



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

### **ADVISORY PLANNING COMMITTEE**

**TUESDAY, FEBRUARY 15, 2022 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 (APC), 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) December 14, 2021 (attached)

**5) NEW BUSINESS**

- a) **DVP00546** (12-40 Kestrel Place)
- b) **DVP00547** (8160 Okanagan Landing Road)
- c) **ZON00380** (8801 Tavistock Road)
- d) **DVP00560** (160 Whistler Place)
- e) **DVP00549** (904 Mt Griffin Road)

**6) INFORMATION ITEMS**

- a) Review of Terms of Reference and Bullying and Harassment Policy
- b) The Staff Liaison to provide verbal update of APC related items discussed at the last Council meeting.

**7) NEXT MEETING**

The next meeting is tentatively scheduled for **March 1, 2022**

**8) ADJOURNMENT**



## THE CORPORATION OF THE CITY OF VERNON

### MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, DECEMBER 14, 2021 at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

**PRESENT:** VOTING  
Don Schuster  
Doug Neden  
Jamie Paterson  
Lisa Briggs  
Mark Longworth, Chair  
Monique Hubbs-Michiel  
Phyllis Kereliuk  
Harpreet Nahal  
Joshua Lunn

**NON-VOTING:** Mayor Cumming

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

**ORDER**

The Chair called the meeting to order at 4:01 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 Jamie Paterson, seconded by Don Schuster:

THAT the Advisory Planning Committee agenda of December 14, 2021, be adopted.

**CARRIED.**

**ADOPTION OF MINUTES**

Moved by Don Schuster, seconded by Phyllis Kereliuk:

THAT the minutes for the Advisory Planning Committee meeting of November 23, 2021, be adopted.

**CARRIED.**

**NEW BUSINESS:**

**DVP00537  
(9261 EASTSIDE RD)**

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

- The Applicant is requesting to build on a slope that is 30% or greater.
- The subject site was once part of a bigger parcel that was divided off. The owners propose to build a two storey walk-out.
- The parcel slopes steeply from Eastside Road toward Okanagan Lake.
- The building site is situated on a flat area below the driveway.
- Staff presented a copy of the site plan to illustrate where the applicant intends to build and reviewed the geotechnical assessment report (provided on-table) with the Committee.
- Staff advised that, should the project receive approval, a more detailed slope analysis report would be requested of the applicant, which would show the entire slope in conjunction with the proposed development.
- Staff confirmed that the Province has already approved the Riparian Assessment Report stating that, because of the significant challenges with the lot, the proposed location is the only suitable area for the applicant to build on the subject site.

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

- In response to a question from the Committee, staff clarified that development proposals must comply with Council resolutions, including any conditions; however, staff recommendations can be worded to allow some flexibility during construction and development. Staff further clarified that, given the steepness of the property and the required riparian setback, the buildable area is very restricted.
- Staff clarified that the height of the structure is measured from the average grade on the lowest side. The proposed house has a number of different roof lines, making the determination of height more complicated. Height details are yet to be fully worked out with the Applicant.
- Concern was expressed with the road curbing / driveway and the location of the proposed garage. Staff noted that the entry would be from the front (south elevation) into a garage and that the house would be built into the hillside.

- Clarification was requested in terms of the hillside guidelines and the subdivision process as related to future developments. Staff noted the aim is to catch steeper lots at the subdivision stage for variances and require applicants to prove out the best and safest area to build at that time. For the benefit of the Committee, staff clarified that the Official Community Plan (OCP) was adopted in 2008; and the 30% slope guidelines were put in effect in 2004.
- Staff clarified that “undo hardship” cases along the lake and within riparian areas are determined by the Provincial Government. There are a number of criteria considered such as proximity to the lake, building constraints of the property, and previous land disturbance. If the buildable area is significantly restricted, then owners can request that consideration be given to hardship.
- In response to a question from the Committee, staff noted they have had discussions with the applicant regarding any potential retaining wall construction and that is still being worked out.

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

THAT Council approve Development Variance Permit #DVP00537 on Lot 1, Sec 10, TP 13, ODYD, Plan EPP42660 (9261 Eastside Road) by varying Zoning Bylaw #5000, Section 4.16.1 – Hillside Development Areas regulations to allow construction of buildings, structures or swimming pools on a slope of 30% or greater;

AND FURTHER that, prior to the issuance the Development Variance Permit #DVP00537, the following conditions be satisfied:

- a) That the site plan, by Hillside Design, dated December 8, 2021, be attached to and form part of DVP00537;
- b) That the house elevations, by Hillside Design, dated December 8, 2021, be attached to and form part of DVP00537;
- c) That the slope analysis, by McPherson Maddox, December 2, 2021, be attached to and form part of DVP00537;

- d) That the Geotechnical Assessment, by Cascade Geotechnical, dated October 3, 2011, be attached to and form part of DVP00537; and
- e) That the applicant provides an updated Geotechnical Assessment, to the satisfaction of Administration, based on the exact siting and house plans to be attached to and form part of DVP00537, as outlined in the report titled "Development Variance Permit Application for 9261 Eastside Road" dated December 9, 2021 and respectfully submitted by the Current Planner.

**CARRIED.**

**DVP00464  
(4300 35 AVENUE)**

Matt Faucher, Planner, provided an overview of the application as follows:

- The requested variance is for a site that had a previous zoning and OCP amendment that received adoption from Council.
- The Applicant is requesting a variance related to the upper portion of the site, rather than the portion of the property fronting 32<sup>nd</sup> Avenue.
- The Zoning Bylaw stipulates 10m or 2.5 storeys for dwellings. Given the typography, in order to meet the definition of 2.5 storeys, the applicant would need to backfill and put up a retaining wall to achieve bylaw compliance. The applicant is pursuing a variance to increase the maximum height to 10m or 3.0 storeys and Administration is recommending support.
- Staff clarified that both the zoning and OCP have already gone forward to Council through the formal OCP and rezoning amendment proposal; and, at that time residents were given the opportunity to speak to the project.

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

- In terms of access to the development, it is difficult to determine ingress and egress. Staff clarified that the entrance and exit would be off Turtle Mountain Boulevard and it would be built out as part of the development.
- In response to questions from the Committee regarding site access, staff confirmed that at this time, there is only one access point in and out of the proposed site as it abuts the Agricultural Land Reserve (ALR), and has steep topography to the south.

- Staff noted that in the future there will be an additional emergency access point created through development to the west of Turtle Mountain.
- A question was posted regarding the orientation and location of the road in the strata development and if it could be modified. Staff clarified the recommendation to the applicant is to ensure that the road access is made wide enough in order to accommodate emergency services. Administration will work with applicants on matters such as internal strata roads within the legislative parameters.
- In response to a question from the Committee, staff noted there are some environmentally sensitive areas and walkways that will be a requirement of the subdivision. Staff further clarified that parks can be privately owned and maintained if the land in question is not suitable for public ownership.

Moved by Don Schuster, and seconded by Doug Neden:

THAT Council Support Development Variance Permit Application (DVP00464) to vary the following section of Zoning Bylaw #5000 to permit the construction of a townhome development on LT A DL70 ODYD PL KAP68832 Except PL KAP80911 (4300 35th Avenue):

- a) Section 9.10.6 maximum height is the lesser of 10m or 2.5 storeys to 10m or 3 storeys;

AND FURTHER, that Council's support of DVP00464 is subject to the following:

- a) the site plan and building elevations illustrating the general siting and height of the proposed development be attached to and form part of DVP00464.

**CARRIED.**

**INFORMATION ITEMS**

Craig Broderick, Manager, Current Planning, provided a brief overview regarding some of the projects discussed at Council on **December 13, 2021**, as follows:

- **Impacts of Provincial Termination of all Land Use Contracts (LUCs)** - The termination process was discussed. There are approximately 450 property owners who will be

impacted. Staff will notify all impacted property owners by June 30, 2022, and provide a detailed information package.

- **Review of Retail Cannabis Licensing Regulations**  
Staff submitted a report to Council regarding cannabis retail applications and licensing fees and buffering.
- **Rezoning Application for 4408 25 Street (ZON00374 3360-20)** - Council reviewed a report regarding a requested rezoning for a strata development (located directly behind a Subaru dealership).
- **Official Community Plan and Zoning Amendment Applications for 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road (3340-20 OCP00085 & ZON00363)** - Staff noted that the application for rezoning was introduced to Council. Staff will collect public input by way of the City website (i.e. Engage Vernon).
- **Notice of Motion - Councillor Anderson - Decorative Metal Fences** - A Notice of Motion was presented by Councillor Anderson concerning a requested zoning amendment regarding fence regulations and the removal of spikes from fencing in order to mitigate harm to wildlife.

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, January 11, 2022 at 4:00 PM.**

Moved by Don Schuster, seconded by Phyllis Kereliuk:

**NEXT MEETING**

THAT the Advisory Planning Committee meeting of December 14, 2021 be adjourned.

**ADJOURNMENT**

**CARRIED.**

The meeting of the Advisory Planning Committee adjourned at 4:45 PM.

**CERTIFIED CORRECT:**

\_\_\_\_\_  
**Chairperson**



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Michelle Austin  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** March 14, 2022  
**REPORT DATE:** February 9, 2022  
**FILE:** 3090-20 (DVP00546)

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR #12 – 40 KESTREL PL.**

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**PURPOSE:**

To present Development Variance Permit Application 00546 (DVP00546) to allow construction of a single detached house on slopes 30% or greater and to reduce the minimum front yard for Council consideration.

**RECOMMENDATION:**

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

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

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

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

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

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not approve Development Variance Permit Application 00546 (DVP00546) on SL 12, DL 297, ODYD, Strata Plan KAS1980 (#12 – 40 Kestrel Place) to vary Zoning Bylaw #5000 as follows:
  - a) Section 4.16.1 – Hillside Development Areas regulations to allow construction of buildings, structures or a swimming pool on a slope of 30% or greater; and,
  - b) Section 9.5.5 – R4 Small Lot Residential minimum front yard from 3.5m to 3m for the construction of single detached housing.

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

*Note: Rejecting the requested variance would prohibit the owners from building on the subject property as the proposed building location has been identified as the most suitable location to build. The Geotechnical Assessments support the application and proposed building location.*

## **ANALYSIS:**

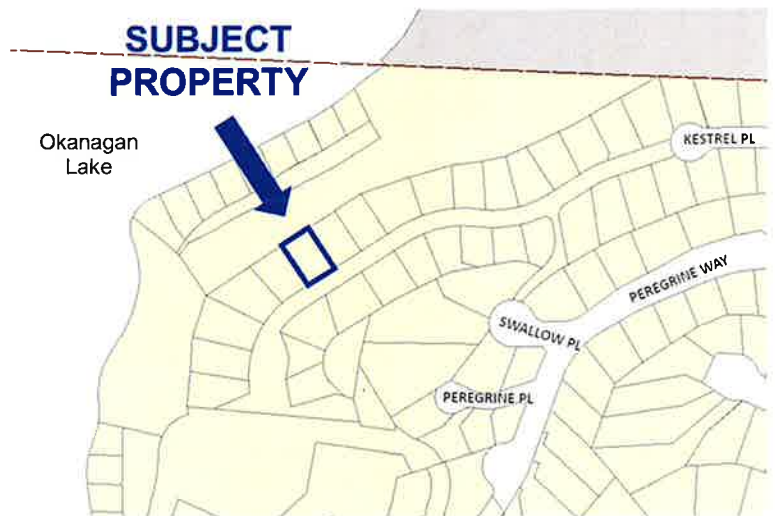
### **A. Committee Recommendations:**

At its meeting of February 15, 2022, the Advisory Planning Committee passed the following resolution:

*“As cited by the Committee...”*

### **B. Rationale:**

1. The subject property is located at #12 – 40 Kestrel Place, within Kestrel Estates. Kestrel Estates is a 32 lot bareland strata development within Canadian Lakeview Estates at the north end of Tronson Road, as shown in Figures 1 and 2.
2. The subject property is 949.24 m<sup>2</sup> in area and currently vacant, with the exception of an existing rock stack retaining wall that extends north, from the south corner of the property, as shown on the Site Plan (Attachment 1).
3. The applicant proposes to construct a 2.5 storey single detached house with a front entry garage as shown on the house elevations drawings (Attachment 2). Construction of single detached housing on this property requires a variance to Zoning Bylaw #5000, Section 4.16.1 – Hillside Development Area Regulations, which states “No construction of a building, structure or swimming pool is permitted on slopes 30% or greater”.



**Figure 1: Location Map**

4. Slopes for most of the property well exceed 30%. Figure 3 shows a 3D representation of the property elevations (in grey) overlaid with slopes  $\geq 30\%$  (in orange). The applicant has provided a Slope Analysis (Attachment 3) which shows that the upper portion of the property, adjacent to Kestrel Place, is relatively flat then slopes steeply toward Okanagan Lake. Cross section drawings (Attachment 4) were also provided showing grades of the existing slope. The proposed siting of the house is within the flattest

portion of the lot and is constrained by a 4m wide private utility statutory right of way on the northeast side property line (Attachment 1).

5. A reduction to the minimum front yard setback is also being proposed from 3.5m to 3m. By shifting the house 0.5m closer to the front property line, it is also pulled away from the steep slope section and environmentally sensitive area by 0.5 metres. This should lessen disturbance of the natural area and provides enough length to park a vehicle with 6.51m between the side walk and house. The Site Plan (Attachment 1) shows the house setback at 3.5m; however, an updated site plan showing the house setback at 3m has been requested from the applicant.



Figure 2: Aerial Map

6. The applicant has provided a Geotechnical Assessment and Addendum (Attachments 5 and 6), which were completed in August 2021 and February 2022 respectively. The Assessments note that the rear of the house will be constructed on slopes  $\geq 30\%$  slopes consisting of primarily rock and weathered bedrock. The house foundations will be “rock-bolted with vertical dowels drilled into solid rock”. The Assessments conclude that the “proposed contiguous foundations can be safely established for the intended use”.

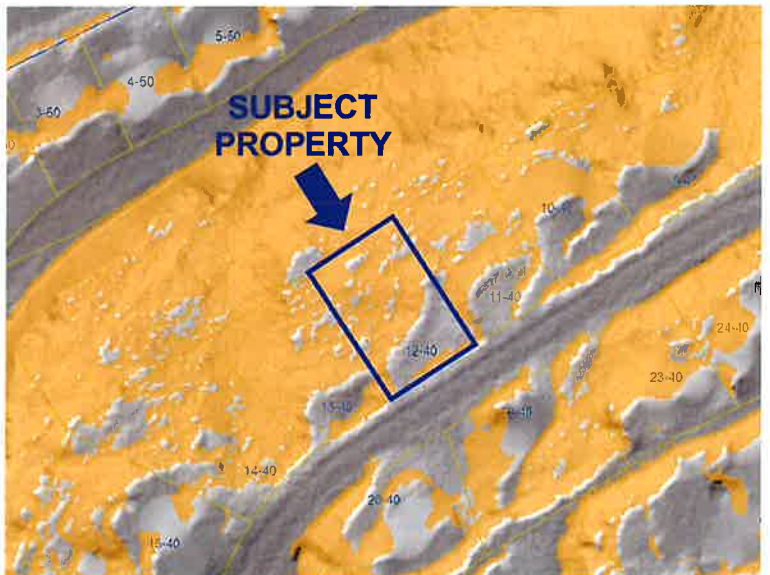


Figure 3:  $\geq 30\%$  Slopes

7. The subject property is located within a Red or high-risk area (shown in red) as identified in the Environmental Management Areas (EMA) Strategy. Red areas are significant ecosystems that provide habitat or critical importance to rare wildlife species. An EMA Development Permit (DP) is required, unless an exemption applies. The proposed single detached house does not require a DP because subdivision is not proposed and the site is serviced. However, given the sites high conservation value, the owner has provided an Environmental Impact Assessment (EIA) (Attachment 7) at the request of Administration. This EIA, which includes best management practices and mitigation measures, should be attached to the Development Variance Permit (DVP) and adhered to. The EIA states that if the practices and measures are followed, sensitive features of the site will be protected.
8. Administration supports the variance requests to build a house on slopes  $\geq 30\%$ , with a reduced front yard setback, for the following reasons:
  - a) The subject property is a pre-existing lot subdivided 24 years ago with the expectation of being developable.

- b) Siting the house entirely outside of  $\geq 30\%$  slopes would be challenging given that most of the property consists of slopes  $\geq 30\%$ . The most suitable building area is also constrained by an existing 4m wide private utility statutory right of way on the northeast property line.
- c) The Geotechnical Assessment confirms the proposed location of the residence can be safely established for the intended use.
- d) Constructing the house 0.5 metres closer to the front property line pulls it away from the steep slope section and environmentally sensitive area by 0.5 metres. This should lessen disturbance of the natural area.



Figure 4: EMA Polygons

**C. Attachments:**

- Attachment 1 – Site Plan
- Attachment 2 – Building Elevations
- Attachment 3 – Slope Analysis
- Attachment 4 – Cross Sections
- Attachment 5 – Geotechnical Assessment
- Attachment 6 – Geotechnical Assessment Addendum
- Attachment 7 – Environmental Impact Assessment

**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:

- N/A

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

1. The following provision of Zoning Bylaw #5000, Section 4.16 – Hillside Development Areas – Development Regulations are relevant to the subject application:
  - Section 4.16.1 – No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.
  - Section 9.5.5 – R4 Small Lot Residential minimum front yard 3.5m.

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

X \_\_\_\_\_  
Michelle Austin  
Current Planner

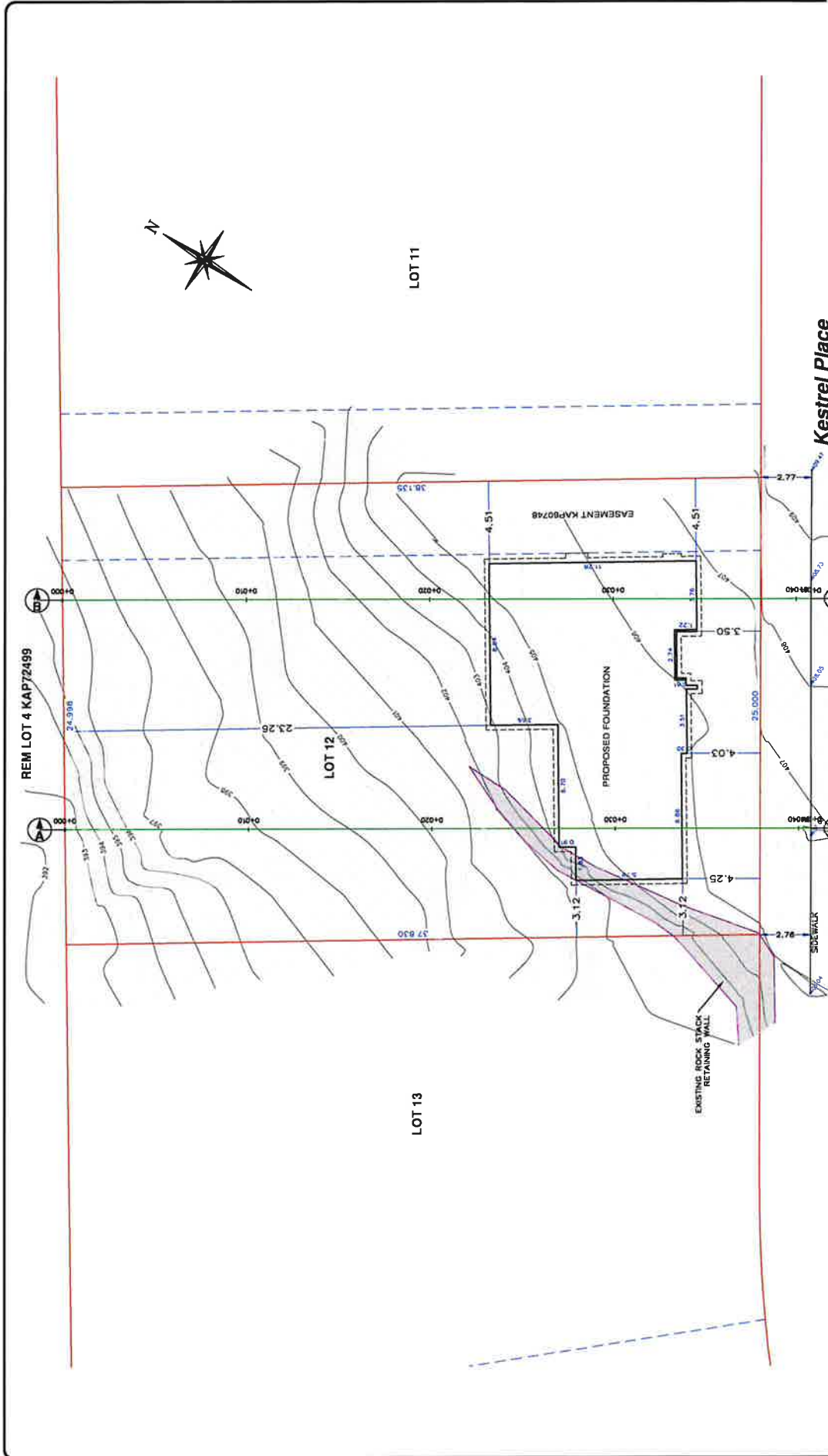
\_\_\_\_\_  
Will Pearce, CAO

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

X \_\_\_\_\_  
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 checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate                                   | <input type="checkbox"/> Facilities           | <input type="checkbox"/> Building & Licensing                            |
| <input type="checkbox"/> RCMP  | <input type="checkbox"/> Utilities            | <input type="checkbox"/> Engineering Development Services                |
| <input type="checkbox"/> Fire & Rescue Services                        | <input type="checkbox"/> Recreation Services  | <input type="checkbox"/> Infrastructure Management                       |
| <input type="checkbox"/> Human Resources                               | <input type="checkbox"/> Parks                | <input type="checkbox"/> Transportation                                  |
| <input type="checkbox"/> Financial Services                            |   | <input type="checkbox"/> Economic Development & Tourism                  |
| <input checked="" type="checkbox"/> COMMITTEE: APC (February 15, 2022) |   |  |
| <input type="checkbox"/> OTHER:  |   |  |



Kestrel Place

REVISION		DATE		BY		REVISION	
No.	DATE	BY	REVISION	No.	DATE	BY	REVISION
05	07/27/21	BMC	ADDITIONAL SURVEY DATA				
04	09/29/21	BMC	SHOWING SPOT ELEVATIONS				
03	08/04/21	BMC	REVISED FOUNDATION				
02	07/07/21	BMC	REVISED FOUNDATION LOCATION				
00	05/14/21	BMC	ISSUED TO CLIENT				

CP	CLASH MARK
MS	MEASUREMENT
WV	WATER VALVE
LS	LAMP STANDARD
MS	MANHOLE
FP	POKER PILE
CS	CURB STOP - WATER SHUT OFF
ST	STAIRWAY HOIST/STON CHANG

LEGAL	STRATA LOT 12, DISTRICT LOT 297, 0.0 V.D., PLAN HASHRD
FOR. NO.	022-987-338
VERNON, BC	

DRAWN	BMC
CHKD	31-311
FILE	31-21103D
DATE	MAY 2021
SCALE	1:200

ADVANCED SURVEYING LTD.	TEL 250.733.8800
3408 WILSON BLVD. VERNON, BC	WWW.ASLSURVEYING.COM

PROJECT NO.	21211-
REV. NO.	05

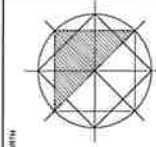
  

40 KESTREL PLACE  
SITE PLAN



1743 Sarnia Road  
 T. 250-266-0214  
 P. 250-266-0215  
 W.P. 103 E. 44th Street S.W.

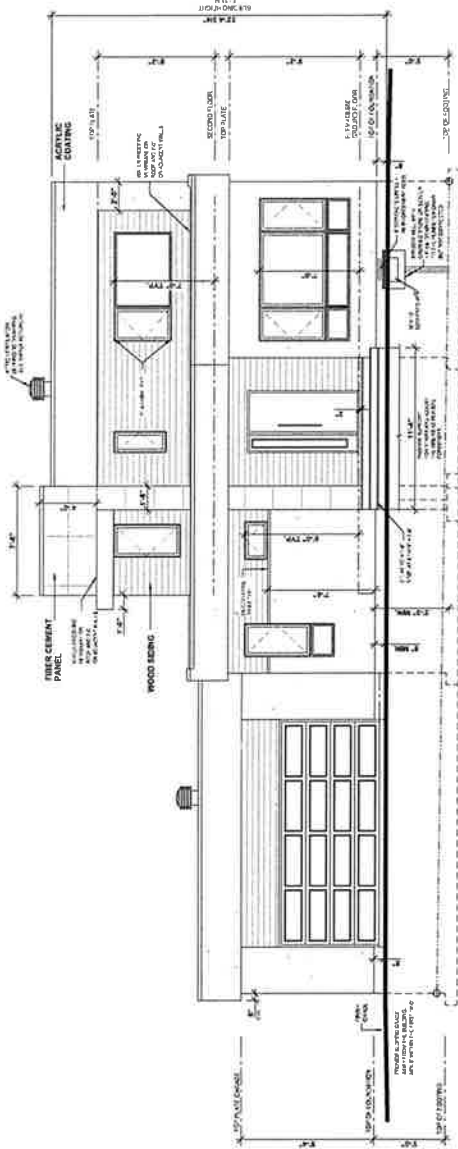
44 KEYSTONE  
 Manual for KeyPlan 9 (01/11/2021)  
 Search for Items  
 Search for Construction



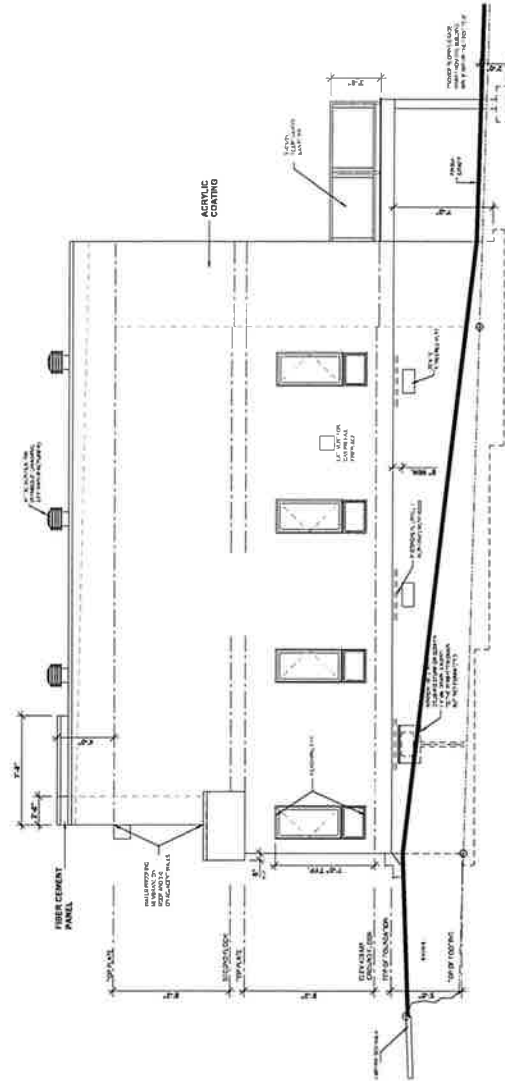
PROJECT  
 SOROKA RESIDENCE  
 LOT 12  
 40 KESTRAL PLACE  
 VERNON B.C.

DRAWING TITLE  
 SOUTH-EAST &  
 NORTH-EAST  
 ELEVATIONS

PROJECT NO	2021-116
DATE	NOV 11 2021
GROUP	Res. Elev.
SCALE	1/4" = 1'-0"
DRAWING(S)	



SOUTH-EAST ELEVATION



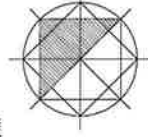
NORTH-EAST ELEVATION



1743 Dundas Road  
 Vancouver, BC  
 V6J 1K2  
 T: 604-276-2314  
 C: 604-811-8117  
 E: info@keystone.ca

REVISIONS:  
 Revised for Approval NOV 11, 2011  
 Issued for Permit  
 Issued for Construction

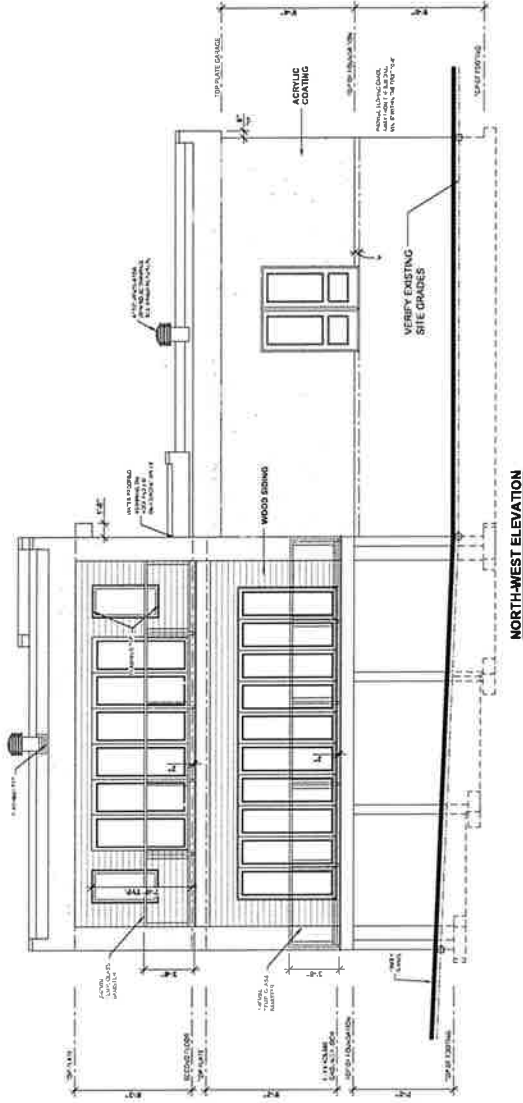
NORTH



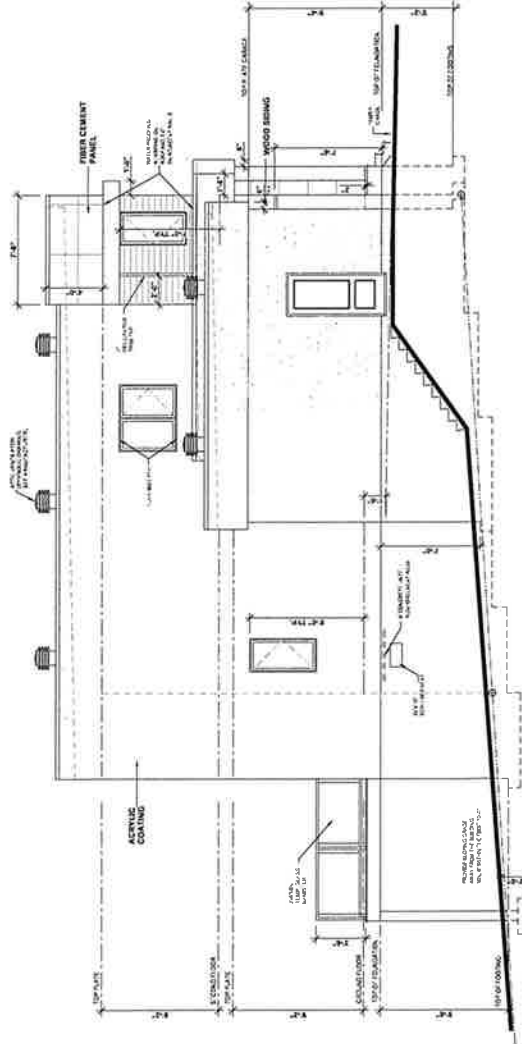
PROJECT  
 SOROKA RESIDENCE  
 LOT 12  
 40 KESTRAL PLACE  
 VERNON B.C.

PERMITS TITLE  
 NORTH-WEST &  
 SOUTH-WEST  
 ELEVATIONS

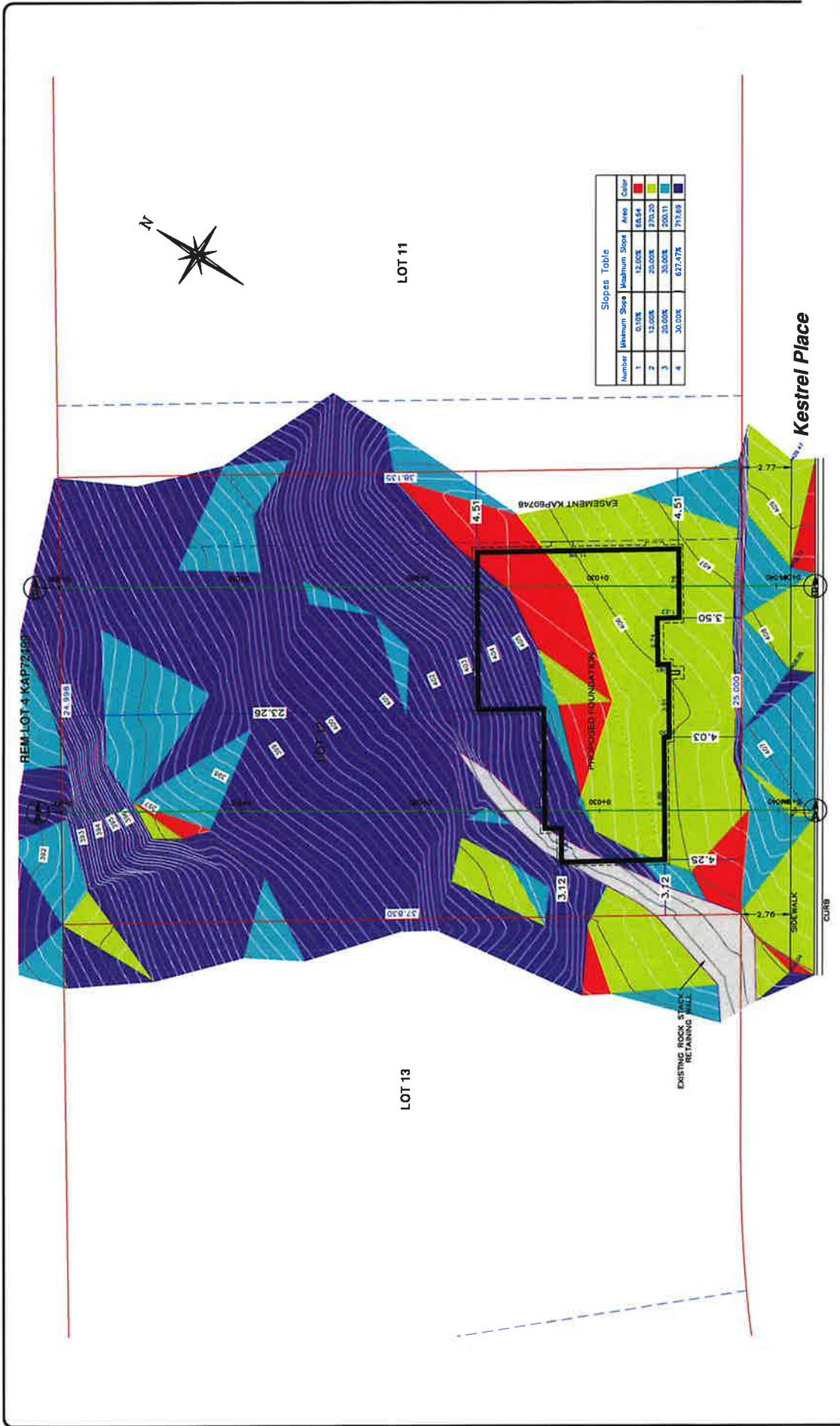
PROJECT NO	2011-132
DATE	NOV 11, 2011
DRAWN	Roy Lefebvre
SCALE	1/4" = 1'-0"
DRAWN/CHECKED	



NORTH-WEST ELEVATION

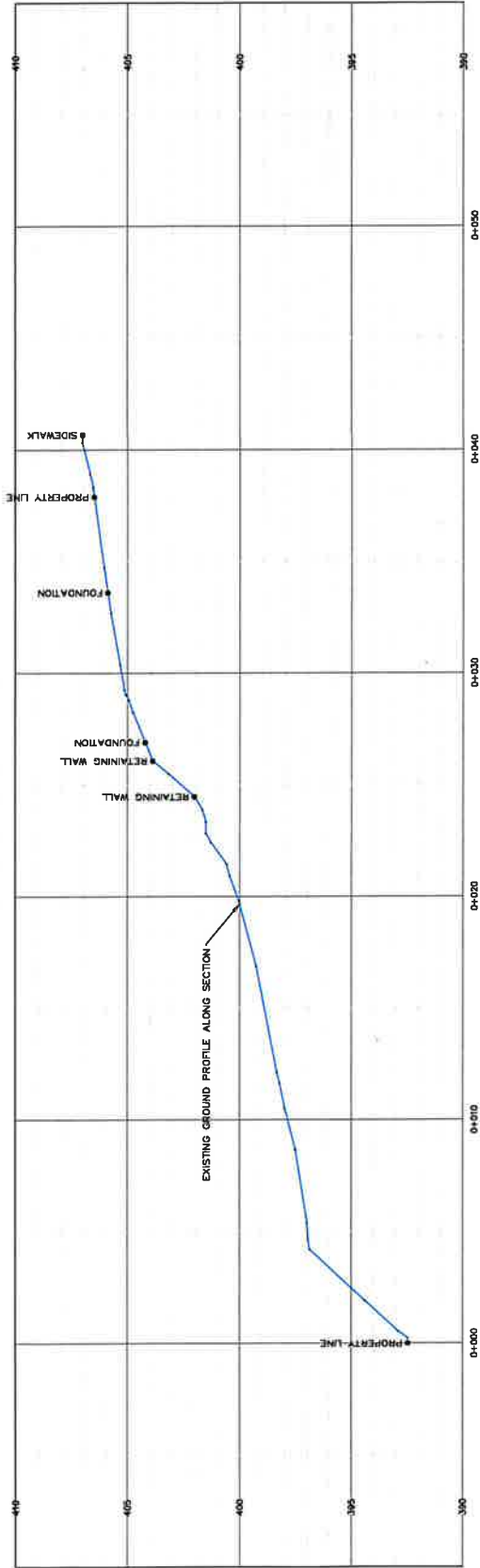


SOUTH-WEST ELEVATION

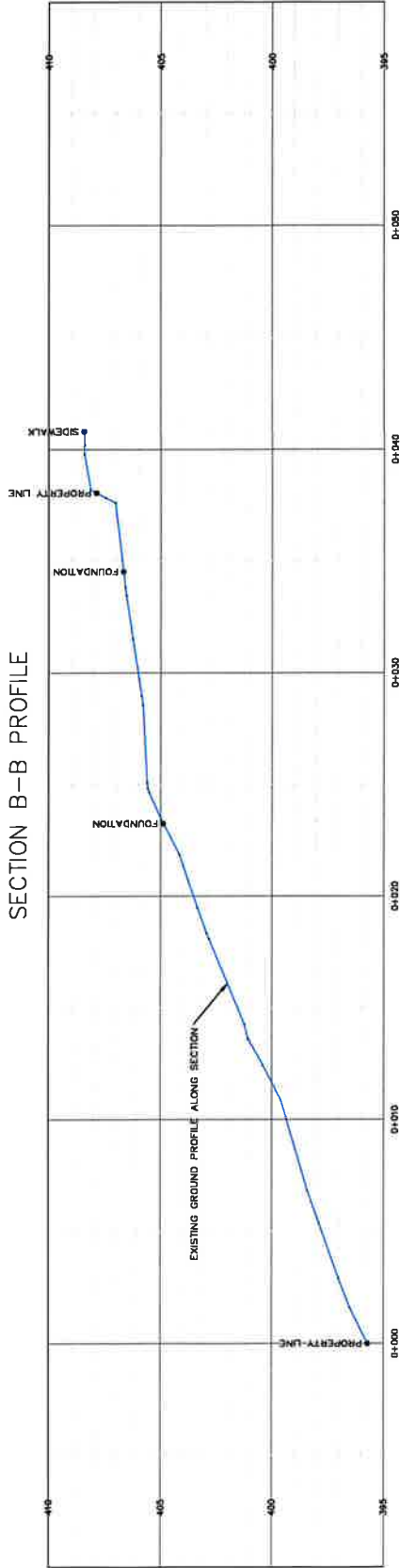


<b>LEGEND</b> CABLE TV GAS SAN SEWER WATER MAIN U.S. ELECTRICAL U.S. SUPPLIES		MANHOLE POWER POLE CURB STOP - WATER SHUT OFF SANITARY INSPECTION CHAMBER	
GUTTER BURN HYDRANT WATER VALVE JUMP STANDARD	NO. 00 DATE 01/27/23 BY BMC	ISSUED TO CLIENT REVISION DATE BY	Dwg
LEGAL: STRATA LOT 12, DISTRICT LOT 287, O.D.V.D. PLAN KAS1800, PFD NO. 003-897-308, VERNON, BC		DRAWN: BMC JOB NO.: 21-211 FILE: 21-211030 DATE: JAN 2022 SCALE: 1:200	
ADVANCED SURVEYING LTD. 4040 WESTERN BLVD. SUITE 100 VANCOUVER, BC V6V 1W6 TEL: 604-273-8800 FAX: 604-273-8801 WWW.AS-SURVEYING.COM		DRAWING NO. <b>21211-</b> REV. NO. <b>00</b>	
<b>SOROKA RESIDENCE</b> <b>40 KESTREL PLACE</b> <b>SLOPE ANALYSIS</b>			

SECTION A-A PROFILE



SECTION B-B PROFILE



<b>LEGEND</b> CABLE TV: --- GAS: --- SAN SEWER: --- SLOPE: --- U.S. BOUNDARY: ---		MANHOLE: ○ POWER POLE: ○ CURB EDG - WATER SHUT OFF: --- WATER VALVE: ○ LAMP STANDARD: ○	
No. DATE BY 01 01/27/22 BMC ISSUED TO CLIENT REVISION		(N/A)	
LEGAL: STRATA LOT 12, DISTRICT LOT 297, O.O.V.C. PLAN KAS1860, PD NO. 023-987-38, VERNON, BC			
DRAWN: BMC JOB NO.: 21-211 FILE: 21-211030 DATE: JUN 2022 SCALE: 1:200	ADVANCED SURVEYING LTD. TEL: 250.335.6600 21211 SOROKA RESIDENCE 40 KESTREL PLACE SECTIONS		



14151 Oyama Road  
Lake Country, BC V4V 2B8  
Cell: 250-549-0224  
Ph./Fax: 250-548-3250  
geotech@paragonbc.com

Steve and Donna Soroka

Aug. 6 , 2021

Stevesplumbing@hotmail.com

File : 21- 6633

RE :      **Geotechnical Assessment**  
          **Proposed Location for Residence**  
          **Lot 12 , Plan KAS 1890, ODYD**  
          **# 12 - 40 Kestrel Place, Vernon, BC**

Dear Sir or Madam :

As requested, Horizon Geotechnical Ltd. conducted site inspections of the soil conditions in the ground conditions and rocky slopes for the proposed location of the single-family residence to be constructed at the above noted location. Site inspections were recently conducted by the undersigned geotechnical engineer.

The building site substantially consists of rocky slopes built up with a small rock wall in the northwest corner of the property. The proposed location for the house is shown on the enclosed site plan prepared by Advanced Surveying Ltd., File No 21-211, dated May 2021 that now shows the northwest corner of the garage will be setback as shown.

In a site meeting with the owner Steve Soroka and an excavating contractor, it was decided that the outside north edge for the house foundations will be excavated down to solid rock, and dowels will be drilled into the bedrock, thereby the existing rock wall in the northwest corner will be removed and re-constructed at a lower level , with the aforementioned site preparation conducted under the supervision of the undersigned geotechnical engineer.

Schedules B for geotech considerations including site inspections of the excavations, foundations, drainage and backfilling are enclosed and will be submitted to the City of Vernon at the construction stage.

I trust the foregoing information will be of assistance to you on this project. Should you have any questions, please do not hesitate to contact the undersigned.

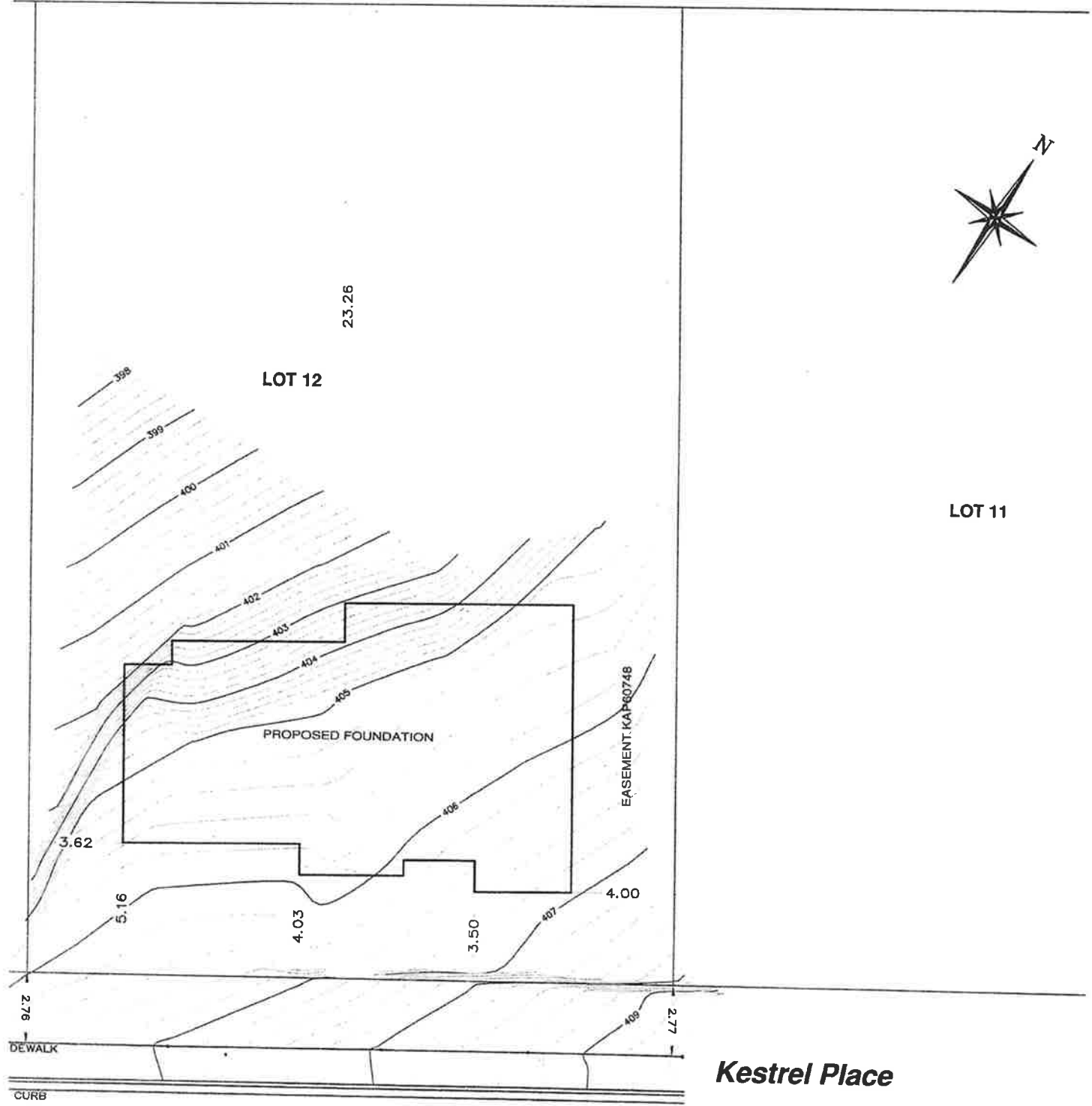
Yours truly,  
Horizon Geotechnical Ltd.

  
Jerry Lay, P.Eng.  
Geotechnical Engineer

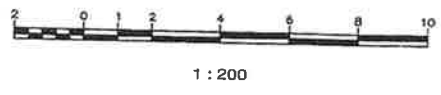


cc    E-Mailed To :  
          City of Vernon  
          Planning & Building Department

REM LOT 4 KAP72499



LOCATION	
LOCATION	
LOCATION	
DATE	
Drawn	



LEGAL:  
 STRATA LOT 12, DISTRICT LOT 297,  
 O.D.Y.D., PLAN KAS1980  
 PID NO. 023-897-338  
 VERNON, BC

DRAWN	BMC
JOB NO.	21-211
FILE	21-211C3D
DATE	MAY 2021
SCALE	1:200

ADVANCED SURVEYING LTD  
 3398 SEXSMITH ROAD, KELOWNA

**SOROKA RESIDE  
 40 KESTREL PL  
 SITE PLAN**

# BRITISH COLUMBIA BUILDING CODE 2018

## SCHEDULE B

Forming Part of Subsection 2.2.7., Division C of the  
British Columbia Building Code

Building Permit Number  
(for authority having jurisdiction's use)

### ASSURANCE OF PROFESSIONAL DESIGN AND COMMITMENT FOR FIELD REVIEW

- Notes: (i) This letter must be submitted prior to the commencement of construction activities of the components identified below. A separate letter must be submitted by each *registered professional of record*.  
(ii) This letter is endorsed by: Architectural Institute of BC, Association of Professional Engineers and Geoscientists of the Province of BC, Building Officials' Association of BC, and Union of BC Municipalities.  
(iii) In this letter the words in italics have the same meaning as in the British Columbia Building Code.

To: The *authority having jurisdiction*

CITY OF VERNON

Name of Jurisdiction (Print)

Re: SINGLE - FAMILY RESIDENCE - ( STEVE SOROKA )

Name of Project (Print)

# 12 - 40 KESTREL PLACE - LOT 12, PLAN KAS 1890

Address of Project (Print)

The undersigned hereby gives assurance that the design of the

(Initial those of the items listed below that apply to this *registered professional of record*. All the disciplines will not necessarily be employed on every project.)

\_\_\_\_\_ ARCHITECTURAL  
\_\_\_\_\_ STRUCTURAL  
\_\_\_\_\_ MECHANICAL  
J.J. PLUMBING  
\_\_\_\_\_ FIRE SUPPRESSION SYSTEMS  
\_\_\_\_\_ ELECTRICAL  
J.J. GEOTECHNICAL — temporary  
J.J. GEOTECHNICAL — permanent



MAY 4, 2021

Date

components of the plans and supporting documents prepared by this *registered professional of record* in support of the application for the *building permit* as outlined below substantially comply with the British Columbia Building Code and other applicable enactments respecting safety except for construction safety aspects.

The undersigned hereby undertakes to be responsible for *field reviews* of the above referenced components during construction, as indicated on the "SUMMARY OF DESIGN AND FIELD REVIEW REQUIREMENTS" below.

\_\_\_\_\_  
CRP's Initials

# BRITISH COLUMBIA BUILDING CODE 2018

Schedule B - Continued

Building Permit Number  
(for authority having jurisdiction's use)

# 12 - 40 KESTREL PLACE - LOT 12, PLAN KAS 1890

Project Address

GEOTECHNICAL

Discipline

The undersigned also undertakes to notify the *authority having jurisdiction* in writing as soon as possible if the undersigned's contract for *field review* is terminated at any time during construction.

I certify that I am a *registered professional* as defined in the British Columbia Building Code.

JERRY LAY , P.ENG.

Registered Professional of Record's Name (Print)

14151 OYAMA ROAD

Address (Print)

LAKE COUNTRY , BC V4V 2B8

Address (Print) (continued)

( 250 ) 548 - 3250

Phone Number



MAY 4, 2021

Date

(If the *Registered Professional of Record* is a member of a firm, complete the following.)

I am a member of the firm HORIZON GEOTECHNICAL LTD.

and I sign this letter on behalf of the firm. (Print name of firm)

Note: The above letter must be signed by a *registered professional of record*, who is a *registered professional*. The British Columbia Building Code defines a *registered professional* to mean

- (a) a person who is registered or licensed to practise as an architect under the Architects Act, or
- (b) a person who is registered or licensed to practise as a professional engineer under the Engineers and Geoscientists Act.

CRP's Initials

# BRITISH COLUMBIA BUILDING CODE 2018

Schedule B - *Continued*

Building Permit Number  
(for authority having jurisdiction's use)

# 12 - 40 KESTREL PLACE - LOT 12, PLAN KAS 1890

Project Address

GEOTECHNICAL  
Discipline

## SUMMARY OF DESIGN AND FIELD REVIEW REQUIREMENTS

(Initial applicable discipline below and cross out and initial only those items not applicable to the project.)

### ARCHITECTURAL

- 1.1 Fire resisting assemblies
- 1.2 *Fire separations* and their continuity
- 1.3 *Closures*, including tightness and operation
- 1.4 Egress systems, including *access to exit* within *suites* and *floor areas*
- 1.5 Performance and physical safety features (guardrails, handrails, etc.)
- 1.6 Structural capacity of architectural components, including anchorage and seismic restraint
- 1.7 Sound control
- 1.8 Landscaping, screening and site grading
- 1.9 Provisions for firefighting access
- 1.10 Access requirements for *persons with disabilities*
- 1.11 Elevating devices
- 1.12 Functional testing of architecturally related fire emergency systems and devices
- 1.13 Development Permit and conditions therein
- 1.14 Interior signage, including acceptable materials, dimensions and locations
- 1.15 Review of all applicable shop drawings
- 1.16 Interior and exterior finishes
- 1.17 Dampproofing and/or waterproofing of walls and slabs below grade
- 1.18 Roofing and flashings
- 1.19 Wall cladding systems
- 1.20 Condensation control and cavity ventilation
- 1.21 Exterior glazing
- 1.22 Integration of building envelope components
- 1.23 Environmental separation requirements (Part 5)
- 1.24 Building envelope, Part 10 – ASHRAE, NECB or Energy Step Code requirements
- 1.25 Building envelope, testing, confirmation or both as per Part 10 requirements



MAY 4, 2021

Date

### STRUCTURAL

- 2.1 Structural capacity of structural components of the *building*, including anchorage and seismic restraint
- 2.2 Structural aspects of *deep foundations*
- 2.3 Review of all applicable shop drawings
- 2.4 Structural aspects of unbonded post-tensioned concrete design and construction

### MECHANICAL

- 3.1 HVAC systems and devices, including high *building* requirements where applicable
- 3.2 *Fire dampers* at required *fire separations*
- 3.3 Continuity of *fire separations* at HVAC penetrations
- 3.4 Functional testing of mechanically related fire emergency systems and devices
- 3.5 Maintenance manuals for mechanical systems
- 3.6 Structural capacity of mechanical components, including anchorage and seismic restraint
- 3.7 Review of all applicable shop drawings
- 3.8 Mechanical systems, Part 10 – ASHRAE, NECB or Energy Step Code requirements
- 3.9 Mechanical systems, testing, confirmation or both as per Part 10 requirements

# BRITISH COLUMBIA BUILDING CODE 2018

Schedule B - *Continued*

Building Permit Number  
(for authority having jurisdiction's use)

# 12 - 40 KESTREL PLACE - LOT 12, PLAN KAS 1890

Project Address

GEOTECHNICAL

Discipline

## PLUMBING

- 4.1 ~~Root drainage systems~~
- 4.2 ~~Site and foundation drainage systems~~
- 4.3 ~~Plumbing systems and devices~~
- 4.4 ~~Continuity of fire separations at plumbing penetrations~~
- 4.5 ~~Functional testing of plumbing related fire emergency systems and devices~~
- 4.6 ~~Maintenance manuals for plumbing systems~~
- 4.7 ~~Structural capacity of plumbing components, including anchorage and seismic restraint~~
- 4.8 ~~Review of all applicable shop drawings~~
- 4.9 ~~Plumbing systems, Part 10 - ASHRAE, NECB or Energy Step Code requirements~~
- 4.10 ~~Plumbing systems, testing, confirmation or both as per Part 10 requirements~~

## FIRE SUPPRESSION SYSTEMS

- 5.1 Suppression system classification for type of occupancy
- 5.2 Design coverage, including concealed or special areas
- 5.3 Compatibility and location of electrical supervision, ancillary alarm and control devices
- 5.4 Evaluation of the capacity of city (municipal) water supply versus system demands and domestic demand, including pumping devices where necessary
- 5.5 Qualification of welder, quality of welds and material
- 5.6 Review of all applicable shop drawings
- 5.7 Acceptance testing for "Contractor's Material and Test Certificate" as per NFPA Standards
- 5.8 Maintenance program and manual for suppression systems
- 5.9 Structural capacity of sprinkler components, including anchorage and seismic restraint
- 5.10 For partial systems — confirm sprinklers are installed in all areas where required
- 5.11 Fire Department connections and hydrant locations
- 5.12 Fire hose standpipes
- 5.13 Freeze protection measures for fire suppression systems
- 5.14 Functional testing of fire suppression systems and devices

## ELECTRICAL

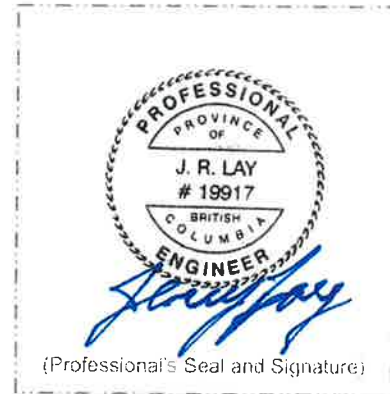
- 6.1 Electrical systems and devices, including high building requirements where applicable
- 6.2 Continuity of fire separations at electrical penetrations
- 6.3 Functional testing of electrical related fire emergency systems and devices
- 6.4 Electrical systems and devices maintenance manuals
- 6.5 Structural capacity of electrical components, including anchorage and seismic restraint
- 6.6 Clearances from buildings of all electrical utility equipment
- 6.7 Fire protection of wiring for emergency systems
- 6.8 Review of all applicable shop drawings
- 6.9 Electrical systems, Part 10 - ASHRAE, NECB or Energy Step Code requirements
- 6.10 Electrical systems, testing, confirmation or both as per Part 10 requirements

## GEOTECHNICAL — Temporary

- 7.1 ~~Excavation~~
- 7.2 ~~Shoring~~
- 7.3 ~~Underpinning~~
- 7.4 ~~Temporary construction dewatering~~

## GEOTECHNICAL — Permanent

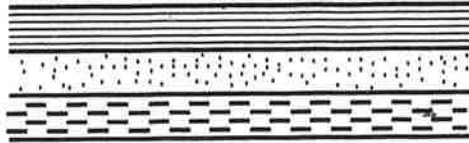
- 8.1 ~~Bearing capacity of the soil~~
- 8.2 ~~Geotechnical aspects of deep foundations~~
- 8.3 ~~Compaction of engineered fill~~
- 8.4 ~~Structural considerations of soil, including slope stability and seismic loading~~
- 8.5 ~~Backfill~~
- 8.6 ~~Permanent dewatering~~
- 8.7 ~~Permanent underpinning~~



MAY 4, 2021

Date

CRP's Initials

**HORIZON GEOTECHNICAL LTD.**

14151 Oyama Road  
 Lake Country, BC V4V 2B8  
 Cell: 250-549-0224  
 Ph./Fax: 250-548-3250  
 geotech@paragonbc.com

Steve and Donna Soroka  
 17025 Commonage Road  
 Lake Country, BC V4V 1B5  
[stevesplumbing@hotmail.com](mailto:stevesplumbing@hotmail.com)

Feb. 2, 2022

File : 21 – 6633

RE : Additional Information for Geotechnical Assessment  
 Lot 12, Plan KAS 1890 , DL 297, ODYD  
# 12 – 40 Kestrel Place, Vernon, BC

Further to my one page letter report dated Aug . 6, 2021 ( attached copy ) – we provide additional information referring to 3 survey plans prepared by Advance Surveying Ltd.

Attachment 3: Slope Analysis  
 (of Staff Report)

Colored Drawing No. 21211- 02 dated Jan 2022 shows the proposed footprint of the house foundations and specifically slopes greater than 30 % shown in purple, and we acknowledge those portions of the house foundations that will be situated in slopes greater than 30 %. Considering that the soils consist substantially of rock with weathered bedrock at the surface of the building site, the continuous house foundations will be rock-bolted with vertical dowels drilled into solid rock for the house foundations established along the north side , the undersigned considers that the proposed house foundations will remain in a sound and stable state after construction.

Attachment 1: Site Plan  
 (of Staff Report)

Contour Drawing No. 21211- 01 dated Jan 2022 shows the proposed footprint of the house foundations along with the location of a proposed 1.2 m rock wall to be constructed at a distance of 6 to 8 feet from the house foundations at the location shown at the northwest corner of the house foundations – and --- we acknowledge that the proposed 1.2 m rock wall will be constructed in the area with slopes greater than 30 %. It must be noted that the 1.2 m rock wall will be a non-structural ( landscape ) wall to provide soil cover for the house foundations and access to the backyard. Should building officials have concerns, the proposed 1.2 m rock wall is optional , and could be eliminated with compacted gravel utilized as soil cover for the footings.

Attachment 2: Cross Sections  
 (of Staff Report)

Slope Profile Drawing No. 21211- 03 dated Jan 2022 – ( Section A-A Profile ) shows the location of the sidewalk, property line, the house foundations , proposed and existing retaining walls along with the existing ground profile along section , and ( Section B-B Profile ) shows the location of the sidewalk , property line, the house foundations , along with the existing ground profile along section.

Since the entire building site and below is substantially rock , perimeter drains at footing level and downspout storm water drains can be emitted to the rocky ground surface downhill of the foundations.

Excavated small size granular materials less than 6 to 8 inch size, can be used as general backfill materials, when compacted with vibratory compactors.

Based on the foregoing information , it is the opinion of the undersigned that the proposed continuous house foundations can be safely established for the intended use , at the locations shown on the three survey plans prepared by Advance Surveying Ltd. Drawing Nos. 21211- 01, 03, 03 dated Jan 2022.

I trust the foregoing information will be of assistance to you on this project. Should you have any questions please do not hesitate to contact the undersigned.

Yours truly ,  
Horizon Geotechnical Ltd.

  
Jerry Lay, P. Eng.  
Geotechnical Engineer



cc Submitted to :  
City of Vernon  
Planning Department



Environmental Impact Assessment  
Strata Lot 12 - 40 Kestrel Place, Vernon, BC

Mr. Steve Soroka

Submitted: August 14, 2021  
Revised: February 1, 2022



<b>Revision History and Approvals</b>			
<b>Project Name</b>		Strata Lot 12 – 40 Kestrel Place , Vernon, BC	
<b>Project Number</b>		11083	
<b>Report Title</b>		Environmental Impact Assessment	
<b>Document #</b>		K3819	
<b>Report Author(s)</b>		KELLEN SMITH, M.SC., ENVIRONMENTAL TECHNICIAN	
<b>Date</b>	<b>Version</b>	<b>Review Type</b>	<b>Reviewed by</b>
18Aug21	V1	Senior Review	Patty Skinner, Biologist Triton
25Jan22	V2	City of Vernon Review	Michelle Austin, Current Planner, City of Vernon

## Disclaimer

This report is rendered solely for the use of Mr. Steve Soroka (the Client) in connection with the development of a single-family residential structure at Strata Lot 12 – 40 Kestrel Place, Vernon, BC and no person may rely on it for any other purpose without Triton Environmental Consultants Ltd.'s (Triton) prior written approval. Should a third party use this report without Triton's approval, they may not rely upon it. Triton accepts no responsibility for loss or damages suffered by any third party as a result of decisions made or actions taken based on this report.

The objective of this report is to address the following scope requirements:

- Provide an Environmental Impact Assessment as per the requirements set out by the City of Vernon's Environmental Management Areas Strategy.

This report is based on facts and opinions contained within the referenced documents, including the results of any data collection programs carried out in relation to this report. We have attempted to identify and consider facts and documents relevant to the scope of work, accurate as of the time period during which we conducted this analysis. However, the results, our opinions, or recommendations may change if new information becomes available or if information we have relied on is altered.

The following assumptions were relied on during the preparation of this report:

- The GIS mapping from the North Okanagan is accurate for the needs of this report to identify the DPA this report needs to address; and
- The provincial and federal web link mapping resources and layers are satisfactory with respect to reported data.

We applied accepted professional practices and standards in developing and interpreting data. While we used accepted professional practices in interpreting data provided by the Client or third party sources we did not verify the accuracy of any such data. This report must be considered as a whole. Selecting only portions of this report may result in a misleading view of the results, our opinions, or recommendations.

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## 1.0 Introduction

### 1.1 Background Information

Triton Environmental Consultants Ltd. (Triton) was retained by Mr. Steve Soroka (the Client) to complete an Environmental Impact Assessment (EIA) at Strata Lot 12 - 40 Kestrel Place, Vernon, BC (the Property). The Client proposes to build a single-family residential development on the Property. Preparation of this report is required by the City's Environmental Management Areas Strategy (City of Vernon, 2012) to support the application for a Development Permit Variance application for the Property.

### 1.2 Methodology

This EIA report was completed through a review of the existing background information including maps, provincial databases, desktop resources, and a reconnaissance field visit to the Property. Desktop review was completed prior to the site visit to identify the biophysical resources of the Property, as well as any potential environmental resources including rare and endangered species or critical habitat that could potentially occur. The SEI was reviewed and SEI classifications were determined and verified during the site visit. Additional resources including the City of Vernon's Official Community Plan (OCP) and Environmental Management Areas Strategy and the North Okanagan's ArcGIS website (as well as additional web resources) were used to determine the Property boundaries, Property description, and biodiversity indexes. A site visit was conducted to assess the natural resource values associated with the Property and any potential sensitivities associated with the proposed development. Photographs taken during the site visit are provided in Appendix 1.

### 1.3 Project Location

The Property is located at Strata Lot 12 – 40 Kestrel Place, Vernon, BC (Figures 1 and 2). It is located on the southeast end of the northern arm of Okanagan Lake. The Property is accessed from downtown Vernon via Tronson Road and is located in what is considered the Bella Vista West neighborhood. The current legal description is Strata Lot 12, District Lot 297, Plan No. KAS1980, Osoyoos Division Yale District, and the PID for the Property is 023-997-338 (Table 1). The lot size is 950 m<sup>2</sup>. The Property is located in a residential subdivision and is bounded by a residential property to the east, a road (Kestrel Place) to the southeast, an empty lot to the west, and an undisturbed area to the north. The Property slopes down toward Okanagan Lake.

**Table 1. Property administrative and physiographic setting<sup>1</sup>**

Description	Project Area Setting
<b>General Location</b>	
UTM	11U 327538E 5569404N
Residential Address	Lot 12 – 40 Kestrel Place
Legal Lot Description	Strata Lot 12, KAS1980, District Lot 297 Osoyoos Division Yale District PID 023-997-338

Description	Project Area Setting
<b>Administrative Boundaries</b>	
Municipality	City of Vernon
Regional District	North Okanagan
Natural Resource District	Okanagan Shuswap
Natural Resource Region	Thompson-Okanagan
<b>Geophysical Setting</b>	
Major Watershed System	Okanagan River
Major Watershed Code	WA2
Lake Okanagan Watershed Code	310
Elevation (m)	533
<b>Ecosystem Classification</b>	
Ecodomain	Dry
Ecodivision	Semi-Arid Steppe Highlands
Ecoprovince	Southern Interior
Ecoregion	Thompson-Okanagan Plateau
Ecosection	Northern Okanagan Basin
Biogeoclimatic Ecosystem Classification	
Biogeoclimatic Zone:	Interior Douglas Fir (IDF)
Subzone:	Very Dry Hot (xh)
Variant	Okanagan (1)

<sup>1</sup>Source: DataBC, 2021.

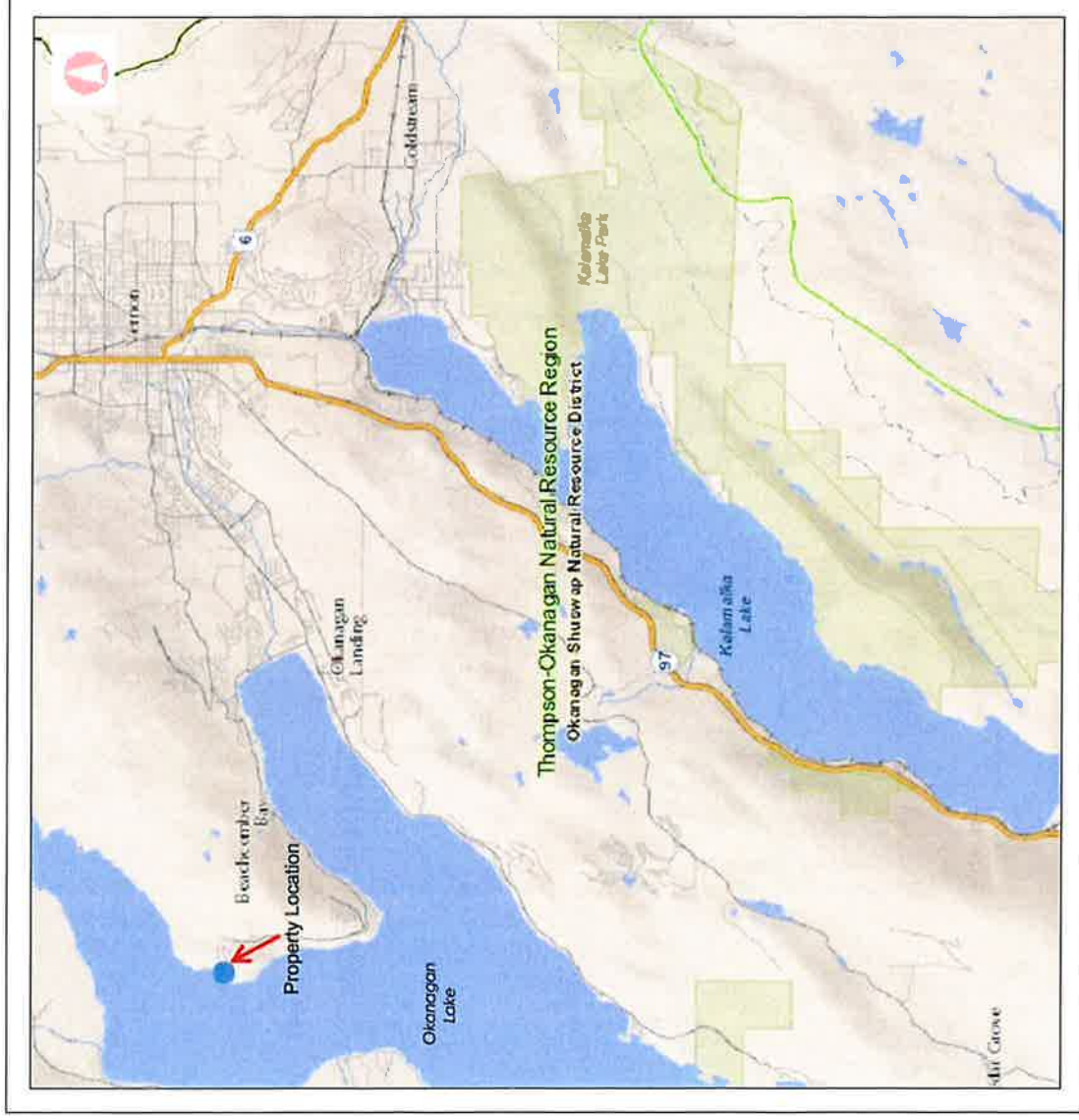
#### 1.4 Current Use of Property

The Property is currently undeveloped and there are no structures on the Property. The road runs along the southeastern edge of the Property (Figure 2). The upper portion of the Property adjacent to Kestrel Place is flat and then slopes steeply down to the north toward Okanagan Lake. The Property is currently undeveloped, and no structures are present. A building area has been cleared on the upper portion of the Property adjacent to Kestrel Place. The remainder of the Property is undisturbed.

#### 1.5 Proposed Use of the Property

The proposed development includes the construction of a single-family residential structure on the upper portion of the Property adjacent to Kestrel Road as shown on the site plans (Appendix 2). The development includes, but will necessarily be limited to, the following activities:

- Site preparation and clearing including tree removal, stripping and clearing of existing vegetation and ground for the building footprint, and off-site disposal of material removed;
- Excavation and removal of overburden material for the installation of underground services (e.g. infrastructure and electrical services), construction of building foundations, and retaining features on the western edge of the structure; and
- Construction of the new residential structure.



**Figure 1. General location of Strata Lot 12 – 40 Kestrel Place, Vernon, BC.<sup>1</sup>**

<sup>1</sup>Source: DataBC, 2021.



**Figure 2. Sirata Lot 12 40 Kestrel Place, Vernon, BC.<sup>1</sup>**

<sup>1</sup>Source: ArcGIS web application for the North Okanagan, 2021 (available at: [North Okanagan Map HTML5 \(vernon.ca\)](http://North Okanagan Map HTML5 (vernon.ca)))

## 2.0 Background Inventory Review

### 2.1 Project Overview

A desktop background review was conducted to collect information relevant to the Property and identify potential environmental sensitivities which could occur within and around the Property using provincial and federal government databases and mapping tools. The background review included review of the SEI classifications, searches for mapped watercourses, and occurrences of rare and/or species at risk known to be present or potentially present within the Project area. Databases and sources utilized in the background review included:

- DataBC iMapBC Mapping Tool (DataBC, 2021);
- Sensitive Ecosystem Inventory (SEI): Bella Vista – Goose Lake Range 2002 (Iverson and J. Shypitka, 2003);
- City of Vernon North Okanagan ArcGIS web application and associated layers;
- BC Conservation Data Centre (CDC) BC Species and Ecosystems Explorer (BC CDC, 2021);
- BC CDC iMap (BC CDC, 2021a);
- The City of Vernon OCP Bylaw #5470 (City of Vernon, 2015); and
- Bella Vista West Neighborhood Plan (City of Vernon, 2010).

### 2.2 Terrestrial Resources

#### 2.2.1 Vegetation Resources

##### 2.2.1.1 Biogeoclimatic Ecosystem Classification

According to the Biogeoclimatic Ecosystem Classification (BEC) for BC, the Property exists in the Interior Douglas Fir (IDF) biogeoclimatic zone within the Very Dry Hot subzone Okanagan variant (xh1) (DataBC, 2021). The climate of the Okanagan region is generally very dry as it is in the rain shadow of the Coast and Cascade mountain ranges. Warmest temperatures occur during June, July and August and the coldest month is January. Precipitation is mainly in the form of rain with highest rainfalls occurring in the summer months from May to September. The average amount of precipitation for the Okanagan Valley is approximately 350 mm per year (Meidinger, D., J.Pojar, 1991).

The forests of the IDF BEC zone are dominated by Douglas fir (*Pseudotsuga menziesii*) with sections of lodgepole pine (*Pinus contorta* var. *latifolia*), with ponderosa pine (*Pinus ponderosa*) found in the lower, drier elevations. The understory is dominated by pinegrass (*Calamagrostis rubescens*), birch-leaved spirea (*Spiraea betulifolia*), saskatoon (*Amelanchier alnifolia*) and tall Oregon grape (*Mahonia aquifolium*). Soopolallie (*Shepherdia canadensis*) and kinnikinnik (*Arctostaphylos uva-ursi*) are also common understory shrubs. In wetter phases trembling aspen (*Populus tremuloides*) and red-osier

dogwood (*Cornus canadensis*) are common. Frequent fires favour Douglas fir due to its thick protective bark (Meidinger, D., J.Pojar, 1991).

## 2.3 Topography

The neighbourhood is located on a north facing slope at the end of Okanagan Lake in an area with natural bedrock. The topography of the Property is relatively flat on the upper portion adjacent to Kestrel Place and then slopes steeply to the northwest toward Okanagan Lake (see site plan Appendix 2).

### 2.3.1 Wildlife Resources

#### 2.3.1.1 Provincially Listed Wildlife Species-at-Risk

The BC Species and Ecosystems Explorer was used to conduct a desktop search for species-at-risk with potential to exist within or in the vicinity of the Property. Provincially red- or blue-listed species (Table 2) with the potential to occur within the Project area based on location and habitat type are provided in Table 3 (BC CDC, 2021). Results showed 23 provincially red- (six) or blue-listed (17) animal species could potentially occur within the Project area (BC CDC, 2021).

**Table 2. Definitions of at-risk Red- and Blue-listed species in British Columbia<sup>1</sup>**

Status	Definition
<b>Red-listed</b>	Species or ecological communities considered to be Extirpated, Endangered, or Threatened.
<b>Blue-listed</b>	Species or ecological communities considered to be of Special Concern (formerly Vulnerable).

<sup>1</sup>Source: CDC, 2021.

**Table 3. Animal species-at-risk with potential to occur in Project area<sup>1</sup>**

Latin Name	Common Name	BC Status
<i>Ammodramus savannarum</i>	Grasshopper Sparrow	Red
<i>Asio flammeus</i>	Short-eared Owl	Blue
<i>Buteo swainsoni</i>	Swainson's Hawk	Red
<i>Chondestes grammacus</i>	Lark Sparrow	Blue
<i>Coluber constrictor</i>	North American Racer	Blue
<i>Contopus cooperi</i>	Olive-sided Flycatcher	Blue
<i>Corynorhinus townsendii</i>	Townsend's Big-eared Bat	Blue
<i>Crotalus oreganus</i>	Western Rattlesnake	Blue
<i>Dolichonyx oryzivorus</i>	Bobolink	Blue
<i>Eremophila alpestris merrilli</i>	Horned Lark, merrilli subspecies	Blue
<i>Euderma maculatum</i>	Spotted Bat	Blue
<i>Hirundo rustica</i>	Barn Swallow	Blue
<i>Icteria virens</i>	Yellow-breasted Chat	Red
<i>Myotis ciliolabrum</i>	Western Small-footed Myotis	Blue
<i>Myotis thysanodes</i>	Fringed Myotis	Blue
<i>Perognathus parvus</i>	Columbia Plateau Pocket Mouse	Blue

Latin Name	Common Name	BC Status
<i>Pituophis catenifer deserticola</i>	Gopher Snake, deserticola subspecies	Blue
<i>Plestiodon skiltonianus</i>	Western Skink	Blue
<i>Reithrodontomys megalotis</i>	Western Harvest Mouse	Blue
<i>Sorex preblei</i>	Preble's Shrew	Red
<i>Spea intermontana</i>	Great Basin Spadefoot	Blue
<i>Taxidea taxus</i>	American Badger	Red
<i>Tyto alba</i>	Barn Owl	Red

<sup>1</sup>Search parameters: Animals Okanagan Shuswap Forest District; RDNO; BGC Zone: IDF

### 2.3.1 Provincially Listed Plant Species-at-Risk

The BC Species and Ecosystems Explorer database (BC CDC, 2021) was searched to determine at-risk plant species with the potential to occur in and around the Project area. Results showed 13 provincially Red- (three) and Blue-listed (10) plants were identified (Table 4).

**Table 4. Plant species-at-risk with potential to occur in Project area<sup>1</sup>**

Latin Name	Common Name	BC Status
<i>Acorus americanus</i>	American sweet-flag	Red
<i>Azolla Mexicana</i>	Mexican mosquito fern	Red
<i>Berula erecta</i>	cut-leaved water-parsnip	Blue
<i>Chenopodium atrovirens</i>	dark lamb's-quarters	Blue
<i>Crataegus atrovirens</i>	dark-green hawthorn	Blue
<i>Cyperus erythrorhizos</i>	red-rooted cyperus	Blue
<i>Elatine rubella</i>	three-flowered waterwort	Blue
<i>Hesperostipa spartea</i>	porcupinegrass	Blue
<i>Impatiens aurella</i>	orange touch-me-not	Blue
<i>Polygonum engelmannii</i>	Engelmann's knotweed	Red
<i>Salix amygdaloides</i>	peach-leaf willow	Blue
<i>Salix tweedyi</i>	Tweedy's willow	Blue
<i>Verbena hastata var. scabra</i>	blue vervain	Blue

<sup>1</sup>Search parameters: Plants Okanagan Shuswap Forest District; RDNO; BGC Zone: IDF

#### 2.3.1.1 Conservation Data Centre Identified Occurrences

The BC CDC database and mapping tool (iMap BC) were accessed to identify known occurrences of species at risk within a 1 km radius of the Project area (BC CDC, 2021a). Two publicly available rare and endangered animal species occurrences were identified in the search radius of the Property (Table 5).

**Table 5. Mapped species at risk occurrences within the search radius of the Project area**

ID	Common Name	Scientific Name	BC Status	COSEWIC Status	SARA Status
74373	American Badger	<i>Taxidea taxus</i>	Red	E (2012)	1-E (2018)
75197	Gopher Snake, <i>deserticola</i> ssp.	<i>Pituophis catenifer deserticola</i>	Blue	T (2013)	1-T (2015)

T – Threatened; E – Endangered; SC – Special Concern; 1 – Schedule 1 (SARA).

### 2.3.2 American Badger (ID #74373)

The American Badger (*Taxidea taxus*) is provincially Red-listed and listed as an Endangered species under COSEWIC and SARA (Schedule 1-Endangered). The Property is within a large mapped American Badger range polygon extending from the U.S. border to the north end of Okanagan Lake (ID #74373). The occurrence polygon is inclusive of 498 reported sightings of badgers (most between 1995 and 2012), occurring throughout the polygon, but are concentrated within grassland/agricultural interface zones in the Vernon, Lumby, Mission Creek, Osoyoos, Anarchist Mountain/Rock Creek, and Grand Forks areas (DataBC, 2021). No site-specific occurrences are recorded on the Property.

### 2.3.3 Gopher Snake (ID #75197)

The Gopher Snake, *deserticola* subspecies (*Pituophis catenifer deserticola*) is provincially Blue-listed and is listed as a Threatened species under COSEWIC and SARA (Schedule 1-Threatened). An occurrence was originally noted in 2000 and occurred along Okanagan Hills Boulevard on the eastern edge of the Property (ID #75197). The habitat of the occurrence was described as grassland/herbaceous shrubland to the northwest of Vernon between the two arms on the north end of Okanagan Lake. Wise Wildlife Control Services moves several Gopher Snakes off of residential properties annually on the south side of the Bella Vista Goose Lake Range and around Turtle Mountain. There are three snake dens within the area which are mapped for rattlesnakes (exact location unknown) that could potentially be used by gopher snakes (Data BC, 2021).

#### 2.3.3.1 **Critical Habitat for Federally-listed species-at-risk**

The CDC iMap was searched for critical habitat for federally-listed species-at-risk. The Property is located within designated critical habitat for two federally-listed species-at-risk: the great basin gopher snake, *deserticola* subspecies (*Pituophis catenifer deserticola*; Critical Habitat ID: 71530) and the western rattlesnake (*Crotalus oreganus*; Critical Habitat ID: 71770). Both species are provincially Blue-listed. The designated critical habitat for these species include a 10km grid square area (BC CDC, 2021a). These species require both dens (hibernacula) and surrounding terrestrial habitat (foraging, gestation and/or egg-laying, basking, shedding, and refuge) to complete life history functions. The attributes of biophysical features required for over-wintering (denning/hibernation) for snakes include cliff, talus, rock outcrop, or earth covered rock outcrops which provide rock with cracks or fissures that provide access below the frost line. These are used by species from September through March (ECCC, 2017). Additional

functions (foraging, mating, shedding, refuge, basking, gestation, egg-laying, dispersal between sites) occur during periods when species are active (April through October). Biophysical features for these functions include cliff, talus, rock outcrop, rock piles, shrub-steppe, and open coniferous forest (ECCC, 2017).

### 3.0 Sensitive Ecosystem Inventory

#### 3.1 Sensitive Ecosystem Ranking

The City of Vernon's Environmental Management Areas Strategy identifies a three-class rating system which ranks sensitivities of an area from low to high (Table 6). Each class requires different levels of consideration during development based on their simplified Sensitive Ecosystem Rankings (SER) value. A portion of the Property is identified as being high risk (SER 1) (City of Vernon, 2012).

**Table 6. Sensitive Ecosystem Ranking**

Sensitive Ecosystem Ranking (SER)	Definition
SER 1	Red or high-risk. Areas with native vegetation and minimal or no previous disturbance and high sensitivity. These areas are locally and provincially significant ecosystems that provide habitat or critical importance to rare wildlife species (City of Vernon, 2012).
SER 2	Yellow or medium-risk. Areas with moderate levels of disturbance and moderate sensitivity. While these areas may have been altered, they maintain high wildlife values (City of Vernon, 2012).
SER 3	Green or low-risk. Areas are considered previously disturbed and require the lowest level of conservation and protection planning but must also account for site specific conditions. These areas consist primarily of residential, urban, and industrial land uses (City of Vernon, 2012).

#### 3.2 Sensitive Ecosystem Inventory

The City's tiered system of EMAs is largely a reflection of the Sensitive Ecosystem Inventory (SEI) works. SEI uses Terrestrial Ecosystem Mapping (TEM) and modelling to identify and predict ecosystems at risk, which can then be used by various levels of government to aid in development planning. The SEI for the Bella Vista – Goose Lake Range was initiated in 2002 and the City's EMA Strategy were used to determine sensitive ecosystems which occur within the Property and the Project area. The following sensitive ecosystems are present in the Project area:

- Sparsely Vegetated: shrub (SV:sh) (Iverson, 2003) (Figure 3). These ecosystems occur in areas where rock or talus limit the establishment of vegetation with discontinuous vegetation cover which is interspersed with bedrock or blocks of rock. Sparsely vegetated shrub ecosystems occur on small rock outcrops with cracks and crevices in grassland areas. These typically occur in steep areas with soils which are restricted to small pockets. Scattered shrubs and cliff ferns grow in cracks and crevices (Iverson, 2003).

Dominant vegetation associated with sparsely vegetated ecosystems is provided in Table 7.

**Table 7. Dominant native vegetation species of sparsely vegetated ecosystems\***

Common Name	Latin Name
<b>Trees</b>	
ponderosa pine	<i>Pinus ponderosa</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
<b>Shrubs</b>	
chokecherry	<i>Prunus virginiana</i>
mock orange	<i>Philadelphus lewisii</i>
Saskatoon	<i>Amelanchier alnifolia</i>
<b>Forbs</b>	
arrowleaf balsamroot	<i>Balsamorhiza sagittata</i>
cliff fern	<i>Woodsia</i> spp.
selaginella	<i>Selaginella</i> spp.
shrubby penstemon	<i>Penstemon fruticosus</i>
<b>Grasses</b>	
bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>

\*Source: Iverson, 2003

### 3.2.1 Attributes of Sparsely Vegetated Ecosystems

Sparsely vegetated ecosystems have the potential to support a variety of species, including many threatened- or endangered- species. Deep crevices in rock outcrops and talus slopes are potentially used for over-wintering or shelter for reptiles such as Northern Pacific Rattlesnakes (*Crotalus oreganus*), Great Basin Gopher Snakes (*Pituophis catenifer deserticola*), and the Western Yellow-bellied Racer (*Coluber constrictor*). Isolated trees can provide roosting or nesting sites for a variety of avian species including woodpeckers and raptors (Iverson, 2003).

### 3.3 **Development District**

In addition to the SEI ranking, the City divides development groups into three sectors with different requirements for development permits (DPs). Each Development District is characterized by different proportions of identified low, moderate, and high sensitivity ecosystem polygons to reflect different levels of significance for conservation and protection. This project is within Development District 3 – Hillside Residential and Agriculture (DD3), which notes steep slope management; ridgeline and hilltop protection; grassland and rangeland management and protection; as key considerations for projects (City of Vernon, 2012). Further, the SEI study identified riparian areas of all types, grassland and rangeland and sparsely vegetated, as well as associated wildlife habitats and potential wildlife corridor areas as sensitive ecosystems of concern in DD3. Other goals for DD3 include:

- invasive species management;
- protection of biodiversity;
- maintenance of ecosystem function;
- forest land and fire protection;

- reclaimed water use;
- moderate and high sensitivity ecosystem protection and management; and
- and hazard land exclusions from use



Figure 3. SEI Rankings identified at the Property'

Source: DataBC, 2021.

## 4.0 Field Visit and Impact Assessment

### 4.1 Field Visit

A field visit was completed on July 20, 2021 to assess findings of the desktop review, determine existing conditions of the Property, and identify any additional environmental features. Representative photographs from the site visit are provided in Appendix 1.

### 4.2 Terrestrial Resources

#### 4.2.1 Vegetation Resources

The upper portion of the Property adjacent to Kestrel Place is predominately disturbed with several clumps of shrubs interspersed with forbs and invasive weed species. A built rock wall is at the southeast edge of the Property between the sidewalk and the Property. An additional built rock wall is on the west edge of the Property and extends around the upper portion of the Property. A densely vegetated gully is present southeast of the Property. The gully is outside of the Project footprint and will not be disturbed by the development.

The Property drops steeply to the northwest toward the road below and Okanagan Lake. The lower slope of the Property is undisturbed. The lower slope of the Property can be described as indicative of the biogeoclimatic zone and subzone classification (IDFxh1), and SV:sh SEI classification based on the dominant vegetation species and habitat features observed during the site visit. There are several rock outcrops and piles of small talus vegetated with shrubs and mosses present. Dominant native vegetation observed on the Property during the site visit is provided in Table 8.

**Table 8. Dominant native vegetation species observed at the Property**

Common Name	Latin Name
<b>Trees</b>	
ponderosa pine	<i>Pinus ponderosa</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
<b>Shrubs</b>	
chokecherry	<i>Prunus virginiana</i>
common snowberry	<i>Symphoricarpos albus</i>
gooseberry	<i>Ribes sp.</i>
mock orange	<i>Philadelphus lewisii</i>
Nootka rose	<i>Rosa acicularis</i>
Oregon Grape	<i>Mahonia aquifolium</i>
red osier dogwood	<i>Cornus sericea</i>
Rocky Mountain juniper	<i>Juniperus scopulorum</i>
Saskatoon	<i>Amelanchier alnifoli</i>
wax currant	<i>Rives cereum</i>
<b>Forbs</b>	
arrowleaf balsamroot	<i>Balsamorhiza sagittata</i>
pasture sage	<i>Artemisia frigida</i>
silky lupine	<i>Lupinus sericeus</i>

Common Name	Latin Name
yarrow	<i>Achillea millefolium</i>
Grasses	
bluebunch wheatgrass	<i>Pseudoroegneria spicata</i>
rough fescue	<i>Festuca sp.</i>

#### 4.2.2 Rare Plants

The rare plants identified during the desktop review were not observed during the field visit.

#### 4.2.3 Wildlife Resources

##### 4.2.3.1 **Birds**

Several mature Douglas fir and ponderosa pine trees were noted on the lower portion of the Property including one dead Douglas fir tree. No significant wildlife trees, cavities or nests were observed. Construction timing will need to account for the migratory bird nesting period for the region (April 1 – August 15) (ECCC, 2021). No active nests were noted at the time of survey, but this area could contain both ground and cavity nesting species at appropriate times of the year, including for several avian species-at-risk noted in Table 3.

##### 4.2.3.2 **Reptiles**

In general, reptiles prefer warm, drier areas and could potentially be negatively impacted by urban developments (BC CDC, 2021). Reptiles could potentially use the open grasslands and open canopy habitat on the lower portion of the Property for foraging, basking, and moving through the site. Rock outcrops and talus slopes could provide overwintering or sheltering habitat. Small mammals which could potentially occur on the Property including voles, shrews, moles, mice, and ground squirrels are potential food sources. Masked occurrences may move through the Property and there are talus and rock outcrops present. No reptiles were observed during the site visit.

##### 4.2.3.3 **Mammals**

Vegetated areas can provide thermal protection, cover, foraging habitat, and migratory routes for a variety of mammals including ungulates (Iverson, 2003). White-tailed deer (*Odocoileus virginianus*) have the potential to forage on shrubs, forbs, and grasses in the undisturbed portion of the Property and several deer trails were observed on the lower slope. Open forests provide foraging, nesting, and burrowing opportunities for a wide range of small mammal species including voles, marmots, ground squirrels, and mice. Small mammals provide a food source for other species including birds, snakes, and coyotes. Leaving this area undisturbed will allow for the corridor habitat to stay intact and will continue to provide access to the vegetated gully to the southeast of the Property. High insect density and mature trees provide forage and nesting habitat for bats (Iverson, 2006). The close proximity of roadways and residential areas may limit the area being regularly used by larger mammals.

### **4.3 Aquatic Resources**

No mapped watercourses were identified on the Property during the background information review and no unmapped aquatic resources were identified during the site visit.

## 5.0 Proposed Development and Monitoring Plan

### 5.1 Potential Disturbance from Development

The proposed development involves the construction of a single-family residential development and associated driveway. The Property is adjacent to a paved access road which will provide equipment access to the building footprint. The building footprint will be located adjacent to Kestrel Place (the access road) in an area that has been previously disturbed on the upper portion of the Property. No development is proposed in the undisturbed area on the lower portion of the Property upslope of Okanagan Lake.

### 5.2 Landscape Restoration

Several clumps of small trees, shrubs, and forbs (native and invasive) which are in the building footprint will be removed during clearing for construction of the foundation. The mature Douglas fir and ponderosa pine trees downslope of the building footprint will be retained. According to the EMA Strategy, a key objective of DD3 is to protect trees through remediation and enhancement. This can be achieved through implementation of the following measures:

- Encourage the protection of natural areas and the use of native, drought tolerant plants in landscaping and residential yards;
- Encourage retention of trees outside of the development footprint immediately prior to and during development;
- Promote planting of native tree species to provide shade and runoff retention and infiltration.

The EMA encourages the use of native vegetation to replace any trees or shrubs removed by construction. The use of native species that are suited to the Property's soil, light, and groundwater conditions that will create habitat are recommended. A list of recommended native shrubs and trees for replanting efforts are provided in Table 9.

**Table 9. Suggested native plant list**

Tree Species	
Common Name	Latin Name
ponderosa pine	<i>Pinus ponderosa</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
maple spp.	<i>Acer</i> spp.
mountain alder	<i>Alnus tenuifolia</i>
Shrub Species	
Common Name	Latin Name
Saskatoon	<i>Amelanchier alnifoli</i>
chokecherry	<i>Prunus virginiana</i>
common snowberry	<i>Symphoricarpos albus</i>
prickly rose	<i>Rosa acicularis</i>
Oregon Grape	<i>Mahonia aquifolium</i>
birch leaved spirea	<i>Spirea betulifolia</i>
common juniper	<i>Juniperus communis</i>

Tree Species	
Common Name	Latin Name
red osier dogwood	<i>Cornus stolonifera</i>
mock orange	<i>Philadelphus lewisii</i>
smooth sumac	<i>Rhus glabra</i>

### 5.3 Environmental Monitoring Plan

The purpose of this section is to provide recommendations to implement prior to and during development to reduce the potential of negative impacts on the environmental features at the Property. The following section provides recommendations and best management practices to follow during development.

- Development has been limited to those areas of the Property where minimal impact on environmental features will occur. The building footprint is proposed adjacent to Kestrel Place (the access road) in an area that has been previously disturbed on the upper portion of the Property. No development is proposed in the undisturbed area on the lower portion of the Property upslope of Okanagan Lake.
- Silt fencing or snow fence must be placed between the portion of the Property to be developed and the lower slope to identify a limit of construction and protect the area from encroachment or damage.
- Protect large old trees and snags which provide important wildlife habitat. These trees are downslope of the building footprint and will be flagged prior to development.
- Control invasive species by managing human and vehicular access. Fill with invasives should be removed from the Property and properly disposed of to prevent spread to other areas of the Property.
- Revegetate exposed soils following land alteration in order to prevent erosion and noxious weed infestation including the replacement of native bunchgrass and wildflowers.
- Timing of development should consider and avoid times of year when critical wildlife activities occur (e.g., bird breeding and nesting) to protect bird nesting habitat as per the *Migratory Bird Convention Act*, the *Migratory Birds Regulations*, and the *BC Wildlife Act*. If this cannot be avoided, a breeding bird nest field survey will be necessary prior to commencement of tree removal activities proposed to occur within the bird breeding and nesting period for the region (April 1 to August 15) (ECCC, 2021).
- If land disturbance is planned during the active period for reptiles (April to September), a reptile sweep is recommended prior to potential disturbance to rock outcrop or talus slopes.
- Retain as much existing vegetation as possible by implementing the following measures during construction:

- Minimize clearing of vegetation for equipment access and storage wherever possible;
- Minimize the quantities and duration of on-site material (e.g., soil and aggregate stockpiling) and limit to previously disturbed areas;
- Physically mark the boundaries of construction to ensure vegetated areas are not unnecessarily cleared; and
- Washing or disposal of sediment including from equipment into local drainages, ditches, catch basins, storm sewers, etc. will not be permitted.
- Spill containment kits should be onsite and placed on each piece of equipment onsite during construction.
- Work site will be maintained in a clean state - oil containers, cans, grease, tubes, rags, etc. and any other material or packaging will be removed from the work area to an approved disposal location immediately on completion of servicing.
- All equipment used in and around the development must be weed free to minimize the transport of weeds. All contractors should inspect their equipment and vehicles daily to ensure they do not transport noxious weed/seeds onto or off the Property. It is the expectation that equipment will:
  - Be free of weeds and cleaned;
  - Have no leaks and be in good working order; and
  - Have a spill containment kit.
- Topsoil and overburden materials should be obtained from uncontaminated sources and as free of weed seeds as possible.

## **6.0 Conclusion**

The Property at Strata Lot 12 – 40 Kestrel Place, Vernon, BC is located in a DD3 area and is identified as Sparsely Vegetated shrub according to the SEI. These classifications were verified during the site visit. By following the best management practices and identified mitigation measures in this report, it is anticipated the proposed development activities will protect the sensitive features of the Project area satisfy the Environmental Management Areas Strategy of the City of Vernon.

## 7.0 References

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**APPENDIX 1**  
**PHOTOGRAPHS**



**Photograph 1.** View west of the sidewalk and Kestrel Place adjacent to the upper portion of the Property (July 20, 2021).



**Photograph 2.** View east of the sidewalk and Kestrel Place adjacent to the upper portion of the Property (July 20, 2021).



**Photograph 3.** View of the built rock wall and clump of shrubs adjacent to the sidewalk on the upper portion of the Property within the development footprint (July 20, 2021).



**Photograph 4.** View north of the building footprint at the upper portion of the Property (July 20, 2021).



**Photograph 5.** View east of the upper portion of the Property within the development footprint (July 20, 2021).



**Photograph 6.** View downslope toward Okanagan Lake of the lower portion of the Property (July 20, 2021).



**Photograph 7.** View upslope the built rock wall and rock outcrops on the lower portion of the Property outside of the development footprint (July 20, 2021).



**Photograph 8.** View of a rock outcrop and sparsely vegetated habitat on the lower portion of the Property outside of the development footprint (July 20 2021).



**Photograph 9.** View downslope of rock outcrops, shrubs, mature trees and sparsely vegetated habitat on the lower portion of the Property outside of the development footprint (July 20 2021).



**Photograph 10.** View downslope of shrubs and sparsely vegetated habitat on the lower portion of the Property outside of the development footprint (July 20 2021).



**Photograph 11.** View upslope of the Douglas fir trees on the lower portion of the Property which will be retained (July 20, 2021).

## **APPENDIX 2**

### **SITE PLANS**





# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Michelle Austin  
Current Planner

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** March 14, 2022  
**REPORT DATE:** February 9, 2022  
**FILE:** 3090-20 (DVP00547)

**SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 8160 OKANAGAN LANDING ROAD**

---

## **PURPOSE:**

To present Development Variance Permit Application 00547 (DVP00547) to allow a swimming pool in a front yard for Council consideration.

## **RECOMMENDATION:**

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

- a) Section 4.2.1 Swimming Pool regulations are varied to allow a swimming pool to be located in a front yard; and,
- b) Section 6.5.1.i) height limitation for fencing and hedges is increased from 1.2m to 1.5m along lot lines within front yard setbacks;

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

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

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

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not approve Development Variance Permit Application 00547 (DVP00547) on Strata Lot 3, DL 6, ODYD, Strata Plan KAS3406 (8160 Okanagan Landing Road) to vary Zoning Bylaw #5000 as follows:
  - a) Section 4.2.1 Swimming Pool regulations to allow a swimming pool to be located in a front yard; and,

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

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

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

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

*Note: Rejecting the requested variance would prohibit the owners from installing an in-ground pool in the front yard. There is not enough space elsewhere on the property to install an in-ground pool, so the owners may not be able to have an in-ground pool.*

**ANALYSIS:**

**A. Committee Recommendations:**

At its meeting of February 15, 2022, the Advisory Planning Committee passed the following resolution:

*"As cited by the Committee..."*

**B. Rationale:**

1. The subject property is located at 8160 Okanagan Landing Road, on the southeast (uphill) side, as shown in Figures 1 and 2. It is part of a four-lot bareland strata.
2. The owner proposes to place a 12 ft by 24 ft in-ground pool within the front yard and has provided a rationale to support the application (Attachments 1 and 2). Zoning Bylaw #5000, Section 4.2.1 prohibits swimming pools within front or exterior side yards (Attachment 3), therefore a variance to this prohibition is needed.

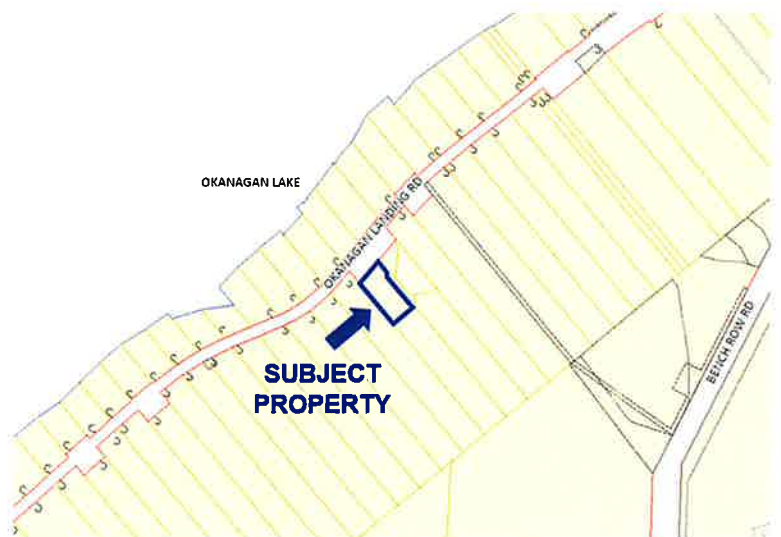


Figure 1: Location of Subject Property

3. As noted in the applicant's rationale (Attachment 1), the property has limited options for siting a pool. The rear yard consists of an attached garage, mostly paved driveway, access easement, in favor of Strata Lot 4 behind, and a steep bank (Attachment 4). The front yard has sufficient space for a pool within the northeast corner (Attachment 2). Front yards are typically not a preferred location for swimming pools, as most property owners want the privacy offered by rear yards.

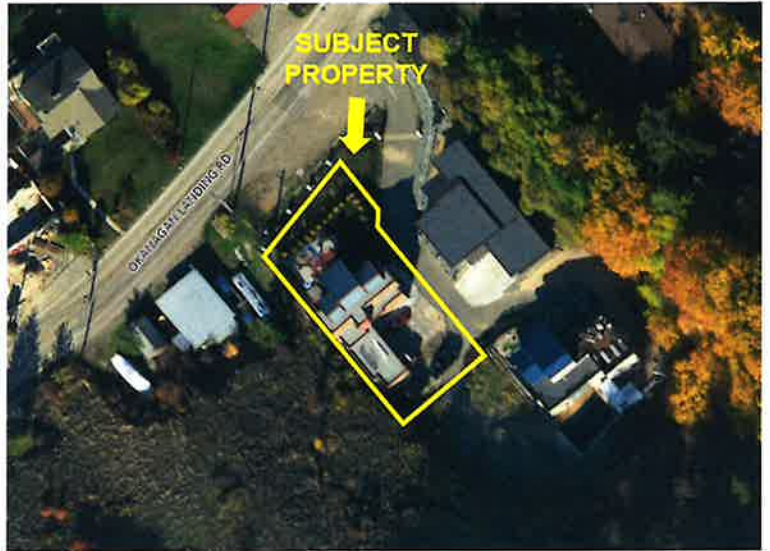


Figure 2: Aerial Photo of Subject Property

4. Most zoning bylaws do not allow pools within front yards, likely because of the proximity to public roads and the increased risk of children noticing and accessing the pool and drowning. The front yard of the subject property is elevated at least 12 ft above the road, with a series of three 4 ft high terraced retaining walls, and hardly visible from the road below (Attachment 5). The Building Bylaw requires all pools to be effectively fenced (Attachment 6). Adequate screening from public view has also been made a condition of approval for the variance application.

5. The proposed pool location is setback approximately 6 metres from the front property line and 20 metres from the edge of pavement of Okanagan Landing Road because of a parking area within the road right of way (Attachment 2). A site plan showing the precise distance from the proposed pool to the front property line has not been provided. Administration recommends that the proposed pool be setback at least 4 metres from the front property line based on the property's zoning for dwellings (R6 Lakeshore Residential).

6. The applicant has provided a Geotechnical Memo (Attachment 7) stating that the land is safe for the intended use of a swimming pool.

7. Administration supports the variance request for a swimming pool in the front yard for the following reasons:

- a) There is insufficient room elsewhere on the property for a swimming pool;
- b) The proposed swimming pool location is elevated above the road and hardly visible to passersby;
- c) The proposed swimming pool is required to be enclosed with a safety fence including a self-closing, self-latching gate as per the Building Bylaw (Attachment 6);
- d) The proposed swimming pool is required to be screened from public view; and,
- e) The Geotechnical Memo (Attachment 7) states that the land is safe for the intended use.

**C. Attachments:**

- Attachment 1 – Rationale
- Attachment 2 – Site Plan of Proposed Pool
- Attachment 3 – Zoning Bylaw Swimming Pool Regulations
- Attachment 4 – Site Plan of Existing Buildings and Structures

- Attachment 5 – Photos
- Attachment 6 – Building Bylaw Pool Regulations
- Attachment 7 – Geotechnical Memo

**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:

- N/A

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

1. The following regulations are relevant to the subject application:

- Zoning Bylaw #5000, Section 4.2 Swimming Pools (Attachment 3), and;
- Building Bylaw #5900, Part 14 Pools (Attachment 6).

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

X \_\_\_\_\_  
Michelle Austin  
Current Planner

\_\_\_\_\_  
Will Pearce, CAO  
Date: \_\_\_\_\_

X \_\_\_\_\_  
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 checked="" 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 checked="" type="checkbox"/> COMMITTEE: APC |   |   |
| <input type="checkbox"/> OTHER:                    |   |   |

## Design Rationale

The zoning for my home is R6 - Lake shore Residential. Which only permits pools to be installed in the rear yard only. As you can see on the aerial view diagram I have submitted with this there is no space to install a pool in the rear yard. The rear yard consists of our driveway, garage, a sloped bank, an easement to the neighbouring lot located directly behind our lot, as well as a single vehicle parking space. My only option would be to have it installed in the front yard of the lot. The total size of my lots is 736m<sup>2</sup> and my coverage is currently totaling 275.9m<sup>2</sup>. Which puts me at 38% site coverage.

I am in hopes of having an inground, fiberglass, drop-in, shell pool installed in the front yard. The pool I have chosen is fabricated by Performance Poly-Tek located in Sicamous and is a well established and trusted Canadian fiberglass company. The pool they make is rectangular with dimensions of 12 x 24ft. In the front yard there is an exceptionally well-built 3 tier gravity retaining wall composed of Verti-blocks. Each tier is 4ft high with a 4ft set back before the next step up. The wall has been constructed with double the amount of drainage pipes and extra drainage rock as well for water to drain quickly and effectively. Visibility of the yard from Okanagan Landing Rd is quite private as the yard is elevated 16ft above it. Currently there are decorative trees, shrubs and existing planters along the side of the yard where the pool would be installed, which will provide great screening. At the front of the pool, located along the top of the retaining wall there will be multiple planters with tall, thick foliage for additional screening.

The perimeter of the pool will have a non-slip concrete surface surrounding it. There will also be composite panel fencing installed along the side of the pool with a gate that opens inwards and locks automatically. On the opposite side of the yard more composite panel fencing will be installed with a gate that opens inwards and locks automatically to complete enclosing the yard for safety purposes. The pool equipment (pump, filter, heater) will be located on the opposite side of the house outside the gate which is out of sight from any neighbouring homes.

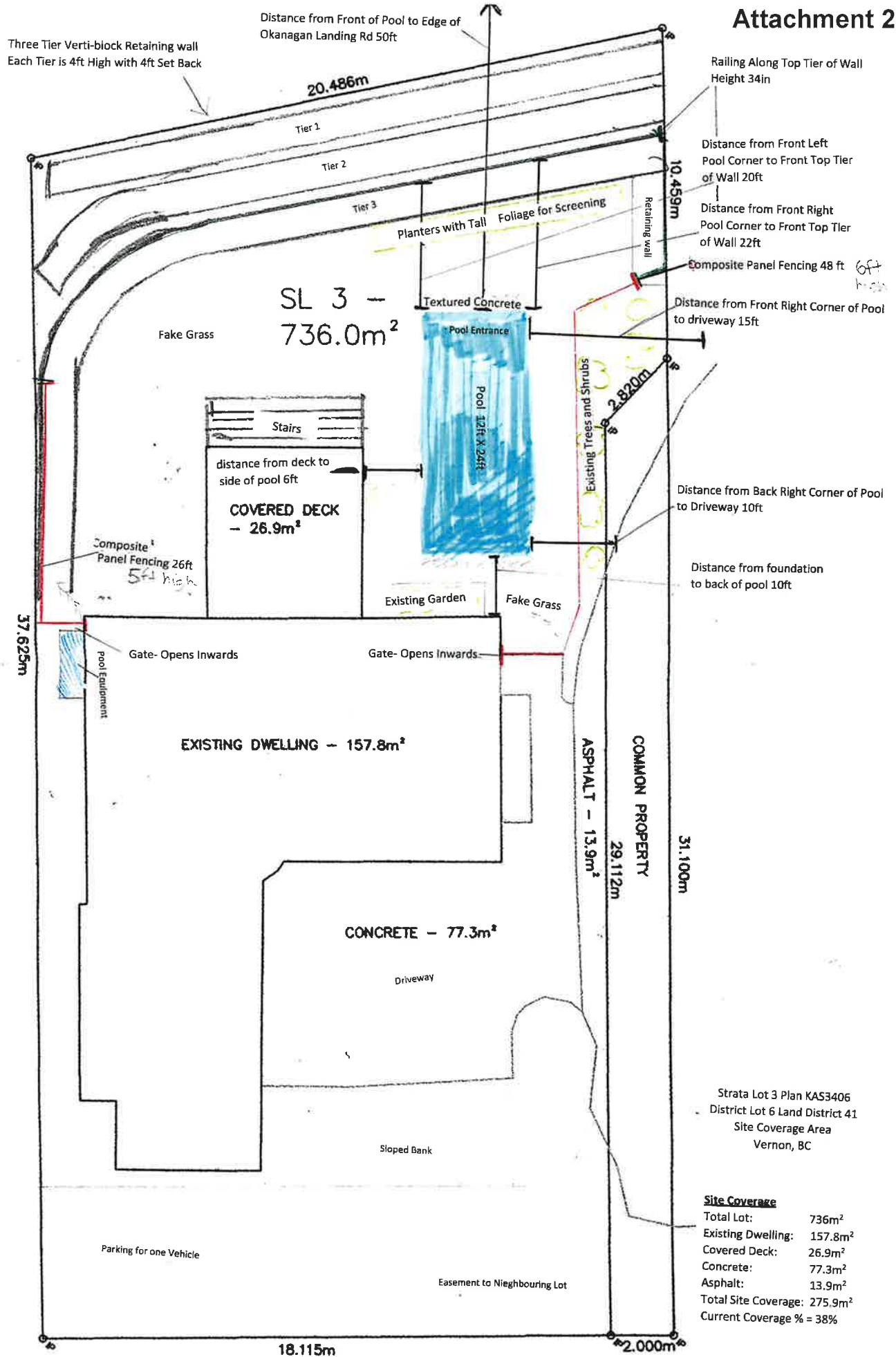
We hope this pool will be enjoyed for many years to come by our family. Looking to create a beautiful oasis for my children and their friends to enjoy within the safety and comfort of our wonderful home.

Cheers,

Levi Ralston

A handwritten signature in black ink, appearing to read 'LR', written in a cursive style.

# Attachment 2



Strata Lot 3 Plan KAS3406  
 District Lot 6 Land District 41  
 Site Coverage Area  
 Vernon, BC

**Site Coverage**

Total Lot:	736m <sup>2</sup>
Existing Dwelling:	157.8m <sup>2</sup>
Covered Deck:	26.9m <sup>2</sup>
Concrete:	77.3m <sup>2</sup>
Asphalt:	13.9m <sup>2</sup>
Total Site Coverage:	275.9m <sup>2</sup>
Current Coverage %	= 38%

## 4.2 Swimming Pools

4.2.1 Swimming pools shall not be located in a **front yard** or an exterior **side yard**.

4.2.2 Above ground swimming pools shall meet the siting requirements of **secondary buildings**.

4.2.3 At grade swimming pools shall be located a minimum of 0.9m from **side lot line** and **rear lot line** and 1.5m from any **street**. Notwithstanding any other provision of this Bylaw, no **building** or part thereof shall be constructed, reconstructed, altered, moved, or extended, nor shall any **mobile home** or at grade swimming pool be located within 7.5m of the **natural boundary** of Lake Okanagan or stream as specified by the *Official Community Plan 2008* or any bylaw replacing same.

4.2.4 Fencing around swimming pools shall be in accordance with the *City of Vernon Building & Plumbing Bylaw No. 4900*, as amended.

## 4.3 Yards

4.3.1 A part of a **lot** reserved as a yard shall not be deemed to form part of any **abutting lot** for the purpose of computing the area available for **building** purposes or any other purpose.

4.3.2 Where a **lot** which is not a **corner lot** has frontage on more than one **street**, any **building**, **structure** or **secondary building** shall be located on such **lot** to maintain a **front yard** on each **street** frontage so as to be consistent with the predominant **front yard** setback in the block.

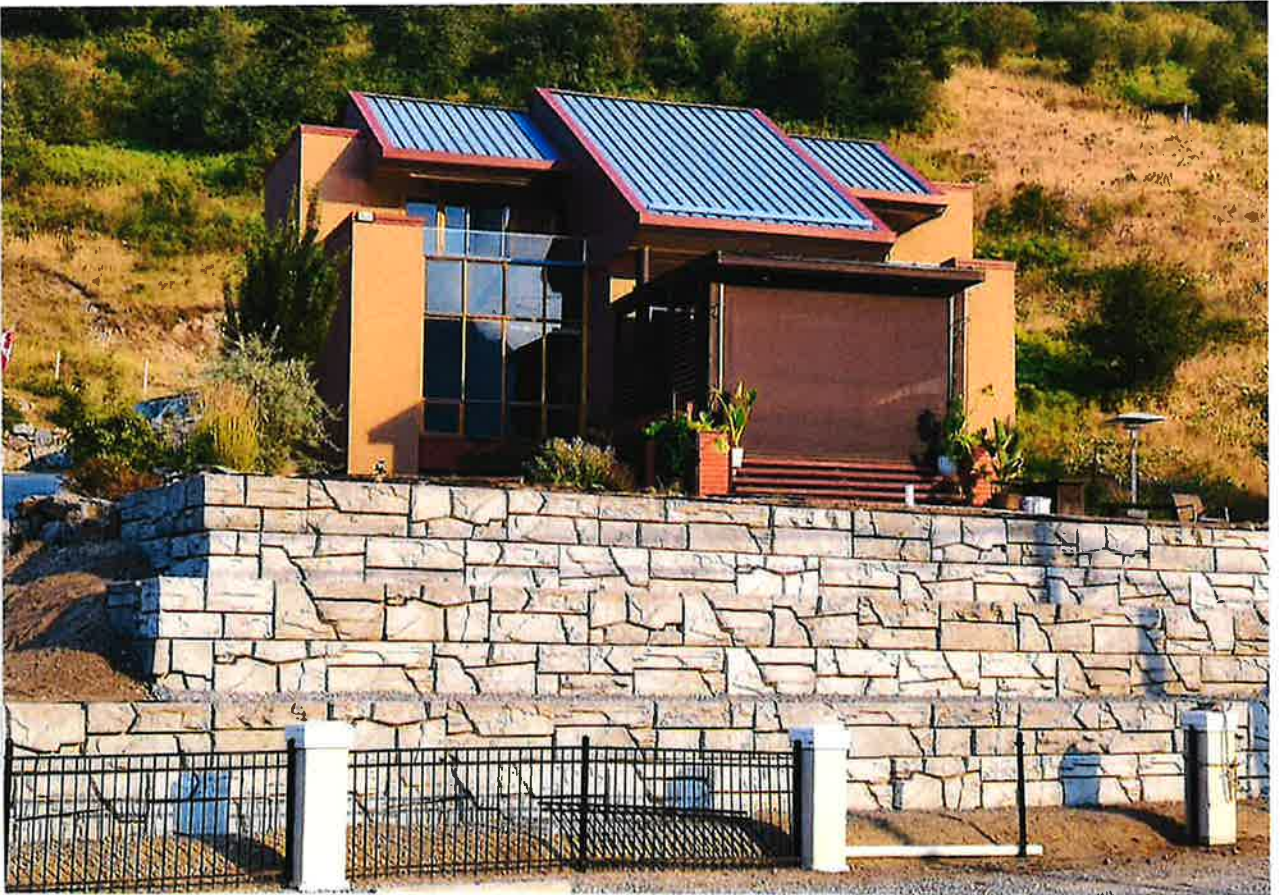
4.3.3 In the case of a **corner lot**, the **front yard** shall be the narrower of the two frontages.

## 4.4 Projections into Yards

4.4.1 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, **bay windows**, a cantilevered section of a **building**, portions of a building on a foundation or ornamental features may project into a required **yard** provided such projections do not exceed 0.6m. The total area of structural projections, excluding purely architectural or aesthetic features, shall not comprise of more than 30% of the total area of the exterior wall in which they are located. The total area of the exterior wall is to be calculated based on the total area of the wall, generally parallel to the side lot line,











- (b) until such time as the *building* is removed from the site or has been demolished.
- 13.2 Despite section 13.1, the City's Director of Development Services may renumber or alter the assigned numbers in respect of any *building* on any parcel, including those already in existence or numbered.
- 13.3 Without limiting sections 13.1 or 13.2, the *building official* must, on the issuance of a *building permit*, designate a house number or set of house numbers related to the *building* authorized by the *permit*. The *owner* or occupier must post the number or numbers on the site immediately after obtaining the *building permit* and keep the numbers posted in a conspicuous location at all times during construction.
- 13.4 Without limiting sections 13.1 through 13.3, on issuance of an *occupancy permit*, the *owner* or occupier of the parcel must affix the numbers permanently in a conspicuous place on the *building* such that the number is visible from an adjacent highway that is not a lane.

## PART 14: POOLS

### Swimming Pool Permit and Fencing

- 14.1 Without limiting section 5.1 of this bylaw, a person must not construct, or structurally repair, a swimming *pool* without a valid *building permit*.
- 14.2 A swimming *pool*, including a spa or hot tub must be enclosed within a fence constructed without footholds or grips that children may use to climb into the enclosed area, having a minimum height of 1.22 metres and no openings greater than 100 mm at their greatest dimension.

### Pool Gate

- 14.3 Access through a fence enclosing a swimming *pool*, spa or hot tub must be only through a self-closing and self-latching gate designed and constructed or installed so as to cause the gate to return to a closed position when not in use and secured by a latch located on the swimming *pool*, spa or hot tub side of the gate.

### Spa or Hot Tub Lid

- 14.4 In lieu of a fence, a spa or hot tub may be covered with a locking cover, which would prevent unauthorized access to the water.

## **Maintenance**

- 14.5 A person may not use or *occupy* a swimming *pool*, including a spa or hot tub unless the *owner* or *occupier* of property on or in which a *pool*, spa or hot tub is located maintains every fence or cover required under sections 14.2 to 14.4 in good order. and without limitation maintains and repairs in good order at all times all sagging gates, loose parts, torn mesh, missing materials, worn latches, locks or broken or binding members.

## **Leaks or Other Failures**

- 14.6 A person may not obtain a valid and subsisting *building permit* for or use or *occupy* a swimming *pool* without first delivering to the *building official* at the time of the *building permit* application an opinion of a *registered professional* that the *design* of the *pool* will not cause or result in leaks or other failures of the *pool*.

## **PART 15: ENERGY CONSERVATION AND GHG EMISSION REDUCTION**

- 15.1 In relation to the conservation of energy and the reduction of GHG emissions, the City of Vernon incorporates by reference the Step Code as outlined in the Building Code in accordance with Section 15.2 and 15.3.
- 15.2 A building regulated by Part 3 of the Building Code must be designed and constructed to meet the minimum performance requirements specified in
- a) Step 1 of the Step Code as of July 1, 2022 for all Part 3 Buildings.
- 15.3 A building regulated by Part 9 of the Building Code, of new residential construction, must be designed and constructed to meet the minimum performance requirements specified in
- a) Step 1 of the Step Code as of January 10, 2022 for all Part 9 residential buildings;
  - b) Step 3 of the Step Code as of January 1, 2023 for all Part 9 residential buildings.

## **PART 16: ACCESS ROUTE FOR FIRE VEHICLE**

- 16.1 Prior to the issuance of a *building permit* for a *simple building* of multi-family or commercial occupancy under Part 9 of the *building code*, the *owner* must satisfy the *building official* that the *building* or *structure* for which the *permit* is issued will be served by a fire access route that satisfies the following:

**TECHNICAL MEMORANDUM  
JOB NO. 5866**

**TO:** Levi Ralston, Homeowner  
**FROM:** Nader Gendy, Senior Geotechnical Engineer  
**DATE:** August 26, 2021  
**SUBJECT:** Geotechnical Engineering Memorandum – 8160 Okanagan Landing Rd. Vernon–Swimming Pool  
**LEGAL DESCRIPTION:** Strata Lot 3 Plan Kas3406 District Lot 6 Land District 41 Together With An Interest In The Common Property In Proportion To The Unit Entitlement Of The Strata Lot As Shown On Form V

On August 13, 2021, BC Foundations and Provincial Helical Piles Ltd (BCF&PHP) completed a field review for the above-noted address. The scope of our study was to evaluate the strength of soil to have an inground pool. The proposed location of the inground pool is as per the attached drawing. The swimming pool is about 3 ft deep in one end and 6ft deep at the other end. The swimming pool takes shape as a rectangle 24 ft. X 12 ft. The bottom and sides of it are fiberglass.

In our review, we used the information provided at the City of Vernon website, along with information provided by the client, Common Property Search KAS3406, Title SearchCA8064613, Surveying Plan KAS3406 (Phase 1 and Phase 2), our field reconnaissance survey, and field drilling to come to the following conclusions:

1. The elevations of the property are at 359.66 m in the front and 356.00 m in the back of the property;
2. No slope stability concerns; and,
3. The second liner is impracticable

We conducted a geotechnical engineering reconnaissance where we reviewed:

1. Slope stability;
2. Surrounding soil; and,
3. Three drilled boreholes to refusals (very compacted soil) at 3 ft. to 5 ft. deep.

Soil is gravelly sand with cobbles and boulders, brown to grey, and very compacted fill. Bearing soil at 5 ft deep exceeds 100 KPa (Factored). Our opinion is to excavate to 6 ft below ground for the pool then backfill with sand to a min of 95% standard Proctor (ASTM D698) as required for suitable elevations. It is necessary to backfill under the pool decking with coarse-grained soils (sand and gravelly sand with less than 5% plastic fines). We do not recommend nor agree with adding a second liner. We must review any bearing soil before proceeding with any earthwork or pool constructions

Following our recommendations, the land is safe for the intended use. We trust the preceding provides the information required at this time. Should you have any further questions, please do not hesitate to contact the undersigned.

Regards,

Nader Gendy, P. Eng.  
 Senior Geotechnical Engineer  
 BC Foundations & Provincial Helical Ltd.



**BC FOUNDATIONS & PROVINCIAL HELICAL LTD.**

2591 Parkcrest Avenue Kamloops, BC V2B-4Y4

T:250-377-5417 W:www.bcfoundations.ca E:nader@bcfoundations.ca



# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Craig Broderick  
Manager, Current Planning

**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** February 28, 2022  
**REPORT DATE:** February 7, 2022  
**FILE:** 3060-20 (ZON00380/DP000940)  
(x-ref: DP000581)

**SUBJECT:** REZONING APPLICATION FOR 8801 TAVISTOCK ROAD

## PURPOSE:

To present the application to rezone the subject property located at 8801 Tavistock Road from RH1 – Low-Rise Apartment Residential to RM1 – Row Housing Residential in order to construct five, semi-detached dwellings for Council consideration.

## RECOMMENDATION:

THAT Council support application ZON00380 to rezone Lot B, DL 298, Plan KAP91703, ODYD (8801 Tavistock Road) from RH1 – Low-Rise Residential to RM1 – Row Housing Residential in order to construct five, semi-detached dwellings.

## ALTERNATIVES & IMPLICATIONS:

1. THAT Council NOT support application ZON00380 to rezone Lot B, DL 298, Plan KAP91703, ODYD (8801 Tavistock Road) from RH1 – Low-Rise Apartment Residential to RM1 – Row Housing Residential in order to construct five two-family dwellings.

*Note: This alternative does not support the rezoning application, and as a result the application as submitted would not proceed. The applicant would need to redesign their development to comply with the RH1 – Low-Rise Apartment Residential zoning district.*

## ANALYSIS:

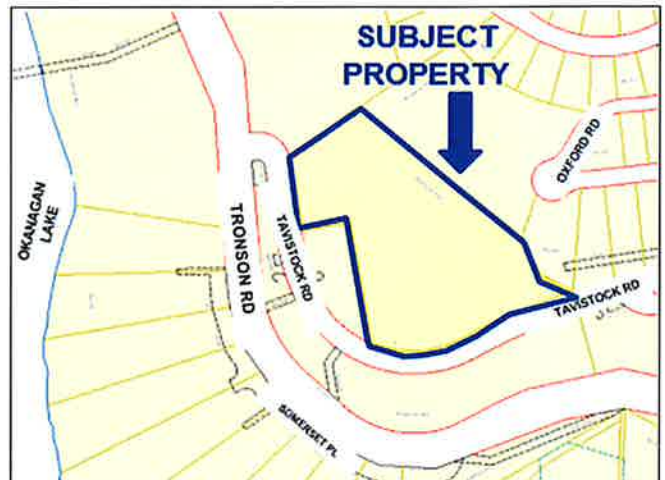
### A. Committee Recommendations:

At its meeting of February 15, 2022, the Advisory Planning Committee passed the following resolution:

“.....”

### B. Rationale:

1. The subject property is located at 8801 Tavistock Road and forms part of the Adventure Bay neighbourhood (Figures 1, 2 and 3). The land is designated Residential Medium Density in the Official Community Plan (OCP). The site is designated Hillside Residential Multi-Family (RMF) in the Bella Vista West Neighbourhood Plan. The subject property is within the RH1 – Low-Rise Apartment Residential zoning district (Attachments 1 and 2).



**Figure 1 – Property Location Map**

2. The subject property is 19,365m<sup>2</sup> (1.9 ha/4.8 ac) and is currently vacant. The site was prepared and serviced for development in 2017. The property is terraced as per the previous grading and slopes to the south-west (Figure 3).



Figure 2 – Aerial Map of Property

3. The subject property and rest of the Adventure Bay area were rezoned in 1996 to City zoning districts from Regional District of North Okanagan zoning districts (Bylaws 4247 and 4577). At that time, the subject property was rezoned to R5 – Residential which permitted two-family dwellings.

4. As part of Zoning Bylaw 5000, adopted in 2004, the subject property was zoned RH1 – Low-Rise Apartment Residential. That zoning district allows a range of housing forms, but not two-family, semi-detached, or duplex dwellings. In 2015, a Development Permit for five, semi-detached dwellings was approved and that approval was extended to 2016. The services for the proposed five, semi-detached dwellings were installed, as well as the site was graded.



Figure 3 – LIDAR Imagery of Lot

5. The owner wishes to proceed with the proposed five, semi-detached dwellings. The RH1 zoning district is proposed to be changed to RM1 – Row Housing Residential (Attachment 3) to accommodate the proposed project. The RM1 – Row Housing Residential district conforms to the RMD – Residential – Medium Density OCP designation.

6. The applicant has submitted the required drawings to allow for a Development Permit to be issued (Attachment 4).

7. The surrounding land uses are generally single detached houses, a tennis court and treed hillside. The property below the subject property is zoned HR2 – Hillside Residential Multi-Family and as such, could be developed for ground oriented multi-family (i.e. four-plex, three-plex, semi-detached). The proposed rezoning to RM1 is in keeping with the neighbourhood. The existing zoned RH1 would allow for a 4.5 storey apartment which would not be in keeping with the surrounding and planned land uses.

8. Administration support the proposed rezoning from RH1 to RM1 based on the following:

- it is in compliance with the OCP;
- the proposed five, semi-detached homes are in keeping with the neighbourhood character; and
- the rezoning recognizes that services have been installed in anticipation of the proposed projects.

### C. Attachments:

Attachment 1 – Current Official Community Plan (OCP) designation

Attachment 2 – Current zoning district

Attachment 3 – Proposed zoning district

Attachment 4 – Proposed site plan and development permit drawings

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

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

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

**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:

X \_\_\_\_\_  
 Craig Broderick  
 Manager, Current Planning

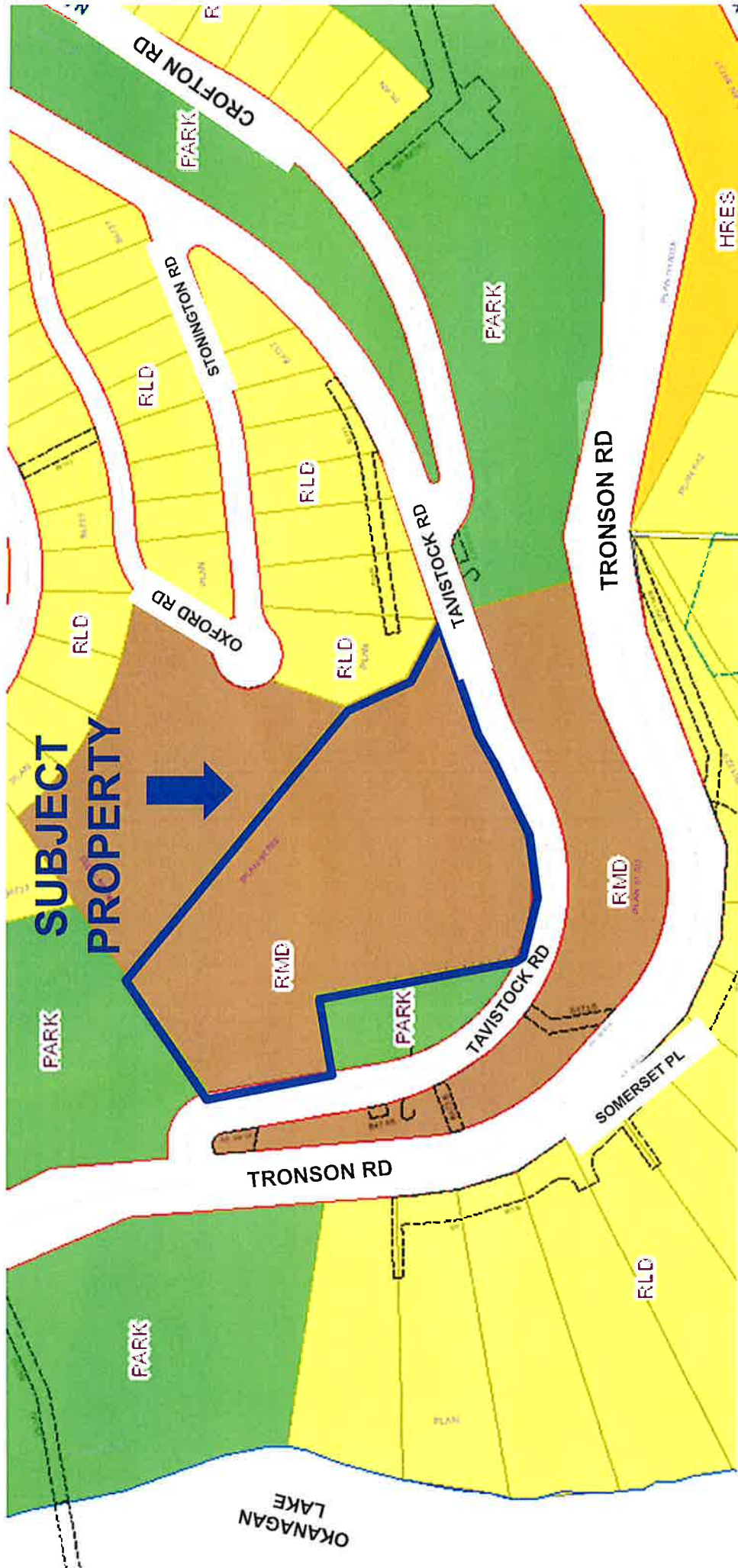
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 Will Pearce, CAO  
 Date: \_\_\_\_\_

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 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 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 checked="" type="checkbox"/> COMMITTEE: (APC Feb.15/22)		
<input type="checkbox"/> OTHER:		

# OCP Designation

DP000940



- HRES – Hillside Residential
- RMD – Residential – Medium Density
- RLD – Residential – Low Density
- PARK – Parks & Open Space



## 9.12 RH1 : Low-Rise Apartment Residential

### 9.12.1 Purpose

The purpose is to provide a **zone** primarily for medium **density** apartments on urban services.

### 9.12.2 Primary Uses

- **apartment housing**
- **care centres, major**
- **group home, major**
- **seniors assisted housing**
- **seniors housing**
- **seniors supportive housing**
- **stacked row housing**

### 9.12.3 Secondary Uses

- **home based businesses, minor**
- **real estate sales centres** (in apartment housing only)

### 9.12.4 Subdivision Regulations

- Minimum **lot width** is 30.0m.
- Minimum **lot area** is 1400m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.

### 9.12.5 Development Regulations

#### (a) Density:

The maximum Floor Space Ratio (FSR) is 1.50, except that:

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be increased by FSR 0.25; and
- 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, the maximum **density** shall be increased by FSR 0.25; or
- Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be determined through multiplying the FSR 0.25 by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas;

Provided that the maximum Floor Area Ratio with all bonuses shall not exceed FSR 2.00.

#### (b) Building Regulations:

- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.
- Maximum **height** is the lesser of 16.5m or 4.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.

- Minimum **front yard** is 4.5m.
- Minimum **side yard** is 4.5m, except it is 4.5m from a **flanking street**.
- Minimum **rear yard** is 9.0m, except it is 1.0m for **secondary buildings**. *(Bylaw 5661)*

#### 9.12.6 Other Regulations

- A minimum area of 5.0m<sup>2</sup> of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** 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**.
- No continuous **building frontage** shall exceed 40.0m for a 3 to 4.5 **storey building**, or 65.0m for a 2 **storey building**. If the frontage is interrupted by an open courtyard equivalent in depth and width to the **building height**, the maximum continuous 4.5 **storey building frontage** may be 80.0m provided that no **building** section exceeds 40.0m.
- 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**. *(Bylaw 5440)*
- For **seniors assisted housing, seniors housing 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, 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 5339)*
- 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)*

## 9.10 RM1 : Row Housing Residential

### 9.10.1 Purpose

The purpose is to provide a **zone** for ground oriented medium **density row housing** on urban services.

### 9.10.2 Primary Uses

- **care centre, major**
- **duplex housing**
- **four-plex housing**
- **group home, major**
- **row housing**
- **semi-detached housing**
- **seniors housing**
- **single detached housing**

### 9.10.3 Secondary Uses

- **boarding rooms** (*Bylaw 5440*)
- **care centres, minor**
- **home based businesses, minor**
- **secondary suites (in single detached housing only)**
- **seniors assisted housing**
- **seniors supportive housing**

### 9.10.4 Subdivision Regulations

- Minimum **lot width** is 26.0m, except it is 7.5m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **lot area** is 800m<sup>2</sup>, or 10,000m<sup>2</sup> if not serviced by a **community sewer system**.
- Maximum **density** is 48.0 units per gross hectare (19.5 units/gross acre).
- Maximum **site coverage** is 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 85%.

### 9.10.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
<b>Semi-Detached Housing</b>	225m <sup>2</sup>	275m <sup>2</sup>	7.5m	9.0m
<b>Row Housing</b>	150m <sup>2</sup>	200m <sup>2</sup>	6.5m	7.8m

### 9.10.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre).
- 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, the maximum **density** shall be 60.0 units per gross hectare (24.5 units/gross acre). Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be

determined through multiplying the additional 12.0 units per gross hectare (5 units/gross acre) 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% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 55%.
- 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 from a garage or **carport** to the back of curb or sidewalk for vehicular entry.
- Minimum **side yard** is 1.2m, or 0.0m for shared interior **party walls** except it is 4.5m 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. The **side yard** is 0.0m for fee simple **row housing** and **semi-detached dwellings**.
- Minimum **rear yard** is 6.0m, except it is 1.0m for **secondary buildings**.
- Maximum six **dwelling** units located in a **building**, with each row housing unit having a minimum width of 6.5m and 7.5m for semi-detached housing units.

#### 9.10.7 Other Regulations

- 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**.  
*(Bylaw 5540)*
- In order for bareland strata **development** 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.
- 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 size, **height** and **setbacks** of the **building** as specified in each **zone**.
- A minimum area of 25m<sup>2</sup> of private open space shall be provided per **dwelling**.
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a 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**.
- No more than 6 **dwellings** may be located in a **row house building**.
- 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)*

**SKETCH PLAN OF PROPOSED SITE PLAN OF STRATA DEVELOPMENT ON LOT B DISTRICT LOT 298 OSOYOOS DIVISION YALE DISTRICT PLAN KAP91703**

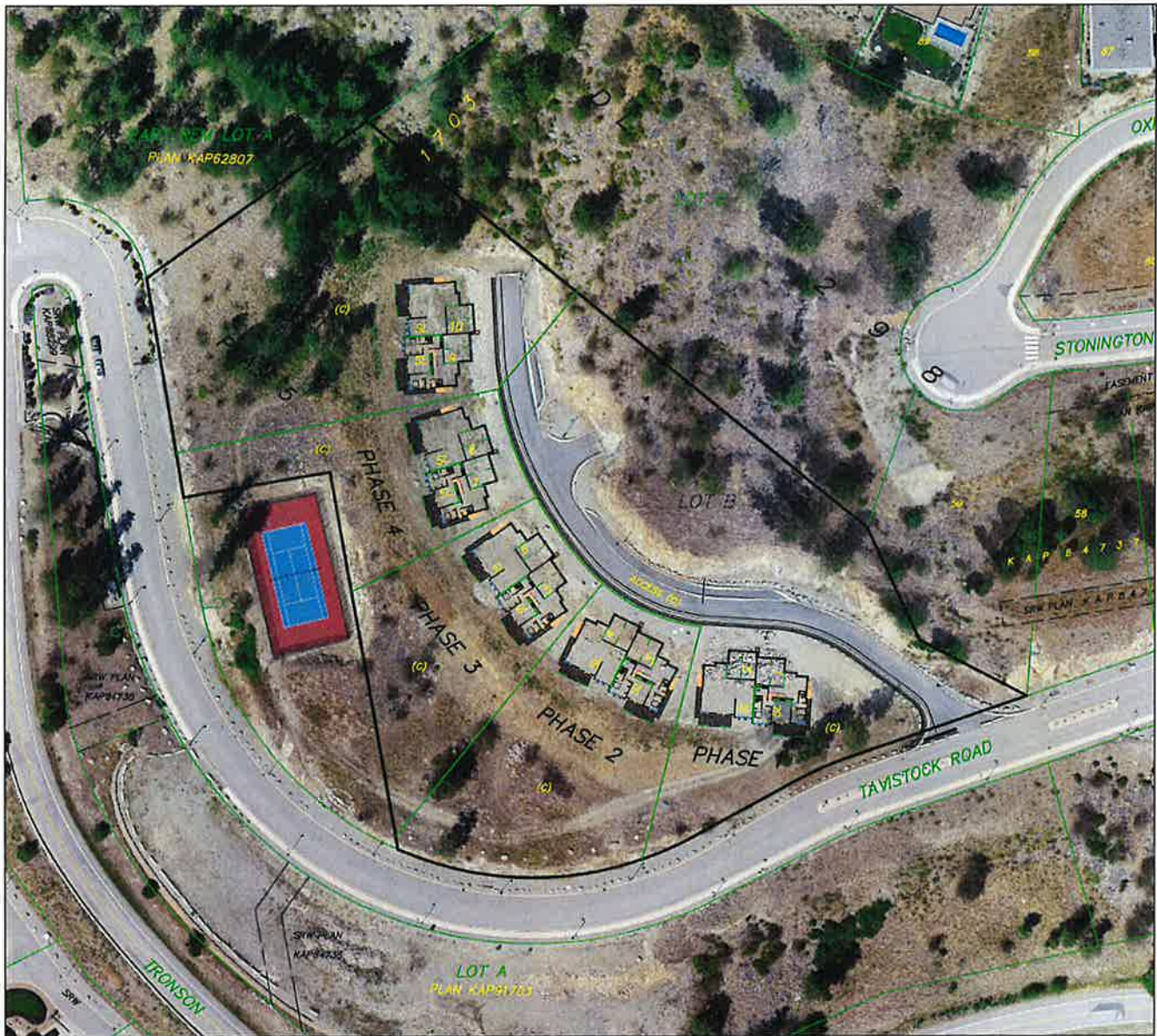


SCALE: 1:750

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:750

**LEGEND**

- SL DENOTES STRATA LOT
- (C) DENOTES COMMON PROPERTY
- ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.



**SKETCH PLAN OF PROPOSED SITE PLAN OF STRATA DEVELOPMENT ON LOT B DISTRICT LOT 298 OSOYOOS DIVISION YALE DISTRICT PLAN KAP91703**

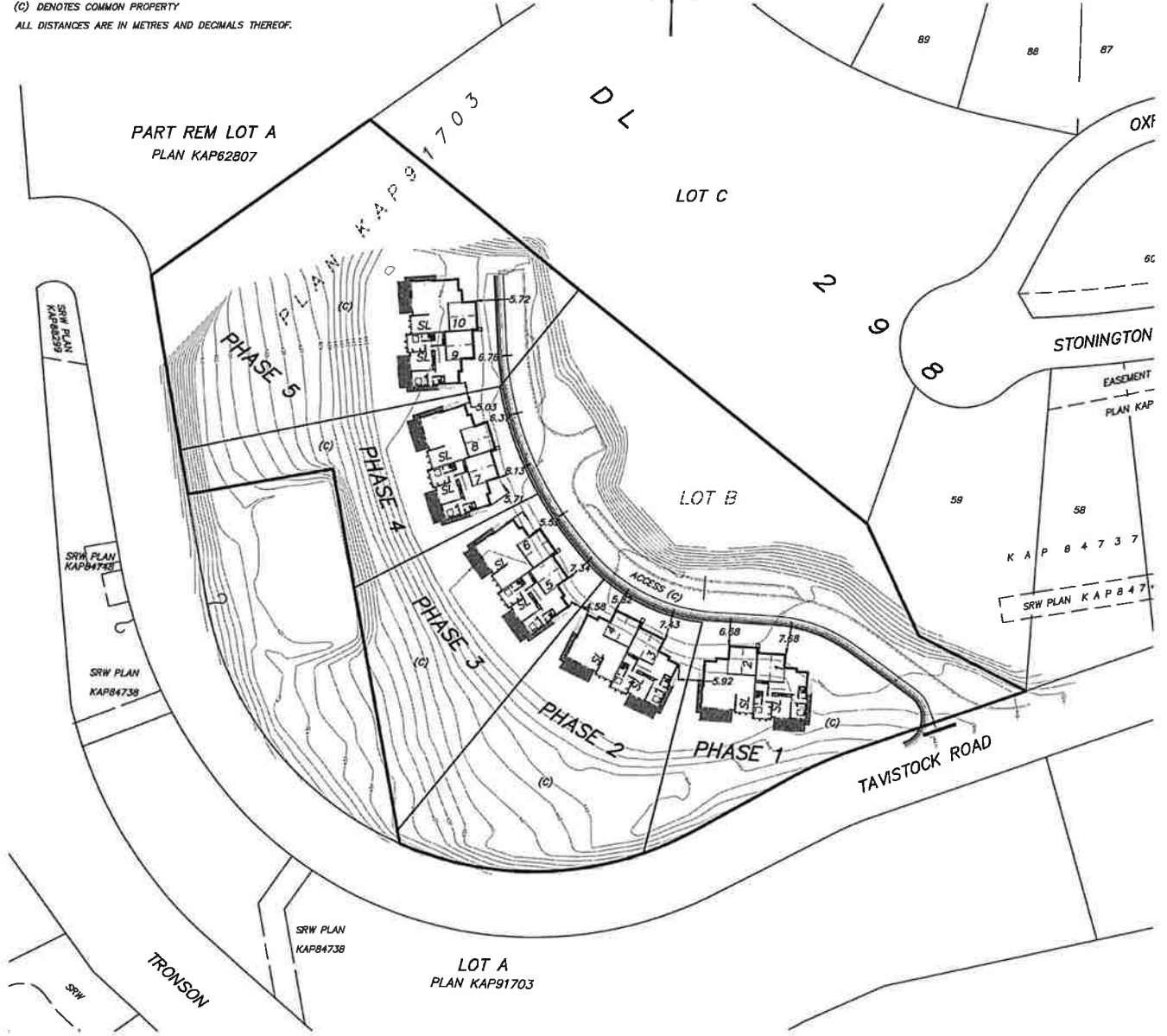


**SCALE: 1:750**

THE INTENDED PLOT SIZE OF THIS PLAN IS 432mm IN WIDTH BY 560mm IN HEIGHT (C SIZE) WHEN PLOTTED AT A SCALE OF 1:750

**LEGEND**

- SL DENOTES STRATA LOT
- (C) DENOTES COMMON PROPERTY
- ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.







OVERALL SITE PLAN  
SCALE: 1" = 200'-0"

LOT  
SCALE: 1/32" = 1'-0"

- SYMBOL LEGEND**
- PROPERTY LINE
  - SETBACK
  - EXISTENT
  - EXPLANATION NOTE
  - CONCRETE OVERLAY
  - CONTROL POINT
- GENERAL NOTES**
1. REFER TO ALL DRAWINGS FOR ALL SITE DETAILS AND SPECIAL REQUIREMENTS.
  2. ADHERENCE TO ALL APPLICABLE REGULATIONS.
  3. TO CONFORM TO ALL APPLICABLE REGULATIONS.
  4. FINAL BUILDING LOCATIONS TO BE DETERMINED BY CONTRACTOR WITHIN THE BUILDING FOOTPRINTS.
  5. ELEVATIONS TO BE CORRECTED BY CONTRACTOR.
  6. SEE ARCHITECTURAL DRAWINGS FOR DETAILS.
  7. REFER TO LANDSCAPE DRAWINGS FOR LANDSCAPING.
- CONSTRUCTION NOTES**
1. 12" OF FURFUR AND FILL (CONFORM TO STD)
  2. 12" OF CONCRETE SLAB (CONFORM TO STD)
  3. 12" OF CONCRETE SLAB (CONFORM TO STD)
  4. 12" OF CONCRETE SLAB (CONFORM TO STD)

<b>IMQ</b> <b>ARCHITECTS</b> Suite 100 - 2113 32nd Avenue Vernon, British Columbia V1T 2W7 T: 250-542-1199 C: h@imq.ca	SYLL CONSULTANT	DATE 28.22.13	ISSUE REVIEW FOR BUILDING PERMIT
	PROJECT TITLE ADVENTURE BAY TOWNHOME DUPLEX	DRAWING TITLE SITE PLAN	PROJECT NO. 1409
SCALE AS SHOWN	DRAWING A101 OF		





# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Craig Broderick, Manager, Current Planning  
**COUNCIL MEETING:** REG  COW  I/C   
**COUNCIL MEETING DATE:** March 14, 2022  
**REPORT DATE:** February 7, 2022  
**FILE:** 3090-20 (DVP00560) (x-ref: OCP00083 / ZON00330 / DVP00475 / SUB00757)  
**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 160 WHISTLER PLACE

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## **PURPOSE:**

To present Development Variance Permit Application 00560 (DVP00560) to vary Section 9.16.6 of Zoning Bylaw #5000 in order to accommodate the development of a 16 lot, semi-detached subdivision at 160 Whistler Place for Council consideration.

## **RECOMMENDATION:**

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

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

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

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

## **ALTERNATIVES & IMPLICATIONS:**

1. THAT Council not support Development Variance Permit Application 00560 (DVP00560) as outlined in the report titled "Development Variance Permit Application for 160 Whistler Place" dated February 7, 2022 and respectfully submitted by the Manager, Current Planning to vary Section 9.16.6 of Zoning Bylaw #5000 in order to accommodate the development of the 16 lot, semi-detached subdivision at LT 1 PL EPP103234 SEC 13 TWP 8 ODYD (160 Whistler Place):

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

*Note: This alternative does not support the development variance permit application.*

## **ANALYSIS:**

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

At its meeting of February 15, 2022, the Advisory Planning Committee passed the following resolution:

“ ”

**B. Rationale:**

1. The subject property is located at 160 Whistler Place, as shown on Figures 1, 2 and 3. The 2.37 ha (5.9 ac) parcel was subdivided off the Foothills ravine parcel in September 2020. The parcel has been subsequently approved to be subdivided (SUB00757) into 16 lots which are intended to accommodate eight semi-detached buildings (Attachment 1). The first 10 lots, for five semi-detached buildings, have been approved and are expected to be registered in the Land Titles Office in February or March 2022.



**Figure 1 - Property Location Map**



**Figure 2: Aerial Location Map**

2. The property went through an Official Community Plan and zoning amendment process in 2019 (OCP00083/ZON00330). The subject property is designated Hillside Residential and is zoned HR2 – Hillside Residential Multi-Family (Attachment 2).

3. The applicant has provided the following rationale in support of the variance: “The proposed design aligns with surrounding houses in the Foothills. The 1.5m setback will allow this subdivision to stay consistent with both the surrounding R2 and HR1 zones. As part of the City initiated rezoning from RM1 (1.2m side yard setback) to HR2 (2.5m side yard setback), a covenant was required to limit the land use to semi-detached housing and include a registered building scheme to limit the housing-type to ranchers in order to limit height and visual impact of the units. Because the HR2 zoning normally allows up to fourplex/stacked row-housing with heights of 10m/2.5 storeys, the 2.5m side yard setback can be rationalized. However, with the above restrictions, the 2.5m setback is excessive and does not allow for the best land use.”



**Figure 3: LIDAR Imagery**

The conceptual design of the semi-detached dwellings proposed for the lots is illustrated on Attachment 3. The final design of the semi-detached homes on these lots may differ from those shown and are meant to provide only conceptual massing of the proposed structures.

4. A previous Development Variance Permit (DVP00475) for this site was considered and approved by Council. The application was to allow previously excavated portions of the proposed lots to have slopes in excess of 30%.

5. Administration supports the proposed variance as the required 2.5m side yard setback would result in large building separation (i.e. 5m – typical of larger dwelling types such as townhouses). Further, the required two storey limit as part of the Building Scheme limits the house size and height that can be built on the lots.

**C. Attachments**

- Attachment 1 – Proposed 16 Lot Subdivision
- Attachment 2 – HR2 Zoning District
- Attachment 3 – Conceptual Design of Semi-Detached Buildings

**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:

- Review application processes to ensure they are as efficient as possible.

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

N/A

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

X  
\_\_\_\_\_  
Craig Broderick  
Manager, Current Planning

\_\_\_\_\_  
Will Pearce, CAO  
  
Date: \_\_\_\_\_

X  
\_\_\_\_\_  
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 type="checkbox"/> Economic Development & Tourism
<input checked="" type="checkbox"/> COMMITTEE: APC (Feb.15/22)		
<input type="checkbox"/> OTHER:		

BCGS 82L034

SCALE 1 : 500



The intended plot size of this plan is 580mm in width by 840mm in height (D size) when plotted at a scale of 1:500

Grid bearings are derived from Plan EPP103234 and are referred to the central meridian of UTM Zone 11 (117° west longitude). To obtain local astronomic bearings referred to the meridian through IP 18 subtract 1°42'42".

This plan shows horizontal ground-level distances, unless otherwise specified. To compute and distances, multiply ground level distances by the average combined factor of 0.9996157. The average combined factor has been determined based on an ellipsoidal elevation of 588 metres.

The UTM coordinates and estimated absolute accuracy achieved are derived from differential dual frequency GNSS observations post processed using the Precision Point Positioning service of Natural Resources Canada.

# Attachment 1



Sec 13

TP 8

LOT 1  
PLAN KAP52670

IP 18  
Datum: NAD83 (CSRS) 2002.0  
UTM Zone 11  
UTM Northing: 5,274,480.501  
UTM Easting: 341,013.780  
Absolute accuracy: 0.05m

IP 8  
Datum: NAD83 (CSRS) 2002.0  
UTM Zone 11  
UTM Northing: 5,174,302.828  
UTM Easting: 247,787.311  
Absolute accuracy: 0.05m

LOT 1  
PLAN EPP8064

LOT 4  
PLAN 1362

**LEGEND**

- denotes standard iron post found
- denotes standard iron post placed
- ⊙ denotes standard concrete post found
- ⊚ denotes standard concrete post placed
- ⊛ denotes standard rock post placed
- ms denotes not to scale

**McPherson Maddox**

Land Surveying  
3500 - 30th Street  
Vernon, BC V1T 3E8  
Telephone: (250) 342-4343

109680R00

Block outline monumentation has been approved for this survey.  
LISA File No: 10500-30-1604

This plan lies within the jurisdiction of the Approving Officer for the City of Vernon.  
File No: SUB00757

This plan lies within the Regional District of North Okanagan.

The field survey represented by this plan was completed on the 26th day of April, 2021  
Scott C. McPherson, BCLS 859

FILE: R10986





## 9.16 HR2 : Hillside Residential Multi-Family

### 9.16.1 Purpose

To provide a **zone** for the **development** of multi-family housing in hillside residential areas.

### 9.16.2 Primary Uses

- four-plex housing
- row housing
- semi-detached housing
- stacked row housing
- three-plex housing

### 9.16.3 Secondary Uses

- care centres, minor
- group home, minor
- home based businesses, minor

### 9.16.4 Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot Width	
	interior	corner	interior	corner
<b>Four-Plex Housing</b>	780m <sup>2</sup>	820m <sup>2</sup>	29.0m	30.5m
<b>Row Housing</b>	1100m <sup>2</sup>	1150m <sup>2</sup>	35.0m	36.5m
<b>Semi-Detached Housing</b>	370m <sup>2</sup>	410m <sup>2</sup>	17.0m	18.5m
<b>Stacked Row Housing</b>	1100m <sup>2</sup>	1150m <sup>2</sup>	23.0m	24.5m
<b>Three-Plex Housing</b>	550m <sup>2</sup>	590m <sup>2</sup>	23.0m	24.5m

- Minimum **lot area** is 10,000m<sup>2</sup> if not serviced by **community sewer system**.
- Maximum **density** is 55.0 units per gross hectare (22 units/gross acre). For the purposes of calculating developable area, **lot yield**, and **density** predevelopment **lot** areas with 30% slope or greater shall be excluded.

### 9.16.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area			Minimum Lot Width		
	interior two party walls	interior one party wall	corner	interior two party walls	interior one party wall	corner

<b>Four-Plex Housing</b>	185m <sup>2</sup>	230m <sup>2</sup>	270m <sup>2</sup>	6.0m	8.5m	10.0m
<b>Row Housing</b>	185m <sup>2</sup>	230m <sup>2</sup>	270m <sup>2</sup>	6.0m	8.5m	10.0m
<b>Semi-Detached Housing</b>	N/A	230m <sup>2</sup>	270m <sup>2</sup>	N/A	8.5m	10.0m
<b>Stacked Row Housing</b>	185m <sup>2</sup>	230m <sup>2</sup>	270m <sup>2</sup>	6.0m	8.5m	10.0m
<b>Three-Plex Housing</b>	185m <sup>2</sup>	230m <sup>2</sup>	270m <sup>2</sup>	6.0m	8.5m	10.0m

- Minimum **lot area** is 10,000m<sup>2</sup> if not serviced by **community sewer system**.
- Maximum **density** is 55.0 units per gross hectare (22 units/gross acre). For the purposes of calculating developable area, **lot yield** and **density**, predevelopment **lot** areas exceeding 30% slope shall be excluded.

#### 9.16.6 Development Regulations

- Maximum **site coverage** is 55% and together with driveways, parking areas and all other **impermeable surfaces** shall not exceed 60%. That portion of the **lot** with a slope exceeding 30% shall be excluded from site coverage calculations.
- 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, and it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry, or it is 0.6m to the side of the garage and 4.0m to the front building façade for side-entry garage and driveway layouts.
- Minimum **side yard** is 2.5m, or 0.0m for shared interior **party walls**, except it is 4.0m from a **flanking street** and 6.0m from the back of curb or sidewalk to the garage where driveway access is from the **flanking street**.
- 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.
- Minimum **building** width of each unit is 6.0m.
- Where more than one **building** is to be located on a **lot** the minimum horizontal distance between **buildings** shall be 4.0m.

#### 9.16.7 Other Regulations

- The above noted **subdivision** and **development** regulations shall be applied to each bareland strata **lot** within the bareland strata plan.
- A minimum area of 15.0m<sup>2</sup> of usable private **open space** shall be provided per **dwelling**. Usable private **open space** must have a slope angle of 12% or less and must be accessible from the **dwelling** it is being provided for.
- Areas of a **lot** greater than 30m<sup>2</sup> and exceeding 30% slope shall be protected as undisturbed **open space**, and shall be free from **buildings, structures** or **development**.
- Any areas disturbed as a function of approved **lot development** that are greater than 30m<sup>2</sup> and exceeding 30% slope shall be rehabilitated with site appropriate native vegetation and provided drip irrigation for a period of two years; once rehabilitation is complete the irrigation system it to be removed and the area shall be protected as undisturbed **open space** and shall be free from **buildings, structures** or **development**.
- Buildings are to be natural earth tone colours, no reflective exterior building materials and mirror or reflective treated glass are permitted.
- All **development** on areas that have a slope of 12% or greater for 10% or more of the lot shall be subject to the Hillside Guidelines.

- Prior to any site disturbance or **lot development** the following must be mapped and integrated into **development** plans: identified natural features, sensitive habitat, landforms, and water features that have setbacks, protected areas, covenant areas, or areas that require permits from the Ministry of Environment, Fisheries and Oceans Canada, Integrated Land Management Bureau or other senior government agencies. For additional information and requirements please refer to charges that may appear on the **lot** title, associated permits and the Environmental Management Area Strategy.
- 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)

# Attachment 3



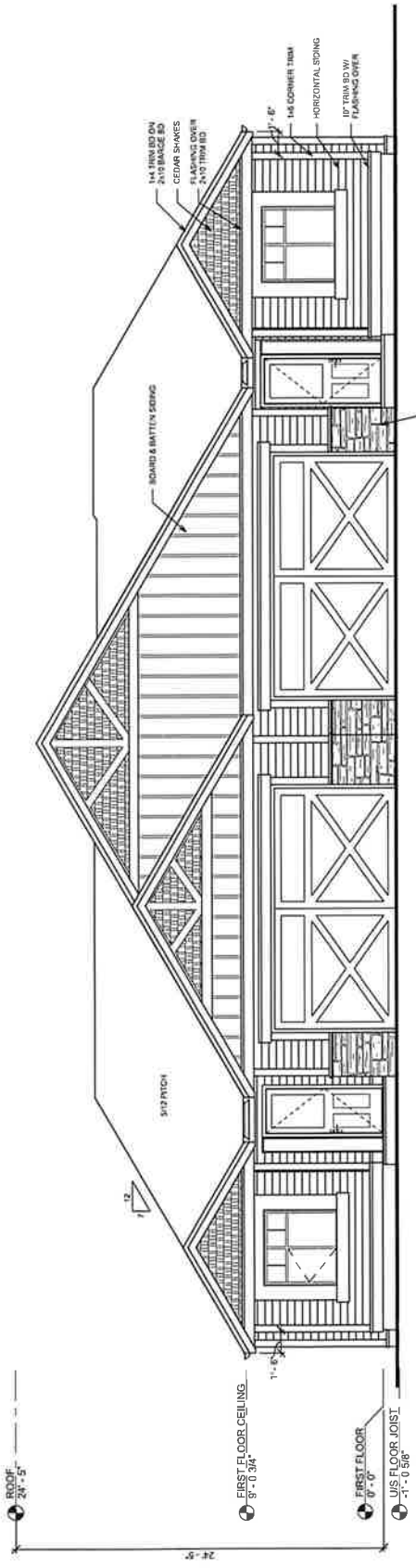
HEAD OFFICE:  
281-488 COMMERCIAL AVE  
KELONIA, B. C. V1X 6A9  
TEL: 604-253-5246  
TOLL FREE: 1-888-458-0215

# JENISH HOUSE DESIGN LIMITED

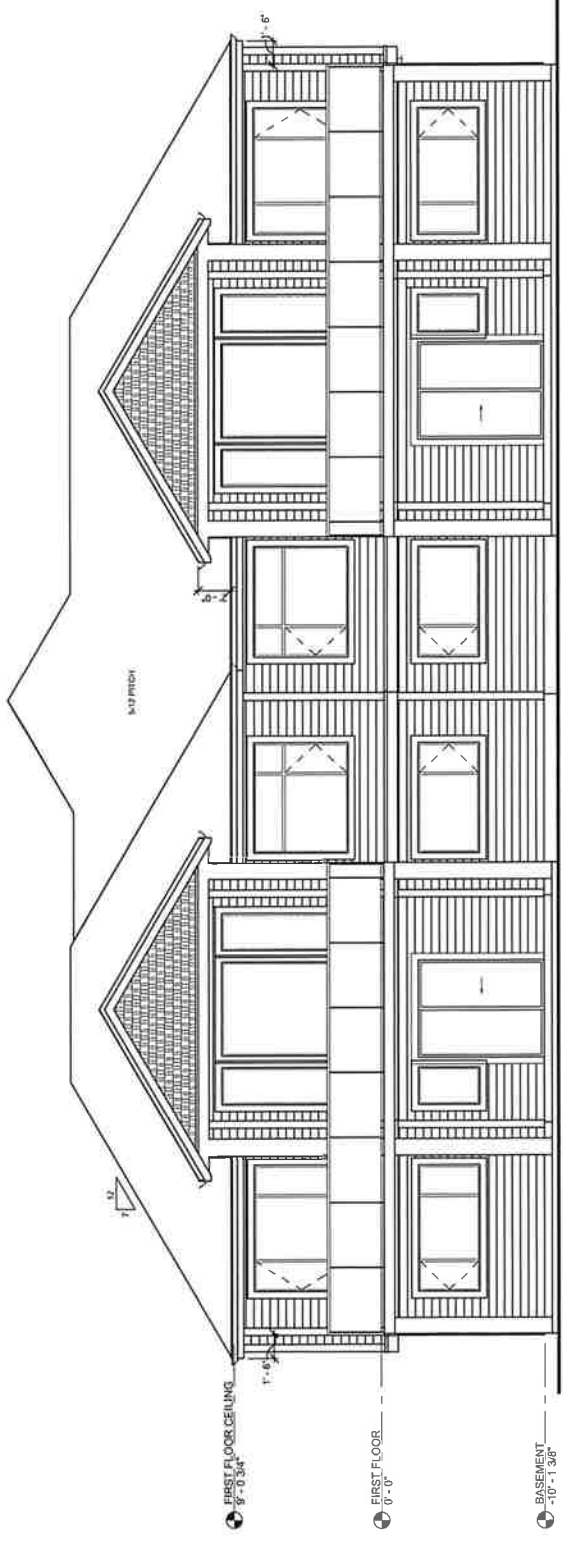


Drawn to meet the needs of the client and to provide a design that is both functional and aesthetically pleasing. All drawings are subject to the client's approval and are not to be used for any other purpose without the written consent of Jenish House Design Limited.

REFERENCE	CUSTOM
DRAWN:	AD
CHECKED:	LW
DATE:	DEC '21
SCALE:	AS NOTED
SHEET:	3 OF 8
PLAN NUMBER:	E7-3-154



FRONT ELEVATION  
 1/4" = 1'-0"



REAR ELEVATION  
 1/4" = 1'-0"

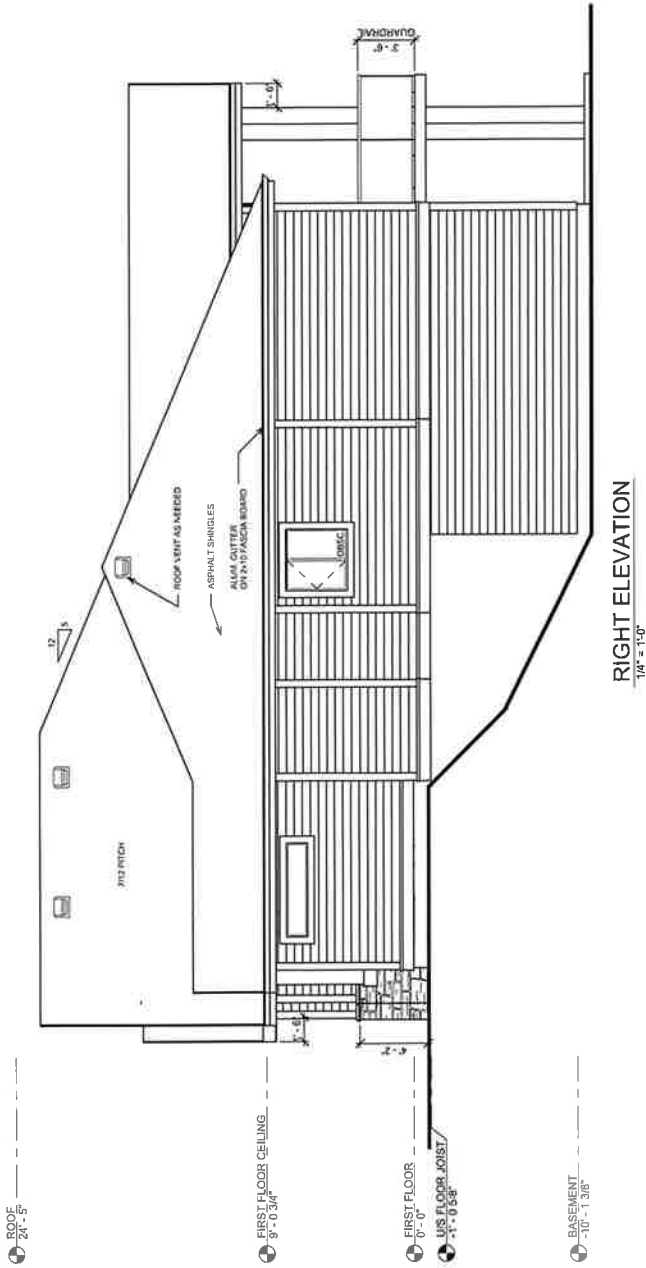
ROOF: 24'-5"  
 FIRST FLOOR CEILING: 8'-0 3/4"  
 FIRST FLOOR: 0'-0"  
 US FLOOR JOIST: -1'-0 5/8"

ROOF: 24'-5"  
 FIRST FLOOR CEILING: 8'-0 3/4"  
 FIRST FLOOR: 0'-0"  
 BASEMENT: -10'-1 3/8"

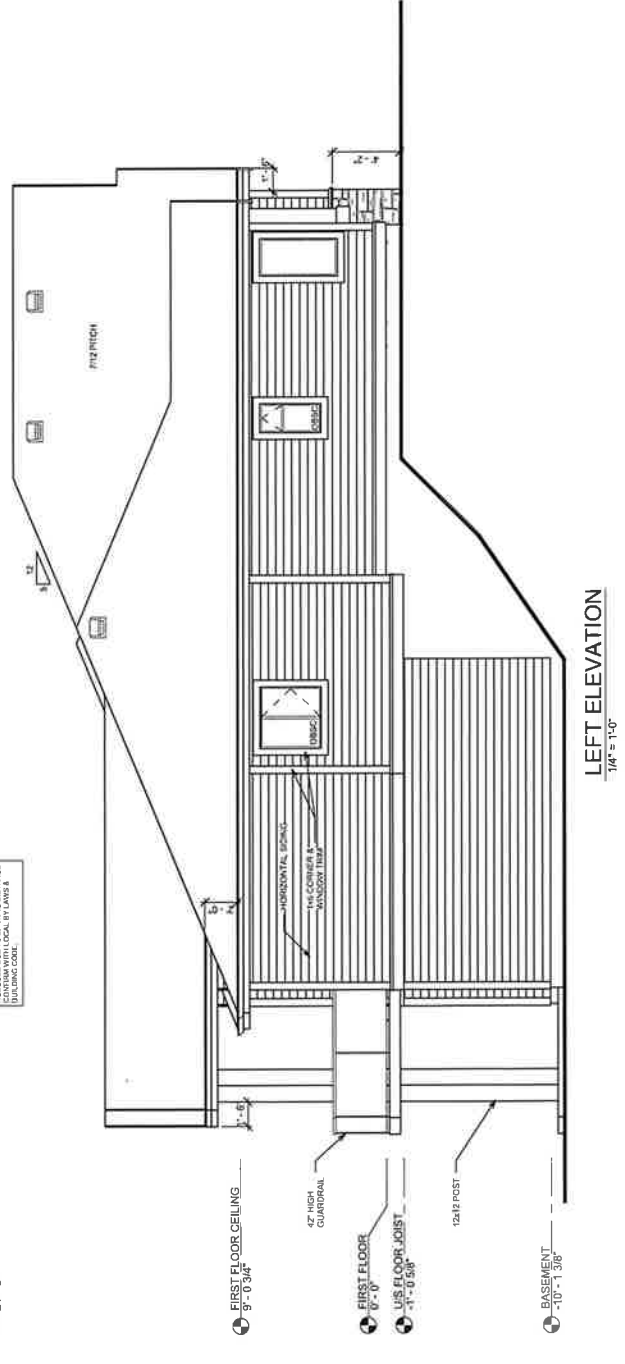


The drawings to be used for construction shall be those shown on the drawings and shall not be altered in any way without the written approval of the architect.

REFERENCE	CUSTOM
DRAWN	AD
CHECKED	LW
DATE	DEC. 21
SCALE	AS NOTED
SHEET	6 OF 8
PLAN NUMBER	CH-2-107



**NOTE:**  
 ALL DIMENSIONS AND FINISHES ARE TO BE VERIFIED BY THE CONTRACTOR TO SURE THEY ARE AS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND FINISHES BEFORE PROCEEDING WITH CONSTRUCTION.





# THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

**SUBMITTED BY:** Craig Broderick, Manager, Current Planning

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

**COUNCIL MEETING DATE:** March 14, 2022

**REPORT DATE:** February 10, 2022

**FILE:** 3090-20 (DVP00549)

(x-ref: BOV00071, BP007973)

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 904 MT GRIFFIN ROAD

---

## PURPOSE:

To present Development Variance Permit Application 00549 (DVP00549) to vary a section of Zoning Bylaw #5000 in order to vary the height of a retaining wall on a residential property for Council consideration.

## RECOMMENDATION:

THAT Council not support Development Variance Permit Application 00549 (DVP00549) to vary Section 6.5.11 of Zoning Bylaw #5000 in order to vary the height of a retaining wall on a residential property on LT 22 EPP96153 SEC 22 TWP 9 ODYD (904 Mt Griffin Road).

## ALTERNATIVES & IMPLICATIONS:

1. THAT Council support Development Variance Permit Application 00549 (DVP00549) to vary Section 6.5.11 of Zoning Bylaw #5000 in order to vary the height of a retaining wall on a residential property on LT 22 EPP96153 SEC 22 ODYD (904 Mt Griffin Road) as outlined in the report titled "Development Variance Permit Application for 904 Mt Griffin Road" dated February 10, 2022 and respectfully submitted by the Manager, Current Planning:

- a) Section 6.5.11 from 1.2m to a maximum of 3.4m (11.1 ft);

AND FURTHER, that Council support of DVP00549 is subject to the following:

- a) the site plan and elevations, intended to illustrate the general location and character of the retaining wall, as shown on Attachment 2 in the report titled "Development Variance Permit Application for 904 Mt Griffin Road" dated February 10, 2022 and respectfully submitted by the Manager, Current Planning, be attached to and form part of DVP00549 as Schedule 'A'.

*Note: This alternative supports the development variance permit application.*

2. THAT Council support a **modified** Development Variance Permit Application 00549 (DVP00549) to vary Section 6.5.11 of Zoning Bylaw #5000 in order to vary the height of a retaining wall on a residential property on LT 22 EPP96153 SEC 22 ODYD (904 Mt Griffin Road) as outlined in the report titled "Development Variance Permit Application for 904 Mt Griffin Road" dated February 10, 2022 and respectfully submitted by the Manager, Current Planning:

- a) Section 6.5.11 from 1.2m to a maximum of 2.0m (6.7 ft);

AND FURTHER, that Council support of DVP00549 is subject to the following:

- a) the site plan and elevations, intended to illustrate the general location and character of the retaining wall, as shown on Attachment 2 in the report titled "Development Variance Permit Application for 904 Mt Griffin Road" dated February 10, 2022 and respectfully submitted by the Manager, Current Planning, be attached to and form part of DVP00549 as Schedule 'A'.

*Note: This alternative supports a modified variance.*

## **ANALYSIS:**

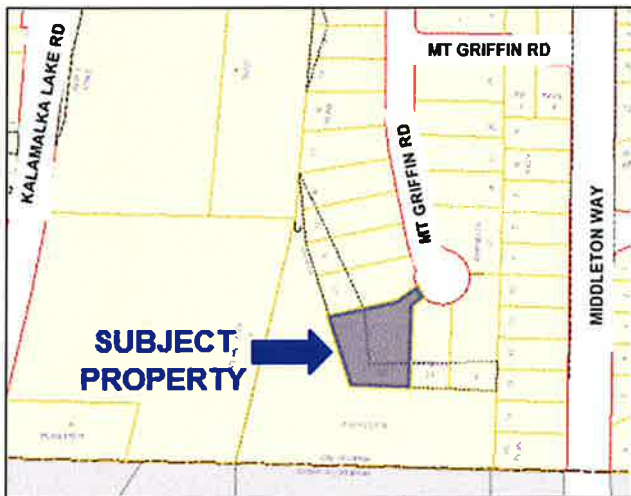
### **A. Committee Recommendations:**

At its meeting of February 15, 2022, the Advisory Planning Committee passed the following resolution:

“

### **B. Rationale:**

1. The subject property is located at 904 Mt Griffin Road (Figures 1, 2 and 3). The property is 1,855.1 sq.m. (19,968 sq.ft./0.45 ac) in size. The subdivision and property are located above Kalamalka Lake Road on Middleton Mountain.



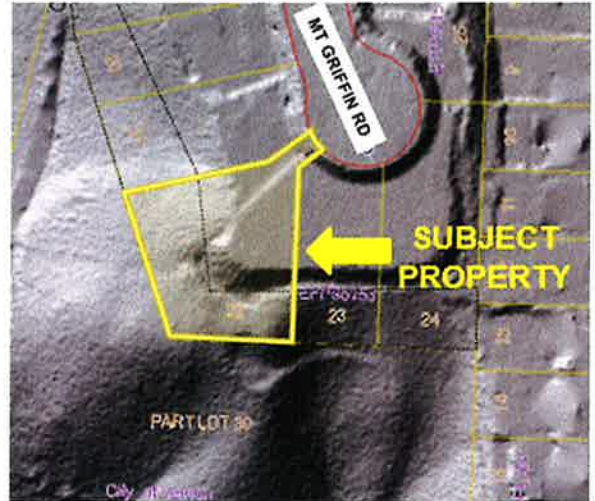
**Figure 1 - Property Location Map**



**Figure 2 – Aerial View of Property**

2. The subject application proposes to vary Section 6.5.11 of Zoning Bylaw #5000 in order to vary the maximum height of a retaining wall from 1.2m to 3.4m (11.1 ft).
3. The proposed wall is intended to provide space for a rear yard, deck and pool. As per the application rationale (Attachment 1), the proposed wall is required based on geo-technical considerations of the site.

4. The site plan (Attachment 2) shows the location of the wall which is subject to the variance. The elevations of the proposed wall, submitted January 14, 2022, illustrate the height of the proposed wall. At its highest point, the proposed wall is shown at 3.4m (11.1 ft). The rest of the wall would vary depending upon finished grade fluctuations along the south and west wall sections.
5. The Mt Griffin Road subdivision was built in 2018 and registered in March 2020. All 29 lots were prepared for development by the developer as per approved engineering drawings. As part of the subdivision review process, a geotechnical no-build, no-disturb covenant area was established below Lots 18 to 24. The proposed retaining wall is not proposed to encroach into the covenant area.



**Figure 3 – LIDAR Imagery**

6. Lot 22 is a prominent lot that looks over Kalamalka Lake Road and is visible, along with Lots 19 to 24, from many view points from the west and south. Lot 22 was prepared by the developer to have a large building pad to accommodate a typical new house and ancillary yard and structures. The pad was about 340 sq.m (3,660 sq.ft).
7. The buildable area of the lot is controlled by setback and a geo-technical no-build, no-disturb covenant. The area available to build upon is about 640 sq.m (6,888 sq.ft). Any area to be used for development beyond the area that was approved as part of the engineering drawings which resulted in a prepared building platform will need to be under the supervision of a geotechnical engineer and possibly a structural engineer for any structures.
8. The adjacent lot owners have submitted letters of support for a variance application (Attachment 4).
9. Renderings of the proposed wall have been provided (Attachment 3) to show the visual impact of the proposed over height wall. As shown in the rendering the proposed wall is quite visible from many vantage points. The conceptual drawings (Attachment 3) are also included.
10. Administration is not supportive of the application as proposed. The height of the proposed wall at 3.4m (11.1 ft) is too high given the prominent location of the lot and its visibility from many vantage points. An alternative recommendation has been provided for Council's consideration that support the wall height of 2.0m (6.7 ft). If so approved, the applicant would need to modify their yard designs accordingly.

**C. Attachments**

- Attachment 1 – Applicant's Submission
- Attachment 2 – Site Plan
- Attachment 3 – Rendering, Elevations and Proposed Site Drawings
- Attachment 4 – Letters of Support

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

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

- Review and streamline residential development process.

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

N/A

**BUDGET/RESOURCE IMPLICATIONS:**

N/A

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Prepared by:

Approved for submission to Council:

X \_\_\_\_\_  
Craig Broderick  
Manager, Current Planning

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

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

X \_\_\_\_\_  
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
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<input type="checkbox"/> Fire & Rescue Services	<input type="checkbox"/> Recreation Services	<input type="checkbox"/> Infrastructure Management
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Parks	<input type="checkbox"/> Transportation
<input type="checkbox"/> Financial Services		<input type="checkbox"/> Economic Development & Tourism
<input checked="" type="checkbox"/> COMMITTEE: APC (Feb.15/22)		
<input type="checkbox"/> OTHER:		



Sunterra Custom Homes  
101 3100 30<sup>th</sup> Avenue  
Vernon, BC  
V1T2C2

Sept 1, 2021  
Design Rational Letter  
Community Infrastructure and Development Services  
3001 32 Avenue  
Vernon, BC  
V1T 2L8

Dear Board of Variance Members

We are requesting a variance for the proposed retaining wall to be located at 904 Mt Griffin Road.

The lot was purchased in fall of 2020 and the clients began designing their home shortly after the purchase.

A topographic survey was completed and provided by Monashee survey to 925 design to ensure that the slopes and grades of the natural land were to be incorporated into the construction drawings. It was determined that a wall would be required to achieve the desired backyard space. Given the information from the topographic survey the retaining wall would be under or about 1.2m in height.

A geotechnical professional was retained by the builder to ensure the ground conditions were suitable for building the home. The builder hired the same Geotech that had provided the services for development of the lot given their familiarity with the subdivision.

During excavation it was determined that a portion of the buildable area was not geotechnically stable to build on without additional excavation and structural materials being imported to site and compacted. This changed the natural grade of the land and our proposed wall height from 1.2m to approximately 2.4m. The original drawings submitted to the city for permit showed the location of the retaining wall along with the height that was within the allowed 1.2-meter height. We are still proposing the exact location for the wall that was already permitted.

Due to the unforeseen ground conditions exposed during excavation it was determined that the wall height would need to be increased to approx. 8ft of exposed wall to retain the building area that was permitted.

Given the design of the subdivision and this lot in particular the entrance to the lot is a narrowed pan handle and provides minimal spacing and road access between the adjacent properties.

Sunterra Custom Homes - 101 3100 30<sup>th</sup> Avenue - Vernon, BC - V1T2C2

250-260-5202

[admin@sunterracustomhome.com](mailto:admin@sunterracustomhome.com)



On September 20<sup>th</sup> the builder submitted a Development Variance Permit in order to provide the variance required due to the change in wall height. The builder had a meeting with the city to determine timelines and best path forward. They highlighted that the variance process could take up to a year. It was suggested by city staff to speak with the neighbours to ask if they can hold off on construction until the variance was processed or alternatively submit a board of variance application for hardship given that the access to the rear yard would not be feasible overtime.

In the following month the neighbor to the east has begun construction blocking off the eastern access to the rear yard leaving the only current feasible access to the western side. It has also been brought to our attention that the owner of this lot has completed construction drawings with 925 Design and intends to build in the near future.

Once the second foundation to the west has been poured, we will lose all reasonable accessibility to the rear yard. This will impact hauling in materials required for backfill as well as the ability to pour the retaining wall with a concrete pump. We ask for your consideration and support for this Variance. We have retained a Geotech as well as a Structural Engineer for the Proposed wall and submitted drawings with this application.

We contacted the adjacent property owners to outline our concerns about losing access and although they empathized with us it was not feasible to stop construction on their sites, they did offer full support and provided letters stating as such. The Owner of Lot 21 has given verbal support for the wall however was hesitant to put it in writing as the owner is also the developer and didn't want to be potentially stuck in a conflict-of-interest perspective. He was open to a phone call from a City Staff to outline his support for the wall.

Please find attached letters from the three neighboring properties in support of this application

Kind Regards;

Jenna Abbott  
Project Lead  
Sunterra Custom Homes  
250-260-5202 ext 1  
jenna.abbott@sunterracustomhomes.com

Sunterra Custom Homes - 101 3100 30<sup>th</sup> Avenue - Vernon, BC - V1T2C2

250-260-5202

admin@sunterracustomhome.com





**PERMITS AND APPROVALS:** All engineering, construction and other work shall be done in accordance with the applicable codes and standards. The contractor shall obtain all necessary permits and approvals from the appropriate authorities. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

**CONSTRUCTION NOTES:** The contractor shall follow all applicable codes and standards. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

**GENERAL NOTES:** The contractor shall follow all applicable codes and standards. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for obtaining all necessary permits and approvals.

**LEGAL DESCRIPTION:** The legal description of the property is as follows: [Legal description text]. The legal description of the property is as follows: [Legal description text]. The legal description of the property is as follows: [Legal description text].

Description	Quantity	Unit	Material	Notes
1. 2" x 4" Stud	150	Linear Feet	SPC	
2. 2" x 6" Stud	100	Linear Feet	SPC	
3. 2" x 8" Stud	50	Linear Feet	SPC	
4. 2" x 10" Stud	20	Linear Feet	SPC	
5. 2" x 12" Stud	10	Linear Feet	SPC	
6. 2" x 14" Stud	5	Linear Feet	SPC	
7. 2" x 16" Stud	2	Linear Feet	SPC	
8. 2" x 18" Stud	1	Linear Feet	SPC	
9. 2" x 20" Stud	1	Linear Feet	SPC	
10. 2" x 22" Stud	1	Linear Feet	SPC	
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14. 2" x 30" Stud	1	Linear Feet	SPC	
15. 2" x 32" Stud	1	Linear Feet	SPC	
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**CUBIT**  
CONSULTING

**STRUCTURAL ENGINEERING**  
#202-3704 32nd St, Vernon, BC  
+1(250) 540-3449  
philipp@cubitconsulting.ca  
www.cubitconsulting.ca

**NOT FOR CONSTRUCTION**

No.	Drawn By	Date
01	Issued for Building Permit	2022-10-26
02	Ag. Issues for Building Permit	2022-07-14

Project Name

**Spilak Lot 22 904  
Mt. Griffin Rd Vernon BC**

Project Address

**SPILAK POOL &  
RETAINING WALLS**

Sheet Name

**FOUNDATION PLAN**

Project Number	S21-187
Designed By	PA
Checked By	PA
Drawn By	JS

**S02**

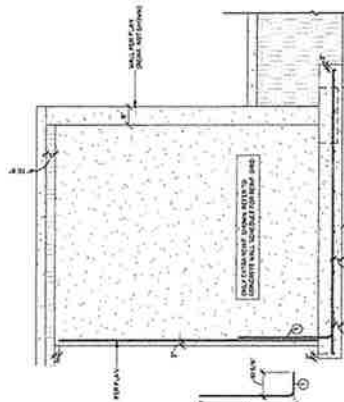
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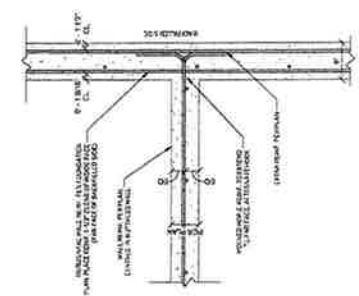
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LIVE	20 PSF	12' x 12'	1/18/22
WIND	15 PSF	12' x 12'	1/18/22
SEMI	15 PSF	12' x 12'	1/18/22

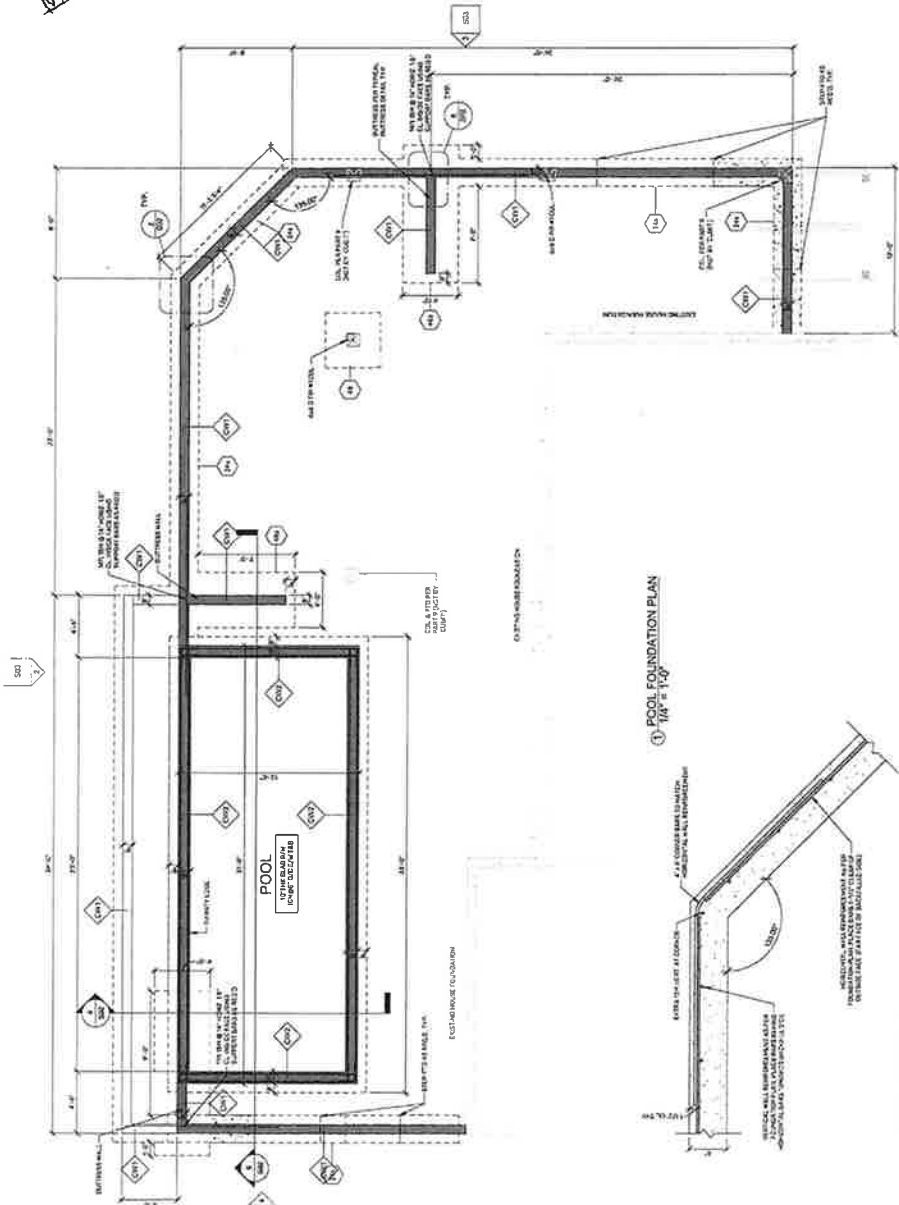
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2	AG. ISSUES FOR PERMIT	07/14/22



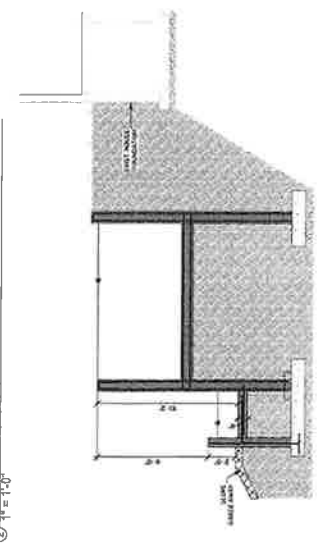
③ TYPICAL BUTTRESS DETAIL  
1/2" = 1'-0"



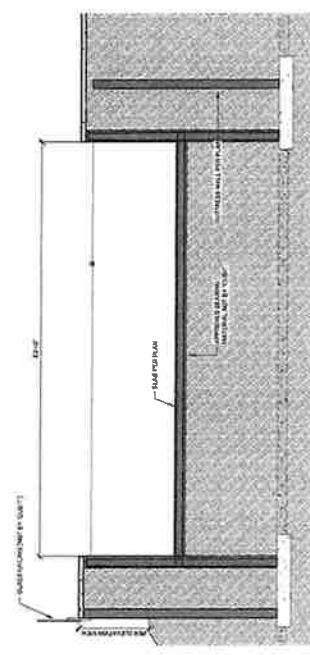
⑥ INSIDE BUTTRESS DETAIL  
1/2" = 1'-0"



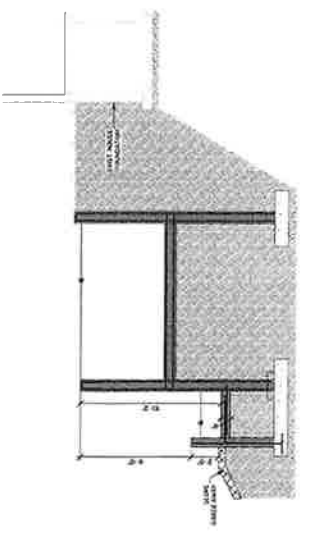
① POOL FOUNDATION PLAN  
1/4" = 1'-0"



② 135DEG CORNER DETAIL  
1/2" = 1'-0"



⑤ POOL SECTION 5  
1/2" = 1'-0"



④ POOL SECTION 4  
1/2" = 1'-0"

James Cole 2019 Inc.

Jim Thomson Phone

403-315-5777

Owner of Lot 24, Mt Griffin Heights

Adjacent Property Owner to the West

Dear Board of Variance Committee

Re: Retaining Wall at 904 Mt Griffin Road

We are writing this letter to confirm our support of the application submitted requesting the retaining wall in the rear yard at 904 Mt Griffin Road. We confirm that we are aware of the height and location of this wall and that we have no objections to this wall being built.

Best Regards;

A handwritten signature in black ink, consisting of a stylized 'J' followed by several loops and a long horizontal line extending to the right.

Christie Berg

Owner of Lot 20, Mt Griffin Heights  
Adjacent Property Owner to the West

Dear Board of Variance Committee:

Re: Retaining Wall at 904 Mt Griffin Road

I am writing this letter to confirm my support of the application submitted, requesting the retaining wall in the rear yard at 904 Mt Griffin Road. I confirm I'm aware of the height and location of this wall and that I have no objections to this wall being built.

Best Regards,

A handwritten signature in blue ink, appearing to read "Christie Berg", with a long horizontal flourish extending to the right.

Christie Berg

Dan Currie

Owner of Lot 23, Mt Griffin Heights

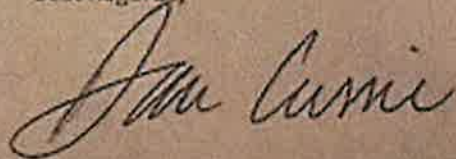
Adjacent Property Owner to the East

Dear Board of Variance Committee

Re: Retaining Wall at 904 Mt Griffin Road

We are writing this letter to confirm our support of the application submitted requesting the retaining wall in the rear yard at 904 Mt Griffin Road. We confirm that we are aware of the height and location of this wall and that we have no objections to this wall being built.

Best Regards;

A handwritten signature in cursive script that reads "Dan Currie". The signature is written in dark ink on a light-colored, textured paper background.