

Schedule "A" to Electoral Areas "D" and "E"

**Official Community Plan Designation Bylaw
1690, 2001**

CONSOLIDATED WITH AMENDMENTS
FOR CONVENIENCE ONLY

Amendment Bylaws:

Bylaw No. 2223, 2007

**The Official Community plan is in two parts, of which this part
Schedule "A" is the Official Community Plan report, while Schedules
"B, B1 and B2" are the Official Community Plan Maps.**

Electoral Areas “D” and “E”

Schedule “A”: Official Community Plan

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Electoral Areas “D” and “E” Official Community Plan

Schedule “A” to Bylaw 1690

I. INTRODUCTION

The policies that follow constitute Schedule “A” of the Electoral Areas “D”(rural Lumby) and “E”(Cherryville) Official Community Plan for the Regional District of North Okanagan as shown on attached map Schedules “B, B1 and B2”. These policies, together with map schedules have been adopted by bylaw, by the Board of Directors of the Regional District of North Okanagan pursuant to the *Local Government Act*.

This Official Community Plan provides a vision for the future land uses in Electoral Areas “D” and “E” and was created through an open public process. This document reflects a plan of action to guide the Regional District Board and staff in land use decisions. This plan is subject to review from time to time.

II. COMMUNITY GOALS AND OBJECTIVES

The Regional Board will be guided by the following objectives when making day-to-day decisions within the plan area.

Social Objectives

- *Encourage an adequate supply of safe, affordable housing.*
- *Support developments that allow residents and their families to continue to live in the community.*
- *Support a spectrum of housing choices including mobile homes and secondary suites.*
- *Support developments that will contribute to a strong sense of community.*
- *Assist in the protection of heritage resources important to the Communities identity.*

Environmental Objectives

- *Encourage development with adequate supplies of clean water for domestic purposes.*
- *Encourage stewardship and partnerships to maintain and enhance ecological systems.*
- *Support developments that contribute to the natural and/or rural settings.*
- *Encourage protection of streamside habitat during development processes.*

Economic Objectives

- *Support developments that do not diminish the values of the area (environmental, social and economic values).*
- *Support opportunities that will contribute to the local economy.*
- *Support tourism and recreation by ensuring that adequate public lands and facilities (such as access to waterways) are developed.*
- *Maintain the integrity of resource lands used for agriculture, forestry and mining and support the expansion of these uses and supporting and complementary industries.*
- *Support the “Right to Farm Legislation” and best management practices.*

III. LAND USE ISSUES

1. Agricultural Land Policies

1. Lands designated as *Agricultural* on map Schedule “B” are intended to be used for agricultural purposes and associated uses as allowed by the Land Reserve Commission and the Regional District. All uses and subdivision of Agricultural Land Reserve land, shall be in accordance with the “*Agricultural Land Reserve Act*”, RSBC, 1996, c. 10, regulations thereto or Orders and Policies of the Land Reserve Commission (throughout this Plan, these documents are included when referring to the *Agricultural Land Reserve Act*.)
2. Notwithstanding the above, the Regional Board will investigate the creation of an agreement with the Land Reserve Commission (LRC) to delegate authority for approving subdivisions on those lands between McInness Road and Rawlings Lake Road on the north side of Highway 6 that are within the Land Reserve but also designated as *Country Residential* on Schedules B and B1.
3. Agricultural Industrial land uses that support local farm production should be encouraged. This type of agricultural use shall process or manufacture agricultural products, shall not be intrusive nor offensive to the surrounding area, shall be located sensitively to avoid high capability soils and shall not contaminate ground or surface water.
4. Agricultural Industrial uses may be permitted on lands designated as *Agriculture* providing these uses are in compliance with the *Agricultural Land Reserve Act* and the *Regional District Zoning Bylaw* and decisions of the Land Reserve Commission and standards of the Ministry of Agriculture and Food.
5. The Land Reserve Boundaries underwent a full comprehensive review through the OCP process and the revised boundaries are reflected on Schedule “B”. Further amendments to these boundaries will not be considered by the Regional Board without appropriate soil analysis by a professional agrologist or a soil scientist. This information is to be provided at the expense of the landowner.
6. The rural character of Electoral areas “D” and “E” shall be maintained to encourage the establishment of the widest range of agricultural activities.
7. Support of programs which have a positive effect on agricultural activities such as noxious weed control, dog control, irrigation district expansion,

routing of major roads and utilities to avoid farm severance's, shall be continued.

8. Where a non-Agricultural property is adjacent to a property which is designated as Agricultural and a Subdivision or Development Permit application has been received for the non- Agricultural property, an appropriate buffer strip will be established and protected by Covenant on the non- Agricultural property following the "Landscape Buffer Specifications" published by the Land Reserve Commission.
9. Notwithstanding the minimum lot size standards and land use policies cited in this Plan or the Zoning Bylaw, the Regional Board may, after due consideration, not authorize an application to the *Land Reserve Commission* if the proposed subdivision or use would have a negative impact on agricultural land or the farming community.
10. The Regional District will strongly encourage the Ministry of Agriculture and the Ministry of Forests to work with area ranchers to improve range land management practices with a goal to improve water quality.

2. Rural, Rural Residential and Residential Land Use

a. Rural Land Use Policies

1. Low density rural lands are those used for, or having a potential for resource extraction and that are not suitable for intensive development because of limitations. These limitations include but are not limited to, elevation, slope, water, accessibility, distance to community services, disruption of existing resource or agricultural uses, or interference with watershed conservation and are designated in the locations shown on Schedules "B, B1 and B2" as Large Holdings (L.H.) and Non-Urban (N.U.).
2. The minimum parcel size for low density rural use shall be appropriate to the use, but in no case shall the minimum parcel size be less than that of the Non-Urban zone (7.2 ha) except in those cases where subdivision of a smaller lot is permitted by virtue of a road severance under the provisions of the Regional District Zoning Bylaw or Section 946 of the *Local Government Act*.

b. Rural Residential Land Policies

1. Rural residential lands are intended to provide an alternate to urban living with lots 1.0 hectare or larger. These lots emphasize an attachment to the lands and utilization for rural and agricultural uses, but with lesser services and greater distances to community facilities and shopping. Lands that may be suitable for rezoning to accommodate rural residential land use (subject to policies of this section) are shown on Schedules B, B1 and B2 as Country Residential (C.R.) and Small Holdings (S.H.).
2. Rural residential lands should conform to the following requirements:
 - a. outside the Agricultural Land Reserve;
 - b. not in an area with excessive slopes;
 - c. not in an area that has high capacity for other uses such as gravel extraction, mining, or forest development;
 - d. not subject to flooding or in an area with a high water table;
 - e. not subject to excessive expenditures for services such as roads, electric power and school bussing;
 - f. contains suitable building sites;
 - g. contains sewage disposal areas;
 - h. contains adequate water supplies;
 - i. does not destroy or alienate important habitat for fish and wildlife; and;
 - j. does not detrimentally affect neighbouring properties and the community as a whole.
3. Designations for Future Small Holdings (S.H.) are restricted to areas identified on Schedules “B, B1 and B2”. Applications to amend the Zoning Bylaw for the Small Holdings (S.H.) Zone should conform to the following requirements:
 - a. be located in close proximity to local areas with residential densities and services; and
 - b. the form and character of development should not detract from the rural character of the built and natural environment.
4. Upon receipt of a rezoning application for Rural residential developments, the Regional Board will give consideration to the fire protection issues in the local area.

5. Subdivision for rural residential housing shall be in a manner that will conform to the physical site characteristics and not be a continuous expanse of housing. At the Regional Boards' discretion, clustering shall be permitted to allow lots smaller than the minimum of the applicable zone provided that the number of lots in the cluster does not defeat the objectives of maintaining a rural area.
6. Pursuant to Section 904 of the *Local Government Act*, the Regional Board may apply a bonus density to a maximum of 20% for Small Holdings (S.H.) designations without amendment to this Plan where application for amendment to the Zoning Bylaw proposes a minimum of 10% of additional land is dedicated for the following community or site amenities:
 - a. dedication of parkland, linear parkland and/or Greenways where their location conforms to Future Parks dedicated on Schedules "B, B1 and B2".
 - b. long-term security and management of significant areas of mature, natural vegetation, or any other significant habitat amenity;
 - c. the maintenance of substantial buffer zones adjacent to major roads; or
 - d. where the owner of property provides for the conservation or provision of any other amenities.
7. Rural residential land development that proposes to create more than 2 new lots, shall not be considered for rezoning until a comprehensive plan consistent with the rural residential policies is provided, and until the roads and services adequate for the development are either in place or financial guarantees regarding their installation are provided.
8. Due to the importance of an adequate water supply in rural residential areas, and the uncertainty about water supply in some potential areas, assurances about the water supply shall be provided prior to the designation of land for rural residential use.
9. In accordance with direction from the Ministry of Municipal Affairs, no lots will be created less than 1.0 hectare unless connected to a community sewer system. Lots less than this size have been determined to be not acceptable for septic effluent disposal.

10. The Regional District shall cooperate with the Ministry of Forests and other Crown agencies in measures designed to reduce the possibility of uncontrolled wildfire in rural development areas.

c. Residential Land Use Policies

1. Residential land development will be encouraged to locate within the Village of Lumby and not within the plan area.
2. Notwithstanding the above, the Regional Board may consider residential development in the “downtown” Cherryville area upon receipt of a comprehensive plan showing servicing details. Such a development would require a community sewer system.
3. The Regional Board supports the provision of affordable housing. As such, the Regional District Zoning Bylaw may be amended (through an Implementation Strategy) to allow Secondary Suites in the plan area.
4. Manufactured Homes are recognized as another source of affordable housing and will be treated equivalent to site built homes with respect to where they are permitted and their siting on a lot, but with restrictions as may be established by the Zoning Bylaw.

3. Commercial Land Use Policies

1. Major Retail and Service Commercial uses should be encouraged to locate within the Village of Lumby.
2. Neighbourhood Commercial uses to supply goods and services to serve local needs should be permitted at locations to serve existing or future residential areas. Existing commercial lands are designated on Schedules “B, B1 and B2”.
3. Highway and Tourist Commercial, and Recreation Commercial uses may be permitted at suitable locations subject to ***a successful OCP Amendment and Rezoning Application*** and the following conditions:
 - a. Sewage disposal, water supply, drainage and access shall meet the requirements of the authority having jurisdiction and any additional requirements of the Regional Board;
 - b. the proposed use shall not adversely affect the environment or adjacent land uses;
 - c. the site should be outside of the Agricultural Land Reserve unless prior approval has been obtained from the Land Reserve Commission.
 - d. ***All OCP Amendment Application for Commercial uses shall be subject to a Public Information Meeting to be hosted in the community by the applicant prior to scheduling of a Public Hearing. (B/L 2223, 2007)***
4. In accordance with Development Permit Sections of this Plan, land designated as “Commercial” is also designated as a Development Permit Area in order to establish requirements respecting the form and character of development.
5. The Regional Board supports development of Recreation Commercial accommodation uses, including rental cabins and campgrounds that are oriented towards tourists. To ensure availability of these uses for tourists and the general public, the Regional Board may require covenants to restrict further subdivision as a condition precedent to approvals when considering rezoning applications.
6. The Regional Board encourages and supports new development proposals in Eco-tourism and adventure tourism that seek to provide wilderness and natural experiences and education in a sustainable manner with the least amount of impact on the environment.

4. Home-Based Business Policies

1. Home-Based businesses, including bed and breakfast operations that are in compliance with the Zoning Bylaw, and do not cause land use conflicts or excessive demands on services will be supported by the Regional District.
2. Farm sales that are ancillary to the agricultural use of land within the Agricultural Land Reserve and are consistent with the provisions of the Zoning Bylaw, Minister of Agriculture standards and the Land Reserve Act will continue to be supported by the Regional Board
3. Requests to increase the size of home based business beyond that permitted in the Zoning Bylaw are not encouraged as these uses will be in direct conflict with the Commercial and Industrial Policies of this Plan

5. Industrial Land Use Policies

1. Electoral Areas “D” and “E”, in association with the Village of Lumby and the District of Coldstream, should identify appropriate land resources for short and long term industrial development.
2. Industrial land shall be serviced with potable water supplies, proper sanitary sewage disposal facilities, and suitable storm water drainage collection, treatment and disposal systems.
3. Industry should be encouraged, particularly those industries which take advantage of local conditions and employ local people.
4. Electoral Areas “D” and “E” should take advantage of possible grants available to aid in servicing industrial land.
5. Major industrial land developments shall not be considered for rezoning until a comprehensive plan in accordance with the industrial policies is provided, and until the roads and services adequate for the development are either in place, or financial guarantees regarding their construction and installation are provided.
6. Industry emissions shall not adversely affect the land, water or air environment, either in the short term or cumulatively in the long term.

7. Agricultural Industrial uses shall be permitted in accordance with the provisions of the agricultural policies of this Plan.
8. In accordance with the Development Permit Sections of this Plan, land designated as “Industrial” is also designated a Development Permit Area in order to establish requirements respecting the form and character of development.
9. Future industrial uses will not be supported in areas subject to flooding or other hazards, or in areas that will cause disruption to the established community (also see Section 13 ‘Special Use Areas’.)

6. Resource Areas Policies

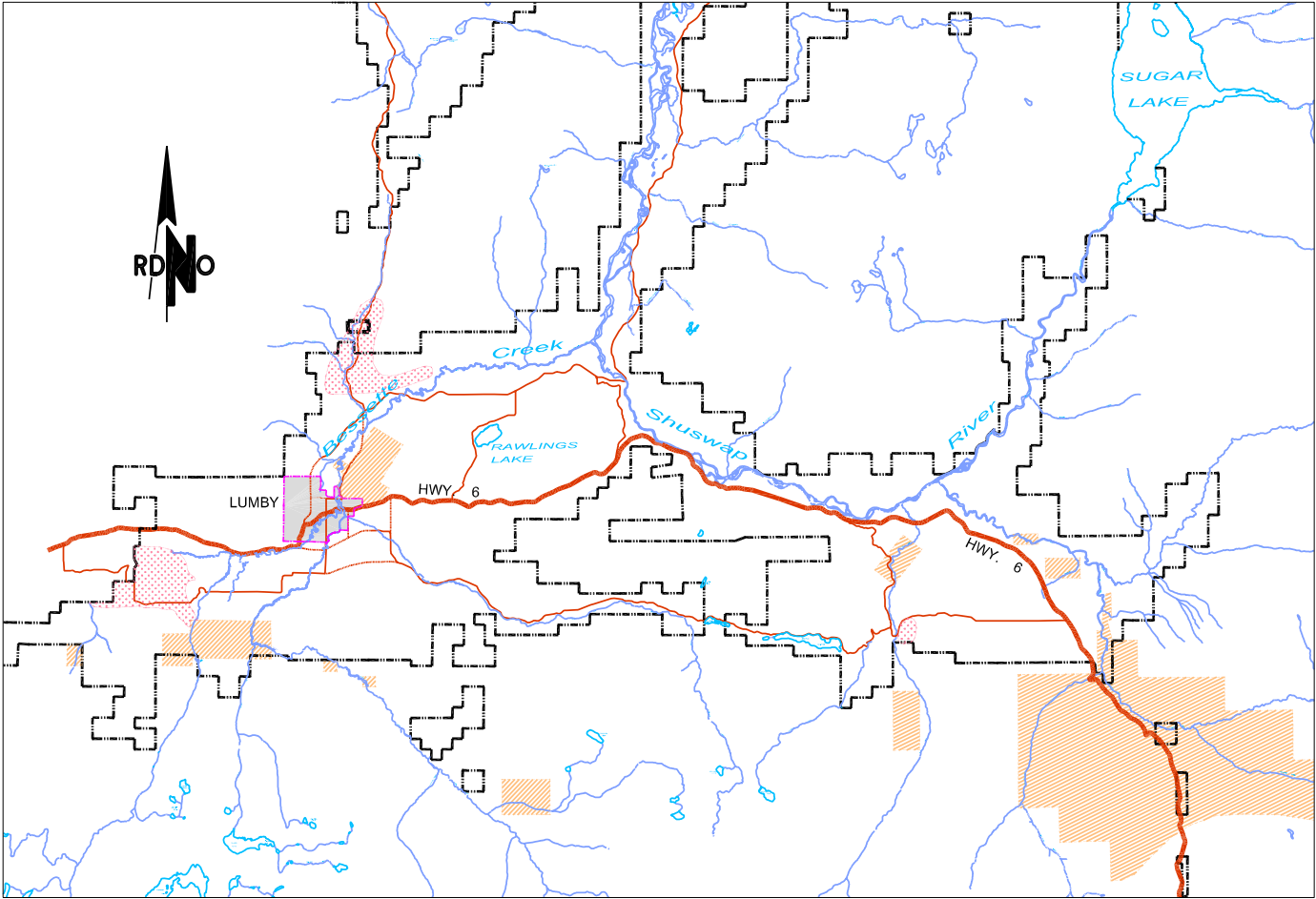
a. Forest Land Policies

1. Provincial forests shall be encouraged to be managed in accordance with economic, environmental and social objectives identified in this Plan and the objectives and strategies of the Okanagan Shuswap Land and Resource Management Plan (LRMP).
2. Lands within the Community Plan area having potential for forest use and wood lot licences should be maintained in large parcels.
3. All subdivision or rezoning applications affecting land that is subject to the hazard of forest fire shall be referred to the Ministry of Forests for their input and may require that a Restrictive Covenant be registered to notify potential purchasers of the hazard, require special building materials and setbacks, and/or save-harmless the Regional District in the event of a wildfire event.

b. Mineral Land Policies

1. Land covering areas of high mineral and aggregate potential shall be retained in large parcels (Non-Urban and Large Holding Zones) to allow for extraction with minimum conflicts.
2. Extraction of mineral resources shall be followed by reclamation.

3. The Regional District recognizes that certain properties within the plan area as shown on Figure 1, including areas on Trinity Valley Road and along the boundary of the District of Coldstream have aggregate potential. The Regional District will have due regard for these resource values when considering land development proposals within the general vicinity of these deposits.
4. The Ministry of Energy and Mines encourages the Regional District to undertake an evaluation of aggregate resources including supply and demand. Figure 1 is based on partial information. More areas than shown probably have a high aggregate potential.
5. All mineral exploration and mining activities will continue to be subject to the *Mines Act*, *Mineral Tenure Act* and associated regulations. The Regional District recognizes that the Ministry of Energy and Mines is the primary agency responsible for managing mining activities on Crown and private lands.



AGGREGATE DEPOSITS AND MINERAL CLAIMS



FIGURE 1

7. Natural Areas Policies

1. Areas of major importance to wildlife should be protected by retaining the parcels in Large Holdings or Non-Urban Zones.
2. Areas of major importance to waterfowl should be protected by retaining the foreshore in its natural state.
3. Sensitive areas that provide fish habitat will be protected by use of regulatory tools such as Development Permits, which are guidelines to encourage:
 - a. maintenance of a 15 metre strip of native and healthy vegetation adjacent to water course;
 - b. avoidance, where possible of damage to foreshore and streams from filling, dumping or excavation for road or other development works;
 - c. appropriate building setbacks from watercourses and
 - d. further reference to the recommendations of the "*Land Development Guidelines for Protection of the Aquatic Habitat*" (see Development Permit Section).
4. Programs that enhance the fish capability of watercourses should be encouraged, including installation of fish ladders at BC Hydro s' Shuswap Falls facility.
5. The Regional District will consider undertaking an environmentally sensitive inventory and mapping exercise provided it is fully funded by the provincial and/or federal governments.
6. The Regional District should participate in preparation of a recreation plan for the Shuswap River with the participation of BC Hydro, members of the community and applicable government agencies.

8. Parks and Open Space Policies

1. The Regional Board, through Whitevalley Parks and Recreation, will establish an inventory and estimate projected demand for the recreation facilities needed by the community over the short to medium term planning horizon.
2. The Regional Board, through Whitevalley Parks and Recreation, will undertake a comprehensive inventory of undeveloped public access points to the Shuswap River, Mabel Lake and Sugar Lake.
3. If practical, parks and recreational trails should not be situated in or adjacent to agricultural lands. If there are no alternative locations, these areas should be buffered to protect park users from agricultural activities and agriculture from park users and their pets.
4. The Regional Board will encourage BC Parks and the Okanagan Shuswap Land and Resource Management Plan (LRMP) Implementation and Monitoring Committee to consider McIntyre Lake as a recreation and/or wildlife oriented open space.
5. The Regional Board, through Whitevalley Parks and Recreation, may initiate a community process to determine the best use of the “*Meadows*” on Sugar Lake Road and the “*gravel pits*” on Highway 6.
6. Joint development and use of school and park sites by School District No. 22 and the Regional District should be continued, and when required, site specific formal agreements may be concluded to provide for integral development and use.
7. Where applicable, parkland, or money in lieu of parkland, shall be provided to the Regional District pursuant to Division 10 and 10.1 of the *Local Government Act*. The parkland or money in lieu shall be provided as a condition precedent to subdivision within the Plan area.
8. Development Cost Charges that are payable for parks purposes as a condition precedent to subdivision approval, shall be waived if the value of the parkland, or the amount of the money in lieu of parkland, required to be provided pursuant to the provisions of Division 10 of the *Local Government Act*, is equal to or exceeds the amount of the applicable Development Cost Charge. If the value of the parkland, or the amount of payment in lieu of parkland, is less than the applicable Development Cost Charge, then the balance of the Development Cost Charge shall be paid as a condition precedent to subdivision approval.

9. Waterfront properties that have long range potential as public access should be protected by acquiring where possible the right of first refusal in favour of the Regional District.
10. The community of Cherryville desires Lots 169 to 176, Plan 663 located at Mitchell Road and Highway 6, to be designated as future Park and Open space on Schedule “B2.
11. In the acquisition and development of open spaces, quality of the recreation experience should be considered the number one priority in the planning process as well as in the management of the site in the future. The focus should be on the values of specific additions to the present opportunities.
12. Every effort should be made to co-ordinate the efforts of the different levels of government who provide public outdoor space.
13. The emphasis for future outdoor recreation space in the Community Plan area should be on the provision of resource-based facilities (i.e. hiking, historical, scenic and natural interest, etc.)

9. Floodplain Lands

1. When mobile homes or buildings to be used for habitation, business, the storage of goods damageable by floodwaters or materials that can pollute watercourses, are to be located or constructed in any area subject to flooding, such buildings or mobile homes shall be flood proofed in accordance with the flood proofing requirements of the Ministry of Water, Land and Air Protection. These requirements shall be contained in the appropriate implementing bylaws.
2. All Development in the floodplains of the Shuswap River, Bessette Creek and Duteau Creek are hereby declared a Development Permit Area and are subject to the guidelines established in the Development Permit Section of this Plan for floodplains.

10. Heritage Conservation Policies

1. The North Okanagan Regional Board recognizes the importance of heritage resources in the plan area as representative of its history and key to its identity, character and sense of place, and will seek to integrate heritage conservation, and awareness about heritage into planning and day-to-day decisions.
2. Pursuant to section 953 of the *Local Government Act*, The Regional Board **may**, by bylaw, appoint a Heritage Advisory Commission for all, or part of the Electoral Areas.

Furthermore, the terms of reference to be established by the Board for the Commission will include, but not be limited to: a mandate to **advise** the Board on heritage matters and other matters referred to it by the Board; and direction to undertake activities specified in the terms of reference.

3. Pursuant to section 954 of the *Local Government Act*, the Board **may**, by resolution, establish a *Community Heritage Register* for purposes of identifying heritage properties within the Plan area.
4. The Regional Board will cooperate with property owners seeking heritage designation or other heritage recognition for their properties by employing the following policies. (Policies 5 to 8 outline potential regulatory mechanisms for conserving and protecting the heritage resources within the the Plan area.)
5. The Board **may** consider Conservation Covenants under Section 219 of the *Land Title Act* for buildings with established heritage value.
6. The Board **may**, when conditions warrant creative solutions not possible within existing regulatory frameworks, enter into Heritage Revitalization Agreements with property owners for the preservation of heritage resources. Utilization of these agreements will be pursuant to section 966 of the *Local Government Act*.
7. Pursuant to section 967 of the *Local Government Act*, The Board **may**, by Bylaw, designate real property, in whole or in part, considered to have heritage value or character, or is deemed necessary or desirable for the conservation of protected heritage resources. The Board will emphasize and encourage **voluntary** designation over imposed designation recognizing constraints associated with such designation. Furthermore, the terms and conditions for such designation will include guidelines and policies regarding the issuance of a Heritage Alteration Permit.

8. The Board recognizes the particular vulnerability of heritage resources currently located within the Provincial Agricultural Land Reserve and will cooperate with the Provincial Land Reserve Commission to protect these resources through designation or other mechanisms.
9. The Regional Board will work with the community and landowners to ensure the Chinese Diggings and miners cabins along Cherry Creek are preserved. The general locations of these resources are shown on Schedule B2.
10. The community plan area contains numerous native archaeological sites including rock paintings, former dwellings and places where rock tools were shaped. The general locations of these sites are shown on Schedules B, B1 and B2. These sites are protected under the *Heritage Conservation Act* which provides that designated heritage sites shall not be disturbed without permission of the Archaeological Branch.
11. The Regional Board will work with the community and the agencies having jurisdiction to ensure that landmarks such as creeks and mountains represent the historical names given when the area was first settled.

11. Services and Infrastructure Policies

a. **Water Policies**

1. Potable water shall be provided through community water systems for comprehensive residential, recreational, industrial and commercial developments within the Community Plan area.
2. Development of land (where more than 1 additional lot is created) that is dependent upon subsurface groundwater supplies shall be subject to certification by a professional engineer, or a groundwater geologist, or by a hydrogeologist as to the quality and quantity of water available prior to rezoning or subdivision approval as the case may be. The Regional Board may request information that demonstrates the impact to neighboring wells of such a development. Proven wells with registered well logs may be exempt from the above certification.

b. **Sewage Collection and Disposal Policies**

1. A study of subsurface soil conditions (the terms of reference established with assistance of the North Okanagan Health Region) shall be undertaken to determine the best method of sewage treatment and disposal for new development (where more than 1 additional lot is created). The study shall be carried out prior to rezoning or subdivision approval as the case may be.
2. Holding tanks shall not be permitted as a method of sewage disposal except for commercial and industrial uses pursuant to the Regional District of North Okanagan Holding Tank Sewage Disposal Bylaw No. 671, 1985 and amendments thereto, and in an emergency to replace malfunctioning septic tanks on a temporary basis.
3. *Sewage treatment facilities proposed to be utilized for commercial developments which propose direct discharge of effluent into watercourses or waterbodies shall not be supported.*
(B/L 2223, 2007)

c. **Drainage Collection and Disposal Policies**

1. The Regional District shall co-operate with the Ministry of Transportation in dealing with drainage.
2. The Regional Board may request a study of the drainage requirements for developable lands located within the Community

Plan area to be undertaken before development approvals are considered. This study shall include the works required, and the method of treatment and disposal, and should consider innovative methods of handling and treatment.

3. Adequate drainage works, that are consistent with the “*Land Development Guidelines for the Protection of Aquatic Habitat (1992)*”, shall be provided in conjunction with new development to ensure that erosion and siltation of receiving creeks and streams is prevented. Such works will also serve to prevent damage to property, including agricultural lands, by peak drainage run-offs.

d. Solid Waste Disposal Policies

1. Diversion of a variety of materials from the waste stream is encouraged through recycling facilities and backyard composting with special attention paid to the 3R hierarchy of waste management: Reduce-Reuse-Recycle.

e. Other Utility Services Policies

1. The co-operation of the B. C. Hydro and Power Authority shall be solicited in improving the appearance of the structures and rights-of-way of their transmission lines.
2. The Zoning bylaw shall continue to allow the installation of servicing equipment in locations where it is required and where it is not offensive because of size, appearance, noise, or odour.
3. The co-operation of servicing agencies, municipalities, regional districts, and government ministries shall be encouraged through the continued operation of the Utilities Council.
4. When considering bonus density policies pursuant to Section 904 of the Local Government Act and set out in Section 2 of this plan, where an owner provides land associated with the provision of a local utility the Regional District may consider this a kind of amenity.

f. School Facilities Policies

1. Pursuant to the Parks and Open Space policies of this Plan, the Regional District encourages the joint use and development of school sites in co-operation with School District No. 22.
2. When determining the location for any new school facilities, the siting in or adjacent to agricultural land should be avoided if possible. If it can not be avoided, robust buffering is necessary.

12. Transportation Policies

1. The Ministry of Transportation, the Land Reserve Commission and the North Okanagan Regional District should perform a detailed review of the “Major Street Network Plan” to ensure that long term goals can be achieved.
2. Until the above mentioned review is undertaken, the existing and proposed major roads designated on Schedules “B, B1 and B2” are endorsed as the long term major routes for movement of traffic, and shall have a minimum width of 25 metres. The location of proposed routes within the Agricultural Land Reserve is not to be construed as having the endorsement of the Land Reserve Commission. The construction, upgrading, or dedication of these routes may not proceed without the approval of the Commission. However, it is recognized that Provincial Agricultural Land Commission Resolution #1625/83 permits some upgrading without additional approvals being required.
3. New roads and major improvements to existing roads shall be located so as to provide minimum disruption to agricultural uses.
4. Planning for future roads and subdivisions shall take into consideration the needs of public transit, school buses, pedestrians and bicycle routes and other environmentally sensitive transportation methods.
5. For developments in which road upgrading will be required as a result of the development, the development will not occur until roads adequate for the development are in place.
6. Access to crown lands and water-bodies shall be provided wherever necessary under the appropriate subdivision regulations or as a condition precedent to rezoning.
7. Local roads shall have a minimum right of way of 20 metres.

8. Continuous strip development along highways will be discouraged for safety, aesthetic and functional reasons.
9. The Regional Board supports the concept of linking the Village of Lumby with Silver Star Village with an all weather road.
10. The Regional District is encouraged to develop a Cycling Network Plan in order to take advantage of provincial cost sharing programs for cycling routes. Such a plan could support development of bicycle routes along existing major roads.
11. Proposed transportation routes should avoid wetlands and streams if possible. Environmental Impact Assessments may be necessary, at the discretion of the Ministry of Water, Land and Air Protection.

13. Special Use Areas

From time to time, extraordinary land uses arise which do not conform with the usual residential, industrial, commercial, or open space land use categories. These include specialized and unique uses which have widely varying, site specific location requirements such as waste disposal sites, airports, and minimum-security work camps.

Because of their uniqueness and special requirements, it is not possible to designate specific areas for these uses. Nevertheless, it is essential that the need for such areas be recognized in the Plan.

Special Use Policies

1. Special Uses that are intended to accommodate extraordinary land uses shall be recognized and considered for rezoning without specific designation on the Official Community Plan Map.
2. In rezoning of land to a Special Use, consideration shall be given to the following:
 - a. protection of the interests of adjacent land owners;
 - b. regulations, policies and guidelines of government agencies; and
 - c. the incorporation of extraordinary development requirements by zoning, covenant, or development permit.

14. Comprehensive Resort Development

Comprehensively planned resort residential developments must establish efficient, cost-effective wastewater management systems. While conventional septic disposal systems may be appropriate for rural, large lot areas, it is no longer viewed as an acceptable means of wastewater management for new or expanded resort and residential developments. New developments need to protect the quality of surface and ground water sources, while achieving an economically viable level of development without adding to the financial burden of taxpayers.

Without diminishing the role of the City of Vernon or the Village of Lumby as the principal and secondary commercial and service centres in this area, resort residential developments may include limited commercial and personal services to provide visitors and residents with a full service resort experience.

a. Comprehensive Resort Development Policies

1. The designation of Comprehensive Resort Development shall only be considered in conjunction with a Comprehensive Development Zone which will define the uses and development regulations specific to the lands in question.
2. Resort development in or adjacent to agricultural land should be avoided or heavily buffered except for “Bed and Breakfast” operations and “Agrotourism” in accordance with Land Reserve Commission regulations and Ministry of Agriculture standards.
3. Resort development within this designation shall be based on recreational, resort-oriented components, shall be largely self-contained and shall not facilitate nor be deemed to encourage further development on adjacent lands.
4. In accordance with the provisions of the Development Permit Section of this Plan, land designated as ‘Comprehensive Resort Development’ is also designated as a Development Permit Area in matters concerning the protection of the natural environment and protection of development from hazardous conditions and in matters concerning the form and character of commercial development.
5. The design of new and expanded resort residential developments shall be responsive to the natural environment such that site grading and visual impacts from lands beyond are minimized.

6. The Regional Board may require the developer to provide a Traffic Impact Assessment prepared by a professional engineer which addresses the potential for impacts the development may have on traffic patterns, safety and volumes in the surrounding community. The Ministry of Transportation must agree to the Terms of Reference for a Traffic Impact Assessment prior to preparation.
7. The Regional Board may require the developer to provide an Environmental Impact Assessment prepared by a qualified environmental consultant to address potential impacts the development may have on the quality of the natural environment. The Terms of Reference for an Environmental Impact Assessment will be provided by the Ministry of Water, Land and Air Protection.
8. Developments which implement water conservation and re-use strategies are encouraged.
9. Proposals for a ‘Comprehensive Resort Development’ project shall demonstrate how storm-water and wastewater shall be managed on the site such that water quality and surrounding properties are not negatively impacted by the development.
10. Proposals involving developments adjacent to fish-bearing streams or other water bodies shall be evaluated by staff at the Ministry of Water, Land and Air Protection and/or Fisheries and Oceans for compliance with the “Land Development Guidelines for the Protection of Aquatic Habitat”, prepared by the Department of Fisheries and Oceans and Ministry of Environment, Lands and Parks in 1992 and as amended from time to time.
11. The level of servicing appropriate to each proposal shall be defined for consideration by the Regional Board, however, it is noted that all development must be serviced with a water system meeting the requirements of the *Safe Drinking Water Regulation*.

IV. DEVELOPMENT PERMIT AREAS

Section 920 of the *Local Government Act* provides that a Regional Board may issue Development Permits where an Official Community Plan designates areas for the protection of the natural environment, protection of development from hazardous conditions, and/or to regulate the form and character of commercial, industrial, or multi-family residential development. Within these areas, land shall not be altered or subdivided and buildings and structures shall not be constructed or altered unless a Development Permit is first obtained from the Board. Permits issued may vary the provisions of a Bylaw made under Divisions (7) or (11) of Part 26 of the *Local Government Act* with particular respect to zoning, parking, works and services, drainage, signs, screening, and subdivision servicing requirements.

There are four types of Development Permit Areas within the Community Plan area where Development Permits are required:

1. Protection of the natural environment: the Shuswap River Watershed;
2. Protection of Development from hazardous conditions: alluvial fans of four area creeks (and the NE ¼ of Section 33, Township 43, near the south end of Mabel Lake);
3. Protection of Development from hazardous conditions: the floodplains of Shuswap River, Bessette Creek and Duteau Creek;
4. Form and Character of Industrial and Commercial development.

Development Permits issued within these areas will be subject to the following policies and conditions, including conditions where the requirement for Development Permits may not be required.

1. General Policies

1. The Regional District considers that the Shuswap River Watershed, including Sugar Lake, Mabel Lake, the Shuswap River, and other watercourses and water bodies as environmentally sensitive to development. Disturbances caused by development in these areas can have long lasting and negative effects on the ecosystem if development is not managed properly. These areas have been identified in this section and restrictions on the use of land within these areas are reviewed within this section.
2. The Regional District considers that lands within the Floodplains of the Shuswap River, Bessette Creek and Duteau Creek and lands within the alluvial fans of Sowsap, Ireland, Bigg and Gallon Creeks, as well as land within the NE ¼ Section 33, Township 43 (near the south end of Mabel Lake) are subject to natural hazards and these areas have been identified on Schedules “B, B1 and B2” of this Plan and restrictions on the use of land within these areas is reviewed in this section.

3. The Regional District considers that the form and character of Industrial and Commercial development should be regulated and these restrictions are reviewed in this section.
4. Design drawings for a Development Permit Application respecting the form and character of development must conform with the regulations specified in the "Regional District of North Okanagan Zoning Bylaw" or in the "Regional District of North Okanagan Holding Tank Sewage Disposal Bylaw No. 671, 1985", or any other applicable bylaw of Provincial statute and these design drawings should include:
 - i. a landscape plan indicating how the landscaping will co-ordinate with existing developments in the area and/or the natural surroundings as well as the size and density of plantings, type and density of ground cover, and the dimensions of the landscape area;
 - ii. a development plan indicating the location and size of buildings, parking areas, fencing, outside lighting, as well as the size, design and location of any signs; and,
 - iii. the building design showing the character of the building, exterior architectural details, building materials, and colours.
5. Drawings for a Development Permit Application respecting protection of the natural environment should include a detailed site plan that indicates:
 - i. location of existing and proposed buildings and structures in relation to any watercourse, pond or lake on, or adjacent to the subject property and;
 - ii. location of existing and proposed driveways, parking areas and other impervious surface areas and how the storm water run-off will be managed, and;
 - iii. location of existing and proposed vehicular routes that cross watercourses, including details on culverts and bridges, (Note that culvert construction in fishery streams may be violations of Section 35(1) of the federal Fisheries Act) and;
 - iv. details on existing and proposed streamside vegetation.
 - v. Stormwater Management systems and sediment control plans consistent with the "Land Development Guidelines for the Protection of Aquatic Habitats" (Ministry of Environment, Lands and Parks and Department of Fisheries and Oceans, 1992) to protect water quality and quantity of any nearby fish bearing watercourses.
 - vi. *Details on the proposed method of sewage disposal.*
(B/L 2223, 2007)

6. Drawings for a Development Permit Application respecting protection of development from hazardous conditions should include:
 - i. a general sketch of the entire subject Development Permit Area showing roads, driveways, all watercourses (including any culverts or bridges), ponds, lakes, dwellings, buildings and other structures as well as general information on the local topography all overlain on a composite map of legal parcels in the area.
 - ii. A detailed site plan of the subject parcel showing the location and size of existing dwellings and accessory buildings as well as any proposed new buildings together with the distance from all these buildings to parcel boundaries and any watercourse, pond or lake within 50 metres; and this detailed site plan should also show roads and driveways as well as the location, size, dimensions and slope angle measurement(if appropriate) of any depressions, ridges, banks, cliffs, ravines and similar topographic features on the subject property.
7. Where new information is received concerning areas that may be hazardous or where protection of the natural environment is required, the Regional District will consider designation of these areas within a Development Permit Area.
8. The Regional District will establish additional Development Permit Areas as new proposals for multi-family residential, commercial or industrial land development are received that warrant designation within a Development Permit Area.

2. Watersheds - Protection of the Natural Environment

1. The Regional Board has the objective to prevent the pollution of soils and maintain the water quality of all watercourses, lakes and ponds within the plan area, including the Shuswap River Watershed and Craster, Brewer and Reets Creeks, as important waterfowl and fish habitat.
2. Lands within 30 metres of the natural boundary of the Shuswap River, Sugar Lake, Mabel Lake, or any other watercourse, lake or pond are hereby designated as a Development Permit Area for the protection of the natural environment pursuant to Section **919.1(1)(a)** of the *Local Government Act*. (Note: these provisions do not apply along drainage ditches, dry gulches or streams that are dry more than 6 months of the year.) All new development, including alterations and additions, shall require a Development Permit Application prior to issuance of a Building Permit. On reviewing a Development Permit Application, the Regional Board will consider the following guidelines:
 - i. Land within 15 metres of the natural boundary of the Shuswap River, Sugar Lake, Mabel Lake or in proximity to any other watercourse, lake or pond should remain free of development with the exceptions of fencing, works and plantings to control erosion, protect banks, protect fisheries or otherwise preserve and enhance the natural water course and associated habitats;
 - ii. the Regional Board may, where appropriate, require fencing of sensitive habitat to protect fish bearing watercourses from livestock or the public, as a condition of development approval;
 - iii. the Regional Board may require a Restrictive Covenant to ensure long term protection of vegetation along a natural watercourse, pond or lake so that it will be maintained to provide shade for the water surface, bank stability, and wildlife or waterfowl habitat sufficient for species which frequent the area;
 - iv. a means of sewage disposal ***that does not discharge directly into a waterbody or watercourse*** shall be installed ***for all developments proposed in Commercial Zones. The applicant must provide evidence that the filings required by the Sewerage System Regulation under the Health Act have been made, that a holding tank permit has been issued under the Regulation and the proposed holding tank complies with Regional District of North Okanagan Holding Tank Sewage Disposal Bylaw No. 671, 1985 and amendments thereto, or that sewage will be disposed of in accordance with the Municipal Sewage Regulations under the Environmental Mangement Act.*** ~~to provide an adequate method~~

~~for the disposal of sewage effluent and where a Sewage Disposal Permit has been refused by the Ministry of Health or the Ministry of Environment, Lands and Parks, the Development Permit Application may be refused and the Regional Board may, notwithstanding other provisions in these guidelines and this Bylaw, authorize the North Okanagan Health Region to issue a permit to install a holding tank pursuant to the provisions of the "Regional District of North Okanagan Holding Tank Sewage Disposal Bylaw No. 671, 1985" (B/L 2223, 2007)~~

- v. where an on-site sewage disposal system is proposed as part of a commercial development, a study of subsurface soil conditions may be required to be undertaken to the satisfaction of the North Okanagan Health Region to determine the suitability for this proposed system and septic tank, drainage and deposit fields or systems utilizing the irrigation of waste water shall be prohibited in areas containing unsuitable soil or groundwater which is subject to degradation;
- vi. a storm water management system should be installed to control the quantity and quality of run-off from parking areas, internal roadways, and buildings, and these systems shall be consistent with the "Land Development Guidelines for the Protection of Aquatic Habitats" (Ministry of Environment, Lands and Parks and Department of Fisheries and Oceans, 1992), and may require approval by the Department of Fisheries and Oceans and/or the Ministry Water, Land and Air Protection;
- vii. commercial developments which entail the use of chemical products which could contaminate the natural environment shall provide means to control these products within an appropriate containment facility as approved by appropriate Federal or Provincial agencies;
- viii. construction phases shall comply with the stream corridor guidelines established within the *"Land Development Guidelines for the Protection of Aquatic Habitats"* (Ministry of Environment, Lands and Parks and Department of Fisheries and Oceans, 1992) in accordance with provincial and federal regulations.

3. **Alluvial Fans and Unstable Slopes:- Protection of Development from Hazardous Conditions**

1. The Regional Board has the specific objective to protect development from hazardous conditions associated with slope stability and erosion resulting from road construction, building, clearing, improper storm water management and natural factors associated with alluvial fans (creek outwash areas.)
2. All lands within the NE ¼ of Section 33, Township 43, O.D.Y.D., and lands within the alluvial fans of Sowsap Creek, Ireland Creek, Bigg Creek and Gallon Creek as shown generally on Schedules “B & B1” are hereby designated as Development Permit Areas for the protection of development from hazardous conditions pursuant to Section **919.1(1)(b)** of the *Local Government Act*, and that all new development, including alterations and additions, shall require a Development Permit Application prior to issuance of a Building Permit. On reviewing a Development Permit Application, the Regional Board will consider the following guidelines:
 - i. restricting the construction of septic tank, drainage and deposit fields, or irrigation or water systems in areas containing unstable soil;
 - ii. vegetation planting and/or preservation to control erosion or to protect banks where requested by the Ministry of Water, Land and Air Protection and/or Fisheries and Oceans Canada; and
 - iii. construction of works necessary to eliminate the hazard in which the recommendations of a qualified geotechnical engineer shall be required to be provided by the developer.
 - iv. Where a qualified geotechnical engineer reports that the proposed development can not be safely constructed on the land, the Development Permit Application may be refused.
 - v. Registration of a restrictive covenant to save harmless the Regional District in the event of any damages as a result of land slippage, debris flow or flooding.

4. Shuswap River, Bessette Creek and Duteau Creek Floodplain Areas - Protection of Development from Hazardous Conditions

1. The Regional Board has the objective to protect property from hazardous conditions associated with special flood hazard conditions that exist along the Shuswap River, its lake system, Bessette Creek and Duteau Creek due to reoccurring rising flood waters.
2. Lands adjacent to the Shuswap River, its lake system and all lands within the Provincially designated Shuswap River, Bessette Creek and Duteau Creek Floodplain are hereby designated as Development Permit Areas for the protection of development from hazardous conditions pursuant to Section **919.1(1)(b)** of the *Local Government Act*. All new development, including alterations and additions, shall require a Development Permit Application prior to issuance of a Building Permit. On reviewing a Development Permit Application, the Regional Board will consider the following guidelines:
 - i. no buildings or foundations for buildings should be built within an area below the Normal High Water Mark of a lake or watercourse as defined by the Ministry of Environment, Lands and Parks; and,
 - ii. the Regional Board may require a Restrictive Covenant for a development within a Floodplain, as defined by the Ministry of Environment, Lands and Parks to protect the Regional District against claims for possible flood damage.

5. Commercial and Industrial - Form and Character of Development

1. The Regional District has the objective to maintain the attractive rural setting and visual quality within the Electoral Areas and to ensure that the form and character of commercial and industrial developments are appropriately integrated into this rural setting and co-ordinated with existing developments in these areas.
2. All land designated as 'Commercial' or 'Industrial', are also designated as Development Permit Areas for the establishment of guidelines for the form and character of development pursuant to Section **919.1(1)(e)** of the *Local Government Act*, and that all new development, including alterations and additions, shall require a Development Permit Application prior to issuance of a Building Permit. On reviewing a Development Permit Application, the Regional Board will consider the following guidelines:
 - i. vehicle parking should be encouraged at the rear or side of a building and should be in smaller clusters and screened from view with landscaping or natural vegetation while still maintaining sight distances for safe access and egress;
 - ii. the massing of buildings should be variable in form and should be incorporated where practical, into smaller blocks which relate to the contours of the natural landscape;
 - iii. vistas should be respected where practical through the development to prominent natural features beyond the subject land;
 - iv. exterior design and finish should incorporate products which compliment the natural setting; and
 - v. the form and character of development and landscaping should harmonize with the natural setting and should reflect a low density of development.

6. Conditions for Alleviating Development Permit Requirements

1. Notwithstanding the Policies of this Section and pursuant to Section **919.1 (4)** of the *Local Government Act*, and with the approval of the Director of Development Services, the following development proposals may not require Development Permits:
 - i. the erection of signs provided they conform to the requirements of the Ministry of Transportation and Highways Sign Policy and the "Regional District of North Okanagan Zoning Bylaw";
 - ii. minor additions to, or alterations of, a building or structure provided the addition or alteration conforms to all the requirements of the Regional District of North Okanagan Zoning Bylaw; and
 - a. does not require additional parking stalls;
 - b. promotes the attractive natural setting and visual quality of the electoral area;
 - c. does not degrade the soil or habitat of the upland areas adjacent to the Shuswap River, Sugar Lake, Mabel Lake, or any other watercourse or water body; and,
 - d. does not impair the water quality or fish and wildlife habitat along the Shuswap River, Sugar Lake, Mabel Lake, or any other watercourse or water body
 - iii. With respect to development on parcels adjacent to watercourses and identified under Policies 2, 3, and 4 of this section, a Development Permit may not be required where:
 - a. the siting of the building is located outside of the designated Floodplain, and;
 - b. there is no development proposed within 30 metres of the natural boundary of any watercourse, including any alteration of land or removal of any vegetation, and;
 - c. the proposed building will not be used for storage of hazardous chemicals and;

- d. The proposed building is not located in an area that may be subject to torrents or land slippage, and;
- e. there is an existing covenant registered on the property that “Saves Harmless” the Regional District from damages due to flooding, torrents or land slippage.
- f. There is no Development Permit requirement for clearing land for cultivation, growing and harvesting of crops. However, the landowner should contact the Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans to ensure compliance with provincial and federal regulations.
- g. A proposed subdivision complies with all conditions of subdivision required by the Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans, and the applicants solicitor has offered an unconditional letter of undertaking to register any and all restrictive covenants required by those agencies as a condition precedent to final subdivision approval by the Regional District.
- h. Repairs to malfunctioning septic systems may be exempt from Development Permit requirements, subject to approval from the North Okanagan Health Region.

V. IMPLEMENTATION STRATEGY

The actions required to implement the Community Plan are contained in the policies, and may require amendment of the land use bylaws as well as consultation and co-operation with the Federal Government, several provincial ministries, and other local governments.

1. Approving Officer

1. The Regional Board recommends that the Approving Officer for Electoral Areas “D” and “E” (the Provincial Ministry of Transportation at the time of adoption) consider all Official Community Plan Policies as a condition precedent to subdivision approval.

2. Amendment of Land Use Bylaws

1. The Zoning Bylaw will be reviewed and revised to reflect the various policies in this Official Community plan, including guidelines for certain development permits.

3. Consultation and Co-operation with Other Government Agencies

1. The Regional Board will continue to co-operate with Ministry of Transportation in regard to road improvements and drainage.
2. The Regional Board will co-operate with Ministry of Forests and the Ministry of Water, Land and Air Protection to protect water quality in the plan area.
3. The Regional Board will co-operate with the Village of Lumby and the District of Coldstream in regards to an Industrial Land Strategy for the plan area.
4. The Regional Board will continue to co-operate with the Land Reserve Commission and the Ministry of Agriculture and Food on matters related to agriculture within the plan area.
5. The Regional Board will co-operate with the Ministry of Mines on matters related to mineral exploration and development.
6. The Regional Board will co-operate with the North Okanagan Health Region on matters related to drinking water and sewage disposal.

4. Monitoring and Review

1. The Community Plan should be reviewed at annual intervals, or as conditions warrant, in order to evaluate its effectiveness. As a general objective, the Regional Board will initiate an annual review process for all applications to amend this Plan in order to facilitate proper analysis, improve the process of public involvement and to allow a more comprehensive approach to such reviews.
2. The Plan should be reviewed comprehensively every five (5) years to determine if it is attaining the communities objectives for land use planning.