



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, MARCH 29, 2022 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

**PRESENT:** VOTING

Mark Longworth, Chair  
Doug Neden  
Jamie Paterson  
Joshua Lunn  
Lisa Briggs  
Phyllis Kereliuk

**NON-VOTING:** Mayor Cumming

**ABSENT:** Don Schuster  
Harpreet Singh Nahal  
Monique Hubbs-Michiel

**STAFF:** Carson Mackonka, Planning Assistant  
Ellen Croy, Manager, Transportation  
Kim Flick, Director, Community Infrastructure & Development  
Matt Faucher, Current Planner  
Michelle Austin, Current Planner  
Tracy Mueller, Committee Clerk

**ORDER** The Chair called the meeting to order at 4:00 PM.

**LAND  
ACKNOWLEDGMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

**ADOPTION OF AGENDA** Moved by D. Neden seconded by P. Kereliuk:

THAT the Advisory Planning Committee agenda of March 29, 2022, be adopted.

**CARRIED**

**ADOPTION OF MINUTES** Moved by J. Paterson, seconded by P. Kereliuk:

THAT the minutes for the Advisory Planning Committee meeting of March 15, 2022, be adopted.

**CARRIED**

**NEW BUSINESS:**

**ZON00375  
APPALOOSA WAY /  
BELLA VISTA ROAD**

**M. Austin, Current Planner**, provided an overview of **ZON00375 APPALOOSA WAY / BELLA VISTA ROAD**, an application to rezone the subject property from A2 – Rural Large Holdings to R2 – Large Lot Residential and P1 – Parks and Open Space to provide for a future 14 lot single detached housing development.

- The subject property fronts Bella Vista Road.
- Staff reviewed the proposed recommendation and conditions, providing additional context. Staff supports rezoning below the Grey Canal Trail to R2. Staff does not support rezoning the Grey Canal Trail and above to P1 unless it is under public ownership. Staff supports keeping this portion as A2.
- The Regional District of North Okanagan (RDNO) has future plans for a connection from the Grey Canal Trail within the subject property to the linear parcel above, then west to Okanagan Hills Boulevard. Staff recommended a statutory-right-of-way from the Grey Canal Trail to the linear parcel above for public use as a pathway.
- Staff recommended a statutory-right-of-way along the Grey Canal Trail for public use as a pathway.
- There is an existing easement area allowing a roadway for “pedestrian and vehicular traffic” from the end of Appaloosa Way through the property to the adjacent property.
- Staff recommended limiting the number of driveways from Bella Vista Road for safety reasons.
- Staff recommended cash in lieu of park land dedication.

*L. Briggs joined the meeting at 4:05 PM*

The following comments / questions were posed by members of the Committee:

- The Committee requested clarification regarding the driveway that is described as a private easement, and how access to the site will be coordinated.
  - Staff noted that access arrangements would need to be worked out between the applicant and the neighbours. Staff further clarified that the easement includes a 3 metre right of way for City of Vernon servicing.
- Concern was expressed regarding the environmental assessment report that was included within the Planning Report (Appendix 6). Specifically, that the study was conducted in July 2021 during an extreme heat wave. Notably, it would have been difficult to make an accurate assessment of the both the unnamed and mapped streams given the extreme weather conditions that were occurring at that time.
- Run-off water that comes from “The Rise” is a concern as there is water that flows downhill during a heavy downpour and it flows into the subdivision. It was discussed that the developer will need to take the run-off situation into consideration should the project receive approval.
- Egress and ingress for residents located on Appaloosa Way should be taken under consideration as there is going to be essentially only one point of access coming into the site. The Committee recommended that, to be proactive, the developer should visit neighbours and solicit their input regarding site access and potential water run off.

*Mayor Cumming joined the meeting at 4:11 PM.*

- The Committee requested clarification regarding the public use of the existing Grey Canal Trail. Staff clarified that there is an existing statutory right-of-way over the trail however it is not for use as a public pathway; it is intended for works and services only.
- A question was posed regarding the remnant triangle that would be left. Staff clarified it would remain A2 with a “no build, no disturb” restrictive covenant that would still allow the construction and maintenance of a public pathway.

- The Committee requested clarification on the intentions for the triangle portion. Staff noted that in the future it could be publicly purchased, designated as Park in the OCP (and by subdivision) and rezoned accordingly. Under the proposed recommendation, the triangle portion is to be hooked with one of the proposed lots adjacent to the Grey Canal Trail.
- The alternate recommendation is that the triangle portion be rezoned to private park with a statutory right of way for a public pathway.

Moved by J. Paterson, seconded by D. Neden:

THAT Council support a modified version of Application ZON00375 to rezone Lot A, Plan 40116, Sec 31, Tp 9, ODYD (Appaloosa Way/Bella Vista Road) below the Grey Canal Trail from A2 – Rural – Large Holdings to R2 – Large Lot Residential, as outlined in the report titled “Rezoning Application for Appaloosa Way/Bella Vista Road” dated March 21, 2022 and respectfully submitted by the Current Planner,

AND FURTHER, that Council’s support of Application ZON00375 be subject to the following:

- a) That a combined Hillside-Environmental-Fire Interface Development Permit is obtained prior to final adoption of a bylaw to rezone the property;
- b) That any necessary development variances, required to subdivide or alter the lands, are obtained prior to final adoption of a bylaw to rezone the property;
- c) That public walkway connections are provided from the proposed Appaloosa Way extension:
  - i. up to the Grey Canal Trail;
  - ii. west to Lot A, Plan 85528;
  - iii. down to Bella Vista Road, to the satisfaction of Administration;
- d) That a statutory right of way be provided to the Regional District of North Okanagan for the public use of a pathway over the existing Grey Canal alignment and from the Grey Canal Trail to the Regional District of North Okanagan owned Lot 54, Plan KAP78952 above, to the satisfaction of Administration;

- e) That a restrictive covenant is registered on title prohibiting land alterations, subdivision, and the construction of buildings and structures on the Grey Canal Trail and above, with the exception of a trail for public use, to the satisfaction of Administration;
- f) That the number of accesses to Phase 1, shown on the Proposed Plan of Subdivision, from Bella Vista Road be limited by utilizing shared driveways, to the satisfaction of Administration;
- g) That cash in lieu of park land dedication be provided in accordance with the Local Government Act;
- h) That, at the subdivision stage, the portion of the lands above and including the Grey Canal Trail form part of one of the adjacent proposed lots (i.e. Lots 1 – 5).

**CARRIED**

**OCP00085 / ZON00363  
6141 HIGHWAY 97, 6162  
PLEASANT VALLEY  
ROAD & 5975 LEFOY RD**

**M. Faucher, Current Planner**, provided the Committee with an overview of **OCP00085 / ZON00363**. The purpose is to review the Official Community Plan and zoning amendment applications subsequent to the public information session for the properties located at 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road which propose changes to the future land use designations and zoning districts of the subject properties in order to permit future development, as well as accommodate a future road network.

- Staff noted that this project was previously reviewed by the Advisory Planning Committee (APC) and that after APC’s review, the project went to a virtual public information meeting.
- Some comments received during the public information meeting related to the private water course on the site; concerns were expressed regarding the proximity to BX Creek.
- As part of the Official Community Plan (OCP) process, staff reviewed the application in keeping with the guiding principles of the OCP; and noted that there was an analysis conducted pertaining to the various proposed changes. Staff recommended support for 1st and 2nd reading of the bylaw with conditions of adoption for submission of an application.

- Concerns were expressed during the public information meeting regarding the proposed higher densities associated with the proposed lots abutting Regional District of North Okanagan (RDNO) properties. Staff clarified, for the benefit of committee members, that the OCP land use designation is medium density; staff further noted that they are recommending that a covenant be placed on title to prohibit the construction of apartment buildings on three properties adjacent to RDNO properties.
- Additionally, as per recommendations from Administration and The Ministry of Transportation and Infrastructure a covenant will be placed on title prohibiting both drive-thru and gas bar uses.

With respect to the OCP, staff clarified that no major changes are being proposed. There are some trail networks that will be added through the detailed site review forming part of the subdivision process.

- Staff noted significant technical work was completed in association with the proposed application. The developer is currently speaking with an adjacent property owner to discuss the road network connections. Stage 1 of the public engagement process has been completed. There will be further opportunity for members of the public to share their feedback with Council at an upcoming Public Hearing.

The following comments / questions were posed by members of the Committee:

- The Committee asked for clarification regarding the road alignment to 20th Street. Staff confirmed that the road is unconstructed and a connection will be required during the design and development phase of the project.

In terms of the higher density sites as part of the overall proposed layout, staff noted that there is a developer interested in pursuing a higher density parcel. Should the OCP and zoning amendments reach Third Reading, staff will accept a development permit application from the developer.

- A question was posed regarding schools and what the future plans are for building new schools in the area. Staff clarified that the proposed build out of the subject site is a long-term project that will take approximately 10 - 15 years to complete and that in terms of adding new schools, School District No. 22 would determine needs, based on the City of Vernon population, in partnership with the Ministry.

- The Committee noted the following regarding Lots E, N and R:  
Lot E - access to the park, in the description it shows a small lot into the cul-de-sac; as a result, parking may be an issue. Lot N - is listed as Lot R on the southern lot.
- Concern was expressed about the rezoning of a wetland located in the development as the environmental report did not flag it as a concern from a wetland perspective. Staff clarified that the property owner contends that the lot was previously a hayfield and that it is the construction to the south and the extension of the fronting road that caused water to collect.

Moved by D. Neden, seconded by J. Paterson:

THAT Council support the application (OCP00085) to amend the Official Community Plan land use designations for LT 5 PL KAP68038 SEC 11 TWP 8 ODYD MERIDIAN 6 MERIDIAN W6, EXCEPT PL KAP71859 AND EPP70680 (6141 Highway 97), LT 1 PL 23048 SEC 11 TWP 8 ODYD (6162 Pleasant Valley Road), and LT 4 PL KAP68038 SEC 11 TWP 8 ODYD EXCEPT PL EPP56407 AND EPP70680 (5975 Lefoy Road) from 'Community Commercial', 'RES (NORD)', 'Residential Medium Density' and 'Parks and Open Space' to 'Community Commercial', 'Residential Medium Density' and 'Parks and Open Space' as outlined in the report titled "Official Community Plan and Zoning Amendment Applications for 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road" dated March 25, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council support the application to rezone the subject properties from A3 – Rural Small Holdings, R4 – Small Lot Residential and R1 – NORD – Single Family Residential to C3 – Mixed Use Commercial, C11 – Service Commercial, P1 – Parks and Open Space, RM2 – Multiple Housing Residential, RH1 – Low Rise Apartment Residential and RH2 – Stacked Row Housing Residential, as described in the report titled "Official Community Plan and Zoning Amendment Applications for 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road" dated March 25, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council consider the referral process already undertaken with persons, organizations and authorities which are considered to be affected by the proposed amendment to the Official Community Plan to be appropriate and sufficient to meet the requirements of Section 475 of the Local Government Act;

AND FURTHER, that final adoption of the OCP amendment and rezoning bylaws be subject to the following:

- a) Submission of a subdivision application for the subject lands to create park lots, aligning with the proposed OCP amendments, and a remainder lot, to the satisfaction of the Approving Officer;
- b) Registration of a restrictive covenant prohibiting the use of "Apartment Housing" in the RM2 – Multiple Housing Residential zone on proposed lots M, F and E;
- c) Registration of a restrictive covenant prohibiting the uses of "Drive-Through Services", "Drive-Through Vehicle Services" and "Gas Bar" in the C11 – Service Commercial zone on proposed lots R and N; and
- d) Final provincial approval of the Riparian Areas Protection Regulation: Assessment Report and issuance of an Environmental Development Permit covering both BX Creek and Klim Brook.

**CARRIED**  
**with J. Lunn opposed**

### **INFORMATION ITEMS**

- a) **K. Flick, Director, Community Infrastructure & Development**, was in attendance to provide an orientation regarding Committee Procedures as follows:
  - Committee orientation normally occurs in the first meeting of January every year; the intent is to provide everyone on the Committee with a general refresher regarding the Terms of Reference (TOR).

- The TOR specifies the mandate of each Select Committee of Council, and also sets out the unique terms associated with the membership. In the case of APC, terms expire in December after a municipal election. The terms are 1 term of 4 years for a maximum of 2 terms. All members were recommended to re-submit their applications for the end of this year if they wished to be considered for another term.
- **Council Procedure Bylaw 4840** provides guidance on how meetings of Council and meetings of Committees, Commissions and Boards should be conducted, and speaks to the following:
  - How Public Notification of meetings must be carried out.
  - What is considered confidential.
  - Rules of conduct at meetings.
  - The application process for committee vacancies and how to apply; i.e., membership is restricted to members of the community.
  - Appointed members are expected to attend all meetings. If a meeting will be missed, committee members must inform the Chairperson in advance. In circumstances where two (2) or more consecutive meetings will be missed, special permission must be requested through the Committee Chairperson; all requests are subject to approval.
  - If a vacant position is posted, the person filling the position will go to the end of the pre-existing 4-year term, it does not begin anew.
  - Any person who is not a committee member, who is in attendance as a member of the public, cannot speak, and will not be permitted to join the group discussion unless formally invited by the Chair.
  - All meetings are open to the public unless items are to be discussed in-camera; however, in order to discuss a matter "in-camera" there must be advance public notification process to declare a closed meeting, and reason(s) described by citing the valid reference(s) outlined within Section 90 of the Community Charter.
  - Members of the public are permitted to record the meeting proceedings. All meetings are considered public unless otherwise stated, and therefore there is no expectation of privacy.
  - Quorum must be achieved in order to hold a meeting, if quorum is not met, a meeting cannot take place.
  - Annually, each committee appoints both a Chair and Vice-Chair. The positions are held for a 1 year-term.
  - When the Chair asks for the vote, if members abstain and do not vote, their vote will be counted as "affirmative".

- If there is a conflict of interest, it must be declared, and the individual(s) who declare must exit the room. Once the conversation has concluded, the individual(s) will be invited to return to the meeting.
- Committee members are not permitted to charge against the credit of the City.
- Members must not speak to the media about City business.

It is the role of the Committee Clerk and the Staff Liaison to ensure the prescribed rules of meetings are being followed in accordance with City and Council policy.

b) **K. Flick, Director, Community Infrastructure & Development**, provided a brief overview regarding some of the projects discussed at Council on **March 28, 2022**, as follows:

- **DVP00531 (117 Kalamalka Lake Road Slopes)** - There was one speaker who attended the Public Hearing who represented the strata located across the road from the subject site; Council supported the DVP.
- **ZON00381 (4404 31 Street – Vernon Teachers)** - Received 1st and 2nd readings.
- **OCP00089/ZON00376 (OCP/ZON Port Okanagan)** - This application has been before the APC twice. Staff are seeking approval from Council to send the proposal to an additional public open house. If Council supports the project in principle, it will be an OCP amendment as well as a comprehensive zoning amendment. The proposal includes hotel, convention centre and mixed use.

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, April 12, 2022, at 4:00 PM.**

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned, at the call of the Chair, at 5:07 PM.

**CERTIFIED CORRECT:**



Vice Chairperson