



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, October 26, 2021 at 4:00 PM VIA ZOOM and IN-PERSON COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

**PRESENT:** VOTING

Mark Longworth, Chair  
Don Schuster (**via ZOOM**)  
Doug Neden (**via Zoom**)  
Jamie Paterson  
Monique Hubbs-Michiel  
Phyllis Kereliuk  
Harpreet Nahal (**via ZOOM**)

NON-VOTING

Mayor Cumming (Appointed Member)

**ABSENT:** Joshua Lunn

Bill Tarr  
Lisa Briggs

**STAFF:** Ally Campbell, Planning Assistant  
Carson Mackona, Planning Assistant  
Craig Broderick, Manager, Current Planning  
Michelle Austin, Planner  
Roy Nuriel, Economic Development Planner  
Tracy Mueller, Committee Clerk

**ORDER**

The Chair called the meeting to order at 4:07 PM.

**LAND  
ACKNOWLEDGMENT**

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

**ADOPTION OF AGENDA**

Moved by Jaime Paterson, seconded by Phyllis Kereliuk:

THAT the Advisory Planning Committee agenda of October 26, 2021, be adopted.

**CARRIED.**

**ADOPTION OF MINUTES**    Moved by Monique Hubbs-Michiel, seconded by Phyllis Kereliuk:

THAT the minutes for the Advisory Planning Committee meeting of October 13, 2021 be adopted.

**CARRIED.**

**NEW BUSINESS:**

**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION FOR  
DVP00502 (8092  
Okanagan Landing Road)**

Craig Broderick, Manager, Current Planning, reviewed the Development Variance Permit Application for 8092 Okanagan Landing Road as follows:

- Some of the site is in excess of 30%; there was a future road dedication that forced the home to the upslope and reduced building area.
- It was previously a lake front lot that pre-dated Okanagan Road dating 1904.
- The Applicant has provided background information from an Engineering firm providing detail for slope conditions with the plans to develop the site.
- Part of the requirement is that the remaining site be left undisturbed.

The Committee noted the following:

- The Advisory Planning Committee is receiving a lot of percent slope applications; further consideration could be given to amending the bylaw in order to allow some more flexibility.
  - In response, the Mayor clarified for members of the Committee that there are significant changes in both precipitation and liability regarding the use of retaining walls and that it is good practice that requests of this nature are being brought forward to Council for review.

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

THAT Council support Development Variance Permit Application DVP00502 to vary the following section of Zoning Bylaw 5000 to construct a new home on LT 2 PL KAP83830 DL 6 0DYD (8092 Okanagan Landing Road).

- a) Section 4.16.1 is varied to allow construction of buildings, structures or swimming pools on a maximum slope of 30%;

AND FURTHER, that Council support of DVP00502 is subject to the following:

- a) the site plan generally illustrating the proposed siting of the structure in Attachment 1, contained in the report titled "Development Variance Application for 8092 Okanagan Landing Road", dated October 20, 2021, respectfully submitted by the Manager, Current Planning, be attached to and form part of DVP00502 as "Schedule A"; and
- b) the Restrictive Covenant be registered on title to ensure that the recommendations of the geotechnical report are implemented at the building permit stage and that the areas that are not to be developed remain undisturbed.

**CARRIED.**

**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION DVP00532  
(Mt. Fosthall Drive)**

Michelle Austin, Planner, reviewed the Development Variance Permit Application for Mt. Fosthall Drive as follows:

Before the presentation to the Committee, staff clarified that there was an error in the report included in the agenda packages regarding the alternative proposal; staff provided an "on-table" amended version to the Committee for consideration.

- Staff provided an overview of the project and noted that the recommendation in the report is to not approve the requested variances.
- Without the variance the Applicant can still create 5 lots.
- The subject area is located in an environmentally sensitive area.
- The Application, as presented, does not provide enough buildable area in accordance with the current bylaw.

Committee questions and comments were as follows:

- The Committee asked if there is something in the geotechnical report that would allow the lots to work without causing harm.
  - Staff, in response, clarified that the geotechnical report received was high level and did not suitably address issues of rainwater and run-off that the area is known for.
  - Staff further noted that the alternate recommendation included within Planning Report suggested the inclusion of both geotechnical and environmental considerations to address concerns.
- The Committee expressed concern regarding Lot 1 and requested further clarification regarding proposed access and how it would be handled on the site.
  - Staff confirmed that the only access available is through Hawks Landing to the subject site.
  - Staff confirmed that, should the requested variance go forward to Council, surrounding residents within the public notification radius would be notified.
  - Further, staff explained that the owner of the subject lot has an easement with the owners of Hawks Landing which allows the Applicant access to the subject site.
- It was discussed by the Committee that further consideration should be given to engaging with the District of Coldstream, and surrounding landowners in order to suitably negotiate access through to Middleton Mountain Park and the natural area located behind the subject site.
  - In response staff clarified that the application is located on "private" property.

Moved by Monique Hubbs-Michiel, and seconded by Jaime Paterson:

THAT Council not approve Development Variance Permit Application #DVP00532 on Lot B, Sec 26, Tp 9, ODYD, Plan KAP77864 (Mt Fosthall Drive) to vary the Zoning Bylaw #5000, Section 4.16 – Hillside Development Areas regulations for Proposed Strata Lot 1.

**CARRIED**

**with Don Schuster and Harpreet Nahal opposed.**

**INFORMATION ITEMS**

Staff shared the following:

- Craig Broderick, Manager, Current Planning, introduced the three (3) newest members of staff as follows:
  1. Ally Campbell, Planning Assistant
  2. Tracy Mueller, Records / Committee Clerk; and
  3. Carson Mackonka, Planning Assistant
- An overview of projects discussed at Council on October 25, 2021 was provided:
  - **DVP000541** - Variance of a carport on Jade Road went to Council. There was no input from Council or members of the Public; the project was approved.
  - **LUC00024** - There is a Land Use Contract discharge application for Mt. Fosthall Drive that impacts the zoning / variance (DVP00532).
  - **Rescinded Heritage Revitalization Agreement Bylaw Number 586** - There was a Heritage Revitalization for a Health Services clinic on 26 Street (south of 30th Avenue). The Applicant advised they no longer wished to proceed; therefore, the bylaw was rescinded.
  - **Rezoning** for 35 Avenue / 32 Avenue (upper site on Turtle Mountain). Moved to final and adoption.

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, November 09, 2021 at 4:00 PM.**

**ADJOURNMENT**

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

THAT the Advisory Planning Committee meeting of October 26, 2021 be adjourned.

**CARRIED.**

The meeting of the Advisory Planning Committee adjourned at 4:35 PM.

**CERTIFIED CORRECT:**

  
**Chairperson**