



REGIONAL
DISTRICT
NORTH
OKANAGAN

PLANNING DEPARTMENT INFORMATION REPORT

REZONING APPLICATION

DATE:	June 30, 2022
FILE NO.:	22-0393-C-RZ
OWNER/APPLICANT:	William & Anthonia Sengotta
LEGAL DESCRIPTION:	Lot 3, Sec 24, Twp 8, ODYD, Plan 28422, Except Plan KAP73600
P.I.D.#:	004-557-930
CIVIC ADDRESS:	7037 Grey Canal Road
PROPERTY SIZE:	7.72 ha
PRESENT ZONING:	Non-Urban (N.U)
PROPOSED ZONING:	Country Residential (C.R)
O.C.P. DESIGNATION:	Country Residential
PROPOSAL:	Three lot subdivision

PLANNING DEPARTMENT RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 2936, 2022, which proposes to rezone the property legally described as Lot 3, Sec 24, Twp 8, ODYD, Plan 28422, Except Plan KAP73600 and located at 7037 Grey Canal 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 Adoption of Zoning Amendment Bylaw No. 2936, 2022 be withheld until the applicant has made suitable arrangements with the Regional District of North Okanagan to:

1. secure a 10 m wide corridor along the frontage of the subject property for a future public trail;
2. address potential water servicing issues associated with the proposed development.

SUMMARY:

This report relates to an application to rezone the property located at 7037 Grey Canal Road from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. If successful in rezoning the property, the owner plans to submit a subdivision application which requests the approval to subdivide the property into three lots. Access to the three lots is proposed to be gained directly from Grey Canal Road.

The Planning Department recommends the application be supported in principle as the proposed rural residential land use is consistent with the Electoral Areas “B” and “C” Official Community Plan (OCP) designation of the property and complies with the relevant OCP Policies.

It is recommended that Adoption of the Zoning Amendment Bylaw associated with the application be withheld until the applicant has made suitable arrangements with the Regional District to secure a 10 m wide corridor along the frontage of the subject property for a future public trail and to address potential water servicing issues associated with the proposed development.

In the event this rezoning application is successful, a Development Permit would be required prior to subdivision approval to address the potential need to protect terrestrial environmentally sensitive areas.

BACKGROUND:

Site Context

The subject property is located on the east side of Grey Canal Road, towards the southern end of the formed road. Beyond this to the south, lies an off-road pedestrian-only portion of the Grey Canal Trail. Public road access from the site heads north towards McLennan Road, intersecting L & A Road to the west.

The following orthophoto of the subject and surrounding properties was taken in 2018:



The property slopes moderately up from west to east away from the road, with a small bench in approximately the centre of the site running north-south within which the existing dwelling is located. The dwelling lies towards the northern lot line, and is accessed via an existing driveway approximately 200 m in length that winds up from the centre of the western boundary with Grey Canal Road. Towards the eastern boundary power lines run north-south across the entire property, and an existing Statutory Right of Way is registered on the title of the land in favour of BC Hydro.

The subject property is zoned Non-Urban and designated in the OCP as Country Residential. All surrounding sites are zoned Country Residential, except for land to the east of the subject property which lies within the City of Vernon. Properties to the north and south are designated Country Residential under the OCP, and properties to the west are designated Agricultural. Properties to the west, on the western side of Grey Canal Road, all lie within the Agricultural Land Reserve.

Almost all of the property is indicated as being within an area of high conservation value with respect to the Environmentally Sensitive Areas Development Permit Area, with the exception of the very north-western corner of the property.

The Proposal

The applicant is proposing to rezone the property from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. If successful, the property owner intends to apply to create a 3-lot subdivision generally as shown on the attached site plan. The lots would range in size range from approximately 2.2 to 3.0 ha.

Each proposed lot would be serviced by on-site septic sewage disposal systems. The property is within the service area for Greater Vernon Water and the applicant proposes to service the new lots with connections to the GWW system. Approximate buildings sites and driveways are indicated on the proposed site plan attached, and these would need to comply with the requirements of the Regional District's Zoning Bylaw at time of subdivision.

PLANNING ANALYSIS:

The Planning Department recommends that the proposal be given favourable consideration as it represents a rural residential land use that is consistent with the Electoral Areas "B" and "C" Official Community Plan land use designation of the subject property and complies with the rural residential OCP Policies as follows:

- a) the applicant has submitted a site plan which shows how the property could be developed under the Country Residential (C.R) zone. It is anticipated that the size and topography of the proposed lots should allow for driveways and building sites to meet the requirements of the Zoning Bylaw.
- b) the proposed would not be subject to flooding, high water table or terrain instability;
- c) the proposed lots would not require excessive expenditures for community services such as roads, utility service and school busing, as such services already exist.
- d) it is anticipated that the size and topography of the proposed lots should allow for on-site septic sewerage disposal.

- e) prior to final subdivision approval, a Development Permit will be required which assesses the impact of development activities on riparian areas, and terrestrial environmentally sensitive areas.

To address comments from the Regional District Parks Department, it is recommended that Adoption of the Zoning Amendment Bylaw associated with the application be withheld until the applicant has made suitable arrangements with the Regional District to secure a 10 m wide corridor along the frontage of the subject property for a future public trail. It is recommended that Adoption of the Bylaw also be withheld until the applicant has made suitable arrangements with the RDNO Utilities Department to address potential water servicing issues associated with the proposed development.

Public Hearing

At the Regular Meeting held on April 22, 2020 and in accordance with the provisions outlined in the *Local Government Act*, the Board of Directors resolved to waive the holding of Public Hearings on zoning amendment bylaws if the bylaws are consistent with an applicable official community plan. Under such circumstances, notice was required to be given that the Public Hearing was being waived and such notice was required to be provided after First Reading and before Third Reading of an applicable zoning amendment bylaw.

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. 2936 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. At this meeting, the bylaw may also be considered for Second and Third Readings.

Should the Board of Directors wish to hold a Public Hearing for Bylaw No. 2936, a resolution could be passed to give First and Second Reading to the Bylaw and to forward the Bylaw to a Public Hearing. Notice of the Public Hearing would be provided in accordance with the provisions of Section 466 of the *Local Government Act* and the Hearing would be held prior to considering Third Reading.

ZONING BYLAW:

The subject property is proposed to be rezoned Country Residential (C.R). Uses permitted in the C.R zone include ancillary single family dwellings, bed and breakfast use, boarding house use, community care facilities, detached suites, home occupation use, limited agricultural use, limited resource use, manufactured homes, packing houses, public parks and playgrounds, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries, and secondary suites.

The maximum number of dwellings permitted on 2.0 ha parcels in the C.R zone is one single family dwelling which may contain a secondary suite, or one manufactured home, or one two-family dwelling. One ancillary single family dwelling or one detached suite is also permitted provided it is ancillary to a single family dwelling which does not contain a secondary suite.

The minimum lot size standard of the C.R and N.U zones are 2.0 ha and 7.2 ha respectively.

Section 310 - Building Site and Driveways

All lots created within the Country Residential (C.R) zone must contain a contiguous area of land 2,000 m² or larger in size to serve as a suitable building site. Building sites must be less than 30% natural slope and be accessible from a highway in accordance with the following standards:

- Commencing at the edge of the finished road surface, private access driveways must be as close to right angles as practicable to the finished road surface for a minimum distance of 6 m, and have a minimum width of 5.5 m for the distance specified above and 4 m minimum width thereafter, and have a maximum slope of 2% from the ditch line for a minimum distance of 10 m and a maximum slope of 15% thereafter.

OFFICIAL COMMUNITY PLAN:

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

Rural Lands Policies

- 5.1.6 Some lands in this Official Community Plan area are designated as *Country Residential*; however, this designation does not ensure that the land would be rezoned as *Country Residential* and the following information and considerations are necessary to guide a review of any rezoning application which may or may not be approved:
- a. maps should be submitted showing how the rezoning area can developed into the *Country Residential* standard including the location of any new streets, environmental protection measures, lot layouts and any community amenities;
 - b. the area should not be subject to flooding, high water table or terrain instability;
 - c. the development of the area should not require excessive expenditures for community services such as roads, utility services and school busing;
 - d. the terrain should be suitable for development whereby each new lot would have a building site and driveway access in compliance with the “*Zoning Bylaw*”;
 - e. each new lot shall have an area that is adequate for on-site sewage disposal with a reserve site for on-site sewage;
 - f. information should be provided to show how development can be supplied with an adequate water supply as outlined in Policy 5.1.5 of this Plan;
 - g. sensitive environmental attributes should not be negatively impacted by a higher density of land use and in this regard, the Regional District may request that an environmental impact analysis be undertaken;
 - h. other submissions other than those cited herein may be necessary in order to adequately evaluate an application; and

- i. notwithstanding these specific considerations, the Regional District will be guided by community goals and objectives cited in this Plan and other policies in this Plan as may be appropriate in the consideration of any application.

Natural Area Policies

- 11.2.1 Land within the Environmentally Sensitive Land Development Permit Areas shall not be altered or developed, or subdivision approval granted, unless a Development Permit is issued in accordance with the guidelines in this plan.
- 11.2.3 All development within the Regional District shall be undertaken in compliance with the provincial *Riparian Areas Regulation*.
- 11.2.7 Encourage the protection, preservation, enhancement and management of sensitive ecosystems or land contiguous to sensitive ecosystems of private lands through the following methods:
 - a. Donation of areas to the Regional District or provincial government;
 - b. Donation of areas to a Land Trust or conservation organization;
 - c. Creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - d. Establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - e. Establishment of long-term leases for sensitive areas;
 - f. Land stewardship and participation in conservation initiatives by the private landowner;
 - g. Consideration of alternative development standards, such as clustering.

Trails Policies

- 12.1.11 Electoral Areas “B” & “C” are supportive of the expansion of the Grey Canal Trail as outlined in Schedule ‘F’.

Transportation Policies

- 15.1.5 Where the Regional District is involved in planning for future roads and subdivisions or plans for improvements to existing roads, consideration will be given to the needs of public transit, school buses, pedestrian walkways and bicycle routes.

Environmentally Sensitive Lands Development Permit Area

The Electoral Areas “B” and “C” Official Community Plan designates the subject property as a Development Permit Area for the protection of environmentally sensitive lands. The primary objective of the designation is to regulate development activities in areas of High and Very High conservation value to protect rare and fragile terrestrial ecosystems and habitat for endangered species, or native rare vegetation or wildlife.

The majority of the subject property is within an area of High conservation value. Therefore, an Environmentally Sensitive Lands Development Permit would be required to be approved prior to subdivision approval.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. RDNO Utilities

At the subsequent subdivision stage, it is expected that, at a minimum, offsite waterworks upgrades would be required to meet fire flow requirements and water main looping. GVW recommends that the applicant submit an application for a Development Inquiry for a determination of offsite waterworks upgrades required for the subsequent subdivision. Develop to GVW standards.

2. City of Vernon

3. RDNO Community Services

“RDNO Parks via the 060 Greater Vernon Trails & Natural Spaces Service would like to retain a 10m wide lineal SRW along the western property boundary of the subject property for future trail considerations.”

4. Ministry of Transportation and Infrastructure

“As this parcel is beyond 800 metres from a controlled access highway (Hwy no. 97), the Ministry’s approval is not required for the rezoning. Any comments regarding the proposed subdivision will be addressed in the subdivision process.”

5. BC Hydro

6. BX and Swan Lake Fire Department

Submitted by:



Heather Shannon
Planner

Reviewed by:



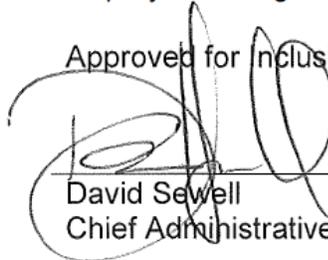
Greg Routley
Deputy Planning Manager

Endorsed by:



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

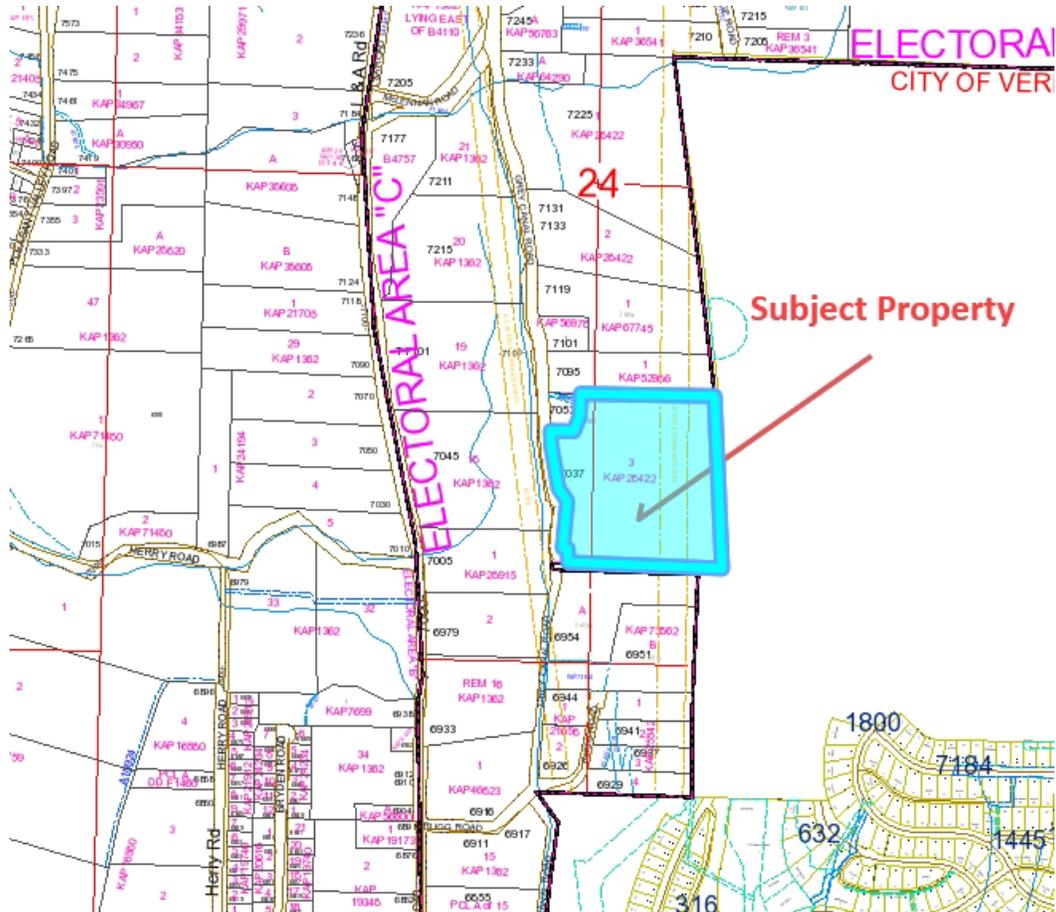
Approved for inclusion:



David Sewell
Chief Administrative Officer

SUBJECT PROPERTY MAP REZONING

File: 22-0393-C-RZ
Location: 7037 Grey Canal Road



19

KAP1362

7095

KAP52986

1

KAP73601

KAP73602

7053

KAP73603



lot 1

approx 7.5 acres

45

18

7037

KAP28422

3



lot 2

approx 5.5 acres

KAP1362



lot 3

approx. 5.5 acres

5

KAP28915

Grey Canal Rd

LEWIS & CLARK ALIQUOT

LEWIS & CLARK ALIQUOT

