



THE CORPORATION OF THE CITY OF VERNON

MEMORANDUM

TO: W. Pearce, Chief Administrative Officer **FILE:** 3360-20 (ZON00375)

PC: K. Flick, Director, Community Infrastructure and Development **DATE:** April 13, 2022
K. Austin, Manager, Legislative Services

FROM: M. Austin, Planner, Current Planning

SUBJECT: PUBLIC HEARING FOR “BELLA VISTA RD/APPALOOSA WAY REZONING AMENDMENT BYLAW 5905, 2022”

At its Regular Meeting of April 11, 2022, Council passed a resolution (Attachment 1) supporting rezoning Lot A, Plan 40116, Sec 31, Tp 9, ODYD (Bella Vista Rd/Appaloosa Way), below the Grey Canal Trail, from A2 – Rural – Large Holdings to R2 – Large Lot Residential (Attachment 1). A proposed rezoning bylaw was not presented at that meeting for Council’s consideration.

Administration is ready to present Council with the proposed rezoning bylaw. A draft of the bylaw is attached (Attachment 2).

Administration is seeking Council direction about holding a public hearing on the proposed rezoning bylaw. The *Local Government Act* (LGA) was recently amended (November 25, 2021) and no longer requires a local government to hold a public hearing if:

- a) an official community plan (OCP) is in effect for the area that is the subject of the zoning bylaw, and
- b) the bylaw is consistent with the OCP.

An OCP is in effect for the area and the proposed rezoning bylaw is consistent with the OCP Residential Low Density designation and compatible with surrounding land uses. Therefore, a public hearing is not required.

If a public hearing is not held, Administration will provide notice prior to first reading of the proposed rezoning bylaw as per the LGA. First, second and third readings can be given at the same meeting. The applicant has several conditions to fulfill before the bylaw can be brought forward for final adoption.

Administration will be bringing forward amendments for Council’s consideration to Development Application Procedure Bylaw #4103 to reflect this change to the LGA. This is expected for the Regular Council Meeting of May 9, 2022.

RECOMMENDATION:

THAT Council not hold a public hearing on proposed “Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022”, a bylaw to rezone Lot A, Plan 40116, Sec 31, Tp 9, ODYD (Bella Vista Rd/Appaloosa Way) below the Grey Canal Trail from A2 – Rural – Large Holdings to R2 – Large Lot Residential, as per current provisions of the Local Government Act.

ALTERNATE RESOLUTION:

THAT Council hold a Public Hearing on proposed “Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022”;

AND FURTHER, that “Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022”, a bylaw to rezone Lot A, Plan 40116, Sec 31, Tp 9, ODYD (Bella Vista Rd/Appaloosa Way) below the Grey Canal Trail from A2 – Rural – Large Holdings to R2 – Large Lot Residential, be read a first and second time;

AND FURTHER, that the Public Hearing for “Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022” be scheduled for Monday, May 23, 2022 at 5:30 pm in the Council Chambers.

Note: This alternate recommendation follows the past requirement, defaulting to a public hearing as per the previous Provincial legislation.

Respectfully submitted:

X 
Signer 1

Michelle Austin
Planner, Current Planning

Attachment 1 – Council Resolution (minutes not yet adopted)

Attachment 2 – Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022

Council Resolution – Regular Meeting of April 11, 2022 (Minutes Un-Adopted)

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 30, 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 ready for issuance 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 ready for issuance prior to final adoption of a bylaw to rezone the property;
- c) That a restrictive covenant is registered on title requiring public active transportation corridors from the proposed Appaloosa Way extension to the Grey Canal Trail and lands to the west, 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*; and,
- 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).

THE CORPORATION OF THE CITY OF VERNON

BYLAW 5905

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 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 **"Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That a portion of the following legally described lands be rezoned from **"A2 – Rural Large Holdings"** to **"R2 – Large Lot Residential"**.

Legal Description:

LOT 1, SEC 2, TWP 8, ODYD, PLAN 4869 below the Grey Canal Trail and south boundary of the Statutory Right of Way shown on Reference Plan KAP78048 (Bella Vista Rd/Appaloosa Way)

BYLAW 5905

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

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

READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

Mayor:

Corporate Officer:

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5905
"Bella Vista Rd/Appaloosa Way Rezoning Amendment Bylaw 5905, 2022"

