



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

**REGULAR OPEN MEETING OF COUNCIL
CITY HALL COUNCIL CHAMBER
MONDAY, DECEMBER 12, 2011
AT 8:40 AM**

AGENDA

1. **CALL TO ORDER**
2. **RESOLUTION TO CLOSE MEETING**
 - A. BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90 (a), (c), (d), (e), (i), and (k) of the *Community Charter*.
3. **ADJOURN TO OPEN COUNCIL AT 1:30 PM**
 - A. THAT the Agenda for the December 12, 2011 Regular Open Meeting of Council be adopted as circulated.
4. **ADOPTION OF MINUTES AND RECEIPT OF COMMITTEE OF THE WHOLE AND PUBLIC HEARING RECORD**

MINUTES

- A. THAT the minutes of the Regular Meeting of Council held November 14, 2011 be adopted; **(P. 10)**

AND FURTHER, that the minutes of the Public Hearing held on November 14, 2011, be adopted; **(P. 23)**

AND FURTHER, that the minutes of the Inaugural Meeting held on December 5, 2011, be adopted; **(P. 26)**

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held November 14, 2011, be received.

5. GENERAL MATTERS

**TODD AND DEBORA
KOWALCHUK –
DEVELOPMENT VARIANCE
PERMIT APPLICATION FOR
LOT 26, PLAN 22217, DL 67,
ODYD (6609 SCOTT ROAD)
(P. 33)**

- A. THAT Council **not support** the Development Variance Permit application submitted by Todd and Debora Kowalchuk to sanction an existing secondary building located on Lot 26, Plan 22217, DL 67, ODYD (6609 Scott Road) being sited in the front yard area at a 3.16m front yard setback and to vary the minimum side yard setback from 1.0m to 0.58m.

Public Input – DVP #00246

- (i) Public Input for Development Variance Permit #00246 for Todd and Debora Kowalchuk to sanction an existing secondary building located on Lot 26, Plan 22217, DL 67, ODYD (6609 Scott Road) being sited in the front yard area at a 3.16m front yard setback and to vary the minimum side yard setback from 1.0m to 0.58m.

**COREY OTT –
DEVELOPMENT VARIANCE
PERMIT APPLICATION FOR
LOT 52, PLAN KAP81666,
SECTION 4, TOWNSHIP 8,
O.D.Y.D. (4300 PAINTED
TURTLE DRIVE) (P. 49)**

- B.** THAT Council **support** the Development Variance Permit application submitted by Corey Ott to vary Zoning Bylaw, Section 6.5.11 for the maximum height for existing retaining walls from the permitted 1.2m to a maximum 3.5m, and to vary the minimum horizontal separation between walls from 1.2m to 1.0m on a single family residential property Lot 52, Plan KAP81666, Section 4, Township 8, O.D.Y.D. (4300 Painted Turtle Drive), subject to the following conditions:

- a) The owner is to enter into an agreement allowing Wesbild to engineer and construct a bridging wall structure between the walls located on the subject property and the walls on the adjacent property at 4220 Painted Turtle Drive;
- b) The owner is to provide a detailed landscape plan for the installation of two deciduous trees in the front yard area of the lot with a minimum calliper of 6cm and minimum 1.5m clear stem and the installation of ten shrubs at the base of the retaining walls; and
- c) The site and landscape plans shall be attached to the Development Variance Permit as “Schedule A”.

AND FURTHER, that Council support the release of the statutory right-of-way adjacent to the south property line and the removal of the two existing trees.

Public Input – DVP #00247

- (i) Public Input for Development Variance Permit #00247 for Corey Ott to vary Zoning Bylaw, Section 6.5.11 for the maximum height for existing retaining walls from the permitted 1.2m to a maximum 3.5m, and to vary the minimum horizontal separation between walls from 1.2m to 1.0m on a single family residential property Lot 52, Plan KAP81666, Section 4, Township 8, O.D.Y.D. (4300 Painted Turtle Drive).

- E-mail dated December 5, 2011 from Rob and Vera Asquith, re: Concerns are the same as for DVP #00217 (adjacent lot) and request the conditions of Permit DVP #00217 apply for this Permit #00274 as well.
(P. 61)

Issuance of Permit #00247

- (ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00247, for Corey Ott to vary Zoning Bylaw, Section 6.5.11 for the maximum height for existing retaining walls from the permitted 1.2m to a maximum 3.5m, and to vary the minimum horizontal separation between walls from 1.2m to 1.0m on a single family residential property Lot 52, Plan KAP81666, Section 4, Township 8, O.D.Y.D. (4300 Painted Turtle Drive), once all conditions of Council are satisfied.

6. UNFINISHED BUSINESS

**NOTICE OF BYLAW
CONTRAVENTION –
#12 – 100 KESTREL PLACE
(P. 62)**

- A. Council, at its meeting of October 11, 2011, passed the following resolution:

*THAT Council **defers** consideration to register a Notice on Title pursuant to Section 57 of the Community Charter for contraventions to the Building and Plumbing Bylaw #4900 against the title to the property described as:*

Lot 12, Plan KAS2084, DL 297, ODYD; PID 024-892-947 (12 – 100 Kestrel Place) – for failure to comply with the requirements of Building and Plumbing Bylaw #4900 that requires the completion of the work, a final inspection, and the issuance of an occupancy permit;

for a two month period to allow the Chief Building Inspector to work with the owner to facilitate compliance with requirements (December 11, 2011).

THAT Council **authorizes** the Corporate Officer to register a Notice on Title pursuant to Section 57 of the *Community Charter* for contraventions to the Building and Plumbing Bylaw #4900 against the title to the property described as:

1. **Lot 12, Plan KAS2084, DL 297, ODYD; PID 024-892-947 (12-100 Kestrel Place)** – for failure to comply with the requirements of Building and Plumbing Bylaw #4900 that requires the completion of the work, a final inspection, and the issuance of an occupancy permit.

**PRESENTATION – CANADIAN
EUROPEAN TRADE
AGREEMENT (P. 63)**

- B. At the Regular Open meeting of Council held on November 14, 2011, Ms. Mary Stockdale appeared before Council regarding the Canadian European Trade Agreement, and how it affects local governments and **requested** that Council consider:

- Briefing from Province on scope and content of trade negotiations with European Union
- Request the Federation of Canadian Municipalities to provide sector-by-sector analysis of potential impacts on municipal functions and powers of procurement
- Request the Federation of Canadian Municipalities to urge the Government of Canada not to provide the European Union with access to sub national government procurement
- Request that the Province negotiate a clear, permanent exemption for local governments from CETA

MR. JED ASTIN – APPEAL OF DEVELOPMENT COST CHARGES APPLIED TO AFFORDABLE HOUSING PROJECT (P. 104)

C. At the Regular Open meeting of Council held on November 14, 2011, Mr. Jed Astin appeared before Council regarding an Appeal of the Development Cost Charges applied to Affordable Housing Project located at 3102 – 37th Avenue and **requested** that Council consider:

- *Appeal of the Development Cost Charges applied to Affordable Housing Project located at 3102 – 37th Avenue.*
- Memorandum, dated November 21, 2011, from Mr. D. Rintoul, Planner, re: Mr. Jed Astin – Request Exemption / Waiver of Development Cost Charges for Building Permit #BP004018 (3102 – 37 Avenue). **(P. 116)**
- Memorandum, dated December 6, 2011, from Mr. Jed Astin, re: Memorandum dated November 21, 2011 – Request Exemption / Waiver of DCC's BP#004018 (3102 – 37 Avenue). **(P. 139)**
- Appraisal, dated February 12, 2009, from Schoenne & Associates, re: 3102 – 37th Avenue. **(P. 142)**
- Correspondence, dated December 6, 2011, from Mr. Andy Raeber, Realtor, re: Confirmation that 3102 – 37th Avenue was presented as a two dwelling building. **(P. 159)**

7. MATTERS REFERRED: COMMITTEE OF THE WHOLE AND IN-CAMERA

8. NEW BUSINESS

A. Correspondence:

**OFFICIAL ELECTION
RESULTS – 2011 LOCAL
GOVERNMENT ELECTIONS
(P. 160)**

- (i) THAT Council receives the Official Election Results for the 2011 Local Government Election for the City of Vernon.

**DISPLACEMENT OF LOW
INCOME TENANTS DUE TO
REDEVELOPMENT
(P. 163)**

- (ii) THAT Council supports the recommendation from the Affordable Housing Advisory Committee that Council direct staff to investigate displacement of tenants in low income housing due to redevelopment, by examining how other communities handle displacement, formulas they may use for compensation for the tenants, ways to ensure staff is aware of low income housing losses, and all options available around compensation for displaced tenants.

**FULL SERVICE GAS AND
FUEL SERVICE STATIONS**

- (iii) Correspondence, dated November 8, 2011, from Independent Living Vernon, re: Request that a bylaw be drafted requiring all gas and fuel service stations to provide at least one-third of their fueling services to be full service in order to make it safer for seniors and people with disabilities. **(P. 164)**

- Correspondence, dated November 8, 2011, from Seniors Action Network, re: Request that a bylaw be drafted requiring all gas and fuel service stations to provide at least one-third of their fueling services to be full service in order to make it safer for seniors and people with disabilities. **(P. 165)**

- The Accessible Community Bylaws Guide, dated September 2009, from Social Planning and Research Council of BC (SPARC BC). **(P. 166)**

**GREATER VERNON 2012
BC WINTER GAMES – PINS
(P. 175)**

- (iv) Correspondence, received on December 2, 2011, from the Greater Vernon 2012 BC Winter Games Society, re: Request a gift from the City of 2,000 City of Vernon pins to be given to the volunteers of the Games.

B. Reports:

**AGE FRIENDLY
COMMUNITIES GRANT
APPLICATION
(P. 176)**

- (i) THAT Council support an application submitted by the City, in partnership with the Junction Literacy Centre, for \$12,000 from the UBCM Age-Friendly Communities Planning and Project Grant to facilitate the creation of a Computer Tutoring Program for Seniors;

AND FURTHER, that should the application be successful, the City distribute and manage the grant funding for the delivery of the program by the Junction Literacy Centre.

**2011 HERITAGE PROGRAM –
SUMMARY OF HERITAGE
RESTORATION GRANT
PROGRAM, HERITAGE
RETENTION INCENTIVE
PROGRAM AND HERITAGE
PLAQUE PROGRAM (P. 187)**

(ii) That Council receive the following summary for its information and consideration for funding during the 2012 budget deliberations:

1. Two Heritage Restoration Grants were approved in 2011, one for Beverley Gess at 2508 – 26 Street for \$3,100.00 and the second for Ken Wollen at 1905 – 32 Street for \$1,898.00, for a total of \$4,998.00.
2. The closing date for applications for the 2011 Heritage Retention Incentive Grant Program is January 31, 2012. To date five applications and twenty inquiries have been received. Based on the number on inquiries and applications received to date, it is anticipated that twelve to fifteen applications may be submitted in total. Grants may be up to \$500 per application, therefore, Heritage Incentive Grants for 2011 may total between \$6,000.00 and \$7,500.00.
3. Three heritage plaques were purchased in 2011. One for St. James Church at 2607 – 27 Street, the second for the S.C. Smith/Godfrey house at 1705 – 32 Avenue and the third for the Spinks/Ellison House at 2159 – 36 Avenue. These three plaques are currently being manufactured and are scheduled to be installed in the spring of 2012. The total cost of the three plaques is \$1,208.26, plus installation.

**SUSTAINABILITY EVENTS
PROGRAM AND
CORPORATE SPONSORSHIP
(P. 219)**

(iii) THAT Council support the proposed 2012 Sustainability Events program, as outlined in Attachment 1 of the report dated December 2, 2011, from the Environmental Planning Assistant and the TDM Coordinator, regarding the Sustainability Events Program and Corporate Sponsorship.

**BELLA VISTA ROAD
SANITARY SEWER
MUNICIPAL FEE BYLAW
(P. 232)**

(iv) THAT Council authorize staff to establish a Sanitary Sewer Municipal Fee Bylaw for the value of \$147,821.36, shared equally between 10 properties from 7002 Bella Vista Road to 7097 Bella Vista Road.

**PROPOSED PREDATOR
RIDGE NEIGHBOURHOOD
PLAN (P. 241)**

(v) THAT Council support the proposed Predator Ridge Neighbourhood Plan 2011, as presented in Official Community Plan Amendment Bylaw No. 5347, 2011.

**2012 B.C. BUILDING CODE
(P. 344)**

- (vi) THAT Council endorse the comments provided by staff on changes to the proposed 2012 B.C. Building Code and direct the Chief Building Inspector to complete and submit the survey for consideration by the Province;

AND FURTHER, that Council direct staff to submit a UBCM resolution requesting that the Ministry or Public Health Authorities undertake the responsibility for permitting, monitoring and management of non-potable water systems in residential development.

9. LEGISLATIVE MATTERS

Bylaws:

ADOPTION

- (i) THAT Bylaw #5303, “**Good Neighbour (Sidewalk Clearing) Amendment Bylaw Number 5303, 2011**”, a bylaw to amend “Good Neighbour Bylaw 4980, 2005”, be **adopted. (P. 379)**
- (ii) THAT Bylaw #5339, “**Zoning Text (Updates) Amendment Bylaw Number 5339, 2011**”, a bylaw to amend the “City of Vernon Zoning Bylaw No. 5000”, be **adopted. (City of Vernon) (P. 381)**

FIRST READING

- (iii) THAT Bylaw #5347, “**Plan Vernon (Predator Ridge Neighbourhood Plan) Amendment Bylaw Number 5347, 2011**”, a bylaw to amend the “City of Vernon Plan Vernon Bylaw No. 5151”, be given **first reading. (City of Vernon) (P. 399)**

10. COUNCIL INFORMATION UPDATES

A. Mayor and Councillors Reports.

11. CLOSE OF MEETING

12. INFORMATION ITEMS

- A. Memorandum, dated November 15, 2011, from Mr. Rob Miles, Planning Assistant, re: Ian Murphy – Rezoning Application for Lot 4, Plan 5342, Sec. 3, Twp. 8, ODYD (2706 – 41 Avenue) Bylaw #5337 – Staff Response to Input at Public Hearing. **(P. 478)**

B. Minutes from the following Committees of Council:

- (i) Transportation Demand Mgmt – Sept 13 (P. 480)**
- (ii) Tourism Advisory – September 20 (P. 485)**
- (iii) Sister City – October 4 (P. 492)**
- (iv) Advisory Planning Board – October 25 (P. 496)**
- (v) Affordable Housing Advisory – November 3 (P. 500)**

C. Public Hearing Agenda for December 12, 2011 (P. 504)

NOTES:

A. Public Hearing scheduled for at 5:30 pm at City Hall:

- 1. 3412 – 28th Avenue Rezoning Amendment Bylaw Number 5345, 2011” AND Public Input for Development Variance Permit 00245 (*501114 B.C. Ltd.*)**
- 2. 3100 – 16th Avenue Rezoning Amendment Bylaw Number 5346, 2011” AND Public Input for Development Variance Permit 00244 (*Mark Piorecky and John Davies*)**
- 3. 3210 Centennial Drive and 3505 – 20th Avenue Plan Vernon Amendment Bylaw Number 5342, 2011 (*Schubert Centre Society*)**
- 4. 3210 Centennial Drive and 3505 – 20th Avenue Rezoning Amendment Bylaw Number 5343, 2011 (*Schubert Centre Society*)**