

TOWN OF OSOYOOS

BYLAW 1375.04

A Bylaw to Amend Official Community Plan Bylaw 1375, 2021

The council of the Town of Osoyoos, in open meeting assembled, ENACTS AS FOLLOWS:

1. This bylaw may be cited for all purposes as “Town of Osoyoos Official Community Plan Amendment Bylaw 1375.04, 2024.”
2. The Town of Osoyoos Official Community Plan Bylaw No. 1375, 2021, is amended by:
 - i) replacing sub-section 7 (Development Permit Area Guidelines) under Section 2 (Introduction) in its entirety with the following:
 7. **Development Permit Area Guidelines.** Establishes various areas in the community that are subject to additional controls to assure that new development occurs in a manner that sensitive to the unique character of Osoyoos.
 - ii) replacing the third column (OCP Section) of the row entitled “Ecosystems, Natural Areas and Parks” in the table under Section 4 (Regional Context Statement) in its entirety with the following:
 - 5. Growth Management
 - 7.G. Environment
 - 8.D Environmentally Sensitive Development Permit Area
 - 8.E Riparian Development Permit Area
 - iii) renaming Section 5.A.1 (Residential Growth Containment) to “Urban Containment Boundary”.
 - iv) replacing sub-section 5.A.1.1 (Residential Growth Containment) under Section 5.A (Growth Management Policies) in its entirety with the following:
 - .1 Contain residential growth in the Town within areas outlined on Map 1, which includes existing developed areas and parcels identified as having potential for Future Development.
 - v) deleting sub-section 5.A.1.9 (Residential Growth Containment) under Section 5.A (Growth Management Policies) in its entirety.
 - vi) deleting sub-section 5.B (Land Use Designations) in its entirety.

- vii) replacing Section 6.A.3.4(c) (Policies - Ensure that Osoyoos is a safe place to live, work, and play) under Section 6 (Community Goals and Policies) in its entirety with the following:
- c) Adhere to Crime Prevention Through Environmental Design (CPTED) principles and other guidelines outlined in development permit area designations enacted to establish objectives for the form and character of commercial, industrial or multi-family development in order to encourage a safe built environment.
- viii) replacing Section 6.B.3.2(e) (Policies) under Section 6 (Community Goals and Policies) in its entirety with the following:
- e) Update the 2020 Regional Housing Assessment Report in accordance with provincial methodology.
- ix) adding a new Section 6.B.3.2(f) (Policies) under Section 6 (Community Goals and Policies) to read as follows and renumbering all subsequent sections:
- f) Update the 2010 Housing Strategy to reflect the findings of the new Housing Needs Report.
- x) replacing Section 6.B.3.3 (Policies) under Section 6 (Community Goals and Policies) in its entirety with the following:
- .3 *deleted.*
- xi) replacing the third sentence in the fourth paragraph under Section 7.A.1 (Context) under Section 7.A. (Agriculture) in its entirety with the following:
- The Town's growth containment boundary will dampen speculative expectations that adjacent ALR lands will inevitably be released for development.
- xii) adding a new Section 7.A.2.1(a) (Policies) under Section 7 (Land Use Designations) to read as follows and renumbering all subsequent sections:
- a) Supports the use of lands designated Agriculture (AG) on Map 2 (Land Use Designations) for agricultural uses. This includes growing, producing, harvesting, storage, processing, and sale of agricultural goods, as well as activities associated with the production and processing of these items.
- xiii) replacing Section 7.B. (Residential) under Section 7 (Land Use Policies) in its entirety with the following:

7.B. RESIDENTIAL

.1 Context

The Town has a number of existing residential neighbourhoods surrounding Downtown, to the south near swiws (Haynes Point) Provincial Park, adjacent to the Industrial Park, Dividend Ridge, and east Osoyoos. Many

neighbourhoods are largely low-density in nature with single-detached homes. There are pockets of multi-family residential units throughout the community; for example Cottonwood Drive in east Osoyoos and areas close to the Downtown.

As the community continues to grow and demands for more affordable and diverse housing options increase, single-detached development will become increasingly difficult to accommodate, especially due to the geographic and boundary constraints of the Town and more intensive forms of residential development are required. This will entail infill and intensification of existing residential neighbourhoods as well as higher density forms of housing on lands that are currently vacant or have redevelopment potential.

It is the intent of this Residential Land Use section to provide direction on how and where residential growth and development shall occur within the Town. The Residential Land Use category includes the following designations, as shown on Map 2 (Land Use Designations):

- Low Density Residential; and
- Medium Density Residential.

.2 Policies

.1 General Policies

- a) Support live-work units and ensure zoning regulations continue to support opportunities for appropriate home-based businesses.
- b) Encourages the provision of outdoor amenity areas such as parks, community gardens, off-leash dog areas, and playgrounds.
- c) Encourage the development of pedestrian-friendly and active transportation infrastructure (sidewalks, bike lanes) as new residential development occurs.
- d) Encourage new residential development to consider age-friendly principles in the design and construction of units.
- e) Discourage residential developments requiring downzoning, or developments that do not take advantage of allowable residential densities.
- f) Supports the release of Crown land in the West Bench, and shown on Figure 7.B.1, for residential development due to the limited land available to meet the Town's anticipated housing needs.

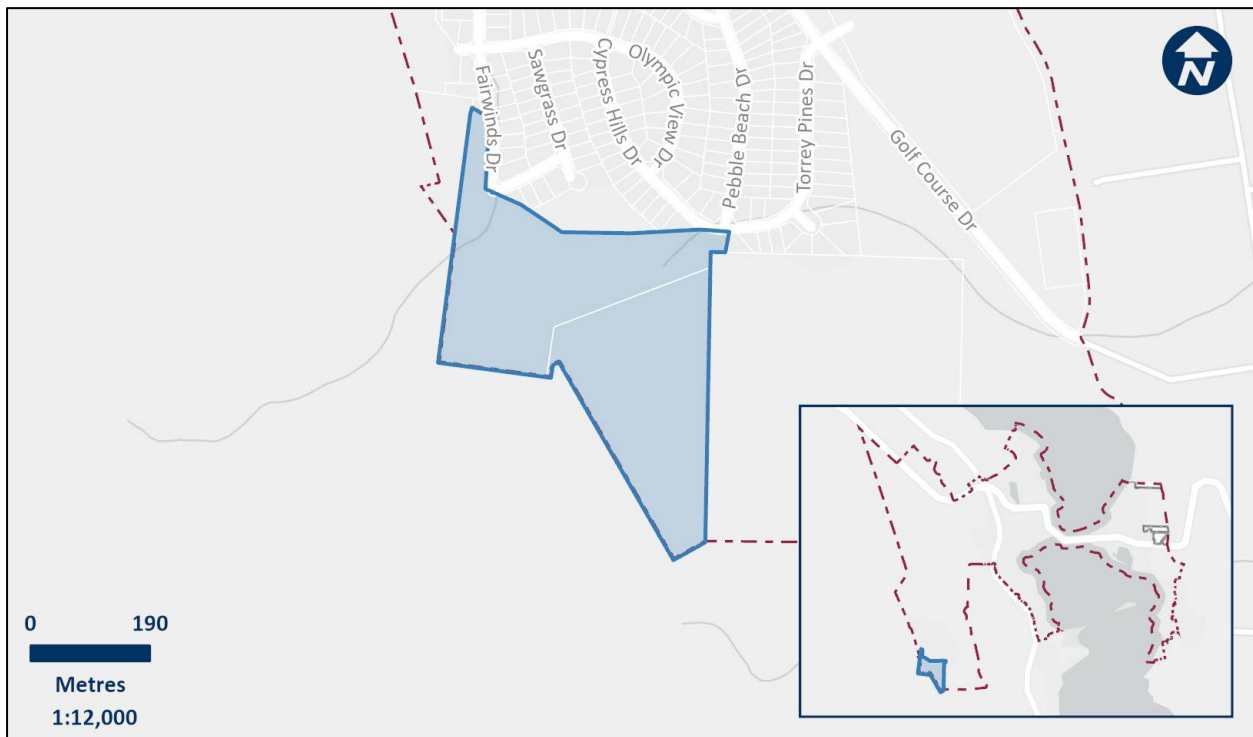


FIGURE 7.B.1

.2 Low Density Residential Designation Policies

- a) Supports the use of lands designated Low Density Residential (LR) on Map 2 (Land Use Designations) for residential, parks, religious buildings and facilities, institutional buildings, child care facilities, local convenience stores and other uses that fit with the low density residential character of the designation.
- b) Supports housing types in the form of single detached dwellings, accessory dwellings, secondary suites, townhouses and apartment buildings.
- c) Supports the following residential densities on parcels connected to a community water system and community sewer system provided by the Town of Osoyoos:
 - i) for parcels greater than 280 m² in area, a maximum of four (4) dwelling units; and
 - ii) for parcels less than 280 m² in area, a maximum of three (3) dwelling units.
- d) Supports a maximum residential density on parcels not connected to a community water system and community sewer system of one (1) principle dwelling unit and one (1) secondary suite.
- e) Require new subdivisions to be developed with access points suitable for evacuation and movement of emergency response equipment.

- f) Discourages subdivision as a form of infill densification in existing low density neighbourhoods.



Double fronting lots means a lot which abuts a street and a lane or two streets, both of which are parallel, or nearly parallel, to the lot.

.3 Medium Density Residential Designation Policies

- a) Supports the use of lands designated Medium Density Residential (MR) on Map 2 (Land Use Designations) for multi-family developments, including triplexes, fourplexes, townhouses, apartment buildings and community care facilities that fit with the residential intent of the designation.
 - b) Permitted housing types in the Medium Density Residential designation include townhouses, and apartment buildings, when connected to a community water and community sewer system.
 - c) Permit densities of no more than 75 units per hectare in Medium Density Residential areas.
 - d) Supports a high standard of architectural building design for medium density residential development by including lands designated as Medium Density Residential (MR) within a development permit area designation establishing objectives for the form and character of multi-family residential development.
 - e) Supports applying a form and character development permit to multi-family residential developments comprising seven (7) or more dwelling units.
 - f) Encourages lot consolidations to facilitate higher residential densities.
- xiv) adding a new Section 7.C.2.2(a) (Downtown Commercial Designation Policies) under Section 7.C. (Commercial) to read as follows and renumbering all subsequent sections:
- .1 Supports the use of lands designated Downtown Commercial (DC) on Map 2 (Land Use Designations) for pedestrian oriented, mixed-use retail, office, food and beverage, tourist commercial, and medium & high density residential uses.
- xv) adding a new Section 7.C.2.2(f) (Downtown Commercial Designation Policies) under Section 7.C. (Commercial) to read as follows and renumbering all subsequent sections:
- f) Will consider variances to maximum building height where taller and narrower buildings are considered appropriate to preserve views or green space instead of longer, shorter buildings.

xvi) adding a new Section 7.C.2.3(a) (General Commercial Designation Policies) under Section 7.C. (Commercial) to read as follows and renumbering all subsequent sections:

- a) Supports the use of lands designated Commercial (GC) on Map 2 (Land Use Designations) for a range of commercial uses including shopping centres, service commercial, and smaller scale neighbourhood commercial uses.

xvii) adding a new Section 7.C.2.4(a) (Tourist Commercial Designation Policies) under Section 7.C. (Commercial) to read as follows and renumbering all subsequent sections:

- a) Supports the use of lands designated Commercial Tourist (CT) on Map 2 (Land Use Designations) for commercial services and activities catering to both visitors and residents and provides accommodation, entertainment, and food and beverage options.

xviii) adding a new Section 7.D.2.2(a) (Industrial Designation Policies) under Section 7.D. (Industrial) to read as follows and renumbering all subsequent sections:

- a) Supports the use of lands designated Industrial (ID) on Map 2 (Land Use Designations) for light and heavy industrial uses characterized by goods production, manufacturing, distribution, and storage.

xix) replacing Section 7.D.2.2(h) (Industrial Designation Policies) under Section 7.D. (Industrial) in its entirety with the following:

- h) Require an impact assessment be provided by an applicant for any proposed rezoning of a parcel to allow a heavy industry use in order to protect public safety and environmental quality.

xx) deleting the third “Note” at Section 7.E.1 (Context) under Section 7.E. (Airport) in its entirety.

xxi) replacing Section 7.E.2.2(a) (Airport Designation Policies) under Section 7.E. (Airport) in its entirety with the following:

- a) Supports the use of lands designated Airport (AP) on Map 2 (Land Use Designations) for a variety of commercial and service uses associated with the aviation industry.

xxii) replacing Section 7.F.2.2(a) (Institutional Designations Policies) under Section 7.F. (Institutional) in its entirety with the following:

- a) Supports the use of lands designated Institutional (INST) on Map 2 (Land Use Designations) for a variety of uses providing services and amenities for the community, including community centres, places of worship, museums, galleries and schools.

xxiii) replacing Section 7.F.2.2(c) (Institutional Designation Policies) under Section 7.F. (Institutional) in its entirety with the following:

- c) Ensure a high standard of design for all institutional development by encouraging developers to closely follow the Mixed Use and Commercial Development Permit Area Guidelines outlined in Section 8.

xxiv) replacing the third “Note” at Section 7.G.1 (Context) under Section 7.G. (Environment) in its entirety with the following:

Development Permits are applicable to certain lands with the Environmental Conservation designation and lands with environmentally sensitive features, riparian areas, and/or foreshore areas. This includes the Environmentally Sensitive Development Permit Area and Riparian Development Permit Area, the guidelines for which are included in Section 8 of this plan.

xxv) adding a new Section 7.G.2.1(a) (General Policies for the Protection of the Natural Environment) under Section 7.G. (Environment) to read as follows and renumbering all subsequent sections:

- a) Supports the use of lands designated Environmental Conservation (ENV) on Map 2 (Land Use Designations) for environmental protection and conservation purposes as well as passive recreational purposes.

xxvi) replacing the third “Note” at Section 7.H.1 (Context) under Section 7.H. (Parks and Recreation) in its entirety with the following:

Development Permits are applicable to certain lands with the Parks and Recreation designation. This includes the Environmentally Sensitive Development Permit Area and Riparian Development Permit Area, the guidelines for which are included in Section 8 of this plan.

xxvii) adding a new Section 7.H.2.4(a) (Active Parkland Designation Policies) under Section 7.G. (Parks and Recreation) to read as follows and renumbering all subsequent sections:

- a) Supports the use of lands designated Active Parkland (PR) on Map 2 (Land Use Designations) for active recreation opportunities in the form of parks, trails, beaches, sports fields and courts.

xxviii) adding a new Section 7.H.2.5(a) (Recreation Designation Policies) under Section 7.G. (Parks and Recreation) to read as follows and renumbering all subsequent sections:

- a) Supports the use of lands designated Recreation (REC) on Map 2 (Land Use Designations) for indoor and outdoor recreational amenities.

- xxix) deleting the second and third “Notes” at Section 7.I.1 (Context) under Section 7.I. (Hazard Areas – Flooding, Steep Slopes, Wildfire) in its entirety.
- xxx) replacing Section 7.I.2.3(b) (Steep Slopes and Hillside Development Policies) under Section 7.I. (Hazard Areas – Flooding, Steep Slopes, Wildfire) in its entirety with the following:
- b) may investigate the designation of a development permit area under Section 488(1)(b) of the *Local Government Act* in order to protect development from hazardous conditions on lands with slopes steeper than 30%.
- xxxi) deleting Section 7.L. (Comprehensive Development) under Section 7 (Land Use Policies) in its entirety.
- xxxii) replacing Section 8 (Development Permit Area Guidelines) in its entirety with the Section 8 (Development Permit Area Guidelines) attached as Schedule ‘F’ to this bylaw.
- xxxiii) replacing Map 1 (Growth Management) under Section 10 (Maps) in its entirety with the Map 1 (Growth Management) contained at Schedule ‘A’ to this bylaw.
- xxxiv) replacing Map 2 (Land Use Designations) under Section 10 (Maps) in its entirety with the Map 2 (Land Use Designations) contained at Schedule ‘B’ to this bylaw.
- xxxv) replacing Map 15 (DPA-1: Multi-Family Residential) under Section 10 (Maps) in its entirety with the Map 15 (Multi-Family Residential Development Permit Area) contained at Schedule ‘C’ to this bylaw.
- xxxvi) deleting Map 16 (DPA-2: Southeast Meadowlark) under Section 10 (Maps) in its entirety and renumbering all subsequent Maps.
- xxxvii) deleting Map 19 (DPA-5: Foreshore and Lake) under Section 10 (Maps) in its entirety and renumbering all subsequent Maps.
- xxxviii) replacing Map 20 (DPA-6 and DPA-7: Environmentally Sensitive and Riparian) under Section 10 (Maps) in its entirety with the Map 20 (Environmentally Sensitive Development Permit Area) contained at Schedule ‘D’ to this bylaw.
- xxxix) adding a new Map 21 (Riparian Development Permit Area) under Section 10 (Maps) with the map schedule contained at Schedule ‘E’ to this bylaw.
- xl) deleting Map 21 (DPA-8: Hillside) under Section 10 (Maps) in its entirety.
- xli) deleting Map 22 (Meadowlark Plan Area) under Section 10 (Maps) in its entirety.

xlii) deleting Appendix A (Definitions) under Section 11 (Appendices) in its entirety.

xliii) deleting Schedule 'A' (Southeast Meadowlark Area Plan) under Section 12 (Schedules) in its entirety .

Read a first and second time on the ____ day of _____, 2024.

Public hearing held on the ____ day of _____, 2024.

Read a third time on the ____ day of _____, 2024.

Adopted on the ____ day of _____, 2024.

Mayor

Corporate Officer

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Town of Osoyoos

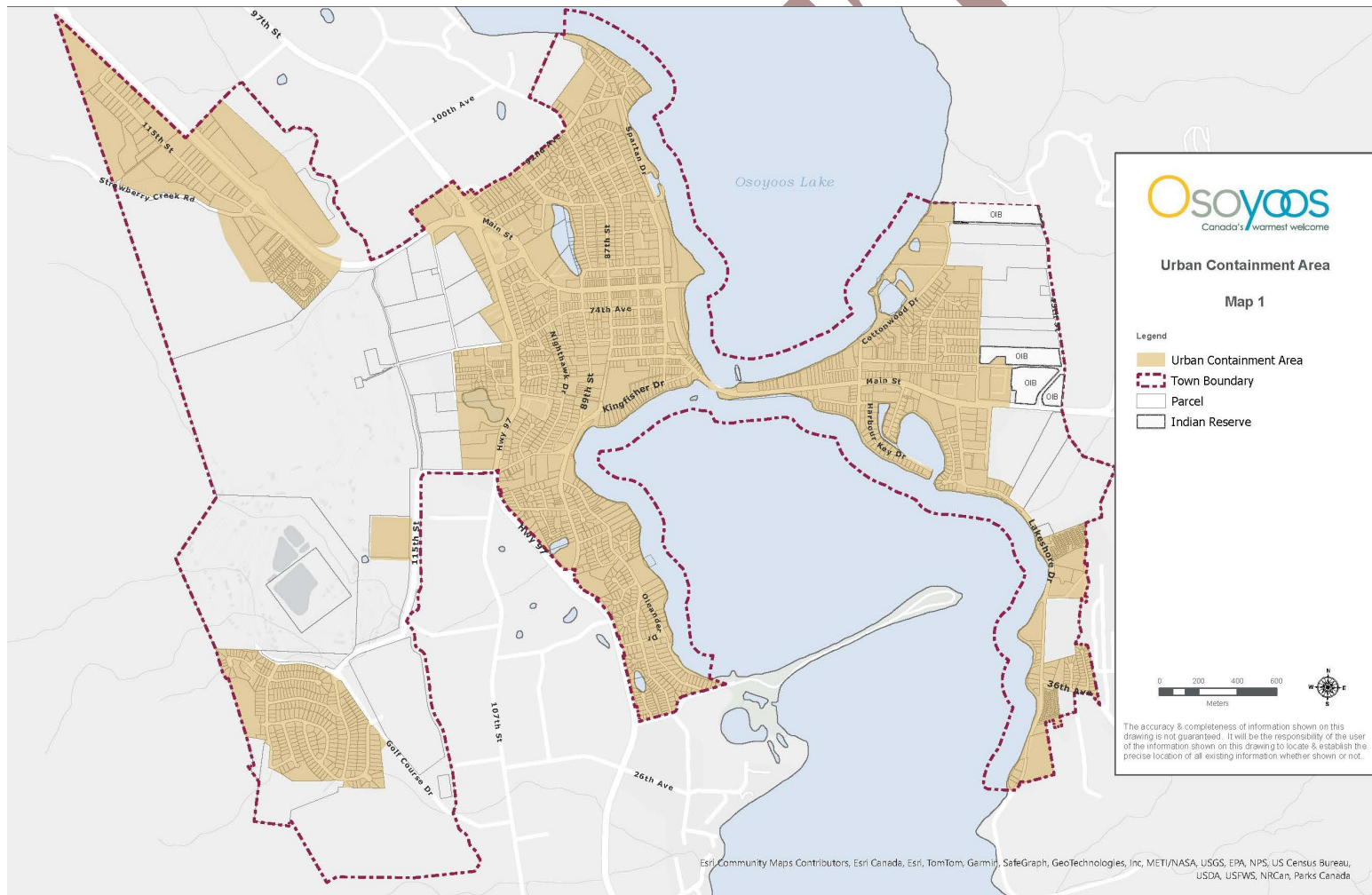
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Amendment Bylaw No. 1375.04, 2024

Schedule 'A'



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Town of Osoyoos

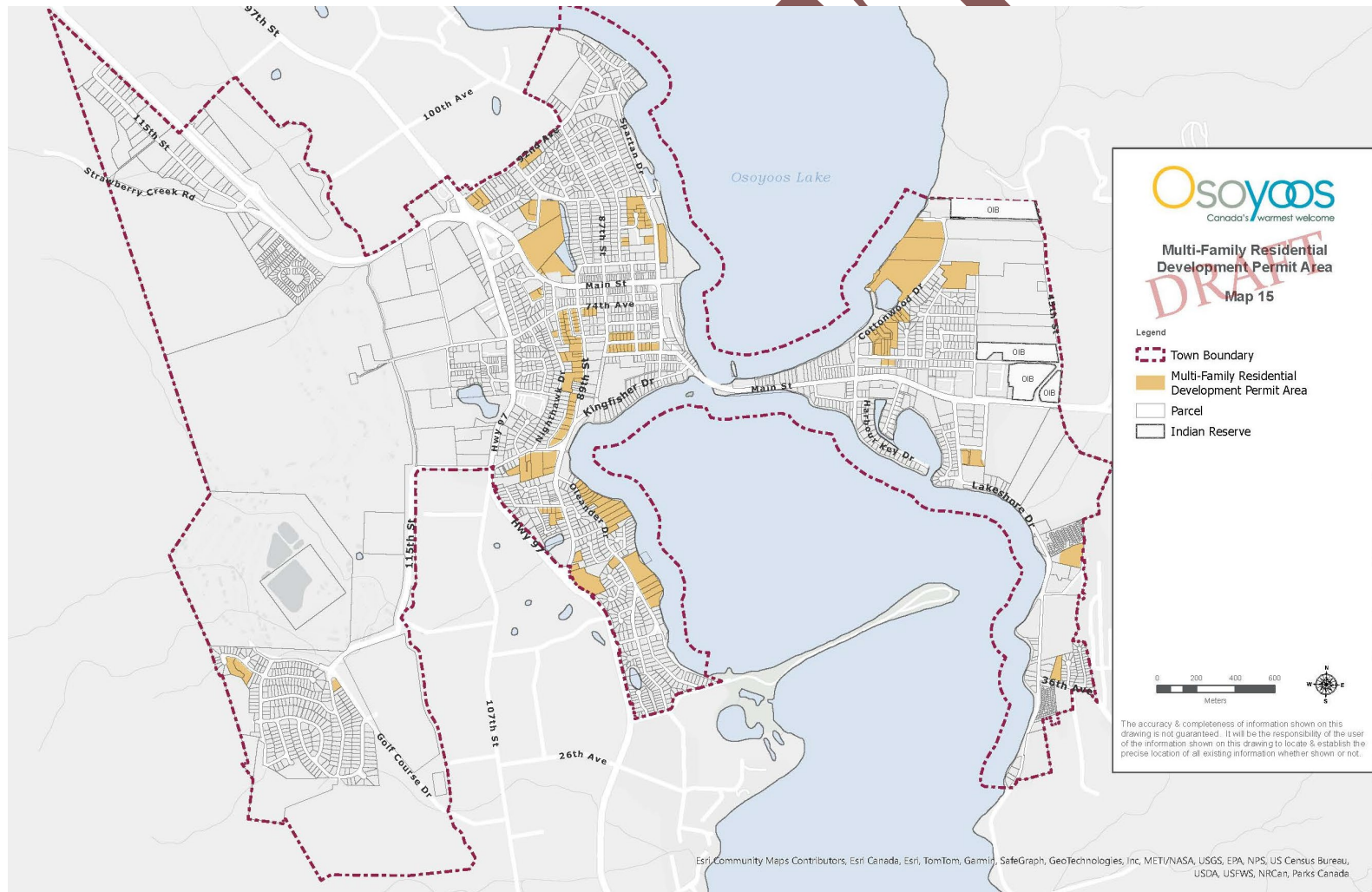
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Amendment Bylaw No. 1375.04, 2024

Schedule 'C'



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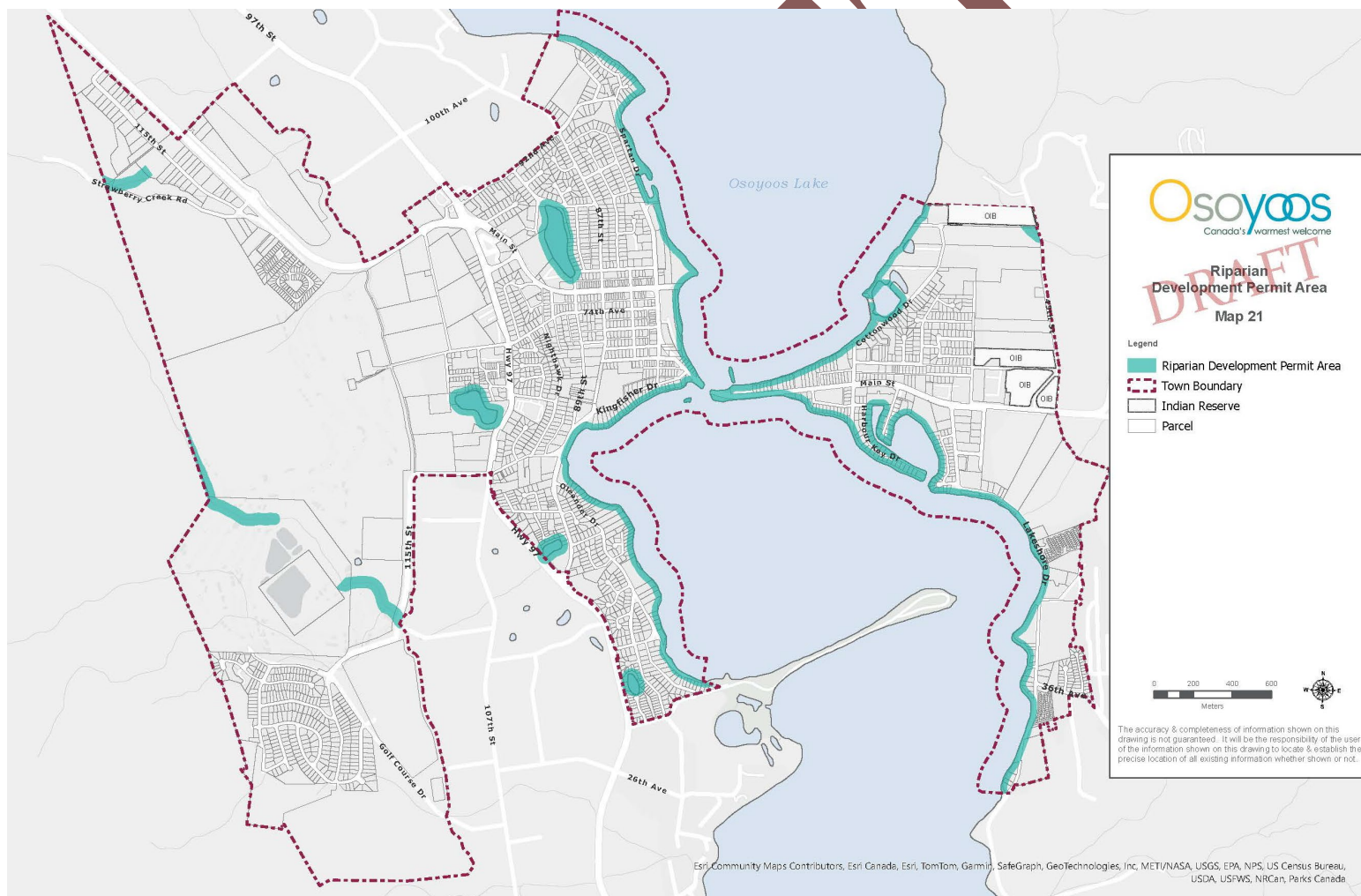


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Schedule 'E'



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Town of Osoyoos

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Amendment Bylaw No. 1375.04, 2024

Schedule 'F'

[Section 8 – Development Permit Areas]

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8. DEVELOPMENT PERMIT AREA GUIDELINES

8.1 Overview

Pursuant to Section 488 of the *Local Government Act*, an Official Community Plan (OCP) may designate Development Permit Areas within the Plan Area. Unless otherwise specified, a Development Permit must be approved by Council prior to any disturbance, development or subdivision of land within a designated Development Permit Area.

For lands within a Development Permit Area, the OCP must describe the special conditions or objectives that justify the designation and specify guidelines respecting the manner by which the special conditions or objectives will be addresses.

8.2 Development Permit Offences

- .1 No person shall commence any development on lands within any development permit area without obtaining a valid development permit.
- .2 The development of land in contravention of the terms or conditions of a development permit that has been issued under Section 489 of the *Local Government Act* is prohibited.

8.A. Multi-Family Residential Development Permit (MRDP) Area

.1 Category

The Multi-Family Residential Development Permit Area is designated under Section 488(1)(f) of the *Local Government Act*, for the establishment of objectives for the form and character of multi-family residential development.

.2 Area

The areas designated as being within the Multi-Family Residential Development Permit Area are shown on Map 15 (Multi-Family Residential Development Permit Area).

.3 Justification

Multi-family residential development has the potential to shape the overall character of a neighbourhood, as these are typically larger than a standard single-detached dwelling.

The objective of this development permit area is to ensure multi-family developments are designed in a manner that positively enhances the overall aesthetic of a neighbourhood

.4 Development requiring a permit

A development permit is required, except where exempt under Section 8.A.5 (Exemptions), for the construction of, addition to or alteration of a building or other structure on lands within the Multi-Family Residential Development Permit Area.

.5 Exemptions

The following types of development are exempt from applying for a Multi-Family Residential Development Permit:

1. the construction of a building or other structure that comprises six (6), or fewer, residential units.
2. Interior renovations not resulting in any change to the exterior of the building;
3. Exterior renovations that are consistent with the character of the development as previously approved in terms of form, materials and colour;
4. signage;
5. Building additions to a maximum of 100 m²;
6. Installation or repair of overhead canopies or other pedestrian weather protection devices; and

.6 Guidelines

8. DEVELOPMENT PERMIT AREA GUIDELINES

Development permits issued under the Multi-Family Residential DPA shall be in accordance with the following guidelines:

.6.1 Design Theme

- a) All buildings should incorporate Contemporary Desert Southwest motifs, including:
 - i) the use of simple a colour scheme that incorporates shades of tan, olive green, cream, pale yellow, taupe, grey, and blue-grey;
 - ii) the use of stucco, adobe, stone, and wood for building materials;
 - iii) the use of clay or cement tile roofing materials; and
 - iv) the incorporation of parapets to add visual interest and shade.



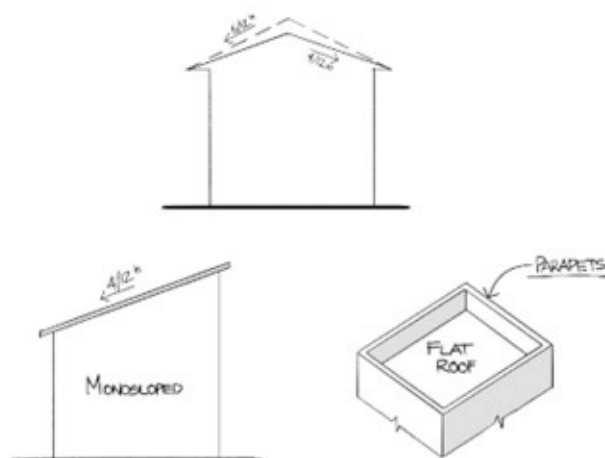
Sources: Google Maps

.6.2 Buildings and Structures

- a) All buildings should incorporate basic urban design principles, including:
 - i) ensuring buildings on the same site complement each other in massing and exterior finishes;

8. DEVELOPMENT PERMIT AREA GUIDELINES

- ii) stepping back stories greater than 11.0 metres in height (i.e. 4th story and above) when it is desirable to preserve a corner street space;
- iii) enclosing and screening rooftop mechanical equipment to match building design;
- iv) developing buildings close to the front parcel line to encourage pedestrian-friendly areas;
- v) designing doors and windows with bold frames and recessed features;
- vi) avoiding the creation of long expanses of blank facades;
- vii) varying building walls, roof shapes, and fenestration to avoid boxy forms;
- viii) avoiding large uninterrupted garage fronts for townhouse developments;
- ix) installing canopies or awnings at common entrances of apartment building developments; and
- x) the use of roof pitches, mono-slopes or flat roofs with parapets.

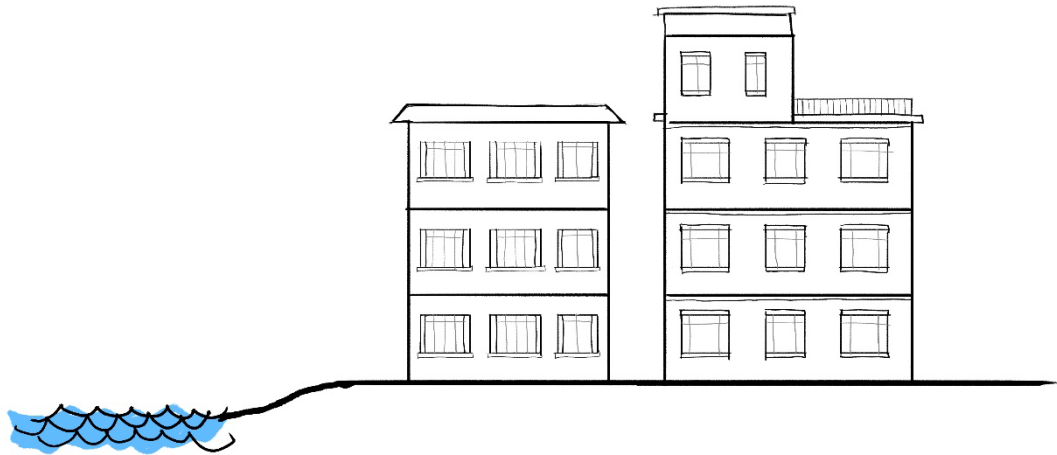


.6.3 Site Design

- a) to ensure accessible, safe, and convenient pedestrian access throughout a site the following design elements should be incorporated:

8. DEVELOPMENT PERMIT AREA GUIDELINES

- i) Crime Prevention Through Environmental Design principles;
 - ii) pathways facilitating pedestrian access from parking areas to building entrances and adjacent streets;
 - iii) clustering common amenity areas, especially in developments with multiple buildings;
 - iv) exterior lighting shall should consist of down-cast fixtures to reduce light pollution;
 - v) provide easily accessible parking for mobility scooters and bicycles; and
 - vi) design vehicle access and on-site circulation in a way that minimizes disruption to pedestrians and cyclists.
- b) Vehicle parking facilities should be visually unobtrusive and not detract from the design of the site, or the character of the surrounding area by being sited to the rear or below a building.
- c) the design of buildings on a property adjoining Osoyoos Lake shall also take into account the following:
- i) maintaining viewsapes of Osoyoos Lake from adjoining streets; and
 - ii) complementing any adjacent walkways, parks, and amenity areas the front the lake.



8. DEVELOPMENT PERMIT AREA GUIDELINES



.6.4 Landscaping

- a) the use of poured concrete and concrete block are discouraged for retaining wall construction.
- b) to minimize water usage, xeriscaping is encouraged while the installation of water features is discouraged.
- c) Existing healthy and mature trees should be retained.
- d) Fencing and shrubs should be used to define public and private spaces.
- e) The use of fencing along street frontages should be minimal.
- f) Permeable surfacing materials are encouraged to enhance on-site drainage.



8.B. Mixed Use and Commercial Development Permit (CDP) Area

.1 Category

The Mixed Use and Commercial Development Permit Area is designated under Section 488(1)(f) of the *Local Government Act*, for the establishment of objectives for the form and character of commercial development.

.2 Area

The areas designated as being within the Mixed Use and Commercial Development Permit Area are shown on Map 16 (Mixed Use and Commercial Development Permit Area)

.3 Justification

Well-designed mixed use and commercial developments are key reflections of Osoyoos. These developments are frequented by residents and tourists alike.

The objective of this development permit area is to ensure that mixed use and commercial developments are integrated into the community in a manner that preserves and complements Osoyoos's existing unique character.

.4 Development requiring a permit

A development permit is required, except where exempt under Section 8.B.5 (Exemptions), for the construction of, addition to or alteration of a building or other structure on lands within the Mixed Use and Commercial Development Permit Area.

.5 Exemptions

The following types of development are exempt from applying for a Mixed Use and Commercial Development Permit:

1. Interior renovations not resulting in any change to the exterior of the building;
2. Exterior renovations that are consistent with the character of the development as previously approved in terms of form, materials and colour;
3. Signage;
4. Building additions to a maximum of 100 m²;
5. Installation or repair of overhead canopies or other pedestrian weather protection devices; and
6. The construction of a building comprising six (6) or less dwelling units where all buildings and other structures proposed as part of the development will be used for residential purposes.

8. DEVELOPMENT PERMIT AREA GUIDELINES

.6 Guidelines

Development permits issued under the Mixed Use and Commercial DPA shall be in accordance with the following guidelines:

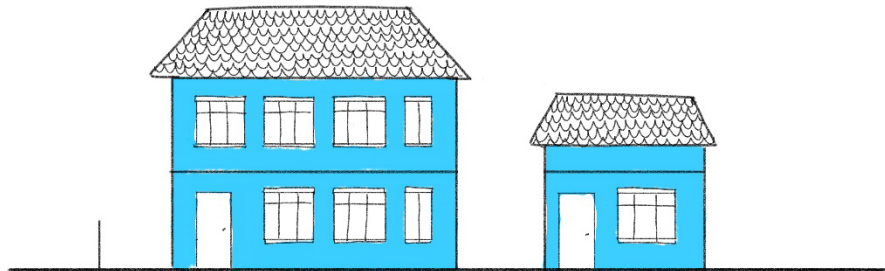
.6.1 Design Theme

- a) All buildings should incorporate the “desert character” of Osoyoos, including:
 - i) the use of simple a colour scheme that incorporates shades of tan, olive green, cream, pale yellow, taupe, grey, and blue-grey;
 - ii) the use of stucco, adobe, stone, and wood for building materials;
 - iii) the use of clay or cement tile roofing materials; and
 - iv) the incorporation of parapets to add shade and ornamental attachments to add visual interest are encouraged.



.6.2 Buildings and Structures

- a) All buildings should incorporate basic urban design principles, including:
 - i) ensuring buildings on the same site complement each other in massing and exterior finishes, including laneways;



- ii) stepping back stories greater than 11.0 metres in height (i.e. 4th story and above) when it is desirable to preserve a corner street space;
- iii) enclosing and screening rooftop mechanical equipment to match building design;

8. DEVELOPMENT PERMIT AREA GUIDELINES

- iv) oriented to face the street with corner buildings oriented to face both adjacent streets and buildings situated on a laneway oriented to face the laneway;
- v) developing buildings close to the front parcel line to encourage pedestrian-friendly areas;
- vi) designing doors and windows with bold frames and recessed features;
- vii) ensuring building entrances are easily identifiable with distinctive materials, colors, and a sense of depth;

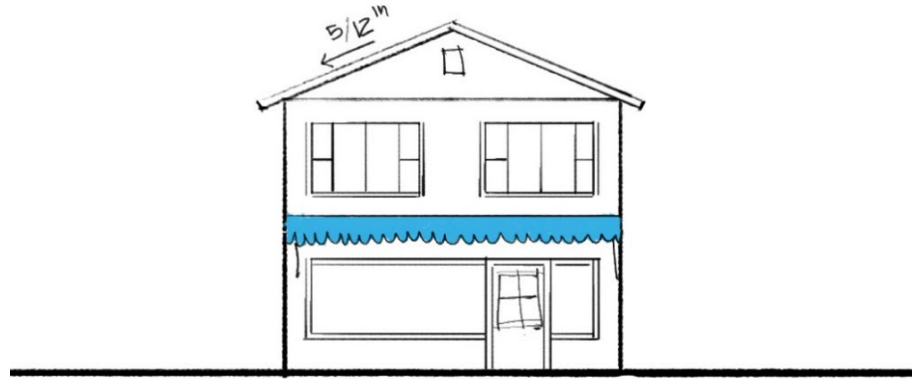


- viii) avoiding the creation of long expanses of blank facades;
- ix) varying building walls, roof shapes, and window placement to avoid boxy forms;



- x) avoiding large uninterrupted garage fronts for townhouse developments;
- xi) installing canopies or awnings at common entrances of apartment building developments (but avoiding significant roof overhangs);
- xii) the use of roof pitches (not exceeding pitches steeper than 5/12 inches), mono-slopes or flat roofs with parapets; and

8. DEVELOPMENT PERMIT AREA GUIDELINES



- xiii) consider the placement of structures using sun angle calculations to provide maximum shade for walls and outdoor areas in summer, while allowing sunlight exposure in winter.

.6.3 Site Design

- a) to ensure accessible, safe, and convenient pedestrian access throughout a site with a residential component, the following design elements should be incorporated:
 - i) Crime Prevention Through Environmental Design principles;
 - ii) pathways facilitating pedestrian access from parking areas to building entrances and adjacent streets;
 - iii) clustering common amenity areas, especially in developments with multiple buildings;
 - iv) exterior lighting shall should consist of down-cast fixtures to reduce light pollution;
 - v) provide easily accessible parking for mobility scooters and bicycles; and
 - vi) design vehicle access and on-site circulation in a way that minimizes disruption to pedestrians and cyclists.
- b) Vehicle parking facilities should be visually unobtrusive and not detract from the design of the site, or the character of the surrounding area by being sited to the rear or below a building.
- c) the design of buildings on a property adjoining Osoyoos Lake shall also take into account the following:
 - i) maintaining viewscapes of Osoyoos Lake from adjoining streets;
 - ii) complementing any adjacent walkways, parks, and amenity areas the front the lake; and
 - iii) shall not discourage or interrupt public access to the foreshore, including by placement of docks, wharves or piers.

8. DEVELOPMENT PERMIT AREA GUIDELINES

.6.4 Landscaping

- a) the use of poured concrete and concrete block are discouraged for retaining wall construction.
- b) to minimize water usage, xeriscaping is encouraged while the installation of water features is discouraged.
- c) Existing healthy and mature trees should be retained.
- d) Fencing and shrubs should be used to define public and private spaces.
- e) The use of fencing along street frontages should be minimal.
- f) Permeable surfacing materials are encouraged to enhance on-site drainage.

8.C. Industrial Development Permit (IDP) Area

.1 Category

The Industrial Development Permit Area is designated for the establishment of objectives for the form and character of industrial development, pursuant to Section 488(1)(f) of the *Local Government Act*.

.2 Area

The areas designated as being within the Industrial Development Permit Area are shown on Map 17 (Industrial Development Permit Area).

.3 Justification

Well-designed industrial developments are important for presenting a positive economic image of the Town, especially those that are visible from major highway entryways. These set the standard for attracting quality industries to the Town.

The objective of this development permit area is to ensure industrial developments are designed in a manner that positively complements and enhances the character of existing development in Osoyoos and minimizes conflicts with other land uses.

.4 Development requiring a permit

A development permit is required, except where exempt under Section 8.C.5 (Exemptions), for the construction of, addition to or alteration of a building or other structure on lands within the Industrial Development Permit Area.

.5 Exemptions

The following types of development are exempt from applying for an Industrial Development Permit:

1. Interior renovations not resulting in any change to the exterior of the building;
2. Exterior renovations that are consistent with the character of the development as previously approved in terms of colour, materials, and form;
3. signage;
4. Building additions to a maximum of 100 m²; and
5. The construction, repair, maintenance or alteration of public utility works.

.6 Guidelines

Development permits issued under the Industrial DPA shall be in accordance with the following guidelines:

.6.1 Design Theme

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- a) All buildings should incorporate the following design elements:
 - i) the use of simple a colour scheme that incorporates shades found in the surrounding, desert environment; and
 - ii) varied building materials other than unfinished / untextured concrete, or unfinished metal / aluminium.



Sources: Metl-Span and Christofferson Commercial Builders, Inc.

.6.2 Buildings and Structures

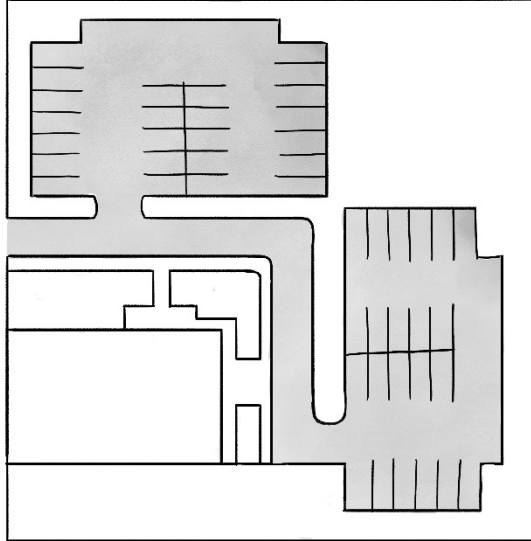
- a) All buildings should incorporate basic urban design principles, including:
 - i) ensuring buildings on the same site complement each other in massing and exterior finishes, including laneways;
 - ii) oriented to face the street with corner buildings oriented to face both adjacent streets;
 - iii) ensuring building entrances are easily identifiable with distinctive materials, colors, and a sense of depth;
 - iv) avoiding the creation of long expanses of blank facades; and
 - v) varied roof shapes and other architectural features to avoid boxy forms.

.6.3 Site Design

- a) To ensure accessible, safe, and convenient pedestrian access throughout a site the following design elements should be incorporated:
 - i) Crime Prevention Through Environmental Design principles;
 - ii) pathways facilitating pedestrian access from parking areas to building entrances and adjacent streets; and
 - iii) exterior lighting shall should consist of down-cast fixtures to reduce light pollution.

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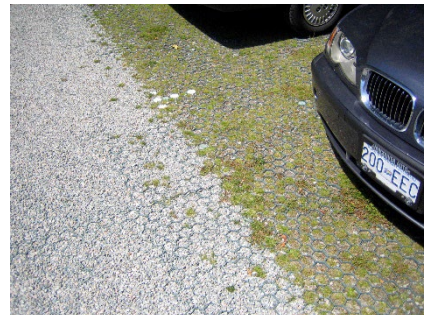
- b) Vehicle parking facilities should be placed to the rear, side, or below buildings as appropriate.
- c) Required vehicle parking facilities should be divided into smaller groups of spaces, when possible.



- d) Design loading facilities to be visually unobtrusive and avoid interference with internal circulation.

.6.4 Landscaping

- a) Areas not used for buildings, structures, vehicle access and parking, storage or other industrial purposes, are encouraged to be suitably landscaped.
- b) Permeable surfacing materials are encouraged to enhance on-site drainage.



8.D. Environmentally Sensitive Development Permit (ESDPA) Area

.1 Category

The Environmentally Sensitive Development Permit (ESDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.



.2 Area

The areas designated as being within the Environmentally Sensitive Development Permit Area are shown on Map 18 (Environmentally Sensitive Development Permit Area).

.3 Justification

The Osoyoos area is one of the most ecologically diverse regions in Canada, but is also one of the most threatened. One of the most characteristic ecosystems in the area is the Antelope-Brush Grasslands and associated ecosystems (i.e. cliffs, talus, riparian), which is recognized as one of the most endangered ecosystems in Canada, and is home to many rare and similarly endangered species of birds, small mammals and reptiles. Careful stewardship of our unique ecology not only has intrinsic value for preserving species diversity, but also helps to sustain the Town's cultural identity and attractiveness for tourists.

The objective of this development permit area is to ensure that critical habitats, wildlife corridors, and other significant environmental features are protected from development.

.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 8.D(5) (Exemptions), for development on lands within the ESDP area. Where not exempted, development requiring a development permit includes:
 - a) subdivision;
 - b) the construction of, addition to or alteration of a building or other structure; and

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- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.5 Exemptions

The following types of development are exempt from applying for an Environmentally Sensitive Development Permit:

1. Interior renovations to an existing building;
2. External alterations that are entirely within the existing building footprint;
3. Emergency circumstances to address any immediate danger on the site;
4. The construction, repair or maintenance of municipal works by the Town or its authorized agents or contractors, including the maintenance of parks and trails, so long as consideration has been given for ecosystem functions and their cycles (e.g. bird nesting season);
5. Boundary adjustments between lots when no new parcels are created;
6. Parcel consolidations that do not involve the installation of underground services or the construction of roads;
7. The removal of trees identified as hazardous and/or invasive by a Certified Arborist, recommending their removal with consideration given for bird nesting season and the potential for nesting habitat;
8. The restoration or ecological enhancement of the site or a portion thereof, as recommended by a Qualified Environmental Professional (QEP);
9. The removal of trees that are deemed to be a wildfire hazard as per provincial *FireSmart* standards and identified as such by a Certified Arborist, recommending their removal with consideration for bird nesting season and the potential for nesting habitat;
10. Land development without construction where the sole purpose of development is the restoration of an environmental feature or hand removal of invasive species, as identified by a Qualified Environmental Professional, recommending their removal with consideration for bird nesting season and the potential for nesting habitat;
11. For property that is within the Agricultural Land Reserve, activities limited to those indicated as normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* where the subject area has been previously altered for agricultural purposes;
12. For land that is used for mining or forestry-related development where a permit has been issued by the Ministry of Energy, Mines and Petroleum Resources and/or the Ministry of Forests, Lands, Natural Resource Operations and Rural Development; and
13. The reconstruction or repair of a permanent structure described in Section 532(1) of the LGA if the structure remains on its existing foundation.

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.6 Guidelines:

Development permits issued under the Environmentally Sensitive Development Permit Area shall be in accordance with the following guidelines:

.6.1 General

- a) Timing of development should consider and aim to avoid when possible times of the year when critical wildlife activities occur.
- b) Sensitive features and natural areas should be temporarily fenced or protected from damage prior to commencing development activities.
- c) Building and structure design should incorporate the existing terrain as much as possible to minimize impacts to the natural environment.
- d) Development shall occur in a manner that minimizes the total developed area of the site during and after construction.
- e) Measures to eradicate or control any invasive species on the site shall be implemented.

.6.2 Site Design – Habitat Protection

- a) Any rare or endangered species and their natural habitats identified on the subject lands shall be protected.
- b) Any wildlife corridors shall be protected and interconnected with other nearby corridors wherever possible.
- c) Conserve, remediate, and enhance any valued ecosystem components identified on the site.
- d) Establish adequate buffers between natural areas and development as indicated by the QEP in the Environmental Assessment Report.
- e) Any development, construction, or land alteration that may disturb critical habitat, active nesting sites or breeding areas for wildlife are not recommended unless properly guided by a QEP.
- f) Streets and trails shall be designed in a manner that limits disturbances to adjacent natural areas.

.6.3 Site Design – Habitat Restoration

- a) Actions to rehabilitate and restore any environmentally sensitive areas to an enhanced ecological state are encouraged on sites that have been subject to negative impacts as a result of past development activities.
- b) Any damage that may occur to sensitive features and natural areas during the development process shall be properly restored to an enhanced ecological state.
- c) Revegetation of exposed soils shall occur after any necessary land alteration is complete in order to prevent erosion and noxious weed infestation.
- d) Where a performance security is required as a condition of approval, habitat

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restoration will be reviewed one (1) year after completion of a project in order to determine if required works have been completed successfully prior to the refunding of any remaining security amount(s).

.6.4 Landscaping

- a) Landscaping in buffer areas should only consist of native species. Trails and landscaping features such as lawns or gardens are not permitted within these buffers.
- b) Permeable paving materials should be used to protect groundwater supply and minimize erosion from surface runoff.
- c) Retention of existing trees is encouraged.

8.E. Riparian Development Permit (RDPA) Area

.1 Purpose

The Riparian Development Permit (RDP) Area is designated pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity



.2 Area

Lands designated as Riparian Development Permit Area are:

- .1 shown as Riparian Development Permit Area on Map 19; or
- .2 within 30.0 metres of a stream; or
- .3 where a stream is in a ravine:
 - a) within 30.0 metres of the top of a ravine bank when the ravine is less than 60.0 metres wide; or
 - b) within 10.0 metres of the top of a ravine bank when the ravine is more than 60.0 metres wide.

The definitions used in the *Local Government Act* and provincial *Riparian Area Protection Regulation* (RAPR) shall apply.

.3 Justification

The objective of this development permit area is to ensure that water quality, fish, and fish habitat are protected, flooding is limited, biodiversity is supported, and habitat restoration is encouraged.

.4 Development requiring a permit

- .1 A development permit is required, except where exempt under Section 8.E.5 (Exemptions), for residential, commercial or industrial development on lands within the RDP area, which includes the following:

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- a) subdivision;
- b) the construction of, addition to or alteration of a building or other structure; and
- c) alteration of the land, including grading, removal of vegetation, deposit or moving of soil, paving, installation of drainage or underground services.

.5 Exemptions

The following types of development are exempt from applying for a Riparian Development Permit:

1. Development on Crown land.
2. Acceptance by the Town of a report prepared by a Qualified Environmental Professional (QEP) concluding that there is no stream on the subject lands or adjacent lands that may be affected by the proposed development;
3. Acceptance by the Town of a report prepared by a QEP authorizing the removal of infested, diseased, or hazardous trees in accordance with Best Management Practices for Tree Topping, Limbing and Removal in Riparian Areas (Provincial Guidelines) and any other applicable legislation. Environmental monitoring will be required to ensure that tree removal is carried out in accordance with the report recommendations;
4. Boundary adjustments between lots when no new parcels are created;
5. Parcel consolidations that do not involve the installation of underground services or the construction of roads;
6. The construction, repair or maintenance of municipal works by the Town or its authorized agents or contractors, including the maintenance of parks and trails, so long as consideration has been given for ecosystem functions and their cycles (e.g. bird nesting season);
7. Interior renovations to an existing building;
8. External alterations that are entirely within the existing building footprint or additions that do not extend into the Riparian Assessment Area;
9. Emergency circumstances to address any immediate danger on the site
10. For property that is within the Agricultural Land Reserve, activities limited to those indicated as normal farm practices as defined in the *Farm Practices Protection (Right to Farm) Act* where the subject area has been previously altered for agricultural purposes;
11. For land that is used for mining or forestry-related development where a permit has been issued by the Ministry of Energy, Mines and Petroleum Resources and/or the Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
12. The reconstruction or repair of a permanent structure described in Section 532(1) of the LGA if the structure remains on its existing foundation;

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13. Developments for which the Town has received a copy of an authorization issued under section 35(2)(b) or (c) of the *Fisheries Act*; and
14. The maintenance of an area of existing human disturbance, other than a building or structure, if the area is not extended and the type of disturbance remains unchanged.

.6 Guidelines

- .1 A Development Permit is required for development within the WDP Area, and shall be in accordance with the following guidelines:
 - a) An Assessment Report, prepared in accordance with Part 4 (Assessments and Assessment Reports) of the RAPR, must be received by the Regional District in respect of the proposed development from the responsible provincial minister; or
 - b) if the minister will not provide the Assessment Report under Section 6 (Administration of assessment reports by minister) of the RAPR because the development that is the subject of the Assessment Report has already occurred, then the person who prepared the Assessment Report may submit it to the Regional District, together with evidence of the minister's rejection of the report, and any reasons the minister provided for the rejection.

.7 Variances to Protect the SPEA

The Town of Osoyoos encourages Development Variance Permit (DVP) applications for the relaxation of zoning (parcel line) setbacks on existing small lots to reduce impacts and preserve the SPEA.