



PLANNING DEPARTMENT INFORMATION REPORT

REZONING APPLICATION

DATE:	May 21, 2020
FILE NO.:	20-0210-B-RZ
OWNER/APPLICANT:	MTA Ventures Ltd. c/o Urban Options
LEGAL DESCRIPTION:	Lot 2 & 3, Sec 11, Twp 8, ODYD, Plan 18289
P.I.D.#:	008-267-201 / 008-267-219
CIVIC ADDRESS:	6235 & 6225 Highway 97
PROPERTY SIZE:	0.19 ha & 0.19 ha
SERVICING:	Greater Vernon Water and On-Site Septic Sewage Disposal
PRESENT ZONING:	Highway & Tourist Commercial (C.2)
PROPOSED ZONING:	Light Industrial (I.1)
O.C.P. DESIGNATION:	Mixed Commercial / Light Industrial
PROPOSED USE:	Autobody repair shop

PLANNING DEPARTMENT RECOMMENDATION:

That Zoning Amendment Bylaw No. 2863, 2020 which proposes to rezone the properties legally described as Lots 2 & 3, Sec 11, Twp 8, ODYD, Plan 18289 and located at 6225 & 6235 Highway 97, Electoral Area "B" from the Highway & Tourist Commercial (C.2) zone to the Light Industrial (I.1) zone be given First Reading; and further,

That Second Reading of Zoning Amendment Bylaw No. 2863, 2020 be withheld until the applicant has provided an estimate from a qualified professional of the maximum daily sewage flow for the proposed use of the subject properties; and further,

That Final Adoption of Zoning Amendment Bylaw No. 2863, 2020 be withheld until:

1. the applicant registers a covenant against the title of the properties that would prohibit fee-simple or bareland strata subdivision until a community sewer system is available; and
2. the applicant registers a covenant against the title of the properties that would require the properties to be connected to a community sewer system once the sewer lines associated with the system have been extended to the subject properties; and

3. water servicing issues associated with the proposed development have been addressed to the satisfaction of the Regional District; and
4. the applicant has made suitable arrangements with the Regional District to provide a pedestrian corridor along the frontage road adjacent to the subject properties; and
5. a Development Permit that satisfies the requirements of the Riparian and Swan Lake Development Permit Area and Industrial Development Permit Area has been approved for the proposed development of the subject properties; and
6. the subject properties have been consolidated.

SUMMARY:

This report relates to an application to rezone the properties located at 6225 and 6235 Highway 97 from the Highway and Tourist Commercial (C.2) zone to the Light Industrial (I.1) zone. The applicant is proposing to develop an autobody repair shop. The Planning Department recommends that the application receive favourable consideration as it complies with the Electoral Areas “B” and “C” Official Community Plan Mixed Commercial / Light Industrial land use designation of the subject properties and the applicable policies in the OCP. Staff recommend that Final Adoption of the Zoning Amendment Bylaw associated with the subject application be withheld until the applicant has addressed the water, sewer and Swan Lake pedestrian corridor conditions outlined above and until the properties have been consolidated and a Development Permit has been approved for the proposed development.

BACKGROUND:

Site Context

The subject property is located on the east side of the frontage road adjacent to Highway 97, south of the Stickle Road intersection. The property was previously used as an RV sales lot and contains a single building near the northeast corner of the lot. Access to the lots is provided from a single driveway off the frontage road. The attached orthophoto of subject and surrounding properties was taken in 2018.

The subject property is not within the Agricultural Land Reserve, is designated Mixed Commercial / Light Industrial in the Official Community Plan and zoned Highway and Tourist Commercial (C.2). Adjacent properties are designated and zoned as follows:

- North – designated Mixed Commercial/Light Industrial, zoned Highway and Tourist Commercial (C.2), in the process of being rezoned to Service Commercial (C.4)
- West – Hwy 97 and park lands along Swan Lake, designated Country Residential, zoned Country Residential (C.R.)
- South – designated Mixed Commercial/Light Industrial, zoned C.2
- East – designated Light Industrial, zoned Light Industrial (I.1)

The Proposal

The applicant is proposing to rezone the subject properties from the Highway and Tourist Commercial (C.2) zone to the Light Industrial (I.1) zone to develop an autobody repair shop. The existing building would be demolished and a new 800 m² (8611 ft²) to 1000 m² (10763 ft²) building would be constructed in the middle of the properties. Two driveway accesses are proposed at the north and south ends of the properties from the frontage road. The properties are proposed to be consolidated in order to facilitate the proposed development.

The attached site plan for the proposed development shows a landscaped buffer along the frontage road and 38 parking stalls. The proposed development would be connected to the Greater Vernon Water System and would have on-site septic sewage disposal until such time as sewer was available to the property. The applicant has not provided an estimate of the maximum daily sewage flow resulting from the proposed use of the subject property.

PLANNING ANALYSIS:

The Planning Department recommends that the subject rezoning application be supported as it complies with the Mixed Commercial / Light Industrial land use designation of the subject properties and the applicable policies of the Electoral Areas “B” and “C” Official Community Plan. The development proposal is for an autobody repair shop which is a light industrial use that complies with the following OCP Policies:

- The Swan Lake Corridor with its mixed commercial and light industrial designation is to provide much needed light industrial, service commercial and large format commercial uses for the region that cannot be accommodated in other areas.
- Within the north gateway (Swan Lake Corridor), encourage a mixture of Commercial and Industrial uses east of the highway with a form and character that respects the importance of the gateway location and is consistent with the areas unique character.

The proposed use would be compatible with the current and future land use of the surrounding area. There are light industrial uses operating along the Swan Lake Corridor, including immediately east of the subject property. Lands immediately adjacent to the north and south are being used for commercial purposes.

The Swan Lake Commercial Corridor Guidelines state that site planning and landscaping should be used to provide continuous pedestrian access and circulation along the length of the Swan Lake Corridor as identified in Schedule H (see attached). The Electoral Areas B & C Parks Master Plan identifies this as a trail of regional importance. It is recommended that Final Adoption of the bylaw be withheld until the applicant has made suitable arrangements for the provision of this corridor. This would be consistent with the Transportation Policies of the OCP.

It is recommended that a Development Permit which addresses the requirements of the Industrial Development Permit Area and Riparian and Swan Lake Development Permit Area be approved prior to Final Adoption of the rezoning. This will ensure that storm and wastewater will be appropriately addressed, that the form and character of the building is acceptable, and that parking, loading, and landscaping requirements are satisfied in accordance with the requirements of the OCP and Zoning Bylaw.

The Swan Lake Commercial District Policies of the OCP states that, due to the sensitive environmental conditions within the Swan Lake Corridor as well as problematic soil and hydrological conditions, consideration of zoning changes will be based on the maximum daily sewage flow from the use of the subject property. Where the proposed land use generates a maximum daily sewage flow of less than 1400 L per day, the RDNO will consider a rezoning based on the recommendations of a consulting engineer and a covenant being registered on title to not permit a land use that exceeds that maximum. Where the proposed land use generates more than 1400 L per day, the RDNO will consider a rezoning based on a hydrological assessment from a hydrological engineer to review the local groundwater and surface water conditions with respect to Swan Lake or a tributary ditch or watercourse, a geotechnical evaluation

from a geotechnical engineer that reviews local soil conditions with the identification of a primary and separate backup drainfield location which areas would be protected by a covenant, and a design for sewage disposal and stormwater management system prepared by a civil engineer. As the applicant has not provided an estimate of the maximum daily sewage flow, it is recommended that this be required prior to Second Reading of the subject zoning amendment bylaw.

The location of the proposed development is part of the proposed service area for the North Okanagan Wastewater Recovery Project which would extend sanitary sewer service to the subject property. The Planning Department recommends that the applicant be required to register a covenant against the title of the properties that would require the properties to be connected to the community sewer system once the sewer lines associated with the system have been extended to the properties. This would help support the development and operation of the proposed system.

OCP Policy for the Swan Lake Commercial District states that “as a condition precedent for the approval of a rezoning bylaw, the Regional District will generally request that a covenant be registered to prohibit subdivision of land until a community sewer system is available.” Therefore it is recommended that a covenant be registered against the title of the properties that would prohibit fee-simple or bareland strata subdivision of the property until community sewer is available.

ZONING BYLAW:

The subject property is zoned Highway and Tourist Commercial (C.2). The uses permitted in the C.2 zone include accommodations, food services, retail sales, service and repair and transportation facilities.

The applicant is proposing to rezone the property to the Light Industrial (I.1) zone. Uses permitted in the I.1 zone include accessory buildings and structures, an owner/operator dwelling unit, food service, restricted agricultural use, retail sales, service and repair (including automobile body shops), and transportation facilities.

Lots proposed to be subdivided in the I.1 zone must have an area of not less than 560 m² where the lot is serviced by a community sewer system and 1 ha where the lot is serviced by an on-site septic system.

The height of buildings in the I.1 zone may not exceed 12 m.

Lot coverage may not be greater than 60%. Buildings must be setback 6 m from the front and exterior side lot lines and 0 m from side and rear lot lines except that where a lot is not served by a lane, buildings must be setback 6 m from at least one side lot line.

For an Auto Sales and Repair Use, at least 1 parking stall must be provided for every 70 m² of sales floor plus 1 parking stall per service bay and 1 per 2 employees. On every site used as an industry use, 2 loading stalls must be provided for between 450 m² to 2300 m² of gross floor area of all buildings.

OFFICIAL COMMUNITY PLAN:

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

Swan Lake Commercial District Policies

1. The Regional District will consider zoning changes within the Swan Lake Commercial District consistent with the policies of this Plan including:
 - a. Because of the sensitive environmental conditions that exist within the Swan Lake Commercial District due to the proximity to Swan Lake as well as the problematic soil and hydrological conditions, the Regional District recognizes two options for an on-site sewage disposal and stormwater management system as follows:
 - i. Where the proposed land use generates a maximum daily sewage flow of 1400 litres or less, then the Regional District will consider a rezoning application based on the design recommendations of a consulting engineer on the condition that a Covenant be registered to not permit a land use that exceeds this maximum; or
 - ii. Where the proposed land use generates a maximum daily sewage flow in excess of 1400 litres, then the Regional District will consider a rezoning application based on a review of the proposed on-site sewage disposal and stormwater management system that includes:
 - a) a hydrological assessment from a hydrological engineer that reviews the local groundwater and surface water conditions with consideration of possible contamination of Swan Lake or a tributary watercourse or ditch;
 - b) a geotechnical evaluation from a geotechnical engineer that reviews local soil conditions with the identification of a primary and separate backup drainfield location which areas would be protected by Covenant; and
 - c) a design for a sewage disposal and stormwater management system prepared by a civil engineer.
2. The Regional District will consider a rezoning application based on a sewage connection to a community sewer system.
3. As a condition precedent for the approval of a rezoning bylaw, the Regional District will generally request that a Covenant be registered to prohibit the subdivision of land until a community sewer system is available.

Mixed Commercial / Light Industrial Policies

1. Direct Commercial and Light Industrial uses to areas designated as Mixed Commercial and Light Industrial.
2. Extend community sewer infrastructure servicing along the Highway 97 Mixed Commercial and Light Industrial Corridor.
3. Encourage property owners of underutilized Mixed Commercial and Light Industrial designated parcels in the Highway Corridor to redevelop, increase densities, and make more effective use of the land base if community sewer services are extended to this area.

4. Consider potential increases to traffic when reviewing new commercial development opportunities and encourage the Ministry of Transportation and Infrastructure to minimize any such impacts through the use of traffic calming measures.
5. The Swan Lake Corridor with its mixed commercial and light industrial designation is to provide much needed light industrial, service commercial and large format commercial uses for the region that cannot be accommodated in other areas.

Light Industrial Policies

1. Consider potential environmental and health impacts of proposed light industrial uses.
2. Ensure compatibility between light industrial uses and existing adjacent and nearby uses.
3. Extend community sewer servicing along Highway 97 to service light industrial lands.
4. Encourage more intensive and effective use of existing light industrial lands that have been identified as underutilized.

Utility Policies

1. The Regional District supports the provision of sewer services for health and environmental purposes specifically in residential and commercial areas where on-site sewage disposal is problematic.
2. Require applicants for new development to pay for any new or expanded water infrastructure that is needed.
3. Construct a wastewater recovery plant and community sewer collection system that will provide sanitary services to developed portions of the plan area (Swan Lake), including properties with commercial, industrial, and residential land use designations.
4. Extend the community sewage collection system in a phased manner in accordance with the wastewater recovery project.

Transportation Policies

1. The functions of Highway #6 and #97 as Provincial Highways serving inter-regional travel will be maintained with the designation of sufficient right-of-way width; by controlling access points; and by ensuring that development of adjacent land does not adversely affect the function of the highway.
2. 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.
3. Encourage MoTI to widen road shoulders to improve pedestrian safety and activity.

Gateway Policies

1. Within the north gateway (Swan Lake Corridor), encourage a mixture of Commercial and Industrial uses east of the highway with a form and character that respects the importance of the gateway location and is consistent with the area's unique character.
2. Use site planning, building design, and landscaping to reduce negative visual impacts of development, particularly as seen from Highway 97.
3. Limit direct access on to and off of Highway 97.

Riparian and Swan Lake Development Permit Area

The primary objective of the Riparian and Swan Lake Development Permit Area designation is to regulate development activities and their riparian areas in order to preserve natural features, functions and conditions that support natural processes. Unless a Development Permit exemption applies, development on lands within a Riparian Assessment Area and on lands within the Swan Lake Commercial Area which are zoned Industrial will require a Riparian and Swan Lake Development Permit prior to subdivision, land alteration or the issuance of a Building Permit.

Industrial Development Permit Area

The Regional District has an objective of ensuring that the form and character of commercial and industrial developments are appropriately integrated into the rural setting and coordinated with existing developments in these areas. All properties that are designated or become zoned for industrial uses will require a Development Permit for form and character. Unless a Development Permit exemption applies, all development on lands zoned industrial will require a Development Permit prior to subdivision or issuance of a Building Permit.

The Swan Lake Commercial Corridor Development Permit Guidelines recommend the “use of site planning, building design, and landscaping to provide continuous public access and circulation along the length of the Swan Lake Corridor as identified in Schedule H.” Attached to this report is a copy of Schedule H.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. Building Inspection Department

2. RDNO Community Services

As per the Electoral Area B & C Master Plan and the local OCP shows this trail connection is of regional importance. This would require costs to construct a pedestrian corridor in front of the property. To satisfy the condition of final adoption to make suitable arrangements to provide a pedestrian corridor along the frontage road, the RDNO would require a payment of \$18,000 for trail development and separation from the road. The trail would be constructed once the full trail is acquired and the application is accepted by the Ministry of Transportation and Infrastructure.

3. RDNO Electoral Area Administration

These properties are contained within the initial service area of the proposed Wastewater Recovery System. Correspondence dated January 11, 2019 were mailed to the property owner outlining details regarding the proposed service, and providing estimated annual costs. Please note that a rezoning of the properties from Commercial to Industrial would impact the estimated Local Service Area Tax (LSAT). The LSAT per \$1,000 of assessed land value is estimated to be \$3.6988 for Commercial and \$5.1330 for Industrial.

4. Interior Health Authority

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

5. City of Vernon

6. BX Swan Lake Fire Department

7. Ministry of Transportation and Infrastructure

The Ministry of Transportation and Infrastructure has reviewed the proposal to rezone the properties located at 6225 & 6235 Highway 97 frontage from C2 to I1 (Light Industrial). We are prepared to approve this bylaw change after the following condition has been met: Submission of a Stormwater Management Plan, using Ministry of Transportation and Infrastructure return periods and following good engineering practice, prepared by a Professional Engineer registered to practice in the province of British Columbia. The plan must show all drainage to an approved outfall with post-development volumes and velocities not to exceed pre-development.

8. Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Ecosystems Section

According to our records, the proposed development area contains Federal Critical Habit for: Great Basin Gopher Snake, Western Rattlesnake, Desert Nightsnake. As such, we have assessed this referral to be a known and potential risk to wildlife, fish or their habitats based on the information available. We recommend that the proponent retain a qualified professional (QP) to conduct an assessment of the site prior to development in order to evaluate the environmental values present, determine the potential for diverse effects to environmental values as a result of development, and develop value-specific mitigation measures avoid or limit adverse effects. The results of the assessment should be submitted to the undersigned for review using the attached *Thompson Okanagan Region Qualified Professional Checklist for Environmental Values*. The submitted Checklist must be based on the final development proposal. QPs are encouraged to contact the undersigned directly for further information if necessary. We will notify the referring agency of any outstanding recommendations for consideration in the approving of the application following review of the Checklist. In rare instances, a more detail assessment (e.g. environmental impact assessment) may be required based on our review of the completed checklist.

9. Greater Vernon Water

Existing fronting water mains do not meet GVW requirements or fire flows. Cash-in-lieu required for future water main upgrade.

Submitted by:



Mark Tanner, RPP, MCIP
Planner

Reviewed by:



Greg Routley
Deputy Planning Manager

Endorsed by:



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

Approved for Inclusion:



David Sewell
Chief Administrative Officer



6225 & 6235 Hwy 97 Ortho (2018)



1:1,147



58.3



58.3 Meters

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



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PROJECT NORTH

REVISION DATE DESCRIPTION

PROJECT

COMMERCIAL DEVELOPMENT
 6225 - 6235 HIGHWAY 97
 VERNON, BC V1B 3R4
 LOTS 2 & 3 PLAN KAP16289

DRAWING TITLE

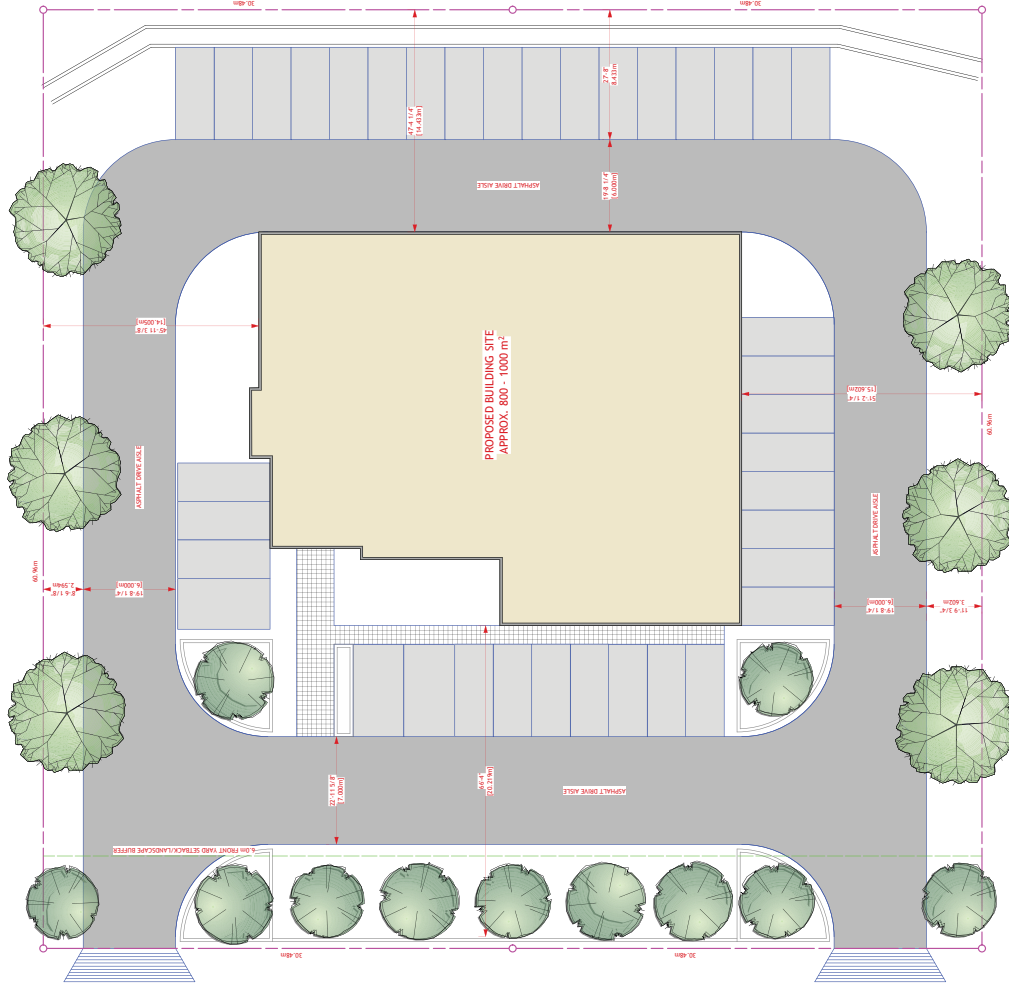
SITE PLAN

DATE

FEBRUARY 6, 2020

DRAWING NUMBER

1 of 1



1 PROPOSED SITE PLAN
 Scale: 1:150

HIGHWAY 97 FRONTAGE ROAD



Concept building elevation—6225 & 6235 Hwy 97N





**REGIONAL DISTRICT OF
NORTH OKANAGAN**

**ELECTORAL AREAS B & C
OFFICIAL COMMUNITY PLAN**

**Schedule H
Swan Lake Corridor**

To Accompany Official Community
Plan Bylaw No. 2626, 2014.

LEGEND

----- Pedestrian access / circulation



1:8000

0 0.25 0.5 0.75 1 Kilometers

Schedule "H" to accompany Regional District of North Okanagan "Electoral Areas "B" and "C" Official Community Plan Bylaw No. 2626, 2014"

I hereby certify the foregoing to be a true and correct copy of Schedule "H" attached to and forming part of Bylaw No. 2626, 2014 cited as "Electoral Areas "B" and "C" Official Community Plan Bylaw No. 2626, 2014" as ADOPTED the Board of Directors on the 3rd day of September, 2014.

Dated at Coldstream, BC this 6th day of September, 2014.

[Signature]
Corporate Officer

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 2863

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 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. 2863, 2020**”.

AMENDMENTS

2. The zoning of the properties legally described as Lots 2 & 3, Sec 11, Twp 8, ODYD, Plan 18289 and located at 6225 & 6235 Highway 97, Electoral Area “B” is hereby changed on Schedule “A” of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* from the Highway & Tourist Commercial [C.2] Zone to the Light Industrial [I.1] Zone.

Read a First and Second Time	this	day of	, 2020
Advertised on	this	day of	, 2020
	this	day of	, 2020
Public Hearing held	this	day of	, 2020
Read a Third Time	this	day of	, 2020

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

this day of , 2020

ADOPTED

this day of , 2020

Chair

Deputy Corporate Officer