



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: May 23, 2023

REPORT DATE: May 9, 2023

FILE: 3090-20 (DVP00468)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 4701 PLEASANT VALLEY ROAD

PURPOSE:

To review Development Variance Permit application 00468 (DVP00468) to vary sections of Zoning Bylaw 5000 to permit construction of 12 mobile home sites within Pleasant Valley Mobile Home Park located at 4701 Pleasant Valley Road.

RECOMMENDATION:

THAT Council support Development Variance Permit application 00468 (DVP00468) as outlined in the report titled "Development Variance Permit Application for 4701 Pleasant Valley Road" dated May 9, 2023 and respectfully submitted by the Current Planner, to vary Zoning Bylaw 5000 on LT 1, SEC 2, TWP 8, ODYD, PL KAP83899 Except PL KAP88964 (4701 Pleasant Valley Road), as follows:

- a) Section 4.15.1 to allow the construction of buildings, structures and swimming pools on slopes greater than 30%;
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 4.5m;
- c) Section 9.8.6 to reduce the minimum depth of a mobile home site from 25m to 18.2m; and
- d) Section 9.8.6 to increase the maximum building height from 7.6m to 8.0m;

AND FURTHER, that Council's support of DVP00468 is subject to the following:

- a) That the site plan, grading and cross-sections, slope analysis and retaining wall plans intended to illustrate the proposed mobile home sites, drive access and retaining wall heights (Attachment 1), be attached to and form part of DVP00468 as Schedule 'A';
- b) That the Geotechnical Feasibility Memorandum prepared by Geopacific Consultants Ltd, dated September 1, 2022 (Attachment 2), be attached to and form part of DVP00468 as Schedule 'B';
- c) That a restrictive covenant be registered on the subject property protecting the environmental conservation areas identified in the Ecosystem Impact Assessment (EIA) prepared by Western Water Associates Ltd, dated September 26, 2019 (Attachment 3), and include the EIA to ensure compliance with the recommendations established during and post construction;
- d) That a qualified geotechnical engineer be retained to complete a detailed geotechnical report, as well as to monitor the development of the subject property through the construction phase to ensure compliance with recommendations provided in the detailed geotechnical report;

- e) That a restrictive covenant be registered on the subject property prohibiting parking on the proposed internal access road to ensure unrestricted access for emergency services vehicles; and
- f) That issuance of DVP00468 be withheld until a Development Permit for the subject property is approved and ready to be issued.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support Development Variance Permit application 00468 (DVP00468) as outlined in the report titled "Development Variance Permit Application for 4701 Pleasant Valley Road" dated May 9, 2023, and respectfully submitted by the Current Planner to vary Zoning Bylaw 5000 on LT 1, SEC 2, TWP 8, ODYD, PL KAP83899 Except PL KAP88964 (4701 Pleasant Valley Road).

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

ANALYSIS:

A. Committee Recommendations:

At its meeting of April 25, 2023, the Advisory Planning Committee passed the following resolution:

THAT the Advisory Planning Committee recommends that Council support Development Variance Permit application 00468 (DVP00468) as outlined in the report titled "Development Variance Permit Application for 4701 Pleasant Valley Road" dated April 17, 2023 and respectfully submitted by the Current Planner, to vary Zoning Bylaw 5000 on LT 1, SEC 2, TWP 8, ODYD, PL KAP83899 Except PL KAP88964 (4701 Pleasant Valley Road), as follows:

- a) Section 4.15.1 to allow the construction of buildings, structures and swimming pools on slopes greater than 30%;*
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 4.5m;*
- c) Section 9.8.6 to reduce the minimum depth of a mobile home site from 25m to 18.2m; and*
- d) Section 9.8.6 to increase the maximum building height from 7.6m to 8.0m;*

AND FURTHER, the Advisory Planning Committee recommends that Council's support of DVP00468 be subject to the following:

- a) That the site plan, grading and cross-sections, slope analysis and retaining wall plans intended to illustrate the proposed mobile home sites, drive access and retaining wall heights (Attachment 1), be attached to and form part of DVP00468 as Schedule 'A';*
- b) That the Geotechnical Feasibility Memorandum prepared by Geopacific Consultants Ltd, dated September 1, 2022 (Attachment 2), be attached to and form part of DVP00468 as Schedule 'B';*
- c) That a restrictive covenant be registered on the subject property protecting the environmental conservation areas identified in the Ecosystem Impact Assessment (EIA) prepared by Western Water Associates Ltd, dated September 26, 2019 (Attachment 3), and include the EIA to ensure compliance with the recommendations established during and post construction;*

- d) *That a qualified geotechnical engineer be retained to complete a detailed geotechnical report, as well as to monitor the development of the subject property through the construction phase to ensure compliance with recommendations provided in the detailed geotechnical report;*
- e) *That a restrictive covenant be registered on the subject property prohibiting parking on the proposed internal access road to ensure unrestricted access for emergency services vehicles; and*
- f) *That issuance of DVP00468 be withheld until a Development Permit for the subject property is approved and ready to be issued.*

B. Rationale:

1. The subject property is located at 4701 Pleasant Valley Road (Figures 1 and 2). The property is approximately 66,265m² (16.37ac) in size. The surrounding area contains single detached, multi-family institutional, utilities, industrial and commercial land uses.

2. The purpose of the application is to review a request to vary four provisions of Zoning Bylaw 5000 in order to construct 12 additional mobile home sites on the subject property.

3. The subject property is zoned R7: Mobile Home Residential (Attachment 4) and is designated as Residential Low Density (RLD) in the Official Community Plan (OCP).

4. The subject application pertains to development regulation within Section 4.15.1 (no construction on slopes >30%), Section 6.5.11 (maximum height of a retaining wall) and Section 9.8.6 (minimum mobile home site depth and maximum building height) of Zoning Bylaw 5000 (Attachment 5).

5. The subject property contains slopes greater than 30% (Slope Analysis provided in Attachment 1) and requires a variance to proceed with the development of the site as proposed.

6. The application requests to vary Section 4.15.1 of Zoning Bylaw 5000 in order to allow the proposed structures and access road to be located on slopes exceeding 30%. Additionally, the application requests to vary Section 6.5.11 to increase the maximum allowable height of a retaining wall from 1.2m to 4.5m to support the grading required to construct the proposed mobile home sites and the internal access road.

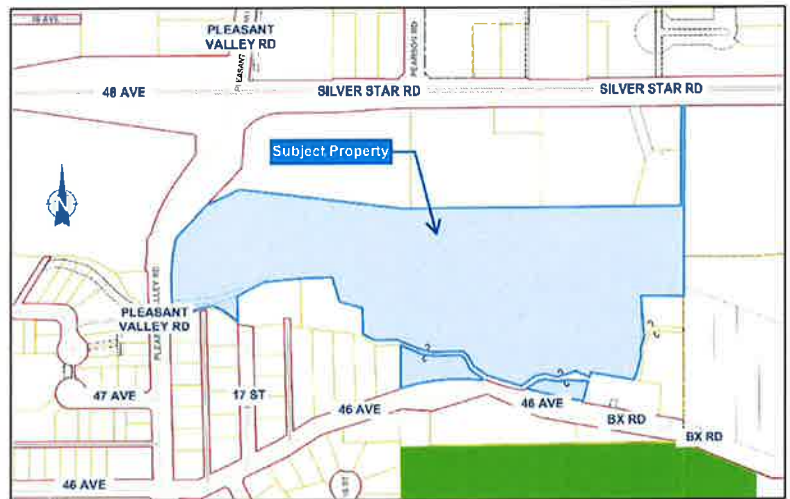


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property

7. A preliminary geotechnical investigation of the subject property was conducted, which reviewed site conditions for the proposed development of the additional 12 mobile home sites on the subject property (Attachment 2). The report notes that "Based on [a] cursory review of the site and proposed development scope, the project is expected to be possible and feasible from a geotechnical perspective." and that "There are no immediate geotechnical concerns that would cause the overall development to be infeasible; however, some geotechnical considerations will be required for slope stability." As such, Administration recommends requiring detailed design drawings and grading plans to be reviewed by a qualified geotechnical engineer, as well as the provision of a letter of engagement from said geotechnical engineer to review and monitor the construction of the proposed development prior to issuance of DVP00468. Additionally, a detailed geotechnical report will be a requirement for the issuance of a Hillside and Environmental Development Permit.
8. Due to the topography and slope of the subject property, the application proposes to vary Section 6.5.11 of Zoning Bylaw 5000 in order to allow the construction of retaining structures to a maximum height of 4.5m to support the proposed site grading and establishment of the additional mobile home sites, as well as the internal access road. Retaining walls greater than 1.2m require engineering design and oversight/inspection of their construction. A Building Permit, including sealed schedules, would be required prior to construction.
9. As illustrated in the Technical Memorandum (Attachment 6), the Silver Star Gateway Business Park is currently being developed on the neighbouring properties to the north. The project is constructing an approved lock block retaining wall with a maximum height of 7.5m. The current application proposes retaining walls with a maximum height of 4.5m. The proposed retaining walls would include screening vegetation to be planted to soften the appearance of the wall. A landscape plan would be evaluated, and landscape securities collected as part of the Development Permit process.
10. Additionally, the application proposes to vary the minimum depth of a mobile home site in Section 9.8.6 of Zoning Bylaw 5000 from 25m to 18.2m. To minimize the impacts on the existing slope and environmentally sensitive areas within the property, the applicant is proposing to change the orientation of the mobile homes to run parallel to the internal access road. This orientation reduces the need for the traditional lot depth of 25m. The proposed mobile home sites have sufficient width to accommodate the change in orientation, and the reduced depth produces more compact mobile home sites with less site grading than required to achieve the 25m site depth.
11. Due to the topography of the site, the application proposes to include a 4.0m high basement on proposed lots 7 through 10. The addition of a basement on the proposed lots would reduce the extent of fill required to establish the mobile home sites. In order to accommodate this design, the application requests to vary the maximum height of a building from 7.6m to 8.0m.
12. The proposal also includes three visitor parking stalls which exceed the bylaw standards established in Zoning Bylaw 5000. Additionally, to preserve access for emergency services, Administration recommends registration of a restrictive covenant to prohibit parking along the proposed internal access road to ensure unrestricted access for emergency services vehicles.
13. Administration supports the requested variance for the following reasons:
 - a) The subject property requires a variance to the maximum 30% slope and a maximum height of a retaining wall in order to develop the subject property as proposed. The proposed site plan is configured to reduce impacts on the existing slope and to revegetate any disturbed areas once site grading is completed in accordance with the recommendations of the Ecosystem Impact Assessment.
 - b) The applicant obtained a Qualified Environmental Professional to review the proposed development and provided an Ecosystem Impact Assessment in support of the proposal. The report identifies two conservation areas to be protected, as well as recommendations for the

construction of the mobile home sites, which will be incorporated into the required Environmental Development Permit. Administration is recommending that the two identified conservation areas be protected by covenant as a condition of Council's approval.

- c) The applicant has submitted a memorandum from a qualified geotechnical engineer assessing the feasibility of the proposed development and providing recommendations. The engineer has determined that the proposed development is feasible given the site conditions and their professional knowledge of the area. The applicant will be required to provide a detailed geotechnical report, as well as monitoring of the site during construction as a condition of the required Hillside Development Permit.
- d) A covenant would be registered on the title of the subject property prohibiting parking along the internal access road to ensure clear access for emergency services vehicles.

C. Attachments:

Attachment 1 – Site plan, grading and cross-sections, slope analysis and retaining wall plans
Attachment 2 – Geotechnical Feasibility Memorandum, prepared by Geopacific Consultants Ltd. dated September 1, 2022
Attachment 3 – Ecosystem Impact Assessment, prepared by Western Water Associates Ltd. dated September 26, 2019
Attachment 4 – R7: Mobile Home Residential Zoning District
Attachment 5 – Subject Regulations in Zoning Bylaw 5000
Attachment 6 – Technical Memorandum, prepared by Kerr Wood Leidal, dated March 7, 2023

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:

- Works towards a sustainable Vernon – environmentally, ecologically and socially.

E. Relevant Policy/Bylaws/Resolutions:


1. The subject property is designed as Residential Low Density in the Official Community Plan and zoned R7: Mobile Home Residential in Zoning Bylaw 5000.
2. The following provision of Zoning Bylaw 5000 is relevant to the subject application:
 - Section 4.15.1 No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.
 - Section 6.5.11 Retaining walls on all residential lots, except those required as a condition of subdivision approval, must not exceed a height of 1.2m measured from grade on the lower side and must be constructed so that multiple retaining walls are spaced to provide at least a 1.2m horizontal separation between them.
 - Section 9.8.6 Minimum mobile home site depth is 25.0m.
 - Section 9.8.6 Maximum building height is 7.6m, except is 4.5m for secondary buildings and structures.


BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

X 
Matt Faucher, CPT
Planner


Patti Bridal, CAO

Date: 05 / 15 / 2023

X 
Roy Nuriel
Acting General Manager, Planning

REVIEWED WITH

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| <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 checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Apr 25/23) | | |
| <input type="checkbox"/> OTHER: | | |