

TO: Electoral Area Services Committee

FROM: J. Zaffino, Chief Administrative Officer

DATE: October 8, 2026

RE: Electoral Area OCP & Zoning Bylaw Amendments – Bald Range Wildfire Impacts (X2026.009-ZONE)

Administrative Recommendation:

THAT amendments to the Electoral Area Official Community Plan (OCP) Bylaws to exempt site remediation activities in a Watercourse Development Permit (WDP) Area where a primary or accessory structures, or vegetation, were damaged or destroyed by the wildfire be initiated;

AND THAT amendments to the Okanagan Valley Zoning Bylaw to allow for a limited form of accessory structure to be constructed on parcels affected by the Bald Range Wildfire Area be initiated.

Alternatives:

1. Status quo.
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Purpose:

The purpose of this report is to present options and seek direction from the Board regarding possible amendments to the Watercourse Development Permit (WDP) Area designation and zoning regulations for accessory buildings and structures that apply to properties within the area affected by the wildfire.

Strategic Priorities: 5.2 Optimize Development Approval Function

Statutory Authority:

Under Section 473 (Content and process requirements) of the *Local Government Act*, an Official Community Plan (OCP) is required to “include statements and map designations for ... restrictions on the use of land that is ... environmentally sensitive to development.”

Under Section 479 (Zoning bylaws) a local government may, by bylaw, regulate, amongst other things, the use of land, buildings and other structures as well as the density of the use of land, buildings and other structures.

Under Section 488 (Designation of development permit areas) an OCP *may* designate a development permit area for the purpose of protecting “the natural environment, its ecosystems and biological diversity.”

Under Section 2 (Application to local governments) of the *Riparian Area Protection Regulation*, the Regional District of Okanagan-Similkameen is a named local government that must have in force

zoning or land use bylaws that ensure that development in a riparian area is subject to a permitting process.

Background:

The Regional District has historically satisfied the legislative requirements of the *Local Government Act*, as it relates to restrictions on the development of lands in riparian areas, by adopting OCP map schedules that indicate riparian areas in each electoral area where an OCP has been enacted along with policy statements, such as the following:

Supports efforts that maintain appropriate riparian buffers, determined by qualified professionals that take into account processes of natural erosion, deposition and movement of natural stream boundaries, floodplain provisions and sensitive terrestrial habitats.

The Regional District has further enacted development permit area designations under Section 488 of the Act in most electoral area OCP bylaws in order to protect “the natural environment, its ecosystems and biological diversity” on privately held parcels that possess riparian values.

The mapping used to establish these Watercourse Development Permit (WDP) Area designations was provided to the Regional District by the provincial government in 2005-06 as part of the enactment of the *Riparian Areas Protection Act*.

Zoning Bylaw Regulations:

The regulation prohibiting the development of an accessory building or structure on a vacant parcel (e.g. a parcel in which a principal use has not been established) is long-standing and is also found in every member municipality zoning bylaw.

The intent of the regulation is to ensure a principal use is established on a parcel before an accessory structure may be sited on a parcel, since accessory buildings are by definition subordinate and incidental to that principal use.

The provision also ensures that accessory structures are not being used to circumvent zoning (e.g. in residential zones, buildings are not constructed prior to the establishment of a dwelling and used for purposes unrelated to residential uses, such as storage or manufacturing).

Bald Range Wildfire (2026):

On August 7, 2026, a wildfire sparked approximately 15 kilometres west of the District of Summerland and near the unincorporated community of Faulder.

As of September 25, 2026, the size of the fire was mapped at approximately 25,000 ha and primarily affected the communities of Faulder and Meadow Valley with 110 structures either damaged or destroyed.

Within the area affected by the wildfire, the Regional District has designated approximately 124 parcels as ESDP Areas due to identified environmental values. These designations represent approximately 1,170 ha of land, with the majority located in Faulder and its immediate vicinity.

Board Consideration:

At its meeting of September 24, 2026, the Electoral Area Services Committee (EASC) of the Board resolved to initiate amendments to the Electoral Area “F” OCP Bylaw in order to remove the

Environmentally Sensitive Development Permit (ESDP) Area designation from all parcels within the area of the Bald Range Wildfire.

Analysis:

Administration is aware of the Board's desire to reduce bureaucratic delays and financial burdens for residents displaced by the Bald Range Wildfire, especially where structures have been damaged or destroyed and reconstruction (including site clearing activities) is required.

The following are proposed amendment to the Electoral Area land use bylaws that could further reduce bureaucratic delays and financial burdens affected property owners:

Watercourse Development Permit (WDP) Area Guidelines

Due to the requirements of the *Riparian Area Protection Regulation*, the options available to the Board in relation to the Watercourse Development Permit (WDP) Area designation are seen to be limited.

Either, the status quo is maintained and a property owner is required to obtain a development permit from the Regional District, or an exemption is introduced in relation to the type of site remediation activities that are typically required to occur following a wildfire event.

The form of this exemption could be stated as follows; a WDP is not required for:

- 1) *the following activities, but only if carried out within 24 months of a declared wildfire event on a parcel where primary or accessory structures, or vegetation, were damaged or destroyed by the wildfire:*
 - a) *the removal, containment, and disposal of burnt building materials, ash, and hazardous waste resulting from the wildfire;*
 - b) *the removal of burnt, unstable, or hazard trees certified by a person who hold a Wildlife Danger Tree Assessor Certificate as presenting an imminent risk to human safety, remaining structures, or public infrastructure; and*
 - c) *the placement of temporary surface erosion control measures to prevent sediment run-off into the watercourse.*

Administration notes that the province is introducing new provisions to the *Riparian Area Protection Regulation*, effective January 1, 2027, to address wildfire occurrences.

Specifically, the province is enacting a new category of "Low Risk Development" that appears premised, in part, on the Regional District's own Rapid Environmental Assessment (REA) model wherein an "expedited" type of approval may be issued in wildfire affected areas.

More specifically, if development comprises the following (subject to specified conditions), a less onerous approval process will be available:

The reconstruction of a primary residence, not including any structures ancillary to but detached from the residence, after a house fire or wildfire ...

NOTE: the provincial "Low Risk Development" option will still require the completion of an assessment by a qualified environmental professional (QEP), review by provincial staff and approval

by the Minister and is silent on the type of site remediation work required prior to re-development, and that is being contemplated by the draft WDP exemption outline above.

A further note, on September 21, 2026, the province announced that it would be “an interim approach [emphasis added] ... [in which] wildfire cleanup activities undertaken to address contamination and public safety risks, including debris removal, contaminated soil remediation, and danger tree removal, may proceed within riparian areas without a RAPR assessment ...”

Zoning Regulations – Accessory Buildings on Vacant Parcels

Administration is aware, following other wildfire events experienced around the province that one of the challenges during rebuild is the restriction on accessory structures being constructed on parcels where the principal building (e.g. home) has been destroyed.

While the zoning bylaw provides an allowance for metal storage containers to be placed on a property during construction when a valid building permit has been issued, and this may be sufficient in some situations, it is also recognized that a container may not be suitable in all circumstances (as they are generally 14 m² to 28 m² in area).

In response, it is being proposed the following temporary exemption be enacted in the Zoning Bylaw, so that an “accessory building or structure” can be placed on a parcel where:

- a) *the parcel is within the Bald Range Wildfire Area shown on Schedule '2' (Zoning Map) to this bylaw, and:*
 - i) *a lawfully established principal building on the parcel was destroyed by wildfire before September 1, 2026;*
 - ii) *the accessory building or structure does not exceed 100.0 m² in floor area and there is only one accessory building or structure on the parcel; and,*
 - iii) *the accessory building or structure is authorized by a valid building permit issued before September 1, 2028.*

The alternative is a status quo in which a building permit for an accessory could only be issued in conjunction with a permit for a principal use (e.g. home) or after a principle use has been established on a property.

Summary:

Administration favours the recommended amendments to the WDP Area Designation Guidelines as well as the zoning regulations for accessory buildings and structures.

With regard to the OCP amendments to the WDP Area Designation Guidelines, Administration further supports these being applied broadly across all of the Electoral Areas.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

Any proposed bylaw amendments to the Electoral Area OCP and Zoning bylaws will be notified in accordance with the requirements of the *Local Government Act* as well as the Regional District's Development Procedures Bylaw No. 2500, 2011.

Will a PowerPoint presentation be presented at the meeting? Yes

Respectfully submitted:



C. Garrish, Senior Manager of Planning

Endorsed By:

Allen Fillion

A. Fillion, Managing Director, Dev. & Infrastructure