



**CORPORATION OF THE CITY OF VERNON**

**ADVISORY PLANNING COMMITTEE**

**TUESDAY, JUNE 29, 2021 AT 4:00 P.M.**

**VIA ZOOM**

**A G E N D A**

**1) ORDER**

**2) LAND ACKNOWLEDGEMENT**

**3) ADOPTION OF AGENDA**

**4) ADOPTION OF MINUTES**

June 15, 2021 (attached)

**5) NEW BUSINESS:**

- a) **DVP00510** – 5200 Okanagan Landing Road
- b) **DVP00515** – 9701 Delcliffe Road
- c) **DVP00518** – 2309 40 Ave
- d) **DVP00542** – 2000 33<sup>rd</sup> Street
- e) **OCP00087/ZON00368** – 1501 Highway 6
- f) **LUC00020** – 9257 Kokanee Road
- g) **LUC00021** – 9291 Kokanee Road

**6) INFORMATION ITEMS:**

The Staff Liaison will provide an update of APC related items discussed at the most recent Council meeting.

**7) DATE OF NEXT MEETING:**

The next meeting is tentatively scheduled for **Tuesday, July 20, 2021.**

**8) ADJOURNMENT**



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, June 15, 2021 VIA ZOOM

**PRESENT:** VOTING

Mark Longworth, Chair  
Phyllis Kereliuk (4:07 p.m.)  
Monique Hubbs-Michiel  
Jamie Paterson  
Don Schuster  
Doug Neden  
Lisa Briggs  
Bill Tarr  
Harpreet Nahal  
Joshua Lunn

NON-VOTING

Mayor Cumming (Appointed Member)

**ABSENT:** Larry Lundgren

**STAFF:** Craig Broderick, Manager, Current Planning/Staff Liaison  
Matt Faucher, Current Planner  
Michelle Austin, Current Planner  
Ally Campbell, Planning Assistant  
Ellen Croy, Transportation Planner (4:07 p.m.)  
Jade Adams-Longworth, Records/Committee Clerk

**ORDER**

The Chair called the meeting to order at 4:02 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.*

**ADOPTION OF  
AGENDA**

Moved by Doug Needen, seconded by Harpreet Nahal:

THAT the Advisory Planning Committee agenda for June 15, 2021 be adopted as amended:

- **ADD** Staff Introductions to be Item 3a.
- **REORDER** Previous Item 3a to be Item 3c.

**CARRIED.**

**ADOPTION OF MINUTES**

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

THAT the minutes for the Advisory Planning Committee meeting of April 27, 2021 be adopted.

**CARRIED.**

**NEW BUSINESS:**

**STAFF INTRODUCTIONS**

The Manager, Current Planning introduced the two new current planners and the new planning assistant.

- Matt Faucher has joined the team as a Current Planner.
- Michelle Austin has joined the team as a Current Planner.
- Ally Campbell has joined the team as a Planning Assistant.
- The Committee congratulated and welcomed the new Staff members.

**LAND USE CONTRACT VARIANCE APPLICATION FOR 9240 CHINOOK RD (LUC00018)**

Michelle Austin, Current Planner reviewed the Land Use Contract for 9240 Chinook 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.

*Ellen Croy and Phylis Kereliuk joined the meeting 4:07 p.m.*

- Clarification was given on the height measurements between the heights of 5.2 meters and 4.5 meters. The height difference was not due to the height being different measurements but in how the zoning bylaws dictated in how the height was measured. Under the Land Use Contract the height was measured from finished grade to highest point, and under the R1 zoning it is measured from lowest grade to the mid-point of the roof structure.
- The Committee questioned if there had been any complaints from the neighbours – there have been none.
- Verification was given that this structure is not lived in, but just used for storage purposes.

Moved by Monique Hubbs-Michiel, seconded by Lisa Briggs:

THAT Council support Land Use Contract Variance Application LUC00018 to vary Land Use Contract Bylaw No. 291, 1978 for

Lot 18, Sec. 11, TP 13, ODYD, Plan 31060 (9240 Chinook Road) to vary:

- a) Schedule A - Section 4. (b) Floor Area for an accessory residential building from a maximum 55 m<sup>2</sup> to 69.2 m<sup>2</sup> and a maximum horizontal dimension from 9 m to 9.9 m;
- b) Schedule A - Section 5. (a) Height for an accessory residential building from a maximum of 5 m to 5.2 m; and
- c) Schedule A - Section 8. (d) Side Yard Setback for an accessory residential building from a minimum of 8 m to 3.7 m.

AND FURTHER, that Council's support of Land Use Contract Variance Application LUC00018 is subject to the following:

- a) That the Certificate of Location of Accessory Building and building elevation plans generally match those shown as Attachment 1 in the report titled "Land Use Contract Variance Application for 9240 Chinook Road" dated June 10, 2021 by the Manager, Current Planning, be attached to and form part of the Land Use Contract Variance (LUC00018) as Schedule 'A'.

**CARRIED.**

**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION FOR  
8555 HARBOUR  
HEIGHTS RD)  
(DVP00501)**

Matt Faucher, Current Planner reviewed the Development Variance Permit Application for 8555 Harbour Heights Rd. The Committee noted the following:

- This proposal appears to improve the access to this home, making it more direct and with better visibility. Nor does it look like it will infringe on anything.
- Clarification was given on the square meterage of Item 5, on Page 3 with the conclusion that it the proposed building is roughly 60 meters squared.
- The report talks about a garage and carport but not a shop. Where the BCLS drawing that there is both a carport and a shop.
- Attachment 1 and Attachment 2, don't agree with one another.
  - Attachment 2 shows a 2.5m not 3.65m setback
  - Attachment 1 shows a rectangular building, where as Attachment 2 is more of an L-shape.
- Administration will clarify which drawing/plan the owner wishes to proceed with.

- Clarification was given on the easement on the North Side of the property and whether it was large enough – it was concluded that it was. The easement runs further into the ALR land then on the land owner's property, and as long as something does not obstruct the easement vertically, then it shouldn't be an issue.
- The Committee concluded that the setback be set at 2.5 meters.

Moved by Harpreet Nahal, seconded by Bill Tarr:

THAT Council support Development Variance Permit Application DVP00501 to vary the following sections of Zoning Bylaw #5000 to permit the construction of a detached garage and carport addition on LT 3, PL14930, SEC 14, TWP 13, ODYD (8555 Harbour Heights Road):

- a) Section 9.2.5 minimum setback requirement from a flanking street from 7.5 m to 2.5 m;

AND FURTHER, that Council's support of DVP00501 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 DVP00501 as Schedule "A"; and
- b) the applicant providing a survey plan that verifies the proposed structure(s) will not encroach into any Rights of Way or easements registered on title, including but not limited to Plan A10559 (AC watermain).

**CARRIED.**

*Ellen Croy left the meeting at 4:28 p.m.*

### **INFORMATION ITEMS**

The Manager, Current Planning provided the Committee with an update on information items that were discussed at the last two Council meetings. The following was noted:

- **Rezoning Amendment Bylaw #5782 Adopted** – A bylaw to rezone 967 Mt. Beaven Place from R2 to R2h zoning.
- **Rezoning Amendment Bylaw #5802 Adopted** – A bylaw to rezone 9188 Tronson Road from C6 to R2 and R5 zoning.
- **Rezoning Amendment Bylaw #5833 Adopted** – A bylaw to rezone multiple properties in the Okanagan Hills

Neighbourhood Plan in order to allow for full-time/year-round residential land use.

- **Zoning Text (Secondary Suites) Amendment Bylaw #5851 Adopted** – A bylaw to add amendments to include development regulations for secondary suites.

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is tentatively scheduled for Tuesday, June 29, 2021.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at 4:31p.m.

**CERTIFIED CORRECT:**

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Chair





# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Jing Niu, Environmental Planning  
Assistant

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** TBD  
**REPORT DATE:** June 10, 2021  
**FILE:** DVP00510

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 5200 OKANAGAN  
AVENUE

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## PURPOSE:

To review the subject development variance permit application to vary sections of Zoning Bylaw #5000 in order to accommodate the development of a 12 unit multi-family residential rental project at 5200 Okanagan Avenue.

## RECOMMENDATION:

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 of the subject property.

## ALTERNATIVES & IMPLICATIONS:

1. 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;



- 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 of the subject property; and
- d) *any conditions that may be cited by Council.*

*Note: This alternative supports the development variance permit application and provides for additional conditions as may be cited by Council.*

2. THAT Council not 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.

*Note: Denial of the development variance permit application would restrict the siting and height of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would be required to revise the proposal and future development on the subject property to meet the prevailing zoning provisions.*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee passed the following resolution:

*“(to be cited by the Advisory Planning Committee).”*

**B. Rationale:**

- 1. The subject property is located at 5200 Okanagan Landing Avenue as shown on Figures 1 and 2. The property is approximately 10,198 m<sup>2</sup> in size and is bound by Okanagan Avenue to the north-west (below), and Belleview DR to the south-east (above).



**Figure 1 - Property Location Map**



**Figure 2: Aerial Location Map**

- 2. The subject property is zoned R5 – Four-Plex Residential and the subject application pertains to development regulations within Section 4.16.1 and Section 6.5.11 of Zoning Bylaw #5000.
- 3. The subject application proposes to vary the following sections of Zoning Bylaw #5000 in order to accommodate a 12 unit multi-family residential rental development:

- 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.
4. The proposed development is generally sited within areas less than 30% slope, with a portion of the western most four-plex extending into areas greater than 30% slope and of environmental significance (Attachment 1). Steeper slopes extend above and below the majority of the rest of the property, and the majority of environmental sensitive areas are left intact.
  5. A geotechnical investigation, inclusive of a review of surficial soil and groundwater conditions with respect to geotechnical comments for safe land use, feasibility and planning, and desktop and field review, was completed by Interior Testing Services Ltd. during November 2017. The investigation notes that the proposed development is not expected to have negative or adverse effects on the stability of the site or surrounding areas both within and beyond the subject property boundaries, and that no new or increased risk of landslide, flow, erosion or other geotechnical hazard would result because of the proposed development (Attachment 2).
  6. The proposed increase to retaining wall heights would be less than 4.0m at its maximum (Attachment 3), the majority of which would be under 2.7m to 1.2m. The proposed retaining wall is designed to minimize and avoid excessive disturbance to the steep slope and environmental sensitive area while accommodating necessary turnaround space for emergency/service vehicles.
  7. The applicant is proposing to use a textured finish as well as a vegetative screen to improve the aesthetic impact of the retaining wall to better integrate visually into the surrounding area and minimize impact in the neighbourhood (Attachment 4).
  8. A concurrent Development Permit application (DP000880) is being reviewed for hillside, environmental, and FireSmart development guideline conformance.
  9. Administration supports the requested variances for the following reasons:
    - a) Developable area of the property is restricted by steep slopes (>30%) on the majority of property, several existing utility and trail right-of-ways, and environmentally sensitive areas. The proposed siting gives consideration towards low impact development by minimizing the intrusion of the overall development footprint and keeping the majority of structures out of steep and environmentally sensitive areas.
    - b) A geotechnical investigation has provided assurance and general guidance on the safe development of the subject property.
    - c) The applicant has provided thorough consideration to minimize visual impacts to the surrounding area. The proposed textured finish retaining wall with vegetated screening are designed to minimize and avoid excessive disturbance and to integrate into the surrounding area to reduce the visual impact of increased height.
  10. To ensure that the integrity of the remainder of the property protected, it is recommended that 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 of the subject property.
  11. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, XX letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, XX written submissions had been received. As input is received, it is placed on the City of Vernon website Development Variance Permits – Public Input as well as in a binder at the front counter of the Community Services Building.

### **C. Attachments**

Attachment 1 – Slope analysis and Environmental Significant Areas

Attachment 2 – Geotechnical Investigation - Excerpt

Attachment 3 – Proposed Retaining Wall Specifications, Architectural and Elevation Renderings, Layout

Attachment 4 – Proposed Example Retaining Wall Texture, Finishing and Screening

### **D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Review and streamline residential development process.

### **E. Relevant Policy/Bylaws/Resolutions:**

#### *1. Official Community Plan*

- The Hillside Guidelines address retaining walls in the following manner (excerpts):

The use of retaining walls is not encouraged. These are only supported where they preserve native undisturbed areas, address unstable native slopes or rock faces, or form part of the neighbourhood character. Where provided, the following criteria should be considered in their design:

- d. Retaining wall height should not exceed 3.0m for roads and site specific works, 1.2m for yards. Higher walls may be appropriate where they are articulated, have a surface texture/pattern, or where sufficient landscaping is provided to screen the wall.
- g. All retaining walls over 1.2m tall require a building permit to ensure all professional documentation has been undertaken and provided to the City. Final acceptance and approval of the development for issuance of house building permits includes completion and acceptance of all retaining wall building permit requirements.

#### *2. The following provisions of Zoning Bylaw #5000 and Building and Plumbing Bylaw #4900 is relevant to the subject application:*

- *Zoning Bylaw #5000:*

Section 4.16.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Hillside Guidelines and Regulations Policy defines hillsides and provides Goals and Objectives for development of lands on hillsides and slopes under 30%. No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

Section 6.5.11 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2m measured from grade at the lower side, and must be constructed to that multiple retaining walls are spaced to provide a least a 1.2m horizontal separation between them.

• *Building and Plumbing Bylaw #4900*

Section 2.3 The provisions of this Bylaw apply to retaining walls, to stacked rock walls, and to retaining structures that in the opinion of a Building Official require a plan certified by a registered professional due to siting conditions.

Section 3.1.1 No person shall commence or continue any construction, alteration, extension, structural repair, health or safety repair, placement of any building or structure or other work related to construction, including work described in Section 1.1.2 of the Building Code, unless a valid and subsisting permit has been issued for the work by a Building Official.

- 3. The *Local Government Act* provides Council with the authority to vary local bylaws based on specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

X

\_\_\_\_\_  
Signer 1

Jing Niu  
Environmental Planning Assistant

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

X

\_\_\_\_\_  
Signer 2

Kim Flick  
Director, Community Infrastructure and Development

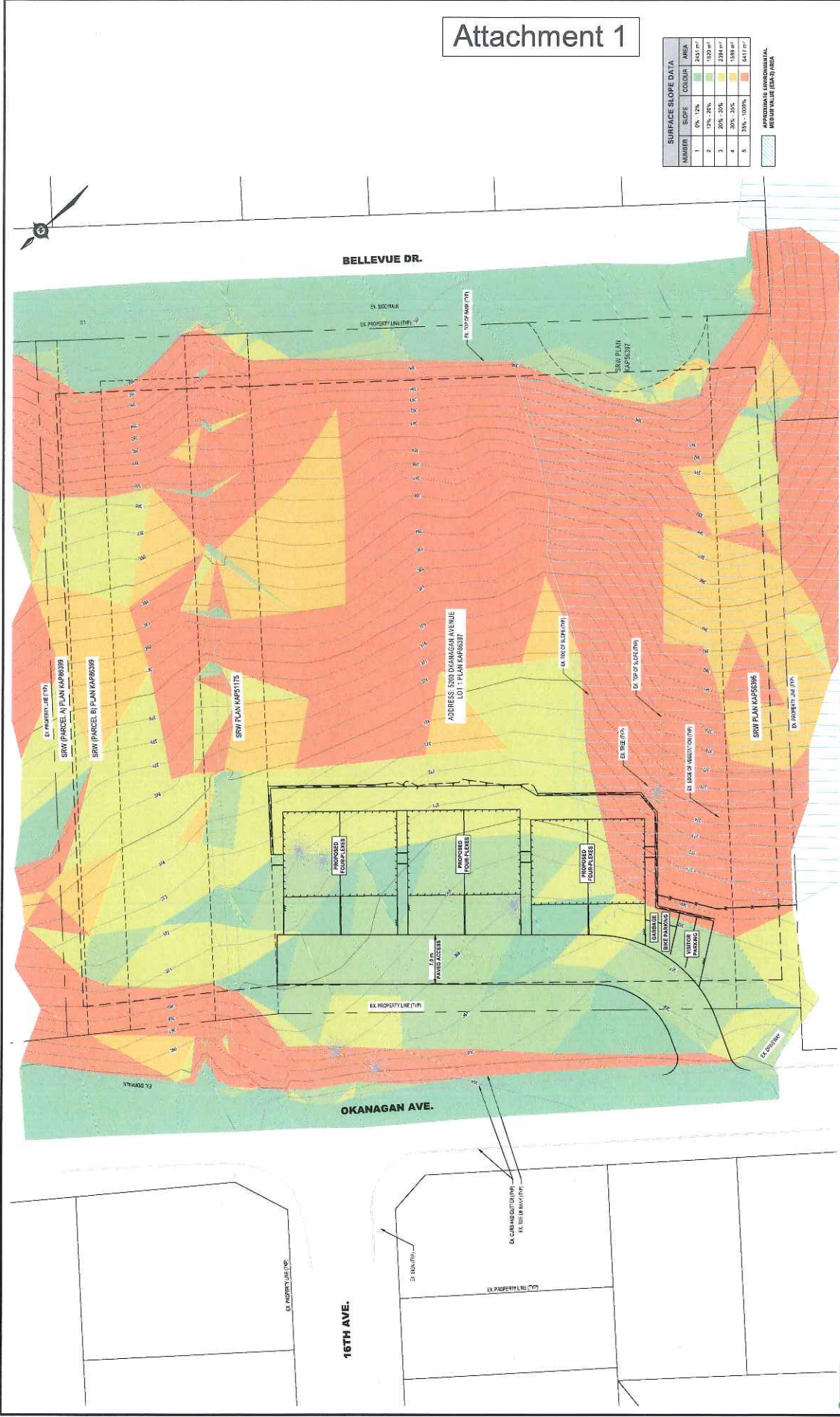
**REVIEWED WITH**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Corporate Services                    | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                      | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                           | <input type="checkbox"/> Facilities           | <input checked="" 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 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 (Jun 29/21) |   |  |
| <input type="checkbox"/> OTHER:                                |   |  |

# Attachment 1

SURFACE SLOPE DATA			
NUMBER	SLOPE	COLOR	AREA
1	0% - 12%	Light Green	240 m <sup>2</sup>
2	12% - 20%	Green	130 m <sup>2</sup>
3	20% - 30%	Yellow-Green	230 m <sup>2</sup>
4	30% - 35%	Yellow	150 m <sup>2</sup>
5	35% - 1000%	Orange-Red	641 m <sup>2</sup>

APPROXIMATE SURFACE SLOPE (PERCENT)



**5200 OKANAGAN AVENUE  
FIGURE 3 (2020-05-29)  
SLOPE ANALYSIS**



MATERIALS TESTING • SOILS  
CONCRETE • ASPHALT • CORING  
GEOTECHNICAL ENGINEERING

1 - 1925 KIRSCHNER ROAD  
KELOWNA, B.C. V1Y 4N7  
PHONE: 860-6540  
FAX: 860-5027

Radec Group Inc.  
955 Timmins Street  
Penticton, BC V2A 5V3

November 17, 2017  
Job 17.356

Attention: Mr. Bill Boschman

Dear Sir:

Re: **Geotechnical Investigation  
Proposed Residential Development  
5200 Okanagan Avenue  
Vernon, BC**

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As requested, Interior Testing Services Ltd. (ITSL) has carried out a geotechnical investigation at the above noted address. Please find attached a site plan with schematic logs, six pages of test pit logs, and a copy of our two page "Terms of Engagement" which forms the basis on which we undertake this work, and was previously signed and accepted.

**1.0 INTRODUCTION**

**1.1 Proposed Development**

It is understood that upwards of 50, three storey duplex units are planned for the roughly 2.5 acre site. The buildings are likely to be of wood frame construction set on partially buried foundations (ie. walk-out basements) excavated into the hillside. Site development is expected to involve site regrading, including cuts and fills, to create level benches along the property, and construction of onsite roads and servicing.

**1.2 Scope of Work**

Our scope of work was to review the surficial soil and groundwater conditions with respect to geotechnical comments for safe land use, feasibility and planning,

and provide recommendations regarding development and residential construction.

We understand that this report may form part of your development application, and we identify the City of Vernon as authorized users of this report, also subject to the attached "Terms of Engagement."

## **2.0 METHODOLOGY**

### **2.1 Desk Review**

A desk review was carried out which included examination of aerial photographs and topographic maps of the area. The desk review provided information of the physical terrain on and surrounding the site to aid in the identification of potential geotechnical hazards and areas requiring additional review.

### **2.2 Field Review**

On November 9, 2016, a field review of the property was carried out by Mr. Matt Turner, CET of our office. Six test pits were advanced within the proposed development area to depths between 2.4 to 3.7 m below grade using a small excavator supplied by the client.

The locations and schematic logs are shown on the attached site plan (Drawing 17.356-1 and detailed soil descriptions are provided on the attached test pit logs (Drawings 17.356-2 to 17.356-7).

## **3.0 SITE CONDITIONS**

The property is characterized as a sloping grassland, with roughly 30 m of grade separation between Okanagan Avenue and Belleview Avenue, which border the site on the northwest and southeast sides, respectively.

The site is generally undeveloped; right-of-ways exist along both the northeast, and southwest property lines.

### **3.1 Surface Geology**

Based on our surficial observations and test pit investigation, the site is expected to be characterized by variable glacial washout deposits, including silty sand and

sand and gravel soils, overlying dense, "till-like" sand and gravel soils in a silt matrix.

### **3.2 Groundwater**

Groundwater was not encountered during our investigation. Groundwater is expected to be significantly deep and therefore not of significant geotechnical concern for the proposed development. Groundwater levels and runoff are expected to vary seasonally and will be affected by drainage and infiltration conditions.

During the spring freshet and after heavy rainfall, the near surface soils are expected to be moist, and runoff water is expected to flow along the underlying "till-like" soils. Where deeper excavations are proposed, there may be potential for groundwater seepage from water perched within the "till-like" soils; however control of seepage is expected to be relatively straight-forward during construction.

Construction of retention/detention ponds could be considered for onsite storm water management. Installation of roads and underground utilities, including storm sewer servicing, is expected to capture and redirect much of the onsite groundwater for the post-development condition.

## **4.0 SITE PREPARATION & FOUNDATION DESIGN**

Based on our previous involvement, recent site reconnaissance and review of the general plans provided, ITSL provides the following construction related considerations.

### **4.1 Site Suitability for Development**

Upon completion of site preparation subject to our following recommendations, the site is anticipated to be suitable for the proposed residential development and appears adequate for the intended purpose. In our opinion, the land may be used safely for the use intended, conditional to our recommendations provided within this report.

### **4.2 Global Slope Stability**

The proposed development is not expected to have negative or adverse effects on the overall stability of the site or surrounding areas both within and beyond the subject property boundaries. We anticipate no new or increased risk of



landslide, flow, erosion or other geotechnical hazard would result because of the proposed development.

In our opinion, the site is considered safe for the use intended. We define "safe" based on the levels of safety adopted by many municipalities in the Okanagan, including a 10% probability of failure occurring in a 50 year period (1 in 475) for slope instability.

#### **4.3 Site Grading**

As noted above, we understand site grading, including cuts and fills, will be carried out to create level benches along the property. We recommend that all existing topsoil and any old fill and/or buried structures be removed from the building footprint to expose competent natural soils prior to starting site grading work.

Where site grades are desired to be raised, granular structural fills (placed and compacted in lifts) are recommended to achieve the desired grades. Additional care will be required to 'key' the structural fills roughly 1 m into the natural slopes.

In general, the onsite granular soils are anticipated to be suitable for re-use as structural fill, although particle diameters should be maintained at 250 mm maximum. Re-use of the "till-like" soils may require additional conditioning to suitably break-up the cemented soils and achieve adequate moisture contents. Alternatively, if the SILT content is higher than expected, re-use may not be recommended and an imported granular fill may be required instead.

Structural fills should be placed and compacted in maximum 300 mm lifts to at least 98% Standard Proctor Density (SPD) and within 2% of optimum moisture content. Field density testing should be carried out on every second lift of fill placed (every 600 mm) to confirm adequate conditioning and compaction is being achieved.

We recommend soil cut and structural fill slopes be finished at no steeper than 1.5 Horizontal to 1 Vertical (1.5H:1V) and vegetated by means of hydro-seeding or similar to reduce the potential for surface erosion. All slopes may require some degree of maintenance with the passing of time.

#### **4.4 Foundation Design**

Upon completion of site development and placement of any structural fills as noted above, conventional footings are anticipated to be satisfactory. Footings founded on dense "till-like" soils transitioning to compacted structural fill may experience differential bearing and settlement conditions. To help reduce this potential, the "till-like" soils should be over-excavated roughly 0.6 m and replaced with compacted structural fills where footings span differential foundation soils.

We recommend that residential foundations (including any proposed rear deck pads) be set below and behind a 2 Horizontal to 1 Vertical (2H:1V) plane projected up from the toe of adjacent slopes.

For foundations placed on the competent natural soils or well-compacted structural fill, an allowable bearing pressure of 3000 psf (150 kPa) may be assumed, subject to the following conditions.

- i. Bearing surfaces to be clean, dry and well-compacted.
- ii. Minimum footing width to be 400 mm (16 inches).
- iii. Footings to be placed 600 mm (24 inches), or as per local by-law, for frost protection.
- iv. Footings be set below and behind a 2H:1V plane projected up from the toe of adjacent slopes.

#### **4.5 Seismic Site Class**

We do not have direct, deeper soils information to depth with respect to Site Class for seismic design, however based on our experience in the surrounding area and review of the geology, we anticipate stiff soils to depth, with average undrained shear strength greater than 50 kPa. To that end, a Site Class D appears suitable for the site as taken from Table 4.1.8.4.A of the 2012 BC Building Code.

However, as this is based predominantly on our experience in the area and review of the local geology, this value should be taken as preliminary and is expected to be conservative. If more detailed guidance with respect to Site Class is desired, a deep drilling investigation could be carried out. However this is not expected to be necessary for the development proposed and the cost associated with providing more detailed comments on Site Class would likely be more expensive than designing and constructing the townhomes to a lower designation.

It is typical for wood frame buildings to perform quite well in seismic events, even where some soil liquefaction or seismic induced settlement occurs, and safe exit (the code requirement under the main design earthquake) is expected.

However, some damage to the buildings could occur due to seismic vibrations, if the design earthquake were to occur, so that consideration should be given to purchasing earthquake insurance.

#### **4.6 Lateral Earth Pressures**

If required, lateral earth pressures are provided below for design of buried foundation walls. The foundation walls are expected to be relatively stiff and unyielding, so that at-rest conditions have been considered. We anticipate that the walls will be backfilled with free-draining granular soils such that drained conditions are assumed. We also recommend that the finished backfill be sloped away from the building.

Lateral earth pressures have been estimated based on an assumed friction angle of  $35^\circ$  and a unit weight of  $19 \text{ kN/m}^3$  for the expected granular backfill material. Given the above design parameters, we assume at-rest conditions and a corresponding equivalent fluid pressure,  $\gamma_{eq}$ , of  $8.1 \text{ kN/m}^2/\text{m}$  can be used in design. To account for any surcharge pressures, a uniform lateral pressure coefficient,  $K_0$ , of 0.43 times the estimated load should also be applied to the wall for at-rest conditions. If passive or active lateral earth conditions are to be considered or if soils other than clean gravels are to be used as backfill, please advise and we can provide alternative comments. Please note that heavy compaction within roughly 1 m of the foundation walls is not recommended. If heavy compaction is to be applied, then a minimum tabular pressure of  $20 \text{ kN/m}^2$  should be assumed in design, until it intersects with the equivalent fluid pressure provided above.

#### **4.7 Drainage Considerations**

Standard perimeter drainage should be provided for proposed basement or crawl-space foundations, and should be directed to a suitable disposal location. Otherwise, if a slab-on-grade foundation scheme is proposed and the interior slab will be above the exterior finished grades, perimeter drainage could be omitted.

Roof drainage should also be collected and directed to a suitable disposal location, such as the storm system. In addition, all finished grades should slope away from the proposed buildings to reduce infiltration into the backfill zone.

We suggest all site drainage be directed to the storm system for disposal to reduce the likelihood of saturation-induced settlements of the fill or 'break-out' along the dense "till-like" soils. Some attention and/or tolerance to this issue should be considered within the civil design of the subdivision, especially where future upslope developments are possible. Infiltration drains may be necessary to intercept uphill drainage and direct it around downslope development areas. Installation of roads and underground utilities, including storm sewer servicing, is expected to capture and redirect much of the onsite groundwater for the post-development condition.

Specifically, construction of rock pits and drywells do not appear to be suitable for this development, given the low permeability of the near-surface natural soils. Alternatively, we suggest construction of retention/detention ponds could be considered at the downhill side of the site.

#### **4.8 Pavement Design**

Based on the results of our site reviews and understanding of the proposed residential development, roadways are expected to be constructed on competent natural soils or well-compacted structural fills. To that end, the following pavement structure is recommended, which appears suitable from a frost protection perspective as well.

50 mm	ASPHALT
100 mm	base GRAVEL (19 mm minus)
300 mm	subbase GRAVEL (150 mm minus)

#### **4.9 Utility Installation**

Proposed utility services are anticipated to bear on competent natural and/or structural fill soils so that pipe support should be adequate.

For trench cuts in the natural generally granular soils we anticipate conventional Worksafe BC (WCB) side slopes of 3 Horizontal to 4 Vertical (0.75H:1V) should be satisfactory for cut slopes up to roughly 3 meters in height. We anticipate that slope cuts in excess of 3 meters in dense natural soils would be feasible; however this should be reviewed in the field by ITSL at the time of construction.

Based on our test holes and laboratory testing, it generally appears reasonable to replace the excavated granular soils as trench backfill, provided particles in

excess of 200 mm are removed. Trench backfill material should be placed and compacted in maximum 300 mm lifts to at least 98% SPD and within 2% of optimum moisture content.

## **5.0 RECOMMENDATIONS AND CONCLUSIONS**

5.1 Results of our field investigation and recommendations for site preparation and foundation design have been provided in the previous sections of this report.

5.2 ITSL should be called to review site stripping to confirm the surface vegetation, topsoil, and any old fill has been adequately removed prior to starting grading work. ITSL should be called to carry out periodic field density testing and/or proof roll observations within any proposed structural fills. This is to confirm adequate compaction and conditioning is being achieved.

5.3 In addition, ITSL should conduct base inspections on all building sites prior to placing footings and/or structural fills. This is to confirm that soil conditions are as expected, the bearing soils have been adequately prepared, and/or to provide additional guidance if required.

We trust this meets your current needs. Please contact our office should you have any questions.

Yours truly,  
Interior Testing Services Ltd.



Jennifer Anderson, P.Eng.

The seal is circular with a double border. The outer border contains the text 'PROFESSIONAL ENGINEER' at the top and 'BRITISH COLUMBIA' at the bottom. The inner border contains 'PROVINCE OF BRITISH COLUMBIA'. In the center, there is a signature and the text 'J. L. ANDERSON # 39171'.



Peter Hanenburg, P.Eng.

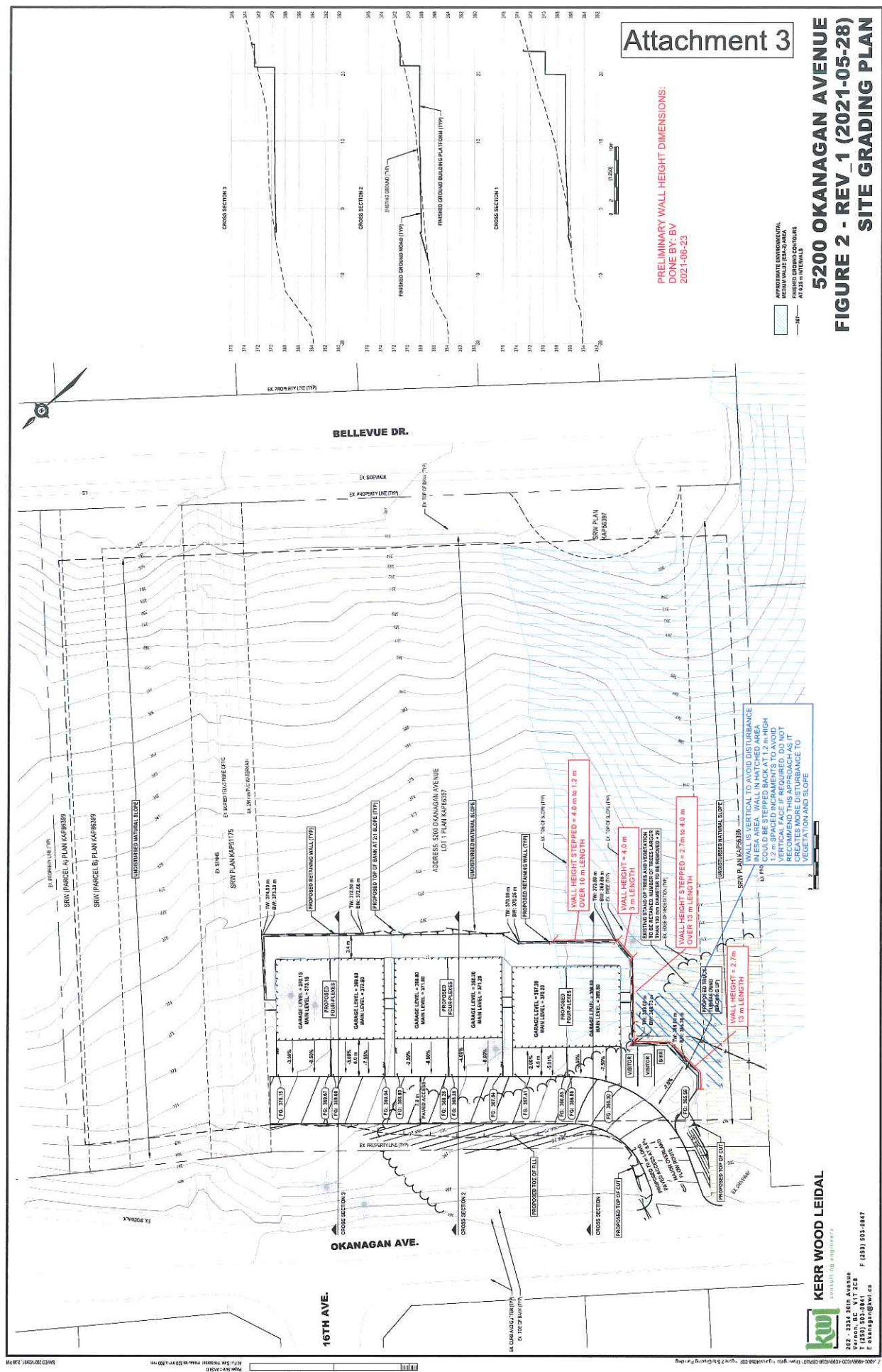
The seal is circular with a double border. The outer border contains the text 'PROFESSIONAL ENGINEER' at the top and 'BRITISH COLUMBIA' at the bottom. The inner border contains 'PROVINCE OF BRITISH COLUMBIA'. In the center, there is a signature and the text 'P. HANENBURG # 28182'.

# Attachment 3

## 5200 OKANAGAN AVENUE FIGURE 2 - REV\_1 (2021-05-28) SITE GRADING PLAN

PRELIMINARY WALL HEIGHT DIMENSIONS;  
DONE BY: BV  
2021-06-23

PROPOSED RETAINING WALL  
EXISTING GROUND CONTOURS  
FINISHED GROUND CONTOURS  
AT 0.25 m INTERVALS



WALL IS VERTICAL TO AVOID DISTURBANCE IN ESA AREA. WALL IN HATCHED AREA IS 1.2 m SPACED INCREMENTS TO AVOID VERTICAL FACE IF REQUIRED. DO NOT DISTURB VEGETATION AS IT CREATES MORE DISTURBANCE TO VEGETATION AND SLOPE.

WALL HEIGHT STEPPED = 4.0 m to 1.2 m OVER 10 m LENGTH  
3 m LENGTH

WALL HEIGHT = 4.0 m  
3 m LENGTH

WALL HEIGHT STEPPED = 2.7 m to 4.0 m OVER 10 m LENGTH

WALL HEIGHT = 2.7 m  
10 m LENGTH

**Kerr Wood Leidal**  
CONSULTING ENGINEERS

202 - 334-2810 AVENUE  
SUITE 201  
V1V 1S1  
T (250) 503-8841  
F (250) 503-8847  
E okanagan@kwle.ca



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 ALL DIMENSIONS OF FEET AND INCHES UNLESS OTHERWISE NOTED DO NOT SCALE.  
 TO BE USED FOR CONSTRUCTION AND COMMUNICATIONS ONLY. ALL DIMENSIONS AND CONDITIONS AS SHOWN ON DRAWINGS WILL BE SUBJECT TO BE REOPENED PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK OR INSTALLATION.  
 IF IN DOUBT, ASK.  
 RADEC GROUP  
 5200 OKANAGAN AVENUE  
 VERNON, BC V3A 9V1  
 250-462-5088

**NOTES**

Revision Schedule

Date	Number	Description
2020/06/03	2	ISSUED FOR DP
2021/05/31	3	ISSUED FOR DP
		Rev1

PROJECT: 5200 OKANAGAN AVE  
 ADDRESS: 5200 OKANAGAN AVE VERNON BC  
 SHEET TITLE: COVER SHEET  
 DRAWN BY: LM  
 SHEETS: a00-00



**PROJECT INFORMATION**

**PROJECT NAME:** 5200 OKANAGAN AVE 18213  
**MUNICIPAL ADDRESS:** 5200 OKANAGAN AVE VERNON, BC  
**LEGAL ADDRESS:** LOT 1 DISTRICT LOT 75 AND SECTION 28 TOWNSHIP 9 050YOOS DIVISION OF YALE DISTRICT PLAN L4P186397  
**PID:** 027-467-139  
**ZONING:** RS - MEDIUM DENSITY RESIDENTIAL  
**OCP:** RMD - RESIDENTIAL, MEDIUM DENSITY 3 FOURPLEX BUILDINGS  
**PROPOSED:** A277  
**MODULAR DESIGNATION:** A277

**CONTACT INFORMATION**

**DESIGN:** LORI MICHALD  
 RADEC GROUP  
 5200 OKANAGAN AVE  
 VERNON, BC  
 lori@radecgroup.com  
 250-462-5088

**CONSTRUCTION:** RADEC GROUP  
 5200 OKANAGAN AVE  
 VERNON, BC  
 250-462-5088

**STRUCTURAL ENGINEER:** ROB UNDER  
 PENTAGON ENGINEERING  
 1055 PENTAGON BLVD  
 VERNON, BC  
 pentagoneng.com  
 250-509-9303

**CIVIL ENGINEER:** BRUCE VAN CALSTEREN  
 LEIDEL  
 250-503-5802  
 BrucevanCalsteren@leidel.ca

**GEOTECHNICAL ENGINEER:** INTERIOR TESTING  
 250-360-6640

**SURVEYOR:** MONASHEE SURVEYING  
 250-545-3900

**ENVIRONMENTAL:** SAGE ENVIRONMENTAL  
 250-307-7395

**Zoning Compliance Table**

By-law Reference	By-law Description	Allowable	Proposed
6.4.4	FOUR-UNIT HOUSING (RESIDENTIAL)	4 UNITS	4 UNITS
6.4.5	MIN. LOT WIDTH	30.0 M	30.0 M
6.4.6	MIN. LOT AREA	1,028 SQ. M (1,123 SQ. FT.)	1,028 SQ. M (1,123 SQ. FT.)
6.4.7	MIN. LOT AREA	40%	40%
6.4.8	SITE COVERAGE - BUILDING	300 SQ. M	300 SQ. M
6.4.9	MIN. SIDE YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.10	MIN. FRONT YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.11	MIN. FRONT YARD GARAGE TO 40 (CONCRETE)	9.0 M	9.0 M
6.4.12	MIN. SIDE YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.13	MIN. SIDE YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.14	MIN. SIDE YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.15	MIN. FRONT YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.16	MIN. FRONT YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.17	MIN. FRONT YARD W/INDECKING SURFACES	1.5 M	1.5 M
6.4.18	MIN. FRONT YARD W/INDECKING SURFACES	1.5 M	1.5 M

**7.1.11 SIZE**  
 2.8M x 4.5M WHERE A DOOR OPENING  
 2.8M x 4.5M (MIN. MAX. 4M OF ROOM)  
 4 STALLS

**7.1.13**  
 Parking spaces may be designated as tandem for each single detached residential unit. Tandem parking spaces shall be provided for each of the two units. Minimum parking spaces shall be provided for each of the two units. Minimum parking spaces shall be provided for each of the two units.

**7.1.14**  
 This minimum height of any upper level and support being 4.5m, depends on use and height of the structure. The minimum height of the structure shall be 4.5m. The minimum height of the structure shall be 4.5m.

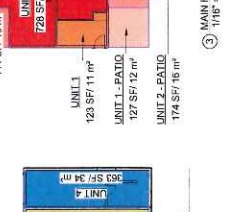
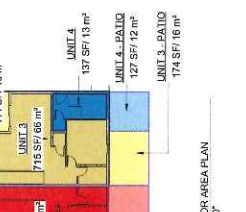
**7.2**  
 MINIMUM CLEARANCE FROM EAVES

**7.5**  
 RESIDENTIAL

**7.6**  
 RESIDENTIAL

**7.7**  
 RESIDENTIAL

**7.8**  
 RESIDENTIAL



**Cross Area Schedule**

Name	Area (sq. ft.)	Area (sq. m.)
UPPER FLOOR	127 SF 12 m²	12 m²
MAIN FLOOR	728 SF 68 m²	68 m²
LOWER FLOOR	363 SF 34 m²	34 m²
TOTAL	1278 SF 120 m²	120 m²

**Amenity Area Schedule**

Name	Area (sq. ft.)	Area (sq. m.)
UNIT 1 - DECK	165 SF 15 m²	15 m²
UNIT 1 - PATIO	127 SF 12 m²	12 m²
UNIT 2 - PATIO	293 SF 27 m²	27 m²
UNIT 2 - DECK	111 SF 10 m²	10 m²
UNIT 2 - PATIO	174 SF 16 m²	16 m²
UNIT 3 - DECK	111 SF 10 m²	10 m²
UNIT 3 - PATIO	293 SF 27 m²	27 m²
UNIT 4 - DECK	165 SF 15 m²	15 m²
UNIT 4 - PATIO	127 SF 12 m²	12 m²
Grand Total I	1158 SF 108 m²	108 m²
Grand Total II	1158 SF 108 m²	108 m²

**Unit Area Schedule**

Unit	Area (sq. ft.)	Area (sq. m.)
UNIT 1	111 SF 10 m²	10 m²
UNIT 2	728 SF 68 m²	68 m²
UNIT 3	137 SF 13 m²	13 m²
UNIT 4	127 SF 12 m²	12 m²

**Sheet List**

Sheet Number	Sheet Name	Current Revision Date	Current Revision Description
a00-00	COVER SHEET	2021/05/31	ISSUED FOR DP Rev1
a10-00	SITE PLAN	2021/05/31	ISSUED FOR DP Rev1
a10-10	LANDSCAPE & LIGHTING PLAN	2021/05/31	ISSUED FOR DP Rev1
a20-00	FLOOR PLANS	2021/05/31	ISSUED FOR DP Rev1
a30-00	BUILDING ELEVATIONS	2021/05/31	ISSUED FOR DP Rev1







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GENERAL CONTRACTOR AND/OR SUBMITTALS  
 SHALL BE RESPONSIBLE FOR OBTAINING ALL  
 NECESSARY PERMITS AND APPROVALS  
 FROM THE LOCAL, STATE AND FEDERAL  
 AUTHORITIES. THE CONTRACTOR SHALL  
 BE RESPONSIBLE FOR OBTAINING ALL  
 NECESSARY PERMITS AND APPROVALS  
 FROM THE LOCAL, STATE AND FEDERAL  
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 BE RESPONSIBLE FOR OBTAINING ALL  
 NECESSARY PERMITS AND APPROVALS  
 FROM THE LOCAL, STATE AND FEDERAL  
 AUTHORITIES.

Revision	Number	Description
20200603	2	ISSUED FOR DP
20210331	3	ISSUED FOR DP
		Rev1

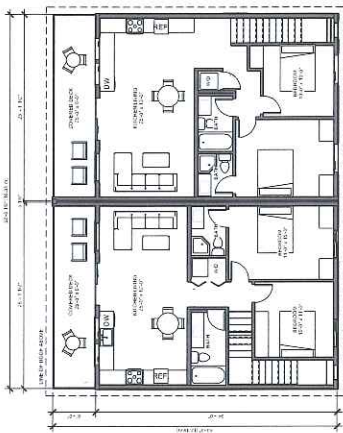
PRELAC1  
 5200 OKANAGAN AVE  
 ADDRESS  
 5200 OKANAGAN AVE  
 VERNON BC  
 SHEET TITLE  
 FLOOR PLANS  
 DRAWN BY  
 LM  
 SHEET NO.  
 a20-00



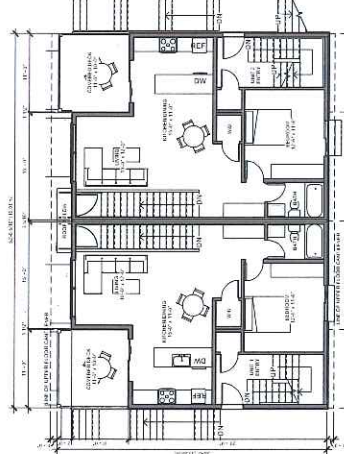
① BLDG 1 - UPPER FLOOR  
1/8" = 1'-0"



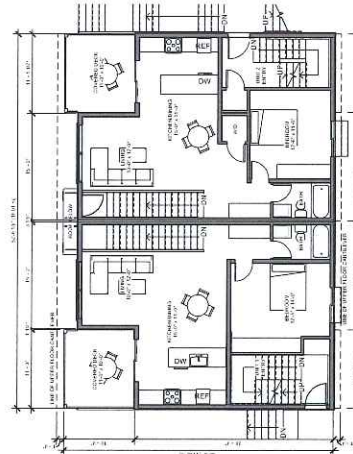
② BLDG 2 - UPPER FLOOR  
1/8" = 1'-0"



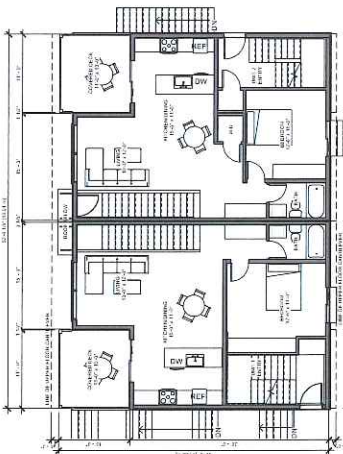
③ BLDG 3 - UPPER FLOOR  
1/8" = 1'-0"



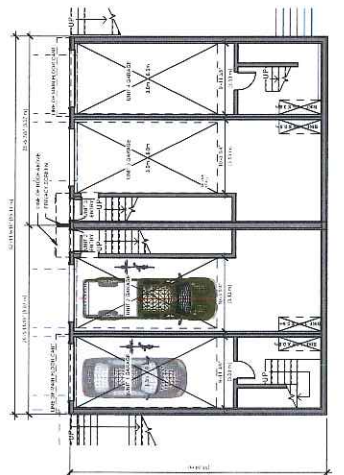
④ BLDG 1 - MAIN FLOOR  
1/8" = 1'-0"



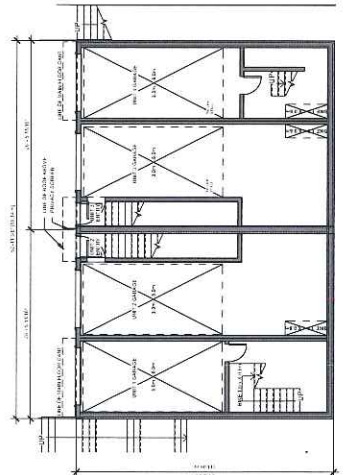
⑤ BLDG 2 - MAIN FLOOR  
1/8" = 1'-0"



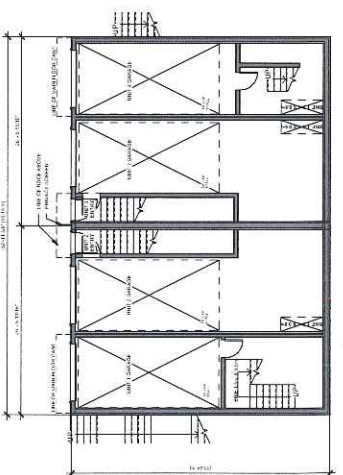
⑥ BLDG 3 - MAIN FLOOR  
1/8" = 1'-0"



⑦ BLDG 1 - LOWER FLOOR  
1/8" = 1'-0"



⑧ BLDG 2 - LOWER FLOOR  
1/8" = 1'-0"



⑨ BLDG 3 - LOWER FLOOR  
1/8" = 1'-0"

BUILDING 1

BUILDING 2

BUILDING 3



CONTACT RADEC GROUP  
FOR ANY QUESTIONS, COMMENTS OR CONCERNS UNLESS  
OTHERWISE NOTED.  
GENERAL CONTRACTOR AND/OR SUBCONTRACTORS  
SHOULD REFER TO THIS PLAN AND ALL SCHEDULES  
AS SHOWN ON DRAWINGS WITH ACTUAL  
CONSTRUCTION TO BE REPORTED PRIOR TO COMMENCEMENT  
OF CONSTRUCTION AND/OR INSTALLATION.  
IF IN DOUBT, ASK.  
RADEC GROUP  
11100 W. 11TH AVENUE, SUITE 100  
PENNACON, BC V2K 8V3  
250.452.0099

NOTES

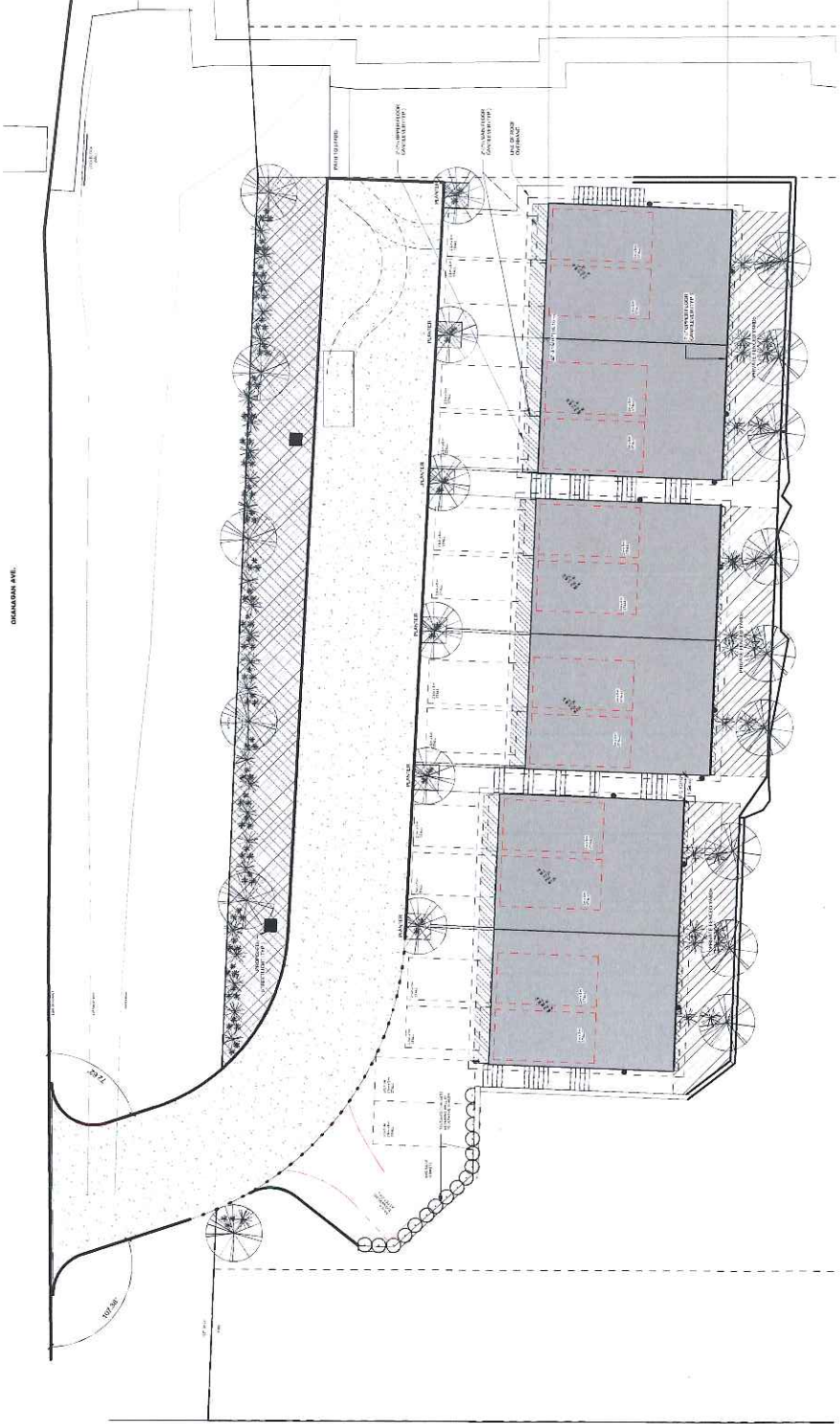
Revisions Schedule	
Date	Description
2020/06/03	2 ISSUED FOR DP
2021/05/31	3 ISSUED FOR DP
	Rev 1

# Attachment 4

PROJECT	5200 OKANAGAN
ADDRESS	5200 OKANAGAN VERNON BC
SHEET TITLE	LANDSCAPE & LIGHTING PLAN
DRAWN BY	LM
SHEET No.	a10-10



RETAINING WALL EXAMPLE



NOTE: PLAN TO BE READ IN CONJUNCTION  
WITH THE RESTORATIVE PLANTING PLAN  
FROM THE ENVIRONMENTAL CONSULTANT



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Jing Niu, Environmental Planning  
Assistant

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** TBD  
**REPORT DATE:** June 24, 2021  
**FILE:** DVP00515

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 9701 DELCLIFFE ROAD

---

## PURPOSE:

To review the subject development variance permit application to vary sections of Zoning Bylaw #5000 in order to accommodate the development of a 3-storey single family addition at 9701 Delcliffe Road.

## RECOMMENDATION:

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:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00515; and
- b) 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.

## ALTERNATIVES & IMPLICATIONS:

1. 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:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00515;
- b) 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; and
- c) *any conditions that may be cited by Council.*

*Note: This alternative supports the development variance permit application and provides for additional conditions as may be cited by Council.*

- 2. THAT Council not 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.

*Note: Denial of the development variance permit application would restrict the siting of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would be required to revise the proposal and future development on the subject property to meet the prevailing zoning provisions.*

## **ANALYSIS:**

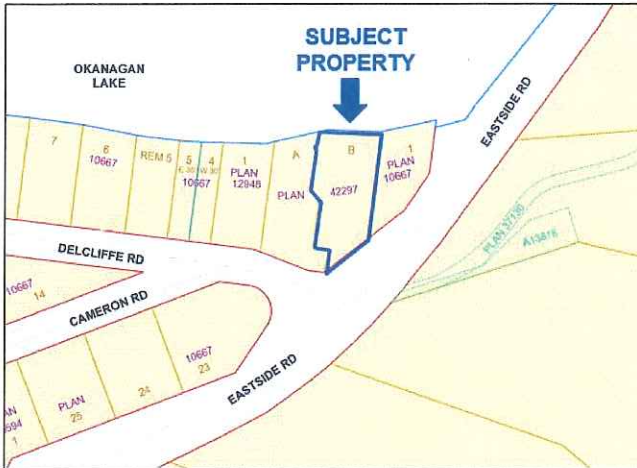
### **A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee passed the following resolution:

*“(to be cited by the Advisory Planning Committee).”*

## B. Rationale:

1. The subject property is located at 9701 Delcliffe Road in the Cameron Point neighbourhood of Vernon as shown on Figures 1 and 2. The property is approximately 1,274m<sup>2</sup> in size and is bound by Okanagan Lake to the north, the intersection of Delcliffe Road and Eastside Road to the south, and private residential properties (R6 – Lakeshore Residential) to the east and west.



**Figure 1 - Property Location Map**



**Figure 2: Aerial Location Map**

2. The subject property is zoned R6 – Lakeshore Residential and the subject application pertains to development regulations within Section 4.13.2, Section 9.7.6 and Section 9.7.5 of Zoning Bylaw #5000.
3. The subject application proposes to vary the following sections of Zoning Bylaw #5000 in order to accommodate the redevelopment of a single family dwelling adjacent to Okanagan Lake:
  - 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.
4. The proposal is to substantially renovate the existing residence, including an addition of an upper floor. The proposed works would be within the roofline, footprint, and foundations of the existing structure (Attachment 1).
5. A Riparian Areas Protection Regulation (RAPR) assessment by Sage Environmental Consulting Ltd. dated October 15, 2020 has been submitted for the proposed development (Attachment 2). The RAPR assessment has been accepted by the Province noting conformance with the beforementioned regulation. The assessment notes that all proposed work will be utilizing existing foundations within the footprint of the existing structure within the Streamside Protection and Enhancement Area (SPEA), and that no additional permanent encroachment into the SPEA is proposed.

6. Administration supports the requested variances for the following reasons:

- a) The subject property is restrained by riparian setbacks and the intersection of Delcliffe Road and Eastside Road. In working with these restrains, the proposed renovation aims to create additional habitable space through the vertical addition of another storey while developing within the roofline and footprint of the pre-existing structure.
- b) The proposed works has been supported by a formal Provincial review and it is anticipated that no additional horizontal encroachment into the SPEA is proposed.

7. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, \_\_\_ letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, \_\_\_ written submissions had been received. As input is received, it is placed on the City of Vernon website Development Variance Permits – Public Input as well as in a binder at the front counter of the Community Services Building.

### **C. Attachments**

Attachment 1 – Proposed Elevation Rendering, Contextual Setting, and Site Plan  
Attachment 2 – Riparian Areas Protection Regulation Assessment Report

### **D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Review and streamline residential development process.

### **E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as Residential – Low Density.

2. The following provisions of Zoning Bylaw #5000 is relevant to the subject application:

Section 4.13.2            No development shall take place within 15m of the High Water Mark of Okanagan Lake.

Section 9.7.6            R6: Lakeshore Residential Development Regulations

- Maximum height is the lesser of 10.0m or 2.5 storeys, except it is 4.5m for secondary buildings and secondary structures.
- Minimum rear yard is 7.5m, except it is 1.0m for secondary buildings.
- The maximum height of any vertical wall element facing a front, flanking or rear yard (including walkout basements) is the lesser of 6.5m or 2.5 storeys, above which the building must be set back at least 1.2m.

Section 9.7.7

R6 Lakeshore Residential Other Regulations

- Minimum 7.5m horizontal setback of any building from the natural boundary.

3. The *Local Government Act* provides Council with the authority to vary local bylaws based on specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

Jing Niu  
Environmental Planning Assistant

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

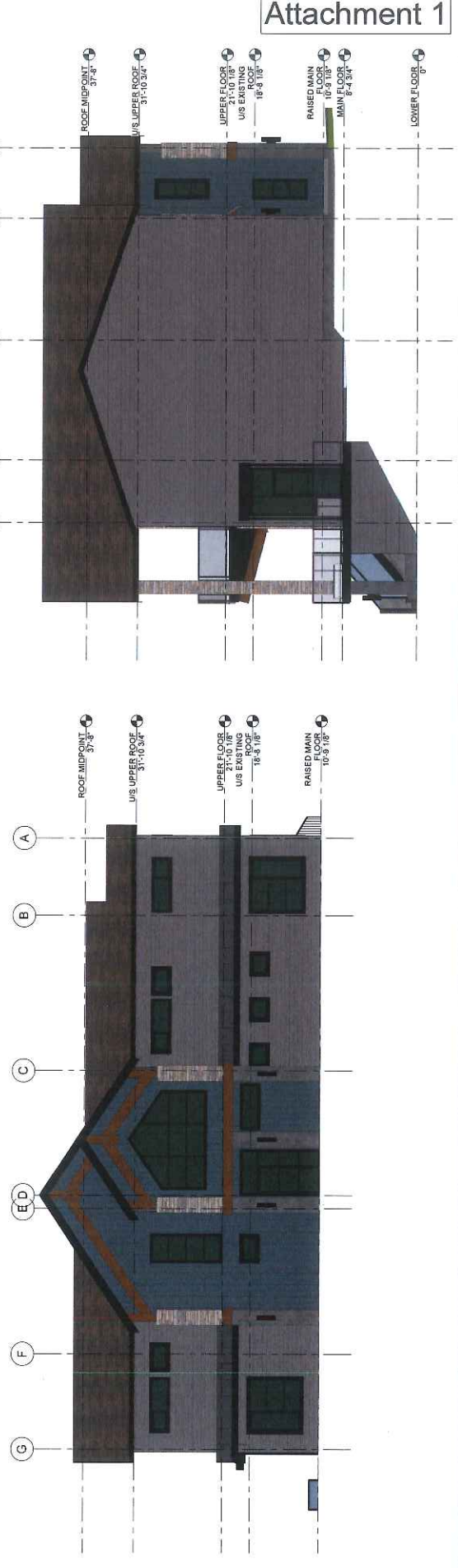
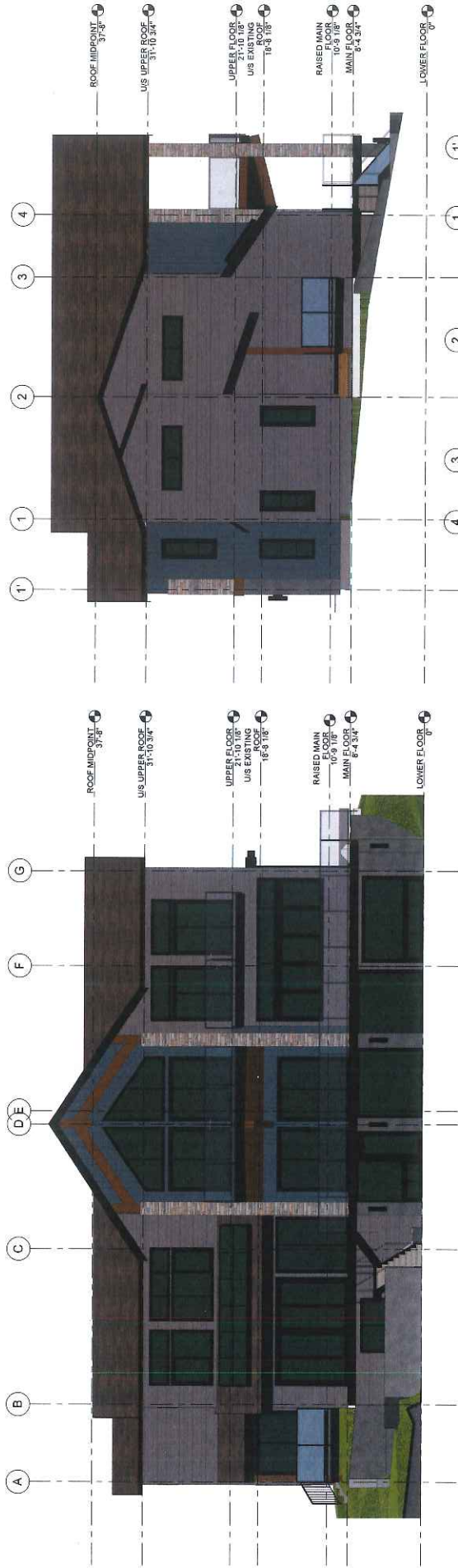
**X**

\_\_\_\_\_  
Signer 2

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Corporate Services                     | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                       | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                            | <input type="checkbox"/> Facilities           | <input checked="" 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 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 (June 29/21) |   |  |
| <input type="checkbox"/> OTHER:                                 |   |  |



Attachment 1

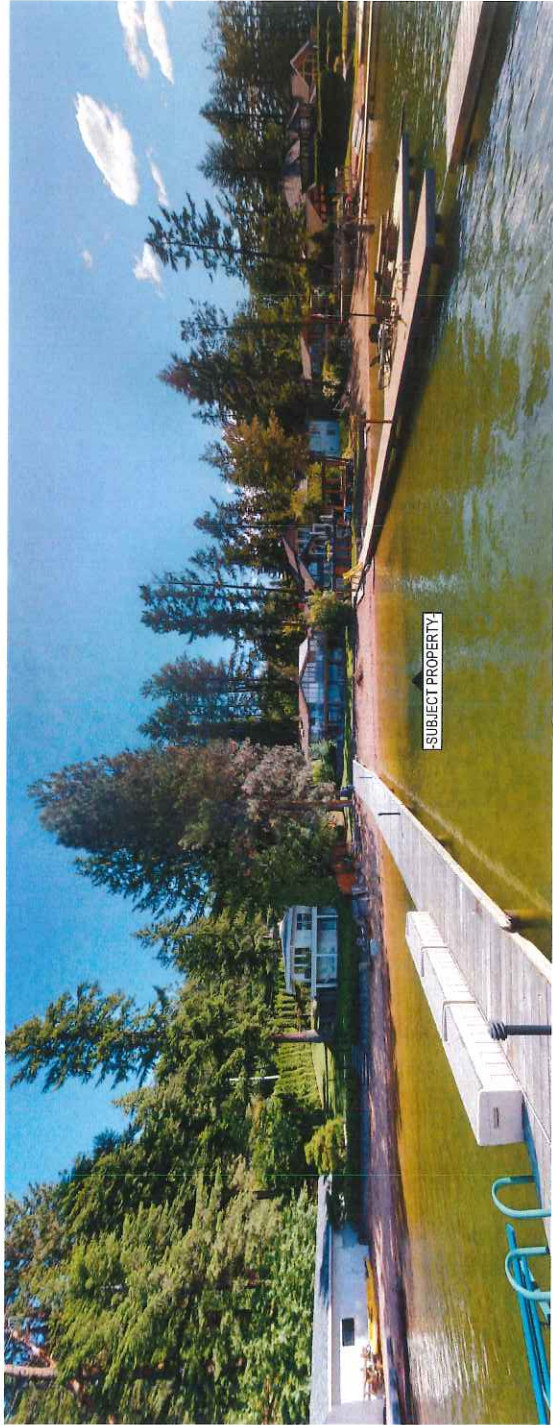


COLOUR ELEVATIONS  
 MORIN RESIDENCE RENOVATION  
 9701 DELCUFFE ROAD, VERNON, BC

RE-ISSUED FOR DEVELOPMENT VARIANCE PERMIT  
 ON 2022/12/18

DRAWING: DVP1  
 PROJECT: 18361  
 SCALE: 3/16" = 1'-0"





VIEW FROM OKANAGAN LAKE

VIEW FROM DELCLIFFE ROAD





Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

**Riparian Areas Protection Regulation: Assessment Report**

Please refer to submission instructions and assessment report guidelines when completing this report.

Date **I. Primary QEP Information**

First Name	Victoria	Middle Name	Jessica
Last Name	Morgan		
Designation	Professional Agrologist	Company	Sage Environmental Consulting Ltd.
Registration #	2530	Email	jessica@sageenvironmental.ca
Address	8-3101 29 <sup>th</sup> St		
City	Vernon	Postal/Zip	V1T 5A8
Prov/state	BC	Country	Canada
		Phone #	250-307-7365

**II. Secondary QEP Information (use Form 2 for other QEPs)**

First Name	Matthew	Middle Name	
Last Name	Davidson		
Designation	Professional Agrologist	Company	Sage Environmental Consulting Ltd.
Registration #	1957	Email	matt@sageenvironmental.ca
Address	8-3101 29 <sup>th</sup> St		
City	Vernon	Postal/Zip	V1T 5A8
Prov/state	BC	Country	Canada
		Phone #	250-307-7365

**III. Developer Information**

First Name	Dora	Middle Name	
Last Name	Anderson		
Company	MQN Interiors Ltd. (Development Representative)		
Phone #	250-542-8085	Email	dora@mqn.ca
Address	100-3313 32 Ave		
City	Vernon	Postal/Zip	V1T 2M7
Prov/state	BC	Country	Canada

**IV. Development Information**

Development Type	Residential		
Area of Development (ha)	0.018	Riparian Length (m)	27
Lot Area (ha)	0.127	Nature of Development	Redevelopment
Proposed Start Date	Nov 15 2020	Proposed End Date	Sept 30 2021

**V. Location of Proposed Development**

Street Address (or nearest town)	9701 Delcliff Road		
Local Government	City of Vernon	City	Vernon
Stream Name	Okanagan Lake		
Legal Description (PID)	015-378-756	Region	Okanagan
Stream/River Type	Lake	DFO Area	BC Interior
Watershed Code	310		
Latitude	50	11	25
Longitude	119	25	46

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.  
Insert that form immediately after this page.

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

**Table of Contents for Assessment Report**

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3. Site Plan .....	8-9
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
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2. Windthrow.....	10
3. Slope Stability.....	10
4. Protection of Trees.....	11
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6. Sediment and Erosion Control.....	11
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5. Environmental Monitoring .....	13
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FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

**Section 1. Description of Fisheries Resources Values and a Description of the Development proposal**

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

**Species Present and Type of Fish Habitat**

Okanagan Lake provides habitat for over 23 species of native and introduced fish. These include a variety of salmonids and coarse/non-game species. The table below provides a list of fish species present in Okanagan Lake.

Table 1. Fish species present in Okanagan Lake

Common Name	Scientific Name	Native (N) or Introduced (I)
brook trout	<a href="#"><i>Salvelinus fontinalis</i></a>	I
burbot	<a href="#"><i>Lota lota</i></a>	N
carp	<a href="#"><i>Cyprinus carpio</i></a>	I
chiselmouth	<a href="#"><i>Acrocheilus alutaceus</i></a>	N
cutthroat	<a href="#"><i>Oncorhynchus clarki lewisi</i></a>	N
kokanee	<a href="#"><i>Oncorhynchus nerka</i></a>	N
lake trout	<a href="#"><i>Salvelinus namaycush</i></a>	I
lake whitefish	<a href="#"><i>Coregonus clupeaformis</i></a>	I
largescale sucker	<a href="#"><i>Catostomus macrocheilus</i></a>	N
leopard dace	<a href="#"><i>Rhinichthys falcatus</i></a>	N
longnose dace	<a href="#"><i>Rhinichthys cataractae</i></a>	N
longnose sucker	<a href="#"><i>Catostomus catostomus</i></a>	N
mountain whitefish	<a href="#"><i>Prosopium williamsoni</i></a>	N
northern pikeminnow	<a href="#"><i>Ptychocheilus oregonensis</i></a>	N
peamouth chub	<a href="#"><i>Mylocheilus caurinus</i></a>	N
prickly sculpin	<a href="#"><i>Cottus asper</i></a>	N
pumpkinseed	<a href="#"><i>Lepomis gibbosus</i></a>	I
pygmy whitefish	<a href="#"><i>Prosopium coulteri</i></a>	N
rainbow trout	<a href="#"><i>Oncorhynchus mykiss</i></a>	N
redside shiner	<a href="#"><i>Richardsonius balteatus</i></a>	N
slimy sculpin	<a href="#"><i>Cottus cognatus</i></a>	N

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

steelhead	<a href="#"><i>Oncorhynchus mykiss</i></a>	N
yellow perch	<a href="#"><i>Perca flavescens</i></a>	I

The lakebed/substrate in the littoral zone is summarized below

- HWM to 5m horizontal distance – Sand
- 5m to 10m - Large sub angular boulders with fine sand and silt
- 10m to 15m – fine sand and silt
- Beyond 15m - substrate is no longer visible

Shore spawning kokanee are known to occur in Okanagan Lake. The Okanagan Region Large Lakes Foreshore Protocol (January 2018) identifies black (very high value), red (high value), yellow (moderate value) and no colour (no value) zones associated with kokanee spawning importance for large lakes in the Okanagan. According to mapping of foreshore habitat the subject property is mapped 70m west from a yellow zone and 320m east from a red zone with respect to kokanee spawning. The foreshore of the subject property itself has no colour/no value. Kokanee shore spawning habitat is generally associated with cliffs/bluffs and angular coarse substrates, neither of which are present in front of the subject property or at the immediately adjacent properties and may restrict spawning activity along this portion of the foreshore.

The property is mapped as a “no colour” zone for both freshwater mussels and foreshore plants. This indicates that the foreshore of the property has not been assessed for Rocky Mountain Ridged Mussel or foreshore plant species at risk presence, respectively, as of 2017.

**Description of Current Riparian Vegetation Condition and Connectivity**

The subject property consists of a single lot that is approximately rectangular in shape and has been previously developed with a single-family residential home. The vegetated land area is dominated by mature trees at the eastern and southern property boundaries. The majority of the property has been altered through residential development and landscaping. Overall topography on the subject property is sloped (varying between 17%-20%) from the paved vehicle access road northward to the shoreline. Access to the property is from Eastside Road from a paved driveway to the south. Vegetation within the RAA on the subject property includes stands of Douglas fir and ponderosa pine, landscaped lawn, Oregon grape, and cedar bushes.

The neighbouring properties to the west and east have been developed as a residential property, and further east is a public access beach.

Upland connectivity of the riparian habitat is moderate due to Eastside Road; lateral connectivity is moderate. The upland areas and lots to the north are similarly vegetated with mature trees. The undeveloped areas appear to be commonly used by ungulates, songbirds, and pollinators, all of which were observed during the Site visits in May and June 2020.

**Nature of Development**

The overall project consists of the renovation of an existing single-family residence. The proposed development is entirely within the riparian assessment area and is limited to the existing footprint. The existing home is entirely within the SPEA. No increase to existing building foundation is proposed. No increase to existing site footprint is proposed.

**Specific Activities**

The proposed development activity includes the following:

## FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

- Repair of the existing home foundation limited to the northeast corner of the home. The northern portion of the area required for disturbance is within the existing footprint however the area to the east will require encroachment in the SPEA.
  - The encroachment will be temporary and only required for access to the home foundation. No riparian vegetation is present in this area.
- Non-structural repairs (refinishing) of existing concrete walkways and patios at the perimeter of the home.
- Interior renovation of the existing Lower and Main floors, using existing foundation and footprint.
- Addition of an Upper floor on the home, approximately 0.018 ha, using existing foundation and footprint.
- Repair of the existing main floor deck surface using existing foundation and footprint.
- Addition of a small deck to the new upper floor on the north side of the home. The overhang of this deck and the new roof will not extend past the existing home footprint to the north.
- Access to the home for renovations will be from the south driveway area. This will require temporary encroachment and disturbance will be limited. No riparian vegetation is present in this area.

The area of human disturbance will not exceed the historic developed footprint of the subject property.

### **Timeline**

Timing for these activities are proposed to begin November 15 2020 and conclude by September 30 2021.

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**Section 2. Results of Riparian Assessment (SPEA width)**

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

<b>Results of Detailed Riparian Assessment</b>		
Refer to Section 3 of Technical Manual	Date:	October 15, 2020
Description of Water bodies involved (number, type)	1, Lake	
Stream		
Wetland		
Lake	X	
Ditch		
Number of reaches	1	
Reach #	1	
<b>Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)</b>		
N/A		
<b>Site Potential Vegetation Type (SPVT)</b>		
	Yes	No
SPVT Polygons		X
Tick yes only if multiple polygons, if No then fill in one set of SPVT data		
I, <u>V. Jessica Morgan</u> hereby certify that:		
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;		
b) I am qualified to carry out this part of the assessment of the development proposed by the developer <u>MQN Interiors Ltd.</u> ;		
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and		
d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.		
Polygon No:	1	
SPVT Type	LC	SH
	TR	
	X	
Method employed if other than TR		
Polygon No:		
SPVT Type	LC	SH
	TR	
Method employed if other than TR		
Polygon No:		
SPVT Type		
Method employed if other than TR		
<b>Zone of Sensitivity (ZOS) and resultant SPEA</b>		
Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons



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Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and insect drop ZOS (m)	15				
Shade ZOS (m) max	29.7	South bank	Yes	X	No
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)				
Ditch Fish Bearing	Yes	No	If non-fish bearing insert no fish bearing status report		
<b>SPEA Maximum</b>	<b>29.7</b>	(For ditch use table3-7)			

I, V. Jessica Morgan, Matthew Davidson, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer MQN Interiors Ltd.;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

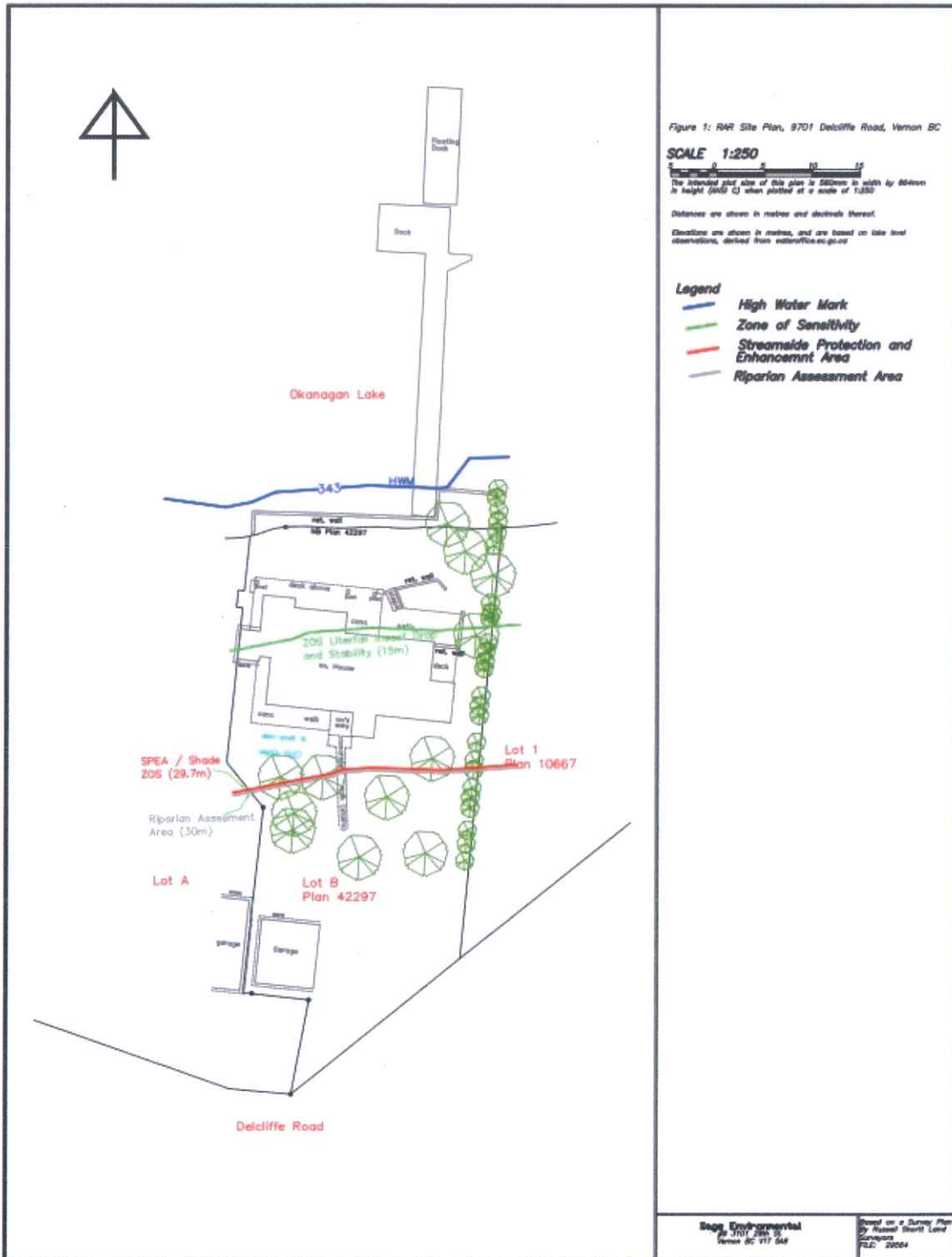
d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

**Comments**

The Shade ZOS max is 29.7m, and as the site is primarily north facing, the SPEA is based on the Shade ZOS.

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Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report





FORM 1

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FORM 1

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**Section 4. Measures to Protect and Maintain the SPEA**

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	Danger Trees were not noted during the initial site inspection.
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u> ;</p> <p>g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
2. Windthrow	No potential for windthrow has been identified.
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u> ;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
3. Slope Stability	No slopes greater than 30% were identified at the time of the site visit within the proposed build area.
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u> ;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	

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<p>4. Protection of Trees</p>	<p>No trees for removal were noted within the SPEA or RAA. However, in case of accidental or close encounters, the following precautions will be taken in consultation with the environmental monitor to prevent damage to trees within the SPEA:</p> <ul style="list-style-type: none"> <li>- Physical barriers will be erected, based on tree size and location, to ensure that the majority of the root system remains undisturbed during construction and reclamation activities.</li> <li>- Best management practices require any machinery used for construction be in good repair and free of leaks. Contractors on Site are required to have spill kits at the construction site and develop a spill reporting and clean-up procedure.</li> </ul>
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
<p>5. Encroachment</p>	<p>All proposed work will be within the SPEA.          All proposed work will be utilizing existing foundations and will be within the existing footprint within the SPEA.          Temporary minor encroachment is necessary to repair a corner of the existing foundation. This area will be returned to original condition after foundation repair. No permanent encroachment into the SPEA is proposed.</p>
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u>;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
<p>6. Sediment and Erosion Control</p>	<p>Sediment and erosion control focus is on minimizing disturbance and source-control to prevent sediment or sediment laden water from entering the SPEA or associated waterways during construction activities. Should any future development activity be required near the identified SPEA setbacks, sediment control will follow Best Management Practices for works in and around a watercourse, sediment control, and urban and rural land development (MWLP 2004, LWBC 2005).</p> <p>Under the direction of the EM, erosion and sediment control activities will include but not be limited to the following:</p> <p>a. All areas with exposed soils will be re-vegetated promptly with appropriate native vegetation especially</p>

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

	<p>where surface flows have potential to reach the lake, if re-vegetation cannot occur immediately; alternative sediment control methods will be employed. These can include the use of filter cloth, tarps and/or straw mulch in combination with silt fencing or straw bales, if required; Barrier protection methods may need to be employed regardless as re-vegetation may not protect the immediate erosion threat.</p> <p>b. Excavated materials will be stockpiled outside the SPEA, in areas where there is negligible potential for sediment to be transported to the creek; Soil stockpiles that will be in place for an extended period of time should be covered where possible. <b>Excess soils will be recommended for immediate removal from site due to the limited property area.</b></p> <p>c. In areas where soils are to be placed within or near the SPEA boundary (ie. during site preparation), silt fencing will form a <u>final</u> barrier to sediment transport. The silt fence should be installed according to manufacturer's instructions and be monitored periodically for tautness and effectiveness.</p> <p>d. The timing of development activities near the SPEA where sediment and erosion control measures are employed should occur during dryer seasons if possible. Work completed with the potential for erosive work should be halted during heavy precipitation or snow melt.</p>
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u> ;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
<p>7. Stormwater Management</p>	<p>The project is not anticipated to generate storm water or alter existing stormwater management methods.</p>
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>MQN Interiors Ltd.</u> ;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
<p>8. Floodplain Concerns (highly mobile channel)</p>	<p>There are no mobile channels associated with the project area or associated waterbody. For this site, permissible floodplain building elevations are managed by the City of Vernon</p>
<p>I, <u>V. Jessica Morgan</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p>	

## FORM 1

### Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

- b. I am qualified to carry out this part of the assessment of the development proposal made by the developer MQN Interiors Ltd. ;
- c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.



FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

**Section 5. Environmental Monitoring**

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

A Qualified Environmental Professional (QEP) will be retained as the project environmental monitor by the proponent. At a minimum three site visits will occur during the development of the site. Increased frequency may be necessary due to temporary encroachment. There will be a monitoring visit to review compliance with the RAPR and a meeting to communicate the importance of the SPEA protection, along with the tree protection, and erosion and sediment control, should they be necessary. The first visit should occur prior to the start of construction near the SPEA to ensure appropriate protections are in place. Further site visits should be performed during construction to review compliance and performance. A final inspection will be done after construction and landscaping has been completed to ensure compliance to RAPR, the City of Vernon OCP requirements, and this assessment. Site inspection frequency will be dependent on the level of compliance noted and will be timed to coincide with key construction activities as noted above. The QEP will ensure that mitigation measures have been applied properly and that SPEA placement is correct.

A post-development report, outlining the degree of compliance with the above noted measures and reviewing the success of measures implemented during construction should be produced and submitted on the RAPR notification system.

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Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

**Section 6. Photos**

Provide a description of what the photo is depicting, and where it is in relation to the site plan.



Photo 1: Foreshore view of property, Looking south. (May 2020)



Photo 2: Looking north at Okanagan Lake (May 2020).

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Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report



Photo 3: Substrate surrounding deck (May 2020).



Photo 4: northeast corner of home, foundation here will require non-structural repair (refinishing) (May 2020).

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Photo 5: Looking south down the eastern property line. This corner of the home will require foundational repair (May 2020).



Photo 6: Southwest corner of home where foundation will require non-structural repair (refinishing). Looking north. (May 2020).

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Photo 7: View of north side of home and upland area of SPEA. (May 2020).

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

**Section 7. Professional Opinion**

**Qualified Environmental Professional opinion on the development proposal's riparian assessment.**

Date

1. I/We V. Jessica Morgan / Matthew Davidson

*Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)*

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer MQN Interiors Ltd., which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a)  the site of the proposed development is subject to undue hardship, (if **applicable, indicate N/A otherwise**) and
- b)  the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 16, 2021  
**REPORT DATE:** June 24, 2021  
**FILE:** DVP00518

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 2309 40<sup>th</sup> AVENUE

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## **PURPOSE:**

To review the development variance permit application #DVP00518 to vary Section 5.5.5 of Zoning Bylaw #5000 to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 145 m<sup>2</sup> at 2309 40<sup>th</sup> Avenue.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application DVP00518 to vary sections of Zoning Bylaw #5000 on LT 1, SEC 3, TWP 8, ODYD, PLAN 34125. (2309 40<sup>th</sup> Avenue) as follows:

- a) Section 5.5.5 of Zoning Bylaw #5000 to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 145 m<sup>2</sup>;

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 40<sup>th</sup> 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 40<sup>th</sup> 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.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application DVP00518 to vary Section 5.5.5 of Zoning Bylaw #5000 to increase the maximum size of a secondary suite from 90 m<sup>2</sup> to 145 m<sup>2</sup> on LT 3, SEC 3, TWP 8, ODYD, PLAN 34125 (2309 40<sup>th</sup> Avenue) as presented.

*Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw #5000.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee passed the following resolution:

*“(to be cited by the Advisory Planning Committee).”*

### **B. Rationale:**

1. The subject property is located at 2309 40<sup>th</sup> Avenue (Figures 1 and 2). The land is designated as Residential Low Density (RLD) within the Official Community Plan (OCP) and is in the R5: Four-plex Housing Residential zone (Attachment 2). The property is approximately 1,022 m<sup>2</sup> (0.25 acre) in size.

2. The application proposes to increase the maximum net floor area of a secondary suite from 90 m<sup>2</sup> to 145 m<sup>2</sup> as identified in Section 5.5.5 of Zoning Bylaw #5000 (Attachment 3) to accommodate the establishment of a legal suite supporting a multi-generational household.

3. The R5: Four-plex Housing Residential zone allows secondary suites as a secondary use in single detached housing only. The net floor area of any secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 45% of the net floor area of the building containing single detached housing. The proposal is in alignment with the OCP land use designation of Residential Low Density.

4. The lot is developed with a large single-family home which includes an addition that was completed on December 17, 2020 (BP007318). The property is located on a corner lot, fronting onto 40<sup>th</sup> Ave, with 24<sup>th</sup> Street as the flanking street in the Harwood neighbourhood. There is a mix of residential density, as well as institutional uses in the area.

5. The maximum density permitted on the site is 30 units per gross hectare (12 units per gross acre). The subject property is 0.1 ha (0.25 ac) in area which based on the maximum density would allow for up to 3 units. Given the size of the property parking requirements for the proposed dwelling and secondary suite can be accommodated on site.

6. As per Canada Mortgage and Housing Corporation’s (CMHC) 2020 Rental Market Survey, the total private apartment vacancy rate in the City is 1.0%. Data on vacancies of three plus bedroom units is marked as suppressed to protect confidentiality or not statistically reliable suggesting that the quantity of units is too low or the data cannot be aggregated in a statistically significant manner.



**Figure 1 – Property Location Map**



**Figure 2 – Aerial View of Property**



7. The applicant has submitted drawings (Attachment 1) and a letter of rationale for the proposed increase to the maximum secondary suite size (Attachment 4). The proposed secondary dwelling unit would be considered a low-density development and is in accordance with the neighbourhood context.
8. Through the review process of the applicant's proposal, Administration noted that the subject property contains two driveway accesses, on 40<sup>th</sup> Avenue and 24<sup>th</sup> Street respectively, which is in contravention of Subdivision & Development Servicing Bylaw. The Bylaw allows for two accesses with a maximum combined width of 8 m. Through the review of historical aerial photos, it was identified that both driveways were established prior to 2004 (last historical georeferenced aerial photo available at the time of writing this report). As such, Administration considers the existing driveways to be existing non-conforming accesses and will not be pursuing enforcement provided that no safety concerns are present.
9. Additionally, through the review of aerial photos of the subject property to establish the tenure of the two driveways, it was noted that between 2010 and 2013, a recreational vehicle parking area was created along the property's 40<sup>th</sup> Avenue frontage. This effectively creates a third driveway access on the property and is in contravention of Section 7.1.9 of Zoning Bylaw #5000 (Attachment 5), as well as potentially Section 3.3.7 of Zoning Bylaw #5000 (Attachment 6) depending on the length of the Recreational Vehicle. As parking is a core component in the consideration of supporting the application for the creation of a secondary suite on any property, the applicant will be required to reconfigure their current parking plan such that the recreational vehicle is stored in a manner that is in accordance with the regulations of Zoning Bylaw #5000 and formally close the current area where the recreational vehicle is stored.
10. Administration supports the requested variances for the following reasons:
  - a) The variance proposed does not generate significant negative impacts on neighbouring residential properties as the structure is constructed on the subject property and the maximum density permitted on the site is three dwelling units under the R5 zone based on the area of the lot;
  - b) The variance would allow for the creation of an additional rental dwelling unit on the subject property adding to the City's housing stock, supporting population growth and adding to the mix of housing options;
  - c) The proposed addition of secondary suite dwelling units is considered a reasonable increase of density in the existing neighbourhood; and
  - d) While one- and two-bedroom units can accommodate individuals and smaller households, it is problematic to require larger families to be limited by the same amount of space. A diverse mix of housing options is beneficial to the community to address the challenges that exist in the current real estate market. As housing prices continue to increase, more family units/households will become unable to afford home ownership. Supporting the creation of larger suites that allow for those costs to be shared by multiple households or multi-generational households is an opportunity to mitigate the changing dynamics and realities of the current real estate market.
11. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, thirteen letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, zero written submissions had been received. As input is received, it is placed on the City of Vernon website (Development Variance Permits – Public Input) as well as in a binder at the front counter of the Community Services Building.

**C. Attachments**

- Attachment 1 – Site plan & Building Elevations
- Attachment 2 – R5: Four-plex Housing Residential, Zoning Bylaw #5000
- Attachment 3 – Section 5, Zoning Bylaw #5000
- Attachment 4 – Rationale Letter provided by applicant
- Attachment 5 – Section 7, Zoning Bylaw #5000
- Attachment 6 – Section 3, Zoning Bylaw #5000

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Create accessible and attainable housing for families with annual income below \$70,000

**E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as RLD Residential Low Density. The property is within the R5: Row Housing Residential zoning district (Attachment 2).
2. The Specific Use Regulations of Zoning Bylaw #5000, Section 5.5.5 regulates the maximum size of secondary suites (Attachment 3).
3. The Parking & Loading Regulations of Zoning Bylaw #5000, Section 7.1.9 regulates parking within a front yard (Attachment 5).
4. The Enforcement Regulations of Zoning Bylaw #5000, Section 3.3.7 regulates the size of a recreational vehicle permitted on a lot in a residential zone.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

Matt Faucher  
Planner, Current Planning

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

**X**

\_\_\_\_\_  
Signer 2

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Corporate Services                        | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                          | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                               | <input type="checkbox"/> Facilities           | <input checked="" 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 type="checkbox"/> Parks                | <input checked="" type="checkbox"/> Transportation                       |
| <input type="checkbox"/> Financial Services                        |   | <input checked="" type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (June 29, 2021) |   |  |
| <input type="checkbox"/> OTHER:                                    |   |  |

**GENERAL ARCHITECTURAL NOTES**

1. The building shown on this plan is to be constructed by the contractor. The contractor is responsible for providing all materials, labor, and equipment necessary for the construction of the building, including the foundation, framing, and exterior finishes.

2. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable building codes and regulations. The contractor shall also be responsible for providing all utility connections and for coordinating with the utility companies.

3. The contractor shall be responsible for providing all site work, including clearing, grading, and paving. The contractor shall also be responsible for providing all site lighting and for coordinating with the utility companies.

4. The contractor shall be responsible for providing all site access, including the driveway and the sidewalk. The contractor shall also be responsible for providing all site landscaping and for coordinating with the utility companies.

**INSULATION AND VENTILATION**

1. All exterior walls shall be insulated with R-19 or R-20 insulation. All exterior roofs shall be insulated with R-30 insulation. All exterior floors shall be insulated with R-10 insulation. All exterior basements shall be insulated with R-10 insulation.

2. All exterior walls shall be finished with vinyl siding. All exterior roofs shall be finished with asphalt shingles. All exterior floors shall be finished with concrete.

3. All exterior walls shall be finished with vinyl siding. All exterior roofs shall be finished with asphalt shingles. All exterior floors shall be finished with concrete.

**FINISHING**

1. All interior walls shall be finished with drywall. All interior roofs shall be finished with drywall. All interior floors shall be finished with carpet.

2. All interior walls shall be finished with drywall. All interior roofs shall be finished with drywall. All interior floors shall be finished with carpet.

**HEATING**

1. The building shall be heated with a gas furnace. The furnace shall be installed in the basement. The furnace shall be vented to the exterior.

2. The building shall be heated with a gas furnace. The furnace shall be installed in the basement. The furnace shall be vented to the exterior.

**COPYRIGHT**

1. The design and construction of this building is the property of the architect. The architect shall be responsible for all errors and omissions in the design and construction.

**ERRORS AND OMISSIONS**

1. The architect shall be responsible for all errors and omissions in the design and construction. The contractor shall be responsible for all errors and omissions in the construction.

**STRUCTURAL DESIGN AND ENGINEERING**

1. The structural design and engineering of this building is the responsibility of the structural engineer. The structural engineer shall be responsible for all errors and omissions in the design and engineering.

**STRUCTURAL DESIGN AND ENGINEERING**

1. The structural design and engineering of this building is the responsibility of the structural engineer. The structural engineer shall be responsible for all errors and omissions in the design and engineering.

**NEW FOUNDATION**

1. The new foundation shall be constructed in accordance with the plans and specifications. The foundation shall be finished with concrete.

**ELECTRICAL**

1. The electrical system shall be installed in accordance with the plans and specifications. The electrical system shall be finished with wiring and outlets.

**WOOD FRAMING**

1. The wood framing shall be installed in accordance with the plans and specifications. The wood framing shall be finished with studs and joists.

**PLUMBING**

1. The plumbing system shall be installed in accordance with the plans and specifications. The plumbing system shall be finished with pipes and fixtures.

**MECHANICAL**

1. The mechanical system shall be installed in accordance with the plans and specifications. The mechanical system shall be finished with ductwork and vents.

**PAINTING**

1. The painting shall be completed in accordance with the plans and specifications. The painting shall be finished with primer and finish paint.

**LANDSCAPING**

1. The landscaping shall be completed in accordance with the plans and specifications. The landscaping shall be finished with plants and trees.

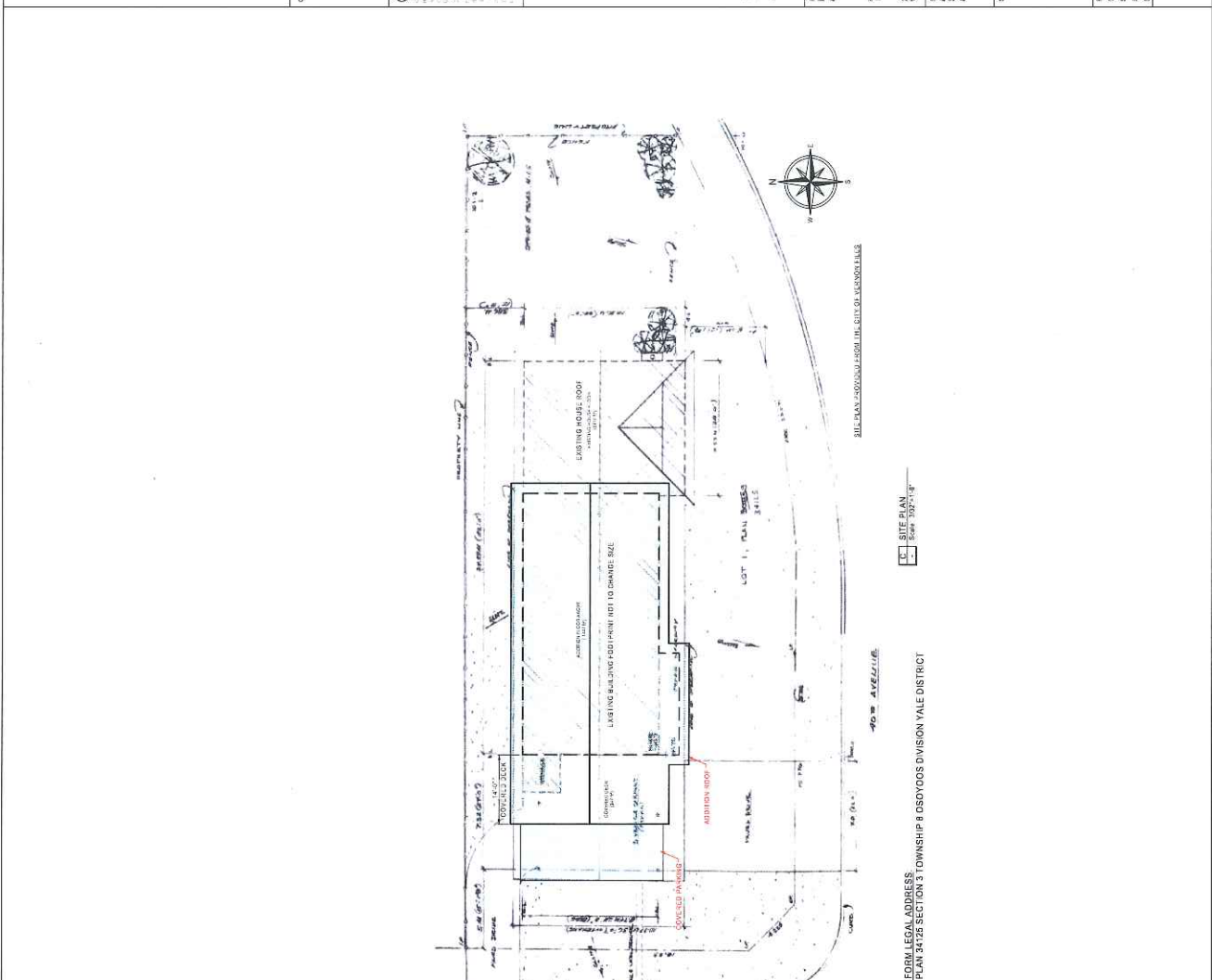


CORPUS CHRISTI TEXAS

PROJECT	HARMS ADDITION
DATE	2018-04-19
DRAWN BY	2018-04-19
CHECKED BY	2018-04-19
SCALE	AS SHOWN
DATE OF CONSTRUCTION	FOR HARMS & PILING ONLY
REVISIONS	

NO.	DATE	DESCRIPTION
1	2018-04-19	ISSUED FOR CONSTRUCTION
2		
3		
4		
5		
6		
7		
8		
9		
10		

PROJECT: HARMS ADDITION  
 DATE: 2018-04-19  
 DRAWN BY: 2018-04-19  
 CHECKED BY: 2018-04-19  
 SCALE: AS SHOWN  
 DATE OF CONSTRUCTION: FOR HARMS & PILING ONLY  
 REVISIONS:  
 NO. DATE DESCRIPTION



LONG FORM LEGAL ADDRESS  
 LOT 1 PLAN 3172 SECTION 3 TOWNSHIP 8 OSBYCOS DIVISION YALE DISTRICT

SITE PLAN  
 Scale: 1/4" = 1'-0"

101ST AVENUE & 102ND AVENUE  
 46TH STREET

24TH STREET



CONSULTANTS

**DATE:** 2019-03-18  
**PROJECT:** HARKINS ADDITION  
**LOCATION:** 1411 S. 20th St., Phoenix, AZ  
**DESIGNER:** Matt & Kristina  
**CLIENT:** Kristina & Matt Harkins  
**SCALE:** AS NOTED  
**DATE:** 2019-03-18

NO.	DATE	REVISIONS
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3		
4		

**PROJECT:** HARKINS ADDITION

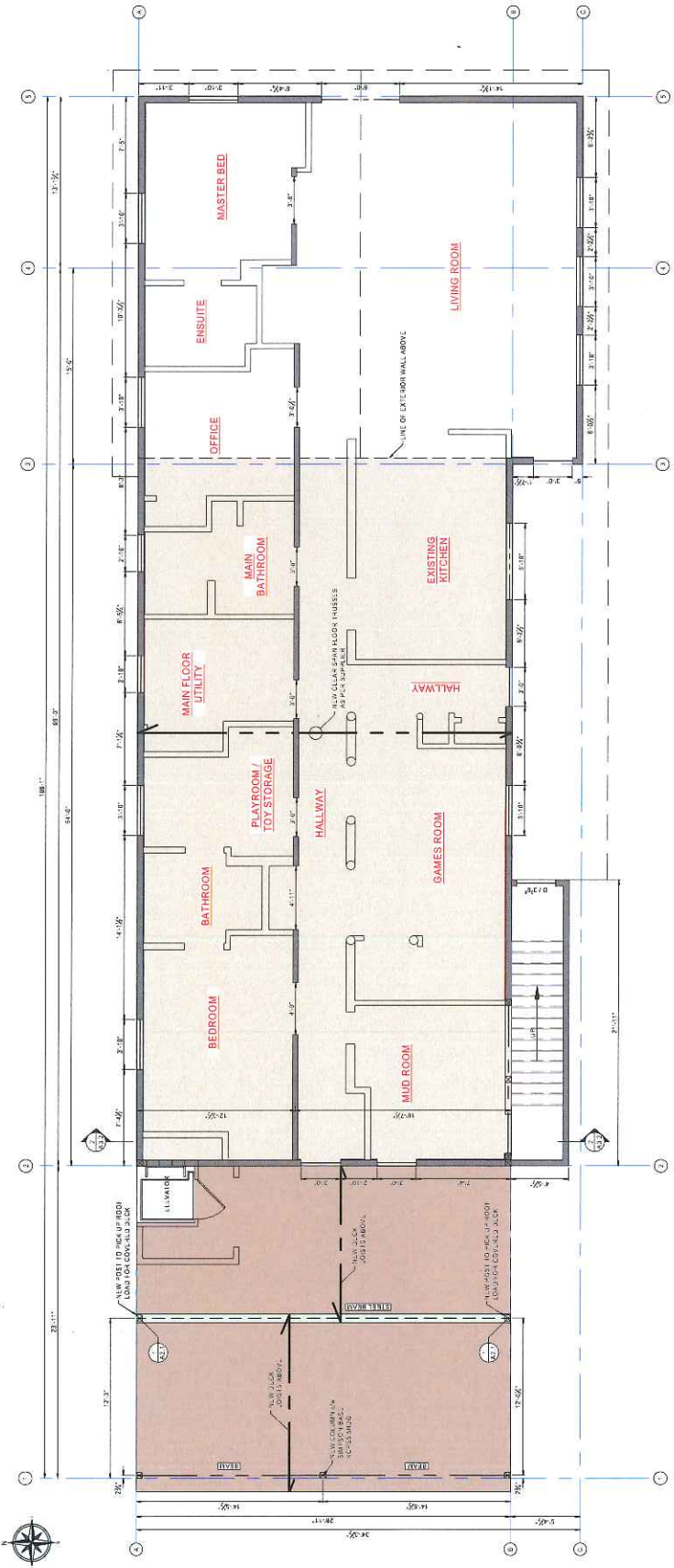
**DATE:** 2019-03-18

**SCALE:** AS NOTED

**DATE:** 2019-03-18

**REVISIONS:**

NO.	DATE	REVISIONS
1	2019-03-18	ISSUED FOR CONSTRUCTION
2		
3		
4		



**EXISTING FLOOR PLAN**

**FRAMING LEGEND NOTES**

**WALLS PER CODE OR PER PLAN (U.A.D.)**

**BEAMS / TRUSSES AND PER SUPPLIERS OR PER PLAN (U.A.D.)**

**CEILING PER PLAN (U.A.D.)**

**FLOOR JOBS AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**4000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**1000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**2000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**3000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

- (A) = NOTE**
- ALL WALLS SHALL BE 2" MINIMUM THICK UNLESS NOTED BY ARCHITECT.
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**FRAMING LEGEND NOTES**

**WALLS PER CODE OR PER PLAN (U.A.D.)**

**BEAMS / TRUSSES AND PER SUPPLIERS OR PER PLAN (U.A.D.)**

**CEILING PER PLAN (U.A.D.)**

**FLOOR JOBS AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**4000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**1000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**2000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**

**3000 - CONCRETE FLOOR (BY OTHERS)**

**AS PER SUPPLIERS OR PER PLAN (U.A.D.)**



CONSULTANTS

DATE: 2018-05-18  
PROJECT: HARMES ADDITION  
DESCRIPTION: RFP FOR CONSTRUCTION PER HARMES & HERRING DRAFTING

NO.	REVISION	DATE
1		
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PROJECT: HARMES ADDITION

DATE: 2018-05-18

DESCRIPTION: RFP FOR CONSTRUCTION PER HARMES & HERRING DRAFTING

SCALE: AS SHOWN

PROJECT: HARMES ADDITION

DATE: 2018-05-18

DESCRIPTION: RFP FOR CONSTRUCTION PER HARMES & HERRING DRAFTING

SCALE: AS SHOWN

PROJECT: HARMES ADDITION

DATE: 2018-05-18

DESCRIPTION: RFP FOR CONSTRUCTION PER HARMES & HERRING DRAFTING

SCALE: AS SHOWN

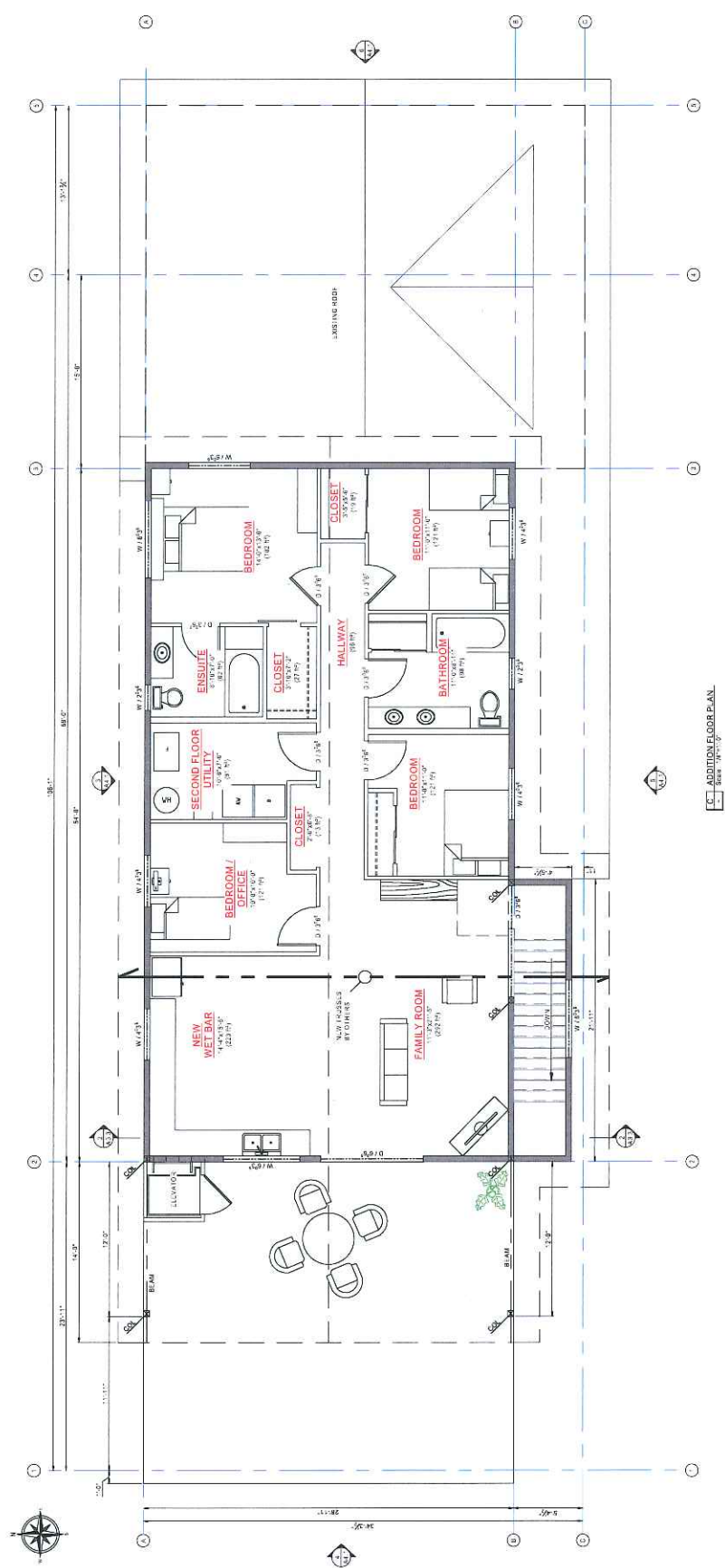
PROJECT: HARMES ADDITION

DATE: 2018-05-18

DESCRIPTION: RFP FOR CONSTRUCTION PER HARMES & HERRING DRAFTING

SCALE: AS SHOWN

PROJECT: HARMES ADDITION



**FRAMING LEGEND / NOTES**

- WALLS: 2x6 @ 16" O.C. (ALL BAYS)
- CEILING: 2x6 @ 16" O.C.
- FLOOR: 2x8 @ 16" O.C.
- ROOF: 2x10 @ 16" O.C.

- FRAMING LEGEND / NOTES**
- ALL ROOF SHEETING TO BE MIN. 1/2" PLYWOOD FASTENED WITH MIN. 16D NAILS @ 12" ON CENTER.
  - ALL ROOF SHEETING TO BE MIN. 1/2" PLYWOOD FASTENED WITH MIN. 16D NAILS @ 12" ON CENTER.
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  - ALL ROOF SHEETING TO BE MIN. 1/2" PLYWOOD FASTENED WITH MIN. 16D NAILS @ 12" ON CENTER.

NOTE: ALL WINDOWS AND DOORS TO BE CONFIRMED BY HOME OWNER.





CONTRACT NO. 15

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 All rights reserved. This drawing is the property of House of Rose Drafting and Design, LLC. It is to be used only for the project and location specified. Any other use without the written consent of House of Rose Drafting and Design, LLC is strictly prohibited. This drawing is not to be used for any other project or location without the written consent of House of Rose Drafting and Design, LLC. The client is responsible for obtaining all necessary permits and approvals. The contractor is responsible for obtaining all necessary permits and approvals. The contractor is responsible for obtaining all necessary permits and approvals. The contractor is responsible for obtaining all necessary permits and approvals.

NO.	DATE	DESCRIPTION
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2	2020.01.14	REVISED FOR CONSTRUCTION

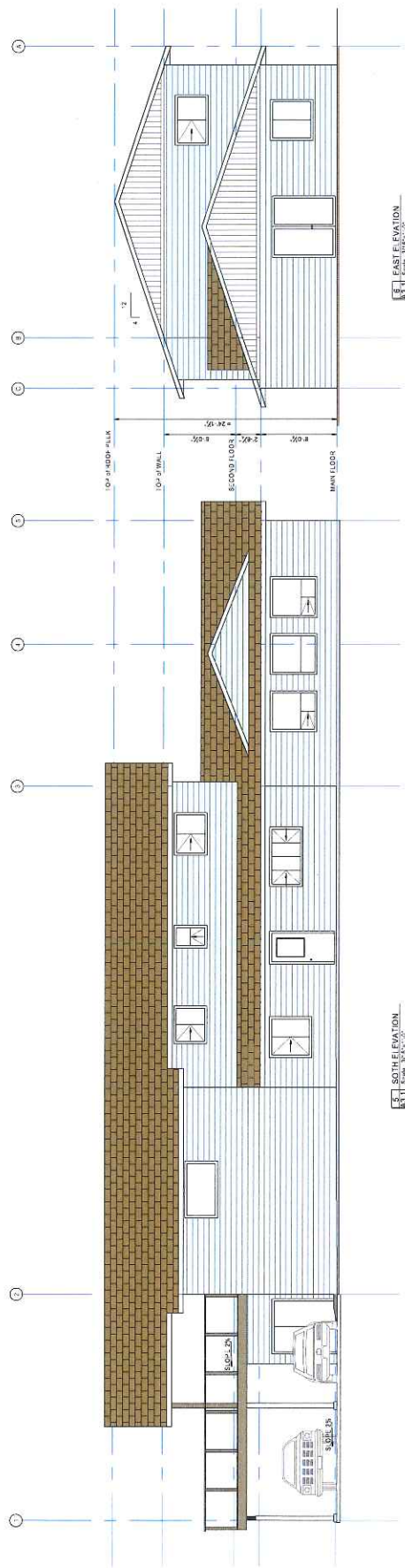
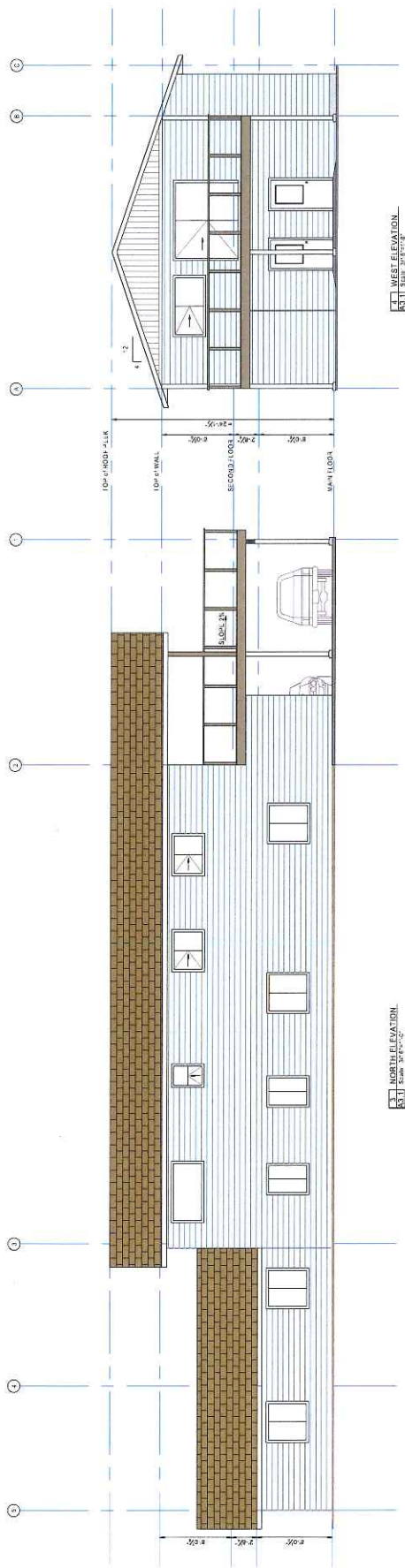
**HARKS ADDITION**  
 1425 HAWK HAVEN  
 2389 HWY 408  
 HARRIS CO  
 TEXAS 75426

**DRAWING BUILDING ELEVATIONS**

SCALE

FILE: 191001  
 DATE: January 17, 2020  
 TIME: 10:00 AM  
 USER: C:\Users\j...  
 PROJECT: 191001

SHEET NUMBER: 0  
 A4.1



NOTE:  
 ALL WINDOWS AND DOORS TO BE CONFIRMED BY HOME OWNER.



**R5****9.6 R5 : Four-plex Housing Residential****9.6.1 Purpose**

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached, semi-detached, duplex, three-plex** or **four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre, major** as an additional use. The R5h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

**9.6.2 Primary Uses<sup>4</sup>**

- **care centre, major** *(use is only permitted with the R5c sub-zoning district)*
- **duplex housing**
- **four-plex housing**
- **group home, major**
- **semi-detached housing**
- **single detached housing**
- **three-plex housing**
- **seniors housing**

**9.6.3 Secondary Uses**

- **boarding rooms**
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** *(in single detached housing only) (use is only permitted with the R5h sub-zoning district)*
- **secondary suites (in single detached housing only)**
- **seniors assisted housing**
- **seniors supportive housing**

**9.6.4 Subdivision Regulations**

- Minimum **lot width** is 20.0m, except it is 22.0m for a **corner lot**.
- Minimum **lot depth** is 30.0m.
- Minimum **lot width** for single detached housing is 14.0m, except it is 16.0m for a **corner lot**.
- Minimum **lot area** for single detached housing is 450m<sup>2</sup>.
- Minimum **lot area** is 700m<sup>2</sup>, except it is 800m<sup>2</sup> for a **corner lot**, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**. *(Bylaw 5339)*

**9.6.5 Party Wall Subdivision Regulations**

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
<b>Semi-Detached Housing</b>	350m <sup>2</sup>	400m <sup>2</sup>	10.0m	12.0m
<b>Three-Plex Housing</b>	235m <sup>2</sup>	285m <sup>2</sup>	7.0m	9.0m
<b>Four-Plex Housing</b>	175m <sup>2</sup>	225m <sup>2</sup>	7.0m	9.0m

**9.6.6 Development Regulations**

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.

- Maximum **floor space ratio** is 0.6.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, except it is 6.0m for a garage or **carport** to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum **side yard** is 2.0m for a 1 or 1.5 **storey** portion of a **building** or a **secondary building or structure** and 2.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** setback for shared interior **party walls** shall be 0.0m. The minimum **side yard** setback for **single detached housing** is 1.5m, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a **flanking street** and at least 6.0m from the back of curb or sidewalk.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.
- Maximum **density** is 30 units per gross hectare (12 units/gross acre).
- Maximum four **dwelling** units located in a **building**, with each unit having a minimum width of 6.5m. (*Bylaw 5339*)

#### 9.6.7 Other Regulations

- In order for bareland strata **developments** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- A minimum area of 25m<sup>2</sup> of **private open space** shall be provided per **dwelling**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)

5.5.4 A **secondary suite** must have a minimum of 15m<sup>2</sup> of separated and private **open space** in addition to any **open space** provided for the principle dwelling. (Bylaw 5851)

5.5.5 The **net floor area** of any **secondary suite** shall not exceed the lesser of 90m<sup>2</sup> or 45% of the **net floor area** of the **building** containing **single detached housing**. (Bylaw 5851)

Where a **secondary suite** is located in a **secondary building** the following shall apply:

Lot Size	450m <sup>2</sup> - 557m <sup>2</sup>		> 557m <sup>2</sup>	
Lot Orientation	No Lane	Lane or Flanking Street	No Lane	Lane or Flanking street
Maximum footprint	The lesser of 80m <sup>2</sup> or 75% of the <b>net floor area</b> the <b>building</b> containing <b>single detached housing</b> .		The lesser 90m <sup>2</sup> or 75% of the <b>net floor area</b> of the <b>building</b> containing <b>single detached housing</b> .	
Maximum floor area	The <b>net floor area</b> of the upper <b>storey</b> can be no more than 75% of the <b>net floor area</b> of the <b>first storey</b> .		The <b>net floor area</b> of the upper <b>storey</b> can be no more than 75% of the <b>net floor area</b> of the <b>first storey</b> .  The <b>net floor area</b> of a second <b>storey</b> of a suite can be 100% of the net floor area of the <b>first storey</b> if the <b>net floor area of the first storey</b> is less than 45m <sup>2</sup> .	
	The <b>net floor area</b> must be the lesser of 90m <sup>2</sup> or 60% of the <b>net floor area</b> of the <b>building</b> containing <b>single detached housing</b> .			
For the purposes of calculating <b>net floor area</b> for <b>secondary suites</b> contained in <b>secondary buildings</b> , notwithstanding the definition of <b>net floor area</b> , attached garages, <b>carports</b> , and <b>basements</b> shall be included in floor area calculations.				

Dear Sir/ Madam,

**Re: Rational for Variance**

Thank you for taking the time to review my request. As stated on the description of variance requested, I would like to turn the upstairs addition into a larger secondary suite as, my son, his wife and 3 children have taken up residence in the upper addition to assist me, a disabled person confined to use of a wheelchair to get around. Additionally, my 75-year-old mother has recently moved into the lower portion of the home with me.

Vary Zoning Bylaw #5000 section 5.5.5 to allow a secondary suite is 145m<sup>2</sup>, a total of 38% of the total floor area of the house:

Total floor area of the house is, 4,087.5sq ft (379.7m<sup>2</sup>)

Lower floor area is, 2,526sq ft (234.7m<sup>2</sup>); 62% of total floor area

Upper floor area is, 1,561.5sq ft (145m<sup>2</sup>); 38% of total floor area.

With the above factors, sharing a living space is not practical with toddlers running around, nor is it efficient for any of us as we have separate schedules. Sharing the space poses greater issues than initially expected. As both areas have a separate entrance, I find that requesting the allowance for a larger secondary suite be allotted to alleviate the inconvenience of sharing a living space at high priority times and maintain the independence of the two areas.

Yours Truly



Tamara Harms

designated wheelchair space and accessible sleeping room provided on a property as required by the BC Building Code;

- shall have a minimum height clearance of 2.75m;
- shall have a firm, slip-resistant, level, and hard surface area;
- shall be clearly marked as an **accessible parking space** using the International Symbol of Access painted on the parking surface;
- shall be provided with an **accessible path of travel** between the **accessible parking spaces** and the property's facility entrance; and
- shall be included in the calculation of the applicable minimum parking requirement. (*Bylaw 5787*)

7.1.8 **Parking spaces** for visitors shall be provided in accordance with the Parking Schedule and this Bylaw.

#### **Location**

7.1.9 For residential **use** classes:

- all required on-site parking shall be located on the **site** of the **development** served by the parking;
- no on-site parking shall be located in the required **front yard** except that a maximum of two required spaces may be located on a driveway which provides access to a required on-site **parking space** that is not in the **front yard**;
- where access to a **lot** is not feasible from a rear **lane**, parking may be provided in the required **front yard** of the **lot**;
- except for **developments** with 2 or less **dwelling** units, no on-site parking shall be located within 1.5m of any side or rear **property line** or within 3.0m of any **flanking street**; and,
- all visitors parking are to be easily accessible to the access points of the corresponding **development** and/or **buildings**.

7.1.10 For non-residential **use** classes:

- some or all required on-site **parking spaces** may be provided on a **site** located remotely, but no further than 200m (for the C6 **zone**) or 120m (for all other **zones**) measured along the shortest public pedestrian route from the nearest point of the parking to the nearest point of the **site** of the **development** served by the parking;
- where required on-site parking is located on a **site** separate from the **site** of the **development**: the owner of the remote on-site parking **site** shall covenant with the City of Vernon by agreement that the remote lands required for on-site parking shall be so used as long as required by this Bylaw, and the owner shall consent to pay the full cost of the preparation and registration of a covenant under *Section 219 of the Land Title Act* on the title to the remote lands; and the remote parking shall be developed to the same standard as on-site parking.

## 3.3.7 No person shall:

- place or permit a commercial **vehicle** in excess of 4100 kg licensed gross vehicle weight on a **lot** in a **residential zone** unless parked or stored in a fully enclosed permanent **building**. Short term parking during daylight hours for the purposes of delivery, service or construction on the property is permitted. Large pick up trucks, used primarily as family passenger vehicles, are exempt from these provisions;
- place or permit a **recreational vehicle** in excess of 29 ft in length on a **lot** in a **residential zone**, unless parked or stored in a fully enclosed permanent **building**. Short term parking of no more than two consecutive days for the purposes of loading, unloading, service or repair is permitted. **Recreational vehicles** parked within an area designated for such parking as per an approved Development Permit issued by the City are exempt from these provisions;
- permit a motor **vehicle** in a state of disrepair or derelict for more than 30 days on a **lot** in a **residential zone**;
- permit no more than two **recreational vehicles** outdoors on a **lot** in a **residential zone**; (*Bylaw 5339*)
- permit no more than a total of six operating and licensable vehicles to be located outdoors on a **lot** in a **residential zone**. Operating and licensable vehicles include cars, vans, trucks, motorcycles, trailers and **recreation vehicles**; (*Bylaw 5361*)
- permit a fuel storage tank on a **lot** in a **residential zone**; and,
- fail to deflect lighting away from **adjacent** property as required by Section 4.8.1.

3.3.8 **Garage / Yard Sales** are only permitted on residential properties twice per calendar year. Each **Garage / Yard Sale** is further restricted to no more than two consecutive days in duration. All **Garage / Yard Sales** are only permitted to be conducted by the **owner** and/or occupier of the residential property. All goods being displayed for sale must be located on the property and cannot be located within the adjacent **street** and/or **lane** right of way.

## 3.4 Penalties

3.4.1 Every person who violates a provision of this Bylaw commits an offence and is liable on summary conviction to a penalty not exceeding Ten Thousand Dollars (\$10,000.00) and the costs of prosecution.

3.4.2 Each day a violation of the provisions of this bylaw exists or is permitted to exist shall constitute a separate offence.



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 16, 2021  
**REPORT DATE:** June 24, 2021  
**FILE:** DVP00542 (Ref: DVP00495)

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 2000 33<sup>rd</sup> STREET

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## **PURPOSE:**

To review the development variance permit application to vary Section 9.10.6 of Zoning Bylaw #5000 to reduce the required minimum unit width for semi-detached dwellings from 7.5 m to 5.5 m at 2000 33<sup>rd</sup> Street.

## **RECOMMENDATION:**

THAT Council support Development Variance Permit Application DVP00542 to vary sections of Zoning Bylaw #5000 on Block 5, Plan 225, District Lot 73, ODYD, Parcel C, See DD KX5409 - Was Lot 9 & 10. (2000 33<sup>rd</sup> Street) as follows:

- a) To vary Section 9.10.6 of Zoning Bylaw #5000 to reduce the minimum unit width for semi-detached dwellings from 7.5 m to 5.5 m;

AND FURTHER, that Council's support of DVP00542 is subject to the following:

- a) That the foundation plan and building elevations, intended to illustrate the reduced unit width of the semi-detached dwellings (Attachment 1 and 2) in the report titled "Development Variance Permit Application for 2000 33<sup>rd</sup> Street" and dated June 29, 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00542 as Schedule 'A'.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application #DVP00542 to vary Section 9.10.6 of Zoning Bylaw #5000 to reduce the minimum unit width for semi-detached dwellings from 7.5 m to 5.5 m on Block 5, Plan 225, District Lot 73, ODYD, Parcel C, See DD KX5409 - Was Lot 9 & 10 (2000 33<sup>rd</sup> Street) as described in the report titled "Development Variance Permit Application for 2000 33<sup>rd</sup> Street" and dated June 29, 2021, respectfully submitted by the Current Planner.

*Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw #5000.*

## **ANALYSIS:**

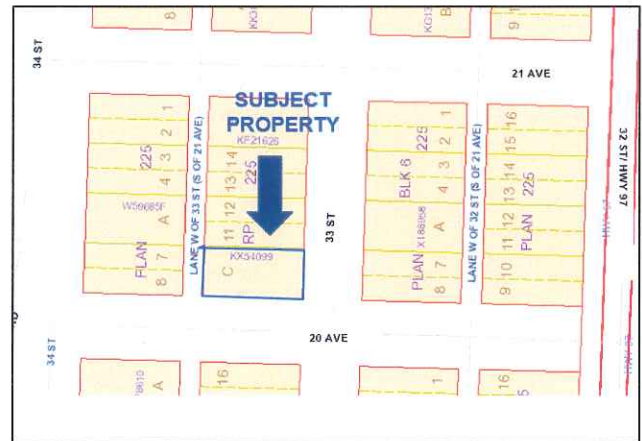
### **A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee passed the following resolution:

*“(to be cited by the Advisory Planning Committee).”*

### **B. Rationale:**

1. The subject property is located at 2000 33<sup>rd</sup> Street (Figures 1 and 2). The land is designated as Residential Small Lot (RSL) within the Official Community Plan (OCP) and is in the RM1: Row Housing Residential zone (Attachment 3). The property is approximately 464 m<sup>2</sup> (0.11 acre) in size.
2. The applicant is proposing to construct a semi-detached building containing two units on the subject property.
3. The RM1: Row Housing Residential zone allows semi-detached housing as a primary use. The maximum number of units permitted is two based on the area of the lot. This is in alignment with the OCP land use designation of Residential Small Lot.
4. Currently, the lot is undeveloped and is located on a corner lot, fronting onto 33<sup>rd</sup> Street, with 20<sup>th</sup> Avenue as the flanking street. There is lane access and it is in proximity of Vernon Jubilee Hospital and the City Centre. There is a mix of uses and density in the area, and the proposed development is in alignment with the OCP
5. At its November 23, 2020 meeting, Council approved DVP00495 for the subject property to reduce the minimum flanking side yard setback from 4.5 m to 2.7 m. Though the width of the semi-detached units was shown on the plans, a variance to the minimum width requirement was not identified or pursued. Therefore, the approval of DVP00542 is required to authorize the proposed development prior to the applicant obtaining a Building Permit to commence construction.



**Figure 1 – Property Location Map**



**Figure 2 – Aerial View of Property**

6. Under the current RM1: Row Housing Residential zone the minimum unit width for semi-detached dwellings is 7.5 m. As the lot is approximately 15 m in width, the construction of two 7.5 m wide units are not possible without a variance.
7. The applicant has submitted drawings (Attachment 1 and 2) and a letter of rationale for the proposed reduction of the minimum unit width (Attachment 4).
8. Administration supports the proposed application as the low-density development is on a corner lot and designed as a 2.5 storey structure with a walk-out basement on the lane. The proposed semi-detached



dwellings would appear as a two-storey home from 33<sup>rd</sup> Street and for a portion of the flanking side yard on 20<sup>th</sup> Avenue. The proposed semi-detached units would be considered a low-density development, and is considered appropriate to the neighbourhood context.

9. Administration supports the requested variances for the following reasons:

- a) The variance would allow for the creation of two dwelling units adding to the City's housing stock; and
- b) The proposed semi-detached dwellings are considered appropriate infill in an existing neighbourhood and the reduced minimum unit width allows for the development of the proposed building form.

10. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, thirteen letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, zero written submissions had been received. As input is received, it is placed on the City of Vernon website (Development Variance Permits – Public Input) as well as in a binder at the front counter of the Community Services Building.

### **C. Attachments**

- Attachment 1 – Foundation Plan
- Attachment 2 – Building Elevations
- Attachment 3 – RM1: Row Housing Residential, Zoning Bylaw #5000
- Attachment 4 – Rationale Letter

### **D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- N/A

### **E. Relevant Policy/Bylaws/Resolutions:**

1. The Official Community Plan (OCP) designates the property as RSL Residential Small Lot.
2. The RM1: Row Housing Residential zoning district, Section 9.10.6 regulates the minimum unit width of semi-detached dwellings (Attachment 3).
3. The OCP supports the provision of low-density multiple family housing options in and around designated neighbourhood centres.
4. At its Regular meeting on November 23, 2020, Council passed the following resolution:

THAT Council support Development Variance Permit application DVP#00495 to vary sections of Zoning Bylaw #5000 on Block 5, Plan 225, District Lot 73, ODYD, Parcel C, See DD KX5409 - Was Lot 9 & 10. (2000 33'd Street) as follows:

a) To vary Section 9.10.6 of Zoning Bylaw #5000 to reduce the minimum flanking side yard setback from 4.5m to 2.7m; and

AND FURTHER, that Council's support of DVP00495 is subject to the following:

a) That the site plan and building elevations, intended to illustrate the reduced flanking side yard setback (Attachment 1 and 2) in the report titled "Development Variance Permit Application for 2000 33'd Street" and dated November 13, 2020 by the Manager, Current Planning, be attached to and form part of DVP00495 as Schedule 'A'.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

X

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Matt Faucher  
Planner, Current Planning

Date: \_\_\_\_\_

X

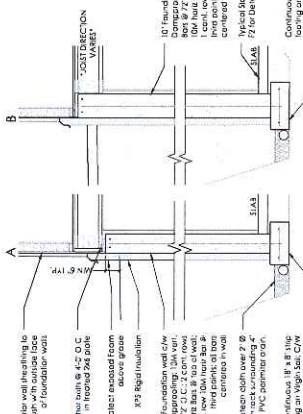
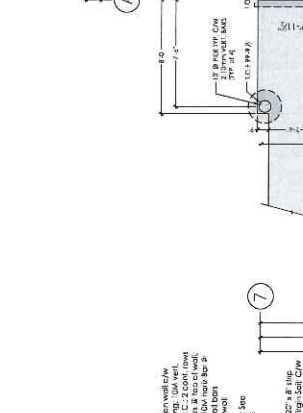
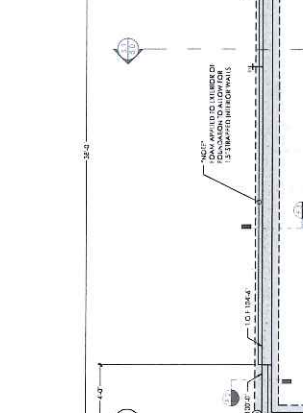
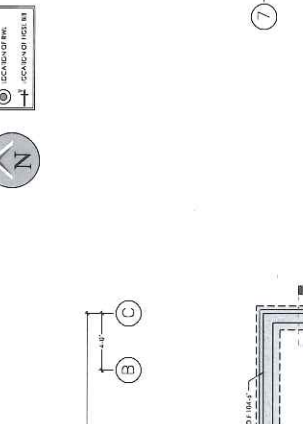
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Signer 2

Kim Flick  
Director, Community Infrastructure and Development

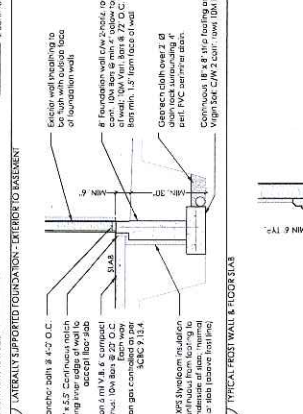
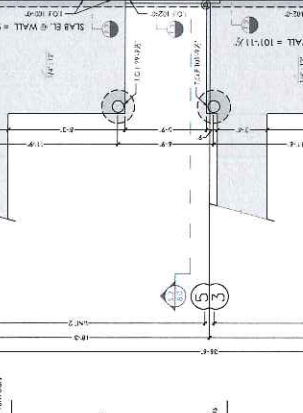
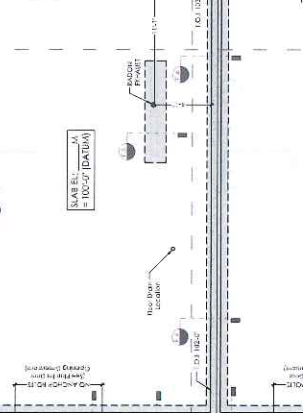
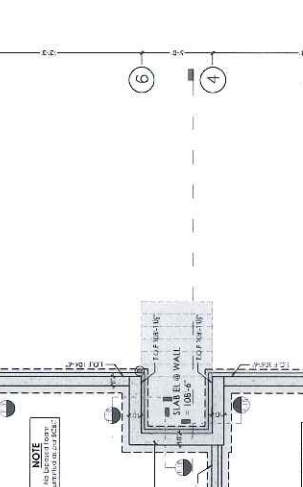
**REVIEWED WITH**

- |  |   |   |
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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 checked="" 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 29, 2021) |   |   |
| <input type="checkbox"/> OTHER:                                    |   |   |

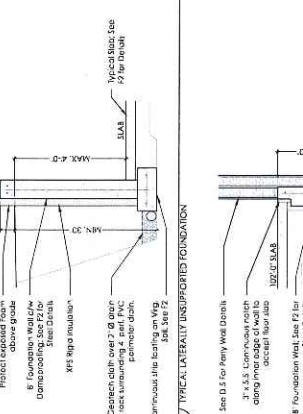
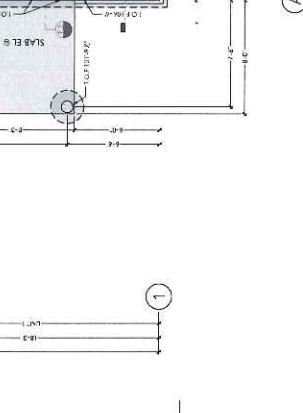
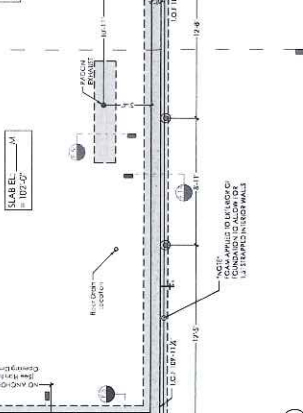
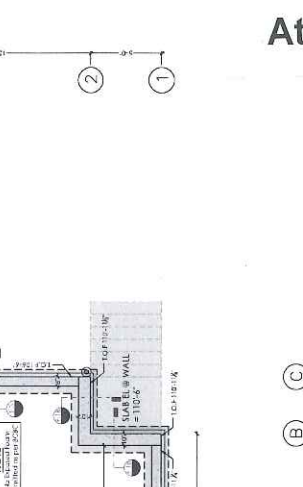
**D1.1 FOOTINGS & FOUNDATION DETAILS**  
SCALE: 1/4" = 1'-0"



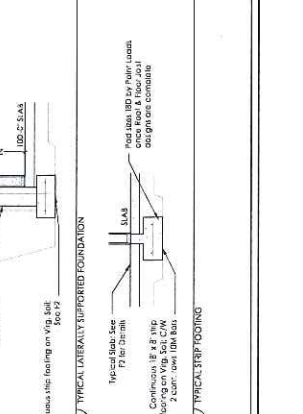
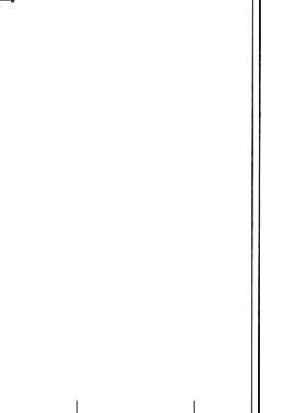
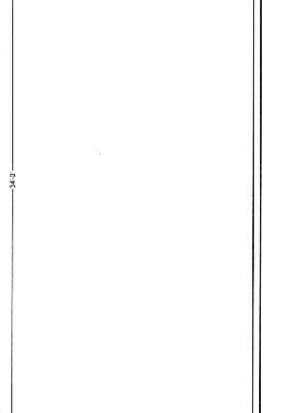
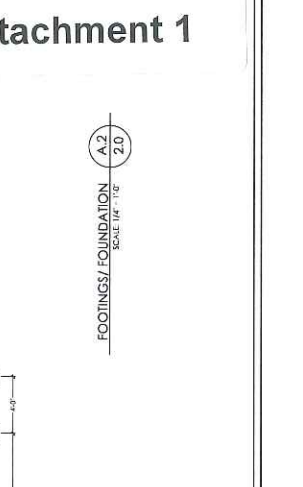
**D1.1** TYPICAL EXTERIOR SUPPORTED FOUNDATION - EXTERIOR TO EXTERIOR



**D1.2** TYPICAL EXTERIOR SUPPORTED FOUNDATION - EXTERIOR TO INTERIOR



**D1.3** TYPICAL INTERIOR SUPPORTED FOUNDATION



**D1.4** TYPICAL INTERIOR SUPPORTED FOUNDATION

**NOTE**  
Concrete  
All structural concrete shall be placed  
in accordance with ACI 308R-11  
and ACI 308.5R-11. All concrete shall be  
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**BUILD BY:** BREWELL CONSTRUCTION

**DESIGN BY:** JADE BAY ENGINEERS ARCHITECTS

4108 Iron Road  
Oxnard, A.C. 91320  
1-805-341-3882  
www.jadebay.com

**Project:** BREWELL CONSTRUCTION  
DUPEX  
2000 33RD STREET  
VERNON, SC

**REVISION:**  
1: 07/31/2020 - FOR DVP APPLICATION  
2: 10/08/2020 - ISSUED FOR BP APPLICATION

**note:**  
- T.O.F = TOP OF FOUNDATION WALL  
- ALL SLOPE INDICATORS TO BE TO A DOWNHILL DIRECTION  
- PLUMBING SHOWN FOR REFERENCE ONLY - CONFIRM ALL FITTURE LOCATIONS ON FLOOR PLANS

**date drawn:** SEPTEMBER 8th, 2020  
**date issued:** OCTOBER 8th, 2020

**Scale:** 1/4" = 1'-0" / 1/2" = 1'-0"

**drawing:** A.2 - FOOTINGS/ FOUNDATION  
D1.1 - FOUNDATION DETAILS

**sheet:** 2.5 OF 8.0

**Attachment 1**

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and ACI 308.5R-11. All interior walls  
shall be placed in accordance with  
ACI 308R-11 and ACI 308.5R-11.

**NOTE**  
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and ACI 308.5R-11. All exterior walls  
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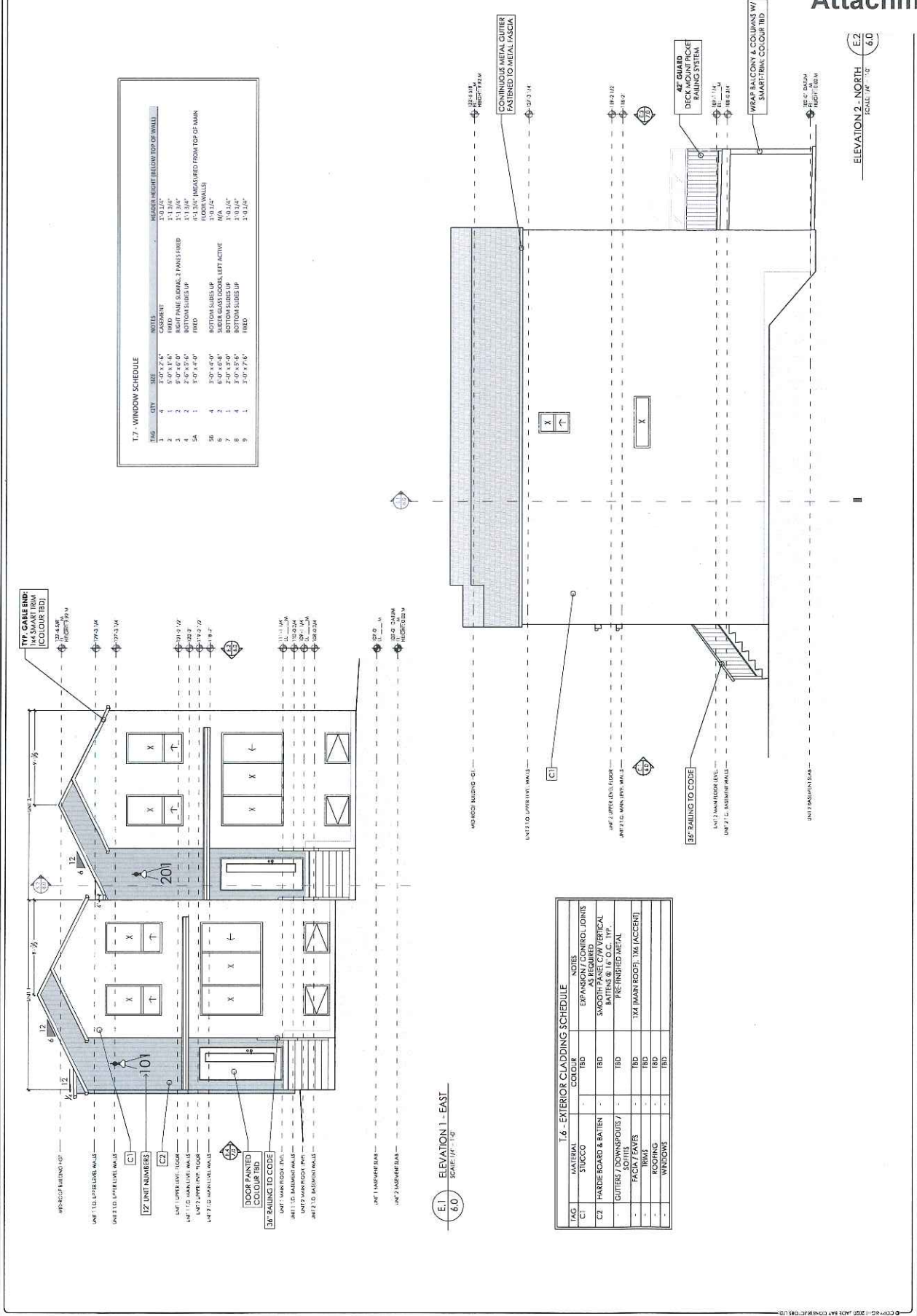
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ACI 308R-11 and ACI 308.5R-11.

**FOOTINGS/ FOUNDATION**  
SCALE: 1/4" = 1'-0" / 1/2" = 1'-0"

**A.2**  
**2.0**

# Attachment 2



**T.7 - WINDOW SCHEDULE**

TAG	QTY	SIZE	NOTES	HEADER HEIGHT BELOW TOP OF WALL
1	4	3'-0" x 7'-6"	CASSETT	3'-0" JAC
2	1	6'-0" x 6'-0"	WOOD FRAME SLIDING 3 PASSES FIXED	3'-0" JAC
3	2	6'-0" x 6'-0"	WOOD FRAME SLIDING 3 PASSES FIXED	3'-0" JAC
4	2	2'-6" x 5'-6"	BOTTOM SLIDES UP	3'-0" JAC
5A	1	3'-0" x 4'-0"	FIXED	4'-3 3/4" - MEASURED FROM TOP OF MARK
5B	4	3'-0" x 4'-0"	BOTTOM SLIDES UP	3'-0" JAC
6	2	6'-0" x 6'-6"	SUBER GLASS DOOR, LEFT ACTIVE	N/A
7	1	2'-0" x 3'-0"	BOTTOM SLIDES UP	3'-0" JAC
8	1	2'-0" x 3'-0"	BOTTOM SLIDES UP	3'-0" JAC
9	1	3'-0" x 7'-6"	FIXED	3'-0" JAC

**T.6 - EXTERIOR CLADDING SCHEDULE**

TAG	MATERIAL	COLOR	NOTES
C1	STUCCO	1B0	EXPANSION / CONTROL JOINTS AS REQUIRED
C2	HARDE BOARD & BATTEN	1B0	SUSPENDERS TO BE INSTALLED PERICAL BATTENS @ 16" O.C. MAX.
-	GUTTERS / DOWNSPOUTS / SOFFIT	1B0	PRE-FINISHED METAL
-	FACTORY FINISH ROOFING	1B0	1X4 MAIN ROOF; 1X6 (ACCRET)
-	WINDOWS	1B0	

E.1 ELEVATION 1 - EAST  
SCALE: 1/4" = 1'-0"

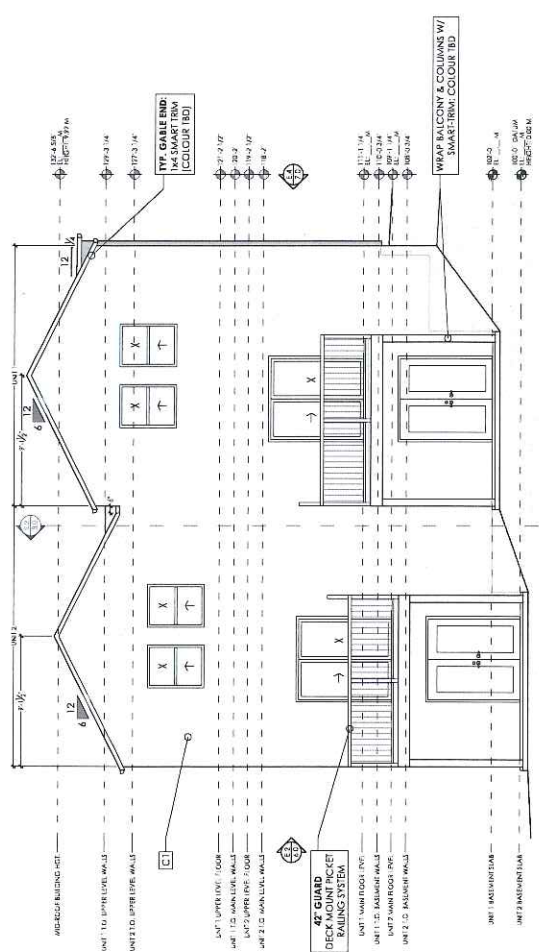
E.2 ELEVATION 2 - NORTH  
SCALE: 1/4" = 1'-0"

**T-8 - DOOR SCHEDULE**

Door	Qty	Quantity	Size	Notes
1	2	2	6'0" x 6'0"	Rec Rooms
2	2	2	3'0" x 6'0"	Entry Doors

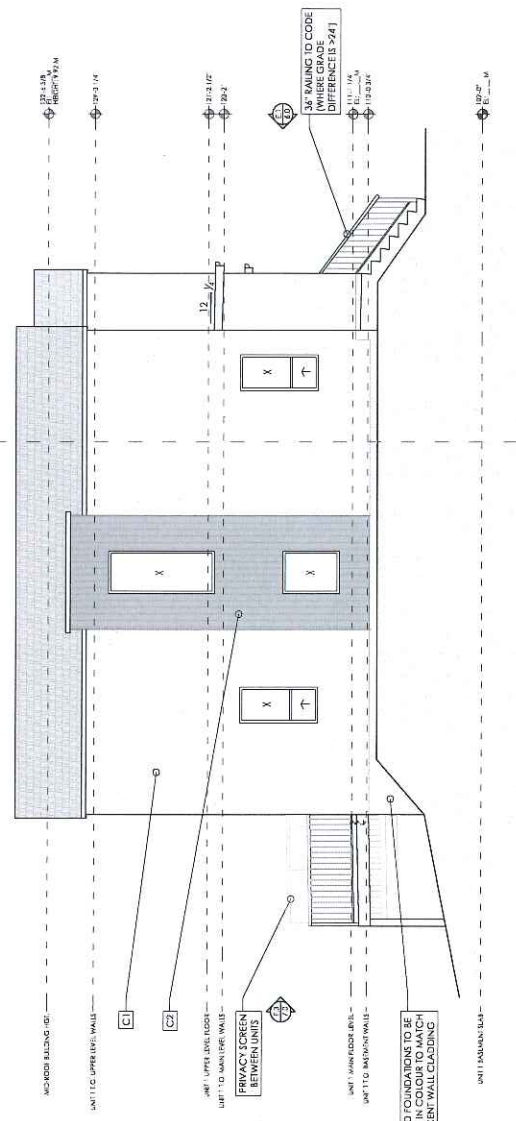
Door	Qty	Quantity	Size	Room	Frame	Handle	Notes
1	3A	3	2'10" x 6'0"	Mechanical	UH Reverse	Passage	Stairs
2	3B	2	2'10" x 6'0"	Mechanical	UH Reverse	Passage	Stairs
3	3C	2	2'10" x 6'0"	Mechanical	UH Reverse	Passage	Stairs
4	3A	4	2'0" x 6'0"	Storage Lockers	RH Reverse	Hollow	Stairs
5	3A	4	2'0" x 6'0"	Bath L. Entrance	RH	Priority	Stairs
6	3A	4	2'0" x 6'0"	Bath 2	UH Reverse	Priority	Stairs
7	3A	2	2'0" x 6'0"	W.C.	UH Reverse	Priority	Stairs
8	3A	2	2'0" x 6'0"	W.C.	UH Reverse	Priority	Stairs
9	3A	4	3'0" x 6'0"	Break Rooms	UH Reverse	Hollow	Stairs, Shows Double Glass
10	3A	2	5'0" x 6'0"	Master Closets	UH Reverse	Hollow	Stairs



**E-3 - ELEVATION 3 - WEST**  
SCALE: 1/4" = 1'-0"

**T-6 - EXTERIOR CLADDING SCHEDULE**

TAG	MATERIAL	COLOUR	NOTES
C1	STUCCO	BB	EXPANSION / CONTROL JOINTS AS REQUIRED
C2	HARDBOARD & BATTEN	BD	SMOOTH PANEL ON VERTICAL SURFACES
-	GUTTERS / DOWNSPOUTS / SOFFITS	BD	PRE-FINISHED METAL
-	FACIA / EAVES	BD	1X4 (MAIN ROOF) 1X4 (ACCENT)
-	ROOFING	BD	
-	WINDOWS	BD	



**E-4 - ELEVATION 4 - SOUTH**  
SCALE: 1/4" = 1'-0"

E-4  
7.0

## 9.10 RM1 : Row Housing Residential

### 9.10.1 Purpose

The purpose is to provide a **zone** for ground oriented medium **density row housing** on urban services.

### 9.10.2 Primary Uses

- care centre, major
- duplex housing
- four-plex housing
- group home, major
- row housing
- semi-detached housing
- seniors housing
- single detached housing

### 9.10.3 Secondary Uses

- boarding rooms (*Bylaw 5440*)
- care centres, minor
- home based businesses, minor
- secondary suites (in single detached housing only)
- seniors assisted housing
- seniors supportive housing

### 9.10.4 Subdivision Regulations

- Minimum **lot width** is 26.0m, except it is 7.5m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **lot area** is 800m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.
- Maximum **density** is 48.0 units per gross hectare (19.5 units/gross acre).
- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.

### 9.10.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
<b>Semi-Detached Housing</b>	225m <sup>2</sup>	275m <sup>2</sup>	7.5m	9.0m
<b>Row Housing</b>	150m <sup>2</sup>	200m <sup>2</sup>	6.5m	7.8m

### 9.10.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre).
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre). Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be

determined through multiplying the additional 12.0 units per gross hectare (5 units/gross acre) by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 55%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, except it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry.
- Minimum **side yard** is 1.2m, or 0.0m for shared interior **party walls** except it is 4.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The **side yard** is 0.0m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **rear yard** is 6.0m, except it is 1.0m for **secondary buildings**.
- Maximum six **dwelling** units located in a **building**, with each row housing unit having a minimum width of 6.5m and 7.5m for semi-detached housing units.

#### 9.10.7 Other Regulations

- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**.  
(Bylaw 5540)
- In order for bareland strata **development** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the size, **height** and **setbacks** of the **building** as specified in each **zone**.
- A minimum area of 25m<sup>2</sup> of private open space shall be provided per **dwelling**.
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- For **seniors assisted housing**, **seniors housing** and **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- No more than 6 **dwellings** may be located in a **row house building**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures**, **excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
(Bylaw 5440)



## Attachment 4

Brentwell Construction Ltd.  
1009 Kalamalka Lake Rd.  
Vernon, BC V1T 6V4  
June 17, 2021

City of Vernon  
Building Counter  
3001 32<sup>nd</sup> Ave  
Vernon, BC V1T 2L8

**Re: Variance Rationale- 2000 33 St (BP7817)**

The zoning district RM1 requires a minimum unit width of 7.5m for semi-detached units. We are requesting a reduced unit width to 5.56m. We are requesting this to allow for purpose-built rentals. A narrow house with a small footprint can be built with economy, which enables the owner to charge less rent. We see a need for more affordable rental units in this area and these units are designed specifically as such.

Thank you,  
Brentwell Construction Ltd.





# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Roy Nuriel  
Economic Development Planner

**COUNCIL MEETING:** REG  COW  I/C

**COUNCIL MEETING DATE:** July 19, 2021

**REPORT DATE:** June 21, 2021

**FILE:** 3340-20 (OCP00087, ZON00368)

**SUBJECT: OFFICIAL COMMUNITY PLAN AMENDMENT AND REZONING APPLICATIONS FOR  
1501 HWY 6 AND 1400, 1401, 1404, 1405, 1406 17<sup>TH</sup> STREET**

---

## PURPOSE:

To review the following Official Community Plan (OCP) amendment and rezoning applications for the portion of the properties at 1501 Hwy 6 and 1400, 1401, 1404, 1405, 1406 17<sup>th</sup> Street, in order to permit a commercial storage development.

## RECOMMENDATION:

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 17<sup>th</sup> 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 17<sup>th</sup> Street" dated June 21, 2021, respectfully submitted by the Economic Development Planner.

## ALTERNATIVES & IMPLICATIONS:

1. THAT Council support in principle the proposed Official Community Plan amendment application 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 17<sup>th</sup> Street), and illustrated in Attachment 1, to amend the OCP land use designation from Community Commercial to Light Industrial/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 17<sup>th</sup> Street" dated June 21, 2021, respectfully submitted by the Economic Development Planner;

AND FURTHER, that Council support presenting the proposed Official Community Plan Amendment application at a public open house in order to seek public input prior to the Public Hearing;

AND FURTHER, that Council support in principle the proposed rezoning application 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 17<sup>th</sup> Street), and illustrated in Attachment 1, to rezone from C5: Community Commercial to C11: Service Commercial, subject to the following conditions:

- a) Consolidation of Lots 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 17<sup>th</sup> Street) into one or two titles;
- b) Registration of a Restrictive Covenant to restrict the Primary Uses in the C11: Service Commercial on the subject property to an only "commercial storage" use;

- c) That a Transportation Impact Assessment (TIA) and access safety review will be conducted for the site; and
- d) That prior to final adoption of the zoning amendment bylaw, the Development Permit be ready for issuance.

*Note: Should Council choose this alternative, a portion of the properties, as in Attachment 1, would be considered to be re-designated Light Industrial/Service Commercial in the OCP and rezoned to C11: Service Commercial. It would be recommended that Council endorse the conditions as above. Additional conditions may be added for Council consideration following a review of the Development Permit, TIA and access safety study.*

- 2. THAT Council support in principle the proposed Official Community Plan amendment application 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 17<sup>th</sup> Street), and illustrated in Attachment 1, to amend the OCP land use designation from Community Commercial to Light Industrial/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 17<sup>th</sup> Street" dated June 21, 2021, respectfully submitted by the Economic Development Planner;

AND FURTHER, that Council support presenting the proposed Official Community Plan Amendment application at a public open house in order to seek public input prior to the Public Hearing;

AND FURTHER, that Council support in principle the proposed rezoning application 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 17<sup>th</sup> Street), and illustrated in Attachment 1, to rezone from C5: Community Commercial to C11: Service Commercial.

*Note: Should Council choose this alternative, a portion of the properties, as in Attachment 1, would be considered to be re-designated Light Industrial Service Commercial in the OCP and rezoned to C11: Service Commercial. The subject property could be developed to other C11 permitted uses, other than "commercial storage".*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee adopted the following resolution:

" . "

**B. Rationale:**

- 1. The subject properties located on 1501 Hwy 6 And 1400, 1401, 1404, 1405, 1406 17<sup>th</sup> Street (Figures 1 and 2), are designated Community Commercial in the Official Community Plan (OCP) and zoned C5: Community Commercial in Zoning Bylaw #5000. The total area of the properties is 8.44 acres. Although the lot boundaries of properties at 1400, 1401, 1404, 1405, 1406 17<sup>th</sup> Street are shown as a residential subdivision, their existing land use designation, zoning and ownership include them with the large commercial lot at 1501 Hwy 6.
- 2. The applicant is seeking an Official Community Plan (OCP) amendment to change the land use designation of a portion of the lots on 1501 Hwy 6 And 1400, 1401, 1404, 1405, 1406 17<sup>th</sup> Street (Attachments 1 and 2) from Community Commercial to Light Industrial / Service Commercial. The purpose of the amendment is to support a rezoning of a portion of the properties from C5: Community

Commercial to C11: Service Commercial, to accommodate the creation of a new commercial storage development on the west side of the subject properties (Attachment 1). The current OCP and zoning of the subject properties are shown in Attachments 3 and 4.

3. As shown in Attachment 3, the existing OCP land use designation on the subject properties is Community Commercial. Community Commercial land use supports the economic activity of the city and the region by providing a land designation to accommodate a variety of business types and sizes, and to ensure that residents can have access to commercial uses that they need. In their letter (Attachment 2), the applicant has stated that based on the total size of the properties (8.44 acres), large-scale commercial development is not viable. The applicant feels that it will be difficult to fill the whole site with the current land use and zoning. As such, the applicant has proposed to amend the land use designation and rezone a portion of the properties (4.34 acres), to build a commercial self-storage on the west end of the property (Attachment 1). In their letter, the applicant has also provided pictures from the new Airport Village Self Storage, which was developed by the same company in Kelowna Airport Business Park. The proposed self-storage in Vernon would be aesthetically similar to Kelowna's commercial storage, with low height buildings that would blend in the retail nature of the site and include a landscape transition from the site to the neighbouring residential. As illustrated in the proposed zoning and OCP (Attachment 1) and the preliminary development site plan (Attachment 5), the east portion of the properties will stay under the existing community commercial land use and C5 zoning to accommodate a commercial development in the near future. The access to the self-storage would be from 15<sup>th</sup> Street throughout the commercial centre, which may reduce the impact on the adjacent residential properties.

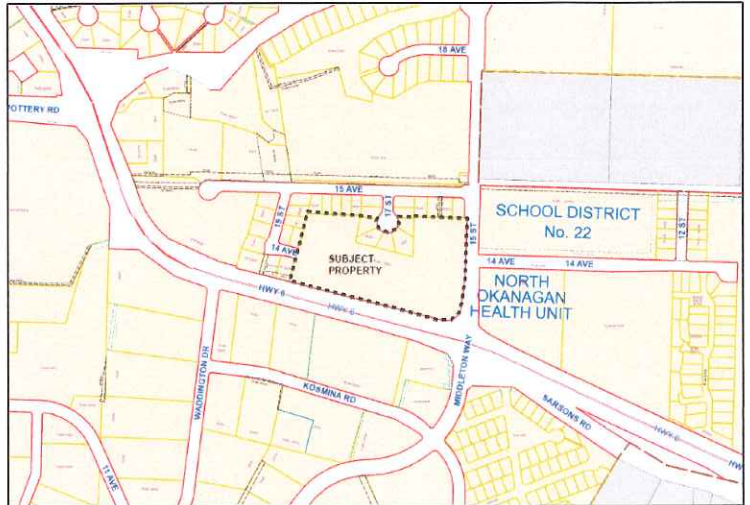


Figure 1: Location Map



Figure 2: Aerial Map

4. The proposed rezoning from C5: Community Commercial to C11: Service Commercial (Attachments 6 and 7) is consistent with the proposed OCP amendment and permit self-storage development as a primary use on the west end of the property. The definition of "commercial storage" in Zoning Bylaw #5000, is as follows:

**"STORAGE, COMMERCIAL** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature".

5. Zoning Bylaw #5000 permits the primary use of Commercial storage only in I1: Light Industrial, C11: Service Commercial and CD1: Comprehensive Development Area 1 (Area B/Type 2) zoning districts. Commercial storage is a rental facility on a month-to-month basis where the tenant has sole access to his unit. A typical commercial storage facility is located on a large lot and includes a mixed size of units in one to two-story simplified building structures surrounded by drive aisles. Commercial storage facilities are completely fenced, well lit and are not maintenance intensive. The amount of labour in such facilities is minimal and mostly include a site manager and a couple of employees. These characteristics of commercial storage are the reasons for limiting their development and operation to Light Industrial/ Service Commercial area. Their large site coverage and aesthetics are compatible with the City's Light Industrial / Service Commercial zoning districts.
6. The subject properties (Figures 1 and 2), are located at the eastern gateway of Vernon, adjacent to Hwy 6 and part of the East Hill Neighbourhood. The OCP land use designation and zoning of Community Commercial on the subject property were preliminary given for a development of a new commercial centre to support the residential neighbourhoods of East Hill and Middleton Mountain. Currently, most of the community commercial areas are located in the north part of the city and along major traffic corridors. The Shops at Polson Park, which is located at Hwy 6 and Kalamalka Lake Road, is the only existing commercial centre in this area. The Shops at Polson Park site is almost completely built out and new development there is very limited. Commercial development of the subject properties is required to support the existing and projected population for the east part of the city and the North Okanagan and would reduce the frequent trips to the north part of the city. In addition, and based on the OCP, the City's transportation and infrastructure plans identify the site for commercial development and retail employment hub in the short and long-term, which include supporting infrastructure such as public transportation routes, multi-use path and road and intersections improvement.
7. By supporting the application and amending the OCP and rezoning of 4.34 acres from the total of 8.44 acres to develop a new commercial storage facility (Attachments 1 and 2), Vernon's eastern gateway would lose an important site for large scale commercial development, which will be needed to meet the population needs for the east side of the city and the North Okanagan. The City and the community long-term vision for the site is a vibrant mixed-use commercial and residential centre, which is already permitted under the existing C5: Community Commercial zoning district (Attachment 6). Although the applicant has mentioned in their letter (Attachment 2), that the commercial storage would follow aesthetics guidelines of retail centres, by developing commercial storage on 50% of the site, a prime and visible location along a major traffic corridor will be given to a less desirable use for this specific area, especially when the city has other available lands within its boundaries that are already designated, zoned and better situated, away from residentially zoned for commercial storage development. As such, Administration does not support the requested OCP and rezoning amendments.
8. Should Council choose to support the OCP amendment and rezoning applications, Administration recommends that as part of rezoning from C5: Community Commercial to C11: Service Commercial, that the following three conditions would be completed prior to the final adoption of the rezoning:
  - a) Consolidation of Lots 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 17<sup>th</sup> Street) into one or two titles;
  - b) Registration of a Restrictive Covenant to restrict the Primary Uses in the C11: Service Commercial on the subject property to an only "commercial storage" use;
  - c) That a Transportation Impact Assessment (TIA) and access safety review will be conducted for the site; and
  - d) That prior to final adoption of the zoning amendment bylaw, the Development Permit ready for issuance.

The last three recommended conditions would protect the property from the development of other service commercial uses that are not “commercial storage” and would provide some level of assurance to the community, and especially to the adjacent residential properties about the form and character of the proposed commercial storage building and site, including the landscape buffer, screening, traffic movement and access. Additional conditions may be added for Council consideration following a review of the Development Permit, TIA and access safety study.

9. Administration does not support the OCP and rezoning amendments on a portion of the subject properties for the following reasons:
- a) The existing OCP land use designation and zoning for the subject properties are Community Commercial. This designation is in place to support a large-scale commercial development centre to meet the population needs.
  - b) Commercial storage facilities in the area are developed on large lots to accommodate secured and simplified building structures surrounded by drive aisles. As such, the Zoning Bylaw permits the use of Commercial storage only in I1: Light Industrial, C11: Service Commercial and CD1: Comprehensive Development Area 1 (Area B/Type 2) zoning districts. The subject property is part of the East Hill Neighbourhood and adjacent to residential homes. Development of commercial storage centres outside its designated lands is not a recommended planning practice and may impact the adjacent residential properties.
  - c) By developing commercial storage on 50% of the site (4.34 acres from 8.44 acres), a prime and visible location along a major traffic corridor will be given to a less desirable use for this specific area, especially when the city has other available lands within its boundaries that are already designated, zoned and better situated, away from residentially zoned for commercial storage development.

**C. Attachments:**

Attachment 1: Proposed OCP Land Use and Zoning Map  
Attachment 2: Letter from Applicant  
Attachment 3: OCP Land Use Map  
Attachment 4: Zoning Map  
Attachment 5: Preliminary Proposed Site Plan  
Attachment 6: C5: Community Commercial Zoning District  
Attachment 7: C11: Service Commercial Zoning District

**D. Council’s Strategic Plan 2019 – 2022 Goals/Deliverables:**

The subject application involves the following goals/action items in Council’s Strategic Plan 2019 – 2022:

- Be a leader in economic development

**E. Relevant Policy/Bylaws/Resolutions:**

1. The subject properties are located on 1501 Hwy 6 and 1400, 1401, 1404, 1405, 1406 17<sup>th</sup> Street, are designated Community Commercial in the Official Community Plan (OCP) and C5: Community Commercial in Zoning Bylaw #5000.
2. Should Council choose to support proceeding with the OCP amendment application, the first step, as per the OCP Amendment Application Policy, would be to provide an opportunity for the public and other affected agencies to review and comment on the proposed amendment. Staff would host a public open house to allow residents to comment on the proposed amendment. Following this, staff would report

back to Council with the results of the open house and provide the associated bylaws for Council's consideration.

3. The definition of "Commercial Storage" in Zoning Bylaw #5000 is as follows:

"**STORAGE, COMMERCIAL** means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature".

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

X

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Roy Nuriel  
Economic Development Planner

Date: \_\_\_\_\_

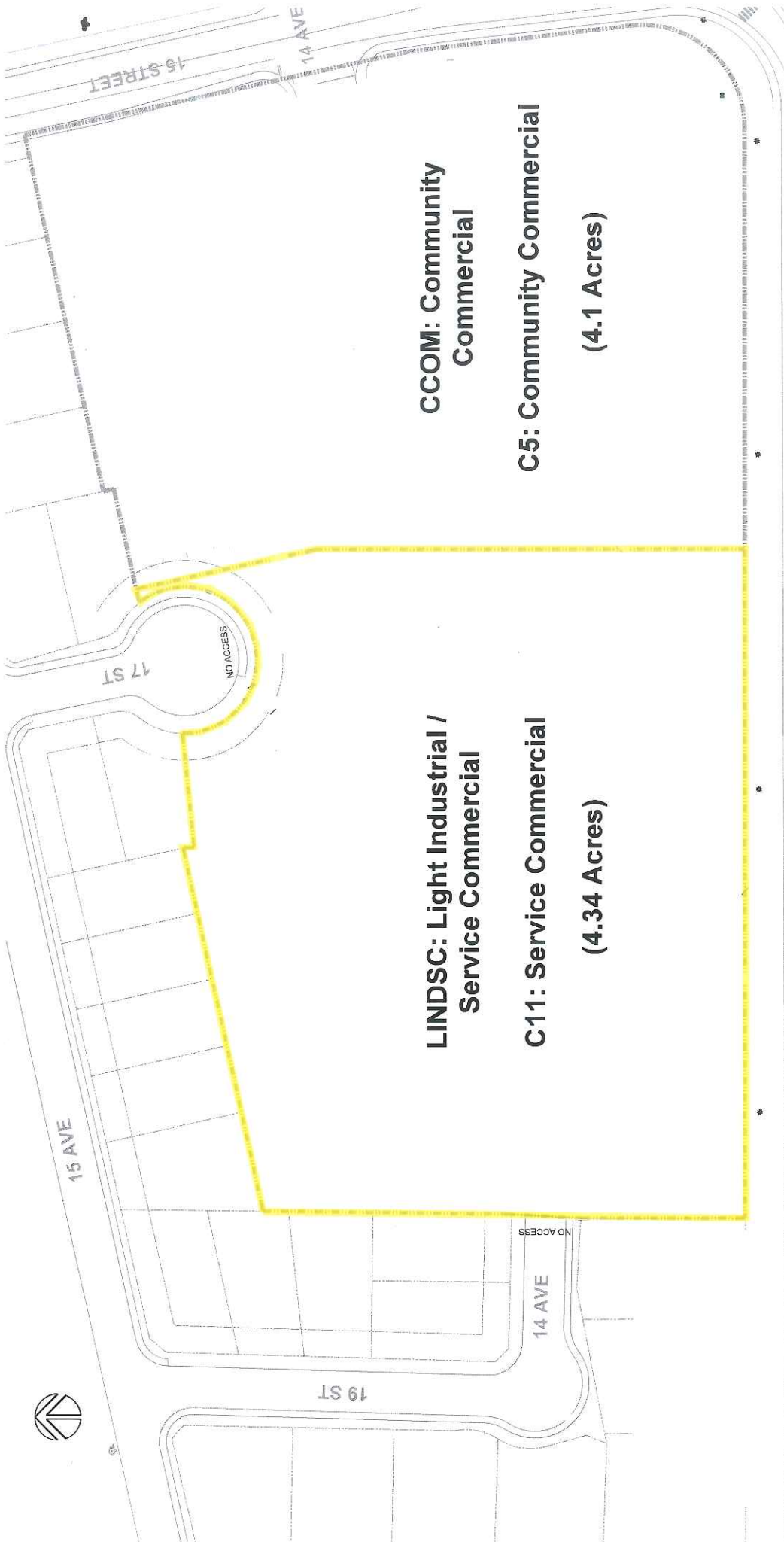
X

\_\_\_\_\_  
Signer 3

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Corporate Services                    | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                      | <input type="checkbox"/> Public Works/Airport | <input checked="" 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 checked="" type="checkbox"/> Transportation                       |
| <input type="checkbox"/> Financial Services                    |   | <input checked="" type="checkbox"/> Economic Development & Tourism       |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jun.29/21) |   |  |
| <input type="checkbox"/> OTHER:                                |   |  |



**CCOM: Community Commercial**

**C5: Community Commercial  
(4.1 Acres)**

**LINDSC: Light Industrial / Service Commercial**

**C11: Service Commercial  
(4.34 Acres)**

HIGHWAY 6

**Proposed OCP and Zoning  
(1501 Hwy 6 and 1400, 1401, 1404, 1405, 1406 17th Street)**

RECEIVED FEB 27 2021



February,25 2021

Roy Nuriel  
Economic Development Planner  
City of Vernon  
Community Service Building, 3001-32 Ave,  
Vernon, B.C., V1T 2L8

Dear Mr. Nuriel,

Thank you for your help on our project proposal this last couple of weeks. At this time, we would like to move forward with the OCP Amendment application that is needed to change the land use and rezone to allow for the commercial self-storage we are proposing for the West portion of the project.

As discussed, we are planning on developing our property at Hwy 6 and 15<sup>th</sup> Street Corner. The East end of the property will be developed within current OCP and Zoning designations however with the size of the property we feel that it will be difficult to fill the whole site with the current community commercial designated type uses and are therefore proposing to build a commercial self-storage on the West end of the property that would service the local residential and business communities. Access to the self-storage would be from 15<sup>th</sup> street. The Armstrong Land Corp. is a company committed to creating aesthetically pleasing and functional sites and understand there will be challenges with landscaping transitions from this site to the neighboring residential that will need addressing. Once land use and zoning is finalized, we feel confident that together with architects, engineering, and the City's regulations & bylaws a solution can be found.

Following are some pictures of a site the Armstrong Land Corp. has developed in Kelowna. It is a site that has community commercial type uses with a self-storage adjacent and is a busy, well like community amenity! If you would like more examples or details of the Armstrong Land Corp's developments, we would be happy to provide more detail.



the  
Armstrong  
Land Corp.

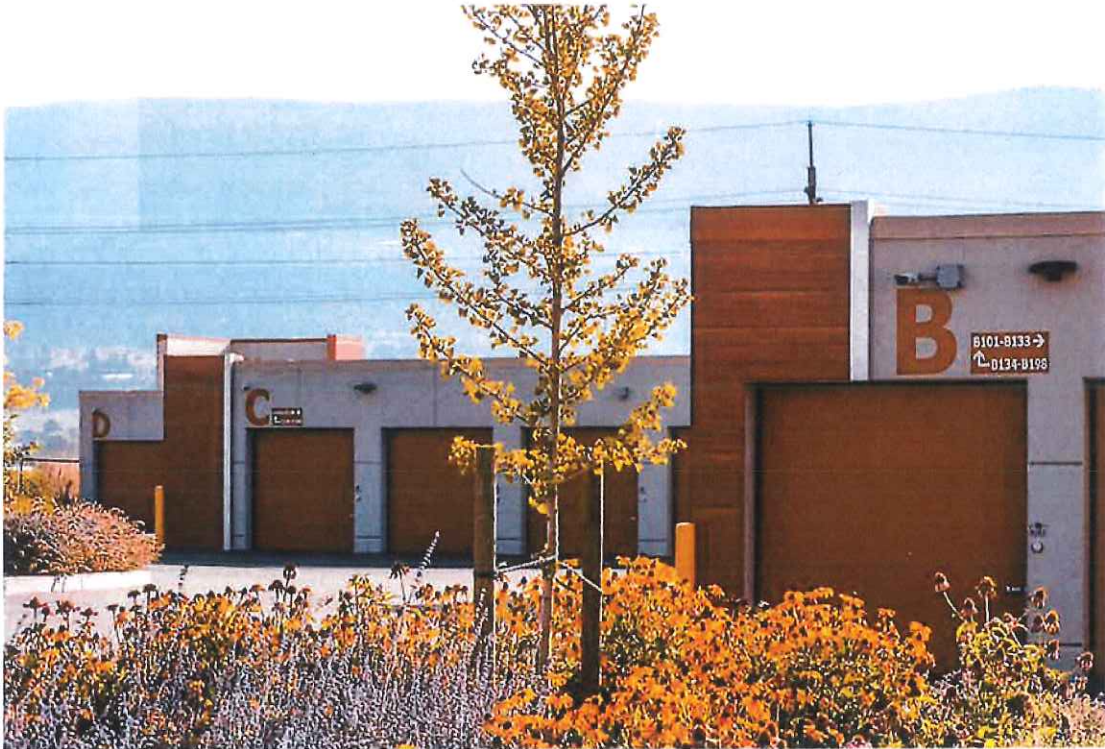


 the  
**Armstrong  
Land Corp.**



3025 Smith Drive Armstrong, B.C. V0E 1B1  
Phone: - 250-900-1102 | Fax - 250-900-1107

 the  
**Armstrong  
Land Corp.**





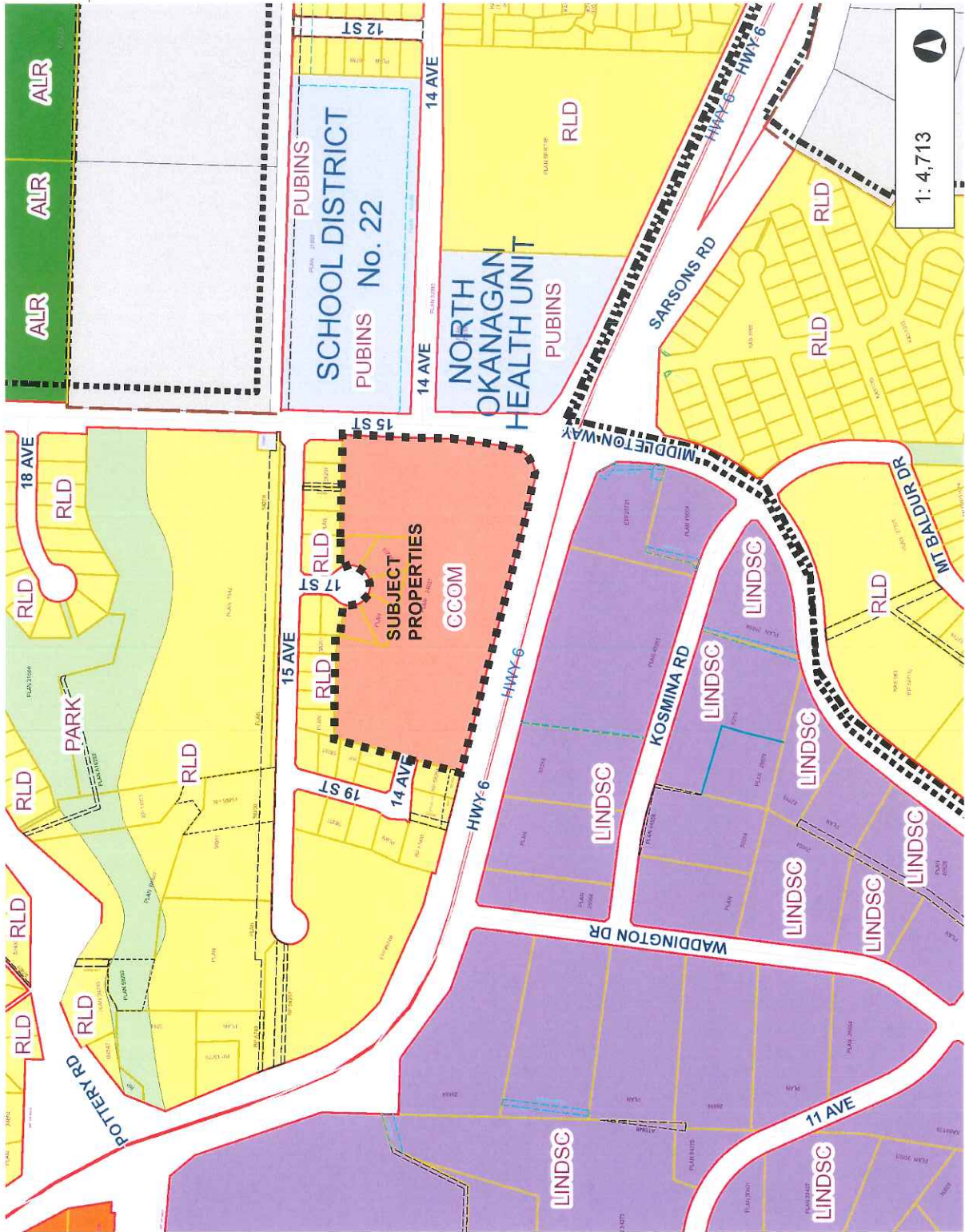
We realize this may not be the vision the City had for this site but want you to know that we are committed to create a site that will enhance and service the community into the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Goossen', written in a cursive style.

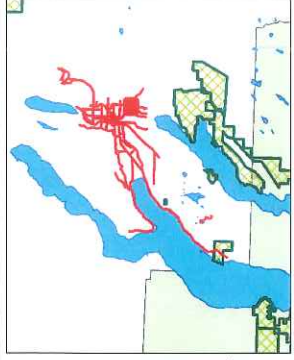
Marshall Goossen

# Official Community Plan (OCP) Map



**Legend**

CCOM: Community Commercial
RLD: Residential Low Density
PUBNIS: Public Institutional
LINDSC: Light Industrial/Service Commercial



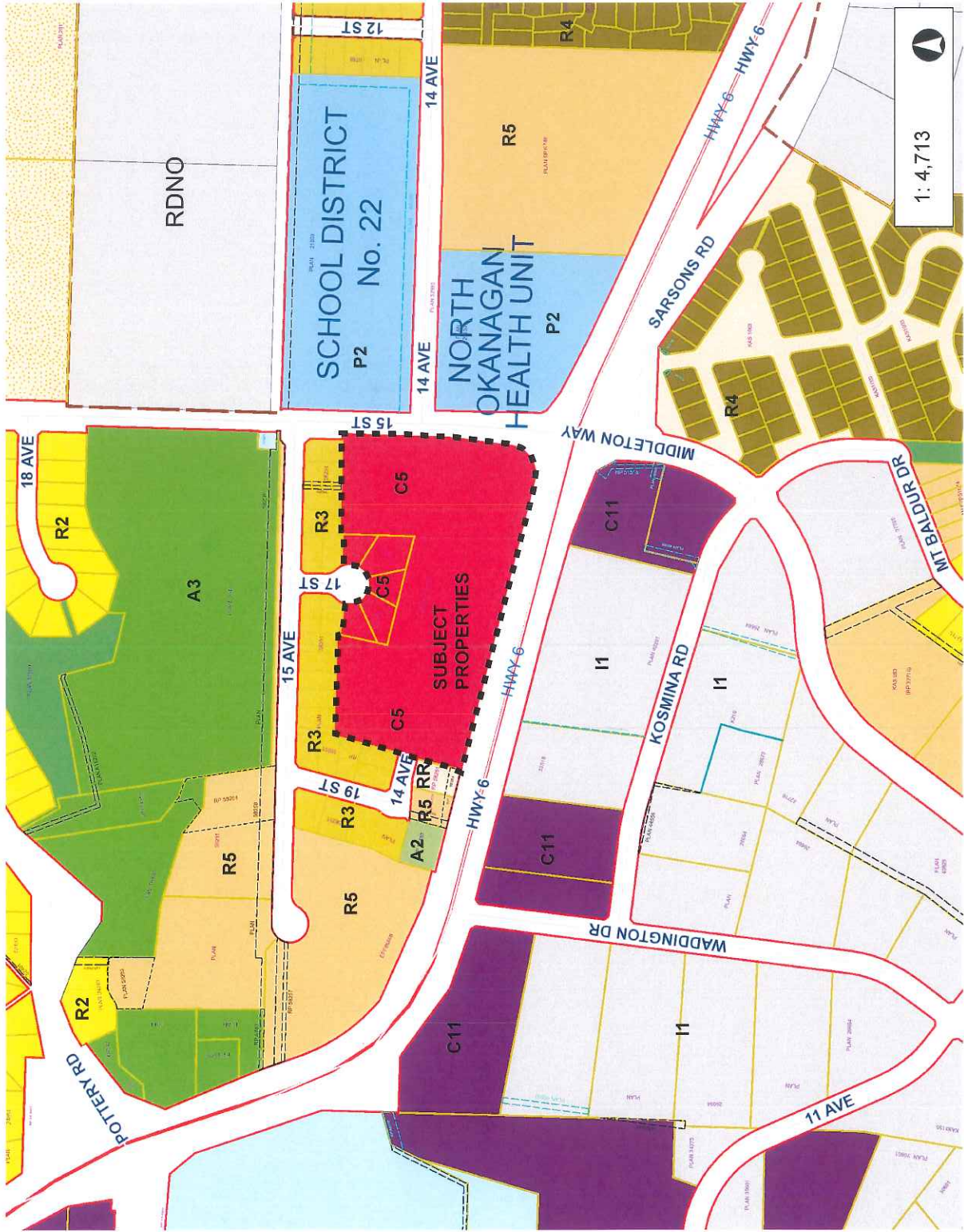
**Notes**

1: 4,713



This drawing has been produced by the City of Vernon's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of Vernon makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.

# Zoning Map



1: 4,713



0.1 Miles

0.07

0

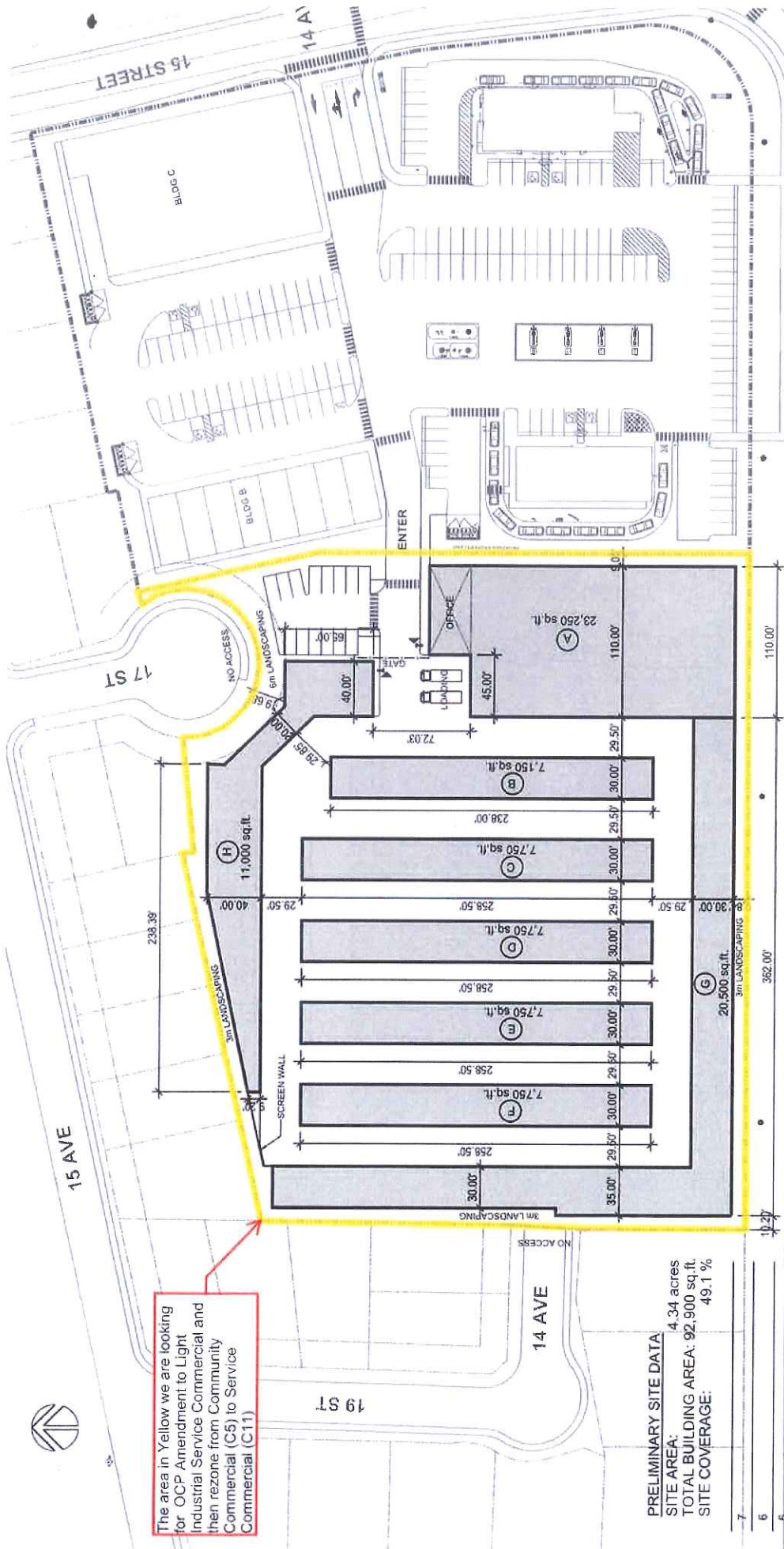
0.1

This drawing has been produced by the City of Vernon's Geographic Information System. The data provided is derived from a variety of sources with varying levels of accuracy. The City of Vernon makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.

## Legend

- A2: Rural Large Holdings
- A3: Rural Small Holdings
- RR: Rural Residential
- R2: Large Lot Residential
- R3: Medium Lot Residential
- R4: Small Lot Residential
- R5: Four-plex Housing Residential
- C5: Community Commercial
- C11: Service Commercial
- I1: Light Industrial
- P2: Public Institutional
- RDNO Parcels

## Notes



The area in Yellow we are looking for OCP Amendment to Light Industrial Service Commercial and then rezone from Community Commercial (C-5) to Service Commercial (C11)

**PRELIMINARY SITE DATA**  
 SITE AREA: 4.34 acres  
 TOTAL BUILDING AREA: 92,900 sq. ft.  
 SITE COVERAGE: 49.1 %

HIGHWAY 6

**OPTION B**  
**SITE PLAN**



**CHIP BARRETT ARCHITECT**  
 1162-2228 1922 B. SURREY, B.C. V3Z 0P4  
**D.J. FORGE DESIGN INC.**  
 26254 ALLIANCE STREET, ABBOTSFORD, B.C., V2S 3J9  
 TEL: (604) 807-5655 EMAIL: DAREY@DFORGE.CA

**ARMSTRONG LAND CORP.**

PLAN BASED ON INFO PROVIDED BY CLIENT & HAS NOT BEEN VERIFIED, FOR PRELIMINARY USE ONLY. VERIFY ALL INFORMATION

NO.	DATE	DESCRIPTION
1	FEB 5 21	CLIENT REVIEW
2	FEB 11 21	CLIENT REVIEW

C5

## 10.5 C5 : Community Commercial

### 10.5.1 Purpose

The purpose is to provide a zone for the **development** of community commercial centres to serve more than one neighbourhood.

### 10.5.2 Primary Uses

- amusement arcades, major
- automotive and recreation vehicle services
- animal clinics, minor
- broadcasting studios
- business support services
- care centres, major
- call centres
- commercial schools
- community recreation centres
- cultural exhibits, private
- custom indoor manufacturing
- drive-through services
- emergency protective services
- extended medical treatment services
- financial services
- food primary establishments
- gaming facilities\*\*
- gas bars
- government agencies
- government services
- health services
- hotels and motels
- hostels (*Bylaw 5788*)
- liquor primary establishment, minor
- liquor primary establishment, major
- non-accessory parking
- offices
- participant recreation services, indoor
- personal services
- private clubs
- retail cannabis sales (*Bylaw 5731*)
- retail stores, convenience
- retail stores, general
- retail store, licensee
- second-hand dealerships
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- service stations, minor
- shopping centres
- special needs housing
- spectator entertainment establishments
- storage, outdoor
- temporary shelter services
- used goods store
- utility services, minor impact



- **warehouse sales**

**\*\* refer to definition for "gaming facilities" in Section 2.3.3. for limitation on number of slot machines permitted within the City of Vernon boundaries**

### 10.5.3 Secondary Uses

- **amusement arcades, minor**
- **animal grooming** (*Bylaw 5339*)
- **apartment housing**
- **brewing or distilling, Class A**
- **care centres, minor**
- **carnival**
- **group homes, minor**
- **storage, outdoor**

### 10.5.4 Subdivision Regulations

- Minimum **lot width** is 15.0m, except it is 40.0m if there is no **abutting lane**.
- Minimum **lot area** is 460m<sup>2</sup>, except it is 1300m<sup>2</sup> if there is no **abutting lane**.

### 10.5.5 Development Regulations

- Maximum commercial **floor space ratio** is 2.0.
- Maximum **site coverage** is 60%.
- Maximum **height** is the lesser of 15.0m or 4.0 **storeys**.
- Minimum **front yard** is 3.0m.
- Minimum **side yard** is 0.0m, except it is 3.0m for a **flanking street** or where the **site abuts** a residential zone.
- Minimum **rear yard** is 0.0m, except it is 6.0m where the **abutting** land is zoned or designated Residential.

### 10.5.6 Other Regulations

- **Major care centres, seniors assisted housing, seniors residential care and seniors supportive housing** are only allowed above the **first storey** and require a separate at-grade access from the **commercial uses**.
- A minimum area of 5.0m<sup>2</sup> of private open space shall be provided per **bachelor dwelling** or group home **bedroom**, 10.0m<sup>2</sup> of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m<sup>2</sup> of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- **Financial services** shall have a maximum total **gross floor area** of 500m<sup>2</sup>.
- **Convenience retail stores** shall have a maximum total **gross floor area** of 300m<sup>2</sup>.
- Where residential **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors assisted housing, seniors residential care and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, temporary shelters, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. (*Bylaw 5788*)
- **Outdoor storage** shall be screened from view of any **street** or **lane** and from **adjacent** properties. There shall be no **outdoor storage** of toxic, noxious, explosive, or odorous materials.
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on lots **abutting** City Roads as identified on Schedule

"B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
(Bylaw 5440)

**C11****10.11 C11 : Service Commercial****10.11.1 Purpose**

The purpose is to designate and preserve land for the accommodation of a mix of **commercial uses**, including vehicular oriented areas, not provided for in other **zones**.

**10.11.2 Primary Uses**

- **amusement arcades, major**
- **animal clinics, minor**
- **animal clinics, major**
- **auctioneering establishments**
- **autobody repair and paint shops**
- **automotive and equipment repair shops**
- **automotive and recreation vehicle services**
- **broadcasting studios**
- **business support services** (*Bylaw 5441*)
- **call centres**
- **clubs, private**
- **commercial storage**
- **convenience vehicle rentals**
- **contractor services, limited**
- **custom indoor manufacturing** (*Bylaw 5441*)
- **drive-through services**
- **drive-through vehicle services**
- **emergency protective services**
- **equipment rentals**
- **flea markets**
- **fleet services**
- **food primary establishments**
- **funeral services**
- **gaming facilities** (*Bylaw 4967*)\*\*
- **gas bar**
- **government agencies**
- **high technology research and product design** (*Bylaw 5441*)
- **household repair services**
- **kennels** (*Bylaw 5339*)
- **limited contractor services**
- **liquor primary establishment, minor**
- **non-accessory parking**
- **offices, construction and development**
- **participant recreation services, indoor**
- **pawn shops**
- **recycled materials drop-off centres**
- **retail cannabis sales** (*Bylaw 5731*)
- **retail stores, service commercial**
- **service stations, minor**
- **truck and mobile home sales/rentals**
- **used goods stores**
- **utility services, minor impact**
- **vehicle and equipment sales/rentals, industrial and agricultural**
- **warehouse sales**

\*\* refer to definition for "gaming facilities" in Section 2.3.3. for limitation on number of slot machines permitted within the City of Vernon boundaries

### 10.11.3 Secondary Uses

- amusement arcades, minor
- carnival
- outdoor storage
- residential security/operator unit
- real estate sales office
- retail store, licensee

### 10.11.4 Subdivision Regulations

- Minimum lot width is 30.0m.
- Minimum lot area is 1000m<sup>2</sup>.

### 10.11.5 Development Regulations

- Maximum commercial floor space ratio is 1.8.
- Maximum site coverage is 60%.
- Maximum height is the lesser of 12.0m or 3.0 storeys.
- Minimum front yard is 2.0m.
- Minimum side yard is 0.0m, except it is 2.0m for any flanking street, and 4.5m when adjacent to a residential, agricultural or institutional zone.
- Minimum rear yard is 0.0m, except it is 6.0m where the abutting land is zoned or designated Residential.

### 10.11.6 Other Regulations

- Only one residential security/operator unit is permitted on a site.
- In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 4 (secondary development, yards, projections into yards, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the landscaping and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- Outdoor storage shall be screened from view of any street or lane and from adjacent properties. There shall be no outdoor storage of toxic, noxious, explosive or odorous materials.

### 10.11.7 Temporary Commercial Use Permits

- In addition to the Primary and Secondary Uses permitted by Sections 10.11.2 and 10.11.3, Temporary Commercial Use Permits may be issued in respect of the land legally described as Lot 26, Sec. 27, Tp. 9, Plan B4869, ODYD to permit administrative offices and the retail sale of dog food and related products.
- As per Section 4.10.2 - All buildings and structures, excluding perimeter fencing (garden walls and fences) on lots abutting City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
(Bylaw 5440)



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Michelle Austin  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 16, 2021  
**REPORT DATE:** June 24, 2021  
**FILE:** 3360-40 (LUC00020)

**SUBJECT:** LAND USE CONTRACT VARIANCE APPLICATION FOR 9257 KOKANEE ROAD

---

## **PURPOSE:**

To review a development variance permit application to vary the floor area, horizontal dimension (length) and height of Land Use Contract Bylaw No. 291, 1978 for an accessory residential building at 9257 Kokanee Road.

## **RECOMMENDATION:**

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 m<sup>2</sup> to 89.2 m<sup>2</sup> 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.

## **ALTERNATIVES & IMPLICATIONS:**

1. 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 m<sup>2</sup> to 89.2 m<sup>2</sup> 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 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" June 24, 2021 by the Planner, Current Planning, **except that the existing shed may remain and be relocated on the property in accordance with Zoning Bylaw #5000.**

*Note: This alternative is identical to the Recommendation, with one exception – that the existing shed be allowed to remain on the property and be relocated to a suitable location. The shed appears to be in good condition and the owner would prefer to keep it. The governing Land Use Contract (LUC) allows two accessory residential buildings, which enables the existing shed to remain on the property. However, once the LUC is automatically terminated by the Province on June 30, 2024, the property will be governed by Zoning Bylaw #5000 and the underlying Estate Lot Residential (R1) Zone. Zoning Bylaw #5000 limits the total area to 90 m<sup>2</sup> for secondary buildings. The combined area for both the proposed detached shop/garage and the existing shed would be over, at approximately 110 m<sup>2</sup>. This would create a non-conforming situation with respect to the size of accessory buildings on the site. The owner would be able to maintain these building over time but not increase their size.*

2. THAT Council refuse 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 the floor area, horizontal dimension and height for an accessory residential building.

*Note: This alternative does not support the request to vary the floor area, length and height provisions of the LUC for a new accessory residential building. If this alternative is approved, the accessory residential building would have to be constructed to comply with the existing LUC regulations.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee passed the following resolution:

*"(to be cited by the Advisory Planning Committee)."*

### **B. Rationale:**

1. The subject property is located at 9257 Kokanee Road, as shown on Figures 1 and 2. It is located in Sunset Properties, an established rural subdivision created by a LUC in the 1970s.
2. LUCs were widely used in B.C. from 1971 to 1977. They were registered on title of the property and function like restrictive covenants, setting out how the property was (and is) to be subdivided, developed and serviced. They also act as the principal zoning for the property and include many of the typical development regulations. The use of LUCs was discontinued by the province in 1978.

3. As per Section 547 (1) of the Local Government Act (LGA), all LUCs will be terminated on June 30, 2024. There are numerous LUCs in place within the city. Administration has been working with applicants to amend (i.e. modify, vary or discharge) LUCs as property owners come forward for redevelopment or improvements, such as the subject application.
4. Section 546 of the LGA outlines the process to be followed for varying a LUC. Site-specific amendments can be made to a LUC by way of a development variance permit, provided the proposal does not affect permitted uses or density.
5. The intent of this application is to request that Council vary the LUC regulations for floor area, horizontal dimension (length) and height of a proposed new detached shop/garage (Attachment 1). Table 1, below, shows how the proposed variances compare to the LUC and R1 regulations. Upon expiration of the LUC (Attachment 2) on June 30, 2024, the building would comply with the underlying R1 zoning (Attachment 3) and other provisions of Zoning Bylaw #5000.

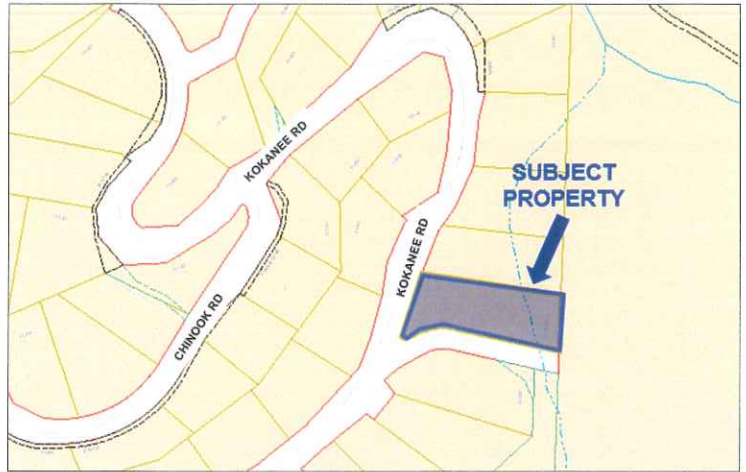


Figure 1: Property Location Map

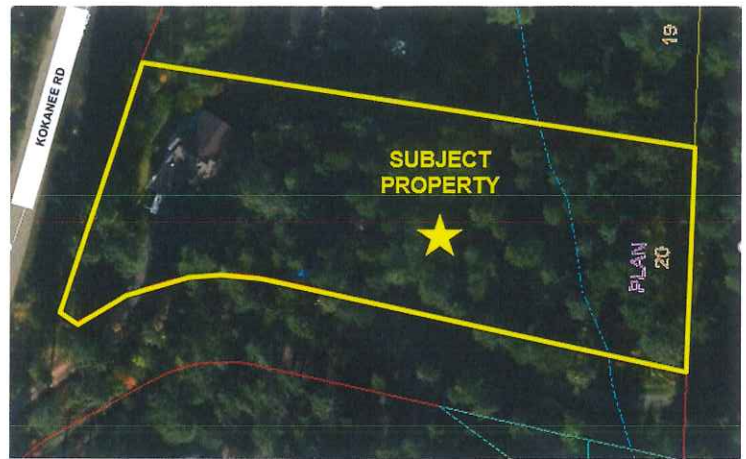


Figure 2: Aerial Photo of Property

Table 1: Proposed Variances and Regs

	Proposed Variances	LUC Regs	R1 Regs
<b>Floor Area</b>	89.2 m <sup>2</sup>	55 m <sup>2</sup>	90 m <sup>2</sup>
<b>Horizontal Dimension</b>	9.2 m & 9.8 m	9 m	N/A
<b>Height</b>	4.5 m (measured as per Zoning Bylaw #5000 & R1 Regs)  5.57 m (measured as per LUC)	5 m	4.5 m

6. The height of the building is measured differently under the LUC versus the Zoning Bylaw #5000, which explains why two different heights are shown for the proposed shop/garage:
  - Height, under the LUC, is measured from the average finished ground elevation, at the base of the building, to the highest point on the building.
  - Height, under Zoning Bylaw #5000, is measured from lowest average building grade, adjoining each exterior wall, to the midpoint between the eave line and the ridge of a sloping roof.

7. The LUC allows up to two accessory residential buildings on the property. Each is restricted to 55 m<sup>2</sup> in area, 9 m in horizontal dimension (length) and 5 m in height. There is an existing shed, with lean-to, on the proposed building site which the owner would like to relocate. This is permitted under the LUC. However, once the LUC is automatically terminated by the Province on June 30, 2024, the property will be governed by Zoning Bylaw #5000 and the underlying R1 Zone. Zoning Bylaw #5000 limits the total area to 90 m<sup>2</sup> for secondary buildings. The combined area for both the proposed detached shop/garage and the existing shed would be over, at approximately 110 m<sup>2</sup>. This would create a non-conforming situation with respect to the size of accessory buildings on the site. The owner would be able to maintain these building over time but not increase their size. For this reason, staff recommend that the shed be removed prior to construction of the new shop/garage.
8. The subject property is located within the Hillside Residential and Agricultural District DPA therefore a Development Permit (DP) is required unless an exemption is applicable to the proposed development. In this situation, the DP requirement can be waived if the owner illustrates that the development complies with FireSmart BC guidelines and the Community Wildfire Protection Plan. As recommended by Administration, this can be accomplished through registration of a restrictive wildfire covenant on title of the property.
9. Figure 3 shows a 3D representation of the property elevations (in grey) overlaid with slope  $\geq 30\%$  (in mustard). The proposed building site is located parallel to Chum Rd, outside of the 30% slope area.
10. Administration supports the variances to the LUC for the following reasons:
  - a) The shop/garage is generally in keeping with the character of the neighbourhood; and
  - b) Provincial legislation will terminate all LUCs in the Province on June 30, 2024. Zoning for the property will default to the R1 Zone, which the proposal complies with.

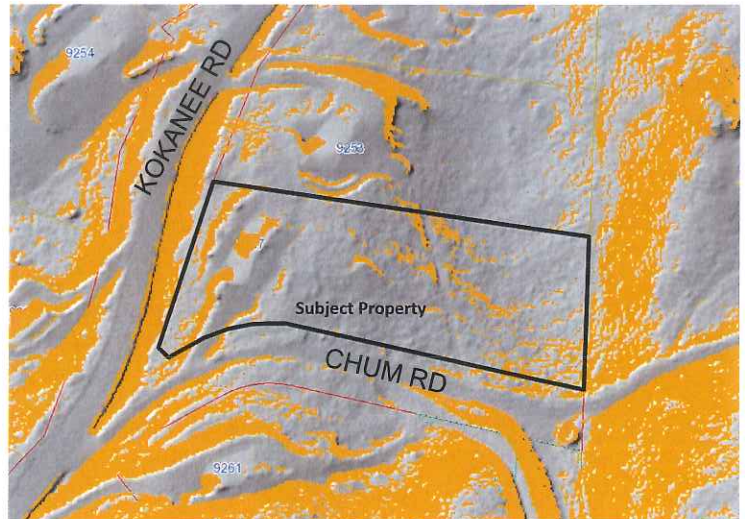


Figure 3: LIDAR Imagery with 30% Slopes

11. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for variance applications in written form only, until physical distancing requirements have been lifted by the PHO. Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, \_\_\_ letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, \_\_\_ written submissions had been received. As input is received, it is placed on the City of Vernon website (LUC Variance – Public Input) as well as in a binder at the front counter of the Community Services Building.



**C. Attachments:**

- Attachment 1 – Site Plan and Elevations Drawings
- Attachment 2 – Land Use Contract Bylaw No. 291, 1978 – Schedule A
- Attachment 3 – Zoning Bylaw #5000 Sections 4.5.4 – 4.5.9 Secondary Buildings in Residential Zones and Section 9.2 R1 – Estate Lot Residential Zone

**D. Council’s Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council’s Strategic Plan 2019 – 2022:

➤ N/A.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Michelle Austin  
Planner, Current Planning

Date: \_\_\_\_\_

**X**

\_\_\_\_\_  
Signer 2

Kim Flick  
Director, Community Infrastructure and Development

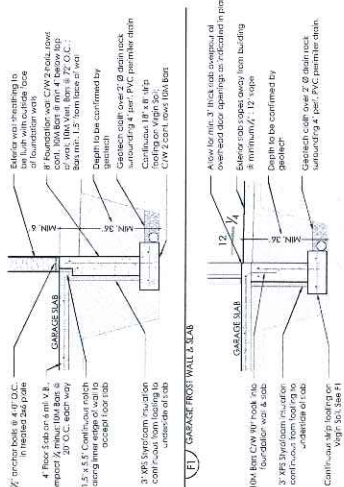
**REVIEWED WITH**

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| <input type="checkbox"/> Corporate Services                     | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance                       | <input type="checkbox"/> Public Works/Airport | <input checked="" 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 Jun. 29/2021 |   |  |
| <input checked="" type="checkbox"/> OTHER:                      |   |  |

**NOTE**

**Concrete**  
 All concrete shall be cast in place and finished to a smooth, level surface. All concrete shall be cured for a minimum of 7 days before any formwork is removed. All concrete shall be tested for strength and air content in accordance with ASTM C192 and ASTM C123 respectively. All concrete shall be placed and finished in accordance with the specifications of the relevant code of practice.

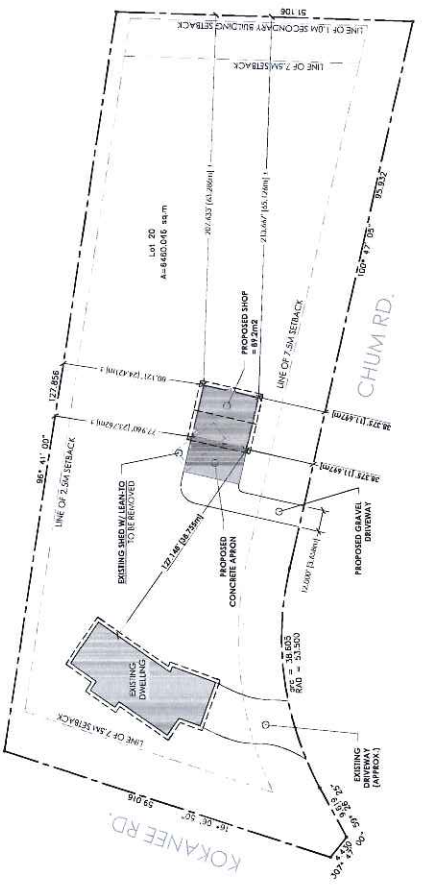
**D.1 FOOTING & FOUNDATION DETAILS**  
 SCALE: 1/2" = 1'-0"



**E.2 WEST WALL & OVERHEAD DOOR SPRINGS**



**A.1 SITE PLAN**  
 SCALE: 1/2" = 1'-0"

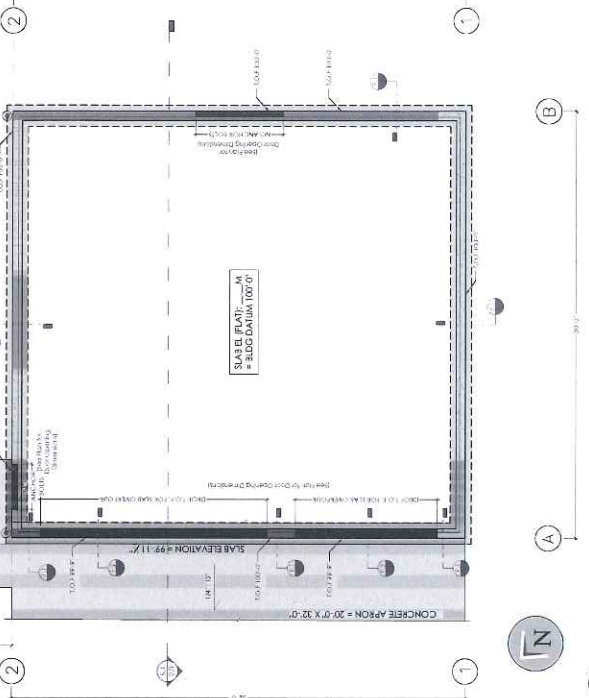


**BUILDING SETBACK & HEIGHT REQUIREMENTS**  
 [ZONING BYLAW 5000]:

FRONT YARD	7.50
REAR YARD	7.50
REAR YARD (SECONDARY BUILDING)	1.00
SIDE YARD (INTERIOR)	2.50
SIDE YARD (FLANKING STREET)	7.50

Setback requirements indicated on Site Plan  
 TOTAL SITE AREA = 69,535.357 SQ. FT. (6,440.044m<sup>2</sup>)  
 PROPOSED SHOP AREA = 960.000 SQ. FT. (89.187m<sup>2</sup>)  
 MAXIMUM SITE COVERAGE FOR BUILDINGS AND STRUCTURES 40.0%  
 PROPOSED SITE COVERAGE FOR BUILDINGS AND STRUCTURES 5.28%  
 MAXIMUM SITE COVERAGE INCLUDING DRIVEWAYS 50.0%  
 PROPOSED SITE COVERAGE INCLUDING DRIVEWAYS <50.0%  
 MAXIMUM BUILDING HEIGHT (PER ZONING BYLAW 5000)  
 4.50  
 PROPOSED BUILDING HEIGHT 4.49

LOT 20, PLAN 32582,  
 SEC. 11, TP. 13, O.D.Y.D  
 PID: 003-370-241



**A.2 FOOTINGS / FOUNDATION**  
 SCALE: 1/2" = 1'-0"

**SHEET LIST**

SHEET NO.	DESCRIPTION
A.1	Site Plan
A.2	Footing & Foundation Details
A.3	Shop Plan
A.4	West Construction Details
A.5	Shop Elevation
A.6	Shop Section
A.7	Shop Section
A.8	Shop Section
A.9	Shop Section
A.10	Shop Section

- GENERAL NOTES:**
- These documents outline the general character and quality of the work and some of its details. Plans not detailed shall be constructed in accordance with best practices of work of this class, and shall provide the required strength and quality to complete all requirements of the work.
  - Every effort will be made to ensure that any changes to the code are complete with and all amendments are incorporated in the work.
  - All work shall conform to local Building Codes and Bylaws whichever may take precedence.
  - All workmanship shall be to the satisfaction of the Owner Representative and Contractor.
  - All workmanship shall be to the satisfaction of the Owner Representative and Contractor.
  - The edge of the footing shall be finished on all finished openings.
- CONSTRUCTION NOTES:**
- Exterior walls as noted in West Construction Details.
  - Provide 6 mil poly vapor barrier at warm side of insulation and under all concrete slabs on grade.
  - Verify all rough opening requirements for doors, windows, equipment, and fixtures before ordering.
  - Forming lumber to be S.P.F. #2 or better.
  - An attic hatch shall be provided for attic spaces with over 2' of accessible height.
  - Verify/coordinate design with these plans prior to ordering of materials.
  - No insulation requirement (unconditioned space).

**BUILD BY:** BREWELL  
 1000 West Bay Street  
 Vernon, B.C. V4V 1R9  
 1-250-268-2299  
 1-800-363-2688

**DESIGN BY:** JADE BAY  
 1000 West Bay Street  
 Vernon, B.C. V4V 1R9  
 1-250-268-2299  
 1-800-363-2688

**PROJECT:** DAVE WEST  
 SHOP  
 CONSTRUCTION

**9257**  
**KOKANEE RD.**  
 VERNON, BC

**REVISION:** 4-04-23-2021 - VARIANCE  
 REVISIONS

**NOTE:**  
 \*ALL MEASUREMENTS ARE SHOWN IN METERS UNLESS OTHERWISE INDICATED

**DATE DRAWN:** MARCH, 2021

**DATE:** JUNE 23

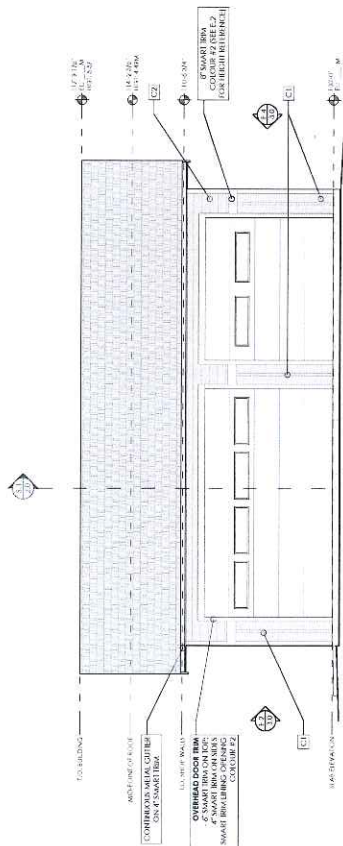
**SCALE:** Varies

**DRAW:** A.1 - SHI  
 A.2 - FO  
 FOUNDA  
 D.1 - FO

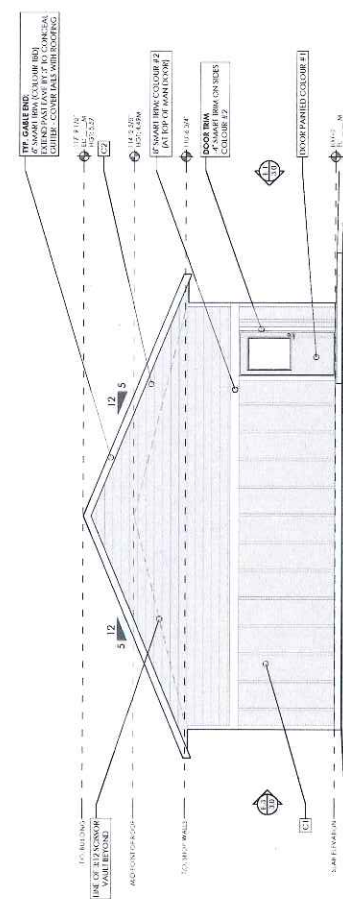
Sheet 1 of 10

T.1 - EXTERIOR CLADDING SCHEDULE		
TAG	MATERIAL	NOTES
C1	HARDBOARD & BATTER SIDING	CHARCOAL
C2	HARDBOARD CENTRAL	CHARCOAL
	TRIMS/FASCIA	CHARCOAL
	DOOR TRIM	CHARCOAL
	DOWNPOUTS / SCOTCHS	WHITE
	WINDOWS / DOOR	WHITE
	ROOFING	ASPHALT SHINGLES

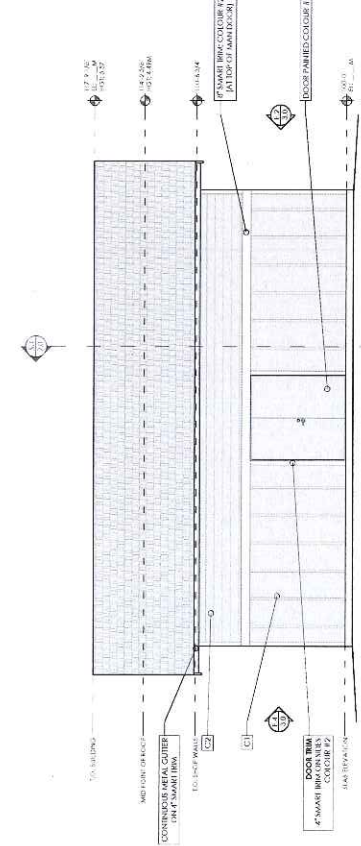
**NOTE:**  
 COLOUR RECOMMENDATION - FOR HARDIE PRODUCTS, CHARCOAL IS THE SAME AS CHARCOAL COLOUR (PRE-PANDED);  
 COLOUR MATCH FOR REPAIRING OPTIMISE  
 \*AGED PEWTER APPEARS SIMILAR TO KENDALL CHARCOAL -  
 (10 YEAR COLOUR WARRANTY W/ HARDIE COLOUR VS 5 YEAR PAINT WARRANTY FOR CUSTOM COLOUR)



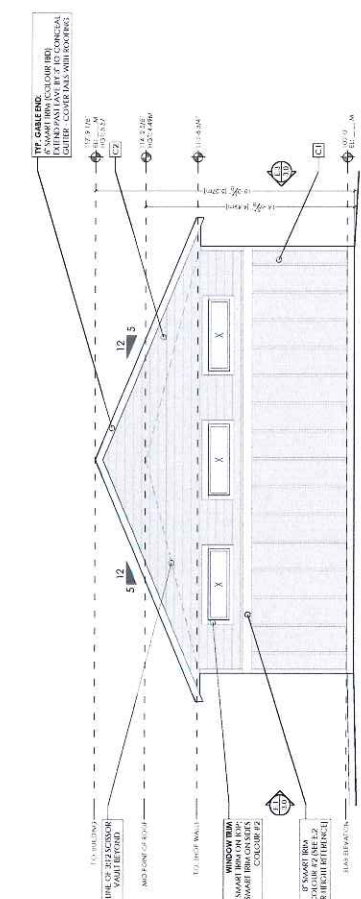
E1  
 SCALE: 1/4" = 1'-0"  
 ELEVATION 1 - NORTHWEST



E2  
 SCALE: 1/4" = 1'-0"  
 ELEVATION 2 - NORTHEAST



E3  
 SCALE: 1/4" = 1'-0"  
 ELEVATION 3 - SOUTHWEST



E4  
 SCALE: 1/4" = 1'-0"  
 ELEVATION 4 - SOUTHWEST

**BUILD BY:**  
 BRENTWELL  
 4888 Evans Road  
 Vernon, BC V1P 6P1  
 1-778-848-2269  
 www.brentwell.com

**DESIGN BY:**  
 JB | JADE BAY  
 4888 Evans Road  
 Vernon, BC V1P 6P1  
 1-778-848-2269  
 www.jadebay.com

**project:**  
 DAVE WEST

**SHOP**  
 CONSTRUCTION

**9257**  
 KOKANEE RD,  
 VERNON, BC

**REVISION:**  
 #6-23-2021 - VARIANCE  
 REVISIONS

**NOTE:**  
 ALL NECESSARY  
 STANDARDS, COLOUR TO  
 MATCH NEAREST  
 CLADDING MATERIAL

**date drawn:**  
 MARCH 30, 2021

**date issued:**  
 APR 20th, 2021

**scale:**  
 1/4" = 1'-0"

**drawing:**  
 E.1 - E.4 ELEVATIONS  
 T.1 - CLADDING SCHEDULE

**sheet:**  
 3.0 OF 3.0

REGIONAL DISTRICT OF NORTH OKANAGAN  
BY-LAW NO. 292

A By-law to amend Zoning By-law No. 229

13:38 2461

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) Pursuant to the provisions of Section 702A (2) and 799A (3) of the Municipal Act being Chapter 255 R.S.B.C. 1960, the NW 1/4, Section 11, Township 13, O.D.Y.D., except that part included on Plan 3836, and the W 1/2 of SW 1/4, Section 11, Township 13, O.D.Y.D. is hereby designated a development area.
- (2) This By-law may be cited as "Rezoning By-law No. 292, 1978, No. 10".

READ A FIRST TIME this 25th day of October, 1978.  
 READ A SECOND TIME this 25th day of October, 1978.  
 READ A THIRD TIME this 25th day of October, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 13th day of December, 1978.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.

*[Signature]*  
SECRETARY-TREASURER

*[Signature]*  
CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 292 cited as "Rezoning By-law No. 292, 1978, No. 10" as read a third time by the Regional Board on the 25th day of October, 1978.

*[Signature]*  
SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 292 cited as "Rezoning By-law No. 292, 1978, No. 10" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979.

*[Signature]*  
SECRETARY-TREASURER

FEB 05 1979  
Registered this 5th Day of February, 1979  
on Application received  
at the time of registration or stamped  
on the Application.

APPROVED pursuant to the provisions of section 243 of the "Municipal Act" this 13th day of December, 1978.

*[Signature]*  
Minister of Municipal Affairs  
APPROVAL No. 7821405 000500 - 2

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 291

A By-law for the ratification of an agreement with Harold J. Sigalet to provide for the development of certain lands

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) The Agreement made between the Regional District of North Okanagan and Harold J. Sigalet to provide for the development of

NW 1/4, Section 11, Township 13, O.D.V.D., except that part included on Plan 3836, and the W 1/2 of SW 1/4, Section 11, Township 13, O.D.V.D.

✓ AND attached hereto as Appendix "A" is hereby ratified and the Chairman and Secretary are hereby authorized to execute same on behalf of the Regional District.

- (2) This By-law may be cited as "Land Use Contract Agreement By-law No. 291, 1978, No. 6".

READ A FIRST TIME this 25th day of October, 1978,  
 READ A SECOND TIME this 25th day of October, 1978,  
 READ A THIRD TIME this 8th day of November, 1978.

Advertised on the 31st day of October, 1978 and the 1st day of November, 1978 and a Public Hearing held pursuant to the provisions of Section 798A (3a) of the Municipal Act on the 8th day of November, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 13th day of December, 1978.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.

  
SECRETARY-TREASURER


  
CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 291 cited as "Land Use Contract Agreement By-law No. 291, 1978, No. 6" as read a third time by the Regional Board on the 8th day of November, 1978.

  
SECRETARY-TREASURER

1979  
Registered  
at the Office of the Registrar  
on the Application

I hereby certify the foregoing to be a true and correct copy of By-law No. 291 cited as "Land Use Contract Agreement By-law No. 291, 1978, No. 6" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979 upon affirmative vote in accordance with the provisions of Section 778(2) of the Municipal Act.

  
SECRETARY-TREASURER

✓

THIS LAND USE CONTRACT numbered for reference 14 - 76 and dated for reference the 18 day of October , 1978.

BETWEEN:

THE REGIONAL DISTRICT OF NORTH OKANAGAN,  
A regional District incorporated under the laws of the Province of British Columbia, and having an office at 2903 - 35th Avenue, in the City of Vernon, Province of British Columbia,

(hereinafter called the "District")

OF THE FIRST PART

AND:

*JAMES X*  
HAROLD J. SIGALET, Lumberman,  
of R. R. # 6, Ellison Park Road,  
in the City and Province aforesaid,

(hereinafter called the "Developer")

OF THE SECOND PART

WHEREAS

A. The District pursuant to Section 702A and 798A of the Municipal Act, may, with the approval of the Lieutenant-Governor in Council, notwithstanding any By-Law of the District or Section 712 or 713 of the Municipal Act upon the application of an owner of land within a development area designated as such by By-Law of the District, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

FEB 01 1979  
Day of  
1979  
on the Application.

- 2 -

B. The Municipal Act requires that the Regional Board in exercising the powers given by Section 702A shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any land development contract and the terms, conditions and considerations thereof;

C. The Developer has presented to the District a scheme of use and development of the within described lands and premises and has made application to the District to enter into this Land Use Contract under the terms, conditions and for the consideration hereinafter set forth;

D. A Land Use Contract is deemed to be a zoning By-Law for the purposes of the Controlled Access Highways Act and if the land is so situated that it is subject to such Act, the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the District can enter into same;

E. The Developer acknowledges that he is fully aware of the provisions and limitations of Sections 702A and 798A of the Municipal Act, and the District and Developer mutually acknowledge and agree that the Regional Board of the District cannot enter into this Agreement until the Regional Board has held a public hearing thereon, in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing, and a majority of all the Directors having among them a majority of all the votes of the Regional Board vote in favour of the District entering into this contract, and unless and until the Minister of Municipal Affairs has approved the By-Law of the District authorizing the District to enter into this contract.

- 3 -

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the District and the Developer represent, covenant and agree as follows:

Developer's Representations

1. The Developer represents and warrants as follows:

1.1 The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises situate, lying and being in the Vernon Assessment District, in the Province of British Columbia, and being more particularly known and described as:

M5242<sup>F</sup>  
M5243<sup>F</sup>

The North West Quarter (¼) of  
Section Eleven (11)  
Township Thirteen (13) ✓  
Osoyoos Division Yale District  
except that part included on plan 3836,  
and,  
the West half (½) of the South West Quarter (¼),  
Section Eleven (11)  
Township Thirteen (13)  
Osoyoos Division Yale District

(hereinafter called the "Lands")

1.2 No other person or entity holds any registered interest in the Lands.

Developer's Covenants

2. The Developer covenants and agrees as follows:

2.1 That the Lands, including the surface of water, and any and all buildings, structures and improvements erected thereon, thereover or therein shall be used for the purpose specified in Schedule "A" hereto and for no other purpose.

2.2 That no Lands shall be subdivided except in compliance with and according to the plans and particulars set out in Schedule "B" hereto.

2.3 To construct or cause to be constructed all roads shown as such on Schedule "B" hereto in accordance with such standards of construction and other requirements as may be



specified by the Ministry of Highways ("Ministry") for the Province of British Columbia, and to deposit with the Ministry such sum or sums of money or other security as may be required by the Ministry with respect to the construction of roads within any subdivision of the Lands.

2.4 To construct and install such works and services on the Lands and to grant such easements as may be required by the Ministry to ensure proper drainage of the Lands.

2.5 To ensure that each lot within any subdivision of the Lands is supplied with domestic water, and to construct and install or cause to be constructed and installed a domestic water system to supply each lot in accordance with the specifications set out and described in Schedule "C" hereto and in accordance with such other plans and specifications as may be required by any governing authority of the Government of the Province of British Columbia.

2.6 That he will not sell, lease or otherwise dispose of any lot of any subdivision of the Lands until such time as the domestic water system referred to in Paragraph 2.5 above and described in Schedule "C" hereto is fully constructed and installed in accordance with the terms of this Agreement. Except that the Developer shall not be prohibited from mortgaging the Lands.

2.7 To deposit, after the Public Hearing, with the Comptroller of Water Rights, Water Utilities Act such sum or sums of money or other security as may be required by the Comptroller to ensure and secure the construction and installation of the domestic water system referred to in Paragraphs 2.5 and 2.6 above and in Schedule "C" hereto.

- 5 -

2.8 To ensure that each lot within any subdivision of the Lands is supplied with electrical power and to enter into such agreements with British Columbia Hydro and Power Authority as may be necessary to ensure performance of this covenant by the Developer including the depositing of such sum or sums of money with British Columbia Hydro and Power Authority as may be required by the said Authority.

2.9 To ensure that each lot within any subdivision of the Lands is supplied with telephone services and to enter into such agreements with the Okanagan Telephone Company including the deposit of such sum or sums of money as may be required by the said Company to ensure performance of this covenant by the Developer.

2.10 To pay all the District's reasonable costs including reasonable legal fees and disbursements incurred directly or indirectly as a result of the preparation and registration of this Land Use Contract and any By-Law required to implement the terms hereof.

2.11 To indemnify and save harmless the District and its servants, agents and employees from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought or made against the District or its servants, agents and employees, resulting directly or indirectly from the failure of the Developer to perform his covenants herein contained.

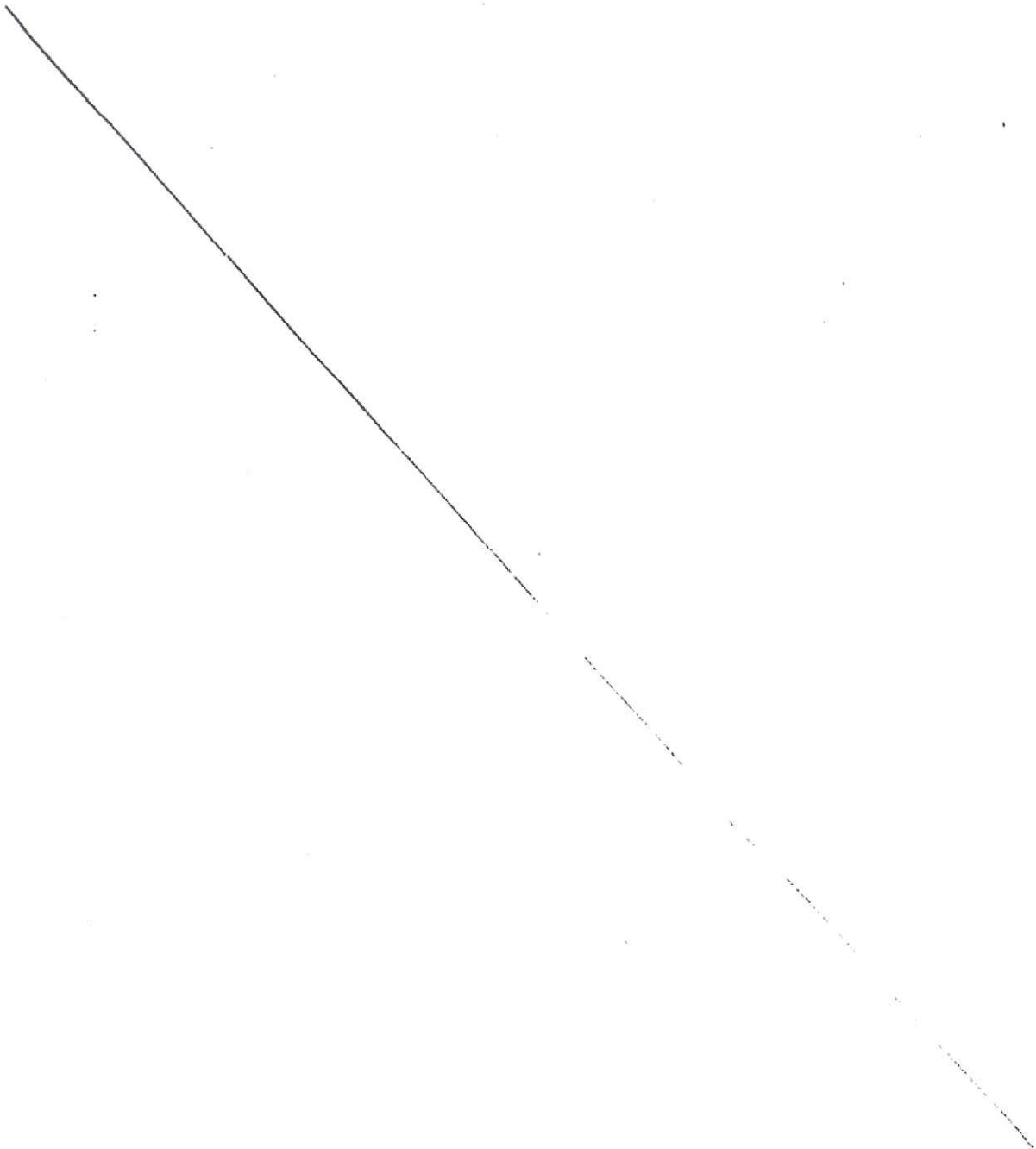
2.12 To retain title in and to those portions of the Lands which are outlined in green on Schedule "B" (hereinafter referred to as the "Green Lands"). The District agrees that the Developer, his heirs, successors and assigns shall have the full right and title to sell, assign and otherwise deal with the said Green Lands, subject only to an easement permitting the owners of the lots or parcels created by the subdivision referred to in paragraph 2.2 in Schedule "B", the right to pass and re-pass at any time over the Green Lands, excluding the portion of the Green

- 5A -

Lands situate on that part of the Lands described as:

The West half of the South-west quarter,  
Section 11,  
Township 13,  
O.D.Y.D.

2.13 To register a Statutory Building Scheme against the Lands containing, inter alia, the restrictions numbered 4 and 5 of Schedule "A" hereto.



ADDENDUM TO

Land Use Contract numbered for reference 14 - 76

It is the intention to cancel Section 2.14 of the Land Use Contract numbered for reference 14 - 76 made between the Regional District of North Okanagan and Harold Sigalet, and to substitute the following as Section 2.14:

" The Developer covenants and agrees to contribute to the District the sum of \$33,500.00 which the District covenants and agrees to use for the acquisition of development of lands or other facilities for park, recreation or other public use. "

- 6 -

2.14 To deposit with the District the sum of Sixty-Seven Thousand (\$67,000.00) Dollars (hereinafter called the "Highway Improvement Contribution") upon deposit of the subdivision plan required pursuant to Paragraph 2.2 in the Kamloops Land Registry Office. The District shall hold the Highway Improvement Contribution in an interest bearing account, the principal of which and interest earned thereon to be released only for the following purposes:

- (a) Contribution to the construction of a by-pass of the portion of Okanagan Landing Road from Norman's Store, Okanagan Landing, British Columbia, south for a distance of One point four (1.4) miles to the intersection of Okanagan Landing Road and Peters Road; or
- (b) Contribution to the construction of improvements to the above mentioned portion of Okanagan Landing Road.

Provided that in the event the District does not release the Highway Improvement Contribution pursuant to either (a) or (b) above on or before Five (5) years from the date of deposit of the Highway Improvement Contribution then the District shall forthwith release the Highway Improvement Contribution, plus accumulated interest earned thereon, to the Developer.

#### District's Covenants

3. The District hereby covenants and agrees with the Developer to permit the Developer to use the Lands in accordance with the terms and conditions herein contained.

#### Mutual Covenants and Agreements

4. It is mutually understood and agreed as follows:

4.1 Schedules "A" to "C" inclusive attached hereto are hereby incorporated into and made part of this Land Use

- 7 -

**Contract.**

4.2 Subject to the terms, covenants, and conditions herein contained, the use and development of the Lands shall comply with all the By-Laws of the District.

4.3 The District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Land Use Contract.

4.4 The Developer acknowledges that the execution of this Land Use Contract by the District and registration of this Land Use Contract does not, without more, permit a subdivision of the Lands, and in order to effect a subdivision of the Lands the Developer must first comply with all the provisions of the Land Registry Act of British Columbia and obtain the written approval of the appropriate Approving Officer for the Ministry.

4.5 All highways, bridges, culverts, lanes and walkways including drainage, surfacing, curbs, gutters, storm sewers, sidewalks, street lighting, boulevards and street signs shall, upon deposit in the Kamloops Land Registry Office of the subdivision plan made pursuant to this Land Use Contract, become the property of the Ministry, free and clear of any and all claims by the Developer and any person claiming through the Developer and the Developer shall, and hereby agrees to save harmless, the Ministry from any and all such claims.

Interpretation

5. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties

- 7 a -

so require.

6. The headings of the clauses of this Land Use Contract have been inserted for reference only and do not define, limit or alter or enlarge the meaning of any provision in this Land Use Contract.

General

7. This Land Use Contract shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

8. This shall be the Agreement between The Regional

District of North Okanagan and Harold J. Sigalet as it exists at the execution of this Agreement and it is further agreed that all previous communications and negotiations between the parties and all previous agreements between them, whether verbal or written, not herein contained and affirmed, are hereby withdrawn, annulled and rescinded.

IN WITNESS WHEREOF Harold J. Sigalet has hereunto set his hand and seal and the District has hereunto affixed its corporate seal in the presence of its duly authorized officers in that behalf on the day and year set forth beside their respective signatures below.

SIGNED, SEALED AND DELIVERED )  
on the 19 day of October )  
1978 in the presence of: )

Harold J. Sigalet )  
Name 2917-61st Ave )  
VERNON BC )  
Address )  
SOLICITOR )  
Occupation )

Harold J. Sigalet )  
Harold J. Sigalet )  
James )

The Common Seal of the )  
REGIONAL DISTRICT OF THE )  
NORTH OKANAGAN, was affixed )  
on the 10 day of January )  
1979 in the presence of: )

[Signature] )  
CHAIRMAN Title )  
[Signature] )  
SECRETARY - TREASURER Title )



**SCHEDULE "A"**

To Land Use Contract No.: 14 - 76

**Subdivision**

1. No lot or parcel in the lands created by the subdivision referred to in paragraph 2.2 and Schedule "B" (hereinafter called the "Lot") shall be subdivided or partitioned into two or more Lots or any Lots or any Lots consolidated into one or more Lots.

**Permitted uses**

2. The following uses, as defined by the by-laws of the District and no others shall be permitted;

- (a) Single family dwelling;
- (b) Accessory residential;
- (c) Restricted agricultural.

**Buildings per Lot**

3. The number of buildings allowed per Lot for each of the above mentioned permitted uses shall be not more than:

- (a) One (1) single family dwelling;
- (b) Two (2) accessory residential buildings;
- (c) Two (2) restricted agricultural buildings.

Floor Area

4. The floor areas shall be as follows:

- (a) The floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.6 square feet).
- (b) The floor area for an accessory residential building shall not be greater than 55m<sup>2</sup> (591.8 square feet) with no horizontal dimension exceeding 9 m (29.53 feet);

Height of Buildings and Structures

5. The height of buildings and structures shall not exceed:

- (a) 5 m (16.40 feet) for accessory residential use;
- (b) 8 m (26.25 feet) for residential use;
- (c) 10 m (32.81 feet) for restricted agricultural use.

Lot Coverage

6. Lot coverage shall be not greater than thirty percent (30%) of the Lot area.

Off-Street Parking

7. Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of By-law 801 of the By-laws of the District and the number of parking spaces required to be provided on a Lot or Lots, shall be determined by the use or uses being carried on on such Lot or Lots from time to time.

**Setbacks**

8. (Subject to the special building line setback provisions of Section 407 of the By-laws of the District)

(a) **Front Yard:**

A front yard free of all buildings and structures shall be provided with a depth of not less than:

- (i) 12 m (39.37 feet) for single family dwellings, and accessory residential use;
- (ii) 15 m (49.21 feet) for restricted agricultural use;
- (iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(b) **Other Buildings:**

Buildings shall not be sited within 3 m (9.843 feet) of any other building, except that buildings for restricted agricultural use involving the keeping of animals shall not be sited within 30 m (98.43 feet) of any residential dwelling not sited on the same Lot.

(c) Rear Yard:

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet), except that rear yards free of all buildings and structures used for keeping of animals shall be provided with a depth of not less than 30 m (98.43 feet) where the use abuts a Residential Zone.

(d) Side Yards:

Side yards free of all buildings and structures shall be provided with a width of not less than 8 m (26.25 feet), except that side yards free of buildings and structures used for keeping animals shall be provided with a width of not less than 30m (98.43 feet) where the use abuts a Residential zone.

Exterior side yards free of buildings and structures shall be provided with a width of not less than:

- (i) 12 m (39.37 feet) for single family dwellings, two family dwellings, mobile homes, and accessory residential use;
- (ii) 15 m (49.21 feet) for restricted agricultural use;
- (iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

- 5 -

(e) Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 406 of this By-law.

Restricted Agricultural Use

9. A restricted agricultural use shall be restricted to the cultivation of land and the keeping of animals for the personal use of the owner only, provided that this does not create a nuisance by reason of sound, sight, or smell and shall not include feed lots, mushroom growing, boarding and breeding kennels, or the keeping of swine or fur bearing animals.

Tree Cutting

10. No trees now standing on the Lands shall be cut or removed from the Lands unless the person desiring to cut any tree or trees makes written application to the District Planning Director for a tree cutting permit and states therein the following:

- (a) The reason for the proposed tree cutting;
- (b) The number, species and location of the tree or trees to be cut; and,
- (c) A tree survey if a building permit is being applied for.

10.1 The planning Director may, upon receipt of written application for the reasons therein specified pursuant to paragraph 10(a), issue a tree cutting permit. If the reason so stated pursuant to paragraph 10(a) is for a use pursuant to paragraph 2 herein, the Planning Director shall issue a tree cutting permit.

10.2 For purposes of paragraph 10 "Tree" means:

A member of any evergreen or deciduous species which has only a single leader (trunk) arising from the root mass, which will have a diameter at breast height ("DBH") of not less than 7.5 cm, and which is capable of growing to a height exceeding 3.5 m at maturity, and includes species in clump form having more than one leader per root mass.

SCHEDULE "B"

To Land Use Contract No: 14 - 76

Subdivision Plan as Attached

SCHEDULE "C"

To Land Use Contract No: 14 - 76

Domestic Water System Requirements

1. Water source: Okanagan Lake;
2. Storage reservoir 75,000 imperial gallons;
3. Line sizes, minimum pipe size 4";
4. Normal operating pressures 35 to 90 psi;
5. Fire hydrants to be located so that no lot is more than 500 feet from a hydrant;
6. Water meters installed for each lot;
7. Disinfection: gas chlorination at the primary pipe house followed by 20 minute contact time in the supply main and pump house well;
8. Pumps: Pump House 1, submersible turbines pumping to an elevation of 1,100 feet.

Q = 80 U.S.g pm  
TDH = 462 feet  
BHP = 15

Pump House 2, booster. Being a turbine pump either in line or from a wet well at an elevation of 1,435 feet pumping to the reservoir elevation of 1,850 feet.

Q = 80 U.S.g pm  
TDH = 420 feet  
BHP = 20



MACK PRINTERS AND STATIONERS LTD., VANCOUVER, B.C. ©  
LAW AND COMMERCIAL STATIONERS FORM No. 91

**For Maker**

I HEREBY CERTIFY that, on the 19th day of October, 1979 at  
Vernon, in the Province of British Columbia,

<sup>JAMES</sup>  
HAROLD X. SIGALFT

✓ (whose identity has been proved by the evidence on  
XX)

*[Handwritten signature]*  
XXXXXX

*[Handwritten mark]*

who is) personally known to me, appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as party, that he knows the contents thereof, and that he executed the same voluntarily, and he is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at Vernon, In the Province of  
British Columbia, this 19th day of October  
In the year of our Lord one thousand nine hundred and seventy  
eight.

*[Handwritten signature: Dirk J. Sigall]*  
A Notary Public in and for the Province of British Columbia.  
A Commissioner for taking Affidavits for British Columbia.

NOTE—Where the person making the acknowledgment is personally known to the Officer taking the same, strike out the words in brackets.

DIRK J. SIGALL

THE REGIONAL DISTRICT OF  
NORTE OKANAGAN

AND

*JAMES*  
EAROLD & SIGALET

Substitute - Forms 'A', 'C', 'D' & 'E'

Particulars

Applicant: *Sigalet & Co.*

Address: *5917-31st Ave.*

Phone No.: *Vernon B.C.*

Solicitor/Agent for: *HAROLD & JAMES SIGALET*

Declared Value: *R.R.E. 500,000 PARIS AD*

Nature of Document: *CHARGE LAU*

Forward duplicate C/T to applicant

*USE VERNON, BC*

*CONTRACT*

*(Not in file)*

*[Signature]*

Solicitor/Agent

LAND USE CONTRACT

**SIGALET, MAGUIRE & ASHBY**  
BARRISTERS & SOLICITORS

DJS: eS2917-31ST AVENUE 545-6054  
VERNON, B.C.  
V1T 2G5

FOR  
PLAN SEE  
D.D.P2461  
ON FILE  
IN  
SURVEY  
DEPT.

**Secondary buildings in Non-Residential Zones**

- 4.5.2 A **secondary building** or **structure** in any non-residential **zone** is subject to the **development** regulations for that **zone**.
- 4.5.3 Notwithstanding Section 4.5.2, a **secondary building** or **structure**, excluding **fences**, on a **lot** in a non-residential **zone**, which **abuts** a **lot** in a residential **zone**, shall not be less than 1.0 m from the boundary of the **lot** in a residential **zone**.

**Secondary buildings in Residential Zones**

- 4.5.4 **Secondary buildings** or **structures**, excluding **fences**, are not permitted in a **front yard**.
- 4.5.5 A **secondary building** or **structure** shall not be used as a **dwelling** unless it is a permitted **secondary suite**.
- 4.5.6 A **secondary building** or **structure** shall not exceed 4.5m or one **storey** in **height**, whichever is the lesser, unless specified otherwise in the **development** regulations of a particular **zone**.
- 4.5.7 **Lot** coverage of **secondary buildings** or **structures** shall not exceed 14% or a maximum area of 90m<sup>2</sup> for **secondary buildings** in the residential **zones**.
- 4.5.8 There shall be at least 2.0 m spatial separation between a **secondary building** and a primary **building**.
- 4.5.9 **Secondary buildings** and **structures** shall be located on an **interior lot** as follows:
- a **secondary building** shall not be located closer than 18.0m to the **front lot line** unless it complies with the **side yard** requirements for a primary **building**;
  - a **secondary building** shall be located not less than 1.0m from the **side lot line** or shall be unrestricted where the **secondary building** does not exceed the permitted **fence height**,
  - a **secondary building** housing a **secondary suite** shall have the same **side yard** requirements as for the primary **building** in that **zone**.
  - mechanical equipment shall be located to comply with the **side yard** for the primary **building**.

## 9.2 R1 : Estate Lot Residential

### 9.2.1 Purpose

The purpose is to provide a zone for **single detached housing**, and compatible uses, on larger urban serviced lots. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

### 9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

### 9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

### 9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

### 9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.2.6 Other Regulations

- There shall be no more than one **single detached house** per lot.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings** and **structures**, **excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
*(Bylaw 5440)*



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Michelle Austin  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 16, 2021  
**REPORT DATE:** June 24, 2021  
**FILE:** 3360-40 (LUC00021)

**SUBJECT:** LAND USE CONTRACT VARIANCE APPLICATION FOR 9291 KOKANEE ROAD

---

## PURPOSE:

To review a development variance permit application to vary the rear yard setback of Land Use Contract Bylaw No. 291, 1978 for an addition to the single-family dwelling at 9291 Kokanee Road.

## RECOMMENDATION:

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:

- a) 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.

## ALTERNATIVES & IMPLICATIONS:

1. THAT Council refuse 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 the rear yard setback for an addition to the single-family dwelling.

*Note: This alternative does not support the request to vary the rear yard setback provision of the LUC for an addition to the single-family dwelling. If this alternative is approved, the addition would have to be constructed to comply with the existing LUC regulations at this time. This would mean that the owners would be limited to a narrow addition, approximately 3 metres wide, on the south side of the house or to adding on elsewhere. Alternatively, they could wait to construct until after the LUC is automatically discharged on June 30, 2024, when the underlying Estate Lot Residential (R1) zoning regulates development of the property. The proposed rear yard setback complies with the R1 zoning.*

**ANALYSIS:**

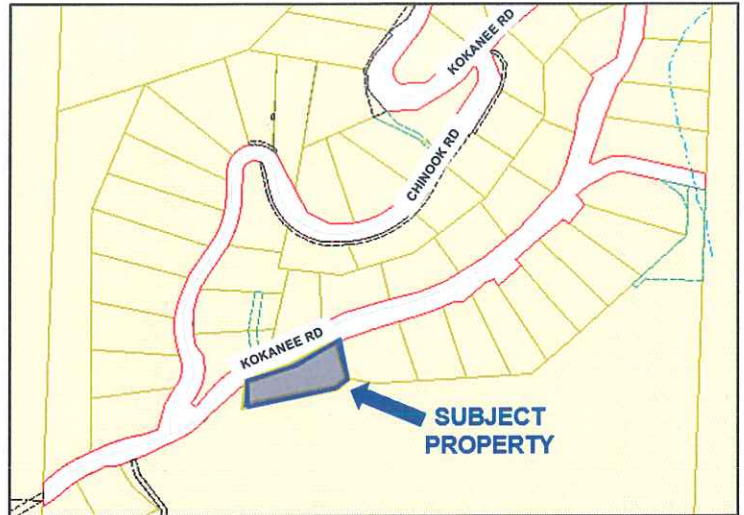
**A. Committee Recommendations:**

At its meeting of June 29, 2021, the Advisory Planning Committee passed the following resolution:

*“(to be cited by the Advisory Planning Committee).”*

**B. Rationale:**

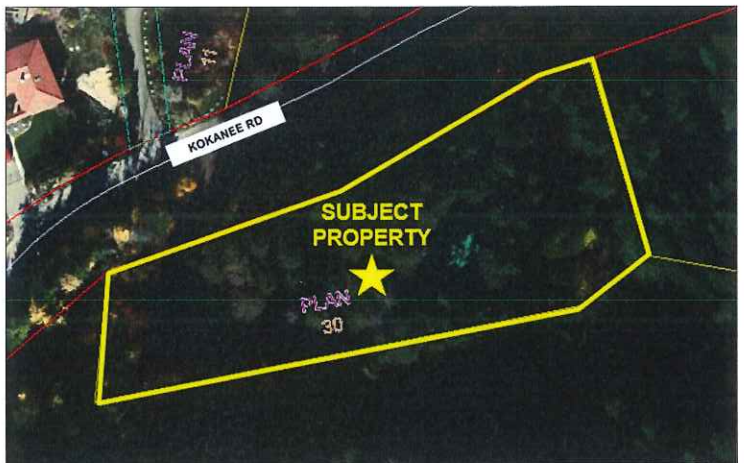
1. The subject property is located at 9291 Kokanee Road, as shown on Figures 1 and 2. It is located in Sunset Properties, an established rural subdivision created by a LUC in the 1970s.



**Figure 1: Location Map of Property**

2. LUCs were widely used in B.C. from 1971 to 1977. They were registered on title of the property and function like restrictive covenants, setting out how the property was (and is) to be subdivided, developed and serviced. They also act as the principal zoning for the property and include many of the typical development regulations. The use of LUCs was discontinued by the province in 1978.

3. As per Section 547 (1) of the Local Government Act (LGA), all LUCs will be terminated on June 30, 2024. There are numerous LUCs in place within the city. Administration has been working with applicants to amend (i.e. modify, vary or discharge) LUCs as property owners come forward for redevelopment or improvements, such as the subject application.



**Figure 2: Aerial Photo of Property**

4. Section 546 of the LGA outlines the process to be followed for varying a LUC. Site-specific amendments can be made to a LUC by way of a development variance permit, provided the proposal does not affect permitted uses or density.

5. The intent of this application is to request that Council vary the LUC regulations for rear yard setback of an addition to the single-family dwelling from 8 m to 5.4 m (Attachment 1). Table 1, on the following page, shows how the proposed variance compares to the LUC and R1 regulations. Upon expiration of the LUC (Attachment 2) on June 30, 2024, the addition will comply with the rear yard setback provisions of the with the underlying R1 zoning (Attachment 3). For this property, the rear yard setback is 4.5 m because the width of the lot is greater than the depth.

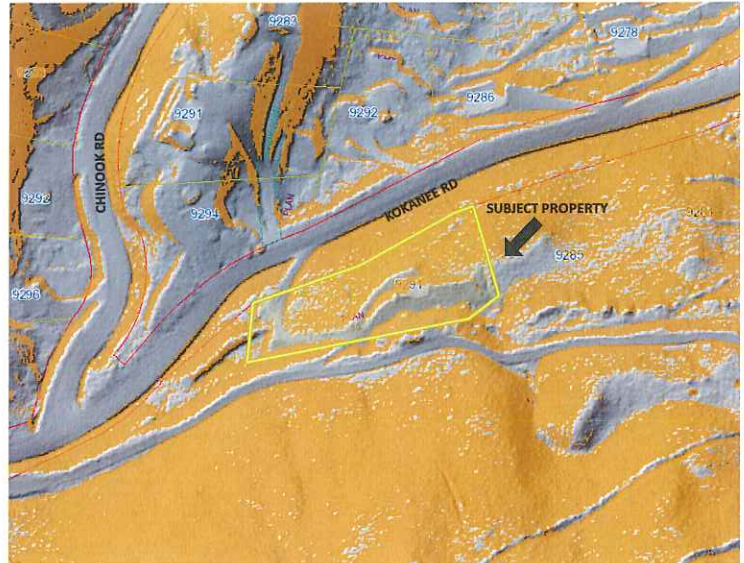


**Table 1: Proposed Variances and Regs**

	<b>Proposed Addition</b>	<b>LUC Regs</b>	<b>R1 Regs</b>
<b>Rear Yard Setback</b>	5.4 m	8 m	4.5 m (where lot width exceeds lot depth)

6. The subject property is located within the Hillside Residential and Agricultural District DPA therefore a Development Permit (DP) is required unless an exemption is applicable to the proposed development. In this situation, the DP requirement can be waived if the owner illustrates that the development complies with FireSmart BC guidelines and the Community Wildfire Protection Plan. As recommended by Administration, this can be accomplished through registration of a restrictive wildfire covenant on title of the property.

7. Figure 3 shows a 3D representation of the property elevations (in grey) overlaid with slope  $\geq 30\%$  (in mustard). Essentially the entire property is over 30% slope except those areas that have already been developed as a driveway and house site. The proposed addition will be constructed over an area of existing disturbance (i.e. a concrete patio) as shown in Attachment 4.



**Figure 3: LIDAR Imagery with 30% Slopes**

8. There should be no impacts to surrounding properties. The addition is sheltered from view by trees and other vegetation. Its height is also lower than that of the main house. The subject property and addition back onto only one large property that does not appear to have a house built on it and it is zoned Parks and Open Space (P1).

9. Administration supports the variance to the LUC for the following reasons:

- a) The addition is generally in keeping with the character of the neighbourhood;
- b) Impacts to neighbours should be nil given the dense vegetation of the property which provides screening and the fact that there are no homes with potential views nearby;
- c) Impacts to the environment should be nil given that the construction will take place over an existing concrete patio; and
- d) Provincial legislation will terminate all LUCs in the Province on June 30, 2024. Zoning for the property will default to the R1 Zone, which the proposal complies with.

10. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for variance applications in written form only, until physical distancing requirements have been lifted by the PHO. Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, \_\_\_ letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, \_\_\_ written submissions had been received. As input is received, it is placed on the City of Vernon website (LUC Variance – Public Input) as well as in a binder at the front counter of the Community Services Building.

**C. Attachments:**

- Attachment 1 – Site Plan and Elevations Drawings
- Attachment 2 – Land Use Contract Bylaw No. 291, 1978 – Schedule A
- Attachment 3 – Zoning Bylaw #5000 Section 9.2 R1 – Estate Lot Residential Zone
- Attachment 4 – Photos

**D. Council’s Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council’s Strategic Plan 2019 – 2022:

- Review and streamline the residential development approval process.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

Michelle Austin  
Planner, Current Planning

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

**X**

\_\_\_\_\_  
Signer 2

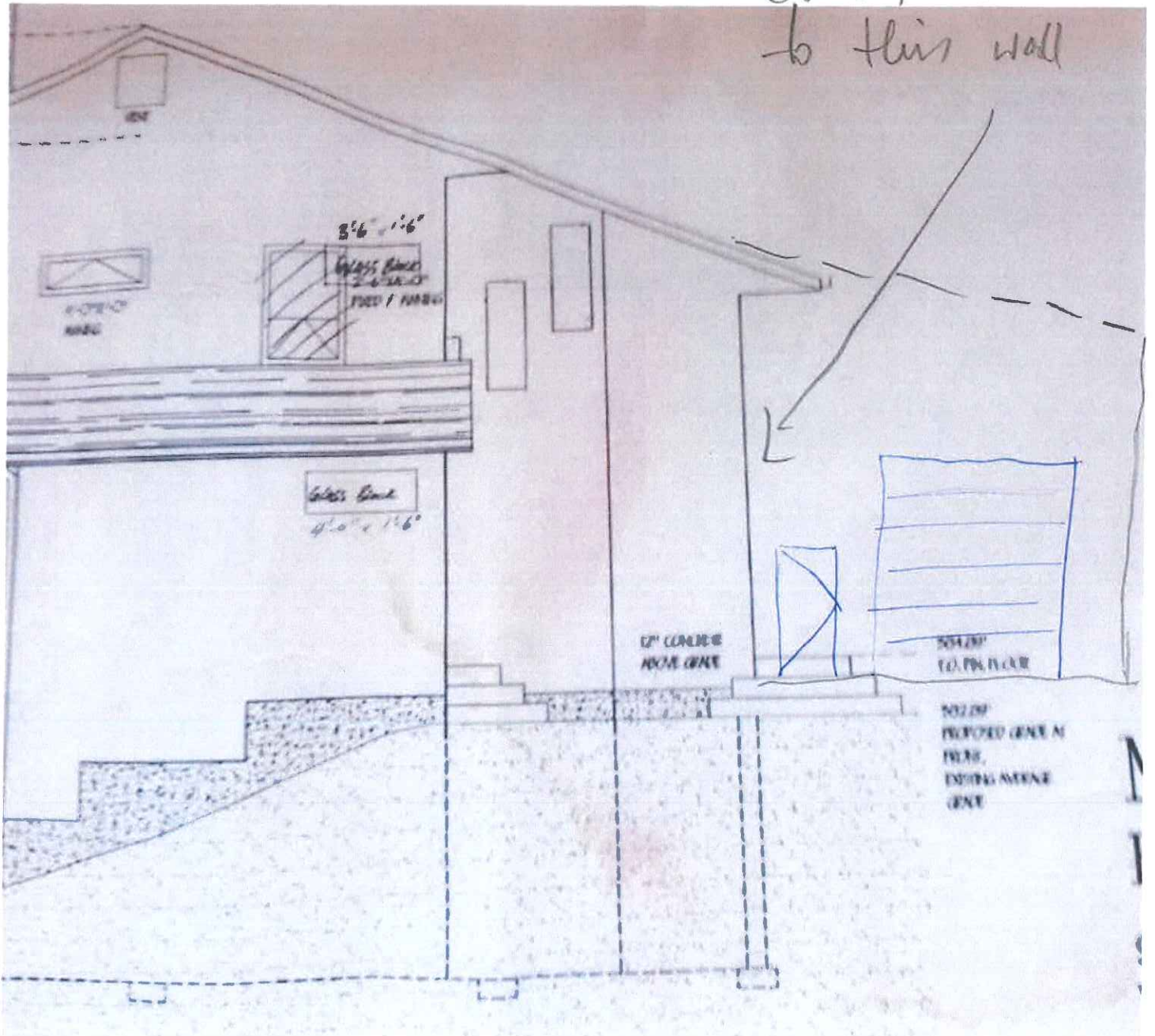
Kim Flick  
Director, Community Infrastructure and Development

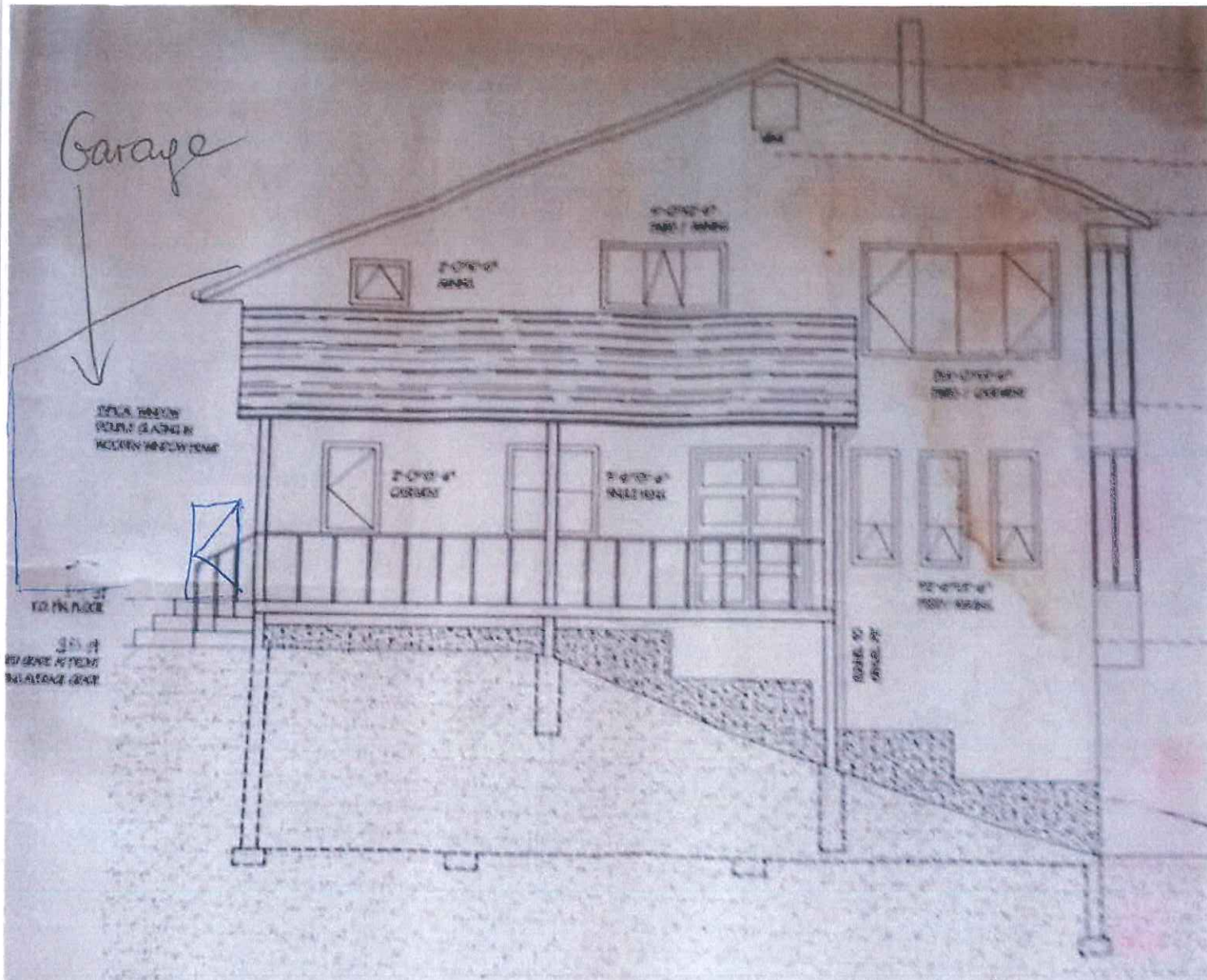
**REVIEWED WITH**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Corporate Services                     | <input type="checkbox"/> Operations           | <input checked="" type="checkbox"/> Current Planning          |
| <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 Jun. 29/2021 |   |   |
| <input type="checkbox"/> OTHER:                                 |   |   |

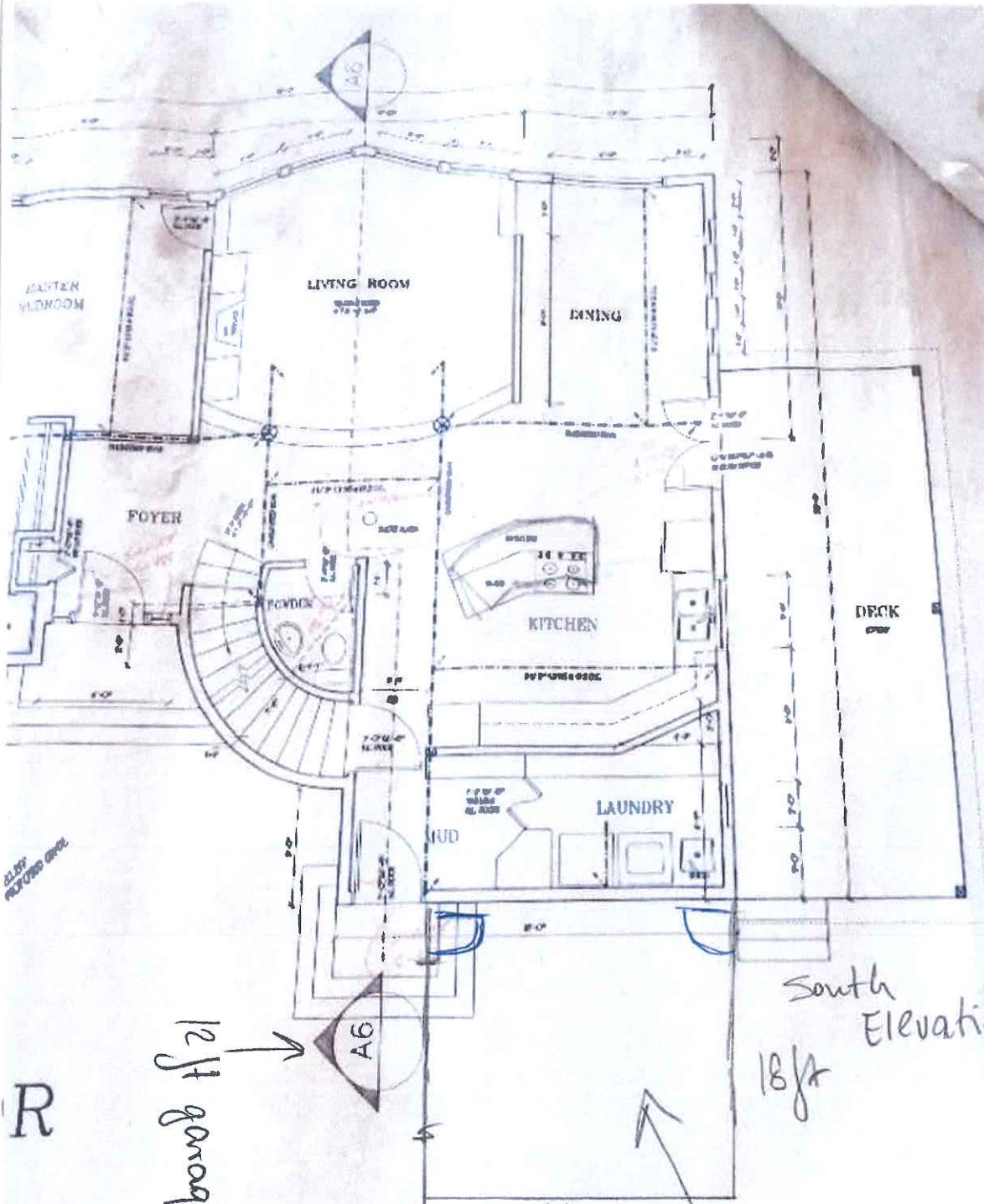


Garage attached  
to this wall





EAST ELEVATION



MEGYE  
RESIDEN  
9291 KOKA  
VERNON B.  
MAIN FLOOR

SCALE: 1/4" = 1'-0"  
DRAWN BY: JOHN  
DATE: MARCH 1 1

DRAWING NUMB

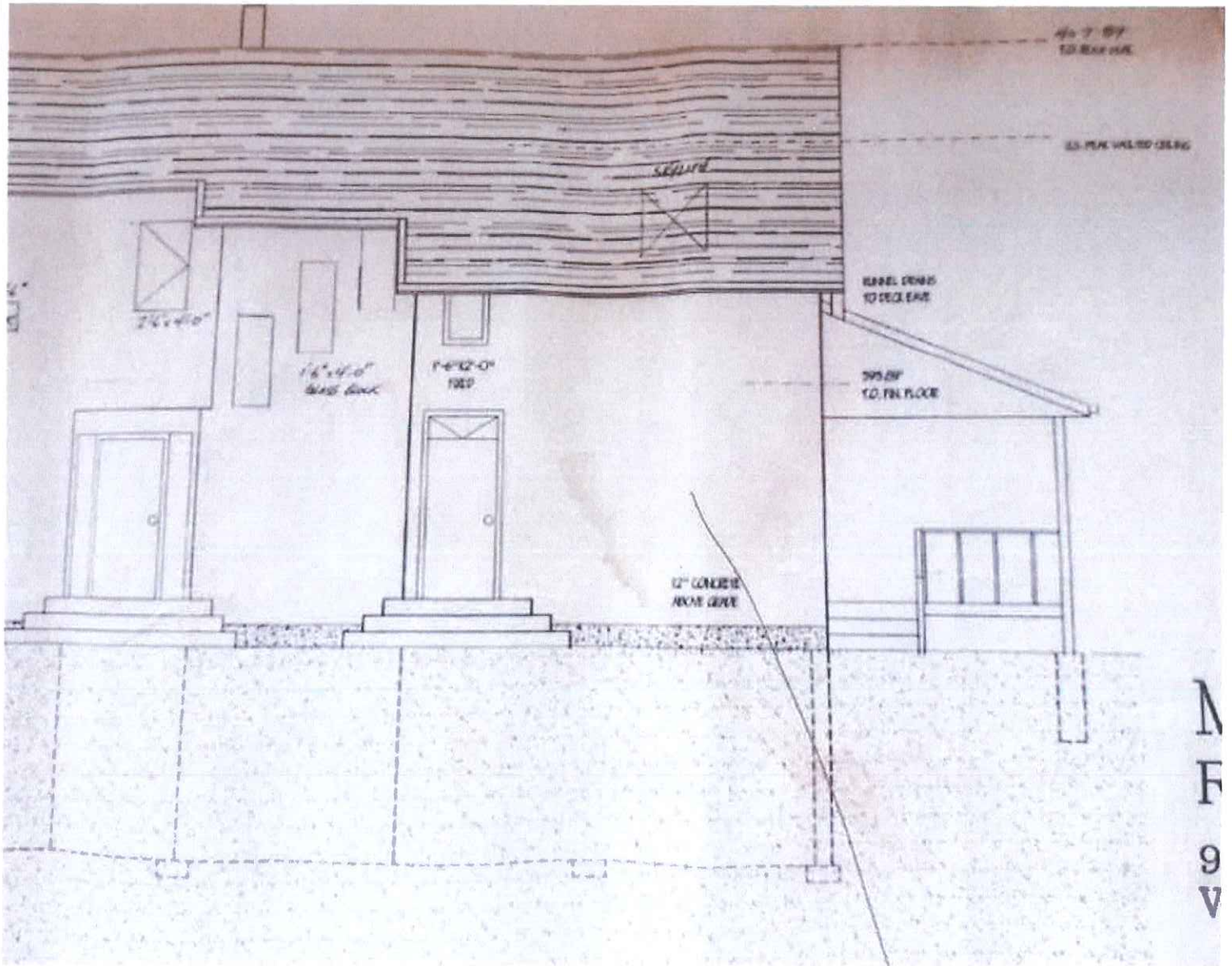
12 ft garage door

South Elevation

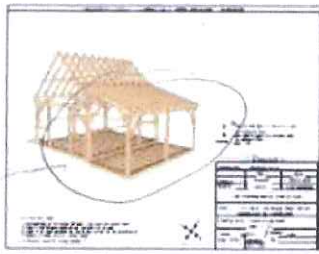
18 ft

18 ft

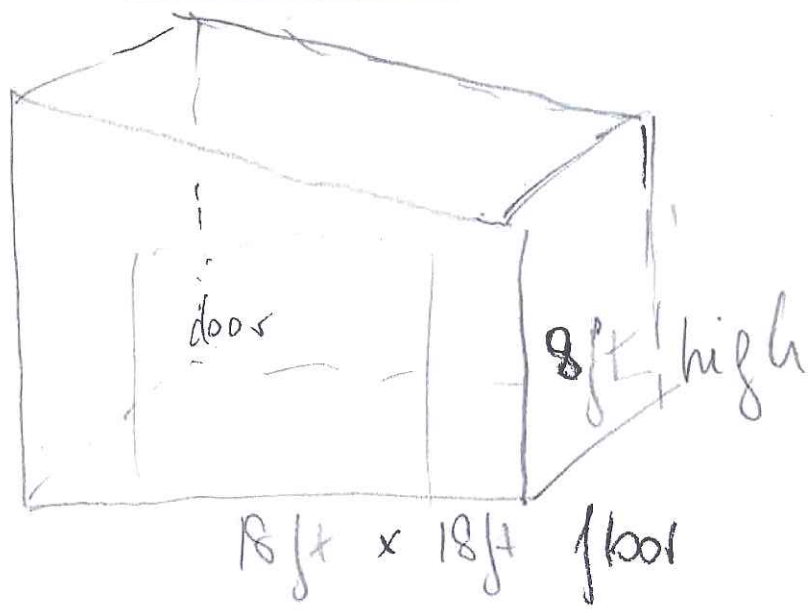
Garage



SOUTH ELEVATIONS  
garage attached to this wall



Approx  
15ft  
high  
(height of  
existing  
wall  
- South  
Elevation)





**SCHEDULE "A"**

To Land Use Contract No.: 14 - 76

**Subdivision**

1. No lot or parcel in the lands created by the subdivision referred to in paragraph 2.2 and Schedule "B" (hereinafter called the "Lot") shall be subdivided or partitioned into two or more Lots or any Lots or any Lots consolidated into one or more Lots.

**Permitted uses**

2. The following uses, as defined by the by-laws of the District and no others shall be permitted;

- (a) Single family dwelling;
- (b) Accessory residential;
- (c) Restricted agricultural.

**Buildings per Lot**

3. The number of buildings allowed per Lot for each of the above mentioned permitted uses shall be not more than:

- (a) One (1) single family dwelling;
- (b) Two (2) accessory residential buildings;
- (c) Two (2) restricted agricultural buildings.

#### Floor Area

4. The floor areas shall be as follows:

- (a) The floor area for a single family dwelling shall be not less than 60 m<sup>2</sup> (645.6 square feet).
- (b) The floor area for an accessory residential building shall not be greater than 55m<sup>2</sup> (591.8 square feet) with no horizontal dimension exceeding 9 m (29.53 feet);

#### Height of Buildings and Structures

5. The height of buildings and structures shall not exceed:

- (a) 5 m (16.40 feet) for accessory residential use;
- (b) 8 m (26.25 feet) for residential use;
- (c) 10 m (32.81 feet) for restricted agricultural use.

#### Lot Coverage

6. Lot coverage shall be not greater than thirty percent (30%) of the Lot area.

#### Off-Street Parking

7. Off-street parking shall be provided and maintained in accordance with the provisions of Schedule "B" of By-law 801 of the By-laws of the District and the number of parking spaces required to be provided on a Lot or Lots, shall be determined by the use or uses being carried on on such Lot or Lots from time to time.

**Setbacks**

8. (Subject to the special building line setback provisions of Section 407 of the By-laws of the District)

(a) **Front Yard:**

A front yard free of all buildings and structures shall be provided with a depth of not less than:

(i) 12 m (39.37 feet) for single family dwellings, and accessory residential use;

(ii) 15 m (49.21 feet) for restricted agricultural use;

(iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(b) **Other Buildings:**

Buildings shall not be sited within 3 m (9.843 feet) of any other building, except that buildings for restricted agricultural use involving the keeping of animals shall not be sited within 30 m (98.43 feet) of any residential dwelling not sited on the same Lot.

**(c) Rear Yard:**

A rear yard free of all buildings and structures shall be provided with a depth of not less than 8 m (26.25 feet), except that rear yards free of all buildings and structures used for keeping of animals shall be provided with a depth of not less than 30 m (98.43 feet) where the use abuts a Residential Zone.

**(d) Side Yards:**

Side yards free of all buildings and structures shall be provided with a width of not less than 8 m (26.25 feet), except that side yards free of buildings and structures used for keeping animals shall be provided with a width of not less than 30m (98.43 feet) where the use abuts a Residential zone.

Exterior side yards free of buildings and structures shall be provided with a width of not less than:

- (i) 12 m (39.37 feet) for single family dwellings, two family dwellings, mobile homes, and accessory residential use;
- (ii) 15 m (49.21 feet) for restricted agricultural use;
- (iii) 30 m (98.43 feet) for restricted agricultural use involving buildings used for the keeping of animals.

(e) Water Bodies:

Setbacks from water bodies and the natural boundary of any natural watercourse or source of water shall be in accordance with Section 406 of this By-law.

Restricted Agricultural Use

9. A restricted agricultural use shall be restricted to the cultivation of land and the keeping of animals for the personal use of the owner only, provided that this does not create a nuisance by reason of sound, sight, or smell and shall not include feed lots, mushroom growing, boarding and breeding kennels, or the keeping of swine or fur bearing animals.

Tree Cutting

10. No trees now standing on the Lands shall be cut or removed from the Lands unless the person desiring to cut any tree or trees makes written application to the District Planning Director for a tree cutting permit and states therein the following:

- (a) The reason for the proposed tree cutting;
- (b) The number, species and location of the tree or trees to be cut; and,
- (c) A tree survey if a building permit is being applied for.

10.1 The planning Director may, upon receipt of written application for the reasons therein specified pursuant to paragraph 10(a), issue a tree cutting permit. If the reason so stated pursuant to paragraph 10(a) is for a use pursuant to paragraph 2 herein, the Planning Director shall issue a tree cutting permit.

10.2 For purposes of paragraph 10 "Tree" means:

A member of any evergreen or deciduous species which has only a single leader (trunk) arising from the root mass, which will have a diameter at breast height ("DBH") of not less than 7.5 cm, and which is capable of growing to a height exceeding 3.5 m at maturity, and includes species in clump form having more than one leader per root mass.

## 9.2 R1 : Estate Lot Residential

### 9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

### 9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

### 9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

### 9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

### 9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- **Minimum rear yard is 7.5m**, except it is 1.0m for **secondary buildings**. **Where the lot width exceeds the lot depth, the minimum rear yard is 4.5m provided that one side yard shall have a minimum width of 4.5m.**
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.2.6 Other Regulations

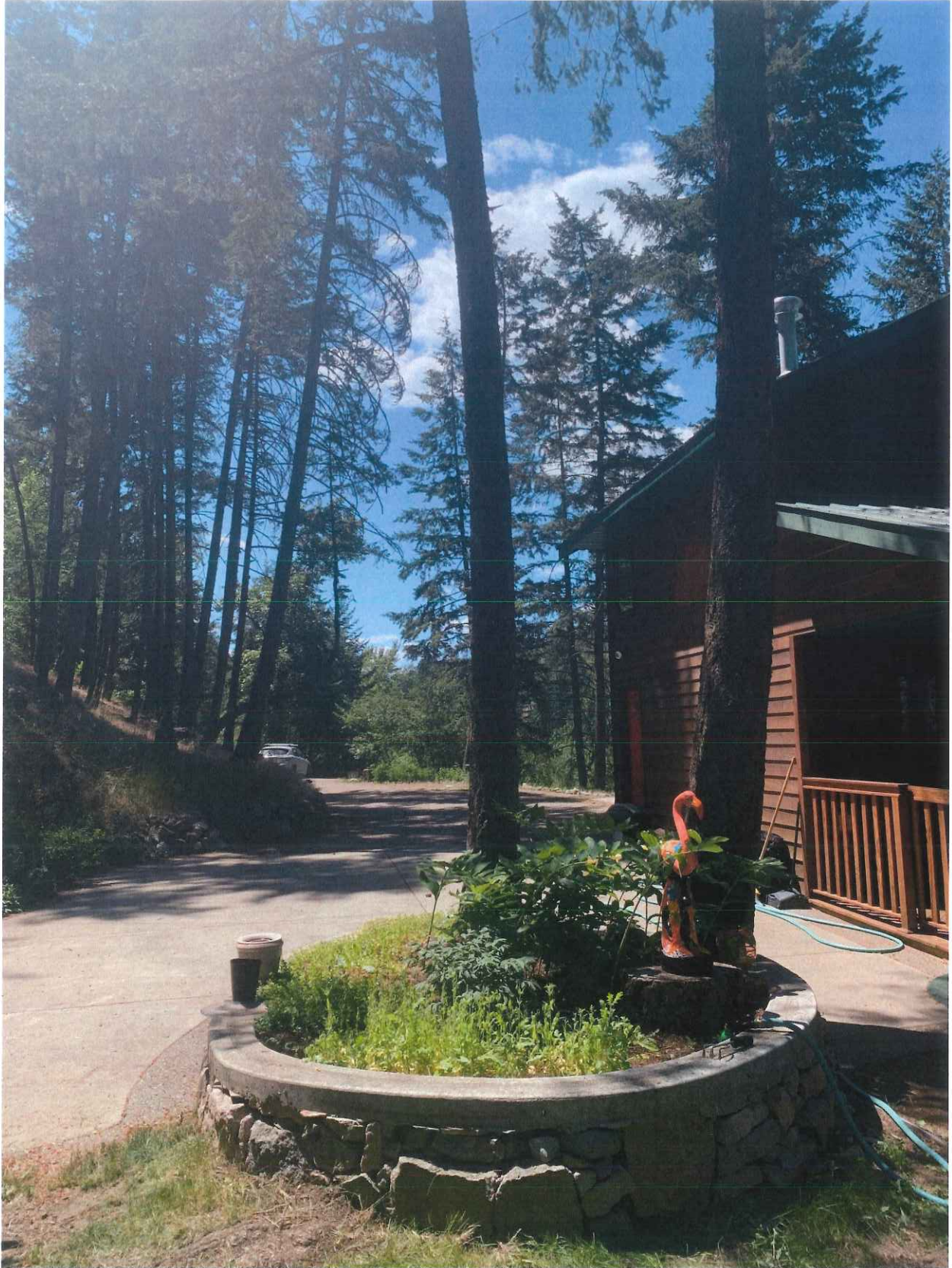
- There shall be no more than one **single detached house** per lot.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings** and **structures**, **excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
*(Bylaw 5440)*





Photo 1: Location of proposed addition, photo taken facing east



**Photo 2: Location of proposed addition, photo taken facing west**

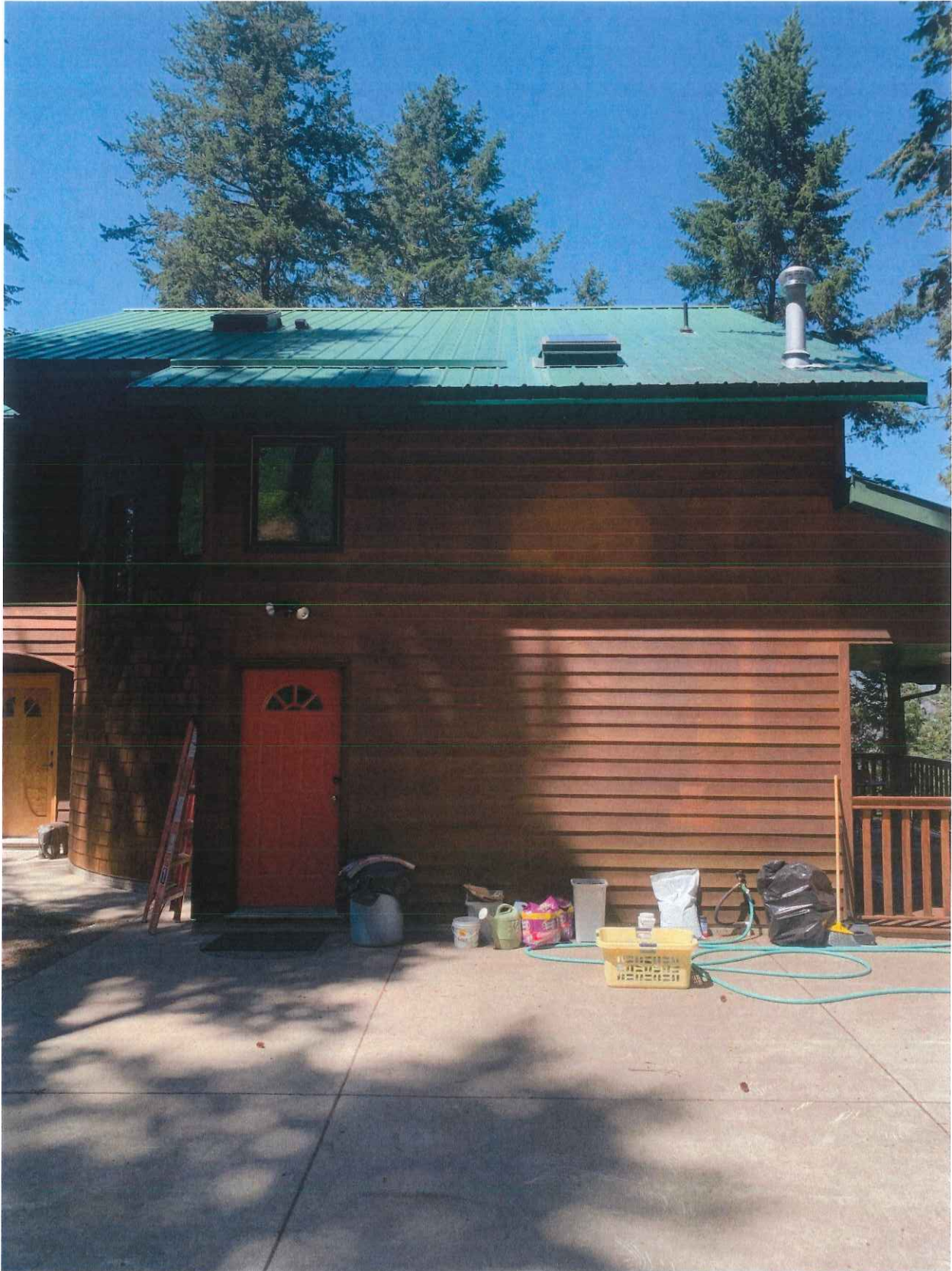


Photo 3: Location of proposed addition, photo taken facing north