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CONSOLIDATED FOR CONVENIENCE TO INCLUDE BYLAW AMENDMENTS - SEE SUMMARY OF AMENDMENTS (LAST PAGE)

**REGIONAL DISTRICT OF
CENTRAL OKANAGAN**



**RURAL WESTSIDE
OFFICIAL COMMUNITY PLAN**



Bylaw No. 1274
Adopted: December 13, 2010
REVISED May 24, 2023

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1274, 2010

**A Bylaw to adopt the
RURAL WESTSIDE OFFICIAL COMMUNITY PLAN**

WHEREAS the Regional Board of the Regional District of Central Okanagan wishes to adopt an official community plan under the provisions of the Local Government Act;

AND WHEREAS the Regional Board may adopt an official community plan by bylaw and each reading of the bylaw must receive an affirmative vote of a majority of all members of the Board;

AND WHEREAS after first reading of the bylaw the Regional Board shall, in sequence, examine the official community plan in conjunction with its financial plan, growth management strategy, waste management plan or economic strategy plan that is applicable in the Regional District to ensure consistency between them;

AND WHEREAS if the official community plan applies to land in an agricultural land reserve established under the Agricultural Land Commission Act, the Regional Board shall refer the official community plan to the provincial Agricultural Land Commission for comment;

AND WHEREAS the official community plan has been prepared in consultation with District of Peachland, District of West Kelowna, Okanagan Indian Band, Westbank First Nation, Ministry of Transportation and Infrastructure and applicable school district, irrigation districts and Provincial agencies;

AND WHEREAS before the Regional Board gives third reading to the bylaw, the Regional Board shall hold a public hearing on the proposed official community plan in accordance with the Local Government Act;

AND WHEREAS the Regional Board of the Regional District of Central Okanagan has complied with all requirements of the Local Government Act prior to adoption of this official community plan bylaw including all of the foregoing;

AND WHEREAS after the bylaw adopting the official community plan has received final reading; the plan is an official community plan of the Regional District of Central Okanagan;

NOW THEREFORE the Regional Board of the Regional District of Central Okanagan, in an open meeting enacts as follows:

1. Rural Westside Official Community Plan attached hereto as Schedule 'A' and forming part of this bylaw is adopted as an Official Community Plan of the Regional District and this bylaw may be cited as Rural Westside Official Community Plan Bylaw No. 1274, 2010.
2. The bylaw shall apply only to that portion of the Regional District of Central Okanagan as outlined on the attached Official Community Plan Boundaries Map of this bylaw.

3. If any statement, section, sub-section, clause, sub-clause or phrase of this bylaw is for any reason held invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the bylaw and official community plan.
4. North Westside Official Community Plan Bylaw No. 785, 1999, together with all amendments is hereby repealed.
5. Westside Official Community Plan Bylaw No. 1050, 2005, together with all amendments is hereby repealed.

READ A FIRST TIME this 26th day of April 2010

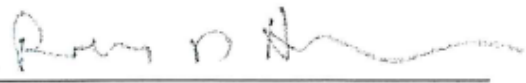
PUBLIC HEARING HELD PURSUANT TO THE LOCAL GOVERNMENT ACT this 28th
day of June 2010

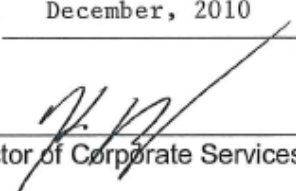
READ A SECOND TIME this 28th day of June 2010

READ A THIRD TIME this 28th day of June 2010

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT this 23rd
day of November, 2010

RECONSIDERED AND ADOPTED this 13th day of December, 2010


Chairman


Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Rural Westside Official Community Plan Bylaw No. 1274, 2010 as read a third time by the Regional District of Central Okanagan the 28th day of June 2010

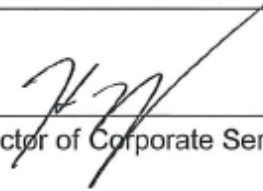
Dated at Kelowna, this 30th day of June 2010



Director of Corporate Services

I hereby certify the foregoing to be a true and correct copy of Rural Westside Official Community Plan Bylaw No. 1274, 2010, which was Reconsidered and Adopted by the Regional District of Central Okanagan on the 13th day of December, 2010

Dated at Kelowna, this 15th day of December, 2010



Director of Corporate Services



No. 2010109

Statutory Approval

Under the provisions of section 882

of the Local Government Act

I hereby approve Bylaw No. 1274

Regional District of Central Okanagan,

a copy of which is attached hereto.

Dated this 23 day
of November, 2010

A handwritten signature in cursive script, reading "Stephanie Cadieux".

Stephanie Cadieux
Minister of Community, Sport and Cultural
Development

Schedule A

Agriculture and Large Holdings

The rural landscape forms a significant back drop to the character of the North Westside plan area. The agricultural and large holdings (e.g. RU-ALR, RU1 and RU2 zones) reinforce the rural character. This chapter discusses the issues, objectives and policies for the North Westside area.

5.1 Agriculture and Large Holdings

All lands within the Agricultural Land Reserve (ALR) are designated on the OCP Future Land Use Map 8 as “Agriculture”. Large Holdings are those larger parcels designated in the Zoning Bylaw as Rural Residential, RU1 and RU2, and having a minimum parcel size of 4 ha(10 acres) or greater, and allow for example compatible resource oriented uses such as forestry and farming. Large rural parcels have been designated “Large Holdings” on the OCP Future Land Use Map 8. Together the agricultural and large rural designations comprise 78% of all lands in North Westside area, and contribute towards defining the rural character of the North Westside area.

The *Farm Practices Protection (Rights to Farm) Act* and amendments to the *Local Government Act* provide the Regional District with new legislation to implement the Province’s Right to Farm concept. The Province has prepared a *Guide for Bylaw Development in Farming Areas* to provide standards that can be incorporated into zoning bylaws or to create separate farm bylaws. Although active agricultural operations are limited in the plan area, the provisions in the OCP are intended to support those lands in the ALR as well as retain the rural character of the area. Agricultural Land Reserve Areas map identifies those areas which are in the Agricultural Land Reserve.

Issues

- Protection of large rural and agricultural parcels as a defining character of the area;
- How to implement the “Farm Practice Protection (Right to Farm Legislation)”;
- Conflict between agricultural operations and residential/resort developments; and
- The need to address the increased potential of fire hazard by subdividing to permit increased rural residential uses.

Objectives

The Regional District’s agriculture and large holding objectives are to:

1. Protect and maintain the economic viability of the agricultural sector of the community and encourage its improvement and expansion;
2. Improve the coexistence between the residential/resort development, and rural and agricultural uses through better buffering and screening techniques;

3. Support the removal from the ALR any lands identified by the Provincial Agricultural Land Commission as not part of the long term agricultural strategy where the land owner is in agreement; and
4. Preserve existing large rural and agricultural parcels in recognition that the North Westside area will continue to remain a rural area within the regional context of the Rural Westside Official Community Plan, with limited community services and infrastructure.

Policies

The Regional District will:

1. Designate all lands within the ALR as “Agriculture”, excepting those lands approved for non-farm use by the Provincial Agricultural Land Commission as well as those lands containing or proposed for, non-farm uses that are permitted within the ALR;
2. In consideration of limited community services, infrastructure and existing land available for development, zoning amendment applications to allow for further fragmentation of parcels within “Agriculture” and “Large Holding” designations will not be supported;

except for a portion of Lot A, District Lot 2176, ODYD, Plan 23825 Except Plans KAP59351 and KAP82794.
3. Encourage new subdivisions adjacent to agricultural land or livestock grazing land, to provide perimeter fencing of the subdivision notwithstanding that Provincial jurisdictions having authority may require this provision;
4. Evaluate new developments on the implications and impacts on the agricultural uses in the area;
5. Ensure new developments provide and maintain distinct buffers which conform to the *Landscape Buffer Specifications* established by the Provincial Agricultural Land Commission, including any future amendments thereto;
6. In addition to the *Landscape Buffer Specifications*, also consider where appropriate, naturally occurring buffers such as roads, topographic features, watercourses, fencing, and transitional land uses such as country residential and small holdings parcels;
7. Reduce impact of pest infestation on farm operations and residential fruit trees by enforcement of bylaws dealing with abandoned orchards and non-maintained orchards;
8. Minimize the impact of roads and utility corridors through agricultural land by utilizing only those lands necessary, and by maximizing the capacity of existing corridors and roads;
9. Support the agricultural industry by establishing economic strategies to promote the industry, and to identify new farm markets;
10. Support the agricultural and rural economy by encouraging secondary uses (e.g. home occupations, agri-tourism, and second processing of products produced on site). Note: methods to achieve this

policy may include revisions to *Zoning Bylaw No. 871* with respect to the home occupations provisions, bed and breakfast regulations, and the uses or “value added” processes permitted in the agriculture and large holding zones;

11. Implement the Provincial Agricultural Land Commission and Ministry of Agriculture policy direction to implement the “Farm Practice Code” through its *Guide for Bylaw in Farming Areas* as part of *Zoning Bylaw No. 871*;
12. Consider support for ALR exemption or exclusion applications based on community need, having regard for the land’s agricultural capability and the examination of non-ALR alternatives;
13. Consider support for applications for exemptions or exclusion from the ALR where the land is of very poor agricultural soil capability. The final decision for exemption or exclusion from the ALR rests with the Provincial Agricultural Land Commission;
14. Resource development should not be subject to visual impact analysis from Controlled Recreation tenures. Facilities such as Crystal Mountain ski runs, upper mountain tea house or restaurant will be oriented to avoid long viewscapes.
15. Request the Provincial Approving Officer require any new developments undertake a fire hazard risk assessment where the property contains or borders forest land. The assessment will consider, but not be limited to the following criteria:
 - a) incorporating fuel breaks adjacent to or on the large holding or rural subdivisions;
 - b) establishing zones which are clear of debris, highly combustible material or trees around potential structures and homes as defined by the Ministry of Forests;
 - c) utilizing fireproofing techniques and fireproof materials in building design;
 - d) designing roads to provide evacuation routes and facilitate movement of fire fighting equipment;
 - e) ensuring all roads are named and signed;
 - f) availability of volunteer fire brigades and where appropriate fire protection districts;
 - g) availability of water supply facilities adequate for fire suppression;
 - h) provision of access to local water sources, lakes and streams as part of access requirements;
and
 - i) establishment of residential building setbacks of 30 metres abutting Crown land.

5.2 Resource Extraction

During the focus group sessions, residents expressed concern over the potential of large-scale tree removal, and its many impacts from soil erosion to visual impact. Much of the upper forested lands such as Sugarloaf Mountain and Blue Grouse Mountain are Crown land and outside the boundaries of the North Westside OCP. These lands are influenced by the *Okanagan-Shuswap Land and Resource Management Plan* (LRMP) process, which is presently under review. The Regional District is a participant in the process along with other provincial ministries and stakeholders and has interests which include:

- plan coordination and consistency with OCP's such as the Rural Westside Official Community Plan;
- land use compatibility;
- protection of community health;
- protection of visual quality and land forms;