

AREA "C" OLIVER RURAL

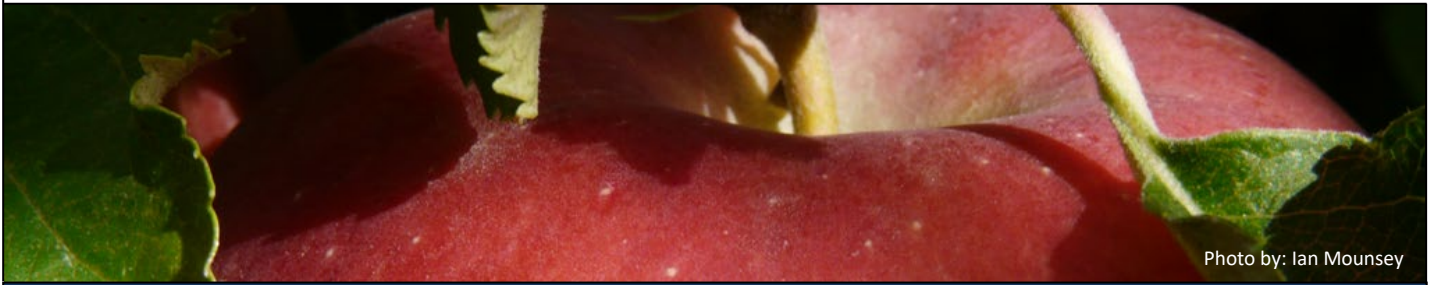


Photo by: Ian Mounsey

OCP Bylaw No. 2452, 2008 – Regional District of Okanagan-Similkameen

OFFICIAL COMMUNITY PLAN

This Bylaw has been consolidated for
Convenience only and includes all
Amendments to the text up to:
May 18, 2023



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

Oliver Rural

Official Community Plan Bylaw No. 2452, 2008

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

Acronyms used in this document

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

Regional District of Okanagan-Similkameen
Electoral Area “C”
Official Community Plan Bylaw No. 2452, 2008

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

WHEREAS the Regional District Okanagan-Similkameen wishes to adopt an Official Community Plan pursuant to Division 4 under Part 14 of the *Local Government Act*;

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

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

AND WHEREAS if the Official Community Plan applies to land in an Agricultural Land Reserve established under Provincial Acts and Statutes, the Regional Board shall refer the Official Community Plan to the Province for comment;

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

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

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

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

This bylaw may be cited for all purposes as the “Electoral Area “C” Official Community Plan Bylaw No. 2452, 2008”.

Transition

Electoral Area 'C' Oliver Rural Official Community Plan Bylaw No. 2122, 2002, is repealed.

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

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

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

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

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

ADOPTED this 6th day of November, 2008.

Dan Ashton

Chair

Tracey Batton

General Manager of Administration Services

SCHEDULE 'A'

Regional District Okanagan-Similkameen

Oliver Rural

Official Community Plan, Bylaw No. 2452, 2008

1.0 INTERPRETATION AND ADMINISTRATION

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

1.1 Purpose

The Electoral Area "C" Official Community Plan is intended to ensure that decisions of the use and development of property within that part of the electoral area shown on Schedule 'B', are made with regard to land capabilities and constraints, growth trends, the interrelationship of land uses, and the aspirations of the people, for the benefit of the whole community.¹ Further, the Plan is intended to:

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

1.2 Interpretation

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

1.3 Administration

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

¹ Amendment Bylaw No. 2830, 2018 – adopted October 18, 2018.

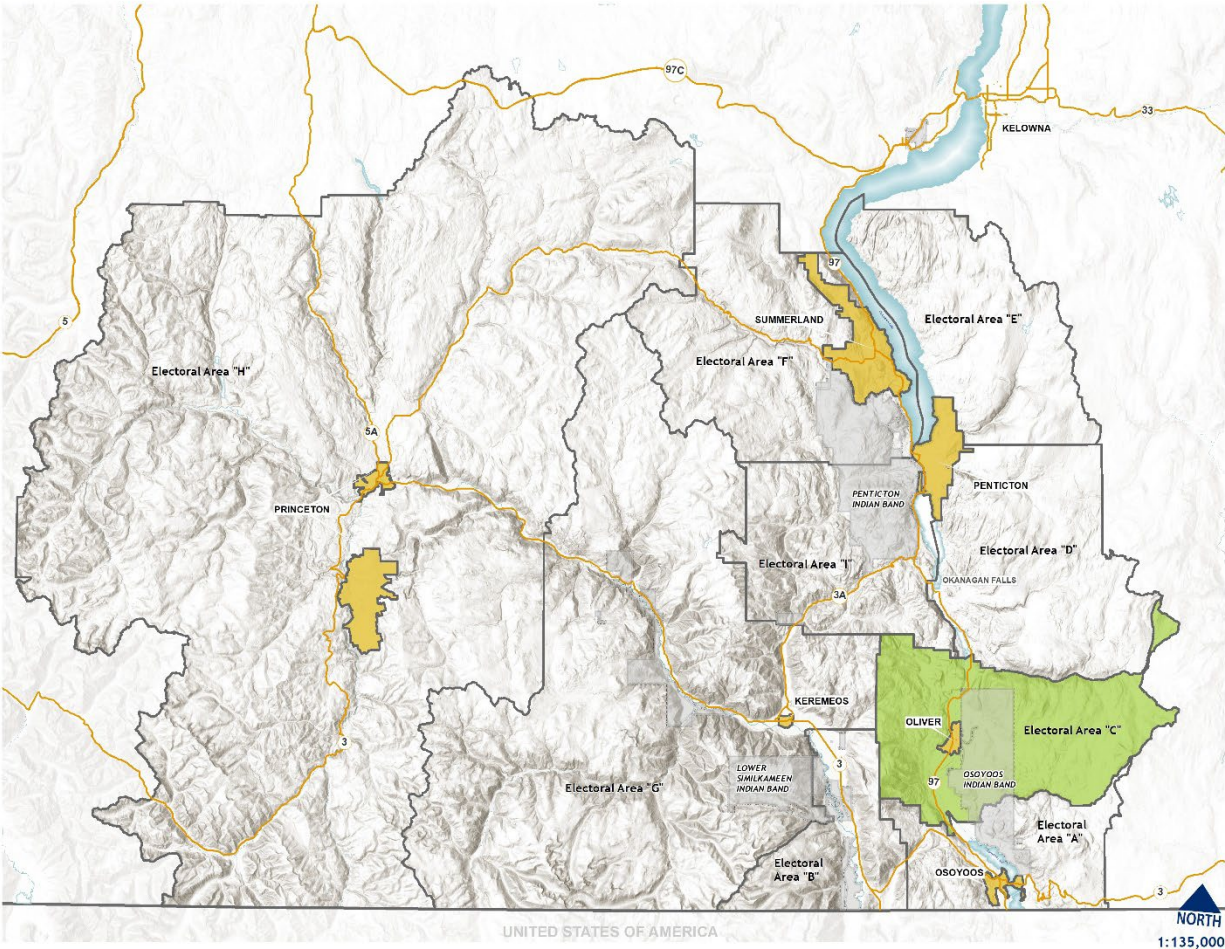
1.4 Development Approval Informationⁱⁱ

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

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

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

ⁱⁱ Amendment Bylaw 2570, 2012 – adopted January 24, 2013



Map 1 – Context Map

2.0 WHAT IS AN OFFICIAL COMMUNITY PLAN?ⁱⁱⁱ

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.

Local governments 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 originally prepared between 2000 to 2002 and was subsequently repealed and re-enacted in its entirety in 2008. More recently, a substantive amendment in the form of the "Gallagher Lake Area Plan" was undertaken between 2014-2016 and included the establishment of a Citizens Committee, mail out newsletters, website information, public information meetings and consultation with stakeholders and agencies. Public meetings were well attended with active citizen engagement.

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.

ⁱⁱⁱ Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

3.0 COMMUNITY PROFILE^{iv}

3.1 Location and Geography

The Plan Area is bounded by Electoral Area “A” (Osoyoos Rural) to the south, Electoral Area “D” (Okanagan Falls) to the north, Electoral Areas “B” (Cawston) and “G” (Hedley/Olalla) to the west, and the Kootenay Boundary Regional District to the east.

The Electoral Area is bisected by the Okanagan River while the Town of Oliver and a large proportion of the Osoyoos Indian Band (OIB) Reserve lands area situated within its boundaries

The Plan Area is mostly rural with two main communities – Gallagher Lake and Willowbrook – and several smaller, rural areas, including Fairview Road and Camp McKinney Road. The majority of the population is found on the farms in the valley bottom.

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.

3.2 Population and Demographics

The 2016 Census indicates that the permanent population for Electoral Area “C” was 3,557. While this represents an annualised increase of 0.48% over the figures from the 2011 Census, and represents the first increase in population since the 2001 Census, the long-term trend since 1991 has been population decline buffeted by periods of limited population growth. The following table shows population growth for the fifty year period starting in 1966:

Table 3.2.1 - Population Growth

Year	Population	Population Growth	Average Annual Growth
1966	2,965	—	—
1971	3,475	510	3.23%
1976	4,139	664	3.56%
1981	4,763	624	2.85%
1986	5,026	263	1.08%
1991	4,041	(985)	-4.27%*
1996	4,077	36	0.18%
2001	4,154	77	0.37%
2006	3,874	(280)	-1.39%
2011	3,473	(401)	-2.16%
2016	3,557	84	0.48%

* Figure has not be adjusted to reflect a boundary expansion undertaken by the Town of Oliver in the late 1980s.

^{iv} Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

The actual figures for the period 1996 to 2016 differ markedly from the estimates used for this same period during the drafting of this Plan (i.e. 2000-02), and which estimated annual growth rates of 1.5% to 2.5% (based upon historical trends) and anticipated a population of between 6,000 and 7,700 person for the Electoral Area by 2020.

The age and gender distribution of the Plan Area is illustrated in Table 3.2.2. Overall, approximately 50.2% of the population of the Plan Area is male, while 49.8% 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.

This age profile suggests an increasing need for housing and services that are appropriate for an aging population.

Table 3.2.2 – Age Group Characteristics

Age Group	1981	1986	1991	1996	2001	2006	2011	2016	% change
< 15	945	895	855	n/a	690	545	410	375	-60.3%
15 – 24	615	615	435	n/a	455	395	315	275	-55.3%
25 – 54	1,650	1,760	1,445	n/a	1,475	1,350	1,145	1,020	-38.2%
55 – 74	1,045*	1,175*	860*	n/a	1,185	1,240	1,215	1,450	38.8%*
75 and over	405*	560*	480*	n/a	355	360	370	430	6.2%*
Total Population:	4,750	5,005	4,075	4,077	4,160	3,890	3,455	3,550	-25.3%

* Estimates based upon available Census information

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. This low growth rate is consistent with other similar areas in BC and influenced by both an aging population and decreasing fertility rates.

Although the population of Electoral Area “C” as a whole has declined since 1991 and has returned to the same level recorded in 1971, some population growth is expected over the next twenty to thirty years.

When the historic population data is combined with future growth projections for the region, this would suggest that a permanent population growth projection of negative or between 0.25% to 0.50% per year over the next 20 years would be reasonable.

Table 3.2.2 — Permanent Population Growth Projections

	2016	2021	2026	2031	2036
0.25% Growth	3,557	3,611	3,665	3,720	3,777
0.50% Growth	3,557	3,666	3,777	3,892	4,010

At a community level, it is known that, as of 2016, Gallagher Lake is primarily comprised of manufactured home developments as follows:

- Cottonwood Mobile Home Park on east side of Highway 97 with 23 units, developed in the 1970's.
- Country Pines Mobile Home Park also located on the east side, with about 125 units, developed in the 1970's.
- Deer Park, an 80 unit strata development originally built in the 1990's located on the west side of Gallagher Lake on the north side of Vaseux Creek. A new Developer acquired the final phase of Deer Park and created an additional 30 lots in 2015. At the subdivision approval stage in 1994, a walkway was dedicated along Vaseux Creek and the Okanagan River up to the KVR.
- Gallagher Lake Village modular home development located in the south west is supplied with water and sanitary sewer services through agreement with the Osoyoos Indian Band. As of 2016 the Village is currently approximately threequarters developed, with a total of 100 units at full build out. The Developer has also proposed to expand development on lands to the north up to Vaseux Creek.
- There are also 12 single family dwellings located on Icton Crescent, at the north of the Lake and on larger lots in the north east sector. The population of the community is approximately 550 based on dwelling unit count of 314 and an average household size of 1.8. There are Census statistics available for Electoral Area "C", but not for Gallagher Lake – which is largely a retirement area, with some working residents and few children. Many residents spend part of their winters in southern locations, while others use the properties during the summer months, returning annually from their northern homes.

4.0 OFFICIAL COMMUNITY PLAN MAP DESIGNATIONS

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

Rural Designations:

Resource Area	RA
Agriculture	AG
Large Holdings	LH
Small Holdings	SH

Residential Designations:

Low Density Residential	LR
Medium Density Residential	MR

Commercial Designations:^{vi}

Commercial	C
Commercial Tourist	CT

Industrial Designations:

Industrial	I
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Community Services and Administrative Designations:

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

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

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

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

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

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

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

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

5.0 BROAD GOALS

The Regional District of Okanagan-Similkameen aims to achieve the goals set out for the Oliver Rural area as a foundation for the objectives and policies of the Electoral Area “C” Official Community Plan.^{ix}

- .1 Ensure that future development is compatible with the physical nature, resources and limitations of the land base, and that growth is planned in a manner that ensures a high level of protection for the environment.
- .2 Support and encourage agriculture in the community through preservation of the land base and restrictions on uses which are not compatible with current or future agricultural activities.
- .3 Maintain the integrity of a secure and productive resource base.
- .4 Maintain and enhance the rural character of the Plan area and ensure that future development types and densities are compatible with existing conditions.
- .5 Accommodate residential growth by providing a range of housing options that are economically serviceable, environmentally acceptable and will not impede the rural agricultural economy.
- .6 Protect the quantity and quality of ground and surface water resources by managing the location, servicing and phasing of development.
- .7 Support settlement patterns that minimize the risks associated with natural hazards.
- .8 Provide for the efficient movement of goods and people while making effective use of existing transportation and utility corridors.
- .9 Provide services in a manner that reflects the rural character of the community while addressing the needs of the community with respect to water supply, sewage disposal, and drainage in a safe and efficient manner.
- .10 Provide a system of protected areas with the primary purpose of preserving outstanding natural features, including representative ecosystems, fish and wildlife habitats and movement corridors.
- .11 Promote economic development that supports the unique character of the Plan area.
- .12 Encourage good stewardship of land.
- .13 Encourage conservation of sites and structures with cultural heritage value.

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

6.0 GROWTH MANAGEMENT^x

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., Town of Oliver and 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.

Within the Plan Area, the South Okanagan RGS designates Gallagher Lake as a Rural Growth Area, while the Town of Oliver is a Primary Growth Area. Gallagher Lake was designated based on existing zoning, OCP designations and service areas.

The South Okanagan RGS recognizes that "some infill development may be anticipated in rural area", provided that development "does not significantly increase the number of units or the established density of them area" and "respects the character of the communities."

6.2 Rural Growth Areas and Capacity

Based on population projections (see Section 4.2), it was determined that the Plan Area could become home to between 220 and 453 additional residents (low and high projections) by 2036. Based on 2.3 people per household (Census Canada figures), there is a projected need for between 96 to 196 homes by 2036, or between five to ten new homes per year.

	0.25% growth rate	0.5% growth rate
Additional population estimate (2031)	220	453
Persons per household	2.3	2.3
New dwellings required	96	196

Figure 4.2: New Dwelling Unit Requirements Projections

^x Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

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, and which is primarily found at Gallagher Lake (see Section 6.3).^{xi}

6.3 Gallagher Lake Rural Growth Area

Future growth and development in the Gallagher Lake Rural Growth Area will be influenced by a number of potential development constraints and considerations.

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.

As of 2016, future development opportunities have been identified in the Gallagher Lake Rural Growth Area and include:

- 30 units (approx.) remaining in the Gallagher Village Modular Home Development;
- 25 units (approx.) remaining in the Deer Park development;
- 35 units (approx.) on a 3.0 ha area of land south of Vaseux Creek / west of Hwy 97 that is proposed to be re-designated from Tourist Commercial to Low Density Residential;
- 65 units (approx.) on a 4.5 ha area of land north of the Gallagher Village development that is proposed to be re-designated from Small Holdings to Low Density Residential;
- 200 units (approx.) on a 14.5 ha part of an existing gravel quarry (i.e. 10 ha developable, potential mixed residential);
- 30 units (approx.) on a 2.0 ha area of land between campground on Gallagher Lake Road; and
- 40 units (approx.) of infill housing on lands north of the Lake and adjacent to the Frontage Road commercial (i.e. 4 units per lot).

Note: Based on 15 single family units per ha, and 20 mixed single & multiple units per ha

The future capacity to accommodate growth at Gallagher Lake is for an additional population of approximately 765 persons, based on full build out potential of approximately 425 new units and an average household size of 1.8. This would more than double the current population of Gallagher Lake.

Over the past 40 years, the population has grown sporadically with the addition of new manufacture home developments. Assuming a 1980 population of 300, the average growth

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

of Gallagher Lake has been about 2% per year. At the same rate of growth there is over 30 years of development capacity in Gallagher Lake. Nevertheless, a more rapid rate of growth is anticipated in coming years with the introduction of urban services and new employment opportunities in the area.



Figure 6.3: Gallagher Lake Rural Growth Area Containment Boundary

6.4 Objectives

- .1 Manage growth within the Plan Area by directing residential development to designated Primary and Rural Growth Areas.
- .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 the Town of Oliver as the designated Primary Growth Area and Gallagher Lake as the designated Rural Growth Area in the Plan Area.
- .2 Will direct growth to designated Primary and 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 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 2036.
- .4 Recognizes the Town of Oliver as a designated Primary Growth Area that has the community infrastructure, community services, economic and employment opportunities to sustain higher densities and residential growth than the Plan Area.
- .5 Will ensure any new development in designated Rural Growth Areas to provide community services pursuant to the Regional District's Subdivision Servicing Bylaw.
- .6 Directs development away from hazard lands, critical habitat areas, watercourses and the Dominion Radio Astrophysical Observatory Radio Frequency Interference (RFI) area.
- .7 Directs residential development away from designated Agricultural AG areas.
- .8 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.^{xii}
- .9 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.^{xiii}

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

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

- .10 Generally supports maintaining the integrity of the Agricultural Land Reserve (ALR) and its existing boundaries.^{xiv}
- .11 Requires that all new parcels of less than one hectare in size connect to a community sewer system.
- .12 Supports water metering and other residential water conservation measures.

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

7.0 LOCAL AREA POLICIES^{xv}

7.1 Background

The Plan Area is comprised of a number of 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. While this section of the Plan only outlines policies for the Gallagher Lake area (as a result of the Gallagher Lake Area Plan completed in 2016), it is anticipated that the other communities will be addressed at the time of the next comprehensive review of this bylaw.

7.2 Gallagher Lake

The community takes its name from Gallagher Lake, a small fresh water lake approximately 3.8 miles north of Oliver and 40 kilometers south of Penticton. The community is located on both sides of Highway 97 in the south Okanagan valley and adjacent to, Nŕaylintn, (formerly McIntyre Bluff), an area landmark. Over the years, the lake, area camping, seasonal accommodation and roadside service helped create a small tourist destination.

The Gallagher Lake campground was complemented by seasonal accommodation which ultimately became permanent residential units in the form of trailers and modular homes. Although the lake does not have public access, visitors to the campground and motels can enjoy the beaches, swimming and fishing. Today, Gallagher Lake includes motels, camping, a restaurant/pub, a distillery and other services, mainly located along the Gallagher Lake Frontage Road parallel to the Highway.

It is recognized that Highway 97 divides the community in half. The west side contains the most recent development with new homes, utilities and commercial uses. The east side is largely made up of long-standing manufactured homes/trailers, camp ground facilities and motel.

There is a Fortis Gas facility located to the north of Deer Park, a gravel quarry in the north east area and a larger Fortis power substation just north east and outside of the community. A Fortis natural gas and electric power right-of-way passes through the west side of the community. The quarry operation has several years of gravel resources but is deemed to have future redevelopment opportunities for other urban uses.

The community benefits from Okanagan River and Vaseux Creek flowing through and along the edge of the residential areas. Such features enhance the open space, parks and trail system and provide drainage corridors through the community. The Town of Oliver retains ownership and management responsibility for the irrigation canal that is passes through the eastern portion of the Gallagher Lake. Due to slide damage in the summer of 2016, relocation of the irrigation canal is under consideration.

^{xv} Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

The lands north of the community contain very environmentally sensitive Antelope-brush on the McIntyre Ranch property. These lands are in the process of being acquired by the Nature Trust and will complement other Nature Trust lands, the Vaseux Bighorn National Wildlife Area and Provincial Protected Areas. The McIntyre Bluff Natural Park, owned by the RDOS, is located at the northern edge of Gallagher Lake.

7.2.1 Vision – Gallagher Lake

During the preparation of the Gallagher Lake Area Plan, residents expressed their vision for the future of the community:

Gallagher Lake will continue to evolve as a small and quaint community made up of predominantly low density residential homes, surrounded by the natural beauty of the South Okanagan landscape and streams. Managed growth will be accommodated in an environmentally sustainable manner, allowing for infill and redevelopment opportunities of older properties and underutilized land. The appeal and charm of the community is experienced by both its residents and visitors travelling along Highway 97. Local retail and tourism-oriented services will complement the aesthetically pleasing character of Gallagher Lake. The community will continue to work towards its goal of community cohesion amongst its neighborhoods, achieving a safe and pedestrian friendly community in the South Okanagan. Safe crossing of the highway will continue as a predominant quest by the residents of Gallagher Lake.

7.2.2 Broad Goals – Gallagher Lake

The following broad goals reflect the input and priorities of Gallagher Lake residents and are the guiding principles of this Official Community Plan for this community. 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 Gallagher Lake area:

- .1 Residential development areas on the west side of the highway will continue to be built out in comprehensive single family unit neighborhoods.
- .2 The frontage properties on the west side of the highway between Vaseux Creek and the south border of the Area Plan will continue to provide commercial space for tourist and retail and other services for locals and the travelling public. This use should not preclude some addition of mixed use with residential units above the commercial, but ensuring that the primacy of local and tourist services is maintained in that area.
- .3 The east side of the highway contains residential uses in the form of both manufactured homes and trailers, along with camping and fixed roof tourist accommodation, in the form of small motels. Changes to this precinct should only occur in a comprehensively planned manner, ensuring owners of homes and property are engaged and consulted.

- .4 An important element in achieving the vision stated in sub-section 3 is the design character along the Gallagher Lake Frontage Road. Streetscape improvements will be encouraged in the form of landscaping, pedestrian facilities, lighting and upgrades to buildings and properties. Design Guidelines will respect some of the basic architectural design and materials already included in the Ye Old Welcome Inn Pub and the Dubh Glas Distillery.
- .5 As the gravel quarry is exhausted in the future, the vision is to consider uses that will be compatible with residential uses to the south. A comprehensive plan would be required to address access, phasing, servicing, as well as the proposed land use. Potential future uses include business park, tourist commercial and mixed use residential. At the time of adoption, the Area Plan will retain an Industrial designation at the quarry site.
- .6 The most northerly lands on the east side of and adjacent to Highway 97 have potential for residential or tourist commercial uses. Any proposed development will require a comprehensive plan to address access management, floodplain, riparian objectives, highway widening and compatibility with adjacent existing development. At the time of adoption, the Area Plan is proposing an Low Density Residential designation.
- .7 The most northerly foreshore of Gallagher Lake is a critical interface between aquatic environment and human habitation. Collaboration between all property owners, Provincial government and Osoyoos First Nation will be required to ensure the future health and protection of Gallagher Lake. The feasibility of public access deserves further study, but in the meantime, preserving the integrity of this natural asset is paramount in the quest to maintain the character of the community.
- .8 Parks and trails will form an important part of the amenity base at Gallagher Lake. The interrelationship with streams and connections to natural areas beyond the community, along with the protection of the KVR right of way for public use, will allow for an interconnected community and promote pedestrian friendly neighborhoods. Pedestrian facilities for safe crossing of Highway 97 will also be critical to the character envisioned for this community.
- .9 Extension of community water and sanitary services will occur over time in conjunction with new development or to serve existing uses as required.
- .10 Access points will be managed and road connectivity will be established for residential areas on both sides of Highway 97 to serve new growth and to provide secondary access to existing development in consultation with the Ministry of Transportation and Infrastructure. Enhancing pedestrian safety in crossing Highway 97 is very important to the community.
- .11 RDOS will continue to collaborate with the Osoyoos Indian Band to maintain and enhance provision of water and sanitary services to the community.

7.2.3 Policies – Gallagher Lake

The Regional Board:

Resource Area:

- .1 Encourages the quarry operation on the lands described as Lots A & B, Plan KAP87618, District Lots 28S & 4108S, SDYD (8583 & 8713 Highway 97) to operate in a manner that is sensitive to adjacent residential uses.
- .2 Supports the re-designation of the lands described as Lots A & B, Plan KAP87618, District Lots 28S & 4108S, SDYD (8583 & 8713 Highway 97) to a light industrial/business park; mixed use residential; and/or tourist commercial use when the existing quarry operation ceases.

Residential:

- .3 Supports the re-development of lands adjacent to existing commercial areas along the Gallagher Lake Frontage Road to multiple family uses in the form of 2 storey town house units.
- .4 Requires that a Multiple Family Development Permit Area for form and character be designated on lands amended to a Medium Density Residential (MR) designation.
- .5 Requires that new residential development involving more than 20 hectares of land or the creation of 20 or more housing units prepare a Comprehensive Development Plan to ensure land use is compatible with the vision of the community and adjacent development and addresses access, servicing and environmental aspects.

Commercial:

- .6 Supports the main commercial area on the west side of Highway 97 (along Gallagher Lake Frontage Road) remaining the focus for future commercial development serving the community, and to reduce pedestrian highway crossing.
- .7 Supports convenience retail and services, tourist destination and highway commercial uses including a general store. Automotive and other service uses that are compatible with the existing uses and scale of commercial development will be supported.
- .8 Supports residential uses being incorporated into commercial developments in order to broaden the range of housing options and add to the pedestrian character of the community.
- .9 Will consider new small-scale local commercial or tourist commercial development on the east side of the community in new development areas.
- .10 Supports the evolution of the commercial development character along the Gallagher Lake Frontage Road over time with urban design elements, improved pedestrian access and streetscape beautification, such as landscaping.
- .11 Designates a Commercial Development Permit Area for the purposes achieving a high standard of architectural building design and landscaping for commercial areas adjacent the Gallagher Lake Frontage Road and parts of Highway 97.

Industrial:

- .12 Supports existing industrial use and employment opportunities at their current scale of intensity.
- .13 Does not support future heavy industrial development occurring at Gallagher Lake

Natural Environment:

- .14 Supports the establishment of low impact trails corridors and natural parks in designated riparian areas on Schedule 'B' of the Plan along Vaseux Creek and the Okanagan River Channel.
- .15 Supports initiatives to enhance stream and lake shorelines and protect water quality in Gallagher Lake.
- .16 Will collaborate with the Osoyoos Indian Band regarding the health and protection of Gallagher Lake.

Parks, Recreation and Trails:

- .17 Supports neighbourhood parks being integrated into new developments as the community population grows due to the limited amount of parks available to community residents and for day use activities.
- .18 Will seek future neighbourhood park locations in the context of a community wide parks plan or as a result of development reviews and approvals.
- .19 Supports trail development allowing for access to destinations such as McIntyre Bluff, connections to the KVR system and natural areas and water courses areas shown on Schedule 'G' of this bylaw.
- .20 Supports trail development also connecting to the sidewalk/walkway system in newly developed residential areas, and ultimately to the existing commercial area.
- .21 Will explore the use of the 5% park dedication requirement at subdivision stage and other means available including donations, agreements, or outright purchase to secure sensitive waterfront areas for open space as well as small local parks.
- .22 Will explore the protection of the KVR right of way as a public corridor and any private impediments to passage, and designates the KVR as a Park (P) in this bylaw.
- .23 Will explore the opportunity for a trail/walkway connection under the Vaseux Creek (McIntyre) bridge at Highway 97 in collaboration with the Ministry of Transportation and Infrastructure.
- .24 Supports improvements within parks, along trails and near water incorporating opportunities for seating /contemplative spaces, fishing and wildlife viewing areas.
- .25 Will undertake consultation with the community prior to any future securing of public access to Gallagher Lake.

8.0 RESOURCE AREA

8.1 Background

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

8.2 Objectives

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

8.3 Policies

The Regional Board:

- .1 Continues to support a 20 hectare minimum parcel size for 'Resource Area' designations in recognition that these areas will remain rural with limited community services and infrastructure.
- .2 Recognizes the jurisdiction of the province over public land within the Okanagan provincial Forest and on Crown land.
- .3 Supports the province's policies on forest lands and grasslands and discourage development that might conflict with forestry, livestock and grazing operations and management.
- .4 Supports the 'Okanagan-Shuswap Land and Resource Management Plan (LRMP)' as a means to ensure that local government concerns are addressed with respect to the management of visual, recreation, timber, range and other resources in the Plan area.
- .5 Will consider the development of open land recreation opportunities on sites that minimize impacts to the agricultural land base, to surrounding land uses, and to traffic patterns. Open land recreation will be regulated through the Resource Area Zone in the Zoning Bylaw.
- .6 Supports that any residential use follows the forest fire hazard prevention policies set out in Section 17 (Hazard Lands), of this Plan.
- .7 Provides for home industry operations, home occupations and bed and breakfast establishments for the purpose of diversifying and enhancing Resource Area income, provided that these developments are compatible with the agricultural character of

the area, and subject to the provisions of the Zoning Bylaw and the Agricultural Land Reserve Act (if in the Agricultural Land Reserve), and provided they do not present a potential land use conflict with surrounding properties.

- .8 Encourages cluster patterns of development within the Resource Area Rural designation, where the permitted number of units is clustered on part of the site, leaving the remainder of the site in a natural state. Clustered development is supported provided that:
 - a) the total area of the land to be subdivided excluding undevelopable land (such as land designated in the Agricultural Land Reserve, watercourses and leave areas, unstable slopes), divided by the number of lots to be created is not greater than the equivalent conventional development density permitted under the Zoning Bylaw;
 - b) the parcel configuration and sizes are adequate to accommodate buildings and structures appropriate to the intended use and in compliance with the Zoning Bylaw; and
 - c) a zoning restricting further development and subdivision is applied against the undeveloped part of the parcel(s).
- .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.^{xvi}
- .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:^{xvii}
 - 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.

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

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

9.0 AGRICULTURE

9.1 Background

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

9.2 Objectives

- .1 To preserve agricultural land with continuing value for agriculture for current and future production, and to protect this land from uses which are inconsistent with agricultural use or are incompatible with existing agricultural uses in the area.
- .2 To minimize conflicts between agriculture and other land uses.
- .3 To encourage the agricultural sector's improvement and expansion by pursuing supportive land use policies within and adjacent to farming areas.
- .4 To support any Agricultural Land Reserve boundary changes initiated by the Agricultural Land Commission arising from joint local government and land reserve initiatives which review agricultural suitability in the Plan area, provided affected landowners are notified and have opportunity for input.
- .5 To provide, protect and enhance the essential ingredients of soil, water and space necessary for successful agricultural production, to preserve and protect rural Oliver.
- .6 To support the promotion of the benefits of agriculture in the local economy, the quality of local food products, and the farm landscape to the community.^{xviii}

9.3 Policies

The Regional Board:

- .1 Encourage the Provincial water authority and the Town of Oliver to make decisions about water availability, quantity and quality with the interests of the agricultural community as the first priority.
- .2 Promote public education and awareness of and sensitivity to agricultural operations through farming practices.

^{xviii} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012

- .3 Continue to support the Agricultural Advisory Committee to consider and advise the Board on agricultural matters, and the preparation of an Agricultural Area Plan.
- .4 Support agri-tourism activities which promote local agriculture and are secondary and incidental to the area's farming production.
- .5 Preserve and protect the existing agricultural land base in rural Oliver
- .6 Encourage new agricultural land to be incorporated within the Agricultural Land Reserve.
- .7 To reinforce the agricultural policies and to preserve the integrity of the Agricultural Land Reserve by establishing an urban containment boundary to define Oliver's urban/rural boundary.
- .8 Consider the creation of a development permit area for the protection of farming.
- .9 Directs that the principal use of lands designated as 'Agriculture' on the Official Community Plan Map shall be agriculture.
- .10 Supports the policy direction of the Province to implement the *Farm Practices Protection (Right to Farm) Act*. The possibility of adopting Farm Bylaws that will support the concept of 'right to farm' in the Plan area will be considered.
- .11 Encourages the provision of sufficient buffering of new development adjacent to agricultural areas in the form of setbacks, fencing and landscaping consistent with the buffer design guidelines of the Agricultural Land Commission set out in the document "ALR & Community Planning Guidelines".
- .12 Encourage a range of parcel sizes for farming operations to allow for larger (greater than 10 hectares) and smaller (4 hectares) agricultural operations.
- .13 Will consider applications to subdivide parcels smaller than 4 hectares within the Agricultural Land Reserve, subject to approval of the provincial Agricultural Land Commission, in the following cases:
 - a) for a homesite severance under the Agricultural Land Commission's homesite severance policy.;^{xix}
 - b) where the subdivision or boundary adjustment will allow for more efficient use of agricultural land or the better utilization of farm buildings for farm purposes; and

In these cases, the individual parcel sizes within the 'Agriculture' designation are subject to approval by the provincial Agricultural Land Commission, and must meet minimum parcel size required to meet the applicable Provincial regulations for septic disposal fields.
- .14 Provides for home industry operations, home occupations and bed and breakfast establishments and encouraging secondary 'value added' uses such as agri-tourism for the purpose of diversifying and enhancing farm income, provided that these developments:

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

- are compatible with the agricultural character of the area,;
 - remain incidental to the primary agricultural uses;
 - remain subject to the provisions of the Zoning Bylaw, the Agricultural Land Reserve Act (if in the Agricultural Land Reserve) and other Provincial standards; and
 - do not present a potential land use conflict with surrounding properties.^{xx}
- .15 Supports the consolidation of legal parcels that support more efficient agricultural operations.
- .16 Encourage the Province to minimize the impact of road, utility corridors and trails through agricultural lands, utilizing only those lands necessary and to the maximum capacity prior to seeking new corridors. All levels of government will seek approval of all affected adjacent farm owners. Provision for farms traffic to cross major roads should be made. Trail development should follow the Provincial reference '*A Guide to Using and Developing Trails in Farm and Ranch Areas*'.^{xxi}
- .17 Supports that any residential use follows the forest fire hazard prevention policies set out in Section 17 (Hazard Lands) of this Plan.
- .18 Supports increased building setbacks and other possible restrictions in the Zoning Bylaw for intensive agricultural operations that are not in accordance with the *Local Government Act* to prevent potential conflicts with adjacent agricultural, residential or commercial uses, subject to compliance with the *Farm Practices Protection (Right to Farm) Act*.
- .19 Encourages maximizing productive farm activity and minimizes non-farm use on farmland by limiting the footprint of non-farm uses.^{xxii}
- .20 Supports additional dwellings within the Agricultural (AG) designation where they are used to support agricultural activities and purposes (e.g., workers' housing).^{xxiii}
- .21 Encourages farm operations and practices that are sustainable and environmentally sound, including best practices for waste disposal, and protection and enhancement of wildlife habitat and ecosystems.^{xxiv}
- .22 On existing parcels, encourage agricultural use of all farm parcels regardless of size.^{xxv}
- .23 Will consider proposed agri-tourism accommodation development using the following criteria:
- a) Capability of handling of on-site domestic water and sewage disposal;
 - b) Impact on agricultural productive lands;
 - c) Impact on adjacent land uses and character of the existing area;

^{xx} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012.

^{xxi} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012.

^{xxii} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012.

^{xxiii} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012; and Amendment Bylaw No. 2956, 2022 – adopted May 5, 2022.

^{xxiv} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012.

^{xxv} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012.

- d) Location relative to existing roads, access and other buildings; and
 - e) Consideration of visual impacts where development is proposed on hillsides and other visually sensitive areas.^{xxvi}
- .24 Encourages maximizing productive farm activity and minimizing areas of development by clustering buildings, structures and related activities.^{xxvii}
- .25 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.^{xxviii}
- .26 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.^{xxix}
- .27 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:^{xxx}
- 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.
- .28 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:^{xxxi}
- 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.

^{xxvi} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012

^{xxvii} Amendment Bylaw No. 2452.06, 2010 – adopted January 26, 2012

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

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

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

^{xxxi} Amendment Bylaw No. 2956, 2022 – adopted May 5, 2022.

- 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 of within an existing “farm home plate” (i.e. that portion of a property where all residential 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

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

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

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

10.2 Objectives

- .1 To retain the Large Holdings areas as long-term natural and undeveloped lands to the greatest extent possible.
- .2 To retain and enhance the rural character of Rural Holdings areas.
- .3 To preserve and protect areas with environmentally sensitive values and encourage conservation stewardship within the Large and Small Holdings designation.^{xxxii}
- .4 To minimize the effects from wildfires from within and from outside subdivision areas where residential development adjoins forested areas or where there is an identified wildfire hazard.

10.3 Policies

The Regional Board:

- .1 Directs that parcel sizes should not be less than 4 hectares to ensure that the Large Holdings designation remains as large parcels of land.
- .2 Has established a range of densities and parcel sizes for areas designated as Small Holdings to provide for a rural or semi-rural, country residential lifestyle.^{xxxiii}
- .3 Uses the following criteria to assess future Large and Small Holdings developments:
 - a) capability of handling on-site domestic water and sewage disposal;
 - b) capability of the natural environment and topography to accommodate additional development;

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

^{xxxiii} Amendment Bylaw No. 2452.15, 2015 – adopted October 1, 2015

- c) *deleted*;^{xxxiv}
 - d) impact on adjacent land use designations, and the character of the existing area;
 - e) location relative to existing roads and other community and essential services;
 - f) susceptibility to natural hazards including but not limited to flooding, soil instability, rock fall or wildfire risk; and
 - g) consideration of visual impacts where development is proposed on hillsides and other visually sensitive areas.
- .4 Encourages voluntary environmental stewardship on private land within Rural Holdings designations.
 - .5 Encourages the Regional Subdivision Approving Authority to ensure that development or subdivision located within Rural Holdings areas allow for public access to Crown land.
 - .6 Encourages cluster patterns of development within Rural Holdings designations, where the permitted number of units is clustered on part of the site, leaving the remainder of the site in a natural state. Clustered development is supported provided that:
 - a) the total area of the land to be subdivided excluding undevelopable land (such as land designated in the Agricultural Land Reserve, watercourses and leave areas, slopes in excess of 3:1), divided by the number of lots to be created is not greater than the equivalent conventional development density permitted under the Zoning Bylaw;
 - b) the parcel configuration and sizes are adequate to accommodate buildings and structures appropriate to the intended use and in compliance with the Zoning Bylaw; and
 - c) that a zoning restricting further development and subdivision is applied against the undeveloped part of the parcel(s).
 - .7 Supports that any residential use follows the forest fire hazard prevention policies set out in Section 17 (Hazard Lands), of this Plan.
 - .8 Provides for home industry operations, home occupations and bed and breakfast establishments in Rural Holdings designations in accordance with the provisions of the Zoning Bylaw, provided that these developments are compatible with the rural character of the area. The Regional Board also provides for affordable housing in the form of secondary suites in the Rural Holdings designations, subject to specific regulations.
 - .9 Does not support the use of lands designated Large Holdings (LH) or Small Holdings (SH) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production are not considered an appropriate use.^{xxxv}

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

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

- .10 Supports secondary suites and accessory dwellings in the Large Holdings (LH) and Small Holdings (SH) designations, subject to accessory dwellings on parcels less than 1.0 ha in area being connected to a community sewer system.^{xxxvi}
- .11 Will consider “micro cannabis production facility” proposals on a case-by-case basis through a site specific zoning amendment process, and may use the following criteria to assess an application:^{xxxvii}
- 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.

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

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

11.0 RESIDENTIAL^{xxxviii}

11.1 Background

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

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

Low Density Residential (LR) development in the Plan Area has typically occurred at Vaseux Lake, the Gallagher Lake area, south end of Island Road, Inkaneep Provincial Park area, and along Sawmill Road, with low-density single detached dwellings being the predominant housing form throughout the Plan Area. Other forms of low-density residential housing include semi-detached, and manufactured homes.

At present, there is a single Medium Density Residential (MR) designated parcel within the Plan Area located at Rabbit Brush Street.

Under the South Okanagan Regional Growth Strategy (RGS) Bylaw, Gallagher Lake has been designated as Rural Growth Areas in the Plan area, while the Town of Oliver is a designated Primary Growth Area.

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

11.2 Objectives

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

^{xxxviii} Amendment Bylaw No. 2804, 2019 – adopted February 6, 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 Primary and Rural Growth Areas.
- .2 Encourages residential infill development to maximize land use and servicing efficiencies.
- .3 Supports a range of residential densities and parcel sizes for the existing residential areas in the Plan Area.
- .4 Supports housing for a range of income levels, lifestyles and ages including rental housing and secondary suites where appropriate and feasible.
- .5 Will assess proposed residential developments on the following development criteria:
 - a) capability of accommodating on-site domestic water and sewage disposal, or the availability of community water or sewer;
 - b) ability of community water or sewer systems to be extended to existing neighbouring subdivisions which are presently un-serviced;
 - c) proximity to Environmentally Sensitive Development Permit Areas;
 - d) proximity to Watercourse Development Permit Areas;
 - e) impact on adjacent land uses and character of the existing area;
 - f) proximity to existing roads and other community and essential services;
 - g) susceptibility to natural hazards including, but not limited to, flooding, soil instability, land slide, rockfall, moderate or higher forest fire;
 - h) parkland dedication; and
 - i) demonstration of housing need, and provision for a variety of housing types.
- .6 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.

- .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.
- .11 Requires that accessory dwellings on parcels less than 1.0 hectare in area be connected to a community sanitary sewer system.
- .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.
- .13 Does not support the development of “micro cannabis production facilities” on land designated Low Density Residential (LR) or Medium Density Residential (MR).^{xxxix}

11.4 Policies - Low Density Residential

The Regional Board:

- .1 Generally supports the use of lands designated Low Density Residential (LR) identified in Schedule ‘B’ (Official Community Plan Map) for single detached dwellings, duplexes, secondary suites, accessory dwellings, manufactured home parks, parks, religious buildings and facilities, institutional buildings, local convenience stores and other uses that fit with the low density residential character of the designation.
- .2 Support a maximum net density for single detached dwelling units on lands designated Low Density Residential (LR) 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.

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

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

developments, including triplexes, fourplexes, townhouses and apartment buildings that fit with the residential intent of the designation.

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

11.6 Policies — Vacation Rentals

- .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.

12.0 COMMERCIAL^{xl}

12.1 Background

Commercial development in the Plan area is generally limited to existing commercial sites along Highway 97, primarily south of the Town of Oliver, at Gallagher Lake and near Inkaneep Provincial Park.

12.2 Objectives

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

12.3 Policies – General Commercial

The Regional Board:

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

^{xl} Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

- .7 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.^{xli}

12.4 Policies – Tourist Commercial

The Regional Board:

- .1 Generally supports the use of lands designated Commercial Tourist (CT) identified in Schedule 'B' Official Community Plan Map for commercial services and activities catering to tourists, including campgrounds, resorts, RV parks, and golf courses.
- .2 Encourages open space recreation and resort commercial opportunities, such as guest ranches, trail rides and/or wilderness guides in areas designated as Resource Area provided they do not impact on abutting land uses and meet Watercourse Development and/or Environmentally Sensitive Development Permit Area requirements.
- .3 May support proposed tourist and resort developments that:
 - a) are located outside the Agricultural Land Reserve;
 - b) are located outside the Radio Frequency Interference (RFI) areas as shown on Schedule 'F' (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);
 - 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.

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

13.0 INDUSTRIAL

13.1 Background

The principal industrial activities within the Plan area are designated under three existing industrial zoning districts for light industry, resource extraction and heavy industry. Industrial use within these districts generally include manufacturing, assembly, processing, machining, fabricating, sales, service and repair of industrial and business equipment, trucking, removal of aggregate and mineral resources, wholesaling, warehousing, storage, utilities and public works, and limited retail sales associated with industrial uses.

13.2 Industrial Designations

13.2.1 Objectives

- .1 To minimize conflicts between industry and other land uses.
- .2 To accommodate industrial activities compatible with the rural character of the Plan area that does not adversely affect the natural environment.

13.2.2 Policies

The Regional Board:

- .1 Recognizes, promotes and, where possible, protects existing industrial land uses and attracts new industries so that a broader employment base may be achieved.
- .2 Provides for the establishment of home based industries in the Resource Area, Agriculture, Large Holdings and Small Holdings designations of the Plan, providing it conforms to implementing bylaws and Standing Orders and Regulations under the Agricultural Land Reserve Act, does not constitute a nuisance to adjacent residents, nor detracts from the character of the parcel and surrounding land uses.
- .3 Permits home industries in the Resource Area, Agriculture and certain Rural Holdings designations, provided that these developments are compatible with the character of the area, provided they do not present a potential land use conflict with surrounding properties, and subject to provisions of pertinent bylaws and Acts.
- .4 Discourages industrial activities that are considered noxious or emit large volumes of pollutants, or are otherwise detrimental to the environment, neighbouring properties and the community as a whole.
- .5 Directs major industrial uses to town centres, which have the necessary infrastructure and support services.

- .6 Supports the use of lands designated Industrial (I) for indoor cannabis production as the large-scale, industrial-style facilities required to accommodate this type of production is considered an appropriate use of industrial lands.^{xliii}

13.3 Aggregate and Mineral Resources

13.3.1 Objectives

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

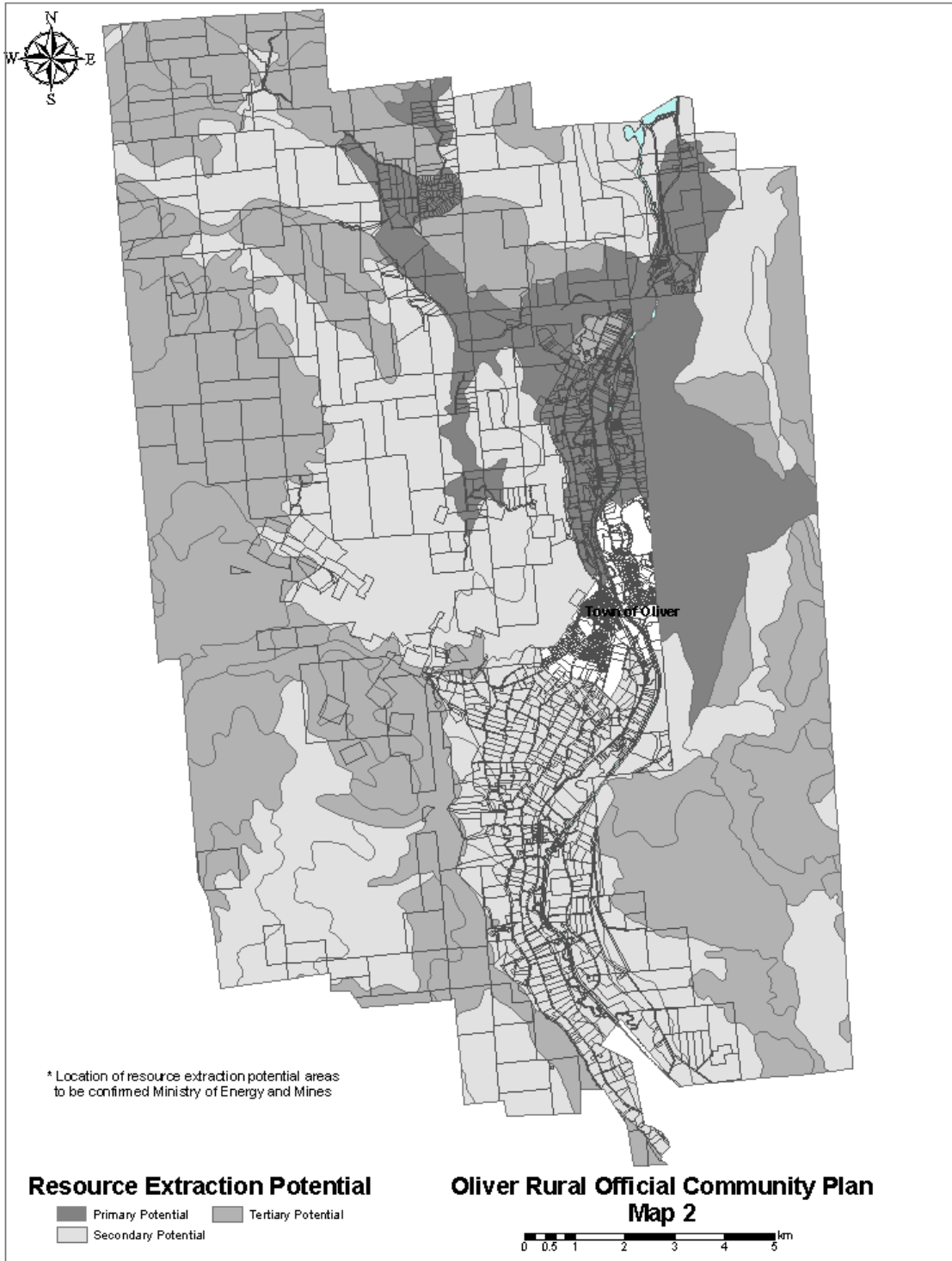
13.3.2 Policies

The Regional Board:

- .1 The Province is encouraged to refer mineral exploration proposals to the Regional District for comments and give due consideration to the impact of resource extraction activities on surrounding land uses and developments.
- .2 Will consider rezoning applications for the processing of aggregate resources on the basis of a variety of criteria, including:
 - a) the extent of visual screening;
 - b) the type of processing proposed;
 - c) the prevailing wind direction;
 - d) the potential for noise and dust,
 - e) compatibility of adjacent land uses,
 - f) accessibility; and
 - g) the characteristics of aggregate deposits and groundwater resources.
- .3 Encourages the Province not to issue new surface leases and permits for mineral processing near designated residential areas unless effective mitigation measures can be implemented to significantly reduce or nullify the effects of the proposed activity.
- .4 Encourages the Province to include in their licensing, the rehabilitation of aggregate extraction and processing sites after extraction and processing are completed.

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

- .5 Will consider permitting sand or gravel processing if the land is located in the Agricultural Land Reserve only when in conformity with a decision of the Agricultural Land Commission.
- .6 Will consider the utilization of recoverable deposits prior to subsequent development in areas where recoverable deposits are located, as shown in Map 2 (Resource Extraction Potential).
- .7 Will consider implementing conditions in the soil removal permit to mitigate the impact of aggregate extraction and processing sites when located in the Agricultural Land Reserve.



14.0 ADMINISTRATIVE, CULTURAL & INSTITUTIONAL

14.1 Background

The Administrative, Cultural and Institutional designation generally refers to public, non-profit or utility uses such as schools, churches, recreation facilities, community centres, public health facilities, community care facilities, fire halls, libraries, post offices, and local government and improvement or irrigation district buildings. Cultural and historic sites are also included within this designation.

14.2 Objectives^{xliii}

- .1 To maintain existing facilities and provide for new or expanded community facilities based on population growth and local demand.
- .2 To ensure that administrative/institutional uses are located where they can best serve the needs of residents.
- .3 To recognize and validate heritage, cultural and historical sites in cooperation with appropriate provincial ministries, committees, societies and organizations.

14.3 Policies^{xliv}

The Regional Board:

- .1 Permits institutional uses such as public education, recreational and cultural facilities in suitable locations within the community, subject to identified need and the availability of services.
- .2 Will respond to and consider the School Districts' need to establish school site acquisition charges or land dedication for future school sites that will be required as a result of residential development.
- .3 Encourages the concentration and grouping of buildings or expansion of existing facilities in order to enhance accessibility, aesthetics and convenience to the community.
- .4 Recognizes emergency facilities provided by government in all designations of the Plan area.
- .5 Encourages the Provincial Agricultural Land Commission to ensure that new development adjacent to agricultural areas provides sufficient buffering in the form of setbacks, fencing, and landscaping consistent with provincial Agricultural Land Commission specifications.
- .6 Supports the Province, First Nations and other interest groups in identifying and protecting features and sites of scenic, architectural, historical or archaeological

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

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

significance within the Plan area. The old Fairview town site is one area identified by the community as having important heritage/historical values.

- .1 Directs that affordable and special needs housing be included in Medium Density Residential and Administrative/Institutional designations, and observes the following:
 - a) considers using new zoning districts in the Zoning Bylaw to encourage the provision of affordable or special needs housing;
 - b) reviews the Zoning Bylaw to consider allowing higher densities (density bonusing) in return for the developer providing affordable or special needs housing;
 - c) encourages housing agreements^{xlv} as a method to achieve affordable or special needs housing as a condition of development; and
 - d) considers affordable or special needs housing when reviewing options for using land held by the Regional District, or land acquired by the Regional District in the future.
- .2 Encourages developers to consider cultural and heritage resources in project planning and design.

14.4 Dominion Radio Astrophysical Observatory^{xlvi}

The Dominion Radio Astrophysical Observatory (DRAO) is the only research facility of its kind in Canada, and 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.

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 'F' (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.

^{xlv} A housing agreement is a contract between a local government and a land owner, registered on title and binding on subsequent owners.

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

Development within the area identified in Schedule 'F' (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 'F' to avoid RFI risk.

14.4.1 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.

14.4.2 Policies

The Regional Board:

- .1 Generally will not support future rezoning or subdivision applications that will create additional development or intensify development within the area illustrated on Schedule 'F' (Dominion Radio Astrophysical Observatory RFI Area).
- .2 Encourages the Federal Government to purchase undeveloped lands that could present a potential significant risk of RFI wherever feasible and appropriate.
- .3 Will continue supporting and working with DRAO staff to:
 - a) help inform current and prospective residents about their properties being located within, or near, a designated RFI area as shown on Schedule 'F' (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.

15.0 PARKS, RECREATION AND TRAILS^{xlvii}

15.1 Background

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

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

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

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

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

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

^{xlvii} Amendment Bylaw No. 2710, 2017 – adopted June 15, 2017.

regional trail development and management through to 2021.

15.2 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.

15.3 Policies

The Regional Board:

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

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

15.4 Parkland Dedication Policies:

The Regional Board:

- .1 For the purposes of Section 510(2) of the *Local Government Act*, designates the entirety of the Electoral Area covered by this OCP as having future park potential.
- .2 Recognises that the Plan Area is generally rural in nature, and that when land is acquired it should be focused upon lake accesses, greenways, and trails.
- .3 May determine, in accordance with Section 510 of the *Local Government Act*, at the time of a subdivision to which Section 510 applies, whether the owner of land being subdivided must:
 - a) provide without compensation, park land in an amount equivalent to 5% of the land being proposed for subdivision and in a location acceptable to the Regional District; or
 - b) pay to the Regional District an amount that equals the market value of the land that may be required for park land purposes.
- .4 May consider, when determining a potential park land dedication under Section 510 of the *Local Government Act*, the following policies:
 - a) proximity to settlement areas, other parks & trails, and bodies of water;
 - b) distance from environmental hazard areas;
 - c) average slope should be 10% or less;
 - d) adequate accessibility:

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

16.0 NATURAL ENVIRONMENT & CONSERVATION^{xlviii}

16.1 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 Mount Baldy, as well as various smaller lakes and streams important to biodiversity in the area.

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

In order to protect important sensitive ecosystems and biological diversity including valuable habitat areas for wildlife, and plant communities, the Regional District has implemented an Environmentally Sensitive Development Permit (ESDP) Area. This area generally comprises privately held lands not in the Agricultural Land Reserve (ALR) that possess "high" and "very high" ecologically sensitive classifications as identified by the *Keeping Nature in our Future: A Biodiversity Conservation Strategy for the South Okanagan-Similkameen* (2012) prepared by South Okanagan Similkameen Conservation Program (SOSCP), and as described further in Section 21.2 of this Plan.

Other ecologically sensitive lands found on Crown land or privately held land in the ALR have not been formally designated as an ESDP Area but are equally sensitive and are shown on Schedule 'C' as an "Important Ecosystem Area" and is described further in Section 21.2 of this Plan.

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 lands within 30 metres of the high water mark of streams and ravines including lakes, watercourses and wetlands, and as described further at Section 21.3 of this bylaw.

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

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

16.1.1 Objectives - General

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

16.1.2 Policies - General

The Regional Board:

- .1 Recognizes the importance of containing and controlling noxious weeds through the continued endorsement of weed prevention and control initiatives.
- .2 Recognizes and encourages the educational and eco-tourism contribution toward protection of the community's natural environment made by environmental organizations, and supports accommodating these uses with the necessary changes to the land use designations so long as the general intent of policies in this Plan are met.
- .3 Requires that, where a proposed development affects land subject to an Environmentally Sensitive Development Permit Area, an Environmental Assessment (EA) be prepared by a Qualified Environmental Professional (QEP) in accordance with the policies outlined at Section 21.2 as well as relevant federal and provincial best management guidelines.
- .4 Requires that EA reports prepared by QEPs be undertaken in accordance with the Regional District's Development Procedures Bylaw.
- .5 Supports the incorporation of traditional ecological knowledge in the stewardship of important foreshore, riparian, and terrestrial ecosystems, and will seek to work with the Penticton Indian Band, Osoyoos Indian Band, Upper Similkameen Indian Band and Lower Similkameen Indian Band to incorporate it where feasible, practical and appropriate.

16.2 Riparian and Foreshore Areas

Riparian areas are places under the influence of water. They surround and contain wetlands, ponds, permanent and intermittent creeks, springs, wet meadows, etc. The Plan Area includes several smaller lakes such as Gallagher, Ripley, Madden, Burnell, Rattlesnake and Deadman Lakes. The Plan Area also includes the Okanagan River, and

other river and stream features like the old Okanagan River Channel, Park Rill Creek and Vaseux Creek among others.

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

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

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

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

Generally, land above the high water mark (natural boundary) is privately held and land below the high water mark belongs to the Crown and forms part of the water resource in the province. Land within 30.0 metres of the high water mark of a stream or a ravine is identified as being within a Watercourse Development Permit Area and any development within this area may require a Development Permit (see Section 21.3). Other activities that are subject to regulation include dock construction and modification, mooring buoy installation, and shoreline modifications (including sand, soil, vegetation removal, disturbance, and addition).

16.2.1 Objectives

- .1 Foster community awareness of the importance and sensitivity of the riparian and foreshore environments in the Plan Area.
- .2 Protect aquatic habitat areas and associated environmentally sensitive areas from negative impacts of development as identified in Schedule 'C' (Environmentally Sensitive Development Permit Area and Other Important Ecosystem Area) and Schedule 'D' (Watercourse Development Permit Area).
- .3 Encourage high quality lakeshore development that maintains the natural character of all lakes and sustains the sensitive riparian and foreshore ecosystems.

- .4 Conserve, protect and enhance surface, ground and aquifer water sources in cooperation with provincial ministries, local water purveyors and landowners.
- .5 Identify, manage and protect significant watercourses to maintain their natural habitat and environmental quality.

16.2.2 Policies

The Regional Board:

- .1 Recognises riparian values and, in accordance with the provincial *Riparian Areas Regulation*, has designated land within 30.0 metres of the high water mark of a stream or a ravine as a development permit area. Land designated as a Watercourse Development Permit Area shall be developed according to the guidelines outlined in Section 21.3 (Watercourse Development Permit Area) of this Plan unless an exemption applies. The Watercourse Development Permit Area includes the lands within 30.0 metres of the high water mark of a stream or ravine identified on Schedule 'D'.
- .2 Encourages provincial and federal water and resource managers to protect and enhance water quality, base flows, natural drainage patterns, and continuous riparian corridors of sufficient width to accommodate the dynamic nature of the hydrologic system, to avoid and reduce flood damage, to avoid the need for channel stabilization, to avoid underground drainage systems, to avoid groundwater interruption, and to protect and sustain aquatic biota, important fish populations and habitats.
- .3 Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats.
- .4 Continues to work with the Okanagan Basin Water Board (OBWB) to promote the shared water interests of Okanagan communities.
- .5 Encourages and supports the analysis of ground water hydrology in areas with identified aquifers, and require environmental assessments in advance of considering zoning amendments for uses such as heavy industrial, mining, fuel storage and/or sewage or waste containment.
- .6 Discourages development that will have a negative environmental impact on lake riparian and foreshore areas.
- .7 Encourages the subdivision approving officer to ensure that public access to lakes is provided pursuant to Section 75 of the *Land Title Act*.
- .8 Supports the use of Section 86 of the *Land Title Act* and Section 56 of the *Community Charter* to regulate development in a floodplain and provide for the safe use of the land for the intended purpose.

16.3 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 Inkaneep Provincial Park, Vaseux Protected Area, White Lake Grasslands and South Okanagan Grasslands Protected Area. The Nature Trust of BC and other conservation organizations have also purchased properties for habitat and terrestrial ecosystem conservation purposes.

16.3.1 Objectives

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

16.3.2 Policies

The Regional Board:

- .1 Recognizes the values of environmentally sensitive lands and has designated these lands on Schedule 'C' as:
 - a) Designated these lands as an Environmentally Sensitive Development Permit Area pursuant to Section 488(1)(a) of the *Local Government Act*; or
 - b) Identified these lands as an "Important Ecosystem Area".
- .2 Requires that land formally designated as an Environmentally Sensitive Development Permit Area shall be retained in a natural state and not developed prior to the issuance of an Environmentally Sensitive Development Permit (ESDP)

in accordance with the guidelines outlined at Section 21.2 of this Plan unless an exemption applies.

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

16.4 Conservation Areas

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

Conservation Area lands may include Crown land designated as an Ecological Reserve or Wildlife Management Areas, but is generally applied to private lands that have been acquired or donated for conservation purposes and which are held by an individual or an organisation, such as The Nature Trust of British Columbia or the Nature Conservancy of Canada. In the Plan Area, the CA designation applies to a couple of parcels comprising remnant oxbows held by various conservation organisations.

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

16.4.1 Objectives

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

16.4.2 Policies

The Regional Board:

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

16.5 Okanagan Basin Lakes^{xlix}

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,

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

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).

16.5.1 Objectives

- .1 Maintain opportunities for responsible residential water-based recreation on 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.

16.5.2 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 21.3 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.
- .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).

17.0 HAZARD LANDS

17.1 Background

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

17.2 Objectives

- .1 To prevent development on areas subject to known hazardous conditions, unless the hazard has been sufficiently addressed.
- .2 To prevent injury and loss of life and to prevent or minimize property damage as a result from natural hazards

17.3 Policies

The Regional Board:

- .1 Will direct development away from those lands that may have a potential natural hazard, or which have been identified as hazardous by the Regional District or other agencies having jurisdiction.
- .2 Will direct development away from lands identified to being susceptible to soil instability or potentially hazardous geotechnical conditions.
- .3 Requires new development areas with slopes and grades in excess of 3:1 to be reviewed for soil instability or potentially hazardous conditions. Development shall follow the recommendations of a geotechnical report that has been prepared by a qualified geotechnical engineer to address the potential hazards. Will consider preparing 'hillside' design guidelines to guide development in potentially unstable areas.
- .4 Discourages development of land susceptible to flooding. Lands subject to a general liability to flood should be used for parks, open space, recreation or agricultural uses.
- .5 Requires that the construction and siting of buildings and structures to be used for habitation, business, industry, or the storage of goods damageable by flood waters to be flood proofed to standards consistent with applicable provincial flood hazard management guidelines where land that may be prone to flooding is required for development and no alternative is available.
- .6 May request that the Regional Subdivision Approving Authority require the developer to undertake a fire hazard risk assessment at the time of submitting a subdivision application where the province indicates that a property may be subject to a moderate or higher fire risk. The Regional Board may require the same assessment during the rezoning or development permit process. The assessment

will provide a recommended mitigation strategy that will be submitted to both the Regional District and the Province. Recommended mitigation strategies could include, but are not limited to, the following:

- a) incorporating fuel breaks adjacent to or on the residential subdivisions;
- b) establishing zones around potential structures and homes which are clear of debris, highly combustible material or trees;
- c) utilizing fireproofing techniques and fireproof materials in building design;
- d) designing roads that provide evacuation routes and facilitate movement of fire fighting equipment;
- e) ensuring all roads are named and signed;
- f) ensuring availability of water supply facilities adequate for fire suppression;
- g) ensuring the provision of access to local water sources, lakes and watercourses as part of access requirements;
- h) implementing setbacks, interfacing fire protection standards, and building material standards pursuant to the Ministry of Forest's publication *The Beware and Prepare Community Planner - Working towards a fire safe community*; and
- i) establishment of setbacks of 30.0 metres abutting Crown land.

18.0 TRANSPORTATION¹

18.1 Background

The Plan recognizes the South Okanagan Corridor Management Plan under preparation by the Province, as the Province is responsible for the regulation, design, implementation and maintenance of existing and future roads within the Plan area. The outcome of this work will identify highway management and improvement priorities. The Plan also recognizes the importance of a mutually supportive partnership to acknowledge the plans and policies of both the Regional District and the Province.

As a result of the 2016 Gallagher Lake Area Plan, the division of the community by Highway 97 and the need for a safe crossing and access management were identified as critical to the future development of the community.

The local transportation system at Gallagher Lake also includes internal roads and pedestrian mobility along these roads. The residents confirmed that safe movement across Highway 97 is of utmost importance. Past efforts have included petitions to the Ministry of Transportation and Infrastructure to slow traffic along the highway. Expected growth in the community is likely to increase movement across the highway, in turn increasing the need for safe crossings.

The Regional Growth Strategy suggests working with the Provincial Transportation authorities to ensure public safety and transportation efficiency. The community survey continued to echo this sentiment through high support for changing the speed limit, implementing pedestrian crossings, initiating streetscape enhancements and developing Frontage Road pedestrian walkways. The concept of a walkway under McIntyre bridge was also strongly endorsed and is under review by the Ministry.

18.2 Objectives

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

18.3 Policies - General

The Regional Board:

¹ Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

- .1 Discourages continuous strip development along the highway and other major roads in order to achieve a more efficient use of land and a proper distribution of traffic flow throughout the road network.
- .2 Encourages the development of land uses compatible with highway noise and speed along the highway.
- .3 Supports the improvement of safety for walking and cycling along major network roads, while encouraging incorporation of sufficient buffering consistent with provincial Agricultural Land Commission specifications and accommodation of the movement of agricultural machinery.
- .4 Will work with the Province to define access management agreements where applicable.
- .5 Encourages the Province to ensure that traffic impact studies are undertaken for major development proposals so that:
 - a) the proposals are in accordance with the objectives of the Corridor Management Plan;
 - b) existing and future roads and alignments are designed with due consideration for the protection of fish and wildlife habitat;
 - c) safety and mobility is maintained through access management;
 - d) disruption to farming operations is minimized; and
 - e) projected traffic volumes do not reduce the present service levels for the existing roadway.
- .6 Recognizes the various interests, in particular those of the Province, in the future use of the Kettle Valley Railway right-of-way. The right-of-way is designated as Parks and Recreation (PR) on the Official Community Plan Map in order to protect options for future use as a continuous traffic, utility and/ or recreation corridor. The context for review and referrals for future use of the Kettle Valley Railway will be the 'Management Strategy for Abandoned Right-of-way of Kettle Valley Railway', KVR Planning Committee, 2000.

18.4 Policies – Gallagher Lake

The Regional Board:

- .1 Will continue communication with Ministry of Transportation and Infrastructure regarding safety, traffic speed and development along Highway 97, and to coordinate Ministry Access Management Plans for the Corridor and improve safe crossing.
- .2 Will require all new major development that will result in greater vehicular movement onto and off the Highway 97 to include a Traffic Impact Assessment as a condition of rezoning approval.

- .3 Will require that future development proposals provide an interconnected road network and provide secondary access to existing development areas on either side of Highway 97 as shown on Schedule 'B'.
- .4 Will work with the Ministry of Transportation and Infrastructure to focus access to Highway 97 at existing intersections by closing other accesses to Highway 97.
- .5 Supports a future crosswalk or controlled pedestrian access across Highway 97 if foot traffic counts warrant such a crossing.
- .6 Supports a review of access to the property in the north east section of the community at 8703 Highway 97, to determine safe and appropriate access routes if re-development is proposed.
- .7 Supports enhancing pedestrian mobility via sidewalks, shoulder widening, walkways and trails that are interconnected for the entire community and for both existing and new development areas as shown on Schedule 'B'.
- .8 Supports streetscape improvements along the Gallagher Lake Frontage Road that provide pedestrian mobility and safety, enhanced aesthetics by landscaping between the Frontage Road and Highway 97, improved street lighting, signage and related amenities. (These improvements are conceptually illustrated on the drawing below).

19.0 INFRASTRUCTURE AND SERVICING^{li}

19.1 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.

A finding of the 2016 Gallagher Lake Area Plan was that the community has the benefit of access to community water and sanitary sewer systems but not the entire community is serviced. Over the years, the various neighborhoods have developed private on-site systems and some of these systems are in need of improvements. The first agreement for water and sewer services was between Osoyoos Indian Band, Senkulmen Utilities Ltd. (SUL), and the Gallagher Village Modular Home Development.

By 2013, the RDOS and the Osoyoos Indian Band (OIB) entered into an agreement through SUL to provide domestic water and sanitary sewer services to the Gallagher Lake Community. This Agreement provides for an additional 300 dwellings units (or equivalent commercial use). The initial intent was to service the Deer Park bare land strata subdivision at the northeast corner of the community and then expand the system. The service now consists of the Senkulmen providing potable water and sewer treatment facility to the OIB boundary and the RDOS is responsible for the pipes and collection system in the Frontage Road. At present connections to the RDOS system are limited, but there are several other owners interested in connecting to the system.

Water and sewer mains have also been extended to the east side of Highway 97, but there are no properties connected in this area. To date, residents from the Country Pines development are not supportive of extending sewer pipe mains or paying for the service due to concerns about the potentially high cost. There is interest in domestic water service.

The Regional District supports the introduction of a community-wide sanitary sewer system over the long term to ensure protection of the lake and ground water. Residents have been generally supportive of fire protection through the use of hydrants on the water system, but there have been mixed views on the extension of the overall-all

^{li} Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

domestic community water system. At this time the RDOS is in discussions with the OIB about provision of domestic water service to the Country Pines area. The preparation of this Area Plan has been a good forum for discussing new policy direction on this important matter.

19.2 Objectives

- .1 To ensure the coordinated and phased development of water, sewer and drainage.
- .2 To direct development to areas that can be best serviced by existing or planned utility services.
- .3 To ensure that water, sewer and drainage systems support good health and safety, and meet recognized standards of service.
- .4 To encourage the cooperation and coordination in the provision of other utilities that services existing and future developments, such as telephone, hydro and gas service.
- .5 To require that all new parcels of 1 hectare or less in size connect to a community sewer system.

19.3 Policies - Water Supply and Distribution

The Regional Board:

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

19.4 Policies - Sewage Collection and Disposal

The Regional Board:

- .1 Encourages Registered Onsite Wastewater Practitioners to design onsite sewage systems that avoid the placement of dispersal areas within environmentally sensitive areas.
- .2 Works with the Province to assess the need for alternative systems and consider evaluating the feasibility of a future community system in the Sawmill Road and Gallagher Lake areas.
- .3 Will consider amending the RDOS servicing bylaw to allow alternative sewerage system evaluation studies done at the time of subdivision.

- .4 Co-operates with the Town of Oliver and government agencies to consider future options and proposals regarding the need for expansion of the Town’s reclaimed water irrigation system.

19.5 Policies - Drainage

The Regional Board:

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

19.6 Street Lightingⁱⁱⁱ

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

19.6.1 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.

19.6.2 Policies

The Regional Board:

1. Strongly discourages the creation of new street lighting service areas outside of Primary and Rural Growth Areas.

ⁱⁱⁱ Amendment Bylaw No. 2944, 2021 – adopted December 16, 2021.

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 assess 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.
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 and 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 ‘F’ of this bylaw, are compatible with Observatory operations.

19.7 Policies - Other Utilities

The Regional Board:

- .1 Encourages the cooperation and coordination of utility companies in utilizing existing corridors for multiple uses.
- .2 Encourages public utility companies and the Province to locate and develop utility corridors and roads in a way that will not have a negative impact on environmentally sensitive areas, as shown on Schedule 'C'.
- .3 Recognizes the various interests, in particular those of the Province, in the future use of the Kettle Valley Railway right-of-way. The right-of-way is designated as 'Public Corridor (PC)' on the Official Community Plan Map in order to protect options for future use as a continuous traffic, utility and/ or recreation corridor. The context for review and referrals for future use of the Kettle Valley Railway will be the 'Management Strategy for Abandoned Right-of-way of Kettle Valley Railway', KVR Planning Committee, 2000. The abandoned irrigation canal right-of-way is also designated 'PC' in order to protect options for future use as a continuous utility and/or recreation corridor.

19.8 Policies - Gallagher Lake

The Regional Board:

- .1 Requires that any new development or subdivision of land less than 1.0 hectare in area in the Gallagher Lake Area Plan must be connected to the sanitary sewer system.
- .2 Will prioritize the extension of community sewer services to development on the west side of Highway 97 and, as demand warrants, phasing in community sewer services on the east side of Highway 97 at a later date.
- .3 Requires that new development petition the Regional District in order to formally enter into water and sewer service areas.
- .4 Will work closely with the Osoyoos Indian Band and residents of Gallagher Lake to explore the option of extending the domestic water system throughout the community in the short term.
- .5 Will work closely with other responsible agencies to monitor the functional and environmental aspects of ground water and any potential impacts of existing development and attendant septic systems on the natural and aquatic environment.
- .6 Will work with responsible Provincial agencies to implement a long term lake water quality testing/monitoring program that serves to confirm water quality for the benefit of tourism and the environmental integrity of the lake.
- .7 Will continue to investigate sources of funds and financing mechanisms to lessen the financial burden on all residents that may ultimately need to connect to a community sanitary sewer system.
- .8 Will continue a close working relationship with OIB with regard to system upgrades to their main water and sanitary sewer treatment plants and to extend the Servicing Agreement to accommodate growth and development at Gallagher Lake.

- .9 Will continue to engage community residents in their ongoing needs for infrastructure improvements and changes as the community evolves and circumstances arise.
- .10 Will collaborate with the Town of Oliver regarding the protection, access and use of the Irrigation Canal running through the community.

20.0 TEMPORARY USE PERMITS^{liii}

20.1 Background

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

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

20.2 Objectives

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

20.3 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.^{lv}
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District by the applicant, the Regional District may consider the following criteria:
 - a) the use must be clearly temporary or seasonal in nature;
 - b) compatibility of the proposal with adjacent uses;

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

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

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

- c) impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
 - d) intensity of the proposed use;
 - e) opportunity to conduct the proposed use on land elsewhere in the community; and
 - f) the remedial measures to be carried out to mitigate any damage to the natural environment as a result of the temporary use.
- .5 In issuing a Temporary Use Permit, the Regional District may specify conditions including, but not limited to:
- a) the buildings to be used;
 - b) the area of use;
 - c) the hours of use;
 - d) appearance;
 - e) environmental protection measures, and
 - f) groundwater protection.
- .6 In using a Temporary Use Permit for a short-term vacation rental, the Regional District may specify conditions, in addition to those listed under sub-section 20.3.5, including, but not limited to: ^{lvi}
- 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.

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

- e) a maximum accommodation of ten (10) persons, with an aggregate occupancy of two (2) persons per bedroom within a dwelling unit when such dwelling unit is being occupied as a vacation rental;
 - f) the provision of one (1) parking space for each bedroom available for vacation rental use;
 - g) the prohibition of the use of recreational vehicles or camping on the property or any use of accessory buildings for vacation rental occupancy;
 - h) confirmation from a qualified person that the building used for vacation rental meets a minimum standard for health and safety; and
 - i) other requirements that the Regional District Board may consider appropriate.
- .7 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 subsection 20.3.5, including, but not limited to:^{lvii}
- 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 security so as to ensure compliance with the conditions of a permit.

^{lvii} Amendment Bylaw No. 2956, 2022 – adopted May 5, 2022.

21.0 DEVELOPMENT PERMIT AREAS

21.1 Background

The Official Community Plan may designate development permit areas under the authority of the *Local Government Act*. Unless otherwise specified, a development permit must be approved by the Regional Board prior to any development or subdivision of land within a designated development permit area. The purpose of acquiring a development permit is to ensure certain requirements are addressed towards the protection, restoration and preservation of the natural environment. Due to their significance and sensitivity, all watercourses and riparian areas in the Regional District have been designated as Development Permit Areas.

21.2 Development Permit Offences^{lviii}

- .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.

21.3 Environmentally Sensitive Development Permit Area^{lix}

21.3.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488.1(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

21.3.2 Area

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

21.3.3 Justification

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

21.3.4 Background

^{lviii} Amendment Bylaw No. 3006, 2023 - adopted May 18, 2023.

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

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. The ESDP Area is intended to protect habitat for endangered species of native, rare vegetation or wildlife, and provide wildlife corridors and secondary habitat within the Plan Area.

The ESDP Area is comprised of important habitat areas for wildlife and plant communities. Sensitive ecosystems in the area include grasslands, riparian areas, old forest, shrub-steppe, broadleaf woodland, coniferous woodland, wetlands, shallow soiled rock outcrops and ridges. It is the close proximity of these diverse habitats that contribute to a wide variety of species, both common and rare, that are found in this Electoral Area.

21.3.5 Development requiring a permit

A development permit is required, except where exempt under Section 21.3.8 (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:

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

21.3.6 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.

21.3.7 Expedited Development Permit

- .1 Despite sub-section 21.3.6.1(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 21.3.6.1(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.

21.3.8 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;
- .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.

21.4 Watercourse Development Permit (WDP) Area^{lx}

21.4.1 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.

21.4.2 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.

21.4.3 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.

21.4.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 21.4.8 (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.

21.4.5 Guidelines^{lxi}

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

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

^{lxi} Amendment Bylaw No. 2956, 2022 – adopted May 5, 2022.

- 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:^{lxii}
 - 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.

21.4.6 Variances to Protect the SPEA

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

21.4.7 Expedited Development Permit

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

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District’s satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area,

^{lxii} Amendment Bylaw No. 3008, 2023 - adopted May 18, 2023.

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.

21.4.8 Exemptions

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

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

^{lxiii} Amendment Bylaw No. 2956, 2022 – adopted May 5, 2022.

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.

21.5 Protection of Farming Development Permit (PFDP) Areas^{lxiv}

21.5.1 Category

The Protection of Farming Development Permit Area (PFDP Area) as shown on Schedule 'E' (Protection of Farming Development Permit Area) is designated as a Development Permit Area under section 488(1)(c) of the *Local Government Act*, for the protection of farming.

21.5.2 Area

The lands shown as Protection of Farming Development Permit Area on Schedule 'E' are designated as "Protection of Farming Development Permit Area". The Development Permit area includes those lands located within 150 metres of parcels designated Agriculture (AG) on Schedule 'B' (Official Community Plan Map) of this bylaw.

21.5.3 Justification

To regulate future development within lands adjacent to agricultural areas in order to minimize conflicts between farming and other non-farm uses.

21.5.4 Background

Farming and agricultural activities provide a strong component to the economy and history of the Okanagan valley. At the same time residential development has increased throughout the valley often within close proximity to active farming areas. Conflicts between active farm practices and nearby non-farm uses continue to occur.

Addressing subdivision layout, proposed building locations and incorporating landscaping and siting buffers between new subdivisions and Agriculture zoned lands will protect the agricultural use of the lands and minimize complaints due to farming activities for the benefit of both farm and non-farm residents.

21.5.5 Development Requiring a Permit

A Development Permit is required, except where specified under Exemptions, for a subdivision of land within the PFDP Area.

21.5.6 Guidelines

- .1 A Development Permit is required for development within a PFDP Area, and shall be in accordance with the following guidelines:
 - a) the creation of new road endings or road frontages adjacent to agricultural land should be avoided.
 - b) a buffer area not less than 15.0 metres in width should be provided on each parcel adjacent to any lands designated Agriculture (AG) at Schedule 'B' of this bylaw.

^{lxiv} Amendment Bylaw No. 2452.06 – adopted January 26, 2012; and Amendment Bylaw No. 2452.17 – adopted July 20, 2017.

- c) a building envelope of sufficient area to permit the construction of a residential dwelling unit of reasonable floor area complying with all building and siting regulations applicable to the parcel as well as the buffer area referenced at sub-section (b) should be indicated on the survey plan.
- d) a fence should be installed along the perimeter of a parcel where it adjoins lands designated Agriculture (AG) at Schedule 'E' of this bylaw, and prior to final approval by the subdivision approving officer.
- e) non-invasive native vegetation should be retained, enhanced or installed within the buffer area referenced at sub-section (b).

21.5.7 Exemptions

A PFDP is not required for any of the following:

- .1 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.

21.6 Gallagher Lake Commercial Development Permit (GLCDP) Area^{lxv}

21.6.1 Category

The Gallagher Lake Commercial Development Permit Area is designated under Section 488(1)(f) of the *Local Government Act*, for the establishment of objectives for the form and character of commercial development.

21.6.2 Area

The lands shown as Gallagher Lake Commercial Development Permit Area on Schedule 'H' are designated as "Gallagher Lake Commercial Development Permit Area".

21.6.3 Justification

The Gallagher Lake commercial area is located on the west side of the Frontage Road with a focus on local, tourist commercial uses and other service. With Highway 97 running right through the community it is highly visible to many motorists. The commercial area serves as a strong focal point and it provides a sense of identity for the community. Residents would like to encourage the commercial area to develop as a pedestrian oriented, vibrant hub of mixed use commercial and residential land uses. Future development should be harmonious and in keeping with the current scale and character of Gallagher Lake.

21.6.4 Development Requiring a Permit

- .1 A development permit is required, except where exempt under Section 21.6.7 (Exemptions), for the following:
 - a) construction of, addition to or alteration of a building or other structure; and
 - b) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

21.6.5 Guidelines

- .1 A Development Permit is required for development within a GLCDP Area, and shall be in accordance with the following guidelines:
 - a) Buildings and Structures:
 - i) Buildings should define a pedestrian oriented first floor with canopies, window and door trim, varied building facades, and similar design features.
 - ii) Variety, continuity and pedestrian interest should be expressed in the design of buildings, especially at ground level and articulated roof lines are encouraged.
 - iii) Front entrances should be well defined and provide a focal point to the building.

^{lxv}Amendment Bylaw No. 2452.20, 2018 – adopted July 5, 2018.

- iv) Monolithic structures and long expanses of straight walls should be avoided.
 - v) Large buildings should be designed in a way that creates the impression of smaller units and less bulk, by using building jogs and irregular faces.
 - vi) Building finish should be consistent in terms of appearance and colour on all elevations, and should be comprised largely of stucco, rock, stone, brick, and wood materials.
 - vii) Earth tones and natural colour schemes are encouraged but with some contrasting colours for accentuating architectural details, façade elements or change in materials.
- b) Signage:
- Notwithstanding the requirements of the zoning bylaw, additional signage may be assessed and approved in keeping with the guidelines below:^{lxvi}
- i) As part of an overall comprehensive sign plan, businesses may erect a combination of sign types. Signs must be of high quality and must be appropriately scaled to positively contribute to the community's visual appeal and people's overall experience.
 - ii) Awning, canopy signs or projecting signs, must be located on the first storey of a building and must not project 2.5 metres beyond the face of the building.
 - iii) Fascia signs should not exceed more than 15% of a building face.
 - iv) Window signs should not exceed more than 15% of a window face.
 - v) Businesses located on corners of intersecting streets may place signs on each building's frontage.
 - vi) Only one sidewalk sandwich board sign per business is permitted and must be no larger than 1.0 m². Sandwich board signs must be located directly in front of the business it advertises and must not block pedestrian traffic.
 - vii) Signs on roof tops, signs with flashing lights, outdoor neon signs, and signs with moving parts are not permitted.
 - viii) Free standing signage is permitted if it is low, front lit or unlit, with a landscaped base, and free standing signage will not be permitted on Highway right-of-way without Ministry of Transportation and Infrastructure approval.
- c) Access and Parking:
- i) New development must provide safe and efficient vehicle entrances, exits and site circulation as approved by Ministry of Transportation and Infrastructure.

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

- ii) Sites should be designed in a way that accommodates alternative modes of transportation, with provisions made for such features as pedestrian sidewalks, bicycle and walking paths or lanes, and bicycle parking racks on the site. Networks on the site would link with networks off the site.
- iii) Parking lots should be located at the side or rear of the principal buildings. Large parking areas should be broken into smaller groups that are screened and shaded with landscaping. Site distances at parking area aisle intersections must be preserved to ensure safety of vehicles and pedestrians.
- d) Screening, Landscaping and Amenities:
 - i) Sites should be provided with screening in the form of walls, decorative fencing, hedging, planting, other screening materials or a combination of materials in the following areas:
 - .1 between parking areas and roadways; and
 - .2 between buildings and parking areas.
 - ii) Landscaping design plans prepared by a landscape professional will be required with landscaping densities designed to industry standards.
 - iii) Landscaping comprised of plant material that has high decorative value and is drought tolerant and indigenous is encouraged.
 - iv) Boulevards, landscaped areas, and setback areas adjacent to streets and boulevards should be planted with boulevard trees and a combination of shrubs, perennials and groundcover with mulch to conserve water and discourage weed growth.
 - v) Landscaping areas should include an underground irrigation system which should be programmed to maximize efficient water use.
 - vi) Any existing mature trees or remnant ecosystems that enhance the amenity and ecological functioning of the urban environment should be incorporated into the site design wherever possible.

21.6.6 Exemptions

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

- a) routine building repairs / maintenance including new roof, residing, re-stuccoing, window and door replacement;
- b) internal renovations;
- c) canopies, awnings and decks;
- d) Building Code and safety requirements / upgrades such as fire alarms, fire exits, disabled ramps, etc.;

- e) building additions less than 20.0 m²;
- f) open roofed structures, gazebos and trellises;
- g) glass balcony enclosures;
- h) subdivision;
- i) construction of fences; and
- j) signs attached to businesses they are advertising and not installed at the same time as the building construction.

22.0 GREEN HOUSE GAS REDUCTION^{lxvii}

22.1 Background

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

22.2 Objectives

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

22.3 Policies

The Regional Board:

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

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

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

23.0 IMPLEMENTATION

23.1 Introduction

The Official Community Plan sets out statements on the 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.

23.2 Refinements to the Official Community Plan

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

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

23.3 Zoning Bylaw

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

23.4 Servicing Bylaw

The RDOS 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 servicing bylaw will need to be reviewed and amended where necessary to ensure that it works to implement various policies in the Plan, particularly with respect to servicing levels related to parcel sizes.

23.5 Other Studies and Initiatives ^{lxviii}

^{lxviii} Amendment Bylaw No. 2452.20 – adopted July 5, 2018

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

- .1 Review of the Mobile Home and Campsite Bylaw and incorporation into the Zoning Bylaw;
- .2 Hillside Design Guidelines;
- .3 Streamside Protection Initiatives;
- .4 Implementation of a Farm Bylaw;
- .5 Consideration of gaining public access to Gallagher Lake for local residents. (A more definitive survey of the public or properly defined study of the merits of public access is warranted);
- .6 Design of frontage road streetscape and pedestrian facilities;
- .7 Over time, review the extension of community water and sewer services throughout Gallagher Lake with the Osoyoos Indian Band and the local community and with recognition of the concerns of Country Pines residents about the potentially high costs of sewer service; and
- .8 Acquisition and ongoing development and or trail corridors and local parks identified in the Plan.

23.6 Other Agencies ^{lxix}

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

With regard to the recommendations of the 2016 Gallagher Lake Area Plan, the Regional District will communicate with all necessary levels of government, First Nations, local developers and institutions that will provide assistance, direction or cooperation in addressing the studies or initiatives in the Plan and:

1. Will coordinate with the Ministry of Transportation and Infrastructure regarding pedestrian safety, highway crossings, highway traffic speeds, and access along the highway and the Gallagher lake Frontage Road design of streetscape and pedestrian facilities.
2. Will continue communication with all agencies regarding the use of the KVR right-of-way and river walkway to connect Gallagher Lake to a regional trail system.
3. Will develop the Vaseux Creek trail network, the Vaseux Creek Bridge underpass and walkways along either side of Highway 97/Frontage Road to connect the community to the KVR.
4. Will coordinate with the Osoyoos Indian Band regarding provision of sanitary sewer treatment and water services in the short term and long term.

^{lxix} Amendment Bylaw No. 2452.20 – adopted July 5, 2018

5. Will work with the Ministry of Environment and/or other Provincial agencies on establishing a water quality testing program for Gallagher Lake.

23.7 Monitoring

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

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

~ end of Schedule 'A' ~