



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, JUNE 29, 2021 VIA ZOOM

PRESENT: VOTING

Mark Longworth, Chair
Phyllis Kereliuk
Monique Hubbs-Michiel
Jamie Paterson
Don Schuster
Doug Neden
Lisa Briggs
Harpreet Nahal
Larry Lundgren

NON-VOTING

Mayor Cumming (Appointed Member)

ABSENT: Craig Broderick, Manager, Current Planning/Staff Liaison
Joshua Lunn
Bill Tarr

STAFF: Roy Nuriel, Economic Development Planner / Deputy Staff Liaison
Matt Faucher, Current Planner
Michelle Austin, Current Planner
Ally Campbell, Planning Assistant
Jing Niu, Environmental Planning Assistant

ORDER The Chair called the meeting to order at 4:10 p.m.

**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.*

NOTE Doug Neden mentioned wrong address on agenda Regarding 5200 Okanagan Landing Road needs to Be Updated to 5200 Okanagan Avenue

**ADOPTION OF
AGENDA** Moved by Don Schuster, seconded by Doug Neden:

THAT the Advisory Planning Committee agenda of June 29, 2021 be adopted.

CARRIED.

ADOPTION OF MINUTES

Moved by Don Schuster, seconded by Doug Neden.

THAT the minutes for the Advisory Planning Committee meeting of June 15, 2021 be adopted.

CARRIED.

NEW BUSINESS:

DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 5200 OKANAGAN AVENUE (DVP00510)

Jing Niu, Environmental Planning Assistant, reviewed Development Variance Permit Application for 5200 Okanagan Avenue. The Committee noted the following:

- Concern about geotechnical status: staff confirmed that a geotechnical report was provided noting safety considerations and recommendations
- Noted a variance application for a nearby property at 5400 Okanagan Ave, which appear to have been stalled due to Engineering considerations, and wanted to make sure similar considerations have been addressed and communicated with the applicant
- Noted geotechnical report was dated 2017, staff advised the site does not appear to have been altered since and that the City does not have a policy regarding report expiration at this time
- It was noted that existing pathway and Right-of-ways have been considered as part of proposed works
- It was discussed that the proposed “no build/no disturbed” covenant on the remainder of the property that is >30% slope or environmentally sensitive would extensively limit any additional future development of the site should it be supported.

Moved by Larry Lundgren, seconded by Monique Hubbs-Michiel:

THAT Council support Development Variance Permit Application DVP00510 to vary the following sections of Zoning Bylaw #5000 to accommodate a 12 unit multi-family residential rental project at LT 1 PL KAP86397 SEC 28 TWP 9 DL 75 ODYD (5200 Okanagan Avenue)

- a) Section 4.16.1 to permit a building and retaining wall to be constructed on slopes greater than 30%; and
- b) Section 6.5.11 to increase the maximum height of a retaining wall on a residential lot from 1.2m to 4.0m, measured from grade on the lower side;

AND FURTHER, that Council’s support of DVP00510 is subject to the following:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00510;
- b) the retaining wall material selection be attached to and form part of DVP00510; and
- c) a covenant be registered on property Title to guarantee that no additional development or disturbance shall occur on the remaining portions of the lands that are of greater than 30% slope or of environmental significance on the subject property.

CARRIED.

Harpreet Nahal Left the Meeting at 4:31pm
 Jamie Paterson Returned to Meeting at 4:34 pm

**DEVELOPMENT
 VARIANCE PERMIT
 APPLICATION FOR
 9701 DELCLIFFE
 ROAD
 (DVP00515)**

Jing Niu, Environmental Planning Assistant, reviewed Development Variance Permit Application for 9701 Delcliffe Road. The Committee noted the following:

- Concerns with the scale of the project and overall height and how it will impact the neighbours
- Staff confirmed that notification to neighbouring properties and public input opportunity would be provided as part of the Development Variance Permit review process

Moved by Monique Hubbs-Michiel, seconded by Phyllis Kereliuk:

THAT Council support Development Variance Permit Application DVP00515 to vary the following sections of Zoning Bylaw #5000 to accommodate a single family dwelling at LT B PL 42297 SEC 4 TWP 13 ODYD (9701 Delcliffe Road)

- a) Section 4.13.2 to permit additional development within 15m of the High Water Mark of Okanagan Lake, up to within 7.2m of the High Water Mark;
- b) Section 9.7.6 to:

- a. increase the maximum height restriction from 10m or 2.5 stories to 11.5m or 3 stories for a primary structure;
 - b. reduce the minimum rear yard allowance from 7.5m to 7.2m;
 - c. allow the maximum height of any vertical wall element facing a front, flanking or rear yard to up to 11.5m or 3 storeys; and
- c) Section 9.7.7 to permit additional development within 7.5m horizontal setback of any building from the natural boundary of a waterbody.

AND FURTHER, that Council support of DVP00515 is subject to the following:

- d) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00515; and
- e) that the Riparian Areas Protection Regulation (RAPR) assessment by Sage Environmental Consulting Ltd. dated October 15, 2020 be attached to and form part of DVP00515.

CARRIED.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
2309 40th AVENUE
(DVP00518)**

Matt Faucher, Current Planner reviewed the Development Variance Permit Application for 2309 40th Avenue. The Committee noted the following:

- Concerns regarding parking, where is the access for it and what driveways will be remaining
- Concerns that aerial view show a Large RV in the front yard
- Major Concerns over approval of original BP permit and why the variance for the Suite is coming after the BP permit was approved.
- Concerns on size of overall suite and remaining dwelling
- They would like staff to take a look at the original approved BP and see what the layout was and if there was a reason we did not catch what appears to be a full kitchen before issuance

Moved by Doug Neden, seconded by Phyllis Kereliuk:

THAT Council support Development Variance Permit Application DVP00518 to vary the following sections of Zoning Bylaw #5000 on LT 1, SEC 3, TWP 8, ODYD, PLAN 34125. (2309 40th Avenue)

- a) Section 5.5.5 of Zoning Bylaw #5000 to increase the maximum net floor area of a secondary suite from 90 m² to 145 m²;

AND FURTHER, that Council’s support of DVP00518 is subject to the following:

- a) That the site plan, building elevations and floor plans, intended to illustrate the increased suite site (Attachment 1) in the report titled “Development Variance Permit Application for 2309 40th Avenue” and dated January 31, 2020, respectfully submitted by the Current Planner, be attached to and form part of DVP00518 as Schedule ‘A’;
- b) That the recreational vehicle currently stored on the property through an unauthorized third driveway access along 40th Avenue be removed and the access formally closed; and
- c) That the parking plan for the property be reorganized to be in accordance with the regulations contained in Zoning Bylaw #5000.

DEFEATED, with Jamie Paterson, Don Schuster, Monique Hubbs-Michiel, and Larry Lundgren opposed.

Moved by Don Schuster, seconded by Monique Hubbs-Michiel:

That the Advisory Planning Committee recommends to Council to direct Administration to provide more information on the approved building permit application and send it back to the Committee for additional review.

CARRIED.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
2000 33RD STREET
(DVP00542)**

Matt Faucher, Current Planner reviewed the Development Variance Permit Application for 2000 33rd Street. The Committee noted the following:

- Concerns if there were other developments within the area that are similar in style in the narrow nature

Moved by Monique Hubbs-Michiel, seconded by Jamie Paterson:

THAT Council support the Development Variance Permit Application DVP00542 to vary the following section of Zoning Bylaw #5000 on Block 5, Plan 225, District Lot 73, ODYD, Parcel C, See DD KX5409 - Was Lot 9 & 10. (2000 33rd Street)

- a) Section 9.10.6, to reduce the minimum unit width for semi-detached dwellings from 7.5 m to 5.5 m

CARRIED.

**OFFICIAL COMMUNITY
PLAN – REZONING
APPLICATION FOR
1400,1401,1404,1405,
1406 17TH STREET &
1501 HIGHWAY 6
(OCP00087/ZON00368)**

The Economic Development Planner reviewed the Official Community Plan Rezoning Application for 1400, 1401, 1404, 1405 & 1406 17th Street, and 1501 Highway 6. The Committee noted the following:

- Staff confirmed that we are not in support of the rezoning but applicant asked for it to be presented to council
- Concerns about the neighbouring properties and that they are only single and two family dwelling, this would majorly impact the neighbours who just bought and thought the neighbour property was not to be commercial
- Concerns about the future requirement for actual storage space within Vernon and if it is required

Moved by Doug Neden, seconded by Larry Lundgren:

THAT Council not support the proposed Official Community Plan amendment and rezoning applications for the portion of the properties described as Lot 1, PL 24027, SEC 26, TWP 9, ODYD (1501 Hwy 6) and Lots 23, 24, 25, 26, 27, PL KAP58251, SEC 26, TWP 9, ODYD (1400, 1401, 1404, 1405, 1406 17th Street), and illustrated in Attachment 1, to amend the OCP land use designation from Community Commercial to Light Industrial/Service Commercial and to rezone from C5: Community Commercial to C11: Service Commercial, as outlined in the report titled “Official Community Plan Amendment and Rezoning Application for 1501 Hwy 6 and 1400, 1401, 1404, 1405, 1406 17th Street” dated June 21, 2021, respectfully submitted by the Economic Development Planner”.

CARRIED.

**LAND USE CONTRACT
VARIANCE
APPLICATION FOR
9257 KOKANEE RD
(LUC00020)**

Michelle Austin, Current Planner, reviewed the Land Use Contract for 9257 Kokanee Road. The Committee noted the following:

- The whole Sunset development is under a Land Use Contract which acts as the zoning for the property. Land Use Contracts will be terminated in three years. The building meets the underlying R1 Zone.

Moved by Jamie Paterson, seconded by Lisa Briggs:

THAT Council approve LUC00020 to vary Land Use Contract Bylaw No. 291, 1978 for Lot 20, Sec. 11, TP 13, ODYD, Plan 32582 (9257 Kokanee Road) by varying:

- a) Schedule A - Section 4. (b) Floor Area for an accessory residential building from a maximum 55 m2 to 89.2 m2 and a maximum horizontal dimension from 9 m to 9.8 m; and
- b) Schedule A - Section 5. (a) Height for an accessory residential building from a maximum of 5 m to 5.57 m; and

subject to the following:

- i. That a Section 219 Covenant (Wildfire), complying with FireSmart BC guidelines and the Community Wildfire Protection Plan, in relation to the new accessory residential building, in favour of the City of Vernon, be registered on the title of Lot 20, Sec 11, TP 13, ODYD, Plan 32582 (9257 Kokanee Road);
- ii. That the accessory residential building site be located outside of 30% slope areas; and
- iii. That the Site Plan and Elevations drawings generally match those shown as Attachment 1 in the report titled "Land Use Contract Variance Application for 9257 Kokanee Road" dated June 24, 2021 by the Planner, Current Planning.

CARRIED.

Michelle Austin, Current Planner, reviewed the Land Use Contract for 9291 Kokanee Road. The Committee noted the following:

**LAND USE CONTRACT
VARIANCE
APPLICATION FOR
9291 KOKANEE RD**

- The whole Sunset development is under a Land Use Contract which acts as the zoning for the property. Land

(LUC00021)

Use Contracts will be terminated in three years. The building meets the underlying R1 Zone.

Move by Monquie Hubbs-Michiel, Second by Jamie Paterson:

THAT Council approve LUC00021 to vary Land Use Contract Bylaw No. 291, 1978 for Lot 30, Sec. 11, TP 13, ODYD, Plan 32582 (9291 Kokanee Road) by varying:

- c) Schedule A - Section 8. (c) Rear Yard Setbacks for an addition to the south elevation of the existing single-family dwelling from 8 m to 5.4 m;

subject to the following:

- i. That a Section 219 Covenant (Wildfire), complying with FireSmart BC guidelines and the Community Wildfire Protection Plan, in relation to the addition, in favour of the City of Vernon, be registered on the title of Lot 30, Sec 11, TP 13, ODYD, Plan 32582 (9291 Kokanee Road);
- ii. That the addition be located outside of 30% slope areas; and
- iii. That the addition be located within the footprint of the existing patio on the south side of the house, as shown in Attachment 1 in the report titled "Land Use Contract Variance Application for 9291 Kokanee Road" dated June 24, 2021 by the Planner, Current Planning.

CARRIED

INFORMATION ITEMS

The Economic Development Planner reviewed the APC related applications discussed at the June 14, 2021 and June 28, 2021 Council meetings.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, July 20, 2021.

NOTE

Larry Lundgren informed the Committee that he will send a letter of resignation resigning from the Advisory Planning Committee due other responsibilities.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 5:45p.m.

CERTIFIED CORRECT:

A handwritten signature in blue ink, appearing to read "Mark Lyman", is written over a horizontal line.

Chair

