



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

TUESDAY, JUNE 28, 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 31, 2022 (attached)

5) NEW BUSINESS

a) **DVP00544 (7163 APEX DRIVE)**

b) **DVP00516 (3202 16 AVENUE)**

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 **Tuesday, July 19, 2022**

8) ADJOURNMENT



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE ADVISORY PLANNING COMMITTEE MEETING HELD ON TUESDAY, MAY 31, 2022, at 4:00 PM COUNCIL CHAMBERS (OKANAGAN LAKE ROOM)

PRESENT VOTING

Mark Longworth (Chair)
Don Schuster
Joshua Lunn
Phyllis Kereliuk
Lisa Briggs
Jamie Paterson

NON-VOTING Mayor Cumming

ABSENT Monique Hubbs-Michiel
Harpreet Singh Nahal
Doug Neden
Claire Ishoy

STAFF Craig Broderick, Manager, Current Planning
Jack Shipton, Environmental Planning Assistant
Michelle Austin, Current Planner
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.*

ADOPTION OF AGENDA Moved by D. Schuster, and seconded by J. Paterson:

THAT the Advisory Planning Committee agenda of May 31, 2022, be adopted.

CARRIED

ADOPTION OF MINUTES

Moved by D. Schuster, and seconded by P. Kereliuk:

THAT the minutes of the Advisory Planning Committee meeting of **May 10, 2022**, be adopted.

CARRIED

NEW BUSINESS:

**ZON00382
(4011 32 STREET)**

R. Nuriel, Planner, Economic Development, provided an overview of **ZON00382 (4011 32 STREET)**; an application to rezone the subject property located at 4011 32nd Street from C10 – Tourist Commercial to C5 – Community Commercial.

- The site was originally zoned to support tourist type businesses; the applicant has requested rezoning from C10 to C5 which will allow additional uses; the plan is to utilize the space as an office building.

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

- Staff clarified that the drive-thru use is permitted under the C5 zone but not the City Centre Neighbourhood Plan; however, the applicant has requested rezoning to change the use of the existing restaurant building into an office.

Moved by L. Briggs, and seconded by P. Kereliuk:

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.

CARRIED

**DVP00562
(7599 KLINGER ROAD)**

C. Broderick, Manager, Current Planning, provided an overview of **DVP00562 (7599 KLINGER ROAD)** an application 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.

- The report before the Committee is for the upper part of the site. There is concurrent rezoning to rezone the lower portion of the subject properties for a proposed multi-family project.
- The proposal is to vary building heights and slopes for a portion of the site in conjunction with the 29-unit townhome development.
- The applicant has been working with the City to come up a design that is suitable for the site that works with the topography and the neighbourhood context.
- The recommendation before the Committee is for the proposal to go forward to Council for support; the applicant is requesting to vary the maximum height to 3 storeys, vary 30% slopes, and to have a combined access to both sites with specific subjects attached.

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

- The Committee requested clarification regarding the difference between attainable versus affordable housing, noting that the staff report describes the project as “increasing attainable housing” under Council’s Strategic Plan. Staff clarified that affordable housing typically has rents that are subsidized by the government whereas attainable housing means that townhouses are more affordable for families and a wide range of individuals based on the current market conditions.
- In response to a question from the Committee regarding timing of the project and how staging would work, staff clarified that one of the subjects would be that the reconfiguration required prior to the final Development Approval of the townhouses.

- Staff further noted that the lower portion of the site will take longer and that the application for the lower lot is expected to come to the APC in the late summer or early fall 2022.
- Staff further noted that the orientation and layout of the development site was designed to have less impact on the existing single-family homes in the area.
- In terms of connectivity, staff will be requesting a statutory right of way with the intent of having a walkway to provide a Landing pedestrian connection to the upper part of Okanagan Road.

Moved by J. Paterson, and seconded by D. Schuster:

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.

CARRIED

**DVP00557
(3204A 16 STREET)**

M. Austin, Current Planner, provided an overview of **DVP00557 (3204A 16 STREET)**, an application to increase allowable fence height along a rear lot line.

- Staff noted that the subject site is located across from Lakeview Park. The fence between 3204A and 3204B 16 Street was built higher than what is permissible under the existing zoning bylaw; however, both home owners are in support of the requested variance.

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

- In response to a question from the Committee, staff clarified that the length of the overheight (9.3 ft) subject is 20 feet long.

Moved by P. Kereliuk, and seconded by L. Briggs:

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.

CARRIED

**DVP00559
(9169 SMITH ROAD)**

J. Shipton, Environmental Planning Assistant, provided an overview of **DVP00559 (9169 SMITH ROAD)**, an 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.

- The subject property has an area of medium environmental sensitivity. The project is zoned R6 - Lake Front Residential.
- A qualified environmental professional delineated the Stream Protection and Enhancement Area (SPEA) associated with the riparian buffer at 9169 Smith Road.
- The applicant has requested variances as follows: to allow for a retaining wall to 2.5 metres, the maximum height of the building to 10.9 meters as well as vary the front yard setback to 1.6 meters.
- The applicant would like to vary hillside guidelines and zoning regulations to build on slopes greater than 30% and has been instructed to conduct a geotechnical assessment. Administration is supportive if the geotechnical report findings support the request.

- Due to the sloped nature of the site a retaining wall is required; the proposed retaining wall will be 2.5 metres in height.

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

- Staff clarified that an engineer will be required to sign off on the design / site of the proposed retaining wall.
- The Committee requested detail if the neighbouring homes have been granted the same variances. Staff noted that some of the existing homes predate the development regulations but noted that each variance request is unique.
- Staff clarified that the building footprint is contingent on the approval of the Development Variance Permit (DVP) and that the DVP will inform the riparian assessment and subsequent development approval.
- Staff noted that the applicant will need to work with the Qualified Environmental Professional (QEP) to develop a landscape plan that will form part of the Development Permit (DP). They will have to get the proposed footprint approved by Council and the Province as well as the geotechnical report before proceeding.

Moved by J. Lunn, and seconded by J. Paterson:

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.

CARRIED

**ZON00373 / SUB00806
(4013 25 STREET)**

C. Broderick, Manager, Current Planning, provided an overview of **ZON00373 / SUB00806 (4013 25 STREET)**, an application to rezone from R5 – Fourplex Housing Residential to R4 – Small Lot Residential to provide for a one lot, single family subdivision.

- Staff clarified several lots in the subject area have been split to allow a house in the front and in back.

Moved by J. Lunn, and seconded by P. Kereliuk:

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.

CARRIED

INFORMATION ITEMS

Staff provided a brief overview of projects discussed at Council on May 30, 2022:

- **DVP00554 (9250 Chinook Road)** - To allow for an oversized shop. Council considered the application and approved it.
- **3340-20 OCP00089/ZON00376 – Proposed Port Okanagan Project (2525 Lakeshore Road and 7295 Okanagan Landing Road)** - A public open house was held; Council considered the application and set a date for Public Hearing.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, June 14, 2022, at 4:00 PM.**

ADJOURNMENT

The Advisory Planning Committee meeting of May 31, 2022, was adjourned at the call of the Chair.

The meeting of the Advisory Planning Committee adjourned at 4:51 PM.

CERTIFIED CORRECT:

Chairperson



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: June 21, 2022
FILE: 3090-20 (DVP00544)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 7163 APEX DRIVE

PURPOSE:

To review Development Variance Permit Application 00544 (DVP00544) to vary Section 5.5.5 of Zoning Bylaw 5000 to increase the maximum net floor area of a secondary suite from 90 m² to 100 m² at 7163 Apex Drive.

RECOMMENDATION:

THAT Council support Development Variance Permit Application 00544 (DVP00544) to vary Zoning Bylaw 5000 on LT 30, SEC 13, TWP 8, ODYD, PLAN EPP72337 (7163 Apex Drive) as follows:

- a) Section 5.5.5 to increase the maximum net floor area of a secondary suite from 90 m² to 100 m²;

AND FURTHER, that Council's support of DVP00544 is subject to the following:

- a) That the site plan, building elevations and floor plans, intended to illustrate the increased suite size (Attachment 1) in the report titled "Development Variance Permit Application for 7163 Apex Drive" dated June 21, 2022 and respectfully submitted by the Current Planner, be attached to and form part of DVP00544 as Schedule 'A'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit Application 00544 (DVP00544) as outlined in the report titled "Development Variance Permit Application for 7163 Apex Drive" to vary Section 5.5.5 of Zoning Bylaw 5000 to increase the maximum size of a secondary suite from 90 m² to 100 m² on LT 30, SEC 13, TWP 8, ODYD, PLAN EPP72337 (7163 Apex Drive) as presented.

Note: This alternative does not support the development variance permit application and would require the applicant and owner to develop the site in compliance with Zoning Bylaw 5000.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 28, 2022, the Advisory Planning Committee passed the following resolution:

"As cited by Committee..."

B. Rationale:

1. The subject property is located at 7163 Apex Drive (Figures 1 and 2). The land is designated as Hillside Residential (HRES) within the Official Community Plan (OCP) and is in the R2: Large Lot Residential zone (Attachment 2). The property is approximately 1,073m² (0.265 ac) in size. The property is located in a developing single detached residential neighbourhood, fronting onto Apex Drive.

2. The applicant has submitted a request to authorize the installation of a secondary suite that exceeds the maximum allowable size as established in Zoning Bylaw 5000 of 90m².

3. The application proposes to increase the maximum net floor area of a secondary suite from 90m² to 100m² as identified in Section 5.5.5 of Zoning Bylaw 5000 (Attachment 3) to accommodate the establishment of a secondary suite.

4. The lot is currently undeveloped though the site has been excavated and prepped under a previous Building Permit (BP007712) by the previous owners which was not completed. The applicant is proposing to construct a single detached dwelling with a secondary suite on the subject property.

5. The applicant has submitted drawings (Attachment 1) and a letter of rationale for the proposed increase to the maximum secondary suite size (Attachment 4). The proposed secondary dwelling unit is considered to be sensitive infill and is in accordance with the neighbourhood context.

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

- a) The variance proposed does not generate significant additional negative impacts on neighbouring residential properties as the structure is constructed on the subject property and is occupied;
- b) The variance would allow for the creation of an additional rental dwelling unit on the subject property; and
- c) Secondary suite dwelling units are considered a reasonable increase of density in the existing neighbourhood.

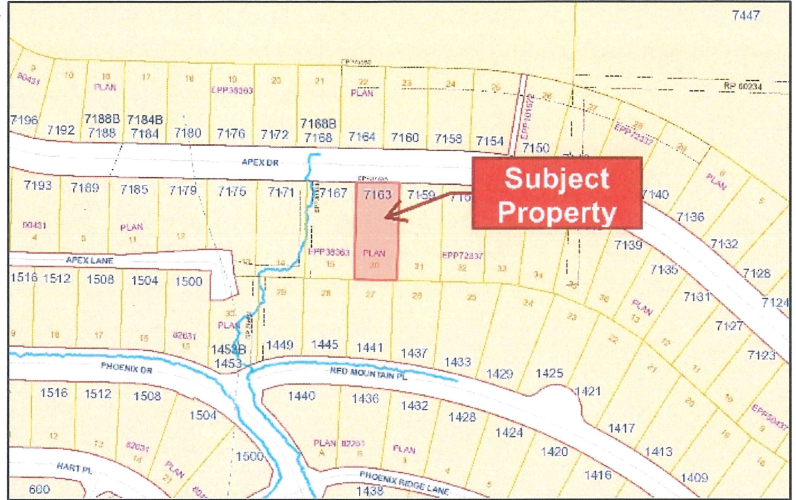


Figure 1 – Property Location Map

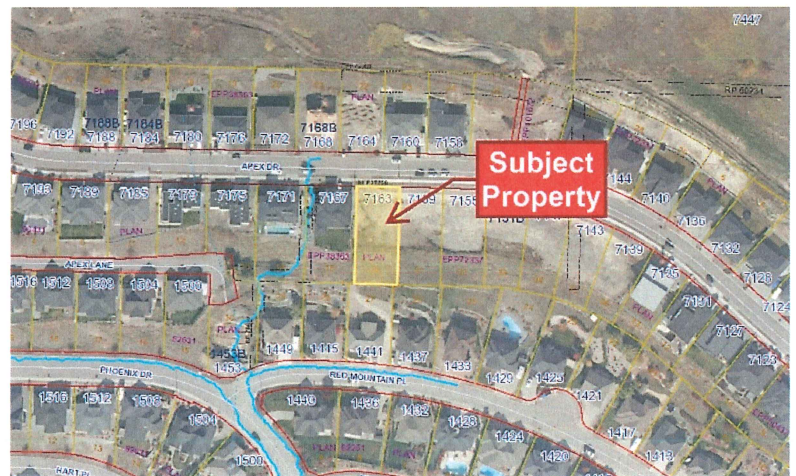


Figure 2 – Aerial Map

C. Attachments

- Attachment 1 – Site plan & Building Elevations
- Attachment 2 – R2: Large Lot Residential, Zoning Bylaw 5000
- Attachment 3 – Section 5.5.5, Zoning Bylaw 5000
- Attachment 4 – Rationale Letter provided by 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:

- Create accessible and attainable housing for families with annual income below \$70,000

E. Relevant Policy/Bylaws/Resolutions:

1. The Official Community Plan (OCP) designates the property as HRES Hillside Residential. The property is within the R2: Large Lot Residential zoning district (Attachment 2).
2. The Specific Use Regulations of Zoning Bylaw 5000, Section 5.5.5 regulates the maximum size of secondary suites (Attachment 3).

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X _____
 Matt Faucher
 Planner, Current Planning

 Will Pearce, CAO

Date: _____

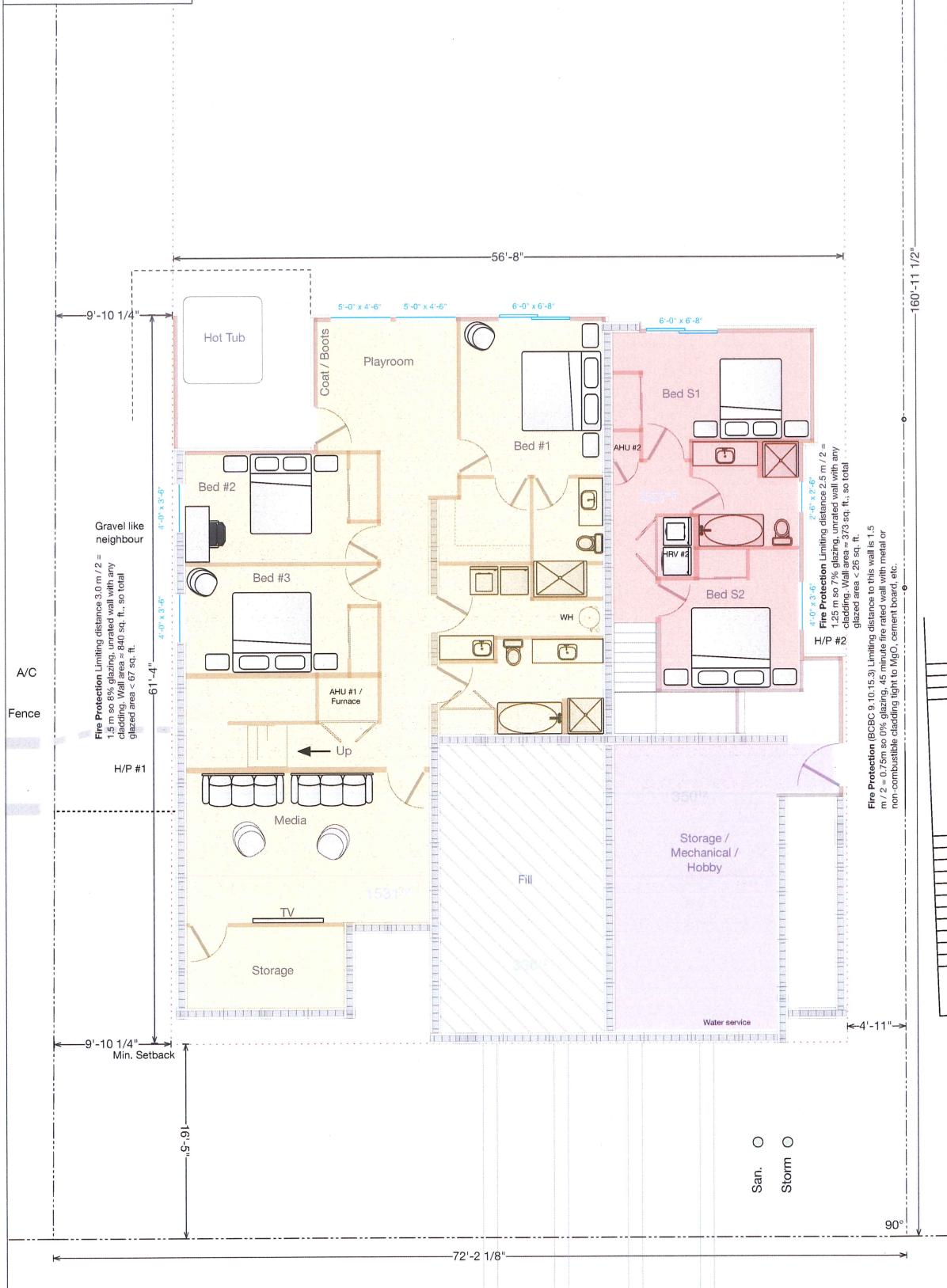
X _____
 Kim Flick
 Director, Community Infrastructure and Development

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 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 checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jun.28/22) | | |
| <input type="checkbox"/> OTHER: | | |

7163 Apex Dr., Vernon
 By Don Gibbs
 Scale 1/8" = 1 foot
 January 5, 2022

Basement floor plan



Gravel like neighbour
 Fire Protection Limiting distance 3.0 m / 2 = 1.5 m so 8% glazing, unrated wall with any cladding, Wall area = 340 sq. ft., so total glazed area < 67 sq. ft.

Fire Protection Limiting distance 2.5 m / 2 = 1.25 m so 7% glazing, unrated wall with any cladding, Wall area = 373 sq. ft., so total glazed area < 26 sq. ft.

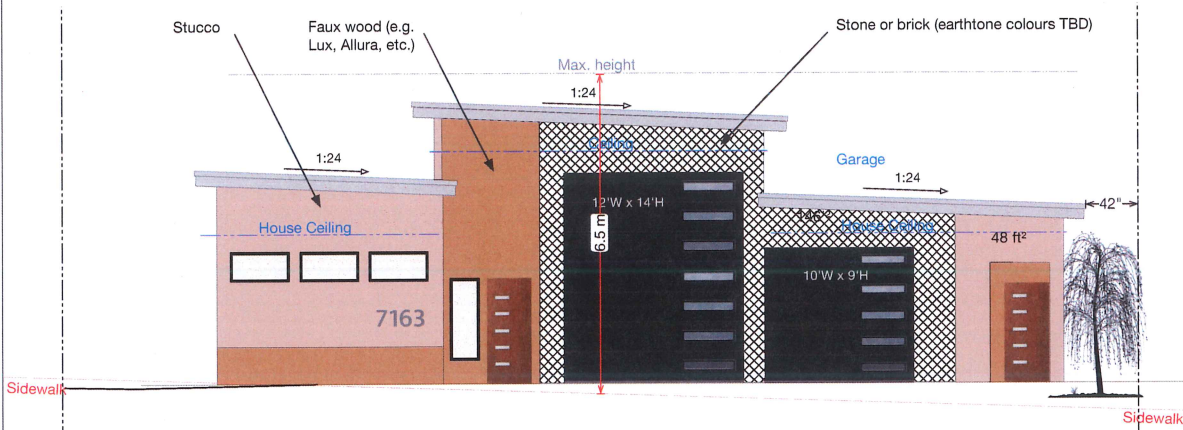
Fire Protection (BCBC 9.10.15.3) Limiting distance to this wall is 1.5 m / 2 = 0.75m so 0% glazing, 45 minute fire rated wall with metal or non-combustible cladding (light to MJO, cement board, etc.)

Lot 30, Plan EPP72337 of 11,557 sq.ft. area
 R2 "Large Lot Residential"
 Hard surfaces < 50% (5778 sq. ft.)

7163 Apex Dr., Vernon
By Don Gibbs
Scale 1/8" = 1 foot
January 5, 2022

Street elevation (north)

Concept for the street (north) elevation
(finishes TBD by architect)



Foothills Design Guidelines require 30% of total street facing elevation (excluding doors and openings) to be stone or brick. 30% of 484 sq. ft. = 145 sq. ft.



9.3 R2 : Large Lot Residential

9.3.1 Purpose

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

9.3.2 Primary Uses

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

9.3.3 Secondary Use

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

9.3.4 Subdivision Regulations

- Minimum **lot width** is 18.0m.
- Minimum **lot area** is 557m², or 10,000m² if not serviced by a **community sewer system**.

9.3.5 Development Regulations

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

9.3.6 Other Regulations

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

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

5.5.4 A **secondary suite** must have a minimum of 15m² of separated and private **open space** in addition to any **open space** provided for the principle dwelling. (Bylaw 5851)

5.5.5 The **net floor area** of any **secondary suite** shall not exceed the lesser of 90m² or 45% of the **net floor area** of the **building** containing **single detached housing**. (Bylaw 5851)

Where a **secondary suite** is located in a **secondary building** the following shall apply:

| Lot Size | 450m ² - 557m ² | | > 557m ² | |
|--|---|-------------------------|---|-------------------------|
| Lot Orientation | No Lane | Lane or Flanking Street | No Lane | Lane or Flanking street |
| Maximum footprint | The lesser of 80m ² or 75% of the net floor area the building containing single detached housing . | | The lesser 90m ² or 75% of the net floor area of the building containing single detached housing . | |
| Maximum floor area | The net floor area of the upper storey can be no more than 75% of the net floor area of the first storey . | | The net floor area of the upper storey can be no more than 75% of the net floor area of the first storey . The net floor area of a second storey of a suite can be 100% of the net floor area of the first storey if the net floor area of the first storey is less than 45m ² . | |
| | The net floor area must be the lesser of 90m ² or 60% of the net floor area of the building containing single detached housing . | | | |
| For the purposes of calculating net floor area for secondary suites contained in secondary buildings , notwithstanding the definition of net floor area , attached garages, carports , and basements shall be included in floor area calculations. | | | | |

July 5, 2021

Rational for Variance of BP 7712

Currently BP 7712 was issued September 28, 2020 for Lot 30 at 7163 Apex Drive to Christine Beriault and her husband. However, due to COVID and other issues, construction didn't proceed beyond excavation and site preparation under the guidance of a geotechnical engineer.

Before proceeding further, the owners would like to improve the design of the secondary suite to include a garage and level entry from it into the suite. This entails adding interior stairs to the suite. Also, the Heating, Ventilation and Air Conditioning (HVAC) system would be improved through the installation of its own heat pump and air handling unit (AHU) in a service closet.

Therefore, we request a variance to increase the "maximum 90 square meter floor area" limit of the suite (per Bylaw 5000 5.5.5) to 100 square meters in order to accommodate the interior stairs ($\approx 7 \text{ m}^2$) and AHU closet.

As with most secondary suites in Vernon, the original plans for the suite had the vehicle parked outdoors with exterior stairs that are slippery during the winter. However, our goal is to provide the same safety and quality of living in the suite as in the main part of the house.



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: August 15, 2022
REPORT DATE: June 22, 2022
FILE: 3090-20 (DVP00516) (Ref: ZON00333)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3202 16TH AVENUE

PURPOSE:

To review a development variance permit application to vary minimum unit width for the construction of three-plex housing and a housing agreement to provide rental units.

RECOMMENDATION:

THAT Council approve Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16th Avenue) as outlined in the report titled "Development Variance Permit Application for 3202 16th Avenue" dated June 22, 2022 and respectfully submitted by the Current Planner, by decreasing;

- a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2;

AND FURTHER, that Council's approval of DVP00516 is subject to the following;

- i. That the proposed development generally complies with the site plans (Attachment 1), by Russell Shortt Land Surveyors, dated February 7, 2022, and by 925R Design, dated February 2, 2022, to be attached to and form part of DVP00516;
- ii. That the proposed development generally complies with building elevations (Attachment 2), by 925R Design, dated February 2, 2022, to be attached to and form part of DVP00516;
- iii. That the proposed development generally complies with the landscape plan (Attachment 8), by Swan Lake Nurseryland, dated July 27, 2016, to be attached to and form part of DVP00516; and
- iv. That required landscape areas and installations meet Zoning Bylaw 5000 and Landscape Standards Bylaw 5015;

AND FURTHER, that Council enter into a housing agreement (Attachment 7) with the owner, prohibiting subdivision under the *Land Title Act* and the *Strata Property Act* for a period of 20 years.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council approve Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16th Avenue) as outlined in the report titled "Development Variance Permit Application for 3202 16th Avenue" dated June 22, 2022 and respectfully submitted by the Current Planner, by decreasing;

- a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2;

AND FURTHER, that Council's approval of DVP00516 is subject to the following;

- i. That the proposed development generally complies with the site plans (Attachment 1), by Russell Shortt Land Surveyors, dated February 7, 2022, and by 925R Design, dated February 2, 2022, to be attached to and form part of DVP00516;
- ii. That the proposed development generally complies with building elevations (Attachment 2), by 925R Design, dated February 2, 2022, to be attached to and form part of DVP00516;
- iii. That the proposed development generally complies with the landscape plan (Attachment 8), by Swan Lake Nurseryland, dated July 27, 2016, to be attached to and form part of DVP00516;
- iv. That required landscape areas and installations meet Zoning Bylaw 5000 and Landscape Standards Bylaw 5015; and
- v. That, despite the above-noted site plan and building elevations being attached to and forming part of DVP00516, approval of DVP00516 does not extend to the construction of three-plex housing. In accordance with the maximum base density of the RM2 – Multiple Housing Residential zone, a maximum of two units are permitted on the subject property.

Note: Alternative 1 would allow the owner to construct a semi-detached building. The third unit would be lost. The semi-detached building could be strata titled into two separate titles that could be owned separately. The likelihood of these units being rented would be diminished due to separate ownership.

2. THAT Council deny Development Variance Permit 00516 (DVP00516) to vary Zoning Bylaw 5000 for Lot 1, DL 73, ODYD, Plan EPP41416 (3202 16th Avenue) as outlined in the report titled “Development Variance Permit Application for 3202 16th Avenue” dated June 22, 2022 and respectfully submitted by the Current Planner, by decreasing;
 - a) Section 9.11.6 minimum unit width from 6.5m to 5.5m for proposed Units 1 and 2.

Note: Alternative 2 would allow the owner to construct an up-down duplex building. The third unit would be lost. The duplex building could be strata titled into two separate titles that could be owned separately. The likelihood of these units being rented would be diminished due to separate ownership.

ANALYSIS:

A. Committee Recommendations:

At its meeting of June 28, 2022, the Advisory Planning Committee passed the following resolution:

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

B. Rationale:

1. The subject property is a vacant corner lot, located at 3202 16th Avenue, with frontage on Hwy 97 (32nd Street), 16th Avenue and the lane west of 32nd Street and south of 16th Avenue (Figures 1 – 4).
2. The owner intends to construct a two storey three-plex with access and parking off the lane (Attachments 1 and 2). Proposed Units 1 and 2 are 680 ft² and located on the main floor with one bedroom each (Attachment 3). Proposed Unit 3 is 1,475 ft² and located on the main floor with two bedrooms and a den.
3. The subject property is designated as Residential Medium Density (RMD) within the Official Community Plan (OCP) and zoned Multiple Housing Residential (RM2) within Zoning Bylaw 5000 (Attachment 4). It was recently rezoned from Large Lot Residential (R2) to RM2.

4. Section 9.11.6 of the RM2 zone requires a minimum unit width of 6.5m. Proposed Units 1 and 2 are each 5.5m wide. For this reason, a variance is required. The proposed 5.5m, unit width is within the range of 5m to 6.5m permitted in Zoning Bylaw 5000:

- R5, RTR, RM1, RM2 – 6.5m minimum unit width
- HR1, HR2 – 6m minimum unit width
- RST1, RST2 – 5m minimum unit width.

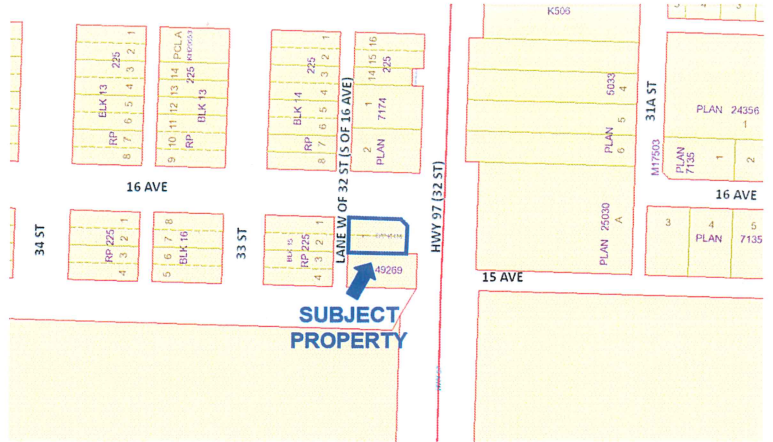


Figure 1: Location Map

5. At 384.9 m², the subject property is an undersized lot as a result of arterial highway dedication through a lot consolidation subdivision in 2020 (Attachment 5). Prior to highway dedication being provided, the lot area was 463.8 m². As per Section 1.8 of Zoning Bylaw 5000, permitted density is calculated based on the original lot area of 463.8 m². The base density (60 units/ha) for the RM2 zone permits 2 units (exactly 2.8 units) on the property. In order to construct a three-plex on the property a minimum lot area of 500m² would be required to be under the base density ceiling.



Figure 2: Aerial

6. Section 483 of the *Local Government Act* gives authority within a zoning bylaw to establish different density rules for zones and conditions under which an owner would be allowed a higher density. The applicable RM2 zone allows a higher density of 72 units/ha if Council enters into a housing agreement with the owner to provide affordable or special needs housing in accordance with Section 4.9 of Zoning Bylaw 5000 (Attachment 6). In this circumstance, the property could support 3 units (precisely 3.3 units). For this additional unit, the owner is willing to register a housing agreement (Attachment 7) on title requiring the units to be rental, prohibiting all types of subdivision for a period of 20 years.



Figure 3: Photo of Property – taken from across Hwy 97

7. Given that the project does not exceed three units, a multi-family form and character development permit is not required. Regardless, the proposed development must meet the all the requirements of Zoning Bylaw 5000. With the exception of unit width, the project conforms to the overall building width, site coverage, impermeable surfaces,

height, setbacks, private open space, parking and landscaping (Attachment 8) requirements of Zoning Bylaw 5000. To help ensure landscaping requirements are met, Administration requires, at the Building Permit stage, a cost estimate and security for all landscaping materials and labour.

8. Administration supports the variance request and housing agreement for the following reasons:

- a) The proposed unit width is comfortably within the range of what is allowed in residential zones within Zoning Bylaw 5000.
- b) Decreasing unit width is preferable to decreasing side yard setbacks, thereby maintaining appropriate distances for fire safety, privacy and spaciousness.
- c) Entering in a housing agreement provides the ability to create one additional unit and to secure much needed rental housing in the community.



Figure 4: Photo of Property – taken from across 16th Ave

C. Attachments:

- Attachment 1: Site Plans
- Attachment 2: Building Elevations
- Attachment 3: Floor Plans
- Attachment 4: RM2 Zoning
- Attachment 5: Lot Consolidation/Highway Dedication Plan
- Attachment 6: Section 4.9 Housing Agreements
- Attachment 7: Proposed Housing Agreement
- Attachment 8: Landscape Plan

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:

- To increase rental vacancy rates.

E. Relevant Policy/Bylaws/Resolutions:

1. At its Regular Meeting of September 14, 2020, Council endorsed the following resolution:

“THAT Council support the rezoning application (ZON00357) to rezone Blk 10, PI 225, DL 73, ODYD (1800 32nd Street) from R2: Large Lot Residential to RM2: Multiple Housing Residential to develop four residential rental units at 1800 32nd Street;

AND FURTHER, that Council support the development variance permit (DVP00493) to reduce the minimum unit width from 6.5m to 4.72m.

AND FURTHER, that Council direct Administration to bring forward a zoning text amendment bylaw to address unit width restrictions in Zoning Bylaw 5000.”

- 2. Zoning Bylaw 5000, Section 4.9 Housing Agreements (Attachment 6).
- 3. Zoning Bylaw 5000, RM2 Zone, Section 9.11.6: with a housing agreement pursuant to Section 4.9, the maximum density shall be 60 units per gross hectare (Attachment 4).
- 4. Zoning Bylaw 5000, RM2 Zone, Section 9.11.6: maximum six dwelling units located in a building, with each unit having a minimum width of 6.5m.
- 5. Zoning Bylaw 5000, RM2 Zone, Section 9.11.6: maximum density is 60 units per gross hectare.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X

 Signer 1
 Michelle Austin
 Planner, Current Planning

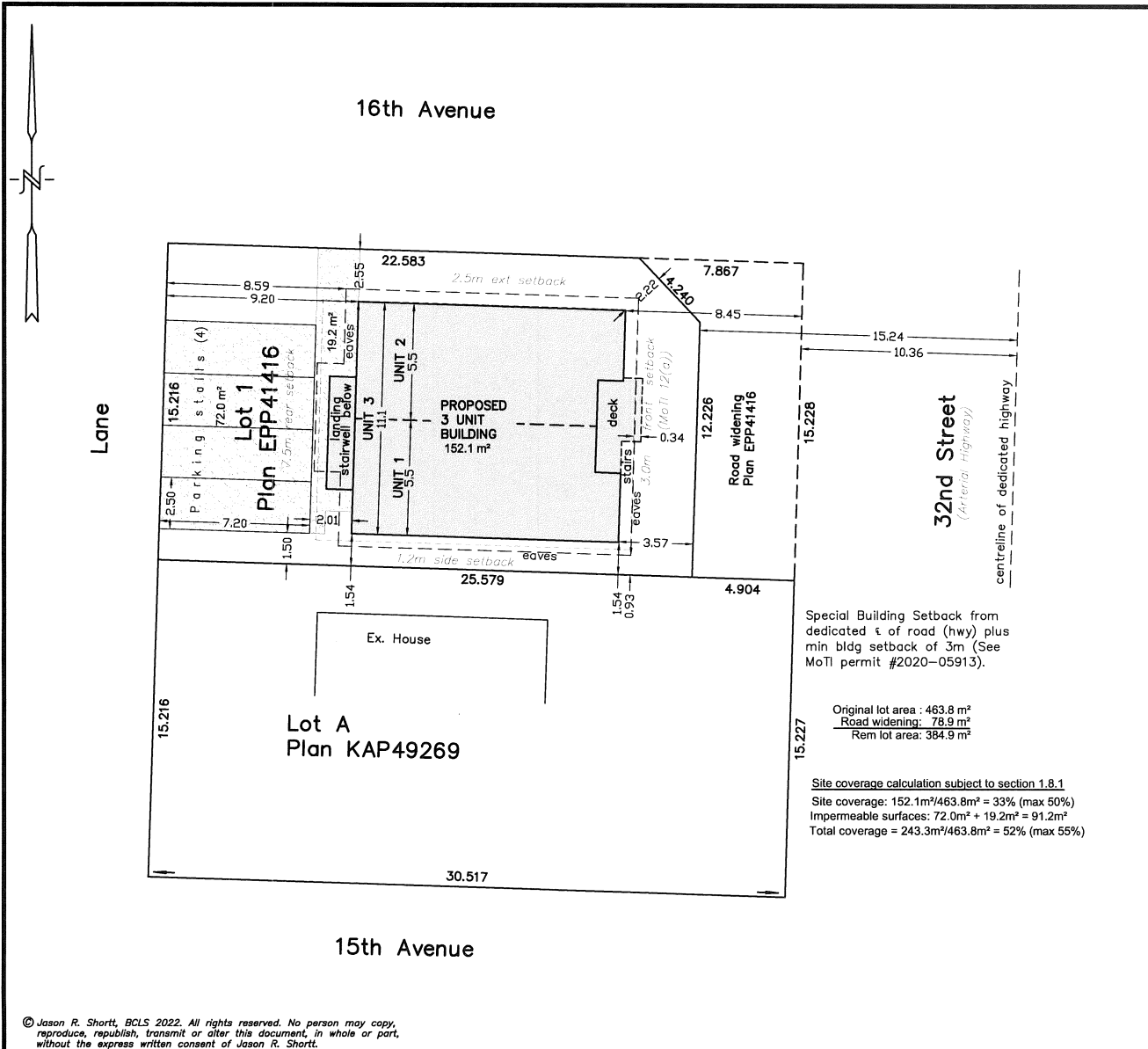
 Will Pearce, CAO
 Date: _____

X

 Signer 2
 Kim Flick
 Director, Community Infrastructure and Development

REVIEWED WITH

- | | | |
|--|---|--|
| <input checked="" 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 checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jun.28/2022) | | |
| <input type="checkbox"/> OTHER: | | |



Plan to Accompany Variance Application for
Lot 1, DL 73, ODYD, Plan EPP41416.
(to change required minimum unit width
from 6.5m to 5.5m (Sec 9.11.6))

Client: Rubijane Inv.
Civic address: 3202 16th Avenue

SCALE 1:200



The intended plot size of this plan is 432mm in width by 280mm in height (ANSI B) when plotted at a scale of 1:200

Distances are shown in metres and decimals thereof.

This plan shows horizontal ground level distances except where otherwise noted.

TITLE IS SUBJECT TO THE FOLLOWING
NON-FINANCIAL CHARGES:
Restrictive Covenants - H537, KF43651

RM2 zoning (Sec 9.11) and subject to Sec 1.8.1
and MoTI permit #2020-05913.

This plan was prepared for design purposes and is for the exclusive use of Rubijane Inv..

No visible encroachments exist on the property from any improvements situated on an adjoining property unless noted otherwise.

Parcel dimensions are derived from Plan EPP41416 & field survey.

This plan has been prepared based on Land Title and Survey Authority records and a field survey completed on Dec 19, 2019. Unregistered interests have not been included or considered.

The Certificate of Title PID 031-286-411 was searched on January 4, 2022.

Jason R. Shortt accepts no responsibility for and hereby disclaim all obligations and liabilities for damages including, but not limited to, direct, indirect, special, and consequential damages arising out of or in connection with and direct or indirect use or reliance upon the Plan beyond its intended use.

February 7, 2022
January 5, 2022

russell shortt
land SURVEYORS

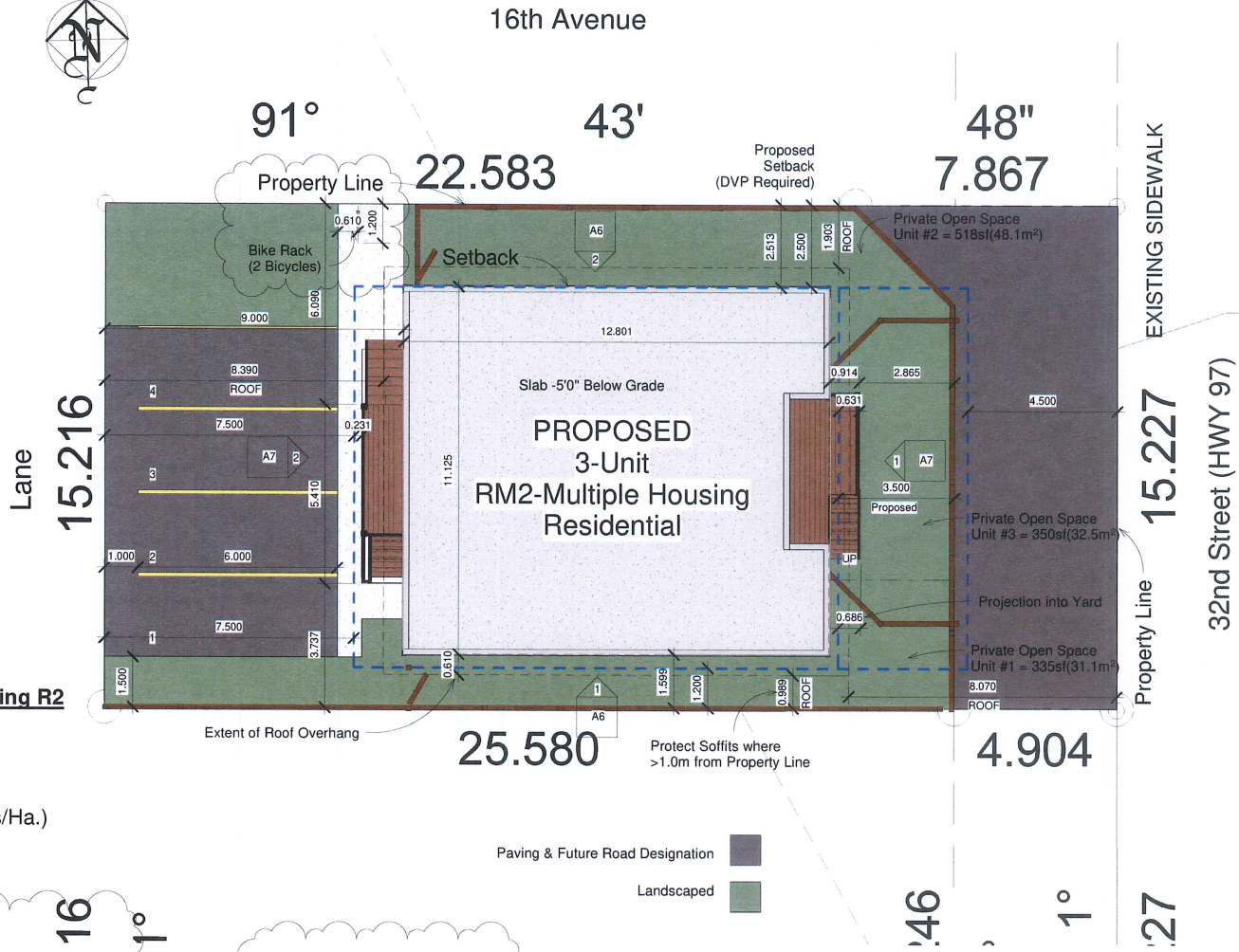
2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)545-0511 Email: jasons@jrshortt.ca

FILE: 27033

F.B. 1307 p70

Attachment 1

VICINITY MAP



1500 32nd Street - Previous Zoning R2

New Zoning - RM2

Legal Description:
Site Area: 464.36m² = 0.115 Acres

Density Allowed = 3 Units (72 Units/Ha.)
Density Proposed = 3 Units

Coverage:

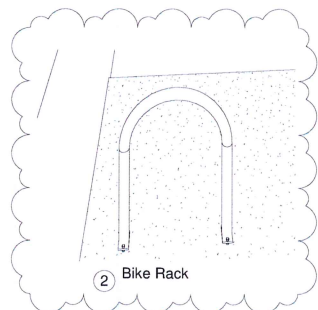
Buildings = 136.57m² = 29.4%
Decks & Patios = 12.17m² = 2.6%
Walkways / Parking = 87.05m² = 18.7%
TOTAL: 235.79m² = 50.8%
Landscaping/Road Dedication = 228.57 = 49.2%

Parking Requirement:

2 - 1 Bedroom Units @ 1.25 Spaces/Unit = 2.5 Spaces
1 - 2 Bedroom Unit @ 1.5 Spaces/Unit = 1.5 Spaces

Parking Spaces Required = 4
Parking Spaces Provided = 4

Bicycle Parking 0.5 Spaces/Unit = 1.5 Spaces Required.
2 Provided



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| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2020 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |

Beatrice House 3202
16th Avenue
Vernon BC
Site

| | |
|-------------|--------------|
| Date | Feb 2, 2022 |
| Drawn by | ML |
| Project No. | 925RDI_16032 |
| Scale | 1/8" = 1'-0" |

A1

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2022 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |

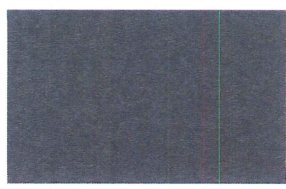


① Front

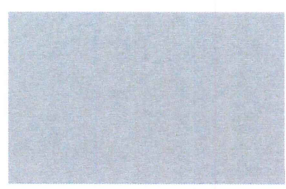


② Back

COLOUR BOARD



(301) Main Colour:
James Hardie
Iron Gray - Board & Batten



(302) Accent Colour:
James Hardie
Light Mist - Horizontal Lap



Roof Colour:
Grey Asphalt Shingles

*Black Aluminum Handrails
Soffits, Gutters &
Downspouts

**White Windows

GENERAL NOTES:

1. These documents outline the general character and quality of the work and some of its details. Parts not detailed shall be constructed in accordance with best practices of work of this class, and shall provide the required strength and quality to complete all requirements of the work.
2. The construction shall be in accordance with the British Columbia Building Code, 2018 Edition. Every effort will be made to ensure that any changes to the code are complied with and all amendments are incorporated in the work. Materials and workmanship shall be per BCBC, Part 10 "Energy and Water Efficiency".
3. All work shall conform to local building codes and by-laws whichever may take precedence.
4. Prior to proceeding with construction, the Contractor must verify all information. Start of construction signifies the Contractor's acceptance of the contract documents.
5. Any variances from the drawings and specifications, and adverse conditions encountered at the job site, shall be resolved by the Owner Representative in consultation with the Designer.
6. All workmanship is to be of a standard equal in all respects to good building practice.
7. The Consultants do not assume liability for any errors or omissions in the contract documents, unless advised in writing of such errors or omissions prior to commencement of construction. The Contractor shall advise the Consultants if any discrepancies are observed or explanations are required.
8. Dimensions are to face of studs.
9. All doors between garage and dwelling units, including mechanical rooms, to be tight fitting, weather stripped and shall be fitted with a self-closing device (excluding closets and storage).
10. Provide interconnected Smoke Alarms as per Building Code.

CONSTRUCTION NOTES:

1. Exterior walls to liveable area: 2x6 studs at 16" o.c.
2. Range hood and dryer to be exhausted to outside;
3. All ceilings 5/8" gypsum board;
4. 5/8" fire guard gypsum board at all garage walls/ceilings common to liveable area;
5. All handrails as per BCBC;
6. Provide 6 mil. poly vapour barrier at warm side of insulation (heating mode) under wall finish and under all concrete slabs on grade;
7. Exterior wall insulation: RSI 4.2 glass fibre batt at 6" walls; attic insulation to be RSI 8.8 glass fibre;
8. 25% of required attic vents to be at top 1/3 of roof as per BCBC;
9. Verify all rough opening requirements for doors, windows, equipment, and fixtures before ordering;
10. Verify/coordinate these plans with truss system final design;
11. All bedroom windows to have a minimum vent size of 24" x 36" for egress;

General Foundation Notes:

1. All work to be in accordance with Structural Drawings and Specifications.
2. Footings and foundation walls indicated on the drawings are generic. The Contractor is responsible for testing the soil and assure adequacy of the structure.
3. All concrete to:
 - be minimum 3,000 psi (28 day)
 - conform to C.S.A. A23.1
 - have 1" max. aggregate size
 - foundation walls, footings, and interior slabs - h minimum 3% - 4% air entrainment +/- 1%
 - exterior slabs - h min. 5% - 7% air entrainment +/- 1%
 - have maximum 4" slump;
4. Consolidate concrete in forms with high frequency internal vibrators - do not over vibrate so as to cause separation of the mix or use vibrators to move concrete.
5. All concrete reinforcing to:
 - be of new deformed stock
 - be of minimum grade 400mpa steel
 - be placed in accordance with the latest edition of the A.C.I. detailing manual no. 315;
6. Verify all site conditions in conjunction with the drawings notify the architect and owner of any discrepancies in writing;
7. Footings to bear on undisturbed native material or engineered fill at a depth below the frost line. Where an engineer's soils report is available verify requirements & comply with recommendations contained therein.
8. Notify the architect and owner in writing where soil conditions are found to be infirm or potentially unstable;
9. Welded wire fabric to conform to C.S.A. G30.6 and to be lapped min. 6" or one full grid whichever greater;
10. Un-detailed lap splices to be 40 bar diameters staggered;
11. Provide damp proofing below grade & approved perimeter footing drainage system;
12. Where required, step footings and foundation walls at min. 24" vertical & horizontal increments;
13. Maintain minimum 8" clear from top of foundation walls to finished Grade;
14. Exterior concrete slabs/stairs abutting concrete foundation to be dowelled using 10m bar @ 2'-0" typical;
15. All bearing columns of girder trusses and support beams are to be posted to foundation;
16. All Slab thickening to c/w 2 rows longitudinal 15m rebar.

General Framing Notes:

1. Framing lumber to be S.P.F. # 2 or better;
2. All beams/headers to be minimum 3 1/2" timberstrand "LSL";
3. Roof/floor truss system design by registered structural engineer;
4. Verify/coordinate design with these plans prior to ordering of material;
5. Truss system supplier to provide all required blocking/bracing for roof system;
6. All trusses to be secured to wall plate with "hurricane anchors" or equal;
7. All truss ends to be braced with continuous 2x4 stringer
8. All "TJI"/equivalent engineered wood joists rim/edge of wall to suit manufacturer's requirements;
9. All lintels in exterior and bearing walls to be 3 - 2x10's unless otherwise specified;
10. At exterior walls provide sealed membrane flashings around all openings. Provide box-outs / sleeves for service penetrations. Seal around service penetrations with caulking on rigid foam filler, or fill with water resistant expanding foam insulation.
11. All interior doors to be framed at 6" from corner of wall at hinge side U.N.O.

**LEGAL DESCRIPTION: Lot 7&8, BLK 15, DL 73, ODYD, PLAN 225
CIVIC ADDRESS: 3202 16th Avenue, Vernon BC.**

Beatrice
House 3202
16th Avenue
Vernon BC
Cover Sheet

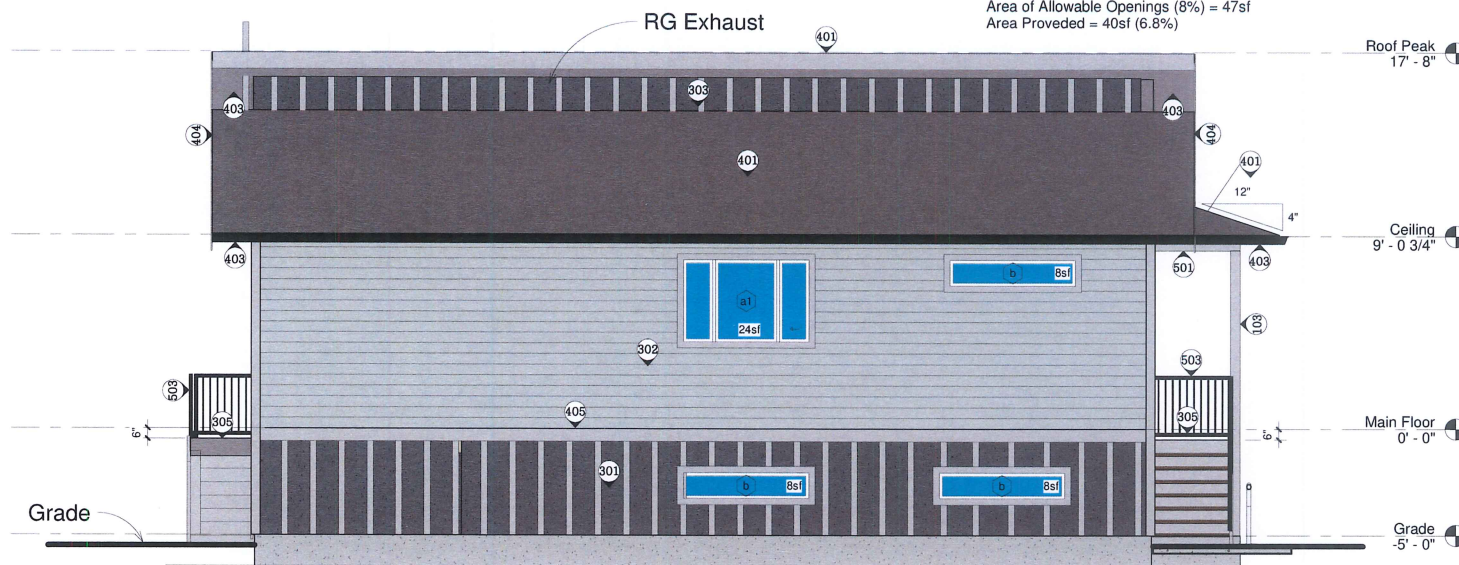
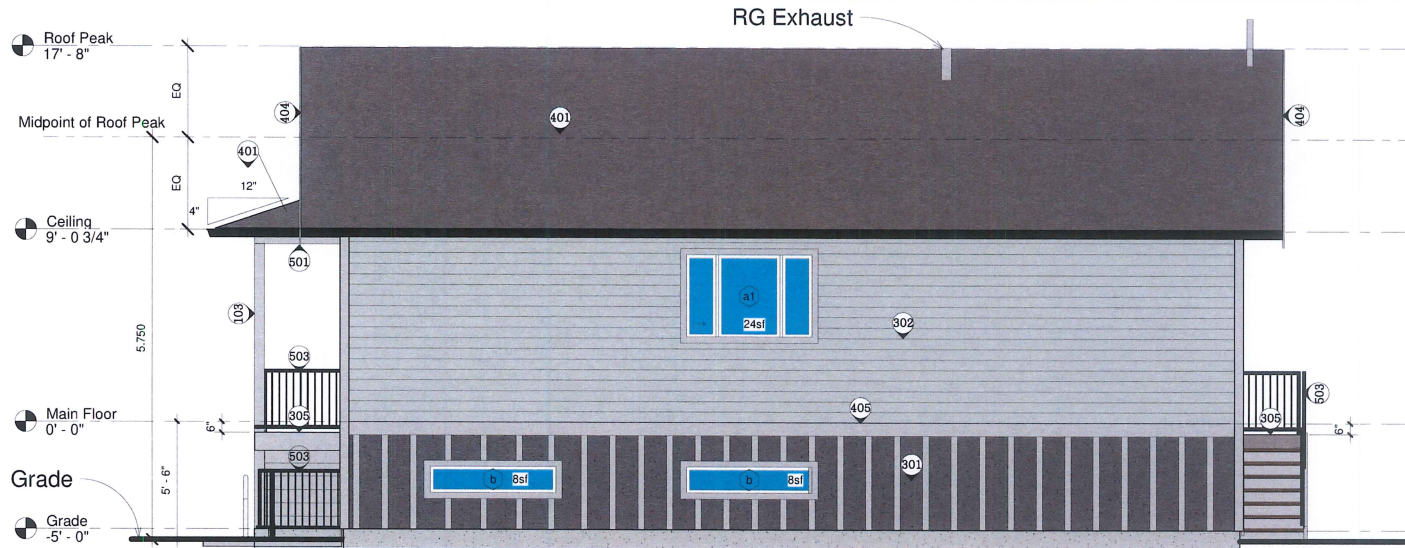
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| Date | Feb 2, |
| Drawn by | |
| Project No. | 925RDi |
| Scale | 1/4" = |

A0

Attachment 2

250.307.6818-925RDesign.com

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2020 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |



| Door Schedule | | | |
|-----------------|------------------|-----------|-------|
| Type Mark | Family | Type | Count |
| 1 | Single Half Lite | 36" x 80" | 3 |
| 2 | Single-Glass 1 | 32" x 80" | 2 |
| 3 | Single-Flush | 32" x 80" | 3 |
| 4 | Single-Flush | 30" x 80" | 7 |
| 5 | Single-Flush | 24" x 80" | 2 |
| 8 | Double-Flush | 48" x 80" | 3 |
| 13 | Sliding-Closet | 72" x 80" | 3 |
| 16 | Double-Flush | 52" x 80" | 1 |
| Grand total: 24 | | | |

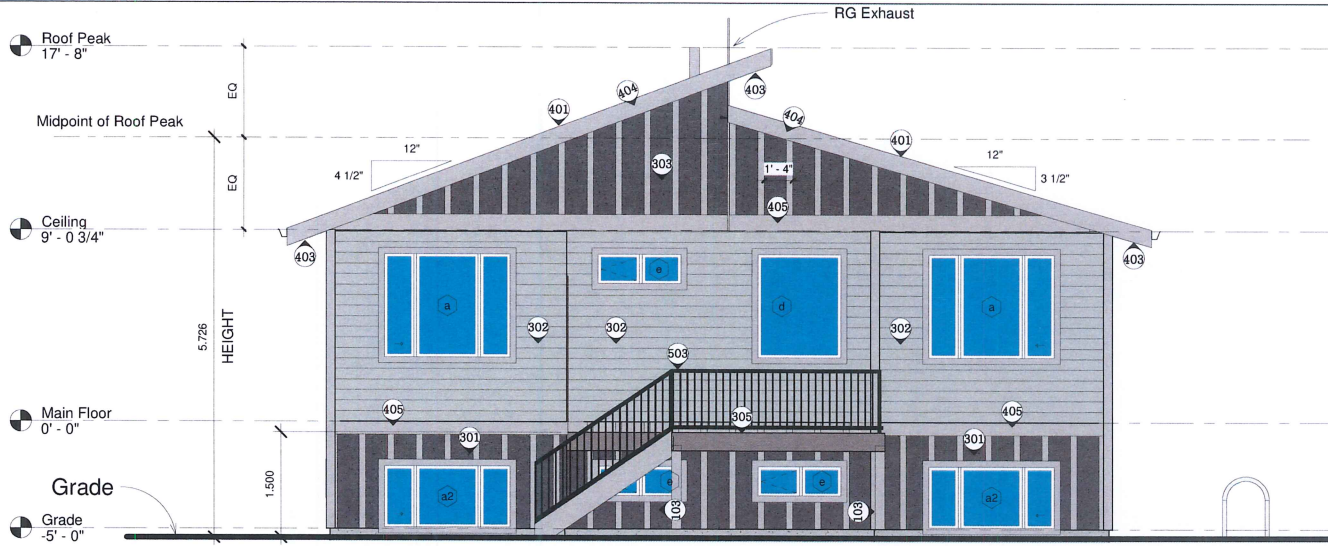
| Window Schedule | | |
|-----------------|---|-------|
| Type Mark | Family and Type | Count |
| a | Slider three panel with Trim: 72" x 60" | 2 |
| a1 | Slider three panel with Trim: 72" x 48" | 4 |
| a2 | Slider three panel with Trim: 72" x 36" | 2 |
| b | Fixed with Trim: 72" x 16" | 5 |
| c | Fixed with Trim: 60" x 18" | 2 |
| d | Fixed with Trim: 48" x 60" | 1 |
| e | Casement Dbl w Trim: 48" x 18" | 4 |
| Grand total: 20 | | |

Beatrice House 3202
16th Avenue
Vernon BC
North/South
Elevation

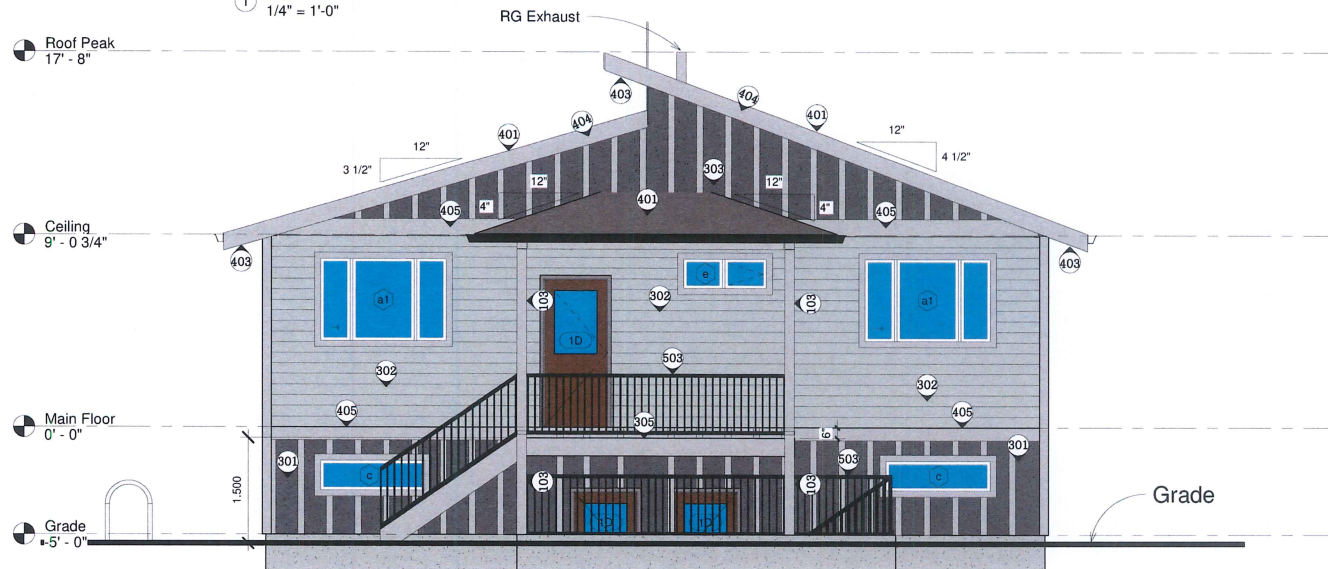
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| Date | Feb 2, 2022 |
| Drawn by | ML |
| Project No. | 925RDL_16032 |
| Scale | 1/4" = 1'-0" |

A6

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 19 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2020 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |



① East
1/4" = 1'-0"



② West
1/4" = 1'-0"

| Door Schedule | | | |
|-----------------|------------------|-----------|-------|
| Type Mark | Family | Type | Count |
| 1 | Single Half Lite | 36" x 80" | 3 |
| 2 | Single-Glass 1 | 32" x 80" | 2 |
| 3 | Single-Flush | 32" x 80" | 3 |
| 4 | Single-Flush | 30" x 80" | 7 |
| 5 | Single-Flush | 24" x 80" | 2 |
| 8 | Double-Flush | 48" x 80" | 3 |
| 13 | Sliding-Closet | 72" x 80" | 3 |
| 16 | Double-Flush | 52" x 80" | 1 |
| Grand total: 24 | | | |

| Window Schedule | | |
|-----------------|---|-------|
| Type Mark | Family and Type | Count |
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| a1 | Slider three panel with Trim: 72" x 48" | 4 |
| a2 | Slider three panel with Trim: 72" x 36" | 2 |
| b | Fixed with Trim: 72" x 16" | 5 |
| c | Fixed with Trim: 60" x 18" | 2 |
| d | Fixed with Trim: 48" x 60" | 1 |
| e | Casement Dbl w Trim: 48" x 18" | 4 |
| Grand total: 20 | | |

Beatrice
House 3202
16th Avenue
Vernon BC
West/East
Elevation

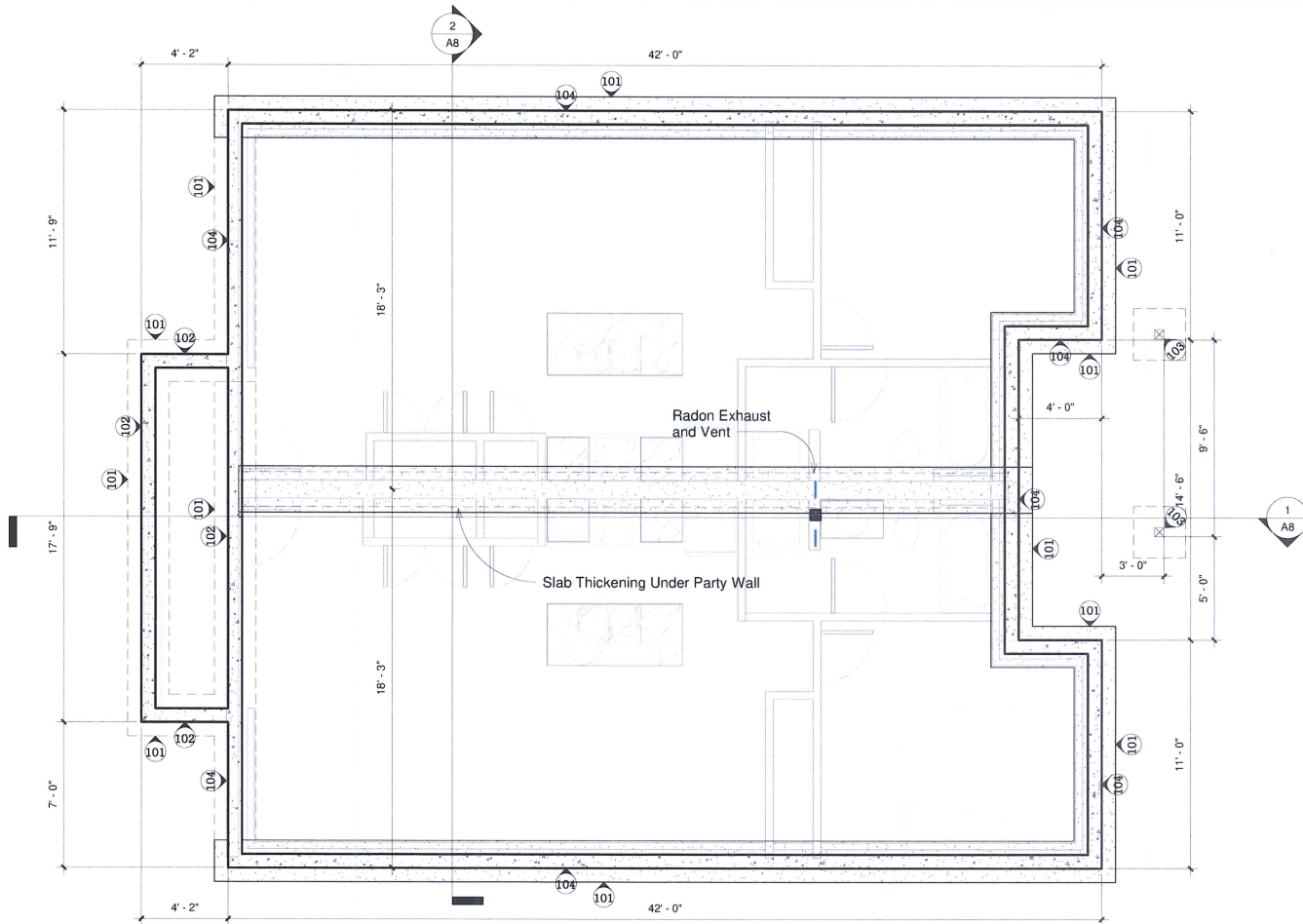
Date Feb 2, 2022
Drawn by ML
Project No. 925RDI 16032

Scale 1/4" = 1'-0"

A7

250.307.6818-925RDesign.com

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2022 |
| 1 | Site Notes | May 8 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |



Assemblies - Ptacs

- 101 Concrete Foundation
8x20
Min. 3'-0" Below Grade
c/w 4" Perimeter Drain

- 106 4" Concrete Slab on Grade
12" Min. Gravel on
Compacted Fill

- 201 1/2" Gypsum Board
Both Sides of
2x4 @ 16" o/c

| Description | Nominal | Effective |
|--|----------------|---|
| Fibre Cement Board & Batten - JH Iron Gray | | |
| Building Paper | | |
| 1/2" Plywood (Ext) Sheathing | 0.11 | |
| 2x6 @ 24" o/c | | |
| Batt Insulation | RSI 4.23(R-24) | RSI 2.8(R-15.9) |
| 6 MIL Poly Vapour Barrier | | |
| 1/2" Gypsum Board | 0.08 | 0.08 |
| Interior Air Film | 0.12 | 0.12 |
| TOTAL (eff.) R-Value | | RSI: 3.14 (R-17.8) Min. 3.08 (R-17.5) |

- 401 Asphalt Shingle Roofing on
Building Paper
1/2" Roof Sheathing
Pre-Engineered Trusses

- 102 8" Reinforced Concrete Wall
3" SM Rigid Insulation RSI 2.64
Where Slab is at Grade

- 202 1/2" Gypsum Board
Both Sides of
2x6 Supporting Wall on
8x20 Footing

| Description | Nominal | Effective |
|--|----------------|---|
| Fibre Cement Horizontal Siding - JH Light Mist | | |
| Building Paper | | |
| 1/2" Plywood (Ext) Sheathing | 0.11 | |
| 2x6 @ 24" o/c | | |
| Batt Insulation | RSI 4.23(R-24) | RSI 2.8(R-15.9) |
| 6 MIL Poly Vapour Barrier | | |
| 1/2" Gypsum Board | 0.08 | 0.08 |
| Interior Air Film | 0.12 | 0.12 |
| TOTAL (eff.) R-Value | | RSI: 3.14 (R-17.8) Min. 3.08 (R-17.5) |

- 402 RSI 8.8 Insulation R-50
6 MIL Poly Vapour Barrier
1/2" Gypsum Board RSI 0.08
TOTAL RSI: 8.88

- 103 Column on 12x30x30
Concrete Footing on
Compacted Fill

- 204 1-HR FR Partywall (BCBC W13a) STC 57
5/8" Type "X" Gypsum Board
2x4 @ 16" o/c
Fill With Safe & Sound Batt Insulation
1" Airspace to be Maintained
2x4 @ 16" o/c
Fill With Safe & Sound Batt Insulation
5/8" Type "X" Gypsum Board

- 305 Water Proof Vinyl Deck Finish on
3/4" Exterior Plywood on
2x10 @ 16" o/c
Slope to Drain
Exterior Soffit

- 403 Perforated Aluminum Soffit

| Description | Nominal | Effective |
|-----------------------------|----------------|---|
| 8" Foundation Wall | 0.25 | 0.25 |
| Damproofing Below Grade | | |
| 3" Airspace | 0.16 | 0.16 |
| 2x4 @ 2" o/c | | |
| Batt Insulation | RSI 3.52(R-20) | RSI 2.8(R-15.9) |
| 1/2" Gypsum Board | 0.08 | 0.08 |
| Interior Air Film | RSI 0.12 | RSI 0.12 |
| TOTAL (eff.) R-Value | | RSI: 3.41 (R-19.7) Min. 2.96 (R-16.9) |

- 206 Floor Finish on (F9c - 1hr) STC 52
5/8" Plywood Sub-floor
11 7/8" TJI Joists @ 16" o/c
Fill Voids With Sound Batt Insulation
Resilient Metal Channel
2-Layers 5/8" Type "X" Gypsum Board

| Description | Nominal | Effective |
|--|---------|-----------|
| Board and Batton | | |
| Board to Match 301 - JH Iron Gray | | |
| Batten to Match 302 - JH Light Mist | | |
| Building Paper | | |
| 1/2" Plywood (Ext) Sheathing | | |
| 2x6 @ 24" o/c on Pre-Engineered Trusses | | |

- 404 1x10 Fascia
- 405 8" Horizontal Accent Band
- 501 Pre-Engineered Beam
- 503 Black Aluminum Guard Rail
42" A.F.F.

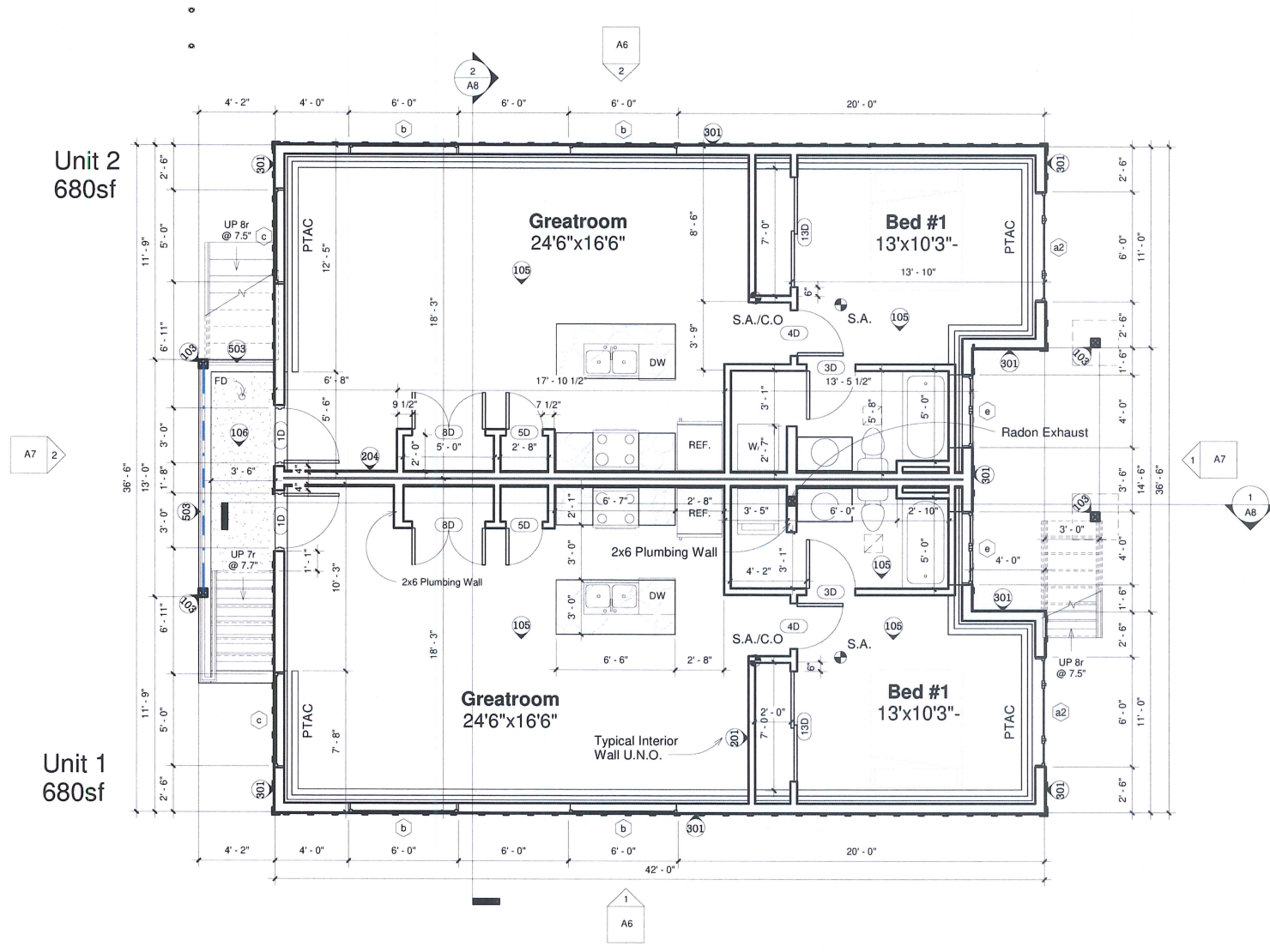
Beatrice
House 3202
16th Avenue
Vernon BC
Foundatio

Attachment 3

| | |
|-------------|--------|
| Date | Feb 2 |
| Drawn by | |
| Project No. | 925RDI |
| Scale | 1/4" |

A2

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2020 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |



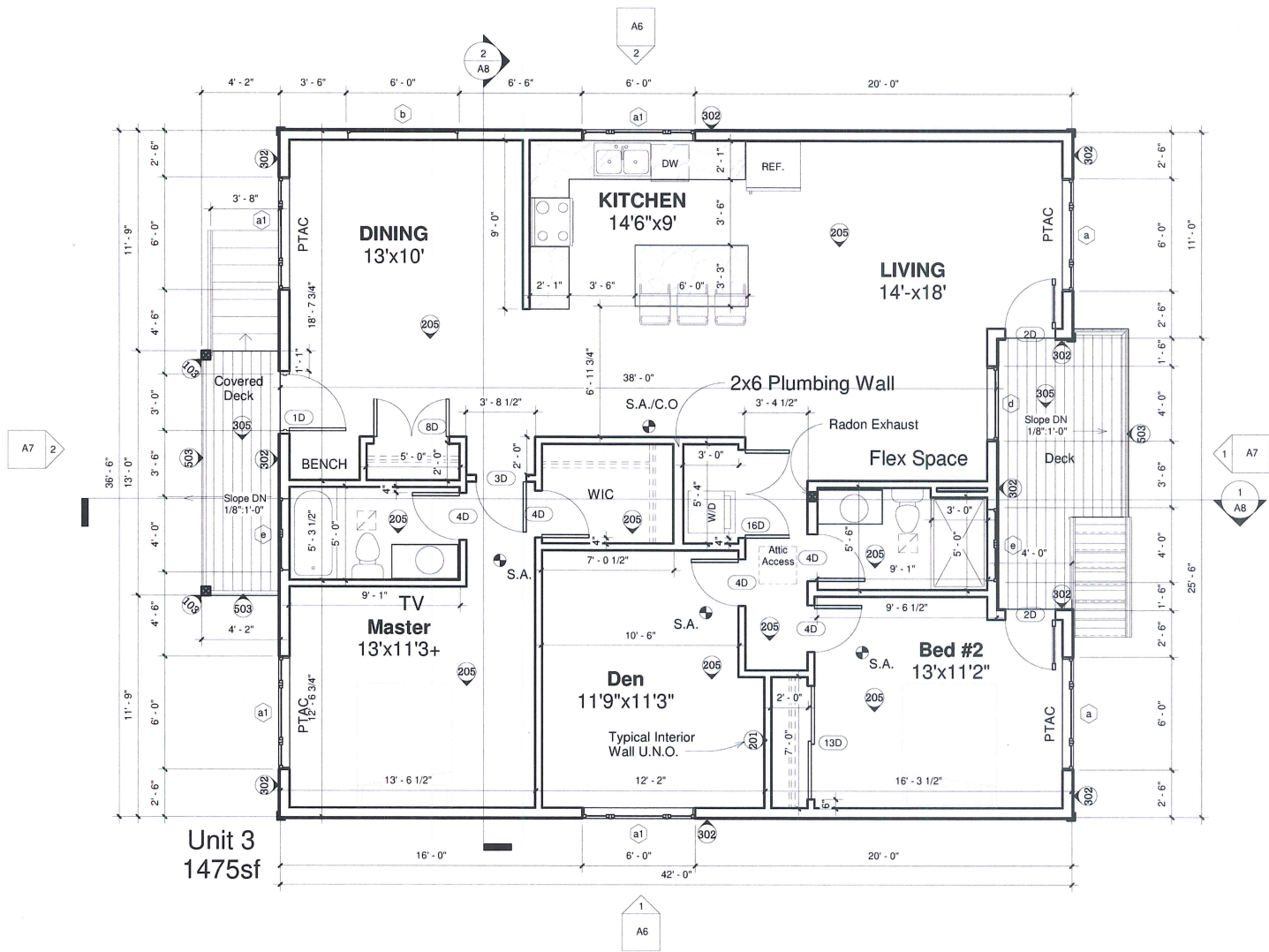
Beatrice
House 3202
16th Avenue
Vernon BC
Lower Floor

| | |
|-------------|--------------|
| Date | Feb 2, 2022 |
| Drawn by | ML |
| Project No. | 925RD1 16032 |
| Scale | 1/4" = 1'-0" |

A3

2/2/2022 3:40:35 PM

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2022 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |



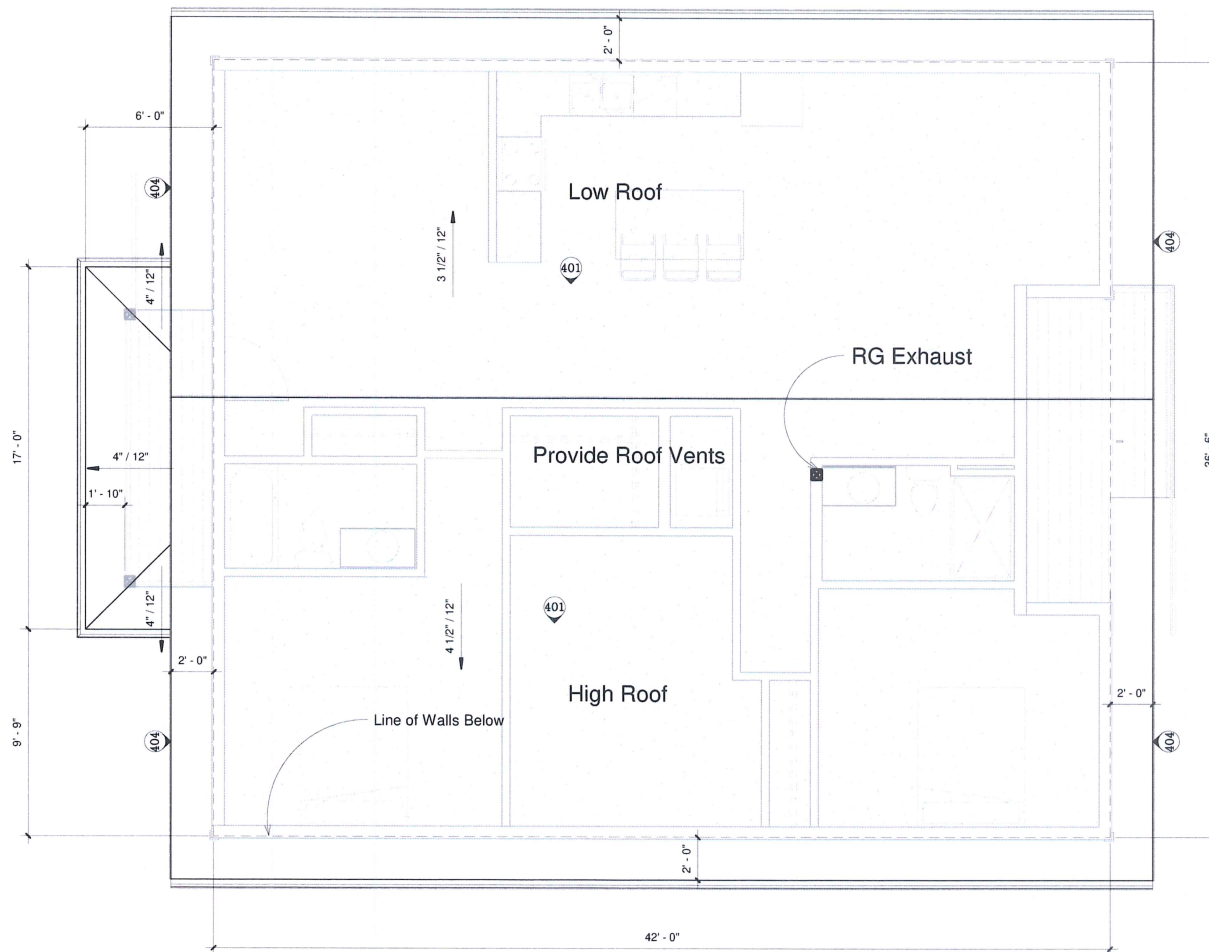
Unit 3
1475sf

Beatrice
House 3202
16th Avenue
Vernon BC
Main Floor

| | |
|-------------|--------------|
| Date | Feb 2, 2022 |
| Drawn by | ML |
| Project No. | 925RDi_16032 |
| Scale | 1/4" = 1'-0" |

A4

| No. | Description | Date |
|-----|----------------------|--------------|
| DP | Development Permit | July 18 2016 |
| DP2 | Development Permit | Mar 3 2017 |
| DP3 | Development Permit | Mar 20 2017 |
| DVP | DVP | Apr 10 2017 |
| BP | Building Permit | Apr 17 2020 |
| 1 | Site Notes | May 6 2020 |
| 2 | Address/Bike Parking | Feb 2 2022 |



| Door Schedule | | | |
|-----------------|------------------|-----------|-------|
| Type Mark | Family | Type | Count |
| 1 | Single Half Lite | 36" x 80" | 3 |
| 2 | Single-Glass 1 | 32" x 80" | 2 |
| 3 | Single-Flush | 32" x 80" | 3 |
| 4 | Single-Flush | 30" x 80" | 7 |
| 5 | Single-Flush | 24" x 80" | 2 |
| 8 | Double-Flush | 48" x 80" | 3 |
| 13 | Sliding-Closet | 72" x 80" | 3 |
| 16 | Double-Flush | 52" x 80" | 1 |
| Grand total: 24 | | | |

| Window Schedule | | |
|-----------------|---|-------|
| Type Mark | Family and Type | Count |
| a | Slider three panel with Trim: 72" x 60" | 2 |
| a1 | Slider three panel with Trim: 72" x 48" | 4 |
| a2 | Slider three panel with Trim: 72" x 36" | 2 |
| b | Fixed with Trim: 72" x 16" | 5 |
| c | Fixed with Trim: 60" x 18" | 2 |
| d | Fixed with Trim: 48" x 60" | 1 |
| e | Casement Dbl w Trim: 48" x 18" | 4 |
| Grand total: 20 | | |

**Beatrice
House 3202
16th Avenue
Vernon BC
Roof**

Date Feb 2, 2022
 Drawn by ML
 Project No. 925RDi_16032
 Scale 1/4" = 1'-0"

A5

RM2

9.11 RM2 : Multiple Housing Residential

9.11.1 Purpose

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

9.11.2 Primary Uses

- apartment housing
- care centre, major
- duplex (Bylaw 5440)
- four-plex housing
- group home, major
- row housing
- semi-detached housing
- seniors assisted housing
- seniors housing
- seniors supportive housing
- single detached housing
- **three-plex housing**

9.11.3 Secondary Uses

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

9.11.4 Subdivision Regulations

- Minimum **lot width** is 18.0m, except it is 20.0m for a **corner lot**. For fee simple **three-plex, four-plex, row housing** and **semi-detached dwellings**, the minimum **lot width** is 7.5m for **interior lots** and 12.0m for **corner lots**.
- Minimum **lot area** is 900m², or 10,000m² if not serviced by a **community sewer system**.

9.11.5 Party Wall Subdivision Regulations

| Lot Type | Minimum Lot Area | | Minimum Lot Width | |
|------------------------------|-------------------|-------------------|-------------------|--------|
| | interior | corner | interior | corner |
| Semi-Detached Housing | 225m ² | 275m ² | 7.8m | 9.0m |
| Three-Plex Housing | 150m ² | 200m ² | 6.5m | 7.8m |
| Four-Plex Housing | 150m ² | 200m ² | 6.5m | 7.8m |
| Row Housing | 150m ² | 200m ² | 6.5m | 7.8m |

9.11.6 Development Regulations

- **With a housing agreement pursuant to Section 4.9, the maximum density shall be 72.0 units per gross hectare (29.0 units/gross acre).**
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, the maximum **density** shall be 75.0 units per gross hectare (30.5 units/gross acre). Where all the required parking

3.3 units as per "sec. 1.8 undersized lots"

is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be determined through multiplying the additional 15.0 units per gross hectare (6 units/gross acre) by the percentage of parking proposed to be provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 55%. ← ~32%
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**. ← 54.9%
- **Minimum front yard** is 4.5m, except it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry. ← ~6.9 m
- **Minimum side yard** is 1.2m, except it is 2.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** is 0.0m for fee simple **three-plex, four-plex, row housing** and **semi-detached dwellings**. ← 1.6 m, 2.5 m
- **Minimum rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. ← 7.73m
- Maximum six **dwelling** units located in a **building**, with each unit having a **minimum width of 6.5m**. ← Proposed variance for units 1 & 2 for a min width of 5.5m
- Maximum density is 60.0 units per gross hectare (24.5 units/gross acre).

Will this be fee simple or strata?

Proposed variance for units 1 & 2 for a min width of 5.5m

9.11.7 Other Regulations

2.8 units allowed based on the pre road dedication lot size (463.8 m2)

For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**. (Bylaw 5440)

- In order for bareland strata **development** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building**.
- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** 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**.
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- For **seniors assisted housing, seniors housing** and **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- 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)

Unit 1 requires 10m2 (31.1m2 provided)
Unit 2 requires 10m2 (48.1 m2 provided)
Unit 3 requires 15 m2 (32.5m2 provided)

OTHER REQUIREMENTS
Hwy 97 setback 4.5m (8.1m provided)
Min building width 7m (11.1 m provided)
Min landscaping requirements front yard and along provincial hwy level 4 (3 m veg), rear yard level 2 (1.5 m veg and fence), side yard level 1 (1.5 m veg) - rear yard parking doesn't allow for required landscaping. Driveway-parking does not accommodate required rear yard landscaping.
Parking - 4 parking spaces are required. 4 are provided.

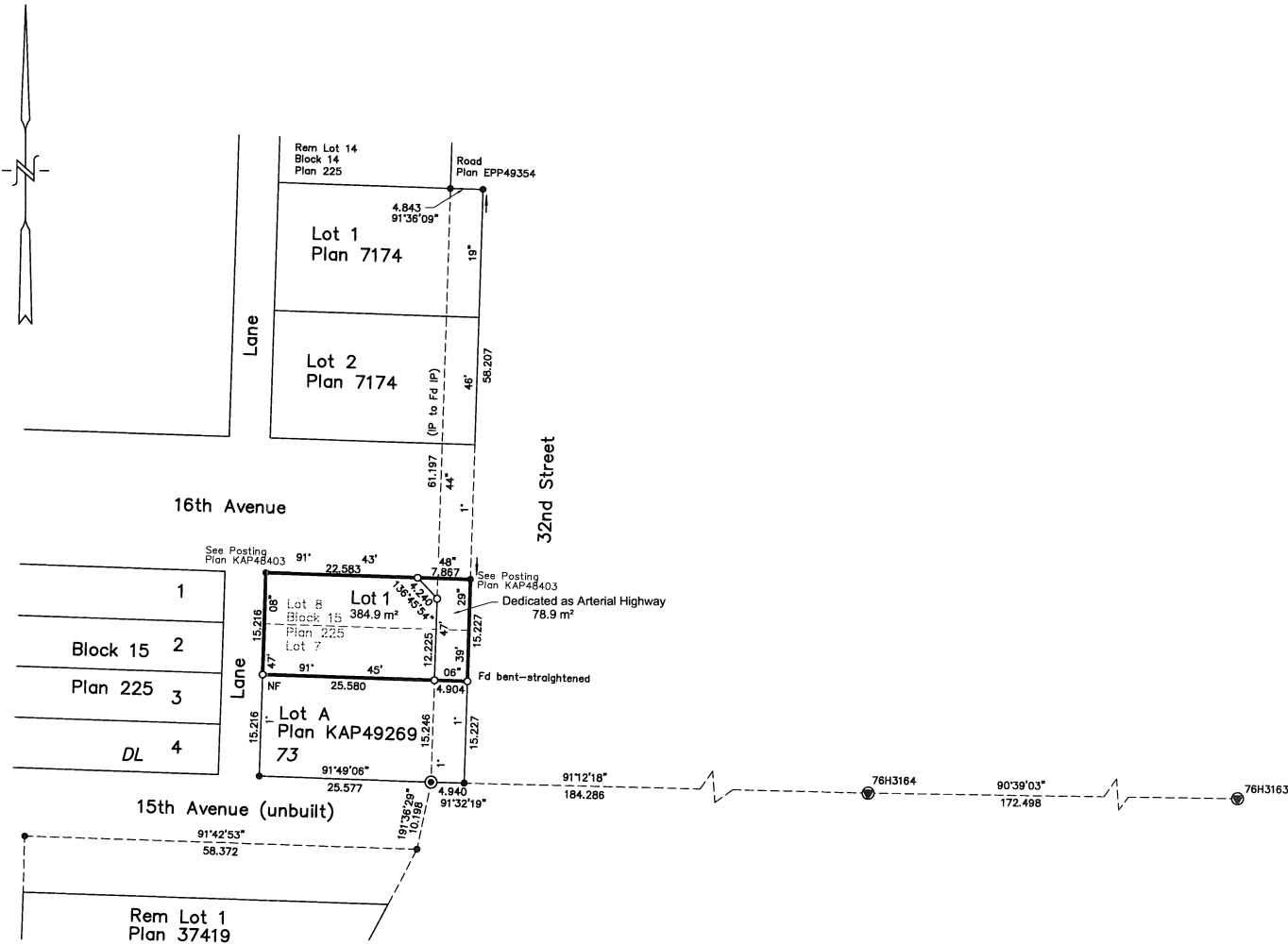
REFERENCE PLAN OF CONSOLIDATION OF LOTS 7 AND 8, BLOCK 15, DL 73, ODYD, PLAN 225, AND DEDICATION OF ROAD.

PLAN EPP41416

Pursuant to Section 100(1)(b) and 107 of the Land Title Act

BCGS 82L.024
SCALE 1: 500

All distances are horizontal ground level, in metres and decimals thereof
THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm IN WIDTH by 432mm IN HEIGHT (C size) WHEN PLOTTED AT A SCALE OF 1:500



LEGEND

INTEGRATED SURVEY AREA NUMBER 19, CITY OF VERNON, NAD83 (CSRS) 4.0.0.BC.1
GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 75H3163 AND 75H3164.
THE UTM CO-ORDINATES AND ESTIMATED ABSOLUTE ACCURACY ARE DERIVED FROM THE MASCOT PUBLISHED COORDINATES AND STANDARD DEVIATIONS FOR GEODETIC CONTROL MONUMENTS 75H3163 AND 75H3164.
THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL MEASURED DISTANCES UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998591 WHICH HAS BEEN DERIVED FROM GEODETIC CONTROL MONUMENTS 75H3163 AND 75H3164.
● DENOTES CONTROL MONUMENT FOUND
● DENOTES STANDARD IRON POST FOUND
○ DENOTES STANDARD CONCRETE POST FOUND
○ DENOTES STANDARD IRON POST PLACED

GCM 76H3163
UTM ZONE 11 COORDINATES
Datum NAD83 (CSRS) 4.0.0.BC.1
UTM NORTHING.....5569209.673
UTM EASTING.....338257.783
ESTIMATED ABSOLUTE ACCURACY IS 0.02m
COMBINED FACTOR IS 0.9998597

GCM 76H3164
UTM ZONE 11 COORDINATES
Datum NAD83 (CSRS) 4.0.0.BC.1
UTM NORTHING.....5569211.632
UTM EASTING.....338085.320
ESTIMATED ABSOLUTE ACCURACY IS 0.02m
COMBINED FACTOR IS 0.9998594

THIS PLAN LIES WITHIN THE JURISDICTION OF THE APPROVING OFFICER FOR THE CITY OF VERNON.
THIS PLAN IMAGE DEDICATES ARTERIAL HIGHWAY AS AUTHORIZED BY THE MINISTRY OF TRANSPORTATION & INFRASTRUCTURE.
THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN.
THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED ON THE 31st DAY OF JANUARY, 2020.
JASON RUSSELL SHORTT, BCLS # 770

russell shortt
land SURVEYORS
2801-32nd Street, Vernon, B.C. V1T 5L8
Phone: (250)545-0511 Email: jasona@rshortt.ca
F.B. 1307 p70 File: 27033 cons 242066_091520

Attachment 5

4.9 Housing Agreements

4.9.1 City Council may enter into a housing agreement pursuant and/or covenant to the *Local Government Act*, as a condition of approval for affordable and/or special needs housing, which contains contractual arrangements as to any, or all, of the following:

- the use of the lot in relation to any existing or proposed building or structure including the preservation of buildings, structures and environmental setbacks;
- the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;
- the timing of the development; and,
- such other conditions as may be considered reasonable under the circumstances.

4.9.2 Increases in the maximum density or reductions in parking or loading requirements are permitted to the density specified in the RM1, RM2, RH1, RH2, and RH3 zones provided:

- the owner enters into a housing agreement and/or covenant satisfactory to the City of Vernon; and
- such public benefit, determined by the City of Vernon, may include affordable or special needs housing for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.

4.9.3 All agreements and/or covenants entered into pursuant to Section 4.9 shall run with the land as a priority charge against the title of the subject lands at the *Land Title Office*.

4.10 Setback from Provincial Highways and City Roads (Bylaw No. 4883)

4.10.1 All buildings, structures and landscaping excluding perimeter fencing (garden walls and fences) on lots abutting Provincial Highways shall not be closer to the highway than the required Provincial Highway setbacks. (*Bylaw 5339*)

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"

PART 2 - TERMS OF INSTRUMENT

SECTION 219 COVENANT

THIS AGREEMENT dated for reference June 15, 2022.

BETWEEN:

RUBI-JANE INVESTMENTS LTD.
c/o 2801 - 32nd Street
Vernon British Columbia, V1T 5L8

(the “**Transferor**”)

AND:

THE CORPORATION OF THE CITY OF VERNON
3400 - 30th Street
Vernon, British Columbia, V1T 5E6

(the “**Transferee**”)

Background

- A. The Transferor is the registered owner of those lands and premises at 3202 – 16th Avenue, Vernon British Columbia (the “**Lands**”) and which are legally described as:

Parcel Identifier: 031-286-411
Lot 1, District Lot 73, ODYD, Plan EPP41416
- B. The Transferor intends to construct on the Lands a building containing three dwelling units, together with parking and landscaping (the “**Development**”).
- C. Section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250 (the “**Act**”) provides, *inter alia*, that there may be registered as a charge against title to land a covenant, whether of a negative or positive nature, in respect of the use of land or the use of building erected or to be erected on land, in favour of a municipality or the Crown.
- D. The Transferor has requested that the Transferor, as owner of the Lands enter into this Covenant with the Transferee with respect to the Development of the Lands and the Transferor has agreed to do so.

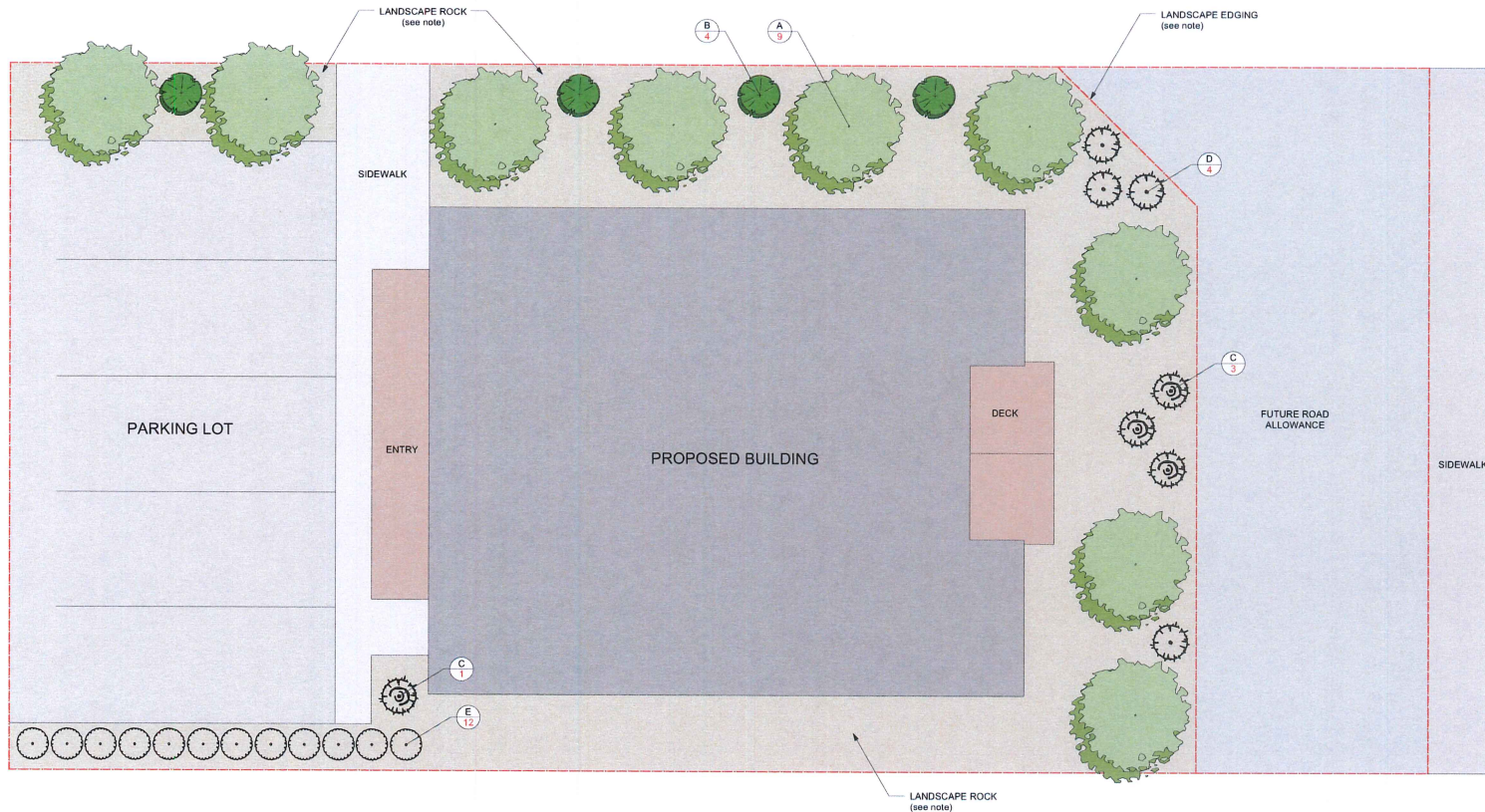
Terms of Agreement

In consideration of \$1.00 and other good and valuable consideration now paid by the Transferee to the Transferor (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

1. From the date of this Agreement and continuing thereafter until July 1, 2042, the Transferor covenants and agrees with the Transferee that there will be no further subdivision of the Lands, whether under the provision of the Act or the *Strata Property Act*.
2. Neither the Transferor nor any future owner of the Lands shall be liable under any of the covenants and agreements contained in this Agreement where such liability arises by reason of an act or omission occurring after the Transferor or any future owner ceases to have any further interest in the Lands.
3. The covenants contained in this Agreement are and shall be deemed to be covenants running with the Lands pursuant to Section 219 of the Act and shall be binding upon the Transferor and its successors in title to the Lands and shall enure to the benefit of the Transferee and its successors, in perpetuity, and may only be modified or discharged pursuant to the provisions of Section 219 of the Act or pursuant to the provisions of an order of a Court of competent jurisdiction.
4. Wherever the context so requires, any term used in this Agreement importing the singular number only shall include the plural and vice versa and words importing any gender shall include all other genders.
5. The Transferor acknowledges and agrees that damages are not an adequate remedy for breach of the covenants herein contained and further that the Transferee, in the event of any such breach will and shall be entitled to apply to a Court of competent jurisdiction for an Order restraining and prohibiting the continuance of any such breach.
6. Nothing contained or implied in this Agreement shall prejudice or affect the Transferee's rights and powers in the exercise of its functions pursuant to the *Community Charter* or the *Local Government Act* of British Columbia or its rights and powers under all of its public and private statutes, bylaws, orders and regulations to the extent that the same are applicable to the Lands, all of which may be fully and effectively exercised in relation to the Lands as if these covenants had not been executed and delivered by the Transferor.
7. The Transferor shall do all such further acts and execute and deliver such deeds, assignments, documents and instruments and evidences of transfer and shall give such further assurance as shall be necessary or appropriate in connection with the performance of its obligations under this Agreement to carry out the intent and purpose of this Agreement.

8. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable from the rest, and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
9. This Agreement and all rights, entitlements, duties and obligations arising from it shall enure to the benefit of and be binding upon the parties and each of their respective heirs, executors, successors and assigns.

AS EVIDENCE OF THEIR AGREEMENT the parties have executed this agreement on one or more pages of the General Instrument.



DRAWING NOTES

LANDSCAPE ROCK:

The contractor shall supply and place landscape rock to those areas shown on the drawings. Product shall be 25mm diameter.

All landscape rock areas come with weed barrier fabric beneath them.

GROWING MEDIUM:

All planting medium shall be new or amended topsoil capable of promoting healthy plant growth for those plants specified on the plant list.

LANDSCAPE EDGING:

The contractor shall supply and place landscape edging to separate landscape rock areas from edge of property.

IRRIGATION:

The contractor shall supply and place irrigation system. All work and products shall meet or exceed the Irrigation Association of B.C. standards and specifications.

All tree, shrub beds and groundcover areas are to be irrigated with an automatically timed drip irrigation system.

PLANT LIST

| ID | QTY | COMMON NAME | BOTANICAL NAME | SIZE |
|----|-----|--------------------------|--|-----------|
| A | 9 | Swedish Columnar Aspen | Populus tremula 'Erecta' | 6cm CAL. |
| B | 4 | Dwarf Mugo Pine | Pinus mugo 'Pumilio' | #02 CONT. |
| C | 4 | Rose Glow Barberry | Berberis thunbergii 'Rosy Glow' | #02 CONT. |
| D | 4 | Gold Splash Euonymus | Euonymus fortunei 'Roemertwo' | #02 CONT. |
| E | 12 | Karl Foerster Reed Grass | Calamagrostis acutiflora 'Karl Foerster' | #01 CONT. |

SWAN LAKE NURSERYLAND
 7920 HIGHLAND RD.
 VERNON, BC
 TEL (250) 542 7614
 FAX (250) 542 7552
 admin@myswanlake.com

SITE NORTH

GENERAL CONDITIONS
 Check and verify all critical details and dimensions prior to the start of construction and contact the office of the architect as required. Written dimensions will always take precedence over verbal dimensions.
 The drawings shall be read in conjunction with all drawings & specifications for the project contract. The contractor is responsible to verify and correct any conflicting design information. Costs to remedy such work completed before architect approval can leave design revisions are the sole responsibility of the contractor.

| DATE | ISSUED FOR | |
|--------------|---------------|----------|
| 27 JULY 2016 | Client Review | |
| # | DATE | REVISION |
| | | |
| | | |

PROJECT TITLE
BEATRICE HOUSE
 1500 2810 STREET
 VERNON, BC

SHEET TITLE
LANDSCAPE PLAN

COPYRIGHT RESERVED: This drawing is an instrument of service and the property of Swan Lake Nursery Ltd. The use of this drawing shall be restricted to the project for which it was expressly made by the contractor. The name of the firm shall appear on any copy of this drawing.

Job No: _____
 Date: 27/_____
 Scale: _____
 Drawn: _____
 Checked: _____
 SHEET NUMBER:
L1.0

Attachment 8