



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

### **ADVISORY PLANNING COMMITTEE**

**TUESDAY, NOVEMBER 23, 2021 AT 4:00 P.M.**

**COUNCIL CHAMBERS, CITY HALL (OKANAGAN LAKE ROOM)**

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

**1) CALL TO ORDER**

**2) LAND ACKNOWLEDGEMENT**

*As chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan nation.*

**3) ADOPTION OF AGENDA**

**4) ADOPTION OF MINUTES**

a) November 09, 2021

**5) NEW BUSINESS**

a) (ZON00374) REZONING APPLICATION FOR 4408 25 STREET

**6) INFORMATION ITEMS**

a) The Staff Liaison to provide verbal update of APC related items discussed at the most recent Council meeting.

**7) NEXT MEETING**

The next meeting is tentatively scheduled for **Tuesday, December 14, 2021.**

**8) ADJOURNMENT**



# THE CORPORATION OF THE CITY OF VERNON

## MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, NOVEMBER 09, 2021 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

**PRESENT:** VOTING

Mark Longworth, Chair  
Don Schuster  
Doug Neden  
Jamie Paterson  
Monique Hubbs-Michiel  
Phyllis Kereliuk  
Joshua Lunn

NON-VOTING

Mayor Cumming (Appointed Member)

**ABSENT:** Lisa Briggs

Bill Tarr  
Harpreet Nahal

**STAFF:** Ally Campbell, Planning Assistant

Carson Mackona, Planning Assistant  
Craig Broderick, Manager, Current Planning  
Matt Faucher, Planner  
Tracy Mueller, Committee Clerk

**ORDER**

The Chair called the meeting to order at 4:00 PM.

**LAND  
ACKNOWLEDGMENT**

*As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.*

**ADOPTION OF AGENDA**

Moved by Jaime Paterson, seconded by Doug Neden:

THAT the Advisory Planning Committee agenda of November 9, 2021, be adopted.

**CARRIED.**

**ADOPTION OF MINUTES**    Moved by Monique Hubbs-Michiel, seconded by Phyllis Kereliuk:

THAT the minutes for the Advisory Planning Committee meeting of October 26, 2021 be adopted.

**CARRIED.**

**NEW BUSINESS:**

**OCP00085 / ZON00363  
(5975 Lefoy Rd, 6141  
Hwy 97, 6162 Pleasant  
Valley Rd)**

Matt Faucher, Current Planner, reviewed the Official Community Plan and Zoning Amendment Applications for 5975 Lefoy Rd; 6141 Hwy 97; 6162 Pleasant Valley Rd as follows:

- Staff clarified that as part of the OCP Amendment policy, this application would require further public consultation.
- The purpose of the report is for Council to commence the public consultation process of the proposed amendments to the Official Community Plan and Zoning bylaws prior to Council's consideration.
- This project would then come back to the Advisory Planning Committee for further review / comments after initial public consultation.
- Staff clarified that the subject property is comprised of three (3) properties.
- 6162 Pleasant Valley Road contains zoning and OCP designations from the Regional District of North Okanagan. 5975 Lefoy Road and 6141 Hwy 97 are both large lots.
- Staff provided an overview of the proposed amendments.
- Should the application be successful in receiving Council's approval, a subdivision would be required to align property boundaries with the zoning boundaries as proposed; it will be a phased development over time.
- The initial development will occur along the existing 20th Street. There would be requirements to create an extension and a secondary road and eventually connect 20th Street to Pleasant Valley Road.
- The Applicant is currently working with Trident Environmental regarding appropriate riparian setbacks. The proposed zoning boundaries are established to protect the riparian area from future development.
- There is an agreement in place a statutory right-of-way in favour of RDNO has been registered along BX Creek to establish a future public trail.

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

- In response to a question from a member of the Committee staff clarified that the developer owns all the subject lands.
- The Committee requested clarification regarding "Road B". Staff shared a detailed map that was included in the planning report, and noted that it cuts through "Lot H" and that a realignment would be required.
- Committee members questioned if "Lot E" would have an alternative access. Staff clarified that Lefoy would be extended with a cul-de-sac created on "Lot E".
- Staff confirmed the project falls completely within City boundaries.
- It was discussed that the bulk of the proposed changes are in relation to zoning predominantly as RH1, RH2 and RM2. The highest proposed zones are RH1 and RH2.
- The Committee expressed concern with the "wetlands" near the Rona area at the north end of town (Lot N).
- Staff clarified that the C3 zone allows for mixed-use commercial / residential.
- Staff noted that they are seeking comments / support from the Committee, Council and public on the proposed amendments. Once the public open house has been conducted, the project will return to the Advisory Planning Committee for additional comments.
- The Committee expressed concern regarding the current road alignment; staff noted that the road is "dedicated" but undeveloped.
- The Committee expressed concern regarding the access regarding Lot A. Staff noted that they are in talks with the Developer to consider connecting the road to 58 Avenue or providing emergency access.
- Committee members recommended to provide parking at or near the proposed park near Lefoy Road (Lot E).
- The existing easement "to be released" should be reconsidered. Staff clarified that active transportation links between the Knell and the creek it would be addressed through the subdivision process but also reviewed at the OCP and rezoning stage. The Committee recommend that the tributary ought to be linked to parks and trails within the region.
- It was discussed that the importance of creating a slopes and natural spaces plan and that such a plan needs to come back to Council for consideration.

- Staff clarified that all comments made by the Committee have been captured within the minutes and will be taken under advisement. Staff further clarified that they will conduct further consultation regarding this project.
- The Chair requested clarification as to the projected timeline. Staff noted that that would go to a future Council meeting for initial consideration and approval to commence the public consultation process. The application is anticipated to come back Advisory Planning Committee for review in the first quarter of 2022 with the comments and feedback from the public consultation.

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

THAT Council support presenting the proposed Official Community Plan and zoning amendment applications at a public open house in order to seek public input prior to the Public Hearing in accordance with Section 4 of Official Community Plan Amendment Applications Policy and Section 475 of the Local Government Act (Consultation during development of official community plan), as follows

1. Amend the Official Community Plan Land Use designations from 'Community Commercial', 'RES (NORD)', 'Residential Medium Density' and 'Parks and Open Space' to 'Community Commercial', 'Residential Medium Density' and 'Parks and Open Space'; and
2. Rezone from A3 (Rural Small Holdings), R4 (Small Lot Residential) and R1 (NORD – Single Family Residential) to C3 (Mixed Use Commercial), C11 (Service Commercial), P1 (Parks and Open Space), R5 (Fourplex Residential Housing), RM2 (Multiple Housing Residential), RH1 (Low Rise Apartment Residential) and RH2 (Stacked Row Housing Residential); for the properties located at 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road.

**CARRIED.**

**INFORMATION ITEMS**

- Craig Broderick, Manager, Current Planning, provided an overview of projects discussed at Council on **November 8, 2021**, as follows:
  - **DVP000539 4001 34A AVENUE**- 4.5 storey apartment with setback to the rear and reduced parking. The APC was not supportive of the side-yard setback to the west. There were 20 individuals who spoke at the Public Hearing; Council did not approve the proposed variances.
  - **ZON00329 - 5661 OKANAGAN LANDING ROAD** - Extension of a zoning that has been on hold. The owner is working with a local developer to go forward with the project and they requested an extension.

**NEXT MEETING**

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, November 23, 2021 at 4:00 PM.**

**ADJOURNMENT**

Moved by Jamie Paterson, seconded by Phyllis Kereliuk:

THAT the Advisory Planning Committee meeting of November 9, 2021 be adjourned.

**CARRIED.**

The meeting of the Advisory Planning Committee adjourned at 4:49 PM.

**CERTIFIED CORRECT:**

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**Chairperson**



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Matt Faucher, Planner,  
Current Planning

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** TBD  
**REPORT DATE:** November 19, 2021  
**FILE:** ZON00374 (3360-20)

**SUBJECT:** REZONING APPLICATION FOR 4408 25 STREET

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## **PURPOSE:**

To review the application to rezone the subject property from R5 – Fourplex Housing Residential to R4 – Small Lot Residential in order to provide for a future single family bareland strata development.

## **RECOMMENDATION:**

THAT Council support the application (ZON00374) to rezone LT 1 SEC 2 TWN 8 ODYD PL 4869 (4408 25 Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential;

AND FURTHER, that Council's support of ZON00374 be subject to the following:

- a) That the applicant registers a restrictive covenant on title to ensure that future lots created through subdivision will not contain dwellings with secondary suites;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate.

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support the application (ZON00374) to rezone LT 1 SEC 2 TWN 8 ODYD PL 4869 (4408 25 Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential.

*Note: Denial of the rezoning application would have the properties retain the R5 – Fourplex Housing Residential zone.*

## **ANALYSIS:**

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

At its meeting of November 23, 2021, the Advisory Planning Committee passed the following resolution:

*“As cited by the committee“*

**B. Rationale:**

1. The subject property is located at 4408 25 Street (Figures 1 and 2) and is approximately 1,263m<sup>2</sup> (0.312 ac) in area. There is currently a single detached dwelling, above ground pool and a number of secondary structures located on the lot.
2. The application proposes to rezone the properties from R5 – Fourplex Housing Residential (Attachment 1) to R4 – Small Lot Residential (Attachment 2).
3. The land is designated as Residential Low Density within the Official Community Plan (OCP), which could allow up to a maximum of 30 units per hectare (12 units per acre). The proposed rezoning to R4 complies with the Residential Low Density designation.
4. The R4 zoning district would permit single detached and semi-detached dwellings.

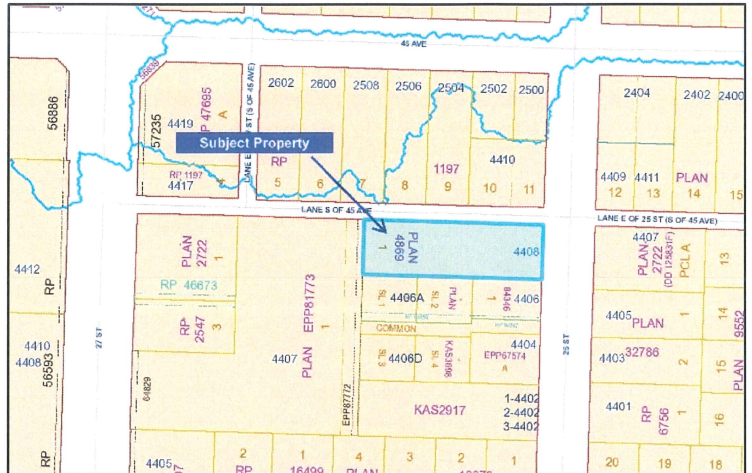
The applicant is proposing to downzone the property to allow for smaller lot sizes to facilitate the development of a three (3) lot bareland strata development including the existing house. Under the current R5 zone there is not enough land area to allow for a three (3) lot subdivision.

5. The subject property is adjacent to a similar strata development to the south located at 4406 and 4404 25 Street. The adjacent strata has access through an internal common road, whereas the subject property is proposing to provide access to two of the strata lots directly from the lane. The applicant’s concept plan is illustrated in Attachment 3.

6. Administration supports the proposed development as it provides sensitive infill that increases the availability of housing stock in the City. The three lot strata subdivision proposed is in general accordance with the character of the surrounding area and thus is not anticipated to create land use conflicts in the neighbourhood. To further mitigate the potential for neighbourhood conflicts, Administration recommends registration of a restrictive covenant prohibiting the installation of suites on future lots created through subdivision. Administration is concerned that the additional on-site parking required to support secondary suites on these lots cannot be met and would result in residents parking on the street or in the lane.

**C. Attachments:**

- Attachment 1 – R5: Fourplex Housing Residential Zone
- Attachment 1 – R4: Small Lot Residential Zone
- Attachment 3 – Proposed Site Plan



**Figure 1: Property Location Map**



**Figure 2: Aerial View of Property**

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

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

- Increase affordable and attainable housing

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

1. Zoning Bylaw #5000 s. 9.5 – R4: Small Lot Residential

**BUDGET/RESOURCE IMPLICATIONS:**

A Public Hearing would be required to be held as part of the public consultation process identified in s. 464 of the *Local Government Act*.

Prepared by:

Approved for submission to Council:

**X**

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

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

Matt Faucher  
Planner, Current Planning

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

**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 checked="" type="checkbox"/> Long Range Planning & Sustainability
<input type="checkbox"/> Real Estate	<input type="checkbox"/> Facilities	<input checked="" type="checkbox"/> Building & Licensing
<input type="checkbox"/> RCMP	<input type="checkbox"/> Utilities	<input checked="" type="checkbox"/> Engineering Development Services
<input checked="" 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 checked="" type="checkbox"/> Transportation
<input type="checkbox"/> Financial Services		<input type="checkbox"/> Economic Development & Tourism
<input checked="" type="checkbox"/> COMMITTEE: APC (Nov.23/21)		
<input type="checkbox"/> OTHER:		



## 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 Uses<sup>4</sup>

- **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*)



## 9.5 R4 : Small Lot Residential

### 9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

### 9.5.2 Primary Uses

- **care centre, major** (*use is only permitted with the R4c sub-zoning district*)
- **single detached housing**
- **semi-detached housing** (*Bylaw 5715*)

### 9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R4h sub-zoning district*)
- **secondary suites (in single detached housing only)**

### 9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.5.5 Development Regulations

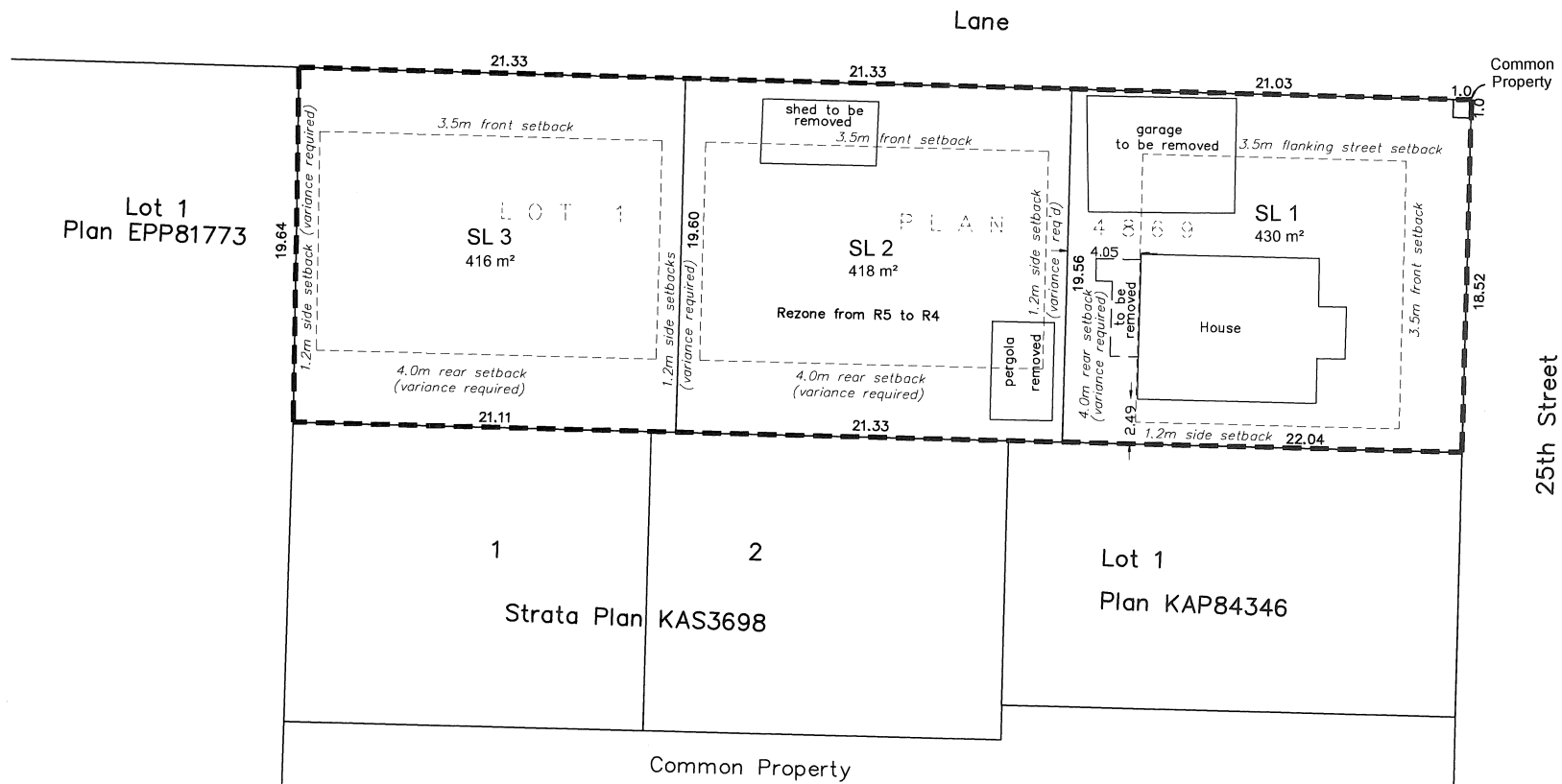
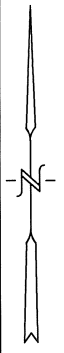
- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m 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.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- 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**. 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.

#### 9.5.6 Other Regulations

- There shall be no more than one **single detached house** or one **semi-detached unit per lot**. *(Bylaw 5715)*
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- 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**.
- 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)*

Proposed Rezoning and Bareland Strata Subdivision of  
 Lot 1, Sec 2, Tp 8, ODYD, Plan 4869.

SCALE 1: 250 ( ALL DISTANCES IN METRES )  
 CIVIC ADDRESS: 4408 25th STREET



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**russell shortt**  
 land SURVEYORS

2801-32nd Street, Vernon, B.C.  
 Phone (250)545-0511 email: jasons@jrshortt.ca

FILE: 29960  
 F.B. 1346

June 22, 2021 - revisions  
 June 17, 2021.

THIS PLAN IS PREPARED FOR THE USE OF:  
 AIM Development

Attachment 3