



Upper Nicola Band Land Use Plans

Ratified by Chief and Council March 21, 2016



Contents

Acknowledgements	ii
Upper Nicola Band Vision.....	iii
Upper Nicola Band Mission Statement	iii
Development of Land Use Plans	1
Purpose.....	2
Land Use Statistics.....	3
Definitions.....	14
General Provisions	19
Land Use Categories.....	21
Agriculture / Range (AR).....	22
Commercial 1 (C-1).....	23
Commercial 2 (C-2)	24
Community Use (CU).....	25
Culturally Significant Area (CSA)	26
Environmentally Significant Area (ESA).....	27
Forestry (FR).....	28
Industrial 1 (I-1).....	29
Industrial 2 (I-2)	31
Residential 1 (R-1).....	32
Residential 2 (R-2)	33
Working with Land Use Plans.....	34
Schedules	36
Schedule A. Nicola Lake (IR #1) Land Use Plan	37
Schedule B. Hamilton Creek (IR #2) Land Use Plan.....	38
Schedule C. Douglas Lake (IR #3) Land Use Plan	39
Schedule D. Spahomin Creek (IR #4) Land Use Plan	40
Schedule E. Chapperon Lake (IR #5) Land Use Plan	41
Schedule F. Chapperon Creek (IR #6) Land Use Plan.....	42
Schedule G. Salmon Lake (IR #7) Land Use Plan.....	43
Schedule H. Spahomin Creek (IR #8) Land Use Plan	44
Schedule I. Land Use Category Amendment Application Form	45

Acknowledgements

The Upper Nicola Band Land Use Plan was assembled through the valuable contribution of many people from inside and outside the Upper Nicola community.

The UNB Working Group volunteered numerous evenings to contribute to the advancement of this plan, including guiding engagement strategies and ensuring youth and elders were appropriately engaged both separately and as part of the larger engagement strategy.

The First Nation Market Housing Fund provided essential funding to bring professional consultants into the community.

Staff from McElhanney Consulting Services facilitated community discussions around the land use plans and provided valuable technical expertise in putting the plans together.

UNB Staff managed the process on behalf of Upper Nicola, ensured the community was appropriately engaged, and provided important boots on the ground to get the process moving forward.

Upper Nicola Band Vision

A strong flourishing community
in harmony with our Timixw.

Upper Nicola Band Mission Statement

Upper Nicola is a proud inclusive Sjlilx
community working together to promote
SaxwtwtEm, teach our captik^w and committed
to building foundations through
En'owkin'wixw.



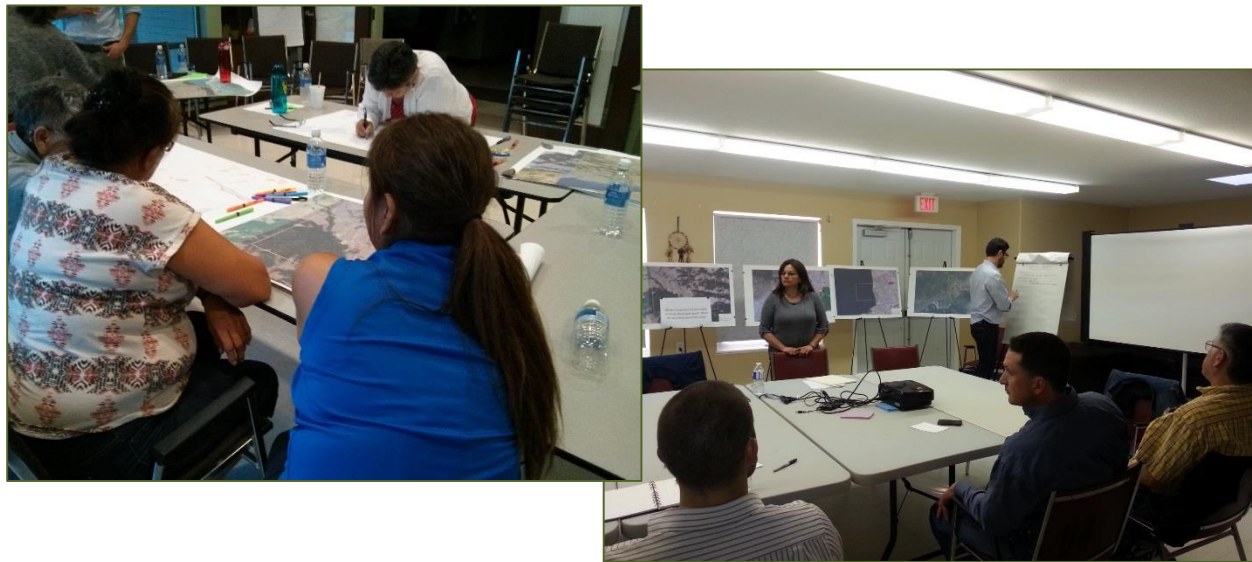
Development of Land Use Plans

The Upper Nicola Band (UNB) Land Use Plans were developed throughout 2015 and early 2016 in a community-led initiative funded by the First Nations Market Housing Fund. Land Use Plans were developed for lands in the eight (8) Indian Reserves within the Traditional Territory of the Upper Nicola Band.

The development of the plans started with a review of existing plans and technical information related to land use in the community. Early discussions with staff and a Working Group comprised of UNB Staff, community members, and elders met regularly with consultants to refine and guide the community engagement process.

As part of the planning process, online Land Use Planning maps were produced with use of the online mapping VertiSEE tool. These maps can be accessed from the UNB Members Only section of the UNB website or by visiting the Band Office and speaking with the Lands Manager. Paper copies of the plans can be found in the appendices of this document or in larger format in the Band Office.

Four major community Open Houses were held to review the plans and discuss the project at key milestones, and special engagement sessions were organized for youth at the N'kwala school, for community elders, and for youth attending the Glimpse Lake camp. Consultants also attended two Annual General Assemblies to talk about the planning process and solicit input from community members.



At each of these sessions, key questions related to the Land Use Plans were discussed, giving community members the chance to provide input into the details of the plan as well as the overarching vision driving the planning process.

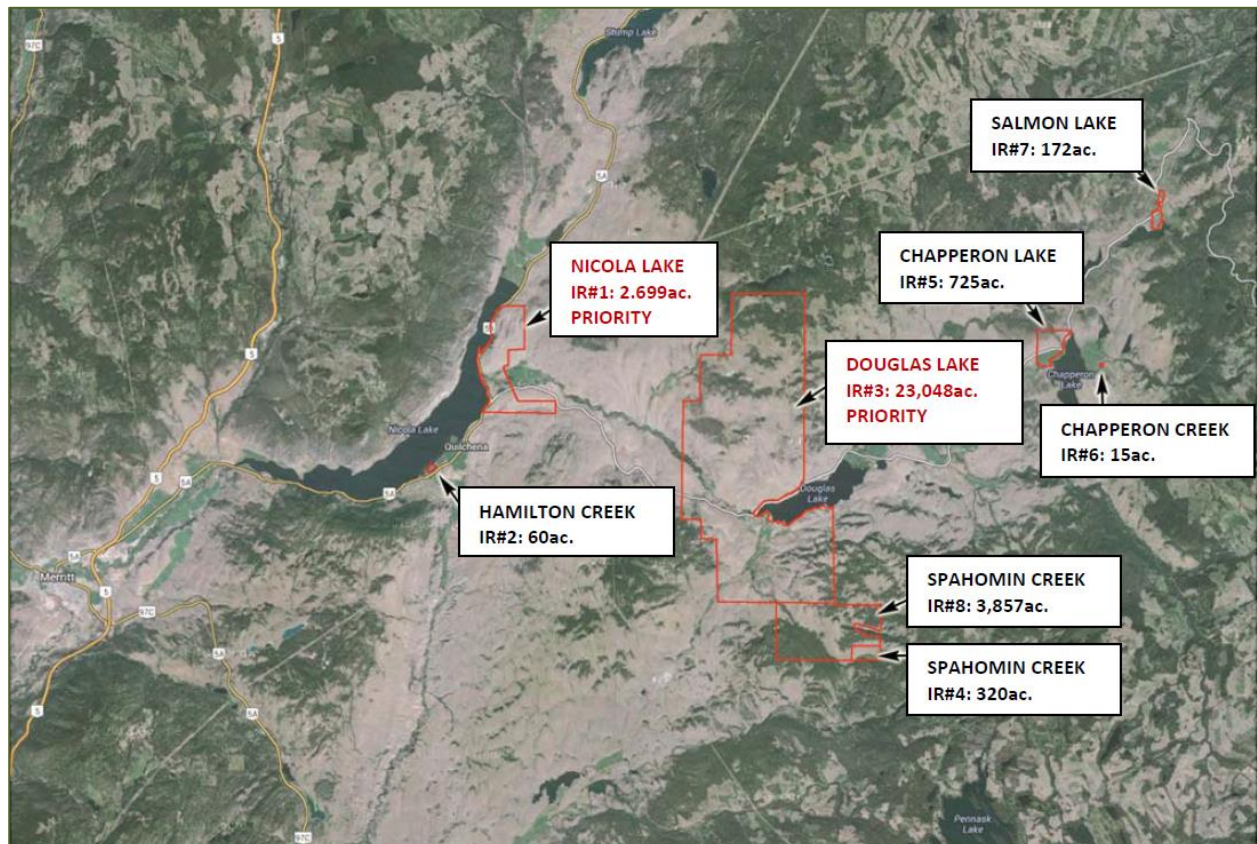
The valuable input provided by community members over the entire course of the planning process led to the production of the Land Use Plans and this document.

Purpose

The Upper Nicola Band Land Use Plan is intended to provide regulations in relation to the location, use, size, and siting of buildings and structures. The Land Use Plan applies to lands located within Upper Nicola Band's eight (8) Indian Reserves (IRs), specifically:

IR #	Name
1	Nicola Lake (Quilchena)
2	Hamilton Creek
3	Douglas Lake (Spahomin)
4	Spahomin Creek
5	Chapperon Lake
6	Chapperon Creek
7	Salmon Lake
8	Spahomin Creek

Lands situated outside the eight (8) IRs but forming part of Upper Nicola Band traditional territory are categorized for use by Upper Nicola Band for traditional and cultural purposes.

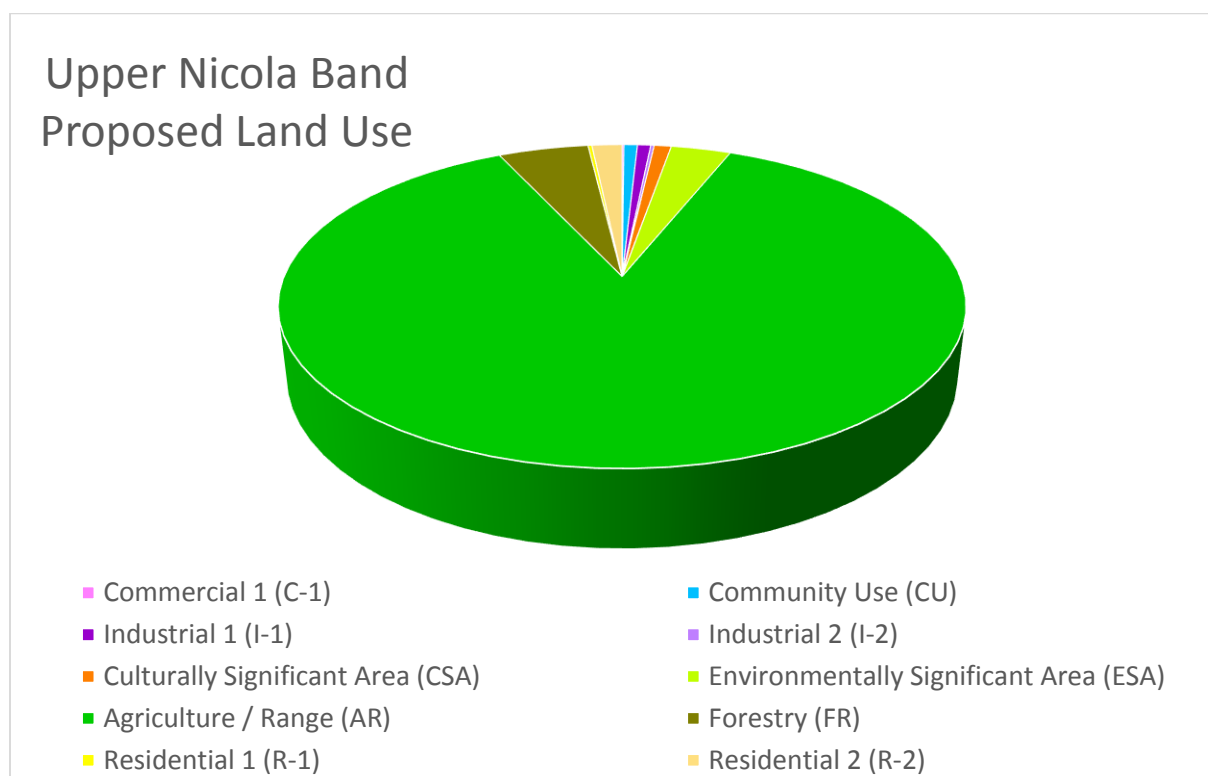


Land Use Statistics

The eight (8) IRs forming part of UNB territory consist of approximately 123.8 square kilometres of land.

On an overall basis, UNB's lands are primarily categorized as Agriculture / Range (AR), Forestry (FR) and Environmentally Sensitive Area (ESA), together accounting for approximately 95% of the total land base within Reserve boundaries.

A chart representing the relative distribution of land use categories is presented below.



Upper Nicola Band - Total by Area and % of Total

Land Use	Area (sq. km)	Acres	Hectares	% of Total
Commercial 1 (C-1)	0.124	30.64	12.40	0.10
Community Use (CU)	0.940	232.28	94.00	0.76
Industrial 1 (I-1)	0.921	227.58	92.10	0.74
Industrial 2 (I-2)	0.238	58.81	23.80	0.19
Culturally Significant Area (CSA)	1.187	293.31	118.70	0.96
Environmentally Significant Area (ESA)	4.159	1027.71	415.90	3.36
Agriculture / Range (AR)	107.583	26,584.34	10,758.30	86.92
Forestry (FR)	6.251	1,544.66	625.10	5.05
Residential 1 (R-1)	0.273	67.46	27.30	0.22
Residential 2 (R-2)	2.096	517.93	209.60	1.69
Total	123.773	30,584.97	12,377.30	100.00

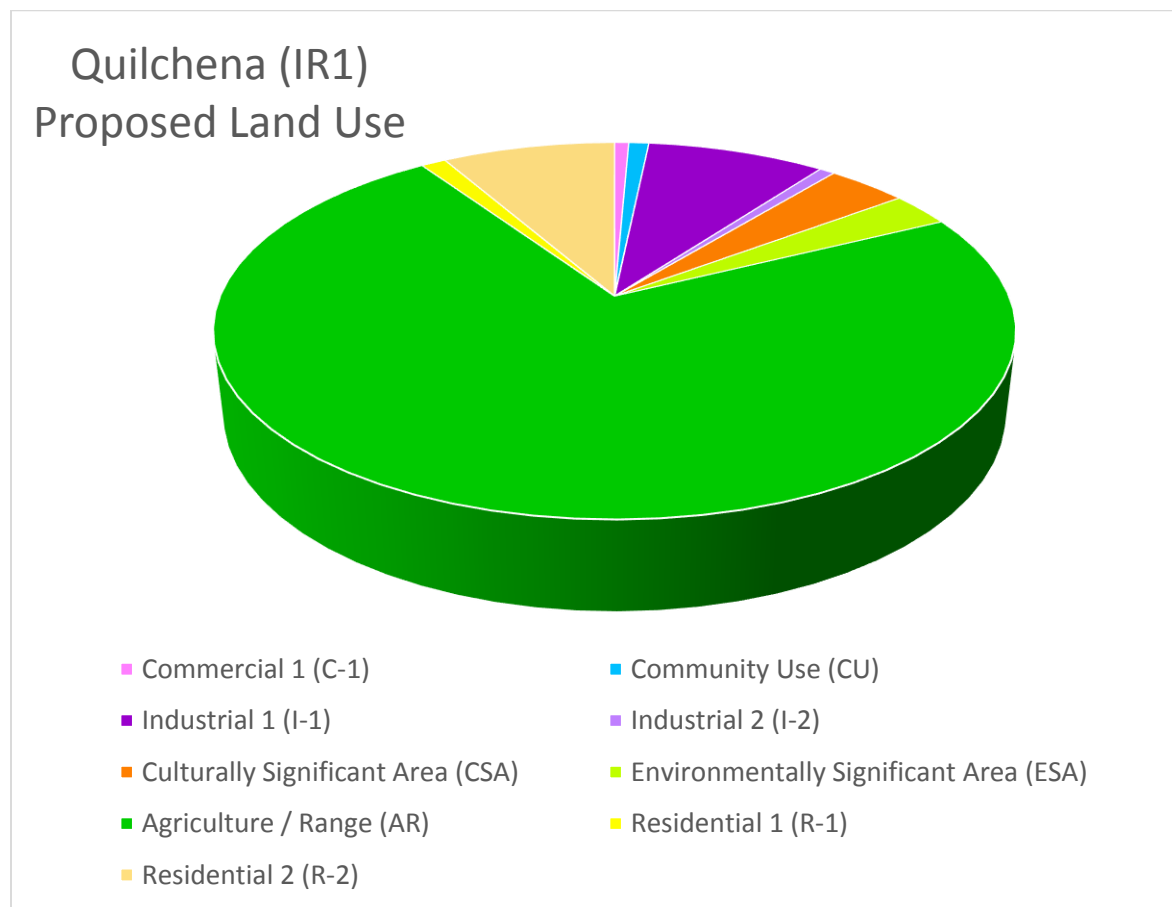
1.0 Nicola Lake (IR #1) Land Use Plan

Nicola Lake (IR #1) is known locally as Quilchena and consists of approximately 1,073 hectares (2,652 acres) of land. The Land Use Plan for Nicola Lake (IR#1) is attached as Schedule A.

Nicola Lake (Quilchena) represents one of the priority planning areas where new development can be anticipated in the near term. Located along Nicola Lake, access to Nicola Lake (Quilchena) is via Highway 5A, which runs along the western boundary of the reserve from Merritt (approximately 30km to the south) to Kamloops (approximately 70km to the north). It is currently one of two main residential areas within Upper Nicola lands and is home to the UNB Health Centre, one of several community gathering spaces.

The lands are primarily categorized as Agriculture / Range (AR), accounting for approximately 72% of the land base within Reserve boundaries, with significant areas categorized as Residential-2 (R-2) and Industrial 1 (I-1).

A chart representing the relative distribution of land use categories is presented below.



Nicola Lake (IR #1) - Total by Area and % of Total IR Land Area

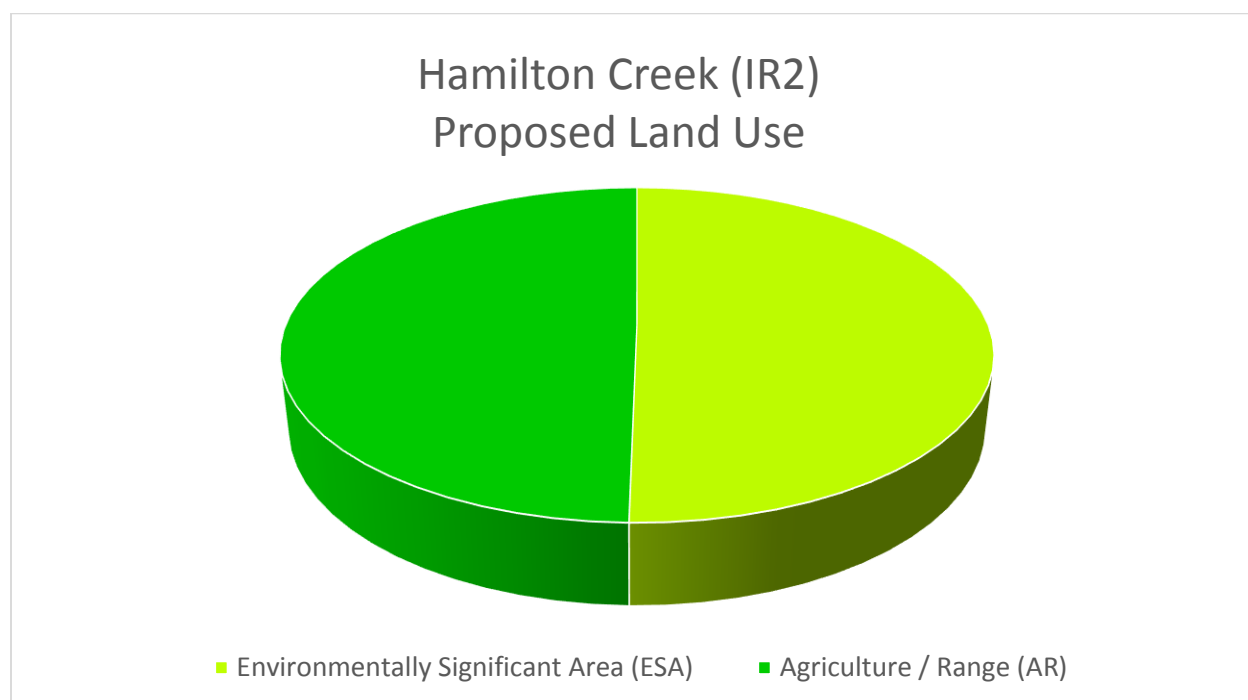
Land Use	Area (sq. km)	Acres	Hectares	% of Total
Commercial 1 (C-1)	0.073	18.04	7.30	0.68
Community Use (CU)	0.104	25.70	10.40	0.97
Industrial 1 (I-1)	0.921	227.58	92.10	8.58
Industrial 2 (I-2)	0.080	19.77	8.00	0.74
Culturally Significant Area (CSA)	0.412	101.81	41.20	3.84
Environmentally Significant Area (ESA)	0.313	77.34	31.30	2.92
Agriculture / Range (AR)	7.810	1,929.89	781.00	72.76
Residential 1 (R-1)	0.128	31.63	12.80	1.19
Residential 2 (R-2)	0.893	220.67	89.30	8.32
Total	10.734	2,652.43	1,073.40	100.00

2.0 Hamilton Creek (IR #2) Land Use Plan

Hamilton Creek (IR #2) consists of approximately 23.9 hectares (59 acres) of land. It is located on the eastern shore of Nicola Lake, south of Nicola Lake (IR#1), with frontage on Highway 1A. The Land Use Plan for Hamilton Creek (IR #2) is attached as Schedule B.

An existing private campground exists on Hamilton Creek (IR #2), along with agricultural / range lands and a private residence. Hamilton Creek is relatively evenly categorized as Agriculture / Range (AR) use, and Environmentally Significant Area (ESA).

A chart representing the relative distribution of land use categories is presented below.



Hamilton Creek (IR #2) - Total by Area and % of Total IR Land Area

Land Use	Area (sq. km)	Acres	Hectares	% of Total
Environmentally Significant Area (ESA)	0.120	29.65	12.00	50.29
Agriculture / Range (AR)	0.119	29.41	11.90	49.71
Total	0.239	59.06	23.90	100.00

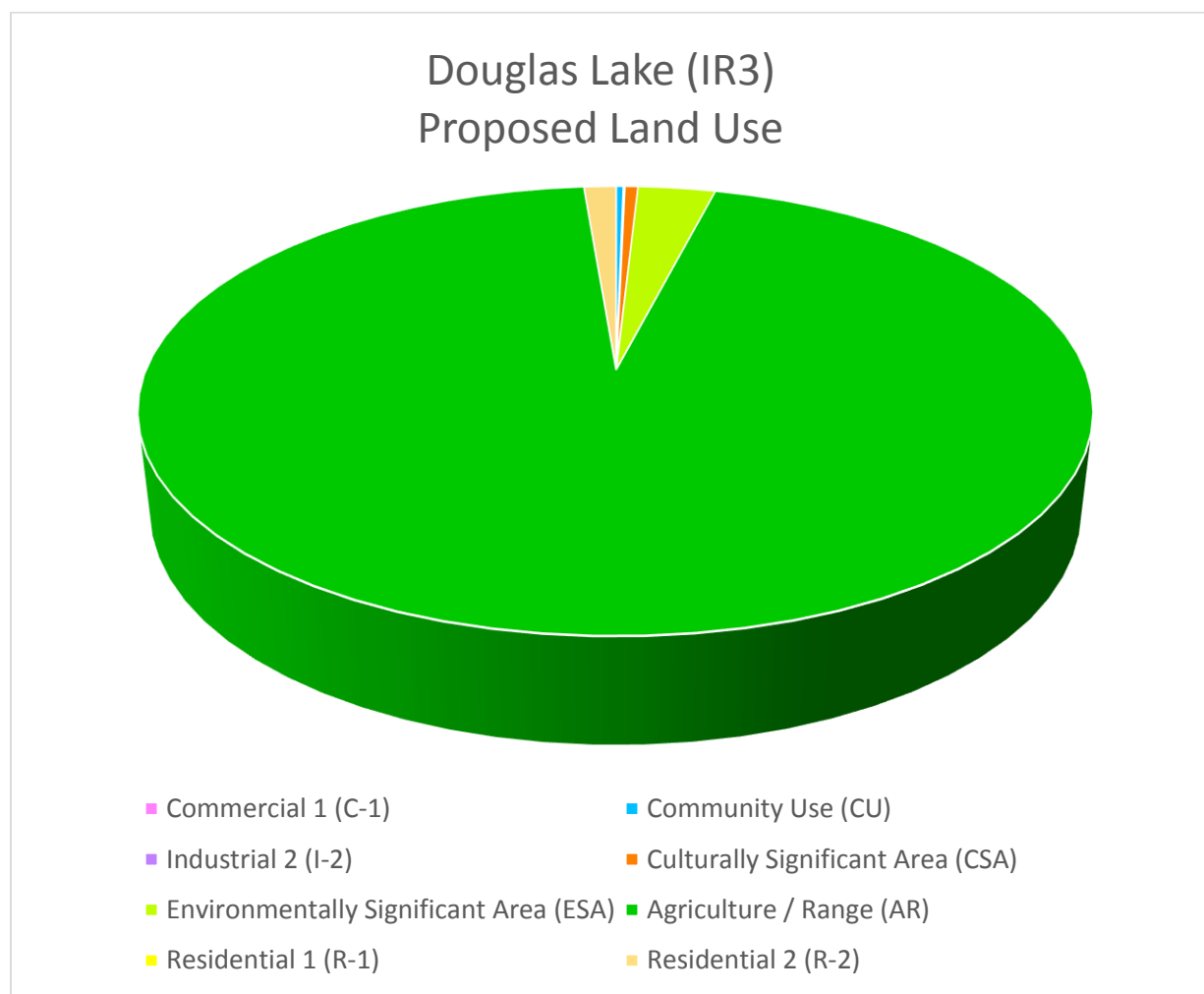
3.0 Douglas Lake (IR #3) Land Use Plan

Douglas Lake (IR #3), known locally as Spahomin, consists of approximately 9,261 hectares (22,884 acres) of land. The Land Use Plan for Douglas Lake (IR #3) is attached as Schedule C.

Douglas Lake (Spahomin) represents one of the priority planning areas where new development can be anticipated in the near term. Located east of Nicola Lake (IR #1) along the southwestern shore of Douglas Lake, access to Douglas Lake (Spahomin) is via Douglas Lake Road, which meets Highway 5A approximately 15km to the west. It is currently one of two main residential areas within Upper Nicola lands and is home to the N'Kwala School, UNB Band Office, and the Gathering Place. The Glimpse Lake community gathering place is located at the northern tip of the Reserve, along the southern shore of Glimpse Lake.

The Douglas Lake lands are largely categorized as Agriculture / Range (AR), accounting for approximately 95% of the land base within the Reserve boundaries. A large amount of land is also categorized as Environmentally Sensitive Area (ESA) and Residential (R-2).

A chart representing the relative distribution of land use categories is presented below.



Douglas Lake (IR #3) - Total by Area and % of Total IR Land Area

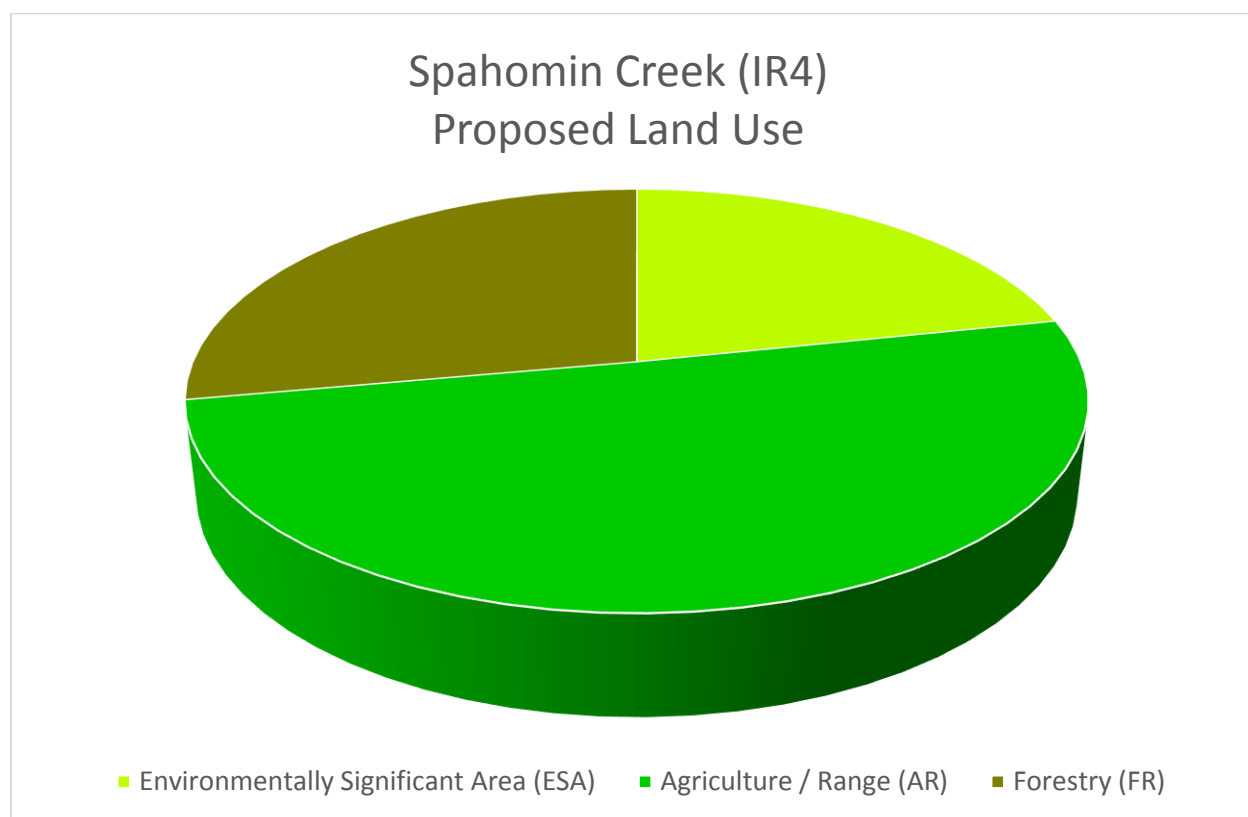
Land Use	Area (sq. km)	Acres	Hectares	% of Total
Commercial 1 (C-1)	0.007	1.73	0.70	0.008
Community Use (CU)	0.259	64.00	25.90	0.280
Industrial 2 (I-2)	0.061	15.07	6.10	0.066
Culturally Significant Area (CSA)	0.486	120.09	48.60	0.525
Environmentally Significant Area (ESA)	2.893	714.88	289.30	3.123
Agriculture / Range (AR)	87.697	21,670.40	8,769.70	94.696
Residential 1 (R-1)	0.003	0.74	0.30	0.003
Residential 2 (R-2)	1.203	297.27	120.30	1.299
Total	92.609	22,884.18	9,260.90	100.00

4.0 Spahomin Creek (IR #4) Land Use Plan

Spahomin Creek (IR #4) consists of approximately 128 hectares (320 acres) of land. It is relatively isolated, located southeast of Douglas Lake (IR #3) and Spahomin Lake (IR #8), and is accessed via logging roads off the Spahomin Mainline south of Douglas Lake (Spahomin). The Land Use Plan for Spahomin Lake (IR #4) is attached as Schedule D.

Approximately half (50%) of Spahomin Creek is categorized as Agriculture / Range (AR), with significant areas categorized as Environmentally Sensitive Area (ESA) (22%) and Forestry (FR) (28%).

A chart representing the relative distribution of land use categories is presented below.



Spahomin Creek (IR #4) - Total by Area and % of Total IR Land Area

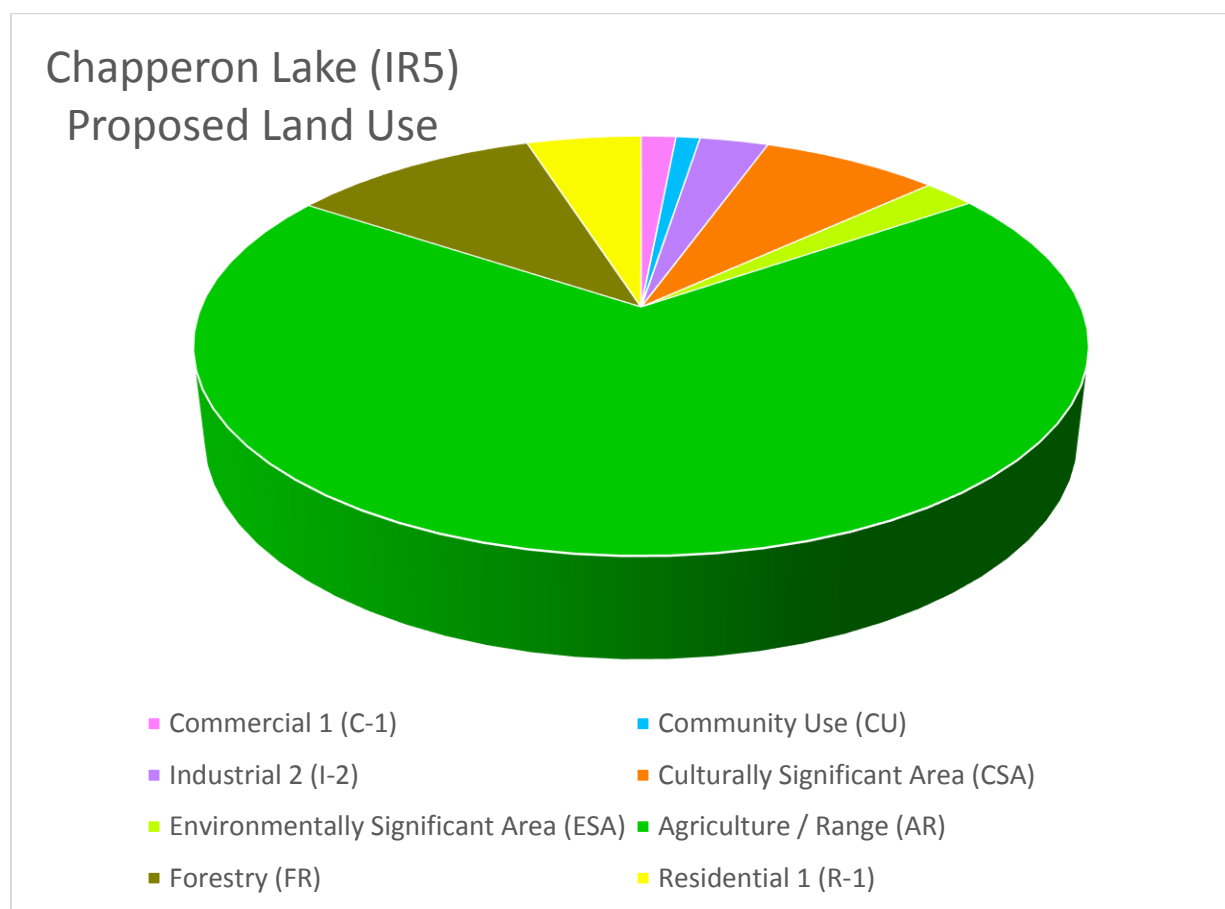
Land Use	Area (sq. km)	Acres	Hectares	% of Total
Environmentally Significant Area (ESA)	0.277	68.45	27.70	21.69
Agriculture / Range (AR)	0.643	158.89	64.30	50.44
Forestry (FR)	0.355	87.72	35.50	27.87
Total	1.275	315.06	127.50	100.00

5.0 Chapperon Lake (IR #5) Land Use Plan

Chapperon Lake (IR #5) consists of approximately 289 hectares (715 acres) of land. It is located on the northwestern shore of Chapperon Lake approximately 20 km east of Douglas Lake (IR #3) and is accessed via Douglas Lake Road. The Land Use Plan for Chapperon Lake (IR #5) is attached as Schedule E.

Chapperon Lake is primarily categorized as Agriculture / Range (AR), accounting for approximately 69% of the land base, with significant areas categorized as Forestry (FR) and Culturally Sensitive Area (CSA).

A chart representing the relative distribution of land use categories is presented below.



Chapperon Lake (IR #5) - Total by Area and % of Total IR Land Area

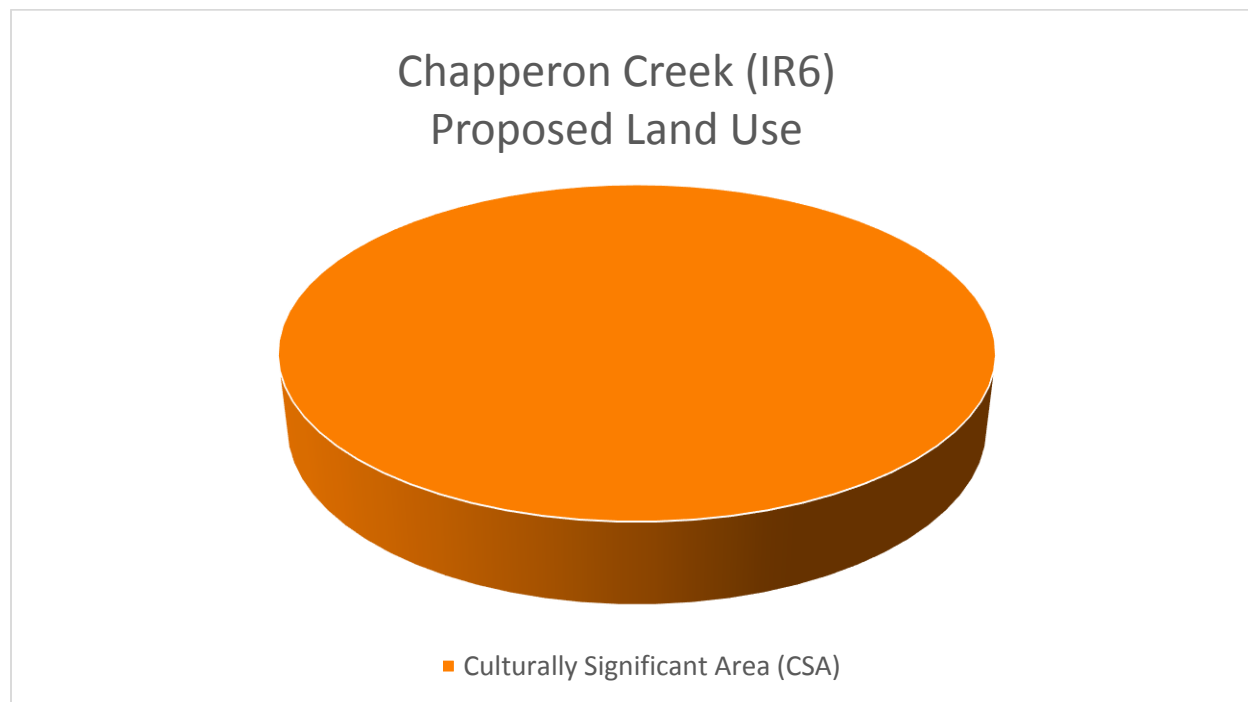
Land Use	Area (sq. km)	Acres	Hectares	% of Total
Commercial 1 (C-1)	0.043	10.63	4.30	1.50
Community Use (CU)	0.030	7.41	3.00	1.04
Industrial 2 (I-2)	0.085	21.00	8.50	2.95
Culturally Significant Area (CSA)	0.222	54.86	22.20	7.68
Environmentally Significant Area (ESA)	0.065	16.06	6.50	2.25
Agriculture / Range (AR)	1.992	492.23	199.20	68.89
Forestry (FR)	0.311	76.85	31.10	10.75
Residential 1 (R-1)	0.143	35.34	14.30	4.93
Total	2.892	714.63	289.20	100.00

6.0 Chapperon Creek (IR #6) Land Use Plan

Chapperon Creek (IR #6) consists of approximately 6.1 hectares (15 acres) of land. Chapperon Creek (IR #6) is relatively isolated, located approximately 3km southeast of Chapperon Lake (IR #5) along Chapperon Lake Road. The Land Use Plan for Chapperon Creek (IR #6) is attached as Schedule F.

The entire Chapperon Creek reserve is categorized as Culturally Significant Area (CSA).

A chart representing the relative distribution of land use categories is presented below.



Chapperon Creek (IR #6) - Total by Area and % of Total IR Land Area

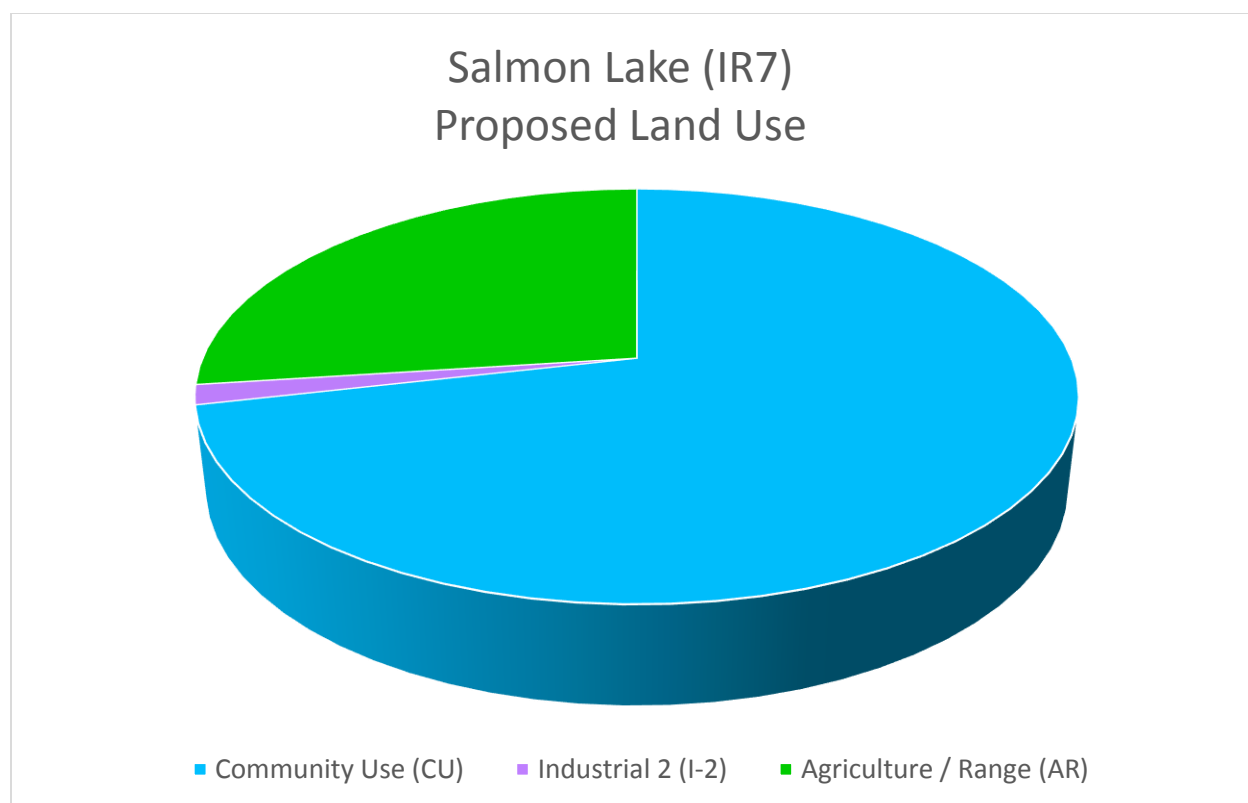
Land Use	Area (sq. km)	Acres	Hectares	% of Total
Culturally Significant Area (CSA)	0.061	15.07	6.10	100.00
Total	0.061	15.07	6.10	100.00

7.0 Salmon Lake (IR #7) Land Use Plan

Salmon Lake (IR#7) consists of approximately 76.5 hectares (189 acres) of land. It is located approximately 8km northwest of Chapperon Lake (IR #5) along Douglas Lake Road. The Land Use Plan for Salmon Lake (IR #7) is attached as Schedule G.

Salmon Lake is primarily categorized as Community Use (CU) (71%), with a significant portion categorized as Agriculture / Range use (AR) (27%).

A chart representing the relative distribution of land use categories is presented below.



Salmon Lake (IR #7) - Total by Area and % of Total IR Land Area

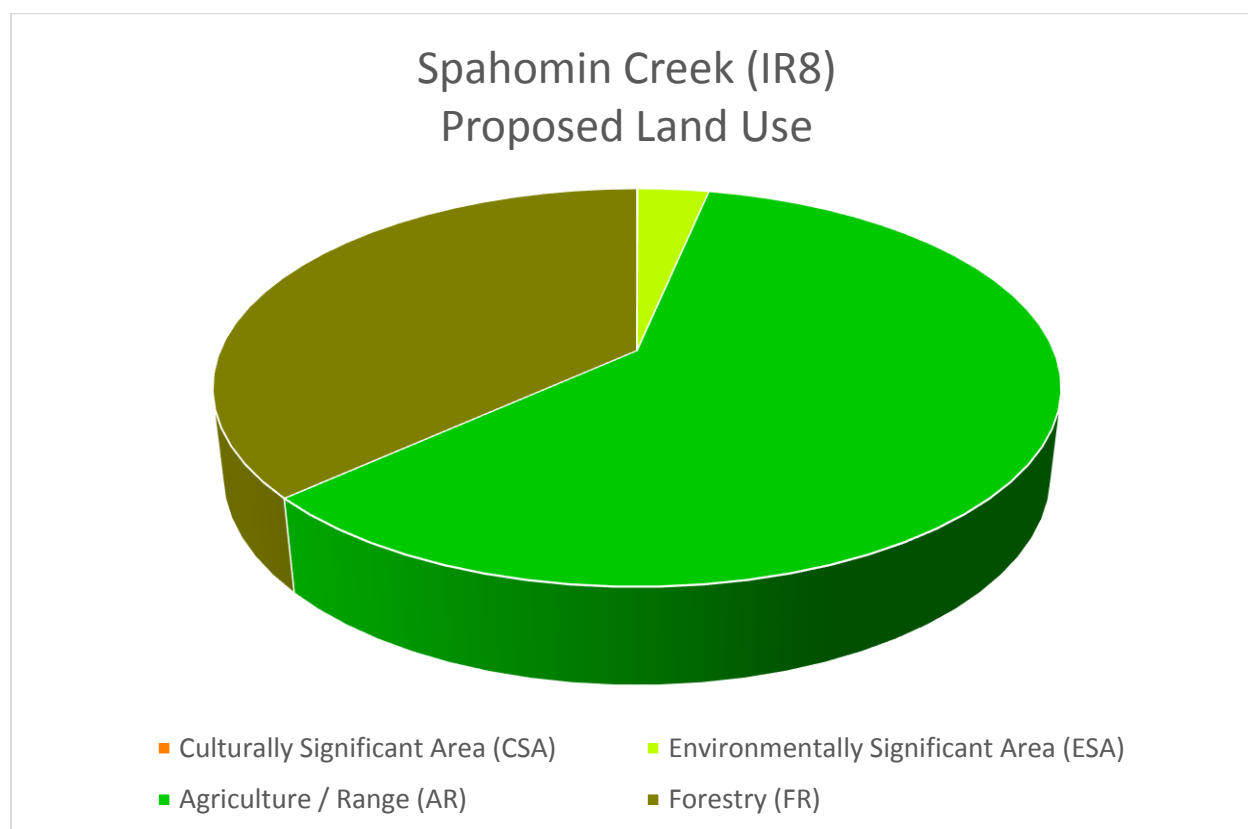
Land Use	Area (sq. km)	Acres	Hectares	% of Total
Community Use (CU)	0.547	135.17	54.70	71.42
Industrial 2 (I-2)	0.012	2.97	1.20	1.54
Agriculture / Range (AR)	0.207	51.15	20.70	27.04
Total	0.765	189.04	76.50	100.00

8.0 Spahomin Creek (IR #8) Land Use Plan

Spahomin Creek (IR#8) consists of approximately 1,520 hectares (3,755 acres) of land. It is relatively isolated, located southeast of Douglas Lake (IR #3) via Spahomin Mainline. The Land Use Plan for Spahomin Creek (IR #8) is attached as Schedule H.

Spahomin Creek lands are primarily categorized as Agriculture / Range (AR), accounting for approximately 60% of the land base, with the remaining significant areas categorized as Forestry (FR) and Environmentally Significant Areas (ESA).

A chart representing the relative distribution of land use categories is presented below.



Spahomin Creek (IR #8) - Total by Area and % of Total IR Land Area

Land Use	Area (sq. km)	Acres	Hectares	% of Total
Culturally Significant Area (CSA)	0.006	1.48	0.60	0.04
Environmentally Significant Area (ESA)	0.491	121.33	49.10	3.23
Agriculture / Range (AR)	9.114	2,252.12	911.40	59.98
Forestry (FR)	5.585	1,380.08	558.50	36.75
Total	15.196	3,755.01	1,519.60	100.00

Definitions

Ancillary Use – a subsidiary use connected to the *principal use* of a *building* or piece of land.

Agriculture – means land used to grow crops or to raise *livestock*.

Alternate energy generation – the production of energy that derives from a natural source, such as the sun, wind, waves or geothermal but excludes the generation of energy via solid or liquid waste processing.

Automotive services use – means a business that is used to provide light maintenance of motor vehicles including vehicle inspections, repairs, engine tune ups, and parts thereof, excluding manufacturing, automobile painting and body work and *gasoline stations*.

Band office – an administration office of the Upper Nicola Band that the staff operate from to provide community services

Bed and breakfast – means a home business operated by a family that provides sleeping accommodations on a temporary basis and may or may not provide meals, all charged on a daily prescribed basis where the maximum length of stay per person will not exceed 30 days in a 12 month period.

Building – means a *structure* that is supported by walls, and has a roof, that is intended to shelter and protect people, animals or property.

Camp site – means a site used for the temporary accommodation of house trailers, RV's, campers or tents for the use of travelers.

Child care centre – means a facility for children including group child care, and occasional child care licensed and regulated under the Community Care and Assisted Living Act, S.B.C., 2002, c.75

Church – means a *building* or portion within that allows for the assembly of persons for religious purposes, where religious services of any denomination are held.

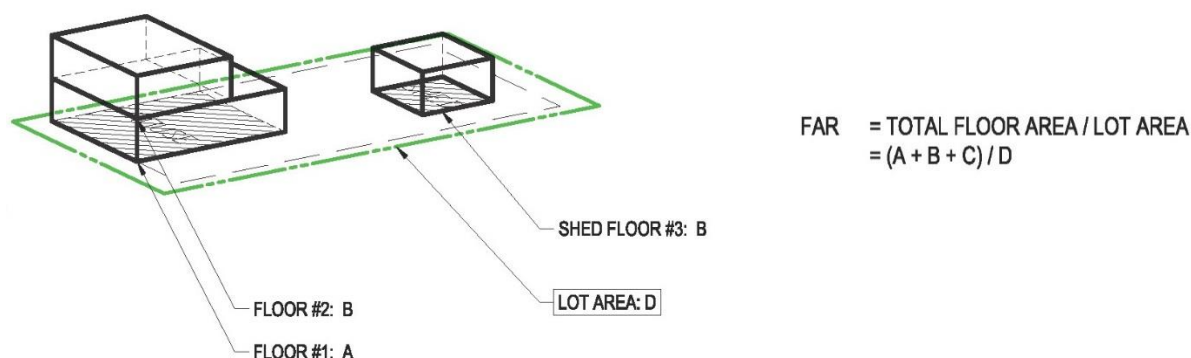
Cultural use – means a facility which offers social insight in the form of museums and art galleries among others.

Dwelling unit – means a *structure* with one or more habitable rooms with one self-contained unit intended for sleeping or living purposes and where one or more bathrooms with a shower or bath is included, and where cooking equipment is provided or the facilities for the installation of such equipment is included.

Elders housing – *Dwelling units* to provide housing specifically for elders in the community.

Farm-based restaurant – a *restaurant* establishment located on a farm to bring in customers closer to their food local food source to enjoy farm-to-fork dining.

Floor area ratio (FAR) – means a value calculated by taking the total area of all proposed or constructed floors on a lot and is divided by the total area of the lot.



Forestry – means the harvesting of trees and practice of *silviculture* (see definition below) and forest protection and management, and the sale of forest products.

Gasoline station – full service – means a business where automotive fuel is provided to the public on a full service basis to the public, where the fueling of the vehicle is done on behalf of the client by workers of the establishment.

Gasoline station – self-service – means a business where automotive fuel is provided to the public on a self-serve basis, where the patron fuels the vehicle on their own.

General service use – means an establishment that offers services other than personal uses and excludes services pertaining to automotive, firearms, industrial equipment and *retail stores*.

Golf course – means an outdoor sport that includes executive and regulation golf courses, par 3 and mini-golf.

Grandfathered use – a provision of land use that exempts certain person for pre-existing conditions from the scope of regulations or requirements outlined in the current Upper Nicola Band land use plan

Hazardous waste – any substance in which the owner has not further use and whose disposal in the environment could potentially pose hazards to human health, or ecosystem health. Additionally, any substance defined as *Hazardous waste* by the BC Environmental Management Act.

Highway – means a street, road, bridge, lane, or viaduct as well as any other way open to the use of the public, but excludes right of ways that occur on a private lot.

Home occupation – means an occupation that is related to the use of a *Dwelling unit* for residential purposes, or to a lot occupied by a *Dwelling unit*.

Horticulture – means growing fruits, vegetables, plants or flowers through cultivation of the ground, including operations that are non-soil bound such as hydroponics, but excludes medical marijuana.

Industrial use – means the manufacturing and overall processing and servicing of goods and materials, which includes the wholesale of products manufactured or processed on the lot.

Industry – light impact – means an *industrial use* that is enclosed within a *building* that does not omit smoke, vibrations, smells, or other offensive reasons and produces no significant noise that may interfere with any neighboring *lot* and excludes salvage industry.

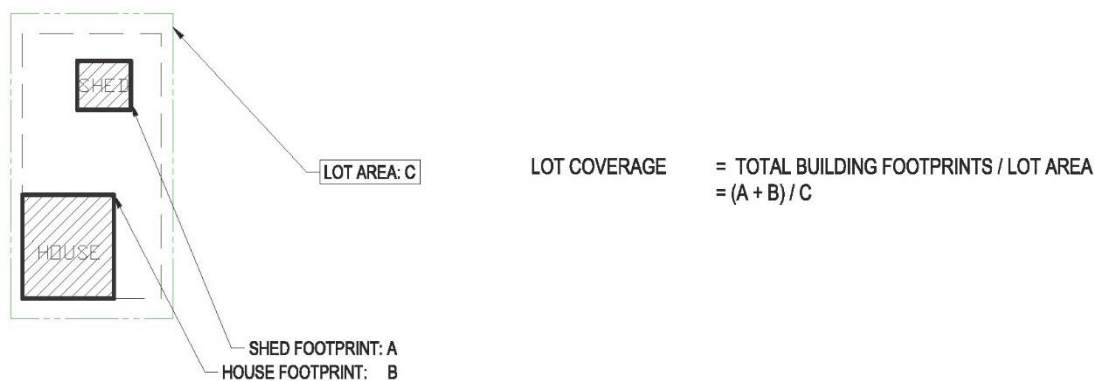
Intensive agriculture – means the use of land for the confinement of poultry, *livestock* or fur bearing animals or mushroom growing for the purposes of commercial enterprise.

Kennel – means any *building* or property in which 3 or more dogs or 5 or more cats are intended to be cared for, trained or bred or kept for any commercial purpose, and shall include 2 or more dogs being used for commercial breeding purposes.

Livestock – means any ungulate including their young such as cow, sheep, goat, swine or llama.

Lot – means land categorized as a distinct parcel on a legally recorded subdivision plan or description duly registered.

Lot coverage – means the area horizontally located by a vertical projection on the outside of the outermost walls within the supporting elements of outdoor and covered areas. *Lot coverage* is expressed as a percentage of the horizontal area to the *lot* area.



Marina – means a facility used to launch and store boats, and yachts including the rental of boats.

Multiple unit residential building – means a *building* with 2 or more *residential dwelling units*, excluding secondary suites.

Non-conforming building or use – means a *building* which does not conform to any of the regulations outlined in the zone for which the site pertains to.

Office uses – facility or *building* used for the purposes of conducting business or providing a service

Park use – the use of land, *building* or *structures* for active or passive recreational purposes.

Personal service use – means a commercial business establishment that provides the maintenance in grooming and care of the body including the barbershops, and cleaning and repair of *clothing*, and personal effects.

Principal use – means a use specifically permitted in a zone other than an accessory use.

Range lands – shrublands, woodlands, wetlands or deserts that are grazed by *livestock* or wild animals

Recreation use – the use of land or *buildings* for passive or active recreational entertainment, included but not limited to hiking and cycling trails, parks, playgrounds and their amenities.

Recycling depot – means a *building* used for the collection, sorting, refunding, and redistribution of recyclable materials but excludes the processing of recyclable materials.

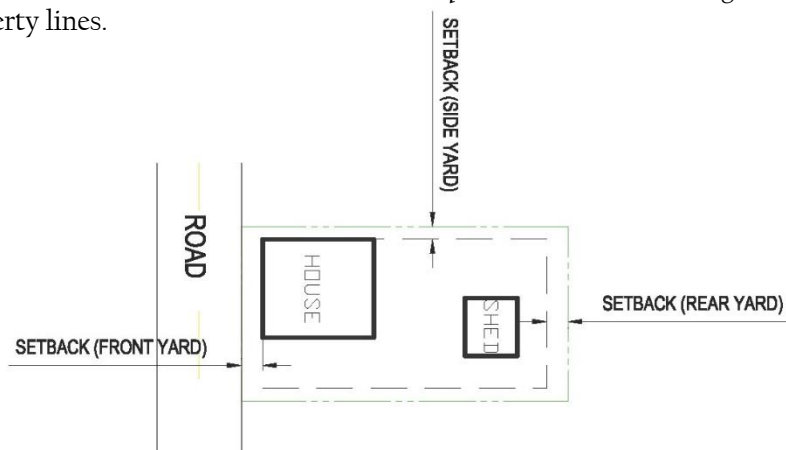
Residential – means a dwelling on land categorized as suburban, suburban-urban reserve, urban or multiple *residential*.

Restaurant – means a business including cafes, tea rooms, outdoor cafes and drive through *restaurants* where food and beverages is sold to the public usually within the *building*.

Retail store – means a business where goods or merchandise are sold to consumers for the personal consumption and not for the resale purposes.

School – a facility where learning is provided, maintained and operated on the public expense if considered a public *school* or on private expense if considered a private *school*.

Setback – means the minimum distance required between a *building* and each of the corresponding property lines.



Silviculture – means controlling the quality, growth, and health of woodlands and forests through the cultivation of trees.

Single family dwelling – means a detached *building* that comprises one *Dwelling unit* and up to one secondary suite that is used for *residential* purposes.

Social escort services – means the practice of providing male or female escorts for occasions of a social nature.

Solid waste processing – A facility where solid waste is collected, stored, processed and/or disposed of on the lands.

Structure – means anything constructed which requires security to the ground or attachment to something having location on the ground, but does not include fences and walls that are less than minimum fence height permitted.

Traditional use – land use occupancy and other culturally significant land use activities practiced by Upper Nicola Band community members on lands and resources throughout the Upper Nicola Band traditional territory. Specific *traditional uses* are defined by the Upper Nicola Band and will require confirmation, but may include, and are not limited to hunting, trapping, fishing, gathering medicines, plants, sacred and/or spiritual sites, ceremonial sites, seasonal or permanent camps / villages, or any other culturally significant land use or activity deemed to be significant by the Upper Nicola Band.

Transportation industry – means industry relating to the transportation, distribution and storage of materials and goods, and the service and storage of transportation equipment.

Warehouse use – means a facility that used for the storage of goods in a *building* and their distribution.

General Provisions

The following general provisions shall apply throughout Upper Nicola Band reserve lands.

1.0 Uses Permitted in All Land Use Categories

1.1. Public Uses:

- 1.1.1. Band office
- 1.1.2. Community service buildings
- 1.1.3. Parks and playgrounds
- 1.1.4. Telecommunication infrastructure provided that the height of telecommunication towers does not exceed 12 metres (40 ft)
- 1.1.5. Schools

1.2. Utilities and Services

- 1.2.1. Electrical transformers, utility poles, water reservoirs, water pump stations, water or sewer treatment facilities, band utilities or other utility structure may be located within any Land Use Category

2.0 Uses Permitted in Specific Zones

- 2.1. Child care facilities to accommodate eight (8) or fewer children may be permitted in any *Residential* Land Use Category subject to applicable licencing requirements
- 2.2. Community services may be permitted in any *Residential, Commercial, Industrial or Agriculture / Range* Land Use Category as an *ancillary use*.
- 2.3. *Home occupation* may be permitted within any *Residential or Agriculture / Range* Land Use Category provided that:
 - 2.3.1. Adequate on-lot parking is provided for patrons.
 - 2.3.2. The *home occupation* shall be confined within a *building or structure* on the *lot*.
- 2.4. Vehicles in excess of 5,000 kg (11,023 lbs) licensed GVW are not permitted to be parked or stored on any *Residential* Land Use Category.

3.0 Uses Prohibited in All Zones

- 3.1. *Social escort services*
- 3.2. *Solid waste processing*
- 3.3. Storage or processing of hazardous materials

4.0 Special Setbacks

- 4.1. No *building or structure* shall be sited within 15 metres (50 ft) of an identified watercourse or lake unless otherwise permitted by UNB Chief and Council;
- 4.2. No *building or structure* shall be sited within 7.5 metres (25 ft) of a Culturally Significant Area (CSA) Land Use categorized area unless otherwise permitted by UNB Chief and Council;
- 4.3. No *building or structure* may be sited within 12 metres (40 ft) of a Provincial *Highway* unless otherwise permitted by UNB Chief and Council.

5.0 Multiple Land Use Categories

- 5.1. Where a *lot* lies within two or more Land Use Categories, the permitted uses must be sited within the *lot* to conform to their respective Land Use Categories, including *buildings* and *structures setback* requirements.
- 5.2. The calculation of *floor area ratio (FAR)* shall be based on that portion of the *lot* having the applicable Land Use Category for the *building* or *structure* in question.

6.0 Inspection of Property

- 6.1. The Upper Nicola Administrator, Departmental Managers and respective assistants are authorized collectively or individually to enter at all reasonable times upon any *lot* to ascertain compliance with these regulations.

7.0 Uses Limited

- 7.1. Lands or *buildings* shall not be used except for those uses specifically permitted in the Land Use Category in which the land or *building* is located. Any use that is not permitted in a Land Use Category is an unauthorized use unless otherwise provided for in Section 8.0.
- 7.2. Use permitted in any Land Use Category shall be conditional upon the availability and adequacy of utilities and access as deemed necessary by Upper Nicola Band Administration.

8.0 Non Conformity Upon Land Use Plan Approval

- 8.1. Any existing occupation, use, *building* or *structure* that is rendered non-conforming with respect to any regulatory provision within the Land Use Category regulations is deemed to be conforming as a *grandfathered use*.
- 8.2. New *buildings*, *structures*, additions or change in use involving a *lot* with a *grandfathered use* would be subject to the regulatory requirements of the applicable Land Use Category such that the new *building*, *structure* or use may not be permitted without application for a Land Use re-categorization.

Land Use Categories

Agriculture / Range (AR)

Commercial 1 (C-1)

Commercial 2 (C-2)

Community Use (CU)

Culturally Significant Area (CSA)

Environmentally Significant Area (ESA)

Forestry (FR)

Industrial 1 (I-1)

Industrial 2 (I-2)

Residential 1 (R-1)

Residential 2 (R-2)

Agriculture / Range (AR)

1.0 Intent

The *Agriculture / Range* Land Use is intended to accommodate *agriculture* and *range land* uses and to protect agricultural and ranch land from the intrusion of uses that are not compatible with farm uses.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Agriculture and horticulture
- 2.1.2. Range lands
- 2.1.3. Residential
- 2.1.4. Intensive agriculture
- 2.1.5. Equestrian facilities and boarding
- 2.1.6. Recreation use

2.2. Ancillary

- 2.2.1. Farm-based restaurant
- 2.2.2. Retail sales of products produced on the lot
- 2.2.3. Kennels
- 2.2.4. Bed and breakfast
- 2.2.5. Alternate energy generation
- 2.2.6. Camp site
- 2.2.7. Recreation use

3.0 *Lot Area*

- 3.1. Not applicable to this zone

4.0 *Density*

- 4.1. Not applicable to this zone

5.0 *Lot Coverage*

- 5.1. Not applicable to this zone

6.0 *Building Setbacks*

- 6.1. *Buildings* and *structures* shall be sited not less than 120 metres (393 feet) from any *lot* line.

7.0 *Special Regulations*

- 7.1. None

Commercial 1 (C-1)

1.0 Intent

- 1.1. The Commercial 1 Land Use is intended to accommodate and regulate the development of limited commercial activities.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Eating establishment
- 2.1.2. Retail store
- 2.1.3. Personal service use
- 2.1.4. Office use
- 2.1.5. General service use
- 2.1.6. Recreation use
- 2.1.7. Alternate energy generation

2.2. Ancillary

- 2.2.1. Community services
- 2.2.2. Child care centres
- 2.2.3. Residential limited to one Dwelling unit

3.0 *Lot Area*

- 3.1. Not applicable to this zone

4.0 Density

- 4.1. The maximum *floor area ratio (FAR)* shall not exceed 0.5.

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall be 50%.

6.0 Building Setbacks

- 6.1. *Buildings and structures* shall be sited not less than 7.5 metres (25 feet) from any *lot line*.

7.0 Special Regulations

- 7.1. Parking shall be adequate to accommodate patrons.
- 7.2. The maximum *building height* shall not exceed two (2) floors.

Commercial 2 (C-2)

1.0 Intent

- 1.1. The Commercial 2 Land Use is intended to accommodate and regulate the development of commercial activities that include *gasoline stations, marinas and automotive service use*.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Eating establishment
- 2.1.2. Retail store
- 2.1.3. Personal service use
- 2.1.4. Office uses
- 2.1.5. General service uses
- 2.1.6. Full service gasoline stations
- 2.1.7. *Automotive service use* excluding autobody repair and autobody painting
- 2.1.8. *Marina* including sale of fuel
- 2.1.9. Sales, service and rental of vehicles, watercraft and trailers
- 2.1.10. Recreation use
- 2.1.11. Camp site
- 2.1.12. Alternate energy generation

2.2. Ancillary

- 2.2.1. Recreation use / facilities
- 2.2.2. Residential use limited to one dwelling unit

3.0 Lot Area

- 3.1. Not applicable to this zone

4.0 Density

- 4.1. The maximum *floor area ratio (FAR)* shall not exceed 0.5.

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall be 50%.

6.0 Building Setbacks

- 6.1. *Buildings and structures* shall be sited not less than 7.5 metres (25 feet) from any *lot line*.

7.0 Special Regulations

- 7.1. *Neighbourhood pubs* and liquor stores may not be sited within 200m of a *school* or childcare use.
- 7.2. Parking shall be adequate to accommodate patrons.
- 7.3. The maximum *building height* shall not exceed two (2) floors.

Community Use (CU)

1.0 Intent

- 1.1. The Community Use Land Use is intended for Community Services uses including passive and active uses.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Community and *cultural use*
- 2.1.2. Administrative use
- 2.1.3. Institutional facilities such as schools
- 2.1.4. Band offices
- 2.1.5. Park uses
- 2.1.6. Churches
- 2.1.7. Community cemeteries
- 2.1.8. Elders' housing
- 2.1.9. Traditional uses
- 2.1.10. Cemeteries
- 2.1.11. Health centre
- 2.1.12. Recreation uses
- 2.1.13. Camp site

2.2. Ancillary

- 2.2.1. Not applicable to this zone

3.0 *Lot Area*

- 3.1. Not applicable to this zone

4.0 Density

- 4.1. The maximum *floor area ratio (FAR)* shall not exceed 1.0

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall be 75%.

6.0 Building Setbacks

- 6.1. *Buildings* and *structures* shall be sited not less than 7.5 metres (25 feet) from any *lot line*.

7.0 Special Regulations

- 7.1. Not applicable to this zone

Culturally Significant Area (CSA)

1.0 Intent

- 1.1. The Culturally Significant Area Land Use is intended to protect areas deemed to be culturally significant from intrusion by other uses and activities that are not compatible with such culturally significant uses.

2.0 Permitted Uses

- 2.1. Primary
 - 2.1.1. Cemetery
 - 2.1.2. Archaeological
 - 2.1.3. Gathering place
 - 2.1.4. *Traditional use* (fishing / food gathering)
- 2.2. Ancillary
 - 2.2.1. Not applicable to this zone

3.0 Lot Area

- 3.1. Not applicable to this zone

4.0 Density

- 4.1. Not applicable to this zone

5.0 Lot coverage

- 5.1. Not applicable to this zone

6.0 Building Setbacks

- 6.1. *Buildings and structures* shall be sited not less than 7.5 metres (25 feet) from any *lot* line.

7.0 Special Regulations

- 7.1. The traditional territory of the Upper Nicola Band extends beyond the boundaries of this land use plan. The exact location of these boundaries need to be discussed and determined by the Upper Nicola Band. This land use plan contains policies and land use categories that fall within the boundaries of the eight (8) Upper Nicola Reserve lands. However, the Upper Nicola Band reserves the right to continue *traditional use* activities on lands off reserve and within the traditional territory, as outlined in Section 35 of the *Constitution Act*, which recognizes and affirms existing aboriginal and treaty rights.

Environmentally Significant Area (ESA)

1.0 Intent

- 1.1. The Environmentally Significant Area Land Use is intended to protect environmentally significant areas from the intrusion of non-environmental uses.

2.0 Permitted Uses

- 2.1. Primary
 - 2.1.1. Traditional uses
 - 2.1.2. Gathering place
 - 2.1.3. Conservation and environmental enhancement
- 2.2. Ancillary
 - 2.2.1. Non-motorized recreation
 - 2.2.2. Interpretive and educational use

3.0 *Lot Area*

- 3.1. Not applicable to this zone

4.0 *Density*

- 4.1. Not applicable to this zone

5.0 *Lot Coverage*

- 5.1. Not applicable to this zone

6.0 *Building Setbacks*

- 6.1. *Buildings and structures* shall be sited not less than 7.5 metres (25 feet) from any *lot* line.

7.0 *Special Regulations*

- 7.1. None

Forestry (FR)

1.0 Intent

- 1.1. The *Forestry* Land Use is intended to protect *forestry* areas and to facilitate *forestry* activities.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Forestry
- 2.1.2. Silviculture
- 2.1.3. Traditional use
- 2.1.4. Food gathering

2.2. Ancillary

- a) Non-motorized recreation
- b) Motorized recreation
- c) *Recreational use*
- d) *Camp site*

3.0 *Lot Area*

- 3.1. Not applicable to this zone

4.0 Density

- 4.1. Not applicable to this zone

5.0 Lot Coverage

- 5.1. Not applicable to this zone

6.0 Building Setbacks

- 6.1. *Buildings* and *structures* shall be sited not less than 120 metres (393 feet) from any *lot* line.

7.0 Special Regulations

- 7.1. Tree removal shall not be permitted within 30 metres of any identified watercourse or lake body or *traditional use* corridor.

Industrial 1 (I-1)

1.0 Intent

- 1.1. The Industrial 1 Land Use is intended to accommodate and regulate the development of all *industrial uses*, including high impact industry and related sales activities.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Light impact industry
- 2.1.2. Transportation industry
- 2.1.3. *Warehouse use* and storage use
- 2.1.4. High impact industry limited to the following:
 - a) Abattoir
 - b) Asphalt / cement / concrete manufacturing
 - c) Lumber mill
 - d) Gravel extraction and quarry use
 - e) Band waste dump
 - f) Salvage industry
 - g) *Alternate energy generation*
 - h) *Automotive service use* including auto painting and body work.

2.2. Ancillary

- 2.2.1. Recreation use / facilities
- 2.2.2. Residential limited to one dwelling unit
- 2.2.3. Recycling depot
- 2.2.4. Recycling plants

3.0 Lot Area

- 3.1. The minimum *lot area* shall be not less than 4,000 square metres (1 acre).

4.0 Density

- 4.1. The maximum floor area ratio shall not exceed 0.5.

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall not exceed 50%.

6.0 Building Setbacks

- 6.1. *Buildings* and *structures* shall be sited not less than 7.5 metres (25 feet) from any *lot line*.

7.0 Special Regulations

- 7.1. Outdoor storage of goods, materials or supplies shall be screened from view by a solid 1.5 metre (6 foot) high fence where said storage occurs adjacent to a residentially categorized *lot*.
- 7.2. Where determined by Chief and Council, any I-1 Use where smell may be a concern shall implement odour mitigation measures.

- 7.3. All I-1 Uses shall be *setback* 120m (393 ft) from any identified watercourse or lake
- 7.4. Parking shall be adequate to accommodate patrons.
- 7.5. Heavy Industry proposed land uses determined to have high impacts shall require review by the UNB Chief and Council. The UNB Chief and Council will provide a decision at their discretion to permit the proposed use.

Industrial 2 (I-2)

1.0 Intent

- 1.1. The Industrial 2 Land Use is intended to accommodate and regulate the development of *light impact industry*.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. Light impact industry
- 2.1.2. Automotive service use
- 2.1.3. *Warehouse use* and storage facilities
- 2.1.4. Vehicle storage and parking
- 2.1.5. Vehicle and equipment rentals
- 2.1.6. General service use
- 2.1.7. Transportation industry

2.2. Ancillary

- 2.2.1. Recreation use / facilities
- 2.2.2. Residential limited to one dwelling unit

3.0 *Lot Area*

- 3.1. The minimum *lot area* shall be not less than 4,000 square metres (1 acre).

4.0 Density

- 4.1. The maximum floor area ratio shall not exceed 0.5.

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall not exceed 50%.

6.0 Building Setbacks

- 6.1. *Buildings* and *structures* shall be sited not less than 7.5 metres (25 feet) from any *lot line*.

7.0 Special Regulations

- 7.1. Outdoor storage of goods, materials or supplies shall be screened from view by a solid 1.5 metre (6 foot) high fence where said storage occurs adjacent to a *residentially* categorized *lot*.
- 7.2. Do not produce excessive noise, light or air pollution (including foul odour) perceptible from any adjacent non-industrial categorized use.
- 7.3. Parking shall be adequate to accommodate patrons.

Residential1 (R-1)

1.0 Intent

- 1.1. The *Residential 1* Land Use is intended for single family housing on large *lots* of 0.4 hectare (1.0 acre) or greater, with an individual well and septic sewage disposal system.

2.0 Permitted Uses

2.1. Primary

- 2.1.1. *Residential* – A maximum of 6 (six) *residential* units per *lot*
- 2.1.2. *Elders' housing* – no limit on number of units
- 2.1.3. Agriculture

2.2. Ancillary

- 2.2.1. Bed and breakfast
- 2.2.2. *Home occupation* commercial use
- 2.2.3. Kennel / animal boarding
- 2.2.4. Sale of agricultural products grown or produced on the lot

3.0 Lot Area

- 3.1. The minimum *lot* area shall be 0.4 hectare (1.0 acre).

4.0 Density

- 4.1. The floor area ratio shall not exceed 0.25.

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall be 25%.

6.0 Building Setbacks

- 6.1. *Buildings* and *structures* shall be sited not less than 7.5 metres (25 feet) from any *lot* line.

7.0 Special Regulations

- 7.1. None

Residential 2 (R-2)

1.0 Intent

- 1.1. The *Residential 2* Land Use is intended for single family housing on *lots* with a connection to a community water system and a community or individual septic sewage disposal system.

2.0 Permitted Uses

- 2.1. Primary
 - 2.1.1. Residential
 - 2.1.2. Elders' housing
 - 2.1.3. Agriculture
- 2.2. Ancillary
 - 2.2.1. Bed and breakfast
 - 2.2.2. *Home occupation* commercial use
 - 2.2.3. *Kennels* / animal boarding
 - 2.2.4. Community service use

3.0 Lot Area

- 3.1. The minimum *lot* area shall be 560 square metres (6,000 square feet).

4.0 Density

- 4.1. The floor area ratio shall not exceed 0.6.

5.0 Lot Coverage

- 5.1. The maximum *lot coverage* shall be 60%.

6.0 Building Setbacks

- 6.1. *Buildings* and *structures* shall be sited not less than 1.8 metres (6 feet) from any *lot* line.

7.0 Special Regulations

- 7.1. None

Working with Land Use Plans

1.0 Land Use Category Amendments

Land use categories may be amended through an application from a member or through Chief and Council initiative. The process for each is summarized as follows:

Step 1: Member Application / Chief and Council Direction

- a) A member completes and submits an application form per Schedule I and submits it, along with applicable fees, to the UNB Lands Manager. The member should include all relevant information to support the proposal Land Use Amendment. The Land Use Category Amendment may only be received on lands the applying member controls.
- b) Chief and Council pass a resolution instructing staff to initiate an amendment to an existing land use. The Chief and Council initiated land use category amendment shall only apply to Band lands.

Step 2: UNB Staff Review

UNB Lands Manager will coordinate the internal review of the proposed Land Use Category Amendment. Upon completion of the internal review, the UNB Lands Manager will prepare a report including any relevant recommendations for presentation at a GBM. During the UNB Staff review process, the UNB Lands Manager may seek additional information from the applying member.

For proposed amendments deemed significant to the Community by the UNB Lands Manager, a Community meeting or other appropriate form(s) of community engagement may be necessary to discuss and recommend amendments to the proposal prior to Step 3: General Band Membership Review.

Step 3: General Band Membership (GBM) Review

The UNB Lands Manager or alternate will make a presentation at a regularly scheduled GBM to explain the proposal and receive feedback from Band members. This feedback will help to inform any decisions made by Chief and Council in respect of the proposed Land Use Category Amendment.

Step 4: Chief and Council Decision

Based on UNB Staff review and Band member input at the GBM, Chief and Council shall consider the merits of the proposed Land Use Category Amendment and render a final decision to either approve or not approve the amendment. If the Land Use Category Amendment is approved, UNB Staff will implement the necessary changes to the Official Land Use Plan.

2.0 Land Use Plan Reviews

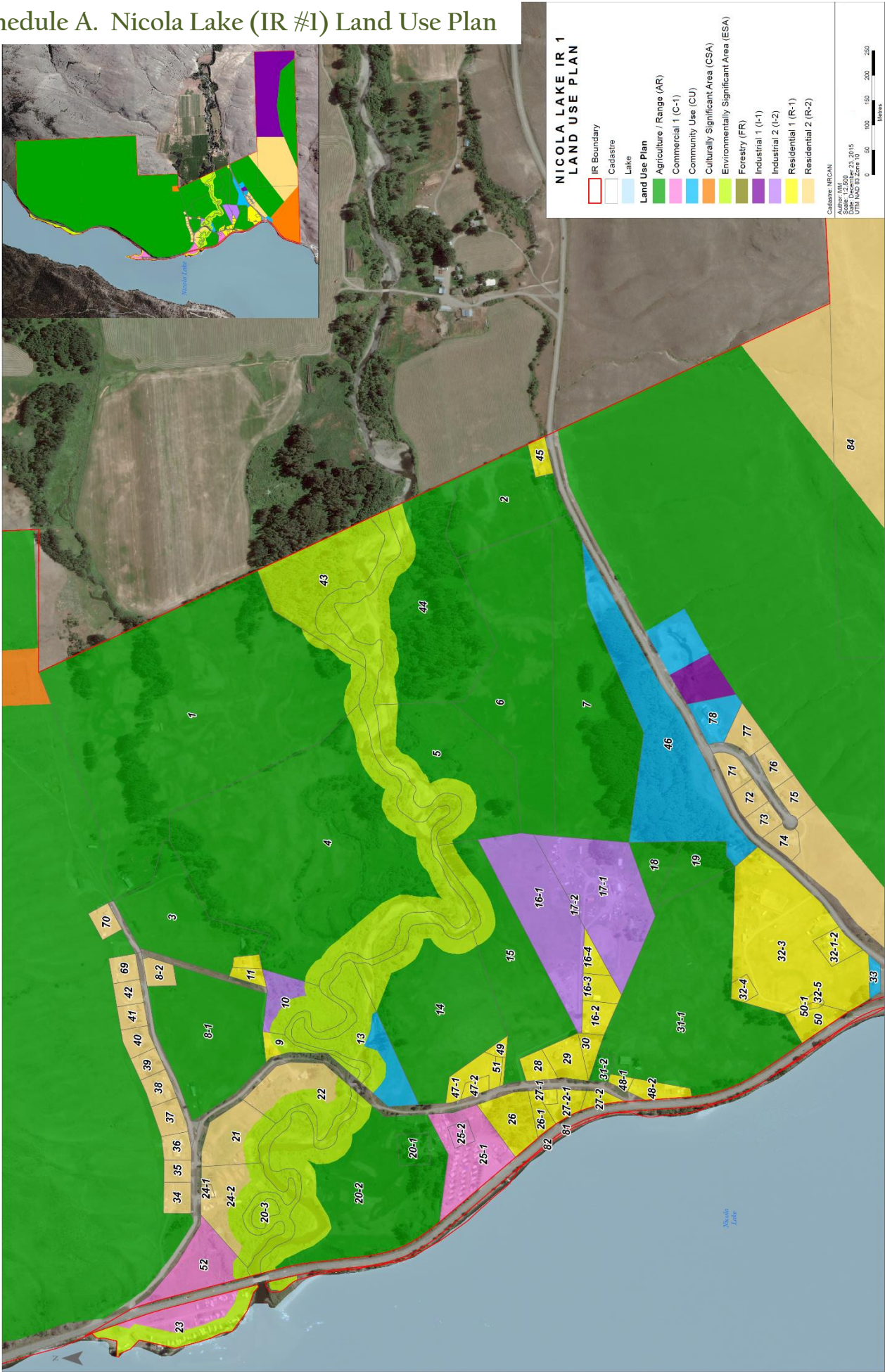
Upper Nicola Band shall undertake a minor update of the Land Use Plans and related policies every two (2) years following Chief and Council adoption of the Land Use Plan.

A major review of all aspects of the UNB Land Use Plans and Policies shall be undertaken twenty (20) years from the adoption of the Land Use Plans. The major review shall include an extensive Band Member engagement process.

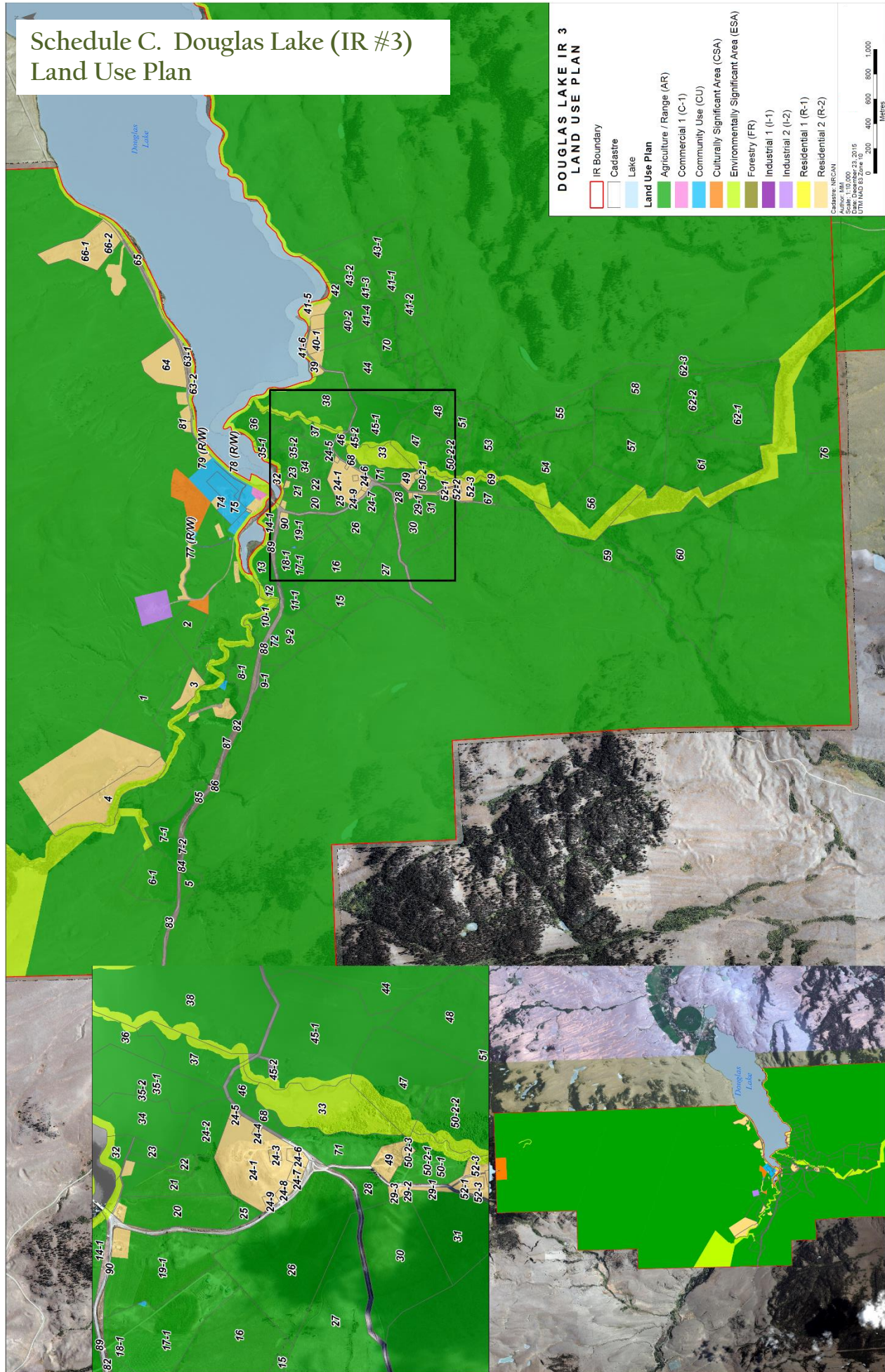
Schedules

- A Nicola Lake (IR #1) Land Use Plan
- B Hamilton Creek (IR #2) Land Use Plan
- C Douglas Lake (IR #3) Land Use Plan
- D Spahomin Creek (IR #4) Land Use Plan
- E Chapperon Lake (IR #5) Land Use Plan
- F Chapperon Creek (IR #6) Land Use Plan
- G Salmon Lake (IR #7) Land Use Plan
- H Spahomin Creek (IR #8) Land Use Plan
- I Land Use Category Amendment Application Form

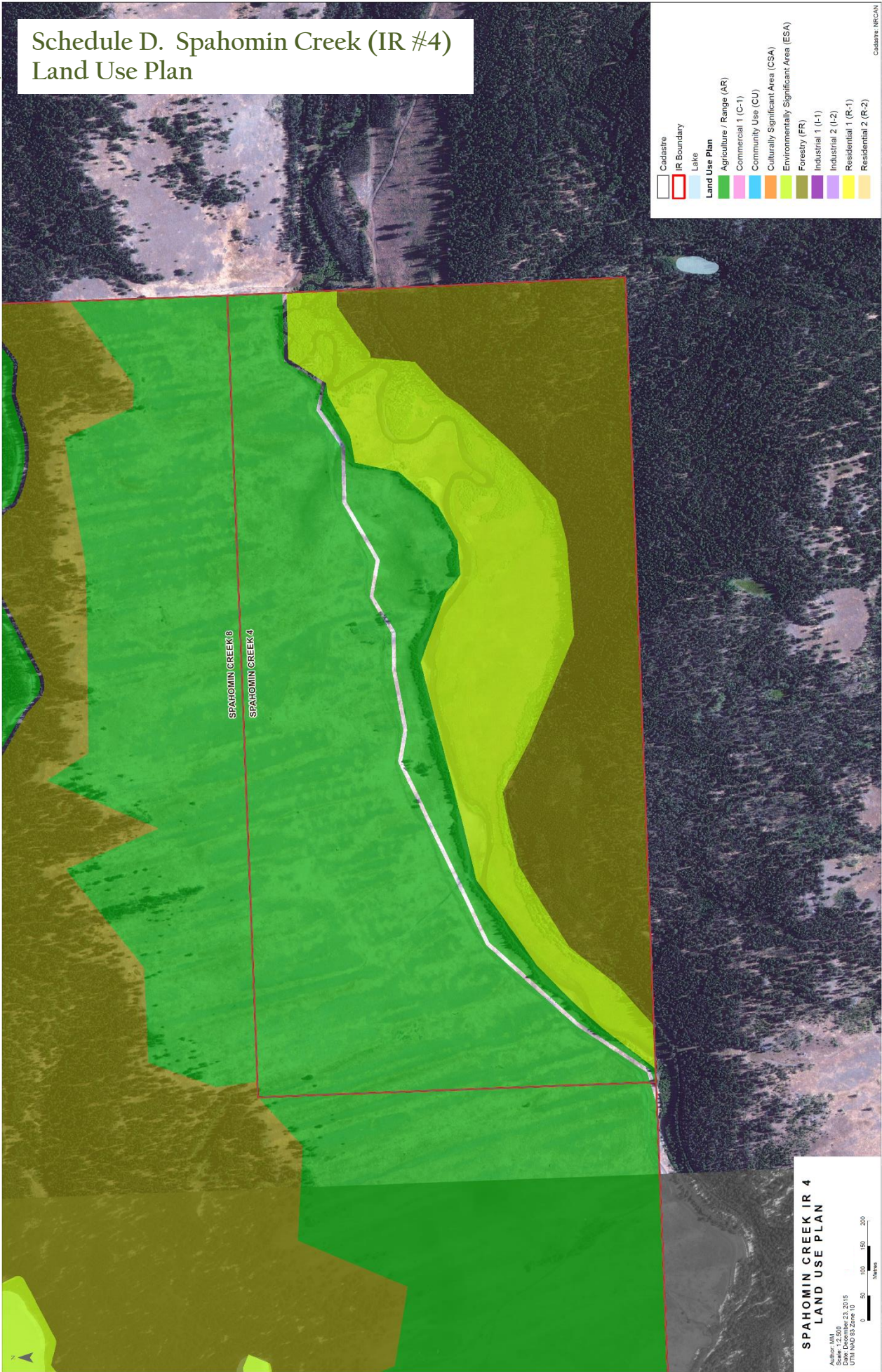
Schedule A. Nicola Lake (IR #1) Land Use Plan



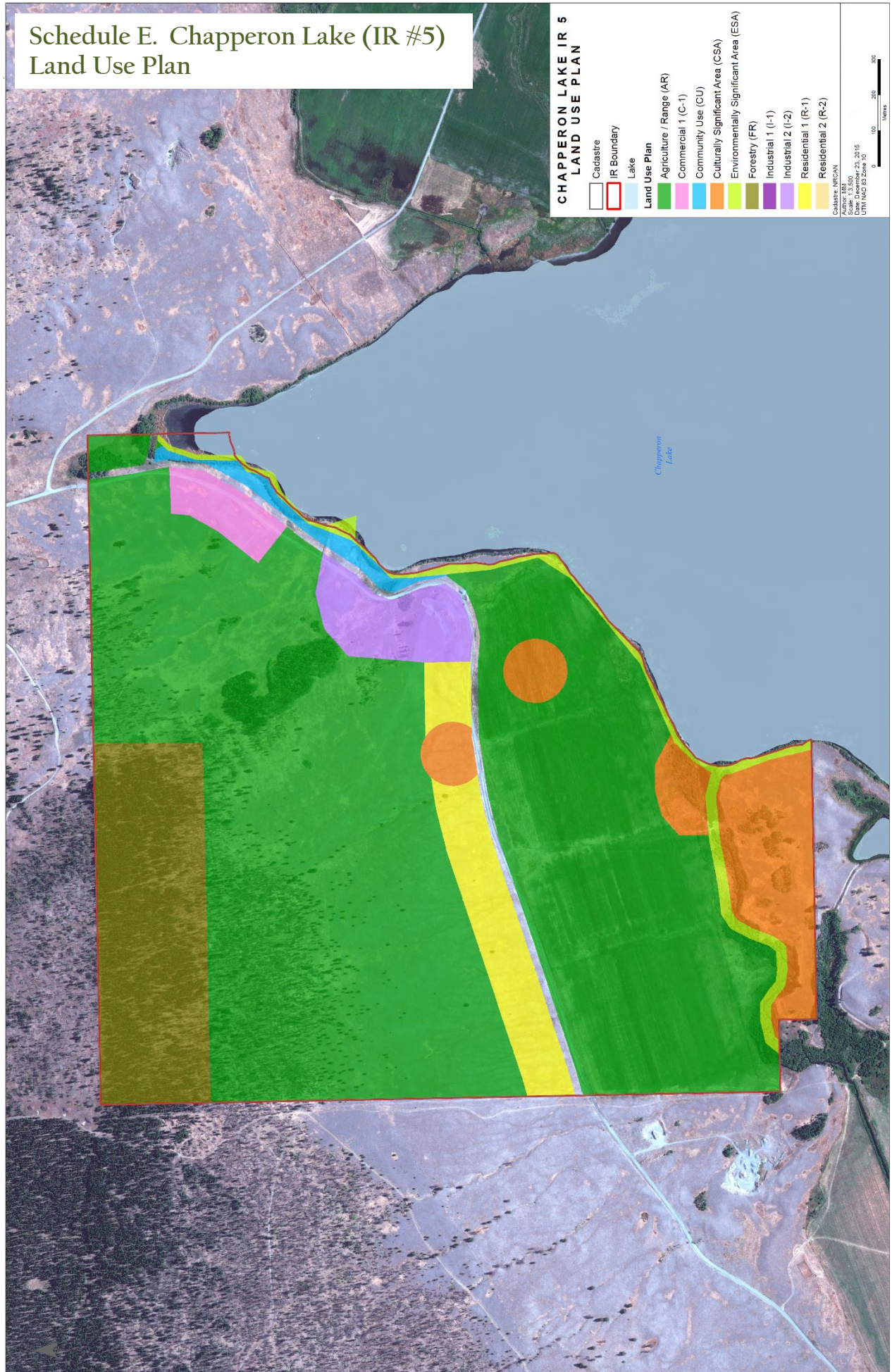
Schedule C. Douglas Lake (IR #3) Land Use Plan



Schedule D. Spahomin Creek (IR #4) Land Use Plan



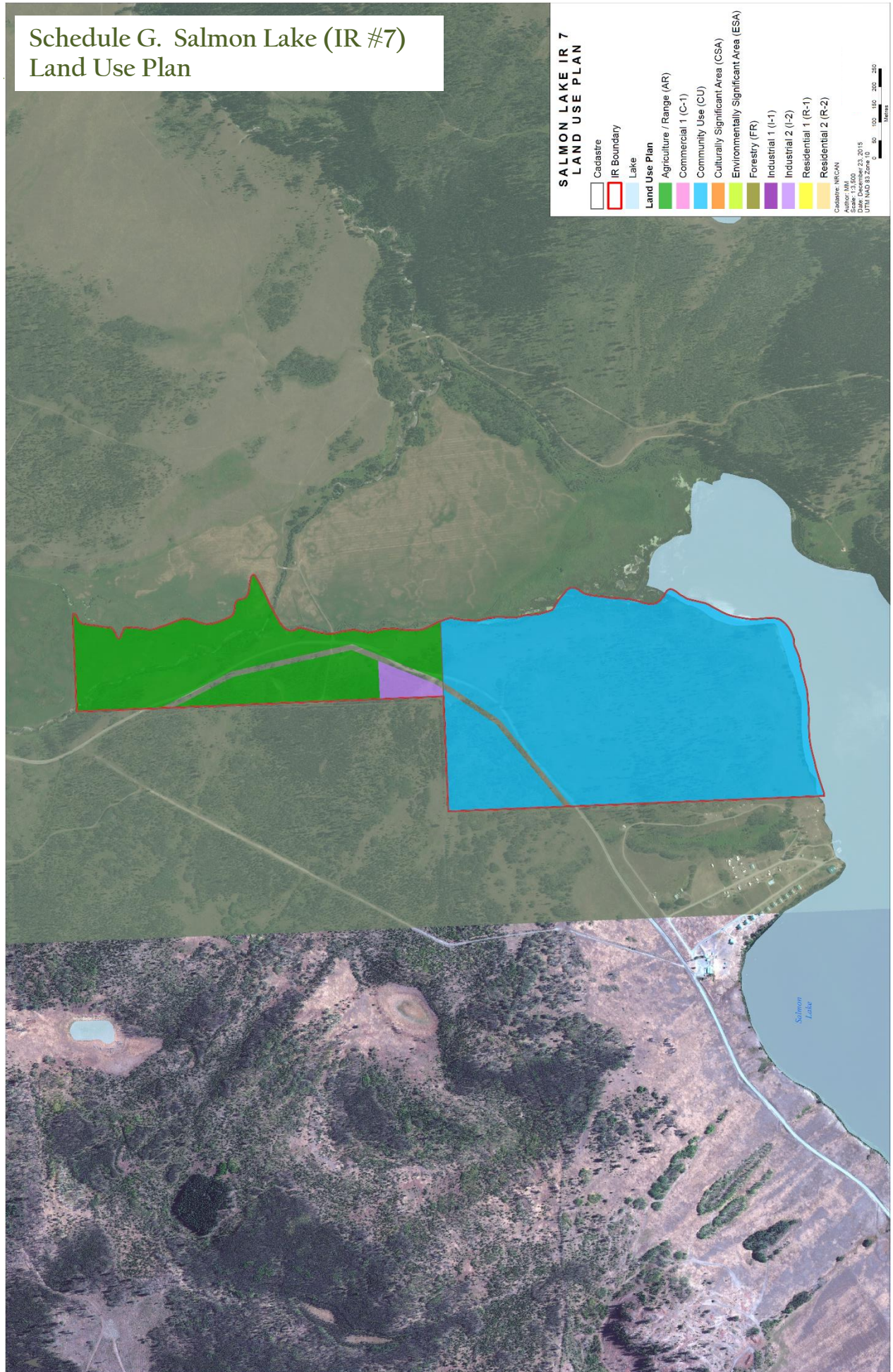
Schedule E. Chapperon Lake (IR #5) Land Use Plan



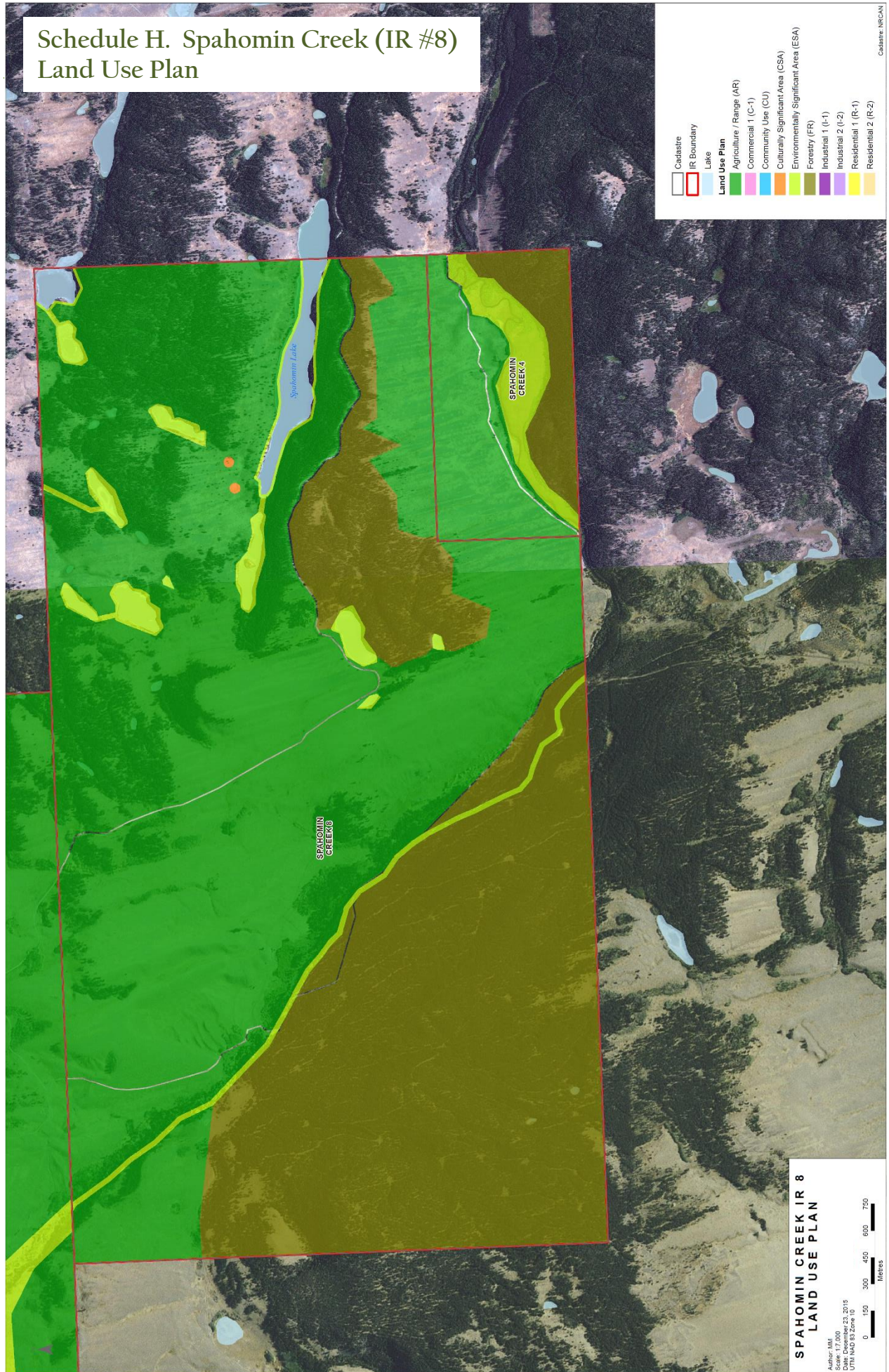
Schedule F. Chapperon Creek (IR #6) Land Use Plan



Schedule G. Salmon Lake (IR #7) Land Use Plan



Schedule H. Spahomin Creek (IR #8) Land Use Plan



**SPAHOMIN CREEK IR 8
LAND USE PLAN**

Author: MLI
Date: December 23, 2015
UTM NAD 83 Zone 10

Cadastre: NRC-N

Schedule I. Land Use Category Amendment Application Form



Upper Nicola

PO Box 3700
Merritt, BC V1K 1B8

Phone: 250-350-3342
Fax: 250-350-3311

LAND USE CATEGORY CHANGE APPLICATION

1. APPLICANT

				For office use only	
				Date Application Received	File No. (UNB-LUDC-MMDDYY-##)
Surname		Given Name(s)			
Mailing Address			Email		
City / Town	Postal Code	Home Phone		Cell Phone	

2. LAND USE

Location of Land *	Parcel Description (if applicable)
Size of Land Proposed for Change	Area (m ²), Width (m), Depth (m)
Rationale for Proposed Land Use Category Change **	

* Please attach a sketch or drawing outlining area proposed for land use category change

** If you require more space, please write on a separate piece of paper and attach to this application

3. ADDITIONAL INFORMATION RELATED TO REQUEST *

4. DECLARATION

I/We solemnly swear that all the information provided is true and I understand that providing any false information will void my application.

Signature of Applicant

Date

For UNB Office Use

Date Received:

Does the Application contain all the required information?

☐ Yes

☐ No

Has the Applicant met UNB membership confirmation?

☐ Yes

☐ No

Have all the relevant UNB departments reviewed the application?

☐ Yes

☐ No

* If you require more space, please write on a separate piece of paper and attach to this application

PPP