorption into the ground through dry wells. Skaha Lake and other watercourses are the ultimate destination for much of the stormwater in the Plan Area. Given these watercourses are a source of drinking water, and an important ecosystem, it is important to manage the quality and quantity of stormwater.

20.7.1 Objectives

- .1 To improve the management of stormwater quality and quantity within the Plan Area.
- .2 To develop responsible surface water drainage standards for development in the Plan Area.
- .3 Coordinate stormwater management with the Ministry of Transportation and Infrastructure.

20.7.2 Policies

The Regional Board:

- .1 Encourages the Province to require master storm drainage plans for new residential subdivisions.
- .2 Encourages the Approving Officer to require that each parcel of land within a proposed subdivision address stormwater runoff and that it protect aquatic ecosystems (lakes, wetlands, rivers, streams).
- .3 Encourages the use of permeable surfaces on driveways, parking lots and access roads, as well as other measures such as xeriscaping, infiltration basins, swales and other sustainable design features to reduce overland runoff.

20.8 Solid Waste

The Regional District has established a Solid Waste Management Plan (SWMP) for the region. This has been in response to the Province, which has set goals to reduce waste delivered to landfills, through waste diversion initiatives.

20.8.1 Objectives

- .1 Reduce the volume of solid waste requiring disposal in accordance with Provincial waste reduction targets.
- .2 Establish recycling and transfer stations in the Plan Area.

20.8.2 Policies

The Regional Board:

- .1 Encourages and supports efficient and environmentally acceptable solid waste disposal methods through an education process, especially reduction of waste, reuse of materials, recycling, and backyard composting.
- .2 Continues to implement the strategies of its Solid Waste Management Plan, as it is amended from time to time.
- .3 Continues to work towards developing a waste transfer station and recycling depot in Apex.

20.9 Other Utilities

Utility services, including electrical, gas, phone and Internet are vital services to a community. The Regional District is not the provider of these utility services; however through the objectives and policies of this section, the community is encouraged to work with utility providers to ensure that Plan Area residents have access to the best possible services.

Being a predominately rural community, the Plan Area, particularly smaller settlement areas (e.g., Green Mountain Road, Farleigh Lake) are not well serviced by high-speed Internet or cellular phone service. Residents support the improvement of communication services in the community.

Reliable, high quality electricity service is also an issue for some residents in the Green Mountain Road area. There is no electricity service along Green Mountain Road from the Apex Mountain turnoff south to Highway 3A.

20.9.1 Objectives

- .1 Encourage the operators of utilities to provide residents and businesses in the rural settlement areas with utility services.
- .2 Encourage cooperation and coordination of the provision of utilities to existing and future developments.

20.9.2 Policies

The Regional Board:

- .1 Should work with utility providers to deliver affordable and convenient utility services, including high-speed Internet and cellular service, throughout the Plan Area.
- .2 Should work with utility providers and DRAO to ensure new utility installations and upgrades are compatible with Observatory operations.
- .3 Encourages public utility companies and the Province to develop and maintain infrastructure corridors in a manner that will not negatively impact existing residents and the natural environment, or have a negative impact on existing Environmentally Sensitive Development Permit Areas and Watercourse Development Permit Areas.
- .4 Supports the establishment of renewable energy projects that use water, wind, sunlight, biomass or geothermal energy to generate electricity for sale into the electrical transmission and distribution infrastructure when those facilities:
 - a) have been properly evaluated and are shown to be technically sound, environmentally sensitive and socially responsible;
 - b) are located, designed, constructed and operated in a manner that is consistent with the overall vision for the region;
 - c) can be connected into the existing transmission and distribution infrastructure with minimal impact; and
 - d) provide tangible community benefits.

21.0 AGGREGATE AND MINERAL RESOURCES

21.1 Background

The Regional District has limited influence on the location of mineral and aggregate resource extraction. The objectives and policies of this section remain broad in nature to offer guidance to senior governments in their decision-making process.

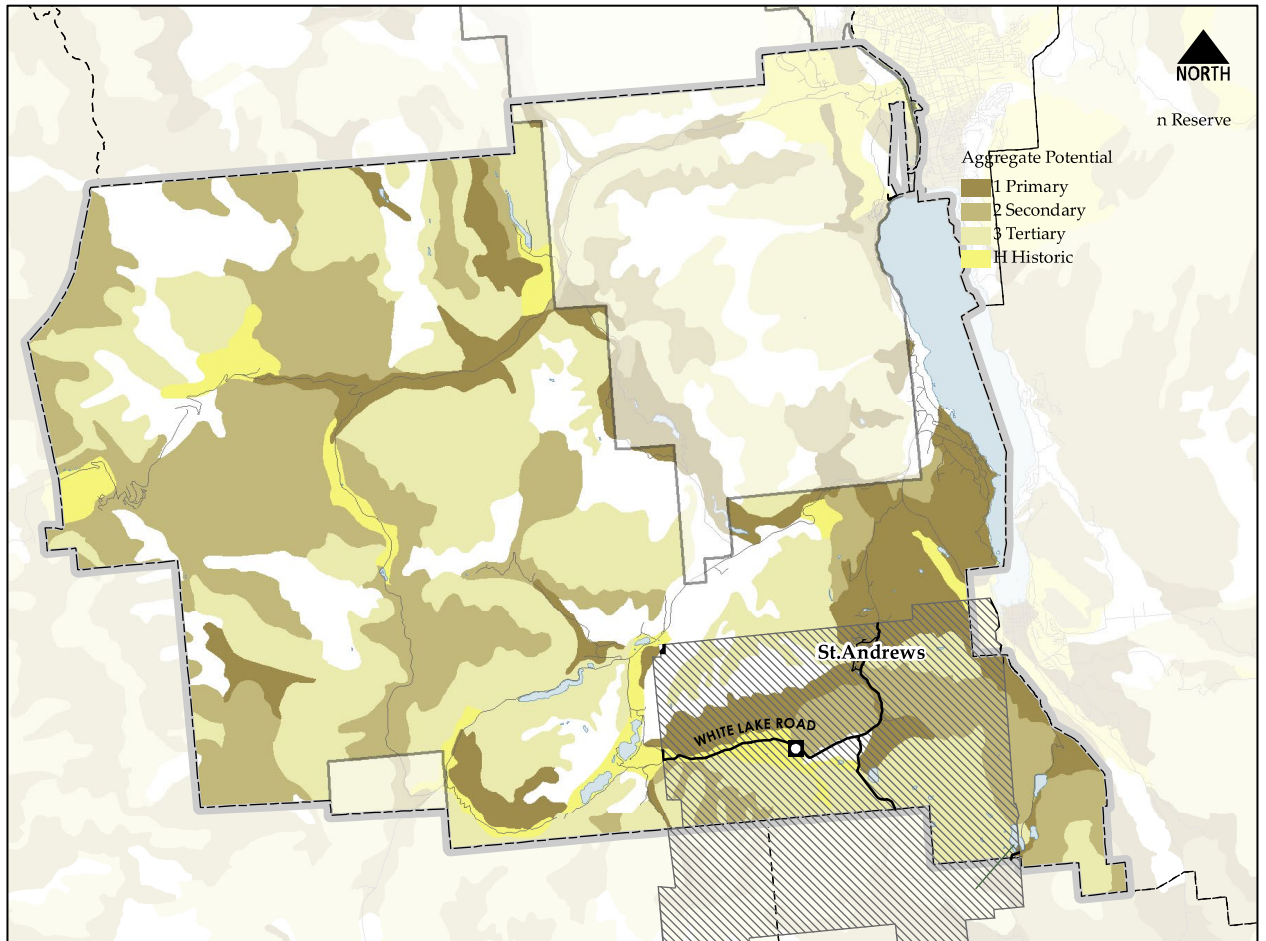


Figure 20 illustrates *potential* aggregate areas in the Plan Area (i.e., where aggregate resources are located, not that they should be extracted wherever they are located). The Province placed a no registration reserve to prevent mineral claim staking within the area shown on the figure to protect DRAO from RFI.

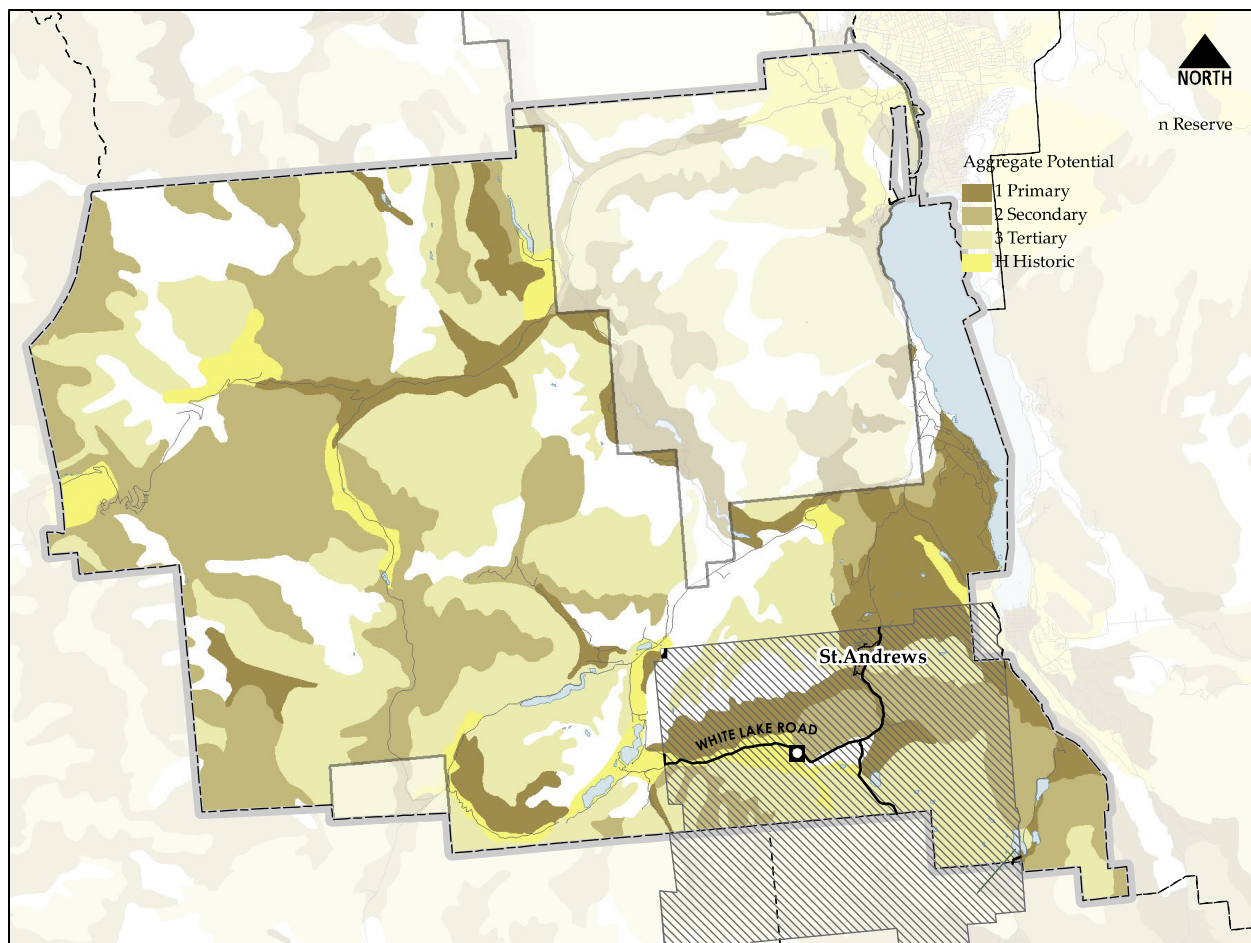


Figure 20: Resource Extraction Potential

21.2 Objectives

- .1 Protect sand and gravel aggregate supplies for anticipated future needs.
- .2 Protect non-agricultural lands having recoverable aggregate or mineral resources from development or adjacent uses that would limit or prohibit extraction.
- .3 Minimize conflicts between sand and gravel processing operations and adjacent land uses.
- .4 Support the Province to require rehabilitation and remediation of resource extraction sites.
- .5 Direct sand and gravel extraction proposals toward sites that have no adverse environmental impact or where the impact can be adequately mitigated.

21.3 Policies

The Regional Board:

- .1 Encourages the Province to continue referrals of mineral exploration proposals to the Regional District for comment and due consideration of the impact of resource extraction activities on surrounding land uses and development.
- .2 Supports the use of designated Resource Areas for sand and gravel extraction, where the uses will not cause a significant visual, environmental or RFI area disturbance.
- .3 Will consider rezoning applications for the processing of aggregate resources based on any or all of the following criteria:
 - 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;
 - e) environmental sensitivity of the site, and lands adjacent to potential aggregate resource processing site;
 - f) avoiding potential risk of generating RFI with DRAO operations;
 - g) accessibility; and
 - h) characteristics of aggregate deposits and groundwater resources.
- .4 Encourages the Province not to issue new surface leases and permits for mineral processing within 1,000 metres of designated residential areas unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.
- .5 Supports the Provincial reserve preventing mineral claim staking in the designated section of White Lake Basin.
- .6 Encourages the Province not to issue leases or permits for aggregate or mineral extraction or processing within the designated RFI area.
- .7 Encourages the Province to include in their licensing, the rehabilitation of aggregate extraction and processing sites after extraction and processing are completed.
- .8 May consider implementing conditions set by the ALC to mitigate the impact of aggregate extraction and processing sites on lands outside the ALR.
- .9 Supports additional product end-use consideration for areas slated for gravel and sand extraction. Specifically: gravel or rock crushing sites characteristic of radon rich materials should be avoided for concrete mix, otherwise the concrete used in the foundation could import an indoor radon gas problem into the house for centuries. Likewise, material taken from sites high in crystalline silica or containing significant clay/silt fines used as winter road grit may cause an outdoor air dust problem, and associated air quality advisory, that could

otherwise be avoided if equally or better quality road grit was used with a lesser capacity for airborne fines.

- .10 Does not support the exploration and mining of uranium within the Plan Area.

22.0 CLIMATE CHANGE AND GREENHOUSE GAS REDUCTION

22.1 Background

The scientific community has reached general consensus that the increasing emissions of human-caused greenhouse gases (GHGs) are rapidly changing the earth's climate. Greenhouse gases refer to any or all of carbon dioxide, methane, nitrous oxide, hydro fluorocarbons, perfluorocarbons, 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 182 local governments that are signatory to the B.C. Climate Action Charter, the Regional District 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 set.

Under the *Greenhouse Gas Reduction Targets Act*, B.C.'s GHG emissions are to be reduced by at least 33% below 2007 levels by 2020. A further emission-reduction target of 80% below 2007 levels is required for the year 2050. The three areas where local government can play a role in reducing greenhouse gas emissions are in the transportation, waste management and building sectors.

22.2 Objectives

- .1 Understand the likely impacts and vulnerabilities of regional climate change within the Plan Area.
- .2 Reduce GHG emissions within the Plan Area as per the B.C. Climate Action Charter reduction targets.
- .3 Achieve carbon neutral local government operations.
- .4 Promote and provide community outreach and education related to climate change and reduction of GHG emissions.

22.3 Policies

The Regional Board:

- .1 Will work towards the target of reducing GHG emissions by 33% below 2007 levels by 2020.

- .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;
 - 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.

23.0 TEMPORARY USE PERMITS

23.1 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 detailed requirements such as indicating the buildings that can be used, the time frame of the permit, and the other conditions.

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

23.2 Objectives

- .1 To avoid conflicts between different types of uses (i.e., residential, commercial, agricultural).
- .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 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 allow on-going short-term vacation rental uses on properties designated Residential through the issuance of Temporary Use Permits.

23.3 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.
- .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, 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;
 - c) compatibility with the RFI requirements of DRAO;

- d) impact of the proposed use on the natural environment, including groundwater, wildlife, and all Environmentally Sensitive Development Permit and Watercourse Development Permit Areas;
 - e) intensity of the proposed use;
 - f) opportunity to conduct the proposed use on land elsewhere in the community; and
 - g) 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
 - f) 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 23.3.5 of this Plan, including, but not limited to:
- 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.

- e) a maximum accommodation of ten persons, with an aggregate occupancy of two persons per bedroom within a dwelling unit when such dwelling unit is being occupied as a vacation rental;
 - f) the provision of one 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 In issuing a Temporary Use Permit for a dwelling unit for farm labour, the Regional Board may specify conditions, in addition to those listed under sub-section 23.3.5, including, but not limited to:^{xlvi}
- a) the use of the accommodation be restricted to farm labour only;
 - b) the structure be removed from the property when the permit lapses, if the renewal of that permit has not been approved by the Regional Board;
 - c) the structure be constructed or manufactured in a manner that makes it easily moveable from one location to another; and
 - d) the foundation be temporary in nature (i.e. not concrete).
- .8 As a condition of issuing a Temporary Use Permit, the Regional District may require the posting of a bond or other applicable security to ensure compliance with the conditions of a permit.

^{xlvi} Amendment Bylaw No. 2950, 2022 – adopted May 5, 2022.

24.0 DEVELOPMENT PERMIT AREAS

24.1 Background

Pursuant to the provisions of Section 488 of the *Local Government Act*, an Official Community Plan (OCP) may designate Development Permit Areas within the Plan Area. 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.

For lands within a Development Permit Area, the OCP must describe the special conditions or objectives that justify the designation and specify guidelines respecting the manner by which the special conditions or objectives will be addresses.

There are two Development Permit Areas designated in the Electoral Area “I” OCP:

- Environmentally Sensitive Development Permit (ESDP) Area
- Watercourse Development Permit (WDP) Area

24.2 Development Permit Offences^{xlvii}

- .1 No person shall commence any development on lands within any development permit area without obtaining a valid development permit.
- .2 The development of land in contravention of the terms or conditions of a development permit that has been issued under Section 489 of the *Local Government Act* is prohibited.

24.3 Environmentally Sensitive Development Permit (ESDP) Area

24.3.1 Category

The Environmentally Sensitive Development Permit Area (ESDP Area) as shown on Schedule ‘I’ (Development Permit Areas – Environmentally Sensitive Areas) is designated as a Development Permit Area under section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

24.3.2 Area

The lands shown as ESDP Area on Schedule ‘I’ are designated as “Environmentally Sensitive Development Permit Area”.

^{xlvii} Amendment Bylaw No. 3006, 2023 – adopted May 18, 2023.

24.3.3 Justification

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

24.3.4 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 number of provincially Red and Blue-listed species (extirpated, endangered, threatened, and vulnerable) and federally listed Species at Risk. This Development Permit 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 habitat and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, forest, wetlands, shallow soiled rock outcrops and ridges. It is the close proximity of these diverse habitats that contributes to the wide diversity of species, both common and rare, that are found within Electoral Area "I".

24.3.5 Development Requiring a Permit

- .1 A Development Permit is required, except where specified under 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, deposit or moving of soil, paving, installation of drainage or underground services.

24.3.6 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.

24.3.7 Expedited Development Permit

- .1 Despite sub-section 24.3.6.1(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 24.3.6.1(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.

24.3.8 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; and
- .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.

24.4 Watercourse Development Permit (WDP) Area^{xlviii}

24.4.1 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.

24.4.2 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.

24.4.3 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.

24.4.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 24.4.8 (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.

^{xlviii} Amendment Bylaw No. 2876, 2020 – adopted February 20, 2020.

24.4.5 Guidelines⁴⁹

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the RAPR, must be received by the Regional District in respect of the proposed development from the responsible provincial minister; or
 - b) if the minister will not provide the Assessment Report under Section 6 (Administration of assessment reports by minister) of the RAPR because the development that is the subject of the Assessment Report has already occurred, then the person who prepared the Assessment Report may submit it to the Regional District, together with evidence of the minister’s rejection of the report, and any reasons the minister provided for the rejection.
 - c) if the provincial ministry responsible for reviewing Assessment Reports has indicated to the Regional District that Assessment Reports are unlikely to be reviewed and forwarded to the District within six (6) months of being submitted, then a Watercourse Development Permit (WDP) may be considered for issuance without an “Assessment Report” having been received from the responsible provincial Minister, provided that an Assessment Report prepared in accordance with the Riparian Areas Protection Regulation has been submitted directly to the Regional District, certifying that the proposed development:⁵⁰
 - i) will not occur in the streamside protection and enhancement area (SPEA); and
 - ii) if the Assessment Report is based on a detailed assessment, will not result in any harmful alteration, disruption or destruction (HADD) of natural features, functions and conditions in the streamside protection and enhancement area that support the life processes of protected fish.

24.4.6 Variance 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.

24.4.7 Expedited Development Permit

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

⁴⁹ Amendment Bylaw No. 2950, 2022 – adopted May 5, 2022.

⁵⁰ Amendment Bylaw No. 3008, 2023 – adopted May 18, 2023.

- .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.

24.4.8 Exemptions

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

- .1 development on Crown land.⁵¹
- .2 the construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails.

⁵¹ Amendment Bylaw No. 2950, 2022 – adopted May 5, 2022.

- .3 the construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works.
- .4 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.
- .5 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.
- .6 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.
- .7 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.
- .8 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.
- .9 Development and land alteration proposals for which an authorization by DFO for HADD has been granted.
- .10 Changes in an about a stream approved pursuant to Section 11 of the *Water Sustainability Act*.
- .11 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.

25.0 IMPLEMENTATION

25.1 Introduction

The OCP sets out broad objectives, policies 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.

25.2 Refinements and Amendments

OCP amendments are usually triggered by site-specific rezoning proposals that are inconsistent with the OCP. Other changes to the OCP may be proposed by RDOS staff to keep the plan up-to-date and to meet the needs of a changing community.

The *Local Government Act* regulates the process for an application for an OCP amendment. The process requires public notification, public hearing, and opportunities for consideration of the application by the RDOS Board.

The Regional District may also consider refinements to this OCP. These refinements may include but are not limited to the following:

- .1 Periodic assessment of the Plan Area OCP to determine area revisions;
- .2 Coordination with changes to Provincial legislation (e.g. *Local Government Act*, *Community Charter*, *Agricultural Land Commission Act*, etc.);
- .3 Coordination with new or revised Provincial plans and policies that relate to land use and community issues in the Plan Area.
- .4 Coordination with new or revised regional plans and policies (e.g. South Okanagan Regional Growth Strategy).
- .5 Changes resulting from transportation planning (e.g. Okanagan-Similkameen Transit Future Plan) and capital improvements (e.g., Kaleden sewer extension).
- .6 Changes to the known geographic extent of Environmentally Sensitive Development Permit Areas, as determined through the review of plans, reports and applications submitted by project proponents to the Regional District.
- .7 Changes suggested by the Joint Council (i.e., Regional District, Penticton Indian Band, Lower Similkameen, Osoyoos Indian Band).

Recognizing this Plan is a living document, it has been identified that the Plan should be reviewed and updated every seven to 10 years and that a comprehensive review and update should take place every 10 to 15 years.

Some future additions to the OCP have also been identified as follows:

OCP Policy	Action Required
7.2.1.4	Consider creation of a Form and Character DPA in conjunction with a Local Area Plan for the Apex area
7.3.1.16	Identify Crown land parcels and accreted lands along Skaha Lake that may be suitable for designation as Conservation Area
7.3.1.17	Consider development of public access objectives and design guidelines for the Skaha Lake shoreline that include criteria to minimize impacts to the foreshore ecosystems and species
7.5.1.5	Review the suitability of Twin Lakes as a Rural Growth Area when the Regional Growth Strategy is reviewed or updated

Figure 21: Potential Future OCP Additions

25.3 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 OCP and to implement portions of this Plan. Specific Zoning Bylaw updates recommended by this OCP’s policies are outlined in the following table.

OCP Policy	Action Required
8.3.8	Establish a Watershed Resource Area Zone for designated community watersheds
NA	Remove Residential zoning from the slopes east of Twin Lakes golf course
NA	Update Zoning Bylaw for the 13 Large Holdings (LH) parcels in the Green Mountain Road / Apex Road intersection area
10.5.2	Establish a range of densities and parcel sizes within the Zoning Bylaw for lands designated Small Holdings

Figure 22: Zoning Bylaw Updates

25.4 Subdivision Servicing Bylaw

The Regional District’s 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 it works to implement various policies in the Plan, particularly with respect to servicing levels related to parcel sizes.

25.5 Other Agencies

The Regional District will take a leadership role in coordinating work with Provincial, Federal and other agencies to help implement and complement portions of the Plan.

25.6 Follow-up Studies and Initiatives

The following are studies and initiatives that have been identified in the OCP as actions that could implement portions of this Plan. The actions are organized into short-term (one to three years), medium-term (four to six years), and long-term (seven+ years) actions.

Recognizing the capacity issues (i.e., limited time, human resources, financial resources) faced by the RDOS and stakeholders who may be involved in implementing OCP actions, RDOS staff screened and prioritized the actions. Actions currently underway or in process (e.g., Regional Heritage Strategic Plan) are identified as short-term actions.

Short-term / ongoing (one to three years)	
Actions	Lead Responsibility
<i>Water Sustainability Act</i> – policy implications/revisions	RDOS
Explore groundwater bylaw for RDOS	RDOS with support from Okanagan Basin Water Board and Province
Development of Apex transfer and recycling station	RDOS in partnership with Apex Mountain Resort, community and local businesses
Development of a new Local Area Plan for Apex	RDOS with support from Province and in partnership with Apex community and Resort
Medium-term (four to six years)	
Development of a Local Area Plan for Kaleden	RDOS with support from Province
Explore the feasibility of an RDOS maintained and operated community sewer service at St Andrews	RDOS with St. Andrews Strata

Explore the feasibility of an RDOS maintained and operated community sewer service at Twin Lakes	RDOS with Twin Lakes developer
Explore opportunities to establish fire protection services for Apex and Twin Lakes	Regional District; with support from local communities and stakeholders (e.g., Apex Mountain Resort)
Explore the feasibility for coordinating and/or amalgamating water utilities in the Plan Area under Regional District management	Regional District in partnership with water utilities
Long-term (seven+ years)	
Expansion of sewer services to Kaleden	RDOS with support from Province
Plan Area transit improvements	BC Transit with support from RDOS

Figure 23: Follow up Studies and Initiatives

25.7 Discharge of Land Use Contracts (LUCs)

Legislative changes adopted under the Section 547 of the *Local Government Act* will result in the termination of all LUCs by June 30, 2024. Local governments must adopt zoning that applies to land regulated by LUCs by June 30, 2022.

Land use designations in this Plan reflect the proposed land uses to be implemented through future zoning changes. The discharge of LUCs will not take effect until at least one year after a zoning bylaw has been adopted that applies to the lands currently regulated by LUCs. Voluntary discharges of a LUC can implement new zoning as soon as the bylaw is adopted.

The Plan provides for the following land use designations for existing LUCs.

Land Use Contract	Land Use Designation
LU-23-D77 (Bylaw No. 377, 1977)	Small Holdings (SH) along the north and east sides of Trout Lake
LU-10-D (Bylaw No. 218, 1974)	Small Holdings (SH) on four small parcels, Resource Area (RA) on remainder
LU-9-D (Bylaw No. 206, 1974)	Small Holdings (SH) along the north shore of Nipit Lake and Agriculture (AG) on one parcel on the ALR on the northwest shore of Nipit Lake
LUC-6-D (Bylaw No. 169, 1973)	Resource Area (RA) on remaining undeveloped parcels, Low Density Residential (LR) on developed parcels. <i>NOTE:</i> the Regional District Board supports DRAO securing measures to ensure enduring legal protection and management to protect the ongoing operations of the Observatory prior to discharging the LUC.

Figure 24: Land Use Contracts and Replacement Land Use Designations

25.8 Monitoring

The Regional District Board should monitor the OCP on an ongoing basis. The OCP should be 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 will monitor:

- .1 population and demographic changes;
- .2 groundwater supply, consumption and management issues;
- .3 land supply / demand;
- .4 changing housing requirements; and
- .5 economic, social, and environmental factors.

Based on the review of information collected from OCP monitoring, the Regional District may choose to refine or amend the Electoral Area "I" OCP accordingly as resources permit.

~ end of Schedule 'A' ~