



REGIONAL
DISTRICT
NORTH
OKANAGAN

PLANNING DEPARTMENT INFORMATION REPORT

REZONING APPLICATION

DATE:	June 17, 2025
FILE NO.:	25-0437-F-RZ
OWNER/APPLICANT:	Driven Construction Ltd. c/o Jason R. Shortt
LEGAL DESCRIPTION:	Lot 1, Sec. 27, Twp. 18, R8, W6M, KDYD, Plan EPP124935
P.I.D.#:	032-051-646
CIVIC ADDRESS:	50 Willchris Road
PROPERTY SIZE:	3.32 ha
SERVICING:	On-site septic disposal and well water
PRESENT ZONING:	Country Residential (C.R) and Non-Urban (N.U)
PROPOSED ZONING:	Small Holding (S.H)
O.C.P. DESIGNATION:	Small Holding
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. 3045, 2025, which proposes to rezone the property legally described as Lot 1, Sec. 27, Twp. 18, R8, W6M, KDYD, Plan EPP124935 and located at 50 Willchris Road, Electoral Area "F" from the Country Residential (C.R) and Non-Urban (N.U) zones to the Small Holding (S.H) zone, will be considered for First Reading at a future meeting; and further,

That Second Reading of Zoning Amendment Bylaw No. 3045, 2025 be withheld until the applicant has submitted a report provided by a professional engineer verifying that water of sufficient quantity and quality is available year-round to service the permitted uses associated with the full build-out potential (three lots) of the subject property and that the extraction of water from the water supplies will not deplete the supply of neighbouring wells.

That Final Adoption of Zoning Amendment Bylaw No. 3045, 2025 be withheld until a covenant has been registered on the title of the property to establish and protect a landscaped buffer along the Agricultural Land Reserve boundary. At minimum and where existing mature trees do not exist, buffering should be in substantial compliance with the "Agricultural Land Commission Landscaped Buffer Specifications".

SUMMARY:

The subject application proposes to rezone the property located at 50 Willchris Road from the Country Residential (C.R) and Non-Urban (N.U) zones to the Small Holding (S.H) zone. If successful in rezoning the property, the applicant is proposing to subdivide the property into three lots. The Planning Department recommends that the Zoning Amendment Bylaw associated with the proposal be given First Reading as it is consistent with the Electoral Area "F" Official Community Plan (OCP) land use designation of the property and with some of the Rural Lands Policies of the OCP.

As there is uncertainty with respect to the supply of water to service the proposed lots, staff recommend that additional information be provided by the applicant prior to the Board's consideration of Second Reading of the proposed Zoning Amendment Bylaw. Staff also recommend that Final Adoption of the Zoning Amendment Bylaw be withheld until a covenant is registered against the title of the property to require a buffer strip be established along the Agricultural Land Reserve boundary adjacent to the property consistent with the "Landscaped Buffer Specifications" established by the Agricultural Land Commission.

BACKGROUND:

Site Context

The 3.32 ha subject property is located on the south side of Willchris Road. Willchris Road is a gravel road that connects with the paved Novoting Road to the east. A tributary of Ashton Creek, known as Case Creek, runs approximately north-south towards the south-eastern corner of the property. The property is flat to gently sloping southwards towards the Shuswap River approximately 1 km south-west. The property is currently vacant and predominantly in pasture with established vegetation along the eastern boundary in proximity to Case Creek. The subject property is approximately 210 m wide and 180 m deep from the boundary with Willchris Road.

There are four covenants registered on the title of the subject property. S71534 restricts development within 15 m of Case Creek, and specifies a minimum floor elevation for habitable buildings of 1.5 m above the natural boundary of Case or Ashton Creeks. CA5189259 restricts any development within the Riparian Assessment Area unless the requirements of the *Riparian Area Protection Regulations* have been met. This Covenant relates to an unnamed watercourse. CB856447 relates to the provision of potable water supply. CB856448 relates to requirements to reduce potential wildfire risk for development.

The subject property is predominantly zoned Country Residential (C.R) with a strip at the western boundary zoned Non-Urban (N.U), and designated Small Holding (S.H). Surrounding properties to the north and east are also designated S.H in the OCP. Surrounding properties to the north and south-east are zoned C.R, and properties to the north-east and east are zoned S.H. Properties to the south and west are designated Agricultural, zoned N.U and are located within the Agricultural Land Reserve. The attached maps show the ALR boundaries and the OCP designation and zoning of the subject and surrounding properties.

Also attached is an aerial photo of the subject and surrounding properties taken in 2022.

Proposal

The applicant proposes to rezone the subject property from the Country Residential (C.R) and Non-Urban (N.U) zones to the Small Holding (S.H) zone to potentially allow the property to be subdivided into three lots. All lots would be vacant and would front and gain access from Willchris Road. The lots would range in size from 1.00 ha and 1.24 ha and would be serviced by new driveways, wells and septic systems.

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 Area “F” land use designation of the subject property and complies with the Rural Lands Policies in that the proposed lots would:

- a. not be subject to flooding, high water table, or terrain instability. Case Creek flows through the southeast corner of the subject property. The Provincial Approving Officer can request additional information on these matters at the time of subdivision if deemed necessary;
- b. not be subject to excessive public expenditures for services such as roads, or community utilities as on-site servicing is proposed, and the subject property is located on an existing road and school bus route;
- c. have the potential to accommodate suitable building sites and private driveways meeting the standards of the Zoning Bylaw;
- d. have the potential to be serviced with on-site sewage disposal systems as each proposed lot would be 1 ha or larger and the terrain would likely be suitable for such services;
- e. have access to a public road system which meets the standards of the Ministry of Transportation and Transit;
- f. not impact any natural features or other sensitive environmental attributes;
- g. require the approval of a Development Permit to give consideration to fire protection with respect to the wildfire hazard, and for development adjacent to a riparian area;

Water Supply

The OCP includes policies which suggest that a study of the subsurface groundwater resource should be undertaken to verify the land use designations as a prerequisite to rezoning. In this regard, the applicant has not provided confirmation that the maximum potential number of lots created by rezoning could be serviced with an adequate on-site water supply. To address the water supply policies of the OCP, it is recommended that prior to considering the Zoning Amendment Bylaw for Second Reading, the applicant be required to demonstrate that the maximum build-out potential (three lots) of the subject property, resulting from the proposed rezoning to Small Holding (S.H), could be serviced with domestic water supplies meeting the quantity and quality standards specified in the Regional District Subdivision Servicing Bylaw.

Access

The OCP states that access via no-thru roads in excess of 150 m in length and/or no-thru roads without an adequate turnaround is not supported. No-exit roads are a concern with respect to public safety as if the roadway becomes blocked, access for police, ambulance, or fire vehicles, and egress for residents may be compromised during an emergency. For reference, the Transportation Association of Canada (TAC) “Supplement to TAC Geometric Design Guide” recommends that a cul-de-sac should be not more than 150 m in length.

Staff note that the proposed driveway locations shown for the subject property are located at ±350 m from the start of Willchris Road which continues past the subject property to the west. The total distance to Enderby Mabel Lake Road is ±900 m. Road dedication to the west ends at the eastern boundary of 889 Enderby Mabel Lake Road which is located within the ALR, designated Agricultural and zoned N.U. This property has road frontage onto Enderby Mabel Lake Road, but given its location within the ALR it is unlikely to be further subdivided.

Willchris Road also continues to the north, ending at the southern boundary of 133 Willchris Road, which while presently zoned N.U, is designated S.H such that this and that property to the east at 55 Novoting Road would be able to provide a looped road connection at some time in the future if subdivided.

Agricultural Buffer

OCP policy suggests that where a property is being rezoned for development adjacent to property that is designated as Agricultural, an appropriate buffer strip should be established on the non-agricultural property consistent with the “Landscape Buffer Specifications” published by the Agricultural Land Commission. In this regard, staff recommend that prior to Final Adoption a covenant be registered which would require that, where existing mature trees do not exist, buffering should be established on the non-ALR side of the ALR interface, which is in substantial compliance with the ALC “Landscape Buffer Specifications”. The location of this buffer would therefore be along the entire western and southern boundaries with the adjoining property at 889 Enderby Mabel Lake Road.

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 consistent with the policies and land use designation of the Electoral Areas “F” 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. 3045 at a future meeting once the applicant has posted a development notice sign in accordance with the Development Application Procedures and Administrative Fees Bylaw.

ZONING BYLAW:

The subject property is zoned Country Residential (C.R) and Non-Urban (N.U). Uses permitted in the C.R and N.U zones include single and two family dwellings, secondary dwellings, manufactured homes, secondary suites, farm retail sales, intensive and limited agricultural use, agri-tourism accommodation, assembly, civic and public service uses, public parks and playgrounds, bed and breakfast, boarding house, minor day cares and minor group homes, home occupation uses, alcohol production facilities, veterinary clinics, cannabis production facilities, and limited resource use.

The applicant proposes to rezone the subject property to the Small Holding (S.H) zone. The minimum lot area in the S.H zone is 1 ha, with the area of any panhandle portion less than 14 m wide unable to be counted towards lot size. The uses permitted in the S.H zone include agricultural uses, assembly, civic and public service uses, manufactured homes, single family dwellings, two family dwellings, bed and breakfast uses, boarding house uses, home occupation uses, secondary dwellings and secondary suites.

Under the S.H zone, lots larger than 1.0 ha would be permitted to have: one single family dwelling and either one secondary dwelling or one secondary suite; OR one manufactured home and one secondary dwelling; OR one two family dwelling.

Building Sites and Lot Frontage

The Zoning Bylaw requires that all lots created within the S.H zone contain a contiguous area of land 2,000 m² or larger in size to service as a suitable building site. A building site must be less than 30% natural slope and must be accessible from a public highway via a private access driveway meeting the width and slope standards of the Bylaw. Lots are also required to have frontage not less than one-tenth of the perimeter of the lot, or the minimum applicable in the relevant zone, being 20 m for the S.H zone.

OFFICIAL COMMUNITY PLAN:

The Official Community Plan designates the land use of the subject property as Small Holding. The following OCP Policies are applicable to the application:

Agriculture Policies

1. Where a property is being rezoned for development adjacent to a property that is designated as Agricultural, an appropriate buffer strip may be required to be established on the non-agricultural property consistent with the “Landscaped Buffer Specifications” established by the Commission.

Rural Lands Policies

1. Regardless of whether a proposed rezoning is in accordance with the Official Community Plan designation, there is no assurance that a rezoning will be approved by the Regional District;
2. Rural lands may have the potential for resource extraction and may not be suitable for development due to limitations of elevation, slope, water, accessibility, disruption of existing resource or agricultural uses, or interference with watershed conservation;
3. Upon receipt of an OCP Amendment and/or Rezoning application for any Rural development, the Board of Directors will give consideration to the fire protection issues in the local area with particular respect to wildfire interface areas;
4. Subdivision of rural residential lands shall be in a manner that will conform to the site characteristics and retain a sense of rural identity and community;
5. OCP and Zoning amendment applications should include maps showing how the area can be developed under the proposed zoning including (as applicable) the location of any new roads, environmental protection measures, lot layouts, and any community amenities;
6. 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 a 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. Property proposed for development should not be subject to flooding, high water table, or terrain instability.
- c. All proposed development should not require excessive public expenditures for services such as roads, utilities, and school busing.
- d. 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 area suitable for on-site sewerage disposal including area for a reserve on-site sewage disposal area.
- f. Each new lot shall have access to a public road system meeting Ministry of Transportation and Infrastructure standards in which emergency egress must be considered.
- g. Access via no-thru roads in excess of 150 m in length and/or no-thru roads without an adequate turnaround is not supported.
- h. Natural features or other sensitive environmental attributes should not be negatively impacted by a proposed development.
- i. Information other than cited in this Section may be necessary in order to adequately evaluate Official Community Plan and Zoning amendment applications.
- j. 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 this application.

Development Permit Areas

The OCP designates portions of the subject property as being located within a Development Permit Area for the protection of development from hazardous (wildfire) conditions and protection of riparian areas. The approval of a Development Permit would be required prior to the subdivision of the property unless an exemption applies. The application notes that a riparian review is currently being undertaken.

PARK DEVELOPMENT COST CHARGES and PARK LAND DEDICATION

Under Fortune Parks, Recreation and Culture Service Development Cost Charge Bylaw No. 2598, 2013, payment of Development Cost Charges for providing and improving park land would be required at the time of Building Permit in the amount of \$910 per new dwelling unit 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. Under Section 510(3)(a) park land dedication does not apply if “fewer than three additional lots would be created”. As the proposed subdivision would create only one additional lot, park land dedication would not be required.

REFERRAL COMMENTS:

The application was referred for comments to the following:

1. RDNO Building Inspection Department

No concerns.

2. RDNO Rural Services Department

3. RDNO Protective Services Department

4. RDNO Community Services Department

5. RDNO Parks Department

No comments or concerns.

6. Interior Health Authority

No objections to the proposed rezoning. At the subdivision stage, the subdivision proposal will be sent to Interior Health's Environmental Assessment Team for technical review and comments. The applicant can be made aware of the Subdivision Report Criteria, which will be required at that stage.

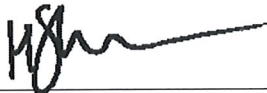
7. Ministry of Transportation and Transit

Section 52(3)(a) of the Transportation Act does not apply and the zoning will not require Ministry endorsement.

Conditions of subdivision are reviewed and determined by the Provincial Approving Officer. I did notice the panhandle to Proposed Lot B narrows to 14 m. Will this hinder future development? If part of the subdivision review the panhandle is required to be 20 m will this affect allowable lot sizes of the new rezoning?

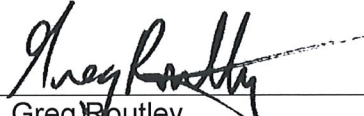
8. Enderby Fire Department

Submitted by:



Heather Shannon
Planner

Reviewed by:



Greg Boutley
Deputy Planning Manager

Endorsed by:



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

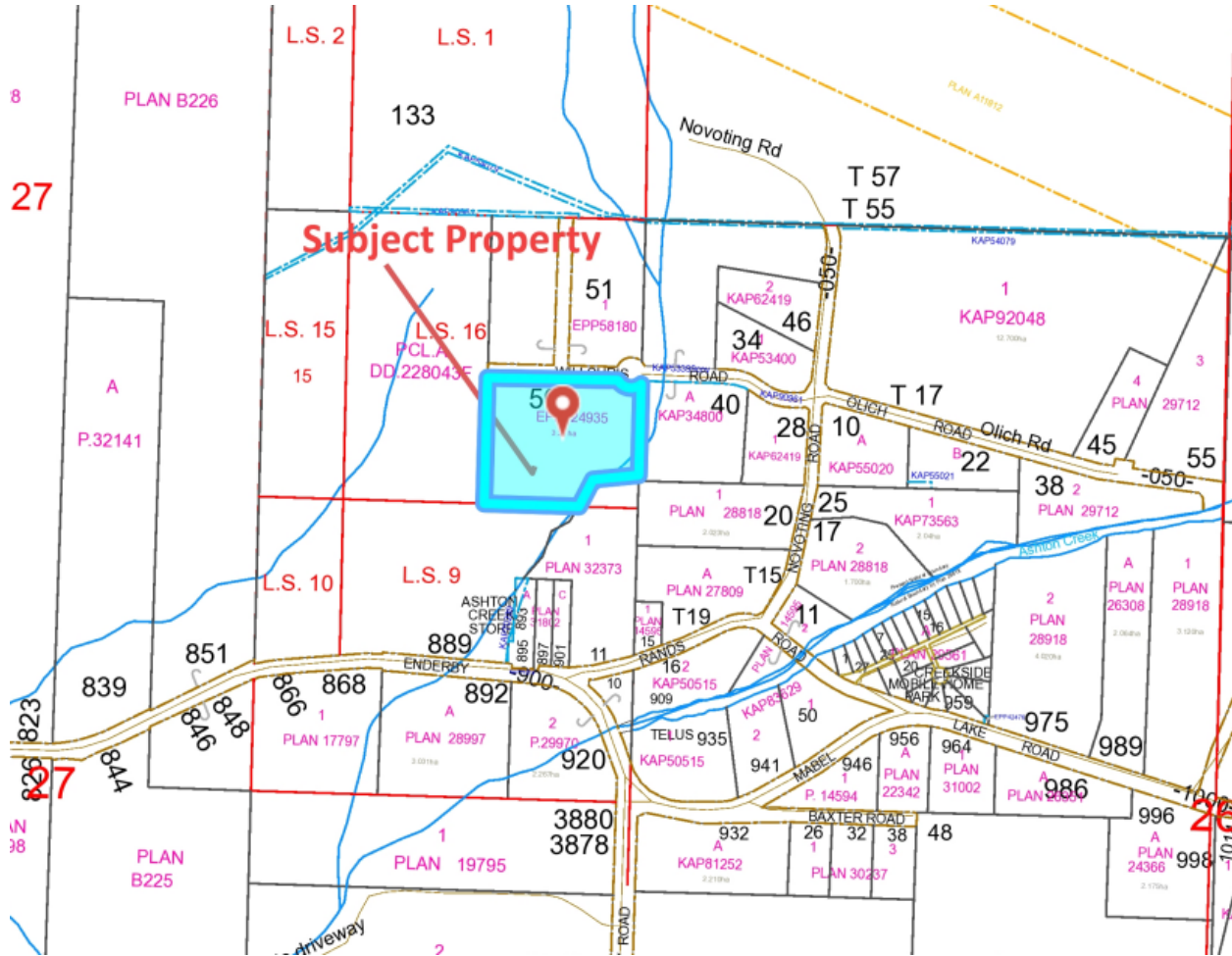
Approved for Inclusion:



David Sewell
Chief Administrative Officer

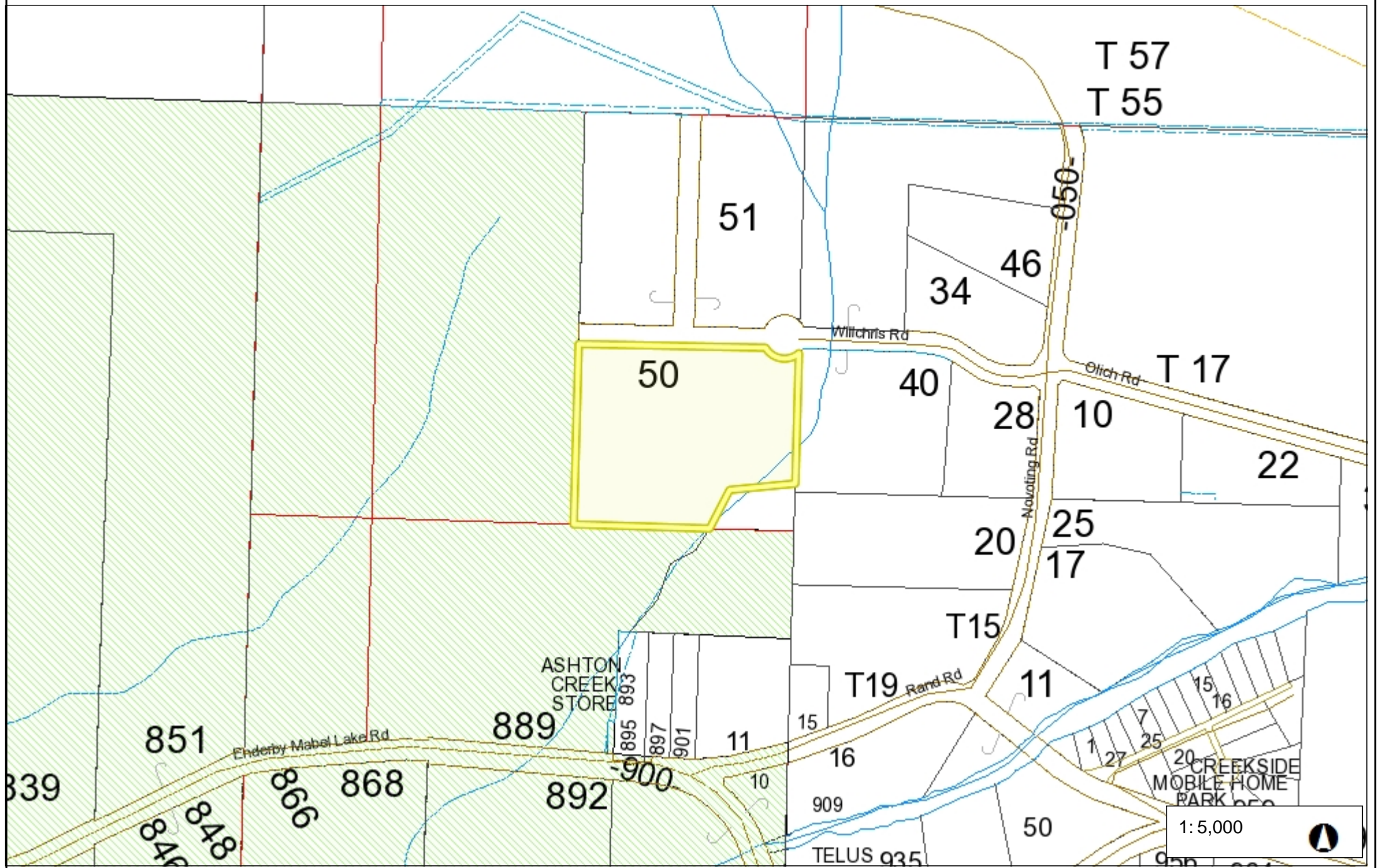
SUBJECT PROPERTY MAP REZONING

File: 25-0437-F-RZ
Location: 50 Willchris Road





Agricultural Land Reserve

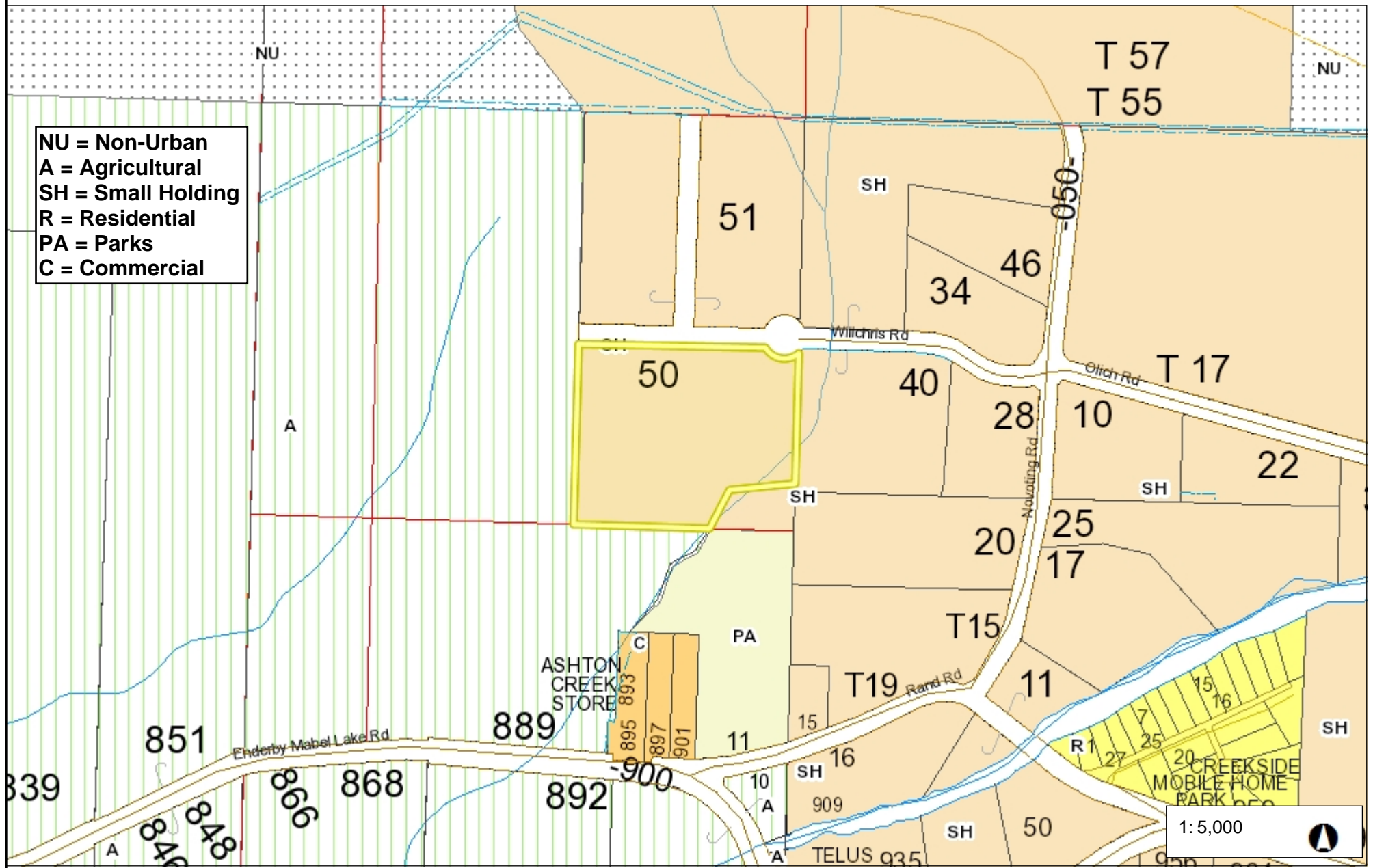


254.0 0 127.00 254.0 Meters



OCP Designation

NU = Non-Urban
A = Agricultural
SH = Small Holding
R = Residential
PA = Parks
C = Commercial



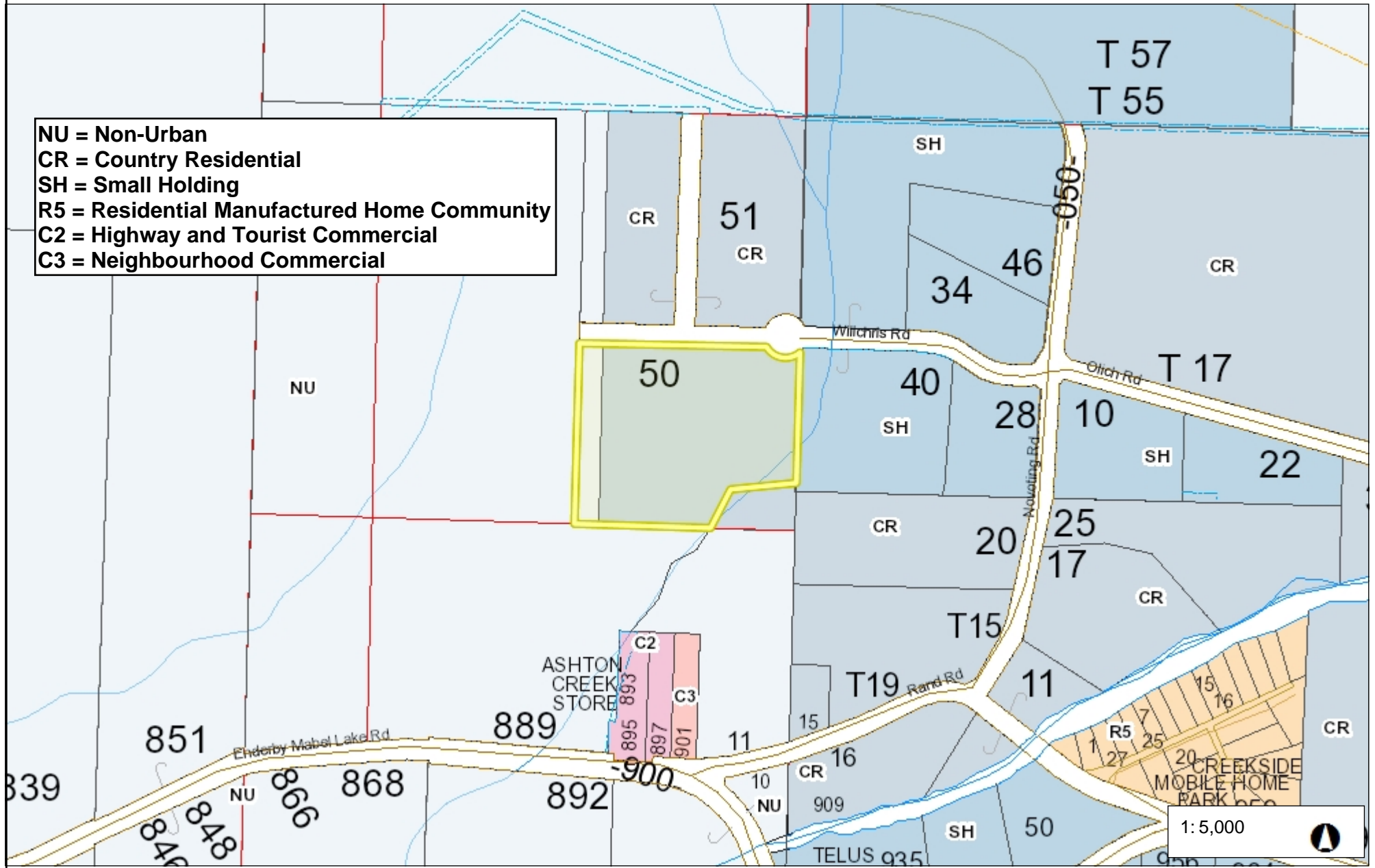
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Zoning

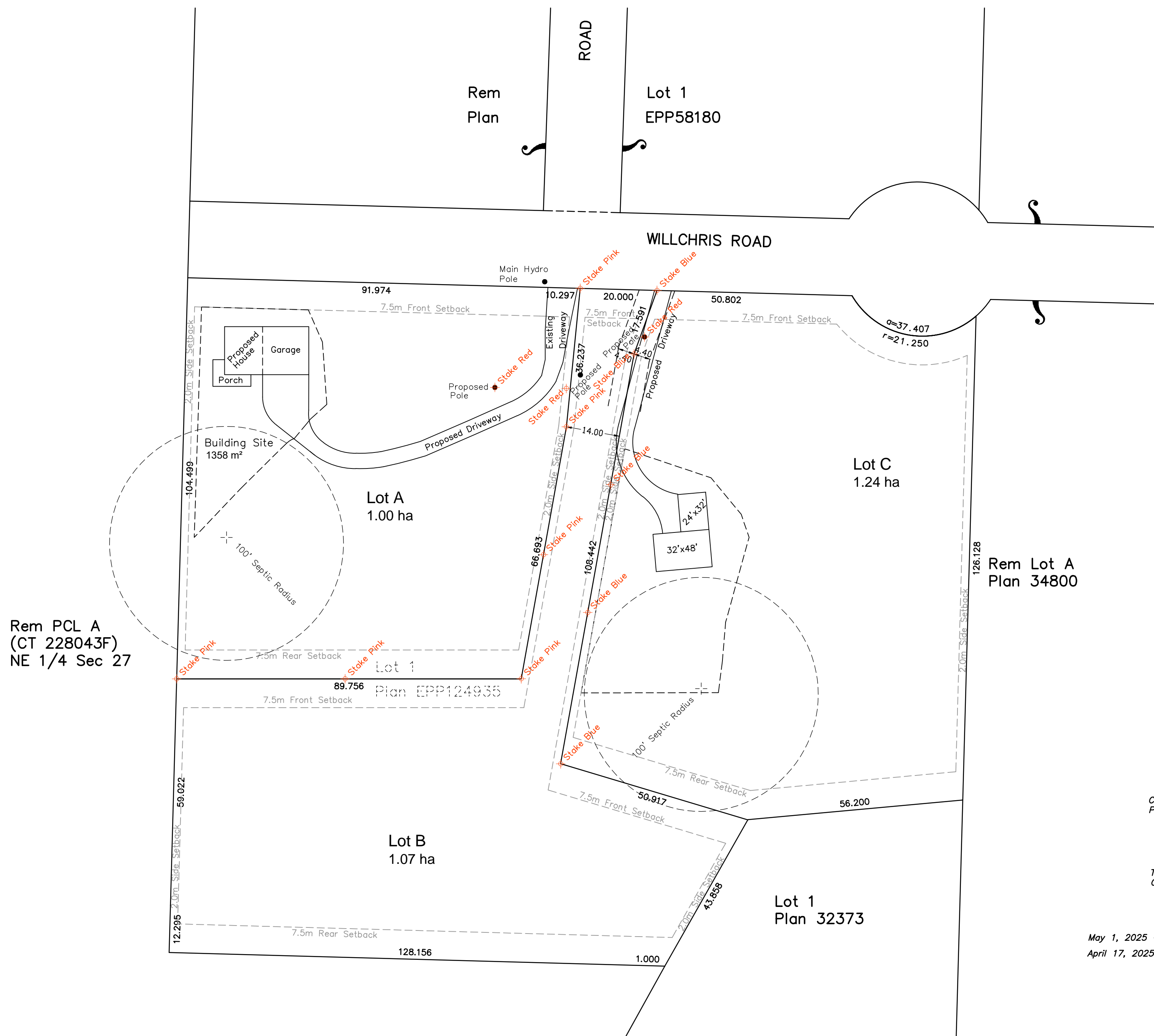
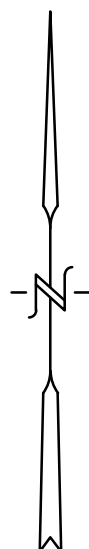
NU = Non-Urban
 CR = Country Residential
 SH = Small Holding
 R5 = Residential Manufactured Home Community
 C2 = Highway and Tourist Commercial
 C3 = Neighbourhood Commercial



254.0 0 127.00 254.0 Meters

Plan Showing Staking on Lot 1, Sec 27,
Tp 18, Rg 8, W6M, KDYD, Plan EPP124935.

SCALE 1:750 (ALL DISTANCES IN METRES)



Rem PCL A
(CT 228043F)
NE 1/4 Sec 27

CIVIC ADDRESS: 50 Willchris Road, Ashton Creek
PID: 032-051-646

Title is subject to the following non-financial charges:
Covenants - S71534, CA5189259, CB856447, CB856448

May 1, 2025 - moved proposed pole onto Lot B
April 17, 2025 - set flagged stakes on proposed poles and lot corners

THIS PLAN IS PREPARED FOR THE USE OF:
Driven Construction Ltd.

© JASON R SHORTT, BCLS, 2023

russell shortt

land SURVEYORS
2801-32nd Street, Vernon, B.C.
Phone (250)545-0511 email: jasons@jrshortt.ca

FILE: 30849
F.B. 1383 Pg. 30

REGIONAL DISTRICT OF NORTH OKANAGAN

BYLAW No. 3045

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 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. 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. 3045, 2025**”.

AMENDMENTS

2. The zoning of the property legally described as Lot 1, Sec. 27, Twp. 18, R8, W6M, KDYD, Plan EPP124935 and located at 50 Willchris Road, 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)** and **Country Residential (C.R)** zones to the **Small Holding (S.H)** zone.

Advertised on	this	day of	, 2025
	this	day of	, 2025
Read a First Time	this	day of	, 2025
Read a Second and Third Time	this	day of	, 2025
ADOPTED	this	day of	, 2025

Chair

Deputy Corporate Officer