

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 3018

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. 3018, 2024**".

AMENDMENTS

2. The zoning of the property legally described as Parcel A (Plan B6715) of Lot 5, Secs 25 & 26, Twp 8, ODYD, Plan 1956, Except Plans 20384, H18404 & KAP68929 and located at 7975 Greenhow Road, Electoral Area "B" is hereby changed on Schedule "A" of the *Regional District of North Okanagan Zoning Bylaw No. 3000, 2023* from the **Recreation Commercial (C.5) zone** to the **Light Industrial (I.1) zone**.

Advertised on	this	8th	day of	November, 2024
	this	12th	day of	November, 2024

Read a First Time	this		day of	, 2024
--------------------------	------	--	--------	--------

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

Approved by Minister of Transportation and
Infrastructure
(Transportation Act s. 52(3))

this day of , 2024

ADOPTED

this day of , 2024

Chair
Shirley Fowler

Deputy Corporate Officer
Ashley Bevan

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, September 11, 2024

Rezoning Application

**SIMOLO CUSTOMS LTD. c/o HOLOMIS, J. [File No. 24-0362-B-RZ]
7975 Greenhow Road, Electoral Area "B"**

Moved and seconded

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3018, 2024, which proposes to rezone the property legally described as Parcel A (Plan B6715) of Lot 5, Secs 25 & 26, Twp 8, ODYD, Plan 1956, Except Plans 20384, H18404 & KAP68929 and located at 7975 Greenhow Road, Electoral Area "B" from the Recreation Commercial (C.5) zone to the Light Industrial (I.1) zone, will be considered for First Reading at a future meeting; and further,

That Second Reading of Zoning Amendment Bylaw No. 3018, 2024 be withheld until the applicant has provided an estimate from a qualified professional of the maximum daily sewage flow for the proposed use of the subject property; and further,

That Final Adoption of Zoning Amendment Bylaw No. 3018, 2024 be withheld until:

1. The applicant registers a covenant against the title of the property that would prohibit fee-simple or bareland strata subdivision until a community sewer system is available; and
2. The applicant registers a covenant against the title of the property that would require the property to be connected to a community sewer system once the sewer lines associated with the system have been extended to the subject property; and
3. Water servicing issues associated with the proposed development have been addressed to the satisfaction of the Regional District; and
4. A Development Permit that satisfies the requirements of the Riparian and Swan Lake Development Permit Area and Industrial Development Permit Area under the Electoral Areas "B" and "C" Official Community Plan has been approved for the proposed development.

CARRIED



REGIONAL
DISTRICT
NORTH
OKANAGAN

PLANNING DEPARTMENT INFORMATION REPORT

REZONING APPLICATION

DATE:	August 20, 2024
FILE NO.:	24-0362-B-RZ
OWNER/APPLICANT:	Simolo Customs Ltd. c/o Jeffrey Holomis
LEGAL DESCRIPTION:	Parcel A (Plan B6715) of Lot 5, Secs 25 & 26, Twp 8, ODYD, Plan 1956, Except Plans 20384, H18404 & KAP68929
P.I.D.#:	011-205-521
CIVIC ADDRESS:	7975 Greenhow Road
PROPERTY SIZE:	1.19 ha
SERVICING:	On-site septic disposal and Greater Vernon Water
PRESENT ZONING:	Recreation Commercial (C.5)
PROPOSED ZONING:	Light Industrial (I.1)
O.C.P. DESIGNATION:	Mixed Commercial / Light Industrial
PROPOSED USE:	Industrial facility manufacturing golf carts and low speed vehicles

PLANNING DEPARTMENT RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3018, 2024, which proposes to rezone the property legally described as Parcel A (Plan B6715) of Lot 5, Secs 25 & 26, Twp 8, ODYD, Plan 1956, Except Plans 20384, H18404 & KAP68929 and located at 7975 Greenhow Road, Electoral Area "B" from the Recreation Commercial (C.5) zone to the Light Industrial (I.1) zone, will be considered for First Reading at a future meeting; and further,

That Second Reading of Zoning Amendment Bylaw No. 3018, 2024 be withheld until the applicant has provided an estimate from a qualified professional of the maximum daily sewage flow for the proposed use of the subject property; and further,

That Final Adoption of Zoning Amendment Bylaw No. 3018, 2024 be withheld until:

1. The applicant registers a covenant against the title of the property that would prohibit fee-simple or bareland strata subdivision until a community sewer system is available; and
2. The applicant registers a covenant against the title of the property that would require the property to be connected to a community sewer system once the sewer lines associated with the system have been extended to the subject property; and
3. Water servicing issues associated with the proposed development have been addressed to the satisfaction of the Regional District; and
4. A Development Permit that satisfies the requirements of the Riparian and Swan Lake Development Permit Area and Industrial Development Permit Area under the Electoral Areas "B" and "C" Official Community Plan has been approved for the proposed development.

SUMMARY:

This report relates to an application to rezone a property located at 7975 Greenhow Road from the Recreation Commercial (C.5) zone to the Light Industrial (I.1) zone. If successful in rezoning the property, the applicant proposes to construct a new building and an addition to an existing building to support the expansion of a business to manufacture golf carts and other low speed vehicles.

The Planning Department recommends that the application receive favourable consideration as it complies with the Electoral Areas "B" and "C" Official Community Plan land use designation of the subject property (Mixed Commercial / Light Industrial) and the applicable policies in the OCP. Staff recommend that further information on daily sewage flows be provided prior to Second Reading, and that Final Adoption of the Zoning Amendment Bylaw associated with the application be withheld until the applicant has addressed sewer and water servicing, and a Development Permit has been approved for the proposed development.

BACKGROUND:

Site Context

The subject property is located on the eastern side of Greenhow Road, on the east side of Highway 97 and approximately 200 m north of the intersection between Highway 97 and Pleasant Valley Road. The subject property is accessed from Greenhow Road via an existing driveway at the north-western corner. There is an existing two-storey building at the south-western corner, in proximity to Greenwood Road with an associated parking area. The property slopes moderately up towards the east away from Greenhow Road, with three coverall buildings located on a bench above the existing building and parking area.

There is an easement at the rear of the property over the south-eastern corner that provides part of the access road to the adjoining waterpark to the south.

All surrounding properties are designated Mixed Commercial/Light Industrial, the same as the subject property, apart from the property to the north-east which is designated Residential. Properties to the south-east are zoned C.5, and Country Residential (C.R) and Small Holding (S.H) to the north-west. On the other side of Highway 97, properties are zoned C.R to the north-west and Highway & Tourist Commercial (C.2) to the south-west.

The following orthophoto of the subject and surrounding properties was taken in 2022:



Previous Approvals and Building Permits

The building at the south-western corner of the subject property was constructed in 2006 under Building Permit 06-0517-B-BP, with internal alterations to expand the mezzanine floor undertaken in 2007 under 07-0031-B-BP. The gross floor area of the building shown on the plans is 468 m². To facilitate the proposed use of the building for a printing business, a text amendment to Zoning Bylaw 1888, 2003 was approved in November 2006 to allow for “*art galleries and digital printing of art, etc.*” in the C.5 zone. An associated Development Permit was issued in 2006.

Documentation for the filing of a new on-site septic disposal system to replace an existing holding tank was provided to the RDNO in 2015. There were no associated building works, and therefore, no Building Permit related to this information.

A Building Permit was applied for in 2021 for an addition to the above building. This application was cancelled at the request of the applicant as they indicated that they would be applying for a larger building to the east in the future. The Planning Department requested more information on the proposed use of the building as part of the review of the Building Permit, however no response was given prior to the cancellation request.

Two large coverall buildings of approximately 270 m² each are located on the upper part of the subject property. There are no building permits on file in relation to these buildings. The first (southernmost) coverall is present in the 2018 aerial photo, and the second coverall building is present in 2022 shown above. A third smaller coverall building is located adjacent to the two larger buildings on the upper part of the property.

The Proposal

The applicant is proposing to rezone the subject property from C.5 to I.1 in order to reflect their current business, which the applicant indicates involves manufacturing golf carts and other low speed vehicles. The applicant is expanding their business and has concurrently lodged two BP applications to construct a new building on the upper part of the business site for storage purposes, and for an addition to the existing building on the lower part of the site closest to Greenhow Road. The addition to the existing building has a gross floor area of 331.4 m², including a mezzanine, and has a washroom with two plumbing fixtures proposed on the main floor. The proposed storage building has a floor area of 1396 m² over two storeys with no plumbing fixtures proposed.

The applicant has indicated that they are going to remove both coverall buildings, but would like to retain one during the construction of the new storage building.

There is an existing septic field on the subject property. The septic disposal information that was filed with Interior Health in 2015 indicates that the disposal area was designed for a dwelling and commercial building and is located immediately north of the original building. The applicant has confirmed that there is no dwelling on the subject property, and also indicated that the new septic disposal system was designed with additional capacity for future business expansion. The septic field replaced a holding tank that was installed in 2006. The septic field was designed for a total daily flow of 1360 L.

PLANNING ANALYSIS:

The Planning Department recommends that the subject rezoning application be supported as it complies with the Mixed Commercial / Light Industrial land use designation of the subject property and the applicable policies of the Electoral Areas “B” and “C” Official Community Plan. The development proposal is for the expansion of an existing business to include manufacturing of golf carts and similar low speed vehicles which is a light industrial use that complies with the following OCP Policies:

- The Swan Lake Corridor with its mixed commercial and light industrial designation is to provide much needed light industrial, service commercial and large format commercial uses for the region that cannot be accommodated in other areas.
- Within the north gateway (Swan Lake Corridor), encourage a mixture of Commercial and Industrial uses east of the highway with a form and character that respects the importance of the gateway location and is consistent with the areas unique character.

The proposed use would be compatible with proposed future land use of the surrounding area. There has been a commercial/light industrial type business operating on the subject property since 2006, and no complaints have been received about the use of the property. Residential uses to the north and the waterpark to the south are also elevated above the subject property, with only the parking lots of the waterpark directly adjacent to the subject property. This provides a degree of separation between the uses, which in conjunction with the required level of landscaping, screening and setbacks provides a buffer for industrial activities on the subject property from these more sensitive uses.

The Swan Lake Commercial District Policies of the OCP states that, due to the sensitive environmental conditions within the Swan Lake Corridor as well as problematic soil and hydrological conditions, consideration of zoning changes will be based on the maximum daily sewage flow from the use of the subject property. Where the proposed land use generates a maximum daily sewage flow of less than 1400 L per day, the RDNO will consider a rezoning based on the recommendations of a consulting engineer and a covenant being registered on title to not permit a land use that exceeds that maximum. Where the proposed land use generates more than 1400 L per day, the RDNO will consider a rezoning based on a hydrological assessment from a hydrological engineer to review the local groundwater and surface water conditions with respect to Swan Lake or a tributary ditch or watercourse, a geotechnical evaluation from a geotechnical engineer that reviews local soil conditions with the identification of a primary and separate backup drainfield location which areas would be protected by a covenant, and a design for sewage disposal and stormwater management system prepared by a civil engineer. As the applicant has not provided an estimate of the maximum daily sewage flow anticipated with the addition of the new buildings, it is recommended that this be required prior to Second Reading of the subject zoning amendment bylaw.

The location of the proposed development is part of the proposed service area for the North Okanagan Wastewater Recovery Project which would extend sanitary sewer service to the subject property. The Planning Department recommends that the applicant be required to register a covenant against the title of the properties that would require the properties to be connected to the community sewer system once the sewer lines associated with the system have been extended to the properties. This would help support the development and operation of the proposed system.

OCP Policy for the Swan Lake Commercial District states that “as a condition precedent for the approval of a rezoning bylaw, the Regional District will generally request that a covenant be registered to prohibit subdivision of land until a community sewer system is available.” Therefore, it is recommended that a covenant be registered against the title of the properties that would prohibit fee-simple or bareland strata subdivision of the property until community sewer is available.

It is recommended that a Development Permit which addresses the requirements of the Industrial Development Permit Area and Riparian and Swan Lake Development Permit Area be approved prior to Final Adoption of the rezoning. This will ensure that storm and wastewater will be appropriately addressed, that the form and character of the additional buildings will be acceptable, and that parking, loading, and landscaping requirements are satisfied in accordance with the requirements of the OCP and Zoning Bylaw.

OCP Policy 10.1.3 of the Swan Lake Commercial Area and Neighbourhood Plan requires that applicants for new development pay for any new or expanded water infrastructure that is needed to support that development. Currently more information has been requested as part of the associated Building Permits to understand whether the scale of the proposed buildings would require further washrooms, or for the proposed buildings to be sprinklered. These additional requirements may have an impact on water infrastructure required to support the proposed expansion to the business being undertaken on the subject property. Due to this, it is recommended that a condition be included to ensure that any water servicing issues that could arise are dealt with to the satisfaction of the RDNO Utilities Department.

Public Hearing

On November 25, 2021, Bill 26 received Royal Assent. This brought changes to the *Local Government Act* which state 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” Official Community Plan, a notice will be posted in accordance with the 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. 3018 at a future meeting once the applicant has posted a development notice sign in accordance with the Development Application Procedures and Administrative Fees Bylaw No. 2677.

Should the Board of Directors wish to hold a Public Hearing for Bylaw No. 3018, a resolution could be passed to forward the Bylaw to a Public Hearing after Second Reading has been given. Notice of the Public Hearing would be provided in accordance with the provisions of 466 of the *Local Government Act* and the Hearing would be held prior to considering Third Reading.

ZONING BYLAW:

The subject property is zoned Recreation Commercial (C.5). The uses permitted in the C.5 zone include temporary and seasonal accommodations, entertainment and recreation facilities, food services, retail sales, storage, service and repair limited to recreation vehicle storage, servicing and rental, service stations, and taxidermists.

The applicant is proposing to rezone the property to the Light Industrial (I.1) zone. Uses permitted in the I.1 zone include accessory buildings and structures, an owner/operator dwelling unit, food service, restricted agricultural use, retail sales, storage, service and repair (including manufacturing and processing), and transportation facilities. All permitted uses in the I.1 zone must be housed completely within an enclosed building, except for outdoor display, rental, sale or storage yards, parking and loading facilities.

Lots proposed to be subdivided in the I.1 zone must have an area of not less than 560 m² where the lot is serviced by a community sewer system and 1 ha where the lot is serviced by an on-site septic system. Lot coverage may not be greater than 60%. Buildings must be setback 6 m from the front and exterior side lot lines and 0 m from interior side and rear lot lines except where a lot abuts a lot in a Residential or Rural zone, buildings must be setback 6 m from that interior side lot line, and 9 m from that rear lot line. The height of buildings and structures in the I.1 zone may not exceed 12 m.

Any industrial development that abuts a highway within the I.1 zone is required to provide a landscaped buffer with a minimum width of 3 m, 2 m where the property abuts a lot in a Residential zone. Outdoor storage areas must be screened by a fence or hedge having a minimum height of 2.5 m and 2 m respectively where they abut a residential use.

Parking for the proposed industrial use must be provided at a rate of 1.5 parking spaces per 100 m² of gross floor area. The gross floor area of the existing and proposed buildings is 2195.3 m², which would require 33 parking spaces to be provided. A total of two loading spaces must be provided for industrial buildings having a gross floor area between 450 m² to 2300 m².

OFFICIAL COMMUNITY PLAN:

The Electoral Areas “B” and “C” Official Community Plan designates the land use of the subject property as Mixed Commercial / Light Industrial. The following OCP Policies are applicable to the application:

Swan Lake Commercial District Policies

1. The Regional District will consider zoning changes within the Swan Lake Commercial District consistent with the policies of this Plan including:
 - a. Because of the sensitive environmental conditions that exist within the Swan Lake Commercial District due to the proximity to Swan Lake as well as the problematic soil and hydrological conditions, the Regional District recognizes two options for an on-site sewage disposal and stormwater management system as follows:
 - i. Where the proposed land use generates a maximum daily sewage flow of 1400 litres or less, then the Regional District will consider a rezoning application based on the design recommendations of a consulting engineer on the condition that a Covenant be registered to not permit a land use that exceeds this maximum; or
 - ii. Where the proposed land use generates a maximum daily sewage flow in excess of 1400 litres, then the Regional District will consider a rezoning application based on a review of the proposed on-site sewage disposal and stormwater management system that includes:
 - a) a hydrological assessment from a hydrological engineer that reviews the local groundwater and surface water conditions with consideration of possible contamination of Swan Lake or a tributary watercourse or ditch;
 - b) a geotechnical evaluation from a geotechnical engineer that reviews local soil conditions with the identification of a primary and separate backup drainfield location which areas would be protected by Covenant; and
 - c) a design for a sewage disposal and stormwater management system prepared by a civil engineer.
2. The Regional District will consider a rezoning application based on a sewage connection to a community sewer system.
3. As a condition precedent for the approval of a rezoning bylaw, the Regional District will generally request that a Covenant be registered to prohibit the subdivision of land until a community sewer system is available.

Mixed Commercial / Light Industrial Policies

1. Direct Commercial and Light Industrial uses to areas designated as Mixed Commercial and Light Industrial.
2. Extend community sewer infrastructure servicing along the Highway 97 Mixed Commercial and Light Industrial Corridor.

3. Encourage property owners of underutilized Mixed Commercial and Light Industrial designated parcels in the Highway Corridor to redevelop, increase densities, and make more effective use of the land base if community sewer services are extended to this area.
4. Consider potential increases to traffic when reviewing new commercial development opportunities and encourage the Ministry of Transportation and Infrastructure to minimize any such impacts through the use of traffic calming measures.
5. The Swan Lake Corridor with its mixed commercial and light industrial designation is to provide much needed light industrial, service commercial and large format commercial uses for the region that cannot be accommodated in other areas.

Light Industrial Policies

1. Consider potential environmental and health impacts of proposed light industrial uses.
2. Ensure compatibility between light industrial uses and existing adjacent and nearby uses.
3. Extend community sewer servicing along Highway 97 to service light industrial lands.
4. Encourage more intensive and effective use of existing light industrial lands that have been identified as underutilized.

Utility Policies

1. The Regional District supports the provision of sewer services for health and environmental purposes specifically in residential and commercial areas where on-site sewage disposal is problematic.
2. Require applicants for new development to pay for any new or expanded water infrastructure that is needed.
3. Construct a wastewater recovery plant and community sewer collection system that will provide sanitary services to developed portions of the plan area (Swan Lake), including properties with commercial, industrial, and residential land use designations.
4. Extend the community sewage collection system in a phased manner in accordance with the wastewater recovery project.

Gateway Policies

1. Within the north gateway (Swan Lake Corridor), encourage a mixture of Commercial and Industrial uses east of the highway with a form and character that respects the importance of the gateway location and is consistent with the area's unique character.
2. Use site planning, building design, and landscaping to reduce negative visual impacts of development, particularly as seen from Highway 97.

Riparian and Swan Lake Development Permit Area

The primary objective of the Riparian and Swan Lake Development Permit Area designation is to regulate development activities and their riparian areas in order to preserve natural features, functions and conditions that support natural processes. Unless a Development Permit exemption applies, development on lands within a Riparian Assessment Area and on lands within the Swan Lake Commercial Area which are zoned Industrial will require a Riparian and Swan Lake Development Permit prior to subdivision, land alteration or the issuance of a Building Permit.

Industrial Development Permit Area

The Regional District has an objective of ensuring that the form and character of commercial and industrial developments are appropriately integrated into the rural setting and coordinated with existing developments in these areas. All properties that are designated or become zoned for industrial uses will require a Development Permit for form and character. Unless a Development Permit exemption applies, all development on lands zoned industrial will require a Development Permit prior to subdivision or issuance of a Building Permit.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. RDNO Building Inspection Department

More information has been requested as part of Building Permits BP027830 and BP027831 regarding the design of the buildings. This information may indicate that additional infrastructure such as washrooms or sprinkler systems are required that could have an additional impact on community water infrastructure.

2. RDNO Community Services

3. RDNO Rural Services Department

No concerns from Rural Services.

4. RDNO Utilities

Properties located in the Greater Vernon Water service area are subject to all applicable RDNO Bylaws, Policies and Procedures. Design drawings to be submitted to RDNO. The RDNO to collect all applicable fees relating to development. Water meters are required to be located in approved water meter pits or kiosks at property line if the length of water service within the property is to be greater than 20 m before entering the building. Water meter and backflow preventer to be relocated to a water meter pit at property line.

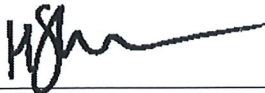
5. Interior Health Authority

6. BX Swan Lake Fire Department

7. Ministry of Transportation and Infrastructure

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the *Transportation Act*.

Submitted by:



Heather Shannon
Planner

Reviewed by:



Greg Routley
Deputy Planning Manager

Endorsed by:



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

Approved for Inclusion:

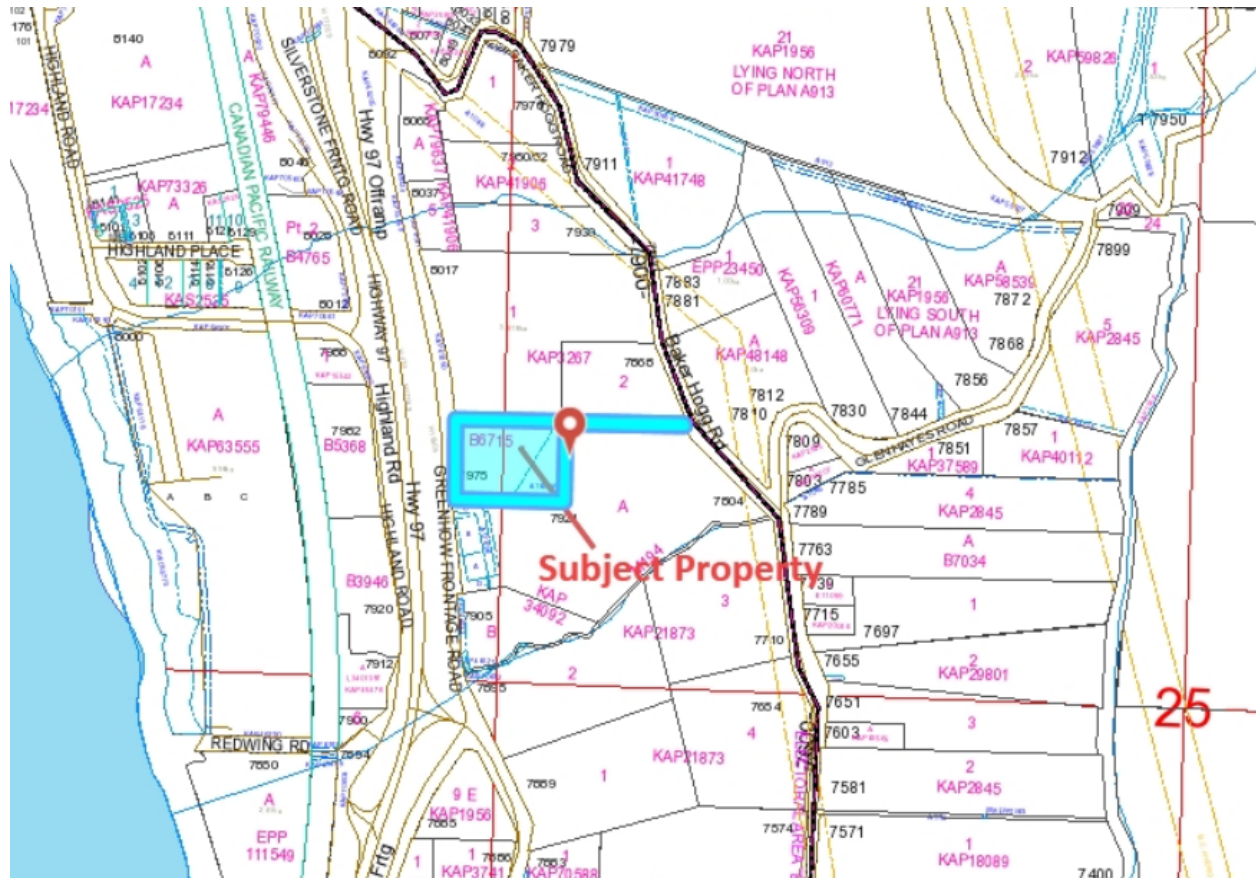


David Sewell
Chief Administrative Officer

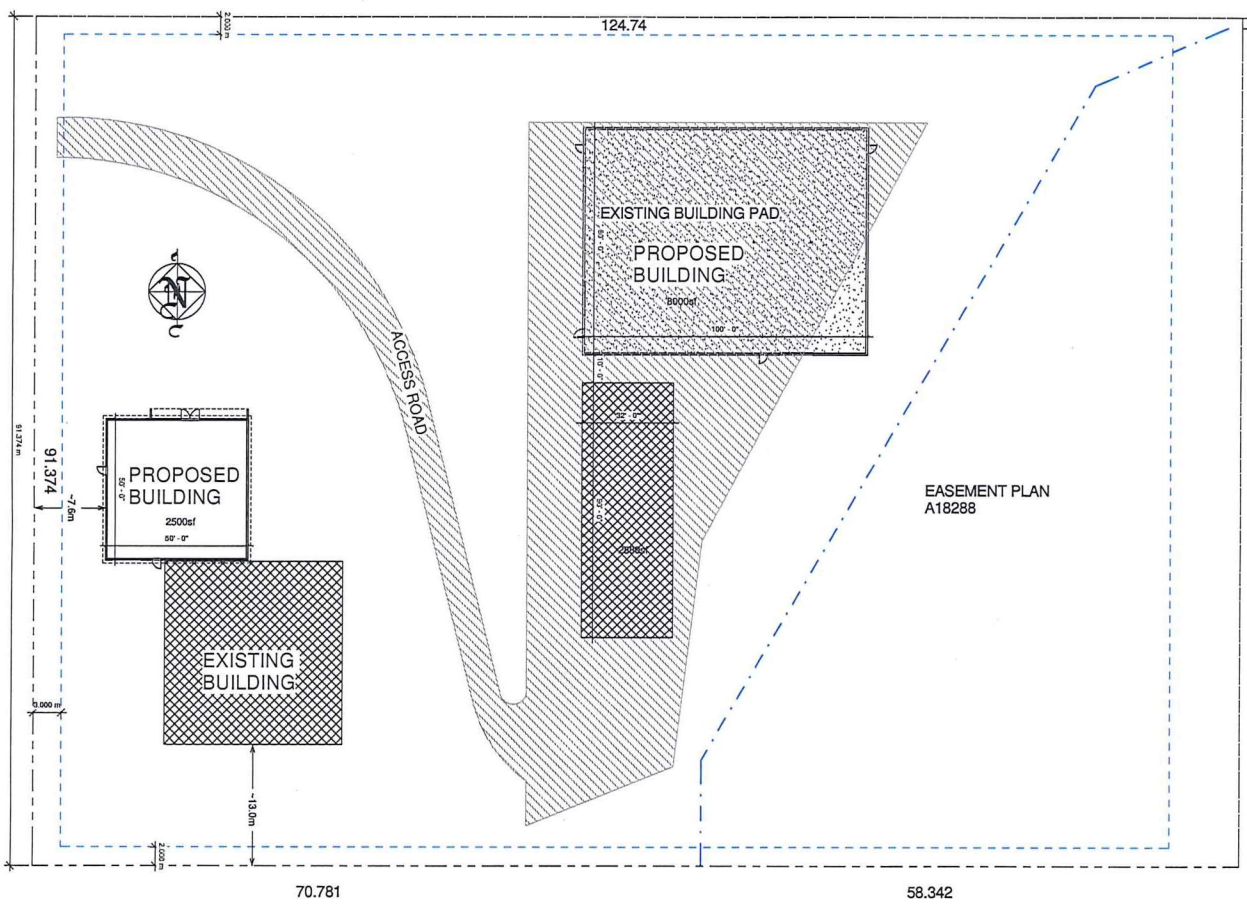
for

SUBJECT PROPERTY MAP ZONING AMENDMENT

File: 24-0362-B-RZ
Location: 7975 Greenhow Road



GREENHOW ROAD
HIGHWAY 97



7975 GREENHOW ROAD VERNON, BC
Zoning: RDNO C-2 Highway/Tourist Commercial

SC Carts Addition

Site

Date: May 8, 2024
 Drawn by: JH
 Project No.: 925RDI 20124
 Scale: 1" = 20'-0"

A1

