



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, DECEMBER 14, 2021 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT: VOTING
Don Schuster
Doug Neden
Jamie Paterson
Lisa Briggs
Mark Longworth, Chair
Monique Hubbs-Michiel
Phyllis Kereliuk
Harpreet Nahal
Joshua Lunn

NON-VOTING: Mayor Cumming

STAFF: Craig Broderick, Manager, Current Planning
Matt Faucher, Planner
Michelle Austin, Planner
Tracy Mueller, Committee Clerk

ORDER The Chair called the meeting to order at 4:01 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 Jamie Paterson, seconded by Don Schuster:

THAT the Advisory Planning Committee agenda of December 14, 2021, be adopted.

CARRIED.

ADOPTION OF MINUTES Moved by Don Schuster, seconded by Phyllis Kereliuk:

THAT the minutes for the Advisory Planning Committee meeting of November 23, 2021, be adopted.

CARRIED.

NEW BUSINESS:**DVP00537
(9261 EASTSIDE RD)**

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

- The Applicant is requesting to build on a slope that is 30% or greater.
- The subject site was once part of a bigger parcel that was divided off. The owners propose to build a two storey walk-out.
- The parcel slopes steeply from Eastside Road toward Okanagan Lake.
- The building site is situated on a flat area below the driveway.
- Staff presented a copy of the site plan to illustrate where the applicant intends to build and reviewed the geotechnical assessment report (provided on-table) with the Committee.
- Staff advised that, should the project receive approval, a more detailed slope analysis report would be requested of the applicant, which would show the entire slope in conjunction with the proposed development.
- Staff confirmed that the Province has already approved the Riparian Assessment Report stating that, because of the significant challenges with the lot, the proposed location is the only suitable area for the applicant to build on the subject site.

The following comments / questions were posed by members of the Committee:

- In response to a question from the Committee, staff clarified that development proposals must comply with Council resolutions, including any conditions; however, staff recommendations can be worded to allow some flexibility during construction and development. Staff further clarified that, given the steepness of the property and the required riparian setback, the buildable area is very restricted.
- Staff clarified that the height of the structure is measured from the average grade on the lowest side. The proposed house has a number of different roof lines, making the determination of height more complicated. Height details are yet to be fully worked out with the Applicant.
- Concern was expressed with the road curbing / driveway and the location of the proposed garage. Staff noted that the entry would be from the front (south elevation) into a garage and that the house would be built into the hillside.

- Clarification was requested in terms of the hillside guidelines and the subdivision process as related to future developments. Staff noted the aim is to catch steeper lots at the subdivision stage for variances and require applicants to prove out the best and safest area to build at that time. For the benefit of the Committee, staff clarified that the Official Community Plan (OCP) was adopted in 2008; and the 30% slope guidelines were put in effect in 2004.
- Staff clarified that “undo hardship” cases along the lake and within riparian areas are determined by the Provincial Government. There are a number of criteria considered such as proximity to the lake, building constraints of the property, and previous land disturbance. If the buildable area is significantly restricted, then owners can request that consideration be given to hardship.
- In response to a question from the Committee, staff noted they have had discussions with the applicant regarding any potential retaining wall construction and that is still being worked out.

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

THAT Council approve Development Variance Permit #DVP00537 on Lot 1, Sec 10, TP 13, ODYD, Plan EPP42660 (9261 Eastside Road) by varying Zoning Bylaw #5000, Section 4.16.1 – Hillside Development Areas regulations to allow construction of buildings, structures or swimming pools on a slope of 30% or greater;

AND FURTHER that, prior to the issuance the Development Variance Permit #DVP00537, the following conditions be satisfied:

- a) That the site plan, by Hillside Design, dated December 8, 2021, be attached to and form part of DVP00537;
- b) That the house elevations, by Hillside Design, dated December 8, 2021, be attached to and form part of DVP00537;
- c) That the slope analysis, by McPherson Maddox, December 2, 2021, be attached to and form part of DVP00537;

- d) That the Geotechnical Assessment, by Cascade Geotechnical, dated October 3, 2011, be attached to and form part of DVP00537; and
- e) That the applicant provides an updated Geotechnical Assessment, to the satisfaction of Administration, based on the exact siting and house plans to be attached to and form part of DVP00537, as outlined in the report titled "Development Variance Permit Application for 9261 Eastside Road" dated December 9, 2021 and respectfully submitted by the Current Planner.

CARRIED.

**DVP00464
(4300 35 AVENUE)**

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

- The requested variance is for a site that had a previous zoning and OCP amendment that received adoption from Council.
- The Applicant is requesting a variance related to the upper portion of the site, rather than the portion of the property fronting 32nd Avenue.
- The Zoning Bylaw stipulates 10m or 2.5 storeys for dwellings. Given the topography, in order to meet the definition of 2.5 storeys, the applicant would need to backfill and put up a retaining wall to achieve bylaw compliance. The applicant is pursuing a variance to increase the maximum height to 10m or 3.0 storeys and Administration is recommending support.
- Staff clarified that both the zoning and OCP have already gone forward to Council through the formal OCP and rezoning amendment proposal; and, at that time residents were given the opportunity to speak to the project.

The following comments / questions were posed by members of the Committee:

- In terms of access to the development, it is difficult to determine ingress and egress. Staff clarified that the entrance and exit would be off Turtle Mountain Boulevard and it would be built out as part of the development.
- In response to questions from the Committee regarding site access, staff confirmed that at this time, there is only one access point in and out of the proposed site as it abuts the Agricultural Land Reserve (ALR), and has steep topography to the south.

- Staff noted that in the future there will be an additional emergency access point created through development to the west of Turtle Mountain.
- A question was posted regarding the orientation and location of the road in the strata development and if it could be modified. Staff clarified the recommendation to the applicant is to ensure that the road access is made wide enough in order to accommodate emergency services. Administration will work with applicants on matters such as internal strata roads within the legislative parameters.
- In response to a question from the Committee, staff noted there are some environmentally sensitive areas and walkways that will be a requirement of the subdivision. Staff further clarified that parks can be privately owned and maintained if the land in question is not suitable for public ownership.

Moved by Don Schuster, and seconded by Doug Neden:

THAT Council Support Development Variance Permit Application (DVP00464) to vary the following section of Zoning Bylaw #5000 to permit the construction of a townhome development on LT A DL70 ODYD PL KAP68832 Except PL KAP80911 (4300 35th Avenue):

- a) Section 9.10.6 maximum height is the lesser of 10m or 2.5 storeys to 10m or 3 storeys;

AND FURTHER, that Council's support of DVP00464 is subject to the following:

- a) the site plan and building elevations illustrating the general siting and height of the proposed development be attached to and form part of DVP00464.

CARRIED.

INFORMATION ITEMS

Craig Broderick, Manager, Current Planning, provided a brief overview regarding some of the projects discussed at Council on **December 13, 2021**, as follows:

- **Impacts of Provincial Termination of all Land Use Contracts (LUCs)** - The termination process was discussed. There are approximately 450 property owners who will be

impacted. Staff will notify all impacted property owners by June 30, 2022, and provide a detailed information package.

- **Review of Retail Cannabis Licensing Regulations**
Staff submitted a report to Council regarding cannabis retail applications and licensing fees and buffering.
- **Rezoning Application for 4408 25 Street (ZON00374 3360-20)** - Council reviewed a report regarding a requested rezoning for a strata development (located directly behind a Subaru dealership).
- **Official Community Plan and Zoning Amendment Applications for 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road (3340-20 OCP00085 & ZON00363)** - Staff noted that the application for rezoning was introduced to Council. Staff will collect public input by way of the City website (i.e. Engage Vernon).
- **Notice of Motion - Councillor Anderson - Decorative Metal Fences** - A Notice of Motion was presented by Councillor Anderson concerning a requested zoning amendment regarding fence regulations and the removal of spikes from fencing in order to mitigate harm to wildlife.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, January 11, 2022 at 4:00 PM.**

Moved by Don Schuster, seconded by Phyllis Kereliuk:

THAT the Advisory Planning Committee meeting of December 14, 2021 be adjourned.

CARRIED.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:45 PM.

CERTIFIED CORRECT:


Chairperson