



# PLANNING DEPARTMENT INFORMATION REPORT

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## REZONING APPLICATION

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<b>DATE:</b>	August 22, 2022
<b>FILE NO.:</b>	22-0659-B-RZ
<b>OWNER/APPLICANT:</b>	Ilija & Angela Saric
<b>LEGAL DESCRIPTION:</b>	Lot 3, Secs 25 & 26, Twp 8, ODYD, Plan 21873
<b>P.I.D.#:</b>	007-220-103
<b>CIVIC ADDRESS:</b>	7710 Baker Hogg Road
<b>PROPERTY SIZE:</b>	2.31 ha
<b>SERVICING:</b>	Greater Vernon Water and on-site septic (future community sewer)
<b>PRESENT ZONING:</b>	Country Residential (C.R)
<b>PROPOSED ZONING:</b>	Residential Two Family (R.2)
<b>O.C.P. DESIGNATION:</b>	Residential
<b>PROPOSED USE:</b>	Two lot subdivision (Phase I) and future 29 lot subdivision (Phase II)

### PLANNING DEPARTMENT RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 2944, 2022 which proposes to rezone the property legally described as Lot 3, Secs 25 & 26, Twp 8, ODYD, Plan 21873 and located at 7710 Baker Hogg Road, Electoral Area "B" from the Country Residential (C.R) zone to the Residential Two Family (R.2) zone will be considered for First Reading at a future meeting; and further,

That Second Reading of Zoning Amendment Bylaw No. 2944, 2022 be withheld until:

1. the applicant provides a site plan prepared by a BC Land Surveyor which shows: the dimensions and area of the future proposed lots; the future proposed road with grades that meet the requirements of the Ministry of Transportation and Infrastructure; and the distances between proposed property lines and existing and proposed buildings; and
2. comments are received from the Parks Department; and further,

That Final Adoption of Zoning Amendment Bylaw No. 2944, 2022 be withheld until:

1. the applicant registers a covenant against the title of the property that would:
  - a. 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;

- b. require a buffer strip be established on the property consistent with the “Landscaped Buffer Specifications” established by the Agricultural Land Commission;
  - c. require the lots in the proposed Phase II subdivision to be less than 1 ha when subdivided and to generally conform with the proposed Phase II subdivision plan; and
  - d. state that subdivision approval of the proposed Phase II subdivision will not be granted until community water and sewer services are extended to the subject property; and
2. water servicing issues associated with the proposed development have been addressed to the satisfaction of the Regional District.

**SUMMARY:**

This report relates to an application to rezone the property located at 7710 Baker Hogg Road from the Country Residential (C.R) zone to the Residential Two Family (R.2) zone. If successful in rezoning the property, the applicants plan to submit a subdivision application which requests the approval to subdivide the property into two lots (Phase I). The applicants have indicated that they wish to subdivide the two lots into 29 lots (Phase II) a connection to community sewer becomes available in the future.

The Planning Department recommends the application receive favourable consideration as the proposed 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.

**BACKGROUND:**

Site Context

The subject property is located on the west side of Baker Hogg Road and southwest of the intersection of Baker Hogg Road and Glenhayes Road. The property slopes down from Baker Hogg Road. A two family dwelling and detached garage are located near the northeast corner of the property. A driveway extends to the dwelling from the southeast corner of the property.

The attached maps show the location, zoning and OCP designation of the subject and surrounding properties. The attached orthophoto was taken in 2018.

The Proposal

The applicants propose to rezone the subject property from the Country Residential (C.R) zone to the Residential Two Family (R.2) zone. If successful in rezoning the property, the applicants have indicated that they wish to subdivide the property in half to create two lots, each of which would be 1.16 ha in size (Phase I). The applicants have indicated that one lot would contain the existing duplex dwelling and their son would occupy one half of the duplex dwelling. The applicants wish to create a new vacant parcel in order to construct a new single family dwelling near the southeast corner of the property. The dwelling would be occupied by the current owners of the property.

As shown on the attached site plan, the applicants have indicated that they wish to further subdivide the two lots into 29 lots (Phase II) when a connection to community sewer becomes available in the future. A new road would be constructed through the properties and would terminate with a cul-de-sac.

Three of the proposed lots would have frontage onto Baker Hogg Road, two would have access onto the proposed new road and Baker Hogg Road and 24 lots would be accessed via the new proposed road. The lots would range in size from 566 m<sup>2</sup> to 1793 m<sup>2</sup>.

**PLANNING ANALYSIS:**

The Planning Department recommends that the proposal be given favourable consideration as it represents a land use that is consistent with the Electoral Areas “B” and “C” OCP designation of the property and complies with the residential policies. Overall, the proposed interim two lot subdivision would not be out of character with the surrounding area and the proposed future use would be compatible with the OCP land use of the surrounding area to the east and north.

To comply with the OCP Policies related to ensuring the infill potential within the plan area is reached, the applicants have provided a sketch plan which indicates how the property could be developed in the future. Staff note that the attached site plan does not include the grade of the proposed road, driveways, and building sites or setbacks of existing buildings to proposed property lines. Staff recommend a site plan prepared by a BC Land Surveyor be provided by the applicant to identify any potential bylaw variances or exemptions that may be needed to approve the proposed subdivisions.

Staff acknowledge that the Phase II future subdivision proposal outlines the maximum potential density. Any subdivision of the property would still need to be approved through a formal subdivision application process and additional discretionary approvals may be required in order for the subdivision to be ultimately approved. The plan submitted is not a pre-approval and would be subject to the Bylaws and requirements at the time a subdivision application is considered. Staff also note that due to the grade of the property, the proposed roads may not comply with the road grade standards of the Ministry of Transportation.

Staff also recommend that the application not advance until comments are received from the Parks Department as the RDNO owns the two long and thin properties located to the north.

Given the above and the policies outlined in the OCP related to utilities, growth management and agricultural lands, staff suggest that Final Adoption of Zoning Amendment Bylaw No. 2944 be withheld until water servicing issues associated with the proposed development have been addressed to the satisfaction of the Regional District and 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;
- require a buffer strip be established on the property consistent with the “Landscaped Buffer Specifications” established by the Agricultural Land Commission;
- require the lots in the proposed Phase II subdivision to be less than 1 ha when subdivided and to conform with the proposed Phase II subdivision plan; and
- state that subdivision approval of the proposed Phase II subdivision will not be granted until community water and sewer services are extended to the subject property.

Staff note that Greater Vernon Water has provided comments that the proposed subdivision would require offsite waterworks upgrades (upsized water main along full frontage and back to the nearest 150 mm main and install a fire hydrant). It is recommended that Adoption of the Bylaw be withheld until the applicant has made suitable arrangements with the Utilities Department to address potential water servicing issues associated with the proposed development.

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” Official Community Plan, 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. 2937 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.

Should the Board of Directors wish to hold a Public Hearing for Bylaw No. 2937, a resolution could be passed to give First Reading. After any conditions of Second Reading have been met, a resolution could be passed to give the Bylaw Second Reading and 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 zoned Country Residential (C.R). The minimum parcel size for a lot created by subdivision in the C.R zone is 2 ha. The uses permitted in the C.R zone include ancillary single family dwellings, bed and breakfast uses, boarding house uses, community care facilities, detached suites, home occupation uses, agricultural uses, limited resource uses, manufactured homes, public parks and playgrounds, single family dwellings, two family dwellings, wineries and cideries, and secondary suites.

The subject property is proposed to be zoned Residential Two Family (R.2). Uses permitted in the R.2 zone include accessory buildings and structures, boarding house uses, community care facilities, home occupations uses, public parks and playgrounds, restricted agricultural uses and single and two family dwellings.

Section 702.2 of the Zoning Bylaw stipulates that the number of buildings allowed per lot in the R.2 zone is limited to one single family dwelling or one two family dwelling, one domestic garage or free standing carport or covered swimming pool and one other accessory residential building other than garages, carports, or covered pools.

Section 702.3.b of the Zoning Bylaw stipulates that the gross floor area for accessory residential buildings may not be greater than 80.3 m<sup>2</sup> having a horizontal dimension of not more than 11.0 m for domestic garages and free standing carports; 80.3 m<sup>2</sup> having a horizontal dimension of not more than 12.2 m for covered swimming pools; and not be larger than 15 m<sup>2</sup> for all other accessory residential buildings and structures.

Section 702.5 of the Zoning Bylaw states where serviced by community sewer and community water systems, lots that are proposed to be subdivided within this zone shall have an area of not less than 560 m<sup>2</sup> for single family dwellings and 350 m<sup>2</sup> for each half of a two family dwelling that is proposed to be subdivided along a party wall and 700 m<sup>2</sup> for two family dwellings. Where serviced with on-site septic tank effluent disposal systems, lots that are proposed to be subdivided within this zone shall have an area not less than 1 ha.

**OFFICIAL COMMUNITY PLAN:**

The Official Community Plan designates the land use of the subject property as Residential. The property is within 'RDNO 3' of the Swan Lake Residential Infill Plan Area and is designated as being within the potential sewer service area as shown on Schedule "L" of the OCP. The property is not currently within the sewer service area established by the North Okanagan Wastewater Recovery Service Establishment Bylaw No. 2797, 2018. The following OCP Policies are applicable to the application:

Residential Lands Policies:

1. Existing Residential developments are recognized in this Plan and are so designated and shown on Schedule 'B' and include areas with small lot developments at various sizes depending on the type of development as outlined in the "Zoning Bylaw".
2. Residential developments within an area enclosed by an 'Urban Containment Boundary' shall require connection to community sewer and water systems.
3. The Regional District supports the policy that Residential developments for urban-type uses and special needs housing should be in a municipality where proper servicing, more comprehensive design standards and social infrastructure facilities are readily available and therefore, the Regional District does not support the designation of any additional land in this Plan for the Residential designation for urban-type uses.
4. Any application to amend this Plan to allow for new Residential development areas shall include the development of new policies for the consideration of such applications.

Swan Lake Residential Infill Development Policies:

1. Lands designated Residential and proposed for Rural re-zonings will trigger an Official Community Plan amendment.
2. Should one of the neighbourhoods identified on Schedule "L" wish to connect to community sewer in the future, a Consent Process to include additional properties into the service area may be initiated by a formal petition request to the Regional District.
3. With the exception of boundary adjustment subdivisions and lots created pursuant to Section 514 of the Local Government Act, new lots created by subdivision shall be not less than 1.0 ha in size unless connected to a community sewer system and community water system and shall be consistent with the provisions of the Regional District of North Okanagan Zoning Bylaw and Subdivision Servicing Bylaw.

4. Lots less than 2 ha in size will not be supported for Residential re-zoning unless community sewer and water services are available.
5. To ensure the infill potential within the plan area is reached, lands that are designated Residential and being considered for re-zoning, the following will be required:
  - a. Comprehensive site plan displaying lot layouts, roadways and full buildout potential.
  - b. The RDNO will require a covenant to be registered on title to ensure the proposed lots must be less than 1 ha when subdivided and conform with the approved site plan.
  - c. Subdivision approval will not be granted until water and sewer services are extended to the subject property.
6. To provide local affordable and rental housing options for neighbourhoods which connect to community sewer and community water systems, the following policies apply:
  - a. Within the Residential land use designation, the Regional District supports a reduced minimum lot size standard for lots in the Residential zones.
  - b. Within the Residential land use designation, the Regional District supports the development of secondary suites, ancillary single family dwellings, two family dwellings, three family dwellings, four family dwellings, and row houses consistent with provisions of the Zoning Bylaw provided the residential dwelling unit(s) are connected to community sewer and community water systems.

Agricultural and Growth Management Policies:

1. Where proposed development is adjacent to the Agricultural Land Reserve along the Rural Protection Boundary, the first priority will be to protect agricultural activity from negative urban influences through the use of such mechanisms as undertaking fringe area planning with adjacent municipalities, requiring appropriate buffers that reflect the density of the development, or registering restrictive covenants.
2. Where a property is being developed adjacent to a property that is designated as Agricultural, an appropriate buffer strip will be established on the non-Agricultural property consistent with the "Landscaped Buffer Specifications" established by the Commission.

Water Supply Policies:

1. Residential developments within the growth area as defined by the Regional Growth Strategy Bylaw 2500, 2011 shall require connection to a community water system.

Sewerage Collection and Disposal Policies:

1. Residential developments within the growth area as defined by the Regional Growth Strategy Bylaw 2500, 2011 shall require connection to a community sewer system. The Regional District supports the exploration of partnership opportunities and creative approaches to the provision of sanitary sewer services to the growth areas and future growth areas in Electoral Areas "B" & "C" as defined within the Regional Growth Strategy Bylaw 2500, 2011.

**PARK DEVELOPMENT COST CHARGES and PARK LAND DEDICATION:**

Under Greater Vernon Trails and Natural Space Development Cost Charge Bylaw No. 2789, 2018, payment of Development Cost Charges for providing and improving park land would be required at the time of subdivision in the amount of \$1577 per new lot created.

Section 510 of the *Local Government Act* states that an owner of land being subdivided must provide, without compensation, park land in an amount and a location acceptable to the local government or pay to the local government an amount that equals the market value of the land that may be required for park land purposes. The amount of land that may be required or used for establishing the amount that may be paid must not exceed 5% of the land being proposed for subdivision. The proposed future (Phase II) subdivision would be required to adhere to this requirement. 5% of the lands being subdivided would amount to 0.16 ha of land.

**REFERRAL COMMENTS:**

The application was referred for comments to the following:

- 1. School District 22**
- 2. RDNO Administrator**
- 3. Community Services Manager**
- 4. Parks Department**
- 5. Fire Department**
- 6. Protective Services Department**
- 7. Building Inspection Department**
- 8. Interior Health Authority**

The IH Healthy Community Development Team advised that they typically provide comments regarding potential health impacts of a proposal. More information about their program can be found at Healthy Built Environment. An initial review has been completed and no health impacts associated with this proposal have been identified. As such, IH advises that their interests are unaffected by this proposal. Please note that this response does not automatically confer Interior Health support for onsite services (e.g. sewerage disposal) if applicable. Additional information will be required by the applicant during the subdivision process if the rezoning application is approved and proceeds. More information can be found on our public website at Sewerage, Subdivisions & Healthier Industries I IH ([interiorhealth.ca](http://interiorhealth.ca)).

**9. Solid Waste Department**

Solid Waste advised that the proposed development is not near any RDNO waste facility, so they have no objection to the Rezoning Application.

**10. Greater Vernon Water**

Greater Vernon Water (GVW) advised that properties located in the GVW service area are subject to all applicable RDNO Bylaws, Policies and Procedures. The subsequent proposed two lot subdivision will require offsite waterworks upgrades (upsized water main along full frontage and back to the nearest 150 mm main and install a fire hydrant). A new water service will be required, as each lot requires a separate water service. Develop to GVW Standards.

**11. Ministry of Transportation and Infrastructure**

The Ministry advised that Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act. Please forward a copy of the bylaw, after third reading, for endorsement.

Please note MoTI has not received a conventional subdivision application from the owner to subdivide the subject lot as shown in this referral package. The proposed subdivision lot layout as submitted is not guaranteed as it is dependent on review and approval by the Provincial Approving Officer – conditions of subdivision have not been determined.

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Submitted by:



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Jennifer Miles, RPP, MCIP  
Planner II

Reviewed by:



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Greg Routley  
Deputy Planning Manager

Endorsed by:



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

Approved for Inclusion:

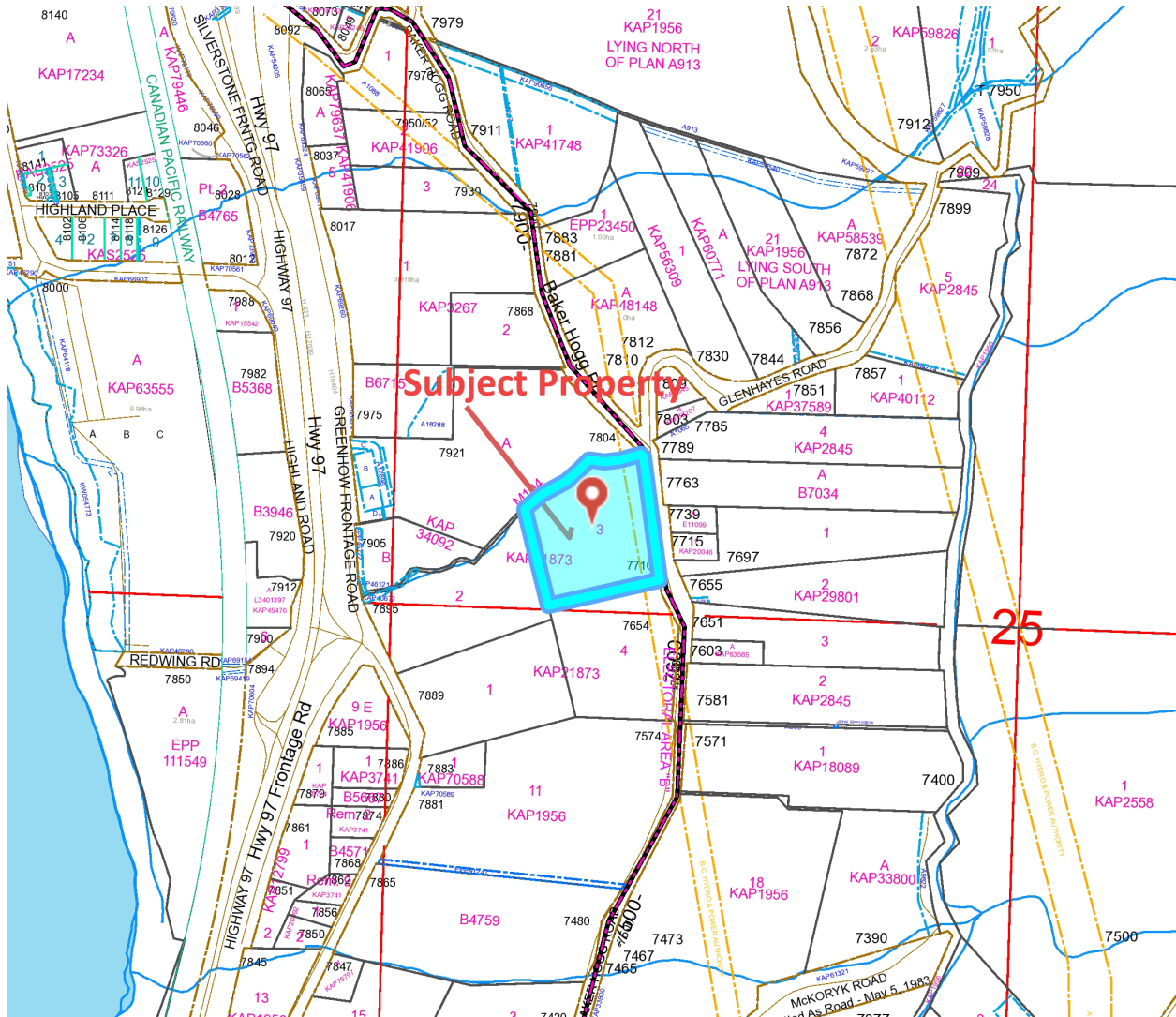


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David Sewell  
Chief Administrative Officer



# SUBJECT PROPERTY MAP REZONING

File: 22-0659-B-RZ  
Location: 7710 Baker Hogg Road



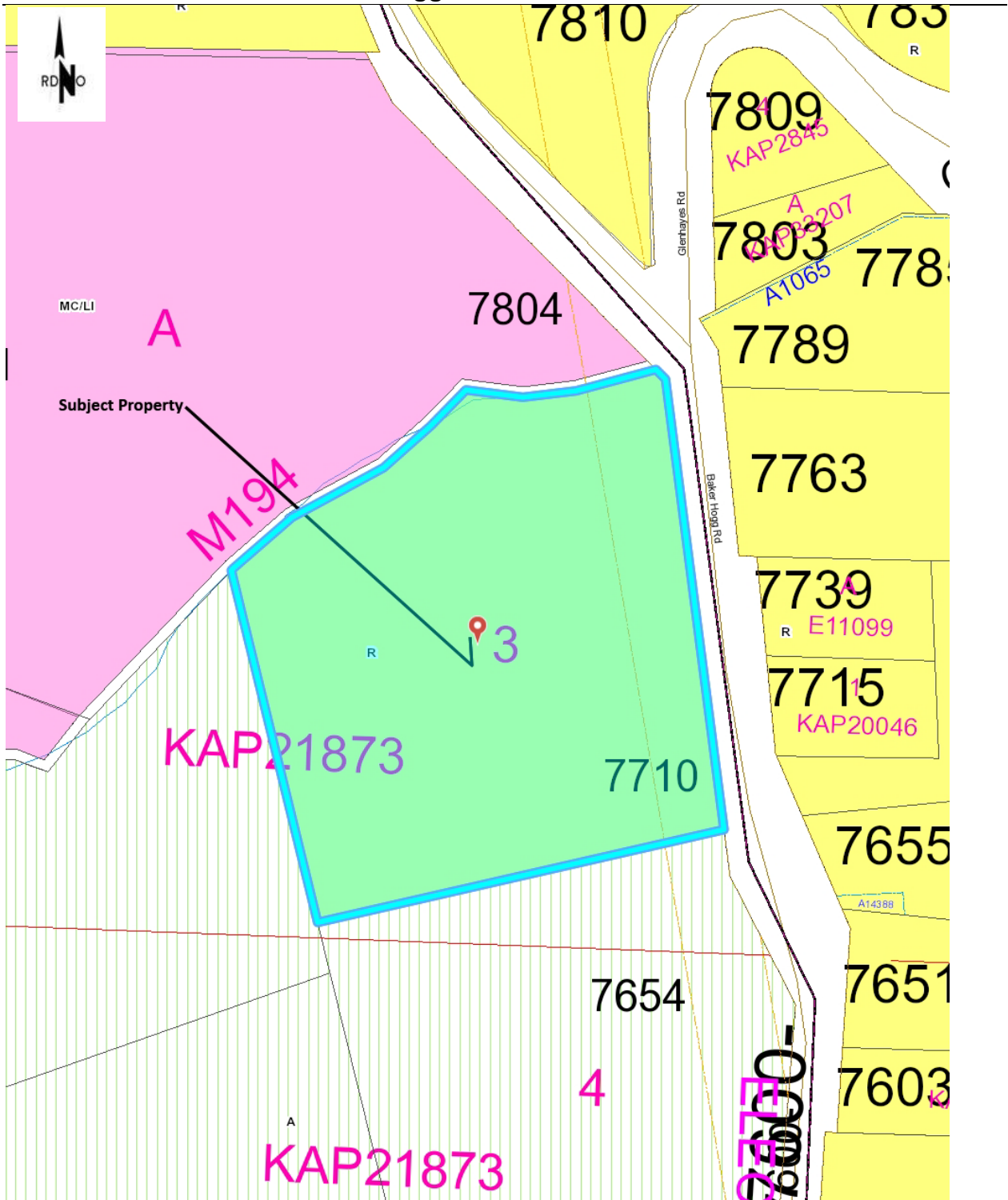
# SUBJECT PROPERTY MAP REZONING ORTHOPHOTO

File: 22-0659-B-RZ  
Location: 7710 Baker Hogg Road



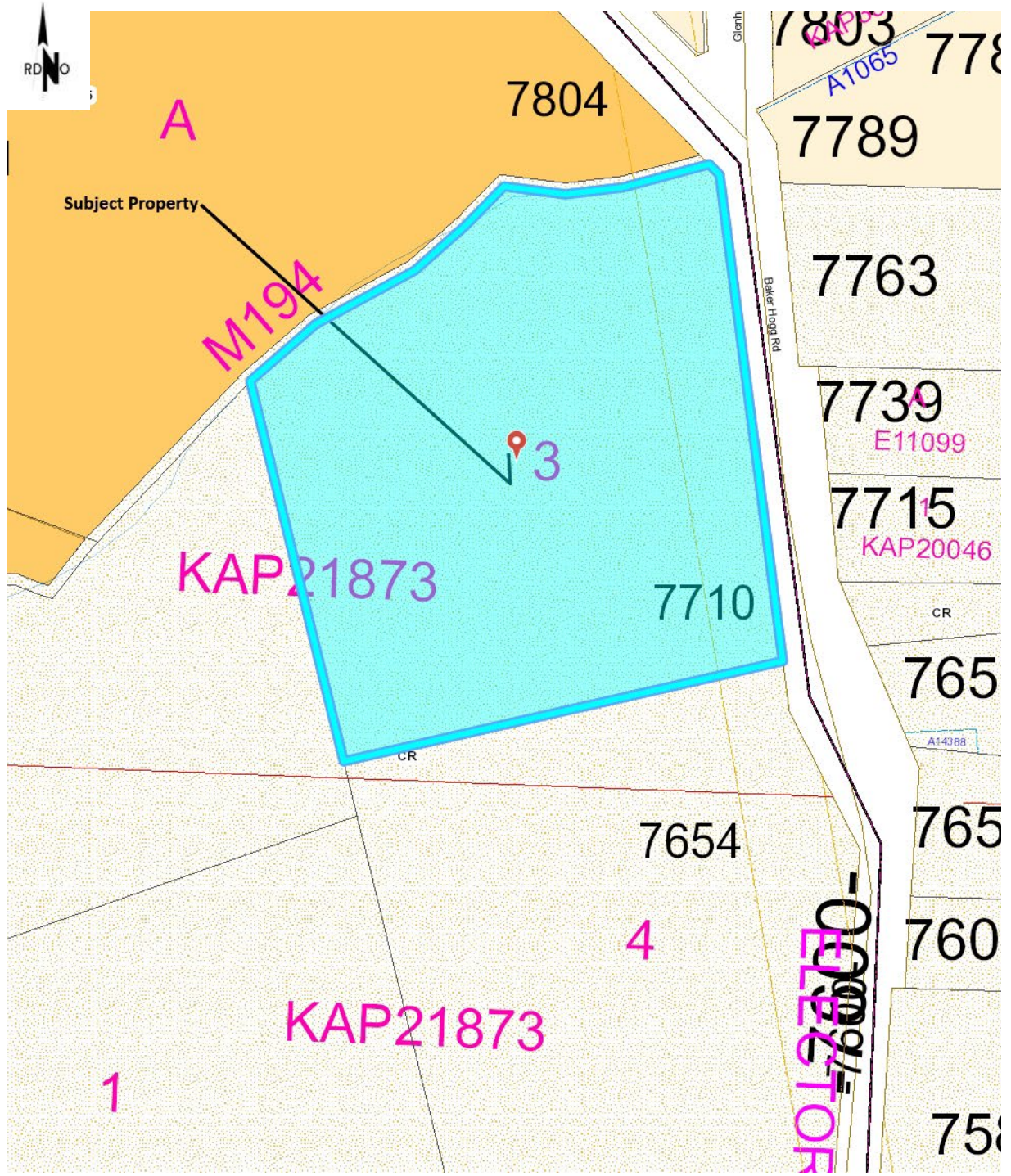
# SUBJECT PROPERTY MAP REZONING OCP MAP

File: 22-0659-B-RZ  
Location: 7710 Baker Hogg Road



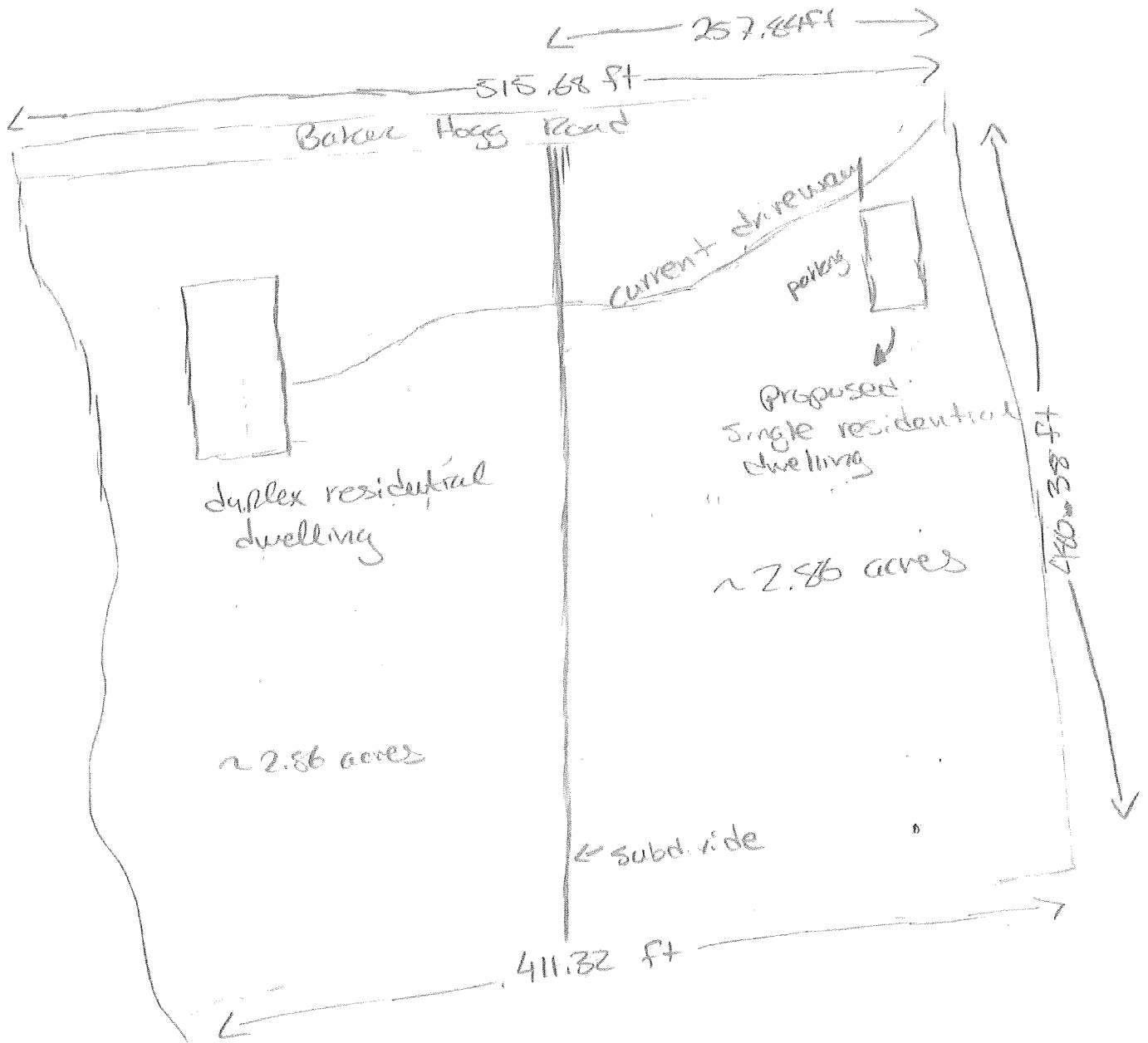
# SUBJECT PROPERTY MAP REZONING ZONING MAP

File: 22-0659-B-RZ  
Location: 7710 Baker Hogg Road



Current Plan

Exhibit B

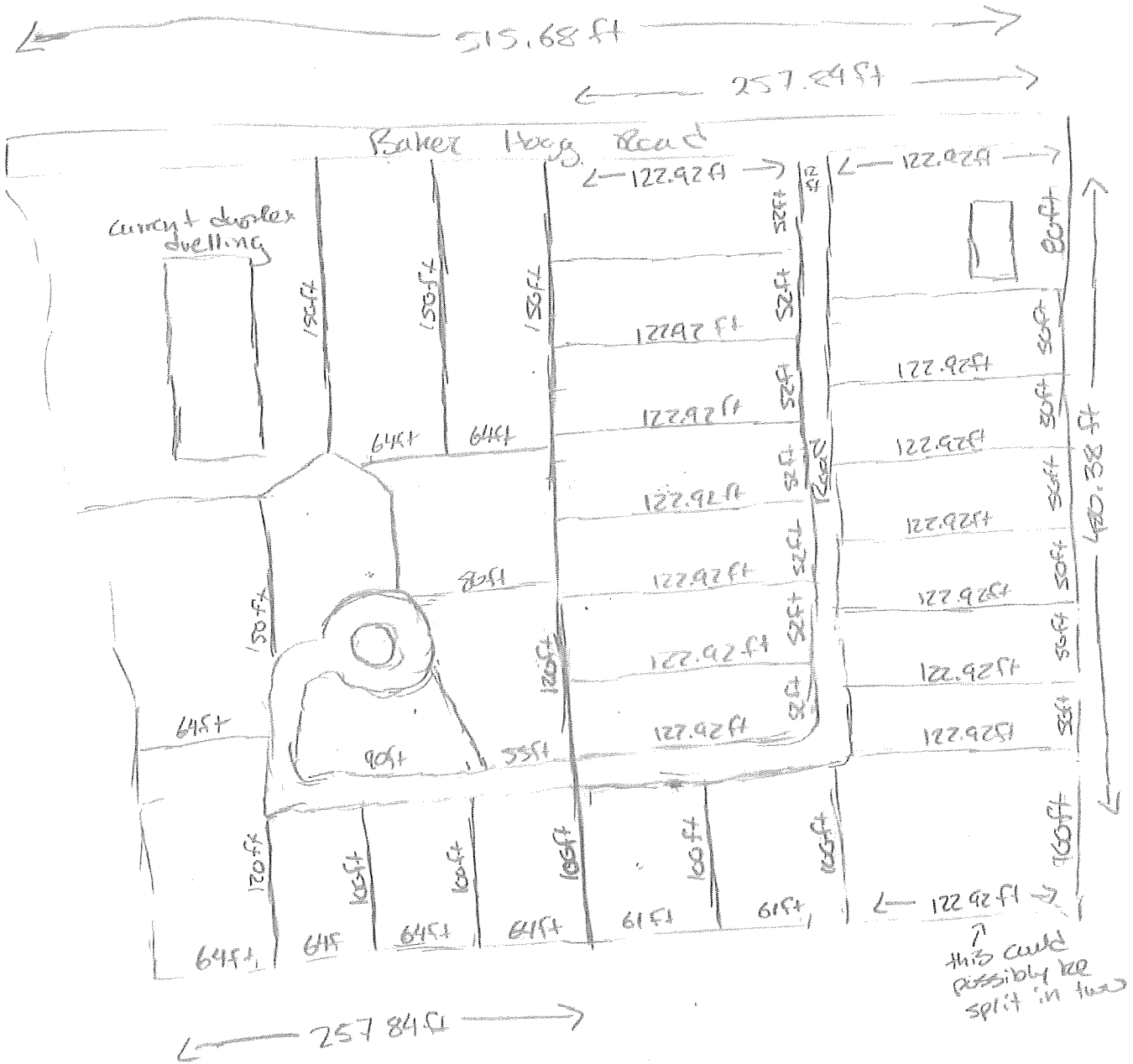


Total: 5.72 acres

Each lot: ~ 2.86 acres

Exhibit C

Future Potential with sewage collection system



- All proposed lots for single family dwelling (or duplex as applicable)

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 2944

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

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**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. 1888, being the "*Regional District of North Okanagan Zoning Bylaw No. 1888, 2003*" 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. 2944, 2022**".

### AMENDMENTS

2. The zoning of the property legally described as Lot 3, Secs 25 & 26, Twp 8, ODYD, Plan 21873 and located at 7710 Baker Hogg Road, Electoral Area "B" is hereby changed on Schedule "A" of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* from the Country Residential (C.R) zone to the Residential Two Family (R.2) zone.

<b>Read a First Time</b>	this	day of	, 2022
<b>Read a Second Time</b>	this	day of	, 2022
Advertised on	this	day of	, 2022
	this	day of	, 2022
Public Hearing held	this	day of	, 2022
<b>Read a Third Time</b>	this	day of	, 2022

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

this                      day of                      , 2022

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**ADOPTED**

this                      day of                      , 2022

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Chair

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Deputy Corporate Officer