



Minutes

Regular Council Meeting

March 19, 2024, 7:00 p.m.
Council Chambers/Video Conference
10150 Bottom Wood Lake Road
Lake Country, British Columbia V4V 2M1

Council Present:

Mayor Blair Ireland
Councillor Tricia Brett
Councillor Heather Irvine
Councillor Michael Lewis
Councillor Todd McKenzie
Councillor Bib Patel
Councillor Cara Reed

Staff Present:

Trevor James, Chief Financial Officer
Jared Kassel, Director of Planning and Development
Darren Lee, Fire Chief
Matthew Salmon, Director of Engineering & Environmental Services
Reyna Seabrook, Director of Corporate Services
Matt Vader, Director of Parks, Recreation & Culture
Scott Unser, Public Works Manager
Richard Wagner, Manager of Finance
Kiel Wilkie, Utility Manager
Steven Gubbels, Manager of Development
Brent Penner, Deputy Fire Chief
Ruth Sulentich, Economic Development and Public Engagement Specialist
Travis Tonn, Support Analyst
James Robertson, Land Agent
Makayla Ablitt, Legislative Technical Clerk

1. Call to Order

We acknowledge that we are conducting our business today on the unceded territory of squilx"/syilx (Okanagan) peoples. As a Council, we recognize the importance of doing our best to build respectful relationships that contribute to stewarding the land and waters in the community with integrity and consideration for future generations.

The Mayor called the meeting to order at 7:00 p.m.

2. Adoption of Agenda

2024-03-054 It was moved and seconded

THAT the Regular Council Meeting Agenda of March 19, 2024 be adopted with the following amendments:

- addition of item 11.3 - Official Community Plan (Subdivision) Amendment Bylaw 1226, 2024
- and that the remaining agenda items be renumbered accordingly; and
- removal of item 6.1 - Okanagan Regional Library Delegation.

Carried.

3. Adoption of Minutes

3.1 Special Council Meeting Minutes of February 27, 2024

2024-03-055 It was moved and seconded

THAT the Special Council Meeting Minutes of February 27, 2024 be adopted.

Carried.

3.2 Regular Council Meeting Minutes of March 5, 2024

2024-03-056 It was moved and seconded

THAT the Regular Council Meeting Minutes of March 5, 2024 be adopted.

Carried.

4. Report from Mayor

4.1 Regional District of Central Okanagan Board Report of March 14, 2024

4.2 Okanagan Basin Water Board Report of March 6, 2024

5. Announcements

Bring the whole family and join your friends and neighbours for the annual Easter Egg Hunt at Jack Seaton Park (1950 Camp Rd) on Friday March 29! Egg Hunt sign-up begins at 10:00 a.m.

6. Delegations and Petitions

6.1 Okanagan Regional Library

Danielle Hubbard, CEO

Item removed during adoption of the agenda.

7. Bylaws following a Public Hearing (No Public Comment)

8. Bylaws for Adoption

8.1 Bylaw 1220, 2024 2024-2028 Financial Plan

For adoption.

2024-03-057 It was moved and seconded

THAT 2024-2028 Financial Plan Bylaw 1220, 2024 be adopted.

Carried.

9. Public Comment (For items not included on the Agenda)

The Mayor asked if there were any comments from the gallery a first, second and third time. There were none.

10. Development-Related Applications (Public Comment)

11. Development-Related Applications (No Public Comment)

11.1 Development Permit | DP000802 | 10660 Highway 97

Development Permit with Variance for 76 Rental Tenure Townhouse Units

Sarb | Saba Construction

The Agent addressed Mayor and Council regarding the proposed application.

The Mayor asked if there were any further comments from the gallery a first, second and third time. There were none.

2024-03-058 It was moved and seconded

THAT the applicant's agent be permitted to address Council in consideration of Item 11.1 Development Permit | DP000802 | 10660 Highway 97

Carried.

2024-03-059 It was moved and seconded

THAT Development Permit DP000802 (Attachment D to the Report to Council dated March 19, 2024) for property at 10660 Highway 97 (Roll 1151800; PID 012-592-641) to allow for a multiple unit development be approved.

Carried.

11.2 Amendments to Official Community Plan (2018-2038) Bylaw 1065, 2018

Amendments include expansion of DP Area exemptions, consolidate certain DP Areas, and clarification of OCP Terminology

2024-03-060 It was moved and seconded

THAT OCP Amendment (DP Exemptions) Bylaw 1225, 2024 as distributed, be amended by:

- *deleting and replacing Section (m) e. ii. with "Accommodation facilities have, or will have, four (4) or fewer Sleeping Units as defined in the District's Zoning Bylaw";*
- *replacing "Wildfire DP Area" with "Wildland Fire DP Area" throughout the document; and*

- *adding the name of the Section to each item where only a Section number is shown, throughout the amending bylaw, to better reference sections being amended;*

AND THAT OCP Amendment (DP Exemptions) Bylaw 1225, 2024 be read a first and second time, as amended;

AND THAT prior to Public Hearing, the required external consultation be conducted, in accordance with Sections 475 of the Local Government Act.

Carried.

11.3 Official Community Plan (Subdivision) Amendment Bylaw 1226, 2024

Previously distributed.

Councillor Lewis declared a conflict of interest due to a business relationship and left the meeting at 8:16 p.m.

2024-03-061 It was moved and seconded

THAT Bylaw 1226, 2024 be read a first and second time;

AND THAT prior to Public Hearing, the required external consultation be conducted, in accordance with Sections 475 of the Local Government Act.

Carried.

11.4 Development Approval Procedures Discussion

Discussion on Delegation Authority and Minor Development Variances

Councillor Lewis returned 8:28 p.m.

2024-03-062 It was moved and seconded

THAT staff be directed to prepare amendments to the Development Procedures Bylaw, 1133, 2023 at the next available meeting.

Carried.

12. Non-Development Related Reports

12.1 Additional UBCM CRI FireSmart Grant Funding Application for 2024

Request for Council Decision to support the additional UBCM CRI-FCFS Grant Funding Application of \$100,000 for 2024

2024-03-063 It was moved and seconded

THAT an application to the UBCM Community Resiliency Investment - Fire Smart Community Funding for an additional \$100,000 in 2024 for FireSmart related programs and services, be supported;

AND THAT pending approval of the additional \$100,000 grant, staff be directed to amend the 2024 Financial Plan and administer the grant;

AND THAT the District be responsible for providing overall management of the grant.

Carried.

12.2 EMCR Contribution Agreement

\$40,000 EMCR grant for First Nations consultation required under the new BC Emergency and Disaster Management Act.

2024-03-064 It was moved and seconded

THAT the Mayor and CAO be authorized to sign the EMCR Contribution Agreement; AND THAT the 2024 Financial Plan be amended to include the grant amount of \$40,000; AND THAT staff be authorized administer the EMCR grant on behalf of the District of Lake Country.

Carried.

13. Report from In Camera

14. Council Committees

14.1 Public Art Advisory Commission Draft Meeting Minutes of March 4, 2024

15. Information Items

15.1 Board of Education Meeting Highlights of February 28, 2024

16. Mission Statement

17. Councillor Items

Councillor Irvine noted the positive impact of the new CAO, Paul Gipps.

Councillor McKenzie thanked the IT Department allowing him to attend virtually over the next couple of weeks while he travels. He noted all is good in Oyama, and the OKF Grill is opening at the start of April.

Councillor Brett noted Friday is World Water Day and asked everyone to participate in any water event you can. Lake Country Museum is hosting an Exhibit Launch, for the Bring Salmon Home event and Coffee Time

Councillor Patel echoed his comments from a previous meeting when he suggested everyone go outside in the warm weather and say hello to your neighbours.

Councillor Reed asked that the Okanagan Regional Library Meeting Minutes be included in the Agendas going forward. She noted she is on the Okanagan Regional Library Board, as well as the Finance Committee, Strategic Committee and Policy and Planning Committee. She believes the library means a lot to the Lake Country and encourages feedback from the community regarding what they would like to see in their library.

Councillor Lewis discussed how valuable a FireSmart consultation with a Fire Professional can be. He has plans to create a FireSmart plan for his property in the near future and encourages community members to do the same.

Mayor Ireland noted FireSmart is extremely important and encouraged the community to clean their yards. He agreed with Councillor Reed's comments regarding the Okanagan Regional Library and noted how much they do for the community. Mayor Ireland is excited about the warm weather and is happy to see people down by the water and on the docks already.

18. Adjournment

The Mayor adjourned the meeting at 9:14 p.m.



Mayor, Blair Ireland



Corporate Officer, Reyna Seabrook

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) Delete the definition Section 1.7.25 Footprint, in its entirety.
- (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."

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

- (a) 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) Delete Section 3.13.1 and 3.13.2 in their entirety.
- (f) 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 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) In Section 21.1 - Introduction, delete the 4th paragraph and replace it with the following:

“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 (including 21.2.1) in its entirety and replace it with the following:

“21.2 Development Permit Requirements

(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 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 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. 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, 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. 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 Wildfire 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, 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 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 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. 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.
- c. 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.
- d. The proposed development is exclusively agriculture or a protected farm use under the *Farm Practices Protection (Right to Farm) Act*.
- e. The proposed development does not include dwelling units within 50 m of the ALR boundary.
- f. Construction is only in relation to existing principal buildings or new accessory buildings or structures."

- (g) 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) 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) Delete Section 21.4.21 in its entirety.

- (j) In the first sentence of Section 21.4.22, delete the word "must" and replace with "may".

- (k) 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. Land alteration or site preparation activities do not involve any buildings or structures.
- c. The proposed development is exclusively non-residential.
- d. The proposed development is exclusively residential with four (4) or less dwelling units.
- e. 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) 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. Land alteration or site preparation activities do not involve any buildings or structures.
- c. The proposed development does not include any commercial, institutional or industrial uses.
- d. The proposed development is exclusively residential with four (4) or less dwelling units.
- e. 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) 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. Land alteration or site preparation activities do not involve any buildings or structures.
- c. The proposed development does not include any commercial.
- 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%.”
- e. 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 units.”

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

“21.7.32 The use of impervious surfaces should be minimized.

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

- (o) 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) 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 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.
- c. 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. 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. 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) Delete Section 21.10 Hillside DP Area Guidelines, in its entirety.

(r) In Section 21.11 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

- (s) Delete the heading immediately above Section 21.11.4 and replace with “Stability Considerations”.
- (t) Delete the first sentence from Section 21.11.14 and replace with the following:

“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) Delete the heading immediately above Section 21.11.15 and replace with “Erosion Considerations”.
- (v) Delete the first sentence from Section 21.11.22 and replace with the following:

“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”.
- (x) 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. 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.
- (y) In the first sentence of Section 21.12.22 delete the word “must” and replace with “may”.

- (z) Delete Section 21.13 Greenhouse Gas Reduction and Resource Conservation DP Area Guidelines, in its entirety.
- (aa) Delete Section 21.14 Agri-Tourism Accommodation DP Area, in its entirety.
- (bb) Delete Map 16 – Hillside Development Permit Area.
- (cc) Delete Map 19 Greenhouse Gas Reduction and Resource Conservation Development Permit Area.
- (dd) 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 _____ day of _____, 2024.

READ A SECOND TIME this _____ day of _____, 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

DISTRICT OF LAKE COUNTRY

BYLAW 1226

TO ADD THE GENERAL DEVELOPMENT PERMIT EXEMPTION OF LOT CONSOLIDATION OR SUBDIVISION

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. In Section 21.3.1 Development Permit Exemptions, the following item is added in alphabetical order:

“f. Boundary adjustments, lot consolidations or other subdivision resulting in the creation of fewer than three additional lots, and any replacement or upgrading of existing infrastructure or existing roads is outside of a Riparian Area or Ecological Connectivity Corridor area as shown on Map 15 and outside of a Natural Hazard Area.”

1.2. In Section 21.11 Stability, Erosion and Drainage Hazard DP Area, the following item is added in alphabetical order under the heading EXEMPTIONS:

“g. Land alteration, construction or alteration of buildings or structures, and subdivision resulting in the creation of not more than three additional lots, 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.”

1.3. Section 21.12 Wildland Fire DP Area, the following item is added in alphabetical order under the heading EXEMPTIONS:

“c. Land alteration, construction or alteration of buildings and structures, and subdivision resulting in the creation of not more than three additional lots 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.”

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 (Subdivision) Bylaw 1226, 2024”.

READ A FIRST TIME this _____ day of _____, 2024.

READ A SECOND TIME this _____ day of _____, 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