



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

**File No:** 21-0980-F-OR  
**Date:** October 22, 2024

**SUBJECT:** Rezoning application for the property located at 6402 Highway 97A

## RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3023, 2024, which proposes to rezone the property legally described as Lot A, Sec 11, Twp 19, R9, W6M, KDYD, Plan 23783 and located at 6402 Highway 97A, Electoral Area "F" from the Non-Urban (N.U) zone to the Light Industrial (I.1) zone, will be considered for First Reading at a future meeting; and further,

That Second Reading of Zoning Amendment Bylaw No. 3023, 2024 be withheld until:

1. the applicant has provided confirmation in writing from a qualified professional Geotechnical Engineer that the subject property is safe for the intended use; and,
2. the applicant has submitted a hydrogeological study to determine the impacts, if any, of the proposed development on the water supply of existing users in the surrounding area and the underlying aquifer; and further,

That Final Adoption Zoning Amendment Bylaw No. 3023, 2024 be withheld until:

1. a letter of undertaking is provided to the Regional District to register a covenant against the title of the property which would:
  - a. restrict uses which are included on Schedule 2 of the Contaminated Sites Regulation unless a report is provided from a Qualified Professional which ensures that hazardous materials storage and handling procedures, facility design and operation will not compromise the integrity of any aquifers below; and,
  - b. require any paved surfaces to drain through an oil/water separator prior to infiltration to ground;
2. an Industrial Development Permit associated with the proposed development has been approved for issuance.

## BACKGROUND:

This report relates to an application which proposes to amend the Official Community Plan land use designation of the property located at 6402 Highway 97A from Non-Urban to Industrial and to also rezone the property from the Non-Urban (N.U) zone to the Light Industrial (I.1) zone. If approved, the applicant proposes to construct a truck service and repair shop, a caretaker's residence, a commercial storage building and an outdoor storage area for RVs and boats.

At the Regular Meeting held on March 16, 2022, the Board of Directors considered the application and resolved that further consideration of it be withheld until a comprehensive plan is completed which addresses how the proposed development of the subject property may form part of a larger area of

existing and potential future industrial land use, including but not limited to consideration of the potential for public road access to be dedicated and/or upgraded to accommodate the potential development while protecting the safety and efficient function of Highway 97A.

At the Regular Meeting held on November 15, 2023, the Board of Directors received the Electoral Area "F" Industrial and Commercial Lands Study: Phase 1 Discussion Paper dated October 20, 2023, and resolved that staff be requested to come back with a report outlining Electoral Area "F" OCP amendment options to incorporate policies and potential land use designations for appropriate service commercial and light industrial activities along the highway corridors in the subject area.

At the Regular Meeting held on September 11, 2024, the Board of Directors Adopted Electoral Area "F" Official Community Plan Amendment Bylaw No. 2979 which amended the Electoral Area "F" OCP to include policies regarding light industrial and service commercial lands and to change the land use designation of 14 properties to Service Commercial and Light Industrial, including the subject property.

## **DISCUSSION:**

The Planning Department recommends that the proposal be supported in principle as it represents a light industrial land use that is consistent with the Electoral Area "F" Official Community Plan designation of the subject property and the applicable OCP Policies outlined in the following section. Additional information is required to determine if the proposal complies with the Electoral Area "F" OCP Service Commercial and Light Industrial Policies.

### Water Supply

Staff recommend that a hydrogeological assessment be undertaken as the OCP Policies recognize the importance of adequate water supplies in rural areas and recommends that a hydrogeological study be provided to determine impacts, if any, of the proposed development on the water supply of existing users in the area and on the underlying aquifer.

### Unconfined Aquifer

The OCP states that a covenant should be registered on the property's title to prohibit uses found on Schedule 2 of the Contaminated Sites Regulation (B.C. Reg 375/96). Staff note that some of the uses proposed by the applicant are included on Schedule 2 such as boat, vehicle and engine repair and machine shops. As an alternative to a covenant outright restricting these uses, staff recommend a covenant be registered on the property's title to restrict uses which are included on Schedule 2 unless a report is provided from a Qualified Professional which ensures that hazardous materials storage and handling procedures, facility design and operation will not compromise the integrity of the aquifers below. Aquifer #111 is located below the property which is indicated in the provincial database as an unconfined sand and gravel aquifer with moderate vulnerability to contamination.

### Steep Slopes

Recognizing the steep grades within a large portion of the property, staff recommend that a geotechnical report be provided to the Regional District to identify any potential hazards associated with using the property for light industrial purposes and confirm that the property can be safely used for the intended use. This would support the policy which states that the property proposed for development should not be subject to flooding, high water table, or terrain instability.

## Development Permit

To ensure the proposal complies with Policies and Development Permit Guidelines of the OCP and with the applicable regulations of the Zoning Bylaw, staff recommend that Adoption of the subject Zoning Amendment Bylaw be withheld until an Industrial Development Permit has been approved for issuance.

## Public Hearing

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 now consistent with the policies and land use designation of the Electoral Area "F" 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. 3023 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.

## Ministry of Transportation

As the property is within 800 m of a controlled access highway (Highway 97), the Ministry of Transportation is required to endorse the Zoning Amendment Bylaw prior to Adoption. In response to the original application, the Ministry of Transportation granted Preliminary Approval for the rezoning on October 22, 2021 for one year pursuant to section 52(3)(a) of the *Transportation Act*, subject to the following conditions:

1. Landowner must apply for and receive a Commercial Controlled Access Permit from this office.
2. Provision of a suitably worded covenant, in the name of Her Majesty the Queen in Right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, limiting any commercial development on the property to an 18-unit storage facility and a 2-bay shop. Covenant to have priority over any financial charges.

## **OFFICIAL COMMUNITY PLAN:**

The Official Community Plan designates the land use of the subject property as Service Commercial and Light Industrial. The following OCP Policies are applicable to the application:


### Service Commercial and Light Industrial Policies

1. Direct Commercial and Light Industrial uses to areas designated as Service Commercial and Light Industrial on the General Land Use Map (Schedule C).
2. The following information and considerations are necessary to guide a review of any rezoning application which may or may not be approved by the Board of Directors:
  - a. Because of the importance of an adequate water supply in rural areas and the uncertainty about water supply in some areas, in conjunction with an OCP amendment and/or rezoning application, assurance about the proposed water supply (quality and quantity) should be provided, and the Board of Directors may request that a hydrogeological study be provided to determine impacts, if any, of the proposed development on the water supply of existing users in

- the surrounding area and the underlying aquifer.
- b. In areas where it is known that an unconfined aquifer exists, protecting water quality is a priority. The following considerations must be made:
    - Consider the effect of water quality in relation to the amount of water being withdrawn from an aquifer.
    - Consider the impacts of various land uses, particularly large operations and developments (e.g intensive activities and industrial uses), on the quality of water.
    - Prohibit uses found on Schedule 2 of the Contaminated Sites Regulation (B.C. Reg 375/96) through the registration of a restrictive covenant.
  - c. Property proposed for development should not be subject to flooding, high water table, or terrain instability.
  - d. A proposed development should not require excessive public expenditures for services such as roads, utilities, and school busing.
  - e. Natural features or other sensitive environmental attributes should not be negatively impacted by a proposed development.
  - f. Information other than that cited in this Section may be necessary in order to adequately evaluate Official Community Plan and Zoning amendment applications.
  - g. Notwithstanding the policies of this Section, the Regional District will be guided by all relevant community goals, objectives, and policies cited in this Plan as may be appropriate in the consideration of any application.
  - h. The Board of Directors may direct that an Official Community Plan amendment application be presented at a Public Information Meeting to be hosted in the community by the applicant prior to scheduling of a Public Hearing.
3. Consider potential traffic impacts when reviewing new service commercial and light industrial development opportunities. Encourage the Ministry of Transportation and Infrastructure to minimize any such impacts through Traffic Impact Studies or a Corridor Access Study.
  4. The RDNO supports the development of a Corridor Access Study, which would identify frontage and backage roads and traffic calming measures.
  5. Consider potential environmental and health impacts of proposed light industrial uses.
  6. Ensure compatibility between light industrial uses and existing adjacent and nearby uses, including sound, smell and dust.
  7. Continue to encourage home-based businesses that do not negatively impact the surrounding area and comply with Zoning Bylaw regulations.

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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:

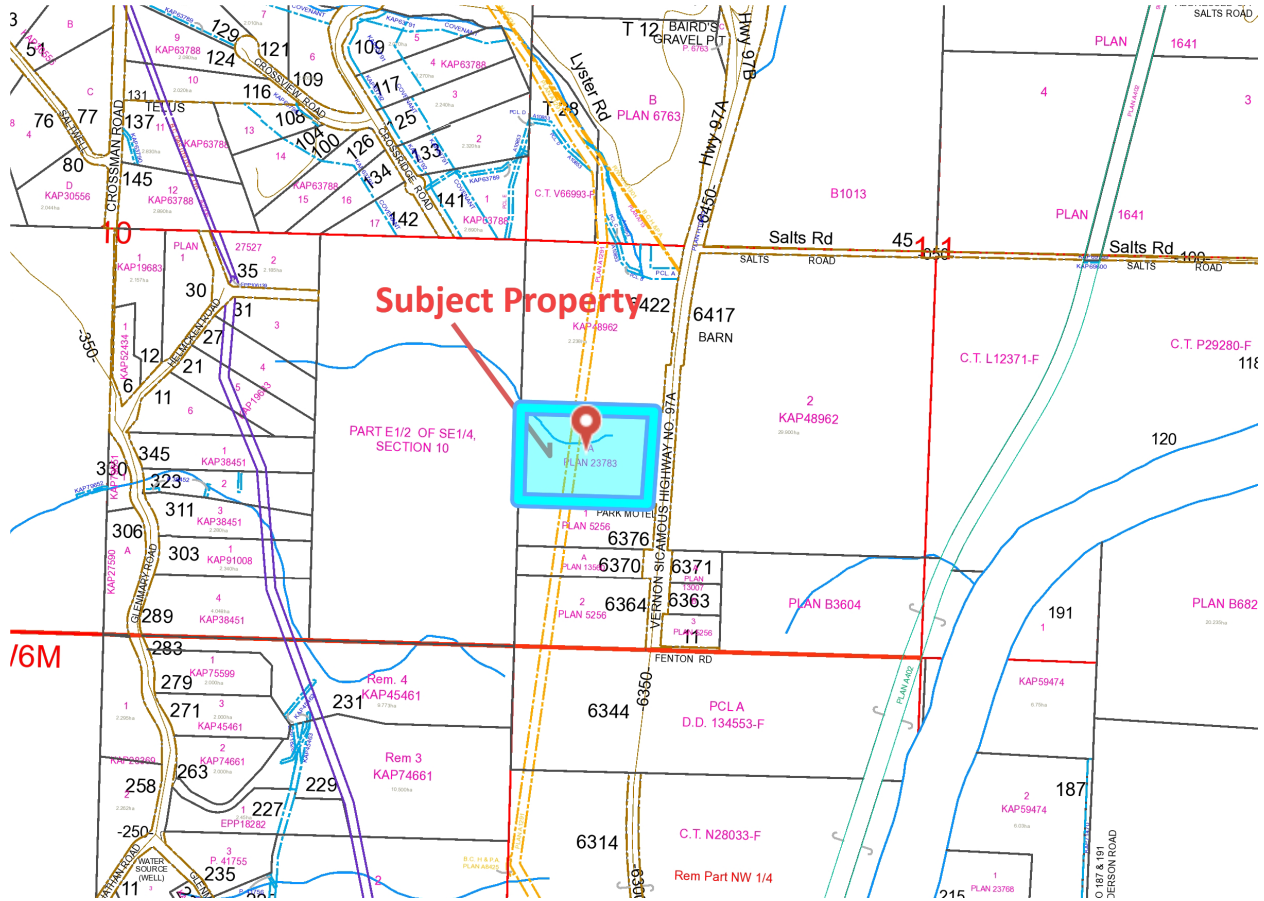


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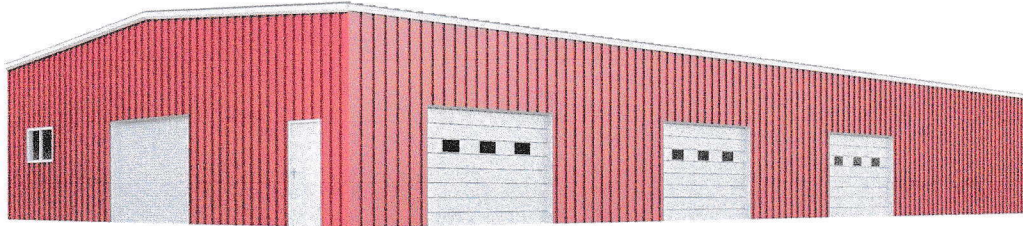
David Sewell  
Chief Administrative Officer

# SUBJECT PROPERTY MAP OCP/REZONING

File: 21-0980-F-OR  
Location: 6402 Highway 97A







Storage unit - open inside to  
store boats or RV's

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 3023

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 and amendments thereto.

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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. 3000, being the “*Regional District of North Okanagan Zoning Bylaw No. 3000, 2023*” 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. 3023, 2024**”.

### AMENDMENTS

2. The zoning of the property legally described as Lot A, Sec 11, Twp 19, R9, W6M, KDYD, Plan 23783 and located at 6402 Highway 97A, Electoral Area “F” is hereby changed on Schedule “A” of the *Regional District of North Okanagan Zoning Bylaw No. 3000, 2023* from the **Non-Urban (N.U) zone** to the **Light Industrial (I.1) zone**.

Advertised on	this	day of	, 2024
	this	day of	, 2024
<b>Read a First Time</b>	this	day of	, 2024
<b>Read a Second and Third Time</b>	this	day of	, 2024

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

this day of , 2024

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**ADOPTED**

this day of , 2024

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Chair

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Deputy Corporate Officer  
A. Bevan