



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

PUBLIC HEARING
COUNCIL CHAMBERS
MONDAY, JULY 23, 2018
5:30 PM

1. **CALL TO ORDER**

MAYOR Mund will call the meeting to order and advise that the purpose of the Public Hearing /Public Input is to consider:

"6473 Okanagan Landing Road Rezoning Amendment Bylaw Number 5692, 2018"

2. **CONFIRMATION OF PUBLICATION**

The CORPORATE OFFICER will provide information as to how the meeting was publicized, as required by Legislation.

3. **BYLAW**

A. **A Bylaw:**

To rezone the property in order to create a 6 lot bareland strata residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek.

4. **PROCEDURE FOR EACH BYLAW:**

- a) Brief description of the application by City Staff.
- b) Mayor will request the Corporate Officer to indicate any correspondence/petitions received, for the record.
- c) Mayor will call for representation from the public in attendance.
 - i. Microphones are provided for any person(s) wishing to make representation to the meeting.
 - ii. The Chair will recognize ONLY speakers at the microphones. Speakers may be requested to limit the length of time they speak until all present, who wish to be heard, have been given an opportunity. Thereafter speakers may take another opportunity to speak.

**REZONING
APPLICATION FOR
6473 OKANAGAN
LANDING ROAD
(ZON00301)
(P. 3, 6)**

- iii. The public and members of Council may ask questions of the applicant and / or City staff in order to clarify details of the project, etc.
- iv. Final calls for representation

5. **ADJOURNMENT**

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5692

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the *Local Government Act*, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the **"6473 Okanagan Landing Road Rezoning Amendment Bylaw Number 5692, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"RR – Rural Residential"** to **"R4 – Small Lot Residential"** and **"P1 – Parks and Open Space"**.

Legal Description:

**Lot 4, DL 62, Plan 9738, ODYD
(6473 Okanagan Landing Road)**

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

BYLAW NUMBER 5676

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 25th day of June, 2018

READ A SECOND TIME this 25th day of June, 2018

PUBLIC HEARING held this day of , 2018

READ A THIRD TIME this day of , 2018

ADOPTED this day of , 2018.

Mayor:

Corporate Officer:



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 25, 2018
REPORT DATE: June 12, 2018
FILE: ZON00301

SUBJECT: REZONING APPLICATION FOR 6473 OKANAGAN LANDING ROAD

PURPOSE:

To review the rezoning application which proposes to rezone portions of the subject property located at 6473 Okanagan Landing Road from RR (Rural Residential) to R4 (Small Lot Residential) and P1 (Parks and Open Space), in order to create a small lot residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek.

RECOMMENDATION:

THAT Council support the application (ZON00301) to rezone Lot 4, DL 62, ODYD, Plan 9738 (6473 Okanagan Landing Road) from RR (Rural Residential) to R4 (Small Lot Residential) and P1 (Parks and Open Space), in order to create a small lot residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek;

AND FURTHER, that adoption of the Zoning Amendment be subject to the following conditions:

1. Registration of a Section 219 Restrictive Covenant (Flooding Covenant) on the subject property, that would indemnify and save the City harmless in the event of a flood; and
2. Registration of a Statutory Right of Way adjacent to Vernon Creek, having a minimum width of 9 metres, to allow for the future construction of a trail; and
3. Registration of a Section 219 Restrictive Covenant prohibiting further development or subdivision until the execution of a Servicing Agreement pursuant to Subdivision and Development Servicing Bylaw #3843 which governs the design and construction of all on-site and off-site works and services necessary to service the property for the proposed use and density.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application (ZON00301) to rezone Lot 4, DL 62, ODYD, Plan 9738 (6473 Okanagan Landing Road) from RR (Rural Residential) to R4 (Small Lot Residential) and P1 (Parks and Open Space), in order to create a small lot residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek;

AND FURTHER, that adoption of the Zoning Amendment be subject to the following conditions:

1. Registration of a Section 219 Restrictive Covenant (Flooding Covenant) on the subject property, that would indemnify and save the City harmless in the event of a flood; and
2. Registration of a Statutory Right of Way adjacent to Vernon Creek, having a minimum width of 9 metres, to allow for the future construction of a trail; and
3. Registration of a Section 219 Restrictive Covenant prohibiting further development or subdivision until the execution of a Servicing Agreement pursuant to Subdivision and Development Servicing Bylaw #3843 which governs the design and construction of all on-site and off-site works and services necessary to service the property for the proposed use and density; *and*

4. *Any other conditions of Council.*

Note: This alternative supports the rezoning application as submitted with the addition of any other conditions that Council may wish to add.

2. THAT Council NOT support the application (ZON00301) to rezone Lot 4, DL 62, ODYD, Plan 9738 (6473 Okanagan Landing Road) from RR (Rural Residential) to R4 (Small Lot Residential), and to P1 (Parks and Open Space), in order to create a small lot residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek.

Note: This alternative does not support the rezoning application, and as a result the application as submitted would not be able to proceed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 12, 2018, the Advisory Planning Committee passed the following resolution:

“THAT the Advisory Planning Committee recommends that Council support the application (ZON00301) to rezone Lot 4, DL 62, ODYD, Plan 9738 (6473 Okanagan Landing Road) from RR (Rural Residential) to R4 (Small Lot Residential) and P1 (Parks and Open Space), in order to create a small lot residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek;

AND FURTHER that adoption of the Zoning Amendment be subject to the following conditions:

1. Registration of a Section 219 Restrictive Covenant (Flooding Covenant) on the subject property, that would indemnify and save the City harmless in the event of a flood; and
2. Registration of a Statutory Right of Way adjacent to Vernon Creek, having a minimum width of 9 metres, to allow for the future construction of a trail; and
3. Registration of a Section 219 Restrictive Covenant prohibiting further development or subdivision until the execution of a Servicing Agreement pursuant to Subdivision and Development Servicing Bylaw #3843 which governs the design and construction of all on-site and off-site works and services necessary to service the property for the proposed use and density.”

B. Rationale:

1. The subject property is located at 6473 Okanagan Landing Road (Figures 1 and 2). The land has been designated as Residential Low Density within the Official Community Plan (Attachment 1) and is within the RR (Rural Residential) zoning district as shown on the attached zoning map (Attachment 2).
2. The Master Transportation Plan (MTP) identifies Okanagan Landing Road as an Arterial Road. Okanagan Landing Road adjacent to the subject site is a defined Road DCC Project (TR 28).

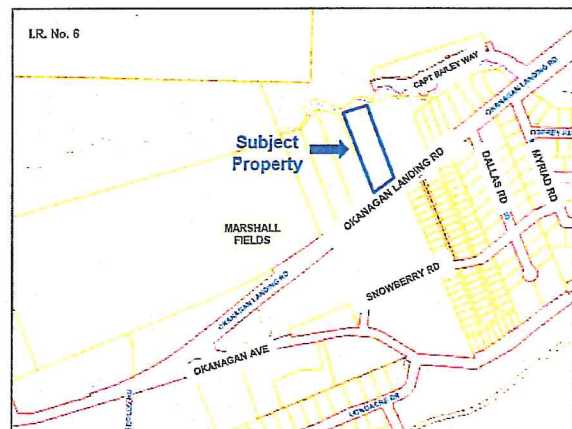


Figure 1 – Property Location Map

3. The Parks Master Plan notes that the Vernon Creek Trail is to run on the south side of the creek from Polson Park to Okanagan Lake. As such, a 9m wide Statutory Right of Way to provide for a future trail is recommended to be a condition of rezoning. No other right-of-ways for a future trail have been acquired in the immediate area.
4. The application to rezone the subject property is consistent with the OCP land use designation of Residential Low Density.
5. As shown on Attachment 3, a portion of the property is proposed to be rezoned to the R4 Small Lot Residential zoning district to accommodate the proposed development, and a portion of the property adjacent to Vernon Creek is proposed to be rezoned to the P1 Parks and Open Space zoning district to augment the existing Parks designated area adjacent to Vernon Creek and accommodate the extension of a trail.



Figure 2 – Aerial Map of Property

6. The applicant's stated intention is to subdivide the property into six bareland strata lots (one lot would accommodate the existing dwelling). An application for subdivision has not yet been submitted, however, Attachment 4 illustrates a potential lot layout.
7. The applicant has retained Associated Environmental (AE) for a Riparian Area Assessment. The SPEA (Streamside Protection and Enhancement Area) as illustrated on Attachment 5 establishes the setback for new construction at 30m.
8. Given the proximity to Vernon Creek, Okanagan Lake and the low angle nature of the topography in the general area, concern exists for flood potential. As shown on Attachment 7, the subject property is between 345.328 and 346.408 m (metres above sea level). Full pool of Okanagan Lake is 342.48m and the maximum lake elevation in 2017 was 343.250m.
9. Should Council give favourable consideration to this rezoning application, it is recommended that adoption of the Zoning amendment be subject to the registration of:
 - a Section 219 Covenant (Flooding Covenant) indemnifying and saving the City harmless in the event of a flood;
 - a Section 219 Restrictive Covenant restricting further subdivision or development until the execution of a Servicing Agreement pursuant to Subdivision and Development Servicing Bylaw #3843 governing the design and construction of all on-site and off-site works and services necessary to service the property for the proposed use and density; and
 - a statutory right of way adjacent to Vernon Creek having a minimum width of 9 metres to accommodate the provision of a trail.
10. Technical items to be considered through the subdivision process include:
 - a. The location and configuration of the required 5% parkland dedication;
 - b. Return to Crown of lands below the high water mark of Vernon Creek;
 - c. The location of required statutory rights of way to accommodate services;
 - d. Mitigation or enhancements required pursuant to the Riparian Area Report;
 - e. Building or geotechnical limitations of the site; and
 - f. Any other items that may arise through the review and consideration of an application to subdivide the subject lands.

11. Administration supports the rezoning application as the proposed use and density conform to the OCP, allow for more efficient use of a large lot, and provide for future trail access adjacent to Vernon Creek.
12. Details of site layout, access, accommodation of a future trail, and infrastructure improvements will be governed by the subdivision approval process.

C. Attachments:

- Attachment 1 – Official Community Plan Designation
- Attachment 2 – Current Zoning
- Attachment 3 – Proposed Zoning
- Attachment 4– Sketch Plan of Subdivision (for information) including SROW for trail area
- Attachment 5 – SPEA Assessment dated April 2018 prepared by Associated Environmental Ltd.
- Attachment 6 – Property Elevations

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan:

- 7.3 Support the development of the City Centre District, neighbourhood centres, and designated multiple family areas to the densities outlined in the OCP to build compact, complete neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.
- 13.1 Maintain a clear and consistent approach to environmental management and ecosystem protection throughout the city in accordance with the Environmental Management Areas Strategy.
- 13.8 Work to enhance community access to lakeshore areas, hiking and walking paths and park space through the development process and in conjunction with municipal operations and other agencies as appropriate.
- 13.11 Ensure ecosystem conservation, enhancement, mitigation and restoration are undertaken as opportunities arise or as required as part of the development process.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Craig Broderick

Craig Broderick
Jun 18 2018 3:39 PM DocuSign

Craig Broderick
Manager, Current Planning

Kim Flick

Kim Flick
Jun 18 2018 4:22 PM DocuSign

Kim Flick
Director, Community Infrastructure and Development

Approved for submission to Council:

Will Pearce

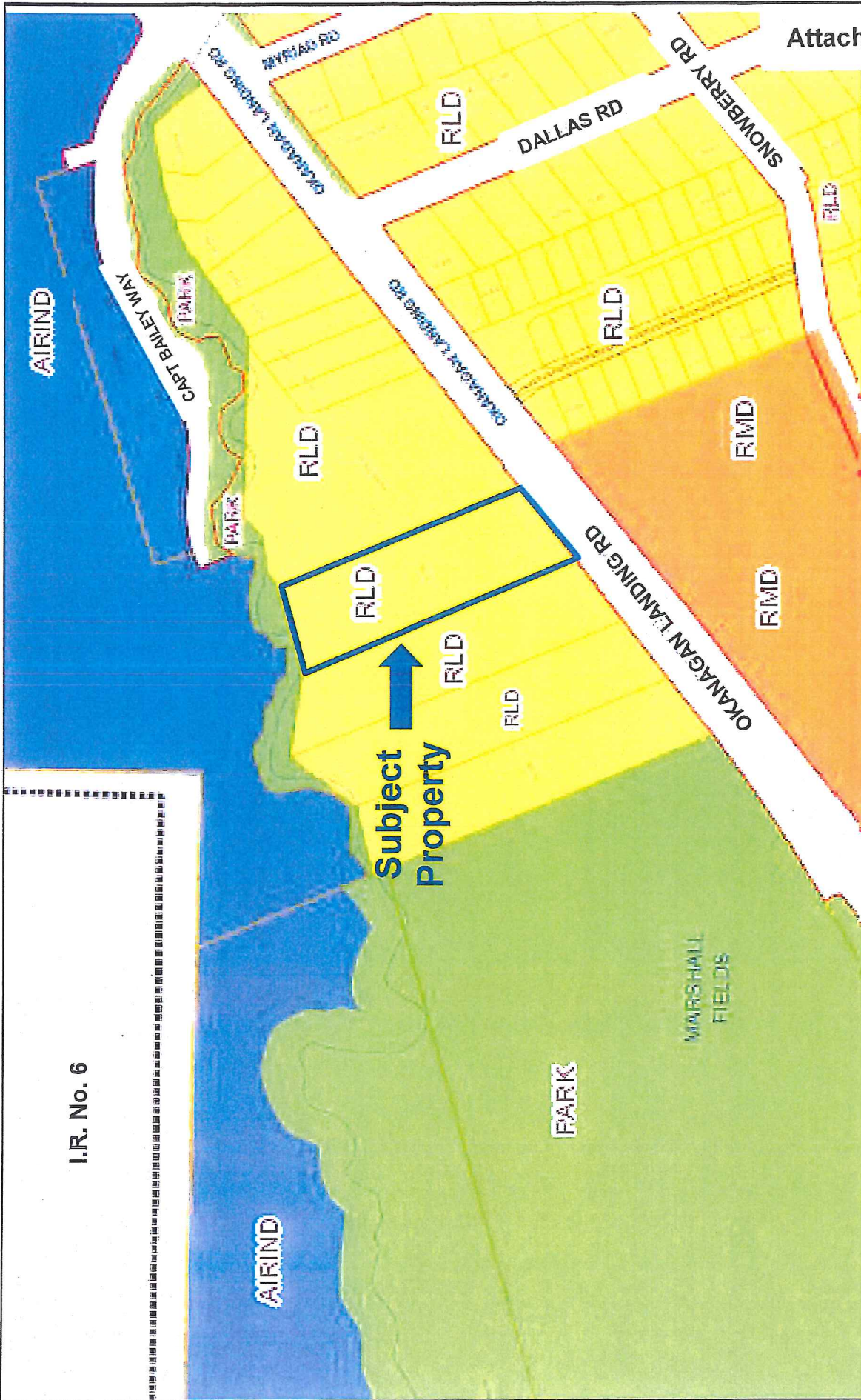
Will Pearce, CAO

Date: June 19 / 2018

REVIEWED WITH

- | | | |
|---|---|---|
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| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: (APC June 12/18) | | |
| <input type="checkbox"/> OTHER: | | |

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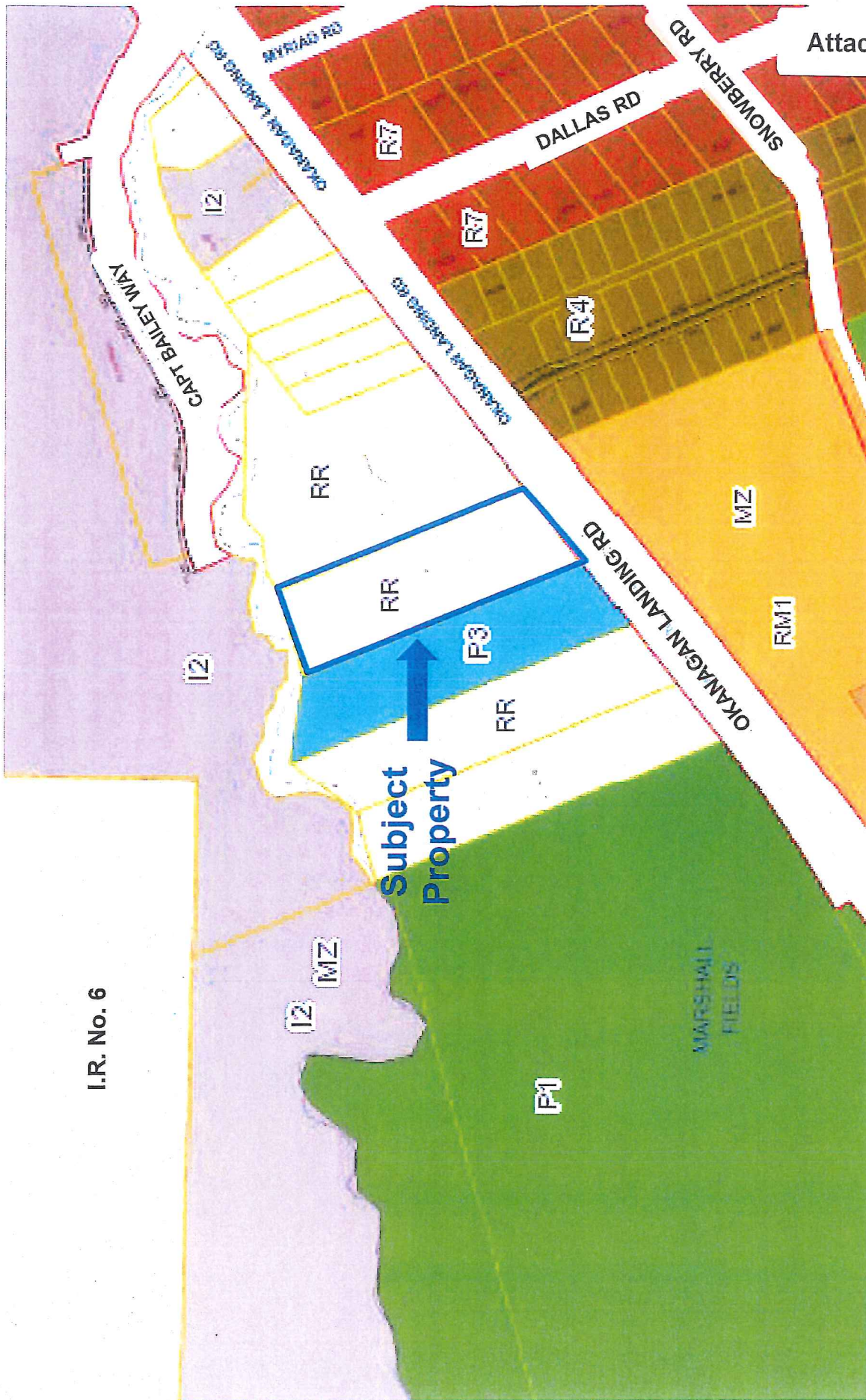


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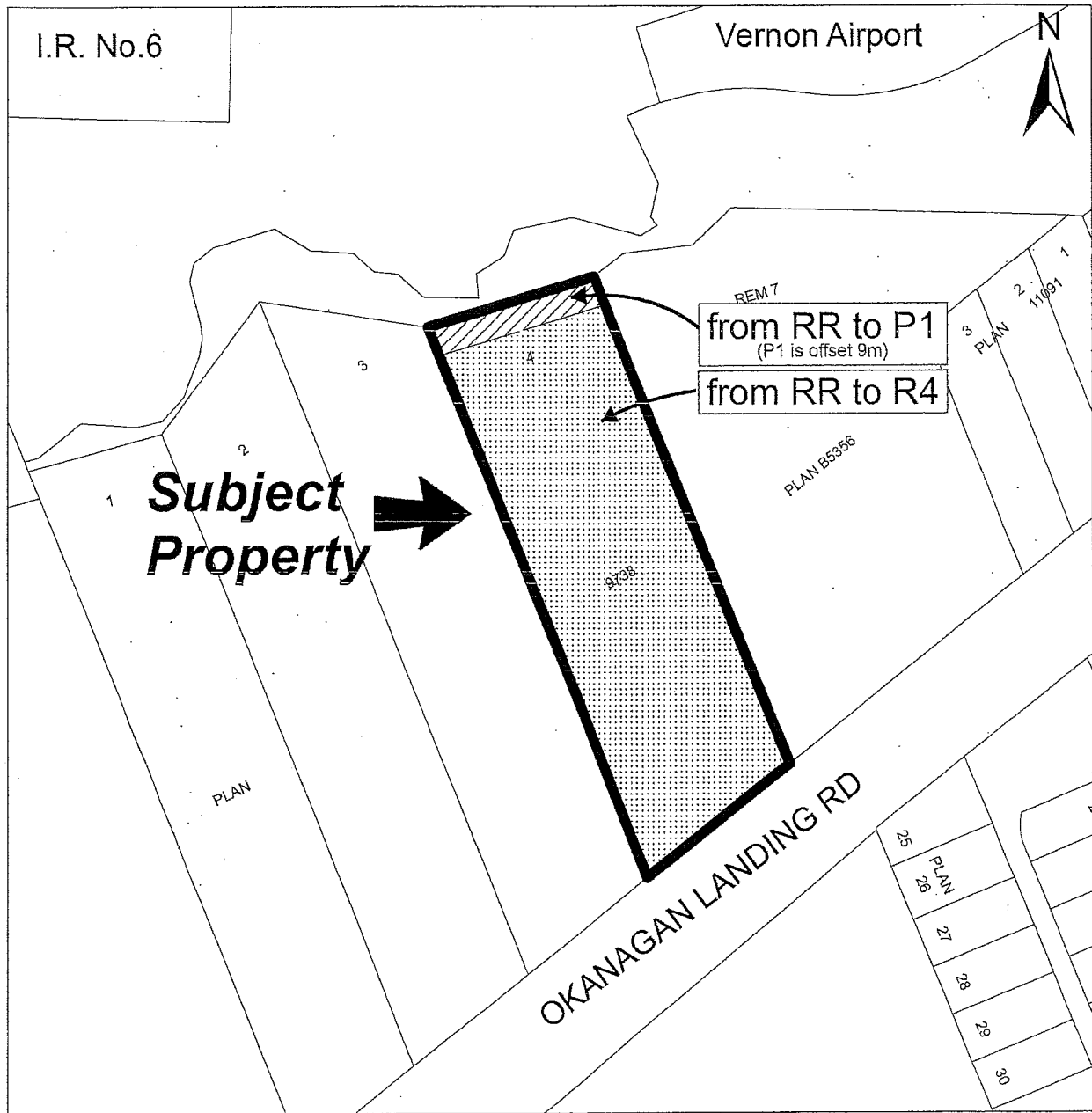
OCP Designation

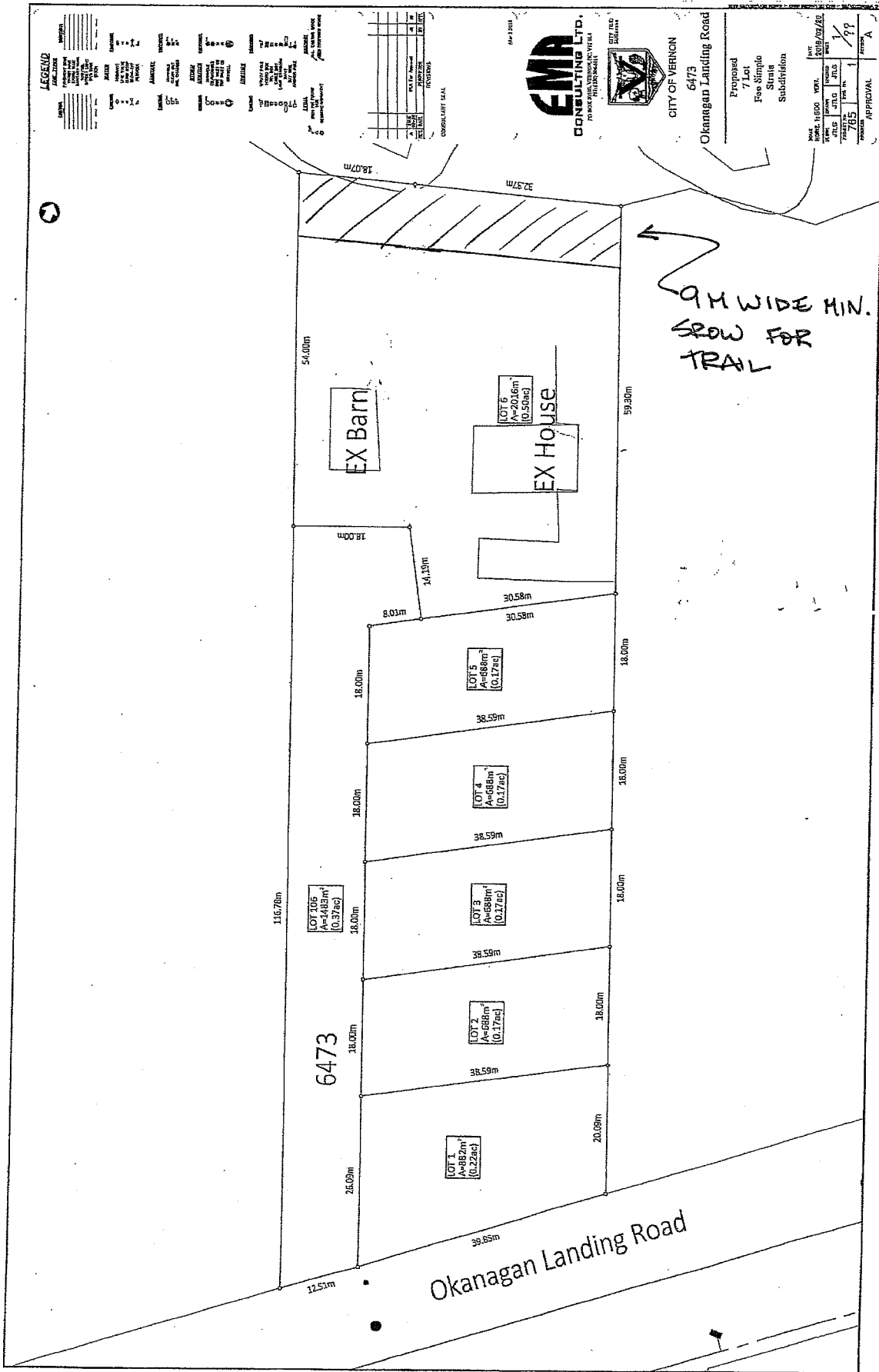
- RLD – Residential Low Density
- Park – Park and Open Space
- AIRIND – Airport Industrial
- RMD – Residential – Medium Density

Zoning Designation



- RR – Rural Residential
- P3 – Private Institutional
- I2 – Airport Industrial
- RM1 / MZ – Row Housing Residential / Multi Zone





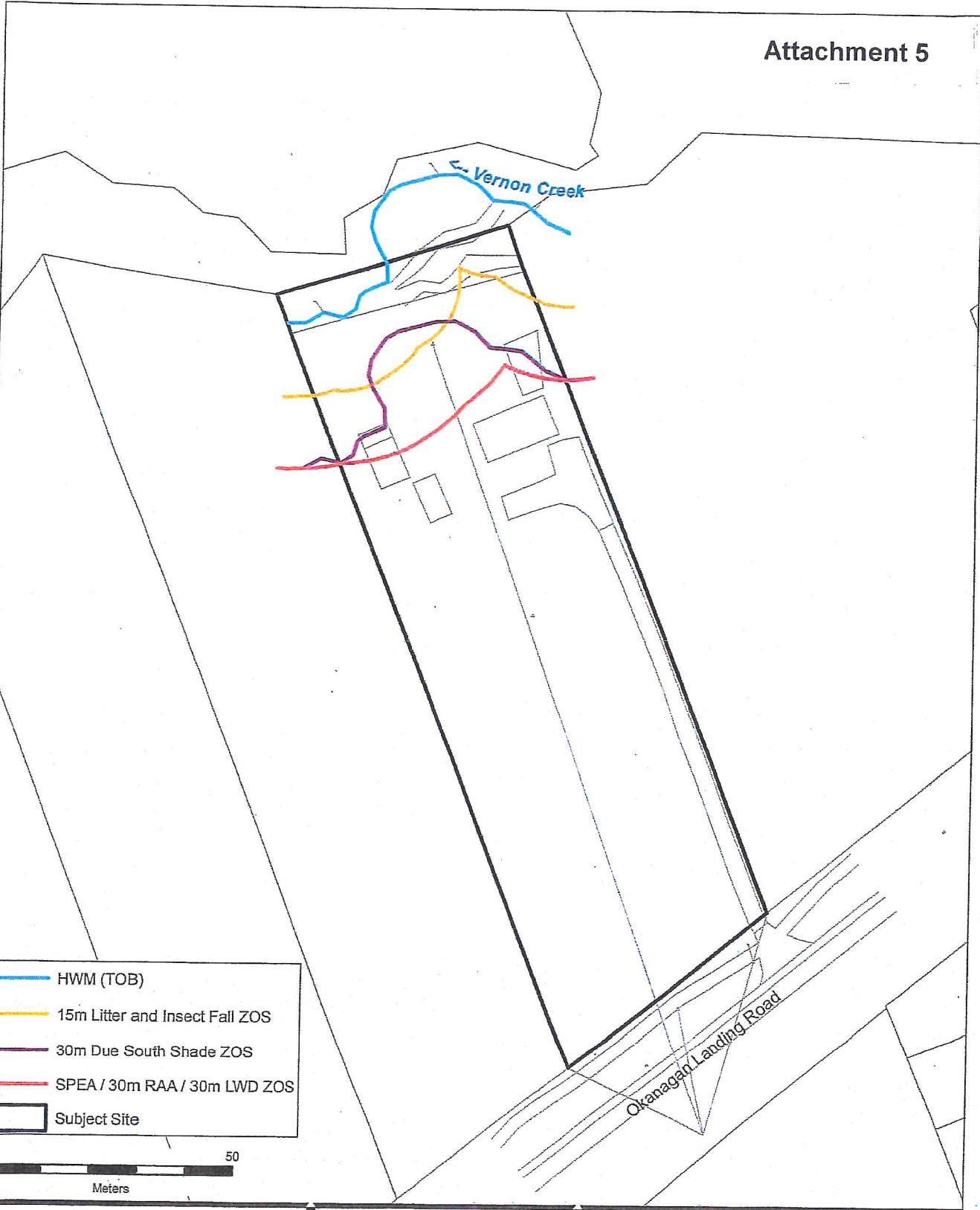


Fig. 1.mxd / 4/23/2018 / 4:08:20 PM

- HWM (TOB)
- 15m Litter and Insect Fall ZOS
- 30m Due South Shade ZOS
- SPEA / 30m RAA / 30m LWD ZOS
- Subject Site



PROJECT NO.: 2018-8062.000.000
 DATE: April 2018
 DRAWN BY: DA

FIGURE 1: SPEA ASSESSMENT

Wise Creek Developments Ltd.
 SPEA Assessment at 6473 Okanagan Landing Rd., Vernon, BC

