



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, MAY 31, 2022, AT 4:00 PM

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) May 10, 2022 (attached)

5) NEW BUSINESS

- a) ZON00382 (4011 32 STREET)
- b) DVP00562 (7599 KLINGER ROAD)
- c) DVP00557 (3204A 16 STREET)
- d) DVP00559 (9169 SMITH ROAD)
- e) ZON00373 / SUB00806 (4013 25 STREET)

6) INFORMATION ITEMS

a) 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 **June 14, 2022**

8) ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, MAY 10, 2022, at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT: VOTING
Mark Longworth (Chair)
Claire Ishoy
Don Schuster
Harpreet Singh Nahal
Joshua Lunn
Phyllis Kereliuk

NON-VOTING: Mayor Cumming

ABSENT: Jamie Paterson
Monique Hubbs-Michiel
Lisa Briggs

STAFF: Barbara Everdene, Long Range Planner
Carson Mackonka, Planning Assistant
Roy Nuriel, Planner, Economic Development
Tracy Mueller, Committee Clerk

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

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

Before the start of the meeting, the Chair welcomed and introduced Claire Ishoy as the newest member of the Advisory Planning Committee.

ADOPTION OF AGENDA Moved by D. Schuster, and seconded by H. Singh Nahal:

THAT the Advisory Planning Committee agenda of May 10, 2022, be adopted.

CARRIED

ADOPTION OF MINUTES Moved by P. Kereliuk, and seconded by H. Singh Nahal:

THAT the minutes for the Advisory Planning Committee meeting of April 26, 2022, be adopted.

CARRIED

NEW BUSINESS:

**OCP00089 / ZON00376
OFFICIAL COMMUNITY
PLAN AMENDMENT AND
REZONING
APPLICATIONS FOR THE
PROPOSED PORT
OKANAGAN PROJECT AT
2525 LAKESHORE ROAD
AND 7295 OKANAGAN
LANDING ROAD**

Roy Nuriel, Planner, Economic Development, provided an overview of OCP00089 / ZON00376, an application to amend the Official Community Plan land use designations at 2525 Lakeshore Road and 7295 Okanagan Landing Road and to rezone the properties to allow for the development of “Port Okanagan” - a mixed use waterfront village with multi family residential and commercial uses, including a resort hotel designed around park space and an environmentally sensitive wetland area.

Committee Member J. Lunn arrived at 4:03 PM

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

- The Committee requested clarification regarding the responsibility for the removal of wetlands.
 - In response, staff noted that the applicant engaged an environmental professional and a professional report is part of the permitting approval process by the province and the Department of Fisheries and Oceans (DFO) Canada.
- The committee noted that both the scale and massing of the site is concerning.
 - Staff clarified that the proposed plan follows the development policies in the OCP and the Waterfront Neighbourhood Centre Plan.
- Concern was expressed regarding public use of the park and the pier.
 - Staff clarified that the developer has to maintain the park, as it is private; however, the public will be granted access in in perpetuity as part of the statutory right of way. Should the

pier be permitted by the province it would have full public access and use rights.

- There was concern expressed that most of the development is in the floodplain.
 - Staff reiterated that the applicant will provide a professional flood hazard assessment report as a condition of rezoning.
- The committee requested clarification regarding the proposed public walkway.
 - a public walkway along the foreshore was identified in the Waterfront Neighbourhood Centre Plan. A right of way for the walkway is granted for redevelopment at the rezoning, subdivision and variance stages.
- The Committee requested clarification regarding how the project will move along in terms of phasing.
 - Staff noted that there is a subdivision application and the area would be developed by several property owners in phases.
- Is there any plan for general low-income housing intended for the project?
 - In response, staff confirmed that at this time there is no proposal for affordable housing.
- The Committee noted that in terms of the scale of development, there must be consideration for having trees in parking areas, permeable paving, etc. as part of the design concept and in keeping with sustainable building practice.
- It was noted that consideration should be given for pathway along Marshal Road, to the east it is a wide, multi-use path and then it transitions into a sidewalk for half the distance.
- The Committee expressed concern regarding the quality of the development; noting that the City should ensure that the development is thoughtfully done to the highest standards.
 - Staff clarified that the design guidelines are part of the new CD7 zone and follow the OCP and waterfront Neighbourhood Centre Plan.

Moved by H. Singh Nahal, and seconded by C. Ishoy:

THAT Council support the application to amend the Official Community Plan land use designations for a portion of the properties at Lot A, Plan EPP57999, Sec 30, Twp 9, DL 62, ODYD and Lot 5, Plan KAP58651, DL 62, ODYD (2525 Lakeshore Road and 7295 Okanagan Landing Road) from 'Mixed Use - Medium Density Commercial and Residential' to 'Park' and from 'Park' to 'Mixed Use - Medium Density Commercial and Residential', as shown in Attachment 6 and outlined in the report titled "Official Community Plan Amendment and Rezoning Applications for Port Okanagan at 2525 Lakeshore Road and 7295 Okanagan Landing Road" dated April 29, 2022 and respectfully submitted by the Economic Development Planner;

AND FURTHER, that Council support the application to rezone Lot A, Plan EPP57999, Sec 30 Twp 9, DL 62, ODYD and Lot 5, Plan KAP58651, DL 62, ODYD (2525 Lakeshore Road and 7295 Okanagan Landing Road) from 'R5 - Fourplex Housing Residential' and 'C10 - Tourist Commercial' to 'P5 - Private Park' and to a new Comprehensive Development Area (CD7) zone, as shown in Attachments 8 and 9, in order to develop the Port Okanagan mixed use development, subject to the following conditions:

- a) the owner registers a blanket statutory right of way on the area zoned 'P5 – Private Park', allowing for public access and use in perpetuity;
- b) the owner is to enter into a development agreement with the City for the construction of a 2.0 m public pathway on the City owned property at 2548 Lakeshore Road to allow for public pedestrian access from the foreshore to Lakeshore Road;
- c) the owner provides road dedication along Okanagan Landing Road, Lakeshore Road and Marshall Road to meet the requirements of Subdivision and Development Servicing Bylaw #3843;
- d) the owner provides the City with a flood hazard assessment report prepared by a Qualified Professional in accordance with the 'Flood Hazard Area Land Use Management Guidelines' of the Province of British Columbia and the 'Professional Practice Guidelines -

Legislated Flood Assessments in a Changing Climate in BC' adopted by Engineers and Geoscientists BC;

- e) the owner registers a *Land Title Act* section 219 restrictive covenant specifying conditions that will certify that the land is safe for the intended use and releasing and indemnifying the City from liability in the event of damage caused by flood or erosion;
- f) the owner provides the City with a copy of approved provincial and federal environmental permits;
- g) that the environmental development permit (DP000882) application for environmental management and park areas is approved; and

that prior to final adoption of the rezoning amendment bylaw, the subdivision application is approved and its imposed conditions are registered on all property titles.

AND FURTHER, that Council direct staff to review the CD Zone closely to ensure the quality of construction, parking and treescapes is suitable for the subject development area.

CARRIED as amended

Mayor Cumming exited the meeting at 5:10 PM

INFORMATION ITEMS

- a) Staff provided a brief overview regarding some of the projects discussed at Council on May 9, 2022, as follows:
 - **DVP00564 (3001 43 Avenue):** Council supported the request to allow for a second freestanding sign on the site.
 - **DVP00565 (5515 Okanagan Avenue):** Council supported the requested variance to allow four parking spaces.
 - **DVP000570 (6673 Blackcomb Way):** Council approved the requested variance, to allow the construction of an in-ground swimming pool at the rear of the property; engineering revised the drainage design.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, May 31, 2022, at 4:00 PM.**

ADJOURNMENT

The Advisory Planning Committee meeting of May 10, 2022, was adjourned at the call of the Chair.

The meeting of the Advisory Planning Committee adjourned at 5:17 PM.

CERTIFIED CORRECT:

Chairperson



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Roy Nuriel
Economic Development Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 13, 2022
REPORT DATE: May 24, 2022
FILE: 3060-20 (ZON00382)

SUBJECT: REZONING APPLICATION FOR 4011 32ND STREET

PURPOSE:

To present the application to rezone the subject property located at 4011 32nd Street from C10 – Tourist Commercial to C5 – Community Commercial in order to allow for additional uses in the existing building.

RECOMMENDATION:

THAT Council support rezoning application 00382 (ZON00382) to rezone Lot A, Plan 34135, Section 3, Township 8, ODYD (4011 32nd Street) from C10 – Tourist Commercial to C5 – Community Commercial in order to allow for additional uses in the existing building as outlined in the report titled “Rezoning Application for 4011 32nd Street” dated May 24, 2022 and respectfully submitted by the Economic Development Planner, subject to the following condition:

- a) the owner registers a *Land Title Act* section 219 restrictive covenant prohibiting drive-throughs on the subject property.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support rezoning application 00382 (ZON00382) to rezone Lot A, Plan 34135, Section 3, Township 8, ODYD (4011 32nd Street) from C10 – Tourist Commercial to C5 – Community Commercial in order to allow for additional uses in the existing building as outlined in the report titled “Rezoning Application for 4011 32nd Street” dated May 24, 2022 and respectfully submitted by the Economic Development Planner, subject to the following condition:

- a) the owner registers a *Land Title Act* section 219 restrictive covenant prohibiting drive-throughs on the subject property;

AND FURTHER, that Council direct Administration to schedule a Public Hearing for the zoning amendment for 4011 32nd Street.

Note: This alternative is provided should Council support the rezoning application and wish to hold a Public Hearing for the proposed zoning amendment bylaw prior to final consideration. As per Section 464(2) of the Local Government Act, a Public Hearing for a zoning amendment is not required when the proposed zoning is consistent with the Official Community Plan. The proposed amendment to rezone the subject property at 4011 32nd Street to the C5 – Community Commercial zoning district complies with the land use designation set out in the OCP and as such, a public hearing is not required.

2. THAT Council not support rezoning application 00382 (ZON00382) to rezone Lot A, Plan 34135, Section 3, Township 8, ODYD (4011 32nd Street) from C10 – Tourist Commercial to C5 – Community Commercial in order to allow for additional uses in the existing building as outlined in the report titled “Rezoning Application for 4011 32nd Street” dated May 24, 2022 and respectfully submitted by the Economic Development Planner.

Note: This alternative does not support the rezoning application and as a result the application as submitted would not proceed. The property would remain C10 – Tourist Commercial zoning and only uses in that zoning district would be permitted.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 31, 2022, the Advisory Planning Committee passed the following resolution:

B. Rationale:

1. The subject property at 4011 32nd Street (Figures 1 – 2) is located in the City Centre neighbourhood, at the southeast corner of 32nd Street and 41st Avenue and is 0.13 hectare (0.31 ac) in area. Currently, there is an existing commercial building on the property. Previously, the building has been used for a restaurant (Figure 3). The subject property is designated Community Commercial in the Official Community Plan (OCP) (Attachment 1) and zoned C10: Tourist Commercial in Zoning Bylaw 5000 (Attachment 2).
2. The applicant has submitted a rezoning application to rezone the subject property from C10 – Tourist Commercial (Attachment 3) to C5 – Community Commercial (Attachment 4) in order to change the use of the existing restaurant building into a new office. The proposed office use is not permitted in the exciting C10 zoning district and the proposed C5 zoning district would allow for the subject property to be used for an office.
3. The City Centre Neighbourhood Plan designates the site as being within the Highway Corridor Character Area. The proposed amendment to rezone to C5: Community Commercial (Attachment 4) complies with the land use direction set out in the OCP and in the City Centre Neighbourhood Plan (CCNP). Other properties along 32nd Street, south of 41st Avenue, have been rezoned over time to commercial zones (i.e. C5, C4), consistent with the OCP and the CCNP.

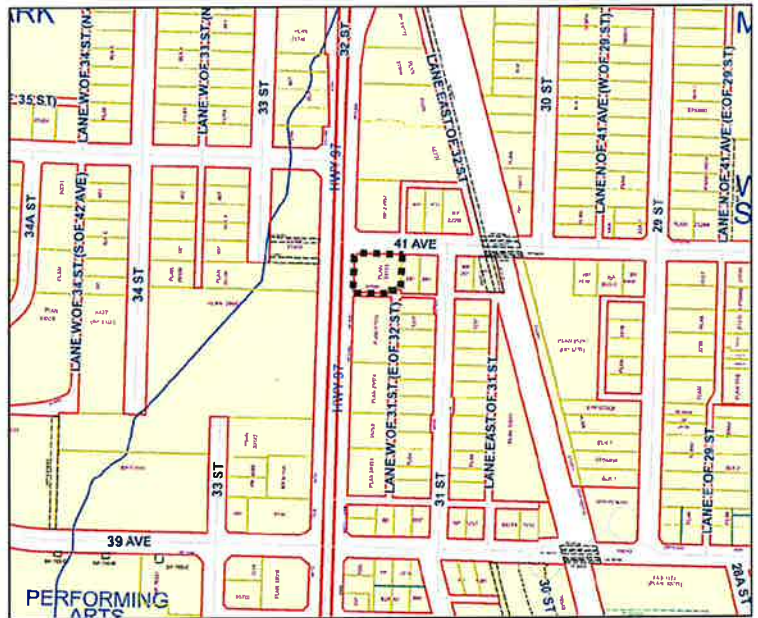


Figure 1 – Property Location Map

4. The C5 – Community Commercial zoning district includes drive-through services as a permitted primary use. Policy 82 in the CCNP prohibits drive through uses in the City Centre Neighbourhood. Therefore, it is recommended that as a condition of rezoning approval, a covenant be registered to prohibit drive-through services on the subject property.

5. As the proposed rezoning is compliant with the Official Community Plan, Administration supports waiving the Public Hearing as per Section 464(2) of the *Local Government Act*. The proposed rezoning to allow the change of use on the subject property from food establishment to office is unlikely to generate neighbourhood concern.

6. Administration supports the proposed rezoning from C10 to C5 based on the following:

- it is in compliance with the OCP and the CCNP; and
- the proposed change of use to an office and the recommended restrictive covenant to prohibit drive-through services on the subject property are in keeping with the City Centre neighbourhood character.



Figure 2 – Aerial Map of Property



Figure 3 – Subject Property Photo

C. Attachments:

- Attachment 1 – Official Community Plan (OCP) map
- Attachment 2 – Zoning map
- Attachment 3 – Current zoning district C10 – Tourist Commercial
- Attachment 4 – Proposed zoning district C5 – Community Commercial

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
- Be a leader in economic development

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan:

7.3 Support the development of the City Centre District, neighbourhood centres, and designated multiple family areas to the densities outlined in the OCP to build compact, complete

neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.

2. City Centre Neighbourhood Plan:

82 Prohibit drive through uses, expect for Lots 1-4, Block 32, at 3600 – 3606 27th Street. (Bylaw 5589, July 11, 2006)

3. Local Government Act:

Requirement for public hearing before adopting bylaw

464 (2) A local government is not required to hold a public hearing on a proposed zoning bylaw if

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
- (b) the bylaw is consistent with the official community plan.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

Roy Nuriel
Economic Development 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 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 May 31/22)		
<input type="checkbox"/> OTHER:		

10.10 C10 : Tourist Commercial

10.10.1 Purpose

The purpose is to designate and preserve land for the **development** of destination commercial visitor accommodation.

10.10.2 Primary Uses

- amusement arcades, major
- amusement establishments, outdoor
- apartment housing, tourist
- artist studios
- boat storage
- brewing or distilling, Class A
- care centres, major
- clubs, private
- convenience vehicle rentals (*Bylaw 5013*)
- cottage tourist (*Bylaw 5275*)
- cultural exhibits, private
- drive-through services
- emergency protective services
- hostels
- hotels
- hotels, apartment
- liquor primary establishment, minor
- liquor primary establishment, major
- marinas
- motels
- primary food establishments
- participant recreation services, indoor
- personal services
- parks, public
- retail cannabis sales (*Bylaw 5731*)
- retail stores, convenience
- retail stores, general
- retail street sales
- row housing, tourist (*Bylaw 4883*)
- single detached housing, tourist (*Bylaw 5275*)
- tourist campsites

10.10.3 Secondary Uses

- amusement arcades, minor
- care centre, minor
- carnival
- docks, community
- docks, private
- home based businesses, minor
- marina equipment rentals
- marina fuel facilities
- marina sani-dump facilities
- offices
- residential security/operator unit
- retail stores, licensee
- spectator entertainment establishments

- **utility services, minor impact**

10.10.4 Subdivision Regulations

- Minimum **lot width** is 30.0m.
- Minimum **lot area** is 1800m².

10.10.5 Development Regulations

- Maximum commercial **floor space ratio** is 2.0, except it is 5.0 for **tourist apartment housing**.
- Maximum **site coverage** is 60%.
- Maximum **height** is the lesser of 15.0m or 4 **storeys**, except for **tourist apartment housing** where the **height** shall be the lesser of 55.0m or 16 storeys in accordance with the RH3 **zone**.
- Minimum **front yard** is 6.0m.
- Minimum **side yard** is 4.5m, except it is 6.0m for any **flanking street**.
- Minimum **rear yard** is 4.5m, except it is 6.0m where the **abutting** land is zoned or designated Residential.

10.10.6 Other Regulations

- Only one **residential security/operator unit** is permitted on a **site**.
- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, congregate housing** unit or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- Individual amusements arcades, **offices**, convenience retail sales, and **licensee retail stores** shall not have a floor area greater than 90m².
- **Tourist campsites** are only allowed on **sites** greater than 1ha (2.5 acre), with the area available for **development** to comply with the required Development Regulations.
- **Apartment hotels, hotels** and **motels** are only permitted when integrated with **village commercial** or waterfront services.
- **Boat storage use** is only permitted on property that **abuts** or is within 100m of a public or private **boat launch** facility.
- 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)

10.5 C5 : Community Commercial

10.5.1 Purpose

The purpose is to provide a **zone** for the **development** of community commercial centres to serve more than one neighbourhood.

10.5.2 Primary Uses

- amusement arcades, major
- automotive and recreation vehicle services
- animal clinics, minor
- broadcasting studios
- business support services
- care centres, major
- call centres
- commercial schools
- community recreation centres
- cultural exhibits, private
- custom indoor manufacturing
- drive-through services
- emergency protective services
- extended medical treatment services
- financial services
- food primary establishments
- gaming facilities**
- gas bars
- government agencies
- government services
- health services
- hotels and motels
- hostels (*Bylaw 5788*)
- liquor primary establishment, minor
- liquor primary establishment, major
- non-accessory parking
- offices
- participant recreation services, indoor
- personal services
- private clubs
- retail cannabis sales (*Bylaw 5731*)
- retail stores, convenience
- retail stores, general
- retail store, licensee
- second-hand dealerships
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- service stations, minor
- shopping centres
- special needs housing
- spectator entertainment establishments
- storage, outdoor
- temporary shelter services
- used goods store
- utility services, minor impact

- **warehouse sales**
**** refer to definition for “gaming facilities” in Section 2.3.3. for limitation on number of slot machines permitted within the City of Vernon boundaries**

10.5.3 Secondary Uses

- **amusement arcades, minor**
- **animal grooming** (*Bylaw 5339*)
- **apartment housing**
- **brewing or distilling, Class A**
- **care centres, minor**
- **carnival**
- **group homes, minor**
- **storage, outdoor**

10.5.4 Subdivision Regulations

- Minimum **lot width** is 15.0m, except it is 40.0m if there is no **abutting lane**.
- Minimum **lot area** is 460m², except it is 1300m² if there is no **abutting lane**.

10.5.5 Development Regulations

- Maximum commercial **floor space ratio** is 2.0.
- Maximum **site coverage** is 60%.
- Maximum **height** is the lesser of 15.0m or 4.0 **storeys**.
- Minimum **front yard** is 3.0m.
- Minimum **side yard** is 0.0m, except it is 3.0m for a **flanking street** or where the **site abuts** a residential zone.
- Minimum **rear yard** is 0.0m, except it is 6.0m where the **abutting** land is zoned or designated Residential.

10.5.6 Other Regulations

- **Major care centres, seniors assisted housing, seniors residential care and seniors supportive housing** are only allowed above the **first storey** and require a separate at-grade access from the **commercial uses**.
- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling** or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- **Financial services** shall have a maximum total **gross floor area** of 500m².
- **Convenience retail stores** shall have a maximum total **gross floor area** of 300m².
- Where residential **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors assisted housing, seniors residential care and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, temporary shelters, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. (*Bylaw 5788*)
- **Outdoor storage** shall be screened from view of any **street** or **lane** and from **adjacent** properties. There shall be no **outdoor storage** of toxic, noxious, explosive, or odorous materials.
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule

"B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Current Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: TBD
REPORT DATE: May 26, 2022
FILE: 3090-20 (DVP00562)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7616, 7620, 7624
OKANAGAN LANDING ROAD AND 7599 KLINGER ROAD

PURPOSE:

To review Development Variance Permit Application 00562 (DVP00562) to vary building height and construction on slopes greater than 30% in Zoning Bylaw 5000, as well as to vary the maximum combined width of two accesses in Subdivision & Development Servicing Bylaw 3843 in order to support the construction of a 29 unit townhome development at 7616, 7620, 7624 Okanagan Landing Road and 7599 Klinger Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00562 (DVP00562) to vary the following sections of Zoning Bylaw 5000 to permit the construction of a townhome development on LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road) as outlined in the report titled "Development Variance Permit Application for 7616, 7620, 7624 Okanagan Landing Road and 7599 Klinger Road" dated May 26, 2022 and respectfully submitted by the Current Planner:

- a) Section 9.6.6 maximum height from the lesser of 10m or 2.5 storeys to 10m or 3 storeys; and
- b) Section 4.16.1 permit construction of a building, structure or swimming pool on slopes of 30% or greater;

AND FURTHER, that Council support Development Variance Permit Application 00562 (DVP00562) to vary the following sections of Subdivision & Development Servicing Bylaw 3843 to permit the construction of a townhome development on LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road):

- a) Section 3.5.5 maximum combined width of two accesses from 8m to 14m;

AND FURTHER, that Council's support of DVP00562 is subject to the following:

- a) the site plan, floor plan, building elevations and renderings illustrating the general siting, layout and dimensions of the proposed development be attached to and form part of DVP00562;
- b) Consolidation of LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT

2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road) into a title that supports the proposed townhouse development on a single lot; and

c) That prior to issuance of DVP00562 the Development Permit (DP000958) is ready for issuance.

ALTERNATIVES & IMPLICATIONS:

THAT Council not support Development Variance Permit Application 00562 (DVP00562) to vary the following section of Zoning Bylaw 5000 to permit the construction of a townhome development on LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road) as outlined in the report titled "Development Variance Permit Application for 7616, 7620, 7624 Okanagan Landing Road and 7599 Klinger Road" dated May 26, 2022 and respectfully submitted by the Current Planner:

- a) Section 9.6.6 maximum height from the lesser of 10m or 2.5 stories to 10m or 3 stories; and
- b) Section 4.16.1 permit construction of a building, structure or swimming pool on slopes of 30% or greater.

AND FURTHER, that Council not support Development Variance Permit Application 00562 (DVP00562) to vary the following sections of Subdivision & Development Servicing Bylaw 3843 to permit the construction of a townhome development on LT 1 SEC 19 TWP 9 ODYD PL KAP81947 (7616 Okanagan Landing Road), LT 3 SEC 19 TWP 9 ODYD PL KAP81947 (7620 Okanagan Landing Road), THAT PART OF LT 13 BLK 1 SHOWN ON PL B5663; SEC 19 TWP 9 ODYD PL 209 (7624 Okanagan Landing Road) and LT 2 SEC 19 TWP 9 ODYD PL KAP81947 (7599 Klinger Road):

- a) Section 3.5.5 maximum combined width of two accesses from 8m to 14m.

Note: Denial of the Development Variance Permit Application would restrict the height of the proposed structures to meet the existing provisions of Zoning Bylaw 5000 and prohibit any construction activities on slopes greater than 30%, as well as limit the combined width of the proposed two accesses to 8m. The applicant would be required to revise the proposal and future development on the subject property to meet the prevailing zoning and access provisions.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 31, 2022, the Advisory Planning Committee passed the following resolution:

"As cited by the Committee."

B. Rationale:

1. The subject properties are located at 7616, 7620, 7624 Okanagan Landing Road and 7599 Klinger Road (Figures 1 and 2). Collectively, the properties are approximately 15,620m² (3.86 ac) in size.
2. The subject application pertains to development regulations within Section 9.6.6 and 4.16.1 of Zoning Bylaw 5000 and Section 3.5.5 of Subdivision & Development Servicing Bylaw 3843. The application proposes to increase the maximum storey provision of the height regulation for principal structures from 2.5 storeys to 3 storeys in order to reduce grading and retaining requirements needed to achieve the 2.5 story height regulation. Additionally, a small portion of the proposed development will require regrading of slopes greater than 30%. The design of the proposed development has taken natural slopes into consideration and the natural slopes located in the south west portion of 7624 Okanagan Landing Road are being preserved, as well as slopes between the proposed strata roads. To further support preservation of the natural grade of the site, the applicant is proposing two separate strata roads and requests that the maximum combined width of the accesses be increased from 8m to 14m to allow for two-way traffic to safely use the accesses.

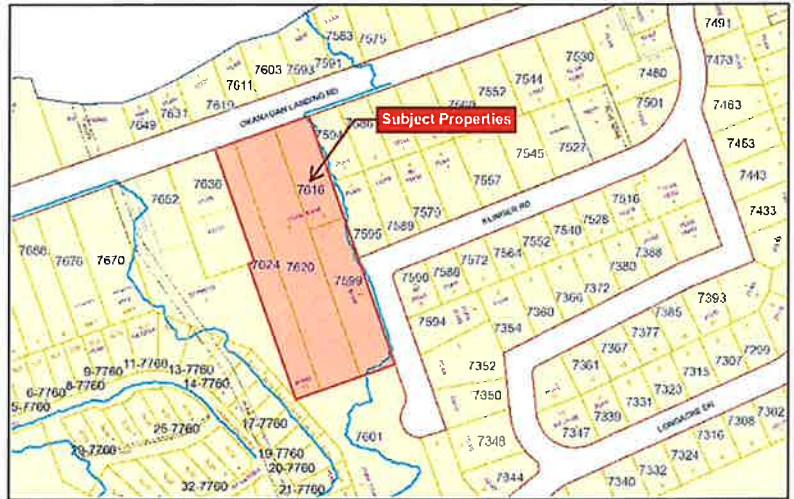


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property

3. The applicant proposes to consolidate the four existing lots into two lots; one accessing off Klinger Road (~11,620m² in size) where the applicant proposes to construct a 29-unit townhome development and the second accessing off Okanagan Landing Road (~4,000m² in size) where the applicant proposes the development of a multi-family apartment. The development of the proposed apartment will require a zoning amendment to the second lot fronting Okanagan Landing. A rezoning application has been received and the file will be presented for Council's consideration at a future date.
4. The application proposes to vary the maximum height for storeys only as the height regulation of 10m can be met. The variance request is for the walk-up units on the high side of the proposed strata roads (~16 units). The site plan, floor plans, elevations and renderings for the proposed development are illustrated in Attachment 1. The design includes gabled rooflines to allow the townhomes to fit the neighbourhood context which by design, will also prohibit rooftop patios.
5. The application proposes to add a second access to the townhome development from Klinger Road. The secondary access is required to preserve a natural slope occurring between the two proposed strata roads. Section 3.5.5 of the Subdivision and Development Servicing Bylaw allows the City Engineer to approve a second access provided that the combined width of the two accesses does not exceed 8m. This regulation is designed for loop roads where vehicles travel in one direction. As the two strata roads

are not connected, they will each need to support two-way traffic. The bylaw provision allowing for a maximum combined width of 8m (i.e., 4m each) does not safely support two-way traffic accessing the development from Klinger Road. The application proposes to establish the width of the accesses at 7m each to allow for the safe movement of two-way traffic into and out of the development.

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

- a) The proposed height variance would reduce the amount of grading and retaining required on the site to meet the 2.5 storey requirement.
- b) The positioning of the proposed structures, to which the height variance would apply, have been aligned with the slope and other proposed structures in the development to mitigate visual impacts. The three storey elevations face internal strata roads and limit the visual impacts to the development and mitigate visual impacts on adjacent properties.
- c) The addition of a secondary access that allows for two-way traffic reduces the quantity of impermeable surfaces and protects the existing natural slope on the property between the two proposed strata roads. If the property were to be subdivided into individual lots, the length of the frontage on Klinger Road allow for four lots to be created with four separate accesses. Administration supports the proposed development as it is developing the site in a comprehensive manner and permitting the site to be accessed through two separate accesses in order to preserve the natural slope of the site is a reasonable accommodation to support the development.

C. Attachments

Attachment 1 – Site Plan, Floor Plans, Elevations and Renderings dated January 26, 2022

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:

- Increasing the number of new units in existing neighbourhoods with close proximity to services.
- Increasing attainable housing by supporting multi-family developments with close proximity to services.

E. Relevant Policy/Bylaws/Resolutions:

1. The following provisions of City of Vernon Bylaws are relevant to the subject application:

- Zoning Bylaw 5000:

Section 4.16.1 No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

Section 9.6.6 Maximum height is the lesser of 10.0m or 2.5 storeys.

- Subdivision & Development Servicing Bylaw 3843:

Section 3.5.5 The City Engineer may accept provision of a second access to low and medium density residential lots subject to demonstrated need or to address safety concerns. Acceptance is subject to reduction of the existing access width such that the combined access widths do not exceed 8m.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X _____
Matt Faucher
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 checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
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| <input checked="" type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 31/22) | | |
| <input type="checkbox"/> OTHER: | | |

\\gw1\groups\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00562\2
PROC\Rpt\220526_mf_APC Rpt_DVP00562.docx

KLINGER TOWNHOUSE DEVELOPMENT

7500 125th Street SW & 115th Street SW, Coquitlam, BC V3K 6Y1. THE SITE IS CURRENTLY ZONED R5.

LEGAL ADDRESS:
 125th Street SW, Coquitlam, BC V3K 6Y1. THE SITE IS CURRENTLY ZONED R5.
 125th Street SW, Coquitlam, BC V3K 6Y1. THE SITE IS CURRENTLY ZONED R5.
 125th Street SW, Coquitlam, BC V3K 6Y1. THE SITE IS CURRENTLY ZONED R5.

ZONING ANALYSIS

EXISTING ZONING: R5
PROPOSED ZONING: R5

R5 ZONING REQUIREMENTS

LOT AREA (sqm)	11,502.22m ²
LOT WIDTH (m)	70.0m
LOT DEPTH (m)	80.0m
MAXIMUM LOT COVERAGE FOR BUILDINGS (%)	40.0%
MAXIMUM LOT COVERAGE INCLUDING PARKING & DRIVEWAYS (%)	50.0%

DEVELOPMENT REQUIREMENTS

TOTAL NUMBER & TYPES OF UNITS:	20 (14 TOWNHOMES)
FLOOR AREA (GROSS) (sqm):	4,547.33m ² (GROSS FLOOR AREA COVERAGE)
FLOOR AREA (NET) (sqm):	3,321.00m ²
BUILDING HEIGHT (m):	10.0m (MAXIMUM HEIGHT)
SETBACKS (m):	FRONT: 4.0m, SIDE: 2.0m, REAR: 2.0m, ENCLAVE: 1.0m
PRIVATE OPEN SPACE (POS):	21 x 20.0m (TOTAL: 4,200.00m ²)
PARKING STALLS:	20 (14 TOWNHOMES)
BIKE STALLS:	4 (2 BIKES PER TOWNHOUSE)

FAR SCHEDULE

No.	NOTE	AREA
1	W 100' x 111'	341.00m ²
2	W 100' x 111'	275.00m ²
3	W 100' x 111'	275.00m ²
4	W 100' x 111'	275.00m ²
5	W 100' x 111'	275.00m ²
6	W 100' x 111'	275.00m ²
7	W 100' x 111'	275.00m ²
8	W 100' x 111'	275.00m ²
9	W 100' x 111'	275.00m ²
10	W 100' x 111'	275.00m ²
11	W 100' x 111'	275.00m ²
12	W 100' x 111'	275.00m ²
13	W 100' x 111'	275.00m ²
14	W 100' x 111'	275.00m ²
15	W 100' x 111'	275.00m ²
16	W 100' x 111'	275.00m ²
17	W 100' x 111'	275.00m ²
18	W 100' x 111'	275.00m ²
19	W 100' x 111'	275.00m ²
20	W 100' x 111'	275.00m ²



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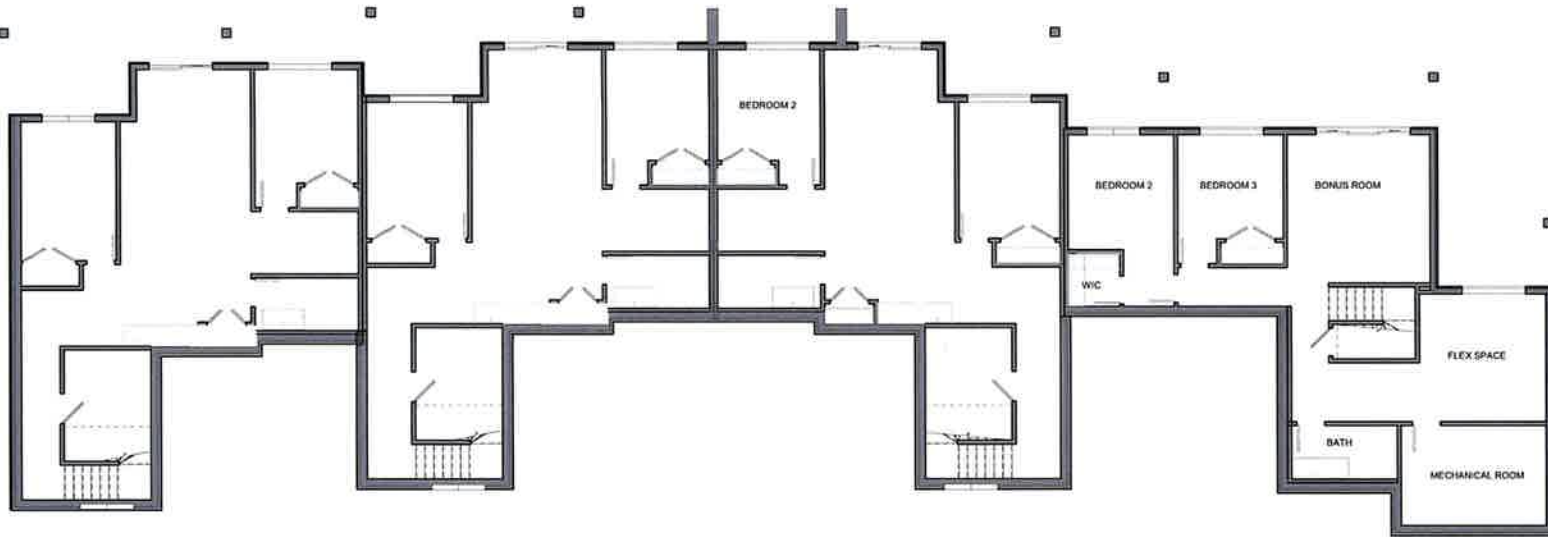
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KLINGER TH

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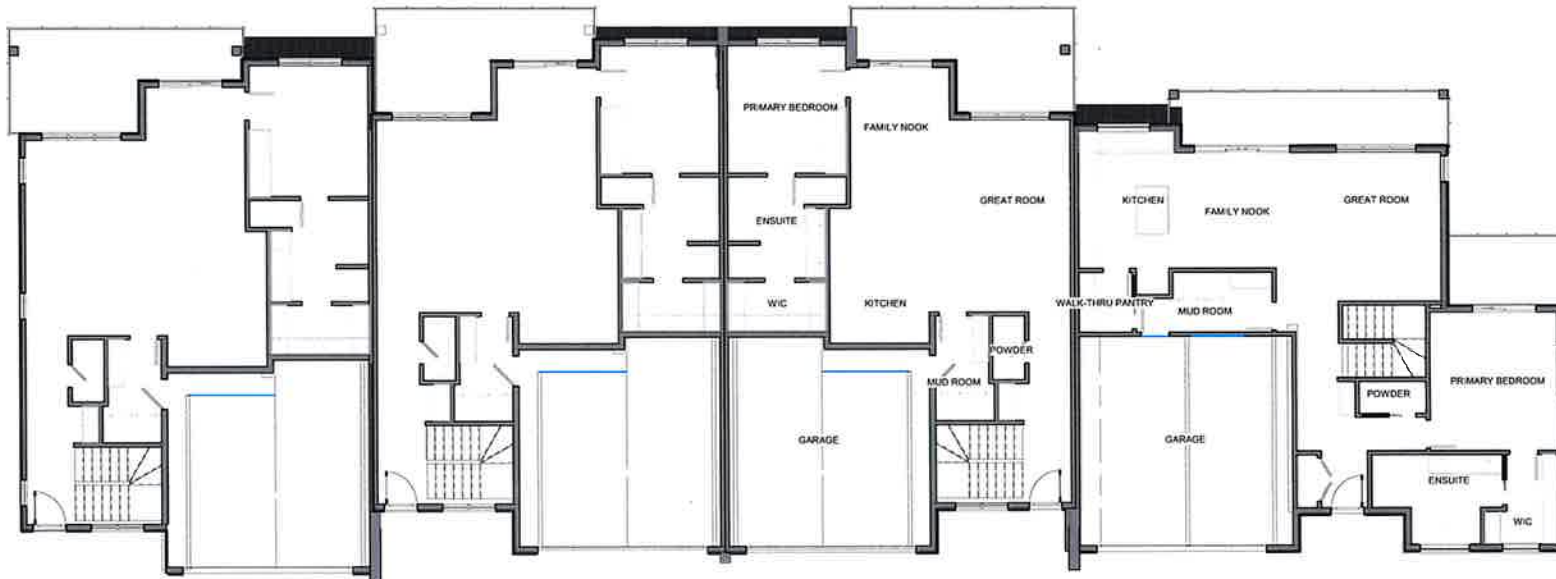
project no.
4186

drawing title
ZONING & BYLAW

A1.01D



0 LEVEL 0 4P WO
W.P. 10'



1 LEVEL 1 4P WO
W.P. 10'

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Revisions

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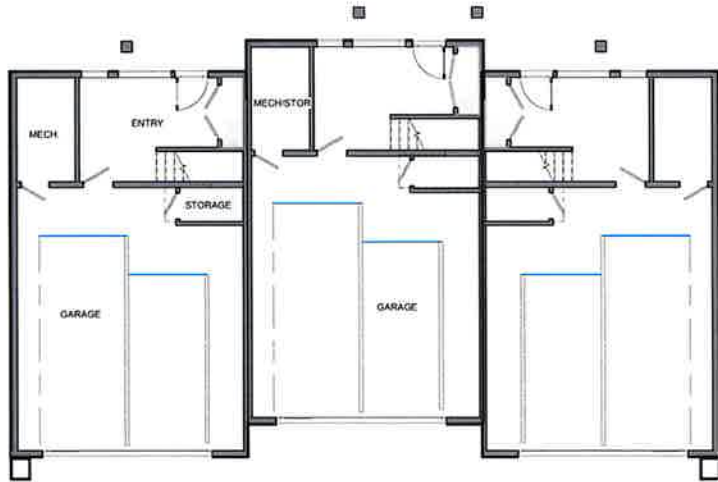
project address
KLINGER RD
VERNON

project no
4186

drawing title
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FLOOR PLANS
(BLDG #4)

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A3.21D



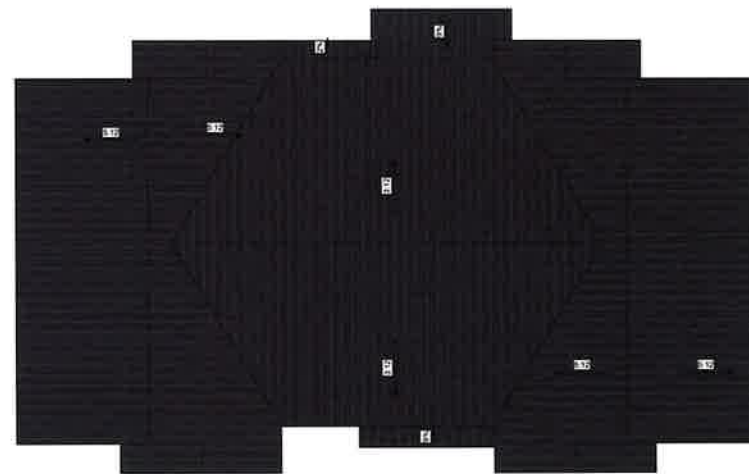
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4 ROOF PLAN 3P WT
3/16" = 1'-0"

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1	2022-01-20	ISSUE FOR PERMIT

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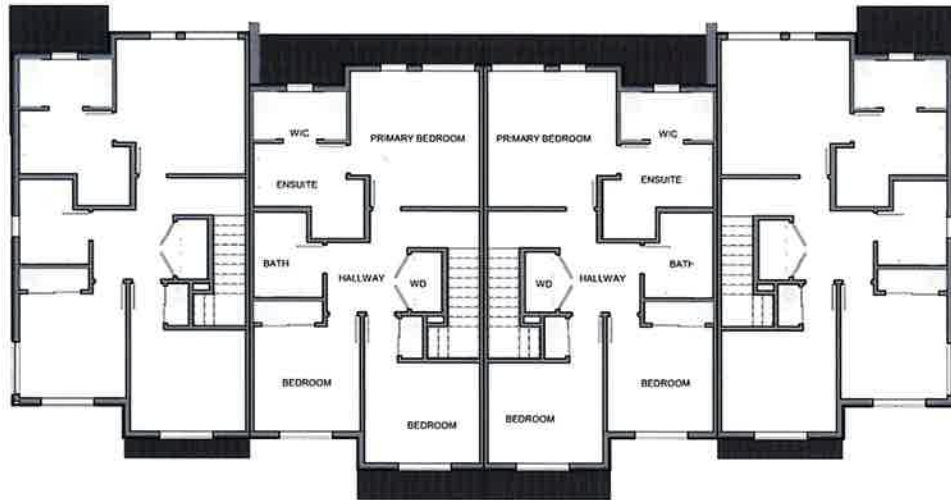
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VERNON

Project No
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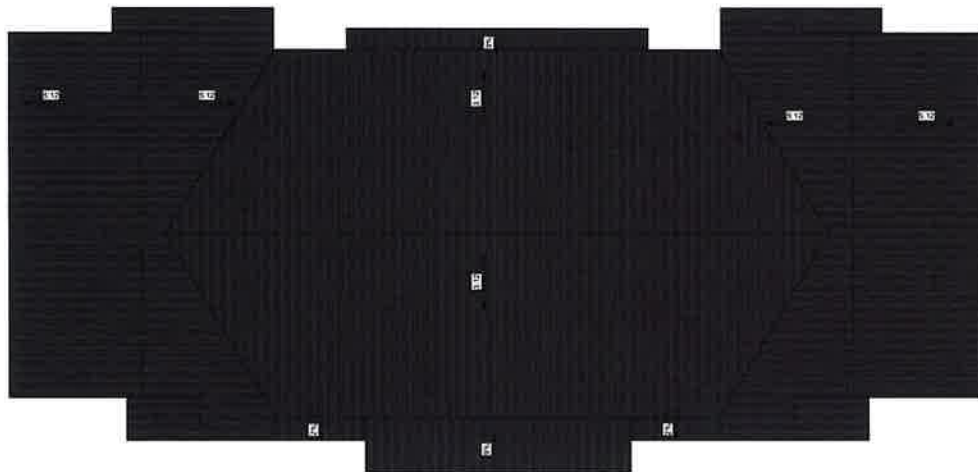
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Sheet: A3.31D



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2 ROOF PLAN 4P WU
1/8" = 1'-0"

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project location
KLINGER TR

project address
KLINGER RD
VERNON

project no
4186

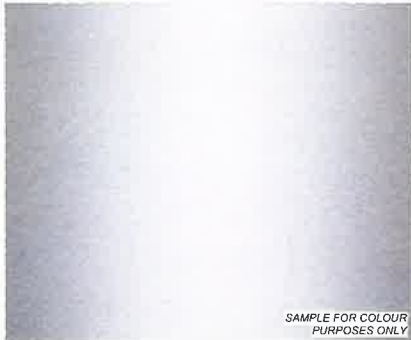
drawing title
4PLEX W-UP
FLOOR PLANS
(BLDG #1,2,5,6)

scale
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A3.42D

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21 05 2022 5:41:00 PM

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 COLOUR & CODE: SUMMER WHITE
 I.D NUMBER: #1



MANUFACTURER: JAMES HARDIE
 PRODUCT: PANEL
 COLOUR & CODE: IRON GREY
 I.D NUMBER: #2



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 PRODUCT: V-GROOVE
 COLOUR & CODE: IRON GREY
 I.D NUMBER: #3



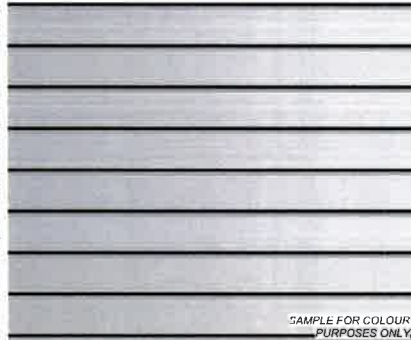
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 I.D NUMBER: #5



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 PRODUCT: SHIP LAP
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 I.D NUMBER: #6



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 PRODUCT: SHIP LAP
 COLOUR & CODE: IRON GREY
 I.D NUMBER: #7



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 I.D NUMBER: #8



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 I.D NUMBER: #11



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 I.D NUMBER: #12



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REV	DATE	BY	DESCRIPTION
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Project Name: KLINGER TH

Project Address: KLINGER RD VERNON
 Project No: 4186

Drawing Title: MATERIALS

Scale:	1/8" = 1'-0"
Sheet No:	4186-01
Date:	05/27/2022

A4.00D

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KEYNOTES - ELEVATION

ID	DESCRIPTION
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MATERIAL LEGEND

- 1 FIBRE CEMENT PANEL - ARCTIC WHITE
- 2 FIBRE CEMENT PANEL - IRON GREY
- 3 FIBRE CEMENT VERTICAL V GROOVE PLANK - IRON GREY
- 4 LUX - V GROOVE SIDING - WALNUT
- 5 THIN STONE VENEER
- 6 FIBRE CEMENT SHIP LAP - SUMMER WHITE
- 7 FIBRE CEMENT SHIP LAP - IRON GREY
- 8 METAL ROOF - STANDING SEAM - DARK GREY
- 9 GLASS RAILING
- 10 VINYL WINDOW - BLACK FRAME
- 11 LUX PRIVACY SCREEN - WALNUT
- 12 GARAGE DOOR



1 3P WO South Elevation
1/8"



2 3P WO North Elevation
1/8"



3 3P WO East Elevation
1/8"



4 3P WO West Elevation
1/8"

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Revisions

No.	DATE	DESCRIPTION
1	2022-02-11	FINAL SUBMITTAL

Project Name: KLINGER TH

Project Address: KLINGER RD, VERNON

Project No.: 4185

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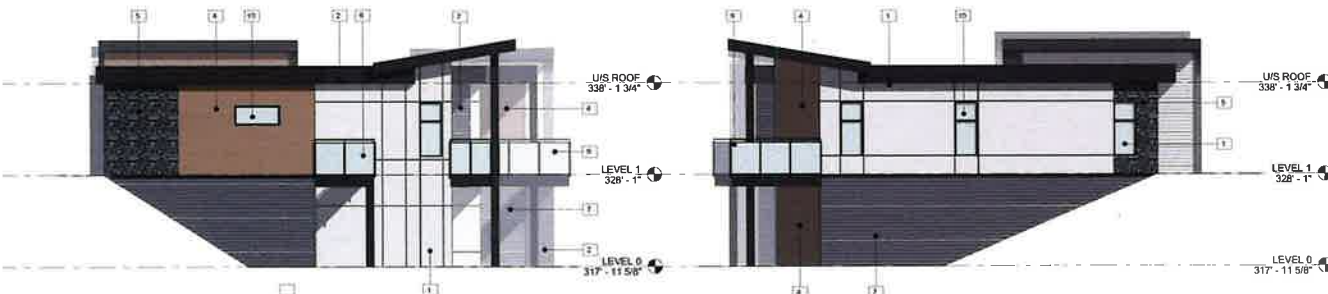
A4.10D



1 4P WO South Elevation
T, P, S



2 4P WO North Elevation
T, P, S



3 4P WO East Elevation
T, P, S

4 4P WO West Elevation
T, P, S

MATERIAL LEGEND

- 1 FIBRE CEMENT PANEL - ARCTIC WHITE
- 2 FIBRE CEMENT PANEL - IRON GREY
- 3 FIBRE CEMENT VERTICAL V-GROOVE PLANK - IRON GREY
- 4 LUX - V-GROOVE SONG - WALNUT
- 5 THIN STONE VENEER
- 6 FIBRE CEMENT SHIP LAP - SLAMMER WHITE
- 7 FIBRE CEMENT SHIP LAP - IRON GREY
- 8 METAL ROOF - STANDING SEAM - DARK GREY
- 9 CLASS RAILING
- 10 VINYL WINDOW - BLACK FRAME
- 11 LUX PRIVACY SCREEN - WALNUT
- 12 GARAGE DOOR

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Rev.	Date	Description
1	2022-05-01	Initial Design

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project info
KLINGER TH

project address
KLINGER RD
VERNON
project no
4186

drawing title
**4PLEX WO
BUILDING
ELEVATIONS**

sheet
LA 1 of 1

A4.20D

KEYNOTES - ELEVATION

ID	DESCRIPTION
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MATERIAL LEGEND

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- 2 FIBRE CEMENT PANEL - IRON GREY
- 3 FIBRE CEMENT VERTICAL V-GROOVE PLANK - IRON GREY
- 4 LUX - V GROOVE SIDING - WALNUT
- 5 THIN STONE VENEER
- 6 FIBRE CEMENT SHIP LAP - SUMMER WHITE
- 7 FIBRE CEMENT SHIP LAP - IRON GREY
- 8 METAL ROOF - STANDING SEAM - DARK GREY
- 9 GLASS RAILING
- 10 VINYL WINDOW - BLACK FRAME
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- 12 GARAGE DOOR

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Project Name _____

Client _____

Address _____

City _____

State _____

Zip _____

Scale _____

Date _____

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Checked by _____

Approved by _____

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Project Name: **KLINGER TH**

Project Address: **KLINGER RD VERNON**

Project No: **4186**

Drawing Title: **3PLEX WT BUILDING ELEVATIONS**

Scale: **1/8" = 1'-0"**

Date: **04/28/2022**

A4.30D



1 3P WT North Elevation 1/8"



2 3P WT South Elevation 1/8"



3 3P WT East Elevation 1/8"



4 3P WT West Elevation 1/8"



RENDERING #1_ BUILDING 3 - W-THRU - FRONT VIEW



RENDERING #2_ BUILDING 13 (W-THRU) & BUILDINGS 15&16 (W-UP) - REAR VIEW



RENDERING #3_ BUILDINGS 7&8 - W-OUT - REAR VIEW



RENDERING #4_ DEVELOPMENT OVERVIEW

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Scale

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1	2022-05-26	KLINGER TH	ISSUE FOR PERMIT

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Project Address
KLINGER RD
VERNON
Project No. 4186

Project Title
RENDERINGS

Scale: 1/8" = 1'-0"

A9.01D



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: June 27, 2022
REPORT DATE: May 26, 2022
FILE: 3090-20 (DVP00557)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3204A 16TH STREET

PURPOSE:

To review a development variance permit application to increase allowable fence height along a rear lot line.

RECOMMENDATION:

THAT Council approve Development Variance Permit 00557 (DVP00557) to vary Zoning Bylaw 5000 for THE EAST ½ OF LT 17, BLK 2, SEC 35, TP 9, ODYD, PL 384 (3204A 16th Street) as outlined in the report titled "Development Variance Permit Application for 3204A 16th Street" dated May 26, 2022 and respectfully submitted by the Current Planner, by increasing;

- a) Section 6.5.1 height of a fence within a rear yard from 2.0m (6.4ft) to 2.8m (9.3ft);

AND FURTHER, that Council's approval of DVP00557 is subject to the following:

- a) That the fence complies with the site plan (Attachment 1) and photos (Attachment 2), to be attached to and form part of DVP00554.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council deny Development Variance Permit 00557 (DVP00557) to vary Zoning Bylaw 5000 for THE EAST ½ OF LT 17, BLK 2, SEC 35, TP 9, ODYD, PL 384 (3204A 16th Street) as outlined in the report titled "Development Variance Permit Application for 3204A 16th Street" dated May 26, 2022 and respectfully submitted by the Current Planner, to increase;

- a) Section 6.5.1 height of a fence within a rear yard from 2.0m (6.4ft) to 2.8m (9.3ft).

Note: Alternative 1 would require the owner to modify the existing fence to comply with the height restriction of 2.0m.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 31, 2022, the Advisory Planning Committee passed the following resolution:

"(to be cited by the Advisory Planning Committee)."

B. Rationale:

1. The subject property is located near Lakeview Park, at 3204A 16th Street and developed with a single detached house (Figures 1 and 2).
2. The owner has recently constructed fencing around the property (Attachments 1 and 2) that meets the requirements of Zoning Bylaw 5000, with the exception of a 6.2m (20.5ft) section across the middle of the rear lot line, shared with the owners at 3204B 16th Street. At 2.8m (9.3ft) high, this section of fencing exceeds the bylaw height restriction of 2.0m (6.4ft) (Attachment 3). Therefore, a variance is being requested to authorize the existing fence height for the section in excess (Attachment 4).
3. Administration supports retaining the existing fence height for the following reasons:
 - a) For privacy reasons, the fence height was agreed upon by both landowners (Attachment 5) sharing the rear lot line upon which the fence is built;
 - b) The fence portion exceeding the height maximum is not situated along any other shared property lines or public roads and does not affect any traffic site lines; and
 - c) The fence is aesthetically pleasing and in good condition.



Figure 1: Property Location Map



Figure 2: Aerial View of Property

C. Attachments:

- Attachment 1: Site Plan
- Attachment 2: Photos
- Attachment 3: Fencing Regulations
- Attachment 4: Applicant Rationale
- Attachment 5: Neighbour Support Letter

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. Zoning Bylaw 5000, 6.5 Fencing and Retaining Walls

6.5.1 Subject to traffic sight lines, the following height limitations shall apply to fences, walls, chainlink fences and hedges in all Residential zones:

- i) 1.2m (4.0ft) if situated along the lot lines within front yard setbacks;
- ii) 2.0m (6.4ft) if situated behind the front yard setback;
- iii) 2.0m (6.4ft) if situated along the interior and exterior and/or rear yard.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

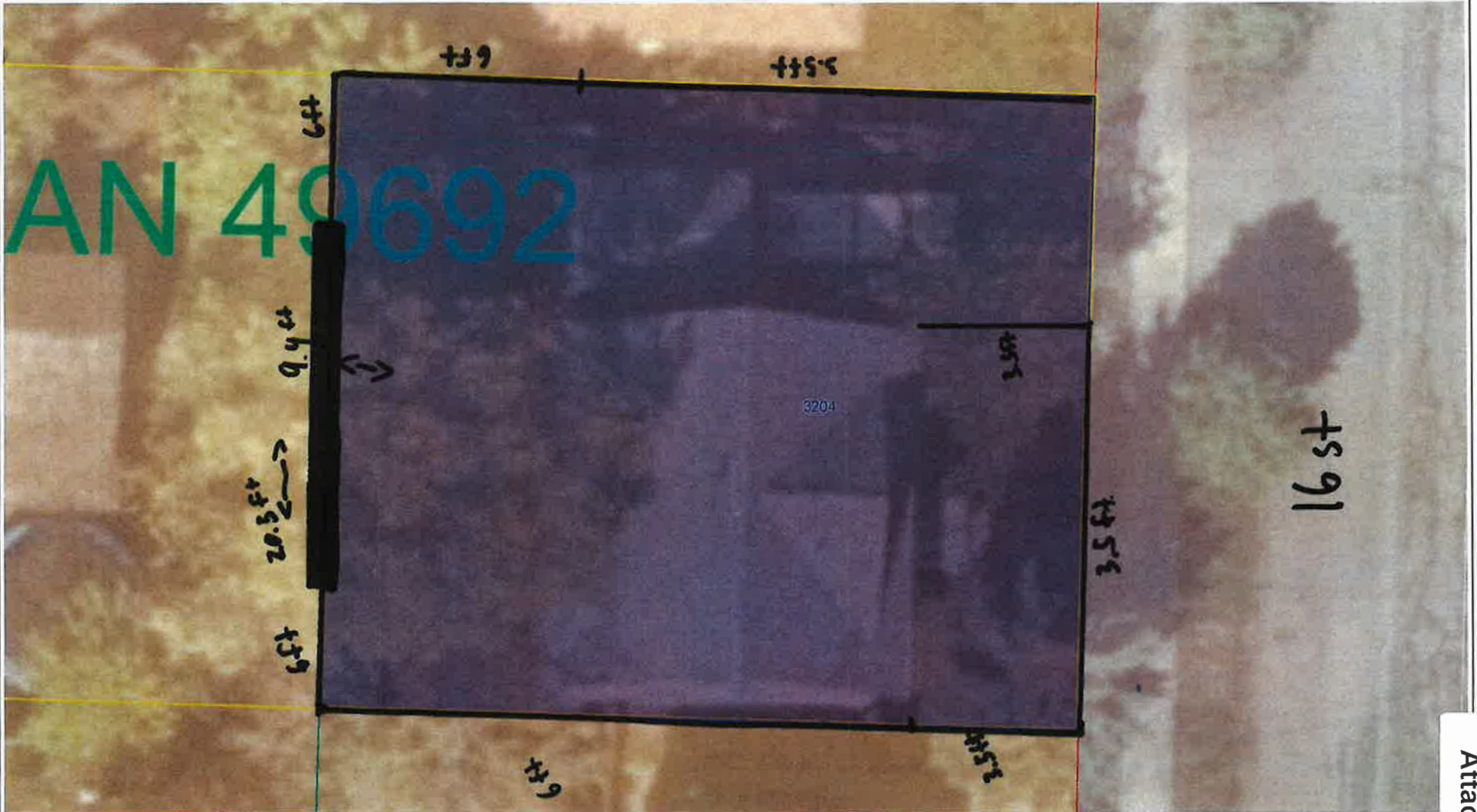
X _____
 Signer 1
 Michelle Austin
 Planner, Current Planning

 Will Pearce, CAO
 Date: _____

X _____
 Signer 2
 Kim Flick
 Director, Community Infrastructure and Development

REVIEWED WITH		
<input type="checkbox"/> Corporate Services	<input type="checkbox"/> Operations	<input type="checkbox"/> Current Planning
<input type="checkbox"/> Bylaw Compliance	<input type="checkbox"/> Public Works/Airport	<input type="checkbox"/> Long Range Planning & Sustainability
<input type="checkbox"/> Real Estate	<input type="checkbox"/> Facilities	<input type="checkbox"/> Building & Licensing
<input type="checkbox"/> RCMP	<input type="checkbox"/> Utilities	<input type="checkbox"/> Engineering Development Services
<input type="checkbox"/> Fire & Rescue Services	<input type="checkbox"/> Recreation Services	<input type="checkbox"/> Infrastructure Management
<input type="checkbox"/> Human Resources	<input type="checkbox"/> Parks	<input type="checkbox"/> Transportation
<input type="checkbox"/> Financial Services		<input type="checkbox"/> Economic Development & Tourism
<input checked="" type="checkbox"/> COMMITTEE: APC (May 31/2022)		
<input type="checkbox"/> OTHER:		

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Scale = 1: 85

© Corporation of the City of Vernon

December 6, 2021

This drawing has been produced by the City of Vernon's Geographic Information Systems. The data provided is derived from a variety of sources with varying levels of accuracy. The City of Vernon makes no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.







6.4 Urban Plazas

- 6.4.1 Urban plazas, when permitted pursuant to Section 6.6, must be solely for pedestrian **use** and accessible to the public from both the **street** and from the **development**.
- 6.4.2 The minimum plaza **street** frontage is 6.0m.
- 6.4.3 The minimum plaza depth is 4.0m.
- 6.4.4 For any urban plazas in lieu of a **landscape buffer**, the following are minimum requirements:
- all **hard surface** areas shall **use** a decorative paving surface;
 - a minimum of two benches for public seating shall be provided;
 - a minimum of 3 trees, with a minimum 65mm **caliper** and rootball of 900mm, shall be provided; and,
 - pedestrian and decorative lighting must be provided.

6.5 Fencing and Retaining Walls

- 6.5.1 Subject to traffic sight lines, the following **height** limitations shall apply to **fences, walls, chainlink fences and hedges** in all **Residential zones**:
- i) 1.2m (4.0ft) if situated along the **lot lines** within **front yard setbacks**;
 - ii) 2.0m (6.4ft) if situated behind the **front yard setback**;
 - iii) 2.0m (6.4ft) if situated along the interior and exterior and/or **rear yard**.
- 6.5.2 Screen **fences** shall be consistent with the quality of **building** design and materials of the primary **building**.
- 6.5.3 Screening **fences** required for outdoor storage areas for temporary shelters shall be a combination of opaque and translucent or lattice design to ensure nature surveillance is permitted into the space. Screen **fences** and walls shall complement **building** design and materials. *(Bylaw 5788)*
- 6.5.4 Fencing type may be established in neighbourhood plans, building schemes or by precedent from **adjacent** properties.
- 6.5.5 Wood **fences** shall be designed to a high level of finish with materials of lumber grade standard or better. Wood posts shall be treated against rotting to provide for the longevity of the **fence**. **Fences** shall be constructed with all components of sufficient size, materials, and strength

Hello...

We are applying for a variance, to keep a small section of our fence 3ft above the allowed height, 9ft 4 inches and a total length of 20ft 6 inches.

We are on a split lot, 3204a and 3204b 16st. Both neighbours agreed on the fence, since it didn't affect any vehicle sight lines or any other neighbours, we didn't think it would be an issue.

The fence was beautifully built with cedar, corrugated metal, 6x6 cedar posts and some metal/copper art.

We did over 200 ft of fencing, all within bylaws requirements, even a few inches less then we could of. The only portion violating any height restrictions, is an area to stop both neighbours from being able to see directly into each other's kitchens.

When they built these houses, both foundations are roughly 3 feet above ground. We have 7 stairs leading up to our front door. When we stand in our house a 6 fence doesn't really do much, both neighbours are towering over the fence, from inside our homes.

When we purchased the home, there was a privacy section already built but it was falling apart. It was 10 feet high and 8 feet wide. It was originally built with the house. It was constructed out of lattice and 2x6.

We have a couple letters from the closest neighbours and verbal approval from all the other neighbours we spoke with, other then the lady who called it in.

We've done our best to try and improve our house as much as we can. Everything we've done cash out of pocket and a lot of hard work. We were hoping to finish the yard before having to apply for the variance as we were on a budget but Didn't quite make it before the snow unfortunately.

Anyway.. Hopefully you take all this into consideration for allowing us to keep our fence and the small amount of privacy we have on living easthill. Our split lot is .067 of an acre, so any privacy we can get would be greatly appreciated!

The City of Vernon
Corporation of the City of Vernon
3001 – 32 Avenue
Vernon, B.C.
V1T 2L8

June 10, 2021

Letter of Support
Development Variance Permit Application

To Whom It May Concern

Please consider this a 'Letter of Support' for the Variance Permit Application for fence variance at 3204A – 16 Street (The East ½ of Lot 17, Block 2, Section 35, Township. 9, O.D.Y.D., Plan 384). This fence is the dividing line between the applicant's property and my property, that being 3204B – 16 Street (The West ½ of Lot 17, Block 2, Section 35, Township 9, O.D.Y.D., Plan 384). Together, these two properties once formed one city lot which was subsequently subdivided, making for much smaller lot size. The backyards face each other.

The fence has been carefully and professionally constructed with quality materials for a good life span. It provides optimum privacy for both properties which otherwise would not exist. Also, it in no way encroaches, obstructs or hinders any other properties.

I am very much in support of the existing fence.

Thank you for your consideration.

Sincerely,



Sharon Kim Rumball
3204B – 16 Street
Vernon, B.C.
V1T 3X2



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Jack Shipton, Environmental
Planning Assistant

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 27, 2022
REPORT DATE: May 25, 2022
FILE: 3090-20 (DVP00559)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 9169 SMITH ROAD

PURPOSE:

To review the development variance permit application to vary sections of Zoning Bylaw 5000 in order to accommodate the development of a single-family residential project in a riparian buffer at 9169 Smith Road.

RECOMMENDATION:

THAT Council support Development Variance Permit application 00559 (DVP00559) to vary the following sections of Zoning Bylaw 5000 to accommodate a single-family residential development project in a riparian buffer at Lot 6 KAP 3836 Section 14 Township 13 ODYD (9169 Smith Road) as outlined in the report titled "Development Variance Permit Application for 9169 Smith Road" dated May 25, 2022 and respectfully submitted by the Environmental Planning Assistant:

- a) Section 4.16.1 to permit a building and retaining wall to be constructed on slopes greater than 30%;
- b) Section 6.5.11 to vary the maximum height of a retaining wall from 1.2 meters to 2.5 meters;
- c) Section 9.7.6 to vary the overall height of the building from 10.0 meters to 10.9 meters; and
- d) Section 9.7.6 to vary the front yard setback 2.6 meters to 1.6m meters;

AND FURTHER, that Council's support of DVP00559 is subject to the following:

- a) the site plan illustrating the general siting, layout, form and character of the proposed development, be attached to and form part of DVP00559;
- b) the retaining wall material selection be attached to and form part of DVP00559;
- c) the geotechnical report be attached to and form part of DVP00559;
- d) the applicant adheres to the recommendations as outlined within the Environmental Assessment Report (Ecoscape Environmental Consultants Ltd., January, 2022), and that it be attached to and form part of DVP00559; and
- e) the applicant adheres to the recommendations as outlined within the Riparian Assessment Report (RAR) (Ecoscape Environmental Consultants Ltd., January, 2022) that is approved by the province, and that it be attached to and form part of DVP00559.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit application 00559 (DVP00559) to vary the following sections of Zoning Bylaw 5000 to accommodate a single-family residential development project in a riparian buffer at LT 6 PL 3836 SEC 11 TWP 13 ODYD (9169 Smith Road) as outlined in the report titled "Development Variance Permit Application for 9169 Smith Road" dated May 25, 2022 and respectfully submitted by the Environmental Planning Assistant:

- a) Section 4.16.1 to permit a building and retaining wall to be constructed on slopes greater than 30%;
- b) Section 6.5.11 to vary the maximum height of a retaining wall from 1.2 meters to 2.5 meters;

- c) Section 9.7.6 to vary the overall building height from 10.0 meters to 10.9 meters; and
- d) Section 9.7.6 to vary the front yard setback 2.6 meters to 1.6m meters.

Note: Denial of the development variance permit application would restrict the siting and height of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would be required to revise the proposal and future development on the subject property to meet the prevailing zoning provisions.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 31, 2022, the Advisory Planning Committee passed the following resolution:

“(to be cited by the Advisory Planning Committee).”

B. Rationale:

- 1. The subject property is located at 9169 Smith Road (Figures 1 and 2). The property is approximately 522m² in size and is bound by Smith Road to the south, and Lake Okanagan to the north.

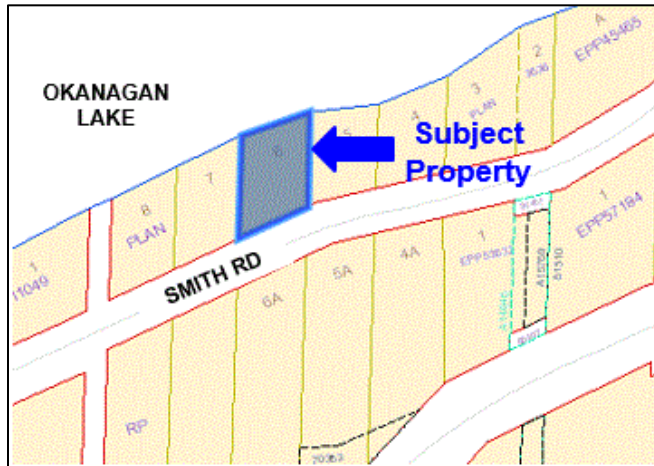


Figure 1: Property Location Map



Figure 2: Aerial Location Map

- 2. The subject property is zoned R6 – Lakeshore Residential and the subject application pertains to development regulations within Section 4.16.1, 6.5.11, and Section 9.7.6 of Zoning Bylaw 5000.
- 3. The subject application proposes to vary the following sections of Zoning Bylaw 5000 in order to accommodate a single-family residential development within a riparian buffer.
 - a) Section 4.16.1 to permit a building and retaining wall to be constructed on slopes greater than 30%;
 - b) Section 6.5.11 to vary the maximum height of a retaining wall from 1.2 meters to 2.5 meters;
 - c) Section 9.7.6 to vary the overall building height of 10.0 meters to 10.9 meters; and
 - d) Section 9.7.6 to vary the front yard setback 2.6 meters to 1.6m meters.

4. The proposed development is generally sited within areas greater than 30% slope, areas of environmental significance, and within the riparian buffer of Lake Okanagan. These factors significantly limit the developable area on this property.
5. A geotechnical investigation and subsequent report are currently underway. Any recommendations and results from this review will be incorporated into the house design at the Building Permit Stage.
6. The proposed development is sited within a riparian buffer extending 30m from the High-Water Mark (HWM) of Lake Okanagan. Within the Riparian Assessment Report (RAR) (Ecoscape Environmental Consultants Ltd., January, 2022) a developable area has been outlined (Attachment 1). Provincial approval of this report is currently under review.
7. An Environmental Assessment (EA) (Ecoscape Environmental Consultants Ltd., January, 2022) was conducted prior to development to understand the environmental significance of the site. Recommendations surrounding minimizing environmental impact, monitoring objectives, and best management practices have been highlighted within this report (Attachment 2).
8. The proposed increase to retaining wall heights would be 2.5m at its maximum (Attachment 3). The proposed retaining wall is designed to minimize and avoid excessive disturbance to the properties slopes and to allow for the construction of a driveway.
9. A concurrent Development Permit application (DP000957) is being reviewed for hillside, environmental, and FireSmart development guideline conformance.
10. The subject property, Lot 6 KAP 3836 Section 14 Township 13 ODYD, has existed since 1947 and has remained vacant since then. The Smith Road area has been serviced with a sanitary sewer line since 2016, as part of Local Service Area Bylaw 5562. This sanitary sewer line has made construction on the Smith Road lots more practical.
11. Administration supports the requested variances for the following reasons:
 - a) The riparian hardship on this parcel reduces the overall developable area. Respecting the environmental and riparian concerns on-site will require variances to facilitate a viable development.
 - b) The applicant has made a significant effort to minimize their variances requests, and have worked alongside administration to find development solutions (Attachments 3 & 4).
 - c) Environmental and Riparian assessments from EcoScape Environmental will inform impact mitigation, best management practices, and monitoring objectives aimed at retaining environmental value on site (Attachments 1 & 2).
 - d) A geotechnical investigation will provide assurance and general guidance on the safe development of the subject property.

C. Attachments

Attachment 1 – Riparian Assessment Report
Attachment 2 – Environmental Assessment Report
Attachment 3 – Proposed Site Design
Attachment 4 – Variance Rationale from the Applicant

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 and streamline residential development process.

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan

- The Hillside Guidelines address retaining walls in the following manner (excerpts):

The use of retaining walls is not encouraged. These are only supported where they preserve native undisturbed areas, address unstable native slopes or rock faces, or form part of the neighbourhood character. Where provided, the following criteria should be considered in their design:

- a. Retaining wall height should not exceed 3.0m for roads and site-specific works, 1.2m for yards. Higher walls may be appropriate where they are articulated, have a surface texture/pattern, or where sufficient landscaping is provided to screen the wall.
- b. All retaining walls over 1.2m tall require a building permit to ensure all professional documentation has been undertaken and provided to the City. Final acceptance and approval of the development for issuance of house building permits includes completion and acceptance of all retaining wall building permit requirements.

2. The following provisions of Zoning Bylaw 5000 and Building and Plumbing Bylaw 4900 is relevant to the subject application:

- Zoning Bylaw 5000:

Section 4.16.1 Vernon's Official Community Plan (OCP) establishes Development Permit Areas (DPAs) for all areas within the City of Vernon. Vernon's Hillside Guidelines and Regulations Policy defines hillsides and provides Goals and Objectives for development of lands on hillsides and slopes under 30%. No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

Section 6.5.11 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2m measured from grade at the lower side, and must be constructed to that multiple retaining walls are spaced to provide a least a 1.2m horizontal separation between them.

- Building and Plumbing Bylaw 4900

Section 2.3 The provisions of this Bylaw apply to retaining walls, to stacked rock walls, and to retaining structures that in the opinion of a Building Official require a plan certified by a registered professional due to siting conditions.

Section 3.1.1 No person shall commence or continue any construction, alteration, extension, structural repair, health or safety repair, placement of any building or structure or other work related to construction, including work described in Section 1.1.2 of the Building Code, unless a valid and subsisting permit has been issued for the work by a Building Official.

3. The *Local Government Act* provides Council with the authority to vary local bylaws based on specific considerations. The granting of such variances does not set precedence within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X _____
Jack Shipton
Environmental Planning Assistant

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 checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 31/22) | | |
| <input type="checkbox"/> OTHER: | | |

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Attachment 1

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2022-01-17

I. Primary QEP Information

First Name	Jason	Middle Name	
Last Name	Schleppe		
Designation	Senior Natural Resource Biologist	Company	Ecoscape Environmental Consultants Ltd.
Registration #	1795	Email	jschleppe@ecoscapeltd.com
Address	102-450 Neave Court		
City	Kelowna	Postal/Zi p	V1V2M2 Phone # 250-491-7337 ext. 202
Prov/state	BC	Country	Canada

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name	Leanne	Middle Name	
Last Name	McDonald		
Designation	Agroecologist	Company	Ecoscape Environmental Consultants Ltd.
Registration #	3629	Email	lmcdonald@ecoscapeltd.com
Address	102-450 Neave Court		
City	Kelowna	Postal/Zip	V1V2M2 Phone # 250-491-7337 ext. 217
Prov/state	BC	Country	Canada

III. Developer Information

First Name	Lyle	Middle Name	
Last Name	Salekin		
Company	CDG Enterprises		
Phone #	250-631-9681	Email	Lyle@cdgenterprises.com
Address	3169 Kofoed Drive		
City	Thornhill	Postal/Zip	V8G 3P8
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Construction – Single Family Residential		
Area of Development (ha)	0.019	Riparian Length (m)	20.06
Lot Area (ha)	0.052	Nature of Development	New
Proposed Start Date	February 15, 2022	Proposed End Date	February 15, 2023

V. Location of Proposed Development

Street Address (or nearest town)	9169 Smith Road		
Local Government	RDNO	City	Vernon
Stream Name	Okanagan Lake		
Legal Description (PID)	010-729-470	Region	Central Okanagan
Stream/River Type	Lake	DFO Area	BC Interior
Watershed Code	310		
Latitude	50	12	37.29 Longitude 119 23 44.17

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FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

(Provide as a minimum: Species present, type of fish habitat present, description of current riparian vegetation condition, connectivity to downstream habitats, nature of development, specific activities proposed, timelines)

DRAFT

Background and Proposed Development

Ecoscape Environmental Consultants Ltd. (Ecoscape) submits the following Riparian Areas Protection Regulation (RAPR) assessment for the development of a single-family residence, and removal of an existing shed, balcony, and large rocks at 9169 Smith Road, Vernon, BC, legally described as Lot 6, Plan 3836, Section 11, Township 13, Osoyoos Division Yale Land District, PID: 010-729-470 (**Photos 1-4**). The subject property is zoned as Lakeshore Residential (R6) along the eastern shoreline of Okanagan Lake. The subject property occurs within the City of Vernon's (COV) Natural Environment Development Permit Area. The subject property has been described as having a "Medium Conservation Value" as per the COV Environmentally Sensitive Areas Management Strategy, as outlined within the COV Official Community Plan (OCP; Bylaw No. 5470).

A site visit was conducted on February 3, 2021 by Kris Mohoruk, B.Sc., Natural Resource Biologist with Ecoscape. This assessment has been prepared to determine whether the calculated developable area and proposed development footprint will satisfy the requirements of undue hardship (hardship) under the RAPR.

A site plan has been prepared at this time and has been included in **Appendix A**. A topographic plan is provided in **Appendix B**.

Timelines

Timelines for the completion of the project are dependent upon permitting and approvals from the COV. The proponent's preference is to begin construction as soon as possible with construction anticipated to take less than one year.

Riparian Condition and Terrestrial Ecosystems

The subject property is bordered by Okanagan Lake to the north, Smith Road to the south, and neighboring residential properties to the east and west. The foreshore contains an existing dock structure.

The subject property occurs within the Okanagan variant Very Dry Hot subzone of the Interior Douglas-fir biogeoclimatic zone (IDF_{xh1}). The IDF_{xh1} is the driest variant of the Interior Douglas-fir zone and is characterized by a long growing season with warm dry summers, but the region commonly experiences summer moisture deficits. The subzone occupies the lower elevations of the southern Okanagan valley, Similkameen valley, along the Thompson River from northeast of Kamloops west to the Fraser River valley and its tributaries in the Lytton-Lillooet region. Winters are cool with low to moderate snowfall. The IDF_{xh1} is dominated by mixed open forests of Douglas-fir and Ponderosa pine with an understory typically comprised of pinegrass, red-stemmed feathermoss, and birch-leaved spirea (Hope et al. 1991).

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

The subject property is situated within a rural developed area of the COV and contains minimal native vegetation within the riparian area and was limited to a few Interior Douglas-firs (*Pseudotsuga menziesii*) and Douglas maple (*Acer glabrum*). Native vegetation adjacent to the upland existing driveway included tall Oregon-grape (*Berberis aquifolium*), common snowberry (*Symphoricarpos albus*), and red-osier dogwood (*Cornus sericea*).

No wildlife was observed within the subject property during the site visit; however, a bat box and bird box were observed along the west side of the existing shed, and an additional bat box was observed within a deciduous tree within the upland area of the subject property (**Photos 5 & 6**).

Supplementing the above observations, the BC Conservation Data Centre (CDC) was accessed on October 15, 2021 and reviewed for at-risk ecological communities, species at-risk occurrence records, and critical habitats that occur within a 1.0 km radius of the subject property. At-risk ecological communities and species at-risk results are provided in **Table 1** and critical habitat occurrences are provided in **Table 2**.

TABLE 1. CDC listed at-risk species and ecosystems occurrences within 1 km of the subject property (CDC 2021).

Common Name	Scientific Name	BC List ¹	SARA Schedule 1	Occurrence ID	Distance
American Badger	<i>Taxidea taxus</i>	Red	1	10214	Encompasses the subject property
Black cottonwood – Douglas fir / Common snowberry – Red-osier dogwood	<i>Populus trichocarpa</i> - <i>Pseudotsuga menziesii</i> / <i>Symphoricarpos albus</i> - <i>Cornus sericea</i>	Red	N/A	10455	Encompasses the subject property
Great basin Gophersnake	<i>Pituophis catenifer deserticola</i>	Blue	1	6643	~260 m west of the subject property

TABLE 2. Critical habitat occurrences within 1 km of the subject property (CDC 2021).

Common Name	Scientific Name	BC List ¹	SARA Schedule 1	Critical Habitat ID	Critical Habitat Status	Distance	Critical Habitat
Great Basin Gophersnake	<i>Pituophis catenifer deserticola</i>	Blue	Threatened	110417	Final	Proposed critical habitat occurring in a 10 km grid square overlapping the subject property.	Rock outcrops, talus slopes, shrub-steppe, grassland, riparian, and open Ponderosa pine and Douglas fir forests ²
Western Rattlesnake	<i>Crotalus oreganus</i>	Blue	Threatened	110187	Final	Proposed critical habitat occurring in a 10 km grid square overlapping the subject property.	Rock outcrops, talus slopes, shrub-steppe, grassland, riparian, and open Ponderosa pine and Douglas fir forests ²

¹ **Yellow:** Not considered at risk. **Blue:** Of special concern. **Red:** Endangered or threatened.

² Environment and Climate Change Canada, 2019.

Fisheries Values

The subject property occurs along Segment 133 of the Okanagan Lake Foreshore Inventory and Mapping (FIM). It was described as rural land use with a medium level of impact (10-40%) and moderate level of disturbance (38% disturbed). The shore type was described as rocky shore, and nearshore substrates were composed of 20% gravel, 40% cobble, and 40% boulder with a low (0-25%) level of embeddedness. Dock density was 6.45 docks per km, and there were 12 boat launches documented. The Aquatic Habitat Index (AHI) current and potential rating was very high, and the juvenile rearing potential was moderate (Schleppe and Plewes 2017).

Table 3 provides a list of species documented to occur in Okanagan Lake. Kokanee (*Oncorhynchus nerka*) are the fish species of primary concern with respect to shoreline

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development and aquatic habitat alteration along Okanagan Lake. A review of Kokanee shore spawning zoning information for Okanagan Lake revealed that the subject property is located within a Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) Black Zone and Red Zone for Shore Spawning Kokanee. Black Zones for Kokanee Shore Spawning represent recent (2001 to 2014) data where aggregations of >1000 spawning fish were observed (BC MoFLNRORD 2018). Red Zones for Kokanee shore spawning are defined as recent (2001 to 2014) FLNRORD data where aggregations of >50 spawning fish were observed and historical (pre-2001) data where aggregations of ≥ 1000 spawning fish were observed. The substrate observed during the site assessment was comprised of boulder, cobble, with some pebble.

The foreshore along the subject property is also located within a No Colour Zone for Freshwater Mussels and species at-risk (SAR) Foreshore Plants. The Provincial No Colour Zone indicates that the habitat has not been assessed for Rocky Mountain Ridged Mussel and for foreshore plant SAR presence as of 2017 (BC MFLNRORD, 2018). No foreshore plant SAR or mussel shells were observed at the subject property during the site assessment, including those of Rocky Mountain ridged mussels (*Gonidea angulata*) (RMRM). However, a non-detection does not necessarily mean there are no mussels or foreshore plant SAR present at the site.

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TABLE 3. Species of fish found in Okanagan Lake (Habitat Wizard 2021)

Common Name	Scientific Name
Brook Trout	<i>Salvelinus fontinalis</i>
Bull Trout	<i>Salvelinus confluentus</i>
Burbot	<i>Lota lota</i>
Carp	<i>Cyprinus carpio</i>
Chiselmouth	<i>Acrocheilus alutaceus</i>
Kokanee	<i>Oncorhynchus nerka</i>
Lake Trout	<i>Salvelinus namaycush</i>
Lake Whitefish	<i>Coregonus clupeaformis</i>
Largescale Sucker	<i>Catostomus macrocheilus</i>
Leopard Dace	<i>Rhinichthys falcatus</i>
Longnose Dace	<i>Rhinichthys cataractae</i>
Longnose Sucker	<i>Catostomus</i>
Mountain Whitefish	<i>Prosopium williamsoni</i>
Northern Pikeminnow	<i>Ptychocheilus oregonensis</i>
Peamouth Chub	<i>Mylocheilus caurinus</i>
Prickly Sculpin	<i>Cottus asper</i>
Pumpkinseed	<i>Lepomis gibbasus</i>
Pygmy Whitefish	<i>Prosopium coulterii</i>
Rainbow Trout	<i>Oncorhynchus mykiss</i>
Redside Shiner	<i>Richardsonius balteatus</i>
Smallmouth Bass	<i>Micropterus dolomieu</i>
Slimy Sculpin	<i>Cottus cognatus</i>
Yellow Perch	<i>Perca flavescens</i>
Rocky Mountain (Western) Ridged Mussel	<i>Gonidea angulata</i>
Western Floater Mussel	<i>Anodonta kennerlyi</i>
Winged Floater Mussel	<i>Anodonta nuttalliana</i>

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Section 2. Results of Riparian Assessment (SPEA width)

Attach or insert the Form 3 or Form 4 assessment form(s). Use enough duplicates of the form to produce a complete riparian area assessment for the proposed development

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2. Results of Detailed Riparian Assessment

Refer to Section 3 of Technical Manual

Date: 2022-01-17

Description of Water bodies involved (number, type)

1, Lake

Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	NA
Reach #	NA

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT

I, Jason Schleppe (*name of qualified environmental professional*), hereby certify that:
 a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
 b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Lyle Salekin (*name of developer*);
 c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
 d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Polygon No:	NA			
	LC	SH	TR	
SPVT Type			X	

Method employed if other than TR

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For bodies multiple segments occur where there are multiple SPVT polygons			
LWD, Bank and Channel Stability ZOS (m)	15				
Litter fall and Insect drop ZOS (m)	15				
Shade ZOS (m) max	30	South bank	Yes	X	No
SPEA maximum	30	(For ditch use table3-7)			

I, Jason Schleppe (*name of qualified environmental professional*), hereby certify that:
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 d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Comments

Riparian setback requirements for the subject property are regulated under the Provincial Riparian Areas Protection Regulation (RAPR) and COV Official Community Plan. As per RAPR, the setback determination is based on the identified stream boundary or more commonly referred to as the high-water mark (HWM). The setback determination from the HWM (343 m.a.s.l.) along the existing retaining wall results in a SPEA of **572 m² (Figure 2)**. As per the RAPR, the provincial recommended HWM has been used to determine the appropriate riparian setbacks from Okanagan Lake. Riparian setbacks are based on Zones of Sensitivity (ZOS) for the following three different factors:

- Litter fall and insect drop (15 metres);
- Large woody debris, bank, and channel stability (15 metres); and
- Shade (30 metres due south).

The SPEA is then determined from the ZOS with the greatest setback area. **The provincial RAPR results in a 30 m setback from the HWM of Okanagan Lake at the subject property due to the Shade (30 metres due south) setback.**

The methodology outlined in Section 10 and 11 of the RAPR (2019) was used to determine whether there is an undue hardship associated with this property. Ecoscape acknowledges that the methods for determination of Undue Hardship are complicated and require proponents to work with local government to balance other legally required setbacks with setbacks from Okanagan Lake. Ecoscape staff have taken appropriate training for this regulation, but we acknowledge that Undue Hardship as defined by the Act and the technical guidance provided by the Province is complicated. As a result, our interpretation provided herein is based upon our best understanding of the Regulation.

As per the COV Zoning Bylaw for R6 properties, the maximum site coverage is 40%. Considering the majority of the subject property has been previously disturbed by anthropogenic activities, the allowable footprint for a site subject to undue hardship is 40% of the subject property, as per Section 11(3)(b) of the Regulation. Therefore, the allowable footprint is **212.2 m² (40% of 530.5 m²)**. The developable area of the property, considering local government setbacks, topographical constraints (steep slopes), and the SPEA, is **0 m² (Figure 2)**. As per Section 11(2) of the Regulation, the site is subject to undue hardship because (a.) the site was created by subdivision in accordance with the laws in force in BC at the time the site was created; (b) the developer has sought and received a decision on every variance that would reduce the legally restricted area of the site, and (c) the developable area of the subject property is less than the allowable footprint.

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Setbacks for R6 properties include a 4.5 m minimum front yard setback, 1.5 m minimum side yard setback, and 7.5 m rear yard setback. Currently, the client is in communication with the COV regarding varying the front yard setback to 4.0 m to ensure that the proposed development is pulled back from the HWM as much as possible (**Figures 2 & 3**). It is anticipated that the proposed development will adhere to Section 10 (2)(a)(i)(ii)(iii) of the Regulation.

According to this methodology, it is apparent that there is no option to undertake a reasonably sized development appropriate for a R6 zone and therefore, there would be an undue hardship if a SPEA encroachment is not granted. The allowable encroachment area into the SPEA is the difference between the allowable footprint and the developable area, which would be **212.2 m²**. However, as per Section 10(2)(a) of the Regulation, Ecoscape has recommended that the **proposed development not encroach beyond the 15 m litter fall and insect drop/ large woody debris, bank, and channel stability to promote enhancement and protection for the foreshore of Okanagan Lake**. This measure will ensure the development does not result in a harmful alteration, disruption or destruction of natural features, functions and conditions of the SPEA. The proposed SPEA encroachment area is then **157.5 m²** and the development proposed is **198.0 m²** in total area, which adheres to Section 10(2)(b) of the Regulation that stipulates the development area will not exceed the allowable footprint area (**Figure 3**).

Section 3. Site Plan

Figure 1 – Site Location and Fisheries Information

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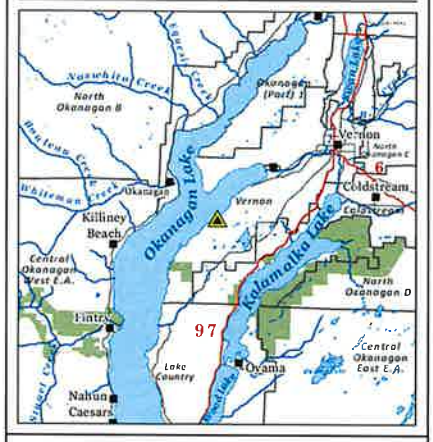
FIGURE 1
Site Location

Project: Environmental Assessment
 Location: City of Vernon
 Project No.: 20-3617
 Prepared for: CDG Enterprises
 Prepared by: Ecoscape Environmental Consultants Ltd.
 Dan Austin, GIS Specialist
 Coordinate System: NAD83-UTM Zone 11
 Imagery: ESRI World Imagery
 Field Visit: N/A
 Map Date: January 18, 2022

- LEGEND**
- ▲ Wildlife Species Inventory (Survey)
 - ★ Wildlife Species Inventory (Incidental)
 - Stream
 - Subject Property
 - Cadastre
 - Okanagan Wetlands
 - Okanagan Critical Habitat
 - BC Conservation Data Center (CDC) Polygons*

*A large Okanagan Critical Habitat polygon covers the entire map and subject property area representing the following wildlife species but is not shown on this figure:
 - Western Rattlesnake (*Crotalus oregonus*)
 - Great Basin Gophersnake (*Pituophis catenifer oregonus*)
 - Large BC Goshawk Data Center (CDC) Polygons
 - American Badger (*Taxidea taxus*)
 - Black Cottonwood Dogleg Fly Common Snowberry Red Oxeye Dogwood (*Populus trichocarpa* - *Psakulotaxa nana*);
Symphoricarpos natus - *Corvus sinensis*

Regional Location of Subject Property



DISCLAIMER
 The data displayed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data portrayed in this report and that of a legal survey, the legal survey will supersede any data presented herein.




Figure 2 - Riparian Areas Protection Regulation Assessment

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FIGURE 2
Riparian Areas Protection Regulation

Project: Environmental Assessment
 Location: City of Vernon
 Project No.: 20-3617
 Prepared for: CDG Enterprises
 Prepared by: Ecoscape Environmental Consultants Ltd.
 Dan Austin, GIS Specialist

Coordinate System: NAD83-UTM Zone 11
 Imagery: ESRI World Imagery
 Field Visit: N/A
 Map Date: January 18, 2022

- LEGEND**
- Municipal Setbacks
 - Surveyed High Water Level (343 m.a.s.l.)
 - Riparian Areas Regulation Assessment Boundary (30 Metres)
 - Zone of Sensitivity - Large Woody Debris (30 Metres)
 - Zone of Sensitivity - Litterfall and Insect Drop (15 Metres)
 - Zone of Sensitivity - Shade (30 Metres Due South)
 - Streamsides Protection and Enhancement Area (SPEA)
 - Proposed Developable Area
 - Subject Property
 - Cadastre

Hardship Area Calculation (Brownfield)	
Total Property Area =	530.5m ²
Total Buildable Area (40% of Lot Area) =	212.2m ²
Developable Area (Outside SPEA) =	76.3m ²
Developable Area (Outside Natural/Legal Restrictions) =	0m ²
Allowable Footprint (40% Site Coverage under R6 Vernon Zoning)* =	212.2m ²
Streamsides Protection and Enhancement Area Encroachment** =	N/A

*Site Coverage under zoning R6 for Vernon.
 Maximum site coverage is 40%.

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Figure 3 - Proposed Works

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Section 4. Measures to Protect and Maintain the SPEA

This section is required for detailed assessments. Attach text or document files, as need, for each element discussed in Part 4 of the RAPR. It is suggested that documents be converted to PDF *before* inserting into the assessment report. Use your "return" button on your keyboard after each line. You must address and sign off each measure. If a specific measure is not being recommended a justification must be provided.

1. Danger Trees	
<p>A formal danger tree assessment was not performed within the subject property; however, should trees within the subject property become a concern in the future, a wildlife danger tree assessment must be performed by a qualified environmental professional that is a certified wildlife danger tree assessor, and modification or removal must not occur until review and approval has been provided by the COV.</p> <p>I, Jason Schleppe <u>(name of qualified environmental professional)</u>, hereby certify that:</p> <p>a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lyle Salekin (name of developer)</u> ;</p> <p>c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
2. Windthrow	
<p>Windthrow is not a significant concern on the subject property. There are no tree removals or modifications proposed within the 15 m SPEA setback from the HWM of Okanagan Lake. It is not expected that a large enough block of land will be created to generate windthrow. Windthrow is defined as large scale tree mortality, from falling or uprooting, that occurs when large swaths of land are cleared. While significant effects of windthrow are not anticipated, largescale winds or catastrophic events could potentially result in trees falling, which we define differently than windthrow, which refers to large scale tree mortality from large clearing events.</p> <p>I, Jason Schleppe <u>(name of qualified environmental professional)</u>, hereby certify that:</p> <p>a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>;</p> <p>b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Lyle Salekin (name of developer)</u> ;</p> <p>c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.</p>	
3. Slope Stability	
<p>No immediate concerns were noted related to the slope stability within the subject property; however, the property does contain a moderate slope from the upland area to the foreshore. The developer has acknowledged that a formal geotechnical study will be completed and submitted to the COV once an approved allowable footprint has been confirmed by the Province through the Riparian Areas Notification System (RARNS).</p>	

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4. Protection of Trees

No vegetation removal is permitted to occur within the 15 m SPEA setback from the HWM. Ecoscape has prepared a restoration plan for within the SPEA to promote and enhance the foreshore area of Okanagan Lake and is outlined within **Section 5.0** of this assessment.

- The operation or parking of equipment below the driplines of the trees must be avoided;
- Fencing of the tree driplines in proximity to proposed works with brightly coloured snow fence or suitable alternative is recommended. Installation direction can be provided by the environmental monitor onsite;
- To avoid long term damage to native trees adjacent to the development footprint, stockpiling of fill and location of construction materials or equipment must not occur within tree drip lines; and,
- Root systems, branches, bark, and trunk of trees adjacent to the development are to be protected. If any roots that have been inadvertently damaged during construction, they must be cut clean with a chain saw.

If tree removal is required it should not occur during the nesting bird season (i.e., **February 1st to September 14th**). It is an offence to harm a bird or its eggs during the nesting period, as per the provincial *Wildlife Act* and federal *Migratory Birds Convention Act*.

The following methods should be implemented in relation to nesting bird work windows:

- Section 6 of the Federal *Migratory Birds Convention Regulation* protects both the nests and eggs of migratory birds. The project area falls within the Canadian Avian Nesting Zone A1 (MECCS 2020). The general avian nesting period for migratory birds within this zone is **March 26th to August 9th**. Section 34 of the Provincial *Wildlife Act* protects all birds and their eggs, and Section 34(c) protects their nests while they are occupied by a bird or egg. The subject property falls within the Northern Okanagan Basin ecodistrict. The avian

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nesting period for all birds within this ecodistrict is **February 1st to September 14th** (Birds Canada 2020);

- If vegetation clearing activities are required during the identified avian nesting period, pre-clearing nesting surveys may be required by an Environmental Monitor (EM) to identify active nests;
- If active nests are found within the clearing limits, a buffer will be established around the nest until such time that the EM can determine that nest has become inactive. The size of the buffer will depend on the species and nature of the surrounding habitat. Buffer sizes will generally follow provincial BMP guidelines or other accepted protocol (e.g., Environment Canada). In general, a minimum 20 m buffer will be established around songbird nests or other non-sensitive (i.e., not at risk) species;
- Clearing and other construction activities must be conducted within 72 hours following the completion of the pre-clearing nesting surveys. If works are not conducted in that time, the nesting surveys are considered to have expired and a follow-up survey will be completed to ensure that no new nests have been constructed; and,
- The nests of Bald Eagle, Golden Eagle, Peregrine falcon, Gyrfalcon, Osprey and Burrowing Owl are protected year-round whether they are active or not as per Section 34(b) of the *Wildlife Act*. Best management practices relating to raptors and their nests can be found in Guidelines for Raptor Conservation during Urban and Rural Land Development in BC (2013).

Wherever possible, trees with high wildlife value, such as veteran trees and large snags, must be conserved. Hazardous trees with wildlife value within the vicinity of the construction works should be assessed by a certified wildlife/danger trees assessor to determine levels of risk.

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5. Encroachment

As per Section 11(2) of RAPR, the property is subject to undue hardship because the developable area of the subject property is less than the allowable footprint. According to this methodology, it is apparent that there is no option to undertake a reasonably sized development appropriate for a R6 zone and therefore, there would be an undue hardship if a SPEA encroachment is not granted. The allowable encroachment area into the SPEA is the difference between the allowable footprint and the developable area,

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which would be **212.2 m²**. However, as per Section 10(2)(a) of the Regulation, Ecoscape has recommended that the proposed development not **encroach beyond the 15 m litter fall and insect drop/ large woody debris, bank, and channel stability to promote enhancement and protection for the foreshore of Okanagan Lake**. This would be similar to a simple assessment method for sites with limited natural vegetation cover. This measure will ensure the development does not result in a harmful alteration, disruption or destruction of natural features, functions and conditions of the SPEA. The proposed SPEA encroachment area is then **157.5 m²** and the development proposed is **198.0 m²** in total area, which adheres to Section 10(2)(b) of the Regulation that stipulates the development area will not exceed the allowable footprint area.

The COV typically requires restoration of the riparian area when works are occurring within a COV Development Permit area. In order to enhance the riparian area, and taking into account space considerations, **5 trees and 55 shrubs** are recommended to be planted within the SPEA. The proposed restoration plantings will take up a total area of **145 m²** (25% of the **572 m²** SPEA occurring within the subject property).

Ecoscape has not specified the exact locations of the restoration plantings, as they will be chosen in a field fit manner. The restoration plantings should be focused within areas where invasive plant species have been removed and exposed soil remains. **Table 4** demonstrates the restoration planting number and species requirements.

Table 4. Summary of native plant species appropriate for restoration planting

Common Name	Scientific Name	Minimum Size	Quantity
Trees			
Black cottonwood	<i>Populus balsamifera</i>	1 gal	
Interior Douglas-fir	<i>Pseudotsuga menziesii</i> var. <i>glauca</i>	1 gal	
Subtotal trees			5
Shrubs			
Prickly rose	<i>Rosa acicularis</i>	1 gal	
Common snowberry	<i>Symphoricarpos albus</i>	1 gal	
Nootka rose	<i>Rosa nutkana</i>	1 gal	
Prickly rose	<i>Rosa acicularis</i>	1 gal	
Red-osier dogwood	<i>Cornus sericea</i>	1 gal	
Saskatoon	<i>Amelanchier alnifolia</i>	1 gal	
Tall Oregon grape	<i>Mahonia aquifolium</i>	1 gal	
Subtotal shrubs			55
TOTAL			60

If any unforeseen disturbance occurs within the SPEA, additional restoration plantings will be required to compensate for the disturbance. If a landscape plan is prepared at a future date, it must then be reviewed and endorsed by both Ecoscape and COV prior to implementation, and uploaded to the RARNS.

General Recommendations:

- Planted species must be native to the Okanagan and suited to site conditions;
- Planting must occur in spring between April and June or fall between September and October when temperatures are cooler and many plants are dormant, to ensure greater planting success;
- Trees are to be planted at a density of 7 m² on center, tall shrubs every 3 m²;
- Plants should be installed in groups or clusters and make use of suitable micro-climates, such as moisture-receiving areas, coarse woody debris, and remnant patches of natural areas. This will help prevent plant mortality by limiting competition with invasive species. Planting should not be completed in an evenly distributed, grid-like pattern;
- The placement and distribution of plantings will be completed in a field-fit manner at the time of restoration through consultation with the Environmental Monitor (EM);
- Plantings should target depressions to capture local moisture from rain or runoff. Woody debris/wood fiber mulch spread around the base of plantings may help to deter establishment of and competition from invasive plant species;
- Flagging of installed plantings will be helpful for future monitoring purposes, flagging must not be tied around the main stem such that girdling of the plant will occur as it grows.
- Seed and plant material must be sourced from within the southern interior to avoid complications associated with transplanting coastal species or northern species into dry southern interior conditions.
- To promote germination and establishment of vegetation, temporary irrigation should be supplied for at least the first two growing seasons. If no irrigation is proposed for restoration areas, it is recommended that regular maintenance is conducted to improve planting survival. This may include: routine watering and/or replanting, and the removal of invasive species. Poor growth, elevated erosion problems, and/or animal intrusion should be mitigated to promote plant growth.
- The contractor completing the restoration works should inspect plants monthly during the growing season, replacing any dead or diseased plants.

All disturbed soils must be restored with native Grade A grass seed free of invasive species to minimize establishment of invasive plant species, erosion, and to restore the area to early successional conditions.

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- Grass seed mixes must be approved by the EM before purchase and use. Restoration grass mixes cannot include species considered invasive within BC;
- All seed mixes will be submitted to a certified seed testing laboratory for germination and purity analysis. Seed analysis certificates are to be provided prior to purchase;
- Grass seed should be broadcast and hand-raked into the soil. For steep slopes or large areas, hydroseed may be used; and,
- Grass seed mixes should be suitable for the environmental conditions (frontage of Okanagan Lake). These conditions may be given to a seed provider to determine the most appropriate species to provide.

Invasive Species Management:

Ongoing invasive species control through mechanical means (i.e., hand pulling and mowing) will be required within any areas with exposed/disturbed soils.

- Any contractor working within the property must ensure that all equipment and vehicles are washed and free of weed seeds prior to mobilization and demobilization. Vehicles and equipment should not be stored, parked, or staged within weed infested areas if possible. Contractor clothing should also be inspected daily for signs of weed seeds. If found, weed seeds should be disposed of in a contained refuse bin for offsite disposal;
- Care must be taken to ensure that invasive species removal does not impact existing or planted native tree and shrub species; and,
- Invasive plant species must be disposed of in a landfill; however, invasive species material must not be composted in the yard waste section of the landfill. Invasive plant species must not be transported to or deposited in other natural areas.

To prevent encroachment into the SPEA during and after the proposed development, the following mitigation measures must be employed:

- Prior to any site disturbance, the development footprint must be clearly marked/staked in the field by the legal surveyor or other suitable means to prevent any further encroachment within the SPEA. The setback boundary along the 15 m setback from the HWM of Okanagan Lake must then be delineated using orange snow fence (or similar), which will also help prevent any construction debris from entering the SPEA and the lake;
- Silt fence must be installed between the proposed works and Okanagan Lake to mitigate the risks to aquatic resources associated with runoff and sediment transport. **It is recommended that silt fence is installed just outside of the 15**

m setback from the HWM of Okanagan Lake to prevent any debris/deleterious substances from entering the steep slope and the lake;

- **Silt fence must be staked into the ground and trenched a minimum of 15 cm to prevent flow underneath the fence and must remain taut to prevent material from moving over the fence.** Silt fencing should contain sufficient storage capacity to collect runoff and sediment deposition during storm events. Silt fencing will be monitored on a regular basis and any damages or areas where the integrity and function of the fencing has been compromised should be repaired or replaced promptly. Silt fence must remain in place where required until the completion of the project;
- All construction debris must be kept outside of the 15 m SPEA setback and steep slopes and should be removed from the property on a regular basis;
- Stockpiling of fill material within the 15 m SPEA setback must not occur without consent from the environmental monitor (EM). Any fill material, if required for construction, must be located outside of the SPEA beyond the silt fence;
- There must be no removal of riparian vegetation within the 15 m SPEA setback.
- No beach grooming, addition of sand, removal of cobbles/boulders, or removal of aquatic or riparian vegetation is to occur at any time during construction or through the ongoing use of the property and riparian area.

I, Jason Schleppe (*name of qualified environmental professional*), hereby certify that:

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- c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

6. Sediment and Erosion Control

The following recommendations address minimizing the potential for the introduction of deleterious substances to Okanagan Lake. The following recommendations must be adhered to throughout all stages of construction on the subject property:

- The release of silt, sediment, sediment-laden water, raw concrete, concrete leachate, or any other deleterious substances into any drainage or areas of high environmental value must be prevented at all times;
- Silt fence must be installed between the proposed works and Okanagan Lake to mitigate the risks to aquatic resources associated with runoff and sediment transport. It is recommended that silt fence is installed just outside of the 15 m SPEA setback prevent any debris/deleterious substances from entering the steep slope and the lake;

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- Silt fencing must be installed as directed by the EM in a field-fit manner, as required. ***Silt fence must be staked into the ground and trenched a minimum of 15 cm to prevent flow underneath the fence and must remain taut to prevent material from moving over the fence. Silt fencing should contain sufficient storage capacity to collect runoff and sediment deposition during storm events.*** Silt fencing will be monitored on a regular basis and any damages or areas where the integrity and function of the fencing has been compromised should be repaired or replaced promptly. Silt fence must remain in place where required until the completion of the project;
- All construction debris must be kept outside of the 15 m SPEA setback and steep slopes and should be removed from the property on a regular basis;
- Stockpiling of fill material within the 15 m SPEA setback must not occur without consent from the environmental monitor (EM). Any fill material, if required for construction, must be located outside of the 15 m SPEA setback beyond the silt fence;
- Ensure that onsite machinery is in good operating condition, clean, and free of leaks, excess oil or grease. No equipment refueling can take place within 30 m of Okanagan Lake;
- Erosion and sediment control (ESC) should incorporate the measures described below to mitigate risks during construction works. The plan is generally based upon provincial BMPs and other specifications and includes the following principles:
 - Construction works should be conducted during periods of warm, dry weather with no forecasted precipitation;
 - Construction works should be scheduled to reduce the overall amount of time soils are exposed;
 - Natural drainage patterns should be maintained where possible;
 - Existing native vegetation should be retained where possible;
 - Stormwater and sediment-laden runoff should be directed away from exposed soils within the construction area.
- Exposed soils along slopes should be stabilized and covered where appropriate using geotextile fabric, polyethylene sheeting, tarps, or other suitable materials to reduce the potential for erosion resulting from rainfall, seepage, or other unexpected causes;
- Adjacent roadways should be kept clean and free of fine materials. Sediment accumulation upon the road surfaces must be removed and disposed of appropriately;

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- Spills occurring on dry land will be contained, scraped and disposed of appropriately. Contaminated material will be stored on tarps and covered to prevent mobilization and will be disposed of in accordance with the Environmental Management Act;
- Copies of contact phone numbers for notification of all of the required authorities in the event of a spill/emergency response should be posted and clearly visible at the site; and,
- Spill containment kits must be kept readily available onsite during construction in case of the accidental release of a deleterious substance to the environment. Any spills of a toxic substance should be immediately reported to the Emergency Management BC 24-hour hotline at **1-800-663-3456**, as well as Ecoscape at **1-250-491-7337**.

I, Jason Schleppe (name of qualified environmental professional) , hereby certify that:

- a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Lyle Salekin (name of developer) ;
- c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

7. Stormwater Management

If water is encountered during excavations dewatering may be required. There can be no storm water infrastructure within the SPEA. Options for turbid water management include the following;

- Discharging water in small quantities to well-vegetated areas of the site to allow for infiltration and reduction of runoff potential;
- Discharging to local stormwater will only be an option if prior approval is gained from the COV;
- Discharge to Okanagan Lake may be an option provided that water discharged is within the allowable limits for turbidity under the ambient water quality guidelines for turbidity, suspended and benthic sediments; see below (BC MoE, 2019). Any water discharged to Okanagan Lake must be approved by the EM prior to discharge and the EM would need to be onsite full time.

Turbidity levels under the Ministry of Environment guidelines for fish and aquatic habitats (BC MoE, 2019) are as follows:

- During clear flow periods, induced turbidity should not exceed 8 NTU above background levels at any given time and no more than an average of 2 NTU above background levels over a 30-day period; and,
- During turbid flow periods, induced turbidity should not exceed background levels by more than 5 NTU at any time when background turbidity is between 8

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and 50 NTU. When background exceeds 50 NTU, turbidity should not be increased by more than 10% of the measured background level at any one time.

I, Jason Schleppe (name of qualified environmental professional), hereby certify that:

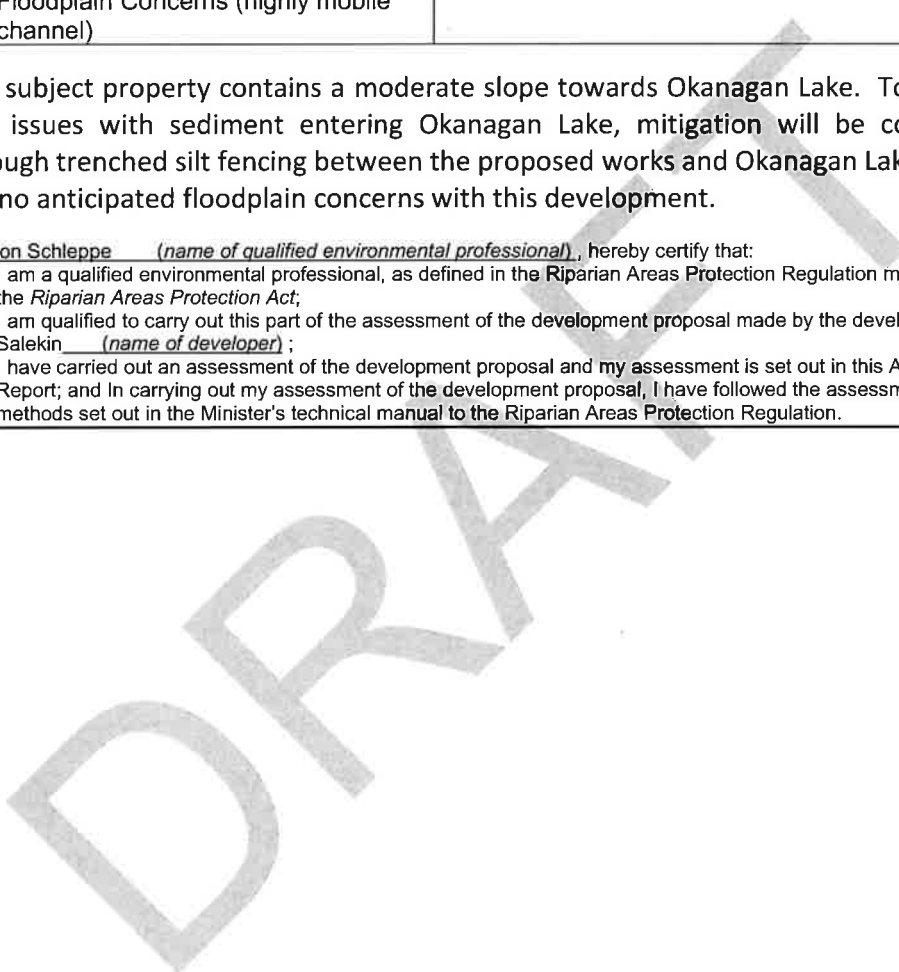
- a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Lyle Salekin (name of developer) ;
- c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.

8. Floodplain Concerns (highly mobile channel)

The subject property contains a moderate slope towards Okanagan Lake. To prevent any issues with sediment entering Okanagan Lake, mitigation will be completed through trenched silt fencing between the proposed works and Okanagan Lake. There are no anticipated floodplain concerns with this development.

I, Jason Schleppe (name of qualified environmental professional), hereby certify that:

- a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b. I am qualified to carry out this part of the assessment of the development proposal made by the developer Lyle Salekin (name of developer) ;
- c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.



Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen. Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

An environmental monitor (EM) should be retained to document compliance with proposed mitigation measures and to provide guidance during construction works, particularly in reference to the implementation of erosion and sediment control measures. In the event that greater disturbance occurs due to unforeseen circumstances, the monitor should recommend further measures to protect/restore the natural integrity of the site. In the event that greater disturbance occurs due to unforeseen circumstances, the monitor should recommend further measures to protect/restore the natural integrity of the site.

The monitor's duties and schedule will include as a minimum the following:

1. Pre-construction meeting prior to the implementation of works. During this visit, best management practices, delineation of the SPEA, development footprint and limits of disturbance, and erosion and sediment control measures will be reviewed;
2. Visits are typically once a month during construction, with additional visits required as necessary;
3. Environmental monitoring reports will be generated for each visit and provided to the developer and COV;
4. Following completion of the project, a substantial completion report must be prepared. The substantial completion report will function as the standard post development report that the province requires to be submitted via the electronic Riparian Areas Regulation Notification System (RARNS) following completion of the project. **The province requires that the post development report be submitted within 60 days of project completion. The developer has been informed of this requirement to have a post development report filed.**

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Section 6. Photos

Provide a description of what the photo is depicting, and where it is in relation to the site plan.



Photo 1. View looking north of the subject property from Smith Road (All photos taken February 3, 2021).



Photo 2. View looking south of the upland area of the property, and existing shed, large rock, and patio above the high-water mark within the subject property.

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Photo 3. View looking east of the turf between the shed/patio and retaining wall within the 15 m SPEA setback from the high-water mark.



Photo 4. View looking east of the shed and patio within the 15 m SPEA setback from the high-water mark.

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Photo 5. View looking southeast of a bat box and bird box attached to the existing shed within the subject property.



Photo 6. View looking south of a bat box within a deciduous tree within the upland area of the subject property.

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Section 7. Professional Opinion

Qualified Environmental Professional opinion on the development proposal's riparian assessment.

Date

1. I, Jason Schleppe, M.Sc., R.P.Bio

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am a qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am qualified to carry out the assessment of the proposal made by the developer Lyle Salekin (*name of developer*), which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) the site of the proposed development is subject to undue hardship, (if **applicable, indicate N/A otherwise**) and
- b) the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

FORM 1

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- Polster, D., J. Cullington, T. Douglas, and T. Hooper, 2014. Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia. Prepared for the BC Ministry of Environment. Victoria (BC)

FORM 1

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Forms you will need to complete are

- Form 1 which has the database information, the description of the fisheries resources, development site plan, measures to protect and maintain the SPEA, and environmental monitoring.
- Form 2, if more QEPs are part of the project team.
- Either Form 3 the detailed assessment form(s) or Form 4 simple assessment form(s) which is for the results of the riparian assessment (SPEA width). Use enough copies of the form to complete the assessment of the site.
- Form 5 is the photo form(s). Duplicate for additional photos.

NB: Refer to Part 4 of the RAPR and the Technical Manual for detailed instructions on the information required for completing the Assessment Report.

A complete Riparian Assessment Report based on the template forms must be converted to a *single* Portable Document Format PDF file prior to uploading onto the Notification System.

The Assessment Report must be submitted complete with all information specified and posted to the notification system to be reviewed by the province. Upon approval notification will be provided to the local government.

Tips for working with MS Word Template Forms

Using the forms

- Before beginning, print a hard copy of the form and the guidance files for reference
- Open the template
- Enter data into the shaded fields on the form
- Use TAB to move from one field to another; SHIFT-TAB to go in reverse
- Text and digital photos may be inserted from other applications
- The amount of text that can be entered in each box is limited and cannot be changed by the user; boxes with date information, for example, require input like: yyyy-mm-dd.

Saving the completed form

- Assign name to the completed form
- Save a word document (*.doc file)
- Do not overwrite the Template (*.dot file) with your completed form
- If you do overwrite the template, you can download a new copy from this web site

Attachment 2

9169 SMITH ROAD, VERNON, BC

Environmental Assessment

Lot 6, Plan 3836, Section 11, Township 13, Osoyoos Yale Land District
PID: 010-729-470

Prepared For:

Lyle Salekin

CDG Enterprises

3169 Kofoed Drive, Thornhill, BC, V8G 3p8

Via email: Lyle@cdgenterprises.com

Prepared By:

ECOSCAPE ENVIRONMENTAL CONSULTANTS LTD.

#102 – 450 Neave Court

Kelowna, BC V1V 2M2



January 2022

File No. 20-3617



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FIGURES

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FIGURE 2 Riparian Areas Protection Regulation Hardship

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APPENDICES

APPENDIX A..... Site Plan Provided by CDG Enterprises Ltd.

APPENDIX B..... Topographic Survey Created by Monashee Surveying & Geomatics

APPENDIX C..... Site Photos



1.0 INTRODUCTION

Ecoscape Environmental Consultants Ltd. (Ecoscape) was retained by Lyle Salekin (client) to complete an Environmental Assessment for a proposed single-family dwelling at 9169 Smith Road, in the City of Vernon (COV), BC, legally described as Lot 6, Plan 3836, Section 11, Township 13, Osoyoos Division of Yale Land District PID: 010-729-470, (subject property; **Figure 1**). The subject property is zoned as Lakeshore Residential (R6). The subject property is situated along the eastern shore of Okanagan Lake and is located within electoral area "B". The subject property occurs within the City of Vernon's Natural Environment Development Permit Area. The subject property has been described as having a "Medium Conservation Value" as per the COV Environmentally Sensitive Areas Management Strategy, as outlined within the COV Official Community Plan (OCP; Bylaw No. 5470).

The purpose of this report is to address the COV Development Permit guidelines, specify an appropriate Streamside Protection and Enhancement Area (SPEA) or riparian buffer, environmental sensitivity assessment, identify potential environmental impacts of the proposed work, and describe the current conditions of the subject property. A Riparian Areas Protection Regulation (RAPR) hardship assessment was conducted by Ecoscape and will be submitted to the Province on behalf of the client to determine the exact allowable building footprint within the subject property (**Figure 2**).

This report also provides an assessment of potential terrestrial and aquatic resource values, the potential for rare and/or endangered species and habitats, and subsequently provides mitigation measures to protect and enhance the natural integrity of existing ecological lakeside communities.

2.0 PROPOSED WORKS

The proposed works will involve the removal of the existing shed, patio, and large rock within the riparian area of the subject property, and construction of a new single-family dwelling (**Figure 3**). A site plan created by CDG Enterprises Ltd. and topographic survey completed by Monashee Surveying & Geomatics can be found within **Appendix A & B** of this report. Ecoscape has provided restoration recommendations for the subject property based off of the proposed works and can be found within **Section 8.10** of this report. The client is currently in communication with the COV regarding varying the front yard setback from 4.5 m to 4.0 m - as outline within **Figures 2 & 3** of this report.

3.0 INFORMATION SOURCES

The following databases were queried on October 19, 2021 to find relevant information on the subject property and surrounding lands:

- BC Conservation Data Centre (CDC);
- BC Ecosystems Explorer;
- BC Habitat Wizard;
- Foreshore Inventory and Mapping of Okanagan Lake 2016 update;
- Sensitive Ecosystem Inventory for the Central Okanagan; and,
- Species at Risk Act Public Registry.

4.0 ENVIRONMENTAL SETTING

4.1 Terrestrial Conditions

A site visit was conducted on February 3, 2021 by Kris Mohoruk, B.Sc., Natural Resource Biologist with Ecoscape. The subject property is bordered by Okanagan Lake to the north, Smith Road to the south, and neighboring rural properties to the west and east. The foreshore contains a retaining wall that extends through the subject property from the eastern and western neighboring properties. The subject property has been disturbed from previous development, and contains minimal native vegetation.

The subject property occurs within the Okanagan variant Very Dry Hot subzone of the Interior Douglas-fir biogeoclimatic zone (IDF_{xh1}). The IDF_{xh1} is the driest variant of the Interior Douglas-fir zone and is characterized by a long growing season with warm dry summers, but the region commonly experiences summer moisture deficits. The subzone occupies the lower elevations of the southern Okanagan valley, Similkameen valley, along the Thompson river from northeast of Kamloops west to the Fraser River valley and its tributaries in the Lytton-Lillooet region. Winters are cool with low to moderate snowfall. The IDF_{xh1} is dominated by mixed open forests of Douglas-fir and Ponderosa pine with an understory typically comprised of pinegrass, red-stemmed feathermoss, and birch-leaved spirea (Hope et al. 1991).

Terrestrial Ecosystem Mapping (TEM) was reviewed for the subject property; however, due to the impacted and modified nature of the site, the subject property has been designated as Rural (RW). Site photos are provided in **Appendix C**.

4.1.1 Vegetation

A list of native plant species found within the subject property is included in **Table 1**.

TABLE 1. Native plant species observed within the subject property				
Family	Scientific Name	Common Name	BC List ¹	SARA Schedule 1 ²
<i>Berberidaceae</i>	<i>Berberis aquifolium</i>	Oregon-grape, tall	Yellow	-
<i>Caprifoliaceae</i>	<i>Symphoricarpos albus</i>	Snowberry, common	Yellow	-
<i>Cornaceae</i>	<i>Cornus sericea</i>	Dogwood, Red-osier	Yellow	-
<i>Pinaceae</i>	<i>Pseudotsuga menziesii</i>	Douglas-fir, Rocky Mountain	Yellow	-
<i>Sapindaceae</i>	<i>Acer glabrum</i>	Maple, Douglas	Yellow	-

¹ **Yellow:** Not considered at risk. **Blue:** Of special concern. **Red:** Endangered or threatened. **Various:** May be one of multiple potential listings, depending upon more detailed taxonomic classification.

² **NAR = Not at Risk:** A wildlife species that has been evaluated and found to be not at risk of extinction given the current circumstances. **SC = Special Concern:** A wildlife species that may become threatened or endangered because of a combination of biological characteristics and identified threats. **E = Endangered:** A wildlife species facing imminent extirpation or extinction. **T = Threatened:** A wildlife species that is likely to become endangered if nothing is done to reverse the factors leading to its extirpation or extinction. **DD = Data Deficient:** A category that applies when the available information is insufficient (a) to resolve a wildlife species' eligibility for assessment or (b) to permit an assessment of the wildlife species' risk of extinction.

Non-native vegetation observed within the subject property included Colorado spruce (*Picea pungens*), various landscaping, and turf.

4.2 Wildlife

Due to the scope of this assessment, a detailed wildlife assessment of the subject property was not conducted; however, the trees observed within the subject property likely provide foraging, perching, and/or nesting habitat for birds and small mammals.

A bat box and bird box were observed adjacent to the south side of the shed within the riparian area, and hanging from a mature tree within the upland portion of the property (**Photos 5 & 6**). Due to the time of day of the site visit, no bat activity was observed; however, signs of bat scat were observed below each bat box. *It is recommended that both bat boxes and bird box be relocated to existing trees within the property to prevent the loss of roosting and nesting habitat.*

4.2.1 Species at Risk

The CDC was accessed and reviewed for species-at-risk and critical habitat occurrences within a 1.0 km radius of the subject property. Ecological communities and species-at-risk are provided in **Table 2**, and critical habitat occurrences are provided in **Table 3**.

TABLE 2. CDC listed at-risk species and at-risk ecological community occurrences within 1 km of the subject property (CDC 2021).

Common Name	Scientific Name	BC List ¹	SARA Schedule 1	Occurrence ID	Distance	Last Documented Observation Date
Black cottonwood – Douglas fir / Common snowberry – Red-osier dogwood	<i>Populus trichocarpa</i> - <i>Pseudotsuga menziesii</i> / <i>Symphoricarpos albus</i> - <i>Cornus sericea</i>	Red	N/A	10455	Encompasses the subject property	2010
Great basin Gophersnake	<i>Pituophis catenifer deserticola</i>	Blue	1	6643	~260 m west of the subject property	2010
American Badger	<i>Taxidea taxus</i>	Red	1	10214	Encompasses the subject property	2014

¹ **Yellow:** Not considered at risk. **Blue:** Of special concern. **Red:** Endangered or threatened.

TABLE 3. Critical habitat occurrences within 1 km of the subject property (CDC 2021).

Common Name	Scientific Name	BC List ¹	SARA Schedule 1	Critical Habitat ID	Critical Habitat Status	Distance	Critical Habitat
Western Rattlesnake	<i>Crotalus oreganus</i>	Blue	Threatened	110187	Final	Proposed critical habitat occurring in a 10 km grid square overlapping the subject property.	Rock outcrops, talus slopes, shrub-steppe, grassland, riparian, and open Ponderosa pine and Douglas fir forests ²
Great Basin Gophersnake	<i>Pituophis catenifer deserticola</i>	Blue	Threatened	110417	Final	Proposed critical habitat occurring in a 10 km grid square overlapping the subject property.	Rock outcrops, talus slopes, shrub-steppe, grassland, riparian, and open Ponderosa pine and Douglas fir forests ²

¹ **Yellow:** Not considered at risk. **Blue:** Of special concern. **Red:** Endangered or threatened.

² Environment and Climate Change Canada, 2019.

4.3 Aquatic Conditions

The subject property occurs along Segment 133 of the Okanagan Lake Foreshore Inventory and Mapping (FIM). It was described as rural land use with a medium level of impact (10-40%) and moderate level of disturbance (38% disturbed). The shore type was described as rocky shore, and nearshore substrates were composed of 20% gravel, 40% cobble, and 40% boulder with a low (0-

25%) level of embeddedness. Dock density was 6.45 docks per km. The Aquatic Habitat Index (AHI) current and potential rating was very high, and the juvenile rearing potential was moderate (Schleppe and Plewes 2017).

Table 4 provides a list of species documented to occur in Okanagan Lake. Kokanee (*Oncorhynchus nerka*) are the fish species of primary concern with respect to shoreline development and aquatic habitat alteration along Okanagan Lake. A review of Kokanee shore spawning zoning information for Okanagan Lake revealed that the subject property is located within a Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) Black Zone and Red Zone for Shore Spawning Kokanee. Black Zones for Kokanee Shore Spawning represent recent (2001 to 2014) data where aggregations of >1000 spawning fish were observed (BC MoFLNRORD 2018). Red Zones for Kokanee shore spawning are defined as recent (2001 to 2014) FLNRORD data where aggregations of >50 spawning fish were observed and historical (pre-2001) data where aggregations of ≥ 1000 spawning fish were observed. The substrate observed during the site assessment was comprised of boulder and cobble, with some pebble.

The subject property is located within a No Colour Zone for Freshwater Mussels and species at-risk (SAR) Foreshore Plants. The Provincial No Colour Zone indicates that the habitat has not been assessed for Rocky Mountain Ridged Mussel and for foreshore plant SAR presence as of 2017 (BC MFLNRORD 201). No foreshore plant SAR or mussel shells were observed at the subject property during the site assessment, including those of Rocky Mountain ridged mussels (*Gonidea angulata*) (RMRM). However, a non-detection does not necessarily mean there are no mussels or foreshore plant SAR present at the site.

TABLE 4. Species of fish found in Okanagan Lake (MECCS 2021)

Common Name	Scientific Name
Brook Trout	<i>Salvelinus fontinalis</i>
Bull Trout	<i>Salvelinus confluentus</i>
Burbot	<i>Lota lota</i>
Carp	<i>Cyprinus carpio</i>
Chiselmouth	<i>Acrocheilus alutaceus</i>
Kokanee	<i>Oncorhynchus nerka</i>
Lake Trout	<i>Salvelinus namaycush</i>
Lake Whitefish	<i>Coregonus clupeaformis</i>
Largescale Sucker	<i>Catostomus macrocheilus</i>
Leopard Dace	<i>Rhinichthys falcatus</i>
Longnose Dace	<i>Rhinichthys cataractae</i>
Longnose Sucker	<i>Catostomus</i>
Mountain Whitefish	<i>Prosopium williamsoni</i>
Northern Pikeminnow	<i>Ptychocheilus oregonensis</i>
Peamouth Chub	<i>Mylocheilus caurinus</i>
Prickly Sculpin	<i>Cottus asper</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Pygmy Whitefish	<i>Prosopium coulterii</i>
Rainbow Trout	<i>Oncorhynchus mykiss</i>
Redside Shiner	<i>Richardsonius balteatus</i>
Smallmouth Bass	<i>Micropterus dolomieu</i>
Slimy Sculpin	<i>Cottus cognatus</i>
Yellow Perch	<i>Perca flavescens</i>
Rocky Mountain (Western) Ridged Mussel	<i>Gonidea angulata</i>
Western Floater Mussel	<i>Anodonta kennerlyi</i>
Winged Floater Mussel	<i>Anodonta nuttalliana</i>

5.0 ENVIRONMENTALLY SENSITIVE AREAS ANALYSIS

The COV has developed a Sensitive Ecosystem Ranking methodology in Appendix 3 of the Environmental Management Areas Strategy in their OCP. The COV's ranking strategy is limited to three Sensitive Ecosystem Ranking Classes: High (7.0 to 10), Medium (3 to 6.9) and Low (0 to 2.9) respectively, which are based off of the Conservation mapping conducted as part of the *Conservation Analysis and Updated Ecosystem Mapping for the Central Okanagan Valley* (Haney and Iverson, 2009). Alternatively, the RDCO Environmentally Sensitive Areas (ESA) from their Terms of Reference for Professional Reports for Planning Services were based on assessed using sensitive ecosystems mapping. From this, conservation ranking maps were produced, showing the relative importance and sensitivity of various ecosystems. The RDCO uses four conservation ranking classes: Very High (7.0 to 10), High (3.0 to 6.9), Moderate (0.067 to 2.9), and Low (0 to 0.066). In this case, a four-class system is preferable to help differentiate between high value areas (i.e., Very High or High) and better understand potential ecological risks. Data sources used to determine the weighted average of each class included: Terrestrial Ecosystem Mapping (TEM), Sensitive Ecosystem Inventory (SEI), Vegetation Resource Inventory (VRI), wetlands and riparian features, grasslands, and elevation and aspect based on the TRIM DEM. Therefore, the RDCO four-class system was utilized to rank the ESAs on the subject property. A four-class system allowed for greater precision and accuracy in ranking the ecosystems present compared to the COV's three class system.

An environmental sensitivity analysis was conducted to categorize the subject property based on its degree of environmental sensitivity. Evaluation criteria as per the Regional District of Central Okanagan (RDCO) was utilized and is described as follows:

- **ESA-1 Very Significant:** These areas contain significant vegetation and wildlife characteristics representing a diverse range of sensitive habitat. These features contribute significantly to the overall connectivity of the habitat and ecosystems. Avoidance and conservation of ESA-1 designations should be the primary objective. If development should occur within these areas (only after it proves impossible or impractical to maintain the same level of ecological function) compensation will promote no net loss to the habitat (typically with a 3:1 replacement of equivalent functioning habitat).
- **ESA-2 Moderate Significance:** These areas contribute toward the overall diversity and contiguous nature of the surrounding natural features. If development is pursued in these areas portions of the habitat should be retained and integrated to maintain the contiguous nature of the landscape. Some loss to these ESAs can be offset by habitat improvements to the remaining natural areas found on property.
- **ESA-3 Low Significance:** These areas represent disturbed habitats or fragmented features. They contribute to the diversity to the landscape, although based on the condition and adjacency of each habitat the significant function within the landscape is limited. If

development is pursued in these areas the impacts should be offset by habitat improvements in other more sensitive natural areas found on property.

- **ESA-4 Little or No Significance:** These areas contribute little or no value to the overall diversity or vegetation, soils, terrain and wildlife characteristics of the area. Development is encouraged to be focused to these sites before consideration developing higher rated sites of the area. These areas shall not be considered as areas for restoration and enhancement or as recruitment as higher value ESA in offsetting development in other areas.

Due to the disturbed nature of the area of the proposed works, the subject property has been classified as Low-significance (ESA-3). This classification was given primarily due to the existing development within the subject property (i.e., shed, patio, and large rock), the minimal native vegetation, and landscaping (i.e., turf lawn) throughout the subject property. If the restoration recommendations as outlined within **Section 8.10** of this report are followed, there is the potential to increase the overall significance of the subject property through enhancement of the riparian area.

6.0 RIPARIAN SETBACK ASSESSMENT

Riparian setback requirements for the subject property are regulated under the Provincial Riparian Areas Protection Regulation (RAPR) and COV Official Community Plan. As per RAPR, the setback determination is based on the identified stream boundary or more commonly referred to as the high-water mark (HWM). The recommended HWM for Okanagan Lake is 343.0 m above sea level (a.s.l.) as confirmed by the provincial guidance document (BC MoFLNRORD 2014). The setback determination from the HWM along the existing retaining wall results in a SPEA of **572 m²** (**Figure 2**). As per the RAPR, the provincial recommended HWM has been used to determine the appropriate riparian setbacks from Wood Lake. Riparian setbacks are based on Zones of Sensitivity (ZOS) for the following three different factors:

- Litter fall and insect drop (15 metres);
- Large woody debris, bank, and channel stability (15 metres); and
- Shade (30 metres due south).

The SPEA is then determined from the ZOS with the greatest setback area. The provincial RAPR results in a **30 m setback from the HWM of Okanagan Lake at the subject property**. **Figure 2** illustrates the various setbacks from Okanagan Lake and the resultant SPEA encompasses the majority of the property. The subject property is eligible to be considered under hardship provisions outlined in the provincial RAPR and is illustrated within **Figure 3** of this report.

The methodology outlined in Section 10 and 11 of the RAPR (2019) was used to determine whether there is an undue hardship associated with this property. Ecoscape acknowledges that the methods for determination of Undue Hardship are complicated and require proponents to work with local government to balance other legally required setbacks with setbacks from Okanagan Lake. Ecoscape staff have taken appropriate training for this regulation, but we acknowledge that Undue Hardship as defined by the Act and the technical guidance provided by the Province is complicated. As a result, our interpretation provided herein is based upon our best understanding of the Regulation.

As per the COV Zoning Bylaw for R6 properties, the maximum site coverage is 40%. Setbacks for R6 properties include a 4.5 m minimum front yard setback, 1.5 m minimum side yard setback, and 7.5 m rear yard setback. Currently, the client is in communication with the COV regarding varying the front yard setback to 4.0 m to ensure that the proposed development is pulled back from the HWM as much as possible (**Figures 2 & 3**). It is anticipated that the proposed development will adhere to Section 10 (2)(a)(i)(ii)(iii) of the Regulation.

Considering the majority of the subject property has been previously disturbed by anthropogenic activities, the allowable footprint for a site subject to undue hardship is 40% of the subject property, as per Section 11(3)(b) of the Regulation. Therefore, it was determined that the proposed development meets the definition of hardship, and the allowable footprint is **212.2 m²** (40% of **530.5 m²**). The developable area of the property, considering local government setbacks (pre-variance), topographical constraints (steep slopes), and the SPEA, is **0 m²** (**Figure 3**). According to this methodology, it is apparent that there is no option to undertake a reasonably sized development appropriate for a R6 zone and therefore, there would be an undue hardship if a SPEA encroachment is not granted. The allowable encroachment area into the SPEA is the difference between the allowable footprint and the developable area, which would be **212.2 m²**. However, as per Section 10(2)(a) of the Regulation, **Ecoscape has recommended that the proposed development not encroach beyond the 15 m litter fall and insect drop/ large woody debris, bank, and channel stability to promote enhancement and protection for the foreshore of Okanagan Lake.** This measure will ensure the development does not result in a harmful alteration, disruption or destruction of natural features, functions and conditions of the SPEA. The proposed SPEA encroachment area is then **157.5 m²** and the development proposed is **198.0 m²** in total area, which adheres to Section 10(2)(b) of the Regulation that stipulates the development area will not exceed the allowable footprint area.

7.0 IMPACT ASSESSMENT

The proposed development includes the removal of the existing patio, shed, and large rock, and construction of a new single-family dwelling within the subject property. Ecoscape anticipates that if all recommendations and mitigation measures within this report are adhered to, the potential

environmental effects of the works on the local flora and fauna will be minimized. However, if proper mitigation measures are not adhered to during construction on the subject property the following environmental issues may occur:

- Potential to directly or indirectly impact wildlife and wildlife habitat during construction, including disruption of migration, breeding, or other behavior as a result of construction noise, impacts to air quality, and other alterations to existing wildlife habitat and cover. This includes herptiles, mammals and avian species that could potentially be foraging or nesting in the area;
- Potential for the release of fine sediments into natural areas through erosive processes during construction activities;
- Potential to encounter water during excavations which may result in the release of turbid water to the lake or connecting drainages;
- Potential for the release of other deleterious substances (e.g., fuel, oil, hydraulic fluid, construction materials, debris) to the environment as a result of improper storage, equipment re-fueling, and/or poorly maintained equipment; and,
- Potential to introduce or facilitate the spread of invasive and noxious plant species resulting from ground disturbance and seed dispersal.

Section 8.0 below provides specific recommendations to mitigate these potential impacts. As already indicated, adverse impacts associated with construction activities will be minimized provided that mitigation measures proposed are implemented. This document will be made available to the contractor prior to initiating the works and it should be kept onsite for the duration of the works. This will be to demonstrate that the contractor is aware of the mitigation measures and that they are being followed. Our assessment does not consider the cumulative effects of the proposed development on a larger shoreline area or the cumulative impacts originating from shoreline developments across the lake as a whole or within a specific municipality.

8.0 MITIGATION MEASURES

8.1 General

- Prior to any site disturbance, the 15 m SPEA boundary (from Okanagan Lake) must be clearly marked/staked in the field by the surveyor or other suitable means to prevent encroachment within the SPEA. The setback boundary must then be delineated using orange snow fence (or similar), which will also help prevent any construction debris from entering the SPEA and the lake;

- The appropriate Development Permits and approvals must be obtained from the COV prior to construction activities within the subject property. The Development Permit must be kept onsite at all times; and,
- All potential wildlife attractants, including food, beverages, and other strong smelling or perfumed materials must be removed from the site daily.

8.2 Best Management Practices

Ecoscope provides the following general mitigation strategies for the proposed works, based on the existing ecosystems and environmental sensitivity analysis. In addition to the recommendations provided herein, the proponent can find additional information on provincial Best Management Practices (BMPs) online at:

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/laws-policies-standards-guidance/best-management-practices>

- All works should generally conform to the Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in BC and companion documents (Polster et al., 2014):
 - Guidelines for Raptor Conservation during Urban & Rural Land Development in BC (2013);
 - Guidelines for Reptile and Amphibian Conservation during Urban & Rural Land Development in BC (2014); and,
- Standards and Best Management Practices for Instream Works (BC MoWLAP 2004).

8.3 Work Timing Windows

8.3.1 Avian Nesting Periods

Avian nesting periods should be considered to protect nesting birds within and adjacent to the proposed work area.

- Section 6 of the Federal *Migratory Birds Convention Regulation* protects both the nests and eggs of migratory birds. The subject property falls within the Canadian Avian Nesting Zone A1 (Birds Canada 2021). The general avian nesting period for migratory birds within this zone is **March 26th to August 9th**. Section 34 of the Provincial *Wildlife Act* protects all birds and their eggs, and Section 34(c) protects their nests while they are occupied by a bird or egg. The project area falls within the Northern Okanagan Basin ecodistrict. The avian

nesting period for all birds within this ecodistrict is **February 18th to September 12th** (Birds Canada 2020);

- If vegetation clearing activities are required during the identified avian nesting period, pre-clearing nesting surveys may be required by an Environmental Monitor (EM) to identify active nests;
- If active nests are found within the clearing limits, a buffer will be established around the nest until such time that the EM can determine that nest has become inactive. The size of the buffer will depend on the species and nature of the surrounding habitat. Buffer sizes will generally follow provincial BMP guidelines or other accepted protocol (e.g., Environment Canada). In general, a minimum 20 m buffer will be established around songbird nests or other non-sensitive (i.e., not at risk) species;
- Clearing and other construction activities must be conducted within 72 hours following the completion of the pre-clearing nesting surveys. If works are not conducted in that time, the nesting surveys are considered to have expired and a follow-up survey will be completed to ensure that no new nests have been constructed; and,
- The nests of Bald Eagle, Golden Eagle, Peregrine falcon, Gyrfalcon, Osprey and Burrowing Owl are protected year-round whether they are active or not as per Section 34(b) of the *Wildlife Act*. Best management practices relating to raptors and their nests can be found in Guidelines for Raptor Conservation during Urban and Rural Land Development in BC (2013).

8.3.2 Okanagan Lake Least-risk Timing Window

The least-risk timing window for Shore spawning Kokanee Black and Red zones is between **June 1st and September 30th**. Ecoscape understands that **no instream works** are to be completed, however, if works are to include any work below the HWM, a *Water Sustainability Act* Section 11 permit will be required, and works are to be completed within this timing window.

8.4 Clearing and Grubbing

- Disturbance limits should be clearly delineated before the start of works. Disturbance beyond the identified development footprint must not occur without further assessment;
- Native vegetation, including trees, shrubs, and groundcover, must be retained as much as possible to mitigate the establishment of additional invasive plant species; and,
- In the event that land and/or natural vegetation is disturbed or damaged beyond the development footprint area, these areas should be restored and/or replanted with plant material native to the area under the direction of the EM. Refer to **Section 8.10**.

8.5 Erosion and Sediment Control

This section addresses minimizing the potential for the introduction of deleterious substances to Okanagan Lake and the SPEA. *At this time, no immediate concerns were noted related to the slope stability within the subject property; however, the property does contain a moderate slope from the upland area to the foreshore. The client has acknowledged that once an allowable footprint has been confirmed by the Province through the Riparian Areas Regulation Notification System (RARNS), then a formal geotechnical assessment will be completed and submitted to the Province and COV.*

The following recommendations must be adhered to throughout all proposed works:

- The release of silt, sediment, sediment-laden water, raw concrete, concrete leachate, or any other deleterious substances into any drainage or areas of high environmental value must be prevented at all times;
- Silt fence must be installed between the proposed works (i.e., disturbance footprint) and Okanagan Lake to mitigate the risks to aquatic resources associated with runoff and sediment transport. **It is recommended that silt fence is installed just outside of the 15 m setback from Okanagan Lake;**
- Silt fencing must be installed as directed by the EM in a field-fit manner, as required. ***Silt fence must be staked into the ground and trenched a minimum of 15 cm to prevent flow underneath the fence and must remain taut to prevent material from moving over the fence. Silt fencing should contain sufficient storage capacity to collect runoff and sediment deposition during storm events.*** Silt fencing will be monitored on a regular basis and any damages or areas where the integrity and function of the fencing has been compromised should be repaired or replaced promptly. Silt fence must remain in place where required until the completion of the project;
- All construction debris must be kept outside of the 15 m SPEA and should be removed from the property on a regular basis;
- Stockpiling of fill material within the 15 m SPEA must not occur without consent from the environmental monitor (EM). Any fill material, if required for construction, must be located outside of the SPEA beyond the silt fence;
- Ensure that onsite machinery is in good operating condition, clean, and free of leaks, excess oil or grease. **No equipment refueling can take place within 30 m of Okanagan Lake;**
- Erosion and sediment control (ESC) should incorporate the measures described below to mitigate risks during construction works. The plan is generally based upon provincial BMPs and other specifications and includes the following principles:

- Construction works should be conducted during periods of warm, dry weather with no forecasted precipitation;
 - Construction works should be scheduled to reduce the overall amount of time soils are exposed;
 - Natural drainage patterns should be maintained where possible;
 - Existing native vegetation should be retained where possible; and,
 - Stormwater and sediment-laden runoff should be directed away from exposed soils within the construction area.
- Exposed soils along slopes should be stabilized and covered where appropriate using geotextile fabric, polyethylene sheeting, tarps, or other suitable materials to reduce the potential for erosion resulting from rainfall, seepage, or other unexpected causes; and,
 - Adjacent roadways should be kept clean and free of fine materials. Sediment accumulation upon the road surfaces must be removed and disposed of appropriately.

8.6 Turbid Water Management

If water is encountered during excavations dewatering may be required. Options for turbid water management include the following:

- Discharging water in small quantities to well-vegetated areas of the property to allow for infiltration and reduction of runoff potential;
- Discharging to local stormwater will only be an option if prior approval is gained from the COV; and,
- Discharge to Okanagan Lake may be an option provided that water discharged is within the allowable limits for turbidity under the ambient water quality guidelines for turbidity, suspended and benthic sediments; see below (BC MoE 2019). **Any water discharged to Okanagan Lake must be approved by the EM prior to discharge and the EM would need to be onsite full time.**

Turbidity levels under the Ministry of Environment guidelines for fish and aquatic habitats (BC MoE 2019) are as follows;

- During clear flow periods, induced turbidity should not exceed 8 NTU above background levels at any given time and no more than an average of 2 NTU above background levels over a 30-day period; and,

- During turbid flow periods, induced turbidity should not exceed background levels by more than 5 NTU at any time when background turbidity is between 8 and 50 NTU. When background exceeds 50 NTU, turbidity should not be increased by more than 10% of the measured background level at any one time.

8.7 Spills

Spills of deleterious substances can be prevented through awareness of the potential for negative impact on aquatic habitats and with responsible housekeeping practices onsite. Maintenance of a clean site and the proper use, storage and disposal of deleterious liquids and their containers are important to mitigate the potentially harmful effects of spills and/or leaks.

- Ensure equipment and machinery are in good operating condition, free of leaks, excess oil, and grease. Equipment needs to be pressure/steam-washed prior to use within close proximity of a watercourse;
- Spills occurring on dry land will be contained, scraped and disposed of appropriately. Contaminated material will be stored on tarps and covered to prevent mobilization and will be disposed of in accordance with the Environmental Management Act;
- Copies of contact phone numbers for notification of all of the required authorities in the event of a spill/emergency response should be posted and clearly visible at the site; and,
- Spill containment kits must be kept readily available onsite during construction in case of the accidental release of a deleterious substance to the environment. Any spills of a toxic substance should be immediately reported to the Emergency Management BC 24-hour hotline at **1-800-663-3456**, as well as Ecoscape at **1-250-491-7337**.

8.8 Foreshore Use

The following recommendations must be adhered to in order to prevent additional foreshore disturbance and to enhance the ecological integrity of the subject property:

- No beach grooming, addition of sand, removal or alteration of cobbles/boulders, dredging or removal of riparian vegetation is to occur at any time. There must be no disturbance to substrates occurring along the foreshore of the subject property;
- No works are to occur below the 343 m elevation of Okanagan Lake without having a provincial *Water Sustainability Act* Section 11 application submitted, approved and in the possession of the property owner and contractor; and,
- The construction of permanent structures such as patios, boardwalks, boat houses, hot tubs, pools, etc. are not permitted within the SPEA.

8.9 Site Cleanup

Upon substantial completion of construction activities:

- Silt fencing, snow fence and other temporary mitigation features must be removed if the risk of surface erosion and sediment transport has been adequately mitigated with other permanent measures; and,
- All equipment, supplies, waste, and other materials must be removed from the site.

8.10 Habitat Restoration

The COV typically requires restoration of the riparian area when works are occurring within a COV Development Permit area. In order to improve the riparian area, and taking into account space considerations, **5 trees and 55 shrubs** are recommended to be planted within the SPEA to account for the disturbance from the proposed works. The recommended plantings will take up a total area of **145 m²** (25% of the **572 m²** SPEA area occurring within the subject property).

Ecoscope has not specified the exact locations of the restoration plantings, as they will be chosen in a field fit manner. The restoration plantings should be focused within areas where invasive plant species have been removed and exposed soil remains. **Table 5** demonstrates the restoration planting number and species requirements.

Table 5. Summary of native plant species appropriate for restoration planting			
Common Name	Scientific Name	Minimum Size	Quantity
Trees			
Black Cottonwood	<i>Populus balsamifera</i>	1 gal	
Interior Douglas-Fir	<i>Pseudotsuga menziesii var. glauca</i>	1 gal	
Subtotal trees			5
Shrubs			
Common Snowberry	<i>Symphoricarpos albus</i>	1 gal	
Prickly Rose	<i>Rosa acicularis</i>	1 gal	
Nootka Rose	<i>Rosa nutkana</i>	1 gal	
Red-Osier Dogwood	<i>Cornus sericea</i>	1 gal	
Saskatoon	<i>Amelanchier alnifolia</i>	1 gal	
Tall Oregon Grape	<i>Mahonia aquifolium</i>	1 gal	
Subtotal shrubs			55
TOTAL			60

- Planted species must be native to the Okanagan and suited to site conditions;
- Planting must occur in spring between April and June or fall between September and October when temperatures are cooler and many plants are dormant, to ensure greater planting success;
- Trees are to be planted at a density of 7 m², shrubs every 3 m²;
- Plants should be installed in groups or clusters and make use of suitable micro-climates, such as moisture-receiving areas, coarse woody debris, and remnant patches of natural areas. This will help prevent plant mortality by limiting competition with invasive species. Planting should not be completed in an evenly distributed, grid-like pattern;
- The placement and distribution of plantings will be completed in a field-fit manner at the time of restoration through consultation with the Environmental Monitor (EM);
- Plantings should target depressions to capture local moisture from rain or runoff. Woody debris/wood fiber mulch spread around the base of plantings may help to deter establishment of and competition from invasive plant species;
- Flagging of native plants will be helpful for future monitoring purposes; flagging must not be tied around the main stem such that girdling of the plant will occur as it grows;
- Seed and plant material must be sourced from within the southern interior to avoid complications associated with transplanting coastal species or northern species into dry southern interior conditions;
- To promote germination and establishment of vegetation, temporary irrigation should be supplied for at least the first two growing seasons. If no irrigation is proposed for restoration areas, it is recommended that regular maintenance is conducted to improve planting survival. This may include: additional fertilizing, routine watering and/or replanting, and the removal of invasive species. Poor growth, elevated erosion problems, and/or animal intrusion should be mitigated to promote plant growth; and,
- The contractor completing the restoration works should inspect plants monthly during the growing season, replacing any dead or diseased plants.

Ecoscope recommends grass seeding be completed in areas where natural vegetation has been disturbed. These areas should be seeded with grass seed to minimize establishment of invasive plant species, erosion, and to restore the area to early successional conditions.

- Grass seed mixes must be approved by the EM before purchase and use;
- Restoration grass mixes cannot include species considered invasive within BC;
- All seed mixes will be submitted to a certified seed testing laboratory for germination and purity analysis. Seed analysis certificates are to be provided prior to purchase;

- Grass seed should be broadcast and hand-raked into the soil. For steep slopes or large areas, hydroseed may be used; and,
- Grass seed mixes should be suitable for the environmental conditions (riparian area on western frontage of Okanagan Lake). These conditions may be given to a seed provider to determine the most appropriate species to provide.

At this time, a formal landscape plan has not been prepared. If a landscape plan is prepared at a future date, it must then be reviewed and endorsed by both Ecoscape and COV prior to implementation.

8.10.1 Invasive Species Management

Ongoing invasive species control through mechanical means (i.e., hand pulling and mowing) will be required within any areas with exposed/disturbed soils on the subject property.

- Any contractor working within the subject property must ensure that all equipment and vehicles are washed and free of weed seeds prior to mobilization and de-mobilization. Vehicles and equipment should not be stored, parked, or staged within weed infested areas if possible. Contractor clothing should also be inspected daily for signs of weed seeds. If found, weed seeds should be disposed of in a contained refuse bin for offsite disposal;
- Care must be taken to ensure that invasive species removal does not impact existing or planted native tree and shrub species; and,
- Invasive plant species must be disposed of in a landfill; however, invasive species material must not be composted in the yard waste section of the landfill. Invasive plant species must not be transported to or deposited in other natural areas.

8.11 Environmental Monitoring

An environmental monitor (EM) should be retained to document compliance with proposed mitigation measures and to provide guidance during construction works. In the event that greater disturbance occurs due to unforeseen circumstances, the EM should recommend further measures to protect/restore the natural integrity of the site. The EM should be an appropriately Qualified Environmental Professional (QEP).

The EM's duties and schedule will include, as a minimum, the following:

- A pre-construction meeting should be held between the EM and the contractor(s) undertaking the work onsite to ensure a common understanding of the mitigation measures and best practices required for the project. A copy of the development permit

and this report must be kept readily available at the site for reference while the work is being conducted. Site delineation must be in place prior to project startup;

- The EM will be an appropriately qualified environmental professional (QEP) authorized to halt construction activities should an incident arise that is causing undue harm (unforeseen or from lack of due care) to terrestrial and/or aquatic resource values;
- Construction activities should be monitored on a monthly basis and more regularly during high-risk activities (e.g., clearing and grubbing, concrete pours, large material excavations) until the completion of the project. At a minimum, environmental monitoring of the tree replacement/restoration is recommended to provide total completion for the project; and,
- Regular monitoring reports will be submitted to the primary contractor, client, and COV. Once construction and restoration are complete, a total completion site visit and report will be undertaken by the EM.

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8.12 Bonding

Performance bonding is typically required by the COV to ensure that the recommended mitigation measures are adhered to, and any restoration is completed as required. Bonding in the amount of 125% of the estimated value of the prescribed works (i.e., monitoring) and is generally required to ensure faithful performance and that all mitigation measures are completed and function as intended. Security deposits shall remain in effect until the COV has been notified, in writing by the EM that the objectives have been met and total completion of the restoration works has been achieved. Ecoscape estimates that the total cost for habitat restoration works (not inclusive of proposed development) will be approximately **\$4,275.00**, not including GST. The bonding is estimated to be **\$5,343.75** (125% of estimated cost) and outlined within **Table 6** below.

TABLE 6. Cost estimate for bonding					
Item	Quantity	Cost per Unit	Material Cost	Installed Cost*	
Trees (1 gal pot)	5	\$20.00	\$100.00	300.00	
Shrubs (1 gal pot)	55	\$15.00	\$825.00	\$2,475.00	
Environmental monitoring (includes substantial and total completion reports)**				\$1,500.00	
				Total	\$4,275.00
				Bond amount (125% of Total)	\$5,343.75

*Installed cost is estimated at 300% of the material cost

**The above estimate for environmental monitoring is over the maintenance phase only.

NOTE: Costs provided are estimates for bonding purposes only. These costs may vary depending upon site conditions

9.0 CONCLUSION

This report pertains to existing and potential site conditions at the subject property with respect to riparian and upland habitats in relation to the proposed works. As per the requirements of the COV, this report identifies potential environmental impacts and appropriate mitigation measures to protect the natural integrity of both terrestrial and aquatic communities. Provided that mitigation measures within this report are adhered to, impacts to the aquatic and terrestrial communities should be avoided.

10.0 CLOSURE

This report has been prepared for the exclusive use of Lyle Salekin. Ecoscape has prepared this assessment with the understanding that all available information on the present and proposed condition of the site has been disclosed. The client has acknowledged that in order for Ecoscape to properly provide its professional service, Ecoscape is relying upon full disclosure and accuracy of this information. This report should not be interpreted as an endorsement of the proposed works, but as a municipal tool for decision making.

If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

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DRAFT

FIGURES

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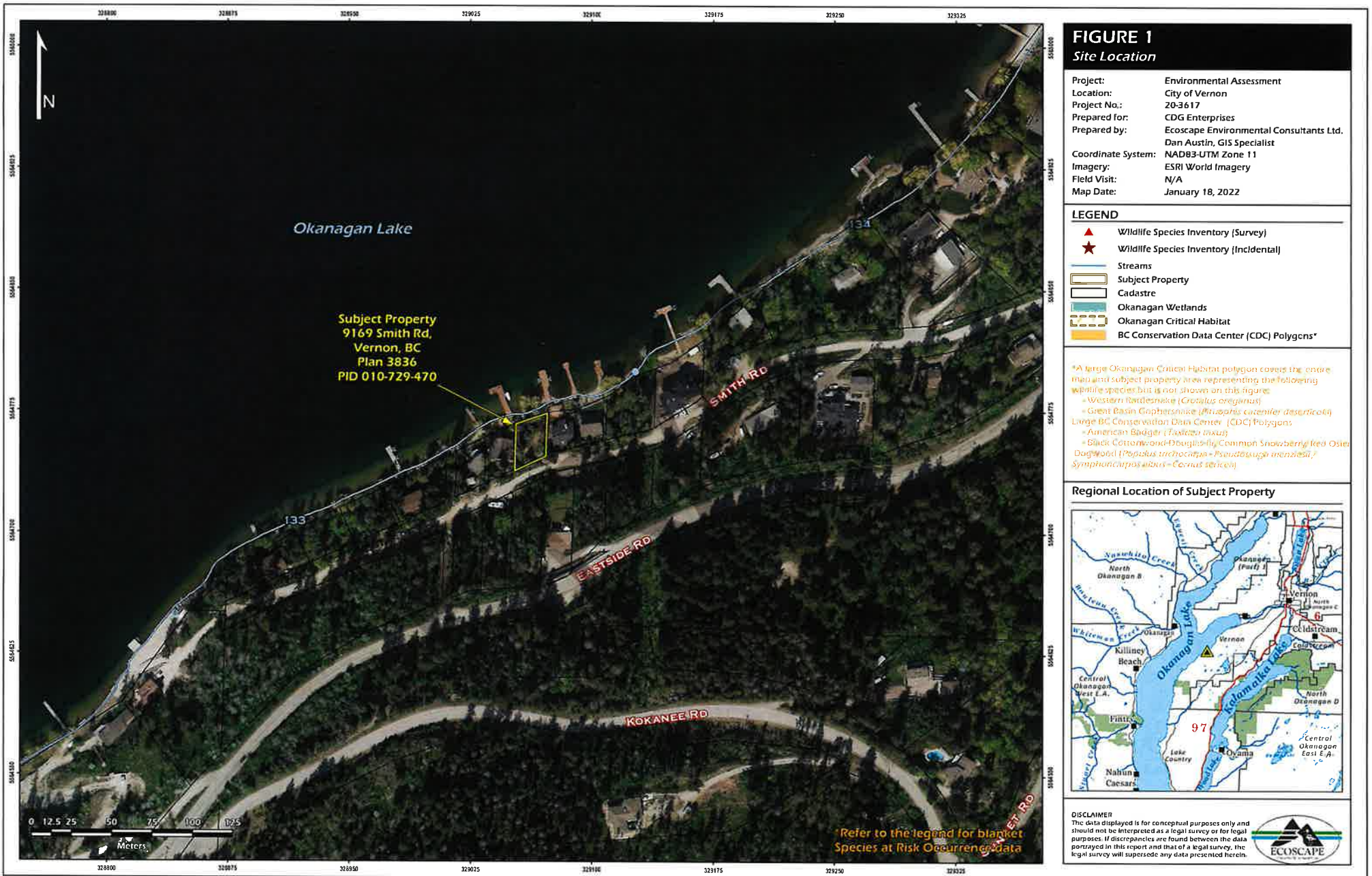




FIGURE 2
Riparian Areas Protection Regulation

Project: Environmental Assessment
 Location: City of Vernon
 Project No.: 20-3617
 Prepared for: CDG Enterprises
 Prepared by: Ecoscape Environmental Consultants Ltd.
 Dan Austin, GIS Specialist

Coordinate System: NAD83-UTM Zone 11
 Imagery: ESRI World Imagery
 Field Visit: N/A
 Map Date: January 18, 2022

- LEGEND**
- Municipal Setbacks
 - Surveyed High Water Level (343 m.a.s.l.)
 - Riparian Areas Regulation Assessment Boundary (30 Metres)
 - Zone of Sensitivity - Large Woody Debris (30 Metres)
 - Zone of Sensitivity - Litterfall and Insect Drop (15 Metres)
 - Zone of Sensitivity - Shade (30 Metres Due South)
 - Streamside Protection and Enhancement Area (SPEA)
 - Proposed Developable Area
 - Subject Property
 - Cadastre

Hardship Area Calculation (Brownfield)	
Total Property Area =	530.5m ²
Total Buildable Area (40% of Lot Area) =	212.2m ²
Developable Area (Outside SPEA) =	76.3m ²
Developable Area (Outside Natural/Legal Restrictions) =	0m ²
Allowable Footprint (40% Site Coverage under R6 Vernon Zoning)* =	212.2m ²
Streamside Protection and Enhancement Area Encroachment*	N/A

*Site Coverage under zoning R6 for Vernon. Maximum site coverage is 40%.

DISCLAIMER
 The data displayed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data portrayed in this report and that of a legal survey, the legal survey will supersede any data presented herein.






FIGURE 3
Proposed Works


Project: Environmental Assessment
 Location: City of Vernon
 Project No.: 20-3617
 Prepared for: CDG Enterprises
 Prepared by: Dan Austin, GIS Specialist
 Ecoscape Environmental Consultants Ltd.
 Coordinate System: NAD83-UTM Zone 11
 Imagery: ESRI World Imagery
 Field Visit: N/A
 Map Date: January 18, 2022

- LEGEND**
- Municipal Setbacks
 - Surveyed High Water Level (343 m.a.s.l.)
 - Riparian Areas Regulation Assessment Boundary (30 Metres)
 - Zone of Sensitivity - Large Woody Debris (30 Metres)
 - Zone of Sensitivity - Litterfall and Insect Drop (15 Metres)
 - Zone of Sensitivity - Shade (30 Metres Due South)
 - Streamside Protection and Enhancement Area (SPEA)
 - Proposed Developable Area
 - Subject Property
 - Proposed Works
 - Cadastre

Hardship Area Calculation (Brownfield)	
Total Property Area =	530.5m ²
Total Buildable Area (40% of Lot Area) =	212.2m ²
Developable Area (Outside SPEA) =	76.3m ²
Developable Area (Outside Natural/Legal Restrictions) =	0m ²
Allowable Footprint (40% Site Coverage under R6 Vernon Zoning) * =	212.2m ²
Streamside Protection and Enhancement Area Encroachment =	157.5m ²

*Site Coverage under zoning R6 for Vernon. Maximum site coverage is 40%.

DISCLAIMER
 The data displayed is for conceptual purposes only and should not be interpreted as a legal survey or for legal purposes. If discrepancies are found between the data portrayed in this report and that of a legal survey, the legal survey will supersede any data presented herein.



APPENDIX C

Site Photos

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Photo 1. View looking north of the subject property from Smith Road (All photos taken February 3, 2021).



Photo 2. View looking south of the upland area of the property, and existing shed, rip rap, and patio above the high-water mark within the subject property.



Photo 3. View looking east of the turf between the shed/patio and retaining wall within the 15 m setback from the high-water mark.



Photo 4. View looking east of the shed and patio within the 15 m setback from the high-water mark.



Photo 5. View looking southeast of a bat box and bird box attached to the existing shed within the subject property.



Photo 6. View looking south of a bat box within a deciduous tree within the upland area of the subject property.



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Model	Custom
Elevation	A
UPPER FLOOR	933
MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573
Job Number	XX-XX-XXX

Job Address: Address
City, Province

Legal Address: PID: PID Number

REVISIONS	
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GENERAL: 1. UNLESS OTHERWISE SPECIFIED, CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE AND ALL APPLICABLE BY-LAW ORDINANCES AND REGULATIONS. 2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 5. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 6. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 7. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 8. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED. 10. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE SPECIFIED.

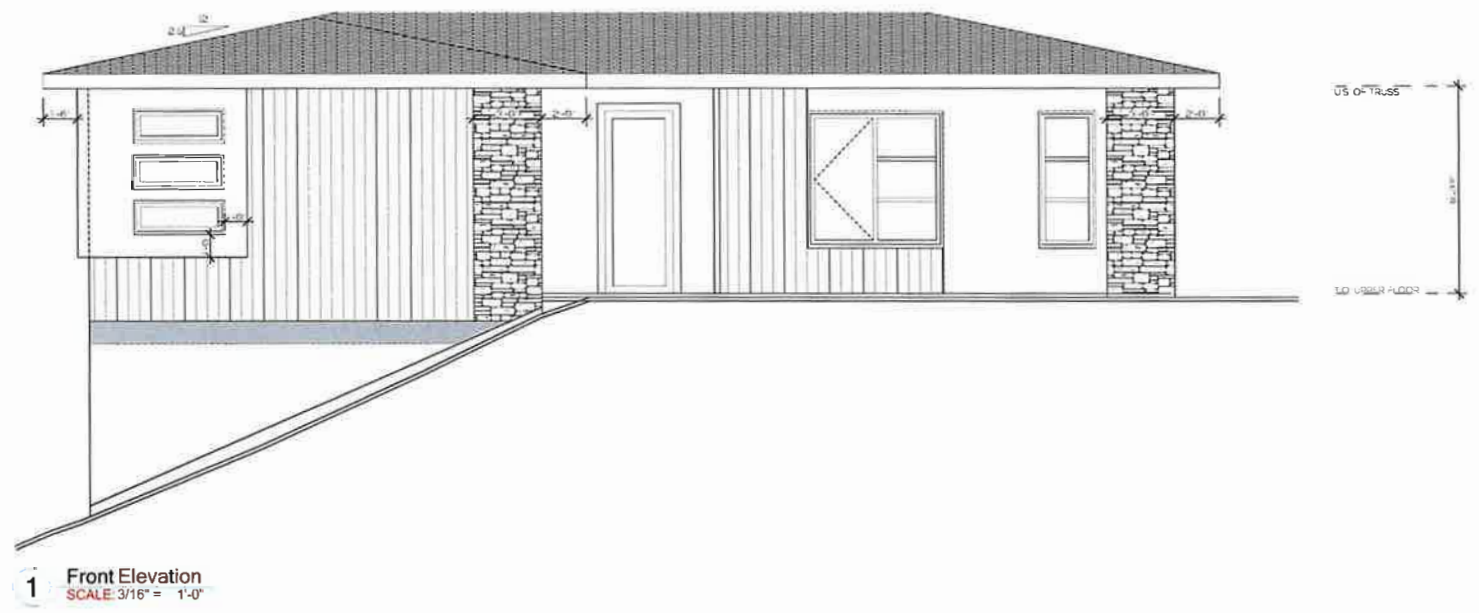
STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022

Front Elevation

SHEET NO.	1 / 14
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Attachment 3



1 Front Elevation
 SCALE: 3/16" = 1'-0"



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MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573

User Number: **XX-XX-XXX**
 User Address: Address
 City, Province

Legal Address: PID: PID Number

REVISIONS:

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GENERAL NOTES: THESE PLANS AND SPECIFICATIONS ARE TO BE USED IN CONJUNCTION WITH THE STANDARD SPECIFICATIONS FOR RESIDENTIAL CONSTRUCTION AND THE BC BUILDING CODE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED. ALL FINISHES SHALL BE AS NOTED ON THESE PLANS. PROVIDE ROOF VENTS, FLASHING, CASING, ETC. AS REQUIRED BY CODE. LOCATION OF HVAC, ELECTRICAL, PLUMBING, ETC. TO BE THE RESPONSIBILITY OF THE INSTALLING CONTRACTOR.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022

Rear Elevation

SHEET NO.	2 / 14
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1 Rear Elevation
 SCALE: 3/16" = 1'-0"



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Model	Custom	
Elevation	A	
UPPER FLOOR		933
MAIN FLOOR		1372
LOWER FLOOR		1268
TOTAL		3573

Job Number: **XX-XX-XXX**
 Job Address: Address
 City, Province

Job Address: PID Number

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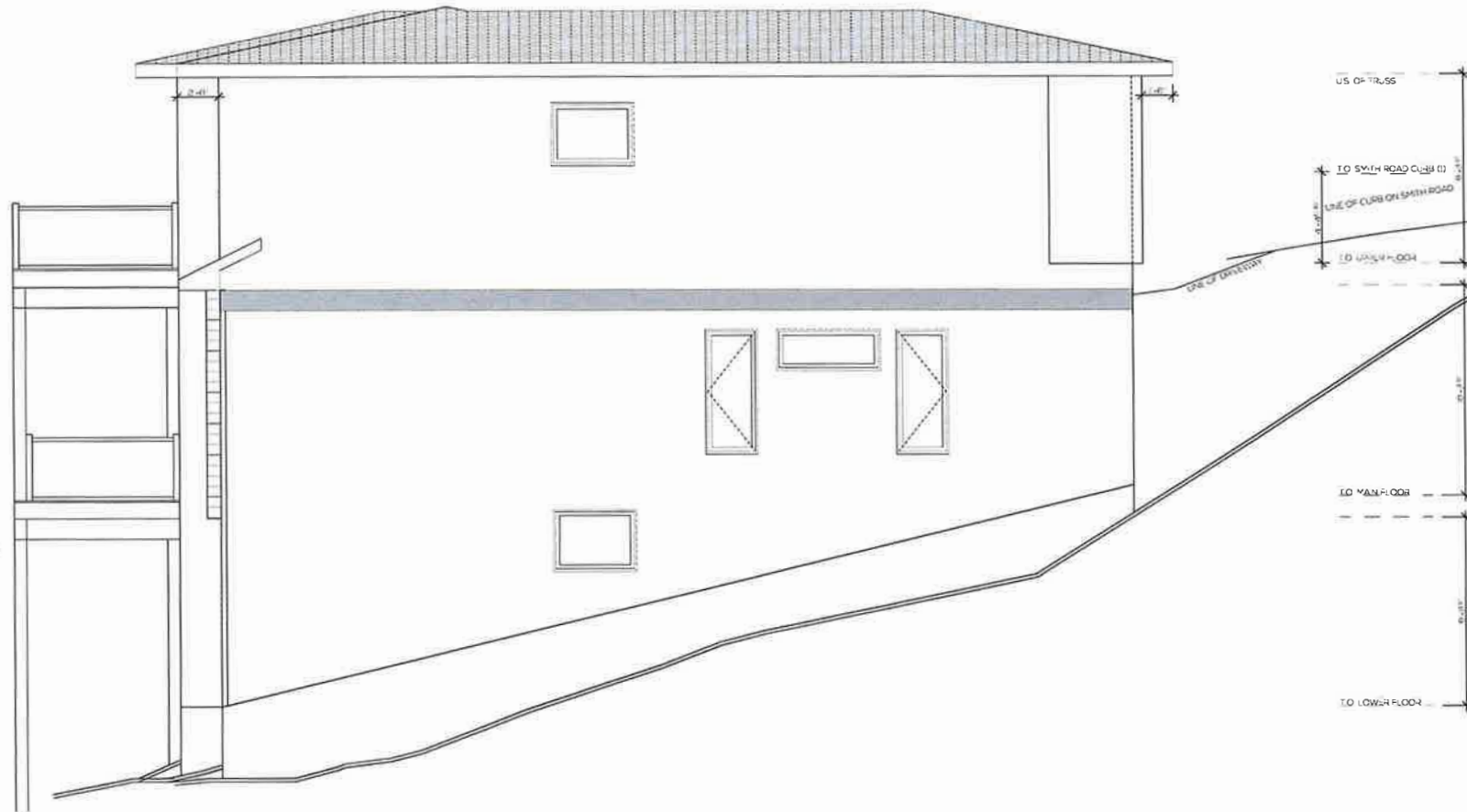
GENERAL NOTES: 1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

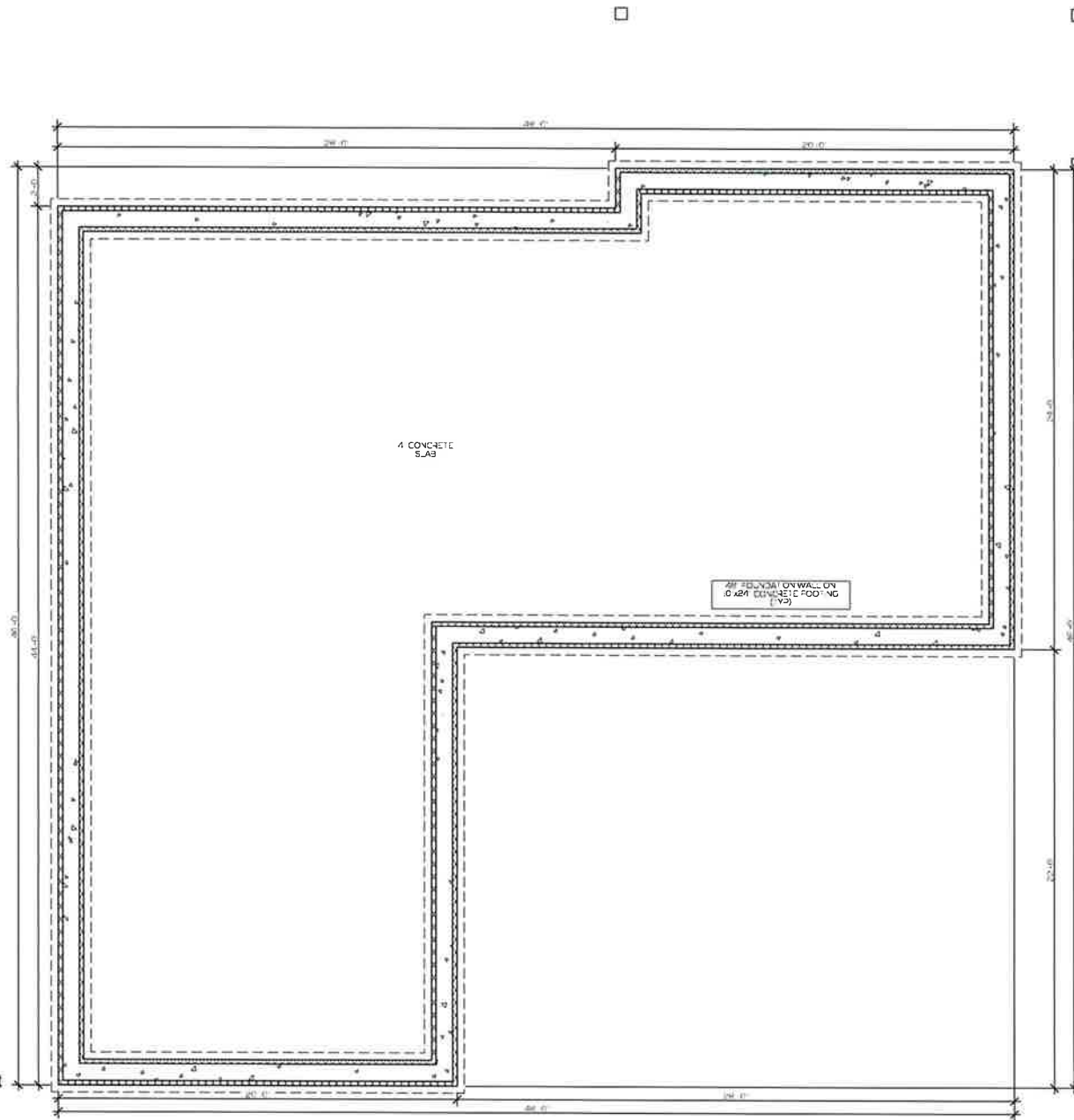
Spec: Standard 2022

Left Elevation


SHEET NO.	3	14
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1 Left Elevation
 SCALE: 3/16" = 1'-0"



1 Foundation Layout
SCALE: 3/16" = 1'-0"



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Elevation	A
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MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573
Job Number	XX-XX-XXX
Job Address	Address City, Province
Legal Address	
PID	PID Number

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GENERAL CONTRACTOR AND ALL SUBTRACTORS TO REVIEW THESE DRAWINGS PRIOR TO CONSTRUCTION. ANY CHANGES OR MODIFICATIONS MUST BE SUBMITTED TO THE DESIGNER PRIOR TO CONSTRUCTION. THE USE OF THESE DRAWINGS SHALL BE AT THE USER'S RISK. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.

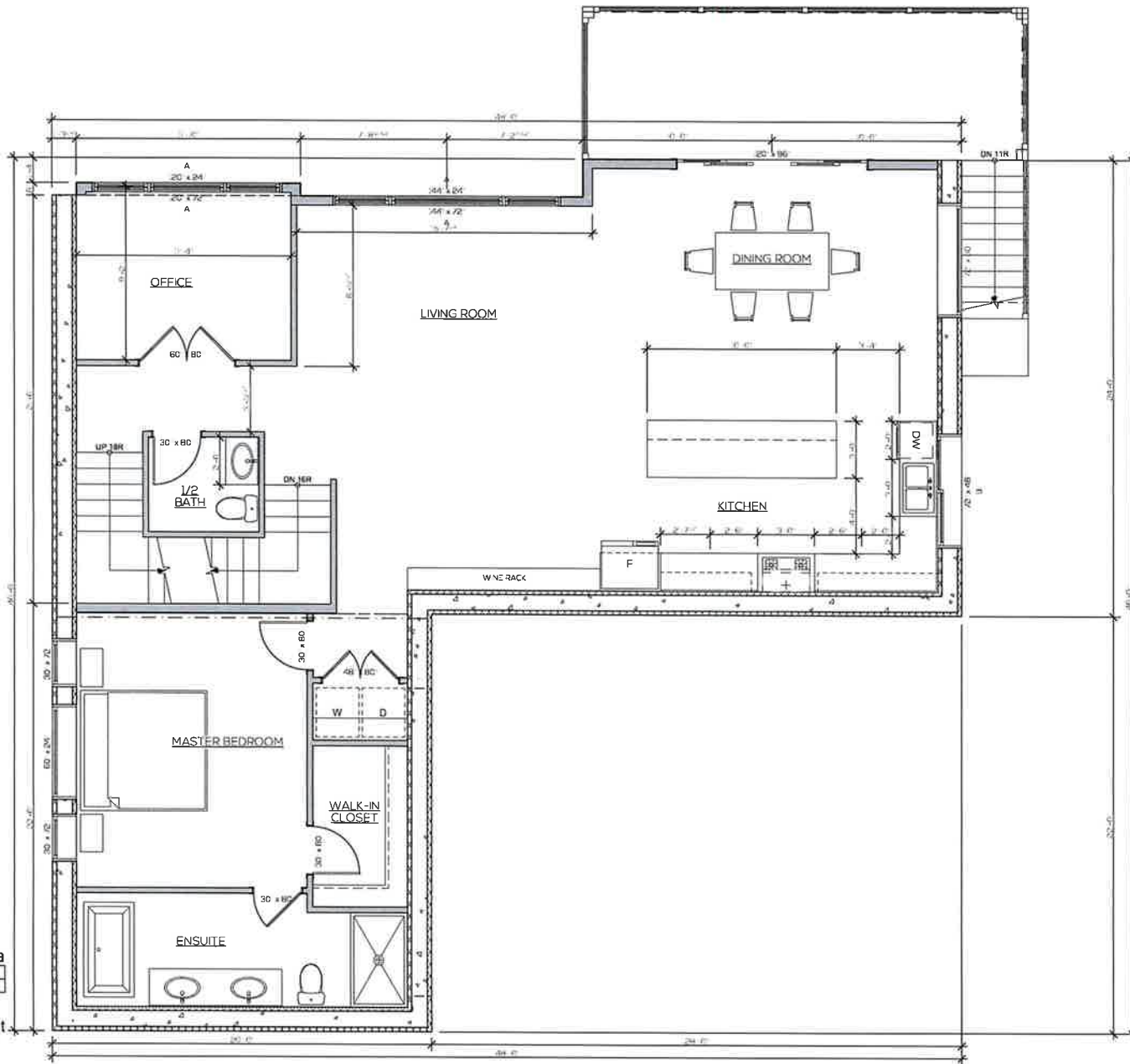
STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022

Foundation Plan

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MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573

Job Number: **XX-XX-XXX**
 Job Address: Address
 City, Province

Logo Address:
 PID: PID Number

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GENERAL CONTRACTOR AND ALL SUBS TO REVIEW THIS DRAWING FOR THE QUALITY OF THE WORK AND FOR THE PURPOSE OF CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR THE QUALITY OF THE WORK AND FOR THE QUALITY OF THE CONSTRUCTION. THE ARCHITECT SHALL NOT BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.
 ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES AND ALL LOCAL BY-LAWS.
 ALL ENGINEERING AND TRADE WORK SHALL BE DONE IN ACCORDANCE WITH THE CANADIAN AND INTERNATIONAL STANDARDS FOR THE TRADES AND SPECIFICATIONS LISTED ON THESE PLANS.
 ALL EXTERIOR FINISHES TO BE OF THE BEST QUALITY UNLESS NOTED OTHERWISE.
 FINISHES AND MATERIALS SHALL BE OF THE BEST QUALITY UNLESS NOTED OTHERWISE.
 LOCATION OF ALL ELECTRICAL WORKING TO BE THE RESPONSIBILITY OF THE INSTALLING CONTRACTOR.

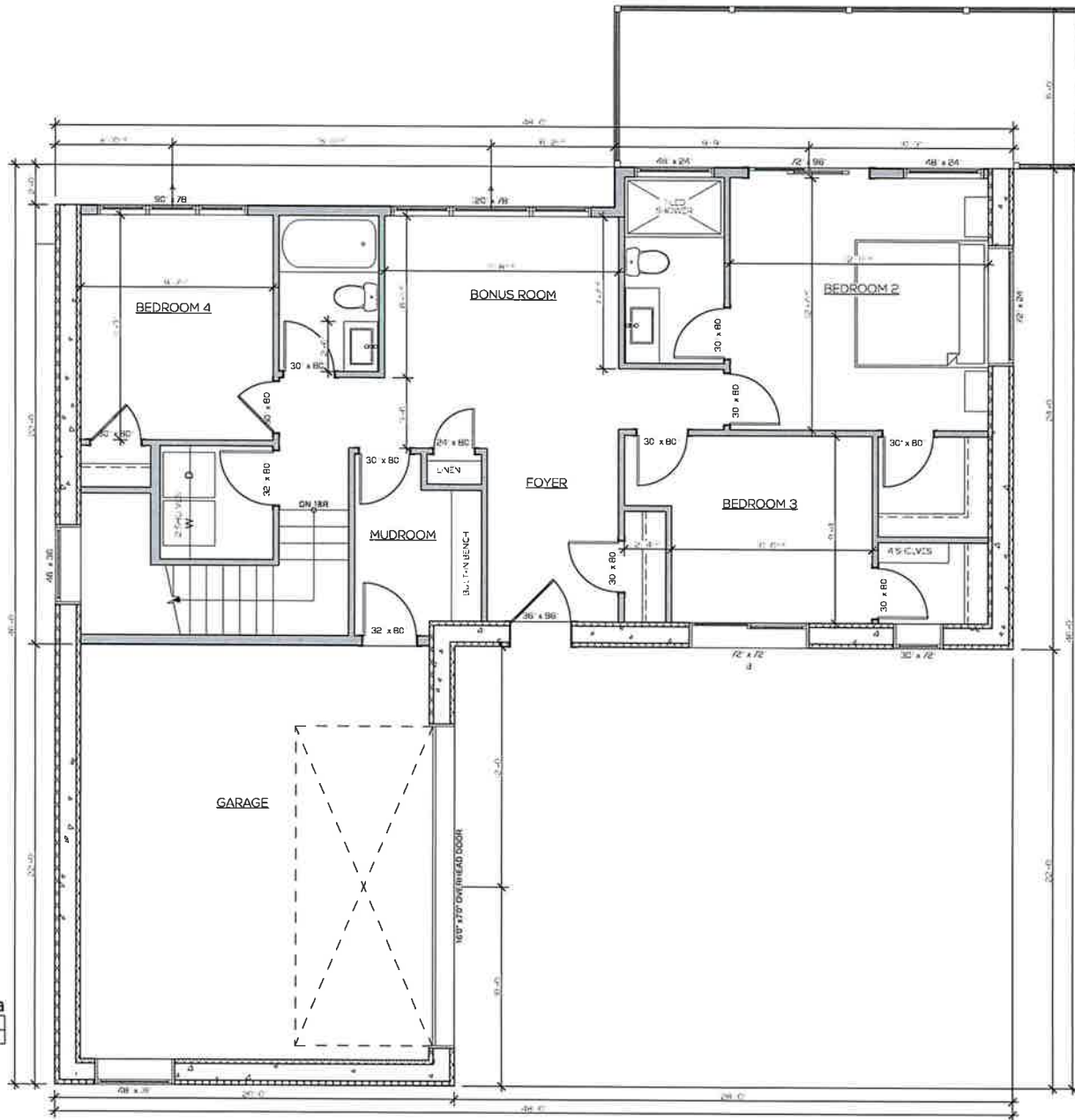
STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022

Main Floor Plan

SHEET NO	7	14
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Model:	Custom
Elevation:	A
UPPER FLOOR	933
MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573
Job Number:	XX-XX-XXX
Job Address:	Address City, Province
Legal Address:	PID Number

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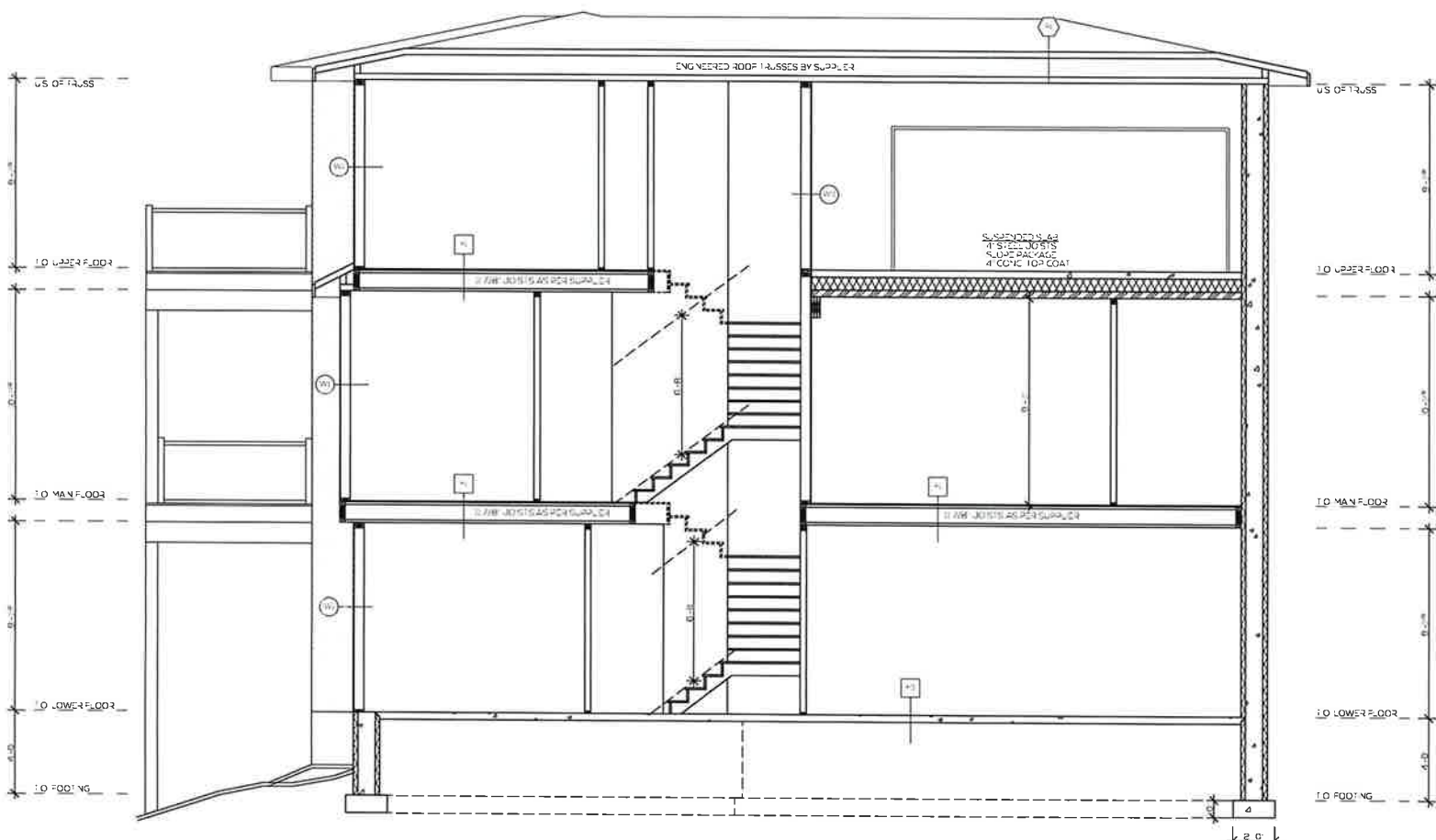
THE CONTRACTOR AND ALL SUBS SHOULD REVIEW THESE DRAWINGS CAREFULLY BEFORE BEGINNING WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. DO NOT SCALE DRAWINGS. VERIFY DIMENSIONS PRIOR TO CONSTRUCTION. ALL DIMENSIONS SHALL COMPLY WITH APPLICABLE BUILDING CODES AND REGULATORY AGENCIES. ALL ENGINEERING, ROOF TRUSS AND FLOOR JOISTS TO BE USED WITHIN 5' OF WALLS OR OF OTHER STRUCTURE TO HAVE PROTECTIVE OVER THE DRAWINGS AND SPECIFICATIONS NOTED ON THESE PLANS. ALL INTERIOR FINISHES TO BE AS PER PLAN OR BETTER UNLESS NOTED OTHERWISE. FINISHES AND MATERIALS TO BE AS PER PLAN OR BETTER UNLESS NOTED OTHERWISE. ALL WORK SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022

Upper Floor Plan

SHEET NO.	8	14
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1 Section A
SCALE: 3/16" = 1'-0"



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Model:	Custom
Elevation:	A
UPPER FLOOR	933
MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573

Job Number: **XX-XX-XXX**
Job Address: Address
City, Province
Legal Address: PID: PID Number

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OWNER, CONTRACTOR AND ALL SUBTRACTS TO REVIEW THESE DRAWINGS FOR ANY CONFLICTS AND ANY ERRORS OR OMISSIONS MUST BE CORRECTED BY THE DATE SPECIFIED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022
Section A

SHEET NO.	9 / 14
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Model: Custom

Elevation: A

UPPER FLOOR	933
MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573

Job Number: **XX-XX-XXX**

Job Address: Address
 City, Province

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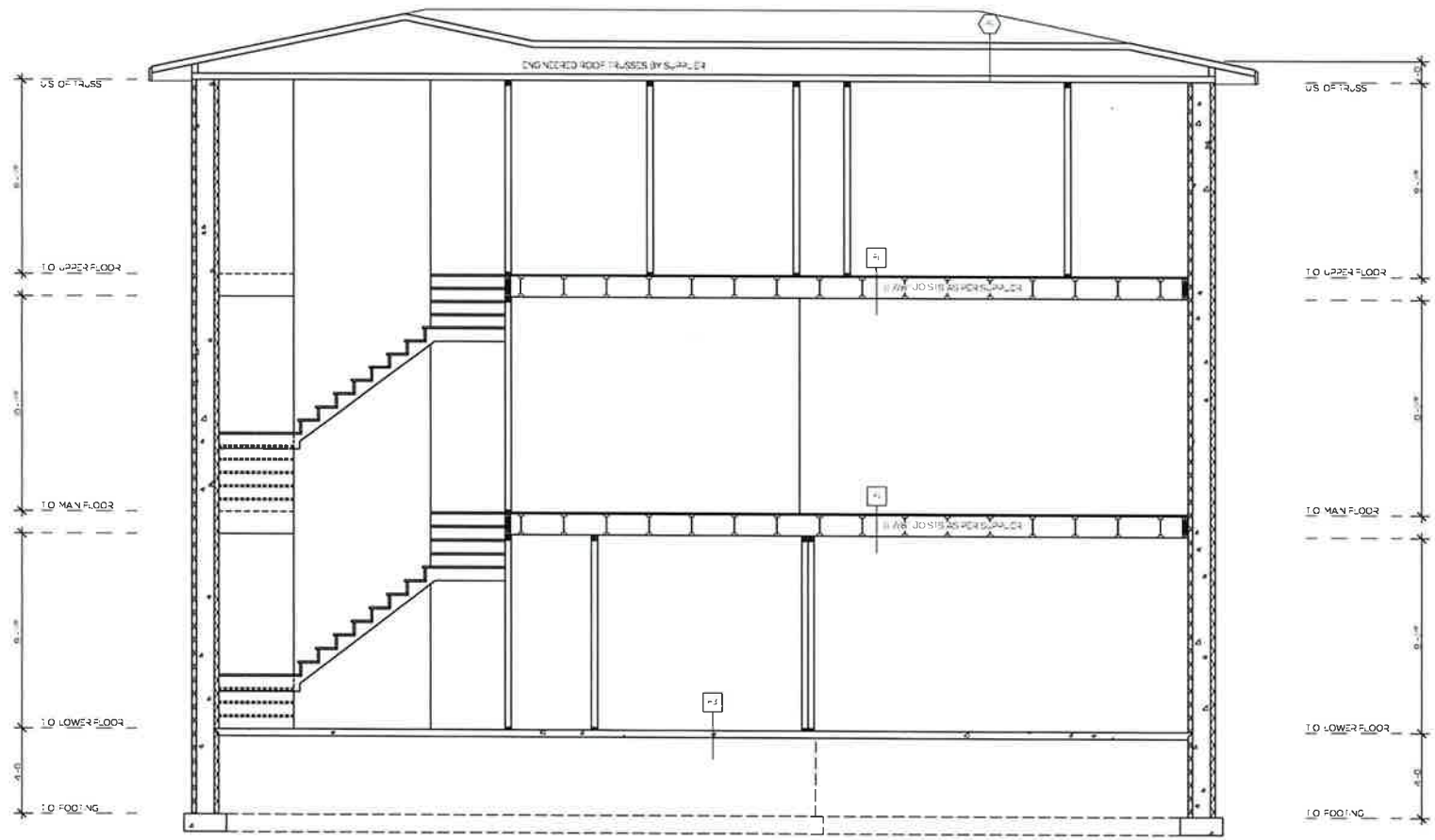
OWNER, CONTRACTOR AND ALL SUBTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION AND SHALL COMPLY WITH ALL APPLICABLE BUILDING CODES AND REGULATIONS IN THIS JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

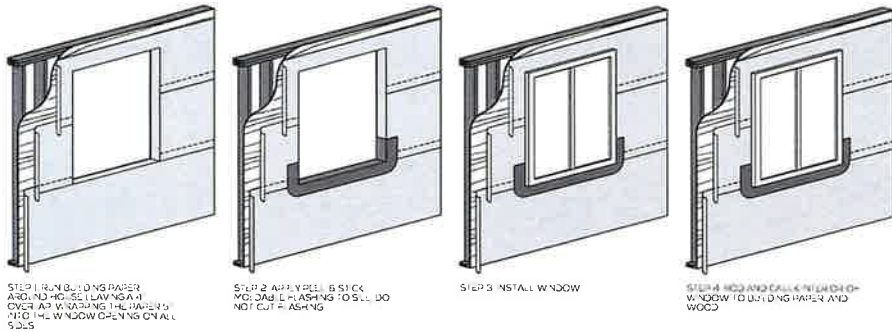
Spec: Standard 2022

Section B

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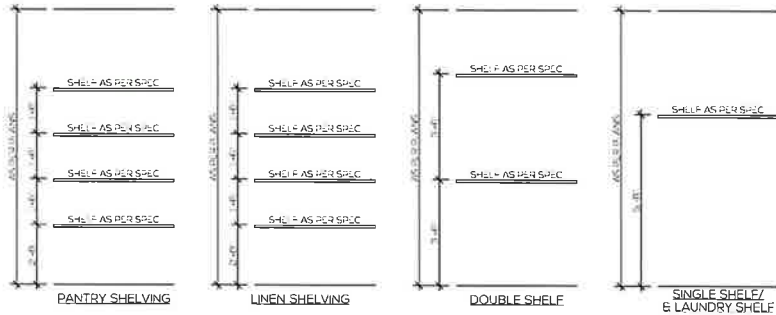


1 Section B
 SCALE: 3/16" = 1'-0"

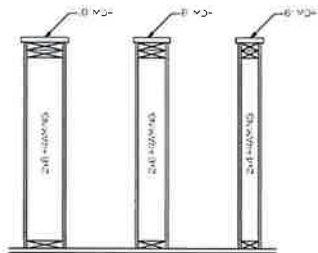


STEP 1: RUN BUILDING PAPER AND NOISE-REDUCING LAMINATING OVER WINDOW OPENING ON ALL SIDES
 STEP 2: APPLY BELL BLOCK TO DOUBLE-PLASMING; DO NOT CUT AWAYING
 STEP 3: INSTALL WINDOW
 STEP 4: HOLD AND CALL OUT WINDOW TO BUILDING PAPER AND WOOD

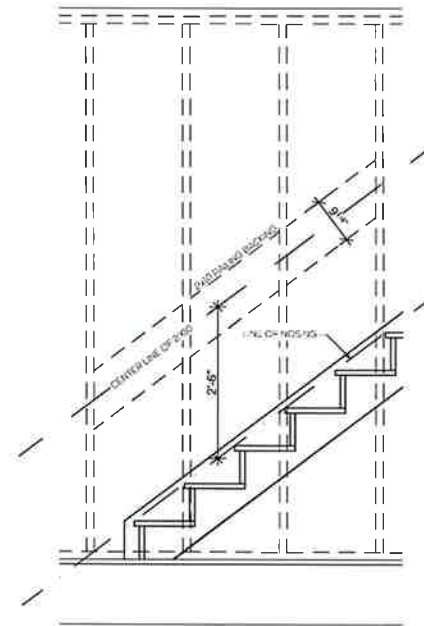
1 Window Installation
 SCALE: 3/16" = 1'-0"




2 Shelving Details
 SCALE: 1/4" = 1'-0"



3 Stubwall Detail
 SCALE: 1/2" = 1'-0"



4 Stairwell Railing Backing
 SCALE: 1/2" = 1'-0"



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Type: Custom	
Location: A	
UPPER FLOOR	933
MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573
Job Number: XX-XX-XXX	
Job Address: Address City, Province	
Legal Address: PID Number	
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GENERAL NOTE: PROVIDE ALL FINISH SUBSTRATES TO WHICH THESE DRAWINGS REFER TO IN ACCORDANCE WITH ALL APPLICABLE CODES AND STANDARDS. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. ALL FINISHES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION

Spec: Standard 2022

Details

SHEET NO.	11	14
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I1 - Typical Interior Wall @ 16" o/c

Typical Interior Wall - 16" o/c	
1	1/2" Gypsum Board
2	2x4, 2x6 or 2x8 Framing @ 16" o/c
3	1/2" Gypsum Board

W1 - 2x6 R21 - 24" o/c Exterior Wall w/ Varying Finish

2x6 Exterior Wall R21 - 24" o/c		RSI
1	Interior Air Film (Heat Flow Horizontal)	0.12
2	1/2" Gypsum Board	0.08
3	2x6 w/ R21 Close Cell Spray Foam	2.57
4	7/16" OSB Sheathing	0.093
5	Exterior House Wrap	0.00
6	Exterior Finish (RSI Varies)	see note
7	Exterior Air Film	0.03
RSI of Entire Assembly (w/ Ext. Fin.)		2.893

Exterior Finish Note:
 Vinyl Siding + 0.11
 Masonry + 0.07
 Cultured Stone + 0.09
 Stucco +1.23
 Insulation +1.15
 Stone + 0.08
 Fiber-Cement + 0.026

W2 - 2x6 R21 - 12" o/c Exterior Wall w/ Varying Finish

2x6 Exterior Wall R21 - 12" o/c		RSI
1	Interior Air Film (Heat Flow Horizontal)	0.12
2	1/2" Gypsum Board	0.08
3	2x6 w/ R21 Close Cell Spray Foam	2.414
4	7/16" OSB Sheathing	0.093
5	Exterior House Wrap	0.00
6	Exterior Finish (RSI Varies)	see note
7	Exterior Air Film	0.03
RSI of Entire Assembly (w/ Ext. Fin.)		2.737

Exterior Finish Note:
 Vinyl Siding + 0.11
 Masonry + 0.07
 Cultured Stone + 0.09
 Stucco +1.23
 Insulation +1.15
 Stone + 0.08
 Fiber-Cement + 0.026

W-8 ICF Wall

ICF Wall Assembly	
1	2 5/8" Rigid Insulation
2	10" Concrete Wall
3	2 5/8" Rigid Insulation
4	4" Conc. Floor Slab
5	Dirt / Clay

W3 - 2x6 R21 - 24" o/c Interior Garage Wall

2x6 Interior Garage Wall R21 - 24" o/c		RSI
1	Interior Air Film (Heat Flow Horizontal)	0.12
2	Vapour Barrier Paint	0.00
3	1/2" Gypsum Board	0.08
4	2x6 w/ R21 Close Cell Spray Foam	2.57
5	7/16" OSB Sheathing	0.093
6	1/2" Gypsum Board	0.08
7	Exterior Air Film	0.03
RSI of Entire Assembly		2.973

W4 - Frost Wall w/ Heated Space

2" THICK CONC. WALL (TYPE 10, 20MPa CONC. w/ 4-6% AIR UNLESS NOTED ON ENGINEERS REPORT)
 REINFORCED w/ 4 ROWS OF 2-10M REBAR @ TOP, MIDDLE & BOTTOM w/ ADDITIONAL REBAR AROUND WINDOWS AS PER ENGINEERING
 EXTERIOR DAMP PROOFING FROM TOP OF FOOTING TO HEIGHT OF GRADE w/ TAR APPLICATION TO ALL SNAP-TIES

18"x8" FOOTING (TYPE 10, 20MPa CONC. w/ 4-6% AIR UNLESS NOTED ON ENGINEERS REPORT)

Frost Wall Assembly		RSI
1	Interior Air Film (Heat Flow Horizontal)	0.12
2	2x4 w/ R21 Close Cell Spray Foam	2.03
3	2" Air Space	0.18
4	8" Conc. Foundation Wall	0.08
RSI of Entire Assembly		2.41

4" DIA. PERFORATED WEEPING TILE TO PERIMETER w/ 1" RAMPED GRADE

R1 - Hot Roof Assembly For Flat Ceiling

Roof Insulation Assembly		RSI
1	Outside Air Film	0.03
2	Asphalt Shingles	0.08
3	7/16" Plywood Sheathing	0.122
4	Truss @ per supplier	0.00
5	R28 Denitec Open Cell Spray Foam Air Barrier (or equivalent)	3.72
6	Prime Line Vapour Barrier Paint (or equivalent)	0.00
7	Interior Air Film (Heat Flow Up)	0.12
RSI of Entire Assembly		4.072


Reference to "Building Envelope Guide for Houses" Part 9 Residential Construction Section 4.3,1.3-Conditioned (unvented) Attic - Open Cell (page 491)

W7 - Wing Wall

2" THICK CONC. WALL (TYPE 10, 20MPa CONC. w/ 4-6% AIR UNLESS NOTED ON ENGINEERS REPORT)
 REINFORCED w/ 4 ROWS OF 2-10M REBAR @ TOP, MIDDLE & BOTTOM
 EXTERIOR DAMP PROOFING FROM TOP OF FOOTING TO HEIGHT OF GRADE w/ TAR APPLICATION TO ALL SNAP-TIES
 BACK FILL

18"x8" FOOTING (TYPE 10, 20MPa CONC. w/ 4-6% AIR UNLESS NOTED ON ENGINEERS REPORT)

Building Paper
 Polyethylene (Air/Vapour Barrier)



CDG ENTERPRISES
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CDG Enterprises
 2907-32 Street Vernon BC V1T 5M2
 Matt@CDGenterprises.com
 (250) 641-3647

Model	Custom
Elevation	A
UPPER FLOOR	933
MAIN FLOOR	1372
LOWER FLOOR	1268
TOTAL	3573
Job Number	XX-XX-XXX
Job Address	Address City, Province
Legal Address	PID Number
REVISIONS	
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

GENERAL CONTRACTOR AND SUBCONTRACTORS: REVIEW THESE DRAWINGS FOR ALL CONSTRUCTION AND SPECIFICATIONS. CHECK FOR ALL CHANGES THAT ARE REQUIRED TO BE MADE PER THE CONTRACT DOCUMENTS. IF THESE DRAWINGS SHOW A CHANGE TO A DETAIL OF THE DESIGN, THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE ARCHITECT IMMEDIATELY.

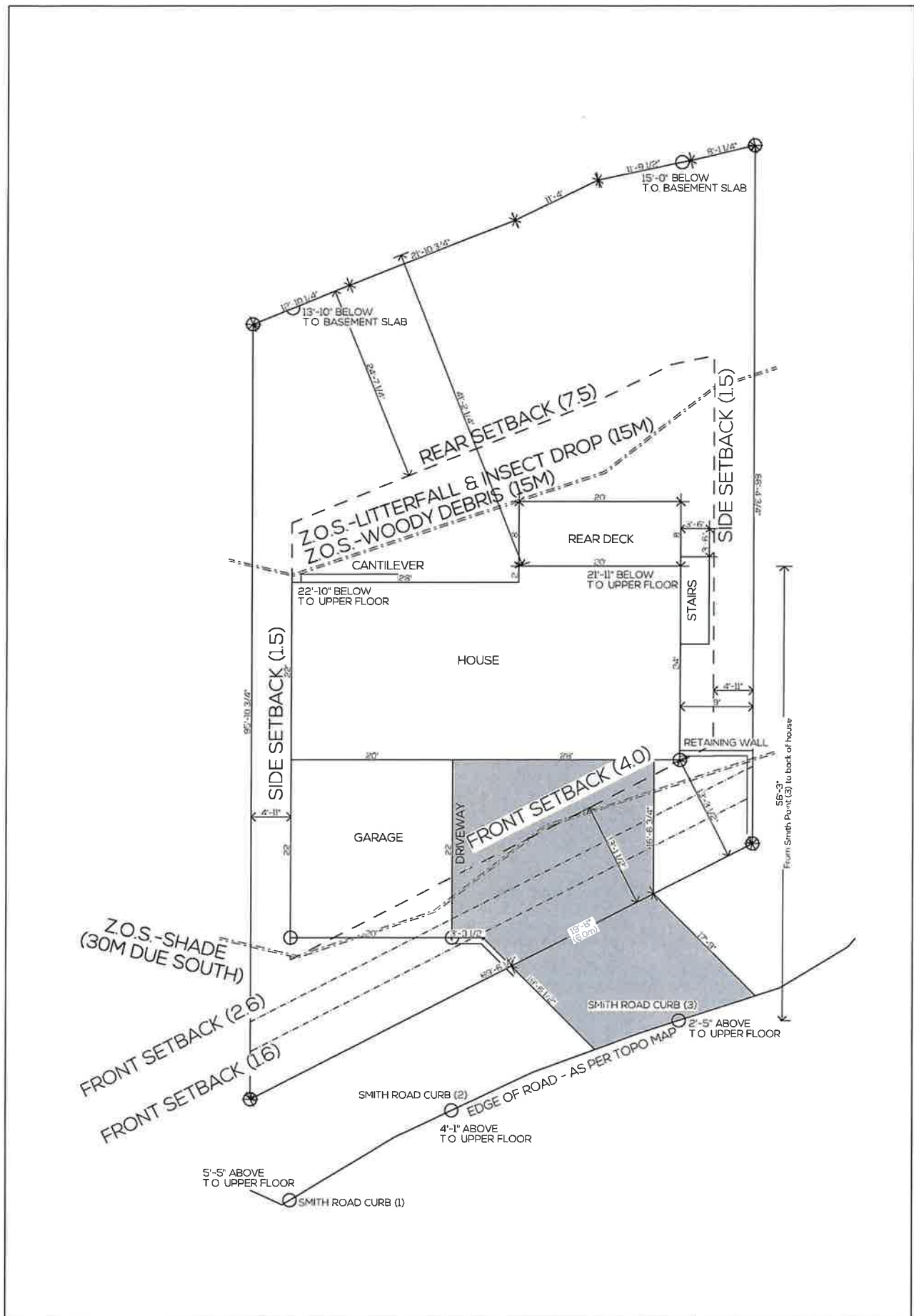
THE ARCHITECT'S DRAWINGS SHALL BE PROVIDED TO THE CONTRACTOR AND ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS AND THE DRAWINGS.

ALL ENGINEERING WORK SHALL BE PROVIDED TO THE CONTRACTOR AND ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ENGINEERING SPECIFICATIONS AND THE DRAWINGS.

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ENGINEERING SPECIFICATIONS AND THE DRAWINGS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE ARCHITECT IMMEDIATELY OF ANY CHANGES TO THE DESIGN.

STOCK PLAN, NOT FOR PERMIT OR CONSTRUCTION



Job Address	Address City, Province
Legal Address	PID: PID Number

Plot Plan



Attachment 4

Design Rational: 9169 Smith Road

To construct a single-family home at 9169 Smith Road with an attached garage, front veranda, driveway, and an exterior multi-leveled deck.

Variations Required:

1. Building Height

Rule: Overall Building Height bylaw states Maximum overall height o building is 10 Meters from average of lowest grade to mid point of the roof.

Request: We are requesting a Variance to overall height of .9 meters. This results in an overall height of 10.9 meters for the following reasons:

- Site is located in a Riparian Zone requiring a 30M setback. Owner has requested this be relaxed to close to 15M setback based upon hardship. Therefore builder has been required build up instead of up in an issue to avoid setback. Base of house is only 22ft wide on east side.
- Due to the degree of slope on the lot and the lack of buildable depth we request a variance to the overall building height maximum set out by the by-laws.
- With the slope of the lot being more than 30 percent it requires us to push the house up the bank more which gives us a higher overall height because of the drastic slope.
- However, if you look at the building height from the roadway perspective the home appears as a one-story house. The additional .9 meter of the building height is to accommodate the 41 percent slope on the only buildable portion of the lot.
- Raising the overall height allows us to create a usable driveway and entrance with a maximum of 7 percent slope for a usable driveway and parking which minimizes the alterations of the current grading on the steeper side of the left and right elevations.
- Without this height variance a driveway is unlikely.

2. Front Yard Setback:

Rule: Side drive garage front yard Setback is 2.6 meters from property line.

Request: We are requesting a variance of 1.0 meter for a total of 1.6 meters front yard setback from Property line for the following reasons:

- As per the province an effort by the builder to avoid the riparian zone. Absent a variance it is unlikely the province will approve the hardship as developer must show he has attempted to have least environmental impact.
- Pulling the house forward allows us to work with existing grades from the neighboring property without altering the current grade significantly.

- This allows us to create only minor alterations to grade on the right side which requires a retaining wall for the driveway.

3. Retaining Wall on right elevation of property to retain edge of driveway

Rule: Retaining walls shall not be greater than 1.2 meters

Request: Retaining wall over 1.2 meters on the right elevation as noted on the right elevation plan and indicated on the plot plan for the home. Height between 6-8 feet.

- Due to the shape of the lot a basic rectangle is difficult to fit into the building lot.
- The design has limited impact and is only 22ft deep on the east side of the house.
- Due to the steep slope the variance will allow the owner to use the house and a retaining wall for the driveway on the west side where with out a variance it is likely another tall retaining wall would be required.
- Due to the 41 percent slope on the right elevation retainage for the driveway is required.

To conclude we feel the only viable way to build on this property is to have these two variances in the overall height of the building to 10.9 meters and reducing the front yard setback to 1.6 meters along with a retaining wall on the north end of the home to retain driveway. We will provide Schedule B for structural engineering for the ICF and retaining wall along with Geotechnical engineering as soon as possible.



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: June 13, 2022
REPORT DATE: May 18, 2022
FILE: 3360-20 (ZON00373) / (SUB00806)

SUBJECT: REZONING APPLICATION FOR 4013 25TH STREET

PURPOSE:

To review the application to rezone the subject property from R5 – Fourplex Housing Residential to R4 – Small Lot Residential in order to provide for a one lot, single family subdivision.

RECOMMENDATION:

THAT Council support the application 00373 (ZON00373) to rezone LT 4 SEC 3 TWP 8 ODYD PL 5052 (4013 25th Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application 00373 (ZON00373) to rezone LT 4 SEC 3 TWP 8 ODYD PL 5052 (4013 25th Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential;

AND FURTHER, that Council direct Administration to schedule a Public Hearing for the zoning amendment for 4013 25th Street.

Note: This alternative is provided should Council support the rezoning application and wish to hold a Public Hearing for the proposed zoning amendment bylaw prior to final consideration. As per Section 464(2) of the Local Government Act, a Public Hearing for a zoning amendment is not required when the proposed zoning is consistent with the Official Community Plan. The proposed amendment to rezone the subject property at 4013 25th Street to the R4 – Small Lot Residential zoning district complies with the land use designation set out in the OCP and as such, a public hearing is not required.

2. THAT Council not support the application 00373 (ZON00373) to rezone LT 4 SEC 3 TWP 8 ODYD PL 5052 (4013 25th Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential.

Note: Denial of the rezoning application would have the properties retain the R5 – Fourplex Housing Residential zone and the subdivision could not move forward as proposed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of May 31, 2022, the Advisory Planning Committee passed the following resolution:

“As cited by the committee”

B. Rationale:

1. The subject property is located at 4013 25th Street (Figures 1 and 2) and is approximately 957m² (0.24 ac) in area. There is currently a single detached dwelling and a number of secondary structures located on the lot.

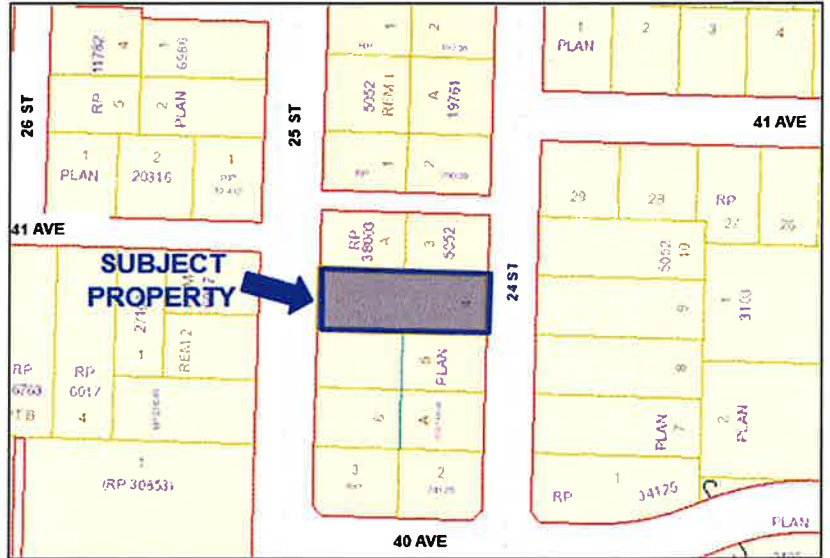


Figure 1: Property Location Map

2. The application proposes to rezone the property from R5 – Fourplex Housing Residential (Attachment 1) to R4 – Small Lot Residential (Attachment 2). The applicant proposes to subsequently subdivide the property to create one new lot (Attachment 3).

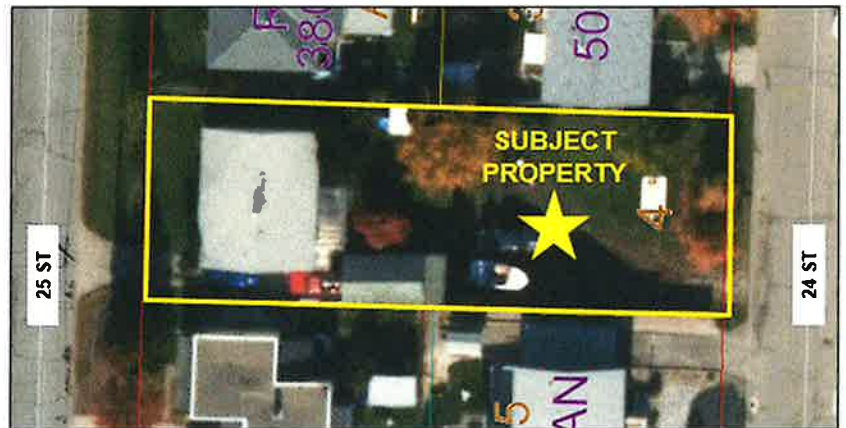


Figure 2: Aerial View of Property

3. The land is designated as Residential Low Density within the Official Community Plan (OCP), which could allow up to a maximum of 30 units per hectare (12 units per acre). The proposed rezoning to R4 complies with the Residential Low Density designation. The existing R5 zone could accommodate a two-family dwelling based on the existing lot size.

4. The owner intends on constructing a new single detached home on the new lot.

5. The original subdivision of the area was created in 1950 by Plan 5052. The lots in that subdivision were mostly 60 feet by approximately 170 feet (18m x 52m). Many lots in the immediate area have been subsequently subdivided into smaller single family lots. The proposed rezoning and subsequent subdivision is similar to previous subdivisions and would match the character of the neighbourhood.

6. The existing garage on the lot will need to be demolished or modified to comply with the proposed R4 zoning. Alternatively, the applicant can apply for a Development Variance Permit to sanction the siting of the existing garage provided it does not straddle a property line.

7. Administration supports the proposed zoning application as it provides sensitive infill that increases the availability of housing stock that is close to services and amenities. The proposed subdivision is complementary to the character of the surrounding area and is not anticipated to create land use conflicts in the neighbourhood.

C. Attachments:

- Attachment 1 – R5: Fourplex Housing Residential Zone
- Attachment 2 – R4: Small Lot Residential Zone
- Attachment 3 – Proposed Site Plan

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

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

- Increase affordable and attainable housing

E. Relevant Policy/Bylaws/Resolutions:

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

BUDGET/RESOURCE IMPLICATIONS:

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

Prepared by:

Approved for submission to Council:

X

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 checked="" type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input checked="" type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (May 31/22) | | |
| <input type="checkbox"/> OTHER: | | |

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9.6 R5 : Four-plex Housing Residential

9.6.1 Purpose

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

9.6.2 Primary Uses⁴

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

9.6.3 Secondary Uses

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

9.6.4 Subdivision Regulations

- Minimum **lot width** is 20.0m, except it is 22.0m for a **corner lot**.
- Minimum **lot depth** is 30.0m.
- Minimum **lot width** for single detached housing is 14.0m, except it is 16.0m for a **corner lot**.
- Minimum **lot area** for single detached housing is 450m².
- Minimum **lot area** is 700m², except it is 800m² for a **corner lot**, or 10,000m² if not serviced by a **community sewer system**. *(Bylaw 5339)*

9.6.5 Party Wall Subdivision Regulations

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

9.6.6 Development Regulations

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

- Maximum **floor space ratio** is 0.6.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.0m, except it is 6.0m for a garage or **carport** to the back of curb or sidewalk for a front entry garage, or it is 0.6m to the side of the garage and 2.6m to the front building façade for side-entry garage and driveway layouts.
- Minimum **side yard** is 2.0m for a 1 or 1.5 **storey** portion of a **building** or a **secondary building or structure** and 2.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a flanking street and at least 6.0m from the back of curb or sidewalk. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** setback for shared interior **party walls** shall be 0.0m. The minimum **side yard** setback for **single detached housing** is 1.5m, except it is 4.0m from a **flanking street** unless there is a garage accessed from the **flanking street**, it is 4.0m or it is 2.6m to the building for a side-entry garage and driveway from a **flanking street** and at least 6.0m from the back of curb or sidewalk.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.
- Maximum **density** is 30 units per gross hectare (12 units/gross acre).
- Maximum four **dwelling** units located in a **building**, with each unit having a minimum width of 6.5m. *(Bylaw 5339)*

9.6.7 Other Regulations

- In order for bareland strata **developments** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- A minimum area of 25m² of **private open space** shall be provided per **dwelling**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors assisted housing, seniors housing and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



9.5 R4 : Small Lot Residential

9.5.1 Purpose

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

9.5.2 Primary Uses

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

9.5.3 Secondary Uses

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

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.5.6 Other Regulations

- There shall be no more than one **single detached house** or one **semi-detached unit per lot**. *(Bylaw 5715)*
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

