

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2570, 2012

**A Bylaw to amend the Electoral Areas 'A', 'C', D-1', 'E', and 'F'
Regional District of Okanagan-Similkameen Official Community Plan Bylaws**

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the "Regional District of Okanagan-Similkameen Textual Amendments to Official Community Plan Bylaws, Amendment Bylaw No. 2570, 2012."

Electoral Area 'A'

2. The "Electoral Area 'A' Official Community Plan Bylaw No. 2450, 2008" is amended by:
 - (i) Adding a new Section 1.4 to read as follows:

1.4 Development Approval Information

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) Amending Section 16.0 to read as follows:

16.0 TEMPORARY USE PERMITS

16.1 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.

16.2 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.

16.3 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 920.2 of the *Local Government Act* as an area in which Temporary Use Permits may be issued.
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District 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;
 - 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 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.

(iii) Deleting Section 17.3.

(iv) Adding a new Section 17.3 to read as follows:

17.3 Watercourse Development Permit (WDP) Area

17.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

17.3.2 Watercourse Development Permit Area

The lands shown as WDP Area on Schedule "D" are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

17.3.3 Justification

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

17.3.4 Guidelines

.1 Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;

- i) development of utility corridors;
 - j) subdivision as defined in Section 872 of the *Local Government Act*.
- .2 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
- a) An Assessment Report must be submitted to the Regional District in respect of the proposed development by a QEP under contract to the development applicant, including:
 - i) certification that the professional is qualified to undertake the assessment and has used the appropriate assessment methods, all in accordance with the Provincial RAR;
 - ii) description and map of all pertinent aspects of the proposed development;
 - iii) confirmation of the boundaries of the RAA, and within that, the determined width of the Streamside Protection and Enhancement Area (SPEA);
 - iv) description of the natural features, functions and conditions in the riparian area that support fish life processes;
 - v) recommended measures necessary for conserving, restoring or enhancing the integrity of the riparian area; and
 - vi) professional opinion that either the development as proposed would not result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat, or that no HADD would result if the recommended measures in the assessment report were implemented.
 - b) The Regional District may incorporate the SPEA determined by the QEP assessment report and any measures identified in the QEP assessment report necessary to protect the integrity of that area from the effect of the development as terms and conditions of the development permit.

17.3.5 Security and Environmental Monitors

Development Permits may include requirements for environmental monitoring where riparian areas must be protected, re mediation must be completed or where construction requires environmental controls. Environmental monitoring reports, when required, must be prepared by the QEP.

The Regional District Board may require security in accordance with Section 925 of the *Local Government Act* and any applicable Regional District Policies to correct a situation where:

- .1 a condition in a permit respecting landscaping has not been satisfied;
- .2 an unsafe condition has resulted as a consequence of contravention of a condition of a permit; or
- .3 damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Security shall be based on the estimated cost of any environmental controls, remediation works, landscape or other planting and monitoring as determined by a QEP and accepted by the Regional District.

17.3.6 Exemptions

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

- .1 The construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected;
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the Riparian Areas Regulation on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices

for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or ISA certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.

- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted; and

17.3.7 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.

17.3.8 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report, and the Regional District may require security and environmental monitoring under Section 17.3.5:

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

the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope;

- .4 where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

Electoral Area 'C'

3. The "Electoral Area 'C' Official Community Plan Bylaw No. 2452, 2008" is amended by:

- (i) Adding a new Section 1.4 to read as follows:

1.4 Development Approval Information

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) Amending Section 16.0 to read as follows:

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16.1 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.

16.2 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.

16.3 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 920.2 of the *Local Government Act* as an area in which temporary use permits may be issued.
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District 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;
 - 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 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.

(iii) Deleting Section 17.3.

(iv) Adding a new Section 17.3 to read as follows:

17.3 Watercourse Development Permit (WDP) Area

17.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

17.3.2 Watercourse Development Permit Area

The lands shown as WDP Area on Schedule "C" are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

17.3.3 Justification

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

17.3.4 Guidelines

.1 Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- a) removal, alteration, disruption or destruction of vegetation;
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 - j) subdivision as defined in Section 872 of the *Local Government Act*.
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 - i) certification that the professional is qualified to undertake the assessment and has used the appropriate assessment methods, all in accordance with the Provincial RAR;
 - ii) description and map of all pertinent aspects of the proposed development;
 - iii) confirmation of the boundaries of the RAA, and within that, the determined width of the Streamside Protection and Enhancement Area (SPEA);
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17.3.5 Security and Environmental Monitors

Development Permits may include requirements for environmental monitoring where riparian areas must be protected, re mediation must be completed or where construction requires environmental controls. Environmental monitoring reports, when required, must be prepared by the QEP.

The Regional District Board may require security in accordance with Section 925 of the *Local Government Act* and any applicable Regional District Policies to correct a situation where:

- .1 a condition in a permit respecting landscaping has not been satisfied;
- .2 an unsafe condition has resulted as a consequence of contravention of a condition of a permit; or
- .3 damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Security shall be based on the estimated cost of any environmental controls, remediation works, landscape or other planting and monitoring as determined by a QEP and accepted by the Regional District.

17.3.6 Exemptions

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

- .1 The construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected;
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the Riparian Areas Regulation on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
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for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or ISA certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.

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- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted; and

17.3.7 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.

17.3.8 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report, and the Regional District may require security and environmental monitoring under Section 17.3.5:

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

- plan the proposed lot configuration and the location of the building envelope;
- .4 where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
 - .5 where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
 - .6 where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

Electoral Area 'D-1'

4. The "Electoral Area 'D-1' Official Community Plan Bylaw No. 2456, 2008" is amended by:
 - (i) Adding a new [Schedule 'C'](#) (Watercourse Development Permit Area) under the List of Schedules, Maps and Figures.
 - (ii) Deleting reference to Map No. 18 (Watercourse Development Permit Area) under the List of Schedules, Maps and Figures.
 - (iii) Deleting reference to Figure 2 (Riparian Assessment Area) under the List of Schedules, Maps and Figures.
 - (iv) Amending the "Note" under the List of Schedules, Maps and Figures to read as follows:

Note: Schedules 'B' and 'C' can be viewed either on the RDOS website at www.rdos.bc.ca, or by request in hard copy at the RDOS office.
 - (v) Amending the ninth paragraph on page 1 of the bylaw to read as follows:

The Kaleden-Apex Southwest Sector Official Community Plan attached hereto as Schedules 'A', 'B' and 'C' and forming part of this bylaw is adopted as the Regional District Okanagan-Similkameen, Kaleden-Apex Southwest Sector Official Community Plan.

(vi) Amending Section 2.0 to read as follows:

2.0 WHAT IS AN OFFICIAL COMMUNITY PLAN?

2.1 Background

An Official Community Plan (OCP) is the vision the community has for its future. It contains goals and policies that will shape future land use in a way that reflects the community vision. These goals and policies form a framework used by the Regional Board, Regional District staff, other agencies and the community to guide their decisions about future land use. The communities found within the Kaleden-Apex Southwest Sector will change and grow based upon the contents of the OCP.

While the Kaleden-Apex Southwest Sector Official Community Plan (OCP) does not commit or authorize the Regional District Board to proceed with a project specified in the plan, any subsequent bylaws passed by the Regional District must be consistent with the plan, or move towards compliance with the plan.

The Kaleden-Apex Southwest Sector OCP planning process has provided guidance and direction to the Regional District Board on identified issues. This plan will become a broad policy document providing specific direction to development proposals in the Kaleden-Apex Southwest Sector plan area. The *Zoning Bylaw* is the regulating document which implements the broad policies in the OCP through specific land use regulations and development controls.

(vii) Adding a new Section 2.2 to read as follows:

2.2 Development Approval Information

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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.
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- .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.
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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.

18.2 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.

18.3 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 920.2 of the *Local Government Act* as an area in which temporary use permits may be issued.
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District 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;
 - c) impact of the proposed use on the natural environment, including groundwater, wildlife, and all environmentally sensitive areas;
 - d) intensity of the proposed use;
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- .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 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.

(ix) Deleting Map No. 18 (Watercourse Development Permit Area).

(x) Deleting Section 19.3.

(xi) Adding a new Section 19.3 to read as follows:

19.3 Watercourse Development Permit (WDP) Area

19.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

19.3.2 Watercourse Development Permit Area

The lands shown as WDP Area on Schedule "C" are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

19.3.3 Justification

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

19.3.4 Guidelines

.1 Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-impervious surfaces;
- e) flood protection works;
- f) construction of roads, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;

- h) development of drainage systems;
 - i) development of utility corridors;
 - j) subdivision as defined in Section 872 of the *Local Government Act*.
- .2 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
- a) An Assessment Report must be submitted to the Regional District in respect of the proposed development by a QEP under contract to the development applicant, including:
 - i) certification that the professional is qualified to undertake the assessment and has used the appropriate assessment methods, all in accordance with the Provincial RAR;
 - ii) description and map of all pertinent aspects of the proposed development;
 - iii) confirmation of the boundaries of the RAA, and within that, the determined width of the Streamside Protection and Enhancement Area (SPEA);
 - iv) description of the natural features, functions and conditions in the riparian area that support fish life processes;
 - v) recommended measures necessary for conserving, restoring or enhancing the integrity of the riparian area; and
 - vi) professional opinion that either the development as proposed would not result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat, or that no HADD would result if the recommended measures in the assessment report were implemented.
 - b) The Regional District may incorporate the SPEA determined by the QEP assessment report and any measures identified in the QEP assessment report necessary to protect the integrity of that area from the effect of the development as terms and conditions of the development permit.

19.3.5 Security and Environmental Monitors

Development Permits may include requirements for environmental monitoring where riparian areas must be protected, re mediation must be completed or where construction requires environmental controls. Environmental monitoring reports, when required, must be prepared by the QEP.

The Regional District Board may require security in accordance with Section 925 of the *Local Government Act* and any applicable Regional District Policies to correct a situation where:

- .1 a condition in a permit respecting landscaping has not been satisfied;
- .2 an unsafe condition has resulted as a consequence of contravention of a condition of a permit; or
- .3 damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Security shall be based on the estimated cost of any environmental controls, remediation works, landscape or other planting and monitoring as determined by a QEP and accepted by the Regional District.

19.3.6 Exemptions

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

- .1 The construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected;
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the Riparian Areas Regulation on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices

for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or ISA certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.

- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted; and

19.3.7 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.

19.3.8 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report, and the Regional District may require security and environmental monitoring under Section 19.3.5:

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

the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope;

- .4 where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

(xii) Deleting Figure 2 (Riparian Assessment Area).

(xiii) Adding Schedule 'C' (Watercourse Development Permit Areas).

Electoral Area 'E'

5. The "Electoral Area 'E' Official Community Plan Bylaw No. 2458, 2008" is amended by:
 - (i) Deleting reference to Figure 3 (Riparian Assessment Area) under the List of Schedules, Maps and Figures.
 - (ii) Amending Section 2.0 to read as follows:

2.0 WHAT IS AN OFFICIAL COMMUNITY PLAN?

2.1 Background

An Official Community Plan (OCP) is the vision the community has for its future. It contains goals and policies that will shape future land use in a way that reflects the community vision. These goals and policies form a framework used by the Regional Board, Regional District staff, other agencies and the community to guide their decisions about future land use. The community of Naramata will change and grow based upon the contents of the OCP.

The OCP was developed in close consultation with the community of Naramata. Citizens were instrumental in all aspects of the Plan from

articulating broad visions such as protecting the rural character and the townsite to confirming and strengthening policies such as affordable and community care housing and protection of the natural environment. It was important to include all aspects of the community including the general public, the business community, and the development community for specific issues such as the environment and agriculture.

The ideas are stated in the form of objectives and policies. There are also several maps that form part of the OCP. The maps show information such as the land use designations, road and trail networks, and future land uses.

Another important component of the OCP is the objectives and guidelines for development permits. There may be certain values that the community has for issues such as the character and landscaping of the Naramata townsite, and for Environmentally Sensitive Areas (ESAs). Each site is unique and the design response to these community values will vary from site to site. Development permits allow a development to provide a site-specific design based on guidelines that reflect the community values

(iii) Adding a new Section 1.4 to read as follows:

1.4 Development Approval Information

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

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

- .1 The impact of the proposed development with surrounding land uses.
- .2 The consideration of public facilities such as schools, park land, public spaces, and/or amenities.
- .3 The impact of the proposed development on groundwater quantity and quality, surface water generated by the proposed development, and the options for collection, storage, and dispersal of such drainage.
- .4 The impact of the proposed development on the natural environment such as adjacent aquatic areas, vegetation, soils and

erosion, geotechnical characteristics, topographical features, ecosystems and biological diversity, fish and wildlife, fish and wildlife habitat, environmentally sensitive features, and rare or endangered plant or animal species.

- .5 The ability of the proposed development to provide on-site water and septic disposal or to connect to community services, if available.
- .6 The impact of the proposed development on public infrastructure and community services such as water supply, sewage disposal, fire protection systems, and recycling.
- .7 The aesthetic values of the proposed development such as visual character, integration with public areas and the natural environment, lighting, noise, and odour.
- .8 The impact of proposed development on traffic volumes and roads.
- .9 How the proposed development provides buffers for adjoining farming and rural areas to ensure no negative impact is caused by the proposal.
- .10 The archaeological impact of a proposed development in areas identified to have high archaeological potential.

(iv) Amending Section 19.0 to read as follows:

19.0 TEMPORARY USE PERMITS

19.1 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.

19.2 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.

19.3 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 920.2 of the *Local Government Act* as an area in which temporary use permits may be issued.
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District 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;
 - 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 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.

(v) Deleting Section 20.3.

(vi) Adding a new Section 20.3 to read as follows:

20.3 Watercourse Development Permit (WDP) Area

20.3.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

20.3.2 Watercourse Development Permit Area

The lands shown as WDP Area on Schedule "D" are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

20.3.3 Justification

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

20.3.4 Guidelines

- .1 Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:
 - a) removal, alteration, disruption or destruction of vegetation;
 - b) disturbance of soils;
 - c) construction or erection of buildings and structures;
 - d) creation of non-structural impervious or semi-impervious surfaces;
 - e) flood protection works;
 - f) construction of roads, trails, docks, wharves and bridges;
 - g) provision and maintenance of sewer and water services;
 - h) development of drainage systems;
 - i) development of utility corridors;
 - j) subdivision as defined in Section 872 of the *Local Government Act*.

- .2 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
- a) An Assessment Report must be submitted to the Regional District in respect of the proposed development by a QEP under contract to the development applicant, including:
 - i) certification that the professional is qualified to undertake the assessment and has used the appropriate assessment methods, all in accordance with the Provincial RAR;
 - ii) description and map of all pertinent aspects of the proposed development;
 - iii) confirmation of the boundaries of the RAA, and within that, the determined width of the Streamside Protection and Enhancement Area (SPEA);
 - iv) description of the natural features, functions and conditions in the riparian area that support fish life processes;
 - v) recommended measures necessary for conserving, restoring or enhancing the integrity of the riparian area; and
 - vi) professional opinion that either the development as proposed would not result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat, or that no HADD would result if the recommended measures in the assessment report were implemented.
 - b) The Regional District may incorporate the SPEA determined by the QEP assessment report and any measures identified in the QEP assessment report necessary to protect the integrity of that area from the effect of the development as terms and conditions of the development permit.

20.3.5 Security and Environmental Monitors

Development Permits may include requirements for environmental monitoring where riparian areas must be protected, re mediation must be completed or where construction requires environmental controls. Environmental monitoring reports, when required, must be prepared by the QEP.

The Regional District Board may require security in accordance with Section 925 of the *Local Government Act* and any applicable Regional District Policies to correct a situation where:

- .1 a condition in a permit respecting landscaping has not been satisfied;
- .2 an unsafe condition has resulted as a consequence of contravention of a condition of a permit; or
- .3 damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Security shall be based on the estimated cost of any environmental controls, remediation works, landscape or other planting and monitoring as determined by a QEP and accepted by the Regional District.

20.3.6 Exemptions

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

- .1 The construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected;
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the Riparian Areas Regulation on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.
- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or ISA certified Arborist with the provision of environmental monitoring to

ensure the tree removal is carried out in accordance with the report recommendations.

- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted; and

20.3.7 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.

20.3.8 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report, and the Regional District may require security and environmental monitoring under Section 20.3.5:

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

- .4 where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

(vii) Deleting Figure 3 (Riparian Assessment Area).

Electoral Area 'F'

6. The "Electoral Area 'F' Official Community Plan Bylaw No. 2460, 2008" is amended by:
 - (i) Deleting reference to Figure 1 (Riparian Assessment Area) under the List of Schedules, Maps and Figures.
 - (ii) Adding a new Section 1.4 to read as follows:

1.4 Development Approval Information

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.

(iii) Deleting Section 5.2.6.

(iv) Deleting Section 6.2.9.

(v) Deleting Section 9.2.5.

(vi) Deleting Section 10.2.2.

(vii) Amending Section 15.0 to read as follows:

15.0 TEMPORARY USE PERMITS

15.1 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.

15.2 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.

15.3 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 920.2 of the *Local Government Act* as an area in which temporary use permits may be issued.
- .2 The holding of a public information meeting may occur prior to the issuance of a Temporary Use Permit.
- .3 Any proposed access to public roads must be reviewed and approved by the Ministry of Transportation and Infrastructure.
- .4 In evaluating a Temporary Use Permit application submitted to the Regional District 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;
 - 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 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.

(viii) Deleting Section 16.2.

(ix) Adding a new Section 16.2 to read as follows:

16.2 Watercourse Development Permit (WDP) Area

16.2.1 Category

The Watercourse Development Permit (WDP) Area is designated pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

16.3.2 Watercourse Development Permit Area

The lands shown as WDP Area on Schedule "G" are designated as a "Watercourse Development Permit Area".

The definitions used in the *Local Government Act* and Provincial Riparian Areas Regulation (RAR) shall apply.

16.3.3 Justification

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

16.3.4 Guidelines

.1 Where not exempt, development requiring a Development Permit includes any of the following associated with or resulting from residential, commercial or industrial activities or ancillary activities to the extent that they are subject to local government powers under Part 26 of the *Local Government Act*:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;

- d) creation of non-structural impervious or semi-impervious surfaces;
 - e) flood protection works;
 - f) construction of roads, trails, docks, wharves and bridges;
 - g) provision and maintenance of sewer and water services;
 - h) development of drainage systems;
 - i) development of utility corridors;
 - j) subdivision as defined in Section 872 of the *Local Government Act*.
- .2 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
- a) An Assessment Report must be submitted to the Regional District in respect of the proposed development by a QEP under contract to the development applicant, including:
 - i) certification that the professional is qualified to undertake the assessment and has used the appropriate assessment methods, all in accordance with the Provincial RAR;
 - ii) description and map of all pertinent aspects of the proposed development;
 - iii) confirmation of the boundaries of the RAA, and within that, the determined width of the Streamside Protection and Enhancement Area (SPEA);
 - iv) description of the natural features, functions and conditions in the riparian area that support fish life processes;
 - v) recommended measures necessary for conserving, restoring or enhancing the integrity of the riparian area; and
 - vi) professional opinion that either the development as proposed would not result in the Harmful Alteration, Disruption or Destruction (HADD) of fish habitat, or that no HADD would result if the recommended measures in the assessment report were implemented.
 - b) The Regional District may incorporate the SPEA determined by the QEP assessment report and any measures identified in the QEP assessment report necessary to protect the integrity of that area from the effect of the development as terms and conditions of the development permit.

16.3.5 Security and Environmental Monitors

Development Permits may include requirements for environmental monitoring where riparian areas must be protected, re mediation must be completed or where construction requires environmental controls. Environmental monitoring reports, when required, must be prepared by the QEP.

The Regional District Board may require security in accordance with Section 925 of the *Local Government Act* and any applicable Regional District Policies to correct a situation where:

- .1 a condition in a permit respecting landscaping has not been satisfied;
- .2 an unsafe condition has resulted as a consequence of contravention of a condition of a permit; or
- .3 damage to the natural environment has resulted as a consequence of a contravention of a condition in a permit.

Security shall be based on the estimated cost of any environmental controls, remediation works, landscape or other planting and monitoring as determined by a QEP and accepted by the Regional District.

16.3.6 Exemptions

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

- .1 The construction, repair, maintenance or alteration of any public structure, facility or land, including park land, open space, roads or trails;
- .2 The construction, repair, maintenance or alteration of public utility works, including sanitary sewer, storm sewer, water, natural gas, cable, hydro-electric or telecommunications works;
- .3 An area where the applicant can demonstrate that the conditions of the WDP Area have already been satisfied, or a development permit for the same area has already been issued in the past and the conditions in the development permit have all been met, or the conditions addressed in the previous development permit will not be affected;
- .4 A letter is provided by a QEP confirming that there is no watercourse or riparian area as defined by the Riparian Areas Regulation on the parcel of land.
- .5 The activity is limited to the environmentally sensitive removal of trees and shrubs designated as hazardous by a professional forester or professional biologist registered in British Columbia and certified by the Wildfire Danger Tree Committee for Danger Tree Assessment in Urban and Recreational Areas, in accordance with Provincial "Firesmart" standards or those trees

and shrubs designated as host trees by the Sterile Insect Release Program as recommended in a report submitted to the Regional District.

- .6 Environmentally sensitive removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) as indicated in a report by a QEP or ISA certified Arborist with the provision of environmental monitoring to ensure the tree removal is carried out in accordance with the report recommendations.
- .7 Development Permit provisions do not apply to activities such as gardening and yard maintenance activities within an existing landscaped area, such as mowed lawns, minor pruning of trees and shrubs, planting vegetation and minor soil disturbance that does not alter the general contours of the land.
- .8 Development and land alteration proposals for which an authorization by DFO for HADD has been granted; and

16.3.7 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.

16.3.8 Expedited Development Permit

In the following cases the Regional District may issue a development permit without the provision of an Assessment Report, and the Regional District may require security and environmental monitoring under Section 16.3.5:

- .1 where the development applicant provides a sketch or plan prepared by a B.C. Land Surveyor or QEP indicating to the Regional District's satisfaction that no physical alteration of land is proposed within the Watercourse Development Permit Area or within any RAA within the Watercourse Development Permit Area, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted;
- .2 where the applicant proposes to reconstruct, repair, alter or add to an existing permanent building or other structure without increasing the footprint of the building or structure within any RAA or within a SPEA identified in a riparian area assessment previously provided to the Regional District, in which case the development permit must indicate by means of a sketch or plan the location and extent of the footprint;

- .3 where the applicant proposes a subdivision of land that adjusts an interior lot line and each proposed lot provides, outside any RAA, a building envelope of sufficient area to permit the construction of a building of reasonable floor area complying with all building siting regulations applicable to the lot, in which case the development permit must indicate by means of a sketch or plan the proposed lot configuration and the location of the building envelope;
- .4 where the applicant proposes a subdivision of land in which each proposed lot complies with the applicable minimum parcel area and width regulations exclusive of any area within the Watercourse Development Permit Area and no land alteration is proposed within that area, in which case the development permit must indicate by means of a sketch or plan the proposed subdivision layout and the area of the land to which physical alterations are restricted;
- .5 where the applicant proposes a subdivision of land in respect of which no land alteration is proposed within any RAA, in which case the development permit must indicate by means of a sketch or plan the area of the land to which physical alterations are restricted; and
- .6 where the applicant proposes to restore the natural environment based upon a planting plan completed by a QEP and submitted to the RDOS for approval.

(x) Deleting Figure 1 (Riparian Assessment Area).

READ A FIRST TIME this 5th day of July, 2012.

READ A SECOND TIME this 5th day of July, 2012.

PUBLIC HEARING HELD this 2nd day of August, 2012.

READ A THIRD TIME AS AMENDED, this 6th day of September, 2012.

APPROVED by the Minister of Community, Sport and Cultural Development this 24th day of December, 2012.

ADOPTED this 24th day of January, 2013.

Board Chair

Chief Administrative Officer