



THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF THE  
ADVISORY PLANNING COMMITTEE MEETING  
HELD ON TUESDAY, JULY 19, 2022, at 4:00 PM  
COUNCIL CHAMBERS (OKANGAN LAKE ROOM)**

**PRESENT:** Mark Longworth (Chair)  
Monique Hubbs-Michiel  
Phyllis Kereliuk  
Margaret Jarman  
Joshua Lunn  
Jamie Paterson  
Don Shuster  
Claire Ishoy  
Lisa Briggs

**ABSENT:** Mayor Cumming  
Harpreet Singh Nahal  
Doug Neden

**STAFF:** Matt Faucher, Current Planner  
Craig Broderick, Manager, Current Planner/Approving Officer  
Michelle Austin, Current Planner  
Roy Nuriel, Planner, Economic Development  
Jennifer Pounder, Records / Committee Clerk  
Tracy Mueller, Executive Assistant

**ORDER** The meeting was called to order at **3:59 PM**

**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. Jarman, seconded by L. Briggs:

THAT the agenda of the Advisory Planning Committee meeting for July 19, 2022, be adopted:

**CARRIED**

**ADOPTION OF THE  
MINUTES**

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

THAT the minutes for the Advisory Planning Committee meeting of June 28, 2022, be adopted as amended.

**CARRIED**

**NEW BUSINESS:**

**DVP00558  
(8841 ADVENTURE  
BAY ROAD)**

M. Austin, Planner, provided an overview of DVP00558 (8841 ADVENTURE BAY ROAD), an application to vary Section 6.5.1 of Zoning Bylaw 5000 to increase the height of a retaining wall on a residential property.

- The application before the Committee is to increase the height of a retaining wall from 1.2m to 2.5m along the front and southwest side lot line within the 4m front yard setback, and 2m to 3.6m along the southwest side lot line behind the front yard setback.
- Staff recommends that the Committee endorse a modified version being a height increase from 1.2m to 1.5m and 2m to 3.6m.

*Committee Member C. Ishoy arrived at 4:03 PM*

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

- The Committee requested clarification regarding the location of the retaining wall. Staff clarified it is along the front and side of the lot.
- The Committee expressed support for the grade of the proposal as presented.
- Clarification was request regarding the future structure to be built on the property. Staff advised that it is unclear at this time.
- The Committee inquired regarding the vacant lot adjacent to the property. Staff confirmed it is vacant and used previously as the septic field for the Strata below. Staff suggested that the Strata below may have discontinued the use as a septic field and hooked up to the community sewer system. Staff was unsure how the land will be used for in the future.

- Staff confirmed they do not support the original application but are supportive of the modified version.
- The Committee inquired regarding any precedents for previous applications regarding retaining wall height. Staff noted that variances are reviewed on a case by case basis and not considered as precedent setting.
- The Committee inquired if there are any bylaws which govern materials for retaining walls and Staff confirmed there are no design guidelines in place.

Moved by M. Jarman, and seconded by C. Ishoy:

THAT Council approve **a modified version of** Development Variance Permit 00558 (DVP00558) to vary Zoning Bylaw 5000 for PCL A (BEING A CONSOLIDATION OF LOTS 7 AND 8 SEE CA9907243) DL 298 ODYD PL EPP44146 (8841 Adventure Bay Road) as outlined in the report titled "Development Variance Permit Application for 8841 Adventure Bay Road" dated July 5, 2022 and respectfully submitted by the Current Planner, by:

- a) Increasing Section 6.5.1.i, the height of a retaining wall, from 1.2m (4.0ft) to 1.5m (5.0ft) along the front and southwest side lot line within the 4.0m front yard setback; and
- b) Increasing Section 6.5.1.ii, the height of a retaining wall, from 2.0m (6.4ft) to 2.5m (8.3ft) along the southwest side lot line behind the front yard setback;

AND FURTHER, that Council's approval of DVP00558 is subject to the following:

- i. That the driveway and proposed residential unit(s) be constructed to utilize the existing grade; and
- ii. That the retaining wall complies with an updated site plan, elevations, and cross sections to be attached to and form part of DVP00558, with the retaining wall being setback three feet from the side property line.

**CARRIED**

**DVP00577  
(9233 KOKANEE  
ROAD)**

M. Austin, Planner, provided an overview of LUC00023 and DVP00577 (9233 KOKANEE ROAD), applications to discharge a Land Use Contract Discharge (LUC) and vary siting and size regulations for construction of a single detached house and a detached secondary suite on the property located at 9233 Kokanee Road.

- The applications before the Committee are to:
  - discharge LUC Registration #P2461 from the title of the property, allowing the underlying Estate Lot Residential (R1) zone to regulate its use and development;
  - allow construction of a single detached house on a slope  $\geq 30\%$ ; and
  - increase maximum footprint from  $90\text{m}^2$  to  $104.1\text{m}^2$ , net floor area from  $90\text{m}^2$  to  $180.7\text{m}^2$  and height from 6m to 6.6m to the mid-point of the sloped roof for the construction of a detached secondary suite.
- Staff supports the requested discharge and variances.

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

- Staff clarified that the secondary suite regulations dictate that the footprint is the same as the net floor area.
- In response to a question, staff confirmed the slope of the property is greater than 30%.

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

THAT Council support Land Use Contract Discharge 00023 (LUC00023) to discharge Land Use Contract Registration P2461 from the title of LOT 9 SEC 11 TP 13 ODYD PLAN 31060 (9233 Kokanee Road) as outlined in the report titled "Land Use Contract Discharge and Development Variance Permit Applications for 9233 Kokanee Road" dated July 12, 2022 and respectfully submitted by the Current Planner;

AND FURTHER, that Council direct Administration to prepare a proposed bylaw and public notice of first reading to discharge Land Use Contract Registration P2461 from the title of LOT 9 SEC 11 TP 13 ODYD PLAN 31060 (9233 Kokanee Road);

AND FURTHER, that Council not hold a public hearing on a proposed bylaw to discharge Land Use Contract Registration

P2461 from the title of LOT 9 SEC 11 TP 13 ODYD PLAN 31060 (9233 Kokanee Road);

AND FURTHER, that Council approve Development Variance Permit 00577 (DVP00577) to vary Zoning Bylaw 5000 for LOT 9 SEC 11 TP 13 ODYD PLAN 31060 (9233 Kokanee Road) by:

- a) Varying Section 4.16.1, hillside development areas, to allow construction of a single detached house on a slope  $\geq 30\%$ ;
- b) Increasing Section 5.5.5, maximum footprint, from 90m<sup>2</sup> to 104.1m<sup>2</sup> for a secondary suite located in a secondary building;
- c) Increasing Section 5.5.5, maximum net floor area, from 90m<sup>2</sup> to 180.7m<sup>2</sup> for a secondary suite located in a secondary building; and
- d) Increasing Section 5.5.6, maximum height, from 6.0m to 6.6m to the mid-point of the sloped roof for a secondary suite located in a secondary building;

AND FURTHER, that Council's approval of DVP00577 is subject to the following:

- i. That the proposed development generally complies with the site plan (Attachment 1) and secondary suite elevations and floor plans (Attachment 2) to be attached to and form part of DVP00577;
- ii. That siting of the single detached house complies with the slope analysis and profiles (Attachment 5) to be attached to and form part of DVP00577;
- iii. That a Section 219 Covenant (Wildfire) complying with FireSmart BC guidelines, in favour of the City of Vernon, be registered on the title of LOT 9 SEC 11 TP 13 ODYD PLAN 31060 (9233 Kokanee Road); and
- iv. That a Section 219 Covenant, prohibiting the garage from being converted to living space, in favour of the City of Vernon, be registered on the title of LOT 9 SEC 11 TP 13 ODYD PLAN 31060 (9233 Kokanee Road).

**CARRIED**

**DVP00521  
(9353 EASTSIDE  
ROAD)**

M. Faucher, Planner, provided an overview of DVP00521 (9353 EASTSIDE ROAD), an application to vary Section 4.16.1 of Zoning Bylaw 5000 in order to support a 3-lot subdivision with construction of three single detached dwellings on slopes greater than 30% at 9353 Eastside Road.

- The applicant is requesting a 3 lot subdivision of property.
- Staff noted the property has substantial portions of the lot with slopes greater than 40% and the applicant has conducted a detailed geotechnical review of the site.

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

- The Committee expressed concern regarding the steepness of the easement onto Lot 1. Staff clarified a significant geotechnical assessment was completed of the subject site.
- The Applicant was in attendance and at the request of the chair clarified the glacial till is a gravel/clay material.
- Staff clarified that the previous history of slides caused by water on this property will be addressed and handled under the subdivision process.

Moved by L. Briggs, and seconded by P. Kereliuk:

THAT Council support Development Variance Permit Application 00521 (DVP00521) to vary Zoning Bylaw 5000 on LT 1 SEC 10 TWP 13 ODYD PLAN 9430 EXCEPT PLAN 11165 (9353 Eastside Road) as outlined in the report titled "Development Variance Permit Application for 9353 Eastside Road" dated July 15, 2022 and respectfully submitted by the Current Planner, as follows:

- Section 4.16.1 to allow construction of a building, structure or swimming pool on slopes 30% or greater;

AND FURTHER, that Council's support of DVP00521 is subject to the following:

- the site plan illustrating the general siting of the proposed single detached dwellings (Attachment 1) be attached to and form part of DVP00521;

- development of the property be in accordance with the report titled "Geotechnical Assessment – Proposed Residential Subdivision 9353 Eastside Road, Vernon, B.C." prepared by Calibre Geotechnical dated February 9, 2021 (Attachment 2), be attached to and form part of DVP00521;
- development of the property be in accordance with the report titled "Riparian Area Protection Regulation Assessment" prepared by Canyon Wren Consulting Inc., dated January 21, 2021 (Attachment 3), be attached to and form part of DVP00521; and
- if any tree removal is required to develop the property that the applicant obtain a valid Tree Cutting Permit.

**CARRIED**

**DVP00540  
(7333 TRONSON  
ROAD)**

M. Faucher, Planner, provided an overview of DVP00540 (7333 TRONSON ROAD), an application to vary Zoning Bylaw 5000 Section 4.16.1 to permit construction on slopes greater than 30% and Section 6.5.11 to vary the maximum height of a retaining wall from 1.2m to 1.83m at 7333 Tronson Road.

- The application before the Committee is requesting permission to construct on slopes greater than 30% and to raise the height of the retaining wall from 1.2m to 1.83m.

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

- The Committee expressed concern regarding the addressing for the site, particularly that there are three different addresses associated with the build. Staff noted they are working in partnership with Emergency Services regarding this matter and may require directional signage to assist with Emergency response.
- The Committee expressed concern regarding road access, particularly the required left hand turn onto Bella Vista and suggested a warning sign could be installed. Staff advised they will forward the Committees feedback to the Transportation Section for consideration.

- The Committee inquired regarding the steep slopes and if there is any consideration for looking at reviewing the hillside guidelines. Staff confirmed the Official Community Plan (OCP) review will address this issue next year.
- The Committee inquired about the sanitary services at this location. Staff confirmed it will be hooked up to City services.
- The Committee commented that previously there was a mirror on Bella Vista and that one should be installed. Staff will refer this information to the Transportation Manager.
- Staff noted the neighboring property to the east has an access easement and it will be shared with this lot.

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

THAT Council support Development Variance Permit application 00540 (DVP00540) to vary Zoning Bylaw 5000 on LT 14, DL 56, ODYD, PL 18373 (7333 Tronson Road), as follows:

- Section 4.16.1 to allow the construction of buildings, structures and swimming pools on slopes greater than 30%;
- Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 1.83m;

AND FURTHER, that Council's support of DVP00540 is subject to the following:

- That the site plan, building elevations and cross-sections, intended to illustrate the siting of structures, drive access and retaining wall height (Attachment 1) in the report titled "Development Variance Permit Application for 7333 Tronson Road" dated July 14, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00540 as Schedule 'A';
- That Geotechnical Investigation Report prepared by Beacon Geotechnical Ltd dated January 5, 2017, be attached to and form part of DVP00540 as Schedule 'B'; and

- That issuance of DVP00540 be withheld until a Development Permit for the subject property is authorized to be issued.

**CARRIED**

**INFORMATION ITEMS:**

Staff provided a brief overview of projects discussed at Council on July 18, 2022:

- **ZON00373 / SUB00806 (4013 25 STREET)**, an application to rezone from R5 – Fourplex Housing Residential to R4 – Small Lot Residential to provide for a one lot, single family subdivision. received three readings.
- **ZON00382 (4011 32 STREET)**; an application to rezone the subject property located at 4011 32nd Street from C10 – Tourist Commercial to C5 – Community Commercial. received three readings.

**SHORT TERM  
RENTAL (STR)  
REGULATIONS**

**Roy Nuriel, Planner, Economic Development**, was in attendance and provided a PowerPoint presentation overview of the Short-Term Rental (STR) Regulations.

- As per of a longer term project, Council directed Administration to develop STR regulations at the meeting on June 27, 2022.
- STR's are primarily for tourists and visitors; bookings are generally handled through online platforms.
- A recent survey was circulated to determine whether members of the Vernon Community wanted STR's to regulated.
- In terms of measuring the industry (and number of STR's in Vernon), a snapshot was taken from an intelligence platform called AIRDNA which pulls information / listings from both Airbnb, Inc., and VRBO. The report pulled from AIRDNA revealed that Vernon has 274 active STR units, most of the rentals in Vernon are of the entire home/separate portion of the home (i.e. secondary suite), and that geographically they are happening all over the City.

- Short Term Rentals (STR's) are a growth industry and they are only expected to expand in popularity in the years to come. Through regulation, there is an opportunity to guide how this growth will happen in Vernon.
- There are two (2) proposed STR licenses as follows:
  1. **STR Minor License** – a portion of a residence would be allowed to have a STR. It must be the operator's principle residence and there must be a responsible person on site throughout the rental period (owner or designate).
  2. **STR Major License** –Would be only in the hillside residential district and Agricultural District or the Waterfront Neighborhood Plan Area. In a major license an STR could be for the entire property. The key point is that a responsible person would have to be available at all times, does not need to be onsite but they need to be on call 24 hrs.
    - Generally the area for STR Major Licenses would be the outlying areas.
    - **Monitoring and Enforcement** – there should be good regulations and the capacity to enforce. The way to enforce is to introduce an STR business license and have incremental fines, with more strenuous fines with the good neighbour bylaw. If there is non-compliance, the business license would not be renewed.
- **Public Consultation** - Staff noted that this information would be shared with the Tourism Commission and there will be more public engagement. It planned to go back to the August 15, 2022 Council meeting with proposed amendments. Staff confirmed The District of Coldstream does not have currently regulations regarding STR and we are considering the precedents of Kelowna, Penticton, Summerland and Osoyoos.

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

- The Committee inquired as to the intended impact of the proposed policy.

- Staff noted that all units in STRs need business licenses and permits to make sure they are safe and legal.
- The Committee asked what are other municipalities doing, ie. Coldstream, so Vernon's tourism industry is not harmed.
  - Staff noted that it is hard to stop short term rentals
  - Staff clarified that other municipalities were reviewed to develop best practice. The plan will evolve as the STR policy evolves.
  - This will be a way to better support housing and make STRs legal in the community. Some STRs will have a Bed & Breakfast license. It will create very clear policy and safety regulations.

**NEXT MEETING**


The next meeting of the Advisory Planning Committee is tentatively set for **Tuesday, August 16, 2022**.

The meeting will be held in Council Chamber (Okanagan Room) at City Hall at 4:00 PM.

**ADJOURNMENT**

The Advisory Planning Committee meeting of July 19, 2022, was adjourned at the call of the Chair at **5:04 PM**.

**CERTIFIED CORRECT:**

  
Chair