



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Lydia Korolchuk
Current Planner, Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: April 22, 2024
REPORT DATE: March 27, 2024
FILE: 3340-20 (OCP00088) 3360-20 (ZON00369)

SUBJECT: **OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENT APPLICATIONS FOR
7025 HERBERT ROAD / 7110 BATES ROAD**

PURPOSE:

To review the Official Community Plan (OCP) and zoning amendment applications subsequent to the OCP open house for the property located at 7025 Herbert Road / 7110 Bates Road, which propose changes to the future land use and zoning of the subject property in order to facilitate a new residential housing development.

RECOMMENDATION:

THAT Council support Official Community Plan Amendment Application 00088 (OCP00088) to amend the Future Land Use designation from CR NORD – Country Residential to RLD – Residential Low Density for Lot 3, Section 18, Township 5, ODYD, Plan 29910 (7025 Herbert Road / 7110 Bates Road) as outlined in the report titled “Official Community Plan and Zoning Amendment Applications for 7025 Herbert Road / 7110 Bates Road” dated March 27, 2024 and respectfully submitted by the Planner;

AND FURTHER, that Council direct Administration to bring forward the “7025 Herbert Road / 7110 Bates Road Official Community Plan Amendment Bylaw 5991, 2024”, for initial readings and scheduling of a Public Hearing;

AND FURTHER, that Council support Zoning Amendment Application 00369 (ZON00369) to rezone from CR NORD – Country Residential to R5 – Four-plex Housing Residential for Lot 3, Section 18, ODYD, Plan 29910 (7025 Herbert Road / 7110 Bates Road) as outlined in the report titled “Official Community Plan and Zoning Amendment Applications for 7025 Herbert Road / 7110 Bates Road” dated March 27, 2024 and respectfully submitted by the Planner;

AND FURTHER, that Council direct Administration to bring forward the “7025 Herbert Road / 7110 Bates Road Zoning Amendment Bylaw 5992, 2024”, for initial readings and scheduling of a Public Hearing;

AND FURTHER, that final adoption of the OCP and Zoning Amendment Bylaws be considered subsequent to the outstanding conditions of approval as set out in Attachment 8 in the report titled “Official Community Plan and Zoning Amendment Applications for 7025 Herbert Road / 7110 Bates Road”;

AND FURTHER, that prior to final adoption of the OCP and Zoning Amendment Bylaws, the Development Permit be ready for issuance.

ALTERNATIVES & IMPLICATIONS:

THAT, Council not support Official Community Plan Amendment Application 00088 (OCP00088) to amend the Future Land Use designation from CR NORD – Country Residential to RLD – Residential Low Density and Zoning Amendment Application 00369 (ZON00369) to rezone from CR NORD – Country Residential to R5 – Four-plex Housing Residential for Lot 3, Section 18, ODYD, Plan 29910 (7025 Herbert Road / 7110 Bates Road).

Note: This alternative does not support the OCP and rezoning amendment applications and prevents the alignment of designations from NORD to City of Vernon designations. The prevailing land use designation and zoning of the subject property would remain unchanged and the applications would be closed.

ANALYSIS:

A. Committee Recommendations

At its meeting of March 26, 2024, the Advisory Planning Committee passed the following resolution:

That the Advisory Planning Committee recommends that Council support Official Community Plan Amendment Application 00088 (OCP00088) to amend the Future Land Use designation from CR NORD – Country Residential to RLD – Residential Low Density for Lot 3, Section 18, Township 5, ODYD, Plan 29910 (7025 Herbert Road / 7110 Bates Road) as outlined in the report titled “Official Community Plan and Zoning Amendment Applications for 7025 Herbert Road / 7110 Bates Road” dated March 12, 2024 and respectfully submitted by the Planner;

AND FURTHER, that Council support Zoning Amendment Application 00369 (ZON00369) to rezone from CR NORD – Country Residential to R5 – Four-plex Housing Residential for Lot 3, Section 18, ODYD, Plan 29910 (7025 Herbert Road / 7110 Bates Road) as outlined in the report titled “Official Community Plan and Zoning Amendment Applications for 7025 Herbert Road / 7110 Bates Road” dated March 12, 2024 and respectfully submitted by the Planner;

AND FURTHER, that final adoption of the OCP and Zoning Amendment Bylaws be considered subsequent to the outstanding conditions of approval as set out in Attachment 8 in the report titled “Official Community Plan and Zoning Amendment Applications for 7025 Herbert Road / 7110 Bates Road”;

AND FURTHER, that prior to final adoption of the OCP and Zoning Amendment Bylaws, the Development Permit be ready for issuance.

B. Rationale:

1. Public Information Session

In accordance with OCP Amendment Applications Policy – Section 4, a public open house was hosted by the City of Vernon to provide community residents with an additional opportunity to consider the OCP amendment application prior to the proposed bylaw amendment being considered by Council for First Reading.

The public open house was advertised in the local newspaper (the Morning Star) on two dates (Thursday October 5 and October 12, 2023). The open house was held in-person and on-line at Council Chambers, City Hall on Tuesday, October 17, 2023. Written submissions were accepted from September 26 until October 17, 2023.

The Info Session was well attended with approximately 50 people in attendance. Twelve pieces of written correspondence were also submitted to staff, six from City of Vernon residents and six from RDNO residents (Attachment 1).

Concerns were raised relating to:

- Increased traffic and noise for Manning Place and Herbert Road
- Rezoning for high density housing
- City’s commitment to reduce GHG emissions

- Forest fire risk
- Construction noise and disruption to existing area residents
- Lack of transit/ area services
- Narrow roads in relation to garbage collection, snow removal and on-street parking

The applicant was in attendance and is aware of the comments raised and was encouraged to follow up with respondents.

2. **Project Overview**

This application proposes to build 57 stratified residential units in the form of semi-detached, tri-plex, and four-plex buildings (Attachment 2). The development would be served by an internal strata road with access/egress from Bates Road on the north side, and a second access/egress via Herbert Road to the south. A pedestrian connection is proposed along the western border of the property for public use.

The applicant is requesting to change the Future Land Use from the existing Regional District of North Okanagan (RDNO) designation to the City of Vernon OCP designation of RLD – Residential Low Density and to the R5 – Four-plex Housing Residential zone (Attachments 3 & 4). The property has a total area of 21,143.97 m² (2.01 hectares).

3. **Background**

The City of Vernon annexed the parcel from the RDNO on May 23, 2014. At that time, the 'CR NORTH – Country Residential' designation was retained. The site is directly adjacent to the Foothills Neighbourhood area on the south side of Silver Star Road (Figure 1). The Regional Growth Strategy (RGS) designates the Foothills Neighbourhood area as a 'growth area' and the annexation of the property makes the site eligible for connection to City services.

The parcel currently contains two dwellings and an outbuilding. It is within an area bounded to the south by a steep ravine area, above a belt of land within the Agricultural Land Reserve. With its frontage onto Silver Star Road, traffic created by the development would not be directed into existing agricultural areas, nor would it be expected to impact current and future farming activities.

With the property being adjacent to the Foothills Neighborhood Plan Area, along with the transportation network and the urgency of meeting the need for multi-family housing, Administration supports increased density on this parcel.



Figure 1 – Location of Subject Property

4. **Neighbourhood Context**

The [Foothills Neighbourhood Plan](#) area was endorsed by Council in October 2013. The subject property was not included in the Plan area as it was not annexed into the City of Vernon until the following year. The Foothills Neighbourhood Plan area is within Neighbourhood Plan Area 2 (NPA-2) and Development District #3 – Hillside Residential and Agricultural District as identified in the OCP. Because much of the

land in the Foothills Neighbourhood Plan area is sloped and contains several highly sensitive ecosystems, both the Hillside Guidelines and the Environmental Management Areas Strategy apply and will play a large role in directing future development in this area.

5. OCP and Rezoning Amendment

The subject property is currently zoned CR NORD – Country Residential (RDNO). The applicant is seeking to rezone the parcel to R5 – Four-plex Residential Housing to allow for multi-family ground-oriented units. The building form allowed in the zone includes: single, semi-detached, tri-plex and four-plex housing on urban services and has a maximum density of 30 units/ha. This is consistent with the OCP designation of Residential Low Density (RLD) and with existing urban development in the surrounding area.

6. Environmental Management Considerations

The applicant submitted an Environmental Impact Assessment (EIA) report dated March 2023 (Attachment 5). The report concluded that nothing has been identified that would preclude development activities. Bounded on all sides by existing roads, the parcel has limited functionality as a wildlife corridor and is not anticipated to cause further landscape or habitat fragmentation.

The applicant's geotechnical report dated March 2, 2021 (Attachment 6) assessed the underlying soil and groundwater conditions on site and found them suitable for the support of future roadways, servicing infrastructure and typical residential foundations. The report recommends a follow-up geotechnical investigation at the Development Permit stage, as well as onsite stormwater, groundwater and snow storage management plans.

7. Engineering Development Services

As per Engineering Development Services requirements, the applicant submitted a Traffic Impact Assessment (TIA), dated March 21, 2023 (Attachment 7 & Attachment 8), to assess the impact of the proposed development on the intersection of Silver Star Road and Phoenix Drive/Bates Road. Silver Star Road is classified as an arterial road and is in the jurisdiction of the City. The City does not allow direct access onto an arterial road, in this case, Silver Star Road. Access to Bates Road and Herbert Road are within the RDNO boundary and are under the jurisdiction of the Ministry of Transportation and Infrastructure. This development is bounded by both roads and relies on them for primary access/egress. However, the development has been designed to limit access points to these rural residential roads and instead make use of an internal strata road. The new access on Herbert Road may feed traffic to the extension of Manning Place road.

Given that traffic volumes are in the order of 10,000 vehicles per day and the posted speed limit is 60 km/h, the TIA recommends that a marked crosswalk with rectangular rapid flashing beacons should be installed at Silver Star Road. This crosswalk should be located on the south side of the intersection to tie-in to the Silver Star Road multi-use pathway. The developer may consider installing a sidewalk or path to connect the site to the crosswalk; while not required in the Transportation Master Plan, this would enhance the safety and liveability of the new development and encourage active transportation.

The development design proposes a pedestrian connection with the adjacent property to the south (Manning Place) that could support a portion of a future link to the BX Trail. Administration recommends that the development continue this connection to the intersection of Silver Star Road and Bates Road and coordinate shared implementation of the pedestrian pathway and intersection crosswalk improvements with the adjacent Manning Place development.

Any and all future development of the project site will be subject to the requirements of City of Vernon Subdivision and Development Servicing Bylaw 3843, Greater Vernon Water Subdivision and Development Servicing Bylaw 2650, and all other applicable City and RDNO bylaws. Requirements may include professional reports/studies, offsite infrastructure improvements, and road dedication, as appropriate. Should Council support the OCP and zoning amendment applications, Administration would recommend that the Development Permit and any variances (if required) be ready for issuance prior to final adoption of the bylaw amendments.

Administration supports the proposed OCP and zoning amendments for the following reasons:

- a. The applicant has provided the City with appropriate studies and documentation to review the proposed development and ensure compliance with provincial legislation and requirements.
- b. OCP amendments requested are in accordance with the guiding principles of the OCP and the RDNO's Regional Growth Strategy. The subject parcel is adjacent to a designated RDNO growth area and having been annexed to the City, is eligible for connection to City services. Thus, it currently meets the RGS definition of a growth area, that is, "*served by water and sewer infrastructure*".
- c. The zoning amendments propose to change the existing RDNO rural zoning designation to a low-density multi-family residential zone ('R5 – Four-plex Housing Residential') that provides housing to the community where services and transportation infrastructure are available, in a form and design that is compatible with the transitional urban to rural character of the area.
- d. Development of the subject property would allow for the creation of a substantial number of new dwellings (approximately 57 units) that would support a diverse mix of household types and income levels, while increasing active transportation, trail connections and infrastructure improvements at the intersections of Silver Star Road, Phoenix Drive and Bates Road.

C. Attachments:

Attachment 1 – Public Comments
Attachment 2 – Proposed Site Plan
Attachment 3 – OCP Map
Attachment 4 – Zoning Map
Attachment 5 – Environmental Assessment Report
Attachment 6 – Geotechnical Report
Attachment 7 – Engineering Development Servicing Report
Attachment 8 - Traffic Impact Assessment

D. Council's Strategic Plan Alignment

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|---|--|
| <input type="checkbox"/> Governance & Organizational Excellence | <input checked="" type="checkbox"/> Livability |
| <input checked="" type="checkbox"/> Recreation, Parks & Natural Areas | <input type="checkbox"/> Vibrancy |
| <input type="checkbox"/> Environmental Leadership | <input type="checkbox"/> Not Applicable |

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan Bylaw 5470:
 - Current OCP Designation: CR NORD – Country Residential (RDNO)
 - Proposed OCP Designation: RLD – Residential Low Density
 - Development District #3 – Hillside Residential and Agricultural District
2. Zoning Bylaw 5000:
 - Current Zoning: CR NORD – Country Residential (RDNO)
 - Proposed Zoning: R5 – Four-plex Housing Residential

3. Foothills Neighbourhood Plan

- Provide the Right Housing in the Right Place: Clusters of four-plexes and rowhouses near major roads provide housing variety while encouraging density along these routes, necessary for services like transit to be provided.

4. Local Government Act:

- Division 3 – Public Hearings on Planning and Land Use Bylaws
- Sec. 464 – Requirement for a public hearing before adopting a bylaw

BUDGET/RESOURCE IMPLICATIONS:

N/A


FINANCIAL IMPLICATIONS:

- ☒ None ☐ Budget Previously Approved ☐ New Budget Request
(Finance Review Required)

Prepared by:

Approved for submission to Council:

X 
Lydia Korolchuk
Current Planner, Planning

X 
Patricia Bridal, CAO
Date: April 15, 2024

X 
Terry Barton, Director
Planning and Community Services

REVIEWED WITH

- | | | |
|--|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning (Approving Officer) |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input checked="" type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" 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 checked="" type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (March 26/24) | | |
| <input type="checkbox"/> OTHER: | | |