



REGIONAL
DISTRICT
NORTH
OKANAGAN

STAFF REPORT

TO: Board of Directors
FROM: Planning Department

File No: 19-0350-C-RZ
Date: February 8, 2024

SUBJECT: Zoning Amendment Bylaw No. 3002, 2024 [Downs c/o Monashee]

RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3002, 2024, which proposes to change the zoning of the property legally described as The NE ¼ of the SE ¼ of Sec 20, Twp 5, ODYD and located at Wallace Road, Electoral Area “C” from the Non-Urban (N.U) zone to the Country Residential (C.R) zone, will be considered for First Reading at a future meeting; and further,

That Final Adoption of Zoning Amendment Bylaw No. 3002, 2024 be withheld until the applicant has:

1. registered a covenant against the title of the subject property which would prohibit subdivision of the property until a professional hydrologist has verified that all wells proposed to service all new lots are proven to meet the quantity and quality standards of the Regional District of North Okanagan Subdivision Servicing Bylaw No. 2600 and that the extraction of water from the wells will not negatively impact the water supply of neighbouring wells.
2. made suitable arrangements with the Regional District to secure a corridor through the southwest corner of the subject property that would support the expansion of the BX Creek Trail.

BACKGROUND:

This application relates to a proposal to change the zoning of the property located at Wallace Road, Electoral Area “C” from Non-Urban to Country Residential. If successful in rezoning the property, the applicant proposes to subdivide it into 6 lots; however, rezoning the property as proposed would potentially allow for the subdivision of up to 8 lots.

At the Regular Meeting held on September 18, 2019, the Board of Directors considered the application and gave First Reading to the associated Zoning Amendment Bylaw No. 2838. The Board resolved that Second Reading of the Bylaw be withheld until the applicant has provided a water study which takes into consideration the potential to service the full build-out potential of the subject property in accordance with the provisions of the Regional District Subdivision Servicing Bylaw and the impact the use of groundwater supplies could have on existing wells in the neighbourhood and the local aquifer.

At the Regular Meeting held on December 14, 2022, the Board resolved that further consideration of Bylaw No. 2838 be withheld until the applicant has submitted a hydrogeological report that provides an evaluation of how the proposal aligns with the findings and recommendations of the Keddleston Groundwater Study – Phase 2 and which demonstrates:

1. that groundwater sources would be available to service the full buildout potential of the subject property (8 lots) in accordance with the provisions of Subdivision Servicing Bylaw No. 2600; and
2. that the use of the groundwater supplies would not have a negative impact on the use of existing wells that obtain water from Aquifers 349 and 351.

At the Regular Meeting held on September 27, 2023, the Board resolved that Bylaw No. 2838 be given Second Reading and be forwarded to a Delegated Public Hearing. The Board further resolved that Final Adoption of Bylaw No. 2838 be withheld until the applicant has:

1. registered a covenant against the title of the subject property which would prohibit subdivision of the property until a professional hydrologist has verified that all wells proposed to service all new lots are proven to meet the quantity and quality standards of the Regional District of North Okanagan Subdivision Servicing Bylaw No. 2600 and that the extraction of water from the wells will not negatively impact the water supply of neighbouring wells.
2. made suitable arrangements with the Regional District to secure a corridor through the southwest corner of the subject property that would support the expansion of the BX Creek Trail.

At the Special Meeting of the Board of Directors held on February 7, 2024, the Board Adopted the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023. As such, applications which have been pending adoption of the new Zoning Bylaw can now be considered by the Board with newly assigned Zoning Amendment Bylaws. The applicant has indicated they wish to move forward with the application now that Zoning Bylaw No. 3000 has been adopted.

Public Hearing

On November 25, 2021, Bill 26 received Royal Assent. This brought changes to the *Local Government Act* which states that:

- a local government is not required to hold a Public Hearing on a zoning amendment bylaw if the bylaw is consistent with an official community plan; and
- if a local government decides not to hold a Public Hearing, it must provide notice of the proposed date of the First Reading of the applicable zoning amendment bylaw.

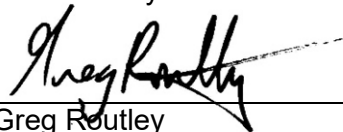
In keeping with the above and as the subject Bylaw is consistent with the policies and land use designation of the Electoral Areas "B" and "C" OCP, a notice will be posted in accordance with the new provisions of Section 467 of the *Local Government Act* to advise the public that the Board of Directors will consider giving First Reading to Zoning Amendment Bylaw No. 3002 at a future meeting once the applicant has posted a development notice sign in accordance with Section 6.1.7 of Development Application Procedures and Administrative Fees Bylaw No. 2677.

Submitted by:



Jennifer Miles, RPP, MCIP
Planner II

Reviewed by:



Greg Routley
Deputy Planning Manager

Report to: Board of Directors
From: Planning Department
Re: Zoning Amendment Bylaw No. 3002

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Date: February 8, 2024
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Endorsed by:



Rob Smalles, RPP, MCIP
General Manager, Planning and Building

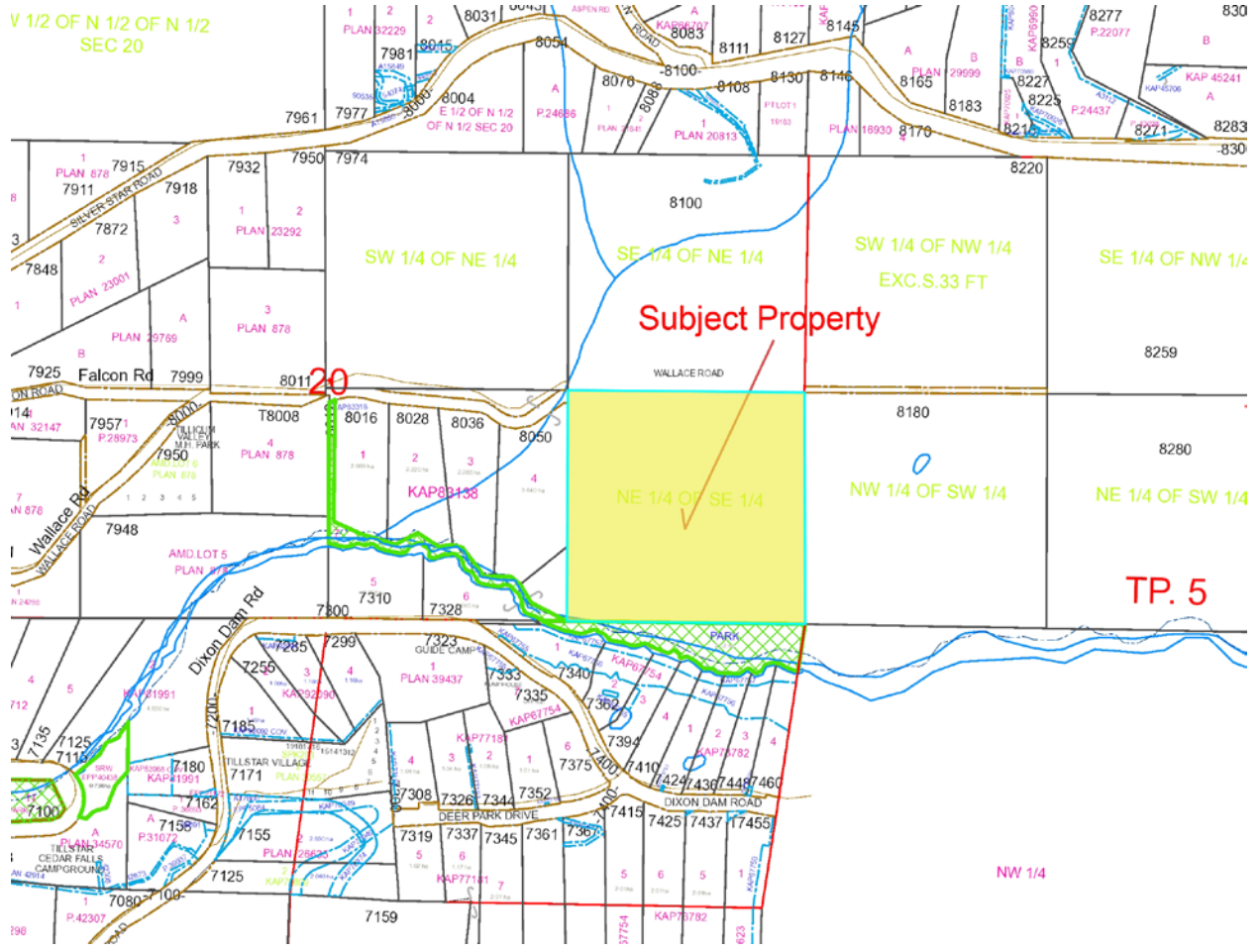
Approved for Inclusion:

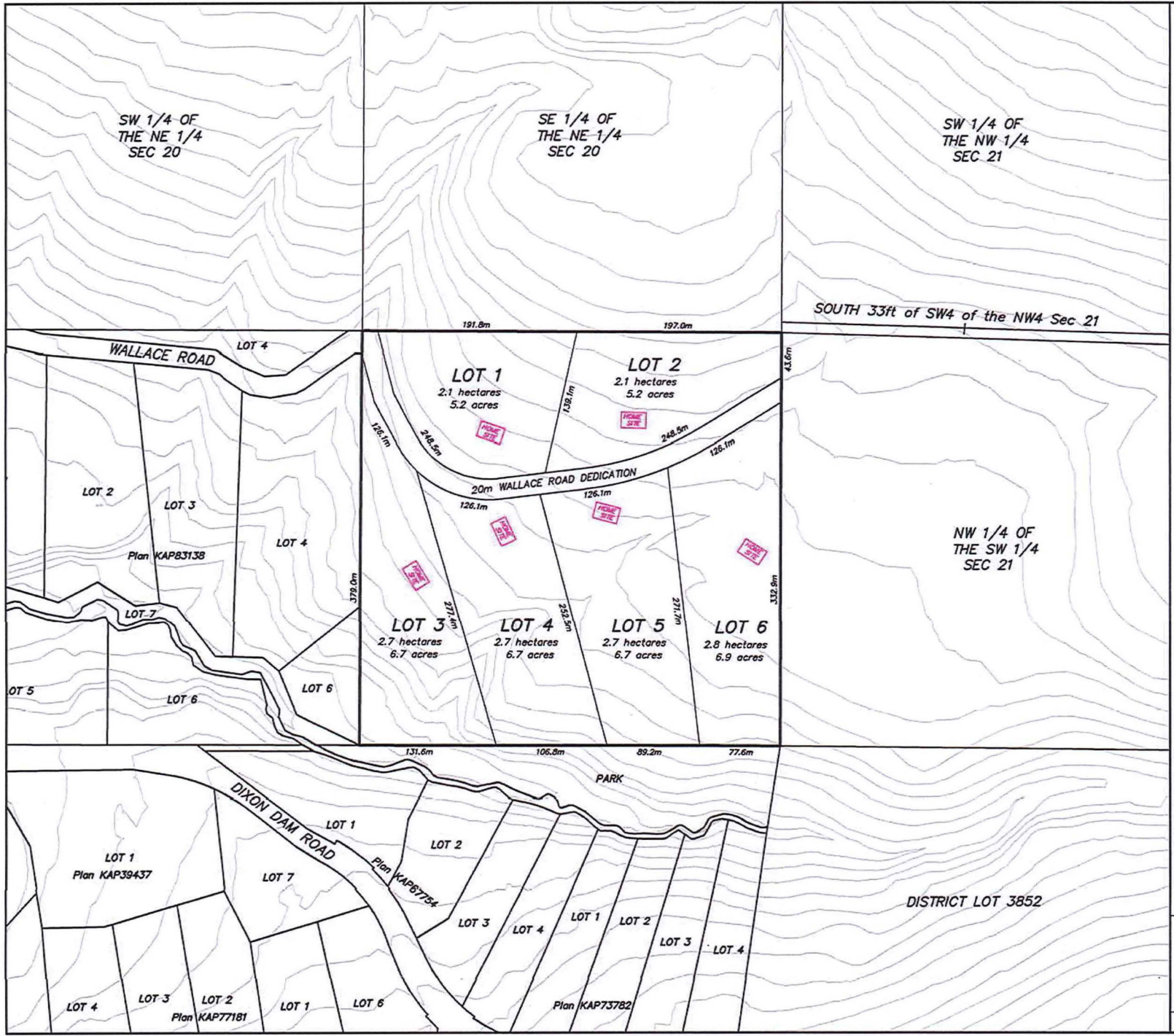


David Sewell
Chief Administrative Officer

SUBJECT PROPERTY MAP

File: 19-0350-C-RZ
Owner/Applicant: Down's Enterprises c/o Monashee Surveying
Location: Wallace Road





SKETCH PLAN TO ACCOMPANY APPLICATION FOR-

THE NORTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 20 TOWNSHIP 3 0501055 DIVISION YALE DISTRICT

SCALE 1:2500
 ALL DISTANCES ARE IN METERS.
 CONTOURS ARE FROM MAPPING AND ARE AT 5m INTERVALS

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF DOWNS ENTERPRISES LTD.

THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR PROPERTY CORNERS.

MONASHEE SURVEYING AND GEOMATICS, 2018. ALL RIGHTS RESERVED.

MONASHEE SURVEYING AND GEOMATICS ACCEPT NO RESPONSIBILITY FOR AND HEREBY DISCLAIM ALL OBLIGATIONS AND LIABILITIES FOR DAMAGES INCLUDING, BUT NOT LIMITED TO, DIRECT, INDIRECT, SPECIAL, AND CONSEQUENTIAL DAMAGES ARISING OUT OF OR IN CONNECTION WITH ANY DIRECT OR INDIRECT USE OR RELIANCE UPON THE PLAN BEYOND ITS INTENDED USE.

DATED: SEPTEMBER 6 2018
 DRAWING: 6932 SITE PLAN.dwg



3710A 28th Street Vernon, B.C. V1T 0K2
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REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 3002

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 to change a zone designation.

WHEREAS pursuant to Section 479 [Zoning bylaws] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 3000, being the *“Regional District of North Okanagan Zoning Bylaw No. 3000, 2023”* as amended;

AND WHEREAS, pursuant to Section 460 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

AND WHEREAS the Board has enacted the *“Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018”* as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit;

AND WHEREAS the Board has received an application to rezone property;

NOW THEREFORE, the Board of the Regional District of North Okanagan in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

CITATION

1. This Bylaw may be cited as **“Zoning Amendment Bylaw No. 3002, 2024”**.

AMENDMENTS

2. The zoning of the property legally described as The NE ¼ of the SE ¼ of Sec 20, Twp 5, ODYD and located at Wallace Road, Electoral Area “C” is hereby changed on Schedule “A” of the *Regional District of North Okanagan Zoning Bylaw No. 3000, 2023* from the ***Non-Urban [N.U.] zone*** to the ***Country Residential [C.R.] zone***.

Advertised on this day of , 2024
this day of , 2024

Read a First, Second and Third Time this day of , 2024

ADOPTED this day of , 2024

Chair

Deputy Corporate Officer