



## **CORPORATION OF THE CITY OF VERNON**

### **ADVISORY PLANNING COMMITTEE**

**TUESDAY, JULY 21, 2020 @ 4 P.M.**

**OKANAGAN LAKE ROOM**

## **A G E N D A**

**1) ADOPTION OF AGENDA**

**2) ADOPTION OF MINUTES**

July 7, 2020 (attached)

**3) NEW BUSINESS:**

a) **DVP00488** – Development Variance Permit for 7210 Tronson Road

b) **ZON00352** – Rezoning application for 3405 27<sup>th</sup> Street

c) **6450** – Zoning Bylaw Text Amendment for I1: Light Industrial Zone

d) **ZON00347/LUC00016** – Rezoning and Land Use Contract Discharge for 2724 Howser Place

**4) INFORMATION ITEMS:**

a) The Staff Liaison reviewed APC related items discussed at the July 20, 2020 Council meeting.

**5) DATE OF NEXT MEETING:**

The next meeting is tentatively scheduled for Tuesday, August 18, 2020.

**6) ADJOURNMENT**



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

TUESDAY, JULY 7, 2020

**PRESENT:** VOTING  
Doug Neden  
Phyllis Kereliuk  
Mark Longworth  
Bill Tarr  
Jamie Paterson  
Lisa Briggs  
Harpreet Nahal  
Don Schuster

NON-VOTING  
Mayor Cumming (Alternate Member)

**ABSENT:** Councillor Mund (Appointed Member)  
Larry Lundgren  
Monique Hubbs-Michiel  
Joshua Lunn

**STAFF:** Craig Broderick, Manager, Current Planning/Staff Liaison  
Keltie Chamberlain, Planning Assistant  
Ed Stranks, Manager, Engineering Development  
Janice Nicol, Legislative Committee Clerk

**ORDER** The Chair called the meeting to order at 4:03 p.m.

**ADOPTION OF AGENDA** Moved by Don Schuster, seconded by Phyllis Kereliuk;  
THAT the Advisory Planning Committee agenda for July 7, 2020 be adopted.

**CARRIED.**

**ADOPTION OF MINUTES** Moved by Jamie Paterson, seconded by Harpreet Nahal;  
THAT the minutes for the Advisory Planning Committee meeting of June 23, 2020 be adopted.

**CARRIED.**

**NEW BUSINESS:****DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION – 7449  
BROOKS LANE**

The Planning Assistant reviewed the development variance application (DVP00479) at 7449 Brooks Lane. The Committee noted the following:

- The applicant's rationale for the fencing due to safety concerns is unwarranted and offensive
- Suggestion that the City should explore options to get the continuation of the multi-use pathway
- The Committee noted that this is not the first time this applicant's agent has applied for a variance after construction has started
- Exception and offense is taken with the applicant's usage of words addressing safety concerns
- Crime statistics do not match the data for this area
- The concrete fence posts look out of place and are not consistent with the neighbourhood.

Moved by Doug Neden , seconded by Lisa Briggs;

THAT the Advisory Planning Committee recommends that Council NOT support Development Variance Permit Application #DVP00479 to vary Sections 6.5.1 and 6.5.7 of Zoning Bylaw #5000 to allow an over-height fence constructed over 1.2m in height in the front yard on Osoyoos Division Yale District Lease / Permit / Licence #347139, All That Unsurveyed Crown Foreshore Being Part of the Bed of Okanagan Lake and Fronting on LT 3, SEC 19 and 30, TP 9, PL 11990 Except Plan 16472 for Private Moorage Purposes (7449 Brooks Lane):

AND FURTHER, that the applicant be directed to work with staff to find an alternative solution.

**CARRIED, with Don Schuster and Jamie Paterson opposed.**

**INFORMATION ITEMS**

The Manager, Current Planning reviewed the following APC related applications discussed at the June 29<sup>th</sup>, 2020, Special Council meeting:

- **I4 Zoning Bylaw Text Amendment** – received 1<sup>st</sup> and 2<sup>nd</sup> readings, PH scheduled for July 20, 2020

- **HRA00006** – Heritage Revitalization Amendment Agreement for 2301 32<sup>nd</sup> Street – PH completed, received 3<sup>rd</sup> reading
- **ZON00348** – 2103 39<sup>th</sup> Street – PH completed, received 3<sup>rd</sup> reading.

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is to tentatively scheduled for Tuesday, July 21, 2020.

**ADJOURNMENT**

The meeting of the Advisory Planning Committee adjourned at: 4:40 p.m.

**CERTIFIED CORRECT:**

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Chair



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Jing Niu  
Environmental Planning Assistant

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 17, 2020 tbc  
**REPORT DATE:** July 15, 2020  
**FILE:** DVP00488

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7210 TRONSON ROAD**

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## PURPOSE:

To review the development variance permit application DVP00488 for 7210 Tronson Road to vary Zoning Bylaw #5000 in order to develop a pump station adjacent to Okanagan Lake for the Regional District of North Okanagan.

## RECOMMENDATION:

THAT Council support Development Variance Permit Application DVP00488 to vary Zoning Bylaw #5000 to permit the development of a pump station on Lot 6 – 9, BLOCK 7, District Lot 67, ODYD, Plan 2068 (7210 Tronson Road) as per the following:

- a) Section 4.13.2: Allow development within 15m of the High Water Mark of Okanagan Lake; and
- b) Section 12.1.5:
  - i. Reduce minimum front yard from 6.0m to 0m;
  - ii. Reduce minimum side yard from 3.0m to 0m; and
  - iii. Reduce minimum rear yard from 3.0m to 0m;

AND FURTHER, that Council's support of DVP00488 is subject to the following:

- a) That the site plan showing the proposed pump station and associated structures, attached to the reported titled "Development Variance Application for 7210 Tronson Road" dated July 15, 2020, by the Environmental Planning Assistant, be attached to and form part of DVP00488 as Schedule 'A'.

## ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application DVP00488 to vary Zoning Bylaw #5000 to permit the development of a pump station on Lot 6 – 9, BLOCK 7, District Lot 67, ODYD, Plan 2068 (7210 Tronson Road) as per the following:
  - a) Section 4.13.2: Allow development within 15m of the High Water Mark of Okanagan Lake; and
  - b) Section 12.1.5:
    - i. Reduce minimum front yard from 6.0m to 0m;
    - ii. Reduce minimum side yard from 3.0m to 0m; and
    - iii. Reduce minimum rear yard from 3.0m to 0m.

*Note: Denial of the variance application would not permit the construction of the pump station as proposed. This would likely require significant project redesign, resulting in delays and conflicts with provincial permitting requirements and may put at risk the Regional District of North Okanagan current opportunity to collaborate with development to supply water to neighbouring areas. This may significantly impact and delay the planning and construction of other upland developments, including those related to agricultural purposes, which are dependent on the proposed access to water supply.*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of July 21, 2020, the Advisory Planning Committee passed the following resolution:

*"To be cited by APC..."*

**B. Rationale:**

1. The subject property is 998.71m<sup>2</sup> in size and located at 7210 Tronson Road. The lot is between Tronson Road and Okanagan Lake, and is immediately west of a City of Vernon lake access road right-of-way, as shown on Figure 1, below. The lot is owned by the Regional District of North Okanagan (RDNO), and the City has been granted a Licence of Occupation for beach and ancillary purposes on the subject property.



**Figure 1 – Aerial Map, Location of Proposed Development**

2. The intent of the variance is to sanction the proposed siting of a pump station for irrigation water, as shown in Attachment 1, on the subject property and adjacent lake access road right-of-way for the Regional District of North Okanagan.
3. The subject variance application proposes to vary Zoning Bylaw #5000 to permit the development of a pump station as per the following:
  - a) Section 4.13.2: Allow development within 15m of the High Water Mark of Okanagan Lake; and
  - b) Section 12.1.5:
    - i. Reduce minimum front yard from 6.0m to 0m;
    - ii. Reduce minimum side yard from 3.0m to 0m; and
    - iii. Reduce minimum rear yard from 3.0m to 0m.
4. If Development Variance Permit application DVP00488 receives favourable consideration, then the proposed development may proceed, including adjacent parking, access and irrigation water mains to be installed. As per the City's plan to develop the lake access at this location.
5. The proposed project would be subject to environmental permitting, including provincial regulations, approvals, and permitting, as well as confirmation of foreshore tenure in favour of the City of Vernon.

6. Administration supports the requested variance for the following reasons:

- a) Due to topography and environmental considerations of the surrounding area, the proposed siting aims to minimize the overall impact of the development while meeting the City's requirements for access and use of the remainder of the property for beach and ancillary purposes.
- b) The proposed pump station is a part of a collaborative development between the RDNO, City of Vernon, and Frind Winery Ltd. to design and construct a new water intake, pump station, water distribution main, water reservoir, and related infrastructure to supply upland properties with a set agricultural allocation of non-potable water. The City and RDNO are both supportive of the project and support the project concept in principle to date.
- c) Construction of the pump station and its associated access would provide significant benefits to public access and development of the foreshore for public use.

7. In order to protect the public, Council members, and staff, the City has implemented strict physical distancing measures in all City facilities, which follow the guidelines and Orders of the Provincial Health Officer (PHO).

Until further notice, to support these measures, Council has directed Administration to receive public input for development variance permit applications in written form only, until physical distancing requirements have been lifted by the PHO.

Only those written submissions (or emails to [phearings@vernon.ca](mailto:phearings@vernon.ca)) received prior to the Public Input Session shall be distributed to Council.

As part of the notification process, *TBD* letters were sent to neighbouring residents, tenants and property owners. At the time of report writing, *TBD* written submissions had been received. As input is received, it is placed on the City of Vernon website (Development Variance– Public Input) as well as in a binder at the front counter of the Community Services Building. The input received has been provided in Attachment 2 for reference.

**C. Attachments:**

- Attachment 1 – Proposed Site Plan
- Attachment 2 – Public Input Compilation (*TBD*)

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject development involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Recreation, Parks & Open Space: Develop a minimum of one lake access site per year.

**E. Relevant Policy/Bylaws/Resolutions:**

1. Official Community Plan Bylaw #5740

Guiding Principles Supported:

- Foster prosperity for people, business and government
- Protect agricultural land
- Create a culture of sustainability

Supporting Policies:

- 10.5 Require development to design and construct all offsite infrastructure including roads, water, wastewater and storm systems with consideration for life cycle costs, sustainability and maintenance.
- 15.3 Recognize the importance of agriculture to the economy of the area and support industry practices as identified in the Farm Practices Protection (Right to Farm) Act.
- 15.5 Coordinate with the Regional District of North Okanagan to identify opportunities to support and strengthen agricultural economic opportunities in Vernon and throughout the region.
- 15.9 The City will continue to support the development of high quality agricultural infrastructure.
- 15.16 Support community access to food, with specific emphasis on local farm products and encourage increased capacity for local food production and marketing.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

Jing Niu  
Environmental Planning Assistant

**X**

\_\_\_\_\_  
Signer 2

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

- |   |   |  |
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| <input type="checkbox"/> Bylaw Compliance                       | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
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| <input checked="" type="checkbox"/> COMMITTEE: APC (July 21/20) |   |  |
| <input type="checkbox"/> OTHER:                                 |   |  |





# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Roy Nuriel,  
Economic Development Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 17, 2020  
**REPORT DATE:** July 13, 2020  
**FILE:** ZON00352

**SUBJECT:** REZONING APPLICATION FOR 3405 – 27TH STREET

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## **PURPOSE:**

To review the applications to rezone the subject property from R1 – Estate Lot Residential to C4 – Street Oriented Commercial in order to change the use of the existing property at 3405 – 27<sup>th</sup> Street from residential to commercial.

## **RECOMMENDATION:**

THAT Council support the application to rezone Lot 1, Plan KAP90999, Sec 34, Twp 9, ODYD (3405 – 27<sup>th</sup> Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, as outlined in the report titled “Rezoning Application for 3405 – 27<sup>th</sup> Street” dated July 13, 2020, by the Economic Development Planner, subject to the following conditions:

- a) That the owner registers a Section 219 Restrictive Covenant on title of 3405 – 27<sup>th</sup> Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;
- b) That the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27<sup>th</sup> Street on Lot 1, Plan KAP90999, Sec 34, Twp 9, ODYD (3405 – 27<sup>th</sup> Street); and
- c) That the owner is to enter into a Works Contribution Agreement for off-site works along 27<sup>th</sup> Street adjacent to the subject property.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support the application to rezone Lot 1, Plan KAP90999, Sec 34, Twp 9, ODYD (3405 – 27<sup>th</sup> Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, as outlined in the report titled “Rezoning Application for 3405 – 27<sup>th</sup> Street” dated July 13, 2020, by the Economic Development Planner.

*Note: This alternative does not support the rezoning application. The current R1 zoning of the subject property would stay in place.*

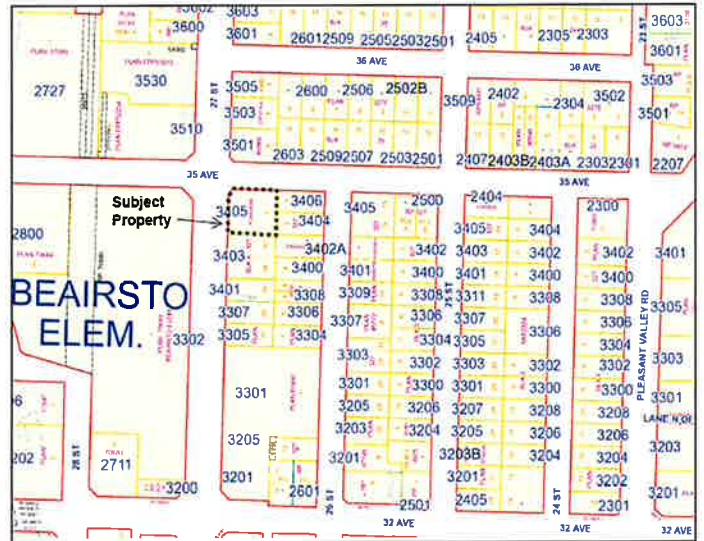
## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of July 21, 2020, the Advisory Planning Committee adopted the following resolution:

**B. Rationale:**

1. The subject property at 3405 – 27<sup>th</sup> Street, as shown on Figures 1 and 2, is located in the East Hill neighbourhood, at the southeast corner of 27<sup>th</sup> Street and 35<sup>th</sup> Avenue and is 0.099 hectare (0.25 ac) in area. Currently, there is an existing single family house on the property (Figure 3). The house was on the City’s Heritage Register, however, on March 23, 2009 Council removed the house from the Register following a request by the owner.
2. The applicant has submitted a rezoning application to change the use of the existing house into a real estate office. As shown in Attachment 1, the alteration of the building would include minor changes in order to meet the BC Building Code, as well as a new parking space in the rear. The façade of the building would remain as is (Figure 3).
3. The property is designated “Mixed Use – Medium Density Commercial and Residential” in the Official Community Plan (OCP) (Attachment 2). The City Centre Neighbourhood Plan designates the site as being within the 27<sup>th</sup> Street Corridor Character Area. The current zoning is R1 – Estate Lot Residential and reflects the historical residential uses along 27<sup>th</sup> Street (Attachments 3 and 4). The proposed amendment to rezone to C4 – Street Oriented Commercial (Attachment 5) complies with the land use direction set out in the OCP and the City Centre Neighbourhood Plan.



**Figure 1: Property Location Map**



**Figure 2: Aerial Photo of Property**

Other properties along 27<sup>th</sup> Street, south of 43<sup>rd</sup> Avenue, have been rezoned over time from residential zones to commercial zones (i.e. C2, C4 and C6), consistent with the policy direction in the OCP and the City Centre Neighbourhood Plan. The planning vision for the 27<sup>th</sup> Street Corridor, as set out in the City Centre Neighbourhood Plan, is that:

*“Commercial development will include a mixture of professional offices, retail and commercial establishments, but will be compatible with adjacent residential areas and improve the relationship between vehicles and pedestrians. Streetscape enhancements will occur as buildings will be closer to the street and surface parking is located behind buildings.”*

As such, the proposed rezoning and building alteration is in keeping with the OCP and the City Centre Neighbourhood Plan.

4. The subject property is located along the east side of 27<sup>th</sup> Street and is adjacent to the lower East Hill residential area. In the past, as a condition of approval to rezone a property along the east side of 27<sup>th</sup>

Street, between 28<sup>th</sup> Avenue and 42<sup>nd</sup> Avenue, a covenant has been required to be registered on the property title to prohibit uses that may conflict with the quality of life for the adjacent and nearby residences. It is recommended that as a condition of rezoning approval, a covenant be registered to prohibit development of food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands to be rezoned for commercial uses.

5. 27<sup>th</sup> Street adjacent to the property is fully built, however, Subdivision and Development Servicing Bylaw #3834 standards require a concrete curb and gutter and sidewalk widening from 1.5m to 2.0m. Administration recommends that as conditions of the rezoning, the owner is to dedicate approximately 0.31m for road right-of-way and enter into a Works Contribution Agreement for off-site works along 27<sup>th</sup> Street adjacent to the property.



**Figure 3: Photo of Property**

**C. Attachments:**

- Attachment 1 – Proposed alteration plans (site, floor and elevation plans)
- Attachment 2 – OCP map
- Attachment 3 – Zoning map
- Attachment 4 – R1: Estate Lot Residential zoning district
- Attachment 5 – C4: Street Oriented Commercial zoning district

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject rezoning involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Focus development in the City Centre, including mixed use and multi family
- Support economic development initiatives that attract skilled labour to the area

**E. Relevant Policy/Bylaws/Resolutions:**

1. The subject property is designated Mixed Use – Medium Density Commercial and Residential in the Official Community Plan and located within the 27<sup>th</sup> Street Corridor Character Area in the City Centre Neighbourhood Plan.
2. The property is zoned R1 – Estate Lot Residential as per Zoning Bylaw #5000.
3. At its Regular Meeting of March 23, 2009, Council adopted a resolution to remove the building at 3405 – 27<sup>th</sup> Street from the Vernon's Heritage Register.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

Roy Nuriel  
Economic Development Planner

**X**

\_\_\_\_\_  
Signer 2

Kim Flick  
Director, Community Infrastructure and Development

**REVIEWED WITH**

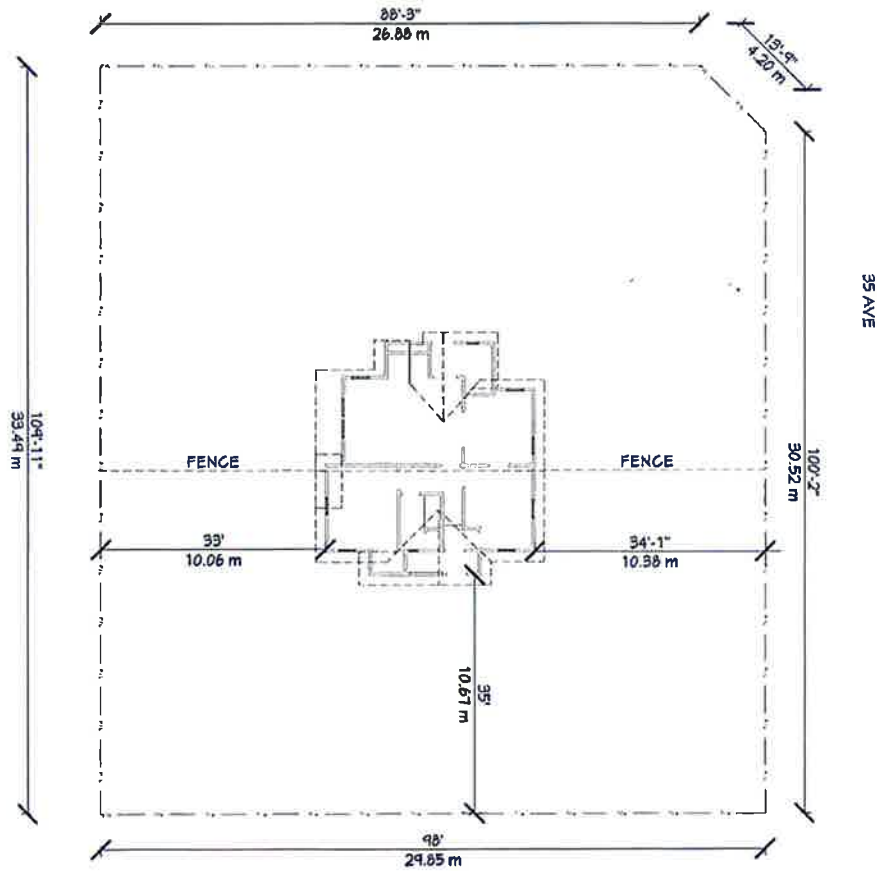
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| <input type="checkbox"/> OTHER:                                |   |  |

**AERIAL VIEW**  
No Scale



27 ST

**SITE PLAN AS-BUILT**  
Scale 1/4 in = 1ft



**Keith Construction**  
8205 Aberdeen Road  
Coldstream, B.C. V1B 2L9  
ph. 250-545-1300 fax. 250-545-1380  
[www.keithconstruction.ca](http://www.keithconstruction.ca)

DATE	APPROVED	DRAWN BY
REVISED	NOTED	SCALE
DATE	BY	DATE

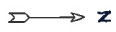
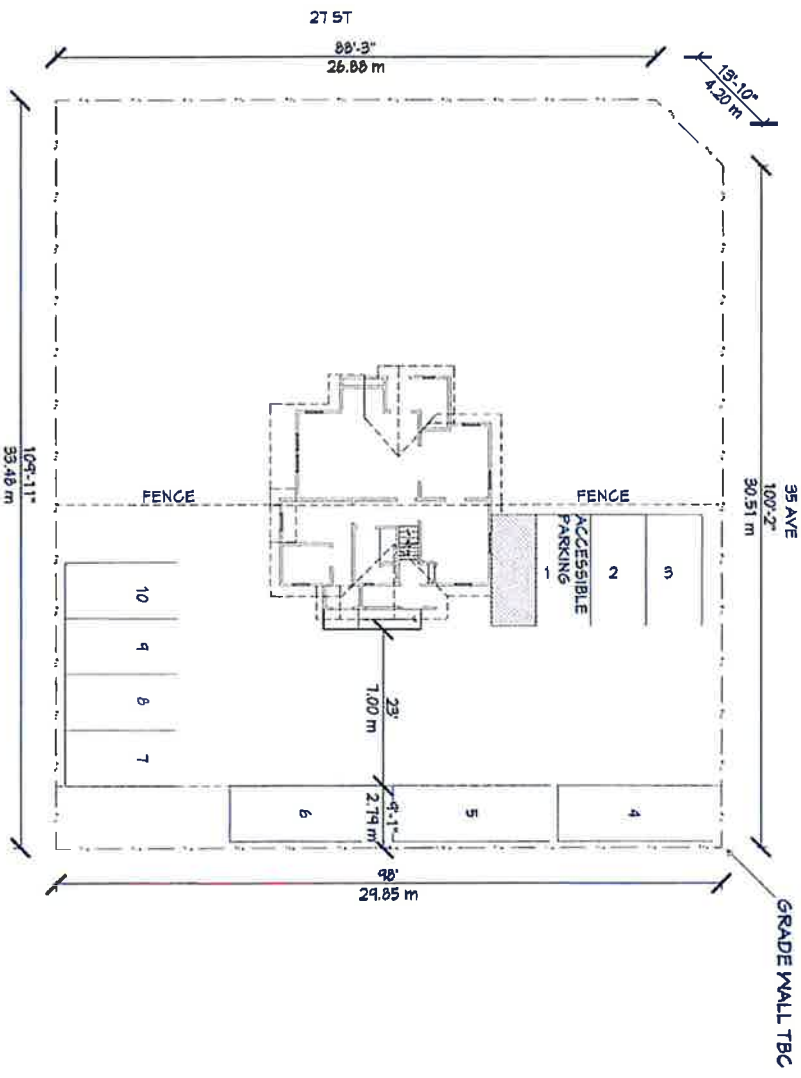
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PROJECT: 3465 27 Street  
Vernon, BC  
L1K 1, KAPADOKIA Section 34, OSD, R48 (400), PID 005-243-206

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SHEET  
**2**  
of 15

**SITE PLAN AS-BUILT**

**SITE PLAN RENOVATION PROPOSAL**  
Scale 1/8" = 1ft



**Keith Construction**  
8205 Aberdeen Road  
Coldstream, B.C. V1B 2L9  
ph. 250-545-1300 fax 250-545-1380  
[www.keithconstruction.ca](http://www.keithconstruction.ca)

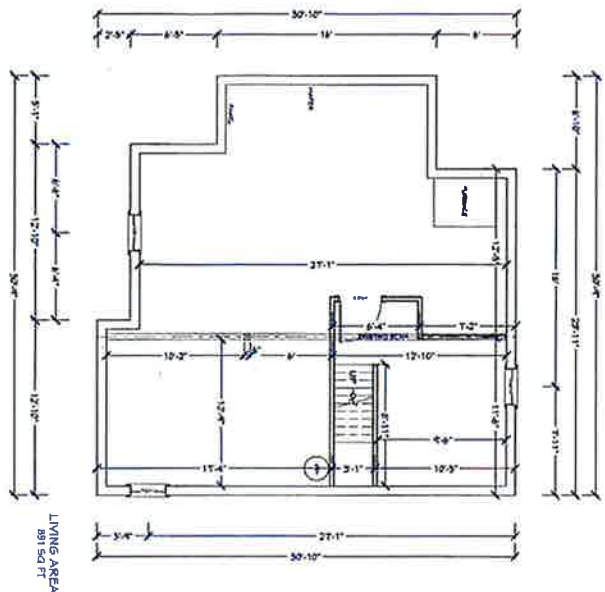
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DATE: 2012 APR 19 2012  
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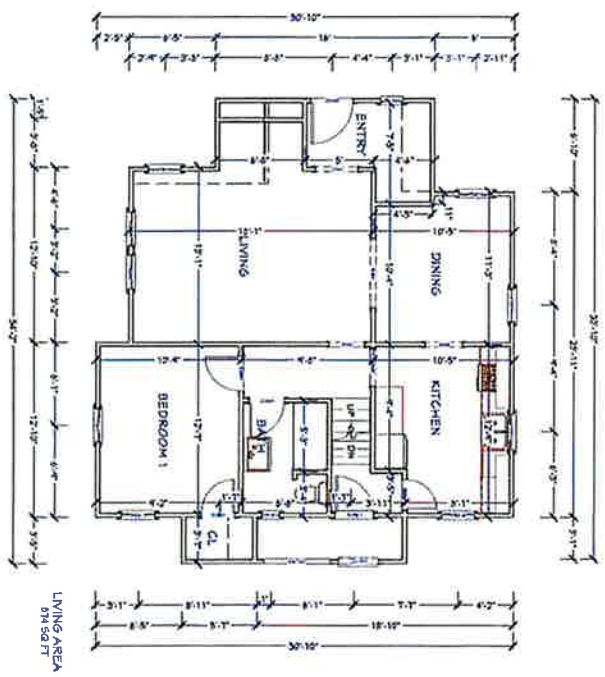
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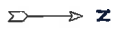
**PLOT PLAN RENOVATION PROPOSAL**



**LOWER FLOOR PLAN AS-BUILT**  
Scale 1/4 in = 1ft



**MAIN FLOOR PLAN AS-BUILT**  
Scale 1/4 in = 1ft



**Keith Construction**  
8206 Aberdeen Road  
Coldstream, B.C. V1B 2L9  
ph. 250-545-1300 fax. 250-545-1380  
[www.keithconstruction.ca](http://www.keithconstruction.ca)

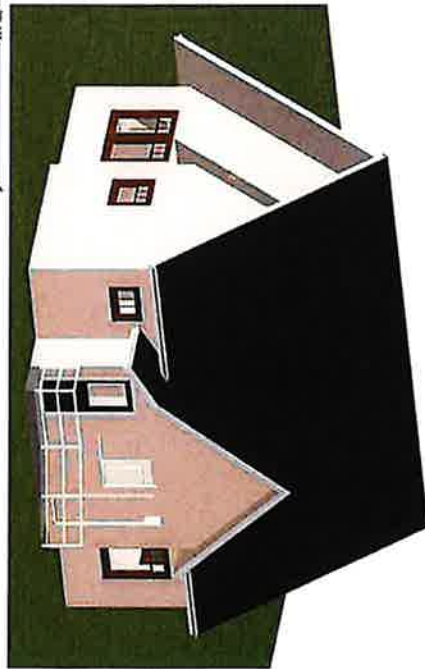
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REVISION	AS PER	DETAILS	3405 21 Street
DATE	05-20-11	DATE	Vernon, BC
DATE	07-25-11	DATE	

COLDWELL BANKERS, CARLA  
3405 21 Street  
Vernon, BC

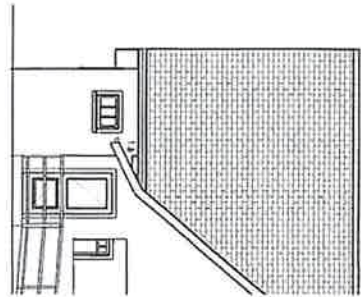
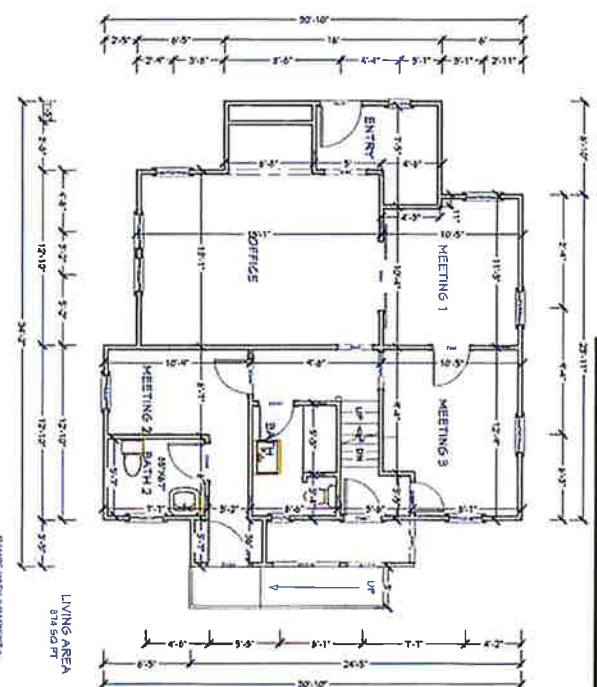
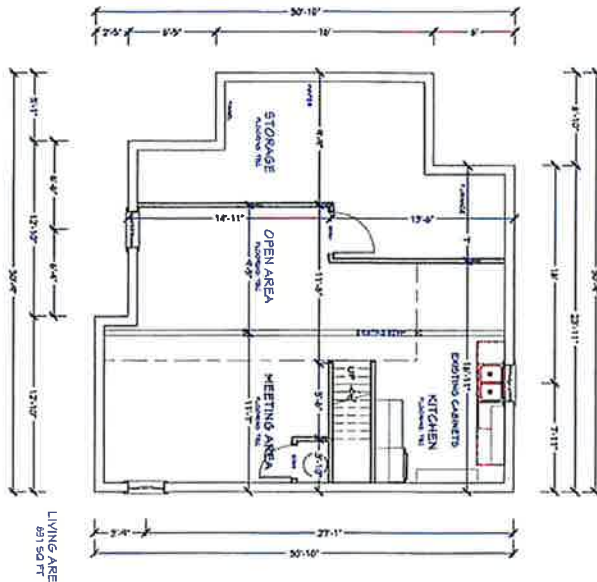
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of 15

**FLOOR PLANS AS-BUILT**



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**Keith Construction**  
 8205 Aberdeen Road  
 Coldstream, B.C. V1B 2L9  
 ph 250-545-1300 fax 250-545-1380  
[www.keithconstruction.ca](http://www.keithconstruction.ca)

DATE	APR 19 2021	DRAWN BY	GOLDWELL BANKERS, CARLA
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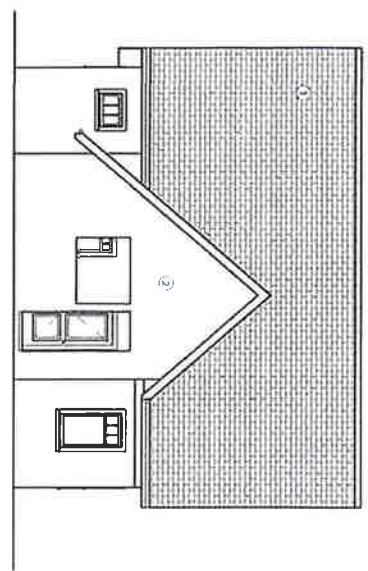
Lot 1, KAPOHNA, Section 54, QD/D, R21 84301, PID 026-245-028

**FLOOR PLANS RENO OPTION 1**

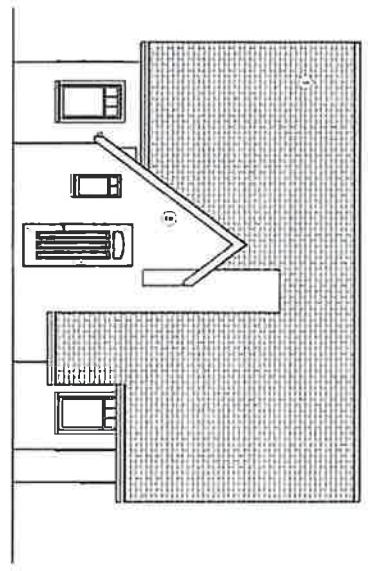
SHEET  
**7**  
 of 13

**MATERIAL SPECIFICATIONS**

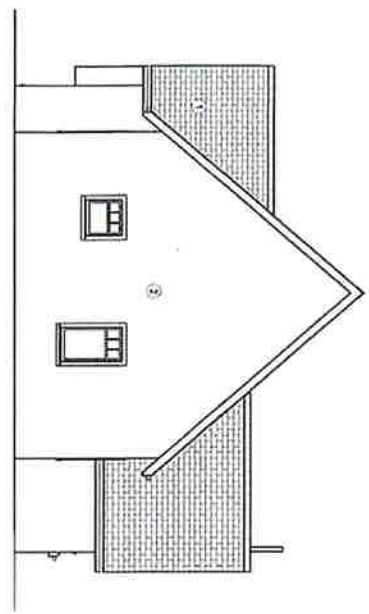
- ① ASPHALT SHINGLES - BROWN
- ② STUCCO - BROWN
- ③ BRICK - RED



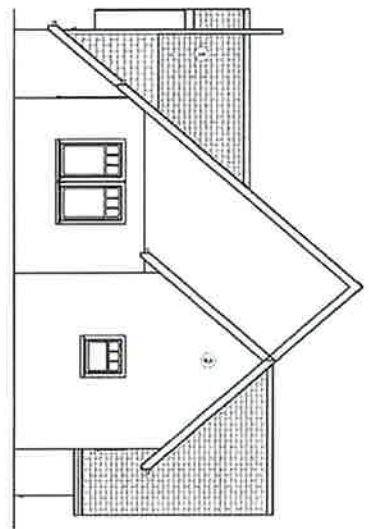
**FRONT ELEVATION AS-BUILT**  
Scale 1/4 in = 1ft



**BACK ELEVATION AS-BUILT**  
Scale 1/4 in = 1ft



**RIGHT ELEVATION AS-BUILT**  
Scale 1/4 in = 1ft



**LEFT ELEVATION AS-BUILT**  
Scale 1/4 in = 1ft



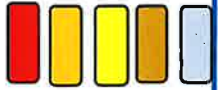
**Keith Construction**  
8205 Aberdeen Road  
Coldstream, B.C. V1B 2L9  
ph. 250-645-1300 fax. 250-645-1380  
[www.keithconstruction.ca](http://www.keithconstruction.ca)

DATE	2020
REVISION	NO. BY
2020.05.05	AS-BUILT PLANS
2020.05.05	REVISIONS

DRAWN BY: GOLDMEL BANKERS, CARLA  
3405 21 Street  
Vernon, BC  
DO NOT SCALE THESE DRAWINGS  
LATITUDE: 50.2671700N  
LONGITUDE: -114.266190W  
Lot 1, KAP40000, Section 34, ZDRD, Roll 64201, PID: 025-245-806

SHEET  
**4**  
of 15

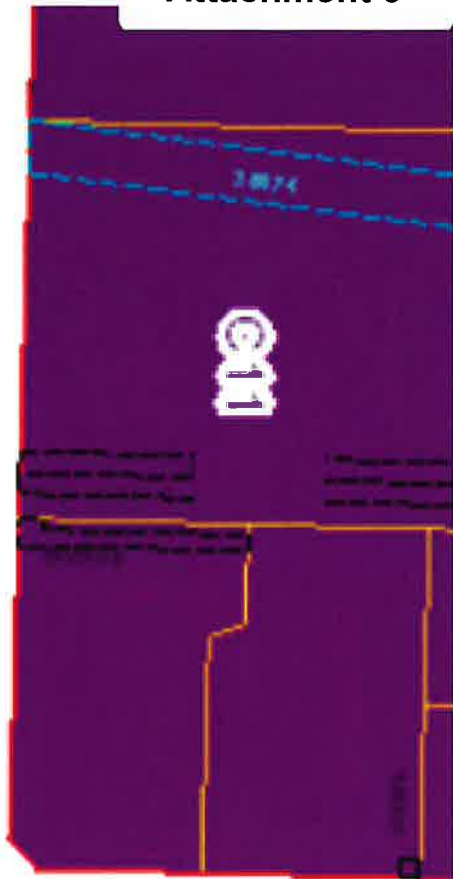
**ELEVATIONS AS-BUILT**



- PUBINS – Public & Institutional
- RMD – Residential – Medium Density
- RLD – Residential – Low Density
- MDCOMRES – Mixed Use – Medium Density Commercial & Residential
- MXDHDGOMRES – Mixed Use – High Density Commercial & Residential

# OCP Designation

ZON00352/DP000859



27 ST

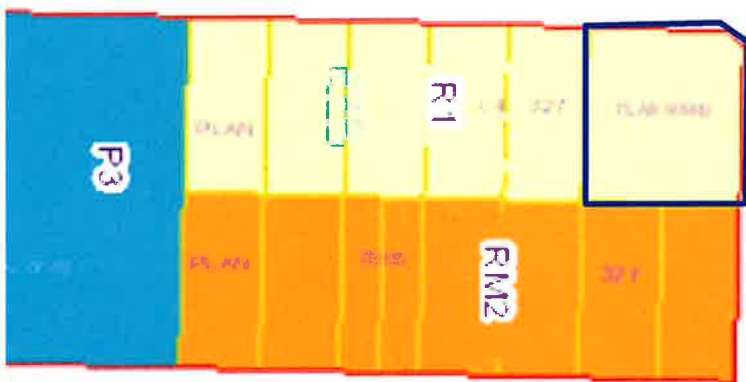


36 AVE



SUBJECT PROPERTY

27 ST











35 AVE

26 ST



25 ST

-  P2 – Public Institutional
-  C4 – Street - Oriented Commercial
-  C3 – Mixed – Use Commercial
-  C2 – Transitional Commercial
-  C11 – Service Commercial

-  Private Institutional
-  RM2 – Multiple Housing Residential
-  R1 – Estate Lot Residential

Zoning Designation  
ZON00352/DP00859



## 9.2 R1 : Estate Lot Residential

### 9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

### 9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

### 9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

### 9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

### 9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.2.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences) on lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".  
*(Bylaw 5440)*

## 10.4 C4 : Street-Oriented Commercial

### 10.4.1 Purpose

The purpose is to provide a **zone** for neighbourhood scale, pedestrian-oriented commercial **development** along major **streets**.

### 10.4.2 Primary Uses

- apartment housing
- artist studios
- brewing and distilling, class A
- care centres, major
- commercial schools
- community recreation centre
- cultural exhibits, private
- emergency protective services
- financial services
- food primary establishments
- gas bars, where in active use prior to January 1, 2004
- group home, major
- health services
- hostels (*Bylaw 5788*)
- offices
- personal services
- parks, public
- retail cannabis sales (*Bylaw 5731*)
- retail stores, convenience
- retail stores, general
- row housing
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- temporary shelter services
- used goods stores

### 10.4.3 Secondary Uses

- care centres, minor
- home based businesses, minor

### 10.4.4 Subdivision Regulations

- Minimum **lot width** is 13.0m, except it is 22.0m if there is no **abutting lane**.
- Minimum **lot area** is 450m<sup>2</sup>, except it is 1300m<sup>2</sup> if there is no **abutting lane**.

### 10.4.5 Development Regulations

- Maximum commercial **floor space ratio** is 1.5. In addition, a residential **floor space ratio** of 0.3 is permitted for a total **floor space ratio** of 1.8.
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, an additional **floor space ratio** of 0.2 is permitted. Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity

areas, the **floor space ratio** permitted shall be determined through multiplying the additional 0.2 **floor space ratio** by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50%.
- Maximum **height** is the lesser of 12.0m or 3.0 **storeys**.
- Minimum **front yard** is 3.0m.
- Minimum **side yard** is 0.0m, except it is 3.0m for a **flanking street** or where the **site abuts** a residential zone.
- Minimum **rear yard** is 6.0, except it is 1.5m for **secondary buildings**.

#### 10.4.6 Other Regulations

- **Apartment housing, major care centres, seniors assisted housing and seniors supportive housing** are only allowed above the **first storey** and require a separate at-grade access from the **commercial uses**.
- A minimum area of 5.0m<sup>2</sup> of private open space shall be provided per **bachelor dwelling, seniors assisted housing or seniors supportive housing** unit or group home **bedroom**, 10.0m<sup>2</sup> of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m<sup>2</sup> of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- While vehicular access to a **lot** is permitted from the front, parking areas shall not be constructed in the **front yard**, but on the side or rear of the **lot**.
- For **seniors assisted housing, seniors residential care and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, temporary shelters, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. (*Bylaw 5788*)
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Roy Nuriel  
Economic Development Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** August 17, 2020  
**REPORT DATE:** July 14, 2020  
**FILE:** 6450 - Zoning Bylaw Review  
(I1 Group Home)

**SUBJECT: ZONING BYLAW #5000 TEXT AMENDMENT TO I1: LIGHT INDUSTRIAL ZONE**

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## **PURPOSE:**

To review a proposed text amendment to Zoning Bylaw #5000 I1: Light Industrial by including "group home, major" as a Primary Use on a specific parcel in order to allow a supportive housing development at 2307 43<sup>rd</sup> Street.

## **RECOMMENDATION:**

THAT Council support an amendment to Zoning Bylaw #5000 by adding "group home, major" as a Primary Use in the I1: Light Industrial zoning district, on a specific parcel described as Lot 1, Plan EPP94980, DL 66&71, ODYD (2307 43<sup>rd</sup> Street), as outlined in the report titled "Zoning Bylaw #5000 Text Amendment to I1: Light Industrial Zone" dated July 14, 2020, by the Economic Development Planner;

AND FURTHER, that Council give first and second readings to the "Zoning Text (I1 Group Home, Major) Amendment Bylaw Number 5825, 2020" at its Regular Meeting of August 17, 2020;

AND FURTHER, that Council direct Administration to schedule a public hearing for September 14, 2020.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support an amendment to Zoning Bylaw #5000 by adding "group home, major" as a Primary Use in the I1: Light Industrial zoning district, on a specific parcel described as Lot 1, Plan EPP94980, DL 66&71, ODYD (2307 43<sup>rd</sup> Street), as outlined in the report titled "Zoning Bylaw #5000 Text Amendment to I1: Light Industrial Zone" dated July 14, 2020, by the Economic Development Planner.

*Note: This alternative does not support the text amendment. As such, the proposed new supportive housing building would not be able to be built at 2307 43<sup>rd</sup> Street.*

## **ANALYSIS:**

### **A. Committee Recommendations:**

At its meeting of July 21, 2020, the Advisory Planning Committee passed the following resolution:

" "

### **B. Rationale:**

1. Turning Points Collaborative Society (TPCS) and British Columbia Management Association (BC Housing) provide a valuable service in supplying supportive housing. TPCS, as a non-profit housing operator, also provides a variety of social services, such as life-skills training and connections to primary

health care, mental health and substance use services, which assist their residents back into employment and the permanent housing sector.

BC Housing and TPCS propose to develop a new supportive housing modular building with approximately 50 bachelor units on the TPCS site located at 2307 43<sup>rd</sup> Street (Attachment 1), as shown in Figures 1 and 2. The proposed new building would replace the old Howard House (Figures 3 and 4), which was at the end of its useful life and decommissioned in 2019, when the adjacent temporary shelter - "Our Place" (Figure 5) and the supportive housing modular building - "My Place" at 2600 35<sup>th</sup> Street (Figure 6) were opened.

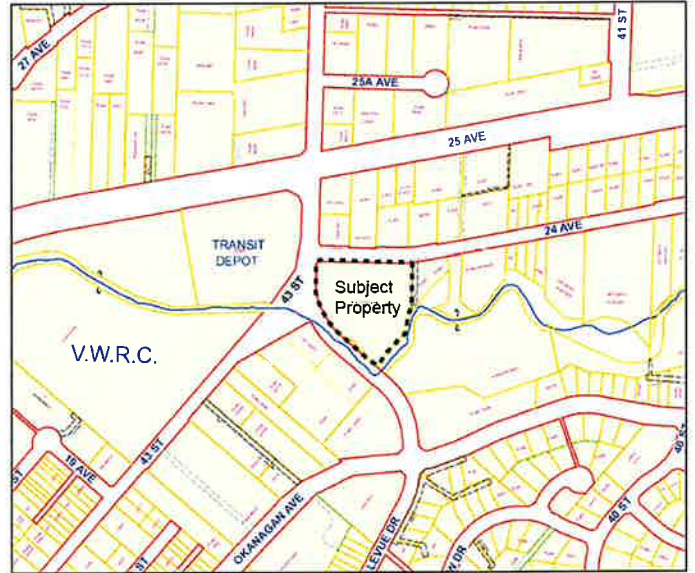


Figure 1: Property Location Map

2. Supportive housing is provincially-funded housing providing a home with access to on-site supports to ensure people can achieve and maintain housing stability. As described in Attachment 2, supportive housing has many community benefits other than its main purpose of providing a home and reducing homelessness. Research completed in 2018 and 2019 by BC Housing Research Centre (Attachment 2), showed that BC's supportive housing sites have a positive social and economic impact on the immediate area. They reduce the cost of providing health care and public safety services compared to homelessness, and empower positive social interactions in the neighbourhood.
3. The TPCS site at 2307 43<sup>rd</sup> Street is zoned I1: Light Industrial (Attachment 3). In 2010, Council adopted a text amendment (Bylaw 5273), to formalize the use of Howard House as a temporary shelter at that location. That text amendment read as follows: ***"temporary shelter services, where in active use prior to July 1, 2010"***. The qualifier "prior to July 1, 2010" was added in order to limit the use in the I1 zone only to the Howard House site specifically.



Figure 2: Aerial Photo of the Property

Similarly, the I1: Light Industrial zone does not include "group home, major" as a permitted use. Therefore, in order to proceed with the development of a new supportive housing on the Howard House site (2307 43<sup>rd</sup> Street), either the property is to be rezoned to accommodate the use, or the use is to be included in the zone assigned to the property.

4. Currently, "group home, major" is only permitted in a few commercial and residential zones. To allow for supportive housing on the subject property, Administration supports a text amendment to Zoning Bylaw #5000, adding "group home, major" as a Primary Use to the I1 zone (Attachment 4). Administration recommends that a qualifier in the form of the legal property description and address of the subject property be added, in order to allow this use only on the specific site and not on other I1 properties. The availability of light industrial lands is important to the city's long term economic development. Adding a

qualifier would preserve other I1 zoned properties for industrial related uses and ensure the subject property reverts to industrial use should shelter on support housing uses no longer be required. Administration recommends that the new use would read as follows:

*“group home, major on the parcel described as Lot 1, Plan EPP94980, DL 66&71, ODYD (2307 43<sup>rd</sup> Street) (Bylaw 5825)”*

5. In addition to the proposed Primary Use site specific text amendment, Administration also recommends including a height limitation for “group home, major” under section 11.1.5. Development Regulation in the I1 zone. The current height limitation in the I1 zone is 14.0m (Attachment 3). The proposed modular building would include approximately 50 self-contained private studio units, four and one-half storeys, similar to the “My Place” building (Figure 6). The close proximity of the proposed modular building to Vernon Creek (Figure 2) and the existence of the high water mark on the subject property require the building to be raised to meet engineering and environmental requirements for the foundation, as well as for flood protection. Therefore, Administration recommends that the maximum height for this specific supportive housing building be the lesser of 18.0m or 5.0 storeys. The new Development Regulation would read as follows (Attachment 4):

*“Maximum **height** is the lesser of 14.0m. Maximum **height** for **group home, major** is the lesser of 18.0m or 5.0 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**”.*



**Figure 3: Front of Howard House at 2307 43<sup>rd</sup> Street (to be demolished)**



**Figure 4: Back of Howard House at 2307 43<sup>rd</sup> Street (to be demolished)**



**Figure 5: “Our Place” Temporary Shelter at 2307 43<sup>rd</sup> Street**



**Figure 6: “My Place” Supportive Housing at 2600 35<sup>th</sup> Street**

**C. Attachments:**

Attachment 1 – Letter dated June 4, 2020 from BC Housing

Attachment 2 – Community Benefits of Supportive Housing by BC Housing Research Centre

Attachment 3 – I1: Light Industrial zoning district

Attachment 4 – Proposed Zoning Text (I4 Emergency and Protective Services) Amendment Bylaw Number 5824, 2020

**D. Council's Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject Zoning Bylaw #5000 site specific text amendment to I1: Light Industrial zone involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Continue to partner with BC Housing, not-for-profits and the development community on affordable housing, including the use of City-owned land

**E. Relevant Policy/Bylaws/Resolutions:**

1. The proposed location for supportive housing at 2307 43<sup>rd</sup> Street is designated Light Industrial / Service Commercial in the Official Community Plan (OCP) and zoned I1: Light Industrial in Zoning Bylaw #5000.

2. In Zoning Bylaw #5000, "group home, major" is defined as:

**"GROUP HOME, MAJOR** means a residential **premise** licensed as required under the *Community Care Facilities Act* intended to provide residential care to children, youth, or adults".

3. Currently, "group home, major" is permitted in the following zones:

- R5 – Four-plex Housing Residential
- RM1 – Row Housing Residential
- RM2 – Multiple Housing Residential
- RH1 – Low-Rise Apartment Residential
- RH2 – Stacked Row Housing Residential
- RH3 – High-Rise Apartment Residential
- C2 – Transitional Commercial
- C3 – Mixed-Use Commercial
- C4 – Street-Oriented Commercial

4. At its Regular Meeting of October 25, 2010, Council passed the following resolution:

"THAT Bylaw #5273, "Temporary Shelter Services Zoning Text Amendment Bylaw Number 5273, 2010" – a bylaw to amend City of Vernon Zoning Bylaw 5000, be adopted. (*JHS North Okanagan /Kootenay*)".

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

**X**

\_\_\_\_\_  
Signer 1

\_\_\_\_\_  
Will Pearce, CAO

Date: \_\_\_\_\_

Roy Nuriel  
Economic Development Planner

**X**

\_\_\_\_\_  
Signer 2

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 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 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 checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: (APC) July 21/2020 |   |  |
| <input type="checkbox"/> OTHER:                                   |   |  |



Home Office  
1701 - 4555 Kingsway  
Burnaby, BC V5H 4V8

Tel 604-433-1711  
Fax 604- 439-4726  
www.bchousing.org

June 4, 2020

Kim Flick  
Director of Community Infrastructure and Development  
City of Vernon  
3001 – 32 Avenue,  
Vernon BC V1T 2L8

Emailed: [kflick@vernon.ca](mailto:kflick@vernon.ca)

Dear Kim,

**Re: 2307 43 Street, Vernon, BC**

Turning Points Collaborative Society (TPCS) and British Columbia Housing Management Association (BC Housing) propose to develop approximately 50 units of supportive housing at the above noted location. We are asking for support from the City of Vernon for this project. The COVID crisis has highlighted the need for safe housing that provides for physical distancing for vulnerable populations. In addition, there is a recognition of the need for more supportive housing in Vernon.

Currently, the zoning permits a shelter as one of the acceptable uses for the specific site, recognizing the pre-existing long-term use of the old Howard House building. The old Howard House building provided both supportive housing and emergency shelter spaces. The services were well run and had the support of their neighbours. The building was at the end of its useful life, and during the summer of 2019, people were moved into the new emergency shelter built at the site, Our Place, and other residents were moved to the new supportive housing project, My Place. The building is currently empty and plans to demolish the building are being developed by TPCS.

There is a current opportunity for BC Housing to purchase the old Howard House property and to build a permanent supportive housing project that TPCS would operate, as they do for the existing My Place.

Please advise how we can work with the City to accommodate this opportunity to delivery a new supportive housing project. We appreciate our continued partnership with the City of Vernon in delivering affordable housing options to the community. Thank you for your support.

Yours truly,

A handwritten signature in black ink, appearing to read "Danna Locke".

Danna Locke

Director, Regional Development  
Development and Asset Strategies

Cc: Randeem Weir, Executive Director, Turning Points Collaborative Society

# Community Benefits of Supportive Housing

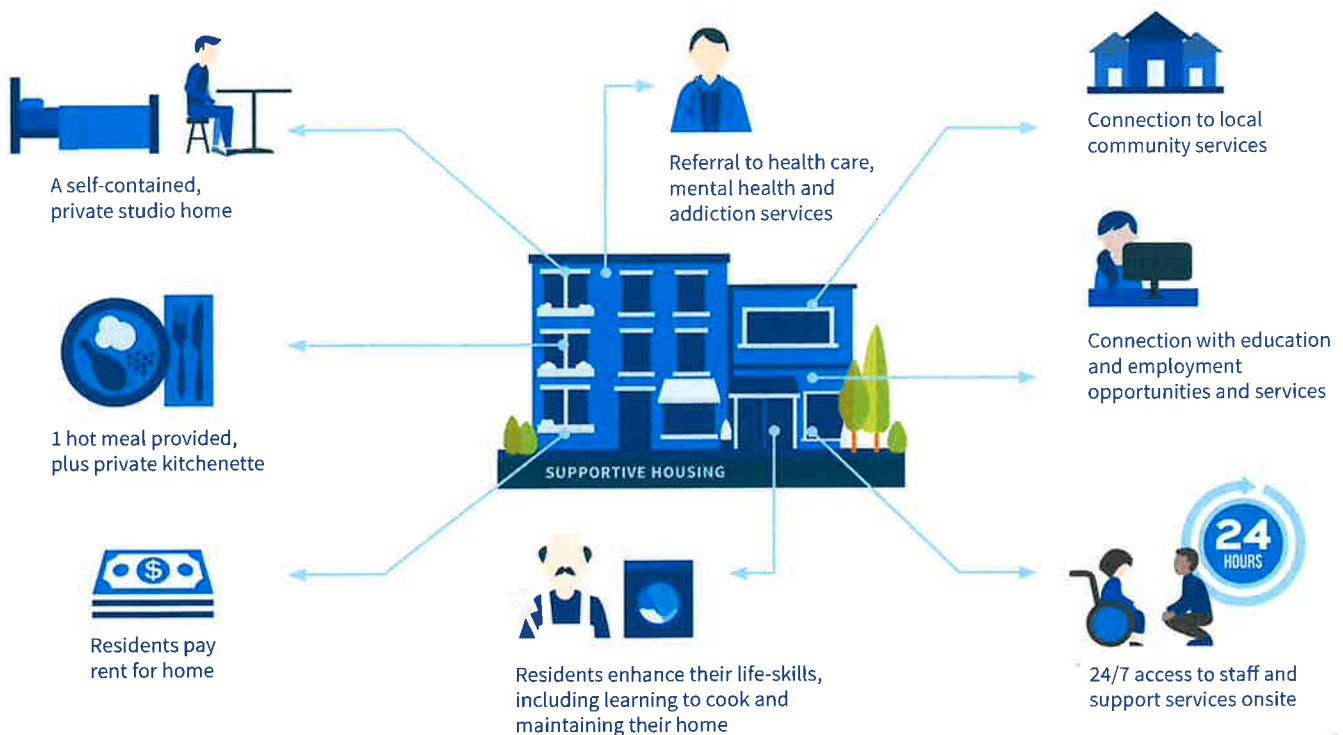
This resource answers questions about Supportive Housing in your neighbourhood



## What is supportive housing?

Provincially-funded supportive housing is for people experiencing homelessness. Supportive housing provides a home with access to on-site supports to ensure people can achieve and maintain housing stability. Residents have access to their own self-contained studio apartment or, in some cases, a secure unit with shared bathroom and amenity spaces. All residents sign either a program or tenancy agreement and participate in programming based on an individualized case plan.

All residents in supportive housing have made a choice to live there and are able to access the services provided by non-profit housing operators, such as life-skills training, and connections to primary health care, mental health and/or substance use services.





## Will supportive housing affect property values in my neighbourhood?

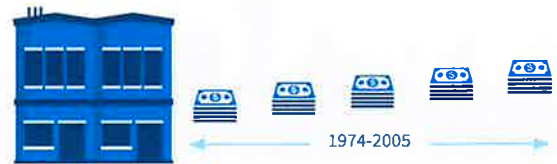


Studies show that property values immediately surrounding supportive housing sites typically keep pace with the trends of the surrounding municipality.



10/13

Property values immediately surrounding supportive housing sites **kept pace or surpassed** municipal trends



7,500

Supportive housing units **did not impact property values** between 1974-2005 in New York City

### Facts and Statistics

- ➔ Research completed in 2019 of 13 B.C. supportive housing sites showed that property values immediately surrounding 10 sites either kept pace or surpassed surrounding municipal trends. Property values for the other three sites were not notably different compared to municipal trends.
- ➔ A study in New York City of 7,500 supportive housing units from 1974 to 2005 found no evidence of a negative impact on property values close to supportive housing.

#### Sources:

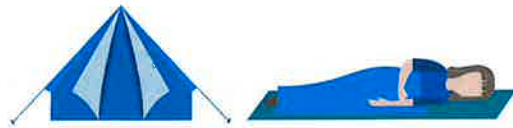
- Insight Specialty Consulting. 2019. *Exploring Impacts of Non-Market Housing on Surrounding Property Values*. BC Housing
- Furman Center for Real Estate & Urban Policy. 2008. *The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from New York City*. New York University. [http://furmancenter.org/files/FurmanCenterPolicyBriefonSupportiveHousing\\_LowRes.pdf](http://furmancenter.org/files/FurmanCenterPolicyBriefonSupportiveHousing_LowRes.pdf)



## Is supportive housing costly for tax-payers?



Studies show the cost of providing supportive housing is less than the cost of providing the health and public safety services needed to address homelessness.



VS



On average, a person **experiencing homelessness** with addictions and/or mental illness used **\$55,000** per year in health care and/or corrections services

On average, a person **in supportive housing** with addictions and/or mental illness used **\$37,000** per year in health care and/or corrections services



**Every dollar invested** in supportive housing **creates \$4-5** in social and/or economic value

Supportive housing residents were **64% less likely** than shelter clients **to use ambulance services**



**Average hospital stay** for supportive housing residents was **50% less** than shelter clients

## Facts and Statistics

- A 2008 B.C. study found that on average a person experiencing homelessness with addictions and/or mental illness used \$55,000 per year in health care and/or corrections services compared to \$37,000 for a person in supportive housing.
- 2018 B.C. studies showed that every dollar invested in supportive housing creates four to five dollars in social and/or economic value:
  - Government realizes about half of the savings from decreased use of services
  - Neighbourhoods benefit from improved well-being and increased local spending.
- A 2019 B.C. study linking data for more than 450 individuals in BC Housing-funded supportive housing and emergency shelters found:
  - Supportive housing residents were 64% less likely than emergency shelter clients to use ambulance services
  - The average hospital stay for supportive housing residents was 50% less than for emergency shelter clients.

### Sources:

- Patterson, Michelle, Julian Somers, Karen McIntosh, Alan Shiell, Charles James Frankish. 2008. *Housing and Support for Adults with Severe Addictions and/or Mental Illness in British Columbia*. Centre For Applied Research in Mental Health and Addiction, Simon Fraser University <https://www.sfu.ca/carmha/publications/housing-and-support-for-adults-with-severe.html>
- Constellation Consulting Group. 2018. *SROI Analysis: The Social and Economic Value of Dedicated-Site Supportive Housing in B.C.* BC Housing. <https://www.bchousing.org/research-centre/library/tools-developing-social-housing>
- Malatest & Associates Ltd. 2019. *Supportive Housing Outcome Evaluation*. BC Housing (Underway).



## Will supportive housing change my neighbourhood?



Many supportive housing residents have an existing connection with the neighbourhood and report experiencing positive interactions with neighbours after they moved in.



of supportive housing survey respondents reported **a prior connection** to the neighbourhood



of supportive housing survey respondents reported **positive interactions** with neighbours



of supportive housing survey respondents reported having **friends or relatives** in the neighbourhood



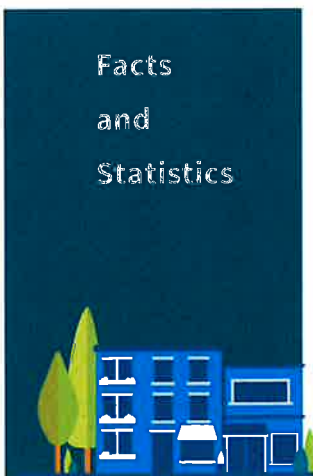
### Facts and Statistics

- ➔ 77% of survey respondents across seven<sup>1</sup> modular supportive housing sites reported having a prior connection to the neighbourhood before moving into their modular housing unit. These connections include living in the neighbourhood immediately before moving into their unit, having friends or relatives in the neighbourhood, and using services located in the neighbourhood.
- ➔ 82% of survey respondents across seven modular supportive housing sites reported experiencing positive interactions with neighbours in the surrounding community since they moved in.
- ➔ 73% of survey respondents across seven modular supportive housing sites reported having friends or relatives in the neighbourhood who they can talk to.

<sup>1</sup> Further reports are being completed which may cause results to change.

#### Sources:

- BC Housing, 2019. *Modular Supportive Housing Resident Outcomes Study: Results for First Seven Modular Supportive Housing Developments*. <https://www.bchousing.org/research-centre/library/transition-from-homelessness/modular-supportive-housing-resident-outcomes?sortByDate>





## Does supportive housing work to reduce homelessness in my neighbourhood and community?



Supportive housing residents are no longer homeless after they are housed. Once in a supportive housing unit, individuals previously experiencing homelessness report improvements in access to employment, income, education, addiction issues, mental health and life-skills.

### After Six Months:



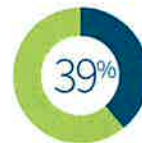
of supportive housing residents **remained housed**



of supportive housing survey respondents reported **improved overall well-being**



of supportive housing survey respondents reported **improved access to employment opportunities**



of supportive housing survey respondents reported **improvement in addiction issues**



### Facts and Statistics

- 94% of residents in seven<sup>1</sup> modular supportive housing sites remained housed six months after moving in.
- 84% of survey respondents in seven modular supportive housing sites reported improvements to their overall well-being.
- 54% of survey respondents in seven modular supportive housing sites reported improved access to employment opportunities and employment support services.
- Not everyone who moves into supportive housing has an addiction issue. 39% of all survey respondents in seven modular supportive housing sites reported improvements in addiction issues six months after moving in, while 39% reported that their addiction issues were the same and 15% reported that this question did not apply to them.

<sup>1</sup> Further reports are being completed which may cause results to change.

#### Sources:

- BC Housing, 2019, *Modular Supportive Housing Resident Outcomes Study: Results for First Seven Modular Supportive Housing Developments*. <https://www.bchousing.org/research-centre/library/transition-from-homelessness/modular-supportive-housing-resident-outcomes?sortByDate>



## Will supportive housing have an impact on nearby schools in my neighbourhood?



Many supportive housing sites for people experiencing homelessness across the province have been operating in their communities and near schools for 10+ years with no issues and with support from the community.

Oldest supportive housing site operating for **47** years



210

provincially-funded sites operate **within 500 metres** of a school



52%

of supportive housing sites in B.C. within 500 metres of a school **have been operating for 10+ years**



### Facts and Statistics

- ➡ The oldest supportive housing site in B.C. has been operating for 47 years.
- ➡ There are over 210 provincially-funded supportive housing sites across the province that are within 500 metres of a school.
- ➡ 52% of provincially-funded supportive housing sites in B.C. within 500 metres of schools have been operating for 10+ years.

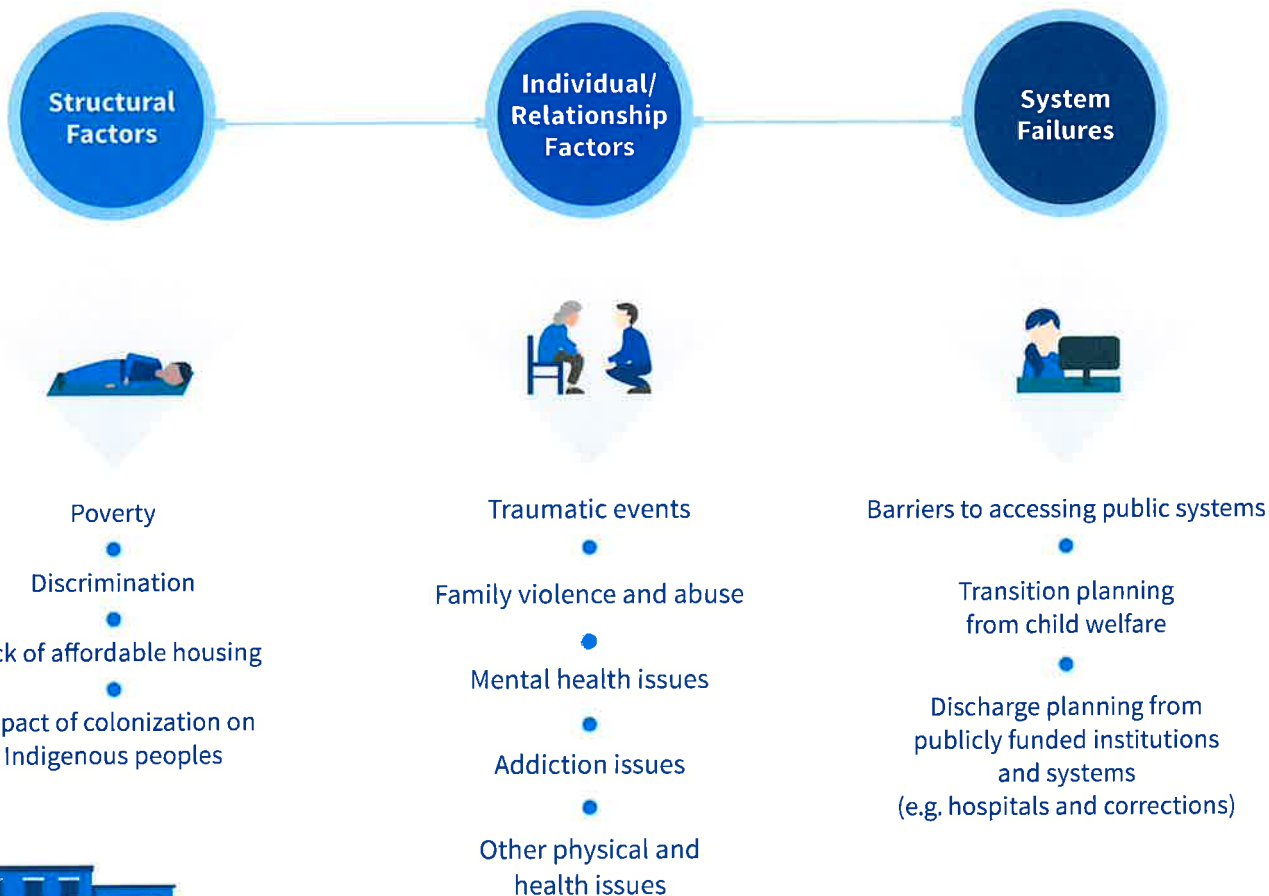
#### Sources:

• BC Housing, 2019. Central Property System.



## Understanding Pathways to Homelessness

The information below provides a brief overview of pathways to homelessness. Often it is a combination of factors.



### Sources:

- Gaetz, Stephen, Jesse Donaldson, Tim Richter and Tanya Gulliver. *The State of Homelessness In Canada 2013*. A Homeless Hub Research Paper. <https://www.homelesshub.ca/sites/default/files/SOHC2103.pdf>

### Works Cited

For additional information, methodologies and limitations please see the studies cited.

BC Housing. 2019. Central Property System.

BC Housing. 2019. *Modular Supportive Housing Resident Outcomes Study: Results for First Seven Modular Supportive Housing Developments*. <https://www.bchousing.org/research-centre/library/transition-from-homelessness/modular-supportive-housing-resident-outcomes?sortByType=sortByDate>

Constellation Consulting Group. 2018. *SROI Analysis: The Social and Economic Value of Dedicated-Site Supportive Housing in B.C.* BC Housing. <https://www.bchousing.org/research-centre/library/tools-developing-social-housing>

Furman Center for Real Estate & Urban Policy. 2008. *The Impact of Supportive Housing on Surrounding Neighborhoods: Evidence from New York City*. New York University. [http://furmancenter.org/files/FurmanCenterPolicyBriefonSupportiveHousing\\_LowRes.pdf](http://furmancenter.org/files/FurmanCenterPolicyBriefonSupportiveHousing_LowRes.pdf)

Gaetz, Stephen, Jesse Donaldson, Tim Richter and Tanya Gulliver. *The State of Homelessness In Canada 2013*. A Homeless Hub Research Paper. <https://www.homelesshub.ca/sites/default/files/SOHC2103.pdf>

Insight Specialty Consulting. 2019. *Exploring Impacts of Non-Market Housing on Surrounding Property Values*. BC Housing

Malatest & Associates Ltd. 2019. *Supportive Housing Outcome Evaluation*. BC Housing (Underway).

Patterson, Michelle, Julian Somers, Karen McIntosh, Alan Shiell, Charles James Frankish. 2008. *Housing and Support for Adults with Severe Addictions and/or Mental Illness in British Columbia*. Centre For Applied Research in Mental Health and Addiction, Simon Fraser University <https://www.sfu.ca/carmha/publications/housing-and-support-for-adults-with-severe.html>

## 11.1 I1 : Light Industrial

### 11.1.1 Purpose

The purpose is to provide a **zone** for the development of light industrial uses.

### 11.1.2 Primary Uses

- **animal clinic, minor** (*Bylaw 5155*)
- **animal clinic, major** (*Bylaw 5155*)
- **auctioneering establishments**
- **autobody repair and paint shops**
- **automotive and recreation vehicle services**
- **automotive and equipment repair shops**
- **brewing or distilling, class A**
- **brewing or distilling, class B**
- **bulk fuel depots**
- **call centres**
- **cannabis cultivation facilities** (*Bylaw 5731*)
- **cannabis processing facilities** (*Bylaw 5731*)
- **commercial storage**
- **concrete plant**
- **contractor services, general**
- **contractor services, limited**
- **crematorium** (*Bylaw 4992*)
- **custom indoor manufacturing**
- **drive-through vehicle services**
- **equipment rentals**
- **emergency and protective services**
- **fleet services**
- **food primary establishments**
- **funeral services** (*Bylaw 4992*)
- **gas bars**
- **general industrial uses**
- **government agencies** (*Bylaw 5456*)
- **high technology research and product design**
- **hostels** (*Bylaw 5788*)
- **household repair services**
- **kennels** (*Bylaw 5339*)
- **outdoor storage**
- **offices, construction and development industry**
- **participant recreation services, indoor**
- **recycling depots**
- **recycled materials drop-off centres**
- **service stations, minor**
- **service stations, major**
- **temporary shelter service, where in active use prior to July 1, 2010** (*Bylaw 5273*)
- **truck and mobile home sales/rentals**
- **utility services, minor**
- **utility services, major**
- **vehicle and equipment services, industrial and agricultural**
- **warehouse sales**

### 11.1.3 Secondary Uses

- **residential security/operator unit**

#### 11.1.4 Subdivision Regulations

- Minimum **lot width** is 40.0m.
- Minimum **lot area** is 4000m<sup>2</sup>.

#### 11.1.5 Development Regulations

- Maximum **floor space ratio** is 1.5.
- Maximum **site coverage** is 60%.
- Maximum **height** is the lesser of 14.0m.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 4.5m, except it is 7.5m for any **flanking street**, and is 0.0m when **adjacent** to an **industrial** zoned property, and is 10.0m when **adjacent** to a **residential, agricultural** or **institutional** zoned property.
- Minimum **rear yard** is 0.0m, except it is 6.0m for any **flanking street** and where the **abutting** land is zoned or designated Residential, Agriculture or Institutional.

#### 11.1.6 Other Regulations

- No **use** shall produce dust, or other emissions except standards set by provincial legislation, without written authorization from the appropriate provincial agency.
- No **use** shall produce odour, glare, or noise that creates a **nuisance**.
- Only one **residential security/operator unit** is permitted on a **site**.
- **Outdoor storage** shall be screened from view of any **street** or **lane** and from **adjacent** properties. There shall be no **outdoor storage** of toxic, noxious, explosive, odorous, or radio-active materials.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural **setbacks**, temporary shelters, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. (*Bylaw 5788*)
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)
- A **cannabis cultivation facility** shall be located in an enclosed building with odour controls so that any odour associated with the **cannabis cultivation facility** use cannot be detected beyond the parcel line of the parcel on which the **cannabis cultivation facility** is located. (*Bylaw 5731*)

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5825

A bylaw to amend the City of Vernon  
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000 to add “**group home, major**” as a Primary Use in the I1: Light Industrial zone within the City of Vernon;

AND WHEREAS all persons who might be affected by this amendment bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the Local Government Act, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the “**Zoning Text (I1 Group Home, Major) Amendment Bylaw Number 5825, 2020**”.

2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:

(i) **AMENDING** Section 11.1, I1 – Light Industrial, 11.1.2 Primary Uses by:

a. **ADDING:**

‘**group home, major**’ as shown in **red** on attached Schedule ‘A’, attached to and forming part of this bylaw; and

(ii) **AMENDING** Section 11.1, I1 – Light Industrial, 11.1.5 Development Regulations by:

b. **ADDING:**

‘**Maximum height for group home, major is the lesser of 18.0m or 5.0 storeys, except it is 4.5m for secondary buildings and secondary**

BYLAW NUMBER 5825

PAGE 2

structures' as shown in **red** on attached Schedule 'A', attached to and forming part of this bylaw

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this                      day of                      , 2020.

READ A SECOND TIME this                      day of                      , 2020.

PUBLIC HEARING held this                      day of                      , 2020.

READ A THIRD TIME this                      day of                      , 2020.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
for Minister of Transportation & Infrastructure  
BYLAW 5825

ADOPTED this                      day of                      , 2020.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

## SCHEDULE 'A'

Attached to and Forming Part of Bylaw 5825  
"Zoning Text (I1 Group Home, Major) Amendment Bylaw Number 5825, 2020

### 11.1.2 Primary Uses

- animal clinic, minor *(Bylaw 5155)*
- animal clinic, major *(Bylaw 5155)*
- auctioneering establishments
- autobody repair and paint shops
- automotive and recreation vehicle services
- automotive and equipment repair shops
- brewing or distilling, class A
- brewing or distilling, class B
- bulk fuel depots
- call centres
- cannabis cultivation facilities *(Bylaw 5731)*
- cannabis processing facilities *(Bylaw 5731)*
- commercial storage
- concrete plant
- contractor services, general
- contractor services, limited
- crematorium *(Bylaw 4992)*
- custom indoor manufacturing
- drive-through vehicle services
- equipment rentals
- emergency and protective services
- fleet services
- food primary establishments
- funeral services *(Bylaw 4992)*
- gas bars
- general industrial uses
- government agencies *(Bylaw 5456)*
- **group home, major on the parcel described at:  
Lot 1, Plan EPP94980, DL 66&71, ODYD (2307 43 Street) *(Bylaw 5825)***
- high technology research and product design
- hostels *(Bylaw 5788)*
- household repair services
- kennels *(Bylaw 5339)*
- outdoor storage
- offices, construction and development industry
- participant recreation services, indoor
- recycling depots
- recycled materials drop-off centres
- service stations, minor
- service stations, major
- temporary shelter service, where in active use prior to July 1, 2010 *(Bylaw 5273)*
- truck and mobile home sales/rentals
- utility services, minor
- utility services, major
- vehicle and equipment services, industrial and agricultural
- warehouse sales

**SCHEDULE 'B'**  
**Attached to and Forming Part of Bylaw 5825**  
**"Zoning Text (I1 Group Home, Major) Amendment Bylaw Number 5825, 2020**

### **11.1.5 Development Regulations**

- Maximum **floor space ratio** is 1.5.
- Maximum **site coverage** is 60%.
- Maximum **height** is the lesser of 14.0m. **Maximum height for group home, major is the lesser of 18.0m or 5.0 storeys, except it is 4.5m for secondary buildings and secondary structures.**
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 4.5m, except it is 7.5m for any **flanking street**, and is 0.0m when **adjacent** to an **industrial** zoned property, and is 10.0m when **adjacent** to a **residential, agricultural or institutional** zoned property.
- Minimum **rear yard** is 0.0m, except it is 6.0m for any **flanking street** and where the **abutting** land is zoned or designated Residential, Agriculture or Institutional.



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Carie Liefke, Planning Assistant

**COUNCIL MEETING:** REG  COW  I/C

**COUNCIL MEETING DATE:** June 22, 2020

**REPORT DATE:** August 17, 2020

**FILE:** ZON00347 and LUC00016

**SUBJECT: REZONING AND LAND USE CONTRACT DISCHARGE APPLICATIONS FOR  
2724 HOWSER PLACE**

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**PURPOSE:**

To review the rezoning and land use contract discharge applications on the property located at 2724 Howser Place in order to allow low-density multi-family development.

**RECOMMENDATION:**

THAT Council support the application (LUC00016) to discharge Bylaw #2623, being Land Use Contract (LTO #N1421), from the title of Lot A District Lot 66 ODYD Plan 34882 (2724 Howser Place) to allow all current bylaws to be applied to development of the subject property;

AND FURTHER, that Council support the application (ZON00347) to rezone Lot A District Lot 66 ODYD Plan 34882 (2724 Howser Place) from R2 – Large Lot Residential to R5 – Four-plex Housing Residential in order to allow up to 30 units per hectare to be developed on the subject property;

AND FURTHER, that Council's support of ZON00347 is subject to the following:

- a) Prior to final adoption of the rezoning bylaw, the multi-family Development Permit be ready to be issued and that any required variance to Zoning Bylaw #5000, as amended, be evaluated by Council and approved if appropriate.

**ALTERNATIVES & IMPLICATIONS:**

1. THAT Council support the application (LUC00016) to discharge Bylaw #2623, being Land Use Contract (LTO #N1421), from the title of Lot A District Lot 66 ODYD Plan 34882 (2724 Howser Place) to allow all current bylaws to be applied to development of the subject property;

AND FURTHER, that Council not support the application (ZON00347) to rezone Lot A District Lot 66 ODYD Plan 34882 (2724 Howser Place) from R2 – Large Lot Residential to R5 – Four-plex Housing Residential.

*Note: This alternative supports the requested Land Use Contract discharge but does not support the requested rezoning amendment. As a result, the land would need to be developed in accordance with the R2 – Large Lot Residential zoning district.*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of July 21, 2020, the Advisory Planning Committee passed the following resolution:

.....

**B. Rationale:**

1. The subject property is located at 2724 Howser Place (Figures 1 and 2). The land has been designated as Residential Low Density (RLD) within the Official Community Plan and is in the R2 – Large Lot Residential zoning district of Zoning Bylaw #5000 (Attachment 1). The land is also subject to the provisions of Land Use Contract N1421 (Attachment 2).
2. The land originally comprised two lots, Lot 6 Plan 33321 and Lot 3 Plan 33826, which were consolidated in 1984 to create the existing Lot A Plan 34882 (Attachment 3). The current lot is 2,405m<sup>2</sup> in size and developed with a single family dwelling with a detached garage.
3. The applicant has proposed to discharge the Land Use Contract and rezone the land from R2 – Large Lot Residential to R5 – Four-Plex Housing Residential in order to facilitate a future multi-family development. The R5 zoning district would permit a maximum of 30 dwelling units per hectare; the total lot area is 2,405m<sup>2</sup> therefore a maximum of 7 dwelling units could be constructed.
4. If the land is successfully rezoned to the R5 zoning district and the Land Use Contract discharged, the applicant intends to subdivide the property into two lots. Proposed Lot 1 would be approximately 834m<sup>2</sup> and the existing single family dwelling would be retained. The remainder lot would be approximately 1,571m<sup>2</sup> and would be developed with a maximum of 4 dwelling units. Two site plan options for the multi-family site have been submitted for review (Attachment 4), with the developer preferring Option A. Option A is for a four-plex whereas Option B is for two semi-detached buildings. Should it be deemed necessary, a restrictive covenant could be registered on title to restrict the primary uses permitted on the site (i.e. allow single detached, semi-detached, three-plex housing, etc. but not permit other uses).
5. The broader neighbourhood currently consists of several multi-family developments (i.e. Grace Lands at 2710 Allenby Way, Vernon Native Housing at 5545 27<sup>th</sup> Avenue, and Bella Vista Villa at 3020 Allenby Way), though all properties on Howser Place currently consist of only single family dwellings.
6. The proposed multi-family infill development can be added to this neighbourhood in a manner that is respectful to the existing single family homes. Through the development permit process, the City can ensure that the buildings are designed to relate to the existing neighbourhood in terms of scale, building orientation and character. It is recommended that a Development Permit be ready to be issued prior to adoption of the rezoning bylaw.
7. The property is located within one kilometre of shopping (150m), parks (600m), and schools (925m), therefore the site is suitably located for sensitive infill development.



**Figure 1: Location Map**



**Figure 2: Aerial Photo**

8. The land has road frontage on Howser Place and Allenby Way. All future development would be required to have access from Howser Place only in accordance with Subdivision and Development Servicing Bylaw #3843 Schedule B.
9. Land use contracts were widely used in B.C. from 1971 to 1977. They essentially formed site specific zoning and development regulations. The use of land use contracts was discontinued in 1977.

Under Bill 17, the Miscellaneous Statutes Amendment Act 2014, all land use contracts in the Province will be automatically terminated and deemed to be discharged from title and, as of June 30, 2024, any remaining land use contracts on title would have no legal binding force or effect. There are numerous land use contracts in place within the City of Vernon. Administration has been working with applicants to discharge the land use contracts as those properties come forward for redevelopment or improvements, such as the subject application.

10. Administration supports the discharge of the Land Use Contract and the rezoning amendment for the following reasons:
  - a) Provincial legislation will terminate all Land Use Contracts in the province on June 30, 2024;
  - b) Rezoning the subject property from R2 to R5 conforms to the OCP Future Land Use designation of Residential Low Density, and
  - c) Details concerning building siting and design would be addressed final to bylaw adoption during the Development Permit review process.

**C. Attachments:**

- Attachment 1 – Zoning Bylaw #5000: R2 – Large Lot Residential zoning district  
R5 – Four-Plex Housing Residential zoning district
- Attachment 2 – Land Use Contract N1421
- Attachment 3 – Lot A Plan 34882 consolidation subdivision plan
- Attachment 4 – Preliminary development plans

**D. Council’s Strategic Plan 2019 – 2022 Goals/Action Items:**

The subject application involves the following goals/action items in Council’s Strategic Plan 2019 – 2022:

- Promote transit oriented housing and mixed use development

**E. Relevant Policy/Bylaws/Resolutions:**

1. Official Community Plan

7.3 Support the development of the City Centre District, neighbourhood centres, and designated multiple family areas to the densities outlined in the OCP to build compact, complete neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

Prepared by:

Approved for submission to Council:

Right-click to sign  
with **DocuSign**

Carie Liefke  
Planning Assistant

\_\_\_\_\_  
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 type="checkbox"/> Current Planning                     |
| <input type="checkbox"/> Bylaw Compliance       | <input type="checkbox"/> Public Works/Airport | <input 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 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 type="checkbox"/> COMMITTEE:             |   |   |
| <input type="checkbox"/> OTHER:                 |   |   |

**R2**

## 9.3 R2 : Large Lot Residential

### 9.3.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on large sized urban serviced **lots**. The R2c sub-zoning district allows for **care centre, major** as an additional use. The R2h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

### 9.3.2 Primary Uses

**care centre, major** *(use is only permitted with the R2c sub-zoning district)*  
**single detached housing**

### 9.3.3 Secondary Use

**boarding rooms**  
**bed and breakfast homes** *(in single detached housing only) (Bylaw 5498)*  
**care centres, minor**  
**group home, minor**  
**home based businesses, minor**  
**home based businesses, major** *(use is only permitted with the R2h sub-zoning district)*  
**secondary suites**  
**seniors supportive housing**

### 9.3.4 Subdivision Regulations

Minimum **lot width** is 18.0m.  
 Minimum **lot area** is 557m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.3.5 Development Regulations

Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.  
 Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.  
 Minimum **front yard** is 5.0m.  
 Minimum **side yard** is 1.5m, except it is 5.0m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.  
 Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.  
 The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

### 9.3.6 Other Regulations

There shall be no more than one **single detached house** per **lot**.  
 Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.  
 For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.

**Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*

In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.

As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".

*(Bylaw 5440)*

## 9.6 R5 : Four-plex Housing Residential

### 9.6.1 Purpose

The purpose is to provide a **zone** for the **development** of a maximum of four ground oriented **dwelling** units in the form of **single detached, semi-detached, duplex, three-plex** or **four-plex housing** on urban services. The R5c sub-zoning district allows for **care centre, major** as an additional use. The R5h sub-zoning district allows for **home based business, major** as an additional use. *(Bylaw 5467)*

### 9.6.2 Primary Uses4

**care centre, major** *(use is only permitted with the R5c sub-zoning district)*  
**duplex housing**  
**four-plex housing**  
**group home, major**  
**semi-detached housing**  
**single detached housing**  
**three-plex housing**  
**seniors housing**

### 9.6.3 Secondary Uses

**boarding rooms**  
**care centres, minor**  
**home based businesses, minor**  
**home based businesses, major** *(in single detached housing only) (use is only permitted with the R5h sub-zoning district)*  
**secondary suites (in single detached housing only)**  
**seniors assisted housing**  
**seniors supportive housing**

### 9.6.4 Subdivision Regulations

Minimum **lot width** is 20.0m, except it is 22.0m for a **corner lot**.  
 Minimum **lot depth** is 30.0m.  
 Minimum **lot width** for single detached housing is 14.0m, except it is 16.0m for a **corner lot**.  
 Minimum **lot area** for single detached housing is 450m<sup>2</sup>.  
 Minimum **lot area** is 700m<sup>2</sup>, except it is 800m<sup>2</sup> for a **corner lot**, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**. *(Bylaw 5339)*

### 9.6.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
<b>Semi-Detached Housing</b>	350m <sup>2</sup>	400m <sup>2</sup>	10.0m	12.0m
<b>Three-Plex Housing</b>	235m <sup>2</sup>	285m <sup>2</sup>	7.0m	9.0m
<b>Four-Plex Housing</b>	175m <sup>2</sup>	225m <sup>2</sup>	7.0m	9.0m

### 9.6.6 Development Regulations

Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.

Maximum **floor space ratio** is 0.6.

Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.

Minimum **front yard** is 4.0m, except it is 6.0m for a garage or **carport** to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.

Minimum **side yard** is 2.0m for a 1 or 1.5 **storey** portion of a **building** or a **secondary building or structure** and 2.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** setback for shared interior **party walls** shall be 0.0m. The minimum **side yard** setback for **single detached housing** is 1.5m, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a **flanking street** and at least 6.0m from the back of curb or sidewalk.

Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**.

The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

Maximum **density** is 30 units per gross hectare (12 units/gross acre).

Maximum four **dwelling** units located in a **building**, with each unit having a minimum width of 6.5m. (*Bylaw 5339*)

### 9.6.7 Other Regulations

In order for bareland strata **developments** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.

The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.

A minimum area of 25m<sup>2</sup> of **private open space** shall be provided per **dwelling**.

Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.

For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.

For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**.

In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.

As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".

(*Bylaw 5440*)

N 01421 APPENDIX "A"

LAND USE CONTRACTTHIS AGREEMENT made the <sup>20</sup> day of ~~September~~ <sup>December</sup>, A.D. 1977.

BETWEEN:

'78 JAN 10 13:58

THE CORPORATION OF THE CITY OF VERNON, a body corporate duly incorporated under the laws of the Province of British Columbia, having an office at 3400 - 30th Street, in the City of Vernon, Province of British Columbia

(hereinafter called the "Municipality")

OF THE FIRST PART

AND:

TRI-CREST INVESTMENT CORP., a company duly incorporated under the laws of the Province of British Columbia, having an office at 3202 - 31st Avenue, in the City of Vernon, Province of British Columbia

(hereinafter called the "Developer")

OF THE SECOND PART ✓

WHEREAS the Municipality, pursuant to Section 702A of the "Municipal Act", may, notwithstanding any By-law of the Municipality, or Section 712 or 713 of the "Municipal Act" upon the application of an owner of land within a development area designated as such by By-law of the Municipality, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

AND WHEREAS the "Municipal Act" requires that the Municipal Council, in exercising the powers given by Section 702A, shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any land development contract and the terms, conditions and considerations thereof;

## SUBSTITUTE FORM "C" ✓

## PARTICULARS:

APPLICANT: DAVIDSON &amp; CO.

BARRISTERS &amp; SOLICITORS

4th FLOOR, 3205-32nd STREET, VERNON, B.C.  
PHONE 545-5344SOLICITORS FOR the Corporation of the City of Vernon

DECLARED VALUE: \$1.00

NATURE OF DOCUMENT/CHARGE:

Land Use ContractCrystal Schmidt  
1978

1852 0005.00 - 3

10 JAN 78

- 2 -

AND WHEREAS the Developer has presented to the Municipality a scheme of use and development of the within described lands and premises and has made application to the Municipality to enter into this Land Use Contract under the terms, conditions and for the consideration hereinafter set forth;

AND WHEREAS the Council of the Municipality, having given due regard to the considerations set forth in Sections 702(2) and 702A(1) of the "Municipal Act" has agreed to the terms, conditions and consideration herein contained;

AND WHEREAS the Developer acknowledges that he is fully aware of the provisions and limitations of Sections 702A of the "Municipal Act" and the Municipality and the Developer mutually acknowledge and agree that the Council of the Municipality cannot enter into this agreement until the Council has held a public hearing thereon, in the manner prescribed by law, has duly considered the representations made and the opinions expressed at such hearing, and unless 2/3's of all of the members of the Council vote in favour of the Municipality entering into this contract.

AND WHEREAS a Land Use Contract is deemed to be a Zoning By-law for the purposes of the "Controlled Access Highways Act" and if the land is so situated that it is subject to such Act, the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the Municipality can enter into same;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the Municipality and the Developer covenant and agree as follows:

1. In this Agreement unless the context otherwise requires:

"Municipal Engineer" shall be construed to mean and include the Municipal Engineer for the Municipality and his duly authorized assistants or such Consulting or other Professional Engineers as may be appointed to act for the Municipality.

"Complete" or "Completion" or any variation of these words when used with respect to the work or works referred to herein shall mean completion to the satisfaction of the Municipal Engineer of the Municipality when so certified by him in writing.

"Work" shall be construed to mean and include all works, services, utilities, buildings, structures and any other improvement required or permitted to be constructed and erected or installed under the provisions of this Agreement.

"Approving Officer" shall be construed to mean the Approving Officer for the Municipality duly appointed by the Council for the Municipality under the provisions of Section 91 of the "Land Registry Act".

"Chief Building Inspector" shall be construed to mean and include the Chief Building Inspector for the Municipality and his duly authorized assistants or such Consultants as may be appointed to act for the Municipality.

"Planning and Zoning Committee" shall be construed to mean and include the duly appointed Planning and Zoning Committee for the Municipality.

"Phase I" shall be construed to mean and include the subdivision development and use of that portion of the land shown outlined in red as Phase I on the proposed plan of subdivision attached hereto as Schedule "B1" hereto and shall include all work required to be performed or paid for by the Developer hereunder with respect to the development of the said Phase I including all required off-site servicing.

"Phase II" shall be construed to mean and include the subdivision use and development of that portion of the land shown outlined in green and designated as Phase II on the proposed plan of subdivision shown as Schedule "B3" attached hereto including all work relating to the development of the said Phase II and required to be performed or paid for by the Developer hereunder including off-site servicing (if any).

2. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises, situate, lying and being in the City of Vernon, in the Province of British Columbia, and being more particularly known and described as:

L45334F

Lot One (1)  
District Lot Sixty-six (66)  
Oseyoos Division Yale District  
Plan 27040

(hereinafter called the "land").

3. The Developer has obtained the consent of all persons holding any registered interest in the land, except registered holders of utility Easements and Mortgages of such Easements, which such consents shall be attached hereto and incorporate Agreements from such persons granting priority to this Land Use Contract over such registered interests, prior to the registration of this Land Use Contract.

4. The land, including the surface of water, and any and all buildings and structures erected thereon, thereover or therein shall be used for the purposes specified in Schedule "A" hereto and for no other purpose, and in accordance with the regulations as set forth in Schedule "B" hereto.

5. No part of the land shall be subdivided save and except substantially in accordance with the particulars shown on Schedule "B1" hereto. Provided however that the Municipality may permit minor changes in the location and dimensions of lot lines shown on Schedules "B1" and "B3" for Phase I and Phase II, and the approval in writing by the Approving Officer of any plan of subdivision of the land shall be deemed to be conclusive evidence that the approval of the Municipality has been obtained with respect to any such aforesaid alterations in the location and dimensions of lot lines.

6. All work relating to the development and subdivision of Phase I and Phase II, including the construction of all required sidewalks, roads, curb and gutter, boulevard treatment, hydro, telephone and gas utilities, and water, storm sewer and sanitary sewer utilities, shall unless otherwise specified by the Municipal Engineer, be constructed in accordance with specifications set forth in the Subdivision Control By-law prepared for and by the Municipality, whether or not the said By-law has been adopted by the Municipality. The Developer acknowledges having received a copy of the said By-law as prepared to date.

#### PHASE I PROVISIONS

The following provisions being Paragraphs 7 to 14 below, relate to the subdivision and development of Phase I:

7. The Developer shall construct and install or cause to be constructed and installed at his own expense, the following work related to the subdivision and development of Phase I, in accordance with particulars (where shown) on the utility plan being Schedule "B2" hereto:

- 5 -

- (a) A sidewalk along the north side of 27th Avenue extending the entire length of the boundaries of the land fronting on 27th Avenue save and except where 27th Avenue joins with Howser Place, the internal road shown on Schedule "B1". Alignment and grade design for the sidewalk will be provided by the Municipal Engineer;
- (b) Domestic water works and services and storm sewer services on 27th Avenue and extending for 100 feet from 27th Avenue on Howser Place;
- (c) Construction of the internal road known as Howser Place for a distance of 100 feet from 27th Avenue including pavement, curb and gutter and sidewalk and boulevard treatment on one side of Howser Place for the road to be constructed;
- (d) Connections for Hydro, Telephone, natural gas (provided that Inland Natural Gas Co. Ltd. will provide such service) sanitary sewer and domestic water will be provided at or near the lot line for each lot within Phase I - hydro and telephone utility services constructed along 27th Avenue will be above ground and the Developer shall provide such services underground for a distance of 100 feet along Howser Place.

8. All road work along 27th Avenue (other than sidewalk) shall be the responsibility of the Municipality; PROVIDED HOWEVER that the damage to the pavement on 27th Avenue resulting from the construction and installation of water works and storm sewer works and services on 27th Avenue shall be repaired by or at the cost of the Developer.

9. Upon completion of the work for Phase I, the Municipality shall pay to the Developer the sum of \$5,600.00 as the Municipality's share of the cost of the work allocated as follows:

- (a) For one-half (1/2) of the cost of the construction and installation of catch basins located at the intersection

- of 27th Avenue and Howser Place - the sum of \$370.00 ;
- (b) For the construction of 278 feet of eight (8") inch A.C. Main on 27th Avenue - the sum of \$3,630.00;
- (c) For the cost of oversizing the A.C. Main on Howser Place, over and above the cost of construction and installation of eight (8") inch A.C. Main - the sum of \$1,600.00 :

10. All work required to be performed or paid for by the Developer for Phase I shall be completed in accordance with the provisions of this Contract within Ten (10) months from the date that the By-law approving this Land Use Contract is adopted by the Municipality.

11. As security for the due and proper performance by the Developer of all of his covenants and agreements herein contained, the Developer shall deposit with the Municipality prior to the execution of this Agreement by the Municipality, an unconditional, irrevocable letter of credit drawn on a chartered bank in Canada for the sum of ----FORTY-THREE THOUSAND THREE HUNDRED AND FIFTY-----(\$43,350.00) Dollars and for a term of not less than one (1) year. The Developer agrees that if the work specified herein is not completed pursuant to the provisions of this Agreement, the Municipality may complete the work at the cost of the Developer and deduct from any funds held by the Municipality as security hereunder, the cost of such completion, and the balance of the deposit if any, shall be returned to the Developer less any administration fees required by the Municipality. If there is insufficient money on deposit with the Municipality, then the Developer will pay such deficiency to the Municipality immediately upon receipt of the Municipality's bill for completion. It is understood that the Municipality may do such work either by itself, or by contractors employed by the Municipality. If the work is completed as herein provided, then the security held by the Municipality shall be returned to the Developer. Any bill rendered by the Municipality to the Developer under the provisions of this paragraph shall be regarded as charges for work done or services provided under the provisions of Section 377(1)(b) of the "Municipal Act", R.S.B.C. 1960, Chapter 255 and

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may, in addition to any other remedy available to the Municipality, be collected in the same manner and with the like remedies as ordinary taxes upon land and improvements are collected under the said Act. PROVIDED FURTHER that the Municipality agrees to consent to a reduction in the amount secured by the letter of credit in the amounts paid by the Developer from time to time to its Contractor (or the Municipality where any of such work is carried out by the Municipality) for the construction and installation of the work provided that such payments have been authorized by the Municipal Engineer.

12. The term "Work" where used in Paragraphs 7 to 11 above refers to work required for Phase I.

13. Prior to the date of the public hearing for this Land Use Contract, the Developer shall pay to the Municipality the sum of SEVEN THOUSAND TWO HUNDRED (\$7,200.00) DOLLARS (\$800.00 for each Lot permitted to be subdivided in Phase I) as a contribution to the Municipality allocated as follows:

- (a) Three Hundred (\$300.00) Dollars per Lot for connection of the Subdivision to the Municipality's sanitary sewer system;
- (b) Three Hundred (\$300.00) Dollars per Lot for connection of the Subdivision to the Municipality's domestic water system;
- (c) Two Hundred (\$200.00) Dollars per Lot as a contribution to the Municipality's Park Reserve Fund.

14. The subdivision of Phase I shall not be applied for nor permitted until after the By-law approving this Land Use Contract has been adopted by the Municipality.

#### PHASE II PROVISIONS

15. Phase II of the land shall not be subdivided unless and until the following conditions precedent have been met and performed by the Developer:

- (a) The Developer has paid to the Municipality impost fees in such amount as the Municipality may in its sole discretion then require, for each Lot proposed to be subdivided in Phase II, and
- (b) The Developer has deposited with the Municipality a letter of credit in such amount as the Municipality may in its sole discretion require as security for the work required to be performed by the Developer for Phase II, and such letter of credit shall be held by the Municipality on the same terms upon which the letter of credit for Phase I was held, which such terms are set forth above;
- (c) The Developer has delivered to and received the approval of the Municipal Engineer, a set-back plan showing required yards for such of the Lots proposed to be subdivided in Phase II, as the Municipal Engineer may require.

16. All work required to be performed or paid for by the Developer and relating to Phase II shall be completed within Ten (10) months from the date of commencement of the term of the letter of credit deposited by the Developer with the Municipality for Phase II.

17. The Developer shall construct and install or cause to be constructed and installed at his own expense, the following work for Phase II in accordance with particulars (where shown) on Schedule "B3" hereto:

- (a) Construction including paving curb and gutter of the internal road (Howser Place);
- (b) Sidewalk and boulevard treatment along one side of Howser Place;
- (c) A walkway from Howser Place to the boundary of the land, as shown on Schedule "B3" and such walkway shall be paved;
- (d) Domestic water, storm sewer and sanitary sewer works and services including connections sufficient to serve all

of the Lots created by a plan of subdivision for Phase II - Provided that an oversized A.C. Main of the same specifications provided for Phase I shall be constructed and installed;

- (e) Underground hydro, telephone, and natural gas services (where Inland Natural Gas will provide such service) together with connections sufficient to serve all Lots created by a plan of subdivision for Phase II.

18. The Developer shall at his own cost, construct and install a storm sewer main (as per Schedule "B3") on Howser Place and from Howser Place to the west boundary of the land. When the adjacent property to the west of the land is developed and subdivided for residential use, the City shall reimburse the Developer for the costs of construction and installation of the said storm sewer main on Howser Place, over and above the cost of constructing and installing a storm sewer main solely to meet requirements for Phase II has may be hereafter imposed by the Municipal Engineer, and shall reimburse the Developer for the full cost of constructing and installing the said storm sewer main from Howser Place to the west boundary of the land.

#### GENERAL PROVISIONS

19. The Developer shall be responsible to maintain and repair the work required for the development and subdivision of each Phase hereunder for a period of One (1) year from the date of completion of the work for such Phase. PROVIDED HOWEVER that the Developer's responsibility for maintenance and repair shall extend only to defects of workmanship and materials in such work and damage to such work caused by the Developer its servants, agents, or contractors, but shall not extend to damage caused by third parties or acts of God. PROVIDED FURTHER and notwithstanding anything herein contained, the Developer shall not be responsible for defects of workmanship and material relating to any portion of the work performed by the Municipality at the expense of the Developer. If the Developer should fail to promptly and properly perform its obligations from time to time under the provisions of this Paragraph, the Municipality shall have the right to carry out such maintenance and repair either by itself or by contractors employed by the Municipality, and the Developer shall pay to the Municipality, the Municipality's costs of carrying out such maintenance and repair immediately after the Municipality has rendered to the Developer its bill therefor.

20. IT IS UNDERSTOOD AND AGREED that save as specifically provided by the provisions of this Contract, all By-laws of the Municipality and regulations made thereunder shall apply to the development, use, ownership, operation and maintenance of the land and work, including without restricting the generality of the foregoing, the provisions of the Building By-law of the Municipality.

21. All Schedules attached hereto or referred to in this Contract, including without restricting the generality of the foregoing Schedules "A" to "D" inclusive, are hereby incorporated into and made part of this Contract. Each of the parties hereto acknowledges and agrees that Schedules "B1", "B2", "B3", "C" and "D" referred to herein are plans which have been executed by each of the parties hereto and further that an executed copy of each of such plan is in possession of each of the parties hereto. It is further acknowledged and agreed by each of the parties hereto that the said plan Schedules are hereby incorporated into and form part of this Land Use Contract, the same as if such plan Schedules were attached hereto.

22. The Developer covenants and agrees to pay all costs including legal fees and disbursements incurred directly or indirectly as a result of the preparation and registration of this Land Use Contract and any By-law required to implement the terms hereof.

23. The Developer covenants and agrees to indemnify and save harmless the Municipality and its servants, agents and employees from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought or made against the Municipality or its servants, agents and employees, resulting directly or indirectly from the failure of the Developer to perform his covenants herein contained.

24. It is understood and agreed that the Municipality has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Developer other than those contained in this Contract.

25. Concurrently with the subdivision of Phase I, the Developer shall without remuneration, dedicate as road that portion of the land shown as "road to be dedicated" on Schedule "D" hereto.

26. Subject to proper and complete performance by the Developer of its covenants herein contained, the Municipality hereby covenants and agrees to permit the Developer to use the land in accordance with the terms and conditions herein contained.

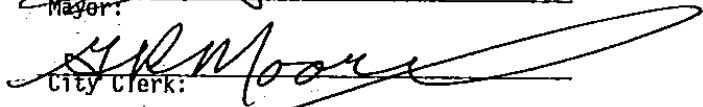
27. Wherever the singular or masculine is used herein the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

28. This contract shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, and this Contract and all covenants herein contained shall be construed as running with the land.

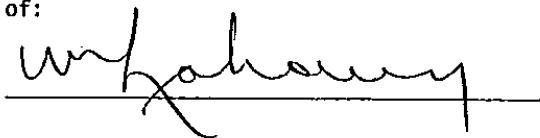
IN WITNESS WHEREOF the parties have hereunder affixed their hands and seals, or being corporations, have hereunto affixed their corporate seals in the presence of their duly authorized officers in that behalf, at the City of Vernon, Province of British Columbia, the day and year first above written.

The Corporate Seal of THE CORPORATION  
OF THE CITY OF VERNON was hereunto  
affixed in the presence of:

  
\_\_\_\_\_  
Mayor: ✓

  
\_\_\_\_\_  
City Clerk:

The Corporate Seal of TRI-CREST INVESTMENT  
CORP. was hereunto affixed in the presence  
of:

  
\_\_\_\_\_  
PRESIDENT ✓

PARK STATIONERS & PRINTERS LTD.

Law and Commercial Stationers

Vancouver, B.C.

FORM NO. 206 ACKNOWLEDGMENT OF OFFICER OF A CORPORATION.

# Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the  
at the City of Vernon

6<sup>th</sup> day of October, 1977,

of WILLIAM N. LAHOWY  
appeared before me and acknowledged to me that he is the  
President

TRI-CREST INVESTMENT CORP.

who subscribed his name to the annexed instrument as

Tri-Crest Investment Corp.

said Company

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at the City of Vernon in the Province of  
British Columbia, this 6<sup>th</sup> day of October  
one thousand nine hundred and seventy-seven

*W.E. CATTIN*

A Notary Public in and for the Province of British Columbia:  
A Commissioner for Taking Affidavits for British Columbia.

*W.E. CATTIN*

## LAND USE CONTRACT

SCHEDULE "A"Schedule of Permitted Land UsePhase I

Lots 1 to 7 inclusive shown on the proposed plan of subdivision being Schedule "B1" hereto, shall be used for single family residential purposes and the construction of any building or improvement on any of such Lots shall be subject to the regulations set forth in Schedule "B" hereto.

Lots 8 and 9 shown on the proposed plan of subdivision being Schedule "B1" hereto, shall be used for semi-detached two-family residential purposes and the construction of any building or improvement on any of such Lots shall be subject to the regulations set forth in Schedule "B" hereto.

Phase II

All Lots created by a subdivision of Phase II shall be used for single family residential purposes and the construction of any building or improvement on any of such Lots shall be subject to the regulations set forth in Schedule "B" hereto.



LAND USE CONTRACTSCHEDULE "B"REGULATIONSDefinitions

In this Land Use Contract unless the context otherwise requires:

Accessory Building

- (a) A building, the use or intended use of which is ancillary to that of a principal building situated on the same lot, or
- (b) A building which is ancillary to a principal use being made of the lot upon which such building is located.

Accessory Use

- (a) The use which is ancillary to the permitted use of a principal building situated on the same lot, or
- (b) The use which is ancillary to a permitted principal use.

Administrative Officer

The administrative officer as appointed from time to time by the Council of the Corporation of the City of Vernon.

Basement

That portion of a building between two floor levels which is partially underground, and which has at least one-half (1/2) of its height above the average ground level adjoining its exterior walls.

Balcony

An extension of a floor projecting from the wall of a building enclosed by a parapet or railing.

Building

A structure, located on the ground, which is designed, erected or intended for the support, enclosure or protection of persons or property, but shall not include a mobile home or trailer whether or not the same is placed on a foundation.

Building, Front Line of

The extended line of the wall of the building, (or any projecting portion of the building except canopies) which face the front line of the lot.

Building, Rear Line of

The extended line of the wall of the building (or any projecting portion of the building except canopies) which faces the rear line of the lot.

Cellar

That portion of a building between two floor levels which is completely underground or which has more than one-half of its height below the average elevation of the ground adjoining its exterior walls.

Corporation

The Corporation of the City of Vernon.

Council

The Municipal Council of The Corporation of the City of Vernon.

Curbs

A Raised margin designed for the deletion of parking stalls, lot lines and for traffic control, such curbs to be constructed of asphalt or concrete, installed and secured to meet the approval of the City Engineer.

Curb Level

The level of an established curb in front of a building, measured at the centre of such front. When no curb has been established, the Municipal Engineer may establish such level or its equivalent, for the purposes of this Land Use Contract.

Dwelling

A building, occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, motels, auto courts, motor hotels, or institutions.

Dwelling, Single Family

Any building consisting of one dwelling unit which is occupied or intended to be occupied as a permanent home or residence of one family.

Family

An individual or two or more persons related by blood, marriage or adoption or a group of not more than five unrelated non-transient persons, living together as a single non-profit group in a housekeeping unit and including servants employed upon the premises.

Floor Area Gross

A total area of all the floors, measured to the extreme outer limits of the building, including all suites or dwelling units and all areas giving access thereto, such as corridors, hallways, landings, foyers, staircases and stairwells, balconies and mezzanines, enclosed porches or verandas and elevator shafts.

Garage, Private

A detached accessory building or portion of a principal building used solely for the parking or temporary storage of private motor vehicles and in which there are not facilities for repairing or servicing such vehicles.

Carport

A detached exterior building or portion of a principal building used solely for the parking or temporary storage of private motor vehicles, open on at least three sides, and in which there are no facilities for repairing or servicing such vehicles.

Grade or Grade Level

The finished ground level at the centre of the exposed wall of a building.

Habitable Room

A room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom or kitchen.

### Height of Buildings or Structures

The vertical distance from the average finished ground level at the perimeter of the building or structure to the highest point of the structure, or if the structure has a roof, to the highest point of the roof.

### Highway

All public streets, roads, ways, trails, lanes and bridges, trestles, and any other public way.

### Landscaping

The planting of lawns, shrubs and trees, and the addition of fencing, walks, drives or other structures and materials as used in landscape architecture.

### Lane

A public thoroughfare or way which affords only a secondary means of access to a lot, at the side or rear.

### Lot

An area of land designated as a separate distinct parcel on a legally recorded subdivision plan and description filed in the Land Registry Office, and having a principal frontage upon a public street or place.

### Lot Area

The total horizontal area within the lot lines of a lot.

### Lot Depth

The mean horizontal distance between the front and rear lot lines.

### Lot Width

The mean horizontal distance between the side lot lines measured at right angles to the lot depth.

### Lot Corner

The lot at the intersection or junction of two or more streets.

### Lot Interior

A lot other than a corner lot.

### Lot Line Front

The boundary line of the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting the street shall be considered a front line if the adjacent lots front on the same street, except that only one front lot line need be provided.

### Lot Line Rear

A lot line furthest from the opposite to the front lot line, except that there shall be not more than one rear lot line.

### Lot Line Side

A lot line marking the boundary between two lots, or between a lot and then a lane, or between a lot and a public street, in the case of a corner lot; of which one or both ends intersect a front lot line.

### Motor Vehicle

A vehicle as defined in the Motor Vehicle Act of the Province of British Columbia.

Off Street Parking

A use providing for the temporary parking of vehicles.

Parcel

Any lot, block or other area in which land is held or into which land is subdivided.

Principal Building

An existing or proposed building which is the chief or main one among the buildings on the site and shall include attached garages and carports.

Principal Use

The main purpose for which the block, lot or parcel, buildings or structure is permitted to be used.

Screening

A continuous fence, wall, compact evergreen hedge or combination thereof, supplemented with landscape planting, that would effectively screen the property which it encloses, and is broken only by access drives and walks.

Setback

The required minimum distance between a building or use in each of the respective property lines.

Site Coverage

That percentage of the total area of the site that will be covered by all buildings or structures built thereon.

Storey

A habitable space between two floors, or between any floor and the upper surface of the floor next above, except that the topmost storey shall be that portion of a building included between the upper surface of the topmost floor and the ceiling above. A basement which contains a habitable accommodation shall be considered as a storey.

Subdivision Area

The area into which land is subdivided on the records of the Land Registry Office.

Building, Temporary

A building (except a private garage or other accessory building), not having its exterior walls supported on continuous concrete or masonry foundations or walls, and includes boat shelters, bunkhouses, skid shacks, huts, tents, trailers or any other similar type of portable buildings, or structures; whether or not the same be placed on foundations or affixed to the land in any way, but shall not include a mobile home which is located in a mobile home park nor permanent prefabricated residential dwellings, industrial, warehouse or storage buildings.

Use

The purpose for which any lot, parcel, tract of land, building or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Yard, Front

That portion of the lot, extending from one side lot line to the other, between the front lot line of the lot and the line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the front line of the lot and the parallel line.

Yard, Side

That portion of the lot, extending from the front yard to the rear yard, between the side line of the lot and the line drawn parallel thereto. The width of such yard shall mean the perpendicular distance between the side line of the lot and the parallel line.

Yard, Rear

That portion of the lot, extending from one side lot line to the other between the rear lot line of the lot and a line drawn parallel thereto. The depth of such yard shall mean the perpendicular distance between the rear lot line and the parallel line.

Regulations1. Number of Principal Buildings on a Lot

- (a) No principal building shall be located on the same lot as any other principal building.

2. Location and Siting of Residential Buildings

- (a) No principal buildings shall be located in any required front, side or rear yard;
- (b) No accessory building shall be located in any required front or side yard except as provided for in Section 4 of these regulations.

3. Accessory Buildings

Accessory buildings shall be permitted on a lot provided that they are:

- (a) Placed no nearer than the rear wall of the principal building to the front property line and at least ten (10) feet from any principal building, except for attached carports or garages;
- (b) Placed at least three (3) feet from any rear lot line, where no lane is provided;
- (c) In the case of carports or garages opening onto a lane, they are at least six (6) feet from any such lane;
- (d) Sited so as to have the same yard from any flanking street as the principal building provided the principal building conforms to the minimum setback requirements of this Land Use Contract;
- (e) Of such size so that they shall not have a floor area in excess of one-third of the habitable floor area of the principal building on the site (basements attached carports and garages for the purpose of this provisions shall not be classed as habitable floor area);
- (f) Constructed so that the roof or ridge line shall not be in excess of fourteen (14) feet above average grade level.

4. Temporary Buildings

- (a) A temporary building or structure may be erected for construction purposes on a lot being developed for a period not to exceed the duration of such construction;

- (b) Temporary buildings or structures shall be subject to the following requirements:
  - (i) Application shall be made in writing to the Chief Building Inspector for a permit to erect a temporary building or structure.
  - (ii) If the Chief Building Inspector is satisfied that the proposed building or structure would not constitute or cause a public hazard or be a nuisance nor obstruct unnecessarily any public right of way he shall grant a permit for a period of not more than six months, provided however that such permit may be renewed upon written application for a further period not to exceed six months.
  - (iii) At the expiration of the permit such temporary building or structure shall be removed and the site restored as nearly as possible to its former condition.

#### 5. Projections into Required Yards

The following features may project into a required front, side or rear yard:

- (a) Steps;
- (b) Open porches and canopies, provided that such projections are a minimum of ten (10) feet from the property line.
- (c) Balconies and sun decks, provided that such projections do not exceed four (4) feet, nor closer than five (5) feet to the property line.
- (d) An uncovered patio or terrace which may be open or enclosed in any yard subject to the fence height limitations as specified in Section 8 of these regulations. The provision of an awning or similar temporary covering for such terrace shall be permitted.
- (e) An uncovered swimming pool provided that such pool shall not be constructed within a required front yard or nearer than ten (10) feet to any property line;
- (f) A covered swimming pool, subject to the provisions of clause (e) and to the regulations governing accessory buildings contained in Section 3 of these regulations.

#### 6. Vision Clearance at Intersections

No fence, wall or structure other than a permitted principal building shall be erected to a greater height than three and one-half (3 1/2) feet and no hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance in the area bound by:

- (a) The intersecting lot line at a street corner and a line joining points along the said lot line Thirty (30) feet from their point of intersection;
- (b) The intersecting lot lines at a lane corner and a line joining points along the said lot lines twenty (20) feet from their point of intersection. A lane intersection shall include intersection of a lane with another lane or with a street.

#### 7. Fences

- (a) The height of a fence, wall or hedge shall be determined by measurement from the ground level at the average grade level.
- (b) That portion of a retaining wall which projects above the surface of the ground which it supports shall be considered as a fence and subject to the regulations of this subsection.

- (c) Notwithstanding Clause (b) in cases where a retaining wall has been constructed along a property line, the height of a fence, wall or hedge shall be determined by the measurement from the surface of the ground which the retaining wall supports at the average grade level.
- (d) Subject to the Vision Clearance provisions of Section 6 the following height measurements shall apply to fences, walls or hedges:
  - (i) Hedges not greater than six (6) feet in height may be located anywhere on a lot;
  - (ii) Fences or walls not greater than six (6) feet in height may be located on any lot to the rear of a required front yard.
  - (iii) Fences, six (6' 0") feet in height, shall be constructed along the entire length of each common boundary separating lots as shown on Schedule "C" hereto for Phase I, and along such common boundaries as may be shown on the set back plan for Phase II when submitted by the Developer and approved by the Municipal Engineer.

#### 8. Screening or Landscaping

Lots and required yards:

- (a) Any part of the lot not used for storage, building, parking or loading facilities or outdoor recreation, shall be fully landscaped and properly maintained.

#### 9. Parking and Storage

No person at any time shall park or store any commercial vehicles, truck, bus, self-propelled camper, tow truck or any equipment or building material on a single family residential lot except as follows:

- (a) One truck or commercial vehicle not exceeding 3/4 ton rate capacity;
- (b) One self propelled camper provided that the overall length does not exceed twenty (20) feet;
- (c) Trucks or equipment required for construction, repair, servicing or maintenance of the premises when parking during normal working hours;
- (d) One boat or vessel not exceeding a length of twenty (20) feet;
- (e) Building materials when the owner, lessee or occupier of the premises is in possession of a valid building permit provided that the materials stored are in connection with the construction or development of the building pursuant to the building permit.

The foregoing regulations concerning parking and storage apply as well to semi-detached (2 family) residential lots except that the word "one" in sub-paragraphs (a), (b), and (d) shall be read as "two".

#### 10. Required Yards

Required yards shall be provided for each lot in accordance with particulars shown on the set-back plan for Phase I being Schedule "C" hereto and such set-back plan for Phase II as may be hereafter submitted to and approved by the Municipal Engineer for Phase II; PROVIDED HOWEVER that where such set-back plans do not specify a required side yard, front yard or rear yard as the case may be for a Lot, the following regulations shall apply:

- (a) Front Yard - a front yard shall be provided of not less than eight (8m) metres (26.2 feet);

- (b) **Side Yards** - side yards shall be provided with a minimum width of 1.5 metres (4.9 feet) for the narrower side yard, and 3 metres (9.8 feet) for the sum of both side yards. In the case of a corner lot, the side yard adjoining the flanking street shall be not less than 8 metres (26.2 feet) in width.
- (c) **Rear Yards** - a rear yard shall be provided of not less than 8 metres (26.2 feet) in depth.

#### 11. Off-Street Parking

Two (2) off-street parking spaces shall be provided for each single family residential lot and four (4) of such spaces shall be provided for each semi-detached (2 family) residential lot.

#### 12. Preliminary Plan Approval

No Building Permit for the construction of any improvement on any lot shall be issued by the Chief Building Inspector unless and until the applicant for any such Building Permit has first applied to and received from the Planning and Zoning Committee, preliminary plan approval for the construction of the improvement for which a Building Permit is sought.

Every application to the Planning and Zoning Committee for preliminary plan approval shall be submitted to the Municipal Engineer and shall be accompanied by the following documentation and information:

- (a) Street address and legal description of the Lot
- (b) The name of the applicant and/or owner of the lot
- (c) A detailed plan of landscaping and usable open space
- (d) site plan drawn to a suitable scale and illustrating:
  1. Dimensions of property and relationship of site
  2. Vehicular points of egress and ingress
  3. Off-street parking areas
  4. Siting of buildings showing dimensions of structures front, rear and side yard setbacks
  5. Location of trees and other natural features
  6. Finished contours of building lot
- (e) Exterior elevations illustrating:
  1. Height of structures
  2. Finish of structures
  3. Dimensions of structures
- (f) Floor plan illustrating:
  1. Outline of typical floor plan with general outside dimension
- (g) Utility plans showing locations of services

Following receipt of preliminary plan approval, the foregoing documentation and information amended where necessary to conform to the approval given by the Planning and Zoning Committee, shall be submitted to the Chief Building Inspector together with an application for a Building Permit.

An applicant for preliminary plan approval shall be entitled to receive such approval if the plans, specifications, information and supporting materials submitted to the Planning and Zoning Committee under the provisions of Sub-paragraphs (a) to (g) disclose that the improvement or development for which approval is sought complies with the provisions of this Land Use Contract and all other applicable By-laws of the Municipality.

13. Save and except as is specifically provided for in these Regulations concerning the use and the development of the land and any subdivided lot, the By-laws of the Municipality shall apply and govern.

LAND USE CONTRACTCONSENT

KNOW ALL MEN by these presents that: UNITY FRUIT LIMITED, of the City of Vernon, Province of British Columbia, being the holder of a charge by way of Mortgage registered in the Land Registry Office at Kamloops, in the Province of British Columbia, under Number L67094 against all and singular that certain parcel or tract of land and premises being in the City of Vernon, in the Province of British Columbia, and more particularly known and described as:

Lot One (1)  
District Lot Sixty-six (66)  
Osoyoos Division Yale District  
Plan 27040

in consideration of the sum of One (\$1.00) Dollar hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said lands and THE CORPORATION OF THE CITY OF VERNON dated the 20 day of December, A.D. 1977, against the aforementioned lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

The Corporate Seal of UNITY FRUIT LIMITED was hereunto affixed in the presence of:

W. Lorne Irvine

PRESIDENT

REGISTERED KAN1421

RCVD:1978-01-10

RQST:2009-03-27-11.19.07.532

PARK STATIONERS & PRINTERS LTD.  
Law and Commercial Stationers  
Vancouver, B.C.

FORM NO. ZB6 ACKNOWLEDGEMENT OF OFFICER OF A CORPORATION.

# Acknowledgment of Officer of a Corporation

I HEREBY CERTIFY that, on the  
at the City of Vernon

14<sup>th</sup> day of December, 1977,

in the Province of British Columbia,

(whose identity has been proved by the evidence on  
, who is) personally known to me,

President

of  
W. LORNE IRVINE  
appeared before me and acknowledged to me that he is the  
UNITY FRUIT LIMITED  
who subscribed his name to the annexed instrument as  
Unity Fruit Limited  
said Company

, and that he is the person  
of the said  
and affixed the seal of the

to the said Instrument, that he was first duly authorized to subscribe his name as aforesaid, and affix the said seal to  
the said Instrument, and that such corporation is legally entitled to hold and dispose of land in the Province of  
British Columbia.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at the City of Vernon in the Province of  
British Columbia, this 14<sup>th</sup> day of December  
one thousand nine hundred and seventy-seven



~~A Notary Public in and for the Province of British Columbia -  
A Commissioner for taking Affidavits for British Columbia.~~

R. E. NOBLE

NOTE - WHERE THE PERSON MAKING THE ACKNOWLEDGMENT IS PERSONALLY KNOWN TO THE OFFICER TAKING THE SAID, STRIKE OUT THE WORDS IN BRACKETS.

LAND USE CONTRACTCONSENT

KNOW ALL MEN by these presents that: WALTER JOHN HLINA, of the City of Vernon, Province of British Columbia, being the holder of a charge by way of Mortgage registered in the Land Registry Office at Kamloops, in the Province of British Columbia, under Number L45336 against all and singular that certain parcel or tract of land and premises being in the City of Vernon, in the Province of British Columbia, and more particularly known and described as:

Lot One (1)  
District Lot Sixty-six (66)  
Osoyoos Division Yale District  
Plan 27040

in consideration of the sum of One (\$1.00) Dollar hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said lands and THE CORPORATION OF THE CITY OF VERNON dated the 20 day of December, A.D. 1977, against the aforementioned lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

SIGNED, SEALED AND DELIVERED  
in the presence of:

W. E. Catlin  
Witness

W. E. CATLIN

Barrister & Solicitor

Address 4th Floor, 3205-32nd St.  
VERNON, B. C. V1T 2M4

Occupation

Walter John Hlina  
WALTER JOHN HLINA

# Acknowledgment of Maker

I HEREBY CERTIFY that, on the  
the City of Vernon

23 day of December, 1977, at  
in the Province of British Columbia

WALTER JOHN HLINA

(whose identity has been proved by the evidence on oath of \_\_\_\_\_), who is personally known to me, appeared before me and acknowledged to me that he is the person mentioned in the annexed instrument as the maker thereof, and whose name is subscribed thereto as part y that he knows the contents thereof, and that he executed the same voluntarily, and he is of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at the City of Vernon in the Province of  
British Columbia, this 23<sup>rd</sup> day of December 1977.



A Notary Public in and for the Province of British Columbia  
A Commissioner for taking Affidavits for British Columbia

W.E. CATLIN


LAND USE CONTRACTCONSENT


KNOW ALL MEN by these presents that: WALTER JOHN HLINA, of the City of Vernon, British Columbia, being the holder of a charge by way of a Life Estate registered in the Land Registry Office at Kamloops, in the Province of British Columbia, under Number L45335 against all and singular that certain parcel or tract of land and premises being in the City of Vernon, in the Province of British Columbia, and more particularly known and described as:

Lot One (1)  
 District Lot Sixty-six (66)  
 Osoyoos Division Yale District  
 Plan 27040

in consideration of the sum of One (\$1.00) Dollar hereby agrees and consents to the registration of a Land Use Contract, made between the registered owner of the said lands and THE CORPORATION OF THE CITY OF VERNON dated the 20 day of December, A.D. 1977, against the aforementioned lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

SIGNED, SEALED AND DELIVERED  
 in the presence of:

  
 Witness W. E. CATLIN  
 Barrister & Solicitor  
 Address 4th Floor, 3205-32nd St.  
VERNON, B. C. V1T 2M4  
 Occupation \_\_\_\_\_

  
WALTER JOHN HLINA

# Acknowledgment of Maker

I HEREBY CERTIFY that, on the

23

day of

December

, 1977, at  
in the Province of British Columbia

WALTER JOHN HLINA

oath of

before me and acknowledged to me that he is the person  
maker thereof, and whose name is subscribed thereto as party that he knows the contents  
thereof, and that he executed the same voluntarily, and he is

(whose identity has been proved by the evidence on  
) , who is personally known to me, appeared  
mentioned in the annexed instrument as the  
that he knows the contents  
of the full age of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,  
at the City of Vernon in the Province of  
British Columbia, this 23<sup>rd</sup> day of December 1977.

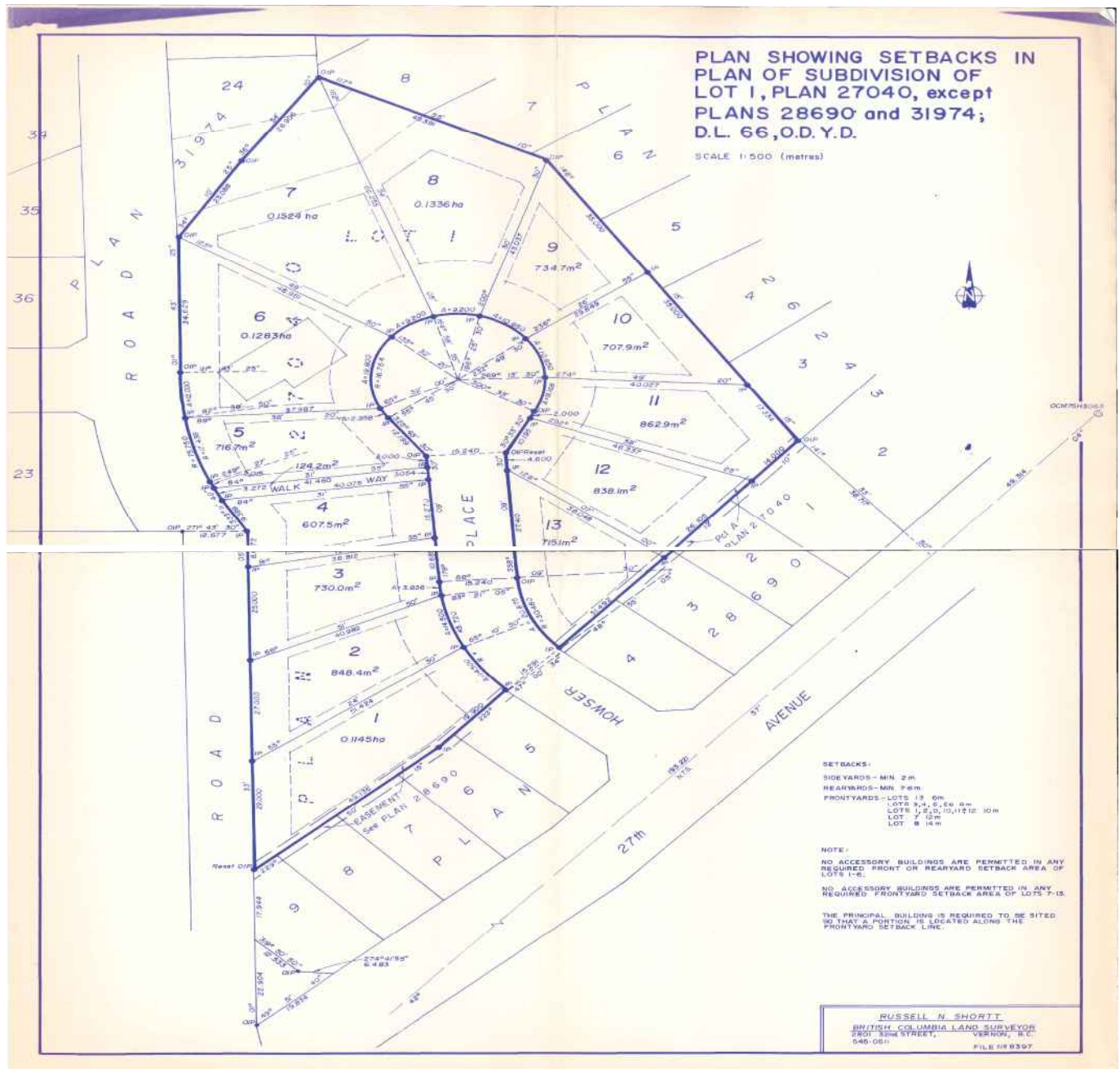


A Notary Public in and for the Province of British Columbia  
A Commissioner for taking Affidavits for British Columbia.

W. J. HLINA

**PLAN SHOWING SETBACKS IN  
PLAN OF SUBDIVISION OF  
LOT I, PLAN 27040, except  
PLANS 28690 and 31974;  
D.L. 66, O.D. Y.D.**

SCALE 1:500 (metres)



**SETBACKS:**  
SIDEYARDS - MIN. 2 m  
REARYARDS - MIN. 2 m  
FRONTYARDS - LOTS 13 6m  
                  LOTS 1, 2, 5, 6, 9 9m  
                  LOTS 7, 8, 10, 11, 12 10m  
                  LOT 4 10m  
                  LOT 8 14m

**NOTE:**  
NO ACCESSORY BUILDINGS ARE PERMITTED IN ANY  
REQUIRED FRONT OR REARYARD SETBACK AREA OF  
LOTS 1-6.  
NO ACCESSORY BUILDINGS ARE PERMITTED IN ANY  
REQUIRED FRONTYARD SETBACK AREA OF LOTS 7-13.  
THE PRINCIPAL BUILDING IS REQUIRED TO BE SITED  
SO THAT A PORTION IS LOCATED ALONG THE  
FRONTYARD SETBACK LINE.

**RUSSELL N. SHORTT**  
BRITISH COLUMBIA LAND SURVEYOR  
2807 32nd STREET,  
VERNON, B.C.  
V4B 0B1      FILE # 8397

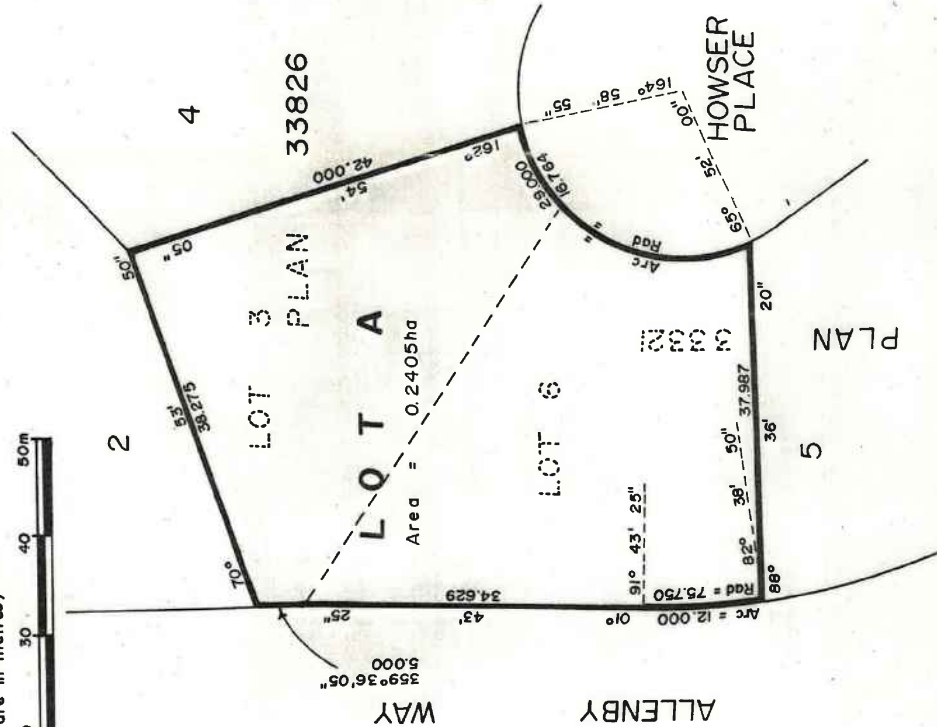
PLAN N<sup>o</sup> 34882

DEPOSITED IN THE LAND TITLE OFFICE AT KAMLOOPS, B.C., THIS 30<sup>th</sup> DAY OF JULY, 1984.

J.C. GROVES  
REGISTRAR

EXPLANATORY PLAN OF CONSOLIDATION OF LOT 6, PLAN 33321 AND LOT 3, PLAN 33826, ALL IN DL. 66, O.D.Y.D.

SCALE 1 : 500 (All distances are in metres)



LEGEND  
BEARINGS ARE GRID AND DERIVED FROM PLAN 33826

Witness  
OWNER: Walter John Hlina  
12205 Kinsman Rd, Kamloops

Address

Occupation

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.

CERTIFIED CORRECT THIS 9th DAY OF JULY, 1984.

*[Signature]*

HILINA HOLDINGS LTD.  
(Inc. No 215631)

*[Signature]*  
(Authorized signatory)

RUSSELL N. SHORTT  
BRITISH COLUMBIA LAND SURVEYOR  
2801-32nd STREET,  
VERNON, B.C.  
PHONE 545-0511  
F.B. FILE NO 9697



Howser Place  
Vernon  
OPTION B

Date	
Drawn by	
Project No.	
Scale	A



**Howser Place - Proposed Zoning R5**  
**Legal Description: REM Lot A, Plan 34882**  
Site Area: 1571.225m<sup>2</sup> = 0.388 Acres

Density Allowed = 4.65 Units (12 Units/Acre)  
Density Proposed = 4 Units

**Coverage:**  
Building = 165m<sup>2</sup>x2 = 330.0m<sup>2</sup> = 21.0%  
Drive Aisle/Parking = 318.74m<sup>2</sup> = 20.3%  
**Total = 648.74m<sup>2</sup> = 41.3%(Max. 50%)**  
Landscaping = 992.49m<sup>2</sup> =58.7%

**Parking Requirements:**  
4 - 3 Bedroom Units @ 2 Spaces/Unit  
Parking Spaces Required = 8 Spaces  
Parking Spaces Provided = 8 Spaces

CURRENT ZONING: VERNON R-2  
PROPOSED ZONING: VERNON R-5