



# REGIONAL DISTRICT OF NORTH OKANAGAN

## BOARD of DIRECTORS MEETING

Wednesday, November 2, 2011

4:00 pm

## PUBLIC HEARING AGENDA

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### A. CALL PUBLIC HEARING TO ORDER

### B. INTRODUCTION OF BYLAWS

#### 1. ZUMMACK, Todd and Jodylee

**841 Grandview Bench Road, Electoral Area "F" [File No. 09-0489-F-OR]**

- Staff report dated September 22, 2011

#### **Bylaw 2425, 2010 – Official Community Plan Amendment**

**Purpose:** to amend the land use designation of the property legally described as Lot 5, Sec 27, Twp 19, R9, W6M, KDYD, Plan 30764, Except Plan 36785 and located at 841 Grandview Bench Road, Electoral Area 'F' from Non-Urban to Country Residential.

#### **Bylaw 2426, 2010 – Rezoning**

**Purpose:** to rezone the property legally described as Lot 5, Sec 27, Twp 19, R9, W6M, KDYD, Plan 30764, Except Plan 36785 and located at 841 Grandview Bench Road, Electoral Area 'F' from the Non-Urban Zone [N.U.] to the Country Residential Zone [C.R.]

### C. PUBLIC PRESENTATIONS

### D. CLOSE PUBLIC HEARING





**REGIONAL DISTRICT  
of  
NORTH OKANAGAN**

# REPORT

File No.: 09-0489-F-OR

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**TO: Board of Directors**  
**FROM: Planning Department**  
**DATE: September 22, 2011**  
**SUBJECT: Electoral Area "F" Official Community Plan Amendment Bylaw No. 2425, 2010 and Rezoning Bylaw 2426, 2010 [Zummack]**

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**RECOMMENDATION:**

That following consideration of comments received at a Public Hearing, Electoral Area "F" Official Community Plan Amendment Bylaw No. 2425, 2010 which proposes to amend the land use designation of the property legally described as Lot 5, Sec 27, Twp 19, R9, W6M, KDYD, Plan 30764, Except Plan 36785 and located at 841 Grandview Bench Road, Electoral Area 'F' from Non-Urban to Country Residential be given Third Reading and Adoption; and further,

That following consideration of comments received at a Public Hearing, Rezoning Bylaw 2426, 2010 which proposes to rezone the property legally described as Lot 5, Sec 27, Twp 19, R9, W6M, KDYD, Plan 30764, Except Plan 36785 and located at 841 Grandview Bench Road, Electoral Area 'F' from the Non-Urban Zone [N.U.] to the Country Residential Zone [C.R.] be given Third Reading and Adoption.

**BACKGROUND:**

At the Regular Meeting of September 7, 2011 the Board of Directors gave Second Reading to Official Community Plan Amendment Bylaw No. 2425, 2010 and First and Second Reading to Rezoning Bylaw No. 2426, 2010 and referred the Bylaws to a Public Hearing. The Bylaws propose to change the Electoral Area "F" Official Community Plan land use designation the property located at 841 Grandview Bench Road from Non-Urban to Country Residential and to also rezone the property from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. The purpose of the application is to facilitate a one lot subdivision.

The applicant has submitted a Development Notification Certificate which confirms that on September 21, 2011 a Development Notice was posted on the subject property in accordance with the Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008.

The Public Hearing for the application and associated Bylaws have been advertised in the local newspapers and the adjacent land owners have been notified by letter of the Public Hearing, all in accordance with the Regional District Development Application Procedures and Administrative Fees Bylaw and the provisions of the Local Government Act.

There are no conditions that are required to be met prior to Third Reading or Final Adoption of the subject Bylaws. Also, Ministerial approval of the Bylaws is not required.

**SUMMARY:**

As there are no conditions that are required to be met prior to Third Reading and Final Adoption of Official Community Plan Amendment Bylaw No. 2425, 2010 and Rezoning Bylaw No. 2426, 2010, it is recommended that upon consideration of comments received at a Public Hearing, the Bylaws be considered for Third Reading and Final Adoption.

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Submitted by:



Greg Routley, Deputy Planning Manager

Endorsed by:



Rob Smailes, MCIP  
General Manager, Planning and Building

Approved For Inclusion:



Trafford Hall, Administrator



REGIONAL DISTRICT  
of  
NORTH OKANAGAN

## DEVELOPMENT SERVICES INFORMATION REPORT

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# OFFICIAL COMMUNITY PLAN / REZONING APPLICATION

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**Date:** November 24, 2009

**File No.:** 09-0489-F-OR

**Applicant:** Todd & Jodylee Zummack

**Legal Description:** Lot 5, Sec 27, Twp 19, R9, W6M, KDYD, Plan 30764, Except Plan 36785

**P.I.D.#** 002-003-961

**Civic Address:** 841 Grandview Bench Road

**Property Size:** 8.090 ha. (19.9 Acres)

**Servicing:** On-site well/septic sewage disposal

**Present Zoning:** Non-Urban Zone (N.U)

**Proposed Zoning:** Country Residential Zone (C.R)

**Present O.C.P. Designation:** Non-Urban

**Proposed O.C.P. Designation:** Country Residential

**Proposed Use:** Subdivision into 1 Country Residential lot (5.12 Acres)+ remainder (14.87 Acres)

### DEVELOPMENT SERVICES RECOMMENDATIONS

***“That it be recommended to the Board of Directors that the application to amend the Electoral Area “F” Official Community Plan designation from Non Urban to Country Residential and to rezone from Non-Urban Zone [N.U.] to Country Residential Zone [C.R.] for that property legally described as Lot 5, Sec 27, Twp 19, R9, W6M, KDYD, Plan 30764, Except Plan 36785, located at 841 Grandview Bench Road, Electoral Area 'F' to permit a one lot subdivision BE SUPPORTED and staff be directed to prepare the Official Community Plan Amendment Bylaw for consideration of First Reading only;***

***And further, that the applicant be required to hold a Public Information Meeting in accordance with the Public Information Meeting Guide, prior to consideration of bylaws for further readings;***

***And further, that a Public Hearing not be held unless and until the applicant has provided assurances of the following;***

- 1. Provided plans to demonstrate adequate building sites for the proposed development, as well as a terrain map illustrating all slopes in excess of 30% on the site;***
- 2. Satisfied the requirements of the Electoral Area "F" OCP in regard to a comprehensive plan for Rural Residential Development, under Policy 8;***
- 3. Satisfied the requirements of the Interior Health Authority regarding on-site septic disposal, and demonstrated the location of on-site septic fields on a site plan; and,***
- 4. Proposed a water supply adequate for the proposed development meeting the requirements of the Regional District Subdivision Servicing Bylaw, (including a hydrogeological study ensuring that operation of the water supply will not impact on existing groundwater well supplies in the neighbourhood) and/or the Interior Health Authority and provision of a hydrogeological study demonstrating that wells will not interfere with existing wells in the area."***

## **BACKGROUND**

The applicant is seeking to re-designate the subject properties from Non-Urban to Country Residential and to rezone from Non-Urban Zone (N.U) to Country Residential Zone (C.R). The applicant then intends to subdivide to create one new lot.

The subject property is located on the north end of Grandview Bench Road, near to the boundary of the North Okanagan Regional District. The property currently has a manufactured home, with a snow shed constructed over; a garage; and a barn. All of these structures would be on the smaller 2.07 ha. (5.12 Acre) proposed new lot.

The applicant intends to sell the proposed new lot and then develop the remainder lot 6.02 ha. (14.87 Acres). The owner's intended use of the remainder parcel would then be for a single family dwelling and infrastructure necessary for livestock, an apiary as well as a falcon breeding business.

The land slopes gently from Grandview Bench Road to the northwest. There is an unnamed creek or drainage path that traverses through about the middle of the property from the east to the west.

The applicant would like to subdivide the subject property to create a new lot around the existing home and other buildings on the property, which is proposed to be 2.07 ha. (5.12 Acre) in size. The remainder of 6.02 ha. (14.87 Acres) would then form a panhandle lot. Properties immediately adjacent to the south and west are currently designated and zoned Country Residential To the east and north the properties are designated and zoned Non – Urban.

This application has been reviewed with the respect to the following relevant Electoral Area “F” Official Community Plan Policies.

Division VII - Rural Residential Lands

3. *Rural residential lands shall conform to the following requirements:*
  - a. *outside the Agricultural Land Reserve and, where the use abuts land in the ALR, be provided with adequate buffering on the non-agricultural lands;*
  - b. *have access to a public road system meeting Ministry of Transportation standards in which emergency egress must be considered particularly in wildfire interface areas;*
  - c. *not in an area that has high capability for other uses such as gravel deposits, mining, wildlife habitat, rare and endangered wildlife habitat, rare vegetation communities, springs and domestic water supply (community watersheds) unless the impacts can be mitigated through clustering or other innovative development techniques;*
  - d. *not in an area with slopes greater than thirty percent (30%);*
  - e. *not subject to flooding or in an area with a high water table;*
  - f. *not subject to excessive expenditures for services such as roads, electric power, and school bussing;*
  - g. *contains a suitable building site;*
  - h. *is serviced with a potable water supply meeting the requirements of Division XIV - Services -Policies - Potable Water Supply; and*
  - i. *provides for the collection, treatment and disposal of sewage meeting the requirements of Division XIV - Services - Policies - Sewage Collection, Treatment and Disposal)*
4. *In accordance with Section V. of this Plan, and notwithstanding other policies in this Section; areas established for future urban expansion, should be maintained with zoning*

*designations of Country Residential (C.R.) - (2.0 ha minimum lot size) or larger (Non Urban [N.U.] or Large Holdings [L.H.]).*

7. *Subdivision of rural residential lands shall be in a manner that will conform to the site characteristics and retain a sense of identity and community rather than a continuous expanse of rural housing. Clustering shall be permitted to allow lots smaller than the normal minimum areas provided that the density of the gross area is not greater than the maximum of the applicable zone and provided that the number of lots in the cluster does not defeat the objective of maintaining a rural area.*
8. *Major rural residential land development shall not be considered for a community plan amendment and/or rezoning until a comprehensive plan in accordance with the rural residential policies is provided, and until the roads and services adequate for the development are either in place or financial guarantees regarding their installation are provided.*
9. *As large servicing expenditures may be required by the servicing agencies, the comments of these agencies shall be solicited and considered prior to the designation of areas for rural residential use.*
10. *Because of the importance of an adequate water supply in rural residential areas, and the uncertainty about water supply in some potential areas, assurance about the water supply in questionable areas shall be provided prior to the designation of land for rural residential use.*

The applicant has attempted to satisfy the servicing requirements as laid out in the OCP in support of his application. The applicant has supplied information regarding the water available to the property in terms of well information together with a license issued by the Provincial Government to utilise Nobles Spring on the property for a domestic water supply.

## **PLANNING ANALYSIS**

The proposed re-designation of the site is from a Rural Low Density designation to a Rural Residential designation. Although a number of smaller properties neighbouring to the south and west currently enjoy the Country Residential designation and zoning, any expansion to the Country Residential designation must be reviewed with respect to the Rural Residential Official Community Plan policies. The proposed location of the rural residential land is within an area that has not been identified for future development based on the existing designations and zoning as noted above.

The area lacks community services and utility infrastructure. However, in spite of this, the land seems suited for a marginal increase in density of development. The OCP policies require that some basic servicing information be provided in support of a re-designation to a higher density, such as this. The applicant must provide information that the proposed individual properties are



**OCP/RZ Application**  
**09-0489-F-OR (Todd & Jodylee Zummack)**

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capable of being serviced with on-site water supply (wells), on-site sanitary sewage disposal, and road access. Provision of building site information and a slope analysis are also required.

To address this issue the applicant has provided information regarding potential water sources on the property, as well as potential building sites and existing access roads into the property. All tend to support the applicants view that the proposed subdivision is viable. Review of topographical information available within this office indicate that slope conditions on the property are not severe, and should not pose an impediment to the proposed subdivision.

However, the information provided is inadequate to meet bylaw servicing requirements for the purpose of approving a subdivision and it should remain a condition of the OCP/Rezoning amendment that the applicant provide a level of information that is consistent with bylaw requirements prior to final adoption of the necessary bylaws.

It should be noted that the applicant will be required to obtain Regional Board approval of a waiver of lot frontage for the proposed panhandle lot configuration, in order for approval of the subdivision. Typically staff would consider such an application with regard to the specific subdivision servicing requirements. It should also be noted that the remainder property is of a size, 6.02 ha. (14.87 Acres), that would be capable of further subdivision. Approval of this OCP/Rezoning amendment application may have the unintended consequence of creation of 2 or more new lots beyond what the applicant has indicated is the purpose of the application.

Current OCP policies provide some direction in this regard. Policy 8 requires that an applicant develop a comprehensive plan, as part of the development proposal review process to address questions surrounding servicing the extent of potential development that may arise on this as well as surrounding properties. This would include consideration of the servicing issues raised previously, but would also address questions with regard to new roadways that would be required through the panhandle area to service multiple lots beyond, and that provision is made to secure for the cost of improvements required should such roadworks be required.

**SUMMARY**

This application is proposing to redesignate the subject properties from a Rural Low Density to a Rural Residential designation in order to permit a one lot subdivision. Planning staff are suggesting that the application can be supported to proceed to bylaw stage, as it would fit with other such designated properties in the immediate vicinity and seems capable of meeting the servicing requirements. However, staff caution that the application should not be supported to proceed to a statutory public hearing until such time as the applicant has provided specific servicing information indicating that approval of the additional density in this area will not detrimentally impact on the surrounding existing properties. Staff also caution that approval of the application may lead to more density than what the applicant has indicated in the application in the future. As a result, any proposed development of the non-ALR lands in this area should only be considered on a comprehensive basis as indicated by the OCP policies and should fully address the servicing issues.

**REFERRALS**

The application has been referred to the following for their review and comment:

1. Electoral Area 'F' Director
2. Electoral Area 'F' Advisory Planning Commission
3. Electoral Area Advisory Committee
4. Building Inspection Department
5. Sustainability Coordinator

The sustainability issues raised by the Official Community Plan (OCP) and zoning amendment referred to in File 09-0498-F-OR are characteristic of rural development in general and raise questions about the long-term sustainability of small rural holdings. As this application includes an amendment to the OCP, it is also proposing a development that is inconsistent with the goals and objectives of the community as expressed by the OCP.

The property in question does adjoin an area of country residential to the west and south meaning that the proposed zoning is not totally inconsistent with the surrounding properties.

If approved the application would allow the creation of two lots zoned as country residential in place of the existing non urban lot. However, the re-zoning would provide the potential to create a third lot as the larger of the proposed lots (14.87 acres), could be sub-divided a second time and still meet the minimum lot size for country residential, 4.942 acres. In reviewing this application, the impacts of three lots should be taken into consideration.

The cumulative impacts of additional lots and residences in rural areas may include;

- Access to a viable water supply. The Grandview Bench area in particular is experiencing difficulties with water supplies and therefore it is essential that there is a known, sufficient water source prior to properties being re-zoned. If a viable water source is confirmed the cumulative impacts of multiple water extractions on existing users, surface water bodies and associated ecosystems also needs to be considered. Maintenance of adequate long-term supply for all communities (human and ecological) needs to be addressed when considering rural developments.
- Cumulative impacts of multiple septic fields. With the increasing number of septic fields in any one area, there is an increased risk of contamination of ground and surface water bodies.
- Habitat protection. Rural development may lead to substantial removal of native vegetation. Sustainable development should protect or improve local habitats and biodiversity.
- Fragmentation of the rural landscape. Preservation of the rural landscape and rural "way of life" are often expressed as concerns. On-going reductions in parcel size contribute to the fragmentation of the rural landscape changing its nature. Transport and associated greenhouse gas emissions. Development in rural areas leads to an increase in vehicle use and longer vehicle trips both during development and once established, especially when residents commute for work, school and recreation

activities. The small size of land parcels zoned Country Residential does not often result in on-site economically viable businesses and therefore residents are likely to need to commute for employment. With the growing concern regarding greenhouse gas emissions and climate change consideration of vehicle impacts, transport alternatives and proximity to services need to be incorporated into rural developments. (August 6, 2009)

**6. Interior Health Authority**

The proposed application appears to meet the requirements of Interior Health for Final Approval. (August 19, 2009)

**7. Ministry of Transportation and Infrastructure**

This Ministry has no objections in principle to the proposed land use, further comments will be provided at the time of subdivision. (August 18, 2009)

**8. Ministry of Forests**

No Comments/Concerns. (August 24, 2009)

Respectfully submitted:

Reviewed and endorsed by:



Dan Passmore  
Senior Planning Technologist



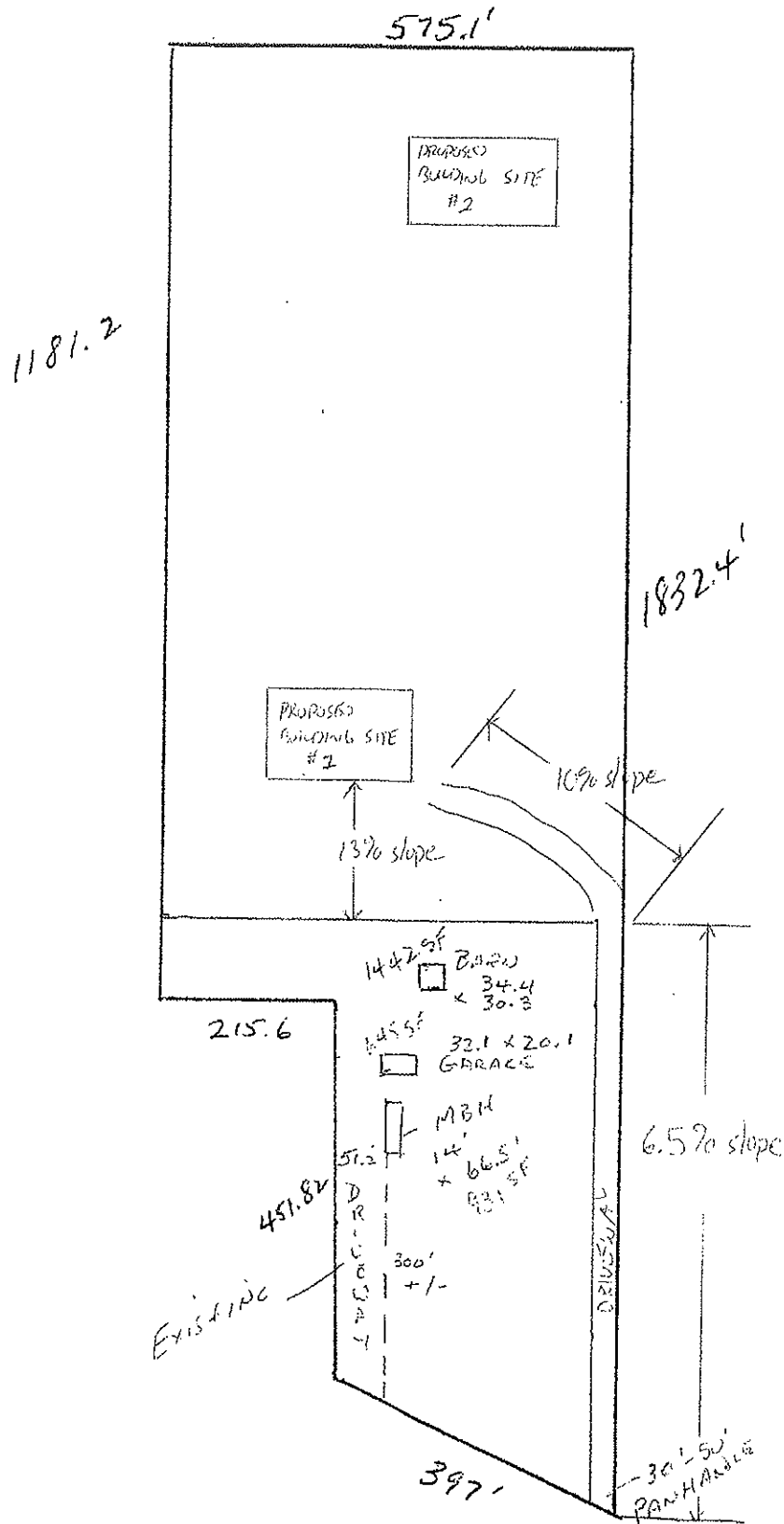
Rob Smailes, MCIP  
General Manager, Planning and Building

Approved for agenda:



Greg Betts  
Administrator





## REGIONAL DISTRICT OF NORTH OKANAGAN

### BYLAW NO. 2425

A bylaw to amend *Electoral Area "F" Official Community Plan Designation Bylaw No. 1934, 2004* and amendments thereto

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**WHEREAS** pursuant to Section 876 [*Authority to adopt a bylaw*] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, the Board of the Regional District of North Okanagan may, by Bylaw, adopt one or more official community plans;

**AND WHEREAS** the Board has enacted the "*Electoral Area "F" Official Community Plan Designation Bylaw No. 1934, 2004*" and amendments thereto to provide a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan;

**AND WHEREAS**, pursuant to Section 895 [*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 an Official Community Plan and must consider every application for an amendment to the plan;

**AND WHEREAS** the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 and amendments thereto*" 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 is desirable and expedient to amend "*Electoral Area "F" Official Community Plan Designation Bylaw No. 1934, 2004*".

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

#### GENERAL

1. This Bylaw may be cited as "**Electoral Area "F" Official Community Plan Amendment Bylaw No. 2425, 2010**".
2. The Official Community Plan marked Schedule "B", attached to and forming part of the "*Electoral Area "F" Official Community Plan Designation Bylaw No. 1934, 2003 and amendments thereto*" is amended by changing the designation of that property legally described as Lot 5, Sec 27, Twp 19, Rge 9, W6M, KDYD, Plan 30764, Except Plan 36785, located at 841 Grandview Bench Road, Electoral Area "F" from **Non-Urban** to **Country Residential**.

**Read a FIRST time** this 3<sup>rd</sup> day of March, 2010

Bylaw **2425** considered in conjunction with the Regional District Financial Plan and Waste Management Plan this 3<sup>rd</sup> day of March, 2010.

**Read a SECOND time** this 7<sup>th</sup> day of September, 2011

Advertised on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and  
the \_\_\_\_\_ day of \_\_\_\_\_, 2011

Public Hearing held pursuant to the provisions of Section 890 of the *Local Government Act* on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Read a THIRD time** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Reconsidered, Finally Passed and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

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CHAIR

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CORPORATE OFFICER

## REGIONAL DISTRICT OF NORTH OKANAGAN

### BYLAW NO. 2426

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 to change a zone designation (Zummack)

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**WHEREAS** pursuant to Section 903 [Zoning bylaws] of the *Local Government Act*, R.S.B.C., 1996, Chapter 323, as amended, and Regulations passed pursuant thereto, 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. 1888, being the "*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*" and amendments thereto;

**AND WHEREAS**, pursuant to Section 895 [*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. 2315, 2008 and amendments thereto*" 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:

#### GENERAL

1. This Bylaw may be cited as "**Rezoning Bylaw No. 2426, 2010.**"
2. That that property legally described as: Lot 5, Section 27, Township 19, Range 9, W6M, KDYD, Plan 30764, Except Plan 36785 – located at 841 Grandview Bench Road, Electoral Area "F" be rezoned from **Non-Urban Zone [N.U.]** to **Country Residential Zone [C.R.]**.
3. That the Zoning Map, being Schedule "A" to *Zoning Bylaw No. 1888, 2003* be amended accordingly.



**Read a FIRST and SECOND time** this 7<sup>th</sup> day of September, 2011

Advertised on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, and  
the \_\_\_\_\_ day of \_\_\_\_\_, 2011

Public Hearing held pursuant to the provisions of Section 890 of the *Local Government Act* on  
the \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Read a THIRD time** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

**Reconsidered, Finally Passed and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011

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CHAIR

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CORPORATE OFFICER