



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, JUNE 26, 2018

4:00 pm – OKANAGAN LAKE ROOM

A G E N D A

1. ADOPTION OF AGENDA

2. ADOPTION OF MINUTES

June 12, 2018 (attached)

3. NEW BUSINESS

a) **ZON00304/OCP0077** – Official Community Plan amendment and Zoning Bylaw amendments for City owned parks and future parks (various properties)

b) **DVP00415** – Development Variance application for 9361 Eastside Road

4. INFORMATION ITEMS

a) An update of APC related items discussed at the June 25, 2018 Council meeting will be provided.

5. NEXT MEETING

The next meeting is tentatively scheduled for Tuesday, July 10, 2018.

6. ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

TUESDAY, JUNE 12, 2018

PRESENT: VOTING

Mark Longworth, Chair
Doug Neden, Vice-Chair
Jamie Paterson
Monique Hubbs-Michiel
Vicki Topping
Joanne Georgeson
Phyllis Kereliuk

NON VOTING

Councillor Spiers

ABSENT: Councillor Cunningham

Don Schuster
Ian Murphy
Corbin Kelley, Youth Member

STAFF: Craig Broderick, Manager, Current Planning
Ellen Morrison, Transportation Planner
Ed Stranks, Manager, Engineering Development
Janice Nicol, Legislative Committee Clerk

ORDER

The Chair called the meeting to order at 4:01 p.m.

**ADOPTION OF
AGENDA**

Moved by Jamie Paterson, seconded Monique Hubbs-Michiel;

THAT the agenda of the Advisory Planning Committee meeting for Tuesday, June 12, 2018 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Joanne Georgeson, seconded by Vicki Topping;

THAT the minutes for the Advisory Planning Committee meeting of Tuesday, May 29, 2018 be adopted.

CARRIED.

UNFINISHED BUSINESS

At the previous meeting, there were requests for clarification on the Riparian Areas Assessment Report – the one attached to the staff report was dated for 2009 and the Committee felt there should be another up to date report. Five environmental reports were done for the property, cover pages attached for Committee's review. Reports can be emailed upon request.

NEW BUSINESS:**REZONING
APPLICATION – 6473
OKANAGAN LANDING
ROAD**

The Advisory Planning Committee reviewed rezoning application ZON00301 for property located at 6473 Okanagan Landing Road. The Manager, Current Planning provided an overview of the application. The following points were noted:

- A 'save harmless' covenant will be registered in favour of the City that protects against future flooding.
- A trail is proposed at the rear of development.
- Lot 6 represents a common road for the development.

Moved by Doug Neden, seconded by Phyllis Kereliuk;

THAT the Advisory Planning Committee recommends that Council support the application (ZON00301) to rezone Lot 4, DL 62, ODYD, Plan 9738 (6473 Okanagan Landing Road) from RR (Rural Residential) to R4 (Small Lot Residential) and P1 (Parks and Open Space), in order to create a small lot residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek; and

THAT Adoption of the Zoning Amendment be subject to the following conditions:

2. Registration of a Section 219 Restrictive Covenant (Flooding Covenant) on the subject property, that would indemnify and save the City harmless in the event of a flood; and
3. Registration of a Statutory Right of Way adjacent to Vernon Creek, having a minimum width of 9 metres, to allow for the future construction of a trail; and
4. Registration of a Section 219 Restrictive Covenant prohibiting further development or subdivision until the execution of a Servicing Agreement pursuant to Subdivision and Development Servicing Bylaw #3843

which governs the design and construction of all on-site and off-site works and services necessary to service the property for the proposed use and density.

CARRIED.

INFORMATION ITEMS:

The Committee reviewed the information for APC related items discussed at the June 11 Council meeting as follows:

- DVP00430 – 7012 Appaloosa Way – issued once all conditions are satisfied
- ZON00291 – 5770 Pleasant Valley Road – received 1st and 2nd reading, Public Hearing schedule for July 9

NEXT MEETING

The next regular meeting of the Advisory Planning Committee is scheduled for Tuesday, June 26, 2018.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:13 p.m.

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Cleo Corbett
Long Range Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 9, 2018
REPORT DATE: June 21, 2018
FILE: OCP00077, ZON00304

SUBJECT: OFFICIAL COMMUNITY PLAN AND ZONING AMENDMENTS FOR CITY PARKS

PURPOSE:

To review proposed Official Community Plan (OCP) and Zoning Bylaw amendments prepared for City owned parks and future parks to ensure land use designations and zoning are consistent with the current or future intended use of the properties.

RECOMMENDATION:

THAT Council support the Official Community Plan land use designation amendments and Zoning Bylaw amendments prepared for public properties that are currently used as City parks, or are intended to be parks, as outlined in the report titled "Official Community Plan and Zoning Amendments for City Parks", dated June 21, 2018 from the Long Range Planner;

AND FURTHER, that Council considers public participation conducted by the City in relation to the Parks Master Plan as meeting the requirements of Section 475 of the Local Government Act – Consultation during OCP Development and the City's OCP Amendment Applications Policy, and requires no further consultation beyond the required Public Hearing.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the Official Community Plan land use designation amendments and Zoning Bylaw amendments prepared for public properties that are currently used as City parks, or are intended to be parks, as outlined in the report titled "Official Community Plan and Zoning Amendments for City Parks", dated June 21, 2018 from the Long Range Planner;

AND FURTHER, that Council support presenting the proposed Official Community Plan amendments for City parks at a public open house and on Engage Vernon (engagevernon.ca) in order to seek public input prior to the Public Hearing.

Note: Should Council choose this alternative, Administration would schedule an open house prior to the Public Hearing. This would delay the proposed amendments by approximately one month.

2. THAT Council support the Official Community Plan land use designation amendments and Zoning Bylaw amendments prepared for public properties that are currently used as City parks, or are intended to be parks, as outlined in the report titled "Official Community Plan and Zoning Amendments for City Parks", dated June 21, 2018 from the Long Range Planner; with the following changes: *(to be cited by Council)*.

Note: The implications of this alternative would depend on the changes requested by Council.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 26, 2018, the Advisory Planning Committee adopted the following resolution:

TBD

B. Rationale:

1. The City is initiating Official Community Plan land use designation amendments and Zoning Bylaw amendments for several City owned properties that are currently used as parks or are intended to be parks. The proposed changes are consistent with the Parks Master Plan and various Neighborhood Plans.

A. Lakeshore Properties (Attachment 1)

Address: 2548, 2554, 2574, 2580, 2588, 2592, 2596, 2598, 2602, 2606, 2694 Lakeshore Road

Existing OCP

Parks & Open Space

Proposed OCP

Same – no change

Existing Zoning

R1 – Estate Lot Residential

Proposed Zoning

P1 – Parks & Open Space

As per Council's Strategic Plan and the Waterfront Neighbourhood Plan, Phase 1 of Lakeshore Park is being constructed in 2018.

B. Camp Hurlburt (Attachment 2)

Address: 9657 Eastside Road

Existing OCP

Public & Institutional

Proposed OCP

Parks & Open Space

Existing Zoning

R6 – Lakeshore Residential

Proposed Zoning

P1 – Parks & Open Space

Purchased by Regional District North Okanagan and transferred to the City of Vernon in 2018, this ~300 metres of lakefront is currently being redeveloped from a camp to a community beach park with improved access and parking.

C. West Vernon Future Park (Attachment 3)

Address: 2807, 2901 and 2903 – 39th Street

Existing OCP

Parks & Open Space

Proposed OCP

Same – no change

Existing Zoning

RH2 – Stacked Row Housing Residential

Proposed Zoning

P1 – Parks & Open Space

The west Vernon area is currently identified as being park deficient especially with the closure and sale of West Vernon school and the potential loss of the School District owned fields. Three lots are owned by the City and currently have houses on them. This neighbourhood is starting to experience redevelopment and increased density. This future park will be a great addition to a neighbourhood in transition. The park development is expected to take place in the medium term (4-6 year) time frame of the Parks Master Plan.

D. Deer Park (Attachment 4)

Address: 9192 Tronson Road

Existing OCP

Parks & Open Space

Proposed OCP

Same – no change

Existing Zoning

C6 – Village Commercial

Proposed Zoning

P1 – Parks & Open Space

Within the Bella Vista West Neighbourhood Plan, and also known as Canadian Lakeview Estates Park, this area was originally identified as private park and a small commercial area for the neighbourhood. Residents advocated for the public ownership of the park and it was purchased in 2014. Improvements to this park will be proposed for 2019.

E. Recreation Centre (Attachment 5)

Address: 3305, 3307, 3309 and 3311 – 35th Avenue

Existing OCP

Public & Institutional

Proposed OCP

Parks & Open Space

Existing Zoning

R2 – Large Lot Residential

Proposed Zoning

P1 – Parks & Open Space

Four properties were purchased adjacent to the Recreation Centre and BX Creek. The redevelopment of this park is scheduled for 2020. Environmental enhancement and riparian compensation is also planned along the creek which was part of the Recreation Centre upgrades.

2. By redesignating and rezoning these properties to their intended Parks and Open Space land use designation and zoning district, the City is showing commitment to further expand, refine and protect the parks system.
3. None of the above listed parks are officially “named”. Once the above noted parks are improved, or planning and design work begins, a naming process will be undertaken as per Council’s Parks Naming Policy.
4. The City’s OCP Amendment Applications Policy (Attachment 6) requires that an open house be hosted by the City as part of the amendment process. However, given the nature of the amendments and the level of public participation that was conducted with the development of the Parks Master Plan, it is recommended that Council consider the requirements of Section 475 of the Local Government Act – Consultation during OCP development met, therefore requiring no further consultation beyond a public hearing.

C. Attachments:

Attachment 1: Lakeshore Properties

Attachment 2: Camp Hurlburt

Attachment 3: West Vernon

Attachment 4: Deer Park

Attachment 5: Recreation Centre Properties

Attachment 6: OCP Amendment Applications Policy

D. Council’s Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following objectives in Council’s Strategic Plan 2015 – 2018:

- Create a vibrant parks and recreation system.

E. Relevant Policy/Bylaws/Resolutions:

1. The proposed amendments are consistent with the guiding documents that govern parks: the Parks Master Plan and various Neighbourhood Plans.

BUDGET/RESOURCE IMPLICATIONS:

The proposed Bylaw Amendments have no direct budget implications. Each proposed park improvement and associated maintenance will have budget implications which will be considered by Council annually during budget deliberations.

Prepared by:

Approved for submission to Council:

Right-click to sign
with 

Will Pearce, CAO

Cleo Corbett
Long Range Planner

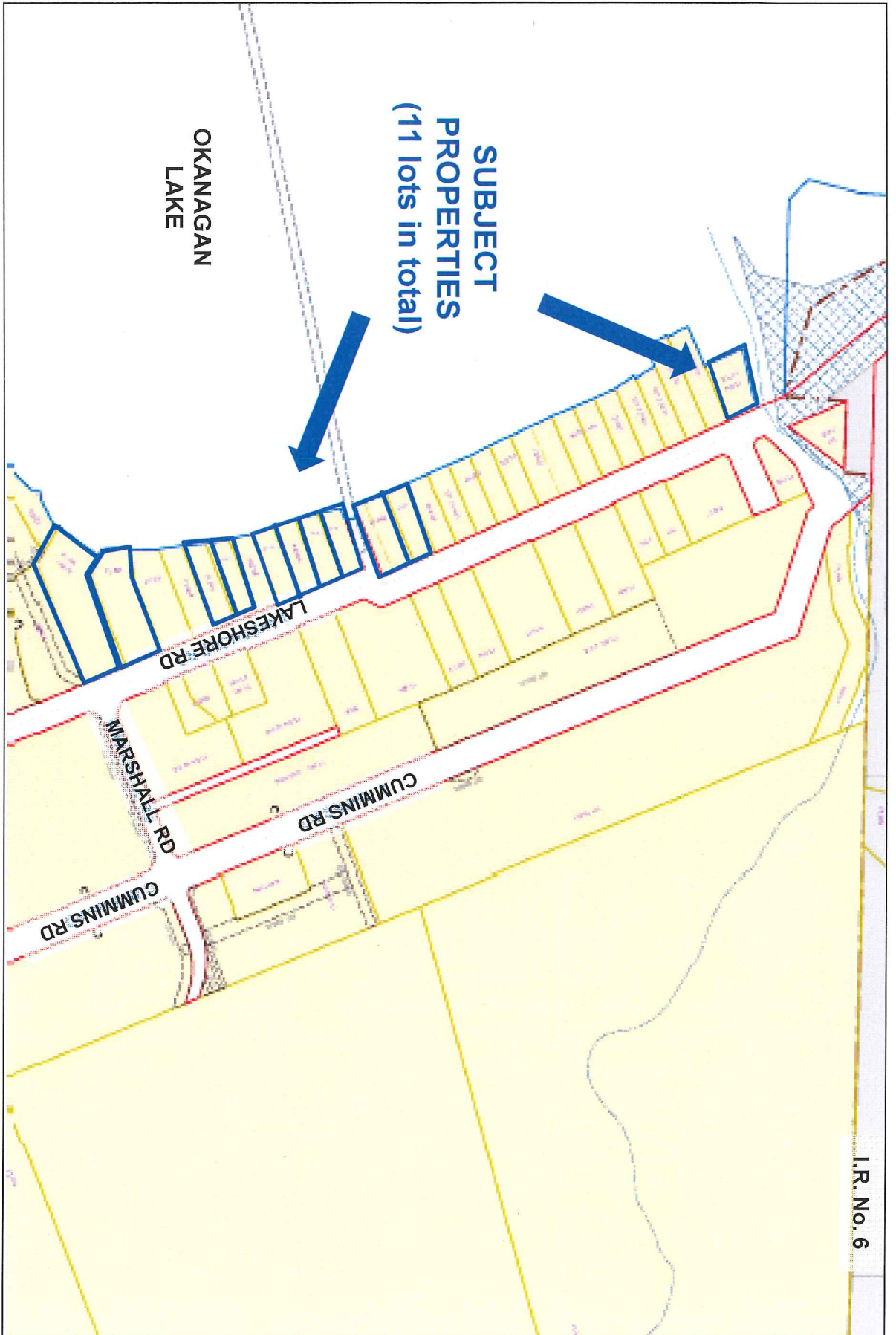
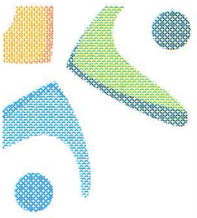
Date: _____

Right-click to sign
with 

Kim Flick
Director, Community Infrastructure and Development

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 checked="" 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 type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input checked="" type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input checked="" 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 26/18) | | |
| <input type="checkbox"/> OTHER: | | |



LAKESHORE PROPERTIES
11 LOTS TOTAL
(LAKESHORE ROAD)

Location Map



**SUBJECT
PROPERTIES
(11 lots in total)**

OKANAGAN
LAKE

LAKESHORE RD

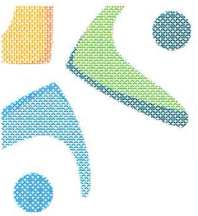
LAKESHORE RD

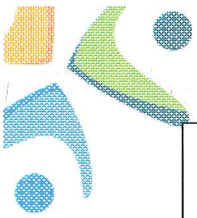
MARSHALL RD

CUMMINS RD

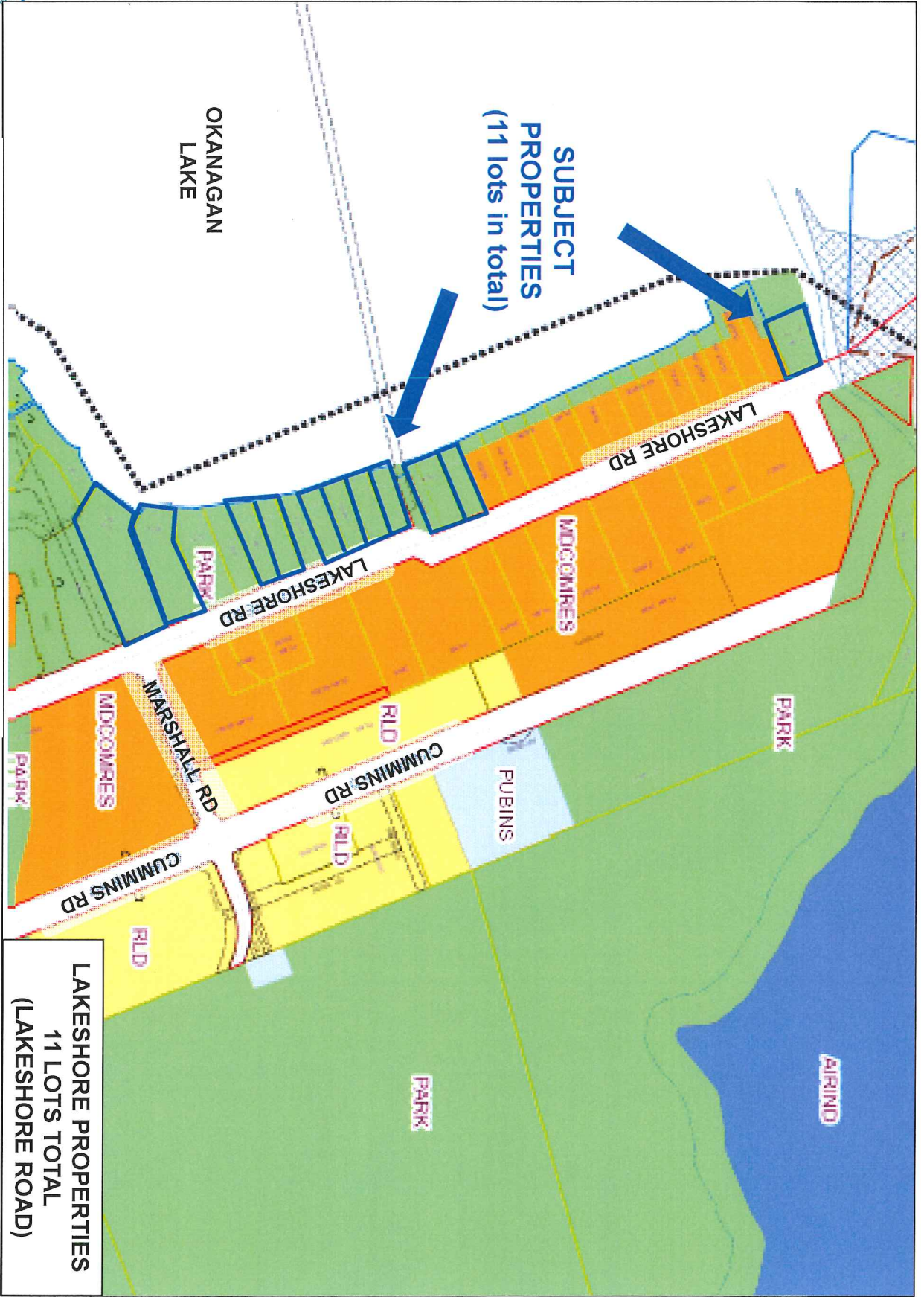
LAKESHORE PROPERTIES
11 LOTS TOTAL
(LAKESHORE ROAD)

Location Map - Aerial



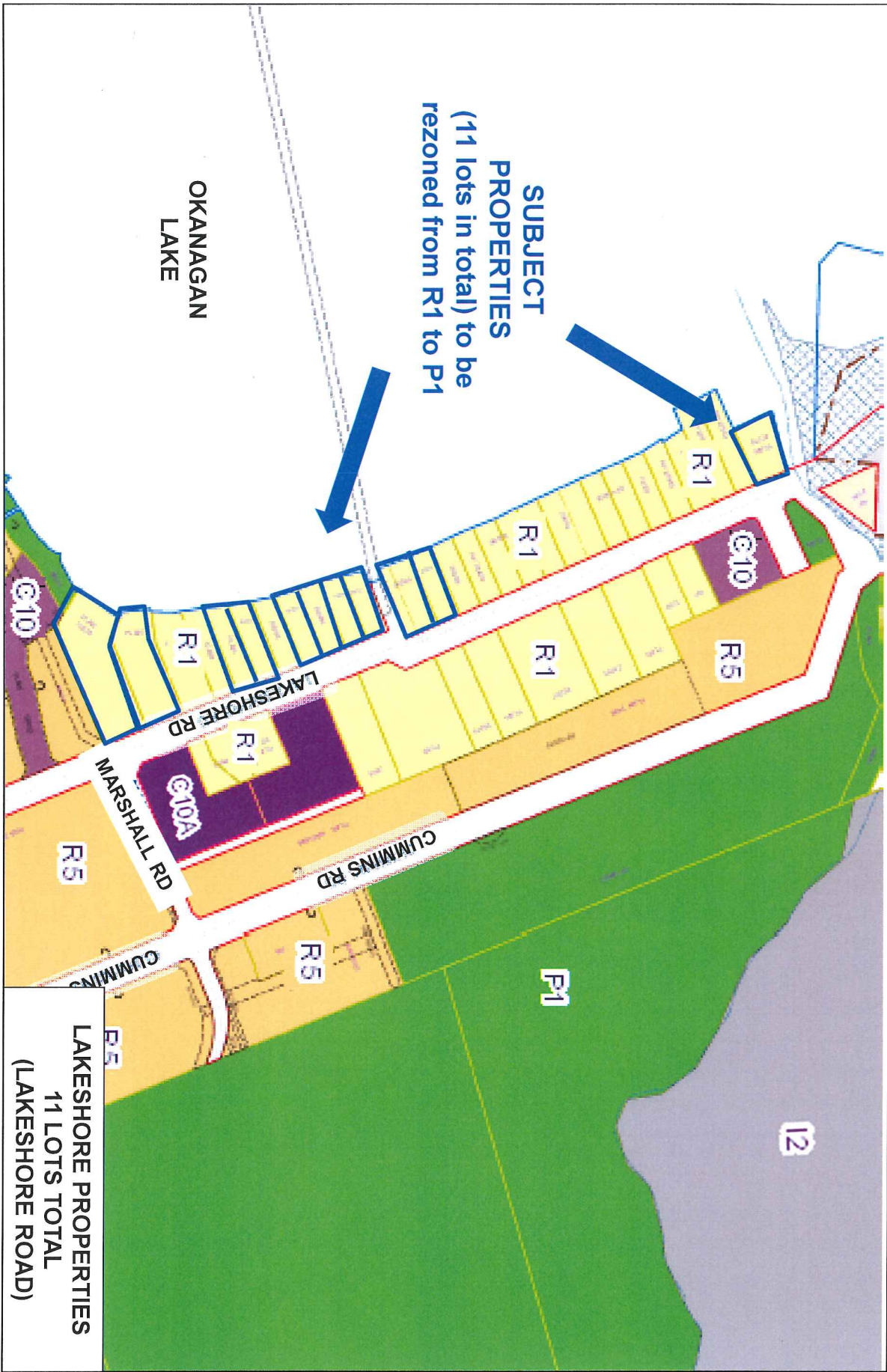


- PARK – Parks & Open Space
- MDCOMRES – Mixed Use – Medium Density Commercial and Residential
- RLD – Residential – Low Density

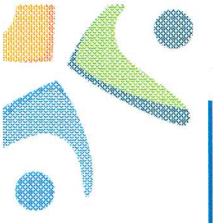


OCP Designation

LAKESHORE PROPERTIES
11 LOTS TOTAL
(LAKESHORE ROAD)

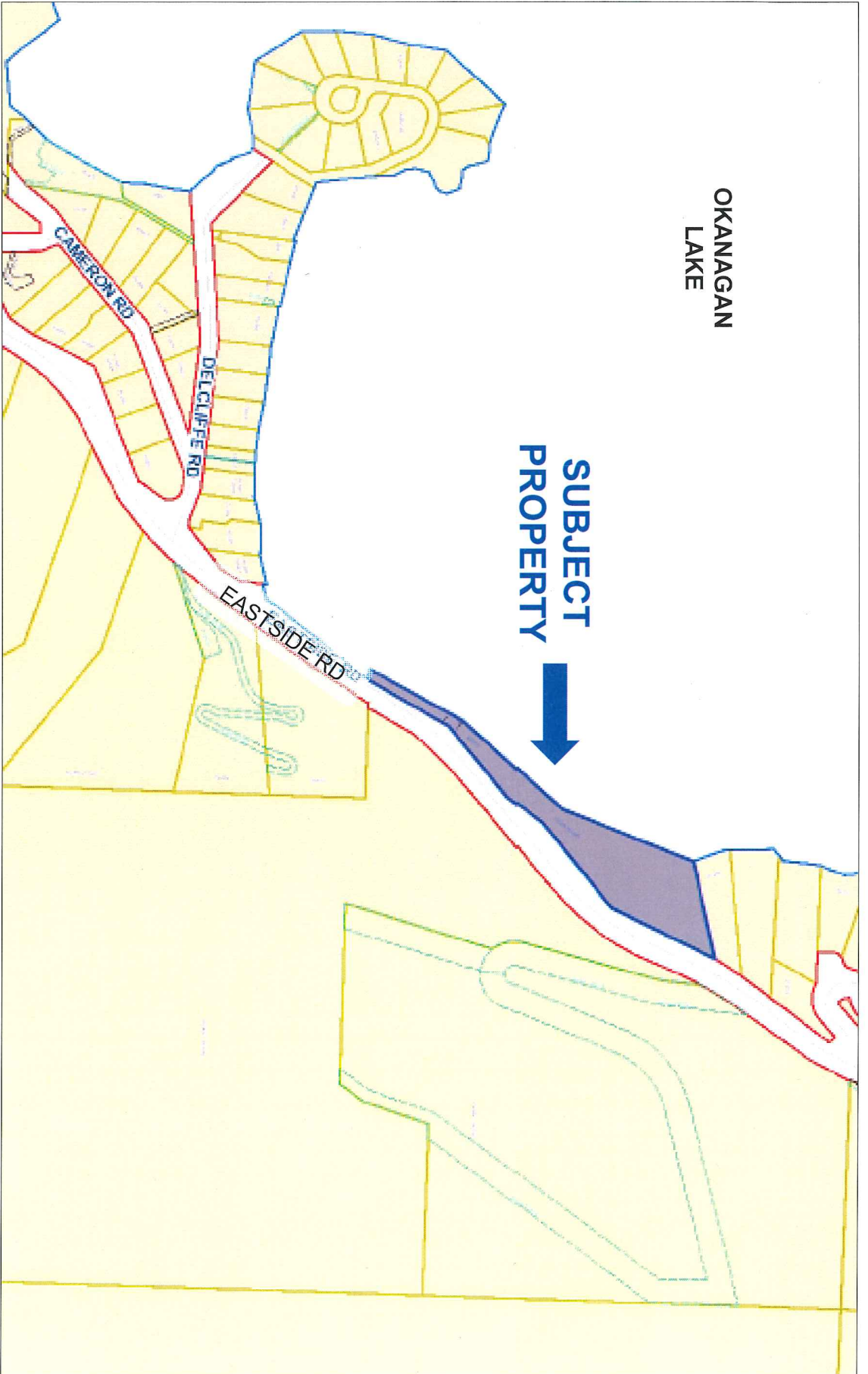
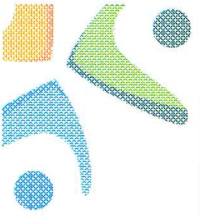


LAKESHORE PROPERTIES
11 LOTS TOTAL
(LAKESHORE ROAD)



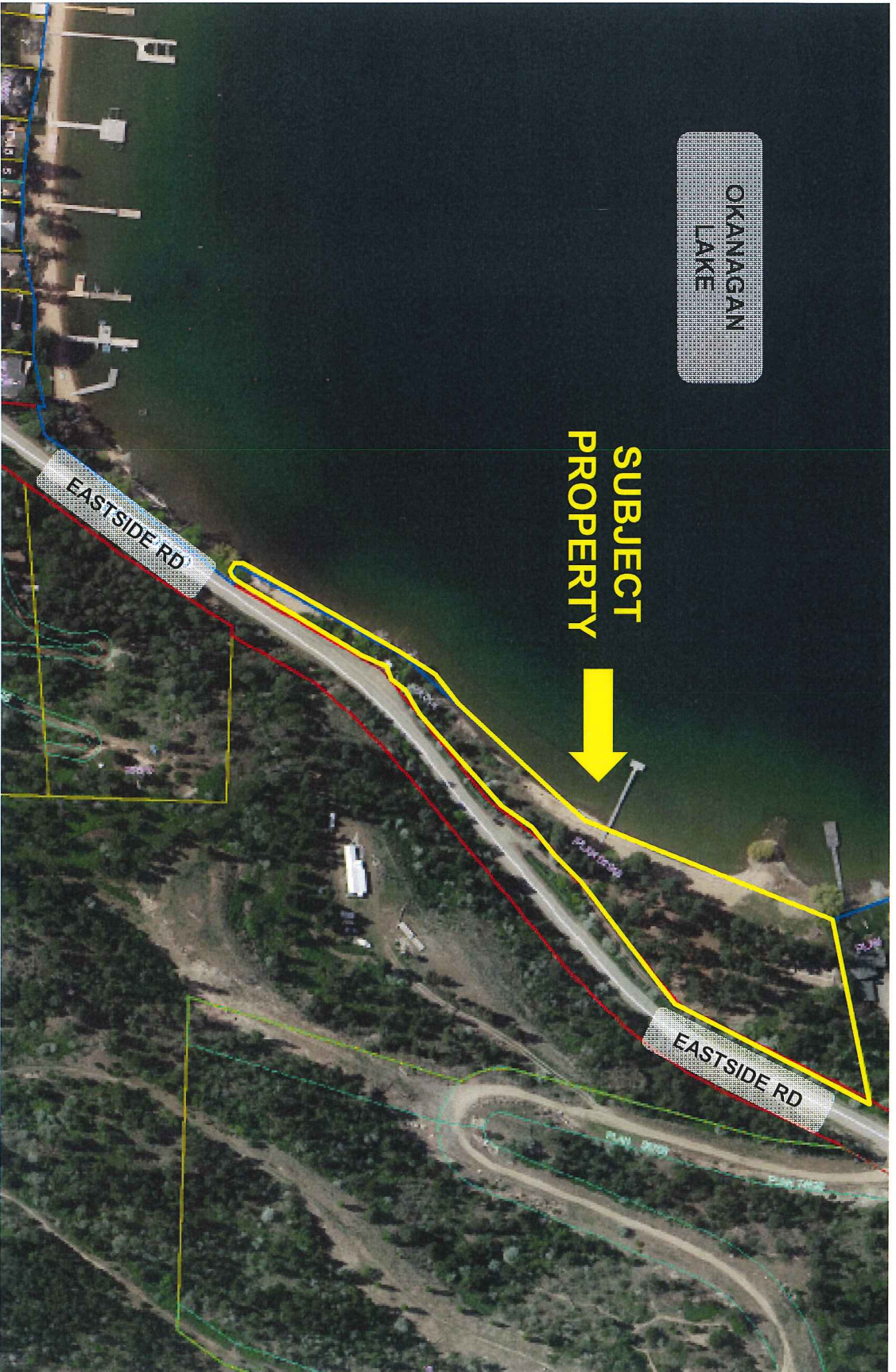
- R1 – Estate Lot Residential
- P1 – Parks & Open Space
- C10A – Tourist Commercial & Residential
- R5 – Four-plex Residential
- C10 – Tourist Commercial

Zoning Designation



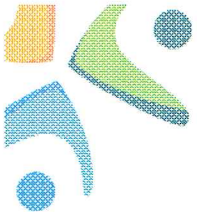
CAMP HURLBURT
(EASTSIDE ROAD)

Location Map



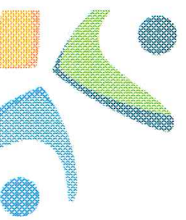
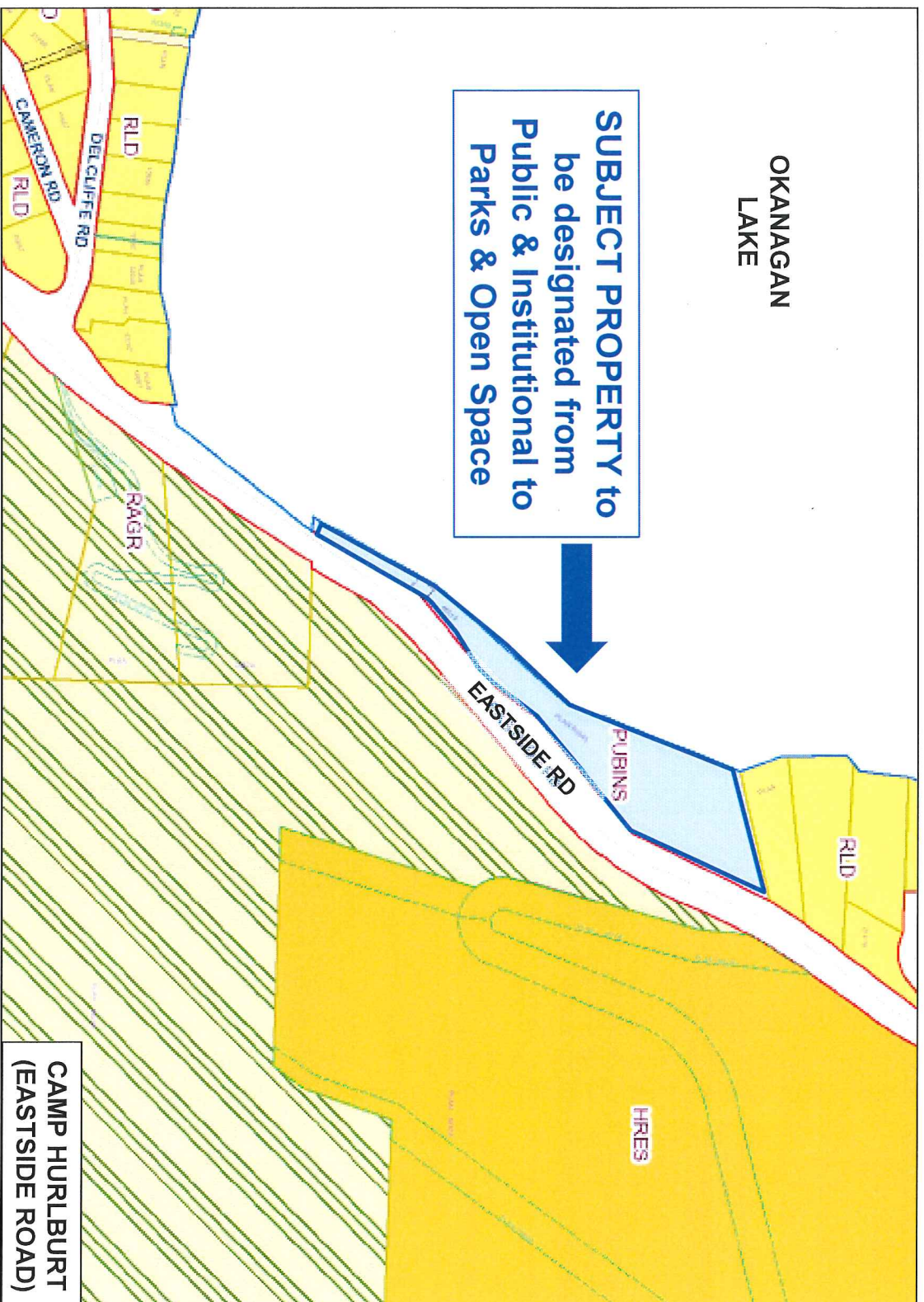
CAMP HURLBURT
(EASTSIDE ROAD)





Location Map - Aerial



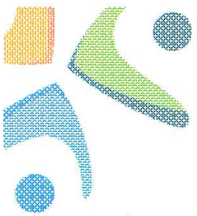
OKANAGAN
LAKE

**SUBJECT PROPERTY to
be designated from
Public & Institutional to
Parks & Open Space**



-  RLD – Residential Low Density
-  PUBINS – Public & Institutional
-  RAQR – Rural / Agricultural
-  HRES – Hillside Residential

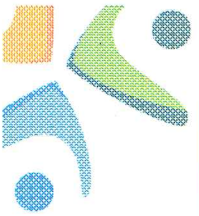
OCP Designation



- R6 – Lakeshore Residential
- HR1 – Hillside Residential Single & Two Family
- A2 – Rural Large Holdings
- A3 – Rural Small Holdings
- R1 – Estate Lot Residential

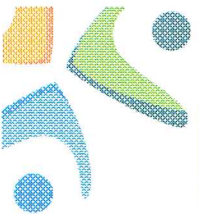
Zoning Designation





WEST VERNON FUTURE
PARK - CURRENTLY
3 EXISTING HOMES
(39TH STREET)

Location Map

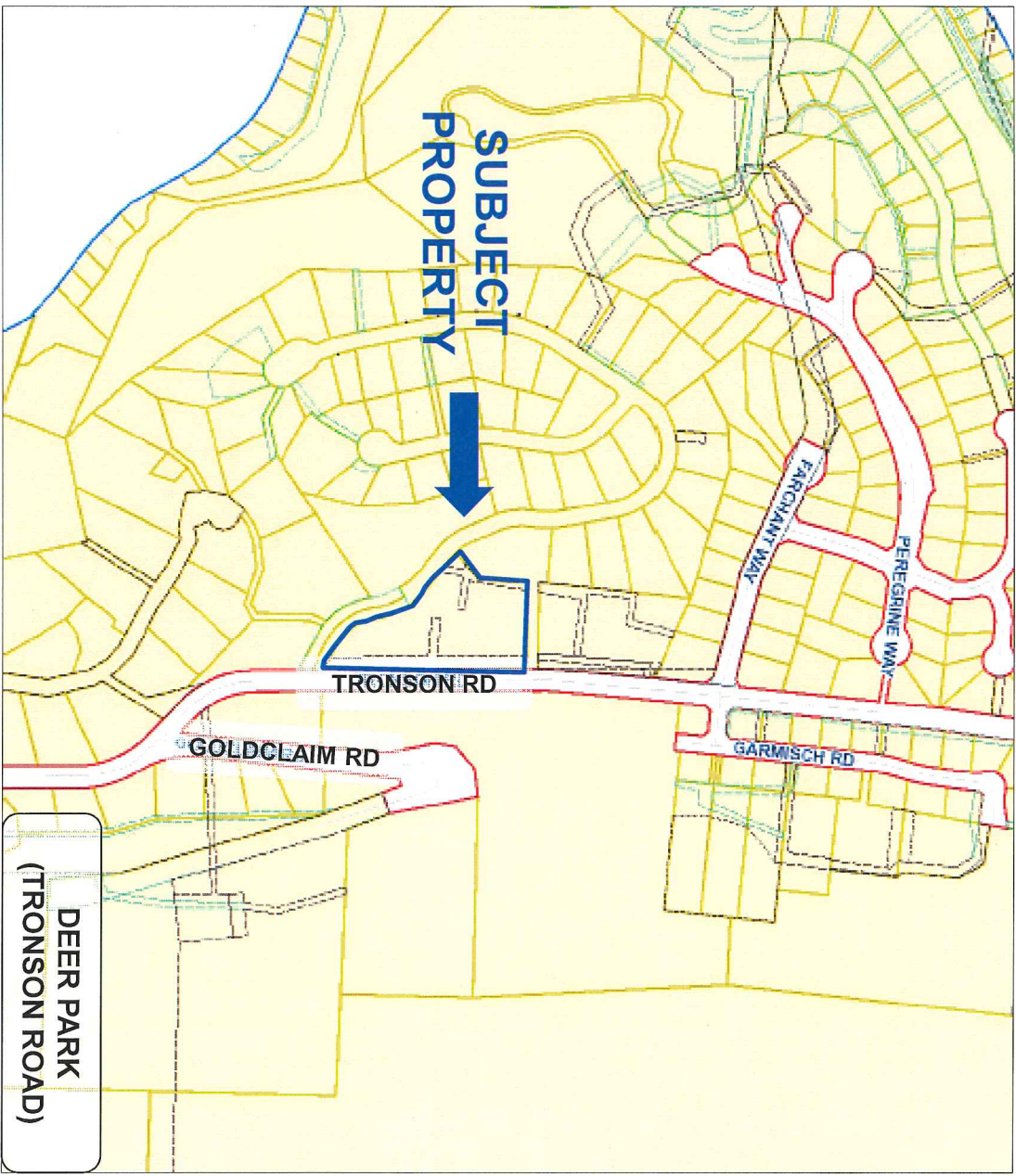
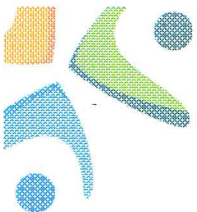


RMD – Residential Medium Density
 PUBINS – Public & Institutional
 PARK – Parks & Open Space
 RSL – Residential – Small Lot

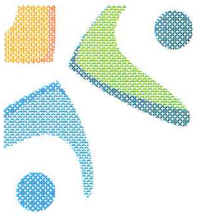


RHD – Residential High Density

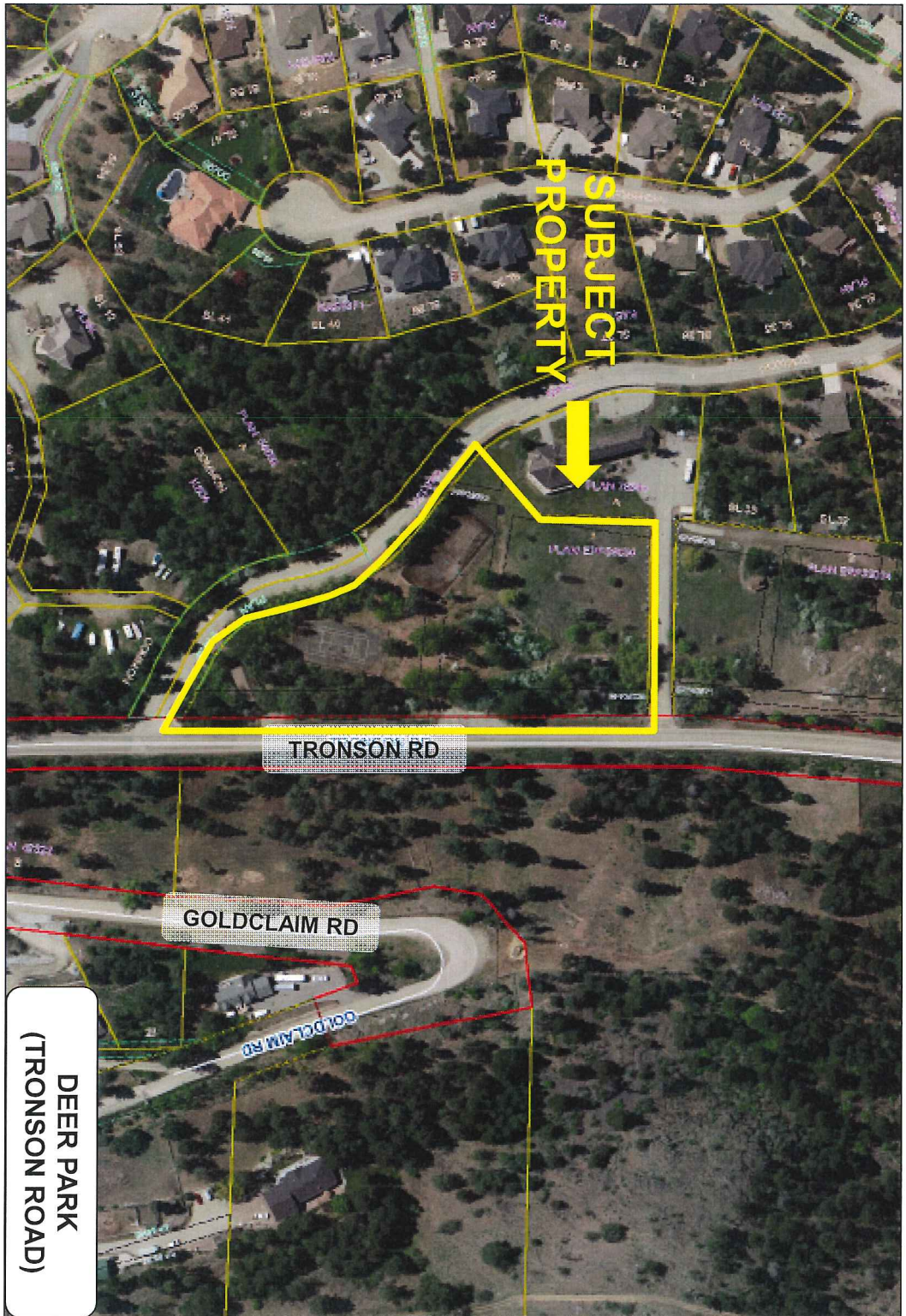
OCP Designation

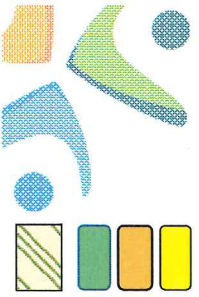





Location Map

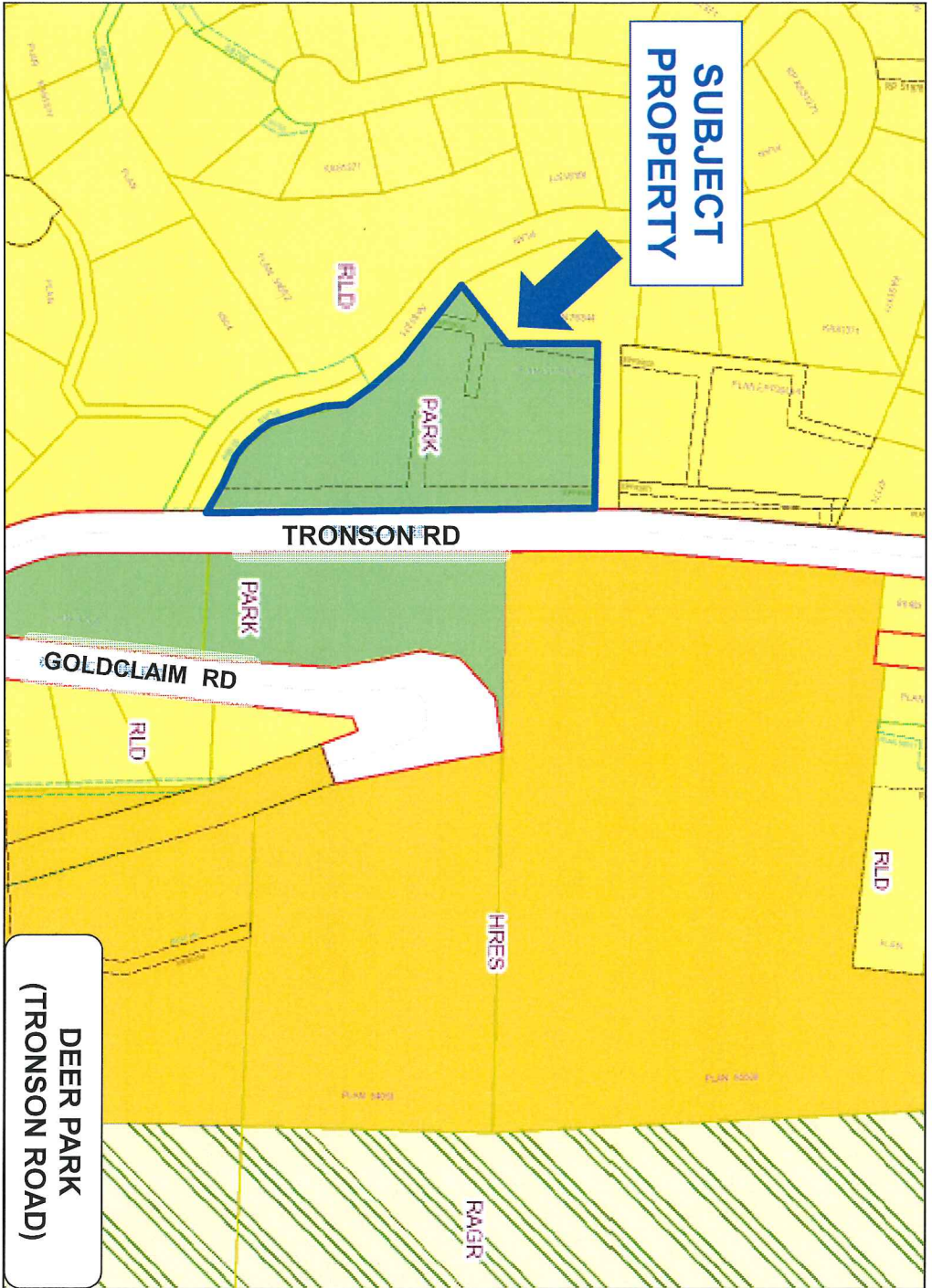


Location Map - Aerial

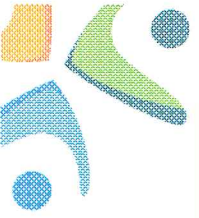








-  RLD – Residential Low Density
-  HRES – Hillside Residential
-  PARK – Parks & Open Space
-  RAGR – Rural/ Agricultural



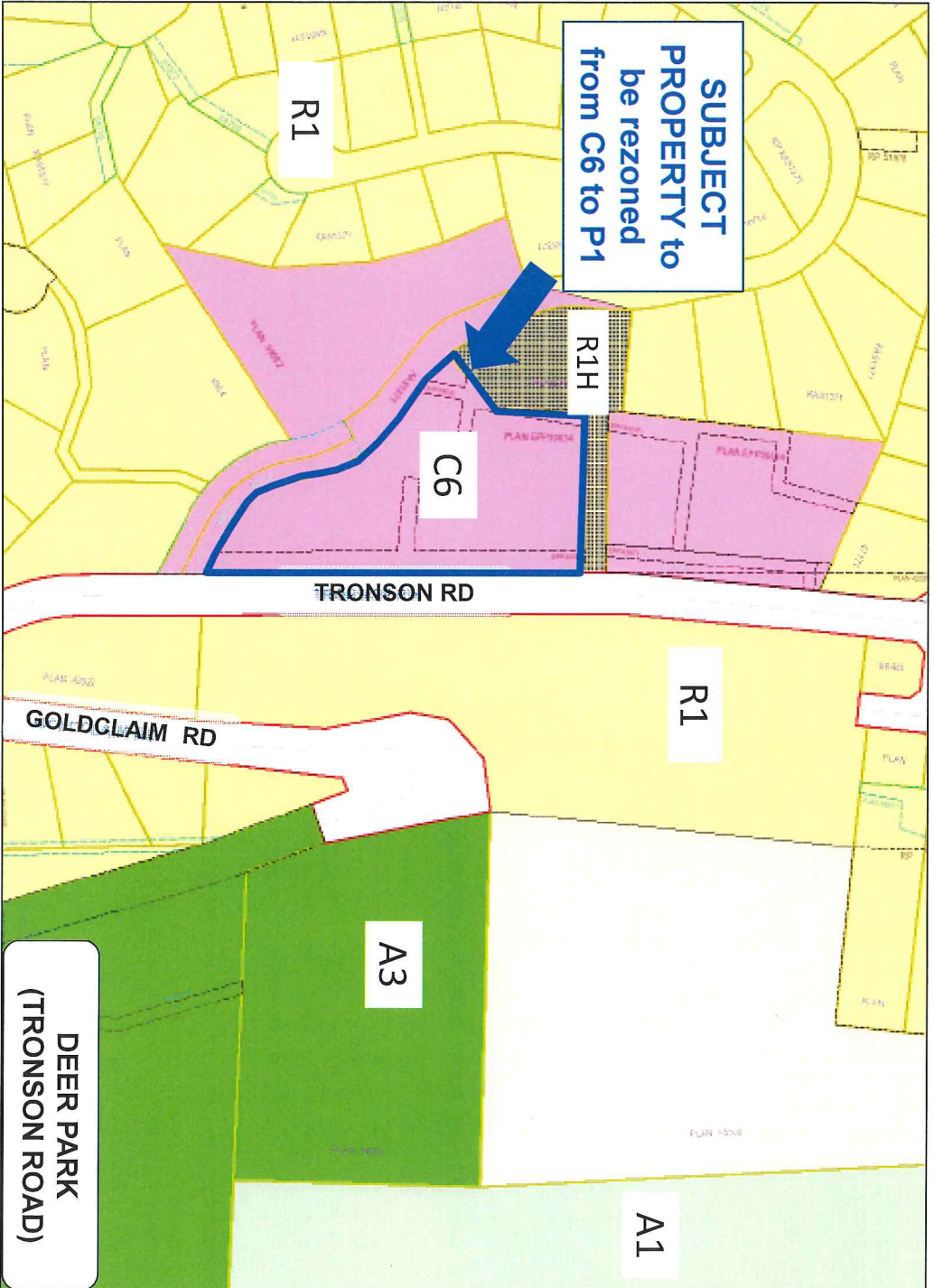
OCP Designation

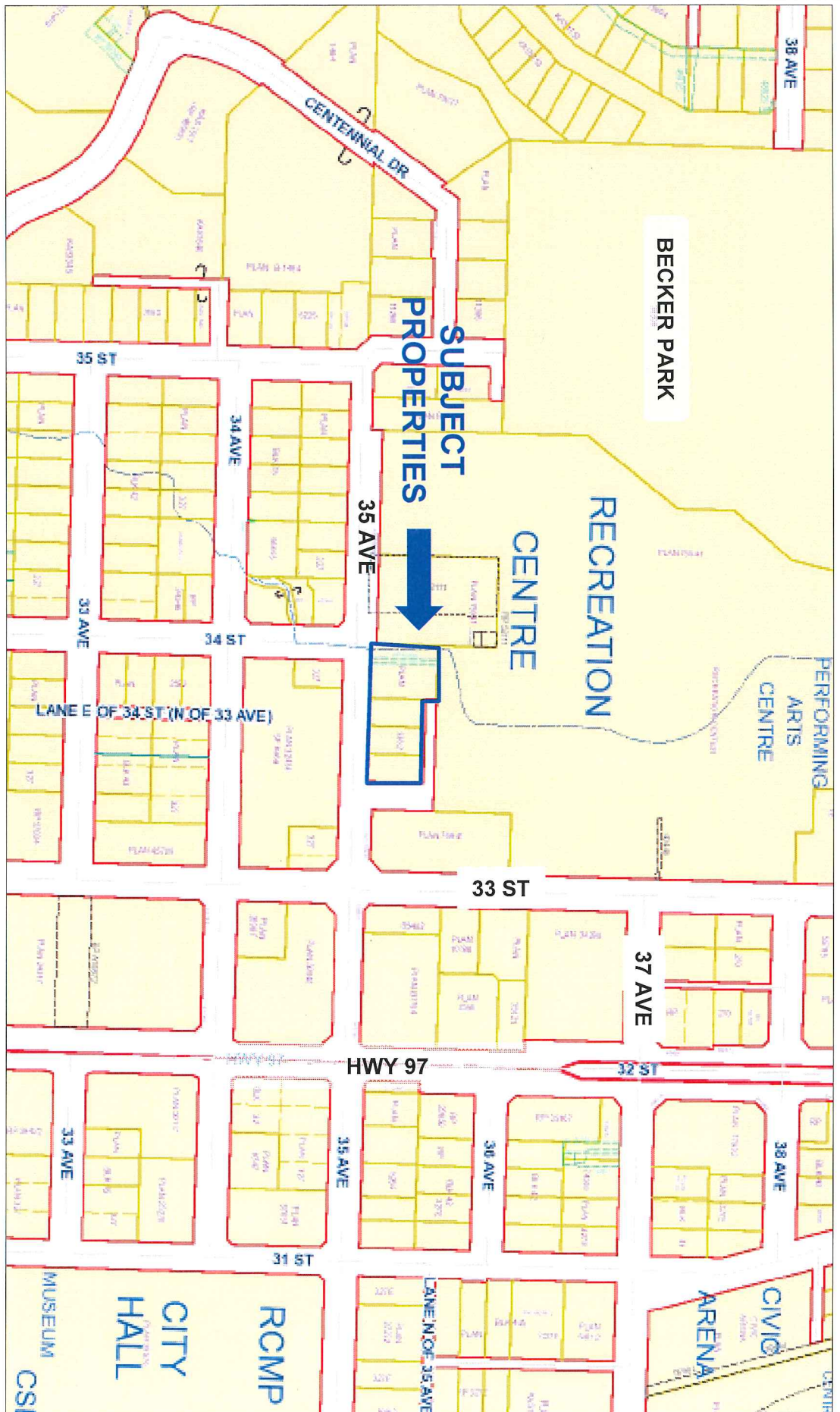
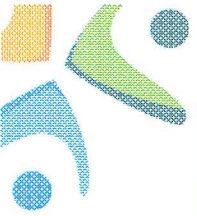


-  A3 – Rural – Small Holdings
-  C6 – Village Commercial
-  R1 – Estate Lot Residential
-  A1 – Agricultural

-  R1H – Estate Lot Residential – Sub-Zone

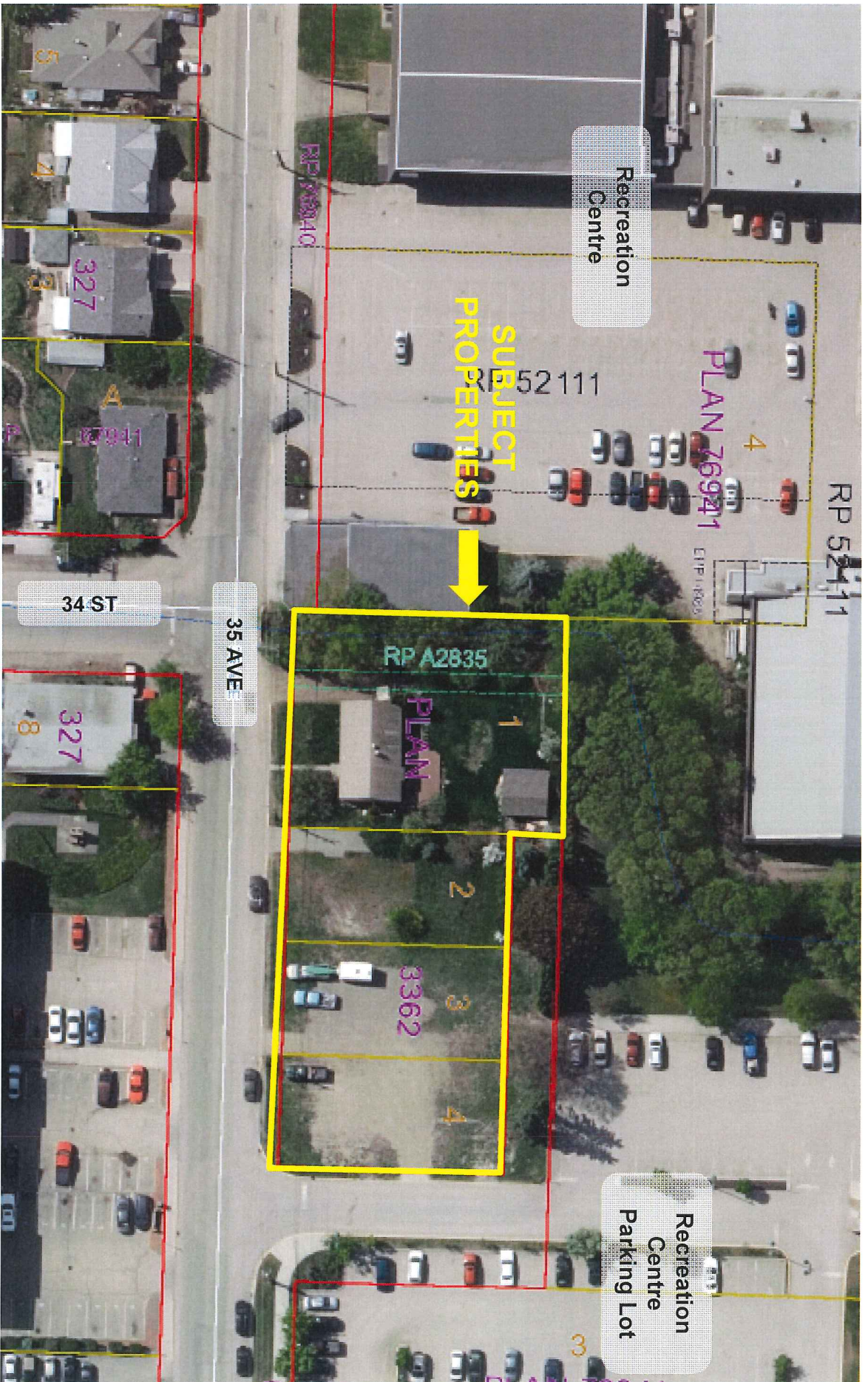
Zoning Designation





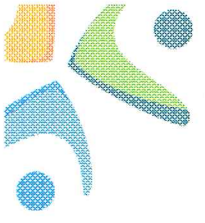
RECREATION CENTRE
(35TH AVENUE)

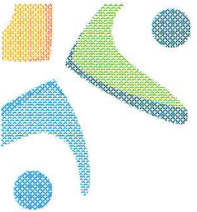
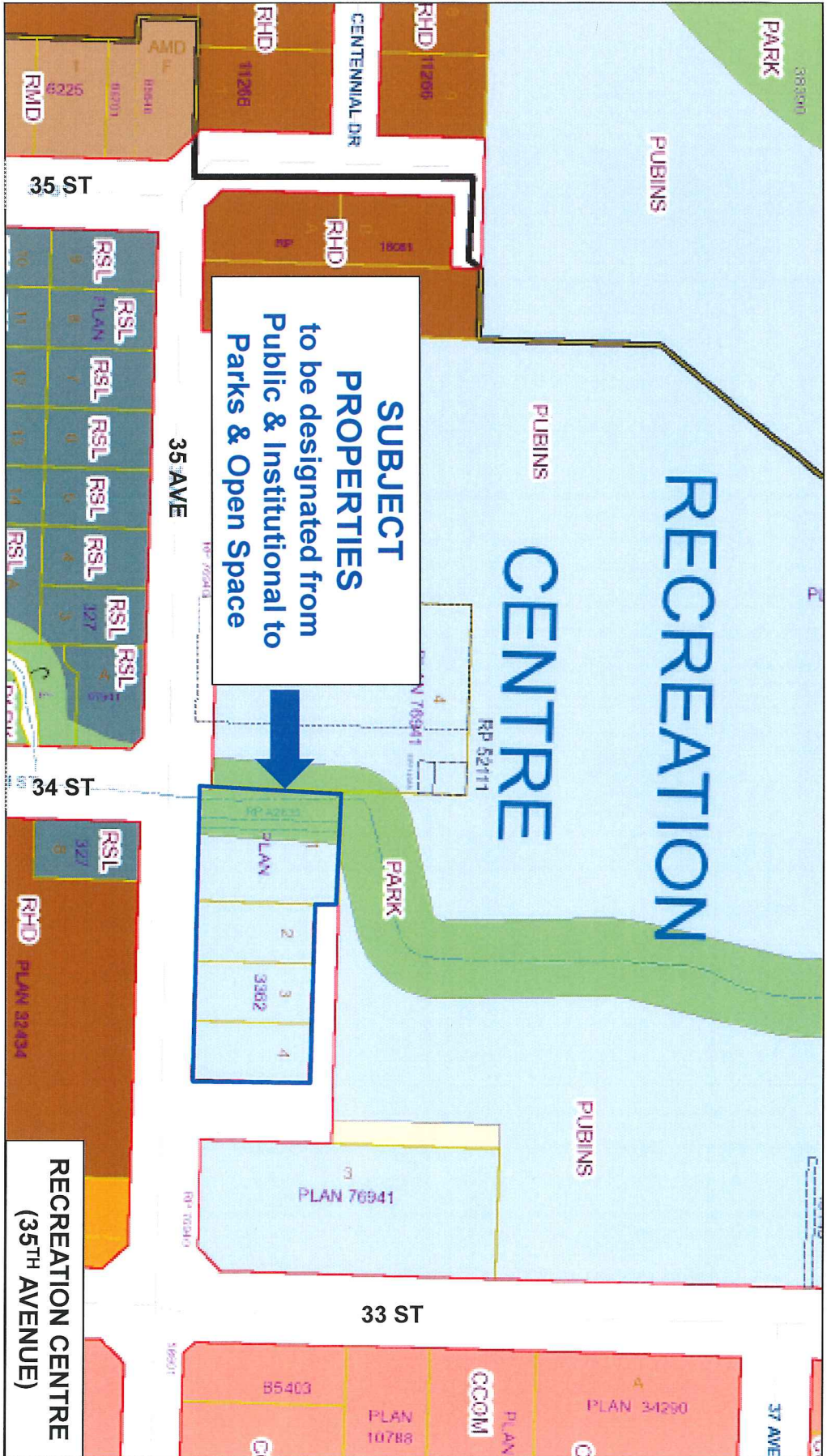
Location Map



RECREATION CENTRE
(35TH AVENUE)

Location Map - Aerial





- RHD – Residential High Density
- PUBINS – Public & Institutional
- PARK – Parks & Open Space
- RSL – Residential – Small Lot

- CCOM – Community Commercial

OCP Designation


THE CORPORATION OF THE CITY OF VERNON

 3400 – 30th Street, Vernon, B.C. V1T 5E6

Telephone: (250) 545-1361 Fax: (250) 545-4048

website: www.vernon.ca

Corporate Policy

Section:	Planning and Building Services	
Sub-Section:		
Title:	OCP Amendment Applications	

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVAL:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by: <i>"WAYNE LIPPERT"</i>	Amendment Approved by: <i>"Wayne Lippert"</i>	<ul style="list-style-type: none"> • Exceptions to Annual Review added
Mayor Date: February 9, 2009	Mayor Date: September 12, 2011	

POLICY

In order to ensure that the intent of the Official Community Plan (OCP) 2008 is not eroded, and to enhance public awareness of proposed changes to the OCP, OCP amendment applications will be reviewed on an annual basis, with the exception of amendments that result in significant public amenities and community benefit. All OCP amendment applications will be reviewed subject to the criteria identified below.

DEFINITIONS

PROCEDURES

1. Pursuant to Section 895(2)(a) of the *Local Government Act*, a local government must consider every application for an amendment to an OCP. Further, pursuant to Section 895(1) of the *Local Government Act*, the *City's Development Application Procedure Bylaw Number 4103, 1995*, specifies the process for applications for OCP amendments. Council may, upon receipt of the required report specified in Section 6A of that bylaw, proceed with an amendment bylaw or reject the application.
2. Applications for OCP amendments will be processed annually. All complete applications received on or before March 01 will be considered during that calendar year.
3. The report to Council on the amendment application will assess whether that application is contrary to any of the Guiding Principles of the OCP 2008, as follows:
 - Protect and preserve green spaces and sensitive areas
 - Ensure housing meets the needs of the whole community
 - Create a culture of sustainability
 - Protect agricultural land
 - Create strong, compact and complete neighbourhoods
 - Provide alternative transportation
 - Revitalize the Downtown
 - Ensure development pays for itself
 - Create a youth friendly city

Applications which are contrary to the Guiding Principles will receive a negative recommendation by staff.

4. A public open house will be hosted by the City of Vernon, in addition to the legislated official Public Hearing process, to provide community residents with an additional opportunity to consider the amendment applications.
5. The following OCP amendments will be considered at any time during the year, as approved by Council:

- a) Neighbourhood Plan reviews;
- b) Minor amendments in adopted neighbourhood plan areas that do not result in a change to Land Use Designations except where the Parks and Open Space Designation is being created or reallocated;
- c) Amendments resulting in significant public amenities and community benefit.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 23, 2018
REPORT DATE: June 21, 2018
FILE: DVP00415

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 9361 EASTSIDE ROAD

PURPOSE:

To review the development variance permit application for 9361 Eastside Road to vary sections of Zoning Bylaw #5000 in order to construct a three storey single detached house on a lot with slopes in excess of 30%.

RECOMMENDATION:

THAT Council support Development Variance Permit Application #DVP00415 to vary the following sections of Zoning Bylaw #5000 in order to construct a single detached house on Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road):

- a) to vary Section 4.16.1. to allow the construction of a building, structure or swimming pool on slopes of 30% or greater;
- b) to vary Section 9.7.6. to increase the maximum height from the lesser of 2.5 storeys or 10.0 m, to 3.0 storeys or 21.5 m; and
- c) to vary Section 9.7.6. to increase the maximum height of any vertical wall element facing a front, flanking or rear yard from the lesser of 6.5 m or 2.5 storeys, above which the building must be set back at least 1.2 m, to 3.0 storeys or 21.5 m.

AND FURTHER, that Council support of DVP00415 is subject to the following:

- a) That the site and elevation plans, intended to illustrate the general form, character and massing of the proposed residence, and noted as Attachments 1 and 2 in the report titled "Development Variance Permit Application for 9361 Eastside Road" and dated June 18, 2018 by the Manager, Current Planning be attached to and form part of DVP00415 as Schedule 'A'.

AND FURTHER, that Council considers the design of the proposed single detached house to be sensitive to the hillside nature of the subject property being Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road), and to meet the requirements of Section 219 Covenant CA5697707;

AND FURTHER, that the conditions of DVP00297, approved by Council at its Regular Meeting of June 23, 2014, which allowed for the subdivision of the parent Parcel A (DD226047F) of the fractional South West ¼ of the Northeast ¼ Sec 10, Twp 13, ODYD (SUB00581) into three lots, be reaffirmed by Council.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit Application #DVP00415 to vary the following sections of Zoning Bylaw #5000 in order to construct a single detached house on Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road):

- a) to vary Section 4.16.1. to allow the construction of a building, structure or swimming pool on slopes of 30% or greater;
- b) to vary Section 9.7.6. to increase the maximum height from the lesser of 2.5 storeys or 10.0 m, to 3.0 storeys or 21.5 m; and
- c) to vary Section 9.7.6. to increase the maximum height of any vertical wall element facing a front, flanking or rear yard from the lesser of 6.5 m or 2.5 storeys above which the building must be set back at least 1.2 m, to 3.0 storeys or 21.5 m.

AND FURTHER, that Council support of DVP00415 is subject to the following:

- a) That the site and elevation plans, intended to illustrate the general form, character and massing of the proposed residence, and noted as Attachments 1 and 2 in the report titled "Development Variance Permit Application for 9361 Eastside Road" and dated June 18, 2018 by the Manager, Current Planning be attached to and form part of DVP00415 as Schedule 'A'; and
- b) *any conditions that may be cited by Council.*

AND FURTHER, that Council considers the design of the proposed single detached house to be sensitive to the hillside nature of the subject property being Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road), and to meet the requirements of Section 219 Covenant CA5697707;

AND FURTHER, that the conditions of DVP00297, approved by Council at its Regular Meeting of June 23, 2014, which allowed for the subdivision of the parent Parcel A (DD226047F) of the fractional South West ¼ of the Northeast ¼ Sec 10, Twp 13, ODYD (SUB00581) into three lots, be reaffirmed by Council.

Note: This alternative supports the development permit application subject to the conditions recommended by Administration, as well as additional conditions as cited by Council.

2. THAT Council not support Development Variance Permit Application #DVP00415 to vary the following sections of Zoning Bylaw #5000 in order to construct a single detached house on Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road):
- a) to vary Section 4.16.1. to allow the construction of a building, structure or swimming pool on slopes of 30% or greater;
 - b) to vary Section 9.7.6. to increase the maximum height from the lesser of 2.5 storeys or 10.0 m, to 3.0 storeys or 21.5 m; and
 - c) to vary Section 9.7.6. to increase the maximum height of any vertical wall element facing a front, flanking or rear yard from the lesser of 6.5 m or 2.5 storeys above which the building must be set back at least 1.2 m, to 3.0 storeys or 21.5 m.

Note: This alternative does not support the requested variances and therefore the single detached residence could not be constructed as proposed. This alternative does not reference Council's resolution regarding DVP000297, as that resolution was duly adopted and action has been taken.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 26, 2018 the Advisory Planning Committee passed the following resolution:

B. Rationale:

1. The subject property is located at 9361 Eastside Road, as shown on Figures 1 and 2. The property is 1,158.5 m² in size, and is situated on the shores of Okanagan Lake. The lot slopes downward from the road towards Okanagan Lake, and the overall slope of the property is in excess of 30% with some small bedrock outcrops. The property is well treed, containing Douglas Fir, Ponderosa Pine and a native vegetation understory.
2. The subject application proposes to vary the following sections of Zoning Bylaw #5000 in order to construct a single detached house on three levels:
 - a) To allow for construction on slopes in excess of 30% (Section 4.16.1);
 - b) To vary the maximum height of a residential structure; and
 - c) To allow for the height of the vertical wall element facing the rear yard (Okanagan Lake) to extend higher than 2.5 storeys or 6.5 metres without stepping back at least 1.2 m (Section 9.7.6). (Note that the rear elevation of the proposed residence is 21.5 m measured from grade at that location.)
3. This lot was created in December 2016, when the original parent parcel was subdivided into three lots. In order to allow the subdivision, a Development Variance Permit application (DVP00297) was submitted to vary the hillside regulations contained in Section 4.16.2. of Zoning Bylaw #5000. Council considered DVP00297 at its meeting of June 23, 2014 and passed the following resolution:

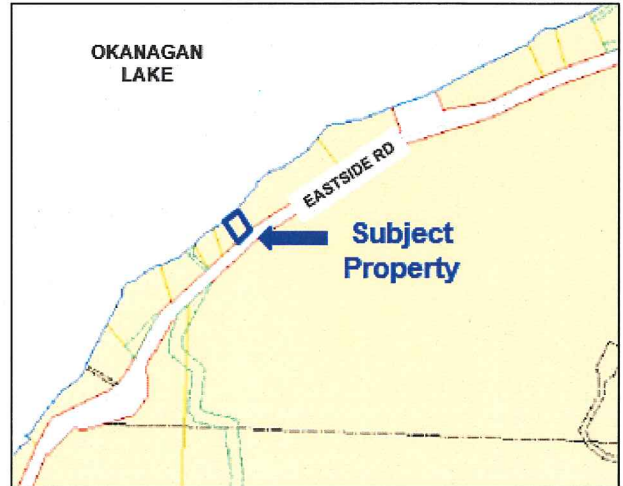


Figure 1 – Property Location Map



Figure 2 – Aerial View of Property

THAT Council support the development variance permit application submitted by Jason Shortt on behalf of 0887624 BC Ltd. for Parcel A (DD226047F) of the Fractional South West ¼ of the North East ¼, Sec 10, Tp 13, ODYD (9373 Eastside Road) to vary Section 4.16.2 Hillside Development Areas in Zoning Bylaw #5000 to enable a 4 lot subdivision to be approved where each lot has less than 100m² of contiguous buildable area on lands with slopes under 30%, subject to the following conditions:

- a) *That the site plan, as shown on Attachment 3 in the report dated June 12, 2014 by the Planning Assistant and titled Jason Shortt – Development Variance Permit Application for Parcel A (DD226047F) of the Fractional South West ¼ of the North East ¼ Sec10, Tp 13, ODYD (9373 Eastside Road), be attached to and form part of Development Variance Permit #DVP00297 as Schedule 'A'; and*

- b) *That prior to the issuance of DVP00297, a Land Title Act Section 219 Restrictive Covenant be registered on the Fractional South West ¼ of the North East ¼, Sec 10, Tp 13, ODYD to prevent land disturbance and / or building on the lands until such time that lakeshore access, road access, and building designs sensitive towards hillside conditions have been addressed to the satisfaction of the City of Vernon and that such design plan review and approval shall consist of a public input component; and*
 - c) *That prior to issuance of DVP00297, the City of Vernon is to receive notification from the Province confirming that the Riparian Areas Regulation assessment for the subject property has been submitted to the provincial database.*
4. A Riparian Area Report (RAR) was submitted as part of the subdivision process. The RAR designated a Stream Protection and Enhancement Area, and both reports documented appropriate building sites and outlined best construction practices for this unique site.
5. At the time of subdivision, the appropriate Section 219 Covenants were registered on the subject property specifying that:
- a) No construction or land disturbance would occur until a design, sensitive to the unique environmental and topographic conditions, had been approved by the City of Vernon (CA5697708);
 - b) The subject property is responsible for constructing and maintaining a turnaround for access onto Eastside Road such that vehicles will not back onto Eastside Road (CA5697712); and that
 - c) The property owner will construct and maintain the buildings and vegetation on the subject property in such a manner that will reduce the risk of wildfire (CA5697714).
6. Covenant CA5697708 is specific about City approval of a building design that is “sensitive to the hillside nature of the Lands”. The actual wording of the Covenant is as follows:
- 1. *From and after the date of this Agreement, the Transferor (property owner) will not:*
 - a) *Construct, place, erect, or locate a foundation, structure, chattel or other improvement on any portion of the Lands until such time as lakeshore access, road access and building design sensitive to the hillside nature of the Lands have been addressed to the satisfaction of, and approved in writing by, the Transferee (City of Vernon); or*
 - b) *Construct, place, erect or locate a foundation, structure, chattel or other improvement on any portion of the Lands except in accordance with the plans and designs approved in accordance with section 1 (a) of this Agreement.*
7. The site plan and building elevations attached to this report (Attachments 1 and 2) illustrate the location, form and character of the proposed single detached residence, and form part of Development Permit application DP000732, being considered concurrently with DVP00415.
8. As described by the applicant:
- “The proposed residence is situated on a steep and relatively isolated site that slopes down from Eastside Road to Okanagan Lake. The steep fall of land from the road edge towards the lake provides a unique architectural opportunity to create a dramatic dialogue between the rugged environment and the built form...”*

The entrance, foyer, garage and guest bedroom are located on the top level, which is at the elevation of Eastside Road....The mid-level is below the main level and contains kitchen, great room, master bedroom and a large sundeck. The lowest level of the design contains two bedrooms, family room, media room and a large sundeck....

To address this sloped condition, this unique design challenges the definitions of height and grade described within the City of Vernon zoning bylaws and hillside guidelines. Working within this heavily constrained site defined by the road, lake and steep grade, we are left with an extremely limited buildable area within the site. To construct a building, provide vehicular access and afford an on-site turnaround movement, this project is seeking variances to the R6 Lakeshore Residential Zone....

On the lower side, the actual building height is 3 storeys, 14.6 m but is located 6.9 m above the natural grade resulting in the total height 21.5 m requested in the variance....(In addition) the vehicular access requirements pushed the building location towards the lake, further out above the slope. Instead of entering the home on the middle floor, (the) main entry has been moved up to the upper most level resulting in a single storey fronting the street. At the pedestrian level the single story frontage presents a less massive façade and neighbouring lake views are less disturbed."

Note also that the vehicular access from Eastside Road is designed to be by way of a bridge structure. This is intended to be less disruptive to the natural environment and avoid or reduce the need for excessive retaining walls in order to create the required vehicle turnaround on the property.

9. Pursuant to the City of Vernon Officers and Delegation of Authority Bylaw #5229, the Approving Officer has been delegated the responsibility of issuing, amending and cancelling development permits. The site plan and elevations attached to this report are for the information of Council in its consideration of DVP00415. Should DVP00415 receive Council's favourable consideration, the Approving Officer will be considering Development Permit DP000732 in the context of all relevant guidelines in the Official Community Plan and pertinent legislation, including but not limited to Riparian Area Regulations, BC Building Code and best engineering practices. Approval of DP00732 may include conditions such as the inclusion of:
 - a) Landscaping and grading plans showing any mitigative plantings recommended, proposed grading and construction of lake access, and the restoration of disturbed land adjacent to construction areas;
 - b) Security in the amount of 125% to guarantee the installation of any landscaping or other mitigative or restorative measures recommended by the Riparian Area Report; and
 - c) Any other conditions as necessary to address technical issues or satisfy legislative requirements.
10. Administration supports the requested variances for the following reasons:
 - a) The development as proposed minimizes the alteration of the site and resulting impacts on the natural vegetation and Riparian Area.
 - b) The most visible part of the residence is the single storey facing Eastside Road, and the remainder of the structure is below the level of the road, thereby minimizing the impact on adjacent residences.
 - c) The tallest part of the residence would face Okanagan Lake, however this is a more distant view and would be screened by the mature trees and vegetation present on the lower portion of the property.

- d) The design of the residence and vehicle access minimizes the number and size of retaining walls.
- e) The applicant has retained a team of design professionals to create a specific design that is customized for the unique site characteristics.

C. Attachments

Attachment 1 – Site Plan

Attachment 2 – Building Elevations

Attachment 3 – Photographs (excerpted from the Riparian Area Report dated October 8, 2015 prepared by Valhalla Environmental Consulting Inc.

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing the OCP.

E. Relevant Policy/Bylaws/Resolutions:

1. Section 13 Environment

- 13.1 Maintain a clear and consistent approach to environmental management and ecosystem protection throughout the City in accordance with the Environmental Management Areas Strategy.
- 13.3 Protect and conserve sensitive ecosystems throughout the City.
- 13.2 Protect and conserve essential habitats for all species in DPA 3, and for protected and endangered species in DPA's 1 and 2.
- 13.3 Collaborate with senior government ...to balance the interests of lakeshore, creekside and wetland habitat protection with development and recreation activities.
- 13.4 Ensure ecosystem conservation, enhancement, mitigation and restoration are undertaken as opportunities arise or as required as part of the development process.

2. Section 22 Fire Interface

- 22.2 On all lands shaded on Map 13, the City shall require as a condition of building permit approval that the building comply with Fire Smart practices.

3. Section 26 Development Permit Areas

The property is subject to Development Permit approval and must comply with the *City of Vernon Hillside Guidelines*, the *Environmental Management Areas Strategy*, and guidelines contained in Section 26 of the Official Community Plan.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

Right-click to sign
with **DocuSign**

Craig Broderick
Manager, Current Planning

Will Pearce, CAO

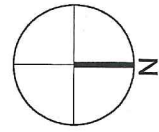
Date: _____

Right-click to sign
with **DocuSign**

Kim Flick
Director, Community Infrastructure and Development

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 checked="" 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 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.26/18) | | |
| <input type="checkbox"/> OTHER: | | |



MQN
ARCHITECTS
 Suite 100 - 3313 32nd Avenue
 Vernon, British Columbia V1T 2M7
 T: 250-542-1199 E: info@mqn.ca

PROJECT TITLE: 9361 EASTSIDE ROAD
 VERNON, BC

DRAWING TITLE: SITE PLAN
 (DEVELOPMENT VARIANCE APPLICATION)

PROJECT NO.: 0887624 BC LTD.

DP 732
 DVP 415

NO.	REV.	ISSUED FOR	DATE

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 2017-08-29



sheet 4

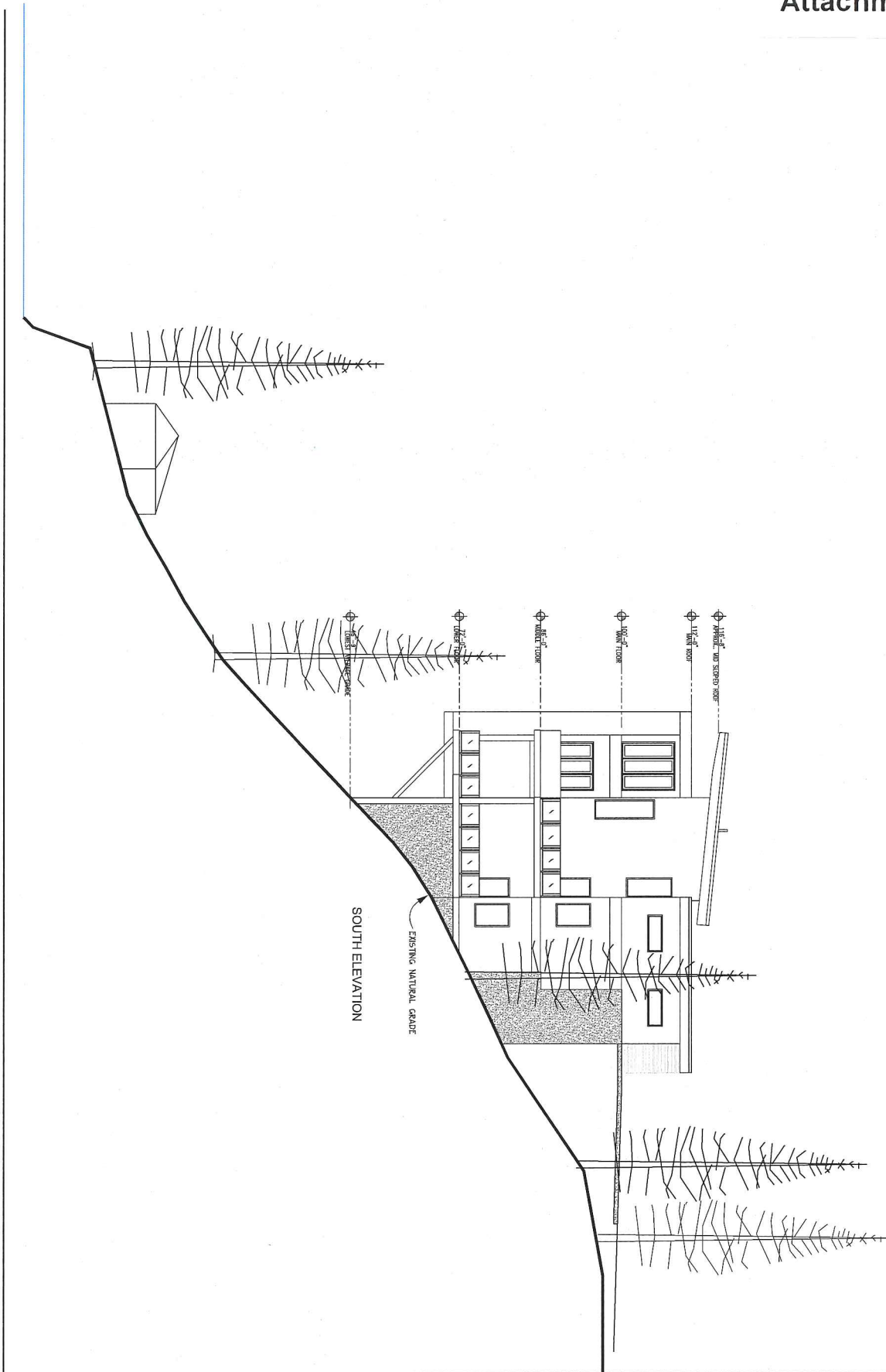


ARCHITECTS

2017 01 27

9361 Eastside Road

Vernon BC



MQN
ARCHITECTS

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T: 250-542-1199 E: info@mqn.ca

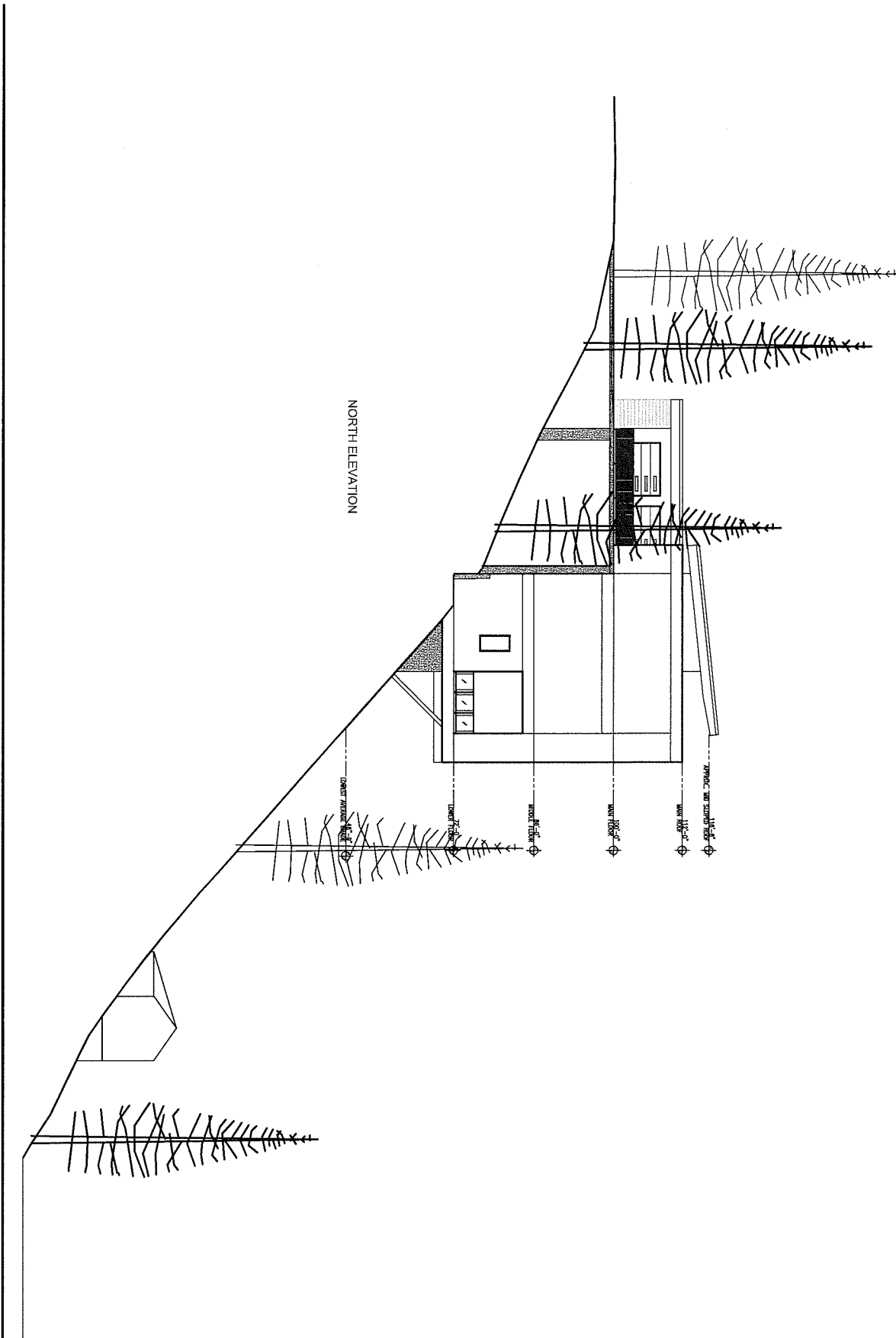
PROJECT TITLE: 9361 EASTSIDE ROAD
VERNON, BC

DRAWING TITLE: ELEVATION - SOUTH
(DEVELOPMENT VARIANCE APPLICATION)

PROJECT NO.: 0887624 BC LTD.

NO.	REV.	ISSUED FOR	DATE
1		RE-ISSUED FOR DP	2018-03-09

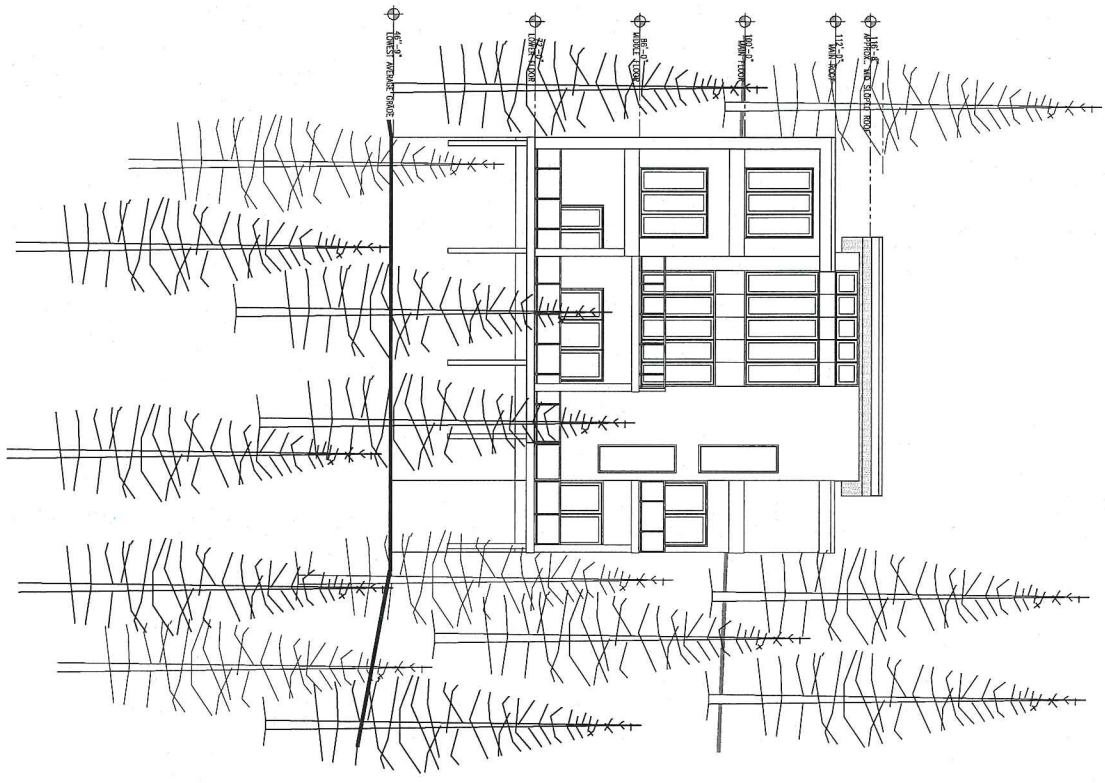
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2017-12-20



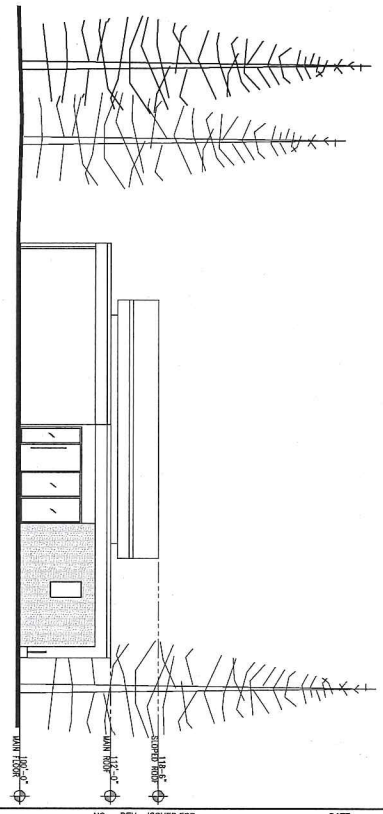
NORTH ELEVATION

NO.	REV.	ISSUED FOR	DATE
1		RE-ISSUED FOR DP	2018-03-09

OKANAGAN LAKE
WEST ELEVATION



EAST ELEVATION (EASTSIDE ROAD)



MQN
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PROJECT TITLE: 9361 EASTSIDE ROAD
VERNON, BC
DRAWING TITLE: ELEVATIONS - WEST & EAST
(DEVELOPMENT VARIANCE APPLICATION)
PROJECT NO.: 0887624 BC LTD.

NO.	REV.	ISSUED FOR	DATE
1		ISSUED FOR OP	2018-03-09

A401 1/16"=1'-0"
2017-12-20

Section 6. Photos

Photo 1. Foreshore substrate and spawning the activity (looking NW) – Oct 30, 2013

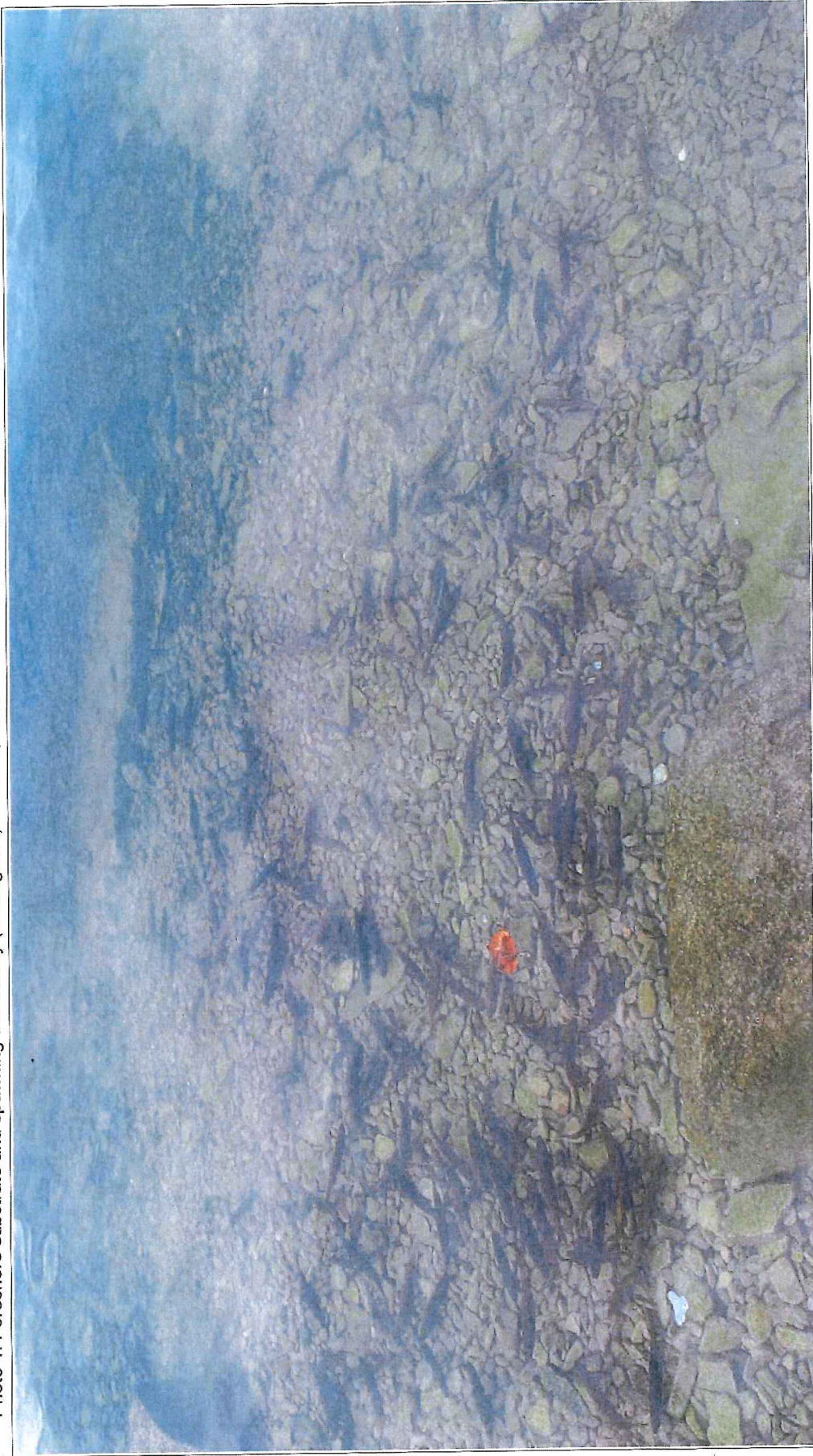


Photo 2. Existing disturbances within the SPEA (looking SE) – Oct 30, 2013



Photo 3. Another view of existing disturbances within the SPEA (looking SW) – Dec 15, 2015



Photo 4. Different view of existing disturbances within the SPEA (looking NE) – Dec 15, 2015



Photo 5. View of native vegetation and steep slopes within the SPEA (looking NW) – Dec 15, 2015



Photo 6. Alternate view of natural foreshore (looking SW) – Jan 26, 2016

