

DISTRICT OF LAKE COUNTRY

BYLAW 1225

TO EXPAND EXEMPTIONS AND FACILITATE ADMINISTRATION FOR DEVELOPMENT PERMITS

The Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. Schedule A to Official Community Plan (2018-2038) Bylaw 1065, 2018 is hereby amended as follows:

1.1. Section 1 - Introduction, is amended as follows:

- (a) In Section 1.7 Definitions, delete all subsection numbering from 1.7.1 to 1.7.54 and ordering the defined words in alphabetical order. Delete the definition Section 1.7.25 Footprint, in its entirety.
- (b) Delete the definition of Footprint and replace with the following, in alphabetical order”
~~(b)~~ Add Section 1.7.10 (a) as follows:
“1.7.10 (a) Building Footprint means the surface area of a lot occupied by a building or structure.”
- (c) Add the following definition, in alphabetical order ~~as item 1.7.21(a):~~
“1.7.21(a) Farm Use has the same definition as the Agricultural Land Commission Act.”
- (d) Delete and replace the definition of “Alteration of Land” with the following:
“Alteration of Land (Land Alteration) includes, but is not limited to soil removal, deposit or relocation, alteration, disruption or destruction of vegetation or trees, construction or alteration of retaining walls, construction or alteration of patios. For clarity, land alteration does not include planting, landscaping, fire smarting or maintaining existing drainage systems, retaining walls, irrigation or buildings so long as no alteration of the land occurs.”

1.2. Section 3 - Environment and Sustainability is amended as follows:

- (a) In Section 3.1 Environment and Sustainability – Goals, Objectives and Policies, Add the following to Section 3.1.12 in alphabetical order:
“3.1.12 (j) Developments and subdivisions should use low maintenance vegetation that requires minimal irrigation and mimics the natural environment and incorporate opportunities for local food production and public food gardens.”
- (b) Add the following to Section 3.1.14 Environment and Sustainability – Goals, Objectives and Policies in alphabetical order:
“3.1.14 (h) Subdivisions should maximize density and site connectivity to amenities and services.
- (c) Delete Section 3.11 Hillside Development Protection in its entirety.
- (d) In Section 3.12 Hazardous Slopes, delete the text “Hillside” from the final paragraph.
- (e) In Section 3.13 Wildfire Hazards, Delete Section 3.13.1 and 3.13.2 in their entirety.

- (f) In Section 3.19 Water Conservation Objective, Delete and replace Section 3.19.2., b with the following:

“b. Encourage landscaping that uses drought-tolerant species or follows xeriscaping principles.”

- (g) Add the following to Section 3.20.2 in alphabetical order:

“3.20.2 (d) Building construction should be well sealed and energy efficient and building design and orientation should minimize solar gain in the summer months, maximize solar gain in the winter months and allow for use of solar panels.~~Building construction and orientation should minimize heat absorption, be well sealed and energy efficient.~~”

1.3. Section 21 - Development Permit Areas, is amended as follows:

- (a) Delete the text “Guidelines” from the Heading of each the following Sections: 21.4, 21.5, 21.6, 21.7, 21.8, 21.9, 21.11, and 21.12.
- (b) Delete each of the following Sections, entitled “Required Estimates and Securities”, in their entirety: 21.4.23, 21.5.39, 21.6.77, 21.7.40, 21.8.28, 21.9.54, 21.11.34, 21.12.23.
- (c) Delete the text within ~~In~~ Section 21.1 - Introduction, delete the 4th paragraph in its entirety and ~~and~~ replace it with the following:

The Local Government Act establishes the designation of Development Permit Areas (DPA) for one or more specified purposes.

Pursuant to Section 485.1 of the Local Government Act, all Development Permit Areas are designated as Development Approval Information Areas. The Director or designate may require development approval information.

Unless an exemption applies, the owner or applicant of land in a development permit area must obtain a development permit before certain activities can take place, such as subdividing land, construction of, addition or alteration of a building or structure, or alteration of land.

The Official Community Plan describes conditions or objectives for development permit areas. Development in an established DP Area must meet the conditions and objectives. Guidelines are established to determine how the conditions or objectives will be met. Guidelines are recommendations evaluated on a site-specific basis and not all guidelines may be applicable to all lands due to varying contexts.

~~“This Official Community Plan has designated development approval information areas and circumstances in accordance with provincial legislation; all development permit areas are designated as development approval information areas.”~~

- (d) Delete Section 21.2 Development Permit Requirements, and delete 21.2.1, in its entirety and replace it with the following:

“21.2 Development Permit Requirements

- (a) In accordance with Section 491 (4) and (5) of the LGA, applicants may be required to provide additional reports before a permit can be approved.
- (b) Reports required by the District must be provided at the applicant's expense and be certified by a professional with experience relevant to the applicable matter.
- (c) A security deposit may be required to ensure works have been completed as shown on the submitted drawings.
- (d) Reports from various consultants and professionals should be aligned.
- (e) All Development Permit objectives should strive to reduce greenhouse gas emissions and the consumption of water and energy resources.

~~(a) DP applications require additional documents to be submitted before they can be approved and issued. A security deposit may be required to ensure works have been completed as shown on the submitted drawings. Reports from various consultants and professionals should be aligned; for example, where a building location has changed through the process, the revised location should be corrected on all applicable documents; or where a Registered Professional Forester report indicates specific trees are to be removed and the Registered Professional Biologist report says the same trees need to be retained, the applicant and the professionals are responsible for resolving the conflicting information.~~

~~(b) All objectives within this Section should strive to reduce greenhouse gas emissions and the consumption of water and energy resources by considering building and structure orientation, the use of appropriate building technologies and materials and through using landscaping that mimics the natural environment."~~

- (e) Delete Section 21.3 - Development Permit Exemptions, in its entirety and replace it with the following:

"21.3 EXEMPTIONS

A Development Permit will not be required if the development consists of the following. Additional exemptions may be identified in specific DPA sections.

21.3.1 Subdivision of land within a development permit area is exempt from applying for and obtaining a development permit except that the Approving Officer shall consider each of the applicable Development Permit Area guidelines when processing an application through the subdivision approval process.

~~The following subdivision activities are exempt from obtaining a DP:~~

- ~~a. Boundary adjustments between two lots when no new parcels are created.~~
- ~~b. Boundary adjustments or lot consolidations that do not require new underground services or new roads.~~
- ~~c. Subdivision for a road widening initiated by the District.~~
- ~~d. Air Space Parcel subdivisions.~~
- ~~e. Stratification, or other subdivision, of a building that has an existing DP registered on title.~~

21.3.2 The following land alteration activities are exempt from obtaining a DP:

- a. Maintenance, including pruning, of existing landscaping, planting native trees, shrubs or ground cover except where pesticides or herbicides are used in a Riparian Area.
- b. The hand removal of an invasive species.

- ~~c. The removal of infested, diseased or hazardous trees provided. The District may require an Arborist or Qualified Professional to provide a report, supervise the removal or provide a completion report after the removal.~~
- ~~c. The removal of infested, diseased or hazardous trees provided all of the following conditions are met:
 - ~~i. prior to the removal of trees, a written report prepared by an Arborist or other qualified professional is provided to the District;~~
 - ~~ii. the removal of trees is done in accordance with the professional report and is supervised by the professional who prepared the report;~~
 - ~~iii. staff recommendations in accordance with bylaws or policies are implemented; and~~
 - ~~iv.i. a completion report by the same professional is provided to the District.~~~~
- d. Land alteration, without construction, for the sole purpose of restoring an environmental feature, or removal of invasive species with equipment or machine. The District may require a Qualified Professional to provide a report, supervise the works or provide a completion report after the works
~~Land alteration, without construction, for the sole purpose of restoring an environmental feature, or removal of invasive species with equipment or machine, provided all of the following conditions are met:
 - ~~i. prior to any alteration, a restoration plan from an environmental professional is provided to the District;~~
 - ~~ii. the works are done in accordance with the professional report and is supervised by the professional who prepared the report;~~
 - ~~iii. staff recommendations in accordance with bylaws or policies are implemented; and~~
 - ~~iv. a completion report by the same professional is provided to the District.~~~~
- e. One trail per parcel for the purposes of **accessing** the foreshore of Wood, Kalamalka or Okanagan Lakes, provided all of the following conditions are met:
 - i. The trail is for private pedestrian, non-vehicular use only;
 - ii. No trees are removed;
 - iii. The trail is no more than 1.5m wide;
 - iv. The trail is permeable;
 - v. The trail does not require the construction of retaining walls; and
 - vi. The trail is not circular or excessively longer than the most direct way.
- f. Land alteration exclusively for and within 5 metres of exempt construction.
- g. Land alteration for a Driveway Access where the District has issued an approved Access Permit.
~~Driveways, up to a maximum length of 10 m and maximum width of 4 m that have an approved Access Permit from the District.~~

21.3.3

- The following construction activities are exempt from obtaining a DP:
- a. Internal alterations of a building or structure, except where the internal alterations result in an increase in the parking or landscaping requirements.
 - b. External alterations of a building or structure that are entirely within the building footprint, excluding buildings and structures within the Town Centre DPA.
 - c. Replacement, reconstruction or repair of a building or structure that was damaged or destroyed by fire, earthquake, flooding, mud flows, torrents of debris, erosion, land slip, rock falls or subsidence provided all of the following conditions are met:
 - i. the construction is largely identical to the original in form and massing;
 - ii. the construction is within the building envelope as per zoning regulations;

- iii. if the property is within the Wildland Fire DP Area, a restrictive covenant under section 219 of the Land Title Act is registered on title. The covenant shall:
 - A. Require the owner to confirm development, ongoing maintenance and use of the property will occur in accordance with BC Fire Smart Guidelines;
 - B. Require indemnity to the benefit of the District;
- iv. if the property is within the Natural Environment DP Area the construction is not within 30 m of a watercourse, otherwise a Natural Environment DP may be required.
- d. Addition or alteration of a building or structure used for farm purposes only and located in an agricultural zone.
- e. Construction of new buildings or structures which do not require a building permit and are not intended for habitation, excluding buildings or structures located within the Town Centre DPA.
- f. Construction of swimming pools, sheds, decks, pergolas, utility buildings and accessory structures, less than 90 sq. m., excluding buildings and structures located within:
 - i. the Town Centre DPA, or
 - ii. 30 m of a watercourse where the watercourse is within the Natural Environment DPA.
- g. Temporary structures limited to construction site offices, storage containers, short-term special event and emergency facilities, excluding buildings or structures located within:
 - i. the Town Centre DPA, or
 - ii. 30 m of a watercourse where the watercourse is within the Natural Environment DPA.
- h. Replacement of a manufactured home within a manufactured home community.
- i. Text or content changes to existing signage.

21.3.4 The following activities are exempt from obtaining a DP:

- a. The construction, repair, or maintenance of works and services on highway rights-of-way by the Province, the District or their authorized agents or contractors.
- b. The construction, repair or maintenance of municipal building, structures, works and services by the District or its authorized agents or contractors.
- c. Activities considered normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* on property in the Agricultural Land Reserve (ALR) or on property where agricultural use is identified as a principle use in the zone.
- d. Emergency procedures to prevent, control or reduce flooding or erosion, mitigate against wildfire or other immediate threats to life and property, including:
 - i. Emergency actions for flood and erosion protection;
 - ii. Clearing obstructions from bridge, culvert, or drainage flow; repairs to bridges and safety fences in accordance with the *Federal Fisheries Act* and *Wildlife Act*;
 - iii. Removal of hazardous trees; or
 - iv. Restoration works under the supervision of a qualified professional.
- e. The construction, repair or maintenance of buildings and structures owned by, or on lands owned by, the Government of Canada, or federally-regulated communications towers under 20 metres in height.

- (f) Delete the content immediately beneath the heading Section 21.4 – Agricultural DP Area, and delete the Section 21.4.1 in its entirety and replace with the following:

CATEGORY

Section 488(1)(c) of the *Local Government Act* allows for the protection of farming.

JUSTIFICATION

This Development Permit Area (DPA) is established to protect local farmlands and reduce land use conflicts by providing buffering or separation of development from farming on adjoining or reasonably adjacent land. A healthy agricultural sector is vital to the District's economic and cultural wellbeing. Uncontrolled development next to agricultural properties can cause conflicts to the detriment of both farm and non-farm uses. The Agricultural Development Permit process guides subdivision and development adjacent to the Agricultural Land Reserve (ALR) to minimize impacts of non-farm use on agriculture. Further conditions and objectives justifying this DPA are identified below."

APPLICABLE AREA

This DPA applies to all areas shown on Map 10 including the area within 50 m from an Agricultural Land Reserve boundary.

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

~~a. The application is for a subdivision only, provided all lots are of sufficient size and configuration to accommodate the Landscape Buffer and other requirements of this DPA at time of development.~~

b.a. The subject property:

- i. Has a naturally-occurring or previously-installed Landscape Buffer that:
 - A. is a minimum of 8 m wide for non-residential or 15 m wide for residential;
 - B. has an existing 1.8 m opaque fence along the property line; or
 - C. is otherwise comparable in achieving the objective of the DP requirements.
- ii. has ongoing maintenance secured by way of a restrictive covenant under section 219 of the Land Title Act or a Development Permit.

e.b. A restrictive covenant under section 219 of the Land Title Act is registered on title. The covenant shall:

- i. Require the property to have a Landscape Buffer that meets the minimum DP Guidelines;
- ii. Require a 1.8 m opaque fence along the property line;
- iii. Require the owner to achieve the DP requirements
- iv. Require ongoing maintenance of the buffer;
- v. Require works to be completed in a time frame specified by the District.

~~vi.~~ Require indemnity to the benefit of the District.

d.c. The proposed development is exclusively agriculture or a protected farm use under the *Farm Practices Protection (Right to Farm) Act*.

e.d. The proposed development does not include dwelling units within 50 m of the ALR boundary.

~~f.e.~~ Construction is only in relation to existing principal buildings or new accessory buildings or structures."

- (g) In Section 21.4, Agricultural DP Area, delete Section 21.4.10 and replace with the following:

"21.4.10 Development should incorporate landscaping to sufficiently transition between agricultural and non-agricultural uses."

- (h) In Section 21.4 Agricultural DP Area, delete Section 21.4.13 and replace with the following:

“21.4.13 The buffer should be installed prior to development of dwelling units.”

- (i) In Section 21.4 Agricultural DP Area, delete Section 21.4.21 in its entirety.

- (j) In Section 21.4 Agricultural DP Area, in the first sentence of Section 21.4.22, delete the word “must” and replace with “may”.

- (k) In Section 21.5 Multiple Unit DP Area, delete the content immediately beneath the heading Section 21.5 and delete the Section 21.5.1 in its entirety and replace with the following:

CATEGORY

Section 488(1)(f) of the Local Government Act allows for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

JUSTIFICATION

This Development Permit Area (DPA) ensures a high aesthetic standard that enhances neighbourhoods and minimizes conflict between uses. Multiple-unit residential development is critical to shaping neighbourhood and community character. Structures are often large and highly visible in the community. Further conditions and objectives justifying this DPA are identified below.”

APPLICABLE AREA

This DPA applies to all areas identified on Map 11, unless exempted.

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

~~a. The application is only for the subdivision of land or lot consolidations.~~

~~b.a.~~ Land alteration or site preparation activities do not involve any buildings or structures.

~~e.b.~~ The proposed development is exclusively non-residential.

~~d.c.~~ The proposed development is exclusively residential with four (4) or less dwelling units.

~~e.d.~~ External additions or alterations to existing buildings meet all the following conditions:

- i. Additions or alterations are valued less than \$200,000 for materials and labour combined;
- ii. Changes are consistent with the general character of the development in terms of colour, material and form;
- iii. Additions are less than 25% of the existing floor area to a maximum of 200 square metres; and
- iv. Changes in the exterior design of a building on any one side involve an area less than 25%.”

- (l) In Section 21.6 Town Centre DP Area, delete the content beneath the heading Section 21.6 and delete the Section 21.6.1 in its entirety and replace with the following:

CATEGORY

Section 488(1)(d) and (f) of the Local Government Act allow for the revitalization of an area in which a commercial use is permitted and for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

JUSTIFICATION

This Development Permit Area (DPA) establishes guidelines for the area identified as Town Centre and Main Street. This DPA ensures consistent high-quality architectural standards, pedestrian friendly, mixed use, attractive and consistent development. Further conditions and objectives justifying this DPA are identified below.”

APPLICABLE AREA

This DPA applies to all areas identified on Map 12, unless exempted.

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

~~a. The application is only for the subdivision of land or lot consolidations.~~

~~b.a.~~ Land alteration or site preparation activities do not involve any buildings or structures.

~~e.b.~~ The proposed development does not include any residential, commercial, institutional or industrial uses.

~~d.c.~~ The proposed development is exclusively residential with four (4) or less dwelling units.

~~e.d.~~ External additions or alterations to existing buildings meet all the following conditions:

- i. Additions or alterations are valued less than \$200,000 for materials and labour combined;
- ii. Changes are consistent with the general character of the development in terms of colour, material and form;
- iii. Additions are less than 25% of the existing floor area to a maximum of 200 square metres; and
- iv. Changes in the exterior design of a building on any one side involve an area less than 25%.”

- (m) In Section 21.7 Commercial DP Areas, delete the content beneath the heading Section 21.7 and delete the Section 21.7.1 in its entirety and replace with the following:

“CATEGORY

Section 488(1)(d) and (f) of the Local Government Act allows the revitalization of an area in which a commercial use is permitted and the establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

JUSTIFICATION

This Development Permit Area (DPA) ensures consistent, high-quality architectural standards. The permit process ensures commercial development occurs in a manner that achieves these goals. With respect to Agri-tourism Accommodations, a healthy agricultural sector is vital to the District’s economic and cultural wellbeing. Commercial accommodation within farming areas allows agriculturalists an opportunity to augment or subsidize on-farm revenue but not replace or compete with farm revenue. Agri-tourism Accommodation helps educate tourists about agricultural activities, increases awareness of local agriculture, supports community agriculture and enhances economic diversity while ensuring continued prosperity of farms. Further conditions and objectives justifying this DPA are identified below.

APPLICABLE AREA

This DPA applies to all areas identified on Map 13, unless exempted.”

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

~~a. The application is only for the subdivision of land or lot consolidations.~~

~~b.a.~~ Land alteration or site preparation activities do not involve any buildings or structures.

~~e.b.~~ The proposed development does not include any commercial.

- ~~d.c.~~ External additions or alterations to existing buildings that meet all the following conditions:
 - i. Additions or alterations are valued less than \$200,000 for materials and labour combined;
 - ii. Changes are consistent with the general character of the development in terms of colour, material and form;
 - iii. Additions are less than 25% of the existing floor area to a maximum of 200 square metres; and
 - iv. Changes in the exterior design of a building on any one side involve an area less than 25%.”
- ~~e.d.~~ The development is agri-tourism accommodations:
 - i. Construction is in relation to existing or new accessory buildings or structures; or
 - ii. Accommodation facilities have, or will have, four (4) or fewer Sleeping Units as defined in the District’s Zoning Bylaw.”

- (n) In Section 21.7 Commercial DP Area, add the following sections immediately following Section 21.7.31:

~~“21.7.32 The use of impervious surfaces should be minimized.~~

21.7.32~~3~~ Agri-tourism accommodations will be sited on lots to minimize impacts with farm uses and ensure compatibility with the surrounding area.

- (o) In Section 21.8 Industrial DP Area, delete the content beneath the heading Section 21.8 and delete the Section 21.8.1 in its entirety and replace with the following:

CATEGORY

Section 488(1)(f) of the Local Government Act allows for the establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

JUSTIFICATION

This Development Permit Area (DPA) ensures consistent, high-quality architectural standards. Further conditions and objectives justifying this DPA are identified below.”

APPLICABLE AREA

This DPA applies to all land within areas shown on Map 14, unless exempted.

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

~~a. The application is only for the subdivision of land or lot consolidations.~~

- b. Land alteration or site preparation activities do not involve any buildings or structures.
- c. The proposed development does not include any industrial use.
- d. External additions or alterations to existing buildings that meet all the following conditions:
 - i. Additions or alterations are valued less than \$200,000 for materials and labour combined;
 - ii. Changes are consistent with the general character of the development in terms of colour, material and form;
 - iii. Additions are less than 25% of the existing floor area to a maximum of 200 square metres; and
 - iv. Changes in the exterior design of a building on any one side involve an area less than 25%.”

- (p) In Section 21.9 Natural Environment DP Area, delete the content beneath the heading Section 21.9 and delete the Section 21.9.1 in its entirety and replace with the following:

“CATEGORY

Section 488(1)(a) of the Local Government Act allows for protection of the natural environment, its ecosystems and biological diversity.

JUSTIFICATION

A District sponsored study in 2006 with mapping updated in 2012, established a Sensitive Ecosystems Inventory which identified areas in the District that had significant environmental value that should be protected, including the preservation of corridors between the areas. Sensitive Habitat Inventory Mapping for the Vernon Creek riparian area was conducted in 2012 to identify fish habitat and associated sensitivities. The Regional Biodiversity Conservation Strategy in 2014 identified significant natural areas in the Okanagan and how they can be protected. A Foreshore Inventory Study and mapping was completed in 2016 to further refine and identify critically sensitive areas located along the Okanagan Lake shoreline. All of these mapping projects have been included within the Natural Environment DPA. This DPA also includes ecological corridors, foreshore areas of Okanagan, Wood and Kalamalka Lakes and riparian areas.

This DPA seeks to protect these environmental features because of their significance as habitat for fish and wildlife, their vital functions in natural water storage and flood protection and their role in reducing climate change impacts. The ecological connectivity corridor is a wildlife corridor that connects Okanagan Mountain Provincial Park to Kalamalka Lake Provincial Park. These parks provide habitat for many species, but the ecological corridor allows species to move between the parks to find food and mates to ensure genetic diversity and the survival of species. The broader Natural Environment DPA area also covers a number of smaller local ecological corridors identified in the Sensitive Ecosystems Inventory that, if conserved or restored, will contribute to maintaining ecosystem connectivity within the District of Lake Country. This DPA mitigates the effect of development on the natural environment to protect environmentally sensitive areas in the community and lesson the negative effects of development on sensitive environmental features.

The Riparian Areas Protection Regulation requires the District to protect riparian areas from the effects of development and the District also wishes to consider the Species at Risk Act, Migratory Birds Convention Act, Water Sustainability Act and Wildlife Act to protect the environment from the effects of development.” All development within 30 metres of a watercourse must abide by the applicable Provincial and Federal legislation.

~~*The Riparian Areas Regulation requires the District to protect riparian areas from the effects of development and the District also wishes to consider the Species at Risk Act, Migratory Birds Convention Act and Wildlife Act to protect the environment from the effects of development.”*~~

APPLICABLE AREA

This DPA applies to all land within areas shown on Map 15, unless exempted.”

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

- a. Land is no longer considered environmentally sensitive due to the loss of environmental features, functions and conditions as a result of a previously approved development.
- ~~b. Land is within the ALR or zoned for agricultural use, activities are considered normal farm practices as per the Farm Practices Protection (Right to Farm) Act and the subject area has been previously altered for agricultural purposes.~~

- ~~e.b.~~ Land is or has been used for mining or forestry-related development with an approved permit or licence from the Ministry of Energy, Mines & Petroleum Resources or the Ministry of Forests, Lands, Natural Resource Operations and Rural Development.
- ~~d.c.~~ A restrictive covenant under section 219 of the Land Title Act is registered on title. The covenant shall:
 - i. Require the owner to accomplish the objectives of this DPA;
 - ii. Require an Environmental Assessment or Baseline Management Report prepared by a Qualified Environmental Professional as an attachment to the covenant;
 - iii. Require adherence to the professional report ensuring protection of environmentally-significant natural areas and features identified in the report; and
 - iv. Require indemnity to the benefit of the District.
- ~~e.d.~~ The construction, alteration, or addition to a building or structure, or alteration of land, is occurring outside of the DPA confirmed by the District or by a Qualified Registered Professional and identified on a survey completed by a registered BC Land Surveyor.
- ~~f.~~ ~~Subdivision of land where all of the following conditions are met:~~
 - ~~i. Minimum lot areas are met excluding the area within the DPA;~~
 - ~~ii. No development activities occur within the DPA;~~
 - ~~iii. The land within the DPA has been protected through dedication, a restrictive covenant under section 219 of the Land Title Act, or other provisions acceptable to the Approving Officer; and~~
 - ~~iv. All requirements of the Districts Subdivision and Development Servicing Bylaw will be met."~~

(q) In Section 21.9 Natural Environment DP, under the heading Guidelines, amend the first sentence of subsection 21.9.31 to read as follows:

"Existing streams shown on Map 15, as well as those not shown on Map 15 that are subject to the Riparian Areas Protection Regulation (RAPR), are included in the Natural Environment Development Permit Area."

(r) In Section 21.9 Natural Environment DP, under the heading Required Documents and Reports, delete subsections 21.9.50 up to and including 21.9.53, and replace with the following:

"21.9.50 As per section 491(4) and (5) of the LGA, applications for a Development Permit in this section may be required to provide reports, certified by a professional with experience relevant to the applicable matter, including, but not limited to a site plan, landscape plan, environmental assessment or environmental monitoring plan."

~~(g)(s)~~ Delete Section 21.10 Hillside DP Area Guidelines, in its entirety.

~~(+)(t)~~ In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, delete the headings and content under "Purpose", "Justification", "Applicable Area – Stability, Erosion and Drainage" and replace with the following:

"CATEGORY

Section 488(1) (a) and (b) of the Local Government Act allows protection of the natural environment, its ecosystems and biological diversity and protection of development from hazardous conditions.

JUSTIFICATION

A District study in 2006 identified areas in the community where stability should be considered potentially hazardous to development. A Stability Hazard Development Permit process was recommended to ensure development in the identified areas is conducted safely. District mapping also identified all drainage corridors. Development within a drainage corridor can block the natural flow of water and increases the risk of flooding to both the community and development. The 2006 study and drainage corridor mapping identified the following areas:

- Areas where that landscaping could address stability concerns - Map 17 A
- Areas where soils are subject to high risk of erosion - Map 17 B
- All known drainage corridors including offsets of 60 m - Map 17 C

This Development Permit Area (DPA) mitigates impacts on development in areas with known stability concerns, sensitive soils and also identifies the impact drainage can have on development and the environment. Further conditions and objectives justifying this DPA are identified below.

APPLICABLE AREA

This DPA applies to all land within areas shown on Map 17, 17A, 17B and 17C, unless exempted.”

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

- a. Additions to buildings increase the floor area by less than 25% of the existing floor area.
- b. The application is for a lot consolidation.
- c. All grades within 15 m of the proposed disturbed area do not exceed 20%
- d. Construction of a new building or structure where a Stability, Erosion and Drainage Hazard DP has been registered on title at the time of subdivision, and:
 - i. is within the building envelope identified on the approved subdivision plan; and
 - ii. does not require lot grading to be substantially altered.
- e. The construction, alteration, or addition to a building or structure, or alteration of land, occurs outside the DPA as determined by the District, ~~or by a Qualified Registered Professional and identified on a survey prepared by a BC Land Surveyor.~~
- ~~f. Routine maintenance of existing landscaping where there is no removal of vegetation, replacement with non-landscaped surfaces, or removal of trees unless done so at the recommendation and under the supervision of a Qualified Registered Professional~~
- f. Land alteration, construction or alteration of buildings or structures where a restrictive covenant under section 219 of the Land Title Act is registered on title. The covenant shall:
 - i. Require a report from a qualified professional confirming safe development of the property for the intended use;
 - ii. Require the owner to accomplish the objectives of this DPA; and
 - iii. Require indemnity to the benefit of the District.

~~(s)~~(u) In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, delete the heading immediately above Section 21.11.4 and replace with “Stability Considerations”.

~~(t)~~(v) In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, delete ~~the first sentence from~~ Section 21.11.14 in its entirety and replace with the following:

21.11.14 As per section 491(4) and (5) of the LGA, applications for a Development Permit in areas identified in Map 17A may be required to provide reports, certified by a professional with experience relevant to the applicable matter, including, but not limited to a site plan, geotechnical hazard assessment report or landscape plan.

~~“21.11.14 Development Permit Applications for areas identified in Map 17A may include a Site Plan and may include, where required by District Staff, additional plans and reports as noted below, in accordance with Section 491(4)(5) of the Local Government Act:”~~

~~(u)(w)~~ In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, delete the heading immediately above Section 21.11.15 and replace with “Erosion Considerations”.

~~(v)(x)~~ In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, delete ~~the first sentence from Section 21.11.22 and 21.11.23 in their entirety~~ and replace with the following and continue the existing numbering:

21.11.22 As per section 491(4) and (5) of the LGA, applications for a Development Permit in areas identified in Map 17B may be required to provide reports, certified by a professional with experience relevant to the applicable matter, including, but not limited to a site plan, landscape plan or development plan.

~~“21.11.22 Development Permit Applications for areas identified in Map 17B may include a Site Plan, and may include, where required by District Staff, additional plans and reports as noted below in accordance with Section 491(4)(5) of the Local Government Act:”~~

~~(w)~~ — Delete the heading immediately above Section 21.11.23 and replace with “Drainage Considerations”.

~~(y)~~ In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, under the heading Required Documents and Reports – Drainage Corridors, delete subsections 21.11.30 up to and including subsection 21.11.32, and replace with the following and continue the existing numbering:

“21.11.30 As per section 491(4) and (5) of the LGA, applications for a Development Permit in areas may be required to provide reports, certified by a professional with experience relevant to the applicable matter, including, but not limited to:

- (a) A geotechnical hazard assessment for development within 60 m offset identified on Map 17C;
- (b) An engineering assessment indicating the solution for maintaining the natural drainage flow where development is deemed, by the District, to interrupt the flow of water.

~~(x)(z)~~ In Section 21.12 Wildland Fire DP Area, delete the content beneath the heading Section 21.12 and delete the Section 21.12.1 in its entirety and replace with the following:

“CATEGORY

Section 488(1)(b) of the Local Government Act allows protection of development from hazardous conditions.

JUSTIFICATION

This Development Permit Area (DPA) establishes guidelines to minimize the risk of wildfire to development, life and property while balancing tree retention with wildfire protection, particularly on large lots abutting natural areas. A 2001 District study identified areas in the community exposed to a high risk of wildland fire which can be hazardous to development. The study recommended the Wildland Fire Development Permit process to ensure development in these areas is conducted safely. The District will continue to review efficiency of guidelines along with additional studies as development in Lake Country has changed significantly since 2001. The

District does not encourage tree removal although for areas where wildland fire risk is higher, tree management strategies should be considered. Firesmart practices may be subject to the Riparian Areas Protection legislation as Firesmart principles do not supersede the Riparian Areas Protection legislation. Further conditions and objectives justifying this DPA are identified below.”

APPLICABLE AREA

This DPA applies to all land within areas shown on Map 18, unless exempted.”

EXEMPTIONS

A Development Permit will not be required if the development consists of the following:

- a. The application is for a lot consolidation.
 - b. The removal of trees or other plant materials is done in accordance with Wildland Fire DP Area Guidelines and BC FireSmart Guides.
 - c. Construction that does not alter the footprint of the building or structure or interior alterations of buildings and structures,
 - d. Land alteration or construction of buildings and structures, as long as a restrictive covenant under section 219 of the Land Title Act is registered on title. The covenant shall:
 - i. Require the owner to confirm development, ongoing maintenance and use of the property will occur in accordance with BC Fire Smart Guidelines;
 - ii. Require indemnity to the benefit of the District.
- ~~b.~~

~~(y)(aa)~~ In Section 21.12 Wildland Fire DP Area, in the first sentence of Section 21.12.22 delete the word “must” and replace with “may”.

~~(z)(bb)~~ Delete Section 21.13 Greenhouse Gas Reduction and Resource Conservation DP Area Guidelines, in its entirety.

~~(aa)(cc)~~ Delete Section 21.14 Agri-Tourism Accommodation DP Area, in its entirety.

~~(bb)(dd)~~ Delete Map 16 – Hillside Development Permit Area.

~~(cc)(ee)~~ Delete Map 19 Greenhouse Gas Reduction and Resource Conservation Development Permit Area.

~~(dd)(ff)~~ Delete Map 20 Agri-Tourism Accommodation Development Permit Area.

- 1.4. Delete Section 22 - Development Approval Information in its entirety and replace with the following:

"Development Approval Information (DAI) means information on the anticipated impact of a proposed activity or development on the community, including, without limiting this, information on matters such as: transportation patterns including traffic flow, local infrastructure, public facilities including schools and parks, community services and the natural environment of the affected area.

Pursuant to section 485(1)(b) of the Local Government Act, the District may also specify circumstances in which DAI may be required and the substance of the information that may be required.

Pursuant to Section 485.1 of the *Local Government Act*, all DPAs are designated as Development Approval Information (DAI) areas to guide and support new development that contributes to the goals and objectives of the Official Community Plan. The DAI required will be assessed on a case-by-case basis

and pursuant to Section 487(1) *Local Government Act* may be required for a development permit, zoning amendment or temporary use permit.

The conditions and objectives that justify the designation of DAI Areas, include:

- Lake Country is a rapidly growing community and this growth will impact neighbourhoods, businesses, service provision and infrastructure. Information may be required to assess impacts on nearby and adjacent development, including shadowing, noise, visual impacts and scale, impacts on community services, such as parks, schools and protective services, socio-economic impacts, and impacts on the transportation and utility network and infrastructure.
 - Lake Country’s landscape includes hillsides, floodplains, wildfire interface areas and other unique landscapes. Information may be required to assess impacts on these landscapes and to protect people, property and infrastructure.
 - Lake Country is home to many sensitive terrestrial and aquatic ecosystems, a valley-wide airshed, agricultural lands and water bodies, including Okanagan Lake. Information may be required to guide and inform protection of this land, water and air.”
2. If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.
3. This Bylaw may be cited as “OCP Amendment (DP Exemptions) Bylaw 1225, 2024”.

READ A FIRST TIME this 19th day of March, 2024.

READ A SECOND TIME this 19th day of March, 2024.

SECOND READING RESCINDED and READ A SECOND TIME AS AMENDED this xx day of xxxx, 2024.

ADVERTISED on the _____ and _____ days of _____, 2024 and a Public Hearing held pursuant to Section 464 of the *Local Government Act* Held on the xx day of 2024.

READ A THIRD TIME this ___ day of _____, 2024.

ADOPTED this ___ day of _____, 2024.

Mayor

Corporate Officer