



CORPORATION OF THE CITY OF VERNON

ADVISORY PLANNING COMMITTEE

OCTOBER 8, 2024, AT 4:00 PM

OKANAGAN LAKE ROOM (COUNCIL CHAMBER)

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) August 13, 2024 (Attached)

5) **NEW BUSINESS**

a) **DEVELOPMENT PERMIT EXEMPTIONS FOR MULTI-UNIT HOUSING AND RIPARIAN ASSESSMENT AREAS**

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 **October 29, 2024**.

8) **ADJOURNMENT**

THE CORPORATION OF THE CITY OF VERNON



**MINUTES OF THE
ADVISORY PLANNING COMMITTEE MEETING
HELD AUGUST 13, 2024 AT 4:00 P.M.
OKANAGAN LAKE ROOM (COUNCIL CHAMBER)**

- PRESENT:** Scott Chatterton (Acting Chair)
Councillor Durning
Craig Neville
Jessica Kirkham
Jordan Hart
Kennedy Mund
Margo Jarman
Margo Lupien
- GUEST:** Gene Riemer (Applicant)
Councillor Guy
- ABSENT:** Mayor Cumming
Claire Ishoy
Harpreet Nahal
Kyla Gaudreau
Monique Hubbs-Michiel
- STAFF:** Craig Broderick, Approving Officer
Dwight Wright, Municipal Technician III, Transportation
Jennifer Pounder, Records / Committee Clerk
Kathy Stogneff, Secretary 1
Lydia Korolchuk, Manager, Current Planning
Michelle Austin, Current Planner
- ORDER** The meeting was called to order at 3:58 p.m.
- LAND ACKNOWLEDGEMENT** *As Chair of the City of Vernon's Advisory Planning Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan nation.*

ADOPTION OF THE AGENDA

Moved by M. Jarman, seconded by C. Neville:

THAT the agenda of the August 13, 2024 Advisory Planning Committee meeting be adopted.

CARRIED

ADOPTION OF THE MINUTES

Moved by C. Neville, seconded by J. Kirkham:

THAT the minutes of the June 11, 2024 Advisory Planning Committee meeting be adopted subject to correcting last name to Kirkham.

CARRIED

NEW BUSINESS:

ZONING OVERLAY APPLICATION (1501 HIGHWAY 6)

M. Austin, Current Planner, provided an overview of the application.

Moved by S. Chatterton, seconded by M. Jarman:

THAT the Advisory Planning Committee recommends that Council support Zoning Application 00423 (ZON00423) to apply zoning overlays to LT 1, SEC 26, TWP 9, ODYD, PL 24027, Except PLs H14665 and KAP58251 (1501 Highway 6) to authorize the uses of Minor Fuel Station and Drive-through Services on the subject property as outlined in the report titled "Zoning Overlay Application for 1501 Highway 6" dated August 21, 2024;

AND FURTHER, that prior to final adoption of a zoning overlay bylaw, the subject property is consolidated with LT 25, SEC 26, TWP 9, ODYD, PL KAP58251 (1400 17 Street); LT 26, SEC 26, TWP 9, ODYD, PL KAP58251 (1401 17 Street); LT 24, SEC 26, TWP 9, ODYD, PL KAP58251 (1404 17 Street); LT 27, SEC 26, TWP 9, ODYD, PL KAP58251 (1405 17 Street); and LT 23, SEC 26, TWP 9, ODYD, PL KAP58251 (1406 17 Street).

AND FURTHER, that the landscape buffer, between the proposed convenience store/car wash and the residences along 15 Ave, be increased.

CARRIED
with C. Neville opposed.

INFORMATION ITEMS:

M. Austin provided an update of recent Council decisions on bylaws and applications previously considered by the Advisory Planning Committee.

NEXT MEETING

The next meeting for the Advisory Planning Committee is tentatively set for September 4, 2024.

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:46 pm.

CERTIFIED CORRECT:

_____ Chair



THE CORPORATION OF THE CITY OF VERNON REPORT TO ADVISORY PLANNING COMMITTEE

SUBMITTED BY: Michelle Austin, Senior Planner

COUNCIL MEETING: REG COW I/C

COUNCIL MEETING DATE: October 28, 2024

APC MEETING DATE: October 8, 2024

REPORT DATE: October 3, 2024

FILE: 6480-04 (2024 DP Exemptions)

SUBJECT: DEVELOPMENT PERMIT EXEMPTIONS FOR MULTI-UNIT HOUSING AND RIPARIAN ASSESSMENT AREAS

PURPOSE:

This report proposes changes to the Official Community Plan (OCP) Development Permit (DP) requirements for multi-unit housing and Riparian Assessment Areas (RAA).

RECOMMENDATION:

THAT the Advisory Planning Committee recommends that Council support an amendment to the Official Community Plan Bylaw 5470 to amend the Development Permit exemptions for multi-unit housing and Riparian Assessment Areas as outlined in the report titled “Development Permit Exemptions for Multi-Unit Housing and Riparian Assessment Areas”, dated October 3, 2024.

ALTERNATIVES & IMPLICATIONS:

N/A

ANALYSIS:

A. Background:

At its Regular Meeting of September 23, 2024, Council adopted the following resolution:

THAT Council support in principle an amendment to the Official Community Plan Bylaw 5470 to amend the Development Permit exemptions for multi-unit housing and Riparian Assessment Areas as outlined in the report titled “Development Permit Exemptions for Multi-Unit Housing and Riparian Assessment Areas”, dated September 4, 2024;

AND FURTHER, that Council has considered appropriate consultation opportunities for “Official Community Plan (Development Permit Exemptions for Multi-Unit Housing and Riparian Assessment Areas) Amendment Bylaw 6013, 2024” and supports the following consultation opportunities in addition to the statutory public hearing:

- a) Referral to the City of Vernon Advisory Planning Committee for review and a recommendation to Council; and*
- b) Posting on the Engage Vernon platform.*

B. Committee Recommendations:

At its meeting of October 8, 2024, the Advisory Planning Committee passed the following resolution:

“THAT the Advisory Planning Committee recommends to Council that...”

C. Rationale:

Multi-Unit Housing Development Permit Exemptions:

1. Under [Sec. 488\(1\)](#) of the *Local Government Act (LGA)*, local governments can regulate the form and character of commercial, industrial or multi-family residential development. Unless exempted under the OCP (*LGA, Sec. 488(4)*), form and character DPs are required for subdivision and building construction or alterations (*LGA, Sec. 489*).
2. [Sec. 26.0](#) of the OCP requires a form and character development permit for all multi-family residential developments in designated residential areas when a project exceeds three units (OCP, p. 143).
3. Following the adoption of zoning bylaws to support Small Scale Multi-Unit Housing (SSMUH), the Province is encouraging local governments to review their DPAs to ensure they do not unnecessarily restrict SSMUH development. Currently, any SSMUH project with four or more units in the City must undergo a form and character DP process. Proposed Bylaw 6013 (Attachment 1) introduces exemptions for housing in the MUS – Multi-Unit: Small Scale Zone (Attachment 2), aligning with Provincial SSMUH legislation, to promote these projects and streamline approvals.

Riparian Assessment Areas (RAA) Development Permit Exemptions:

4. The *Riparian Areas Protection Regulation (RAPR)* applies to residential, commercial, or industrial development within a RAA, typically a 30-meter zone on each side of a stream. Under [Sec. 488\(1\)](#) of the *LGA*, local governments can regulate development within an RAA through DP requirements to protect the natural environment, ecosystems, and biodiversity. Unless exempted under the OCP (*LGA, Sec. 488(4)*), environmental DPs are required for subdivision, building construction or alterations, and land alterations (*LGA, Sec. 489*).
5. [Sec. 26.0](#) of the OCP designates all RAAs as development permit areas (DPAs) (Criteria 5) and lists exemptions where a permit is not required (OCP, p. 144).
6. In June 2023, City of Vernon Planning Staff requested feedback from the Province to ensure the City's OCP DP policies and exemptions comply with the *RAPR* and *LGA*. After reviewing the OCP, the Province suggested amendments, which are reflected in the proposed Bylaw 6013 (Attachment 1).
7. The *RAPR* only allows exemptions for non-structural changes or additions to a building or structure if it remains on the same foundation, within the same footprint, and is not damaged beyond 75% of its value. As a result, many of the current OCP bylaw exemptions are invalid, causing confusion and delays for City Planning Staff and developers. The proposed changes aim to clarify the process and provide certainty for all parties.

D. Attachments:

Attachment 1: Proposed OCP Amendment Bylaw 6013, 2024
Attachment 2: Sec. 9.1, MUS – Multi-Unit: Small Scale Zone

E. Council's Strategic Plan Alignment:

- Governance & Organizational Excellence
- Recreation, Parks & Natural Areas
- Environmental Leadership
- Livability
- Vibrancy
- Not Applicable

F. Relevant Policy/Bylaws/Resolutions:

- OCP Bylaw 5470, Sec. 26, Development Permit Areas (All Areas)
- Zoning Bylaw 6000, Sec. 9.1, MUS – Multi-Unit: Small Scale

BUDGET/RESOURCE IMPLICATIONS:

N/A

FINANCIAL IMPLICATIONS:

- None
- Budget Previously Approved
- New Budget Request
(Finance Review Required)

Prepared by:

Approved for submission to Council:

X _____
Michelle Austin
Senior Planner

Patricia Bridal, CAO

Date: _____

X _____
Terry Barton
Director, Planning & Community Services

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 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 (Oct.8/24) | | |
| <input type="checkbox"/> OTHER: | | |

THE CORPORATION OF THE CITY OF VERNON

BYLAW 6013

A bylaw to amend the City of Vernon's Official
Community Plan Bylaw 5470

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend "Official Community Plan Bylaw 5470, 2013";

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

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

1. This bylaw may be cited as "**Official Community Plan (Development Permit Exemptions for Multi-Unit Housing and Riparian Assessment Areas) Amendment Bylaw 6013, 2024**".
2. That Official Community Plan Bylaw 5470 is hereby amended by **AMENDING Section 26.0 Development Permit Areas (All Areas)** as shown in red on attached Schedule 'A', attached to and forming part of this bylaw.
3. Official Community Plan Bylaw 5470 is hereby ratified and confirmed in every other respect.

BYLAW 6013

READ A FIRST TIME this day of, 2024
READ A SECOND TIME this day of, 2024
PUBLIC HEARING held this day of, 2024
READ A THIRD TIME this day of, 2024
ADOPTED this day of, 2024.

Mayor

Corporate Officer

Attached to and forming Part of Bylaw 6013 “Official Community Plan (Development Permit Exemptions for Multi-Unit Housing and Riparian Assessment Areas) Amendment Bylaw 6013, 2024”

Where a Development Permit is required based on criteria 1-4 above, exemption from Development Permit approval applies in the following situations:

- Internal renovations where the existing buildings, structures, landscaping, parking and access are not affected.
- Addition to, alteration of, or external renovation of existing buildings or structures where the value of the work does not exceed \$200,000 (Bylaw 5886) and where the use of the site as defined in the Zoning Bylaw is not amended and where the landscaping, parking and access are not altered and where the site is not listed on the Vernon Heritage Register and where the site is not designated a Heritage site. A Development Permit Minor may be required based on criteria set out in the Development Permit Minor section below.
- Erection of new signs, or replacement, relocation, or modification of existing signs except where other policies of the OCP require Development Permit approval.
- Temporary buildings as governed by the City’s Zoning Bylaw and the City’s Building and Plumbing Bylaw. This includes temporary classrooms.
- **Construction of up to the maximum density of dwelling units authorized on properties in Classes 1, 2, and 3 of the MUS: Multi-Unit Small Scale Zone.**
- **Construction of up to the lesser of the maximum unit count or units per acre for properties in Classes 4 and 5 of the MUS: Multi-Unit Small Scale Zone.**

Where a Development Permit is required based on criteria 5, exemption from Development Permit approval applies in the following situations:

- ~~Repair, extension or alteration to existing buildings and structures that are determined to be legally non-conforming under Section 528 of the Local Government Act and where the footprint of the building is not increased.~~
- Reconstruction of a building or structure damaged less than 75% of its value, as described by Section 532 of the Local Government Act, provided it remains on its existing foundation **and within its existing footprint.**
- ~~Reconstruction of buildings that are legally non-conforming as to siting after damage regardless of the percentage of damage, under Section 529 of the Local Government Act, as long as there is no further contravention of City of Vernon bylaws.~~
- ~~The construction of a single pathway through the Riparian Assessment Area providing access to the lakeshore or creek. However, a Development Permit Minor will be required.~~ Maintenance of a game trail, formed by consistent use, that existed before 2006.
- Farming operations as defined in the Farm Practices Protection Act.
- ~~Developments that have been approved but not constructed prior to the adoption of this bylaw, provided the approved development has not changed.~~
- Mining activities, hydroelectric facilities and forest management.
- Public works and services: the construction, repair, and maintenance of works by the City or its authorized agents and contractors are exempt from the formal development approval process, but only when works are completed in accordance with the assessments and recommendations of a qualified environmental professional (QEP) in accordance with the Riparian Areas **Protection** Regulation, the Water **Sustainability** Act or other applicable environmental regulation.
- Emergency procedures: actions and activities performed to prevent, control, or reduce flooding, erosion or other immediate threats to life or property, including:
 - Emergency flood or erosion protection works;
 - Clearing of an obstruction from a bridge, culvert or drainage channel; and
 - Repairs to bridges for safety fences.
- **Developments exempt under Section 3 of the Riparian Areas Protection Regulation, as amended.**

SECTION 9: Housing

9.1 MUS – Multi-Unit: Small Scale

9.1.1 Purpose

To allow for a range of small-scale housing development up to 3 **Storeys** in **Height**, including detached, attached, and multi-unit housing on **Lots** under 4,050 m² (1 ac). This zone has **Site** and **Building** regulations that provide additional development flexibility in appropriate contexts, based on **Site** servicing and **Lot Area**.

9.1.2 Permitted Uses

Uses permitted as **Principal** or **Accessory Uses** in this zone are indicated with the symbol ● in the following table and **Uses** not listed are prohibited.



Use	Principal	Accessory
<i>Housing</i>		
Small Scale Housing	●	
Small Scale Multi-unit Housing	●	
<i>Commercial</i>		
Home Based Business		●
Short-term Rental Accommodation		●
<i>Community</i>		
Housing Care Centre	●	
Supportive Housing	●	
<i>Agricultural</i>		
Urban Agriculture		●

9.1.3 Density of Housing Use

The number and type of **Dwelling Units** on a **Lot** with characteristics indicated in the second, third, fourth and fifth columns of the following table must not exceed the number indicated in the right-hand column of the table.

Class	Community System		Inside the Urban Containment Boundary	Lot Area	Maximum Density
	Water	Sewer			
1	N/A	No	N/A	Any Lot Area	1 Dwelling Unit, plus 1 Secondary Suite
2	N/A	Yes	N/A	Any Lot Area	1 Dwelling Unit, plus 1 Secondary Suite, plus 1 Accessory Dwelling Unit
3	Yes	Yes	Yes	Up to 280 m ²	3 Dwelling Units
4	Yes	Yes	Yes	280 m ² to 4,050 m ²	The greater of: a) 4 Dwelling Units; or b) 60 Dwelling Units / ha (24 Dwelling Units / ac)
5 (within 400 m of a frequent Transit Route)	Yes	Yes	Yes	280 m ² to 4,050 m ²	The greater of: a) 6 Dwelling Units; or b) 60 Dwelling Units / ha (24 Dwelling Units / ac)

9.1.4 Subdivision Lot Area and Dimensions

Community Sewer System	Lot Area		Minimum Lot Width
	Minimum	Maximum	
Not Connected	Subdivision not permitted		
Connected	500 m ² (0.125 ac)	4,050 m ² (1 ac)	Interior Lot: 14 m Exterior Lot: 20 m



9.1.5 Siting of Buildings

Buildings and **Structures** must be sited at least the distance indicated in the following table from an abutting **Street**, **Lot**, **Laneway** or **Alley**, according to the character of the **Building** or **Structure** described in the right-hand column of the table.

Class 1

Lot Line Abutting a:	Minimum Setback		
	Dwelling Unit(s)	Accessory Building(s)	Garage or carport
Street	6.0 m	6.0 m	6.0 m
Laneway or Alley	6.0 m	1.5 m	N/A
Housing-based Lot	3.0 m	1.5 m	N/A
Non-housing-based Lot	3.0 m	1.5 m	N/A
Party Wall	0.0 m	0.0 m	N/A

Class 2

Lot Line Abutting a:	Minimum Setback		
	Dwelling Unit(s)	Accessory Building(s)	Garage or carport
Street	5.0 m	5.0 m	6.0 m
Laneway or Alley	1.5 m	1.5 m	N/A
Housing-based Lot	1.5 m	1.5 m	N/A
Non-housing-based Lot	3.0 m	1.5 m	N/A
Party Wall	0.0 m	0.0 m	N/A

Class 3

Lot Line Abutting a:	Minimum Setback		
	Dwelling Unit(s)	Accessory Building(s)	Garage or carport
Street	4.0 m	4.0 m	6.0 m
Laneway or Alley	1.5 m	1.5 m	N/A
Housing-based Lot	1.5 m	1.5 m	N/A
Non-housing-based Lot	3.0 m	1.5 m	N/A
Party Wall	0.0 m	0.0 m	N/A



Class 4

Lot Line Abutting a:	Minimum Setback		
	Dwelling Unit(s)	Accessory Building(s)	Garage or carport
Street	4.0 m	4.0 m	6.0 m
Laneway or Alley	1.5 m	1.5 m	N/A
Housing-based Lot	1.5 m	1.5 m	N/A
Non-housing-based Lot	3.0 m	1.5 m	N/A
Party Wall	0.0 m	0.0 m	N/A

Class 5

Lot Line Abutting a:	Minimum Setback		
	Dwelling Unit(s)	Accessory Building(s)	Garage or carport
Street	4.0 m	4.0 m	6.0 m
Laneway or Alley	1.5 m	1.5 m	N/A
Housing-based Lot	1.5 m	1.5 m	N/A
Non-housing-based Lot	3.0 m	1.5 m	N/A
Party Wall	0.0 m	0.0 m	N/A

9.1.6 Size of Buildings

Buildings and **Structures** of the type indicated in the left-hand column of the following table must not exceed the **Height** indicated in the right-hand column of the table.

Type	Maximum Height
Dwelling Unit(s)	11 m (3 Storeys)
Accessory Dwelling Unit(s)	8 m (2 Storeys)
Accessory Building(s)	4.5 m

9.1.7 Development Regulations

- .1 **Lots** in the classes indicated in the left-hand column of the following table must be provided with **Landscaping** to at least the extent indicated in the right-hand column of the table, and **Lot** classes shall be determined in accordance with the table in Section 9.1.3.

Class	Minimum Landscaping Area
1	50%
2	40%
3	25%
4	30%
5	25%

- .2 Maximum total length of any **Building Frontage** for new construction, and of additions including the length of an existing **Building Frontage**, is 30 m.
- .3 Where a proposed **Building** is located on a **Lot** abutting a **Laneway** or **Alley**, **Vehicle** access to the **Parking Area** serving the **Building** is only permitted from the **Laneway** or **Alley**.
- .4 Common **Buildings**, facilities and amenities in strata plans shall be treated as **Accessory Buildings** for the purposes of determining their permitted **Height** and siting.

