



# REGIONAL DISTRICT OF NORTH OKANAGAN

## BOARD of DIRECTORS MEETING

Wednesday, May 16, 2012

4:00 pm

## PUBLIC HEARING AGENDA

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**A. CALL PUBLIC HEARING TO ORDER**

**B. INTRODUCTION OF BYLAWS**

**1. Rezoning**

**DOBERNIGG, John and Priscilla [11-0746-C-RZ]**

- Staff report dated April 16, 2012

**Bylaw 2507, 2012 – Rezoning**

**Purpose:** to rezone a portion of the property legally described as Lot 83, Sec 6, Twp 5, ODYD, Plan 351, Except Plan KAP89813, and located off Hartnell Road, Electoral Area "C", as shown on Schedule 'A' attached to and forming part of Bylaw No. 2507, from Large Holding (L.H) to Country Residential (C.R) be considered for Third Reading.

**C. PUBLIC PRESENTATIONS**

**D. CLOSE PUBLIC HEARING**





**REGIONAL DISTRICT  
of  
NORTH OKANAGAN**

# REPORT

File No.: 11-0746-C-RZ

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**TO:** Board of Directors  
**FROM:** Planning Department  
**DATE:** April 16, 2012  
**SUBJECT:** Rezoning Bylaw No. 2507, 2012 [Dobernigg]

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**RECOMMENDATION:**

That following consideration of comments received at the Public Hearing, Rezoning Bylaw No. 2507, 2012 which proposes to rezone a portion of the property legally described as Lot 83, Sec 6, Twp 5, ODYD, Plan 351, Except Plan KAP89813, and located off Hartnell Road, Electoral Area "C", as shown on Schedule 'A' attached to and forming part of Bylaw No. 2507, from Large Holding (L.H) to Country Residential (C.R) be considered for Third Reading; and further,

That Rezoning Bylaw No. 2507, 2012 be Adopted.

**BACKGROUND:**

At the Regular Meeting of March 21, 2012, the Board of Directors gave First and Second Readings to Rezoning Bylaw No. 2507, 2012 and resolved to forward the Bylaw to a Public Hearing.

Development Notification Certificate

The applicant has submitted a Development Notification Certificate which confirms that on April 9, 2012, 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 Bylaw has 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*.

**DISCUSSION:**

As the applicant has posted a Development Notification Certificate on the subject property in accordance with the *Regional District Development Application Procedures and Administrative Fees Bylaw* and there are no conditions outstanding for a Public Hearing, it is recommended that upon consideration of comments received at the Public Hearing, Bylaw No. 2507 be considered for Third Reading.

After Bylaw No. 2507 receives Third Reading it can also be considered for Final Adoption as approval of the Ministry of Transportation and Infrastructure is not required.

**SUMMARY:**

As there are no conditions that are required to be met prior to Third Reading and Adoption of the subject Rezoning Bylaw No. 2507, it is recommended that upon consideration of comments received at the Public Hearing, Bylaw No. 2507 be considered for Third Reading and Adoption.

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Submitted by:

  
Jennifer deGroot, B.Sc.  
Planning Assistant

Approved For Inclusion:

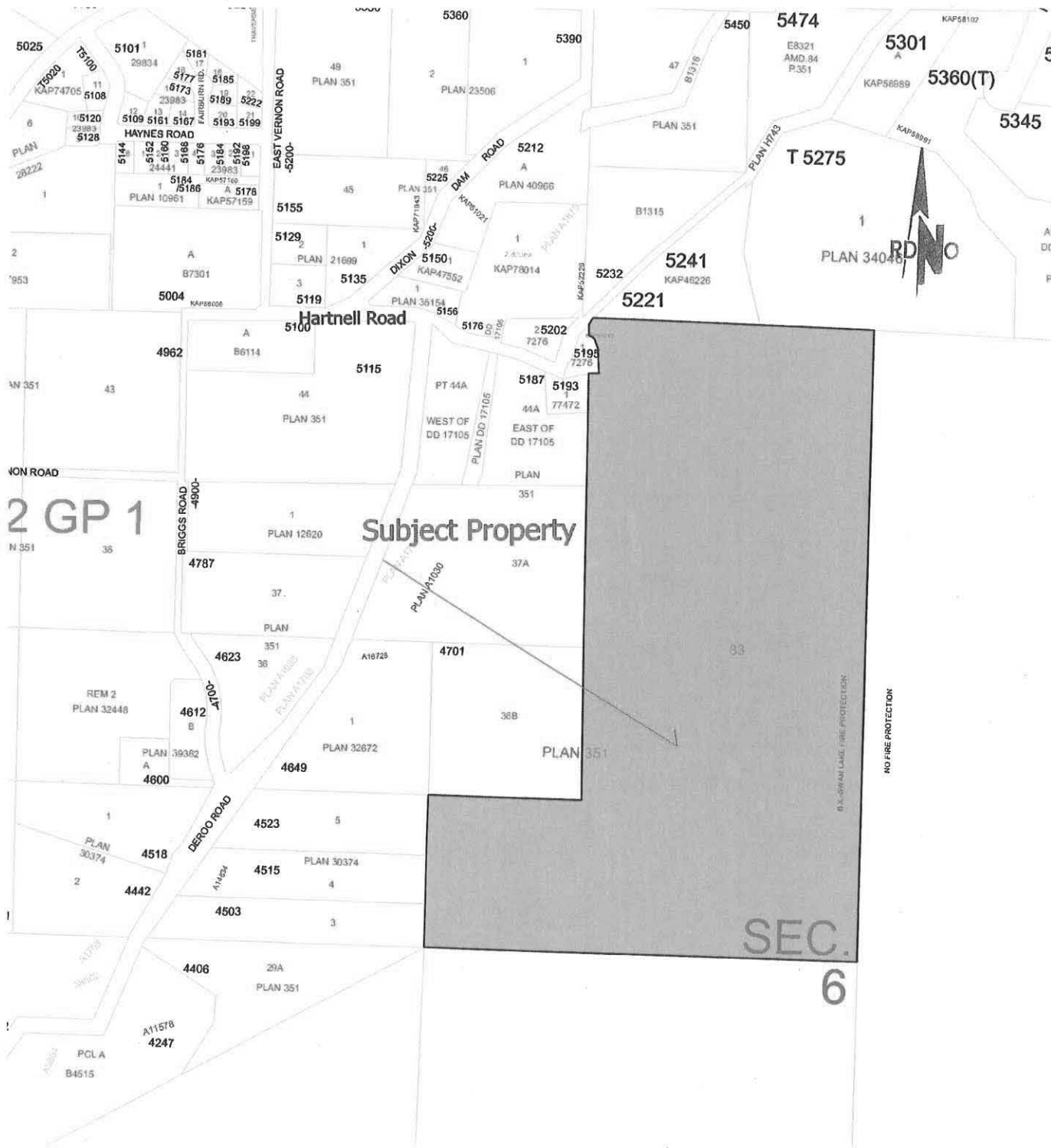
Endorsed by:

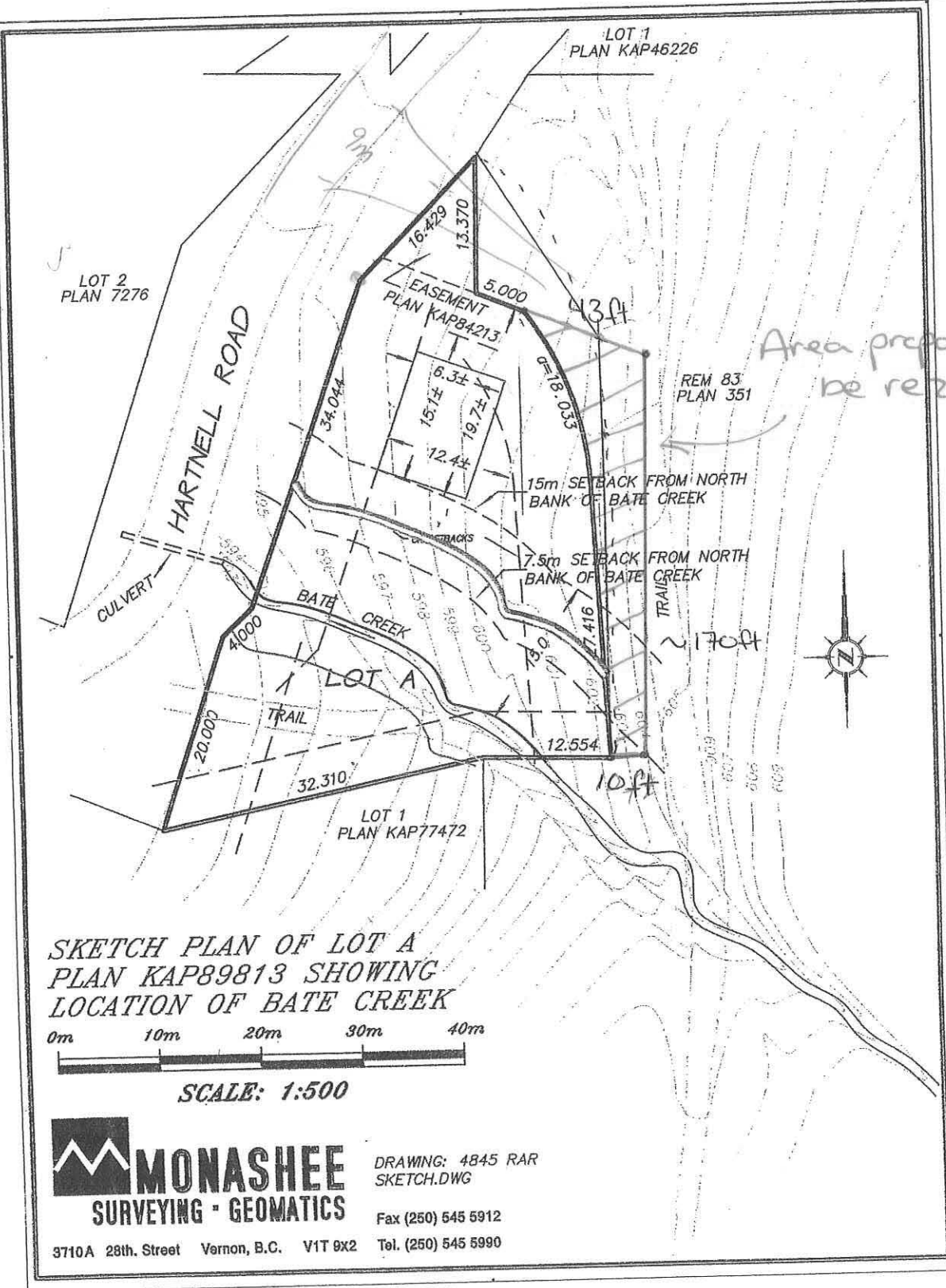
  
Rob Smailes, MCIP  
General Manager, Planning and Building

  
Trafford Hall, Administrator

## ELECTORAL AREA "C" REZONING APPLICATION SUBJECT PROPERTY MAP

**File:** 11-0746-C-RZ  
**Applicant:** John & Priscilla Dobernigg  
**Location:** Hartnell Road





- Zones of Sensitivity and Resultant SPEA
- LWD, Bank and Channel Stability = 10 m
  - Litter Fall and Insect Drop = 10 m
  - Shade = 3.4 m south
  - Streamside Protection and Enhancement Area (setback distance) = 10 m

Project: Stream Setback Assessment, 5195 Hartnell Road, on Bate Creek	
Date: Nov. 19, 2010	Title: Site Plan
Scale: n.t.s.	Figure No.: 2
<b>CLARKE GEOSCIENCE LTD.</b>	

## REGIONAL DISTRICT OF NORTH OKANAGAN

### BYLAW No. 2507

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 (Dobernigg)

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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, enacts as follows:

#### GENERAL

1. This Bylaw may be cited as "**Rezoning Bylaw No. 2507, 2012**".
2. The portion of the property legally described as: Lot 83, Sec 6, Twp 5, ODYD, Plan 351, Except Plan KAP89813 and located off Hartnell Road, Electoral Area 'C', is hereby rezoned from the **Large Holding Zone [L.H.]** to the **Country Residential Zone [C.R.]** as shown on Schedule "A" attached to and forming part of this Bylaw.

Read a First and Second time

this 21st day of March, 2012

Advertised on

this 9th day of May, 2012, and

this 11th day of May, 2012

Public Hearing held pursuant to the provisions of  
Section 890 of the *Local Government Act* on

this 16th day of May, 2012

**Read a THIRD Time**

this day of , 2012

**ADOPTED**

this day of , 2012

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Chair

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Corporate Officer




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2  
7276

A  
89813


44A  
1  
77472

 5195 Hartnell



1:1,000

SCHEDULE "A" to accompany the Regional District of North Okanagan  
"Rezoning Bylaw No. 2507, 2012" (Dobernigg).

Area redesignated from Large Holding to Country Residential shown ..... 

I hereby certify this to be a true and correct copy of SCHEDULE "A" attached to and forming part of  
the Regional District of North Okanagan "Rezoning Bylaw No. 2507, 2012" (Dobernigg).

Dated at Coldstream, BC this \_\_\_\_\_ day of \_\_\_\_\_, 2012

Corporate Officer