



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, JULY 20, 2021 AT 4:00 P.M.

VIA ZOOM AND IN-PERSON (COUNCIL CHAMBERS)

A G E N D A

1) ORDER

2) LAND ACKNOWLEDGEMENT

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.

3) ADOPTION OF AGENDA

4) ADOPTION OF MINUTES

June 29, 2021 (attached)

5) NEW BUSINESS:

- a) DVP00523 – 12-9990 Eastside Road
- b) DVP00527 – 28 Garmisch Road
- c) DVP00536 – 300 Village Centre Place

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, August 17, 2021.**

8) ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

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

PRESENT: VOTING

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

NON-VOTING

Mayor Cumming (Appointed Member)

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

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

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

**LAND
ACKNOWLEDGMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

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

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

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

CARRIED.

ADOPTION OF MINUTES

Moved by Don Schuster, seconded by Doug Neden.

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

CARRIED.

NEW BUSINESS:

DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 5200 OKANAGAN AVENUE (DVP00510)

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

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

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

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

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

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

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

CARRIED.

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

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

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

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

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

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

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

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

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

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

CARRIED.

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

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

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

Moved by Doug Neden, seconded by Phyllis Kereliuk:

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

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

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

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

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

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

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

CARRIED.

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

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

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

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

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

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

CARRIED.

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

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

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

Moved by Doug Neden, seconded by Larry Lundgren:

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

CARRIED.

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

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

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

Moved by Jamie Paterson, seconded by Lisa Briggs:

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

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

subject to the following:

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

CARRIED.

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

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

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

(LUC00021)

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

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

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

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

subject to the following:

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

CARRIED

INFORMATION ITEMS

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

NEXT MEETING

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

NOTE

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

ADJOURNMENT

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

CERTIFIED CORRECT:

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: July 12, 2021
FILE: DVP00523

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 12 – 9990 EASTSIDE ROAD

PURPOSE:

To review the development variance permit application to vary setbacks of Zoning Bylaw #5000 in order to accommodate an addition to a single family dwelling at 12 – 9990 Eastside Road.

RECOMMENDATION:

THAT Council support development variance permit application DVP00523 to vary Section 9.1.5 of Zoning Bylaw #5000 by reducing the minimum side yard setback to 1.34m from 4.5m from a flanking street to accommodate an addition under existing eaves to a single family dwelling at LT 12 PL KAS2194 SEC 29 TWP 14 ODYD (12 – 9990 Eastside Road);

AND FURTHER, that Council's support of DVP00503 is subject to the following:

- a) that the building siting and footprint must adhere to the site plan by Dean Thomas Design Group dated October 28, 2020, which will be attached to and form part of DVP00523; and
- b) that the applicant demonstrates the requirements Provincial Riparian Areas Protection Regulation (RAPR) have been met and that a RAPR Assessment form part of the associated Development Permit.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support development variance permit application DVP00523 to vary Section 9.1.5 of Zoning Bylaw #5000 by reducing the minimum side yard setback to 1.34m from 4.5m from a flanking street to accommodate an addition under existing eaves to a single family dwelling at LT 12 PL KAS2194 SEC 29 TWP 14 ODYD (12 – 9990 Eastside Road);

AND FURTHER, that Council's support of DVP00523 is subject to the following:

- a) that the building siting and footprint must adhere to the site plan by Dean Thomas Design Group dated October 28, 2020, which will be attached to and form part of DVP00523;
- b) that the applicant demonstrates the requirements Provincial Riparian Areas Protection Regulation (RAPR) have been met and that a RAPR Assessment form part of the associated Development Permit; and
- c) *(to be cited by Council).*

Note: This alternative supports the development variance application subject to any other conditions cited by Council.

2. THAT Council not support development variance permit application DVP00523 to vary Section 9.1.5 of Zoning Bylaw #5000 by reducing the minimum side yard setback to 1.34m from 4.5m from a flanking street to accommodate an addition under existing eaves to a single family dwelling at LT 12 PL KAS2194 SEC 29 TWP 14 ODYD (12 – 9990 Eastside Road).

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 not be able to proceed with the proposed addition of approximately 2.3m².

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 20, 2021, the Advisory Planning Committee passed the following resolution:

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

B. Rationale:

1. The subject property is a strata lot located near the southern tip of Eastside Road. The property is accessed via private strata road and is bound by Okanagan Lake to the west, lake access to the south, large areas of undeveloped land to the east, and bisected by Eastside Road. The subject property is zoned RR – Rural Residential and there is an existing single family dwelling located on the western portion of the property.

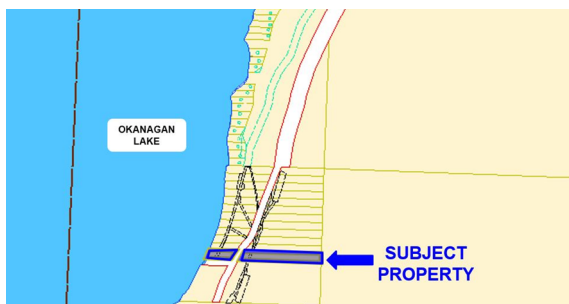


Figure 1. Property Location Map



Figure 2. Aerial Location Map

2. The applicant is requesting to vary section 9.1.5 of Zoning Bylaw #5000 by reducing the minimum side yard setback to 1.34m from 4.5m from a flanking street in order to accommodate a small addition of approximately 2.3m² (~25ft²) under the existing eaves of a single family dwelling to provide a functional kitchen space (Figure 3, Attachment 1).
3. The proposed work is located within the Riparian Assessment Area (within 30m of High Water Mark) and is subject to the provincial Riparian Areas Protection Regulation (RAPR). A RAPR assessment by a Qualified Environmental Professional have been provided (Attachment 2) that notes the proposed addition is entirely outside of the Streamside Protection and Enhancement Area (SPEA) and that critical riparian habitat would not be impacted as part of the proposed works.

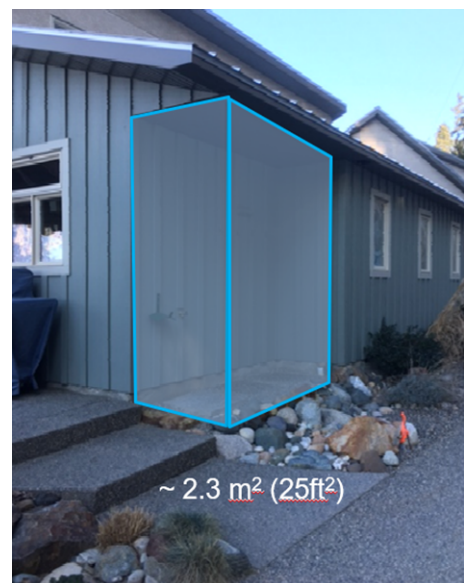


Figure 3. Proposed Addition

4. Administration supports the requested variance for the following reasons:
 - a) The proposed extension of approximately 2.3m² (25ft²) would be completely under an existing truss roof overhang. The nature of the proposed addition is minimal and would not create any additional intrusion of use to the localized area in effect.
 - b) The applicant is taking extra care to limit and minimize overall disturbance to the area and neighbourhood by suspending cantilevered joists above this ground so not to require any excavation for the proposed works.
 - c) The proposed extension would be entirely outside of SPEA and critical riparian habitat would not be impacted as part of the development.
 - d) The traffic on the property access is minimal through a private gated access and the applicant has provided confirmation of Strata (KAS2084) support for the proposed development (Attachment 3).
5. A complete RAPR Assessment should form part of an associated Development Permit of this project to demonstrate that Provincial RAPR requirements have been met.

C. Attachments:

Attachment 1 – Site Plan, Monashee Surveying and Keith Construction
Attachment 2 – RAPR Assessment, Wester Water Associates Ltd (Excerpt)
Attachment 3 – Strata KAS2194 Support for Development (Excerpt)

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 and identifies guidelines within the Environmental Management Area Strategy for which development within the Riparian Assessment Area are subject to.
2. The property is zoned RR – Rural Residential, which confirms with the OCP land use designation. The proposed development variance permit application is to vary the following section of Zoning Bylaw #5000:
 - 9.1.5 Development Regulations
Minimum side yard is 2.0m for a 1 to 1.5 storey portion of a building and 2.3m for a 2 or 2.5 storey portion of a building, except it is 4.5m from a flanking street.
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.
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

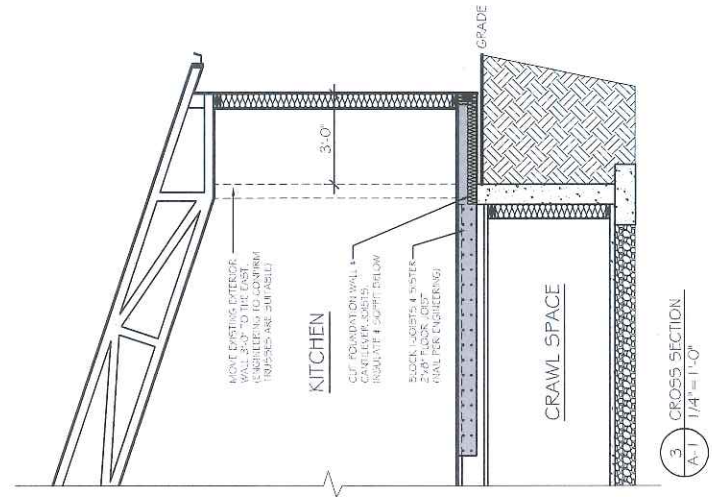
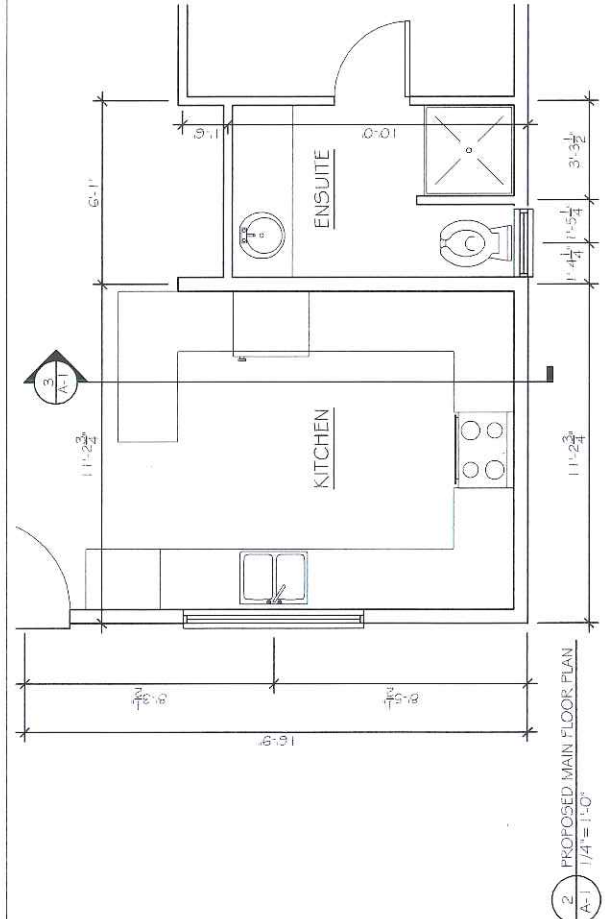
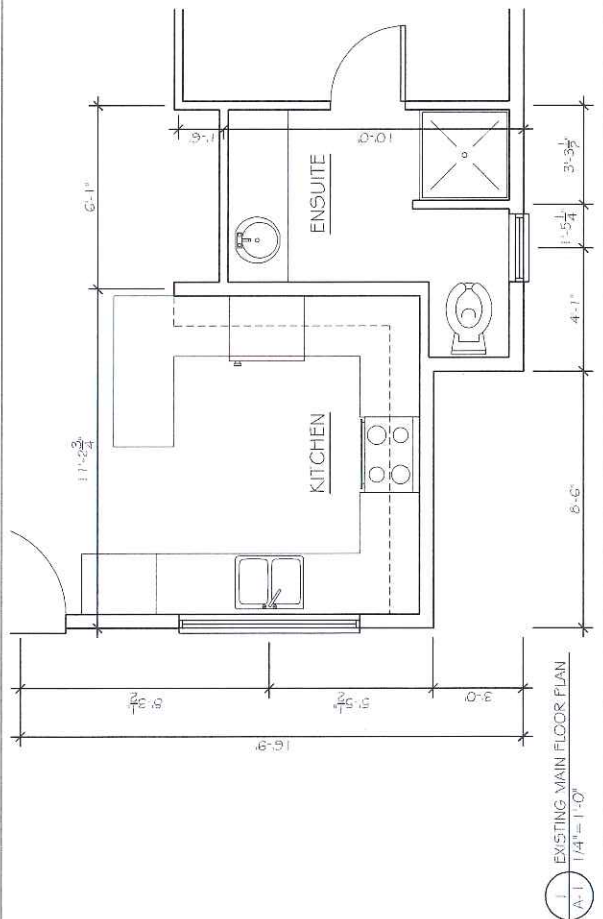
Kim Flick
Director, Community Infrastructure & Planning

REVIEWED WITH

- | | | |
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| <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 (Jul 20/21) | | |
| <input type="checkbox"/> OTHER: | | |

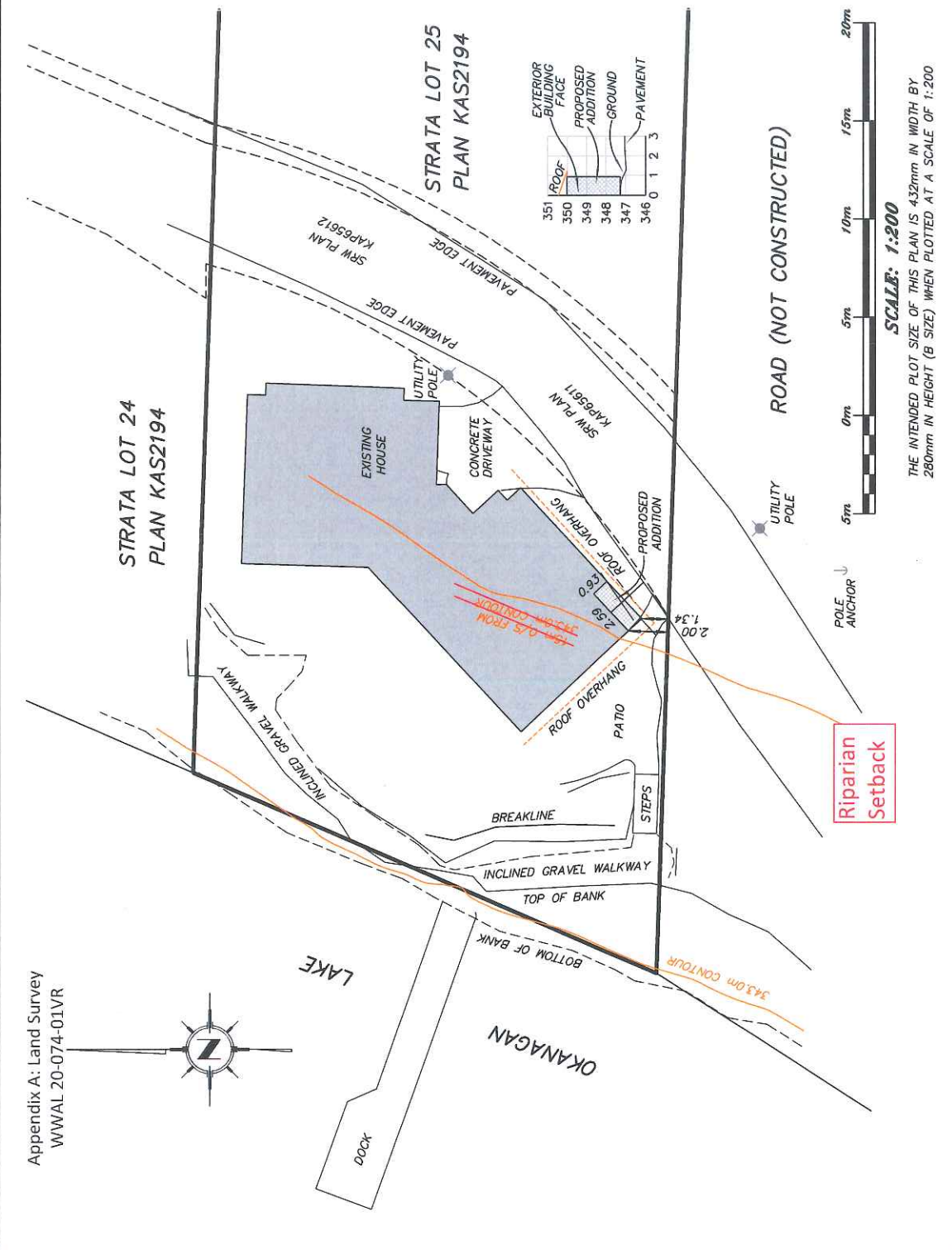
Appendix B: Kitchen Extension Overview
 WWAL 20-074-01VR

Attachment 1



A-1
 07/30/2020
 WORBET'S RESIDENCE
 PROPOSED KITCHEN
 EXTENSION

Appendix A: Land Survey
 WWAL 20-074-01VR



TOPOGRAPHIC PLAN AND PROFILE

CIMC ADDRESS:
 SL25 - 9990 EASTSIDE ROAD,
 VERNON BC

LEGAL DESCRIPTION:
 STRATA LOT 25 SECTION 29 TOWNSHIP
 14 AND DISTRICT LOT 6433 0D1D
 STRATA PLAN KAS2194

THIS PLAN WAS PREPARED FOR THE
 EXCLUSIVE USE OF HORRETS.

THIS DOCUMENT SHALL NOT BE USED TO
 DEFINE PROPERTY LINES OR PROPERTY
 CORNERS.

MONASHEE SURVEYING AND GEOMATICS, 2012.
 ALL RIGHTS RESERVED.

MONASHEE SURVEYING AND GEOMATICS
 ACCEPTS NO RESPONSIBILITY FOR AND HEREBY
 DISCLAIMS LIABILITY FOR DAMAGES INCLUDING, BUT NOT LIMITED
 TO, DIRECT, INDIRECT, SPECIAL, AND
 CONSEQUENTIAL DAMAGES ARISING OUT OF OR
 IN CONNECTION WITH ANY DIRECT OR INDIRECT
 USE OF THIS PLAN UPON THE PLAN BEYOND
 ITS INTENDED USE.

SURVEYED BY:	BC/ZEK	AUG 5 2020
DRAFTED BY:	BC	AUG 10 2020
CHECKED BY:	MB	AUG 10 2020
REV	DATE	BY

DRAWING: 7370 TOPO.dwg



SHEET 1 OF 1 SHEETS

Riparian Areas Protection Regulation: Assessment Report

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

Date February 12, 2021

I. Primary QEP Information

First Name	Trina	Middle Name	Anne
Last Name	Koch		
Designation	RPBio	Company	Western Water Associates Ltd
Registration #	3261	Email	trina@westernwater.ca
Address	106 5145 26 St		
City	Vernon	Postal/Zip	V1T
Prov/state	BC	Country	Canada
		Phone #	250-541-1030

II. Secondary QEP Information (N/A)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	
Prov/state		Country	
		Phone #	

III. Developer Information

First Name	Terry and Donna	Middle Name	
Last Name	Worbets		
Company			
Phone #		Email	Terryworbetts@gmail.com, Donnaworbetts@gmail.com
Address	12-9990 Eastside Road		
City	Vernon	Postal/Zip	V1H 1V1
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Residential		
Area of Development (ha)	.002	Riparian Length (m)	31.24
Lot Area (ha)	0.2	Nature of Development	Redevelopment
Proposed Start Date	April 1 2021	Proposed End Date	Dec 1 2021

V. Location of Proposed Development

Street Address (or nearest town)	9990 Eastside Road		
Local Government	City of Vernon	City	Vernon
Stream Name	Okangan Lake		
Legal Description (PID)	026-560-003	Region	Okangan
Stream/River Type	Lake	DFO Area	Thompson Okangan
Watershed Code	310		
Latitude	50.15643	Longitude	119.44785

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

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

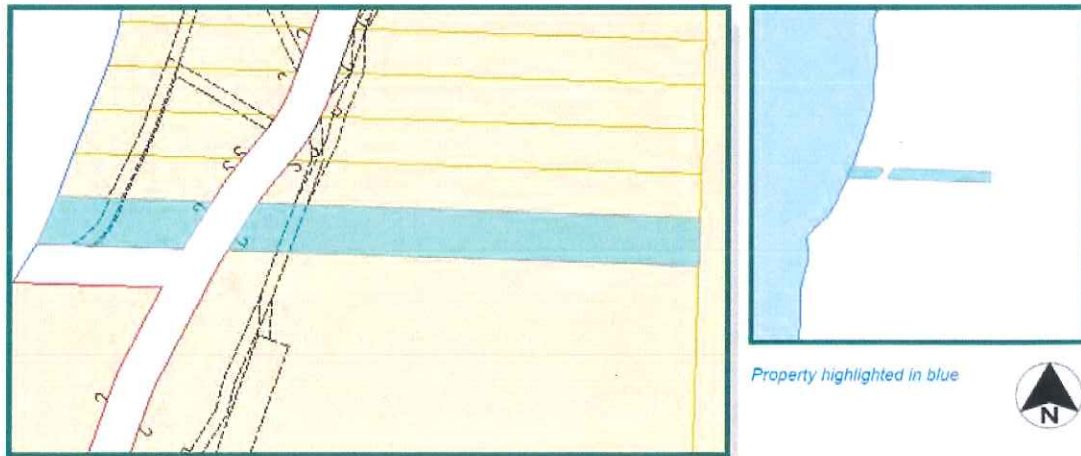
(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

1.1 Introduction

Trina Koch, R.P.Bio., completed a Riparian Area Protection Regulation (RAPR) field assessment at 9990 Eastside Road (subject property) on July 22, 2020. The subject property is a roughly square lot on the east side of Okangan Lake, that is intersected by Eastside Road. The lot is 0.2 ha and includes 31.24 m of lakefront. Ms. Koch assessed biophysical features within the riparian assessment area (RAA), which is the area within 30 m from the high water mark (HWM) of Okangan Lake. (343 metres above sea level).

The subject property is comprised of a lower elevation lakefront portion west of Eastside Road and a forested upland portion east of Eastside Road as shown in Image 1 (City of Vernon 2020). The lakefront portion is situated entirely within the RAA and is where redevelopment of a pathway and the addition of several shrubs is proposed. A survey of the property is attached as Appendix A.

Image 1. Cadastral lot lines for 12-990 Eastside Road, Vernon BC



Legal Information:

Property Address: 12-9990 EASTSIDE RD

1.2 Existing Riparian Conditions

The RAA, Streamside Protection and Enhancement Area (SPEA) and Zones of Sensitivity (ZOSs) are shown in Figure 2. See Section 2 of this report for further details on the SPEA and ZOSs. Photographs of vegetation within the RAA are provided in Section 6 of this Report.

Existing riparian conditions within the RAA are highly modified from their natural state but include 10 trees (pine, spruce and maple) and nine shrubs and summarized in Table 1 and shown in Photograph 7. The trees and shrubs grow upgradient of a steep gravel footpath (20% grade) that meets the shoreline where steps constructed of slab-shaped boulders provide access onto a wooden dock (Photograph 4). Ground cover between the riparian vegetation is comprised mainly of decorative pebble-cobble size rock (Photograph 1).

Table 1. Existing Vegetation within the RAA

Common Name	Scientific Name	Number of plants
Barberry, rosy glow	<i>Berberis thunbergii</i> 'Risie Glow'	8
Cotoneaster Cranberry	<i>Cotoneaster Apiculatus</i>	1
Oregon grape	<i>Mahonia aquifolium</i>	5
Blue Chip Juniper	<i>Juniperus Horizontalis</i> 'Blue Chip'	1
White spp. (ornamental)	<i>Pinus spp.</i>	1
Norway Maple (introduced)	<i>Acer platanoide</i>	1
Blue spruce	<i>Picea Pungeons</i>	1
Skyrocket juniper	<i>Junipoerus virginiana</i> 'Skyrocket'	1
Dwarf Mugho pine	<i>Pinus monticola</i>	4
Ponderosa pine	<i>Pinus ponderosa</i>	1
Alberta Spruce 2	<i>Picea glauca albertiana</i>	1
	TOTAL	19

1.3 Fish and Fish Habitat

The subject property is located on the east side of Okanagan Lake approximately about 70 km from the south end of the lake, where it flows into Okanagan River in Penticton, BC. Okanagan River flows southward into Skaha Lake, followed by Vaseaux Lake then Osoyoos Lake, before crossing the Canada-US border.

Although fish were not observed in the foreshore during the site assessment, the fish species listed in Table 2 have been documented within Okanagan Lake and have the potential to inhabit the foreshore (ENV 2020). Among these species are cutthroat trout (*Oncorhynchus clarkia*) and Chiselmouth (*Acrocheilus alutaceus*) which are provincially ¹blue-listed species.

The Okanagan Large Lakes Foreshore Protocol maps the foreshore along the subject property as a 'red zone', which identifies high habitat value for shore spawning kokanee (*Oncorhynchus nerka*).

¹ Provincially blue-listed: Species of concern

FORM 1

Table 2. Okangan Lake Fish Species

Common Name	Scientific Name
Redside Shiner	<i>Richardsonius balteatus</i>
Prickly Sculpin	<i>Cottus asper</i>
Northern Pikeminnow	<i>Ptychocheilus oregonensis</i>
Burbot	<i>Lota lota</i>
Yellow Perch	<i>Perca flavescens</i>
Slimy Sculpin	<i>Cottus cognatus</i>
Perch (General)	<i>Perca spp.</i>
Western Ridged Mussel	<i>Gonidea angulata</i>
Floater Mussel (General)	<i>Anadonta spp.</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Peamouth Chub	<i>Mylocheilus caurinus</i>
Largescale Sucker	<i>Catostomus macrocheilus</i>
Rainbow Trout	<i>Oncorhynchus mykiss</i>
Carp	<i>Cyprinus carpio</i>
Mountain Whitefish	<i>Prosopium williamsoni</i>
Longnose Dace	<i>Rhinichthys cataractae</i>
Smallmouth Bass	<i>Micropterus dolomieu</i>
Bull Trout	<i>Salvelinus confluentus</i>
Western Floater Mussel	<i>Anadonta spp.</i>
Winged Floater Mussel	<i>Anadonta spp.</i>
Fingernail Clam (General)	<i>Pisidium moitessierianus</i>
Kokanee	<i>Oncorhynchus nerka</i>
Longnose Sucker	<i>Catostomus catostomus</i>
Pygmy Whitefish	<i>Prosopium coulterii</i>
Lake Whitefish	<i>Coregonus clupeaformis</i>
Lake Trout	<i>Salvelinus namaycush</i>
Brook Trout	<i>Salvelinus fontinalis</i>
Dace (General)	<i>Leuciscus leuciscus</i>
Leopard Dace	<i>Rhinichthys falcatus</i>
¹ Chiselmouth	<i>Acrocheilus alutaceus</i>
¹ Cutthroat Trout	<i>Oncorhynchus clarkii</i>

¹**Blue-listed:** Includes any native species or subspecies considered to be of Special Concern (formerly Vulnerable) in British Columbia.

Ms. Koch assessed fish habitat while following provincial protocol (ENV 1998). Substrate, vegetation (riparian and terrestrial), fish presence, cover and woody debris were assessed. Existing riparian trees and shrubs are largely located upslope of the footpath and provide a moderate amount of leaf litter into the foreshore. The trees provide some shade onto the foreshore, however no vegetation was close enough to the lake to overhang the foreshore. Foreshore substrate, was comprised of gravel (30%), sand (30%), pebble (30%) and imported angular cobble-boulder sized riprap (10%) (Photograph 5). Aquatic vegetation and woody debris were not observed in the foreshore or along the shoreline. A composite dock extends into the foreshore from the gravel footpath and rock steps (Photograph 1).

Due to the absence of vegetated ground cover along the shoreline, woody debris, aquatic vegetation and the presence of the dock and imported rock, fish habitat within the foreshore of the subject property was assessed as moderate. However, suitable salmonid spawning habitat exists beyond where imported rock extends into the foreshore (Photograph 6).

1.4 Proposed Development

Proposed development consists of a cantilevered extension of the kitchen, which does not technically trigger RAPR because it is located under the overhang of the existing roof and does not disturb ground within the RAA (Photograph 2). However, the extension does trigger a development permit so a RAPR report is required. Figure 3 indicates where the cantilevered kitchen extension, will be located, which is outside the SPEA. Appendix B provides the design plan for the kitchen extension. Contractors will access the construction site from inside and outside of the house. Machinery and heavy equipment will not encroach the SPEA during construction and the SPEA will be delineated with construction fencing (Figure 2).

References

- BC Ministry of Environment (ENV). 2020. Fisheries Inventory Data Queries.
- BC Ministry of Environment (ENV). 1998. Inventory Standards. Resource Information Standards Committee. Fish and Fish Habitat Inventory Standard
- BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD). 2018. Okanagan Large Lakes Foreshore Protocol.
- City of Vernon. 2020. Property Report.
- City of Vernon. 2010. Restoration Maintenance Bylaw #5014.
- University of Delaware. 2008. Permeable vs. Impermeable Surfaces.
<https://www.udel.edu/canr/cooperative-extension/fact-sheets/permeable-impermeable-surfaces/>

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

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

--

2. Results of Detailed Riparian Assessment

Refer to Section 3 of Technical Manual

Date: February 12, 2021

Description of Water bodies involved (number, type)

Okangan Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	1
Reach #	1

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and</p> <p>d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.</p>			
Polygon No:	1		Method employed if other than TR
SPVT Type	LC	SH	
			X

Zone of Sensitivity (ZOS) and resultant SPEA

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					
LWD, Bank and Channel Stability ZOS (m)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	16.5	South bank	Yes	SE	No	X	
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				
SPEA maximum	16.5	(For ditch use table3-7)					

Comments

See Figure 2 for details

Section 3. Site Plan

Insert jpg file below

Site Plan



Data Sources: Base plan from publicly available data sources.

Contour interval: 20 m
 Map Projection: NAD83 UTM Zone 11 (EPSG 26911)
 Other notes: -

9990 Eastside Road RAPR		Figure 1: Project Area	
TITLE	DATE	CLIENT	
DRAWN	October 13, 2020	Terry and Donna Worbetts	
REVIEWED	PROJECT NO. 20-074-01VR	REVISION NO. A	





9990 Eastside Road RAPR		Figure 2: Existing Conditions		Data Sources: Orthophoto from RDNO (2016); baseplan from Monashee Surveying & Geomatics (August 5, 2020)	
DRAWN	Tim Sivak	DATE	December 10, 2020	CLIENT	Terry and Donna Worbetts
REVIEWED		PROJECT NO.	20-074-01VR	REVISION NO.	B
TITLE			Contour interval: - Map Projection: NAD83 UTM Zone 11 (EPSG 26911) Other notes: Measurements are in metres.		



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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 are not a concern for this development. It is located on the road side of the house where there are no trees.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	
2. Windthrow	Windthrow is not a concern for this development. It is located under the existing roofline.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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	Slope stability is not a concern on this property as development is not being completed on a slope.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	
4. Protection of Trees	Work is outside the SPEA. Trees will not be impacted.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	
5. Encroachment	Work is outside the SPEA and will be conducted from within the house or outside the SPEA on the outside of the house.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	
6. Sediment and Erosion Control	The SPEA will be delineated so construction materials remain outside the SPEA and debris does not make its way

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

	to the lake.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	
7. Stormwater Management	Stormwater is controlled by the eaves in the roof above the extension.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	
8. Floodplain Concerns (highly mobile channel)	Okanagan is a controlled reservoir and the construction is minor and outside the SPEA so floodplain concerns are not an issue.
<p>I, <u>Trina Koch</u> (<i>name of qualified environmental professional</i>), 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>Terry and Donna Worbets</u> (<i>name of developer</i>);</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>	

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.

Environmental monitoring will occur at a kick off meeting and at 30, 60 and 100 percent completion. The contractor will provide the monitor with contact information at the kick off meeting.

Photos

P1 Photograph 1. Existing pathway (July 22, 2020)



P2 Photograph 2. Approximate cantilevered kitchen addition location (red outline) (July 22, 2020)



P3 Photograph 3. Steep footpath to the foreshore (20% grade) (July 22, 2020)



P4 Photograph 4. Slab rock stairs to the dock (July 22, 2020)





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Planner, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 16, 2021
REPORT DATE: July 15, 2021
FILE: 3090-20 (DVP00527)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 28 GARMISCH ROAD

PURPOSE:

To review the Development Variance Permit Application (DVP00527) to vary Zoning Bylaw #5000 in order to construct a single detached dwelling at 28 Garmisch Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application (DVP00527) to vary the following section of Zoning Bylaw #5000 to permit the construction of a single detached dwelling on LT 5 DL 297 ODYD Plan KAP84264 (28 Garmisch Road):

- a) Section 9.2.5 minimum front yard setback requirement from 7.5 m to 4.0 m;

AND FURTHER, that Council's support of DVP00527 is subject to the following:

- a) the site plan illustrating the general siting of the proposed development be attached to and form part of DVP00527; and
- b) the proposed driveway and any future fencing constructed are not placed at the location of existing Shaw infrastructure.

ALTERNATIVES & IMPLICATIONS:

THAT Council not support Development Variance Permit Application (DVP00527) to vary the following section of Zoning Bylaw #5000 to permit the construction of a single detached dwelling on LT 5 DL 297 ODYD Plan KAP84264 (28 Garmisch Road):

- a) Section 9.2.5 minimum front yard setback requirement from 7.5 m to 4.0 m;

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 July 20, 2021, the Advisory Planning Committee passed the following resolution:

“ ”

B. Rationale:

1. The subject property is located at 28 Garmisch Road as shown on Figures 1 and 2. The property is approximately 761 m² (8190 sq ft) in size and is within a residential area in the Canadian Lakeview Estates Neighbourhood.
2. The subject property is zoned R1 – Estate Lot Residential and the subject application pertains to development regulations within Section 9.2.5 of Zoning Bylaw #5000.
3. The applicant proposes to construct a single detached dwelling on the subject property.
4. The application proposes to vary the following section of Zoning Bylaw #5000 in order to permit the construction of a detached garage:
 - a) Section 9.2.5 minimum front yard setback requirement from 7.5 m to 4.0 m.

The site plan for the proposed dwelling is illustrated in Attachment 1.

5. The grade of the subject property slopes towards the rear of the lot. Both neighbouring properties to the north (32 Garmisch Rd.) and south (24 Garmisch Rd.) have approved variances to the front yard setback requirements (3.5 m and 4.5 m respectively). Should Council approve the issuance of the Development Variance Permit a Building Permit will be required to construct the dwelling.

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

- a) The proposal by the applicant is in conformance with the pattern of development within the neighbourhood.
- b) There were no concerns raised in response to the agency referral package as distributed.

7. In order to protect the public, Council members and staff, the City implemented strict physical distancing measures in all City facilities, in response to the guidelines and Orders of the Provincial Health Officer (PHO). The City is transitioning Public Input processes in response to the changing Public Health Orders. In the interim, Public Input for Development Variance Permit applications will be received in written form only.

Only those written submissions (or emails to 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

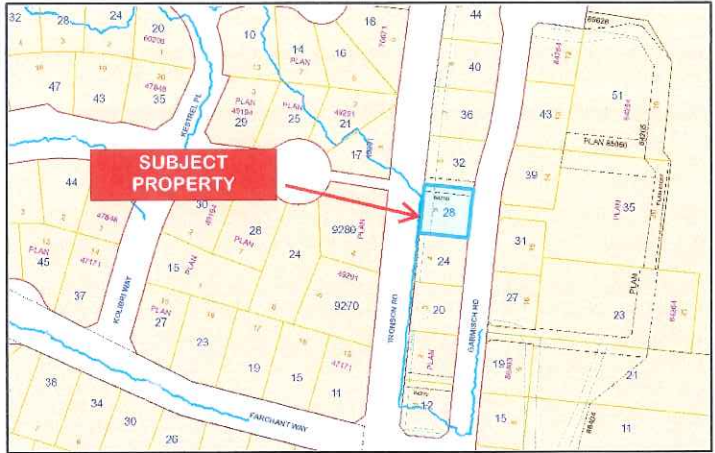


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property

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 Survey Plan

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 following provisions of Zoning Bylaw #5000 R1 – Estate Lot Residential Zone are relevant to the subject application:

- Zoning Bylaw #5000:

Section 9.2.5 – Minimum front yard is 7.5 m.

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 checked="" 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 (July 20/21) | | |
| <input type="checkbox"/> OTHER: | | |



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 16, 2021
REPORT DATE: July 15, 2021
FILE: 3090-20 (DVP00536; SUB00795)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 300 VILLAGE CENTRE PLACE

PURPOSE:

To review the development variance permit application for 300 Village Centre Place in order to vary Section 4.16 of Zoning Bylaw #5000 in order to allow for subdivision on lands over 30% slopes in the Predator Ridge Area (RTR zone).

RECOMMENDATION:

THAT Council support the development variance permit application (DVP00536) to vary Section 4.16 of Zoning Bylaw #5000 in order to allow for a 30 lot subdivision on lands over 30% slopes on a portion of Lot 5, Sec 2, Twp 13, ODYD, KAP65635, Except Plan KAP75186 and EPP75906 (300 Village Centre Place).

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support the development variance permit application (DVP00536) to Section 4.16 of Zoning Bylaw #5000 in order to allow for a 30 lot subdivision on lands over 30% slopes on a portion of Lot 5, Sec 2, Twp 13, ODYD, KAP65635, Except Plan KAP75186 and EPP75906 (300 Village Centre Place).

Note: This alternative does not support the development variance application. The owner would have to develop the property in accordance with the bylaws.

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 20, 2021, the Advisory Planning Committee adopted the following resolution:

“

”

B. Rationale:

1. The subject property at 300 Village Centre Place, as shown on Figures 1 and 2, is designated Residential – Low Density in the Official Community Plan (OCP) and within the Predator Ridge Neighbourhood Plan.
2. The subject property is zoned RTR – Resort Residential.
3. The subject application is to vary Section 4.16 of Zoning Bylaw #5000 in order to allow some of the proposed 30 lots to be created on lands that exceed 30% slope (Attachment 1).

4. As illustrated on the proposed lot layout (Attachments 2 and 3), parts of the subject property exceed 30% slope. Some of the proposed lots are partially on lands that exceed 30% slope.
5. The proposed subdivision is the next phase of development of the Predator Ridge Neighbourhood. This phase initiates a new development area for the neighbourhood. Other phases will be proposed on the south-west portions of the Predator Ridge Neighbourhood.
6. As part of the proposed subdivision (SUB00795 – Attachment 3), detailed design and analysis of the site is required. In addition to engineering design, supporting environmental information will be required as part of the subdivision review process. Efforts have been made to avoid steep slopes and sensitive areas.
7. The proposed subdivision forms part of, and complies with the overall vision for Predator Ridge Resort Community. The Predator Ridge Neighbourhood Plan (PRNP) designates the subject property Residential Low Density. The proposed lots and road layout complies with the objectives of the PRNP.
8. In order to protect the public, Council members, and staff, the City implemented strict physical distancing measures in all City facilities, in response to the guidelines and Orders of the Provincial Health Officer (PHO).

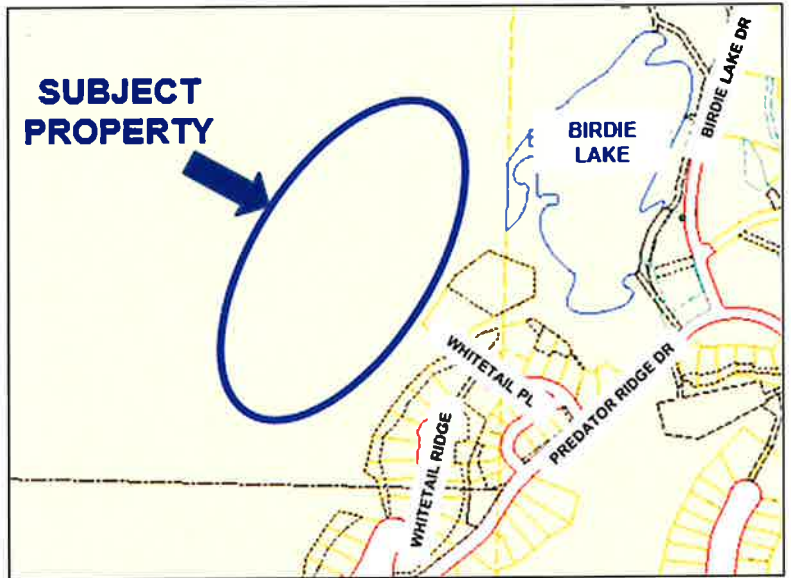


Figure 1 – Property Location Map

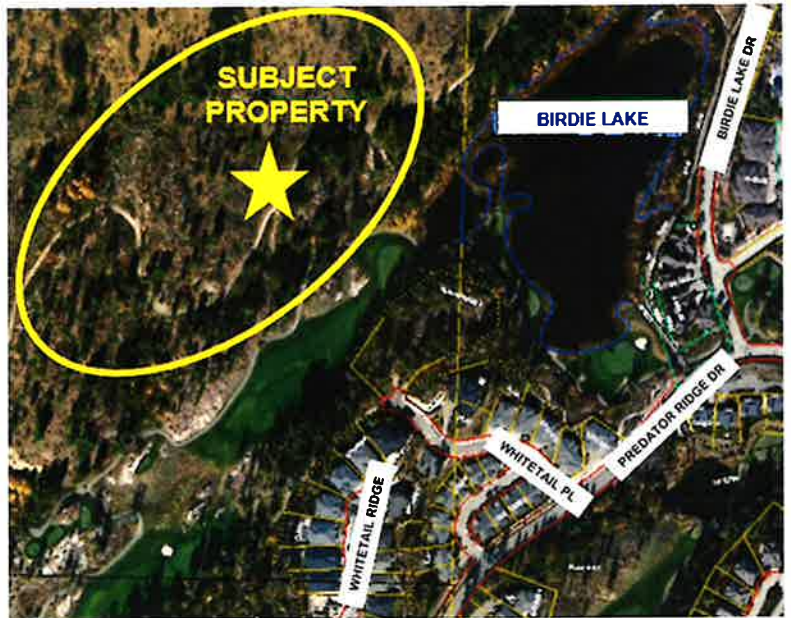


Figure 2 – Aerial Photo of Property

The City is transitioning Public Input processes in response to the changing Public Health Orders. In the interim, Public Input for Development Variance Permit applications will be received in written form only.

Only those written submissions (or emails to 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. 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 Permit – Public Input) as well as in a binder at the front counter of the Community Services Building.

C. Attachments:

- Attachment 1 – Section 4.16 Hillside Development Areas (Zoning Bylaw #5000)
- Attachment 2 – Proposed Road and Lot Layout with Slope Analysis
- Attachment 3 – Applicant’s Letter Dated July 16, 2021

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:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated Residential Low Density in the OCP.
2. The property is zoned RTR – Resort Residential in accordance with Zoning Bylaw #5000.
3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent 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

Will Pearce, CAO

Date: _____

Craig Broderick
Manager, Current Planning

X

Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

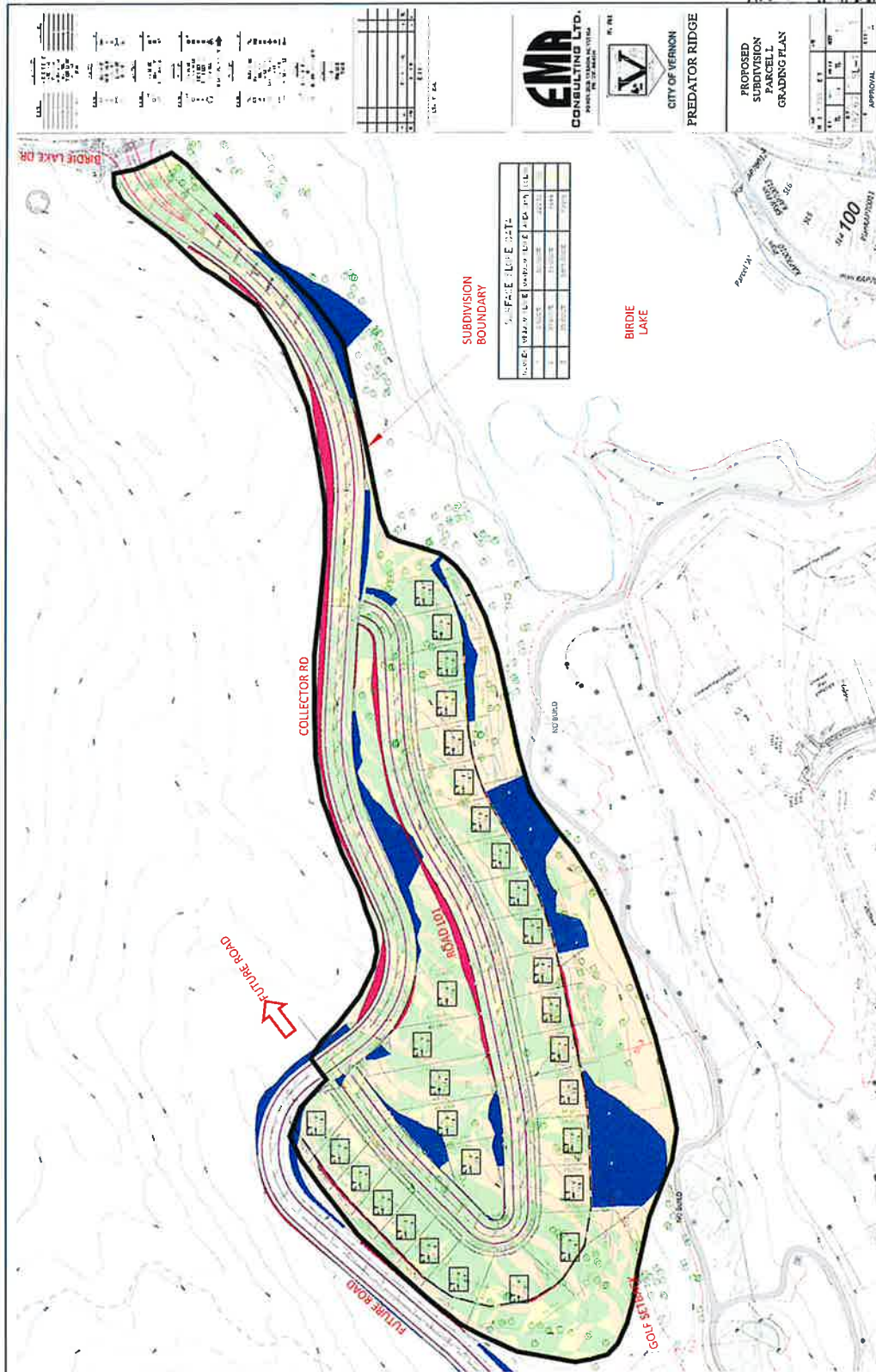
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|--|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input 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 (July 20, 2021) | | |
| <input type="checkbox"/> OTHER: | | |

Section 4.16 Hillside Development Areas (Zoning Bylaw #5000)

4.16 Hillside Development Areas

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.

4.16.2 No subdivision of land creating lots is permitted where less than 100m² of contiguous buildable area which meets all bylaw regulations herein for each lot is provided, with the exception of boundary lot adjustments.
(Bylaw 5433)





PREDATOR RIDGE

July 15th, 2021

Dear Mr. Broderick, Mayor, Council and APC members.

Predator Ridge has been developing on steep slopes since 1999. We have looked at delicate slopes, considered geotechnical aspects and managed environmental impacts. Predator Ridge wrote the Hillside Guidelines that was adopted by The City of Vernon in 2002 and later adopted by City of Kelowna and most other communities in the Okanagan.

Recently The City of Vernon revised Bylaws to not allow development on slopes greater than 30% and that each lot must have more than 100m² less than 30%. Predator Ridge would like to be allowed to develop on slopes greater than 30% as it has so well for over 20 years.

Please refer to the attached photos of lands previously developed on slopes over 30% found throughout the existing subdivisions on Predator Ridge lands. Furthermore, please refer the 3D renderings of the proposed Parcel 'L' subdivision with the 30% slopes developed with sound engineering and construction protocols.

Sincerely

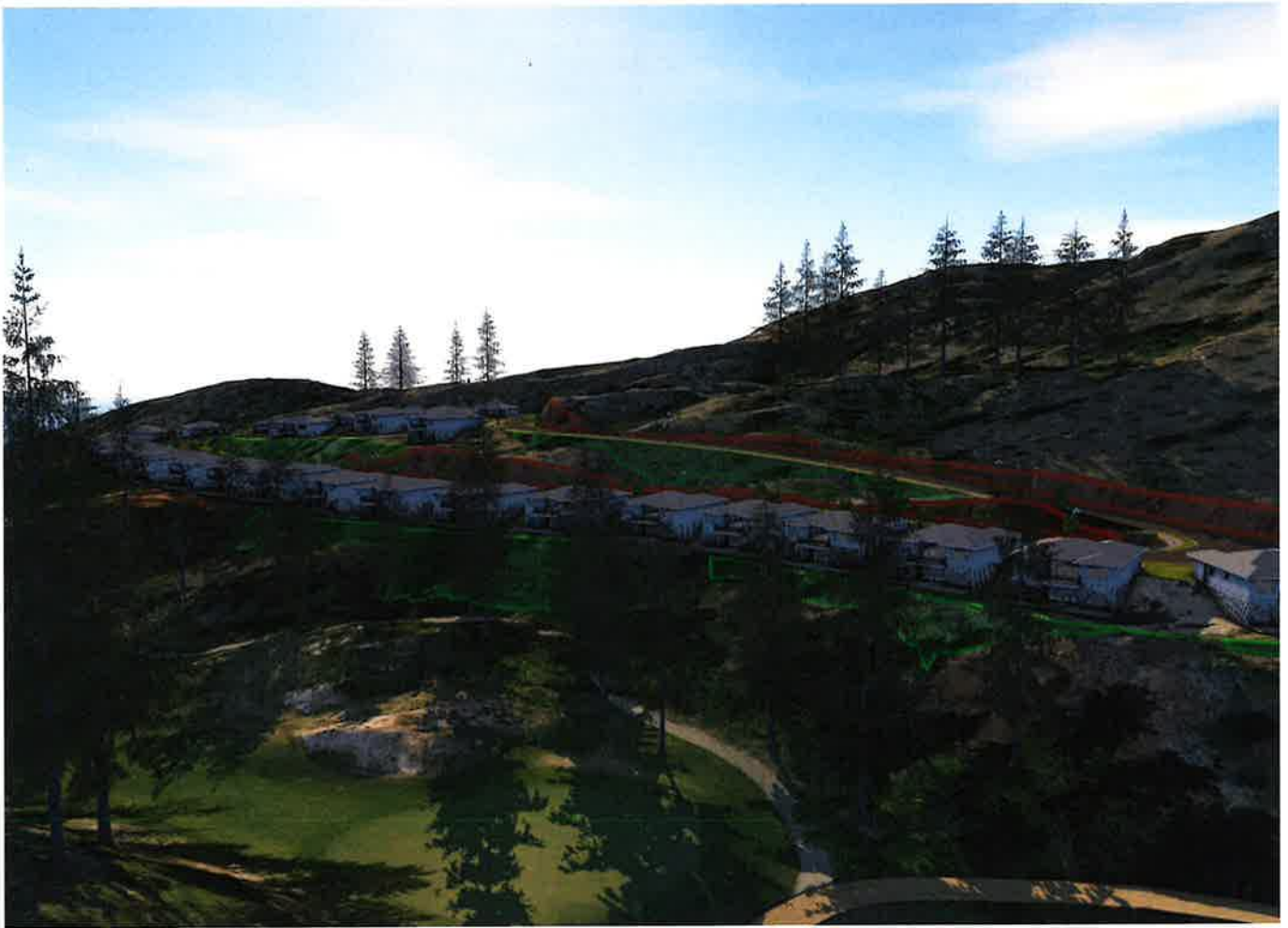
Brad Pelletier, Senior VP Wesbild Okanagan
Gordon Karau, Director of Planning and Product Development
Thomas McNamara, Director of Land Management and Development
Jeffrey Glasser, EMA Consulting LTD



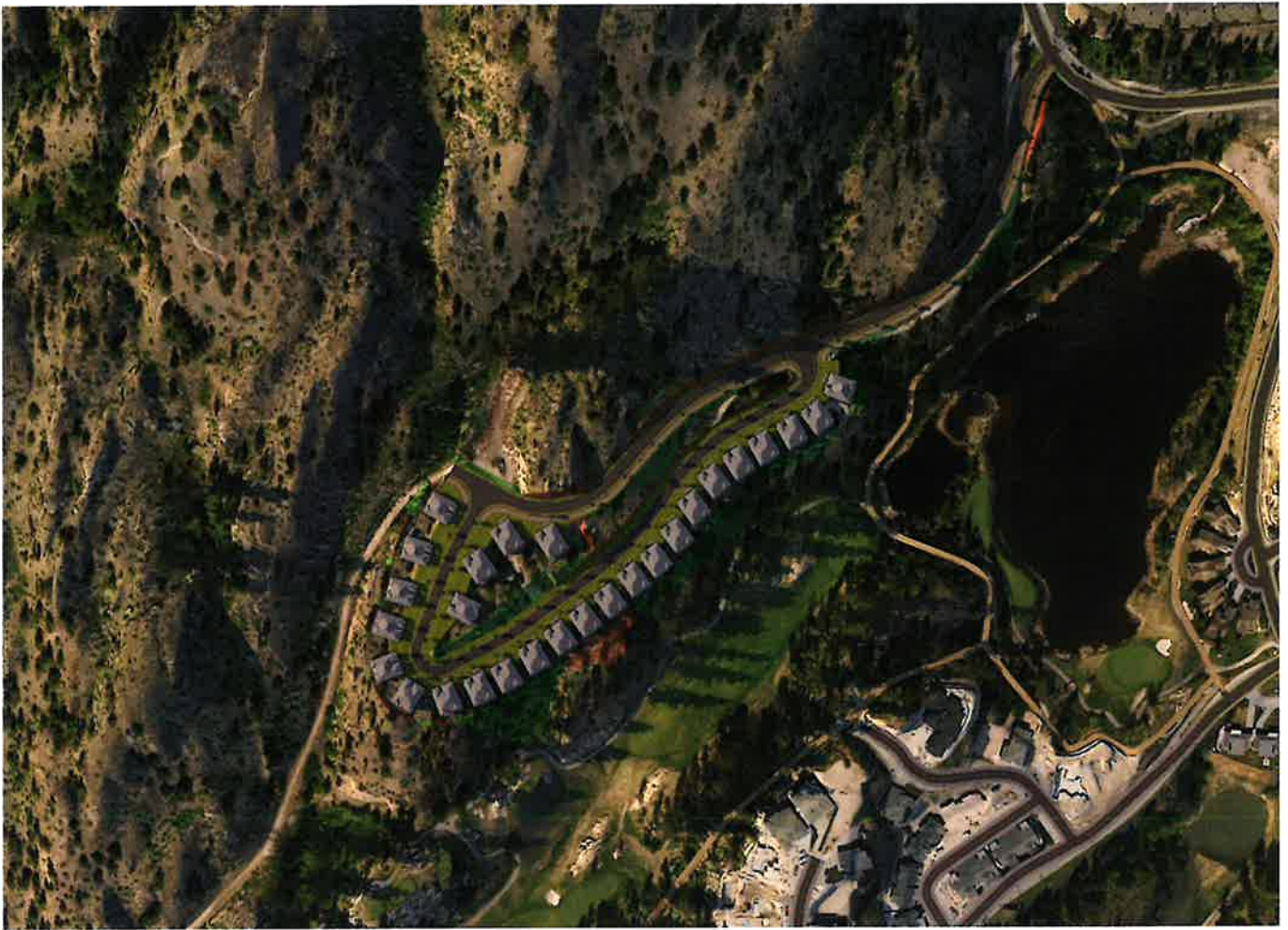




















SCALE	1" = 500'	DATE	2021-09-14
PROJECT	CITY OF VERNON PREDATOR RIDGE PARCEL L ROAD L1	DESIGNER	JAC
CLIENT	CITY OF VERNON	CHECKED	TGR
DATE	10/25/21	APPROVAL	A

EMA CONSULTING LTD.
 1000 10th Street, Suite 100
 Vernon, BC V1A 2S1
 TEL: 250-251-1111
 FAX: 250-251-1112

CITY OF VERNON
 PREDATOR RIDGE
 PARCEL L
 ROAD L1

**SITE L
 GRADING
 PLAN**



CONSTRUCTION DATA

DATE	10/25/21
PROJECT	CITY OF VERNON PREDATOR RIDGE PARCEL L ROAD L1
CLIENT	CITY OF VERNON
DESIGNER	JAC
CHECKED	TGR
APPROVAL	A



LEGEND

SYMBOL	DESCRIPTION
[Symbol]	EXISTING
[Symbol]	PROPOSED
[Symbol]	...

CONTRACTOR'S DATA

DATE	...
SCALE	...
...	...



CITY OF VERNON
PREDATOR RIDGE
PARCEL L
ROAD L1

COLLECTOR GRADING PLAN

DATE	1-5-00	BY	JTG
SCALE	1:500	CHECKED	JTG
PROJECT	187.57	DATE	2/27
APPROVAL		DATE	6/27
		BY	A

