



REGIONAL DISTRICT OF NORTH OKANAGAN

BOARD of DIRECTORS MEETING

Wednesday, September 17, 2014

4:00 pm

PUBLIC HEARING AGENDA

A. CALL PUBLIC HEARING TO ORDER

B. INTRODUCTION OF BYLAW

1. **Rezoning Bylaw No. 2652, 2014 [Six Star Holdings Ltd. c/o B. Monaghan]**
 - Staff report dated September 4, 2014

Bylaw 2652, 2014 – Rezoning

Purpose: A bylaw to rezone the property legally described as That Part of Lot 2, Blk 5 Lying E of the Road Shown on Plan H433, Sec 23, Twp 8, ODYD, Plan 749, Except Plans 33945 and H16713 and located at Highway 97, Electoral Area 'B' from the Country Residential [C.R] Zone to the Service Commercial [C.4] Zone.

C. PUBLIC PRESENTATIONS

D. CLOSE PUBLIC HEARING



**REGIONAL DISTRICT
of
NORTH OKANAGAN**

REPORT

File No.: 14-0155-B-RZ

TO: Board of Directors
FROM: Planning Department
DATE: September 4, 2014
SUBJECT: Rezoning Bylaw No. 2652, 2014 [Six Star Holdings Ltd. c/o B. Monaghan]

RECOMMENDATION:

That following consideration of comments received at the Public Hearing, Rezoning Bylaw No. 2652, 2014 to rezone the property legally described as That Part of Lot 2, Blk 5 Lying E of the Road Shown on Plan H433, Sec 23, Twp 8, ODYD, Plan 749, Except Plans 33945 and H16713 and located at Highway 97, Electoral Area 'B' from the Country Residential [C.R] Zone to the Service Commercial [C.4] Zone be considered for Third Reading.

BACKGROUND:

The applicant is proposing to amend the zoning of the subject property from the Country Residential [C.R] Zone to the Service Commercial [C.4] Zone. If approved, the owner proposes to construct of a 1,275 m² building to accommodate office space and a shop for service and repair of company owned trucks and small equipment, machining and millworks, and for storage of small tools and equipment. Four companies, including Hoban Construction Ltd. (road construction), Hoban Equipment Ltd. (equipment rental), AWA Asphalt Ltd. (asphalt plant operations), and World Tech Solutions Ltd. (software development), are proposed to operate from the office and would have approximately 30 to 45 employees.

At the Regular Meeting of August 20, 2014 the Board of Directors gave First and Second Readings to Rezoning Bylaw No. 2652, 2014 and referred the Bylaws to a Public Hearing.

In addition, the Board resolved that That Final Adoption of Rezoning Bylaw No. 2652, 2014 be withheld until:

- 1) the applicant submits design recommendations from a consulting engineer regarding the proposed on-site sewage disposal and stormwater management systems and registers a covenant that would restrict permitted uses on the subject property to those which would generate a maximum daily sewage flow of 1400 litres per day or less; or
- 2) if the development would generate maximum daily sewage flow in excess of 1400 litres per day, the applicant submits:
 - a hydrological assessment from a hydrological engineer that reviews local groundwater and surface water conditions with consideration of possible contamination of Swan Lake or a tributary watercourse or ditch; and

- a geotechnical evaluation from a geotechnical engineer that reviews local soil conditions with the identification of a primary and separate backup drainfield location which would be protected by a covenant; and
 - a design for a sewage disposal and stormwater management system prepared by a civil engineer; and
- 3) the applicant registers a covenant against the title of the subject property that would prohibit fee-simple or bareland strata subdivision of the subject property until a community sewer system is available; and
 - 4) the Ministry of Transportation and Infrastructure has endorsed the Bylaw in accordance with the requirements of Section 52(3) of the *Transportation Act*.

Notification of Public Hearing

The applicant has submitted a Development Notification Certificate which confirms that on September 4, 2014 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 newspaper and the adjacent land owners have been notified by letter of the Public Hearing, all in accordance with Regional District bylaws and the provisions of the *Local Government Act*.

The Ministry of Transportation and Infrastructure is required to endorse the Rezoning Bylaw prior to the Bylaw being Adopted.

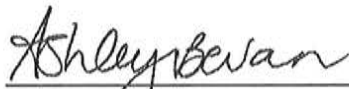
As there are no conditions that are required to be met prior to Third Reading, it is recommended that, upon consideration of comments received at the Public Hearing, Bylaw No. 2652 be given Third Reading. If it is given Third Reading, it will be forwarded to the Ministry of Transportation and Infrastructure for endorsement. As per the Board's previous resolution, Final Adoption would be withheld until:

- 1) the applicant submits design recommendations from a consulting engineer regarding the proposed on-site sewage disposal and stormwater management systems and registers a covenant that would restrict permitted uses on the subject property to those which would generate a maximum daily sewage flow of 1400 litres per day or less; or
- 2) if the development would generate maximum daily sewage flow in excess of 1400 litres per day, the applicant submits:
 - a hydrological assessment from a hydrological engineer that reviews local groundwater and surface water conditions with consideration of possible contamination of Swan Lake or a tributary watercourse or ditch; and
 - a geotechnical evaluation from a geotechnical engineer that reviews local soil conditions with the identification of a primary and separate backup drainfield location which would be protected by a covenant; and
 - a design for a sewage disposal and stormwater management system prepared by a civil engineer; and
- 3) the applicant registers a covenant against the title of the subject property that would prohibit fee-simple or bareland strata subdivision of the subject property until a community sewer system is available; and
- 4) the Ministry of Transportation and Infrastructure has endorsed the Bylaw in accordance with the requirements of Section 52(3) of the *Transportation Act*.

SUMMARY:

As there are no conditions that are required to be met prior to Third Reading, it is recommended that, upon consideration of comments received at the Public Hearing, Bylaw No. 2652 be given Third Reading. If given Third Reading, the Bylaw will be forwarded to the Ministry of Transportation and Infrastructure for endorsement. Final Adoption would be withheld until the conditions set out by the Board, as noted within this report, have been met.

Submitted by:



Ashley Bevan
Executive Assistant

Endorsed by:

for 

Rob Smailes, MCIP
General Manager, Planning and Building

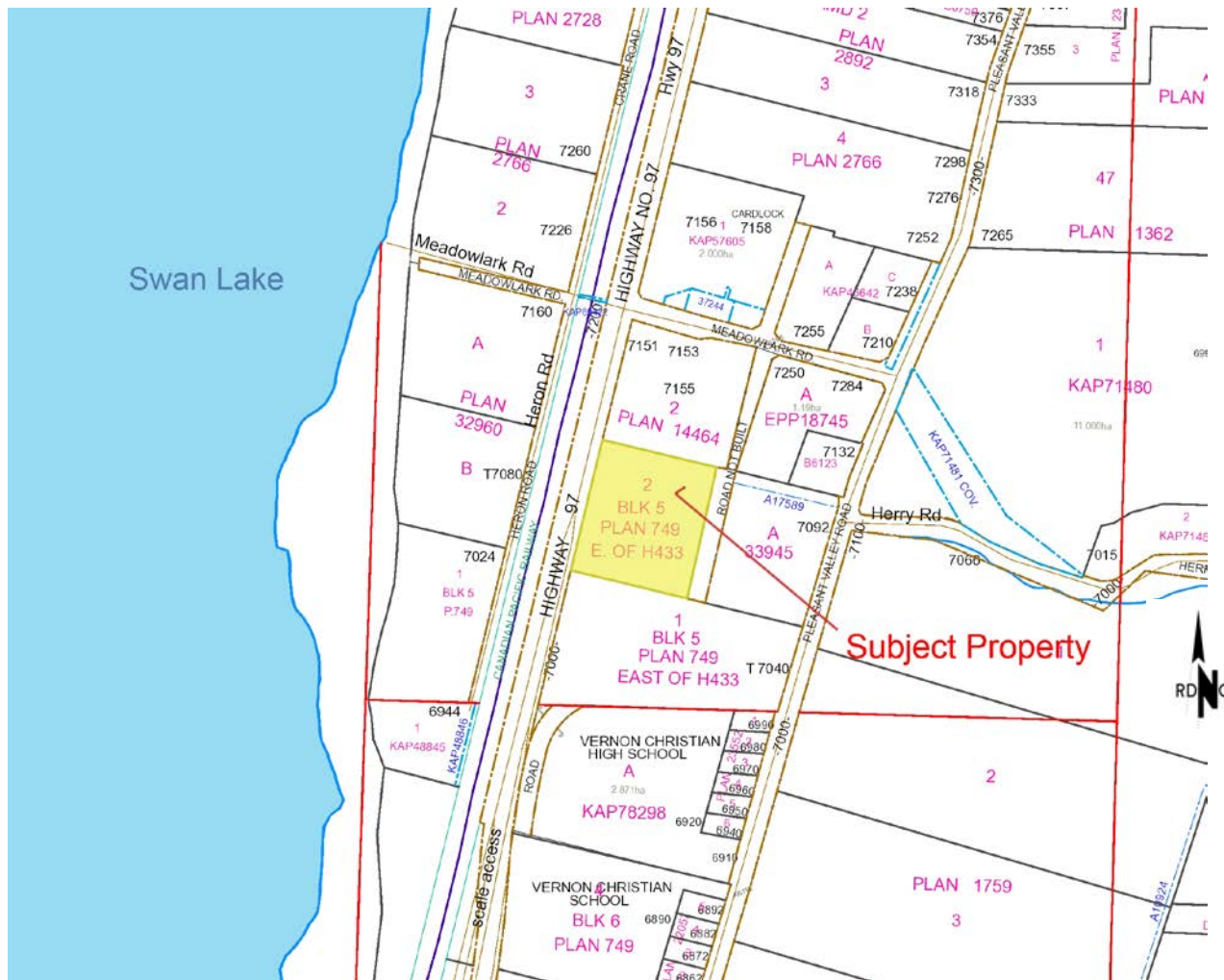
Approved For Inclusion:



David Sewell
Chief Administrative Officer

ELECTORAL AREA "B" REZONING APPLICATION SUBJECT PROPERTY MAP

File: 14-0155-B-RZ
Applicant: Six Star Holdings Ltd. c/o B. Monaghan
Location: Highway 97



REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2652

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

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 Directors of the Regional District of North Okanagan, in open meeting assembled, enacts as follows:

A. CITATION

This Bylaw may be cited as the "**Rezoning Bylaw No. 2652, 2014**".

B. AMENDMENTS

1. That the property legally described as: That Part of Lot 2, Block 5 Lying East of the Road Shown on Plan H433, Sec 23, Twp 8, ODYD, Plan 749, Except Plans 33945 and H16713 and located at Highway 97, Electoral Area "B", be rezoned from **Country Residential Zone [C.R]** to **Service Commercial Zone [C.4]**.
2. That the Zoning Map, being Schedule "A" to *Zoning Bylaw No. 1888, 2003* be amended accordingly.

Read a First and Second Time this 20th day of August, 2014

Advertised on this 10th day of September, 2014

this 12th day of September, 2014

Public Hearing held pursuant to the provisions of this 17th day of September, 2014
Section 890 of the *Local Government Act*

Read a Third Time this day of , 2014

Approved by Minister of Transportation and Infrastructure this day of , 2014
(Transportation Act s. 52(3))

ADOPTED this day of , 2014

Chair

Corporate Officer