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**MEETING TYPE:** Regular Council Meeting  
**MEETING DATE:** May 16, 2023  
**AUTHOR:** Inonge Aliaga, Senior Planner  
**DEPARTMENT:** Planning and Development  
**ITEM TITLE:** Zoning Bylaw Amendment from RR2 to RR3 – Z2021-008 – 11470 Bond Rd.  
**DESCRIPTION:** Zoning Bylaw Amendment to rezone from RR2 Rural Residential 2 to RR3 Rural Residential 3, to facilitate a 3-lot subdivision at 11470 Bond Road

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## QUESTION

Does Council support an application for rezoning the property at 11470 Bond Road, from RR2 - Rural Residential 2 to RR3 - Rural Residential 3, to facilitate a 3-lot subdivision, and to proceed to public hearing?

## OPTIONS

- A. THAT Zoning Amendment (Z2021-008) Bylaw 1207, 2023 be read a first time and a second time.  
AND THAT Zoning Amendment (Z2021-002) Bylaw 1207, 2023 be forwarded to a public hearing.
- B. THAT Zoning Amendment (Z2021-002) Bylaw 1207, 2023 be rejected and that the file be closed.
- C. THAT Zoning Amendment (Z2021-002) Bylaw 1207, 2023 be deferred pending receipt of additional information as identified by Council.

## EXECUTIVE SUMMARY

The owner is proposing to rezone the property at 11470 Bond Road from RR2 – Medium Lot Rural Residential to RR3 – Small Lot Rural Residential. This rezoning is required to create through subdivision of the parcel two new serviced single family lots off Bond Road.

The subject property is at the corner of Bond Road and Davidson Road. Davidson Road Elementary School shares the western lot line. The adjacent lots along Bond Road are already zoned RR3. Water servicing is available from Bond Road, and sewer servicing is available along Davidson Road. The proposed subdivision would require an extension of the sewer line to service the proposed lots.

If Council supports this rezoning application, the owner would be required to satisfy the OCP Development Permit Area (DPA) requirements prior to subdivision. The subject property is located within the Agriculture, Hillside, and Greenhouse Gas and Resource Conservation DPAs.

## BACKGROUND/HISTORY

The Official Community Plan (OCP) future land use designation is Rural Residential, and the current zoning is RR2 Rural Residential 2 (or Medium Lot Rural Residential). The proposed application was submitted as the first step towards subdividing the existing lot into four small (min. 0.25 ha) serviced, rural residential lots. (This initial proposal has now been revised to three lots.)

The rezoning application was received on July 6, 2021. It was reviewed by the Core Team in October 2022. The Core Team requested a Subdivision Application be submitted to ensure that all lots had access points and buildable areas. The requested Subdivision Application was received in February 2023.

A Demolition Permit (BP2022-8569) for the demolition of the vacant residence and outbuildings was secured in September 2022 and carried out in the winter months of early 2023. In April it received final inspection from the Building Department.

In April 2023 the proposal was revised from a four-lot subdivision to a three-lot subdivision. The revised subdivision proposal drawings were received by the District on April 21, 2023.

**TABLE 1: SITE CONTEXT**

PROPERTY INFORMATION			
Civic Address:	11470 Bond Road		
Roll Number:	2562000		
Legal Description:	PID: 009-045-279		
Applicant:	Protech Consulting	Owner(s):	Bharat & Indira Bharatendu
OCP Designation:	Rural Residential		
Existing Zoning Designation:	RR2 - Rural Residential 2 (Medium Lot)		
Proposed Zoning:	RR3 - Rural Residential 3 (Small Lot)		
Parcel Size:	1.03 hectares (2.55 acres)		
DP Area(s):	Agriculture; Hillside; Green House Gas & Resource Conservation		
Water Supply:	Municipal		
Sewer:	Municipal (proposed)		
<b>Adjacent Land Use:</b>	<b>Zoning:</b>	<b>Use:</b>	
<i>North &amp; Northeast:</i>	ALR – A1-Agriculture & RU1-Single Family Housing	Farm /Single family Residential	
<i>East:</i>	RR3 - Rural Residential 3	Single Family Residential (lots are 0.1 ha/ 0.25 ac)	
<i>South:</i>	RR3 - Rural Residential 3	Single Family Residential (lots are 0.25 ha/0.6 acres)	
<i>Southwest:</i>	P2-Administration, Public Service and Assembly - ALR (school field)	Davidson Road Elementary School (K-5)	
<i>West:</i>	P2-Administration, Public Service and Assembly (school building)	Davidson Road Elementary School (K-5)	
<i>Northwest</i>	A1-Agriculture (OCP – Rural Residential)	Residence (lot – 0.34 ha/0.83 acres)	

## SITE CONTEXT

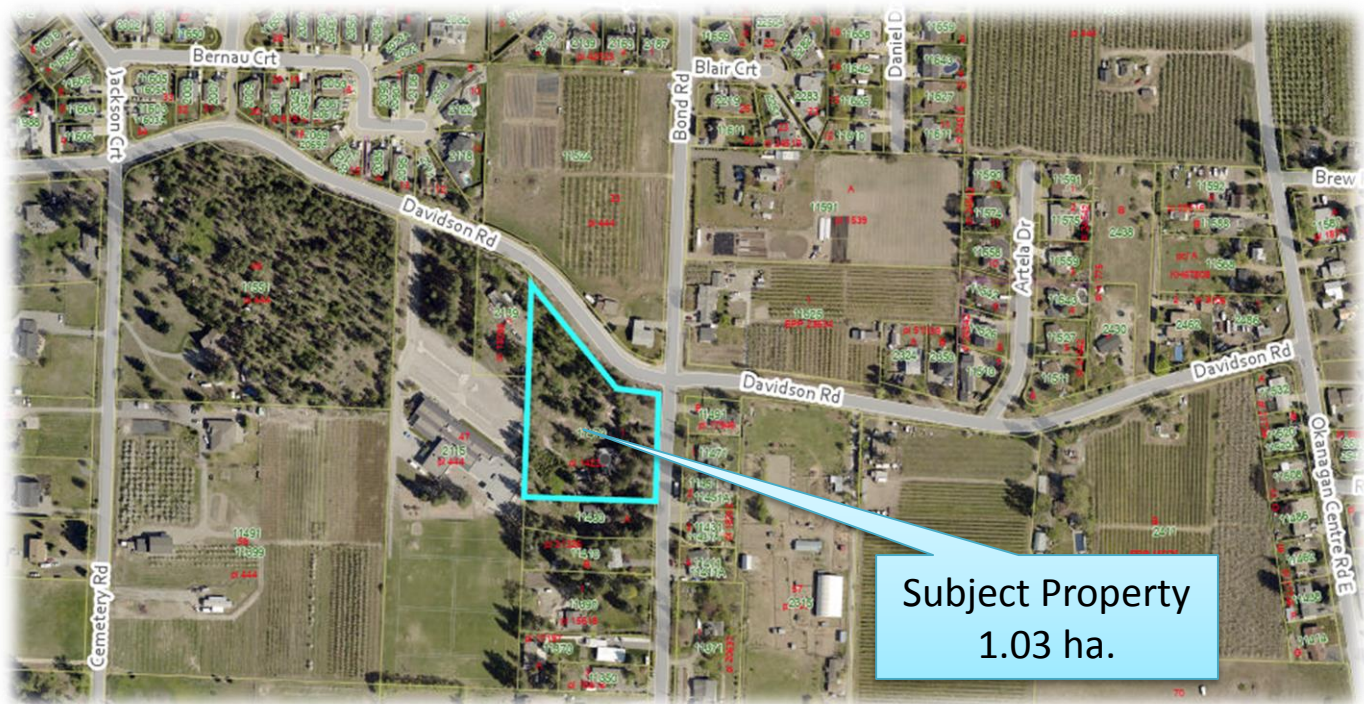
In the OCP, the subject property lies just outside the Urban Containment Boundary (OCP Map 3 Urban Containment Boundary) but within the sewer service infrastructure boundary (OCP Map 6 Sewer Service Infrastructure). It is located at the junction of Davidson Road (minor collector) and Bond Road, and adjacent to Davidson Road Elementary School (OCP Map 5 Road Network Plan). The surrounding rural residential lots on Bond Road range in size between 0.10 ha and 0.25 ha. The subdivision would create two additional lots that measure approximately 0.28 ha each, with a remnant lot of 0.44 ha.

The current lot has onsite sewer servicing. The new lots would be serviced by municipal sewer and water. Water lines run along both Bond and Davidson Roads. Sewer runs along Davidson Road and would need to be extended to the new lots on Bond Road.

The North and Southwest areas of the property are in the Agricultural DPA. However, the subject property is buffered from Agricultural Land Reserve (ALR) by Davidson Road to the North, and the local school field to the southwest. The northern edge of the property is in the Hillside DPA which would remain in the proposed larger (0.44 ha) lot. The portion of the lot in Hillside DPA would be less than 50% of the proposed lot area, and the buildings could be located outside of the steeply sloped area (Figure 3).



MAP 1: LOCATION MAP



MAP 2: ORTHOPHOTO (ZOOM IN)





FIGURE 1: ZONING

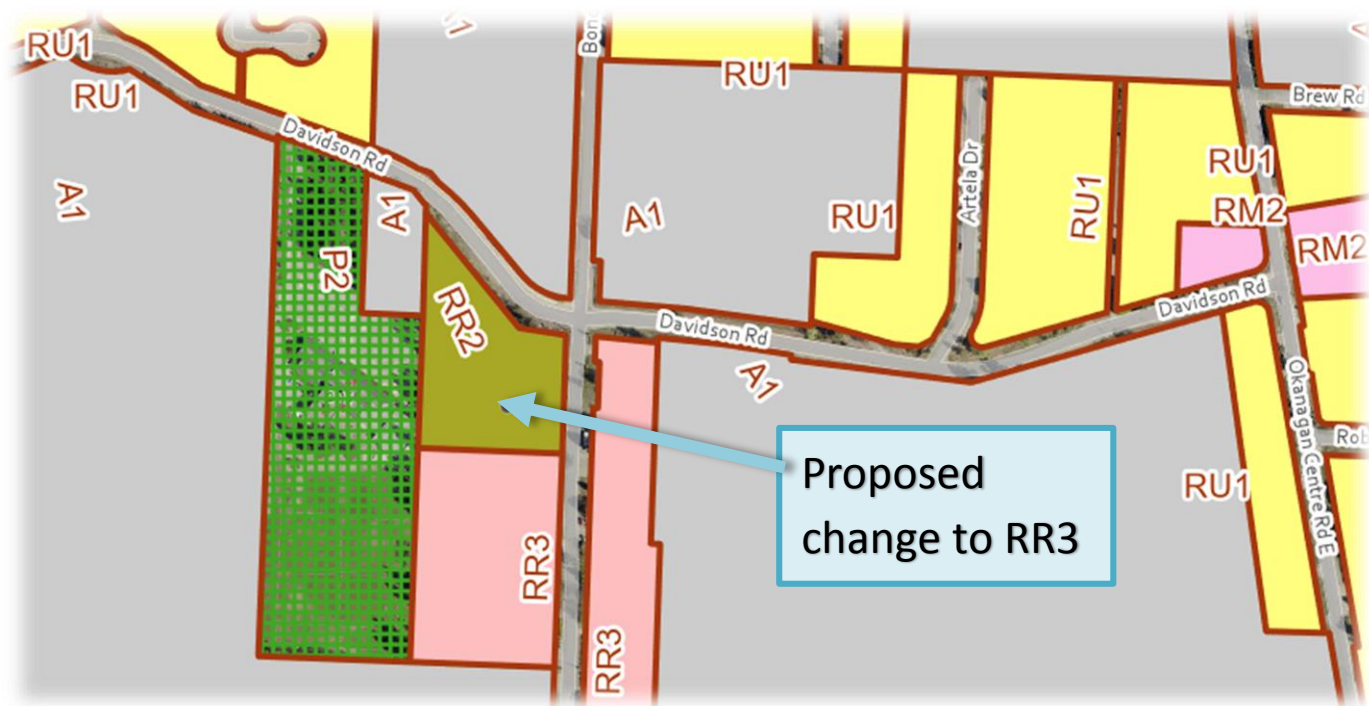
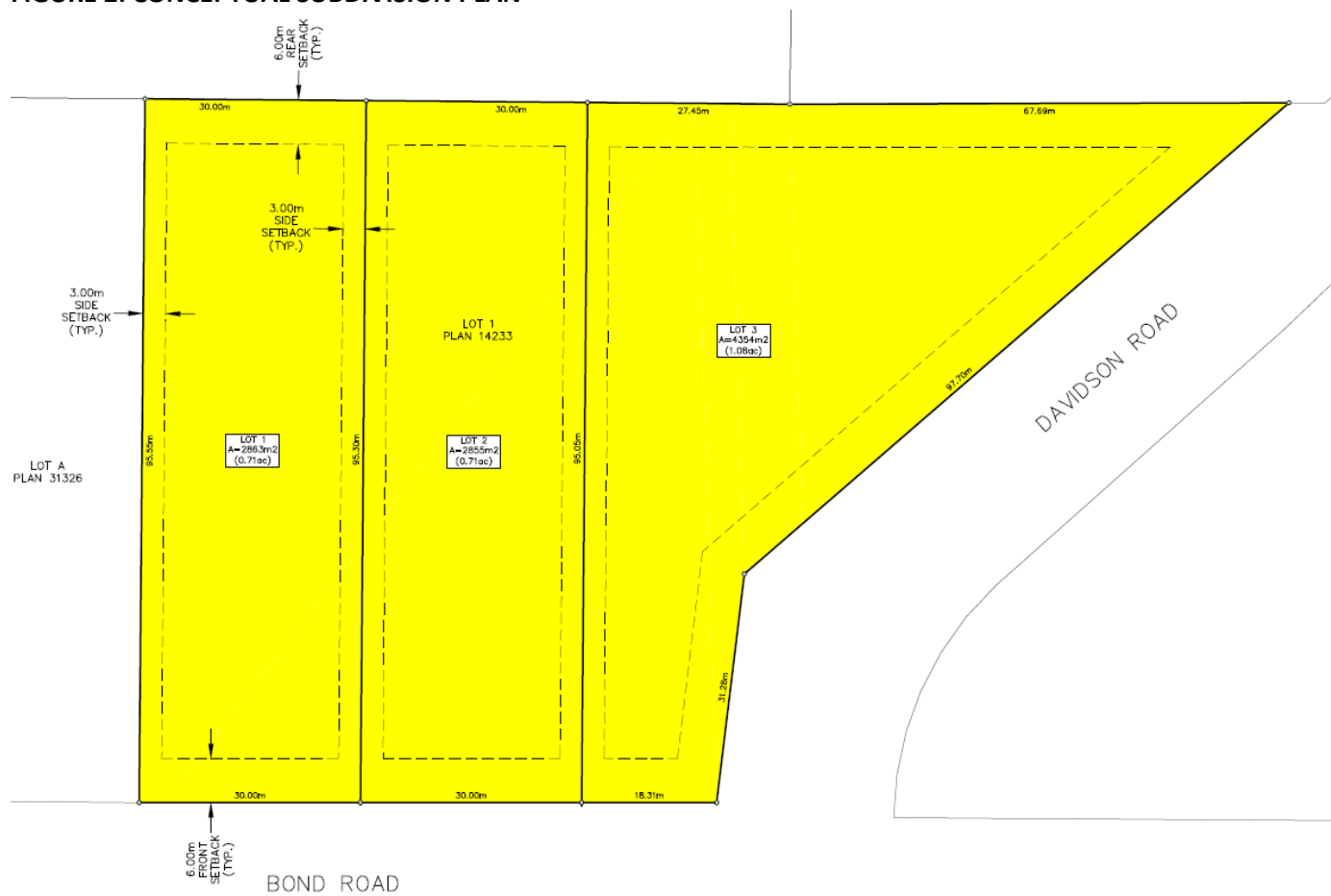


FIGURE 2: CONCEPTUAL SUBDIVISION PLAN



**TABLE 2: FILE CHRONOLOGY**

Date	Event
2021-07-15	Zoning Application submission
2022-09	Demolition Permit for SFD and Shed Received (BP2022-8569)
2022-10-27	Core Team Meeting
2023-02-08	Four-lot Subdivision Application submission
2023-03-27	External Referrals Completed
2023-04-21	Revised Three-lot Subdivision
2023-04-28	Owner conducted door to door Neighbourhood Consultation
n/a	Committee consideration
n/a	Previous Council consideration

**DISCUSSION/ANALYSIS**Proposed Bylaw Amendment

The OCP future use for the subject property is Rural Residential. It lies just outside the Urban Containment Boundary but within the sewer area identified in the OCP, making the proposed small lot rural residential subdivision compatible with the District's long range planning.

Subdivision and Development Permit Areas

Should Council support the proposed application, the owner would be required to satisfy the OCP Development Permit Area requirements prior to or concurrent with an application for Preliminary Layout Review of the proposed subdivision. The District's Approving Officer would outline the conditions of lot subdivision, including works and service requirements.

**APPLICABLE LEGISLATION AND POLICIES****Process Requirements for a Zoning Bylaw Amendment**

To assist Council in understanding the process requirements for approving a Zoning Bylaw amendment, portions of the Local Government Act and the Lake Country Development Procedures Bylaw are inserted below:

**Local Government Act****Part 14, Division 3 Public Hearings on Planning and Land Use Bylaws**Requirement for public hearing before adopting bylaw

- 464** (1) Subject to subsection (2), a local government must not adopt
- (a) an official community plan bylaw,
  - (b) a zoning bylaw, or
  - (c) a bylaw under section 548 *[early termination of land use contracts]*

without holding a public hearing on the bylaw for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.

- (2) A local government is not required to hold a public hearing on a proposed zoning bylaw if
- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
  - (b) the bylaw is consistent with the official community plan.

Public hearing procedures

**465**(1) A public hearing referred to in section 464 must be held after first reading of the bylaw and before third reading.

Procedure after public hearing

- 470** (1) After a public hearing, the council or board may, without further notice or hearing,
- (a) adopt or defeat the bylaw, or

- (b)alter and then adopt the bylaw, provided that the alteration does not
  - (i)do any of the following:
    - (A)alter the use;
    - (B)increase the density;
    - (C)without the owner's consent, decrease the density
  - of any area from that originally specified in the bylaw, or
  - (ii)alter the bylaw in relation to residential rental tenure in any area.
- (2) A member of a council or board who
  - (a)is entitled to vote on a bylaw that was the subject of a public hearing, and
  - (b)was not present at the public hearing

may vote on the adoption of the bylaw if an oral or written report of the public hearing has been given to the member in accordance with subsection (3).
- (3) The report referred to in subsection (2) must be given to the member by
  - (a)an officer or employee of the local government, or
  - (b)if applicable, the delegate who conducted the public hearing.

## **Development Application Procedures Bylaw**

### **Schedule C OFFICIAL COMMUNITY PLAN OR ZONING BYLAW AMENDMENT APPLICATION**

C.2 Applications to amend an OCP or Zoning Bylaw shall be processed as follows:

- (i) **Council** may decide to give first reading, refer, table, or deny any application.
- (j) **Council** may consider second reading at the same meeting and forward to a Public Hearing, if required.
- (k) A Public Hearing shall be held to allow the public to comment on the application.
- (l) Notice of a Public Hearing shall be given pursuant to the Local Government Act.
- (m) Following the Public Hearing, Council will consider the amendment bylaw and may proceed with third reading, refer, table or deny the application. Upon receiving third reading, an amendment bylaw may need to be sent to relevant provincial ministry(s) for approval before proceeding to adoption.

### **18.8 Neighbourhood Consultation**

Where required, all abutting and adjoining parcels and any parcels within 50 metres of the subject property must be consulted. At a minimum, notice of an application shall be delivered to each property; the notification should provide instructions on how to receive further information and respond to the Applicant with comments. Personal contact with the occupants of each property is recommended.

## **Fit to District Planning Documents**

### **Official Community Plan:**

Objective 4.1.11 - Encourage the use of existing municipal infrastructure investments.

Policy 4.1.12 (e) Focus development within existing water service pressure zones and within the sewer service boundary area.

Objective 4.1.13 – Identify suitable areas to accommodate urban growth while protecting the existing rural character.

### **Zoning Bylaw 561,2007**

#### **Rural Residential 3 (RR3)**

##### **14.3.1. Purpose**

The purpose is to provide a zone for country residential development, and complementary uses, on smaller sized lots in areas of high natural amenity and rural services.

##### **14.3.2. Principal Uses**

- (a) group home, minor
- (b) single dwelling housing

#### 14.3.5. Subdivision Regulations

- (a) AREA The minimum lot area is 2500 m<sup>2</sup>/0.25 ha.
- (b) WIDTH The minimum lot width is 30.0 m.
- (c) DEPTH The minimum lot depth is 30.0 m.

#### IMPACT ON INFRASTRUCTURE OR MUNICIPAL SERVICES

The area is currently serviced with water. Sewer is adjacent to the property on Davidson Road but would be extended to the new lots.

#### IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

Regular staff time and resources have been applied to this application.

#### COMMENTS FROM EXTERNAL AGENCIES, COMMITTEES AND STAKEHOLDERS

Utilities and service providers did not have any recommendations or concerns.

#### CONSULTATION AND COMMUNICATION

The applicant satisfied the requirement for neighbourhood consultation as outlined in the Development Approval Procedures Bylaw. A summary of feedback received by the applicant is included as Attachment A.

Should Council grant First and Second reading of the Zoning Bylaw amendment, as per the Local Government Act and the District's Development Approval Procedures Bylaw, a Public Hearing will be held prior to third reading. The public will be notified of the Public Hearing through signage on the property, notification to surrounding property owners/tenants and two advertisements in the local newspaper.

#### ANALYSIS OF OPTIONS FOR CONSIDERATION

OPTION A: If Council chooses Option A, the application will be scheduled for Public Hearing.

OPTION B: If Council chooses Option B, the bylaw will not be given First and Second reading and the file will be closed.

OPTION C: If Council chooses Option C, staff will work with the applicant to obtain the additional information as identified by Council, which will be provided to Council prior to the application returning to Council for First and Second reading.

Respectfully Submitted,  
Inonge Aliaga, Senior Planner

#### Attachments

A.	Applicant's Neighbourhood Consultation Information
B.	Draft Zoning Bylaw Amendment

#### Collaborators (each individual collaborator to add name and date reviewed)

Name	Date reviewed
Chris Hellevang, Engineering Technician	April 26, 2023


### Report Approval Details

Document Title:	
Attachments:	<ul style="list-style-type: none"><li>- Attachment A. Applicant's Neighbourhood Consultation</li><li>- Attachment B. Draft Zoning Bylaw Amendment</li></ul>
Final Approval Date:	

This report and all of its attachments were approved and signed as outlined below:



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**Report Approval Details**

Document Title:	RFCD-Z2021-008 - 11470 Bond Road.- RR2 to RR3 Small Lot Rural Residential for a 3 Lot Subdivision .docx
Attachments:	- Attachment A. Applicant's Neighbour Consultation.pdf - Attachment B. Draft Zoning Bylaw Amendment 1207,2023 .pdf
Final Approval Date:	May 8, 2023

This report and all of its attachments were approved and signed as outlined below:

**Brian Zurek, Manager of Planning - May 3, 2023 - 2:51 PM**

**Steven Gubbels, Manager of Development - May 5, 2023 - 11:32 AM**

**Matthew Salmon, Director of Engineering and Environmental Services - May 5, 2023 - 4:05 PM**

**Jared Kassel, Director of Planning & Development - May 8, 2023 - 10:04 AM**

**Reyna Seabrook, Director of Corporate Services - May 8, 2023 - 11:02 AM**

**Tanya Garost, Chief Administrative Officer - May 8, 2023 - 11:13 AM**