



**REGIONAL  
DISTRICT  
NORTH  
OKANAGAN**

# STAFF REPORT

**TO: Board of Directors**  
**FROM: Planning Department**

**File No: 20-0210-B-RZ**  
**Date: July 13, 2023**

**SUBJECT: Zoning Amendment Bylaw No.2863 – MTA Ventures Ltd c/o Urban Options**

## **RECOMMENDATION:**

That First and Second Reading of Zoning Amendment Bylaw No. 2863, 2020 be rescinded; and further,

That Zoning Amendment Bylaw No. 2967, 2023 which proposes to rezone the property legally described as Lot A, Sec 11, Twp 8, ODYD, Plan EPP114432 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 considered for First Reading at a future meeting.

## **BACKGROUND:**

The subject application proposes to rezone the property located at 6225 / 6235 Highway 97 from the Highway and Tourist Commercial (C.2) zone to the Light Industrial (I.1) zone. If successful in rezoning the property, the applicant proposing to develop an autobody repair shop.

The application was considered by the Board of Directors at the Regular Meeting held on June 17, 2020. After considering the application, the Board gave First and Second Readings to the associated Zoning Amendment Bylaw No. 2863, 2020. The Board also resolved that Final Adoption of the Bylaw 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; and
7. the applicant registers a covenant against the title of the subject properties to restrict permitted uses on the subject property to those which would generate a maximum daily sewage flow of 1400 litres per day or less.

A letter dated June 18, 2020 was sent to the applicant to advise of the above noted Board resolutions and to advise the applicant that due to the Covid-19 pandemic, the Public Hearing for Zoning Amendment Bylaw No. 2863 had been waived as the Bylaw was consistent with the Electoral Areas “B” and “C” Official Community Plan Bylaw No. 2626. The letter further advised that in order to advance the application, a Development Notification Sign would need to be posted on the subject property.

To date, a Development Notification Sign has not been posted on the property. However, the applicant has been working towards satisfying the Board’s conditions of adopting the subject Bylaw and would like to advance the application. The following provides an overview of the steps the applicant has taken to satisfy the Board’s condition of adopting the subject Bylaw and the steps that will need to be taken to advance the Bylaw.

## **DISCUSSION:**

### Section 219 Covenant

In September 2021 the applicant registered covenants against the title of the property restricting further subdivision of the property until community sewer is available, requiring connection of the property to a public sewer system once available, and limiting the design flow of any on-site septic disposal system to a maximum flow of 1,400 L per day.

### Water Servicing Issues

During the initial referral period the RDNO Utilities Department identified that insufficient flows for firefighting purposes were available in the current water infrastructure and an upgrade would be required. Upon further assessment of the development, the RDNO Utilities Department provided confirmation via an approval letter dated August 22, 2022 that the water flows could be exceeded in the current infrastructure and that an upgrade was not required.

### Pedestrian Corridor

An Irrevocable Letter of Credit to the value of \$18,000 has been provided by the applicant as requested by the Parks Department to provide for the construction and establishment of a pedestrian corridor.

### Development Permit

The applicant has sought a Riparian and Swan Lake and a Commercial Development Permit (DP) and this permit was approved for issuance on June 2, 2023. Security has been provided for landscaping required as part of this DP.

### Consolidation of Properties

The consolidation of the subject properties was registered in the Land Title Office in September 2021. As a new legal description applies to the subject lands, staff recommend that Bylaw No. 2863 be rescinded and replaced with a new one.

### 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 were 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" Official Community Plan, a notice will need to be posted in accordance with the 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. 2967, 2023 at a future meeting (August 16, 2023) provided 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, Second and Third Reading may also be given. As the applicant has satisfied the Board's conditions of adopting the zoning amendment bylaw associated with the application, Bylaw No. 2967 may be adopted at the following Board meeting (September 27, 2023) provided it has been signed by the Ministry of Transportation and Infrastructure.

Should the Board of Directors wish to hold a Public Hearing for Bylaw No. 2967, a resolution could be passed to give the 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 466 of the *Local Government Act* and the Hearing would be held prior to considering Third Reading.

Submitted by:



Heather Shannon  
Planner

Reviewed by:



Greg Routley  
Deputy Planning Manager

Endorsed by:



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

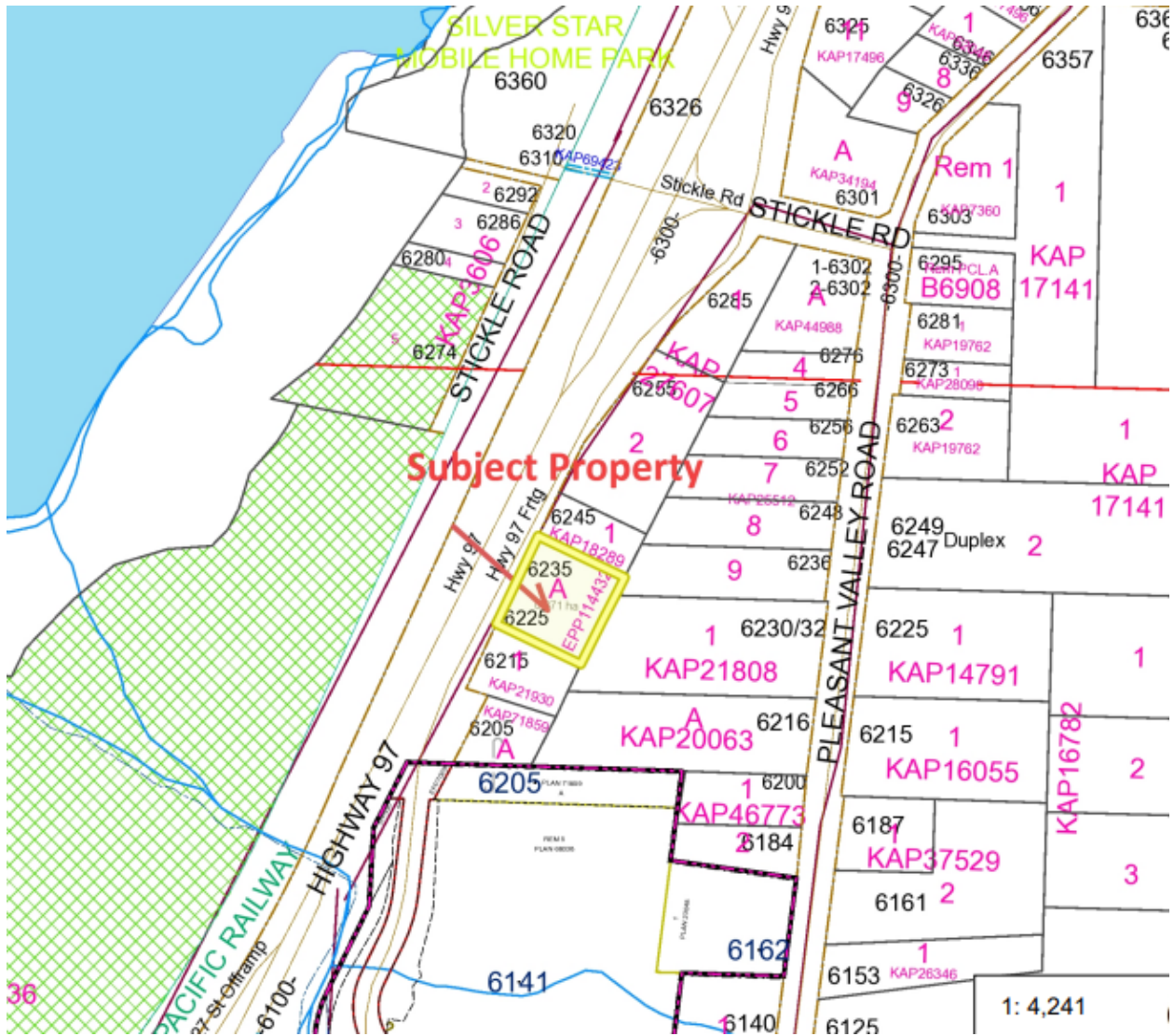
Approved for Inclusion:



David Sewell  
Chief Administrative Officer

# SUBJECT PROPERTY MAP REZONING

**File:** 20-0210-B-RZ  
**Owner/Applicant:** MTA Ventures c/o Urban Options  
**Location:** 6235 & 6225 Highway 97



# 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

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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. 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.

<b>Read a First and Second Time</b>	this	17th	day of	June, 2020
Advertised on	this		day of	, 2020
	this		day of	, 2020
Public Hearing held	this		day of	, 2020
<b>Read a Third Time</b>	this		day of	, 2020
<b>Approved by Minister of Transportation and Infrastructure</b>	this		day of	, 2020

*(Transportation Act s. 52(3))*

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**ADOPTED**

this

day of

, 2020

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Chair

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Deputy Corporate Officer

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**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. 2967, 2023**”.

### AMENDMENTS

2. The zoning of the property legally described as Lot A, Sec 11, Twp 8, ODYD, Plan EPP114432 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.

Advertised on this day of , 2023

**Read a First Second and Third Time** this day of , 2023

**Approved by Minister of Transportation and Infrastructure** this day of , 2023  
(*Transportation Act s. 52(3)*)

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**ADOPTED**

this

day of

, 2023

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Chair

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Deputy Corporate Officer