



THE CORPORATION OF THE CITY OF VERNON

AGENDA

REGULAR OPEN MEETING OF COUNCIL

COUNCIL CHAMBERS
CITY HALL
MONDAY
AUGUST 13, 2018
At 1:30 p.m.

Council

Mayor A. Mund

Councillor S. Anderson
Councillor C. Lord
• Councillor B. Spiers

Councillor J. Cunningham
Councillor D. Nahal
Councillor B. Quiring

• *Councillor Spiers passed away June 25, 2018 while in office*

For Enquiries
Telephone: (250) 545-1361
www.vernon.ca



*"To deliver effective
and efficient local
government services
that benefit our
citizens, our
businesses, our
environment and our
future"*

THE CORPORATION OF THE CITY OF VERNON

A G E N D A

REGULAR OPEN MEETING OF COUNCIL

CITY HALL COUNCIL CHAMBER

MONDAY, AUGUST 13, 2018

AT 8:40 AM

1. CALL REGULAR MEETING TO ORDER AND MOVE TO COMMITTEE OF THE WHOLE

2. RESOLUTION TO CLOSE MEETING

A. BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90 of the *Community Charter* as follows:

(c) labour relations or other employee relations;

(g) litigation or potential litigation affecting the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public

3. ADJOURN TO OPEN COUNCIL AT 1:30 PM

A. THAT the Agenda for the August 13, 2018 Regular Open Meeting of Council be adopted as circulated.

4. ADOPTION OF MINUTES AND RECEIPT OF COMMITTEE OF THE WHOLE AND PUBLIC HEARING RECORD

AGENDA

MINUTES

- A. THAT the minutes of the Regular Meeting of Council held July 23, 2018, be adopted; **(P. 16)**

AND FURTHER, that the record of the Public Hearing held on July 23, 2018, be adopted; **(P. 46)**

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held July 23, 2018, be received.

5. BUSINESS ARISING FROM THE MINUTES

6. GENERAL MATTERS

DELEGATION – KAMLOOPS NEEDLE BUYBACK PROGRAM (P. 48)

- A. Mr. Dennis Giesbrecht, Volunteer, representing the Kamloops Needle Buyback Program will provide an overview of the Needle Buyback Program recently implemented in the City of Kamloops by Volunteers.

DELEGATION – RCMP DAY (P. 49)

- B. Mr. Martin von Holst, Chair, RCMP Day Committee, re: Support for RCMP Day Committee Petition to Propose February 1st as ‘RCMP Appreciation Day in BC’.

PRESENTATION – COUNCIL REMUNERATION (P. 54)

- C. Mr. Rob Sawatzky will present the report from the Council Remuneration Committee.

Recommendation In Sequential Order by Action Required:

1. ‘THAT Council receive the report titled “Council Remuneration Committee – Recommendations to Mayor and Council, City of Vernon, July 2018”, attached to the report recommendation titled “Council Remuneration” dated August 3, 2018, respectfully submitted by the CAO;
2. AND FURTHER, Council endorse the Council Remuneration Committee recommendations as presented;
3. AND FURTHER, Council endorse the Council Remuneration Committee recommendation to set the Mayor’s remuneration (base) rate at \$1.90 per capita effective November 1, 2018; \$2.20 per capita effective November 1, 2019; \$2.31 per capita effective November 1, 2020; \$2.44 per capita effective November 1, 2021. City of Vernon population as determined by the current Statistics Canada, Census Profile, City of Vernon (Census subdivision) total population;

4. AND FURTHER, Council endorse the Council Remuneration Committee recommendation to set Councillor remuneration (base rate) at 37% of the current Mayor's salary, effective November 1, 2018;
5. AND FURTHER, that remuneration for Mayor and Councillors be adjusted by the Consumer Price Index for BC, not seasonally adjusted, August over August, all products in and that such adjustment be made as at November 1 of each year of the 2018-2022 term of Council, commencing November 1, 2018 through to and including November 1, 2021;
6. AND FURTHER, that Council direct Administration to increase Mayor and Councillor base remuneration rates by 11% effective January 1, 2019 to offset the Federal Government policy change to eliminate the non-taxable portion of local government elected officials compensation;
7. AND FURTHER, Council endorse the Council Remuneration Committee recommendation that committee meeting pay rates remain unchanged from the current Council Remuneration Policy;
8. AND FURTHER, Council endorse the Council Remuneration Committee recommendation that the Council benefits package continue as per current practice;
9. AND FURTHER, Council direct Administration to amend the Council Remuneration Policy in accordance with Council's direction arising, including appropriate "housekeeping" changes and present the amended policy to Council at the regular meeting of September 4, 2018;
10. AND FURTHER, Council authorize an honorarium in the form of a \$200 gift certificate for each Council Remuneration Committee member as appreciation for the committee members' time, thorough review and thoughtful recommendations.

7. COUNCIL INQUIRIES

8. ADMINISTRATION UPDATES

**ADMINISTRATION UPDATES
(P. 63)**

- A. THAT Council receive the Administration Updates dated August 13, 2018.

9. UNFINISHED BUSINESS

**PRIEST VALLEY ARENA
SAFETY UPGRADES
COMPLETE (P. 65)**

- A. THAT Council received the memo titled 'Priest Valley Arena Safety Upgrades Complete' dated August 3, 2018 from Doug Ross, Director, Recreation Services, for information.

**KAL TIRE PLACE ARENA
EXPANSION PROGRESS –
AUGUST (P. 68)**

- B. THAT Council receive the memorandum titled Kal Tire Place Arena Expansion Progress – August, dated August 3, 2018 from Doug Ross, Director, Recreation Services for information purposes.

**PROPOSED PARKADE
SIGNAGE (P. 70)**

- C. THAT Council support replacing the Parkade signage located on the north east corner of the Parkade as outlined in the memo titled "Proposed Parkade Signage" dated July 31, 2018 from the Active Transportation Coordinator, and not proceed with replacing the Parkade signage located on the southwest corner of the Parkade.

**BC ENERGY STEP CODE
PROPOSED TIMELINE AND
STAKEHOLDER
ENGAGEMENT (P. 72)**

- D. THAT Council support the proposed timeline and stakeholder engagement strategy for the BC Energy Step Code as described in the memorandum titled "BC Energy Step Code Proposed Timeline and Stakeholder Engagement" and dated July 31, 2018 from the Environmental Planning Assistant and the Manager of Building and Licensing.

**FIRE RISK – COMMUNITY
WARNING SIGNS (P. 80)**

- E. THAT Council receive the report titled "Fire Risk – Community Warning Signs", dated August 8, 2018 and respectfully submitted by the General Manager, Public Works;

AND FURTHER, that Council accepts the recently installed permanent Fire Hazard Rating signs as satisfactory and withdraws the request to place additional temporary Fire Hazard signs.

**PROPOSED AMENDMENTS
TO THE PARKS AND PUBLIC
PLACES BYLAW 5057, THE
BYLAW NOTICE
ENFORCEMENT BYLAW
5250 AND THE MUNICIPAL
TICKETING BYLAW 5300
(P. 82)**

F. THAT Council approve Bylaw amendments to:

1. "The Parks and Public Places Bylaw #5057"
2. "The Bylaw Notice Enforcement Bylaw #5250"
3. "The Municipal Ticketing Bylaw #5300"

as presented in the memorandum titled "Proposed Amendments To The Parks And Public Places Bylaw" dated July 28, 2018 from the Manager, Protective Services.

**ACTIVATE SAFETY TASK
FORCE
RECOMMENDATIONS –
ACTION TAKEN (P. 91)**

G. THAT Council receives the memorandum dated August 2, 2018 from the Manager, Legislative Services regarding '*Activate Safety Task Force Recommendations – Action Taken*'.

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

11. NEW BUSINESS

A. Correspondence:

**RURAL DIVIDEND FUND –
LETTER OF SUPPORT FOR
THE OKANAGAN INDIAN
BAND (P. 105)**

(i) THAT Council authorize the Mayor, on behalf of Council, to sign and issue the attached letter of support to the Okanagan Indian Band, in support of their funding application to the Rural Dividend Fund, as attached to the memorandum titled "Rural Dividend Fund – Letter of Support for the Okanagan Indian Band" dated August 1, 2018 from the Manager of Economic Development and Tourism.

**2018 PLANNING AND
BUILDING SECOND
QUARTER STATISTICS
SUMMARY (P. 107)**

(ii) THAT Council receive the memorandum titled "2018 Planning and Building Second Quarter Statistics Summary" dated July 30, 2018 from the Manager, Economic Development and Tourism and Current Planning Assistant, for information.

**RENEWAL OF DVP00265
FOR 4602 20TH STREET
(P. 112)**

(iii) THAT Council renew the approval of Development Variance Permit Application #DVP00265 to vary Zoning Bylaw #5000 Section 9.12.5 by reducing the minimum side yard setbacks from 4.5m to 3.0m on the South 120' Lot 38 Section 2 Township 8 ODYD Plan 474 Except Plan 23718 (4602 20th Street), subject to the following condition:

- a) The revised site plan and elevation plans shall be attached to the Development Variance Permit as "Schedule A".

**COMMUNITY ECONOMIC
DEVELOPMENT INITIATIVE –
WORKING GROUP TERMS
OF REFERENCE (P. 116)**

- (iv) THAT Council endorse the *Community Economic Development Initiative – Working Group Terms of Reference* as attached to the memorandum titled “Community Economic Development Initiative Working Group Terms of Reference” dated July 31, 2018 from the Manager of Economic Development and Tourism.

**KAL TIRE PLACE
TRANSPORTATION REVIEW
(P. 124)**

- (v) THAT Council receive the memorandum titled “Kal Tire Place Transportation Review” dated July 31, 2018 from the Transportation Planner, for information.

**2019 BUDGET CHALLENGES
(P. 126)**

- (vi) THAT Council receive the memo from the Director of Finance titled “2019 Budget Challenges” dated August 3, 2018;

AND FURTHER, Council direct Administration to transfer the net unexpended, uncommitted year-end balance of the RCMP annual budget to the Prior Year Unexpended Uncommitted Balance for 2018 and future years until directed otherwise by Council resolution.

BANKING SERVICES (P. 130)

- (vii) THAT Council receive the memo from the Director of Finance titled “Banking Services” dated August 3, 2018.

**DOWNTOWN VERNON
ASSOCIATION – ANNUAL
SERVICE FEE: LANDSCAPE
& STREET MAINTENANCE
(P. 131)**

- (viii) THAT Council receives the letter dated July 31, 2018 from the Downtown Vernon Association (DVA) regarding Annual Service Fee: Landscape & Street Maintenance;

AND FURTHER, that Council directs Administration to refer the request for an additional \$13,000 in grants to the 2019 budget deliberations.

B. Reports:

**DOWNTOWN VERNON
ASSOCIATION 2017
FINANCIAL STATEMENTS &
2018 BUDGETS (P. 132)**

- (i) THAT Council receive the Downtown Vernon Association Audited 2017 Financial Statements as presented in the report dated July 25, 2018 as submitted by the Director of Financial Services;

AND FURTHER, that Council receive the Downtown Vernon Association 2018 Approved Budgets as presented in the report dated July 25, 2018 as submitted by the Director of Financial Services;

AND FURTHER, that Council approve payment of the second and final instalment of the 2018 BIA tax levies for the total amount of \$189,134.

**REZONING AND
DEVELOPMENT VARIANCE
PERMIT APPLICATIONS FOR
3607 – 27TH STREET (P. 151)**

(ii) THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions:

- a) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street that would guarantee access to 3603 – 27th Street by way of a 6.0m wide private access easement if direct access onto 27th Street is not granted in conjunction with a commercial rezoning application for 3603 – 27th Street; and
- b) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;

AND FURTHER, that Council support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.0m to 1.0m (Section 6.6.2, Table 6.1); and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council support Development Variance Permit Application #DVP00427 to vary the

following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the off-site works along 37th Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service;

AND FURTHER, that Council support of DVP00427 is subject to the following:

- a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27th Street and approximately 0.105m adjacent to 37th Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street);
- b) the owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37th Avenue and 27th Street;
- c) the owner is to enter into a Works Contribution Agreement for off-site works along 27th Street and 37th Avenue adjacent to the subject property;
- d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
- e) the owner is to sign a License Agreement for proposed improvements to the right-of-way adjacent to the subject property; and
- f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled “Rezoning and Development Variance Permit Applications for 3607 – 27th Street” and dated July 31, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule ‘A’.

**SUBDIVISION APPLICATION
FOR 2504 – 39th AVENUE
(STRATA CONVERSION)
(P. 180)**

(iii) THAT Council approve the strata conversion application for Lot 7, Blk 26, Sec 3, Twp 8, ODYD, Plan 327E (2504 – 39th Avenue), subject to the following conditions:

- a) That all applicable conditions within Council’s policy entitled “Strata Conversion Application” be satisfied;
- b) That a report be provided by a registered professional certifying that the existing residential structure meets all the requirements of the BC Building Code; and
- c) That Council’s approval period is to expire one year from the date of Council consideration.

**PROPOSED TEXT
AMENDMENTS (A3 – RURAL
SMALL HOLDINGS AND R4 –
SMALL LOT RESIDENTIAL)
(P. 195)**

(iv) THAT Council support the preparation of a text amendment to zoning district A3 – Rural Small Holdings to add secondary suites as a Secondary Use;

AND FURTHER, that Council support the preparation of a text amendment to zoning district R4 – Small Lot Residential to add semi-detached housing as a Primary Use.

**LAND USE CONTRACT
DISCHARGE APPLICATION
FOR 8000 BENCH ROW
ROAD
(P. 210)**

(v) THAT Council support the application to discharge Bylaws #287 and #288, being Land Use Contract (LTO #P2374) from the title of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road), to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR), subject to registration of a no build, no disturb covenant intended to protect the existing vegetation on-site.

**IMPACT OF CONSTRUCTION
COST ESCALATION ON
INFRASTRUCTURE
REPLACEMENT (P. 232)**

(vi) THAT Council receive the results of the 2017 annual construction escalation comparisons, as presented in the report titled “Impact of Construction Cost Escalation on Infrastructure Replacement” as submitted by the Infrastructure Management Technician and dated August 3, 2018, for information;

AND FURTHER, that Council direct Administration to continue to monitor the year to year change in construction costs and report to Council on an annual basis.

**AMENDMENT OF THE
SUBDIVISION AND
DEVELOPMENT SERVICING
BYLAW #3843 SCHEDULES
F – DRAINAGE SYSTEMS
(P. 237)**

- (vii) THAT Council support the proposed amendments to Subdivision and Development Servicing Bylaw #3843, Schedule F and Schedule O as outlined in the report titled: “Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules F – Drainage Systems”, dated August 3, 2018 and respectfully submitted by the Municipal Technician III and the Manager, Engineering Development Services.

**AMENDMENT OF
SUBDIVISION AND
DEVELOPMENT SERVICING
BYLAW #3843 SCHEDULES
A AND B (P. 263)**

- (viii) THAT Council support the proposed amendment to Subdivision and Development Servicing Bylaw #3843, Schedule A and B as outlined in the report titled “Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules A and B”, dated August 2, 2018 and respectfully submitted by the Manager, Engineering Development Services.

12. LEGISLATIVE MATTERS

Bylaws:

ADOPTION
• 5691

- (i) THAT Bylaw #5691, “**7818 Okanagan Landing Bench Road Rezoning Amendment Bylaw Number 5692, 2018**” – a bylaw to rezone the subject property from A3 – Rural Small Holdings” to “R1 – Estate Lot Residential”, **be adopted. (P. 309)**
- Memo dated August 1, 2018 from the Manager, Current Planning re: 7818 Okanagan Landing Bench Road Rezoning Amendment Bylaw #5691, 2018 **(P. 312)**

**FIRST, SECOND & THIRD
READINGS**
• 5690

- (ii) THAT Bylaw #5690, “**Subdivision and Development Servicing (Schedule A) Amendment Bylaw Number 5680, 2018**” – a bylaw to amend the City of Vernon Subdivision and Development Servicing Bylaw #3843, 1992”, **be read a first, second and third time. (P. 313)**

• 5710

- (iii) THAT Bylaw #5710, “**Parks and Public Places (Prohibit Smoking at Lake Access Sites) Amendment Bylaw 5710, 2018**” – a bylaw to amend “City of Vernon Parks and Public Places Bylaw 5057, 2007”, **be read a first, second and third time. (P. 315)**

- 5711

(iv) THAT Bylaw #5711, “**Bylaw Notice Enforcement (Penalties for Smoking at Lake Access Sites) Amendment Bylaw Number 5711, 2018**” – a bylaw to amend the Bylaw Notice Enforcement Bylaw, **be read a first, second and third time. (P. 319)**

- 5712

(v) THAT Bylaw #5712, “**Municipal Ticketing Information (Penalties for Smoking at Lake Access Sites) Amendment Bylaw Number 5712, 2018**” - a bylaw to amend the Municipal Ticketing Information (M.T.I.) Bylaw, **be read a first, second and third time. (P. 321)**

**FIRST & SECOND READINGS
AND PUBLIC HEARING DATE**

- 5703

(vi) THAT Bylaw #5703, “**Official Community Plan (CD6 – Comprehensive Development Area 6) Text and Land Use Designation Amendment Bylaw Number 5703, 2018**” – a bylaw to amend Official Community Plan Bylaw Number 5470 and redesignate the subject property from “Residential Small Lot – Single and Two Family Dwelling” and from “Residential Small Lot – Single and Two Family Dwelling” to “Public Institutional” **be read a first and second time;**

AND FURTHER, that the Public Hearing for Bylaw #5703 be scheduled for **Tuesday, September 4, 2018, at 5:30 pm**, in Council Chambers. (P. 323)

- 5704

(vii) THAT Bylaw #5704, “**Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th Avenue Rezoning Amendment Bylaw Number 5704, 2018**” – a bylaw to amend Zoning Bylaw 5000 and to rezone the subject property from “P4 – Utilities” to “CD6 – Comprehensive Development Area 6” **be read a first and second time;**

AND FURTHER, that the Public Hearing for Bylaw #5704, together with Public Input for DVP00437 be scheduled for **Tuesday, September 4, 2018, at 5:30 pm**, in Council Chambers. (P. 327)

- 5705

(viii) THAT Bylaw #5705, “**City of Vernon Phased Development Agreement (McMechan) Bylaw No. 5705, 2018**” – a bylaw to enter into a phased development agreement, **be read a first and second time;**

AND FURTHER, that the Public Hearing for Bylaw #5705, be scheduled for **Tuesday, September 4, 2018, at 5:30 pm**, in Council Chambers. (P. 339)

- 5714

- (ix) THAT Bylaw #5714, "**3607 27th Street Rezoning Amendment Bylaw Number 5714, 2018**" – a bylaw to rezone the subject property from "R1 – Estate Lot Residential" to "C4 – Street Oriented Commercial", be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5714, together with Public Input for DVP00427, be scheduled for **Monday, September 24, 2018, at 5:30 pm**, in Council Chambers. (P. 415)

- 5715

- (x) THAT Bylaw #5715, "**Zoning Text (Secondary Suites / Semi-Detached Housing) Amendment Bylaw Number 5715, 2018**" – a bylaw to amend Zoning Bylaw Number 5000, be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5715, be scheduled for **Monday, September 24, 2018, at 5:30 pm**, in Council Chambers. (P. 418)

- 5716

- (xi) THAT Bylaw #5716, "**8000 Bench Row Road Land Use Contract Number 287, 1978 (P2374) Discharge Bylaw Number 5716, 2018**" – a bylaw to authorize the discharge of Land Use Contract Bylaw Number 287, 1978 (P2374) be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5716, be scheduled for **Monday, September 24, 2018, at 5:30 pm**, in Council Chambers. (P. 423)

13. COUNCIL INFORMATION UPDATES

- A. Mayor and Councillors Reports.

14. INFORMATION ITEMS

- A. City of Vernon letter to 1 Canadian Air Division Headquarters, National Defence, re: Flyby by RCAF Aircraft, September 7, 8 and 9, 2018 at Spallumcheen Golf & Country Club (P. 426)

RECESS

15. RECESS MEETING

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

1. Lakeshore Properties Rezoning Amendment Bylaw Number 5693, 2018;
2. 9657 Eastside Road (Camp Hurlburt) Official Community Plan Amendment Bylaw Number 5694, 2018; and
3. 9657 Eastside Road (Camp Hurlburt) Rezoning Amendment Bylaw Number 5695, 2018;
4. 2807, 2901, and 2903 39th Street (West Vernon Future Park) Rezoning Amendment Bylaw Number 5696, 2018;
5. 9192 Tronson Road (Deer Park) Rezoning Amendment Bylaw Number 5697, 2018;
6. 3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Official Community Plan Amendment Bylaw Number 5698, 2018; and
7. 3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Rezoning Amendment Bylaw Number 5699, 2018.

RECONVENE

16. RECONVENE

THIRD READING & ADOPT

- **5693**

A. THAT Bylaw #5693, "**Lakeshore Properties Rezoning Amendment Bylaw Number 5693, 2018**" – a bylaw to rezone the subject properties from "R1 – Estate Lot Residential" to "P1 – Parks and Open Space", **be read a third time and adopted. (P. 431)**
- **5694**

B. THAT Bylaw #5694, "**9657 Eastside Road (Camp Hurlburt) Official Community Plan Amendment Bylaw Number 5694, 2018**" – a bylaw to redesignate the subject property from "Public & Institutional" to "Parks & Open Space", **be a third time and adopted. (P. 434)**
- **5695**

C. THAT Bylaw #5695, "**9657 Eastside Road (Camp Hurlburt) Rezoning Amendment Bylaw Number 5695, 2018**" – a bylaw to rezone the subject property from "R6 – Lakeshore Residential" to "P1 – Parks and Open Space", **be read a third time and adopted. (P. 437)**
- **5696**

D. THAT Bylaw #5696, "**2807, 2901, and 2903 39th Street (West Vernon Future Park) Rezoning Amendment Bylaw Number 5696, 2018**" – a bylaw to rezone the subject properties from "RH2 – Stacked Row Housing Residential" to "P1 – Parks and Open Space", **be read a third time and adopted. (P. 440)**
- **5697**

E. THAT Bylaw #5697, "**9192 Tronson Road (Deer Park) Rezoning Amendment Bylaw Number 5697, 2018**" – a bylaw to rezone the subject property from "C6 – Village Commercial" to "P1 – Parks and Open Space", **be read a third time and adopted. (P. 443)**

THIRD READING

- **5698**
 - F. THAT Bylaw #5698, “**3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Official Community Plan Amendment Bylaw Number 5698, 2018**” – a bylaw to redesignate the subject properties from “Public & Institutional” to “Parks & Open Space”, **be read a third time. (P. 446)**

- **5699**
 - G. THAT Bylaw #5699, “**3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Rezoning Amendment Bylaw Number 5699, 2018**” – a bylaw to rezone the subject properties from “R2 – Large Lot Residential” to ‘P1 – Parks and Open Space”, **be read a third time. (P. 449)**

17. CLOSE OF MEETING

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL
HELD MONDAY, JULY 23, 2018**

PRESENT: Mayor A. Mund

Councillors: J. Cunningham, S. Anderson,
B. Quiring, D. Nahal, C. Lord

Staff: W. Pearce, CAO
P. Bridal, DCAO, Director, Corporate Services
S. Blakely, Mgr. Legislative Services
B. Bandy, Manager, Real Estate
J. Rice, Manager, Public Works
D. Law, Director, Finance
K. Flick, Director, Community Infrastructure & Development
N. Nilsen, Communications Officer & Grants Coordinator
D. Lind, Fire Chief

Mayor Mund called the Regular Open meeting to order at 8:40 am and requested a motion to move to Committee of the Whole.

Mayor Mund reconvened the Regular Open meeting and requested a motion to move to In Camera.

**RESOLUTION TO
CLOSE MEETING**

Moved by Councillor Quiring, seconded by Councillor Anderson:

BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90 of the *Community Charter as follows:*

- (a) *personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;*
- (c) *Labour relations or other employee relations;*
- (e) *the acquisition, disposition or expropriation of land or improvements, if the Council considers that disclosure could reasonably be expected to harm the interests of the municipality;*
- (f) *negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the Council, could reasonably be expected to harm the interests of the municipality if they were held in public*

CARRIED.

Mayor Mund called the Regular Open meeting back to order at 1:30 pm.

PRESENT: Mayor A. Mund

Councillors: J. Cunningham, S. Anderson,
D. Nahal, C. Lord, B. Quiring

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, DCAO/Director, Corporate Services
S. Blakely, Manager, Legislative Services
S. Baher, OIC, RCMP
K. Flick, Director, Community Infrastructure & Dev. Services
D. Law, Director, Finance
S. Koenig, Director, Operations
J. Rice, Manager, Public Works
C. Broderick, Manager, Current Planning*
B. Bandy, Manager, Real Estate*
E. Stranks, Manager, Engineering Development Services*
R. Zubick, CPO Coordinator
G. Gaucher, Manager, Protective Services
D. Lees, Sr. Bylaw Compliance Officer*
N. Nilsen, Communications Officer & Grants Coordinator
A. Watson, Manager, Transportation*
R. Borisenko, Community Policing Coordinator*
M. Keast, Municipal Technician III*

*Attended, as required

Others: Media and Members of the Public

ADOPTION OF THE AGENDA:

APPROVAL OF ITEMS LISTED ON THE AGENDA

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT the agenda for the July 23, 2018, Regular Open meeting of the Council of The Corporation of The City of Vernon be amended as follows:

1. **SEE ITEM 11.B. (vii)** – Highlands of Ease Hill – replacement of Page 6 within report dated July 16, 2018.

AND FURTHER, be adopted as amended.

CARRIED.

ADOPTION OF MINUTES:

COUNCIL MEETINGS

Moved by Councillor Anderson, seconded by Councillor Lord:

THAT the minutes of the Regular Meeting of Council held July 9, 2018, be adopted,

AND FURTHER, that the minutes of the Public Hearing held on July 9, 2018, be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held July 9, 2018, be received.

CARRIED.

BUSINESS ARISING FROM THE MINUTES:**GENERAL MATTERS:****INTRODUCTION –
SHAWNA BAHER, OIC**

Will Pearce, CAO, introduced and welcomed Shawna Baher, the new Officer in Charge for the Vernon and North Okanagan RCMP Detachment.

**SOCIAL PLANNING
COUNCIL –
QUARTERLY REPORT
(0360-20-35)**

Annette Sharkey, together with Megan DeSimone, Mental Health & Substance Use, North Okanagan Manager, De. Silvina Mema, Medical Health Officer for Interior Health and Mike Champigny, Chairperson for the Social Planning Council of the North Okanagan provided Quarterly Reports. The following points were noted:

- Annette Sharkey, Executive Director, Social Planning Council of the North Okanagan
 - Reviewed Vision, Social Planning Council, Partners in Action, and Outcomes since 2008
 - Membership: Coordinating Committee reviewed and thanked for time and commitment
 - Multiculturalism and Inclusiveness reviewed
 - Reconciliation Journey Team
 - Local Immigration Partnership Strategy
 - Activate Safety (similarities in issues reviewed)
 - Concerns of Businesses
 - Toilet Action Team
 - Community Clean Ups
 - Centreville Neighbourhood Council
 - Homelessness Across BC
 - 2016 Homeless Count Results reviewed
 - Summer Census Results reviewed (Fall 2016, Fall 2017, Summer 2018)
 - When Did you Move to Vernon stats reviewed
 - Where were you Before You Came to Vernon stats reviewed
 - Did You Grow Up in Vernon or Have Family Here stats reviewed

- Over the last Decade – stats reviewed (Sheltered / Unsheltered)
 - Results reviewed:
 - Affordable Housing Stock
 - Vernon as a Designated Community
 - Housing Strategy Updates
 - Vernon's Community Action Team (HART)
 - Purpose: reduce the number of overdose deaths in Vernon
 - Funding provided by Ministry of Mental Health and Addictions, Community Action Initiatives and the Overdose Emergency Response Centre
 - Reviewed components of project
 - Opioid Crisis/Harm Reduction Strategy
- Dr. Silvina Mema, Medical Health Officer, Interior Health
 - Overdose Public Health Response
 - Epidemiology of overdoses in BC, Interior Health, and Vernon
 - Provincial Response and Interior Health Response
 - Overdose deaths in BC (1992 – 2018)
 - Steep increase starting in 2015
 - Major Causes of Unnatural Deaths in BC – stats reviewed
 - Overdose death significantly higher than all other combined causes of unnatural deaths
 - What we know about fatal overdoses – reviewed
 - Illicit Drug Overdose Deaths, BC Coroners Service (2008 – 2018)
 - Top townships of injury in 2017 (2008 – 2018)
 - Vernon 14th on list
 - Cause of opioid crisis reviewed
 - Provincial Response – 8 Key Areas
 - Essential Health Sector Interventions
 - Essential Strategies for a Supportive Environment
 - Interior Health's Response reviewed
- Rae Sampson, Administrator, Practice, Quality and Substance Use Services, Interior Health
 - New standardized 6 week day program now available to Vernon (can access within one week of request)
 - New Community Nurse available in Vernon
 - Increased services to women's services in area
 - Build relationship when patient is admitted to hospital – followed from there
 - Need to make sure they can access stabilization services (housing, food, etc)
 - Start where client is at and move from there with a trust built relationship leading to treatment

- Program has just started so no data to examine at this point (modelled after Kamloops program)
 - Harm reduction is a fundamental concept used across treatment services
 - Use of methadone treatment described – one piece of treatment therapy
 - There are no overdose prevention sites currently in Vernon – plans for two in the next six month in new facilities
 - Most needles that are issued by IHA are retrieved
 - Not supportive of deposit for needles program as feels this escalates the chances for accidental needle poke
 - Introduced Lori Hiscoe, Corporate Director of Clinical Operations, Population Health for Interior Health
- Mike Champigny, Chairperson, Social Planning Council of the North Okanagan
 - Thank you for City Support of Social Planning Council
 - Society provides concrete results through innovative model
 - Other communities strive to duplicate Vernon model
 - Close contact maintained with Downtown Vernon Association (DVA), and Chamber of Commerce (CoC)
 - In addition, over 30 local businesses participate on Action Teams
 - No ability to advocate for individual businesses as current model is to work through DVA and CoC
 - Assures they will continue to engage with business sector
 - More than willing to meet to review any issues
 - Thank you for strong partnership and recent contract renewal

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council receive the presentation from Annette Sharkey, together with Megan DeSimone, Mental Health & Substance Use, North Okanagan Manager, Dr. Silvina Mema, Medical Health Officer for Interior Health and Mike Champigny, Chairperson for the Social Planning Council of the North Okanagan as provided at the July 23, 2018 Regular Council meeting.

CARRIED.

RECESS

Mayor Mund recessed the meeting at 3:26 p.m.

RECONVENE

Mayor Mund reconvened the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 3:29 pm.

**BC CENTRE ON
SUBSTANCE USE
(0230-01)**

Marshal Smith, Senior Advisor, BC Centre on Substance Use provided a presentation regarding Strategies to Strengthen Recovery in BC: The Path Forward.

The following points were noted:

- Survivor of the streets and addictions
- Only here today due to gift of recovery
- Is a recovery expert
- Co-authored document *Strategies to Strengthen Recovery in BC: The Path Forward*.
- Harm reduction is not enough
- Need full system of care from harm reduction right through to abstinence based programs
- People need to have hope that recovery is possible
- Encourages Council that a much bigger dialogue is needed in the Community toward successful recovery
- It is possible, with many people in recovery in BC right now
- Acknowledged Social Planning is a very difficult role in the community
- Listened to Dr. Mema – and it was noted that ‘getting clean’ is not the main goal any more for Interior Health – but he disagrees as this should always be the goal
- Noted addicts were being put into detox and then were not connected with follow up care
- Reviewed report provided with agenda package
- Majority of individuals with substance abuse issues are very capable of working through to recovery
- The system needs to be there as a spectrum and people need encouragement and support to work toward recovery
- Vernon is blessed with wonderful recovering community
- Recovery Task Force is invaluable to build resilient Community
- Many pathways to recovery and those on journey need support to attain their goals throughout process
- Timely access to quality services is critical
- Housing is important first step, and then what you do with them once they are inside is equally as critical
- Every agency and individual has a role to play in helping people find recovery
- A diverse range of services should be offered with an ultimate goal toward abstinence
- By identifying best practice models we can make long term recovery attainable for everyone
- World of treatment has expanded – with the right treatment applied to the patient success can be expected, but there is a real lack of expertise in physicians in handling addiction so many resort to prescriptions
- Message to governments are that the current measures are not enough to address this issue in BC
- BC Centre on Substance Use is an independent, science based, Provincially funded organization – they do have conversations with Health Authorities

- Reduction of stigma of those who are in recovery (or in active use) is important and recovery needs to be celebrated and not hidden due to shame
- Need to become more assertive (established boundaries) in a compassionate way to reach out to addicts to enter supportive recovery
- The purpose of treatment is to initiate recovery – currently he only hears a lot about treatment in the health care field and not much related to recovery

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council receive the presentation from Marshal Smith, Senior Advisor, BC Centre on Substance Use, regarding Strategies to Strengthen Recovery in BC: The Path Forward as provided at the July 23, 2018 Regular Council meeting.

CARRIED.

**DELEGATION –
KEEPING OF URBAN
BEES
(3900-02)**

Dawn Tucker, City of Vernon resident, presented information and a PowerPoint presentation on the keeping of urban bees.

The following points were noted:

- Reason attending is to ask for change in City of Vernon (COV) Bee Keeping Bylaw (created in 2006)
- Bylaw created to address a specific issue wherein a property owner was overwintering a large volume of bees in one location
- Current bylaw is very restrictive as to where you can keep bees
- COV has urban chickens
- Urban bees falls along same lines
- Helps crops, and the community to have thriving gardens
- Honey bees are important to ecosystem
- Colonies in area have been declining
- Courses taught at Kelowna and Penticton college campuses on keeping bees
- Urban bee keeping is happening in Vernon already
- Swarms happen and there is a lack of related knowledge
- Happens when colony gets too big and hive divides
- If managed properly the hives don't get too big as it is expensive to lose bees
- Beekeepers will always attend when they know of a swarm in order to obtain free bees
- Water supply for bees reviewed
- If bees are kept properly most neighbours will not even know they are there
- Awareness is increasing in the community due to educational efforts
- Kids can be involved in care of bees

- Unless bees have reason to sting, they will not sting
- Vancouver, Seattle, and Toronto allows urban bees
- Many restaurants keep bees on rooftops for use in food prep
- Has kept bees for five years and only recently had issue with one neighbour, resulting in having to move colony
- Requesting COV amend bylaw to enable the keeping of bees in all zones (with reasonable limit to number of colonies that could be kept)

Councillor Quiring declared a perceived conflict of interest in the following matter as his firm is conducting business with the Applicant. Councillor Quiring left the meeting at 4:20 pm.

**DEVELOPMENT
VARIANCE PERMIT
#00415 APPLICATION
FOR 9361 EASTSIDE
ROAD (DVP00415)**

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council support Development Variance Permit Application #DVP00415 to vary the following sections of Zoning Bylaw #5000 in order to construct a single detached house on Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road):

- a) to vary Section 4.16.1. to allow the construction of a building, structure or swimming pool on slopes of 30% or greater;
- b) to vary Section 9.7.6. to increase the maximum height from the lesser of 2.5 storeys or 10.0 m, to 3.0 storeys or 21.5 m; and
- c) to vary Section 9.7.6. to increase the maximum height of any vertical wall element facing a front, flanking or rear yard from the lesser of 6.5 m or 2.5 storeys, above which the building must be set back at least 1.2 m, to 3.0 storeys or 21.5 m.

AND FURTHER, that Council support of DVP00415 is subject to the following:

- a) That the site and elevation plans, intended to illustrate the general form, character and massing of the proposed residence, and noted as Attachments 1 and 2 in the report titled "Development Variance Permit Application for 9361 Eastside Road" and dated July 3, 2018 by the Manager, Current Planning be attached to and form part of DVP00415 as Schedule 'A'.

AND FURTHER, that Council considers the design of the proposed single detached house to be sensitive to the hillside nature of the subject property being Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road), and to meet the requirements of Section 219 Covenant CA5697707;

AND FURTHER, that if any portion of a retaining wall or bridge structure is within the road right-of-way, as part of the building permit requirements, an encroachment agreement will need to be entered into between the City of Vernon and the owners of Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road) in order to sanction the structure;

AND FURTHER, that Council approve the extension of DVP00297, previously approved by Council at its Regular Meeting of June 23, 2014, as all conditions were met within the one year time frame.

Public Input – DVP #00415

The Corporate Officer advised that no written submission had been received.

Mayor Mund called a first time for representation from the public in attendance who believe their interest in property is affected by Development Variance Permit for 9361 Eastside Road, to vary sections of Zoning Bylaw #5000, in order to construct a single detached house on the property.

Mayor Mund called a second and third time for representation from the public. There being none Mayor Mund closed the Public Input session for DVP00415.

THE QUESTION WAS CALLED ON THE MAIN MOTION AND DECLARED CARRIED.

Issuance of Permit #00415

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT the Corporate Officer be authorized to issue Development Variance Permit #00415 in order to construct a single detached house on Lot 3, Plan EPP64932, Sec 10, Twp 13, ODYD (9361 Eastside Road), once all conditions of Council are satisfied.

CARRIED.

Councillor Quiring returned to the meeting at 4:26 pm

COUNCIL INQUIRIES

FIRE WARNING SIGNAGE

Council inquired regarding the placement of fire warning signs at strategic locations in the community (like last year). An Admin Update will be provided.

Councillor Anderson left the meeting at 4:32 pm and returned at 4:33 pm.

GEESE FECES – KIN BEACH

Council inquired regarding cleanup measures for goose feces at Kin Beach. A. Admin: Contractor attends daily (seven days per week), but geese do produce 3 – 4 pounds of feces, per goose, per day. There are an estimated 150 geese at Kin Beach. There is a program to use a variety

of tactics to address but it is very difficult to discourage the birds. Methods available were reviewed, but are not optimum for use of the property by park patrons. July is the worse month for this type of issue, so should get somewhat better soon. There are mechanical methods available but they come at significant cost.

ADMINISTRATION UPDATES

ADMINISTRATION UPDATES (0550-05)

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Council receives the Administration Updates dated July 23, 2018.

CARRIED.

UNFINISHED BUSINESS

ACTIVATE SAFETY TASK FORCE (6460-20)

Report dated July 12, 2018, from the Chief Administrative Officer, regarding Activate Safety Task Force – Final Report Review.

I. Issue: Enforcement

- 1) **RCMP**
- a) **Council request the expansion of an RCMP Downtown Enforcement Unit, including ongoing foot and bike patrols.**

- **RCMP
Downtown
Enforcement
Unit and Funded
Positions**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council refer the Activate Safety Task Force Final Report to the Officer in Charge of the VNOD requesting a response to recommendations which directly impact the resources, deployment and operations of the Detachment for Council's consideration at the Regular meeting of **September 24, 2018**;

AND FURTHER, that Council encourage the incoming OIC to pursue expediently filling **all** funded positions, not limited to "Vernon" positions, across the VNOD with Vernon Council's full support.

Moved by Councillor Anderson, seconded by Councillor Lord:

THAT Council **amends** the resolution to **add** the following:

'AND FURTHER, that Council direct the RCMP to expand the RCMP Downtown Enforcement Unit, including ongoing foot and bike patrols.'

CARRIED.

THE QUESTION WAS CALLED ON THE MAIN MOTION, AND DECLARED CARRIED, AS AMENDED.

2) **BYLAW**

a) **Council support two new fulltime equivalent Bylaw hires dedicated to seasonal foot/bike patrols in trouble spots identified by Bylaw / RCMP.**

- **Bylaw Officers** Moved by Councillor Anderson, seconded by Councillor Nahal:

THAT Council supports the recommendation of the Activate Safety Task Force and direct Administration recruit for two new fulltime equivalent Bylaw hires dedicated to seasonal foot/bike patrols in trouble spots identified by Bylaw / RCMP.

DEFEATED, with Councillors Cunningham, Quiring, Anderson and Lord opposed.

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council direct Administration to assign two of the existing seasonal Bylaw Compliance Officers to foot/bike patrols in identified trouble spots for remainder of the 2018 season.

CARRIED.

RECESS

Mayor Mund recessed the meeting at 5:22 p.m.

RECONVENE

Mayor Mund reconvened the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 5:37 pm.

PRESENT: Mayor Mund

Councillors: S. Anderson, D. Nahal
B. Quiring, C. Lord, S. Anderson (absent)

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, Deputy CAO/Director, Corporate Service
S Blakely, Manager, Legislative Services
S. Koenig, Director, Operations
E. Stranks, Manager, Engineering Development
C. Broderick, Manager, Current Planning
G. Gaucher, Manager, Bylaw Compliance
S. Baher, OIC, RCMP
B. Bandy, Manager, Real Estate
D. Law, Director, Finance
A. Watson, Manager, Transportation
K. Flick, Director, Community Infrastructure & Development
R. Zubick, CPO Coordinator

Others: Members of the Public

THIRD READING

Moved by Councillor Cunningham, seconded by Councillor Anderson:

- 5692

THAT Bylaw #5692, "**6473 Okanagan Landing Road Rezoning Amendment Bylaw Number 5692, 2018**" – a bylaw to rezone the subject property from "RR – Rural Residential" to "R4 – Small Lot Residential" and "P1 – Parks and Open Space", **be read a third time.**

CARRIED.

RECESS

Mayor Mund recessed the meeting at 5:38 p.m.

RECONVENE

Mayor Mund reconvened the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 6:00 pm.

PRESENT: Mayor Mund

Councillors: S. Anderson, D. Nahal
B. Quiring, C. Lord, S. Anderson

Staff: W. Pearce, CAO
P. Bridal, DCAO/Corporate Officer
S. Blakely, Manager, Legislative Services
S. Koenig, Director, Operations
C. Broderick, Manager, Current Planning
G. Gaucher, Manager, Bylaw Compliance
S. Baher, OIC, RCMP
B. Bandy, Manager, Real Estate
D. Law, Director, Finance
A. Watson, Manager, Transportation
K. Flick, Director, Community Infrastructure & Development
R. Zubick, CPO Coordinator
D. Ross, Director, Recreation
N. Nilsen, Communications Officer & Grants Coordinator
J. Rice, Manager, Public Works*
C. Corbett, Long Range Planner*

Others: Members of the Public

- b) Council support an earlier daily start for proactive seasonal Bylaw officers (e.g. 7:00 am). This will allow Bylaw to attend RCMP Watches (briefings) in the morning prior to street duty at 7:30 am and help coordinate the two.***

Moved by Councillor Lord, seconded by Councillor Anderson:

THAT Council directs Administration to retain current management practice of Bylaw Compliance Officers (seasonal summer enforcement) being on the street by 7:30 am and attending evening RCMP Watch briefings.

CARRIED.

- c) *Council support an earlier annual start for seasonal Bylaw officers (e.g. March – October).*

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Council direct Administration to retain the current seasonal Bylaw Compliance enforcement program (April 1 – October 31, approximate) and bring forward this program as a 2019 budget request.

CARRIED, with Councillor Anderson opposed.

- d) *Council support a proactive (instead of complaint-initiated) approach by Bylaw to issues related to drug use, graffiti, litter, prostitution, panhandling.*

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council direct Administration to retain the proactive approach by Bylaw Compliance Officers with respect to drug paraphernalia, graffiti, litter and panhandling.

CARRIED.

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council supports Administrations proactive enforcement of existing bylaws including the Panhandling Bylaw, Parks & Public Places Bylaw and the Good Neighbour Bylaw.

CARRIED.

1) OTHER

- a) *The City fund, on an annual basis private security for an after-hours patrol.*

- **Private security** Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council directs Administration to refer the recommendation of the Activate Safety Task Force, to consider on an annual basis private security for an after-hours patrol, to the Downtown Vernon Association and Chamber of Commerce for priority consideration and discussion with member businesses, for funding through Business Improvement Area revenues or separate sourcing:

CARRIED, with Councillor Anderson opposed.

II. ISSUE: DRUG USE AND PREVENTION

- 1) ***Council and RCMP encourage business and public reporting of open drug use and/or trafficking.***

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council direct Administration to post the Community Safety Office suspicious activity reporting documents on the City's website;

AND FURTHER, that Council encourage the incoming OIC to prioritize, as is reasonably possible, response to reports of open drug use and/or trafficking.

CARRIED.

- 2) ***Council request more information from RCMP and Bylaw to Council and the public on law enforcement strategies and initiatives, wherever possible.***

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Council thanks the RCMP and Bylaw Compliance for their regular updates and encourages the RCMP OIC and Bylaw Compliance Manager to continue regular Council, media and public information updates.

CARRIED, with Councillor Anderson opposed.

- 3) ***Council request Interior Health Authority (IHA) to take into consideration the impacts of its harm reduction policies on businesses and the community;***
- 4) ***Council urge IHA to focus on full recovery measures as well as harm reduction measures;***
- 5) ***Council ensure that Council, businesses, and community are directly involved in any discussions to do with harm reduction measures, including provincially-sponsored overdose prevention sites; and***
- 6) ***Council take a public position with regard to harm reduction measures, including overdose prevention sites.***

Moved by Councillor Lord, seconded by Councillor Cunningham:

THAT Council directs Administration to refer recommendations II 3), 4), 5) and 6) from the Activate Safety Task Force, to Interior Health Authority (IHA), respectfully requesting a response by September 12, 2018 for inclusion onto the Regular agenda of September 24, 2018 for Council's consideration and direction as appropriate:

3. *request Interior Health Authority (IHA) to take into consideration the impacts of its harm reduction policies on businesses and the community;*
4. *urge IHA to focus on full recovery measures as well as harm reduction measures;*
5. *ensure that Council, businesses, and community are directly involved in any discussions to do with harm reduction measures, including provincially-sponsored overdose prevention sites; and*
6. *Council take a public position with regard to harm reduction measures, including overdose prevention sites.*

CARRIED.

III. IMPROPERLY DISCARDED NEEDLES

- 1) ***Council ask IHA to review its needle distribution system to find a balance between harm reduction and the public nuisance of abandoned needles.***

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council direct Administration refer recommendation III (1), of the Activate Safety Task Force, in regards to reviewing its needle distribution system to find a balance between harm reduction and the public nuisance of abandoned needles, to Interior Health Authority, for consideration and respectfully request a response by September 12, 2018 for inclusion in the public agenda and the Regular Council Meeting of September 24, 2018, for Council's consideration and direction as appropriate.

CARRIED.

- 2) ***The City match IHA's contribution of two large steel needle containers.***

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration to purchase two additional sharps containers at an estimated cost of \$2,200 including acquisition, freight, taxes as applicable and installation with source of funds being 2017 year end uncommitted, unexpended balance;

AND FURTHER, that Council direct Administration to consult with Interior Health Authority and the Social Planning Council to select appropriate locations for the sharps containers.

CARRIED.

- 3) City staff determine if/how liability for abandoned needles fit within the Good Neighbour Bylaw (or any other relevant Bylaw).**

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council supports the request from the Activate Safety Task Force and directs Administration to refer recommendation III(3)), regarding liability for abandoned needles and how it would fit within the Good Neighbour Bylaw #4980 (or any other relevant Bylaw), to legal counsel for an opinion.

CARRIED.

- 4) Council ask IHA and other service providers to consult and interact with businesses and the community on future needle distribution plans.**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council directs Administration to refer recommendation III (4), of the Activate Safety Task Force, to Interior Health Authority and the Social Planning Council for consideration and response by September 12, 2018, for inclusion on the agenda of the regular Council meeting of September 24, 2018 for Council's consideration.

DEFEATED, with Councillors Nahal, Anderson and Quiring opposed.

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council directs Administration to ask Interior Health Authority and other service providers to consult and interact with businesses and the community on future needle distribution plans, for a response to be provided to Council for inclusion on the September 24, 2018 Council Agenda.

CARRIED.

- 5) Council ask Community Policing to engage with businesses and the public on the degree of risk and safe handling of improperly discarded needles.**

Moved by Councillor Lord, seconded by Councillor Anderson:

THAT Council direct Administration to continue public and business education initiatives, through the Community Safety Office, on safe handling and risk management associated with disposal of sharps and other drug paraphernalia.

CARRIED.

- 6) *Council ask Community Policing to initiate a public information campaign on who/how to report improperly discarded needles.*

Moved by Councillor Lord, seconded by Councillor Anderson:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration, through the Community Safety Office, to coordinate a public and business information campaign on reporting, clean-up and safe discard of sharps.

CARRIED.

- 7) *The City to initiate and fund a needle refund program to be implemented by the appropriate service providers. (ie 5 cents per needle).*

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council support the recommendation of the Activate Safety Task Force and directs Administration to initiate and fund a needle refund program to be implemented by the appropriate service providers (ie. 5 cents per needle)

DEFEATED, with Councillors Cunningham, Lord, and Mayor Mund opposed.

Moved by Councillor Quiring, seconded by Councillor Mayor Mund:

THAT Council directs Administration to investigate the potential of a 'private model' to administer a needle exchange/refund program in the City of Vernon.

CARRIED.

IV. ISSUE: LITTER AND URBAN DECAY

- 1) *The City require garbage/recycling times that don't force business owners to leave garbage/recycling out overnight.*

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council direct Administration to obtain a quote for a change order, from the current contractor responsible for garbage pick-up, to delay collection in the downtown core until 10:00 a.m. or shortly after, and report to Council during the 2019 budget review process, for consideration as a service level additional cost in the 2019 budget as follow up to the recommendation of the Activate Safety Task Force to require garbage/recycling ties that don't force business owners to leave garbage/recycling out overnight.

CARRIED.

2) The City require businesses to lock commercial bins when left out at night.

Moved by Councillor Lord, seconded by Councillor Cunningham:

THAT Council receive recommendation IV (2), of the Activate Safety Task Force, requiring businesses to lock commercial bins when left out at night, for information, and directs Administration to retain the current practice that locking waste bins be at the discretion of the business.

CARRIED, with Councillors Anderson and Quiring opposed.

3) The City encourage property owners to:

- a) take "ownership" of their space;**
- b) develop cooperative weekly cleanup of back alleys;**
- c) report and attempt to prosecute observed cases of littering/graffiti; and**
- d) secure garbage/recycling with locks if necessary.**

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration to encourage property owners to:

- a) take "ownership" of their space;
- b) develop cooperative weekly cleanup of back alleys;
- c) report and attempt to prosecute observed cases of littering /graffiti; and
- d) secure garbage/recycling with locks if necessary.

CARRIED.

Moved by Councillor Cunningham, seconded by Councillor :

THAT Council direct Administration that this initiative (locking of commercial bins) best be advocated by established business leaders (DVA, Greater Vernon Chamber of Commerce).

CARRIED.

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Council directs Administration to request that BC Hydro proactively replaces burnt out street lights in a timely manner.

CARRIED.

5) – *Bylaw to actively enforce the above - No Recommendation*

6) *The City alert businesses to #4 above.*

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Council directs Administration to advise the Downtown Vernon Association to provide information to their Member Businesses as to how to report street lights that are in need of repair to BC Hydro and to the City of Vernon through their respective online reporting systems.

CARRIED.

7) *The City fund and support disposal costs for illegally dumped refuse on private property.*

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council direct Administration to negotiate a service agreement with the Upper Room Mission and Street Clinic to expand monthly clean ups within the City Centre neighbourhood (including Polson Park) to a weekly model, and report back to Council at the August 13, 2018 regular meeting.

CARRIED.

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council directs Administration to research and report on options wherein the City would fund and support a program for disposal costs for illegally dumped refuse on private property in support of the recommendation from the Activate Safety Task Force for the City to fund this program.

DEFEATED with Councillors Cunningham, Nahal, and Lord and Mayor Mund opposed.

V. ISSUE: DEFECATION IN PUBLIC AREAS

- 1) ***Council approve funding for toilet facilities that allow minimal but sufficient privacy (eg. walls open at the top and bottom, no locking doors, blue light etc.) in consultation with RCMP and Bylaw. One example of this type of facility is the Portland Loo™, although other designs may exist.***
- 2) ***The City install public facilities in public space(s) near hotspot locations (in consultation with RCMP and Bylaw).***
- 3) ***Council fund new facilities from the 1.9% infrastructure levy.***

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council direct Administration to investigate and bring forward a costed proposal to replace the existing washroom facility at the Transit Station with a more appropriate, hardened design for Council's consideration and inclusion in the 2019 budget;

AND FURTHER, that Council direct Administration to explore, and if feasible negotiate, a service provision contract for a public washroom, operating 24/7/365 in the area adjacent to existing social service agencies and to be presented to Council for consideration at the regular meeting of September 24, 2018.

CARRIED.

VI. ISSUE: SHOPPING CARTS

- 1) ***The City require (by Bylaw) retailers to use theft protection on shopping carts;***
- 2) ***The City require that retailers dispose of decommissioned shopping carts at their own expense;***
- 3) ***The City require retailers to recover abandoned shopping carts when identified;***
- 4) ***Bylaw enforces the above through a fine for (repeated) non-compliance; and***
- 5) ***Council ban commercial shopping carts on public property within the Business Improvement Area.***

Moved by Councillor Quiring, seconded by Councillor Nahal:

THAT Council directs Administration to bring forward a Bylaw to support recommendations of the Activate Safety Task Force, in relation to commercial shopping carts, as follows:

- 1) The City require (by Bylaw) retailers to use theft protection on shopping carts;
- 2) The City require that retailers dispose of decommissioned shopping carts at their own expense;
- 3) The City require retailers to recover abandoned shopping carts when identified;
- 4) Bylaw enforces the above through a fine for (repeated) non-compliance; and

- 5) Council ban commercial shopping carts on public property within the Business Improvement Area.

DEFEATED, with Councillors Cunningham, Lord and Mayor Mund opposed.

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council directs Administration to bring forward a Bylaw to support recommendations of the Activate Safety Task Force, in relation to commercial shopping carts, as follows:

- 1) The City require (by Bylaw) retailers to use theft protection on shopping carts;
- 2) The City require that retailers dispose of decommissioned shopping carts at their own expense;
- 3) The City require retailers to recover abandoned shopping carts when identified; and
- 4) Bylaw enforces the above through a fine for (repeated) non-compliance.

DEFEATED, with Councillors Anderson, Quiring, and Cunningham opposed.

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration that the City require (by Bylaw) retailers to use theft protection on commercial shopping carts.

CARRIED, WITH Councillor Anderson opposed.

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration to require that retailers dispose of decommissioned shopping carts at their own expense.

CARRIED, with Councillors Anderson and Quiring opposed.

Moved by Councillor Lord, seconded by Councillor Cunningham:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration to require retailers to recover abandoned shopping carts when identified.

CARRIED, with Councillors Anderson and Quiring opposed.

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration that Bylaw Compliance is to enforce regulations pertaining to commercial shopping carts through a fine for (repeated) non-compliance.

CARRIED, with Councillors Anderson and Quiring opposed.

Moved by Councillor Anderson, seconded by Councillor Nahal:

THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration to proceed with banning commercial shopping carts on public property in the City of Vernon;

AND FURTHER, that Council directs Administration, through the Community Safety Office, in collaboration with Partners in Action Shopping Cart Action Team and Bylaw Compliance, to work constructively with retailers and local focus populations to find feasible solutions to the shopping cart issue.

CARRIED with Councillor Cunningham opposed.

VII. ISSUE: GRAFFITI

- 1) *Proactive graffiti bylaw enforcement (Bylaw) and prosecution (RMCP).*
- 2) *Council reinstate municipal funding for a graffiti remediation program under Community Policing volunteers.*
- 3) *The City require business owners and landlords to report graffiti.*
- 4) *In conjunction with recommendations #2 above, the City require Bylaw to proactively enforce the Good Neighbour Bylaw with respect to graffiti remediation*

Moved by Councillor Anderson, seconded by Mayor Mund:

THAT Council direct Administration to bring forward a bylaw, or bylaw amendment(s), requiring private property owners to report, remove and/or paint over graffiti;

AND FURTHER, that Council direct Administration, through the Community Safety Office tagging and unwanted graffiti webpage, to post a user completed form to report tagging and graffiti, and to include information on proactive ways to deter tagging and graffiti, as well as, means to remove the vandalism;

AND FURTHER, that Council direct Administration, through the Community Safety Office, to reinstitute the "Anti Tag Team", and to provide funds to Operations to address tagging on a proactive basis; anticipated costs of programs \$30,000 per annum; to be brought forward as a 2019 service increment request.

CARRIED.

VIII. ISSUE: RELATIONSHIP BETWEEN SOCIAL SERVICE PROVIDERS AND NEIGHBOURING BUSINESSES

- 1) *Council provide a process to facilitate mediation and to seek a better understanding of issues impeding the success of businesses and to determine satisfactory remedies for the concerns being raised by neighbouring businesses. Furthermore, such a process must also be struck with the responsibility of identifying what the City can do to further support the agencies that serve the street population and the homeless in their effort to be good neighbours.*
- 2) *The goal of any mediation process must be to ensure safety, good neighbour relations and to establish a workable solution for all parties. To that end, the Task Force strongly recommends an independent professionally facilitated mediation structure with equal representation from the business community and service providers.*

Moved by Councillor Lord, seconded by Councillor Nahal:

THAT Council direct Administration to refer issue VIII and the Recommendations (1 and 2) of the Activate Safety Task Force, as follows:

- 1) Council provide a process to facilitate mediation and to seek a better understanding of issues impeding the success of businesses and to determine satisfactory remedies for the concerns being raised by neighbouring businesses. Furthermore, such a process must also be struck with the responsibility of identifying what the City can do to further support the agencies that serve the street population and the homeless in their effort to be good neighbours.
- 2) The goal of any mediation process must be to ensure safety, good neighbour relations and to establish a workable solution for all parties. To that end, the Task Force strongly recommends an independent professionally facilitated mediation structure with equal representation from the business community and service providers.

to Turning Point Collaborative and other area service providers for review and comment, to be provided by September 12 for inclusion in the open public agenda of Council, September 24, 2018.

CARRIED, with Councillor Anderson opposed.

ADDITIONAL ADMINISTRATION RECOMMENDATION

Relocation of Bylaw Compliance Division

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Council directs Administration to relocate the Bylaw Compliance Department and the Community Safety Coordinator to unoccupied office space in the City-owned Parkade, with one-time costs of \$55,000 funded through 2017 unexpended uncommitted balance;

AND FURTHER, that Bylaw Compliance and Facilities includes increased operating costs in the 2019 Budget as a service level increase.

CARRIED.

Councillor Quiring declared a conflict of interest in the following matter as his firm is conducting work at Kal Tire Place Arena. Councillor Quiring left the meeting at 8:12 pm.

**KAL TIRE ARENA
EXPANSION
PROGRESS - JULY
(7840-06)**

Moved by Councillor Lord, seconded by Councillor Cunningham:

THAT Council receive the memorandum titled Kal Tire Place Arena Expansion Progress – July, dated July 11, 2018, from Director, Recreation Services, for information.

CARRIED.

Councillor Quiring returned to the meeting at 8:12 pm

**DEDICATED
PICKLEBALL COURTS
– FINANCIAL
ASSISTANCE UPDATE
(8200-22)**

Moved by Councillor Cunningham, seconded by Councillor Nahal:

THAT Council receive the memorandum titled Dedicated Pickleball Courts – Financial Assistance Update, dated July 12, 2018, from the Director, Recreation Services, for information.

CARRIED.

**RESTORATIVE
JUSTICE SOCIETY –
NORTH OKANAGAN
(7500-20-06)**

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Council endorses a renewal of the funding agreement between the City of Vernon and the Restorative Justice Society – North Okanagan, for an additional three years, expiring December 31, 2021, for the provision of services for the benefit of the City of Vernon residents, in the amount of \$44,858.00 per year commencing 2019 through 2021;

AND FURTHER, authorizes Administration to execute the agreement upon acceptance by the Restorative Justice Society – North Okanagan.

CARRIED.

Councillor Nahal left the meeting at 8:12 pm

MATTERS REFERRED FROM THE IN-CAMERA MEETING – July 23, 2018:

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **July 23, 2018**, In Camera meeting:

**SCOUTS BUILDING
1901 47TH AVENUE
PURCHASE AND
IMPROVEMENTS**

'THAT Council direct Administration to purchase the building owned by Scout Properties (B.C./Yukon) Ltd., located on City owned land at 1901 47th Avenue, for \$27,500 and install the required improvements for use by Operations at a cost not to exceed \$50,000 and use the Civic Buildings Reserve for the costs of purchase and improvements.'

**RDNO-GVW
RESERVOIR PZ431 –
REMOVE LANDS FROM
B.C. LEASE 338684**

'THAT Council supports the request from the Regional District of the North Okanagan to remove approximately 11,250 m² of land from the City of Vernon Lease No. 338684 with the Province of B.C., as required for new water reservoir PZ431 1.4 ML, proposed to be accessed from Bellevue Drive, in the area south west of Valleyview Place, as shown on the schedules attached to the report titled, "RDNO-GVW Reservoir PZ431 – Remove Lands From B.C. Lease 338684", dated July 12, 2018, from the Real Estate Manager.'

NEW BUSINESS

CORRESPONDENCE:

**LETTER OF SUPPORT
– VERNON
PENSIONERS
ACCOMMODATION
SOCIETY
(0230-01)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council supports the Mayor providing a letter of support to the Vernon Pensioners Accommodation Society for their pursuit of grant funding for an addition to the McCulloch Court Building, to provide additional affordable housing options for seniors.

CARRIED.

**VERNON HERITAGE
REGISTER – REMOVAL
OF PROPERTY
LOCATED AT 3201 –
26TH STREET
(6800-03, 00068.000)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council receives the Memorandum titled Vernon Heritage Register – Removal of Property Located at 2301 – 26th Street dated July 11, 2018, from the Manager of Current Planning. .

CARRIED.

REPORTS:

**ALR NON-FARM USE
APPLICATION FOR
7701 BENCH ROW
ROAD
(ALR00015)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council support the Agricultural Land Reserve non-farm use application ALR00015, under Section 20(3) of the Agricultural Land Commission Act, for the property at Lot 8, Plan KAP77195, Sec 19, Twp 9, DL 6, ODYD (7701 Bench Row Road);

AND FURTHER, that Council support of ALR00015 is subject to the following:

That security be provided in the amount of 125% of the estimated cost of installation of a screening or Landscape Buffer pursuant to Section 6.6.2 of Zoning Bylaw #5000 to the satisfaction of the Agricultural Land Commission.

CARRIED.

**LEACHATE
MANAGEMENT AT THE
REGIONAL BIOSOLIDS
COMPOSTING
FACILITY
(5380-04)**

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council approve the expenditure of an additional \$100,000 from the Sewer Operating Reserves to facilitate the construction of the leachate containment system at the Regional Biosolids Composting Facility.

CARRIED.

**HERITAGE
RESTORATION GRANT
– 2501 23RD AVENUE
(HGS00002, 03173.000)**

Moved by Councillor Cunningham, seconded by Councillor Lord:

THAT Council approve a grant for \$3,000 to the owner of the property at 2501 – 23rd Avenue for eligible works constructed during 2017/2018 as per the Heritage Restoration Grant Program.

CARRIED.

Councillor Nahal returned to the meeting at 8:14 pm

**THE RISE GOLF
COURSE –
APPLICATION FOR A
PERMANENT CHANGE
TO A LIQUOR LICENCE
(4320-20, LL000049,
07020.200)**

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council advise the Liquor Control and Licensing Branch that Council supports the application for a Permanent Change to Liquor Licence Number 303101 submitted by Chad Scott to extend the hours of liquor sale from Noon (12 p.m.) to 10 p.m. for Monday to Sunday to 9 a.m. to 10 p.m. for Monday to Sunday for the licence held by The Rise Golf Course, located at 8800 Rising View Way (Lot A, Plan EPP19505, Sec 6, Twp 8, ODYD), based on the following reasons:

- The subject property is multi-zoned and is within the P5 – Private Park and RTC – Resort Commercial zoning district, and is located on Rising View Way at the western boundary of the City of Vernon. The zoning district permits the existing restaurant use forming part of the golf course.
- The subject property is located at the end of Okanagan Hills Boulevard in the Okanagan Hills Neighbourhood. The Rise Golf Course surrounds the subject property and there is additional commercial property (i.e. golf course) adjacent to the south-west and Resort Residential in close proximity. The existing use and proposed change to liquor sale hours allows for the business to better serve their customers in this location.
- The subject property is adequately served with on-site parking. Traffic in the area is not expected to be impacted by the proposed change in hours of liquor sales. Similarly, noise in the area is not expected to change due to the proposed change in liquor sale hours.
- The subject property is designated Tourist Commercial in the Official Community Plan with the surrounding lots designated Park and Hillside Residential. Hence, the subject property is compatible with existing and potential surrounding uses for the area.
- The RCMP have indicated that The Rise Golf Course operation and the proposed change in hours of sale of liquor do not represent any policing concerns for the detachment.
- The subject property has been used as a licenced operation for over a decade. A change to hours of liquor service to Monday through Sunday from 9 a.m. to 10 p.m. seven days per week is not expected to impact the community. The Rise Golf Course is an important component of the tourism sector within the City of Vernon.
- All owners and occupiers of lands and businesses operating within a 60m radius of the subject property were notified of the application and were provided the opportunity to provide comments to the City. A total of five property owners and occupiers, including businesses, were contacted. Advertisements requesting public input were published in the Wednesday July 4, 2018, and Friday, July 6, 2018, editions of the Morning Star newspaper. There were no responses from citizens received by the July 13, 2018, response deadline. A total of one email in support of the application from a business was received by the July 13, 2018, response deadline.

AND FURTHER, that the Liquor Control and Licensing Branch be advised that Council is in support of the subject liquor licence application as it addresses the Liquor Control and Licensing Branch criteria in the following manner:

- Noise in the area is not expected to change due to the proposed change in hours of liquor sales.
- The subject property has been used as a licenced operation since 2008. A change to extend hours of liquor sales from Noon (12 p.m.) to 10 p.m. for Monday through Sunday to 9 a.m. to 10 p.m. for Monday through Sunday is not expected to impact the community.
- It is not anticipated that a proposed change of liquor sale from Noon (12 p.m.) to 10 p.m. for Monday through Sunday to 9 a.m. to 10 p.m. for Monday through Sunday will result in The Rise Golf Course, located at at 8800 Rising View Way (Lot A, Plan EPP19505, Sec 6, Twp 8, ODYD), being operated in a manner that is contrary to its primary purpose of a full service restaurant in support of a destination golf course.

CARRIED.

**AMENDMENT OF
SUBDIVISION AND
DEVELOPMENT
SERVICING BYLAW
#3843 OVERHEAD
SERVICING
REQUIREMENTS –
INDUSTRY
STAKEOLDER INPUT
(6455)**

Moved by Councillor Quiring, seconded by Councillor Lord:

THAT Council endorse the proposed amendments to Subdivision and Development Servicing Bylaw #3843, Schedule A (Table A.1) as contained in Attachment 2 of the report titled “Amendment of Subdivision and Development Servicing Bylaw #3843 Overhead Servicing Requirements – Industry Stakeholder Input” and dated July 10, 2018 from the Manager, Engineering Development Services;

AND FURTHER, that Council direct Administration to review inclusion of undergrounding overhead works as part of the rolling four year Capital Plan for areas designated as Residential Small Lot - Single and Two Family in the Official Community Plan.

CARRIED.

**HIGHLANDS OF EAST
HILL COMPREHENSIVE
DEVELOPMENT
REVIEW PROCESS
(McMechan)
(OCP00074, ZON00294)**

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Council support the preparation of an Official Community Plan Amendment Bylaw, a Zoning Bylaw Amendment, a Phased Development Agreement Bylaw and a Housing Agreement for a portion of the land legally described as Lot A, Section 2, Township 8, ODYD, Plan 23439 Except Plans KAP 46541 and KAP47921 (901 39th Avenue) as outlined in the report titled “Highlands of East Hill Comprehensive Development Review Process”, and dated July 16, 2018 from the Long Range Planner;

AND FURTHER, that Council direct Administration to allocate an amount of \$874,050 of proceeds from the subject property sale to be placed in the Affordable Housing Reserve Fund for a land and Development Cost Charge grant to reduce the proposed purchase price of the specified Attainable Housing Units as outlined in the report titled "Highlands of East Hill Comprehensive Development Review Process", and dated July 16, 2018 from the Long Range Planner.

CARRIED.

LEGISLATIVE MATTERS:

ADOPTION

- 5700

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Bylaw #5700, "**Parks and Public Places (Smoking in Designated Areas) Amendment Bylaw 5700, 2018**" – a bylaw to amend "City of Vernon Parks and Public Places Bylaw 5057, 2007, be adopted.

CARRIED.

- 5701

Moved by Councillor Cunningham, seconded by Councillor Quiring:

THAT Bylaw #5701, "**Bylaw Notice Enforcement (Penalties for Smoking in Non-Designated Areas) Amendment Bylaw Number 5701, 2018**" – a bylaw to amend the Bylaw Notice Enforcement Bylaw, be adopted.

CARRIED.

- 5702

Moved by Councillor Quiring, seconded by Councillor Cunningham:

THAT Bylaw #5702, "**Municipal Ticketing Information (Penalties for Smoking in Non-Designated Areas) Amendment Bylaw Number 5702, 2018**" – a bylaw to amend the Municipal Ticketing Information (M.T.I.) Bylaw, be adopted.

CARRIED.

COUNCIL INFORMATION UPDATES:

COUNCILLOR BRIAN QUIRING

Councillor Quiring provided a verbal report on the following matters:

Attended:

- Noted recent very successful Art Gallery fundraiser

MEETING/EVENT ATTENDANCE

MAYOR AKBAL MUND

Mayor Mund provided a verbal report on the following matters:

**MEETING/EVENT
ATTENDANCE**

Attended:

- Boys & Girls Club Fundraiser
- Mid-Summer Eve of the Arts fundraiser
- Gondola Grand opening at Silver Star Mountain

INFORMATION ITEMS:

Council received the following information items:

- A. Minutes from the following Committees of Council:
 - (i) Affordable Housing Advisory Committee – January 9, 2018
 - (ii) Advisory Planning Committee, June 28, 2018

**CLOSE OF REGULAR
OPEN MEETING**

Mayor Mund closed the Regular Meeting at 8:31 pm.

CERTIFIED CORRECT:

 Akbal Mund
 Mayor

 Patti Bridal
 Corporate Officer

THE CORPORATION OF THE CITY OF VERNON

**RECORD OF A PUBLIC HEARING OF COUNCIL
HELD MONDAY, JULY 23, 2018 COUNCIL CHAMBERS
3400 – 30 STREET, VERNON, B.C.**

PRESENT: Mayor Mund

Councillors: J. Cunningham, D. Nahal,
B. Quiring, C. Lord, S. Anderson

Staff: W. Pearce, CAO
P. Bridal, DCAO/Corporate Officer
S. Blakely, Manager, Legislative Services
S. Koenig, Director, Operations
E. Stranks, Manager, Engineering Development
C. Broderick, Manager, Current Planning
G. Gaucher, Manager, Bylaw Compliance
S. Baher, OIC, RCMP
B. Bandy, Manager, Real Estate
D. Law, Director, Finance
A. Watson, Manager, Transportation
K. Flick, Director, Community Infrastructure & Development
R. Zubick, CPO Coordinator

Others: Members of the Public

Mayor Mund called the Public Hearing to order at 5:30 p.m.

Mayor Mund outlined the procedures to be followed.

Corporate Officer, Patti Bridal advised that Notice of the Public Hearing was published in the **Friday, July 13, 2018, and Wednesday, July 18, 2018** issues of the Morning Star Newspaper, as required by the *Local Government Act*.

Administration reviewed the rezoning application for:

A. "6473 Okanagan Landing Road Rezoning Amendment Bylaw Number 5692, 2018"

A Bylaw to rezone the property in order to create a 6 lot bareland strata residential subdivision and accommodate the future extension of a trail adjacent to Vernon Creek.

Prior to Public Hearing no written submissions were received and distributed as follows:

Administration provided a brief overview of the application.

Mayor Mund called a first time for representation from the public in attendance with regard to **"6473 Okanagan Landing Road Rezoning Amendment Bylaw Number 5692, 2018"**.

SPEAKER NAME	COMMENTS
Steve Mahon, Owner of Property	<ul style="list-style-type: none">• Development geared to seniors – all one level – accessible• Available to answer questions

Mayor Mund called a second, third and final time for representation from the public. There being none, Mayor Mund closed the Public Hearing for "**6473 Okanagan Landing Road Rezoning Amendment Bylaw Number 5692, 2018**".

CLOSE:

The Public Hearing closed at 5:36 pm.

CERTIFIED CORRECT:

Akbal Mund
Mayor

Patti Bridal
DCAO/Corporate Officer



THE CORPORATION OF THE CITY OF VERNON

REQUEST TO APPEAR AS A DELEGATION

ON 13 Aug 2018
Day Month Year

APPROVED: _____
Mtg Date: _____

(See Council Calendar on back of Form)

Date of Request: 7/25/2018

Name of Person Making the Request: Dennis GIESBRECHT

Name & Titles of Presenter(s): Dennis GIESBRECHT

Contact Information: Phone: _____ Email: _____

Mailing Address: _____

DETAILS OF PRESENTATION

We would like to present on our used
needle buy back program to clean up the
discarded sharps.

Will There be a Power Point Presentation? No *Yes (*due one week before the meeting)

Will There be written material provided for the Agenda? No *Yes (*due one week before the meeting)

DESIRED ACTION FROM COUNCIL

Allow us 5 min to present.

*Please be advised that delegations are limited 5 minutes, (followed by any questions from Council), unless otherwise resolved by Council.

(PLEASE SEE REVERSE)

Personal information collected is collected in compliance and protected in accordance with the Freedom of Information and Protection of Privacy Act and will be used for the purposes serving our citizens in a responsible and efficient manner.

Martin von Holst

RCMP Day - Committee Chair

August 4, 2018

In 1873 the Parliament of Canada established a police force named the North-West Mounted Police. In 1919 the Parliament of Canada voted to form a national police force by merging the North-West Mounted Police with the Dominion Police of Eastern Canada which had been formed 1 year after confederation in 1868. On February 1, 1920 the newly formed police force was named the Royal Canadian Mounted Police.

We are a group of Canadian citizens who would like to acknowledge a day to honour and recognize the men and women of the RCMP on February 1st each year.

We are asking for a letter of support from the Mayor and Council of the City Of Vernon so we can move forward with a petition signed by Canadian citizens directed to the Province of British Columbia, as well as to our Federal Government to ultimately acknowledge February 1st as Royal Canadian Mounted Police Day.

Thank you for considering this initiative.

Martin von Holst

FEBRUARY 1st

**RCMP
APPRECIATION DAY**

THANK YOU

157 YEARS

(1861)

IN THE MAKING

*If you are interested we are trying to Organize a
Petition to MLA Eric Foster to have February 1st Declared
RCMP Appreciation Day in British Columbia.*

THE MAPLE LEAF FOREVER

Hi Mr. von Holst,

Thank you for your email. It's great to hear that you are looking to establish an RCMP day in British Columbia.

Our RCMP Day was established through legislation introduced by Cliff Graydon, the MLA for Emerson, in 2016. You can find the legislation right here: <https://web2.gov.mb.ca/bills/41-1/b208e.php>

I can tell you that this legislation received widespread support from all parties in the Manitoba Legislature. I am copying Mr. Graydon on this email, as well. You may wish to discuss further with him how you could make this great idea happen in British Columbia.

Thank you again for contacting Minister Stefanson's office.

Ethan Cabel
Special Assistant to the Hon. Heather Stefanson
Minister of Justice and Attorney General
Government of Manitoba
Office: 204-945-0876
Cell: 204-795-6315

1st Session, 41st Legislature

This HTML version is provided for ease of use and is based on the bilingual version that was distributed in the Legislature after First Reading.

Bill 208

THE ROYAL CANADIAN MOUNTED POLICE DAY ACT

Table of Contents

Bilingual version (PDF)

Explanatory Note

(Assented to

)

WHEREAS in 1873 the Parliament of Canada established a police force named the North-West Mounted Police to enforce the law in Canada's newly acquired territory in Western Canada;

AND WHEREAS the North-West Mounted Police was first based in Manitoba;

AND WHEREAS in 1919 the Parliament of Canada voted to form a national police force by merging the North-West Mounted Police and the Dominion Police of Eastern Canada, and on February 1, 1920, the newly formed police force was named the Royal Canadian Mounted Police;

AND WHEREAS the Royal Canadian Mounted Police has continued to grow as a police force having jurisdiction in eight provinces and three territories and, through its national police services, offers resources to other Canadian law enforcement agencies;

AND WHEREAS today the scope of services and operations of the Royal Canadian Mounted Police in Canada has expanded and includes enforcement against organized crime, terrorism, illicit drugs, economic crimes and offences that threaten the integrity of Canada's national borders;

AND WHEREAS the men and women of the Royal Canadian Mounted Police have given much to our communities in terms of service and sacrifice;

AND WHEREAS there is a need to recognize and promote awareness of the important history and role of the Royal Canadian Mounted Police in Manitoba;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Royal Canadian Mounted Police Day

1 In each year, February 1 is to be known throughout Manitoba as "Royal Canadian Mounted Police Day".

C.C.S.M. reference

2 This Act may be referred to as chapter R200 of the Continuing Consolidation of the Statutes of Manitoba.

Coming into force

3 This Act comes into force on the day it receives royal assent.

Explanatory Note

This Bill proclaims February 1 in each year as Royal Canadian Mounted Police Day.



REPORT/RECOMMENDATION TO COUNCIL

SUBMITTED BY: *Will Pearce, CAO*

DATE: August 3, 2018

FILE: 0570-06

SUBJECT: COUNCIL REMUNERATION

PURPOSE:

To establish a remuneration schedule for the 2018-2022 Council, to be sworn in on November 5, 2018.

RECOMMENDATION:

1. THAT Council receive the report titled "Council Remuneration Committee – Recommendations to Mayor and Council, City of Vernon, July 2018", attached to the report recommendation titled "Council Remuneration" dated August 3, 2018, respectfully submitted by the CAO;
2. AND FURTHER, Council endorse the Council Remuneration Committee recommendations as presented;
3. AND FURTHER, Council endorse the Council Remuneration Committee recommendation to set the Mayor's remuneration (base) rate at \$1.90 per capita effective November 1, 2018; \$2.20 per capita effective November 1, 2019; \$2.31 per capita effective November 1, 2020; \$2.44 per capita effective November 1, 2021. City of Vernon population as determined by the current Statistics Canada, Census Profile, City of Vernon (Census subdivision) total population;
4. AND FURTHER, Council endorse the Council Remuneration Committee recommendation to set Councillor remuneration (base rate) at 37% of the current Mayor's salary, effective November 1, 2018;
5. AND FURTHER, that remuneration for Mayor and Councillors be adjusted by the Consumer Price Index for BC, not seasonally adjusted, August over August, all products in and that such adjustment be made as at November 1 of each year of the 2018-2022 term of Council, commencing November 1, 2018 through to and including November 1, 2021;
6. AND FURTHER, that Council direct Administration to increase Mayor and Councillor base remuneration rates by 11% effective January 1, 2019 to offset the Federal Government policy change to eliminate the non-taxable portion of local government elected officials compensation;

7. AND FURTHER, Council endorse the Council Remuneration Committee recommendation that committee meeting pay rates remain unchanged from the current Council Remuneration Policy;
8. AND FURTHER, Council endorse the Council Remuneration Committee recommendation that the Council benefits package continue as per current practice;
9. AND FURTHER, Council direct Administration to amend the Council Remuneration Policy in accordance with Council's direction arising, including appropriate "housekeeping" changes and present the amended policy to Council at the regular meeting of September 4, 2018;
10. AND FURTHER, Council authorize an honorarium in the form of a \$200 gift certificate for each Council Remuneration Committee member as appreciation for the committee members' time, thorough review and thoughtful recommendations.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the report titled "Council Remuneration Committee – Recommendations to Mayor and Council, City of Vernon, June 2018" as attached to the report titled Council Remuneration, dated July 3, 2018, respectfully submitted by the CAO and resolve to amend Council remuneration for the 2018-2022 Council, to be sworn in on November 5, 2018, as follows: *(to be cited by Council)*.
2. THAT Council receive the report titled "Council Remuneration Committee – Recommendations to Mayor and Council, City of Vernon, June 2018", as attached to the report titled Council Remuneration, dated July 3, 2018, respectfully submitted by the CAO for information.

ANALYSIS:

A. Committee/Board Recommendations:

Council Remuneration Committee Recommendations to Mayor and Council, City of Vernon, July 2018 attached.

B. Rationale:

1. At the regular meeting of January 22, 2018 Council unanimously endorsed the following motion:

"THAT Council requests Mayor Mund and the Chief Administrative Officer recruit three members of the public, with at least one member having previous elected municipal government experience, for the Council Remuneration Committee. The Committee shall review remuneration as per the Council Remuneration Policy and report back to Council in September 2018 with a recommendation for consideration, to be included in the 2019 budget."

This direction is consistent with the current Council Remuneration Policy.

2. A Council Remuneration Committee was formed by Council resolution February 13, 2018. The Committee members were:
 - Glen Benischek, Chief Executive Officer for VantageOne Credit Union
 - Wee Yee, retired engineering executive, President Vernon & Area 2017 55+ BC Games Society
 - Rob Sawatzky, former City of Vernon Mayor
3. The Committee reviewed current remuneration rates for Mayor and Councillors in comparable communities as directed by Council, the current remuneration policy, and the 2014 Elected Official Remuneration Committee report.
4. The Committee has provided its recommendations in the report titled "Council Remuneration Committee – Recommendations to Mayor and Council, City of Vernon, July 2018" attached.
5. The Committee recommends Council remuneration be adjusted by the "BC Cost of Living Index" each year of the 2018-2022 term.
6. The Committee recommends the continuance of present practice for both the Council Benefits program and Committee meeting pay.

C. Attachments:

1. "Council Remuneration Committee – Recommendations to Mayor and Council, City of Vernon, July 2018"

D. Strategic Plan Objectives:

N/A

E. Policy (Existing/Relevance/None):

1. Provincial legislation provides nominal, generic information on the core responsibilities of a Mayor and Councillor.
2. Position Descriptions for City of Vernon Mayor and Council have been completed as directed by Council.
3. The existing Council Remuneration Policy was last amended October 14, 2014.

F. Relevant History:

N/A

G. Applicants Response:

N/A

H. Reasons for Bylaw:

N/A

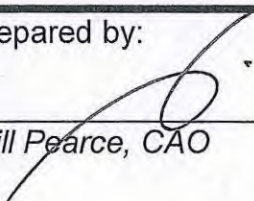
I. Resources:

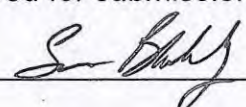
N/A

BUDGET IMPLICATIONS:

Should Council accept the recommendations as presented, Council remuneration for the 2018-2022 term would be adjusted by the Consumer Price Index for B.C., August over August, all products in, not seasonally adjusted, each year effective November 1, 2018.

The Committee has detailed proposed Mayor salary increments November 2018 through November 2021. Actual salary will be dependent on BC Cost of Living Index and Census Population. The Committee recommends Councillor Remuneration be 37% of the Mayor's rate.

Prepared by: 
 Will Pearce, CAO

Approved for submission to Council: 
 Date: Aug 7, 2018

APPROVALS	DATE	COUNCIL AGENDA INFORMATION:		
Supervisor _____	_____	<input checked="" type="checkbox"/> Regular	Date: <u>Aug 13/18</u>	Item # _____
Division Manager _____	_____	<input type="checkbox"/> In-Camera/COW	Date: _____	Item # _____
		<input type="checkbox"/> Information Item	Date: _____	Item # _____
		<input type="checkbox"/> Agenda Addenda	Date: _____	Item # _____

<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u> Committees
<input type="checkbox"/> Bylaw Services	<input type="checkbox"/> Environment	<input type="checkbox"/> Public Works	<input type="checkbox"/> _____
<input type="checkbox"/> Clerk	<input type="checkbox"/> Facilities	<input type="checkbox"/> Planning	<input type="checkbox"/> _____
<input type="checkbox"/> Economic Dev.	<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Engineering	<input type="checkbox"/> _____
<input type="checkbox"/> RCMP	<input type="checkbox"/> Fire	<input type="checkbox"/> Operations	<input type="checkbox"/> _____
<input type="checkbox"/> Building & Licensing	<input type="checkbox"/> GVS – Parks	<input type="checkbox"/> GVS - Water	
<input type="checkbox"/> Human Relations	<input type="checkbox"/> Utilities	<input type="checkbox"/> Other _____	

NOTE: City Administrator's comments will be provided if required as an addendum to the report

Attachment 1

Council Remuneration Committee
Recommendations to Mayor and Council
City of Vernon
July 2018

Committee Members:

Glenn Benischek

Wee Yee

Rob Sawatzky

Background

As per the council meeting of January 22, 2018, Mayor Mund and the Chief Administrative Officer recruited three members of the public, with at least one member having previous elected municipal government experience, to review Mayor and Council Remuneration.

The Council Remuneration Committee was comprised of the following members:

Glenn Benischek, Chief Executive Officer for VantageOne Credit Union.

Wee Yee, retired engineering executive, President Vernon & Area 2017 55+ BC Games Society.

Rob Sawatzky, past Mayor, City of Vernon.

As part of their deliberations, the Committee reviewed the City of Vernon Council Remuneration Policy, the August 28, 2014 Report to Council from the Remuneration Committee, remuneration information provided from the City of Vernon Council Benchmark Communities. In addition, the Committee reviewed the job description reports for the Mayor and Councillors that were provided by the City of Vernon in response to the recommendation of the 2014 Mayor and Council Remuneration Committee Report. The Committee also reviewed the available financial information on present City of Vernon Mayor and Council benefits, as well as the available information on the Canada Revenue Agency 2019 policy changes regarding the non-taxable portion of remuneration. This issue was also reviewed with an accountant.

It should be noted that the information provided to the Committee from the comparator communities was inconsistent in quality, completeness, and currency. The Committee members attempted to get more up to date and complete information from the internet with variable success. Like previous Committees, we worked with the information available.

The committee would like to thank the City of Vernon staff for their time and effort in providing the committee with information as requested.

Analysis

The Committee reviewed the job descriptions for Mayor and Council, and the financial reports of the City of Vernon, to fully understand their responsibilities in the community.

It became apparent that the Mayor's role is a full time position, plus additional evening and weekend duties in the community. Councillor duties are less than the mayor, but when one considers committees and community involvement, they are significant. We concluded that Council compensation should continue to be tied to a percentage of the Mayor's compensation to ensure a link between the two important roles. At present, using the data from the City of Vernon, 2017 Annual Report, the Council remuneration is at 34% of the Mayor's salary. That is below the average of our comparator communities which is 37%.

Mayor and Council oversee tangible assets of approximately \$570,000,000, as per the 2017 City of Vernon Annual Report, and a current working budget of approximately \$81,000,000. Those are very significant financial responsibilities. It should be noted that this doesn't include their similar responsibilities at the Regional District of the North Okanagan.

Our conclusion is that the responsibilities of Mayor and Council are significant, complex, and compensation programs should reflect that.

The Committee reviewed the implications of the Canada Revenue Agency 2019 policy removal of the non-taxable portion of remuneration. The Committee concluded that fairness requires that the reduction of Mayor and Council remuneration, by that policy change, should be replaced by the appropriate amount in January of 2019. It would be unfair to ask mayor and Council to do the same work for less money. Because each Council member's income and tax situation is different, we can only make an estimation of the effect. That estimation, in consultation with an accountant, is that the net loss of income would be approximately 11% if the individual had no other income, and higher if there was other income.

The Committee conducted an analysis of the compensation levels for Mayor and Council using the Council provided Benchmark Communities. We concluded that Mayor and Council are at average "in market" for compensation. The committee also used a per-capita cost basis comparison and again found that Mayor and Council were at average for compensation, with the exception of the ratio of Council pay to Mayor's salary.

Finally, the Committee analyzed the Mayor and Council compensation policy from a philosophical, best practices, perspective. We determined that it is in the best interests of our community to adopt a policy that encourages and enables the broadest possible pool of citizens to engage in serving their community. The Committee is aware that compensation can play a role for community members in their decision to commit the time and effort to serve in local government leadership roles. We need to increase compensation to more closely resemble that which would be typical of remuneration for similar levels of responsibility in the private sector, or other levels of government, if we want to enable that broader pool of the public to consider service in local government.

It should be noted that the total Mayor and Council compensation package, if adopted as recommended, would comprise less than 00.35% of the budgets they oversee.

Recommendations

Remuneration

Based on our analysis, the committee recommends that remuneration for the Mayor be increased from \$1.81 per capita as per the 2017 reported Mayor's salary, to \$2.44 per capita, over the 4 year term beginning in November of 2018. The per capita amount would be calculated on the most recent available Statistics Canada census data for the City of Vernon. At present, 2016 population is 40,116. The per capita amount would be the base salary calculator.

This recommendation is below the 2017 per capita remuneration rate of the City of Port Moody of \$2.65, and below the 2017 Port Coquitlam Mayor's salary of \$96,752.00, but represents a reasonable increase.

The Committee recommends that Mayor and Council remuneration increase by 11% on January 01, 2019 as an adjustment for the loss of the non-taxable portion of the present remuneration. This 11% would be a permanent replacement increase to the base salary. The 11% would first be applied to the amount of the November 2018 Mayor's salary when the CRA loss of non-taxable portion occurs on Jan 01, 2019.

The Committee recommends that the BC Cost of living index continue to be applied each year.

The Committee recommends that the Mayor Salary increments be calculated as follows:

-the annual per capita base salary calculator multiplied by the available census number, and finally the annual BC Cost of Living (COLA) amount added annually to that total.

The calculations below reflect those Mayor's Salary formulae as closely as possible using the data that is known:

1. November, 2018- $\$1.90 \text{ per capita} \times \text{census population of } 40,116 = \$76,220.00$. It is assumed here that COLA was already added for 2018. If it was not, it would be.
2. Jan 01, 2019- 11% of $\$76,220.00$ be added to adjust for the CRA loss of the non-taxable portion of salary. That gives a base salary of $\$84,604.00$ to which COLA would be added.
3. November, 2019- $\$2.20 \text{ per capita} \times \text{available census population, plus COLA}$. If the census population is 40,116, the salary = $\$88,255.00 \text{ plus COLA}$
4. November, 2020- $\$2.31 \text{ per capita, plus COLA}$. If census population is 40,116, the salary = $\$92,668 \text{ plus COLA}$
5. November, 2021- $\$2.44 \text{ per capita, plus COLA}$. If census population is 40,116, the salary = $\$97,883 \text{ plus COLA}$

The Committee recommendation is that the Councillor remuneration ratio be increased to 37% of the Mayor's salary. That ratio is the average of the ratios of the comparator communities.

Benefits

The Committee recommends the continuance of present practice.

Committee Meeting Pay

The Committee recommends the continuance of present practice.

Summary

Mayor

- Remuneration increased incrementally over the next 4-year council term to \$2.44 per capita as the base salary calculator
- Continue remuneration BC Cost of Living Index increase annually
- Continue benefits package present practise
- Provide an 11% salary increase beginning in Jan 2019 to compensate for the non-taxable salary portion loss
- Continue present Council Committee remuneration policy

Council

- Remuneration at 37% of Mayor's salary with the same BC Cost of Living Index annual increase applied
- Continue benefits package present practise
- Continue present Council Committee remuneration policy

ADMINISTRATION UPDATES
AUGUST 13, 2018 REGULAR COUNCIL MEETING

File: 0550-05

COMMUNITY INFRASTRUCTURE AND DEVELOPMENT SERVICES

A Resource for Okanagan Lakeshore Living

Okanagan lakeshore property owners (including those in the Regional District of South Okanagan, the Regional District of Central Okanagan, and the City of Vernon) will soon be receiving a resource guide for lakeshore living. This resource guide was developed by partnership agencies and organizations working together across the valley to enhance and restore natural ecosystems, protect water quality, and better understand how to reduce potential damage of future flood events. Okanagan Lake is a valuable natural and recreational asset and is one of the most popular destinations for residents and visitors in the valley. A digital version of the guide is available at <http://lakeshore-living.okcp.ca> and a hard copy has been provided for information in the Councillors' Room.

Urban Bees Delegation

Administration will provide a report for Council's consideration at its Regular Meeting of September 24, 2018 regarding the urban bees presentation made by Dawn Tucker at Council's Regular Meeting of July 23, 2018. Ms. Tucker is requesting that Council consider amending the Beekeeping Bylaw to permit bees in additional zoning districts in the city.

SAFER Homes

Since the Rental Housing Incentive Grant policy was amended on January 11, 2016 to include the requirement to build to SAFER standards, no new applications have been received for the Rental Housing Grant. Administration anticipates bringing forward a report to Council at its Regular Meeting of September 24, 2018 to address the existing Rental Housing Grant Program as it pertains to private sector, purpose built rental housing.

24th Avenue (39th Street to 43rd Street) Sidewalk

The sidewalk construction is complete. Signage, paving, and miscellaneous cleanup work is scheduled to be completed the week of August 7, 2018. The project is on schedule and within budget.

Pottery Road (City Boundary to 13th Street)

The work to install the new water main was completed on August 6, 2018. Public Works will be completing the road construction work to construct a widened shoulder by September 4, 2018.

30th Street (34th Avenue to 37th Avenue) and 35th Avenue (27th Street to 30th Street) Projects

Work continues in the intersection of 30th Street and 35th Avenue and has been delayed until the end of August 2018 due to necessary coordination with BC Hydro. 35th Avenue, from 27th Street to 28th Street, is closed for construction until the end of August in time for the start of the 2018 school year. Work is planned to continue into fall 2018 for the remainder of the project work outside of portion of 35th Avenue near the school. The project team is also working with CN for the approval to reconstruct the railway crossing on 35th Avenue between 28th and 29th Street. Expected project completion is November 2018. The project team continues to coordinate and communicate detours with the public and local business, as well as with the RCMP and Vernon Fire and Rescue Services. Overall the project is on schedule, despite the BC Hydro delay, and within budget.

Okanagan Landing Sewer CWWF Project

Work started in the Bella Vista Road area with a road closure for the project area. Construction is expected to be complete by the end of September for this portion of work. The project is within the budget and schedule.

Expanded Cleanups in the Downtown

Arising from consideration of the Activate Safety Task Force recommendations at the Council Meeting of July 23, 2018, Jan Shumay, the Executive Director of NOYFSS, has indicated that they are prepared to enter a service agreement with the City of Vernon to facilitate weekly clean ups. Administration is currently working with the Executive Director on the details of the agreement.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 7800-09
PC: Patti Bridal, Director, Corporate Services **DATE:** August 3, 2018
FROM: Doug Ross, Director, Recreation Services
SUBJECT: *Priest Valley Arena Safety Upgrades Complete*

The purpose of this memo is to update Council on the progress and costs of safety upgrades that were required in the Priest Valley Arena and as per Council's direction provide a report in an open regular meeting once the work was awarded and/or completed.

As Council is aware, there was a serious and tragic accident involving ammonia refrigeration in the Fernie arena in October of 2017. As would be expected, since the accident both Technical Safety BC (TSBC) and WorkSafe BC (WSBC) have dramatically increased their attention and focus on ammonia safety. The TSBC report on the Fernie incident has recently been released and a number of recommendations were identified.

The Vernon arenas are audited annually. In April of 2017, TSBC conducted its annual audit of the Vernon Arenas and they were found to be operating within safety code and as such retained their risk assessed status. In November of 2017, WSBC conducted an assessment (the first in many years) of the Vernon Arenas and there were certain minor items that were identified that required correction and/or modification. All of the recommendations were carried out within a few weeks.

Since last November, new code requirements have come into effect while other existing requirements have been reinterpreted and/or emphasized more than in the past. WSBC's attention and involvement in arenas has also added an additional regulatory body to deal with. Due to this, in order to be deemed code compliant, arenas all over the province are being required to make upgrades in a relatively short period of time.

In anticipation of our TSBC annual audit, our staff along with a refrigeration contractor did a proactive inspection of our facilities and found that additional work was required to meet the new evolving guidelines. The following items were either required or were recommended for the Priest Valley Arena.

Item 1. Installation of vent stack sensor - This was a WSBC code requirement. The sensor will alert staff onsite of a release of ammonia, and dial out to managers off site. The work was completed during our annual shutdown. Total cost \$6,460.

Item 2. Suction line repair - There is a maintenance requirement to inspect certain items in the plants quarterly. Upon a recent inspection, signs of corrosion were found when pipe insulation was removed. A small amount, (5 - 6 feet) of the 50 foot length of pipe showed some corrosion and required replacement. The entire length of pipe required new insulation and while carrying out the work, two other areas were investigated and required re-insulation. Initial quote was - \$14,543 this work is anticipated to be completed under budget in August.

Item 3. Control panel disconnect switch - There is an annual maintenance requirement to inspect all electrical panels in the plant. During the most recent inspection a deficiency was discovered and required repair before the Curling Club and Centennial Outdoor Rink could be put into use. While carrying out this work, some additional items were identified as requiring replacement. This work is complete and the estimated cost is \$22,000.

Item 4. Pressure Relief Devices – There is a requirement to annually inspect pressure relief devices and replace them every 5 years. During the most recent inspection, it was determined that two of the devices on the condenser tower required replacement. In addition to the replacement of the devices, a 3 way valve was installed so that routine maintenance or replacement can be done while the plant is operational. This work was completed and came in under budget at a cost of \$3,113.

Item 5. Exhaust Fans and Venting Stack – In May, the requirements for compliance had yet to be fully understood and agreed upon with WSBC. This was an extremely technical and complicated project as a number of regulations had to be met. The scope of work has now been determined and the work has been awarded and will be carried out in late August. This project is estimated to cost \$31,000.

Item 6. Class T Machinery Room and Vestibule Enhancements - These items are being recommended to increase staff and public safety. Enhancements include, plant room video feeds, updated lights and sounds for high and low alarms and silence switches. These items are part of the new expectations from WSBC and TSBC and follow best practices from other arenas. This aspect of the project gives staff the ability to view the compressor room from the safety of the adjacent vestibule or online. Cost of these upgrades will be \$7,875.

New Item 7 – Vestibule Wall – In further reviewing the requirements and the layout of our compressor room in relation to the access from the Curling Rink, it was determined that a wall needed to be erected to create a separate space and single entrance to the compressor room. This also required the re-routing of some plumbing and electrical. Cost of this project was \$3,562 and will be completed by mid-August.

New Item 8 – Relocate Gas Line – It was determined that a gas line needed to be repaired and relocated while carrying out the other projects. This work is complete and cost \$1,192.

In May it was estimated that it could cost anywhere from \$52,000 to \$87,420 to complete all of the identified upgrades. As TSBC and WSBC were continuing to make changes and recommendations it was recommended and approved by Council that up to \$100,000 be allocated from the Recreation Facility Operating Reserve Fund to carry out the required work and that the funds be replaced in 2019 through the Recreation Major Maintenance budget.

Based on the work that has been completed, quoted and awarded the total cost of completing the safety upgrades at the Priest Valley Arena is estimated at \$90,000. All work is anticipated to be complete by mid-September. Any required upgrades at Kal Tire Place are being done as part of the expansion project and covered within the project by contingency funds.

Technical Safety BC has just completed our annual audit for both arenas and based on the work that has been completed and is scheduled to be done, our facilities are **fully compliant with the new requirements**. It must be emphasized that our facilities were safe. This work has further enhanced and elevated safety for the staff and the public at the Priest Valley Arena and Recreation Complex.

RECOMMENDATION:

THAT Council receive the memo titled *Priest Valley Arena Safety Upgrades* dated August 3, 2018 from Doug Ross, Director Recreation Services, for information.

Respectfully submitted:

A handwritten signature in black ink, appearing to be 'D Ross', written over a circular scribble.

Doug Ross
Director, Recreation Services



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 7840-06
PC: Patti Bridal, Deputy CAO **DATE:** August 3, 2018
FROM: Doug Ross, Director, Recreation Services
SUBJECT: *Kal Tire Place Arena Expansion Progress - August*

The purpose of this memo is to provide Council with a high level report on the progress of the Kal Tire Place Arena Expansion Project. As per the Design, Build, Operate and Maintain Agreement with the Regional District of North Okanagan, the City is solely responsible for the project and is required to provide a monthly progress report.

Fifteen months into the construction phase, the project is still, on time and on budget.

As the project is now getting closer to completion, the exterior of the facility is starting to take on a more finished look. Concrete curbing, sidewalks and the main entrance plaza have been installed and paving on the east and north sides of the building was started on August 1.

Inside the facility finishing work is underway in a number of areas. The flooring for the transition area is underway, doors and hardware are being installed, and washroom hardware and fire extinguisher cabinets are complete. Lighting is mostly complete except for the lobby, which has painting underway. Sockets and switches are being installed. Fire alarms have been installed and have been tested.

New requirements from Technical Safety BC and WorkSafe BC including changing the emergency exhaust venting from the compressor room, installing an exhaust monitor and installing an additional ammonia alarm light have been added to the project and will use some of the remaining contingency. The construction contingency now sits at 1.08%.

RECOMMENDATION:

THAT Council receive the memorandum titled Kal Tire Place Arena Expansion Progress – August, dated August 3, 2018 from Doug Ross, Director, Recreation Services for information purposes.

Respectfully submitted:


Doug Ross
Director, Recreation Services



Plaza – Concrete for the plaza in front of the new building has been poured..



Movable Wall – The movable partition wall has been installed in the transition area.



Paving – Paving has been completed on both the east and north sides of the building.



New Flooring – Flooring is installed in the new Civic Room which is part of the transition area.



Paving – Crew works to pave the east side of the new building.



Bleacher Glass – new higher glass is installed in the bleacher area.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, Chief Administrative Officer **FILE:** 8300-08-02
PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** July 31, 2018
FROM: Angela Broadbent, Active Transportation Coordinator
SUBJECT: Proposed Parkade Signage

At its Regular Meeting of March 14, 2016, Council passed the following resolution:

“THAT Council support refurbishing the Parkade signage and installation of a new ‘Parking - Free on Saturdays’ sign on the Parkade as outlined in the report titled “Proposed Parkade Signage and Request to Display Temporary Artwork on the Downtown Parkade” dated March 1, 2016 from the Long Range Planner;

AND FURTHER, that up to \$25,000 be drawn from the Rate Stabilization Reserve to fund this project;”

The original recommendation to Council was to replace the four existing Parkade signs within the approved budget. A quote has been obtained to replace two of the existing signs at a cost of \$22,600 plus taxes. As replacing all four signs would require additional funding, Administration recommends proceeding with the replacement of the signage on the north east corner of the Parkade. Signage on this corner would have the greatest impact as it would be visible to vehicles on Highway 97. Additional signage on the south west corner is unnecessary and not recommended as it would have minimal impact due to sightlines, traffic volumes and existing wayfinding signage on 30th Avenue and at Parkade entrances and exits, which provides sufficient direction. Funding for this project would come from the approved Parkade signage project carry-over budget of \$20,666 with the remainder from the general Parkade improvements carry-over account.



Existing signage – north side.



Proposed signage – north side.

RECOMMENDATION:

THAT Council support replacing the Parkade signage located on the north east corner of the Parkade as outlined in the memo titled "Proposed Parkade Signage" dated July 31, 2018 from the Active Transportation Coordinator, and not proceed with replacing the Parkade signage located on the southwest corner of the Parkade.

Respectfully submitted:



Angela Broadbent
Active Transportation Coordinator

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Memo Proposed Parkade Signage.doc



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 5280-03

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** July 31, 2018

FROM: Jing Niu, Environmental Planning Assistant
Shawn Knuhtsen, Manager, Building & Licensing

SUBJECT: BC Energy Step Code Proposed Timeline and Stakeholder Engagement

Background

At its Regular Meeting of April 9, 2018, Council received a memorandum on the “BC Energy Step Code and Regional Approach”. The memorandum identified greenhouse gas (GHG) emissions reduction commitments, an introduction to the BC Energy Step Code, and an opportunity for a collaborative Okanagan regional approach. Administration had committed to keeping Council apprised of developments and opportunities as information became available.

BC Energy Step Code

Enacted in 2017, the BC Energy Step Code (“Step Code”) is a provincial standard that provides a consistent and incremental approach to achieving energy efficient buildings that go beyond the requirements of the BC Building Code. This new standard is a key measure to enable BC to meet the provincial goal of constructing net-zero energy ready building by 2032, and help local governments achieve their GHG emissions reduction targets. The Step Code achieves this by establishing a series (or steps) of measurable, performance-based energy efficiency requirements for construction that communities may choose to adopt when ready.

The Step Code marks the transition from a prescriptive to a performance-based approach. This means the Step Code does not specify how to construct a building, but identifies an energy efficiency target that must be met and lets the designer/builder decide how to meet it. In the Okanagan, the Step Code can currently be applied to Part 9 buildings (houses and small buildings), which has 5 levels of performance targets broken down to lower and upper steps (Figure 1). Application to Part 3 buildings – larger residential and commercial buildings – is anticipated to be available in the Okanagan starting 2019.



Figure 1. BC Energy Step Code: Steps for Part 9 Buildings

The Step Code was developed over multiple years in consultation with stakeholders including the building and development sectors, associated trades and professionals, utilities, public agencies, non-government organizations, and local governments. The province has identified 2017-2020 as a transitional period, during which time the Energy Step Code Council (comprised of associations representing the stakeholders identified above) will provide preliminary support to local governments as they transition towards the consultation, engagement and implementation of the Step Code. The BC Building Code will be updated to require staged increases in energy performance once the transition period formally closes. The province has identified their intent to increase the energy requirements in the BC Building Code in 2022 (20% more efficient) and 2027 (40% more efficient), and move to the higher steps of the Step Code as a minimum requirement by 2032.

Recognizing that builders, designers, and trades will need time to establish capacity to achieve better performance buildings, the Energy Step Code Council (the “Council”) recommends that local governments begin by citing the lower steps (Figure 1) in their regulations and reference upper steps when paired with additional incentives.

Regional Approach

Through the multi-year Step Code development process, it was recognized that many industry professionals and trades work across several municipalities, therefore an important aspect of understanding industry availability and capacity is knowing the demand for these services throughout the Okanagan. The local building and development industry, including the Urban Development Institute and the Canadian Home Builders Association, has also indicated that having a regional approach in the Okanagan would provide the development industry consistency and equal opportunity. In addition, a regional approach would also allow participating local governments to leverage

collaborative resources to undertake consultation, education and engagement opportunities.

As such, building and sustainability officials in the Okanagan have continued working on a regional Step Code approach. This is demonstrated by regional partners that have submitted a notice to consult and committed their participation in the regional Step Code implementation approach (Figure 2). Though each municipality is at a slightly different stage in its engagement process and timelines, regional partners have generally indicated the intention to implement minimum Step Code requirements by the end of 2019.

Local Government	Notice to Consult Submission Date	Council Introduction	Regional Approach
Kelowna	January 22, 2018	March 26, 2018	Y
West Kelowna	April 12, 2018	March 27, 2018	Y
Vernon	March 19, 2018	April 9, 2018	Y
Penticton	January 27, 2018	June 5, 2018	Y
Lake Country	June 7, 2018	June 5, 2018	Y
Summerland	June 5, 2018	May 14, 2018	Y
Peachland	January 27, 2018	March 27, 2018	Y

Figure 2. Okanagan Regional Government Adoption Tracker

Proposed Timeline and Engagement Strategy

The proposed timeline, as shown below in Figure 3, reflects the current capacity of the local building industry to build to a higher standard and provides some time for Administration and industry to prepare for new requirements. The September 2019 implementation timeline provides Administration with the opportunity to deliver additional industry engagement and educational support during the “off-peak” winter development season, and an opportunity to reflect and incorporate lessons learned from communities that would have initiated its implementation process (i.e. Penticton - January 2019, Kelowna - April 2019). It would also provide industry and the City’s internal departments with a year to prepare for the transition to the Step Code requirements.

Part 9 Building Type	2018	2019	2019	2020	2022
	Winter	April	Aug/Sept	Sept/Oct	
SFD/2/3/4 - Plex	Additional education & engagement	Bylaw Adoption	Level 1	Level 2	Level 3
Rowhouse / Low-Rise Apartments	Additional education & engagement	Bylaw Adoption	Level 1	Level 3	Level 3

Figure 3. Preliminary Step Code Implementation Timeline for City of Vernon

A combination of stakeholder engagement using digital and in-person methods, as well as of targeted (e.g. workshop) and passive (e.g. advertising) information is proposed to gather feedback on the proposed Step Code implementation regime. This approach is supported by the provincial guidance for the successful implementation of the BC Energy Step Code (an excerpt of the recommended Step Code implementation strategy overview is provided in Attachment 1). This process would:

- Engage and inform stakeholders of the proposed policy timeline;
- Offer educational opportunities that would help support an understanding of the requirements needed to achieve compliance under the BC Energy Step Code;
- Identify complementary supports for more energy efficient development, including such initiatives as energy labelling and/or additional bylaw incentives such as setback relaxation for thick wall exclusion; and
- Gather feedback on the tools and resources needed to support a smooth transition to the BC Energy Step Code.

Budget/Resource Implications

In accordance with the “City of Vernon 2018-2022 Financial Planning Bylaw #5666”, any necessary funding for the BC Energy Step Code stakeholder engagement, education and implementation would be funded from the existing 2018 Building and Licensing budget. Additional regional collaboration and partnerships, and external resources from provincial programs and utility operators, will also contribute to the success of the proposed strategy.

Next Steps

Engaging stakeholders on the Step Code would help ease the development market into future requirements and help address the City of Vernon’s GHG emissions reduction commitments. Should Council support the proposed timeline and engagement strategy, Administration would report back to Council following stakeholder engagement to recommend a revision to the Building Bylaw, along with ongoing educational and engagement initiatives to support a smooth transition to Energy Step Code adoption.

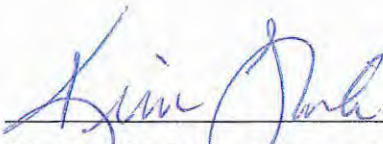
RECOMMENDATION:

THAT Council support the proposed timeline and stakeholder engagement strategy for the BC Energy Step Code as described in the memorandum titled “BC Energy Step Code Proposed Timeline and Stakeholder Engagement” and dated July 31, 2018 from the Environmental Planning Assistant and the Manager of Building and Licensing.

Respectfully submitted:



Jing Niu, Environmental Planning Assistant
Community Infrastructure & Development



Shawn Knuhtsen, Manager of Building & Licensing
Community Infrastructure & Development

Attachments:

1. Attachment 1 – Developing Your BC Energy Step Code Strategy, Excerpt of BC Energy Step Code – A Best Practices Guide for Local Governments

G:\5200-5799 ENGINEERING AND PUBLIC WORKS\5280 ENVIRONMENT AND SUSTAINABILITY\03 PROGRAMS & PROJECTS\BC ENERGY STEP CODE\2018\COUNCIL\180731_JN_MEMO_BCENERGYSTEPCODEPROPOSEDTIMELINE&STAKEHOLDERENGAGEMENT.DOCX

4 Developing Your BC Energy Step Code Strategy

4.1 Key Steps to Develop Your Strategy

All local governments are encouraged to develop a comprehensive strategy when incentivizing or requiring one or more steps. Taking a strategic approach to the BC Energy Step Code will involve understanding the scope and opportunity provided by the legislation, as well as consulting with relevant stakeholders in your organization and community to identify and assess risks and opportunities.

These discussions will inform the approach that is most suitable to your community, and will give your local building community time to plan and prepare for the coming changes.

For the transition period – at least until 2020 – local governments that are considering the application of the BC Energy Step Code on a community-wide scale should only require the Lower Steps, except in specific circumstances where Upper Steps might be required when paired with appropriate benefits.

The following section outlines the key steps to defining an approach to the BC Energy Step Code suitable to your community. Each community will need to establish a specific process that fits its circumstances.





Refer to the BC Energy Step Code web site (energystepcode.ca) for resources, updates, training publications, and webinars.

1

Review resources.

- Review communications, awareness and training publications, and webinars available at: energystepcode.ca
- Contact BC Housing to help identify energy-efficient buildings and energy-efficiency expertise in your area
- Join a local government Peer Network to work together on effective *BC Energy Step Code* implementation. Contact BC Hydro for more information (sustainablecommunities@bchydro.com)

2

Notify the ESCC of intent to consult and reference the BC Energy Step Code.

Visit energystepcode.ca to obtain the form and instructions on how to notify the ESCC

3

Consult, define your program details and prepare policies and/or bylaws.

A. Conduct consultation

- Establish a process and determine who you need to engage and why (see 4.2)
- Develop clear timelines that meet the Provincial policy (see 4.3)
- Re-engage as needed, being sure to incorporate sufficient time should your approach change after consultation

B. Consider appropriate tools

- Identify **tools** to reduce barriers, mandate changes, and/or demonstrate leadership in civic buildings (see 3.2)

C. Review policies and processes

- Streamline affected development approvals
- Minimize the impact on building permit approval timelines (see 4.4)
- Harmonize with district or alternative energy policies (see 4.5)

D. Identify communications and awareness needs

- Which staff, elected officials and advisory members need training?
- How can your local government support industry to connect with training resources?
- What local communication materials need to be updated or created?

E. Adopt policies and bylaws, based on consultation outcomes

F. Identify clear timeframes and indicate future intentions (see 4.6)

G. Identify how to monitor your program's success (see 4.7)

H. Identify opportunities to demonstrate leadership

- Local government corporate policies and tenders (see 4.8)

4

Notify the ESCC once plan is approved and ready.

5

Launch and administer the BC Energy Step Code as defined for your community.

4.2 Consultation: Who to Engage and Why

Engaging with the appropriate stakeholders while defining your strategy will shape an approach that is suitable to your local building culture. The level of engagement needed will vary by community and by the type and extent of the proposed new policy, program, or bylaw.

Conducting meaningful engagement with the stakeholders identified not only helps you develop a suitable approach, it helps raise awareness and prepare industry for changes that will be coming in your community and across the province.

An overview of important stakeholders, and their role in strategy development and implementation includes:

- **Staff:** Planning, development, and building compliance staff will help define the strategy. Staff can identify potential alignments or conflicts with existing policies, processes, and bylaws, and identify preferred policy tools. Staff can also identify opportunities for communicating about the *BC Energy Step Code* with the community – through front-desk inquiries, at pre-application meetings, during building permit application, and others.
- **Elected officials and approval bodies:** Elected officials need to understand the *BC Energy Step Code*'s purpose and objectives, be briefed on the outcomes of the consultation process, provide support for the program, and communicate the community's approach and priorities with respect to energy efficiency and the *BC Energy Step Code*. Approval bodies, including design review panels and planning commissions, will need to understand the purpose and objectives, and how increasing energy efficiency may change the form and design of new buildings.

- **Industry:** Representatives from the appropriate building sector (Part 3, Part 9, or both – including designers, builders, energy professionals, trades, and suppliers) will be key participants in identifying the types of policy tools and incentives that are appropriate for the steps being proposed, and identifying potential conflicts with existing policies, processes, and bylaws that need to be addressed. As a best practice, local governments may also consider using forums to facilitate connections among Energy Advisors, builders, designers, construction companies, and suppliers.
- **Neighbouring local governments:** Many industry professionals and trades work across several municipalities, so an important aspect of understanding how available industry is to deliver services in your community is knowing what demand there may be for these services in the region. Neighbouring communities can provide information on type and scale of programs being put in place, and may be interested in aligning programs to enhance regional consistency.
- **Public:** Public engagement helps share messages, gauge support for new objectives, and gather input during strategy development. The public should be introduced to alternative building designs that may appear more frequently, and the benefits of energy-efficient buildings.

Ideas and Resources for Engaging Stakeholders



- The Energy Step Code Council is pleased to make a Microsoft PowerPoint™ presentation available, upon request, to local government staff and elected officials. The presentation is a primer on the standard, explaining how it came to be, how it works, and how local governments are already requiring or incentivizing high-performance buildings. Request a copy of this presentation to use in your community through the "contact" section of energystepcode.ca.
- Host an "all parties" forum to bring together your building officials and planners, designers, Energy Advisors, builders, trades, and suppliers to ensure that everyone that will deal with proposed new *BC Energy Step Code* provisions is on the same page and has the same interpretation of the new requirements.
- Collaborate with local networks, industry associations, and schools to distribute primers and notices about workshops.
- Have building officials attending site visits alert the builder of the upcoming changes, providing handout materials and other communication materials.
- Create information boards or notices to post at City Hall, and at local building centres, plumbing suppliers, and other areas that interested parties may convene or frequent.





THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO

FILE: 5400-22

PC: Patti Bridal, Deputy CAO
Shirley Koenig, Director, Operations

DATE: August 8, 2018

FROM: James Rice, General Manager, Public Works

SUBJECT: *Fire Risk – Community Warning Signs*

During the 2017 fire season, the City rented and temporarily installed four mobile LED information signs. The signs were located at all three highway entrances to the City as well as a location near the intersection of Okanagan Landing Road and Tronson Road. The signs were programed to read "Extreme Fire Risk" and "Do Not Flick Your Butts". The rental of these signs was approximately \$6000/month. If purchased, the signs would be approximately \$25,000 each.

Following the 2017 fire season, the Fire Department arranged to have permanent signs located at the four locations noted above (see picture below). The signs were recently installed at all locations with the exception of highway 97 north. The remaining sign will be installed once the Stickle Road construction project has been completed. The total cost of the signs including installation was approximately \$5000 and was funded from the unspent 2017 Fire Prevention budget and installed by City Crews.



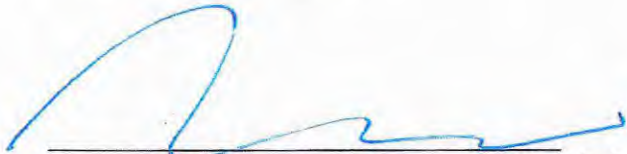
Sign recently installed near the intersection of Okanagan Landing Rd and Tronson Rd

RECOMMENDATION:

THAT Council receive the report titled "*Fire Risk – Community Warning Signs*", dated August 8, 2018 and respectfully submitted by the General Manager, Public Works;

AND FURTHER, that Council accepts the recently installed permanent Fire Hazard Rating signs as satisfactory and withdraws the request to place additional temporary Fire Hazard signs.

Respectfully submitted,



James Rice, General Manager, Public Works



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO

FILE: 4000-01-10

DATE: July 28, 2018

FROM: Geoffrey Gaucher, Manager – Protective Services

SUBJECT: PROPOSED AMENDMENTS TO THE PARKS AND PUBLIC PLACES BYLAW 5057, THE BYLAW NOTICE ENFORCEMENT BYLAW 5250 AND THE MUNICIPAL TICKETING BYLAW 5300

At their In Camera meeting held on July 23, 2018, Council discussed the recent Smoking Prohibition changes to the Parks and Public Places Bylaw. This highlighted the need for an amendment to the bylaw to prohibit smoking at lake access sites, as they are highways under the definition in the Parks and Public Places Bylaw #5057 and would be exempted from the No Smoking provisions.

Administration recommends that Council consider an amendment to the Parks and Public Places Bylaw #5057 whereby smoking is prohibited at all lake access sites.

Also to amend the definition of “road end” which is currently used, to that of “lake access site” to meet current terminology. The addition of Sec 17(d) of the Parks and Public Places Bylaw would allow the prohibition of smoking at designated developed “lake access sites” by posting the appropriate signs.

The designation of the lake access sites where smoking would be prohibited would be undertaken by Administration through input from Community Infrastructure & Development, Protective Services, Recreation Services and Parks Planning.

DEFINITION:

“lake access site” means a portion of highway located between an intersecting highway and a natural lake or watercourse.

LEGISLATION:

The smoking prohibition within The Parks and Public Places Bylaw #5057 would therefore appear as:

17. No Person shall smoke:

- (a) in a Public Place, but does not include a Highway or a Designated Smoking Area;

- (b) at or within 7.5 metres of any Transit Stop;
- (c) in any Park;
- (d) at or within any portion of a Highway designated a "Lake Access Site".

CONTRAVENTION PENALTIES:

The amendment to the Parks and Public Places Bylaw 5057 to Prohibit Smoking at Lake Access Sites has also required amendments to the Bylaw Notice Bylaw 5250 and the Municipal Ticketing Bylaw 5300 to add the offence sections and applicable fines. The ticketing fine amounts have been set in line with similar types of offences in the Parks and Public Places Bylaw in order to encourage compliance and not to be overly punitive.

ATTACHMENTS:

1. "The Parks and Public Places Bylaw #5057" with amended definition of "lake access site" and the addition of Section 19(d) (Attachment 1)
2. "The Bylaw Notice Enforcement Bylaw #5250" (Attachment 2)
3. "The Municipal Ticketing Bylaw #5300" (Attachment 3)

RECOMMENDATION:

THAT Council approve Bylaw amendments to:

1. "The Parks and Public Places Bylaw #5057"
2. "The Bylaw Notice Enforcement Bylaw #5250"
3. "The Municipal Ticketing Bylaw #5300"

as presented in the memorandum titled "Proposed Amendments To The Parks And Public Places Bylaw" dated July 28, 2018 from the Manager, Protective Services.

Respectfully submitted:



Geoffrey Gaucher



City of Vernon

**PARKS and
PUBLIC
PLACES
BYLAW**

#5057

Bylaw Number 5057

- i) an area of land, including a highway or park, or improvement on the land, in respect of which the City holds an interest so as to possess and control the land or improvement, which land or improvement is available for public use, access or both, and includes without limitation civic buildings, areas around civic buildings, or areas developed for use on a highway;
- ii) unoccupied areas of Crown Land contiguous to a watercourse. *(Bylaw 5476)*
- ~~(q) “road end” means a portion of highway located between an intersecting highway and a natural lake or watercourse;~~
- (q) “lake access site” means a portion of highway located between an intersecting highway and a natural lake or watercourse;
- (r) “**temporary shelter**” means a tent, lean to or other form of shelter that is temporary and portable in nature that is constructed from nylon, plastic, cardboard or other similar non-rigid material, and that covers an area of less than ten (10) square meters; *(Bylaw 5637)*
- (s) “**traffic control device**” means a sign, signal, line, metre, marking, place, barrier or device not inconsistent with the *Motor Vehicle Act*, placed or erected by authority of the City or a person authorized by Council under an enactment to exercise that authority; *(Bylaw 5637)*
- (t) “**Transit Stop**” means a sign posted location where public transit vehicles or Vehicles for Hire stop to pick up riders, and distances from a **Transit Stop** shall be measured from the sign that identifies the **Transit Stop** location; *(Bylaw 5678)*

Bylaw Number 5057

- (m) possess paraphernalia for the purposes of storing, transporting or using a controlled substance.
- (n) create a nuisance by interfering with an approved event or rental occurring within an area of a park set aside for specific use through a permit issued under the authority of the Parks Manager. *(Bylaw 5476)*

17. No Person shall smoke:

- (a) in a Public Place, but does not include a Highway;
- (b) at or within 7.5 metres of any Transit Stop;
- (c) in any Park. *(Bylaw 5678)*
- (d) at or within any portion of a Highway designated a "lake access site".

Seizure and Detention

18. The Park Manager, a Peace Officer, a Bylaw Enforcement Officer appointed by Council, a city officer or employee, or an agent of the City may remove from a public place a vehicle, camping equipment forming part of a temporary shelter or other item that contravenes this bylaw and deliver same to a place of safekeeping



City of Vernon

**Bylaw Notice
Enforcement
Bylaw
#5250**

DESIGNATED BYLAW CONTRAVENTIONS AND PENALTIES

5057	14(b)(v)	Erect Temporary Shelter on Pathway or Trail <i>(Bylaw 5639)</i>	\$50.00	\$40.00	\$60.00	NO
5057	15	Urinate or Defecate in Public Place	\$100.00	\$90.00	\$120.00	NO
5057	16(a)	Place or Construct Structure	\$100.00	\$90.00	\$120.00	NO
5057	16(b)	Conduct Business	\$100.00	\$90.00	\$120.00	NO
5057	16(c)	Place Advertising	\$100.00	\$90.00	\$120.00	NO
5057	16(e)	Improper Parking	\$50.00	\$40.00	\$60.00	NO
5057	16(g)	Play or Practice Golf	\$50.00	\$40.00	\$60.00	NO
5057	16(h)	Hazardous Activity	\$100.00	\$90.00	\$120.00	NO
5057	16(i)	Damage Tree/Shrub/Property	\$100.00	\$90.00	\$120.00	NO
5057	16(j)	Damage/Cover Sign	\$50.00	\$40.00	\$60.00	NO
5057	16(l)	Animal at Large	\$50.00	\$40.00	\$60.00	NO
5057	16(m)	Possess Paraphernalia	\$100.00	\$90.00	\$120.00	NO
5057	16(n)	Interfere with Event <i>(Bylaw 5477, February 11, 2014)</i>	\$50.00	\$40.00	\$60.00	NO
5057	17(a)	Smoke in Public Place	\$50.00	\$40.00	\$60.00	NO
5057	17(b)	Smoke within 7.5 m Transit Stop	\$50.00	\$40.00	\$60.00	NO
5057	17(c)	Smoke in a Park	\$50.00	\$40.00	\$60.00	NO
5057	17(d)	Smoke at Lake Access Site	\$50.00	\$40.00	\$60.00	NO
5057	20	In Public Place After Hours	\$100.00	\$90.00	\$120.00	NO
5057	22	Refuse Order to Leave Public Place	\$250.00	\$225.00	\$275.00	NO
5057	23	In Public Place while Prohibited	\$500.00	\$450.00	\$500.00	NO
5057	26	Possess Controlled Substance	\$125.00	\$100.00	\$150.00	NO
5057	27	Obstruct Officer	\$500.00	\$500.00	\$500.00	NO



City of Vernon

***MUNICIPAL
TICKETING
BYLAW***

#5300

(REPLACES BYLAW #5050)

SCHEDULE 'B'

5057	16(g)	Play or Practice Golf	\$100.00	\$90.00
5057	16(h)	Hazardous Activity	\$200.00	\$190.00
5057	16(i)	Damage Tree/Shrub/Property	\$200.00	\$190.00
5057	15(j)	Damage/Cover Sign	\$100.00	\$90.00
5057	16(l)	Animal at Large	\$100.00	\$90.00
5057	16(m)	Possess Paraphernalia	\$200.00	\$190.00
5057	16(n)	Interfere with Event (Bylaw 5478, February 11, 2014)	\$100.00	\$75.00
5057	17(a)	Smoke in Public Place	\$100.00	\$90.00
5057	17(b)	Smoke within 7.5 m Transit Stop	\$100.00	\$90.00
5057	17(c)	Smoke in a Park	\$100.00	\$90.00
5057	17(d)	Smoke at Lake Access Site	\$100.00	\$90.00
5057	22	Refuse Order to Leave Public Place	\$500.00	\$475.00
5057	23	In Public Place while Prohibited	\$1000.00	\$900.00
5057	26	Possess Controlled Substance	\$250.00	\$240.00
5057	27	Obstruct Officer	\$1000.00	\$1000.00

Bylaw No.	Section	Description	A1 Penalty	A2 Early Payment Penalty
Refuse Collection Bylaw				
3148	500	Failure to Use System - Commercial	\$500.00	\$450.00
3148	501	Illegally placed Bin	\$100.00	\$90.00
3148	501(a)	Lane Bin Incorrectly Placed	\$250.00	\$225.00
3148	503	Unacceptable Bin	\$250.00	\$200.00
3148	700	Failure to Use System - Residential	\$400.00	\$350.00
3148	800	Litter refuse	\$250.00	\$225.00
3148	801	Place garbage without owner's permission	\$200.00	\$190.00



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6460-20
PC: Patti Bridal, DCAO, Director, Corporate Services **DATE:** August 2, 2018
FROM: Susan Blakely, Manager, Legislative Services
SUBJECT: ACTIVATE SAFETY TASK FORCE RECOMMENDATIONS – ACTION TAKEN

At their Regular meeting held on July 23, 2018 Council passed numerous resolutions related to recommendations from the *'Activate Safety Task Force'*.

As of today's date Administration advises that all emails and correspondence related to the noted Council resolutions have been sent.

We are attaching copies of correspondence sent for review and information.

RECOMMENDATION:

THAT Council receives the memorandum dated August 2, 2018 from the Manager, Legislative Services regarding *'Activate Safety Task Force Recommendations – Action Taken'*.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Susan Blakely".



THE CORPORATION OF THE CITY OF VERNON

File: 6460-20

August 2, 2018

BC Hydro
1401 Kalamalka Lake Rd
Vernon, BC V1T 6V6

Dear Service Providers;

Re: Prompt Replacement of Street Lights

The City of Vernon recently appointed a task force to examine issues related to the impacts of homelessness, poverty, addictions and criminal behavior on the local business community.

At their Regular meeting held on July 23, 2018 Council reviewed recommendations received from the 'Activate Safety Task Force' and the following resolutions were passed:

IV. ISSUE: LITTER AND URBAN DECAY

'THAT Council directs Administration to request that BC Hydro proactively replaces burnt out street lights in a timely manner.

CARRIED.'

And;

'THAT Council directs Administration to advise the Downtown Vernon Association to provide information to their Member Businesses as to how to report street lights that are in need of repair to BC Hydro and to the City of Vernon through their respective online reporting systems.

CARRIED.'

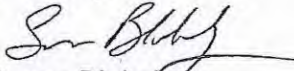
.../2

BC Hydro
August 2, 2018
Page 2

In conjunction with the foregoing, we are writing to direct your attention to the first resolution and to advise that correspondence has been sent to the Downtown Vernon Association in order to provide instruction on the reporting of street lights in need of repair.

We thank you for your efforts in helping to keep our City at its best, and for being an excellent Corporate Citizen in Vernon.

Sincerely;



Susan Blakely
Manager, Legislative Services

Cc: Mayor & Council
James Rice, Manager, Operations



THE CORPORATION OF THE CITY OF VERNON

File: 0230-26, 0230-27

August 2, 2018

Downtown Vernon Association
101 3334 30 Avenue
Vernon B.C. V1T 2C8

Dear Board Members:

RE: Activate Safety Task Force Recommendation – Street Lights

At their Regular meeting held on July 23, 2018 Council reviewed recommendations recently received from the 'Activate Safety Task Force', and the following Council resolutions were passed:

IV. ISSUE: LITTER AND URBAN DECAY

'THAT Council directs Administration to request that BC Hydro proactively replaces burnt out street lights in a timely manner.

CARRIED.'

And;

'THAT Council directs Administration to advise the Downtown Vernon Association to provide information to their Member Businesses as to how to report street lights that are in need of repair to BC Hydro and to the City of Vernon through their respective online reporting systems.

CARRIED.'

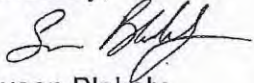
In conjunction with the foregoing, we are writing to respectfully direct your attention to the second resolution, and to advise that correspondence has been sent to BC Hydro to request consideration of the first resolution.

.../2

Downtown Vernon Association
August 2, 2018
Page 2

We are attaching an 'info sheet' for your ease of reference in providing information to your members and thank you for your efforts in this regard.

Sincerely;



Susan Blakely
Manager, Legislative Services

Cc: Mayor & Council
James Rice, Manager, Operations

How to Report a Street Light that Needs Repair in the City of Vernon

STREET LIGHTING

All street lights mounted on metal poles are owned and maintained by the City of Vernon. Lights on wooden hydro poles are owned and maintained by BC Hydro.

The street lighting system within the City of Vernon consists of approximately 1,100 owned by the City and approximately 1,500 street lights owned by BC Hydro.

The City of Vernon's preventive maintenance program includes replacing bulbs at regularly scheduled intervals before their life-expectancy is reached.

Please advise the City of any street lights that require servicing using the City of Vernon's webpage as provided below. Any reports related to BC Hydro owned lights will be forwarded to BC Hydro by the City of Vernon.

<https://www.vernon.ca/report-issue>



THE CORPORATION OF THE CITY OF VERNON

File: 0360-35, 0230-38

August 1, 2018

Ms. Annette Sharkey, Executive Director
Social Planning Council for the North Okanagan
c/o Community Futures North Okanagan
3105 - 33rd St
Vernon, BC V1T 9P7

Mr. Kelly Fehr, Co-Executive Director
Turning Points Collaborative
#102 3301 24 Ave
Vernon, BC V1T 9S8

Dear Ms. Sharkey and Mr. Fehr;

Re: Recommendations from the City of Vernon's 'Activate Safety Task Force'

Council for the City of Vernon recently received the final report, with recommendations, from their 'Activate Safety Task Force'.

At their Regular meeting held on July 23, 2018 Council reviewed each of the Task Force recommendations and the following resolution was passed in relation to issue VIII. 'RELATIONSHIP BETWEEN SOCIAL SERVICE PROVIDERS AND NEIGHBOURING BUSINESSES'

'THAT Council direct Administration to refer issue VIII. and the Recommendations (1 and 2) of the Activate Safety Task Force, as follows:

- 1) Council provide a process to facilitate mediation and to seek a better understanding of issues impeding the success of businesses and to determine satisfactory remedies for the concerns being raised by neighbouring businesses. Furthermore, such a process must also be struck with the responsibility of identifying what the City can do to further support the agencies that serve the street population and the homeless in their effort to be good neighbours.*
- 2) The goal of any mediation process must be to ensure safety, good neighbour relations and to establish a workable solution for all parties. To that end, the Task Force strongly recommends an independent professionally facilitated mediation structure with equal representation from the business community and service providers.*

.../2

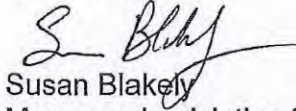
August 2, 2018
Turning Point Collaborative
Social Planning Council for the North Okanagan
Page 2

*to Turning Points Collaborative and other area service providers for review and comment, to be provided by **September 12** for inclusion in the open public agenda of Council, **September 24, 2018.***

CARRIED.'

Thank you for your consideration and action in this regard. We appreciate your hard work and effort in our community.

Yours truly,



Susan Blakely
Manager, Legislative Services

cc: Mayor & Council



THE CORPORATION OF THE CITY OF VERNON

File: 0230-26, 0230-27

July 31, 2018

Downtown Vernon Association
101 3334 30 Avenue
Vernon B.C. V1T 2C8

Vernon & District Chamber of Commerce
3002 32nd Ave #204
Vernon, BC V1T 2L7

Dear Board Members:

RE: Activate Safety Task Force Recommendation – Private Security

At their Regular meeting held on July 23, 2018 Council reviewed the following recommendation recently received from the 'Activate Safety Task Force':

3.a. OTHER

- a) The City fund, on an annual basis private security for an after-hours patrol.**

The following Council resolution was passed:

THAT Council directs Administration to refer the recommendation of the Activate Safety Task Force, to consider on an annual basis private security for an after-hours patrol, to the Downtown Vernon Association and Chamber of Commerce for priority consideration and discussion with member businesses, for funding through Business Improvement Area revenues or separate sourcing.

CARRIED.

Thank you for your consideration and action in this regard. We appreciate your hard work and effort in our community.

Yours truly,

Susan Blakely
Manager, Legislative Services

Cc: Mayor & Council



THE CORPORATION OF THE CITY OF VERNON

File: 0410-31, 0360-35

August 1, 2018

Ms. Annette Sharkey, Executive Director
Social Planning Council for the North Okanagan
c/o Community Futures North Okanagan
3105 - 33rd St
Vernon, BC V1T 9P7

Dr. Silvina Mema, Medical Health Officer
Interior Health Corporate Office
505 Doyle Ave
Kelowna, BC V1Y 0C5

Dear Ms. Sharkey and Dr. Mema;

Re: Recommendations from the City of Vernon's 'Activate Safety Task Force'

Council for the City of Vernon recently received the final report, with recommendations, from their 'Activate Safety Task Force'.

At their Regular meeting held on July 23, 2018 Council reviewed each of the Task Force recommendations and the following resolution was passed in relation to consultation and interaction regarding future needle distribution plans:

'THAT Council directs Administration to ask Interior Health Authority and other service providers to consult and interact with businesses and the community on future needle distribution plans, for a response to be provided to Council for inclusion on the September 24, 2018 Council Agenda.'

CARRIED.'

Thank you for your consideration and action in this regard. Should there be other Community Service Providers involved in this type of service, please consider including them in formulating your reply to this inquiry.

Yours truly,

Susan Blakely
Manager, Legislative Services

cc: Mayor & Council



THE CORPORATION OF THE CITY OF VERNON

File: 0410-31

August 1, 2018

Dr. Silvina Mema, Medical Health Officer
Interior Health Corporate Office
505 Doyle Ave
Kelowna, BC
V1Y 0C5

Dear Dr. Mema;

Re: Recommendations from the City of Vernon's 'Activate Safety Task Force'

Council for the City of Vernon recently received the final report, with recommendations, from their 'Activate Safety Task Force'. We are attaching a copy of the report for your review and information.

At their Regular meeting held on July 23, 2018 Council reviewed each of the Task Force recommendations and the following resolutions were passed:

*'THAT Council directs Administration to refer recommendations II 3), 4), 5) and 6) from the Activate Safety Task Force, to Interior Health Authority (IHA), respectfully requesting a response by **September 12, 2018** for inclusion onto the Regular agenda of **September 24, 2018** for Council's consideration and direction as appropriate:*

3. *request Interior Health Authority (IHA) to take into consideration the impacts of its harm reduction policies on businesses and the community;*
4. *urge IHA to focus on full recovery measures as well as harm reduction measures;*
5. *ensure that Council, businesses, and community are directly involved in any discussions to do with harm reduction measures, including provincially-sponsored overdose prevention sites; and*
6. *Council take a public position with regard to harm reduction measures, including overdose prevention sites.*

CARRIED.'

.../2

Interior Health Authority
August 1, 2018
Page 2

AND:

*'THAT Council direct Administration refer recommendation III (1), of the Activate Safety Task Force, in regards to reviewing its needle distribution system to find a balance between harm reduction and the public nuisance of abandoned needles, to Interior Health Authority, for consideration and respectfully request a response by **September 12, 2018** for inclusion in the public agenda and the Regular Council Meeting of **September 24, 2018**, for Council's consideration and direction as appropriate.*

CARRIED.'

Thank you for your consideration and action in this regard. We appreciate your hard work and effort in our community.

Yours truly,



Susan Blakely
Manager, Legislative Services

cc: Mayor & Council



THE CORPORATION OF THE CITY OF VERNON

File: 0230-26, 0230-27

July 31, 2018

Downtown Vernon Association
101 3334 30 Avenue
Vernon B.C. V1T 2C8

Vernon & District Chamber of Commerce
3002 32nd Ave #204
Vernon, BC V1T 2L7

Dear Board Members:

RE: Activate Safety Task Force Recommendation – Property Owners

At their Regular meeting held on July 23, 2018 Council reviewed the following recommendation recently received from the 'Activate Safety Task Force':

- 3) **The City encourage property owners to:**
- a) **take "ownership" of their space;**
 - b) **develop cooperative weekly cleanup of back alleys;**
 - c) **report and attempt to prosecute observed cases of littering/graffiti; and**
 - d) **secure garbage/recycling with locks if necessary.**

The following Council resolutions were passed:

'THAT Council supports the recommendation of the Activate Safety Task Force and directs Administration to encourage property owners to:

- a) *take "ownership" of their space;*
- b) *develop cooperative weekly cleanup of back alleys;*
- c) *report and attempt to prosecute observed cases of littering /graffiti; and*
- d) *secure garbage/recycling with locks if necessary.*

CARRIED.'

AND:

'THAT Council direct Administration that this initiative (locking of commercial bins) best be advocated by established business leaders (DVA, Greater Vernon Chamber of Commerce).

CARRIED.'

.../2

Downtown Vernon Association
Chamber of Commerce
August 1, 2018
Re: Activate Safety Task Force Recommendation – Property Owners

Thank you for your consideration toward including information related to this recommendation in your respective newsletters, website postings and ongoing initiatives. We appreciate your hard work and effort in our community.

Yours truly,



Susan Blakely
Manager, Legislative Services

Cc: Mayor & Council
N. Nilsen, Communications Officer & Grants Coordinator



THE CORPORATION OF THE CITY OF VERNON
INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** 6750-20
PC: Kim Flick, Director, **DATE:** August 1, 2018
Community Infrastructure and Development
FROM: Kevin Poole, Manager, Economic Development and Tourism
SUBJECT: *Rural Dividend Fund - Letter of Support for the Okanagan Indian Band*

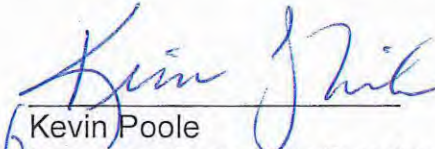
In 2015, the Province of BC announced the creation of a Rural Dividend Fund at the Union of British Columbia Municipalities Convention. The fund provides \$25 million a year for a total of four years to assist rural communities, including First Nations and not-for-profits, with a population of 25,000 or less to reinvigorate and diversify their local economies. The fund is administered by the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development.

In light of the partnership between the City of Vernon and the Okanagan Indian Band (OKIB) as part of the Community Economic Development Initiative, the OKIB has requested a letter of support from the City of Vernon for their Rural Dividend Fund application. The OKIB is proposing a Real Estate Development Planning Project. The proposed project would focus on creating a land inventory (including servicing and access), exploration of development opportunities on identified properties, community engagement and potentially the preparation for the designation of OKIB lands.

Recommendation:

THAT Council authorize the Mayor, on behalf of Council, to sign and issue the attached letter of support to the Okanagan Indian Band, in support of their funding application to the Rural Dividend Fund, as attached to the memorandum titled "Rural Dividend Fund - Letter of Support for the Okanagan Indian Band" dated August 1, 2018 from the Manager of Economic Development and Tourism.

Respectfully submitted:


Kevin Poole
Manager, Economic Development and Tourism

Attachment 1 – Draft Letter of Support

Attachment 1

File: 6750-20

August 13, 2018

The Honourable Doug Donaldson
Province of British Columbia
BC Ministry of Forests, Lands, Natural Resource Operations & Rural Development
102 Industrial Pl
Vernon, BC V1T 8Z1

Re: OKANAGAN INDIAN BAND - Rural Dividend Funding Letter of Support

Dear Minister Donaldson:

On behalf of Council, it is my pleasure to provide this letter of support for the Okanagan Indian Band's application for Rural Dividend Funding. The Okanagan Indian Band is proposing a Real Estate Development Planning Project that would focus on creating a land inventory (including servicing and access), exploration of development opportunities on identified properties, community engagement and potentially the preparation for the designation of lands.

Earlier in 2018, the City of Vernon and the Okanagan Indian Band signed on to participate in the Community Economic Development Initiative (CEDI). As one of ten partnerships across the country, the program aims to improve the economic prosperity of participating municipalities and adjacent First Nations through joint community economic development planning. The Okanagan Indian Band's proposed Real Estate Development Planning Project would provide a solid foundation that further support the efforts of the CEDI program.

If you have any questions please do not hesitate to contact me at 250-550-3508.

Sincerely,

Akbal Mund
Mayor

Copy: Council



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6970-20

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** July 30, 2018

FROM: Kevin Poole, Manager, Economic Development and Tourism, and Carie Liefke, Planning Assistant

SUBJECT: 2018 PLANNING AND BUILDING SECOND QUARTER STATISTICS SUMMARY

The following summary provides Council with an overview of the planning and building applications processed by the Community Infrastructure and Development Division during the second quarter (Q2) of 2018. The figures highlight building permits by type and value, applications by type and volume, a summary of Development Cost Charges (DCCs) along with revenue received to May 2018 from the Municipal Regional District Tax (MRDT). Data from previous years have been included for comparison purposes.

Figure 1 provides an overview of the values and types of building permits issued up until the end of Q2 (June 30) for 2018. Total building permit value reached \$86.6 million, which is up 27% over the \$68.3 million in 2017. The increase is primarily attributable to several new multifamily developments which have accounted for \$41.5 million of the total building permit value as compared to \$10.4 million in 2017.

Figure 1: Building Permit Issuance Summary – Year to Date (June 30)

Type of Application	2015		2016		2017		2018	
	YTD #	YTD Value	YTD #	YTD Value	YTD #	YTD Value	YTD #	YTD Value
Single Family Dwelling								
New	67	\$26,447,288.96	64	\$24,532,619.95	89	\$36,389,556.75	67	\$28,145,800.00
Addition/Reno/Upgrade/Suite	46	\$2,000,339.61	44	\$1,728,653.76	43	\$2,175,290.89	33	\$2,379,709.03
Multi-Family Dwelling								
New	14	\$5,928,977.38	15	\$18,189,862.67	19	\$10,431,723.46	30	\$41,492,064.40
Addition/Reno/Upgrade	5	\$65,480.00	2	\$750,685.68	3	\$337,000.00	2	\$241,000.00
Commercial								
New	5	\$7,498,693.00	3	\$19,387,000.00	0	\$0.00	2	\$1,245,000.00
Addition/Reno/Upgrade	22	\$799,800.00	38	\$5,268,633.61	24	\$6,756,990.00	22	\$2,953,925.67
Industrial								
New	0	\$0.00	0	\$0.00	0	\$0.00	2	\$1,540,000.00
Addition/Reno/Upgrade	1	\$60,000.00	1	\$30,000.00	0	\$0.00	2	\$18,000.00
Institutional								
New	1	\$1,000.00	2	\$19,300,000.00	1	\$11,500,000.00	0	\$0.00
Addition/Reno/Upgrade	2	\$1,325,000.00	5	\$0.00	3	\$75,000.00	3	\$7,602,500.00
Other								
Total Other	34	\$175,902.47	39	\$2,640,010.86	40	\$626,244.00	50	\$967,378.75
Total # of BP's	197		213		222		213	
Total Value of BP's		\$44,302,481.42		\$91,827,466.53		\$68,291,805.10		\$86,585,377.85

Figure 2 provides an overview of applications and building permit values for Q2 of 2018. The building permit value was \$54.1 million, which is a 23% increase over the \$43.9 million in Q2 of 2017. A total of 132 building permits were issued in Q2, which is similar to the 133 permits issued in Q2 of 2017.

Notable building permits issued in Q2 include:

- 43 unit apartment building, Ironclad Developments (1803 31A Street, \$11.5m)
- Institutional renovation and addition for School District 22 (1401 15th Street, \$7.5m)
- Industrial building, Progress Machine Shop (4404 29th Street, \$1.2m)
- 4 unit residential building, The Rise (206 Vineyard Way, \$1.1m)
- 10 unit apartment building, Silver Rock (3801 27th Ave, \$1.0m)

Figure 2: Building Permit Issuance Summary – Q2 Only

	2015		2016		2017		2018	
	Q2 #	Q2 - Value	Q2 #	Q2 - Value	Q2 #	Q2 - Value	Q2 #	Q2 - Value
Single Family Dwelling								
New	33	\$13,837,186.99	39	\$14,338,808.53	58	\$21,872,556.75	43	\$18,403,800.00
Addition/Reno/Upgrade/Suite	30	\$1,397,224.42	27	\$837,969.48	28	\$1,205,209.39	23	\$1,769,786.03
Multi-Family Dwelling								
New	4	\$2,101,477.38	8	\$3,473,227.67	8	\$4,482,955.23	16	\$21,880,064.40
Addition/Reno/Upgrade	2	\$52,000.00	0	\$0.00	2	\$325,000.00	1	\$196,000.00
Commercial								
New	5	\$7,498,693.00	1	\$18,000,000.00	0	\$0.00	1	\$495,000.00
Addition/Reno/Upgrade	10	\$478,000.00	21	\$2,625,966.30	7	\$4,195,000.00	14	\$1,693,925.67
Industrial								
New	0	\$0.00	0	\$0.00	0	\$0.00	2	\$1,540,000.00
Addition/Reno/Upgrade	1	\$60,000.00	1	\$30,000.00	0	\$0.00	2	\$18,000.00
Institutional								
New	0	\$0.00	2	\$19,300,000.00	1	\$11,500,000.00	0	\$0.00
Addition/Reno/Upgrade	2	\$1,325,000.00	0	\$0.00	3	\$75,000.00	3	\$7,602,500.00
Other								
Total Other	22	\$155,902.47	24	\$528,010.86	26	\$280,000.00	27	\$514,978.75
Total # of BPs	109		123		133		132	
Total Value of BPs		\$26,905,484.26		\$59,133,982.84		\$43,935,721.37		\$54,114,054.85

Figure 3 highlights the number of applications received in Q2 and YTD. 2018 continues to be busy with 547 applications received, which is similar to 2017 and up significantly from 2015 and 2016.

Figure 3: Application Summary (Q2 and YTD)

	2015		2016		2017		2018	
	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)
Building Permits	109	197	123	213	133	222	132	213
Land Use Applications	35	61	46	91	51	97	52	107
Miscellaneous Applications	82	178	124	204	136	235	138	227
Total	226	436	293	508	320	554	322	547

Figure 4 provides an overview of the types and number of land use applications received for Q2 over the last several years. The number of applications received in Q2 of 2018 is similar to 2017 at 52 while YTD applications are up from 97 to 107.

Figure 4: Land Use Application Summary

Type of Application	2015		2016		2017		2018	
	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)
Boundary Extension	0	0	0	0	0	0	0	0
Board of Variance	0	0	2	3	3	3	0	0
Development Permit	9	15	10	25	14	31	16	29
Development Variance Permit	7	10	7	18	9	18	5	14
Heritage Revitalization / Alteration	0	0	0	0	0	0	0	0
Liquor Licensing	1	1	1	1	4	4	9	12
LUC Amendment / Discharge	0	1	0	0	0	0	1	1
OCP Amendment	1	2	1	4	1	1	1	4
Revitalization Tax Exemption	1	1	0	2	0	0	1	1
Rezoning	5	6	6	11	4	9	5	14
Subdivision	4	16	11	16	12	23	7	18
Tree Removal Permit	7	9	8	11	4	8	7	14
Total Applications	35	61	46	91	51	97	52	107

Figure 5 provides a breakdown of the miscellaneous applications received in 2018 Q2 and YTD. Miscellaneous applications remain steady compared to 2017 and are up over 2015 and 2016.

Figure 5: Miscellaneous Application Summary

Type of Application	2015		2016		2017		2018	
	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)
External Referrals	0	1	0	1	3	5	1	1
Hoarding	23	40	31	46	28	52	41	56
Property Info Request	22	43	33	47	49	78	45	83
Sidewalk / Blvd Area use	0	0	2	3	1	1	0	0
Sign Permit	37	94	58	107	55	98	51	87
TOTAL Applications	82	178	124	204	136	234	138	227

Figure 6 provides a summary of the DCCs received in 2018 YTD. Note, Coldstream Sewer DCCs are included in the figures below. The table shows a negative amount for the Transportation DCCs as an agreement was reached with a developer for the continued construction of two DCC projects along Silver Star Road near the Foothills (the DCC cash payment was replaced with a Letter of Credit for the projects).

Figure 6: Development Cost Charges – Q2

Type of DCC	2018				
	Q1	Q2	Q3	Q4	YTD
Sanitary Disposal	\$140,901	\$65,978			206,879
Sanitary Collection	\$89,967	\$46,698			139,665
Sanitary Treatment	\$69,857	\$35,191			105,048
Water Facilities	\$238,792	\$131,727			370,519
Transportation	\$613,823	-\$288,392			325,431
Stormwater	\$55,323	\$32,918			88,241
Parks and Open Space	\$547,023	\$325,422			872,445
Total Value of DCCs	\$1,755,686	\$349,542			\$2,108,228

Room Revenue for the accommodators located in the city continues to set records since enacted in March 2010. Room revenue and the corresponding hotel tax for 2017 was up 6.5% over 2016, with six of the twelve months setting records since collection began. This trend has continued the first five months of 2018 which is up 7.5% with three of the months setting new records. Note that January 2018 marked the first month of accommodators collecting a 3% MRDT (Figure 7).

Figure 7: Municipal Regional District Tax

Month	2017 Room Revenue	2017 2% MRDT	2018 Room Revenue	2018 3% MRDT*	% Change Room Revenue
January	\$ 1.13 M	\$ 22,673.79	\$1.40 M	\$39,258.88	23.7%
February	\$ 1.70 M	\$ 34,065.95	\$2.13 M	\$59,772.88	25.3%
March	\$ 2.01 M	\$ 41,568.22	\$2.20 M	\$61,597.04	5.8%
April	\$ 2.45 M	\$ 49,031.11	\$2.26 M	\$63,210.77	- 7.9%
May	\$ 3.28 M	\$ 65,502.09	\$3.45 M	\$96,599.97	5.3%
June	\$ 4.45 M	\$ 88,915.85			
July	\$ 5.63 M	\$112,682.35			
August	\$ 4.85 M	\$ 97,088.02			
September	\$ 4.42 M	\$ 88,380.56			
October	\$ 2.64 M	\$ 52,740.41			
November	\$ 2.11 M	\$ 42,124.24			
December	\$ 2.16 M	\$ 43,201.18			
	\$36.90 M	\$737,973.77			

*Although a 3% MRDT is collected, the City of Vernon receives 2.8% of the tax with the remaining 0.2% going to the provincial Tourism Events Program.

The Community Infrastructure and Development Division is to provide planning and building application statistics to Council on a quarterly and yearly basis; the remaining quarterly statistics shall be reported at the following Council meetings:

Quarter 3 → November 13, 2018

Quarter 4 and Year End → February 12, 2019

Recommendation:

THAT Council receive the memorandum titled "2018 Planning and Building Second Quarter Statistics Summary" dated July 30, 2018 from the Manager, Economic Development and Tourism and Current Planning Assistant, for information.

Respectfully submitted by:



Kevin Poole
Manager, Economic Development and Tourism



Carie Liefke
Current Planning Assistant

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THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer **FILE:** DVP00265
PC: Patti Bridal, Director, Corporate Services **DATE:** July 12, 2018
Craig Broderick, Manager, Current Planning
FROM: Carie Liefke, Planning Assistant
SUBJECT: RENEWAL OF DVP00265 FOR 4602 20TH STREET

Development Variance Permit Application DVP00265 to vary Zoning Bylaw #5000 Section 9.12.5 by reducing the minimum side yard requirement from 4.5m to 3.0m on the South 120' Lot 38 Section 2 Township 8 ODYD Plan 474 Except Plan 23718 (4602 20th Street) was first approved by Council on January 28, 2013 and then reconsidered, revised and approved at the Regular Meeting of March 11, 2013, subject to the following condition:

- a) The revised site plan, floor plans, and revised elevation plans shall be attached to the Development Variance Permit as "Schedule A".

In accordance with Development Application Procedure Bylaw #4103, as the permit was not issued within one year of the date of approval by Council, the approval of DVP00265 expired on March 11, 2014. Development Application Procedure Bylaw #4103 allows the approval to be renewed by Council if it is deemed appropriate.

During the one year approval timeframe, the property owner was actively working on other business commitments within the community and the property has now been sold. The new property owner would like to move forward with the same building siting and has requested that the DVP be renewed. A Development Permit Application (DP00753) is in progress with improvements to the landscape treatment and exterior lighting; snow storage areas have also been added (Attachment 1). All applicable application fees have been paid.

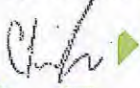
As the project has retained the previously approved reduced setbacks, it is recommended that the approval of DVP00265 be renewed in order to allow the development variance permit to be issued.

RECOMMENDATION:

THAT Council renew the approval of Development Variance Permit Application #DVP00265 to vary Zoning Bylaw #5000 Section 9.12.5 by reducing the minimum side yard setbacks from 4.5m to 3.0m on the South 120' Lot 38 Section 2 Township 8 ODYD Plan 474 Except Plan 23718 (4602 20th Street), subject to the following condition:

- a) The revised site plan and elevation plans shall be attached to the Development Variance Permit as "Schedule A".

Respectfully submitted:



Carie Liefke
Aug 7 2018 4:31 PM DocuSign

Carie Liefke
Planning Assistant

G:\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\201-300\00265 4602 20 St
(Marten)\Report\1780712_cl_memo_DVP00265_renewal.doc

Front Color Rendition & Exterior Lighting



DVP00265 (4602 20 Street)
Project to be completed similar to building design shown

Color Rendition & Exterior Lighting Looking From 20th Street Entrance

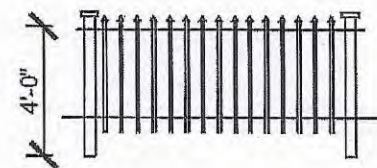


TRAFFIC CALMING SPED HUMP

TYPICAL SIDE YARD FENCE
1"X6" CEDAR FENCE BOARDS
TREATED 4X4 POSTS SET IN CONCRETE
TREATED 2X4 CAPING



TYPICAL FRONT YARD FENCE
1"X2" STEEL PICKETS
4X4 STEEL POSTS SET IN CONCRETE





THE CORPORATION OF THE CITY OF VERNON
INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6750-20
PC: Kim Flick, Director,
Community Infrastructure and Development **DATE:** July 31, 2018
FROM: Kevin Poole, Manager, Economic Development and Tourism
SUBJECT: *Community Economic Development Initiative – Working Group Terms of Reference*

On February 26, 2018 Council declassified the following resolution in regards to their participation in the Community Economic Development Initiative (CEDI):

“THAT Council endorses the following resolution as required to participate in the Community Economic Development Initiative:

WHEREAS the City of Vernon enters into a community-to-community relationship with Okanagan Indian Band in the spirit of lasting friendship and collaboration;

WHEREAS the City of Vernon agrees to the participation of their community in the First Nation – Municipal Community Economic Development Initiative (CEDI) from the date this resolution is passed to March 31, 2020;

WHEREAS in order to realize shared benefits, Councillor Juliette Cunningham of the City of Vernon and Councillor Cindy Brewer of the Okanagan Indian Band have been named as the two joint CEDI champions;

BE IT THEREFORE RESOLVED:

The City of Vernon Mayor, Council designate Councillor Juliette Cunningham and Manager of Economic Development and Tourism Kevin Poole to act as CEDI champions on behalf of the City of Vernon, in collaboration with the OKIB CEDI champions, commit the following resources:

- *Organizing and participating in four to five 1.5 day joint workshops; ensuring there is representation of the elected officials, senior administration and economic development staff from each community at each workshop.*

- *Ensuring that joint CEDI champions meet monthly or bi-monthly (by phone or in person) throughout the first three stages of the CEDI process, Stronger Together Approach, to organize the joint workshops.*
- *Responsible for ongoing community engagement and keeping the community informed about CEDI (may include agenda items at meetings, reports in local media, community announcements, etc.).*
- *Coordinating a contingency plan for the CEDI champions should a designated person leave their position prior to March 2020.*
- *Agreeing to maintain communication with CEDI staff and to assist with coordinating the logistics of community visits and workshops, as appropriate.*
- *Providing any in-kind or financial resources required to hold the meetings (such as mileage to and from venue, in-kind meeting space and catering expenses above and beyond what can be reimbursed through the CEDI program).*
- *Actively participating in the planning for and management of the financial resources component of CEDI, including peer mentorship, study tour and capacity building grants.”*

As endorsed above, participation in the CEDI program requires the CEDI champions to meet monthly or bi monthly. This ensures a commitment to the program and allows a smaller working group to move initiatives forward that have been identified within the joint workshops between the respective Councils. Since August 2017, the CEDI champions, known as the CEDI Working Group, have been meeting monthly. In order to provide guidance to the group, a Terms of Reference has been drafted by CEDI staff and endorsed by the Working Group (Attachment 1). The draft Terms of Reference include the mandate, purpose, membership, and roles, along with meeting procedures and dialogue principles of the CEDI Working Group. The Terms of Reference are now being brought forward to the Okanagan Indian Band and City of Vernon Councils for consideration.

Recommendation:

THAT Council endorse the *Community Economic Development Initiative – Working Group Terms of Reference* as attached to the memorandum titled “Community Economic Development Initiative Working Group Terms of Reference” dated July 31, 2018 from the Manager of Economic Development and Tourism.

Respectfully submitted:



Kevin Poole
Manager, Economic Development and Tourism

Attachment 1 – Draft CEDI Working Group Terms of Reference

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**Terms of Reference (TORs)
for CEDI Working Group
between the
Okanagan Indian Band
and
City of Vernon**

1. Context and Mandate

In August 2017, the Okanagan Indian Band (OKIB) and the City of Vernon committed to an improved community-to-community relationship and to engaging in joint community economic development/land use planning exercise facilitated by the First Nation – Municipal Community Economic Development Initiative (CEDI). Facilitation support will be provided by CEDI between 2017 – 2020 and this working group will be the primary liaison to the CEDI program staff. After this time, the long-term relationship and joint initiatives will continue, led jointly by Okanagan Indian Band and City of Vernon and administered by this CEDI Working Group.

2. Purpose of CEDI Working Group and TORs

Several facilitated, joint workshops will take place between 2017 and 2020. At the local level the joint follow-up work between workshops is assumed and carried forward by a smaller, more-focused team: the CEDI Working Group.

The purpose of the CEDI Working Group is to foster and administer the community-to-community relationship. It will serve as a constant pillar and provide continuity to this collaboration. Administration includes undertaking the follow-up and strategic joint work between workshops.

The purpose of these TORs is to clarify the roles, responsibilities, membership and decision-making process of the CEDI Working Group.

These TORs should be reviewed at least twice per year to ensure they are up-to-date and are meet the current needs of the partnership.

3. Membership

- The CEDI Working Group should consist of a small group of staff and elected officials from each organization, including the named CEDI Champions.



- To be most effective, members should represent a range of departments and organizational knowledge (i.e. economic development, land use planning and governance processes).
- While the CEDI Working Group acts as a pillar and provides continuity to the joint work, membership is fluid and may change over time. This TOR will be a living document.
- Depending on the direction the joint work takes, additional technical experts may be added to the Working Group with agreement from the rest of the Working Group. Alternatively, sub-committees or working teams may be established to work toward specific joint projects with agreement from the rest of the Working Group.
- Following a band or municipal election, it will be the responsibility of current Working Group members (identified in 3.1 Members) to help transition and orient in-coming elected representatives, including but not limited to: the CEDI program, the partnership progress, and joint initiatives.

3.1 Members

At July 2018, the CEDI Working Group membership is (Note: CEDI champions identified in *italics*):

Okanagan Indian Band

- *Cindy Brewer, Councillor*
- *Sheldon Louis, Councillor*
- *Jenelle Brewer, Policy Analyst*
- Chief Byron Louis, Chief

City of Vernon

- *Juliette Cunningham, Councillor*
- *Akbal Mund, Mayor*
- *Kevin Poole, Manager, Economic Development and Tourism*

4. Roles and Responsibilities

- CEDI Working Group members should participate actively.
- Where possible, members will participate in facilitated joint workshops. This includes the development of next steps and of a work plan to undertake the joint follow-up work after the workshops.
- Meet regularly as needed to complete the joint work plan (next steps and follow-ups) arising from the joint workshops, such as completing research, sharing information and updates between organizations, strategizing on projects, processes and next steps, etc.
- Establishing a timeline, process and work plan to ensure the joint work and communication continues after support from CEDI concludes.



- Contribute to planning future joint workshops.
- Seek out and keep up-to-date on trends and emerging practices in First Nation-municipal collaboration across Canada and identify opportunities for further learning.
- Members should come to meetings prepared to contribute and practice the Dialogue Principles (see 6.). Delegated members (at least two from each group) should expect some additional work beforehand (for example, complete any pre-reading, review agenda in advance)
- Declare any real or perceived conflicts of interest.
- As representatives of their organizations to CEDI, the designated CEDI Champions (Jenelle and Kevin) have a responsibility to keep their organizations/councils updated as to the status of and next steps in the partnership.

5. Meeting Procedure

- **Frequency:** The CEDI Working Group should meet monthly. The CEDI Champions will likely need to meet more frequently between CEDI Working Group meetings to prepare.
- **Location:** Whenever possible, meeting locations will alternate between the City of Vernon and OKIB. The host organization will provide refreshments. Costs for parking and mileage will be assumed by the members' organization.
- **Agenda:** The draft agenda should be drafted by CEDI team and reviewed by the staff CEDI Champions (Jenelle and Kevin) with input from all CEDI Working Group members and the final agenda shared with all members a minimum of three days in advance.
- **Chair:** Chairing responsibilities for the meeting will alternate between the two staff CEDI Champions (Jenelle and Kevin). The Chair is responsible for ensuring the meeting flows smoothly, keeps to the agenda and timeframes and delegates responsibility for preparing the meeting summary. If pre-work is required, the CEDI Champions are responsible for sending a reminder to members at least three days before the next meeting.
- **Meeting Minutes:** Minutes of the meeting, including key decisions and action items must be developed at each meeting and shared with CEDI Working Group members within five working days after the meeting. Prior to any meeting, it should be clearly determined who will take notes and create the draft minutes. Final minutes will be approved at the next meeting.
- **Decision-Making:** CEDI Working Group decision-making is limited to CEDI workshop and meeting logistics and planning. In all other circumstances, the CEDI Working Group will prepare for and make recommendation to their respective Councils, who are therefore responsible for decision making as it pertains to council-to-council relations and community engagement. If needed, decisions of the CEDI Working Group should be made by consensus. A minimum of two representatives from each community should be



present to undertake these major decisions. There are three main choices a person can make when using consensus:

- I agree with the decision;
- I *can live with* the decision; or
- I *cannot live with* the decision.

If someone cannot live with a decision, no decision will be taken at that time, and instead the issue will be taken by the Working Group members to their respective councils for direction and decision. At the next meeting, the Working Group members, representing each community, will share their council's decision.

6. Dialogue Principles

CEDI encourages all First Nation-municipal partnerships to adopt and practice these six dialogue principles in their joint work.

i. Be Present

To your own experience without judgment;
To each other – letting go of rehearsing your response or strategizing;
To the flow of the process.
Trust our staff.

ii. Speak from your Experience and Listen to Understand

Express what you are really thinking and feeling in the moment as the dialogue unfolds.

iii. Welcome / Increase Diversity

Welcome differences and explore them fully even if this generates tension;
Hold these differences as an important part of the group's relationship building, not as something to be avoided.
Park personal beliefs, look at others' interests.
Bring in the unknowns

iv. Engage Curiosity not Judgment

When you notice judgment arising in response to your own experience or another's, engage your curiosity to move more deeply into what is emerging.

v. Hold Intensity

If intensity arises, hold this experience without reacting.
We can all agree to disagree.
Maintain composure when explaining process.
Passion can be a good thing, except when it moves to anger.



vi. Welcome the Unknown

Allow space for the unknown rather than seeking to understand or explain things immediately.
Be mindful. Just because it worked your way, doesn't mean that it is the only way.
Acknowledge opportunities to learn and grow.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 8300-08-10
PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** July 31, 2018
FROM: Ellen Croy, Transportation Planner
SUBJECT: Kal Tire Place Transportation Review

Administration has reviewed transportation for the Kal Tire Place expansion project in four categories: 1) traffic impact study, 2) transportation demand management, 3) traffic management plan and 4) parking.

Traffic Impact Study:

Administration submitted a Traffic Impact Study (TIS) to the Ministry of Transportation and Infrastructure (MoTI) to address concerns MoTI had regarding two intersections along Highway 97 (32nd Street):

1. Highway 97 (32nd Street) and 43rd Avenue; and
2. Highway 97 (32nd Street) and 42nd Avenue.

Administration retained Stantec to complete the traffic capacity analysis as per MoTI's requirements to determine the potential impacts from the new Kal Tire Place North facility. MoTI responded indicating that the TIS is accepted and therefore the covenant on the property can be released. This process is underway.

Transportation Demand Management:

MoTI does require a Letter of Agreement requiring that two events not be hosted simultaneously at both the existing and the new Kal Tire Place North facility. This strategy is a form of Transportation Demand Management (TDM) to stagger traffic and parking demands on site. Hosting events at both facilities would not take place unless another TIS is submitted to, and accepted by, MoTI outlining potential impacts and recommended mitigation measures. This process is also underway.

Administration is also launching further TDM initiatives to encourage patrons to use alternative transportation modes (e.g. walking, cycling, transit, and carpooling). This would be accomplished through on site and event communiques.

Traffic Management Plan:

Administration also prepared a Traffic Management Plan for the site to address traffic congestion before and after events. This is a requirement from MoTI in an effort to reduce event related traffic impacts on Highway 97 (32nd Street). Administration prepared the Traffic Management Plan to address events anticipated to sell more than 2,300 seats. Kal Tire Place currently implements smaller scale traffic control procedures

for Vipers Playoff Game events (typically less than 2,300 seats sold), and this would continue for those smaller sized events.

Parking:

Research suggests that providing free and easy parking is strongly associated with increased driving (i.e. the easier it is to find a parking space, the more likely a person will choose to drive a single occupant vehicle). As per the adopted Official Community Plan, Council's target is to reduce the single occupant vehicle mode share from 70% in 2013 to 62% by 2040. Moreover, vehicle ownership is declining with younger generations, resulting in reduced parking supply needs. In efforts to achieve the Official Community Plan target, and to plan for future trends, Administration will monitor the parking supply and demand after Kal Tire Place North opens before investigating increasing parking supply for the site.

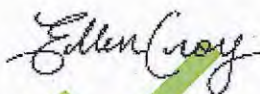
Should findings support the need for increasing parking supply, Administration will explore viable options.

Overall, Administration recommends that the parking supply and demand be monitored after the new facility opens. Providing an additional parking supply would be explored should findings reveal that additional parking is needed to meet demand.

RECOMMENDATION:

THAT Council receive the memorandum titled "Kal Tire Place Transportation Review" dated July 31, 2018 from the Transportation Planner, for information.

Respectfully submitted:



Ellen Croy
Transportation Planner
Aug 9 2018 10:47 AM 



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO

FILE: 1700-02

FROM: Debra Law, Director of Finance

DATE: August 3, 2018

SUBJECT: 2019 Budget Challenges

Administration has updated the information provided to Council at the June 7, 2018 Special Regular Open meeting in relation to budget challenges facing the City in 2019. The total potential increase in the Operating budget totals \$2,078,288 – a 5.47% increase in taxation. (Attachment 1)

1. MSP - there will be a one-time occurrence for the City to pay both MSP and the new Employer Health Tax within one fiscal year. The estimated cost for MSP is \$212,000 – this cost will not exist in 2020. It is recommended that this amount be funded by a reserve (one-time funding) rather than taxation (ongoing funding). The cost of the Employer Health Tax @ 1.9% has been included in the overhead costs for all salaries and wages for the 2019 budget.
2. a. Exempt Increase – during the year there was a market review completed for exempt salaries in accordance with Council policy. The recommended increases were provided to staff on July 1, 2018. For 2018 it is anticipated there will be enough salary 'slippage' to offset the cost of this increase and there was no change to the 2018 budget. These increases will be included in the 2019 budget.

b. Council Increase – at the August 13, 2018 regular meeting a memo titled "Council Remuneration" will outline the details of the recommended increase for Council starting November 1, 2018 and to be included in the 2019 budget.

c. IAFF Increase – Council has included an estimate IAFF increase of 2.5% for the past three years. This is consistent with many Lower Mainland communities. The current collective agreement expired December 31, 2015. Union contract negotiations are complex, this budget estimate in no way obligates the City to agree to this amount.

d. CUPE Increase – the CUPE contract expires December 31, 2018. Union contract negotiations are complex, this budget estimate in no way obligates the City to agree to this amount.
3. Non-salary Cost Increase – this has been estimated at 2% for discussion purposes.
4. 2018 Transfer from Reserve – during the 2018 budget deliberations Council decided to draw down the Rate Stabilization reserve in the amount of \$534,924 to delay increasing taxes for ongoing operating costs. For 2019 this funding is no

longer available. It is recommended that this amount be funded by taxation (ongoing funding).

5. Transit Expansion – as of April 1, 2018 the City agreed to expand BC Transit services by 7,000 hours at a cost of \$244,142. For 2018 this cost will be funded from the Transit Expansion Reserve. These costs are ongoing and should be funded by taxation. In 2019 it is recommended that this cost be transitioned to a taxation increase over a three (3) year period: 2019 - \$122,071 taxation, 2020 - \$222,017 taxation and 2021 - \$244,142 taxation.
6. Fire Rescue Services – Fire Dispatch Contract – the Fire Rescue Services Strategic Plan that was presented to Council November 2017 outlined a plan to replace the dispatch staff with four (4) firefighters once fire dispatch services were transferred to a contract service. Total costs for the new firefighters are slightly higher than for dispatchers (due to additional personal safety equipment). The amount presented is an estimate of the total additional costs in 2019 for the dispatch service. This is an ongoing cost and it is recommended that the City increase taxation for this increase.
7. Fire Equipment Reserve – The Fire Rescue Services Strategic Plan also recommended a higher contribution to a Fire Apparatus Reserve. During budget deliberations Council agreed to replace two pieces of apparatus from an alternate reserve. As a result Fire Services will be presenting a new multi-year plan of funding lifecycle replacements for Fire Apparatus. On June 7, 2018 at the Special Regular meeting of Council, Fire Services suggested the new contribution would be at least \$250,000. At this time it is recommended to start these contributions in 2020.

For 2019 it is estimated again that the City could realize up to \$400,000 in total taxation from new market growth. The 2018 total taxation was \$38,021,731. In 2019 a 1% taxation increase will total \$380,217. The bottom table in Attachment 1 shows the total taxation increase at 1.8%, 1.9% and 2.5%. The “Remaining costs to be funded” column and the “Percent additional tax increase” column shows the dollars (\$) and percent (%) needed to support City operations after the increase noted in the first column.

The current projected balance for the 2017 Prior Year Unexpended Uncommitted Balance (PYUUB) is \$250,929 (Attachment 2). This is essentially the only funds remaining for Council to spend during the 2019 – 2023 budget deliberations. While there are other reserves, most of these have a specific purpose or a regulatory obligation that limits Council’s ability to spend them.

The current reserve policy states that “The RCMP reserve shall have the net annual surplus from policing costs added to the reserve at year end.” This reserve currently has a balance of \$2,194,123. This amounts to almost 25% of the annual cost of the RCMP contract. Administration believes that there is no need to transfer the 2018 net annual surplus from policing costs to this reserve and recommends that Council direct staff not to proceed with this transfer.

RECOMMENDATION:

THAT Council receive the memo from the Director of Finance titled "2019 Budget Challenges" dated August 3, 2018;

AND FURTHER, Council direct Administration to transfer the net unexpended, uncommitted year-end balance of the RCMP annual budget to the Prior Year Unexpended Uncommitted Balance for 2018 and future years until directed otherwise by Council resolution.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Law", is written below the text "Respectfully submitted:". The signature is cursive and stylized.

Attachment 2

Prior Year Unexpended Uncommitted Balance

Projected Balance December 31, 2018 prior to Budget Amendments \$ 1,006,407

	Council Meeting Presentation Date		
Polson Park Video Surveillance	March-12-18	35,000	
ATV Purchase for Public Works	March-12-18	15,000	
Paddlewheel Hall property taxes	June-25-18	6,710	
Pickleball Association loan	June-25-18	145,000	
2 Additional Sharps Containers	July-23-18	2,200	
Relocating Bylaw Department	July-23-18	55,000	
Fire Dispatch Transition costs	August-13-18	284,568	Pending
2019 MSP Premiums	2019 Budget Deliberations	212,000	Pending

SUBTOTAL 755,478

REMAINING BALANCE \$ 250,929

* Does NOT include contribution to North Valley Gym (\$155,000).



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO

FILE: 1690-01

FROM: Debra Law, Director of Finance

DATE: August 3, 2018

SUBJECT: Banking Services

The City of Vernon's contract for banking services is presently with Valley First Credit Union and ended on March 1, 2017. Due to changes in staffing in the Finance Division during the same time period, Valley First agreed to extend the terms of their contract until we could complete the Request for Proposal (RFP) process this year.

The RFP was issued to the public on June 4, 2018 with a deadline for submissions on June 29, 2018. There were six submissions received from various financial institutions located in the City.

Staff in the Finance Division evaluated the proposals based on the criteria outlined in the RFP. Some of the criteria considered included the ability to provide existing demand deposit services such as supporting multiple accounts, processing large volumes of transactions, processing electronic payments to and from the City, and reporting transactions for reconciliation purposes. Staff also reviewed the capabilities of the online platforms available and the rate of interest offered for demand deposit accounts.

One proposal stood out from the rest of the submissions. The proponent is able to offer all of the services we are provided now, plus a higher rate of interest on our deposit accounts and the proponent has a very robust online platform. The online platform also offers the City opportunities to create more efficiencies through additional online transactions and a safer process for clearing cheques.

We are pleased to advise Council that the Bank of Montreal has been awarded the contract to provide banking services for the next five years with an option for three (3) one year extensions.

RECOMMENDATION:

THAT Council receive the memo from the Director of Finance titled "Banking Services" dated August 3, 2018.

Respectfully submitted:

A handwritten signature in blue ink, appearing to read "Law".



250-542-5851
info@downtownvernon.com
#101 - 3334 30th Avenue
Vernon, BC V1T 2C8

July 31, 2018

Patricia Bridal, CMC
Deputy Chief Administrative Officer
Director, Corporate Services
City of Vernon
3400 - 30 Street
Vernon, BC V1T 5E6

via email: pbridal@vernon.ca

Dear Ms. Bridal:

RE: DVA Annual Service Fee: Landscape & Street Maintenance

Kindly accept this letter as a formal request for an adjustment to the City of Vernon's 2019 service fee for landscaping and maintenance work within the downtown Business Improvement Areas.

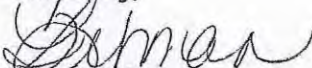
The total cost to the DVA for the landscaping and maintenance operations within the BIAs for 2018, based on our contract with The Grounds Guys, is \$49,643.85+taxes. The City's current rate of contribution to the costs of these services is \$37,000, and we are requesting a \$13,000 increase to bring the City's contribution towards anticipated 2019 costs to \$50,000, with the DVA's financial contribution being approximately \$5,000.

We also respectfully request an annual increase of 3.5% in each year thereafter to avoid the necessity of "catch up" contributions and/or in anticipation of inflation and service cost adjustments.

The DVA believes this approach will ensure and improve the level of landscape and street maintenance services to a high standard of satisfaction for our members and merchants, without significant reduction to our other programs, events, activities, and services per Bylaws 5584 and 5585 and will allow for flexibility in the Contract for additional requirements as road construction and design changes in the BIAs.

Thank you for your kind consideration of our request. Please don't hesitate to let me know if there is any additional information that is required at this time. I look forward to your response in due course.

Sincerely,


Susan Lehman
Executive Director

cc: Councillor Brian Quiring, DVA Council Representative
DVA Executive Committee



downtownvernon.com



REPORT/RECOMMENDATION TO COUNCIL

ORIGINAL

SUBMITTED BY: Debra Law, Director, Financial Services

DATE: July 25, 2018

FILE: 0230 - 20

SUBJECT: Downtown Vernon Association 2017 Financial Statements & 2018 Budgets

PURPOSE:

To present the 2017 audited financial statements and 2018 budgets for the Downtown Vernon Association (DVA) to Council for information and request authorization to pay the remaining balance of the 2018 Business Improvement Area (BIA) tax levies in the amount of \$189,134.

RECOMMENDATION:

THAT Council receive the Downtown Vernon Association Audited 2017 Financial Statements as presented in the report dated July 25, 2018 as submitted by the Director of Financial Services;

AND FURTHER, that Council receive the Downtown Vernon Association 2018 Approved Budgets as presented in the report dated July 25, 2018 as submitted by the Director of Financial Services;

AND FURTHER, that Council approve payment of the second and final instalment of the 2018 BIA tax levies for the total amount of \$189,134.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not support payment of the final instalment of the 2018 BIA tax levy in the amount of \$189,134 until a future date.

Note: This alternative is contrary to the BIA bylaws #5584 & #5585 indicating the second instalment will be paid on July 15 of each year, subject to submission of the annual budget and the audited financial statements.

ANALYSIS:

A. Committee/Board Recommendations:

N/A

B. Rationale:

1. The DVA's 2017 Audited Financial Statements (Attachment 1) and 2018 Approved Budgets (Attachment 2) were received July 19, 2018. Therefore the DVA has met the requirements to receive full payment for the 2018 tax levy as per Section 6 of each of the two BIA bylaws #5584 & #5585.

C. Attachments:

Attachment 1 – Downtown Vernon Association Financial Statements, December 31, 2017.

Attachment 2 – Downtown Vernon Association Approved Budgets (Bylaw 5584 & 5585), Year Ending December 31, 2018.

D. Strategic Plan Objectives:

N/A

E. Policy (Existing/Relevance/None):

1. BIA Primary Bylaw 5584, 2017
2. BIA Secondary Bylaw 5585, 2017

F. Relevant History:

1. Council passed the following resolution on April 9, 2018 resulting in the first instalment payment to the DVA in the amount of \$189,134 on April 9, 2018:

“THAT Council receive the Downtown Vernon Association Audited 2016 Financial Statements as presented in the report dated March 28, 2018 of the same subject, as submitted by the Director of Financial Services;

AND FURTHER, that Council approve payment of the remaining balance of the 2017 BIA tax levy in the amount of \$92,386;

AND FURTHER, that Council approve payment of the first instalment of the 2018 BIA tax levy in the amount of \$189,134.”

2. BIA Primary Bylaw 5584, 2017 - Section 2

“Council is hereby empowered to grant to the Downtown Vernon Association annually, for the term of this bylaw, money not exceeding the following amounts:

YEAR	LEVY
2017	\$248,045
2018	\$257,222

2019	\$266,740
2020	\$276,609
2021	\$286,844
2022	\$297,457
2023	\$308,463
2024	\$319,876
2025	\$331,711
2026	\$343,985
2027	\$357,712

and the annual levy shall be made payable to the Downtown Vernon Association in two equal payments, annually, on January 15 and July 15 subject to submission of the annual budget and the audited financial statements as outlined in Sections 5 and 6 of this bylaw.”

3. BIA Secondary Bylaw 5585 (2017) - Section 2

“Council is hereby empowered to grant to the Downtown Vernon Association annually, for the term of this bylaw, money not exceeding the following amounts:

YEAR	LEVY
2017	\$116,727
2018	\$121,046
2019	\$125,525
2020	\$130,169
2021	\$134,986
2022	\$139,980
2023	\$145,159
2024	\$150,530
2025	\$156,100
2026	\$161,876
2027	\$167,685

and the annual levy shall be made payable to the Downtown Vernon Association in two equal payments, annually, on January 15 and July 15 subject to submission of the annual budget and the audited financial statements as outlined in Sections 5 and 6 of this bylaw.”

4. BIA Primary Bylaw 5584 and Secondary Bylaw 5585 (2017) - Section 5

"The Downtown Vernon Association shall submit to the Council of the City of Vernon, Annually, on or before March 31, a budget for the calendar year, which outlines revenues and expenditures related to carrying out of the Business Promotion Scheme. The Budget shall be in the similar form attached hereto and forming part of this bylaw as Schedule "B".

The 2018 Budgets were received by Administration on July 19, 2018 and are presented to Council during the Regular meeting August 13, 2018.

5. BIA Primary Bylaw 5584 and Secondary Bylaw 5585 (2017) - Section 6

"The Downtown Vernon Association shall submit an annual audited financial statement, annually, on or before June 30, which shall be prepared in accordance with generally accepted accounting principles and shall include a Balance Sheet and a Statement of Revenue and Expenditure. The statement shall account for the money granted and approved by Council for the previous year, in the manner and similar form attached hereto and forming part of this bylaw as Schedule "C".

The 2017 Financial Statements were received by Administration on July 19, 2018 and are presented to Council during the Regular meeting August 13, 2018.

G. Applicants Response:

N/A

H. Reasons for Bylaw:

N/A

I. Resources:

N/A

BUDGET IMPLICATIONS:

There are no budget implications.

Prepared by:



Debra Law, Director, Financial Services

Approved for submission to Council:



Will Pearce, CAO

Date:

08.08.2018

APPROVALS	DATE	COUNCIL AGENDA INFORMATION:		
Supervisor _____	_____	<input type="checkbox"/> Regular	Date: _____	Item # _____
Division Manager _____	_____	<input type="checkbox"/> In-Camera/COW	Date: _____	Item # _____
		<input type="checkbox"/> Information Item	Date: _____	Item # _____
		<input type="checkbox"/> Agenda Addenda	Date: _____	Item # _____

<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u>	<u>REVIEWED WITH</u> Committees
<input type="checkbox"/> Bylaw Services	<input type="checkbox"/> Environment	<input type="checkbox"/> Public Works	<input type="checkbox"/> _____
<input type="checkbox"/> Clerk	<input type="checkbox"/> Facilities	<input type="checkbox"/> Planning	<input type="checkbox"/> _____
<input type="checkbox"/> Economic Dev.	<input type="checkbox"/> Finance	<input type="checkbox"/> Engineering	<input type="checkbox"/> _____
<input type="checkbox"/> RCMP	<input type="checkbox"/> Fire	<input type="checkbox"/> Operations	<input type="checkbox"/> _____
<input type="checkbox"/> Building & Licensing	<input type="checkbox"/> GVS – Parks	<input type="checkbox"/> GVS - Water	
<input type="checkbox"/> Human Relations	<input type="checkbox"/> Utilities	<input type="checkbox"/> Recreation Services	
		<input type="checkbox"/> Other _____	

NOTE: City Administrator's comments will be provided if required as an addendum to the report

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Downtown Vernon Association
Financial Statements
December 31, 2017

Downtown Vernon Association
Contents

For the year ended December 31, 2017

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Management's Responsibility

To the Members of Downtown Vernon Association:

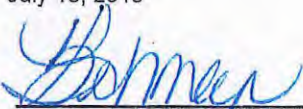
Management is responsible for the preparation and presentation of the accompanying financial statements, including responsibility for significant accounting judgments and estimates in accordance with Canadian accounting standards for not-for-profit organizations. This responsibility includes selecting appropriate accounting principles and methods, and making decisions affecting the measurement of transactions in which objective judgment is required.

In discharging its responsibilities for the integrity and fairness of the financial statements, management designs and maintains the necessary accounting systems and related internal controls to provide reasonable assurance that transactions are authorized, assets are safeguarded and financial records are properly maintained to provide reliable information for the preparation of financial statements.

The Board of Directors is composed primarily of Directors who are neither management nor employees of the Association. The Board is responsible for overseeing management in the performance of its financial reporting responsibilities, and for approving the financial information included in the annual report. The Board fulfils these responsibilities by reviewing the financial information prepared by management and discussing relevant matters with management and external auditors. The Committee is also responsible for recommending the appointment of the Association's external auditors.

MNP LLP is appointed by the members to audit the financial statements and report directly to them; their report follows. The external auditors have full and free access to, and meet periodically and separately with, both the Committee and management to discuss their audit findings.

July 15, 2018



Executive Director

Independent Auditors' Report

To the Members of Downtown Vernon Association:

We have audited the accompanying financial statements of Downtown Vernon Association, which comprise the statement of financial position as at December 31, 2017, and the statements of operations, changes in net assets and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of Downtown Vernon Association as at December 31, 2017 and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Vernon, British Columbia

July 15, 2018

Chartered Professional Accountants

Downtown Vernon Association
Statement of Financial Position

As at December 31, 2017

2017 2016
*(Restated -
note 3 and 13)*

Assets

Current

Cash	164,769	247,330
Accounts receivable	92,675	17,420
Prepaid expenses and deposits	3,577	8,735

261,021 273,485

Capital assets (Note 4)

23,154 8,390

284,175 281,875

Liabilities

Current

Accounts payable and accrued liabilities	74,053	63,410
Deferred contributions (Note 5)	-	385
Government remittances payable	3,957	2,875

78,010 66,670

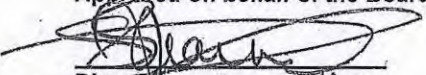
Net Assets

Invested in capital assets	23,154	8,390
Unrestricted	183,011	206,815

206,165 215,205

284,175 281,875

Approved on behalf of the Board



Director - *VICE-CHAIR*

Director

The accompanying notes are an integral part of these financial statements

Downtown Vernon Association
Statement of Operations

For the year ended December 31, 2017

	2017	2016 <i>(restated - note 3 and 13)</i>
Revenue		
Business Improvement Area	354,772	351,758
Vendor and event	188,701	71,264
Local government	51,547	56,000
Interest revenue	375	559
	595,395	479,581
Program Costs		
Events <i>(Note 6)</i>	215,285	77,717
Business Improvement Area <i>(Note 7)</i>	116,178	159,464
	331,463	237,181
	263,932	242,400
Expenses		
Salaries and benefits	173,721	185,522
Professional fees	28,306	27,596
Rent	21,525	21,992
Bad debts	11,022	25,158
Office supplies	5,707	4,566
Telephone	5,136	5,935
Repairs and maintenance	4,550	4,322
Insurance	3,500	4,936
Utilities	3,379	1,526
Training and education	3,377	7,341
Equipment rentals	2,391	2,250
Parking	1,980	-
Membership fees	1,199	1,985
Computer equipment and support	1,114	2,559
Bank charges and interest	1,031	1,121
Meetings and conventions	833	1,049
Security	449	308
Amortization	3,752	2,538
	272,972	300,704
Deficiency of revenue over expenses	(9,040)	(58,304)

The accompanying notes are an integral part of these financial statements

Downtown Vernon Association
Statement of Changes in Net Assets

For the year ended December 31, 2017

	<i>Invested in capital assets</i>	<i>Unrestricted</i>	<i>2017</i>	<i>2016</i>
Net assets, beginning of year, as previously reported	-	235,508	235,508	265,439
Change in accounting policy <i>(Note 3)</i>	8,390	(8,390)	-	8,070
Correction of an error <i>(Note 13)</i>	-	(20,303)	(20,303)	-
Net assets, beginning of year, as restated	8,390	206,815	215,205	273,509
Deficiency of revenue over expenses	-	(9,040)	(9,040)	(58,304)
Purchase of capital assets	18,516	(18,516)	-	-
Amortization	(3,752)	3,752	-	-
Net assets, end of year	23,154	183,011	206,165	215,205

The accompanying notes are an integral part of these financial statements

Downtown Vernon Association
Statement of Cash Flows

For the year ended December 31, 2017

	2017	2016 <i>(Restated - note 3 and 13)</i>
Cash provided by (used for) the following activities		
Operating		
Cash received from government funding	323,933	407,758
Cash receipts from other sources	187,148	53,604
Cash paid to suppliers	(65,565)	(89,726)
Cash paid for program and event costs	(339,766)	(222,547)
Cash paid for salaries and benefits	(169,139)	(185,522)
Cash paid for interest	(1,031)	(1,121)
Interest received	375	559
	(64,045)	(36,995)
Investing		
Purchase of capital assets	(18,516)	(2,858)
Decrease in cash resources	(82,561)	(39,853)
Cash resources, beginning of year	247,330	287,183
Cash resources, end of year	164,769	247,330

The accompanying notes are an integral part of these financial statements

Downtown Vernon Association Notes to the Financial Statements

For the year ended December 31, 2017

1. Incorporation and nature of the organization

Downtown Vernon Association (the "Association") was incorporated under the Society Act of British Columbia on March 22, 1993. It is a not-for-profit organization, and thus, is exempt from income taxes under paragraph 149(1)(l) of the Income Tax Act ("the Act").

The mandate of the Association is to provide programs and services important to the economic viability and vitality of downtown Vernon, British Columbia, and to promote downtown Vernon as a unique and dynamic destination for entertainment, goods and services.

2. Significant accounting policies

The financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations using the following significant accounting policies:

Cash and cash equivalents

Cash and cash equivalents include balances held with financial institutions and petty cash. There is no cash subject to restrictions that prevent its use for current purposes.

Capital assets

Purchased capital assets are recorded at cost. Contributed capital assets are recorded at fair value at the date of contribution if fair value can be reasonably determined.

Amortization is provided using rates intended to amortize the cost of assets over their estimated useful lives.

	Method	Rate
Computer equipment	declining balance	55 %
Furniture and fixtures	declining balance	20 %
Leasehold improvements	straight-line	10 years

Revenue recognition

The Association follows the deferral method of accounting for contributions. Restricted contributions, if any, are recognized as revenue in the year in which the related expenses are incurred. Unrestricted contributions are recognized as revenue when received or receivable if the amount can be reasonably estimated and collection is reasonably assured.

Contributed services

Contributed services are recognized in the financial statements when their fair value can be reasonably determined and they are used in the normal course of the Association's operations and would otherwise have been purchased.

The work of the Association is dependent on the voluntary services of many members. Because of the difficulty of compiling these hours and the fact that these services are not otherwise purchased, the fair value of contributed services can not be reliably determined and are not recognized in the financial statements.

Measurement uncertainty (use of estimates)

The preparation of financial statements in conformity with Canadian accounting standards for not-for-profit organizations requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the reporting period.

Accounts receivable are stated after evaluation as to their collectability and an appropriate allowance for doubtful accounts is provided where considered necessary. Amortization is based on estimated useful lives of capital assets.

These estimates and assumptions are reviewed periodically and, as adjustments become necessary they are reported in the statement of operations in the periods in which they become known.

Downtown Vernon Association
Notes to the Financial Statements
For the year ended December 31, 2017

Financial instruments

The Association recognizes its financial instruments when the Association becomes party to the contractual provisions of the financial instrument. All financial instruments are initially recorded at their fair value, including financial assets and liabilities originated and issued in a related party transaction with management.

At initial recognition, the Association may irrevocably elect to subsequently measure any financial instrument at fair value. The Association has not made such an election during the year.

Transaction costs and financing fees directly attributable to the origination, acquisition, issuance or assumption of financial instruments subsequently measured at fair value are immediately recognized in the statement of operations. Conversely, transaction costs and financing fees are added to the carrying amount for those financial instruments subsequently measured at cost or amortized cost.

Financial asset impairment

The Association assesses impairment of all of its financial assets measured at cost or amortized cost. Management considers whether the issuer is having significant financial difficulty or whether there has been a breach in contract, such as a default or delinquency in payments, in determining whether objective evidence of impairment exists. When there is an indication of impairment, the Association determines whether it has resulted in a significant adverse change in the expected timing or amount of future cash flows during the year. If so, the Association reduces the carrying amount of any impaired financial assets to the highest of: the present value of cash flows expected to be generated by holding the assets; the amount that could be realized by selling the assets; and the amount expected to be realized by exercising any rights to collateral held against those assets. Any impairment, which is not considered temporary, is included in current year statement of operations.

The Association reverses impairment losses on financial assets when there is a decrease in impairment and the decrease can be objectively related to an event occurring after the impairment loss was recognized. The amount of the reversal is recognized in the statement of operations in the year the reversal occurs.

Income taxes

The Association is registered under the Income Tax Act (the "Act") subsection 149(1)(l) and as such is exempt from income taxes. In order to maintain its status as registered under the Act, the Association must meet certain requirements within the Act. In the opinion of management, these requirements have been met.

3. Change in accounting policy

Capital assets

Effective January 1, 2017, the Association changed its accounting policy for capital assets to capitalization of assets purchased as the Association no longer qualifies as a small organization. Prior to the change, the Association expensed capital assets when purchased. The change was applied retrospectively, and the prior year has been restated. The effect on 2016, was to increase capital assets by \$8,390, increase invested in capital assets by \$8,390, decrease opening unrestricted net assets by \$8,390, increase amortization expense by \$2,538 and to decrease computer equipment and support by \$2,858.

4. Capital assets

	<i>Cost</i>	<i>Accumulated amortization</i>	<i>2017 Net book value</i>	<i>2016 Net book value</i>
Computer equipment	5,750	4,180	1,570	1,710
Furniture and fixtures	17,022	6,249	10,773	6,680
Leasehold improvements	11,380	569	10,811	-
	34,152	10,998	23,154	8,390

Downtown Vernon Association
Notes to the Financial Statements
For the year ended December 31, 2017

5. Deferred contributions

Deferred contributions consist of unspent contributions externally restricted for spending on specific events. Recognition of these amounts as revenue is deferred to periods when the specified expenditures are made. Changes in the deferred contribution balance are as follows:

	2017	2016
Balance, beginning of the year	385	11,000
Amount received during the year	-	385
Less: Amount recognized as revenue during the year	(385)	(11,000)
Balance, end of the year	-	385

6. Events

	2017	2016
Avenue Market	-	2,435
Chili Cookoff	3,050	2,233
Civic Sounds	14,120	11,351
Curbside Night Market	-	6,425
Dining Promotion	316	-
Earth Day	-	3,030
Festival of Christmas Traditions	22,960	14,667
Jammin' In Justice/Tuesdays In The Trees	6,327	5,923
Other Event Support	1,403	2,025
Respect Fest	123,003	430
Shop Local	1,709	-
Sunshine Festival	25,604	19,351
Treat Trail	1,981	2,079
Unwined	6,738	7,121
Winter Carnival	2,735	647
Xmas Promotion	5,339	-
	215,285	77,717

7. Business Improvement Area

	2017	2016
Advertising	55,705	66,834
Maintenance and landscaping	25,045	38,507
Mural program	16,376	-
Networking	8,195	4,890
Signage and banners	3,660	3,253
Recognition and rewards	3,072	1,236
Communication and newsletter	2,846	8,783
Street and safety programs	811	11,102
Internal communication	417	7,417
Recruitment	51	-
BIA contract renewal	-	17,185
Member training	-	257
	116,178	159,464

Downtown Vernon Association
Notes to the Financial Statements
For the year ended December 31, 2017

8. Financial instruments

The Association, as part of its operations, carries a number of financial instruments. It is management's opinion that the Association is not exposed to significant interest, currency, credit, liquidity or other price risks arising from these financial instruments except as otherwise disclosed.

9. Commitments

The Association has a lease for a photocopier with monthly payments of \$174 until June 2020.

The Association has committed \$5,000 annually towards the maintenance of the murals in downtown Vernon. This commitment is in perpetuity until either the Downtown Vernon Association or the Business Improvement Area levy cease to exist.

The Association has signed a lease with Sun Valley Mall to rent space at \$1,838 a month until September 2021.

The Association has signed an agreement with The Grounds Guys to perform groundskeeping maintenance in the downtown Vernon area at \$49,644 per year until December 2018.

10. Economic dependence

The Association's primary source of revenue is the Business Improvement Area revenue from the City of Vernon. The bylaw for funding has been established until 2027. The Association's ability to continue viable operations is dependent upon maintaining this funding.

11. Non-monetary transactions

In the current year, the Association received sponsorship in kind from Sun FM and Bell Media for radio advertising services. These non-monetary transactions totaled \$8,300 (2016 - \$2,000), and are measured at the exchange amount of the service received. These transactions have been recorded as an increase to sponsorship in-kind revenue and advertising expense.

12. Comparative figures

Certain comparative figures have been reclassified to conform with current year presentation.

13. Correction of an error

During the year the Association determined that some expenditures related to 2016 were not accrued for in the financial statements, therefore net assets were overstated by \$20,303. For 2016 the impact of this correction has resulted in an increase in program costs of \$8,303, an increase in professional fees of \$12,000, an increase in accounts payable and accrued liabilities of \$20,303 and a decrease in unrestricted net assets of \$20,303.



Schedule B Bylaw 5584

APPROVED BUDGET

Year Ending December 31, 2018

Special Events (including Event Coordinator)	\$133400
Networking & Education, Communication & Advocacy	\$40600
Co-Op Advertising	\$31900
Area Maintenance & Beautification	\$46400
Creation of Promotional Publications	<u>\$37700</u>

Total \$290,000

BIA Levy Revenue \$257,222

Revenue from other sources, including in-kind \$32,778

\$290,000

DVA Vice Chair of the Board: _____

Selena Stearns

DVA Executive Director: _____

Susan Lehman



Schedule B Bylaw 5585

APPROVED BUDGET

Year Ending December 31, 2018

Special Events (including Event Coordinator)	\$73600
Networking & Education, Communication & Advocacy	\$22400
Co-Op Advertising	\$17600
Area Maintenance & Beautification	\$25600
Creation of Promotional Publications	<u>\$20800</u>

Total \$160,000

BIA Levy Revenue \$121,046

Revenue from other sources, including in-kind \$38,954

\$160,000

DVA Vice Chair of the Board:
Selena Stearns

DVA Executive Director:
Susan Lehman



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Roy Nuriel,
Economic Development Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 13, 2018
REPORT DATE: July 31, 2018
FILE: ZON00299 / DVP00427

SUBJECT: REZONING AND DEVELOPMENT VARIANCE PERMIT APPLICATIONS FOR 3607 – 27TH STREET

PURPOSE:

To review the applications to rezone the subject property from R1 – Estate Lot Residential to C4 – Street Oriented Commercial and to vary sections of Zoning Bylaw #5000 and Subdivision and Development Servicing Bylaw #3843 in order to construct a two storey commercial development at 3607 – 27th Street.

RECOMMENDATION:

THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions:

- a) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street that would guarantee access to 3603 – 27th Street by way of a 6.0m wide private access easement if direct access onto 27th Street is not granted in conjunction with a commercial rezoning application for 3603 – 27th Street; and
- b) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;

AND FURTHER, that Council support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.0m to 1.0m (Section 6.6.2, Table 6.1); and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the off-site works along 37th Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service;

AND FURTHER, that Council support of DVP00427 is subject to the following:

- a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27th Street and approximately 0.105m adjacent to 37th Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street);
- b) the owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37th Avenue and 27th Street;
- c) the owner is to enter into a Works Contribution Agreement for off-site works along 27th Street and 37th Avenue adjacent to the subject property;
- d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
- e) the owner is to sign a License Agreement for proposed improvements to the right-of-way adjacent to the subject property; and
- f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled “Rezoning and Development Variance Permit Applications for 3607 – 27th Street” and dated July 31, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule ‘A’.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions: *(to be cited by Council)*;

AND FURTHER, that Council support the following variance(s): *(to be cited by Council)*;

AND FURTHER, that Council support of DVP00427 is subject to the following:

- a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27th Street and approximately 0.105m adjacent to 37th Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street);
- b) the owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37th Avenue and 27th Street;
- c) the owner is to enter into a Works Contribution Agreement for off-site works along 27th Street and 37th Avenue adjacent to the subject property;
- d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
- e) the owner is to sign a License Agreement for proposed improvements to the right-of-way adjacent to the subject property; and

- f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled "Rezoning and Development Variance Permit Applications for 3607 – 27th Street" and dated July 31, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule 'A'; and
- g) *(to be cited by Council).*

Note: This alternative supports the rezoning and development variance permit applications subject to the conditions cited by Council.

2. THAT Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions:
 - a) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street that would guarantee access to 3603 – 27th Street by way of a 6.0m wide private access easement if direct access onto 27th Street is not granted in conjunction with a commercial rezoning application for 3603 – 27th Street; and
 - b) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;

AND FURTHER, that Council not support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.00m to 1.00m (Section 6.6.2, Table 6.1); and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council not support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the off-site works along 37th Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service.

Note: This alternative has Council supporting the rezoning application but not supporting the development variance permit applications, which would result in development on the property needing to comply with the development regulations of the C4 – Street Oriented Commercial zoning district. The applicant would need to redesign the proposal to comply with the C4 zoning district as well as Subdivision and Development Service Bylaw #3843.

3. THAT Council not support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial;

AND FURTHER, that Council not support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);
- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.00m to 1.00m (Section 6.6.2, Table 6.1); and
- d) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that Council not support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the off-site works along 37th Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service.

Note: This alternative does not support the rezoning and development variance applications. The owner would have to develop the property in accordance with the current R1 zoning.

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 24, 2018, the Advisory Planning Committee adopted the following resolution:

“THAT the Advisory Planning Committee recommends that Council support the application to rezone Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street) from R1 – Estate Lot Residential to C4 – Street Oriented Commercial, subject to the following conditions:

- a) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street that would guarantee access to 3603 – 27th Street by way of a 6.0m wide private access easement if direct access onto 27th Street is not granted in conjunction with a commercial rezoning application for 3603 – 27th Street; and
- b) That the owner registers a Section 219 Restrictive Covenant on title of 3607 – 27th Street to prohibit food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands;

AND FURTHER, that the Advisory Planning Committee recommends that Council support Development Variance Permit application #DVP00427 to vary the following sections of Zoning Bylaw #5000 to allow for a two storey commercial development to be constructed on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the minimum front yard setback from 3.0m to 2.13m (Section 10.4.5);
- b) to vary the minimum south side yard setback from 3.0m to 2.97m (Section 10.4.5);

- c) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.0m to 1.0m (Section 6.6.2, Table 6.1);

AND FURTHER, that the Advisory Planning Committee recommends that Council not support the variance to reduce the off-street parking spaces from 21 spaces to 16 spaces (Section 7, Table 7.1);

AND FURTHER, that the Advisory Planning Committee recommends that Council support Development Variance Permit Application #DVP00427 to vary the following section of Subdivision and Development Servicing Bylaw #3843 on the property described as Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street):

- a) to vary the off-site works along 37th Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service;

AND FURTHER, that the Advisory Planning Committee recommends that Council support DVP00427 subject to the following:

- a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27th Street and approximately 0.105m adjacent to 37th Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street);
- b) the owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37th Avenue and 27th Street;
- c) the owner is to enter into a Works Contribution Agreement for off-site works along 27th Street and 37th Avenue adjacent to the subject property;
- d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
- e) the owner is to sign a License Agreement for proposed improvement to the right-of-way adjacent to the subject property; and
- f) that the revised site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled "Rezoning and Development Variance Permit Applications for 3607 – 27th Street" and dated July 17, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule 'A.'

B. Rationale:

1. The subject property at 3607 – 27th Street, as shown on Figures 1 and 2, is located in the East Hill neighbourhood, at the southeast corner of 27th Street and 37th Avenue and is 0.097 hectare (0.24 ac) in area.
2. The applicant has submitted a rezoning and development variance permit application to redevelop 3607 – 27th Street into a two storey commercial development. The intent is to demolish the existing home and construct a 425m² (4,575ft²) two-storey dental clinic (Attachments 1 – 6). In their letter (Attachment 7), the applicant has outlined the proposed project and provided rationale in support of the requested rezoning and variances.
3. The property is designated as "Mixed Use – Medium Density Commercial and Residential" in the Official Community Plan (OCP) (Attachment 8). The City Centre Neighbourhood Plan designates the site as

being within the 27th Street Corridor Character Area. The current zoning is R1 – Estate Lot Residential and reflects the historical residential uses along 27th Street (Attachments 9 and 10). The proposed amendment to rezone to C4 – Street Oriented Commercial (Attachment 11) complies with the land use direction set out in the OCP and the City Centre Neighbourhood Plan.

Other commercial uses along 27th Street, south of 43rd Avenue, have been rezoned over time from residential zones to commercial zones (i.e. C2, C4 and C6). These rezonings have been consistent with the policy direction in the OCP and the City Centre Neighbourhood Plan. The planning vision for the 27th Street Corridor, as set out in the City Centre Neighbourhood Plan, is that “commercial development will include a mixture of professional offices, retail and commercial establishments, but will be compatible with adjacent residential areas and improve the relationship between vehicles and pedestrians. Streetscape enhancements will occur as buildings will be closer to the street and surface parking is located behind buildings.” As such, the proposed rezoning and project design is in keeping with the City Centre Neighbourhood Plan.

4. The subject property is located along the east side of 27th Street and is adjacent to the lower East Hill residential area. In the past, as a condition of approval to rezone a property along the east side of 27th Street, between 28th Avenue and 42nd Avenue, a covenant has been required to be registered on the property title to prohibit uses that may conflict with the quality of life for the adjacent and nearby residences. It is recommended that as a condition of rezoning approval, a covenant be registered to prohibit development of food primary establishments, liquor primary establishments, licensee retail store, food preparation and beverage, food and liquor sales uses on the lands to be rezoned for commercial uses.
5. The property located south of the subject property currently has access only onto 27th Street (Figures 1 and 2). If that site were to be redeveloped for commercial purposes, the preferable access would be through the subject property rather than from 27th Street. As such, it is recommended as a condition of this rezoning, that the owner guarantee future access to 3603 – 27th Street (PID 012-362-883) through the subject property if it is to be developed for commercial purposes. A Section 219 covenant would need to be registered on title prior to Final Reading and Adoption of the rezoning bylaw. The covenant would need to guarantee access to 3603 – 27th Street by way of a 6m wide private access easement if direct access onto 27th Street is not granted in conjunction with a commercial rezoning application for 3603 – 27th Street.

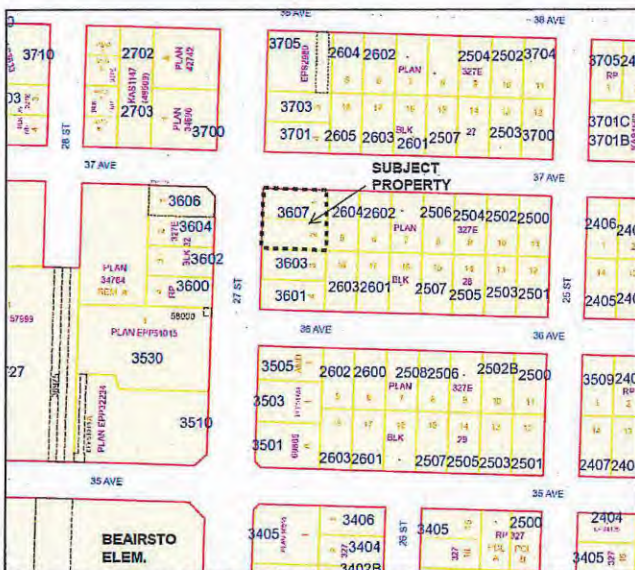


Figure 1: Property Location Map



Figure 2: Aerial Photo of Property

6. Concurrently with the rezoning application, the applicant has applied to vary the following sections of Zoning Bylaw #5000 and Subdivision and Development Servicing Bylaw #3843, as follows:

Zoning Bylaw #5000

Setback Variance (Section 10.4.5):

- a) to vary the minimum front yard setback from 3.0m to 2.13m; and
- b) to vary the minimum south side yard setback from 3.0m to 2.97m.

Landscape Buffer Variance (Sec.6.6.2, Table 6.1):

- a) to vary the minimum landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.0m to 1.0m.

Parking Variance (Sec.7, Table 7.1):

- a) to vary the minimum number of required off-street parking spaces from 21 spaces to 16 spaces.

Subdivision and Development Servicing Bylaw #3843

- a) to vary the off-site works along 37th Avenue and reduce asphalt width requirement of 12.0m to existing as per Schedule A – Level of Service.

7. The proposed design of the building (Attachments 1 – 5) meets the City Centre Neighbourhood Plan design guidelines for 27th Street corridor and is complementary to the residential buildings and the heritage character of the lower East Hill Neighbourhood. The proposed low rise commercial building is oriented to the street frontage and includes many architectural elements such as a pitched roof, variety of materials, elements of colour, large display of windows, canopies and articulated façades. The proposed landscape design (Attachment 6) enhances the attractiveness of the building and includes ornamental paving stone and a variety of trees, shrubs and perennials in the buffer area, as well as in the City right-of-way along 27th Street and 37th Avenue. The improvement to the right-of-way would require the owner to sign a License Agreement, which is a recommended condition of approval of the development variance permit.
8. With respect to the request to reduce the minimum front yard and south side yard setbacks, such variances, given the size of the lot, allow for the building to have a better street presence and allows the parking to be located at the rear (Attachment 1). This design is supported by the policy direction established in the City Centre Neighbourhood Plan. The proposed building location allows for a 2.0m wide landscape area at the road frontages. As illustrated in Attachment 6, the loss of setback has been addressed through landscape design, plant material, planters, paving and ground cover. The setback reduction is supported by Administration as it improves the function and appearance of the development.
9. The applicant has also proposed to reduce the landscape buffer on the south side yard from 2.0m to 1.6m and on the rear side from 2.00m to 1.00m (Attachments 1 and 6). The variance provides more area and improves functionality of the parking lot. The proposed buffer would include a 1.8m high solid wood fence along the property line combined with enhanced vegetation. The fence would provide visual privacy to the adjacent residential properties and would be designed so that a panel or panels could be removed in the future to allow for the vehicle statutory right-of-way to be constructed if necessary. Administration supports the request to reduce the landscape buffer along the south side yard and rear yard as it improves the parking area while providing privacy fencing and vegetation.

10. The proposed parking variance is to reduce the required parking from 21 to 16 (Attachment 1). The size of the lot, relative to the size of the proposed project, limits the ability to provide parking on-site to meet bylaw requirements. The proposed dental clinic building is to be two stories, with the main floor approximately 294m² (3,165ft²) in area and the upper floor approximately 131m² (1,410ft²) in area (Attachments 2-3). The parking requirement in Zoning Bylaw #5000 for the "health services" use is five parking spaces per 100m². As such, the required parking is a total of 21 spaces for the development (about 15 spaces for the first floor and six spaces for the upper floor). As illustrated in Attachments 2-3 and in the applicant's letter (Attachment 7), the upper floor of the building would only be used by the clinic staff. This floor would include two private offices, staff lounge, kitchen and lunch area, washrooms with showers and roof terraces. Leaving that area out of the parking calculation would result in the actively used main floor area requiring 15 parking spaces.

The site is centrally located, near transit service (several bus stops within 500 metres), and on-site bicycle parking and end-of-trip facilities for staff (i.e. change facilities and showers) are being provided. The patient used space is the main floor only, as the upper floor is dedicated for staff. Based on these considerations, the parking reduction is supportable by Administration.

11. The applicant has requested to vary requirements of Subdivision and Development Servicing Bylaw (SDSB) #3843, Schedule A to reduce the pavement width of the portion of 37th Avenue from 12.0m to the existing 8.5m and not to require asphalt width widening of 1.75m. Other than the road widening, SDSB #3834 standards for 37th Avenue require concrete curb and gutter and widening of the sidewalk by 0.3m. Administration supports the requested variance and recommends that as conditions of variance approval, the owner is to dedicate approximately 0.105m for road right-of-way and enter into a Works Contribution Agreement for off-site works along 37th Avenue adjacent to the property.
12. 27th Street adjacent to the property is fully built, however, SDSB #3834 standards require a concrete curb and gutter and sidewalk widening from 1.5m to 2.0m. Administration recommends that as conditions of variance approval, the owner is to dedicate approximately 0.31m for road right-of-way and a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37th Avenue and 27th Street and enter into a Works Contribution Agreement for off-site works along 27th Street adjacent to the property.
13. Should Council support DVP00427, Administration recommends that the following conditions be required as part of DVP approval:
 - a) the owner is to dedicate road right-of-way widening of approximately 0.31m adjacent to 27th Street and approximately 0.105m adjacent to 37th Avenue on Lot 1-2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD (3607 – 27th Street);
 - b) The owner is to dedicate a 3.0m by 3.0m corner cut-off at the northwest corner of the property at 37th Avenue and 27th Street;
 - c) the owner is to enter into a Works Contribution Agreement for off-site works along 27th Street and 37th Avenue adjacent to the subject property;
 - d) that Lots 1 and 2, Block 28, Plan 327E, Sec 3, Twp 8, ODYD be consolidated prior to the issuance of the occupancy permit;
 - e) the owner is to sign on a License Agreement for proposed improvements to the right-of-way adjacent to the subject property; and
 - f) that the site, floor, elevation and landscaping plans, generally shown as Attachments 1 to 6 inclusive in the report titled "Rezoning and Development Variance Permit Applications for 3607

– 27th Street” and dated July 31, 2018 by the Economic Development Planner be attached to and form part of DVP00427 as Schedule ‘A’.

C. Attachments:

- Attachment 1 – Proposed site plan
- Attachment 2 – Main floor plan
- Attachment 3 – Upper floor plan
- Attachment 4 – Building elevations
- Attachment 5 – Renderings
- Attachment 6 – Landscape plan
- Attachment 7 – Applicant letter dated June 22, 2018
- Attachment 8 – OCP map
- Attachment 9 – Zoning map
- Attachment 10 – R1: Estate Lot Residential zoning district
- Attachment 11 – C4: Street Oriented Commercial zoning district

D. Council’s Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject involves the following deliverables in Council’s Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP.
- Support sustainable urban development by reducing off site costs and reviewing parking requirements for infill development.

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is designated Mixed Use – Medium Density Commercial and Residential in the Official Community Plan and located within the 27th Street Corridor Character Area in the City Centre Neighbourhood Plan.
2. The property is zoned R1 – Estate Lot Residential as per Zoning Bylaw #5000.
3. The Local Government Act provides Council with the authority to vary local bylaws based on site specific considerations. The granting of such variances does not set a precedent within the community for future variances to be based upon, as each variance application must be evaluated on its own merit and potential implications to the whole community and the specific neighbourhood.

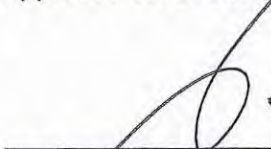
BUDGET/RESOURCE IMPLICATIONS:

The applicant has reviewed the revitalization tax exemption program for the City Centre (“City of Vernon Revitalization Tax Exemption Bylaw (City Centre District) Bylaw Number 5362, 2012”). If approved, the project would be qualified for up to ten year’s tax exemption under this bylaw following issuance of an occupancy permit.

Prepared by:

Approved for submission to Council:




Roy Nuriel
Economic Development Planner
Aug 2 2018 10:15 AM 



Will Pearce, CAO

Roy Nuriel
Economic Development Planner

Date: 08.08.2018

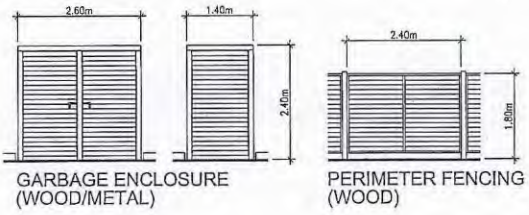
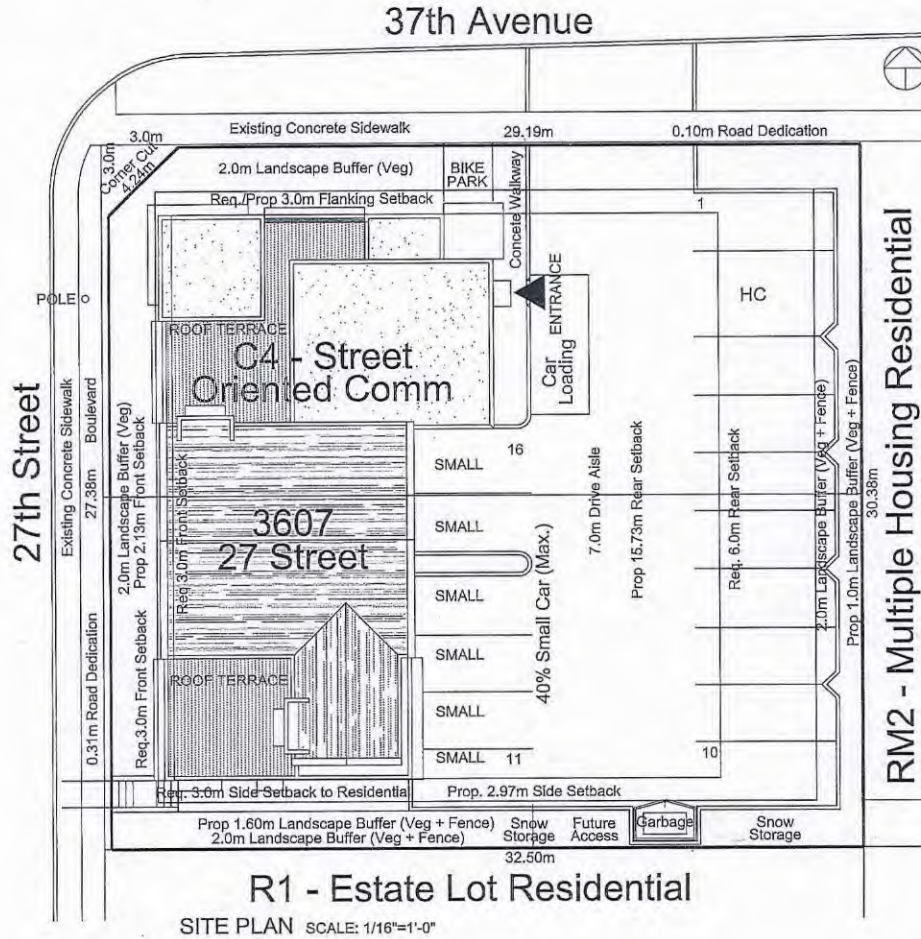

Kim Flick
Director, Community Infrastructure and Development
Aug 2 2018 12:25 PM 

Kim Flick
Director, Community Infrastructure and Development

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 checked="" type="checkbox"/> Engineering & Development |
| <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 checked="" type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jul.24/18) | | |
| <input type="checkbox"/> OTHER: | | |

G:\3000-3699 LAND ADMINISTRATION\3360 ZONING AND REZONING\20 Applications\ZON00299\2 PROC\Rpt\180731_m_CI_RPT_ZON00299_DVP00427.docx



RM2 - Multiple Housing Residential

LEGAL DESCRIPTION
Lot 1-2, Block 28, Plan 327E, Sec 3, TWP 9, ODD

CIVIC ADDRESSES
3607 27th Street, Vernon, B.C.

ZONING
Existing Zoning: R1 - Estate Lot Residential
Proposed Zoning: C4 - Street-Oriented Commercial
Existing OCP Designation: Medium Density - Commercial and Residential

PRIMARY USES
Allowable Use: Health Services, Offices, Personal Services, Retail Stores, Etc.
Proposed Use: Health Services

ITEM	PERMITTED	PROVIDED
HEIGHT	12.0m or 3.0 Storeys	8.05m (2.0 Storeys)
LOT AREA (gross)	450sm/1300sm min (Subdivision)	992sm
LOT AREA (net)	450sm/1300sm min (Subdivision)	973sm
LOT FRONTAGE (gross)	13.0m/22.0m (Subdivision)	27.38m
FLOOR AREA RATIO (F.A.R.)	1.5 Commercial	0.44
SITE COVERAGE	50%	30%
SETBACKS		
FRONT YARD (W)	3.0m	2.13m
FLANKING YARD (N)	3.0m	3.00m
SIDE YARD (S)	3.0m (Abate Res.)	2.97m
REAR YARD (E)	6.0m	15.72m
LANDSCAPE BUFFERS		
FRONT YARD (W)	2.0m (Vegetative + Fence)	2.0m (Vegetative)
FLANKING YARD (N)	2.0m (Vegetative + Fence)	2.0m (Vegetative)
SIDE YARD (S)	2.0m (Vegetative + Fence)	1.8m (Vegetative/Fence)
REAR YARD (E)	2.0m (Vegetative + Fence)	1.0m (Vegetative/Fence)
FLOOR AREA RATIO		
FLOOR AREA (gross main and upper floors):		425sm
LOT AREA (net):		973sm
FLOOR AREA RATIO: (425sm/973sm)		0.44
SITE COVERAGE		
TOTAL BUILDING COVERAGE		294sm
LOT AREA (net):		973sm
SITE COVERAGE RATIO: (294sm/973sm)		0.30
PARKING		
TYPE OF UNIT	STALLS REQUIRED	STALLS PROVIDED
HEALTH SERVICES (425sm)	5/100sm = 21 Stalls	16 Stalls (38% Small)
TOTAL PARKING	21 Stalls	16 Stalls (Variance)
PARKING - BICYCLE		
TYPE OF UNIT	STALLS REQUIRED	STALLS PROVIDED
HEALTH SERVICES (425sm)	Class 1 - 0.2/100sm = 1 Stall	Class 1 = 1 Stall (min)
HEALTH SERVICES (425sm)	Class 2 - 0.6/100sm = 3 Stalls	Class 2 = 3 Stalls (min)
TOTAL PARKING	4 Stalls	4 Stalls (min)
LOADING		
TYPE OF UNIT	STALLS REQUIRED	STALLS PROVIDED
HEALTH SERVICES (425sm)	1/500sm = 1 Car Stall	1 Car Stall (Drive Aisle)
TOTAL PARKING	1 Car Stall	1 Car Stall (Drive Aisle)

Required Variances

P161

DWELL DESIGN STUDIO

P. 250.552.7476
d.dwell@ubc.net

email: Dwell Design Studio
6637 Cannon Drive
Vernon, BC, V1H 1K5

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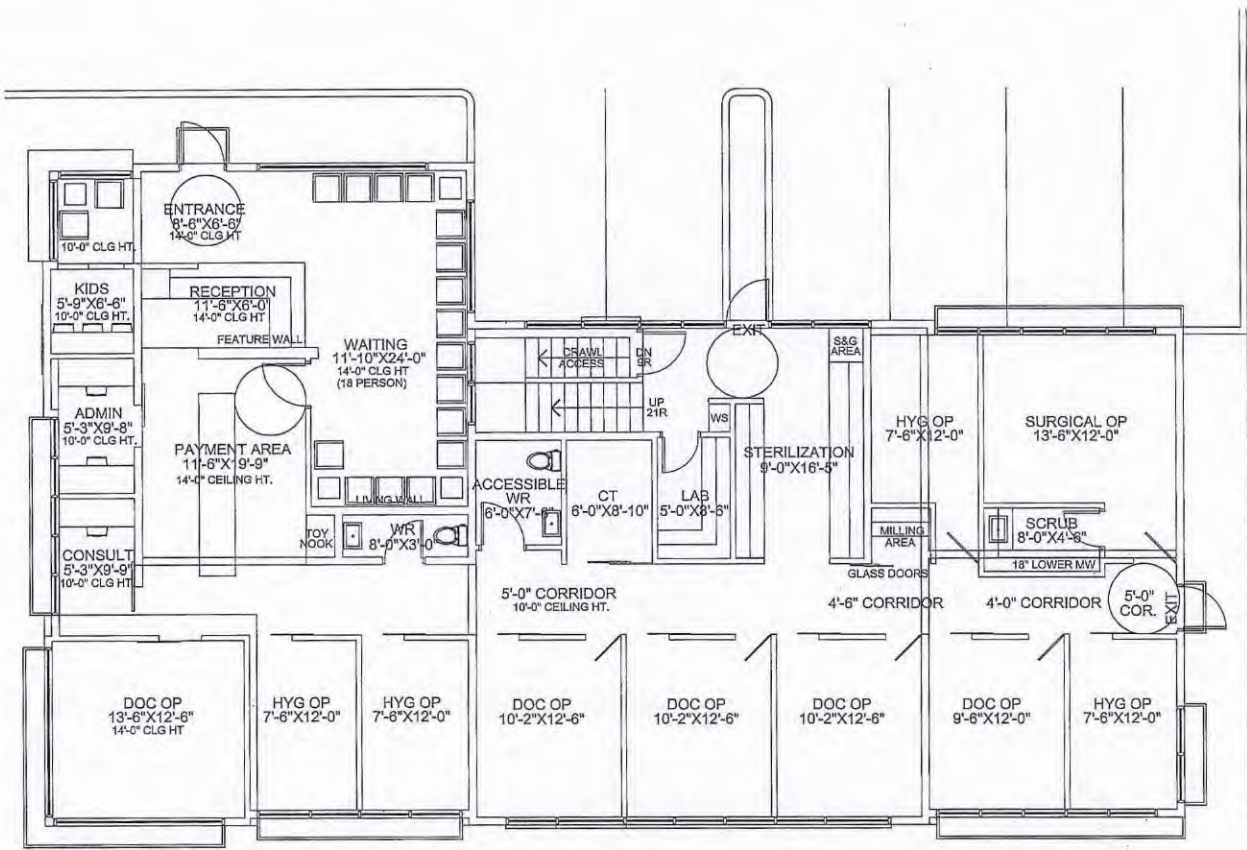
DATE	ISSUED FOR:
May 16, 2018	Issued for Condition
May 24, 2018	Issued for Development Permit
June 22, 2018	Re-issued for ODDP

PROJECT TITLE:
Proposed Commercial Development (Dental)
3607 27 Street
Vernon, BC

SHEET TITLE:
Site Plan Option 1

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Date: Feb 21, 2010
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Checked: DC
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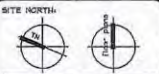
MAIN FLOOR 3/16"=1'-0"
 GROSS FLOOR AREA = 3166sf (294sm)
 TOTAL GROSS FLOOR AREA = 4578sf (425sm)

MAXIMUM TRAVEL DISTANCE TO EXIT FOR GROUP D
 UNSPRINKLERED AND UP TO 2 STORIES - 40m (CURRENTLY AT 20m)
 AND 25m FOR UPPER FLOOR WITH 1 EXIT (CURRENTLY AT 23m)



P. 202.502.7478
 d.dwell@dwelldesign.com

email:
 Dwell Design Studio
 6837 Camino Delo
 Vernon, BC, V1H 1N5



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DATE:	ISSUED FOR:
May 24, 2016	Issued for Designation Permit
June 22, 2016	Revised for DR/DP

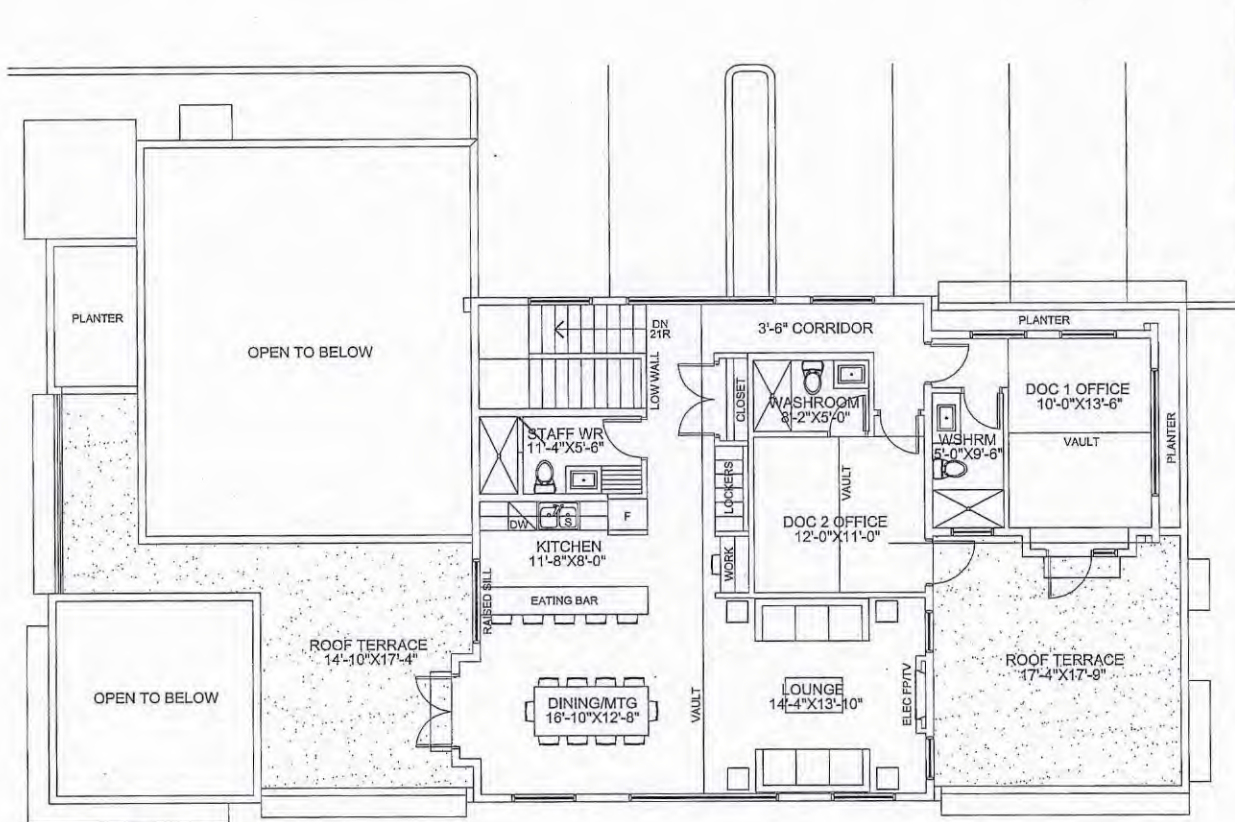
PROJECT TITLE:
Proposed Commercial Development (Dental)
 3607 27 Street
 Vernon, BC

SHEET TITLE:
Main Floor Plan

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Job No: 2017-114
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A-102
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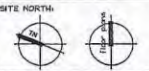


UPPER FLOOR 3/16"=1'-0"
GROSS FLOOR AREA = 1412sf (131sm)



p. 250.550.7475
e. dwell@dwells.net

email:
Dwell Design Studio
6533 Camino Del
Vernon, BC, V1H 1E6



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DATE:	ISSUED FOR:
May 24, 2008	Issued for Development Permit
June 25, 2008	Revised for DRYWP

PROJECT TITLE:

Proposed Commercial Development (Dental)
3607 27 Street
Vernon, BC

SHEET TITLE:

Upper Floor Plan

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SHEET NUMBER:

A-103

OF



FRONT ELEVATION

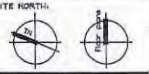


SIDE ELEVATION



p. 250.559.7476
e. dwell@telus.net

email:
Dwell Design Studio
8837 Camino Del Rio
Vernon, BC, V8B 1N5



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DATE:	ISSUED FOR:
May 24, 2016	Issued for Development Permit
June 22, 2016	Re-issued for CP/DP

PROJECT TITLE:

Proposed Commercial Development (Dental)
3807 27 Street
Vernon, BC

SHEET TITLE:

Building Elevations

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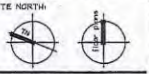
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A-104
OF



p. 250.550.7478
a.dwell@studiosrjst

email:
Dwell Design Studio
8537 Camino Del Rio
Vernon, BC, V1T 1H5



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DATE:	ISSUED FOR:
May 24, 2018	Issued for Development Permit
June 21, 2018	Re-issued for DDDW

PROJECT TITLE:
Proposed Commercial Development (Dental)
3807 27 Street
Vernon, BC

SHEET TITLE:
Building Elevations

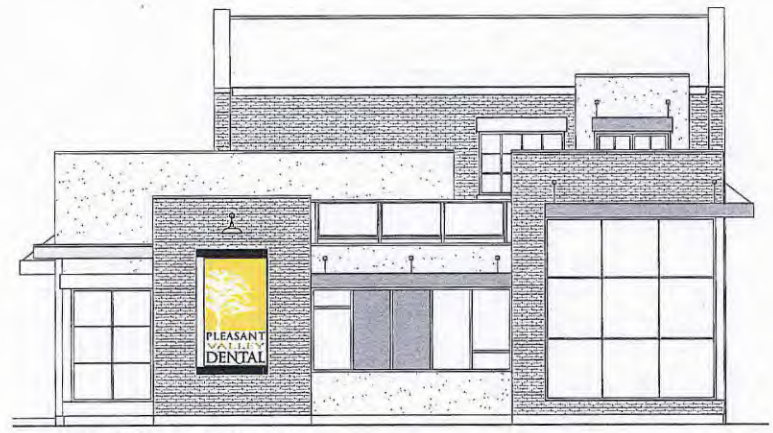
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SHEET NUMBER:
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OF



REAR ELEVATION

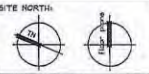


FLANKING ELEVATION



p. 252.552.7476
a. dwell@dwelldesign.com

dwelld
Dwell Design Studio
6837 Camino Drive
Vernon, BC, V1H 1S5



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DATE:	ISSUED FOR:
May 24, 2018	Issued for Development Permit
June 22, 2018	Re-issued for DVEVP

PROJECT TITLE:
Proposed Commercial Development (Dental)
3607 27 Street
Vernon, BC

SHEET TITLE:
Colours and Materials





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Date: Feb 28, 2018
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Drawn: DC
Checked: DC

SHEET NUMBER:
A-106
OF



FRONT ELEVATION
COLOUR SCHEME

- | | |
|--|---|
|  <p>1 BRICK VENEER
HERON BRICK CO
RETRO-STYLE
THIN BRICK
ALE HOUSE</p> |  <p>3 STUCCO DETAILS
NATURAL GREY
FINISH (CONCRETE
LOOK)</p> |
|  <p>2 STUCCO
SAND FLOAT
BENJAMIN MOORE
CHELSEA GRAY
HC-168</p> |  <p>4 WINDOWS/DOORS/
AWNINGS & CABLES/
LIGHTING/GUTTERS/
RAILINGS/FLASHING/
SIGNAGE
TO MATCH GENTEK
BLACK</p> |



NORTH WEST CORNER



SOUTH WEST CORNER



SOUTH EAST CORNER



NORTH EAST CORNER

DWELL
DESIGN STUDIO

p. 350.550.7476
d.dwell@dmv.com

name:
Dwell Design Studio
6821 Camino Drive
Vernon, BC, V1H 1N6

SITE NORTH



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DATE:	ISSUED FOR:
May 24, 2018	Issued for Development Permit
June 22, 2018	Revised for DP/CP

PROJECT TITLE:

Proposed Commercial Development (Dental)

3607 27 Street
Vernon, BC

SHEET TITLE:

Renderings

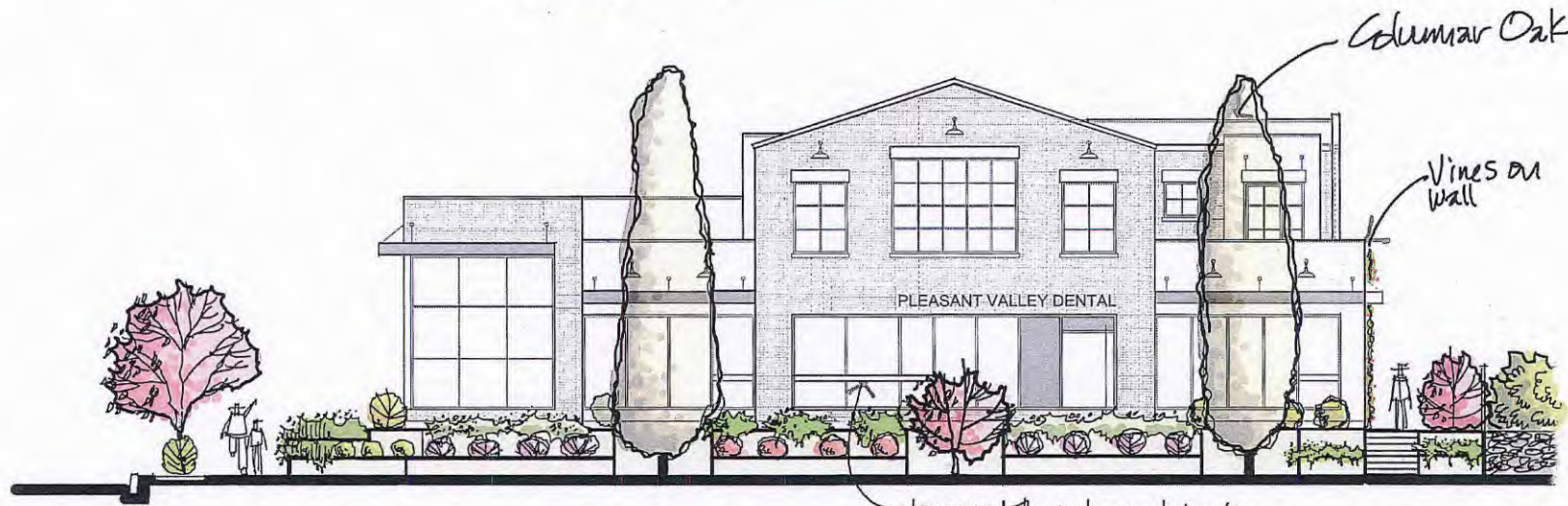
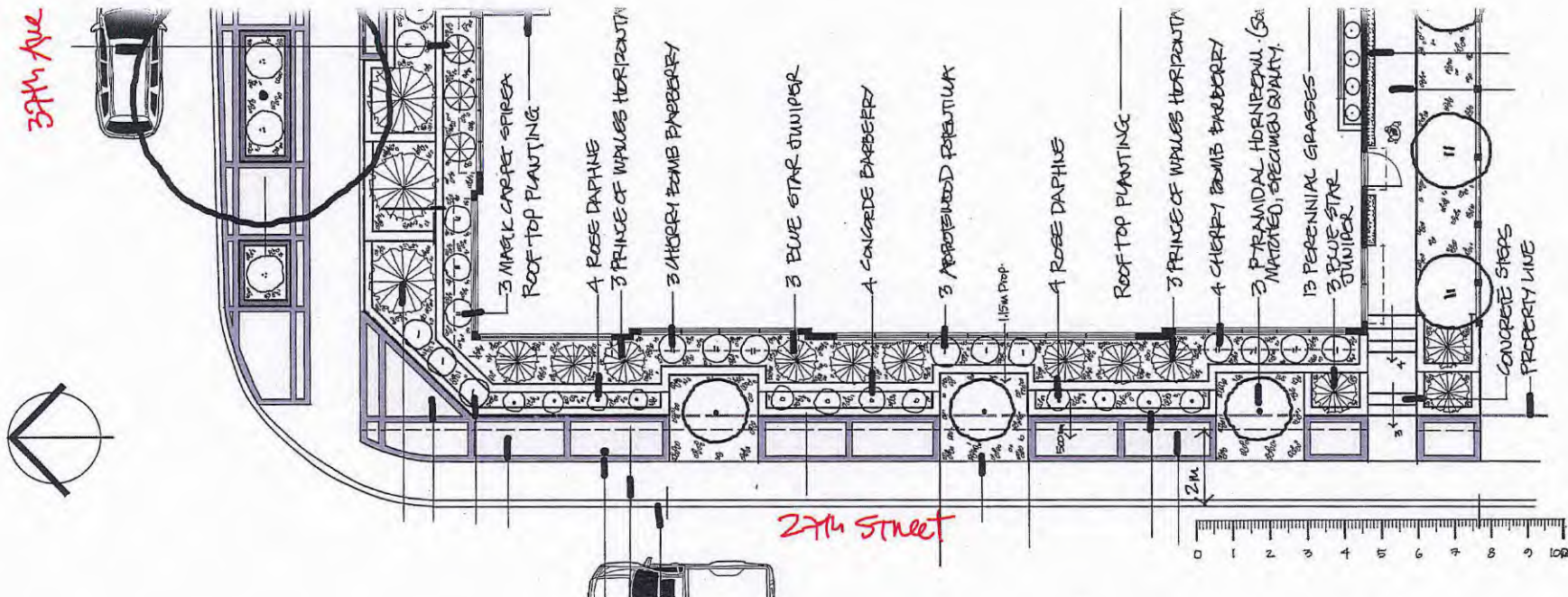
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Date:	Feb 21, 2018
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SHEET NUMBER:

A-106

OF



Pleasant Valley Dental

PROPOSED FACILITY

June 5, 2018

Prepared by:





June 22, 2018

City of Vernon
Development Services – Planning Department
3507 33rd Street, Vernon, BC

Attn.: Mr. Roy Nuriel, Economic Development Planner

Re.: Design Rationale for the Proposed Commercial Development at 3607 27th Street, Vernon, B.C.

Design Rationale:

The purpose of the Design Rationale is to give background on the history of the proposal and the context in an effort to provide justification for the variances requested and depicted in the Development Permit/Development Variance Permit drawing package attached.

Background:

Dr. Sean Bicknell is a local Dentist who has been living and working in Vernon since 2005. His practice is based on General Dentistry with specialty in the areas of Cosmetic and Implant Dentistry. The Practice has outgrown its current location at 2301 32 Avenue in Vernon and he wishes to establish a new state-of-the-art clinic in a prominent location in Downtown Vernon. The proposed development is to include office/clinic space as well as indoor and outdoor staff areas.

Context:

The subject site is located at 3607 27th Street within the City Centre Plan area denoted as the 27th Street Corridor. The subject site fronts onto both 27th Street and 37th Avenue. The area is eclectic in nature and ranges from the established Neo-Heritage homes of lower East Hill to the flat-roof industrial/commercial buildings along 27th Street. The area has developed over time and is in transition from residential uses to commercial or mixed-use commercial/residential uses.

The subject site is bordered; to the north by a vacant site Zoned C4-Street-Oriented Commercial site, to the south by an existing heritage style home (Zoned R1-Estate Lot Residential), to the west by 27th Street and to the east by the existing heritage style homes (Zoned RM2-Multiple Housing Residential) of lower East Hill.

Rationale for Design:

A review of the City Centre Plan has been undertaken as part of the submission. The purpose is to establish that the proposed commercial building design meets the objectives of the City Centre Plan with respect to the general Design Guidelines and the Character Area guidelines.

The proposed building meets the following objectives of the City Centre Plan:

- New development complements the existing character of the neighbourhood while being true to the era in which it was built.

-building designs complement the streetscape and enhance the overall appeal of the City Centre.
-architectural elements to complement existing development through windows spacing, materials, textures, patterns/motifs, massing, form, scale of building or elements or colour. Visual interest, generally through the articulation and composition of facades, contributes to how people feel in a place and is fundamental to a highly pedestrian environment.
- Buildings are oriented to the street frontage and accessible from the sidewalk.
- Ground floor commercial is required and/or encouraged according to Character Areas.....
- Development proposals should incorporate Crime Prevention Through Environmental Design (CPTED) principles into site design.
- The impact of new development on existing view corridors should be minimized.....
- Where possible, buildings should be located parallel to the street or along the edge of an open space with a consistent front yard setback.
- Parking should be accommodated in the rear yard, the side yard or provided discreetly within the building envelope.
- Development will retain the pitched roof character of existing buildings in the area.
- Proposed development should relate to adjacent buildings in terms of scale, height and general configuration. To create appropriate transitions, new buildings should consider several of the following features of adjacent buildings; building height, building orientation, massing....., setback....., materials....., window treatment.....
- The transition between different land uses and Character Areas should be respectful and make reference in scale, massing, and/or style, where appropriate, in order to minimize negative impacts of abrupt contrasts in neighbouring buildings.
- Buildings should provide multiple points of visual interaction through doorways, large display windows and other pedestrian oriented features that promote activity and transparency.
- The building facade shall use architectural solutions to create varied and articulated building facades. Window placement and groupings, material palette and surface relief through massing or elements, among other techniques, may be explored to avoid a monolithic form.
- Entrances should be emphasized with architectural forms....projections.....canopies...to define and distinguish an entrance.
- Building materials should be chosen for their durability as well as their functional and aesthetic quality.....Materials should be compatible with adjacent buildings, either as primary or accent materials.
- Materials used for the front facade must be carried around the building where any facades are within view of a public street.
-Historic practice has been to encourage earth tones in the City Centre.....
- Commercial signage should be limited to the street level and add diversity and interest.....
- Signs should be integrated into the design of building facades but must not obscure windows.....
-Streetscape enhancements will occur as buildings will be closer to the street and surface parking is located behind the buildings.
- Support redevelopment of vacant and underutilized lands.
-All development must include commercial uses at street level

The proposed commercial development is residential in scale and massing and embodies the heritage character of the adjacent lower East Hill neighbourhood yet adds to the eclectic feel of the 27th Street Corridor. The materials and colours have been selected to reinforce the desired residential character for the development.

The design incorporates clean lines and strong repetition of elements to give the building a more modern and commercial interpretation of the Industrial/Restoration/Modern style.

Variations and Rationale:

There are 3 requested variations for the proposed commercial development:

1. Vary the required parking stalls from 21 stalls to 16 stalls based on gross floor area for the proposed medical use

Justification:

- The parking required for the proposed commercial development is based on gross floor area. There are a number of ancillary areas that are part of the gross floor area that do not generate a need for parking. The areas above the main floor are dedicated to staff only and do not contribute to the occupant load of the building. If we look at the gross floor area of the proposed main floor (2945m) there is a requirement for 14.7 stalls (5 stalls/1005m for Health Services Use). The staff areas on the upper floor (1315m) require an additional 6.6 stalls based on the requirements for parking. The proposal development will provide 16 parking stalls and meets the need of the practice for 5 staff and patients.
- The proposed development is located adjacent to transit, bike lanes and pedestrian routes within the downtown area and encourages alternative forms of transportation to traditional automobile access to the subject site.

2. Vary the landscape buffer along the east property line from 2.0m to 1.0m.

Justification:

- The commercial development needs to have the foot-print proposed to make it economically viable and meet the program for its intended use. When the dimensional constraints of the building, site depth and drive aisle and parking stall depth are combined there is less area available for the landscape buffer on the east property line.
- The buffer is to consist of vegetation and a fence. The fence will be constructed of solid wood panels at 1.8m high to create visual privacy for the adjoining residential neighbour. The landscape plan has addressed the enhanced planting in this buffer area and tree wells have been created with a triangular projection into the parking stall area to achieve the larger planting requirements.

3. Vary the landscape buffer along the south property line from 2.0m to 1.6m.

Justification:

- The commercial development needs to have the proposed number of parking stalls to meet the needs of patients and staff. When the dimensional constraints of the site width and parking stall widths are combined there is less area available for the landscape buffer on the south property line.
- The buffer is to consist of vegetation and a fence. The fence will be constructed of solid wood panels at 1.8m high to create visual privacy for the adjoining residential neighbour.
- There will only be two vehicles parked parallel to the south property line at any time.
- An access agreement is required through the site to the adjacent property to the south. The reduction of the landscape buffer and landscape material in this area will require less removal later as the adjacent property develops.

4. Vary the front yard setback from 3.0m to 2.13m.

- The variance request is consistent with the adjacent project to the North with the setback reduction and will create continuity in the streetscape along this portion of 27th Street.
- The building is raised approximately 1.2m above the level of the sidewalk on 27th Street. The loss of setback has been addressed through enhanced landscape design; plant material, planters, paving and ground cover
- The building has been pulled closer to 27th Street to further reinforce the Downtown Neighbourhood Plan requirements of form and character with visual connection to the street from the main floor and upper floor/roof terraces.

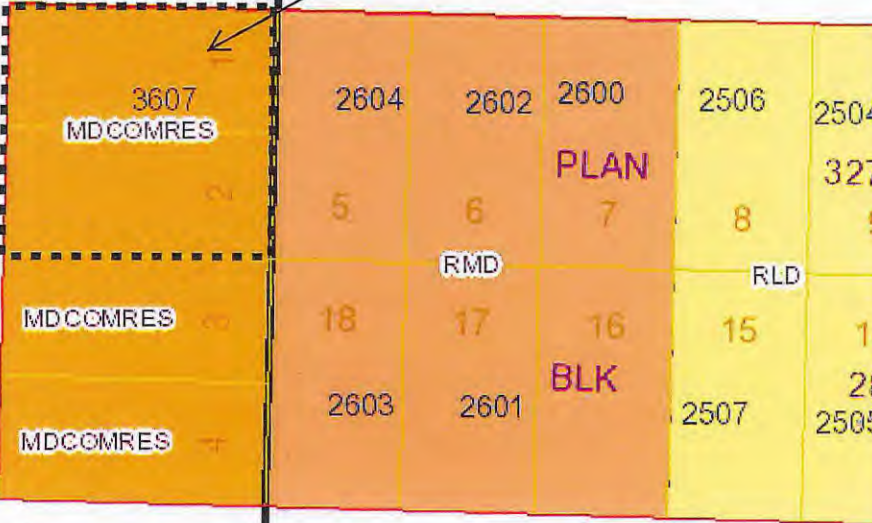
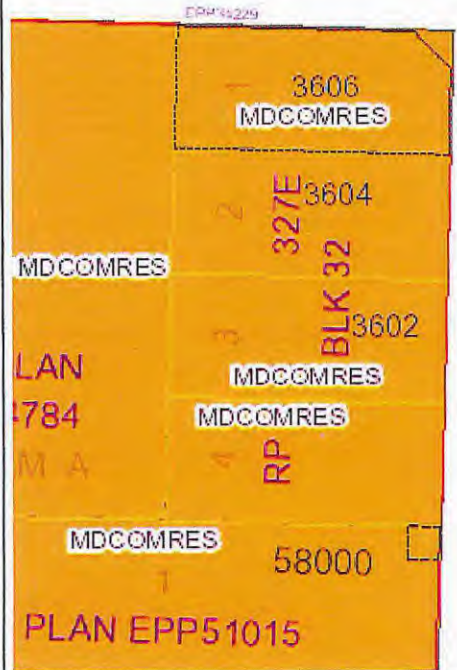
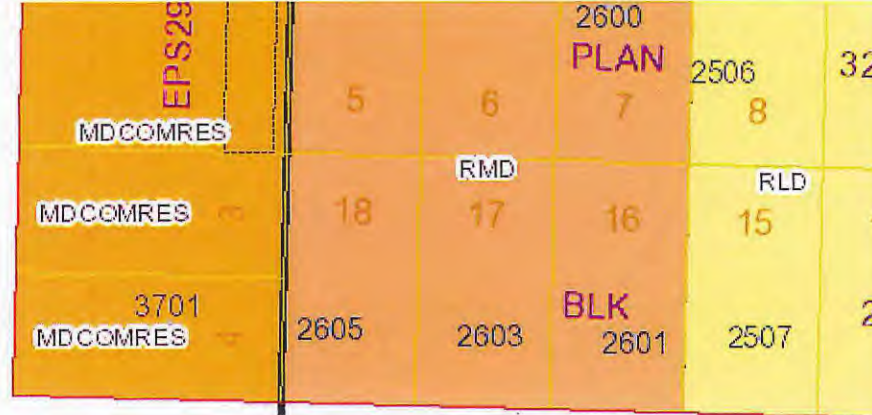
5. Vary the side yard setback from 3.0m to 2.97m.

- The variance request is consistent with the adjacent project to the North with the setback reduction.
- The current residential property to the South will be redeveloped in the future to a commercial use and thus the setback between commercial properties will be reduced. The current additional setback requirement is driven by the adjacency of commercial to residential use.
- The buffer planting and solid wood fencing at a 1.8m height will create visual and sound buffering from the proposed commercial development. The proposed clinic has been laid out to direct most of the internal view away from the internal side yard and create less intrusion to the residential property to the South.

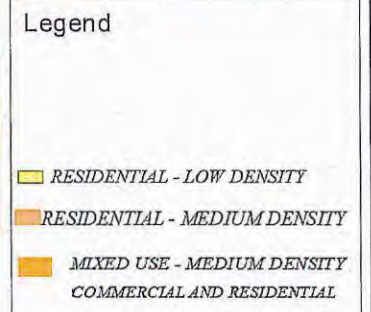
Regards,
Darrin Collie
Dwell Design Studio

encl.

Attachment 8

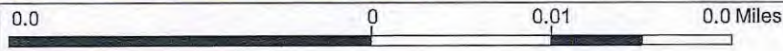


SUBJECT PROPERTY



1: 863

Notes



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

9.2 R1 : Estate Lot Residential

9.2.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on larger urban serviced **lots**. The R1c sub-zoning district allows for **care centre, major** as an additional use. The R1h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.2.2 Primary Uses

- **care centre, major** (*use is only permitted with the R1c sub-zoning district*)
- **single detached housing**

9.2.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R1h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.2.4 Subdivision Regulations

- Minimum **lot width** is 24.0m.
- Minimum **lot area** is 740m², or 10,000m² if not serviced by a **community sewer system**.
- Maximum **density** is 30.0 units per gross hectare (12.0 units/gross acre).

9.2.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 7.5m.
- Minimum **side yard** is 2.5m, except it is 7.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 1.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.2.6 Other Regulations

- There shall be no more than one **single detached house** per lot.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.

- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

10.4 C4 : Street-Oriented Commercial

10.4.1 Purpose

The purpose is to provide a **zone** for neighbourhood scale, pedestrian-oriented commercial **development** along major **streets**.

10.4.2 Primary Uses

- apartment housing
- artist studios
- brewing and distilling, class A
- care centres, major
- commercial schools
- community recreation centre
- cultural exhibits, private
- emergency protective services
- financial services
- food primary establishments
- gas bars, where in active use prior to January 1, 2004
- group home, major
- health services
- offices
- personal services
- parks, public
- retail stores, convenience
- retail stores, general
- row housing
- seniors assisted housing
- seniors residential care
- seniors supportive housing
- temporary shelter services
- used goods stores

10.4.3 Secondary Uses

- care centres, minor
- home based businesses, minor

10.4.4 Subdivision Regulations

- Minimum **lot width** is 13.0m, except it is 22.0m if there is no **abutting lane**.
- Minimum **lot area** is 450m², except it is 1300m² if there is no **abutting lane**.

10.4.5 Development Regulations

- Maximum commercial **floor space ratio** is 1.5. In addition, a residential **floor space ratio** of 0.3 is permitted for a total **floor space ratio** of 1.8.
- Where **parking spaces** are provided completely beneath habitable space of a primary **building** or beneath useable common amenity areas, providing that in all cases the **parking spaces** are screened from view, an additional **floor space ratio** of 0.2 is permitted. Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the **floor space ratio** permitted shall be determined through multiplying the additional 0.2 **floor space ratio** by the percentage of parking proposed to be

provided beneath habitable space of a primary **building** or useable common amenity areas.

- Maximum **site coverage** is 50%.
- Maximum **height** is the lesser of 12.0m or 3.0 **storeys**.
- Minimum **front yard** is 3.0m.
- Minimum **side yard** is 0.0m, except it is 3.0m for a **flanking street** or where the **site abuts** a residential zone.
- Minimum **rear yard** is 6.0, except it is 1.5m for **secondary buildings**.

10.4.6 Other Regulations

- **Apartment housing, major care centres, seniors assisted housing and seniors supportive housing** are only allowed above the **first storey** and require a separate at-grade access from the **commercial uses**.
- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, seniors assisted housing or seniors supportive housing** unit or group home **bedroom**, 10.0m² of private open space shall be provided per 1 **bedroom dwelling**, and 15.0m² of private open space shall be provided per **dwelling** with more than 1 **bedroom**.
- While vehicular access to a **lot** is permitted from the front, parking areas shall not be constructed in the **front yard**, but on the side or rear of the **lot**.
- For **seniors assisted housing, seniors residential care and seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings and structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 13, 2018
REPORT DATE: August 2, 2018
FILE: SUB00729

SUBJECT: SUBDIVISION APPLICATION FOR 2504 – 39th AVENUE (STRATA CONVERSION)

PURPOSE:

To review the strata conversion application which proposes to create three strata lots on the subject property, which would consist of an existing detached single family dwelling and a semi-detached (two unit) building under construction.

RECOMMENDATION:

THAT Council approve the strata conversion application for Lot 7, Blk 26, Sec 3, Twp 8, ODYD, Plan 327E (2504 – 39th Avenue), subject to the following conditions:

- a) That all applicable conditions within Council's policy entitled "Strata Conversion Application" be satisfied;
- b) That a report be provided by a registered professional certifying that the existing residential structure meets all the requirements of the BC Building Code; and
- c) That Council's approval period is to expire one year from the date of Council consideration.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council approve the strata conversion application for Lot 7, Blk 26, Sec 3, Twp 8, ODYD, Plan 327E (2504 – 39th Avenue), subject to the following conditions:
 - a) That all applicable conditions within Council's policy entitled "Strata Conversion Application" be satisfied;
 - b) That a report be provided by a registered professional certifying that the existing residential structure meets all the requirements of the BC Building Code;
 - c) That Council's approval period is to expire one year from the date of Council consideration; and
 - d) *(to be cited by Council).*

Note: This alternative supports the rezoning application as submitted with the addition of any other conditions as cited by Council.

2. THAT Council not approve the strata conversion application for Lot 7, Blk 26, Sec 3, Twp 8, ODYD, Plan 327E (2504 – 39th Avenue).

Note: This alternative does not support the strata conversion application and as a result the application as submitted would not be able to proceed.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The subject property is located at 2504 – 39th Avenue (Figures 1 and 2). The land is designated as Residential Low Density within the Official Community Plan and is within the RM1 Row Housing zoning district as shown on the attached zoning map excerpt (Attachment 1).
2. The subject property is approximately 736 m² in area and contains an existing detached single family dwelling and a semi-detached (two unit) building under construction. City records note that the existing 1½ storey residence was constructed prior to 1930.
3. All strata conversion applications require the approval of Council under Strata Property Act Section 242 (Attachment 2) and are subject to Council's policy entitled "Strata Conversion Applications" (Attachment 3). Part B1 of the Council policy indicates that strata conversion for a residential building is not to be approved if the rental vacancy rate (as per the Canada Mortgage and Housing Corporation Survey) is less than 4%. The rental vacancy rate for Vernon as of the most recent survey is 1.4% (CMHC 2017). Clause B1 further states that a strata conversion may be approved if the application is related to a detached single family dwelling on one lot which would form part of a multi-family unit (two or more units) strata titled project. That is the case with the subject application. Therefore, if all other conditions in the Council policy are satisfied, and Council approves the application, and the strata plan complies with the Strata Property Act, then the strata plan can be approved by the Approving Officer.

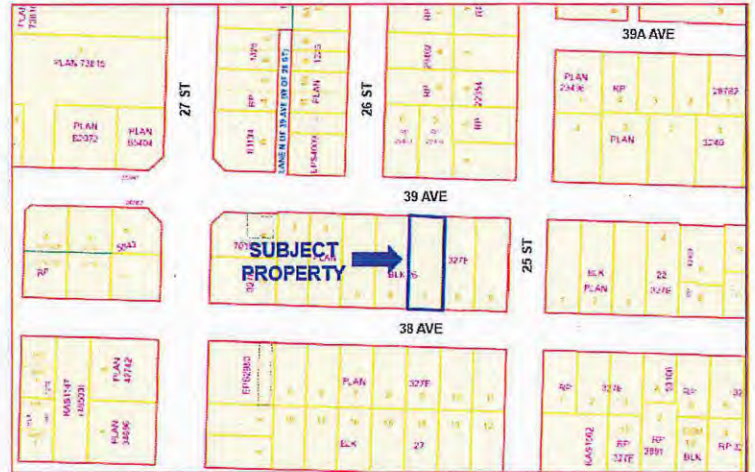


Figure 1 – Property Location Map



Figure 2 – Aerial Map of Property

4. The surrounding zoning is: RM1 (Row Housing Residential) to the north, east, and west, and RM2 (Multiple Housing Residential) to the south (Attachment 1).
5. Administration supports the strata conversion application for the following reasons:

a) The application meets the criteria in Council's strata conversion application policy.

- b) The Strata Property Act and Council's policy require certification by an architect or engineer that the building, property and off-site works substantially comply with current codes and bylaws. Administration advises that necessary upgrades were addressed with the building permit (BP006687) and that no further upgrades are required. The applicant has been advised that a Building Code analysis would be required for the existing single family residence.
- c) The strata conversion allows for the common property and open space areas to be governed, maintained and utilized by the owners and residents of the strata units (Attachment 4).
- d) The strata conversion allows for home ownership for three households in a neighbourhood with few strata titled projects. The subject property contributes to the diversity of housing types and land tenure for the neighbourhood, which is a goal of the Official Community Plan (OCP).

C. Attachments:

- Attachment 1 – Current Zoning
- Attachment 2 – Strata Property Act excerpt
- Attachment 3 – Corporate Policy re: Strata Conversion Applications
- Attachment 4 – Proposed Plan of Subdivision

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

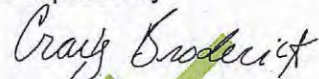
1. Official Community Plan:

- 7.3 Support the development of the City Centre District, neighbourhood centres, and designated multiple family areas to the densities outlined in the OCP to build compact, complete neighbourhood areas within the community and to achieve the maximum use of municipal infrastructure.


BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

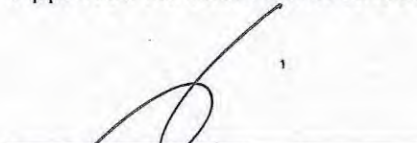

Craig Broderick
Aug 2 2018 12:29 PM DocuSign

Craig Broderick
Manager, Current Planning


Kim Flick
Aug 2 2018 12:18 PM DocuSign

Kim Flick
Director, Community Infrastructure and Development

Approved for submission to Council:



Will Pearce, CAO

Date: 07.08.2018

REVIEWED WITH

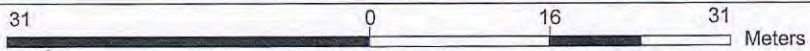
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| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
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| <input type="checkbox"/> OTHER: | | |

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Vernon Essentials Site



Attachment 1



1998

STRATA PROPERTY ACT

SBC Chap. 43

Approval for conversion of previously occupied buildings

(Sub) Jun 21/02

242. (1) For the purposes of this section, "approving authority" means

(Am) Apr 03/09

- (a) the municipal council of the municipality if the land is located in a municipality,
- (b) the regional board of the regional district if the land is located in a regional district but not in a municipality and is neither Nisga'a Lands nor treaty lands of a treaty first nation,
- (c) the Nisga'a Village Government if the land is located within Nisga'a Village Lands,
- (d) the Nisga'a Lisims Government if the land is Nisga'a Lands other than Nisga'a Village Lands, or
- (e) the governing body of the treaty first nation if the land is located within the treaty lands of that treaty first nation.

(Add) Apr 03/09

(2) If a person applying to deposit a strata plan wishes to include in the strata plan a previously occupied building, the person must submit the proposed strata plan to the approving authority.

(3) The approving authority may

- (a) approve the strata plan, or approve the strata plan subject to terms and conditions, or
- (b) refuse to approve the strata plan, or refuse to approve the strata plan until terms and conditions imposed by the approving authority are met.

(4) The decision of the approving authority under subsection (3) is final and may not be appealed.

(Sub) Jun 21/02

(5) The approving authority must not approve the strata plan unless the building substantially complies with the following:

(Add) Apr 03/09

- (a) the applicable bylaws of the municipality or regional district;
- (b) applicable Nisga'a Government laws;
- (b.1) the applicable laws of the treaty first nation;
- (c) the building regulations within the meaning of the *Building Act*, except, in relation to a treaty first nation that has entered into an agreement described in section 6 of that Act, to the extent that the agreement enables the treaty first nation to establish standards that are different from those established by the building regulations.

(Sub) Sep 18/15

(6) In making its decision, the approving authority must consider

- (a) the priority of rental accommodation over privately owned housing in the area,
- (b) any proposals for the relocation of persons occupying a residential building,
- (c) the life expectancy of the building,
- (d) projected major increases in maintenance costs due to the condition of the building, and
- (e) any other matters that, in its opinion, are relevant.

(7) If the approving authority approves the strata plan without terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations.

(8) If the approving authority approves the strata plan subject to terms and conditions, an authorized signatory of the approving authority must endorse the plan in accordance with the regulations once the terms and conditions have been met.

(9) The endorsement must be dated not more than 180 days before the date the strata plan is tendered for deposit.

(10) The approving authority may, by resolution, with respect to a specified type of previously occupied building,

- (a) delegate to an approving officer or other person designated in the resolution the exercise of the powers and performance of the duties of the approving authority under this section, and
- (b) impose limits or conditions on the exercise of the powers and performance of the duties delegated by the resolution.

(11) This section does not apply to a strata plan that includes a previously occupied building if the person applying to deposit the strata plan is the government or the Crown in right of Canada.



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:		
Sub-Section:		
Title:	Strata Conversion Applications	

RELATED POLICIES

Number	Title

APPROVALS

POLICY/AMENDMENT APPROVED BY:	DATE OF COUNCIL MEETING:	SECTION AMENDED
<i>"Wayne McGrath"</i> Mayor	<i>June 7, 1999</i>	ORIGINAL POLICY
<i>"Wayne Lippert"</i> Mayor	<i>November 13, 2007</i>	Part B(1) revised
<i>"Wayne Lippert"</i> Mayor	<i>September 13, 2010</i>	Part B(5) added

POLICY

It is important that tenants in larger rental projects, landlords, City Council and staff have a reasonable set of guidelines from which to deal with strata conversion applications. These guidelines are to cover those areas as required to be considered by City Council in accordance with the Strata Property Act.

DEFINITIONS

PROCEDURES

Applications submitted to City Council requesting strata plan approval related to existing buildings as provided for in the Strata Property Act or any amendments made thereto shall meet the following criteria:

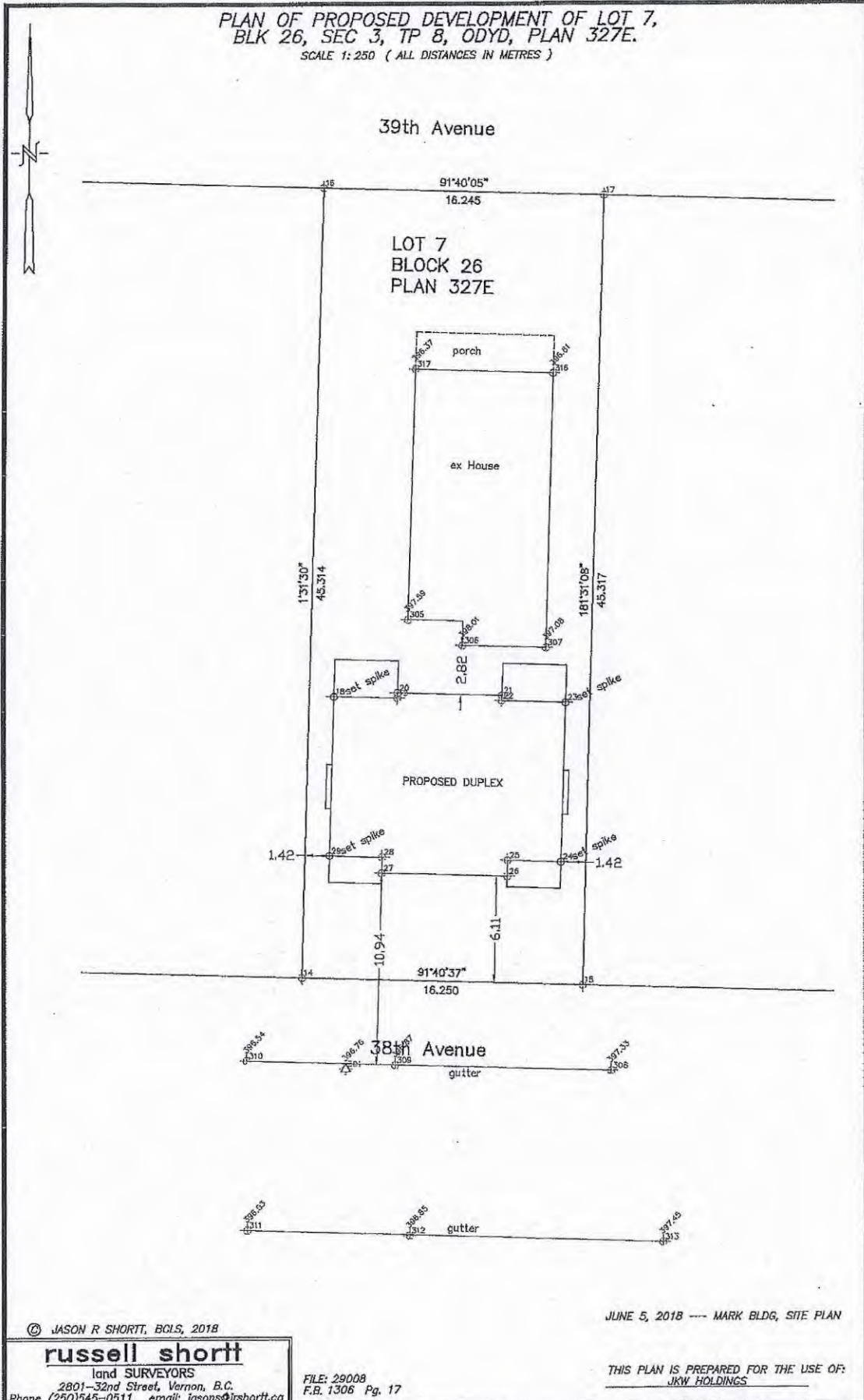
A. For All Strata Conversions (Residential, Commercial or Industrial)

1. A Certificate from a professional Engineer or Architect registered in the Province of British Columbia must be provided and such Certificate must indicate that the existing building(s) and subject development substantially complies with all the current bylaws and codes that apply to the property.
2. Written consent from all utility companies that service the subject property confirming their concerns have been satisfied must be provided.
3. Security acceptable to the City must be provided by the property owner/applicant in cases where on-site improvements related to the strata conversion have not been completed prior to strata plan approval.
4. A strata conversion application fee shall be paid prior to City Council reviewing the application and a processing fee shall be submitted should Council approve the application. The rate of the fees are outlined in the current Fees and Charges Bylaw.
5. City Council's approval is for 364 days from the date of approval. One reapproval may be granted upon application for same and the approval conditions related to the re-approval may differ from the approval conditions of the original approval. Any further approvals will require that a new application be submitted accompanied with the applicable documentation, plans and fee.

B. For Residential Strata Conversions Only

1. That no approvals for residential strata conversions be granted if the residential rental vacancy rate for Vernon, as determined by the Canadian Mortgage and Housing Corporation, is less than four percent (4%), except for a detached single family dwelling unit on one (1) lot which will form part of a multi-unit (2 or more units) strata titled project. In such case there is to be a Covenant registered on the titles of all the strata lots that indicates rental of the units cannot be prohibited by the Strata Corporation and their implementation bylaws, regulations and rules.
2. The property owner/applicant must submit to the City a complete list of the names and addresses for all tenants residing in the subject residential complex so the City can survey those tenants in order to determine if they have any objection to the strata conversion application and whether there are any special considerations for them to purchase, rent or lease one of the units.
3. The property owner/applicant must submit to the City any written considerations that are being offered to the existing tenants as incentives which are intended to make it attractive for them to purchase one of the units being strata titled.
4. The existing tenants will be provided an opportunity to provide their written and verbal comments to City Council before a final decision is made.
5. The residential strata conversion application is to be referred to Council's Affordable Housing Advisory Committee, or any such committee replacing same, for their review and recommendation.

PLAN OF PROPOSED DEVELOPMENT OF LOT 7,
BLK 26, SEC 3, TP 8, ODYD, PLAN 327E.
SCALE 1:250 (ALL DISTANCES IN METRES)



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russell shortt

land SURVEYORS
2801-32nd Street, Vernon, B.C.
Phone (250)545-0511 email: jasons@rshortt.ca

FILE: 29008
F.R. 1306 Pg. 17

JUNE 5, 2018 --- MARK BLDG, SITE PLAN

THIS PLAN IS PREPARED FOR THE USE OF:
JKW HOLDINGS

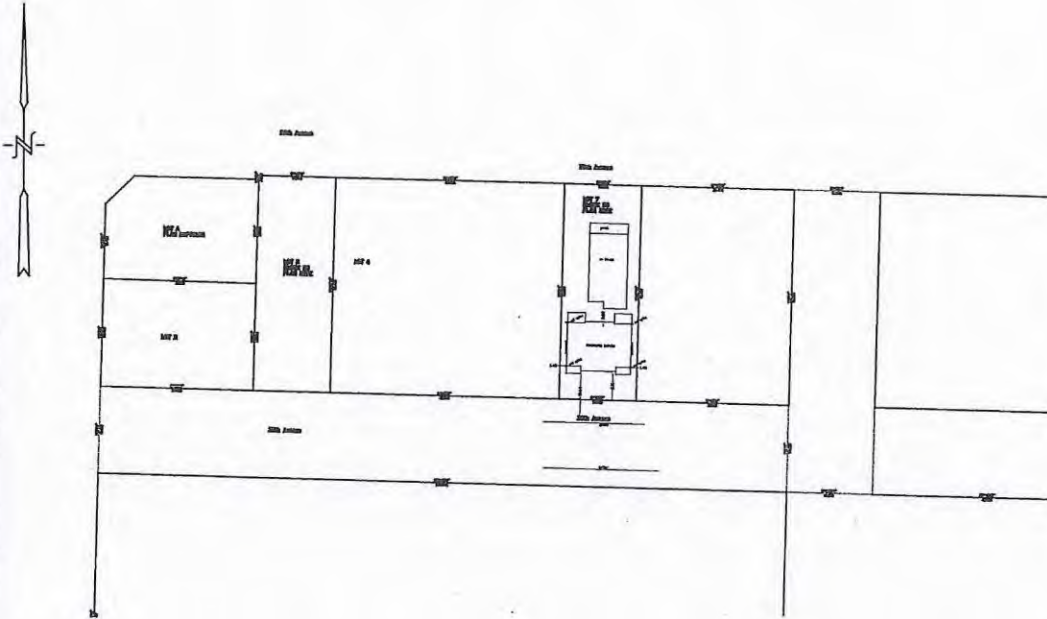
Sub 729

STRATA PLAN OF LOT 7,
BLK 26, SEC. 3, TP 8,
ODYD, PLAN 327E.

SHEET 1 OF 6 SHEETS
STRATA PLAN EPS_____

City of Vernon

BCGS No. 82L.024
SCALE 1:1000



GCM 958298
UTM ZONE 11 COORDINATES
Datum NAD83 (CSRS) 4.0.0.BC.1
UTM NORTHING.....5570818.196
UTM EASTING.....338637.902
ESTIMATED HORIZONTAL POSITIONAL ACCURACY IS 0.02m
COMBINED FACTOR IS 0.9998598

GCM 205898
UTM ZONE 11 COORDINATES
Datum NAD83 (CSRS) 4.0.0.BC.1
UTM NORTHING.....5570974.217
UTM EASTING.....338640.222
ESTIMATED HORIZONTAL POSITIONAL ACCURACY IS 0.02m
COMBINED FACTOR IS 0.9998597

LEGEND

INTEGRATED SURVEY AREA NUMBER 19, CITY OF VERNON

GRID BEARINGS ARE DERIVED FROM OBSERVATIONS BETWEEN GEODETIC CONTROL MONUMENTS 958298 AND 205898.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL MEASURED DISTANCES UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE COMBINED FACTOR OF 0.9998597 WHICH HAS BEEN DERIVED FROM CONTROL MONUMENTS 958298 AND 205898.

OFFSETS SHOWN ARE TO EXTERIOR FOUNDATION WALLS UNLESS OTHERWISE INDICATED.

THIS SHEET SHOWS DIMENSIONS TO EXTERIOR FOUNDATION WALLS.

- DENOTES STANDARD IRON POST FOUND
- SL DENOTES STRATA LOT
- Pt DENOTES PART OF STRATA LOT
- (G) DENOTES GARAGE
- (C) DENOTES COMMON PROPERTY
- LCP DENOTES LIMITED COMMON PROPERTY FOR STRATA LOT
- ⊙ DENOTES CONTROL MONUMENT FOUND

THE BUILDINGS INCLUDED IN THIS STRATA PLAN HAVE BEEN PREVIOUSLY OCCUPIED.

THE BUILDINGS INCLUDED IN THIS STRATA PLAN HAVE NOT BEEN PREVIOUSLY OCCUPIED.

THE BUILDINGS SHOWN HEREON ARE WITHIN THE EXTERNAL BOUNDARIES OF THE LAND THAT IS THE SUBJECT OF THE STRATA PLAN.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NORTH OKANAGAN AND THE VERNON ASSESSMENT AREA.

THE FIELD SURVEY REPRESENTED BY THIS PLAN WAS COMPLETED BY JASON R. SHORTT, BCLS, ON THE _____ DAY OF July, 2018.

ECP # _____ completed _____, 2018.

THE CIVIC ADDRESS IS:
2504 39th Avenue, VERNON, B.C.

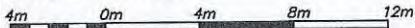
F.B. 1306
File: 29008

russell shortt
land SURVEYORS
2801 32nd Street, Vernon, B.C.
Phone 545-0511 Fax 545-2741

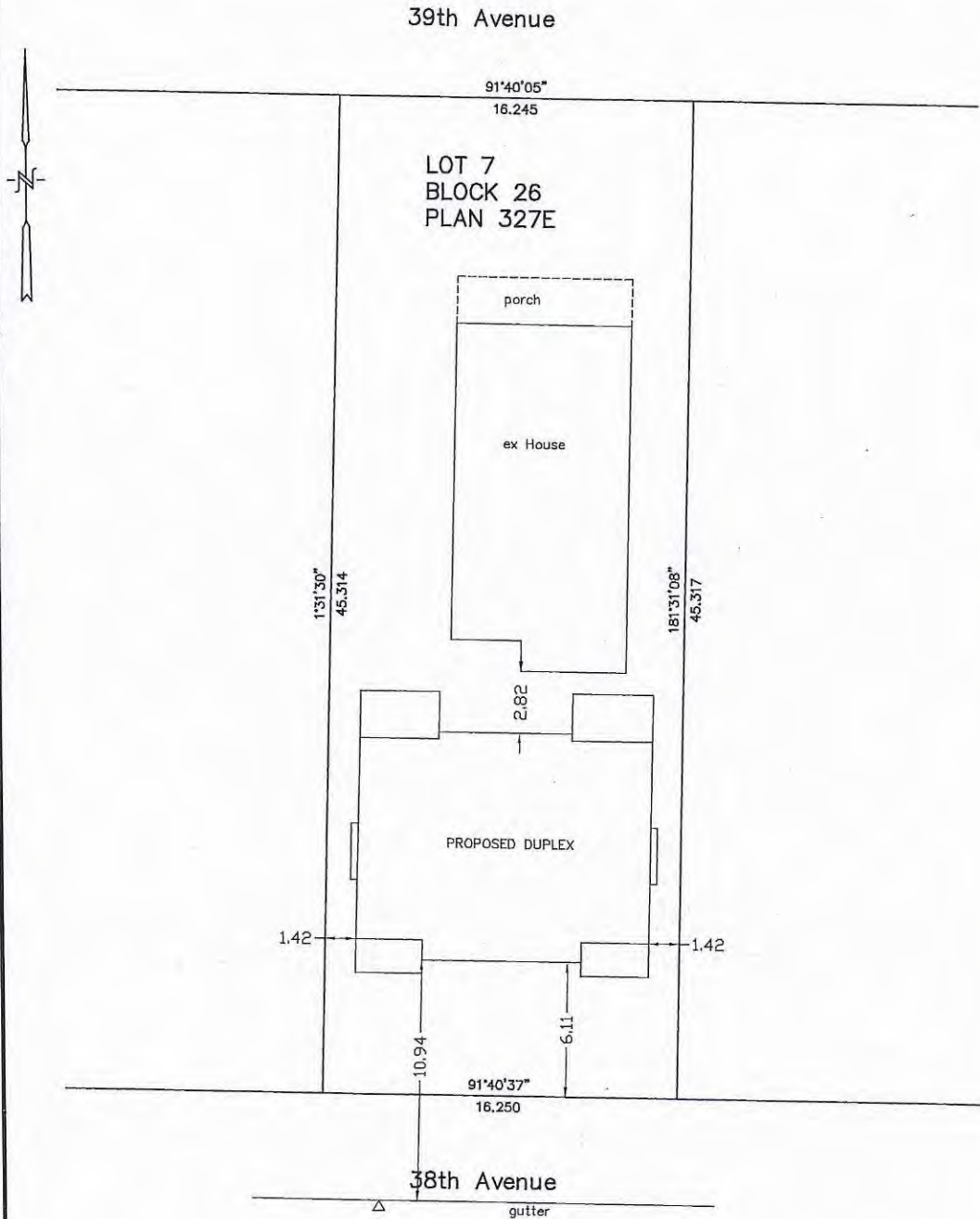
BUILDING LOCATION AND LCP.

SHEET 2 OF 6 SHEETS
STRATA PLAN EPS _____

SCALE 1:200



ALL DISTANCES SHOWN IN METRES AND DECIMALS THEREOF
THIS SHEET SHOWS DIMENSIONS TO EXTERIOR WALLS.

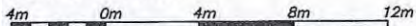


J.R. SHORTT, BCLS
JULY _____, 2018.

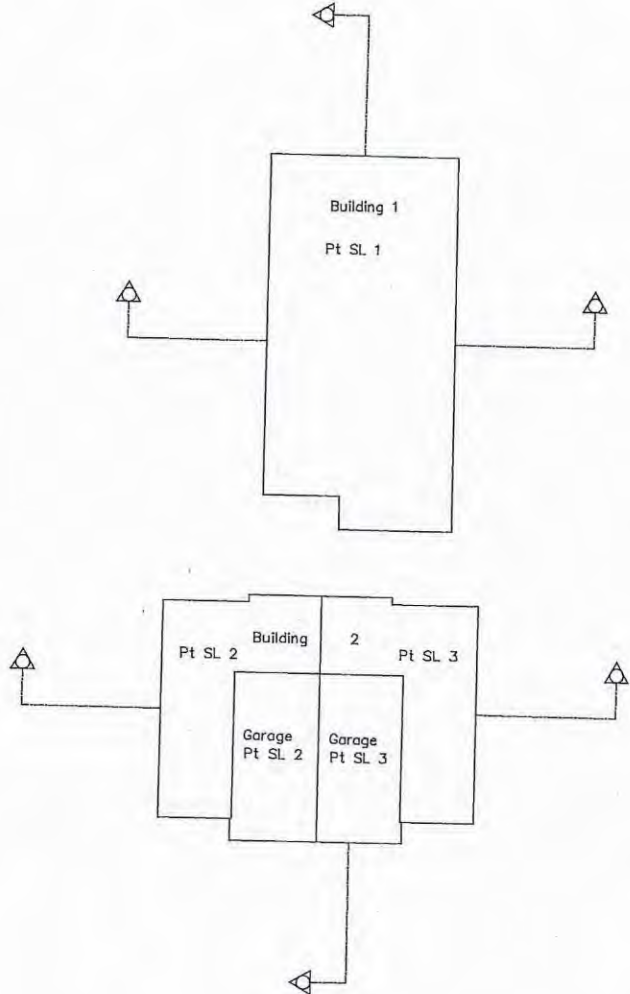
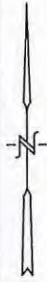
BUILDINGS 1 & 2, FIRST FLOOR.

SHEET 3 OF 6 SHEETS
STRATA PLAN EPS _____

SCALE 1:200



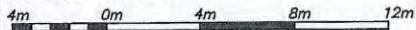
ALL DISTANCES SHOWN IN METRES AND DECIMALS THEREOF
THIS SHEET SHOWS DIMENSIONS TO EXTERIOR WALLS.



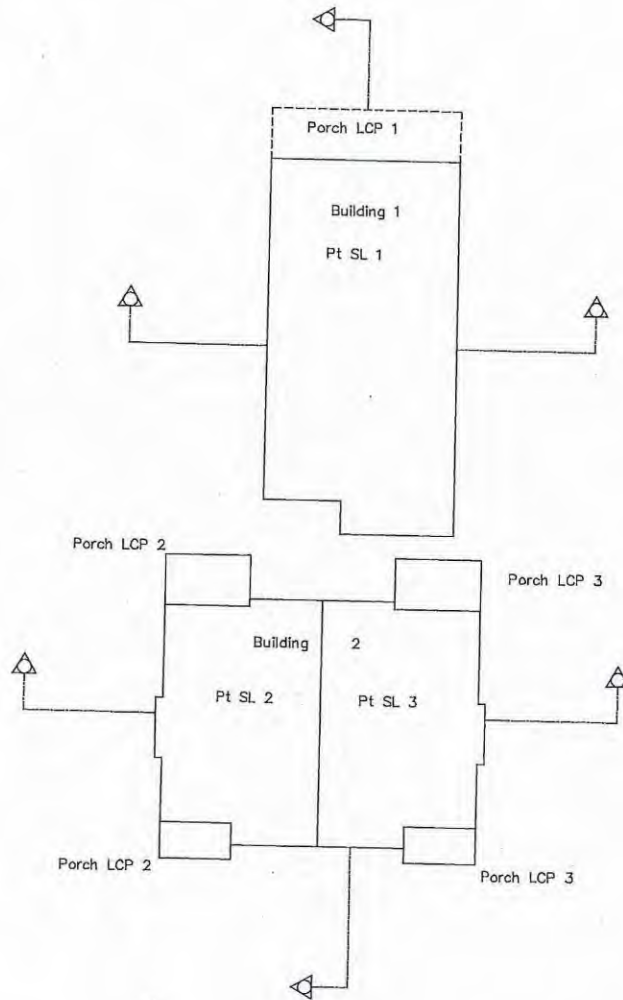
BUILDINGS 1 & 2, SECOND FLOOR.

SHEET 3 OF 6 SHEETS
STRATA PLAN EPS _____

SCALE 1:200



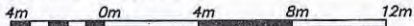
ALL DISTANCES SHOWN IN METRES AND DECIMALS THEREOF
THIS SHEET SHOWS DIMENSIONS TO EXTERIOR WALLS.



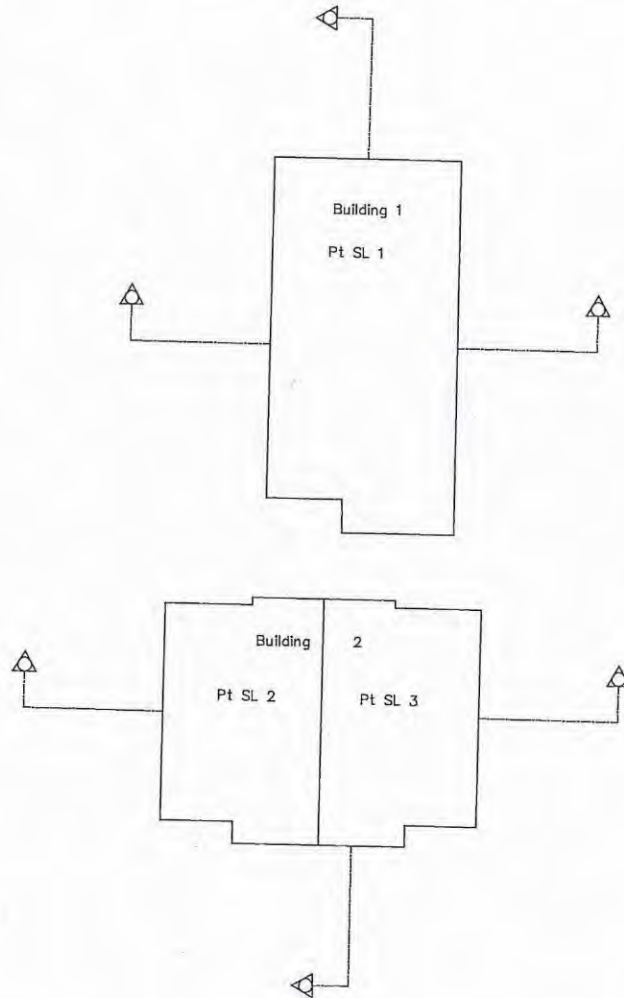
BUILDINGS 1 & 2, THIRD FLOOR.

SHEET OF 6 SHEETS
STRATA PLAN EPS_____

SCALE 1:200



ALL DISTANCES SHOWN IN METRES AND DECIMALS THEREOF
THIS SHEET SHOWS DIMENSIONS TO EXTERIOR WALLS.





**THE CORPORATION OF THE CITY OF VERNON
REPORT TO COUNCIL**

#5715
ORIGINAL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy, Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 13, 2018
REPORT DATE: August 1, 2018
FILE: 6450 (Zoning Bylaw Review)

SUBJECT: PROPOSED TEXT AMENDMENTS (A3 – RURAL SMALL HOLDINGS AND R4 – SMALL LOT RESIDENTIAL)

PURPOSE:

To propose text amendments to zoning districts A3 – Rural Small Holdings and R4 – Small Lot Residential.

RECOMMENDATION:

THAT Council support the preparation of a text amendment to zoning district A3 – Rural Small Holdings to add secondary suites as a Secondary Use;

AND FURTHER, that Council support the preparation of a text amendment to zoning district R4 – Small Lot Residential to add semi-detached housing as a Primary Use.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the preparation of a text amendment to zoning district A3 – Rural Small Holdings to add secondary suites as a Secondary Use.

Note: This alternative supports the A3 – Rural Small Holdings text amendment but not the amendment to the R4 – Small Lot Residential district. The R4 – Small Lot Residential zoning district would continue to prohibit semi-detached dwellings, notwithstanding that Section 9.5.5 of the Development Regulations in the R4 zoning district allows for party wall subdivisions.

2. THAT Council support the preparation of a text amendment to zoning district R4 – Small Lot Residential to add semi-detached housing as a Primary Use.

Note: This alternative supports the text amendment to the R4 – Small Lot Residential zoning district but not the amendment to the A3 – Rural Small Holdings zoning district. Should Council choose this alternative, secondary suites would continue to be prohibited from the A3 – Rural Small Holdings zoning district, which is inconsistent with other agricultural and low density residential zoning districts in the city.

3. THAT Council receive the report titled “Proposed Text Amendments (A3 – Rural Small Holdings and R4 – Small Lot Residential)” and dated August 1, 2018 from the Planner and Manager, Current Planning, for information.

Note: Should Council choose this alternative, neither text amendment would proceed and the two zoning districts would continue to remain inconsistent with the Development Regulations (R4) and similar zoning districts (A3).

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 23, 2018, The Advisory Planning Committee adopted the following resolution:

“THAT Council support the preparation of a text amendment to zoning district A3 – Rural Small Holdings to add secondary suites as a Secondary Use;

AND FURTHER, that the Advisory Planning Committee recommends that Council support the preparation of a text amendment to zoning district R4 – Small Lot Residential to add semi-detached housing as a Primary Use.”

B. Rationale:

1. From time to time, inconsistencies in wording in Zoning Bylaw #5000, 2003 become apparent. The Zoning Bylaw is almost fifteen years old and has been amended and/or reprinted a number of times since it was first adopted in 2004. The intent of this report is to introduce zoning text amendments for zoning districts A3 – Rural Small Holdings and R4 – Small Lot Residential.
2. In the case of the A3 – Rural Small Holdings zoning district, Administration is not aware of any rationale that would prohibit secondary suites given that secondary suites are permitted as Secondary Uses in larger Agricultural Zones (A1, A2, A3) as well as in the low density residential zones (R1, R2, R3, R4) where single detached housing is allowed. A proposed text amendment is being brought forward to correct this situation (Attachment 1). The existing A3 zoning district is Attachment 2.
3. In the case of the R4 – Small Lot Residential zoning district, semi-detached housing (side by side duplex) is not shown in the list of Permitted Uses. This appears to be an inadvertent omission as Development Regulations in the R4 zoning district (Sec. 9.5.5) allow for party wall semi-detached housing subdivisions. A proposed text amendment is being brought forward to correct this situation (Attachment 3). The existing R4 zoning district is Attachment 4.
4. If Council is supportive of these two text amendments, appropriate bylaws will be drafted and a suggested Public Hearing date will be brought forward for Council's consideration (draft bylaws are attached as Attachment 1 and 3).

C. Attachments:

Attachment 1 – Proposed Zoning Text (A3 – Rural Small Holdings) Amendment Bylaw #xxxx, 2018

Attachment 2 – A3 – Rural Small Holdings Zone

Attachment 3 – Proposed Zoning Text (R4 – Semi-detached housing) Amendment Bylaw #yyyy, 2018

Attachment 4 – R4 – Small Lot Housing Zone

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

N/A

E. Relevant Policy/Bylaws/Resolutions:

N/A

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Craig Broderick

Craig Broderick
Current Planning Manager
Aug 2 2018 10:48 AM 

Will Pearce

Will Pearce, CAO
Date: 07.08.2018

Kim Flick

Kim Flick
Director, Community Infrastructure and Development
Aug 2 2018 12:20 PM 

Kim Flick
Director, Community Infrastructure and Development

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 checked="" type="checkbox"/> COMMITTEE: APC (Jul.24/18) | | |
| <input type="checkbox"/> OTHER: | | |

G:\6400-6999 PLANNING AND DEVELOPMENT\6450 COMMUNITY PLANNING - ZONING BYLAW REVIEW\A3 and R4\180801_hc_cb_Council Rpt_A3 Sec Suites R4 semi detached amdt.docx

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER xxxx

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000 to add provision for a secondary suite to the list of Secondary Uses in the A3 Rural Small Holdings Zone;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the "**Zoning Text (A3 Secondary suites) Amendment Bylaw Number xxxx, 2018**".

2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:

- (i) **AMEND** Subsection 8.3.3. – Secondary Uses by adding “secondary suites” to the list of Secondary Uses;

as shown in **red** on attached Schedule ‘A’, attached to and forming part of this bylaw.

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

BYLAW xxxx

PAGE 2

READ A FIRST TIME this day of , 2018.
READ A SECOND TIME this day of , 2018.
PUBLIC HEARING held this day of , 2018
READ A THIRD TIME this day of , 2018.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this _____ day of
_____, 20____

for Minister of Transportation & Infrastructure
BYLAW xxxx

ADOPTED this day of , 2018.

Mayor

Corporate Officer

8.3 A3 : Rural – Small Holdings

8.3.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre, major** as an additional use. (*Bylaw 5467*)

8.3.2 Primary Uses

- agriculture
- animal clinics, major
- animal clinics, minor
- aquaculture
- campsites, tourist
- care centre, major (*use is only permitted with the A3c sub-zoning district*)
- emergency protective services
- farmers' market
- golf courses
- greenhouses and plant nurseries
- guide and tour services
- single detached housing
- stables and riding academies
- utility services, minor impact
- zoo or botanical gardens

8.3.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- bed and breakfast homes (in single detached housing only) or agri-tourist accommodation
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- second kitchens
- **secondary suites**
- wineries and cideries

8.3.4 Subdivision Regulations

- Minimum **lot width** is 24.0m
- Minimum **lot area** is 2.0ha (5 acres)

8.3.5 Development Regulations

- The maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.

- The maximum **height** is the lesser of 9.5m or 2.5 **storeys**, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**.
- The minimum **front yard** is 6.0m.
- The minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- The minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**.
- No more than one residential unit per lot.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in **residential zones**.

8.3.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- When a **home based business** of any type involves the cutting and wrapping of wild game and/or the butchering of domestic meat, the **lot** must have a minimum **lot area** greater than 0.33ha (0.6 acre).
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m².
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations where in the **ALR**.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) and shall not exceed 10 bedrooms, campsites or recreational **vehicle** pads.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific **use** regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. Lands within the **ALR** may also be affected by additional regulations of the *Agricultural Land Commission*.
- As per Section 4.10.2 - All **buildings** and **structures**, excluding **perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



8.3 A3 : Rural – Small Holdings

8.3.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre, major** as an additional use. *(Bylaw 5467)*

8.3.2 Primary Uses

- agriculture
- animal clinics, major
- animal clinics, minor
- aquaculture
- campsites, tourist
- care centre, major *(use is only permitted with the A3c sub-zoning district)*
- emergency protective services
- farmers' market
- golf courses
- greenhouses and plant nurseries
- guide and tour services
- single detached housing
- stables and riding academies
- utility services, minor impact
- zoo or botanical gardens

8.3.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- bed and breakfast homes *(in single detached housing only)* or agri-tourist accommodation
- boarding rooms *(Bylaw 5440)*
- brewing or distilling, Class A
- care centres, minor
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- second kitchens
- wineries and cideries

8.3.4 Subdivision Regulations

- Minimum **lot width** is 24.0m
- Minimum **lot area** is 2.0ha (5 acres)

8.3.5 Development Regulations

- The maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for greenhouses with closed wastewater and storm water management systems.
- The maximum **height** is the lesser of 9.5m or 2.5 **storeys**, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**.
- The minimum **front yard** is 6.0m.

- The minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- The minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**.
- No more than one residential unit per lot.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in **residential zones**.

8.3.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- When a **home based business** of any type involves the cutting and wrapping of wild game and/or the butchering of domestic meat, the **lot** must have a minimum **lot area** greater than 0.33ha (0.6 acre).
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m².
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations where in the **ALR**.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) and shall not exceed 10 bedrooms, campsites or recreational **vehicle** pads.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific **use** regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. Lands within the **ALR** may also be affected by additional regulations of the *Agricultural Land Commission*.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER yyyy

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000 to add provision for semi-detached housing to the list of Primary Uses in the R4 Small Lot Residential Zone;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"Zoning Text (R4 Semi-detached housing) Amendment Bylaw Number yyyy, 2018"**.

2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:

- (i) **AMEND** Subsection 9.5.2. – Primary Uses by adding “semi-detached housing” to the list of Primary Uses; and
- (ii) **AMEND** Subsection 9.5.6. by adding “or one semi-detached unit”;

as shown in **red** on attached Schedule ‘A’, attached to and forming part of this bylaw;

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

BYLAW yyyy

PAGE 2

READ A FIRST TIME this day of , 2018.
READ A SECOND TIME this day of , 2018.
PUBLIC HEARING held this day of , 2018
READ A THIRD TIME this day of , 2018.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this _____ day of
_____, 20____

for Minister of Transportation & Infrastructure
BYLAW yyyy

ADOPTED this day of , 2018.

Mayor

Corporate Officer

R4

9.5 R4: Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (Bylaw 5467)

9.5.2 Primary Uses

- **care centre, major** (use is only permitted with the R4c sub-zoning district)
- **single detached housing**
- **semi-detached housing**

9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (Bylaw 5498)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (use is only permitted with the R4h sub-zoning district)
- **secondary suites (in single detached housing only)**

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.5.6 Other Regulations

- There shall be no more than one **single detached house** or **one semi-detached unit** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

R4

9.5 R4 : Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.5.2 Primary Uses

- **care centre, major** (*use is only permitted with the R4c sub-zoning district*)
- **single detached housing**

9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R4h sub-zoning district*)
- **secondary suites (in single detached housing only)**

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.5.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Hazel Christy
Planner
Craig Broderick
Manager, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: , August 13, 2018
REPORT DATE: July 31, 2018
FILE: LUC00014

SUBJECT: LAND USE CONTRACT DISCHARGE APPLICATION FOR 8000 BENCH ROW ROAD

PURPOSE:

To review the application to discharge Land Use Contract (LUC) Bylaws #287 and #288 from the title of 8000 Bench Row Road to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR).

RECOMMENDATION:

THAT Council support the application to discharge Bylaws #287 and #288, being Land Use Contract (LTO #P2374) from the title of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road), to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR), subject to registration of a no build, no disturb covenant intended to protect the existing vegetation on-site.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application to discharge Bylaw #287 and #288, being Land Use Contract (LTO #P2374) from the title of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road), to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR), subject to the following conditions:
 - a) registration of a no build, no disturb covenant intended to protect the existing vegetation on-site; and
 - b) *(to be cited by Council).*

Note: This alternative supports the application to discharge the Land Use Contract subject to conditions by Council.

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 24, 2018, the Advisory Planning Committee (APC) passed the following resolution:

“THAT Council support the application to discharge Bylaws #287 and #288, being Land Use Contract (LTO #P2374) from the title of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road), to allow the property to be governed by Zoning Bylaw #5000 (A1 Agriculture within the ALR), subject to registration of a no build, no disturb covenant intended to protect the existing vegetation on-site.”

B. Rationale:

1. The subject property is located at 8000 Bench Row Road, as shown on Figures 1 and 2, and comprises 2.7 acres (11,035 m²). The Official Community Plan designation for this property is Rural Agricultural (RAGR) and the underlying zoning is A1 (Agriculture within the ALR). If the Land Use Contract were discharged, the A1 Zoning would be in effect.

2. The property is in the ALR, however it is currently undeveloped and does not have farm status. The owner's intention is to construct a primary residence, an orchard, a secondary building, storage, and a secondary dwelling unit.

3. The Agricultural Land Commission Regulations govern permitted uses for lands within the ALR, and restrict secondary residences to a secondary suite within a single family dwelling, and either a manufactured home up to 9 m in width for an immediate family member, or accommodation that is constructed above an existing single level farm building (Sec. 3 (1) (b) of the ALR Regulations). The property would first have to gain farm status prior to consideration of a secondary dwelling unit.

4. The parcel is located on the edge of a terrace that slopes towards Okanagan Lake. Approximately 70% of the property area consists of relatively steep slopes of between 30% and 50%. The steepest slopes present on the property lead down into two small gullies, as can be seen on Figure 2. The comparatively flat terrace near the middle of the lot is where the primary residential building is proposed to be located.

5. The applicant has submitted a geotechnical report prepared by Tetra Tech dated April 3, 2017. This report identifies evidence of minor slope instability in the steepest slopes in the area on the site. The report makes a number of recommendations, including control of storm water runoff entering the site, and on site drainage, in addition to recommending a minimum building setback of 3.0 m from the break in slope on the northern and southern sides of the terrace area. Setbacks in the A1 zone are 10.0 m (rear), 6.0 m (front), and 3.0 m (side).

6. Much of the subject property has a medium environmental rating. As such, a no build, no disturb Section 219 Covenant will be required on the forested portions of the subject property to protect the existing vegetation and drainage function prior to discharge of the Land Use Contract. The no build, no disturb

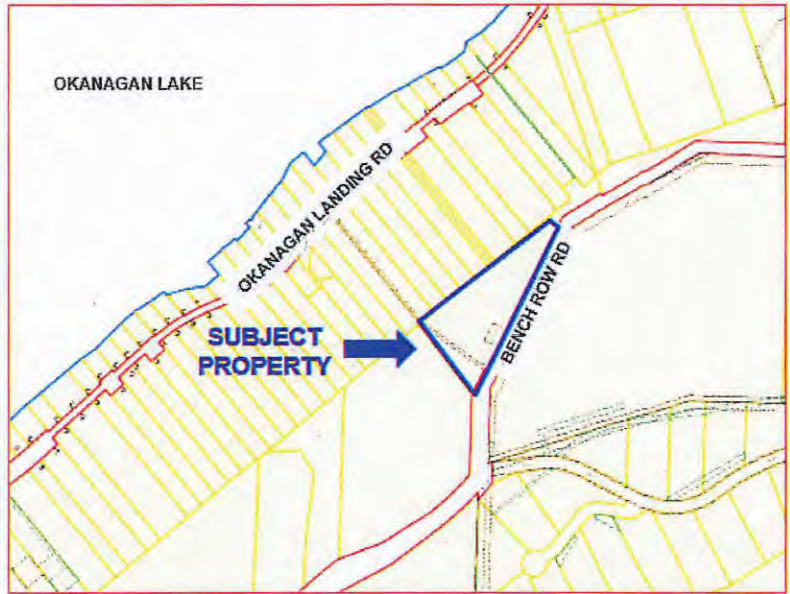


Figure 1 - Property Location Map

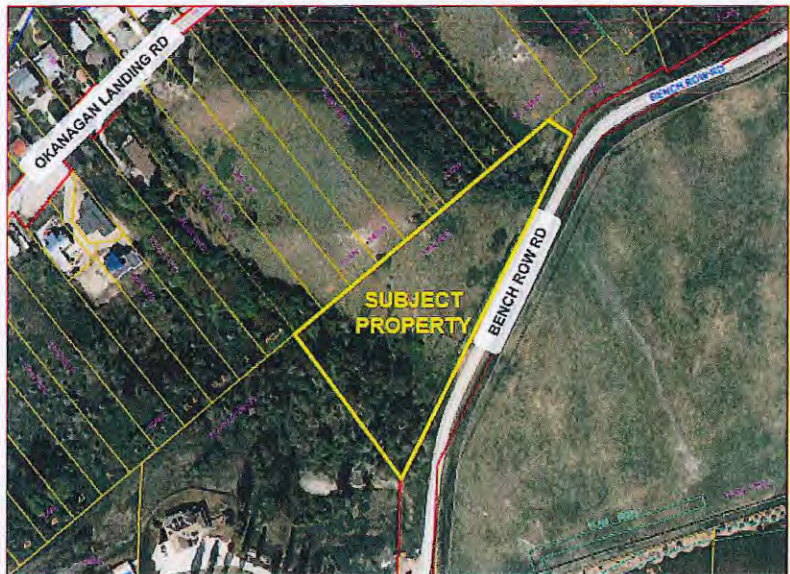


Figure 2 - Aerial Photo

area can be refined at the building permit stage, subject to being supported by an Environmental Impact Review.

7. Land use contracts were widely used in B.C. from 1971 to 1977. They essentially formed site specific zoning and development regulations. The use of land use contracts was discontinued in 1977.

Under Bill 17, the Miscellaneous Statutes Amendment Act 2014, all land use contracts in the Province will be automatically terminated and deemed to be discharged from title, and as of June 30, 2024 any remaining land use contracts on title would have no legal binding force or effect. There are numerous land use contracts in place within the City of Vernon. Administration has been working with applicants to discharge the land use contracts as those properties come forward for redevelopment or improvements, such as the subject application.

8. Administration supports the discharge of the Land Use Contract and the variance requested for the following reasons:
 - a) Provincial legislation will terminate all Land Use Contracts in the Province on June 30, 2024;
 - b) The property is currently undeveloped, and the discharge of the Land Use Contract will enable a more usable and productive land parcel; and
 - c) Further details concerning building siting and foundation construction as recommended by the geotechnical report will be addressed at the Building Permit stage.

C. Attachments:

Attachment 1 – Site Plan showing topography and break in slope

Attachment 2 – Conceptual Site Plan

Attachment 3 – Zoning Bylaw #5000 Section 8.1 Agriculture within the ALR Zone

Attachment 4 – Bylaws #287 and #288 to amend Zoning Bylaw #299 (Land Use Contract LTO #P2374)

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject application involves the following objectives in Council's Strategic Plan 2015 – 2018:

- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP

E. Relevant Policy/Bylaws/Resolutions:

1. The Official Community Plan (OCP) designates the property as Rural Agriculture.
2. The property is in the ALR and subject to ALR Regulation respecting farm and non-farm uses.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Craig Broderick

Craig Broderick
Aug 2 2018 10:45 AM DocuSign

Craig Broderick
Manager, Current Planning

Kim Flick

Kim Flick
Aug 2 2018 9:39 AM DocuSign

Kim Flick
Director, Community Infrastructure and Development

Approved for submission to Council:

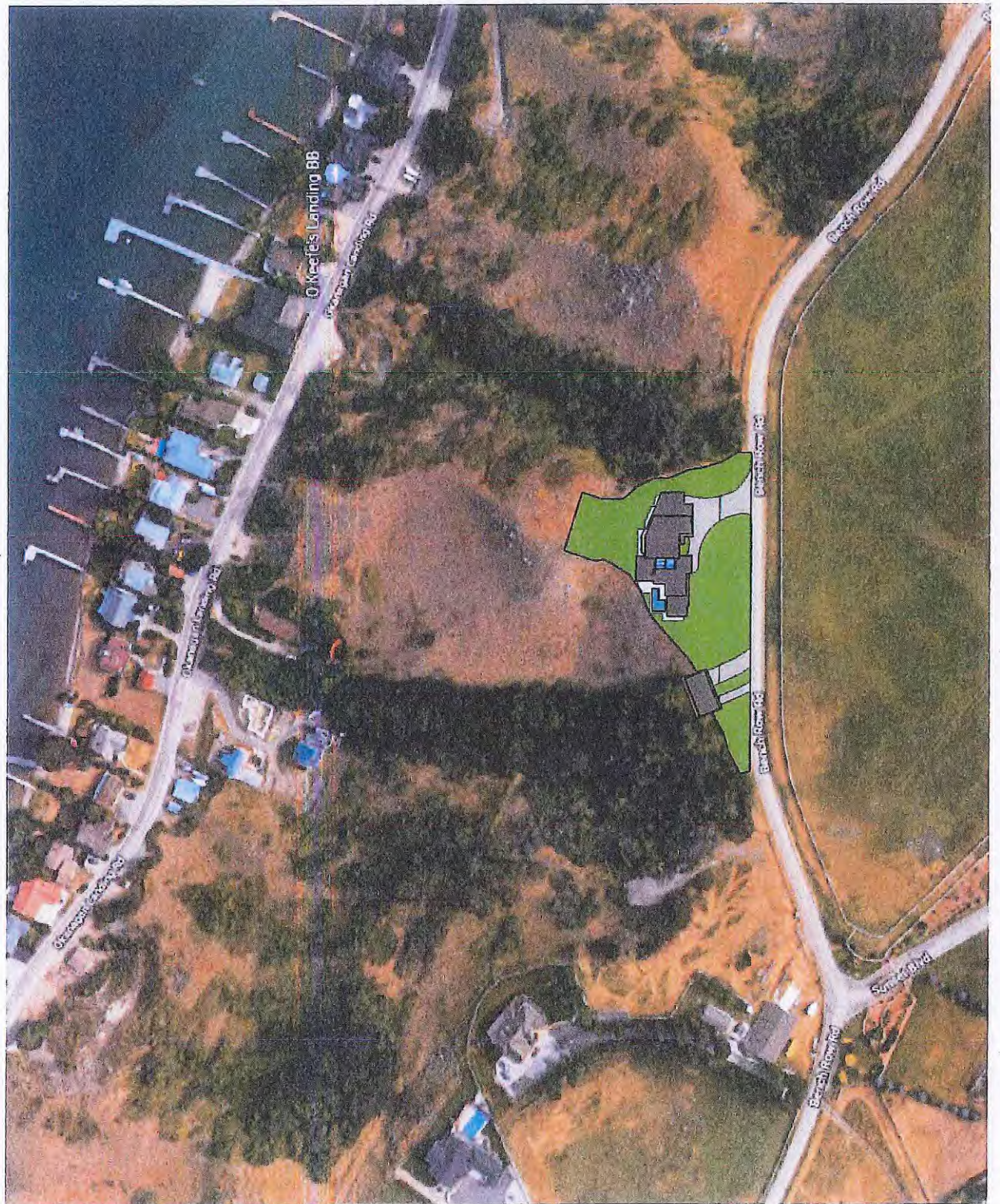
Will Pearce

Will Pearce, CAO

Date: 08-08-2018

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 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 (Aug.14/18) | | |
| <input type="checkbox"/> OTHER: | | |



A1

8.1 A1 : Agriculture within the ALR

8.1.1 Purpose

The purpose is to provide a **zone** for all agricultural **uses**, as well as other complementary **uses** suitable in an agricultural setting.

8.1.2 Primary Uses

- agriculture
- agricultural, intensive impact
- apiculture
- aquaculture
- emergency protective services
- farmers' market
- greenhouses and plant nurseries
- medical marihuana production facility (*Bylaw 5492*)
- parks, private
- parks, public
- stables and riding academies
- single detached housing
- utility services, minor impact

8.1.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- agri-tourist accommodation
- animal products processing
- animal clinics, minor
- animal clinics, major
- bed and breakfast homes (in single detached housing only) (*Bylaw 5498*)
- boarding rooms (*Bylaw 5440*)
- brewing or distilling, Class A
- care centres, minor
- cultural exhibit, private
- food primary establishment
- forestry
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- participant recreation services, outdoor
- second kitchens
- secondary suites
- wineries and cideries

8.1.4 Subdivision Regulations

- Minimum **lot width** is 100.0m
- Minimum **lot area** is 12.0ha (30 acres)

8.1.5 Development Regulations

- There shall be no more than one **single detached house** per lot.

- Maximum **site coverage** is 10% for residential **development**, and it is 35% for agricultural **structures** except it may be increased to 75% for **greenhouses** with closed wastewater and stormwater management systems.
- The maximum **height** is the lesser of 9.5m or 2.5 **storeys**, except it is 13.0m for **secondary buildings** and 16.0m for agricultural **structures**. The maximum **height** for grain bins is 46.0m. Silos can be up to 34.0m high and combined silo and grain storage can be up to 41.0m high.
- Minimum **front yard** is 6.0m.
- Minimum **side yard** is 3.0m, except it is 6.0m from a **flanking street**.
- Minimum **rear yard** is 10.0m, except it is 3.0m for **secondary buildings**. It is 4.5m for **greenhouses**, nurseries, crop storage, granary and **cideries**. It is 7.5m for mushroom barns and **buildings** and/or **structures** used for **apiculture**.
- **Buildings** housing more than 4 animals, used for **processing animal products** or for **agriculture** and **garden stands** shall be located no closer than 15.0m to any **lot line**, except no closer than 30.0m to a **lot** in residential **zones**. (*Bylaw 5339*)
- a **medical marihuana production facility** shall only be located in a separate detached building which contains no other uses. (*Bylaw 5492*)

8.1.6 Other Regulations

- Farm and **animal products processing** is allowed provided that a minimum of 50% of the products are produced on-site.
- Single wide **mobile homes** shall not be located on **lots** smaller than 2.0ha (5 acres) and double wide **mobile homes** shall not be located on **lots** smaller than 0.8ha (2 acres).
- **Major animal clinics** or **kennels** as well as **stables** and **riding academies** shall not be located on parcels less than 2.0ha (5 acres).
- **Agricultural and garden stands** selling produce grown on the **site** or another **site** operated by the same producer do not have a maximum area. The maximum **gross floor area** of stands selling produce that is produced off-site shall be 50.0m². For **sites** within the **Agricultural Land Reserve**, the maximum **gross floor area** of **agricultural and garden sales** for produce off-site shall be lesser of 33% of the total floor area of the **agricultural or garden stand** or 50.0m².
- Retail sales and other **uses** are subject to the *BC Agricultural Land Commission Act* and regulations.
- **Agri-tourist accommodation** shall not be located on **lots** smaller than 2.0ha (5 acres) in size and shall not exceed 10 bedrooms, campsites or recreational **vehicle pads**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific **use** regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7. Lands within the **ALR** may also be affected by additional regulations of the *Agricultural Land Commission*.
- As per Section 4.10.2 - All **buildings** and **structures**, **excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B". (*Bylaw 5440*)

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 287

A By-law for the ratification of an agreement with Gordon and Edith Ross to provide for the development of certain lands.

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) The Agreement made between the Regional District of North Okanagan and Gordon and Edith Ross to provide for the development of

Lot 28, O.D.Y.D., Plan 197, and Lot 1, District Lot 6, O.D.Y.D., Plan 6067

AND attached hereto as Appendix "A" is hereby ratified and the Chairman and Secretary are hereby authorized to execute same on behalf of the Regional District.

- (2) This By-law may be cited as "Land Use Contract Agreement By-law No. 287, 1978, No. 4".

READ A FIRST TIME this 25th day of October, 1978.

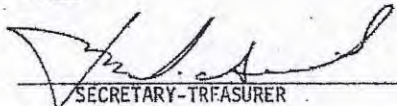
READ A SECOND TIME this 25th day of October, 1978.

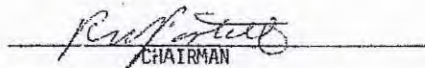
READ A THIRD TIME this 8th day of November, 1978.

Advertised on the 31st day of October, 1978 and the 1st day of November, 1978, and a Public Hearing held pursuant to the provisions of Section 798A (3a) of the Municipal Act on the 8th day of November, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 3rd day of January, 1979.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.

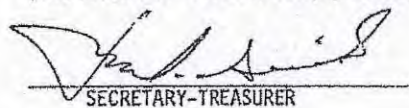

SECRETARY-TREASURER


CHAIRMAN

I hereby certify the foregoing to be a true and correct copy of By-law No. 287 cited as "Land Use Contract Agreement By-law No. 287, 1978, No. 4" as read a third time by the Regional Board on the 8th day of November, 1978.


SECRETARY-TREASURER ✓

I hereby certify the foregoing to be a true and correct copy of By-law No. 287 cited as "Land Use Contract Agreement By-law No. 287, 1978, No. 4" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979 upon affirmative vote in accordance with the provisions of Section 778(2) of the Municipal Act.


SECRETARY-TREASURER

THIS AGREEMENT made the 10 day of ^{January}~~October~~, A.D. 1978.

BETWEEN:

THE REGIONAL DISTRICT OF NORTH OKANAGAN, a Regional District incorporated under the laws of the Province of British Columbia, and having an office at 2903 - 35th Avenue, in the City of Vernon, Province of British Columbia,

(hereinafter called the "District")

OF THE FIRST PART

AND:

GORDON PAUL ROSS, Businessman, and EDITH MARY ROSS, His Wife, both of R. R. #6, Okanagan Landing Road, Site 16, Comp. 5, in Vernon, in the Province of British Columbia, V1T 6Y5 as JOINT TENANTS

(hereinafter called "the Developer")

OF THE SECOND PART

WHEREAS the District pursuant to Section 702A and 798A of the Municipal Act, may, with the approval of the Minister, notwithstanding any By-Law of the District or Section 712 or 713 of the Municipal Act upon the application of an owner of land within a development area designated as such by By-Law of the District, enter into a Land Use Contract containing such terms and conditions for the use and development of the land as may be mutually agreed upon and thereafter the use and development of that land shall be in accordance with such Land Use Contract;

AND WHEREAS the Municipal Act requires that the Regional Board in exercising the powers given by Section 702A shall have due regard to the considerations set out in Section 702(2) and Section 702A(1) in arriving at the use and development permitted by any land use contract and the terms, conditions and considerations thereof;

AND WHEREAS the Developer has presented to the District a scheme of use and development of the within described lands and premises and has made application to the District to enter into this Land Use Contract under the terms, conditions and for the consideration hereinafter set forth;

SUBSTITUTE FORM "C"
PARTICULARS
APPLICANT: DAVIDSON & CO.,
BARRISTERS & SOLICITORS
4th FLOOR, 3205-32nd STREET, VERNON, B.C.
PHONE 345-5344
SOLICITORS FOR Reg. Dist. of N. Okanagan
DECLARED VALUE: \$1.00
NATURE OF DOCUMENT/CHARGE:
Land Use Contract
Davidson & Co.
(AGENT)

OK'D
[Signature]

15.1.78 SUBJECT TO APPROVAL OF MINISTER

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 288

P 2371

A By-law to amend Zoning By law No. 229

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

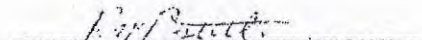
- (1) Pursuant to the provisions of Section 702A (2) and 798A (3) of the Municipal Act being Chapter 255 R.S.B.C. 1960, Lot 28, O.D.Y.D., Plan 197, and Lot 1, District Lot 6, O.D.Y.D., Plan 6067 is hereby designated a development area.
- (2) This By-law may be cited as "Rezoning By-law No. 288, 1978, No. 8".

READ A FIRST TIME this 25th day of October, 1978.
 READ A SECOND TIME this 25th day of October, 1978.
 READ A THIRD TIME this 25th day of October, 1978.

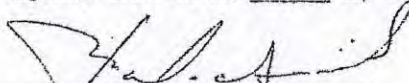
Received the approval of the Minister of Municipal Affairs and Housing this 31 day of January, 1979.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.


 SECRETARY-TREASURER


 CHAIRMAN

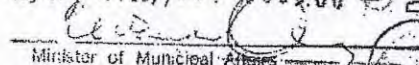
I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as read a third time by the Regional Board on the 25th day of October, 1978.


 SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979.


 SECRETARY-TREASURER

JAN 1 1979
 Registered the ...
 at the ...
 On the Application.

APPROVED pursuant to the provisions of section ... of the "Municipal Act" this 3rd day of January 1979 \$8005.00 - 2

 Minister of Municipal Affairs
 APPROVAL No. 780014

REGIONAL DISTRICT OF NORTH OKANAGAN

BY-LAW NO. 288

A By-law to amend Zoning By law No. 229

The Regional Board of the Regional District of North Okanagan in open meeting assembled enacts as follows:

- (1) Pursuant to the provisions of Section 702A (2) and 798A (3) of the Municipal Act being Chapter 255 R.S.B.C. 1960, Lot 28, O.D.Y.D., Plan 197, and Lot 1, District Lot 6, O.D.Y.D., Plan 6067 is hereby designated a development area.
- (2) This By-law may be cited as "Rezoning By-law No. 288, 1978, No. 8".

READ A FIRST TIME this 25th day of October, 1978.

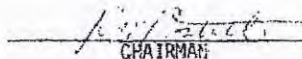
READ A SECOND TIME this 25th day of October, 1978.

READ A THIRD TIME this 25th day of October, 1978.

Received the approval of the Minister of Municipal Affairs and Housing this 3rd day of January, 1979.

RECONSIDERED, FINALLY PASSED, AND ADOPTED this 10th day of January, 1979.



 SECRETARY-TREASURER


 CHAIRMAN

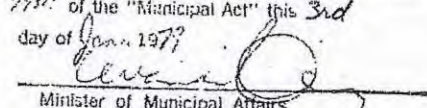
I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as read a third time by the Regional Board on the 25th day of October, 1978.


 SECRETARY-TREASURER

I hereby certify the foregoing to be a true and correct copy of By-law No. 288 cited as "Rezoning By-law No. 288, 1978, No. 8" as reconsidered, finally passed, and adopted by the Regional Board on the 10th day of January, 1979.


 SECRETARY-TREASURER

APPROVED pursuant to the provisions of section 255 of the "Municipal Act" this 3rd day of Jan. 1979.


 Minister of Municipal Affairs

APPROVAL No. 790014

AND WHEREAS a Land Use Contract is deemed to be a Zoning By-law for the purposes of the Controlled Access Highways Act and if the land is so situated that it is subject to such Act, the approval of the Minister of Highways to the use set forth in this Agreement must first be obtained before the District can enter into same;

AND WHEREAS the Developer acknowledges that he is fully aware of the provisions and limitations of Sections 702A and 798A of the Municipal Act, and the District and Developer mutually acknowledge and agree that the Regional Board of the District cannot enter into this Agreement unless and until:

- (a) the Regional Board has held a public hearing in relation to this Land Use Contract and in the manner prescribed by law and has duly considered the representations made and opinions expressed at such hearing, and
- (b) the aforesaid public hearing has been held and the proposed adopting By-law has been given at least first reading not later than the 15th day of November, 1978, and
- ✓(c) a majority of the Directors present at the meeting at which the vote is taken and entitled to vote on the adopting By-law, vote in favour of the said adopting By-law authorizing the District to enter into this Land Use Contract, and
- (d) and the Minister has approved the By-law of the District authorizing the District to enter into this Land Use Contract.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the conditions and covenants hereinafter set forth, the District and the Developer covenant and agree as follows:

1. The Developer is the registered owner of an estate in fee simple of all and singular that certain parcel or tract of land and premises

situate, lying and being in the Vernon Assessment District, in the Province of British Columbia, and being more particularly known and described as:

- GT
✓
6 27327 ✓
- Firstly: Lot Twenty-eight (28), Osoyoos Division Yale District, Plan 197 and
- Secondly: Lot One (1), District lot Six (6) Osoyoos Division Yale District Plan 6067

(hereinafter called "the lands")

2. In this Agreement, unless the Contract otherwise requires:

"District Engineer" shall be construed to mean and include the Regional Engineer for the District and his duly authorized assistants or such consulting or other professional Engineers as may be appointed to act for the District from time to time.

3. The Developer has obtained the consent of all persons holding any registered interest in the land as set out in the consents to the use and development set forth herein, which consents are attached hereto and incorporate agreements from such persons granting priority to this Land Use Contract over such registered interests.

4. The land, including the surface of water, and any and all buildings, structures and improvements erected thereon, thereover or therein shall be used for the purpose specified in Schedule "A" hereto and for no other purpose.

5. The Developer shall be entitled to subdivide the land to create a new parcel, the boundaries of which shall be substantially in accordance with the boundaries shown outlined in red on Schedule "B" hereto. The approval of a final plan of Subdivision of the land by the appropriate Approving Office for the Ministry of Highways shall be conclusive evidence that the boundaries of the new parcel subdivided from the lands are substantially in accordance with those boundaries shown outlined in red on Schedule "B" hereto.

6. Upon registration at the appropriate Land Registry Office of a final plan of subdivision prepared in accordance with the provisions of this Land Use Contract, the Developer shall be entitled to construct and erect or cause to be constructed and erected on the new parcel created by such plan of subdivision and shown outlined in red on Schedule "B" hereto, a single family residential dwelling house (hereinafter called the "House") provided that:

- (a) The House shall be sited on the newly created parcel in accordance with the provisions shown on Schedule "B" hereto, unless an alternate siting plan is submitted to and approved in writing by the District Engineer;
- (b) The application for a Building Permit for the construction of the House and such construction shall be made and carried out in accordance with the provisions of the Building By-law for the District from time to time in force and all other applicable governmental statutes and regulations;
- (c) The septic tank and disposal field servicing the House shall be located as shown on Schedule "B" hereto unless some other siting for such tank and field is approved in writing by the District Engineer and the appropriate authorities for the Ministry of Health;
- (d) The septic tank and drainage field for the House are constructed and installed in accordance with Ministry of Health standards;
- (e) The Developer shall cause the foundation for the House to rest on glacial fill soil and shall carry out or cause to be carried out such excavations as may be necessary to ensure proper performance under the provisions of this sub-paragraph (e), and no foundation shall be poured or otherwise constructed until such time as the District Engineer has approved the siting and location thereof.

7. On or before the completion of construction of the House, the surface level of the land surrounding the House shall be graded for drainage purposes from the House itself to the boundaries of the newly created parcel in the manner shown on Schedule "B" hereto, or some other manner approved in writing by the District Engineer.

8. Forthwith after substantial completion of the construction of the House and grading of the land in accordance with the immediately preceding paragraph, the Developer shall cause the surface of the land to be restored and be seeded to grass.

9. The Developer covenants and agrees to contribute to the District the sum of \$500.00 which the District covenants and agrees to use for the acquisition or development of lands or other facilities for park, recreational, or other public use. The aforesaid sum of money shall be paid to the District prior to the date set for the public hearing held in connection with this Land Use Contract.

9 Schedules "A" and "B" attached hereto are hereby incorporated into and made part of this Contract.

11. Subject to the terms, covenants, and conditions herein contained, the use and development of the lands shall comply with all the By-Laws of the Regional District of North Okanagan.

12. The Developer covenants and agrees to pay all costs including legal fees and disbursements incurred directly or indirectly as a result of the preparation and registration of this Land Use Contract and any By-Law required to implement the terms hereof.

13. The Developer covenants and agrees to indemnify and save harmless the District and its servants, agents and employees from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought or made against the District or its servants, agents and employees, resulting directly or indirectly from the failure of the Developer to perform his covenants herein contained.

14. The District hereby covenants and agrees with the Developer to permit the Developer to use the lands in accordance with the terms and conditions herein contained.

15. It is understood and agreed that the District has made no representations, covenants, warranties, guarantees, promises or agreements (verbal or otherwise) with the Developer other than those contained in this Contract.

16. It is further understood and acknowledged by the Developer that the execution of this Contract by the District and registration of this Contract does not, without more, permit a subdivision of the lands, and in order to effect a subdivision of the lands the Developer must first comply with all the provisions of the Land Registry Act of British Columbia and obtain the written approval of the appropriate Approving Officer for the Department of Highways of the Province of British Columbia.

17. The Developer acknowledges and agrees with the District that damages are not a sufficient remedy to the District in the event of breach of this Contract or any of the provisions hereof by the Developer, and the Developer further acknowledges and agrees that in the event of any such breach, the District shall be entitled to apply to and receive from a Court of competent jurisdiction a mandatory or restraining Order as such Court may see fit to grant as relief for such breach, notwithstanding that the District may have called for, received and retained the moneys secured by the letter of credit referred to herein.

18. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.

19. This Contract shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, and the covenants herein contained shall be construed to be covenants running with the land.

IN WITNESS WHEREOF the said parties to this Agreement have hereunto set their hands and seals and being corporations have affixed their corporate seal in the presence of their duly authorized officers in that behalf the day and year first above written.

The Corporate Seal of THE REGIONAL DISTRICT OF NORTH OKANAGAN was hereunto affixed in the presence of:

[Signature]
SECRETARY - TREASURER

[Signature]
CHAIRMAN

SIGNED, SEALED AND DELIVERED in the presence of:

[Signature]
Witness
RR #5, Vernon, B.C.
Address
Secretary
Occupation
AS TO BOTH SIGNATURES

[Signature]
GORDON PAUL ROSS

[Signature]
EDITH MARY ROSS

LAND USE CONTRACT

SCHEDULE "A"

Permitted Uses

1. The new parcel subdivided from the land and shown outlined in red on Schedule "B" hereto, shall upon registration of the Subdivision Plan creating such new parcel, be used for the construction of a single family residence and such other accessory buildings as may be permitted under the Building By-law for the District from time to time, all in accordance with the provisions of this Land Use Contract, and use of such house and accessory buildings for single family residential purposes.

2. Until such time as the subdivision permitted hereunder has been completed and registered at the appropriate Land Registry Office, the land shall be used in accordance with the provisions of the Zoning By-law for the District from time to time in force and applicable to the land, and after such subdivision has been completed, the remainder of the land except such newly created parcel shall continue to be used in accordance with the provisions of the Zoning By-law for the District from time to time in force and applicable to such remainder.

PARK STATIONERS & PRINTERS LTD.
Law and Commercial Stationers
Vancouver, B.C.
Form No. 207 Affidavit of Witness,

Affidavit of Witness

PROVINCE OF BRITISH COLUMBIA
TO WIT:

I, **JODY SPARROW**, of the City
of **Vernon**

in the Province of British Columbia, make oath and say:

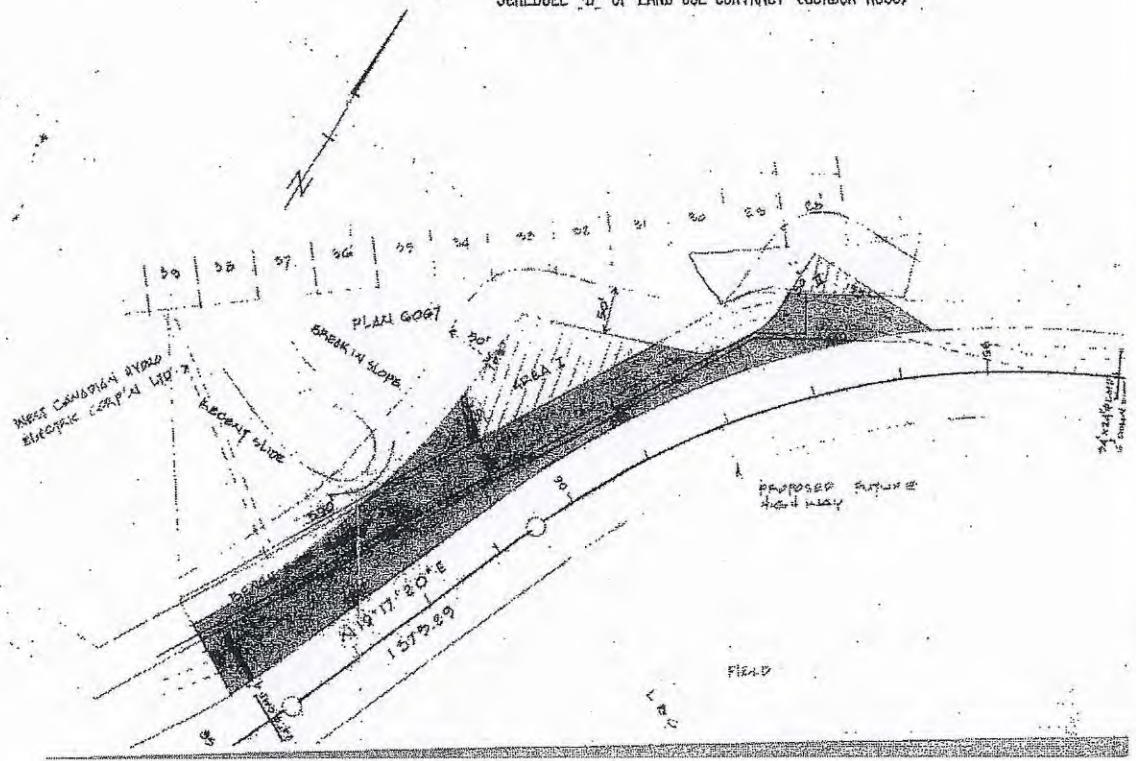
1. I was personally present and did see the within instrument duly signed and executed by **Gordon Paul Ross and Edith Mary Ross** the parties thereto, for the purposes named therein.
2. The said instrument was executed at **the City of Vernon**
3. I know the said parties, and that they are of the full age of sixteen years.
4. I am the subscribing witness to the said instrument and am of the full age of sixteen years.

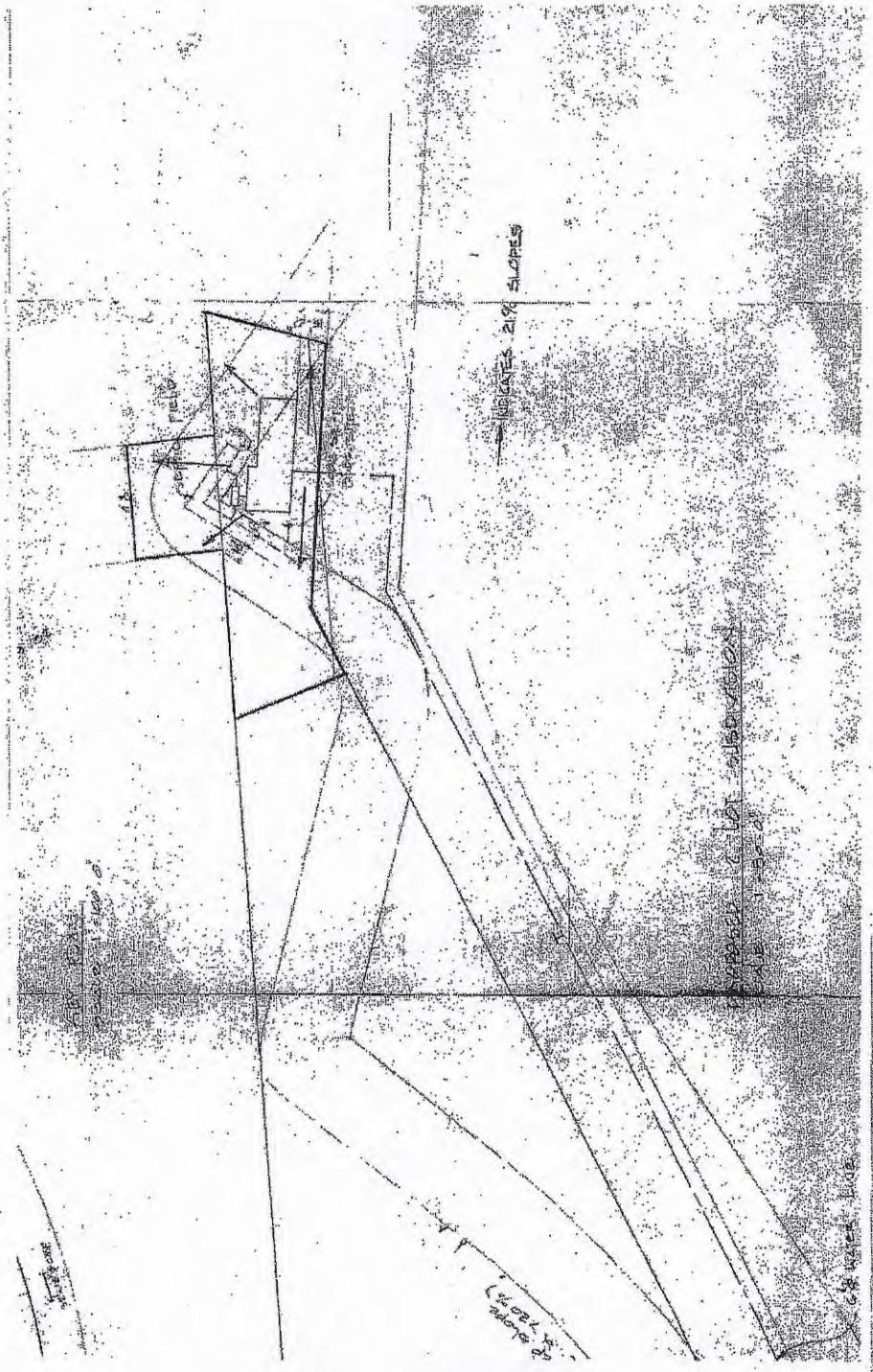
Sworn before me at **Vernon** in the
Province of British Columbia, this **12th**
day of **January** 19**79**

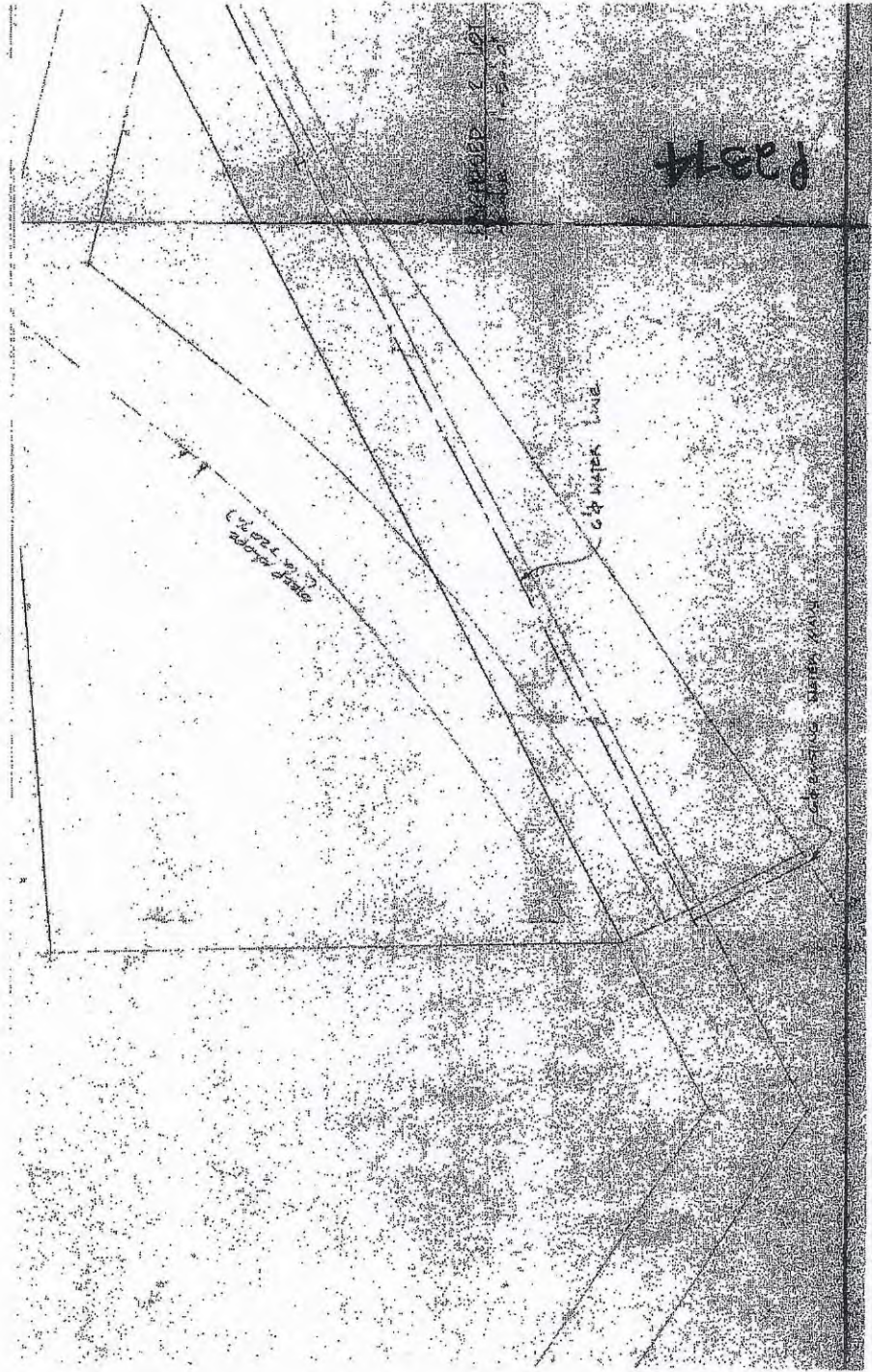
Jody Sparrow
JODY SPARROW

A Notary Public in and for the Province of British Columbia.
A Commissioner for taking Affidavits for British Columbia.

SCHEDULE "B" OF LAND USE CONTRACT (GORDON ROSS)









THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Geoff Mulligan
Infrastructure Management
Technician

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 13, 2018
REPORT DATE: August 3, 2018
FILE: 5700-01

SUBJECT: IMPACT OF CONSTRUCTION COST ESCALATION ON INFRASTRUCTURE REPLACEMENT

PURPOSE:

To report annually to Council on the impact of construction cost escalation on the City of Vernon's capacity to replace infrastructure.

RECOMMENDATION:

THAT Council receive the results of the 2017 annual construction escalation comparisons, as presented in the report titled "Impact of Construction Cost Escalation on Infrastructure Replacement" as submitted by the Infrastructure Management Technician and dated August 3, 2018, for information;

AND FURTHER, that Council direct Administration to continue to monitor the year to year change in construction costs and report to Council on an annual basis.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the results of the 2017 annual construction escalation comparisons, as presented in the report titled "Impact of Construction Cost Escalation on Infrastructure Replacement" as submitted by the Infrastructure Management Technician and dated August 3, 2018, for information;

THAT Council direct Administration to discontinue monitoring the year to year change in construction costs.

Note: Administration recommends continuing to monitor the change in construction costs, as this is relevant information for Council with respect to the change in construction costs from year to year, and is consistent with the City's Asset Management Policy. The impact to the City of Vernon's ability to renew and maintain infrastructure is affected by both upward and downward changes to construction costs. The ongoing 1.9% cumulative infrastructure levy is an effective mechanism to fund the recapitalization of the City's infrastructure, however, the effect of escalating construction costs can erode the capacity of the increased funding. It is therefore important to monitor if changes in construction costs are affecting the planned rate of capital renewal and maintenance.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. One of the guiding principles of the Asset Management Policy is “Transparency”, in that infrastructure and financial strategies, plans and processes, are accessible and clear.
2. One of the recommendations of the Integrated Transportation Framework (ITF) is to report annually to Council on the impact of construction cost escalation on the City of Vernon’s capacity to replace infrastructure. The concern outlined in the ITF was that construction cost increases could reduce the effect of the cumulative 1.9% infrastructure levy and, over the long term, erode the capacity of the capital works budget.
3. A 1km section of a road and utility project (Pleasant Valley Road from 41st Avenue to BX Creek) was priced out using 2016 and 2017 construction unit costs and then compared to the ITF model costs. The costs that were used for 2016 and 2017 were taken from actual road projects built by the same contractor.
4. A breakdown of the component costs for the project is shown in Table 1: *Project Cost Summary*, below.

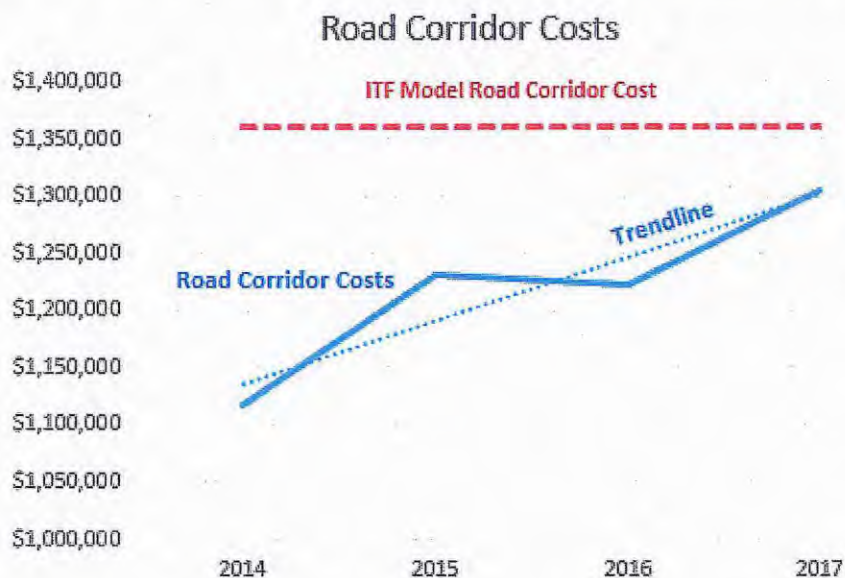
Table 1: Project Cost Summary

Project Component	2016	2017	% change
Roads	\$990,655	\$1,050,409	+6.9%
Curbs & Sidewalks	\$197,651	\$225,262	+14.0%
Water	\$395,488	\$400,776	+1.3%
Storm	\$168,555	\$175,590	+4.2%
Sanitary	\$13,919	\$14,609	+5.0%
Landscaping	\$33,885	\$29,152	-14.0%
Total	\$1,800,154	\$1,895,797	+5.3%

As predicted in the previous year’s construction cost escalation report to Council, costs have risen. It was estimated that construction costs would increase due to the high demand for contractors in light of increased federal and provincial infrastructure grant spending.

5. **Comparing road corridor costs from 2014 to 2017 to the costs in the Integrated Transportation Framework (ITF) model in Figure 1, below, shows actual construction costs are approaching those projected in the ITF model.** Road corridor costs are the sum of road, curb and sidewalk, and landscaping costs. The ITF model carried a 20% project contingency, therefore the 2014, 2015, 2016, and 2017 costs are still within the projected ITF model costs. Construction costs are steadily rising and are expected to be on par or exceed those predicted in the ITF model in the next five years.

Figure 1: Road Corridor Costs Compared with ITF Model Costs for Project Area



6. If escalation of construction costs outpace those predicted in the ITF model, then Administration would bring forward options for funding infrastructure renewal that may include extension of the 1.9% cumulative infrastructure levy.
7. Across Canada, similar efforts are being made to track costs faced by municipalities in an effort to better inform budget processes of external conditions. In large communities such as Edmonton, Calgary and Ottawa, a Municipal Price Index has been developed to measure inflation based on the mix of goods and services purchased by those cities. While those indices provide a more appropriate measure of inflation pressures faced by a city, the purpose of this exercise is to specifically measure the change in construction costs of the capital works program and how those costs impact the City of Vernon's Asset Management Plan.
8. These particular costs are not applicable to all roads in the City, as each type of road will have varying classifications and cross sections.
9. Administration will continue to monitor construction costs and report to Council in an effort to measure the effect of changing construction costs on the City's ability to renew infrastructure in line with the Asset Management program. It is likely that construction costs will continue to increase in 2018 due to the high demand for contractors in light of increased federal and provincial infrastructure grant spending.

C. Attachments:

N/A

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject involves the following deliverable in Council's Strategic Plan 2015 – 2018:

- Support the continued 1.9% infrastructure tax increase to support the Sustainable Infrastructure Investment Plan (SIIP).

E. Relevant Policy/Bylaws/Resolutions:

1. Within the Asset Management Policy, "Transparency" is one of the guiding principles that serve the basis for which policy statements can be tested, reviewed and updated as needed in the future.

Transparent – Infrastructure and financial strategies, plans and processes are accessible and clear.

The citizens of Vernon, like any city, need to understand what their local government is doing. Having information available and presented in a form that is easy to understand encourages discussion and engagement, and holds decision makers accountable. Being transparent ultimately builds trust in government and benefits the community overall.

2. At its Regular Meeting of April 14, 2014, Council passed the following resolution:

"THAT Council endorse Scenario #2 as contained in the presentation titled City of Vernon Integrated Transportation Framework (ITF) dated April 2014, and direct Administration to complete the Integrated Transportation Framework with a list of recommendations that will require updates to policy and standards to support implementation of the ITF, to be presented to Council at a future meeting for consideration."

3. At its Regular Meeting of September 8, 2014, Council passed the following resolution:

"THAT Council direct staff to report back annually on the impact of construction escalation on the City of Vernon's capacity to replace infrastructure."

BUDGET/RESOURCE IMPLICATIONS:

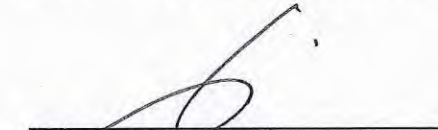
The impacts of escalation of construction costs on the City of Vernon's ability to renew infrastructure is an issue that should be monitored as continued cost increases could both reduce the effect of the cumulative 1.9% infrastructure levy and, over the long term, erode the capacity of the capital works budget. Based on 2017 construction costs, the actual costs for replacing road infrastructure are within the costs forecasted by the ITF model, but it is predicted within the next five years that construction costs will outpace those predicted in the ITF model. If escalation of construction costs outpace those predicted in the ITF model, then Administration will bring forward options for funding infrastructure renewal that may include extension of the 1.9% cumulative infrastructure levy.

Prepared by:

Approved for submission to Council:



Geoff Mulligan
Aug 3 2018 11:23 AM 



Will Pearce, CAO

Geoff Mulligan
Infrastructure Management Technician

Date: 07.08.2018



Kim Flick
Director, Community Infrastructure and Development
Aug 3 2018 11:25 AM 

Kim Flick, Director
Community Infrastructure and Development

REVIEWED WITH

- | | | |
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| <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 |
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| <input type="checkbox"/> OTHER: | | |



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Mathew Keast,
Municipal Technician III &
Ed Stranks, Manager Engineering
Development Services

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 13, 2018
REPORT DATE: August 3, 2018
FILE: 6455 – Schedule F

SUBJECT: **AMENDMENT OF THE SUBDIVISION AND DEVELOPMENT SERVICING BYLAW
#3843 SCHEDULES F – DRAINAGE SYSTEMS**

PURPOSE:

To propose amendments to Subdivision and Development Servicing Bylaw #3843, Schedule F and Schedule O.

RECOMMENDATION:

THAT Council support the proposed amendments to Subdivision and Development Servicing Bylaw #3843, Schedule F and Schedule O as outlined in the report titled: "Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules F – Drainage Systems", dated August 3, 2018 and respectfully submitted by the Municipal Technician III and the Manager, Engineering Development Services.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the report titled "Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules F – Drainage Systems", dated August 3, 2018 and respectfully submitted by the Municipal Technician III and the Manager, Engineering Development Services, for information.

Note: This would result in retaining current standards for drainage and not providing updates which would address issues including those related to changing weather patterns.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. At its Regular Meeting of February 26, 2018, Council passed a resolution to support, in principle, proposed amendments to Subdivision and Development Servicing Bylaw (SDSB) #3843, Schedule F – Drainage systems. The report to Council provided detailed information regarding proposed changes to Schedule F and Schedule O, Standard Drawing 500-1. The proposed amended Schedule F is provided in Attachment 1 of this report. The proposed amended Schedule O, Standard Drawing 500-1 is provided in Attachment 2 of this report.

2. At its Regular Meeting of February 26, 2018, Council passed a resolution directing Administration to meet with industry stakeholders and present the proposed amendments for their review and comment and to report back to Council with a final Schedule F, including input from industry stakeholders, for consideration of First, Second and Third Readings. Administration met with industry stakeholders to obtain their feedback on July 10, 2018. Information packages regarding the proposed changes were also emailed out to some of those stakeholders. No feedback regarding the proposed changes has been provided to Administration.

C. Attachments:

- Attachment 1 – Subdivision and Development Servicing Bylaw #3843 – Schedule F with changes in red
Attachment 2 – Subdivision and Development Servicing Bylaw #3843 – Schedule O amended Standard Drawing 500-1

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject amendment of Subdivision and Development Servicing Bylaw #3843 – Schedules F involves the following goals and deliverables in Council's Strategic Plan 2015 – 2018:

- Report to Council with proposed amendments for the Subdivision and Development Servicing Bylaw #3843
- Report to Council with proposed amendments for the Erosion and Sediment Control Bylaw

E. Relevant Policy/Bylaws/Resolutions:

1. The *Local Government Act* Division 11 – Subdivisions and Development: Requirements and Related Matters, Section 506 provides Council with the authority to create and amend local bylaws for the servicing of development.
2. At its Regular Meeting of February 26, 2018, Council passed the following resolution:

“THAT Council support, in principle, the proposed amendments to Subdivision and Development Servicing Bylaw #3843, Schedule F as outlined in the report titled: “Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules F – Drainage Systems”, dated February 13, 2018 and respectfully submitted by the Municipal Technician III and the Manager, Engineering Development Services;

AND FURTHER, that Council direct Administration to meet with industry stakeholders to present the proposed amendments for their review and comment;

AND FURTHER, that Administration report back to Council with a final Schedule F, including input from industry stakeholders, in May, 2018 for consideration of First, Second and Third Readings.”

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Mathew Keast
Municipal Technician III
Aug 3 2018 11:21 AM DocuSign

Mathew Keast, Municipal Technician III

Approved for submission to Council:

Will Pearce, CAO

Date: 07.08.2018

Ed Stranks
Manager Engineering Development Services
Aug 3 2018 11:24 AM DocuSign

Ed Stranks, Manager Engineering Development Services

Kim Flick
Director, Community Infrastructure and Development
Aug 3 2018 11:26 AM DocuSign

Kim Flick,
Director, Community Infrastructure and Development

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
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<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
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<input type="checkbox"/> OTHER: Legal Review, Local Engineering Firms		

BYLAW NUMBER 3843
SCHEDULE F – DRAINAGE SYSTEMS

SCHEDULE F
**REGULATIONS, STANDARDS AND SPECIFICATIONS FOR THE
DESIGN AND INSTALLATION OF DRAINAGE SYSTEMS**

This is Schedule F of the City of
Vernon Subdivision and Development
Servicing Bylaw No. 3843, 1992

Updated ~~January 25, 2008~~ August 2, 2018

"Margaret Bailey"

City Clerk

PAGE 1 of Schedule F

BYLAW NUMBER 3843
SCHEDULE F – DRAINAGE SYSTEMS

REGULATIONS, STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND
INSTALLATION OF DRAINAGE SYSTEMS

1.00 GENERAL DESIGN

1.01 Standards of Specifications of This Schedule Apply To All Drainage Works

~~1.01 All drainage systems in the City of Vernon shall be designed using an overall "Storm Water Management" concept, the primary objective being to limit the effect of peak flows on property, receiving streams and watercourses.~~

~~— Designs to be based on stormwater principals outlined in the City of Vernon Stormwater Management Policies and Design Manual dated July 1999 and Master Drainage Plan as updated from time to time.~~

~~— Except where exempted by the City Engineer, all developments must provide on-site or off-site detention facilities to restrict the post-development peak runoff to the pre-development grassland condition for the 6 month and 5 year return flows. The 6 month event is to be assumed as 64% of the 2 year event.~~

~~— The drainage system in the City shall consist of two components, the minor and the major systems.~~

~~— The "minor system" consists of underground conduits, open channels and watercourses to convey a 5 year return flow for residential areas and a 10 year return flow for industrial, commercial, institutional, and high density residential areas.~~

~~— The "major system" consists of surface flood paths, roadways and watercourses to convey the 100-year return flow. In special conditions where surface flood paths cannot be established, pipes and culverts of the minor system may be enlarged to accommodate the major system flow.~~

The City of Vernon's approach to stormwater management is to proactively manage all storm events that occur in any given year in a more natural manner. The objective is to limit reliance on piped systems, control runoff at the source and have the developing lands mimic a natural, pervious watershed as much as possible.

All development is to provide drainage system design based on the Best Management Practices (BMPs). This includes all aspects of site design including: site coverage; grading; material usage as well as drainage system methods. All reasonable effort must be made to dispose of minor storm event flows onsite, minimize the reliance on offsite systems and not degrade water quality to receiving waters, consistent with the City's Liquid Waste Management Plan, Appendix D.

~~The Presence of an existing City drainage facility system downstream of proposed works does not mean or imply that it has adequate capacity exists to receive the development's design flows, nor does it indicate that the drainage pattern of this facility is necessarily acceptable to the City. Existing undersized drainage facilities shall be upgraded to~~

BYLAW NUMBER 3843
SCHEDULE F – DRAINAGE SYSTEMS

~~accommodate the appropriate flow as described in the following sections. The upgrading work may be deferred only when approved by the City Engineer. Use of, discharge to, or addition to an existing system is contingent upon confirmation of capacity of the downstream works in that system to receive the additional flows.~~

Lot grading shall be in accordance with Section 4.03 of this Bylaw to ensure proper functioning of the drainage system. Where removal or deposit of soil is required to comply with the accepted lot grading plan, the Owner shall comply with provisions of the Soil Removal and Deposition Bylaw No. 5259, as amended.

Design flows ~~adding to for~~ existing drainage facilities and for proposed new drainage facilities in Development District 3 and the parts of Development District 2 where no or limited drainage facilities exist, shall be computed ~~on the basis of the catchment areas established by the design engineer. and agreed to by the City Engineer.~~ Existing condition flow shall mean the cumulative effect of the flows from undeveloped areas, based on an assumed grassland condition and the flow from existing developed areas. Existing developed areas with properly operating detention shall be considered as undeveloped area of grassland condition. Anticipated flows shall be on the basis of post-development upstream flows based on the highest land use as per the OCP in the catchment area(s) and submitted to the City Engineer for review and acceptance. Pre development condition flow shall mean the cumulative effect of the flows from undeveloped areas, based on an assumed grassland condition and the flow from existing developed areas. For the purpose of these calculations, existing developed areas with properly operating drainage systems shall be considered as undeveloped areas.

Roof and surface drainage is to be dealt with utilizing Performance Targets identified in Section 1.04. The City Engineer will only permit connection to an existing storm system for drainage other than perimeter drainage where excess capacity in the existing system is known to exist.

~~All properties shall be adequately drained throughout the year. Where the whole or part of any proposed subdivision is wet or subject to intermittent or periodic flooding, approval of the development or subdivision will be withheld until the City Engineer is satisfied that appropriate steps have been taken to drain the land or otherwise remedy such wet or flooding conditions.~~

~~Where unsatisfactory soil or drainage conditions exist or may develop on part or all of the subdivision area, the Applicant may be required to furnish such information as will allow the determination of the area, shape and dimensions of the parcels which will be adequate in view of the nature of the ground and the anticipated use of the land.~~

No natural drainage course shall be altered or diverted unless such alteration or diversion has been approved by the City Engineer and all other governing authorities. Where a property is traversed by a watercourse, drainage path or stream, a ~~statutory~~ right-of-way registered on title in favor of the City shall be provided along such, or its planned re-alignment. ~~, of a width deemed necessary by the City Engineer for construction, maintenance, conservation and/or beautification purposes. In no case shall this right of~~

BYLAW NUMBER 3843
SCHEDULE F – DRAINAGE SYSTEMS

~~way be less than 10.0m wide on either side of a watercourse or stream from the high water mark and 3.0m wide for all other drainage paths.~~

- ~~— Storm water shall only be discharged from a development or subdivision to a drain, ditch, watercourse, stream or other waterway as may, in the opinion of the City Engineer, be adequate to receive the discharge therefrom.~~
- ~~— Rights of way, as required by the City Engineer, may be required to be registered in favour of the City of Vernon to allow for future installation of drainage facilities.~~
- ~~— In developments or subdivisions where storm sewers will not be constructed at the time of development, the Applicant will be required to provide a detailed outline of a storm sewer that may be installed at a later date. In this instance, the Applicant will be required to provide for surface drainage as required by the City Engineer, with all catch basins, etc. designed to facilitate connection to the future storm sewer system.~~
- ~~— Where no enclosed storm sewer system is required, drainage shall be by means of open ditches located along the outer edge of the gravel shoulders. Ditches in all cases shall be lower than the sub-grade level, and shall be constructed as part of the sub-grade preparation.~~
- ~~— Where an open drainage system is required to cross a road, street or driveway, the ditch shall be enclosed by means of a culvert, the size, line and grade of which shall be determined by the Developer's Engineer and approved by the City Engineer.~~
- ~~— Where it is necessary to conduct a drainage system through privately owned land, the Applicant shall obtain or grant a right of way in favour of the City of Vernon to guarantee the right of access to the drain facility in perpetuity.~~
- ~~— The hydraulic and structural design, details and construction of ditches, channels and culverts shall be to the satisfaction of the City Engineer. Where any culverts enter or leave the streets, they shall be provided with headwalls or other suitable provision made to the satisfaction of the City Engineer. The use of drainage swales across intersections will generally not be permitted, but may be used only on minor residential street intersections, as approved by the City Engineer.~~
- ~~— Wherever roads are required to be provided with curbs and gutters, storm drainage shall be by means of an enclosed, piped, storm sewer system and all necessary easements shall be provided.~~
- ~~— Existing drainage systems shall be maintained or acceptable alternatives provided.~~
- ~~— Engineering drawings showing detailed design of the necessary works shall be submitted to the City Engineer for approval. No construction shall commence until the engineering drawings have been approved by the City Engineer. The drawings shall show major and minor system routing, alignment, type, and size of pipes, bedding requirements, proposed grades, distances between manholes, manhole invert elevations, existing ground line and proposed final ground line over the pipe, location and grade of all service connections, all easements, discharge points and all such other details as may be required. The~~

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~~Engineering drawings shall indicate the following flows: Q_5 or Q_{10} as applicable, Q_{100} and Q_{Design} on all pipe lengths including the hydraulic grade line. In addition to detailed design drawings, the Applicant shall furnish a contour map at a scale of 1:2500, with contour intervals of not more than 0.5 metre showing drainage area boundaries together with final lot grades, fill areas, and depth of fills. Detailed drainage computations shall also be provided with the drawing submission.~~

All drainage designs must conform to the applicable federal, provincial and municipal statutes, bylaws, regulations and guidelines. Where drainage works are affected or required the Applicant shall design and construct such works consistent with the drawings, regulations, standards and specifications set out in this bylaw and the Master Municipal Construction Documents (MMCD).

The regulations, drawings, standards and specifications and MMCD shall govern and take precedence in the following order:

- 1) Bylaw regulations, standards and specifications
- 2) Bylaw Standard Drawings
- 3) MMCD
- 4) Applicable Basin Studies endorsed by the City Engineer
- 5) Stormwater Management Policies and Design Manual (1999)
- 6) Master Drainage Plan (as updated from time to time)

The decisions of the City Engineer ~~or his designate~~ shall be final and binding on all parties ~~hereto in determining whether or not the works or any part thereof have been carried out and completed in accordance with the provisions of the most recent edition of the MMCD and this bylaw.~~ The decisions of the City Engineer ~~or his designate~~ do not release any parties from their legal obligations regarding any acts, laws or regulations.

1.02 Stormwater Management Objectives

1. To manage development to maintain stormwater characteristics that emulate the pre-development natural watershed.
2. To envisage potential cumulative stormwater impacts of development and plan for works based on integrating this information with other economic, land use and sustainability objectives and policies when considering land use change.

1.03 Mean Annual Rainfall

A key parameter for describing the rainfall spectrum is defining the size of the Mean Annual Rainfall (MAR), the rainfall event that occurs once per year on average. Based on data collected from local rainfall stations in Vernon, the MAR is set at 20mm of rainfall in 24 hours.

The following rainfall tiers are the building blocks of an integrated strategy for managing the complete spectrum of rainfall events identified in the Performance Targets:

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- Tier A Events – The small rainfall events that are less than half the size of a MAR. Approximately 80% of all rainfall events are Tier A events. In the City of Vernon, Tier A events are up to 10mm of rain in 24 hours.
- Tier B Events – The intermediate rainfall events that are greater than half the size of a MAR, but smaller than a MAR. Approximately 20% of all rainfall events are Tier B events.
- Tier C Events – The extreme rainfall events exceeding a MAR. An extreme event may or may not occur in any given year.

1.04 Performance Targets

Vernon's stormwater management approach is to manage the complete spectrum of rainfall events identified in Section 1.03. All new development projects in the City of Vernon must incorporate stormwater management systems that address the following Performance Targets:

- **Rainfall Capture (Retain)** – The small rainfall events (Tier A Events) are to be captured and infiltrated or reused at the source. Capture the first 10mm of rainfall per day over the impervious area of the site (100m³ per impervious hectare per day) and restore it to natural hydrologic pathways through infiltration, evapotranspiration, rainwater reuse or some other acceptable means based on site conditions. Where a geotechnical engineer has confirmed that site conditions limit the ability to reach this Performance Target and where all other methods of source control to attain this target are not possible, excess flows may be dealt with using Runoff Control, subject to this not negatively impacting the downstream system and acceptance of this by the City Engineer as a viable alternative.
- **Runoff Control (Detain)** – The intermediate events (Tier B Events) are to be detained and released to watercourses or drainage systems at a controlled rate. Detain the next 10mm of rainfall per day over the impervious area of the site (100m³ per impervious hectare per day) and release to drainage systems at controlled rates mimicking natural flow rate. Release rates are not to exceed the 2 year pre development grassland condition (c=0.2) flow rates using the area of the entire site in the Rational Method calculation.
- **Flood Risk Management (Convey)** – The extreme events are to be safely conveyed to downstream watercourses without causing damage to property. Ensure that the stormwater plan can safely convey storms greater than 20mm of rainfall per day (Tier C Event) up to and including the 100-year rainfall event.

¹In Development District 1 and infill development in other Districts, where site conditions restricts the ability to incorporate the capture and or control performance targets and all other source control methods have been determined as not feasible, *the minimum acceptable standard is to reduce the 5 year post development flows to be released into the storm system at the 2 year pre development (grassland*

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condition $c=0.2$) flow rate for the entire site. The detention facility will be required to have provision of an overflow and clear overland flow route to a City road or other recognized major drainage route to convey the 100 year event.

²All roofs and driveways are to be used in calculating the impervious area of a site. If green roofs or pervious paving is used for parking and driveways, that area may be subtracted from the total impervious area.

2.00 DESIGN CRITERIA

2.01 Sizing of Systems

~~2.01 The system shall be of sufficient capacity to accommodate all tributary areas as defined by the City. For drainage areas 10 hectares and smaller, the Rational Method of drainage design with the formula $Q = KCIA$ shall be used where:~~

- ~~_____ Q = Flow in cu.m./s~~
- ~~_____ K = Dimensionless constant to establish units of compatibility (.00278)~~
- ~~_____ C = Runoff coefficient (dimensionless)~~
- ~~_____ I = Rainfall intensity in mm/hr~~
- ~~_____ A = Runoff area in hectares~~

Systems shall be designed using volumes based off the Mean Annual Rainfall event and Performance Targets as stated in Section 1.04. The Rational Method can be used to generate conservative peak flow estimates for the design of conveyance systems for areas 10 hectares and smaller.

Rational Method Formula

$Q = CIA/360$ shall be used where:

- Q = Flow in m^3/s
- C = Runoff coefficient (dimensionless)
- I = Rainfall intensity in mm/hr
- A = Runoff area in hectares

Rainfall intensities shall be as shown on Standard Drawings No. 500-1 or calculated according to the following equation:

$$I = A_e \times (T + T_0)^B \text{ where:}$$

I = the precipitation intensity rate in mm/hr

T = the time in hours

A_e , B and T_0 are dimensionless coefficients for each return period in years as follows:

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Table F.1

RAINFALL FREQUENCY	Ac	B	To
2 Year Storm	9.4	-0.661	0.000
5 Year Storm	13.1 10.4	-0.704 -0.709	0.009
10 Year Storm	16.5 12.2	-0.750 -0.723	0.026
100 Year Storm	35.1 18.1	-0.941 -0.750	0.120

~~For the minor system, the five year frequency curve shall be used for residential areas. The ten year frequency curve shall be used for industrial, commercial, institutional, and high density residential areas. For the major system, and for special structures such as in the design of storm retention basins, underpass drainage or arterial highways, etc. the 100 year rainfall curve shall be used.~~

The time of concentration, or inlet time, will vary with topography and the nature of the drainage areas, but will be ten minutes or greater for residential areas. Inlet times shall be determined by the developer's engineer and must be accepted by the City Engineer.

Runoff coefficients for storm sewer design shall be assumed to be not less than the values given in ~~the following~~ table F.2.

Table F.2

DESCRIPTION OF AREA	RUNOFF COEFFICIENT	
	Minor	Major
Downtown Commercial Areas	0.85	0.90
Residential	Single Family	0.40 0.50
	Multi-units, Detached	0.50 0.60
	Multi-units, Attached	0.60 0.70
Highway commercial and light industrial areas	0.75	0.80
Apartments and other high density multiple family areas	0.75	0.80
Industrial	Single family residential, duplex and low density multiple family areas	0.40 0.50
Open areas, parks and natural areas	0.20 0.25	0.25 0.30
Asphalt streets, driveways, roofs,	0.85	0.95

Runoff coefficients other than those specified in ~~Table F.2 this section~~ shall be used only with the express written consent of the City Engineer.

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In a case of applying the Rational Method to a mixed land use in a drainage area, a weighted average C value should be used and can be calculated from the following formula:

$$C_{\text{average}} = \frac{\sum A_i C_i}{A} \text{ where:}$$

A_i = The area correlated to that C_i
 C_i = The coefficient correlated to that A_i
 A = The total area

For tributary areas greater than 10 hectares, ~~the method used by the Developer's Engineer to calculate storm flows shall be approved by the City Engineer.~~ computer modelling shall be used by the developer's engineer to calculate storm flows. The model software being used must be up to date and accepted by the City Engineer.

2.02 Hydraulic Design

2.02 The minimum design grade shall be calculated by use of the Manning Formula.

Pipes shall be designed to carry the required quantity when flowing 3/4 full for pipes sized 450mm and smaller; pipes 525mm or larger are to be sized to carry the required quantity when flowing full.

The following roughness coefficients should be used, in the absence of a value the City Engineer is to be consulted:

Pipe

Concrete pipe	0.013
Smooth Walled PVC pipe	0.010
Corrugated Metal Pipe	
Unpaved	0.024 - 0.33
25% Paved	0.021 - 0.028
100% Paved	0.013

(Note: Use manufacturers values for **HDPE and** helical pipe)

Overland Flow

Smooth asphalt	0.012
Asphalt or concrete paving	0.014
Packed clay	0.030
Light turf	0.200
Dense turf	0.350
Dense shrubbery	0.400

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Minimum velocity of pipes flowing full shall be 1.0m per second. ~~There are no maximum allowable velocities.~~ The designer shall ensure that supercritical flow does not occur. Where grades exceed 15%, scour protection ~~is to may~~ be ~~provided needed~~ and anchor blocks will be required as determined by the ~~Dd~~developers ~~Ee~~engineer and accepted by the City Engineer. This criteria shall be modified to meet local conditions and special requirements ~~where necessary~~.

Connection to existing storm systems for development is subject to confirmation of the hydraulic grade line of major storm events at the connection location and provision of acceptable methods onsite to address any potential for surcharge from the main.

2.03 Minimum Pipe Grades

As per Schedule E- Section 2.02 with the exception of catch basin leads which are to have a minimum grade of 1.0%.

2.04 Minimum Pipe Size

2.03 The minimum pipe ~~size diameter~~ shall be 250mm for mains, 150mm for services and 200mm for catch basins leads. The minimum pipe ~~diameter-size~~ for mains accepting flows from open ditches shall be ~~300 mm 400mm and suitable silt traps shall be provided as accepted by the City Engineer.~~ The minimum pipe diameter for culverts shall be 400mm in residential areas and 500mm in all other areas.

2.05 Manholes

Minimum manhole diameter is relative to pipe size and is defined in MMCD Standard Drawing S1. All manholes must have safety steps for access as shown in MMCD Standard Drawing S1. Manholes located where the pipe grade in the downstream pipe is less than that of the upstream pipe by 10% or greater must have grated manhole covers and rims secured to the manhole cover. Vehicle access for maintenance must be provided to all manholes. A paved apron of not less than 1.0m outside of the frame and cover is required for all manholes not in a paved or concreted surface.

The developers engineer must consider hydraulic losses in manholes in the design and construction of drainage works to ensure manholes do not cause a loss in hydraulic capacity. The hydraulic drop through a manhole must be representative of the pipe grades and hydraulic conditions and shall be no less than a 30mm drop where the inlet pipe is at 180 degrees to the outlet pipe and a minimum drop of 60mm for all other conditions.

2.06 Ditches

In rural areas, where no enclosed storm sewer system is required, drainage shall be by means of open ditches located along the outer edge of the gravel shoulders. The invert of ditches in all cases shall be lower than the sub-grade level, and shall be constructed as part of the sub- grade preparation. The hydraulic and structural design, details and

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construction of ditches, channels and culverts, as well as erosion protection measures shall be to the satisfaction of the City Engineer. Erosion protection measures are required for all ditches.

2.07 Inlets/Headwalls

All major inlet/outlet structures shall include grates over their openings to restrict access and entry as shown in MMCD Standard Drawing S13. Fencing and/or no-post guard rails shall be provided to reduce the hazard of headwalls and wingwalls to the public and motor vehicles as shown in MMCD Standard Drawing S13.

Headwall inlets from ditches into the municipal system are to include a sump a minimum of 200mm deep, as wide as the ditch and twice as long as the width of the ditch. The City Engineer may accept that this requirement be omitted if the developer's engineer verifies that the hydraulics of the design flow will cause flooding which cannot be reasonably mitigated. Sandbag headwalls as a minimum are required in rural roads for culvert crossings.

2.08 Culverts

Where an open ditch system is required to cross a road, street or driveway, the ditch shall be enclosed by means of a culvert. All culverts shall be of sufficient size to properly drain all of the area naturally draining into the channel or ditch feeding into the culvert and include suitable silt traps. Allowance shall be made for increasing runoff due to paving and other land development anticipated. ~~In no case shall the culvert size be less than 400mm in diameter in residential areas and 500mm in diameter in all other areas.~~ All culverts are to be constructed with end headwalls to the satisfaction of the City Engineer. Culvert installation must ensure no deflection of the road surface.

2.09 Location of Storm Sewers

~~2.05~~ As per Schedule E, Section 2.08.

2.10 Statutory Rights-Of-Ways

~~2.06~~ As per Schedule E, Section 2.09 for piped systems and not less than 10.0m wide on either side of a watercourse or stream from the high water mark or 3.0m wide for surface drainage routes.

2.11 Alignment of Storm Sewers

~~2.07~~ As per Schedule E, Section 2.10.

2.12 Depth of Main

~~2.09~~ As per Schedule E, Section 2.04 with the exception that cover over concrete mains 750mm in diameter or larger may be reduced to 1.0m where depth of minor storm event flows in those mains does not exceed 0.3m and installation methods will not result in deflection of the road surface. The minimum depth of the main shall be sufficient to

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provide all service connection piping with a minimum cover of 1.5 m to the top of the service, anywhere within the finished right-of-way. ~~In no instance shall the cover over the crown of the main be less than 1.5 m.~~

2.13 Manhole Spacing

~~2.09~~ As per Schedule E, Section 2.05 with the exception that ~~the~~ the maximum distance between storm sewer manholes shall be 120 m.

~~Manholes shall also be provided at the following locations:~~

- ~~at all changes in grade and/or alignment (for non-curvilinear sewers);~~
- ~~at all changes in pipe size;~~
- ~~at all pipe junctions;~~
- ~~at the beginning and end of pipe curvature for curvilinear sewers.~~
- ~~where required by Standard Drawings No. 400-4.~~

2.14 Catch Basin Spacing

~~2.09~~ Catch basins shall be located as follows:

Road grades less or equal to 3% - at a maximum spacing of 150 m in the drainage path with a maximum tributary area not to exceed 675 m² per catch basin.

Road grades greater than 3% - at a maximum spacing of 100 m in the drainage path with a maximum tributary area not to exceed 450 m² per catch basin.

Catch basins shall be located at all low points, or spaced at intervals such that not more than 10% of the gutter flow **resulting from Tier B events** reaching each inlet will pass on to the next inlet downstream, provided this carry-over is not objectionable to pedestrian or vehicle traffic and the inlet is not in a sump.

Catch basins shall be located at intervals such that surface drainage does not exceed gutter or flow channel capacities, **and so as** to eliminate overflow to driveways, boulevard, margins, sidewalks, or private property.

Catch basins shall be located at all intersections in such a manner to minimize interference with crosswalks and where possible shall be located upstream of the crosswalk at the EC or BC.

Side inlet catch basins shall be provided at sags in road grades and in downhill cul-de-sacs as well as where road grades are in excess of 5%.

2.15 Catch Basin Leads

~~2.11~~ Catch basin leads shall discharge into a manhole and not directly into the storm sewer pipe wherever possible.

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Catch basin leads shall have a minimum cover of ~~0.6m~~ 0.9m, ~~except for PVC pipe which shall have a minimum cover of 0.9m.~~ Cover may be reduced to 0.6m where non-flexible pipe, accepted by the City Engineer is used.

2.16 Service Connections

2.12 The diameter of storm sewer service connections shall be determined by the ~~D~~developers ~~E~~engineer and be accepted by the City Engineer. The minimum pipe size shall be 150 mm for residential and non-residential service connections.

The minimum grades for 150 mm diameter storm sewer service pipes shall be determined by the ~~D~~developers ~~E~~engineer but may not be less than 1%.

~~All services are to include an inspection chamber at or near the property line complete with a backflow prevention.~~

~~Service connection for foundation perimeter drains for buildings are required as per the BC Building Code. Connection of roof leaders to the storm service is only permitted where required by site specific soil conditions as verified by a geotechnical engineer. When roof leaders are connected to storm mains, detention with controlled release rates will be required to achieve the Performance Targets set out in Section 1.04.~~

2.17 Pipe Class and Bedding Class

2.13 Pipe class and bedding class must be identified on all engineering drawings. Pipe shall have at least Class B bedding, as defined by Standard Drawings No. 400-8.

2.18 Major Flow Routing

All ~~major event~~ overland flows ~~in excess of 0.05 cu.m./sec~~ shall have specifically designed flow routes that are protected and preserved by restrictive covenants, ~~easements~~ or rights-of-way. The major flow routing shall normally be provided along roads and in natural watercourses. In some cases, the major flow may also be carried alongside the road in grassed swales, and across country in ~~a rights-of-way~~.

In special circumstances, or where desired to enable lower building elevations, the pipes and culverts, which form a part of the minor system, may be enlarged or supplemented to accommodate the major flow. All habitable areas of buildings shall be above the major flow hydraulic grade line, except where specific flood prevention measures have been taken.

~~The proportion of flow to be carried along the major routing shall be the total major flow less the flow carried in the minor system.~~

Where the road is used to accommodate major flow, it shall be formed, graded and sufficiently depressed below the surrounding property lines to provide adequate hydraulic capacity. On arterial roads, the 100 year hydraulic grade shall not be higher than

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centreline of the pavement with the maximum flow depth not to exceed 300 mm. On collector and local roads, the entire roadway may be used as a major flood path with the maximum flow depth not to exceed 300 mm.

Where roadways, used for major flows, intersect, care shall be taken to lower the intersection to allow flows to pass over the cross street. Where major flow routes turn at intersections, similar care in the road grading design is required.

In areas where surface major flow routes cannot be provided, a pipe system will be designed to accommodate the required major flow, and sufficient inlet capacity will be provided to accommodate introduction of the major flow into a piped system.

Major flow routing ~~over 0.05 cu.m./s~~ shall be shown on the engineering drawings and sufficient design shall be carried out to provide assurance to the City Engineer that no serious property damage or endangering of public safety will occur under major flow conditions. The discharge point from the development for the major flow route, shall be coordinated with the downstream routing to outfalls as determined by the City of Vernon. Where major flow outfalls to a receiving watercourse, the velocity shall not exceed 1.5 m/s or energy dissipaters shall be provided to minimize erosion.

~~The use of catchbasin inlet control devices to separate major and minor hydraulic grade lines may be allowed subject to the satisfaction of the City Engineer regarding the suitability of such control devices. Where catchbasin inlet control devices are used, building elevations may be controlled by the hydraulic grade line occurring in the minor system.~~

~~Onsite Retention Systems~~

- ~~2.15 The intention of onsite retention or disposal is to reduce peakflows downstream and maintain stream base flows. The dry well or infiltration system will only be considered where a geotechnical report from a Professional Engineer indicates it is feasible and at the discretion of the City Engineer. The design of the onsite retention system shall only be for the minor system and must be performed by a Professional Engineer with the following included on the design for consideration by the City Engineer:~~
- ~~1. The design storm used in the calculation complete with inlet time (min acceptable design storm is 100 yr);~~
 - ~~2. the total runoff volume for the design storm;~~
 - ~~3. factor of safety used for permeability and storage volume (min acceptable is 2);~~
 - ~~4. highest annual ground water level (either recorded and/or estimated based on historical data);~~
 - ~~5. recorded soil permeability tests (min 3 locations as recorded by a Professional Engineer);~~
 - ~~6. length of time for the design storm to infiltrate into the surrounding soils (max. 24 hrs);~~
 - ~~7. proposed pretreatment if system is to collect other than roof drainage (must meet water use by aquatic life as defined by British Columbia Approved Water Quality Guidelines (Criteria): 1988 Edition, Updated January 17, 2001" Published by MoELP or updated guidelines as provided by Senior Government;~~

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- ~~8. overflow from system to surface must be provided such that no flooding of any buildings or habitable space is permitted and a major flow route is provided;~~
~~9. and detailed construction and operational and maintenance requirements.~~

2.19 Soil Infiltration

In order to meet the Performance Targets set out in Section 1.04, onsite retention is likely required. The objective is to retain at least 10mm of rainfall in 24 hours of the impervious area of the site (100m³ per impervious hectare per day). Every infiltration system will require a report from a Geotechnical Engineer confirming site conditions are acceptable for an onsite infiltration system and design of a system based on the conditions which that can achieve the Performance Targets The report is to include:

1. Hydraulic Conductivity of the soil;
2. The surface area required to achieve onsite infiltration identified in Performance Target Section 1.04;
3. Highest annual ground water level (either recorded and/or estimated based on historical data and site investigation);
4. A copy of the maintenance manual that will be given to the property owner;
5. Expected service life of infiltration system.

The system design must include:

1. Minimum overflow elevation from the system to surface to ensure flooding of any buildings or habitable space will not result; that no erosion will result from overflow events; that the flows do not compromise the capacity of existing downstream storm systems; and a major flow route is provided;
2. Detailed construction and operational and maintenance requirements;
3. Proposed pretreatment (required if system is to collect other than roof drainage and there are known domestic supply wells in the area or adjacent watercourses). Pretreatment (must meet water use by aquatic life as defined by British Columbia Approved Water Quality Guidelines (Criteria), as amended;

2.16 Inlets

~~Headwall inlets from ditches into the municipal system are to include a sump a minimum of 200mm deep, as wide as the ditch and twice as long as the width of the ditch. The Developers Engineer can request this requirement be omitted if the hydraulics of the design flow are demonstrated to cause flooding and cannot be reasonably mitigated.~~

2.20 ~~2.17~~ Oil and Grit Separators

Required for all Commercial, Industrial and High Density Residential sites. **Devices used must be consistent with site conditions.** Devices may be swirl concentrator or equivalent, including proprietary systems such as Stormceptors and Vortechs **or an engineered solution.** Design details to be provided by supplier of proprietary system or designer of equivalent. Located onsite at furthest downstream section unless otherwise approved by the City Engineer. Discharge must meet water use by aquatic life as defined by British

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Columbia Approved Water Quality Guidelines (Criteria):~~1988 Edition, Updated January 17, 2001" Published by MoELP or other relevant or updated guidelines as provided by Senior Government., as amended.~~

~~2.21~~ 2.18 Oil / Water Separators

Required for gas stations, vehicle service areas and storage areas for highway vehicles and construction equipment. Coalescing plate separator or equivalent required. Design details in accordance with current technologies as outlined in Urban Runoff Quality Control Guidelines for British Columbia, and related documents. Located onsite at furthest downstream section unless otherwise approved by the City Engineer. Discharge must meet water use by aquatic life as defined by British Columbia Approved Water Quality Guidelines (Criteria):~~1988 Edition, Updated January 17, 2001" Published by MoELP or other relevant or updated guidelines as provided by Senior Government., as amended.~~

2.22 Best Management Practices

Storm water Best Management Practices (BMPs) shall be incorporated where applicable to improve the quality of storm water runoff from the developed properties and to meet the Performance Targets set out in Section 1.04 and in accordance with Provincial and Federal objectives and guidelines.

On-site Storm Water Best Management Practices

Site adaptive planning is to be utilized for all development to reduce impervious surface area. Roof leaders are to be directed to a splash pad and dispersed onsite, or captured in a soil infiltration system to achieve the Performance Targets set out in Section 1.04 of this Schedule. Source controls are to be used to maximize infiltration and evapotranspiration based on site specific soil conditions and exposure. Absorbent landscaping, subsurface infiltration facilities (rain gardens and soak away pits), pervious hard surfaces etc shall be provided to maximize retention and infiltration of rainwater on the property. Use of a rain barrel and or absorbent landscaping prior to entering a lawn basin is encouraged. The depth of topsoil recommended to maximize onsite retention shall conform to the following criteria:

- a. Soil depth for lawns = Minimum 150mm
- b. Soil depth for trees and shrubs = Minimum 450 mm radius out from root ball

3.00 MATERIALS

Materials shall meet the MMCD standards and standards specified in Schedule E - Sanitary Sewers, except as modified herein.

3.01 Pipe

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3.01 The following pipe material conforming to the appropriate specifications are acceptable for storm sewers:

- reinforced concrete pipe conforming to ASTM C76. Pipe strength (Class III min.) shall be specified for the trench conditions under which the pipe will be installed and operated;
- polyvinylchloride (PVC) pipe either smooth wall or ribbed profile with smooth internal wall, consideration will be given to the installation of perforated pipe where a geotechnical engineer demonstrates it is feasible on pipe grades less than 1%, water table is at least 1 meter below the pipe, adequate soils are proven and where pre-treatment has been provided to the satisfaction of the City Engineer;
- CSP (culverts only) galvanized corrugated steel pipe designed to carry H-20 loading in accordance with AASHTO.
- **HDPE (culverts only) as per MMCD Section 33 42 13**

3.02 Manholes

3.02 Frame and cover to be Dobney C-18 or approved equal marked City of Vernon. Manhole bases and sections to include gaskets with no internal parging except as required for the frame and cover and as necessary in the benching or where directed by the Developers Engineer and accepted by the City Engineer. All manhole bases are to be pre-cast except where approved by the City Engineer. All pre-cast bases are to include a minimum of one length of pipe stubbed out from the manhole for future mains. All pre-cast bases to include a knockout for future connections where connections are not designed or expected but can be reasonably anticipated with future development or zoning.

3.03 Pipe and Fitting Joints

3.03 ~~Under certain conditions~~ **Where root infiltration is prevented and site soil conditions are verified by a geotechnical professional to be acceptable** storm sewer mains may be installed as perforated pipes without grouting to facilitate infiltration of ground water or exfiltration to groundwater subject to acceptance by the City Engineer.

3.04 Catch Basins

Catch basin frame and grate to be Dobney B23 and B24 or approved equal. Rollover curb catch basin frame and grate to be Dobney TK-7 or approved equal.

4.0 Submission Requirements

4.01 Stormwater Control Plan

Subdivision and Development Permit applications of unserved lands, beyond the existing City drainage system are required to submit a Stormwater Control Plan (SWCP)

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that describes in detail how the proposed development will impact the existing drainage system and how the proposed retention, detention and conveyance drainage infrastructure meets the City's Stormwater Management Objectives and Performance Targets. The SWCP should include:

- a. Tributary areas in the catchment including existing and ultimate land-use;
- b. Existing and future OCP ultimate land use anticipated flows;
- c. The development area within the drainage catchment including all features such as roads, natural watercourses, watercourse crossing structures, and low or poorly drained areas;
- d. Contour plan with 1.0m elevation interval at a scale sufficient to show development area and surrounding area;
- e. Areas of major cut or fill (greater than 1.0m);
- f. Plan view of existing and proposed drainage systems;
- g. Calculated Tier A, Tier B and Tier C volumes;
- h. Major and minor conveyance capacity;
- i. Hydraulic considerations – surcharged system impact. A profile of the 100 year HGL against MBE's is required;
- j. Identified undersized infrastructure downstream;
- k. Major system (1:100 year) flow routing internal and external to the development, including the direction of surface flows on roadways, other right-of-ways, and all surface flow routes; areas subject to ponding and depths of ponding; elevations of overflow points from local depressions; and details of channel cross sections. Where significant major system flows are expected to discharge or overflow to a watercourse, ravine, environmental reserve area, etc., the rate and projected frequency of such flows to be noted;
- l. Outfall capacity constraints including storm sewers and natural watercourses;
- m. Control of discharges to meet downstream conditions such as prevention of erosion and flooding;
- n. Location and sizes of retention and detention facilities including summary of design flows, volumes, and control orifice sizing;
- o. Show the HGL in the detention facility and account for potential backwater effects in the design of sewers draining into it;
- p. Details of specialized drainage structures, if present and maintenance manuals or procedures.

4.02 Erosion and Sediment Control Plan

All development involving earth movement must provide Erosion and Sedimentation Control (ESC) measures. Erosion controls must be in place to prevent or minimize erosion and the creation of sediment. Sediment controls must be in place to prevent or minimize displacement of soil from a project site or any other land disturbance activity. ESC systems are required to include measures, as necessary, that minimize the potential for suspended solids in site runoff, including during storm events. Recommended limits for Total Suspended Solids (TSS) are contained within: *The Land Development Guidelines for the Protection of Aquatic Habitat, Department of Fisheries and Oceans (1993)* <http://www.dfo-mpo.gc.ca/Library/165353.pdf>. This document also details methods of

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control which may be referenced, where applicable to site specific conditions and controls proposed.

An ESC plan shall be provided for all Subdivision and Development Permit applications as specified in Soil Removal and Deposition Bylaw #5259 as amended. An ESC plan is not required for low density residential home or building construction however measures must be taken to prevent or minimize erosion onsite and deal with any sedimentation that occurs. The ESC plan is to be prepared by a qualified professional and address the following key issues:

- a. Existing terrain, site and disturbed soil conditions;
- b. Scheduling of works to address seasonal factors and minimize potential for erosion;
- c. Retention of existing vegetation;
- d. Vegetation or other means to protect stripped areas;
- e. Diversion of runoff away from stripped areas;
- f. Retention of sediment onsite with control structures suited to the soil types;
- g. Inspection and maintenance requirements.

The ESC plan and drawing(s) shall provide the following minimum information:

- a. Limits of clearing and grading and mechanisms to enforce, control and phase this;
- b. Existing contours of the site at an interval sufficient to determine existing drainage patterns;
- c. Final contours if the existing contours are significantly changed;
- d. Final drainage patterns/boundaries;
- e. Existing vegetation such as trees, shrubs, grass and unique vegetation;
- f. Erosion and sediment control measures (temporary and permanent) including locations, size, volume, flow rates and details in accordance with "Land Development Guidelines for the Protection of Aquatic Habitat, Department of Fisheries and Oceans (1993)". Any other publications being sourced for ESC measures are to be referenced;
- g. Storm Drainage systems including drain inlets, outlets pipes and other permanent drainage facilities (swales, waterways, etc.);
- h. Cost estimate of works including monitoring, control and removal.

The plan must have a narrative section describing the land, the disturbing activity and details of the methods used for controlling erosion and sedimentation. Include a description of the procedures for construction and maintenance of the control measures. Prior to release of related securities, the site shall be verified by a qualified professional as stabilized and the structural ESC measures (such as silt fences and sediment traps) shall be removed and drainage facilities cleaned as specified.

4.03 Lot Grading Plan

Lot grading is considered an "essential service" and a plan is required prior to the issuance of building permits. Development is required to adhere to lot grading established at the time of subdivision and is not permitted to change established grading or storm water

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SCHEDULE F – DRAINAGE SYSTEMS

routing without provision of an acceptable alternative plan from a qualified professional, acceptance of this by the City Engineer and re-grading the lot to conform to the new plan. Submission and acceptance of the lot grading as-constructed drawing(s) and individual lot grading plans (as part of service card) is required. Building Permits will not be issued for lots currently going through a subdivision that do not have an accepted lot grading plan for that site.

Lot grading and drainage systems shall be designed to the satisfaction of the City Engineer to provide for proper drainage of the land and the lots created by the proposed development; to prevent the flow of drainage onto adjoining lands, the possible ponding of drainage thereon, and for the prevention of erosion, both within the development and on adjacent lands. Lots shall be graded to drain to a municipal drainage system, independent of adjacent lots. Minimum lot grades shall be 1.0 percent.

Where onsite control systems requires a lawn basin these shall be provided by the applicant to collect and convey drainage originating only from that particular lot.

Runoff on each lot shall be directed to such lawn basins by swales to avoid crossing property lines. Subdivisions establishing lots with proposed or future lots above are required to have an easement registered on title to protect storm routing through to a City road or drainage course. Swales shall be a maximum 150mm deep and shall conform to Stormwater Best Management Practices. Areas around buildings (or proposed building sites) shall be graded away from the (proposed) foundations.

The lot grading plan shall show:

- a. The pre-development contour lines at maximum 1.0 meter intervals. This topography shall extend a minimum 30.0m outside the development site and shall include slab elevations at adjacent properties;
- b. Lot dimensions, all existing corner lot elevations (uncircled), all proposed corner lot elevations (circled); maximum spacing between existing elevations shall be 30m;
- c. How the development proposal will affect adjacent lands. No surface drainage shall be permitted to flow off-site over adjacent lands unless off-site work(s) are proposed and in compliance with MMCD and Municipal Standards, and easements are obtained. Existing elevations along the development boundary shall meet;
- d. The intended drainage pattern for each lot by means of arrows (minimum 1 % slope). Where the lot drainage is split, the height of land shall be indicated. Arrows shall run perpendicular to final grading contours;
- e. All drainage facilities complete with lawn basin, pipe invert elevations, and all swales proposed shall be on the submitted plan. Where grading is not feasible to direct surface drainage away from adjacent lot(s), swales shall be incorporated. A private easement is required over any lot accepting drainage from an up-stream lot;
- f. Storm sewer connection elevation and lot number of each parcel. Road centreline elevations at maximum 30m intervals;

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SCHEDULE F – DRAINAGE SYSTEMS

- g. The proposed building envelope with the Minimum Basement Elevation (M.B.E.) noted;
- h. A site plan showing the catchment area(s) involved and floodplain contour if applicable;
- i. A legend noting all items proposed in the plan and applicable "general notes".
- j. Significant areas of cut or fill via shading on the plan.
- k. Individual lot(s) will not be permitted to direct storm water discharge or drainage into any natural watercourse, park or green belt area(s) without confirmation of acceptability for this from a Qualified Environmental Professional and the written consent of the City Engineer.

To ensure flooding is avoided, carports or garages attached to residential buildings shall not be constructed with their floor level below the adjacent curb of the city street or crown, unless:

- 1. The drainage of the driveway serving the carport/garage is connected by gravity to a City storm sewer meeting the connection criteria 2.16, or
- 2. Is above the 100 year hydraulic grade line, or
- 3. The runoff water from the driveway may flow past the carport/garage without accumulating and entering. Properties utilizing this method must have an engineer seal the design.

5.00 4.00 STANDARD DRAWINGS

5.01 4.01 MMCD Standard Detail Drawings ~~The following City of Vernon Standard Drawings shall form part of this Schedule:~~

The following MMCD Platinum Edition Standard Detail Drawings shall be used:

<u>Drawing No.</u>	<u>Drawing Description</u>
100-14	Gradation Limits – 25 mm Minus Crushed Gravel
100-15	Gradation Limits – Sand Bedding Material
S1	Standard and Sump Manholes
S2	Standard Manhole Connection Details
S3	Manhole Connection Details Drop and Ramp Type
Addendum to S1, S2 and S3 Precast bases are to be used for new mains.	
S5	Precast Riser Manhole
S6	Sewer Cleanout
S8	Storm Sewer Service Connection
Addendum to S8 Inspection chamber with green lid (and Brooks box if in driveway) required.	
S11	Top Inlet Catchbasin

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SCHEDULE F – DRAINAGE SYSTEMS

Addendum to S11 Dobney B23 and B24 or approved equal frame and cover, Dobney TK-7 or approved equal for roll over curbs. Outlet pipe may be reduced to 100mm diameter.

- S12 Lawn Drains
- S13 Storm Sewer Inlet with safety Grillage

The following Subdivision and Development Servicing #3843 Schedule O-Standard Drawings are to be used:

- 400-4 ~~400-1~~ Sanitary and Storm Sewer Manhole Requirements
- ~~400-2~~ ~~Standard Pipe Bedding Clarification~~
- 500-1 Rainfall Intensity Duration Frequency Curves

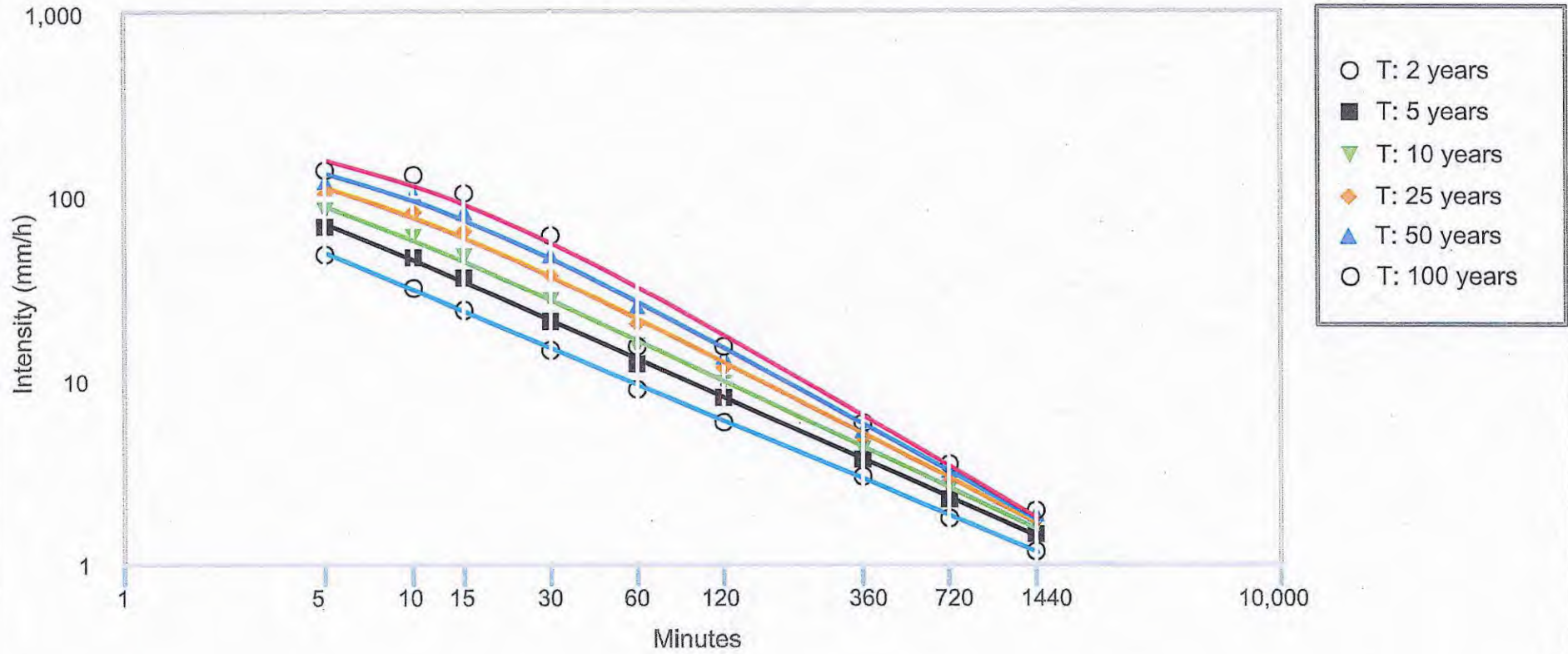
6.00 SUPPLEMENTS TO THE MASTER MUNICIPAL CONSTRUCTION DOCUMENTS

6.01 The following supplements have not been addressed in the previous sections of this schedule and are to supersede the requirements of the MMCD.

SECTION	SUB-SECTION	SUPPLEMENTARY SPECIFICATIONS
02721 – Storm Sewers	3.6.6.3	This sub-section is to be deleted as no pipe barrel curvature is permitted on any profile pipe.
	3.8.4 - Connections to Existing Mainline Pipes	This specification shall apply to all connections to ribbed pipe, excepting that insertable tees shall not be permitted on ribbed pipe unless installed by City forces.
	3.13.3	City Engineer reserves the right to may require replacement of defective installations at no cost to the City.
	3.13.5	All references to acceptable depth of ponding are to be replaced with a maximum allowable of 10mm.
	3.13.5.4	Ponding will not be accepted on any gravity pipes where design grades are greater than 0.5%.

IDF Graph: Intensity - GEV - RCP 2.6

Station: VERNON ID:1128551, Model: BCCAQ+ANUSPLIN300+CanESM2, projection period: 2006 to 2100



TITLE
RAINFALL INTENSITY
DURATION FREQUENCY CURVES

REVISIONS

NORTH

DRAWN

DATE

02/13/18

SCALE

NTS

DWG. No.

500-1



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

ORIGINAL

SUBMITTED BY: Ed Stranks, Manager Engineering
Development Services

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: August 13, 2018
REPORT DATE: August 3, 2018
FILE: 6455

SUBJECT: **AMENDMENT OF SUBDIVISION AND DEVELOPMENT SERVICING BYLAW #3843
SCHEDULES A AND B**

PURPOSE:

To propose amendments to Subdivision and Development Servicing Bylaw #3843, Schedule A and Schedule B.

RECOMMENDATION:

THAT Council support the proposed amendments to Subdivision and Development Servicing Bylaw #3843, Schedule A and B as outlined in the report titled "Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules A and B", dated August 2, 2018 and respectfully submitted by the Manager, Engineering Development Services.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the report titled "Amendment of Subdivision and Development Servicing Bylaw #3843 Schedules A and B" dated April 25, 2018 as submitted by the Manager, Engineering Development Services, for information.

Note: This alternative would result in no changes to the current bylaw requirement for road standards. As such, continued variance applications to those standards can be expected.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. At its Regular Meeting of May 14, 2018, Council passed a resolution to support, in principle, proposed amendments to Subdivision and Development Servicing Bylaw (SDSB) #3843, Schedule A – Level of Service and Schedule B – Standards for Highway Construction. The report to Council provided detailed information regarding proposed changes to the schedules. The proposed amended Schedule A is provided in Attachment 1 of this report. The proposed amended Schedule B is provided in Attachment 2 of this report. The proposed new Schedule B1 is provided in Attachment 3 of this report.

2. At its Regular Meeting of May 14, 2018, Council passed a resolution directing Administration to meet with industry stakeholders and present the proposed amendments for their review and comment and to report back to Council with a final Schedule A and B, including input from industry stakeholders for consideration of First, Second and Third Readings. Administration met with industry stakeholders to obtain their feedback on July 10, 2018. Information packages regarding the proposed changes were also emailed out to some of those stakeholders. No feedback regarding the proposed changes has been provided to Administration.

C. Attachments:

- Attachment 1 – Subdivision and Development Servicing Bylaw #3843 – Schedule A with changes in red
- Attachment 2 – Subdivision and Development Servicing Bylaw #3843 – Schedule B with changes in red
- Attachment 3 – Subdivision and Development Servicing Bylaw #3843 – New Schedule B1 - MMCD addendums

D. Council's Strategic Plan 2015 – 2018 Goals/Deliverables:

The subject amendment of Subdivision and Development Servicing Bylaw #3843 – Schedules A and B involves the following goals and deliverables in Council's Strategic Plan 2015 – 2018:

- Support sustainable urban development by reducing off site costs and reviewing parking requirements for infill development
- Amend bylaws to implement the Integrated Transportation Framework (ITF)
- Report to Council with proposed amendments for the Subdivision and Development Servicing Bylaw #3843
- Report to Council with proposed amendments to the Traffic Bylaw
- Amend bylaws to implement the Integrated Transportation Framework (ITF)

E. Relevant Policy/Bylaws/Resolutions:

1. The *Local Government Act* Part 14, Division 11 – Subdivisions and Development: Requirements and Related Matters, Section 506 provides Council with the authority to create and amend local bylaws for the servicing of development.
2. At its Regular Meeting of May 14, 2018, Council passed the following resolution:

"THAT Council support in principle, the proposed amendments to Subdivision and Development Servicing Bylaw #3843, Schedule A and B as outlined in the report titled: "Amendment of the Subdivision and Development Servicing Bylaw #3843 Schedules A and B", dated April 25, 2018 and respectfully submitted by the Manager, Engineering Development Services;

AND FURTHER, that Council direct Administration to meet with industry stakeholders to present the proposed amendments for their review and comment;

AND FURTHER, that Administration report back to Council with a final Schedule A and B, including input from industry stakeholders, in Spring 2018 for consideration of First, Second and Third Readings."

BUDGET/RESOURCE IMPLICATIONS:

N/A

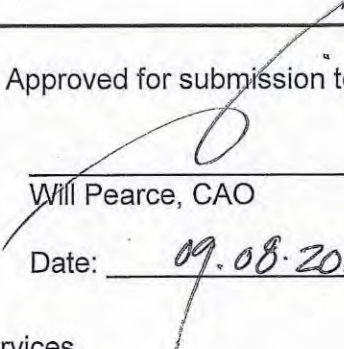
Prepared by:

Approved for submission to Council:



Ed Stranks
Manager Engineering Development Services
Aug 3 2018 11:10 AM

DocuSign


Will Pearce, CAO

Date: 09.08.2018.

Ed Stranks, Manager Engineering Development Services



Kim Flick
Director, Community Infrastructure and Development
Aug 3 2018 11:16 AM

DocuSign

Kim Flick,
Director, Community Infrastructure and Development

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 type="checkbox"/> OTHER: Legal Review, Local Engineering Firms | | |

TABLE A.2 - Part II, REQUIRED MINIMUM HIGHWAY STANDARDS, SUBJECT TO THE ZONING BYLAW , AS AMENDED

Minimum paved widths (m):

Rear lane	5.5
Vehicle Travel lane	3.25
Dedicated parking lane	2.4
Bicycle lane	1.5, each direction
Paved shoulder	0.25 Local, 1.5m Collector and Arterial
Pedestrian Facility/Sidewalk	1.5
Multi-use path	3
walkway	3

Minimum Required lanes

Local	2 Travel
Collector	2 Travel, 2 bicycle additional travel lanes based on traffic volume and or projected volume increase
Arterial	2 Travel, 2 bicycle, 1 turn/centre median in Development District 1. Additional travel lanes based on traffic volume and or projected volume increase 2 travel, 2 paved shoulder with turn lanes at intersections and accesses where existing rural sections in Development District 2, Additional travel lanes based on traffic volume and or projected volume increase

DEVELOPMENT DISTRICT 3 ZONE	LOCAL HIGHWAYS					COLLECTOR HIGHWAYS					ARTERIAL HIGHWAYS				
	ROW WIDTH (m) ¹	MINIMUM LANES REQUIRED ²	ADJACENT ON STREET PARKING	CURB & GUTTER	Pedestrian Facility ³ WIDTH (m)	ROW WIDTH (m) ¹	MINIMUM LANES REQUIRED ²	ADJACENT ON STREET PARKING	CURB & GUTTER	Pedestrian Facility ³ WIDTH (m)	ROW WIDTH (m) ¹	MINIMUM LANES REQUIRED ²	ADJACENT ON STREET PARKING	CURB & GUTTER	Pedestrian Facility ³ WIDTH (m)
Residential:															
City:															
Low Density: RH1, RST1, RTR, R1, R2, R3, R4, RSA, R6, R7	13	2 TRAVEL	NO	NO	1.5	15.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	17.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Med. Density: HR2, R5, RM1, RM2	13	2 TRAVEL	NO	NO	1.5	15.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	17.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
High Density RH3, RH1, RH2, RH3	15.5	2 TRAVEL	NO	NO	2	17	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	21	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Former RDNO															
Low Density: R4, R2, R4, R5, R6, R7	13	2 TRAVEL	NO	NO	1.5	15.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	17.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Med.-High Density: R3	15.5	2 TRAVEL	NO	NO	2	17	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	21	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Commercial:															
CD0, C1, C2, C3, C4, C5, C6, C8, C10, C10A, C11, C12, RTC, RTCA	15.5	2 TRAVEL	NO	NO	2	17	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	21	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
C7, C9	15.5	2 TRAVEL	NO	NO	2	17	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	21	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Comprehensive Development															
CD1, CD2, CD3, CD4	15.5	2 TRAVEL	NO	NO	2	17	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	21	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Industrial:															
I1, I2, I3, I4, I5	13	2 TRAVEL	NO	NO	1.5	17	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	1.5	21	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Public:															
P1, P2, P3, P4, P5, W1	13	2 TRAVEL	NO	NO	2	15.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2	17.5	2 TRAVEL, 2 BICYCLE or PAVED SHOULDER	NO	NO	2
Agriculture/Rural:															
City: RR, A1, A2, A3	15.5	2 TRAVEL	NO	NO	N/A	17	2 TRAVEL, 2 PAVED SHOULDER	NO	NO	N/A	21	2 TRAVEL, 2 PAVED SHOULDER	NO	NO	N/A
Former RDNO: SH, CR, NU LH	15.5	2 TRAVEL	NO	NO	N/A	17	2 TRAVEL, 2 PAVED SHOULDER	NO	NO	N/A	21	2 TRAVEL, 2 PAVED SHOULDER	NO	NO	N/A

Notes:

- 1) Ditching required on high side of road only. Rock catchment area required where exposed rock faces exceed 1.5m in height, in or adjacent to road ROW. Pavement width must be increased by at least 0.25m where No Post Guardrail is req'd, at Intersections.
- 2) Ped and bicycle facilities required where indicated in the Master Transportation Plan. All new development must construct works that provide connectivity.
- 3) Minimum width must account for shallows and road structure. Where road structure width (including toe of slope to top of cut) exceeds the minimum an additional SROW or no-build covenant acceptable to the City Engineer is permitted.
- 4) Extension of roads 150m or less to retain existing rural or urban nature. Additional lanes may be required based on traffic volume, onstreet parking needs and at Intersections.

BYLAW NUMBER 3843
SCHEDULE B – HIGHWAYS

SCHEDULE B – ~~BYLAW NO. 3843~~ TRANSPORTATION

REGULATIONS, STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF HIGHWAYS

1. GENERAL DESIGN:

- 1.1. Where ~~the provisions of~~ Schedule A of this Bylaw requires the construction of ~~roads transportation facilities~~, the Applicant shall construct such ~~facilities roads~~ consistent with the regulations, standards and specifications set out in this Schedule. ~~All vertical and horizontal alignment elements for roads in the City shall be designed in accordance with the recommended practice as outlined in the "Manual of Geometric Design Standards for Canadian Roads", Latest Edition, as published by the Transportation Association of Canada (TAC) or as stated elsewhere in this Bylaw.~~

~~Approval of Engineering Drawings Required Prior to Construction~~

- ~~1.02 Engineering drawings showing detailed design of roads shall be submitted to the City Engineer for approval prior to commencement of construction. These drawings shall show existing groundline and proposed alignment and grade of the highways, horizontal and vertical curve information and all other details as may be required. Grades shall be given at all changes in vertical and horizontal alignments for centreline and gutter lines. Elevations shall be shown on the drawings at all changes in vertical alignments.~~

- 1.2. All new transportation road allowances, works and upgrades within the City of Vernon are to suit the intended use; adhering to the intention and recommendations of the City's asset management plan by minimizing new infrastructure provided and maximizing the service life of those works through appropriate design and construction.
- 1.3. All new transportation allowances, works and upgrades within the City of Vernon are to be appropriate for the specific location (Development District) and adjacent land use as defined in the OCP and Zoning Bylaw #5000. Rural standard roads (with no curb and gutter) are permitted for all existing rural standard roads in Development Districts 2 and 3 and new roads in Development District 3, except those in a Neighbourhood Centre as defined in the Official Community Plan (OCP). Improvements to provide dedicated on street parking on existing roads in development Districts 1 and 2, as defined in the OCP is only required where adequate parking is not provided onsite. Additional road dedication for existing roads in Development Districts 1 and 2 is only required where identified in Zoning Bylaw #5000, Schedule B – Additional Setbacks, or the Transportation Master Plan, or as a current road Development Cost Charge project. General requirements for works to be provided within each Development District are defined in Table A.2 of Schedule A of this Bylaw.

BYLAW NUMBER 3843
SCHEDULE B – HIGHWAYS

- 1.4. Roads are required to convey major event storm event overland flows to receiving waters. Road design must include verification of capacity to convey at least the 1 in 100 year flows for the relevant component of the catchment area, based on existing and proposed development of that area.

~~Classification of Highways~~

- ~~1.03 Prior to design of the road system, the City Engineer shall classify each road proposed within the subdivision and stipulate the required standards in accordance with the provisions of this Bylaw.~~

2. ROAD CLASSIFICATIONS:

- 2.1. Road classifications are defined in the Transportation Section OCP and 25 Year Master Transportation Plan (MTP). This includes, but is not limited to, the extension of existing roads. The road classification of all proposed new roads not identified in OCP or in Neighbourhood Plans are to be established by the City Engineer prior to initiation of design of those works. Arterial roads are to provide safe and efficient transportation movement as their primary function. Collector roads are to provide access connectivity between Local roads and Arterial roads as their primary function, transportation movement as a secondary function, access to lands and on street parking as a tertiary functions. Local roads are to provide access to lands as their primary function and parking as a secondary function where onsite parking is limited.

~~Geotechnical Evaluation~~

- ~~1.04 The Applicant shall be responsible for engaging the services of a qualified Geotechnical Engineer to investigate surface and sub-surface conditions within the proposed subdivision. The Geotechnical Engineer shall prepare a report outlining his findings and shall provide clear, definitive recommendations on the geometry and placement of fill sections, compaction requirements over and above those stipulated in this Bylaw, cut slope geometry, pavement structures for roads, and any other geotechnical issues affecting road construction within the proposed subdivision.~~

2.00 GENERAL DESIGN CRITERIA:

~~General Design Requirements~~

- ~~2.01 In the preparation of engineering plans for highways, the Applicant shall take into account the following general design considerations:~~

~~2.01.1 Continuation of Existing Streets~~

~~The design and arrangement of highways within a subdivision shall provide for the continuation or projection of existing streets in the surrounding area. In no case shall the arrangement of highways within a proposed subdivision make impractical the subdivision of adjoining parcels.~~

BYLAW NUMBER 3843
SCHEDULE B – HIGHWAYS

~~2.01.2 Topography to be taken into Account~~

~~————— The design and arrangement of highways shall be suited to the topography of the land proposed to be subdivided.~~

~~————— Consistency with Official Community Plan~~

~~2.02 The location, classification and standard of all highways proposed within a subdivision shall take into account the proposed use of the land and shall conform to the provisions of the City of Vernon Official Community Plan.~~

~~————— Local Highways~~

~~2.03 Local highways within a proposed subdivision shall be arranged so that their use by through traffic will be discouraged.~~

~~————— Cul-de-Sacs~~

~~2.04 Cul-de-sac streets shall not exceed 150 metres in length and shall be provided with an area designed to permit safe and adequate space for the turning of emergency and motor vehicles.~~

~~————— Lanes~~

~~2.05 Lanes, meeting the standards set out in this bylaw, shall be provided where the City Engineer deems them to be necessary.~~

~~————— Walkways~~

~~2.06 Walkways shall be provided where the City Engineer deems them to be necessary to provide access through a subdivision to schools, parks, playgrounds, commercial areas or other community facilities, or for the safe and efficient circulation of pedestrian traffic.~~

~~————— Walkways shall be provided with chain link fencing on both sides of the walkway. The height shall be 1.0 m in the set back area of the adjacent property and 1.8 m for the remaining length.~~

~~————— Transit Bays~~

~~2.07 Transit bays shall be provided where the City Engineer deems them necessary.~~

~~————— Intersections~~

~~2.08 Intersections shall be designed as follows:~~

~~————— intersecting highways shall meet substantially at right angles (between 70 degrees and 110 degrees);~~

BYLAW NUMBER 3843
SCHEDULE B – HIGHWAYS

- ~~jogs in highway alignment at intersections shall be avoided except where the distance between centrelines is sufficient to ensure traffic safety. The minimum spacing between tee intersections along a street shall be 60 m;~~
- ~~intersections having more than four intersecting legs shall not be permitted;~~
- ~~intersections shall provide adequate crossing sight distances and stopping sight distances, whichever is greater.~~

~~Reverse Curves~~

- ~~2.09 If reverse curves are required in a highway alignment, the City Engineer may require that they be separated by means of tangents of sufficient length to prevent superelevation rotation.~~

~~Mail Boxes~~

- ~~2.10 Where required by Canada Post, the Applicant shall indicate on the engineering drawings approved locations for local mail boxes. The applicant is referred to Canada Post for location guidelines and approval.~~

~~Street Names and Traffic Signs~~

- ~~2.11 Street names shall be assigned by the City of Vernon. Street name signs and traffic signs and road lineage required as a result of constructing or improving streets shall be provided by the City of Vernon at the expense of the Applicant.~~

~~Appurtenances~~

- ~~2.12 The Developer's Engineer shall detail on the engineering drawings the location of all proposed traffic islands, retaining walls, guardrails, and permanent barricades. These structures shall be designed in accordance with good engineering practice.~~

~~The design shall show the location of all traffic signs, street signs, and other traffic control devices required to be placed in the road allowance.~~

~~Drawings must show all utility poles, ducts, junction boxes and pipelines. The Developer's Engineer shall indicate those utilities which require relocation prior to road construction, and shall confirm with the utility the feasibility of their relocation prior to design completion. For underground systems, design drawings shall show the location of underground wiring and appurtenances including the connections to properties.~~

3. HIGHWAY DESIGN CRITERIA PARAMETERS

VERTICAL ALIGNMENT

~~The vertical alignment of road shall be set so the grades of driveway to adjacent properties will conform to Standard Drawings No. 100-9 Typical Boulevard Construction. Where it is impractical to meet this criteria the City Engineer may approve the use of private access roads.~~

BYLAW NUMBER 3843
 SCHEDULE B – HIGHWAYS

~~The minimum longitudinal gradient at the gutter line shall be 0.50% for all classifications of streets. The minimum longitudinal gradient around cul-de-sacs and curb returns shall be 0.80%.~~

3.1. Design Speeds

~~3.01 The design speeds to be used for design of Highways shall be as per Table B.1.~~

TABLE B.1

DESIGN SPEED (Bylaw No. 4157, July 24/95)

Arterial (A)	70 km/h
Collector (C)	60 km/h
Local (L), Recommended for Bare Land Strata	50 km/h
Building Permit	30 km/h

3.1.1. Unless otherwise accepted, roadways shall be designed to the standards as specified in the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Road Manual. Roadway design is to discourage speeding and be specific to the following maximum identified road design speeds based on road classification, wherever possible.

- Arterial: 60 km/hr
- Collector: 50 km/hr
- Local:
 - City Centre District, Neighbourhood Centres and residential: 30 km/hr
 - All other 50 km/hr

3.2. Vertical Alignment

3.2.1. All vertical alignment elements shall be designed in accordance with the 'Manual of Geometric Design Standards for Canadian Roads' most recent edition as published by the Transportation Association of Canada or as defined in this Bylaw.

3.2.2. The maximum longitudinal road grades are defined in the Table B-1, Maximum Road Grades of this bylaw. Road grades 6% or greater shall be reduced at intersections by 1% to 2%. As a means of providing reduced grades at intersections the maximum road grade may be exceeded by up to 2%, for a maximum distance of 30m subject to acceptance by the City Engineer. No accesses are permitted where grades exceed those identified in Table B-1.

Road Crossfall

~~3.02 Minimum road crossfall shall be 3%; maximum crossfall shall be 4%.~~

Road Grades

3.03 ~~Minimum and maximum road centreline grades shall conform to Table B.2 based on the classification of the road:~~

Table B-21 Maximum Road Highway Grades

Road Classification	Minimum-Grade	Maximum Grade	
		Development Districts 1 & 2	Development District 3
Arterial	0.5%	8%	12%
Major Collector	0.5%	9%	12%
Minor Collector	0.5%	9%	
Local, Building Permit and recommended for Bare Land Strata	0.5%	12%	12%
Cul-de-Sac (entry downhill)	0.5%	8%	8%
Cul-de-Sac (entry uphill)	0.5%	10%	10%
Cul-de-Sac (bulbs)	0.5%	6%	6%
Lane	0.5%	9%	12%
Walkway and Emergency Access Road	0.5%	15%	15%

~~Maximum grades are to be reduced by 1% for each (or part of each) 30 metres that the centreline radius is less than 150 metres.~~

3.2.3. Minimum longitudinal road grades for all roads is 0.5%. The minimum longitudinal gradient around cul-de-sacs and curb returns shall be 0.80%. The City Engineer may accept reduced road grades if warranted in site specific situations where adequate cross slopes are present that address drainage concerns and do not result in ponding.

Vertical Curves

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3.2.4. ~~Vertical curves shall be designed to provide safe stopping sight distances. Minimum stopping sight distance is the least distance required to bring the vehicle to a stop under prevailing vehicle and climatic conditions.~~ Vertical curves shall be provided at ~~the following grade changes:~~ all grade changes greater than 1% for Arterial and Collector roads and 2% on all other roads.

- ~~Greater than 0.5% for Arterials~~
- ~~Greater than 1.0% for Collectors~~
- ~~Greater than 2.0% for Locals and Lanes~~

~~Vertical curve length is calculated by the equation $L = KA$ where:~~

- ~~L is the length of the vertical curve (Minimum L = 15 m)~~
- ~~K is a constant related to lines and geometry of a parabolic curve~~
- ~~A is the algebraic difference in grades in percent~~

~~Minimum K values (in metres) for vertical curve design shall be as described in Table B.3.~~

TABLE B.3

**MINIMUM K VALUES (IN METRES) FOR
 VERTICAL CURVE DESIGN** *(Bylaw No. 4157, July 24/95)*

Road Classification	<u>Crest Curve</u>	<u>Sag Curve</u>
	Minimum	Lighting No Lighting
Arterial	22	15 25
Collector	15	10 20
Local, Recommended for Bare Land Strata	7	6 11

3.2.5. Standards cross slopes on roads of all road classifications shall be 3% to 4%. Grades outside this range may be accepted by the City Engineer where necessary to address existing conditions and building elevations. In pre-existing situations and Development District 3, residential roads may be designed with cross slopes and one way cross falls provided drainage is addressed.

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3.3. Horizontal Alignment

Centre Line Radii

3.31 The minimum required centreline radius for various super elevation rates for each classification of roadways are as follows:

TABLE B.4-2

MINIMUM CENTRELINE RADIUS (Bylaw No. 4157, July 24/95)

Road Classification	Horizontal Curve Radii (m)			
	<u>Superelevation (m/m)</u>			
	None	0.02	0.04	0.06
Arterial	N/A	230	200	190
Collector	160	140	130	N/A
*Local, Recommended for Bare Land Strata	95	N/A	N/A	N/A
Building Permit	12	N/A	N/A	N/A

* Radius may be reduced at the discretion of the City Engineer.

All horizontal alignment elements shall be designed in accordance with the 'Manual of Geometric Design Standards for Canadian Roads' most recent edition as published by the Transportation Association of Canada unless otherwise accepted by the City Engineer.

Curb Return Radii

~~3.06 Curb return radii shall conform to the following and be based on the lesser classified Highway.~~

Arterial	11.0 m
Collector	11.0 m
Local, Recommended for Bare Land Strata	7.5 m
Cul-de-Sac	11.5 m, connecting radii to tangent = 16.0 m
Industrial	11.0 m
Building Permit – 6.0 m roadway	9.0 m
7.3 m roadway	7.5 m

3.3.1. The minimum radius of a curb return at intersections shall be designed to accommodate anticipated vehicle traffic turning movements. Truck turning template design is to be provided to confirm design requirements for all non-passenger vehicle movements. The minimum acceptable curb return radii are:

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- 7.5m for Local Roads greater than 7.5m in combined vehicle travel lane width;
- 9.0m for all Local Roads with a combined vehicle travel lane less than 7.5m;
- 11m for Collector and Arterial Roads.

Double curb returns with coloured concrete aprons between are required at intersections where the difference between passenger and non-passenger vehicle radii exceeds 1m or where the visibility of pedestrians is impacted. This is required to provide better guidance to the general public while not limiting larger vehicle movements.

3.4. Intersections Design

3.07—Unless indicated elsewhere herein, all intersection design standards shall conform to those outlined in the latest edition of "Geometric Design Standards for Canadian Roads and Streets" as published by the Transportation Association of Canada (TAC).

Intersection Grades

3.08—Approach grades of minor streets at intersections to major streets shall not exceed 75% of the maximum grade allowed for that street classification. The minor street shall be designed to intersect the major street with a vertical curve of minimum length required for that street classification. The vertical curve shall terminate at the curb line using the following K values:

TABLE B.5
INTERSECTION CURVES (Bylaw No. 4157, July 24/95)

Intersecting Street	Minimum K Value	
	Crest Curve	Sag Curve
Arterial	17	15
Collector	7	6
Local, Recommended for Bare Land Strata	4	4

Crossfalling a road at an intersection will be permitted where required because of topographical features in keeping with good engineering practices.

The transition length from a normal cross-sectioned road to a section of road where there is superelevation shall be calculated based on 10 m for every 1% change in grade.

If these conditions are to be used the applicant must submit a preliminary design showing a centre line profile with existing ground line and the proposed grade for all streets and intersections affected for adverse topography. If prior approval has not been given by the City Engineer then any design submitted will not be approved.

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- 3.4.1. Intersecting roads are to be designed as close as possible to right angles. The maximum variation permitted is 20 degrees.
- 3.4.2. The minimum spacing between intersections is 60m.
- 3.4.3. Cross –slopes at intersections shall be designed in accordance with the 'Manual of Geometric Design Standards for Canadian Roads' most recent edition as published by the Transportation Association of Canada unless otherwise accepted by the City Engineer.
- 3.4.4. Where possible, preference must be given to installation of roundabouts rather than traffic signals. Traffic signals and roundabouts are to be designed by a qualified professional with sealed plans submitted as part of any new or revised installation.

3.5. Driveways & Access

- 3.5.1. Each lot created by development must have sufficient road frontage to accommodate construction of a driveway access to bylaw standards. Access location must conform to that identified in Zoning Bylaw #5000 for each type of land designation. New or modified accesses for development in Development Districts 1 and 2 must be located and designed to minimize the loss of on street parking.
- 3.5.2. Driveway grades in the boulevard area are to be between 1% and 8%. Access to strata developments, parking lots and multifamily development must be designed utilizing vertical curves where grade changes exceed 2% within the boulevard.
- 3.5.3. The maximum width of accesses, measured at the back of walk or back of curb where no sidewalk exists, or at edge of pavement for rural section roads, must be minimized and not exceed 6m for residential low and medium density lots. Commercial and industrial accesses are to be designed based on vehicle turning template design submitted to the City Engineer for acceptance. Where the proposed access width exceeds 9.0m additional works are required within the boulevard area to provide better guidance to the general public (refer to 3.3.1). New development with curb and gutters are to provide a letdown or drop curb only at the defined access location. The use of roll over curbing along more than the defined access for new development is not permitted.
- 3.5.4. At a minimum, there must be sufficient minimum stopping sight distance (MSSD) for a motorist on the road at an intersection with an access to perceive potential conflicts at the access, and to carry out the actions needed to negotiate the potential conflict safely. Verification of adequate sight distance is required for all new accesses proposed or reuse of existing accesses for new development. The City Engineer may accept provision of a second access to low and medium density residential lots subject to demonstrated need or to address safety concerns. Acceptance of a secondary access is subject to reduction of the primary access width such that the combined access widths do not exceed 8m. The City Engineer may accept provision of a second access to commercial and industrial lots based on accepted design of internal roads, onsite parking, loading and traffic circulation.

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3.5.5. Driveway access spacing from intersections and other accesses must conform to those identified in Table B 3 below. These distances are to be measured between the near gutter line(s) or edge of pavement where no gutter exists. Driveway access locations for commercial corner lots must be a no closer than 15m from the intersection of the projected curb faces of that intersection. Driveways are to be designed to intersect the road at right angles within 6m of the curb, back of walk or pavement edge. This section of driveway must have a hardened surface (pavement or concrete). A variation of up to 20 degrees may be accepted subject to verification of adequate sight distances.

Table B 3

Fronting Highway Classification	Minimum Access Spacing*
Arterial	50 m
Collector	25 m
Local	9 m
*Where an intersection is signalized, accesses are to be located beyond the ultimate left-turn bay for all road classifications	
Laneway (development with parking of four or more vehicles)	9 m
Laneways (development with parking for less than four vehicles)	0 m

3.5.6. Access to Arterial roads as the only, or a primary means of access or egress to development is subject to no other lower classification road access being available to that lot. Access to an Arterial road where Annual Average Daily Traffic (AADT) volumes exceed 5000 must be designed to allow forward entry onto and forward exit and right in and out movements only or provide a designated turn lane, where supported. Existing agricultural and low density residential lands applying for minor additions to existing buildings are exempted from providing these works.

3.5.7. Access to Collector roads as the only or primary means of access or egress for development is subject to no local road or lane access being available to that lot. Access to a Collector roads where Annual Average Daily Traffic (AADT) volumes exceed 5000 must be limited to right in and out movements only, where no turn lane exists.

3.5.8. Access to rural roads where a drainage route exists, is subject to provision of ditching along the lot frontage and installation of a culvert at least 450mm in diameter across the driveway, extending a minimum of 1m beyond the toe of slope in each direction.

3.6. Lanes

When corners or T-intersections are unavoidable additional road dedication and construction is required based on tracking of the largest anticipated vehicle utilizing the lanes. Additional road dedication required is to be based on truck turning template design or historical evidence at the location where available. Where road dedication would

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create a non-conformity for an existing building a SROW may be used subject to a Road reserve also being registered on the area.

3.7. Cul-de-Sacs

Cul-de-sac roads shall not exceed 200m in length as per MMCD and provide a turn around with a radius of no less than 11m. The City Engineer may accept cul-de-sacs up to 400m in length where an Emergency Access road is provided at the end of the cul-de-sac, subject to provision of a mid point bulb with a turning radius on no less than 11m. Cul-de-sac turnaround bulb design must conform to standard drawing 100-10 in Schedule O of this Bylaw.

3.8. Pedestrian and Bicycle Facilities

Pedestrian and bicycle facilities promote efficient non-motorized movements of people and are required as identified in the Transportation section of the OCP and the MTP and in infill sections to provide a complete system. These shall be provided in road ROWs or be protected by a SROW where outside of a road ROW. Pedestrian and bicycle facilities promote efficient non-motorized movements of people and are required as identified in the Transportation section of the OCP and the MTP and in infill sections to provide a complete system. These shall be provided in road ROWs or be protected by a SROW where outside of a road ROW. New development is required to construct adequate facilities that provide safe and desirable year round connectivity between residential areas and destinations.

Bicycle facilities should be designed as per the following Transportation Association of Canada (TAC) design guidelines:

- Bikeway Traffic Control Guidelines for Canada
- Traffic Signal Guidelines for Bicycles
- Geometric Design Guide for Canadian Roads

Bicycle facility design should also be supplemented with the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide and Urban Street Design Guide.

Pedestrian facilities should be designed as per TAC's Geometric Design Guide for Canadian Roads and Pedestrian Crossing Control Guide, and supplemented with the NACTO Urban Street Design Guide. Accessibility for those with mobility impairments should be a prime consideration in the design of pedestrian facilities

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3.8.1. Sidewalks

- 3.8.1.1. Concrete sidewalks shall be provided in the boulevard area of Urban section road Right of Ways as required in the OCP and the MTP for existing roads. Asphalt pedestrian facilities are permitted in Development District 3 as an alternative in low volume areas. Sidewalks shall extend across all accesses and lane intersections giving priority to pedestrians. Sidewalks shall cross fall towards the road at grades between 2% and 4%. Grades in excess of these are only permitted where design is limited by existing building elevations or lot grading and road grades or crossfall cannot be changed to accommodate the noted sidewalk grades. Sidewalk width where obstructions cannot be avoided must provide no less than 1.2m horizontal clear separation.
- 3.8.1.2. Sidewalks shall be separated as much as possible from the curb on all Arterial roads and busy Collector roads to provide a buffer from vehicle traffic. The boulevard area between the back of curb and face of walk shall be a low maintenance finished surface (stamped concrete, asphalt or accepted alternative in urban areas and be consistent with other boulevard treatment in the area).
- 3.8.1.3. Sidewalk letdowns at accesses, wheelchair ramps and pedestrian crossings shall not exceed 6%. Where existing conditions in developed areas result in grades that would exceed 6% the resulting grades are to be minimized and provided to the City Engineer for review. Widening of sidewalks at letdowns may be required to ensure major storm event routing is contained within the road structure. The elevation requirements at letdowns on major event flow routes is to be confirmed by the project engineer.

3.8.2. Walkways

- 3.8.2.1. Paved walkways shall be provided in road Right of Ways where necessary to provide connectivity between sidewalk systems and other pedestrian facilities and parks. For infill development, Statutory Right of Ways, no less than 3m wide may be used as an alternative to road Right of Ways.
- 3.8.2.2. Stairs may be utilized in walkways where grades in excess of 12% are unavoidable.

3.8.3. Trails

- 3.8.3.1. Trails shall be provided in Statutory Right of Ways as required in the Transportation section of the OCP and the MTP. For new development areas not defined in the OCP or Neighbourhood Plans the project engineer is required to contact the City Engineer to determine the location for trails.

3.8.4. Multi-use Paths (Class 1 Trails)

- 3.8.4.1. Paved multi use paths shall be provided in road Right of Ways as required in the Transportation section of the OCP and in the MTP.

3.9. Signage and Paint Marking

- 3.9.1. Street names shall be assigned by the City of Vernon. Street name signs, traffic signs and road lineage required as a result of constructing or improving streets shall be provided by the City at the Applicants at their expense. Traffic signs and paint marking must be designed in accordance with 'Manual of Uniform Traffic Control Devices for Canada' most recent edition as published by the Transportation Association of Canada. Where appropriate the British Columbia Manual of Standard Traffic Signs & Pavement Marking most recent edition as published by Ministry of Transportation and Infrastructure may also be used subject to acceptance of this alternate by the City Engineer.
- 3.9.2. Stop bars and pedestrian crossing road paint markings as a minimum, are to be provided for all new local roads in low density residential areas unless otherwise required by the City Engineer.

3.10. On Street Parking

On street parking is to be provided as part of road construction as defined in Schedule A of this Bylaw. On street parking is not permitted within 15m of intersections unless outside of the vehicle travel lanes. Where an intersection is signalized, on street parking may be located beyond the ultimate left-turn bay. On street parking on Collector roads and local roads adjacent to commercial or high density development requires provision of dedicated on-street parking lanes and is only permitted until such time as that space is required to add travel lanes. On street parking on existing roads without the provision of a dedicated parking lane is permitted in low and medium density residential areas provided the asphalt width is 7m or greater and where no bus route exists (minimum asphalt width on bus routes is 8.5m). In Development District 3 new hillside residential low density development is to provide an equivalent of one on street parking stall for every four residential units. These are to be behind the curb and clustered based on area topography to minimize scaring of hillsides.

3.11. Curbing

Concrete curb and gutter is required for all roads in Development District 1 and Neighbourhood Centres in all Districts. Asphalt curbing as an alternative to concrete curb and gutter, is permitted adjacent to low and medium density residential development in existing roads in Development Districts 2 and 3 only where existing asphalt curbing is predominate on the fronting road or where no curbs are present. In Development District 2 where blade-face sidewalks exist no additional curbing is required. Upright curbing is required a minimum of 1.0 m horizontal from obstructions including but not limited to utility poles, vaults, hydrants, streetlights, kiosks, mail boxes, service boxes and tubs.

3.12. Mail Boxes

All mail box locations required by Canada Post must be show on the engineering drawings. On street parking must be provided at all mail box locations. Design for on street parking is to conform to Zoning Bylaw #5000 parallel parking design requirements. One additional parking stall is required for every second additional mailbox. Street lighting must be provided at all mail box locations.

4.00 HIGHWAY DESIGN CRITERIA:

Pavement Structure

4.01 The pavement structure shall be designed in accordance with Manual Series MS-1 of the Asphalt Institute (current edition). The pavement structure shall be designed for a fifteen (15) year design life. Staged construction may be considered in the structural design by the City Engineer when a road is to be constructed and to be widened at a later date.

Roads shall be classified as follows for purposes of structural design of the total pavement structure; design traffic values and minimum depths of hot mix asphalt are defined as well:

TABLE B.6 4

Road Classification	Design Traffic ⁽¹⁾ (EAL's)	Min. Depth of Hot Mix Asphalt (mm)
Arterial	> 2.8 X 10 ⁵	See Note 2
Collector	2.8 X 10 ⁵	100
Industrial	5.6 X 10 ⁵	100
Residential	2.8 X 10 ⁴	75
Lanes	Not applicable	50
Walkways	Not applicable	50

- NOTES:** (1) See Chapter IV of MS-1 of the Asphalt Institute.
 (2) To be specifically designed, based on projected EAL's, in accordance with MS-1 of the Asphalt Institute.

Soils used to construct the roadway subgrade shall be evaluated in accordance with MS-1 (Chapter V) to determine the load bearing capacity of the subgrade. For this purpose, the California Bearing Ratio (CBR) test value shall be obtained using soil moulded to the minimum specified compaction level. The design CBR values shall be determined in the soaked condition in accordance with ASTM Des D1883. This value

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shall be used for structural design purposes. The minimum compacted depth of crushed granular base course, in the total pavement structure, shall be 50 mm.

If the soaked CBR value of the subgrade soil is less than 3, subgrade enhancement shall be provided to create a soaked CBR of 3, and the pavement structure shall be designed using a soaked CBR of 3. Subgrade enhancement shall be provided by placement of an initial layer of granular sub-base of a thickness which has been calculated to provide the necessary structural improvement to the subgrade.

A minimum pavement structure for roads shall be provided, notwithstanding the structural character of the subgrade. Minimum pavement structures are specified in Table B57, and will be considered structurally adequate when the subgrade soil exhibits a minimum soaked CBR of 6:

TABLE B.7 5
MINIMUM PAVEMENT STRUCTURES (FOR SUBGRADE CBR ≥ 6)

Road Construction	Sub-Base (Pit Run) mm	Crushed Granular Based Course(mm)	Hot Mix Asphalt (mm)	
			Surface Course	Lower Course
Arterial	Structural Design shall be project specific.			
Collector	200	50	50	50
Industrial	200	50	50	50
Residential	150	50	75	
Lanes	150	50	50	
Walkways	150	50	50	

~~The design of structural overlays of existing pavements shall be based on the analysis of the results of Benkelman beam tests and test hole information acquired from the existing road which is to be upgraded.~~

~~The Transportation Association of Canada procedure for designing structural design of overlays of existing pavements, as published in "The Pavement Management Guide", shall be used. The maximum permissible Benkelman beam deflections to be used for overlay design are shown in Table B-8:~~

TABLE B.8

Road Classification	Maximum Permissible Deflection After Overlay
Arterial	1.00 mm

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Collector	1.25 mm
Industrial	See Note ⁽¹⁾
Residential	1.50 mm

~~NOTES:~~

~~⁽¹⁾ As specified by the City Engineer.~~

~~The structural design of pavements for roads shall be performed by a qualified pavements engineer. Structural designs of pavements shall be submitted to the City Engineer in an acceptable report format.~~

~~Highway Cross Sections (Bylaw No. 3929, June 28/93)~~

~~3.10 The standard street cross section for various classifications of roadways shall be as per Table B.9 and on Standard Drawings No. 100-1 to 100-11.~~

**TABLE B.9
 HIGHWAY CROSS-SECTIONS**

Road Classification	Typical Cross-Section (Drawing Number)
Urban:	
Arterial	100-1 & 2
Major Collector	100-3
Minor Collector	100-4
Industrial	100-5
Local	100-6
Rural:	
Local Rural	100-8
Lanes	100-7
Walkways	100-7

~~Hillside Design Standards (Bylaw No. 4876, Sept. 27, 2004)~~

~~3.11 In areas of adverse topography the project design engineer may submit a request in writing to the city Engineer for authorization to utilize the Hillside Design Standards. The standards shown in Table B.9A and drawings 100-1H, 100-3H, 100-4H, 100-6H, 100-7H, 100-8H, and 100-9H are the minimum permitted and design of the project will be expected to exceed these standards wherever possible. At the discretion of the City Engineer, further variations to Hillside Design Standards may be permitted for sit specific conditions.~~

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~~Minimum pavement structure must conform to current bylaw standards or as recommended by the project geotechnical engineer and approved by the City Engineer.~~

~~Boulevard treatment must conform to approved landscape bylaw and material standards.~~

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TABLE B.8A Hillside Road Standards														
Street Conditions		Design Speed (km/h)	Max. Grade (%)	Min. Vert. Curve K Values			Min. Centreline Radius, (m)	Curb & Gutter	Min. Road Width (m)	Min. ROW (m)	Bicycle Lanes	Parking	Pedestrian Movement Corridor, (PMC)	
Street Type and Conditions (Std. Drawing number)				Crest	Sag	Stop								
Major Arterial Road, (Dwg 100-1H)														
Condition A	Divided highway	60	8% at intersections	15	14	4	150 with 4% superelevation	Type 1	14 gutter to gutter, additional lanes at high volume intersections	22.0	4.5m marked lane on each side	Not permitted	Min. 1.5m wide both sides	
Condition B	Undivided Highway	60	10% at intersections	15	10	4	95 with 4% superelevation	-	10 gutter to gutter, additional lanes at high volume intersections	15.0	4.5m marked lane on each side	Not permitted	Min. 1.5m wide one side	
Minor Arterial Road, (Dwg 100-3H)														
Condition A	No development adjacent	50	12% at intersections	8	7	3	80 with 4% superelevation	Type 1	8.6 gutter to gutter	14.0	combined with motorvehicle, not marked	Not permitted	Min. 1.5m wide one side	
Condition B	Development adjacent to one side	50	10% at intersections	8	7	3	80 with 4% superelevation	Type 1, Type 2 in parking areas	8.6 gutter to gutter	16	combined with motorvehicle, not marked	One side, behind curb, 2.5m wide	Min. 1.5m wide one side	
Condition C	Development adjacent to both sides	50	8% at intersections	8	7	3	80 with 4% superelevation	Type 1, Type 2 in parking areas	8.6 gutter to gutter	18.5	combined with motorvehicle, not marked	Both sides, behind curb, 2.5m wide	Min. 1.5m wide one side	
Collector Road, (Dwg 100-4H)														
Condition A	No development adjacent	50	12% at intersections	8	7	3	80 with 4% superelevation	Type 1	7.0 gutter to gutter	12.5	optional	Not permitted	Min. 1.5m wide one side	
Condition B	Development adjacent to one side	50	10% at intersections	8	7	3	80 with 4% superelevation	Type 1, Type 2 in development areas	7.0 gutter to gutter	14.5	optional	One side, behind curb, 2.5m wide	Min. 1.5m wide one side	
Condition C	Development adjacent to both sides	50	8% at intersections	8	7	3	80 with 4% superelevation	Type 1, Type 2 in development areas	7.0 gutter to gutter	17.0	optional	Both sides, behind curb, 2.5m wide	Min. 1.5m wide one side	
Local Road, (Dwg 100-6H)														
Condition A	No development adjacent	40	12% at intersections	4	4	2	22 with 4% superelevation	Type 1	6.0 gutter to gutter	11.0	Not required	Not permitted	Optional	
Condition B	Development adjacent to one side	40	10% at intersections	4	4	4	45 with 4% superelevation	Type 1, Type 2 in development areas	6.0 gutter to gutter	12.5	Not required	One side, behind curb, 2.5m wide	Min. 1.5m (top of curb incl), on street or alternate	
Condition C	Development adjacent to both sides	40	8% at intersections	4	4	4	45 with 4% superelevation	Type 1, Type 2 in development areas	6.0 gutter to gutter	15	Not required	Both sides, behind curb, 2.5m wide	Min. 1.5m (top of curb incl), on street or alternate	
Public Lane, (Dwg 100-8H)														
Condition A	No development adjacent	20	12% at intersections	2	2	2	15 with 4% superelevation	Not required	6.0 with 0.3 hardened edge each side	6.5	Not permitted	Not permitted	Not required	
Condition B	Development adjacent to one side	20	12% at intersections	2	2	2	15 with 4% superelevation	optional	6.0 with 0.3 hardened edge each side	8.0	Not permitted	One side, Seasonal	Not required	
Private, (Bare Land Strata), Road, (Dwg 100-7H)														
Condition A	Connecting Road	20	12% at intersections	2	2	2	15	Type 1, Type 2 in development areas	6.0 gutter to gutter	NA	Not required	Not permitted	Optional	
Condition B	No through traffic	20	10% at intersections	2	2	2	15	Type 1, Type 2 in development areas	6.0 gutter to gutter	NA	Not required	Not permitted	Optional	
Cul-de-Sac														
	Maximum length: 250m	As per road standard	6	As per road standard	As per road standard	As per road standard	As per road standard	Type 1, Type 2 in development areas	11.5 radius to gutter in bulb	13 radius in bulb	Not required	Not permitted	As per road standard	
Emergency Access Lane, (Dwg 100-9H)														

4.00 MATERIALS

~~———— Subgrade Fill Material~~

~~4.01 — Subgrade fill material shall be free of rock detrimental to proper compaction and free of organic or other deleterious matter. Fill material shall be compacted to a minimum of 95% Standard Laboratory density (ASTM 0698). Fill material shall be moisture re conditioned to within 3% of its optimum moisture content, as determined by the Standard Test Methods for Moisture Density Relations of Soils and Soils-Aggregate Mixtures ASTM D698 or ASTM D1557, at the time compaction is undertaken.~~

~~———— Rock Fill~~

~~4.02 — Rock, by definition, shall mean any material excepting hardpan or glacial till over 0.75 cu.m. in volume requiring continuous drilling and blasting. It shall mean masonry or concrete as well as natural boulders fitting this definition.~~

~~———— Rock fill shall be any material containing more than 15% by volume of rock larger than 150 mm in size.~~

~~———— It shall only be used in approved areas and by approved methods to provide maximum stability of the fill.~~

GRANULAR AGGREGATES

~~———— Granular Sub-base Course (Bylaw No. 4108, Feb. 6/95)~~

~~4.03 — Granular sub-base shall be well-graded material conforming to the gradation limits as shown on Standard Drawing No. 100-12 (150 mm minus) and Standard Drawing No. 100-13 (75 mm minus), or suitable blast rock designed and installed under the supervision of a Geotechnical Engineer and approved by the City Engineer provided the maximum nominal size is less than or equal to 50 percent of the compacted sub-base layer thickness.~~

~~———— Crushed Granular Base Course (Bylaw No. 3929, June 28/93)~~

~~4.04 — Crushed base course shall be composed of inert, durable aggregate, reasonably uniform in quality, and free from soft or disintegrated pieces, wood wastes, roots, organic material or other deleterious materials. The gradation shall be within the following limits when tested to ASTM C-136 and C-117, using the designated sieve sizes, and to have a smooth curve without sharp breaks when plotted on a semi-log grading chart.~~

———— Percent by

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<u>USBC Sieve Size</u>	<u>Weight Passing</u>
25.00 mm (1")	100
19.00 mm (3/4")	80 – 100%
9.50 mm (3/8")	50 – 80%
4.75 mm (# 4)	35 – 65%
2.36 mm (# 8)	25 – 50%
1.18 mm (# 16)	15 – 35%
0.300 mm (# 50)	5 – 20%
0.075 mm (#200)	3 – 8%

A minimum of 60% of the material retained on a 4.75 mm sieve shall have at least two fractured faces as determined by particle count.

Crushed Granular Aggregate for Asphaltic Concrete

4.05 Crushed granular aggregate for asphaltic concrete shall be composed of hard, durable, crushed gravel free from shale, clay, silt balls loose coatings and other deleterious materials.

The gradation of aggregates, when blended to meet the job mix formula shall be within the limits shown in Table B.10 when tested to ASTM C 136 and C 117, using the designated sieve sizes, and to have a smooth curve without sharp breaks when plotted on a semi-log grading chart.

TABLE B.10 (Bylaw No. 3929, June 28/93)

GRADATION OF CRUSHED GRANULAR AGGREGATE FOR ASPHALTIC CONCRETE

<u>USBC Sieve Size</u>	<u>Arterial, Industrial and Collector Streets – Percent Passing, By Weight</u>		<u>Residential, Lanes, Walkways</u>
	<u>Lower Course</u>	<u>Surface Course</u>	<u>Percent Passing by Weight</u>
25 mm (1")	100		
19 mm (3/4")	85 – 100	100	
12.5 mm (1/2")	65 – 85	85 – 95	100
9.5 mm (3/8")		70 – 85	70 – 90
4.75 mm (#4)	40 – 65	50 – 70	45 – 80
2.36 mm (#8)		38 – 55	32 – 64
1.18 mm (#16)	20 – 38	28 – 44	24 – 51
0.600 mm (#30)		20 – 34	17 – 40

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USBC Sieve Size	Arterial, Industrial and Collector Streets – Percent Passing, By Weight		Residential, Lanes, Walkways
	<u>Lower Course</u>	<u>Surface</u>	<u>Percent Passing</u> <u>by Weight</u>
-0.300mm(#50)	10–20	12–26	13–29
-0.150mm(#100)	8–15	8–16	7–18
-0.075mm(#200)	3–8	3–7	3–8

A minimum of 60% of the material retained on a 4.75 mm sieve shall have at least two freshly fractured faces as determined by particle count.

Tolerance Limits (% Passing By Weight)*

Max Size To	4.75 mm	5.0
	2.36 mm	4.0
	1.18 mm	4.0
	0.600 mm	3.0
	0.300 mm	3.0
	0.150 mm	2.0
	0.075 mm	1.5

*The tolerance limits are in relation to the design aggregate gradation submitted with the Marshall mix design. Aggregate short of material passing the 0.075 mm sieve shall have approved mineral filler added. Mineral filler shall be material passing the 0.075 mm sieve and shall be non-plastic when tested in accordance with ASTM D424. The moisture content of the aggregate after leaving the drier and before mixing shall be not more than 0.5% by weight.

Primer

4.06 Asphalt primer shall be:

a) anionic emulsified asphalt, slow setting (SS-1) and shall be diluted with clean water at two (2) parts emulsion to one (1) part water for application, and thoroughly mixed by pumping. The diluted asphalt emulsion shall be applied at a rate of 2 litres per square metre, or as approved by the City Engineer. The prepared granular base shall be clean and free of "float" prior to application of prime. Allow prime to absorb and cure for 24 hours prior to paving, unless otherwise approved by the City Engineer. Traffic shall not be permitted onto primed areas.

b) Cutback Asphalt Primer RM20 meeting the requirements, and to application rates, stipulated in the Standard Specifications for Highway Construction (latest edition)

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~~of the Province of British Columbia Ministry of Transportation and Highways.
 (Bylaw No. 3929, June 28/93)~~

~~Tack Coat~~

~~4.07 Bituminous tack coat shall be undiluted SS 1H or SS 1 asphalt emulsion, and shall be applied at a rate not greater than 0.5 litres per square metre to a clean pavement surface, and provide for adequate curing time prior to placing asphalt paving mixtures. The temperature of the material shall be maintained between 30°C and 40°C at the time of application.~~

TABLE B.11
TYPE OF ASPHALT (Bylaw No. 3929, June 28/93)

REQUIREMENTS:	MIN.	MAX.
Viscosity @ 60°C (Pa/s)	65	
Min. Penetration @ 25°C	80	
% Ret. Pen. after T.F.O.T. @ 25°C — 100 g/5 s	55	
Solubility in Trichloroethylene (%)	99.0	
Flash Point, C.O.C. minimum (°C)	235	
Ductility at 25°C, 5 cm/min.cm	100	
Water (%)		0.5

~~4.08 The asphalt cement shall be homogenous, free from water, and shall not foam when heated to 175°C~~

~~Asphaltic Concrete~~

~~4.09 Asphaltic Concrete shall conform to the following:~~

TABLE B.12 (Bylaw No. 3929, June 28/93)

Property	Arterial and Collector Streets		Residential
	Lower Course	Surface Course	Surface Course
Marshall blows per face	75	75	50
Marshall Stability @ 60°C (kN)	8 min.	8 min.	5.5 min.
Marshall Flow (0.25 mm units)	8–14	8–14	8–15

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Property	Arterial and Collector Streets		Residential
	Lower Course	Surface Course	Surface Course
Voids in Mineral Aggregate (%)	13.0 – 16.5	14.0 – 17.0	14.0 – 17.5
Air Voids in Mixture (%) – at design A.C.	4.0 ± 0.2	4.0 ± 0.2	3.5 ± 0.3
Allowable production range	3 – 5	3 – 5	3 – 5
Index of Retained Stability after water immersion for 24 hours @ 60°C	80% min.	80% min.	80% min.

~~The Applicant shall supply the City Engineer with a current 5 point Marshall mix design, performed in accordance with ASTM D 1559, under the signature of a Professional Materials Engineer. The design asphalt content shall be specified to comply with the requirements of this article.~~

~~The asphalt content of hot mix asphalt which is produced in accordance with the approved Marshall design shall be maintained within plus or minus 0.3% of the approved design asphalt content.~~

~~Testing~~

~~4.10 The Applicant shall retain an independent materials testing firm to carry out comprehensive testing to frequencies defined below, for each stage of construction of roads and streets. The materials testing firm must employ a full time, qualified Professional Engineer within the office from which the testing services are provided. He shall review all test data and provide to the City, on a daily basis and in summary form at the completion of each stage of the work, test data at the following minimum frequencies:~~

~~For subgrade construction:~~

- ~~a) Moisture density relationship (Standard Proctor) ASTM D698; one test for each soil type incorporated into the subgrade.~~
- ~~b) Moisture and density tests~~
 - ~~i) Trench backfill one test per lift per 50 lineal metres of trench and one test per lift around manholes, valves, catch basins, etc.~~
 - ~~ii) Subgrade construction and preparation three tests per 150 lineal metres of road per lift, to include dry density and moisture content. (Bylaw No. 3929, June 28/93)~~

~~For sub base and base course construction:
(including subgrade enhancement using sub base material)~~

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- ~~a) Gradation analysis—one test per 500 m³ or 1100 tonnes of material delivered to the site with a minimum of 1 test per day of placement.~~
- ~~b) Moisture—density relationship (Standard Proctor)—ASTM D698;—one test per class of material for each 5000 m³, or 11000 tonnes delivered to site.~~
- ~~c) Compaction testing—three tests per 150 lineal metres of road per lift, to include dry density and moisture content.~~

~~For hot mix asphalt pavement production and placement:~~

- ~~a) Asphalt content and gradation of extracted aggregate—one test per production period, where a production period is defined as that part of the working day either before or after 12:00 Noon local time. In a full working day, the times of test shall be not less than two hours apart.~~
- ~~b) Marshall analysis of hot mix asphalt—one per work week per mix type; additional tests shall be performed when any of the specified Marshall properties are not met in the initial analysis.~~
- ~~c) Asphalt cement tests—one complete analysis per project or one every two work weeks, whichever is the lesser in timing; plus one penetration (ASTM D5) test per work week from product obtained from the Contractor's asphalt cement storage tanks.~~
- ~~d) Density, air voids and pavement thickness tests—3 cores (100 mm dia.) per 1500 m² of paved area per lift, with a minimum of 3 cores for each production day. Air void tests shall be performed in accordance with ASTM D3203. (Bylaw No. 3929, June 28/93)~~
- ~~e) Tests on prime and tack coat products—one test per product per project.~~

~~Chain Link Fence (Bylaw No. 3929, June 28/93)~~

~~4.11 All frames to be welded and covered with two coats of zinc rich paint. Each knuckle to be independently tied and set flush with the top rail. Dome tops to be riveted or welded to end posts. All galvanizing shall be minimum of 488 gm/M. All poles to be set in concrete.~~

- ~~a) Fabric—9 gauge (3.55 mm) galvanized 50 mm mesh.~~
- ~~b) Top Rail—42 mm O.D., 3.55 mm wall thickness, galvanized steel pipe.~~
- ~~c) End & Corner Posts—73 mm O.D., 5.15 mm wall thickness, galvanized steel pipe.~~
- ~~d) Line Posts—48 mm O.D., 3.68 mm wall thickness galvanized steel pipe.~~
- ~~e) Gates—Sizes as required. Frames 42 mm O.D., 3.55 mm wall thickness galvanized steel pipe.~~
- ~~f) Barbed Arms—Galvanized malleable steel.~~
- ~~g) Tension Wire—6 gauge (4.50 mm) galvanized steel.~~
- ~~h) Tie Wire—9 gauge (3.55 mm) aluminium.~~
- ~~i) Tension Bar—4.76 mm X 19mm galvanized steel.~~
- ~~j) Dome Tops—Size as required. Galvanized malleable steel.~~

5.00 WORKMANSHIP

Notification of City Engineer Prior to Undertaking Roadworks

5.01 Adequate notice shall be given to the City Engineer by the Applicant prior to the commencement of roadworks in accordance with Table B.13. The Applicant shall not proceed from one stage as described in Table B.13 to another stage without the approval of the City Engineer.

TABLE B.13

CONSTRUCTION NOTIFICATION REQUIREMENTS

STAGE	MINIMUM NOTICE REQUIRED
Prior to construction of fills or doing subgrade preparation	24 hours
Prior to placement of sub-base materials	24 hours
Prior to placement of concrete for curbs and sidewalks	48 hours
Prior to placement of base course (19 mm crushed gravel)	24 hours
Prior to paving	48 hours
Prior to top soiling boulevards	24 hours

Clearing

5.02 The road right of way shall be cleared of all trees, stumps, logs, roots, and any other objectionable material likely to cause settlement for the full width of the highway, and for such additional width as may be required to contain cut and fill slopes. In addition, buildings, fences, superfluous culverts, or any other structures within the highway shall also be removed. Trees may be left within the highway only where they do not conflict with utility services and where they are not deemed a hazard at the discretion of the City Engineer.

Subgrade Preparation

5.03 Prior to placing of any granular aggregate on the highway, all existing topsoil or other deleterious matter shall be removed from the full width of the road right of way and the road surface graded to the desired cross-section.

Embankments shall be constructed by placing, shaping and compacting approved materials as classified in this Bylaw. All material placed in embankments shall be bladed smooth in level layers not exceeding 300 mm uncompacted depth over the entire embankment area and placed in successive uniform layers.

When embankments are to be made on hillsides or where a new fill is to be applied upon an existing embankment, the slopes of the original ground or embankment (except rock embankments) shall be terraced or stepped before filling is commenced.

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- ~~Each layer shall be compacted with approved equipment to 95% Standard Proctor Density.~~
- ~~Sufficient amounts of watering and compaction equipment required to efficiently and properly compact the material for the rate at which the material is being hauled into the embankment area shall be provided.~~
- ~~The embankment shall be constructed to provide adequate drainage. Should the embankment material become damaged or saturated by rain, flooding, or other effects, repair, scarification, or whatever other measures required to restore the embankment to the moisture and compaction requirements this Bylaw shall be undertaken.~~
- ~~Unsuitable materials encountered in the excavation areas, or at the subgrade elevation, shall be excavated, and wasted.~~
- ~~Overexcavations shall be rebuilt to grade with an approved compacted material and compacted to the satisfaction of the Engineer.~~
- ~~At transition sections where the profile grade changes from embankment to cut, the natural slope (excepting solid rock) shall be excavated to a depth of 1 meter and replaced with suitable material for a distance of 15 meters in order to prevent abrupt future differential grade changes.~~
- ~~The upper 300 mm of the subgrade shall be compacted to 100% of Standard Proctor density. Subgrade preparation shall extend a minimum of 600 mm out from back of curb or sidewalk on either side of the road.~~
- ~~Proof Rolling~~
- ~~5.04 Upon completion of the subgrade preparation, the subgrade shall be proof rolled in the presence of the City Engineer with a loaded single axle truck with a rear axle load of 8165 Kg.~~
- ~~Any areas found to be soft or wet shall be excavated and backfilled with select granular sub-base, granular material, and compacted to 100% Standard Proctor density.~~
- ~~Spreading and Compaction of Granular Aggregate~~
- ~~5.05 Granular aggregate shall be placed in maximum 150 mm lifts and shall be spread in an approved manner such that the aggregate is neither segregated nor contaminated with foreign material. Segregated materials shall be remixed until uniform. Immediately following spreading, granular aggregate shall be compacted to 100% Standard Proctor density. The finished surfaces shall be within +/- 15 mm of the design grade and cross-section.~~
- ~~General Paving Requirements~~

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~~5.06 Paving shall not be undertaken during snow, heavy rain, temperatures below 5 degrees C or other unsuitable conditions. Asphaltic concrete shall not be placed on a frozen, muddy or rutted base. Asphaltic concrete shall be constructed in lifts of compacted thickness as follows:~~

Mix Type	Permissible Compacted Lift Thickness (mm)	
	Minimum	Maximum
Lower Course	50	100
Surface Course	40	75

~~Placing and Compacting Asphaltic Concrete~~

~~5.07 Surfaces onto which bituminous concrete pavement is placed shall be dry, above 4 degrees C and cleaned of all loose and foreign materials. Mixtures shall not normally be laid when the atmospheric temperature is less than 4 degrees C and falling. An approved self propelled mechanical paver shall be used to spread the mixture to the specified thickness. Compaction shall commence immediately after the bearing capacity of the course is adequate to support the compaction equipment without undesirable displacement or cracking. Compaction methods shall be carried out as specified in the Asphalt Paving Manual published by the Asphalt Institute.~~

~~Density of Completed Asphaltic Concrete Pavement~~

~~5.08 The minimum allowable density of the completed pavement shall be not less than 97% of the laboratory compacted Marshall density.~~

~~Flaws in the pavement surface shall be corrected by removal of the complete area and the full lift involved. Pavement which is unsatisfactory in the opinion of the City Engineer by reason of faulty materials or methods of placement shall be repaired, removed, replaced or otherwise corrected.~~

~~Tie Ins to Existing Pavement~~

~~5.09 Tie ins to existing pavement shall be made by cutting back the existing pavement to sound material as necessary to produce a neat, vertical face with a straight edge. Prior to placing asphaltic concrete, exposed faces and other abutting structures shall be painted with liquid asphalt and heated to 66 degrees C.~~

~~Restoration of Improvements~~

~~5.10 Driveways, retaining walls, vegetation and other private or municipal improvements on private or municipal property or highways affected by the road construction shall be restored at minimum to the condition existing prior to construction and to the satisfaction of the City Engineer.~~

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Testing

~~5.11 The City shall be provided with copies of all compaction test results pertaining to subgrade, granular base and pavement structure.~~

As Constructed Drawings

~~5.12 Prior to final acceptance, the Applicant shall deposit with the City one set of original as-constructed mylar drawings showing all the information requested by this schedule and conforming to the criteria set out in Schedule I.~~

6.00 STANDARD DRAWINGS

6.01 The following City of Vernon Standard Drawings shall form part of this schedule.

Drawing No. Drawing Description

100-1	Arterial Highway Urban Section
100-2	Arterial Highway Rural Section
100-3	Collector Highway Urban Section
100-4	Collector Highway Rural Section
100-5	Industrial Highway 16.0 m Right-of-Way
100-6	Local Residential Highway 16.0 m Right-of-Way
100-7	Walkway and 6.0 m Lane
100-8	Typical Rural Road
100-9	Typical Driveway Construction
100-10	Cul-de-Sac 16.0 m Right-of-Way
100-11	Expanded Corner - 16.0 m Right-of-Way
100-12	Gradation Limits 150 mm Minus Gravel
100-13	Gradation Limits 75 mm Minus Gravel
100-14	Gradation Limits 25 mm Minus Crush Gravel
100-15	Gradation Limits Sand Bedding Material
100-1H	Hillside Standard Major Arterial Roads
100-3H	Hillside Standard Minor Arterial Roads
100-4H	Hillside Standard Collector Roads
100-6H	Hillside Standard Local Roads
100-7H	Hillside Standard Private Road
100-8H	Hillside Standard Public Lane
100-9H	Hillside Standard Emergency Access Lane



SCHEDULE B1 – BYLAW NO. 3843

SUPPLEMENTAL ROAD CONSTRUCTION TO THE MASTER MUNICIPAL SPECIFICATIONS

This Schedule is supplemental to the Master Municipal Specifications, 2009 Platinum Edition Volume II, and is to be applied in conjunction with the Master Municipal Specifications, which otherwise apply to all road works and services constructed within the City of Vernon.

The provisions of this Schedule B1, Supplement to the Master Municipal Specifications, supplement or supersede the provisions of the Master Municipal Specifications.

Where the provisions of Schedule B1 are in conflict with the Master Municipal Specifications the provisions of Schedule B1 take precedence.

Section and article numbers in Schedule B1 coincide with those of the Master Municipal Specifications.

INDEX

Section	Article 31 05 17S	Aggregates and Granular Materials
Section	Article 31 23 01S	Excavating, Trenching and Backfilling
Section	Article 31 24 13S	Roadway Excavation, Embankment and Compaction
Section	Article 32 11 16.1S	Granular Subbase
Section	Article 32 11 23S	Granular Base
Section	Article 32 12 16S	Hot Mix Asphalt Concrete Paving

SEC 31 05 17S AGGREGATES AND GRANULAR MATERIALS

2.1 Materials – General

Add: .3 The physical properties of the materials for granular sub-base and crushed granular base course shall meet the following specifications:

Physical Property	Test Designation	Granular Sub-base	Granular Base
MgSO ₄ Loss %			
Course Ag (Max)	ASTM C88	20	20
Fine Ag (Max)		25	25
Sand Equivalent % (Min)	ASTM D2419	25	35
Plasticity Index % (Max)	ASTM D4318	6.0	6.0
Crushed Particles (one face) % (Min)	MoT I-11 (A)		60
California Bearing Ratio (Soaked) % (Min)	ASTM D1883	20	80

2.7 Granular Pipe Bedding and Surround Material

Replace: .2 Pit run sand as specified in Section 31 05 17 (2.4) may also be used unless otherwise specified by the project engineer and accepted by the City Engineer.

Add: .3 Other permissible materials: Only where shown on design drawings and accepted by the City Engineer shall drain rock or approved native materials be used for bedding and pipe surround.

2.8 Select Granular Sub-base

Replace: .1 Select Granular Sub-base is not acceptable for sub-base gravels

2.10 Granular Base

Replace:.1 To be 25 mm crushed gravel conforming to the following gradations:

Sieve Designation	Percent Passing	
25 mm		100
19 mm	80	- 100
9.5 mm	50	- 85
4.75mm	35	- 70
2.36 mm	25	- 50
1.18 mm	15	- 35
0.300 mm	5	- 20
0.075 mm	3	- 8

2.11 Recycled Aggregate Material

- Replace: .1 Aggregates containing recycled material may be utilized in sub-base and trench fill if approved by the City Engineer. In addition to meeting all other conditions of this specification, recycled material should not reduce the quality of construction achievable with quarried materials. Recycled material should consist only of crushed Portland cement concrete and asphalt pavement. Other construction and demolition materials such as bricks, plaster, etc. are not acceptable.
- Add: .2 Material retained on the 4.75 mm sieve to be not more than 20% recycled material. Minimum size of processed recycled material is to be retained on the 4.75 mm sieve.
- Add: .3 Recycled material and granular sub-base material is to be mechanically blended to produce a homogeneous mixture prior to delivery to site for use in sub-base. Blending on site will only be permitted for use in trench fill.

SEC 31 23 01S EXCAVATING, TRENCHING AND BACKFILLING

3.6 Surface Restoration

- .7 Permanent pavement restoration:
- Replace: .5 Restore pavement as detailed on MMCD drawing G5. Pavement trench restoration and width of restoration to be as follows:
- Add: .1 All asphalt shall be saw cut 500 mm wider and longer than the surface dimensions of the actual trench excavation. This saw cut must extend cleanly through the existing asphalt to the base material prior to asphalt removal.
- Add: .2 If the thickness of the existing asphalt is greater than 75 mm, grind it to a depth of 40 mm and a width of 200 mm along the saw cut edge. This can be done just prior to the final asphalt restoration.
- Add: .3 Where the edge of the saw cut or milled asphalt, whichever is wider, extends into the travel lane, it should be extended to the mid point of that lane. Where the edge extends past the mid point of the travel lane, it should be extended to the far edge of that travel lane.
- Add: .4 Where the edge of the saw cut or milled asphalt, whichever is wider, is less than 1.5 m from the lip of gutter or edge of paved shoulder, it should be extended to the lip of gutter or edge of paved shoulder.
- Add: .5 When an area of existing asphalt between two transverse trenches is less than one third (1/3) of the total area of the proposed paving of the two trenches plus the area between them (based on the shortest

trench), the existing asphalt shall be removed and the area paved in conjunction with the paving of the two trenches.

- Add: .6 Regardless of 7.5.5, if the longitudinal distance between two trenches is less than three (3) meters it shall be removed and the area paved in conjunction with the paving of the two trenches.
- Add: .7 Longitudinal trenches must be paved with a paving machine.
- Add: .8 Hot-mix paving shall meet the thickness of the existing pavement or that shown on the design drawings, whichever is greater. If the thickness of the hot-mix paving is 75 mm or less, it shall be placed in one lift. If the thickness of the hot-mix paving is greater than 75 mm it shall be placed in two lifts as shown on Drawing SS-G5.
- Add: .9 Vertical faces and the surface of the bottom lift of asphalt must be painted with bituminous material prior to hot mix paving.

SEC 31 24 13S ROADWAY EXCAVATION, EMBANKMENT AND COMPACTION

3.3 Inspection of Native Surface

- Add .2 Top 150 mm of Native Surface to be scarified, moisture conditioned to optimum moisture content and compacted to a minimum of 95% of Modified Proctor density in compliance with ASTM D1557, before placing of embankment or sub-base material

SEC 32 11 16.1S GRANULAR SUB-BASE

2.0 Products

- Replace 2.1.1 Material for Road sub-base to be 75mm minus crushed gravel

SEC 32 11 23S GRANULAR BASE

2.0 Products

- Replace 2.1.1 Material for Road base to be 25mm minus crushed gravel as per supplementary specification 31 05 17S

SEC 32 12 16S HOT MIX ASPHALT CONCRETE PAVING

2.0 PRODUCTS

2.1 Materials

Replace: .1 Asphalt cement: to CGSB-16.3-M90, Grade 80-100, Class A.

Replace: .3.2 Gradations to be within limits specified when tested to ASTM C136 and ASTM C117.

**Table 2.1.3.2
Hot Mix Asphalt Aggregate Gradation Specification**

Sieve Designation	Percent Passing	
	Lower Course	Surface Course
25 mm	100	-
19 mm	80-100	100
12.5 mm	-	84-95
9.5 mm	50-84	73-90
4.75 mm	25-55	50-75
2.36 mm	20-45	35-57
1.18 mm	15-35	25-45
0.600 mm	-	18-34
0.300 mm	5-20	10-26
0.150 mm	-	6-17
0.075 mm	3-7	3-7

Replace: .3.6 Sand Equivalent: to ASTM D2419. Min: 50 (New Arterial), Min: 40 (All other street classifications).

Replace: .3.10 Lightweight particles: to ASTM C123. Maximum % by mass less than 1.95 relative density:

- .1 Surface course: 1.0
- .2 Lower course: 1.5

Replace: .3.11 Flat and elongated particles: (with length to thickness ratio greater than 5): Maximum % by mass:

- .1 Coarse aggregate, surface course: 10
- .2 Coarse aggregate, lower course: 10

- Replace: .3.12 Crushed Particles (fraction retained on 4.75 mm sieve), 2 faces, % minimum:
- .1 New arterial streets: 85
 - .2 All other street classifications: 70

2.2 Mix Design

- Replace: .1 The Contractor, at their cost, must retain an independent testing consultant to perform trial mix designs and to submit the job mix formula. The trial mix design must be performed in accordance with ASTM D1559 (75 blows per face) and must include five (5) separate trial values of asphalt content. Contractor must pay for trial mix designs and submissions.
- Replace: .2 Mixes for construction of asphalt lower course may contain up to 20% of RAP, provided that the properties of RAP material are considered in the trial mix design. Submissions for RAP mixes must contain all data relevant to RAP utilized in the mix design.
- Replace: .3 Design of Mix: Include the following data with the trial mix design submission:
- .1 Aggregate bulk specific gravity and water absorption.
 - .2 Sand equivalent values.
 - .3 Asphalt cement properties including mixing and compaction temperatures, based on temperature viscosity properties of asphalt cement.
 - .4 Aggregate gradations and blending proportions.
 - .5 Maximum theoretical density of trial mixes.
 - .6 Asphalt absorption values.
 - .7 Mix physical requirements to meet Table 2.2.3 below.
 - .8 Do not change job-mix without prior acceptance from City Engineer. Should change in material source be proposed, new job-mix formula to be submitted to the City Engineer for review.

**Table 2.2.3
Specified Physical Requirements of Hot Mix Asphalt**

Property	Mix Type	
	Lower Course ⁽¹⁾	Surface Course
Stability @ 60°C, kN (min)	8.0	9.0
Flow Index, 0.25 mm units	8-14	8-14
Voids in Mineral Aggregate % (min)	12.0	14.0
Air Voids, % ⁽²⁾	3-6	3-5
Index of Retained Stability after Immersion in Water for 24 hrs @ 60°C, % (min)	75	85

Notes: (1) If lower course mix is used in staged construction, i.e. exposed for at least one winter, specified properties for surface course mix must apply.

- (2) Percent air voids in compacted trial mixes must be determined in accordance with ASTM D3203, with asphalt cement absorbed into the aggregate compensated for in the calculation.

3.0 EXECUTION

3.1 Plant and Mixing Requirements

- .1 Batch and continuous mixing plants:

Replace: .3 Before mixing, dry aggregates to a moisture content not greater than 1% by mass or to a lesser moisture content if required to meet mix design requirements.

- .9 Where RAP is to be incorporated into the mix:

Replace: .3 RAP must not be fed through the aggregate dryer system.

- .11 Mixing time:

Add: .3 Mixing period and temperature to produce a uniform mixture in which particulates are thoroughly coated, and moisture content of material as it leaves mixer to be less than 0.2%.

- .4 Mixing Tolerances:

Replace: .1 Permissible variation in aggregate gradation from job mix (percent of total mass):

.1	4.75 mm and larger	+ 4.5
.2	2.36 and 1.18 mm	+ 4.0
.3	0.600 mm	+ 3.5
.4	0.300 mm	+ 2.5
.5	0.150 mm	+ 1.5
.6	0.075 mm	+ 1.0"

3.2 Equipment

Add to .1: Pavers must be capable of placing a standard mat width not less than 3 m and must be capable of paving wider widths in 150 mm and 300 mm increments by means of equipment supplied by the manufacturer of the equipment. The screed must include a tamping bar or strike-off device.

- .2 Control of the screed must be by automatic sensing devices. Longitudinal control must be by a sensor that follows a string-line, ski or other reference. The grade sensor must be movable and mounts provided so that grade control can be established on either side of the paver. A slope control sensor must be provided to maintain the proper transverse slope of the screed.

3.6 Compaction

- .2 General:
- Replace: .1 Provide sufficient compaction equipment to ensure that the compaction rate meets or exceeds the placement rate and to ensure that specified density is achieved before the temperature of the mat falls below 100C.

3.7 Joints

- .1 General:
- Add: .4 When placing final pavement layer against concrete curbing, compacted pavement must meet the gutter at the same elevation or a maximum of 10 mm above and along the entire lip of the gutter unless reverse grade gutter is specified.

Add the following Sub-Sections:

4.0 COMPLIANCE WITH SPECIFICATIONS AND PAYMENT ADJUSTMENT FOR NON-COMPLIANCE

4.1 Hot Mix Asphalt Concrete

- .1 A Marshall analysis will be performed from a sample obtained at the paving site on a frequency of one analysis per day, with at least one analysis required per project or 700 tonnes of asphalt.
- .2 When analysis identifies non-conformance with specified properties, the Contractor must immediately initiate remedial measures, and submit, at its expense, evidence that compliance exists with the approved mix design. Failure to do so will result in suspension of plant mixing operations.
- .3 In no case will a pavement structure be acceptable if the service life of the pavement structure is less than 15 years as confirmed and certified by the project geotechnical engineer. Failure to meet a service life of less than 15 years will require replacement of the asphalt surfaces.
- 4. Non-conformance to asphalt specifications are subject to penalties, as further outlined. Penalties as calculated are payable to the City of Vernon as a condition of acceptance of the project. Such acceptance does not relieve the contractor of maintenance responsibilities through the 1 year maintenance period

4.2 Aggregate Gradation

- .1 When the aggregate fails to comply with tolerances set forth in Section 3.1.4.1 of this specification, the project engineer will initiate the following action:

- .1 When two (2) consecutive gradation analyses identify non-compliance with the specified tolerances, the contractor must be served notice and a third test will be initiated.
- .2 If continued non-compliance is indicated from the third test, the Contractor must suspend production. It must not commence construction again until it has demonstrated that corrective action has been taken and that the aggregate gradation is within the specified tolerance limits.

4.3 Asphalt Cement

- .1 Payment adjustment for non-compliance with the tolerance specified:

Asphalt Content Deviation from Design %	Payment Adjustment Factor
0.30 OR LESS	0.00
0.31 TO 0.40	0.20
0.41 TO 0.50	0.75
0.50 OR GREATER	Remove and replace

- .2 Adjustment for asphalt cement content non-compliance to the amount payable for Hot Mix Asphalt Paving equals the unit bid price times the payment adjustment factor times the quantity to which the factor is to be applied, i.e.:

$$A_c = P (F_c) (Q_n)$$

where:

A_c = Adjustment for asphalt cement content non-compliance

P = Unit bid price

F_c = Payment Adjustment Factor for Asphalt Cement Content non-compliance

Q_n = Asphalt measured for payment which was produced during the production period to which a test applies

4.4 Pavement Thickness

- .1 Pavement of any type found to be deficient in thickness by more than 10 mm must be removed and replaced by pavement, of specified thickness, at the contractor's expense.
- .2 Pavement of any type found to be deficient by less than 10 percent of its specified compacted thickness will not be subject to payment adjustment for thickness noncompliance.
- .3 Pavement of any type found to be deficient in thickness by more than 10 percent of its specified thickness but not more than 10 mm shall give rise to an adjustment in the amount to be paid to the Contractor. The adjustment shall be

subtracted from the amount otherwise payable to the Contractor, and the amount of the adjustment will be paid to the City. The adjustment shall be calculated as follows:

$$A_t = \frac{T_d \times P \times Q_t}{T_s}$$

where:

A_t = Adjustment for thickness deficiency

T_d = Deficiency in thickness measured in mm and being greater than 10% of specified thickness but not greater than 10 mm.

T_s = Specified thickness in mm.

Q_t = Asphalt measured for payment lying within a unit of work area defined in 5.2.2, where the thickness deficiency has been identified.

P = Unit Bid Price.

NOTE: No allowance will be made for the tolerance provided for in Section 4.4.2.

- .4 The adjusted price will be applied to all asphalt measured for payment which lies within a unit of work area defined in 5.2.2 where the thickness deficiency had been identified, or to such lesser area as may be defined in accordance with the provisions of 5.2.2.

4.5 Density

- .1 The minimum specified density for acceptance, without payment adjustment, must be 97% of the 75 blow Marshall density as most recently determined by the appointed testing agency.
- .2 Payment adjustment for density non-compliance will be as follows:

DENSITY (% OF 75 BLOW MARSHALL)	PAYMENT ADJUSTMENT FACTOR
97 and greater	0.0
95.0 to 96.9	As per Density Payment Adjustment Factor Chart (see Standard Drawing SS-R24)
Less than 95.0	No Payment (subject to removal and replacement after review by the Engineer)

Adjustment for density specification non-compliance shall be determined as follows:

$$A_D = P (F_D) (Q_{nD})$$

where:

A_D = Adjustment for density non-compliance

P = Unit Bid Price for Hot Mix Asphalt Cement paving

F_D = Payment Adjustment Factor for density non-compliance

Q_{nD} = Asphalt measured for payment within a unit of test area as defined in 5.3.

4.6 Adjusted Payments

- .1 The total adjustment arising from pavement deficiencies identified in the foregoing shall be determined as follows:

$$A_r = A_c + A_t + A_D$$

where:

- A_r = Total Adjustment
 A_c = Adjustment for asphalt cement content non-compliance
 A_t = Adjustment for thickness deficiency
 A_D = Adjustment for density non-compliance
The total adjustment (A_r) shall be paid to the City.

5.0 TESTING FREQUENCY AND PROCEDURES

5.1 Aggregate Gradation and Asphalt Cement Content

- .1 One test per production period as defined in Section 4.1.1. Asphalt content shall be determined in accordance with ASTM D2172 or D6307. Gradation analysis of extracted aggregate shall be performed in accordance with ASTM C136 and C117.

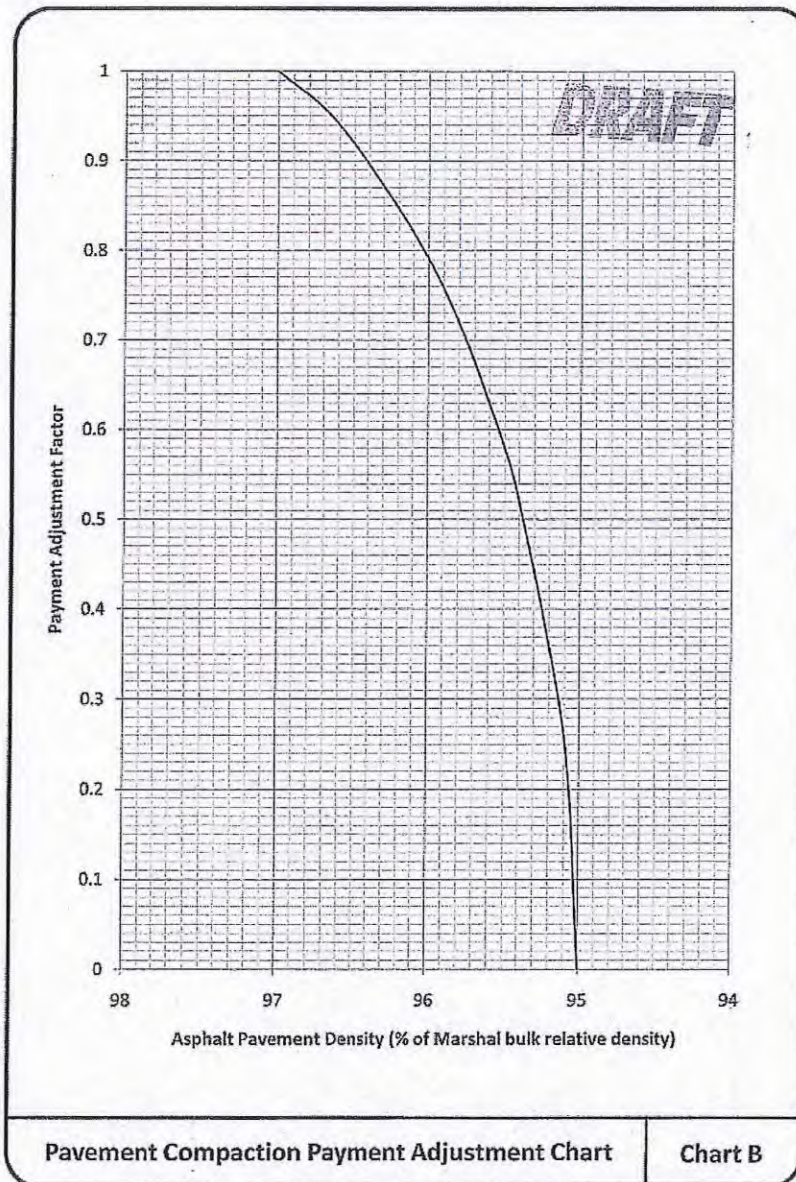
5.2 Thickness

- .1 The actual pavement thickness, for each unit of work area, will be determined on the basis of the average thickness of three (3) cores. The cores shall be spaced at intervals of 150m of paved lane width or less. If the deficiency of any individual core exceeds 10mm, three (3) additional cores may be extracted in proximity to the location of the core of excessive deficiency, to identify the extremities of the pavement area to be removed and replaced. The contractor will initiate and pay for such additional coring.
- .2 A unit of work area is defined as 1,500 m² or fraction thereof, representing pavement placed in an individual placement day.
- .3 Sampling and testing for thickness determination shall be in accordance with ASTM D3549.

5.3 Density

- .1 Density of compacted pavement shall be determined on the basis of tests of core samples taken at a maximum interval of 150 m of paved lane width. A test area shall be that area lying between longitudinal joints and between transverse lines located midway between test cores or between such transverse lines and the beginning or end of placement.
- .2 With prior approval of the City Engineer, the in situ density of a compacted layer of pavement may also be determined by nuclear methods in accordance with

ASTM D 2950. Spacing of tests shall be as stated above, and tests shall be taken in the vicinity of the core samples extracted for testing of the thickness of the pavement layer. In a situation where the in situ density of the lift does not meet specification, according to D 2950, then the density of the extracted cores shall be determined and will take precedent over the in situ density. Where the specified compaction has not been met, as confirmed by the direct measurement of the core, then an additional three cores shall be taken in the immediate area and the average of the three cores shall be used.



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5691

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"7818 Okanagan Landing Bench Road Rezoning Amendment Bylaw Number 5691, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"A3 – Rural Small Holdings"** to **"R1 – Estate Lot Residential"**.

Legal Description:

**Lot 2 Plan 26285 District Lot 6 ODYD
(7818 Okanagan Landing Road)**

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

BYLAW NUMBER 5691

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 28th day of May, 2018

READ A SECOND TIME this 28th day of May, 2018

PUBLIC HEARING held this 25th day of June, 2018

READ A THIRD TIME this 25th day of June, 2018

ADOPTED this day of , 2018.

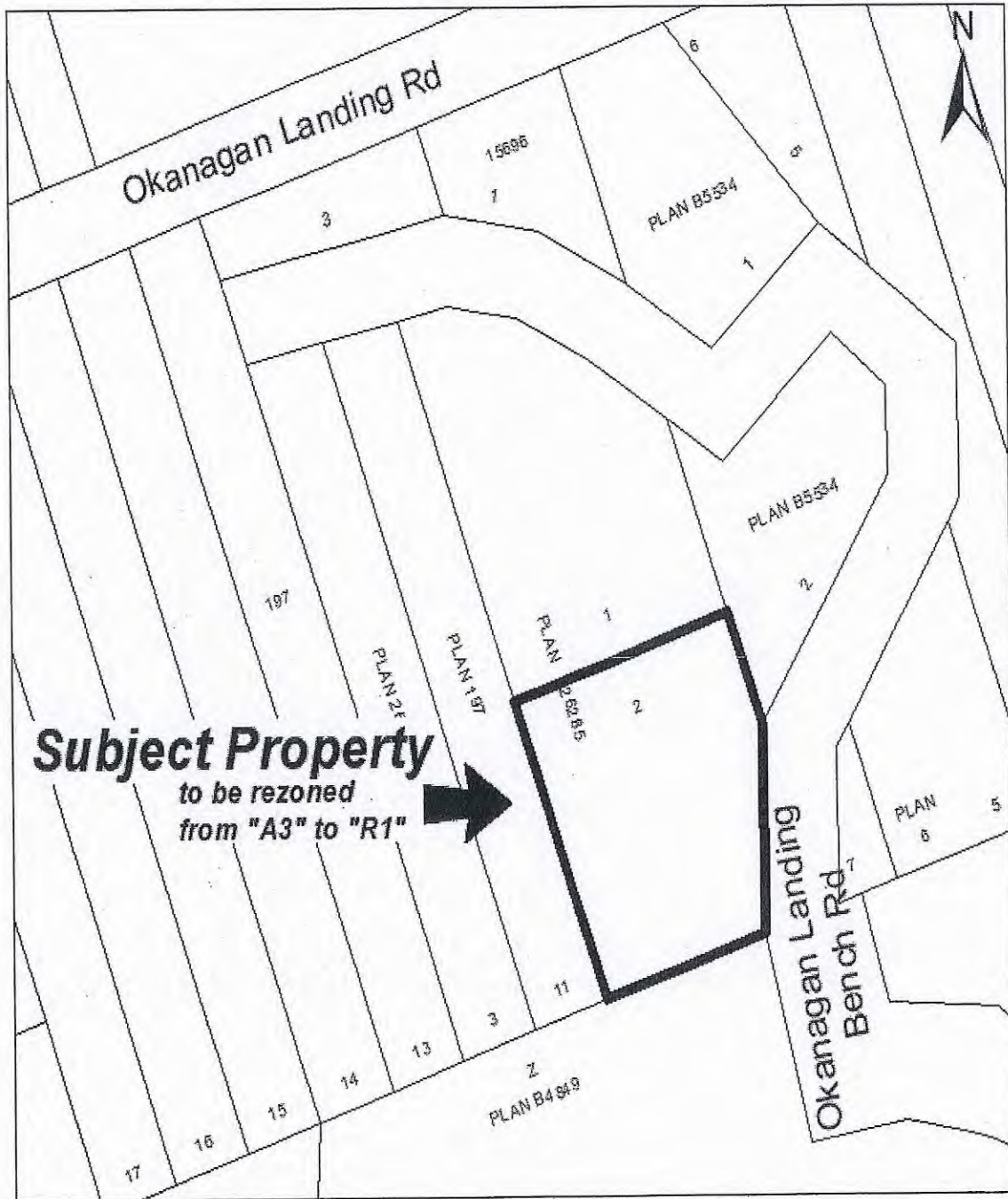
Mayor:

Corporate Officer:

SCHEDULE 'A'

Attached to and Forming Part of Bylaw 5691

**"7818 Okanagan Landing Bench Road Rezoning Amendment Bylaw Number 5691,
2018"**





THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: W. Pearce, CAO **FILE:** ZON00293
SUB00694

PC: K. Flick, Director, Community Infrastructure and Development **DATE:** August 1, 2018
P. Bridal, Director, Corporate Services

FROM: C. Broderick, Manager, Current Planning

SUBJECT: 7818 Okanagan Landing Bench Road Rezoning Amendment Bylaw #5691, 2018

At its Regular Meeting of May 28, 2018, Council passed the following resolution:

“THAT Council support the application to rezone Lot 2, DL 6, ODYD Plan 26285 (7818 Okanagan Landing Bench Road) from A3 – Rural Small Holdings to R1 – Estate Lot Residential, in order to allow the boundary adjustments of four contiguous lots, subject to the following:

- a) The installation of a Level 5 buffer along the southern boundary of the subject property adjacent to ALR lands pursuant to the requirements of Zoning Bylaw #5000 Section 6.6.2., and the Ministry of Agriculture’s *Guide to Edge Planning*.”

The applicant has had the required buffer professionally designed and has provided adequate financial security which will be returned upon installation of the buffer. The landscape designer and contractor have advised that the best time to install the buffer is in the fall rather than during the summer months. Administration considers the condition to be satisfied as adequate security is in place. As such, the bylaw can proceed to adoption.

RECOMMENDATION:

THAT Council adopt “7818 Okanagan Landing Bench Road Rezoning Amendment Bylaw #5691, 2018” as the required conditions have been met.

Respectfully submitted:

Craig Broderick
Manager, Current Planning

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5690

A bylaw to amend the "City of Vernon
Subdivision and Development
Servicing Bylaw #3843, 1992"

WHEREAS it is the intention of the Council of The Corporation of the City of Vernon to amend "Subdivision and Development Servicing Bylaw #3843, 1992" to allow overhead servicing for designated infill development;

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 "**Subdivision and Development Servicing (Schedule A) Amendment Bylaw Number 5690, 2018**".

2. City of Vernon Subdivision and Development Servicing Bylaw No. 3843 is amended by:

- (i) **AMENDING** Schedule A – Level of Service, Table A.1 as shown in **Red** on attached **Schedule 1** to address overhead servicing for Residential Small Lot – Single and Two Family (RSL) – Low Density infill development.

Subdivision and Development Servicing Bylaw #3843, 1992 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer

**TABLE A.1
REQUIRED MINIMUM LEVEL OF SERVICE FOR SANITARY SEWER, WATER
DRAINAGE, STREET LIGHTING AND WIRING**

ZONE	SANITARY SEWER	WATER	DRAINAGE	STREET LIGHTING	HYDRO, TEL, CABLE
<u>Residential</u> City: RST1, RST2, R1, R2, R3, R4, R5, R5A, R6, R7, RTR, RM1, RM2, RH1, RH2, RH3, HR1, HR2, HR3 Former RDNO: R1, R2, R3, R4, R5, R6	CSSS	CWS	SSS	Thru Subdivision	Underground
<u>Commercial</u> CRD, C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C10A, C11, C12, RTC, RTCA	CSSS	CWS	SSS	Thru Subdivision	Underground
<u>Comprehensive Development</u> CD1, CD2, CD3, CD4, CD5	CSSS	CWS	SSS	Thru Subdivision	Underground
<u>Industrial</u> I1, I2, I3, I4, I5	CSSS	CWS	SSS	Thru Subdivision	Overhead
<u>Agricultural/Rural</u> City: A1, A2 Former RDNO: CR, NU, SH, LH City: RR, A3	On-Site SD	On-Site WS	Ditch	Intersection only	Overhead
	On-Site SD	CWS	Ditch	Intersection only	Overhead

***1 Note:**

Overhead servicing for Residential - Low Density designated infill development is permitted subject to the site meeting all of the following criteria:

- All adjacent lots are servicing by overhead servicing;
 - The property is designated Residential Low Density (RLD) in the Official Community Plan, Bylaw #5470;
 - The proposed development for single family, two family or up to three units with a combined single service;
 - The proposed development and future potential does not result in more than one new lot; and
 - Provision for future conversion to underground servicing must be made. (Bylaw 5625)
- **Overhead servicing for Residential Small Lot - Single and Two Family (RSL) - Low Density designated infill development is permitted subject to the site meeting all of the criteria for Residential Low Density (RLD) and the applicant entering into a Works Contribution Agreement and providing \$6,400 for future underground conversion works.**

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5710

A bylaw to amend "City of Vernon Parks and
Public Places Bylaw 5057, 2007"

WHEREAS the Council of the City of Vernon has determined to amend the "City of Vernon Parks and Public Places Bylaw 5057, 2007" to prohibit smoking at lake access sites.

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 "**Parks and Public Places (Prohibit Smoking at Lake Access Sites) Amendment Bylaw 5710, 2018**".
2. That, "City of Vernon Parks and Public Places Bylaw 5057, 2007" be amended as follows:
 - (a) **AMEND Interpretation** by deleting definition for 'road end' and adding definition for 'lake access site' as shown in **Red** on attached Schedule 'A'
 - (b) **AMEND Section 17 – 'No person shall smoke'** by adding wording as shown in **Red** on attached Schedule 'A';
3. If any section, subsection, paragraph, clause or phrase, of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
4. The "City of Vernon Parks and Public Places Bylaw 5057, 2007" is hereby ratified and confirmed in every other respect.

BYLAW NUMBER 5710

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer

SCHEDULE 'A'

Attached to and Forming Part of
"Parks and Public Places (Prohibit Smoking at Lake Access Site) Amendment Bylaw
5710, 2018"

Interpretation

(m) **'lake access site'** means a portion of highway located between an intersecting highway and a natural lake or watercourse;

~~(q) **'road end'** mean a portion of highway located between an intersecting highway and a natural lake or watercourse;~~

17. No Person shall smoke:

- (a) in a Public Place, but does not include a Highway or a Designated Smoking Area;
- (b) at or within 7.5 metres of any Transit Stop;
- (c) in any Park.
- (d) at or within any portion of a Highway designated a 'lake access site'.**

SCHEDULE 'A'

Attached to and Forming Part of
"Parks and Public Places (Prohibit Smoking at Lake Access Site) Amendment Bylaw
5710, 2018"

17. No Person shall smoke:

- (a) in a Public Place, but does not include a Highway or a Designated Smoking Area;
- (b) at or within 7.5 metres of any Transit Stop;
- (c) in any Park.
- (d) at or within any designated "Lake Access Site"

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5711

A bylaw to amend the Bylaw Notice Enforcement Bylaw

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend "Bylaw Notice Enforcement Bylaw Number 5250, 2011" to include fees for smoking at lake access sites;

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

1. This bylaw may be cited as **"Bylaw Notice Enforcement (Penalties for Smoking at Lake Access Sites) Amendment Bylaw Number 5711, 2018"**
2. "Bylaw Notice Enforcement Bylaw Number 5250, 2011" is hereby amended as follows:
 - (i) By **amending** Schedule "B" - Parks and Public Places Penalties as shown in **RED** on attached Schedule A.
3. Bylaw Number 5250 is hereby ratified and confirmed in all other respects.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer

SCHEDULE 'A'
Attached to and Forming Part of
"Bylaw Notice Enforcement (Penalties for Smoking at Lake Access Sites) Amendment
Bylaw Number 5711, 2018"

Parks And Public Places Bylaw						
5057	16(c)	Place Advertising	\$100.00	\$90.00	\$120.00	NO
5057	16(e)	Improper Parking	\$50.00	\$40.00	\$60.00	NO
5057	16(g)	Play or Practice Golf	\$50.00	\$40.00	\$60.00	NO
5057	16(h)	Hazardous Activity	\$100.00	\$90.00	\$120.00	NO
5057	16(i)	Damage Tree/Shrub/Property	\$100.00	\$90.00	\$120.00	NO
5057	16(j)	Damage/Cover Sign	\$50.00	\$40.00	\$60.00	NO
5057	16(l)	Animal at Large	\$50.00	\$40.00	\$60.00	NO
5057	16(m)	Possess Paraphernalia	\$100.00	\$90.00	\$120.00	NO
5057	16(n)	Interfere with Event	\$50.00	\$40.00	\$60.00	NO
5057	17(a)	Smoke in Public Place	\$50.00	\$40.00	\$60.00	NO
5057	17(b)	Smoke within 7.5 m Transit Stop	\$50.00	\$40.00	\$60.00	NO
5057	17(c)	Smoke in a Park	\$50.00	\$40.00	\$60.00	NO
5057	17(d)	Smoke at Lake Access Site	\$50.00	\$40.00	\$60.00	NO
5057	20	In Public Place After Hours	\$100.00	\$90.00	\$120.00	NO
5057	22	Refuse Order to Leave Public Place	\$250.00	\$225.00	\$275.00	NO

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5712

A bylaw to amend the Municipal Ticketing
Information (M.T.I.) Bylaw

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend "Municipal Ticketing Information System Bylaw Number 5300, 2011" to include fines for smoking at lake access sites;

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

1. This bylaw may be cited as "**Municipal Ticketing Information (Penalties for Smoking at Lake Access Sites) Amendment Bylaw Number 5712, 2018**"
2. "Municipal Ticketing Information System Bylaw Number 5300, 2011" is hereby amended as follows:
 - (i) By **amending** Schedule "B" – Parks and Public Places Penalties as shown in **RED** on attached Schedule A.
3. Bylaw Number 5300 is hereby ratified and confirmed in all other respects.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer

SCHEDULE 'A'

Attached to and Forming Part of

**“Municipal Ticketing Information (Penalties for Smoking at Lake Access Sites) Amendment
Bylaw Number 5712, 2018”**

Parks And Public Places Bylaw				
5057	16(g)	Play or Practice Golf	\$100.00	\$90.00
5057	16(h)	Hazardous Activity	\$200.00	\$190.00
5057	16(i)	Damage Tree/Shrub/Property	\$200.00	\$190.00
5057	15(j)	Damage/Cover Sign	\$100.00	\$90.00
5057	16(l)	Animal at Large	\$100.00	\$90.00
5057	16(m)	Possess Paraphernalia	\$200.00	\$190.00
5057	16(n)	Interfere with Event (Bylaw 5478, February 11, 2014)	\$100.00	\$75.00
5057	17(a)	Smoke in Public Place	\$100.00	\$90.00
5057	17(b)	Smoke within 7.5 m Transit Stop	\$100.00	\$90.00
5057	17(c)	Smoke in a Park	\$100.00	\$90.00
5057	17(d)	Smoke at Lake Access Site	\$100.00	\$90.00
5057	22	Refuse Order to Leave Public Place	\$500.00	\$475.00
5057	23	In Public Place while Prohibited	\$1000.00	\$900.00
5057	26	Possess Controlled Substance	\$250.00	\$240.00
5057	27	Obstruct Officer	\$1000.00	\$1000.00

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5703

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

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the "Official Community Plan Bylaw Number 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 Section 464 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 (CD6 – Comprehensive Development Area 6) Text and Land Use Designation Amendment Bylaw Number 5703, 2018**".

2. That Official Community Plan Bylaw Number 5470 is hereby amended as follows:

Amend Section 28 Development Permit Area #2 (Neighbourhood District) to **ADD NEW** Policy 28.59 for CD6 – Comprehensive Development Area 6 as shown in red on attached **Schedule "A"** attached to and forming part of this bylaw;

3. That Schedule "A" of Official Community Plan Bylaw Number 5470 is hereby amended as follows:

That a portion of the following legally described lands be redesignated from "Public and Institutional" to "Residential Small Lot – Single and Two Family Dwelling" **AND** from "Residential Small Lot – Single and Two Family Dwelling" to "Public and Institutional":

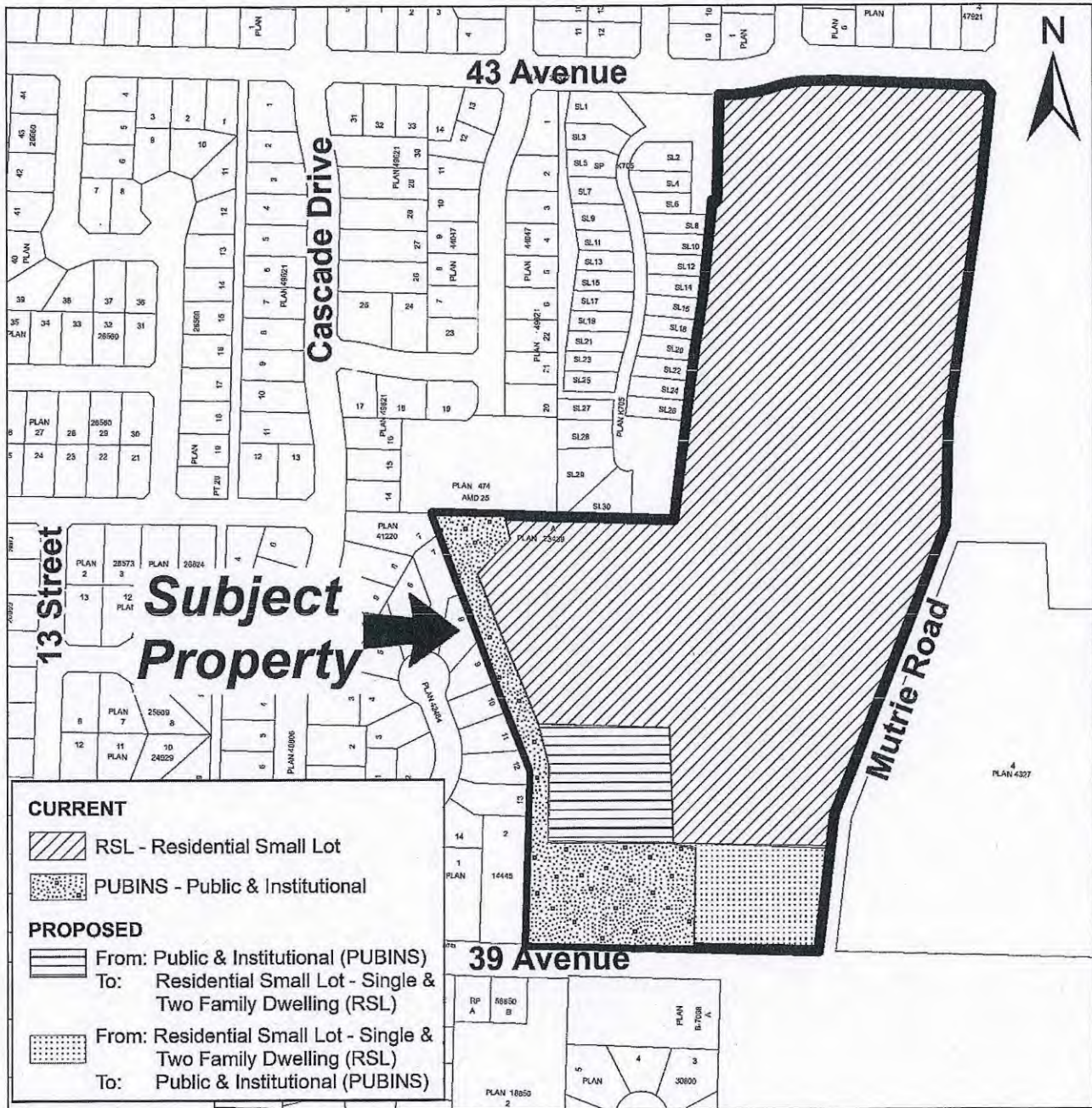
28.0 Development Permit Area #2 (Neighbourhood District)

Design Guidelines

Comprehensive Development Area 6 – Highlands of East Hill

- 28.59 In addition to the design guidelines in Section 28, intensive residential form and character design guidelines for the lands between 39th Avenue, Mutrie Road and 43rd Avenue (known as the Highlands of East Hill) can be found within the CD6 - Comprehensive Development Area 6 Zoning District. Where design guidelines may conflict, the guidelines in CD6 Zoning District will take precedence.

Schedule 'B'
Attached to and forming Part of Bylaw #5703
"Official Community Plan (CD6 – Comprehensive Development Area 6) Text and
Land use Designation Amendment Bylaw Number 5703, 2018"



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5704

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to make such consequential changes to City of Vernon Zoning Bylaw Number 5000 to add the CD6 – Comprehensive Development Area 6 zone and to rezone a portion of the subject property;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th Avenue Rezoning Amendment Bylaw Number 5704, 2018"**.
2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended to **ADD NEW CD6 – Comprehensive Development Area 6** zone as shown on **Schedule "A"** attached to and forming part of this bylaw.

13.6 CD6: Comprehensive Development Area 6

13.6.1 Purpose

This Zone is intended to enable a cohesive and integrated small lot residential neighbourhood with a mix of ground oriented single family housing types and a small neighbourhood mixed use commercial node.

13.6.2 Interpretation

In the event of any conflict or inconsistency between provisions set out in this CD6 Zone and provisions set out elsewhere in Bylaw #5000, as amended, then the applicable provision in CD6 Zone shall govern and apply. Schedule B in Zoning Bylaw #5000 does not apply.

13.6.3 Definitions

In this CD6 Zone, definitions provided in Bylaw #5000 apply. In addition, the following definitions shall apply:

- **Development Plan** means the development intent for the CD6 Zone as shown on General Schedule # 1.
- **Density, gross** means a measure of the intensity of development to the area of the site, and includes the whole number of units on a site measured in units/area or **floor space ratio** as the case may be.
- **Density, net** means a measure of the intensity of development to the area of the site, and includes the whole number of units on a site measured in units/area or **floor space ratio**, as the case may be, however does not include dedicated public spaces such as parks, **streets** and **lanes**.
- **Housing Type** means the different residential built forms which are to be constructed on the individual **lots**.
- **Lands** means the area shown within the boundaries of General Schedule #1 to which CD6 applies.
- **Parcel** means the individual **lots** identified on the **Development Plan**.
- **Phased Development Agreement** means the agreement of how the **Development Plan** is to be achieved as set out in Bylaw #5705 "City of Vernon Phased Development Agreement (McMechan) Bylaw No. 5705, 2018".

Attached to and forming Part of
 "Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
 Avenue Rezoning Amendment Bylaw Number 5704, 2018"

- **Row Housing, Stacked** means **row housing**, except that **dwelling**s may be arranged two deep, either horizontally so that **dwelling**s may be attached at the rear as well as the side, or vertically so that **dwelling**s may be placed over others. Each **dwelling** will have an individual access to outside, not necessarily at grade, provided that no more than two units share a corridor, steps or path.
- **Secondary Suite** means a self-contained secondary **dwelling** unit located within **single detached housing types 1 and 2**, or in a **secondary building**. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the primary **dwelling** unit. The property owner must reside in either the primary **dwelling** unit or the **secondary suite**.
- **Single Detached Housing Type 1** means a detached **building** containing one **dwelling** unit, designed exclusively for occupancy by one household, and may include a **secondary suite**.
- **Single Detached Housing Type 2** means a **building** containing one **dwelling** unit designed exclusively for occupancy by one household, having one interior zero lot line side yard and one interior side yard measuring more than one metre, and may include a **secondary suite**.
- **Single Detached Housing Type 3** means a **building** containing one **dwelling** unit designed exclusively for occupancy by one household, having zero lot line side yards on two interior side yards, and may not include a **secondary suite**. No part of any **dwelling** is placed over another in part or in whole and every **dwelling** unit shall have a separate, individual, direct access to grade.

13.6.4 Parcels Subject to Parcel Specific Regulations

- The **Lands** may only be subdivided into **parcels** in substantial compliance with the **Development Plan** attached hereto as General Schedule #1.
- The **buildings** permitted on each **parcel** will be in substantial compliance with the **Development Plan** attached hereto as General Schedule #1.
- The development of each **parcel** shall be in accordance with the development regulations set out herein and within the **Phased Development Agreement**.

13.6.5 Permitted Uses

The Lands shall only be used for the following uses:

- A) Parks are permitted as shown in the General Schedule #1

SCHEDULE 'A'
Attached to and forming Part of
"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

B) Residential

Primary Uses:

- **row housing, stacked**
- **single detached housing, types 1, 2 and 3**

Secondary Uses:

- **care centre, minor**
- **home based businesses, minor**
- **secondary suites (only in single detached housing, types 1 and 2)**
- **utilities, minor**

C) Community Neighbourhood Commercial

Primary Uses:

- **artist studio**
- **care centre, major**
- **community recreation centres**
- **food primary establishment (excluding drive-through services)**
- **liquor primary establishment, minor**
- **participant recreation services - indoor**
- **personal services**
- **farmers' market**
- **public market**
- **retail store, convenience**

Secondary Uses:

- **apartment housing**
- **home based businesses, minor**

13.6.6 Development Regulations - Density

- The minimum **net density** shall be 31 **dwelling** units per hectare (12.5 **dwelling** units per acre) and the maximum **net density** shall be 49 **dwelling** units per hectare (20 **dwelling** units per acre) of the land dedicated to residential use and the residential portion of mixed use development. **Secondary suites** shall not constitute a **dwelling** unit when calculating **density**.
- The maximum number of **dwelling units** permitted on each **parcel** shall be 1; except a maximum of 5 – 4 unit **row housing, stacked** developments shall be permitted within the **Development Plan**.
- The maximum community neighbourhood commercial **gross floor area** shall be 1,500m².

SCHEDULE 'A'
Attached to and forming Part of
"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

13.6.7 General Development Regulations

In the CD6 zone, no **building** shall be constructed, located, altered and no plan of subdivision approved except in accordance with the regulations as set out below:

Lot Size and Width	
Residential:	
Lot size, minimum	120m ²
Lot size, maximum	950m ²
Interior Lot width, minimum	5.5m
Corner Lot width, minimum	10m
Commercial:	
Lot size, minimum	550m ²
Lot size, maximum	1900m ²
Interior Lot width, minimum	5.5m
Corner Lot width, minimum	10m
Building Height, Maximum	
Residential Buildings	The lesser of 10.5m or 2.5 storeys, except may be the lesser of 10.5m or 3 storeys where primary vehicle access is provided by a laneway. The street face of the dwellings shall not exceed 2.5 storeys.
Secondary Buildings and Structures	4.5m, except may be 6.2m where a secondary suite is located above a garage
Commercial/Residential Mixed Use	The lesser of 12.5m or 3.0 storeys
Lot Coverage, Maximum	
All structures	85%
All impermeable surfaces	90%
Building Siting	
Front Yard, minimum	3.0m, except it is 2.0m for garage entrances
Rear Yard, minimum	4.5m, except it is 1.5m for a garage accessed off the lane
Side Yard, minimum	2.5m for all flanking street side yards
	1.2m for Single Detached Housing Type 1

SCHEDULE 'A'
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"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

	1.2m on one side, 0.0m on the other side for Single Detached Housing Type 2
	0.0m for Single Detached Housing Type 3
Horizontal Distance Between Buildings on the same lot, minimum	2.0m
Width of Dwelling Unit, minimum	5.5m
Usable Outdoor Private Open Space, minimum	12.0m ² per Single Detached Housing dwelling unit, all types 5.0m ² per apartment dwelling unit or stacked row housing dwelling unit
Fence Height and Siting	
Front Yard, maximum height	1.0m
Rear Yard, maximum height	1.5m, except 1.2m on Mutrie Road and 43 rd Avenue
Side Yard, maximum height	1.5m
Flanking Yard, maximum height	1.2m
Rear Yard, minimum setback on a lane	1.5m, except 2.0m where a garage is sited at a minimum rear yard setback of 1.5m

13.6.8 Development Regulations - Vehicle and Bicycle Parking Regulations

The general parking, loading and Class 1 and Class 2 bicycle parking regulations in Bylaw #5000, as amended, apply to CD6. All types of **single detached housing** will be classified as **single detached housing** for parking regulation purposes.

13.6.9 Development Regulations – Secondary Suites

The general **secondary suite** regulations in Bylaw #5000, as amended, apply to this CD6, except as specified below.

- The maximum floor area of a secondary suite shall be no greater than 40% of the total residential **gross floor area** on the lot.

SCHEDULE 'A'
Attached to and forming Part of
"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

13.6.10 Development Regulations – Landscape & Screening

For certainty, the regulations in Bylaw #5000, as amended, Section 6.0, Landscape and Screening, do not apply to **Lands** in the CD6 Zone. A detailed landscape and screening plan as per the **Phased Development Agreement** would be provided as part of the Subdivision requirements.

13.6.11 Development Regulations – other

- Where a **parcel** has access to a lane, vehicular access to the **parcel** is only permitted from the lane.
- **Apartment housing** requires separate at-grade access from the commercial uses.
- For multiple housing, one office may be operated for the sole purpose of the management and operation of the **multiple housing** development.
- In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 4 (secondary development, yards, projections into yards, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7, unless otherwise specified in this CD6 Zone.

13.6.12 List of Schedules

The following schedule is attached hereto and forms part of this CD6:

1. General Schedule #1: Development Plan

13.6.13 Form and Character Design Guidelines

The following is provided to guide intensive residential development within Comprehensive Development Area 6, to set the terms for Development Permit requirements for subdivision and the form and character of residential and commercial development.

1.0 Neighbourhood Vision

The design of this small lot residential development is a modern and unique neighbourhood that residents are proud of. Quality building design and pedestrian friendly streets create a human scale environment that people feel comfortable in. A small commercial node with residential units above provides services to surrounding neighbourhoods. Landscape treatments soften the building massing and beautifies and cools streets, active laneways, pathways, parks and yards.

SCHEDULE 'A'
Attached to and forming Part of
"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

The Highlands of East Hill Neighbourhood shall:

- 1.1 Foster a neighbourhood that is designed to calm vehicular traffic speeds and encourage walking and cycling within a conducive and safe environment.
- 1.2 Orient homes towards pedestrian friendly streets with enhanced front entrances such as porches.
- 1.3 Use landscaping and trees to soften the small lot density of the neighbourhood – tree canopy cools, provides shade, creates habitat and aids storm water management while respecting view corridors.
Provide amenities designed for people to move, play and connect including park space, trail connections and active laneways.
- 1.4 Provide a variety of housing forms in each phase of the neighbourhood.

2.0 Architectural Form and Character

Architectural character at Highlands is focused on site-appropriate expression of massing and street rhythm. Design will encourage the use of complementary elements that are responsive to the specific conditions of that location. The following design principles shall apply:

- 2.1 Dwellings will be oriented towards the street where possible and primary vehicle access will be provided off a laneway, where one exists.
- 2.2 Residential development will be well articulated through the use of entryways, windows, bump outs, insets and exterior finishing treatments.
- 2.3 Incorporation of porches, stoops, outdoors spaces (such as patios) or combinations thereof shall be provided to soften and break-up building massing and provide protected outdoor amenity areas when feasible.
- 2.4 Dwellings that are located between internal roads and Mutrie Road or 43rd Avenue shall present well to both street faces through articulation and finishing.
- 2.5 Exterior setback wall faces (usually corner lots), where visible from streets (flanking street), shall be given an increased level of treatment to break up massing and minimize blank walls through the use of articulation and varying materials, colors, textures and landscape treatments. Particular attention and increased treatment shall also be given to 3 storey wall faces in interior side yard and flanking yards.
- 2.6 Where garages are accessed from a street, garage setbacks shall vary where possible to avoid uninterrupted wall faces. Where setbacks and lot sizes restrict variation, a distinct variety of garage door colours, tones, treatment and or design are required.
- 2.7 Building forms and rooflines shall be varied to add individuality and visual interest.
- 2.8 A variety of complementary materials, textures and colours will be used on adjacent and attached housing types to break up massing and provide a distinct identity between dwelling units (attached or adjacent). Repetitive and monotonous building forms and finishing shall be avoided.
- 2.9 Durable finishing materials shall be used for longevity. Vinyl siding is not permitted.

SCHEDULE 'A'
Attached to and forming Part of
"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

3.0 Fencing

Generally, front yard fences are discouraged, given small front yard setbacks. Side and rear yard fencing may provide privacy with supplemental landscaping. The following fencing principles shall apply:

- 3.1 Where fencing is desired, details of construction and location shall be provided as part of a Development Permit application.
- 3.2 A variety of complementary fencing materials, colours, styles and construction methods shall be used so that no more than two adjacent dwellings have the same fence. Repetitive and monotonous fencing shall be minimized.
- 3.3 Fencing and landscape treatments should promote Crime Prevention Through Environmental Design (CPTED) principles of street and lane activity observation. Generally, everything above 1.2m in height should be permeable.
- 3.4 Front yard fences, and fences on Mutrie Road and 43rd Avenue, shall be a minimum of 40% permeable.
- 3.5 Fencing is encouraged to be combined with supplemental landscaping.
- 3.6 Where applicable, vegetative buffers should be provided adjacent to agricultural land as per Provincial agricultural buffer requirements.

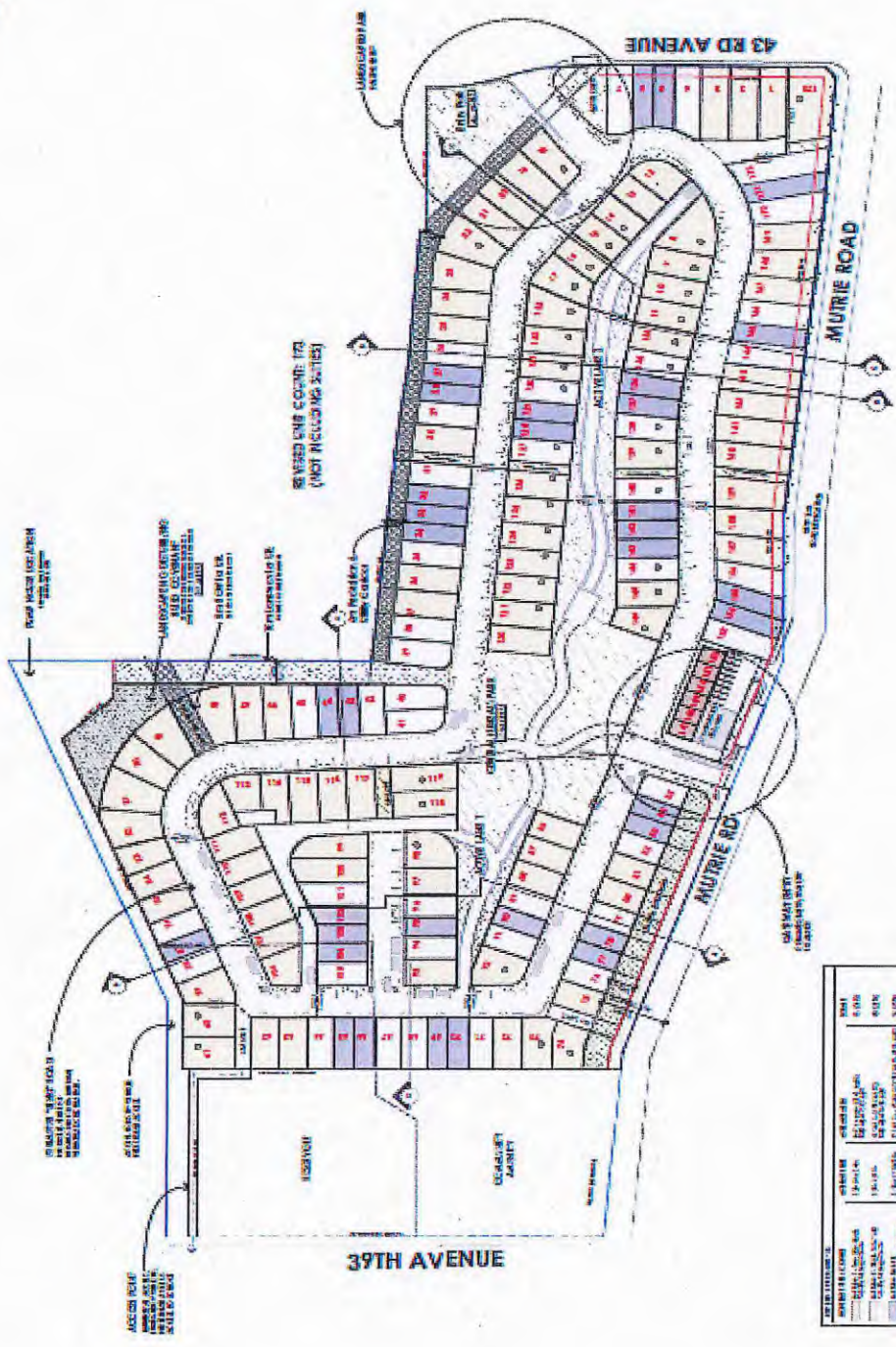
4.0 Neighbourhood Commercial

A small mixed use commercial node is encourage to serve surrounding neighbourhoods. The architecture and design of the commercial node shall complement the surrounding residential development. The following design principles apply:

- 4.1 The building shall be well articulated with entrances and windows minimizing blank walls.
- 4.2 The building form should reflect the intended commercial use.
- 4.3 A variety of colours, materials and textures will be used to break up the massing of the building.
- 4.4 Residential units above the commercial shall have their own separate entrance and be visually differentiated from the commercial through design treatment.
- 4.5 Only small scale signage is permitted to respect the residential character of the neighbourhood. Back lit signage is not permitted. Signage details shall be submitted as part of a Development Permit application.
- 4.6 A lighting plan, respecting CPTED principles, is required as part of a Development Permit application.

SCHEDULE 'A'
Attached to and forming Part of
"Zoning Text (CD6 – Comprehensive Development Area 6) Amendment AND 901 39th
Avenue Rezoning Amendment Bylaw Number 5704, 2018"

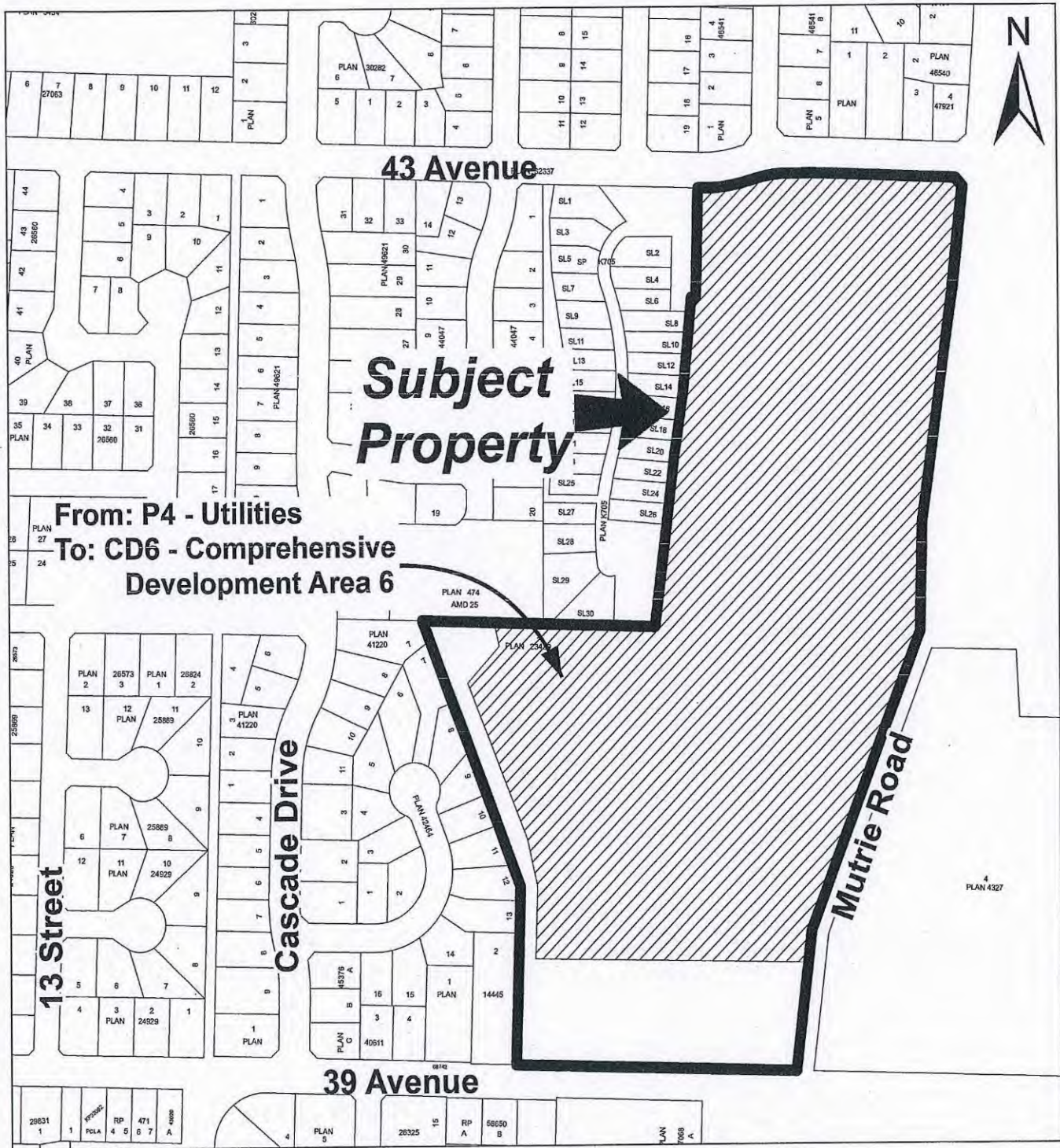
General Schedule #1



NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2018
2	REVISED PER PLAN	2018
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5	REVISED PER PLAN	2018
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Stoni
 CONSULTANTS
 10000 104th Avenue, Edmonton, Alberta T5H 1M9
 Tel: 780-443-8888
 Fax: 780-443-8889
 Email: info@stoniconsultants.com
 Website: www.stoniconsultants.com

SCHEDULE 'B'
Attached to and forming Part of
Bylaw 5704



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5705

A bylaw to enter into a phased development
agreement

WHEREAS under Section 516 of the *Local Government Act* a municipality may enter into a phased development agreement with the owner of land to provide the municipality with amenities, works and services and other things; provide assurances related to future changes to land use regulations; and allow development to proceed in phases over an extended period of time;

AND WHEREAS Council has considered the bylaw in conjunction with the Official Community Plan;

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

1. This Bylaw may be cited for all purposes as, "**City of Vernon Phased Development Agreement (McMechan) Bylaw No. 5705, 2018**".
2. "**Schedule A**" attached to and forming part of this bylaw is a copy of the phased development agreement.
3. If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the holding of invalidity shall not affect the validity of the remainder of the Bylaw.
4. The City enters into, and the Mayor and Corporate Officer, are authorized to execute that certain form of phased development agreement attached to and forming part of this bylaw as "**Schedule A**".

PHASED DEVELOPMENT AGREEMENT
HIGHLANDS OF EAST I

This Agreement is dated for reference _____,

BETWEEN:

VERNON RESERVOIR DEVELOPMENTS LTD.,
622 - 11850 Oceola Road
Lake Country, B.C.
V4V 2T5

(the "Developer")

AND:

THE CITY OF VERNON,
3400 – 30th Street
Vernon, B.C.
V1T 5E6

(the "City")

WHEREAS:

- A. The Developer is the registered owner of the Lands;
- B. The Developer wishes to construct the Development on the Lands;
- C. The Developer has undertaken to provide certain amenities in conjunction with the development of the Lands;
- D. The Developer wishes to construct the Development in phases, and requires the assurances provided herein related to subsequent changes to the regulations and requirements governing the Development;
- E. The City has the authority to provide the assurances required herein pursuant to section 516 of the *Local Government Act*; and
- F. The City has adopted Bylaw 5705, 2018 authorizing it to enter into this Agreement (the "**PDA Bylaw**").

NOW THEREFORE, in consideration of the mutual promises set out in this Agreement, the Developer and the City agree pursuant to section 516 of the *Local Government Act* as follows:

1. INTERPRETATION

1.1 Definitions

In this Agreement, the following terms have the following meaning:

“Active Lanes” means those portions shown as “Active Lane 1” and “Active Lane 2” on the Preliminary Subdivision Layout (including grey and hatched areas);

“Approving Officer” means the Approving Officer for the City of Vernon;

“Attainable Housing Unit” means a detached residential dwelling, consisting of no less than 1100 square feet of livable area (not including enclosed parking), containing three bedrooms and enclosed parking for at least one vehicle, basic kitchen appliances including stove, fridge and dishwasher, designed and constructed to the same exterior finish and landscaping as other similar residential dwellings in the applicable Phase;

“Cross Section Drawings” means cross section drawings for Mutrie Road attached as Schedule J;

“DCC” means development cost charges;

“Development” means the development of the Lands of an approximately 173-lot residential development containing attached and detached dwellings, semi-detached dwellings and row housing, with a small commercial node, park spaces, walkways, trails and active spaces, materially as shown on the Development Concept Plan;

“Development Concept Plan” means the concept for the Development attached as Schedule B;

“Development Variance Permit” means Development Variance Permit varying the City of Vernon’s Subdivision and Development Servicing Bylaw No. 3843, as set out in Schedule D;

“Housing Agreement” means the housing agreement pursuant to section 483 of the *Local Government Act*, that may include a covenant pursuant to section 219 of the *Land Title Act*, in the form and substance attached as Schedule H;

“Land Grant” means funding that the City of Vernon Council may resolve to contribute to the Purchase Price, from time to time;

“Lands” means certain lands and premises legally described as: [NTD: post subdivision Lot 2.];

“Landscaping Agreement” means an agreement in respect to security, maintenance and warranty for landscaping work (on private and public lands) in the form and substance acceptable to the City, provided that the security will be taken at acceptance of the landscaping work and will not exceed 10% of the cost of work, and provided that maintenance and warranty period will not exceed 2 years from the time of acceptance. This agreement may be in the form of, or contain, a covenant pursuant to section 219 of the *Land Title Act*;

“Mutrie Road” means the portion of Mutrie Road between 43rd Avenue and 39th Avenue in length, and of a width acceptable to the City in its discretion, up to the maximum width of 16 meters;

“Park and Laneway Construction Principles” means the principles set out in Schedule F;

"Phase" means a phase of the Development, including all services and amenities contemplated or required in connection with that Phase;

"Phase 1", "Phase 2", "Phase 3", "Phase 4", "Phase 5", "Phase 6", "Phase 7" and "Phase 8" means that those Phases of the Development shown on the Phasing Plan;

"Phasing Plan" means the plan attached hereto as Schedule A;

"Preliminary Subdivision Layout" means the subdivision layout attached as Schedule C;

"Public Access Statutory Right of Way" means the statutory right of way attached as Schedule E;

"Purchase Price" has the meaning set out in section 8.3;

"Roads" includes all areas shown as internal roads, lanes and public access routes on the Development Concept Plan, and includes the following areas on the Preliminary Subdivision Layout:

- area marked as "Landscape" near Lot 1 in Phase 1; and
- area marked as "10 m Easement" along northern boundary of Phase 4;

"Row Housing, Stacked" has the meaning assigned to it in the Zoning Amendment Bylaw;

"Single Detached Housing Type 1" has the meaning assigned to it in the Zoning Amendment Bylaw;

"Single Detached Housing Type 2" has the meaning assigned to it in the Zoning Amendment Bylaw;

"Single Detached Housing Type 3" has the meaning assigned to it in the Zoning Amendment Bylaw;

"Specified Zoning Bylaw Provisions" means all provisions of the Zoning Amendment Bylaw that regulate:

- the use of land, buildings and other structures;
- the density of the use of land, buildings and other structures;
- the siting, size and dimensions of:
 - o buildings and other structures; and
 - o uses that are permitted on the land;
- the location of uses on the land and within buildings and other structures;
- the shape, dimensions and area, including the establishment of minimum and maximum sizes of parcels of land that may be created by subdivision; and

- development permit guidelines in respect to the form and character development permit required for the Lands;

"**Specified Subdivision Bylaw Provisions**" means those provisions of the Subdivision and Development Servicing Bylaw No. 3843 that are varied by the Development Variance Permit, as set out in Schedule D;

"**Term**" has the meaning set out in section 11.1; and

"**Zoning Amendment Bylaw**" means the City of Vernon Zoning Bylaw Amendment Bylaw No. 5704, 2018, to create CD-6: Comprehensive Development – Highlands of East Hill, the material portion of which Bylaw is attached as Schedule I.

1.2 Interpretation

In this Agreement:

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) the division of this Agreement into articles and sections and the insertion of headings are for convenience only and will not affect the construction or the interpretation of this Agreement;
- (c) references to any article, section or schedule will, unless the context otherwise requires, mean that article, section or schedule of this Agreement;
- (d) every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows;
- (e) the words "include" and "including" are to be construed as meaning "include without limitation" and "including without limitation";
- (f) all payments to be made will be deemed to be payments in lawful currency of Canada;
- (g) reference to "business day" means all days other than Saturday, Sunday, Easter Monday, Boxing Day and statutory holidays in the Province of British Columbia;
- (h) reference to "party" and "parties" means the one or more parties to this Agreement, as the context demands;
- (i) reference to a whole, for example, the "Lands" and the "Development", includes reference to a portion thereof; and
- (j) unless expressly stated otherwise, all references to enactments refer to enactments of the Province of British Columbia, as amended or replaced from time to time. All reference to bylaws

and policies refers to the bylaws and policies of the City, as amended or replaced from time to time.

1.3 Acknowledgements

The Developer acknowledges and agrees that:

- (a) except as expressly provided, nothing in this Agreement will relieve the Developer from any obligation or requirement arising under any applicable statute, bylaw or regulation in respect of the use, subdivision and development of the Lands;
- (b) nothing contained or implied in this Agreement will prejudice or affect the City's (or the Approving Officer's) rights, powers, duties or obligations in the exercise of its functions pursuant to the *Local Government Act*, the *Community Charter* or other statutes, bylaws, orders and regulations;
- (c) the Approving Officer has no obligation to approve any subdivision of the Lands unless the Developer has, to date, complied with this Agreement; and
- (d) the City has no obligation to issue a building permit, an occupancy permit or any other approval or authorization in respect to the Lands unless the Developer has, to date, complied with this Agreement.

1.4 Reasonableness

The parties will act reasonably and in good faith when making decisions, accepting and approving plans, specifications and finalizing covenants and agreements contemplated in this Agreement.

1.5 Indemnity

The Developer shall indemnify the City against all claims, causes of action, suits, demands, fines, penalties, costs, deprivation, expenses or legal fees whatsoever, whether based in law or equity, whether known or unknown, which anyone has or may have against the City or which the City incurs as a result of any loss, damage or injury, including economic loss or deprivation, arising out of or connected with this Agreement, including the restrictions and requirements of this Agreement, or any breach by the Developer of any of its obligations in this Agreement.

1.6 Release

The Developer releases the City from all claims, causes of action, suits, demands, fines, penalties, costs, deprivation, expenses or legal fees whatsoever, whether based in law or equity, whether known or unknown that the Developer may incur or suffer as a result of the City exercising its rights under this Agreement.

1.7 Restitution

- (a) Neither the expiry nor the earlier termination of this Agreement will entitle the Developer to recover any portion of monies paid, or the amenities or works provided or constructed pursuant to this Agreement to date, or to seek restitution in relation thereto or in relation to any other obligation of the Developer as performed prior to such termination.

- (b) The Developer shall not commence, advance, or assist any person to commence or advance, a legal proceeding of any kind or seek to quash, set aside, hold invalid this Agreement, or to recover any portion of monies paid, or the amenities or works provided or constructed pursuant to this Agreement, or to seek restitution in relation to any of the Amenities provided under this Agreement, and if the Developer does any of the foregoing, the City may provide this Agreement to the Court as a full and complete answer.

1.8 Survival

Sections 1.5, 1.6 and 1.7 will survive the expiration or the earlier termination of this Agreement.

1.9 Negligence

Sections 1.5, 1.6 and 1.7 do not apply to the extent of negligence or willful misconduct by the City.

1.10 Schedules

The following schedules are attached to and form part of this Agreement:

Schedule A – Phasing Plan

Schedule B – Development Concept Plan

Schedule C – Preliminary Subdivision Layout

Schedule D – List of variances to the Subdivision and Development Servicing Bylaw

Schedule E – Public Access Statutory Right of Way

Schedule F – Park and Laneway Construction Principles

Schedule G – Landscaping Requirements

Schedule H – Housing Agreement

Schedule I – Zoning Amendment Bylaw

Schedule J – Cross Section Drawings

2. SUBDIVISION

2.1 Sequence of subdivision

The Lands will only be subdivided in the numerical sequence shown on the Phasing Plan, except that portion of the Lands comprising Phase 7 (being the Phase containing the commercial component of the Development) which may be subdivided at any time. Two or more Phases may be subdivided concurrently, provided that this does not materially alter the numerical sequence in the Phasing Plan.

2.2 Permitted subdivision

- (a) Except for that portion of the Lands comprising Phase 7:

- (1) the Lands will be subdivided only to create horizontal fee simple lots pursuant to the *Land Title Act*, materially in the layout shown on the Preliminary Subdivision Layout; and

(2) the Lands will not be subdivided to create strata lots or bare land strata lots pursuant to the *Strata Property Act*, leasehold strata lots, air space parcels, or any other types of legal parcels that do not fit within the type of subdivision described in section 2.2(a).

(b) No portion of the Lands will be organized or developed as “shared interest in land” or “cooperative interest”, as these concepts are defined in the *Real Estate Development Marketing Act*.

2.3 Phase 7 subdivision

That portion of the Lands comprising Phase 7 is not subject to the restriction in section 2.2(a) and may be subdivided in any manner including pursuant to the *Strata Property Act*. Section 2.2(b) applies to Phase 7.

2.4 Row Housing and zero-lot line housing

In respect to Row Housing Stacked, Single Detached Housing Type 1, Single Detached Housing Type 2 and Single Detached Housing Type 3: if there are two housing units located at zero lot line adjacent to each other, at the request of the City, the Developer shall register a reciprocal access easement to facilitate maintenance and repair access for the owners of the adjacent housing units. The City may require, and the Developer shall grant to the City, as part of the reciprocal access easement, a covenant pursuant to section 219 of the *Land Title Act* stating that the easement will not be released or materially amended without the prior written consent of the City.

3. DEVELOPMENT

3.1 Sequence of development

The Lands will only be developed in the numerical sequence shown on the Phasing Plan, except for Phase 7 which may be developed at any time. The Developer may develop two or more Phases concurrently, provided that this does not materially alter the numerical sequence in the Phasing Plan.

3.2 Schedule of development

The Developer shall submit complete application for a building permit in respect to Phase 1 on or before March 1, 2020 and shall diligently pursue the Development to completion, without significant interruptions.

4. PARKS, ACTIVE LANES, PUBLIC ACCESS ROUTES AND NO-BUILD AREAS

4.1 Park dedication

The following portions of the Lands, as shown on the Preliminary Subdivision Layout and Development Concept Plan, will be dedicated as “park” on a subdivision plan:

- (a) Entry Park – no less than .367 acres; and
- (b) Central (Lineal) Park – no less than 1.13 acres (inclusive of pathways in the park area).

4.2 Active Lanes and Roads dedication

The Active Lanes and Roads will be dedicated as "roads" on a subdivision plan, at no cost to the City, unless otherwise instructed by the City at the time of subdivision.

4.3 Sequence of dedication

- (a) Entry Park will be dedicated as park, in its entirety, at the time of subdivision of Phase 1.
- (b) Central (Lineal Park) will be dedicated as park:
 - a. as part of Phase 4 subdivision, in respect to that part of the park comprising Phase 4 on the Phasing Plan and the Development Concept Plan; and
 - b. as part of Phase 6 subdivision, in respect to that part of the park comprising Phase 6 on the Phasing Plan and the Development Concept Plan.
- (c) Active Lanes and Roads will be dedicated as roads in portions, in accordance with the sequence of subdivision described in section 2.1.

4.4 Public Access Statutory Right of Way

Unless previously registered, at the time of entering into this Agreement, the Developer will grant to the City the Public Access Statutory Right of Way, to be registered against title to the Lands, in priority to all financial charges. Upon completion of each Phase, or upon completion of a lot within a Phase, the City will release the Public Access Statutory Right of Way from that portion of the Phase (or lot within a Phase) that is not required by the City for public infrastructure, public park, or public access, provided that, to the satisfaction of the City:

- (a) the Developer has dedicated the Active Lanes, the Roads, the Entry Park and the Central (Lineal) Park, as required to date;
- (b) the Developer has delivered to the City a statutory right of way plan, to the satisfaction of the City, showing the location of all public access routes (to the extent not dedicated) and public infrastructure routes, materially as shown on the Phasing Plan and the Development Concept Plan;
- (c) the Developer has delivered to the City a registrable form of partial release; and
- (d) the Developer will be fully responsible for all costs of registering the partial release in the Land Title Office.

4.5 No-Build Covenant

Concurrently with entering into this Agreement, the Developer shall grant to the City a covenant pursuant to section 219 of the *Land Title Act* prohibiting any development, other than landscaping, in the area shown as "Landscape No Disturb/No Build Covenant" on the Development Concept Plan. The covenant will be registered against title to the Lands concurrently with this Agreement, in priority to all

financial charges. The City will release the covenant from all portions of the Lands, except the specified area, at the request of the Developer, provided that:

- (a) the Developer has delivered to the City a reference plan, to the satisfaction of the City, showing the location of the no-build area;
- (b) the Developer has delivered to the City a registrable form of partial release; and
- (c) the Developer will be fully responsible for all costs of registering the partial release in the Land Title Office.

4.6 Agricultural Buffer Area Covenant

Concurrently with entering into this Agreement, the Developer shall grant to the City a covenant pursuant to section 219 of the *Land Title Act* in connection with the areas shown as "ALR No-Build Area" and "7.5 Landscape Buffer" in Phase 8 on the Development Concept Plan, stipulating that in this area:

- (a) landscaping must be installed and maintained by the registered owner of the lands to a standard consistent with the provincial "Guide to Edge Planning", as may be amended or replaced from time to time, or (in the absence of the provincial guide) to the satisfaction of the City; and
- (b) no habitable buildings or structures will be constructed.

The City will release the covenant from all portions of the Lands, except the specified area, at the request of the Developer, provided that:

- (c) the City will prescribe the exact width of the subject area after the dedication of the Mutrie Road Widening;
- (d) the Developer has delivered to the City a reference plan, to the satisfaction of the City, showing the location of the no-build area;
- (e) the Developer has delivered to the City a registrable form of partial release; and
- (f) the Developer will be fully responsible for all costs of registering the partial release in the Land Title Office.

4.7 Design and construction of Entry Park

- (a) As a condition of approval of Phase 1 subdivision, the Developer shall submit to the City, for approval, the preliminary, detailed and final construction plans for Entry Park, prepared in accordance with the Park and Laneway Construction Principles.
- (b) As part of works and services required in connection with Phase 1, and in any event before occupancy of any building comprising Phase 1, the Developer shall:
 - (1) complete the construction of Entry Park, to the satisfaction of the City, in accordance with the Park and Laneway Construction Principles; and

- (2) make Entry Park accessible for public use.
- (c) As a condition of subdivision of Phase 1, the City may require the Developer to deliver to the City security in the amount estimated by a qualified professional and accepted by the City, to secure construction and warranty of the Entry Park in accordance with this Agreement. The security will be maintained and dealt with in accordance with the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement in respect to Phase 1.
- (d) Warranty obligations in respect to the Entry Park will be same as for works and services provided pursuant to the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement in respect to Phase 1, provided that the warranty for all park works and landscaping will be 2 years (subject to extended warranty period contemplated in the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843).

4.8 Design of Central (Lineal) Park

As a condition of approval of Phase 4 subdivision, the Developer shall submit to the City, for approval, the preliminary, detailed and final construction plans for Central (Lineal) Park, in accordance with the Park and Laneway Construction Principles.

4.9 Construction of Central (Lineal) Park – Phase 4

- (a) As part of works and services required in connection with Phase 4, and in any event before occupancy of any building comprising Phase 4, the Developer shall:
 - (1) complete the construction of that part of Central (Lineal) Park situated in Phase 4 (as shown on the Phasing Plan), to the satisfaction of the City, in accordance with the Park and Laneway Construction Principles; and
 - (2) make the Phase 4 portion of Central (Lineal) Park accessible for public use.
- (b) As a condition of subdivision of Phase 4, the City may require the Developer to deliver to the City security in the amount estimated by a qualified professional and accepted by the City, to secure construction and warranty of that portion of the Central (Lineal) Park situated in Phase 4 in accordance with this Agreement.
- (c) Warranty obligations in respect to Phase 4 portion of the Central (Lineal) Park will be same as for works and services provided pursuant to the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement in respect to Phase 4, provided that the warranty for all park works and landscaping will be 2 years (subject to extended warranty period contemplated in the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843).

4.10 Construction of Central (Lineal) Park – Phase 6

- (a) As part of works and services required in connection with Phase 6, and in any event before occupancy of any building comprising Phase 6, the Developer shall:
 - (1) complete the construction of that part of Central (Lineal) Park situated in Phase 6 (as shown on the Phasing Plan), to the satisfaction of the City, in accordance with the Park and Laneway Construction Principles; and

(2) make the Phase 6 portion of Central (Lineal) Park accessible for public use.

(d) As a condition of subdivision of Phase 6, the City may require the Developer to deliver to the City security in the amount estimated by a qualified professional and accepted by the City, to secure construction and warranty of that portion of the Central (Lineal) Park situated in Phase 6 in accordance with this Agreement.

(b) Warranty obligations in respect to Phase 6 portion of the Central (Lineal) Park will be same as for works and services provided pursuant to the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement in respect to Phase 6, provided that the warranty for all park works and landscaping will be 2 years (subject to extended warranty period contemplated in the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843).

4.11 Design and construction of Active Lanes and Roads

As part of works and services constructed in connection with a relevant Phase, the Developer shall design and construct the Active Lanes and Roads in accordance with the Park and Laneway Construction Principles, to the satisfaction of the City. Warranty, security and maintenance obligations in respect to Active Lanes and Roads will be same as for works and services provided pursuant to the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement in respect to the relevant Phase. For greater certainty, the City may require the Developer at each Phase to construct temporary turnarounds or connection works that may encroach onto lands in an adjacent Phase.

4.12 Access

The parties acknowledge that the Developer intends to construct the park works in advance of dedicating land as park. However, some warranty obligations may extend after the land is dedicated as park. Subject to reasonable continuous public access, at no cost to the Developer, until the end of all warranty periods in respect to park works and improvements, the City hereby grants to the Developer and its agents, designates and employees a license to enter the dedicated park land as and when the Developer requires for the purpose of constructing or upgrading infrastructure improvements as required in relation to work contemplated in this Agreement or a building permit issued in connection with the Development.

4.13 Local Government Act – section 510

Pursuant to section 516 of the *Local Government Act*, the Entry Park and the Central (Linear) Park satisfy the park dedication requirements under section 510 of the *Local Government Act*, in respect to the Lands. During the Term, except for these parks, the City will not require the dedication of any other land for park or the payment of cash in lieu in respect to the Lands.

5. OTHER AMENITIES

5.1 Road dedication

As a condition of subdivision of Phase 2, the Developer shall deliver to the City the amount of \$34,800.00 towards the acquisition by the City of a portion of certain property located at 811 39th Avenue, which acquisition is necessary to complete the widening of Mutrie Road. The parties

acknowledge that the acquisition of this property may result in the reduction of the width of the ALR No-Build Area described in section 4.6.

5.2 Mutrie Road Improvement

- (a) The Developer acknowledges that Mutrie Road must be improved as a condition of the Development, to the satisfaction of the City. Without limiting the foregoing, the Developer shall:
- (1) carry out Mutrie Road in accordance with the schedule set out in this section 5.2;
 - (2) carry out Mutrie Road improvements materially as shown in the Cross Section Drawings; and
 - (3) to the extent that BC Hydro infrastructure is located on Mutrie Road, and irrespective of whether BC Hydro infrastructure is servicing the Development, as part of the Mutrie Road improvements, underground BC Hydro infrastructure along the entire length of Mutrie Road. Final design and construction of undergrounding works is subject to the City's and BC Hydro's approval. Without limiting the foregoing:
 - (A) the City may allow some BC Hydro infrastructure near 39th Avenue to remain above-ground, in the City's discretion; and
 - (B) all existing BC Hydro services must be maintained with minimal interruptions.

PHASE 2

- (b) As a condition of Phase 2 subdivision, deliver to the City as security cash, letter of credit, or combination of both (as acceptable to the City) in the amount that the City deems necessary to improve (in accordance with section 5.2(a)) that portion of Mutrie Road adjacent to Phase 2, up to middle of the road (the "**Phase 2 Mutrie Road Security**").
- (c) The City will retain Phase 2 Mutrie Road Security until the part of Mutrie Road described in section 5.2(b) has been improved and all applicable warranty periods have passed (pursuant to the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement). For greater certainty, a portion of the security can be returned upon final inspection, all in accordance with the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement.

PHASE 3

- (d) As a condition of subdivision of Phase 3, as part of the works and services required in connection with this Phase, the Developer shall:
- (1) design and construct in accordance with section 5.2(a) that part of Mutrie Road between the intersection of Mutrie Road and 43rd Avenue and south-eastern edge of

the Development (being Lot 75 on the Preliminary Subdivision Layout) (the “**Phase 3 Mutrie Road Improvements**”); and

- (2) deliver to the City as security cash, letter of credit, or a combination of both (as acceptable to the City) in the amount that the City deems necessary to improve (to the satisfaction of the City) the entire Mutrie Road (less Phase 2 Mutrie Road Security already in possession of the City) (the “**Phase 3 Mutrie Road Security**”).

PHASE 8

- (e) As a condition of subdivision of Phase 8, as part of the works and services required in connection with this Phase, the Developer shall design and construct in accordance section 5.2(a) that part of Mutrie Road between the south-eastern edge of the Development (where the Phase 3 Mutrie Road Improvements end) and the intersection of Mutrie Road and 39th Avenue (the “**Phase 8 Mutrie Road Improvements**”).

SECURITY

- (f) The City may use the Phase 2 Mutrie Road Security and the Phase 3 Mutrie Road Security as necessary to complete the Mutrie Road improvements, if the Developer fails to do so in accordance with this Agreement.
- (g) If the City uses any portion of the security the Developer shall, forthwith upon written request by the City, supplement the security to the original amount.
- (h) The City has no obligation to invest the security in an interest-bearing account. If the City chooses to do so, the City will be the sole beneficiary of any interest accrued.

PARTIAL RELEASE OF SECURITY

- (i) Upon the Developer completing the Phase 3 Mutrie Road Improvements, the City may return to the Developer the Phase 2 Mutrie Road Security and the Phase 3 Mutrie Road Security, less:
 - (1) the amount used by the City pursuant to this Agreement;
 - (2) the amount retained on account of warranty (pursuant to the City of Vernon’s Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement); and
 - (3) the amount that the City reasonably deems necessary to complete Phase 8 Mutrie Road improvements (the “**Phase 8 Mutrie Road Security**”).
- (j) Upon completion of the Phase 8 Mutrie Road Improvements, the City will release to the Developer the Phase 8 Mutrie Road Security, less:
 - (1) the amount used by the City pursuant to this Agreement; and
 - (2) the amount retained on account of warranty (pursuant to the City of Vernon’s Subdivision and Development Servicing Bylaw No. 3843, or a servicing agreement).

- (k) All Mutrie Road improvements must be completed by December 31, 2025. If the Developer has not completed the entire Mutrie Road improvements on or before December 31, 2025, the City will retain the Phase 2 Mutrie Road Security, the Phase 3 Mutrie Road Security, and the Phase 8 Mutrie Road Security, as applicable, and the Developer will have no further rights thereto.

EARLY COMPLETION OF MUTRIE ROAD IMPROVEMENTS

- (l) At the Developer's choice, the Developer may complete Phase 8 Mutrie Road Improvements concurrently with Phase 3 Mutrie Road Improvements (as part of Phase 3 works and services), provided that the Developer shall:
- (1) as part of Phase 3 Mutrie Road Security, and in addition thereto, the Developer shall deliver to the City cash, letter of credit, or a combination of both (as acceptable to the City) in the amount that the City deems necessary to remedy all construction damage to Mutrie Road, which security must remain in place until the Developer has completed the Development ("**Mutrie Road Damage Security**"); and
 - (2) to receive the Mutrie Road Damage Security back, the Developer shall apply to the City in writing, advising the City that the Development has been completed and no further construction activity is expected on Mutrie Road in connection with the Development.
- (m) The City may use the Mutrie Road Damage Security to remedy any damage to completed Mutrie Road caused by the Developer, or its contractors or subcontractors, in the course of Development construction.

CASH IN LIEU

- (n) At the request of the Developer, as a condition of subdivision of Phase 2, the City may accept cash in lieu of Mutrie Road improvements in the amount assessed by a qualified professional and accepted by the City as necessary to complete the Mutrie Road improvements. If the City accepts cash in lieu in accordance with this section:
- (1) the Developer will have no obligation to carry out Mutrie Road improvements in accordance with this section 5.2; and
 - (2) the City will have no obligation to complete Mutrie Road improvements in any given manner or in any given time frame. All works will be entirely at the discretion of the City.

For greater certainty, the City will not be obligated to accept cash in lieu option. Cash in lieu will only be considered if it is in respect to the entire Mutrie Road improvements. Partial cash in lieu will not be acceptable.

5.3 Intersection contribution

The Developer shall deliver to the City the amount of \$29,000.00, (plus 5% annual interest on full amount), towards intersection improvements at 39th Avenue and Pleasant Valley Road. This amount will be delivered in 8 equal instalments, as a condition of subdivision of each Phase.

5.4 Water reservoir

- (a) The Developer acknowledges that the Lands are located within the Greater Vernon Water Services Area and are subject to all applicable bylaws of the Regional District of North Okanagan ("RDNO"), including Greater Vernon Water Subdivision and Development Servicing Bylaw No. 2650, 2013 (the "RDNO Bylaw").
- (b) As a condition of subdivision of each Phase, the Developer shall deliver to the RDNO, towards improvements to the Greater Vernon Water system the amount that the RDNO estimates as payable in respect to the Foothill Reservoir Balancing Storage based on the density of the Phase, calculated in accordance with the RDNO Bylaw in place at the time. The RDNO estimates the total contribution for the Development to be \$252,033.14 (plus 2% interest on the total amount). This amount was estimated on the assumption that the Development, when built out, will contain 130 single family dwellings, 77 multiple family dwellings and .05 hectares of commercial land. The final amount may differ if the final density, at built out, is different from that used to estimate the contribution.

5.5 Sidewalk

As a condition of Phase 6 subdivision, as part of the works and services required in connection with this Phase, the Developer shall design and construct, to the satisfaction of the City, a sidewalk on the north side of 39th Avenue between the west trail entrance at 39th Avenue to a crosswalk at 11th Street.

6. LANDSCAPING

6.1 Landscaping requirements

- (a) As part of the works and services constructed in respect to each Phase, the Developer shall construct, install and maintain landscaping, trees, hedges, fences and other structures, bus stops, and Canada Post Boxes in the Development (private and public lands), in accordance with the Development Concept Plan, Schedule G and the development permit guidelines contained in the Zoning Amendment Bylaw.
- (b) In respect to each Phase, as a condition of subdivision, the Owner will enter in the Landscaping Agreement with the City.
- (c) Without limiting the foregoing, after final inspection and acceptance by the City, the responsibility for maintaining landscaping will be as follows:
 - (1) all landscaping located on private lands will be maintained by the registered owner of the lands;
 - (2) all landscaping located on public roads (including boulevards) will be maintained by the City, except as otherwise set out in City bylaws from time to time, including the City's *Good Neighbour Bylaw No. 4980*, as amended or replaced.

7. SITE SERVICES

7.1 Servicing

In addition to the works expressly listed in this Agreement, the Developer shall provide all works and services necessary to service each Phase as a condition of subdivision approval in respect to that Phase, as required under the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, being:

- (a) before final subdivision approval:
 - (1) all works and services must be constructed and installed; and
 - (2) the warranty period (1 year for all works and 2 years for landscaping from date of acceptance) has passed (as may be extended as a result of deficiencies); and
- (b) early subdivision approval may be possible, subject to the Developer entering into a servicing agreement and delivering security, to the satisfaction of the City, such approval not to be unreasonably withheld by the City.

Except as expressly specified herein, all works, services, warranty and security will be dealt with in accordance with the City of Vernon's Subdivision and Development Servicing Bylaw No. 3843, or as otherwise set out in a servicing agreement between the Developer and the City in respect to each Phase.

7.2 Excess and extended servicing

The Developer acknowledges and agrees that the works and services contemplated in this Agreement (including the Mutrie Road Widening works and the Active Lanes) will not be deemed to be "excess or extended services" within the meaning of section 507 of the *Local Government Act*, and the City will have no obligation to collect and deliver to the Developer any latecomer fees or charges. The Developer is voluntarily providing these works and services as amenities in connection with the Development.

8. ATTAINABLE HOUSING

8.1 Number and location of Attainable Housing Units

- (a) The Developer shall construct and deliver to the City, in accordance with this Agreement, at least seven Attainable Housing Units.
- (b) The Attainable Housing Units will be spread throughout the Development, such that no more than two Attainable Housing Units will be located in each Phase.
- (c) Phase 7 may have Attainable Housing Units, except in the commercial node.
- (d) Subject to the Developer complying with section 8.1(b), the Developer is not obligated to (but may) incorporate Attainable Housing Units in Phases 1 and 8.

8.2 Identification of Attainable Housing Units

As a condition of subdivision of each Phase, the Developer shall advise the City of the location and configuration of the Attainable Housing Units in the Phase. The Developer may advise the City that it wishes to use one or more dwelling units in previously-constructed Phases as Attainable Housing.

8.3 Price of Attainable Housing Units

The purchase price (the "**Purchase Price**") of the Attainable Housing Units will be \$245,405.00 increasing annually by the CPI as published by Statistics Canada. To reduce the Purchase Price, and to facilitate the acquisition of the Attainable Housing Units, the City may apply to the Development DCC credits (if any), and may pay a portion of the Purchase Price by means of the Land Grant (if any). Both the DCC credits and the Land Grant will be at the City's discretion and subject to applicable bylaws. The Developer agrees that DCC credits may be used to off-set the Purchase Price.

8.4 City's option to acquire Attainable Housing Units

- (a) In respect to each Attainable Housing Unit, within sixty (60) calendar days after the Developer submits to the City the information required pursuant to section 8.2, the City will advise the Developer in writing whether:
 - (1) the City wishes to acquire the Attainable Housing Unit for the Purchase Price;
 - (2) an organization ("**Third Party Purchaser**") acceptable to the City, that provides affordable rental housing in the geographical area of the City, wishes to acquire the Attainable Housing Unit for the Purchase Price; or
 - (3) neither the City nor the Third-Party Purchaser wishes to acquire the Attainable Housing Unit.
- (b) Within 90 days of the City advising the Developer in writing of its intent (as set out in section 8.4(a)) and must provide a deposit of \$24,000.00:
 - (1) if either the City or a Third Party Purchaser wishes to acquire the Attainable Housing Unit, the Developer will enter into a sale agreement for the Attainable Housing Unit for the Purchase Price with the City or the Third Party Purchaser, as applicable, on the terms generally acceptable for a similar transaction in the City of Vernon, provided that:
 - (A) the City (or the Third Party Purchaser) will have between 6 months and 18 months to take possession and to complete the purchase from the date the city advises the developer as per section 8.4(a), as mutually agreeable to the parties;
 - (B) except for the deposit provided in advance, the remainder of the Purchase Price will be payable on the closing date;
 - (C) if DCC credits are used to off-set the Purchase Price, the value of these credits will be deducted from the Purchase Price; and

(D) all taxes and utilities will be adjusted as of the Closing Date; and

- (2) if neither the City nor the Third Party Purchaser wishes to acquire the Attainable Housing Unit for the Purchase Price, then the number of Attainable Housing Units required pursuant to section 8.1 will be reduced proportionately and the Developer may dispose of the Attainable Housing Unit in its discretion, at market value.

8.5 Housing Agreement and Covenant

Upon the City or a Third Party Purchaser acquiring an Attainable Housing Unit, the City may in its discretion, enter into a Housing Agreement with the owner of the Attainable Housing Unit.

9. BYLAW CHANGES

9.1 Changes to specified bylaw provisions

- (a) Changes to the Specified Zoning Bylaw Provisions and the Specified Subdivision Bylaw Provisions can only be made by amending this Agreement.
- (b) Changes made during the Term to the Specified Zoning Bylaw Provisions will not apply to the Development unless:
- (1) the changes fall within the limits established by section 516(6) of the *Local Government Act*, being:
 - (i) changes to enable the City to comply with an enactment of British Columbia or of Canada;
 - (ii) changes to comply with the order of a Court or arbitrator or another direction in respect of which the City has a legal requirement to obey;
 - (iii) changes that, in the opinion of the City, are necessary to address a hazardous condition or which the City was unaware at the time it entered into this Agreement; and
 - (iv) other changes that may be made as a result of an amendment to section 516(6) of the *Local Government Act*;
 - (2) this Agreement has been terminated pursuant to sections 11.2; or
 - (3) the Developer has agreed in writing that the changes apply, in accordance with section 9.3.
- (c) Changes made during the Term to the Specified Subdivision Bylaw Provisions will not apply to the Development, unless:

- (1) the change is a change to standard for water, sanitary sewer or storm sewer or highway that are of general application across the City;
- (2) the changes fall within the limits established by section 516(6) of the *Local Government Act*, being:
 - (v) changes to enable the City to comply with an enactment of British Columbia or of Canada;
 - (vi) changes to comply with the order of a Court or arbitrator or another direction in respect of which the City has a legal requirement to obey;
 - (vii) changes that, in the opinion of the City, are necessary to address a hazardous condition or which the City was unaware at the time it entered into this Agreement; and
 - (viii) other changes that may be made as a result of an amendment to section 516(6) of the *Local Government Act*;
- (3) this Agreement has been terminated pursuant to sections 11.2; or
- (4) the Developer has agreed in writing that the changes apply, in accordance with section 9.3.

9.2 Repeal of Bylaws

If the Subdivision and Development Servicing Bylaw No. 3843, or the Zoning Amendment Bylaw are repealed in their entirety, including where the bylaw is replaced, the Specified Zoning Bylaw Provisions and the Specified Subdivision Bylaw Provisions will continue to apply to the Development for the balance of the Term.

9.3 Agreement to changes

- (a) The agreement of the Developer that changes the Specified Zoning Bylaw Provisions or the Specified Subdivision Bylaw Provisions will only be effective if it is in writing. Agreement to change in respect to one provision is without prejudice to the remaining protection of this Agreement.
- (b) In the event of the transfer of title to a portion of the Lands, the right of consent of the transferee is limited to the lands acquired by the transferee, and the transferee will not have any right of consent in respect to lands it has not acquired.

9.4 Other provisions of bylaws

Changes made to provisions that are not Specified Zoning Bylaw Provisions or Specified Subdivision Bylaw Provisions will apply to the Development and the Lands.

9.5 Interpretation

The interpretation of whether a provision is a Specified Zoning Bylaw Provision or a Specified Subdivision Bylaw Provision will not be impacted by the headings used in the bylaws.

9.6 Development permit protection

- (a) The Developer acknowledges and agrees that the Specified Zoning Bylaw Provisions contain development permit guidelines. To the extent of such guidelines, section 516(7) of the *Local Government Act* does not apply.

- (b) In the event of the transfer of a portion of the Lands, the right of consent of the transferee under section 516(7) of the *Local Government Act* is limited to the lands acquired by the transferee, and the transferee will not have any right of consent in respect to land that it has not acquired.

10. AMENDMENTS

10.1 Amendment

No amendment to this Agreement will be effective unless it is made in writing and is duly executed by the City and the Developer.

10.2 Minor amendments

The City, by resolution and without a new public hearing, and the Developer, may agree to “minor amendments” of this Agreement. For the purpose of this Agreement, a “minor amendment” is any amendment other than one that proposes the renewal or extension of this Agreement or changes to any of the following provisions of this Agreement:

- (a) The lands that are subject to this Agreement (section 1.1);

- (b) The term of this Agreement (section 11.1);

- (c) The definition of the Specified Zoning Bylaw Provisions (section 1.1);

- (d) The definition of the Specified Subdivision Bylaw Provisions (section 1.1);

- (e) The provision of this Agreement regarding what cannot constitute a minor amendment (section 10.2);

- (f) The provision of this Agreement regarding transfer and assignment (Part 13).

10.3 Public hearing

Notwithstanding section 10.2, the City may, in its discretion, hold a public hearing in advance of a minor amendment to this Agreement. For greater certainty, a public hearing is required as a precondition to an amendment to this Agreement that is not a minor amendment.

11. TERM AND TERMINATION

11.1 Term

- (a) The term (the "Term") of this Agreement is 10 years from the date of the adoption of the PDA Bylaw, unless otherwise terminated in accordance with this Agreement.
- (b) The Owner acknowledges that the Term can only be extended or renewed with the approval of the Inspector of Municipalities, following a public hearing process (as required under the *Local Government Act*).

11.2 Termination

- (c) The parties may terminate this Agreement by mutual written agreement at any time before the transfer of any portion of the Lands to a third party.
- (d) The City may terminate this Agreement before the expiry of the Term if the Developer defaults on its obligation in this Agreement and has not rectified such default within the time provided in section 11.3.
- (e) Except as herein provided, neither the Developer nor the City may terminate this Agreement before the expiry of the Term.

11.3 Enforcement

Without limiting section 11.2(b), the parties agree that the following enforcement procedures and remedies will be available if the other does not comply with any other section hereof when required:

- (a) either party may commence proceedings for a declaration or to otherwise enforce against any breach, and, if successful, will be entitled to recover costs from the other on a solicitor and his own client basis;
- (b) either party may commence proceedings for injunctive relief in connection with a breach, and, if successful, will be entitled to receive costs from the other on a solicitor and his own client basis; and
- (c) the Developer or the City, as the case may be, will be responsible to the other for the cost, losses and damages that flow from any breach of the terms of the Agreement by the other,

provided however that, in the event of a default in performance of any such sections, each will give the other written notice within thirty days after it becomes aware that any default has occurred, and the other will have thirty days from the date of the written notice to correct the default.

12. DISPUTE RESOLUTION

12.1 Dispute resolution

Without limiting section 11.3, if a dispute arises between the parties in connection with this Agreement, the parties may use the following process to resolve the dispute:

- (a) either party may notify the other by written notice ("**Notice of Dispute**") of the existence of a dispute and a desire to resolve the dispute by mediation;
- (b) a meeting will be held promptly between the parties, but no later than five days after such notice is provided, attended by individuals with decision making authority regarding the dispute, to attempt in good faith to negotiate a resolution of the dispute;
- (c) if, within forty-eight hours after such meeting or such further period as is agreeable to the parties (the "**Negotiation Period**"), the parties have not succeeded in negotiating a resolution of the dispute, they agree to submit the dispute to mediation and to bear equally the costs of mediation;
- (d) the parties may jointly appoint a mutually acceptable mediator (who must be an expert in the subject matter of the dispute), within forty-eight hours of the conclusion of the Negotiation Period;
- (e) if the parties are not successful in resolving the dispute through mediation or if the mediation has not commenced within fourteen days following the appointment of the mediator or if the parties cannot agree upon the mediator appointment, then the parties may mutually agree (but have no obligation to do so) that the dispute will be settled by a single arbitrator in accordance with the *Arbitration Act*. The cost of the arbitration will be shared equally notwithstanding the outcome.

12.2 No effect on rights

In no event will the foregoing be construed as impeding or affecting either party's right, at any time, to apply to Court seeking to enforce its rights under this Agreement, or affect the authority of the City to enforce its bylaws.

12.3 Remedies not exclusive

No remedy under this Agreement will be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

13. TITLE TRANSFER

13.1 Rights of Developer

Nothing in the Agreement in any way limits the right of the Developer to sell all, or any portion of, the Lands.

13.2 Rights of transferees

- (a) Subject only to section 13.2(b), the Developer may only assign its rights under this Agreement to any person or subsequent owner of the Lands, or a portion thereof, if the City has consented to the assignment in writing in advance. As a condition of assignment, the City may require that the Developer, the City and the prospective assignee enter into an assignment and assumption agreement setting out the Developer's and the assignee's respective rights and obligations under this Agreement.

- (b) The City's agreement will not be required for any assignment of this Agreement to an affiliate (as defined in the *Business Corporations Act (British Columbia)*) of the Developer, provided that the Developer has entered into an assignment and assumption agreement with the affiliate and the City prior to the assignment, in the form and substance satisfactory to the City.

- (c) In the absence of an assignment and assumption agreement satisfactory to the City, the transfer of the Lands does not affect the obligations of the Developer to the City under this Agreement and the City's right to enforce this Agreement against the Developer, or to terminate this Agreement pursuant to Part 11.

13.4 Obligations of transferees

The Developer's obligations under this Agreement are automatically binding on all persons or entities that acquire an interest in the Lands, unless otherwise agreed upon by the city in writing in advance.

14. OTHER

14.1 Binding effect

This Agreement will ensure to the benefit of and will be binding upon the parties hereto, and their respective successors and permitted assigns.

14.2 Further acts

The Developer and the City will do all further acts as may be necessary for carrying out this Agreement, including without limitation execution of all required documentation and alterations required to achieve registration at the Land Title Office.

14.3 No other agreements

This Agreement is the entire agreement between the parties regarding its subject. The City has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Developer other than those contained in this Agreement.

14.4 Time

Time is of the essence of this Agreement.

14.5 Force Majeure

All obligations of the parties shall be suspended so long as the performance of such obligation is prevented, in whole or in part, by reason of labour dispute, fire, act of God, unusual delay by common carriers, earthquake, act of the elements, riot, civil commotion or inability to obtain necessary materials on the open market, and the period in which any party is required to perform any such obligation is extended for the period of such suspension. The impact of the Developer's financial circumstances upon the Developer's ability to perform this Agreement does not suspend the Developer's obligations under this Agreement. This provision does not extend the Term.

14.6 No waiver

No provision of this Agreement is to be considered to have been waived by a party unless the waiver is expressed in writing by the party. The waiver by a party of any breach by another party of any provision is not to be construed as or constitute a waiver of any further or other breach.

14.7 Severability

If any part of this Agreement is held to be invalid, illegal or unenforceable by a Court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

14.8 Notice

A notice, demand, statement, request or other evidence required or permitted to be given hereunder must be written and will be sufficiently given if delivered in person or transmitted by facsimile addressed as follows:

To the Developer at:

VERNON RESERVOIR DEVELOPMENTS LTD.,
622 - 11850 Oceola Road
Lake Country, B.C.
V4V 2T5
Attention: Graham Illingworth

To the City at:

THE CITY OF VERNON,
3400 – 30th Street
Vernon, B.C.
V1T 5E6
Attention: Chief Administrative Officer

and a party at any time may give notice to the others of a change of address after which the address so specified will be considered to be the address of the party who gave the notice. Any notice, demand, statement, request or other evidence delivered in person will be considered to have been given at the time of personal delivery and any notice, demand, statement, request or other evidence transmitted by facsimile will be considered to have been given to the party to whom it is addressed on the next business day following the date of such transmission.

14.9 Execution

This agreement may be executed in counterparts, and such counterparts together shall constitute a

single instrument.

14.10 Costs

All obligations of the Developer in this Agreement must be satisfied by the Developer, at its sole cost.

14.11 City's representative

Any opinion, decision, act or expression of satisfaction or acceptance of the City provided for in this Agreement may be taken or made by the Chief Administrative Officer or his or her designate, unless expressly provided to be taken or made by another official of the City.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first written above.

[Signature blocks follow]

Vernon Reservoir Developments Ltd.

Per: _____

Per: _____

City of Vernon

Per: _____

Per: _____

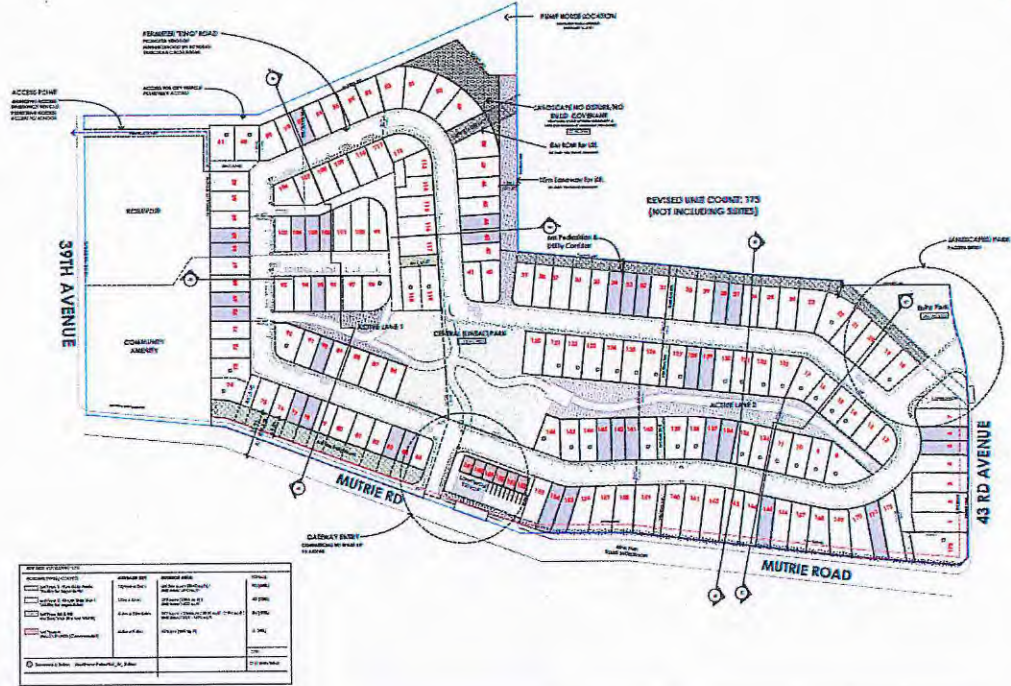
SCHEDULE A

Phasing Plan



SCHEDULE B

Development Concept Plan



NO.	DESCRIPTION	DATE	BY	CHKD.
1	PRELIMINARY PLAN	10/15/10	J. STONER	J. STONER
2	REVISED PLAN	11/15/10	J. STONER	J. STONER
3	REVISED PLAN	12/15/10	J. STONER	J. STONER
4	REVISED PLAN	01/15/11	J. STONER	J. STONER
5	REVISED PLAN	02/15/11	J. STONER	J. STONER
6	REVISED PLAN	03/15/11	J. STONER	J. STONER
7	REVISED PLAN	04/15/11	J. STONER	J. STONER
8	REVISED PLAN	05/15/11	J. STONER	J. STONER
9	REVISED PLAN	06/15/11	J. STONER	J. STONER
10	REVISED PLAN	07/15/11	J. STONER	J. STONER
11	REVISED PLAN	08/15/11	J. STONER	J. STONER
12	REVISED PLAN	09/15/11	J. STONER	J. STONER
13	REVISED PLAN	10/15/11	J. STONER	J. STONER
14	REVISED PLAN	11/15/11	J. STONER	J. STONER
15	REVISED PLAN	12/15/11	J. STONER	J. STONER
16	REVISED PLAN	01/15/12	J. STONER	J. STONER
17	REVISED PLAN	02/15/12	J. STONER	J. STONER
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34	REVISED PLAN	07/15/13	J. STONER	J. STONER
35	REVISED PLAN	08/15/13	J. STONER	J. STONER
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54	REVISED PLAN	03/15/15	J. STONER	J. STONER
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62	REVISED PLAN	11/15/15	J. STONER	J. STONER
63	REVISED PLAN	12/15/15	J. STONER	J. STONER
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76	REVISED PLAN	01/15/17	J. STONER	J. STONER
77	REVISED PLAN	02/15/17	J. STONER	J. STONER
78	REVISED PLAN	03/15/17	J. STONER	J. STONER
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80	REVISED PLAN	05/15/17	J. STONER	J. STONER
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97	REVISED PLAN	10/15/18	J. STONER	J. STONER
98	REVISED PLAN	11/15/18	J. STONER	J. STONER
99	REVISED PLAN	12/15/18	J. STONER	J. STONER
100	REVISED PLAN	01/15/19	J. STONER	J. STONER



SCHEDULE D

List of variances to the Subdivision and Development Servicing Bylaw

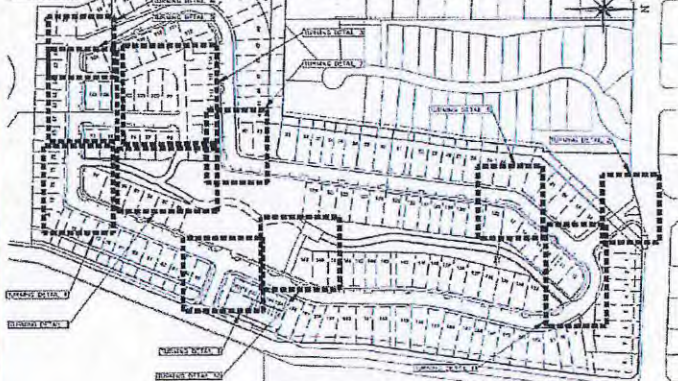
SH.	SECT.	VARIANCE DETAILS	Existing Bylaw	Proposed	City of Vernon Comments	Vernon Reservoir Development Comments
B	3.03	Lane maximum grade increased	9%	12%	Acceptable	Agreed
B	3.05	Local road minimum centreline radii reduced	95m	9.5m	Supported per the drawings provided by the developer showing that emergency vehicles are able to manoeuvre through the site with 9.5 m centerline radii corners. Some modifications to design will be required at some intersections. Need applicant to confirm design speed for each for signage	Confirmation of emergency vehicle turning radius assessment was provided for consideration
B	3.08	Lane minimum K value at intersections	N/A	2	Support	
B	3.10	-Local road typical cross section – variance to ROW width, street parking layout, servicing separations, curb alignment, boulevard widths and boulevard grades	See 100-6	See 17053-XS	Acceptable for support for all except center swale for lane and walkways	Accepted Note – the Active Laneways have deep utilities, incl. storm, and location of utilities in centre of laneway is preferred.

		-Lane typical cross section – variance to ROW width, asphalt cross fall, and drainage collection -Walkway typical cross section – variance to ROW width, surface cross fall, and drainage collection				
B	3.11	-Local road hillside design standard typical cross section – variance to ROW width, lane widths, street parking layout, servicing separations, curb alignment, and boulevard widths -Public lane hillside design standard typical cross section – variance to ROW width, land widths, drainage collections, servicing separations, and boulevard widths -Private road hillside design standard typical cross section – variance to drainage collections and servicing separations	See 100-6H	See 17053-XS	Supported	Accepted
C	1.03	Residential local road curb type	Type 2	Type 1 or 2	Acceptable for support	Accepted

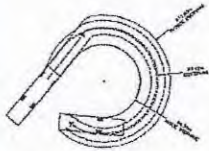
C	2.03	Minimum and maximum boulevard grade reduced and increased, respectively	3-7.5%	2-10%	Acceptable for support	Accepted
D	3.16	Backfill material for trenches in road areas	Pit Run	Native	Geotech required to confirm acceptable material	Accepted
E	3.08	Minimum and maximum depth of cover reduced and increased, respectively	1.5m, 3.0m	1.2m, 5.0m	Not supported for new roads. Only permitted for existing mains in existing roads	Accepted NOTE: Some Basements will require pumps
E	3.10	Service connections within a SRW by means other than a manhole	Manhole	Wye, Insert-a-Tee	Acceptable for support	Accepted
E	4.01	Permit of rear yard sewer mains	Restricted	Permitted	Acceptable for support	Accepted
E	4.03	Radius of curvature to be less than 2 times the manufacturer's recommendations	2x	1.5x	Acceptable for support	Accepted
F	2.04	Minimum culvert size reduced Requirement for headwalls and end walls removed	400mm Endwalls	Designed, Sandbags	Not supported for pipe diameter. Sandbag head walls permitted. NOTE: Curbing option will be alternative. Limited snow storage will be result	Accepted
F	2.15	Minimum acceptable volumetric factor of safety reduced	2 (100%)	10%	Acceptable, subject to design engineer stamping and signing design with reduced safety factor.	Accepted

G		Ability to use and limit; style, type and number of decorative and /or standard lighting on laneways and pathways, active laneways, within development site.	NA	NA	Accepted subject to approval of an overall Lighting Plan submitted with Development Permit and Subdivision to add flexibility. Where varied from the bylaw, follow MMCD standards.	Accepted
O	100-7	Walkway and 6.0m Lane – see details on Sch B Sect. 3.10	100-7	See 17053-XS	Acceptable for support subject to no center swale	Accepted NOTE – Reference F2.04 –
O	100-9	Typical Boulevard Construction – variance to reduce boulevard grade	100-9	See 17053-XS	Acceptable for support	Accepted
O	100-11	Expanded Corner – variance to reduce ROW width, lane widths and vary curb return radii	100-11	See 17053-XS	Acceptable for support based on confirmation from the developer that emergency vehicles can manoeuvre through the site.	Accepted NOTE Reference review of turning radii based on emergency vehicle dimensions.
O	100-16	Typical Utility Corridor Residential – variance to utility depths and separations as required by shallow utility providers	100-16	See 17053-XS	Must receive written confirmation from all shallow utility providers	Accepted
O	200-4	Typical Wheelchair Ramp – variance to curb return radii and reduction of sidewalk minimum slope	200-4	4.5m, 2%	Supported subject to ensuring grades not exceeding maximum for disabled users	Accepted

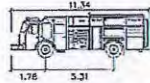
Exhibit D Turning Movement Plan - B3.05, B3.06



TURNING DETAIL KEY PLAN
SCALE 1:1000



VEHICLE TURNING RADIUS

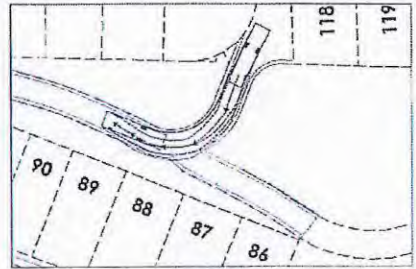


COV Fire Engine L1 meters
 Width : 2.83
 Track : 2.83
 Lock to Lock Time : 6.00
 Steering Angle : 34.3

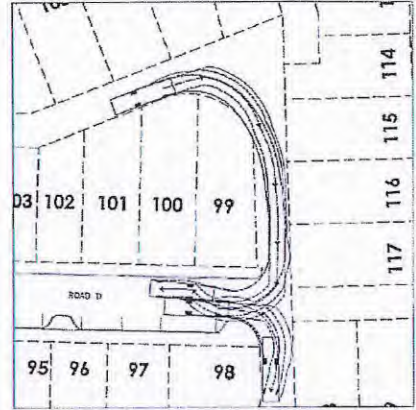
VEHICLE TURNING TEMPLATE



TURNING DETAIL 2
ROAD A - ROAD B INTERSECTION



TURNING DETAIL 1
ROAD C - ROAD D



TURNING DETAIL 3
ROAD D - LANEWAY INTERSECTION

Legend	Symbol	Description
Proposed	(Dashed line)	Proposed
Existing	(Solid line)	Existing
Proposed	(Dotted line)	Proposed
Existing	(Dotted line)	Existing

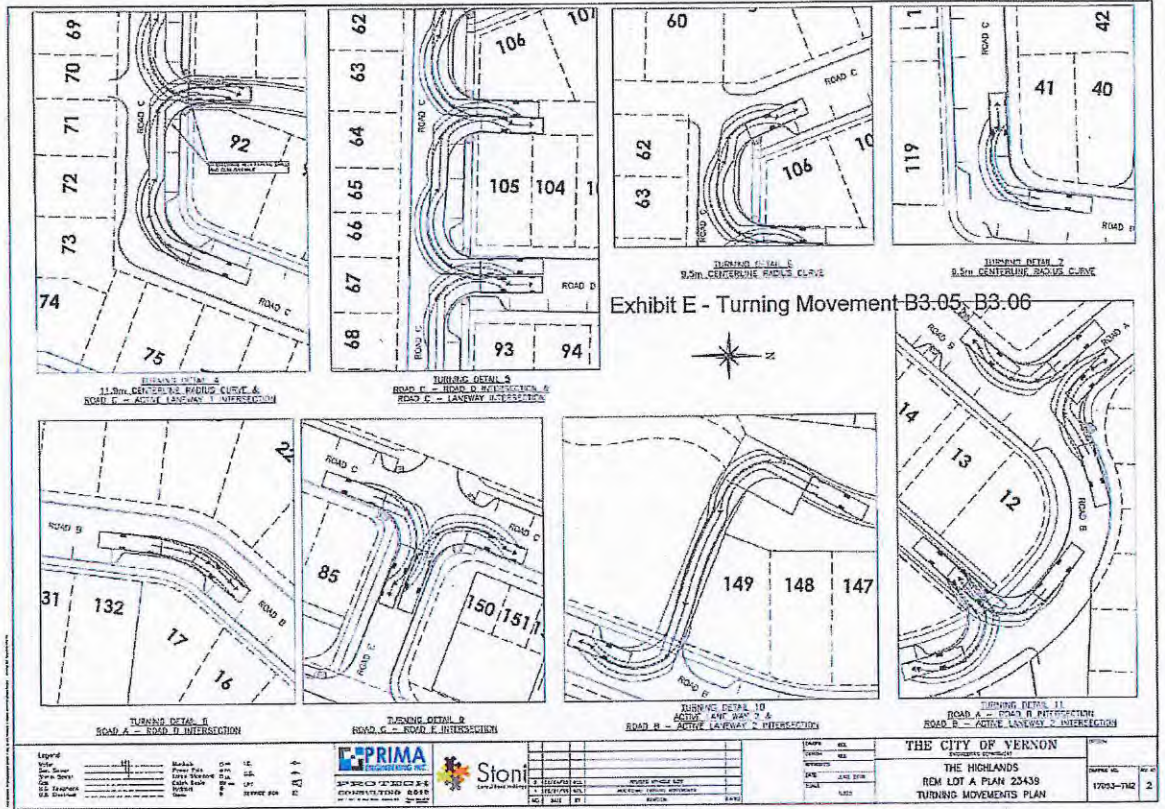


PROTECK
 CONSULTANTS
 17002-101

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	17/02/2017
2	REVISED PER CITY COMMENTS	17/02/2017

THE CITY OF VERNON
 THE HIGHLANDS
 REM LOT A PLAN 23439
 TURNING MOVEMENTS PLAN

PROJECT NO.	17002-101
DATE	2



SCHEDULE E

Public Access Statutory Right of Way

WHEREAS:

- A. The Owner is the registered owner of the Lands;
- B. The City is a municipality operating pursuant to the *Community Charter*, S.B.C. 2003, c. 26 and the *Local Government Act*, R.S.B.C. 2015, c. 1;
- C. Section 218 of the *Land Title Act*, R.S.B.C. 1996 c. 250 provides that a person may and will be deemed always to have been able to create, by grant or otherwise in favour of a municipality, an easement without a dominant tenement for any purpose necessary for the operation and maintenance of such municipality's undertaking (a "**Statutory Right of Way**");
- D. Section 219 of the *Land Title Act*, R.S.B.C. 1996 c. 250 permits registration of a covenant in favour of a municipality in respect of the use of land or that land is or is not to be built on (a "**Section 219 Covenant**"); and
- E. The Statutory Right of Way and Section 219 Covenant in this Agreement are necessary for the operation and maintenance of the City's undertaking.

NOW THEREFORE in consideration of the premises, of the sum of \$10.00, receipt of which from the City is hereby acknowledged by the Owner, and other good and valuable consideration, the parties agree as follows:

1. DEFINITIONS AND INTERPRETATION

1.1 DEFINITIONS

In this Agreement, the following terms have the following meanings:

- (a) "**Agreement**" means, collectively, Part 1 and the Terms;
- (b) "**City**" means the City of Vernon;
- (c) "**City Parties**" means the City, its elected officials, officers, employees, representatives, agents, successors and assigns;
- (d) "**Claims**" means all actions, causes of action, claims, suits, debts, contracts, complaints, demands, damages, interest, costs, expenses and compensation of whatsoever kind, whether in law or in equity;
- (e) "**Contaminants**" means any substance, material, solid, liquid, gas, vapour, odour, radiation, or combination of any of them, the storage, manufacture, handling, disposal, treatment, generation, use, transport, remediation or release into the environment of which is now or hereinafter prohibited, controlled or regulated under any applicable laws;
- (f) "**Land Title Office**" means the Land Title Office;

- (g) “**Lands**” means the lands and premises described in Item 2 of Part 1;
- (h) “**Owner**” means the person described in Item 5 of Part 1;
- (i) “**Part 1**” means Form C – General Instrument – Part 1;
- (j) “**Right of Way Area**” means, as of the date of this Agreement and subject to Section 7.12, the Lands;
- (k) “**Section 219 Covenant**” has the meaning ascribed to it in Recital D;
- (l) “**Statutory Right of Way**” has the meaning ascribed to it in Recital C;
- (m) “**Terms**” means these Terms of Instrument – Part 2; and
- (n) “**Works and Actions**” has the meaning ascribed to it in Section 2.1.

1.2 INTERPRETATION

In this Agreement:

- (a) words importing the singular number include the plural and vice versa and words importing the neuter gender include the masculine and the feminine genders;
- (b) the division of this Agreement into sections and the insertion of headings are for convenience only and will not affect the construction or the interpretation of this Agreement;
- (c) references to any section or schedule will, unless the context otherwise requires, mean that section or schedule of this Agreement;
- (d) every reference to each party is deemed to include the heirs, executors, administrators, personal representatives, successors, servants, employees, agents, contractors, officers, licensees and invitees of such party, wherever the context so requires or allows;
- (e) the words “include” and “including” are to be construed as meaning “include without limitation” and “including without limitation”;
- (f) reference to “party” and “parties” means the one or more parties to this Agreement, as the context demands; and
- (g) unless expressly stated otherwise, all references to enactments refer to enactments of the Province of British Columbia, as amended or replaced from time to time.

2. STATUTORY RIGHT OF WAY

2.1 STATUTORY RIGHT OF WAY

The Owner grants to the City, its officers, invitees, licensees, employees, permittees and agents and, for the purposes of Section 2.1(a) and Section 2.1(b), every member of the general public except as

specifically limited by the City at any time or from time to time, the exclusive right, license, liberty, easement and Statutory Right of Way, at all times to:

- (a) subject to applicable municipal regulations and designations, enter over or on the surface of the Right of Way Area for the period during which the City accepts this grant but not beyond the day if ever on which the City releases this grant, at all times hereafter by day and night and at their will and pleasure, and to enter, go, pass and re-pass at ground level upon or along the Right of Way Area by vehicle, by foot or by means of mobility device for persons with disabilities;
- (b) subject to applicable municipal regulations and designations and paragraph 2.1(a) above, use the Right of Way Area in any manner that the City and the members of the public typically use public streets, lanes, parks and open squares in the City of Vernon, including to walk, rest, use benches and use any water fountains, children's play area and other equipment and infrastructure situated in the Right of Way Area from time to time;
- (c) enter over, on, under and through the Right of Way Area and:
 - (i) conduct surveys, tests and examinations in relation to the rights granted herein;
 - (ii) construct, install, operate, maintain, alter, repair, remove, relocate, inspect and replace all types of above and underground public infrastructure and utility systems or any part or parts thereof including, without limitation, water mains, sanitary sewers, storm sewers, telephone, lighting, traffic lights and signals, landscaping (including street trees), pavement, hydro and cable systems, drains, conduits, lines and pipes, together with all ancillary appliances and fittings and all other installations from time to time typically installed, maintained or operated in, on, above or under municipal public spaces in the course of the City's operations and each and every one of them and all material forming part thereof and all ancillary works and replacements thereof, additions thereto and substitutions therefore; and
 - (iii) dig up and remove such soil as reasonably required to complete the activities described in Section 2.1(c)(ii);
- (d) enter over, on and through the Right of Way Area and:
 - (i) use the Right of Way Area to exercise, enforce and take the benefit of such laws (including bylaws) as could be exercised, enforced and taken the benefit of, if the Right of Way Area was a dedicated public space in the City of Vernon; and
 - (ii) use the Right of Way Area to perform the obligations of the Owner under Section 6.2;
- (e) bring onto the Right of Way Area all materials and equipment required to exercise the City's rights hereunder;

- (f) clear the Right of Way Area and keep it clear from anything which in the opinion of the City constitutes or may constitute an obstruction to the use of the Right of Way Area or to the exercise of its rights hereunder; and
 - (g) do all acts which in the opinion of the City are incidental to the foregoing;
- (collectively the “Works and Actions”).

3. SECTION 219 COVENANT

3.1 GRANT OF THE SECTION 219 COVENANT

The Owner hereby covenants and agrees with the City, as a covenant in favour of the City pursuant to Section 219 of the *Land Title Act*, that the Owner shall use the Right of Way Area in accordance with this Part 3.

3.2 USE OF THE STATUTORY RIGHT OF WAY AREA

The Owners shall:

- (a) not deposit or release any Contaminants onto the Right of Way Area or onto any City lands which the Owner uses in any manner in connection with this Agreement;
- (b) not do or permit to be done any act or thing on the Lands which in the opinion of the City might interfere with, injure, or impair the operating efficiency of the Works and Actions or obstruct access to, or the use of, the Right of Way Area, the Works and Actions;
- (c) not store any material on the Right of Way Area without the prior written consent of the City;
- (d) except for the works approved by the City prior to the date of this Agreement, not construct or install any building, structure, improvement, fixture, sign or thing of any kind whatsoever or plant any tree, shrub, or garden of any kind whatsoever in the Right of Way Area without the prior written consent of the City;
- (e) not cut, remove, destroy, damage, prune or modify any trees (including, the roots and the branches) in the Right of Way Area without the prior written consent of the City not to be unreasonably withheld or delayed; and
- (f) not create nor permit to remain and will remove and discharge or cause to be removed and discharged promptly, at its sole cost, any lien, claim of lien or similar encumbrance or charge upon the Right of Way Area which arises out of the exercise or fulfillment of the obligations of the Owner hereunder.

4. CITY'S RIGHTS AND OBLIGATIONS

4.1 CITY NOT REQUIRED TO DO WORK

Nothing will obligate the City to undertake any of the Works and Actions in the Right of Way Area or any portion thereof.

4.2 CITY COVENANTS

The City shall, at its cost:

- (a) carry out the Works and Actions in a good and workmanlike manner, including restoring the surface of the Right of Way Area following the completion of the Works and Actions;
- (b) in respect of the Works and Actions, rake in all rubbish and construction debris in order to leave the Right of Way Area in a neat and tidy condition; and
- (c) not bury debris or rubbish in excavations or backfill, or deposit or release any Contaminants onto the Right of Way Area.

4.3 OWNERSHIP OF WORKS

All works and infrastructure installed by the City in the Right of Way Area pursuant to this Agreement will be owned by the City, even if affixed to the Lands. The City may remove, alter, and modify these works and infrastructure, in its absolute discretion, subject only to section 4.2.

5. RELEASE AND INDEMNITY

5.1 INDEMNITY

- (a) The Owner hereby covenants with the City, pursuant to section 219(6) of the *Land Title Act*, that the Owner shall indemnify the City Parties against all Claims which the City Parties may suffer, incur or be put to that are in any way related to the Owner's breach of one or more of its obligations under this Agreement, except to the extent that such Claims arise from the negligent act or omission, or wilful misconduct, of one or more of the City Parties, or the City's failure to comply with section 4.2.
- (b) The City shall indemnify the Owner against all Claims which the Owner may suffer, incur or be put to that are in any way related to the City Parties' breach of one or more of the City's obligations under this Agreement, except to the extent that such Claims arise from the negligent act or omission, or wilful misconduct, of the Owner, or the Owner's failure to comply with this Agreement.

5.2 RELEASE

The Owner hereby releases the City Parties from all Claims which the Owner may at any time have by reason of the exercise of the rights granted to the City under this Agreement, except to the extent that such Claims arise from a breach by the City Parties of one or more of the City's obligations under this Agreement or arise from the negligent act or omission, or wilful misconduct, of one or more of the City Parties or failure by the City to comply with Section 4.2.

5.3 SURVIVAL OF RELEASE AND INDEMNITY OBLIGATIONS

The parties' obligations set out in this Section 5 will survive any discharge, expiration or termination of this Agreement.

6. DEFAULT AND REMEDIES

6.1 DEFAULT AND REMEDIES

- (a) If the Owner fails to comply with any of its obligations under this Agreement, then the City may notify the Owner in writing (at the address shown on title to the Lands in the LTO at the relevant time) that the Owner is in default, describe the default, and instruct the Owner to correct the default within 15 days of receiving the notice.
- (b) If the correction of a default cannot be completed within 15 days of receiving the notice, the Owner will only be in compliance with this Agreement and the City's instructions if the Owner:
 - (1) immediately takes all reasonable steps to begin to correct the default;
 - (2) provides the City with a schedule reasonably acceptable to the City for such correction; and
 - (3) completes the correction in accordance with such schedule.
- (c) Notwithstanding the foregoing, no notice is required in the event of a real or a reasonably perceived emergency.
- (d) Damages are an inadequate remedy for the City; and the City is entitled to an order for specific performance or a prohibitory or mandatory injunction in order to compel performance of the obligations in this Agreement.
- (e) No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

6.2 CITY MAY PERFORM OWNER'S OBLIGATIONS

Without limiting Section 6.1, if the Owner fails to correct the default as contemplated in Section 6.1, the City may (but is not obligated to), upon giving to the Owner five days' prior written notice describing the default, or immediately in the case of a real or perceived emergency, perform such obligations, for and on behalf of and at the sole cost of the Owner.

6.3 OWNER WILL REIMBURSE CITY FOR ITS COSTS

Upon receipt of written demand for same, the Owner will pay to the City all costs incurred by the City under Section 6.2, including a 30% administrative fee.

7. GENERAL

7.1 CITY MAY DESIGNATE LICENSEES

The City may from time to time designate licensees and permittees for any purposes connected with this Agreement and may assign all or part of its rights under this Agreement from time to time and at any time.

7.2 NO DEROGATION

Nothing contained or implied in this Agreement will derogate from the obligations of the Owner under any other agreement with the City or prejudice or affect the City's rights, powers, duties or obligations in the exercise of its functions pursuant to the *Community Charter* and *Local Government Act*, or any other Act of the legislature of British Columbia.

7.3 PRIORITY

The Owner will do or cause to be done all acts reasonably necessary to grant priority to this Agreement over all charges and encumbrances which may have been registered against the title to the Lands in the Land Title Office save and except any specifically approved in writing by the City or in favour of the City.

7.4 CHARGE ON LAND

The Statutory Right of Way and Section 219 Covenant in this Agreement run with the Lands and, upon registration of this Agreement, will constitute charges on the Lands in favour of the City.

7.5 NO LIABILITY AFTER TRANSFER

The Owner will not be liable for any breach of any covenant, promise or agreement in this Agreement with respect to any portion of the Lands sold, assigned, conveyed or otherwise disposed of, occurring after the Owner has ceased to be the owner thereof.

7.6 ENUREMENT

This Agreement will enure to the benefit of and be binding upon the Owner and the City and their respective successors, administrators and permitted assigns and will run with the land and enure to the benefit of and be binding upon the Owner's successors in title and their respective heirs, executors, administrators, trustees and successors.

7.7 WAIVER

Waiver of any default by either party will not be deemed to be a waiver of any subsequent default by that party.

7.8 AMENDMENT

Any modification of this Agreement must be in writing, signed by both parties, and must be in a form that can be registered in the Land Title Office.

7.9 SEVERABILITY

If any section, subsection, clause or phrase in this Agreement is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion will be severed and the decision that it is invalid will not affect the validity of the remainder of this Agreement.

7.10 GOVERNING LAW

This Agreement will be governed by and construed according to the law of the Province of British Columbia.

7.11 COUNTERPARTS AND ELECTRONIC DELIVERY

This Agreement may be executed in any number of counterparts and delivered via facsimile or e-mail, each of which will be deemed to be an original and all of which taken together will be deemed to constitute one and the same instrument, provided that any party delivering this Agreement via facsimile or e-mail will deliver to the other party an originally executed copy of this Agreement forthwith upon request by the other party.

7.12 RIGHT OF WAY AREA

As of the date of the granting of this Agreement, the "Right of Way Area" is comprised of all of the Lands but the City and the Owner acknowledge their mutual intention the rights granted pursuant to this Agreement are only to be exercised on those portions of the Lands shown as roads, lanes, public access routes and public parks on the layout attached as Schedule A, and those portions of the Lands that are reasonably required to service the Lands and the development to be constructed on the Lands.

Upon subdivision of the Lands, or a portion thereof, the Owner will, at its expense, cause to prepare:

- (a) a plan dedicating the roads, lanes and parks in the subdivided area as municipal "roads" or "parks", as applicable; and
- (b) one or more statutory right of way plans in respect to municipal utilities and public access routes that area not dedicated pursuant to section 7.12(a) (the "**Right of Way Plan**").

Upon identification of the above areas and dedication (or imminent dedication) of areas described in section 7.12(a):

- (c) the City will execute a partial release of this Agreement from all portions of the Lands which are not shown on the Right of Way Plan; or
- (d) the Owner and the City will (i) execute a new agreement (the "**New Agreement**") in the same form as this Agreement, except that the Right of Way Area will be restricted to the areas identified in the Right of Way Plan; and (ii) the City will execute a release of this Agreement from the Lands, and the Owner will register the New Agreement and the release.

IN WITNESS OF THIS AGREEMENT the parties have executed this Agreement by signing the "Form C – General Instrument – Part 1" or "Form D – Executions Continued" attached hereto.

SCHEDULE F

Park and Laneway Construction Principles

Park and Active Laneway Construction and Dedication Requirements - Highlands of East Hill



This document will form part of the Phased Development Agreement and be implemented and required through the subdivision process.

1.0 PARK LANDS

1. Park designs, including irrigation, shall be prepared by a registered Landscape Architect and submitted to the City of Vernon for approval prior to construction and dedication. The parks shall provide for both active and passive park user requirements and generally in accordance with the Zoning Amendment Application submissions prepared by Bench Site Design (attached). The park design shall recognize Crime Prevention Through Environmental Design (CPTED) principles. The park design process shall be as follows:

- a. Initial submission shall be the concept plan at 20% completion of park design process.
- b. Preliminary working drawings set shall be reviewed at 75% completion of park design process.
- c. Substantial working drawing set shall be reviewed at 90% completion of park design process.
- d. Final construction documents, including construction costs and projected annual maintenance costs estimates shall be reviewed and received by City of Vernon staff.

2. All plant materials provided in the park design will be hardy to Vernon's climatic conditions, soil, intense warm season sun exposure, snow loading, local humidity, winds and the micro-climatic conditions created by the final park design.

3. A variety of trees will be selected for their capacity to provide shade, year round interest and furthering CPTED principles. Coniferous trees shall be included as winter use of the park is anticipated and encouraged. Deciduous trees are a minimum 6 cm caliper DBH and coniferous trees are a minimum 2.0 m height. Native species are encouraged.

4. All trees and shrubs shall meet the *Canadian Standards for Nursery Stock* and where modified by the requirements of *The Canadian Landscape Standard*. There shall be no substitution of specified materials once park designs have been approved, without expressed written permission by City of Vernon staff. No plant materials that are toxic shall be planted in parkland.

5. Planting beds are restricted to the park entrance areas and to include one large park name sign to City of Vernon sign standards. Woody plant material and ornamental grasses in the planting beds are favoured over herbaceous plant materials.

6. All lawn areas are to be graded, compacted and sodded according to City of Vernon specifications. Seeding lawn areas in the park may be attempted at the developer's own risk, and will only be accepted if a sufficient quality is achieved. No lawn area shall exceed a 25% slope.

7. Lawn areas, planting beds, trees and shrubs will be permanently irrigated with a fully automated irrigation system as per Bylaw #5015, and will be consistent with the equipment and control system operated by the City of Vernon.

8. Pathways are to be gently curving hard-surfaced pedestrian connections running north south between the north and south Active Laneways and a second pedestrian connection between the park entrance at the T- intersection near the commercial node running east west to the looping interior road (as shown in Figure 2). The paths shall achieve a City of Vernon walkway standard and will be at least 3m wide. Pedestrian paths shall be universally accessible. Any stairs shall have an adjacent ramp, rail(s), wheel curb and lighting.

9. Year round access for maintenance must be considered for trash receptacle locations and pathways to accommodate service vehicles.

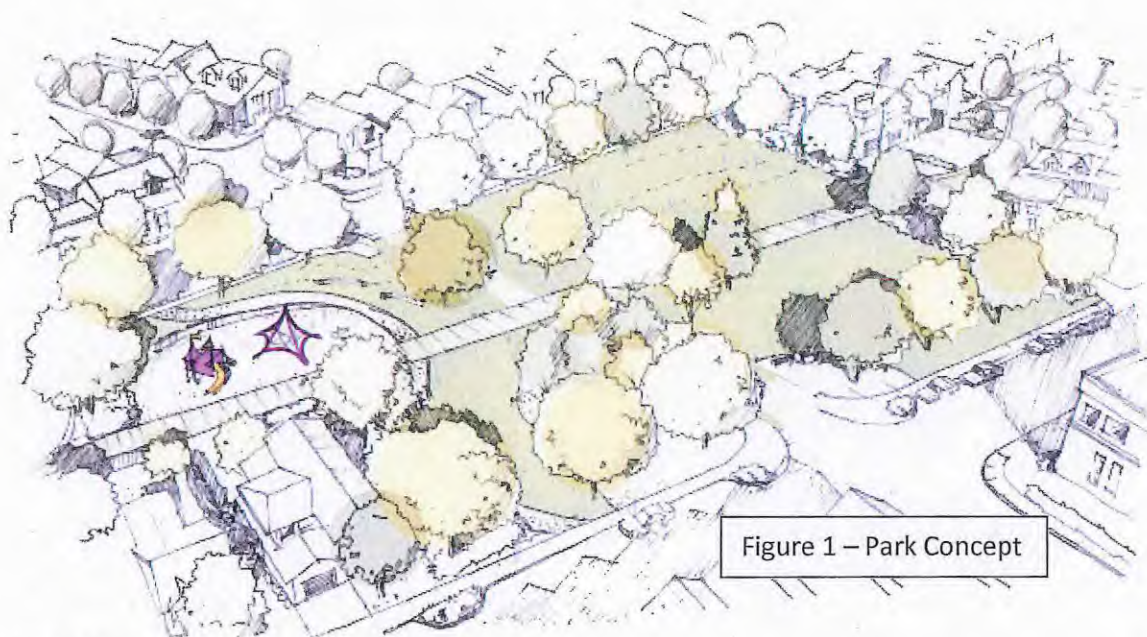


Figure 1 – Park Concept

NEIGHBOURHOOD PARK PERSPECTIVE

10. The playground is to be installed when the central park is built, as per the Phasing Plan. Residents in the first phases and the neighbouring residents shall be consulted for their input before specific playground equipment is determined. Two pieces of play equipment are required to serve a range of ages (example: one for children aged 2 to 5 years and the second for children aged 6-12 years).

11. Bike racks shall be installed close to the playground and the commercial area and generally observable from various areas of the park.

12. Park and pathway entrances and key pathway intersections within the park shall be lit. Park designs shall include a lighting plan. One electrical outlet is to be provided within the picnic area.

13. The City of Vernon would entertain suggestions for the park names but decisions will be in accordance with the Parks Naming Policy.

14. Parks shall be dedicated to the City as parkland, through plan of subdivision, and as identified on the Phasing Plan.

15. A paved surface, in the form of a half basket court, or other agreed upon hard surface amenity, shall be provided in the park for the enjoyment of park users and to accommodate and be accessible for snow storage in the winter time.



2.0 Active Laneway:

1. Active Laneway designs shall be prepared by a registered Landscape Architect and Engineer and be submitted to the City of Vernon for approval prior to construction and dedicated as roadway. The active laneway shall provide a shared space for vehicles to access homes and for people to walk, play and socialize. The surface shall be hardscape and landscaped generally in accordance with the Zoning Amendment Application submissions prepared by Bench Site Design (attached). The design process is required as follows:

- a. Initial submission shall be the concept plan at 20% completion of active laneway design process
- b. Preliminary working drawings set shall be reviewed at 75% completion of active laneway design process
- c. Substantial working drawing set shall be reviewed at 90% completion of active laneway design process

d. Final construction documents shall be reviewed and received by the City of Vernon staff

2. All plant materials provided in the Active Laneway design will be hardy to Vernon's climatic conditions, soil, intense warm season sun exposure, snow loading, local humidity, winds and the micro-climatic conditions created by the final active laneway design. 3. A variety of Active Laneway trees species shall be selected from the list below:



Figure 3 – Active Laneway Rendering

ACTIVE LANEWAY PERSPECTIVE

Active Laneway Trees Species List

Acer campestre (in ground planter only)
Acer truncatum
Amelanchier alnifolia and varieties
Carpinus caroliniana
Cercis Canadensis
Crataegus phaenopyrum

Hamamelis x intermedia cultivars
Heptacodium miconioides
Maackia amurensis
Malus 'Spring Snow'
Prunus maackii
Syringa reticulata 'Ivory Silk'

4. All trees and shrubs shall meet the *Canadian Standards for Nursery Stock* and where modified by the requirements of *The Canadian Landscape Standard*. There shall be no substitution of specified materials once the Active Laneway design has been approved, without expressed written permission by City of Vernon staff. No plant materials that are toxic shall be planted in the active laneway.

5. Trees shall be planted in Active Laneways at grade within in-ground tree boxes, or an acceptable substitute, to contain irrigation and to protect tree roots from surface compaction, vehicle impact, vandalism, and any other damaging activities. Trees shall be permanently irrigated with a fully automated irrigation system as per Bylaw #5015 and consistent with the equipment and control system operated by the City of Vernon.



6. Lighting is to be provided to encourage evening use and late afternoon use throughout the winter months. Active Laneway design shall include a lighting plan. One electrical outlet is to be provided near the middle of the northern Active Laneway.

7. The Active Laneways shall be dedicated as Road on plans of subdivision, as identified on the Phasing Plan.



Figure 4 – Active Laneway Concept

SCHEDULE G

Landscaping features

LANDSCAPE REQUIREMENTS - Highlands of East Hill



This document will form part of the Phased Development Agreement and be required and implemented as part of the subdivision process.

1.0 GRADING AND DRAINAGE

Grading shall be directed to front and/or rear yards only, for surface drainage of each lot to a public road or laneway. No grading shall drain a property into a neighbouring private or public property. Ponding or pooling water on private property is not permitted.

Surface runoff from rooves and gutters shall be directed to the street by underground pipe or swale. Surface runoff from rooves and gutters may be retained in a rain barrel or other closed container.

The minimum grade for any lawn area is 2% from house to road/lane and maximum grade for lawn areas is 20% from road/laneway to house. The minimum grade for planting beds is 3% down to roads/laneways.

2.0 TREES

Bylaw #5000 requires one tree per 10 linear metres of perimeter of the entire property. This does not include accommodation of park areas or the active laneway. As the perimeter is 1367.35 linear metres, **the City requires 136 trees planted on site (public and private land) including the active laneway.** Landscape design shall include tree details and be provided as part of a Development Permit application and constructed as part of each phase of subdivision. All trees shall be a minimum of 6 cm caliper.

Street and Laneway Trees to be Planted by Owner	Linear Meters	Trees	Balance	Tree type	Location	Maintenance Responsibility 2 years after Final Completion date
Trees Required 1 tree/10 linear meter of property perimeter	1367.4	136				
Shade Trees along Mutrie Road and 43 rd Avenue Blvd. require 1 tree/15 linear metre	646	43	93	Street	Public Blvd	City Operations
Entry Boulevards from Mutrie and 43 rd Ave		8	85	Street	Public Blvd	City Operations
Street trees in private backyards along shared reservoir boundary 1 tree/15 linear metre	174	11	74	Street	43 rd Entrance Park	City Operations
Active Laneways Laneway Trees 1 per in-ground boxes*	262	10	64	Laneway	Public	City Operations

Street trees in Private Lots to shade street (favouring lots with 10 m frontage width and balancing for even shade coverage on road)		64	0	Street Trees with 1 or 2 side yards and Laneway Trees	Private	Homeowner
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1. Bylaw #5000 requires a vegetative buffer or a vegetative buffer and fencing to separate adjacent land uses, and trees planted at 10 m intervals around the entire perimeter. To achieve the same intention but recognize the smaller lots in this development, Street Trees, selected from the list titled "Street Tree Species List" below, shall be planted in the public boulevard along 43rd Avenue adjacent to the development lands and along the entire length of Mutrie Road between 43rd Avenue and 39th Avenue. Trees will be planted within the boulevard of Mutrie Road at the time that the adjacent section of the road is constructed. All trees in the boulevards shall be irrigated with a fully automatic in-ground system to meet City of Vernon specifications.

2. Street trees throughout the development shall be selected from the list titled "Street Tree Species List". A mix of street tree species planted in a pattern will lend visual continuity to the street canopy. The mix is to prevent a wipe-out of the streetscape, should an epidemic occur. The pattern should also signify street entrances to the Highlands, the intersections of roads and pedestrian paths, and the distinction between commercial and residential land uses.

3. Selection of species and pattern is to be approved by City staff prior to construction. No substitutions are permitted without written permission from City staff.

4. The developer shall plant street trees from the appropriate list provided, in rear yards of lots bordering the reservoir property at the interval of 1 tree per 15 lineal metre (a minimum of 11 trees). These trees shall provide a partial vegetative buffer to separate adjacent land uses and to provide shade to homes along this boundary. The developer shall plant large trees in larger lots where shade can be shared with Single Detached Housing Type 2 and 3 properties.

Street Tree Species List

Acer X freemanii 'Jeffersred'	Quercus rubra
Acer X freemanii 'Autumn Fantasy'	Quercus macrocarpa
Acer rubrum 'Red Sunset'	Tilia tomentosa
Acer saccharinum 'Silver Queen'	Ulmus americana 'Lewis & Clark'
Fagus sylvatica	Ulmus americana 'New Harmony'
Ginkgo biloba (male only)	Ulmus americana 'Valley Forge'
Parrotia persica private lots only/max. # 8	Ulmus Americana 'Brandon'
Platanus acerifolia 'Bloodgood'	

Active Laneway Trees Species List

Acer campestre (in ground planter only)	Hamamelis x intermedia cultivars
Acer truncatum	Heptacodium miconioides
Amelanchier alnifolia and varieties	Maackia amurensis
Carpinus caroliniana	Malus 'Spring Snow'
Cercis Canadensis	Prunus maackii
Crataegus phaenopyrum	Syringa reticulata 'Ivory Silk'

5. Planting street trees in private lots throughout the development shall continue the character and shading as in Mutrie Road and 43rd Avenue throughout the community. Residents wishing to plant additional trees in their private lots are not required to select trees from the Street Tree or Laneway Tree Species Lists. Fruit trees, other than berries, should be harvested after maturing and not persist through winter months. If planting species to attract small wildlife (birds, butterflies, etc.), gardens should be winterized to reduce the incident of wildlife conflicts.

6. Fruit trees will be managed in accordance with the Okanagan Sterile Insect Program (Regional District of North Okanagan), Subdivision Near Agriculture Guide (Agricultural Land Commission ISBN 0-7726-2940-4), Farm Practices Protection (The Right to Farm) Act and Field Guide to Noxious Weeds and Other Selected Invasive Plants of British Columbia (Inter-Ministry Invasive Species Working Group www.for.gov.bc.ca/hra/invasive-species).

7. Legacy trees will be designated (1/10 minimum required) in Mutrie Road and along 43rd Avenue. The developer shall select 13 large species trees planted along Mutrie and 43rd Avenue and identify these on landscape plans as Legacy Trees. Specific planting requirements is as per Bylaw #5015 standards.

8. Trees shall be irrigated in all public areas: entrances to the neighbourhood, 43rd Avenue, Mutrie Road, the Active Laneways and Park Areas. Irrigation design shall be developed by a professional and approved by the City of Vernon.

3.0 TREE MAINTENANCE

1. The owner shall provide maintenance of the trees and irrigation system for two years after final completion date of the applicable phase of subdivision as identified on the Phasing Plan.

2. All unhealthy or dead trees shall be replaced immediately, not at the end of the maintenance period.

3. Before the City of Vernon accepts maintenance of the trees and the associated irrigation system from the owner, an inspection shall confirm healthy well-rooted trees, as specified, and a demonstration of all components of the irrigation system shall prove it to be a fully functioning, problem-free irrigation system. All trees shall meet or exceed Canadian Landscape Standards for Nursery Stock specifications for acceptable stock and maintenance requirements, as per Bylaw #5015.

4. Pruning of street trees for the first five years will be done by a professional arborist to maintain an unbranched trunk for a minimum of 2.0 m above finished grade above hardscape in the first two years and then unbranched for 2.8 m finished grade. The developer will be responsible for the first two years and the City Operations Services Department will be responsible thereafter.

4.0 FENCES AND BUFFERS

1. No fencing is required to be constructed as part of the development, except where fencing may be included for properties adjacent to the Agricultural Land Reserve.

2. Fences must be developed in accordance with City of Vernon CD6 Zoning District and the associated Design Guidelines. A section of this subdivision is adjacent to property in the Agricultural Land Reserve and must meet the requirements of a vegetative and fenced buffer, as per the British Columbia Agricultural Land Commission Guide to Edge Planning.

3. Where the developer wishes to build fencing, details of construction and location shall be provided in the Development Permit application.

5.0 HEDGES

1. A uniform hedge of one species or subspecies will not be permitted for more than 50% of a front or back property line.
2. Privacy planting should display at least three variants of the following: species, genus, height, colour and texture. Privacy plantings are encouraged to provide variation and interest in the landscape and to encourage CPTED principles for visual permeability for home owners' safety and public safety.

6.0 GROUND COVERS

1. Seeded lawns on private lots will be permitted where the lawn area has a minimum width of 1.2m.
2. Side yards shall not have lawn areas. If a walkway does not take up the entire side yard, narrow planting beds with alternate ground covers, shade tolerant shrubs, perennials and vines supported by vertical lattices are encouraged.
3. Lawn areas will be a minimum of 4 m². If the entire front or rear yard is to be lawn, it may be interrupted by a hard surface walkway, where one side is smaller than 4 m².
4. Vegetable garden plants are encouraged in planting beds in front and rear facing planting beds.
5. Rock mulch will not be permitted in front or rear yards. Rock mulch can be used in side yards with or without walkways.
6. Large boulders will be permitted in planting beds as features.

7.0 VEGETABLE AND HERB GARDENS

1. Vegetable plants and perennial herb gardens are encouraged in planting beds or container gardens.
2. Residents of zero side yards homes (Type 3), stacked row housing, secondary suites and apartments above commercial development will be given priority for community garden plots should a Community Garden in the area be created. Ornamental plantings are encouraged in patio, decks front porches, stoops and window boxes in all housing types.
3. Fruit-bearing trees are permitted but fruit must be harvested annually to discourage wildlife conflict.

8.0 EDGING

1. Edging materials shall separate ground plane materials. Concrete, paver blocks and paver bricks shall be edged to prevent failure of paved surface and erosion.
2. Planting (garden or ornamental) beds and lawns shall be separated by an edger of brick, metal or durable plastic (rated for a minimum 10 year life).
3. Root barrier shall be installed in all locations where a tree is within 1.5 m of adjacent hardscape. The root barrier shall be a minimum of 450 mm in depth, and shall be installed in a continuous length extending 1.5 m beyond each side of the trunk and have a total minimum length of 3.0 m

9.0 MULCH

1. A wood bark mulch or other organic material is permitted in planting beds.
2. Wood mulch as a ground cover in an area that is not a planting bed, or at the base of a tree or shrub shall have a consistent minimum depth of 100 mm (4").
3. Landscape fabrics are not permitted in planting beds.
4. Organic mulch shall be a consistent minimum depth of 100 mm.

10.0 STORAGE

1. Storage of materials in front or rear yards should be concealed with fencing, or screened with evergreen vegetation (maximum 1.5 m height).
2. Structures for storage are encouraged to have materials and colours that match the house on the property. Sheds shall not block neighbouring windows or doors.

11.0 PATIOS

1. Patios will be at grade on at least two sides of finished grade. A maximum of two steps (400 mm) above grade is permitted on the other two sides. Patio perimeters must be edged, if all sides are not at grade. Patio materials shall be non-porous, including natural flagstone, interlocking brick pavers or concrete slabs. The grade difference will be retained with treated wood, concrete block, brick or large rock/boulders or transition grade not greater than a 4:1 slope and vegetated with lawn, ground cover or planting beds.

12.0 COMMUNITY POST BOXES

Community Post Boxes shall be located within the development and the required amount will be confirmed by Canada Post. Ultimately, the community post boxes shall be located at the entrance on 43rd Avenue and near the entrance of the commercial and park area off Mutrie Road. The first bank of boxes shall be located in or near the Entrance Area labeled "Non-Park" on the Development Plan with a minimum of one five minute parking stalls. The second shall be planned in to the commercial/park area with a minimum of two five minute parking stalls. Community Post Boxes shall be adjacent to a sidewalk and accessible sidewalk ramps should be provided at key locations to reduce mobility barriers.

SCHEDULE H**Housing Agreement**

THIS AGREEMENT dated for reference _____, 2018.

BETWEEN:

[OWNER OF THE ATTAINABLE HOUSING UNIT]

AND

THE CITY OF VERNON
3400 - 30th Street
Vernon, British Columbia, V1T 5E6

(the "City")

Background

- A. Section 219 of the *Lands Title Act* permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the use of land or construction on land;
- B. The Owner is the registered owner of the Lands;
- C. The Owner and the City wish to enter into this Agreement to provide for affordable rental housing on the terms and conditions set out in this Agreement, which is both a covenant under Section 219 of the *Lands Title Act* and a housing agreement under Section 483 of the *Local Government Act*;
- D. Under this Agreement, the Owner must provide 7 affordable rental housing units in the location and configuration identified by the Developer and the Owner at the time of subdivision of each Phase of the Development, as described in more detailed in the Phased Development Agreement;
- E. The Council of the City has or will enact a bylaw under section 483 of the *Local Government Act* and section 219 of the *Lands Title Act* to enter into this covenant and Agreement,

Terms of Agreement

In consideration of good and valuable consideration (the receipt and sufficiency of which is acknowledged by both parties), and in consideration for the promises exchanged below, the parties covenant and agree as follows:

PART I – DEFINITIONS AND INTERPRETATION

1. In this Agreement,

- (a) **“Affordable Rent”** means rent payment amount not exceeding 30% of household annual income of the Tenant’s household for the year the tenancy is entered into;
- (b) **“CPI”** means the All-Items Consumer Price Index for British Columbia, published from time to time by Statistics Canada, or its successor in function;
- (c) **“Daily Amount”** means \$100.00 per day as of January 1, 2019 adjusted thereafter by an amount determined by multiplying \$100.00 by the percentage change in the CPI from January 1, 2019 to January 1 of the year that a written notice is delivered to the owner by the City pursuant to section 16;
- (d) **“Development”** means the development of the Lands, in 8 Phases, of an approximately 166-lot residential development containing attached and detached dwellings, semi-detached dwellings and row housing, with a small commercial node, park spaces, walkways, trails and active spaces;
- (e) **“General Instrument”** means the Form C under the Lands Title (Transfer Forms) Regulations, as amended, and all schedules and addenda to the Form C charging the Lands to which these express charge terms are attached;
- (f) **“Lands”** means those lands and premises legally described as: [TBD], as subdivided from time to time;
- (g) **“Occupancy Date”** means the date that an occupancy permit is issued by the City in respect of an Rental Housing Unit;
- (h) **“Phase”** means one of Phase 1 to Phase 8 of the Development, as described in the Phased Development Agreement;
- (i) **“Phased Development Agreement”** means a phased development agreement pursuant to section 516 of the *Local Government Act* dated _____ entered into and registered in the Land Title Office concurrently with this Agreement;
- (j) **“Prime Rate”** means the annual rate of interest, expressed as a percentage, used as a reference rate by the Royal Bank of Canada at its main branch in Vernon, British Columbia for Canadian dollar loans and designated by the Royal Bank of Canada from time to time;
- (k) **“Rental Housing Units”** means the housing units reserved for use as rental accommodation in accordance with this Agreement, and **“Rental Housing Unit”** means any one of them;
- (l) **“Subdivide”** means to divide, apportion, consolidate or subdivide the Lands into two or more lots under the *Lands Title Act*;

- (m) **“Tenancy Agreement”** means a tenancy agreement pursuant to the *Residential Tenancy Act*, granting rights to occupancy an Rental Housing Unit for a term initially not less than one year, with an option to continue on a month to month basis at the tenant’s request (assuming the tenant is not in default of the agreement); and
- (n) **“Tenant”** means an occupant of an Rental Housing Unit under a Tenancy Agreement whose eligibility has been determined pursuant to section 8.

2. In this Agreement,

- (a) any reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (d) any reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) any reference to any enactment is a reference to that enactment as consolidated revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (f) the provisions of Section 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (g) time is of the essence of this Agreement;
- (h) all provisions are to be interpreted as always speaking;
- (i) any reference to a “party” is a reference to a party to this Agreement and to that party’s respective successors, assigns, trustees, administrators and receiver, and wherever the context so requires, a reference to a “party” also includes Eligible Residents, agents, officers and invitees of the party;
- (j) any reference to a “day”, “month”, “quarter” or “year” is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the same case may be, unless otherwise expressly provided; and
- (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

3. This Agreement, and any documents signed by the Owner contemplated by this Agreement, represents the whole agreement between the City and the Owner respecting the use and occupation of the Rental Housing Units, and there are no warranties, representations, conditions or collateral agreements made by either party except as set out in the Agreement.

4. If any provision of this Agreement is found to be invalid or unenforceable such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.
5. Unless the context otherwise requires, the laws of British Columbia will apply to this Agreement and all statutes referred to in this Agreement are enactments of the Province of British Columbia. Without limiting the foregoing, in the event of any conflict between any provision of this Agreement and the *Residential Tenancy Act*, this Agreement is without effect to the extent of the conflict.

PART II – USE OF LAND AND CONSTRUCTION OF RENTAL HOUSING UNITS

6. The Owner covenants and agrees with the City as follows:
 - (a) the Lands will not be developed and no building or structure will be constructed or used on the Lands unless, as part of the development, construction and use of any such building or structure, the Owner constructs and maintains at least 7 Rental Housing Units in the location and configuration determined by the Owner and the City pursuant to the Phased Development Agreement;
 - (b) each Rental Housing Unit will be a detached residential dwelling, consisting of no less than 1100 square feet of livable area (not including enclosed parking), containing three bedrooms and enclosed parking for at least one vehicle, basic kitchen appliances including stove, fridge and dishwasher, designed and constructed to the same exterior finish and landscaping as other similar residential dwellings in the applicable Phase;
 - (c) the Owner will construct the Rental Housing Units to the same construction standards as other parts of the development on the Lands; and
 - (d) the Owner will do everything necessary, at the Owner's expense, to ensure this Agreement, if required by the City, will be registered against title to the Lands in priority to all financial charges and encumbrances which may have been registered against title to the Lands, excepting those specifically approved in writing by the City or in favour of the City, and the Owner acknowledges the City must file a notice under Section 483(5) of the *Local Government Act* against the title to the Lands.
7. From and after the Occupancy Date and continuing until the City, in its discretion, has agreed to terminate and release this Agreement, the Rental Housing Units will always be used to provide and will be reserved for use as affordable rental accommodation in accordance with this Agreement.

PART III – USE AND OCCUPANCY OF RENTAL HOUSING UNITS

8. The Owner will determine if the prospective tenant is eligible to rent the Rental Housing Units based on the following formula:

- (a) determine that the prospective tenant's median pre-tax household income is equal to or below median pre-tax household income for the City of Vernon, as most recently published by statistics Canada;
- (b) calculate 30% of the before-tax household income of the prospective tenant (to determine Affordable Rent); and
- (c) confirm that the prospective tenant has been residing in the North Okanagan general area for at least one year.

In determining prospective tenant's eligibility, the Owner or its rental agent, so long as it acts honestly and in good faith, is entitled to rely on all information provided by the prospective tenant and the Owner will have no liability if the prospective tenant intentionally or unintentionally provides any incorrect information. The Owner is under no obligation to monitor or update the financial or employment circumstances of the tenant once the tenancy agreement is signed.

- 9. Each Rental Housing Unit may only be used as a permanent residence occupied by a Tenant at Affordable Rent. No Rental Housing Unit will be occupied by the Owner. The Owner will not charge rent higher than Affordable Rent for the use of Rental Housing Units. The Owner will not rent Rental Units to any person or household that does not meet the tenant eligibility criteria in section 8.
- 10. The Owner agrees that the number of individuals who permanently reside in the Rental Housing Unit must be equal to or less than the number of individuals the City's building inspector determines may reside in the Rental Housing Unit given the number and size of bedrooms in the Rental Housing Unit and in light of any relevant standards set by the City in any bylaws of the City.
- 11. The Owner hereby irrevocably authorizes the City to make such inquiries as it reasonably considers necessary in order to confirm the Owner is complying with this Agreement, and irrevocably authorizes and directs the recipient of the request for information from the City to provide such information to the City.
- 12. The Owner will not rent or lease any Rental Housing Unit except to a Tenant at Affordable Rent in accordance with this Agreement and the Rental Housing Unit will be used or occupied only pursuant to a Tenancy Agreement.
- 13. The Owner covenants and agrees to provide to the City's Director of Community Development or his or her designate on the 1st day of February in each calendar year, a report in writing confirming that not less than 7 Dwelling Units are being rented in accordance with this Agreement, together with such other information as may be reasonably requested by the City from time to time.

PART IV – DEMOLITION OF RENTAL HOUSING UNIT

- 14. The Owner will not demolish a Rental Housing Unit unless:
 - (a) the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length to the Owner that it is no longer reasonable or practical to repair or

replace any structural component of the Rental Housing Unit, and the Owner has delivered to the City a copy of the engineer's or architect's report; and

- (b) a demolition permit for the Rental Housing Unit has been issued by the City and the Rental Housing Unit is to be demolished in accordance with that permit.

PART V – DEFAULT AND REMEDIES

15. The Owner agrees that, in addition to any other remedies available to the City under this Agreement or at law or equity, if an Rental Housing Unit is used or occupied in breach of this Agreement the Owner will pay to the City the Daily Amount for every day that the breach continues after 30 days written notice from the City to the Owner stating the particulars of the breach or, if such breach cannot, using reasonable efforts, be remedied within 30 days, such longer period as may reasonably be required to remedy such breach. The Daily Amount will be increased on January 1 of each year by an amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase in the CPI during the immediately preceding calendar year. The Daily Amount is due and payable immediately upon receipt by the Owner of an invoice from the City for the same.
16. The Owner acknowledges and agrees that damages are not an adequate remedy for breach of the covenants contained in this Agreement and that the City, in the event of any such breach, will and will be entitled to apply to a Court of competent jurisdiction for an Order restraining and prohibiting the continuance of any such breach.
17. All remedies of the City will be cumulative and may be exercised by the City in any order or concurrently in case of any breach and each remedy may be exercised any number of times with respect to each breach. Waiver of or delay in the City exercising any or all remedies will not prevent the later exercise of any remedy for the same breach or any similar of different breach.

PART VI – SECTION 219 COVENANT

18. The Owner hereby covenants and agrees with the City, as a covenant in favour of the City pursuant to Section 219 of the *Land Title Act*, it being the intention and agreement of the Owner that the provisions in this Agreement be annexed to, and run with and be a charge upon the Lands, that:
 - (a) the Lands will be built and used only in strict compliance with the terms and conditions of this Agreement;
 - (b) the Rental Housing Units will not be subdivided pursuant to the *Strata Property Act*, or by means of a leasehold subdivision, and will not be organized as "cooperative interests" or "shared interest in land" as defined in the *Real Estate Development Marketing Act*; and
 - (c) the Rental Housing Units will not be transferred separately from each other, such that all Rental Housing Units will be owned by the same Owner at all times.

PART VII – MISCELLANEOUS

19. The Owner acknowledges and agrees that:
- (a) this Agreement constitutes a covenant under Section 219 of the *Land Title Act* and a housing agreement entered into under Section 483 of the *Local Government Act*;
 - (b) where a Rental Housing Unit is a separate legal parcel, the City may register this Agreement in the appropriate Lands Title Office as a covenant and file a notice of housing agreement under Section 483 of the *Local Government Act* in the appropriate Land Title Office against title to the Rental Housing Unit;
 - (c) where Rental Housing Units are not separate legal parcels, or have not yet been constructed, or where the land has not yet been Subdivided to create the Rental Housing Units, the City may register this Agreement in the Land Title Office as a covenant must file a notice of housing agreement under Section 483 of the *Local Government Act* in the appropriate Land Title Office against title to the Lands; and
 - (d) upon subdivision of the Lands to create the Rental Housing Units as separate legal parcels, at the request of the Owner, the City will sign a discharge of this Agreement (the “**Discharge**”) from the portion of the Lands not containing any Rental Housing Units. The Discharge will be prepared by and at the expense of the Owner. The City will have a reasonable time to sign the Discharge and return it to the Owner. The Owner will be responsible for registering the Discharge at the Land Title Office.
20. The Owner covenants and agrees that it will furnish good and efficient management of the Rental Housing Units and will permit representatives of the City to inspect the Rental Housing Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Rental Housing Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.
21. The Owner will indemnify and save harmless the City and each of its elected officials, officers, directors, and agents, and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of:
- (a) any act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
 - (b) the Owner’s construction, maintenance, ownership, lease, operation, management or financing of the Lands or any Rental Housing Unit;
 - (c) without limitation, any breach of this Agreement by the Owner.

22. The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, and agents, and its and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for the:
- (a) ownership, lease, operation or management of the Lands or any Rental Housing Unit under this Agreement; and
 - (b) the exercise by the City of any of its rights under this Agreement or an enactment.
23. This Agreement does not:
- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Lands;
 - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.
24. The Owner and the City agree:
- (a) this Agreement is entered into only for the benefit of the City;
 - (b) this Agreement is not intended to protect the interests of the Owner, any tenant, or any future owner, lessee, occupier or user of the Property, the Lands or any Rental Housing Unit; and
 - (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
25. Any notice, request or demand provided for in this Agreement will be in writing and sufficiently given if served personally upon the party for whom such notice was intended, or, if mailed by registered mail to the addresses set out above or to such other address as a party may notify the other in accordance with this section. All notices given by mail under this section will be deemed to be received three days following its posting, if posted at Vernon, British Columbia, provided that after the time of posting there will be any slowdown, strike or labour dispute which might affect the delivery of notice by mail, then such notice will only be effective if actually delivered. Either party may, at any time, give notice in writing to the other of any change of address and thereafter all notices will be mailed to the new address so given.
26. This Agreement will enure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, representatives, successors and assigns.

27. Each of the parties will, on demand by another party execute and deliver or cause to be executed and delivered all such further documents and instruments and do all such further acts and things as the other may, either before or after the Occupancy Date, reasonably require to evidence, carry out and give full effect to the terms, conditions, intent and meaning of this Agreement.
28. This Agreement runs with the Lands.
29. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
30. Nothing in this Agreement will constitute the Owner as the agent, joint venture, or partner of the City or give the Owner any authority to bind the City in any way.
31. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

AS EVIDENCE OF THEIR AGREEMENT the parties have executed this Agreement as of the date first written above on one or more pages of the General Instrument.

SCHEDULE I

Zoning Amendment Bylaw

13.6 CD6: Comprehensive Development Area 6

13.6.1 Purpose

This Zone is intended to enable a cohesive and integrated small lot residential neighbourhood with a mix of ground oriented single family housing types and a small neighbourhood mixed use commercial node.

13.6.2 Interpretation

In the event of any conflict or inconsistency between provisions set out in this CD6 Zone and provisions set out elsewhere in Bylaw #5000, as amended, then the applicable provision in CD6 Zone shall govern and apply. Schedule B in Zoning Bylaw #5000 does not apply.

13.6.3 Definitions

In this CD6 Zone, definitions provided in Bylaw #5000 apply. In addition, the following definitions shall apply:

- **Development Plan** means the development intent for the CD6 Zone as shown on General Schedule # 1.
- **Density, gross** means a measure of the intensity of development to the area of the site, and includes the whole number of units on a site measured in units/area or **floor space ratio** as the case may be.
- **Density, net** means a measure of the intensity of development to the area of the site, and includes the whole number of units on a site measured in units/area or **floor space ratio**, as the case may be, however does not include dedicated public spaces such as parks, streets and lanes.
- **Housing Type** means the different residential built forms which are to be constructed on the individual lots.
- **Lands** means the area shown within the boundaries of General Schedule #1 to which CD6 applies.
- **Parcel** means the individual lots identified on the **Development Plan**.
- **Phased Development Agreement** means the agreement of how the **Development Plan** is to be achieved as set out in Phased Development Agreement Bylaw #5705.
- **Row Housing, Stacked** means **row housing**, except that **dwellings** may be arranged two deep, either horizontally so that **dwellings** may be attached at the rear as well as the side,

or vertically so that **dwelling**s may be placed over others. Each **dwelling** will have an individual access to outside, not necessarily at grade, provided that no more than two units share a corridor, steps or path.

- **Secondary Suite** means a self-contained secondary **dwelling** unit located within **single detached housing types 1 and 2**, or in a **secondary building**. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the primary **dwelling** unit. The property owner must reside in either the primary **dwelling** unit or the **secondary suite**.
- **Single Detached Housing Type 1** means a detached **building** containing one **dwelling** unit, designed exclusively for occupancy by one household, and may include a **secondary suite**.
- **Single Detached Housing Type 2** means a **building** containing one **dwelling** unit designed exclusively for occupancy by one household, having one interior zero lot line side yard and one interior side yard measuring more than one metre, and may include a **secondary suite**.
- **Single Detached Housing Type 3** means a **building** containing one **dwelling** unit designed exclusively for occupancy by one household, having zero lot line side yards on two interior side yards, and may not include a **secondary suite**. No part of any **dwelling** is placed over another in part or in whole and every **dwelling** unit shall have a separate, individual, direct access to grade.

13.6.4 Parcels Subject to Parcel Specific Regulations

- The **Lands** may only be subdivided into **parcels** in substantial compliance with the **Development Plan** attached hereto as General Schedule #1.
- The **buildings** permitted on each **parcel** will be in substantial compliance with the **Development Plan** attached hereto as General Schedule #1.
- The development of each **parcel** shall be in accordance with the development regulations set out herein and within the **Phased Development Agreement**.

13.6.5 Permitted Uses

The **Lands** shall only be used for the following uses:

- A) Parks are permitted as shown in the General Schedule #1
- B) Residential

Primary Uses:

- **row housing, stacked**
- **single detached housing, types 1, 2 and 3**

Secondary Uses:

- care centre, minor
- home based businesses, minor
- secondary suites (only in single detached housing, types 1 and 2)
- utilities, minor

C) Community Neighbourhood Commercial

Primary Uses:

- artist studio
- care centre, major
- community recreation centres
- food primary establishment (excluding drive-through services)
- liquor primary establishment, minor
- participant recreation services - indoor
- personal services
- farmers' market
- public market
- retail store, convenience

Secondary Uses:

- apartment housing
- home based businesses, minor

13.6.6 Development Regulations - Density

- The minimum **net density** shall be 31 **dwelling** units per hectare (12.5 **dwelling** units per acre) and the maximum **net density** shall be 49 **dwelling** units per hectare (20 **dwelling** units per acre) of the land dedicated to residential use and the residential portion of mixed use development. **Secondary suites** shall not constitute a **dwelling** unit when calculating **density**.
- The maximum number of **dwelling units** permitted on each **parcel** shall be 1; except a maximum of 5 – 4 unit **row housing, stacked** developments shall be permitted within the **Development Plan**.
- The maximum community neighbourhood commercial **gross floor area** shall be 1,500m².

13.6.7 General Development Regulations

In the CD6 zone, no **building** shall be constructed, located, altered and no plan of subdivision approved except in accordance with the regulations as set out below:

Lot Size and Width	
Residential:	
Lot size, minimum	120m ²
Lot size, maximum	950m ²
Interior Lot width, minimum	5.5m
Corner Lot width, minimum	10m
Commercial:	
Lot size, minimum	550m ²
Lot size, maximum	1900m ²
Interior Lot width, minimum	5.5m
Corner Lot width, minimum	10m
Building Height, Maximum	
Residential Buildings	The lesser of 10.5m or 2.5 storeys, except may be the lesser of 10.5m or 3 storeys where primary vehicle access is provided by a laneway. The street face of the dwellings shall not exceed 2.5 storeys.
Secondary Buildings and Structures	4.5m, except may be 6.2m where a secondary suite is located above a garage
Commercial/Residential Mixed Use	The lesser of 12.5m or 3.0 storeys
Lot Coverage, Maximum	
All structures	85%
All impermeable surfaces	90%
Building Siting	
Front Yard, minimum	3.0m, except it is 2.0m for garage entrances
Rear Yard, minimum	4.5m, except it is 1.5m for a garage accessed off the lane
Side Yard, minimum	2.5m for all flanking street side yards
	1.2m for Single Detached Housing Type 1
	1.2m on one side, 0.0m on the other side for Single Detached Housing Type 2
	0.0m for Single Detached Housing Type 3
Horizontal Distance Between Buildings on the same lot, minimum	2.0m

Width of Dwelling Unit, minimum	5.5m
Usable Outdoor Private Open Space, minimum	12.0m ² per Single Detached Housing dwelling unit, all types 5.0m ² per apartment dwelling unit or stacked row housing dwelling unit
Fence Height and Siting	
Front Yard, maximum height	1.0m
Rear Yard, maximum height	1.5m, except 1.2m on Mutrie Road and 43 rd Avenue
Side Yard, maximum height	1.5m
Flanking Yard, maximum height	1.2m
Rear Yard, minimum setback on a lane	1.5m, except 2.0m where a garage is sited at a minimum rear yard setback of 1.5m

13.6.8 Development Regulations - Vehicle and Bicycle Parking Regulations

The general parking, loading and Class 1 and Class 2 bicycle parking regulations in Bylaw #5000, as amended, apply to CD6. All types of **single detached housing** will be classified as **single detached housing** for parking regulation purposes.

13.6.9 Development Regulations – Secondary Suites

The general **secondary suite** regulations in Bylaw #5000, as amended, apply to this CD6, except as specified below.

- The maximum floor area of a secondary suite shall be no greater than 40% of the total residential **gross floor area** on the **lot**.

13.6.10 Development Regulations – Landscape & Screening

For certainty, the regulations in Bylaw #5000, as amended, Section 6.0, Landscape and Screening, do not apply to **Lands** in the CD6 Zone. A detailed landscape and screening plan as per the **Phased Development Agreement** would be provided as part of the Subdivision requirements.

13.6.11 Development Regulations – other

- Where a **parcel** has access to a lane, vehicular access to the **parcel** is only permitted from the lane.
- **Apartment housing** requires separate at-grade access from the commercial uses.
- For multiple housing, one office may be operated for the sole purpose of the management and operation of the **multiple housing** development.

- In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 4 (secondary development, yards, projections into yards, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7, unless otherwise specified in this CD6 Zone.

13.6.12 List of Schedules

The following schedule is attached hereto and forms part of this CD6:

1. General Schedule #1: Development Plan

13.6.13 Form and Character Design Guidelines

The following is provided to guide intensive residential development within Comprehensive Development Area 6, to set the terms for Development Permit requirements for subdivision and the form and character of residential and commercial development.

1.0 Neighbourhood Vision

The design of this small lot residential development is a modern and unique neighbourhood that residents are proud of. Quality building design and pedestrian friendly streets create a human scale environment that people feel comfortable in. A small commercial node with residential units above provides services to surrounding neighbourhoods. Landscape treatments soften the building massing and beautifies and cools streets, active laneways, pathways, parks and yards.

The Highlands of East Hill Neighbourhood shall:

- 1.1 Foster a neighbourhood that is designed to calm vehicular traffic speeds and encourage walking and cycling within a conducive and safe environment.
- 1.2 Orient homes towards pedestrian friendly streets with enhanced front entrances such as porches.
- 1.3 Use landscaping and trees to soften the small lot density of the neighbourhood – tree canopy cools, provides shade, creates habitat and aids storm water management while respecting view corridors.
- 1.4 Provide amenities designed for people to move, play and connect including park space, trail connections and active laneways.
- 1.5 Provide a variety of housing forms in each phase of the neighbourhood.

2.0 Architectural Form and Character

Architectural character at Highlands is focused on site-appropriate expression of massing and street rhythm. Design will encourage the use of complementary elements that are responsive to the specific conditions of that location. The following design principles shall apply:

- 2.1 Dwellings will be oriented towards the street where possible and primary vehicle access will be provided off a laneway, where one exists.
- 2.2 Residential development will be well articulated through the use of entryways, windows, bump outs, insets and exterior finishing treatments.
- 2.3 Incorporation of porches, stoops, outdoors spaces (such as patios) or combinations thereof shall be provided to soften and break-up building massing and provide protected outdoor amenity areas when feasible.
- 2.4 Dwellings that are located between internal roads and Mutrie Road or 43rd Avenue shall present well to both street faces through articulation and finishing.
- 2.5 Exterior setback wall faces (usually corner lots), where visible from streets (flanking street), shall be given an increased level of treatment to break up massing and minimize blank walls through the use of articulation and varying materials, colors, textures and landscape treatments. Particular attention and increased treatment shall also be given to 3 storey wall faces in interior side yard and flanking yards.
- 2.6 Where garages are accessed from a street, garage setbacks shall vary where possible to avoid uninterrupted wall faces. Where setbacks and lot sizes restrict variation, a distinct variety of garage door colours, tones, treatment and or design are required.
- 2.7 Building forms and rooflines shall be varied to add individuality and visual interest.
- 2.8 A variety of complementary materials, textures and colours will be used on adjacent and attached housing types to break up massing and provide a distinct identity between dwelling units (attached or adjacent). Repetitive and monotonous building forms and finishing shall be avoided.
- 2.9 Durable finishing materials shall be used for longevity. Vinyl siding is not permitted.

3.0 Fencing

Generally, front yard fences are discouraged, given small front yard setbacks. Side and rear yard fencing may provide privacy with supplemental landscaping. The following fencing principles shall apply:

- 3.1 Where fencing is desired, details of construction and location shall be provided as part of a Development Permit application.
- 3.2 A variety of complementary fencing materials, colours, styles and construction methods shall be used so that no more than two adjacent dwellings have the same fence. Repetitive and monotonous fencing shall be minimized.
- 3.3 Fencing and landscape treatments should promote Crime Prevention Through Environmental Design (CPTED) principles of street and lane activity observation. Generally, everything above 1.2m in height should be permeable.
- 3.4 Front yard fences, and fences on Mutrie Road and 43rd Avenue, shall be a minimum of 40% permeable.
- 3.5 Fencing is encouraged to be combined with supplemental landscaping.

- 3.6 Where applicable, vegetative buffers should be provided adjacent to agricultural land as per Provincial agricultural buffer requirements.

4.0 Neighbourhood Commercial

A small mixed use commercial node is encourage to serve surrounding neighbourhoods. The architecture and design of the commercial node shall complement the surrounding residential development. The following design principles apply:

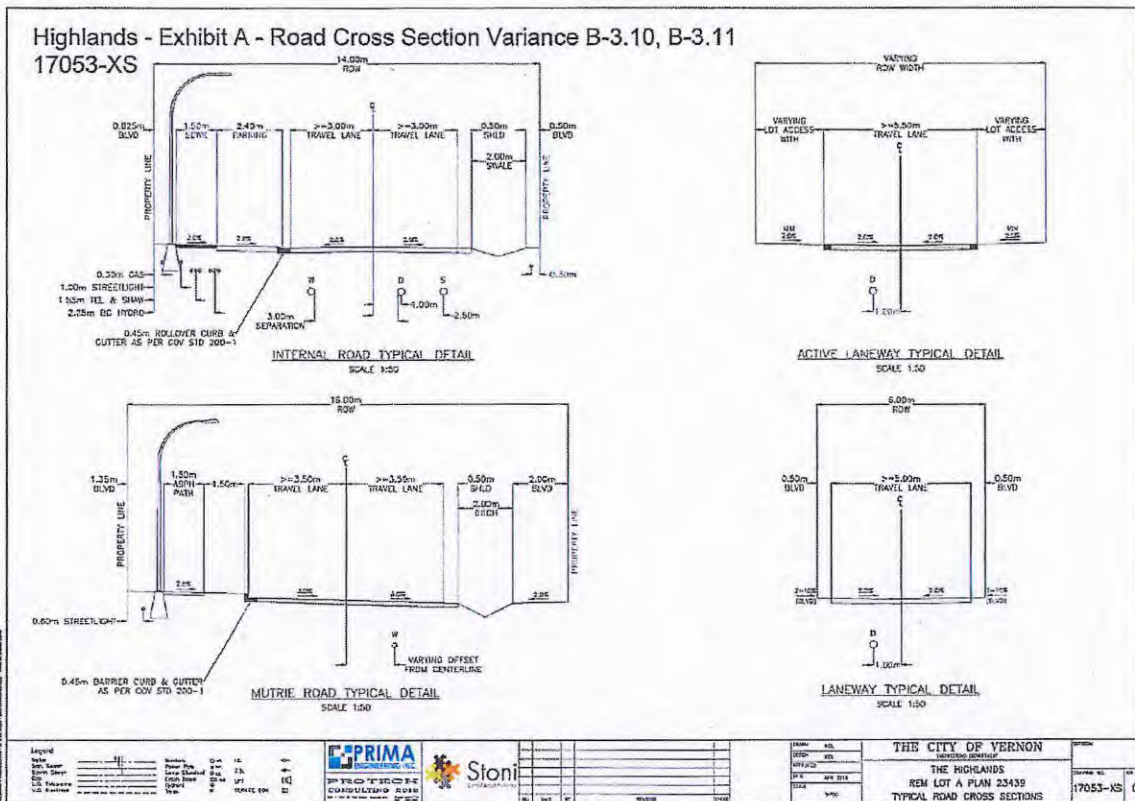
- 4.1 The building shall be well articulated with entrances and windows minimizing blank walls.
- 4.2 The building form should reflect the intended commercial use.
- 4.3 A variety of colours, materials and textures will be used to break up the massing of the building.
- 4.4 Residential units above the commercial shall have their own separate entrance and be visually differentiated from the commercial through design treatment.
- 4.5 Only small scale signage is permitted to respect the residential character of the neighbourhood. Back lit signage is not permitted. Signage details shall be submitted as part of a Development Permit application.
- 4.6 A lighting plan, respecting CPTED principles, is required as part of a Development Permit application.

General Schedule #1

INSERT SITE PLAN – Separate File

SCHEDULE J

Cross Section Drawings (Mutrie Road)



END OF PHASED DEVELOPMENT AGREEMENT

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5714

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"3607 27th Street Rezoning Amendment Bylaw Number 5714, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"R1 – Estate Lot Residential"** to **"C4 – Street Oriented Commercial"**.

Legal Description:

**LOT 1-2, BLK 28, PLAN 327E, SEC 3 TWP 8, ODYD
(3607 27TH STREET)**

and by changing the Zoning Map accordingly, all in accordance with the outlined area as shown on Schedule "A" attached to and forming part of this bylaw.

BYLAW NUMBER 5714

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this _____ day of _____, 2018

READ A SECOND TIME this _____ day of _____, 2018

PUBLIC HEARING held this _____ day of _____, 2018

READ A THIRD TIME this _____ day of _____, 2018

Approved pursuant to section 52(3)(a) of the *Transportation Act* this _____ day of _____, 20____

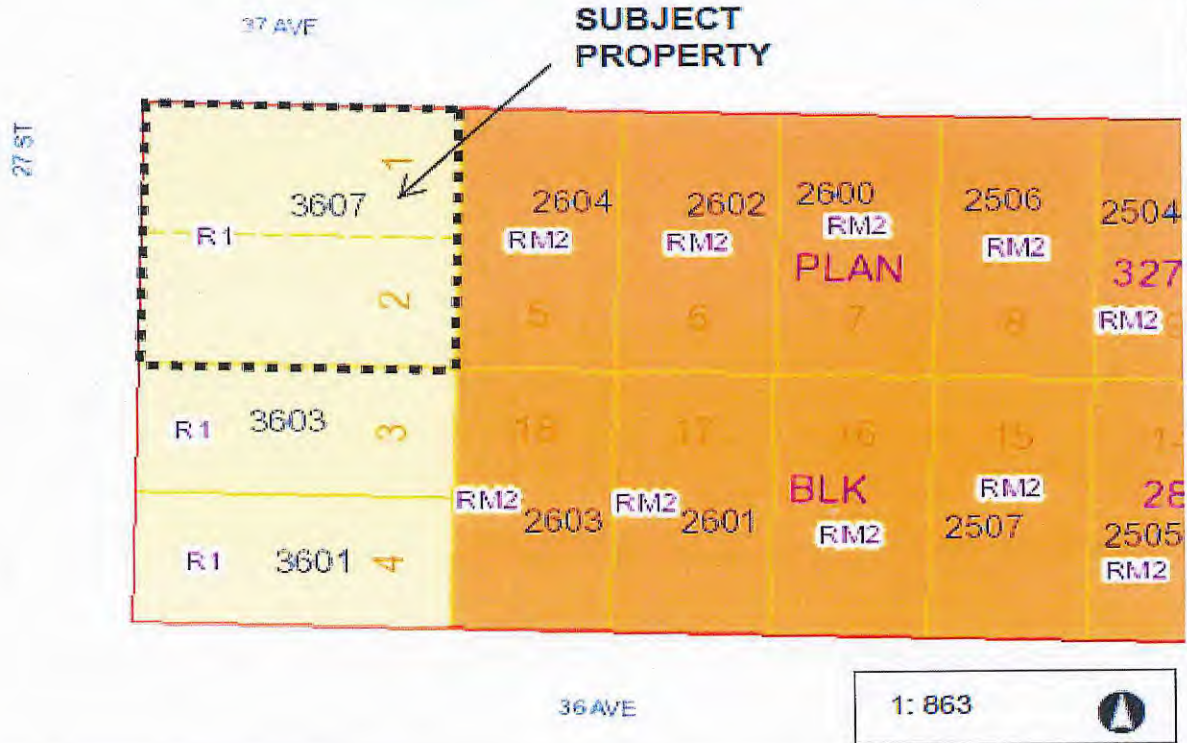
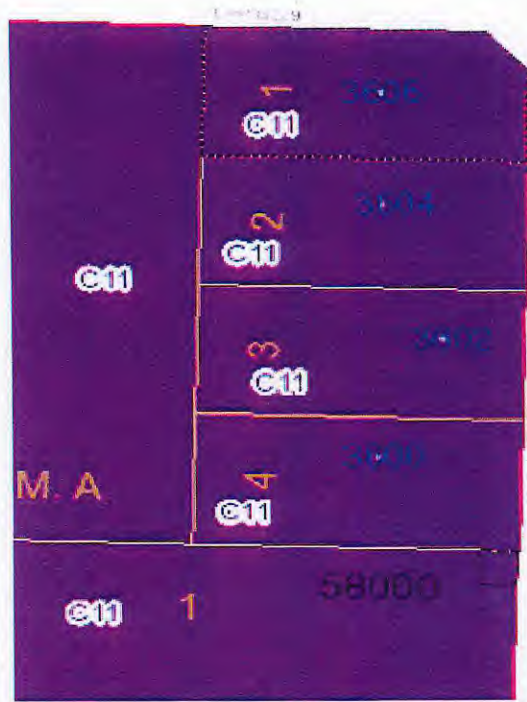
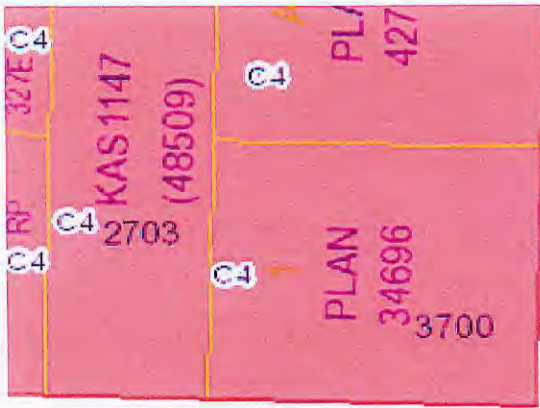
for Minister of Transportation & Infrastructure
BYLAW 5714/ZON00299

ADOPTED this _____ day of _____, 2018.

Mayor:

Corporate Officer:

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5714
"3607 27th Street Rezoning Amendment Bylaw Number 5714, 2018"



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5715

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000 to add text amendments to zoning districts A3 – Rural Small Holdings and R4 – Small Lot Residential;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the "**Zoning Text (Secondary Suites / Semi-Detached Housing) Amendment Bylaw Number 5715, 2018**"
2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:
 - (i) **AMENDING** Section 8.3 – A3 : Rural – Small Holdings, 8.3.3 – Secondary Uses to ADD '**secondary suites**' as shown in **RED** on attached Schedule 'A';
 - (ii) **AMENDING** Section 9.5 – R4 : Small Lot Residential, 9.5.2 – Primary Uses to ADD '**semi-detached housing**' as shown in **RED** on attached Schedule 'B';
 - (iii) **AMENDING** Section 9.5 – R4 : Small Lot Residential, 9.5.6 – Other Regulations to ADD '**or one semi-detached unit**' as shown in **RED** on attached Schedule 'B';

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

PUBLIC HEARING held this day of , 2018

READ A THIRD TIME this day of , 2018.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this _____ day of _____, 20____

for Minister of Transportation & Infrastructure

Bylaw 5715/6450

ADOPTED this day of , 2018.

Mayor

Corporate Officer

A3

8.3 A3 : Rural – Small Holdings

8.3.1 Purpose

The purpose is to provide a **zone** for rural areas and agricultural **uses**, as well as other complementary **uses** suitable in a rural setting. The A3c sub-zoning district allows for **care centre, major** as an additional use. *(Bylaw 5467)*

8.3.2 Primary Uses

- agriculture
- animal clinics, major
- animal clinics, minor
- aquaculture
- campsites, tourist
- care centre, major *(use is only permitted with the A3c sub-zoning district)*
- emergency protective services
- farmers' market
- golf courses
- greenhouses and plant nurseries
- guide and tour services
- single detached housing
- stables and riding academies
- utility services, minor impact
- zoo or botanical gardens

8.3.3 Secondary Uses

- agricultural or garden stands
- agricultural dwellings, additional
- bed and breakfast homes *(in single detached housing only)* or agri-tourist accommodation
- boarding rooms *(Bylaw 5440)*
- brewing or distilling, Class A
- care centres, minor
- home based businesses, rural
- home based businesses, minor
- home based businesses, major
- kennels
- second kitchens
- **secondary suites**
- wineries and cideries

R4

9.5 R4 : Small Lot Residential

9.5.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible uses, on smaller urban serviced **lots**. The R4c sub-zoning district allows for **care centre, major** as an additional use. The R4h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.5.2 Primary Uses

- **care centre, major** (*use is only permitted with the R4c sub-zoning district*)
- **single detached housing**
- **semi-detached housing**

9.5.3 Secondary Uses

- **boarding rooms**
- **bed and breakfast homes** (*in single detached housing only*) (*Bylaw 5498*)
- **care centres, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R4h sub-zoning district*)
- **secondary suites (in single detached housing only)**

9.5.4 Subdivision Regulations

- Minimum **lot width** is 10.0m, except it is 14.0m for a **corner lot**.
- Minimum **lot area** is 320m², or 10,000m² if not serviced by a **community sewer system**.

9.5.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings and structures**.
- Minimum **front yard** is 3.5m.
- Minimum **side yard** is 1.2m for a 1 or 1.5 **storey** portion of a **building** and 1.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 3.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- For **party wall semi-detached housing** one **side yard**, not **flanking a street**, may be reduced to 0.0m. There shall be no windows or doors on the side of the **dwelling** without the **side yard**.
- Minimum **rear yard** is 6.0m for a 1 or 1.5 **storey** portion of a **building** and 7.5m for a 2 or 2.5 **storey** portion of a **building**, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.

**Attached to and Forming Part of Bylaw 5715
"Zoning Text (Secondary Suites / Semi-Detached Housing) Amendment Bylaw
Number 5715, 2018"**

- The maximum **height** of any vertical wall element facing a **front, flanking** or **rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.5.6 Other Regulations

- There shall be no more than one **single detached house** or **one semi-detached unit** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- One garage or **carport**, or the location for one, shall be provided on the **lot**.
- For strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building** as specified in each **zone**.
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development, yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5716

A bylaw to authorize the discharge of Land Use
Contract Bylaw Number 287, 1978 (P2374)

WHEREAS the owner of Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460 (8000 Bench Row Road) has requested that Council of The Corporation of the City of Vernon discharge "Land Use Contract Bylaw Number 287, 1978" and all amendments thereto;

AND WHEREAS Section 546 of the *Local Government Act* permits a municipality to discharge a Land Use Contract by bylaw, with the agreement of the local Council and the owner of any parcel that is described in the bylaw as being covered by the Land Use Contract;

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 for all purposes as "**8000 Bench Row Road Land Use Contract Number 287, 1978 (P2374) Discharge Bylaw Number 5716, 2018**".
2. That the Corporation of the City of Vernon be and is hereby authorized to discharge Land Use Contract Bylaw Number 287, 1978 registered as P2374, being registered against the following described lands in the Land Title Office, Kamloops, B.C.:

**Lot 1, DL 6, ODYD, Plan 6067 exc. Plan 31460
(8000 Bench Row Road)**

as shown as outlined on the plan attached hereto as **Schedule "A"**.

BYLAW NUMBER 5716

3. That the Mayor and Corporate Officer be and are hereby authorized to execute the necessary discharge documents on behalf of The Corporation of the City of Vernon, and generally to do all things necessary to give effect to the matters set out herein.

READ A FIRST TIME this day of , 2018.

READ A SECOND TIME this day of , 2018.

PUBLIC HEARING held in accordance with the requirements of the *Local Government Act* this day of , 2018.

READ A THIRD TIME this day of day of , 2018.

ADOPTED THIS day of , 2018.

Mayor

Corporate Officer

Schedule 'A'
Attached to and forming part of Bylaw 5716
"8000 Bench Row Road Land Use Contract Number 287, 1978 (P2374) Discharge
Bylaw Number 5716, 2018"





THE CORPORATION OF THE CITY OF VERNON

File: 8400-02-01

COPY

July 12, 2018

via email: herclm@earthlink.net; rickgrinham@telus.net

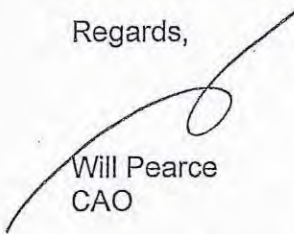
Special Events
1 Canadian Air Division Headquarters
National Defence
PO Box 17000 Stn Forces
Winnipeg, MB R3J 3Y5

Dear Sir / Madam:

The Municipality of Vernon is supportive of a flyby by RCAF Aircraft as low as 500 feet, flyby for the planned Western Traffic Technical Reunion being held at the Spallumcheen Golf & Country Club on September 7, 8 and 9, 2018. The Western Traffic Technical Reunion has requested a Fly Pass from the Canadian Military for their event.

We understand that the Fly Pass will pass through the Vernon Airport airspace and may fly as low as 500 feet over the Spallumcheen Golf Course on one of the above noted dates.

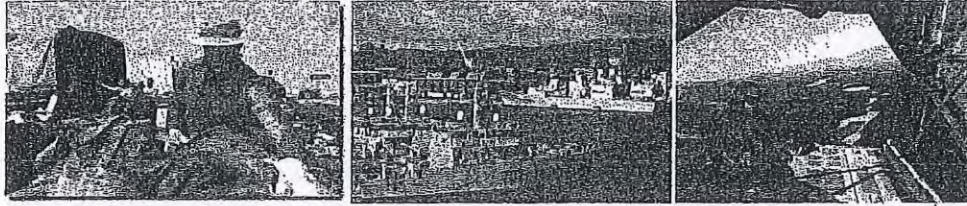
Regards,


Will Pearce
CAO

copy: S. Koenig, Operations Director
J. Rice, Public Works Manager
I. Adkins, Vernon Airport Supervisor

*Ian Adkins - to facilitate + if approved
cc m+c James letter. 0220-01
Will*

**CAF TRAFFIC TECH REUNION (WESTERN)
SEPTEMBER 7th, 8th, 9th, 2018**



June 26, 2018



Dear Mayor Akbal Mund:

On Sept 7th, 8th, & 9th, 2018 we are again hosting the annual Western Traffic Technician Reunion at the Spallumcheen Golf & Country Club in Vernon, BC. This group is represented by current and retired members of the Canadian Armed Forces, specifically those within the Traffic Technician Trade. This trade is responsible for the global movement of troops, supplies and cargo via, land, sea or air and many of these members served in various theatres of conflict including, Afghanistan, the Gulf War, the evacuations of Iran, Sarajevo and Ethiopia - to name a few.

We have requested a Fly Pass from the Canadian Military for our event. However, in order to accommodate this, they require a letter of approval from Vernon's Mayor. Attached is a copy of the format for this letter which would acknowledge that aircraft may fly as low as 500 ft over the Spallumcheen Golf & Country Club on one of the above noted dates.

We greatly appreciate your time and consideration of our request and look forward to receiving your response. If you wish to discuss our reunion or have questions in this regard, please feel free to contact either Earle Dawson at 250-308-7774 - email herclm@earthlink.net or Rick Grinham at 250-541-9909 - email rickgrinham@telus.net.

Sincerely,

Earle Dawson, (CDII) Sgt Retired
Coordinator, Western Traffic Tech Reunion

Rick Grinham, (OMM CDII) CWO Retired
Coordinator, Western Traffic Tech Reunion

dld

attch

*is happy to
pick the
letter
up.*

DATE

Note that this must be printed on official municipality letterhead and signed as it is a legal document.

Special Events
1 Canadian Air Division Headquarters
National Defence
PO Box 17000 Stn Forces
Winnipeg, MB R3J 3Y5

Dear Sir/Madam:

The Municipality of **CITY-PROVINCE/STATE** is supportive of a flyby by RCAF Aircraft as low as 500 feet, flyby for the planned **EVENT NAME** being held in **CITY-PROVINCE/STATE** for transit, practice and shows on **DATES**.

Yours truly,

NAME
TITLE

IN
 120.7
 123.275
 QUEBEC
 120.7 (best)
 DRCO

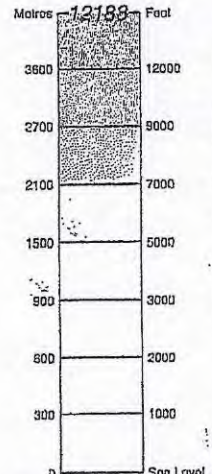
DRCO - obbling instructions described in CFS.
 A/B Private Air/Group Station.
 Only shown when more than 75 nautical miles from public station.
 CARS AIRPORT RADIO (ARPT RDO),
 Community Aerodrome Radio Station (CARS)

Obstruction and group obstructions below 1000' ASL.
 Obstruction and group obstructions 1000' ASL and above.
 Elevation in feet (ASL)
 Height in feet (AGL)

E: Known obstructions 300' or higher and known significant obstructions below 300' are shown. When two or more are in the area, only the highest obstruction is shown. Obstructions ghted unless labeled "Unlighted".

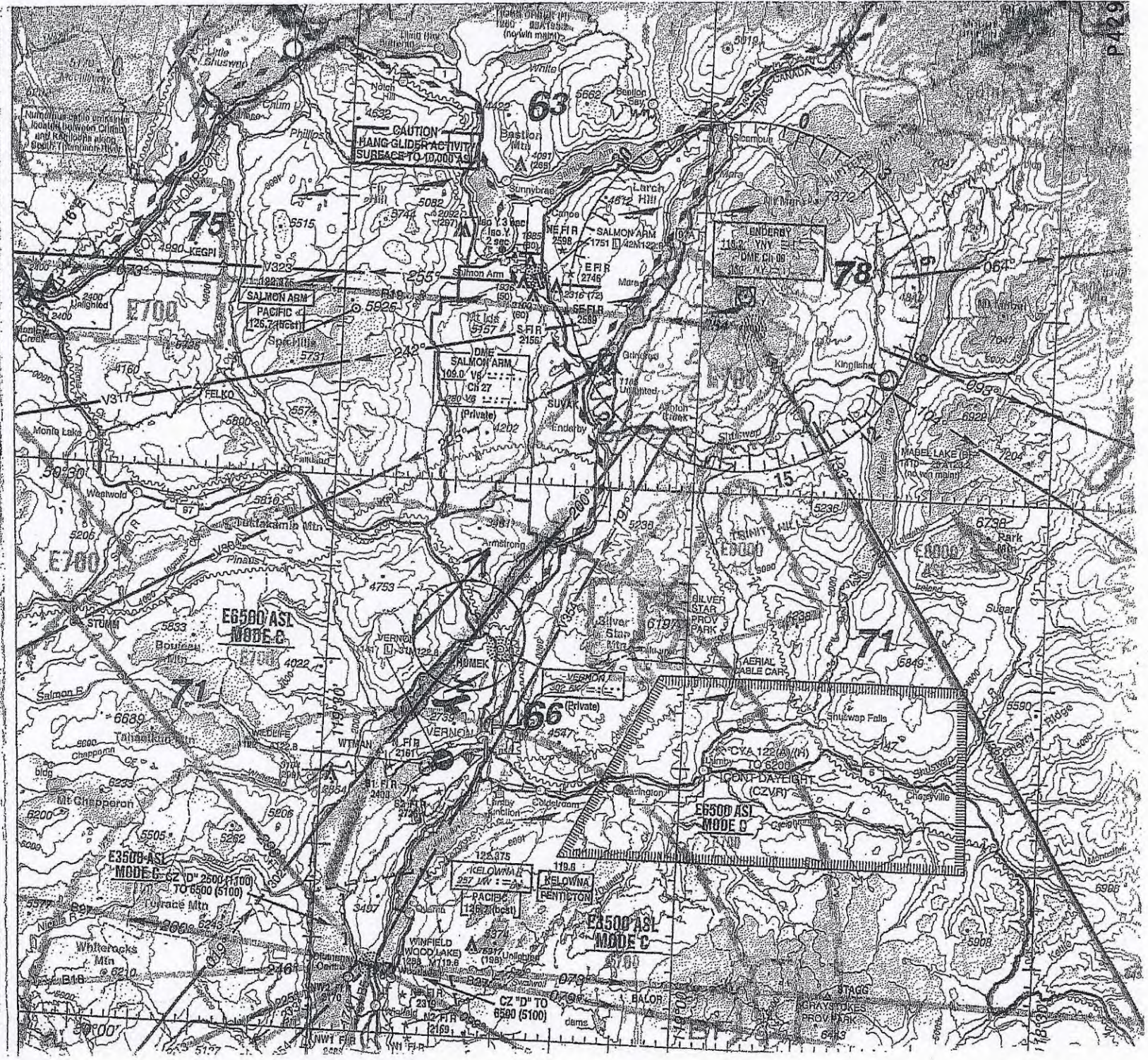
HYPSONETRIC TINTS and ELEVATION INFORMATION

HIGHEST ELEV. ON CHART LOCATED AT
 52°09' N 117°27' W

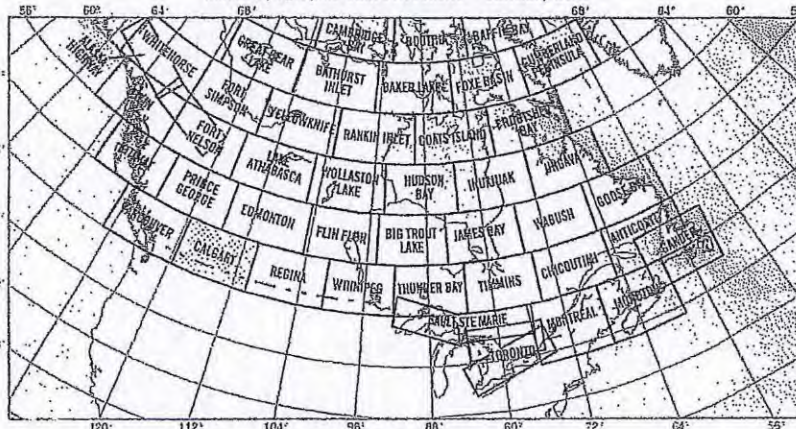


ELEVATIONS IN FEET
 Contour Interval 1000 feet with a 500 foot interval in the more level areas
 For selected topographic legend see Flight Supplement (Section A)

Topographic data WGS84



SCALE 1:500 000
 Lambert Conformal Conic Projection, Standard Parallels 49°20' and 54°40'
 27TH EDITION AERONAUTICAL INFORMATION JANUARY 2017
 Includes airspace amendments effective 2 MARCH 2017
 CONSULT NOTAM AND CANADA FLIGHT SUPPLEMENT FOR ADDITIONAL DATA AND LATEST INFORMATION
 CONSULT CANADA FLIGHT SUPPLEMENT FOR GENERAL CHART LEGEND INFORMATION
 Topographic data corrected November 2009
 Minor topographic data corrections January 2017



AERODROMES
 Aerodrome symbols may be offset for clarity of presentation
 For services and other data see the Flight Supplement

- | | |
|---|-------------------------|
| WITH SERVICES | OTHER AERODROMES |
| WITH HARD SURFACED RUNWAYS | Land |
| | Heliport |
| Only usable runways are shown.
Patterns drawn at chart scale | Abandoned |
| WITHOUT HARD SURFACED RUNWAYS | Water |
| LAND | Hospital heliport |
| WATER | Status unknown |

AERODROME DATA

NAME	NAME (M)	NAME (R)
371 H53A122.2	371 53M122.3	371 S
DAYS 60		

- | | | | |
|---------|--|---------|--|
| | Customs available | M | Mandatory Frequency |
| ATIS | Automatic Terminal Information Service | A | Aerodrome Traffic Frequency |
| E | Elevation in feet (ASL) | U | Private advisory station (UNICOM) U1-122.8 U2-123.0 |
| 371 | Runway lighting available | C | Common Traffic Advisory Frequencies (USA) |
| L | ARCAL | S | Sheltered mooring areas |
| * | Lid/Pra or D/R: see CFB | (M) | Military aerodrome - restricted PPR, use only by special authorization |
| H | Hard surfaced runway | (R) | Restricted, PPR, use only by special authorization |
| 53 | Largest landing distance in hundreds of feet (63 indicates length between 5270 and 5369) | * | Aerodrome Beacon |
| DAYS 60 | Day landing distance | *x | Fixed-wing special VFR flight is prohibited (USA) |
| ICE | Ice runway present: see CFB | | |
| | | NO SVFR | |

AIRSPACE INFORMATION

- All bearings are magnetic
- Controlled airspace below FL 100 is shown
 - Transponder Mode C required in all class "B" and "C" airspace.
 - Controlled area boundary
 - VHF/UHF airway centre line
 - LF/MF airway centre line (Bearings based on quarter point variation)
 - Air route centre line
 - Military Training Route
 - VFR Route, Sea AIP CANADA (ICAO)
 - Compulsory/optional request reporting points
 - Changeover Point (Not shown at airport locations)
 - Airspace boundary (Class as indicated).
 - Transponder Mode C required
 - Boundary between controlled areas with different floors. Floors are 2000 feet AGL in Canada and 1200 feet AGL in U.S.A. unless otherwise indicated, 700 feet is AGL.
 - Class of airspace
- MODE C**
- Class "B" control zone with ceiling 3000 feet ASL (Above aerodrome elevation 2700 feet)
- Class "C" or "D" control zone as indicated with ceiling 3000 feet ASL (Above aerodrome elevation 2700 feet)
- Class "E" control zone (Aerodrome control zone, other countries)
- Class "F" or Special Use airspace.
- CANADA: CVA - Advisory CYD - Danger CYR - Restricted USR: A - Alert P - Prohibited R - Restricted W - Warning
- AREA ACTIVITY CODES**
- (A) Aerobatics (E) Aircraft Test Area (H) Hang Gliding (M) Military Operations (P) Parachute Dropping (S) Scoring (T) Training
- MCA - Military Operation Area (USA)
- Activities are included unless otherwise indicated (CZCA) - NOTAM file indicator
- Parachute Dropping
- Scoring
- Hang-gliding
- Life-raft
- Training

All National, Provincial and Municipal Parks are closed to aircraft unless otherwise specified in the AIP CANADA (ICAO) and/or the supplements or by prior permission of the appropriate park authorities.

CALGARY

RADIO AIDS TO NAVIGATION

Radio/Navigation facilities not operated by Nav Canada or Department of National Defence and Commercial Broadcasting Stations are subject to outage or change without NOTAM

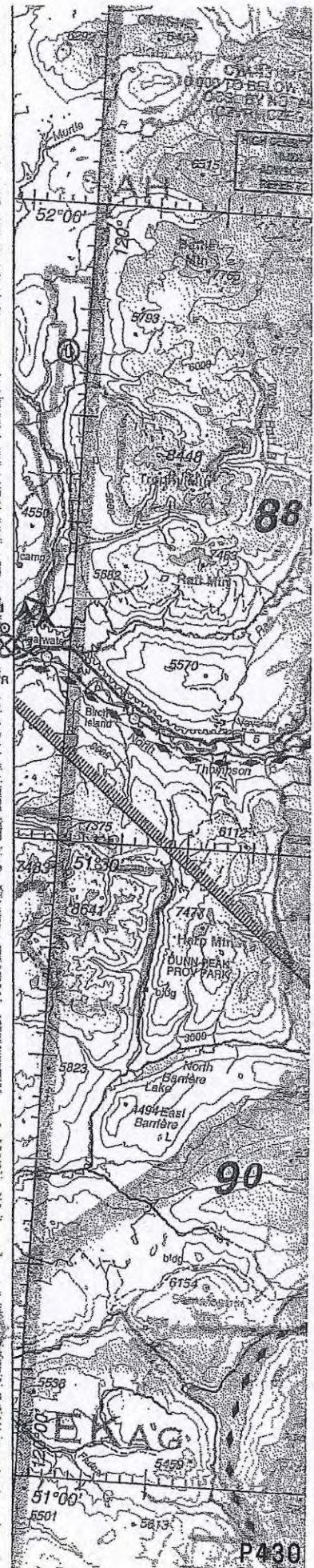
VDF = VHF/DF UDF = UHF/DF VUDF = VHF/UHF/DF

Compass roses are oriented on magnetic north unless otherwise indicated.

- | | | | | | | | | | | | | | |
|--|-----|--|-----|--|--------|--|-------|--|-----|--|---------------------------------|--|--|
| | VOR | | DME | | VORTAC | | TACAN | | NDB | | Commercial Broadcasting Station | | Dot indicates radio facility location. |
|--|-----|--|-----|--|--------|--|-------|--|-----|--|---------------------------------|--|--|

RADIO AIDS TO NAVIGATION DATA BOXES

TORONTO 112.15 YZ DME Ch 58(7)	VHF/UHF Navigation Aids. DME available on frequency or channel. TACAN 112.15 MHz	HALIFAX 115.1 YHZ DME Ch 93 245 MZ	Combined VHF/UHF and LF/MF Navigation Aids.
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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5693

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"Lakeshore Properties Rezoning Amendment Bylaw Number 5693, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"R1 – Estate Lot Residential"** to **"P1 – Parks and Open Space"**.

Legal Descriptions:

**LOT 1 PL 16878 DL 62 ODYD
(2548 Lakeshore Road)
LOT 2 PL 6190 DL 62 ODYD
(2554 Lakeshore Road)
LOT A PL KAP72488 DL 62 ODYD
(2574 Lakeshore Road)
LOT 5 PL KAP79538 DL 62 ODYD
(2580 Lakeshore Road)**

BYLAW NUMBER 5693

<p>LOT 4 PL KAP79538 DL 62 ODYD (2588 Lakeshore Road)</p> <p>LOT A PL KAP84586 DL 62 ODYD (2592 Lakeshore Road)</p> <p>LOT 3 PL KAP79538 DL 62 ODYD (2596 Lakeshore Road)</p> <p>LOT 2 PL KAP79538 DL 62 ODYD (2598 Lakeshore Road)</p> <p>LOT G-H PL KAP69298 DL 62 ODYD (2602 Lakeshore Road)</p> <p>LOT 1 PL KAP79538 DL 62 ODYD (2606 Lakeshore Road)</p> <p>LOT A PL KAP47718 ODYD DL 62 & 5234 (2694 Lakeshore Road)</p>

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July, 2018

READ A SECOND TIME this 9th day of July, 2018

PUBLIC HEARING held this 13th day of August, 2018

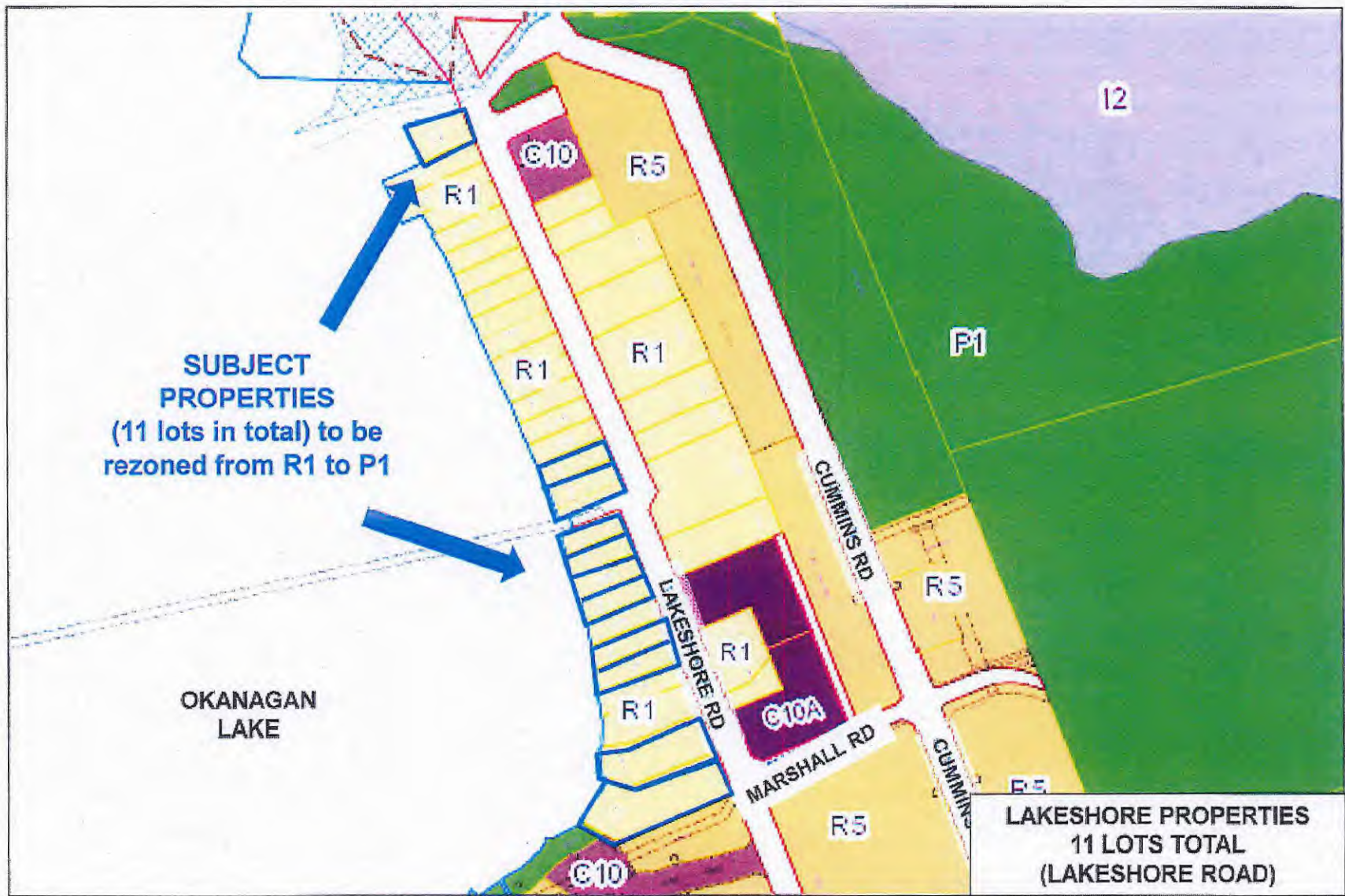
READ A THIRD TIME this day of , 2018

ADOPTED this day of , 2018.

Mayor:

Corporate Officer:

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5693
"Lakeshore Properties Rezoning Amendment Bylaw Number 5693, 2018"



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5694

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

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the "Official Community Plan Bylaw Number 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 Section 464 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 **"9657 Eastside Road (Camp Hurlburt) Official Community Plan Amendment Bylaw Number 5694, 2018"**.
2. That Schedule "A" of Official Community Plan Bylaw Number 5470 is hereby amended as follows:

That the following legally described lands be redesignated from the **"Public & Institutional"** to **"Parks & Open Space"**:

Legal Description:

**PL B3945 SEC 4 TWP 13 ODYD PART N ½ OF NE ¼ SEC 24 (W) TAX
ACT – CAMERON POINT PART 1 OF 2
(9657 Eastside Road)**

as shown on **Schedule "A"** attached hereto and forming part of this bylaw.

BYLAW NUMBER 5694

3. Official Community Plan Bylaw Number 5470 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July , 2018.

READ A SECOND TIME this 9th day of July, 2018.

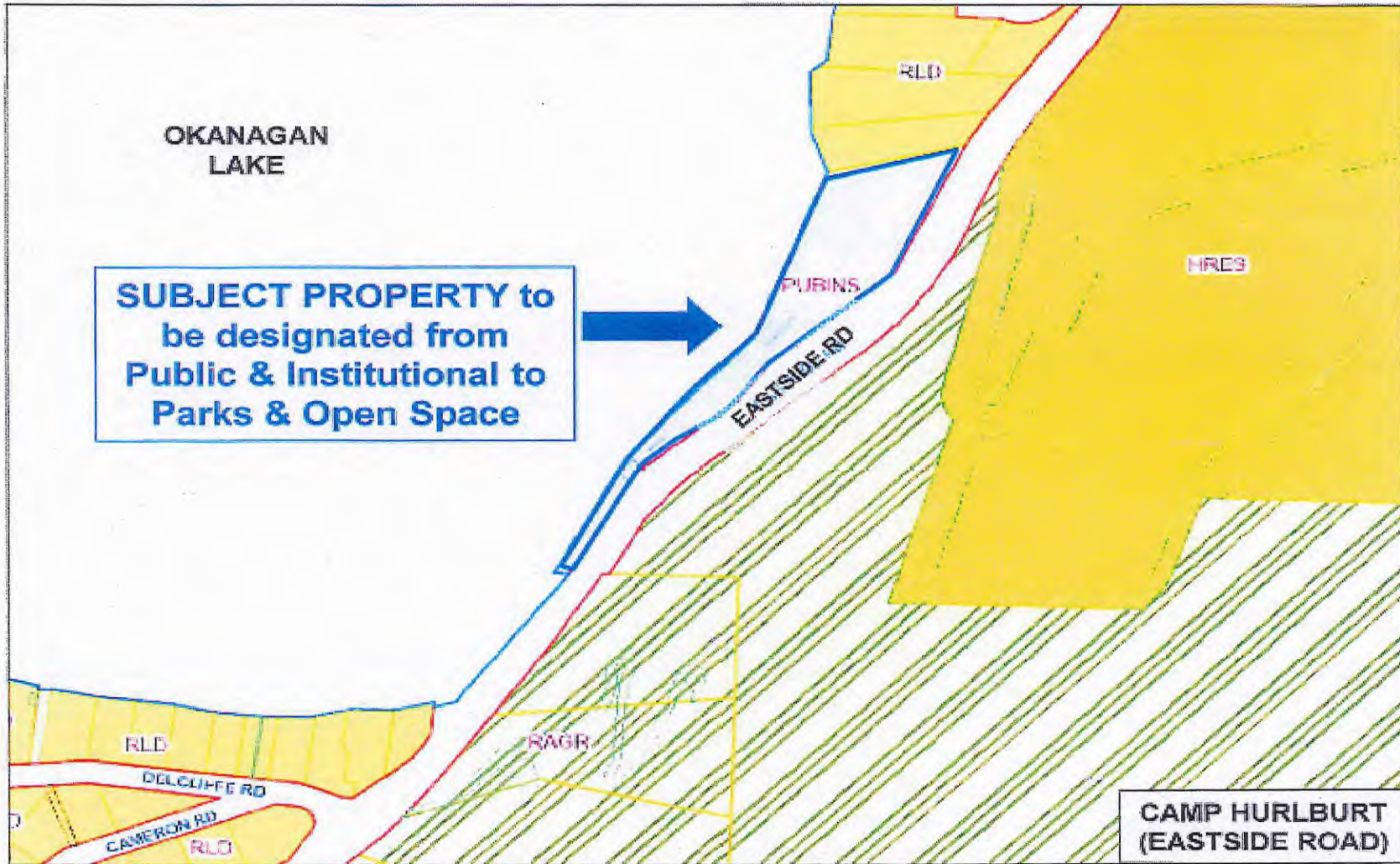
PUBLIC HEARING held this 13th day of August, 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5695

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"9657 Eastside Road (Camp Hurlburt) Rezoning Amendment Bylaw Number 5695, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"R6 – Lakeshore Residential"** to **"P1 – Parks and Open Space"**.

Legal Description:

**PL B3945 SEC 4 TWP 13 ODYD PART N ½ OF NE ¼ SEC 24 (W) TAX
ACT – CAMERON POINT PART 1 OF 2
(9657 Eastside Road)**

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

BYLAW NUMBER 5695

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July, 2018

READ A SECOND TIME this 9th day of July, 2018

PUBLIC HEARING held this 13th day of August, 2018

READ A THIRD TIME this day of , 2018

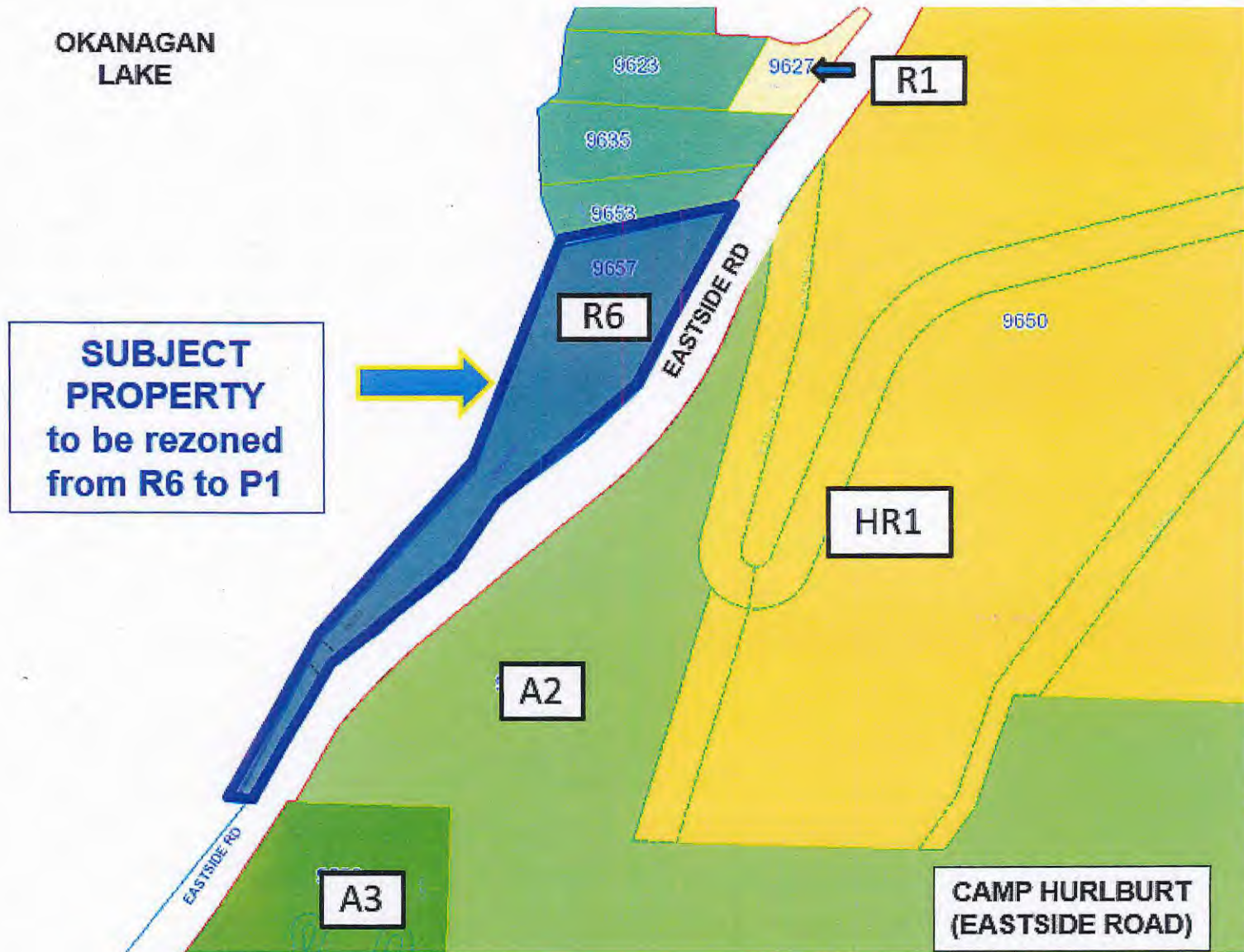
ADOPTED this day of , 2018.

Mayor:

Corporate Officer:

SCHEDULE 'A'

Attached to and Forming Part of Bylaw 5695
"9657 Eastside Road (Camp Hurlburt) Rezoning Amendment Bylaw Number 5695, 2018"



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5696

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"2807, 2901 and 2903 39th Street (West Vernon Future Park) Rezoning Amendment Bylaw Number 5696, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"RH2 – Stacked Row Housing Residential"** to **"P1 – Parks and Open Space"**.

Legal Descriptions:

LOT 18 PL 460 DL 71 ODYD
(2807 39th Street)
LOT 17 PL 460 DL 71 ODYD
(2901 39th Street)
LT 16 PL 460 DL 71 ODYD
(2903 39th Street)

BYLAW NUMBER 5696

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July, 2018

READ A SECOND TIME this 9th day of July, 2018

PUBLIC HEARING held this 13th day of August, 2018

READ A THIRD TIME this day of , 2018

ADOPTED this day of , 2018.

Mayor:

Corporate Officer:

SCHEDULE 'A'

Attached to and Forming Part of Bylaw 5696

“2807, 2901 and 2903 39th Street (West Vernon Future Park) Rezoning Amendment Bylaw Number 5696, 2018”



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5697

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"9192 Tronson Road (Deer Park) Rezoning Amendment Bylaw Number 5697, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"C6 – Village Commercial"** to **"P1 – Parks and Open Space"**.

Legal Description:

**LOT 1 PL EPP39034 DL 297 ODYD
(9192 Tronson Road)**

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

BYLAW NUMBER 5697

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July, 2018

READ A SECOND TIME this 9th day of July, 2018

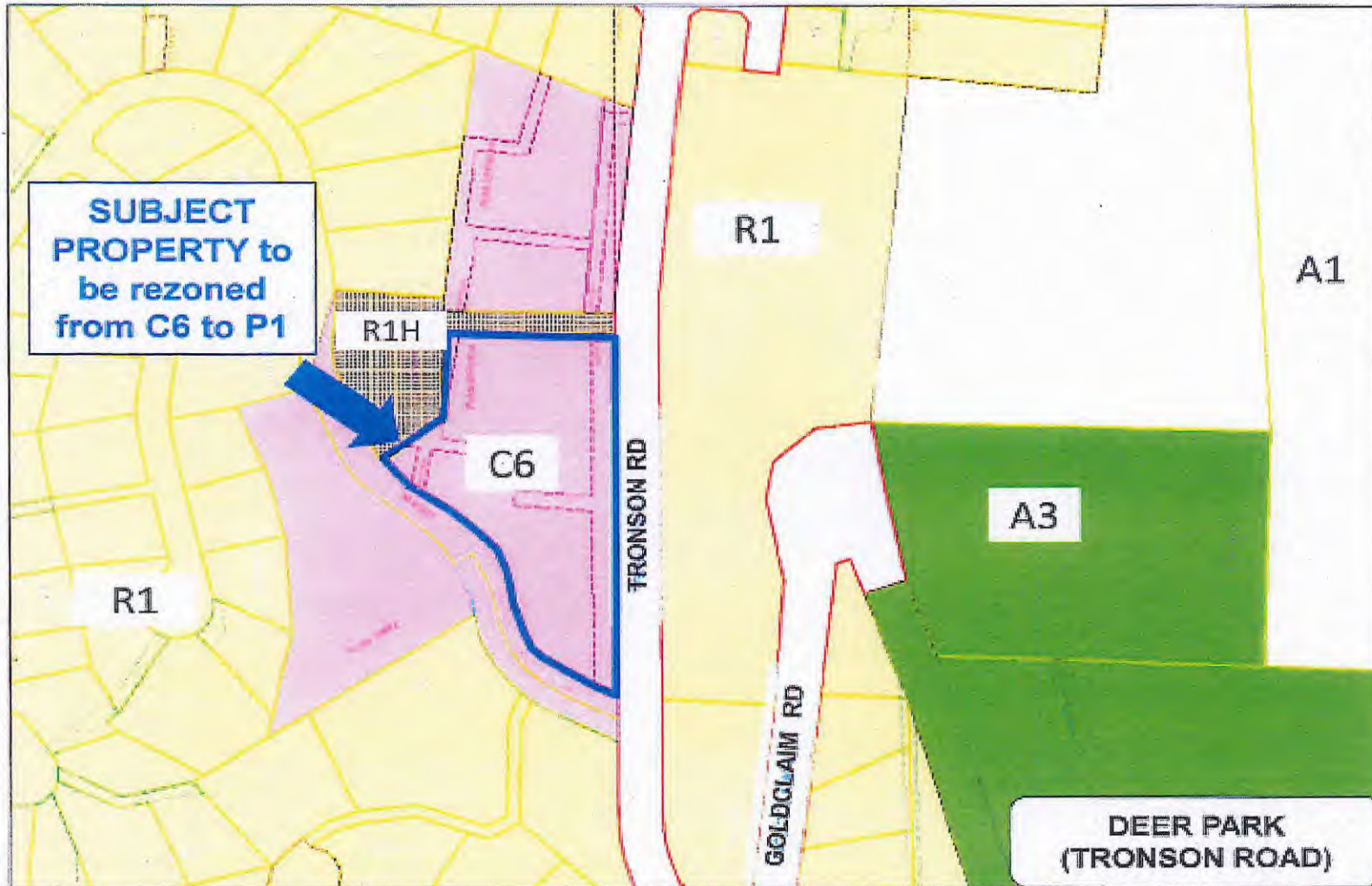
PUBLIC HEARING held this 13th day of August, 2018

READ A THIRD TIME this day of , 2018

ADOPTED this day of , 2018.

Mayor:

Corporate Officer:



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5698

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

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the "Official Community Plan Bylaw Number 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 Section 464 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 **"3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Official Community Plan Amendment Bylaw Number 5698, 2018"**.
2. That Schedule "A" of Official Community Plan Bylaw Number 5470 is hereby amended as follows:

That the following legally described lands be redesignated from the **"Public & Institutional"** to **"Parks & Open Space"**:

Legal Description:

**LOT 4 PL 3362 SEC 3 TWP 8 ODYD
(3305 35th Avenue)
LOT 3 PL 3362 SEC 3 TWP 8 ODYD
(3307 35th Avenue)
LT 2 PL 3362 SEC 3 TWP 8 ODYD
(3309 35th Avenue)
LT 1 PL 3362 SEC 3 TWP 8 ODYD
(3311 35th Avenue)**

BYLAW NUMBER 5698

as shown on **Schedule "A"** attached hereto and forming part of this bylaw.

3. Official Community Plan Bylaw Number 5470 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July, 2018.

READ A SECOND TIME this 9th day of July, 2018.

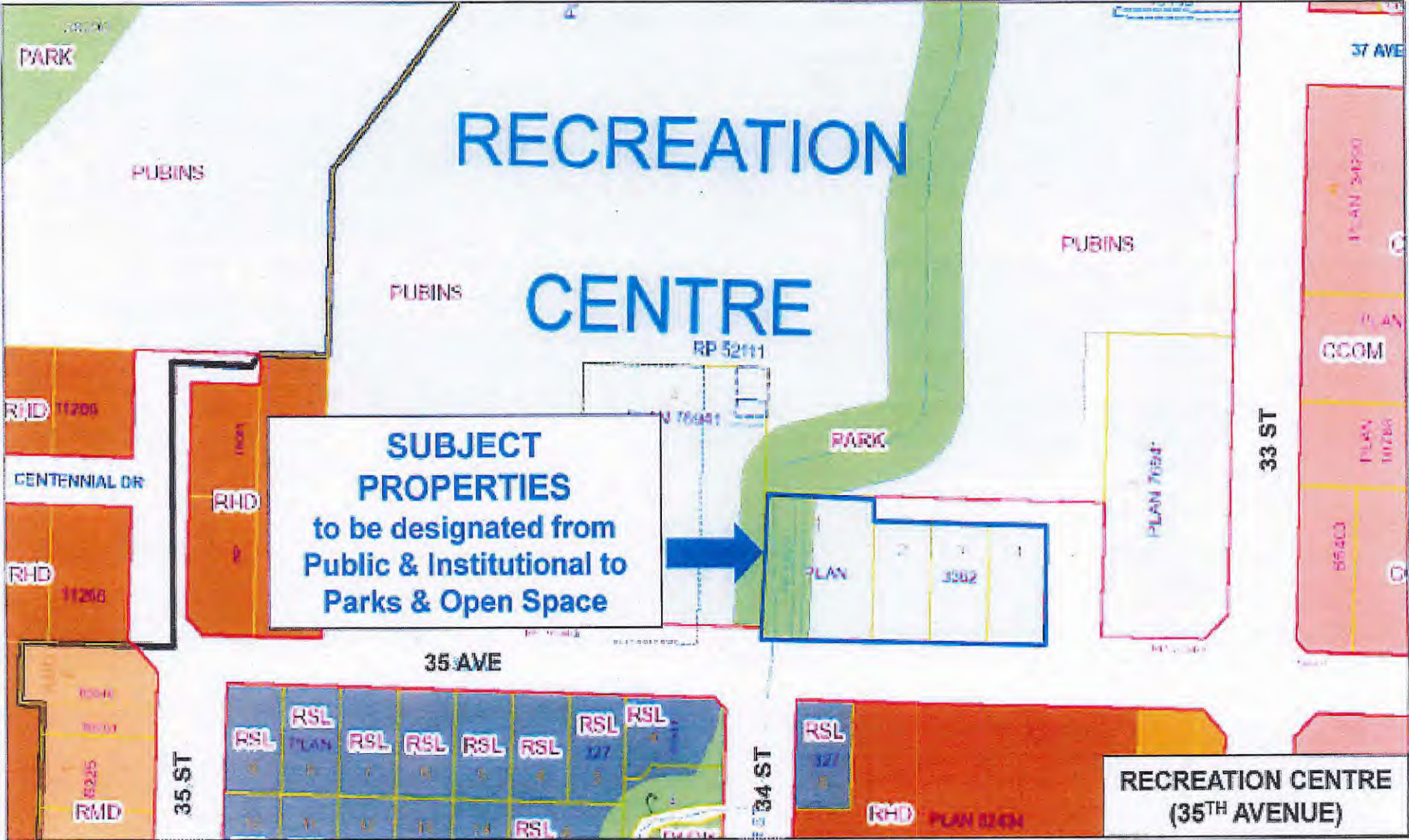
PUBLIC HEARING held this 13th day of August, 2018.

READ A THIRD TIME this day of , 2018.

ADOPTED this day of , 2018.

Mayor

Corporate Officer



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5699

A bylaw to amend the City of Vernon
Zoning Bylaw Number 5000

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the City of Vernon Zoning Bylaw Number 5000;

AND WHEREAS all persons who might be affected by this amendment 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 Section 464 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 the **"3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Rezoning Amendment Bylaw Number 5699, 2018"**.
2. Pursuant to the Official Zoning Map, Schedule "A" attached to and forming part of Bylaw Number 5000, is hereby amended as follows:

That the following legally described lands be rezoned from **"R2 – Large Lot Residential"** to **"P1 – Parks and Open Space"**.

Legal Descriptions:

LOT 4 PL 3362 SEC 3 TWP 8 ODYD
(3305 35th Avenue)
LOT 3 PL 3362 SEC 3 TWP 8 ODYD
(3307 35th Avenue)
LT 2 PL 3362 SEC 3 TWP 8 ODYD
(3309 35th Avenue)
LT 1 PL 3362 SEC 3 TWP 8 ODYD
(3311 35th Avenue)

BYLAW NUMBER 5699

and by changing the Zoning Map accordingly, all in accordance with the bolded area as shown on Schedule "A" attached to and forming part of this bylaw.

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 9th day of July, 2018

READ A SECOND TIME this 9th day of July, 2018

PUBLIC HEARING held this 13th day of August, 2018

READ A THIRD TIME this day of , 2018

<p>Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 20____</p> <p>_____</p> <p>for Minister of Transportation & Infrastructure BYLAW 5699/ZON00304</p>
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ADOPTED this day of , 2018.

Mayor:

Corporate Officer:

"3305, 3307, 3309 and 3311 35th Avenue (Recreation Centre) Rezoning Amendment Bylaw Number 5699, 2018"

