



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Ed Stranks,
Manager Engineering
Development Services, Deputy
Approving Officer

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: April 27, 2020
REPORT DATE: April 3, 2020
FILE: 3370-20 (ANX00026-BX School)

SUBJECT: **SCHOOL DISTRICT 22 – BOUNDARY EXTENSION APPLICATION FOR LOT 1, PLAN KAP12270, SEC 12, TP 8, ODYD (5849 SILVER STAR ROAD)**

PURPOSE:

To review the boundary extension application submitted by MQN Architects on behalf of Board of Trustees, School District #22 for BX School, located at 5849 Silver Star Road. The application is related to the City Sewer Services Beyond City Boundaries Policy conditions for provision of sanitary service to BX Elementary School.

RECOMMENDATION:

THAT Council support the boundary extension application submitted by MQN Architects on behalf of Board of Trustees, School District #22 for Lot 1, Plan KAP12270 (BX Elementary School, located at 5849 Silver Star Road);

AND FURTHER, that Council authorize the School District #22 boundary extension application to be forwarded to the Province, together with comments from the Regional District of North Okanagan and Okanagan Indian Band, requesting that the Province grant approval to undertake the advertising for the statutory thirty day petition period;

AND FURTHER, that the School District #22 boundary extension application be exempt from the portion of Council's existing policy titled "Annexation Applications" which would require the subject application be forwarded to the next annual review period commencing March 1, 2021.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council, pursuant to its policy titled "Annexation Applications" (refer to Attachment 5), include the application dated March 25, 2020 as submitted by MQN Architects on behalf of Board of Trustees, School District #22 to annex Lot 1, Plan KAP12270 (BX Elementary School, located at 5849 Silver Star Road), in the 2021 review process commencing March 1, 2021.

Note: Applying the Council policy would defer the review of the subject School District #22 application to the next annual review period which commences March 1, 2021. This would result in BX School not being able to be serviced from the City sanitary main in Silver Star Road until 2021.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. MQN Architects on behalf of Board of Trustees, School District #22 submitted an application (Attachment 1), dated March 25, 2020, requesting annexation approval for Lot 1, Plan KAP12270 (BX Elementary School, located at 5849 Silver Star Road). BX Elementary School location is illustrated in Figure 1 and on Attachment 2.

2. School District #22 has applied for a building permit from the Regional District of North Okanagan (RDNO) for new school buildings at BX School. As part of the site review for this application, it was determined that the existing onsite sanitary disposal system would need to be replaced. The cost for this was significant which would result in an impact to the School District's budget for the project. In order to maximize new classroom space, School District #22 has requested connection to the City's sanitary sewer system.



**Figure 1 – Property Location Map
(BX Elementary School)**

3. As per policy 24.6 of the City's Official Community Plan (OCP), service connection is not permitted outside the City boundary. Further, OCP policy 24.3 does not support individual or small lot boundary extensions and requires RDNO support for any boundary extension process motivated by the desire to connect to the City's sanitary sewer system. A Public Hearing was held April 27, 2020 to amend the OCP to enable the boundary extension process for BX School to enable connection to the City's sanitary system. School District #22 submitted a letter on March 17, 2020 (Attachment 3) in support of the proposed amendment to the City of Vernon Official Community Plan (OCP) to enable the provision of sanitary service to BX School as the property is currently outside the City limits.

4. At its Regular Meeting of February 19, 2020, the RDNO Board passed a resolution consenting to the provision of the sanitary sewer connection in advance of the boundary extension process, which is required under Section 13 of the Community Charter. RDNO passed an additional resolution specifying that "when a referral is received at the RDNO for annexation of the property located at 5849 Silver Star Road, the RDNO's response will be that there is no negative financial impact and the RDNO will not be providing any further comment." The City received confirmation that no property taxes are levied on schools, therefore, the proposed boundary extension would not result in a negative financial impact to RDNO. This information will be included in the boundary extension submission to the Province.

5. The Provincial Municipal Boundary Extension Process Guide identifies that a request for boundary extension must be referred for comment to First Nations whose traditional territory includes the proposed extension area. The City has sent a letter (Attachment 4) to the Okanagan Indian Band (OKIB) requesting their input on the boundary extension application. Any response received will be included in the application to the Province. If none is received by May 4, 2020 the application will indicate that no response was received. The BX School property is outside the Agricultural Land Reserve (ALR), therefore, input from the Agricultural Land Commission (ALC) is not required.

6. Based upon the Council policy titled "Annexation Applications" (refer to Attachment 5) consideration of the subject application would be deferred until the next annual review process commences on March 1, 2021. It is recommended that the subject application be exempted from the annual review provision to enable BX School to be serviced from the City sanitary system in 2020. It is also recommended that a modified referral process be undertaken so that the subject application can be forwarded to the Province. The modified process includes RDNO and OKIB being provided an opportunity to provide their comments which would be directly forwarded to the Province.

7. Representatives of School District #22 and RDNO have been provided with a copy of this report for their review and both have advised that they have no concerns.

C. Attachments:

Attachment 1 – Boundary Extension Application dated March 25, 2020
Attachment 2 – Map illustrating proposed boundary extension area
Attachment 3 – Letter dated March 17, 2020 from Board of Education, School District #22
Attachment 4 – Letter to OKIB
Attachment 5 – Council policy “Annexation Applications”

D. Council’s Strategic Plan 2019 – 2022 Goals/Action Items:

The proposed annexation application involves the following goals/action items in Council’s Strategic Plan 2019 – 2022:

- Enhance relationships and Improve communication with regional partners including the Okanagan Indian Band

E. Relevant Policy/Bylaws/Resolutions:

1. At its Regular Meeting of October 28, 2019, Council adopted a resolution supporting the provision of a sanitary service connection from the City sanitary main in Silver Star Road to BX Elementary School, in accordance with the ‘City Sewer Services Beyond City Boundaries Policy’, which requires the property owner to make irrevocable application for boundary extension to include the property into the City of Vernon, and that the application for boundary extension shall include consent by resolution of the RDNO Board.
2. At its Regular Meeting of March 9, 2020, Council adopted a resolution supporting, in principle, the amendment to Section 24 - Boundary Extensions of the Official Community Plan to enable the proposed boundary extension to include BX School for the purpose of connection to the City’s sanitary system.
3. At its Regular Meeting of March 23, 2020, Council adopted the following resolution:

THAT pursuant to Section 477(3) of the *Community Charter*, Council considers there to be no impact to the City’s Financial Plan or Liquid Waste Management Plan as a result of the OCP Bylaw Amendment #5807, 2020.
4. At its Regular Meeting of April 27, 2020, Council adopted the following resolution:

THAT Bylaw #5807, "**Official Community Plan (Boundary Extensions) Text Amendment Bylaw Number 5807, 2020**" – a bylaw to amend the City of Vernon’s Official Community Plan Bylaw Number 5470, **be read a third time AND adopted.**

BUDGET/RESOURCE IMPLICATIONS:

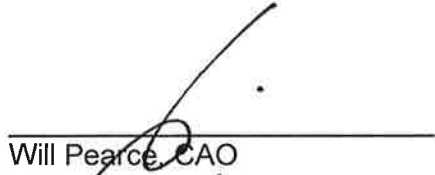
Should the BX School boundary extension application be approved by the Province, the boundary extension area could include a portion of East Vernon Road fronting the school property. The City would then be responsible for the maintenance of that portion of East Vernon Road. This section of East Vernon Road was repaved in 2019 and the road surface is therefore in good condition, though some drainage improvements may be required in the near future.

Prepared by:

Approved for submission to Council:


X

Signer 1


Will Pearce, CAO

Date: 04. MAY. 2020

For Ed Stranks
Manager, Engineering Development, Deputy Approving Officer


X

Signer 2

Laurie Cardell

for Kim Flick, Director Community Infrastructure and Development Services

REVIEWED WITH

- | | | |
|---|---|---|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input 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 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 type="checkbox"/> COMMITTEE: | | |
| <input checked="" type="checkbox"/> OTHER: School District 22, RDNO | | |



CORPORATION OF THE CITY OF VERNON
 3001 - 32 Ave, Vernon, B.C., V1T 2L8
 Phone: 250-550-3634 Fax: 250-545-5309
 buildingcounter@vernon.ca
 www.vernon.ca

BOUNDARY EXTENSION APPLICATION

RESET

DATE OF APPLICATION	2020-03-25	CITY'S FILE NUMBER	
---------------------	------------	--------------------	--


APPLICANT INFORMATION			
APPLICANT	NAME: MQN Architects - Vicki Topping		PHONE: 250-542-1199
	ADDRESS: Suite 100 - 3313 32nd Ave., Vernon, BC		FAX:
	POSTAL CODE: V1T 2M7	E-MAIL: vtopping@mqn.ca	CELL:
REGISTERED OWNER	NAME: Board of School Trustees SD No.22		PHONE: 250-542-3331
	ADDRESS: 1401 15th Street, Vernon, BC		FAX:
	POSTAL CODE: V1T 8S8	E-MAIL: astogianos@sd22.ca	CELL: 250-549-9210
REGISTERED OWNER	NAME:		PHONE:
	ADDRESS:		FAX:
	POSTAL CODE:	E-MAIL:	CELL:

PROPERTY INFORMATION			
CIVIC ADDRESS	5849 Silver Star Rd, Vernon, BC V1B 3P6		
LEGAL DESCRIPTION	LOT 1 SECTION 12 TOWNSHIP 8 OSOYOOS DIVISION YALE DISTRICT PLAN 12270		
NUMBER OF PERSONS RESIDING ON THE SUBJECT PROPERTY	n/a		
EXISTING ZONING DESIGNATION	CR - Country Residential	EXISTING OCP DESIGNATION	S- School

DESCRIPTION OF PROPOSED DEVELOPMENT IF ANNEXED INTO CITY
Property will continue to be used as an Elementary School

ENSURE ALL OF THE FOLLOWING ARE INCLUDED (AS APPLICABLE)

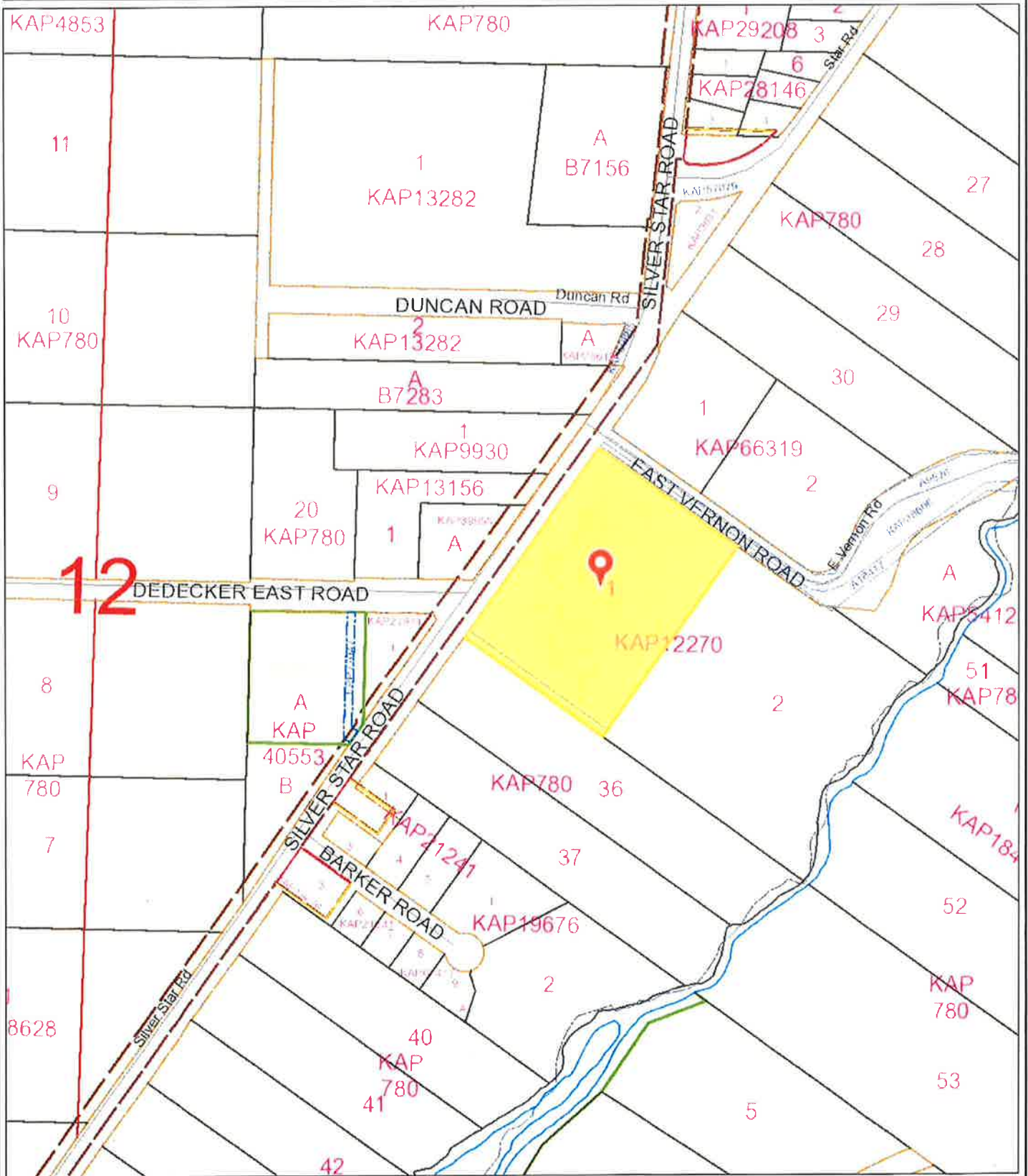
APPLICATION CHECKLIST			
LOCATION PLAN OF SUBJECT AND SURROUNDING PROPERTIES (INCLUDING EXISTING USES)	<input checked="" type="checkbox"/> Yes	LOCATION PLAN OF SUBJECT PROPERTY IN RELATION TO THE CURRENT CITY BOUNDARIES	<input checked="" type="checkbox"/> Yes
TITLE SEARCH (<30 DAYS OLD) AND NON-FINANCIAL CHARGES	<input checked="" type="checkbox"/> Yes	PROPERTY ADJACENT TO RESIDENTIAL PROPERTIES	<input type="radio"/> Yes <input type="radio"/> N/A
SCHEDULE "3" (APPOINTMENT OF AGENT)	<input checked="" type="checkbox"/> Yes	PROPERTY ADJACENT TO INDUSTRIAL PROPERTIES	<input type="radio"/> Yes <input type="radio"/> N/A
DISCUSSED APPLICATION WITH PLANNING STAFF	<input type="radio"/> Yes <input type="radio"/> N/A	PROPERTY AFFECTED BY AGRICULTURAL LAND RESERVE	<input type="radio"/> Yes <input type="radio"/> N/A
\$100.00 APPLICATION FEE PAID	<input checked="" type="checkbox"/> Yes	PROPERTY ADJACENT TO RIPARIAN FEATURES	<input type="radio"/> Yes <input type="radio"/> N/A
COPY OF CURRENT PROPERTY TAX NOTICE	<input type="checkbox"/> Yes		

APPLICANT NAME: MQN Architects - Vicki Topping APPLICANT'S SIGNATURE: 
 (Please Print Clearly)

Comments	For Office Use
	DATE RECEIVED:
	RECEIVED BY:
	ROLL NO.:
	PROSPERO NO.:

Personal information contained on this form is collected under the Freedom of Information and Protection of Privacy Act and will be used only for the purposes of responding to your request.

North Okanagan Map



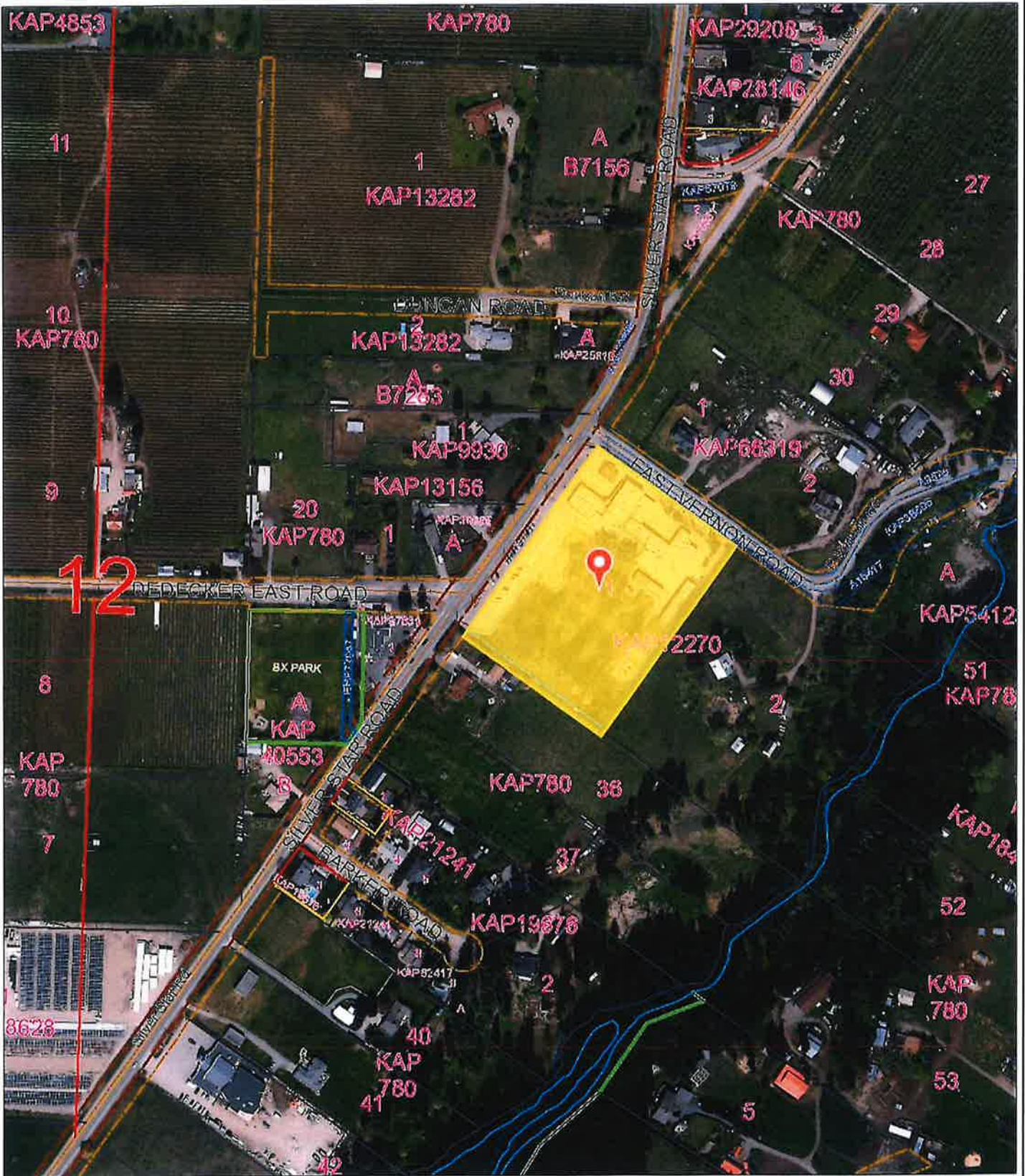
1: 4,000

© City of Vernon & Regional District of North Okanagan

This drawing has been produced by the City of Vernon's and the Regional District of North Okanagan's Geographic Information Systems. The data provided is derived from a variety of sources with varying levels of accuracy. The City of Vernon and the Regional District of North Okanagan make no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.



North Okanagan Map



102 0 51 102 Meters

1: 4,000

© City of Vernon & Regional District of North Okanagan

This drawing has been produced by the City of Vernon's and the Regional District of North Okanagan's Geographic Information Systems. The data provided is derived from a variety of sources with varying levels of accuracy. The City of Vernon and the Regional District of North Okanagan make no warranty or representation, expressed or implied, with the regard to the correctness, accuracy and/or reliability of the information contained herein.





Board of Education
School District No. 22 (Vernon)
 1401 – 15th Street, Vernon, BC V1T 8S8



Mayor and Council
 City of Vernon
 3400-30 Street
 Vernon, BC V1T 5E6

March 17, 2020

Re: March 23, 2020 Public Hearing regarding BX Elementary School – OCP Amendment

Dear Mayor and Council,

The school district is writing in support of the proposed amendment to the Official Community Plan which allows for a boundary extension process for the purpose of enabling BX Elementary School to connect to the City of Vernon sanitary sewer service.

The school district will be constructing additional classrooms at BX Elementary School. The school is currently served by septic fields which are nearing the end of their usable life. If the school is unable to connect to the City of Vernon's sanitary sewer service, a new and larger septic field must be constructed to accommodate about 650 students and staff. That has the following negative implications, among others:

- The school playing field and play structures will be unusable for many months while the septic field is constructed and the field is reconstructed to a state where it can be used intensively.
- Ongoing funds will be diverted from educational activities to support the ongoing maintenance costs of a large septic field. This will decrease the ongoing learning opportunities for the students in our community.
- Construction costs will be diverted from classroom space to construct the septic system. This will decrease the quality and size of the new addition, with a negative impact on our students' learning environment.

We appreciate the substantial effort and time invested by City of Vernon and RDNO elected officials and staff to find an acceptable way to allow BX Elementary School to connect to the City's sanitary sewer service.

Your sincerely,

Robert Lee
 Chair, Board of Education

A Great Place to Learn

(250) 542-3331 www.sd22.bc.ca

Maria Doyle

From: Lynn Jameson <LJameson@sd22.bc.ca>
Sent: Wednesday, March 18, 2020 11:35 AM
To: Mayor
Subject: SD22 Letter - BX Elementary School
Attachments: 20200318_Board of Education.pdf

Please see the attached letter from Robert Lee, Board Chair.

Lynn Jameson

Executive Assistant-Corporate

phone (250) 549-9226 | cell (250) 308-8838

School District No. 22 (Vernon)

1401-15th Street | Vernon, BC V1T 8S8



City of Vernon Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the FOI act or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

City File: 3370-20-BX School

April 2, 2020

Okanagan Indian Band
12420 Westside Road
Vernon, BC V1T 7Z3

Dear Chief and Council:

**Re: Boundary Extension Application to include Lot 1, Plan KAP12270, Sec.12,
Tp.8, ODYD (5849 Silver Star Road, BX Elementary School) in the City of
Vernon**

The City of Vernon has received a boundary extension application from the owners of the above described property and shown on Attachment 1. Please review the application and provide your comments prior to May 4, 2020.

Should you have any questions regarding this matter, please contact the undersigned at 250-550-3516 or cbroderick@vernon.ca.

Yours truly,



Craig Broderick
Approving Officer / Manager, Current Planning

attached

cc: Patti Bridal, Director, Corporate Services (email)
Kim Flick, Director, Community Infrastructure and Development (email)





THE CORPORATION OF THE CITY OF VERNON

3400 – 30th Street, Vernon, B.C. V1T 5E6
 Telephone: (250) 545-1361 Fax: (250) 545-4048

website: www.vernon.ca

Corporate Policy

Section:	Planning and Building Services	
Sub-Section:		
Title:	Annexation Applications	

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVAL:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by: "WAYNE LIPPERT"	Amendment Approved by:	
Mayor	Mayor	
Date: February 9, 2009	Date:	

POLICY

Annexation applications will be reviewed on an annual basis, subject to the criteria identified below, to ensure that the intent of the Official Community Plan (OCP) 2008 is not eroded. An annual review will allow Council and staff to assess each annexation application in context with other proposed annexations and Official Community Plan amendments. In addition, this approach will enhance public awareness of proposed changes to the City's boundary.

DEFINITIONS

PROCEDURES

1. Applications for annexation applications will be processed annually. All applications received on or before March 01 will be considered during that calendar year.
2. Applications will be reviewed in context with the Official Community Plan 2008, proposed amendments to the Official Community Plan 2008, and the Government of British Columbia's *Municipal Boundary Extension Criteria, March 2010*.