



# STAFF REPORT

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

**File No:** 22-0199-F-OR  
**Date:** February 8, 2024

**SUBJECT:** Zoning Amendment Bylaw No. 3003, 2024 [Land First c/o Li]

## RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3003, 2024, which proposes to change the zoning of the property legally described as the E ½ of the SE ¼ of Sec 10, Twp 19, R9, W6M, KDYD and located at 150 Crossridge Road, Electoral Area “F” from the Non-Urban (N.U) zone to the Country Residential (C.R) zone, will be considered for First Reading at a future meeting; and further,

That Final Adoption of Zoning Amendment Bylaw No. 3003, 2024 be withheld until a covenant has been registered on the title of the subject property which:

1. requires a phased approach to development commencing with an initial phase of 8 lots while groundwater levels in multiple wells onsite continue to be monitored to develop a better understanding of seasonal groundwater fluctuations and aquifer recharge. The monitoring data would be used as the basis for a decision to allow future phases of development to proceed;
2. states that the property may not be subdivided until a professional hydrologist has verified that all wells proposed to service all new lots are proven to meet the quantity and quality standards of the Regional District Subdivision Servicing Bylaw and that the extraction of water from the wells will not negatively impact the water supply of neighbouring wells;
3. states that the observed drainages on the property must be maintained and protected as they may provide valuable recharge to the underlying bedrock Aquifer 107;
4. requires the property to be developed in accordance with the recommendations in the report from Landmark Solutions Ltd. dated March 15, 2023, including the requirement to dedicate and construct a secondary emergency access route at the time of subdivision which connects to Helmcken Road, and which saves harmless the Regional District in the event that damage to property may occur as a result of a wildfire; and
5. states that the property may not be subdivided unless a road reserve is registered on the title of the property in a location and alignment that would connect the future extension of Crossridge Road with the property located to the south in accordance with Ministry of Transportation and Infrastructure (MOTI) standards and to the satisfaction of the Regional District and the MOTI.

## BACKGROUND:

This application relates to a proposal to rezoning of the property located at 150 Crossridge Road in Electoral Area “F” from Non-Urban to Country Residential. If approved, the applicant is proposing to subdivide the property into 15 lots.

At the Regular Meeting held on August 17, 2022, the Board of Directors considered the application and resolved that staff be directed to prepare an OCP Amendment Bylaw and a Zoning Amendment Bylaw for First Reading. The Board resolved that Second Reading of the proposed bylaws be withheld until:

1. comments have been received from: RDNO Community Services (Parks and Protective Services) Departments, Fire Department and First Nations;
2. the applicant has held a Public Information Meeting in accordance with the Public Information Meeting Guide;
3. the applicant has provided confirmation in writing from a qualified professional Geotechnical Engineer that the subject property is safe for the intended use;
4. a water supply study which takes into consideration the potential to service the proposed lots and the impact it could have on the water supply in the area;
5. plans prepared by a BC Land Surveyor or Professional Engineer which show the building sites and driveways on the proposed including their existing and proposed grades and the cuts and fill required to achieve those grades;
6. the applicant has submitted a study prepared by a professional Geotechnical Engineer which evaluates the subject property and provides recommendations for potential on-site septic sewage disposal associated with the proposed development; and,
7. the applicant has submitted a report prepared by a Registered Professional Forester which assesses the proposed development and provides recommendations to minimize the risk of wildfire hazard including recommendations related to vehicle access routes and FireSmart principles.

At the Regular Meeting held on September 21, 2022, the Board gave First Reading to the associated Electoral Area "F" Official Community Plan Amendment Bylaw No. 2940, 2022 and Zoning Amendment Bylaw No. 2941, 2022. The Board gave Second Reading to Bylaw Nos. 2940 and 2941 on November 15, 2023, and forwarded the Bylaws to a Delegated Public Hearing. The Board also resolved that Final Adoption of Bylaw No. 2940 and Bylaw No. 2941 be withheld until a covenant has been registered on the title of the property which:

1. requires a phased approach to development commencing with an initial phase of 8 lots while groundwater levels in multiple wells onsite continue to be monitored to develop a better understanding of seasonal groundwater fluctuations and aquifer recharge. The monitoring data would be used as the basis for a decision to allow future phases of development to proceed;
2. states that the property may not be subdivided until a professional hydrologist has verified that all wells proposed to service all new lots are proven to meet the quantity and quality standards of the Regional District Subdivision Servicing Bylaw and that the extraction of water from the wells will not negatively impact the water supply of neighbouring wells;
3. states that the observed drainages on the property must be maintained and protected as they may provide valuable recharge to the underlying bedrock Aquifer 107;
4. requires the property to be developed in accordance with the recommendations in the report from Landmark Solutions Ltd. dated March 15, 2023, including the requirement to construct a secondary emergency access route at the time of subdivision which connects to Helmcken Road and to register an easement over the route, and which saves harmless the Regional District in the event that damage to property may occur as a result of a wildfire; and
5. states that the property may not be subdivided unless a road reserve is registered on the title of the property in a location and alignment that would connect the future extension of Crossridge Road with the property located to the south in accordance with Ministry of Transportation and Infrastructure (MOTI) standards and to the satisfaction of the Regional District and the MOTI.

At the Regular Meeting held on December 20, 2023, the Board resolved that Bylaw No. 2940 be forwarded to a Delegated Public Hearing without Bylaw No. 2941.

The Board further resolved that the existing conditions of adopting Bylaw No. 2940 and Bylaw No. 2941 only apply to the adoption of a new Zoning Amendment Bylaw that would replace Zoning Amendment Bylaw No. 2941. Additionally, they resolved that further consideration of a new Zoning Amendment Bylaw to replace Zoning Amendment Bylaw No. 2941 not be given until after Zoning Bylaw No. 3000 and Electoral Area "F" Official Community Plan Amendment Bylaw No. 2940 are adopted.

The Delegated Public Hearing for Bylaw No. 2940 was held on January 11, 2024. At the Regular Meeting held on Wednesday, January 24, 2024, the Board gave Third Reading and Adoption to Bylaw No. 2940. As such, the Electoral Area "F" Official Community Plan Bylaw No. 2702 now designates the land use of the subject property as Country Residential.

At the Special Meeting of the Board of Directors held on February 7, 2024, the Board Adopted Regional District of North Okanagan Zoning Bylaw No. 3000, 2023. As such, applications which have been pending adoption of the new Zoning Bylaw can now be considered by the Board with newly assigned Zoning Amendment Bylaws. The applicant has indicated they wish to move forward with the application now that Zoning Bylaw No. 3000 has been adopted.

### 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 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. 3003 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.

Submitted by:



Jennifer Miles, RPP, MCIP  
Planner II

Reviewed by:



Greg Routley  
Deputy Planning Manager

Endorsed by:



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

Approved for Inclusion:

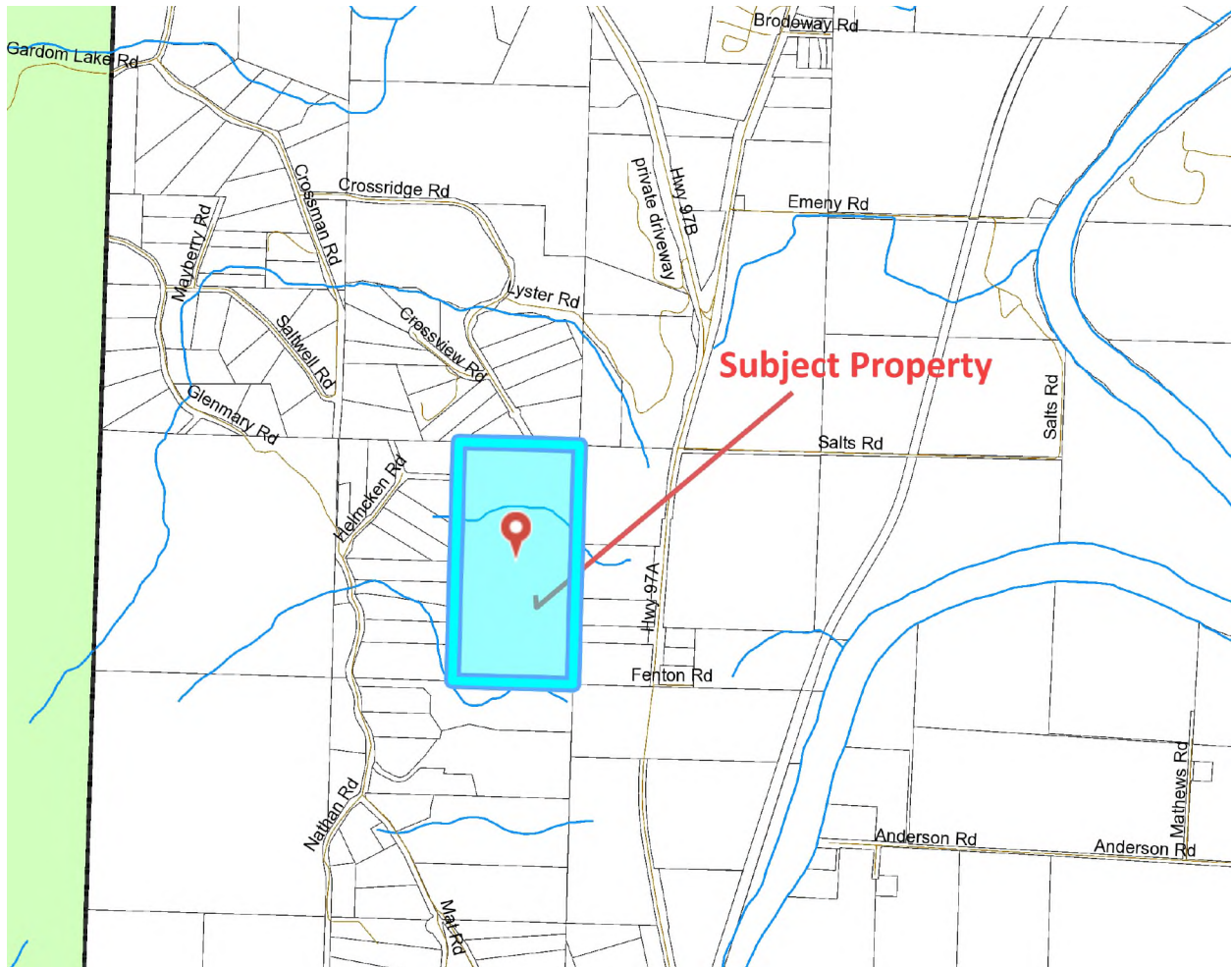


David Sewell  
Chief Administrative Officer

# SUBJECT PROPERTY MAP OCP / REZONING

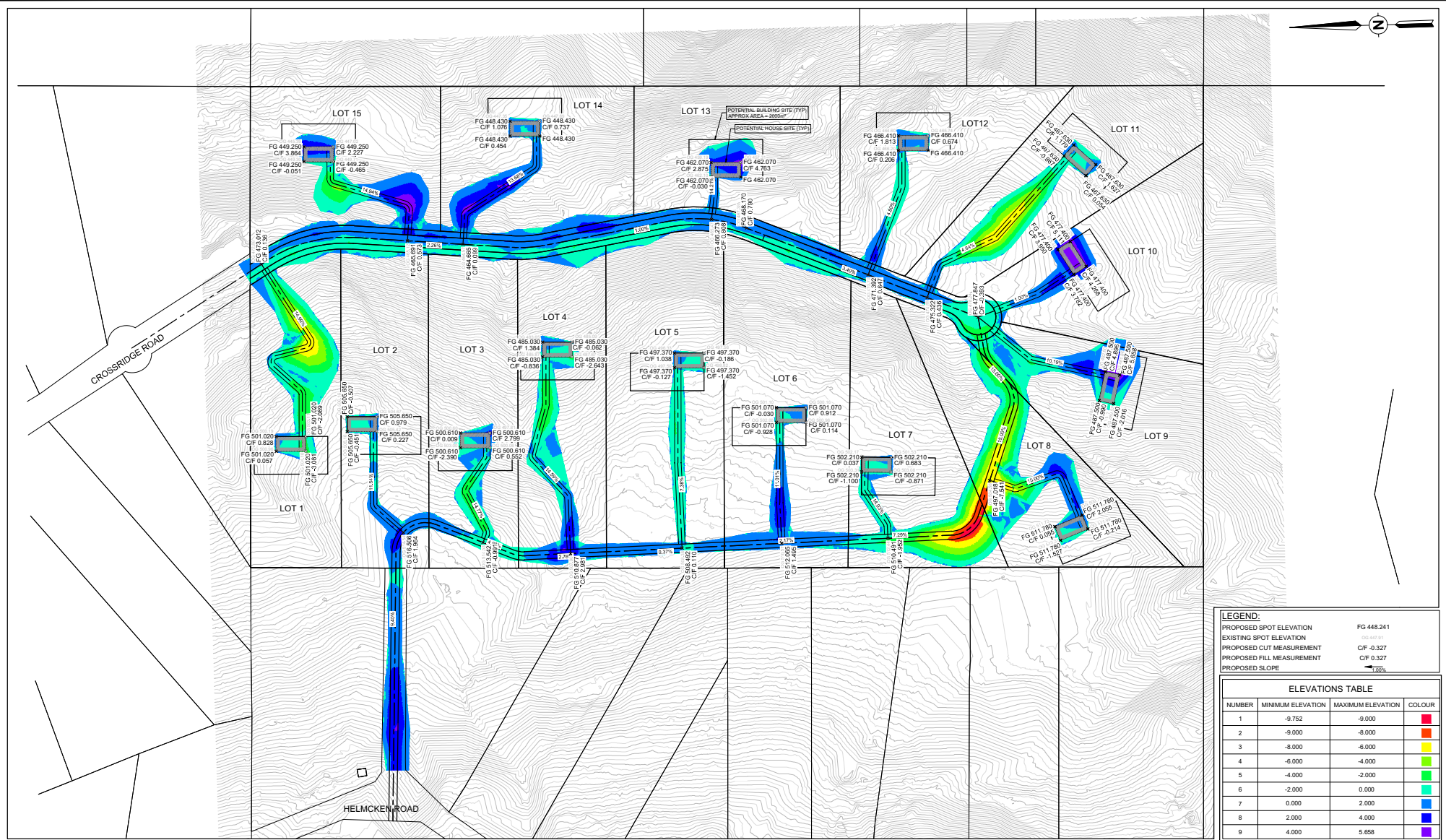
File: 22-0199-F-OR  
Location: 150 Crossridge Road

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McElhannay AHS 15 - 2023.04.14

DATE: 2023-05-23 12:11 FILE: C:\CLIENTS\2451\2451-1150 - Crossridge Road - Enderby\2451-1150-01-01-RE-ZONING.dwg



**LEGEND:**

PROPOSED SPOT ELEVATION	FG 448.241
EXISTING SPOT ELEVATION	EG 447.91
PROPOSED CUT MEASUREMENT	C/F -0.327
PROPOSED FILL MEASUREMENT	C/F 0.327
PROPOSED SLOPE	1:100

**ELEVATIONS TABLE**

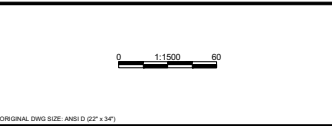
NUMBER	MINIMUM ELEVATION	MAXIMUM ELEVATION	COLOUR
1	-9.752	-9.000	Red
2	-9.000	-8.000	Orange
3	-8.000	-6.000	Yellow
4	-6.000	-4.000	Light Green
5	-4.000	-2.000	Green
6	-2.000	0.000	Cyan
7	0.000	2.000	Blue
8	2.000	4.000	Dark Blue
9	4.000	5.658	Purple

Rev	Date	Description	Drawn	Checked	App'd
2	2023-05-23	UPDATED GRADES CIW CUT / FILL	CA	CA	RL
1	2023-03-28	UPDATED GRADES CIW CUT / FILL	CLS	CLS	RL
0	2023-01-11	ISSUED FOR DISCUSSION	CLS	CLS	RL

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**McElhannay**

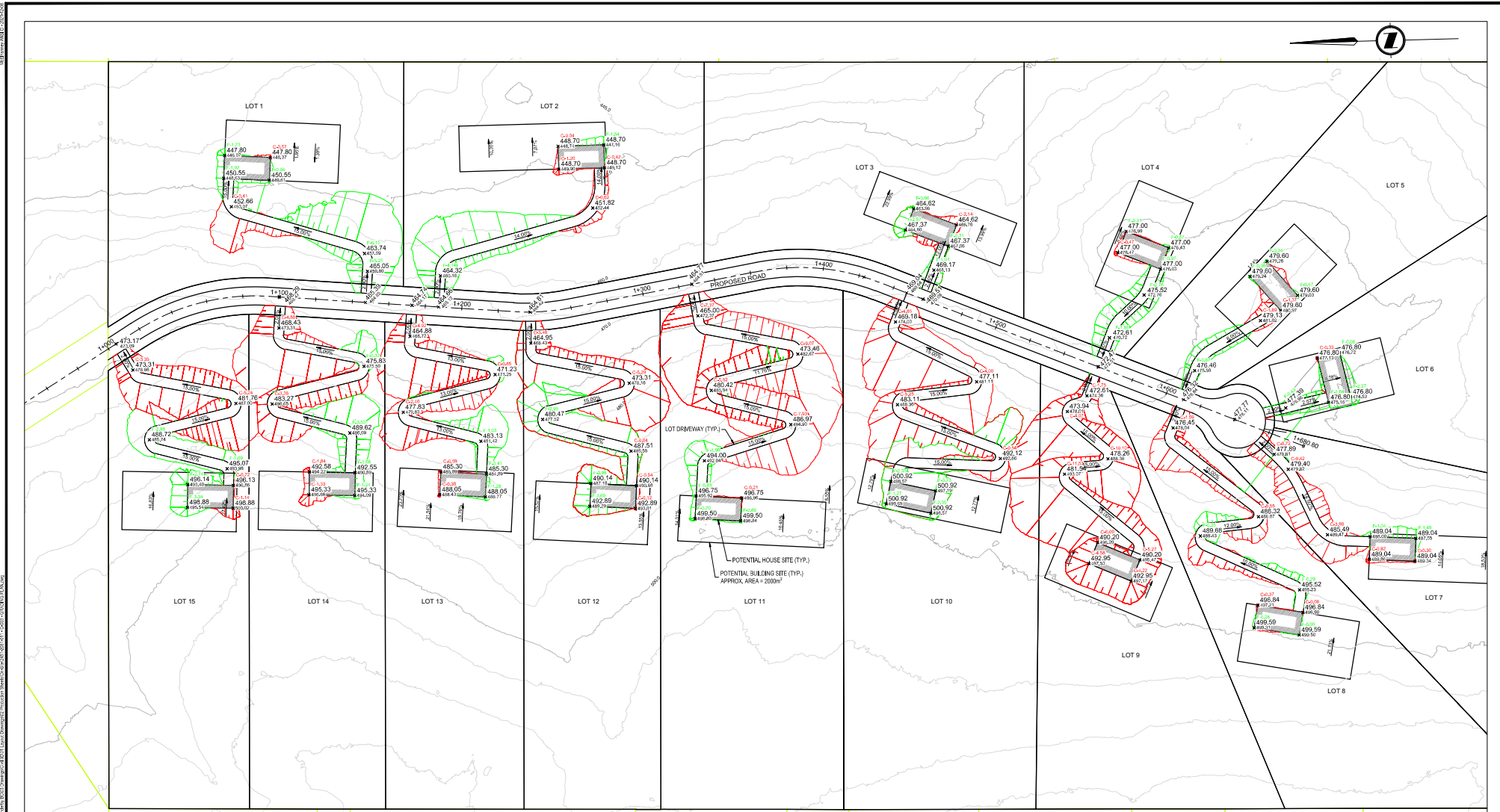
2281 Hunter Road  
Kelowna BC  
Canada V1X 7C5  
T 250 861 8783

**PRELIMINARY  
NOT FOR  
CONSTRUCTION**

**MARK LEWIS**  
49 EAST POIRER ROAD, MARA BC  
**150 CROSSRIDGE ROAD, ENDERBY BC**  
**RE-ZONING / SUBDIVISION**  
**DRIVEWAY GRADING PLAN**

Drawing No. **C-003**  
Project Number 2451-2061-011  
Rev. 2

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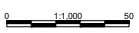


**LEGEND:**

x470.00	PROPOSED SPOT ELEVATION	[Red hatched]	PROPOSED 2(H):1(V) FILL SLOPE
x400	EXISTING SPOT ELEVATION	[Green hatched]	PROPOSED 2(H):1(V) CUT SLOPE
15.00%	PROPOSED SLOPE	[Red outline]	POTENTIAL HOUSE SITE
10.00%	EXISTING SLOPE	[Green outline]	PROPOSED CUT MEASUREMENT
[Dashed line]	PROPOSED DRIVEWAY	[Green outline]	PROPOSED FILL MEASUREMENT
[Red outline]	POTENTIAL BUILDING SITE BOUNDARY		

Rev.	Date	Description	Drawn	Checked	App'd
1	2023-03-28	UPDATED GRADES C/W CUT / FILL	CLS	CLS	RL
0	2023-07-11	ISSUED FOR DISCUSSION	CLS	CLS	RL

THE ENGINEER HAS BEEN ADVISED BY THE PROPERTY OWNER THAT THE INFORMATION PROVIDED HEREIN IS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE AND BELIEF. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF UNLAWFUL ACTS OR OMISSIONS. THE ENGINEER HAS NOT BEEN ADVISED OF ANY OTHER INFORMATION THAT WOULD AFFECT HIS OPINION. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND GRADING OF THE DRIVEWAYS AND SLOPES SHOWN ON THIS PLAN. THE ENGINEER DOES NOT WARRANT THAT THE INFORMATION PROVIDED IS COMPLETELY ACCURATE OR THAT THE PROPERTY IS FREE OF ALL DEFECTS. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN AND GRADING OF THE DRIVEWAYS AND SLOPES SHOWN ON THIS PLAN. THE ENGINEER DOES NOT WARRANT THAT THE INFORMATION PROVIDED IS COMPLETELY ACCURATE OR THAT THE PROPERTY IS FREE OF ALL DEFECTS.



**McElhanney**  
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 Kelowna BC  
 Canada V1Y 7C5  
 T.250.863.0700

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**MARK LEWIS**  
 49 EAST POIRER ROAD, MARA BC  
**150 CROSSRIDGE ROAD, ENDERBY BC**  
**RE-ZONING / SUBDIVISION**  
**DRIVEWAY GRADING PLAN**

Drawing No.  
**C-003**  
 Project Number  
 2061-011  
 Rev.  
 0

# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 3003

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.

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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. 3003, 2024**".

### AMENDMENTS

2. The zoning of the property legally described as The E ½ of the SE ¼ of Sec 10, Twp 19, R9, W6M, KDYD and located at 150 Crossridge 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)** zone to the **Country Residential (C.R)** zone.

Advertised on	this	day of	, 2024
	this	day of	, 2024

<b>Read a First, Second and Third Time</b>	this	day of	, 2024
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<b>Approved by Minister of Transportation and Infrastructure</b> <i>(Transportation Act s. 52(3))</i>	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