



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

JUNE 27, 2023, AT 4:00 PM

OKANAGAN LAKE ROOM (COUNCIL CHAMBER) CITY HALL

A G E N D A

1) **CALL TO 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**

a) June 13, 2023 (Attached)

5) **NEW BUSINESS**

a) **ZON00401 (811 39TH AVENUE)**

b) **DVP00582 (903 MT. GRIFFIN ROAD)**

6) **INFORMATION ITEMS**

a) Staff Liaison to provide verbal update of APC related items discussed at the last Council meeting.

7) **NEXT MEETING**

The next meeting is tentatively scheduled for **July 18, 2023**.

8) **ADJOURNMENT**



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE
ADVISORY PLANNING COMMITTEE MEETING
HELD JUNE 13, 2023 AT 4:00 PM
OKANAGAN LAKE ROOM (COUNCIL CHAMBER) CITY HALL**

PRESENT: Mayor Cumming
Margo Lupien, Community at Large
Monique Hubbs-Michiel
Scott Chatterton
Jordan Hart
Kyla Gaudreau
Jessica Kirkham
Claire Ishoy
Kennedy Mund

ABSENT: Margo Jarman
Craig Neville
Harpreet Nahal

STAFF: Roy Nuriel, Acting General Manager, Planning
Danielle DeVries, Transportation Planner
Matt Faucher, Planner
Michelle Austin, Planner
Megan Fyfe, Planning Assistant

ORDER The meeting was called to order at 4:01 p.m.

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.*

ADOPTION OF THE AGENDA Moved by **M. Lupien**, seconded by **K. Gaudreau**:

THAT the agenda of the June 13, 2023 Advisory Planning Committee meeting be adopted.

CARRIED

ADOPTION OF THE MINUTES

Moved by **J. Hart**, seconded by **J. Kirkham**:

THAT the minutes of the May 24, 2023 Advisory Planning Committee meeting be adopted.

CARRIED

NEW BUSINESS:

DVP00606 (900 MT GRIFFIN ROAD)

M. Faucher, Planner, provided an overview of the application as follows:

- The application before the Committee is to vary Zoning Bylaw 5000 to authorize an existing retaining wall with a fence that was constructed without the required permits.
- The owner requires variance approval to allow the retaining wall to remain as it is located on slopes greater than 30% and greater in height than allowed under the bylaw.
- The application is to increase the maximum allowable height of a retaining wall from 1.2m to 2.19m and combined height of a retaining wall and fence from 2.0m to 3.26m to authorize a guard rail on top of the retaining wall to support the future installation of a pool.

The following questions / comments were posed by the Committee:

- Staff confirmed the future pool will be the same height as the retaining wall.
- The Committee commented they have seen similar applications where the applicant “builds first and asks permission later”. They are concerned and disappointed with this approach.

Moved by **J. Kirkham**, seconded by **S. Chatterton**:

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit application 00606 (DVP00606) to vary Zoning Bylaw 5000 on LT 23, SEC 27, TWP 9, ODYD, PL EPP96153 (900 Mt Griffin Road), in the report titled “Development Variance Permit

Application for 900 Mt Griffin Road” dated May 30, 2023, and respectfully submitted by the Current Planner, as follows:

- a) Section 4.15.1 to allow the construction of buildings, structures and swimming pools on slopes greater than 30%;
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 2.19m; and
- c) Section 6.5.12 to increase the maximum combined height of a fence on top of a retaining wall at the property line or within 1.2m of the property line from 2.0m to 3.26m;

AND FURTHER, that Council’s support of DVP00606 is subject to the following:

- a) That the site plan and cross-sections, intended to illustrate the siting and height of retaining structures and attached fence (Attachment 1), be attached to and form part of DVP00606 as Schedule ‘A’; and
- b) That the Geotechnical Memorandum, prepared by Horizon Geotechnical Ltd., dated April 24, 2023 (Attachment 2), be attached to and form part of DVP00606 as Schedule ‘B’; and
- c) That the esthetics of the existing retaining wall be improved through screening and/or planting.

DVP00608 (5975 LEFOY ROAD) **M. Faucher, Planner**, provided an overview of the application as follows:

- The application before the Committee is to vary Zoning Bylaw 5000 to permit construction of a 141 unit multi-family development as follows:
 - Section 7.2.2 to reduce the minimum number of required loading spaces from 6 to 3; and
 - Section 9.12.6 to increase the maximum continuous building frontage from 40m to 98m.

The following questions / comments were posed by the Committee:

- Staff confirmed that no other building in the area has had their frontage extended to this extent.
- It was also confirmed that the builder would break up the façade by using different materials and patios.
- The Committee suggested that options be explored for access to the development from 58th Avenue at the south end and from 20th Street at the north end.

Moved by **S. Chatterton**, seconded by **J. Hart**:

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit application 00608 (DVP00608) to vary Zoning Bylaw 5000, as outlined in the report titled “Development Variance Permit Application for 5975 Lefoy Road” dated June 5, 2023, and respectfully submitted by the Current Planner, on LT 4, SEC 11, TWP 8, ODYD, PL KAP68038 EXCEPT PL EPP56407 and EPP70680 (9575 Lefoy Road), as follows:

- a) Section 7.2.2 to reduce the minimum number of required loading spaces from 6 to 3; and
- b) Section 9.12.6 to increase the maximum continuous building frontage from 40m to 98m;

AND FURTHER, that Council’s support of DVP00608 is subject to the following:

- a) That the site plan and architectural drawings intended to illustrate the siting and size of structures, as well as parking layout (Attachment 1), be attached to and form part of DVP00608 as Schedule ‘A’; and
- b) That issuance of DVP00608 be withheld until a Development Permit for the subject property is authorized to be issued.

CARRIED

*Before the application for **ZON00393 / DVP00603 (2801 28TH STREET)** was presented, Committee members 1) J. Hart and 2) J. Kirkham declared a conflict of interest and recused themselves from the meeting room at 4:52 p.m.*

ZON00393 / DVP00603 (2801 28TH STREET)

M. Austin, Planner, provided an overview of the application as follows:

- The application before the Committee is to rezone the subject property from C4 – Street Oriented Commercial to C8 – Central Business District, and vary the following sections of Zoning Bylaw 5000:
 - Section 10.8.5 to decrease the minimum setback from 3m to 0m;
 - Section 10.8.6 to allow vehicular access to the development from a street; and
 - Section 7.0 to reduce required parking spaces from 19 to 18 for apartment housing and reduce residential visitor parking from two parking spaces to one.
- Development plans are to construct a five and a half storey mixed-use building, containing a parkade partially below grade, with office space on the main level and 14 residential units above.

The following questions / comments were posed by the Committee:

- It was confirmed that the height of the building will be similar to the surrounding buildings.
- A comment was made that there is sufficient public parking surrounding the building.
- It was also confirmed that the parking at the new building will be EV Charger ready.

Moved by **C. Ishoy**, seconded by **M. Lupien**:

THAT the Advisory Planning Committee recommends that Council support Zoning Application 00393 (ZON00393) to rezone Lot 1, Sec 34, TWP 9, ODYD, Plan KAP63494 (2801 28th Street) from C4 – Street Oriented Commercial to C8 – Central Business District as outlined in the report

titled “Zoning and Development Variance Permit Applications for 2801 28th Street” dated June 7, 2023 and respectfully submitted by the Current Planner;

AND FURTHER, that Council’s support of ZON00393 is subject to the following:

- a) that a Mixed Use Development Permit is ready for issuance prior to final adoption of a bylaw to rezone the property; and
- b) that a covenant, in favour of the City of Vernon, be registered on title of the land prohibiting auctioneering establishments, drive-through services, second hand dealerships, and service stations, minor uses;

AND FURTHER, that Council hold a public hearing, pursuant to 464(1) of the Local Government Act, on a proposed bylaw to rezone Lot 1, Sec 34, TWP 9, ODYD, Plan KAP63494 (2801 28th Street) from C4 – Street Oriented Commercial to C8 – Central Business District;

AND FURTHER, that Council support Development Variance Permit Application 00603 (DVP00603) to vary Zoning Bylaw 5000 for Lot 1, Sec 34, TWP 9, ODYD, Plan KAP63494 (2801 28th Street), as follows:

- a) decreasing Section 10.8.5, minimum setback from 28th Street and 28th Avenue for the portion of the building higher than 15m, from 3m to 0m;
- b) allowing vehicular access to the development from a street, notwithstanding Section 10.8.6; and
- c) reducing Section 7.0 Parking & Loading, Table 7.1, from 19 spaces to 18 spaces for apartment housing and from two (2) spaces to one (1) space for residential visitor parking.

CARRIED

C. Ishoy left the meeting at 5:00 p.m.

Committee members J. Hart and J. Kirkham rejoined the meeting at 5:05 p.m.

**YOUTH MEMBER VOTING
PRIVILEGES**

Moved by **M. Lupien**, seconded by **C. Neville**:

THAT the Advisory Planning Committee recommends that Council amend the Advisory Planning Committee Terms of Reference to make the youth member a voting member.

CARRIED

INFORMATION ITEMS:

M. Austin provided an update of recent Council resolutions on applications and bylaws previously considered by the Advisory Planning Committee.

NEXT MEETING

The next meeting for the Advisory Planning Committee is set for June 27, 2023 at 4:00 p.m.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 5:16 p.m.

CERTIFIED CORRECT:

_____ Chair



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: July 17, 2023
REPORT DATE: June 19, 2023
FILE: 3360-20 (ZON00401)

SUBJECT: REZONING APPLICATION FOR 811 39th AVENUE

PURPOSE:

To present for Council's consideration, rezoning application ZON00401 for the property located at 811 39th Avenue.

RECOMMENDATION:

THAT Council support Rezoning 00401 (ZON00401) to rezone Lot 4, Sec 2, TWP 8, ODYD, Plan 4327 Except Plans 35714 and EPP85237 (811 39th Avenue) from CR NORD – Country Residential to A1 – Agriculture within the ALR as outlined in the report titled “Rezoning Application for 811 39th Avenue” dated June 19, 2023 and respectfully submitted by the Current Planner;

AND FURTHER, that Council direct Administration to prepare a proposed bylaw and public notice of initial readings to rezone Lot 4, Sec 2, TWP 8, ODYD, Plan 4327 Except Plans 35714 and EPP85237 (811 39th Avenue) from CR NORD – Country Residential to A1 – Agriculture within the ALR;

AND FURTHER, that Council not hold a public hearing on a proposed bylaw to rezone Lot 4, Sec 2, TWP 8, ODYD, Plan 4327 Except Plans 35714 and EPP85237 (811 39th Avenue) from CR NORD – Country Residential to A1 – Agriculture within the ALR.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Rezoning 00401 (ZON00401) to rezone Lot 4, Sec 2, TWP 8, ODYD, Plan 4327 Except Plans 35714 and EPP85237 (811 39th Avenue) from CR NORD – Country Residential to A1 – Agriculture within the ALR as outlined in the report titled “Rezoning Application for 811 39th Avenue” dated June 19, 2023 and respectfully submitted by the Current Planner.

Note: This alternative does not support the rezoning and the property would retain the existing CR NORD – Country Residential zone.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 27, 2023, the Advisory Planning Committee passed the following resolution:

“That the Advisory Planning Committee recommends that Council”

B. Rationale:

1. The subject property is located at 811 39th Avenue (Figures 1 and 2) and is approximately 37,541m² (9.27ac) in size. The subject property is within the Agricultural Land Reserve (ALR) and designated ALR in the Official Community Plan (OCP) (Attachment 1).
2. The application is to rezone the property from CR NORD – Country Residential (Attachment 2 and 3) to A1 – Agriculture within the ALR (Attachment 4).
3. If the rezoning is successful, the applicant intends to add a secondary suite to the subject property.

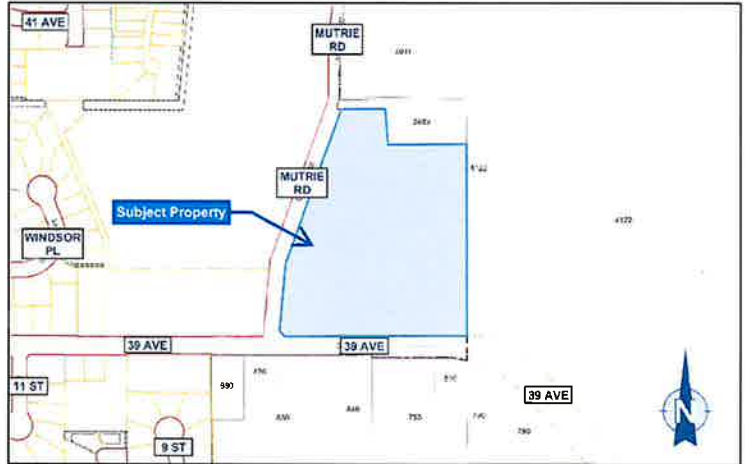


Figure 1: Property Location Map

4. When a property is annexed into the City and retains its zoning designation from the previous jurisdiction's land use regulations, the regulations applied to the property are frozen in time at the moment of annexation and cannot be amended.
5. The subject property was annexed to the City on September 16, 2011. At that time, secondary suites were not a permitted use in the Regional District of North Okanagan's (RDNO) Country Residential zone. Therefore, regardless of suites being permissible under current land use regulations in RDNO, they are not a permitted use on the subject property.



Figure 2: Aerial View of Property

6. As the subject property is located within the ALR, the A1 – Agriculture within the ALR is the only City Zoning District that is appropriate for the subject property.
7. Administration supports the proposed rezoning for the following reasons:
 - a) The proposed zoning amendment provides the subject property with an appropriate City zone and eliminates challenges created by having a property within the City with a zoning designation from another jurisdiction.

C. Attachments:

- Attachment 1 – OCP Map
- Attachment 2 – Zoning Map
- Attachment 3 – CR NORD – Country Residential Zone
- Attachment 4 – A1 – Agriculture within the ALR Zone

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

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

- N/A

E. Relevant Policy/Bylaws/Resolutions:

1. Zoning Bylaw 5000:

- Sec. 8.1 A1 – Agriculture within the ALR

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X _____
 Matt Faucher
 Current Planner, Current Planning

_____ Patti Bridal, CAO
 Date: _____

X _____
 Roy Nuriel
 Acting General Manager, Planning

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 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 (Jun.27/2023) | | |
| <input type="checkbox"/> OTHER: | | |

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802 Country Residential Zone (C.R.)1. Permitted Uses of Land, Buildings, and Structures

Subject to the provisions of Divisions Three and Four of this bylaw, the following uses and no others shall be permitted in the *Country Residential Zone (C.R.)*:

- a. Accessory buildings and structures
- b. Accessory farm sales use subject to the provisions of Section 802.10.a. of this bylaw
- c. Ancillary single family dwellings subject to the provisions of Section ~~410~~ ~~802.10.b.~~ of this bylaw **(B/L 2747/17)**
- d. Bed and breakfast use subject to the provisions of Section 802.10.b. of this bylaw
- e. Boarding house use subject to the provisions of Section 802.10.c. of this bylaw.
- f. Community care facilities (if they are permitted to be carried out pursuant to the provisions of the Community Care and Assisted Living Act) subject to the provisions of Section 402 of this bylaw
- g. Fruit and produce pickers' cabins subject to the provisions of Section 802.10.d. of this bylaw
- h. Home occupation use subject to the provisions of Section 403 of this bylaw
- i. Intensive agricultural use subject to the provisions of Section 802.10.e. of this bylaw
- j. Limited agricultural use subject to the provisions of Section 802.10.f. of this bylaw
- k. Limited resource use subject to the provisions of Section 802.10.g. of this bylaw
- l. Manufactured homes in Electoral Areas 'D', 'E' and 'F' and manufactured homes on lots 1 ha (2.471 acres) or larger in size in Electoral Areas 'B' and 'C' ***all subject to the provisions of Section 311 (B/L 2156/06)***
- m. Packing houses (fruit and vegetables only)
- n. Public parks and playgrounds
- o. Single family dwellings
- p. Two family dwellings ***subject to the provisions of Section 412 of this bylaw. (B/L 2747/17)***
- q. Veterinary clinics
- r. Wineries and cideries subject to the provisions of Section 802.10.j. of this bylaw
- s. Work force housing units subject to the provisions of Section 802.10.k. of this bylaw
- t. ***Secondary Suites subject to the provisions of Section 409 of this bylaw (B/L 2592/13)***
- u. ~~***Medical Marijuana Production Facilities, Agricultural cannabis production facilities, subject to the provisions of 802.10.l. of this Bylaw. (B/L 2606/13)(B/L 2820/19)***~~

- v. ***Detached suites subject to the provisions of Section 411 of this bylaw.***

(B/L 2747/17)

802. 2. Buildings Per Lot

The number of buildings allowed per lot for each of the following uses shall be not more than:

- a. one (1) single family dwelling or one (1) two family dwelling or one (1) manufactured home; and
- b. one (1) additional single family dwelling on lots 4 ha (9.884 acres) or larger in size for lands located outside the Agricultural Land Reserve; and
- c. for lands that are located within the Agricultural Land Reserve, additional single family dwellings shall not be permitted unless the owner has first submitted, to the Regional District, an application to the Provincial Agricultural Land Commission pursuant to the provisions of the *Agricultural Land Commission Act, 2002, c.36*. In processing the application the Board may refuse to authorize the applicant to apply to the Land Commission; authorize the applicant to apply to the Land Commission for their adjudication; or authorize the building inspector to issue the building permit; and
- ~~d. one (1) Ancillary Single Family Dwelling on lands in and out of the Agricultural Land Reserve subject to the provisions of Section 802.10.b. of this bylaw; and~~
- d. one (1) ancillary single family dwelling subject to the provisions of Section 410 of this bylaw; and***
(B/L 2747/17)
- e. one (1) accessory farm sales use; and
- f. one (1) work force housing unit per 8 hectares (19.77 acres) of land area forming the farm or limited resource unit; and
- g. one (1) detached suite subject to the provisions of Section 411 of this bylaw.***
(B/L 2747/17)

3. Floor Area

- a. The floor area for a single family dwelling shall be not less than 60 square metres (645.8 square feet); and
- b. The floor area for a two family dwelling shall be not less than 60 square metres (645.8 square feet) per dwelling unit; and

- 802 3. c. The floor area for a manufactured home shall be not less than 45 square metres (454.4 square feet); and
- d. The gross floor area for a fruit and produce pickers' cabin shall not exceed 25 square metres (269.1 square feet); and
- e. The gross floor area for a work force housing unit shall not exceed 55 square metres (592.0 square feet).

4. Height of Buildings and Structures

The height of buildings and structures shall not exceed:

- a. 8 metres (26.25 feet) for accessory residential use; or
- b. 10 metres (32.81 feet) for Agricultural Cannabis Production Facilities; or
(B/L 2820/19)**
- c. 12 metres (39.37 feet) for residential use; or
- d. 20 metres (65.62 feet) for agricultural use including wineries and cideries.

5. Lot Area

Lots that are proposed to be subdivided within this zone shall have an area of not less than 2 hectares (4.942 acres).

There shall be no minimum lot area required for lots created for public parks and playgrounds.

Where a lot is a panhandle lot, that access strip or panhandle shall not be calculated as part of the minimum lot area.

6. Lot Coverage

Lot coverage shall be not greater than thirty percent (30%) of the lot area for all buildings and structures except that lot coverage shall not exceed twenty percent (20%) for apicultural use; twenty five percent (25%) for tree, vine and forage crop use; thirty five percent (35%) for nurseries, specialty wood crops and turf farms, livestock, poultry, game and fur farms and mushroom growing; and seventy five percent (75%) for greenhouses.

802 7. Lot Frontage

Lots that are proposed to be subdivided within this zone shall have a lot frontage of not less than one-tenth of the perimeter of the lot. There shall be no minimum lot frontage required for lots created for public parks and playgrounds.

8. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each dwelling unit that is permitted pursuant to the provisions of Section 802.2. above. The parking spaces shall be maintained in accordance with the provisions of Schedule B of this bylaw.

9. Setbacksa. Agricultural Setbacks

Principle farm buildings, structures and areas and accessory farm buildings, structures and areas shall be provided with setbacks in accordance with the provisions of Schedule G of this bylaw.

b. Exterior Side Yard

Where applicable, an exterior side yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units **except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw.**

c. Front Yard

Except where a greater setback is required pursuant to the provisions of Section 406 of this bylaw, a front yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

802 9. d. Rear Yard

A rear yard free of buildings and structures shall be provided with a depth of not less than 7.5 metres (24.61 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

e. Side Yards

Side yards free of buildings and structures shall be provided with a width of not less than 4.5 metres (14.76 feet) for accessory farm sales use, accessory residential buildings and structures, ancillary single family dwellings, fruit and produce pickers' cabins, manufactured homes where permitted pursuant to the provisions of Section 802.1.k. of this bylaw, packing houses, single family dwellings, two family dwellings, veterinary clinics, wineries and cideries and work force housing units.

f. Water Bodies

~~Flood Construction Levels and Floodplain Setbacks of buildings and structures must conform with the provisions of Schedule H of this bylaw.~~

Water Bodies

Flood Construction Levels and Floodplain Setbacks of buildings and structures and Riparian Assessment Area setbacks for all development must conform with the provisions of Schedule H of this bylaw.

(B/L 2141/07)

10. Other Requirementsa. Accessory farm sales use

An accessory farm sales use:

- i. shall be ancillary to an agricultural use being carried out on the same farm unit; and
- ii. shall not allow the sales of any Farm Products other than those Farm Products grown, reared, raised or produced on the same parcel except that, for lands that are located within the *Agricultural Land*

Reserve as established by the *Provincial Agricultural Land Commission*, an accessory farm sales use may include the retail sales of Farm Products, Off-Farm Products and Processed Farm Products subject to the regulations cited elsewhere in this bylaw; and

802. 10. a. iii. Shall, except for the outside display area permitted in iv. Below, be contained wholly within a building. The farm sales use shall, where non-farm products are sold, occupy a gross floor area, within that building, not greater than 300 square metres (3229.28 square feet) in size.

For the purpose of calculating the portion of the building to be used for accessory farm sales use, the area of any building or structure used for that purpose, including aisles and other areas for circulation, shelf and display space, counter space for taking payment and packaging, shall be included, but any office area, wholesale storage area, washroom area and processing facilities will not be included; and

- v. may have an outside display area of not greater than 100 square metres (1076.43 square feet) in size, which area must be contiguous with the farm sales area described in iii. Above; and
- vi. may provide for the retail sales of Off-Farm Products and Processed Farm Products, ancillary to the sale of Farm Products, provided that the area allotted to the sale of Off-Farm Products and Processed Farm Products does not exceed one-third of the total area, both inside and outside, that is used for accessory farm sales use; and
- vii. shall provide one (1) off-street parking space per 20 square metres (215.3 square feet) of retail sales and display area and the off-street parking and access driveways shall meet the requirements of Schedule B of this bylaw; and
- vii. may, notwithstanding any other provisions of this bylaw, ***and except in Electoral Area 'E'*** include not more than one (1) wall sign per fronting street, and one (1) free standing sign, advertising the intended use. Wall signs shall meet the sign area requirements of Section 1401.4.a.i. of this bylaw. Free standing signs shall not exceed 3 metres (9.842 feet) in height; shall have a sign area of not larger than 3 square metres (32.29 square feet); shall be located no closer than 2 metres (6.562 feet) to any property boundary; shall not be illuminated; and shall be incorporated into an area of the parcel that is not less than 10 square metres (107.64 square feet) in size and this area shall be landscaped to the standards outlined in Sections 1501.2.b.i. and iii. Of this bylaw; and ***(B/L 2358/08)***

- 802 10. a. viii. shall not cause undue glare to neighbouring properties, or to persons travelling on adjacent public highways, if lighting is provided to illuminate the building used for farm sales use; the outside storage area; or access driveways and off-street parking areas; and
- ix. shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time.

~~b. Ancillary Single Family Dwelling~~

~~For the purposes of this section, an ancillary single family dwelling shall mean:~~

- ~~i. one (1) single family dwelling or one (1) manufactured home ancillary to an existing principal single family dwelling located on the same lot; or~~
- ~~ii. one (1) single family dwelling ancillary to an existing manufactured home located on the same lot.~~

~~Ancillary single family dwellings shall have a gross floor area not larger than 75 square metres (807.3 square feet) exclusive of attached open carports and open porches, shall not include a basement, shall not include habitable space in an attic, and shall not be permitted on lots smaller than 2 ha (4.942 acres). Where ancillary single family dwellings include a cellar, the cellar shall not include windows or a habitable area.~~

(B/L 2747/17)

b. Bed and Breakfast Use

A bed and breakfast use shall comply with the following regulations:

- i. The dwelling unit within which the use is carried on and the lot upon which the dwelling unit is located shall be occupied by at least one (1) of the persons designated on the records of the *Kamloops Land Title Office* as the registered owner of the lot and dwelling unit; and
- ii. The number of bedrooms for a bed and breakfast use shall be subject to the following restrictions:
- a. Not more than two (2) bedrooms shall be permitted on lots smaller than 0.1 hectares (0.2471 acres) in area;

- 802 10. **b.** ii. b. Not more than three (3) bedrooms shall be permitted on lots ranging in area from 0.1 hectares (0.2471 acres) to 0.9999 hectares (2.471 acres);
- c. Not more than five (5) bedrooms shall be permitted on lots 1.0 hectare (2.471 acres) or larger in area; and
- iii. A bedroom used for bed and breakfast use shall not be occupied at any time by more than two (2) persons having attained the legal age of majority in *British Columbia* together with not more than three (3) children under the legal age of majority in *British Columbia*; and
- iv. Bedrooms used or reserved for bed and breakfast use shall have a floor area of not less than 7.5 square metres (80.73 square feet) excluding closet areas and the minimum horizontal dimension for any such bedroom shall be 2.5 metres (8.202 feet); and
- v. The occupants of the dwelling unit who are the operators of bed and breakfast use shall have a valid business licence for the carrying on of such business or undertaking where such licence is required to be obtained under the provisions of any applicable statutes, bylaws, and regulations in force from time to time; and
- vi. *Except in Electoral Area 'E'* not more than one (1) sign advertising the bed and breakfast use shall be permitted on the lot on which the use is being carried out and that sign shall be not be larger than 0.75 square metres (8.073 square feet) in size; and **(B/L 2358/08)**
- vii. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a bed and breakfast use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no bed and breakfast use was carried on within the dwelling unit, plus;
- b. one (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the bed and breakfast use; and

- 802 10 b. viii. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a bed and breakfast use, and no motor vehicles shall be parked on the lot on which the bed and breakfast use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use.
- ix. The owner of the bed and breakfast use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
 - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/bed and breakfast use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/bed and breakfast use of the land to the sewer system; and
 - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the bed and breakfast facility; and
 - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed bed and breakfast facility.

c. Boarding House Use

A boarding house use shall be contained wholly within the dwelling unit and shall comply with the following regulations:

- i. A boarding house use shall not be permitted on lots smaller than 1 ha (2.471 acres) and the residence shall not contain more than five (5) sleeping units; and
- ii. Meals shall not be prepared within the rental units; and
- iii. There shall be no indication, from the outside, that the dwelling unit is being used for boarding house purposes; and

- 802 10. c. iv. Notwithstanding the provisions of this bylaw relating to off-street parking requirements, a boarding house use shall not be carried on within a dwelling unit unless off-street parking spaces are provided on the lot on which the dwelling unit is located, sufficient to meet the following requirements:
- a. The number of off-street parking spaces that would be required for such dwelling unit under the off-street parking requirements of this bylaw applicable to a dwelling unit if no boarding house use was carried on within the dwelling unit;
 - b. One (1) additional off-street parking space for each bedroom within the dwelling unit used or reserved for the boarding house use; and
- v. Not more than one (1) motor vehicle shall be parked within any off-street parking space provided in conjunction with a boarding house use, and no motor vehicles shall be parked on the lot on which the boarding house use is carried on, unless such motor vehicle is parked within an off-street parking space provided in conjunction with such use; and
- vi. The owner of the boarding house use must obtain the following:
- a. an access permit from the *Ministry of Transportation*; and
 - b. an on-site septic tank effluent disposal permit from the *Interior Health Authority*, to provide for the discharge of effluent from any combined residential/boarding house use of the subject property where the site is not serviced by a community sewer system. If the subject property is serviced by a community sewer system then the owner must obtain the permission of the authority having jurisdiction to discharge effluent from the combined residential/boarding house use of the land to the sewer system; and
 - c. where applicable, the permission of any applicable domestic water purveyor to draw water from their respective community water system in order to supply additional water to the boarding house facility; and
 - d. obtain the permission of the *Building Inspector* and the *Fire Prevention Officer* for the *Regional District* for the proposed boarding house facility.

802 10. *d.* Fruit and Produce Pickers' Cabin Use

- i. A fruit and produce pickers' cabin use shall not be permitted on a lot of less than 4 hectares (9.884 acres), unless such use existed prior to the adoption of this bylaw.
- ii. The use of a fruit and produce pickers' cabin as a rental unit is prohibited.

e. Intensive Agricultural Use

An intensive agricultural use shall not be permitted on lots smaller than 0.8094 hectares (2.0 acres) and shall only be permitted on lands that are located within the *Agricultural Land Reserve*.

f. Limited Agricultural Use

Dog kennels shall not be permitted on lots less than 2 hectares (4.942 acres) in size and all kennels and pens must be sited with a setback of not less than 30 metres (98.42 feet) from all property boundaries.

g. Limited Resource Use

~~For the purposes of this section Limited Resource Use means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot including the preliminary grading, cutting, or crushing of such materials for shipment.~~

For the purposes of this section Limited Resource Use means a use of a lot providing for the conservation, management, and extraction of primary forest, mineral, and other resource materials grown on or originating from the same lot. Within Electoral Areas “D”, “E” and “F”, Limited Resource Use includes the following processing activities: preliminary grading, cutting or crushing of such materials for shipment. Within Electoral Areas “B” and “C”, Limited Resource Use excludes all processing activities.
(B/L 2613/14)

A limited resource use:

- i. shall specifically exclude all manufacturing of products and any processing not mentioned above; and
- ii. shall not be permitted on a lot of less than 2 hectares (4.942 acres); and

802 10. g. iii. shall not include the storage, repair or maintenance of heavy equipment of an off-site logging, mining or other resource based use or business other than one such vehicle used by the owner to commute to his off-site place of business on a day to day basis.

h. Residential Buildings

Insofar as residential buildings are concerned, where a lot of less than 0.5 hectares (1.235 acres) was existing at the effective date of this bylaw, the provisions of Section 701.9. of this bylaw shall apply.

i. Unenclosed parking and storage

No person at any time shall park or store any unlicensed or wrecked vehicle or parts thereof on a lot in the *Country Residential Zone (C.R.)* unless said vehicle or part is completely enclosed within a building. The vehicle(s) or part(s) must be for the personal use of the owner only or be part of a bona fide home occupation.

j. Wineries and cideries

Wineries and cideries are permitted provided that:

- i. The winery or cidery is eligible for licensing as a winery or cidery under the terms established by the B.C. Liquor Control and Licensing Branch as amended from time to time; and
- ii. At least 50% of the production of wine or cider comes from grapes, cider apples or other fruit grown on the winery or cidery farm. Grapes, cider apples or other fruit which are grown in British Columbia and are acquired by a winery or cidery through a long-term contract of no less than three (3) years may be included as part of the on-farm 50% production, provided that a minimum size vineyard or orchard of 2.02 hectares (5 acres) is maintained by the winery or cidery farm. If due to crop failure or replant a winery or cidery is unable to meet the on-farm 50% requirement, the operator may request, in writing, from the Regional Board, or from the Agricultural Land Commission where the land is located in the Agricultural Land Reserve, a temporary exemption from this requirement. The Board or the Agricultural Land Commission may, without application, grant the temporary exemption.
- iii. Aside from the wine or cider, the sale of any other farm products, processed farm products and off-farm products must not exceed the limits prescribed in Section 802.10.a. of this bylaw.

- 802 10 j. iv. Off-street parking shall be provided for wineries and cideries at a rate of 4.4 spaces per 100 square metres (1076 square feet) gross floor area used for wine tasting and wine sales. The off-street parking area and access thereto shall be constructed meeting the standards cited in Schedule B of this bylaw applicable to *Rural* zones.
- viii. Buildings used for winery or cidery use shall not be sited closer than 7.5 metres (24.61 feet) to any lot line.
- vi. Signs shall conform with the provisions of Section 802.10.a.vii. of this bylaw.
- vii. Wineries and cideries shall not be permitted to be carried out unless the owner of such business or undertaking has obtained a license for the carrying on of such business or undertaking where such license is required to be obtained under the provisions of all applicable Statutes, Bylaws, and regulations in force from time to time.

k. Work Force Housing Use

Work force housing units shall not be permitted on a lot of less than 4 hectares (9.884 acres) and shall not be used for permanent residency nor for rental purposes and shall be approved by the Interior Health Authority.

~~l. Medical Marihuana Production Facilities~~

~~*Medical marihuana production facilities shall only be permitted on lands within the Agricultural Land Reserve, subject to the setbacks of Schedule G of this bylaw and provided that these facilities do not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation; recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards. (B/L 2606/13)*~~

l. Agricultural Cannabis Production Facilities

- i. *Agricultural Cannabis Production Facilities shall only be permitted on lands within the Agricultural Land Reserve and only where:*
- a. *the use is consistent with an Agricultural Cannabis Production Facility as defined in this Bylaw; and,*
 - b. *the use does not discharge or emit odorous, toxic or noxious matter or vapour; heat, glare or radiation;*

-
- recurrently generated ground vibration; noise in excess of ambient noise at the property boundary; electrical interference; or any other health or safety hazards; and,*
- c. the use meets the setback requirements of Schedule G of this bylaw. (B/L 2820/19)*
- 802 10. *m. Notwithstanding the Home Occupation Use provisions outlined in Section 403 of this Bylaw, a rhythmic gymnastics facility located on the property legally described as Lot 4, Sec 36, Twp 9, ODYD, Plan 351 and located at 2515 East Vernon Road is a permitted use consisting of a maximum floor space of 422 m² (4,543 ft²) and a maximum of three (3) on-premise employees. (B/L 2738/17)*



8.1 A1 : Agriculture within the ALR

8.1.1 Purpose

The purpose is to provide a **zone** for all agricultural **uses**, as well as other complementary **uses** suitable in an agricultural setting.

8.1.2 Primary Uses

- agriculture
- agricultural, intensive impact
- apiculture
- aquaculture
- cannabis cultivation facilities (*Bylaw 5731*)
- emergency protective services
- farmers' market
- greenhouses and plant nurseries
- parks, private
- parks, public
- stables and riding academies
- single detached housing
- utility services, minor impact

8.1.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- agri-tourist accommodation
- animal products processing
- animal clinics, minor
- animal clinics, major
- bed and breakfast homes (in single detached housing only) (*Bylaw 5498*)
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- cultural exhibit, private
- food primary establishment
- forestry
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- participant recreation services, outdoor
- second kitchens
- secondary suites
- wineries and cideries

8.1.4 Subdivision Regulations

- Minimum **lot width** is 100.0m
- Minimum **lot area** is 12.0ha (30 acres)

8.1.5 Development Regulations

- There shall be no more than one **single detached house** per lot.

- Maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for **greenhouses** with closed wastewater and stormwater management systems.
- The maximum **height** is 9.5m, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**. The maximum **height** for grain bins is 46.0m. Silos can be up to 34.0m high and combined silo and grain storage can be up to 41.0m high.
- Minimum **front yard** is 6.0m.
- Minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- Minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**. It is 4.5m for **greenhouses**, nurseries, crop storage, granary and **cideries**. It is 7.5m for mushroom barns and **buildings** and/or **structures** used for **apiculture**.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in residential **zones**. (*Bylaw 5339*)
- A **cannabis cultivation facility** shall be setback a minimum of 50.0m from lands zoned RR, R1, R2, R3, R4, R5, R5A, R6, R7, RTR, RM1, RM2, RH1, RH2, RH3, HR1, HR2, HR3, RST1 and RST2 or any other residential zones. (*Bylaw 5731*)

8.1.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m².
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) in size and shall not exceed 10 bedrooms, campsites or recreational **vehicle pads**.
- 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. Lands within the **ALR** may also be affected by additional regulations of the *Agricultural Land Commission*.
- 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, Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 17, 2023
REPORT DATE: June 22, 2023
FILE: 3090-20 (DVP00582)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 903 MT. GRIFFIN ROAD

PURPOSE:

To present for Council's consideration a development variance permit application to increase the height of retaining walls and fencing at 903 Mt. Griffin Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00582 (DVP00582) to vary Zoning Bylaw 5000 for Lot 24, Sec 27, TWP 9, ODYD, Plan EPP96153 (903 Mt. Griffin Road) as outlined in the report titled "Development Variance Permit Application for 903 Mt. Griffin Road" dated June 22, 2023 and respectfully submitted by the Current Planner, as follows:

- a) Section 4.15.1, to allow construction of buildings, structures or swimming pools on a slope of 30% or greater;
- b) Section 6.5.11, to increase height of a retaining wall from 1.2m to 2.4m along a 19ft section of the east property line adjacent to the suite patio; from 1.2m to 2.4m at the west end of the retaining wall up to 2.9m along a 47ft section paralleling the covenant line adjacent to the pool; and from 1.2m to 2m along a 32ft section paralleling the covenant line;
- c) Section 6.5.12, to increase the combined height of a fence on top of a retaining wall from 2m to 3.5m along a 19ft section of the east property line adjacent to the suite patio; from 2m to 3.6m at the west end of the retaining wall up to 4.1m along a 47ft section paralleling the covenant line adjacent to the pool; and from 2m to 3m along a 32ft section paralleling the covenant line;

AND FURTHER, that Council's approval of DVP00582 is subject to the following:

- a) That the retaining wall and fencing locations and heights comply with the site, elevation and cross section plan (Attachment 2) to be attached to and form part of DVP00582;
- b) That the retaining wall complies with the Geotechnical Letter, prepared by Horizon Geotechnical Ltd., dated June 16, 2023 (Attachment 5) to be attached and form part of DVP00582; and
- c) That the concrete wall aesthetic be enhanced with a surface treatment that blends in with natural surroundings, to the satisfaction of Administration.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00582 (DVP00582) to vary Zoning Bylaw 5000 for Lot 24, Sec 27, TWP 9, ODYD, Plan EPP96153 (903 Mt. Griffin Road) as outlined in the report titled "Development Variance Permit Application for 903 Mt. Griffin Road" dated June 22, 2023 and respectfully submitted by the Current Planner, as follows:

- a) Section 4.15.1, to allow construction of buildings, structures or swimming pools on a slope of 30% or greater;
- b) Section 6.5.11, to increase the height of a retaining wall from 1.2m to 2.4m along a 19ft section of the east property line adjacent to the suite patio; from 1.2m to 2.4m at the west end of the retaining wall up to 2.9m along a 47ft section paralleling the covenant line adjacent to the pool; and from 1.2m to 2m along a 32ft section paralleling the covenant line;
- c) Section 6.5.12, to increase the combined height of a fence on top of a retaining wall from 2m to 3.5m along a 19ft section of the east property line adjacent to the suite patio; from 2m to 3.6m at the west end of the retaining wall up to 4.1m along a 47ft section paralleling the covenant line adjacent to the pool; and from 2m to 3m along a 32ft section paralleling the covenant line.

Note: This alternative would require the owners to remove all existing retaining walls and would not be permitted to build any new ones. Engineered slopes and landscaping would have to be used instead. The owners would also not be able to construct a patio for the secondary suite or a swimming pool. Alternative 1 would minimize impacts on neighbour views the most.

2. THAT Council support a modified version of Development Variance Permit Application 00582 (DVP00582) to vary Zoning Bylaw 5000 for Lot 24, Sec 27, TWP 9, ODYD, Plan EPP96153 (903 Mt. Griffin Road) as outlined in the report titled "Development Variance Permit Application for 903 Mt. Griffin Road" dated June 22, 2023 and respectfully submitted by the Current Planner, as follows:

- a) Section 4.15.1, to allow construction of buildings, structures or swimming pools on a slope of 30% or greater;

AND FURTHER, that Council's approval of DVP00582 is subject to the following:

- a) That the retaining wall and fencing locations and heights comply with an updated site, elevation and cross section plan to be attached to and form part of DVP00582; and
- b) That the retaining wall complies with the Geotechnical Letter, prepared by Horizon Geotechnical Ltd., dated June 16, 2023 (Attachment 5) to be attached and form part of DVP00582.

Note: This alternative would require the owners to construct the retaining walls and fencing in accordance with Zoning Bylaw 5000. The combined height of a fence on top of a retaining wall would have to be limited to 2m on both the east and south property lines. Existing over height retaining walls would have to be cut down to 1.2m. Without variance approval from Council, Administration would not issue a building permit for the retaining walls. The owners may not be able to construct a patio for the secondary suite. It may be possible to construct a level rear yard and/or pool that is below the finished grade of the back yard between the rear of the house and the existing retaining wall. However, retaining walls would be required to support a yard and/or pool, part of which would extend below the existing finished grade. Alternative 2 would minimize impacts on neighbour views.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 27, 2023, the Advisory Planning Committee passed the following resolution:

"(That the Advisory Planning Committee recommends that Council...)"

B. Rationale:

1. The subject property is located at 903 Mt. Griffin Road, on the west side of Middleton Mountain near the City boundary (Figures 1 and 2). The property is a large residential lot, with an area of 1,659m².

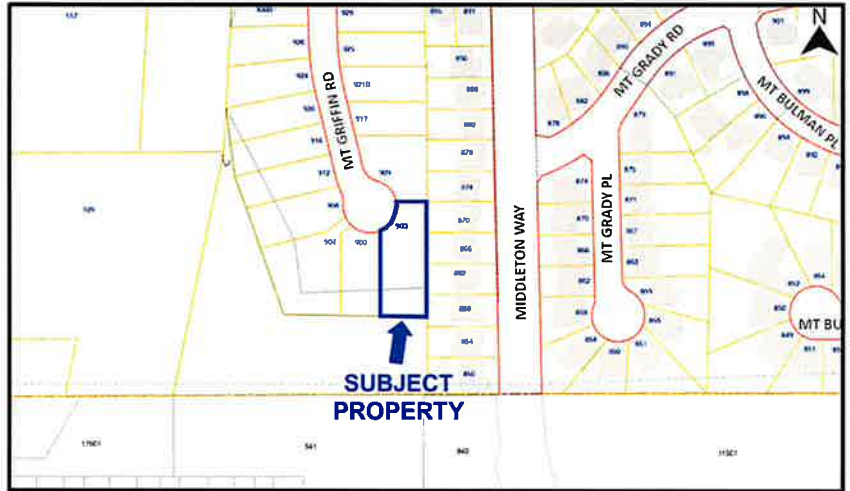


Figure 1: Property Location Map

2. The owner of the property is in the process of constructing a single detached house with a secondary suite. A building permit for this purpose was issued in September 2022. Retaining walls have concurrently been constructed (Attachment 1) along the east side property line and rear (south) of the house along an existing no build/no disturb covenant line. All retaining walls over 1.2m high require variance approval from Council and a building permit. Fencing has not yet been constructed.



Figure 2: Aerial View of Property

3. The applicant requests to vary the height of retaining wall and fencing (Attachments 2–5) as follows:

- To allow the construction of buildings, structures or swimming pools on slopes $\geq 30\%$ (Figure 3);
- To increase the height of a retaining wall
 - from 1.2m to 2.4m along a 19ft section of the east property line adjacent to the suite patio;
 - from 1.2m to 2.4m at the west end of the retaining wall up to 2.9m along a 47ft section paralleling the covenant line adjacent to the pool; and
 - from 1.2m to 2m along a 32ft section paralleling the covenant line; and
- To increase the combined height of a fence on top of a retaining wall



Figure 3: $\geq 30\%$ Slopes

- from 2m to 3.5m along a 19ft section of the east property line adjacent to the suite patio;
- from 2m to 3.6m at the west end of the retaining wall up to 4.1m along a 47ft section paralleling the covenant line adjacent to the pool; and
- from 2m to 3m along a 32ft section paralleling the covenant line.

4. Utilizing retaining walls, the owner's development objectives are to 1) create a patio area for the secondary suite on the east side of the house and 2) create an at-grade pool and back yard area at the rear of the house. As shown in Figure 4, the finished grade of the lots within the Mt. Griffin Road subdivision is higher than the rear yards of the adjacent lots along Middleton Way.

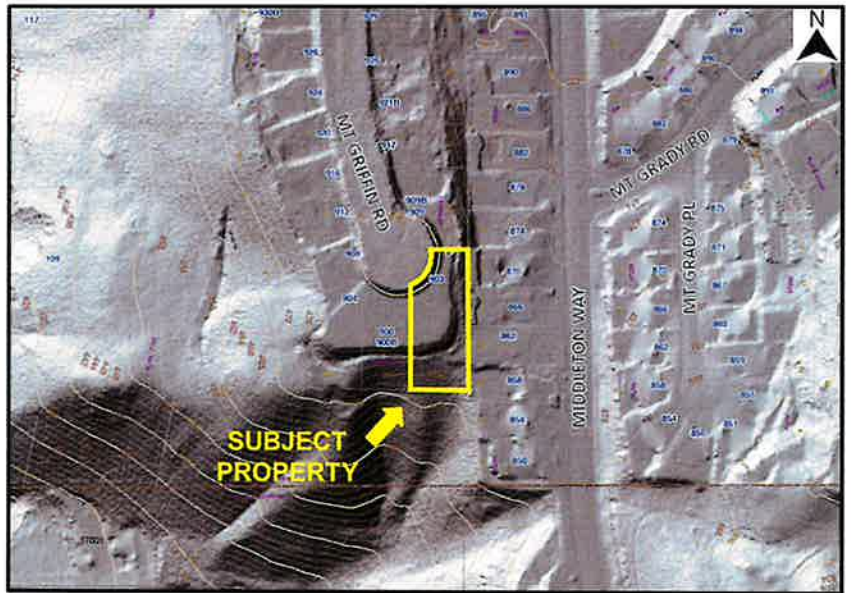


Figure 4: Hillshade

5. The recommendation would enable the owner to build a retained and fenced patio area for the secondary suite. It would also allow the owner to construct an at-grade pool behind the house on the west side of the property. Engineered slopes could be used in place of retaining walls. However, this would not provide a level patio area for the secondary suite and would reduce the size of the rear yard. A step-down pool and yard could also be constructed reducing the height of required retaining walls and fencing.

6. Views are south/south-west toward Kalamalka Lake. The east side of the subject property aligns with the rear yards of four (4) properties along Middleton Way (858, 862, 866, 870 Middleton Way). Impacts of the rear retaining wall to the views of these properties are described as follows:

- 858 Middleton Way – the proposed retaining walls are located above and should not impact views.
- 862 and 866 Middleton Way – views of the lake have been partially blocked by the new house on the subject property. However, a view corridor still exists that would be impacted by additional retaining wall height. The applicant has modified the original proposal to keep the retaining wall height to 1.2m at the southeast corner and bring fencing in about 3.5m from the southeast corner.
- 870 Middleton Way – lake views are blocked by the new house on the subject property.

7. Should Council support the variance requests, Administration recommends that the concrete wall aesthetic be enhanced with a surface treatment that blends in with natural surroundings. This could be through the use of texture, colour, vines and/or a mural.

8. The attached Geotechnical Letter states that the land can be safely used for the intended purpose of retaining walls and a pool (Attachment 5).

9. Administration supports the variance requests for the following reasons:

- a) The proposed retaining wall and fence height adjacent to the garage should not impact views and may add visual interest to the east elevation of the building. It would also allow the owner to create private open space for tenants of the secondary suite;

- b) The applicant has modified the original proposal to reduce visual impacts on neighbouring properties by placing fencing about 1.5m inside some of the retaining walls rather than on top and by keeping retaining wall heights to 1.2m at the southeast corner where a view corridor exists; and
- c) Proposed surface treatments through the use of texture, color, vines and/or a mural would help to reduce visual impacts from Kalamalka Lake Road below.

C. Attachments:

- Attachment 1: Photos
- Attachment 2: Site and Elevations Plan
- Attachment 3: Applicant Rationale
- Attachment 4: Fencing and Retaining Wall Regulations
- Attachment 5: Geotechnical 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. Zoning Bylaw 5000, 6.5 Fencing and Retaining Walls

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 on the lower side, and must be constructed so that multiple retaining walls are spaced to provide at least a 1.2m horizontal separation between them.

6.5.12 In the case of a retaining wall constructed in accordance with Section 6.5.11, the combined height of a fence on top of a retaining wall at the property line or within 1.2m of the property line shall not exceed 2.0m, measured from natural grade at the property line (Figure 5).

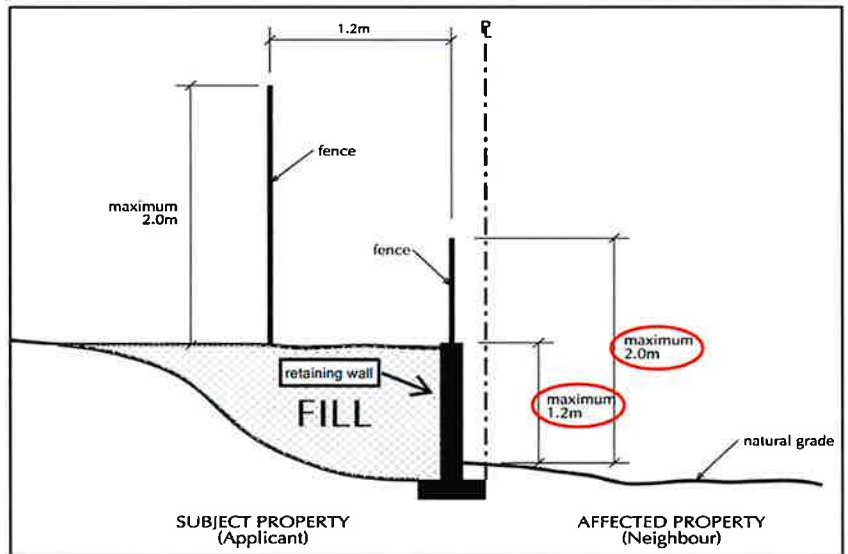


Figure 3: Diagram 6.1

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X _____
Michelle Austin
Current Planner, Planning

Patti Bridal, CAO

Date: _____

X _____
Roy Nuriel
Acting General Manager, Planning

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 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 (Jun 27/23) | | |
| <input type="checkbox"/> OTHER: | | |

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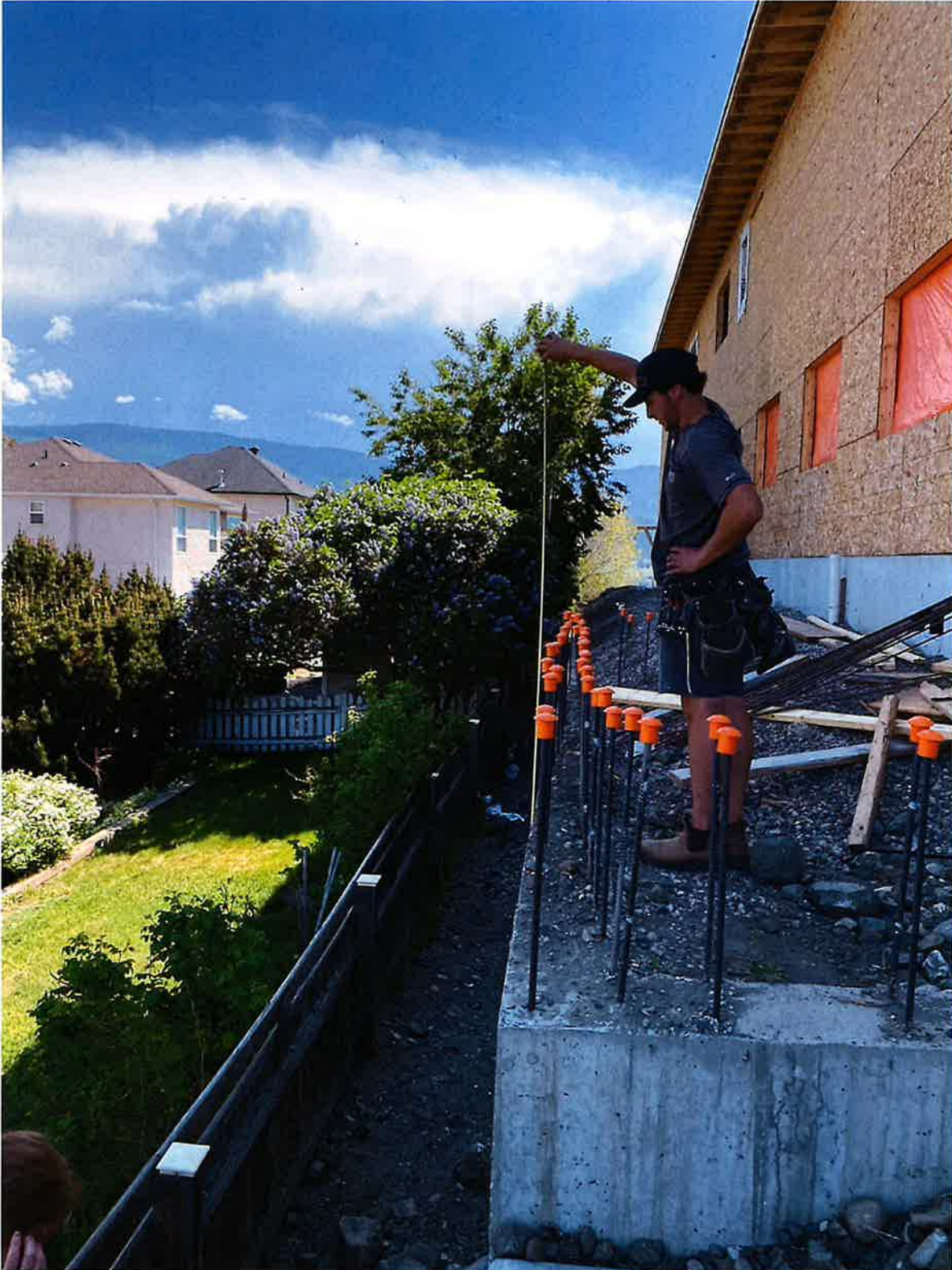


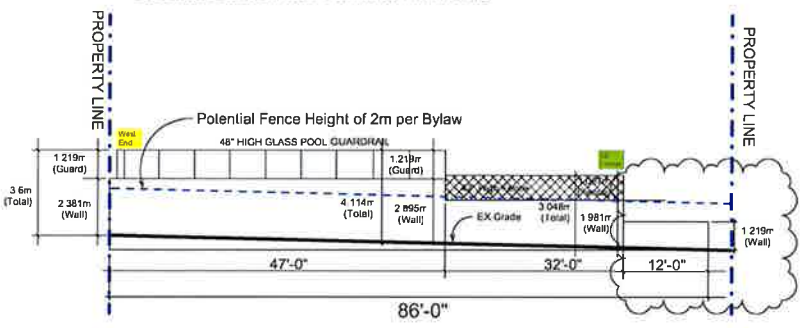
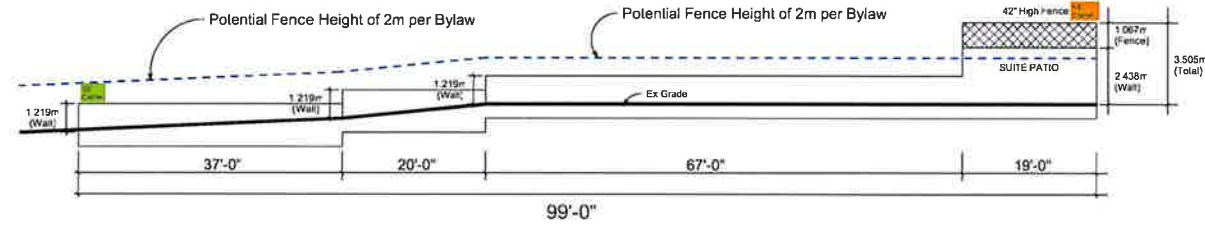
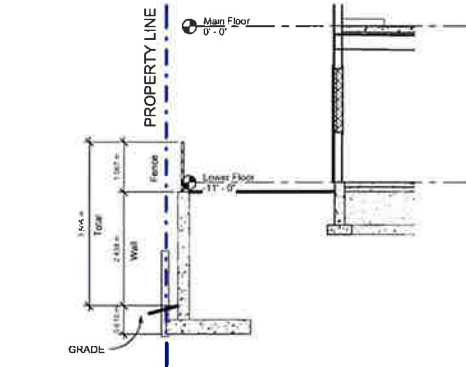
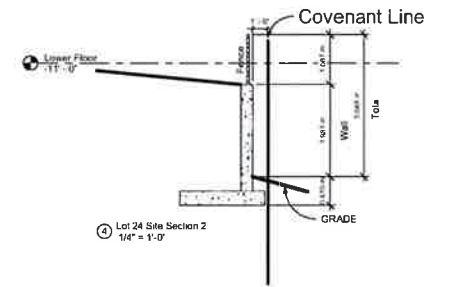
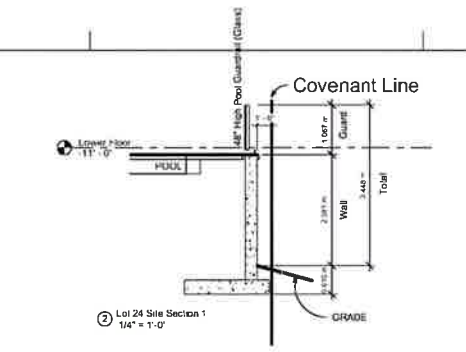
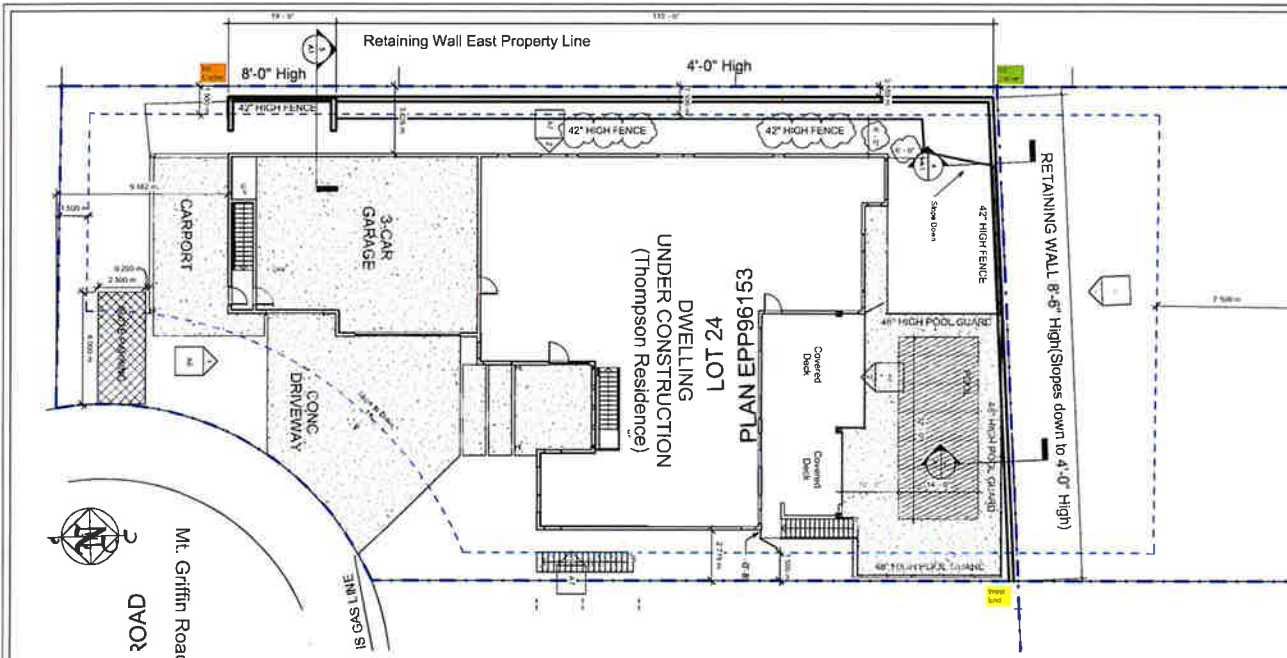
Photo 1: Proposed retaining wall/fence height adjacent to proposed suite patio (NE corner)



Photo 2: Existing retaining wall height rear SE corner



Photo 3: Proposed retaining wall/fence height along rear of house (near SW corner)



No.	Description	Date
1	Retaining Wall	May 18 2022
2	BUILDING PERMIT	MAY 27 2022
3	Window Change	JUN 15 2022
4	Retaining Wall Update	JUN 24 2022
5	Retaining Wall Service	JUL 13 2022
6	Retaining Wall Heights	AUG 22 2022
7	License Added	Oct 11 2022
8	Retaining Wall/Quarrel	MAR 30 2023
9	Panel Section Change	JUN 5 2023

ATTACHMENT 2

Thompson
Lot 24
903 Mt. Griffin Rd
Vernon BC

Site

ZONING: R2 - VERNON
Site Area: 17592.16sf 1634.37m²
Dwelling Footprint: 4714sf (26.8%)(Max 40%)
Driveways & Patios: 1800+1244sf = 3044(16.96%)
Total Coverage: 7758sf (44.1%)(Max 50%)

Date	June 5, 2023
Drawn by	NL
Project No	925RDI_22002
Scale	As indicated

A1



Richbuilt Homes
3803 Greenwood Road
Vernon, BC V1B 4G5
Email: darren@richbuilt.ca Phone: 250-549-8852

Date: May 16, 2022

To: City of Vernon

From: Richbuilt Homes

Re: Rational for Variance Permit Application for 903 Mt. Griffin Road

This wall should be built to allow for a rear yard and pool, the current depth of the lot is insufficient to allow for any flat area.

6.4 Urban Plazas

- 6.4.1 Urban plazas, when permitted pursuant to Section 6.6, must be solely for pedestrian **use** and accessible to the public from both the **street** and from the **development**.
- 6.4.2 The minimum plaza **street** frontage is 6.0m.
- 6.4.3 The minimum plaza depth is 4.0m.
- 6.4.4 For any urban plazas in lieu of a **landscape buffer**, the following are minimum requirements:
- all **hard surface** areas shall **use** a decorative paving surface;
 - a minimum of two benches for public seating shall be provided;
 - a minimum of 3 trees, with a minimum 65mm **caliper** and rootball of 900mm, shall be provided; and,
 - pedestrian and decorative lighting must be provided.

6.5 Fencing and Retaining Walls

- 6.5.1 Subject to traffic sight lines, the following **height** limitations shall apply to **fences**, walls, chainlink **fences** and hedges in all **Residential zones**:
- i) 1.2m (4.0ft) if situated along the **lot lines** within **front yard setbacks**;
 - ii) 2.0m (6.4ft) if situated behind the **front yard setback**;
 - iii) 2.0m (6.4ft) if situated along the interior and exterior and/or **rear yard**.
- 6.5.2 Screen **fences** shall be consistent with the quality of **building** design and materials of the primary **building**.
- 6.5.3 Screening **fences** required for outdoor storage areas for temporary shelters shall be a combination of opaque and translucent or lattice design to ensure nature surveillance is permitted into the space. Screen **fences** and walls shall complement **building** design and materials. *(Bylaw 5788)*
- 6.5.4 Fencing type may be established in neighbourhood plans, building schemes or by precedent from **adjacent** properties.
- 6.5.5 Wood **fences** shall be designed to a high level of finish with materials of lumber grade standard or better. Wood posts shall be treated against rotting to provide for the longevity of the **fence**. **Fences** shall be constructed with all components of sufficient size, materials, and strength

to prevent sagging and to minimize rot. Along sloping ground, the top of wood **fences** shall be horizontal with vertical drops at the posts.

- 6.5.6 Screening **fences** shall be opaque double-sided **construction**. Where screen **fences** are allowed or required by this Bylaw, they shall be of an opaque or a combination of opaque, translucent or lattice design.
- 6.5.7 No **fence** constructed at the **natural grade** in residential **zones**, shall exceed 2.0m in **height**, except where **abutting** an **agricultural** or **commercial zone** the maximum **height** is 2.4m. No fence shall have pickets or finials extending above the horizontal rail that may pose a danger to wildlife. *(Bylaw 5890)*
- 6.5.8 No **fence** in a **commercial** or **industrial zone** shall exceed 2.4m.
- 6.5.9 **Industrial zones** are to have an opaque 2.4m high **fence** along all **property lines abutting** non-industrial **zones** and around **wrecking yards** that are visible from a **street abutting** the property.
- 6.5.10 No barbed wire or electrified fencing shall be allowed in any **residential, commercial, public** or **industrial zones** except:
- in RR **zone** for **use** in **livestock** enclosures; and
 - in P2 **zone** where the **site** is used for **detention and correctional services**.
- Razor wire fences shall not be permitted in any zone.
- 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 on the lower side, and must be constructed so that multiple **retaining walls** are spaced to provide at least a 1.2m horizontal separation between them.
- 6.5.12 In the case of a **retaining wall** constructed in accordance with Section 6.5.11, the combined **height** of a **fence** on top of a **retaining wall** at the **property line** or within 1.2m of the **property line** shall not exceed 2.0m, measured from **natural grade** at the **property line** (see Diagram 6.1).
- 6.5.13 Notwithstanding Section 6.5.11, a **retaining wall** may be higher than 1.2m, measured from grade, where the **natural grade** of the subject property is lower than the **abutting** property (see Diagram 6.2).
- 6.5.14 In the case of a **retaining wall** constructed in accordance with Section 6.5.13, the maximum **height** of a **fence**, or portion of **retaining wall** extending above the **natural grade** of the **abutting** higher property, or combination thereof, shall be 2.0m, measured from the **natural grade** of the **abutting** higher property (see Diagram 6.2).

6.5.15 Notwithstanding Section 6.5.14, where an affected property remains at **natural grade** and the subject property **constructs a retaining wall** and a **fence** within 1.2m of the **property line**, the maximum **height** for a **fence** on the affected property shall be no greater than 1.8m above the **height** of the **retaining wall** or 2.0m whichever is less (see Diagram 6.1). (Bylaw 5440)

Diagram 6.1

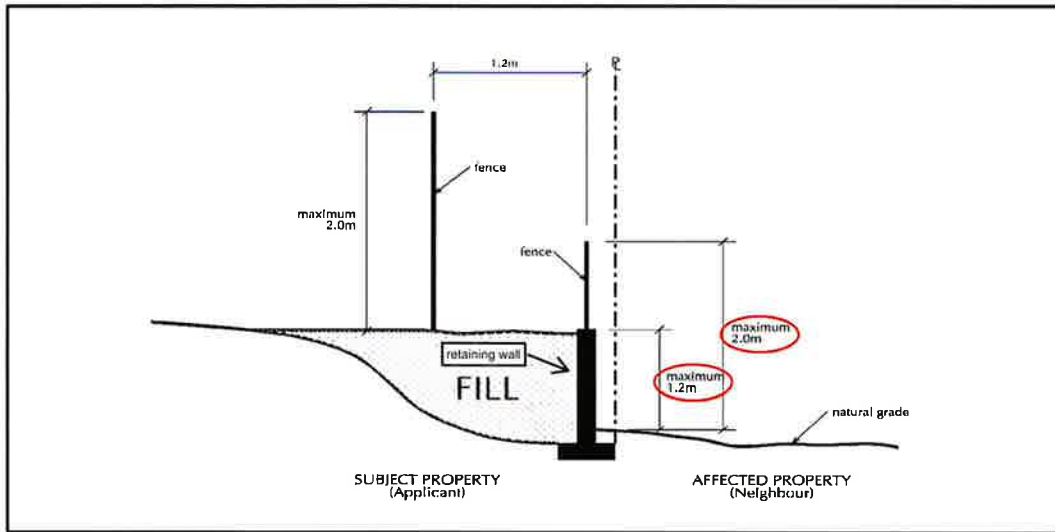
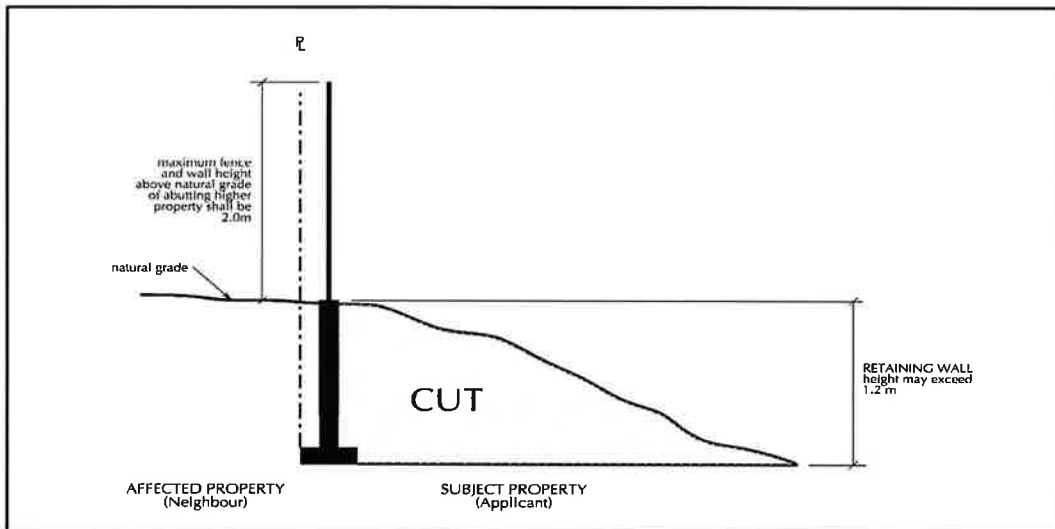
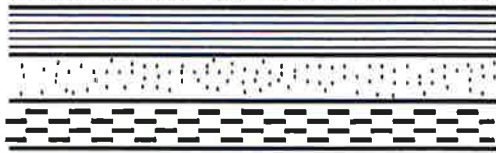


Diagram 6.2



6.6 Minimum Landscape Buffers

6.6.1 **Landscape buffers** are intended to improve land use compatibility and environmental quality by reducing noise, lighting glare and other **nuisances**, or facilitating natural drainage and wildlife movement.



**Richbuilt Homes Ltd.
3803 Greenwood Road
Vernon, BC V1B 4G5
Attn : Darren Richmond**

June 16, 2023

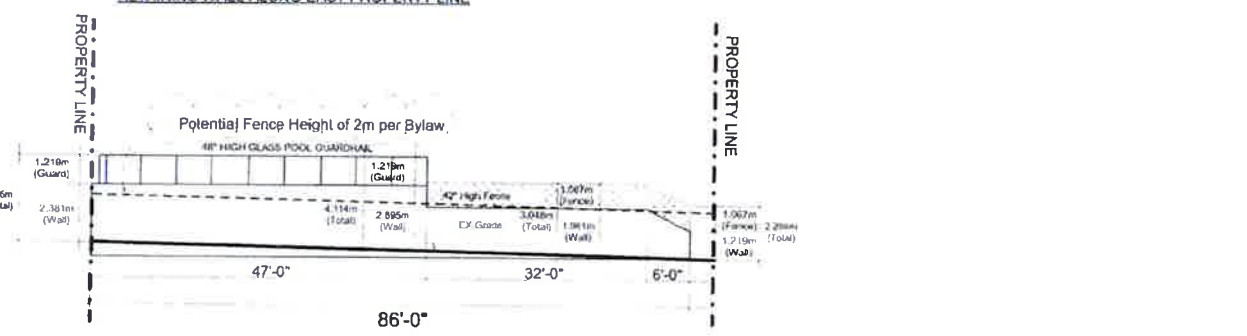
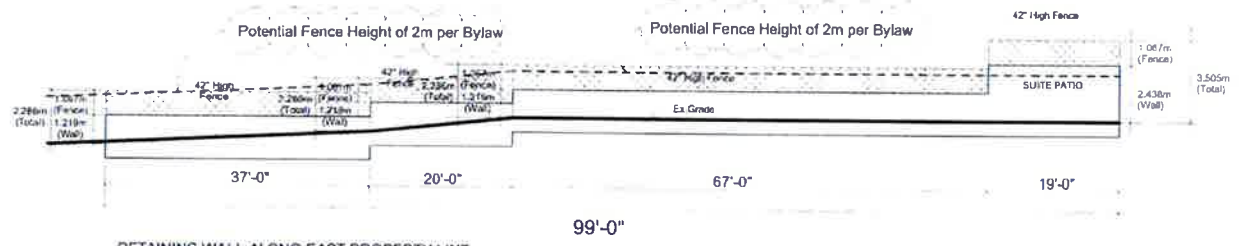
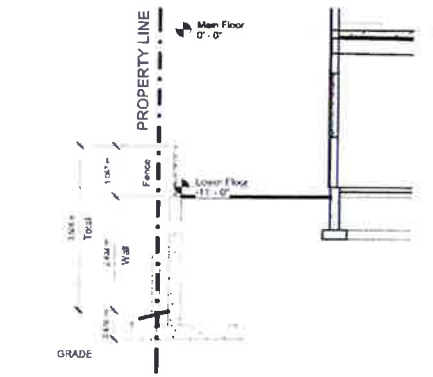
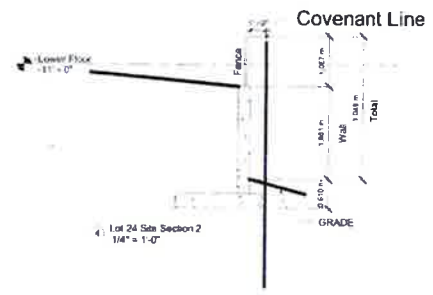
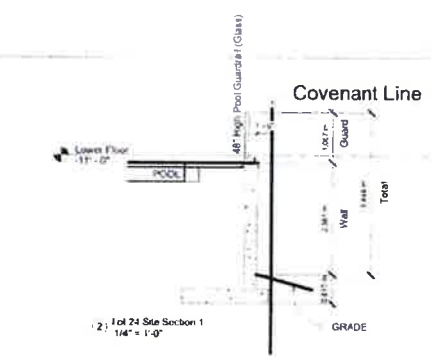
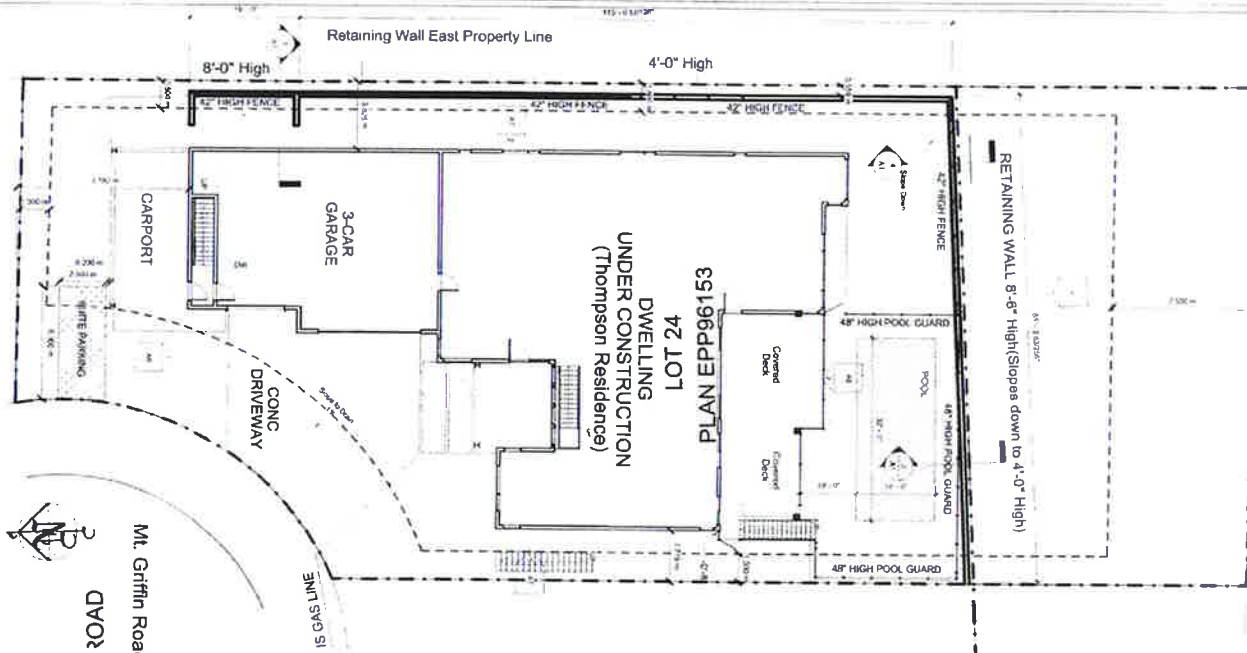
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**RE : Development Permit Variance Application
 8 ft Concrete Retaining Wall with Pool
 Property of Jim Thompson - Lot 24, Plan EPP 96153
 903 Mt Griffin Road B, 900 Mt Griffin Road, Vernon, BC**

- 1.) **The enclosed drawing by 925 Design Inc dated May 25, 2023 shows the location, height of concrete retaining wall and proposed pool location, and the slope profiles from the adjacent Lot 23 are enclosed to show the typical slopes below the wall, and visual observations indicate more gentle slopes on the subject property Lot 24.**
- 2.) **A landslide assessment assurance statement as required by APEGBC guidelines -- is enclosed -- that states the land can be safely used for the intended purpose.**
- 3.) **The design drawing for the concrete retaining wall by Metzger Engineering Ltd a structural engineering company are enclosed that show the design details for the structurally reinforced concrete retaining wall and the proposed location of the swimming pool to be constructed.**
- 4.) **The structural design by Metzger Engineering Ltd. confirms that the concrete retaining wall can support the addition of the proposed swimming pool**
- 5.) **The undersigned geotechnical engineer requested weep holes be installed And confirms weep holes were installed as a precautionary measure to relieve possible water pressure behind the wall and confirms free-draining gravel was placed immediately against the wall with good imported compacted granular backfill materials.**

Phone/Fax: (250) 548-3250
Residence: (250) 548-3251

Jerry Lay
Jerry Lay, P. Eng.
Geotechnical Engineer



RETAINING WALL ALONG SOUTH COVENANT LINE

Design Inc.
 256.327.6818 - 5050design.com
 No. Description Date

- 16. Working Draft May 16, 2022
- 17. ALL DESIGN CHANGES MAY 27, 2022
- 18. Working Draft Change A-001 May 16, 2022
- 19. Retaining Wall Update 3/29/23 24.2/23
- 20. Retaining Wall & Driveway A-001 11/13/2023
- 21. Retaining Wall Heights AUG 22 2022
- 22. Elevation Notes Oct 12 2022
- 23. Retaining Wall & Driveway A-001 11/13/2023

Thompson
 Lot 24
 903 Mt. Griffin Rd
 Vernon BC

Site

ZONING: R2 - VERNON
 Site Area: 17592.16sf 1634 37m²
 Dwelling Footprint: 4714sf (26.8%)(Max 40%)
 Driveways & Patios: 1800+1244sf = 3044(16.96%)
 Total Coverage: 7758sf (44.1%)(Max 50%)

Date: May 25, 2022
 Drawn by: ML
 Project No: 22544D_22002
 Scale: As indicated

Site Plan of Lot 23, Sec 27, Tp 9,
ODYD, Plan EPP96153.

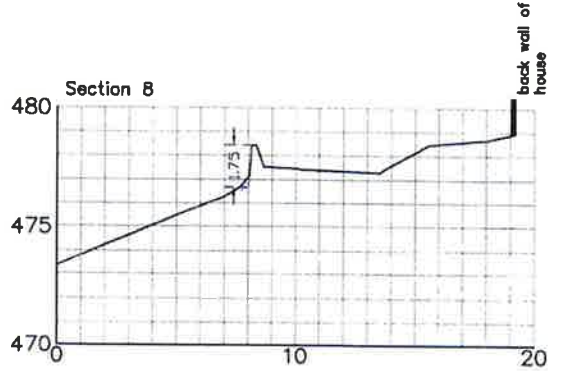
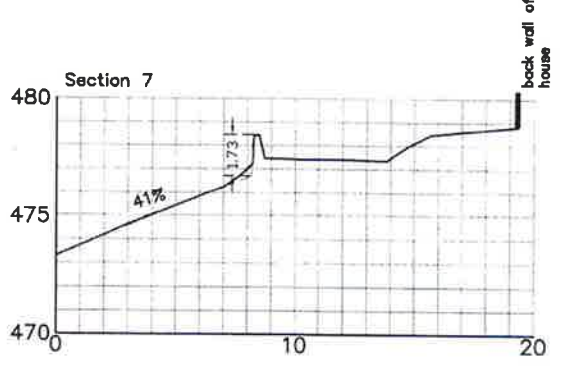
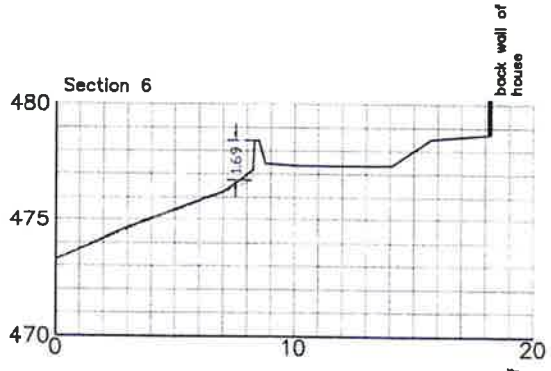
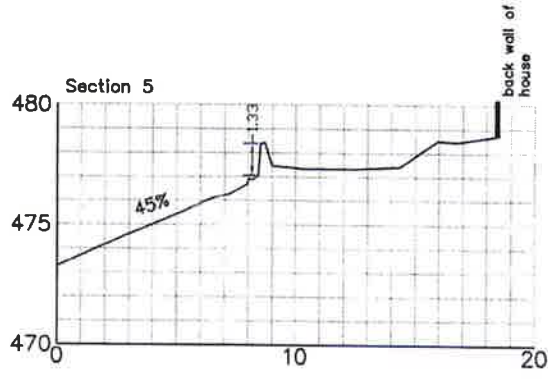
Client: Currie
Civic address: 900 Mt Griffin Rd

SCALE 1:200



The intended plot size of this plan is 864mm in width by 559mm in height (ANSI D) when plotted at a scale of 1:200

Contour interval = 1m
Elevations are shown in metres, and are based on CGVD28 (HTv2.0), and are derived from GPS observations.



Jason R. Shortt accepts no responsibility for and hereby disclaim all obligations and liabilities for damages including, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with and direct or indirect use or reliance upon the Plan beyond its intended use.

russell shortt
land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)545-0511 Email: jason@jrshortt.ca

FILE: 30089

F.B. 1362 p46

Site Plan of Lot 23, Sec 27, Tp 9,
 ODYD, Plan EPP96153.

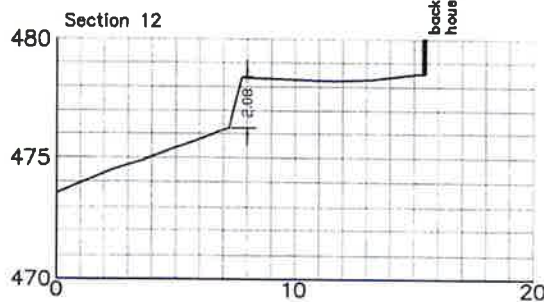
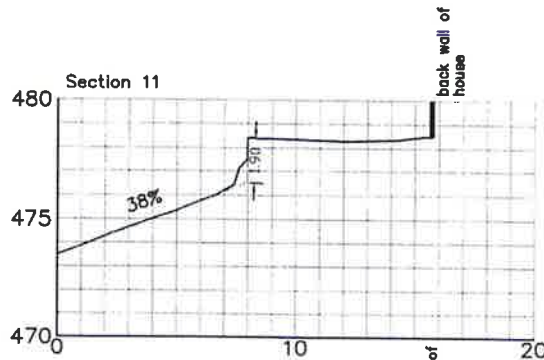
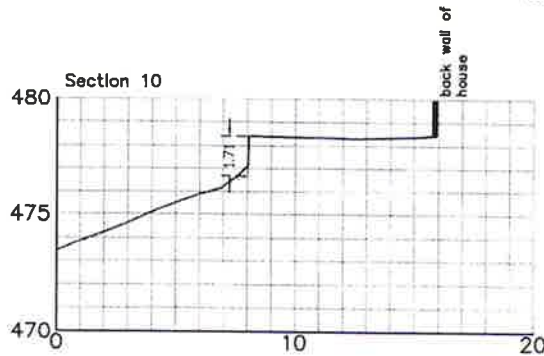
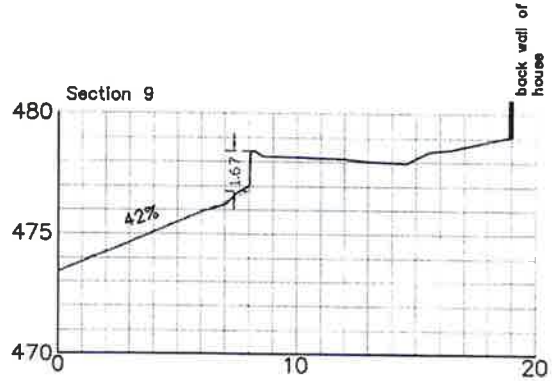
Client: Currie
 Civic address: 900 Mt Griffin Rd

SCALE 1:200



The intended plot size of this plan is 864mm in width by 559mm in height (ANSI D) when plotted at a scale of 1:200

Contour interval = 1m
 Elevations are shown in metres, and are based on CGVD28 (HTv2.0), and are derived from GPS observations.



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russell shortt

land SURVEYORS

2801-32nd Street, Vernon, B.C. V1T 5L8
 Phone: (250)545-0511 Email: jasons@jshortt.ca

FILE: 30069

F.B. 1362 p46

Site Plan of Lot 23, Sec 27, Tp 9,
 ODYD, Plan EPP96153.

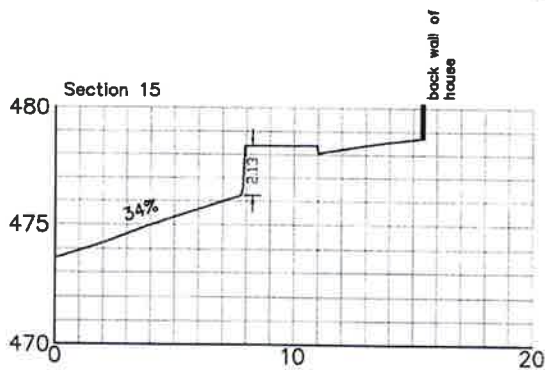
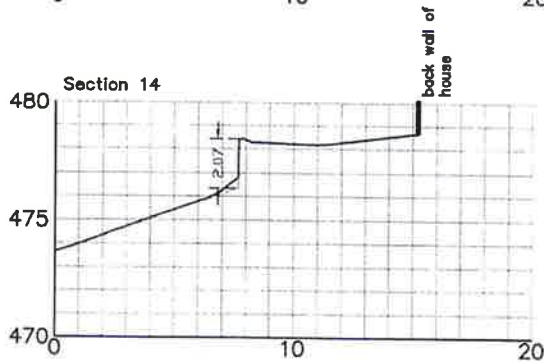
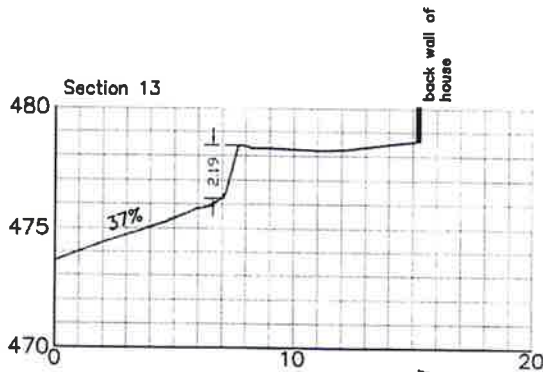
Client: Currie
 Civic address: 900 Mt Griffin Rd

SCALE 1:200



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Contour Interval = 1m
 Elevations are shown in metres, and are based on CGVD28 (HTv2.0), and are derived from GPS observations.



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russell shortt		FILE: 30089
land SURVEYORS		
2801-32nd Street, Vernon, B.C. V1T 5L8		
Phone: (250)545-0511	Email: jasons@rshortt.ca	F.B. 1362 p46

APPENDIX D: LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2006 BC Building Code (BCBC 2006)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The Approving Authority

Date: June 16, 2023

City of Vernon

Jurisdiction and address

3400 - 30 th Street, Vernon , BC V1T 5E6

With reference to (check one):

- Land Title Act (Section 86) – Subdivision Approval
- Local Government Act (Sections 919.1 and 920) – Development Permit
- Community Charter (Section 56) – Building Permit
- Local Government Act (Section 910) – Flood Plain Bylaw Variance
- Local Government Act (Section 910) – Flood Plain Bylaw Exemption
- British Columbia Building Code 2006 sentences 4.1.8.16 (8) and 9.4 4.4 (2) (Refer to BC Building and Safety Policy Branch Information Bulletin B10-01 issued January 18, 2010)

For the Property:

Lot 24 , Plan EPP 96153 , ODYD

Legal description and civic address of the Property

903 Mt Griffin Road , Vernon , BC

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer or Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the Property in accordance with the *APEGBC Guidelines*. That report must be read in conjunction with this Statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted field work on and, if required, beyond the Property
- 4. Reported on the results of the field work on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
 - 6.1 reviewed and characterized, if appropriate, any *landslide* that may affect the Property
 - 6.2 estimated the *landslide hazard*
 - 6.3 identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
 - 6.4 estimated the potential *consequences* to those *elements at risk*
- 7. Where the *Approving Authority* has adopted a *level of landslide safety* I have:
 - 7.1 compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
 - 7.2 made a finding on the *level of landslide safety* on the Property based on the comparison
 - 7.3 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the *Approving Authority* has **not** adopted a *level of landslide safety* I have:

- 8.1 described the method of *landslide hazard analysis* or *landslide risk analysis* used
- 8.2 referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
- 8.3 compared this guideline with the findings of my investigation
- 8.4 made a finding on the *level of landslide safety* on the Property based on the comparison
- 8.5 made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 9. Reported on the requirements for future inspections of the Property and recommended who should conduct those inspections.

Based on my comparison between

Check one

- the findings from the investigation and the adopted *level of landslide safety* (item 7.2 above)
- the appropriate and identified provincial, national or international guideline for *level of landslide safety* (item 8.4 above)

I hereby give my assurance that, based on the conditions^[1] contained in the attached *landslide assessment* report,

Check one

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"

Check one

- with one or more recommended registered covenants.
- without any registered covenant.

- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".

- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"

Check one

- with one or more recommended registered covenants.
- without any registered covenant.

- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".

- for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Jerry Lay, P. Eng.

June 16, 2023

Name (print)

Date

Signature

Horizon Geotechnical Ltd.

^[1] When seismic slope stability assessments are involved, *level of landslide safety* is considered to be a "life safety" criteria as described in the National Building Code of Canada (NBCC 2005), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

Address **Jerry Lay, P. Eng.**
14151 Oyama Road
Lake Country, BC V4V 2B8
Telephone **(250) 549-0224**

(Affix Professional seal here)

If the *Qualified Professional* is a member of a firm, complete the following.

I am a member of the firm **Horizon Geotechnical Ltd.**
and I sign this letter on behalf of the firm. (Print name of firm)

Jlay009@gmail.com



Subject Property :
Lot 24 , Plan EPP 96153 , ODYD
903 Mt Griffin Road , Vernon , BC