



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, FEBRUARY 15, 2022 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT: VOTING
Mark Longworth, Chair
Jamie Paterson
Phyllis Kereliuk
Monique Hubbs-Michiel
Harpreet Nahal
Doug Neden

NON-VOTING: Mayor Cumming

ABSENT: Joshua Lunn
Lisa Briggs
Don Schuster

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

ORDER The Chair called the meeting to order at 4:00 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 J. Paterson, seconded by M. Hubbs-Michiel:

THAT the Advisory Planning Committee agenda of February 15, 2022, be adopted.

CARRIED

ADOPTION OF MINUTES Moved by P. Kereliuk, and seconded by D. Neden:

THAT the minutes for the Advisory Planning Committee meeting of December 14, 2021, be adopted.

CARRIED

NEW BUSINESS:

**DVP00546
12-40 KESTREL PLACE**

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

- The subject site is located at the end of Tronson Road in the Canadian Lakeview Neighbourhood. The strata is designated as residential low density (RLD) and zoned small lot residential (R4).
- The owner proposes to construct a single detached house on the slope and to vary the front yard setback. The site plan shows an existing retaining wall and house footprint partially within a $\geq 30\%$ slope.
- Two geotechnical assessments have been completed on the subject property. The foundation will be rock bolted with vertical dowels drilled into solid rock.
- The recommendation before the Committee is that the requested variance be approved and that the relevant plans for the site, geotechnical assessments and environmental assessment be attached to the variance.

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

- The Committee asked staff, in future, to ensure they be provided with gate codes to facilitate viewing strata properties in the event that gates are locked.
- It was discussed that the geotechnical report did not accurately express the orientation of the house corners. In response, staff clarified that they requested an update to the original geotechnical report to resolve that issue. An additional geotechnical assessment was provided; however, the original assessment was not amended prior to the meeting. Both assessments are attached to the staff report.

- Staff advised they would confirm the accuracy of the house orientations, as shown on the Site Plan, and request corrections if necessary.

Moved by D. Neden, and seconded by M. Hubbs-Michiel:

THAT Council approve Development Variance Permit Application 00546 (DVP00546) on SL 12, DL 297, ODYD, Strata Plan KAS1980 (#12 – 40 Kestrel Place) by varying Zoning Bylaw #5000 as follows:

- a) Section 4.16.1 – Hillside Development Areas regulations are varied to allow construction of buildings, structures or a swimming pool on a slope of 30% or greater; and,
- b) Section 9.5.5 – R4 Small Lot Residential minimum front yard is varied from 3.5m to 3m for the construction of single detached housing.

AND FURTHER that Council's approval of Development Variance Permit DVP00546 is subject to the following:

- a) That the proposed development substantially complies with an updated Site Plan to be attached to and form part of DVP00546;
- b) That the proposed development generally complies with updated House Elevations to be attached to and form part of DVP00546;
- c) That the proposed development strictly complies with the Geotechnical Assessments, by Horizon Geotechnical, dated August 6, 2021 and February 2, 2022, to be attached to and form part of DVP00546;
- d) That the proposed development strictly complies with the Environmental Impact Assessment, by Triton Environmental Consultants, updated February 2022, to be attached to and form part of DVP00546; and
- e) That the slope analysis, by Advanced Surveying Ltd., dated January 2022, be attached to and form part of DVP00546;

as outlined in the report titled "Development Variance Permit Application for #12 – 40 Kestrel Place" dated February 9, 2022 and respectfully submitted by the Current Planner.

CARRIED

**DVP00547
8160 OKANAGAN
LANDING ROAD**

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

- The subject property is located on the upland side of the road, not on Lakeshore. The owner is looking to construct a 12ft x 24ft inground pool.
- Staff confirmed that the backyard does not provide sufficient room to install a pool due to existing paving, access easement and steep slope.

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

- Due existing retaining walls and topography relative to the Okanagan Landing Road, the proposed pool would not be visually prominent from below (i.e. from Okanagan Landing Road).
- The Committee expressed concern regarding the permeable surface of the yard. Staff noted that the project does meet the requirements of the permeable surface under the bylaw. It works out to 41% with the existing dwelling, concrete, asphalt and covered deck.
- It was discussed that at the time of building permit, the applicant will need to provide professionally prepared drawings to further confirm the lot coverage.

Moved by D. Neden, and seconded by J. Paterson:

THAT Council approve Development Variance Permit Application 00547 (DVP00547) on Strata Lot 3, DL 6, ODYD, Strata Plan KAS3406 (8160 Okanagan Landing Road) by varying Zoning Bylaw #5000 as follows:

- a) Section 4.2.1 Swimming Pool regulations are varied to allow a swimming pool to be located in a front yard; and,

- b) Section 6.5.1.i) height limitation for fencing and hedges is increased from 1.2m to 1.5m along lot lines within front yard setbacks;

AND FURTHER that Council's approval of Development Variance Permit DVP00547 is subject to the following:

- a) That the minimum front yard is 4m from the swimming pool;
- b) That all sides open to public view shall be screened by vegetation or decorative fencing at least 1.5m in height; and,
- c) That the proposed development generally complies with the Site Plan of Proposed Pool, to be attached to and form part of DVP00547,

as outlined in the report titled "Development Variance Permit Application for 8160 Okanagan Landing Road" dated February 9, 2022 and respectfully submitted by the Current Planner.

CARRIED

**ZON00380
(8801 TAVISTOCK ROAD)**

C. Broderick, Manager, Current Planning, provided an overview of the application as follows:

- The proposed rezoning is for a site in the Adventure Bay neighbourhood which as zoned to R5-Residential in 1996 and then zoned Rh1-Low Rise Residential as part of the creation of Zoning Bylaw #5000 in 2004.
- In 2015 a Development Permit was applied for and issued and the project timeline was extended. However, the project was not completed at that time. The owner/applicant now wishes to proceed.
- Staff clarified that the application before the Committee is for proposed rezoning. The access road has been built to gravel standards and the servicing has been completed. The proposed site is proposed to have 5, semi-detached dwellings (10 units).
- The recommendation for the Committee is to support the rezoning and the designation from RH1 to RM1 to facilitate a series of 5, semi-detached dwellings (10 units).

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

- The density was questioned by the Committee; staff clarified that the request is in keeping with the Official Community Plan.
- The committee requested clarification regarding the plan and the proposed right-of-way path for members of the community to access the tennis courts as shown within the provided landscape design.
- In response, staff noted that the matter has not come up in meetings held previously with the applicants however, they will seek clarification regarding the access point and intended use.
- A suggestion was made that for safety reasons, before it comes to Council the road should be designated as a statutory right-of-way because there are currently no existing sidewalks.

Moved by H. Singh Nahal, and seconded by M. Hubbs-Michiel:

THAT Council support application ZON00380 to rezone Lot B, DL 298, Plan KAP91703, ODYD (8801 Tavistock Road) from RH1 – Low-Rise Residential to RM1 – Row Housing Residential in order to construct five, semi-detached dwellings and that a statutory right-of way be included as a condition in order to protect the common pathway on site.

CARRIED

**DVP00560
160 WHISTLER PLACE**

C. Broderick, Manager, Current Planning, provided an overview of the application as follows:

- The applicant is proposing the side setback for to be 1.5m rather than 2.5m under the current Zoning Bylaw.
- The culminative setback would be 3 metres instead of 5 metres between the semi-detached buildings. If approved, the Development Variance would be applied to the whole subdivision of eight (8) duplexes.

- Staff are recommending approval; the site has gone through and received subdivision approvals. In response to a question from the Committee, staff clarified that the larger setbacks are more applicable to larger structures (i.e., townhouses, stacked townhouses); whereas the subject site is proposed to be developed as two level, semi-detached buildings.
- It was discussed that the lower portion of the site is owned by the City as part of the ravine parcel. Once it is finalized, staff will work with the applicant to add remnant land of the subdivision to the ravine parcel.

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

- The Committee requested clarification regarding the impact on the project if the variance was not granted. Staff noted that the proposed semi-detached dwellings would need to be built on a smaller footprint to comply with the HR2 zoning (i.e., larger 2.5m setbacks).
- Concern was expressed regarding the fire rating and the type of materials used on the walls. At three metres the adjacent buildings would be very close. In response, staff clarified that the property is located within the 10-minute response area of the fire department. Within that area, the reduced setbacks are permissible.
- In terms of emergency response, staff further clarified that there is a path that is intended to be a public path and it will also serve as an emergency access/egress.
- It was discussed that part of the condition of the rezoning is that there is a covenant on title (i.e., two levels) to make the homes consistent with the homes in the rest of the Foothills. With the restriction they are asking for a concession to make the houses wider.
- The Committee requested clarification regarding the size of the developable footprint of the lot. In response staff clarified that zoning would allow for 55% in terms of footprint for buildable coverage in HR2.
- In response to a question from the Committee, staff noted that most of the Foothills area is zoned as R2 and the site is zoned HR2 – Hillside Residential.

- Staff further clarified that under the Multi-Family zone (HR2) secondary suites would not be permitted in this zone.

Moved by M. Hubbs-Michiel, and seconded by J. Paterson:

THAT Council support Development Variance Permit Application 00560 (DVP00560) to vary Section 9.16.6 of Zoning Bylaw #5000 in order to accommodate the development of the 16 lot, semi-detached subdivision at LT 1 PL EPP103234 SEC 13 TWP 8 ODYD (160 Whistler Place):

- a) Section 9.16.6 - side yard setback from 2.5m to 1.5m;

AND FURTHER, that Council’s support of DVP00560 is subject to the following:

- a) the site plan illustrating the general siting and layout of the proposed development in Attachment 1, contained in the report titled “Development Variance Permit Application for 160 Whistler Place” dated be attached to and form part of DVP00560 as ‘Schedule A’.

CARRIED

Before the DVP00549 904 MT GRIFFIN ROAD was discussed, Committee member Harpreet Nahal declared a potential conflict of interest and left the meeting at 4:40 PM.

**DVP00549
904 MT GRIFFIN ROAD**

C. Broderick, Manager, Current Planning, provided an overview of the application as follows:

- The application is to allow a variance to retaining wall heights along the south and west face of the walls below the home.
- The rationale behind the application is to allow portions of the wall to be in excess of the maximum of 1.2 metres.
- Staff clarified that Administration is not supportive of DVP00549 and offered alternatives for Committee consideration within the staff report. Staff advised that they had requested the applicant to consider alternative designs, this project was originally going to go to the Board of Variance; however, it was sent to the APC for consideration due to time constraints.

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

- The Committee noted that from the rear the retaining wall is not noticeable from a distance. It was discussed that the wall on the left could be viewed from across the valley but could be successfully screened with shrubs or plantings.
- Staff clarified that the bylaw maximum is 1.2 metres. The proposal before the Committee is for a 3.5-meter wall. There was no proposal for texturing, colouring or screening. Staff further noted that the land below is located in a geotechnical covenant zone and would require supervision from a geotechnical engineer.
- In response to the potential viewscape impact, staff clarified that there will be a series of homes built to the north and east and that the knoll is visible from many parts of the community.
- Concern was expressed about the slope juxtaposed with a potential future pedestrian trail / path connection below the property and the impact of a flat 3.5m (12-foot) single faced concrete wall. Concern was also expressed that monolithic walls could become a trend within the community. The visual impact of the retaining wall could be addressed with rocks, tiers, textures, etching, colours to achieve suitable alternatives that are more visually appealing.

Moved by M. Hubbs-Michiel, and seconded by D. Neden:

THAT Council support Development Variance Permit Application 00549 (DVP00549) to vary Section 6.5.11 of Zoning Bylaw #5000 in order to vary the height of a retaining wall on a residential property on LT 22 EPP96153 SEC 22 TWP 9 ODYD (904 Mt Griffin Road) and;

That measures be taken in the retaining wall design phase to minimize the visual impact of the retaining wall (i.e., use of coloured concrete, etching or texturing).

CARRIED

INFORMATION ITEMS

- a) Review of the Committee Terms of Reference (TOR) and the Bullying and Harassment Policy.
- Staff reviewed the TOR.
 - Bullying and Harassment Policy was reviewed and signed by members of the Committee who were present.
- b) C. Broderick, Manager, Current Planning, provided a brief overview regarding some of the projects discussed at Council on **February 14, 2022**, as follows:
- **4408 25 Street (ZON00374)** - 3 Lot Subdivision and Rezoning - Public Hearing regarding 3-lot subdivision behind the Hilltop Subaru Vernon dealership. Council discussed instituting a restrictive covenant to ensure secondary suites would not be permitted; however, determined the zoning bylaw was sufficient; the project will come forward for fourth reading.
 - **4300 35 Avenue (DVP00464 - Turtle Mountain)** – DVP for 3 storeys for some units was approved.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, March 01, 2022 at 4:00 PM.**

ADJOURNMENT

Moved by D. Neden, and seconded by P. Kereliuk:

THAT the Advisory Planning Committee meeting of February 15, 2022 be adjourned.

CARRIED

The meeting of the Advisory Planning Committee adjourned at 5:09 PM.

CERTIFIED CORRECT:


 Chairperson