

THE CORPORATION OF THE CITY OF VERNON

**RECORD OF A PUBLIC HEARING OF COUNCIL  
HELD MONDAY, JULY 8, 2019 COUNCIL CHAMBERS  
3400 – 30 STREET, VERNON, B.C.**

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**PRESENT:** Mayor Cumming

Councillors: K. Fehr, B. Quiring, K. Gares,  
A. Mund, S. Anderson, (D. Nahal, absent)

Staff: W. Pearce, CAO  
P. Bridal, DCAO / Director, Corporate Services  
S. Blakely, Manager, Legislative Services  
E. Stranks, Manager, Engineering Development  
C. Broderick, Manager, Current Planning  
E. Croy, Transportation Planner  
C. Liefke, Planning Assistant  
K. Flick, Director, Community Infrastructure & Development  
K. Chamberlain, Economic Development Planner

Others: Members of the Public

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Mayor Cumming called the Public Hearing to order at 5:31 p.m.

Mayor Cumming outlined the procedures to be followed.

Corporate Officer, Patti Bridal advised that Notice of the Public Hearing was published in the **Friday, June 28, 2019, and Wednesday, July 3, 2019** issues of the Morning Star Newspaper, as required by the *Local Government Act*.

Administration provided a brief overview of the application.

Mayor Cumming called a first time for representation from the public in attendance with regard to:

**A. “5000 20<sup>th</sup> Street Rezoning Amendment Bylaw Number 5760, 2019”**

Prior to the Public Hearing 149 written submissions were received as follows:

Date	Name
	<b>DISTRIBUTED AT THE JULY 8 PUBLIC HEARING</b>
July 8, 2019	Rita Bos, Senior Director, Vernon Heronry Protection Society
	<b>DISTRIBUTED FOLLOWING THE JULY 8 REGULAR COUNCIL MEETING:</b>

Date	Name
July 8, 2019	Richard Kicksee
July 8, 2019	Rachel & Carla Glessing
July 8, 2019	Marg & Dennis Smith
July 8, 2019	Kerry Heidebrecht
July 8, 2019	Bev Pearson
July 8, 2019	T. Betty Tanaka
July 8, 2019	Tom Coape-Arnold
July 8, 2019	Jordi Weir
July 8, 2019	Alyssa Potter
July 8, 2019	Julia Bailey
July 8, 2019	Joyce Thomson
July 8, 2019	Shelley Mussenden
July 8, 2019	Mary Bohati
July 8, 2019	Brad McCarty
July 8, 2019	Christina Roeters
July 8, 2019	Kevin McCarty
July 8, 2019	Judy Hoy
July 8, 2019	Amy Kermociev
July 8, 2019	Gerald Thompson
July 8, 2019	Keli Westgate
July 8, 2019	Rose Harryman
July 8, 2019	Douglas Johnson
July 8, 2019	Ritchie Leslie

July 8, 2019	Len & Dianne Keir
July 8, 2019	Nancy Ostafew
July 8, 2019	Holly Read
July 8, 2019	Julia Beatty
July 8, 2019	Bryan Litwyn
July 8, 2019	Janette Senger
July 8, 2019	Barbara Newton
July 8, 2019	Helen Ballantyne
July 8, 2019	Jacquie Rintoul
July 8, 2019	Katherine Daxon
July 8, 2019	Sarah Scott
July 8, 2019	Kathy Gummo
July 7, 2019	Janna Simons
July 7, 2019	Marilyn Matthews
July 7, 2019	Melanie Piorecky
July 7, 2019	Jason A.
July 7, 2019	Waltraud E R Hofmann
July 7, 2019	Sandra Van Baaren
July 7, 2019	Joan Rowan
July 7, 2019	Deborah Kleine
July 7, 2019	Chantelle Adams
July 7, 2019	Tammy Dar
July 7, 2019	Myra Stevens
July 7, 2019	Sean Russell

July 7, 2019	Alana Morin
July 7, 2019	John Fitzpatrick
July 7, 2019	Katie Coles
July 7, 2019	Marie & Georg Weiher
July 7, 2019	Mary Tremayne & Barry Jaquish
July 7, 2019	Cathy Watson
July 7, 2019	Curt Finsterwald
July 7, 2019	Jane Sidor
July 7, 2019	Barb Anderson
July 7, 2019	Alix Longland
July 7, 2019	Jo-Anne Bourbonniere
July 7, 2019	April Sheehan
July 7, 2019	Healthier Serafin
July 7, 2019	Corrie VanDyk
July 7, 2019	Ashley Barclay
July 7, 2019	Diane Fulbrook
July 7, 2019	Colleen Moore
July 7, 2019	Teresa Barker
July 7, 2019	David Moore
July 7, 2019	Mary Kelly
July 7, 2019	Angela Szabo
July 7, 2019	Peter Watson
July 7, 2019	Liz McKinney
July 7, 2019	Cheryl Jennings

July 7, 2019	Bonnie Shideler
July 7, 2019	Cathy Clark
July 7, 2019	Kristin Froneman
July 7, 2019	Quinn Vienneau
July 7, 2019	Donna Flint
July 7, 2019	Diane Block
July 7, 2019	Therese Charette
July 7, 2019	Janet Denison
July 7, 2019	Adelle Senger
July 7, 2019	Angelia Epp
July 7, 2019	Barb Mclean
July 7, 2019	Jocelyne Sewell
July 7, 2019	Paulette Crowe
July 7, 2019	Tana Petersen
July 7, 2019	Rhonda Mayne
July 7, 2019	Kim Porter
July 7, 2019	Teresa Sanders
July 7, 2019	Sandie Hoberg
July 7, 2019	Corine Bru
July 7, 2019	Sharon Tomma
July 7, 2019	Dianne Honeyman
July 7, 2019	Mark Wasyliuk
July 7, 2019	Veronique Lavoie
July 7, 2019	Kaylee Garnett & Brad Ensz

July 7, 2019	Kristina Kamarauskas
July 7, 2019	Curtis & Tracey Slomp
July 7, 2019	Shauna Comazzetto
July 7, 2019	Catherine Christensen
July 7, 2019	Deena Lehoux
July 7, 2019	Samantha Christie
July 7, 2019	Debora Wolveson
July 7, 2019	Donna Schommer
July 7, 2019	Kelly Marks
July 7, 2019	Lisa Wirth
July 7, 2019	Mike Hansen
July 7, 2019	Terry & Adolf Ruesch
July 7, 2019	Patricia Anderson
July 7, 2019	Edwin Ward
July 7, 2019	Shannon Ashburn
July 7, 2019	Marlene Lavin
July 7, 2019	Tamsen Guidi
July 7, 2019	Wendy Merrick
July 7, 2019	Beverly Anderson
July 7, 2019	Margaret Heisterkamp
July 7, 2019	Sue Vignola
July 7, 2019	Susana Atkins
July 7, 2019	Marsha & Richard Comazzetto
July 7, 2019	Cheryl Sali

July 7, 2019	Lisa Mazurek
July 7, 2019	Pamela Harris
July 7, 2019	Linda Dunn
July 7, 2019	Sandra Leier
July 7, 2019	Alana Radmore
July 7, 2019	Greta Veenendaal
July 7, 2019	Naomi Thompson
July 6, 2019	Russ Collins
July 6, 2019	Carole Fawcett
July 6, 2019	Karl Ernst
July 6, 2019	Tracy Coles
July 6, 2019	Grant Waldman
July 6, 2019	Colleen Coldridge
July 6, 2019	Dorothy Severinski
July 6, 2019	Catherine Hansen
July 6, 2019	Erika Sohni
July 6, 2019	Roxanne Ronan
July 6, 2019	Robin McNaueal
July 5, 2019	Huguette Allen
July 5, 2019	Dian Wirth
July 5, 2019	Lorne Giroux

Mayor Cumming called a first time for representation from the public in attendance with regard to:

**“5000 20<sup>th</sup> Street Rezoning Amendment Bylaw Number 5760, 2019”**

SPEAKER NAME	COMMENTS
Rita Bos	<ul style="list-style-type: none"> <li>• Heronry property is in her hands</li> <li>• Herons built most of new 2019 nests facing east</li> <li>• They use the field to ‘shop’ for their natural ‘treats’</li> <li>• Unless there is a 600 m buffer zone it would be threatening</li> <li>• People come from around the world to view</li> <li>• Noted provided written submission</li> <li>• Strongly urges not to approve development adjacent to the heronry</li> <li>• We must strive to find harmony between humans and nature</li> <li>• Let’s do what is right – youth are counting on us</li> <li>• Please respect this area</li> <li>• Climate crisis affecting the whole world</li> <li>• As species get decimated, guess who will come at the end?</li> <li>• <b>Q. Council:</b> Province recommends buffers – noted 60 meters in urbanized areas.</li> </ul>
Jane Weixl	<ul style="list-style-type: none"> <li>• The subject property is in close proximity of Heronry</li> <li>• Particularly sensitive to activity in area</li> <li>• Walking near nest or noises from equipment can be considered as ‘molestation’ whether or not nests are empty</li> <li>• Predator birds common in that area</li> <li>• Protection of the habitat is imperative to protect this bird</li> <li>• Perfect location close to Swan Lake and near field</li> <li>• Promising to avoid scheduling high risk activities during nesting times sounds good, but birds don’t stick to a strict schedule</li> <li>• Almost impossible to mitigate effects of construction</li> <li>• More detailed guidelines are provided in Government Documents and provide parameters for buffers</li> <li>• Blasting or similar noises shouldn’t occur within 1000 meters when nesting</li> <li>• Particularly sensitive during nesting season</li> <li>• Curious to know if Regional Biologist was contacted?</li> <li>• Has there been a discussion with Provincial Ministry?</li> <li>• Has there been a Provincial Ministry visit been conducted?</li> <li>• Does the City have a bylaw to protect this area?</li> <li>• All agree development project will have a major impact on herons</li> <li>• A3 Rural to RH1 Low Rise Res. rezoning - 41 Units could go into this site</li> <li>• Active Transportation Corridor also suggested which will also disturb the birds</li> <li>• Jan Bos signed covenant in 1992 to protect</li> <li>• They have done this to protect a species that makes Vernon special</li> </ul>



	<ul style="list-style-type: none"> <li>• Vernon should honour this covenant</li> <li>• We have a responsibility to protect endangered species</li> <li>• Please deny the application and allow blue listed species to reside here for years to come</li> <li>• <b>Q. Council:</b> Have we contacted the Ministry? <b>A.</b> No</li> <li>• <b>Q. Council:</b> Do we have a municipal bylaw to protect the Heron? <b>A.</b> No we do not – COV followed Provincial Regulations and required an Environmental Report</li> </ul>
Carrie Nadeau, Qualified Environmental Professional	<ul style="list-style-type: none"> <li>• Works for Associated Environmental Consultants</li> <li>• Is a Qualified Environmental Professional (QEP)</li> <li>• Authored required Mitigation Letter in relation to this application</li> <li>• Noted comments at Public Hearing are very well researched</li> <li>• Setbacks are in line with Provincial regulations</li> <li>• There is opportunity later to provide construction measures to ensure they are followed, once a decision is made as to what will be built</li> <li>• Blue Herons are a blue listed, native species and they do not follow timelines but part of recommendations are to ensure construction does not occur during nesting</li> <li>• With proper Management Plan can minimize any impacts</li> <li>• Appreciates concerns – available later for individual questions</li> <li>• Provincial regulations / best practices addressed</li> <li>• If there is something doesn't align with provincial regulations consult with Provincial regional representative</li> <li>• <b>Q. Council:</b> When were the homes built north east of area protected by covenant and where was Heron Glen built? <b>A.</b> Based on when covenant was first placed – the homes were built after the covenant was registered</li> <li>• <b>Q. Council:</b> Drove by yesterday and noted nesting area on the west side? When were the buildings along the road built? <b>A.</b></li> <li>• <b>Rita Bos:</b> Reviewed history of construction in the area. Construction was against environmental law at the time. <b>A.</b></li> <li>• <b>Admin:</b> Covenant signed in 1994, permits for construction directly surrounding area were issued in 2004, 2010</li> <li>• <b>Q. Council:</b> Heron's behavior – they arrived after construction of building. Do they come &amp; go? <b>A.</b> It is an urban colony that is used to a certain level of disturbance. They do come back and are habituated to the urban noise.</li> <li>• <b>Q. Council:</b> Would this colony be similar to the Stanley Park Colony? <b>A.</b> Not familiar with Stanley Park colony and also notes that they are a different sub-species</li> </ul>
Brennan Scott & Melissa Wetteland, Owners Scotland Construction - Applicants	<ul style="list-style-type: none"> <li>• Owners of subject property and applicants</li> <li>• Appreciate concerns and comments</li> <li>• New to this process</li> <li>• Feel they have done due diligence by commissioning the Environmental Impact Analysis</li> <li>• Property is outside the Heronry buffer area</li> <li>• Plan to follow all recommendations during construction</li> </ul>

	<ul style="list-style-type: none"> <li>• Rookery is 100 m from development – 60 m is the recommended buffer zone for Urban Colonies</li> <li>• Colony is very well adapted to industrial areas currently surrounding</li> <li>• 20<sup>th</sup> and 24<sup>th</sup> have been very busy in the last few years with tree removal right next to heronry</li> <li>• <b>Q. Council:</b> During construction – plans for any higher level of noise? <b>A.</b> No blasting planned and has not decided what will be going on property. Birds will be a nice draw for the property</li> <li>• Yellow dotted line – showing protected area – clarified</li> <li>• Since covenants were put in place there has been construction and the herons are still there</li> </ul>
Rita Bos	<ul style="list-style-type: none"> <li>• Several disturbances have occurred over time</li> <li>• We can't stop birds from 'shopping' in the area</li> <li>• Addicts currently use area and it disrupts the birds</li> <li>• When checking area after wind storm it caused other herons to push fledglings out of nests – they are very sensitive to any disturbances</li> </ul>
Joyce Thompson	<ul style="list-style-type: none"> <li>• Walks property regularly</li> <li>• Has painted birds in trees</li> <li>• Birds have moved nests off road and toward the east (20<sup>th</sup> Street)</li> <li>• They will scavenge underground for mice</li> <li>• Prey are disturbed and this will impact birds</li> <li>• Concerned as to how high the proposed construction will be</li> <li>• Type of construction is extremely relevant in this case</li> <li>• Birds may be urbanized but that doesn't mean they won't be disturbed</li> <li>• Birds tolerate, but not because they like it</li> <li>• Be careful about attributing human characteristics to birds</li> <li>• Very touchy and intricate interrelated environment</li> <li>• <b>Q. Council:</b> What has happened to population in last 10 years? <b>A.</b> has not studied the herons</li> <li>• <b>Q. Council:</b> Issue came up when Walmart was constructed but they seemed to have adapted</li> <li>• <b>Q. Council:</b> Lives 12 km out of town and often sees herons hunting - would that be from the same rookery? <b>A. QEP:</b> Yes – they cover a lot of ground – this is the only rookery in the area</li> </ul>
Rita Bos	<ul style="list-style-type: none"> <li>• Annual Report – last year over 220 chicks and 62 adults – numbers vary year to year</li> <li>• Birds didn't mind Heron Grove construction</li> <li>• But field is a different story</li> <li>• <b>Q. Council:</b> What is data for the population numbers over 10 years? <b>A. Rita Bos:</b> It varies a lot. Cannot provide exact numbers</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Q. Council:</b> Are there height restrictions on building on the subject property? <b>A. Admin:</b> Zoning allows 16.5 m or 4.5 storeys. At this point in time no development plan is in place</li> <li>• <b>Q. Council:</b> How many storeys is the facility to the south? <b>A. Admin:</b> 3.5 storeys</li> <li>• <b>Q. Council:</b> Why haven't we seen any proposed development at this point? <b>A. Admin:</b> at this point in time no development proposal has been submitted</li> </ul>
Brennan Scott & Melissa Wetteland, Owners Scotland Construction - Applicants	<ul style="list-style-type: none"> <li>• At this time no specific plans for property</li> <li>• Has spoken to BC Housing</li> <li>• Is a current landlord who charges low rent</li> <li>• Would love to be rental</li> <li>• Must dig to determine soil condition</li> </ul>
Leila Ward	<ul style="list-style-type: none"> <li>• Comment regarding bird's food sources</li> <li>• Discovered garter snake den in 'round about' development area that discovery was ignored</li> </ul>
Geoff Worley	<ul style="list-style-type: none"> <li>• When did this property last change hands?</li> <li>• Was the Society given the chance to acquire the property?</li> <li>• <b>A. Admin:</b> Property sold 1.5 years ago and it was available on the open market</li> </ul>
Jane Weixl	<ul style="list-style-type: none"> <li>• Wondering if the COV had ever considered purchasing and turning into a conservation area?</li> </ul>
Rita Bos	<ul style="list-style-type: none"> <li>• Have received many offers to purchase over the years and the Bos Family has always declined</li> <li>• Trying to save a little piece of wildlife for the future</li> <li>• Youth are very upset with how the planet has been managed</li> <li>• Hopefully we can set a good example</li> <li>• Hopefully the applicant will build for elderly people who will be respectful of area</li> <li>• <b>Q. Council:</b> Was this property ever part of the Bos property? <b>A.</b> That was there in the beginning and was never part of Bos Property</li> </ul>
Carrie Nadeau, QEP	<ul style="list-style-type: none"> <li>• <b>Q.</b> There is a house currently on the subject property with dogs, cars, etc. – curious if Ms. Bos has seen the birds using that property?</li> <li>• <b>Q.</b> What is more of a concern - development or people living there?</li> </ul>
Rita Bos	<ul style="list-style-type: none"> <li>• We never owned that piece of property</li> <li>• The birds don't go onto the property or the yard, but they will cross the street to access creek</li> <li>• They go into Ambleside Community as well</li> <li>• Both issues concern her – construction and people living there</li> </ul>

	<ul style="list-style-type: none"> <li>• The birds are very sensitive and already a lot of threats</li> <li>• If it were developed for younger people they will ignore the signs for no trespassing and there will be children who will go into the field when they shouldn't</li> <li>• They are installing surveillance cameras on their property due to trespassing by addicts</li> </ul>
Quinn Vienneau	<ul style="list-style-type: none"> <li>• Applicants say if others have already built and not disturbed then what is the problem</li> <li>• What stops others from building that high in this area?</li> <li>• Swan Lake planted trees in preparation for existing trees to fall</li> <li>• If it does affect the birds – where do they go – the new trees are not ready yet</li> <li>• Do we risk that? With the unknowns it makes it skeptical</li> <li>• Created an online petition – in 24 hours over 1400 signatures showing community interest and that it warrants special consideration</li> <li>• Council should restrict height and find ways to mitigate</li> </ul>

Mayor Cumming called a second, third and final time for representation from the public. There being none, Mayor Cumming closed the Public Hearing for:

**“5000 20<sup>th</sup> Street Rezoning Amendment Bylaw Number 5760, 2019”**

Mayor Cumming called a first time for representation from the public in attendance with regard to:

**B. “1030 Mt. Bulman Drive Rezoning Amendment Bylaw Number 5761, 2019”**

Prior to the Public Hearing 3 written submissions were received as follows:

Date	Name
July 7, 2019	Jamie & Whitney Austin
July 8, 2019	Darleen Dixon
July 8, 2019	Suzanne Oliver

Mayor Cumming called a first time for representation from the public in attendance with regard to:

## "1030 Mt. Bulman Drive Rezoning Amendment Bylaw Number 5761, 2019"

SPEAKER NAME	COMMENTS
Matt Bompa	<ul style="list-style-type: none"> <li>• Already parking issues at this home</li> <li>• Illegal suite with another parking spot added in front yard area</li> <li>• COV stopped construction but they filled with gravel and use it for parking</li> <li>• Has video to show use - filed with Bylaw Compliance</li> <li>• Continue to park in front of neighbour's homes and not in their own driveway</li> <li>• Don't follow parking bylaw rules now so why would COV allow this use</li> <li>• They currently park three cars across front now</li> <li>• Would like to see parking spot decommissioned</li> <li>• Decommissioning of suite also needed</li> <li>• Regulations need to be enforced</li> <li>• <b>Q. Council:</b> When applications are received and there are known complaints – does Bylaw receive referral for comments? <b>A. Admin:</b> No referrals to Bylaw Compliance, if they know there are outstanding issues they would be contacted for feedback</li> <li>• <b>Q. Council:</b> Do you remember when they applied for building permit for the suite? <b>A. Admin:</b> Would need to check – part of conditions is decommissioning of suite</li> <li>• <b>Q. Council:</b> When was secondary suite was complete? <b>A. Admin:</b> The suite is pending final inspection – parking cannot accommodate both uses, so applicant elected to decommission suite and pursue rezoning</li> <li>• <b>Q. Council:</b> Did you know Bylaw was involved? <b>A. Admin:</b> We typically don't liaise with Bylaw Compliance for development applications</li> <li>• <b>Q. Council:</b> What measures would you take to take to ensure gravel isn't used for parking. <b>A. Admin:</b> Can't require no gravel – in landscaping - becomes a compliance issue through Bylaw if used for parking. Could request hard barriers as part of application</li> </ul>
Carrie Lee, Applicant	<ul style="list-style-type: none"> <li>• Lives at 1030 Mt. Bulman</li> <li>• Original plan was to have a suite</li> <li>• Purchased property one year ago</li> <li>• Had serious back injury in November and needs to rest every two hours</li> <li>• Doesn't want to lose career and needs to work</li> <li>• As far as parking goes – has not parked there since told not to</li> <li>• Not sure what neighbour's issue is</li> <li>• If kids come by they might park there but doesn't deliberately use it for parking</li> <li>• Business will be very minor – 4 days per week – for 4 – 5 hours with rest in between</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Q. Council:</b> When instructed by COV to not park there – did they park there? <b>A.</b> Yes – maybe to drop of grand-daughter – others in area all do it as well. Didn't feel it was a big issue</li> <li>• <b>Q. Council:</b> If require decommissioning of that parking spot/gravel area that would work? <b>A.</b> Absolutely</li> </ul>
Matt Bompa	<ul style="list-style-type: none"> <li>• Has conducted video surveillance of the neighbour's property since Jan 19</li> <li>• Have been using gravel area for long term parking at the home</li> <li>• It has not been a short term issue</li> <li>• It's family and friends that are using it</li> <li>• Issue is parking – they've been told not to use and they continue to use</li> <li>• Just like they have an occupied suite that is illegal</li> <li>• What is recourse if they decommission parking and they have more than one customer and/or employees? <b>A. Admin:</b> Part of recommendation is for a restrictive covenant on title – decommissions suite, one customer at a time, minor signage.</li> <li>• <b>Q. Council:</b> Are there any time restrictions for parking on the street? <b>A. Admin:</b> Cars can park for up to 48 hours without moving and no other regulations for this area</li> </ul>

Mayor Cumming called a second, third and final time for representation from the public. There being none, Mayor Cumming closed the Public Hearing for:

**"1030 Mt. Bulman Drive Rezoning Amendment Bylaw Number 5761, 2019"**

Mayor Cumming called a first time for representation from the public in attendance with regard to:

**C. "7235 Hitchcock Road Rezoning Amendment Bylaw Number 5762, 2019"**

Prior to the Public Hearing one written submissions were received as follows:

Date	Name
July 8, 2019	Carrie Siemens

Mayor Cumming called a first time for representation from the public in attendance with regard to:

**"7235 Hitchcock Road Rezoning Amendment Bylaw Number 5762, 2019"**

SPEAKER NAME	COMMENTS
Louis Merke, Applicant	<ul style="list-style-type: none"><li>• Owned property for 19 years</li><li>• In light of current development plans in the area felt it was best to do application now</li><li>• The development is consistent with neighbourhood</li><li>• No current plans for development but feels in best interest to apply at this time</li><li>• This will allow COV to consider servicing the property as part of Foothills Neighbourhood Plan</li></ul>

Mayor Cumming called a second, third and final time for representation from the public. There being none, Mayor Cumming closed the Public Hearing for:

**"7235 Hitchcock Road Rezoning Amendment Bylaw Number 5762, 2019"****CLOSE:**

The Public Hearing closed at 7:02 pm.

**CERTIFIED CORRECT:**

Victor Cumming  
Mayor



Patti Bridal  
Corporate Officer