



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

REGULAR OPEN MEETING OF COUNCIL

COUNCIL CHAMBERS
CITY HALL
MONDAY
JULY 29, 2019
At 1:30 p.m.

Mayor V. Cumming

Councillor S. Anderson
Councillor K. Gares
Councillor D. Nahal

Councillor K. Fehr
Councillor A. Mund
Councillor B. Quiring

For Enquiries
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*“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, JULY 29, 2019

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:
 - d) the security of the property of the municipality;
 - 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;*
 - 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 July 29, 2019, 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 8, 2019 be adopted; (P. 13)

AND FURTHER, that the minutes of the July 8, 2019 Public Hearing be adopted; (P. 25)

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held July 8, 2019 be received.

5. BUSINESS ARISING FROM THE MINUTES

6. GENERAL MATTERS

APPOINTMENT OF ALTERNATE ACTING MAYOR

A. THAT Council appoints (*to be cited by Council*) as Alternate Acting Mayor in order to address agenda items wherein Acting Mayor Quiring declares a conflict of interest.

DELEGATION: TURTLE MOUNTAIN BOULEVARD PLANTINGS

B. Ms. Wanda Remfert, Turtle Mountain Resident, will attend to review concerns regarding the ongoing maintenance of the Turtle Mountain Boulevard & Green Spaces.

PRESENTATION: 2019 PLANNING AND BUILDING SECOND QUARTER STATISTICS SUMMARY (P. 40)(20 MINUTES)

C. THAT Council receive the memorandum titled “2019 Planning and Building Second Quarter Statistics Summary” dated July 18, 2019 from the Manager, Economic Development and Tourism and Current Planning Assistant, for information.

7. COUNCIL INQUIRIES

8. ADMINISTRATION UPDATES

A. THAT Council receive the Administration Updates dated July 29, 2019. (P. 45)

9. UNFINISHED BUSINESS

TURTLE MOUNTAIN LANDSCAPING – RESIDENT RESPONSE TO INQUIRY ON AHRING COSTS FOR MAINTENANCE – NEXT STEPS (P. 48)

A. THAT Council direct Administration to proceed with replacing grass islands and shrubs on public boulevards within Turtle Mountain with landscape rock over landscape fabric, and replace the aging irrigation system with a water efficient system designed to irrigate the existing trees at a one-time capital cost of \$175,000, source of funds 2018 year end unexpended, uncommitted balance;

AND FURTHER, that Council directs Administration to assume ongoing maintenance responsibility for existing public boulevards within Turtle Mountain, at an annual cost of \$75,000 source of funds 2018 year end unexpended, uncommitted balance for 2019 and that \$75,000 be included as a service level increase for 2020 and beyond.

NO HEAVY TRUCKS ON OKANAGAN LANDING BENCH ROAD AND ROADSIDE BARRIERS ON BENCH ROW ROAD (P. 222)

- B. THAT Council direct Administration to request RCMP and CVSE enforcement of the traffic prohibitions on Okanagan Landing Bench Road;

AND FURTHER, that Council direct Administration to relocate the roadside barriers on Bench Road; therefore reducing the travel lane to single vehicle use as indicated in the memorandum titled :No heavy Trucks on Okanagan Landing Bench Road and Roadside Barriers on Bench Row Road”, dated July 23, 2019 from the Manager, Roads, Drainage and Airport and the Manager, Transportation.

SILGA YOUTH AT 2019 UBCM CONVENTION (P. 224)

- C. THAT the City of Vernon Council, approve Cadence Taron to attend the 2019 UBCM Convention, representing Vernon, and that the City of Vernon cover her allocated convention costs, travel, accommodation, meals and out of pocket expenses incurred to attend the UBCM convention which the City of Vernon will receive reimbursement from SILGA up to a value of \$2,000.00;

AND FURTHER, that Cadence Taron provide a written report to SILGA outlining her experience and the impact the week had for her while at UBCM, with a copy sent to City of Vernon Council.

WITHDRAWAL OF RECONSIDERATION FOR BYLAW #5758, “7497 AND 7501 BROOKS LANE REZONING AMENDMENT BYLAW NUMBER 5758, 2019” (P. 233)

- D. THAT Council accepts the withdrawal of reconsideration of Bylaw #5758, “7497 and 7501 Brooks Lane Rezoning Amendment Bylaw Number 5758, 2019” – a bylaw to rezone the subject properties from “R1-Estate Lot Residential” to “C10A – Tourist Commercial and Residential” and “P1-Parks and Open Space” as requested in the letter dated July 23, 2019 from Jennifer Fossum, MQN Architects.

REQUEST TO TERMINATE DEVELOPMENT SERVICES AGREEMENT AND REFUND SECURITIES (AMEND CONDITIONS OF ZONING APPROVAL) (3902, 3904, 3908 – 30TH AVENUE AND 3901 – 29TH AVENUE)(P. 234)

- E. THAT Council support the request from Mayfield Homes Ltd. to terminate the Development Agreement and return securities associated with the approval of OCP Amendment Bylaw #5329, Rezoning Bylaw #5330 and Zoning Bylaw Text Amendment Bylaw #5332 (OCP00045/ZON00174);

AND FURTHER, that a Section 219 restrictive covenant be required to be registered on title to restrict access onto 30th Avenue.

CLIMATE ACTION REVOLVING FUND APPLICATION – VEHICLE REPLACEMENT (P. 241)

- F. THAT Council designate up to \$15,000 from the Climate Action Revolving Fund towards the purchase of an electric car as outlined in the report titled “Climate Action Revolving Fund Application – Vehicle Replacement” and dated July 18, 2019 from the Manager, Long Range Planning and Sustainability and the Manager, Fleet Services.

REGIONAL GROWTH STRATEGY FIVE YEAR REVIEW: FUTURE GROWTH AREAS (P. 250)

- G. THAT Council direct Administration to send a letter to the Regional District of North Okanagan indicating that there are no changes requested to the Regional Growth Strategy Boundary as described in the report titled “Regional Growth Strategy Five Year Review: Future Growth Areas” dated July 19, 2019 from the Environmental Planning Assistant.

DOWNTOWN PUBLIC WASHROOM LOCATION RECOMMENDATION (P. 266)

- H. THAT Council approve the proposed location for the downtown public washroom in the boulevard of 35th Street between 30th Avenue and Coldstream Avenue, as described in the memo dated July 18, 2019, from the Manager, Long Range Planning and Sustainability, and direct Administration to report back on any additional costs related to lighting improvements, landscaping changes, additional facilities, increased service and monitoring.

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

11. NEW BUSINESS

A. Correspondence:

JUNE 30, 2019 OVERTIME SUMMARY (P. 270)

- (i) THAT Council receive the memorandum titled “June 30, 2019 Overtime Summary” dated July 19, 2019 from the Director, Financial Services for information.

JUNE 30, 2019 NET OPERATING RESULTS (P. 276)

- (ii) THAT Council receives the memorandum dated July 18, 2019 from the Director, Financial Services titled “June 30, 2019 Net Operating Results” for information.

**RECREATION SERVICES
SECOND QUARTER
REPORT (P. 283)**

- (iii) THAT Council receive the memorandum titled “Recreation Services Second Quarter Report” and the accompanying Power Point presentation, dated July 16, 2019 from the Director Recreation Services, for information.

**HURLBURT PARK –
REQUEST FOR
ADDITIONAL FUNDS
(P. 303)**

- (iv) THAT Council approve \$90,335.00 from the 2018 Year End Uncommitted, Unexpended Balance for additional construction costs of Hurlburt Park, as outlined in the memorandum dated July 18, 2019 from the Parks Planner.

**BOILER UPGRADES – CITY
HALL (P. 306)**

- (v) THAT Council direct Administration to postpone the HVAC upgrades proposed for City Hall and Council Chambers; the distribution ductwork, washroom fittings, restroom fixtures, custodial sinks proposed for CSB; and the exterior door assembly proposed for the Yards, approved in the 2019 Financial Plan for Building Facility Renewal until 2020;

AND FURTHER, that Council direct Administration to use the approved funding for these projects to supplement the funding for the Boiler Upgrades in City Hall, approved in the 2019 Financial Plan, in order to facilitate the installation of new boilers.

B. Reports:

**FUTURE EXPANSION OF
ELECTRIC VEHICLE
CHARGING
INFRASTRUCTURE AND
THE CITY OF VERNON’S
ELECTRIC VEHICLE FLEET
(P. 308)**

- (i) THAT Council direct Administration to draft an Electric Vehicle Charging Strategy and amendments to Zoning Bylaw #5000 for Council’s future considerations.

**IMPACT OF
CONSTRUCTION COST
ESCALATION ON
INFRASTRUCTURE
REPLACEMENT (P. 321)**

- (ii) THAT Council direct Administration, based on the results of the 2018 annual construction cost 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 July 9, 2019, to update the Transportation Asset Management Plan in 2021-2022.

CEMETERY BYLAW (P. 325)

- (iii) THAT Council receive the proposed Cemetery Bylaw, shown as Attachment 1 and outlined in the report titled “Cemetery Bylaw” dated July 19, 2019 from the Parks and Public Spaces Manager;

AND FURTHER, that Council direct Administration to bring forward the proposed Cemetery Bylaw and City of Vernon Fees and Charges Amendment Bylaw for initial readings to the Regular Meeting of Council on August 19, 2019.

**CANNABIS BUSINESS
LICENCE APPLCIATION
FOR 2 – 1220 KALAMALKA
LAKE ROAD (CRL00016)
(P. 415)**

- (iv) THAT Council provide a positive recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding Cannabis Retail Store application (Job#002376) (CRL00016) with respect to the application to establish a Non-Medical cannabis retail sales business on Lot 1, Plan 27868, Sec 27, Twp 9, ODYD (2-1220 Kalamalka Lake Road);

AND FURTHER, that the LCRB be advised that Council’s support of the subject cannabis retail store application addresses the LCRB resolution criteria in the following manner:

- a) The location of the proposed store:
 - i. The proposed new premise at 2-1220 Kalamalka Lake Road is within the C11 – Light Industrial Service Commercial zone, and a cannabis retail store is a permitted use within this commercial zone.
- b) The general impact on the community if the application is approved:
 - i. Council considers that approval of a cannabis retail store at this location would have minimal impact on the community as long as all federal, provincial and municipal regulations are adhered to.
- c) The public consultation process consists of 76 stakeholder referral letters being sent to internal departments, agencies and to all businesses, property owners and occupants within 30 m of the subject property. Two “no concerns” responses were received and one letter was received that expressed concerns.

AND FURTHER, that the report from the Manager, Current Planning dated July 15, 2019 be provided to the Liquor and Cannabis Regulation Branch to document the City of Vernon's consideration of the location of the proposed cannabis retail store, the means of public consultation and the summary of input received with respect to Cannabis Retail Store application CRL00016.

**CANNABIS BUSINESS
LICENCE APPLICATION
FOR 107 – 5301 25TH
AVENUE (CRL000019)
(P. 433)**

- (v) THAT Council provide a positive recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding Cannabis Retail Store application (Job#002160) (CRL00019) with respect to the application to establish a Non-Medical cannabis retail sales business on Lot A, Plan KAP58662, DL 66, ODYD (107-5301 25th Avenue);

AND FURTHER, that the LCRB be advised that Council's support of the subject cannabis retail store application addresses the LCRB resolution criteria in the following manner:

- a) The location of the proposed store:
- i. The proposed new premise at 107-5301 25th Avenue is within the C5 – Community Commercial zone, and a cannabis retail store is a permitted use within this commercial zone.
- b) The general impact on the community if the application is approved:
- i. Council considers that approval of a cannabis retail store at this location would have minimal impact on the community as long as all federal, provincial and municipal regulations are adhered to.
- c) The public consultation process consists of 281 stakeholder referral letters being sent to internal departments, agencies and to all businesses, property owners and occupants within 30 m of the subject property. Two letters of support, 12 negative responses, two letters of concern and two letters of no concern were received.

AND FURTHER, that the report from the Manager, Current Planning dated July 15, 2019 be provided to the Liquor and Cannabis Regulation Branch to

document the City of Vernon's consideration of the location of the proposed cannabis retail store, the means of public consultation and the summary of input received with respect to Cannabis Retail Store application CRL00019.

**CANNABIS BUSINESS
LICENCE APPLICATION
FOR E520, 4400 – 32NDS
STREET (P. 458)
(CRL000020)**

- (vi) THAT Council provide a positive recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding Cannabis Retail Store application (Job#002130) (CRL00020) with respect to the application to establish a Non-Medical cannabis retail sales business on Lot A, KAP46718, DL 38, ODYD (E520, 4400 – 32nd Street);

AND FURTHER, that the LCRB be advised that Council's support of the subject cannabis retail store application addresses the LCRB resolution criteria in the following manner:

- a) The location of the proposed store:
- i. The proposed new premise at E520, 4400 – 32nd Street is within the C5 – Community Commercial zone, and a cannabis retail store is a permitted use within this commercial zone.
- b) The general impact on the community if the application is approved:
- i. Council considers that approval of a cannabis retail store at this location would have minimal impact on the community as long as all federal, provincial and municipal regulations are adhered to.
- c) The public consultation process consists of 95 stakeholder referral letters being sent to internal departments, agencies and to all businesses, property owners and occupants within 30 m of the subject property. One "no objection" response was received.

AND FURTHER, that the report from the Manager, Current Planning dated July 17, 2019 be provided to the Liquor and Cannabis Regulation Branch to document the City of Vernon's consideration of the location of the proposed cannabis retail store, the means of public consultation and the summary of

input received with respect to Cannabis Retail Store application CRL00020.

REZONING APPLICATION FOR 4403 – 20th STREET (P. 484)

(vii) THAT Council support the application (ZON00331) to rezone Parcel B, Lot 32, Sec 2, Twp 8, ODYD, Plan 474 exc. the west 20 feet shown on Plan B5878 (4403 – 20th Street) from R5: Four-plex Housing Residential to RH2: Stacked Row Housing Residential in order to allow for multi-family development, subject to the following conditions:

a) That a restrictive covenant be registered on title limiting the height of structures to 2.5 storeys and to provide for a future statutory right of way to allow for a future pedestrian and cycling connection between 20th Street and Pleasant Valley Road.

AND FURTHER, that:

a) Prior to final adoption of the zoning amendment bylaw, the Development Permit be ready to be issued and that any required variance to Zoning Bylaw #5000, as amended, be evaluated by Council and approved if appropriate.

12. LEGISLATIVE MATTERS

Bylaws:

ADOPTION

- 5764

(i) THAT Bylaw #5764, "**Fees and Charges (Septic and Holding Tank Disposal) Amendment Bylaw Number 5764, 2019**" – a bylaw to amend Fees and Charges Bylaw #3909, be **adopted. (P. 494)**

- 5765

(ii) THAT Bylaw #5765, "**Fees and Charges (Mobile Vending) Amendment Bylaw Number 5765, 2019**" - a bylaw to amend Fees and Charges Bylaw #3909, be **adopted. (P. 496)**

FIRST & SECOND READINGS & PUBLIC HEARING DATE

- 5766

(iii) THAT Bylaw #5766, "**4403 20th Street Rezoning Amendment Bylaw Number 5766, 2019**", a bylaw to rezone the subject property from "R5: Four-plex Housing Residential" to "RH2: Stacked Row Housing Residential, be **read a first and second time;**

AND FURTHER, that the Public Hearing for Bylaw #5766, be scheduled for **Monday, August 19, 2019, at 5:30 pm**, in Council Chambers. **(P. 498)**

13. COUNCIL INFORMATION UPDATES

- A. Mayor and Councillors Reports.

14. INFORMATION ITEMS

- A. Letter dated June 26, 2019 from Darryl Walker, Mayor, White Rock to UBCM, re: Proposed Vacancy Tax **(P. 501)**
- B. Letter dated June 26, 2019 from Terry Rysz, Mayor, District of Sicamous to the Honourable Rob Fleming, Minister of Education, re: Provincial Support for Libraries **(P. 505)**
- C. Letter dated June 27, 2019 from Aaron Stone, Mayor, Town of Ladysmith to the Honourable Rob Fleming, Minister of Education, re: Provincial Support for Libraries. **(P. 506)**
- D. Letter dated June 28, 2019 from David Weber, Director, City Clerk's Office, City of Richmond re: Proposed UBCM Resolution – Conflict of Interest Complain Mechanism. **(P. 507)**
- E. Letter dated June 28, 2019 from David Weber, Director, City Clerk's Office, City of Richmond re: Proposed UBCM Resolution - Lobbyist Registration. **(P. 508)**
- F. Letter dated June 28, 2019 from David Weber, Director, City Clerk's Office, City of Richmond re: Proposed UBCM Resolution – Statement of Disclosure Updates. **(P. 509)**
- G. Letter dated June 28, 2019 from David Weber, Director, City Clerk's Office, City of Richmond re: Proposed UBCM Resolution – Recovering Costs for Local Climate Change Impacts. **(P. 510)**
- H. Letter dated July 2, 2019 from Mayor Lyn Hall, City of Prince George re: Proposed UBCM Resolutions, request for support. **(P. 512)**
- I. Minutes from the following Committees of Council:
(i) Climate Action Adv Committee, Jun 4, 2019 **(P. 514)**
(ii) Advisory Planning Committee, Jun 11, 2019 **(P. 521)**

RECESS**15. RECESS MEETING**

NOTES:

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

- 1. "Zoning Text (Parking & Loading) Amendment Bylaw Number 5719, 2018"**

RECONVENE

16. RECONVENE MEETING

THIRD READING

- 5719**

A. THAT Bylaw #5719, "Zoning Text (Parking & Loading) Amendment Bylaw Number 5719, 2018" – a bylaw to amend Zoning Bylaw Number 5000, be read a third time. (P. 524)

17. CLOSE OF MEETING

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL
HELD MONDAY, JULY 8, 2019**

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, CAO
P. Bridal, Deputy CAO, Director, Corporate Services
S. Blakely, Manager, Legislative Services
K. Flick, Director, Community Infrastructure & Development
A. Stuart, Manager, Financial Planning & Reporting
S. Koenig, Director, Operations
S. Kozin, Manager, Water Reclamation Centre
B. Bandy, Manager, Real Estate*
E. Stranks, Manager, Engineering & Development Services*

**Attended at Required*

Others: Media and Members of the Public

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

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

**RESOLUTION TO CLOSE
MEETING**

Moved by Councillor Anderson, seconded by Councillor Gares:

BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90(1) of the *Community Charter*

- c) labour relations or other employee relations;
- d) *the security of the property of the municipality;*
- 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;*
- 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*

CARRIED.

Mayor Cumming called the Regular Open meeting back to order at 1:34 pm.

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, DCAO / Director, Corporate Services
S. Blakely, Manager, Legislative Services
K. Flick, Director, Community Infrastructure & Development
A. Stuart, Manager, Financial Planning & Reporting
S. Koenig, Director, Operation Services
L. Cordell, Manager, Sustainability & Long Range Planning
B. Bandy, Manager, Real Estate
D. Ross, Director, Recreation*
S. Abbott, Parks Planner
C. Broderick, Manager, Current Planning*
G. Gaucher, Manager, Protective Services*
Supt S. Baher, OIC, RCMP, Vernon Detachment*
Insp. G. Stewart, RCMP, Vernon Detachment*
D. Gellein, Manager, Building & Licencing*
A. Skrinnikoff, Records Clerk
R. Imrich, Records Clerk
C. Ovens, Manager, Road, Drainage & Airport*

*Attended, as required

Others: Media and Members of the Public

ADOPTION OF THE AGENDA:

APPROVAL OF ITEMS LISTED ON THE AGENDA

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT the agenda for the July 8, 2019, Regular Open meeting of the Council of The Corporation of The City of Vernon be amended as follows:

1. **REMOVE ITEM 6.B. GENERAL MATTERS** – Development Variance Application For 8840 Eastside Road.
2. **ADD ITEM 6.B. GENERAL MATTERS** – Motion to Reconsider – “7497 AND 7501 Brooks Lane Rezoning Amendment Bylaw Number 5758, 2019” (Councillor Mund)

AND FURTHER, that the agenda be adopted, as amended.

CARRIED.

**DAN GELLEIN, MANAGER,
BUILDING & LICENCING**

Kim Flick introduced Dan Gellein, Temporary Manager, Building & Licencing to Mayor & Council. Mr. Gellein is replacing Shawn Knuhtsen who has taken a two year temporary position in New Zealand.

**WELCOME - SUMMER
RECORD CLERKS**

Mayor Cumming welcomed Riley Imrich and Alexandra Skrinnikoff, Summer Records Clerks to the Council meeting.

ADOPTION OF MINUTES:

COUNCIL MEETINGS

Moved by Councillor Fehr, seconded by Councillor Mund:

THAT the minutes of the Regular Meeting of Council held June 24, 2019 be adopted;

AND FURTHER, that the minutes of the June 24, 2019 Public Input on the 2018 Annual Report be received;

AND FURTHER, that the minutes of the June 24, 2019 Public Hearing be adopted;

AND FURTHER, that the minutes of the Special Regular (Strategic Planning) meeting, June 20, 2019 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held June 24, 2019 be received.

CARRIED.

BUSINESS ARISING FROM THE MINUTES:

GENERAL MATTERS:

**PRESENTATION: INSP.
GORD STEWART, RCMP,
VERNON DETACHMENT**

Mayor Cumming provided a heartfelt thank you to Inspector Gord Stewart, RCMP, Vernon Detachment for his years of service to the Community and, on behalf of Council and Administration, wish him the very best in his new posting in Leduc, Alberta where he will be promoted to Supt.

Councillor Quiring declared a conflict of interest in the following matter as his firm is conducting work on the noted project. Councillor Quiring left the meeting at 1:44 pm.

RECONSIDERATION – “7497 AND 7501 BROOKS LANE REZONING AMENDMENT BYLAW NUMBER 5758, 2019”

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council **reconsiders** the following item considered at the June 24, 2019 Regular Council meeting:

Third Reading of Bylaw #5758, “7497 and 7501 Brooks Lane Rezoning Amendment Bylaw Number 5758, 2019” – a bylaw to rezone the subject properties from “R1-Estate Lot Residential” to “C10A – Tourist Commercial and Residential” and “P1-Parks and Open Space”

CARRIED, with Councillor Anderson opposed.

Administration noted that a **SECOND** Public Hearing will be held on August 19, 2019.

Councillor Quiring returned to the meeting at 1:47 pm.

COUNCIL INQUIRIES

CANADA DAY – THANK YOU

Council thanked the Canada Day Society and their volunteers for their hard work and efforts to provide a very successful event to celebrate July 1st in Vernon.

APPLICATION DATE TO BE INCLUDED ON DEVELOPMENT APPLICATION REPORTS

Council requested that the application date be included on all staff reports pertaining to development applications moving forward.

ADMINISTRATION UPDATES (0550-05)

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Council receives the Administration Updates dated July 8, 2019.

CARRIED.

UNFINISHED BUSINESS:

OPTIONS FOR OFF LEASH DOG USE IN MARSHALL FIELDS (6135-01)

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council direct Administration to continue the current abeyance of Bylaw #5057, 6(a)(iv) in the area of Marshall Fields currently designated as off leash dog use until the permanent fence and signage are installed in the fall of 2019.

AND FURTHER, that Council direct Administration to install a 1.2 m (4 foot) high galvanized chain link fence to separate the soccer fields from the off leash dog area in Marshall Fields, place permanent signage with clear messaging **tb6**

reflect this change and place two additional garbage receptacles and bag dispensers, as per Map 1 - Fence Alignment (Attachment 2), at the cost of \$87,000.

AND FURTHER, that Council direct Administration to put forward the preparation of a Parks Master Plan for Marshall Fields for consideration in the 2021 budget and work plan, to include re-orientation of soccer fields to provide an additional field, redevelopment and expansion of parking, review of options for a new playground and re-alignment of the vehicle access/egress at Marshall Fields (as previously directed by Council).

AND FURTHER, that Council approve the source of funds for the projects endorsed above, as 2018 Year-end Uncommitted Unexpended Balance.

CARRIED.

Moved by Mayor Cumming, seconded by Councillor Anderson:

THAT Council directs Administration to bring forward a report with lower cost options to protect critical habitat of the Great Basin Spadefoot Toad, as recommended in the Environmental Assessment of Marshall Fields Dog Park in Vernon, BC.

CARRIED.

Councillor Quiring declared a conflict of interest in the following matter as Wesbild is a client of his firm. Councillor Quiring left the meeting at 2:23pm

**TURTLE MOUNTAIN
BOULEVARD LANDSCAPING
(8300-05)**

Moved by Councillor Gares, seconded by Councillor Nahal:

THAT Council receive the Internal Memorandum titled "Turtle Mountain Boulevard Landscaping", dated June 28, 2019 and respectfully submitted by the CAO.

CARRIED.

Councillor Quiring returned to the meeting at 2:24 pm.

**SEASONAL SECURITY
SUPPLEMENTATION BY
PRIVATE SECURITY
(7400-01)**

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council directs potential source of funds for seasonal security supplementation be:

the 2018 Year-end Uncommitted Unexpended Balance. 17

CARRIED.

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Council directs Administration to include criminal activities and bylaw infractions in relation to consideration of seasonal security supplementation.

CARRIED.

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council directs seasonal security supplementation be provided to:

The Vernon Business Improvement, Primary and Secondary Areas

CARRIED.

Moved by Councillor Gares, seconded by Councillor Quiring:

THAT Council directs that seasonal security be provided for the period(s):

11 pm until 7am from May 1 until September 30.

CARRIED.

Moved by Councillor Quiring, seconded by Councillor Gares:

THAT Council directs that private security services currently funded by the private sector **will not** be funded by the City

CARRIED.

INSTALLATION OF GARBAGE CANS AT 28TH AVENUE AND 33RD STREET (5360-01)

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Council direct Administration to install two new waste receptacles as shown on Attachment 1, at an estimated cost of \$5800 and provide for the 2019 operational costs, estimated at \$1040 using the 2018 unexpended uncommitted year-end balance as indicated in the memo titled 'Installation of Garbage Cans at 28th Avenue and 33rd Street, dated June 27, 2019 from the Manager, Roads, Drainage and Airport.

CARRIED.

MATTERS REFERRED FROM THE IN-CAMERA MEETING –
July 8, 2019

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the **July 9, 2019**, In Camera meeting:

**ADMINISTRATION UPDATE -
OVERDOSE PREVENTION
SERVICES
(0550-06)**

'THAT Council **declassifies** and removes from In Camera the following July 8, 2019 In Camera Administrative Update:

Overdose Prevention Services

At the in camera meeting of June 24, 2019, Council requested an update on the proposed Overdose Prevention Service to be established by IHA. Administration contacted Ms. Colleen McEwan, IHA, requesting "status of OPS call for proposals, site selection and service provider". Dr. Goodison replied advising that the "decision is currently at our senior leadership table".'

**PROPOSED EASEMENT –
3409 28TH AVENUE (THE HUB)
(2410-01)**

'THAT Council direct Administration to enter into an easement agreement with the Hub Enterprises Corp. for the property at civic: 3409 28th Avenue, PID: 030-157-030, legal: Lot A, Plan EPP67566, District Lot 72, O.D.Y.D., for the approximately 7.5 m² of airspace encroachments on 28th Avenue and the lane on the northern boundary;

AND FURTHER, that Council direct Administration to include an annual fee of \$250.00 at onset to be increased by 2% per year, cost recovery for City administration costs and legal fees, and a minimum of \$5M in liability insurance;

AND FURTHER, that Council authorize the Mayor and Corporate Officer to sign the Terms of Easement, as attached to this report titled, "Proposed Easement – 3409 28th Avenue (The Hub); dated June 27, 2019 and respectfully submitted by the Real Estate Manager.'

**ROAD DEDICATION
PURCHASE – 3500 27TH
AVENUE (MY PLACE)
(5410-10-35 ST)**

'THAT Council direct Administration to purchase the approximately 483.1 m² of land required for road described as 35th Street, from the property with a civic address of 3500 27th Avenue, owned by Provincial Rental Housing Corporation, for the price of \$111,770;

AND FURTHER, that Council direct Administration to draw the funds from the Land Sale Reserve Fund.'

NEW BUSINESS

CORRESPONDENCE:

Councillor Nahal left the meeting at 3:12 pm and returned at 3:14 pm.

**OKANAGAN LAKE
PROTECTION STRATEGY –
EXPRESSION OF SUPPORT
(5280-04)**

Moved by Councillor Quiring, seconded by Councillor Mund:

THAT Council receive the memo dated June 25, 2019 and titled “Okanagan Lake Protection Strategy – Expression of Support” from the Manager, Long Range Planning and Sustainability and to **not** endorse the Expression of Support.

CARRIED, with Mayor Cumming and Councillor Fehr opposed.

**COUNCIL DISCRETIONARY
GRANT APPLICATIONS –
APRIL 30 INTAKE
RECONSIDERATION
(1850-02)**

Moved by Councillor Gares, seconded by Councillor Mund:

THAT Council approves the recommendation regarding the Council Discretionary Grants from the Finance Committee as follows:

THAT Council reconsider the \$2,533 Discretionary Grant previously approved at the May 27, 2019 Regular Meeting and, based on the revised grant application, approve a \$289 Council Discretionary Grant, on a one time basis, to Okanagan Quality Life Society, toward the cost of a Bimini top/seat cover

CARRIED.

**CONFLICT BETWEEN NATIVE
MUSSEL PROTECTION AND
INVASIVE EURASIAN
WATERMILFOIL
(0410-30)**

Moved by Mayor Cumming, seconded by Councillor Quiring:

THAT Council receives the letter dated July 3, 2019 from Ted Zimmerman, A/Regional Executive Director, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Thompson-Okanagan Natural Resource Region, re: Conflict Between Native Mussel Protection and Invasive Eurasian Watermilfoil – response to City of Vernon letter dated May 14, 2019.

CARRIED.

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Council authorizes the Mayor to provide a letter of response to Ted Zimmerman, A/Regional Executive Director, Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Thompson-Okanagan Natural Resource Region expressing disappointment at the lack of any clear scientific defense in prohibiting the removal of invasive Eurasian watermilfoil;

AND FURTHER, that the Ministry be requested to permit the rototilling of the watermilfoil pending research and science based evidence that the practice should be discontinued.

CARRIED.

REPORTS:

**MIRIAM MASONIC LODGE #20
– MURAL REQUEST FOR 3005
A 32ND STREET
(3320-20-01077.000)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council approve the mural on the south brick wall and a portion of the east brick wall of the Miriam Masonic Lodge #20 building located at 3005 A 32nd Street as proposed by Mr. Winskowski on behalf of the Miriam Masonic Holding Co. in his request dated January 28, 2019;

AND FURTHER, that Council approve the proposed mural design as submitted by Mr. Winskowski and as included as Attachment 1 in the report titled “Miriam Masonic Lodge #20 – Mural Request for 3005 A 32nd Street” dated June 26, 2019 and respectfully submitted by the Economic Development Planner.

CARRIED.

**HERITAGE RESTORATION
GRANT APPLICATION FOR
3212 – 30TH AVENUE
(HGS00005)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council approve a grant for \$2,940.00 to the owner of the property at 3212 30th Avenue for eligible works constructed during 2019 as per the Heritage Restoration Grant Program.

CARRIED.

LEGISLATIVE MATTERS:

BYLAWS:

**FIRST, SECOND & THIRD
READING**

- 5764

Moved by Councillor Anderson, seconded by Councillor Gares:

THAT Council #5764, “**Fees and Charges (Septic and Holding Tank Disposal) Amendment Bylaw Number 5764, 2019**” – a bylaw to amend Fees and Charges Bylaw #3909, be read a first, second and third time.

CARRIED.

- 5765

Moved by Councillor Quiring, seconded by Councillor Gares:

THAT Bylaw #5765, "**Fees and Charges (Mobile Vending) Amendment Bylaw Number 5765, 2019**" - a bylaw to amend Fees and Charges Bylaw #3909, be read **a first, second and third time.**

CARRIED.

COUNCIL INFORMATION UPDATES:

COUNCILLOR SCOTT ANDERSON

Councillor Scott Anderson provided a verbal report on the following matters:

Attended:

- Thanks to Canada Day Committee for efforts

COUNCILLOR AKBAL MUND

Councillor Akbal Mund provided a verbal report on the following matters:

Attended:

- Duteau Creek Water Treatment Facility Grand Opening
- 2020 SILGA Conference Planning meeting
- Met with Federal Minister Tassi, Minister of Seniors, and Minister Jordan, Minister of Rural Economic Development to discuss a Pilot Project to bring 100 Immigrants to the Community and partner with seniors, and \$475,000 funding for Rural Economic Development in the North Okanagan

COUNCILLOR KELLY FEHR

Councillor Kelly Fehr provided a verbal report on the following matters:

- GVAC Meeting
- Canada Day Events

MAYOR VICTOR CUMMING

Mayor Cumming provided a verbal report on the following matters:

• **Attended several events including:**

- Duteau Creek Water Treatment Facility Grand Opening
- Chamber of Commerce Local Leaders Luncheon

- MEETING/EVENT ATTENDANCE

- MEETING/EVENT ATTENDANCE

- MEETING/EVENT ATTENDANCE

- MEETING/EVENT ATTENDANCE

- o Economic Development Committee meeting
- o Canada Day Events
- o Vernon Cadet Camp Museum opening

INFORMATION ITEMS:

Council received the following information items:

- A. Letter dated June 19, 2019 from Mayor Shane Brien, District of Houston, to the Honorable Rob Fleming, Minister of Education, re: Provincial Support for Libraries
- B. Letter dated June 12, 2019 from Electoral Area Directors, Regional District of North Okanagan, re: Young Agrarians Land Matching Program
- C. Minutes from the following Committees of Council:
 - (i) Economic Development Advisory, March 20
 - (ii) Finance Committee, May 9
 - (iii) Tourism Commission, May 15

RECESS

Mayor Cumming temporarily adjourned the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 3:27 p.m.

RECONVENE

Mayor Cumming reconvened the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 7:03 p.m.

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, DCAO / Director, Corporate Services
S. Blakely, Manager Legislative Services
E. Stranks, Manager, Engineering Development Services
C. Broderick, Manager, Current Planning
E. Croy, Transportation Planner
K. Flick, Director, Community Instructure & Development

Others: Members of the Public

THIRD READING

- 5760

Moved by Councillor Quiring, seconded by Councillor Anderson:

THAT Bylaw #5760, “**5000 20th Street Rezoning Amendment Bylaw Number 5760, 2019**” – a bylaw to rezone the subject property from “A3 – Rural Small Holdings” to “RH1 – Low-Rise Apartment Residential, **be read a third time.**

CARRIED.

- 5761

Moved by Councillor Gares, seconded by Councillor Mund:

THAT Bylaw #5761, “**1030 Mt. Bulman Drive Rezoning Amendment Bylaw Number 5761, 2019**” – a bylaw to rezone the subject property from “R2 – Large Lot Residential” to “R2H – Large Lot Residential – Sub-zone, **be read a third time.**

CARRIED.

- 5762

Moved by Councillor Anderson, seconded by Councillor Quiring:

THAT Bylaw #5762, “**7235 Hitchcock Road Rezoning Amendment Bylaw Number 5762, 2019**” – a bylaw to rezone the subject property from “C.R. (Country Residential – RDNO)” to “HR1 – Hillside Residential Single and Two Family”, **be read a third time.**

CARRIED.

CLOSE

Mayor Cumming closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 7:19 pm.

CERTIFIED CORRECT:

Victor Cumming
Mayor

Patricia Bridal
Corporate Officer

THE CORPORATION OF THE CITY OF VERNON

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

PRESENT: Mayor Cumming

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

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

Others: Members of the Public

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

Mayor Cumming outlined the procedures to be followed.

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

Administration provided a brief overview of the application.

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

A. “5000 20th Street Rezoning Amendment Bylaw Number 5760, 2019”

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

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

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

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

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

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

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

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

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

“5000 20th Street Rezoning Amendment Bylaw Number 5760, 2019”

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

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

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

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

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

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

“5000 20th Street Rezoning Amendment Bylaw Number 5760, 2019”

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

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

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

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

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

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

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

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

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

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

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

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

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

Date	Name
July 8, 2019	Carrie Siemens

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

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

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

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

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

CLOSE:

The Public Hearing closed at 7:02 pm.

CERTIFIED CORRECT:

Victor Cumming
Mayor

Patti Bridal
Corporate Officer



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 18, 2019

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

SUBJECT: 2019 PLANNING AND BUILDING SECOND QUARTER STATISTICS SUMMARY

The following 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 2019. 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 April 2019 from the Municipal Regional District Tax (MRDT). Data from previous years have been included for comparison purposes.

Figure 1 highlights the number of applications received in Q2 and YTD. 2019 continues to be busy with 542 applications received, which is similar to 2017 and 2018 and up from 2015 and 2016.

Figure 1: Application Summary (Q2 and YTD)

	2015		2016		2017		2018		2019	
	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)	Q2	YTD (Q1+Q2)
Land Use Applications	35	61	46	91	51	97	52	107	56	102
Building Permits	109	197	123	213	133	222	132	213	109	195
Miscellaneous Applications	82	178	124	204	136	235	138	227	140	245
Total	226	436	293	508	320	554	322	547	305	542

Figure 2 provides an overview of the values and types of building permits issued up until the end of Q2 (June 30) for 2019. Total building permit value reached \$77 million, which is a decrease of 11% over the \$86.5 million in 2018. To date, there has been an increase in commercial (124.1%) and industrial (57.3%) building permits, but a decrease in single family (-19.8%), multi-family (-4.8%) and institutional (-100%) building permits.

Figure 2: Building Permit Issuance Summary – Year to Date (June 30, 2019)

Type of Application	2016		2017		2018		2019	
	YTD #	YTD Value	YTD #	YTD Value	YTD #	YTD Value	YTD #	YTD Value
Single Family Dwelling								
New	64	\$24,532,619.95	89	\$36,389,556.75	67	\$28,145,800.00	49	\$22,333,152.18
Addition/Reno/Upgrade/Suite	44	\$1,728,653.76	43	\$2,175,290.89	33	\$2,379,709.03	49	\$2,144,342.36
Multi-Family Dwelling								
New	15	\$18,189,862.67	19	\$10,431,723.46	30	\$41,492,064.40	27	\$38,116,780.00
Addition/Reno/Upgrade	2	\$750,685.68	3	\$337,000.00	2	\$241,000.00	2	\$1,615,000.00
Commercial								
New	3	\$19,387,000.00	0	\$0.00	2	\$1,245,000.00	1	\$1,190,000.00
Addition/Reno/Upgrade	38	\$5,268,633.61	24	\$6,756,990.00	22	\$2,953,925.67	30	\$8,220,000.00
Industrial								
New	0	\$0.00	0	\$0.00	2	\$1,540,000.00	3	\$2,450,000.00
Addition/Reno/Upgrade	1	\$30,000.00	0	\$0.00	2	\$18,000.00	0	\$0.00
Institutional								
New	2	\$19,300,000.00	1	\$11,500,000.00	0	\$0.00	0	\$0.00
Addition/Reno/Upgrade	5	\$0.00	3	\$75,000.00	3	\$7,602,500.00	1	\$0.00
Other								
Total Other	39	\$2,640,010.86	40	\$626,244.00	50	\$967,378.75	33	\$915,900.00
Total # of BP's	213		222		213		195	
Total Value of BP's		\$91,827,466.53		\$68,291,805.10		\$86,585,377.85		\$76,985,174.54

Figure 3 provides an overview of applications and building permit values for Q2 of 2019. The building permit value was \$28.3 million, which is a 47% decrease over the \$54.1 million in Q2 of 2018. This reflects fewer large multi-family and institutional development coming on stream this quarter.

A total of 109 building permits have been issued in Q2 of 2019, which is a 17% decrease compared to the 132 permits issued during in Q2 of 2018.

Figure 3: Building Permit Issuance Summary – Q2 Only

	2016		2017		2018		2019	
	Q2 #	Q2 - Value	Q2 #	Q2 - Value	Q2 #	Q2 - Value	Q2 #	Q2 - Value
Single Family Dwelling								
New	39	\$14,338,808.53	58	\$21,872,556.75	43	\$18,403,800.00	29	\$14,642,082.18
Addition/Reno/Upgrade/Suite	27	\$837,969.48	28	\$1,205,209.39	23	\$1,769,786.03	25	\$1,472,463.19
Multi-Family Dwelling								
New	8	\$3,473,227.67	8	\$4,482,955.23	16	\$21,880,064.40	11	\$6,748,780.00
Addition/Reno/Upgrade	0	\$0.00	2	\$325,000.00	1	\$196,000.00	1	\$325,000.00
Commercial								
New	1	\$18,000,000.00	0	\$0.00	1	\$495,000.00	1	\$1,190,000.00
Addition/Reno/Upgrade	21	\$2,625,966.30	7	\$4,195,000.00	14	\$1,693,925.67	17	\$3,587,000.00
Industrial								
New	0	\$0.00	0	\$0.00	2	\$1,540,000.00	0	\$0.00
Addition/Reno/Upgrade	1	\$30,000.00	0	\$0.00	2	\$18,000.00	0	\$0.00
Institutional								
New	2	\$19,300,000.00	1	\$11,500,000.00	0	\$0.00	0	\$0.00
Addition/Reno/Upgrade	0	\$0.00	3	\$75,000.00	3	\$7,602,500.00	0	\$0.00
Other								
Total Other	24	\$528,010.86	26	\$280,000.00	27	\$514,978.75	25	\$365,000.00
Total # of BPs	123		133		132		109	
Total Value of BPs		\$59,133,982.84		\$43,935,721.37		\$54,114,054.85		\$28,330,325.37

Figure 4 provides an overview of the types and number of land use applications received for Q2 over the last several years and YTD. Land use applications in Q2 were up slightly (7.7%) compared to Q2 of 2018. A notable addition is the 20 Cannabis Retail Licensing applications that have been received to Q2 of 2019. These applications have taken a significant amount of staff time to process.

Figure 4: Land Use Application Summary

Type of Application	2015		2016		2017		2018		2019	
	Q2	YTD (Q1+Q2)	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	0	0
Board of Variance	0	0	2	3	3	3	0	0	0	0
Cannabis Retail Licensing	-	-	-	-	-	-	-	-	9	20
Development Permit	9	15	10	25	14	31	16	29	10	16
Development Variance Permit	7	10	7	18	9	18	5	14	9	11
Heritage Revitalization / Alteration	0	0	0	0	0	0	0	0	1	4
Liquor Licensing	1	1	1	1	4	4	9	12	4	9
LUC Amendment / Discharge	0	1	0	0	0	0	1	1	0	0
OCP Amendment	1	2	1	4	1	1	1	4	0	3
Revitalization Tax Exemption	1	1	0	2	0	0	1	1	1	2
Rezoning	5	6	6	11	4	9	5	14	7	12
Subdivision	4	16	11	16	12	23	7	18	6	9
Tree Removal Permit	7	9	8	11	4	8	7	14	9	16
Total Applications	35	61	46	91	51	97	52	107	56	102

Figure 5 provides a breakdown of the miscellaneous applications received in Q2 of 2019 and YTD. Miscellaneous applications in Q2 remain steady compared to 2018 and YTD are up 8% over 2018.

Figure 5: Miscellaneous Application Summary

Type of Application	2015		2016		2017		2018		2019	
	Q2	YTD (Q1+Q2)	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	1	3
Hoarding	23	40	31	46	28	52	41	56	28	44
Property Info Request	22	43	33	47	49	78	45	83	65	106
Sidewalk / Blvd Area use	0	0	2	3	1	1	0	0	1	1
Sign Permit	37	94	58	107	55	98	51	87	45	91
TOTAL Applications	82	178	124	204	136	234	138	227	140	245

Figure 6 provides a summary of the DCCs received in 2019 YTD and the year end values received for 2017 and 2018. Note, Coldstream Sewer DCCs are included in the figures below.

Figure 6: Development Cost Charges

Type of DCC	2017	2018	2019				YTD
	Year End	Year End	Q1	Q2	Q3	Q4	
Sanitary Disposal	\$ 240,502	\$ 278,738	\$ 182,191	\$ 41,572			\$ 233,763
Sanitary Collection	\$ 162,421	\$ 183,994	\$ 125,558	\$ 29,117			\$ 154,675
Sanitary Treatment	\$ 160,199	\$ 140,138	\$ 91,222	\$ 20,637			\$ 111,859
Water Facilities	\$ 380,106	\$ 481,633	\$ 448,946	\$ 72,757			\$ 521,703
Transportation	\$ 1,935,161	\$ 864,306	\$ 1,340,582	\$ 300,889			\$ 1,641,471
Stormwater	\$ 112,197	\$ 119,222	\$ 57,126	\$ 17,605			\$ 74,731
Parks and Open Space	\$ 1,222,682	\$ 1,059,353	\$ 930,582	\$ 186,542			\$ 1,117,124
Total Value of DCCs	\$ 4,213,268	\$ 3,127,384	\$ 3,176,207	\$ 669,119			\$ 3,855,326

Room Revenue for the accommodators located in the city has begun to level off after five record setting years. Room revenue for 2018 was flat over 2017, however four of the twelve months set records since collection began. Room revenue in 2019 to April is down slightly over 2018 (-1.8%).

The figures below do not include the funds collected from Online Accommodation Platforms (OAP) which began in October 2018. OAP revenue accounted for an additional \$15,758 in MRDT from October to December 2018 and \$21,878 in MRDT from January to March 2019. This equates to an additional \$525,267 in room revenue for the last three months of 2018 and \$783,400 in room revenue received YTD in 2019.

Figure 7: Municipal Regional District Tax

Month	2017 Room Revenue	2017 2% MRDT	2018 Room Revenue	2018 3% MRDT*	% Change Room Revenue	2019 3%MRDT	2019 Room Revenue	% Change Room Revenue
January	\$ 1.13 M	\$ 22,673.79	\$1.42 M	\$ 39,258.88	25.3%	\$ 38,230.66	\$ 1.39 M	- 2.4%
February	\$ 1.70 M	\$ 34,065.95	\$2.13 M	\$ 59,772.88	26.4%	\$ 51,771.93	\$ 1.87 M	-13.2%
March	\$ 2.01 M	\$ 41,568.22	\$2.20 M	\$ 61,597.04	6.7%	\$ 68,477.21	\$ 2.47 M	11.2%
April	\$ 2.45 M	\$ 49,031.11	\$2.26 M	\$ 63,210.77	- 7.1%	\$ 61,208.76	\$ 2.21 M	- 3.1%
May	\$ 3.28 M	\$ 65,502.09	\$3.45 M	\$ 96,599.97	5.9%			
June	\$ 4.45 M	\$ 88,915.85	\$4.51 M	\$ 125,756.96	1.4%			
July	\$ 5.63 M	\$112,682.35	\$5.62 M	\$ 156,731.06	-0.3%			
August	\$ 4.85 M	\$ 97,088.02	\$4.85 M	\$ 135,348.42	0.0%			
September	\$ 4.42 M	\$ 88,380.56	\$3.89 M	\$ 108,477.52	-11.9%			
October	\$ 2.64 M	\$ 52,740.41	\$2.28 M	\$ 63,206.88	-13.7%			
November	\$ 2.11 M	\$ 42,124.24	\$1.95 M	\$ 53,951.02	-7.6%			
December	\$ 2.16 M	\$ 43,201.18	\$2.04 M	\$ 55,252.25	18.9%**			
	\$ 36.9 M	\$737,973.77	\$36.7 M	\$1,019,436.65	0.8%	\$219,688.56	\$7.94 M	- 1.8%

*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:


- October 28, 2019 - Quarter 3
- February 2020 - Quarter 4 and Year End

Recommendation:

THAT Council receive the memorandum titled "2019 Planning and Building Second Quarter Statistics Summary" dated July 18, 2019 from the Manager, Economic Development and Tourism and Current Planning Assistant, for information.

Respectfully submitted by:


Jul 23 2019 11:06 AM

X  ✓

Kevin Poole DocuSign

Kevin Poole
Manager, Economic Development and Tourism

Jul 23 2019 11:07 AM

X  ✓

Craig Broderick DocuSign

Carie Liefke
Current Planning Assistant

\\gw1\groups\6400-6999 PLANNING AND DEVELOPMENT\6970 PLANNING REPORTS AND STATISTICS\20 Planning Reports and Statistics\2019\Quarterly Stats\190718_kp-cl_memo_2019_Q2_Dev_Stats.doc

ADMINISTRATION UPDATES
JULY 29, 2019 REGULAR COUNCIL MEETING

File: 0550-05

CORPORATE SERVICES

Bylaw Officers Role in Enforcement

Council, at the July 8 meeting requested Clarification of Bylaws role versus RCMP

Bylaw Compliance Officers:

Bylaws set standards for the community and are an important tool to ensure we set boundaries in acceptable behavior and values. At times, however, boundaries may be crossed and Bylaw Compliance Officers are given the task to investigate complaints received from the public about alleged violations of various municipal bylaws. Bylaw Compliance Officers apply and enforce *Municipal Bylaws* enacted by the City of Vernon. These include, approximately 27 Regulatory Bylaws, ranging from Business Licencing #5480, Parks and Public Places Bylaw #5057, Good Neighbour #4980, Zoning Bylaw #5000 and others.

In addition, officers are tasked with enforcing the Traffic Bylaw #5600 which includes parking, in order to ensure safety for our residents. These regulations include such things as parking too close to a fire hydrant, stop sign or crosswalk, as well as parking adjacent to yellow lines and parking on the wrong side of the road creating traffic safety concerns.

Note: Bylaw Compliance Officers may come across property they believe to be stolen (including stolen bikes), suspected illicit drugs and drug paraphernalia in the course of their duties, all of which must be turned over to the RCMP for investigation.

RCMP:

All British Columbia *Provincial Legislation* including the Safe Streets Act and Trespass Act.

All Criminal Code Sections including Theft and Possession of Stolen Property.

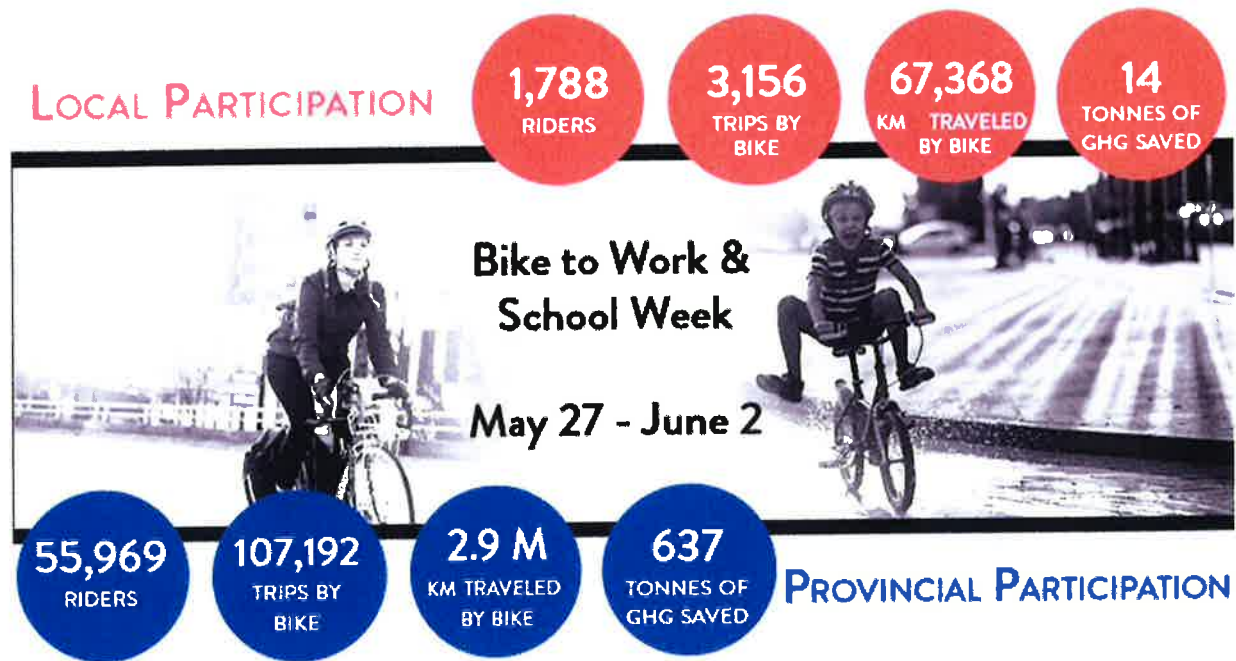
Controlled Drugs and Substances Act including Open Illicit Drug Use, Trafficking and Possession.

COMMUNITY INFRASTRUCTURE & DEVELOPMENT

Parking on Brooks Lane

Arising from its Public Hearing of June 24, 2019, Council requested an update on the on-street parking restrictions on Brooks Lane. Administration has reviewed the site further and confirmed that there should be no parking on both sides of Brooks Lane as per the Traffic Bylaw due to its width being less than 6.0m. A service Request for the installation of these signs has been submitted and “no Parking” signs will be installed by end of August.

Bike to Work and School Week 2019



The City of Vernon collaborated with GoByBike BC to host Bike to Work and School Week from May 27 – June 2, 2019. Bike to Work and School Week is a province-wide campaign that encourages people of all ages to try cycling for transportation, which can reduce single occupancy vehicle use, reduce greenhouse gas emissions, improve air quality, and improve public health.

Participation in this annual event continues to grow. This year 1,788 Vernon and North Okanagan residents cycled 67,368 kilometers (nearly triple the number of kilometers cycled in 2018) and saved 14 tonnes of greenhouse gas emissions. A total of 244 local teams participated from a variety of sectors including education, health, government, non-profit, industry and the general public. The top local team was City of Vernon Velocity with 44 riders cycling 1,370 kilometres. The provincial grand prize, a cycling trip for two to Italy, was won in a Province wide random draw by City of Vernon staff member Shelley Klein.

Administration delivered six events throughout the week in partnership with local schools and businesses: a kick-off breakfast at Sun Country Cycle sponsored by Kal Tire, two Bike to School celebrations (Ellison Elementary and Beairsto Elementary), a Celebration Station at the Naked Pig Kitchen in partnership with the Downtown Vernon Association, and a Celebration Station at Nature's Fare Markets. Five of the six events were delivered 'by bike' with staff utilizing the City's new electric bicycle fleet and bike trailer.

Great Basin Spadefoot Toad Protection and Re-routed Footpath to Dog Off Leash Area in Marshall Fields

At its Regular Meeting of July 8, 2019, Council directed Administration to review and bring back a lower cost alternative for the protection of the Spadefoot Toad near Lakers Clubhouse. Administration is in process of developing and costing a reduced trail standard for the re-routed path. This item will be presented to Council at the Regular Meeting of August 19, 2019.

A draft agreement between the BC Ministry of Forest Lands Natural Resources and Rural Development and the City of Vernon for the protection of Great Basin Spadefoot Toads is being reviewed by Administration and will be presented to Council at the August 19, 2019 Regular meeting.

OPERATIONS**Septage Receiving Facility**

The new Septage Receiving Facility located at the Vernon Water Reclamation Centre is scheduled to open August 1. The City of Vernon will have sole responsibility for the operation of the new facility. The existing Septage Treatment Facility located at 1700 – 26 Street will be sold to N & T Properties and will be permanently closed.

Kin Race Track

All structures, horse barns, horse track railings, observation towers, fencing, vehicle debris and cement foundations have been removed from the Kin Race Track site, ahead of schedule and under budget. The softball diamonds will remain in use until a plan is developed for the area. The other portion of Kin Race Track will remain in a “greenfield” state requiring minimal maintenance (rough cut mowing 3 times per year) until Council provides further direction regarding the use and development of this area.



REPORT/RECOMMENDATION TO COUNCIL

**SUBMITTED
BY:**

Will Pearce, CAO

DATE: July 24, 2019

FILE: 8300-05

SUBJECT: TURTLE MOUNTAIN BOULEVARD LANDSCAPING

PURPOSE:

To report to Council on Turtle Mountain residents responses related to maintenance of public boulevard landscaping.

RECOMMENDATION:

THAT Council direct Administration to proceed with replacing grass islands and shrubs on public boulevards within Turtle Mountain with landscape rock over landscape fabric, and replace the aging irrigation system with a water efficient system designed to irrigate the existing trees at a one time capital cost of \$175,000, source of funds 2018 year end unexpended, uncommitted balance;

AND FURTHER, that Council directs Administration to assume ongoing maintenance responsibility for existing public boulevards within Turtle Mountain, at an annual cost of \$75,000 source of funds 2018 year end unexpended uncommitted balance for 2019 and that \$75,000 be included as a service level increase for 2020 and beyond.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council direct Administration to maintain the existing public boulevard landscaping in Turtle Mountain, at an annual estimated budget of \$150,000 per annum, source of funds 2018 year end unexpended uncommitted balance for 2019 and to be included as a service level increase for the 2020 operating budget.

ANALYSIS:

A. Committee/Board Recommendations:

N/A

B. Rationale:

At the June 24, 2019 Regular meeting, Council received a report titled "Turtle Mountain Boulevard Landscaping" (Attachment 1). The report summarized the history of

landscape standards on public boulevards within the subject development. The report includes the 2006 Master Development Agreement and a petition submitted by residents of Turtle Mountain calling for the City to “maintain and preserve the green space boulevard access to our community

Council resolved:

“THAT Council supports in principle the one-time capital cost of \$175,000 to decrease the level of maintenance of the landscaping within Turtle Mountain boulevard areas, source of funds being the 2018 Year End Unexpended and Uncommitted balance;

AND FURTHER, that Council supports in principle an annual maintenance cost of \$75,000 for the reduced service level in the Turtle Mountain Boulevard areas to be funded from the 2018 year end unexpended and uncommitted balance for the 2019 season, and to be included as a service level increase for 2020 and beyond;

AND FURTHER, that Council directs Administration to consult with the property owners of Turtle Mountain to inquire as to their interest in a cost-sharing agreement for maintaining the current level of landscaping on the boulevard, with a two week deadline for response. CARRIED.”

Administration contacted residents by mail (Attachment 2) to assess their interest in cost-sharing the maintenance of the existing public boulevard landscaping. Residents were asked to respond by July 19, 2019.

Resident responses are summarized in Table 1 (Attachment 3) and are provided in Attachment 4. In brief, 172 letters were mailed on June 28, 2019, 2 letters were returned, 8 of the 172 letters were sent to Everton Ridge Homes Ltd., 13 of the 172 letters were sent to Turtle Mountain Holdings Ltd. Fifty-four (54) responses were received. Thirty-eight (38) respondents answered 'NO' to cost-sharing, 8 were in favour of cost-sharing (and retaining current landscape standards), 8 did not specifically state support for one of the 3 Options presented in the letter dated June 28, 2019. Many of the 8 responses not selecting an option called for Council to maintain the current landscaping and service level at City cost without a cost-sharing element.

Many respondents were explicit that they did not want to participate in a Local Service Area Tax, did not want to participate in or be part of a “strata” (not one of the Options), and did not want to cost-share to maintain the current service level. All responses are included in Attachment 4, for Council’s information.

Given the nature of the responses received, Administration recommends proceeding with removal of labour intensive landscape features (shrubs, grass), retention of the trees, and replacement of the irrigation system as presented in the original report to Council, dated June 24, 2019. The resulting landscape standard would still be higher than that which is common across the City, but ongoing maintenance costs would be substantially reduced from those required to maintain the existing landscaping.

It is important to reiterate the June 24, 2019 report to Council noting that trees located between existing homes and front or side property lines are NOT considered "boulevard trees". These trees, and any adjacent landscaping are NOT included as part of the maintenance to be assumed by the City.

C. Attachments:

1. June 24, 2019 Report to Council "Turtle Mountain Boulevard Landscaping"
2. June 28, 2019 Letter to residents
3. Table 1 Summary Spreadsheet
4. Resident responses (contact information redacted)

D. Strategic Plan Objectives:

Council Strategic Plan 2019 – 2022 Goals / Action Items:

- Encourage sustainable infrastructure, agriculture and landscaping
- Continued commitment to asset management

E. Policy (Existing/Relevance/None):

BUDGET IMPLICATIONS:

Costs to assume responsibility for the reduced landscape standard: \$75,000 per annum (adjusted annually). Costs to maintain existing landscape standard: \$150,000 per annum (adjusted annually).

Prepared by:

Will Pearce, CAO

Approved for submission to Council:

Patricia Bridal, Deputy CAO

Date: July 24 | 2019

APPROVALS		DATE	COUNCIL AGENDA INFORMATION:		
Supervisor _____	_____	_____	<input checked="" type="checkbox"/> Regular	Date: <u>July 29 19</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 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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THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Ed Stranks, Manager,
Development and Engineering
Services
Kendra Kryszak, Manager, Parks
and Public Spaces

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: June 24, 2019
REPORT DATE: June 11, 2019
FILE: 8300-05, Xref SUB00122

SUBJECT: TURTLE MOUNTAIN BOULEVARD LANDSCAPING

PURPOSE:

To provide information regarding the history of Turtle Mountain Boulevard landscaping installation and maintenance and propose options for future maintenance.

RECOMMENDATION:

THAT Council support the one time capital cost of \$175,000 to decrease the level of maintenance of the landscaping within Turtle Mountain boulevard areas, source of funds being the 2018 Year End Unexpended and Uncommitted balance;

AND FURTHER, that Council approve an annual maintenance cost of \$75,000 for the reduced service level in the Turtle Mountain Boulevard areas to be funded from the 2018 year end unexpended and uncommitted balance for the 2019 season, and to be included as a service level increase for 2020 and beyond.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council approve funding as required to maintain the current level of maintenance to the landscaping on public boulevards, as indicated in Attachment 1 of the report titled Turtle Mountain Boulevard Landscaping dated June 11, 2019 from the Manager, Development and Engineering Services and the Manager, Parks and Public Spaces, but not including landscaping and trees on or immediately adjacent to front yards of private residences, in the amount of \$150,000 on an annual basis to be funded from the 2018 year end unexpended and uncommitted balance for 2019 season, and to be included as a service level increase for 2020 and beyond.

Note: This amount is over ¼ of the current boulevard budget for all of the City of Vernon. This amount would be required in future years and would affect the tax rate in 2020.

2. THAT Council receive the report titled Turtle Mountain Boulevard Landscaping dated June 11, 2019 respectfully submitted by the Manager, Development and Engineering Services and Manager of Parks and Public Spaces for information.

Note: This would result in the City not funding any maintenance of the landscaping. Unless residents organize to fund the maintenance of the landscaping, some of the plantings may die

ANALYSIS:

A. Rationale:

1. Development of the Turtle Mountain area was conducted under the 2006 Master Development Agreement (MDA) (Attachment 2) which stipulated development requirements including landscaping.

MDA item 25, Landscaping, defined the City's objectives to be met. These objectives included "(a) (iii) planting of appropriate trees on the boulevards; and, (iv) planting to be xeriscape....." The City required that the boulevard plantings and irrigation be maintained by Wesbild for a minimum of two years to ensure the plantings would be adequately established and therefore self-sustaining, as necessary, to conform to the noted conditions in the MDA. In a December 24, 2009 letter (Attachment 3) to the developer, the City reminded Wesbild of the City's position regarding landscaping maintenance, advising that "It was never intended, nor anticipated that the boulevard plantings would be dependent on continued irrigation as this would be in contravention of the agreement. Should continued irrigation be necessary the cost for this was intended to be borne by the developer or adjacent property owners as stated in item 25 (e) of the MDA in which the owners were to be advised of their obligations regarding trees". Item 25 (e) of the MDA states the statutory building scheme will require the private landowners to assume ongoing maintenance of the trees.

2. A statutory building scheme applies only to the original owner of the home and while Administration is not certain that the original owners were aware of this, second owners purchasing homes in the area are not likely to have been advised. In addition to this, it does not appear that any works were done to provide for these owners to assume this maintenance by means of extending private irrigation to adjacent trees or forming of a local service society (Home Owners Association as example) to fund and administer on-going landscaping for maintenance. The developer continued to provide maintenance of landscaping including irrigation and has only recently, in 2019, withdrawn this service. Residents of the area have come to expect this level of service, even though this is not consistent with other parts of the city, with the exception of some key corridor roads (e.g. 30th Avenue, 29th and 30th Streets). Administration has had several meetings with the developer since 2009 to discuss the future of landscape maintenance and to try to resolve this as noted in the City's 2009 letter.
3. It was the City's objective in the MDA to ensure that the general taxpayer did not come to bear the cost of enhanced boulevard landscaping installed by the developer in one particular neighbourhood. The developer contends that the Master Development Agreement does not obligate them to maintain these boulevards. As a result, the developer has ceased maintenance and the adjacent residents are demanding that the City take over the maintenance (a few examples of resident concerns provided – Attachment 4).
4. In 2016, at the request of the developer, the City entered into a Licence of Occupation Agreement to permit private lighting to be installed and maintained in Turtle Mountain Boulevard. All costs, including an annual payment to the City of \$100 and the estimated hydro costs were to be borne by the applicant. Upon termination of the licence the applicant was to remove all private works (lights) at their cost.
5. Existing Landscaping in Turtle Mountain Boulevard

The main road to the top of Turtle Mountain Boulevard (Figure 1) has approximately 220 trees. There are approximately two to six shrubs within the landscape rock planting area surrounding each tree. Between the rock landscape areas there is irrigated sod or decorative landscape rock. This is a standard of landscaping well beyond any other neighbourhood in the City. There are minor examples that are similar but are on a much reduced scale.



Figure 1: Turtle Mountain Boulevard

The local roads off of Turtle Mountain Boulevard, including Sonora Court, Rockcross Court, Terrapin Place, Leatherback Road, and Camelback Way have boulevard trees on the north side of the street within a continuous linear decorative rock planting bed (Figure 2).

The same type of trees are planted on the south side of the road, however, they are located between the house and the sidewalk and would not be classified as boulevard trees. These trees and adjacent landscaping would **NOT** be included as part of the maintenance proposed by the City.

There are no boulevard trees along Turtle Pond Place, and the trees on Desert Drive and Terrapin Lane are also located between the houses and the property line and would not be classified as boulevard trees and/or included as part of the maintenance proposed by the City.



Figure 2: Leatherback Road

6. Operational Maintenance Estimates

The developer has been maintaining all the boulevards within Turtle Mountain from 2006 through 2018 to a higher standard than what the City of Vernon provides throughout the city. To maintain the same standard that the developer has established, it is estimated to cost \$150,000 annually. This work includes:

- Spraying and weeding all the decorative rock (five times per year);
- Tree pruning and replacing the dead trees;
- Weekly grass cutting and line trimming;

- Shrub pruning and trimming;
- Irrigation start up, blow outs, maintenance, and water consumption;
- Leaf clean up in the fall;
- Maintaining stone pillar and wood fence;

A reduction of the current service levels to be more consistent with other city boulevards within the City is proposed. This could be achieved by reducing some features in the boulevard areas. This reduction in features would have a one-time capital expenditure of \$175,000. Works to accomplish this would include:

- Removing approximately 880 shrubs along Turtle Mountain Blvd.;
- Removing irrigation in sod areas,
- Removing all sod and replacing with landscape rock or other equivalent cover;
- Installing above ground (drip) irrigation system that would function with the City system.

This would then reduce the service level for an annual maintenance budget of \$75,000. This estimate includes:

- Spraying and weeding all the decorative rock (two times per year);
- Tree pruning and replacing the dead trees;
- Irrigation start up, blow outs, maintenance, and water consumption; and
- Leaf clean up in the fall.

B. Attachments:

Attachment 1 - Map of landscape tree locations to be included in either option
Attachment 2 – Master Development Agreement
Attachment 3 – Letter from COV to Westbild, dated December 24, 2009
Attachment 4 - Examples of resident concerns including petition

C. Council's Strategic Plan 2019 – 2022 Goals/Action Items:

The proposed reduced maintenance of the landscaping in the Turtle Mountain area involves the following goals in Council's Strategic Plan 2019 – 2022:

- Encourage Sustainable infrastructure, agriculture and landscaping

D. Relevant Policy/Bylaws/Resolutions:

1. N/A

BUDGET/RESOURCE IMPLICATIONS:

The source of funds required in 2019 for both the maintenance of the landscape works and the operational costs could be funded from the 2018 uncommitted year-end balance. Future years of maintenance costs would be funded from taxation and would be considered a service level increase.

Prepared by:

Approved for submission to Council:

X

A. Koenig

Signer 1

Will Pearce, CAO

Date:

19. JUNE. 2019

For

Kendra Kryszak
Manager, Parks and Public Spaces

X

[Signature]

Signer 1

Ed Stranks,
Manager, Development and Engineering Services

X

A. Koenig

Signer 2

Shirley Koenig
Director, Operation Services

REVIEWED WITH

- | | | |
|--|--|--|
| <input type="checkbox"/> Corporate Services | <input checked="" 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 checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |



THIS AGREEMENT made the 19th day of April, 2006.

BETWEEN:

THE CORPORATION OF THE CITY OF VERNON
OF THE FIRST PART

AND:

THE REGIONAL DISTRICT OF NORTH OKANAGAN
OF THE SECOND PART

AND:

TURTLE MOUNTAIN HOLDINGS LTD.
OF THE THIRD PART

MASTER DEVELOPMENT AGREEMENT

MASTER DEVELOPMENT AGREEMENT

(Turtle Mountain Development)

THIS AGREEMENT made the _____ day of April, 2006.

BETWEEN:

THE CORPORATION OF THE CITY OF VERNON, a municipal corporation under the laws of the Province of British Columbia, having an office at 3400 - 30th Street, in the City of Vernon, Province of British Columbia, V1T 5E6

(hereinafter referred to as the "City")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NORTH OKANAGAN, a regional district, duly incorporated by Letters Patent under the Municipal Act of the Province of British Columbia, having its offices at 9848 Aberdeen Road, in the Municipality of Coldstream, Province of British Columbia, V1B 2K9

(hereinafter referred to as the "Regional District")

OF THE SECOND PART

AND:

TURTLE MOUNTAIN HOLDINGS LTD., (Incorporation No. BC0723935), a body corporate, duly incorporated under the laws of the Province of British Columbia, having an office at Suite 2650 - 666 Burrard Street, Vancouver, Province of British Columbia, V6C 2X8

(hereinafter referred to as the "Owner")

OF THE THIRD PART

WHEREAS:

- A. The Owner is the registered owner or holder of a registered right to purchase lands and premises situate, lying and being in the City of Vernon, Province of British Columbia, and more particularly known and described as:

Parcel Identifier

Legal Description

002-905-329

Lot A Section 4 Twp 8 ODYD Plan 35064
Except Plan KAP76116

007-529-228

Lot 1 Section 4 Twp 8 ODYD Plan 38092;

(hereinafter referred to as the "Lands");

- B. The Owner wishes to develop the Lands in the manner shown on the Major Lot Subdivision Plan which has been submitted by the Owner to the City, a copy of which is attached hereto as Schedule "One", and forms a part of this Agreement (the "Major Lot Subdivision"). The Major Lot Subdivision Plan subdivides the Lands into three stages for development.
- C. "Stage One", shown outlined in bold and labeled as Stage One (as hereinafter defined) in Schedule One, will be subdivided and developed generally in accordance with this Development Agreement.
- D. "Stage Two" and "Stage Three" (both defined herein), shown outlined in bold and labeled as Stage Two and Stage Three in Schedule One, will be further subdivided for residential development in the future.
- E. The Owner wishes to develop Stage One in the manner shown on the Stage One Subdivision Plan, a copy of which is attached as Schedule "Two", and forms part of this Agreement (the "Stage One Subdivision").
- F. The Owner is desirous of entering into this Master Development Agreement, (the "Agreement") with the City and the Regional District pursuant to the provisions of Section 940 of the *Local Government Act* in order to obtain approval from the City of the Major Lot Subdivision attached as Schedule One and the Stage One Subdivision attached as Schedule "Two" prior to construction and installation on and off the Lands of all Works (defined herein) required by the City and the Regional District to be constructed and installed on and off the Lands.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and of the mutual covenants and agreements herein contained, the parties hereto covenant and agree as follows:

1. In this Agreement, unless the context otherwise requires:

"Approved Engineering Plans" shall mean all "Approved Engineering Plans, City Works" and all "Approved Engineering Plans, Regional District Works".

"Approving Officer" shall mean the Approving Officer or their deputy as appointed by the Council of the City.

"City DCC Bylaw" shall mean the City of Vernon Development Cost Charges Bylaw No. 3769 and all amendments thereto.

"City Engineer" shall mean the Manager, Planning, Development, and Engineering Services for the City or their delegate.

"City Works" shall mean all works, services, roads and any other improvements which fall under the jurisdiction of the City that are required to be provided by either payment of cash or, constructed and erected or installed, both on and off the Lands, by the Owner under the provisions of this Agreement, including, but not limited to, the provision,

construction, erection, or installation of sanitary sewerage works, road and intersection construction and reconstruction, drainage pipelines and systems, drainage retention/detention ponds, sidewalks, pathways, lighting, and environmental impact mitigation works.

"Complete" or "Completion" or any variation of these words, when used with respect to the Works referred to herein, shall mean completion of the Works, or a part thereof as the context requires, in accordance with the Approved Engineering Plans, as defined in Sections 3 and 4 herein, and the provisions of this Agreement, and to the satisfaction of the City Engineer, the Manager, Water, GVS, or the Director, GVS Parks, as applicable, when so certified in writing.

"Contractor" shall include contractors and subcontractors employed by the Owner, directly or indirectly, in construction and installation of the Works.

"DCC Credits" has the meaning ascribed thereto in Section 17;

"Director, GVS Parks" shall mean the Director, Greater Vernon Services Parks, or their delegate;

"Environmental Development Permit" shall mean the permit issued by the City in accordance with the requirements set out in "Environmental Development Permits, Plan Vernon Amendment Bylaw Number 4970, 2005", adopted by Vernon City Council on December 12, 2005, and the "Environmental Development Permits Policy", adopted by Vernon City Council on August 15, 2005.

"GVS" shall mean Greater Vernon Services.

"GVSC" shall mean Greater Vernon Services Commission.

"GVS, Parks" shall mean Greater Vernon Services, Parks

"GVS, Water" shall mean Greater Vernon Services, Water.

"Manager, Water, GVS", shall mean the Manager, Greater Vernon Services Water, or their delegate.

"Private Works" shall mean roads, bridges, tunnels, irrigation systems, pipelines, conduit, wiring, or other improvements which are located within a City road right of way that are owned by a private company and are constructed with the approval of the City or Regional District as applicable.

"Regional District" shall mean the Regional District of North Okanagan.

"Regional District DCC Bylaws" shall mean, collectively, the North Okanagan Regional District Development Cost Charges Bylaws No. 2040 (parks) and No. 1983 (water) and all amendments thereto.

"Regional District Works" shall mean all water works, services, parks, trails, and any other improvements that fall under the jurisdiction of the Regional District of North Okanagan that are required to be provided by either payment of cash or constructed and erected or installed, both on and off the Lands, by the Owner under the provisions of this Agreement, including, but not limited to, the provision, construction, creation, or installation of water reservoirs, water distribution systems, parks, and trails.

"Statutory Building Scheme" has the meaning ascribed to it in Section 22.

"Subdivision Bylaw" shall mean the City of Vernon Subdivision and Development Servicing Bylaw No. 3483, as amended.

"39th Avenue Intersection Covenant" shall mean that covenant provided to the City by the Owner to govern the construction of improvements to the roads at and near the intersection at 39th Avenue and Alexis Park Drive and registered in the Kamloops Land Title Office on July 20, 2005, as instrument Number KX96563, and all modifications thereto which may be registered from time to time.

"Turtle Pond Covenant" shall mean that certain "no-build" covenant provided to the City by the Owner, and registered in the Kamloops Land Title Office on July 20, 2005, as instrument Number KX96562, to prohibit the construction of improvements to a certain portion of the Lands surrounding a turtle pond until such time as the Owner submits for City review and approval an environmental design to be completed by a qualified environmental professional which regulates all alteration, construction, use or development of the pond for the purpose of environmental protection.

"Works" shall include all City Works and all Regional District Works.

PHASING OF DEVELOPMENT

2. Stages of Development:

(a) Stage One:

- (i) "Stage One" is defined as the area outlined in bold and labelled as "Stage One" in Schedule One, attached, and will be the first area subdivided and developed in accordance with Schedule Two of this Agreement. Stage One will include approximately 94 single family lots and, subject to Section 2(d), approximately 227 multiple family residential strata units.
- (ii) The phasing of development and construction in Stage One shall, without limitation, be in accordance with the 39th Avenue Intersection Covenant (unless it has been discharged from title to the Lands), the Turtle Pond Covenant and this Agreement.

- (b) Stages Two and Three:
- (i) "Stage Two" and "Stage Three" are defined as the areas outlined in bold and labelled as "Stage Two" and "Stage Three" in Schedule One attached, which will be subdivided and developed for residential uses in the future. Stage Two will include approximately 85 residential units, and Stage Three will include approximately 144 residential units.
 - (ii) The phasing of development and construction in Stages Two and Three shall be in accordance with the 39th Avenue Intersection Covenant (unless it has been discharged from title to the Lands), the Turtle Pond Covenant and this Agreement.
 - (iii) Subject to Sub-Section 3 (c), all onsite services required as part of the development of each subdivision within Stages Two and Three must be provided by the Owner at the time of approval by the City of each subdivision.
 - (iv) It is acknowledged by the City that the Owner at the time of application for subdivision approval in Stages Two and Three, may wish to vary the number of stages of subdivision to be applied for and vary the area to be subdivided from those defined in Stages Two and Three.
- (c) The Owner and the City agree that a maximum of 550 residential units will be developed on the Lands, of which a maximum of 255 will be single family residential units.
- (d) The Owner and the City agree that to the extent the Stage Two Subdivision creates fewer than 85 residential units and the Stage Three Subdivision creates fewer than 144 residential units, the maximum aggregate number of multiple family residential strata units developed in Stage One set out in Section 2(a)(i) will be increased by a corresponding number.

MAJOR LOT SUBDIVISION AND STAGE ONE SUBDIVISION WORKS

3. Construction of City Works - Major Lot Subdivision and Stage One Subdivision
- (a) The Owner covenants and agrees to provide the City Works on and beyond the Lands in accordance with the drawings which are listed in Schedule "Three" attached to and forming part of this Agreement (collectively, the "City Works Drawings"), in order to obtain approval from the City of the Major Lot Subdivision and the Stage One Subdivision, as the City deems it to be too costly at this time to provide those City Works at the expense of its ratopayers;
 - (b) The Owner covenants and agrees to construct and install the City Works, unless cash in lieu of construction is agreed to by the Owner and the City, on the Lands and off-site of the Lands, as the case may be, in accordance with the City Works Drawings listed in Schedule "Three", each of which has been initialled by the

Owner and the City hereto for identification (hereafter, the "Approved Engineering Plans, City Works") and the provisions of this Agreement. Without limiting the foregoing, the City Works shall include:

- (i) Construction of the road works as agreed to in the 39th Avenue Intersection Covenant;
 - (ii) Construction of environmental mitigation works at Turtle Pond as determined by the environmental design prepared to fulfill the requirements of the Turtle Pond Covenant;
 - (iii) Widening of that portion of 35 Avenue that fronts on the Lands; and,
 - (iv) Sanitary Sewer construction on Alexis Park Drive.
- (c) The Owner shall provide all off-site City Works described in Schedule "Three", and the City agrees that no additional offsite City Works will be required for Stages One, Two or Three, provided that no adjustments are made by the Owner to the proposed land uses or density of development of the Lands beyond those identified in this Agreement.

4. Construction of Regional District Works – Major Lot Subdivision and Stage One Subdivision

- (a) The Owner covenants and agrees to provide the Regional District Works on and beyond the Lands in accordance with the drawings which are listed in Schedule "Four" attached to and forming part of this Agreement (collectively, the "Regional District Works Drawings"), in order to obtain approval from the City of the Major Lot Subdivision and the Stage One Subdivision, as the Regional District deems it to be too costly at this time to provide those Regional District Works at the expense of its ratepayers;
- (b) The Owner covenants and agrees to construct and install the Regional District Works, unless cash in lieu of construction is agreed to by the Owner and the Regional District as represented by GVS, Water or GVS, Parks, as applicable, on the Lands and off-site of the Lands, as the case may be, in accordance with the Regional District Works Drawings listed in Schedule "Four", each of which has been initialled by the Owner and the Regional District hereto for identification (hereafter, the "Approved Engineering Plans, Regional District Works") and the provisions of this Agreement. Without limiting the foregoing, the Regional District Works shall include:
 - (i) Construction of a water reservoir at the north end of the site;
 - (ii) Construction of a water pump station at the south end of the site;
 - (iii) Construction of parks facilities as set out in Section 35 of this Agreement.

- (c) The Owner shall provide all off-site Regional District Works described in Schedule "Four", and the Regional District agrees that no additional offsite Regional District Works will be required for Stages One (excluding Apartment Site #2 as shown on engineering drawing sheet G2), Two or Three, provided that no adjustments are made by the Owner to the proposed land uses or density of development of the Lands beyond those identified in this Agreement.
- (d) The Owner and the Regional District agree that:
- (i) Subject to paragraph (iv), the Owner will construct on behalf of the Regional District a replacement water main, to the Regional District's specifications, through the area which is to be excavated for intersection and sanitary sewer improvements at the intersection of Alexis Park Drive and 39th Avenue;
 - (ii) The Regional District will pay 100 percent of the costs of the construction of the replacement water main, which will be paid through the recovery of DCC credits to the Owner; and,
 - (iii) The Owner will use commercially reasonable efforts to complete the construction of the water main prior to the end of June, 2006, in order to accommodate the irrigation season; and,
 - (iv) If, in the reasonable opinion of the Owner, construction of the replacement water main will unduly interfere with the Owner's construction schedule, the Owner, upon written notification to the Regional District shall have no further obligation to construct the water main.
- (e) With reference to the construction of the water reservoir and main water transmission pipeline, the Owner agrees:
- (i) To grant a statutory right of way in favour of the Regional District, and in a form and with content acceptable to the Regional District, over the parts of the Lands required for the construction of the water reservoir and ancillary valve chamber;
 - (ii) That the area of land included within the statutory right of way granted in accordance with (i) shall be of sufficient size and shape to accommodate future expansion of the reservoir;
 - (iii) That the area of the Lands within the statutory right of way granted in (i) for the construction of the reservoir shall be transferred to the ownership of the Regional District once detailed subdivision design is completed and approved by the City for Stage Three;
 - (iv) That drawings for the main water transmission pipeline from Stage One to the reservoir site will be provided to GVS, Water for their approval prior to the construction of the Stage One Regional District Works;

- (v) To grant a statutory right of way in favour of the Regional District, and in a form and with content acceptable to the Regional District, over the parts of the Lands required for the construction of the main water transmission pipeline referred to in paragraph (iv);
 - (vi) That the area of the Lands within the statutory right of way granted in (v) for the construction of the main water transmission pipeline shall be sequentially transferred to the ownership of the Regional District as the subdivisions are approved by the City for Stages Two and Three.
5. Each of the parties hereto acknowledge having in their possession a true copy of the Approved Engineering Plans, and acknowledge and agree that the Approved Engineering Plans are hereby incorporated into and made part of this Agreement as if attached in full, hereto.
 6. All Works, unless cash in lieu of construction is agreed to, shall be carried out, constructed and installed by the Owner or their contractors in strict accordance with the Approved Engineering Plans and the provisions of the Subdivision Bylaw and all other applicable laws, bylaws, regulations, rules and guidelines. Wherever the provisions of the Approved Engineering Plans and the Subdivision Bylaw or other applicable laws, bylaws, regulations, rules and guidelines or the East Bella Vista Highlands Neighbourhood Plan conflict, the City Engineer, or the Manager, Water, GVS, or Director, GVS Parks, as applicable, shall determine how to resolve the conflict and shall advise the Owner in writing of such determination.
 7. Except as otherwise expressly provided in this Agreement, the cost of all Works herein shall be borne by the Owner.
 8. The Owner shall obtain and provide to the City and the Regional District, upon request and at no cost to the City or the Regional District, true copies of all contracts and subcontracts entered into by the Owner or its contractors relating to the Works.
 9. The decision of the City Engineer or the Manager, Water, GVS, or Director, GVS Parks, as applicable, shall be final and binding on the Owner in determining whether or not the Works or any part thereof have been carried out and completed in accordance with the provisions of this Agreement.
 10. Prior to final approval by the City or the Regional District, as determined by their respective areas of jurisdiction, the Owner shall submit to the City Engineer, or Manager, Water, GVS, or Director, GVS Parks, as determined by their respective areas of jurisdiction, final as-built mylar drawings of all Works constructed hereunder, sealed by a Professional Engineer. Where the as-built drawings have been completed using AUTOCAD or a similar computer drafting software approved by the City Engineer, one copy of the diskette containing the as-built drawing files shall also be provided. Until the Owner submits the final as-built mylar drawings, the City or the Regional District, as applicable, shall continue to hold from the security deposited by the Owner under Sections 15 and 16 of this Agreement, the sum of One Thousand and Five Hundred dollars (\$1,500.00), for each mylar sheet that is missing or deficient and One Thousand

and Five Hundred dollars (\$1,500.00) for each missing or deficient computer diskette containing the asbuilts where such diskette has been used by the applicant. For clarity, the amount of security required under Sections 15 and 16 does not include an estimated amount for the as-built drawings.

11. The Owner shall cause all Works that the Owner is responsible to have constructed for the Major Lot Subdivision and Stage One Subdivision, to be carried out and completed no later than the 30th day of September, 2007 (hereinafter called the "Completion Date" for the purposes of this document).

PAYMENT OF TAXES, FEES, AND SECURITY

12. Prior to obtaining approval of the Major Lot Subdivision and the Stage One Subdivision by the Approving Officer, the Owner shall pay in respect of the lots created:

- (a) all arrears of property taxes chargeable against the Lands by the City;
- (b) all current assessed property taxes levied against the Lands by the City; and,
- (c) all applicable Development Cost Charges;

AND prior to obtaining any further Subdivision approvals in Stages Two and Three, the Owner shall pay:

- (d) all arrears of property taxes chargeable against the area to be subdivided;
- (e) all current assessed property taxes levied against the area to be subdivided; and,
- (f) all applicable Development Cost Charges.

13. Engineering and Inspection Fees, City Works:

- (a) The Owner covenants and agrees to pay to the City, prior to being entitled to, or obtaining approval of the Major Lot Subdivision and the Stage One Subdivision for the Lands, all charges for the development, processing, engineering and inspection of the City Works equal to three percent (3%) on the first five hundred thousand dollars (\$500,000.00); two percent (2%) on the second five hundred thousand dollars (\$500,000.00) and one percent (1%) on the balance over one million dollars (\$1,000,000.00) of the aggregate estimated cost of construction of City Works both on and off the Lands required for all City Works to be constructed and established on and beyond the Lands as approved by the City Engineer; and further, to pay the amount of eighty nine thousand six hundred and twelve Dollars (\$89,612.00) when billed by the City, on account of administration fees, engineering fees and legal costs incurred by the City relating to the subdivision of the Lands and construction and installation of the City Works and the cost of connecting the City Works to the City's drainage and sewage collection systems.

- (b) Fees charged and payable for the development, processing, engineering and inspection of any subsequent City Works and services carried out on the Lands by the Owner or its successors or permitted assigns, shall be calculated in accordance with (a) on the basis of the aggregate total estimated cost of construction including the cost of the City Works for the Major Lot Subdivision and for all subsequent subdivision of the Lands.

14. Engineering and Inspection Fees, Regional District Works:

The Owner covenants and agrees to pay to the Regional District, prior to being entitled to, or obtaining approval of the Major Lot Subdivision and the Stage One Subdivision for the Lands the following:

- (a) subdivision application fee of \$50 per lot;
- (b) all charges for the development, processing, engineering and inspection of the Regional District Works equal to five percent (5%) of the first one hundred thousand dollars (\$100,000.00); four percent (4%) on the amount from one hundred thousand dollars (\$100,000.00) to two hundred thousand dollars (\$200,000.00); three percent (3%) on the amount from two hundred thousand dollars (\$200,000.00) to five hundred thousand dollars (\$500,000.00); two percent (2%) on the amount from five hundred thousand dollars (\$500,000.00) to one million dollars (\$1,000,000.00); and one percent (1%) on the balance over one million dollars (\$1,000,000.00) of the aggregate estimated cost of construction of all Regional District Works to be constructed and established both on and beyond the Lands as approved by the Manager, Water, GVS, or Director, GVS Parks, as applicable, and further to pay the amount of forty thousand one hundred and thirty seven dollars (\$40,137.00) when billed by the City on behalf of the Regional District, on account of administration fees, engineering fees and legal costs incurred by the Regional District relating to the development of the Lands and construction and installation of the Regional District Works. The payment will be made in favour of the Regional District, and submitted to the City for transfer to the Regional District; and,
- (c) Fees charged and payable for the development, processing, engineering and inspection of any subsequent Regional District Works and services carried out on the Lands by the Owner or its successors or permitted assigns, shall be calculated in accordance with (b) on the basis of the aggregate total estimated cost of construction including the cost of the Regional District Works for the Major Lot Subdivision and for all subsequent subdivision of the Lands.

15. Security and Warranty for City Works:

- (a) Prior to being entitled to, or obtaining approval of the Major Lot Subdivision and the Stage One Subdivision by the Approving Officer, and as security for the due and proper performance by the Owner of all the covenants and agreements herein contained, the Owner shall deposit with the City, cash or an unconditional, renewable, irrevocable letter of credit drawn on a chartered bank in Canada for a

term of not less than twelve (12) months, in the amount of eight million seventy seven thousand two hundred and eighty five dollars (\$8,077,285), which is equal to one hundred and twenty-five percent (125%) of the cost of constructing and providing all of the City Works required to be constructed and installed by the Owner, when cash in lieu of construction is not agreed upon, under the terms of this Agreement, as estimated by the City Engineer, and containing such terms and provisions as may be required by the City Engineer. The Owner agrees that if the City Works or any part thereof are not completed in accordance with the provisions of this Agreement and by the Completion Date, or if the Owner shall be in default of any of their covenants herein contained, and such default shall continue for a period of fourteen (14) days after notice thereof has been given by the City to the Owner, the City may use the cash deposit or call for and receive the funds secured by the letter of credit and the City may complete the City Works at the cost of the Owner and deduct from any funds held by the City as security hereunder, the cost of such completion, and the balance of the security deposit, if any, shall be returned to the Owner less any administration fees required by the City. If there is insufficient money on deposit with the City in cash or under the letter of credit, then the Owner shall pay such deficiency to the City immediately upon receipt of the City's bill for completing the City Works. It is understood and agreed that the City may do such work either by itself, or by contractors employed by the City. Any bill rendered by the City to the Owner under the provisions of this Section shall be regarded as charges for work done or service provided under the provisions of Section 258 of the *Community Charter* and may, in addition to any other remedy available to the City, be collected in the same manner and with the like remedies as ordinary taxes upon land and improvements are collected under that Act.

- (b) The City will consent to a reduction in the amount of security payable at the time of final subdivision approval as defined in (a), in an amount equal to the value of any City Works already constructed by the Owner. The reduction to the amount in (a) will be determined on the basis of a written request from the Owner's Engineer, which request shall be based on the outstanding City Works remaining, and shall certify that the specific City Works have been completed in conformance with the design, specifications, and bylaw requirements;
- (c) The City will consent to a reduction in the amount of security deposited under Section (a) from time to time in accordance with the following:
 - (i) the Owner's Engineer will provide a written request for reduction of security based on the outstanding City Works remaining, and certify that the specific City Works have been completed in conformance with the design, specifications, and bylaw requirements;
 - (ii) any credit reduction must not exceed the cost of the City Works completed and approved by the City Engineer so as to ensure that the remaining credit equals no less than 125% of the estimated cost of the uncompleted

City Works, which the Owner is responsible to construct and for which the Owner has not provided cash in lieu;

- (iii) no reduction will be allowed for any amount less than ten percent (10%) of the total cost of the construction and installation of the City Works;
- (iv) through the duration of the project it is the Owner's responsibility to ensure that damaged or unkempt City or Regional District infrastructure resulting from construction activity is repaired or maintained to an acceptable state. Should this not be completed to the City's satisfaction, the Owner agrees that the City may use the security provided under Section 15 (a) to pay for repairs or maintenance, including, but not limited to: removal of tracked material onto the roads, or repairing damage to City roads in and outside of the project area due to hauling or other construction activities.
- (v) upon completion of the City Works, any refund due will be debited, in accordance with Section 10, in the amount of one thousand five hundred dollars (\$1,500.00) per sheet for each missing or deficient mylar sheet of final, as-built drawings and one thousand and five hundred dollars (\$1,500.00) for each missing or deficient computer diskette containing the asbuilts where such diskette has been used by the applicant.
- (vi) upon completion of the of the City Works, the City Engineer will issue written acceptance to the Owner of the City Works, subject to any deficiencies;
- (vii) despite (i) and (ii), the City will not consent to the reduction or refund of security for an amount which is the lesser of ten percent (10%) of the total aggregate cost of the constructing and installing of the City Works or fifty thousand dollars (\$50,000.00) for each one million dollars (\$1,000,000.00) or part thereof of the total aggregate cost of construction and installation of the City Works until the expiry of one (1) year following the full and final completion and approval of all the City Works (the "Warranty Period"). Notwithstanding the above, the minimum deposit required to be held shall be not less than one thousand dollars (\$1,000.00);
- (viii) the one-year Warranty Period provided for herein will be extended by the following periods of time if any of the following occurs:
 - A. from the time a deficiency is discovered until the time it is repaired; and
 - B. if a deficiency is repaired and the sufficiency of that repair cannot be determined due to weather or soil conditions until such time as the City Engineer, acting reasonably, is able to determine the sufficiency of the repair of the Works;

Notwithstanding the above, the City Engineer may waive the requirement to extend the one-year Warranty Period as set out above in whole or in part;

- (d) Notwithstanding Sections 15 (c) (vii) and (viii), the Owner and the City agree that the warranty period and the maintenance period for landscaping and irrigation works on public lands in Stage One shall be for two years, and that security will be held for these works for two years. The City agrees to review the necessity to require a two year maintenance and warranty period for landscaping and irrigation works on public lands, and to determine whether or not a lesser time period will be acceptable in Stages Two and Three, at the time that application is made for subdivision of Stages Two and Three.
- (e) Upon the expiry of the Warranty Period or such further term as provided herein, and provided that the Owner is not then in default under any of their covenants herein contained, and upon final acceptance of the City Works by the City Engineer, the City will reduce the remaining security to zero (nil), and provide the Owner with written certification of acceptance of the City Works.

16. Security and Warranty for Regional District Works:

- (a) Prior to being entitled to, or obtaining approval of, the Major Lot Subdivision and the Stage One Subdivision by the City for the Lands, and as security for the due and proper performance by the Owner of all the covenants and agreements herein contained, the Owner shall deposit with the Regional District, cash or an unconditional, renewable, irrevocable letter of credit drawn on a chartered bank in Canada for a term of not less than twelve (12) months, in the amount of two million seven hundred and sixty seven thousand two hundred and sixteen dollars (\$2,767,216) which is equal to one hundred twenty five percent (125%) of the cost of constructing and providing all of the Regional District Works required to be constructed and installed by the Owner, when cash in lieu of construction is not agreed upon, under the terms of this Agreement, as estimated by the Regional District, and containing such terms and provisions as may be required by the Regional District. The Owner agrees that if the Regional District Works or any part thereof are not completed in accordance with the provisions of this Agreement and by the Completion Date, or if the Owner shall be in default of any of their covenants herein contained, and such default shall continue for a period of fourteen (14) days after notice thereof has been given by the Regional District to the Owner, the Regional District may use the cash deposit or call for and receive the funds secured by the letter of credit and the Regional District may complete the Regional District Works at the cost of the Owner and deduct from any fund held by the Regional District as security hereunder, the cost of such completion, and the balance of the security deposit, if any, shall be returned to the Owner less any administration fees required by the Regional District. If there is insufficient money on deposit with the Regional District as cash or under the letter of credit, then the Owner shall pay such deficiency to the Regional District immediately upon receipt of the Regional District's bill for completing the Regional District

Works. It is understood and agreed that the Regional District may do such work either by itself, or by contractors employed by the Regional District. Any bill rendered by the Regional District to the Owner under the provisions of this Section shall be regarded as charges for work done or service provided under the provisions of Section 258 of the *Community Charter* and may, in addition to any other remedy available to the Regional District, be collected in the same manner and with the like remedies as ordinary taxes upon land and improvements are collected under that Act.

- (b) The Regional District will consent to a reduction in the amount of security payable at the time of final subdivision approval as defined in (a), in an amount equal to the value of any Regional District Works already constructed by the Owner. The reduction to the amount in (a) will be determined on the basis of a written request from the Owner's Engineer, which request shall be based on the outstanding Regional District Works remaining, and shall certify that the specific Regional District Works have been completed in conformance with the design, specifications, and bylaw requirements;
- (c) The Regional District will consent to a reduction in the amount of security deposited under Section (a) from time to time in accordance with the following:
 - (i) the Owner's Engineer will provide a written request for reduction of security based on the outstanding Regional District Works remaining, and certify that the specific Regional District Works have been completed in conformance with the design, specifications, and bylaw requirements;
 - (ii) any credit reduction must not exceed the cost of the Regional District Works completed and be approved by the Manager, Water, GVS, or Director, GVS Parks as applicable, so as to ensure that the remaining credit equals no less than 125% of the estimated cost of the uncompleted Regional District Works, which the Owner is responsible to construct and for which the Owner has not provided cash in lieu;
 - (iii) no reduction will be allowed for any amount less than ten percent (10%) of the total cost of the construction and installation of the Regional District Works;
 - (iv) through the duration of the project it is the Owner's responsibility to ensure that damaged or unkept City or Regional District infrastructure resulting from construction activity is repaired or maintained to an acceptable state. Should this not be completed to the Regional District's satisfaction, the Owner agrees that the Regional District may use the security provided under Section 16 (a) to pay for repairs or maintenance, including, but not limited to: removal of tracked material onto the roads, or repairing damage to City roads in and outside of the project area due to hauling or other construction activities.

- (v) upon completion of the Regional District Works, any refund due will be debited, in accordance with Section 10, in the amount of one thousand five hundred dollars (\$1,500.00) per sheet for each missing or deficient mylar sheet of final, as-built drawings and one thousand and five hundred dollars (\$1,500.00) for each missing or deficient computer diskette containing the asbuilts where such diskette has been used by the applicant;
 - (vi) upon completion of the Regional District Works to the Regional District's satisfaction, the Manager, Water, GVS, or Director, GVS Parks, as applicable, will issue written acceptance to the Owner of the Regional District Works, subject to any deficiencies;
 - (vii) despite (i) and (ii), the Regional District will not consent to the reduction or refund of security for an amount which is the lesser of ten percent (10%) of the total aggregate cost of the construction and installation of the Regional District Works or fifty thousand dollars (\$50,000.00) for each one million dollars (\$1,000,000.00) or part thereof of the total aggregate cost of construction and installation of the Regional District Works until the expiry of one (1) year following the full and final completion and approval of all the Regional District Works (the "Warranty Period"). Notwithstanding the above, the minimum deposit required to be held shall be not less than one thousand dollars (\$1,000.00);
 - (viii) the one-year Warranty Period provided for herein will be extended by the following periods of time if any of the following occurs:
 - A. from the time a deficiency is discovered until the time it is repaired; and
 - B. if a deficiency is repaired and the sufficiency of that repair cannot be determined due to weather or soil conditions until such time as the Manager, Water, GVS, acting reasonably, is able to determine the sufficiency of the repair of the Works;
 - (d) Notwithstanding the above, the Manager, Water, GVS, or Director, GVS Parks, as applicable, may waive the requirement to extend the one-year Warranty Period as set out above in whole or in part;
 - (e) Upon the expiry of the Warranty Period or such further term as provided herein, and provided that the Owner is not then in default under any of their covenants herein contained, and upon final acceptance of the Regional District Works by the Manager, Water, GVS, or Director, GVS Parks, as applicable, the Regional District will reduce the remaining security to zero (nil), and provide the Owner with written certification of their acceptance of the Regional District Works.
17. Upon execution of this Agreement, the Owner covenants and agrees to pay Development Cost Charges in accordance with the City DCC Bylaw and the Regional District DCC Bylaws in respect of the proposed development of the Lands provided that the Owner

shall be entitled to all available credits ("DCC Credits") for the costs of providing the Works which were included in the calculation used to determine the amount of the DCCs payable for the Works as provided for in those DCC Bylaws and the *Local Government Act*.

18. To the extent that the Owner may transfer title to any portion of the Lands in respect of which DCC Credits may be available before the Owner has received the benefit of such DCC Credits, the City and the Regional District will co-operate (without obligating the City in any way to make any payment or incur any liability) with the Owner in its arrangements with the transferees of such portions of the Lands intended to ensure that the Owner will receive the benefit of such DCC Credits (when available in the normal course).

STATUTORY RIGHTS OF WAY AND COVENANTS

19. The Owner covenants and agrees that:

- (a) As the development of the Lands proceeds and the Works and development components referred to in this Agreement are completed, the Owner shall grant to the City or Regional District, as applicable and as and when determined by the City or Regional District, those statutory rights of way and easements described in Schedule "Five", in a form and with content acceptable to the City or the Regional District, as applicable;
- (b) Without limitation to (a) or Section 4(e), the Owner agrees to grant to the Regional District, in a form and with content acceptable to the Regional District, statutory rights of way over parts of the Lands for the installation and maintenance of the waterworks system, including water mains, pipes, valves, pump stations, and reservoirs, including all permanent and temporary Works; and,
- (c) Prior to or at the time of subdivision or otherwise as required by Schedule "Six", or at such other time as agreed to between the Owner and the City, or Regional District, as applicable, the Owner shall grant to the City, or to the Regional District, as applicable, the restrictive covenants described in Schedule "Six" hereto, in a form and with content acceptable to the City or the Regional District, as applicable.

20. The Turtle Pond Covenant: The Owner covenants and agrees that no Works will be carried out in the area of Turtle Pond until such time as the City has reviewed and approved an environmental design for the area as required by the Turtle Pond Covenant.

21. The 39th Avenue Intersection Covenant:

- (a) The Owner acknowledges and agrees that in accordance with the 39th Avenue Intersection Covenant, the City will issue building permits for a maximum of 95 residential units on the Lands, and the Owner shall be entitled to receive building permits for a maximum of 95 residential units on the Lands, until such time as the

Intersection of 39th Avenue and Alexis Park Drive has been widened in accordance with the 39th Avenue Intersection Covenant.

- (b) Despite (a), the Owner agrees that construction of the intersection will be completed by September 30, 2007, in accordance with Section 11 of this Agreement.
- (c) In accordance with the resolution passed by Council of the City on February 13, 2006, the City will discharge from title to the Lands the 39th Avenue Intersection Covenant upon completion of construction of the improvements referred to therein.
- (d) To the extent that any portion of the lands comprising Alexis Park is required to accomplish the widening of Alexis Park Drive contemplated herein, the City agrees to make such portion available for such purpose and the Owner will pay to the City the fair market value of same.

SPECIFIC AGREEMENTS

22. Statutory Building Scheme: The Owner agrees to register, concurrently with registration of the Stage One Subdivision, a statutory building scheme (hereinafter referred to as the "Statutory Building Scheme"), against the Stage One single family residential lots (not the multi-family development lots), in a form acceptable to the City. The Statutory Building Scheme, in addition to any requirements of the Owner, must require owners to construct and maintain their land and buildings in a manner consistent with the "Turtle Mountain Design Guidelines" that have been prepared by the Owner in support of the Statutory Building Scheme to fulfil the requirements set out in Sections 25, 26, 27, 28, and 32 of this Agreement. The Owner further agrees to register, concurrently with registration of each of the Stage Two Subdivision and Stage Three Subdivision, the Statutory Building Scheme against the Stage Two and Stage Three single family residential lots, respectively.

23. Sanitary Sewer Construction:

In order to upgrade the existing sanitary sewer and increase its size to serve the Lands,

- (a) the Owner voluntarily agrees to complete construction in 2007 of a sanitary sewer pipeline along Alexis Park Drive between 30th Avenue and 39th Avenue, including the service connections, at a cost to the Owner not to exceed \$300,000 (excluding cost of service connections), with any excess over \$300,000 to be reimbursed to the Owner by the City. The City agrees to pay the cost of constructing the service connections and any excess over \$300,000, such payment to be made to the Owner promptly upon completion of construction of the sanitary sewer pipeline; and,
- (b) if the City notifies the Owner before April 15, 2006 that the City intends to perform such construction work itself, the Owner will, instead of performing such work pursuant to subsection 23(a), pay to the City the sum of \$300,000.

24. Environmental Protection and Mitigation: In addition to, and without limitation to, the requirements established in the Turtle Pond Covenant, the Owner:
- (a) acknowledges that the City has adopted a bylaw setting out requirements for Environmental Development Permits with which the Owner must comply; and,
 - (b) agrees that prior to the issuance of building permits or the construction of Works, to submit to the City an "Environmental Plan" which will form the basis of the Environmental Development Permit, which will govern the manner in which the Lands are developed in order to minimize the environmental impact of the development.
25. Landscaping:
- (a) The Owner agrees to submit to the City for approval, prior to approval of the Major Lot Subdivision, a Landscape Plan for the public lands within the right of way of the collector road serving the Lands (Turtle Mountain Drive) that meets the City's objectives with respect to:
 - (i) maintaining, restoring, and enhancing the appearance of natural areas on slopes;
 - (ii) achieving a consistent planting and landscape scheme within the corridor, including if appropriate, theme areas within the neighbourhood;
 - (iii) planting of appropriate trees on the boulevards; and,
 - (iv) planting to be xeriscape, consistent with City policy and the Neighbourhood Plan, and reflective of the original native flora.
 - (b) The Owner agrees to submit to the City for approval, prior to approval of the Major Lot Subdivision, a landscape plan illustrating typical landscaping for boulevard trees on local roads within Stage One.
 - (c) The Owner agrees to submit to the City for approval, prior to approval of the Major Lot Subdivision, a "Landscaping Program" for that portion of the Lands which are to be privately held, that meets the City's objectives with respect to:
 - (i) maintaining, restoring, and enhancing the appearance of natural areas on slopes;
 - (ii) ensuring that the "natural slope" is re-established as soon as possible after construction is completed, noting that in many cases it will be a combination of original, natural slope and engineered slope;
 - (iii) providing for xeriscape planting that is consistent with City policy and the Neighbourhood Plan, and reflective of the original native flora;

- (iv) ensuring that slopes have a maximum grade of 2:1, with retaining walls used where necessary to achieve this grade;
 - (v) ensuring that retaining walls are appropriately landscaped; and,
 - (vi) ensuring that private lands bordering roads be landscaped and maintained by the adjacent property owner.
- (d) The City acknowledges and agrees that:
- (i) The "Landscaping Program" for private property may be included as part of "The Turtle Mountain Design Guidelines" to be developed by Wesbild;
 - (ii) The requirements with respect to the installation and maintenance of landscaping will be placed on future owners through the Statutory Building Scheme; and,
 - (iii) The "landscape plan" for individual properties will be submitted at the time of application for a building permit.
- (e) The Owner agrees to grant to the City, at the City's discretion, either a statutory right of way or a restrictive covenant in a form and with content satisfactory to the City, that permits the City to access private lands to undertake maintenance of street trees, including pruning and disease control, in those areas of the Lands where physical constraints have required that the street trees be planted on private lands. For clarity, the Owner agrees that the Statutory Building Scheme will require the private landowner to assume ongoing maintenance of the trees which, without limitation, will include irrigation, fertilization, and the clean up of leaves.

26. Lighting:

- (a) The Owner agrees to install lighting throughout the neighbourhood in conformity with the Approved Engineering Plans, Drawings E1 and E2, attached in Schedule "Three"; and,
- (b) The Owner agrees to ensure through the Statutory Building Scheme that all addresses are lit.

27. Retaining Walls:

- (a) The Owner acknowledges the City's objectives to reduce the visual impact of retaining walls and to provide opportunities for landscaping along the walls, and agrees to comply with the following requirements in the design and construction of the retaining walls:
 - (i) walls are to have a maximum height of 2.5 metres before set back of a second tier is required (maximum of height of any tier to be 2.5 metres, with a maximum of three tiers, 7.5 metres); for clarity, more than three

tiers of lesser height may be constructed to a maximum height of 7.5 metres;

- (ii) the set back of any second, third, or additional tiers is to be sufficient to provide a visual break and provide space for planting;
 - (iii) landscaping suitable to maintaining the structural integrity of the wall is to be provided in the set back area between the tiers (e.g. vines in pockets of top soil); walls constructed on public lands are to be landscaped by the Owner; walls on private lands may be landscaped by future owners in accordance with Sections 25(c) and 25(d).
 - (iv) materials must be high quality, natural in appearance, match the context of the landscape in which the wall is located, and be unobtrusive; and,
 - (v) "competent" materials must be used;
- (b) The City and the Owner agree that retaining walls in residential areas must be on private property, and that the City will only accept responsibility for the maintenance of retaining walls constructed on public lands that are integral to roadways or other public facilities; and,
- (c) The Owner acknowledges that the design, engineering, and construction of retaining walls must meet the requirements of the City of Vernon Building and Plumbing Bylaw.

28. Lot Grading:

- (a) The Owner and the City agree that prior to registration of the Stage One Subdivision, or other future subdivisions in Stages Two and Three, that:
- (i) the Owner will submit for the City's approval a lot grading plan for each area of the Lands to be subdivided; and,
 - (ii) that upon the City's approval of the lot grading plan, all building sites will be constructed by the Owner in accordance with the approved lot grading plan; and,
- (b) The Owner agrees that the Statutory Building Scheme will address the requirement that future private property owners must maintain the grades as constructed with such changes as may be approved by the City.

29. Sound Attenuation Wall: The Owner agrees to construct by September 30, 2007 a sound attenuation wall along the primary road corridor (Turtle Mountain Drive), in accordance with the Approved Engineering Plans included in Schedule "Three", Drawing # R8, R31, and R32.

30. Public Transit and School Bus Facilities: The Owner agrees to construct by September 30, 2007 bus turn around and stop areas in accordance with the Approved Engineering Plans included in Schedule "Three", Drawing # R5 and R21.
31. Views:
- (a) The City acknowledges that the Owner has provided to the City a viewscape analysis of upslope views from the perspective of various vantage points in the City, as identified by the Manager, Planning, Development, and Engineering Services; and,
 - (b) The City acknowledges that the Owner has provided to the City an analysis of views from the site.
32. Building Design:
- (a) The Owner agrees to provide to the City for its review, prior to final approval by the City of each subdivision, "comprehensive neighbourhood building design guidelines" that address building and landscape design objectives, criteria, guidelines, and requirements and that are to be included in the Statutory Building Scheme for all buildings to be constructed within the area of the subdivision; and,
 - (b) Without limiting Section 32 (a), the comprehensive neighbourhood building design guidelines will provide for the following:
 - (i) houses will have peaked roofs;
 - (ii) building walls are to be articulated and second storeys set back, with the objective of creating views and vistas through lots;
 - (iii) colours are to be complementary to the terrain, earth toned, and naturally textured, noting that colours do not need to all be the same; and,
 - (iv) perspectives will be provided to the City for multiple housing projects.
 - (c) The City will cooperate with the Owner to assist in their review of house design and landscape plans prior to the issuance of building permits as follows:
 - (i) The City will advise applicants of the existence of the Statutory Building Scheme; and,
 - (ii) Require applicants to provide evidence of approval of the plans from the Owner or the Owner's designated design consultant prior to issuance of a building permit.

33. Trails:

- (a) The Owner agrees to submit to the City, prior to final approval of the Major Lot Subdivision, a trail and pedestrian plan which addresses the City's objectives with respect to:
- (i) Connectivity within the neighbourhood;
 - (ii) Connections to the Grey Canal;
 - (iii) Implementation of Crime Prevention Through Environmental Design principles;
 - (iv) Installing universal signage;
 - (v) A suitable trailhead design and facilities at Turtle Mountain Drive and the Grey Canal;
 - (vi) Achieving consistent design standards according to the nature of use (i.e. recreational trails, pedestrian connections); and,
 - (vii) Ensuring that where feasible, all trails are universally accessible;
- (b) The Owner agrees to construct the pedestrian pathways and trails identified in the trail and pedestrian plan at the onset of development and construction of the subdivision.

PARKS - LAND AND FACILITIES

34. Dedication of Parkland:

- (a) The Owner and the Regional District agree that the following areas of the Lands described below, and shown on the Plan attached as Schedule Seven, shall be dedicated as "park" by deposit of subdivision plans, and will be accepted by GVS, Parks, as parkland:
- | | |
|--|-----------------|
| (i) Rooky Ridge Park | 1.358 ha |
| (ii) The Grey Canal Trail North | 0.575 ha |
| (iii) The Grey Canal Trail West | 0.888 ha |
| (iv) Aspen Copse Environmental Reserve | 0.488 ha |
| (v) Turtle Pond Environmental Reserve | 0.440 ha |
| (vi) Steep Slope Environmental Area # 1 | 3.550 ha |
| (vii) Steep Slope Environmental Area # 2 | <u>2.511 ha</u> |

Total Area to be Dedicated : 9.810 ha

- (b) The Owner agrees to dedicate the 9.810 hectares of parkland described in Section 34 (a) to the Regional District at no cost to the Regional District.
- (c) The Owner and the Regional District agree that the parkland described in Section 34 (a) will be dedicated as part of Stage One, with the exception of the following lands which will be dedicated in Stage Two:
 - (i) The Turtle Pond Environmental Reserve;
 - (ii) The Steep Slopes Environmental Areas, Numbers 1 and 2.
- (d) The Owner agrees that the Regional District may, at its discretion, transfer the Aspen Copse Environmental Reserve, Turtle Pond Environmental Reserve, and the Steep Slopes Environmental Reserve #1 and #2 to the North Okanagan Parks and Natural Areas Trust.
- (e) The Regional District acknowledges and agrees that dedication of the lands described in Section 34 (a) will constitute the full dedication of park land required for the subdivision of the Lands, and no further dedication will be required to meet the requirements of the *Local Government Act*.

35. Construction of Park Facilities:

- (a) Rocky Ridge Park:
 - (i) The Owner and the Regional District agree that the Owner has no obligation to construct park facilities within Rocky Ridge Park;
 - (ii) Road access will be provided along the cul-de-sac named Road "B", as shown on the Subdivision Plan attached as Schedule "Two";
- (b) Grey Canal Trail West

The Owner will prepare a detailed design of the Grey Canal that will address the requirements of GVS Parks and will not commence construction until the final design has been approved by GVS Parks. Subject to the foregoing:

- (i) The Owner agrees to construct, at the Owner's cost, the Grey Canal Trail West in accordance with the Approved Engineering Plans, Regional District Works, attached as part of Schedule "Four", including, without limitation:
 - A. Installation of storm and sanitary sewerage as illustrated in Drawings No's D19 and D20, Schedule "Four";
 - B. Construction of a three metre wide gravel trail meandering along the north side of the dedicated park lands, including hydro-seeding

of the disturbed areas on either side of the path, as illustrated in Drawings No's R19 and R20, Schedule "Four";

- C. Construction of a six vehicle paved parking lot at the eastern end of the trail, with landscaping around the parking lot, as illustrated in Drawing No's R21, Schedule "Four".

- (ii) The Owner agrees to construct the trail in a time frame to be determined by GVS, Parks.

(c) Grey Canal Trail North:

- (i) The Owner agrees to construct the Grey Canal Trail North in accordance with the Approved Engineering Plans, Regional District Works, Drawing No's R20, attached as part of Schedule "Four";

- (ii) The Owner agrees to construct the trail in a time frame to be determined by GVS, Parks, but not earlier than the Spring of 2006;

- (iii) The Owner and the Regional District agree to cost share the construction of this trail as follows:

- A. The cost of construction will be shared on the basis of each party paying fifty per cent of the final cost of construction, estimated in total to be approximately \$170,000.00;

- B. The Owner will invoice GVS, Parks for the Regional District's share of the costs upon completion of construction;

- (iv) The Owner will construct, at the Owner's cost, a six vehicle paved parking lot at the western end of the trail, with landscaping around the parking lot, as illustrated in Drawing No's R21, Schedule "Four".

(d) Aspen Copse Environmental Reserve: The Owner agrees to

- (i) build a wood rail fence around the Aspen Copse Environmental Reserve and to clean up any debris within the Copse, and hydro-seed the edges that may be disturbed by road and trail construction; and,

- (ii) fulfill any other requirements identified in the Environmental Development Permit for this site.

(e) Turtle Pond Environmental Reserve: The Owner agrees to

- (i) build a wood rail fence around the perimeter of the Turtle Pond Environmental Reserve and to clean up any debris around the pond; and,

- (ii) fulfill any other requirements identified in the Environmental Development Permit for this site,

during the construction of roads and services for Stage Two.

(f) Steep Slopes Environmental Areas, Numbers 1 and 2:

(i) The Owner and the Regional District agree that:

- A. there will be no construction in these areas except for a trail connection between the end of Road "C" and The Grey Canal Trail North, as shown on the applicable subdivision plan; and,
- B. fencing for these areas will be provided on the private lots north of the dedicated park area.

GENERAL

- 36. The Owner and the City acknowledge and agree that the "East Bella Vista Highlands Neighbourhood Plan, Plan Vernon Amendment Bylaw Number 4917, 2005", as approved by Vernon City Council on April 25, 2005, shall form the basis for development on the Lands.
- 37. When the Owner and the City or Regional District agree in this Master Development Agreement, or in subsequent Development Agreements applicable to the Lands, that the City or the Regional District will construct Works and the Owner will make a cash contribution to the Works, the City or the Regional District, as applicable, will not require security and warranties.
- 38. The City acknowledges that there may be various Private Works which will need to be located within the future road rights of way, for which the Owner agrees to provide a Section 219 Encroachment Covenant in a form prescribed by the City.
- 39. The Owner covenants and agrees to indemnify and save harmless the City and the Regional District, and their elected officials, officers, servants, agents, consultants, and employees from and against all actions, proceedings, costs, damages, expenses, claims and demands whatsoever and by whomsoever brought or made against the City or the Regional District, or their elected officials, officers, servants, agents, consultants and employees, resulting directly or indirectly from the exercise by the Owner of its rights and obligations under this Agreement, including the construction or installation of the Works except to the extent that such actions, proceedings, costs, damages, expenses, claims and demands are caused by or contributed to by the negligence of the City or the Regional District, their officers and employees.
- 40. Insurance Requirements:
 - (a) The Owner shall take out and maintain, with a company or companies licensed to carry on the business of insurance in the Province of British Columbia, on terms that are acceptable to the City and the Regional District and at the Owner's expense, the following policies of insurance:

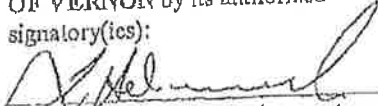
- (i) a policy or policies of owned and non-owned motor vehicle public liability insurance for all motor vehicles used in carrying out the Owner's obligations under this Agreement, against claims for bodily injury or death, environmental damage, and property damage arising out of the operation of the motor vehicles, the amount of such insurance to be not less than Three Million Dollars (\$3,000,000.00) comprised of insurance policies maintained by the Owner in respect of any one (1) incident. Prior to contracting out to third parties any of the services or Works to be provided or installed by the Owner, the Owner shall provide to the City or the Regional District, as applicable, proof that its contractors maintain the same coverage;
 - (ii) Comprehensive General Liability Insurance covering, without limitation, premises and operations liability, contractual liability, contractor's contingency liability covering operations of sub-contractors and completed operations liability. The limits of coverage for such Comprehensive General Liability Insurance for personal injury and property damage combined shall be no less than Five Million Dollars (\$5,000,000.00) per occurrence and the City and the Regional District shall be added as additional insured parties under, and a cross liability clause shall be included within, the policies of Comprehensive General Liability Insurance;
- (b) All policies shall provide that they shall not expire, be cancelled, or be materially changed without at least 30 days written notice from the insurer to the City and the Regional District.
 - (c) The Owner shall, prior to commencing any of the services or Works under this Agreement, provide the City or the Regional District, as applicable, with satisfactory evidence of such insurance coverage including but not limited to certified copies of each insurance policy, certificates of insurance or such other proof satisfactory to the City and the Regional District that all policies are in force,
 - (d) Should the Owner neglect to obtain or maintain insurance as required under this Agreement or provide satisfactory evidence of such insurance to the City or the Regional District upon request, the City or the Regional District may elect either to secure such insurance at the Owner's cost or declare the Owner to be in default of this Agreement.
41. In consideration of due and proper performance by the Owner of their covenants herein contained, the City and the Regional District, as applicable, covenant and agree to permit the Owner to carry out and perform the Works.
42. Any demand or notice required or permitted to be given under the provisions of this Agreement shall be in writing and may be given by mailing such notice by prepaid registered post to the party concerned at the address for such party first above recited, and

any such notice or demand mailed as aforesaid shall be deemed to have been received by the party to whom it is addressed on the second business day after the date of posting thereof.

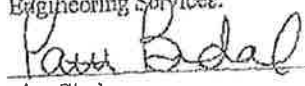
- 43. The Owner acknowledges and agrees that immediately upon issuance by the City Engineer, of written certification stating that the City Works or any part thereof have been accepted by the City as Complete, all right, title and interest in and to the City Works or part thereof shall immediately pass to and vest in the City, but nothing herein contained shall derogate from the obligation of the Owner to maintain the City Works for the Warranty Period of one (1) year following Completion as required by this Agreement.
- 44. The Owner acknowledges and agrees that immediately upon issuance by the Manager, Water, GVS or Director, GVS Parks, as applicable, of written certification stating that the Regional District Works pertaining to the water supply and treatment facilities or any part thereof, or the Parks and Recreation Facilities, or any part thereof, have been accepted as Complete, all right, title and interest in and to the Regional District Works or part thereof shall immediately pass to and vest in the Regional District, but nothing herein contained shall derogate from the obligation of the Owner to maintain the Regional District Works for the Warranty Period of one (1) year following Completion as required by this Agreement.
- 45. It is understood and agreed that neither the City nor the Regional District have made any representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Owner other than those contained in this Agreement.
- 46. 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.
- 47. This Agreement and the terms, covenants and conditions herein contained shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED on behalf of THE
CORPORATION OF THE CITY
OF VERNON by its authorized
signatory(ies):

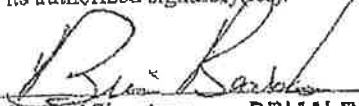


Manager, Planning, Development and
Engineering Services:




City Clerk:

SIGNED on behalf of the REGIONAL
DISTRICT OF NORTH OKANAGAN
by its authorized signatory(ies):


Authorized Signatory **BRIAN REARDON**
CORPORATE OFFICER

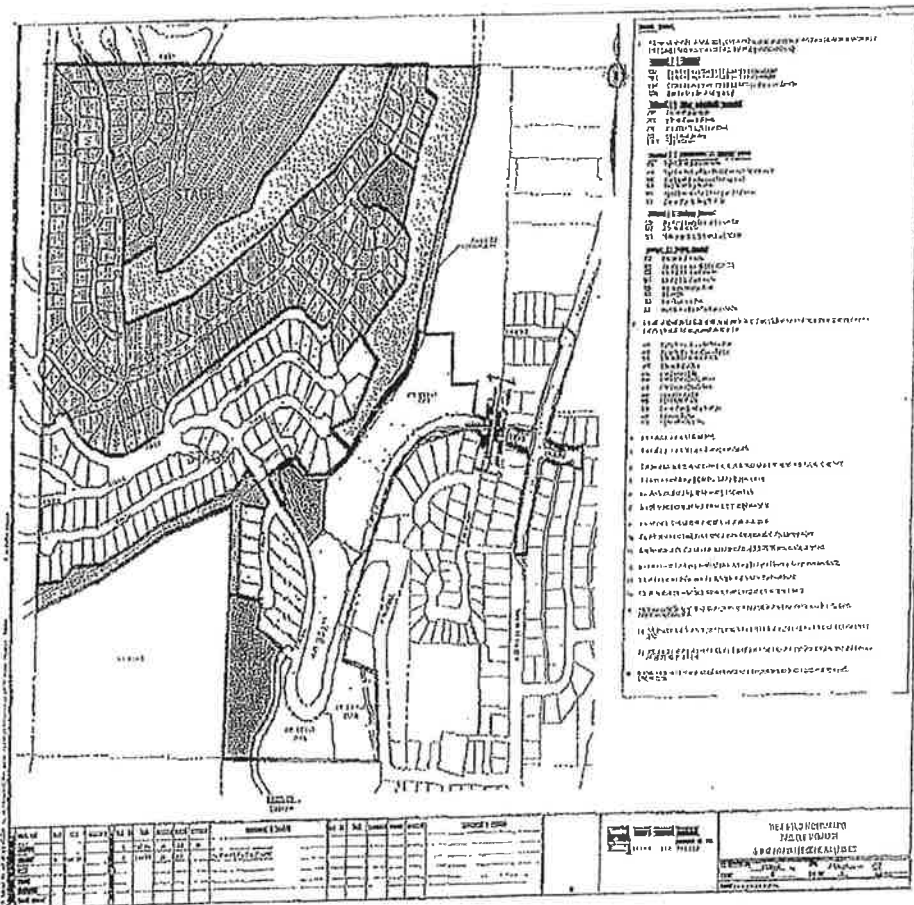
SIGNED on behalf of TURTLE
MOUNTAIN HOLDINGS LTD. by its
authorized signatory(ies):


Authorized Signatory **RANDOLPH B. ZIEN**

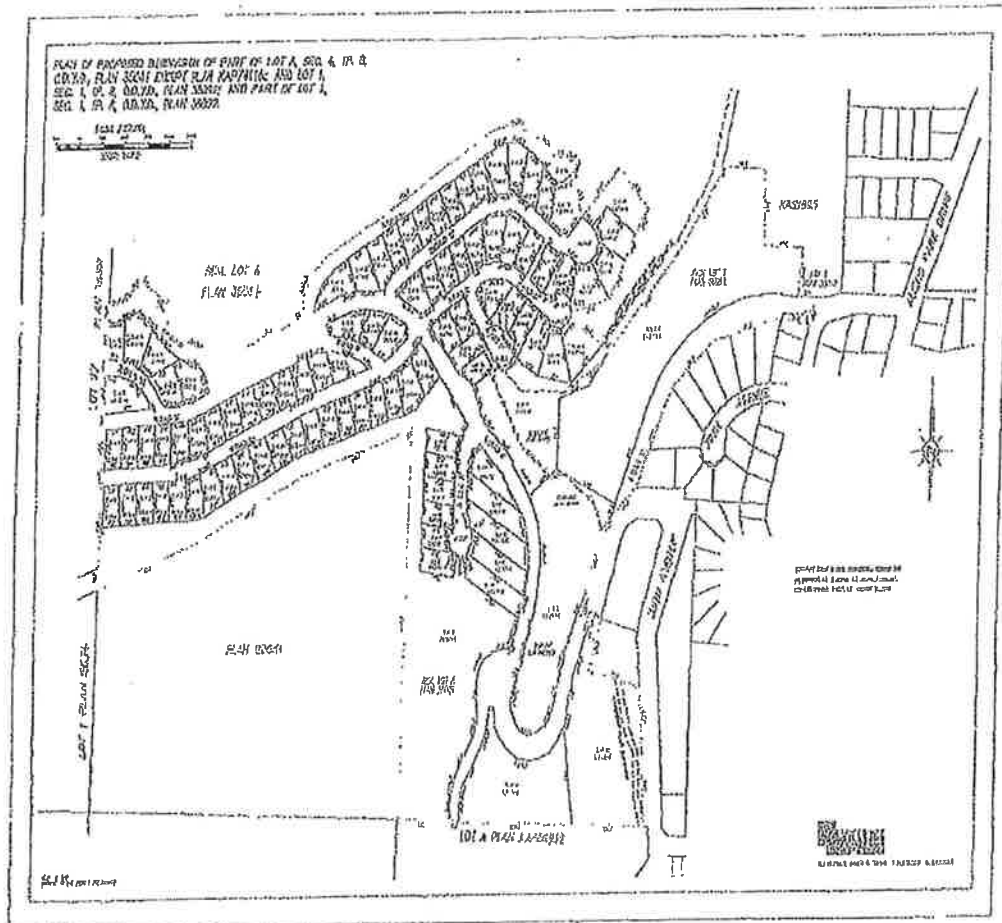
This is page 28 of a Master Development Agreement dated the ___ day of April, 2006 among
THE CORPORATION OF THE CITY OF VERNON, REGIONAL DISTRICT OF NORTH
OKANAGAN and TURTLE MOUNTAIN HOLDINGS LTD.

SCHEDULE "ONE"

SURVEY PLAN SHOWING MAJOR LOT SUBDIVISION



SCHEDULE "TWO"
SURVEY PLAN SHOWING STAGE ONE SUBDIVISION



SCHEDULE "THREE"

APPROVED ENGINEERING PLANS

CITY WORKS DRAWINGS

Index of Drawings - City Works Associated With Turtle Mountain Lands

Dwg. No. Description

STAGE 1C SUBDIVISION ROADS AND SERVICES

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- G1 KEY PLAN & DRAWING LIST
- G2 STAGING PLAN & GENERAL NOTES
- G3 PARKS, TRAILS & ENVIRONMENTAL CORRIDORS
- G4 ROAD 'A' / 39TH AVENUE REMOVALS

ROADS

- R1 TYPICAL ROAD SECTIONS
- R2 ROAD DETAILS
- R3 ROAD 'A' - ROAD PLAN AND PROFILE (STA. 2+330 TO 2+390)
- R4 ROAD 'A' - ROAD PLAN AND PROFILE (STA. 2+270 TO 2+600)
- R5 ROAD 'A' - ROAD PLAN AND PROFILE (STA. 2+470 TO 2+820)
- R6 ROAD 'A' - ROAD PLAN AND PROFILE (STA. 2+740 TO 3+100)
- R7 ROAD 'A' - ROAD PLAN AND PROFILE (STA. 2+980 TO 3+350)
- R8 ROAD 'A' - ROAD PLAN AND PROFILE (STA. 3+360 TO 3+700)
- R9 ROAD 'B' - ROAD PLAN AND PROFILE
- R10 ROAD 'C' - ROAD PLAN AND PROFILE (STA. 0+590 TO 0+930)
- R11 ROAD 'C' - ROAD PLAN AND PROFILE (STA. 0+930 TO 1+150)
- R12 ROAD 'D' - ROAD PLAN AND PROFILE
- R13 ROAD 'E' - ROAD PLAN AND PROFILE
- R14 ROAD 'F' - ROAD PLAN AND PROFILE
- R15 ROAD 'M' - ROAD PLAN AND PROFILE
- R16 ROAD 'N' - ROAD PLAN AND PROFILE
- R17 ROAD 'W' - ROAD PLAN AND PROFILE
- R18 39th AVENUE PLAN & PROFILE
- R19 GREY CANAL TRAIL PLAN & PROFILE (WEST)
- R20 GREY CANAL TRAIL PLAN & PROFILE (EAST)
- R21 PARKING LOT AND BUS BAY DETAILS
- R22 ROAD 'B' CURB RETURNS
- R23 ROAD 'C' CURB RETURNS

- R24 ROAD 'D' CURB RETURNS
- R25 ROAD 'E' CURB RETURNS
- R26 ROAD 'F' CURB RETURNS
- R27 ROADS 'M', 'N', & 'W' CURB RETURNS
- R28 ROAD 'A' - CROSS SECTIONS (STA. 2+240 TO 2+540)
- R29 ROAD 'A' - CROSS SECTIONS (STA. 2+560 TO 2+880)
- R30 ROAD 'A' - CROSS SECTIONS (STA. 2+900 TO 3+180)
- R31 ROAD 'A' - CROSS SECTIONS (STA. 3+200 TO 3+400)
- R32 ROAD 'A' - CROSS SECTIONS (STA. 3+420 TO 3+520)
- R33 ROAD 'B' - CROSS SECTIONS (STA. 0+000 TO 0+100)
- R34 ROAD 'C' - CROSS SECTIONS (STA. 0+540 TO 0+800)
- R35 ROAD 'C' - CROSS SECTIONS (STA. 0+820 TO 1+120)
- R36 ROAD 'D & E' - CROSS SECTIONS ('D' STA. 0+020 TO 0+060 'E'
STA. 0+020 TO 0+160)
- R37 ROAD 'E' - CROSS SECTIONS (STA. 0+180 TO 0+260)
- R38 ROAD 'F' - CROSS SECTIONS (STA. 0+020 TO 0+260)
- R39 ROAD 'F' - CROSS SECTIONS (STA. 0+280 TO 0+420)
- R40 ROAD 'M' - CROSS SECTIONS (STA. 0+700 TO 0+900)
- R41 ROAD 'W' CROSS SECTIONS (STA. 0+020 TO 0+240)
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- R43 PAINT MARKINGS ROAD 'A' NEAR ROAD 'B'
- R44 PAINT MARKINGS ROAD 'A' NEAR ALEXIS PARK DR.
- R45 ROAD SIGNAGE PLAN - WEST HALF OF SITE
- R46 ROAD SIGNAGE PLAN - EAST HALF OF SITE
- R47 ROAD SIGNAGE PLAN - ROAD 'A'
- R48 ROAD SIGNAGE PLAN - ROAD 'A' NORTH

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- D2 SANITARY SYSTEM OVERVIEW
- D3 ROAD 'A' - STORM/SANITARY PLAN AND PROFILE (STA. 2+330 TO
2+390)
- D4 ROAD 'A' - STORM/SANITARY PLAN AND PROFILE (STA. 2+270 TO
2+600)
- D5 ROAD 'A' - STORM/SANITARY PLAN AND PROFILE (STA. 2+470 TO
2+820)
- D6 ROAD 'A' - STORM/SANITARY PLAN AND PROFILE (STA. 2+740 TO
3+100)
- D7 ROAD 'A' - STORM/SANITARY PLAN AND PROFILE (STA. 2+970 TO
3+320)
- D8 ROAD 'A' - STORM/SANITARY PLAN AND PROFILE (STA. 3+360 TO
3+700)
- D9 ROAD 'B' - STORM/SANITARY PLAN AND PROFILE
- D10 ROAD 'C' - STORM/SANITARY PLAN AND PROFILE (STA. 0+590 TO
0+930)

- D11 ROAD 'C' - STORM/SANITARY PLAN AND PROFILE (STA. 0+930 TO 1+150)
- D12 ROAD 'D' & EASEMENT - STORM/SANITARY PLAN AND PROFILE
- D13 ROAD 'E' - STORM/SANITARY PLAN AND PROFILE
- D14 ROAD 'F' - STORM/SANITARY PLAN AND PROFILE
- D15 ROAD 'M' - STORM/SANITARY PLAN AND PROFILE
- D16 ROAD 'N' - STORM/SANITARY PLAN AND PROFILE
- D17 ROAD 'W' - STORM/SANITARY PLAN AND PROFILE
- D18 39th AVENUE - STORM/SANITARY PLAN & PROFILE
- D19 GREY CANAL STORM/SANITARY PLAN & PROFILE - WEST
- D20 GREY CANAL STORM/SANITARY PLAN & PROFILE - EAST

SHALLOW UTILITIES

- U1 SHALLOW UTILITIES PLAN - WEST HALF SITE
- U2 SHALLOW UTILITIES PLAN - EAST HALF SITE
- U3 SHALLOW UTILITIES PLAN - ROAD 'A' SOUTH
- U4 SHALLOW UTILITIES PLAN - ROAD 'A' EAST

ELECTRICAL

- E1 STREET LIGHTING SITE PLAN - EAST
- E2 STREET LIGHTING SITE PLAN - WEST

SITE WORKS

- SW1 STAGE ONE SITE GRADING OVERVIEW
- SW2 STAGE ONE SITE GRADING PLAN - WEST HALF SITE
- SW3 STAGE ONE SITE GRADING PLAN - EAST HALF SITE
- SW4 STAGE ONE SITE SECTIONS
- SW5 STAGE ONE SITE SECTIONS
- SW6 RETAINING WALL DETAILS
- SW7 RETAINING WALL DETAILS

ALEXIS PARK DRIVE ROADS AND SERVICES

- G3 ALEXIS PARK DRIVE REMOVALS
- G4 ROAD 'A' / 39TH AVENUE REMOVALS

ROADS

- R1 TYPICAL ROAD SECTIONS
- R2 ALEXIS PARK DRIVE PLAN AND PROFILE
- R3 ROAD 'A' PLAN AND PROFILE (STA. 3+360 TO
- R4 ROAD 'X' PLAN AND PROFILE
- R5 INTERSECTION CURB RETURNS

- R6 PAINT MARKINGS ALEXIS PARK DRIVE
- R7 PAINT MARKINGS ROAD 'A'/39th AVENUE
- R8 SIGNAGE PLAN ROAD 'A'

STORM & SANITARY WORKS

- D1 STORM SYSTEM OVERVIEW
- D2 SANITARY SYSTEM OVERVIEW
- D3 ROAD 'A' STORM AND SANITARY PLAN & PROFILE
- D4 ALEXIS PARK DRIVE STORM AND SANITARY PLAN

ELECTRICAL

- E1 SITE PLAN & CONDUCTOR SCHEDULES
- E2 DETAILS
- E3 STREET LIGHTING SITE PLAN

LANDSCAPING

- LANDSCAPE SITE PLAN
- STREETSCAPE - ENLARGED PLANS
- ASPEN COPSE - ENLARGED PLAN
- SUBDIVISION ENTRY - ENLARGED PLAN
- LANDSCAPE DETAILS

SCHEDULE "FOUR"

APPROVED ENGINEERING PLANS

REGIONAL DISTRICT WORKS DRAWINGS

Index of Drawings – Regional District Works Associated With Turtle Mountain –Lands

Dwg. No. Description

GVS, WATER

STAGE 1C SUBDIVISION ROADS AND SERVICES .

GENERAL

- G1 KEY PLAN & DRAWING LIST
- G4 ROAD 'A' / 39TH AVENUE REMOVALS

ROADS

- R1 TYPICAL ROAD SECTIONS

WATER MAINS

- W1 WATER SYSTEM OVERVIEW
- W2 WATER MODELING SUMMARY
- W3 ROAD 'A' - WATER MAIN PLAN AND PROFILE (STA. 2+220 TO 2+390)
- W4 ROAD 'A' - WATER MAIN PLAN AND PROFILE (STA. 2+390 TO 2+600)
- W5 ROAD 'A' - WATER MAIN PLAN AND PROFILE (STA. 2+600 TO 2+870)
- W6 ROAD 'A' - WATER MAIN PLAN AND PROFILE (STA. 2+870 TO 3+120)
- W7 ROAD 'A' - WATER MAIN PLAN AND PROFILE (STA. 3+120 TO 3+390)
- W8 ROAD 'A' - WATER MAIN PLAN AND PROFILE (STA. 3+390 TO 3+610)
- W9 ROAD 'B' - WATER MAIN PLAN AND PROFILE (STA. 0+020 TO 0+150)
- W10 ROAD 'C' - WATER MAIN PLAN AND PROFILE (STA. 0+590 TO 0+930)
- W11 ROAD 'C' - WATER MAIN PLAN AND PROFILE (STA. 0+930 TO 1+150)
- W12 ROAD 'E' - WATER MAIN PLAN AND PROFILE (STA. 0+000 TO 0+260)
- W13 ROAD 'F' - WATER MAIN PLAN AND PROFILE (STA. 0+000 TO 0+350)
- W14 ROAD 'M' - WATER MAIN PLAN AND PROFILE (STA. 0+660 TO 1+010)
- W15 ROAD 'N' - WATER MAIN PLAN AND PROFILE (STA. 0+200 TO 0+254)
- W16 ROAD 'W' - WATER MAIN PLAN AND PROFILE (STA. 0+000 TO 0+250)

ALEXIS PARK DRIVE ROADS AND SERVICES

ROADS

R1 TYPICAL ROAD SECTIONS

WATER

W1 WATER SYSTEM OVERVIEW
W2 WATER MODEL
W3 ROAD 'A' - WATER MAIN PLAN AND PROFILE

TURTLE MOUNTAIN WATER FACILITIES

GENERAL

G1 LOCATION PLAN, KEY PLAN & DRAWING LIST
G2 GLOBAL OVERVIEW DRAWING

SITE WORK

STD STANDARD SITE WORK DRAWINGS
SW1 PUMP STATION SITE PLAN
SW2 PUMP STATION - SECTIONS
SW3 RESERVOIR SITE PLAN
SW4 RESERVOIR SITE SECTIONS
SW5 PRV CHAMBER - SITE PLAN

ARCHITECTURAL

A1 PUMP STATION ARCHITECTURAL ELEVATIONS

STRUCTURAL

ST1 RESERVOIR VALVE STATION - PLAN & SECTIONS
ST2 PUMP STATION - PLAN & SECTIONS
ST3 PUMP STATION - MASONRY WALL ELEVATIONS
ST4 GENERAL NOTES
ST5 FOUNDATION PLAN, SUSP. SLAB PLAN & SECTIONS
ST6 DETAILS

PROCESS & INSTRUMENTATION

STD STANDARD P & ID SYMBOLS
P1 PROCESS & INSTRUMENTATION DIAGRAM

MECHANICAL

- STD STANDARD MECHANICAL DETAILS
- M1 PUMP STATION MECHANICAL PLAN & SECTIONS
- M2 RESERVOIR PLAN AND SECTIONS
- M3 PIPING PLAN, SECTIONS AND MATERIALS LIST
- M4 PRV CHAMBER - PLAN, SECTION & BILL OF MATERIAL

ELECTRICAL

- E1 PUMP STATION LAYOUT, SINGLE LINE, BOM
- E2 BLOCK DIAGRAM, LADDER DIAGRAM
- E3 PUMP STATION MOTOR SCHEMATICS
- E4 PUMP P STATION - PLC AND TERMINAL BLOCK
- E5 RESERVOIR ELECTRICAL
- E6 PRV STATION ELECTRICAL

GVS, PARKS

STAGE 1C SUBDIVISION ROADS AND SERVICES

GENERAL

- G1 KEY PLAN & DRAWING LIST
- G2 STAGING PLAN & GENERAL NOTES

ROADS

- R19 GREY CANAL TRAIL PLAN & PROFILE (WEST)
- R20 GREY CANAL TRAIL PLAN & PROFILE (EAST)
- R21 PARKING LOT AND BUS BAY DETAILS
- R42 GREY CANAL CROSS SECTIONS

STORM & SANITARY WORKS

- D19 GREY CANAL STORM/SANITARY PLAN & PROFILE - WEST
- D20 GREY CANAL STORM/SANITARY PLAN & PROFILE - EAST

LANDSCAPING

- LANDSCAPE SITE PLAN
- STREETSCAPE - ENLARGED PLANS
- ASPEN COPSE - ENLARGED PLAN
- SUBDIVISION ENTRY - ENLARGED PLAN

-4-

LANDSCAPE DETAILS

SCHEDULE "FIVE"

STATUTORY RIGHTS OF WAY AND EASEMENTS

1. A Statutory Right of Way, in a form and with content acceptable to the City, shall be granted by the Owner to the City over part of the Lands for the installation and maintenance of a system of City sewage works and/or City storm works and/or City electrical works, and/or reclaimed water and related irrigation works.
2. A Statutory Right of Way, in a form and with content acceptable to the Regional District, shall be granted by the Owner to the Regional District, over part of the Lands for the installation and maintenance of a system of water works including water mains, pipes, valves, pump stations and reservoirs, and including all permanent and temporary Works.
3. The Owner shall grant such other statutory rights of way and easements as may be necessary or required to properly fulfill the requirements of this Agreement and complete the Turtle Mountain Development on the Lands in accordance with the Approved Engineering Plans and the East Bella Vista Highlands Neighbourhood Plan - Plan Vernon Amendment Bylaw Number 4917, 2005, as approved by Vernon City Council on April 25, 2005.
4. A Statutory Right of Way, in a form and with content acceptable to the Regional District, shall be granted by the Owner to the Regional District, over part of the Lands for the future connection of the water system on the Lands from the Lands to the adjoining properties to the West and North.
5. The Owner covenants and agrees to grant to the City a statutory right of way for all municipal services and access to them for maintenance and construction, including reclaimed water, storm drainage, and sanitary sewer, in a mutually agreed location within the portion of the Lands commonly referred to as the Grey Canal to provide access to the adjoining lands, prior to any transfer of the Lands from the Owner to the Regional District or any other party.

"SCHEDULE "SIX"

RESTRICTIVE COVENANTS

1. Prior to or upon registration of the Major Lot Subdivision Plan, a Restrictive Covenant shall be granted by the Owner to the City, in a form and with content satisfactory to the City, that the Owner will not build on or develop the Subsequent Stages until:
 - a. all required off-site services, including road works and other services, to service the remaining parcels have been provided for or constructed and installed,
 - b. all required on-site services, including road works and other services, to service the remaining parcels have been provided for in development agreements or otherwise,all to the reasonable satisfaction of the City;
2. A Restrictive Covenant shall be granted by the Owner to the City, in a form and with content satisfactory to the City, that sets out those actions which shall be taken by the Owner prior to any occupation or habitation of the Lands to reduce the hazard from wildland fires to the Lands and to the lands beyond, including requirements related to construction of the buildings; clearing and pruning of adjacent forested lands, landscaping and sprinklering, and actions required to ensure long term maintenance of a reduced fire hazard. The actions will be those established by a certified forester to the satisfaction of the City.
3. Prior to registration of the Major Lot Subdivision, the Owner, in the interests of the safe and efficient operation of the Vernon Regional Airport, will grant to the City a Restrictive Covenant on the title of the Lands that the Owner:
 - a. will not construct, erect, plant, or install on the Lands any object or plant that will or may interfere with the operations of the Airport, including the approach, landing, arrival, and departure flight paths, which the Owner acknowledges will vary from time to time; and,
 - b. will not, without limitation to (a), construct, erect, plant, or install any object that is, or will grow to be, higher than fifty metres above grade.
4. A restrictive covenant (or at the discretion of the City, an easement or statutory right of way) shall be granted by the Owner to the City, in a form and with content satisfactory to the City, that permits the City to access private lands to undertake maintenance of street trees, including pruning and disease control, in those areas of the Lands where physical constraints have required that the street trees be planted on private lands.

LAND TITLE ACT
FORM C
(Section 233)

Province of British Columbia

GENERAL INSTRUMENT -- PART 1

(This area for Land Title Office use)

pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)
 Christopher C. Alveberg, NIXON WENGER, Barristers & Solicitors, 400-3201 - 30th Avenue, Vernon, B.C.,
 V1T 2C6, Phone: (250) 542-5353

 signature of applicant, applicant's solicitor or agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:^{*}
 (PID) (LEGAL DESCRIPTION)
 SEE SCHEDULE

3. NATURE OF INTEREST:^{*}
 DESCRIPTION DOCUMENT REFERENCE PERSON ENTITLED TO INTEREST
 (page and paragraph)
 SEE SCHEDULE

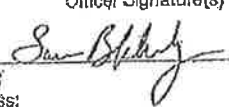

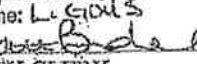
4. TERMS: Part 2 of this instrument consists of (select only one)
 (a) Filed Standard Charge Terms D.F. No.
 (b) Express Charge Terms Annexed as Part 2
 (c) Release There is no Part 2 of this instrument
 A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):^{*}
 TURTLE MOUNTAIN HOLDINGS LTD. (Inc. No. 0723935), Suite 2650 - 666 Burrard Street, Vancouver,
 B.C., V6C 2X8
 HSBC BANK CANADA (AS TO PRIORITY ONLY)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))^{*}
 THE CORPORATION OF THE CITY OF VERNON, City Hall, 3400 - 30th Street, Vernon, B.C. V1T 5E6

7. ADDITIONAL OR MODIFIED TERMS:^{*}
 N/A

8. EXECUTION(S):^{**} This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)	Execution Date			Party(ies) Signature(s)
	Y	M	D	
	2006	05	15	THE CORPORATION OF THE CITY OF VERNON by its authorized signatories 
Name: Address: CURIEL AKELY, DEPUTY CITY CLERK A COMMISSIONER FOR TAKING OATHS AND AFFIDAVITS IN THE PROVINCE OF BRITISH COLUMBIA The City of Vernon 3400 - 30th Street, Vernon, BC V1T 5E6 Tel: (250) 645-1861				MAYOR CIOLO Name: L. CIOLO  CITY CLERK Name: P. BRIDAL

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c. 124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attached schedule in Form E.
 ** If space insufficient, continue executions on additional page(s) in Form D.

ASSIGNMENT & ASSUMPTION AGREEMENT

**Turtle Mountain Holdings Ltd. Master Development Agreement
dated April 19, 2006**

THIS AGREEMENT dated for reference January 1, 2014 (the "Effective Date").

BETWEEN:

REGIONAL DISTRICT NORTH OKANAGAN
9848 Aberdeen Road
Coldstream, BC V1B 2K9

(the "Assignor")

AND:

CITY OF VERNON
3400 - 30th Street
Vernon, BC V1T 5E6

(the "Assignee")

WHEREAS:

- A. The Assignor and the Assignee are parties to the Master Development Agreement dated entered into with Turtle Mountain Holdings Ltd. on April 19, 2006, a copy of which is attached hereto as **Schedule "A"** (the "Agreement"); and
- B. The Assignor and the Assignee, further to a Memorandum of Understanding dated November 21, 2012 and a Greater Vernon Parks Service Agreement dated _____, both of which relate to restructuring of the Greater Vernon Parks, Recreation and Culture Service, have agreed that the Assignor's interest in the Agreement shall be transferred to the Assignee.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the mutual covenants and agreements herein contained, and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the Assignor and the Assignee covenant and agree as follows:

1. As and from the Effective Date, the Assignor grants, assigns, transfers and sets over absolutely and unconditionally unto the Assignee the Assignor's right, title and interest both at law and in equity in and to the rights and obligations as set out in the Agreement relating to or in connection with park land and park facilities set out in clauses 34 (a) (v), (vi) and (vii) and 35 (e) and (f) of the Agreement (the "Assignor's Interest").
2. The Assignor agrees that the Assignee is to have and to hold the Assignor's Interest for its sole use and benefit forever.
3. The Assignor represents and warrants to the Assignee that:
 - (a) the Assignor has full right and authority to assign the Assignor's Interest as contemplated hereby; and

{01539646.}

- (b) the Assignor's Interest is good, valid and subsisting and the Assignor has observed and performed each and every covenant, agreement and obligation of the Assignor under the Agreement required to be observed or performed by it to the Effective Date. The Assignor will indemnify, defend and save harmless the Assignee from and against any and all actions, suits, losses, damages and expenses which the Assignee may suffer or incur or be put to by reason of any of the warranties or representations set forth in section 3 being untrue or incorrect.
4. As and from the Effective Date, the Assignee assumes and agrees to observe, perform, be bound by and be liable under, as an obligation of the Assignee, each and every covenant, agreement and obligation of the Assignor under the Agreement required to be observed or performed on or after the Effective Date, and hereby agrees to indemnify, defend and save harmless the Assignor from and against any and all actions, suits, losses, damages and expenses which the Assignor may suffer or incur or be put to by reason of the failure of the Assignee to do any of the same on or after the Effective Date.
 5. The Assignor expressly authorizes the Assignee to collect, demand, sue for, enforce, recover and receive, dispose of, realize or enforce the Assignor's Interest as the Assignee may deem advisable.
 6. The Assignor agrees with the Assignee that it will from time to time and at all times hereafter at the request of the Assignee execute and deliver to the Assignee such further assurances for the better and more perfect assignment to the Assignee of the Assignor's Interest as the Assignee may require.
 7. The Assignor will deliver such notices of this Agreement as may be reasonably requested by the Assignee.
 8. This Agreement shall be binding upon and enure to the benefit of the parties and their respective successors and assigns.
 9. The invalidity or unenforceability of any provision of this Agreement or any part thereof shall not affect the validity or enforceability of the remainder of this Agreement or such provision.

SCHEDULE "A"

Assignment consented to by:

**TURTLE MOUNTAIN HOLDINGS
LTD.** by its authorized signatory(ies)

Authorized Signatory **EDWARD P. AYERS**

Authorized Signatory **KEVIN LAYDEN**

sign

10. This Agreement shall be governed by and construed in accordance with the law of British Columbia.

IN WITNESS WHEREOF the parties have executed this Agreement as of the date first above written.

REGIONAL DISTRICT NORTH OKANAGAN
by its Authorized Signatory(ies)

CITY OF VERNON
by its authorized signatory(ies)

Name:

Name:

Name:

Name:



THE CORPORATION OF THE CITY OF VERNON

Our File: SUB00122

December 24, 2009

Wesbild Holdings Ltd.
1450 Johnson Street
Coquitlam, BC V3E 2T1

Attention: Alastair Meiklem

Dear Mr. Meiklem:

Re: Turtle Mountain Onsite Boulevard Landscaping Maintenance

Further to our meeting to discuss the short and long term management of boulevard maintenance for Phase 1 of the Turtle Mountain Development, the City has completed our review of the matter and will provide pruning and disease control for all trees within Turtle Mountain Boulevard. The City also agrees to provide maintenance of the paved parking areas, (replacement and repairs only as snow clearing is confined to traveled portions of the road and will not be conducted behind curbing); and maintenance of the sound fence. Maintenance of the ground cover, irrigation system and all other landscaping requirements are the responsibility of adjacent property owners with the exception of the boulevard planting beds behind the sound fence which are to be maintained by Wesbild. Wesbild is required to confirm that all property owners adjacent to the boulevard landscaping have been advised of their requirement to maintain the boulevard trees, grass areas, landscape rock areas and planting beds. Given the scale of the current irrigation system, only the larger multifamily lots are required to assume operation and maintenance of the portion of the irrigation system adjacent to their lot. These multifamily lots are therefore required to make any necessary changes to the current operational system to accommodate this responsibility. All other irrigation systems are to be abandoned or operated by Wesbild until such time as they are no longer required.

Other features which are to be maintained by Wesbild until they have been removed at Wesbild's cost, include the: entrance sign (including planting beds in lot remainders near the 39th Ave intersection; feature rock walls, (retaining and decorative); electrical up-lighting in trees and on the Turtle Mt. Blvd. rock face; street light banners etc). Where applicable, specific features may be given to GVS to maintain, provided they are in agreement and provide documentation to the City verifying their commitment to continued maintenance of these items. These items include the wood fencing, rock carriages and Allan block retaining wall within the row near the Grey Canal trail.

The April 2006 *Master Development Agreement item 25, Landscaping* defined the City's objectives to be met. These objectives include "(a) (iii) *planting of appropriate trees on the boulevards; and, (iv) planting to be xeriscape...*". The City required that the boulevard plantings and irrigation be maintained by Wesbild for a minimum of two years to ensure the plantings would be adequately established and therefore self sustaining, as necessary to conform to the noted conditions in the Master Development Agreement. It was never intended, nor anticipated that the boulevard plantings would be dependent on continued irrigation as this would be in contravention of the agreement. Should continued irrigation be necessary the cost for this must be borne by the developer or adjacent property owners as stated in *item 25 (e) of the Master Development Agreement* in which the owners were to be advised of their obligations regarding trees "*the Statutory Building Scheme will require the private landowners to assume ongoing maintenance of the trees..*" Alternatively the irrigation may be abandoned and any plantings which fail to survive are to be removed.

If you have any questions or require more information, please do not hesitate to contact me at 550-3588 or E-mail at estranks@vernon.ca.

Yours truly,


Ed Stranks
Manager, Engineering Development Services

cc: R. Dickinson, Manager, Engineering Services & GIS
K. Flick, Manager, Planning & Building
S. Koenig, Manager, Operation Services
J. Rice, Manager of Public Works
D. Rintoul, Approving Officer

G:\PlanEng\2009\MOA\3320 Subdivisions and Subdivision Control\20 Applications\00122 TURTLE MTN STAGE 1\090526-Turtle Mtn Trees_fileal091004 ejs Blvd LndSop Wrks.docx

The residents of Turtle Mountain request that the City of Vernon mee contractual obligation to maintain and preserve the green space boulevard access to our community, Grey Canal hiking trails, and view points. As tax paying citizens, we request this on behalf of all city of Vernon citizens that utilize and enjoy these spaces as one of the many green initiatives the City of Vernon maintains on an ongoing basis that adds to our community and outdoor living spaces. We are not a strata community and have no desire to become one due to the short fall and disputes ongoing between the developer and the City of Vernon.

COPY

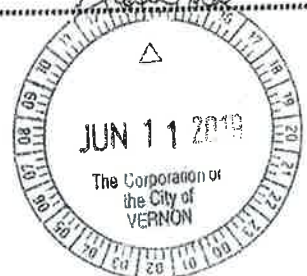
NAME

ADDRESS

SIGNATURE

NAME	ADDRESS	SIGNATURE
Colleen MacLaurish	5189 Turtle Pond Place	[Signature]
Bruce MacLaurish	5084 Turtle Pond Place	[Signature]
Wanda Benfett	5080 Turtle Pond Place	[Signature]
BRIAN PAULSON	3924 Desert Dr.	[Signature]
Rob Pohl	3933 DESERT DRIVE	[Signature]
Munter & Sandra Becento	4008 ROCK CRESSCUT	[Signature]
Laura Malbert	5004 Painted Turtle Lane	[Signature]
JILLIE LARSEN	5008 " " "	[Signature]
DARREL BRISON	5012 PTL	[Signature]
Shay Brison	5012 Painted Turtle Lane	[Signature]
SHAWN NEFFELD	5016 PAINTED TURTLE LANE	[Signature]
SCOTT YOUNG	5016 Painted Turtle Lane	[Signature]
Ruth Adair	5000 Painted Turtle Lane	[Signature]
BARRY BURNS	5000 PAINTED TURTLE LANE	[Signature]
Carelynn Slade	5076 Turtle Pond Place	[Signature]
Don Slade	5076 Turtle Pond Place	[Signature]
Clayton Riemer	5048 Turtle Pond Place	[Signature]
[Name]	5032 " "	[Signature]
G. DISCOLL	5044 " "	[Signature]
AMIA LEE	5036 " "	[Signature]
Brian McGuigan	5032 " "	[Signature]
Doug Brison	5128 " "	[Signature]
KERRY LAWE	5024 " "	[Signature]
CHRIS DISCOLL	5044 TURTLE POND	[Signature]
Tom Monahan	5020 TURTLE POND	[Signature]
DAMIANSON	3920 Desert Dr.	[Signature]
Marie Resnechenko	3912 Desert Dr.	[Signature]

wanda Benfett
250
[Signature]



The residents of Turtle Mountain request that the City of Vernon meet their contractual obligation to maintain and preserve the green space boulevard access to our community, Grey Canal hiking trails, and view points. As tax paying citizens, we request this on behalf of all city of Vernon citizens that utilize and enjoy these spaces as one of the many green initiatives the City of Vernon maintains on an ongoing basis that adds to our community and outdoor living spaces. We are not a strata community and have no desire to become one due to the short fall and disputes ongoing between the developer and the City of Vernon.

NAME	ADDRESS	SIGNATURE
Lorne Resnecko	3912 Desert Dr.	[Signature]
Deub Dario	3900 Desert Dr.	[Signature]
Patricia Ringel	3820 Terrapin Place	[Signature]
LORRIE WELSH	3812 TERRAPIN BLVD	[Signature]
Ciana Hardy	3804 Terrapin Place	[Signature]
Paul Wright	3804 Terrapin Place	[Signature]
Shirley Johnson	3800 Terrapin Place	[Signature]
Zandy Jensen	3800 Terrapin Place	[Signature]
Wanda D. [unclear]	3901 Desert Dr.	[Signature]
Angela G.	3905 Desert Dr.	[Signature]
BRENDA COWELL	4104 LEATHERBACK RD	[Signature]
Mark McCook	4112 - Leatherback Rd	[Signature]
JASON TISSINGTON	4116 LEATHERBACK RD	[Signature]
MAGNIE TISSINGTON	" "	[Signature]
MARLENE BROWN	4115 CAMELBACK WY	[Signature]
LARRY BROWN	4119 CAMELBACK	[Signature]
Gina B. Honos	4119 Camelback	[Signature]
Scott Wadsway	4128 Lonsborough	[Signature]
Evelyn Bossy	4128 Leatherback	[Signature]
Colleen ZARRA	4138 Camelbackway	[Signature]
Ed Zelara	" "	[Signature]
MARY HECKER	4100 CAMELBACK	[Signature]
Walter Simmons	4204 Camelbackway	[Signature]
Paul Murphy	4212 Camelback Way	[Signature]
Monnie Brown	4216 Camelback Way	[Signature]
[unclear]	4220 Horizon CPT	[Signature]
Tracey Talarca	4220 Horizon Court	[Signature]

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NAME	ADDRESS	SIGNATURE
Randolph Woods	4300 Camelback Way	[Signature]
Dorcen Woods	4300 Camelback Way	[Signature]
Yvett Jewell	4221 Camelback Way	[Signature]
John Farrell	4221 Camelback Way	[Signature]
Yvonne Stannard	4223 Leatherback Rd	[Signature]
Peter Croot	13725 RAZORBACK COURT	[Signature]
KIM CROOT	3728 RAZORBACK	[Signature]
Kim Murray	3724 RAZORBACK	[Signature]
Kelly Murray	" "	[Signature]
Dorise Witschi	3722 "	[Signature]
Sonia Exa	3720 "	[Signature]
Nam Dill	3716 Razorback Court	[Signature]
Dee Dill	3716 Razorback Crt	[Signature]
	- pls call me	250-541-6769
Abraham & Dave Hank	3712 Razorback	[Signature]
" "	" "	[Signature]
Windsay Hank	3712 Razorback	[Signature]
Shawn Heywood	3708 Razorback	[Signature]
Sherrill In	3708 Razorback at Ken Cain	[Signature]
JOE SMITH	3713 RAZORBACK CT	[Signature]
FAMILY SMITH	" "	[Signature]
FLEANN DANBY	3717 RAZORBACK	[Signature]
* Leet Nicole Oswald	3705 Razorback Crt	[Signature]
Suzanne Dantz	3717 RAZORBACK Crt	[Signature]
Andrew John	3721 Razorback Crt	[Signature]
John Zakra	3721 RAZORBACK	[Signature]
ARLENE DELAIR	3725 RAZORBACK	[Signature]

u

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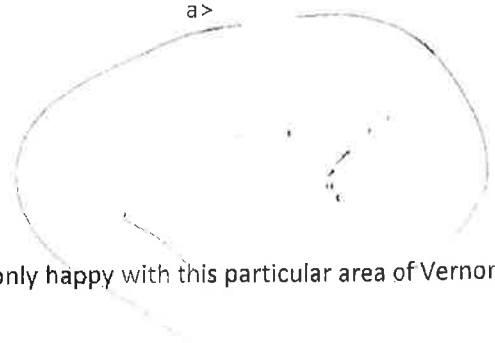
NAME	ADDRESS	SIGNATURE
Eileen Payton	4100 Rockcross CRT	[Signature]
Jennice Phillips	4016 Rockcross Ct.	[Signature]
Deborah Hardy	4012 Rockcross Ct.	[Signature]
JOANNE LETICEMAN	4004 ROCKCROSS CRT	[Signature]
BRIAN Borgford	4000 ROCKCROSS CRT	[Signature]
LESLIE Wilson	4001 Rockcross CRT	[Signature]
Jody Simpson	3920 Rockcross CRT	[Signature]
Terry Higgins	3916 Rockcross CRT	[Signature]
Terry Boyce	3916 Rockcross CRT	[Signature]
ROBERT FORD	3912 Rockcross CRT	[Signature]
Sharon Ford	3912 Rockcross CRT	[Signature]
Jana Witt	135701 Heritage Drive	[Signature]
SANICE ZAZULA	4012 SONORA CRT	[Signature]
DALEA PRINCIPAL TUTKALUKA	4008 SONORA CRT	[Signature]
GALLY TUTKALUKA	4008 Sonora Ct	[Signature]
DAVID DOICE	3808 RIDGEMOUNT CR	[Signature]
Barbara Scarcella	3802 RIDGEMOUNT CR	[Signature]
Tori Kutz	3916 Sonora CRT	[Signature]
Tony Kutz	3916 SONORA CRT	[Signature]
Robert Webster	3912 Sonora Ct	[Signature]
Mauriceen W. Baker	3912 Sonora Ct	[Signature]
Donno Bouwmeester	3904 Sonora Court	[Signature]
Lou Bouwmeester	" " "	[Signature]
Donna Luft	3908 Sonora Court	[Signature]
Bill Luft	3908 Sonora Court	[Signature]
Jacob Kuika	3900 Sonora Court	[Signature]
Lydia Conland	3900 Sonora Court	[Signature]
Ann Rembert	5080 Turtle Pond Place	[Signature]

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NAME	ADDRESS	SIGNATURE
James Craig	3824 Terrapin Place	James Craig
Robert Craig	3824 TERRAPIN PLACE	Robert Craig
Don	3832 " "	Don
Stots	3900 TERRAPIN PLACE	Stots
TREVOR STEVENS	3912 TERRAPIN PLACE	Trevor Stevens
FRED WARTON	4000 TERRAPIN PLACE	Fred Warton
FRANK WARTON	" "	Frank Warton
Iz Ma Arthur	4000 Terrapin Place	Iz Ma Arthur
ARNOLD BARBARA FRY	4016 Terrapin Place	Arnold Barbara Fry
Don & Maudie WALTER	4020 TERRAPIN PLACE	Don & Maudie Walter
FRED & LOUISE ZIEKER	4100 TERRAPIN PL.	Fred & Louise Zieker
Mrs. Kuan Chin	4104 Terrapin Place	Mrs. Kuan Chin
Fred & Bob Land	4112 Terrapin Pl	Fred & Bob Land
DAVID GLADDS	4120 LEATHR BACK RD	David Glads
PETER MOORE	4124 LEATHERBACK RD	Peter Moore
ELIZABETH MOORE	" " "	Elizabeth Moore
Don	4200 LEATHERBACK RD	Don
DEBBIE KINNEAR	✓	Debbie Kinear
Steve Cain	4212 Leatherback Rd	Steve Cain
Barb Cain	4212 " Rd	Barb Cain
Fred Andrews	4224 " Rd	Fred Andrews
Wendy Andrews	4224 ✓ Rd	Wendy Andrews
Mr Paul Mack Price	4300 Painted turtle drive	Mr Paul Mack Price
Raj Sod.	4204 & 3908 Terrapin Ln	Raj Sod.
Ishan	3908 Terrapin Lane	Ishan
Wanda Remfett	5080 Turtle Pond Pl	Wanda Remfett

Maria Doyle

From: BROWN, MARILYN M.
Sent: Wednesday, May 15, 2019 3:24 PM
To: Mayor
Subject: Turtle Mountain



Dear Mr Cumming

I have resided on Turtle Mountain for almost 8 years and have been not only happy with this particular area of Vernon but have been very pleased with my actual relocation to Vernon.

However, I am incredibly disappointed with the handling and management of this district as of late. Previous to this year it is my understanding that the boulevards were managed and maintained by the builder, Wesbild.

However, Wesbild has now honored the terms of their agreement with the City of Vernon and this area is under the total care of the City of Vernon for all maintenance.

The handling of Turtle Mountain is disastrous and should you opt to take a drive to Turtle Mountain you will understand my concerns. Nothing is being watered and everything has started to now show signs of serious neglect in that the plants are in jeopardy and there are weeds up the entire boulevard.

This is truly a disappointment to myself and other home owners in the area who hold yourself and the City that you represent, to a much higher standard of responsibility in this regard.

I actually am surprised by the total disregard shown by this City of Vernon and its management team. We rely on this team for professional handling of these types of situations. This cannot possibly be how your manage yourselves and the responsibilities that come with your title

If you could please address this situation at your earliest convenience and advise what steps are being taken to rectify the care of this area in regards to landscaping and general upkeep.

Best Regards,

Marilyn M Brown
5 Camelback Way
Vernon BC 3

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Maria Doyle

From: Mayor
Sent: Thursday, June 06, 2019 2:50 PM
To:
Cc: Will Pearce; Maria Doyle; Group (Mayor and Council); Patti Bridal
Subject: RE: Attn: Mayor Cumming - City website contact form

Mr. Beaumont

A few suggested corrections to your e-mail.

The City and Wesbild are not "arguing". These two parties have multiple contract relationships with legal obligations including the boulevards under discussion. Neither party wants to see the trees die. The irrigation system is not working and Wesbild plans to repair it.

The City has already placed tree watering bags on the trees effected by the lack of water to prevent tree death awaiting the repair of the irrigation system, and continue to fill them as needed.

This is an active file for both Wesbuild and the City.

Please be patient while the situation is addressed.

Victor Cumming

Victor Cumming

Mayor, City of Vernon
City Hall, 3400 30th Street, Vernon, BC V1T 5E6
Office: 250-550-3508 | Cell: 250-938-0022



From: City of Vernon [mailto:no-reply@vernon.ca]
Sent: Thursday, June 06, 2019 2:13 PM
To: Mayor <Mayor@vernon.ca>
Subject: Attn: Mayor Cumming - City website contact form

Mayor and Councilors: This email was received through the City of Vernon website and was sent to all elected officials.

mayor@vernon.ca, amund@vernon.ca, bquiring@vernon.ca, dnahal@vernon.ca, kfehr@vernon.ca,
kgares@vernon.ca, sanderson@vernon.ca

Submitted on: Thursday, June 6, 2019 - 14:12
Submitted by user: Anonymous
Submitted values are:

Name: Arthur Beaumont

Email: ^

Telephone:

Question or Message:

I live at Turtle Mt. In Vernon .

The city and Westbuld Homes the owner of Predator Ridge are arguing about who is responsible for the landscaping maintenance of Turtle Mt. Bulvard.

They intended to hand it to the city for years.

Now there is not watering for the grass,the and the landscaping plants are dying.

What am I paying over 3800.00\$ in taxes for.

They are just delaying as all the plants grass and tress die.

The city has now put plastic covers to water trees .

This is rediculious.

I can t with hold taxes if I'm not getting the services I pay taxes for,something needs to be done very soon.

The city can bill Westbuld for the Bulavard mantience until the matter is resolved.

Thank you Arthur Beaumont

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Maria Doyle

From: Will Pearce
Sent: Wednesday, June 12, 2019 11:00 AM
To:
Cc: Mayor; Group (Mayor and Council); Kim Flick; Shirley Koenig; James Rice; Ed Stranks; Brad Pelletier; Susan Blakely; Patti Bridal; Maria Doyle
Subject: Turtle Mountain

Good morning Ms. Remfert. My name is Will Pearce. I work for the Mayor and Council

Thank you for your email of June 4 to the Mayor regarding Turtle Mountain and the boulevard landscaping.

I understand you have submitted an application to appear as a delegation before Council June 24.

Council, the Mayor and various staff of the City have received numerous emails, phone calls, and comments regarding the current condition of the boulevard landscaping in Turtle Mountain. This landscaping has been maintained, largely by the developer since the start of development. I have copied Brad Pelletier on this email to keep Wesbild in the loop.

I am working with Brad and key staff (all copied above) to work out a long term plan for boulevard maintenance.

I will be reporting to Council on June 24. The report will be made incamera. This is a part of the meeting not open to the public as the issues before Council involve legal commitments, and the potential for litigation. Council needs to carefully consider the conditions of the original development agreement, landscaping standards common to the community, costs of maintaining the current standards in Turtle Mountain and the possible commitment of general municipal tax monies.

I want to emphasize that Brad and I are working respectfully to find a solution. The City and Wesbild are NOT currently in a legal dispute and do not have legal teams involved at this time. We are trying to find a resolve that respects Wesbild's commitment, that is reasonably consistent with common City standards and that, if necessary, commits public monies carefully.

Council's direction and any budget commitment will be reported in an open public meeting. This may be the afternoon of the June 24 meeting or at the next meeting July 8 depending on Council's direction and need for any additional information. This is not an easy decision for Council and the budget involved is significant, whether that of Wesbild or the City.

I would encourage you to consider appearing as a delegation, if you feel that is necessary, after a decision of Council. Then you will be aware of direction to be taken and can speak for or against the direction based on up to date facts.

I would be pleased to chat with you further if you wish.

I am in Vancouver for the balance of this week but back in the office Monday. My direct phone number is 259-308-2037.

Will

Sent from my iPhone

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Maria Doyle

From: Wanda Remfert
Sent: Tuesday, June 04, 2019 10:20 AM
To: Mayor
Subject: Turtle Mountain Boulevard

Dear Mayor Cumming;

I write to you today as as a concerned citizen of Turtle mountain and greater Vernon.

The current state of our roadway, boulevard, access to hiking trails and view points are imminently at risk. These green spaces are vital to Vernon residents as they provide safety barriers for side walks, wild life refuge for birds as well as enjoyment for many Vernon citizens (not just Turtle mountain residents) to exercise and enjoy the greater outdoors which is integral to living in Vernon. Also of note is that a healthy and free from drought green space has been shown to markedly decrease fire deterrence and risk.

I understand that there is a dispute between the city of Vernon and the developer Wesbild. I also understand that there are legal teams being consulted as to the interpretation of the contract language. What I don't understand is how the city can assist in planning and approve a development and then be contrary to the obligations thereafter.

There is a bigger picture to this community albeit it should be enough that we pay a conservative estimated \$650,000 collectively in taxes annually, to allow for upkeep of the infrastructure and subsequent servicing which was approved by the city. I feel it entirely remiss that now that the apparent upkeep lies in the hands of the city of Vernon that somehow this was interpreted differently on the part of your staff. I understand from other communities that these agreements are standard and common knowledge of any development and this is why I question this interpretation of the contractual language.

Turtle mountain is part of Vernon's green space infrastructure. It serves as an access to the Grey Canal trail, hiking, exercise route for cyclists and runners, dog walkers, nature lovers, photographers and sunset gazers to enjoy this beautiful space. The city of Vernon should be proud of this open urban space and endeavour to protect it for all citizens to enjoy. It also adds to the quality of life of turtle mountain residents and most bought homes here because of what the community has to offer. They chose not to buy in Predator or the Rise because of strata and home owner associations that exists in those communities; it was a purpose driven decision. These citizens have been hard working and tax paying throughout their lives, acquiring homes that reflect their hard work and life endeavours, they should not be penalized because of this, or somehow marginalized and told to now take care of what is city property. Many are of retirement age and are not able to form a work party and get out on the boulevard to pull weeds etc., as I understood this was suggested by city staff.

I would also like to point out that there are many boulevards in Vernon that the city mows, irrigates and maintains that provide the same infrastructure to its citizens. My question is why is one valued more than another? I am not aware of any home owner associations that care for these boulevards and/or have been asked by the city to form one after the fact. The residents of turtle mountain have no interest whatsoever in forming such an association and or strata. We would not have invested here if it was marketed as such and we feel we pay ample taxes to provide for the care of this property. The state of the boulevard as it stands is already decreasingly reflective on our home values and as it deteriorates will only further to that. I also take note that you are completing and have completed further green spaces in Vernon that will require upkeep in the form of mowing, irrigation and maintenance. My question here is why are we building new spaces when we can't provide for the upkeep of the current existing spaces? It appears that perhaps the city is expecting that if the boulevard digresses to a state of disrepair that it assumes that the residents will take care of

it. I understand that this is not our property from your staff and we are not allowed to trim trees etc., so I would say we are stuck in the middle and just get to watch are community looking more and more like a garbage dump access.

Trees are dying Mr Mayor, the few bags around some trees are entirely inadequate for our climate and if you take a closer look the soil is parched, the weeds are taking over. I have been told that Wesbild offered to repair the irrigation this year and the city of Vernon turned that offer down. Is this true? I do not understand why you would willing let these beautiful trees die, and not assume responsibility for that. It makes absolutely no sense to me.

I have signed petitions to deliver to you from every resident that was available to sign them. We the citizens of turtle mountain are requesting an audience with you to discuss this matter as soon as possible before the damage is so far gone that it is irreparable. I hope to hear from you at your earliest convenience and look forward to discussing this urgent matter further.

Sincerely,
Wanda Remfert; 5080 Turtle Pond Place

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Maria Doyle

From: andrew Klotz
Sent: Monday, June 03, 2019 10:38 AM
To: Mayor
Subject: Trees. Taxes. Turtles

Follow Up Flag: Follow up
Flag Status: Completed

Hi there
Just wondering what's going on up here in turtle mtn with regards to the trees and watering.
Thanks.
Andrew

Sent from my iPhone
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Maria Doyle

From: Randy Woods >
Sent: Sunday, May 26, 2019 9:08 AM
To: Mayor
Subject: Maintenance of Turtle Mtn. Blvd

We are residents of Turtle Mountain and we are very concerned regarding the lack of maintenance of Turtle Mountain Blvd. green spaces

The grass, shrubs and trees lining Turtle Mtn. Blvd are a very visible part of the City's overall green space.

Not only do Turtle Mountain residents see this green space on a daily basis, the boulevard is also viewed by a substantial number of other Vernon residents and out of town guests who travel up Turtle Mountain Blvd. to use the Grey Canal hiking and biking trails.

The area adjacent to this roadway is and should be considered by the City as no different than any other parks or boulevards in Vernon which are currently maintained by the City.

We understand that while Wesbild was developing the Turtle Mountain residential area, it maintained the boulevard and adjacent green spaces along Turtle Mtn. Blvd., with the explicit expectation that at some point in time the City would assume responsibility for maintenance of these green space areas. It is now time the City stepped up to the plate and assumed its' responsibilities.

Thank you for your attention to this matter.

Randolph and Doreen Woods

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Maria Doyle

From: Will Pearce
Sent: Monday, May 27, 2019 1:27 PM
To: Brad Pelletier
Cc: James Rice; Ed Stranks; Maria Doyle
Subject: Re: Zoning

Hello Brad. Sorry I did not get back to you immediately. Just stupid busy.

Thank for the email. I have asked James to pull a boulevard maintenance budget together that he could live with. This will take a week or so. We would NOT include trees immediately fronting existing homes and private lots as these are covered by Council policy which applies across the City. That said there are many that are not immediately in front of homes or private property (the main entrance road, a number of the elongated cul d'sacs, etc.

It looks like a council report for the June 24 regular meeting. I will let you know the proposal of course.

We need Budget source and authorization of Council to proceed. You know me personal feelings.

I would encourage you to proceed with irrigation repairs as either Westbild or the City will require a functional system, in any event, to keep the trees alive. I realize that rests with yourself.

Chat later. Back to Council meeting.

Will

Sent from my iPhone

> On May 23, 2019, at 10:10 AM, Brad Pelletier < > e:
>
> Hi Will,
>
> Just wanted to update you as we have found one of our suppliers who has taken a look at the TM irrigation system and can get it there next week to fix and reactivate and thinks it will take about a week. If we can agree to the City assuming the maintenance if we fund the repair I will approve the work to start next week.
>
> Thanks,
>
> Brad
>
>
>
> Brad Pelletier
> Senior Vice President, Okanagan Wesbild
>
>
>
> M 250.878.5336 O 250.503.3582
> 301 Village Centre Place Vernon BC, V1H 1T2
>

>
>
> -----Original Message-----
> From: Will Pearce [mailto:WPearce@vernon.ca]
> Sent: May-16-19 7:17 PM
> To: Brad Pelletier < >
> Cc: Maria Doyle <MDoyle@vernon.ca>
> Subject: Zoning
>
> Hello Brad. Good spot on Global this evening re Alberta!
>
> And, congratulations on the "World Travel Awards".
>
> I can confirm OCP00082 and ZON00328 are on the next Council agenda for May 27.
>
> Have a great weekend.
>
> Will
>
> Sent from my iPhone
> City of Vernon Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the FOI act or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

Maria Doyle

From: Brian Mcguigan
Sent: Tuesday, June 04, 2019 2:44 PM
To: Mayor
Subject: Turtle Mountain - irrigation and maintenance of trees and boulevards

To the Mayor and Council

I am very concerned about the decision by the City of Vernon to turn OFF all irrigation to **trees (approx 350)** and shrubs in Turtle Mountain (TM) this spring.

I have had ongoing conversations with Will Pearce, CAO, Chris Evans, Operations, Lorne Cooper, Arborist and also with Management staff with Wesbild. Will has indicated that the issue is between the City and Webild. He also indicated that the issues will be taken to Council at a June 24 meeting.

IN THE MEANTIME, our trees are suffering and TM Blvd is a mess, as there has been no grass cutting, no irrigation and no weed control.

This maintenance issue has been going on for some time, and should have been resolved much earlier.

I find it interesting that the City posts a note on its website encouraging all property owners to plant a tree in their backyard (to encourage environmental stewardship) yet is unable to turn on the irrigation to so many trees on its City streets.

As the community of TM pays a property tax on average double that of other homeowners in the City, it should not be cost prohibitive to irrigate and maintain the trees and boulevards. It is interesting that the Regional District of North Okanagan maintains the grass along the pathways of the Grey Canal Trail, which people from all over use daily, and which is accessed by TM Blvd.

I, and all the residents of TM encourage you to have the irrigation and maintenance of trees and boulevards restored to that in previous years and that it be done immediately.

Thank you for your time

Brian McGuigan
5032 Turtle Pond Pl
250
brianbm McGuigan@gmail.com

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Attachment 2

File: 8300-05

June 28, 2019

«Primary_Contact_Name»
«Joint_Contact_Name»
«Contact_Mailing_Address_Line_1»
«Contact_Mailing_Address_Line_2»

Dear Sir/Madam:

Re: Turtle Mountain Landscaping Maintenance

We are writing to provide you information regarding the Turtle Mountain Boulevard landscaping maintenance and to request your feedback.

As you may be aware, Wesbild initiated development of Turtle Mountain in or around 2006. At that time, the landscape standard was created by Wesbild and approved by the City of Vernon. The landscaping standard installed and maintained on public lands along the main entrance road, boulevards and side streets was higher than any other neighbourhood in the City. Wesbild's continued maintenance of the landscaping for the past 12 years went well beyond its contractual obligations. Arguably, the landscape standard helped to create interest in the Turtle Mountain development, and encourage Wesbild's sale of lots and owners' resale of lots. However, since Wesbild ceased maintaining the landscaping at the end of 2018, weeds are proliferating and shrubs and grasses are drying out and dying.

In response to numerous emails and a petition from Turtle Mountain residents received by the City, the Administration researched and considered the landscaping maintenance issue and resident concerns. A report was presented to City Council at its Regular Meeting of June 24, 2019. The report may be accessed by typing <https://www.vernon.ca/turtlemtnreport> into your internet browser.

Staff concluded that the annual estimated cost to maintain the historic enhanced landscaping standard in the Turtle Mountain neighbourhood is approximately \$150,000, not including future cost increases. This amount was determined to represent over 25% of the current boulevard maintenance budget for the entire City and almost one-half of all property taxes collected by the City from all property owners in Turtle Mountain. As a result, Staff proposed the following two options for Council's consideration:

Option 1: that the City assumes maintaining the trees, shrubs and grass at the historic enhanced level of service at a cost estimated at approximately \$150,000 per year. This would include spraying and weeding all decorative rock on public lands (five times per year); tree pruning and replacing dead trees; weekly grass cutting and line trimming; shrub pruning and trimming; irrigation start up, blow outs, maintenance and costs of water; leaf clean up in the fall; maintaining the stone pillar and wood fence.

Option 2: that the City assumes maintaining only the trees on public boulevards and removes much of the landscaping (all shrubs and grass and replaces them with landscape rock) at an estimated cost of \$175,000 in the first year and \$75,000 per year to maintain only the trees going forward. This would include spraying and weeding decorative rock on public lands (twice per year); tree pruning and replacing dead trees; irrigation start up, blow outs, maintenance and costs of water; leaf clean up in the fall.

Option 3: do nothing.

Council decided to move ahead with Option 2 and approved the necessary budgets required. Following its decision, however, Council further directed Staff to contact all Turtle Mountain owners to see if there was an interest among them to share in the cost to maintain landscaping at its historic enhanced standard.

The proposed cost sharing would be \$75,000 (one half of \$150,000) paid for by Turtle Mountain property owners and the other half paid for by the City. The City would be open to hearing input from owners with respect to the apportionment of the shared cost per property owner. One idea could be to apportion the cost equally among all 168 current owners, which could result in a shared cost of approximately \$450 per property per year.

If the City receives enough positive feedback from affected owners to justify serious consideration of a cost sharing option, Staff will report back to Council and recommend next steps. One option, for example, that may be available is a bylaw establishing a Local Service Area which would, among other things, describe the landscaping maintenance service to be provided to Turtle Mountain owners. The bylaw would also identify the method of cost recovery for the service which would include the portion of the costs of the service that would be recovered by a local service tax paid by all property owners within the area to be serviced (Turtle Mountain) and the portion to be recovered by a general property tax or other revenue sources.

If you are interested in the City pursuing further consideration of a cost sharing arrangement between the City and Turtle Mountain property owners, please let us know by **no later than 5:00 PM on July 19, 2019**. You can do so by:

Regular Mail: 3400 — 30th Street, Vernon BC, V1T 5E6 (to be received by July 19, 2019)
Email: creception@vernon.ca

Should you have questions or wish additional information you may contact Will Pearce, CAO, at wpearce@vernon.ca or 250-550-3515, or Patti Bridal, Deputy CAO, at pbridal@vernon.ca or 250-550-3524.

Yours truly,



Will Pearce, CAO

Table 1 - Attachment 3

Primary Contact Name	Joint Contact Name	Contact Mailing Address Line 1	Contact Mailing Address Line 2
ALLAN, LESLIE	ALLAN, BERYL	4208 LEATHERBACK RD	VERNON BC V1T 9W4
ANDERSON, JASON		7350 POINTE SAGE CRES	COLDSTREAM BC V1B 4A5
ANDERSON, RICHARD		2545 BATTERSEA RD	NANAIMO BC V9S 3X6
ANDRIES, FRED G	ANDRIES, ELEANOR G	4224 LEATHERBACK RD	VERNON BC V1T 9W4
ATKINSON, HEATHER L	NEUDORF, ROBERT J	5130 TURTLE POND PL	VERNON BC V1T 9Y2
BAGRI, HARMINDER S	BAGRI, SUKHIINDER K	3828 TERRAPIN PL	VERNON BC V1T 9Y2
BEAUMONT, ARTHUR L		4012 TERRAPIN PL	VERNON BC V1T 9W4
BEČENKO, HUNTER S	BEČENKO, SANDRA J	4008 ROCKCRESS CRT	VERNON BC V1T 9W4
BERDAN, RALPH E		4100 LEATHERBACK RD	VERNON BC V1T 9W4
BOHONOS, LARRY J	BOHONOS, LINDA E	4119 CAMELBACK WAY	VERNON BC V1T 9W4
BORGFORD, BRIAN K		4000 ROCKCRESS CRT	VERNON BC V1T 9W4
BOTTERILL, KENNETH D		801 GALIANO RD	VERNON BC V1B3B3
BOUVIER, GUY		8 PLACER CLOSE	ST, ALBERT AB T8N 6A2
BOUWMEESTER, ALLOUISIUS J	BOUWMEESTER, DONNA M	3904 SONORA CRT	VERNON BC V1T 9W4
BOYCE, GERALD G		3916 ROCKCRESS CRT	VERNON BC V1T 9W4
BRANDLE, MICHELE A		5100 DIXON DAM RD	VERNON BC V1B 3J4
BREAULT, CHRISTOPHER D	REID, LORI M	3921 DESERT DR	VERNON BC V1T 9Y2
BRISON, SHARON A	BRISON, DARREL S	5012 PAINTED TURTLE LANE	VERNON BC V1T9Y2
BROWN, MARILYN M		4115 CAMELBACK WAY	VERNON BC V1T 9W4
BURNS, BARRY J	ADAI, KATHRYN R	5000 PAINTED TURTLE LANE	VERNON BC V1T 9Y5
CAIN, STEPHEN T	CAIN, BARBARA S	4212 LEATHERBACK RD	VERNON BC V1T 9W4
CAMPBELL, JOHN G	CAMPBELL, BARBARA A	4228 HORIZON CRT	VERNON BC V1T 9W4
CAMPBELL, WILLIAM D	CAMPBELL, EMILY T	4204 LEATHERBACK RD	VERNON BC V1T 9W4
CHIN, MIN-KONG		4104 TERRAPIN PL	VERNON BC V1T 9W4
CITY OF VERNON		3400 30 ST	VERNON BC V1T 5E6
CK VERNON CONSTRUCTION LTD		5-167 JOLLIFFE AVE	ROCKWOOD ON N0B 2K0
CLAUSSION, LEONARD J	CLAUSSION, LOUISE A	4220 LEATHERBACK RD	VERNON BC V1T 9W4
COPLAND, CRAIG S		5072 TURTLE POND PL	VERNON BC V1T 9Y5
COWGILL, JAMES R	COWGILL, BRENDA M	4104 LEATHERBACK RD	VERNON BC V1T 9W4
CRAIG, ROBERT G	CRAIG, IRENE	3824 TERRAPIN PL	VERNON BC V1T 9Y2
CROOT, PETER R	CROOT, KIMBERLY A	3728 RAZORBACK CRT	VERNON BC V1T 9W4
DANBY, SIMON J	DANBY, ILEAN D	3717 RAZORBACK CRT	VERNON BC V1T 9W4
DANIELSSON, HANS E	DANIELSSON, ROBYN M	3901 DESERT DR	VERNON BC V1T 9Y2
DELAIR, VALÉRIE A		3725 RAZORBACK CRT	VERNON BC V1T 9W4
DEVOLDER, MARK D	CARDENAS, PIEDAD B	4108 TERRAPIN PL	VERNON BC V1T 9W4
DHILLON, TARNJIT S	DHILLON, GURCHARAN K	6780 OLD KAMLOOPS RD	VERNON BC V1H 1P8
DILL, DARLENE M	DILL, NORMAN J	3716 RAZORBACK CRT	VERNON BC V1T 9W4
DOIGE, DERRICK P	DOIGE, DAVID P	3808 RIDGEMOUNT CRT	VERNON BC V1T 9W4
D'ORAZIO, ANGELO G	D'ORAZIO, MARTHA B	3900 DESERT DR	VERNON BC V1T 9Y2
DRISCOLL, GERALD P	DRISCOLL, CHRISTINE E	5044 TURTLE POND PL	VERNON BC V1T 9Y5
ECCLESTONE, SANDRA C	SEIFERT, THOMAS J	4118 CAMELBACK WAY	VERNON BC V1T 9W4
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EVERTON RIDGE HOMES LTD		PO BOX 1867 STN MAIN	VERNON BC V1T 8C3
EXCELSIOR MANAGEMENT & CONSULTING INC		208 MELROSE CRT	VERNON BC V1H 1T7
FARRELL, PATRICK M	FARRELL, PAMELA A	4221 CAMELBACK WAY	VERNON BC V1T 9W4
FITZSIMMONS, WESLEY R	WICK, TANYA M	4204 CAMELBACK WAY	VERNON BC V1T 9W4
FOORD, ROBERT C	FOORD, SHARON A	3912 ROCKCRESS CRT	VERNON BC V1T 9W4
FOSTER, BRADLEY R	FOSTER, KAREN L	6390 SANFORD RD	VERNON BC V1B 3T5
FRASER, ROBERT E	FRASER, BRENDA A	4216 LEATHERBACK RD	VERNON BC V1T 9W4
FRENCH, JACK C	FRENCH, BERNICE M	5068 TURTLE POND PL	VERNON BC V1T 9Y5
FRY, GORDON A	FRY, BARBARA G	4016 TERRAPIN PL	VERNON BC V1T 9W4
GLADDERS, BARRY J	GLADDERS, PAMELA A	4120 LEATHERBACK RD	VERNON BC V1T 9W4
GOCK, GABRIEL DUK-HING	.EE, MONICA	3913 DESERT DR	VERNON BC V1T 9Y2
GREGG, MALCOLM	.GREGG, VALERIE S	4126 CAMELBACK WAY	VERNON BC V1T 9W4
GUNSON, GORDON H	.GUNSON, SHIRLEY A	3800 TERRAPIN PL	VERNON BC V1T 9Y2

response received by July 19	method	support cost sharing y/n	No Option selected by resident	notes
				letter returned to sender
yes	email	no		no to cost sharing option
yes	mail	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	mail	no		does not support cost sharing
yes	email	yes		support shared cost to keep landscaping as is
yes	email	no		does not support cost sharing
yes	mail	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	yes		support option 1
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	yes		support option 1
yes	email	no		does not support cost sharing
yes	email	no	x	rejects all 3 options
yes	email	no		does not support cost sharing
yes	email	yes		support cost sharing
yes	email	yes		support cost sharing
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	no	x	

HANK, DAVID W
HARDY, PAUL M

HEILIGER, MICHAEL J
HENDERSON, VERONICA L
HERBERT, MARTIN H
HOFMANN, WALTRAUD E
HORA, GORDON L
HUXLEY HOMES LTD
JACOBSON, ROBIN N
JAMIESON, DAVID A
JASSI, HARMIT S
JASSI, SUCHA M
JEMMA HOMES LTD
JOHNSON, DOUGLAS D

KALRA, ROSE A
KANG, KULDIP S
KING, SHAWN P
KINNEAR, EDWARD A
KLOTZ, JOHN A
KOEDEL, PAUL D
KROEKER, JEREMY D
KROEKER, JEREMY D
KUIKEN, JACOB A
KURZ, ANTON
LAIRD, ROBERT J
LANE, KERRY G
LANG, STEVEN M
LARSEN, JULIE E
LARSON, CURTIS R
LATHAM, MICHAEL R
LEE, YOONJEONG
LETKEMAN, JOANN P
LINCOLN, FRANCOIS M
LUFT, WILLIAM E
LUMLEY, STEVEN W
LY, CAN THANH
MACARTHUR, MARY E
MACTAVISH, BRUCE E
MALBEUF, PHILIP R
MCDONALD, RAE M
MCGUIGAN, BRIAN B
MCLAUGHLAN, CARI L
MCLENNAN, SANDY J
MCNAMARA, RAYMOND T
MESSER, THOMAS A

MIEDZINSKI, HENRY J
MONAHAN, THOMAS R
MOORE, PETER B
MOYEN, DANIEL J
MURPHY, PAUL
MURRAY, KIMBALL S
MURRAY, WALTER G
O'CONNOR, GREGORY J
OGASAWARA, RICHARD T
OSWALD, LEE E
OVERHOLT, THOMAS W
OWEN, DAVID R
PARADIS, TERESA L
PAULSON, BRIAN E
PEACE, ROBERT D
PHAM, CHI
PHILLIPOFF, LEONA B
POMPU, ROBY D

HANK, DEBORAH P
HARDY, CIANA J

KRIKKE, NEELYA F
HORA, STEFFANIE R
JACOBSON, LINDA I
CRAGG, BARBARA L
JASSI, SATYA
JASSI, SUDESH K
JOHNSON, KELLY M

WOODWORTH, SHARON J
KING, COURTNEY L
KINNEAR, DEBORAH J

BASNETT-KOEDEL, CAROLYN W
KROEKER, IRIS
KROEKER, IRIS
COPLAND, LYDIA A
KURZ, VICTORIA L
LAIRD, FRANCES E

BARRY, ALMA J
KIM, JUNGCHUL

LINCOLN, LAURA J
LUFT, DONNA R
GILBERT, SHELLY L
HUYNH, HOA THI

MACTAVISH, COLLEEN M
MALBEUF, LAURA L

MCGUIGAN, LEE C
MCLENNAN, JENETTE B

MONAHAN, BEVERLEE A
BLACKWELL MOORE, ELIZABETH A

MURPHY, NANCY A
MURRAY, KELLY A
MURRAY, LYNNE V
JENSEN, SHEILA L

OSWALD, NICOLE R

OWEN, CAROLE F
PAYTON, JOAN E
PAULSON, YVONNE M
SCARCELLA, BARBARA E

3712 RAZORBACK CRT
3804 TERRAPIN PL

1085 CANYON BLVD
4134 CAMELBACK WAY
4200 CAMELBACK WAY
4300 LEATHERBACK RD
3912 TERRAPIN LANE
2148 PYOTT RD
5056 TURTLE POND PL
3920 DESERT DR
4215 CAMELBACK WAY
964 MT GRADY RD
3208 28 ST
5028 TURTLE POND PL

58-7760 OKANAGAN LANDING RD
4112 LEATHERBACK RD
4130 CAMELBACK WAY
4200 LEATHERBACK RD
3721 RAZORBACK CRT
3908 DESERT DR
4116 TERRAPIN PL
5127 TURTLE POND PL
3900 SONORA CRT
3916 SONORA CRT
4112 TERRAPIN PL
5024 TURTLE POND PL
3925 DESERT DR
5008 PAINTED TURTLE LANE
3904 ROCKCRESS CRT
3929 DESERT DR
5036 TURTLE POND PL
4004 ROCKCRESS CRT
4008 TERRAPIN PL
3908 SONORA CRT
4000 SONORA CRT
5060 TURTLE POND PL
4004 TERRAPIN PL
5084 TURTLE POND PL
5004 PAINTED TURTLE LANE
4122 CAMELBACK WAY
5032 TURTLE POND PL
1649 WESTMOUNT RD NW
3808 TERRAPIN PL
3816 TERRAPIN PL
4108 LEATHERBACK RD

55-400 SILIN FOREST RD
5020 TURTLE POND PL
4124 LEATHERBACK RD
3904 TERRAPIN PL
4212 CAMELBACK WAY
3724 RAZORBACK CRT
4134 CAMELBACK WAY
3904 DESERT DR
4216 CAMELBACK WAY
3705 RAZORBACK CRT
5064 TURTLE POND PL
3900 TERRAPIN LANE
4100 ROCKCRESS CRT
3924 DESERT DR
3802 RIDGEMOUNT CRT
5060 TURTLE POND PL
4016 ROCKCRESS CRT
3933 DESERT DR

VERNON BC V1T 9W4
VERNON BC V1T 9Y2
NORTH VANCOUVER BC
V7R 2K5
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9Y2
ARMSTRONG BC V0E 1B4
VERNON BC V1T 9Y5
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1B 4B5
VERNON BC V1T 4Z8
VERNON BC V1T 9Y5

VERNON BC V1H 1Z4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1T 9Y2
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9Y5
VERNON BC V1T 9Y2
VERNON BC V1T 9Y5
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9Y5
VERNON BC V1T 9W4
VERNON BC V1T 9Y5
VERNON BC V1T 9Y5
VERNON BC V1T 9W4
VERNON BC V1T 9Y2
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
FORT MCMURRAY AB T9H
3S5
VERNON BC V1T 9Y5
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1T 9W4
VERNON BC V1T 9Y5
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1T 9Y5
VERNON BC V1T 9Y2
VERNON BC V1T 9W4
VERNON BC V1T 9Y5
VERNON BC V1T 9Y2

yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email		x	see email exchange in file
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	yes		Support Option 1
yes	email		x	see email in file
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	phone call	no		does not support any options
yes	email	no		does not support cost sharing
			x	see email exchange in file
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email and mail	no		see letter in file
yes	email	pending		see email thread at July 4th still awaiting clear reply
yes	email	no		does not support cost sharing
YES	Email	no		no to cost sharing option
yes	email	no		does not support cost sharing
yes	email	no		no to cost sharing

PRENTICE, KENNETH J	PRENTICE, DIANA F	3904 TERRAPIN LANE	VERNON BC V1T 9Y2 SHERWOOD PARK AB T8E 1G5
PRICE, JOHN R	PRICE, KELLY D	87-21546 TOWNSHIP ROAD 520	VERNON BC V1T 9Y2
RAMEY, KENNETH S	CHARETTE, THERESE D	3832 TERRAPIN PL	VERNON BC V1T 9Y5
REMFERT, TIMOTHY J	REMFERT, WANDA-LYNN E	5080 TURTLE POND PL	VERNON BC V1T 9Y2
RESNECHENKO, LORNE M	RESNECHENKO, MARIE L	3912 DESERT DR	VERNON BC V1T 9Y2
RIEGEL, KENNETH G	RIEGEL, PATRICIA M	3820 TERRAPIN PL	VERNON BC V1T 9Y5
RIEMER, DONALD T	RIEMER, JACLYN P	5048 TURTLE POND PL	VERNON BC V1T 9W4
SCHEFER, TONY A	ST. JOHN, NANCY A	4220 PAINTED TURTLE DR	VERNON BC V1T 9Y2
SCHWERIN, DOUGLAS J	SCHWERIN, BETTY R	3909 DESERT DR	VERNON BC V1T 9W4
SHUMAY, DOUGLAS J	SHUMAY, JANET L	4228 LEATHERBACK RD	VERNON BC V1T 9W4
SIMPSON, JODY A		3920 ROCKCRESS CRT	VERNON BC V1T 9W4
SLADE, DONALD W	SLADE, CAREY L	5076 TURTLE POND PL	VERNON BC V1T 9Y5
SMITH, EMILY I	SMITH, SIDNEY O	3713 RAZORBACK CRT	VERNON BC V1T 9W4
SMITH, KENNETH G	LANDRY, BARBARA A	4224 HORIZON CRT	VERNON BC V1T 9W4
SOOD, SEEMA	SOOD, RAJESH	4204 32 ST	VERNON BC V1T 9W4
STEVENS, TREVOR J	STEVENS, BARBARA A	3912 TERRAPIN PL	VERNON BC V1T 9W4
STRIHA, MICHAEL J	STRIHA, DONNA L	5020 PAINTED TURTLE LANE	VERNON BC V1T 9Y5
TARTAGLIA, LAWRENCE J	TARTAGLIA, TRACEY H	4220 HORIZON CRT	VERNON BC V1T 9W4
TETZ, SHARRON L		3908 TERRAPIN PL	VERNON BC V1T 9W4
THOMPSON, SHIRONNIE	FUX, NIKLAUS	4111 CAMELBACK WAY	VERNON BC V1T 9W4
TISSINGTON, JASON R	TISSINGTON, MAGDALENA A	4116 LEATHERBACK RD	VERNON BC V1T 9W4
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
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TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TURTLE MOUNTAIN HOLDINGS LTD		2650-666 BURRARD ST	VANCOUVER BC V6C 2X8
TUTKALUKE, WALLY M	TUTKALUKE, PRISCILLA A	4008 SONORA CRT	VERNON BC V1T 9W4
VAN DEN HEUVEL, EVERHARDUS J	VAN DEN HEUVEL, IMA G	5040 TURTLE POND PL	VERNON BC V1T 9Y5
VAN DER MEER, DIRK T	VAN DER MEER, JODI D	PO BOX 208	ARMSTRONG BC V0E 1B0
VERLAGE, RAYMOND J	VERLAGE, ANITA J	4132 LEATHERBACK RD	VERNON BC V1T 9W4
WALTERS, DON W	WALTERS, MONIQUE I	4020 TERRAPIN PL	VERNON BC V1T 9W4
WALTON, FREDERICK J	WALTON, ELAINE E	4000 TERRAPIN PL	VERNON BC V1T 9W4
WEBSTER, ROBERT A	WEBSTER, MAUREEN E	3912 SONORA CRT	VERNON BC V1T 9W4
WILSON, JANET L	WILSON, JOHN C	4136 LEATHERBACK RD	VERNON BC V1T 9W4
WITSCHI, MARLISE		3720 RAZORBACK CRT	VERNON BC V1T 9W4
WOODLEY, WILLIAM A	DELEEUW, LORRIE L	3812 TERRAPIN PL	VERNON BC V1T 9Y2
WOODS, RANDOLPH C	WOODS, DOREEN M	4300 CAMELBACK WAY	VERNON BC V1T 9W4
YOUNG, SCOTT	NEL FELD, SHANNON L	5016 PAINTED TURTLE LANE	VERNON BC V1T 9Y5
ZAHARA, EDWIN W	ZAHARA, COLLEEN I	4138 CAMELBACK WAY	VERNON BC V1T 9W4
ZAZULA, DENNIS B	ZAZULA, JANICE L	4012 SONORA CRT	VERNON BC V1T 9W4
ZUCKER, MANFRED G	ZUCKER, LOUISE J	4100 TERRAPIN PL	VERNON BC V1T 9W4

yes	email	yes		Support cost sharing option 1
yes	email	no		no to cost sharing and a reduced level of landscaping
yes	email	no		no to cost sharing and all options
yes	email	no		does not support cost sharing
yes	email		x	no to all options
yes	email	yes		support cost sharing option 1
yes	email	no		does not support cost sharing
yes	mail	yes		support cost sharing Option 1
yes	email		x	rejects all 3 options
yes	email	no		does not support cost sharing
yes	email	no		does not support cost sharing
yes	email		x	see email; did not select any option just asked questions
yes	email	no		
yes	email	no		support cost sharing option 2

Maria Doyle

From: City Reception
Sent: Monday, July 08, 2019 4:08 PM
To: Maria Doyle
Subject: FW: File: 8300-05 Turtle Mountain Landscaping Maintenance - cost sharing

For your records

Regards,

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: Heather Atkinson [mailto:
Sent: Monday, July 08, 2019 4:04 PM
To: City Reception <CReception@vernon.ca>
Subject: File: 8300-05 Turtle Mountain Landscaping Maintenance - cost sharing

We are in favour of Option 2 as discussed in letter to Turtle Mountain residents dated June 28, 2019.

Heather Atkinson & Robert Neudorf

1 Turtle Pond Place
Vernon BC V1T 9Y2

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June 28, 2019

BEKENKO, HUNTER S
BEKENKO, SANDRA J
ROCKCRESS CRT
VERNON BC V1T 9W4

Dear Sir/Madam:

Re: Turtle Mountain Landscaping Maintenance



*Filed ✓
Tracked
Will ✓
pattiv*

We are writing to provide you information regarding the Turtle Mountain Boulevard landscaping maintenance and to request your feedback.

As you may be aware, Wesbild initiated development of Turtle Mountain in or around 2006. At that time, the landscape standard was created by Wesbild and approved by the City of Vernon. The landscaping standard installed and maintained on public lands along the main entrance road, boulevards and side streets was higher than any other neighbourhood in the City. Wesbild's continued maintenance of the landscaping for the past 12 years went well beyond its contractual obligations. Arguably, the landscape standard helped to create interest in the Turtle Mountain development, and encourage Wesbild's sale of lots and owners' resale of lots. However, since Wesbild ceased maintaining the landscaping at the end of 2018, weeds are proliferating and shrubs and grasses are drying out and dying.

In response to numerous emails and a petition from Turtle Mountain residents received by the City, the Administration researched and considered the landscaping maintenance issue and resident concerns. A report was presented to City Council at its Regular Meeting of June 24, 2019. The report may be accessed by typing <https://www.vernon.ca/turtlemtnreport> into your internet browser.

Staff concluded that the annual estimated cost to maintain the historic enhanced landscaping standard in the Turtle Mountain neighbourhood is approximately \$150,000, not including future cost increases. This amount was determined to represent over 25% of the current boulevard maintenance budget for the entire City and almost one-half of all property taxes collected by the City from all property owners in Turtle Mountain. As a result, Staff proposed the following two options for Council's consideration:

Option 1: that the City assumes maintaining the trees, shrubs and grass at the historic enhanced level of service at a cost estimated at approximately \$150,000 per year. This would include spraying and weeding all decorative rock on public lands (five times per year); tree pruning and replacing dead trees; weekly grass cutting and line trimming; shrub pruning and trimming; irrigation start up, blow outs, maintenance and costs of water; leaf clean up in the fall; maintaining the stone pillar and wood fence.

Option 2: that the City assumes maintaining only the trees on public boulevards and removes much of the landscaping (all shrubs and grass and replaces them with landscape rock) at an estimated cost of \$175,000 in the first year and \$75,000 per year to maintain only the trees going forward. This would include spraying and weeding decorative rock on public lands (twice per year); tree pruning and replacing dead trees; irrigation start up, blow outs, maintenance and costs of water; leaf clean up in the fall.

Option 3: do nothing.

Council decided to move ahead with Option 2 and approved the necessary budgets required. Following its decision, however, Council further directed Staff to contact all Turtle Mountain owners to see if there was an interest among them to share in the cost to maintain landscaping at its historic enhanced standard.

The proposed cost sharing would be \$75,000 (one half of \$150,000) paid for by Turtle Mountain property owners and the other half paid for by the City. The City would be open to hearing input from owners with respect to the apportionment of the shared cost per property owner. One idea could be to apportion the cost equally among all 168 current owners, which could result in a shared cost of approximately \$450 per property per year.

If the City receives enough positive feedback from affected owners to justify serious consideration of a cost sharing option, Staff will report back to Council and recommend next steps. One option, for example, that may be available is a bylaw establishing a Local Service Area which would, among other things, describe the landscaping maintenance service to be provided to Turtle Mountain owners. The bylaw would also identify the method of cost recovery for the service which would include the portion of the costs of the service that would be recovered by a local service tax paid by all property owners within the area to be serviced (Turtle Mountain) and the portion to be recovered by a general property tax or other revenue sources.

If you are interested in the City pursuing further consideration of a cost sharing arrangement between the City and Turtle Mountain property owners, please let us know by **no later than 5:00 PM on July 19, 2019**. You can do so by:

Regular Mail: 3400 — 30th Street, Vernon BC, V1T 5E6 (to be received by July 19, 2019)
Email: creception@vernon.ca

Should you have questions or wish additional information you may contact Will Pearce, CAO, at wpearce@vernon.ca or 250-550-3515, or Patti Bridal, Deputy CAO, at pbridal@vernon.ca or 250-550-3524.

Yours truly,



Will Pearce, CAO

Option 2 do not wish to pay more for maintenance. Hopefully proper landscape fabric will be used under rocks as it will be weed infested only dealing with it needs twice a year. This is a joke. 😞

Maria Doyle

From: City Reception
Sent: Wednesday, July 03, 2019 10:58 AM
To: Maria Doyle
Subject: FW: Turtle mountain options

Regards,

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: [redacted] [mailto:\[redacted\]](mailto:[redacted])
Sent: Wednesday, July 03, 2019 10:53 AM
To: City Reception <CRception@vernon.ca>
Subject: Turtle mountain options

To Whom It May Concern

I would Agree to option 2 as outlined in the letter to the residents.

Ralph Berdan

1 Leatherback Rd.

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hit
- entered into
spreadsheet
- 7/17/19

Filed ✓
Tracked ✓
W/P ✓

July 18, 2019

Mayor and Council

Vernon, B.C.

RE: File 8300-05



We are in total agreement with everything that Gab Gock has written. We
definitely are against cost sharing.

Larry and Linda Bohonos

Camelback Way

Vernon, B.C. V1T9W4

In addition to this our summer is half over. Your attempt at cleaning the boulevards
is dismal to say the least. You have saved over half your budget already

To Whom It May Concern,

I am a resident of Turtle Mountain and am writing in response to your letter dated June 28, 2019 File 8300-05.

We categorically do not support the City's cost sharing proposal, as it is insulting, unethical and illegal.

First of all by the City's own admission, Wesbild has continued payment for the landscaping on Turtle Mountain 12 years beyond their contractual obligations. Using the cost estimates that you have stated of \$150,000 per year for maintenance, Wesbild has paid \$1.8 Million over this 12 year period which the city was not obligated to pay. You imply that Wesbild benefited from this higher level of landscaping and therefore, justifiably should have been paying.

What about how the city benefited? What did the city do with the \$1.8 Million that they were not required to pay over this 12 year period? Why are you asking residents to "chip in" now when you should have been planning for this eventuality by putting aside this \$1.8 Million that you saved, as well as our very sizeable tax contributions?? We would like to see how you arrive at the estimate of \$150,000 per year and want to know if you have put this out to tender to at least 3 independent providers.

Second, you state that the landscaping standard installed on Turtle Mountain is higher than any other neighbourhood in the city and that you do not have the funds to maintain this standard. These are standards that were approved by the city before being installed. Why were there no plans made for the eventuality of the city assuming the maintenance, which was stated in the contract signed by the city? The landscaping along Okanagan Landing Road has a similar standard and is regularly maintained by the city. Are residents that live along Okanagan Landing Road being asked to cost share for the maintenance? NO!! Are you downgrading all the landscaping to just rocks? NO!!

Third, Turtle Mountain is enjoyed by not just residents, but by most of the people in Vernon. We have seen many people enjoying the Grey Canal Trail, walking the streets with their pets, or coming up to enjoy the fireworks. As well, Turtle Mountain is a regular destination for tour groups and for local schools as part of their daily physical activity requirement or for physical education class. As private residents, we should not have to pay any amount above our sizeable taxes to maintain city property that is enjoyed by all who reside in Vernon.

Lastly, our delegation of residents wanted to present information at the June 24th, 2019 City Council meeting and was discouraged from attending. It was at this meeting when this issue was discussed and a decision reached. It seems very unethical that we were discouraged from attending, as well as the fact that this meeting was in camera.

We hope that you are taking our concerns seriously, as we are a very strong group, presenting a large portion of Vernon's tax base. We want to inform you that our next step is seeking legal counsel.

Monica Lee & Gabriel Gock

Maria Doyle

Filed ✓
Tracked ✓
Will P ✓

From: City Reception
Sent: Wednesday, July 10, 2019 3:55 PM
To: Maria Doyle
Subject: FW: Turtle Mountain

For your records

Regards,

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: GERRY BOYCE [mailto:]
Sent: Wednesday, July 10, 2019 2:08 PM
To: City Reception <CReception@vernon.ca>
Cc: Patti Bridal <PBridal@vernon.ca>
Subject: Turtle Mountain

I would be interested in the shared cost approach to keep landscaping as it is.

Gerry Boyce, Rockcross.

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Maria Doyle

Filed ✓
Tracked ✓
Will/Patt ✓

From: Shay and Darrel Vernon B.C. <
Sent: Thursday, July 18, 2019 12:03 PM
To: lckryszak@vernonj.ca; Mayor; Will Pearce; Scott Anderson; Kari Gares; Dalvir Nahal; Akbal Mund; Kelly Fehr; Brian Quiring
Subject: Turtle Mountain Boulevard Issues

On the drive up Turtle Mountain to Wesbld's sales office over 4 years ago, we were very impressed with the boulevard and how well groomed it was. In the evening the accent lights lighting up the majestic rock of the mountain was also very impressive. We were very proud of this drive when we had family and friends visit us after we bought. Now it's in question.

The boulevard was unsightly this season and the lights were half burnt out. Many times they weren't even turned on. One of the lights is almost turned over. We thought we would straighten it up on one of our daily walks and found it impossible because of it being heavily incased in cement. We do know that the old bulbs were being replaced with more efficient ones; however, now there are 2 burnt out of 17. Who is maintaining these?? Why does there have to be complaints from all residents before these are looked after??

Now concerning the letter you sent out to our community, we are definitely not interested at all in cost sharing with the city. When we bought here there was no inclusion of cost for maintaining the boulevard including the lights.

Shay and Darrel Brison
Painted Turtle lane

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Maria Doyle

From: Will Pearce
Sent: Thursday, July 04, 2019 8:05 AM
To: Shay and Darrel Vernon B.C.
Cc: Shirley Koenig; Kendra Kryszak; Group (Mayor and Council); Maria Doyle
Subject: Re: Turtle Mountain Landscaping Maintenance

Good morning Shay. Thank you for your email and question.

If the outcome of the neighbourhood question is the City moves ahead with Option 2, we will remove the shrubs and grass (all high maintenance costs and labour intensive) place landscape fabric and top with landscape rock.

The fabric does not completely stop weeds as dust and dirt in the rock will support some weed growth. The City will spray the rock twice per year for weed control.

Will

Sent from my iPhone

On Jul 4, 2019, at 7:58 AM, Shay and Darrel Vernon B.C. <...> wrote:

Dear Will Pearce,

Option 2 is my choice of going forward with the maintenance of landscaping on Turtle Mountain. I do have questions concerning the weeding of the decorative rock. With the rock already there the pulling of weeds is a struggle. I have tried to pull out weeds and it presented a challenge. They either break off or I give up because they won't budge. They're in solid. The ground cover is either not there or it's sub-standard.

What is the city's standard concerning moving forward with replacing "all" with decorative rock?

Sincerely,

Shay Brison

Painted Turtle Lane

 Virus-free. www.avast.com

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✓ entered into list
✓ spreadsheet
138
filed

Maria Doyle

✓ Filed
✓ Tracked
✓ WIP

From: Ruth Adair
Sent: Friday, July 19, 2019 9:54 AM
To: Kendra Kryszak; Mayor; Susan Blakely; Will Pearce
Cc: Ruth Adair
Subject: Turtle Mountain Boulevard

This is in response to your letter dated June 28, 2019.

We decided to move to Vernon from the Vancouver area and after several trips to choose a neighbourhood we settled on Wesbild's Turtle Mountain and this area caught our eye in part due to the landscaping and the feel of the subdivision as we travelled up the main road to the top. We were not interested in The Rise or Predator Ridge as their distance to shopping and other services was too far away and other subdivisions just didn't have the appeal that Turtle Mountain provided.

We are retired and have several more years to enjoy an active lifestyle participating in the activities of the City and contributing to the growth of Vernon.

We support the entertainment, restaurants and other services that the City of Vernon offers. We are not a burden on the City's budget nor are we demanding for support unlike a growing segment of individuals surviving here on the streets that seem to get more attention than us middle income seniors who have paid their taxes throughout the year and support the consumer goods industry among others.

I was disappointed that the City Council would approach the residents of Turtle Mountain to request us to supplement the projected budget (which appears to be largely exaggerated) to maintain one road into our subdivision. I wonder out loud if the residents below the S curve and the first street at the bottom of the hill received the same request as these residents also use Turtle Mountain Boulevard to gain entrance to their residences.

I researched each Councillor and Mayoralty candidates before the last election to ensure that we voted in forward thinking business individuals who looked at the larger picture to appeal to tax paying individuals who will contribute to the growth of Vernon long term. I will not be voting for anyone on Council after this course of action. I understand a number of people are reconsidering Vernon as their home as we believe you all are wanting to put more effort into lower income government supported individuals. Shame on you all!

We as a collective group with individuals from a wide range of extensive business backgrounds were wanting to present ideas and suggestions to lower your costs in maintaining green space on our Boulevard but we feel this is not on your agenda.

I paid taxes for services such as snow removal, invasive weed control and spring clean up of roads which were not completed in our neighbourhood. I personally had to shovel the snow alongside the vacant lot on Painted Turtle Drive as it was only done twice this past winter after several phone calls. The Spring Clean up on Painted Turtle Lane was not performed even after several inquiries and so we had to take matters into our own hand. Several of our neighbours were issued citations regarding weed control and yet the Boulevard and the empty City lot were left with these "weeds" to grow out of control. My husband and I along with 3 other members took 3 full days to pull tall dead grasses (a fire hazard and invasive weeds) from the City lot and 65

truckloads to the dump to dispose of these. And now you are asking us to contribute to the upkeep of shrubs and grass on the Boulevard?

This letter and the subject matter was a slap in our faces as you would have known that you would not receive 100% compliance to pay the requested amount. Anything less would not have held up in court.

Enjoy your term in City Council because I am sure it will be your last. We will not be silent. Thanks to social media these days even the Seniors have way to spread the word on how we are being treated. I am sure a legal process in fighting this would side on our views.

Even tho we are against the cost you are wanting to impose I do not feel that removing the green space except for the trees should not be the only solution in maintaining this area that is not only used by residents of the Mountain but many others are use the walking trails, viewpoints with visitors and to view fireworks and wildlife.

We expect you to reconsider your options especially in view of the fact that you have not had to use the tax dollars for the past several years as Wesbild went beyond their obligation to maintain the Boulevard that was expected by the City during the initial phases of the development.

Respectfully submitted,

Ruth Adair and Barry Burns
Painted Turtle Lane
Vernon, BC. V1T 9Y5
Telephone:

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Maria Doyle

From: City Reception
Sent: Thursday, July 04, 2019 11:24 AM
To: 'SCain'
Cc: Will Pearce; pattibridal@vernon.ca; Maria Doyle
Subject: RE: Turtle Mountain Landscaping Maintenance

Good Morning,

Your email has been received by the Corporation of the City of Vernon and has been forwarded to the appropriate department for review.

Thank you,

Natasha for

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: SCain [mailto:]
Sent: Thursday, July 04, 2019 10:44 AM
To: City Reception <CReception@vernon.ca>
Cc: Will Pearce <WPearce@vernon.ca>; pattibridal@vernon.ca
Subject: Turtle Mountain Landscaping Maintenance

We vehemently **oppose** any cost sharing scheme to maintain city property in TM, and suggest no such plan should be considered without 100% buy-in from property owners. If we wanted to pay strata fees we would have bought property in a stata development.

Our expectation has always been that once Wesbild stopped maintaining public property, the city would maintain it to the same standards as any other public property. If the city would have proactively planned for the inevitable take-over and began maintaining public property in TM to city standards in Jan 2019 this would not have developed into the over blown issue it has become.

Please respond to this email to confirm your receipt.

Stephen Cain
Barbara Cain
Leatherback Rd

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*- entered into spreadsheet
- filed*

let

Maria Doyle

From: Will Pearce
Sent: Thursday, July 04, 2019 11:42 AM
To: SCain; City Reception
Cc: Patti Bridal; Group (Mayor and Council); Maria Doyle
Subject: RE: Turtle Mountain Landscaping Maintenance

Thank you for your email of earlier this morning.

Should the majority of Turtle Mountain residents chose not to participate in a cost share program, as outlined in the letter to property owners and in the referenced report to Council, the City will assume maintenance of the public boulevards at a standard consistent with other public property. This will mean that the City will remove the small grass islands and the shrubs, retain the trees, install a more water efficient drip irrigation system and install landscape fabric and landscape rock in place of the grass. Wesbild made the business decision to continue maintenance of the public boulevards at a standard far above other similar public lands for the period 2006 thru 2018. Wesbild decided to cease maintenance in 2019 without formal notice to the City. Council has authorized an on-going maintenance budget of \$75,000 per annum (subject to normal CPI or other market cost increases) in order to maintain the boulevards at a standard comparable to other similar public lands.

Council decided to give residents the option of cost sharing the maintenance of the current landscape standard, which is well above the norm.

After July 19 Administration will report response of the Turtle Mountain property owners to Council.

Thank you again. Unless directed otherwise, I will interpret your email as stating you support Option 2.

Will Pearce
CAO

From: SCain [mailto:
Sent: Thursday, July 4, 2019 10:44 AM
To: City Reception <CReception@vernon.ca>
Cc: Will Pearce <WPearce@vernon.ca>; pattibridal@vernon.ca
Subject: Turtle Mountain Landscaping Maintenance

We vehemently **oppose** any cost sharing scheme to maintain city property in TM, and suggest no such plan should be considered without 100% buy-in from property owners. If we wanted to pay strata fees we would have bought property in a stata development.

Our expectation has always been that once Wesbild stopped maintaining public property, the city would maintain it to the same standards as any other public property. If the city would have proactively planned for the inevitable take-over and began maintaining public property in TM to city standards in Jan 2019 this would not have developed into the over blown issue it has become.

Please respond to this email to confirm your receipt.

Stephen Cain
Barbara Cain

Leatherback Rd

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Maria Doyle

From: City Reception
Sent: Tuesday, July 02, 2019 2:18 PM
To: Maria Doyle
Subject: FW: Landscaping Maintenance on Turtle Mountain

Please see response below.

Regards,

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: barbara campbell [mailto:
Sent: Tuesday, July 02, 2019 2:12 PM
To: City Reception <CReception@vernon.ca>
Subject: Landscaping Maintenance on Turtle Mountain

Dear Mr. Pearce,

We received your letter today and we were not surprised as I contacted the mayor regarding this matter and told him our concerns, We love living here and we want to have the standards that Wesbild set for the maintenance of the boulevard and other areas. So we would be would like to choose option 1 as we would like to see the landscaping remain the same, I have a friend in Calgary and they did this in her neighborhood and each household pays \$40.00 per month and she said all is well with the residents. We are not a strata but I have to tell you after selling real estate for 20 years this should have been well thought out when the planning and landscape was approved by the City. Who did the city think was going to pay to look after such a large area.
Hope this passes. Barbara and Gil Campbell · Horizon Court, Vernon V1T 9W4.

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✓ - filed
✓ - entered into spreadsheet
143
Liz.

File ✓
Tracked ✓

Maria Doyle

From: PETER CROOT <...>
Sent: Wednesday, July 17, 2019 6:45 AM
To: Mayor
Subject: Turtle mountain landscape maintenance

Will/Patti ✓
Aeik Sent ✓

Mayor
My name is Peter Croot and I moved to Razorback Court 3 years ago. I chose Turtle mountain it was one of the nicest developments in Vernon. I am not interested in cost sharing or paying any more than I already pay in property taxes which are \$3600.00 per year plus utility bills of approximately \$400.00 per quarter. Do your job. Spend my money wisely. You don't seem to have any problem spending my tax dollars on the NON TAX PAYING RESIDENTS of our community. We don't ask for much. You collect in excess of \$600,000.00 taxes from Turtle mountain residents. Spend some of it on keeping it beautiful and attractive so tax paying residents want to reside in Vernon .
Regards
Peter Croot

Sent from my iPad
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City Reception

From: Robyn Danielsson
Sent: Wednesday, July 17, 2019 8:38 PM
To: City Reception
Subject: Turtle mountain landscaping

Filed ✓ will/patt ✓
Tracked ✓



The intention of this letter is to acknowledge the receipt of the letter the city sent to my home . desert drive (turtle mountain) on Jun28,2019.

I am writing to inform the "staff" that I completely reject all 3 options outlined in the letter as a way to address the landscaping boulevard in my community.

I feel the city has been completely negligent with their historical approach since the agreement with Wesbild was made 12+ years ago. My understanding is Wesbild had been very clear with their responsibilities relating to the maintenance of the boulevard and forthright with the city. These pressing questions come to mind:

1/ did the city not set up a maintenance contingency fund during the past 16 years since 2006, anticipating that Wesbild contractual agreement was going to end in 2018? I seriously question, what has the city been doing with all the tax money that has been collected on TM from all the residence for the past 16 years. Again, noted Wesbild went beyond their contractual agreement. In my opinion their must be some line on a budget with the city that indicates a annual savings of \$150K x 12 yrs = \$1.8Million. For all the years Wesbild covered the cities costs associated to TM boulevard maintenance.

2/ From a competitive benchmarking stand point, I feel the city should provide comparable benchmarks of other communities in Vernon that would compare and contrast: Taxes collected from a neighborhood , divided cost to maintain public areas so that a ratio is available by neighborhood for public boulevards and areas.

3/ lastly, we are 100% against any form of home owners association. It goes against the contractual agreement signed when i build my house up at TM 4 yrs ago.

4/ as a resident of TM, i already am aware that my taxes represent some of the highest taxes in this entire city. With your recommendation to increase even more, is completely unreasonable. I also question the cities math calculations on total amount of taxes collected by TM residences, i believe the city has a calculation error in terms of how they calculated total taxes collected by TM residences.

5/ i have no context for the \$150K that is being proposed, perhaps copies of what it cost Wesbild to maintain would provide context. As well, how much money IS the city willing to allocate to maintenance , is the total \$150K? Or it is higher? I am just trying to understand what portion the city will cover.

6/ when do i as a resident along with the community of TM, have the opportunity to present our case to the major, with our facts and arguments for consideration.

Thank you Robyn & Hans Danielsson
Desert Drive

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Maria Doyle

From: City Reception
Sent: Monday, July 08, 2019 8:32 AM
To: Maria Doyle
Subject: FW: Turtle Mountain Landscaping Maintenance

Filed ✓
Tracked ✓
Jo Will - ✓

For your records

Regards,

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: David Doige [mailto:]
Sent: Saturday, July 06, 2019 7:55 AM
To: City Reception <CReception@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance

I am responding to the letter you send to all residents on Turtle Mountain. My response is that I support Option 2 as outlined in your letter. David Doige Ridgemount Crt.

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City Reception

Filed ✓
Tracked ✓

Will / Patti ✓

From: Gerald Driscoll
Sent: Thursday, July 18, 2019 11:19 AM
To: City Reception

From Gerald Driscoll
Turtle Pond Place

My wife Christine and myself think that the City Council should revisit it's decision of June 24th. and select Option 1. Going forward Turtle Mountain should be the benchmark for all existing and future developments, whether residential, commercial or industrial.

This would also provide the incentive to do something about the scruffy, litter strewn appearance of large areas of the City.

We suspect that this is not likely to happen so we are in favour of the City pursuing the cost sharing option. ✕

Sent from my iPhone

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Maria Doyle

Filed ✓
Tracked ✓
Will/Patti ✓

From: Will Pearce
Sent: Friday, July 12, 2019 1:37 PM
To: Patti Bridal
Cc: Maria Doyle
Subject: Fwd: Your letter June 28th. 2019 File #8300-05

FYI

Sent from my iPhone

Begin forwarded message:

From: Gerald Driscoll <gdriscoll@cityofvernon.ca>
Date: July 12, 2019 at 2:32:25 PM MDT
To: Will Pearce <wpearce@vernon.ca>
Subject: Your letter June 28th. 2019 File #8300-05

From Gerald Driscoll
Turtle Pond Place

Dear sir,

It is our intention to participate in the cost sharing arrangement should that proposal be available but we have a couple of concerns presented in the following questions.

In the meantime will the city maintain the landscaping necessary to prevent further deterioration?

On June 28th. work was done to cut back the weeds and overgrown grass along Turtle Mtn. Boulevard and I would like to know if this work was done by the City, and if so is it indicative of the type of maintenance we can expect going forward?

I ask this because two weeks later the debris from this work is still lying in the gutter along the Road!

Yours Sincerely
Gerald Driscoll

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Maria Doyle

Filed ✓

From: City Reception
Sent: Monday, July 08, 2019 8:32 AM
To: Maria Doyle
Subject: FW: Turtle Mtn Boulevard Cost Sharing Letter

Tracked ✓

will ✓

For your records.

Regards,

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: Tom Seifert [mailto:]
Sent: Saturday, July 06, 2019 11:06 AM
To: City Reception <CReception@vernon.ca>
Cc: Sandra Ecclestone >
Subject: Re: Turtle Mtn Boulevard Cost Sharing Letter

Hello

We live at Leatherback and would consider the cost sharing option described in the letter dated June 28th.

Thank you, Tom Seifert and Sandra Ecclestone

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✓ Filed
✓ Tracked
✓ WIP

City Reception

From: Rob Fraser
Sent: Monday, July 15, 2019 11:18 AM
To: City Reception
Subject: Turtle Mountain Landscaping Maintenance

We are not prepared to enter into a cost sharing agreement as outlined in your letter of June 28, 2019.

Brenda & Rob Fraser
Leatherback Road

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Maria Doyle

Filed ✓
Tracked ✓

Will / Patti ✓

From: Mayor
Sent: Monday, July 15, 2019 11:34 AM
To: 'Rob Fraser'; Will Pearce
Cc: Maria Doyle
Subject: RE: Turtle Mountain Landscaping Maintenance

Brenda and Rob Fraser

Thank you for the suggestions.

Victor

Victor Cumming

Mayor, City of Vernon
City Hall, 3400 30th Street, Vernon, BC V1T 5E6
Office: 250-550-3508 | Cell: 250-938-0022



From: Rob Fraser [mailto:rob.fraser@vernon.ca]
Sent: Monday, July 15, 2019 11:15 AM
To: Mayor <Mayor@vernon.ca>; Will Pearce <W Pearce@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance

Mayor Cumming and Mr. Pearce:

We have received your letter of June 28th regarding the maintenance of Turtle Mountain Boulevard. We will be sending by way of a separate email our position of not having interest in a cost share. We do so not because of the extra cost but because of the divisive nature of trying to implement an after-the-fact Local Service Area (or like vehicle). We attended your June 24th Regular Meeting and agree with the view that when done up front, these arrangements are accepted, albeit sometimes grudgingly. But after-the-fact.....a tough sell.

The fact that the City of Vernon has took earlier this year has continued to puzzle us. By your own admission you had a dispute with Wesbild over the continuing maintenance of the boulevard. Your response to this dispute was to "go to war" with a majority of the residents of Turtle Mountain. That is an interesting strategy.

Our expectation is that there will be little interest in your cost sharing proposal. So what is next. We have been residents of Turtle Mountain for nine years so consider ourselves some of the "old-timers". We were attracted to the area for a number of reason including landscaping on both private and public land. But we would be lying to you to say that we didn't ask ourselves what will happen when the boulevard was turned

over to the City. We'd also be lying that our answer to that question was that everything would remain status quo. The question always was to what level the City would lower the maintenance.

Well we got the answer when the City established the level at no-maintenance earlier this year.

We think there is an answer out there that will work but it will require some changes to the approach being taken. These include:

- The City needs to increase its transparency surrounding the financial numbers being thrown around. We hear the enhanced budget of \$150k and the reduced budget of \$75k thrown around. Zero-base the budget and be prepared to share it if not with the residents, at least with yourselves so that it becomes a part of public record. Have staff sign-off that it is a zero-based budget and not just estimates and quesstimates. Do a better job than the budget for building a fence at Marshall Field.
- Quit "throwing gas on the fire". To say that \$150k represents 25% of the boulevard budget or that it represents almost 50% of the total taxes paid does little to move forward the discussion, particularly when there is skepticism over the validity of the numbers being bandied about.
- Take the trees off the table. Assume that it is a foregone conclusion that the City is going to maintain them and not let them die. If letting them die represents an option for the City, fine but be prepared for the backlash that is likely broader than just the Turtle Mountain residents. Focus on the real issue....the ground cover.
- It would be hard for us to put forward the position that grass be maintained. Most homes on Turtle Mountain have no grass. We had a small amount of grass and removed it allowing us to reduce maintenance and shutdown our spray-type irrigation. It will be pretty hard to be critical of the City for doing the same thing. We hope that a majority of the residents agree.
- A quick tour of the City highlights some variable elements. The first is that different ground covers are used. Grass is used on some, mulch is used on some, and rock is used on others. The second is that particularly with respect to rocks, there is more than one standard of maintenance. In some areas they look okay, in others they are lacking in maintenance (Middleton Way).

Look at the options other than 100% rock. Perhaps rocks with some mulch in highly visible areas. Personally, we would be open to having Turtle Mountain Boulevard look like 29th Street or the intersection Phoenix Drive with Silver Star Road. Look at whether some of the low maintenance shrubs can be preserved. Look for some creativity that meets the City's needs and is acceptable to the residents. Council need to push back on staff for that more creative solution.

We hope that you accept this as intended, to be constructive with the view that a middle ground can work.

Brenda & Rob Fraser
Leatherback Road

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City Reception

From: Monica Lee
Sent: Wednesday, July 17, 2019 10:54 PM
To: Mayor; Scott Anderson; Kelly Fehr; Kari Gares; Dalvir Nahal; Akbal Kund; Bha Bhairav; Reception; Will Pearce; Patti Bridal
Cc: Gabe Gock
Subject: Response to File: 8300-05 Turtle Mountain Landscaping Maintenance



*Filed ✓
Tracked
Will/Patti ✓*

To Whom It May Concern,

I am a resident of Turtle Mountain and am writing in response to your letter dated June 28, 2019 File 8300-05.

We **categorically do not support the City's cost sharing proposal**, as it is insulting, unethical and illegal.

First of all by the City's own admission, Wesbild has continued payment for the landscaping on Turtle Mountain 12 years beyond their contractual obligations. Using the cost estimates that you have stated of \$150,000 per year for maintenance, Wesbild has paid \$1.8 Million over this 12 year period which the city was not obligated to pay. You imply that Wesbild benefited from this higher level of landscaping and therefore, justifiably should have been paying.

What about how the city benefited? **What did the city do with the \$1.8 Million that they were not required to pay over this 12 year period?** Why are you asking residents to "chip in" now when you should have been planning for this eventuality by putting aside this \$1.8 Million that you saved, as well as our very sizeable tax contributions?? We would like to see how you arrive at the estimate of \$150,000 per year and want to know if you have put this out to tender to at least 3 independent providers.

Second, you state that the landscaping standard installed on Turtle Mountain is higher than any other neighbourhood in the city and that you do not have the funds to maintain this standard. **These are standards that were approved by the city before being installed.** Why were there no plans made for the eventuality of the city assuming the maintenance, which was stated in the contract signed by the city? The landscaping along Okanagan Landing Road has a similar standard and is regularly maintained by the city. Are residents that live along Okanagan Landing Road being asked to cost share for the maintenance? NO!! Are you downgrading all the landscaping to just rocks? NO!!

Third, Turtle Mountain is enjoyed by not just residents, but by most of the people in Vernon. We have seen many people enjoying the Grey Canal Trail, walking the streets with their pets, or coming up to enjoy the fireworks. As well, Turtle Mountain is a regular destination for tour groups and for local schools as part of their daily physical activity requirement or for physical education class. As private residents, we should not have to pay any amount above our sizeable taxes to maintain city property that is enjoyed by all who reside in Vernon.

Lastly, our delegation of residents wanted to present information at the June 24th, 2019 City Council meeting and was discouraged from attending. It was at this meeting when this issue was discussed and a decision reached. It seems very unethical that we were discouraged from attending, as well as the fact that this meeting was in camera.

We hope that you are taking our concerns seriously, as we are a very strong group, presenting a large portion of Vernon's tax base. We want to inform you that our next step is seeking legal counsel.

Monica Lee & Gabriel Gock

Desert Drive

City Reception

From: Valerie Gregg
Sent: Thursday, July 18, 2019 8:26 AM
To: Will Pearce
Cc: Patti Bridal; City Reception; Maria Doyle
Subject: RE: Turtle Mountain



In response to your reply to my email of July 3rd, 2019, and following our neighbourhood meeting of last night, it would appear that we are all of the same mind as expressed in the letter you will have received from another household.

(Copied from concerned neighbour)

To Whom It May Concern,

I am a resident of Turtle Mountain and am writing in response to your letter dated June 28, 2019 File 8300-05.

We categorically do not support the City's cost sharing proposal, as it is insulting, unethical and illegal.

First of all by the City's own admission, Wesbild has continued payment for the landscaping on Turtle Mountain 12 years beyond their contractual obligations. Using the cost estimates that you have stated of \$150,000 per year for maintenance, Wesbild has paid \$1.8 Million over this 12 year period which the city was not obligated to pay. You imply that Wesbild benefited from this higher level of landscaping and therefore, justifiably should have been paying.

What about how the city benefited? What did the city do with the \$1.8 Million that they were not required to pay over this 12 year period? Why are you asking residents to "chip in" now when you should have been planning for this eventuality by putting aside this \$1.8 Million that you saved, as well as our very sizeable tax contributions?? We would like to see how you arrive at the estimate of \$150,000 per year and want to know if you have put this out to tender to at least 3 independent providers.

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NO!!

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Lastly, our delegation of residents wanted to present information at the June 24th, 2019 City Council meeting and was discouraged from attending. It was at this meeting when this issue was discussed and a decision reached. It seems very unethical that we were discouraged from attending, as well as the fact that this meeting was in camera.

We hope that you are taking our concerns seriously, as we are a very strong group, presenting a large portion of Vernon's tax base. We want to inform you that our next step is seeking legal counsel.

Malcolm and Valerie Gregg
Camelback Way

-----Original Message-----

From: Will Pearce [mailto:WPearce@vernon.ca]

Sent: July 3, 2019 9:54 AM

To:

Cc: Maria Doyle

Subject: Turtle Mountain

Good morning Valerie.

With respect to your p.s. on your email, there was no allocation of funds. Wesbild had assumed the costs, as explained in the report to Council, for the period 2006 thru 2018. This was a business decision of Wesbild. The City operates on a balanced budget to pay for current services delivered to the community. Should the City assume responsibility for the lower (and more common) level of service, Council will need to add \$75,000 to the Operating Budget in 2020 and beyond.

Will

Sent from my iPhone

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Maria Doyle

156

City of Vernon - filed - answered - in - completed

From: City Reception
Sent: Wednesday, July 03, 2019 9:15 AM
To: Maria Doyle
Subject: FW: Turtle Mountain Landscape

Please see below.

Regards,

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: Valerie Gregg [mailto:valerie.gregg@vernon.ca]
Sent: Wednesday, July 03, 2019 8:46 AM
To: City Reception <CReception@vernon.ca>; Will Pearce <WPearce@vernon.ca>; Patti Bridal <PBridal@vernon.ca>
Subject: Turtle Mountain Landscape

Please be advised that we are Happy with Option 2 that Council has moved ahead on.

We think the low maintenance look should be similar to that on 29th Street, between The Bay and 43rd Avenue.

Valerie and Malcolm Gregg
411 Camelback Way

P.S. If The City of Vernon has not been maintaining (but technically responsible) for at least the last 10 years then where did that allocation of funds go to if not TM Boulevard????

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Maria Doyle

✓ Filed
✓ Tracked

From: Gordon Gunson <...>
Sent: Friday, July 19, 2019 11:40 AM
To: Will Pearce
Cc: 'Ciana Hardy Shaw'
Subject: Turtle Mtn Blvd landscaping maintenance;

VW/P

Terrapin Place
Vernon B C
V1T 9Y2

July 19, 2019

Dear Sir:

This is in response to your letter of June 28th, 2019 regarding the landscaping maintenance issues on Turtle Mountain Boulevard.

It seems to us that there was a major breakdown in communications and integrity between the City of Vernon and Wesbild. AS mentioned in your letter, Wesbild continued to maintain the landscaping for 12 years, well beyond it's contractual obligation.

So now that the City of Vernon has the responsibility to maintain the landscaping, it is trying to pass on the responsibility to the residents of Turtle Mountain. This is a reflection of mismanagement on the Operations Department of the City of Vernon. Is 12 years not long enough to plan a transition of responsibility for the maintenance of the landscaping on Turtle Mountain Boulevard?

We think it would be fair to say that, this maintenance issue should be an embarrassment to the City of Vernon's Operation Department.

The residents of Turtle Mountain should not have to be put in a position to choose landscaping and maintenance options, that should have been organized and managed well within the 12 year period.

We sincerely hope that the Vernon council has the integrity and honesty to make the right decision, to correct a mismanagement issue on the maintenance of Turtle Mountain Boulevard.

Thank you for the opportunity to comment.

Yours truly

Gordon & Shirley Gunson

n

Maria Doyle

✓ Filed
✓ Tracked

From: Will Pearce
Sent: Thursday, July 18, 2019 5:44 PM
To: Patti Bridal
Cc: Maria Doyle
Subject: Fwd: Turtle Mountain Boulevard landscape maintenance
Attachments: 3804 Terrapin Place.pdf; ATT00001.htm

✓ W/P

FYI and file

W

Sent from my iPhone

Begin forwarded message:

From: "Paul Hardy" <pc@vernon.ca>
Date: July 18, 2019 at 6:41:02 PM MDT
To: <crreception@vernon.ca>, <wpearce@vernon.ca>
Cc: <mayer@vernon.ca>, <sanderson@vernon.ca>, <kfehr@vernon.ca>, <kgares@vernon.ca>, <dnahal@vernon.ca>, <amund@vernon.ca>, <bquiring@vernon.ca>
Subject: Turtle Mountain Boulevard landscape maintenance

To whom it may concern,

Attached please find our response to your letter dated June 28, 2019, regarding the maintenance of Turtle Mountain Boulevard.

Regards,

Ciana and Paul Hardy

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Terrapin Place
Vernon, B.C. V1T 9Y2

July 18, 2019

The City of Vernon
3400 – 30th Street
Vernon, B.C. V1T 5E6

Attention: Mr. Will Pearce, CAO

Dear Sir,

We are residents of Turtle Mountain, responding to your letter of June 28, 2019 regarding the landscaping maintenance issues on Turtle Mountain Boulevard.

We are opposed to your proposal of cost sharing to maintain the trees, shrubs and grasses at the "historic enhanced level of service". We find the City's estimate of \$150,000 per year (plus future cost increases) for this service to be exaggerated and unsubstantiated, particularly in light of the fact that you have provided no cost breakdowns or quotes.

We feel that we should have more complete information regarding Option One before proceeding to Option Two. Also, we find it unprofessional and insulting that you would even include Option Three.

Yours truly,
Ciana and Paul Hardy

CC: Mayor and Councillors

From: Will Pearce
To: Maria Doyle
Subject: Fwd: Turtle Mountain
Date: Friday, July 05, 2019 12:40:07 PM

To the file Liz.

W

Sent from my iPhone

Begin forwarded message:

From: Mike
Date: July 5, 2019 at 12:39:27 PM PDT
To: Will Pearce <WPearce@vernon.ca>
Subject: Re: Turtle Mountain

Dear Will,

Thank you for your quick response to my concerns regarding the Turtle Mt. boulevard maintenance. I found the letter sent a bit confusing, so I appreciate your clarification. My response to the question is: Option 2.

Sincerely, M. Heiliger

Sent from my iPad

On Jul 4, 2019, at 3:22 PM, Will Pearce <WPearce@vernon.ca> wrote:

Hello Mr. Heiliger. Thank you for your email of earlier this morning. The public boulevard is public land and Council has approved an annual budget of \$75,000 to maintain the boulevard at standards more in line with the norm across the City. This cost is shared by all taxpayers of the City. This will require the removal of the shrubs and grass islands, replacement of the irrigation system with a more water wise drip system, maintenance of the trees, and replacement of the grass with landscape rock.

Council did direct the Administration to contact property owners in Turtle Mountain to see if there is an interest in cost sharing the maintenance of the current landscaping, which is well above City standards. Should Turtle Mountain residents wish to retain the current landscaping, the cost is \$150,000 per year and would be split 50:50; \$75,000 paid by the City and \$75,000 paid by Turtle Mountain property owners, who directly benefit from the high landscape standard.

I have requested, from all Turtle Mountain property owners, a response on which Option they support, Option 1 – current landscaping standard and the resulting cost share, or Option 2 – reduced landscaping more consistent with the City norm and costs to be assumed by the City.

If you have time, could you kindly provide your response...Option 1 OR Option 2.

Will Pearce

Chief Administrative Officer

Office: 250.550.3515 | www.vernon.ca

<image001.jpg>

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Maria Doyle

From: City Reception
Sent: Wednesday, July 03, 2019 2:18 PM
To: Maria Doyle
Subject: FW: Turtle Mountain Landscaping Maintenance

interviewed +
filed but July 4
sent to Will
for clarification
from owner

For your records.

Regards,

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: Mike [mailto:i
Sent: Wednesday, July 03, 2019 1:23 PM
To: City Reception <CReception@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance

Dear Vernon Council,

In response to your letter regarding the boulevard maintenance at Turtle Mountain: if the boulevard is public land then I deem it to be the responsibility of the City of Vernon to maintain. I'm sure there are other boulevards in housing developments throughout the city that are maintained by the municipality and not the property owners. Taxes are high enough and ever increasing to foist more on just 168 of us. Should this expense not be shared by the entire community? Turtle Mountain is not a Strata community, theoretically, we have no control over public boulevards or lands.

Sincerely, M. Heiliger

Sent from my iPad

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Maria Doyle

From: Will Pearce
Sent: Thursday, July 04, 2019 3:22 PM
To:
Cc: Shirley Koenig; Kendra Kryszak; Kim Flick; Ed Stranks; Group (Mayor and Council); Maria Doyle
Subject: Turtle Mountain

Hello Mr. Heiliger. Thank you for your email of earlier this morning. The public boulevard is public land and Council has approved an annual budget of \$75,000 to maintain the boulevard at standards more in line with the norm across the City. This cost is shared by all taxpayers of the City. This will require the removal of the shrubs and grass islands, replacement of the irrigation system with a more water wise drip system, maintenance of the trees, and replacement of the grass with landscape rock.

Council did direct the Administration to contact property owners in Turtle Mountain to see if there is an interest in cost sharing the maintenance of the current landscaping, which is well above City standards. Should Turtle Mountain residents wish to retain the current landscaping, the cost is \$150,000 per year and would be split 50:50; \$75,000 paid by the City and \$75,000 paid by Turtle Mountain property owners, who directly benefit from the high landscape standard.

I have requested, from all Turtle Mountain property owners, a response on which Option they support, Option 1 – current landscaping standard and the resulting cost share, or Option 2 – reduced landscaping more consistent with the City norm and costs to be assumed by the City.

If you have time, could you kindly provide your response...Option 1 OR Option 2.

Will Pearce

Chief Administrative Officer

Office: 250.550.3515 | www.vernon.ca



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Maria Doyle

File ✓

From: Will Pearce
Sent: Tuesday, July 16, 2019 6:01 AM
To: Patti Bridal
Cc: Maria Doyle
Subject: Fwd: Turtle Mountain Landscaping Maintenance Letter

Tracked ✓
will/Patti ✓

FYI and response.

W

Sent from my iPhone

Begin forwarded message:

From: Marty Herbert <wpearce@vernon.ca>
Date: July 15, 2019 at 3:57:22 PM MDT
To: "wpearce@vernon.ca" <wpearce@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance Letter

Will,

Thanks for the June 28, 2019 information letter. For my part and most likely all owners that live in this subdivision, you will find that the status quo option 2 is likely favoured as there does not seem to be any appetite to cost share with the City with the neighbours that I have talked to.

Discussion from us taxpayers has centred around the incredulity that the City has brought up maintenance cost sharing with residents at this late juncture as the City has been exclusively responsible for overseeing the subdivision regardless of the boulevard maintenance level of performance from Wesbild, either good or bad. Further, we seem to struggle with the \$75,000 estimate as one taxpayer contacted Wesbild directly and was notified that Wesbild was surprised at the City figure as their maintenance costs never came close to exceeding the City's newly proposed \$75,000 figure. Apparently, the lesser figure was for their past "higher standard" not the City standard. I found this bit of information interesting and supply it for your information only. Contrary to this discussion, I will class this neighbourly communication as hearsay as I only heard the story and not the actual figure directly from a Wesbild representative.

With this said, my question is that a Notice of Development Board on the Turtle Mountain Boulevard (TMB) notes that there is an OCP amendment for a proposal of 85 townhouses. These 85 future owners will use Turtle Mountain Boulevard for access to their property. If by chance cost sharing was agreed to by TM residents, what thoughts have been considered going toward sharing these maintenance fees for any future development using TMB for access and future late comer development to the west?

Regards

Marty Herbert
Team Leader, Building and Bylaw Services

Columbia Shuswap Regional District
T: 250.833.5926 | F: 250.832.3375 | TF: 1.888.248.2773
E: mherbert@csrd.bc.ca | W: www.csrd.bc.ca



 Please consider the environment before printing this e-mail

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City Reception

✓ Filed
✓ Tracked
✓ W/P

From:
Sent: Thursday, July 18, 2019 10:55 PM
To: City Reception
Subject: Fwd: Turtle Mountain boulevard maintenance issue

I am David Jamieson at . . . Desert Drive and share my wife's sentiments as described in her email below. I do hope the spot lights will be maintained on the drive in? I am happy to see opt 2 and understand COV cannot set a precedent where Turtle Mtn is special (that is, without special fees for the community forthcoming). I do not want special charges if maintenance were to stay as it has been in past. I get it. Thanks and pls move ahead with council's stated preference.

David Jamieson
Sent from my iPad

Begin forwarded message:

From: Barbara Cragg <barbarawithlove@gmail.com>
Date: July 18, 2019 at 11:53:39 AM PDT
To: creception@vernon.ca
Subject: Turtle Mountain boulevard maintenance issue



To Vernon City Council:

I am very happy with option #2, outlined in a letter we received from the city this month, as a reasonable solution to the current and ongoing maintenance question on Turtle Mountain. Proper care and irrigation of trees and large shrubs on the boulevards as well as laying down and maintaining rock, rather than grass makes good sense and I believe it is a fair solution for Turtle Mountain residents and other Vernon tax payers alike.

Thank you for your quick response to our concerns and willingness to move forward with this plan. Your support in this matter is appreciated.

Kind regards,
Barbara Cragg

. Desert Drive,
Turtle Mountain,
Vernon, V1T9Y2

Sent from my iPhone

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City Reception

Filed ✓
Tracked ✓

From: Barbara Cragg <
Sent: Thursday, July 18, 2019 11:54 AM
To: City Reception
Subject: Turtle Mountain boulevard maintenance issue



Will ✓
Pattin

To Vernon City Council:

I am very happy with option #2, outlined in a letter we received from the city this month, as a reasonable solution to the current and ongoing maintenance question on Turtle Mountain. Proper care and irrigation of trees and large shrubs on the boulevards as well as laying down and maintaining rock, rather than grass makes good sense and I believe it is a fair solution for Turtle Mountain residents and other Vernon tax payers alike.

Thank you for your quick response to our concerns and willingness to move forward with this plan. Your support in this matter is appreciated.

Kind regards,
Barbara Cragg

Desert Drive,
Turtle Mountain,
Vernon, V1T9Y2

Sent from my iPhone

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Maria Doyle

From: City Reception
Sent: Friday, July 05, 2019 9:38 AM
To: 'h j'
Cc: Maria Doyle; Will Pearce
Subject: RE: Cambelback Way

Good Morning,

Your email has been received by the Corporation of the City of Vernon and has been forwarded to the appropriate department for review.

Thank you,

Regards,

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: h j [mailto:]
Sent: Thursday, July 04, 2019 5:34 PM
To: City Reception <CReception@vernon.ca>
Subject: Cambelback Way

To whom it may concern
Harmit Jassi and Satyajassi are the owners of Cambelback Way, Vernon bc V1T9W4. We chose option 2 from your letter about Turtle Mountain Landscaping Maintenance.

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

h2T
- entered into
ground sheet
- filed
168

Maria Doyle

From: Douglas Johnson <[redacted]>
Sent: Monday, July 08, 2019 4:05 PM
To: Will Pearce
Cc: Mayor; Patti Bridal; [redacted]; Group (Mayor and Council); Maria Doyle
Subject: RE: Turtle Mountain Landscaping Maintenance

Hi Will,

Sorry, I didn't view the letter as asking us to support one of the two/three options. But I certainly will do that: I support Option One as presented in the letter. I.e., "**the City** assumes maintaining the trees, shrubs and grass at the historic enhanced level of service" @ ~\$150 k/year (emphasis mine).

The cost-sharing discussion in the letter is not presented as an "Option" nor is it explicitly conditionally linked to any of the two/three options. That said, the co-owner (Kelly Johnson) and I do not support an ongoing extraordinary levy on Turtle Mountain residents for *status quo* landscape maintenance operations.

Best regards,

Doug.

From: Will Pearce <WPearce@vernon.ca>
Sent: July 8, 2019 3:40 PM
To: 'Douglas Johnson' <[redacted]>
Cc: Mayor <Mayor@vernon.ca>; Patti Bridal <PBridal@vernon.ca>; [redacted]; Group (Mayor and Council) <Group_Mayor_and_Council@vernon.ca>; Maria Doyle <MDoyle@vernon.ca>
Subject: RE: Turtle Mountain Landscaping Maintenance

Thank you for your email of today's date related to landscape standards on public lands in Turtle Mountain.

Council has approved the commitment of \$75,000 per annum, funded by the general tax base, to maintain a level of landscaping on public boulevards in Turtle Mountain that is more consistent with standards across the community. Council also invited Turtle Mountain residents to participate in cost sharing maintenance of the current landscape standard. This would require residents to contribute \$75,000 per annum (adjusted by inflation). One mechanism is a Local Service Area.

Kindly provide your response to support either Option 1 OR Option 2 as presented.

Will Pearce
CAO

From: Douglas Johnson [mailto:d[redacted]]
Sent: Monday, July 08, 2019 2:36 PM
To: City Reception <CReception@vernon.ca>
Cc: Mayor <Mayor@vernon.ca>; Will Pearce <WPearce@vernon.ca>; Patti Bridal <PBridal@vernon.ca>; (Shaw) <[redacted]>
Subject: Turtle Mountain Landscaping Maintenance

Thank you for informing me of Council's decision regarding the Turtle Mountain landscaping of public boulevards and offer to have residents contribute to an "enhanced" maintenance package via a LSA or other means. I find the issue synopsis, as presented in your letter of June 28, 2019 and the TURTLE MOUNTAIN BOULEVARD LANDSCAPING Report to Council, raises significant ethical issues regarding the City's conduct and management of this issue. I counter-propose that the City budget and plan to maintain the existing development (landscaping) standards within the existing City mill rate and the Public Spaces maintenance program.

Effectively, this issue, as presented, reflects classic marketing "bait and switch", albeit aided and abetted by the developer's regulator (i.e., the City of Vernon). From what I've read in the letter of June 28, 2019, and the posted report on Vernon.ca, what has transpired is:

- An attractive new development (Turtle Mountain) was initiated by Wesbild including visually "enhanced" landscape approaches.
- Units were marketed, priced, and sold based on this overall package, including the attractive approaches and boulevards of Turtle Mountain.
- There was no disclosure during sales of the development's housing units that maintenance standards (and, effectively, capital works) would or could be downgraded when the development sales are complete or that residents would be responsible for some of public space management. (I have reviewed my Agreement of Purchase and Sale and TurtleMountain_design_guidelines-January2016 – there is no mention of the public boulevards, other than to note that our property landscaping should be "cohesive" with the boulevard landscaping; i.e., that the boulevard is "the standard"!).
- The developer sold out and received their ROI (return on investment) and is done and, therefore, has walked away from operating maintenance tasks.
- The City contractually has taken over maintenance but is "surprised" by the "enhanced" scope of operations required (and, apparently, that there were any City obligations whatsoever). As a result, the City will redevelop our approaches to a lower standard (Option Two) – decommissioning the initial capital investment (removing the shrubs and grass and converting the irrigation system).
- The City knew that Wesbild had "overdeveloped" the boulevards and/or that they did not meet the MDA requirement "to ensure the plantings would be adequately established and therefore *self-sustaining*" (emphasis mine) and has decided not to pursue this with Wesbild but, rather, Turtle Mountain residents instead.
- Contractually, the City has been obliged to provide maintenance of the public boulevards but has never included this activity in base budgets or workplans and is now characterising this as a bit of a crisis and an "ex-plan" operating cost to the detriment of the Public Spaces budget. The City appears surprised this activity will increase the total boulevard maintenance budget by 25% yet has known about the situation for over ten years! (In fact the City has saved about \$1.5 M in operating costs over that time – enough to cover the annual standard operating costs, if invested as an annuity!).

I believe the City has an ethical commitment to maintain the existing development (landscaping) standards within existing mill rate (i.e., without a LSA add-on): Option One. If there was an "error" by approving the "enhanced" standard and/or not holding Wesbild accountable back in ~2009 (without disclosure to purchasers), then it is officially induced error and should not be offloaded onto Turtle Mountain residents.

The B.C. Labour Arbitration Panel recently reportedly wrote that the City has an "employee code of ethics... that requires staff to maintain the highest ideals of honor (sic) and integrity in public and business relationships and not to act in any way that would detract from the image of integrity or professionalism of the City of Vernon" (Global News, 2019). Clearly that professionalism has not been displayed with respect to the Turtle Mountain public landscaping issue; if it were, staff's recommendation to Council would have been Option One.

Best regards,

Doug Johnson

Doug Johnson
Co-owner, Turtle Pond Place
Vernon, B.C.
Canada
V1T 9Y5

Reference

Global News. 2019. *City of Vernon ordered to re-hire employees fired for firehall hanky panky*. 2019-03-19.

<https://globalnews.ca/news/5072323/city-of-vernon-ordered-to-re-hire-employees/>

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City Reception

✓ Filed
✓ Tracked
✓ Will

From: andrew johns <
Sent: Friday, July 19, 2019 5:22 PM
To: City Reception
Subject: Turtle mtn blvd

I think i've missed your deadline so just a quick note to say there's no way this community will be paying extra for something that has saved you 12 years of \$\$\$... plus your cost estimate is twice what Wesbild has been billing for the same time period(i have an email from them stating what their cost was for the season) ... Would certainly LOVE to chat with someone and see some paperwork and estimates... If you'r paying \$150K for 5 months of work PLEASE consider me for the job ! ... even if water cost \$50K which i know there's no way it does, having paid for water of the blvd for 2 summers myself, i'd love to have that chance to tender an offer.. then i could afford to live up here! haha..

Hopefully someone would like to sit down with us and discuss. I know some very articulate letters have been sent in which would be easy to copy and paste so i didn't copy and paste the redundancy..

Look forward to hearing more from you.

ps... it probably IS the best environment option to take most of the shrubs and maintenance sucking plants out of here but we need to see your costs align with the real world AND the world which was tended to a mere year ago by Wesbild. No need to exaggerate simply for your defensive posturing..

pps... i met one of your council members at predator the other week and had a great, but brief, conversation.. She couldn't understand your numbers either...

cheers

andrew klotz .



Maria Doyle

From: Will Pearce
Sent: Wednesday, July 03, 2019 12:48 PM
To: Maria Doyle
Subject: Fwd: File: 8300-05 Turtle Mountain Landscaping Maintenance

For file Liz

W

Sent from my iPhone

Begin forwarded message:

From: "Carolyn Basnett-Koebel" <>
Date: July 3, 2019 at 12:18:45 PM PDT
To: <creception@vernon.ca>
Cc: <wpearce@vernon.ca>
Subject: File: 8300-05 Turtle Mountain Landscaping Maintenance

Dear Sirs:

In response to your letter dated June 28, 2019 regarding the "Turtle Mountain Landscaping Maintenance" we as residence of Turtle Mountain choose "Option 2".

Sincerely,

Carolyn Basnett-Koebel and Paul Koebel

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✓ - entered into
✓ - spreadsheet
- filed
1278

City Reception

Filed ✓
Tracked ✓
WIP ✓

From: KERRY LANE
Sent: Thursday, July 18, 2019 2:39 PM
To: City Reception
Subject: Turtle Mountain Landscaping Maintenance



Cc:
pbridal@vernon.ca wpearce@vernon.ca
Date: Thu, 18 Jul 2019 14:10:58 -0700
Subject: Turtle Mountain Landscaping Maintenance
To Whom It May Concern;

At this time my decision is not to participate in cost sharing of the landscaping of Turtle Mountain with the city. Option 2

It is unfortunate that Wesbild and the city of Vernon could not conduct a smooth transition of landscape maintenance this spring. The builder and the city had many years to get this right and have sadly let the residents down. This lack of professionalism has left our neighborhood in a state of embarrassing disarray. We should not have to be signing petitions and writing letters to the mayor in order to get our city streets maintained.

For many years the city has done no landscape maintenance on our streets yet has collected taxes as if it was. The funds the city saved by not doing summer maintenance should surely account for something. Wesbild had a lone woman on maintenance of our neighborhood from April through October and it looked pretty much perfect the entire time. Tree pruners came in for a few days to maintain the trees and irrigation did startup and blowout. Surely this did not amount to 150,000 dollars. Have you discussed with Wesbild what their budget was for landscape maintenance?

The residents here just feel as if we are stuck in the middle of a dispute or misunderstanding not of our own creation. We all hope that some amicable solution can be derived so we can move forward and get our neighborhood back to some kind of normalcy.

One thing I would like to commend the city on is the quality of winter maintenance which we do receive. Thank you for that.

Sincerely Kerry Lane. Turtle Pond Place

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City Reception

✓ Filed
✓ Tracked
✓ WIP

From: Steven Lang < >
Sent: Friday, July 19, 2019 11:01 AM
To: City Reception
Subject: Turtle Mtn Landscaping Maintenance

Hi,

I'm a resident of Turtle Mtn located at Desert Drive. My preference is for Option 2 as stated in your letter.

I also suggest the following:

- could landscape bricks be used for portions of the road rather than rock?
- could the grass and shrubs be replaced with indigenous plants that require little water? I have walked the boulevard to the city center and feel the vegetation reduces some of the heat reflected on to pedestrians

Thanks,
Steven Lang

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✓ Filed
✓ Tracked
✓ VV/P

City Reception

From: Julie Larsen <
Sent: Friday, July 19, 2019 12:12 PM
To: City Reception
Subject: Turtle Mountain Concerns



Dear Sir/Madam,

I am a Turtle Mountain home owner in receipt of the June 28 mailed letter about the TM Landscaping Maintenance. I am writing because I am definitely **not** in favour of a cost sharing arrangement between the City and Turtle mountain property owners. It makes much more sense that the strips of grass be removed and replaced with weed barrier fabric and landscaping rocks or an asphalt material. After the initial cost to do so, this would keep the future costs of maintenance low.

In the letter outlining "Option 1" tree pruning and replacing dead trees was mentioned. In the three ½ years I have lived on TM, I have never witnessed this being done. In fact, in 2016, when I asked the City about trimming a tree that is blocking my view of the lake, I was told that the City **does not** provide that service. Another point to consider is that the trees along the boulevard are all well established, and to my knowledge, no longer require irrigation at all and thus, no need to maintain the irrigation start up and blow-out costs or the expense of water fees.

Because Turtle Mountain is constantly used by town's people and tourists for exercise, it is important to maintain peripheral weeds and the stone pillar, wood fence, and pathway to the hiking trail to the large flat rock off the Grey Canal Trail. Keeping this area well maintained brings active interest in home purchases in this area and adds to the overall appeal of the City of Vernon in that the beautification of Turtle Mnt can be seen as an equivalent to the "British Properties" of North Vancouver. However, I believe that the costs to do this, as outlined in your letter, were grossly exaggerated.

Finally, I would like to point out that the City of Vernon has been negligent in maintaining the sidewalk on their land on Painted Turtle Drive between the corner of Painted Turtle Lane and where Turtle Pond Place begins. It is a short strip, about the width of two homes, but is never cleared of snow in the winter, and currently is obstructed by large wild weeds. If people have to walk on that narrow road to collect their mail, it then becomes a safety hazard—year round.

I do pay high city taxes yet feel that I am not receiving the service that should come with it. I have phoned the City on this matter several times over the last three years and, though I am always responded to politely, nothing ever happens. It would be very nice to be truly heard now that I have put this concern-request in print.

Thank you,

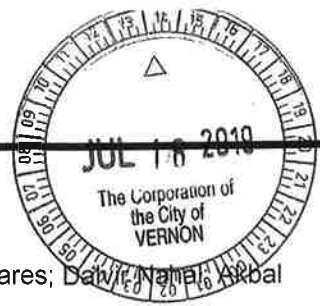
Julie Larsen

Painted Turtle Lane

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City Reception

From: COLLEEN MACTAVISH <
Sent: Thursday, July 18, 2019 2:03 PM
To: Will Pearce; Patti Bridal; City Reception
Cc: Susan Blakely; Mayor; Kendra Kryszak; Scott Anderson; Kari Gares; Dan/Name/Arbol
Subject: Turtle Mountain Landscaping Maintenance



Dear Sir/Madam

I am writing in response to the City of Vernon's (COV) recent letter, mailed out to all Turtle Mountain (TM) residents, dated June 28 regarding the maintenance of the existing landscaping along TM Boulevard.

I am not in favour of any cost sharing between the COV and the TM residents, in regards to the ongoing maintenance of the subject TM Boulevard landscaping. We are taxpayers within the COV and should be entitled to financial support of the area infrastructure as provided by the entire COV tax base. This is a statement that I believe is common to most of the current residents of TM.

It is understood that when Wesbild installed this landscaping, they went above and beyond the xeriscape guidelines as provided for in the 2006 MDA. The intent of the xeriscape being of course to minimize the ongoing maintenance of such, especially once the COV takes over these maintenance costs. That being said, the COV did approve Wesbild's landscape design, knowing full well that the boulevard grass, shrubs, etc will lead to higher ongoing maintenance costs (and that a turnover of such to the COV will lead to where we are now).

The COV published a report following a June 24 council meeting in regards to this issue. In this report, it is indicted that the COV and Wesbild have been in negotiation since 2009 to find a resolution to the maintenance of TM Boulevard. It is unfortunate that over 10 years no serviceable headway has been made. Fortunately Wesbild continued this maintenance up until 2018, even though their contractual obligations ended after the 1st 2 years. In conversations with other area residents, it is apparent that this turnover maintenance issue was not 'public knowledge' at their time of purchase in TM. These residents would have utilized a variety of area realtors and legal representation, none of which appear to have had knowledge of this issue either. As such it certainly would be expected that these residents not be placed in a position to pay for such maintenance, either through cost sharing as earlier or a specific TM tax increase.

It is not desired to remove the existing grass and shrubs (as per your Option 2 of the June 28 letter), but this would seem to be the best option based upon the costs indicated. I would ask that a back-up & breakdown to the costs estimated for Options 1 & 2 be provided. At face value these figures seem high. Our own quick 'layman' cost estimates for such maintenance are far less. Since the crux of this issue is cost, it would be helpful to understand the COV's cost methodology.

Thanks very much for your attention to this matter.

Have a great day.

Colleen MacTavish
Turtle Pond Place

Maria Doyle

From: Will Pearce
Sent: Friday, July 05, 2019 12:15 PM
To: Shirley Koenig; Kim Flick; Ed Stranks; Kendra Kryszak; Patti Bridal
Cc: Maria Doyle
Subject: FW: TM maintenance

W

-----Original Message-----

From: Will Pearce
Sent: Friday, July 5, 2019 12:13 PM
To: 'Brian Mcguigan'
Cc: Group (Mayor and Council) <Group_Mayor_and_Council@vernon.ca>
Subject: RE: TM maintenance

Thank you for your email Brian of today's date.

As I explained in a previous email to yourself and Wanda Remfert (June 25, 2019) your municipal tax notice includes the collection of taxes for many agencies (School taxes, RDNO requisition, Hospital taxes, BC Assessment, etc) . Of the taxes you pay to the City, about one-half actually go to the City for City services. The balance are paid by the City to all the other agencies. So your numbers are about right...your taxes are \$3,292, of which about \$1,700 go to the City of Vernon and the rest to the other agencies.

The reference to the "Local Service Area" is a reference to a possible process IF there is substantial support of property owners (more than 50%) to participate in a cost share arrangement. If not, the process would not proceed. The process is complicated and governed by provincial statutes. IF the process proceeds a detailed letter will go to all property owners that will outline the process, the structure of payments, the allocation of the "tax", etc. Property owners will STILL have the opportunity to participate or not at that point. There is a Public Hearing process involved. There is much to do to establish a Local Service Area. We are not at that point. The \$450 is an APPROXIMATE amount which gives folks a reasonable figure to assess whether they wish to participate. If a Local Service Area tax proceeds, the actual amount may vary depending on property value or other factors. The resulting amount is likely to fall in the APPROXIMATE range of \$350-\$500.

Wesbild installed a standard of landscaping well above the City norm in order to promote the neighbourhood and lot sales. What they did not do was establish a Home Owners Association at the onset as a means to fund a landscape standard unique to Turtle Mountain, or any other unique features, on a long term basis. This is a common practice in many municipalities and many developments.

Council has decided to fund the maintenance costs of a reduced landscape standard, that is still above the current norm. As I have explained a number of times Brian, I cannot deal with the past. I can deal with means to address future maintenance of public lands at the direction of Council.

Will

-----Original Message-----

*List
- filed
- notes into
spreadsheet
1178*

From: Brian McGuigan [mailto:
Sent: Friday, July 5, 2019 11:34 AM
To: Will Pearce <WPearce@vernon.ca>
Subject: TM maintenance

Hi Will,

Your letter to the property owners in TM dated June 28, 2019 states "annual cost to maintain the historic enhanced landscaping is approximately \$150,000 which represents almost one-half of all property taxes collected by the City from all property owners in TM". If you take 168 owners (your number in the letter) and divide \$300,000 by 168, it amounts to \$1,785 each. Am I missing something? My taxes are \$3,292 and that is taking C grants off. My property assessment is probably average for TM.

Your letter also states "a bylaw establishing Local Service Area which would, among other things, describe....". I am not about to agree with contributing \$450 annually without knowing what "among other things" means.

Finally, as I mentioned in an earlier email to you, I don't understand how Wesbild installed landscaping with the approval of the City and the City did not place funds in the appropriate budget year to maintain the landscaping. If the landscaping done was to a much higher standard than normal for the City, then why did the City approve it. It does not matter that you, or the present council were there when the Agreement with Wesbild was signed. To not have included some budget dollars in a future year to provide for the TM street landscaping cost is unbelievable.

Brian McGuigan
Sent from my iPad

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Will Pearce

From: Brian Mcguigan <[redacted]>
Sent: Tuesday, June 25, 2019 10:10 AM
To: Will Pearce; [redacted]; Mayor
Subject: Turtle Mountain boulevard/trees annual maintenance

Good Morning

I have reviewed the decision by Council to send letters to all TM residents asking us to share the annual maintenance cost of your streets, boulevards and trees irrigation.

1. the decision to ask Council to spent \$75,000 annually to maintain TM as noted above assumes the City now agrees it is their responsibility to do so (as opposed to a developer or anyone else)
2. Councillor Mund's response to ask each homeowner in TM to contribute \$325 toward the annual maintenance is outrageous! Given that the City agrees that there was a signed agreement with Wesbild that the City assume responsibility for TM after year two of the development, why was the City negligent in approving annual funding in the City budget after year two (we are now into year five). So, the City has had 3 years to approve a maintenance budget for TM.
3. I would hope that the letter to be sent to all homeowners in TM be very, very detailed - list of each street to be included, definition of the word maintenance, timing and application of weed killers etc. I live on Turtle Pond Pl, so is the crushed rock across the street included in weed maintenance? Currently, I and other residents spray for weeds each spring. Can I bill the City retroactively for the cost of weed killer, time etc?
4. What is Council going to do if say, 63% of residents agree to the shared maintenance cost? What if 59%. What if 20%? How will you enforce the annual payment?
5. I was very disappointed that the question by Council of "is there a Presentation" was not responded to by City staff. You, and Council knew there would have been "a presentation" if City staff asked us NOT to.
6. I was disappointed that the question of irrigation of trees was not responded to by City staff indicating that Wesbild had agreed to fund the cost of repairing the irrigation lines and make it fully operational by the end of the month.
7. I, too question the City request for \$75,000 for annual maintenance of TM. Given that spring/summer maintenance covers 5 months, and given that once the City removes all the grass.shrubs along TM Boulevard, there will only be maintenance of weeds and irrigation. \$75,000 should cover the cost of one full time employee. Are we now to cover the cost of snow removal as well?

I fully expected the outcomes of the Council meeting to be more positive. This silly idea from Councillor Mund only delays the correct decision that was put forward to Council by City staff to include an allocation for ONE-TIME funding for TM Boulevard and ongoing funding for the whole of TM tree irrigation and weed control.

Sincerely,

Brian McGuigan
_ Turtle Pond Pl



Virus-free. www.avast.com

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Maria Doyle

Maria - just
fyi

From: Maria Doyle
Sent: Friday, July 05, 2019 11:57 AM
To:
Subject: a hot link for you to access report

Dear Mr. McGuigan,
Please click on this link for your access to the report, it will take you right to it and the page will look like this:
Just open the file called June 24th report
Please call me if you need
Best regards,
Liz, for
Maria at

Mr. McGuigan called Friday July 5
about 11:30



GREY MENUS SHARE

JUNE 24TH REPORT MOUNTAIN BOULE LANDSCAPING

- he was having
trouble accessing
the link.

- I sent it as
hot link and
confirmed he was
able to read the
report. He was!

June 24th Report - Turtle Mountain Boulevard Landsc

Vernon.ca > File > June 24th Report - Tur

(- phone conversation was very
genial)
Liz.

Maria Doyle
Sr. Executive Assistant to Mayor & Chief Administrative Officer
Office: 250.550.3572 | www.vernon.ca

City Reception

Filed ✓
Tracked ✓

From: Sandy McLennan
Sent: Thursday, July 18, 2019 12:44 PM
To: City Reception
Subject: Turtle mountain landscape

n>

Will/Patti ✓



Hello,
We are a TM resident. Address is : Terrapin place.

Our opinion, or vote it to agree with the City choosing Option 2.

Sandy McLennan

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City Reception

From: Terry McNamara <
Sent: Saturday, July 13, 2019 2:55 PM
To: City Reception
Subject: Turtle Mtn landscaping costs

Filed ✓
Tracked ✓

Will Patti ✓

In response to your letter of June 28, 2019, I think the cost of maintaining what we have now is way too expensive. I agree with option 2 and getting rid of the grass and shrubs. Replace with xeroscaping rocks. Don't use the same landscaping company as they did originally as I think they did it wrong. He laid down a plastic barrier then put dirt on top then the rocks! The weeds love the dirt and are growing like crazy. No dirt!

I am not prepared to participate in a cost sharing arrangement as \$450 per year is way too much for me. Sincerely, Terry McNamara. . . Terrapin Place.

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✓ Filed
✓ Tracked
✓ Will/Path

Thomas Messer • Leatherback Road • Vernon BC • V1T 9W4

City of Vernon
Attn. Mr. Will Pearce
3400 30 Street
Vernon BC V1T 5E6



July 15, 2019

Re: Turtle Mountain Landscaping Maintenance
File: 8300-05

Dear Mr. Pearce,

We have studied your letter dated June 28, 2019, regarding the Turtle Mountain landscaping maintenance.

It seems the City is trying to install strata retrospectively. This is not legally possible, and we will not voluntarily support that idea. We bought our house on Turtle Mountain in 2017 from a private seller particularly because it did not include strata and the City is obligated to take care of the public roads and their landscaping in the area.

Your letter states several confusing figures and biased calculations to support your argumentation. You state that the maintenance of the historic enhanced landscaping standard is approximately \$150,000 per year. We have insider information regarding bills presented to the developer for less than half that figure, including water for irrigation.

In your letter, you state there are currently 168 homeowners on Turtle Mountain. Assuming this figure is correct and most owners are seniors, you should be collecting approximately \$600,000 on taxes annually (168 x average \$3,600). Thus, your calculation claiming the maintenance of landscaping represents half of the collected taxes on Turtle Mountain is simply incorrect.

We agree that grass requires high maintenance. Landscape rock is not a maintenance free substitute for grass since weeds will grow through them, making them look unsightly, as is currently the case. They also heat up and cause water evaporation. We suggest planting drought-resistant ground covers such as creeping thyme instead. These have a similar green visual effect as grass but do not need to be mowed and once established smother weeds. This would be a water-wise alternative you could role model.

Phone +1
Email

The maintenance of the current shrubs is not a costly issue. They are automatically irrigated with the trees and only require pruning once a year. One worker could do that job in a couple of days. Combining this job with the tree pruning would make it even more reasonable. The bushes do not have to be manicured as required in French castle gardens. Shrubs and trees cast shade that prevents evaporation of valuable moisture in the ground.

As you can see, the whole issue is much less dramatic than you have tried to convince us of. Your assessed value of Turtle Mountain houses is quite high and you collect high taxes accordingly. The City should not only collect taxes but simply fulfill their obligations. Vernon City residents would certainly appreciate it if the City ensured the maintenance of what they already have first before planning huge new building projects.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thomas Messer & Loretta Locke'. The signature is written in a cursive style with a long horizontal flourish at the end.

Thomas Messer & Loretta Locke

City Reception

✓ Filed
✓ Tracked
✓ Will

From: Thomas Messer <
Sent: Sunday, July 21, 2019 8:46 PM
To: City Reception; Will Pearce
Subject: Turtle Mountain Landscaping Maintenance
Attachments: City of Vernon Turtle Mountain 2 .doc; ATT00001.htm

Dear Sir or Madam,

Following our letter dated July 15, 2019, we would like to give you additional information regarding Turtle Mountain Landscaping Maintenance. Please open the attachment. _____

Thanks,

Thomas Messer & Loretta Locke
} Leatherback Road
Vernon, BC V1T 9W4
Mobile: +

je

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City of Vernon
Attn. Mr. Will Pearce
3400 30 Street
Vernon BC V1T 5E6

July 21, 2019

Re: Turtle Mountain Landscaping Maintenance

File: 8300-05

Your letter dated June 28, 2019

Our answer dated July 15, 2019

Dear Mr. Pearce, dear Sir or Madam,

Following our letter dated July 15, 2019, we would like to give you additional information regarding Turtle Mountain Landscape Maintenance.

1. The City's gardening crew does not pull the weeds from the landscape rocks but just cuts them with a string trimmer. The end result not only looks untidy, but rocks are spread all over the sidewalk, bike path and road. Please see attached photos. I called the workers' attention to the fact that stones on the bike path could cause a real safety hazard. In case of an accident, the City could be sued. They promised to inform the City's street-cleaning department to take care of it. The job was done, but the extra work by a different crew entails additional costs for the City. Thus, we do not recommend replacing the grass by additional landscape rocks, but rather eliminating the current rocks. To avoid hazards you could mulch the surfaces instead, as is done on 29th Street, or better replace the grass by drought-resistant ground covers such as creeping thyme. These have a similar green visual effect as grass, but do not need to be mowed, and once established smother weeds. Both alternatives would not create any hazards for bikers, pedestrians or cars.
2. Meanwhile, we have private landscapers' maintenance estimates for the current standard of the Turtle Mountain Boulevard landscaping that are way below the \$75,000 annually, including estimated irrigation water costs of \$15,000. We would think that it is not only in our, but also in the City's interest to find the most competitive pricing available on the market. The City has the option to outsource the job to an independent company. They would probably do a tidier job than the City workers in less time. (Please see pictures of what the City workers left behind.) We recommend asking for quotes to confirm that market prices are very reasonable. As a result, there is no need to downgrade the landscaping, or collect extra funds from the owners.

Phone

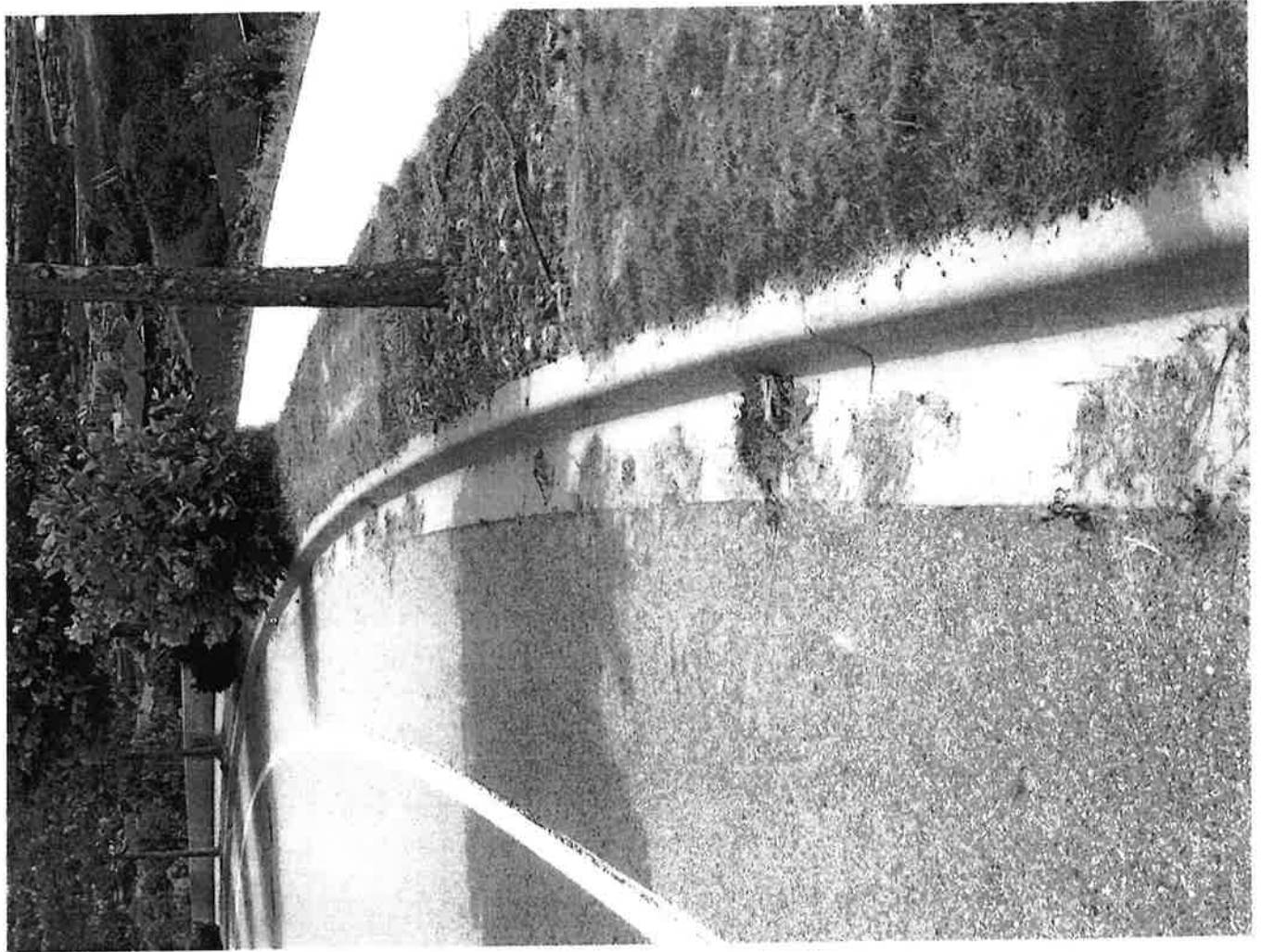
If the City wishes to downgrade the maintenance and avoid hazards in the future, you could replace the grass and the landscape rock by drought-resistant ground covers as described in paragraph 1. This would be an investment to further reduce future maintenance costs, as it would eliminate the mowing and save water. This could be a ground braking pilot project to role model attractive, and economical water wise alternatives in Vernon. If you wish further information on drought-resistant ground covers and water wise alternatives, we would be happy to assist. (Loretta Locke

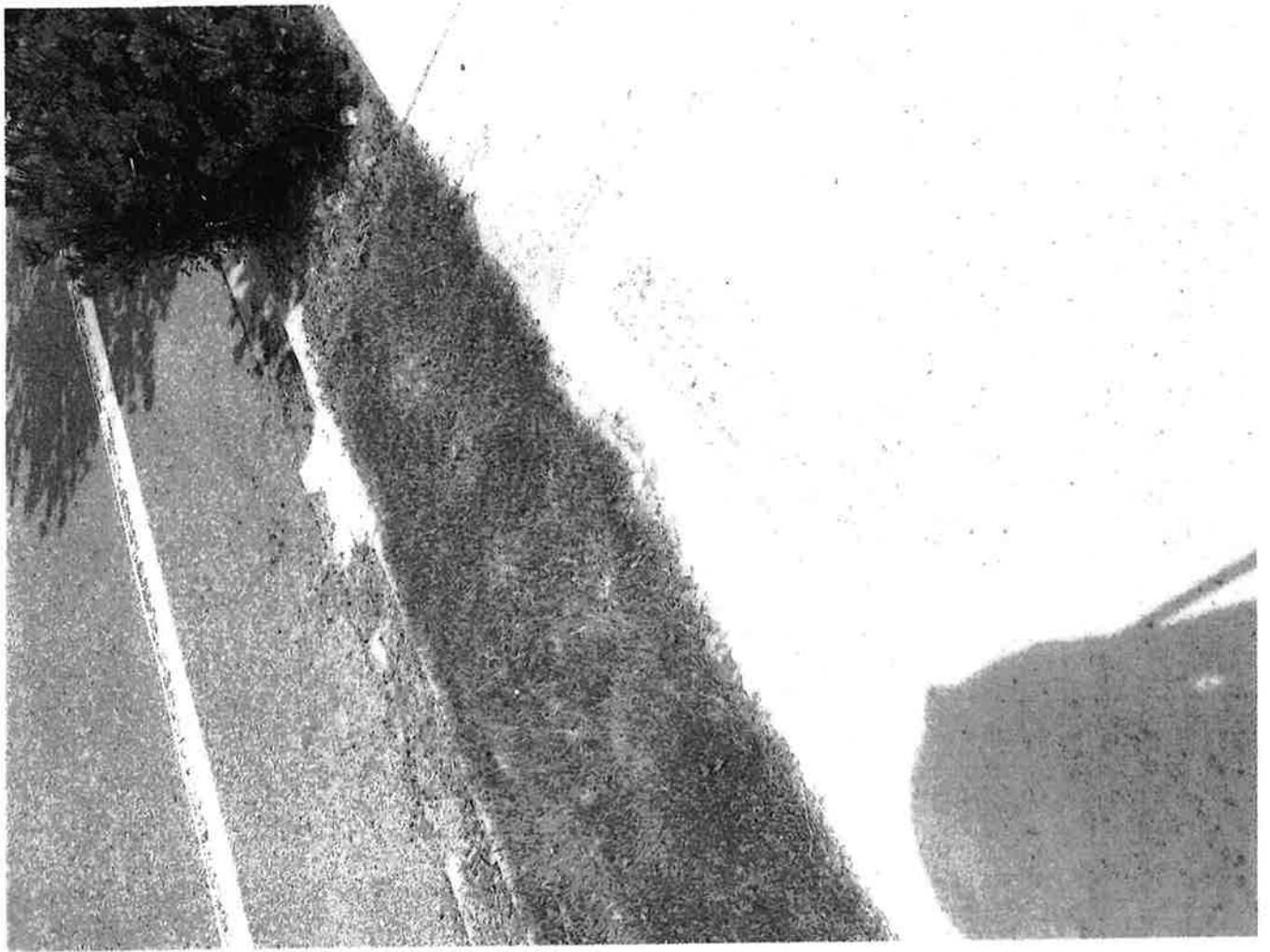
Yours sincerely,

Thomas Messer & Loretta Locke









Maria Doyle

From: Will Pearce
Sent: Wednesday, July 03, 2019 11:51 AM
To: Tom Monahan
Cc: Group (Mayor and Council); Shirley Koenig; Kendra Kryszak, Matti Bridal; Maria Doyle
Subject: RE: Turtle Mountain Boulevard

*filed +
entered
July 4
awaiting
further reply
from sender.*

Good morning Tom. Thank your for your questions.

- 1) The "Agreement" did not fall apart. Wesbild made a business decision to continue to maintain a level of landscaping well above the City norm and well beyond the two year requirement under the Development Agreement. As lot sale activity has declined, Wesbild has decided not to maintain the public boulevards and Council has made the decision to assume the maintenance costs of a reduced level of service that is more in line with City wide standards.
- 2) The City maintains public boulevards, open spaces and parks across the City, in essentially all neighbourhoods. The standard of landscaping originally installed by Wesbild is well beyond the City norm (hence the disproportionate expense). There are a few minor features in the community similar to Turtle Mountain, but not of the same labor intensive design. As example, there is a small landscaped island at the entrance to Phoenix Drive in the Foothills neighbourhood. The City removed all the grass and any shrubs, placed dark mulch, and left the trees (this is similar to Option2 in the letter you received). There is no "double taxation" in Option 2 which is to maintain the public boulevards at a reduced service level more in line with City wide standards. If residents of Turtle Mountain wish to retain the enhanced standard, they would share the costs (50:50) so that the general taxpayer contributes \$75,000 and the Turtle Mountain taxpayer, who directly benefits by the enhanced standard, pays \$75,000.
- 3) To maintain the enhanced landscape standard will cost \$150,000 per year. The landscape pattern (trees-about 300, grass islands, shrubs-about 880), weeding, irrigation, etc. (all as described in the report to Council) is labor intensive. The practical way to reduce costs is to reduce the labor intensive features (grass and shrubs). That is the \$75,000 per annum option which is approved by Council and would be funded by all taxpayers across the City
- 4) Water costs are in the range of \$15,000 to \$25,000 per year
- 5) The share option would start in 2020 as taxes have already been set and collected for 2019.
- 6) The response period is July 2, 2019 thru July 19, 2019.

I hope this adequately answers your questions.

Will

From: Tom Monahan [mailto:
Sent: Wednesday, July 3, 2019 9:34 AM
To: Will Pearce <WPearce@vernon.ca>
Subject: Re: Turtle Mountain Boulevard

I cannot give you an answer until a few things are clarified. The letter received from the city stated that if we had any questions to contact you.

Whose responsibility is it that the agreement between Wesbild and the City fell apart.

The letter states that the maintenance costs on Turtle Mountain are 25 % of the city's maintenance budget. Are the other 75 % benefitting any neighbourhoods in somewhat the same manner as Turtle mountain. Maybe you could give me an example of where other maintenance is taking place. If this is the case we would be paying through our taxes for these cases, which would be double taxation.

Is there any way, decent maintenance can be looked after at a cost of far less than \$150,000. This seems extraordinarily high for the five or six months required. What portion of this is for water costs. Maybe somewhere in between would help my decision?

If the share option is decided on, would this start in 2020 or this year?

I am wondering if the two week window for decision on the option could be extended to give us a little more time.

Thanks
Tom Monahan

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From: Will Pearce <WPearce@vernon.ca>
Sent: Tuesday, July 2, 2019 1:38 PM
To: Tom Monahan
Cc: Patti Bridal; Group (Mayor and Council); Maria Doyle
Subject: Re: Turtle Mountain Boulevard

Thank you for your comments Tom. At this time we simply need an email or letter from you stating you do, or do not, wish to participate in cost sharing the maintenance costs of retaining the existing level of landscaping on the public boulevards.

Will

Sent from my iPhone

On Jul 2, 2019, at 1:34 PM, Tom Monahan <

wrote:

Thank you for your letter regarding the landscaping maintenance.

The part of the letter that is the most significant and important is “ the landscape standard was created by Wesbild and approved by the City of Vernon”.

When we purchased our home, the beautiful Boulevard was certainly a factor. There was no indication from anyone that we as homeowners would have to maintain it or it would be changed to the detriment of our investments.

Not sure who is to blame for this, Wesbild or the City, but certainly not the property owners.

The city and Wesbild should sort this out or at least spread the cost over all property owners in the city.

Tom Monahan

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City Reception

From: Tom Monahan <.....>
Sent: Tuesday, July 02, 2019 1:35 PM
To: City Reception; City Reception
Cc: Patti Bridal; Will Pearce
Subject: Turtle Mountain Boulevard

Thank you for your letter regarding the landscaping maintenance.

The part of the letter that is the most significant and important is “ the landscape standard was created by Wesbild and approved by the City of Vernon”.

When we purchased our home, the beautiful Boulevard was certainly a factor. There was no indication from anyone that we as homeowners would have to maintain it or it would be changed to the detriment of our investments.

Not sure who is to blame for this, Wesbild or the City, but certainly not the property owners.

The city and Wesbild should sort this out or at least spread the cost over all property owners in the city.

Tom Monahan

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WZT ✓ - filed
✓ - entered
195
to be made

City Reception

Filed ✓
Tracked ✓

Will / Patti ✓

From:
Sent: Sunday, July 14, 2019 3:54 PM
To: City Reception
Subject: Turtle Mountain Landscaping Maintenance

To whom it may concern,

After reading the City of Vernon letter dated June 28, 2019, I would like to inform you that I am in favor of option 2. I do not want to see further tax increases or fees and accept the standard landscaping maintenance for Turtle Mountain.

Thank you

Dan Moyen
Terrapin Place
(250)

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Maria Doyle

✓ Filed
✓ Tracked
✓ Will

From: Will Pearce
Sent: Friday, July 19, 2019 6:39 PM
To: Maria Doyle
Subject: Fwd: Letter to the residents of Turtle Mountain re Landscaping maintenance
Attachments: LtrCityBoulevard.docx; ATT00001.htm

For file and report.

Sent from my iPhone

Begin forwarded message:

From: Kimball Murray <_____>
Date: July 19, 2019 at 6:42:57 PM MDT
To: Will Pearce <WPearce@vernon.ca>, mayor@vernon.ca,
sanderson@vernon.ca, kfehr@vernon.ca, kgares@vernon.ca, Dalvir Nahal
<dnahal@vernon.ca>, amund@vernon.ca, bquiring@vernon.ca
Cc: Wanda Remfert <_____>
Subject: Letter to the residents of Turtle Mountain re Landscaping maintenance

Attached hereto is our response to the above noted letter.. Kim and Kelly Murray
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July 18, 2019

To Will Pearce, the Mayor of Vernon, and City Councilors

RE: Your letter of June 28, 2019, discussing Turtle Mountain Landscaping Maintenance on the Boulevard

As a taxpayer, I was "shocked" at the budget numbers quoted in the letter. Upon reviewing the "Turtle Mountain Report", I saw no itemized explanation on the cost of maintenance of the boulevard, other than reference being made to what the developer estimated as \$150,000.00 annually. In speaking to the individual who up to now had been looking after the maintenance of the boulevard, he suggested that he had offered to city staff to do the work at a significantly lesser amount than what was reflected in the above mentioned letter. So in answer to your question about which option I would support, my answer is NO to ALL the options.

A couple of years ago we decided to move off the lake and buy a home in one of the "newer" communities within Vernon/Coldstream. We had narrowed our search to Middleton Mountain, Adventure Bay and Turtle Mountain with one of our criterias being a community respected by homeowners and the city. With friends living in Turtle Mountain and echoing comments that the city has on occasion made, namely describing Turtle Mountain as one of the "premier" communities, we made the decision to buy in Turtle Mountain. We were unaware of any issues relating to the ongoing maintenance of the boulevard and common areas. We have been impressed over the last two years with the way the boulevard has been maintained but are appalled that we are now dealing with an issue that should have been dealt with years ago.

At this point, I am definitely not in favour of what is being proposed. There are residents within our community who are wanting to seek legal advice and I am one of them.

I trust the right decision will be made, to further consult with the residents of Turtle Mountain and to come to a mutually agreeable plan.

Kimball Murray
Razorback Court

Maria Doyle

From: Will Pearce
Sent: Wednesday, July 03, 2019 12:47 PM
To: Maria Doyle
Subject: Fwd: Turtle Mountain Landscaping.

For file Liz

W

Sent from my iPhone

Begin forwarded message:

From: hi <_____>
Date: July 3, 2019 at 12:28:47 PM PDT
To: "wpearce@vernon.ca" <wpearce@vernon.ca>
Subject: Turtle Mountain Landscaping.

Hello Will,

We are in favour of option 2, the removal of grass and shrubs to be replaced by landscape rock with the irrigation of the trees to be retained. In the long run this is definitely the best option.

Thank you David and Carole Owen.
1 Terranin Lane

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lizi
✓ - entered into spreadsheet
✓ - filed

City Reception

✓ Filed
✓ Tracked
✓ Will

From: Brian Paulson com>
Sent: Tuesday, July 16, 2019 12:30 PM
To: City Reception
Subject: Turtle mountain landscaping



I am not interested in the city doing any enhanced landscaping that would cost the homeowners any extra money.

I would like the city to maintain the boulevard up to regular standards that are the norm in the rest of the city. The city owns that land and should maintain it to regular standards.

Thank you

Brian paulson

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From: City Reception
Sent: Wednesday, July 03, 2019 8:35 AM
To: Maria Doyle
Subject: FW: Turtle Mountain Landscaping Maintenance

Please see below.

Thanks!

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: Yvonne Paulson [mailto:ypaulson@vernon.ca]
Sent: Tuesday, July 02, 2019 9:52 PM
To: City Reception <CRception@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance

Good evening Mr. Will Pearce,

Thank you very much for sending out the information regarding the Turtle Mountain Landscaping Maintenance. I appreciate council looking into this matter on behalf of the residents.

Our residence at Desert Drive doesn't support cost sharing. We are satisfied with Option 2 as agreed to by council.

Thank you very much.

Regards,

✓ - filed
✓ - entered into spreadsheet

Yvonne and Brian Paulson

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202

City Reception

✓ Filed
✓ Tracked

✓ Will / Pathi

From: Diana Prentice :om>
Sent: Monday, July 15, 2019 10:32 AM
To: City Reception
Subject: Turtle Mountain Landscaping Maintenance

Owners

Prentice, Kenneth J
Prentice, Diana F
↓ Terrapin Lane
Vernon BC V1T9Y2

In response to your letter of June 28, 2019 this is to confirm that we select Option 1. We feel very strongly that the landscaping should remain at the historic enhanced level and are prepared to enter into a cost sharing arrangement with the City of Vernon.

Yours Truly,

Ken & Diana Prentice

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Maria Doyle

From: City Reception
Sent: Tuesday, July 09, 2019 9:37 AM
To: Maria Doyle
Subject: FW: Cost sharing at Turtle Mountain

will ✓
Tracked ✓
Filed ✓

For you records

Regards,

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: Scott Ramey [mailto:]
Sent: Tuesday, July 09, 2019 9:34 AM
To: City Reception <CReception@vernon.ca>;
Subject: Cost sharing at Turtle Mountain

Hi. My wife and I wanted to go on record to say that under no conditions are we interested or willing to participate in a cost sharing arrangement between the City of Vernon and ourselves (as property owners on Turtle Mountain) for the ongoing maintenance and upkeep of the landscaping of Turtle Mountain Blvd.

Scott Ramey and Therese Charette
? Terrapin Place

Sent from my iPhone

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Maria Doyle

✓ Filed
✓ Tracked
✓ WIP

From: Will Pearce
Sent: Friday, July 19, 2019 4:50 AM
To: Patti Bridal; Maria Doyle
Cc: Kendra Kryszak; Shirley Koenig
Subject: Fwd: Turtle Mountain File 8300-05

FYI and file

W

Sent from my iPhone



Begin forwarded message:

From: Wanda Remfert :t>
Date: July 19, 2019 at 12:49:23 AM MDT
To: creception@vernon.ca
Cc: mayor@vernon.ca, WPearce@vernon.ca, sanderson@vernon.ca, kgares@vernon.ca,
dnahal@vernon.ca, amund@vernon.ca, bquiring@vernon.ca
Subject: Turtle Mountain File 8300-05

To whom it may concern;

Further to your letter dated June 28th requesting input from Turtle Mountain residents in relation to the street boulevard maintenance; post your receipt of a petition signed by 127 residents stating they have no interest in being involved in the short fall and disputes between the developer and City of Vernon regarding same.

We have been very clear that we are NOT interested in entering into a cost sharing agreement, nor forming a home owner association, nor strata, nor committee to address the City of Vernon's landscape maintenance of the boulevard, as it is the city's responsibility to maintain public areas and parks which they do in many areas of the city and homeowners elsewhere are not asked to assume this additional cost.

The residents of Turtle Mountain feel very strongly that because they had no knowledge of these issues whatsoever when purchasing that there is a serious issue of appropriate disclosure by the responsible parties. The landscape plan was directed and approved by the City Of Vernon and by your own admission you should have assumed maintenance responsibility some 12 years ago. Further to this is the issue that taxes have been paid throughout this time frame and none was spent on boulevard maintenance to date. Our opinion is that this constitutes a rather large monetary lapse in appropriate allocation of funds that should have been put aside for said maintenance once it was and should have been assumed by the City.

In closing we would like to say that NONE of the options presented are acceptable to the residents. We also feel that \$150k is certainly exorbitant. Local landscape as well as external

contractors have been consulted and the cost has been estimated at 26-30k per annum, (all 3 were in this price range) which would certainly seem to be in line with similar areas, both local and otherwise. If the City truly feels \$150k is appropriate we feel there are many residents that would take that job and be far better remunerated for their respective professions and the work would be much less.

The residents of Turtle mountain are disappointed in the City's approach to this matter and feel the green spaces on Turtle mountain are utilized by many citizens in Vernon which add to recreational activities and enrich their lives in a daily basis. It's unfortunate the Mayor, council and the city administration are seemingly adverse to this community whilst building new parks elsewhere and maintaining all other green spaces except Turtle mountain. It is inequitable and short sighted in our opinion.

Sincerely
Tim & Wanda Remfert

Sent from my iPhone

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✓ Filed ✓ Tracked ✓ WJF

City Reception

From: Nancy St. John
Sent: Friday, July 19, 2019 1:20 PM
To: City Reception
Subject: Turtle Mountain Landscaping Maintenance.



As residents of Turtle Mountain I am writing in response to your letter dated June 28, 2019 File 8300-05. We categorically do not support the City's cost sharing proposal , as it is unethical and illegal.

I am reiterating another Turtle Mountain Residents letter as my husband and I both feel the same way.

First of all by the City's own admission, Wesbild has continued payment for the landscaping on Turtle Mountain 12 years beyond their contractual obligations. Using the cost estimates that you have stated of \$150,000 per year for maintenance, Wesbild has paid \$1.8 Million over this 12 year period which the city was not obligated to pay. You imply that Wesbild benefited from this higher level of landscaping and therefore, justifiably should have been paying.

What did the city do with the \$1.8 Million that they were not required to pay over this 12 year period? Why are you asking residents to "chip in" now when you should have been planning for this eventuality by putting aside this \$1.8 Million that you saved, as well as our very sizeable tax contributions?? We would like to see how you arrive at the estimate of \$150,000 per year and want to know if you have put this out to tender to at least 3 independent providers.

Second, you state that the landscaping standard installed on Turtle Mountain is higher than any other neighbourhood in the city and that you do not have the funds to maintain this standard. **These are standards that were approved by the city before being installed.** Why were there no plans made for the eventuality of the city assuming the maintenance, which was stated in the contract signed by the city? The landscaping along Okanagan Landing Road has a similar standard and is regularly maintained by the city. Are residents that live along Okanagan Landing Road being asked to cost share for the maintenance? NO!! Are you downgrading all the landscaping to just rocks? NO!!

Third, Turtle Mountain is enjoyed by not just residents, but by most of the people in Vernon. We have seen many people enjoying the Grey Canal Trail, walking the streets with their pets, or coming up to enjoy the fireworks. As well, Turtle Mountain is a regular destination for tour groups and for local schools as part of their daily physical activity requirement or for physical education class. As private residents, we should not have to pay any amount above our sizeable taxes to maintain city property that is enjoyed by all who reside in Vernon.

Lastly, our delegation of residents wanted to present information at the June 24th , 2019 City Council meeting and was discouraged from attending. It was at this meeting when this issue was discussed and a decision reached. It seems very unethical that we were discouraged from attending, as well as the fact that this meeting was in camera.

We hope that you are taking our concerns seriously, as we are a very strong group, presenting a large portion of Vernon's tax base. We want to inform you that our next step is seeking legal counsel.

Nancy St. John and Tony Schefer

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Maria Doyle

File ✓
tracked ✓
Will Fatti ✓

From: Will Pearce
Sent: Wednesday, July 17, 2019 3:37 PM
To: Patti Bridal
Cc: Maria Doyle
Subject: Fwd: Turtle Mountain Landscaping Maintenance

FYI and reply.

W

Sent from my iPhone

Begin forwarded message:

From: _____
Date: July 17, 2019 at 4:00:45 PM MDT
To: <creception@vernon.ca>
Cc: <wpearce@vernon.ca>, <pbridal@vernon.ca>, <mayor@vernon.ca>, <kkryszak@vernon.ca>, <sanderson@vernon.ca>, <kgares@vernon.ca>, <dnahal@vernon.ca>, <amund@vernon.ca>, <kfehr@vernon.ca>, <bquiring@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance

I am writing in response to the letter I received from the City of Vernon on June 28, 2019 (RE: TurtleMountain Landscaping Maintenance). I have reviewed the 3 options that are being presented to the Turtle Mountain residents in regard to the Boulevard Maintenance that are under the jurisdiction of the City and owned by the City and deemed as City property. In regards to Option 1; why would the residents even entertain a cost sharing initiative when the City owns this property? When I bought my house on Turtle Mountain, it was never disclosed to me by Wesbild or the City of Vernon on any speculation that we would be subject to Cost sharing or a yearly Strata on Turtle Mountain. Question to the City Council and City Operations: Do any residents cost share for the maintenance on the Boulevards on Middleton mountain, Okanagan Landing or any other Boulevards within their neighbourhoods within the City? I am also surprised by the estimate of \$150K to maintain on an annual basis. Has this estimate been worked to include an accurate scope of work along with an accurate estimate of man hours to execute this job?

I have contacted the Realtor that was working for Wesbild at the time of our property purchase in 2016 to discuss the dealings with this Boulevard and to what the concerns we are now seeing as residents on Turtle Mountain since Wesbild has now passed it on to the City. He has informed me that this has always been a contentious issue with the City. A contract was signed by both the City and Wesbild at the time of the Turtle Mountain development. It was mentioned that City was in agreement and wanted the standard of the landscaping design presented to them at the time. I understand that positions and City representatives have changed since then and the new Council may not be aware of the dealings at the time. It would be beneficial to obtain a copy of the originally signed Contract on the Landscaping maintenance at the time the City approved the

development of Turtle Mountain.

In response to the letter, we are declining to accept any of the options as presented. So basically "NO" to options 1,2 3.

Don and Carey Lynn Slade

Turtle Pond Place

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City Reception

Will/Patti ✓
File ✓

From: Super 8 Vernon
Sent: Monday, July 15, 2019 7:11 PM
To: City Reception
Subject: Turtle mountain Blvd Landscaping voting

Tracked ✓

Owners

Sood, Seema. Sood, Rajesh

Terrapin Lane
Vernon BC V1T9Y2

In response to your letter of June 28, 2019 this is to confirm that we select Option 1. We feel very strongly that the landscaping should remain at the historic enhanced level and are prepared to enter into a cost sharing arrangement with the City of Vernon.

Yours Truly,

Rajesh n Seema Sood

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Maria Doyle

✓ Filed
✓ Tracked

From: Donna Striha <[redacted]>
Sent: Friday, July 19, 2019 10:59 AM
To: Mayor
Cc: Scott Anderson; Kelly Fehr; Dalvir Nahal; Brian Quiring; Kari Gares; Akbal Mund
Subject: Re: Turtle Mountain –June 28, 2019 letter. File number 8300–5

✓ W/P.

Response to your June 28, 2019 letter. File number 8300–5.

As a residence of Turtle Mountain, and new residents to Vernon(2016), we have been both surprised and disappointed by the state of our neighborhood. Clearly, it is now the city’s responsibility to maintain it and we would under no circumstances be willing to pay “extra fees” for this to be done. We already pay taxes.

The city originally had to approve the landscape scheme on Turtle Mountain, knowing they would take over the maintenance from the developer at some point.

We expected better planning, management, and far better communication between the developer and the city. Adding insult to injury, were the bylaw letters sent out a couple of weeks ago regarding noxious weeds and threatening TM residents with fines. Beyond ridiculous is the only narrative that fits.

Respectfully,

Mike and Donna Striha

Painted Turtle Ln.

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~~CA~~
~~DTA~~ Tracked ✓
Filed
Will / Patti ✓

↳ TERRAPIN PLACE
VERNON, B.C. V1T 9W4
JULY 10th - 2019

TO: MR. WILL PEARCE
CAO
CITY OF VERNON

DEAR MR. PEARCE,

I HAVE RECEIVED YOUR LETTER REGARDING OUR TURTLE MOUNTAIN LANDSCAPING MAINTENANCE. IN RESPONSE, I WOULD OPT FOR A PROPOSED COST SHARING PLAN TO MAINTAIN THE LANDSCAPING AT ITS ENHANCED STANDARD. (OPTION ONE.)

THANK YOU FOR YOUR ATTENTION.

YOURS TRULY,

SHARRON L. TETZ

City Reception

Filed ✓
Tracked ✓
Willy Kutt ✓

From: Ronnie Thompson
Sent: Wednesday, July 17, 2019 10:14 PM
To: City Reception
Subject: Turtle Mountain Landscaping Maintenance



Re: File: 8300-05

We are writing to inform the City that we are NOT interested in any of the options regarding the landscaping maintenance of the boulevard presented in your letter to the Turtle Mountain residents. We have lived in our home since November 2009. At no time until your letter were we told we would have to pay for the maintenance of the city owned boulevard from Alexis Park Drive to and including all of the Turtle Mountain development. Please tell me what other neighbourhood in the city of Vernon has to pay for the maintenance of the boulevards? There are a few streets in our city that have been recently upgraded with grass, trees and shrubs, do the home and business owners pay an extra fee to have these maintained and irrigated? Why is Turtle Mountain being singled out?

In closing we want to make it perfectly clear that we do not agree with either of the options presented in this letter and will be seeking legal advice on this matter.

Shirronie Thompson and Nicklaus Fux
Camelhack Way, Vernon V1T9W4

Sent from my iPad

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✓ Filed
✓ Tracked
✓ WIP

City Reception

From: Don Walters
Sent: Friday, July 19, 2019 12:37 PM
To: City Reception
Subject: Turtle Mountain Landscaping

Re: Turtle Mountain Landscaping questionnaire.

Others have written volumes about this subject. We just want to add our opinion and a suggestion.

We are NOT interested in any sort of cost-sharing agreement to maintain the landscaping. It was here when we bought into this subdivision and the look of Turtle Mountain was definitely a factor in our decision to purchase. We expect the City to continue to maintain that look. And preserve our property values.

Perhaps you should issue an RFP to find out what landscape companies would charge and/or what suggestions or cost savings options might be considered to maintain Turtle Mountain's look. Your figures are not believed by anyone we've spoken to.

Don & Monique Walters
Terrapin Pl.



Virus-free. www.avast.com

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Maria Doyle

✓ Filed
✓ Tracked
✓ WIP

From: Webster, Maureen
Sent: Friday, July 19, 2019 12:17 PM
To: Will Pearce; Patti Bridal
Cc: City Reception
Subject: File 8300 05 Turtle Mountain Landscaping
Attachments: City Letter re Landscaping Turtle Mountain.pdf

Attached is our response to your June 28th letter regarding Turtle Mountain Landscaping

Please rescind my previous email response.

Thank-you

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Maureen and Bob Webster
222 Sonora Court
Vernon, BC V1T 9W4

July 19, 2019

Mr. Will Pearce, CAO
City of Vernon
3400 30th Street
Vernon, BC V1T 5E6

Dear Mr. Pearce, CAO

Re: File 8300-05 Letter regarding Turtle Mountain Landscaping Maintenance, June 28th, 2019

We are in support of Option 1 as outlined in your June 28th letter. Although initially supportive of Option 2, information recently brought to our attention has resulted in changing our minds. We now firmly believe the City of Vernon is responsible for fully funding and maintaining the historic existing enhanced landscaping on Turtle Mountain Boulevard. We are not interested in cost sharing this expense.

In the Master Development Agreement (2006) between Wesbild and the City of Vernon, the City requested and approved the enhanced landscaping of Turtle Mountain Boulevard.

“Landscaping: {a} The Owner agrees to submit to the City for approval, prior to approval of Major Lot Subdivision, , a Landscape Plan for the public lands within the right of way of the collector road serving the Lands (Turtle Mountain Drive) that meets the City’s objectives “

Wesbild was only required to maintain the landscaping for two years, but ended up doing so for more than a decade. The City of Vernon has not paid any money to maintain the Boulevard. The City has always been aware that they would be taking over the landscaping maintenance yet there were no plans made or reserves established to fund this work.

Had the irrigation and grass been removed as per the December 29th, 2009 City of Vernon letter to Wesbild, the City would have expended \$750,000 on landscaping over approximately ten years. This was a direct savings to the City as Wesbild paid this amount from proceeds of home sales. Essentially, the residents of Turtle Mountain have paid for the existing landscaping.

When purchasing homes on Turtle Mountain, buyers were under the assumption that there is a Master Development agreement in place. If buyers were aware of issues with funding the existing enhanced landscaping, or that the existing landscape was to be scaled back, they may have chosen not to purchase on Turtle Mountain. If the City of Vernon chooses not to pay for the existing landscaping, they are willfully damaging the value of properties on Turtle Mountain. A five percent decrease in home values potentially translates into a collective loss in excess of 8 million dollars.

At a recent Turtle Mountain home owner’s meeting the group discussed seeking legal advice. We are in favor of forming and supporting a Turtle Mountain residents group for the purpose of obtaining legal representation to present our case to the City of Vernon.

Sincerely,
Maureen and Bob Webster

Maria Doyle

From: Will Pearce
Sent: Wednesday, July 03, 2019 3:26 PM
To: Maria Doyle
Subject: FW: Turtle Mountain Landscaping Maintenance

For file

W

From: Webster, Maureen [mailto:m...]
Sent: Wednesday, July 3, 2019 3:22 PM
To: creceptin@vernon.ca
Cc: Will Pearce <WPearce@vernon.ca>; Patti Bridal <PBridal@vernon.ca>
Subject: Turtle Mountain Landscaping Maintenance

Thank you for the June 28 letter regarding Turtle Mountain Landscaping Maintenance.

We support option 2

Maureen and Bob Webster
Sonora Court

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✓ list
✓ entered into
spreadsheet
✓ file #17

Maria Doyle

✓ Filed
✓ Tracked
✓ WIP

From: Bill Woodley
Sent: Friday, July 19, 2019 8:31 AM
To: Will Pearce
Subject: Turtle Mountain Landscaping Maintenance-Questions

Follow Up Flag: Follow up
Flag Status: Completed

Good morning Mr. Pearce

My questions to the letter: Turtle Mountain Landscaping Maintenance dated June 29/19 are as follows:

1. Re: Option 2: Are there additional costs to the property owners should this option be implemented? The paragraph on page 2 describing the cost sharing proposal is not clear to me if that pertains only Option 1.
2. Is there a draft plan of what Option 2 could look like?
3. What is the status of the landscape lighting? There is no mention of this in the letter.

Thank you for your earliest response.

Sincerely

Bill Woodley
Terrapin Place
vernon BC

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July 19, 2019

I received your letter dated June 28, 2019 regarding Turtle Mountain landscaping maintenance.

My answer is emphatically "NO" I am not interested in cost sharing with the City Of Vernon to maintain the landscaping on Turtle Mountain.

As per the contractual agreement with the city Wesbild was only required to maintain the landscaping for two years. The city of Vernon was the one that held Wesbild to a higher standard with regard to the landscaping and also approved that landscaping and at the same time touted "Turtle Mountain as the Premier neighbourhood of Vernon".

The City of Vernon has admittedly been collecting taxes on Turtle Mountain since 2006 therefore Wesbild was only contractually obligated to maintain the landscaping until 2008. Therefore, the city has not spent any money on the landscaping on Turtle Mountain for the last 11 years. Surely there must have been an allowance within the budget of the City knowing that they would be taking over this cost. Where is this money?

I also find \$150,000 to be a gross exaggeration of the annual cost to maintain the landscaping of Turtle Mountain. I would very interested to see a breakdown of costing. You are asking me to consider cost sharing without any back up or breakdown. You must consider me to be very naive to just accept the cost of \$150,000 with no backup information. I know the City has received a bid to maintain the landscaping for \$30,000 annually. There is a big difference between the two figures.

Also there is a development proposal for 84 unit row housing on Turtle Mountain Boulevard so your tax base on Turtle Mountain is going to be much larger.

Along with the money the City of Vernon has saved for the last 11 years and the prospect of the larger tax base on a Turtle Mountain I believe City Council and the Mayor should be able to do a better job of budgeting.

Once again I am not interested in cost sharing with the City of Vernon for the landscaping maintenance on Turtle Mountain.

Yours truly
Marilyn M Brown

Maria Doyle

From: City Reception
Sent: Thursday, July 04, 2019 9:12 AM
To: Maria Doyle
Subject: FW: cost sharing arrangement

For your records.

Regards,

Reception
City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca

-----Original Message-----

From: edwin zahara
Sent: Thursday, July 04, 2019 9:05 AM
To: City Reception <CRception@vernon.ca>
Subject: cost sharing arrangement

Dear sir/madam: WE ARE NOT INTERESTED IN ANY COST SHARING ARRANGEMENT, AS FOR WHEN WE BOUGHT THIS PROPERTY THERE WAS NO SIGNED AGREEMENT , FOR EXTRA CHARGES .THANKYOU. YOURS TRULEY ED AND COLLEEN
City of Vernon Disclaimer: This transmission (including any attachments) may contain confidential information, privileged material (including material protected by the FOI act or other applicable privileges), or constitute non-public information. Any use of this information by anyone other than the intended recipient is prohibited. If you have received this transmission in error, please immediately reply to the sender and delete this information from your system. Use, dissemination, distribution, or reproduction of this transmission by unintended recipients is not authorized and may be unlawful.

✓ entered into
9/25/2019
✓ filed

Maria Doyle

From: City Reception
Sent: Thursday, July 04, 2019 8:22 AM
To: Maria Doyle
Subject: FW: Turtle Mountain Landscape

For your records

Regards,

Reception

City of Vernon / City Hall
3400 – 30th Street
Vernon, B.C., V1T 5E6
Office: 250.545.1361 | www.vernon.ca



From: Fred Zucker [mailto:
Sent: Wednesday, July 03, 2019 9:14 PM
To: City Reception <CReception@vernon.ca>
Subject: Turtle Mountain Landscape

Good Morning,

Not sure if you require a reply to the Landscape Maintenance issue for Turtle Mtn., but I wish to go on record to "agree with Option 2" from the information letter sent this June 28, 2019.

My name is Manfred Zucker at Terrapin Place.

Thank you for your time,
Fred and Louise Zucker

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list
✓ filed
✓ entered into spreadsheet
221



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO

FILE: 8300-05

PC: Shirley Koenig, Director, Operation Services
Kim Flick, Director, Community Infrastructure and Development

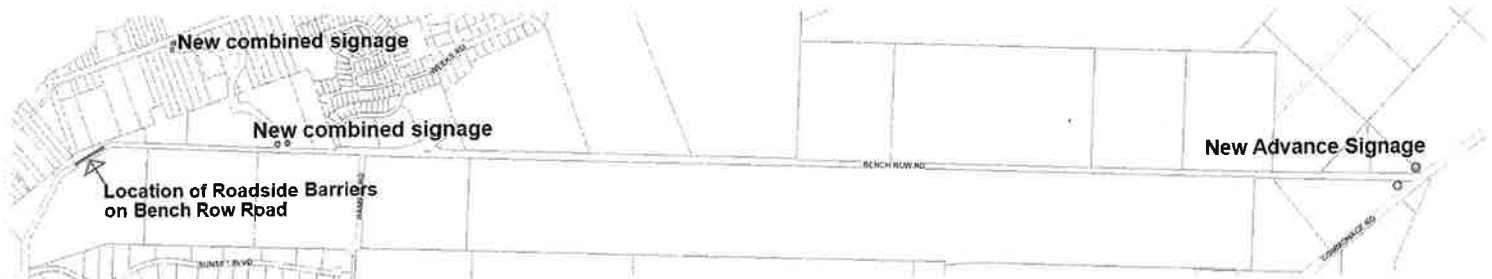
DATE: July 23, 2019

FROM: Chris Ovens, Manager, Roads, Drainage and Airport
Amanda Watson, Manager, Transportation

**SUBJECT: NO HEAVY TRUCKS ON OKANAGAN LANDING BENCH ROAD AND
ROADSIDE BARRIERS ON BENCH ROW ROAD**

Arising from Council Inquires, Administration has investigated the current status of restrictions on Okanagan Landing Bench Road regarding the use of heavy trucks and the condition of roadside barriers located on Bench Row Road.

Administration can confirm that Okanagan Landing Bench Road currently has a prohibition in place to restrict its use by Heavy Trucks (gross vehicle weight exceeding 11,795 kg) with signage at both ends of this road. Okanagan Landing Bench Road is winding, narrow and has a 16% grade as such the existing signs will be replaced with new combined signage that will inform drivers of its nature and the restrictions on use by heavy trucks and trailers to mitigate safety concerns. As contravening these prohibitions are Moving Traffic Contraventions Bylaw Compliance do not have the powers to enforce. Therefore, Administration will inform the RCMP and the Commercial Vehicles Safety and Enforcement (CVSE) when the signs are installed so they may, resources permitting, undertake enforcement. To warn drivers of the prohibitions ahead, signage will be installed at the intersection of Bench Row Road and Commonage Road.



The barriers located on Bench Row Road have been inspected by a Geotechnical Engineer and Administration has received short term recommendations to ensure public safety. Administration will

relocate the current barriers onto the travelled roadway to reduce the potential of bank failure and re-establish the ditch grade to decrease water seepage into the road base. As a result of moving the barriers, width of the travel lanes will be reduced to single lane until a realignment of the road can be constructed. Administration will install the appropriate traffic control signs reducing the road to single lane use until realignment construction can be complete. Administration will present Council with recommendations for the construction realignment for future budget consideration.

RECOMMENDATION:

THAT Council direct Administration to request RCMP and CVSE enforcement of the traffic prohibitions on Okanagan Landing bench Road;

AND FURTHER, that Council direct Administration to relocate the roadside barriers on Bench Road; therefore reducing the travel lane to single vehicle use as indicated in the memorandum titled "No Heavy Trucks on Okanagan Landing Bench Road and Roadside barriers on Bench Row Road", dated July 23, 2019, from the Manager, Roads, Drainage and Airport and the Manager, Transportation.

Respectfully submitted:



Chris Owens
Manger, Roads, Drainage and Airport



Amanda Watson
Manager, Transportation

G:\8300-8799 TRANSPORTATION\8300 ROADS\05 Municipal Roads\Corr - Alphabetically\Bench Row Rd\190723_BarrierRelocation_OKLBenchSignage.doc



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: *Mayor & Council* **FILE:** 0360-27
PC: Patricia Bridal, Deputy CAO **DATE:** July 18, 2019
FROM: Will Pearce, CAO
SUBJECT: SILGA YOUTH AT 2019 UBCM CONVENTION

On May 9, 2019 an email was received from Alison Slater, SILGA Executive Director, to member municipalities (Attachment 1), inviting municipalities to submit nominations for the Youth at UBCM program. The deadline for nomination submissions was noted as June 17, 2019. The purpose of the SILGA Youth at UBCM is to promote youth involvement and interest in local government.

A letter of support dated June 18, 2019 was sent from Mayor Cumming to SILGA nominating Cadence Taron to attend the 2019 UBCM Conference in Vancouver, BC (Attachment 2), as SILGA Youth ambassador from Vernon.

On June 20, 2019 an email dated June 20, 2019 from Alison Slater (Attachment 3) was sent to the City of Vernon, City of Salmon Arm and City of Ashcroft, as follows:

“SILGA received 4 excellent submissions for SILGA Youth at UBCM. At the June 19th board meeting the following motion was passed. Moved/Seconded that: SILGA offer each applicant up to \$2,000 towards their UBCM convention costs. CARRIED”.

Confirmation was received by way of the SILGA Spring Newsletter (June 26, 2019) (Attachment 4) that Cadence Taron was confirmed to attend the 2019 UBCM Convention.

It is the expectation of SILGA that each youth shadow their respective councils by attending presentations, tours and minister meetings. According to SILGA Policy No. 8 (Attachment 5), the local government of the selected youth will mentor them during the week of the convention. The youth will be requested to provide a written report to SILGA outlining their experiences and the impact the week had for them.

According to SILGA Policy No. 8, sponsoring local governments are requested to cover the allocated convention costs, travel, accommodation, meals and out of pocket expenses incurred to attend the UBCM convention, for the selected youth and then submit receipts to SILGA for reimbursement, up to a value not exceeding \$2,000.00.

Transportation and accommodation arrangements have been made for Cadence Taron while she is attending UBCM.

Administration will prepare a schedule for attending members of Council to accompany Cadence to and from her hotel, to sessions during the Convention, and to all Convention meals and appropriate social events.

RECOMMENDATION:

THAT the City of Vernon Council, approve Cadence Taron to attend the 2019 UBCM Convention, representing Vernon, and that the City of Vernon cover her allocated convention costs, travel, accommodation, meals and out of pocket expenses incurred to attend the UBCM convention which the City of Vernon will receive reimbursement from SILGA up to a value of \$2,000.00;

AND FURTHER THAT, Cadence Taron provide a written report to SILGA outlining her experience and the impact the week had for her while at UBCM, with a copy sent to City of Vernon Council.

Respectfully submitted, .



Will Pearce, CAO

Respectfully submitted:

(signature)

Attachment 1

From: [southern interior local government](#)
To: [Carole Fraser](#); [Carolyn Black](#); [Caylee Simmons](#); [Christy Malden](#); [City Of Armstrong](#); [City Of Enderby](#); [City Of Kamloops](#); [City Of Kelowna](#); [City Of Merritt](#); [City Of Penticton](#); [City Of Revelstoke](#); [City Of Salmon Arm](#); [City Reception](#); [CSRD](#); [District Of Barriere](#); [District Of Clearwater](#); [District Of Coldstream](#); [District Of Lake Country ...](#); [District Of Lillooet](#); [District Of Logan Lake](#); [District Of Peachland](#); [District Of Sicamous](#); [District Of Summerland](#); [District Of West Kelowna](#); [Jan Johnston](#); [kelly bennett](#); [Maria Doyle](#); [mary jane drouin](#); [Melinda Stickney](#); [Melisa Miles](#); [monica schittek](#); [polly palmer](#); [RDCO](#); [RDNO](#); [RDOS](#); [Rebecca Narinesingh](#); [SLRD](#); [Sun Peaks Resort Municipality](#); [Tasha Buchanan](#); [TNRD](#); [Tom Kadia](#); [Town Of Oliver](#); [Town Of Osoyoos](#); [Town Of Princeton](#); [Township Of Spallumcheen](#); [Tracey Batten](#); [Trevor Seibel](#); [Village Of Ashcroft](#); [Village Of Cache Creek](#); [Village Of Chase](#); [Village Of Clinton](#); [Village Of Keremeos](#); [Village Of Lumby](#); [Village Of Lytton](#)
Subject: SILGA Youth at UBCM
Date: Thursday, May 09, 2019 12:19:44 PM
Attachments: [Policy No. 8 Youth at UBCM November 2017.doc](#)

Good afternoon,

SILGA would like to extend the invitation to submit nominations for the Youth at UBCM program.

I have attached the SILGA policy which has all the details on the program. Nomination deadline is June 17th.

For more information please contact Shelley Sim at 250 674 1968 or the SILGA office at 250 851 6653.

Thanks, Alison

--
Alison Slater
SILGA Executive Director
PO Box 27017 Cityview PO
Kamloops, BC V2E 0B2
250-851-6653
www.silga.ca

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THE CORPORATION OF THE CITY OF VERNON

3400 - 30TH STREET VERNON, BRITISH COLUMBIA V1T 5E6
TELEPHONE (250) 545-1361 FAX (250) 545-4048

OFFICE OF THE MAYOR

File: 0360-25

June 18, 2019

via email: yoursilga@gmail.com

Southern Interior Local Government Association
PO Box 2701y Cityview PO
Kamloops, BC V2E 0B2

To Whom It May Concern

RE: YOUTH AT 2019 UBCM

It is my pleasure to support the City of Vernon's nomination of **Cadence Taron** to attend the 2019 UBCM Conference in Vancouver, BC.

Cadence is an active, bright and motivated Grade 11 student. She is hardworking and well-liked by students and teachers.

She will be an excellent representative for the City of Vernon. Thank you for your consideration of her nomination.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor I. Cumming".

Victor I. Cumming
Mayor

copy: Al Gee, School District #22

Maria Doyle

From: Alan Gee <AGee@sd22.bc.ca>
Sent: Tuesday, June 18, 2019 5:50 PM
To: yoursilga@gmail.com
Cc: Maria Doyle
Subject: Youth at UBCM
Attachments: silgasupportletter.pdf

To whom it may concern,

My name is Cadence Taron, and I'm interested in participating in the UBCM with Vernon's City Council, because I want to contribute towards bettering the planet and I want a healthy clean environment for generations to come and for my children to be born in and grow up in. I believe that if I can learn about how our city makes decisions, I can get involved and make a difference.

My interests are

- helping others
- Making a clean and healthy city and or planet
- I love volunteering whenever I have the chance

My accomplishments are

- For 10 years I've been donating backpacks to children less fortunate
- I have donated to the SPCA whenever possible
- I have volunteered cleaning the IPE
- I have reached Trooper in Royal Canadian Army Cadets
- I completed the Queen Silver Star Program and was awarded a scholarship
- I have recertified my first aid ticket.

Thank-you for considering me for this opportunity,

Sincerely,

Cadence Taron

Clarence Fulton Secondary

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Maria Doyle

From: southern interior local government <yoursilga@gmail.com>
Sent: Thursday, June 20, 2019 1:29 PM
To: Caylee Simmons; Graham Gomme; daniela@ashcroftbc.ca; Mayor; Maria Doyle; Alan Gee
Cc: Lori Mindnich
Subject: SILGA Youth at UBCM

Dear Vernon, Salmon Arm and Ashcroft councils,

SILGA received 4 excellent submissions for SILGA Youth at UBCM. At the June 19th board meeting the following motion was passed.

Moved/Seconded that:

SILGA offer each applicant up to \$2,000 towards their UBCM convention costs.

CARRIED

SILGA acknowledges that it may cost more than \$2,000 to attend the convention with the high hotel costs in downtown Vancouver. With that in mind, there are 3 females attending the convention - perhaps two can share a hotel room? SILGA will leave it up to the councils to decide if they would like to go that route. Please see the above emails for all other council contacts for coordination. SILGA will continue to require receipts for the \$2,000 allowance.

SILGA will also approach your respective MLA offices to see if there is any additional funding available.

While at UBCM, the youth will shadow their respective councils. However, SILGA will be requesting a meeting with the Premier to introduce this initiative to him and, if approved, SILGA would obviously like the students to attend this meeting and any other meetings SILGA also is granted. When registering the youth for the convention, please make sure they register for the SILGA luncheon. At the luncheon, SILGA asks that they help out with the registration - which is an excellent way to get introduced to the rest of the SILGA delegation.

I think that's it. If you have any questions, please do not hesitate to contact the SILGA office.

Thanks, Alison

--
Alison Slater
SILGA Executive Director
PO Box 27017 Cityview PO
Kamloops, BC V2E 0B2
250-851-6653
www.silga.ca

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UBCM NEWS

SILGA Youth at UBCM

SILGA is excited to announce the following students will be attending the UBCM convention in September. After receiving four excellent submissions, the board approved these individuals and their nominating councils:

- Emma Brennan, Salmon Arm
- Vivian McLean, Ashcroft
- Zachary Najsh, Salmon Arm
- Cadence Taron, Vernon

These students will be shadowing their councils by attending presentations, tours and minister meetings. Please keep an eye out for them during the SILGA luncheon!

SILGA Minister Meetings

SILGA will be requesting the following meetings with Ministers at UBCM:

- a) Agriculture – to discuss secondary suites/seasonal worker housing on farmland, along with the impact of Bills 15 and 52 in the SILGA region.
- b) FLNRO – to discuss caribou recovery and back country access, economic recovery for those communities affected by mill closures and milfoil prevention and control.
- c) Health – to discuss physician recruitment along with new health care models.
- d) Social Development and Poverty Reduction – to discuss Homelessness and library funding and outreach.
- e) Premier – to introduce the SILGA students and discuss any provincial plastic bag ban policies.



Vernon BC

LGLA Leadership and Electoral Area Forums

*First week of
February*

Richmond BC

Southern Interior Local Government Association

PO Box 27017 Cityview PO
Kamloops BC
V2E 0B2
250-851-6653
www.silga.ca

RE: YOUTH AT UBCM POLICY (updated May 9, 2019)

POLICY STATEMENT:

It will be the policy of SILGA to reimburse up to 2 youth each year for the cost of travel, accommodation, meals and out of pocket expenses incurred to attend the UBCM convention.

POLICY BACKGROUND:

To promote youth involvement and interest in local government, SILGA will annually sponsor up to 2 youth to attend the UBCM convention. A call for nominations will be sent by SILGA after each annual convention to all SILGA members with the youth representatives chosen at the SILGA executive meeting on June 19, 2019. Deadline for nominations for 2019 is June 17th.

A SILGA member local government must first nominate a youth from their community. A brief statement written by the youth explaining why they want to attend along with a summary of their interests and accomplishments should accompany the nomination.

The local government of the selected youth will mentor them during the week of the convention. The youth will be requested to provide a written report to SILGA outlining their experiences and the impact the week had for them.

Definition of "Youth"

- School age secondary students registered in a public school, an independent school, Distributed Learning program or as a home-schooled learner
- up to the age of 19 on or after July 1 of the current school year

SILGA will spend up to \$5,000/year for the cost of this program. Receipts will be required. Sponsoring local governments are requested to cover the allocated conventions costs for the selected youth and then submit receipts to SILGA for reimbursement.

POLICY DETAILS:

1. Transportation:
 - To pay compensation for air travel at the lowest available air fare; or
 - To pay compensation for the use of private vehicles at the rate equivalent to that paid by the Province of British Columbia¹, to a maximum of the lowest economy air fare.
 - Only the driver is entitled to reimbursement for car mileage; the driver must submit the names of the passengers with the expense account.
 2. Accommodation (due to weather conditions/distance travelled/
other circumstances):
 - To pay compensation for hotel rooms at cost and with a receipt required;
or
 - allowance of \$30.00 per night may be claimed (no receipts required).
 3. Other Expenses:
-

- For all meetings and other authorized travel where required meals are not provided at the event, compensation for meals will be as follows:

Breakfast	\$15 including tips and tax
Lunch	\$25 including tips and tax
Dinner	\$35 including tips and tax

On the date of departure, travel must start before 7:00 am to claim breakfast; before 12:00 noon to claim lunch; and, on the date of return, travel must end after 6:00 pm to claim dinner.

- All other expenses occurred for hospitality expenses and other non-specified expenses shall be reimbursed at cost when receipts are provided, subject to Executive approval.



July 23, 2019

City of Vernon
3400 – 30th Street
Vernon, BC
V1T 5E6

Attention: Patti Bridal, Corporate Services

Dear Ms. Bridal,

RE: Rezoning Application for 7497 & 7501 Brooks Lane
MQN Project #17154 - Brooks Lane Condos
Your file: ZON000307

We respectfully withdraw the application from reconsideration per the above-noted file. We intend to submit a revised package for rezoning, with a substantially different proposal. If you have any questions, please do not hesitate to contact me at the numbers listed below or via email, jennifer@mqn.ca.

Sincerely,

Jennifer Fossum

/jf

Brian F. Quiring
Architect AIBC, MAA, M.Arch

Vicki A. Topping
Architect AIBC, M.Arch. LEED AP+

Roger B. Green
Architect AIBC, MRAIC, M.Arch

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THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Carie Liefke, Planning Assistant
Hazel Christy, Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 17, 2019
FILE: OCP00045 / ZON00174

SUBJECT: **REQUEST TO TERMINATE DEVELOPMENT SERVICES AGREEMENT AND REFUND SECURITIES (AMEND CONDITIONS OF ZONING APPROVAL)**
(3902, 3904, 3908 – 30TH AVENUE and 3901 – 29TH AVENUE)

PURPOSE:

To review the request from Mayfield Homes Ltd. to terminate the current Development Services Agreement and refund the associated securities for property located at 3902, 3904, 3908 – 30th Avenue and 3901-29th Avenue (Lot 1 DL71 ODYD Plan EPP20058).

RECOMMENDATION:

THAT Council support the request from Mayfield Homes Ltd. to terminate the Development Agreement and return securities associated with the approval of OCP Amendment Bylaw #5329, Rezoning Bylaw #5330 and Zoning Bylaw Text Amendment Bylaw #5332 (OCP00045/ZON00174);

AND FURTHER, that a Section 219 restrictive covenant be required to be registered on title to restrict access onto 30th Avenue.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council NOT support the request from Mayfield Homes Ltd. to terminate the Development Agreement and return securities associated with the approval of OCP Amendment Bylaw #5329, Rezoning Bylaw #5330 and Zoning Bylaw Text Amendment Bylaw #5332 (OCP00045/ZON00174).

Note: Denial of the request to terminate the current Development Agreement would constrain and complicate the owner's desire to amend the design of the proposal and could delay the redevelopment of the property.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The subject property (Attachment 1) was rezoned on June 22, 2015 from RM2 – Multiple Housing Residential to RH2 – Stacked Row Housing in order to construct a 37 unit apartment building on the lands.

2. Conditions of the zoning approval included the following:

- a. Condition: that the owner enter into a development agreement for off-site civil works
Outcome: A development agreement was entered into on March 15, 2015 and the owner provided a Letter of Credit (\$177,676.25) to secure the construction of the required works.
- b. Condition: that the owner enter into a residential displacement and compensation agreement or alternatively a no-build covenant until such an agreement has been executed.
Outcome: A no-build covenant (CA4310164) was registered on title on March 31, 2015 to prevent redevelopment of the site until a residential displacement and compensation agreement has been entered into in a form satisfactory to the City.
- c. Condition: that the closed road and sale bylaw be adopted for that portion of surplus City road right-of-way between Lot 38 Plan 3761 and Lot 4 Plan 3277
Outcome: Road Closure Bylaw #5340 was adopted on May 14, 2012 and road closure plan EPP18892 was registered August 7, 2013
- d. Condition: that 3.0m x 3.0m corner cut-offs be dedicated at 39th Street and 30th Avenue and at 39th Street and 29th Avenue;
Outcome: The lands were consolidated and the required corner cut-offs were dedicated to the City as road on August 7, 2013

3. Since this rezoning was approved, a Development Variance Permit (DVP00346) was granted to allow the off-site servicing to be completed in accordance with the Integrated Transportation Framework.

The Subdivision and Development Servicing Bylaw (SDSB) #3843 has been substantially amended to include provisions within the Integrated Transportation Framework, therefore the scope of off-site works for this development would be re-evaluated upon Development Permit and Building Permit application.

Changes to the offsite works include:

- 30th Avenue adjacent to the property is identified in the Master Transportation Plan (MTP) as an arterial road, therefore access off 30th Avenue is no longer supported as there are alternate roads that the site may access off; it is recommended that a covenant be registered on title to prevent any future development from having access to 30th Avenue;
- 30th Avenue was rebuilt by the City in 2008 with a 13m wide paved surface, therefore, as per the amended SDSB#3843 Schedule A, road widening is no longer required;
- A sidewalk width of 2m is required in 30th Street and a Works Contribution for 0.5m sidewalk widening will be required as a condition of Building Permit approval;
- In the MTP a sidewalk is identified as proposed on the north side of 29th Avenue and on the west side of 39th Street adjacent to the site. Construction of these works adjacent to the site, therefore, has not changed and this work can be completed as part of the Building Permit application requirement rather than rezoning; and
- There is a paved surface width of 8.5m and asphalt curbs along 29th Avenue and 39th Street adjacent to the site. Road widening and installation of concrete curb and gutter in those roads is no longer a requirement in SDSB #3843.

As noted in the August 11, 2011 Engineering Servicing Report for ZON00174, all offsite works and servicing would be required at the Building Permit stage. Works required at that time would include:

- removal of accesses off 30th Avenue and reconstruction of the curb, gutter and sidewalk at those locations;
- sidewalk construction in 29th Avenue and 39th Street;
- street lighting in all roads adjacent to the site;
- site servicing; and
- upgrade or provision of funds to upgrade the RDNO water mains in 29th Avenue and 39th Street adjacent to the site to conform to RDNO Bylaw #2650 minimum pipe size standards.

4. A revised Development Permit application has not yet been submitted, however the developer has entered into discussions with staff and is proposing significant changes to the design of this project. The redesign of the project would require consideration and approval through the Development Permit process.
5. The *Local Government Act* provides the opportunity for the City to require upgrades to off-site civil works as a condition of building permit approval and therefore requiring the works to be secured as part of a rezoning application is not necessary. These upgrades would need to meet the current SDSB #3843. A new Development Agreement would be entered into prior to the issuance of a Building Permit. As such the developer's representative has requested that the development agreement be terminated and any funds returned to this developer (Attachment 2). The developer's representative notes that a restrictive covenant can be entered into if necessary; a restrictive covenant regarding off-site works is not required as SDSB #3843 requires offsite upgrades to be conducted as a condition of Building Permit approval.
6. It is recommended that the existing Development Agreement be terminated and the associated securities be returned in order to allow the City and developer to enter into a new Development Agreement at the time of Building Permit consideration; this would ensure that securities for the works would reflect current engineering design drawings and estimates.

C. Attachments:

Attachment 1 – Location Map

Attachment 2 – Letter dated June 10, 2019 from Stoni Consolidated Holdings on behalf of Mayfield Homes Ltd.

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

The original rezoning application was considered and approved pursuant to the relevant objectives in Council's Strategic Plan 2015 – 2018, which included:

- Cut red tape by ensuring we have a competitive development review process
- Support sustainable neighbourhoods by implementing neighbourhood plans and the OCP
- Work with community partners and the Affordable Housing Advisory Committee to create more affordable housing

The subject application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Streamline the residential development approval process
- Streamline red tape to facilitate more development

E. Relevant Policy/Bylaws/Resolutions:

Resolution Summary:

1. At its Regular Meeting of September 12, 2011 Council supported applications to a) amend the Official Community Plan for the subject lands *from Residential Small Lot – Single and Two Family Dwelling (RSL) to Residential – Medium Density (RMD)* and b) amend the Zoning Bylaw for the subject lands *from RM2 – Multiple Housing Residential to RH2 – Stacked Row Housing provided that*
 - a. The owner enter into a development agreement for off-site civil works;
 - b. That 3.0m x 3.0m corner cut-offs be dedicated at 39th Street and 30th Avenue and at 39th Street and 29th Avenue; and
 - c. That the closed road and sale bylaw be adopted for that portion of surplus City road right-of-way between Lot 38 Plan 3761 and Lot 4 Plan 3277.

2. At its Regular Meeting of September 12, 2011 Council granted First and Second Reading to Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment).
3. At its Regular Meeting of October 24, 2011 Council granted Third Reading to Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment)
4. At its Regular Meeting of November 13, 2012 Council granted a 12 month extension to the processing expiry date to October 24, 2013 for Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment).
5. At its Regular Meeting of October 28, 2013 Council granted a 12 month extension to the processing expiry date to October 24, 2014 for Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment).
6. At its Regular Meeting of December 8, 2014 Council granted a 5 month extension to the processing expiry date to March 31, 2015 for Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment).
7. At its Regular Meeting of January 12, 2015 Council rescinded Third Reading to Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment). At the same meeting, Council granted Third Reading to Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment);
8. At its Regular Meeting of May 25, 2015 Council granted a 6 month extension to September 30, 2015 for the processing timeline for Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment) subject to the following conditions:
 - a. That prior to the adoption of Rezoning Bylaw #5330, the resident displacement and compensation agreement is to be executed in accordance with Council policy titled "Rezoning Bylaw Consideration – Developer's Compensation for Displaced Low Income Rental Housing Tenants". Alternatively, a 'no-build' covenant is to be registered on the title of the property. The covenant would be discharged once the resident displacement and compensation agreement has been executed; and
 - b. The owner enter into a development agreement for off-site civil works;
9. At its Regular Meeting of June 22, 2015 Council adopted Bylaw 5329, 2011 (OCP Amendment) and Bylaw 5330, 2011 (Zoning Amendment) as all conditions of approval had been met.
10. At its Regular Meeting of March 29, 2016 Council granted a Development Variance application for offsite road works to:
 - a. vary Schedule A (Level of Service) of Subdivision and Development Servicing Bylaw #3843 and not require road improvements in 30th Avenue to a Minor Arterial Road standard to centre line and road improvements in 39th Street and 29th Avenue to a Local Road standard to centre line adjacent to the subject property
 - b. support the road upgrades required in 30th Avenue to that identified in the Integrated Transportation Framework, Section 1-1b, Arterial Urban, thus allowing the existing paved surface and curb and gutter to remain as is, but requiring the sidewalk width to be increased to 2m adjacent to the subject property
 - c. support road upgrades required in 39th Street and 29th Avenue to that identified in the Integrated Transportation Framework, Section 3-1, Local Urban, thus requiring road widening by approximately 0.2m concrete curb, gutter and a new 1.5m sidewalk adjacent to the subject property, except sidewalk shall be required on both sides of 29th Avenue.

BUDGET/RESOURCE IMPLICATIONS:

Not applicable as the Local Government Act provides the City with the opportunity to enter into another Development Agreement, pursuant to the current Subdivision and Development Services Bylaw #3843 as amended, and receive the appropriate securities based on up to date designs and cost estimates.

Prepared by: _____ Approved for submission to Council: _____

Jul 24 2019 10:22 AM

X  ✓

Carie Liefke


DocuSign

Will Pearce, CAO

Date: 24. July. 2019

Carie Liefke
Planning Assistant

Jul 24 2019 10:53 AM

X  ✓

Kim Flick

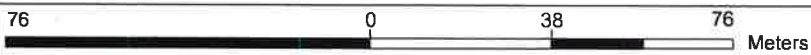
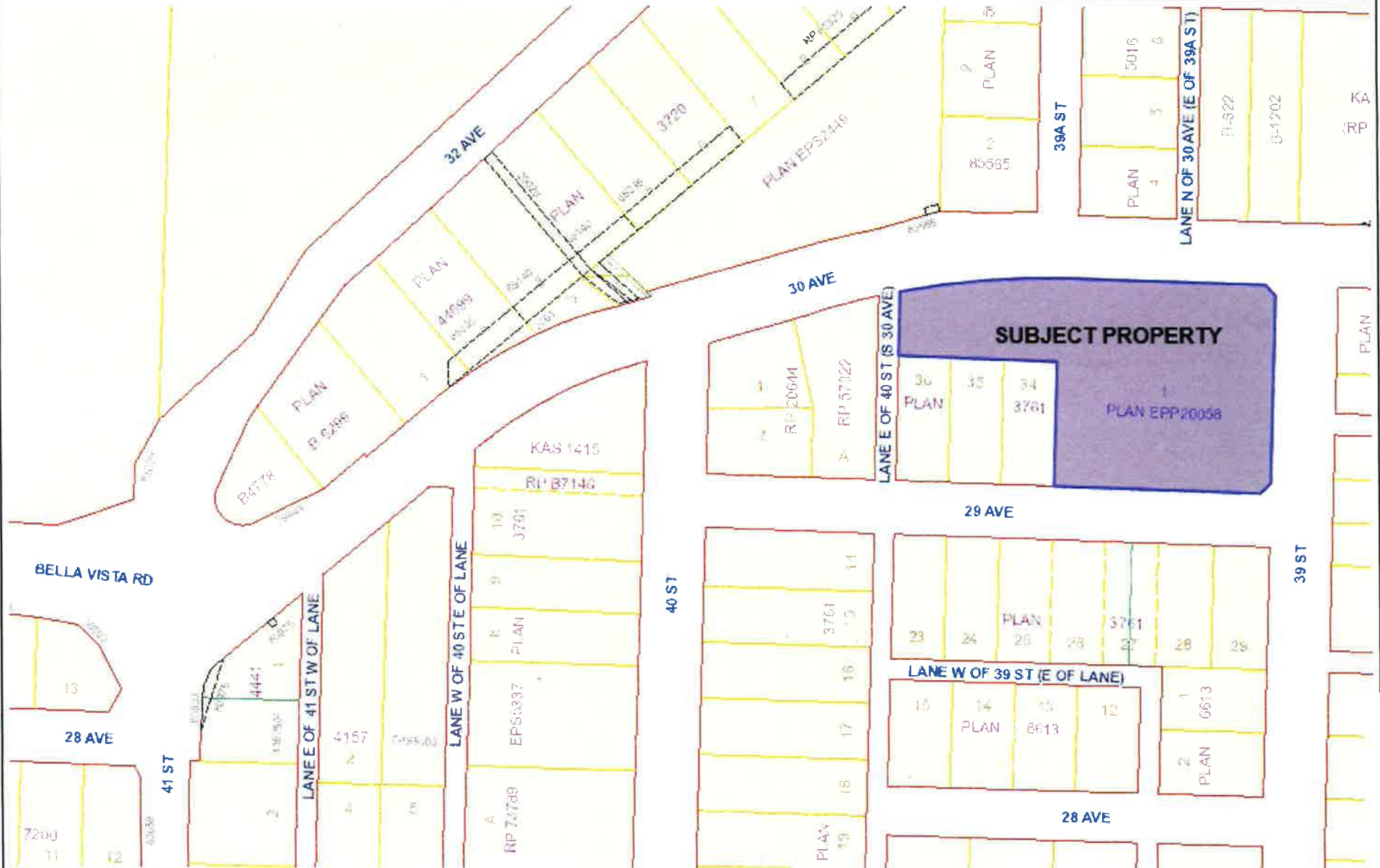
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Kim Flick
Director, Community Infrastructure and Development

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 type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |

Vernon Essentials Site



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.



June 10, 2019

City of Vernon
Community Infrastructure and Development Services
Community Services Building
3001 – 32 Avenue,
Vernon, B.C., V1T 2L8
ATTN: Caire Liefke

RE: LOT 1 EPP20058 – REDEVELOPMENT OF 3902 30 AVE

Good morning Caire,


Per our meeting on Friday June 7th, 2019 and pursuant to your email of February 23rd, 2019. Mayfield Homes and their representative Stoni Consolidate Holdings is formally requesting that City of Vernon administration put together and present a Staff Report to Council.

This Staff Report would indicate to City Council that the owner wishes to terminate the current Development Agreement due to a significate changes to the design and the redevelopment of this project. The Owner remains committed to all works as indicated in the Rezoning Approval and will provide a 219 Covenant restricting any construction until either bonding is in place or the works are complete to the City's satisfaction. *(We will require appropriate wording for that covenant from the City to register on the lands.)*

As discussed in our meeting, this Staff Report will be presented to Council for July 8th, 2019 or at the latest outside date of July 22nd.

Please let us know should you require any further information to proceed with this urgent request.

Regards,


Jonathon Campbell
Owners Representative
Stoni Consolidated Holdings

Monday, June 10, 2019



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: L. Cordell, Manager Long Range
Planning and Sustainability and
R. Strobel, Manger Fleet Services

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 18, 2019
FILE: 5280-03

SUBJECT: CLIMATE ACTION REVOLVING FUND APPLICATION – VEHICLE REPLACEMENT

PURPOSE:

This report presents a request for Council's consideration for top-up funding for the procurement of an electric car to replace a gasoline light duty pickup truck in the City's fleet.

RECOMMENDATION:

THAT Council designate up to \$15,000 from the Climate Action Revolving Fund towards the purchase of an electric car as outlined in the report titled "Climate Action Revolving Fund Application – Vehicle Replacement" and dated July 18, 2019 from the Manager, Long Range Planning and Sustainability and the Manager, Fleet Services.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the report for information titled "Climate Action Revolving Fund Application – Vehicle Replacement" and dated July 18, 2019 from the Manager, Long Range Planning and Sustainability and the Manager, Fleet Services.

Note: This will mean the current light duty gasoline truck will be replaced with a gasoline car.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The City of Vernon is committed to reducing greenhouse gas emissions. To this end, at its Regular Meeting of September 4, 2018, Council adopted the Climate Action Revolving Fund Policy (Attachment 1) and approved the first two projects to receive funding (the electric bike fleet and the pilot organics diversion bins). Administration continues to identify opportunities to reduce corporate emissions, which has led to this application to cover the additional cost for an electric vehicle.
2. A large portion of the City's greenhouse gas emissions are from vehicle use, second only to recreation infrastructure. In order to meet the City's current and anticipated targets for emissions, the City is working to reduce fleet emissions. The fleet manager is in the process of replacing a light duty gasoline pickup truck and has identified that this would be a suitable candidate to replace with an electric car.
3. The cost of an electric car is approximately \$15,000 higher than a gasoline powered car. As detailed in the application (Attachment 2), the average gasoline car releases 4,000 kg of emissions annually, where an electric vehicle is expected to release 40 kg annually. The cost to drive and maintain the vehicle ~~and~~ 241

also significantly less with an electric vehicle, with fuel savings anticipated in the range of \$1,600 annually. The request from the Climate Action Revolving Fund is for the difference between a gasoline replacement and an electric replacement. The fund will be paid back 50% of the monetary savings annually with full payback anticipated by 2035.

C. Attachments:

Attachment 1: Climate Action Revolving Fund Policy

Attachment 2: Climate Action Revolving Fund – Project Proposal Questionnaire

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

The subject Climate Action Revolving Fund request involves the following goals/action items in Council’s Strategic Plan 2019 – 2022:

- Work towards a sustainable Vernon – environmentally, economically and socially
- Encourage sustainable infrastructure, agriculture and landscaping

E. Relevant Policy/Bylaws/Resolutions:

1. Climate Action Revolving Fund Policy – Adopted in September 2018, the policy provides guidance on the use of the City’s carbon tax reserve funds to provide direct benefits to Vernon through greenhouse gas (GHG) emissions reduction, taxpayer cost savings and reinvestment in the reserve fund for further emissions reduction through a revolving fund structure.
2. Vernon became a signatory of the British Columbia Climate Action Charter in 2008, through which the City committed to:
 - lowering greenhouse gas emissions;
 - taking actions that demonstrate leadership on sustainable development;
 - achieving carbon neutrality in corporate emissions; and
 - reporting annually on the City’s progress towards these goals.
3. Vernon’s Official Community Plan (OCP) outlines sustainability goals to “foster integrated decision making on all issues to ensure that environmental protection, economic development and social equity are addressed, for current and future residents alike.” Specific supporting policies include:
 - Encourage the integration of policy initiatives and capital projects across City departments and community organizations to promote the inclusion of all interest, issues and impacts;
 - Include discussion of sustainable decision making in Council and Committees of Council to encourage consideration of social, economic and environmental factors in all discussions and resolutions; and
 - Encourage and facilitate the introduction of low cost, achievable sustainability actions in all City, community and development projects to provide opportunities for the whole community to contribute to Vernon’s resilient future.

The OCP also outlines a number of goals and supporting policies for energy conservation including:

- Encourage and promote innovation in energy use and demand management in City facilities and new development;
- Achieve carbon neutrality in City facilities and operations;
- Facilitate and promote energy conservation and carbon neutrality throughout the community;
- Encourage innovation in building design and raise awareness of green building options, materials, sourcing, energy alternatives and consideration of the needs of future property owners for energy efficient options balanced with the cost of construction;
- Promote energy conservation and community awareness of energy use and its alternatives;²⁴²

- Publicize City initiatives to reduce energy consumption to raise awareness of energy efficiency in the community;
- Undertake a City Corporate Energy Audit and implement measures to decrease City energy demand and unnecessary use. Develop a strategy to achieve carbon neutrality; and
- Support the continued greening of the BC Building Code by promoting energy efficiency in future review processes.

4. The City's Corporate Purchasing Policy provides guidance on "Environmental Considerations and Sustainable Purchasing" to support locally made and environmentally responsible goods or services. This includes taking environmental and social factors into account in purchasing decisions in an effort to reduce the environmental impact of the purchases made.

BUDGET/RESOURCE IMPLICATIONS:

Approval of this application would involve the dedication of \$15,000 from the Climate Action Revolving Fund. The fund would be reimbursed through reinvestment of the monetary savings by 2035. The current balance in the fund is \$1,002,425.

Prepared by:

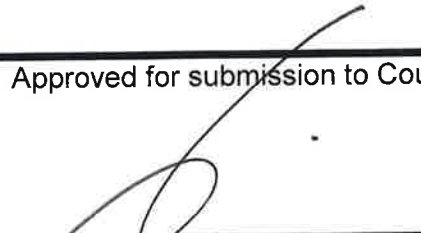
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X  ✓

Kim Flick

DocuSign

Approved for submission to Council:


Will Pearce, CAO

Date: 24. JULY. 2019

Laurie Cordell
Manager, Long Range Planning and Development

Jul 24 2019 10:22 AM

X  ✓

Kim Flick

DocuSign

Kim Flick
Division Director

REVIEWED WITH

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| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
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| <input type="checkbox"/> OTHER: | | |



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

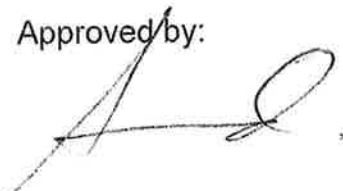
Corporate Policy Manual

Section:		
Sub-Section:		
Title:	Climate Action Revolving Fund Policy	

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVED BY:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by:  Mayor: "Akbal Mund" Date: September 4, 2018	Amendment Approved by: Mayor: Date:	

POLICY

Recognizing the City of Vernon's desire to reduce greenhouse gas emissions and provide guidance on funds designated for climate action, the Climate Action Revolving Fund Policy guides the use of the City's carbon tax reserve fund. The City's carbon tax reserve fund, hence forward to be acknowledged as the Climate Action Revolving Fund, will provide direct benefits to Vernon through greenhouse gas emissions reduction, tax payer cost savings and reinvestment for future emissions reduction through a revolving fund structure.

DEFINITIONS

Greenhouse gas emissions (GHGe), are emissions of gases to the atmosphere that could absorb infrared radiation, thereby trapping and holding heat in the atmosphere, characterized and defined by the *British Columbia Best Practices Methodology for Quantifying Greenhouse Gas Emissions* (as amended from time to time).

Climate Action Revolving Fund, the "**fund**", shall comprise of moneys set aside through the carbon tax reserve fund (a combination of Climate Action Revenue Incentive Program grants received and corporate contributions for climate action to date), revolving portions of monetary savings generated by future energy saving corporate projects, applicable future grants and contributions towards climate action, and deposit interests earned on its year-end balance.

GUIDELINES

1. The **fund** will finance projects that can clearly demonstrate measurable corporate or community GHG emissions reduction.
2. Priority to **fund** access will be provided to projects with the greatest GHG emissions reductions and projects that would otherwise not be funded without financial support through the **fund**.
3. Corporate projects should provide a positive return on investment based on sound business case proposals. The **fund** will be used to top up the additional budget required to provide additional GHG emissions efficiency opportunities. For example, when a facility has already designated funds for lifecycle replacement of industry standard equipment, the fund may be accessed to offset the additional costs associated with upgrading the equipment to higher efficiency or renewable fuel switching standards that would otherwise not be funded without additional financial support. Where no existing funding exists, the **fund** can be accessed to provide the necessary budget required for the proposed GHG emissions efficiency opportunities.

4. A portion of the monetary savings generated by corporate projects would be returned to the City's operating budget (50%), directly providing cost savings to current taxpayers. The other portion of savings (50%) would be reinvested into the **fund** towards future qualifying projects, until such time the original amount drawn from the **fund** for said project is paid for. This creates a revolving **fund** that provides the community with long term climate action opportunities and direct cost savings to current and future taxpayers (Figure 1).

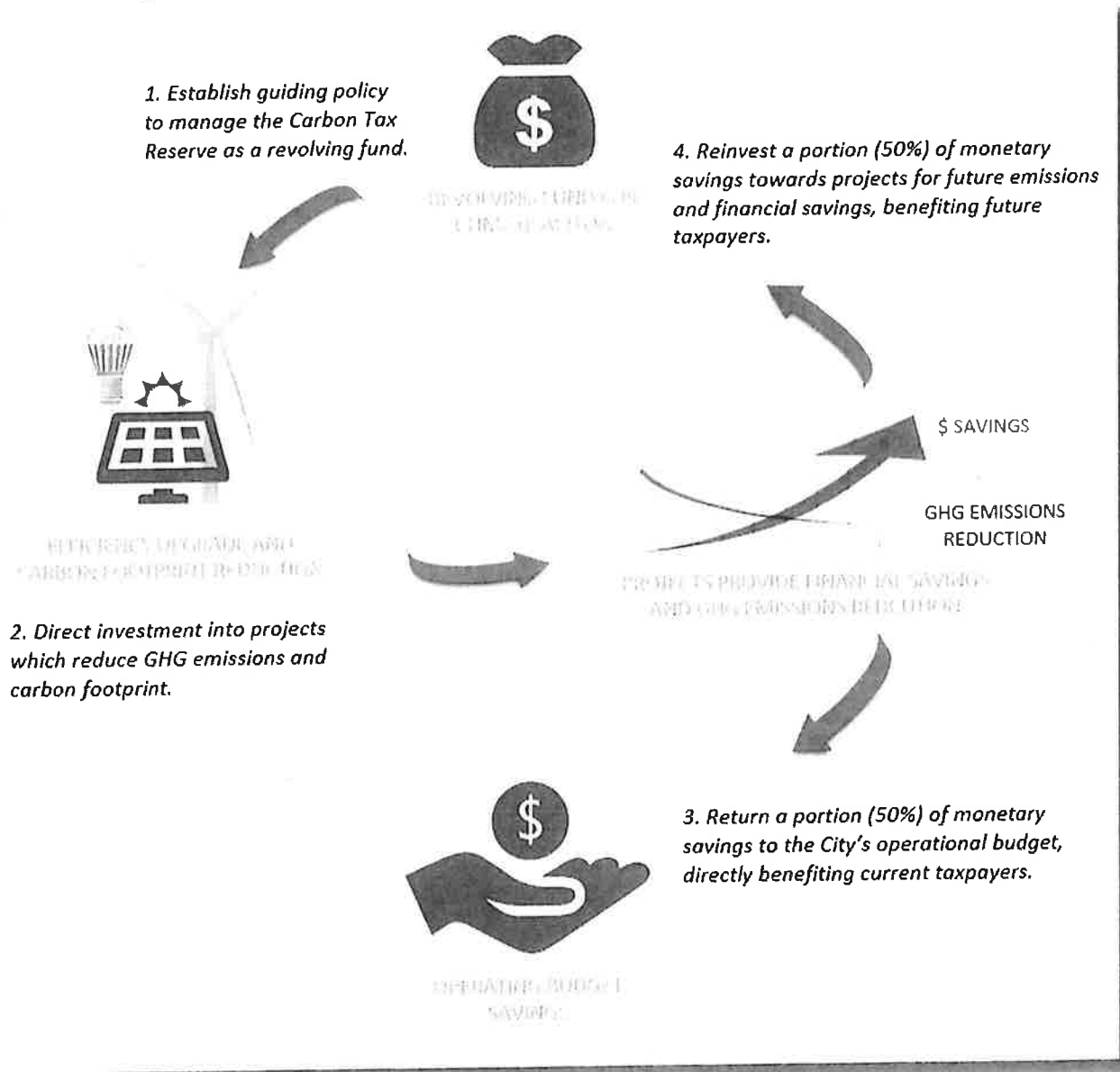


Figure 1. Climate Action Revolving Fund Framework.

5. Proposed projects are evaluated by Council based on the Climate Action Revolving Fund Policy and, where applicable, reviewed by a designated task force/working group/committee of Council. A Climate Action Revolving Fund Project Proposal Questionnaire will be used to assist project proposal evaluations.



The Climate Action Revolving Fund and Policy will provide direct benefits to Vernon through greenhouse gas emissions reduction, tax payer cost savings, and reinvestment for future remissions reduction through a revolving fund structure. Please reference the Climate Action Revolving Fund Policy for guidelines associated with the fund.

* 1. Please provide your contact information:

Name

Richard Strobel

Department

Fleet Services

Division

Operations

Email Address

rstrobel@vernon.ca

Phone Number

250-550-3605

* 2. Please select the scope of your project

Corporate¹ ▾

Corporate Project

Community Project

Corporate Climate Action Projects

Applications are evaluated on how the proposed projects support or improve the City's climate action and greenhouse gas (GHG) emissions reduction goals. Priority to fund access will be provided to projects with the greatest GHG emissions reductions and projects that would otherwise not be funded without financial support through the fund.

Corporate projects should provide positive return of investment based on a sound business case for the proposal. The fund would be used to top up the additional budget required to reach additional GHG emissions efficiency opportunities. For example, when a facility has already designated funds for the lifecycle replacement of industry standard light fixtures, the fund may be accessed to offset the additional costs associated with upgrading the fixtures to higher efficiency standards that would otherwise not be funded without additional financial support.

* 3. Briefly described your proposed project and how it would provide GHG emissions reduction within the City's corporate operations.

The procurement of a fully electric Hyundai Kona passenger car to replace a gasoline powered pickup.

Greenhouse Gas Reductions Details

* 4. Would the project provide a one-time reduction or GHGe reductions on a regular basis?

- One time GHGe reduction
- Ongoing GHGe reduction
- Other (please specify)

5. What is the anticipated GHGe Reduction? Please provide your answer in tCO2 emissions equivalent according to the standards recognized by the *British Columbia Best Practices Methodology for Quantifying Greenhouse Gas Emissions*. Please note if the reductions identified is a one time or annual GHGe reduction.

Emissions/Cost to Drive

Emissions + Cost to Drive	Electric Vehicle		Full Gas Car	
	Emissions CO2 (kg)/20,000km	Cost \$/20,000km	Emissions CO2(kg)/20,000km	Cost \$/20,000km
British Columbia	40 kg	\$380.00	4000 kg	\$2,090.00

<http://www plug-invehicles.ca/canada/keenelectric/>

* 6. Additional details regarding the described corporate project:

What is the anticipated total cost of this initiative:

purchase price including taxes - rebates = \$43125.76

What is the existing budget dedicated towards this initiative:

\$35,000

How much funding is being requested from the Climate Action Revolving Fund:

\$14,604.61 the difference in a gas Kona to an electric.

What is the anticipated time it would take for the Return of Investment to reach 100%:

approximately 10 years (over the vehicle lifecycle)

How long will it take for the project to repay the fund provided that 50% of the annual cost savings is re-contributed back into the revolving fund:

14 years

What is the anticipated timeline of the project:

Immediate

7. Please provide any additional details regarding how your project would benefit the City of Vernon's climate action initiatives and commitments:

Fleet reduction of internal combustion powered vehicles. Demonstrate commitment to transition to a lower carbon fleet.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Rushi Gadoya
Environmental Planning Assistant

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 19, 2019
FILE: 6441-20

SUBJECT: REGIONAL GROWTH STRATEGY FIVE YEAR REVIEW: FUTURE GROWTH AREAS

PURPOSE:

To review the Agricultural Land Reserve Lands designated in the Official Community Plan that could be considered for the Future Growth Area designation as part of the five year review of the Regional Growth Strategy by Regional District of North Okanagan.

RECOMMENDATION:

THAT Council direct Administration to send a letter to the Regional District of North Okanagan indicating that there are no changes requested to the Regional Growth Strategy Boundary as described in the report titled "Regional Growth Strategy Five Year Review: Future Growth Areas" dated July 19, 2019 from the Environmental Planning Assistant.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council direct Administration to send a letter to the Regional District of North Okanagan directing that *(to be cited by Council)* be included in the Regional Growth Strategy Boundary.

Note: Should Council identify lands to be included in the Future Growth Areas designation, it may necessitate changes to the Official Community Plan. Administration would report back on any implications.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

Administration has reviewed key Agricultural Land Reserve (ALR) properties within the City limits for inclusion in future growth areas in the Regional Growth Strategy (RGS). These include:

- 2610 O'Keefe Road,
- ALR Lands North of Tronson Road,
- ALR Lands Southeast of Pottery Road and 15th Street, and
- ALR Lands North of Kin Park.

Based on Administration's review, the majority of the properties identified above do not meet the City's OCP Policy 15.0 Agriculture and Food Access and Corporate Policy - ALR Exclusion Applications. To be considered for exclusion from ALR a property must have:

- Lands which are not able to be improved through standard farming practices,

- Lands which have soil classes ranging from 4-7 supported by submission of detailed soil capability analysis completed by a qualified professional agrologist, and
- Lands (with soil classes 4-7) that are immediately adjacent to services and amenities, and are deemed to support the City's growth strategy and in line with RGS goal of compact and complete communities.

Upon Administration's review and based on the criteria mentioned above, it is identified that property at 2610 O'Keefe Road could be considered for potential ALR exclusion as it supports OCP Policy 15.0 Agriculture and Food Access and Corporate Policy – ALR Exclusion Applications. However, as this property is currently within the growth boundary of Future Growth Areas, no changes are required to the growth boundary.

The following review of each site was considered to identify potential ALR exclusion sites. Additional detailed information can be found in Attachment 2.

a. 2610 O'Keefe Road

1. The subject property is located at 2610 O'Keefe Rd, as shown in Figure 1. The property is 1.0 ha (2.47 ac) in size and currently consists of a single family dwelling on the southern part of the lot.
2. The property slopes steeply to north and east. There are currently no agricultural uses on the property and no agricultural improvements have been made.
3. An agrologist report was submitted by the property owner that confirms that only 0.28 ha (28% of the total area of the property) is arable land or has soil capability for agriculture. Based on this, the parcel meets the OCP policy 15.2 as well as City's Corporate Policy for ALR Exclusion Applications, to be considered for exclusion from ALR land.
4. The subject property is currently under application for an OCP amendment and ALR exclusion to accommodate medium density residential on site. The City will consider the proposed residential use in compatibility with neighbouring land uses and through the City's regular amendment review process.



Figure 1 – Property Location Map

b. Agricultural Lands North of Tronson Road

1. The subject properties are surrounding 6401 Tronson Road which is City owned land, used for storing snow, and are in proximity to Vernon Regional Airport, as shown in Figure 2.
2. Subject properties that have frontage on Tronson road are identified as relatively flat, while the properties to the south of Scott road are steep and would pose topographical challenges. There are currently no agricultural uses on the subject parcels and no agricultural improvements have been made.
3. The soils on most of the area are identified as Class 3 (improved).



Figure 2 – Property Location Map 251

4. Exclusion from the ALR would be inconsistent with OCP Policy 15.2, as the soils on much of the lands are Class 3 (improved), and is therefore not recommended.

c. Agricultural Lands Southeast of intersection at Pottery Road and 15th street

1. The subject properties are contiguous with undeveloped ALR land on both the north and east property boundaries. It is approximately 11.78 ha (29.12 ac) in size. Established East Hill neighbourhoods border the west and north sides of the subject property, across 15th Street and Pottery Road as shown in Figure 3.
2. The subject properties are relatively flat and slope gently to south. The parcel with a star as identified in Figure 3 is currently used for agricultural purposes (see Attachment 2).
3. The soils on much of the area identified are Class 2 (improved).



Figure 3 – Property Location Map

4. Exclusion from the ALR would be inconsistent with OCP Policy 15.2, as the soils on much of the lands are Class 2 (improved), and is therefore not recommended. Should the exclusion be supported by Council and the ALC (which has previously NOT supported exclusion), Administration would advise RDNO and evaluate the viability and desirability of residential development on the lands with due consideration of potential impacts to the adjacent active agricultural use.

d. Agricultural Lands North of Kin Race Park

1. The subject ALR properties are located in North Vernon, west of Hwy 97 N and North of Kin Race Park as shown in Figure 4. They are approximately 71.26 ha (176.1 ac) in size.
2. The subject properties are covered with marshy grasslands that act as a natural drainage system from Swan Lake and are relatively flat.
3. Soil mapping for the subject properties indicates that for most of the area, properties have Class 3 soil.
4. The intended extension of 48th Avenue through these lands is being redesigned in light of the pending redevelopment of the Kin Race Track lands and other more cost effective options. Should the final design require an ALR exclusion (which is not expected), it can be pursued in future.



Figure 4 – Property Location Map

5. At this time there is no need to pursue exclusion of these lands. Should the final design of roadworks necessitate an exclusion, it can be pursued in future. Such an exclusion for roadworks would not necessitate an update to the regional growth boundary.

C. Attachments:

Attachment 1: Memorandum titled Regional Growth Strategy Five Year Review: Future Growth Areas, dated May 31, 2019
Attachment 2: Future Growth Areas Agricultural Land Review

D. Council's Strategic Plan 2019 - 2022 Goals/Deliverables:

N/A

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan Section 15.0 Agriculture and Food Access

15.2 Protect Agricultural Land Reserve lands which have viable, productive soils which may be improved through standard farming practices of soil capability classes 1-4, and consider the exclusion of ALR Lands which are not considered to be able to be improved through standard farming practices (i.e. irrigation), classes 5-7. Consider the exclusion of lands (classes 4-7) that are immediately adjacent to infrastructure, services and amenities, with due consideration of the rural protection area boundary. Where such lands fall within the rural protection area, but are deemed to support the City's growth strategy and are in keeping with the RGS goal of compact, complete communities, require the Regional District of North Okanagan's approval on the re-designation of the lands as growth or future growth areas in the Regional Growth Strategy prior to exploring any re-designation of the lands in the OCP's land use plan to a more intensive land use.

2. Corporate Policy for ALR Exclusion Applications

Procedures

- 3. ALR exclusion applications affecting properties with Canada Land Inventory, or B.C. Land Inventory agricultural capability classes 1-3, will not be considered for exclusion from the ALR by the City.
- 4. In addition to the ALC exclusion application form, exclusion consideration for those lands with agricultural capacity classifications of 4-7 requires the submission of a detailed soil capability analysis completed by a qualified professional agrologist who is also a soils specialist.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by: Rushi Gadoya
Jul 24 2019 11:05 AM

Approved for submission to Council:

X *Rushi Gadoya* ✓
Rushi Gadoya DocuSign

Rushi Gadoya
Environmental Planning Assistant
Jul 24 2019 11:05 AM

[Signature]
Will Pearce, CAO

Date: 24 July 2019

X *Kim Flick* ✓
Kim Flick DocuSign

Kim Flick
Director, Community Infrastructure and Development

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THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: W. Pearce, CAO **FILE:** 0482-05-02
PC: L. Cordell, Manager, Long Range Planning and Sustainability **DATE:** May 31, 2019
FROM: K. Flick, Director, Community Infrastructure and Development
SUBJECT: **Regional Growth Strategy Five Year Review: Future Growth Areas**

Administration is in receipt of a letter from the Regional Planning Projects Manager at the Regional District of North Okanagan requesting that the City identify any additional lands that should be considered for Growth Area or Future Growth Area designation as part of the five year review of the Regional Growth Strategy (RGS) (Attachment 1).

The RGS identifies Growth Areas, Future Growth Areas and Rural Protection Areas. These designations were based on the Official Community Plan (OCP) policies in place at the time the RGS was developed, with due consideration of Agricultural Land Reserve (ALR) boundaries. Development of Growth or Future Growth Areas is contingent on the provision of services including water, sewer and emergency response.

Since the adoption of the RGS in 2011, the City has conducted one review of its OCP which did not result in a change to its growth boundaries. The housing needs assessment conducted for that review indicated that Vernon continues to have an unusually high supply of land either pre-zoned or subdivided and available for development, most of which is in hillside neighbourhoods. Depending on the number of annual housing starts over the next 25 years, this supply could last between 23 and 45 years. The next OCP review is anticipated for 2022, at which time the growth boundaries would again be reassessed in light of updated population projections and an updated housing needs assessment, with due consideration of the OCP's guiding principles and the Sustainable Infrastructure Investment Plan.

At its Regular Meeting of January 25, 2016, Council directed Administration to identify ALR or designated Rural Agricultural lands that may be considered for residential development as part of the RGS five year review, with due consideration of the OCP's guiding principles, the Master Transportation Plan, the Sustainable Infrastructure Investment Plan and operational service delivery. Rural Agricultural lands are those that the City considers as part of its OCP review and are addressed in paragraph 3, above.

There are a handful of ALR properties that Council may wish to consider exclusion for in order to support identified infrastructure needs and to accommodate some residential development, including parcels north of the Kin Park lands, on Eastside Road and near Pottery and 15th Street. Given the City's significant residential-zoned inventory, exclusion of ALR lands for this purpose is generally not supportable. Administration is

preparing a separate report with the specifics of each parcel proposed for exclusion for Council's consideration. That report is anticipated for Council's Regular Meeting of July 8, 2019. Following Council's consideration, Administration would advise RDNO of the parcel identifiers and rationale for exclusion of each parcel.

RDNO intends to review all ALR exclusion requests in conjunction with the regional jurisdictions through the Regional Growth Management Advisory Committee and the Regional Growth Strategy Support Team. Should the review process result in support for any or all of the properties identified by Council, the City would initiate the exclusion process. (As a result of Bill 15 – Agricultural Land Commission Amendment Act, 2019, which received Royal Assent on May 30, 2019, individuals may no longer apply for exclusion from the ALC. Exclusion applications must be submitted by local government.)

RECOMMENDATION:

THAT Council receive the memo titled Regional Growth Strategy Five Year Review: Future Growth Areas and dated May 31, 2019 from the Director, Community Infrastructure and Development for information.

Respectfully submitted:



for Kim Flick, Director
Community Infrastructure and Development

Attachment 1 – Letter dated February 12, 2019 from Regional District of North Okanagan Regional Planning Projects Manager

Future Growth Areas Agricultural Land Review

Background Report
July 18, 2019

Site Assessments

a. 2610 O'Keefe Road

The subject property is located at 2610 O'Keefe Rd. The property is 1 ha (2.47 ac) in size of which approximately 1 acre is bedrock leaving about 1.47 acres which is on ALR lands. Section 23 of the Agricultural Land Commission Act stipulates that 2 acres is the minimum area for viable agricultural use.

This property is currently under application for an OCP Amendment and ALR exclusion in order to accommodate medium density residential on site. Administration will consider the proposed residential use in compatibility with neighbouring land uses, proposed site design and conformity with design guidelines, and servicing requirements of subject site to the satisfaction of supporting OCP policies and guidelines, City's Zoning Bylaw #5000 Sec 9.11 and Corporate Policy – ALR Exclusion Applications.

The property had been previously assessed by the Agricultural Land Commission staff in 2007 and determined to be 60% non-arable and 40% as class 2 (arable) land. Agricultural Land Commission staff was in opinion that the northern 0.4 ha was 80% class 2D and 20% class 7R and hence was denied exemption for the ALR. Subsequently, an agrologist report was prepared for subject site to determine its agricultural capability. The report identified that the 0.4 ha area that was previously classified as arable (class 2) by ALC, has 70% class 3, 10% class 4 and 20% class 7.

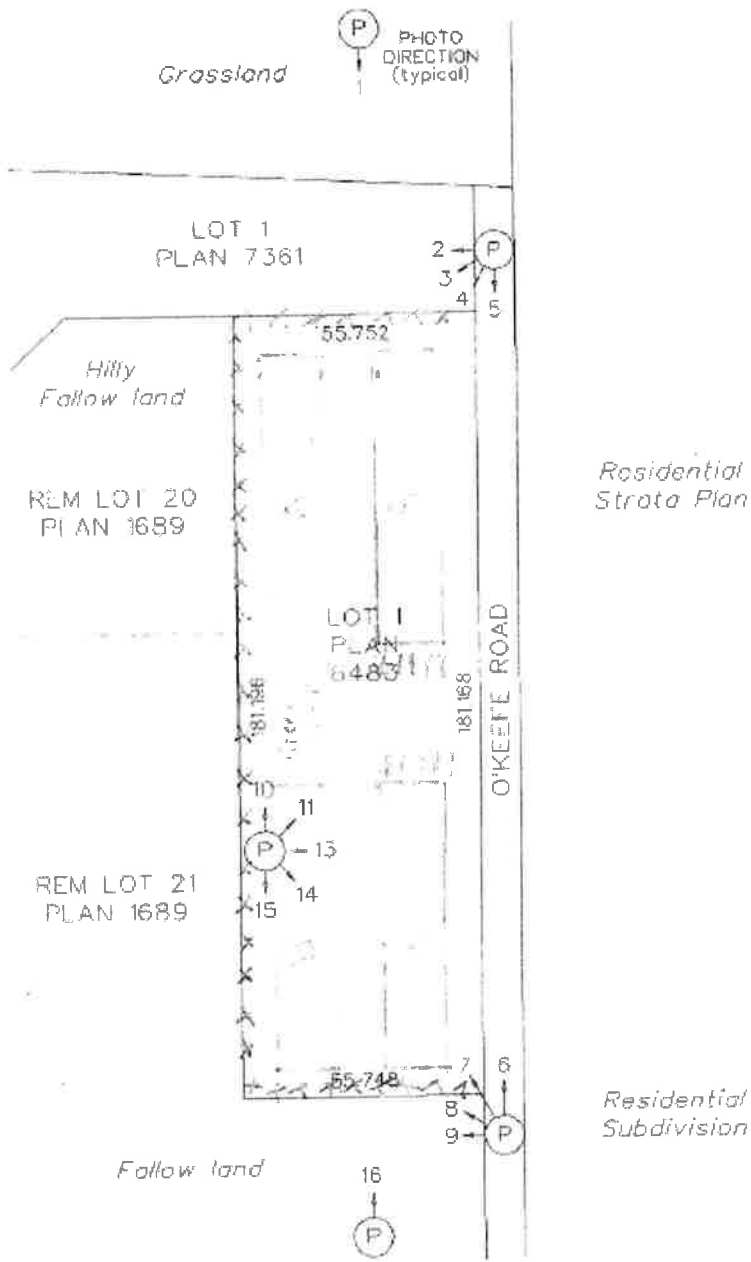
Adjacent properties are designated (developed) as follows:

- a) West: Agricultural lands
- b) North: Agricultural lands
- c) East: Residential Low Density & Neighbourhood Centre
- d) South: Agricultural lands

The subject site is currently within the growth boundary of Future Growth Areas and therefor does not require sending a notification to RDNO. The subject site is designated "ALR lands" within the OCP and zoned "A1 agricultural" in City of Vernon's Zoning Bylaw # 5000. The agrologist report provided by the applicant indicates that the subject site meets City criteria in order to be considered for exclusion as it contains soil that is not arable for most of its land area.

ALL DISTANCES ARE IN METRES.

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81570K00

PHOTO LOCATIONS AND DIRECTIONS
 LOT 1, PLAN 6483, D.L. 68, O.D.Y.D.
 2610 O'KEEFE ROAD, VERNON, B.C.

SCALE: 1 : 1500	OUR FILE: R8157
DATE: 16 Mar. 07	DRAWN: RB
Mr. Michael Barker	
WILLIAM E. MADDOX B.C. LAND SURVEYOR 3500 - 30th STREET VERNON, B.C. V1T 5E8 TELEPHONE (250)542-4343	

Site Plan for 2610 O'Keefe Road



**Site Photograph looking at 2610 O'Keefe Road
from O'Keefe Road**



**Site Photograph looking North at 2610 O'Keefe
Road**

b. ALR Lands North of Tronson Road

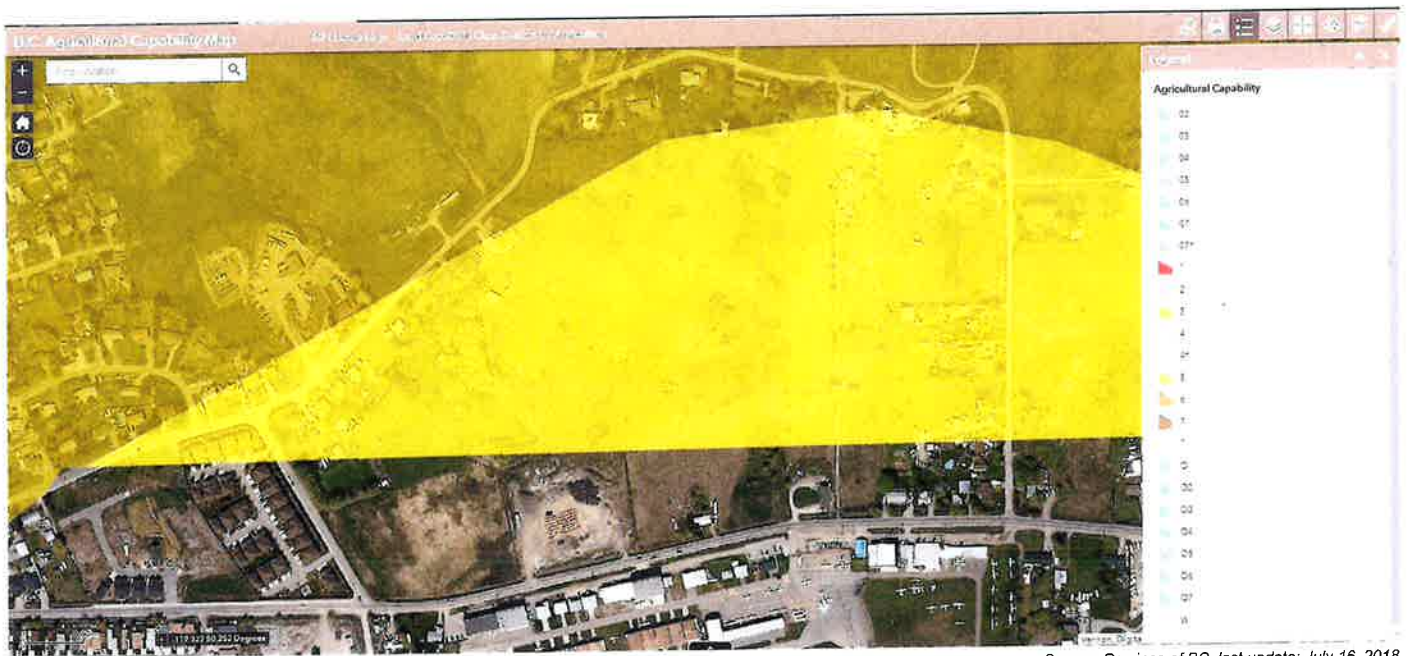
The subject properties comprise of 27 individual ALR lands designated parcels with total area of approximately 27.62 ha (68.26 ac), most of which have a single family residential building on site. The subject properties are located within the Rural Protection Area of the RGS and are contiguous with neighbouring ALR lands. While exclusion of these properties would not isolate other agricultural lands, the exclusion would not enhance the agricultural viability of neighbouring agricultural lands as residential development neighbouring on productive agricultural lands can result in conflicts.

Adjacent properties are designated (developed) as follows:

- a. West: Residential Low Density
- b. North: Agricultural lands
- c. East: Agricultural lands
- d. South: Airport Industrial

In assessing agricultural capability, the Administration referred to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map encompassing majority of the property are Class 3 as shown below.

Policy 15.2 of the OCP states that ALR lands that have viable, productive soils which may be improved through standard farming practices of soil capability classes 1-4 should be protected and ALR lands which are not considered to be able to be improved through standard farming practices (i.e. irrigation), classes 5-7 may be considered for potential ALR exclusion.



Agricultural Capability Map for ALR Lands North of Tronson Road



Site Photograph looking West of 6401 Tronson Road



Site Photograph looking East of 6401 Tronson Road



Site Photograph looking Northeast of 6401 Tronson Road

c. ALR Lands Southeast of the intersection of Pottery Road and 15th Street

The properties identified are 3 ALR designated parcels and are zoned CR Country Residential, a zoning district in the Regional District of North Okanagan's (RDNO) bylaw that has continued to apply to these properties since being brought into the City boundary. It is located in close proximity to existing services, with water, storm and sewer services available on 15th Street, adjacent to the property.

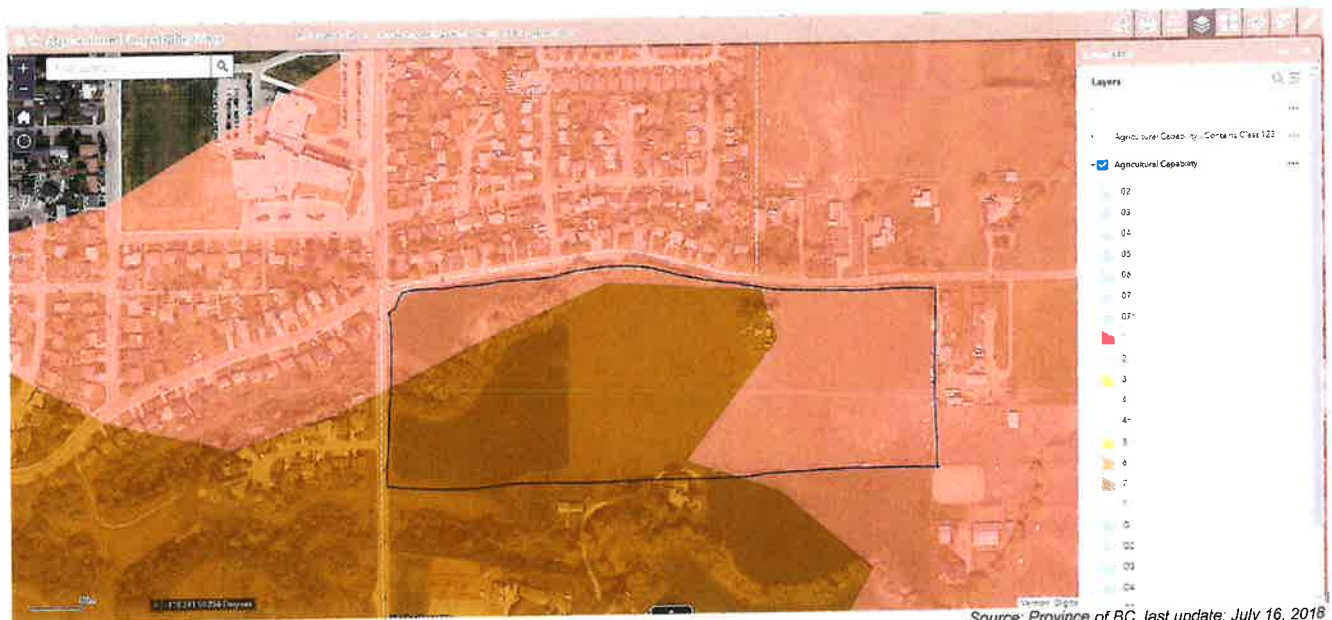
The subject properties are contiguous with neighbouring ALR lands on east and north side. While exclusion of these properties would not isolate other agricultural lands, the exclusion would not enhance the agricultural viability of neighbouring agricultural lands as residential development neighbouring on productive agricultural lands can result in conflicts over agricultural practices.

Adjacent properties are designated (developed) as follows:

- a. West: Residential Low Density & Park
- b. North: Residential Low Density
- c. East: Agricultural lands
- d. South: Agricultural lands

A previous application was made on the extreme western lot of the subject property for ALR exclusion (ALR00014) on 25 January, 2016. The application was reviewed and supported by Council, however, it was refused by Agricultural Land Commission (ALC) as it did not meet the ALC Panel's requirements to be considered for exclusion.

The properties were reviewed using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. It showed that the subject properties have soil Classes 2 and 7 as shown in below figure. It is important to note that City's OCP policy for Agriculture and Food Access allows only areas that have agriculture soil capability ranging from class 4 – 7 to be considered for exclusion.



Agricultural Capability Map for ALR Lands Southeast of Pottery Road and 15th Street



Site Photograph looking at 1102 Pottery Road

d. ALR Lands North of Kin Race Park

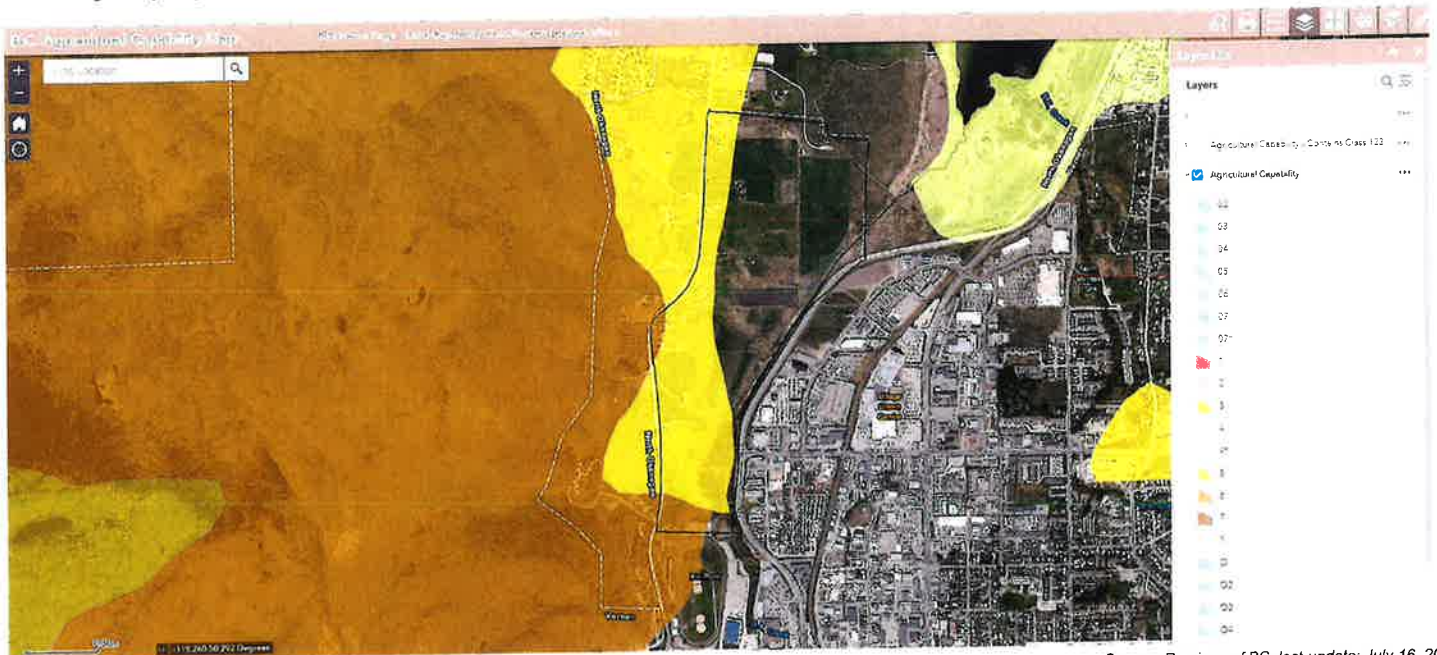
The subject ALR properties are located immediately north of Kin Race Park and west of Hwy 97 N in North Vernon. The size of subject properties is approximately 11.78 ha (29.12 ac). On July 5, 2019, a site visit was conducted to identify current conditions of the site. During the site visit, it was found that the subject properties are covered with marshy grasslands for most of its area.

An Engineering Assessment for the Swan Lake Dam was conducted in March 2016 that stated that the west abutment of the dam required repairs. It also mentioned that construction of two short dykes is required along with modification to operation of the reservoir to avoid overtopping events during the "Freshet". The report also indicated a concern regarding flooding of 0.93 km² in the event of a dam breach. Majority of the flooded area comprises farmland, however shallow flooding of multiple commercial properties, Highway 97, 43rd Avenue and 48th Avenue could occur.

Adjacent properties are designated (developed) as follows:

- a. West: RDNO parcels
- b. North: RDNO parcels
- c. East: Community Commercial (CCOM) across HWY 97 N
- d. South: Park (Kin Race Park)

Administration is currently in process of conducting a research on Swan Lake Flood Mapping and until such research concludes, it cannot be identified if the site is a potentially suitable for residential or city infrastructure purposes. To identify the agricultural soil capability of subject site, Administration referred to agricultural capability mapping and ratings to assess agricultural capability of the subject properties. The ratings identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system showed that the subject properties are encompassed with class 3 soil as shown in below figure.



Source: Province of BC, last update: July 16, 2018

Agricultural Capability Map of ALR Lands North of Kin Race Park



Site Photograph looking East of Old Kamloops Road towards ALR Lands North of Kin Race Park



Site Photograph looking Southeast of Old Kamloops Road towards ALR Lands North of Kin Race Park



Site Photograph looking North towards ALR Lands North of Kin Race Park



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6460-01-20
PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** July 18, 2019
Shirley Koenig, Director, Operation Services
FROM: Laurie Cordell, Manager, Long Range Planning and Sustainability
SUBJECT: Downtown Public Washroom Location Recommendation

Through the 2019 budgeting process, Council endorsed a service level increase to place a new washroom in the downtown area, west of Highway 97. Administration has reviewed options for siting the washroom and determined the optimal location is the boulevard green space bounded by 35th Street, 30th Avenue, Coldstream Avenue and the landscaped tip of a parking lot (Attachment 1). The public space is currently occupied with a bus stop shelter, two benches and landscaping. The washroom would be located on the inside edge of the hedge (see Attachment 2).

The following groups contributed key criteria for siting the new public washrooms: the Safety Action Task Force, Toilet Action Team, Downtown Business Association and service providers. Based on this input, the location of the new public washroom was to meet the following key criteria:

1. west of Hwy 97,
2. near the hot spots or adjacent to existing social service agencies,
3. within an active, highly accessible and highly visible public space for use by residents and visitors
4. appropriate for special local downtown events featuring day, evening and weekend activities
5. with adequate space on or immediately adjacent to a public sidewalk.

The proposed location was historically a busy public space as it served as the former bus terminal and is at the junction of three public roads with no immediate neighbours. It is highly visible, accessible by public sidewalk on three sides and within a half block of where a sound stage is often set up for special events booked along 30th Avenue.

It is anticipated that the new public washroom will reduce the pressure on downtown businesses to provide washroom services to non-customers. This location is a high pedestrian traffic area, which naturally encourages informal surveillance.

At its Regular Meeting of June 24, 2019, Council was provided with an update on timing and construction of the public washroom. Subsequently, Administration has discussed the location with the adjacent property owners, business owners, RCMP and Bylaw officers. Some businesses have agreed with the appropriateness of the location, but most have concerns. The following is a high level summary of concerns:

1. safety of employees, students and customers;
2. additional attraction of street entrenched populations and activities to the area;
3. limited visibility by landscaping, and
4. cleanliness and inappropriate use of the washrooms.

In order to address the concerns of businesses, Administration is proposing the following:

- increase the level of service and monitoring and re-assess the situation after the first year of operation;
- light the building and surrounding area so that users and passers-by do not feel threatened and surveillance of activities is easily achieved by the passers-by, RCMP and Bylaw;
- display reporting procedure and information prominently on the building;
- integrate additional facilities such as bike parking, a drinking water station and seating to increase the utility of the location for all groups using the downtown;
- conduct outreach to nearby businesses to review concerns as soon as the washroom is open to the public.

The proposed location is not immediately adjacent any business, is highly visible and is accessible. The facility is intended to be used by everybody, not just the street population. It is understood that area businesses have concerns. It is recommended that the washroom facility be installed at this location and Administration follow up with nearby businesses as to any issues arising.

RECOMMENDATION:

THAT Council approve the proposed location for the downtown public washroom in the boulevard of 35th Street between 30th Avenue and Coldstream Avenue, as described in the memo dated July 18, 2019, from the Manager, Long Range Planning and Sustainability, and direct Administration to report back on any additional costs related to lighting improvements, landscaping changes, additional facilities, increased service and monitoring.

Respectfully submitted:

Jul 24 2019 10:10 AM

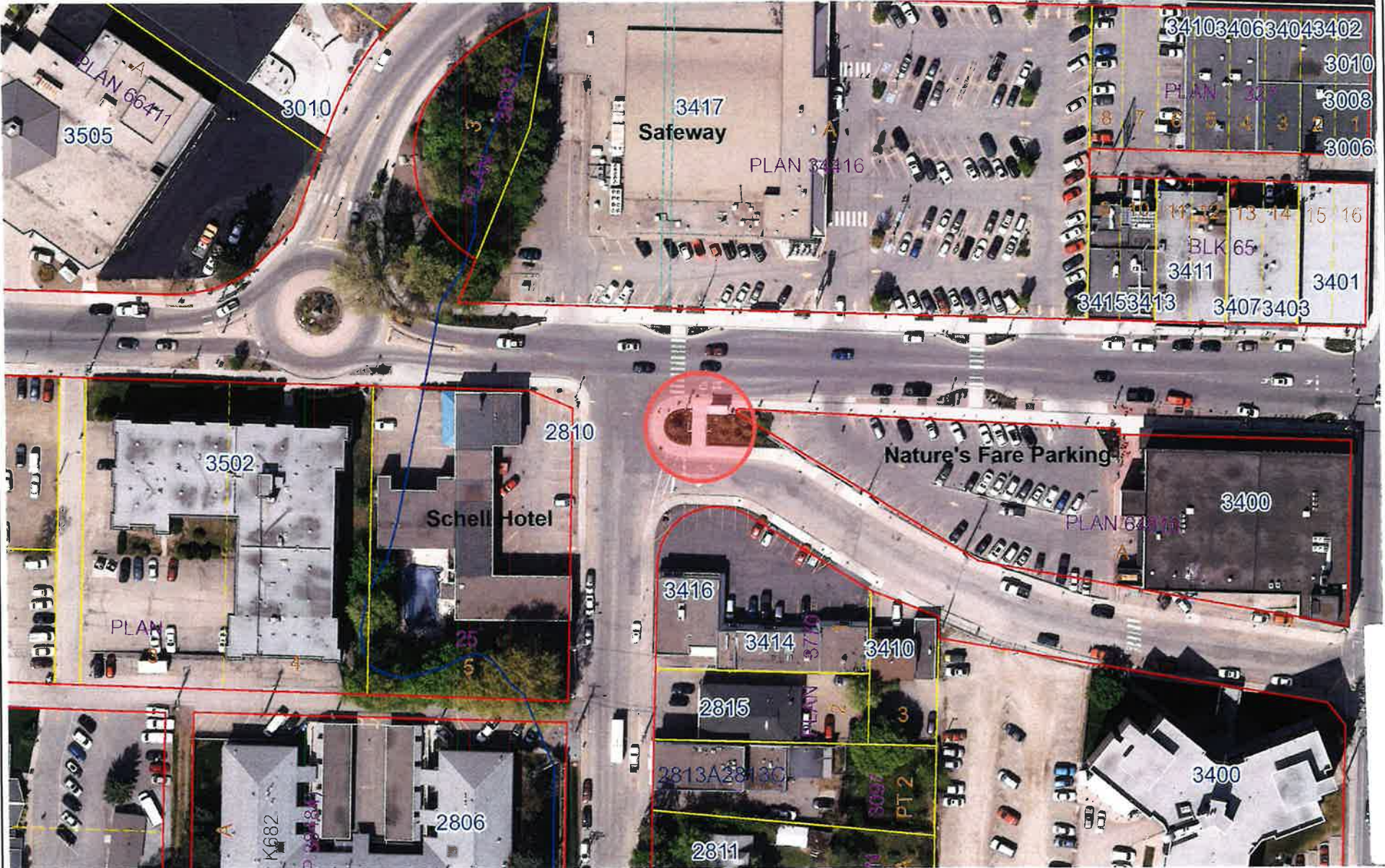
 

Kim Flick 

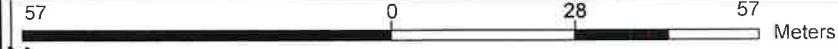
for Laurie Cordell
Manager, Long Range Planning and Sustainability

Attachment 1 – Location Map – Proposed Site for Public Washroom
Attachment 2- Position of Public Washroom

Location Map – Proposed Site for Public Washroom



Attachment 1



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.

Position of Public Washroom



Plan and Street Views



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** 1610-06
PC: Directors **DATE:** July 19, 2019
FROM: Debra Law, Director, Financial Services
SUBJECT: June 30, 2019 Overtime Summary

The City of Vernon management staff consistently strive to spend budget dollars responsibly. One of the ways this is accomplished is by limiting overtime expenses as much as reasonably possible throughout the year. However, circumstances arise that require compensating staff at overtime rates.

Some departments are required to provide staff seven days a week. These staff have to be paid overtime when they work statutory holidays. This includes staff working at the RCMP Detachment, Fire Rescue Services and Recreation Services. As well, due to the nature of the work in Operations, circumstances will arise when standby staff are called in to work in relation to an emergent event. Management ensures appropriate amounts are included in their budgets to cover these costs.

In 2019 the total budget for salaries is \$31,902,505. Of this amount, \$528,245 (or 1.66%) is budgeted overtime. This includes Fire Rescue Services (\$147,641), Public Works (\$141,013), Utilities (\$140,591) and RCMP Guards (\$68,946), with the balance (\$30,054) spread throughout other departments.

The actual cost of salaries and wages up to June 22, 2019 was \$15,185,863, including actual overtime charges totalling \$314,143 (2.07%). These are summarized in Attachment 1, which includes 2017 and 2018 for comparison. Overtime costs are mostly recorded in Fire Rescue (\$75,918), Public Works (\$73,186), Sewer Utility (\$36,691), Water Utility (\$50,040), Recreation (\$25,578) and RCMP Guards (\$15,665). The remaining amounts are spread throughout the organization (\$37,065).

Significant variances shown in Fire Rescue Services, a decrease, are largely due to a pilot deployment model which has been in effect since February 2019 and will be ongoing to November 2019. FTE's have been reallocated from the fire dispatch function (now contracted out) to fire suppression. Fire Station 2 is staffed with a minimum of two (2) firefighters at all times. This divergent deployment model, with resources coming together from different locations has the advantage that one crew can stabilize an event quickly and multiple calls can be handled by on-duty crew. Once the pilot is over, a full evaluation of the results will be presented to Council.

The biggest variance in Public Works overtime, also a decrease, are related to the reduction in snow removal costs at the beginning of 2019 compared to 2018.

Recreation overtime increases can be attributed to unanticipated and unprecedented numbers of staff being off with medical issues. In order to be compliant with Technical Safety BC (TSBC) and Work Safe BC (WSBC), staff with comparable certification level were required to work a significant number of overtime hours.

Sewer Utility operations decrease in overtime is mostly related to lift stations. In 2018 one sanitary force main was redirected to eliminate the flow to the Airport Lift Station which has significantly reduced emergency call-outs resulting from plugged pumps. Also in 2018, there was a force main break that required significant overtime. 2019 amounts for overtime are more reflective of average overtime requirements.

Water Utility operations overtime reflects average overtime requirements. All costs associated with the Water Utility are recovered from the Regional District of North Okanagan (Greater Vernon Water).

RECOMMENDATION:

THAT Council receive the memorandum titled "June 30, 2019 Overtime Summary" dated July 19, 2019 from Director, Financial Services for information.

Respectfully submitted:

 X 

DocuSign

Debra Law, Director of Finance

CITY OF VERNON
OVERTIME REPORT BY DIVISION/DEPARTMENT
FOR THE END OF JUNE
WITH PRIOR 2 YEAR COMPARISON

Attachment 1

Division/Department	2017	2018	2019	2018/2019 Increase (Decrease)	2018/2019 % Increase (Decrease)
AIRPORT	\$4,847.48	\$5,672.23	\$4,519.28	(\$1,152.95)	(20.3%)
AIRPORT	\$4,847.48	\$5,672.23	\$4,519.28	(\$1,152.95)	(20.3%)
COMMUNITY INFRASTRUCTURE & DEVELOPMENT	\$6,819.58	\$2,287.36	\$3,493.73	\$1,206.37	52.7%
BUILDING & INSPECTIONS	\$0.00	\$120.93	\$0.00	(\$120.93)	(100.0%)
COMMUNITY DEVELOPMENT- GENERAL	\$0.00	\$182.05	\$0.00	(\$182.05)	(100.0%)
CURRENT PLANNING	\$924.00	\$0.00	\$936.36	\$936.36	>100%
ENGINEERING (OBSOLETE)	\$304.58	\$0.00	\$0.00	\$0.00	0.0%
INFRASTRUCTURE MANAGEMENT	\$3,226.35	\$1,391.58	\$1,259.42	(\$132.16)	(9.5%)
LONG RANGE PLANNING	\$0.00	\$0.00	\$814.20	\$814.20	>100%
TOURISM - COMBINED	\$1,037.37	\$114.40	\$0.00	(\$114.40)	(100.0%)
TRANSPORTATION	\$1,327.28	\$478.40	\$483.75	\$5.35	1.1%
CORPORATE SERVICES	\$1,431.91	\$943.85	\$1,795.52	\$851.67	90.2%
INFORMATION SERVICES - GENERAL	\$1,365.81	\$539.84	\$1,583.97	\$1,044.13	>100%
LAND SERVICES	\$0.00	\$159.64	\$0.00	(\$159.64)	(100.0%)
LEGISLATIVE SERVICES	\$66.10	\$244.37	\$211.55	(\$32.82)	(13.4%)
FACILITIES	\$2,998.75	\$7,770.92	\$732.78	(\$7,038.14)	(90.6%)
CITY HALL BUILDING	\$1,725.50	\$442.16	\$0.00	(\$442.16)	(100.0%)
CITY HALL RCMP ANNEX	\$0.00	\$141.09	\$0.00	(\$141.09)	(100.0%)
COMMUNITY SERVICES BUILDING	\$44.21	\$296.48	\$0.00	(\$296.48)	(100.0%)
DETACHMENT BUILDING	\$317.68	\$0.00	\$0.00	\$0.00	0.0%
DOWNTOWN WASHROOM	\$167.44	\$0.00	\$0.00	\$0.00	0.0%
FACILITIES GENERAL	\$0.00	\$5,385.63	\$162.84	(\$5,222.79)	(97.0%)
FIRE STATION 1 (MAIN HALL)	\$158.84	\$0.00	\$0.00	\$0.00	0.0%
FIRE STATION 2 (OK LANDING)	\$0.00	\$0.00	\$162.84	\$162.84	>100%
PARKADE	\$22.10	\$338.04	\$162.84	(\$175.20)	(51.8%)
YARDS	\$562.98	\$1,167.52	\$244.26	(\$923.26)	(79.1%)
FINANCIAL SERVICES	\$1,923.04	\$3,496.01	\$2,580.50	(\$915.51)	(26.2%)
FINANCE - ACCOUNTING	\$628.90	\$2,025.73	\$1,374.98	(\$650.75)	(32.1%)
FINANCE - PURCHASING	\$1,294.14	\$1,470.28	\$1,205.52	(\$264.76)	(18.0%)

CITY OF VERNON
OVERTIME REPORT BY DIVISION/DEPARTMENT
FOR THE END OF JUNE
WITH PRIOR 2 YEAR COMPARISON

Attachment 1

Division/Department	2017	2018	2019	2018/2019 Increase (Decrease)	2018/2019 % Increase (Decrease)
FIRE RESCUE	\$158,161.54	\$178,238.35	\$75,917.68	(\$102,320.67)	(57.4%)
EMERGENCY MANAGEMENT VERNON	\$38,154.48	\$19,219.01	\$1,505.67	(\$17,713.34)	(92.2%)
FIRE FIGHTING	\$120,007.06	\$159,019.34	\$74,412.01	(\$84,607.33)	(53.2%)
FLEET	\$3,225.90	\$4,330.16	\$3,462.81	(\$867.35)	(20.0%)
FLEET - EQUIPMENT	\$1,661.47	\$3,233.26	\$2,027.95	(\$1,205.31)	(37.3%)
FLEET - FIRE STATION 1	\$433.44	\$236.01	\$1,008.66	\$772.65	>100%
FLEET - RECREATION	\$0.00	\$28.28	\$0.00	(\$28.28)	(100.0%)
FLEET - VEHICLES	\$0.00	\$596.60	\$173.36	(\$423.24)	(70.9%)
FLEET GENERAL	\$1,130.99	\$236.01	\$252.84	\$16.83	7.1%
HUMAN RESOURCES	\$0.00	\$0.00	\$66.50	\$66.50	>100%
HR - GENERAL	\$0.00	\$0.00	\$45.82	\$45.82	>100%
HR - OH&S	\$0.00	\$0.00	\$20.68	\$20.68	>100%
OPERATIONS ADMINISTRATION	\$545.10	\$607.85	\$341.30	(\$266.55)	(43.9%)
OPERATIONS GENERAL	\$545.10	\$607.85	\$341.30	(\$266.55)	(43.9%)
PARKS MAINTENANCE	\$3,392.88	\$4,566.31	\$2,618.19	(\$1,948.12)	(42.7%)
ALEXIS PARK	\$53.80	\$0.00	\$55.14	\$55.14	>100%
DND PARKS	\$682.85	\$254.84	\$514.72	\$259.88	>100%
GRAHAME PARK	\$304.88	\$254.84	\$257.36	\$2.52	1.0%
KIN BEACH PARK	\$56.36	\$25.34	\$497.72	\$472.38	>100%
KIN RACETRACK PARK	\$53.80	\$330.25	\$0.00	(\$330.25)	(100.0%)
LAKEVIEW PARK	\$56.36	\$460.22	\$191.66	(\$268.56)	(58.4%)
MACDONALD PARK	\$320.28	\$127.42	\$0.00	(\$127.42)	(100.0%)
MARSHALL FIELDS PARK	\$313.85	\$876.40	\$487.15	(\$389.25)	(44.4%)
MISSION HILL PARK	\$197.28	\$0.00	\$0.00	\$0.00	0.0%
PADDLEWHEEL PARK	\$0.00	\$195.04	\$0.00	(\$195.04)	(100.0%)
PARKS GENERAL	\$0.00	\$894.07	\$0.00	(\$894.07)	(100.0%)
POLSON PARK	\$889.67	\$658.55	\$477.92	(\$180.63)	(27.4%)
SMALL PARKS/TOT LOTS	\$463.75	\$489.34	\$136.52	(\$352.82)	(72.1%)

CITY OF VERNON
OVERTIME REPORT BY DIVISION/DEPARTMENT
FOR THE END OF JUNE
WITH PRIOR 2 YEAR COMPARISON

Attachment 1

Division/Department	2017	2018	2019	2018/2019 Increase (Decrease)	2018/2019 % Increase (Decrease)
PROJECTS	\$2,602.47	\$6,376.71	\$1,382.08	(\$4,994.63)	(78.3%)
NON-TCA INFRASTRUCTURE - GENERAL	\$1,840.16	\$5,111.48	\$1,164.78	(\$3,946.70)	(77.2%)
NON-TCA INFRASTRUCTURE - SEWER	\$0.00	\$25.34	\$0.00	(\$25.34)	(100.0%)
PROJECTS - BUILDINGS	\$0.00	\$478.92	\$0.00	(\$478.92)	(100.0%)
PROJECTS - BYLAW & PARKING	\$0.00	\$446.49	\$0.00	(\$446.49)	(100.0%)
PROJECTS - SEWER UTILITIES	\$0.00	\$0.00	\$136.52	\$136.52	>100%
PROJECTS - VEHICLES & EQUIP	\$0.00	\$94.28	\$0.00	(\$94.28)	(100.0%)
TCA INFRASTRUCTURE - GENERAL	\$565.05	\$135.16	\$0.00	(\$135.16)	(100.0%)
TCA INFRASTRUCTURE - SEWER	\$197.26	\$85.04	\$80.78	(\$4.26)	(5.0%)
PROTECTIVE SERVICES	\$4,382.73	\$1,854.39	\$3,640.17	\$1,785.78	96.3%
BYLAW & PARKING	\$4,382.73	\$1,854.39	\$3,561.42	\$1,707.03	92.1%
SAFE COMMUNITIES OFFICE	\$0.00	\$0.00	\$78.75	\$78.75	>100%
PUBLIC WORKS	\$72,533.75	\$106,836.81	\$73,186.42	(\$33,650.39)	(31.5%)
BOULEVARDS	\$1,175.76	\$674.59	\$1,351.10	\$676.51	>100%
CEMETARY	\$0.00	\$40.55	\$96.50	\$55.95	>100%
DOWNTOWN BEAUTIFICATION	\$896.72	\$764.56	\$556.80	(\$207.76)	(27.2%)
PAVED STREETS	\$64,111.21	\$98,411.37	\$66,459.58	(\$31,951.79)	(32.5%)
PUBLIC WORKS GENERAL	\$2,376.89	\$357.15	\$2,362.91	\$2,005.76	>100%
SIDEWALKS & MULTI-USE TRAILS	\$639.45	\$2,179.50	\$398.74	(\$1,780.76)	(81.7%)
SIGNALIZED INTERSECTIONS	\$123.00	\$885.08	\$647.53	(\$237.55)	(26.8%)
STREET LIGHTS	\$148.60	\$0.00	\$0.00	\$0.00	0.0%
TRAFFIC SIGNAGE	\$717.56	\$140.44	\$152.36	\$11.92	8.5%
TREES	\$2,344.56	\$3,383.57	\$1,160.90	(\$2,222.67)	(65.7%)
RCMP	\$19,917.18	\$20,358.66	\$28,097.50	\$7,738.84	38.0%
RCMP DETACHMENT	\$10,586.70	\$10,967.04	\$12,432.03	\$1,464.99	13.4%
RCMP DETENTION CENTER	\$9,330.48	\$9,391.62	\$15,665.47	\$6,273.85	66.8%

CITY OF VERNON
OVERTIME REPORT BY DIVISION/DEPARTMENT
FOR THE END OF JUNE
WITH PRIOR 2 YEAR COMPARISON

Attachment 1

Division/Department	2017	2018	2019	2018/2019 Increase (Decrease)	2018/2019 % Increase (Decrease)
RECREATION	\$5,581.47	\$6,698.08	\$25,577.92	\$18,879.84	>100%
AQUATIC CENTRE	\$532.46	\$493.64	\$1,247.16	\$753.52	>100%
CENTENNIAL ARENA	\$72.00	\$192.00	\$337.50	\$145.50	75.8%
CIVIC ARENA	\$780.78	\$1,356.36	\$0.00	(\$1,356.36)	(100.0%)
HALINA CENTRE	\$0.00	\$159.64	\$105.12	(\$54.52)	(34.2%)
LAVINGTON POOL	\$0.00	\$22.50	\$0.00	(\$22.50)	(100.0%)
MULTI USE FACILITY - CONCESSION	\$700.48	\$191.79	\$300.41	\$108.62	56.6%
MULTI USE FACILITY - NORTH OPS	\$0.00	\$0.00	\$2,783.56	\$2,783.56	>100%
MULTI USE FACILITY - OPERATIONS	\$1,159.18	\$1,563.54	\$8,248.61	\$6,685.07	>100%
PRIEST VALLEY ARENA	\$381.96	\$1,253.94	\$11,699.02	\$10,445.08	>100%
REC CENTER FACILITY	\$1,219.01	\$712.57	\$818.11	\$105.54	14.8%
REC CENTRE CONCESSION	\$56.25	\$0.00	\$0.00	\$0.00	0.0%
REC CENTRE GENERAL PROGRAMS	\$284.08	\$145.46	\$0.00	(\$145.46)	(100.0%)
REC CENTRE OFFICE	\$384.02	\$567.64	\$38.43	(\$529.21)	(93.2%)
REC CENTRE PROGRAMS 2	\$11.25	\$0.00	\$0.00	\$0.00	0.0%
REC CENTRE PROGRAMS 3	\$0.00	\$39.00	\$0.00	(\$39.00)	(100.0%)
SEWER	\$25,568.85	\$60,320.37	\$36,690.66	(\$23,629.71)	(39.2%)
LIFT STATIONS	\$11,187.95	\$23,766.38	\$7,564.24	(\$16,202.14)	(68.2%)
SANITARY SYSTEM COLLECTION & DISPOSA	\$2,186.24	\$10,704.91	\$4,274.94	(\$6,429.97)	(60.1%)
SEWER GENERAL OPERATIONS	\$0.00	\$164.76	\$152.33	(\$12.43)	(7.5%)
SPRAY IRRIGATION	\$986.38	\$1,751.84	\$273.04	(\$1,478.80)	(84.4%)
STORM SYSTEM	\$2,546.82	\$14,755.22	\$15,834.99	\$1,079.77	7.3%
VWRC (TREATMENT)	\$8,661.46	\$9,177.26	\$8,591.12	(\$586.14)	(6.4%)
WATER	\$47,739.51	\$57,884.12	\$50,040.15	(\$7,843.97)	(13.6%)
WATER DEPARTMENT GENERAL	\$47,739.51	\$57,884.12	\$50,040.15	(\$7,843.97)	(13.6%)
GRAND TOTAL	\$361,672.14	\$468,242.18	\$314,143.19	(\$154,098.99)	(32.9%)



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer
FROM: Debra Law, Director, Financial Services
SUBJECT: June 30, 2019 Net Operating Results

FILE: 1830-02
DATE: July 18, 2019

The June 30, 2019 Operating & Capital Results can be seen on Attachment 1 – Financial Report by Division - Consolidated. This page shows columns with a summary of the 'Amended Net Budget', 'YTD (Year-To-Date) Actual Net Results' and the 'Available Budget' by Division. The 'Amended Net Budget' column final total represents the total tax amount required for 2019. The bottom right hand corner of the report shows the 2019 available budget as of June 30, 2019.

Page 2 of Attachment 1 is a similar report showing the Financial Results by Object category. Note the final totals are the same as the first page. This report provides information by the type of revenue received or type of expense incurred on a consolidated basis. Note the Variance Explanation and Notes column with information related to each type of object category.

Pages 3 & 4 provide more detailed information related to the 'Operating Revenues Only' and 'Operating Expenses Only' by Division. The last column provides variance explanations and notes related to variances outside of the expected range of 41.7% to 50.0%.

The 'Amended Budget' in all of these reports shows the full year budget (100%), whereas the 'YTD Actual Results' shows the amounts recorded up to June 30, 2019. Labour costs up to and including June 22, 2019 (25 weeks or 48%) have been recorded; whereas there will be a one month lag recording most supplier and contractor costs in the financial systems (42%). Most transfers to reserves are recorded after the receipt of related transfers from other governments' or after related year end results occur (Fleet, Sewer). All transactions follow rules for recording transactions as determined by the Public Sector Accounting Board.

Of note, related to Operating Revenues, Taxation revenue related to the Tax bylaw is not included as revenue. Rather, it shows as the Overall Results total at the bottom of the 'Amended Budget' column on pages 1 and 2 of Appendix 1. Government Transfers are often received a couple months late; Sanitary Sewer fees and other utility revenues are billed quarterly; the RDNO Water contract is billed quarterly; most Transfers from Reserves and Contributions from Developers fund projects and are recorded at year end, dependent on the project status.

Operating Expenses are also not all recorded evenly throughout the year. Some activities (such as third-party utilities) are billed bi-monthly; the RCMP contract is billed quarterly; parks maintenance is seasonal; debt payments are made twice per year with most debt principal payments made in the Fall; transfers to reserves are dependent on

receiving transfers from other governments. Generally, most differences are related to the timing of payments for goods and services rather than issues of concern.

A summary of the transactions committed to the 2018 Unexpended Uncommitted Balance (Appendix 2) is also included in this report. As of the July 8, 2019 Council meeting there is \$1,120,602 remaining to fund emergent activities or projects at Council's discretion.

RECOMMENDATION:

THAT Council receives the memorandum dated July 18, 2019 from the Director, Financial Services titled "June 30, 2019 Net Operating Results" for information.

Respectfully submitted,


DocuSign

- Attachments: 1. June 30, 2019 Financial Reports
2. 2018 Unexpended Uncommitted Balance*



FINANCIAL REPORT BY DIVISION - CONSOLIDATED

June 30, 2019

Division/Department	Amended Net Budget	YTD Actual Net Results	Available Budget
OPERATING RESULTS ONLY			
Administration	\$ (890,120)	\$ (412,999)	\$ (477,121)
Community, Infrastructure & Development	(2,630,136)	(1,089,627)	(1,540,509)
Public Transit	(1,945,665)	(407,592)	(1,538,073)
Corporate Services	(2,453,603)	(1,140,305)	(1,313,298)
RCMP Municipal Support	(1,755,625)	(936,900)	(818,725)
Bylaw Compliance & Community Safety	(122,659)	55,566	(178,225)
Financial Services	(493,455)	(567,574)	74,119
Grants	(180,500)	(163,135)	(17,365)
Fiscal Services - General	2,813,819	2,618,080	195,739
Fire Rescue Services	(5,874,482)	(2,838,220)	(3,036,262)
Human Resources	(1,569,180)	(441,932)	(1,127,248)
Operations	511,700	549,303	(37,603)
Airport	(107,937)	(89,910)	(18,027)
Public Works	(5,686,150)	(2,885,317)	(2,800,833)
Parks Maintenance	(2,099,676)	(872,307)	(1,227,369)
Fleet Operation	-	(84,965)	84,965
Facilities	(1,477,250)	(803,962)	(673,288)
Storm Drainage	(297,142)	(148,148)	(148,994)
Water Contract Services	-	(1,048,152)	1,048,152
Sewer (including Fiscal Services)	-	(1,611,774)	1,611,774
RCMP Contract Services	(9,446,088)	(1,703,984)	(7,742,104)
Recreation Services	(2,439,789)	(1,737,909)	(701,880)
OPERATING RESULTS TOTAL	\$ (36,143,938)	\$ (15,761,764)	\$ (20,382,174)
INFRASTRUCTURE/CAPITAL PROJECTS	(4,396,870)	(83,339)	(4,313,531)
OPERATING & CAPITAL RESULTS TOTAL	\$ (40,540,808)	\$ (15,845,103)	\$ (24,695,705)


FINANCIAL REPORT BY OBJECT - CONSOLIDATED
Includes Infrastructure/Capital Projects

June 30, 2019

REVENUE	Amended Budget	YTD Actual	Available Budget	YTD % Spent	Variance Explanations & Notes June range should be 41.7% & 50%
1% Utility, Local Area Service & Grants In Lieu	\$ 2,038,863	\$ 988,041	\$ 1,050,822	48.5%	1% Utility tax (\$475K) & Grants in Lieu (\$470K) are collected later in the year.
Sales of Services	15,532,527	6,648,123	8,884,404	42.8%	Within acceptable range.
Sanitary Sewer Fees	9,661,056	2,254,184	7,406,872	23.3%	2nd quarter sewer fees billed in July.
Government Transfers	14,514,845	4,114,590	10,400,255	28.3%	Most grants received come either a couple months behind or starting in July each year.
Services Provided to Other Governments	3,052,873	589,541	2,463,332	19.3%	RDNO payment for Recreation Services not yet received. Only 1st quarter of regional partner billings recorded.
Fiscal Services	9,525,339	1,214,017	8,311,322	12.7%	McMechon Reservoir land sale proceeds not received at end of June.
Transfers From Reserves	40,346,720	1,703,999	38,642,721	4.2%	Most transfer from reserves recorded at year end dependent on project status.
Contribution From Developers	5,601,647	-	5,601,647	0.0%	All revenues related to one time projects and are recorded at year end dependent on project status.
Natural Gas System	2,316,000	916,102	1,399,898	39.6%	Annual Fortis BC franchise fee received in Fall.
Total Revenue	102,589,870	18,428,597	84,161,273	18.0%	
EXPENSES					
Salaries, Wages & Benefits	31,902,505	15,185,863	16,716,643	47.6%	Within acceptable range.
Supplies, Materials & Others	10,217,465	3,724,438	6,493,027	36.5%	Land, vehicle & equipment purchases completed intermittently during the year.
Contracted Services	25,304,488	10,105,473	15,199,015	39.9%	RCMP, Transit, Garbage & Recycling, Fire Training Centre, Annual Road maintenance paid intermittently during the year.
Fiscal Services	2,980,661	694,892	2,285,769	23.3%	Debt payments for principal mostly paid at end of year.
Utilities, Communication & Insurance	4,379,945	2,017,216	2,362,730	46.1%	Within acceptable range.
Cost of Goods Sold	685,707	322,841	362,866	47.1%	Within acceptable range.
Transfers to Reserves	17,094,538	1,670,898	15,423,640	9.8%	Most transfers to reserves are recorded at year end.
Internal Charges	480,470	552,081	(71,611)	114.9%	Fleet usage recoveries for Fire & Recreation recorded at year end.
Project Budgets Only	50,084,899	-	50,084,899	0.0%	All actual costs for projects are recorded to the appropriate object codes.
Total Expenses	143,130,678	34,273,700	108,856,978	23.9%	
Overall Results	\$ (40,540,808)	\$ (15,845,103)	\$ (24,695,705)	39.1%	Note: 2019 Total Tax Requirement = \$40,540,808



OPERATING REVENUES ONLY

June 30, 2019

Division/Department	Amended Budget	Year-to-Date Actuals	Difference from Budget*	% Diff	Variance Explanations and Notes June range should be between 41.7% & 50%
Administration	\$ 8,100	\$ -	\$ 8,100	0.0%	Project funding recorded at year end.
Community, Infrastructure & Development	4,371,565	1,784,290	2,587,275	40.8%	Only 3 of 6 months MRDT revenues received.
Public Transit	3,520,215	1,094,249	2,425,966	31.1%	Only 4 of 6 months of provincial subsidy received.
Corporate Services	7,878,472	240,935	7,637,537	3.1%	McMechan Reservoir land sale proceeds not yet received.
RCMP Municipal Support	621,467	120,209	501,258	19.3%	2019 regional partner billings recorded annually. Only 3 of 6 months of KOP revenues received.
Bylaw Compliance & Community Safety	1,517,166	796,129	721,037	52.5%	Within acceptable range.
Financial Services	2,023,578	727,611	1,295,967	36.0%	Only 1/4 of regional partner billings recorded. Investment earnings higher than expected.
Grants	97,956	75,296	22,660	76.9%	2019 transfers from reserves recorded.
Fiscal Services - General	9,363,178	3,334,490	6,028,688	35.6%	CWF Gas tax not received yet, 1/4 gaming revenue received, 1% utility tax and grants in lieu not received.
Fire Rescue Services	2,757,783	279,989	2,477,794	10.2%	Approx 1/2 operating revenue recorded. Project funding recorded at year end.
Human Resources	414,018	401,894	12,124	97.1%	2019 transfers from reserves recorded.
Operations	262,157	65,331	196,826	24.9%	Only 1/4 of regional partner billings recorded.
Airport	996,798	446,225	550,573	44.8%	Within acceptable range.
Public Works	3,662,417	1,018,674	2,643,743	27.8%	Only 3 of 6 months billed to customers (next quarterly billing will be recorded in July).
Parks Maintenance	745,778	94,094	651,684	12.6%	Operating revenue within acceptable range. Project funding recorded at year end.
Fleet Operation	1,210,224	-	1,210,224	0.0%	Project funding recorded at year end.
Facilities	556,311	14,734	541,577	2.6%	2019 regional partner billings not recorded yet. Project funding recorded at year end.
Storm Drainage	45,000	43,314	1,686	96.3%	Storm service connection fees higher than expected.
Water Contract Services	3,143,292	584,033	2,559,259	18.6%	Only 1/4 of regional partner billings recorded, next quarter billing in July.
Sewer (including Fiscal Services)	25,062,010	2,708,735	22,353,275	10.8%	Annual billing for high strength waste surcharge not recorded yet. Transfers from reserves recorded at year end. Project funding recorded at year end.
RCMP Contract Services	489,790	475,490	14,300	97.1%	Traffic Fine Revenue grant not received until July.
Recreation Services	5,411,461	1,912,562	3,498,899	35.3%	Operating revenue within acceptable range. Project funding recorded at year end.
TOTAL OPERATING REVENUES	\$ 74,158,736	\$ 16,218,284	\$ 57,940,452	21.9%	

* Difference from budget is calculated as "Budget" less "YTD Actuals"



OPERATING EXPENSES ONLY

June 30, 2019

Division/Department	Amended Budget	Year-to-Date Actuals	Difference from Budget*	% Diff	Variance Explanations and Notes June range should be between 41.7% & 50%
Administration	\$ 898,220	\$ 412,999	\$ 485,221	46.0%	Within acceptable range.
Community, Infrastructure & Development	7,001,701	2,873,917	4,127,784	41.0%	Within acceptable range.
Public Transit	5,465,880	1,501,841	3,964,039	27.5%	Only 4 of 6 months recorded due to timing of receiving invoices.
Corporate Services	10,332,075	1,381,240	8,950,835	13.4%	McMechon Reservoir land sale proceeds not received.
RCMP Municipal Support	2,377,092	1,057,109	1,319,983	44.5%	Within acceptable range.
Bylaw Compliance & Community Safety	1,639,825	740,563	899,262	45.2%	Within acceptable range.
Financial Services	2,517,033	1,295,185	1,221,848	51.5%	2019 transfers to reserves fully recorded. 2019 City-wide liability insurance premium fully recorded.
Fiscal Services - General	6,549,359	716,410	5,832,949	10.9%	Transfers to reserves recorded as grant monies are received.
Grants	278,456	238,431	40,025	85.6%	Grants are paid intermittently throughout the year.
Fire & Rescue	8,632,265	3,118,209	5,514,056	36.1%	Operating expenses within acceptable range. Project expenses are incurred intermittently during the year.
Human Resources	1,983,198	843,826	1,139,372	42.5%	Within acceptable range.
Operations	(249,543)	(483,972)	234,429	193.9%	Common Service Allocation from Sewer fund fully recorded.
Airport	1,104,735	536,135	568,600	48.5%	Within acceptable range.
Public Works	9,348,567	3,903,991	5,444,576	41.8%	Within acceptable range.
Parks Maintenance	2,845,454	966,401	1,879,053	34.0%	Most Parks maintenance is completed Spring to Fall. Project expenses are incurred intermittently during the year.
Fleet Operation	1,210,224	84,965	1,125,259	7.0%	Final 2019 transfer to reserve recorded at year end. Project expenses are incurred intermittently during the year.
Facilities	2,033,561	818,696	1,214,865	40.3%	Within acceptable range.
Storm Drainage	342,142	191,462	150,680	56.0%	Storm service connections higher than expected.
Water Contract Services	3,143,292	1,632,184	1,511,108	51.9%	High proportion of recoverable expenses not yet billed to third parties.
Sewer (including Fiscal Services)	25,062,010	4,320,509	20,741,501	17.2%	Project expenses are incurred intermittently during the year.
RCMP Contract Services	9,935,878	2,179,474	7,756,404	21.9%	1st quarter billing recorded in June - 50.22 members
Recreation Services	7,851,250	3,650,472	4,200,778	46.5%	Within acceptable range.
TOTAL OPERATING EXPENSES	\$ 110,302,674	\$ 31,980,048	\$ 78,322,626	29.0%	

* Difference from budget is calculated as "Budget" less "YTD Actuals"

2018 Unexpended Uncommitted Balance

Attachment 2

As at July 8, 2019

Reconciliation of Use of Funds	Amount	Council Meeting
2017 uncommitted PYUUB at December 31, 2018	\$168,625.90	
2018 Year End unspent operating budgets	1,828,791.10	
2018 Year End unspent RCMP Contract budget	1,340,107.00	
2018 Unexpended Uncommitted Balance	\$3,337,524.00	
2019 Commitments:		
Facilitated Neighbourhood meeting	-2,500.00	January 7, 2019
New Cemetery Bylaw	-3,500.00	February 11, 2019
Climate Action Planning process	-110,000.00	March 25, 2019
Expanded Council meeting recordings	-2,700.00	April 8, 2019
New Fire Apparatus Reserve contribution	-215,000.00	April 8, 2019
New Legal Reserve contribution	-200,000.00	April 8, 2019
Snow Removal Reserve contribution	-200,000.00	April 8, 2019
Fleet Reserve contribution	-500,000.00	April 8, 2019
Talent Acquisition and Recruitment position extension	-75,000.00	April 8, 2019
Beach Radio advertising campaign	-32,000.00	April 8, 2019
Bylaw office upgrades	-17,000.00	April 8, 2019
New Communications video camera purchase	-3,000.00	April 8, 2019
Airport Weather Station	-50,000.00	April 8, 2019
New Mobile Column Hoist	-52,000.00	April 8, 2019
New Generator Firehall 2	-30,000.00	April 8, 2019
New Sidewalk Machine and attachments purchase	-250,000.00	April 8, 2019
Town Hall Meeting	-8,000.00	May 27, 2019
Protective Services decals for business	-850.00	June 10, 2019
Turtle Mountain Landscaping - Capital works	-175,000.00	June 24, 2019
Turtle Mountain Landscaping - Operating	-75,000.00	June 24, 2019
Airport IR6 Lease increase	-21,200.00	June 24, 2019
Vernon Art Festival Fee waiver	-332.00	June 24, 2019
Village Green Mall Secondary Transit exchange	-100,000.00	June 24, 2019
Off Leash Dog Use Marshall Fields - Fencing	-87,000.00	July 8, 2019
Install Garbage Cans 28 Ave & 33 St	-6,840.00	July 8, 2019
2019 Commitments Total	<u>-2,216,922.00</u>	
Remaining 2018 Unexpended Uncommitted Balance	<u><u>\$1,120,602.00</u></u>	



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 7700-01
PC: Patti Bridal, Deputy CAO, Dir. Corporate Services **DATE:** July 16, 2019
FROM: Doug Ross, Director, Recreation Services
SUBJECT: *Recreation Services Second Quarter Report*

In April of this year, Recreation Services introduced Council to the new Recreation Services Quarterly Report as recommended in the Greater Vernon Recreation Master Plan (the Plan). It was recommended that despite strong support for recreation from the public, more needed to be done to ensure that the public and elected officials were aware of the positive impact that recreation has on the community.

In the Plan, "*Celebrating Successes*" was one of the identified recommendations and suggested that more be done to "*record, share, and celebrate the ways in which recreation positively impacts the community*". The purpose of this is "*to demonstrate that recreation is a justified and essential public service*". The Plan also identified "*Potential Actions*" that included "*presenting successes and achievements to the community and elected officials*" and to "*share stories from community members of how recreation positively impacted them*".

The Plan identified that "*return on investment is difficult to measure in the recreation field*". That is why it is so important that Recreation Services share this information with Council and the community and highlight the programs and services that we offer. In order to achieve this, Recreation Services is providing Council and the Greater Vernon Advisory Committee with the accompanying quarterly report with information on facility usage, user visits and showcasing positive experiences from participants.

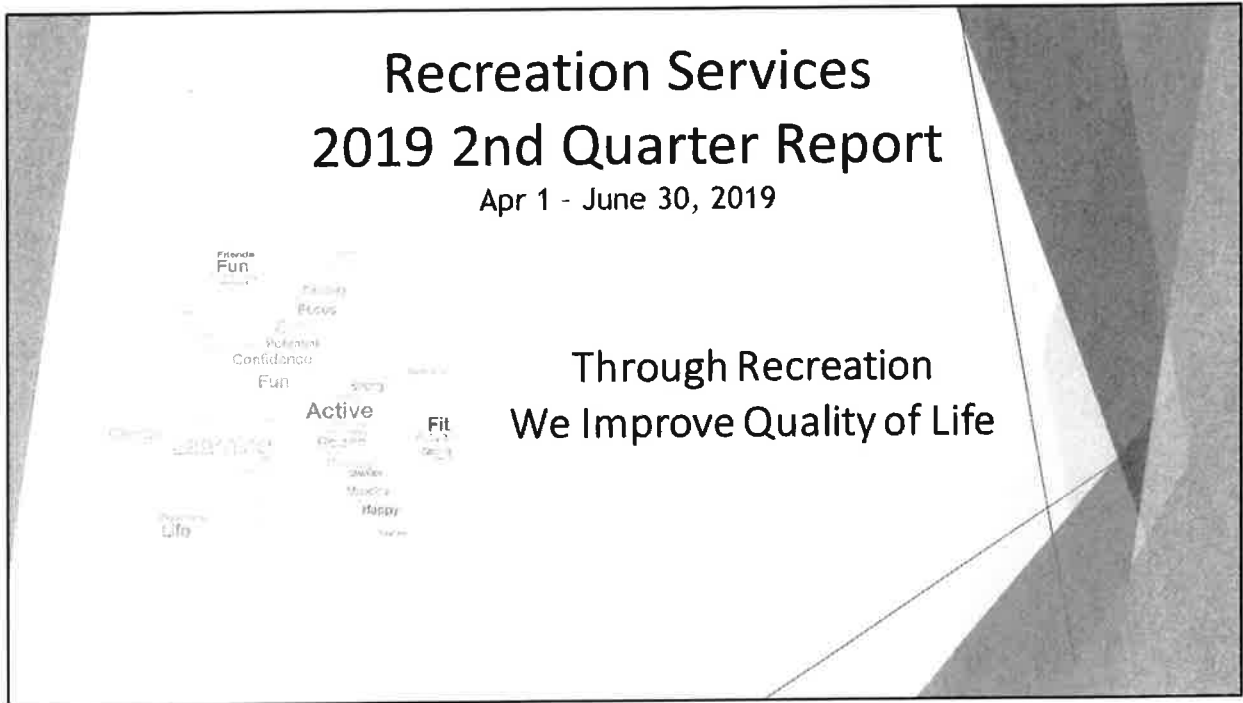
RECOMMENDATION:

THAT Council receive the memorandum titled "Recreation Services Second Quarter Report" and the accompanying Power Point presentation, dated July 16, 2019 from the Director Recreation Services, for information.


Respectfully submitted:

A handwritten signature in black ink, appearing to be the initials 'DR' in a stylized, cursive font.

Doug Ross



Good Morning Mayor and members of Council. Thank you for having us back to present Recreation Services second Quarter Report. When we had presented our first quarter report, you had indicated that you wanted to see some comparisons, from the previous year. We have included these comparisons where appropriate in this report.



Program Registrations

April 1-June 30, 2019

2477 Registrations
2% increase

1059 In Person Registrations

1418 Online Registrations
(12% increase)

IN the second quarter of 2019, there were 2477 registrations done, which represents a 2% increase from the same time last year. Notably, our online registrations increased 12% form the same quarter last year. This indicates our clients are growing more comfortable in using our new, real time, online registration system.

Slide 2

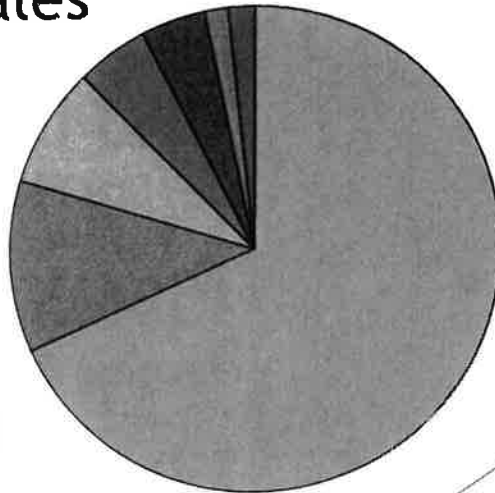
LW1

Leah Walker, 2019-07-11

Recreation Services Facility Pass Sales

April 1 - June 31, 2019

353- Adult
59- Senior
41- Aquatic Fitness
25- Youth (13-18yrs)
22- Child (7-12yrs)
8- Preschool (3-6yrs)
9- Family



517 passes sold

■ Adult Pass ■ Senior Pass ■ Aquatic Fitness Pass ■ Youth Pass ■ Child Pass ■ Preschool Pass ■ Family Pass

This quarter, 517 passes were sold for a variety of services within recreation. This is a 29% decrease in number of passes sold from the same time last year. However, in December of 2017, we switched our registration software system. This had us moving valid passes for customers from the old system into the new system. In order to move them, we had to show them as a “sale” in the new system. We attribute the observed decrease in pass sales to moving passes from the old system to the new system. When the dollar figure is looked at, in 2018, during the second quarter, there was \$40,664.71 in Pass revenue. In 2019 in the second quarter, our pass revenue was \$54,254.40. This includes passes sold during this time, and revenue recognized from punch passes used during this quarter.



Total Hour of all facilities booked for second quarter of 2019 is 17,899.5. This is 16% increase in facility hours booked over the same quarter last year, which saw 15041.5 hours.

Ice/Dry Floor bookings are for all of the arenas. This number includes all the hours these facilities were booked in the second quarter of 2019.

Room bookings represents all of our meeting room spaces at the Recreation Centre and Kal Tire Place as well as Lakers Clubhouse. This number includes hours booked for recreation programs.

Sports Fields and Parks includes all the bookings done by Recreation Services in this area, which includes parks in the COV, RDNO, SD 22, Areas B & C, and Coldstream.



Recreation Services hosted 48 major events in the first quarter of 2019.

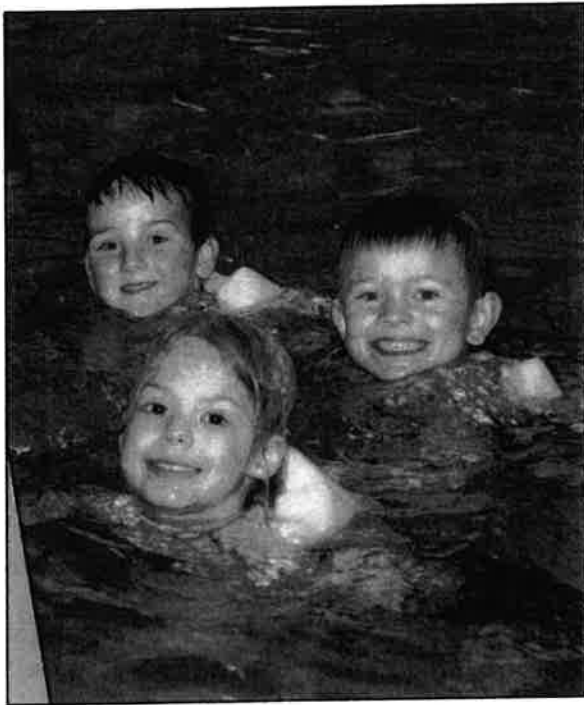
Sporting events include: 4 hockey tournaments, judo tournament, Vernon Vipers Playoffs, lacrosse tournament, Rugby Tournament, Bridge Tournament, Inner World School Dance Recital

Community events: Spring Home Show, FMX Mascot Games, Southern Interior Karting Association, Corvette Club, British Car Club, Creative Chaos, Seaton, VSS, and Kal Grads, Autism Walk, Unplug and Play events, Mental health Week Block Party, Vernon Community Band Concert, Cystic Fibrosis Walk, Kidney Foundation Walk, Walk to end ALS, High School Musical, Canadiana Festival, Kids Stuff Garage Sale, COV Public Forum

Private events: Grad Photos, VKSC End of Season Ceremony, Little Miracles Preschool Graduation Ceremony, Kindale Spring Fiesta, Project Scholarship, Lincoln Lanes Bowling Banquet, Order of the Eastern Star Conference, Okanagan Valley Big Band Bash, Okanagan Dreammakers Society Dance, Vernon Filipino Association Fiesta.

I will now turn it over to Gary Lefebvre, the Aquatics Manager, to give you the report

for his department.

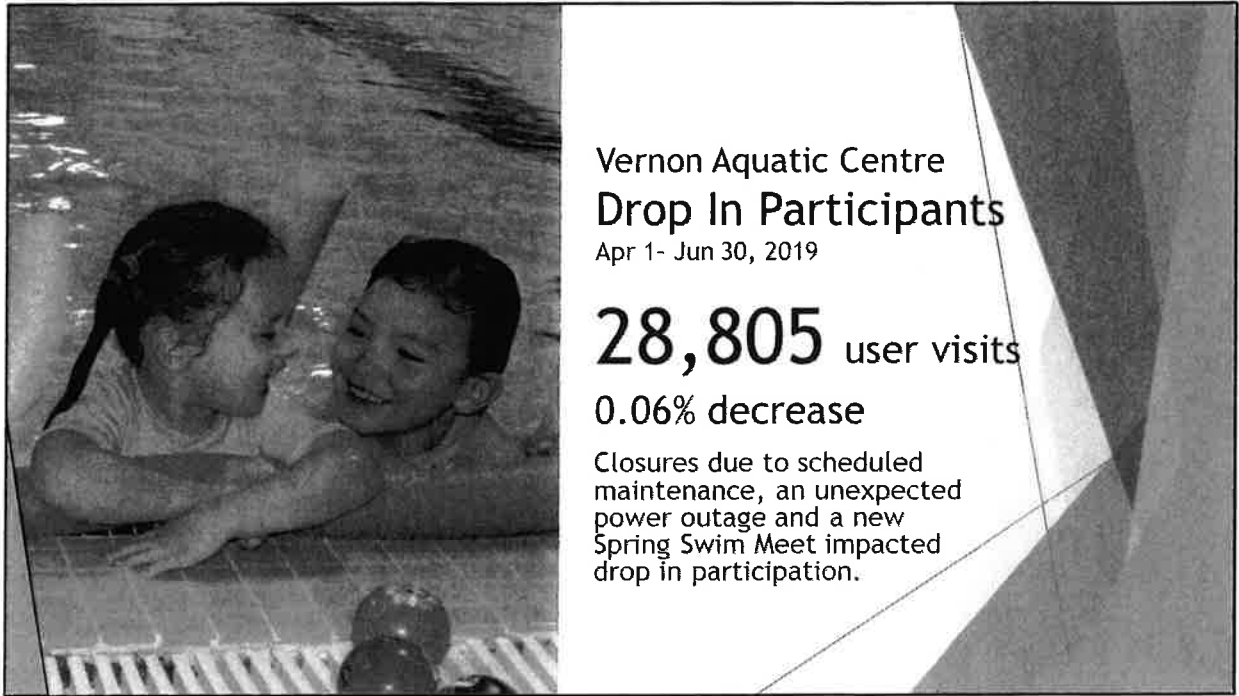


Vernon Aquatic Centre
**Learn to Swim
Participants**

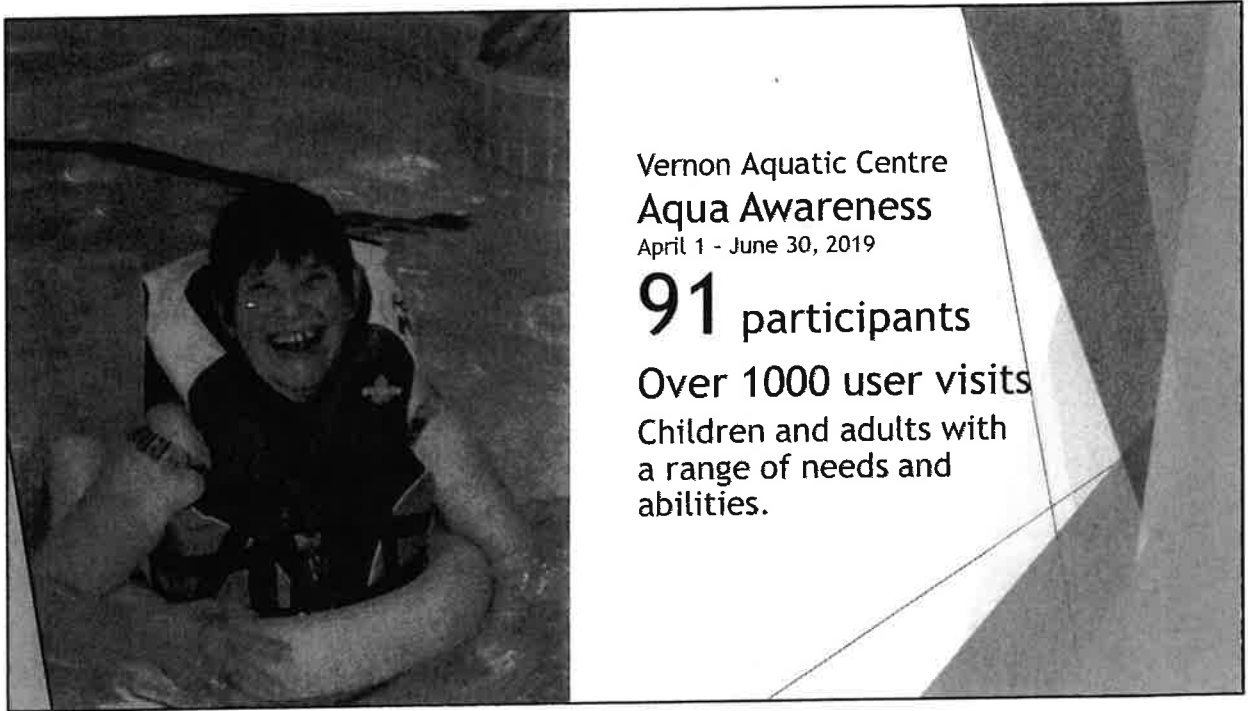
1,021 participants
4.5% increase

A single instructor
taught 125 children in
our community how to
be safer around the
water this season.

Recreation Services aquatic staff taught swimming and water safe behaviours to over 1000 children in our community this spring. This was a 4.5% increase over spring of last year. It is exciting to see these numbers grow because the more children we teach about swimming and water safety the better chance we have to prevent a drowning death this summer.



It is hard to compete with the beauty of spring time outdoors in the Okanagan so it is historically a slower time of year for drop in participation at the Vernon Aquatic Centre. However, many residents still rely on the pool as their primary source of low impact physical activity or a safe place to take their children for some family fun. User visit were down slightly from spring of 2018 but we lost over 200 user visit as the result of an unexpected power outage and scheduled maintenance closure.



For some adults and children there are special considerations that make it more difficult to take swimming lessons. Some need specialized equipment, modified learning programs or even one-on-one support. It is a goal of the Aqua Awareness Program to ensure that everyone, regardless of their needs have access to aquatic programs that keep them safe and allow them to experience the joy and freedom water can provide.



Vernon Kokanee
Swim Club -
Spring
Invitational
Swim Meet

June 15-16, 2019

241 Participants

The Vernon Aquatic Centre was host to the Vernon Kokanee Swim Club Spring Invitational Swim Meet. This was the first swim meet in Vernon that ran both Youth and Masters events. There were 241 Competitors from across the Okanagan Valley.

School Swim Lesson

April 1 - June 30th, 2019

741

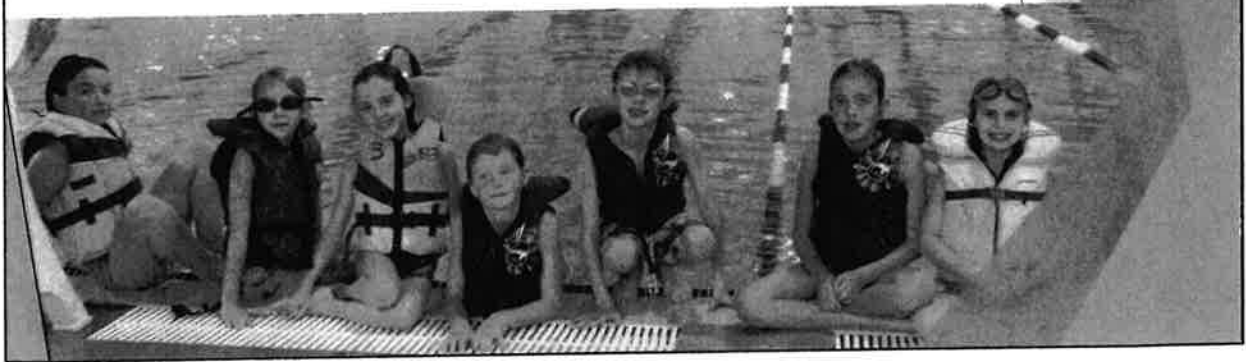
Students

11

Schools

121

Hours of
instruction



Schools swim programs are a vital component of any community drowning prevention strategy. By offering swim lessons to school groups rather than individuals many barriers are eliminated for children who might not otherwise be able to attend a swim lesson. Parent Advisory Committees often help with funding, the School District provides the buses for transportation, and Recreation Services is happy to provide the swimming and water safety instruction. By combining the totals of children who attended Learn to swim programs and children who attended School Swim lessons our Aquatic staff taught 1,762 children spring.



Preschool


Recreation Programs

227 participants

2290 user visits

26 activities

The Spring sessions of our playschool gym program offered 26 activity for infants to preschoolers, and one of the best parts of spring is we get to take our programs out doors. One of the highlight classes this spring was our Little Kickers soccer program that went from 17 kids in 2018 up to 30 participants in 2019. The other highlight program was Pre Bike that filled its 32 participant spots on the first day of registration and had an additional 32 participants on the waitlist, reflecting the need for more programs space and program staff.



Child 7-13 yrs
Recreation Programs

RecSkate Lessons
2019 40 ppl in 3 classes
2018 29 ppl in 3 classes

Spring Break Camps
2019 144 ppl in 9 camps
2018 112 ppl in 7 camps

Active Afterschool
2019 50 ppl 3 classes
2018 48 ppl 3 classes

Our spring children's programs included spring skating lessons, spring break camps and active after school. Due to the high demand for out of school camps, this year we worked hard to recruit more staff and come up with creative ways of sharing spaces in order to provide 2 more camp offerings during spring break, allowing us to accommodate 32 more kids in camp.



Special Interest

Recreation Programs

Park & Play

Tuesdays and Thursdays

Continued average attendance 6-15 kids

Our special interest program this spring was our free to participate in Park and Play program. This program provides a semi structured opportunity for families to get out and enjoy local parks. For 2019 we offered the program on a rotating location schedule at Sovereign Park, Sawicki Park, BX Community Park, Lakeview Park and Paddlewheel Park. The rotational schedule provided the opportunity to put Park and Play in more community parks, rather than the same 3 parks as in past years. The location with the highest attendance was Lakeview Park, with consistent 12-15 participants.



Sports

Recreation Programs

Village Green Hockey Tournament

2019 32 teams

2018 29 teams

Beach Volleyball League

2019 112 teams


2018 120 teams

Basketball League

2019 8 teams

2018 8 teams

Spring Sports programs and leagues. The highlight sport activity this spring was our annual Village Green Hockey Tournament with 32 teams and 448 participants. 21 of the teams were from outside the Vernon area staying in local hotels and enjoying local amenities for the 3 day tournament, bringing an estimated ¼ million economic impact to the community.

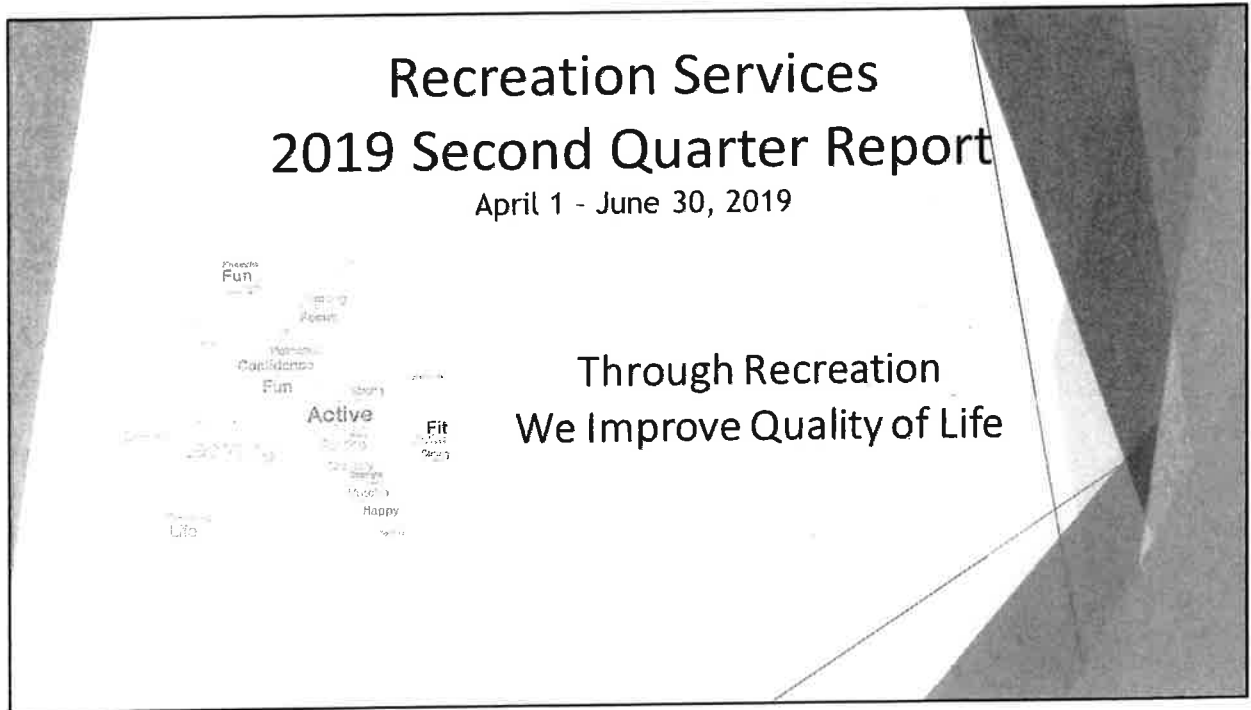


Fitness Programs

2019 Spring	User Visits
Fitness Land	2690
Fitness Water	3009
Fitness Weights	1026

2018 Spring	User Visits
Fitness Land	2121
Fitness Water	3619
Fitness Weights	1051

This springs fitness programs continued to be popular with most classes being at capacity. The user visits for Water fitness are decreased due to the number of weeks the program sessions were offered. The highlight fitness program this spring is Get Up & Go, although its very popular program, we feel it should get extra recognition because the Get up and Go program is credited for helping a participant who had to perform CPR on her husband. The participant who is crediting the get up and Go program was strong enough to do CPR because of the strength she hag gained from participating. She performed and continued CPR until the paramedics arrived. Her husband survived and is recovering. She saved his life. This tory show has recreation truly improves quality of life.



All of the pictures you have seen represent our happy clientele as well as our beautiful facilities. None of which would be possible without the hardworking team we have that work behind the scenes to ensure that through recreation we can improve quality of life. Thank you for your time today and we look forward to continue reporting to Mayor and Council with more information on how the community is activating their lives.

At this time, we welcome any questions you may have.



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

TO: Will Pearce, CAO **FILE:** 6135-03

PC: Laurie Cordell, Manager, Long Range Planning and Sustainability
Kim Flick, Director, Community Infrastructure and Development Services **DATE:** July 18, 2019

FROM: Susan Abbott, Parks Planner

SUBJECT: Hurlburt Park - Request for Additional Funds

This memo is to request additional funds to complete construction of Hurlburt Park, Phase I.

The construction of Hurlburt Park was first tendered in August 2018. A single bid was received but rejected as it was over budget and could not be completed within the time required. After amendments to the design, scope of contract and new completion date, the second tender rendered six bids and the project was awarded on November 22, 2018 for \$510,271.40 with construction to start April 15, 2019.

The original budget was \$719,000. In 2018, pre-construction site work was completed and operating costs to keep the park open during the 2018 summer season resulted in total expenditures of \$118,606.

The site proved demanding both at the design and implementation phases. The park is long, narrow, steep, heavily treed and located 14 km from city centre and the construction schedule was extended due to the delay in receiving permits, inclement weather, the addition of speed humps, unexpected site conditions and BC Hydro scheduling. The extended construction schedule resulted in project management and site supervision cost increases from all five professional consultants, which were covered by committed unexpended contract monies, however the completion of the project

The additional requested funds will cover several contemplated change orders, additional hydro installation, completing project management and site supervision by the engineering consultant and landscape architect, final monitoring and reporting by the archaeological and environmental consultants, and the purchase and installation of swim buoys.

The floating dock that was damaged in the spring is expected to be replaced by the end of August. Operations has a 2019 maintenance budget for Hurlburt Park of \$47,000 and includes dock repair.

As a result of archaeological issues, unforeseen site conditions and an extended project schedule, an additional \$90,335 is requested (this includes a 15% contingency). This will include additional consulting fees, final reports, and the cost of swim buoys and site supervision of delayed planting due to weather restrictions.

This will not include the picnic shelter and sand play area, nor the lake access footpath which can be completed in Phase 2. Phase 2 works are envisioned to be undertaken as part of the Parks Capital Program, but have not been scheduled at this time.

RECOMMENDATION:

THAT Council approve \$90,335.00 from the 2018 Year End Uncommitted, Unexpended Balance for additional constructions costs of Hurlburt Park, as outlined in memorandum dated July 18, 2019 from the Parks Planner.

Respectfully submitted

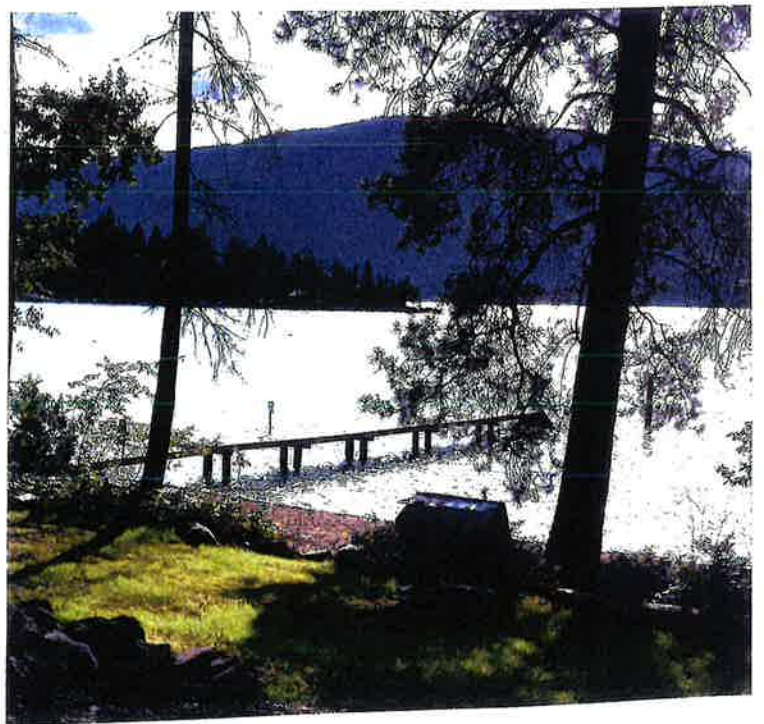
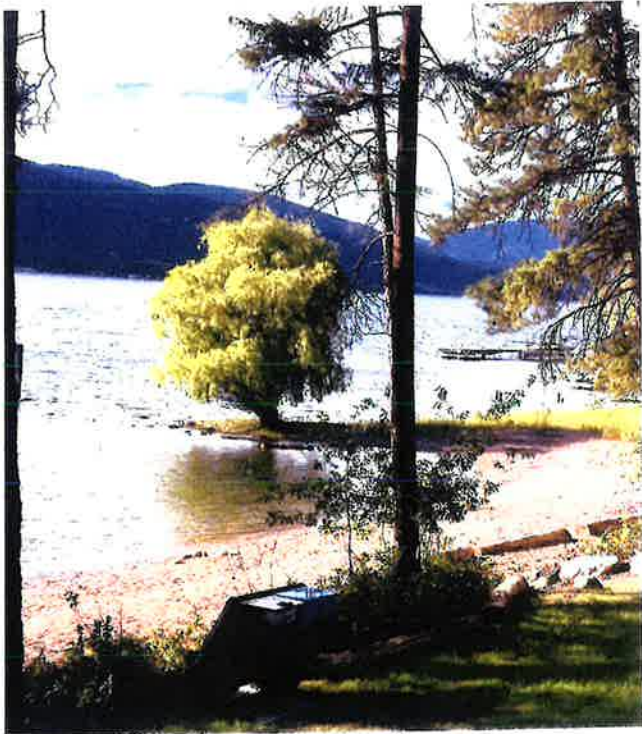
Jul 24 2019 2:09 PM

X *Susan Abbott* ✓

Susan Abbott

DocuSign

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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, CAO **FILE:** 0810-20-City Hall Projects
PC: Debra Law, Director, Finance **DATE:** July 22, 2019
Patti Bridal, Deputy CAO
FROM: Shirley Koenig, Director, Operations
SUBJECT: Boiler Upgrades – City Hall

In the 2019 Financial Plan, Council approved \$550,000 for Building Facility Renewal (Project #2019-15) as identified in the Building Condition Asset Management Plan (BCAMP). Included in this project were Boiler Upgrades for City Hall that amounted to approximately \$70,000.

The Request for Quotation (RFQ) for this project has just closed and there were 7 eligible bids, ranging from \$161,076 to \$267,000. If the City accepts the low bid, there will be a \$91,076 shortfall in funding.

The boiler replacement is necessary to improve heating reliability and energy efficiency for City Hall, Firehall #1, RCMP and CSB buildings. The two existing boilers will be replaced with 7 IBC units operating in series. The proponents of the RFQ have indicated that the removal of the existing boilers and installation of the new boilers will take approximately one month to complete. This work must be completed prior to the middle of September as there will not be any heat available to the buildings during the demolition and installation period.

To accommodate replacement of the boilers in 2019, Administration is recommending that some of the projects identified in the 2019 Building Facility Renewal project be postponed until 2020. The identified projects that could be delayed include:

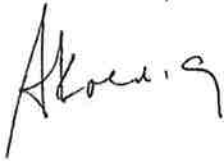
- City Hall – HVAC Upgrades to City Hall and Council Chambers; \$40,000
- CSB - Distribution Ductwork, Washroom Fittings, Restroom Fixtures, Custodial Sinks; \$50,000
- Yards – Exterior Door Assembly; \$10,000

RECOMMENDATION:

THAT Council direct Administration to postpone the HVAC upgrades proposed for City Hall and Council Chambers; the distribution ductwork, washroom fittings, restroom fixtures, custodial sinks proposed for CSB; and the exterior door assembly proposed for the Yards, approved in the 2019 Financial Plan for Building Facility Renewal, until 2020;

AND FURTHER, that Council direct Administration to use the approved funding for these projects to supplement the funding for the Boiler Upgrades in City Hall, approved in the 2019 Financial Plan, in order to facilitate the installation of the new boilers.

Respectfully submitted:

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



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Amanda Watson, Manager,
Transportation

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 16, 2019
FILE: 5280-06

SUBJECT: **FUTURE EXPANSION OF ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND
THE CITY OF VERNON'S ELECTRIC VEHICLE FLEET**

PURPOSE:

To inform Council of the steps being taken to identify suitable locations for additional electric vehicle charging infrastructure and expansion of the City of Vernon's electric vehicle fleet.

RECOMMENDATION:

THAT Council direct Administration to draft an Electric Vehicle Charging Strategy and amendments to Zoning Bylaw #5000 for Council's future consideration.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the report titled "Future expansion of Electric Vehicle Charging Infrastructure and the City of Vernon's Electric vehicle fleet", dated July 16, 2019 from the Manager, Transportation for information.

Note: This means that staff would continue to work with BC Hydro on identifying suitable locations, but a strategy would not be developed and changes to the Zoning Bylaw would not be drafted aimed at making all properties at least ready for Electric Vehicle charging to avoid significantly higher retrofit costs.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. At its Committee of the Whole meeting of January 31, 2019 Council directed Administration to report back on the expansion of the City of Vernon's electric vehicle fleet and infrastructure.
2. The Ministry of Energy, Mines and Petroleum Resources announced that on May 29, 2019 the Zero-Emission Vehicles Act (ZEVA) had passed (Attachment 1). This act means all new light-duty cars and trucks sold in the province will be clean energy vehicles by 2040, delivering on a key commitment the government made in its CleanBC plan. Zero-emission vehicles include battery electric, plug-in hybrid and hydrogen fuel-cell. It is expected that refuelling a hydrogen fuel-cell vehicle or a biofuel vehicle will likely be provided at gas stations by having dedicated quick dispensing pumps (similar to diesel only pumps). As Electric Vehicles (EVs) take between 30 minutes (level 3 DC Fast Charge) and 20 hours

(level 1) depending on the vehicle type charging level used, the City needs to plan how and where they will be charged in increasing numbers over time.

3. The vast majority of electric vehicle owners will use a level 1 charge at home overnight using a dedicated outlet in the car port / garage. To ensure that new homes, including multi-family homes, have the capability of at least a level 1 charge, Administration recommends that changes to the parking and loading section of Zoning Bylaw #5000 be drafted with due consideration of BC Hydro's "Residential Electric Vehicle Charging: A Guide for Local Government" and presented to Council for its consideration.
4. Once drivers arrive at their destination there may be a need for additional charging, therefore Administration recommends that changes to the parking and loading section of Zoning Bylaw #5000 be drafted for retail, commercial, industrial and public/institutional properties and presented to Council for its consideration.
5. To identify where public level 2 stations (240 Volts typically charging in 2 to 6 hours) and level 3 DCFC (typically 30 to 90 minutes) should be located two main approaches are used: a Corridor Approach or a Cluster Approach. The Corridor Approach is being used by the Province to identify locations on highway corridors to enable travel throughout BC. On July 16, 2019 the Province announced that they recently implemented twelve new charging sites and that several more are on the way (Attachment 2).
6. For infrastructure planning in a city, the Cluster Approach is recommended. This approach recommends that in order to meet future demand in highly populated areas (e.g. Vancouver), that each location should have at least two level 3 DCFC stations and one Level 2 station, as certain electric vehicles are not designed for a level 3 charge. It also recommends they be ultimately spaced "a ten minute drive apart". In light of these recommendations Administration has looked into suitable areas that would be "a ten minute drive apart" and have forwarded these to BC Hydro to determine whether they have the suitable electrical supply available. Administration recommends continuing to work with BC Hydro and bringing back a report to Council with a draft EV Charging Strategy that includes recommended locations that BC Hydro has approved. It is anticipated that the City's Climate Action Plan currently under development will include appropriate elements from the final EV Charging Strategy.
7. On July 18, 2019 the Ministry of Transportation and Infrastructure announced (Attachment 3) that along with other transit improvements they are funding ten long-range electric buses. As mentioned by Chris Fudge, Senior Manager of Government Liaison, at the June 24, 2019 Regular Council meeting, BC Transit is working on a GHG reduction strategy that includes moving the whole provincial fleet to electric. Administration is also aware that School District #22 is investigating using electric buses. As such this information has also been forwarded to BC Hydro to ensure that they are aware of potential future infrastructure requirements at the two depots and the possible joint use of a downtown public DCFC station for mid-day bus top-up charges.
8. The City's Fleet Services department is committed to researching opportunities for replacing existing end of life gas powered fleet vehicles with electric or hybrid units where practical and feasible to do so. At present, one gas powered vehicle has successfully been replaced with an electric car; an electric UTV is being used in Polson Park and the City has recently incorporated six electric bikes into the fleet. Through a reallocation of vehicles, a second electric car will replace a pick-up truck in 2019. Council will be asked to consider use of the Climate Action Revolving Fund for this replacement on this agenda under separate cover.
9. When procuring end of life or new vehicles, the Request for Quote process includes a request for alternative driveline technology options, such as electric, hybrid, propane and natural gas alternatives. Although the technology for electric cars has seen great advances and they are now economically comparable, the technology and cost of pick-up trucks and heavy duty equipment has not improved enough to incorporate into The City's fleet. Fleet Services will continue to monitor and will incorporate these types of vehicles into the City fleet when and if feasible.

C. Attachments:

Attachment 1 - The Zero-Emission Vehicles Act (ZEVA) announcement May 29, 2019.

Attachment 2 - The twelve new charging station announcement July 16, 2019.

Attachment 3 – \$79m investment for new buses including CNG and electric announcement July 18, 2019.

D. Council's Strategic Plan 2019 – 2022 Goals and Actions:

The subject of future electric vehicle charging stations and city fleet vehicles involves the following objectives in Council's Strategic Plan 2019 – 2022:

- Vibrant Downtown
 - Increase the vibrancy of Downtown, including the provision of new amenities and events
- Sustainability Priorities
 - Work towards a sustainable Vernon – environmentally, economically and socially
 - Encourage sustainable infrastructure, agriculture and landscaping

E. Relevant Policy/Bylaws/Resolutions:

1. At its Committee of the Whole meeting of January 31, 2019 Council passed the following resolution:

“THAT Council directs Administration to provide a review and report regarding expansion of the City of Vernon’s electrical vehicle fleet / infrastructure.

2. At its Regular Meeting of August 14, 2017 Council passed the following resolution:

“THAT Council approve the capital acquisition of one new electric vehicle in 2017, at a cost of \$30,000 using funding from the Vehicle and Equipment Operating Reserve.”

3. At its Regular Meeting of June 8, 2015 Council passed the following resolution:

“THAT Council declassify the following resolutions made at its In Camera meeting on December 8, 2014:

“THAT Council endorse the City’s participation in the Direct Current Fast Charging Station Project, as outlined in the report titled “Direct Current Fast Charging Station for Electric Vehicles” and dated November 26, 2014 from the Manager of Long Range Planning and Sustainability;

AND FURTHER, that Council support the proposed location of the station at the new Visitor Information Centre located at 3004 39 Avenue;

AND FURTHER, that Council support the use of revenues collected from the Climate Action Revenue Incentive Program to cover the City’s portion of the signage, pavement markings, maintenance, and operation of the station.”

AND

“THAT Council supports the application of a fee to the user of the Direct Current Fast Charging Station for Electric Vehicles, in accordance with BC Hydro rate recommendation.”

4. At its Regular Meeting of April 13, 2015 Council passed the following resolution:

“THAT Council not co-sponsor the proposed resolution for Optional Electric Vehicle Infrastructure, as attached to the memo titled ‘Proposed Legislation Changes to Improve Electric Vehicle Charging Infrastructure’ dated April 7, 2015 from the Manager of Long Range Planning and Sustainability.”




BUDGET/RESOURCE IMPLICATIONS:

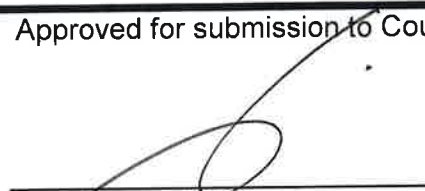
Administration staff time to draft new Electric Vehicle Parking Strategy and draft amendments to Zoning Bylaw #5000.

Prepared by:

Approved for submission to Council:

Jul 22 2019 5:18 PM




X  
Amanda Watson 


Will Pearce, CAO

Date: 23 JULY 2019

Amanda Watson
Manager, Transportation

Jul 23 2019 8:37 AM

X  
Kim Flick 

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

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| <input type="checkbox"/> Corporate Services | <input checked="" type="checkbox"/> Operations | <input 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 type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
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UPDATE

For Immediate Release
2019EMPR0018-001077
May 29, 2019

Ministry of Energy, Mines and Petroleum Resources

New act ensures B.C. remains leader on clean energy vehicles

VICTORIA – The Zero-Emission Vehicles Act (ZEVA), passed on May 29, 2019, means all new light-duty cars and trucks sold in the province will be clean energy vehicles by 2040, delivering on a key commitment the government made in its CleanBC plan.

British Columbians are already buying the most zero-emission vehicles per capita in Canada. In the first quarter of 2019, they made up over 6% of new light-duty vehicle sales in B.C. Due to the popularity of its CEVforBC rebate program, the government recently topped up the incentives with another \$10 million, part of the \$42 million that was committed in Budget 2019.

“With federal and provincial rebates now in place, switching to an electric vehicle is more affordable than ever,” said Michelle Mungall, Minister of Energy, Mines and Petroleum Resources. “The Zero-Emission Vehicles Act will make sure British Columbia continues to be on the forefront of the clean energy revolution.”

Zero-emission vehicles use clean energy, improve air quality and cost dramatically less to fuel and maintain. ZEVA will require all new light-duty vehicles sold in the province to be zero-emission vehicles by 2040. This target will be met using a phased-in approach: 10% of new light-duty vehicle sales by 2025, 30% by 2030 and 100% by 2040.

“By requiring that a percentage of vehicle sales in B.C. be zero-emission models, automakers will respond to the demand by offering consumers more choices,” said George Heyman, Minister of Environment and Climate Change Strategy. “Along with greener options like transit, the increased adoption of zero-emission vehicles will help lower emissions in our transportation sector.”

CleanBC is a pathway to a more prosperous and sustainable future. CleanBC was developed in collaboration with the BC Green Party caucus and supports the commitment in the Confidence and Supply Agreement to implement climate action to meet B.C.’s emission targets.

Quick Facts:

- The government’s commitment to bring in a ZEV mandate was announced on November 20, 2018 and ZEVA was introduced in the legislature on April 10, 2019.
- Zero-emission vehicles include battery electric, plug-in hybrid and hydrogen fuel-cell vehicles.
- ZEVA is based on other laws already in effect in Quebec, California and nine other U.S. states.
- ZEVA applies to new vehicles for retail sale or lease, with annual requirements for automakers to meet starting for model year 2020.
- British Columbians who purchase electric vehicles typically save about 75% on their fuel

and maintenance costs, which currently add up to about \$1,500 per year.

Learn More:

Actual percentage of ZEV sales from 2015 to date, with a predicted forecast based on market performance over the last number of months:

https://news.gov.bc.ca/files/BC_ZEV_Sales_Rates_Chart.pdf

Electric vehicles available in B.C.: https://pluginbc.ca/wp/wp-content/uploads/2019/05/Electric-Car-Handout_190508.pdf

CEVforBC vehicle point-of-sale incentive program: <https://www.cevforbc.ca/>

A backgrounder follows.

Contact:

Kent Karemaker
Media Relations
Ministry of Energy, Mines and Petroleum
Resources
250 952-0628

Connect with the Province of B.C. at: news.gov.bc.ca/connect

BACKGROUND

For Immediate Release
2019EMPR0018-001077
May 29, 2019

Ministry of Energy, Mines and Petroleum Resources

ZEVA makes it easier to own zero-emission vehicles

CleanBC invests \$902 million over three years for programs and tax credits, making B.C. the leader in Canada in tackling climate change and protecting the province's clean air, land and water.

The latest statistics indicate British Columbia has the highest per capita electric-vehicle adoption rate in Canada (4% of new light-duty vehicle sales in 2018 and over 6% of new light-duty vehicle sales in the first quarter of 2019).

The CEVforBC program offers point-of-sale incentives of up to \$5,000 for the purchase or lease of a new battery electric or plug-in hybrid electric vehicle and up to \$6,000 for a hydrogen fuel-cell vehicle for vehicles that have a starting price of less than \$77,000.

In addition to the provincial incentives offered, as of May 1, 2019, the federal government announced a rebate of \$5,000 for electric vehicles that have a manufacturer's list price of less than \$45,000.

The BC Scrap-It Program is also offering an incentive of \$6,000 for the purchase of a new electric vehicle, and \$3,000 for the purchase of a used electric vehicle, when an internal combustion vehicle is scrapped. The BC Scrap-It electric vehicle incentives are funded by industry and are almost fully allocated for 2019. They will be available again in 2020.

B.C. government support for clean energy vehicle infrastructure includes:

- CleanBC presents a plan co-ordinated with utilities, other governments and private sector partners to roll out infrastructure aligned with the increasing zero-emission vehicle targets.
- By the end of 2018, there were over 1,700 public charging stations throughout B.C., including 92 public DC fast charging sites with another 72 DC fast charging sites planned to be complete by the start of 2020.
- Budget 2019 includes another \$20 million for public fast charging and hydrogen fuelling stations, and \$5 million for home and workplace charging incentives.
- Under CleanBC, BC Hydro, FortisBC and the Province are continuing to work with local governments and private sector companies to deploy public charging stations along all primary and secondary highways, and major roads throughout B.C.
- B.C. has one of the largest public charging networks in Canada and the first public hydrogen fuelling station. There is one public hydrogen fuelling station in Vancouver, with five more planned to be completed by 2020.

British Columbia News

New electric vehicle charging sites add to growing network

<https://news.gov.bc.ca/20238>

Tuesday, July 16, 2019 9:30 AM

Victoria - British Columbia's provincewide electric vehicle charging network continues to grow with the completion of 12 charging sites and several more on the way.

"We're making it convenient for people who drive electric vehicles to travel across the province," said Claire Trevena, Minister of Transportation and Infrastructure. "Our government is committed to reducing our carbon footprint. Investing in green infrastructure is a necessity when it comes to tackling climate change and reducing greenhouse gas emissions."

Making electric vehicles more affordable, investing in charging stations and shifting to renewable fuels is part of the B.C. government's CleanBC plan. Nine of the completed sites have direct-current (DC) fast chargers that allow drivers to charge up in 30 minutes or less. The other three sites, which are part of the Accelerate Kootenays electric vehicle charging network, co-ordinated by the Community Energy Association, provide Level 2 stations.

To continue building a robust electric vehicle charging network, the ministry has issued an invitation to tender for the development of six new DC fast charger sites, primarily located along highways 16 and 97, with another site planned for later this summer.

"Making the switch to electric vehicles is part of our government's CleanBC plan to cut climate pollution, boost the economy and create opportunities for communities across the province," said Michelle Mungall, Minister of Energy, Mines and Petroleum Resources. "This new series of electric vehicle chargers will strengthen our existing charging network and make it easier to charge up."

"People are increasingly aware of the impacts of climate change," said George Heyman, Minister of Environment and Climate Strategy. "Whether to property, health or our economy, it affects everyone. We're committed to a cleaner future here in B.C. As part of that, we're making zero-emission vehicles more accessible. The more electric vehicles we have on our roads, the less we pollute, and that benefits people and communities everywhere."

CleanBC is a pathway to a more prosperous, balanced and sustainable future. CleanBC was developed in collaboration with the BC Green Party caucus and supports the commitment in the Confidence and Supply Agreement to implement climate action to meet B.C.'s emission targets. As outlined in the plan, by 2040, every car sold in B.C. will be a zero-emission vehicle.

Quick Facts:

- It is estimated that B.C. roads are home to over 20,000 electric vehicles, with 350,000 expected on the roads by 2030.
- B.C. has over 1,700 charging stations throughout the province.
- To help more drivers make the shift to a clean energy vehicle, the provincial government is more than doubling the size of its electric vehicle DC fast-charger network to 64 sites.
- 95% of all car trips in the province are less than 30 kilometres, which is ideal for electric vehicles.

- In Budget 2019, the Province has committed \$107 million over three years to help British Columbians switch to clean transportation, including:
 - \$42 million for zero-emission vehicle point of purchase incentives;
 - \$6 million to support light duty electric fleets;
 - \$10 million for medium- and heavy-duty electric vehicle incentives;
 - \$20 million support for new public fast-charging and hydrogen fuelling stations;
 - \$5 million supporting home and workplace charging stations; and
 - \$5 million for charging stations at highway rest areas and government buildings.

Learn More:

Plug In BC: <https://pluginbc.ca/>

CleanBC: <https://cleanbc.gov.bc.ca/>

A backgrounder follows.

Media Contacts

Ministry of Transportation and Infrastructure
 Media Relations
 Government Communications and Public Engagement
 250 356-8241

Backgrounders

Completed site locations and summer 2019 site locations

Completed sites

1. Loon Lake rest area: Highway 97C, between Merritt and Kelowna
2. Anarchist rest area: Highway 3, east of Osoyoos
3. Fish Trap rest area: Highway 5, between Kamloops and Barriere
4. Little Fort rest area: Highway 5, between Barriere and Clearwater
5. Wire Cache rest area: Highway 5, between Clearwater and Avola
6. Wasa rest area: Highway 95, between Canal Flats and Cranbrook
7. Spillimacheen rest area: Highway 95, between Radium Hot Springs and Golden
8. Kootenay Bay ferry landing: Highway 3A, near Crawford Bay
9. Hope Slide rest area: Highway 3, east of Hope
10. Taylor River rest area: Highway 4, between Port Alberni and Tofino
11. Buckley Bay rest area: Highway 19, between Qualicum Beach and Courtenay
12. Port Renfrew Community Centre: Highway 14 at Port Renfrew

Summer 2019 sites

1. Slim Creek rest area: Highway 16; 120 kilometres east of Prince George
2. Boulder Creek rest area: Highway 16; 50 kilometres west of Hazelton
3. Australian rest area: Highway 97; 36 kilometres south of Quesnel
4. Kidd Creek rest area: Highway 3; 21 kilometres east of Creston

5. 100 Mile House Info Centre: Highway 97
6. Mount Robson Visitor Centre: Highway 16
7. Woss: Highway 19, Vancouver Island (between Eagles Nest rest area and Hoomak Lake rest area)

British Columbia News

New investments to improve public transit for British Columbia

<https://news.gov.bc.ca/20273>

Thursday, July 18, 2019 5:00 PM

Victoria - British Columbians need efficient and affordable public transit to get them to work or school on time and back home safely at the end of the day.

Investing in public transit fights climate change, reduces commute times and builds stronger and more sustainable communities.

Justin Trudeau, Prime Minister of Canada, John Horgan, Premier of British Columbia, and Erinn Pinkerton, president and chief executive officer for BC Transit, announced more than \$79 million in joint funding to purchase 118 new buses for use in Victoria and communities throughout British Columbia. The new buses will help shorten daily commutes, reduce the number of cars on the road and make the province a greener place to live.

The new buses will replace others at the end of their life cycle or increase capacity in communities where ridership is growing. The investment includes funding for 10 long-range electric buses that will provide greener transportation options in Greater Victoria. The new buses will be more efficient, have improved accessibility and safety features, and will support BC Transit's new NextRide technology and closed-circuit television security cameras.

This investment will help meet British Columbians' transportation needs while cutting air pollution and making its communities better places to live.

Quotes:

Justin Trudeau, Prime Minister of Canada —

“Many British Columbians depend on public transit to get where they need to go safely and efficiently. As communities in B.C. continue to grow, investments in public transit need to keep pace. By investing in reliable, efficient public transit, we are making a real difference in the lives of British Columbians, while protecting our environment and making our communities stronger.”

François-Philippe Champagne, federal Minister of Infrastructure and Communities —

“Public transit infrastructure is vital to building strong, sustainable communities where all residents have access to essential services and opportunities, and businesses can thrive. This investment in modern, eco-friendly vehicles serving communities across British Columbia will ensure that public transit services can continue to provide convenient, accessible transportation options that will improve the quality of life for residents today and contribute to a greener future.”

John Horgan, Premier of British Columbia —

“Our government is committed to making life more affordable for British Columbians, while reducing greenhouse gas emissions, and investments like this will help us do just that. Working

together, we can provide transit that people need and we can put public transit on a solid road towards a truly sustainable future.”

Erinn Pinkerton, president and chief executive officer, BC Transit —

“These valuable partnerships have enabled BC Transit to actively pursue and implement low carbon technologies as we strive towards a cleaner, greener transit fleet. We are incredibly grateful to the Government of Canada, the Province of B.C. and our local government partners for their contributions and continued collaboration.”

Learn More:

Investing in Canada Plan: <https://www.infrastructure.gc.ca/plan/about-invest-apropos-eng.html>

Federal infrastructure investments in British Columbia: www.infrastructure.gc.ca/investments-2002-investissements/bc-eng.html

Backgrounder: Canada and British Columbia support transit improvements in communities across B.C.: <https://www.canada.ca/en/office-infrastructure/news/2018/11/backgroundercanada-and-british-columbia-support-transit-improvements-in-communities-across-bc.html>

Factsheet: provincial investment in BC Transit: <https://news.gov.bc.ca/factsheets/investing-in-bc-transit>

A backgrounder follows.

Media Contacts

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Prime Minister's Office

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pm.gc.ca/eng/media
613 957-5555

Backgrounders

Facts about public transportation in British Columbia

- In 2016, the Government of Canada launched the biggest infrastructure plan in Canadian history. Since then, the government has invested in thousands of infrastructure projects to expand highways, build new roads and make travelling safer and easier for Canadians from coast to coast to coast.
- The Government of Canada and the Government of British Columbia are each contributing approximately \$31 million towards the purchase of the new buses and municipalities are investing more than \$16 million.
- In addition to the 106 new buses announced in November 2018, this investment will provide thousands of new seats to meet the growing public transit needs of British Columbia.
- The federal investment for this project is provided through the Public Transit Infrastructure Stream. Additional funding will be provided by British Columbia and municipalities.
- The Public Transit Infrastructure Stream is part of the Investing in Canada Plan, through which the Government of Canada is investing more than \$180 billion over 12 years in public transit projects, green and social infrastructure, trade and transportation routes, and Canada's rural and northern communities.
- Of this amount, \$28.7 billion is for public transit projects, including \$5 billion available for investments through the Canada Infrastructure Bank.
- Through its Investing in Canada Plan, the Government of Canada has invested over \$2.4 billion in more than 40 public transit projects in British Columbia.
- The transportation sector accounts for 25% of Canada's emissions. Investments in public transit help improve commuting, reduce air pollution, strengthen communities and grow the Canadian economy.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Geoff Mulligan
Infrastructure Management
Technician

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 9, 2019
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 direct Administration, based on the results of the 2018 annual construction cost 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 July 9, 2019, to update the Transportation Asset Management Plan in 2021-2022.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the results of the 2018 annual construction cost 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 July 9, 2019, for information.

Note: Construction costs are likely to continue rising. At some point, updating the Transportation Asset Management Plan to address cost escalation will be required.

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 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 2017 and 2018 construction unit costs and then compared to the ITF model costs. The costs that were used for 2017 and 2018 were taken from actual road projects built by the same contractor.

A breakdown of the component costs for the project is shown in Table 1: *Project Cost Summary*, below.

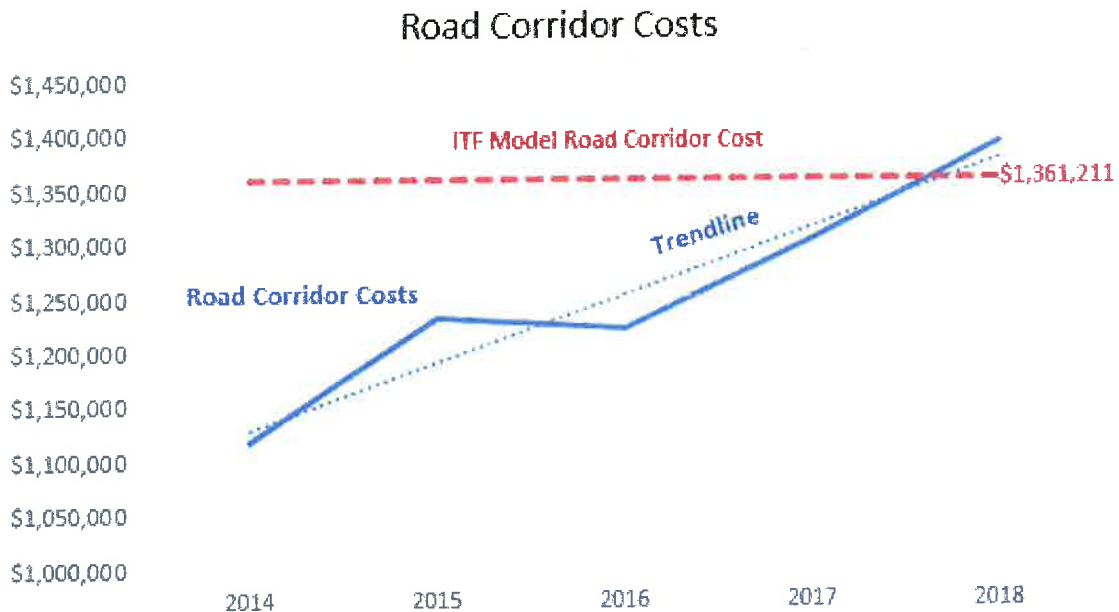
Table 1: Project Cost Summary

Project Component	2017	2018	% change
Roads	\$1,050,409	\$1,113,074	+6.8%
Curbs & Sidewalks	\$225,262	\$247,064	+9.7%
Water	\$400,776	\$460,131	+14.8%
Storm	\$175,590	\$178,301	+1.5%
Sanitary	\$14,609	\$14,806	+1.3%
Landscaping	\$29,152	\$34,088	+16.9%
Total	\$1,895,797	\$2,047,463	+8.0%

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, and increases in asphalt, concrete, and fuel prices.

- Comparing road corridor costs from 2014 to 2018 to the costs within the Integrated Transportation Framework (ITF) model in Figure 1, below, shows **actual construction costs have surpassed those projected in the ITF model**. Road corridor costs are the sum of road, curb and sidewalk, and landscaping costs. The ITF model carried with it a 20% project contingency.

Figure 1: Project Area Road Corridor Costs Compared with Project Area ITF Model Costs



5. As each type of road will have varying classifications and cross sections, not all costs will be applicable to all roads in the city.
6. As the costs of replacing road infrastructure have surpassed the maximum costs deemed sustainable by the ITF, it is desirable to implement the ITF recommendation of investigating and testing alternative road rehabilitation and construction techniques, with an estimated saving of between \$0.7 and \$1.3 million per year. Should Council direct Administration to undertake this, it would involve updating the Transportation Asset Management Plan to include the following:
 - Adopting an updated pavement maintenance program;
 - Establishing pavement condition thresholds for renewal investments;
 - Updating the pavement condition of each roadway segment using standard industry practices;
 - Prioritizing projects based on rate of deterioration and the cost escalation of delaying renewal;
 - Selecting the most cost effective pavement maintenance treatment for each road segment (“Right Treatment for the Right Road at the Right Time”); and
 - Monitoring pavement condition over time and making process improvements as necessary.

C. Attachments:

N/A

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

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

- Continued commitment to the development and implementation of asset management plans
- Encourage sustainable infrastructure, agriculture and landscaping

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 escalating construction costs are reducing the effect of the cumulative 1.9% infrastructure levy on the City of Vernon’s ability to renew infrastructure over the long term. Escalating construction costs are eroding the capacity of the capital works budget. The next iteration of the Transportation Asset Management Plan would provide options to address this escalation.

Prepared by:

Jul 17 2019 4:36 PM

X  ✓

Geoff Mulligan

DocuSign

Geoff Mulligan
Infrastructure Management Technician

Jul 17 2019 4:42 PM

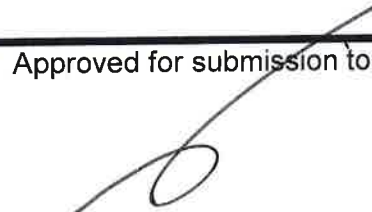
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Kim Flick

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Kim Flick, Director
Community Infrastructure and Development

Approved for submission to Council:


Will Pearce, CAO

Date: 24 June 2019

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| <input type="checkbox"/> Bylaw Compliance | <input checked="" type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
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THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Kendra Kryszak, Manager, Parks
and Public Spaces

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 19, 2019
FILE: 4100-01

SUBJECT: CEMETERY BYLAW

PURPOSE:

To present the new Cemetery Bylaw for Council's consideration.

RECOMMENDATION:

THAT Council receive the proposed Cemetery Bylaw, shown as Attachment 1 and outlined in the report titled "Cemetery Bylaw" dated July 19, 2019 from the Parks and Public Spaces Manager;

AND FURTHER, that Council direct Administration to bring forward the proposed Cemetery Bylaw and City of Vernon Fees and Charges Amended Bylaw for initial readings to the Regular Meeting of Council on August 19, 2019.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council receive the proposed Cemetery Bylaw, shown as Attachment 1 and outlined in the report titled "Cemetery Bylaw" dated July 19, 2019 from the Parks and Public Spaces Manager, with the following amendments: *(to be cited by Council)*.

AND FURTHER, that Council direct Administration to bring forward the proposed Cemetery Bylaw and City of Vernon Fees and Charges Amended Bylaw for initial readings to the Regular Meeting of Council on August 19, 2019.

Note: The implications of this alternative would depend on the amendments identified by Council.

ANALYSIS:

A. Rationale:

1. Background

Council endorsed the City of Vernon Cemetery Master Plan on February 11, 2019. This Master Plan is the first formal physical plan, and vision prepared for the City's cemetery. With the completion and endorsement of the Master Plan, a full rewrite of the City's Cemetery Bylaw was necessary. The new bylaw will provide an opportunity to synchronize the new cemetery policies, procedures, product and service offerings and the short and long term site improvements indicated by the Master Plan.

2. Current Bylaw

The bylaw currently in place to govern the Pleasant Valley Cemetery is the "City of Vernon Cemetery Bylaw Number 3472" which was implemented November 23th 1987 (Attachment 2). This bylaw relates to the

operation and maintenance of the cemetery, and includes levies for the fees and charges related to the cemetery operation. Since the adoption of the bylaw there have been twelve minor amendments, mostly to Section 13 – Fees and Charges.

3. Proposed Cemetery Bylaw

The proposed Cemetery Management Bylaw (Attachment 1) brings the City of Vernon up to-date, compliant and synchronized with current provincial regulations. It is clear, concise and easy to understand by customers and staff and includes current terminology used within the bereavement sector. This new bylaw will also allow the City to achieve the goals and objectives set out in the Cemetery Master Plan regarding how the cemetery should look, operate and perform over time.

The major changes to the new Bylaw include:

- a. A new 'Cemetery Fees' section will be created within the Fees and Charges Bylaw No. 3909 and will contain the new fee structure for Residents, Former Residents and Non-Residents. (Section 3.2 – Definition of Fee) (Attachment 3)
- b. The visiting hours for the Cemetery are proposed to change to 8 am to 8 pm from March 15 to October 15. The previous bylaw the hours were 8 am to dusk. (Section 5.1)
- c. The holder for the floral tributes will be available to purchase through the City only (no private holders will be accepted). Only fresh cut flower may be placed on the lot between March 15 and October 15. Potted plants, wreaths and artificial floral tributes will be allowed between October 16 and March 14. **Year round plastic/silk flowers and/or other trinkets will not be allowed on the gravesite.** (Section 5.4)
- d. There is a new section included in the bylaw regarding transferring and reclamation of lots. (Section 7.0-7.6)
- e. All sizing of lots and memorials will remain the same, however the number of remains per lot will change. (Schedule A -1.6)
 - Infant Lot - Limit of 1 infant and 2 cremated remains
 - Standard Adult Lot – Limit of 2 human interments and 2 cremated remains
 - Green burial Lot – Limit of 1 human interment and 1 cremated remains.
- f. Schedules and language have been included to allow diversity of interment, including provision of columbariums, cremation scattering and green burials.

4. Next Steps

Following any revisions to the proposed Cemetery Bylaw based on Council's direction, Administration will seek legal review by the City's solicitor. Further amendments will be made to the Fees and Charges Bylaw #3909 to reflect the new fee structure. Municipal Ticketing Information System Bylaw #5300 and the Bylaw Notice Enforcement #5250 will also be reviewed.

It is anticipated that Administration will bring all bylaws back to the August 19, 2019 Regular Meeting for Council's further review. Adoption of the proposed Cemetery Bylaw will repeal Cemetery Bylaw # 3472, 1987.

B. Attachments:

Attachment 1 – Proposed Cemetery Bylaw, including Schedules A, B, C and D

Attachment 2 – Existing Cemetery Bylaw #3472
Attachment 3 – Fees and Charges Amendment Bylaw – Cemetery Fees

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

The proposed Cemetery Bylaw supports the following goal/action items Council's Strategic Plan 2019 – 2022:

- Organization Priorities
- Sustainable Priorities

D. Relevant Policy/Bylaws/Resolutions:

At its Regular Meeting of February 11, 2019, Council passed the following resolution:

“THAT Council endorse the City of Vernon Cemetery Master Plan, presented at the Committee of the Whole meeting of January 21, 2019 and provided as Attachment 1 of the report titled Cemetery Master Plan, dated January 11, 2019 from the Manager Parks and Public Spaces;

AND FURTHER, that Council directs Administration to provide an implementation and funding strategy for Council’s consideration for the projects identified in the Cemetery Master Plan, in advance of the 2020 budget deliberations;

AND FURTHER, that Council directs Administration to complete a pre-design cost estimate and life cycle cost analysis of the cemetery irrigation system and include recommended improvements in the implementation and funding strategy;

AND FURTHER, that Council directs Administration to proceed with development of a new Cemetery Bylaw at a cost of \$3,500 to be funded from the 2017 year end uncommitted, unexpended balance;

AND FURTHER, that Council directs Administration to increase the Cemetery fees by 10% per year for 2019, 2020 and 2021.”

BUDGET/RESOURCE IMPLICATIONS:

The adoption of the proposed Cemetery Bylaw and the amendment to the Fees and Charges Bylaw # 3909 will create new revenues for the cemetery due to the proposed fees.

Prepared by:

Approved for submission to Council:

X

Signer 1

K. Kryszak

Will Pearce, CAO

Date: 24. Jan. 2019

Kendra Kryszak
Manager, Parks and Public Spaces

X Shirley Koenig

Signer 2

Shirley Koenig
Director, Operation Services

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| <input checked="" type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5767

Cemetery Management Bylaw

PURPOSE: This is a bylaw to provide for the regulation, administration, management, operation and maintenance of the City of Vernon municipal cemeteries.

The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited for all purposes as "City of Vernon Cemetery Management Bylaw No. 5767" (herein the "Bylaw").

2.0 INTERPRETATION

2.1 Legislation referred to in this Bylaw is a reference to any enactment of British Columbia or Canada, as the case may be, and regulations made thereto, as amended, revised, consolidated or replaced from time to time.

2.2 A bylaw referred to in this Bylaw is a reference to any enactment of the Council of the City of Vernon, as amended, revised, consolidated or replaced from time to time.

2.3 Headings given to any section, subsection, paragraph, clause, phrase or word in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and will not be used in the interpretation of this Bylaw.

2.4 Use of a metric or an imperial measurement included in any section, subsection, paragraph, clause, phrase or word in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and shall not be used in the interpretation of this Bylaw.

2.5 Use of a word signifying the masculine shall include the feminine and the use of a word signifying the plural shall include the singular and such references are for convenience of reference only. They do not form part of this Bylaw and shall not be used in the interpretation of this Bylaw.

2.6 If any section, subsection, paragraph, clause, phrase or word within this Bylaw or any Bylaw Schedule is for any reason held to be invalid by the decision of a Court or a regulatory authority of competent jurisdiction, such decision shall not affect or invalidate the remaining portions of this Bylaw and its Schedules.

2.7 The Schedules listed here, and as may be attached, form a part of this Bylaw:

- (a) Schedule A: Interment
- (b) Schedule B: Memorials
- (c) Schedule C: Green Burial
- (d) Schedule D: Cemetery Maps

BYLAW NUMBER 5767

3.0 **DEFINITIONS**

3.1 In this Bylaw terms defined in the "*Cremation, Interment, and Funeral Services Act*" and the "*Business Practices and Consumer Protection Authority Act*" and all regulations made thereto shall have the meaning ascribed to them unless expressly defined otherwise in this Bylaw.

3.2 In this Bylaw unless context otherwise requires:

"applicant" means an individual who or corporation that has made petition to the City for a right of interment, an interment or for a memorial permit;

"at-need" means at the time of death or after a death has occurred;

"casket" (or **"container"**) means a casket or alternative form of container, including a shroud, used to enclose human remains for interment but does not include a grave liner or an urn;

"burial permit" means a legal document required for a burial of human remains issued in the Province of B.C. and acknowledging the registration of a death with the Vital Statistics Agency of B.C.;

"Bylaw" means the '*City of Vernon Cemetery Management Bylaw*' and all rules and regulations made thereto, as amended, revised, consolidated or replaced from time to time;

"care fund" means a fund for the care and maintenance of a place of interment established, held and administered in accordance with the *CIFSA* for the purpose of funding the maintenance and care of a Cemetery;

"cemetery" means the "*Pleasant Valley Cemetery*" and any other land owned by the City of Vernon that is set apart or used, now or at some date in the future, as a place of interment of human remains or cremated remains and includes any incidental or ancillary buildings on the land;

"child" means an individual between the ages of two (2) and twelve (12) years of age;

"CIFSA" means the *Cremation, Interment and Funeral Services Act, S.B.C. 2004, C.35* administered by the Consumer Protection Authority of B.C., as amended or repealed from time to time and all regulations made thereunder;

"City" means the Corporation of the City of Vernon and together or separately may also mean the Mayor and Council of the City, a department of the City, an individual or individuals employed by the City, or an individual or individuals authorized by the City to perform work relating to the development, management, operation, provision of service in and maintenance of a City cemetery;

"CPABC" means the Business Practices and Consumer Protection Authority of B.C. established under the *Business Practices and Consumer Protection Authority Act (BPCPA), S.B.C. 2004, C.3* as amended or repealed;

"contractor" means an individual or corporation, other than an authorized worker of the City, who performs work in a City cemetery, including an individual or corporation that performs work on behalf of a rights holder or legal representative of a deceased, their heir or successor;

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“Council” means the elected Mayor and Council of the City of Vernon;

“cremated remains” means the human bone fragments remaining after the cremation of human remains and may also include the residue of other materials cremated with the human remains;

“crypt” means one type of lot, an above ground space in a mausoleum used or intended to be used for the interment of human remains;

“deceased” means an individual who has died;

“disinterment” means the removal of human remains or cremated remains from a lot in which the remains are interred and the container or any of the remaining container holding the remains for the purpose of permanent relocation;

“exhumation” means the exposure of interred human remains for the purposes of viewing or examination and further where such viewing or examination may occur in the lot where the remains are interred or the remains are removed from the lot where they are interred and where the exhumed remains shall be re-interred into the same lot after the viewing or examination has been completed;

“family member” means a parent or stepparent, a grandparent or step grandparent, a sibling (natural, adopted or step), a spouse, a child (natural, adopted or step) or a grandchild (natural, adopted or step);

“fee” means the fee(s) prescribed for a City cemetery and as from time to time may be amended or repealed and replaced in a schedule of the *‘City of Vernon Fees and Charges Bylaw’*;

“former resident” means an individual who,

- (a) was an owner, as defined in the *“Local Government Act”* of real property in the City, for a continuous period of not less than three (3) years within the period of ten (10) years immediately prior to the date the individual, or their legal representative, makes an application for a right of interment or an interment in a City cemetery, or;
- (b) was a resident of the City for a continuous period of not less than three (3) years within the period of ten (10) years immediately prior to the date the individual, or their legal representative, makes an application for a right of interment or an interment in a City cemetery, and;
- (c) where the *‘former resident’* status referred to under paragraphs (a) and (b) can be verified in a manner prescribed by the City;

“funeral director” means an individual licensed by the *CPABC* who, in the course of business, carries out the duties and responsibilities of a funeral director as set out in the *CIFSA*;

“funeral service provider” means an individual who carries on a business licensed by the *CPABC* of providing funeral services;

“grave” means one type of lot, an excavated space in the ground used or intended to be used for the interment of human remains or cremated remains;

“grave liner” means a receptacle, constructed of a durable material, that may or may not have a bottom, into which a burial container holding human remains or an urn holding cremated remains is placed to provide reinforcement of a lot as part of

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an interment and includes a grave vault that may or may not have protective features warranted by a third- party;

“green burial” means a natural form of interment where such interment satisfies criteria set out for green burial in this Bylaw and its Schedules;

“holiday” means any day of the week, or part of a day, proclaimed from time to time as a holiday to be observed by the City;

“human remains” means a dead human body in any stage of decomposition, or a body of a stillborn infant in any stage of decomposition, but does not include cremated remains;

“infant” means an individual less than two (2) years of age;

“interment” means disposition by,

- (a) burial of human remains or cremated remains in the ground;
- (b) entombment of human remains in a crypt or mausoleum;
- (c) inurnment of cremated remains in the ground or in a niche or columbarium;

“interment right” means a right of use granted in perpetuity and acquired through purchase, inheritance or permitted transfer, for,

- (a) the interment of human remains or cremated remains in a lot at a City cemetery, and;
- (b) the installation of a memorial on a lot at a City cemetery, and;
- (c) issued in accordance and in full compliance with the Bylaw of a City cemetery;

“interment rights certificate” means a document, set out in a form prescribed by the City, that describes a right of interment and the terms and conditions that govern the right of interment for a lot in a City cemetery;

“rights holder” means an individual who,

- (a) has purchased a right of interment for a lot registered in the records of the cemetery to be held in their name, or;
- (b) has a right of interment registered in their name but is not the original purchaser of the right of interment, or;
- (c) is the legal representative of a deceased individual who has a right of interment held in the deceased’s name, or;
- (d) is an individual who has, in compliance with the bylaws of the cemetery, had a right of interment transferred to be held in their name, or;
- (e) is an individual who is an heir or successor of a deceased interment rights holder and, by demonstration of a right of legal succession, may be entitled to inherit a deceased rights holder’s right of interment;

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“interment authorization” means a document, set out in a form prescribed by the City, that is completed and signed at-need by the individual having the legal authority to authorize the interment of human remains or cremated remains of a deceased individual;

“interment process” means the excavation, opening and preparation of a lot for an interment and the closing of a lot after the interment of human remains or cremated remains has been made in the lot;

“legal representative” means an individual who, or an agency that, by order of priority set out in *Section 5* of the *CIFSA*, has the right to control the disposition of the human remains or cremated remains of a deceased individual;

“lot” means a designated space in a City cemetery set out in a right of interment to be used or intended to be used for,

- (a) the interment of human remains or cremated remains under a right of interment;
- (b) the installation of a memorial to identify a lot or memorialize a deceased individual or stillborn child, and;
- (c) includes but is not limited to a grave, crypt, niche or plot;

“Mayor” means the elected Mayor or Deputy Mayor of the City of Vernon;

“medical health officer” means an individual appointed from time to time under the *Health Act, RSBC 1996 c. 179* as amended or replaced from time to time to act as Medical Health Officer for the City;

“memorial” means a product or structure used or intended to be used to identify a lot or to memorialize a deceased individual, including but not limited to;

- (a) a flat marker, pillow marker, upright monument, tombstone, plaque or other marker on a lot or;
- (b) other product as may be approved for memorialization at a City cemetery;

“memorial dealer” means an individual who or corporation that offers for sale or sells to and installs memorials for the public;

“memorial permit” means a document issued by the City that permits the installation of a memorial in a City cemetery;

“memorialization” means the process of selection, installation or placement of a memorial in remembrance of a deceased individual at a lot or a memorial space and may include the purchase of a memorial;

“non-resident” means an individual who does not satisfy the definition of a ‘resident’ or a ‘former resident’ set out in this Bylaw;

“ossuary” means a fully contained vessel into which cremated remains are scattered and where such scattering infers commingling with cremated remains already in or placed into the ossuary in the future;

“pre-need” means any period of time prior to death;

BYLAW NUMBER 5767

“purchase contract” means a contract in a form prescribed by the City and as prescribed by Business Practices and Consumer Protection Act and Regulation that sets out details relating to;

- (a) the purchase of a right of interment for a lot in a City cemetery, or;
- (b) the purchase of an interment service and the provision and delivery of other cemetery goods and services needed to complete an interment in a City cemetery, or;
- (c) the purchase of a memorial or a memorial installation and the provision and delivery of other cemetery goods and services needed complete a memorial installation in a City cemetery;

“resident” means an individual who,

- (a) is an owner, as defined in the “*Local Government Act (RSBC 2015) C.1*”, of real property within the City, or;
- (b) is an individual who, at the time of their death, is a resident of the City and who has been a resident of the City for not less than three (3) continuous months immediately prior to their death, and;
- (c) where the ‘*resident*’ status referred to under paragraphs (a) and (b) can be verified in a manner prescribed by the City;

“section” means an area of a cemetery designated, in a form prescribed by the City, for the disposition of human remains or cremated remains;

“scatter” (or **“scattering”**) means the irreversible disposition of cremated human remains by scattering onto or under the surface of the ground or into an ossuary or other form of scattering vessel;

“trustees” means the Mayor and Council of the City of Vernon acting as a board of trustees for the City cemeteries;

“urn” means any form of container used or intended to be used for the containment and interment of cremated remains;

“veteran” means an individual who is fully qualified (Military Occupation Class, MOC) and serving or who has honourably served, one-year minimum, in the Armed Forces of Canada, the Commonwealth or its wartime allies or an individual who served in the Merchant Navy or Ferry Command during wartime;

“without prior notice” means, as may be applicable, the City has no obligation to make or provide, in any form or manner, advance notice of said action occurring to an interment rights holder, the legal representative of a deceased or their heirs or successors;

“working day” means every day of the year that is not a Saturday, Sunday or a holiday observed by the City.

BYLAW NUMBER 5767

4.0 PURPOSE & APPLICATION OF BYLAW

- 4.1 The following described real properties are set aside, held, laid out, developed, improved, used and maintained as City cemeteries and are dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose,
- (a) Pleasant Valley Cemetery, legally described as Lot 2, Plan 8674, Lot A, Plan 25056, and Lot 2, Plan 5454, save and except the most southerly 120' thereof, all in Section 2, Township 8, Osoyoos Division Yale District, and located within the Municipal boundaries of The Corporation of the City of Vernon in the Province of British Columbia. All in accordance with those portions of land "unshaded" on a map outlined in red as shown on *Bylaw Schedule D: Cemetery Maps* and attached hereto and forming part of this Bylaw, and;
 - (i) also described as being located at the Civic Address: 4311 Pleasant Valley Road, Vernon, B.C., and;
 - (b) Future Cemetery, the following lands shall be set aside for future cemetery use, and are legally described as, Lot 1 of Plan 6029, save and except that part shown as Parcel "A" of DD C28737F, all in Section 2, Township 8, Osoyoos Division Yale District, and located within the Municipal boundaries of The Corporation of the City of Vernon in the Province of British Columbia.
- 4.2 Every City cemetery is acquired, established and laid out for the purpose of making interment, memorialization, bereavement rites and ceremonies and incidental memorial goods and services available to all individuals, irrespective of race, faith, orientation or any other form of categorization, and are established more specifically to provide,
- (a) suitable in-ground and above-ground space for the interment of human remains and cremated human remains, and;
 - (b) such additional features, facilities, services and goods as may be approved from time to time by the City that may ordinarily arise from the provision of interment, memorialization or bereavement rites or ceremonies at a City cemetery.
- 4.3 The development, administration, operation and maintenance of every City cemetery and the provision of services therein and the application and administration of this Bylaw and the establishment of fees and charges for every City cemetery shall be conducted in accordance with all applicable legislation of British Columbia or Canada, as the case may be, and all regulations made thereto.
- 4.4 The City shall have the full and complete control and management over the land, buildings, plantings, roads, utilities, books and records of the City's cemeteries and shall have the authority to amend, establish, administer and enforce the Bylaw established for a City cemetery.
- 4.5 The City shall at all times have a right of passage, in any manner it sees fit, over every lot and the land of every City cemetery so as to permit cemetery operations to be performed in a safe, efficient and timely manner.

BYLAW NUMBER 5767

- 4.6 The City shall have the right to manage, maintain or alter the interment areas, sections, memorials, roads and pathways, buildings, services infrastructure, change or remove plantings, grade, alter in shape or size, or otherwise to change all or any part of a City cemetery as they deem necessary or appropriate and subject only to compliance with any applicable requirement of the *CIFSA*.
- 4.7 The City shall establish and maintain Schedules forming a part of this Bylaw setting out the rules, regulations and specifications pertaining to the purchase and use of an interment right, interments and the supply and installation of a memorial in a City cemetery.
- 4.8 The City shall have the authority to sell interment rights for any number lots of their choosing under such terms and conditions as they deem appropriate for the conduct of the business of the Cemetery.
- 4.9 The City shall have the authority to designate, on a limited basis, contiguous groups of lots or an entire section within a cemetery for the exclusive use of an organization or group under such terms and conditions as they deem appropriate for the conduct of the business of the Cemetery.
- 4.10 The City shall have the authority to establish a client service program or enter into a client service agency agreement, an interment services agreement, a maintenance and operations agreement or other such agreements with a business, organization or individual of its choosing and under such terms and conditions they deem appropriate for the conduct of the business of the Cemetery.
- 4.11 The City shall have the authority, at its cost and in a timely manner, to correct any error that may be made by the city in making an interment, disinterment or in the description of a lot or the transfer or conveyance of a right of interment and grant in lieu thereof, a right of interment or a lot of equal value and location so far as is reasonably possible. In the instance of an error that may involve the interment or disinterment of human remains the City shall correct the error in compliance with and under such terms as may be set out in the *CIFSA*.
- 4.12 Subject to the authority of Council, the City may designate an individual or individuals who, in an emergent or extraordinary circumstance, shall have the authority to make limited exception to or waive the application or enforcement of this Bylaw or its Schedules where such limited exception to or waiver action shall not contravene or violate any article or clause of the *CIFSA* or the *BPCPA*.

5.0 GENERAL RULES & REGULATIONS

- 5.1 The days and hours of operation of the City cemeteries and the Cemetery office shall, for the following purposes, be,
 - (a) **Cemetery Visiting:** shall open every day of the year at 8:00 a.m. and,
 - (i) from March 15 to October 15 shall be closed at 8:00 p.m., or;
 - (ii) from October 16 to March 14 shall be closed at 4:00 p.m.;
 - (b) **Interment Services:** may, upon satisfying such terms and conditions further set out in this Bylaw, take place on any day of the year and at a time arranged with and set by the City, and;

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- (c) **Cemetery Office:** located at Vernon City Hall, 3400 30th Street, open Monday through Friday, from 8:30 a.m. to 4:30 p.m. and closed on weekends and holidays observed by the City.
- 5.2 No individual or corporation shall be in a City cemetery, without the express written permission of the City,
- (a) from March 15 to October 15, after 8:00 p.m. to 8:00 a.m. the following morning, or;
 - (b) from October 16 to March 14, after 4:00 p.m. to 8:00 a.m. the following morning.
- 5.3 The City shall have the authority to suspend or cancel interment services at, and limit or prohibit public access to part or all of a City cemetery when severe weather, road or grounds conditions or other emergent circumstance may warrant or pose a hazard to the public, City personnel or make the movement and operation of vehicles or equipment unsafe.
- 5.4 Floral tributes may be placed at a City cemetery in accordance with the following schedule,
- (a) on the day of an interment and for a period of seven (7) days following the date of an interment, any type of floral tribute is permitted, and;
 - (b) from March 15 to October 15, only fresh cut flowers may be placed on a lot in a manner prescribed by the City, or;
 - (c) from March 15 to October 15, potted plants, wreaths and artificial floral tributes of any type are prohibited, and;
 - (d) from October 16 to March 14, in addition to fresh cut flowers, potted plants, wreaths, artificial floral tributes and seasonal floral tributes may be placed on a lot in a manner prescribed by the City, and;
 - (e) potted plants, wreaths, artificial floral tributes and seasonal floral tributes placed on a lot between October 16 to March 14 shall, without prior notice, be removed when spring grounds clean-up commences, and;
 - (f) flowers may only be laid on the surface of a lot or placed into an approved flower vase and holder installed by the City at a lot holder's expense, and;
 - (g) the City shall, without prior notice, remove or order removed any type of floral tribute that is deteriorated, withered, is otherwise unsightly or that detracts from the general aesthetic of adjacent lots, the Cemetery or that, for the purposes of grounds maintenance, may pose a safety risk to City workers, contractors or other users and visitors of a cemetery.
- 5.5 The placement of floral tributes, decoration, adornment, memento or other extraneous object, unless in compliance with this Bylaw, is prohibited. Unauthorized items placed on any lot in or at any City cemetery may, without prior notice, be removed or ordered removed by the City. This includes, but is not limited to flowers, vases, photographs, pictures, frames, boxes, shells, toys, wire screens, decorative rock, arbours, trellises and floral tripods.

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- 5.6 No open flame, candle, or burning of any substance or other material may take place inside a City cemetery without prior authorization given by the City and conducted under the direct supervision of the City.
- 5.7 The City shall not be liable for the deterioration, damage or loss of flowers, decorations or any other article attached to or placed on a lot or at a memorial site. Flowers or articles that are unsightly, broken or deteriorated may, without prior notice, be removed at the discretion of the City.
- 5.8 Except as may specifically be provided for elsewhere in this Bylaw, no lot or other part of a City cemetery may be decorated or adorned in any manner by any individual other than the City without the express written consent of the City where the exercise of such consent shall be within the sole discretionary authority of an individual duly appointed under article 4.12 of this Bylaw.
- 5.9 Cemetery roadways are for the exclusive use of interment processions, cemetery patrons, City grounds personnel or other individuals as may be approved by the City. No vehicle shall exceed fifteen (15) kilometers per hour within a City cemetery and every operator of a vehicle shall, at all times, obey the directions and orders of the City.
- 5.10 No individual shall drive or park a vehicle over any lawn, garden or flower bed without express permission of and subject to the supervision of the City.
- 5.11 Every individual, including those in funeral processions, upon entering and while within a City cemetery, shall follow every instruction of the City. Any individual not behaving with proper decorum within a cemetery or who disturbs the peace, quiet and good order of the Cemetery may be expelled from the Cemetery by the City.
- 5.12 The City shall be responsible for,
 - (a) the supervision, control and charge of the City cemeteries and the services and goods provided therein, and;
 - (b) the direction of all workers employed from time to time by the City to perform work within the limits of a City cemetery, and;
 - (c) refusing admission or expelling from a City cemetery any individual or corporation if such action is warranted, and;
 - (d) refusing the admission of and, without prior notice, ordering the removal of any unauthorized product, material, tree, shrub, plant or floral tribute brought into or placed at a lot or in a City cemetery in contravention of this Bylaw.
- 5.13 No individual or corporation shall,
 - (a) scatter, dispose of, or inter any cremated remains or bury any human remains within the limits of a City cemetery except in compliance with this Bylaw and the *CIFSA*;
 - (b) define or delineate any lot or group of lots in a City cemetery by a fence, railing, coping, hedge, grave cover or by any other marking except as may be permitted in the Memorial provisions of this bylaw;
 - (c) willfully or negligently destroy, mutilate, deface, damage, injure or remove anything from a City cemetery, including and without

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limitation, any memorial, plant, flower, tree, rock or other item located within the limits of a City cemetery;

- (d) carry out any activity within a City cemetery other than the attendance at an interment or memorial service or the visitation of a lot for the purpose of paying respect to the dead;
- (e) drive a vehicle in a City cemetery other than on a designated roadway for vehicles and in compliance with posted speed regulations or other directives;
- (f) conduct them self in a manner so as to disturb the peace, quiet and good order of City cemetery or an interment or memorial service being conducted therein;
- (g) discharge any firearm in a City cemetery other than at a military funeral for which a firearm salute has been authorized by the City and is conducted under the direct command of an officer in charge and only during an interment or memorial service being conducted therein;
- (h) bring into or dump any rubbish, debris or other offensive item or matter in a City cemetery or make an unauthorized removal of any cemetery refuse, waste or rubbish;
- (i) allow a child or group of children under the age of sixteen (16) years within the limits of a City cemetery that is not accompanied by a parent, guardian or an adult supervisor;
- (j) play any manner of sports game or sport activity within the limits of a City cemetery;
- (k) operate any form of motorized sports or recreational vehicle within the limits of a City cemetery;
- (l) otherwise contravene or violate any provision of this Bylaw.

5.14 No gratuity or extraordinary consideration shall be paid to or accepted by an employee or agent of the City for any service rendered or goods provided in connection with a City cemetery.

5.15 All work within City cemeteries shall be performed by the City, employees of the City, authorized agents of the City or contractors authorized in writing by the City to perform work in a City cemetery.

5.16 A contractor who performs work in a City cemetery shall, prior to commencement of any work within the limits of a City cemetery and in a form prescribed by the City, supply to the City proof of the contractor having current and valid,

- (a) Workers Compensation Insurance in a form and amount acceptable to the City, and;
- (b) Public Liability Insurance in a form and amount acceptable to the City, and;
- (c) Motor Vehicle Insurance in a form and amount acceptable to the City, and;
- (d) a Business License in a form acceptable to the City,

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- 5.17 The behaviour of a contractor within a City cemetery shall be subject to the supervision and control of the City.
- 5.18 A contractor working in a City cemetery shall cease work in the immediate vicinity of any interment or memorial service until the conclusion of the service and those attending the service have left the area where the service was being conducted.
- 5.19 No work may be performed at a City cemetery except during the regular hours of the City and/or a City cemetery. Work proposed to occur outside of the regular hours of the City and/or a City cemetery requires, prior to such work occurring, the express written consent of the City.
- 5.20 Notwithstanding article 5.14(d) of this Bylaw the City shall have the authority to conduct or to permit to be conducted public or private events within a City cemetery that are, in the opinion of the City, deemed appropriate for and in keeping with the dignity and purpose of a cemetery.
- 5.21 Where an individual, a group of individuals or a corporation, through their immediate behaviour or through a pattern of behaviour tracked over time, contravenes any article of this Bylaw, then the City may take such steps to expel the individual, group of individuals or corporation from a City cemetery and the individual, group of individuals or corporation may be subject to application of further penalty as set out in article *14.0 Penalty for Infractions* of this Bylaw.

6.0 INTERMENT RIGHTS

- 6.1 The regulations, specifications and rules for interment rights and the use of lots in a City cemetery shall be those set out in this Bylaw and *Bylaw Schedule A: Interment* and as they are current at the time of the purchase or use of an interment right.
- 6.2 The City, subject to payment of an established fee, may grant an interment right for a vacant lot in a City cemetery on an at-need or a reserve basis.
- 6.3 Possession of an interment right,
 - (a) confers to a rights holder, a right in perpetuity to use, in compliance with this Bylaw a lot for the interment of human remains or cremated remains of an individual or individuals named on an Interment Rights Certificate, but;
 - (b) does not confer to a rights holder, any title to, ownership of, or interest in the land of a City cemetery or of a lot therein or any other special privilege over any land of a City cemetery, and;
 - (c) does not entitle a rights holder to require the City to perform an interment of human remains or cremated remains into a lot until the rights holder complies in all other respects with this Bylaw as it relates to the interment of human remains or cremated remains or the purchase and placement of a memorial, including and without limitation the payment of all fees.
- 6.4 An applicant may, on a reserve basis and upon payment in full of the fee established for lots, purchase the interment rights for not more than one (1) human remains lot or one (1) cremated remains lot.

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- 6.5 The City shall issue, to an individual paying in full the fee set for an interment right an *'Interment Rights Certificate'*, in a form prescribed by the City, which sets out the rights of use conferred to the purchaser identified on the certificate.
- 6.6 An interment rights holder shall have the authority to designate who, other than them-self, may be authorized to control the exercise of an interment right registered in their name.
- 6.7 An interment rights holder, at the time of purchase, shall reserve the right to use a lot they have purchased for them-self or assign the right or any secondary rights in a lot to another individual to which the interment right refers where an assignee so named shall be a family member of the rights holder.
- 6.8 An interment right may not be assigned to a *'former resident'* or *'non-resident'* without the express written consent and agreement of the City and payment in full to the City of any difference between the *'resident'*, *'former resident'* or *'non-resident'* fees, as may be applicable.
- 6.9 Subject to the demand for reserved lots, the City shall have the right to limit or suspend the reserve sale of interment rights in a City cemetery at any time. Further, the City, on a reserve basis, shall never sell more than ten percent (10%) of the developed lots, as per designated lot type, available at any given time in a City cemetery.
- 6.10 An interment rights holder may only designate one lot for their own use.
- 6.11 The exercise of an interment right, every interment or every other form of disposition of human remains or of cremated remains or installation of a memorial within the limits of a City cemetery is subject to,
- (a) all provisions of this Bylaw as is current at the time of purchase or use, and;
 - (b) the terms, conditions, design, lot plan, interment and memorial parameters, standards of operation and maintenance established by the City for the City cemeteries, and;
 - (c) payment in full of all applicable fees as may be due and as are current on the date of purchase for a cemetery interment right or on the date of provision of a cemetery good or service.
- 6.12 In the instance evidence of a clear line of assignment, transfer, inheritance, succession or authority for an interment right that survives an original rights holder is not provided by a legal representative of the original rights holder then the City, through a process of due diligence prescribed by the City, shall have the authority to,
- (a) determine, the individual or individuals who may exercise a surviving right of interment and under what terms and conditions a surviving right of interment may be exercised, or;
 - (b) where a clear and distinct right of succession cannot, be reasonably ascertained, prohibit the use of the surviving interment rights in a lot.
- 6.13 The City shall have the authority to establish, amend or otherwise set out interment rights for additional lots in a City cemetery that have the same classification and interment capacity as existing lots or that may have a different classification and interment capacity.

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- 6.14 The City may, by special agreement, with an individual, society, faith group or other community organization, reserve interment rights for a block of contiguous lots in a section of a City cemetery under such terms and conditions as the City deems appropriate and where such section shall be used exclusively for the interment of deceased members of the society, faith group or other community organization. Upon such an agreement being made no person shall be provided an interment in the reserved section, unless an application for interment is accompanied by a certificate from the governing body of the society, faith group or other community organization, stating that the person is entitled to interment in the reserved section. The City, under this provision, shall never reserve more than ten (10%) percent of the developed lots available at any given time in a City cemetery.
- 6.15 Interment rights reserved and issued under article 6.14 of this Bylaw and all services rendered by the City under such agreements shall be subject to payment in full of all applicable established fees as are current at the time of the purchase or use of an interment right
- 6.16 Every interment into and every placement of a memorial on a lot in a City cemetery shall be made in compliance with this Bylaw and *Bylaw Schedule A: Interment* and *Bylaw Schedule B: Memorials*.

7.0 TRANSFERS & RECLAMATION

- 7.1 An interment right for an unused lot may only be transferred back to the City.
- 7.2 The private sale or transfer of an interment right, to which the City is not a party, is prohibited. In the instance a private sale or transfer of an interment right is made without the City's knowledge, participation or express written agreement, then the City shall have no obligation to honour an interment right acquired under such a transaction and subsequently presented to the City for use or surrender.
- 7.3 An interment right may be surrendered to the City and a refund paid where,
- (a) there are no interments in or memorials on a lot being surrendered, and;
 - (b) the original interment rights holder or their legal representative has made written application to the City, in a form prescribed by the City, stating their desire to surrender the interment right, and;
 - (c) the original Interment Rights Certificate is surrendered to the City, and;
 - (d) an administration fee for the surrender of a lot, as may be applicable, is paid in full to the City.
- 7.4 The City, upon approval of the surrender of an interment right back to the City, shall within thirty (30) days of the surrender approval date refund or pay for the surrendered interment right as follows here,
- (e) if the surrender occurs within thirty (30) days of the original date of purchase, one hundred percent (100%) of the fees paid for the right of interment shall be refunded, or;
 - (f) if the surrender occurs thirty-one (31) or more days after the original date of purchase, a right of interment may be refunded at a value up to the greater of the following two calculations,

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- (i) not more than one hundred percent (100%) of the original price paid LESS the care fund contribution portion of the fees collected at the time of purchase, or;
- (ii) not more than fifty percent (50%) of the current price of a comparable lot in the cemetery LESS the care fund contribution portion of the selling price of the comparable right of interment.

7.5 Subject to cemetery legislation, and upon approval from the cemetery regulatory authority, an interment right for an unused lot may be reclaimed by the City if all of the following have occurred,

- (a) the interment rights holder would be at least ninety (90) years of age, and;
- (b) a minimum period of fifty (50) years has elapsed from the date of purchase, and;
- (c) a minimum of ninety (90) days has passed since notice of the intent to reclaim the interment right has been sent to last known address on record for the interment rights holder, and;
- (d) the City has made a reasonable and diligent attempt to contact the interment rights holder.

7.6 In the instance an interment right for a lot has been reclaimed and resold under article 7.5 of this Bylaw and the reclaimed interment right is subsequently required for use by the original rights holder or their legal representative, the City shall provide another interment right of equal or greater value that has been chosen from the available lots of the cemetery by the original interment rights holder or their legal representative.

8.0 INTERMENT

8.1 Every interment of human remains or cremated remains into a lot or the scattering of cremated remains in a City cemetery shall be consistent with this Bylaw and *Bylaw Schedule A: Interment*.

8.2 Only human remains, or cremated human remains may be interred or cremated human remains scattered in a City cemetery.

8.3 The interment of human remains or cremated remains in a City cemetery shall be conducted in a manner consistent with the dignity of adjacent lots, the Cemetery and general community standards.

8.4 No interment, scattering, disinterment or exhumation of human remains or cremated remains at a City cemetery shall be permitted until,

- (a) the legal representative of a deceased completes, signs and delivers to the City an interment authorization, in a form prescribed by the City, and;
- (b) it is ascertained that the deceased holds a valid interment right at a City cemetery or a rights holder at a City cemetery provides authorization for a deceased's human remains or cremated remains to be interred in a lot for which they hold an interment right, and;

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- (c) all outstanding indebtedness to the City relating to an interment right to be exercised, the interment fee and the fee for any other service provided or product supplied by the City to facilitate the interment, has been paid in full to the City, and;
 - (d) proper notice, in a manner prescribed by the City, has been provided to the City, and;
 - (e) for human remains, a B.C. Burial Permit has been surrendered to the City, or;
 - (f) for cremated remains, a Certificate of Cremation has been surrendered to the City, or;
 - (g) where a death has occurred in a jurisdiction other than the province of B.C., a disposition document for the interment, deemed acceptable by the City, has been surrendered to the City.
- 8.5 The City may, through an agency agreement, permit a funeral service provider or a funeral director or other qualified individual or organization to assume responsibility to qualify an interment rights holders and/or a legal representative of a deceased and acquire all necessary information to complete a City interment authorization and collect payment for an interment and deliver all said documents, authorizations and payment prior to an interment, to the City, in a form prescribed by the City.
- 8.6 Advance notice, in a form prescribed by the City, is required for an interment in a City cemetery. Notice, documents and fees related to an interment booking shall be provided to the City,
- (a) between March 1 and October 31, at least twenty-four (24) hours in advance of an interment, of which at least eight (8) hours are regular operating hours of the City cemetery office, or;
 - (b) between November 1 and February 28, at least forty-eight (48) hours in advance of an interment, of which at least sixteen (16) hours are regular operating hours of the City cemetery office, and;
 - (c) the failure to provide due and proper advance notice to the City may result in an interment service booking being denied.
- 8.7 All cemetery appointments, interment bookings and payments for cemetery services shall be transacted under the terms set out in this Bylaw at the City of Vernon City Hall on the days and hours of operation of the City set out here for cemetery purposes,
- (a) Monday through Friday from 8:30 a.m. to 4:30 p.m., and;
 - (b) this office shall be closed on weekends and holidays observed by the City, and;
 - (c) the City shall have the right to establish an interment service schedule that may control, limit or restrict the types and numbers of interments that may occur in a City Cemetery on a given day, and;
 - (d) the City, at its discretion and in an emergent circumstance, shall have the right to vary its established interment service advance notice requirements and interment schedule limitations as the emergent circumstance may warrant.

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- 8.8 Upon provision of proper notice and authorization being delivered to the City an interment of human remains or cremated remains or the scattering of cremated remains,
- (a) may take place on any day of the year, and;
 - (b) for human remains interments, shall commence at a time arranged with the City and conclude within one (1hr) hour and thirty (30 mins) minutes after the established start time, or;
 - (c) for cremated remains interments or scattering services, shall commence at a time arranged with the City and shall conclude within one (1) hour after the established start time, and;
 - (d) a service that does not conclude within the time allocated by the City shall be subject to an '*overtime fee*' as may be established for a City cemetery, and;
 - (e) an interment that is authorized by the City to occur on a Saturday, Sunday or a holiday observed by the City shall be subject to payment of a '*weekend/holiday overtime fee*' as may be established for a City cemetery.
- 8.9 The City shall have the authority to suspend or cancel interment services at, and limit or prohibit public access to part or all of a City cemetery where severe weather, road or grounds conditions or other extraordinary circumstance may warrant or pose a hazard to the public, City staff or agents.
- 8.10 Only the City, or an individual or a contractor authorized in writing by the City, shall excavate and close lots in a City cemetery.
- 8.11 Every interment in a City cemetery shall be made or supervised by the City or by an individual or corporation authorized in writing by the City.
- 8.12 The legal representative of a deceased or their agent shall be deemed to retain custody of human remains or cremated remains for interment or until the remains are delivered to the City's representative at an interment lot. Prior to accepting custody of remains at a lot the City shall not be liable for any delay in an interment service and, after accepting custody, shall not be liable for any delay in an interment arising from circumstances outside of the City's control.
- 8.13 It is the responsibility of the legal representative of a deceased or their agent to provide sufficient means and individuals to, in a dignified manner, transfer human remains to an interment lot for interment.
- 8.14 The City may make provision for and permit the scattering of cremated remains within a City cemetery where such scattering shall be limited to only designated cremated remains scattering areas or features.
- 8.15 Only the City, or an individual authorized by the City, is authorized to place cremated remains into a cemetery lot in or perform a scattering of cremated remains at a City cemetery.
- 8.16 Where an interment is directed by a Medical Health Officer or a court of competent jurisdiction, written instructions with respect to all procedures to be followed on the interment, to protect the health and safety of all individuals who may come into contact with the burial container bearing the human remains, shall be provided to the

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City by the Medical Health Officer in advance of the interment. The City shall convey the instructions of the Medical Health Officer to every City employee or City authorized agent participating in the interment and the City shall ensure the instructions are carried out throughout the course of the interment.

- 8.17 The City, its employees and authorized agents of the City providing cemetery services shall exercise due care and attention in making an interment or a scattering but shall not be responsible for any emotional, psychological or physical injury that may occur to a living individual or any injury to human remains or cremated remains or damage to any casket, urn or any other form of container sustained as part of an interment, scattering, disinterment or exhumation except where such injury or damage may be caused by the negligence of the City, its employees or its agents.

9.0 DISINTERMENT and EXHUMATION

- 9.1 Every exhumation or disinterment of human remains or cremated remains in a City cemetery shall be conducted in compliance with cemetery legislation, this Bylaw and in a manner consistent with the dignity of adjacent lots, the City cemetery and community standards.

- 9.2 No disinterment or exhumation of human remains or cremated remains from a green burial lot shall be permitted unless the City is obligated to perform a disinterment or exhumation as ordered by a Court of competent jurisdiction.

- 9.3 No disinterment or exhumation shall be allowed until, in a form prescribed by the City,

- (a) the legal representative of the deceased who has the right to authorize the disinterment of a deceased individual has completed and signed a City disinterment authorization form, and;
- (b) a disinterment/exhumation permit, as circumstance may require under cemetery legislation, has been delivered to the City, and;
- (c) in the instance the legal representative of the deceased to be disinterred is not the rights holder for the lot from which the disinterment/exhumation is being made then written authorization from the rights holder to open the lot for the disinterment/exhumation has been provided to the City, and;
- (d) all outstanding indebtedness to the City relating to a right of interment, the exercise of the disinterment/exhumation right from the lot, and any other service provided, or product supplied by City to facilitate the disinterment/exhumation is paid in full, and;
- (e) where the disinterment includes transfer of human remains out of the City cemetery, a copy of the transport permit, as circumstance may require under the cemetery legislation and issued by the regulatory authority has been delivered to the City.

- 9.4 In the instance a rights holder makes a request for the discretionary disinterment of human remains or cremated remains from a lot under their control then the rights holder making the request shall first provide in writing to the City, at the applicant's expense and in a form prescribed by the City, a document setting out,

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- (a) such proof as the City may request, up to and including sworn affidavits, to establish the identity and the legal right and authority of the person to make such a request, and;
 - (b) such other information as the City may reasonably request as to the purpose and reason for the disinterment, and;
 - (c) the provision of such information shall not bind the City to permit the discretionary disinterment and the City shall have the right to require the applicant making the discretionary disinterment request to acquire, at the applicant's expense, a Court order that compels the City to make the disinterment requested.
- 9.5 Except where ordered by a Medical Health Officer or a Court of competent jurisdiction, normally no individuals other than City employees or authorized agents of the City along with a duly contracted funeral director shall be permitted to be present at the disinterment or exhumation of human remains or cremated remains from a lot in a City cemetery. In limited, special circumstances the City, at its sole discretion and with written authorization, may permit individuals other than City employees or authorized agents of the City to observe a disinterment or exhumation subject to the following criteria,
- (a) the request to do so is delivered to the City as part of the arrangement for and authorization of a disinterment/exhumation, and;
 - (b) the City may, for safety purposes, limit the number of individuals allowed to observe a disinterment/exhumation, and;
 - (c) all proceedings at a disinterment or exhumation shall be under the direction of the City and every witness present shall follow every instruction given by the City staff directing the disinterment/exhumation, and;
 - (d) the City may charge a fee for a '*observe disinterment/exhumation*' service.
- 9.6 The City's responsibility in the performance of a disinterment/exhumation shall be limited to,
- (a) the excavation of soil from or opening of a lot to permit access to the human or cremated remains interred in the lot, and;
 - (b) the restoration and closure of the lot when the disinterment/exhumation is complete and the restoration and repair of the ground surface around the disinterment/exhumation site, and;
 - (c) the City may charge a fee for '*lot restoration*' after a disinterment or exhumation service.
- 9.7 The physical removal of exposed human remains and their transfer into a container that fully encloses the disinterred human remains shall be performed by a funeral director authorized by and employed at the expense of the applicant requesting the disinterment. No employee or agent of the City shall be compelled or required to handle or participate in the removal of exposed human remains from a lot.
- 9.8 Other than the recovery of the human remains or cremated remains readily apparent and present in a lot opened for a disinterment the City shall make no

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representation or warranty as to any additional material, personal effect or other extraneous item that may be recovered from a disinterment or exhumation site.

- 9.9 The authorization of a disinterment/exhumation shall grant the City sole and discretionary authority to dispose of, in a safe, environmentally sensitive and dignified manner, all extraneous materials that may incidentally be removed from a lot as part of a disinterment or exhumation process, including but not limited to remnants of a burial casket, urn, other form of burial container or a grave liner or burial vault present from the date of the original interment.
- 9.10 A disinterment or exhumation in a City cemetery shall, without exception, be performed on a day and at a time of the City's choosing.
- 9.11 The re-interment of disinterred human remains or cremated remains into another lot within a City cemetery shall comply with this Bylaw in every way and as circumstance may warrant.
- 9.12 The City shall exercise due care and attention in making a disinterment or exhumation but shall not be responsible for any physical injury to human remains or damage sustained to any burial casket, urn, other form of burial container or grave liner as part of the disinterment or exhumation process.

10.0 MEMORIALS

- 10.1 Every memorial and the installation of every memorial in a City cemetery shall comply with this Bylaw and *Schedule B: Memorials* which is a part of this Bylaw.
- 10.2 The City has no responsibility or obligation to place or install at the City's expense any form of temporary or permanent memorial at an interment lot or a remembrance site. It is the responsibility of a rights holder or the legal representative of a deceased, at their expense and in accordance with this Bylaw and its Schedules, to arrange for the supply and installation of a memorial on a City cemetery lot.
- 10.3 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot or install a memorial plaque until evidence proving the individual being memorialized is deceased is provided to the City.
- 10.4 Every memorial, and installation thereof, in a City cemetery shall,
- (a) conform to the plan established for the lot and the section of the City cemetery in which the memorial is to be installed, and;
 - (b) conform, in every way, to this *Bylaw* and the specifications set out in *Bylaw Schedule B: Memorials* as are current at the time a memorial is installed, not at the time a lot was purchased, at the time of an interment or at the time a memorial was purchased, and;
 - (c) shall be constructed of granite or of another natural stone approved by the City or of bronze anchored on a reinforced concrete base.
- 10.5 No memorial, inscription, engraving, ornamentation or combination thereof, including but not limited to reference to a pet, that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 10.6 No memorial shall be installed on a lot in a City cemetery until,

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- (a) an application for installation, in a form prescribed by the City, is received by the City, and;
 - (b) the application describes fully the memorial's proposed size, design, material, inscription and location, and;
 - (c) it is determined the memorial described on the application complies with the specifications set out for memorial placement on the lot where installation is proposed, and;
 - (d) all outstanding indebtedness as related to the fees for interment rights, lot, interment, and the memorial installation has been paid in full to the City, and;
 - (e) upon satisfying all of the above, a memorial permit may be issued by the City to authorize installation of the memorial.
- 10.7 It is the responsibility of an applicant for a memorial permit to confirm the correct location for a memorial proposed for installation and, for a companion memorial, to further confirm the correct layout for a companion inscription on the memorial. The City has no responsibility or financial liability for a memorial where it can be shown these tasks were not performed by an applicant.
- 10.8 Every memorial at a City cemetery shall be placed, installed, temporarily moved, relocated or removed by or under the direct supervision of the City.
- 10.9 At the time of an interment the City may permit a temporary, non-permanent marker, of a design and size approved by the City, to be placed on a lot and the temporary marker shall be limited to such placement for a period of not more than three (3) months from the date of interment. The City is not responsible for the maintenance of any temporary marker during the placement period and shall without prior notice, when more than three (3) months have expired from the date of interment, have the authority to remove and dispose of a temporary marker.
- 10.10 The City may refuse to issue a memorial permit to an applicant if the applicant has failed to comply with the requirements of this Bylaw or any other requirement established by the City governing memorials at City cemeteries. Where a refusal may occur, the City shall inform the applicant what is not compliant in the application and the steps that must be taken to resolve the deficiency.
- 10.11 The City, despite the initial issuance of a memorial permit, may reject a memorial delivered for installation if the memorial does not match the specifications described in the memorial permit application or does not comply with the requirements of this Bylaw or any requirement established by the City governing memorials at City cemeteries or, the memorial, inscription, engraving, ornamentation or combination thereof is, in the judgement of the City inconsistent with the dignity of adjacent lots, the cemetery or community standards. Where such a refusal occurs, the City shall inform the applicant what is not compliant about the memorial delivered for installation and the steps that must be taken to resolve the deficiency.
- 10.12 The installation of memorials shall occur during regular working days of the City cemetery and installations will be made as soon as practicable after the delivery of a memorial to the City. Memorial installations may be dependent on cemetery service Schedules, staff availability, weather and ground conditions.

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- 10.13 The City is responsible to maintain the land of a lot on which a memorial is placed or installed but is not responsible for the maintenance of any memorial on a lot. The City shall not be liable for, or obligated to repair at its expense, any scratch, break or material damage to a memorial in a City cemetery except where it can be shown any scratch, break or structural damage has been caused by the negligence of the City, its employees or its agents.
- 10.14 If it is determined a memorial or its installation do not comply with this Bylaw and its Schedules then the non-compliant memorial may, without prior notice, be moved, reinstalled or permanently removed and placed in safekeeping by the City at the expense of a rights holder, the legal representative of a deceased, their heir or successor, or their memorial supplier.
- 10.15 Every rights holder or the legal representative of a deceased, their heirs or successors are responsible to keep in proper repair, at their expense and to the satisfaction of the City, all memorials on their lot. In the instance a memorial is installed on a lot in a City cemetery and subsequently falls into a state of disrepair, the City will document the condition of the memorial, and shall then have the authority, without prior notice, to have the memorial removed from the lot and from the City cemetery, in each case at the expense of rights holder, the legal representative of a deceased, their heirs or successors.
- 10.16 At the time of an interment the City may permit a temporary, non-permanent marker, of a design and size approved by the City, to be placed on a lot and the temporary marker shall be limited to such placement for a period of not more than three (3) months from the date of interment. The City is not responsible for the maintenance of any temporary marker during the placement period and shall without prior notice, when more than three (3) months have expired from the date of interment, have the authority to remove and dispose of a temporary marker.
- 10.17 The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature at a City cemetery may be permitted subject to,
- (a) the discretionary approval of the City where such approval shall be made solely by an individual duly authorized under article 4.12 of this Bylaw to make such decisions, and;
 - (b) an application, in a form prescribed by the City, is made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation may proceed, and;
 - (c) site selection shall conform to the plan of the City cemetery as determined by the City, and;
 - (d) installation of a dedicated item or custom memorial shall be made by the City or under the direct supervision of the City and the cost of installation shall be borne by the applicant, and;
 - (e) any additional terms or conditions that may be set out in *Bylaw Schedule B: Memorials* for such items or as may be set out elsewhere in any other City bylaw

11.0 CEMETERY ADMINISTRATION

- 11.1 The City Council, as trustees of the City cemeteries are responsible for,
- (a) the development, management, operation and maintenance of the City cemeteries in accordance with all applicable legislation of British Columbia or Canada as the case may be, and regulations made thereto, and the bylaws of the City as amended, revised, consolidated or replaced from time to time, and;
 - (b) the administration, interpretation and enforcement of this Bylaw and its Schedules and, said administration, interpretation, application and enforcement shall be conducted in a manner that is consistent, fair and equitable in every case and circumstance for every user of a City cemetery, and;
 - (c) ensuring all records, maps and information for the management, administration, operation and maintenance of the City cemeteries are created, collected and retained as required under legislation, and;
 - (d) ensuring all rights of interment, permits and contracts are issued as required by and in compliance with cemetery legislation and as authorized by this Bylaw, and;
 - (e) designating and empowering employees of the City and engaging and authorizing such agents of its choosing as it may deem necessary to administer the City cemeteries and develop, manage, operate and maintain the City cemeteries in the name of the City.
- 11.2 Subject to the authority of Council, the City may designate an individual or individuals to oversee, coordinate and supervise the City cemeteries and their designated duties shall include but are not limited to,
- (a) excavate, prepare and close, or cause to be excavated, prepared and closed, all interment lots, and;
 - (b) supervise, perform or cause to be performed the installation of all grave liners, memorial foundations and memorials, and;
 - (c) supervise, perform, or cause to be performed, the general care and maintenance of the Cemetery grounds, facilities, equipment and other physical assets of the City cemetery, and;
 - (d) ensure public and worker safety and a high standard of aesthetic appearance is maintained at all times in City cemeteries, and;
 - (e) monitor compliance with and enforce this Bylaw and its Schedules, and;
 - (f) maintain, as required by legislation or by the City, such records as may be required and, if requested, report to Council.

12.0 CEMETERY FEES

- 12.1 The City shall establish, and on a regular basis, review, amend or delete fees to be charged at City cemeteries for the provision of interment rights, interment services, memorials, memorial installations and such other services or goods ancillary to the provision of interment rights, interment or scattering services, memorial installation and the operation and maintenance of the City cemeteries.

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12.2 The fees established for City cemeteries shall as and where required under cemetery legislation include a contribution to the City's *Cemetery Care Fund* at rates that meet or exceed the minimum contribution rates set out for care fund contributions in cemetery legislation.

12.3 The fees established for City cemeteries under article 12.1 and 12.2 of this Bylaw shall be set out in the *City of Vernon Fees and Charges Bylaw* and the fees shall be made available to the public upon request.

13.0 CEMETERY CARE FUND

13.1 A fund for the maintenance and care of the City cemeteries and the interment lots therein is established, set aside and maintained and all monies in the Cemetery Care Fund shall be held and invested as trust funds by the City and in accordance with the requirements of cemetery legislation.

13.2 A fund shall be maintained with the City's financial institution in an account to be designated '*Cemetery Care Fund*'. The City is responsible for all deposits to the account and for ensuring that,

- (a) the account and all deposits comply with all applicable provisions of cemetery legislation, and;
- (b) the investment of monies in the *Cemetery Care Fund* is carried out in compliance with cemetery legislation, the *Local Government Act of B.C.*, the *Community Charter of B.C.*, this Bylaw, and;
- (c) the income earned on investments of the *Cemetery Care Fund*, including any appreciation thereof, shall be used only for the maintenance and care of the City cemeteries in the year in which the income and appreciation is earned or may be retained in the Cemetery Care Fund to increase the principal sum of the fund, and;
- (d) the principal of the Cemetery Care Fund shall not be reduced other than in accordance with the express written consent of the cemetery regulatory authority and as pursuant to cemetery legislation.

13.3 The City may accept contributions in the form of a charitable donation to the *Cemetery Care Fund* from any individual, corporation or community organization.

14.0 PENALTY FOR INFRACTIONS

14.1 An individual who or corporation that contravenes this Bylaw or its Schedules is guilty of an offence.

14.2 Each contravention of this Bylaw or its Schedules shall be deemed to be a separate and distinct offence.

14.3 An individual who or corporation that is cited for or found guilty of a contravention of this Bylaw or its Schedules is, upon conviction, liable for,

- (a) a fine for each infraction and for each day or part thereof during which an infraction has taken place, and;
- (b) the amount of the fine levied for contravention of this Bylaw shall be set out in the *City of Vernon Bylaw Notice Enforcement Bylaw No. 5250*, or the *Municipal Ticketing Information System Bylaw No. 5300*;

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(c) the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter (British Columbia)* or the *Offence Act (British Columbia)* as amended from time to time.

14.4 Subject to the authority of Council, the City may designate an individual or individuals who shall be authorized to enforce this Bylaw and issue citations for Contravention of this Bylaw. Further, depending on the situation, circumstance and severity of a violation of this Bylaw enforcement of may be performed by a City Bylaw Screening Officer, Bylaw Enforcement Officer or by a member of the Royal Canadian Mounted Police.

15.0 COMMENCEMENT OF TRANSITIONAL PROVISIONS

15.1 This Bylaw shall come into force upon adoption.

16.0 REPEAL

16.1 "The Corporation of the City of Vernon Bylaw No. 3472, 1987" and all previous versions, consolidations and amendments made thereto are repealed upon adoption of this Bylaw.

READ A FIRST TIME this day of , 2019.

READ A SECOND TIME this day of , 2019.

READ A THIRD TIME this day of , 2019.

RECEIVED APPROVAL IN PRINCIPLE UNDER THE *Cremation, Interment and Funeral Services Act* this day of , 2019.

ADOPTED this day of , 2019.

Mayor

Corporate Officer

-
- Schedules to Be Attached:**
Schedule A: Interment
Schedule B: Memorials
Schedule C: Green Burial
Schedule D: Cemetery Maps

BYLAW NUMBER 5767
SCHEDULE A: Interment

1.0 INTERMENT RIGHTS

- 1.1 The City of Vernon *Cemetery Management Bylaw* together with the rules, regulations and specifications that follow here shall apply to rights of interment, the interment of human remains and the interment or scattering of cremated remains in a City cemetery.
- 1.2 The City, subject to payment of an established fee, may grant an interment right for a vacant lot in a City cemetery on an at-need or a reserve basis.
- 1.3 Possession of an interment right,
- (a) confers to a rights holder, a right in perpetuity to use, in compliance with this Bylaw a lot for the interment of human remains or cremated remains of an individual or individuals named on an Interment Rights Certificate, but;
 - (b) does not confer to a rights holder, any title to, ownership of, or interest in the land of a City cemetery or of a lot therein or any other special privilege over any land of a City cemetery, and;
 - (c) does not entitle a rights holder to require the City to perform an interment of human remains or cremated remains into a lot until the rights holder complies in all other respects with this Bylaw as it relates to the interment of human remains or cremated remains or the purchase and placement of a memorial, including and without limitation the payment of all fees.
- 1.4 An applicant may, on a reserve basis and upon payment in full of the fee established for lots, purchase the interment rights for not more than one (1) human remains lot or one (1) cremated remains lot.
- 1.5 The City shall issue, to an applicant paying in full the fee established for an interment right, an *'Interment Rights Certificate'*, in a form prescribed by the City, which sets out the rights of use conferred to the purchaser identified on the certificate.
- 1.6 **HUMAN REMAINS LOTS:** Following are the permitted interment capacities for human remains interment lots in a City cemetery:
- (a) **Infant / Child Lot:** This form of lot is limited to the interment of the human remains of one (1) infant or child and the secondary interment of the cremated remains of not more than two (2) individuals who are the parents of the interred child or infant;
 - (b) **Standard Adult Lot:** This form of lot is limited to the interment of the human remains of not more than two (2) individuals and the secondary interment of the cremated remains of not more than two (2) individuals or, where no human remains are to be interred in the lot, the interment of the cremated remains of not more than four (4) individuals;
 - (c) **Green Burial Lot:** This form of lot is limited to the interment of the human remains of not more than one (1) individual and the secondary interment of the cremated remains of not more than one (1) individual and further, the use of a green burial lot is subject, in every way, to *Bylaw Schedule C: Green Burial*;

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SCHEDULE A: Interment

- (d) **Veteran's Lot:** This form of lot, located in a designated Veteran's section of a City cemetery, is limited to the interment of the human remains of one (1) individual who qualifies as a Veteran and the secondary interment of the human remains or the cremated remains of a spouse of the Veteran interred in a Veteran's lot.
- 1.7 **CREMATED REMAINS LOTS:** Following are the permitted interment capacities for cremated remains interment lots:
- (a) **Single Cremation Lot:** This form of lot is limited to the interment of the cremated remains of one (1) individual;
 - (b) **Family Cremation (Standard Adult) Lot:** This form of lot is limited to the interment of the cremated remains of not more than four (4) individuals;
 - (c) **Veteran's Cremation Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals, of which at least one (1) individual qualifies as a Veteran;
 - (d) **Columbaria Niche Lot:** This form of lot is limited to the interment of the cremated remains of not more than two (2) individuals.
- 1.8 Lots may be laid out separately, in combinations or in combination of one lot type with another lot type.
- 1.9 Human remains interment lots permit for the secondary interment of cremated remains above interred human remains. The interment of cremated remains in a human remains lot may not be made until after the human remains interment(s) has/have been made in a lot.
- 1.10 The secondary interment of cremated remains in a green burial lot shall only be made after the human remains interment has been made in the lot. Further, a green burial lot may not be used exclusively for the interment of cremated remains.
- 2.0 LOT SIZES**
- 2.1 **HUMAN REMAINS:** Generally, lots designed, laid out and designated for the interment of human remains shall be the following size:
- (a) **Infant / Child Lot:** Shall not exceed, but may be less than, four (4') feet six (6") inches (1.4 m) wide by six (6') feet (1.8 m) long;
 - (b) **Standard Adult Lot (surveyed prior to January 1, 2017):** Shall not exceed five (5') feet nine (9") inches (1.7 m) wide by nine (9') feet two (2") inches (2.8 m) long;
 - (c) **Standard Adult Lot & Green Burial Lot (surveyed after January 1, 2017):** Shall not exceed five (5') feet six (6") inches (1.6 m) wide by nine (9') feet (2.7 m) long.
- 2.2 **CREMATED REMAINS:** Generally, lots designed, laid out and designated for the interment of cremated remains shall be the following size:
- (a) **Standard Cremation Lot:** Shall not exceed two (2') feet (60.9 cm) wide by two (2') feet (60.9 cm) long;

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SCHEDULE A: Interment

- (b) **Family Cremation (Standard Adult) Lot:** Shall not exceed five (5') feet nine (9") inches (1.7 m) wide by nine (9') feet two (2") inches (2.8 m) long;
 - (c) **Veteran's Cremation Lot:** Shall not exceed two (2') feet (60.9 cm) wide by two (2') feet (60.9 cm) long;
 - (d) **Columbaria Niche Lot:** The dimensions of a niche, which may vary in size depending on a columbarium design and layout, shall be those that are designed for and provided to the City by a columbarium / niche supplier.
- 2.3 In every instance, the official dimensions of any lot in a City cemetery shall be those set-out in the design plan and subsequent lot survey completed for the cemetery in which they are located.
- 2.4 The City shall have the authority to vary the dimensions of a lot or group of lots as circumstances may dictate or as it deems appropriate for the operation and maintenance of the Cemetery.
- 2.5 The design, layout, dimensions, location of interments and placement of memorials for every lot type in a City cemetery shall be those established by the city for a City cemetery.

3.0 INTERMENTS

- 3.1 Only human remains, or cremated human remains may be interred in a City cemetery.
- 3.2 **Human Remains:** The following specifications shall be followed in making an interment of human remains into a lot at a City cemetery,
- (a) **Single-Depth Interment:** The interment shall be made at a sufficient depth to ensure there is, when filled and closed, not less than thirty (30) inches (76.2 cm) of soil between the finished surface of the lot and the uppermost surface of the grave liner, casket or container enclosing the human remains resting in the lot, or;
 - (b) **Double-Depth Interment:** The first interment shall be made at the lowest depth of the lot and shall be of sufficient depth to permit a future second interment of human remains, separated by not less than two (2) feet (60.9 cm) of soil between interments, and where, after any future second interment in the lot, when filled and closed, shall have not less than thirty (30) inches (76.2 cm) of soil between the finished surface of the lot and the uppermost surface of the grave liner, casket or container enclosing the human remains resting in the upper level of the lot, and;
 - (c) **Green Burial Interment:** No form of grave liner or vault shall be used in a green burial lot and the interment shall be made at a sufficient depth to ensure there is, when filled and closed, not less than thirty (30) inches (76.2 cm) of soil between the finished surface of the lot and the uppermost surface of the casket, container or shroud enclosing the human remains resting in the lot.

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SCHEDULE A: Interment

- 3.3 **Cremated Remains:** The following specifications shall be followed in making an interment of cremated remains into a lot at a City cemetery,
- (a) **Cremation Interment:** The interment of cremated remains in any lot shall be made in an excavation which, when filled and closed, provides not less than twelve (12) inches (30.4 cm) of earth between the finished surface level of the lot and the uppermost surface of the cremated remains resting in the lot;
 - (b) **Green Burial Cremation Interment:** In addition to complying with above article (a), no form of grave liner or vault, or non-biodegradable urn or container may be used in a green burial lot.
- 3.4 Every interment in a City cemetery shall be made or supervised by the City or by an individual or corporation authorized in writing by the City.
- 3.5 For every double-depth lot, the first interment of human remains into the lot shall be made in the grave at the deepest interment depth and the subsequent second interment of human remains shall be made over the first and each of the interments in the grave shall conform to any further specifications established by the City relating to interment depths and coverage.
- 3.6 For every interment of human remains,
- (a) the human remains shall be delivered to the cemetery fully enclosed in a casket, alternative container or a shroud that complies with cemetery legislation and this Bylaw;
 - (b) the interment may be made directly into a grave without a liner, or;
 - (c) the interment shall be made into a grave liner of a design established, supplied and installed by the City at the expense of an interment rights holder or the legal representative of a deceased, and;
 - (d) no form of grave liner shall be used for the interment of human remains in a green burial lot.
- 3.7 For every interment of cremated remains,
- (a) the cremated remains shall be enclosed in an urn or container that is of a size that ensures the urn or container can be accommodated in the interment lot and is of a design acceptable to and approved by the City for interment;
 - (b) the interment may be made directly into a grave without a liner, or;
 - (c) the interment may be made into a grave liner of a design approved and installed by the City at the expense of an interment rights holder or the legal representative of a deceased, and;
 - (d) no form of grave liner shall be used for the interment of cremated remains in a green burial lot.
- 3.8 An individual, family or a group of individuals, upon advance agreement with and authorization by the City may be allowed to witness and / or participate in a lot closing subject to the following criteria,
- (a) the request to do so is delivered to the City as part of the normal advance notice for and authorization of an interment, and;

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SCHEDULE A: Interment

- (b) the City may, for safety purposes, limit the number of individuals allowed to witness or participate in a closing, and;
- (c) all proceedings at an interment shall be under the direction of the City and every witness present shall follow every instruction given by the City staff directing the interment, and;
- (d) the City may charge a fee for a 'witness close' service.

4.0 CREMATION SCATTERING

- 4.1 The scattering of cremated remains may be permitted in a City Cemetery but only in a designated scattering area or feature of a City cemetery.
- 4.2 Areas or features designed, laid out and designated for the scattering of cremated remains shall be of sufficient size and design to permit for the discreet, dignified, comingled disposition of cremated remains.
- 4.3 Scattered cremated remains shall not be assigned a unique, individual plot descriptor or locator but shall, for the purposes of maintaining cemetery records, be recorded as having been scattered in a designated scattering area or feature of a City cemetery.
- 4.4 The scattering of cremated remains shall be made into a feature designed to contain comingled cremated remains or onto the surface of the ground in a designated scattering area of a City Cemetery.
- 4.5 Where, subject to the written permission of the City, cremated remains have been scattered onto the surface of the ground in a designated scattering area the City may, after the scattering, place a surface layer of leaf or bark mulch over the scattered cremated remains to protect the cremated remains from disturbance.
- 4.6 The scattering of cremated remains shall always be performed by or under the supervision of a City employee or an authorized agent of the City and every scattering shall be made in a respectful and dignified manner.
- 4.7 Other than in compliance with the above noted rules the scattering of cremated remains on a cemetery lot or anywhere in a City cemetery is strictly prohibited.

5.0 MEMORIALS

- 5.1 Every memorial and the installation of every memorial in a City cemetery shall comply with the *City of Vernon Cemetery Management Bylaw* and *Bylaw Schedule B: Memorials* as are current at the time of a memorial installation.

6.0 SPECIAL PROVISIONS

- 6.1 The rules and regulations set out in this Schedule shall apply, without exception, to every interment right purchased or interment made on or after the date of adoption of the *City of Vernon Cemetery Management Bylaw* and its Schedules.
- 6.2 For an interment right purchased prior to the adoption of the *Cemetery Management Bylaw* and this Schedule the City may as circumstance warrants and on a limited, case-by-case basis and subject to the express written consent of an individual empowered under Article 4.12 of the *Cemetery Management Bylaw*, permit the interment densities in place on the date and under the terms a pre-existing right of interment was purchased. In such instances, it is the applicant's

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responsibility to provide to the City such documentation as the City deems necessary to approve of an exception to the *Cemetery Management Bylaw* and this Schedule.

SCHEDULE B: Memorials

1.0 GENERAL RULES

- 1.1 The *City of Vernon Cemetery Management Bylaw* together with the rules, regulations and specifications set out in this Schedule shall apply to the supply and installation of memorials at a City cemetery.
- 1.2 The City has no responsibility or obligation to place or install at the City's expense any form of temporary or permanent memorial at an interment lot or remembrance site. It is the responsibility of a rights holder or the legal representative of a deceased, at their expense, to arrange for the supply and installation of a memorial on a City cemetery lot.
- 1.3 No memorial may be placed on a lot prior to the interment of human remains or cremated remains into the lot or install a memorial plaque until evidence proving the individual being memorialized is deceased is provided to the City.
- 1.4 Every memorial, and installation thereof, in a City cemetery shall,
- (a) conform to the plan established for the lot and the section of the City cemetery in which the memorial is to be installed, and;
 - (b) conform, in every way, to the *Cemetery Management Bylaw* and the specifications set out in this Schedule as is current at the time a memorial is installed, not at the time a lot was purchased, at the time of an interment or at the time a memorial was purchased, and;
 - (c) shall be constructed of granite or of another natural stone approved by the City or of bronze mounted on a concrete or granite base.
- 1.5 No memorial, inscription, engraving, ornamentation or combination thereof, including but not limited to a reference to any pet or pets, that is inconsistent with the dignity of adjacent lots, the cemetery or community standards shall be placed on any memorial.
- 1.6 No memorial shall be installed on a lot in a City cemetery until,
- (a) an application for installation, in a form prescribed by the City, is received by the City, and;
 - (b) the application describes fully the memorial's proposed size, design, material, inscription and location, and;
 - (c) it is determined the memorial described on the application complies with the specifications set out for memorial placement on the lot where installation is proposed, and;
 - (d) all outstanding indebtedness as relates to the fees for interment rights, lot, interment, and the memorial installation has been paid in full to the City, and;
 - (e) upon satisfying all of the above, a memorial permit may be issued by the City to authorize installation of the memorial.
- 1.7 It is the responsibility of an applicant for a memorial permit to confirm the correct location for a memorial proposed for installation and, for a companion memorial, to further confirm the correct layout for a companion inscription on the memorial. The City has no responsibility or financial liability for a memorial where it can be shown these tasks were not performed by an applicant.

SCHEDULE B: Memorials

1.8 Every memorial at a City cemetery shall be placed, installed, relocated or removed by or under the direct supervision of the City.

1.9 At the time of an interment the City may permit a temporary, non-permanent marker, of a design and size approved by the City, to be placed on a lot and the temporary marker shall be limited to such placement for a period of not more than three (3) months from the date of interment. The City is not responsible for the maintenance of any temporary marker during the placement period and shall without prior notice, when more than three (3) months have expired from the date of interment, have the authority to remove and dispose of a temporary marker.

2.0 MEMORIALS

2.1 The form and design of a memorial and its maximum width, depth and thickness and the form and style of the memorial inscription is conditional on the type of lot on which the memorial is being installed.

2.2 Except for the thickness of a flat memorial installed flush with the ground, which shall be not less than three (3") inches (7.6 cm) thick, memorial dimensions stated in this Schedule may have a variance of not more than plus or minus one (1") inch (2.5 cm).

2.3 Every memorial marker shall be installed on a foundation to a standard, established by the City, that will minimize the potential effect of ground settlement or frost heave on an installed memorial. The City shall have the authority to revise or add additional installation requirements for memorials as it may deem necessary.

2.4 Every flat marker shall be installed, at an applicant's expense, onto a foundation that shall consist of,

- (a) excavation and preparation of the installation site, and;
- (b) placement and compaction of sufficient consolidated aggregate materials to ensure the stable and level, vertical and horizontal installation of the marker to ensure the upper surface of the marker, when installed, is flush with the ground level of the lot.

2.5 Every pillow marker or upright monument shall be installed, at an applicant's expense, onto a foundation that shall consist of,

- (a) excavation and preparation of the installation site, and;
- (b) placement and compaction of sufficient consolidated aggregate materials, and,
- (c) installation of a reinforced concrete pad that is not less than three (3") inches (7.6 cm) thick, and;
- (d) the finished concrete pad, when installed, is not less than three (3") inches (7.6 cm) wider and longer than the memorial to be installed on the lot and the upper, finished surface of the concrete pad is flush with the ground level of the lot.

SCHEDULE B: Memorials

- 2.6 **Flat Marker:** A memorial taking the form of a flat marker shall,
- (a) have a foundation, installed at the applicant's expense, that conforms to Article 2.4 of this Schedule and to any other requirement that may be established by the City for a lot where a flat marker is proposed for installation, and;
 - (b) be a granite or other natural stone memorial approved by the City that is smooth sawn on its bottom and sides and the side surfaces shall be true and perpendicular with the top surface of the memorial and the inscription and design shall be carving, engraving or etching on the face of the memorial, or;
 - (c) be a bronze memorial anchored on a reinforced cast concrete base which shall have a border of not more than six (6") inches (15.2 cm) of exposed, finished concrete exposed on all sides, and further;
 - i. the concrete base shall consist of one (1) mat of No. 3 steel reinforcing mat placed in the center of the three (3") inch (7 cm) slab and protected from the edges with one and one-half (1.5") inches (4 cm) of concrete. This form of mat shall have not less than two (2) pieces of reinforcing bar running the width of the base and three shorter pieces running the length of base, or;
 - ii. the concrete base may consist of not less than two (2) layers of No. 9 wire reinforcing mesh placed in the center of the slab and spaced 0.4" inches (1cm) to 0.8" inches (2 cm) apart from the other, and;
 - iii. the concrete base for a bronze memorial shall be not less than three (3") inches (7 cm) thick, and;
 - iv. a bronze memorial mounted on a concrete base shall not exceed the maximum permitted size of a memorial that may be permitted on any lot, and;
 - v. have an inscription where any scrolls, letters, figures or other design elements of the memorial shall not be raised more than one-half (0.5") inch (1.2 cm) above the finished surface of the memorial, or;
- 2.7 **Pillow Marker:** A memorial taking the form of a pillow marker shall,
- (a) have a foundation, installed at the applicant's expense, that conforms to Article 2.5 of this Schedule and to any other requirement that may be established by the City for a lot where a pillow marker is proposed for installation, and;
 - (b) be constructed of granite or another natural stone approved by the City and installed on a foundation that conforms to specifications set out in this Schedule, and;
 - (c) have an inscription and design that is carving, engraving or etching on the face of the pillow marker.

SCHEDULE B: Memorials

2.8 **Upright Monument on Granite Base:** A memorial taking the form an upright monument on a granite base shall,

- (a) have a foundation, installed at the applicant's expense, that conforms to Article 2.5 of this Schedule and to any other requirement that may be established by the City for a lot where an upright monument is proposed for installation, and;
- (b) have a base made of granite or another natural stone approved by the City and the bottom of the base shall be smooth sawn and unpolished so as to permit effective placement of the base on the foundation in a manner approved by the City, and further;
- (c) a monument base shall have sides that are true and perpendicular with the base's top surface, may be smooth sawn or rock pitch, may be polished or unpolished, and shall be wider and longer than the monument tablet to provide a minimum border of three (3") inches (7.6 cm) to a maximum border of six (6") inches (15.2 cm) of the base exposed on all sides, and;
- (d) have a monument tablet made of granite or another natural stone approved by the City that attaches to its base with dowel pins which shall be made of a non-corrosive material, be centered on the base, be not less than six (6") inches (15.2 cm) in length and evenly extended into both the tablet and the base, and installed in a 'dry' mode, and further;
- (e) a monument tablet shall be not less than three (3") inches (7.6 cm) thick but may be no thicker than a dimension that leaves not less than a three (3") inch (7.6 cm) to a maximum of a six (6") inch (15.2 cm) border of the granite base exposed on all sides, and;
- (f) have an inscription and design that shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored or attached to the face of the monument in a manner approved by the City.

2.9 **Upright Monument on Concrete Base:** A memorial taking the form an upright monument installed on a concrete base shall,

- (a) have a foundation, installed at the applicant's expense, that conforms to Article 2.5 of this Schedule and to any other requirement that may be established by the City for a lot where a pillow marker is proposed for installation, and;
- (b) have a monument tablet made of granite or other natural stone approved by the City that attaches to the concrete foundation in a manner approved by the City, and further;
- (c) a monument tablet shall be not less than three (3") inches (7.6 cm) thick but may be no thicker than a dimension that leaves not less than a minimum of three (3") inch (7.6 cm) to a maximum of a six (6") inch (15.2 cm) border of the concrete foundation exposed on all sides, and;
- (d) have an inscription and design that shall be carving or engraving on the face of the tablet, or a bronze plaque securely anchored or

SCHEDULE B: Memorials

attached to the face of the monument in a manner approved by the City.

- 2.7 **Columbaria Niche:** A memorial taking the form of a columbaria niche plate shall, subject to the columbarium design and niche plate size, have an inscription carved or engraved on the surface of the niche plate that is made in a font style, font size, layout and content that is consistent with adjacent niches and with the overall design established by the City for the columbarium of which the niches are a part.
- 2.8 No inscription, lettering, plaque or other form of adornment or decoration shall be placed on the back or any side of an upright monument base or monument tablet.
- 2.9 No upright monument shall be installed to extend over the space where a lot has been or may be opened to accommodate an interment of human remains.
- 2.10 An upright monument with a design feature that is an integral part of a monument tablet may be permitted so long as the monument and design feature conform to the size specifications set out in these specifications.
- 2.11 An upright monument in the form of a freestanding design shall not be permitted.
- 2.12 No upright monument shall have any uncovered vertical joint.
- 2.13 No form of candleholder, vase, lantern or other form of fixture may be attached in any manner to any memorial or placed adjacent to where a memorial is installed in a City cemetery.
- 2.14 No memorial shall have a photographic appliqué or emblem of any type that is attached solely by an adhesive. Any form of photograph or emblem must be an integral part of the memorial either cast in bronze or sand-blasted or laser-etched on granite.
- 2.15 No form of decorative rock, gravel or other form of material may be placed at or around any memorial in a City Cemetery. Only materials approved, supplied and installed by the City for the installation and maintenance of memorials is permitted at or around memorials.

3.0 LOT TYPES & PERMITTED MEMORIALS

- 3.1 Interment into a lot in a City cemetery shall comply with the *Cemetery Management Bylaw* and *Bylaw Schedule A: Interment* as are current at the time of an interment.
- 3.2 Where a pillow marker or an upright monument may be permitted on a lot, only one (1) pillow marker or upright monument may be installed on any lot and shall be installed only in the space designated by the City for a pillow marker or upright monument.
- 3.3 **Human Remains Lots:** The following specifications shall constitute the number and type of memorials permitted on human remains interment lots as they may be designated and laid-out in a City cemetery:

- (a) **Infant / Child Lot:** This form of lot may have one (1) memorial that is,
 - (i) a flat marker installed flush with the ground that is twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick, or;

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- (ii) a pillow marker installed on a concrete foundation that is twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep and where the back of the pillow marker shall not be more than six (6") inches (15.2 cm) thick sloping to the front of the marker that is not more than three (3") inches (7.6 cm) thick.

(b) **Standard Adult – Flat or Pillow Marker - Lot:** This form of lot may have not more than two (2) memorials that are,

- (i) one (1) '*primary*' flat marker installed flush with the ground that is twenty-four (24") inches (60.9 cm) wide by twelve (12') inches (30.4 cm) deep by not less than three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, or;
- (ii) one (1) '*primary*' pillow marker installed on a concrete foundation that is twenty-four (24") inches (60.9 cm) wide by twelve (12') inches (30.4 cm) deep and where the back of the pillow marker shall not be more than six (6") inches (15.2 cm) thick sloping to the front of the marker that is not more than three (3") inches (7.6 cm) thick and memorializing not more two (2) individuals, and;
- (iii) one (1) additional flat marker installed flush with the ground that is twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick.

(c) **Standard Adult - Upright Monument - Lot:** This form of lot may have not more than two (2) memorials that are,

- (i) one '*primary*' (1) upright monument which shall twenty-four (24") inches (60.9 cm) wide and not less than twelve (12') inches (30.4 cm) high but not more twenty-four (24") inches (60.9 cm) high by not less than three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, and;
- (ii) one (1) additional flat marker installed flush with the ground that is twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick.

(d) **Veteran's Lot:** This form of lot may have one (1) memorial in the form of a flat marker installed flush with the ground that is either,

- (i) twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick to memorialize one (1) individual, or;
- (ii) twenty-four (24") inches (60.9 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick to memorialize two (2) individuals.

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3.4 **Cremated Remains Lots:** The following specifications shall constitute the number and type of memorials permitted on cremated remains interment lots as they may be designated and laid-out in a City cemetery:

(a) **Single Cremation Lot:** This form of lot may have one (1) flat marker installed flush with the ground that is twelve (12") inches (60.9 cm) wide by eight (8") inches (20.3 cm) deep by three (3") inches (7.6 cm) thick and memorializing not more than one (1) individual.

(b) **Family Cremation (Standard Adult) Lot:** This form of lot may have not more than two (2) memorials that are,

(i) one (1) 'primary' flat marker installed flush with the ground that is twenty (20") inches (50.8 cm) wide by eight (8") inches (30.4 cm) deep by not less than three (3") inches (7.6 cm) thick and memorializing not more than two (2) individuals, or;

(ii) one (1) 'primary' pillow marker installed on a concrete foundation that is twenty (20") inches (50.8 cm) wide by eight (8") inches (30.4 cm) deep and where the back of the pillow marker shall not be more than six (6") inches (15.2 cm) thick sloping to the front of the marker that is not more than three (3") inches (7.6 cm) thick and memorializing not more two (2) individuals, and;

(iii) one (1) additional flat marker installed flush with the ground that is twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick.

(e) **Veterans Cremation Lot:** This form of lot may have one (1) memorial in the form of a flat marker installed flush with the ground that is either,

(i) twelve (12") inches wide (30.4 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick to memorialize one (1) individual, or;

(ii) twenty (20") inches (50.8 cm) wide by (8") inches (20.3 cm) deep by not less than three (3") inches (7.6 cm) thick to memorialize two (2) individuals.

(c) **Columbaria Niche Lot:** This form of lot shall have as its primary form of memorial an inscription made on the face of a niche plate in a design, font style, size and layout established by the City that is consistent with adjacent niches and the overall design established by the City for the columbarium of which the niche is a part.

3.5 **Green Burial Lots:** The following specifications shall constitute the permitted form of memorialization for green burials as and where green burial lots may be designated and laid-out in a City cemetery,

(a) other than a City installed communal memorial no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any form of decoration, adornment or structure shall be placed on, in or around any green burial lot or in a green burial area of a City cemetery;

SCHEDULE B: Memorials

- (b) no inscription shall be made on a green burial memorial until,
 - (i) the inscription is approved by the City, and;
 - (ii) all outstanding indebtedness to the City relating to a right of interment for a lot, interment, scattering and the engraving of the inscription has been paid in full.
- (c) for every memorial inscription made on a green burial memorial the inscription shall be,
 - (i) placed on the memorial designated for the lot or group of lots where a green burial was made, and;
 - (ii) recorded sequentially on the memorial as interments occur, and;
 - (iii) composed on one line, as space may permit, of an inscription limited to the given name(s) and/or initial(s) and the surname of a deceased and the year of birth and the year of death of a deceased, and;
 - (iv) engraved to a standard depth and in a standard font established by the City for the memorial where the inscription is being made, and;
 - (v) made by the City or an approved agent or supplier of the City.
- (d) No inscription that deviates from the content and specifications set out in *Article 3.5(c)* of this Schedule or that is inconsistent with the dignity of adjacent inscriptions, lots, the City cemetery or community standards shall be placed on any green burial memorial;
- (e) The City shall have the right to determine when inscriptions are made on a green burial memorial and shall make new inscriptions as they may accumulate at a minimum of two (2) times in each calendar year;
- (f) There is no obligation to have a memorial inscription made on a green burial memorial after a green burial interment or scattering is made in a green burial area;
- (g) The City shall have the right to maintain, reposition, move, relocate or otherwise change a green burial memorial as deemed necessary and subject only to compliance with requirements of cemetery legislation.

4.0 OTHER MEMORIALS

- 4.1 The City shall have the authority to establish and install in a City cemetery such structures and features of a design and standard established by the City that facilitate the placement of memorial plaques for individuals or groups, or that provide special recognition for individuals or organizations that, in the opinion of and at the discretion of the City, have made a special contribution to the City.
- 4.2 Memorial plaques shall be supplied and installed by the City, at an applicant's expense, and when installed shall be considered as property of the City.
- 4.3 Memorial plaques shall be constructed of bronze, cast in a size, font and design established by the City and shall meet the following specifications:

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- (a) **Individual Plaque** shall be nine and one-half (9.5") inches (24.5 cm) high and sixteen and one-half (16.5") inches (42 cm) wide and memorializing one (1) individual;
 - (b) **Family Plaque** shall be sixteen and one-half (16.5") inches (42 cm) high and sixteen and one-half (16.5") inches (42 cm) wide and memorializing up to (4) individuals;
 - (c) **Community Recognition Plaque** shall be twenty-four (24") inches high by thirty (30") inches high and shall have an inscription of recognition that is approved by the City and is consistent with the dignity of adjacent lots, the cemetery and community standards.
- 4.4 The donation and dedication of a memorial planting, memorial bench or other form of custom memorial feature at a City cemetery may be permitted subject to,
- (a) the discretionary approval of the City where such approval shall be made solely by an individual duly authorized under article 4.12 of this Bylaw to make such decisions, and;
 - (b) an application, in a form prescribed by the City, is made to the City giving the proposed specifications, design and materials of the proposed memorial and must be approved in writing by the City before any delivery or installation may proceed, and;
 - (c) site selection shall conform to the plan of the City cemetery as determined by the City, and;
 - (d) installation of a dedicated item or custom memorial shall be made by the City or under the direct supervision of the City and the cost of installation shall be borne by the applicant, and;
 - (e) any additional terms or conditions that may be set out in for such items as may be set out elsewhere in any other City bylaw.

5.0 APPROVED FLOWER VASES

- 5.1 Subject to compliance with *Article 5.4 of the Cemetery Management Bylaw* the City may establish a standard for a City approved flower vase and holder for use in a City cemetery.
- 5.2 Not more than one (1) City approved flower vase with holder may be permitted on any lot in a City cemetery and,
- (a) the vase shall be of a design approved, supplied and installed by the City, at an applicant's expense, and;
 - (b) the vase holder shall, in every instance, be installed, at an applicant's expense, at a standard, predetermined location established by the City on each lot, and;
 - (c) the vase holder shall be constructed of a steel rod or bank iron designed to hold the City approved flower vase and the maximum height of the holder shall be not more than twelve and one-half (12.5") inches (31.7 cm) above the surface of the lot, and;
 - (d) from March 15 to October 15, only fresh cut flowers may be placed in a vase on any lot in a City cemetery, and;

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SCHEDULE B: Memorials

(e) from October 16 to March 14, in addition to fresh cut flowers, artificial flowers and seasonal floral tributes may be placed in a vase on any lot in a City cemetery.

- 5.3 No form of flower vase shall be permitted on a green burial lot.
- 5.4 Except for a vase and holder approved, supplied and installed, at an applicant's expense, by the City no other form of flower vase may be placed or installed at any lot in a City cemetery.
- 5.6 Vases and vase holders not approved by the City for use in a City cemetery shall, without prior notice, be removed and disposed of by the City.

6.0 SPECIAL PROVISIONS

- 6.1 The memorial specifications, rules and regulations set out in this Schedule shall, without exception, apply to every lot purchased or interment made on or after the date of adoption of the *City of Vernon Cemetery Management Bylaw* and its *Schedules*.
- 6.2 For an interment right purchased prior to the adoption of the *Cemetery Management Bylaw* and this Schedule the City may, on a limited, case-by-case basis and subject to the express written consent of an individual empowered under Article 4.12 of the *Cemetery Management Bylaw*, as circumstance warrants, permit the use of historical memorial specifications to be used for the purpose of matching or refurbishing pre-existing memorials on a lot or to permit the restoration of deteriorated historical memorials.
- 6.3 Except for lots embellished prior to the adoption of the *Cemetery Management Bylaw* and this Schedule the surface of every lot in a City cemetery shall be soil and turf grass. No grave space shall be defined by any form of curb, grave cover, coping, fence or railing.
- 6.4 The City shall have the authority to, without prior notice, remove and restore the surface of a grave with soil and turf, and dispose of any curbing, grave cover, coping, fence or railing that is in an advanced state of disrepair, has created an unsafe ground condition, become a safety hazard to individuals using, visiting or working in the Cemetery or has otherwise deteriorated to a standard of appearance and condition that is inconsistent with the dignity of adjacent lots and the general aesthetic of the cemetery.
- 6.5 The City shall have the authority to, with not less than three (3) months general notice to a lot holder or the community generally, order repairs to or removal, at a rights holder's expense, of any memorial that is in an advanced state of disrepair, is a safety hazard to individuals using, visiting or working in the Cemetery or that has otherwise deteriorated to a state that is inconsistent with the dignity of adjacent graves and the general aesthetic of the Cemetery.

SCHEDULE C: Green Burial

1.0 GREEN BURIAL

- 1.1 The *City of Vernon Cemetery Management Bylaw* together with the rules and regulations that follow here shall apply to the provision of green burial rights of interment, green burial interment of human remains or cremated remains, green burial memorialization, planting and visitation in a green burial designated area in a City cemetery.
- 1.2 Interment rights in a green burial area may be purchased on an at-need or a reserve basis.
- 1.3 Lot assignment in a green burial area shall only be made at the time a lot is required for an interment of human remains or cremated remains.
- 1.4 The City shall have the authority to control a green burial area and the assignment of lots to be used for interment and lot assignment shall be subject to the lot use, planting and eco-system management plan established by the City for the green burial area where a lot is located.
- 1.5 Human remains and cremated remains interred in a green burial lot shall be considered non-recoverable from the date of their interment.
- 1.6 Except where ordered by a Court of competent jurisdiction the City shall have no obligation to accommodate a request to disinter, exhume, transfer or otherwise recover human remains or cremated remains from a green burial lot.
- 1.7 Human remains proposed for interment in a green burial lot shall,
 - (a) not be embalmed;
 - (b) be clothed, wrapped or shrouded in fully biodegradable fabric made from natural, environmentally sustainable material;
 - (c) be fully enclosed in a shroud, casket or alternative container that is approved by the City for use in a green burial lot.
- 1.8 A casket, alternative container or shroud proposed for green burial interment shall,
 - (a) comply with provisions that may be set out for caskets or containers in legislation or regulation;
 - (b) be constructed of biodegradable and environmentally sustainable materials;
 - (c) have interior finishing fabricated of a biodegradable fabric made from natural, environmentally sustainable material;
 - (d) have, as a function of their design, a rigid base or other secure means with which to facilitate the dignified transfer of the human remains to the interment site and lowered into the interment lot;
 - (e) except for minimally necessary hinges, nails and screws, not have any extraneous part, fixture, decoration or adornment attached to the interior or exterior that is made of plastic, metal, or other non-biodegradable material;
 - (f) not have a high gloss or polished finish achieved through the application of synthetic or environmentally hazardous, toxic or non-biodegradable chemical or agent;

SCHEDULE C: Green Burial

- (g) not be constructed with any synthetic or environmentally hazardous, toxic or non-biodegradable glue, epoxy or other form of bonding agent;
 - (h) not have any interior liner, shroud, bag or other lining that is fabricated from a non-biodegradable material;
 - (i) not have any non-biodegradable personal item, memento or article placed inside the space occupied by the human remains;
 - (j) prior to an interment, be approved by the City for use in a green burial area.
- 1.9 Cremated human remains proposed for disposition in a green burial area shall be enclosed in an urn or alternative form of container that,
- (a) is made of a biodegradable material which may include recycled and unbleached paper or cardboard;
 - (b) does not have any interior plastic, metal or other form of permanent or semi-permanent liner, container or bag;
 - (c) except for minimally necessary nails or screws, does not have any extraneous part, fixture, decoration or adornment attached to the interior or exterior that is made of plastic, metal, or other non-biodegradable material;
 - (d) prior to a scheduled interment, is approved for use by the City in a green burial area.
- 1.10 An interment rights holder or the legal representative of a deceased person to be interred in a green burial lot shall;
- (a) ensure a shroud, casket, urn or alternative container proposed for interment in a green burial lot is a City approved container;
 - (b) arrange for the dignified transfer of the human remains or cremated to the City cemetery lot.
- 1.11 Shrouds, caskets, urns or alternative containers constructed from fibre-board, particleboard, plywood, a non-sustainable wood, exotic wood or hardwood, metal, bleached or non-recycled cardboard or other form of non-sustainable, non-biodegradable or artificial material are prohibited from interment in a green burial lot.
- 1.12 The City shall have the authority to accept, or refuse to accept, for burial, any casket, alternative container, shroud or urn proposed for interment in a green burial lot.
- 1.13 No form of exterior grave vault, liner or outer box shall be used in a green burial lot.
- 1.14 The interment of human remains in a green burial lot shall be made at a depth that is sufficient to ensure there is, when filled and closed, not less than thirty (30") inches (0.7 m) of soil between the finished surface of the lot and the uppermost surface of the interred human remains.

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SCHEDULE C: Green Burial

- 1.15 The interment of cremated remains in a green burial lot shall be made at a depth that is sufficient to ensure there is, when filled and closed, not less than eighteen (18") inches (0.45 m) of soil between the finished surface of the lot and the uppermost surface of the interred cremated remains.
- 1.16 The City makes no warranty of protection nor bears any liability for the aesthetic, structural or physical impacts made to a casket or alternative container and the enclosed human remains or cremated remains that may arise during the closing of a green burial lot.
- 1.17 Where an interment right has been purchased for a green burial lot for the purpose of interring a combination of human remains and cremated remains in the lot, the interment of cremated remains in the lot shall may only be made after the interment of human remains has been made into the lot.
- 1.18 Witnessing the interment of human remains or cremated remains in a green burial area shall be subject to,
- (a) a request to witness the interment being provided to the City at the time the interment arrangements are made;
 - (b) the understanding the City, for safety reasons and at its discretion, may limit the number of individuals permitted within close proximity to the site where the interment is taking place;
 - (c) all proceedings within the green burial area shall be under the sole direction of the City;
 - (d) all persons attending a witness service shall comply with the supervision of and instructions given by the City.
- 1.19 Upon provision of advance notice to the City, family members and / or friends of a deceased may be permitted to participate in the closing of a green burial lot. In the instance where individuals other than City personnel participate in the closing of a lot, said individuals shall,
- (a) be subject to supervision by the City;
 - (b) follow all instructions issued them by the City;
 - (c) be of sound physical condition and be capable of the participation intended;
 - (d) assume personal responsibility and liability for any injury arising as a result of their voluntary participation in the lot closing process.
- 1.20 A witness close service may be subject to a fee and paid in full to the City prior to the witness service.

2.0 GREEN BURIAL MEMORIALS

- 2.0 The City shall install communal memorials of a design of the City's choosing for the purpose of making approved memorial inscriptions to commemorate green burial interments.
- 2.2 Other than City installed memorials no other memorial marker, monument, edging, grave cap or other stone, vase, ornament or any other form of decoration, adornment or structure shall be placed on, in or around any lot in a green burial area.

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SCHEDULE C: Green Burial

- 2.3 The City shall have the right to determine when inscriptions are made on a green burial memorial and shall make new inscriptions as and when they may accumulate at a minimum of twice in each calendar year.
- 2.4 There is no obligation to have a memorial inscription made on a green burial memorial after a green burial interment or scattering is made in a green burial area
- 2.5 The City shall have the right to maintain, reposition, move, relocate or otherwise change a green burial memorial as deemed necessary and subject only to compliance with any requirement of cemetery legislation.
- 2.6 The City shall have the right, without prior notice, to remove and dispose of any unauthorized memorial product, object, decoration, adornment or memento placed on a green burial lot or in a green burial area.

3.0 GREEN BURIAL GENERAL RULES

- 3.1 Floral tributes that accompany human remains or cremated human remains as part of an interment service shall be permitted to remain on a green burial lot for not more than seven (7) days following the date of interment. After seven (7) days from the date of interment the City shall have the right, without prior notice, to remove and dispose of floral tributes at a green burial lot.
- 3.2 Except for floral tributes accompanying an interment service no other floral tributes, artificial flowers, planting, memorial, vase, decoration or adornment in any form or type may be placed on a green burial lot or in a green burial area of a City cemetery.
- 3.3 The City shall have the right, without prior notice, to remove and dispose of any unauthorized flower, plant material or object placed on a green burial lot or in a green burial area of a City cemetery.
- 3.4 Only the City shall make or supervise all planting in a City cemetery green burial area.
- 3.5 Only locally indigenous trees, bushes, shrubs, groundcover and wildflowers native to and typical of those found in the City's climate zone shall be planted in a green burial area.
- 3.6 All planting in a City cemetery green burial area shall be made according to a pre-established planting and landscape plan for the green burial area and planting in a green burial area shall only be done as is seasonally recommended for the type of planting to be made.
- 3.7 The City shall establish and maintain pedestrian pathways to and visitation zones around green burial communal memorials to facilitate visitation.
- 3.8 To protect and maintain the health and integrity of green burial plantings and ecosystems the City shall have the authority to limit, restrict or prohibit the visitation of individual graves in any green burial area in a City cemetery.
- 3.9 The City shall have the authority to limit, restrict or prohibit vehicle access to any green burial area in a City cemetery.
- 3.10 The City shall have the authority to manage, maintain and alter the interment areas, memorials, roads and pathways, change or remove plantings, grade, alter

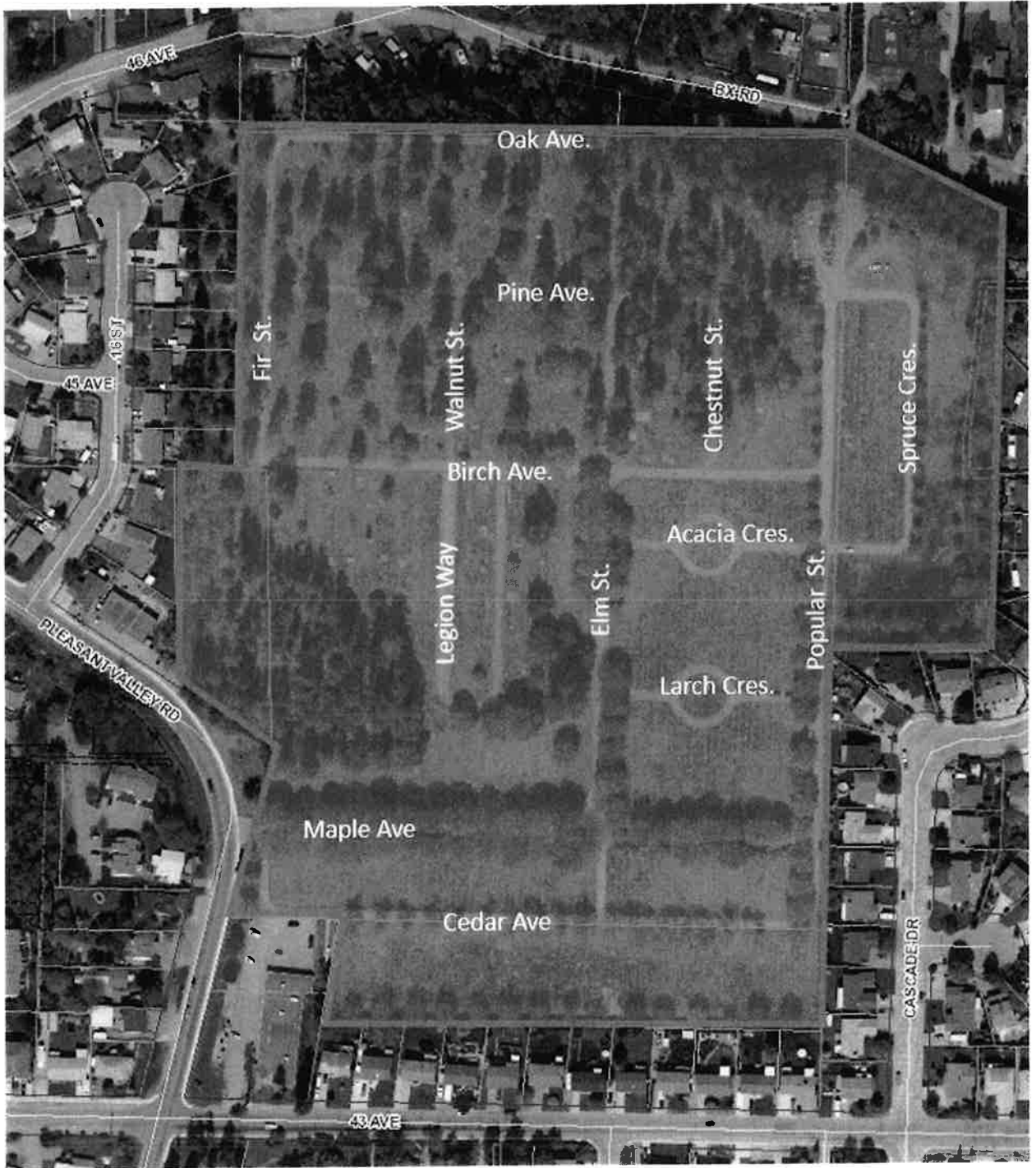
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SCHEDULE C: Green Burial

in shape or size, or otherwise to change all or any part of a green burial area in a City cemetery as they deem necessary and subject only to compliance with any applicable requirement of cemetery legislation.

SCHEDULE D: Cemetery Map

1.0 Cemetery Map





City of Vernon

***CEMETERY
BYLAW***

#3472

Consolidated for Convenience

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3472

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
3640	November 6, 1989	Div 13, Section 1303: amend fees for 1303 (5) and 1303 (6)
3882	February 22, 1993	Div 13, Section 1303: amend fees for 1303 (4), (7) and (8)
3962	November 23, 1987	Div 13, Sections 1302 and 1303 be replaced in their entirety
4173	August 21, 1995	Amendment of wording; Replace first paragraph of Section 200; Deletion of Section 901 (4); Replacing Sections 1302 and 1303 in Div 13
4277	April 26, 1999	Replacing first paragraph of Section 901 (1); Amendments to wording of Sec 90 (2) and (4); Addition of subsection (5) and (6) to Section 901
4477	February 15, 1998	Div 13, Sections 1302 and 1303 in their entirety;
4612	October 10, 2000	Div 1, Addition of definition "108 Immediate Family"; Additional wording in Section 303 (1) and new paragraph in Section 303 (1) (a); Addition of wording in Section 501.
4703	April 8, 2002	Replacing Division 9 in its entirety; Div 10, Addition of Article 1004.
5139	July 28, 2008	Div. 1 – Update definition of "Minister"; Div. 2 – update Cemeteries Branch of Prov. Gov't; Div. 12 – update wording; delete any references to "Cemetery Act" and/or "Cremation Act" and replace with "Cremation, Interment and Funeral Services Act"; Div. 7 – update wording; Div. 8 – new section regarding Cemetery Care Fund Account; Div. 9 – update General Mgr. of Corporate Services title; Div. 12 – new Purchase Agreement and Conditions & Regulations; Div. 13 – new Fees & Charges Items 1302 and 1303.
5475	January 27, 2014	Replacing Sections 1302 and 1303 of Division Thirteen - Fees & Charges, in their entirety

5610	January 9, 2017	Delete and replace Sections 1302 and 1303 of Division 13 – Fees and Charges in their entirety.
5665	December 11, 2017	Delete and replace Sections 1302 and 1303 of Division 13 – Fees and Charges in their entirety.
5735	February 25, 2019	Delete and replace Section 1302 and 1303 of Division 13 – Fees and Charges in their entirety.

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THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3472

A bylaw relating to the operation and
maintenance of cemeteries, and for the
levying of fees for same

The Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

- (a) Cemetery Bylaw Number 2637, 1977 of The Corporation of the City of Vernon and all amendments thereto are hereby repealed.
- (b) This bylaw may be cited as the "City of Vernon Cemetery Bylaw Number 3472, 1987".

DIVISION ONE - GENERAL DEFINITIONS

- 100. "Administrator" shall mean and include the person duly appointed as such from time to time by the Council.
- 101. "Caretaker" shall mean the person or persons duly appointed from time to time as Caretaker or Caretakers of the Cemetery or Cemeteries of The Corporation of the City of Vernon.
- 102. "Cemetery" shall mean and include any parcel or tract of land owned, used or maintained by The Corporation of the City of Vernon as a Cemetery, either within or without the Municipality.
- 103. "Child" shall mean a person between the ages of two and twelve years.
- 104. "Clerk" shall mean the person duly appointed as such from time to time by the Council.

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105. "Corporation" shall mean The Corporation of the City of Vernon.
106. "Council" shall mean the Council of The Corporation of the City of Vernon.
107. "Flowers" shall mean cut flowers (natural), artificial flowers, wreaths and floral offerings.
108. "Immediate Family" shall mean a spouse, child, grandchild, brother, sister, grandparent, parent or stepparent.
109. "Infant" shall mean a person who is two years of age or younger.
110. "Mayor" shall include the Acting Mayor.
111. "Medical Health Officer" shall mean the person duly appointed from time to time by the Council to act as Medical Health Officer for The Corporation of the City of Vernon.
112. "Memorial Marker" shall mean a grave marker indicating the name of the deceased person or persons, and shall be made of natural stone, concrete or bronze, affixed to a concrete base.
113. "Director" shall mean a Director of the Business Practices and Consumer Protection Authority of British Columbia.
114. "Resident" shall mean a person, who at the time of death, was the assessed owner of property within the Corporate limits of The Corporation of the City of Vernon, or a person who has resided within the Corporate limits for not less than ninety (90) days.

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115. "Non-Resident" shall mean a person, who at the time of death, was not the assessed owner of property within the Corporate limits of The Corporation of the City of Vernon, or a person who has not resided within the Corporate limits for a period of ninety (90) days.
116. "Treasurer" shall mean the person duly appointed as such from time to time by the Council.
117. Words signifying the masculine shall include the feminine.

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DIVISION TWO - GENERAL OPERATION

200. The Council of The Corporation of the City of Vernon is hereby established as the Board of Cemetery Trustees to operate the "Pleasant Valley Cemetery" located at Pleasant Valley Road and 43rd Avenue, and legally described as follows:

- (a) Lot 2, Plan 8674, Lot A, Plan 25056, and Lot 2, Plan 5454, save and except the most southerly 120' thereof, all in Section 2, Township 8, Osoyoos Division Yale District, and located within the Municipal boundaries of The Corporation of the City of Vernon in the Province of British Columbia;

All in accordance with those portions of land left "unshaded" on a map outlined in "red" as shown on Schedule "A" attached hereto and forming part of this bylaw.

- (b) The following lands shall be set aside for future Cemetery use, and are described as:

Lot 1 of Plan 6029, save and except that part shown as Parcel "A" of DD C28737F, all in Section 2, Township 8, Osoyoos Division Yale District, and located within the Municipal boundaries of The Corporation of the City of Vernon in the Province of British Columbia.

All in accordance with those portions of land "shaded" on a map outlined in red as shown on Schedule "A" attached hereto and forming part of this bylaw.

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201. A copy of the plan of the Cemetery shall be filed with the "Business Practices and Consumer Protection Authority of British Columbia", and copies shall also be kept available for public inspection in the Municipal office and at such other places as may be deemed necessary.

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DIVISION THREE - LICENCE TO USE THE CEMETERY

300. The Council shall not reserve and set aside a section of the Cemetery to be used exclusively for the interment of deceased members of a society, church or other organization concerned. In sections of the Cemetery where past agreements have been made, no person or agent acting on his behalf shall be issued with a licence to use a grave space in the reserved section, unless his application to the Corporation to purchase a licence is accompanied by a certificate from the society, church or other organization concerned, stating that he is entitled to interment in the reserved section. All licences issued and services rendered by the Corporation under these conditions shall be subject to payment at the regular rates set forth in the schedule of rates attached hereto and included in Division Thirteen of this bylaw.
301. The Administrator or his designate, as hereby authorized by the Council, may grant to any person paying the fees therefor, according to the scale of fees shown in Division Thirteen, a licence for the exclusive use by him, or his executors or administrators, of any one or more grave spaces which may be vacant and unlicensed in the Cemetery, and upon payment of said fee therefore, such person or persons shall be entitled to receive a licence in the form of a Purchase Agreement in Division Twelve attached hereto and forming part of this bylaw.
302. The Council reserves to itself the right to refuse to sell the use of more than two grave spaces to any one person.
303. (1) A holder of a licence to use and occupy grave space in the Cemetery shall not transfer his right and use of occupancy to another person, save and except as follows:

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- (a) A holder of a licence to use and occupy grave space in the Cemetery may transfer his right and use of occupancy to an immediate family member upon payment of a sum equal to the Cemetery Care Fund Contribution portion of the current fees for a cemetery plot for cremated remains.

- (2) Upon receiving a written request by the holder of a licence to use and occupy grave space in the Cemetery, that such person wishes to forfeit such right to use and occupy grave space, the Administrator or his designate may cancel the licence so issued, and refund the holder a sum equivalent to that paid for such licence at the time of issuance, excluding the Cemetery Care Fund Contribution.

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DIVISION FOUR - PERMISSION TO INTER, EXHUME AND CREMATE

400. Only the interment of human remains shall be permitted within all sections of the Cemetery.
401. No interment shall be permitted in the Cemetery until a permit to inter the remains has been obtained from the Corporation, and the fee for interment, as specified in Division Thirteen hereof, has been paid to the Corporation.
402. All permits for interment of deceased human remains in the Cemetery shall be in the form of a Purchase Agreement in Division Twelve attached hereto and forming part of this bylaw.
403. All applications for a permit to inter in the Cemetery must be made to the Administrator or his designate at the Corporation's offices during the regular hours of business, provided that such time as may reasonably be required shall be allowed for the opening of a grave, and in any case no less than Twenty-Four (24) hours prior to the interment, or Forty-Eight (48) hours in case of frost conditions as determined by the Administrator or his designate.
404. Any person who makes application for an interment permit, or who requires an interment to be made, shall furnish the Administrator or his designate with a statement of name, age, date of death of the deceased, and date and time of funeral, whether or not death was caused by an infectious disease as designated in Section 502(2), and such other information as may be reasonably required.
405. No person shall be granted a permit to inter in an area of the Cemetery which has been reserved and set aside by the Corporation under the provisions of Section 300 hereof for the burial of members of a church, society or other organization unless the applicant for such permit furnishes the Administrator or

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his designate with a certificate from the organization concerned, stating that the deceased is entitled to burial in the area so reserved.

406. (1) In the case where the body of a person who dies having an infectious disease must be buried within Thirty-Six (36) hours of death under the requirements of Section 502 hereof, and if throughout the Thirty-Six (36) hours immediately following such death the Corporation's offices are closed, permission to inter in the Cemetery shall be obtained by contacting the Administrator or his designate, but in no case shall a person who dies having an infectious disease be buried without the consent of the Medical Health Officer.

(2) The Cemetery Caretaker or the person who performs a burial under the conditions of subsection (1) of this Section shall furnish the Administrator or his designate with full particulars of the interment, and the representative of the deceased shall furnish the Administrator or his designate with full details of the deceased as required by Section 404 hereof.

(3) The information required to be given to the Administrator or his designate under the terms of subsection (2) of the Section shall be made and furnished to him as soon after such interment as the Corporation's offices are opened.

407. No human remains interred in the Cemetery shall be exhumed without a written order being first obtained from the proper authority in accordance with the requirements of the "Cremation, Interment and Funeral Services Act".

408. It shall be unlawful for any person to cremate or bury a deceased person within the limits of The Corporation of the City of Vernon, save and except as authorized under the terms of the "Cremation, Interment and Funeral Services

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Act" and the regulations made thereunder, and the regulations contained in this bylaw.

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DIVISION FIVE - INTERMENT IN THE CEMETERY

500. No human remains shall be interred in the Cemetery except in compliance with and subject to the provisions of this bylaw.
501. The holder of a licence to use and occupy grave space in the Cemetery shall not allow or permit an interment to be made in the grave space to which the licence refers, nor shall he transfer or dispose of the said grave space to another person, group or organization, save as permitted under Section 303 (1) (a) herein.
502. (1) The remains of any person who died having an infectious disease must be interred within Thirty-Six (36) hours after the death occurred; and the Medical Health Officer shall furnish the Administrator or his designate with definite instructions respecting interments in such cases; and the Caretaker or duly authorized assistant acting on his behalf shall follow such instructions carefully and minutely in making such interments.
- (2) Infectious diseases shall be interpreted by the Health Act of British Columbia.
503. (1) (a) Each casket-type interment in the Cemetery shall be made in a grave dug to a depth sufficient to provide for one metre of earth between the upper surface of the coffin or graveliner and the level of the ground surrounding the grave.
- (b) Each cremation-type interment in the Cemetery shall be made in a grave dug to a depth sufficient to provide for 0.6 metres of earth between the upper surface of the cremated remains liner and the level of the ground surrounding the grave.

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- (2) (a) Not more than two casket-type interments shall be permitted in any one grave space in the Cemetery.
 - (b) Where two interments are permitted in one grave space, the first burial shall be at a lower depth than the second, and each of the two burials in one grave shall comply with the requirements of sub-section (1) of this Section.
- (3) Companion graves (two grave spaces side-by-side) shall be permitted with the concrete base and memorial marker centered between the two grave spaces following the first interment.
- (4) One or more interments or cremated remains may be interred in a single, double-depth or companion grave space.
- (5) A precast concrete or a one-piece fibreglass reinforced polymer concrete graveliner cremation vault with a compressive strength of 20,000 psi shall be used for each interment, including cremated remains, except where a concrete or steel vault is used with a compressive strength of 20,000 psi, and such liner shall be made of reinforced concrete not less than 5.08 centimetres in thickness, and shall consist of two (2) side walls, two (2) end walls, and cover sufficient space to bridge the coffin over its entire length.
- (6) Such graveliner shall be supplied by the Corporation at the expense of the person applying for an interment permit.
- (7) No graveliner shall be provided by the Corporation free of charge except in the case of the burial of an indigent person, for whom the Council has decided on a remission of fees.

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- (8) All vaults shall be installed by the City of Vernon or their authorized agent.
- (9) All vaults shall be delivered to the Cemetery no later than twenty-four (24) hours prior to burial time.

- 504. Without prior consent of the Administrator or his designate, no human remains shall be interred in the Cemetery except between the hours of Eight O'clock in the forenoon (8:00 a.m.) and Three O'clock in the afternoon (3:00 p.m.).

- 505. No human remains shall be interred in the Cemetery on Sundays or any statutory holiday unless written permission of the Administrator or his designate is first obtained, except in the emergency conditions as specified in Section 406 hereof.

- 506. No grave shall be dug or opened by any person other than the Caretaker or other person duly authorized by the Administrator or his designate.

- 507. No aboveground vaults, or other methods of interment above ground level, shall be permitted in the Cemetery.

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DIVISION SIX - CEMETERY CARETAKER

600. A Cemetery Caretaker may be appointed by the Council, and the duties of a Caretaker so appointed shall, among other things, be:

- (1) To dig and prepare, or cause to be dug and prepared, all graves required to be opened whenever ordered to do so by the Administrator or his designate, or the person acting on his behalf.
- (2) To supervise the installation of all memorial tablets, markers, monuments, etc., and the construction of all foundations for memorials, etc.
- (3) To carry out, or cause to be carried out, the general work of the Cemetery to maintain it in a neat and tidy condition, including the maintenance of paths, gates, fences and other Cemetery improvements.
- (4) To maintain records as required, and submit to the Administrator or his designate whatever reports are required by him.
- (5) To complete such other works as may be directed by the Administrator or his designate.

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DIVISION SEVEN - ADMINISTRATION

701. The Administrator or his designate shall maintain, or cause to be maintained, records as necessary to the administration and management of the Cemetery, and as required by Part 2 of the "Cremation, Interment and Funeral Services Act".
702. The Administrator or his designate is hereby authorized, on behalf of the Corporation, to grant a licence in the form set out in Division Twelve hereof in respect of any grave space in the Cemetery, according to the scale of fees and charges specified in Division Thirteen and subject to the provisions of this bylaw.
703. The Administrator or his designate shall issue, or cause to be issued, all permits for interment required by this bylaw, except as otherwise provided.
704. Upon issuing any permits for interment in the Cemetery, or upon receiving an order for exhumation from the proper authority, as required by Section 407 hereof, the Administrator or his designate shall notify or ensure that the Caretaker is notified of the time of the intended interment or exhumation, giving the name of the deceased and the number and location of the grave space concerned.

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DIVISION EIGHT - CARE FUND

800. (1) A fund shall be established to be known as "The Cemetery Care Fund", and such fund shall be administered in accordance with the requirements of the regulations made under the "Cremation, Interment and Funeral Services Act" for the establishment and administration of a Municipal Cemetery Care Fund, and in accordance with the procedure hereafter set out.
- (2) An account shall be established to be known as "The Cemetery Care Fund Account", into which the administrator or his designate shall pay all funds received for Care Fund purposes, and all such funds shall be credited in said account.
- (3) On all licences for use of grave spaces, the Administrator or his designate shall pay into "The Cemetery Care Fund Account" from the amount received for each licence sold at the fee specified in Division Thirteen hereof, Twenty-Five per cent (25%) of the said licence fee or \$15.00 per grave space, whichever is the greater, except in those cases where a different amount is required or approved by the "Cemeteries Branch" of the Ministry of Labour and Consumer Affairs for the Province of British Columbia.
- (4) On all licences for the use of grave space, the amount required to be used for Care Fund purposes shall be specified.
- (5) Investment of funds received for Care Fund purposes shall be made as required by the regulations under the "Cremation, Interment and Funeral Services Act" applicable to Municipal Cemetery Care Funds.

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- (6) The income from the "Cemetery Care Fund", including any appreciation thereof, shall be used for the sole purpose of upkeep and maintenance of the property licenced and the Cemetery of which it forms part.
 - (7) The principal sum of the "Cemetery Care Fund" shall not be reduced other than in accordance with an order of the Cemeteries Branch of the Ministry of Labour and Consumer Affairs for the Province of British Columbia made pursuant to the regulations under the "Cremation, Interment and Funeral Services Act".
801. A separate account of all monies received under the provisions of this bylaw and of all monies expended hereunder shall be kept by the Administrator or his designate.

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DIVISION NINE - MEMORIALS

900. Subject to Section 902 hereof, no person shall place on any grave in the Cemetery a memorial marker or a memorial and curbing until a memorial installation permit in the form of a Purchase Agreement in Division Twelve of this bylaw has been obtained, and the fee for said permit as specified in Division Thirteen hereof has been paid to the Corporation.

Memorial markers shall not be installed prior to burial, save and except:

- A. after ashes are scattered;
- B. where a marker is installed which provides for the memorialization of two (2) persons where one has predeceased the other and has been interred.

901. The Deputy Chief Administrative Officer" or a designate will be solely responsible for determining the requirements for a memorial where those requirements are not set out in a specific section of this bylaw. This pertains to newly developed areas of the Cemetery and also to areas where the ground conditions require exceptions to the specific conditions in this bylaw.

902. A memorial may be installed on a grave in the Cemetery, subject to the requirements of Section 900 hereof, and subject to the following:

All memorials shall be made of natural stone, concrete or bronze.

All memorials shall be affixed to a concrete or granite base.

A. BASE FOR MEMORIALS

- 1. The base shall be installed by the Cemetery Caretaker or his designate;
- 2. All bases shall be installed flush with the surrounding ground level.

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3. The base, including memorials located in the Family Cremation Section, shall be a minimum of 7.62 cm (3 in.) thick and shall extend 15.24 cm. (6 in.) out from each side of the memorial.
4. For cremation memorials (except memorials in the "Family Cremation Section") the base shall be a minimum of 7.62 cm. (3 in.) thick and shall extend 10.16 cm. (4 in.) out from each side of the memorial.

B. MEMORIALS

1. EVERGREEN SECTION

- a) Memorial curbing is allowed.
- b) Any size memorial is allowed.
- c) There are no restrictions on the number of memorials allowed per grave.
- d) Additional memorials to the original shall not be more than 31.75 cm (12.5 in) long by 21.59 cm (8.5 in.) deep and shall be flush with the surrounding area.

2. MAPLE SECTION:

Memorial curbing is not allowed.

a) General: All areas not otherwise specifically designated in this bylaw:

- i) The top surface of the memorial may extend a maximum height of 60.96 cm. (24 in.) above the top surface of the base.
- ii) A memorial identifying one or more interments in one grave space shall not exceed 66.04 cm. (26 in.) in length by 30.43 cm (12 in.) in depth.

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- iii) Memorials for additional cremated remains in a regular grave shall comply with the Family Cremation regulations of this bylaw.
- iv) A companion memorial (spanning two graves) shall not exceed 91.4 cm (36 in.) in length by 30.43 cm (12 in.) in depth.

b) Cremation Sections (Includes Legion Cremation Area).

In all areas that are specifically designated as a "Cremation Section":

- i) Only single memorials measuring 31.75 cm (12.5 in.) long by 21.59 cm (8.5 in.) deep are allowed and these shall be flat so the top of the memorial marker is flush with the surrounding ground area.
- ii) A companion memorial spanning two cremation graves shall not be more than 52.07 cm (20.5 in.) long by 21.59 cm (8.5 in.) deep and flat so the top of the memorial marker is flush with the surround ground area.

c) Family Cremation Section.

In all areas that are specifically designated as a "Family Cremation Section":

- i) The top surface of all memorials mounted on a base may extend a maximum height of 15.25 cm (6 in.) above the top surface of the base, except additional interments of cremated remains where the marker must comply with subsection 2 b.1. of this bylaw.

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- ii) A multiple memorial identifying one or more interments in one grave space shall not be more than 66.04 cm (26 in.) long by 30.43 cm (12 in.) deep.
- iii) Only one multiple memorial marker is permitted per family plot. Additional memorial markers on the same plot must be single markers flush to the ground.
- iv) A companion memorial spanning two family graves shall not be more than 91.4 cm (36 in.) long by 30.43 cm (12 in.) deep.

d) Block 1005 (Infants)

Block 1005 is hereby set aside for the interment of infants up to and including the age of two (2) years. Only single memorials measuring 31.75 cm (12.5 in.) long by 21.59 cm (8.5 in.) wide shall be permitted herein.

C. FLOWER VASE OR HOLDER

1. A device constructed of rod or bank iron designed as a holder of a flower vase may be embedded in the base, of a memorial, either at one side of the memorial marker, or one centered at the base of the memorial marker. The maximum height of the device is restricted to 31.75 cm (12.5 in.) above the height of the memorial marker. The rod holders must be at least 10.16 cm (4 in.) from the outer edge of the concrete base and must be a minimum of 31.75 cm (12.5 in.) above the base.
2. Cut or artificial flowers shall only be permitted to be placed in a non-glass flower vase.

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DIVISION TEN - GENERAL REGULATIONS

1000. (1) Cut or artificial flowers shall only be permitted to be placed in a flower vase, other than a glass vase, set with the top flush with the memorial tablet or the surrounding ground surface, except in those cases where a device suspending the flower vase over the memorial (as permitted by Clause (f) of subsection (2) of Section 901 hereof) is employed.
- (2) Wreaths and floral offerings may be placed on a grave at the time of the interment.
- (3) Cut flowers, artificial flowers, wreaths and floral offerings may be removed by the Caretaker when their condition is considered by him to be detrimental to the beauty of the Cemetery.
1001. No person shall plant, remove, cut down or destroy any trees, shrubs, plants, flowers, bulbs or rocks in the Cemetery, other than an employee of the Corporation authorized to do so.
1002. All persons are prohibited from damaging, defacing or interfering with any memorial, monument, fence, gate, structure or any improvements or article or thing in the Cemetery.
1003. No person shall drive a vehicle in the Cemetery at any time at a speed of more than 15 km per hour, and all vehicles and their drivers while within the Cemetery shall be subject to the directions and orders of the Caretaker.
1004. All grave markers or memorials are considered to be the property of the purchaser and required care or repair is the responsibility of the owner (purchaser).

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1005. No person shall solicit orders for markers, tablets, memorials, curbing, cappings or like works within the limits of the Cemetery.
1006. No horses are permitted in the Cemetery unless authorization to enter is received in writing from the Administrator or his designate.
1007. All persons and funeral processions in the Cemetery shall behave with proper decorum and obey the reasonable instructions of the Caretaker. Any person within the Cemetery disturbing the quiet and good order of the Cemetery may be evicted therefrom by the Caretaker or a Police Officer.
1008. The discharging of firearms, save and except other than in regular volleys at burial services of the military or similar ceremonies, is prohibited in the Cemetery.
1009. Any person who wilfully destroys, mutilates, defaces, injures or removes any tomb, monument, gravestone or other structure placed in the Cemetery, or any fence, railing or other work for the protection or ornament of the Cemetery, or any tomb, monument, gravestone or other structure aforesaid or lot within the Cemetery; or wilfully destroys, cuts, breaks or injures any shrub or plant; or plays at any game or sport; or discharges firearms, save and except as allowed under Section 1007 hereof; or who wilfully or unlawfully disturbs persons assembled for the purpose of burying of human remains therein; or who commits a nuisance, or at any time behaves in an indecent and unseemly manner; or deposits any rubbish or offensive matter or thing in the Cemetery; or in any way violates any grave, tomb, tombstone, vault or other structure within the same; or who contravenes any of the provisions of this bylaw, shall be guilty of an infraction of this bylaw and liable to the penalties hereof.
1010. The Cemetery shall be deemed open at Eight O'clock every morning (8:00 a.m.) and closed every evening at Eight O'clock (8:00 p.m.), March 15th to October

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15th, and closed every evening at Four O'clock (4:00 p.m.) from October 16th to March 14th.

DIVISION ELEVEN - ENFORCEMENT AND PENALTIES

1100. Enforcement

Any person who violates or permits any contravention of any provision of this bylaw shall be guilty of an infraction of this bylaw, and shall be liable, on summary conviction, to the penalties herein imposed.

1101. Penalties

Any person or persons guilty of any infraction or infractions of this bylaw (and for the purposes hereof, every infraction shall be deemed to be a continuing, new and separate offence for each day during which the same shall continue) shall, upon conviction for such infraction or infractions before a Court of competent jurisdiction, pay a fine not exceeding the sum of Two Thousand Dollars (\$2000.00) for each day or part thereof during which any infraction has taken place, together with the cost of prosecution.

Nothing herein contained shall prevent the City of Vernon from taking such other lawful action as is necessary to prevent or remedy any violation.

1102. Notwithstanding anything herein contained, the administration of the Cemetery shall be carried out at all times in accordance with the "Cremation, Interment and Funeral Services Act" and regulations made thereunder.

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DIVISION TWELVE – PURCHASE AGREEMENT AND CONDITIONS & REGULATIONS

Pleasant Valley Cemetery

c/o City of Vernon
 3400 – 30th Street
 Vernon, BC V1T 5E6

Phone: (250) 545-1361

Fax: (250) 545-7876

Email: creception@vernon.ca

PURCHASE AGREEMENT

CONTRACT AGREEMENT made this _____ day of _____, 20 _____
 Between PLEASANT VALLEY CEMETERY AND (HEREINAFTER CALLED THE
 PURCHASER):

 SURNAME (use block letters), GIVEN NAMES & INITIALS TELEPHONE

 ADDRESS POSTAL CODE

****SEE NOTE OF CANCELLATION ON REVERSE SIDE****

		UNIT PRICE	TOTAL PRICE
PLOTS	() Cremation () Burial		
Space No. _____	Block No. _____ Row _____	\$ _____	\$ _____
Grave Liner (mandatory for all full burials)		\$ _____	\$ _____
Headstone Setting Fee		\$ _____	\$ _____
Opening and Closing	() Quantity	\$ _____	\$ _____
GST		\$ _____	\$ _____
Cemetery Care Fund Contribution		\$ _____	\$ _____
_____		\$ _____	\$ _____

TERMS OF PAYMENT

All fees are due and payable at the time of purchase.

Total: \$ _____

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It is understood and agreed that the terms, conditions, etc. below are made as part of this purchase agreement.

PURCHASER X _____ BY _____

Note: If a funeral services provider is acting on behalf of a surviving family member, the surviving family member is deemed to be the purchaser.

WHEN PERSON SIGNING IS NOT THE PURCHASER

X _____
signature of guarantor

I hereby guarantee, in any event, payment of all sums on due date herein provided, absence of purchaser's signature notwithstanding.

address

SERVICE DETAILS

Day Date Time eta

Name of Deceased d.o.b. d.o.d.

Business Name of Funeral Provider Contact Person Phone #

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CONDITIONS & REGULATIONS

1. Interment in such grave or lot shall be subject to the Bylaws of said Cemetery, both those endorsed hereon and all others now in force hereinafter prescribed *(to all of which the Purchaser or Guarantor agrees in completing the order)*.
2. Arrangements for burial must be made at the Cemetery Office by the named relatives of the deceased or a representative authorized in writing by them to make such arrangements for the deceased, or by other authorized person at least 24 hours prior to the interment, or 48 hours in case of frost conditions as determined by the Administrator or his designate.
3. No interment shall be made in the Cemetery except on presentation of a permit, nor shall the remains of a deceased person be accepted for burial or other disposal except upon presentation of the *Burial Permit and Acknowledgement of Death* of the deceased, issued by a Registrar of Births, Deaths and Marriage, or by other officials under the provisions of the Vital Statistics Act and Regulations.
4. No said assignment or transfer of graves, lots or vaults or of rights of interment therein shall be made without the written consent of the City of Vernon. Such transactions shall not be recognized unless and until recorded on the Cemetery Books and the payment of such fees prescribed for amending the Records of the Cemetery.
5. Until an interment has been made in a grave, lot or vault, an assignment or transfer of interment rights therein may be made by the registered holder, subject to the Bylaws of the Cemetery. After an interment has been made in a grave, lot or vault, no assignment or transfer of any right therein may be made or will be recognized by the Cemetery.
6. All interments, disinterments and removals including all openings and closings of graves shall be made only by the Cemetery.
7. To adequately provide for the "care" of the Cemetery, full burial interment must have a grave liner, as applicable to the particular area and built to specifications of the Cemetery.
8. In consideration of any multiple burial privileges which may be granted by the Cemetery for lots in certain designated areas, burial of remains will only be allowed as specified in the Bylaws.
9. No marker or memorial privileges shall be allowed until graves, lots or liners and all other charges are fully paid including the setting and installation charges for the memorial and the additional contribution to the Care Fund for extra costs involved in maintaining the grave.
10. So long as an interment has not taken place, this contract can be cancelled by the purchaser in accordance with provisions of the Bylaws. A refund will be issued for the fees that were in effect at the time of purchase less the Care Fund Contribution.
11. While the lot holder is entirely free in selecting the supplier of the memorial, the size, materials and form of the memorial must conform to the Bylaws of the Cemetery, especially as applicable to the particular area, and the Cemetery reserves to itself the placement or removal of any and all memorials.
12. All improvements, alterations or embellishments of lots in the Cemetery shall be under the direction of the Cemetery and should any be made without its written consent the Cemetery reserves the right to remove, alter or change such improvements, alterations or embellishments at the expense of the lot holder. The Cemetery reserves the right to remove anything which is unsightly, dangerous, or impedes the progress of "Care".
13. The planting of trees, shrubs or plants of any kind will not be allowed at any time on said grave or lot and the placing of flowers, fresh or artificial, on graves, lots or vaults shall be subject to the Bylaws of the Cemetery as then in force.
14. The Cemetery shall be deemed open at Eight O'clock every morning (8:00 am) and closed every evening at Eight O'clock (8:00 pm), March 15th to October 15th, and closed every evening at Four O'clock (4:00 pm) from October 16th to March 14th.
15. (1) Where an error is made in the Purchase Agreement, description or transfer of a lot and the lot is unavailable, the City of Vernon shall:
 - a) amend the contract to provide another lot of equal or greater value and similar location acceptable to the lot holder or a personal representative of the lot holder;
 - b) cancel the contract and refund in full the amount of money paid plus accrued interest at a prescribed rate;
 (2) Where human error is made and human remains are interred in the wrong lot, the operator shall:
 - a) disinter the human remains from the wrong lot and inter them in the correct lot if available; or
 - b) if the correct lot is not available, disinter the human remains from the wrong lot and inter them in a lot acceptable to the representative of the lot holder, and shall, within 30 days after that, notify the Registrar of disinterment and interment.
 (3) Where the parties fail to agree on a settlement under subsection (1b) or (2b), either party may apply to the Registrar who may resolve the matter in any way the Registrar considers appropriate in the circumstances as per section 43 of the CIFSA.
16. (1) The Cemetery may sell a right of interment for a lot that has been sold previously with the approval of the Director of the BPCPA only if:
 - a) the Purchaser is at least 90 years of age or would be, if living;
 - b) a period of at least 50 years has elapsed from the date the prior right of interment was sold;
 - c) at least 90 days have passed since the date the Cemetery sent a notice of its intention to resell the right of interment to the last known address of the Purchaser, and the Cemetery has not received a response from the Purchaser; and
 - d) the Cemetery has made diligent attempts to contact the Purchaser but is not able to locate them.
 (2) If a right of interment is resold in the circumstances described in section (1) above, and the Purchaser requires the use of the lot, the Cemetery must provide another right of interment of equal or greater value that is acceptable to the Purchaser or a personal representative of the Purchaser.
17. The use of the Cemetery and its interment spaces shall be subject to such other reasonable conditions as may be prescribed in the Bylaws of the Cemetery.

BYLAW NUMBER 3472

DIVISION THIRTEEN - FEES AND CHARGES

1300. (1) The fees for interment, exhumation, use of grave space and care of graves, and the charges for goods offered for sale by the Corporation for use in the Cemetery and any other fees shall be those set forth in this Division.
- (2) The fees set out in this Division shall be paid at the Corporation's offices at the time of application for a licence and at the time of purchasing any goods or services sold by the Corporation in connection with the operation of the Cemetery.
1301. In cases of poverty, the Council may, upon application, consider the remission of fees in whole or in part.

1302	<u>Licence Fees for Cemetery</u>	Effective	Effective	Effective
	<u>Plots</u>	2019	2020	2021
	<i>*includes Cemetery Care fee (25%)</i>			
1	Adult			
	(a) Resident	\$1,562	\$1,718	\$1,890
	(b) Non-Resident	\$2,061	\$2,267	\$2,494
2	Child over 2 years to 12 years			
	(a) Resident	\$757	\$832	\$916
	(b) Non-Resident	\$1,111	\$1,222	\$1,344
3	Infant 2 years and under			
	(a) Resident	\$467	\$514	\$566
	(b) Non-Resident	\$692	\$761	\$837
4	Cremated Remains			
	(a) Resident	\$467	\$514	\$566
	(b) Non-Resident	\$692	\$761	\$837

BYLAW NUMBER 3472

1303	<u>Fees for Services and Goods</u>	Effective 2019	Effective 2020	Effective 2021
1	Interment, open and close:			
	- Adult	\$1,175	\$1,292	\$1,422
	- Children over 2 years up to 12 years	\$1,175	\$1,292	\$1,422
	- Infant 2 years and under	\$354	\$390	\$429
	- Cremated remains	\$354	\$390	\$429
2	Exhumation open and close:			
	- Adult	\$1,175	\$1,292	\$1,422
	- Children over 2 years up to 12 years	\$1,175	\$1,292	\$1,422
	- Infant 2 years and under	\$354	\$390	\$429
	- Cremated remains	\$354	\$390	\$429
3	Extra Depth, Open and Close – extra	\$386	\$425	\$467
4	Memorial - Installation Permit (Care Fund)*	\$161	\$177	\$194
5	Vault for cremated remains	\$218	\$240	\$264
6	Grave Liners	\$854	\$939	\$1,033
7	Base for markers - < 20" x 12"	\$224	\$247	\$272
	Base for markers - > 20" x 12"	\$242	\$266	\$293
8	Flower loop installation	\$130	\$143	\$157

BYLAW NUMBER 3472

9	Burial on weekend or Statutory Holiday in addition to charges under Section 1302 or 1303			
	(a) Other than cremated remains	\$1,128	\$1,240	\$1,364
	(b) Cremated Remains	\$483	\$531	\$584
10	Interment after 3:00 p.m. in addition to charges charges under Section 1302 or 1303			
	(a) Other than cremated remains	\$645	\$709	\$780
	(b) Cremated Remains	\$322	\$355	\$390
11	Plot Transfer	\$121	\$133	\$146

BYLAW NUMBER 3472

DIVISION FOURTEEN - AUTHORIZATION

1400. Effective Date of Bylaw

This bylaw shall come into force and effect upon the date of adoption thereof.

READ A FIRST TIME this 31st day of August, 1987.

READ A SECOND TIME this 28th day of September, 1987.

READ A THIRD TIME this 28th day of September, 1987.

APPROVED by the Cemeteries Officer under the regulations of the Cemetery Act this 3rd day of November, 1987.

"John Kelly"
Cemeteries Officer:

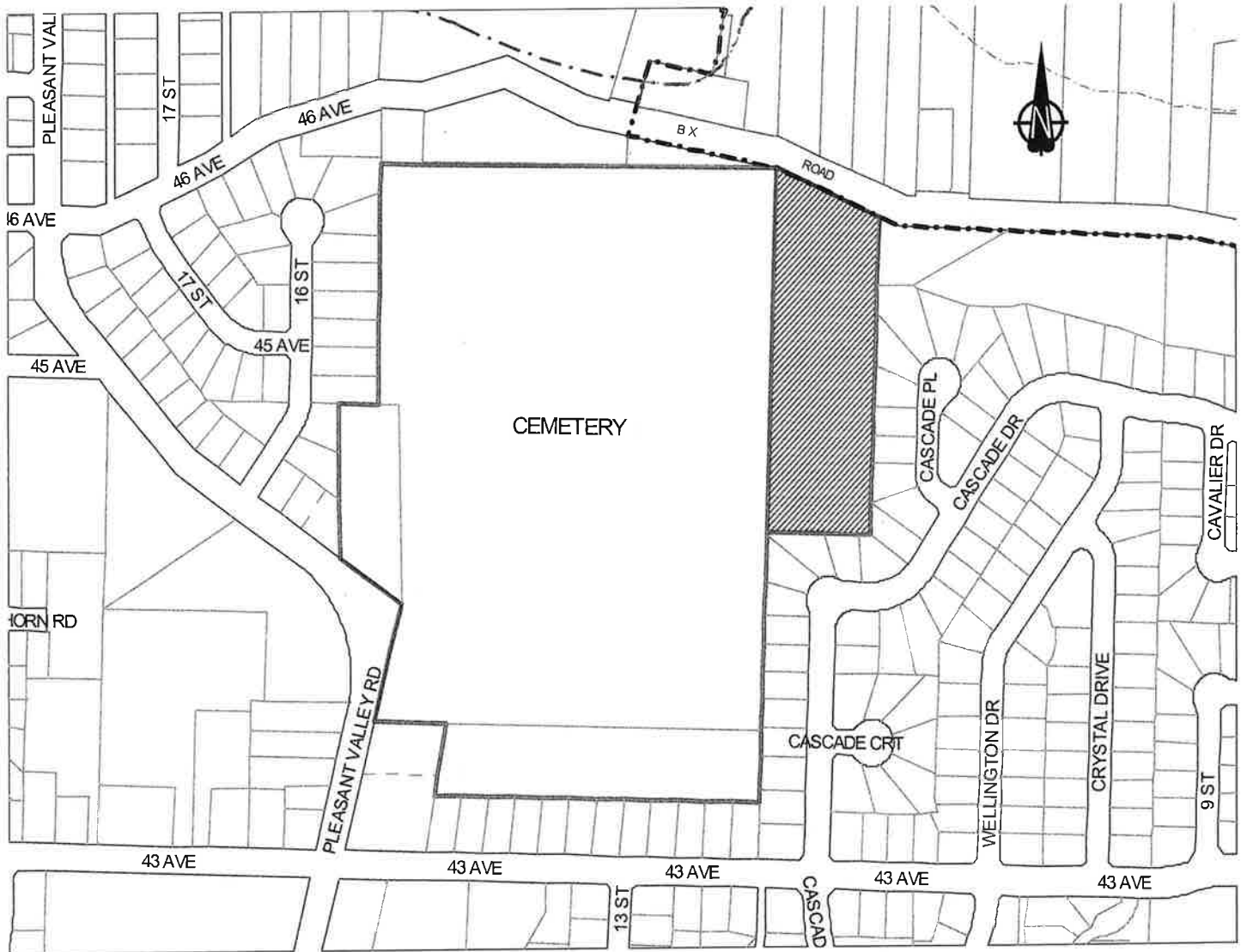
RECONSIDERED, FINALLY PASSED AND ADOPTED this 23rd day of November, 1987.

"M. Anne Clarke"
Mayor:

"M.J. Bailey"
City Clerk:

BYLAW NUMBER 3472

Schedule "A" attached hereto
and forming part of Bylaw #3472



SCHEDULE '1'

Attached to and forming Part of Bylaw #5768

"Fees and Charges (Cemetery Fees) Amendment Bylaw Number 5768, 2019"

16. CEMETERY FEES	FEES		
Human Remains Lots	Resident	Former Resident	Non-Resident
Infant Lot (under 2 years)	\$350.25	\$434.62	\$519.00
Care Fund Contribution	\$116.75	\$144.87	\$173.00
TOTAL	\$467.00	\$579.49	\$692.00
Child Lot (2 – 12 years)	\$567.75	\$700.50	\$833.25
Care Fund Contribution	\$189.25	\$233.50	\$277.75
TOTAL	\$757.00	\$934.00	\$1,111.00
Adult Lot	\$1,171.50	\$1,358.62	\$1,545.75
Care Fund Contribution	\$390.50	\$452.87	\$515.25
TOTAL	\$1,562.00	\$1,811.49	\$2,061.00
Cremated Remains Lots	Resident	Former Resident	Non-Resident
Single Cremation	\$350.25	\$434.62	\$519.00
Care Fund Contribution	\$116.75	\$144.87	\$173.00
TOTAL	\$467.00	\$579.49	\$692.00
Family Cremation	\$1,171.50	\$1,358.62	\$1,545.75
Care Fund Contribution	\$390.50	\$452.87	\$515.25
TOTAL	\$1,562.00	\$1,811.49	\$2,061.00
Memorial Permit / Installation Fees			
Memorial Installation Permit	\$151.00		
Care Fund Contribution	\$10.00		
TOTAL	\$161.00		
Concrete Pillow	\$242.00		
Concrete Bases:			
8" Depth	\$224.00		
12" Depth	\$242.00		

SCHEDULE '1'

Attached to and forming Part of Bylaw #5768

"Fees and Charges (Cemetery Fees) Amendment Bylaw Number 5768, 2019"

Cemetery Service Fees			
Interment/Exhumation:			
Infant (under 2 years)	\$354.00		
Child (2 – 12 years)	\$1,175.00		
Adult	\$1,175.00		
Cremated Remains	\$354.00		
Extra Depth Charge	\$368.00		
Extra Charge for Weekend & Statutory Holidays:			
Non-Cremated Remains	\$1,128.00		
Cremated Remains	\$483.00		
Extra Charge for Interment / Exhumation after 2:00 pm:			
Non-Cremated Remains	\$645.00		
Cremated Remains	\$322.00		
Grave Liner	\$854.00		
Vault for Cremated Remains	\$218.00		
Vase	\$20.00		
Flower Loop	\$45.00		
Installation of Flower Loop	\$45.00		
Refund Administration Fee	\$25.00		
<i>All fees are subject to GST except for Care Fund Contributions.</i>			



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 15, 2019
FILE: 4330-20 (CRL00016)

SUBJECT: CANNABIS BUSINESS LICENCE APPLICATION FOR 2-1220 KALAMALKA LAKE ROAD

PURPOSE:

To review the referral received from the Liquor and Cannabis Regulation Branch (LCRB) and provide the City of Vernon's recommendation for the LCRB's consideration in their review of the Non-Medical Cannabis Retail Store (CRS) Licence application. This application is for a business and location that has not previously operated as a dispensary in the City of Vernon.

RECOMMENDATION:

THAT Council provide a positive recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding Cannabis Retail Store application (Job#002376) (CRL00016) with respect to the application to establish a Non-Medical cannabis retail sales business on Lot 1, Plan 27868, Sec 27, Twp 9, ODYD (2-1220 Kalamalka Lake Road);

AND FURTHER, that the LCRB be advised that Council's support of the subject cannabis retail store application addresses the LCRB resolution criteria in the following manner:

- a) The location of the proposed store:
 - i. The proposed new premise at 2-1220 Kalamalka Lake Road is within the C11 – Light Industrial Service Commercial zone, and a cannabis retail store is a permitted use within this commercial zone.
- b) The general impact on the community if the application is approved:
 - i. Council considers that approval of a cannabis retail store at this location would have minimal impact on the community as long as all federal, provincial and municipal regulations are adhered to.
- c) The public consultation process consists of 76 stakeholder referral letters being sent to internal departments, agencies and to all businesses, property owners and occupants within 30 m of the subject property. Two "no concerns" responses were received and one letter was received that expressed concerns.

AND FURTHER, that the report from the Manager, Current Planning dated July 15, 2019 be provided to the Liquor and Cannabis Regulation Branch to document the City of Vernon's consideration of the location of the proposed cannabis retail store, the means of public consultation and the summary of input received with respect to Cannabis Retail Store application CRL00016.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council provide a **NEGATIVE** recommendation to the Liquor and Cannabis Regulation Branch regarding Non-Medical Cannabis Retail Store application (Job#002376) (CRL00016) with respect to the application to establish a cannabis retail sales business on Lot 1, Plan 27868, Sec 27, Twp 9, ODYD (2-1220 Kalamalka Lake Road).

Note: This alternative does not support the cannabis business licence application, and therefore the cannabis retail store licence will not receive further consideration from the Liquor and Cannabis Regulation Branch.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The subject property is located at 2-1220 Kalamalka Lake Road, as shown on Figures 1 and 2. The retail cannabis store is proposed to be located within an existing commercial building to the rear of Toro's Liquor store. This application is for a business and location that has not previously operated as a dispensary in the City of Vernon.



Figure 1 – Property Location Map

2. The applicant has applied for a Cannabis Retail Store licence to the Liquor and Cannabis Regulation Branch (LCRB) (Job#002376). As a result, the Province has referred the application to the City of Vernon for consideration by Council. Should the LCRB support the application and issue a licence to the applicant, the Cannabis Business Licence would be processed. A Cannabis Business Licence cannot be issued if the LCRB does not issue its licence.



Figure 2 – Aerial View of Property

3. No changes to parking, access or the exterior of the tenant space are proposed other than fascia signage which would require a sign permit from the City of Vernon, as well as approval of the signage wording and logo through the provincial licensing process.

4. Section 33 of the *Cannabis Control and Licensing Act* requires that local governments be notified of an application, and that if the local government decides to give comments and recommendations, they must gather the views of residents within a prescribed area.

The Cannabis Business Licence application was referred to 19 staff departments and external agencies as well as 57 business, property owners and occupants within 30 m of the subject property (11 letters were returned). A total of three responses were received. Two “no concerns” responses were received and one letter was received that expressed concerns about customers cutting through the adjacent parking lot of a multi-tenant service commercial property felt a fence installed by the property owner would alleviate concerns.

In support of the application, the applicant has provided supporting information (Attachment 3).

C. Attachments

Attachment 1 – Site Plan

Attachment 2 – Copies of stakeholder comments received

Attachment 3 – Background material provided by applicant

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

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

- Streamline red tape to facilitate more development.

E. Relevant Policy/Bylaws/Resolutions:

1. Council gave final reading to Zoning Bylaw Amendment #5731 on December 11, 2018 to allow retail cannabis sales as a primary use within selected commercial zones. Applicants must apply for and receive a Cannabis Business Licence from the City of Vernon, following the processing and approval of a provincial licence from the Liquor and Cannabis Regulation Branch. A Building Permit or Sign Permit may also be required to address necessary tenant improvements.
2. The City of Vernon has received 20 referrals to date from the provincial Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail establishments. Council passed a resolution to limit the number of Cannabis Shops within the downtown area (Business Improvement Areas) to six (6) Licensed Cannabis Retail Shops and that Administration is to monitor and report back to Council in one year’s time. The downtown area is defined as the Primary and Secondary Business Improvement Areas.
3. To date, Council has provided positive recommendations for thirteen (13) applications in total, six of which are located in the BIA, and have forwarded input to the provincial Liquor and Cannabis Regulation Branch (LCRB) for their review.
4. At the time of writing this report, the provincial Liquor and Cannabis Regulation Branch (LCRB) has informed the City as to the status of two of the referred applications. Both applications that have received Approval in Principle (AIP) are not within the BIA. One has received Final Approval and is open for business. The other has AIP and is working to fulfill Provincial requirements.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Jul 17 2019 4:48 PM

Approved for submission to Council:

X *Craig Broderick* ✓

Craig Broderick

DocuSign

Craig Broderick
Manager, Current Planning

Jul 17 2019 1:27 PM

[Signature]
Will Pearce, CAO

Date: 25. JUN. 2019

X *Kim Flick* ✓

Kim Flick

DocuSign

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 checked="" 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: | | |

2440

EXISTING
PARKING
13 PARKING
STALLS

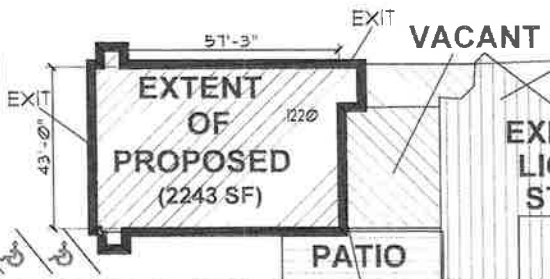
GARBAGE
BING

SIDE WALK

KALAMALKA LAKE RD.

MAIN
ACCESS

KALAMALKA LAKE RD.



EXTENT
OF
PROPOSED
(2243 SF)

VACANT

EXISTING
LIQUOR
STORE

PATIO

FULL HEIGHT
DEMISING
WALL
NO THROUGH
ACCESS

PROPERTY
LINE

SITE PLAN
SCALE: 1/4" = 1'-0"

1	REVISED	ISSUES FOR RECORD
2	REVISED	REVISED
3	REVISED	REVISED
4	REVISED	REVISED
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100	REVISED	REVISED



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Consultant

KALAMALKA CANNABIS STORE
1220 KALAMALKA LAKE ROAD, VERNON, B.C.
for CARLO DAGOSTINI



Urban Design Group
architects ltd
420-715 THALLOW ST
VANCOUVER, BC, V6C 2S5
TELEPHONE 604-682-2294
project number

ENLARGED SITE PLAN

Date: 2019-04-11 sheet number
Scale: 1/4" = 1'-0"
Author: [Name]
Checked: [Name]



0697



City of Vernon
3400 30th Street
Vernon, BC V1T 5E6

P: 250.545.1361
F: 250.545.7876

CANNABIS BUSINESS LICENCE APPLICATION
REFERRAL RESPONSE FORM

(Reply to the attention of csbreception@vernon.ca)

VERNON FILE# CRL00016 (2-1220 Kalamalka Lake Road) **YOUR FILE #:** _____

Name Inspector Gord Stewart Date 2019-06-28

Agency RCMP Department Vernon North Okanagan Detachment

Position Operations Officer

Phone 250-260-7154 Fax 250-260-7191

Email gord.stewart@rcmp-grc.gc.ca

Please indicate whether your agency or department's interests are affected by the subject application by checking on of the following boxes (please use the space provided below for written comments):

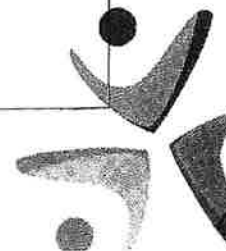
Support
(if applicable, provide conditions below)

Do Not Support
(provide comments below)

Our Interests are Unaffected X
(if applicable, provide comments below)

Conditions	
Comments	Provided the applicant adheres to all applicable municipal, provincial and Federal zoning and legislative requirements, the Vernon North Okanagan RCMP Detachment has no opposition to this application.

\\Storage\filer\$\Tempest\TempestLive\Prospero_Edoc\Planning\REFERRAL RESPONSE FROM.docx



Hazel Christy

From: Halseth, Rick <Rick.Halseth@fortisbc.com>
Sent: Friday, July 05, 2019 2:56 PM
To: CSB Reception
Cc: Referrals
Subject: RE: REFERRAL - City of Vernon (2-1220 Kalamalka Lake Rd) CRL00016

No Issues

Rick Halseth CTech.
Planning & Design Technologist 2
FortisBC (Gas)
(D) 250-558-3123
(M) 250-309-1734
Rick.halseth@Fortisbc.com

From: Referrals
Sent: Friday, July 05, 2019 2:50 PM
To: Halseth, Rick
Subject: REFERRAL - City of Vernon (2-1220 Kalamalka Lake Rd) CRL00016

Property Referral: 2019-914

Hi Rick,

Please review the attached and provide your comments directly to csbreception@vernon.ca by **July 15, 2019**.

If FortisBC Energy Inc. is affected, please copy referrals@fortisbc.com in on your response so that we may update our records.

Thank you,

Krystina O’Gorman
Property Services Clerk
Property Services, FortisBC Energy Inc.
16705 Fraser Hwy, Surrey, BC V4N 0E8
Direct Phone 604-592-8205
Toll Free 1-800-773-7001



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Hazel Christy

From: SODANCE VERNON <sodanceinfo@gmail.com>
Sent: Friday, June 28, 2019 9:29 AM
To: CSB Reception
Subject: Stakeholder Comments - CRL00016 Lot 1, Sec 27. Twp. 9, Plan 27868

To Whom It May Concern,

Thank you for the notice of the current Cannabis Retail License Application on Kal Lake Road close to our business operations.

In the past we have heard about a number of issues of thieves stealing items from Toro's and running through our business parking lot (1340 on Kal Lake Road) as a short cut to get to Polson Park and hide from the police. I'm sure police records will show the instances that this has happened in the last few years.

Our landlord Ralph Wossener (ralphael@spaceopoly.com / (403)-680-3762 or (403)-282-1428) has mentioned that he wanted to look into the feasibility of constructing a fence to block off the open space between the Toro's lot and our lot. If a proper barricade was constructed I think this would help immensely.

We are a children's dance studio, so my utmost concern is to protect the safety of the children and their families that come through our studio doors, especially when our operations are mostly in the evening. I hope that you can see the concerns that I have when it comes to this application.

I think the business operations would be fine, and really no different than the liquor store that is currently there, or when Toro's pub was in operations. But the potential for more crime in this area is scary.

Thank you for the letter in asking for our comments. I appreciate being able to voice my concern about the crime in the area.

I look forward to hearing the council recommendations in the future.

Sincerely,
Olivia Robertson

--
SODANCE Vernon
A division of Rhythm & Grace Productions Inc.
250-309-1593
sodanceinfo@gmail.com
www.sodance.ca

*****Please note: Emails received after 7:00 PM Monday-Saturday will be answered the following business day*****

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HOSPITALITY SOLUTIONS INC.

604.314.0176 | rebecca@rebeccahardin.ca

May 29, 2019

By Email

Craig Broderick
City of Vernon
3001 32nd Ave,
Vernon BC V1T 2L8

Dear: Mr. Broderick

Re: Pinnacle Cannabis Ltd. DBA Kalamalka Cannabis 2-1220 Kalamalka Lake Rd

Please find attached our application for a Cannabis Business License. The applicant Coxson Holdings LTD. Owns the land and building at the above noted property. They are making application on behalf of their tenant Kalamalka Cannabis.

To support this application, please find attached the following documents:

- LCRB Letter dated May 22, 2019 directed to your attention requesting local government comment for the proposed retail store
- Two site plans of the subject property. Site plan 1 shows the building and adjacent tenant units. Site Plan 2 shows the property in relation to roadway access and parking.
- Floor plan for the proposed non-medical cannabis retail store. You will note, the applicant will be taking up some space of the current on site liquor primary. It is the applicant's intent to renovate the current pub space to make way for the cannabis retail store, should the city permit the application to go forward.
- Letter of rationale to describe security measures for the proposed cannabis retail store

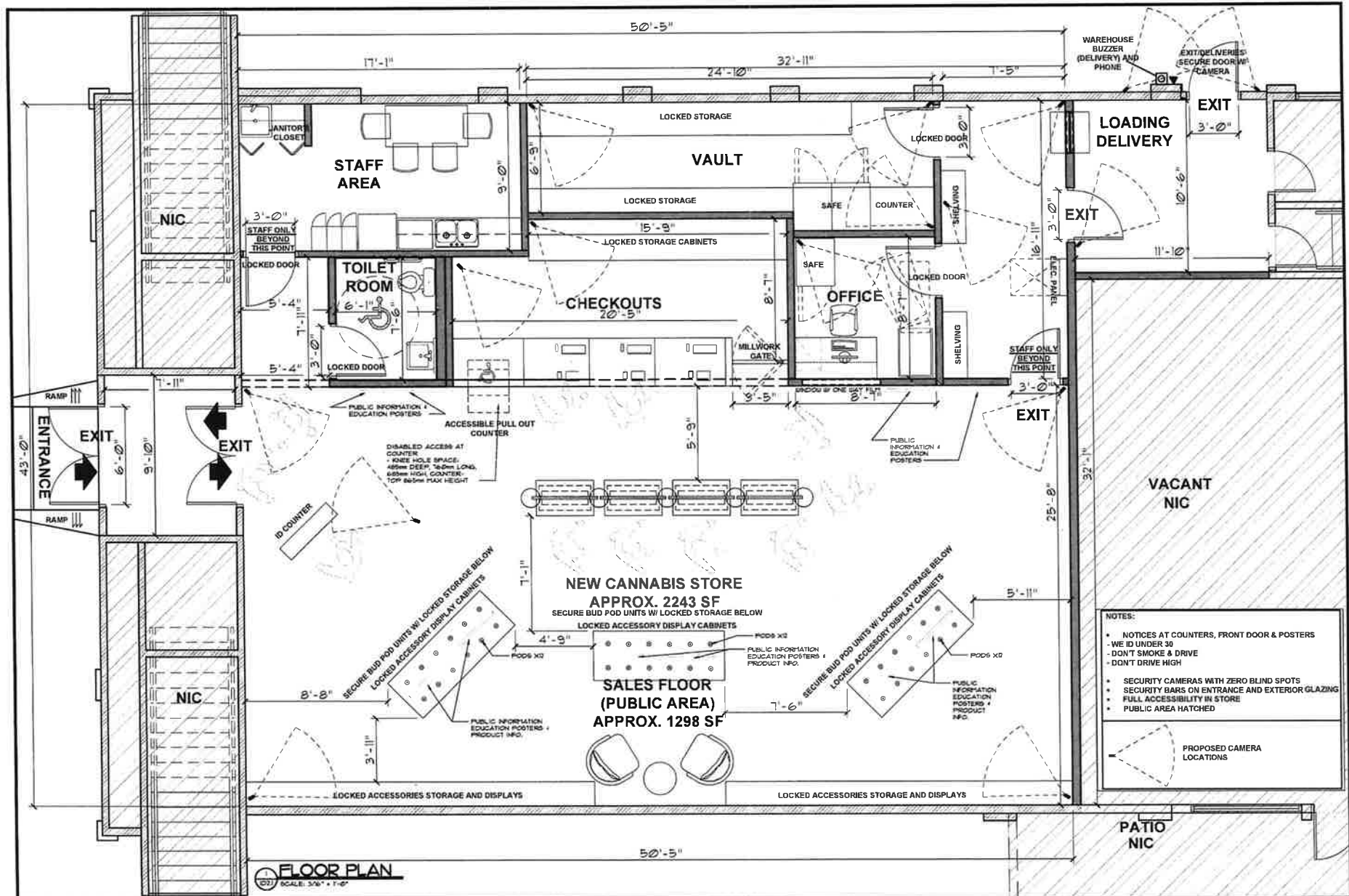
Should you require anything additional to our application or have questions, please do not hesitate to contact me at anytime, as I will be handling this project on behalf of the applicant.

Thank you,

Rebecca Hardin

Rebecca Hardin,
Consultant

Cc: Carlo Dagostini,
Coxson Holdings Ltd.



3 DRAWING SHEETS FOR SET
1. EXTERIOR ELEVATION & SIGN
2. INTERIOR ELEVATION
3. FLOOR PLAN
4. SECTION

Revisions

NORTH

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Consultant

KALAMALKA CANNABIS STORE
1220 KALAMALKA LAKE ROAD, VERNON, B.C.

for **CARLO DAGOSTINI**

architects ltd.

420-76 MILWAU ST
VANCOUVER, BC V6C 0S5
TELEPHONE 604-687-2324

project number

8037

sheet title

FLOOR PLAN

DATE: 2018-04-28

BY: [Signature]

CHECKED: [Signature]

PROJECT NUMBER

D-21



City of Vernon
3001 32nd Ave,
Vernon BC V1T 2L8

Attn: Cannabis Business Licensing Applications

Re: Security Requirements: 2-1220 Kalamalka Lake Road, Vernon

The applicant is proposing a cannabis retail store at the above noted address. As part of the application, the City is requesting details with respect to proposed security measures at the site, should the application be approved.

Overview

The facility currently has operational businesses at the site. It is an attractive use due to its location and layout of facility. The store is located in busy area in City of Vernon. The applicant is proposing a restricted area for storage that is both physically and electronically partitioned from the retail portion of the store.

The tenant is proposing to conduct a purpose-built renovation allowing security features to be designed into the renovation. The space is already a commercial space that had operated previously as a liquor primary. The ownership group who had operated the liquor primary is the same ownership group proposing to open the cannabis retail store. They have decades of experience on the property operating a business that is highly regulated. Upgrades to the space will include:

1. An exclusive use room for high value cannabis assets and security system equipment. This will several design features such as an UL Rated safe to store and contain cannabis.
2. Key Control systems will be integrated with high security that is restricted for admin and storage.
3. All windows will have non-transparent glass installed as per LCRB guidelines. There will be no site lines from the outside of the facility to the interior business.
4. All cases where product and accessories are store will be locked at all times.
5. Smell jars will be present in the store for shoppers to understand and learn. These jars will be tethered/permanently affixed to table as per provincial regulations.
6. An intrusion detection system will be installed. It will have 24-hour monitoring The system has redundant communication paths and is monitored by UL listed monitoring stations.
7. A contract security company will attend to and monitor the system
8. Video surveillance system that:
 - a. Provides a clear image in all light conditions including full darkness of all entrances to the store (interior and exterior)

- b. Provide overlapping view of the retail sales area in all lighting conditions
 - c. Provide a clear view of the cannabis storage area in all lighting conditions
 - d. Records 24/7 and not just based upon motion; and will maintain a minimum of 30-day storage. Longer retention times are available if required.
9. All systems are backed up with sufficient power to allow attendance by the contracted security guard provided and management before they stop operating within specifications

The renovated store will be fully compliant with provincial regulations as well as the Provincial Store Security Requirements. The security upgrades are designed to meet and exceed current municipal store requirements for the City of Vernon. There is also an understanding that the regulations and best practices within the province may evolve over time and if required the applicant is prepared to modify to ensure compliance with fire safety codes, bylaws and Provincial regulations.

Security Business Overview

Kalamalka Cannabis will operate as an independent business in a multi-unit structure. Should the applicant be successful with their application, they are proposing provincial hours of 9am – 11pm Monday through Sunday. The hours will be modified in the event the City requires a different structure of operating hours, inside of the provincial hours.

Staff entrance to the facility is controlled through the Front door. A designated and authorized employee will enter the facility (with the administration key) at approximately ½ hour prior to opening. The door will be locked upon their arrival and the employee will prepare the store to open for business based upon in house policy and procedures. It is anticipated 7 – 10 staff members will be employed at this store never less than two employees on duty during retail hours. At exactly 9am the front access point is unlocked to allow the store to open for business.

Deliveries for cannabis are currently determined by the Liquor Distribution Branch. At this time the LDB has scheduled deliveries every Friday at varying times. The deliveries enter the store via the back approved delivery area. All product goes immediately into the located storage area where an employee can do an inventory count and record the shipment. The storage area is locked at all times.

Most client transactions are expected to be via debit and/or credit payments. There will be a safe on site for cash with a drop safe feature. This will be in addition to the security safe. All staff will be trained on security requirements and features as per standard operating procedures.

The business will be closed at 2300 hrs. at which time staff will lock the front door and ensure cannabis and other assets are securely stored in the storage room safe. Staff on duty will close the store as per Standard operating Procedures.

Standard operating procedures will ensure that the personnel and clients are protected during extremely unlikely emergency situations such as fire or medical emergencies. Nothing in the security plan is meant to hinder any emergency response. SOP's will direct staff to surrender keys to any area of the store required by fire police or ambulance. The incident will be logged, and all video records tagged and archived. The primary method for activating emergency services is through 911 to minimize latency time while going through a monitoring station.

The video surveillance system described late in the document will provide high quality video images recorded continuously, with the video available for a minimum of 30 days. In addition to full situational awareness for the entire space, identification quality video (defined as greater than 220 pixels per metre) will be provided at the doorway, point of sale stations and the storage room. All cameras contain their own light source (IR) in the event that ambient lighting fails.

The visual surveillance system will also meet the requirements of the Office of the Information and Privacy Commissioner¹⁰, BC. In particular, the visual surveillance system will be capable of masking out public spaces, compliant signages will be posted for clients and video will not be retained beyond the maximum period required.

The visual surveillance system will have three levels of permissions strictly enforced with passwords and policies to meet OIPC recommendations to minimize risk of accidental disclosure. Staff will be able to view video in real time in order to provide them with situational awareness particularly before they close the store. Designated staff supervisors will be able to view and review video. This will allow them to view recent events of concern. Designated senior staff or management will be allowed to view, review and download video onto media for authorized use such as a criminal investigation by police. The final level of authorization is for administration of the system which will be done under management supervision.

ALL access to the system is protected and logged by unique user names and passwords. All criminal activity will be documented and reported to police. The supervisor in charge will be responsible for ensuring that emergency services are activated as soon as appropriate and that they are aided in their investigation. Management will be informed as appropriate. All staff on duty are aware that unruly behaviour is not to be tolerated and have the authority to refuse service to any client with whom they have a security concern (or age concern for minors). Staff will politely attempt to de-escalate any situation of concern however they will not engage in physical or verbal altercations. If they feel threatened, they will retreat to a secure shelter in place location (secure storage area or emergency exit door) and activate emergency services. A formal armed robbery policy (including training) is being developed for staff.

A security incident ledger will be maintained as a living document updated with all security incidents including service refusal for age or intoxication concerns.

ASSETS

Personnel

By far the most important asset at the store are the employees and clients. There will be approximately 7 to 10 employees at the facility working various shifts to accommodate client activity. There will never be less than 2 employees on duty at any time. There will be an estimated 150 clients per day. There will always be a designated responsible person in charge (supervisor or manager) who will take the lead for security matters. Janitorial services will be conducted during business hours or under direct supervision of a supervisor or manager. Maintenance contractors will also be expected on occasion and they will also be under the direct supervision of staff (supervisor or manager).

Cannabis

The store will strive to schedule deliveries to match expected sales so that on-site storage is minimized. Notwithstanding, there will be a variety of cannabis products that will need to be securely stored. It is estimated that there will be a maximum of 15 kilograms of dried cannabis flower and a much smaller amount of cannabis oil. The nature of cannabis is that it is high value in a relatively light package. Securing product will be the highest priority to ensure staff and public safety.

Brand

This store is in an attractive retail area in the City of Vernon. The common goal of both the applicant and the City is to have this location fit in with the surrounding retail spaces. This is particularly important in the selection and placement of physical security for the facility.

Cash

Most transactions will be credit or debit card. There will, however, be cash in the store. It is estimated that there will be no more than \$2000, most which, will be in a cash-deposit enabled safe.

IT equipment

There will be an assortment of computers, monitors, point of sale equipment and tablets.

Staff Personnel Assets

Staff will have personal items such as purses and cell phones.

Building and Infrastructure

The building itself as well as services such as water and hydro are included as they have the potential to disrupt business operations. The landlord is managing these on behalf of the tenant and all infrastructure of the site is in place.

Disposing of Non-Medical Cannabis

Based upon LCRB requirements, a licensee must have a written plan to direct employees about the disposal of non-medical cannabis that cannot be sold, including cannabis from smell jars. The non-medical cannabis must be altered or denatured to such an extent that its consumption and propagation are rendered impossible or improbable. For example, shredding a cannabis product into pieces, mixing it with water to turn it into sludge, and adding cat litter to control odor before disposal would be an effective means to destroy cannabis. After cannabis waste is rendered to a state that is unfit for human or animal consumption it can be disposed of by composting, or landfill if composting is not available or feasible.

A licensee must keep a record of non-medical cannabis disposal that includes:

- Date of disposal
- Type of cannabis disposed
- Amount of cannabis disposed
- How it was rendered inconsumable
- Where it was disposed

Kalamalka Cannabis will be fully compliant with this requirement. The amount of waste cannabis at Kalamalka Cannabis is expected to be limited to expired smell jar samples. There is also an accounting for product that becomes unusable (dropped on the floor for example). In the unlikely event that product meant for sale becomes unusable due to recall, it is to be returned to the manufacturer or destroyed (as requested and authorized by Health Canada).

The estimated waste should be on the order of 50 gms. per month. This is based on 20 skewers of 2 gm samples in smell jars that will last for approximately one month and some spillage that cannot be sold. This will vary with the number of jars and the number of skewers however it is satisfactory for sizing equipment and storage.

A ledger will be maintained with all samples that are in smell jars. The ledger will include the type of sample, date the sample went into the jar along with its weight and what they replaced (either a new jar 15 Cannabis Retail Store Licence Terms and Conditions, A handbook for the sale of non-medical cannabis in British Columbia, October 2018 or an old sample removed). A minimum of 2 employees must sign off on all ledger entries.

Waste product will be weighed upon removal and stored in the cannabis storage safe in a clearly marked container. The weight of the aggregate waste is also maintained in the ledger. Monthly (or when required), the all the waste material will be weighed and accounted for. Any weight anomalies are to be reported on the ledger and a security incident report is to be created. When all cannabis is accounted for on the ledger it can be de-natured with the following process. The objective of the process is to render the cannabis unusable and unrecognizable and indigestible by humans or animals.

1. All operations to be performed in full view of the storage room video camera
2. Grind the waste cannabis with one-part cannabis to two parts clay type kitty litter with a coffee grinder on course grind (located in the storage room)
3. Shake all contents from the coffee grinder into a 4 litre bucket
4. Add enough water to create a paste
5. Mix together in a slurry paste

6. Let sit until the water is absorbed and the mixture can be placed in a paper bag and set out with regular garbage or green waste. Record destruction in log book and inventory.

CONCLUSION

The natural surveillance both inside and outside the facility will deter crime. The recommendations are made to increase the difficulty and thus motivation of criminals required to a level that criminals will deem their risk too high.

The recommendations are intended to fully meet compliance regulations by all levels of government. This is a new industry and changes are expected. This store has the advantage of space and a management team that has a very long-standing history within a regulated and restricted liquor industry. Ownership will be able to adopt to these changes and ensure operational excellence is achieved.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 15, 2019
FILE: 4330-20 (CRL00019)

SUBJECT: CANNABIS BUSINESS LICENCE APPLICATION FOR 107-5301 25th AVENUE

PURPOSE:

To review the referral received from the Liquor and Cannabis Regulation Branch (LCRB) and provide the City of Vernon's recommendation for the LCRB's consideration in their review of the Non-Medical Cannabis Retail Store (CRS) Licence application. This application is for a business and location that has not previously operated as a dispensary in the City of Vernon.

RECOMMENDATION:

THAT Council provide a positive recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding Cannabis Retail Store application (Job#002160) (CRL00019) with respect to the application to establish a Non-Medical cannabis retail sales business on Lot A, Plan KAP58662, DL 66, ODYD (107-5301 25th Avenue);

AND FURTHER, that the LCRB be advised that Council's support of the subject cannabis retail store application addresses the LCRB resolution criteria in the following manner:

- a) The location of the proposed store:
 - i. The proposed new premise at 107-5301 25th Avenue is within the C5 – Community Commercial zone, and a cannabis retail store is a permitted use within this commercial zone.
- b) The general impact on the community if the application is approved:
 - i. Council considers that approval of a cannabis retail store at this location would have minimal impact on the community as long as all federal, provincial and municipal regulations are adhered to.
- c) The public consultation process consists of 281 stakeholder referral letters being sent to internal departments, agencies and to all businesses, property owners and occupants within 30 m of the subject property. Two letters of support, 12 negative responses, two letters of concern and two letters of no concern were received.

AND FURTHER, that the report from the Manager, Current Planning dated July 15, 2019 be provided to the Liquor and Cannabis Regulation Branch to document the City of Vernon's consideration of the location of the proposed cannabis retail store, the means of public consultation and the summary of input received with respect to Cannabis Retail Store application CRL00019.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council provide a **NEGATIVE** recommendation to the Liquor and Cannabis Regulation Branch regarding Non-Medical Cannabis Retail Store application (Job#002160) (CRL00019) with respect to the application to establish a cannabis retail sales business on Lot A, Plan KAP58662, DL 66, ODYD (107-5301 25th Avenue).

Note: This alternative does not support the cannabis business licence application, and therefore the cannabis retail store licence will not receive further consideration from the Liquor and Cannabis Regulation Branch.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The subject property is located at 107-5301 25th Avenue, as shown on Figures 1 and 2. The retail cannabis store is proposed to be located within an existing commercial building (Okanagan Landing Plaza). Adjacent tenants are Buy-Low Foods, ND Nails and Snap Fitness. This application is for a business and location that has not previously operated as a dispensary in the City of Vernon.



Figure 1 – Property Location Map

2. The applicant has applied for a Cannabis Retail Store licence to the Liquor and Cannabis Regulation Branch (LCRB) (Job#002160). As a result, the Province has referred the application to the City of Vernon for consideration by Council. Should the LCRB support the application and issue a licence to the applicant, the Cannabis Business Licence would be processed. A Cannabis Business Licence cannot be issued if the LCRB does not issue its licence.
3. No changes to parking, access or the exterior of the tenant space are proposed other than fascia signage which would require a sign permit from the City of Vernon, as well as approval of the signage wording and logo through the provincial licensing process.
4. Section 33 of the *Cannabis Control and Licensing Act* requires that local governments be notified of an application, and that if the local government decides to give comments and recommendations, they must gather the views of residents within a prescribed area.
5. The Cannabis Business Licence application was referred to 19 staff departments and external agencies as well as 262 business, property owners and occupants within 30 m of the subject property (three letters were returned).

6. A total of 18 responses were received, two in support, 12 indicating non-support, two expressing concern and two with no concerns (Attachment 2).
7. Ellison Elementary is approximately 575 m. west of the subject property. Clarence Fulton Secondary and Graham Park are approximately 910 m from the subject property. Measurements are based on driving or walking distances.



Figure 2 – Aerial View of Property

C. Attachments

- Attachment 1 – Site Plan
- Attachment 2 – Copies of stakeholder comments received

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

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

- Streamline red tape to facilitate more development.

E. Relevant Policy/Bylaws/Resolutions:

1. Council gave final reading to Zoning Bylaw Amendment #5731 on December 11, 2018 to allow retail cannabis sales as a primary use within selected commercial zones. Applicants must apply for and receive a Cannabis Business Licence from the City of Vernon, following the processing and approval of a provincial licence from the Liquor and Cannabis Regulation Branch. A Building Permit or Sign Permit may also be required to address necessary tenant improvements.
2. The City of Vernon has received 20 referrals to date from the provincial Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail establishments. Council passed a resolution to limit the number of Cannabis Shops within the downtown area (Business Improvement Areas) to six (6) Licensed Cannabis Retail Shops and that Administration is to monitor and report back to Council in one year’s time. The downtown area is defined as Primary and Secondary Business Improvement areas.
3. To date, Council has provided positive recommendations for thirteen (13) applications in total, six of which are located in the BIA, and have forwarded input to the provincial Liquor and Cannabis Regulation Branch (LCRB) for their review.
4. At the time of writing this report, the provincial Liquor and Cannabis Regulation Branch (LCRB) has informed the City as to the status of two of the referred applications. Both applications that have received Approval in Principle (AIP) are not within the BIA. One has received Final Approval and is open for business. The other has AIP and is working to fulfill Provincial requirements.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Jul 17 2019 4:50 PM

Approved for submission to Council:

X Craig Broderick ✓
Craig Broderick DocuSign

Will Pearce, CAO
Date: 23. July 2019

Craig Broderick
Manager, Current Planning

Jul 17 2019 1:26 PM

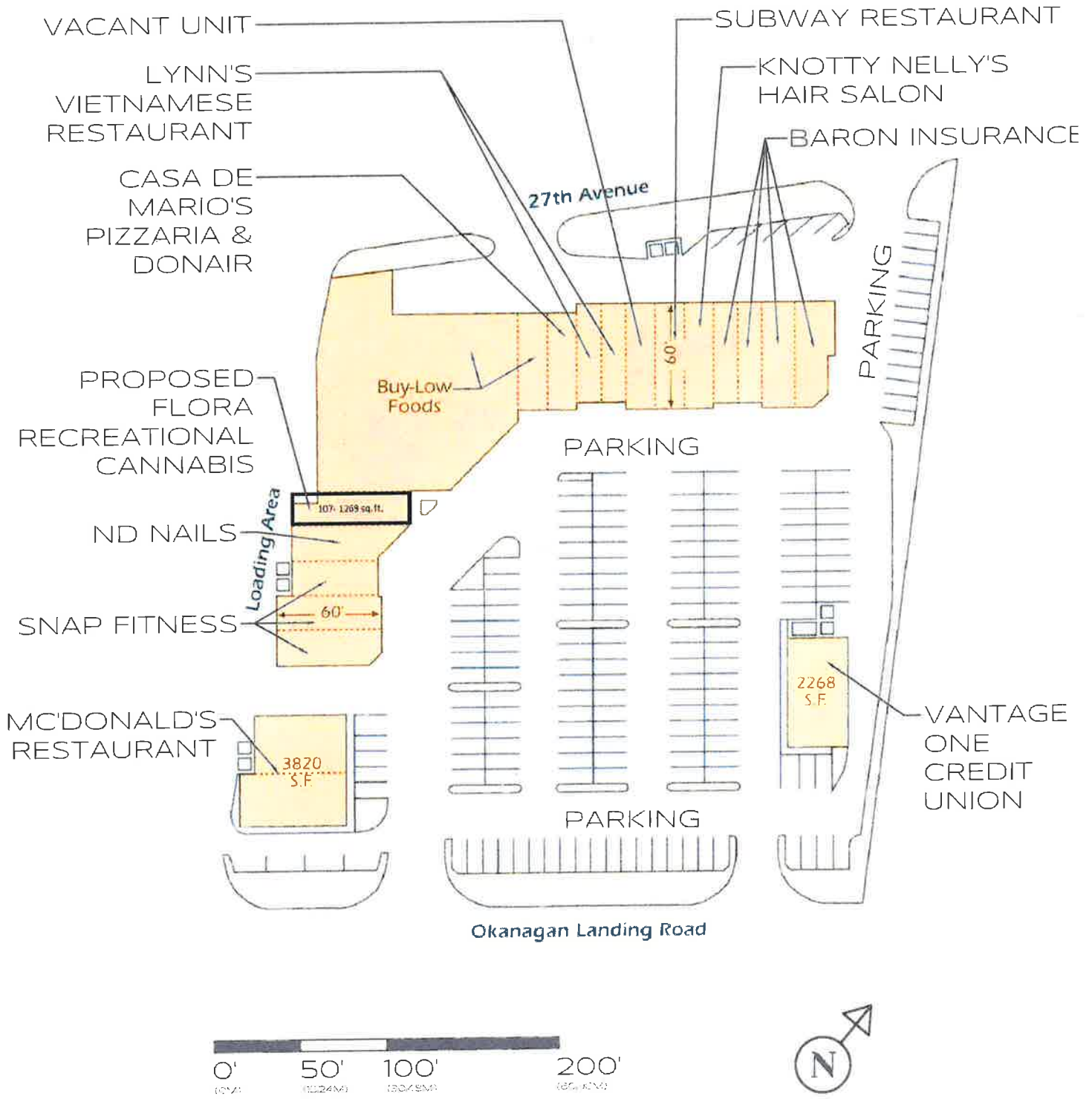
X Kim Flick ✓
Kim Flick DocuSign

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 checked="" 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:		

Attachment 1



Leigh Blackburn

REGISTERED INTERIOR DESIGNER

LBLACKBURNCREATIVE@GMAIL.COM
250 575 8833

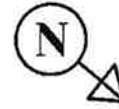
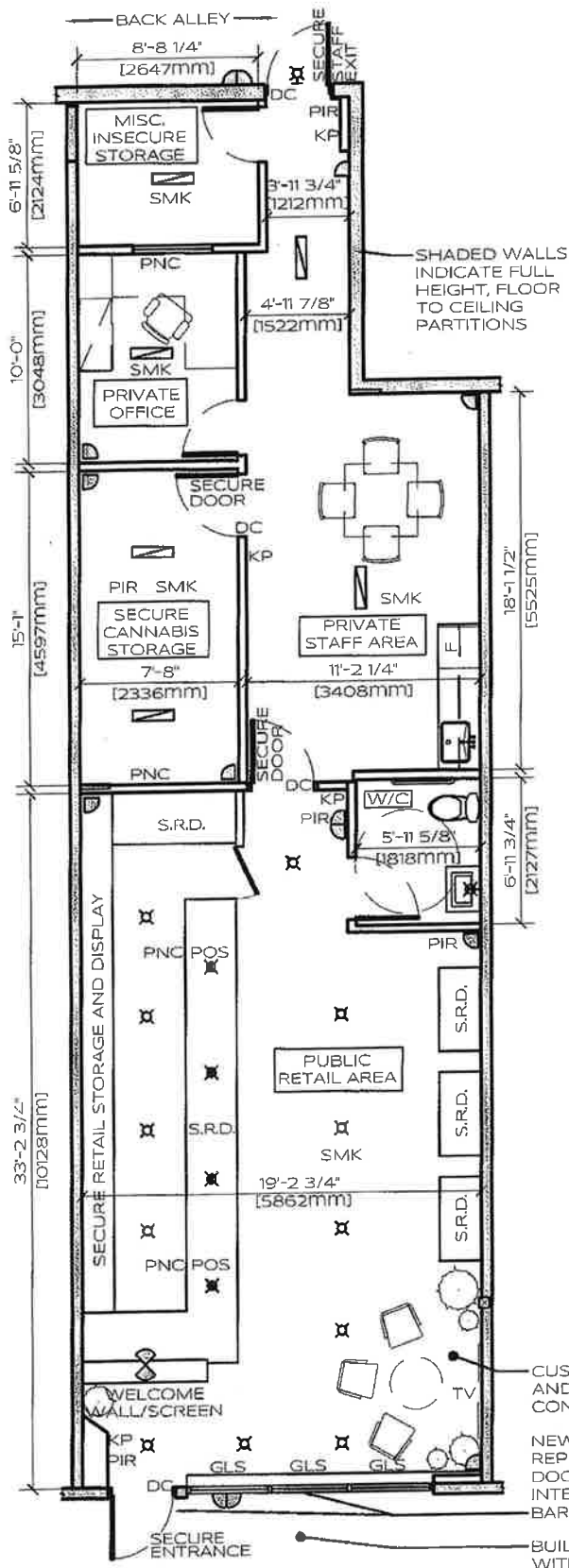
Flora Recreational Cannabis

1107 5301-25 AVE, VERNON, BC
LOT A PLAN KAP58662 DISTRICT
LOT 66 OSOYODS DIVISION YALE DISTRICT
PID: 023-682-582

/ DATE: FEB 5/19
/ SCALE: AS NOTED
/ DRAWN BY: LB

ISSUED FOR:
1 PROV. APPLICATION FEB 2019
2
3
4

SITE PLAN



SECURITY NOTE:
 PARTITION 1: RETAIL & PRIVATE STAFF AREA
 PARTITION 2: SECURE CANNABIS STORAGE

LEGEND

- SECURITY CAMERA
- DOWNLIGHT
- SCONCE LIGHT
- GENERAL ILLUMINATION
- FEATURE PENDANT LIGHT
- S.R.D. SECURE RETAIL DISPLAY
- POS POINT OF SALE
- KP KEYPAD
- DC DOOR CONTACT
- PIR MOTION DETECTOR
- SMK SMOKE DETECTOR
- GLS GLASS BREAK DETECTOR
- PNC 24HR PANIC BUTTON

Leigh Blackburn

REGISTERED INTERIOR DESIGNER

LBLACKBURN@CREATIVE@GMAIL.COM
 250 575 8833

Flora Recreational Cannabis

#107 5301-25 AVE. VERNON, BC
 LOT A PLAN KAP58662 DISTRICT
 LOT 66 OSOYOOS DIVISION YALE
 DISTRICT
 PID: 023-682-582

/ DATE: FEB 1/19
 / SCALE: 1/8" = 1'-0"
 / DRAWN BY: LB

ISSUED FOR:
 1 PROV. APPLICATION FEB 2019
 2
 3
 4

FLOOR PLAN

1 of 1

From: Gilles Hebert <hebertgilles@hotmail.com>
Sent: Tuesday, June 25, 2019 4:33 PM
To: CSB Reception
Subject: stakeholder comments -cannabis retail license application CRL 00019

We fully support the application for the above because it is a proper location, easy to access, far enough from schools, in a small shopping center.
Across the shopping center there are apartments and a mobile home park. On the same side of the plaza there are different businesses as legitimate as the applicant.
The law has been enacted 2.5 years ago at the Federal level. It is about time that small towns like our get in line with reality and allow legitimate businesses to exist and contribute to society each in their own way.

Yours,

Gilles Hebert and Laura Wilson, # 73 5484 25th Avenue ,Vernon,B.C.V1T 7A8

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CSB Reception

From: Dylan Modder <modder@shaw.ca>
Sent: Thursday, July 11, 2019 3:45 PM
To: CSB Reception
Cc: 'Dylan Modder'
Subject: Proposal for Cannabis Retail license CRL 00019 at Landing Plaza

To Whom it may Concern

This is to state that I, Dylan Modder, as the Landlord /Owner of Landing Plaza, am very much in favor of the Cannabis Retail outlet in the Mall as it complements all other aspects of the Mall and will also provide competition for any other outlets in the Vicinity. As one knows, in any marketplace, competition is healthy and prices to consumers are self-regulated and dependent on demand. Having looked at Flora's business plan and seen some of the other outlets they own, I believe the premises will be conservatively designed and well managed leading to very nice range of clientele

Yours Truly,

Dylan Modder

President Cumulative Investments

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From: Marjorie Walton <marjewalton@gmail.com>
Sent: Tuesday, June 25, 2019 7:01 PM
To: CSB Reception
Subject: Marijuana store next to Buy Low

I am opposed to having a pot shop in this location. There is one apparently going in up the street by the Longhorn pub and liquor store. We do not need two in the space of less than one block.

I am not opposed to marijuana usage in any way, just that it is going to be in a family oriented area directly next door to a grocery store.

Spread them out throughout the town, two practically next door to each other is ridiculous!

Thank you,

Marjorie Walton

Unit 33,

5300 25th Ave.

Vernon BC

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From: TGraham <meadows12@shaw.ca>
Sent: Tuesday, June 25, 2019 1:40 PM
To: CSB Reception
Subject: Re: stakeholders comments

Re: –Cannabis Retail License Application CLR00019 for Lot A, Plan KAP58662, ODYD (107, 5300 25th Avenue)
If this Cannabis Retail Shop is just selling recreational cannabis, then **I would have to be against this application.** But if they are also going to sell cannibals ointments, oils, salves, etc, then **yes** I would be for the Cannabis retail shop opening at this address.

File: CRL00019

Graham, Trudy

12-5300 25th Avenue

Vernon, B.C. V1T 6R4

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From: Trixie <newtrix801@gmail.com>
Sent: Wednesday, June 26, 2019 11:22 AM
To: CSB Reception
Subject: Cannabis Retail Application CRL00019

Dear Mr Broderick

Re the above application for a retail cannabis licence at 107, 5301 25th Avenue, I am strongly opposed to this business location. It is too close to a school and also the Big Chief Adult Community where a lot of vulnerable seniors live alone.

Thank you

E. Krogel

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From: Emil Urzada <eurzada@telus.net>
Sent: Saturday, June 29, 2019 9:33 AM
To: CSB Reception
Subject: drug house in ok landing

too many school children go to McDonalds and other places from 8 am to 5 pm during school children days
your map does not show the schools , an over sight ? . also only one RCMP officer to police the whole area .
not a good idea . please find another location, I say no no , find another place .

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City of Vernon
3400 30th Street
Vernon, BC V1T 5E6

P: 250.545.1361
F: 250.545.7876

File: CRL00019

June 20, 2019

NYLANDER, PAULINE G
65-5484 25 AVE
VERNON BC V1T 7A8



Dear Sir/Madam:

Re: Stakeholder Comments – Cannabis Retail License Application CRL00019 for Lot A, Plan KAP58662, ODYD (107, 5301 25th Avenue)

Please be advised that your comments are requested on the above noted Cannabis Retail Licence application prior to Council consideration and the subsequent submission of Council's recommendation on the application to the provincial Liquor and Cannabis Regulation Branch (LCRB) (Job No. 002160). The subject property is appropriately zoned, and Council will be considering input from referral agencies and neighbours within 30 metres of the subject property in their response to the LCRB. **This is your opportunity to comment as verbal representations will not be received by Council.** Please submit your written comments, if any, prior to **July 11, 2019**, which is three weeks following the date of this letter. Comments may be submitted by email to csbreception@vernon.ca, by mail, fax or in person to:

Community Infrastructure and Development Services
Community Services Building, 3001 – 32nd Avenue, Vernon, B.C., V1T 2L8
Office: 250.550.3634 | Fax: 250.545.5309

Please find attached the following maps and plans for your reference:

- Attachment 1 – property location map
- Attachment 2 – aerial photo of subject property
- Attachment 3 – site plan showing location of proposed cannabis retail business

Following Council's consideration, Council's recommendation will be forwarded to the Liquor and Cannabis Regulation Branch (LCRB). In the case of a positive recommendation, the LCRB will consider, but is not bound by, the recommendation to issue a licence when making its licensing decision. If Council's recommendation is negative, the LCRB will not process the application further, as Section 33(1) of the *Cannabis Control and Licensing Act* prevents the LCRB from issuing a CRS licence without a positive recommendation regarding the CRS licence application from the local government or Indigenous nation.

Yours truly,

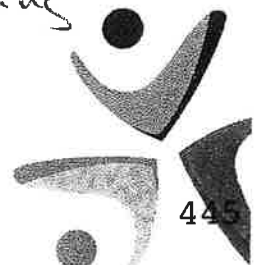
"Craig Broderick"

Craig Broderick
Manager, Current Planning

Attach.

cc: P. Bridal, Corporate Officer
Councillor's Binder
Applicant

I am not in favor of this application. Very dissappointed in our Prime Minister for legalizing drugs.





June 2, 2019

Dear Sirs,

**Re: Stakeholder Comments-Cannabis Retail Licence Application
CRL00019 for Lot A, Plan KAP58662, ODYD (107,5301 25th
Avenue) Vernon, B.C.**

We are in strong disagreement to the Cannabis Retail Licence in this location.

It is directly across from where we live (Big Chief) which is comprised of mostly elderly and vulnerable people. Plus it is close to the both elementary and high schools. Why should all of these people have to be exposed to this? We feel this is a violation to our community.

There are numerous locations down town and elsewhere in the city. Why do we need more? Already our city is going downhill with the problem of the homeless and pot and drugs being readily available. It seems to be a much bigger problem here than in other cities. We create problems and then have to staff people for security and other jobs to look after the problems we created! It doesn't make sense!

Please do NOT allow this to go forward.

Thank you for your consideration.

Rodney and Norma Jean Lupul
#37 - 5484 25th Avenue'
Vernon, B.C. V1T 7A8

*Rod & Norma Jean Lupul
(Ph- 250-542-4617)*

#41-5484-25 AVE

Vernon, BC. V1T 9A8

To whom it May Concern July 2, 2019

Re: Stakeholders Comments

Cannabis Retail License Application

CRLO0019 Lot A Plan #AP58662

ODYD (107-5301 25 AVE)

Dear Sirs:

This location is totally out of reality.
Reasons are as follows:

1. Students visit this area daily at noon hours.
2. Parking is limited for customers now.
3. Seniors will not feel safe to shop or eat in this area.
4. There is no need for a Cannabis outlet, downtown is close enough!
5. The answer is an absolute no.



Yours truly
Eric W. Brandes
L.O. Brandes

Hazel Christy

From: Matthew Cassels <thecassels2@icloud.com>
Sent: Friday, July 05, 2019 9:01 AM
To: CSB Reception
Subject: Re Cannabis Retail License App. CRL00019

The OK Landing Plaza is used by many seniors who for many reasons are no longer able to utilize downtown shopping and have relocated to this area primarily for the access to groceries and other essentials being available close by.

We are concerned that licensing a Cannabis retail outlet at this location would undoubtedly attract an increase in some people who may not necessarily be patrons of the establishment but attracted by the possibility of criminally benefiting from the misfortunes of the elderly and disabled who frequent the Plaza.

It has been noted over the past few months that more and more of the street entrenched as they are referred to have migrated from downtown Vernon out to this area with some unfortunate results.

Thank you for your consideration on this matter.

Matt and Carol Cassels 5484 25th ave
Vernon V1T7A 8

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CSB Reception

From: Bertha Kilborn <bmkilborn@gmail.com>
Sent: Sunday, July 07, 2019 4:12 PM
To: CSB Reception
Subject: Stakeholder Comments - Cannabis Retail Licence Application for Lot A, Plan KAP58662, ODYD (107, 5301 25 Avenue)

I do not feel that this licence should be granted in this area. All cannabis shops should be in the downtown area where there are RCMP and bylaw officers to oversee these operations. I live across the street from the mall and would not feel safe walking to the grocery store. I have never seen a RCMP officer or bylaw officer near here. I would have to walk right past the front of this cannabis shop to go to the grocery store. This is an older residential area and most people walk to the store. There is no reason to put a cannabis store in this area.

Bertha Kilborn
#45 5484 25 Avenue

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CSB Reception

From: Jennifer Campbell <jennjonn@telus.net>
Sent: Sunday, July 07, 2019 9:46 PM
To: CSB Reception
Subject: Re: Cannabis Retail License Application

Thank you for giving the citizens of our community the privilege of submitting input regarding this application. As a resident living in close proximity to the proposed location for a cannabis flora recreational store, please, NO, NO, NO! Many students come to this plaza from Fulton School. A study giving evidence of harm to developing brains would make such a facility in the city anywhere insane. Turning this drug loose as our country has done, was so wrong. I would hope we quit adding fuel to the fire.

My concern is not only for our young people, but our local community and Vernon as a city. We can only be negatively affected!

Please consider my NO response.

In all sincerity, Jennifer Campbell

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CSB Reception

From: GERARD DUFF-TYTLER <gerarddt@shaw.ca>
Sent: Tuesday, July 09, 2019 1:16 PM
To: CSB Reception
Subject: REFERRAL COMMENTS - Cannabis Retail License Application CRL00019

Responding to the June 20, 2019 referral that I received recently regarding above application.

I am a stakeholder living at 5413 27 Avenue just behind the subject property of the applicant and have no negative concerns. I fully support the Cannabis Retail Application and the proposed location, and believe this will positively serve our neighbourhood.

Thank you for the opportunity to comment.

Regards,

Gerard Duff-Tytlar

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CR200019

CSB Reception

From: Rick Christensen <rickchristensen88@gmail.com>
Sent: Thursday, July 11, 2019 8:20 AM
To: CSB Reception
Subject: stakeholders comments

To whom it may concern,

I am sending my comments re the proposed cannabis retail business at 107, 5301 25th ave. As the owner of Buy-Low Foods, and after much discussion with staff and customers I would strongly disagree with any approval of this application.

After some 23 years in business in this location I feel we have a strong connection and understanding of the community that supports us. After discussing this issue with surrounding business, staff, and customers, the majority response is negative towards this application.

The additional pressure that would be added to our growing problem of loitering, panhandling, and theft is a huge concern.

The location of three Elementary schools and one high school being within walking distance is an issue as well. On average I would estimate that we put through 150 underage students her day during school months.

I understand that there has been approval of a cannabis shop next to the Longhorn Pub, which is right across our parking lot, to have two locations so close to one another doesn't make sense to me?

Even though I am a supporter of small business in our community I believe the concerns I have outlined reflect the thoughts of the majority in our community.

Thank you for your time,

Rick Christensen
Buy-Low Foods Vernon

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5509-27th Ave.
Vernon, B.C. V1T 7A3
July 9, 2019.

Dear Mr. Broderick:

With reference to your letter dated June 20th with regard to Commercial Retail License Application CR100019, I wish to thank you for the information.

First thought comes to mind is the influence, if any, the business might have on the young people in the area. I have observed teenage smoking in the nearby service roads, don't know what they were smoking and haven't seen that lately.

I note your letter states it is appropriately good (business), I thought I'd voice my concern. I am a parent and the business will not affect me personally. Just wondering if it is a paper one and what affect it would have in general.

Have a good day.

Yours Truly
Maurice A. Stumpp



From: Craig Broderick
Sent: Tuesday, July 09, 2019 5:08 PM
To: alegaree@telus.net
Cc: Mayor; Hazel Christy
Subject: RE: Form submission from: City Council CRL00019

Hi,

Thank you for your input. It will be incorporated in the report to Council which also goes onto the province.

Craig Broderick, MCIP RI

Manager, Current Planning, Approving Officer

Community Services Building , 3001-32 Avenue, Vernon, BC V1T 2L8

Direct: 250-550-3516 | Fax: 250 545 5309 | www.vernon.ca | www.investvernon.ca



Follow us on twitter for the latest economic development news in Vernon - www.twitter.com/InvestVernon

From: Mayor
Sent: Tuesday, July 9, 2019 3:51 PM
To: alegaree@telus.net
Subject: FW: Form submission from: City Council

Good day Ms. Perry

Thank you for your email regarding your concern. We have forwarded your email onto the appropriate staff person.

Regards,

From: City of Vernon [<mailto:no-reply@vernon.ca>]
Sent: Monday, July 01, 2019 1:28 PM
To: Mayor <Mayor@vernon.ca>
Subject: Form submission from: City Council

Mayor and Councillors: This email was received through the City of Vernon website and was sent to all elected officials.

mayor@vernon.ca, bquiring@vernon.ca, amund@vernon.ca, dnaahal@vernon.ca, sanderson@vernon.ca,
kfehr@vernon.ca, kgares@vernon.ca

Submitted on: Monday, July 1, 2019 - 13:27

Submitted by user: Anonymous

Submitted values are:

Name: Anita Perry

Email: alegaree@telus.net

Telephone: 2505457005

Question or Message:

In regards to the

stakeholders Comments- Cannabis Retail & Application CRL00019for lot A, PLAN KAP58662,ODYD (107 5301 25TH AVENUE. I am uncomfortable with this application as we live right across the road from the shopping centre and fell that the homeless people will be attracted to this area. They are slowly moving closer and closer to us. Of course, I know that many business people use; I am just uncomfortable.

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From: Geoff Gaucher
Sent: Thursday, June 20, 2019 12:34 PM
To: Liz Hanley
Subject: RE: Cannabis Business Licence Referral Review for CRL00019 (107, 5301 25 Avenue)

Bylaw Compliance has no concerns.

Thanks!

Geoff

Geoff Gaucher

Manager, Protective Services
3005 – 33rd Street, Vernon, B.C., V1T 9X3
Complaint Line: 250.550.3505
Direct Dial: 250.550.3645 | www.vernon.ca



From: Liz Hanley

Sent: June 20, 2019 9:21 AM

To: Mayor ; Patti Bridal ; Susan Blakely ; Sandra Dunn ; Craig Broderick ; Laurie Cordell ; Dan Gellein ; Ed Stranks ; Hazel Christy ; Kevin Poole ; Regan Borisenko ; Jodi Barrie ; David Lind ; Scott Hemstad ; Dwight Seymour ; Dan Walker ; Geoff Gaucher

Subject: Cannabis Business Licence Referral Review for CRL00019 (107, 5301 25 Avenue)

G:\3700-4699 LEGISLATIVE AND REGULATORY SERVICES\4330 LICENCES - CANNABIS\20 Applications\CRL00019\PROC\Referral\190620 Cannabis Bus Lic Ref Pkg_CRL19.pdf

Liz Hanley

Secretary, Community Infrastructure and Development Services
Community Services Building, 3001 – 32 Avenue, Vernon, B.C., V1T 2L8
Office: 250.550.3582 | Fax: 250.545.5309 | www.vernon.ca



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CANNABIS BUSINESS LICENCE APPLICATION
REFERRAL RESPONSE FORM

(Reply to the attention of csbreception@vernon.ca)

VERNON FILE# CRL00019 (107, 5301 25 AVE) **YOUR FILE #:** _____

Name Inspector Gord Stewart Date 2019-06-24
 Agency RCMP Department Vernon North Okanagan Detachment
 Position Operations Officer

Phone 250-260-7154 Fax 250-260-7191
 Email gord.stewart@rcmp-grc.gc.ca

Please indicate whether your agency or department's interests are affected by the subject application by checking on of the following boxes (please use the space provided below for written comments):

Support

(if applicable, provide conditions below)

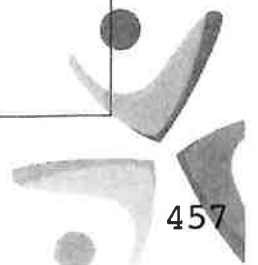
Do Not Support

(provide comments below)

Our Interests are Unaffected

(if applicable, provide comments below)

Conditions	
Comments	<p>Provided that the applicants conforms to all applicable municipal, provincial and Federal legislation, the RCMP has no opposition to thsi application.</p>





THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning
Hazel Christy
Planner

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 17, 2019
FILE: 4330-20 (CRL00020)

SUBJECT: CANNABIS BUSINESS LICENCE APPLICATION FOR E520, 4400 – 32nd STREET

PURPOSE:

To review the referral received from the Liquor and Cannabis Regulation Branch (LCRB) and provide the City of Vernon's recommendation for the LCRB's consideration in their review of the Non-Medical Cannabis Retail Store (CRS) Licence application. This application is for a business and location that has not previously operated as a dispensary in the City of Vernon.

RECOMMENDATION:

THAT Council provide a positive recommendation to the Liquor and Cannabis Regulation Branch (LCRB) regarding Cannabis Retail Store application (Job#002130) (CRL00020) with respect to the application to establish a Non-Medical cannabis retail sales business on Lot A, KAP46718, DL 38, ODYD (E520, 4400 – 32nd Street);

AND FURTHER, that the LCRB be advised that Council's support of the subject cannabis retail store application addresses the LCRB resolution criteria in the following manner:

- a) The location of the proposed store:
 - i. The proposed new premise at E520, 4400 – 32nd Street is within the C5 – Community Commercial zone, and a cannabis retail store is a permitted use within this commercial zone.
- b) The general impact on the community if the application is approved:
 - i. Council considers that approval of a cannabis retail store at this location would have minimal impact on the community as long as all federal, provincial and municipal regulations are adhered to.
- c) The public consultation process consists of 95 stakeholder referral letters being sent to internal departments, agencies and to all businesses, property owners and occupants within 30 m of the subject property. One "no objection" response was received.

AND FURTHER, that the report from the Manager, Current Planning dated July 17, 2019 be provided to the Liquor and Cannabis Regulation Branch to document the City of Vernon's consideration of the location of the proposed cannabis retail store, the means of public consultation and the summary of input received with respect to Cannabis Retail Store application CRL00020.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council provide a NEGATIVE recommendation to the Liquor and Cannabis Regulation Branch regarding Non-Medical Cannabis Retail Store application (Job#002130) (CRL00020) with respect to ~~458~~ 458

application to establish a cannabis retail sales business on Lot A, KAP46718, DL 38, ODYD (E520, 4400 – 32nd Street).

Note: This alternative does not support the cannabis business licence application, and therefore the cannabis retail store licence will not receive further consideration from the Liquor and Cannabis Regulation Branch.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The subject property is located at E520, 4400 – 32nd Street, as shown on Figures 1 and 2. The retail cannabis store is proposed to be located within an existing commercial building (Vernon Square). Adjacent tenants are Chopped Leaf and Sherwin Williams. The building faces the transit terminal, which is located east of 31st Street. This application is for a business and location that has not previously operated as a dispensary in the City of Vernon.
2. The applicant has applied for a Cannabis Retail Store licence to the Liquor and Cannabis Regulation Branch (LCRB) (Job#002130). As a result, the Province has referred the application to the City of Vernon for consideration by Council. Should the LCRB support the application and issue a licence to the applicant, the Cannabis Business Licence would be processed. A Cannabis Business Licence cannot be issued if the LCRB does not issue its licence.
3. No changes to parking, access or the exterior of the tenant space are proposed other than fascia signage which would require a sign permit from the City of Vernon, as well as approval of the signage wording and logo through the provincial licensing process.
4. Section 33 of the *Cannabis Control and Licensing Act* requires that local governments be notified of an application, and that if the local government decides to give comments and recommendations, they must gather the views of residents within a prescribed area.

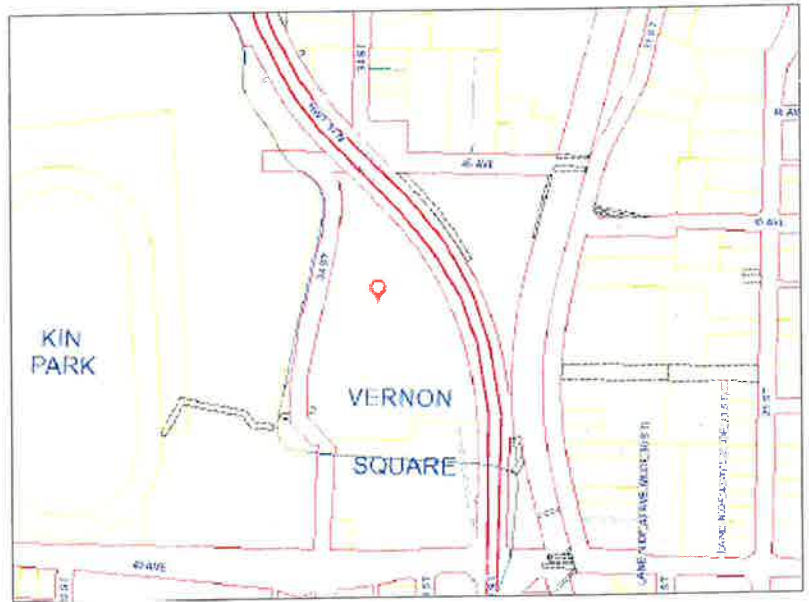


Figure 1 – Property Location Map



Figure 2 – Aerial View of Property

5. The Cannabis Business Licence application was referred to 19 staff departments and external agencies as well as 95 business, property owners and occupants within 30 m of the subject property (five letters were returned).
6. A total of one response was received, indicating “no concerns” (Attachment 2).
7. In support of the application, the applicant has submitted background material and a petition of support. (Attachment 3).

C. Attachments

Attachment 1 – Site Plan

Attachment 2 – Copy of stakeholder comment received

Attachment 3 - Background material and petition of support submitted by applicant

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

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

- Streamline red tape to facilitate more development.

E. Relevant Policy/Bylaws/Resolutions:

1. Council gave final reading to Zoning Bylaw Amendment #5731 on December 11, 2018 to allow retail cannabis sales as a primary use within selected commercial zones. Applicants must apply for and receive a Cannabis Business Licence from the City of Vernon, following the processing and approval of a provincial licence from the Liquor and Cannabis Regulation Branch. A Building Permit or Sign Permit may also be required to address necessary tenant improvements.
2. The City of Vernon has received 20 referrals to date from the provincial Liquor and Cannabis Regulation Branch (LCRB) for non-medical cannabis retail establishments. Council passed a resolution to limit the number of Cannabis Shops within the downtown area (Business Improvement Areas) to six (6) Licensed Cannabis Retail Shops and that Administration is to monitor and report back to Council in one year’s time. The downtown area is defined as Primary and Secondary Business Improvement areas.
3. To date, Council has provided positive recommendations for thirteen (13) applications in total, six of which are located in the BIA, and have forwarded input to the provincial Liquor and Cannabis Regulation Branch (LCRB) for their review.
4. At the time of writing this report, the provincial Liquor and Cannabis Regulation Branch (LRCB) has informed the City as to the status of two of the referred applications. Both applications that have received Approval in Principle (AIP) are not within the BIA. One has received Final Approval and is open for business. The other has AIP and is working to fulfill Provincial requirements.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Jul 17 2019 4:51 PM

Approved for submission to Council:

X Craig Broderick ✓
Craig Broderick DocuSign

Will Pearce, CAO

Date: 23 July 2019

Craig Broderick
Manager, Current Planning

Jul 17 2019 1:29 PM

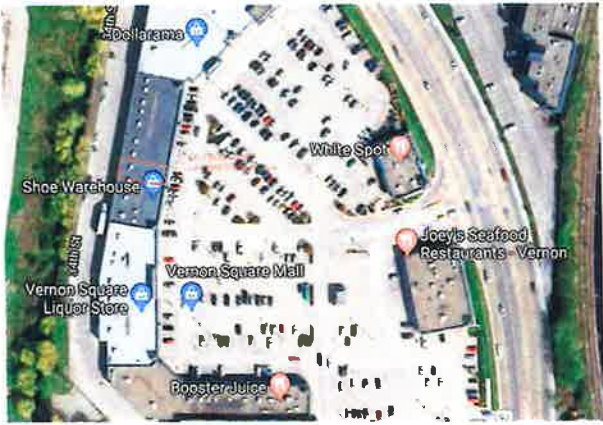
X Kim Flick ✓
Kim Flick DocuSign

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

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| <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 checked="" 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 |
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| <input type="checkbox"/> OTHER: | | |

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SATellite VIEW



3
A.01
EXISTING FRONT ELEVATION



2
A.01
VICINITY PLAN



4
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PROPOSED FRONT ELEVATION

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1 NEIGHBOURING BUSINESS
A.02



3 NEIGHBOURING BUSINESS
A.02



2 NEIGHBOURING BUSINESS
A.02



4 NEIGHBOURING BUSINESS
A.02

NOTES 	
CLIENT 	
DATE 	
DRAWING NO. 	
DRAWING TITLE SITEPLAN KEYPLAN VIEW	
SHEET NO. A.02	TOTAL SHEETS 1
DATE 	BY



City of Vernon
3400 30th Street
Vernon, BC V1T 5E6

P: 250.545.1361
F: 250.545.7876

CANNABIS BUSINESS LICENCE APPLICATION
REFERRAL RESPONSE FORM

(Reply to the attention of csbreception@vernon.ca)

VERNON FILE#	<u>CRL00020 (E520 4400 32 ST)</u>	YOUR FILE #:	_____
Name	<u>Insp. Gord Stewart</u>	Date	<u>June 26, 2019</u>
Agency	<u>RCMP</u>	Department	<u>Vernon North Okanagan Detachment</u>
Position	<u>Operations Officer</u>		
Phone	<u>250-260-7154</u>	Fax	<u>250-260-7191</u>
Email	<u>gord.stewart@rcmp-grc.gc.ca</u>		

Please indicate whether your agency or department's interests are affected by the subject application by checking on of the following boxes (please use the space provided below for written comments):

- Support**
(if applicable, provide conditions below)
- Do Not Support**
(provide comments below)
- Our Interests are Unaffected** X
(if applicable, provide comments below)

Conditions	
Comments	Provided the applicant adheres to all applicable municipal, provincial and Federal legislation, Vernon Noirth Okanagan RCMP has no opposition to this application.

\\Storage\filerS\Tempbest\Tempbest\Ive\Prospero_Edoc\Planning\REFERRAL RESPONSE FROM.docx



**CANNA CABANA INC. – NON-MEDICAL RETAIL CANNABIS APPLICATION IN
VERNON, BRITISH COLUMBIA**

**PROPOSED LOCATION:
E520 4400 32 STREET, VERNON, BRITISH COLUMBIA**

**CORPORATE SUMMARY FOR CANNA CABANA FOR
THE CITY OF VERNON**

To: Craig Broderick, MCIP RI
Manager, Current Planning, Approving Officer
City of Vernon
Community Services Building
3001-32 Avenue, Vernon, BC V1T 2L8

CANNA CABANA INC. CORPORATE SUMMARY

To: Craig Broderick, MCIP RI
Manager, Current Planning, Approving Officer
City of Vernon
Community Services Building
3001-32 Avenue, Vernon, BC V1T 2L8

Dear Mr. Broderick,

On behalf of Canna Cabana Inc., I thank you for the opportunity to provide input regarding our proposed cannabis retail location at E520 4400 32 Street, in Vernon, British Columbia.

We have a decade of experience working with municipalities and provincial bodies, and we value strong relationships with the communities in which we live and work. This begins with our respect for municipal bylaws, regulatory processes, and the spirit of the community behind them. In support of our proposal, I would like to share some information about Canna Cabana and its parent company, High Tide Inc.

OUR HISTORY

High Tide's story began in 2009 with Harkirat (Raj) Grover's (President and CEO of High Tide Inc.) dedication in developing an independent and popular smoke shop chain called Smoker's Corner, catering to cannabis enthusiasts in Western Canada. The legacy of Smoker's Corner's began with legal-age smoking enthusiasts and the sale of accessories and cannabis lifestyle products, with the eventual opening of 19 retail locations across Canada. With this experience in retail cannabis accessories, we've grown to become one of the largest counterculture chains in Canada.

As Smoker's Corner expanded, the decision was made for the company to start manufacturing and distributing our own lines of proprietary and licensed accessories, leading to the creation of RGR Canada Inc. and Famous Brandz as enterprises of wholesale businesses supporting the Smoker's Corner retail footprint. These businesses supply cannabis accessory products to thousands of stores around the world and directly to customers through an extensive network of online sales.

High Tide is thus a vertically integrated, Alberta-based cannabis retail company with lines of business that run from the manufacture and wholesale of cannabis accessories, to the retail sale of cannabis and cannabis accessories across Canada.

CANNABIS LEGALIZATION AND OUR ROLE

As cannabis legalization approached, the next natural step was to expand operations into the sale of cannabis, leading to the creation of Canna Cabana. Today, Canna Cabana is one of Canada's leading cannabis retailers, with 17 stores operating under its name across Canada. This number currently includes 13 stores in Alberta, one store in Saskatchewan and three retail stores in Ontario. We are well on schedule to open 37 retail cannabis locations in Alberta, and are looking to expand into the Northwest Territories, Manitoba, and the Yukon.

Our ongoing success and growing footprint demonstrate that High Tide has the knowledge, experience and resources to safely open and operate our cannabis stores. The company has had great success in working with communities to ensure any unforeseen needs or concerns are addressed, by participating in community tours with local Business Improvement Associations, and our strong involvement in programs aimed at improving the neighbourhood on a municipal level.

OUR SOUND BUSINESS PRACTICES

Our retail model has proven to meet or exceed federal, provincial and municipal requirements while providing an immersive, exceptional retail experience for customers and neighbours alike. We have an excellent relationship with provincial regulators and Health Canada and have always striven to stay well within the permitted activities under the law and to comply with all regulations concerning the sale or promotion of cannabis. While we may advocate for changes that make sense as the industry evolves, all of our stores are committed to safe and legal operation. It is important to note that at no time has High Tide or any of its enterprises been involved in the black or “grey” market of cannabis.

SAFETY AND SECURITY OF OUR RETAIL CANNABIS NETWORK

Safety is the primary concern for Canna Cabana; for customers, employees and the community. Our stores are covered by high resolution cameras at all entry and exit points and includes security systems that are monitored 24/7 with dedicated record retention. Cannabis can only be accessed by employees and is locked overnight in a secure vault that was modeled after RCMP gun vault requirements.

On top of all the added security, any exterior view into the store is blocked by an attractive window treatment to ensure our products are obscured from view by underage youth, and all potential customers who enter the store will have their age verified. Additionally, all employees complete our proprietary 40-hour training program with additional training sessions on a regular basis to keep up with evolving provincial and municipal regulations.

COMMITMENT TO SUSTAINABILITY

While these above measures are a standard that should be expected of all cannabis retailers, Canna Cabana has demonstrated a history of going above and beyond minimum expectations for our retail outlets. Our stores were some of the first in Canada to offer a cannabis packaging recycling program, with all recovered material being shipped to TerraCycle, a world-leading handler of hard-to-recycle materials. We also empower our employees to work with local organizations to actively participate in the community wherever appropriate and possible. This includes supporting local Chambers of Commerce, community events and community cleanup efforts.

ECONOMIC BENEFITS TO THE REGION

We are confident we can help ensure a smooth transition to the emerging legal cannabis industry and help meet the intended goals of reducing the illicit market, preventing access by youth and ensuring the safety of those who intend to use cannabis responsibly. This is an opportunity to share our level of experience and expertise in the industry at a time when it is sorely needed, while also participating in job creation and increased economic activity for the municipalities we serve.

High Tide, and Canna Cabana a well-equipped, experienced, and well-funded company, is poised to establish a store which will thrive in our location within the City of Vernon. We will employ an experienced management team with a background in real estate and retail operations.

SUPPORT OF LOCAL SERVICES AND TRADES

Our proposal to open a retail cannabis store in Vernon will contribute to job creation and utilize many of the other businesses that reside in Vernon. Local accounting professionals, legal counsel and various tradesmen will be employed to build out our high-end retail location.

Our physical buildout involves many tenant improvements to comply with all municipal and provincial regulations. This includes improvements such as a secure cannabis storage room and a state-of-the-art security system. This investment will be a direct and quantifiable contribution to the local economy. Additionally, we will employ on average 10-15 full and part time employees in our store, again providing additional economic benefit to the region.

WORKING WITH THE COMMUNITY

We strive to contribute and give back to the communities in which we serve. Developing relationships and donating to local causes, will be a part of our endeavor to enrich the neighborhood, and to ensure a safe and secure venue for the sale of cannabis. Our willingness to work with the RCMP, law enforcement officials, community associations and other groups will ensure a smooth transition into this new legal framework and cause minimal disruption to other interest groups. We will work with neighboring businesses in the initial set up and operation of the store front with a commitment to adjusting policy as needed to minimize disruption to neighbouring properties.

EXPERIENCE IN RETAIL SALES AND CANNABIS RETAIL SALES

Raj Grover
Founder, President & Chief Executive Officer

Mr. Grover is the founder of High Tide and its subsidiary companies of RGR Canada, Smoker's Corner and Canna Cabana, while also being the co-founder of High Tide's newest subsidiary, Famous Brandz. Raj started Smoker's Corner in 2009 and RGR Canada in 2011 and has been operating profitably as a pioneer in the cannabis accessories industry ever since.

Currently, he is a national franchisor and entrepreneur with 17 years of experience in building and selling successful companies. Mr. Grover leads the industry in manufacturing capabilities and has built the largest network of comparable retail stores in Canada. In his personal time, Raj is passionate about supporting children's charities that benefit the underprivileged and those struggling with health issues and other life challenges. Mr. Grover has strong ties to his community, through his charitable giving endeavors and visionary leadership. His projects all include a strong sustainability component, which is a highlight of his successes with his various companies.

Alex Mackay
Chief Operating Officer

Mr. Mackay joined the High Tide family in February 2019 after a 21-year career at Shaw Communications, one of Canada's largest telecommunications organizations. Known as an adaptable leader with a proven track record of driving breakthrough business results, Mr. Mackay has extensive operational experience including key roles as Senior Director of Contact Centers and Retail Operations, National Director of Field Support Operations and National Sales Director.

Key team milestones include the achievement of industry-leading customer satisfaction scores, proven significant step increases to incremental sales and revenues and the creation and implementation of a suite of new Standard Operational Practices adopted within a +10K employee organization. Mr. Mackay's career and achievements have been grounded in exceptional people practices, including targeted talent acquisition of top performers, and building high-performing collaborative teams followed with strong execution.

EXPERIENCE IN REGULATORY AFFAIRS AND COMPLIANCE

Jake Jimenez

Regulatory Affairs Manager

Mr. Jimenez is the head of High Tide's regulatory affairs department. His strong leadership coupled with his wealth of experience in regulatory affairs has allowed High Tide to open and operate an extensive network of Canna Cabana cannabis stores throughout Alberta, Saskatchewan and Ontario.

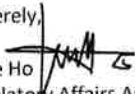
High Tide adheres to all cannabis regulations with Mr. Jimenez being responsible for the compliance of all of Canna Cabana's retail network. This compliance includes, extensive store security measures, employee training, and regular compliance inspections. These measures help maintain Canna Cabana as a safe and secure environment for our patrons.

SUMMARY

We are very excited about the prospect of operating a safe and responsible retail cannabis store in the community of Vernon. We believe the economy of Vernon can be strengthened by Canna Cabana. Increasing tax revenue for the community, creating multiple local jobs, and employment of local workers in the buildout phase will all positively contribute to the local economy. Your strong tourist and resident populations provide for an expansive customer base for the budding retail cannabis market. We believe that this can be a dually beneficial relationship for both parties.

I thank you for your careful consideration on this matter. If you require any additional information or have any questions, please feel free to reach out to me at irene@cannacabana.com or 587-889-8892.

Sincerely,


Irene Ho
Regulatory Affairs Associate
Canna Cabana Inc.

Design Concept and Overview

Completed Canna Cabana Retail Locations

The interior aesthetic at Canna Cabana is both casual and approachable, as well as aspirational and forward-thinking. The simple palette is accentuated by pops of bold colours. Woodgrain textures and woven light fixtures pay subtle homage to the tropical influence in the Canna Cabana name.

Below are some examples of our completed, fully functional locations in Alberta and Ontario.



Above - Canyon Meadows Canna Cabana, Calgary, Alberta



Canna Cabana Accessories



Canna Cabana Interior



Canna Cabana Interior Photos



Canna Cabana Interior Photos



Canna Cabana Interior Photos
spatial massing - view 1



Canna Cabana Interior Photos

LOCATIONS

Beaumont	Lethbridge	Bonnyville	Airdrie
Calgary 10th St.	Okotoks	Calgary Elbow	Calgary
Calgary Canyon Meadows	Sudbury, ON	Edmonton Parsons Rd.	Cochrane
Edmonton 111th Ave.	Swift Current	Lloydminster	Edmonton
Edmonton 124th St.	Toronto, ON	Olds	Edson
Fort Saskatchewan	Whitecourt	Red Deer County	Fort McMurray
Grande Prairie		Vegreville	High River
Hamilton, ON			Medicine Hat
Lacombe			Red Deer
			Red Deer County
			St. Albert
			Stony Plain
			Strathmore



HEAD OFFICE
#112, 11127 15 Street N.E.
Calgary, AB T3K 2M4

OPEN
WITH CANNABIS
OPEN
ACCESSORIES ONLY
IN DEVELOPMENT

CANNA Cabana



**SOPHISTICATED.
APPROACHABLE.
PLAYFUL.**

Proudly Canadian and serving the legal cannabis and lifestyle industry for over a decade, we've built Canna Cabana on a strong foundation of ethics, expertise, and accountability.

We put our customers first, focus on education, and don't compromise on quality. Cannabis is about responsible enjoyment and community, and both are at the heart of our business.

At Canna Cabana, we are bringing cannabis to Canadian communities with the goal of creating a safe, inclusive, and welcoming hub for our neighbours to learn about and experience cannabis in a positive way.



EXISTING BRANDS

Under the High Tide umbrella:



HIGHTIDE





THE FACTS

01 PUBLICLY TRADED

Our parent company, High Tide Inc., is publicly traded on the **Canadian Securities Exchange**, the **OTCQB Market** and the **Frankfurt Stock Exchange**

02 SUSTAINABLE GROWTH

With a proven and **established manufacturing, distribution and retail model**, we are well-positioned for steady, reliable expansion and growth.

03 BACKED BY EXPERIENCE

Our competitive advantage comes from **over 10 years of retail experience** in communities large and small.

476

COLLABORATING WITH COMMUNITIES

To be successful, we need to be an active partner in the communities in which we work and live.

And that's not just talk. After listening to our customers, we were the first in Western Canada to launch a cannabis packaging recycling program in all of our stores.

Our employees are empowered to seize opportunities to get involved in the community with our full support. Whether that's through volunteering, donations, participating in local events or holding educational classes about all things cannabis, we want to help.



20,000+
CONTAINERS RECYCLED
ACROSS CANADA

23
branded Canna Cabana locations in Canada, with 15 new locations coming soon.

170+
employees across several provinces, with more added every month.

122
number of **planned locations** across Canada as part of long-term strategy.

40 HOURS
minimum amount of training each employee receives to meet our standards of knowledge and service.

\$400,000
average spend per store in communities, supporting local

QUESTIONS OR CONCERNS?

We welcome you to visit our website at cannacabana.com, or send your questions/comments to info@cannacabana.com.

Thursday, July 11, 2019

Attn: Craig Broderick,
Manager, Current Planning, Approving Officer
City of Vernon
Community Services Building
3001 32 Avenue
Vernon, BC V1T 2L8

Dear Mr Broderick,

Re: Canna Cabana Proposed Location: e520 4400 32 Street, Vernon, BC

On behalf of Canna Cabana Inc., I thank you for the opportunity to provide comments regarding our proposed cannabis retail location in Vernon, British Columbia.

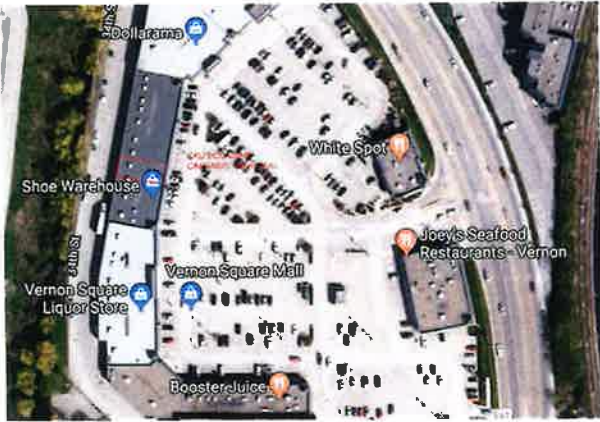
We have a decade of experience working with municipalities and provincial bodies, and we value strong relationships with the communities in which we live and work. This begins with our respect for municipal bylaws, regulatory processes, and the spirit of the community behind them. In support of our proposal, I would like to attach the following documents to our package for City Council. Our public feedback form shows businesses and individuals that support our store proposal, and more should be delivered to you within the next few weeks.

Please feel free to contact me if anything else is required. I can be reached at 587-889-8892 or irene@cannacabana.com. Thank you kindly.

Sincerely,



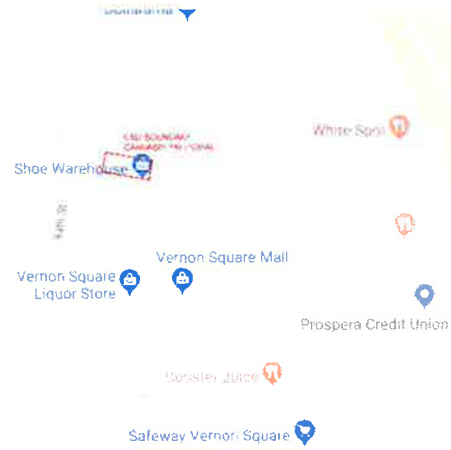
Irene Ho
Regulatory Affairs Associate
Canna Cabana Inc.



1 SATELLITE VIEW
A.O.I



3 EXISTING FRONT ELEVATION
A.O.I



2 VICINITY PLAN
A.O.I



4 PROPOSED FRONT ELEVATION
A.O.I

CONSULTANT



NOTES:

ISSUED

NO.	DATE	BY	REVISION
01			ISSUE FOR REVIEW

SCALE:

DRAWING INFORMATION

DATE	DATE
PROJECT	PROJECT
CLIENT	CLIENT
SCALE	SCALE
DRAWN BY	DRAWN BY
CHECKED BY	CHECKED BY
DATE	DATE

DRAWING TITLE:

SITEPLAN - KEYPLAN VIEW

SHEET:	REV
A.O.I	1

SCALE: 1/4"



1 NEIGHBOURING BUSINESS
A.02



3 NEIGHBOURING BUSINESS
A.02



2 NEIGHBOURING BUSINESS
A.02



4 NEIGHBOURING BUSINESS
A.02

NOTES:

ISSUED:

NO.	DATE	BY
1	ISSUE FOR REVIEW	SS/2011/11

SCALE:

DRAWING INFORMATION:

PROJECT NO.	2011-00000
CLIENT	WALKER GROUP
DATE	2011-01-01
SCALE	AS SHOWN
DATE	2011-01-01
SCALE	1:1
DATE	2011-01-01
SCALE	1:1

DRAWING TITLE:
SITEPLAN - KEYPLAN VIEW

SHEET:	REV:
A.02	1

SCALE: N/A



1 NEIGHBOURING BUSINESS
A.03



3 BUILDING OVERVIEW
A.03



2 NEIGHBOURING BUSINESS
A.03



4 EXISTING FRONT ELEVATION
A.03

NOTES:

NO.	DATE	DESCRIPTION
01		ISSUE FOR REVIEW

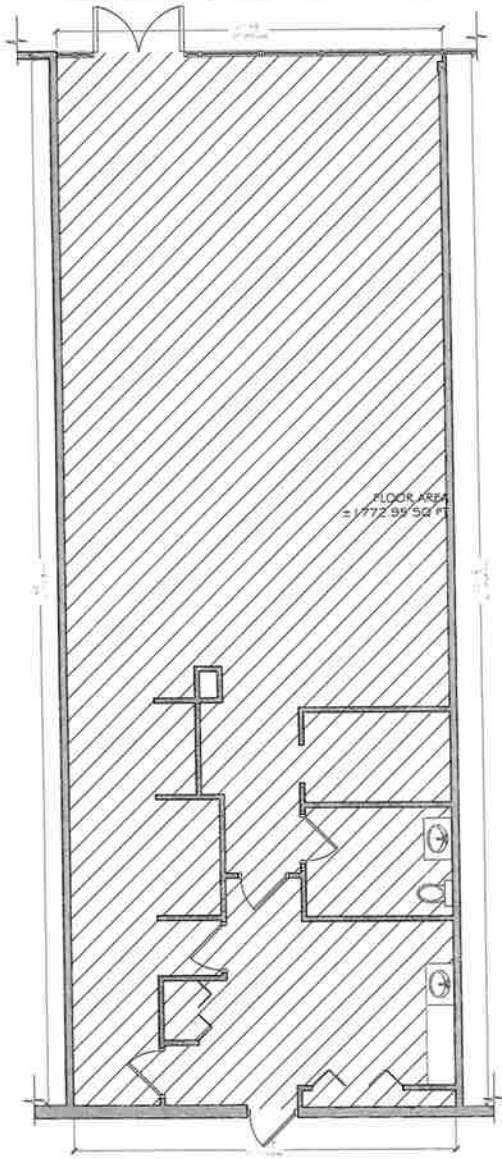
SEAL:

DRAWING INFORMATION	
DATE:	DATE OF CHANGE:
BY:	DATE REVISION MADE TO:
REVISION:	REVISION: (REVISION NO. AND DATE)
SCALE:	BY:
DATE:	DATE:

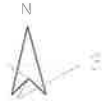
DRAWING TITLE:
SITEPLAN - KEYPLAN VIEW

SHEET:	REV.
A.03	I

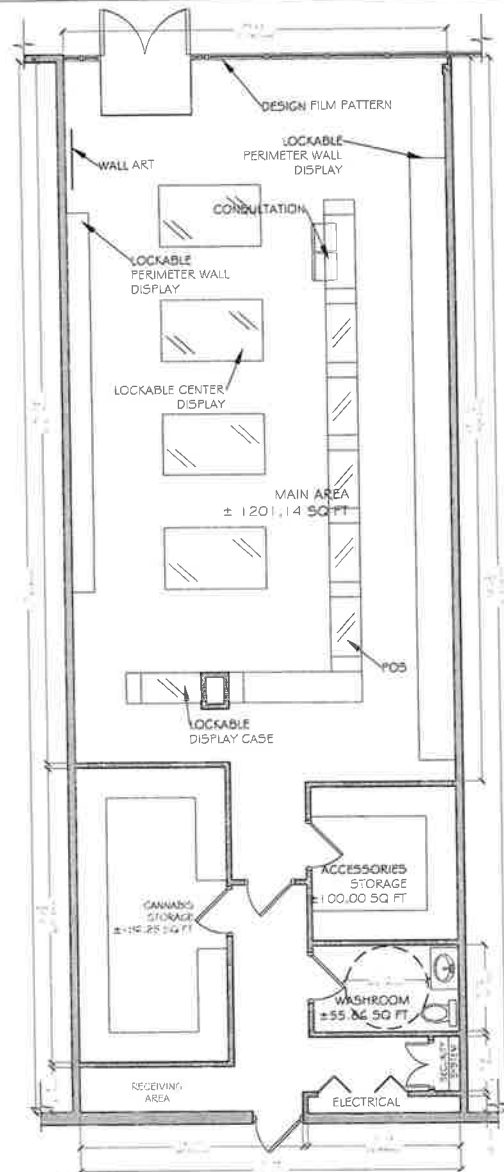
SCALE: N/A



1 EXISTING FLOORPLAN
A.06



note* proposed floorplan here may vary slightly from actual building permit drawings during buildout phase



2 PROPOSED FLOORPLAN
A.06

NOTES:

ISSUED:		
NO.	DATE	BY
01	ISSUE FOR REVIEW	28/7/2023

SEAL:

DRAWING INFORMATION:

DATE:	28/07/2023
DRAWN BY:	WAFI WAHEDI
CHECKED BY:	WAFI WAHEDI
SCALE:	AS SHOWN
PROJECT NO.:	11
PROJECT NAME:	POS - 117-40-100A

DRAWING TITLE:
FLOORPLAN

SHEET:	REV:
A.06	1

SCALE: 1/8" = 1' 0"

NOTES:

ISSUED:

NO.	DATE	ISSUE FOR RE/REV	DESCRIPTION
01		ISSUE FOR RE/REV	05/02/17

SEAL

DRAWING INFORMATION

DATE	05/02/17
PROJECT	11111111111111111111
CLIENT	11111111111111111111
SCALE	1/8" = 1' 0"
DATE	05/02/17
PROJECT	11111111111111111111
CLIENT	11111111111111111111
SCALE	1/8" = 1' 0"

DRAWING TITLE

ELEVATION

SHEET	REV.
A.07	1
SCALE:	1/8" = 1' 0"



1 FRONT ELEVATION
 A.07



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick
Manager, Current Planning

COUNCIL MEETING: REG COW I/C
COUNCIL MEETING DATE: July 29, 2019
REPORT DATE: July 15, 2019
FILE: ZON00331

SUBJECT: REZONING APPLICATION FOR 4403 – 20th STREET

PURPOSE:

To review the rezoning application to rezone the subject property located at 4403 – 20th Street from R5: Four-plex Housing Residential to RH2: Stacked Row Housing Residential to allow for multi-family development.

RECOMMENDATION:

THAT Council support the application (ZON00331) to rezone Parcel B, Lot 32, Sec 2, Twp 8, ODYD, Plan 474 exc. the west 20 feet shown on Plan B5878 (4403 – 20th Street) from R5: Four-plex Housing Residential to RH2: Stacked Row Housing Residential in order to allow for multi-family development, subject to the following conditions:

- a) That a restrictive covenant be registered on title limiting the height of structures to 2.5 storeys and to provide for a future statutory right of way to allow for a future pedestrian and cycling connection between 20th Street and Pleasant Valley Road.

AND FURTHER, that:

- a) Prior to final adoption of the zoning amendment bylaw, the Development Permit be ready to be issued and that any required variance to Zoning Bylaw #5000, as amended, be evaluated by Council and approved if appropriate.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council support the application (ZON00331) to rezone Parcel B, Lot 32, Sec 2, Twp 8, ODYD, Plan 474 exc. the west 20 feet shown on Plan B5878 (4403 – 20th Street) from R5: Four-plex Housing Residential to RH2: Stacked Row Housing Residential in order to allow for multi-family development, subject to the following conditions (*to be cited by Council*):

Note: This alternative supports the rezoning application with the addition of any conditions that Council may wish to add.

2. THAT Council NOT support the application (ZON00331) to rezone Parcel B, Lot 32, Sec 2, Twp 8, ODYD, Plan 474 exc. the west 20 feet shown on Plan B5878 (4403 – 20th Street) from R5: Four-plex Housing Residential to RH2: Stacked Row Housing Residential in order to allow for multi-family development.

Note: This alternative does not support the rezoning application as submitted, and as a result the redevelopment or infilling of this property cannot proceed as proposed.

ANALYSIS:

A. Committee Recommendations:

At its meeting of July 9, 2019, the Advisory Planning Committee passed the following resolution.

“THAT Council support to rezone (ZON00331) Parcel B Lot 32 Sec. 2 Twp.8 ODYD Plan 474 exc. the west 20 feet shown on Plan B5878 (4403-20th Street) from R5 Four Plex Housing Residential to RH2: Stacked Row Housing Residential in order to allow for multi-family development, subject to the following conditions:

- a) That a restrictive covenant be registered on title limiting the height of structures to 2.5 storeys and to provide for a future statutory right of way to allow for a future pedestrian and cycling connections between 20th Street and Pleasant Valley Road.
- b) Prior to final adoption of the zoning amendment bylaw, the Development Permit be ready to be issued and that any required variance to Zoning Bylaw #5000, as amended, be evaluated by Council and approved if appropriate.
- c) THAT the APC committee recommends that Council investigate options to protect significant trees on the subject property prior to issuing the zoning.”

B. Rationale:

1. The subject property is located at 4403 – 20th Street (Figures 1 and 2), opposite the entrance to Harwood Elementary School. The land is designated as RMD Residential-Medium Density within the Official Community Plan (OCP) and is currently zoned R5: Four-plex Housing Residential.
2. The subject property is approximately 7,647 m². A single family residence is located on the western portion of the property with access off 20th Street. The property is well treed and slopes gently upwards to the east.
3. The adjacent zoning and land uses are:



Figure 1 – Property Location Map

	Zoning	Land Use
NORTH	R5: Four-plex Housing	Single & Two Family Residential
EAST	Land Use Contract 2530, 1974 P3: Private Institutional	Church and Private School (PV Christian Academy)
SOUTH	R5: Four-plex Housing	Single & Two Family Residential
WEST	R3: Medium Lot Housing	Single Family Residential

The area overall is a mix of single family, two family and townhouse developments. The height of the buildings in the area are generally 1 – 2 storeys.

4. Uses within the RH2 zone include apartment housing, stacked row houses, assisted or supportive housing or care centres. The RH2 zoning district allows 4.5 storeys.

5. In considering this rezoning application, it is important to note that the theoretical zoning density may not be achievable given design guidelines, landscaping requirements, lot coverage, vehicle circulation requirements and other regulations that apply at the Development Permit stage. While a concept plan has been provided, the building form may change as plans become further refined. The RH2: Stacked Row Housing Residential Zone would also permit other forms of multi-family development including apartment housing, care centres, and seniors assisted housing to a maximum height of 16.5 m or 4.5 storeys. Given the nature of the existing development, a height limit of 2.5 storeys is recommended as part of this application.



Figure 2 – Aerial View of Property

6. While no Development Permit application has been received, the applicant has indicated that future plans include the development of one bedroom, two bedroom and micro-suite stacked row housing units, and has provided a preliminary conceptual plan (Attachment 4) that shows 58 units of varying sizes combined with at-grade surface parking. Stacked row housing is defined as a development having three or more units, attached at the rear, sides, or vertically, each unit having individual access to outside such that no more than two units share a corridor, steps or a path. As part of the Development Permit review process, a tree inventory would be required and any significant, mature trees that can be safely integrated into the site plan would be expected to be preserved.

7. The property to the east (i.e. 1802 – 45th Avenue) is zoned P3: Private Institutional and is the location of a church and an educational academy. If that site redevelops in the future, having a pedestrian and cycling right of way would be desirable to connect 20th Street to 45th Avenue to Pleasant Valley Road. As such, Administration recommends that a restrictive covenant providing for a future statutory right of way be secured as part of the subject rezoning to allow for the eventual pedestrian and cycling connection between 20th Street and Pleasant Valley Road. A statutory right-of-way would be required as part of the Development Permit and Building Permit process.

8. Subdivision and Development Servicing requirements for any infrastructure upgrades must also be addressed. These requirements would be based on the actual building form and total number of units proposed.

9. Administration supports the application to rezone the subject property from R5 to RH2 as it conforms to the OCP Future Land Use designation of Residential – Medium Density, subject to:

- a) a restrictive covenant being placed on title restricting the height of development of the site to be up to 2.5 storeys and to provide for a future statutory right of way for pedestrian and cycling connection.

C. Attachments:

- Attachment 1 – Official Community Plan Land Use Designation
- Attachment 2 – Current Zoning
- Attachment 3 – Excerpt from Zoning Bylaw #5000 Section 9.12 RH2: Low Rise Apartment Residential
- Attachment 4 – Plan Showing Preliminary Development Concept

D. Council's Strategic Plan 2019 – 2022 Goals:

The subject rezoning application involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Promote transit oriented housing and mixed use development

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:

Approved for submission to Council:

X

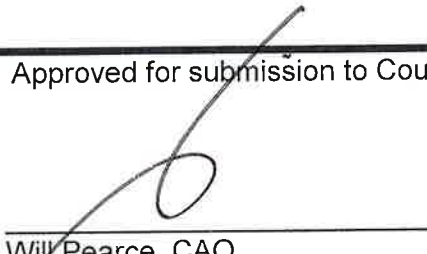


Signer 1

Craig Broderick
Manager, Current Planning

Will Pearce, CAO

Date:



24. June. 2019

X



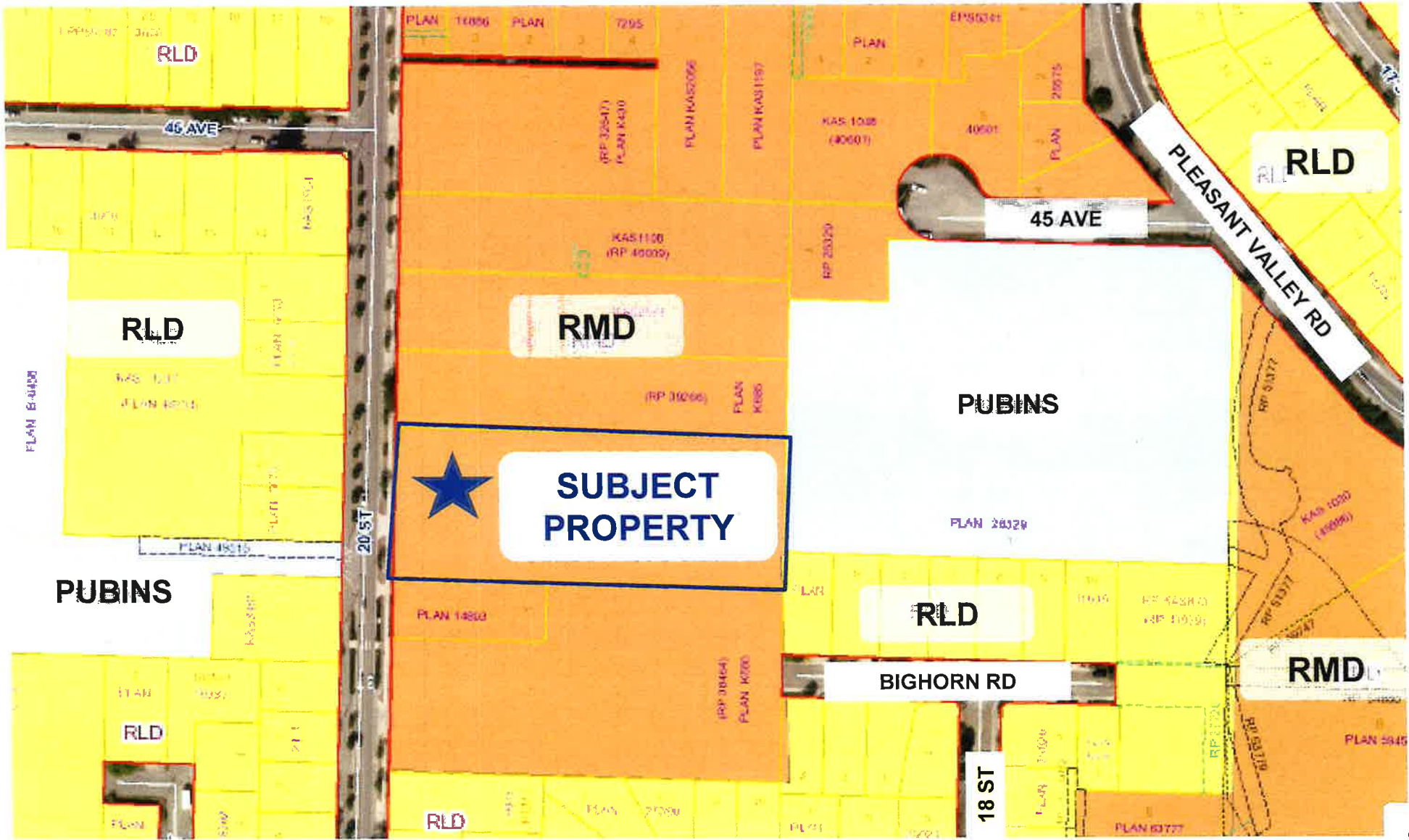
Signer 2

Kim Flick
Director, Community Infrastructure and Development

REVIEWED WITH

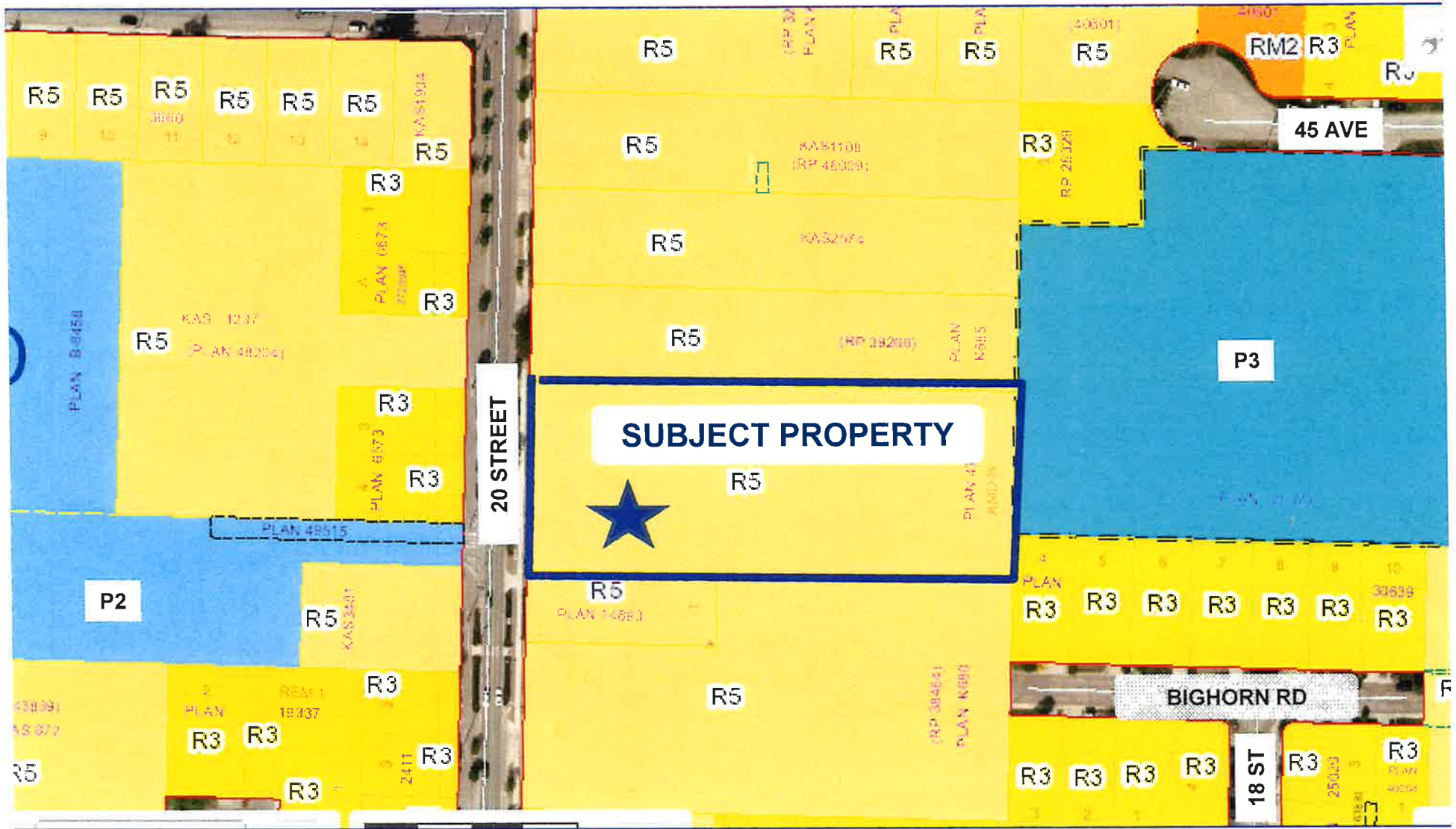
- | | | |
|---|---|--|
| <input type="checkbox"/> Corporate Services | <input type="checkbox"/> Operations | <input checked="" type="checkbox"/> Current Planning |
| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range 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 Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input checked="" type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Jul.9/19) | | |
| <input type="checkbox"/> OTHER: | | |

G:\3000-3699 LAND ADMINISTRATION\3360 ZONING AND REZONING\20 Applications\ZON00331\2
PROC\Rpt\190715_hc_CB_Council_rpt_ZON00331.docx



- PUBINS – Public & Institutional
- RLD – Residential – Low Density
- RMD – Residential – Medium Density

OCP Designation



- P3- Private Institutional
- P2 - Public Institutional
- R5 - Four -Plex Residential
- R3 - Medium Lot Residential
- RM2 - Multiple Housing Residential

Zoning Designation

9.13 RH2 : Stacked Row Housing Residential

9.13.1 Purpose

The purpose is to provide a **zone** primarily for medium **density row housing** on urban services to front major **streets** and civic spaces.

9.13.2 Primary Uses

- **apartment housing**
- **care centres, major**
- **group home, major**
- **row housing**
- **seniors assisted housing**
- **seniors housing**
- **seniors supportive housing**
- **stacked row housing**

9.13.3 Secondary Uses

- **health services**
- **home based businesses, minor**
- **personal services**
- **real estate sales centres** (in apartment and stacked row housing only)
- **retail, convenience** (*Bylaw 5332*)

9.13.4 Subdivision Regulations

- Minimum **lot width** is 30.0m. For fee simple **row housing**, the minimum **lot width** is 7.5m for **interior lots** and 12.0m for **corner lots**.
- Minimum **lot area** is 1400m², or 10,000m² if not serviced by a **community sewer system**.

9.13.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot area		Minimum Lot width	
	interior	corner	interior	corner
Row Housing	135m ²	185m ²	6.5m	7.8m

9.13.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 110.0 units per gross hectare (44.5 units/gross acre).
- 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, the maximum **density** shall be 125.0 units per gross hectare (51 units/gross acre). Where all the required parking is not accommodated completely beneath the habitable space of a primary **building** or useable common amenity areas, the additional density permitted shall be determined through multiplying the additional 25.0 units per gross hectare (10 units/gross acre) 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 65% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 75%. (*Bylaw 5332*)

- Maximum **height** is the lesser of 16.5m or 4.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 6.0m, except it is 4.5m for any portion 2 **storeys** or less.
- Minimum **side yard** is 3.0m for a **building** not over 2.5 **storeys**, and 6.0m for portions of a **building** in excess of 2.5 **storeys**, and 6.0m from a **flanking street**. The minimum **side yard** is 0.0m for shared interior **party walls**.
- Minimum **rear yard** is 7.5m for a **building** not over 2.0 **storeys** and it is 9.0m for any part of a **building** over 2 **storeys**. It is 1.0m for **secondary buildings**.
- Maximum **density** is 100.0 units per gross hectare (40.5 units/gross acre).

9.13.7 Other Regulations

- **Convenience retail services, health services and personal services** are limited to a maximum floor area of 300m² total or 50% of the gross floor area of the ground storey of the primary building, whichever is the lesser, and only permitted when developed as an integral component of and within the primary **building**. These uses are not permitted above the ground **storey**. *(Bylaw 5332)*
- In order for bareland strata **development** to be consistent with the character of the surrounding neighborhood, the strata plan shall be considered as one **site** for defining the overall use, **density** and **site coverage**.
- The above noted **subdivision** and **development** regulations shall be applied to each strata **lot** within the strata plan.
- For multi-unit residential housing, one **office** may be operated for the sole purpose of the management and operation of the multi-unit residential **development**. *(Bylaw 5440)*
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a rear **lane**.
- A minimum area of 5.0m² of private open space shall be provided per **bachelor dwelling, congregate housing bedroom** 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**.
- No continuous **building frontage** shall exceed 45.0m for a 2 to 4 **storey building**. The **building** must be designed so as to be within one **storey** to neighbouring **development**.
- Parking shall not be constructed in the **front yard** of the property. Where the **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors assisted housing, seniors housing 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. *(Bylaw 5339)*
- 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)*



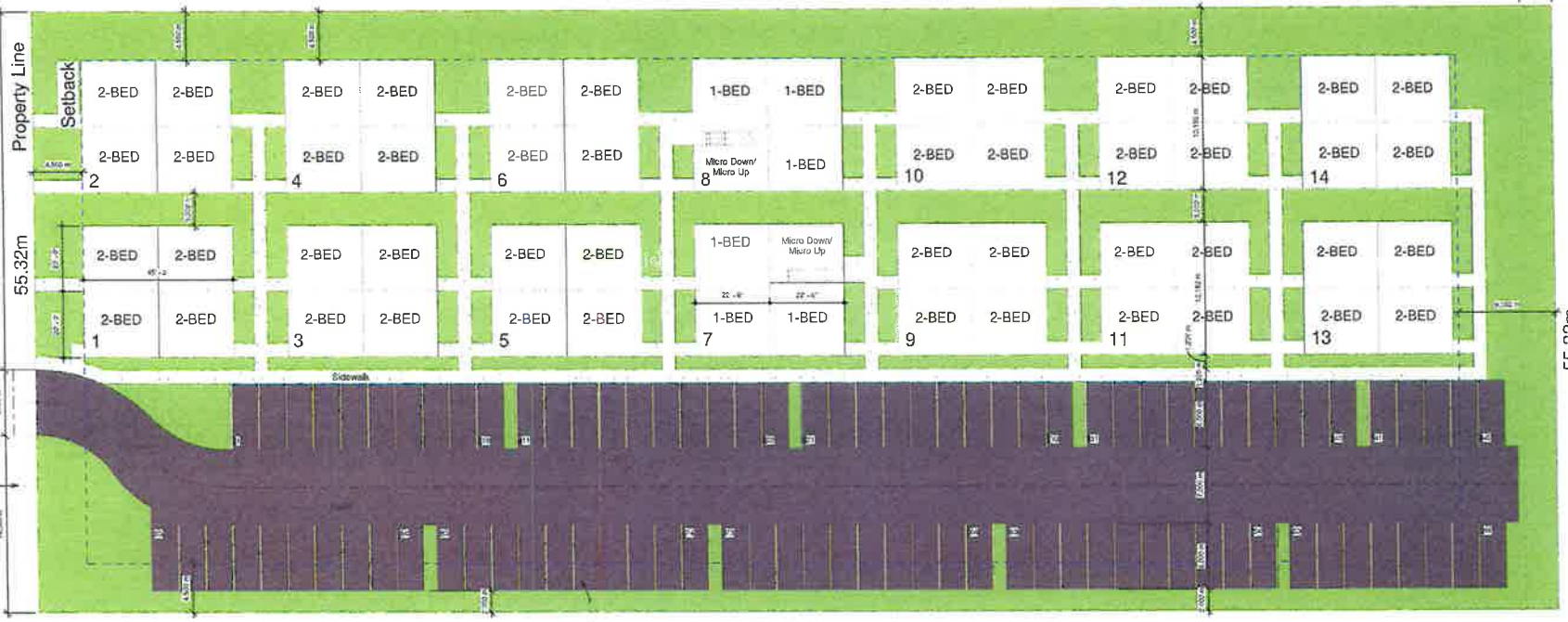
240.207.6818 - AZSRDesign.com
 No. Description Date
 P2 File Drawing 1/11/2019
 P3 Amendment June 12/2019



140.067m



20th STREET



2357.58m² of Asphalt(30.42%)

140.067m

SITE AREA: 7748.506.m²

Coverage:
 BUILDINGS 1-6 & 9-14: 4 Units/Building
 BUILDING 7 & 8: 5 Units/Building
 Total: 58 Units
 167.225m² x 14 = 2341.157m²(30%) 0.6 FAR MAX

Parking Requirements:
 48 - 2 Bedroom Units @ 1.5 Spaces/Unit = 72 Spaces
 6 - 1 Bedroom Units @ 1.25 Spaces/Unit = 7.5 Spaces
 4 Micro Suites @ 1 Space/Unit = 4 Spaces
 Visitor Parking: 1/7Units = 9 Spaces
Required: 92.5 Spaces
Provided: 93 Spaces(100%)

CURRENT ZONING: R5 - Vernon
 PROPOSED ZONING: RH1 - Vernon
 Building Designation: Stacked Rowhousing

4403 20th Street
 Vernon

Site

Date	
Drawn by	
Project No.	50
Scale	A1

Attachment 4

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5764

A bylaw to amend Fees and Charges
Bylaw 3909

WHEREAS the Council of the City of Vernon has determined to amend the “City of Vernon Fees and Charges Bylaw Number 3909, 1993” to enable fees to be charged at the new Septage Receiving Station;

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 “**Fees and Charges (Septic and Holding Tank Disposal) Amendment Bylaw Number 5764, 2019**”.

2. That Schedule “A” – Fee Schedule of Fees and Charges Bylaw Number 3909, 1993 be amended as follows;

a. **ADD** the following subsection of:

Section 16. – SEPTIC AND HOLDING TANK DISPOSAL

as shown in **Red** on attached **Schedule ‘1’**;

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 Fees and Charges Bylaw Number 3909 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 8th day of July, 2019.

READ A SECOND TIME this 8th day of July 9, 2019.

READ A THIRD TIME this 8th day of July, 2019.

ADOPTED this day of , 2019..

Mayor

Corporate Officer

SCHEDULE '1'

Attached to and forming Part of Bylaw #5764

"Fees and Charges (Septic and Holding Tank Disposal) Amendment Bylaw Number 5764, 2019"

16. SEPTIC AND HOLDING TANK DISPOSAL	FEEES
During Regular Operating Hours	
Truck Load Charge (to be charged regardless of volume, material type or source)	\$ 29.00 per Truck Load
Septage Waste Tipping Fee	\$ 34.00 per m ³
Holding Tank Waste Tipping Fee	\$ 7.50 per m ³
Emergency Disposal Outside Regular Operating Hours	
Truck Load Charge (to be charged regardless of volume, material type and source)	\$235.00 per Truck Load
Septage Waste Tipping Fee	\$ 34.00 per m ³
Holding Tank Waste Tipping Fee	\$ 7.50 per m ³

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5765

A bylaw to amend Fees and Charges
Bylaw 3909

WHEREAS the Council of the City of Vernon has determined to amend the "City of Vernon Fees and Charges Bylaw Number 3909, 1993" to establish fees for Mobile Vending;

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 "**Fees and Charges (Mobile Vending) Amendment Bylaw Number 5765, 2019**".
2. That Schedule "A" – Fee Schedule of Fees and Charges Bylaw Number 3909, 1993 be amended as follows:
 - a. **AMEND** the following subsection of:
Section 14. – BUSINESS LICENCES - TYPES OF BUSINESSES
as shown in **Red** on attached **Schedule '1'**;
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 Fees and Charges Bylaw Number 3909 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 8th day of July, 2019.

READ A SECOND TIME this 8th day of July, 2019.

READ A THIRD TIME this 8th day of July, 2019.

ADOPTED this day of , 2019..

Mayor

Corporate Officer

SCHEDULE '1'

Attached to and forming Part of Bylaw #5765

“Fees and Charges (Mobile Vending) Amendment Bylaw Number 5765, 2019”

14. BUSINESS LICENCES - TYPES OF BUSINESSES	FEES
k. RB5 - Resident Business (over 2500 sq meters)	\$800 per year
l. RR - Room Rentals up to 10 units	\$ 90 per year
m. SS - Secondary Suites	\$ 60 per year
n. SE - Special Events	\$ 50 per day
o. SL - Seasonal Licence (6 months)	\$ 1/2 of base fee
p. SP - Street Performance and Busking	\$ 10 for 6 months
q. TL - Temporary Licence	\$ 50 for 1 to 30 days
r. UN - Unclassified	\$115 per year
s. CAS - Casino	\$20 per table/slot to max of \$2,000 per year
t. VS - Variable Surcharges (additional to base fee) <ul style="list-style-type: none"> i) Liquor Primary/Food Primary with Liquor: <ul style="list-style-type: none"> VSLL1- 100 sq meters \$ 25 VSLL2- 101-300 sq meters \$ 50 VSLL3- 301-600 sq meters \$100 VSLL4- 601-2500 sq meters \$150 VSLL5- Over 2500 sq meters \$175 ii) Room Rentals <ul style="list-style-type: none"> VSRR1- 11 to 25 units \$ 25 VSRR2- 26 to 50 units \$ 50 VSRR3- 51 to 100 units \$150 VSRR4- over 100 units \$200 	
u. CR – Cannabis Retail	\$2000 per year
v. Mobile Vending (Retailer, Food Truck, Trailer)	\$350 per year
w. Mobile Vending (Retailer, Food Truck , Trailer) with local food and merchandise	\$300 per year
x. Mobile Vending (Food Cart)	\$115 per year
y. Mobile Vending (Food Cart) with local food and merchandise	\$ 90 per year

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5766

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 **"4403 20th Street Rezoning Amendment Bylaw Number 5766, 2019"**.
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 **"R5: Four-plex Housing Residential"** to **"RH2: Stacked Row Housing Residential"**.

Legal Description:

**PARCEL B, LOT 32, SEC 2, TWP 8, ODYD PLAN 474 EXC WEST 20 FEET SHOWN ON PLAN B5878
(4403 20th Street)**

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 5766

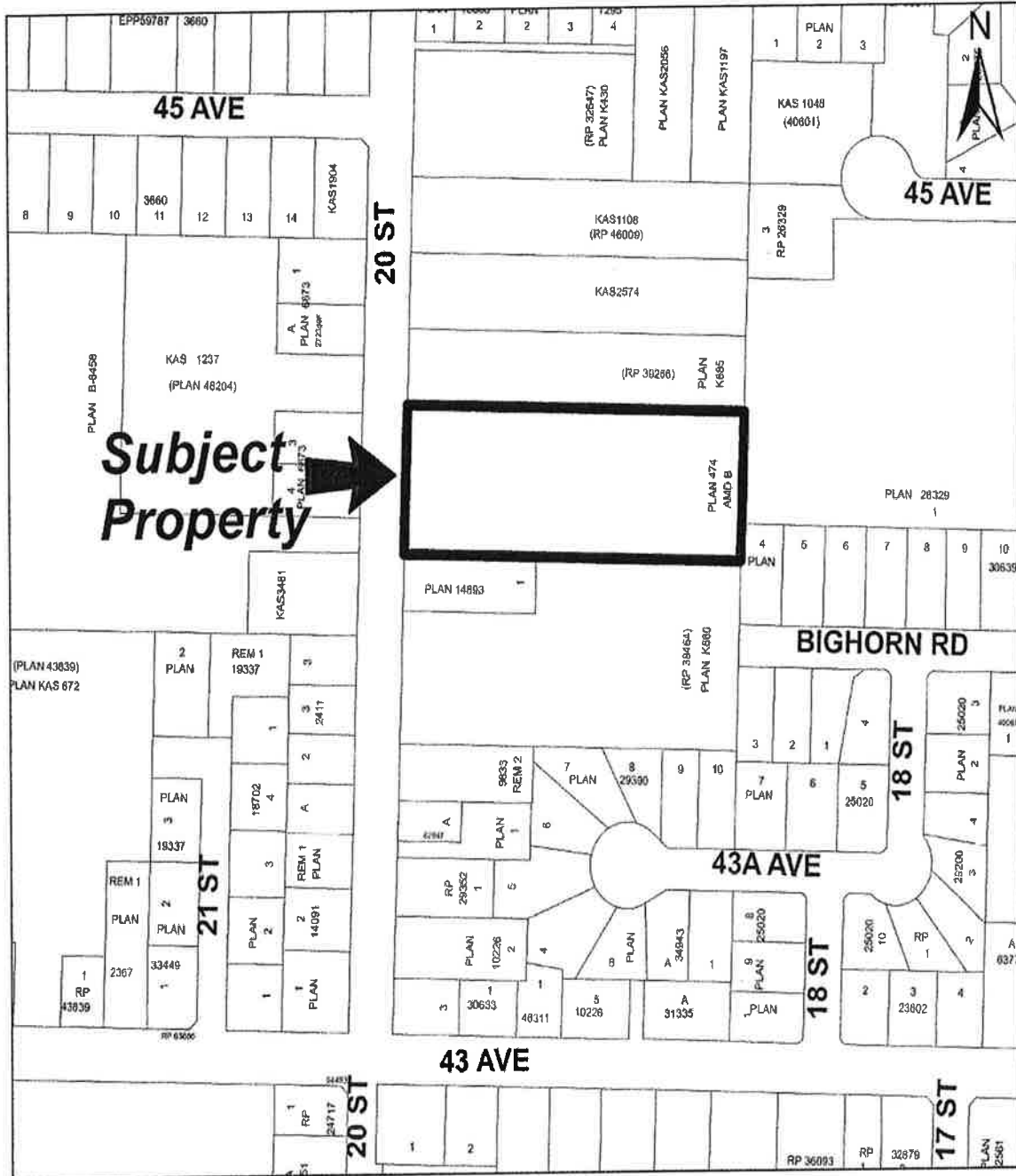
3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this day of , 2019
READ A SECOND TIME this day of , 2019
PUBLIC HEARING held this day of , 2019
READ A THIRD TIME this day of , 2019
ADOPTED this day of , 2019.

Mayor:

Corporate Officer:

SCHEDULE 'A'
Attached to and Forming Part of Bylaw 5766
"4403 20th Street Rezoning Amendment Bylaw Number 5766, 2019"





MAYOR DARRYL WALKER
OFFICE OF THE MAYOR
WHITE ROCK, BC CANADA

June 26, 2019

To the Union of British Columbia Municipalities:

RE: PROPOSED VACANCY TAX

On June 24, 2019, White Rock City Council considered a corporate report from the Director of Financial Services titled "Proposed Vacancy Tax" (attached). Discussions stemming from this report reinforce the need for local governments to address this matter directly.

I am writing on behalf of White Rock City Council, to canvass your support of our resolution requesting UBCM work with the Province in amending the *Community Charter*. If supported, the amendment would permit municipalities the authority to impose, by bylaw, an annual vacancy tax on taxable residential and commercial properties. The City of Vancouver has set a precedent for this authority through the *Vancouver Charter*. Our resolution reads as follows:

WHEREAS The City of Vancouver has authority through the *Vancouver Charter* to implement an Annual Vacancy Tax

WHEREAS The City of White Rock is governed through the *Community Charter* where there is no current authority to implement a Vacancy Tax and it is believed that there are a number of vacant residential and commercial properties in the City of White Rock

THEREFORE BE IT RESOLVED THAT the City of White Rock request that UBCM work with the Province of British Columbia to amend the authority given to Local Governments through the *Community Charter* permitting municipalities the authority to impose, by bylaw, an annual vacancy tax on taxable residential and commercial properties, and that the criteria and administrative requirements be similar to those of the *Vancouver Charter*.

We believe that providing local governments this authority is one step closer towards addressing BC's affordable housing crisis.

A copy of the resolution has been included with this correspondence for inclusion in your agenda packages.

We appreciate your time in considering our request, and look forward to connecting at the UBCM Convention this Fall.

Sincerely,

Darryl Walker
Mayor

City Hall, 15322 Buena Vista Avenue, White Rock, British Columbia, Canada V4B 1Y6
Tel: (604) 541-2131 Fax: (604) 541-9348 Email: dwalker@whiterockcity.ca Website: www.whiterockcity.ca

THE CORPORATION OF THE
CITY OF WHITE ROCK
CORPORATE REPORT



DATE: June 24, 2019
TO: Governance and Legislation Committee
FROM: Sandra Kurylo, Director of Financial Services
SUBJECT: Proposed Vacancy Tax

RECOMMENDATION

THAT the Governance and Legislation Committee receive for information the corporate report dated June 24, 2019 from the Director of Financial Services, titled “Proposed Vacancy Tax”.

INTRODUCTION

This corporate report is in follow-up to Council’s resolution of January 28, 2019, that directed staff to prepare a corporate report on a proposal that the City of White Rock implement a vacancy tax, similar to the City of Vancouver, with certain considerations. The motion states that the proposed vacancy tax be 5% of the tax assessed level of the property municipal levy on commercial and residential properties and include a 2.5% municipal levy on the sale of assignments (“flipping”). As well the motion states that all such receipts be earmarked for the acquisition and construction of affordable (or below market rate) housing in White Rock.

ANALYSIS

The first step in considering a plan for a vacancy tax is to determine if the City has the legal authority to impose it. The City has confirmed that, with the exception of the City of Vancouver who have their own Charter, local governments in British Columbia do not have the authority to impose a vacancy tax.

Section 193 (1) of the *Community Charter* states that a municipality may not impose a tax unless it is expressly authorized to do so by statute. The *Community Charter* provides the City with the authority to impose certain types of taxes, such as property value taxes, parcel taxes and local services taxes. However, there is no express authority in the *Community Charter* to impose a vacancy tax.

Unlike other municipalities in the province, the City of Vancouver is governed by the *Vancouver Charter*, rather than the *Community Charter*. Prior to imposing a vacancy tax, it was first necessary for them to work with the Province, to amend the *Vancouver Charter* granting them the authority to impose a vacancy tax. This was done as of July 2016.

If White Rock Council wanted to pursue a similar amendment to the *Community Charter*, an appropriate process would be through a UBCM resolution. The deadline for submitting

resolutions to the UBCM for debate at their fall conference is June 30, 2019. There are specific requirements for the drafting of such resolutions, and they must be adopted by the respective municipal councils before being submitted.

UBCM staff have advised that if resolutions are received past the June 30 deadline, they will be reported to the "Resolutions Committee" but not necessarily recommended to go forward for debate at the conference. All late resolutions are published and distributed to conference attendees, for information.

Another option is to submit a Council endorsed resolution to the LMLGA 2020 spring conference, which if supported, will be forwarded to the 2020 UBCM conference for consideration, if the City wishes.

CONCLUSION

It is recommended that the information contained in this corporate report be received.

Respectfully submitted,



Sandra Kurylo
Director of Financial Services

Comments from the Chief Administrative Officer:

This corporate report is provided for information.



Dan Bottrill
Chief Administrative Officer

RESOLUTION FOR UBCM FOR CONSIDERATION

WHEREAS The City of Vancouver has authority through the *Vancouver Charter* to implement an Annual Vacancy Tax

WHEREAS The City of White Rock is governed through the *Community Charter* where there is no current authority to implement a Vacancy Tax and it is believed that there are a number of vacant residential and commercial properties in the City of White Rock

THEREFORE BE IT RESOLVED THAT the City of White Rock request that UBCM work with the Province of British Columbia to amend the authority given to Local Governments through the *Community Charter* permitting municipalities the authority to impose, by bylaw, an annual vacancy tax on taxable residential and commercial properties, and that the criteria and administrative requirements be similar to those of the *Vancouver Charter* .

District of Sicamous
446 Main Street
PO Box 219
Sicamous, BC
V0E 2V0

T: 250 836 2477
F: 250 836 4314
E: info@sicamous.ca
sicamous.ca



June 26, 2019

File No. 0110

Honourable Rob Fleming
Ministry of Education
P.O. Box 9045 Stn Prov Govt
Victoria, BC V8W 9E2
EDUC.Minister@gov.bc.ca

Re: Provincial Support for Libraries

Dear Honourable Rob Fleming,

At the Regular Council meeting of June 12, 2019, the District of Sicamous received correspondence from the City of Victoria dated May 29, 2019 regarding a request for Provincial support for libraries.

The District of Sicamous Mayor and Council, by way of resolution, supports advocating for the restoration of library funding to a level that reflects both inflationary cost increases since 2009 and the value of this system to the Province.

Regards,
DISTRICT OF SICAMOUS

A handwritten signature in black ink that reads "Terry Rysz".

Terry Rysz
Mayor

Cc: Premier John Horgan (Premier@gov.bc.ca)
MLA Greg Kylo (Greg.Kylo.MLA@leg.bc.ca)
UBCM Member Municipalities

TOWN OF LADYSMITH

Working together to build our future

July 29
Agenda
INFO
ITEM

June 27, 2019

File: 0400-20

Via email: EDUC.Minister@gov.bc.ca

The Honourable Rob Fleming
Minister of Education
PO Box 9045 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister Fleming:

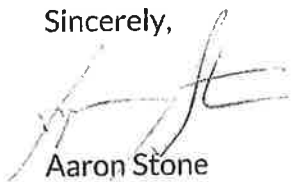
Re: Provincial Support for Libraries

At the Regular Council Meeting of June 17, 2019, Council of the Town of Ladysmith unanimously passed a resolution endorsing the City of Victoria's request for Provincial support for libraries.

Council respectfully requests the Province of British Columbia's support and consideration to increase support to restore provincial funding for libraries. In 2017, the Association of Vancouver Island and Coastal Communities endorsed a similar request brought forward by both the Town of Ladysmith and the City of Powell River.

The Town of Ladysmith values our libraries and believes they are critically important to a democratic and free society.

Sincerely,



Aaron Stone
Mayor

- C: Premier John Horgan via email: premier@gov.bc.ca
- MLA Doug Routley via email: douglas.routley.mla@leg.bc.ca
- UBCM Member Municipalities via email





June 28, 2019

All BC Municipalities
Via email

Re: Proposed UBCM Resolution – Conflict of Interest Complaint Mechanism

This is to advise that Richmond City Council at its Regular Council meeting held on Monday, June 24, 2019 considered the above matter and adopted the following resolution:

To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. Additional copy to be sent to the Minister of Municipal Affairs.

Conflict of Interest Complaint Mechanism

Whereas professional regulatory bodies, such as CPABC, BC Law Society, APEGBC, and others, have conflict of interest and ethics rules for their members and enforce them through a complaints process;

Whereas the public expects elected representatives to be held to a professional standard of conduct;

And whereas the only remedy for a citizen complaint of a municipal elected person's conflict of interest is through a judgement of the Supreme Court of British Columbia;

So be it resolved that the Province of British Columbia consider a mechanism including to resolve and remedy conflict of interest complaints through a non-partisan Municipal Conflict of Interest Commissioner or expansion of the scope of powers of the BC Conflict of Interest Commissioner.

Accordingly, the above has been submitted to UBCM and the City of Richmond Council requests your favourable consideration of the resolution at the 2019 UBCM convention.

Yours truly,

David Weber
Director, City Clerk's Office

pc: The Honourable Selina Robinson, Minister of Municipal Affairs and Housing



City of Richmond

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

June 28, 2019
File:

Finance and Corporate Services Division
City Clerk's Office
Telephone: 604-276-4007
Fax: 604-278-5139

All BC Municipalities
Via email

Re: Lobbyist Registration

This is to advise that Richmond City Council at its Regular Council meeting held on Monday, June 24, 2019 considered the above matter and adopted the following resolution:

To forward the following resolution for consideration at UBCM and to send copies to the local governments of B.C. for their favourable consideration prior to the 2019 UBCM meeting:

Whereas the BC Lobbyists Registration Act (LRA) requires individuals and organizations who lobby public office holders and meet specific criteria to register their lobbying activities in an online public registry; and

Whereas the goal of the BC Lobbyists Registration Act (LRA) is to promote transparency in lobbying and government decision-making;

Therefore be it resolved that UBCM request that a lobbying regulation system for municipal government, similar to the provincial mechanism under the BC Lobbyists Registration Act, be established.

Accordingly, the above has been submitted to UBCM and the City of Richmond Council requests your favourable consideration of the resolution at the 2019 UBCM convention.

Yours truly,

David Weber
Director, City Clerk's Office



City of Richmond

June 28, 2019

6911 No. 3 Road,
Richmond, BC V6Y 2C1
www.richmond.ca

All BC Municipalities
Via email

Re: Proposed UBCM Resolution – Statement of Disclosure Updates

This is to advise that Richmond City Council at its Regular Council meeting held on Monday, June 24, 2019 considered the above matter and adopted the following resolution:

To forward the following resolution for consideration at UBCM and to send copies to the Local Governments of BC for their favourable considerations prior to the 2019 UBCM meeting. Additional copy to be sent to the Minister of Municipal Affairs.

Statement of Disclosure Updates

Whereas professional regulatory bodies, such as CPABC, BC Law Society, APEGBC, and others, have conflict of interest and ethics rules for their members, under which appearance of conflict of interest is disallowed;

Whereas the public expects elected representatives to act to a professional standard of conduct;

And whereas the scope of decisions and responsibilities of an elected representative can be broad and encompass a variety of issues;

So be it resolved that the Statement of Disclosure for municipal nominees and elected representatives be updated to additionally include a spouse's assets; a spouse's liabilities; and real property, other than their primary residence, held singly or jointly by a spouse, child, brother, sister, mother or father, to the best knowledge of the candidate. Further, within 60 days of being sworn in, to file a confidential financial disclosure statement to a non-partisan Municipal Conflict of Interest Commissioner.

Accordingly, the above has been submitted to UBCM and the City of Richmond Council requests your favourable consideration of the resolution at the 2019 UBCM convention.

Yours truly,

David Weber

Director, City Clerk's Office

pc: The Honourable Selina Robinson, Minister of Municipal Affairs and Housing



June 28, 2019
File: 10-6125-07-02/2019-Vol 01

Finance and Corporate Services Division
City Clerk's Office
Telephone: 604-276-4007
Fax: 604-278-5139

All BC Municipalities
Via email

Re: Recovering Costs for Local Climate Change Impacts

This is to advise that Richmond City Council at its Regular Council meeting held on Monday, June 24, 2019 considered the above matter and adopted the following resolution:

- (1) *That the draft letter attached to the report titled "Recovering Costs for Local Climate Change Impacts" from the Senior Manager, Sustainability and District Energy dated May 14, 2019, be endorsed; and sent to the Premier of British Columbia, British Columbia Minister of the Environment and Climate Change, British Columbia Attorney General, with copies to local MLAs, the leaders of the opposition parties and Metro Vancouver; and*
- (2) *That the draft Union of British Columbia Municipalities resolution attached to the report titled "Recovering Costs for Local Climate Change Impacts" from the Senior Manager, Sustainability and District Energy dated May 14, 2019, be endorsed and copies sent to BC Municipalities requesting favourable support at the UBCM convention.*

Accordingly, the above has been submitted to UBCM and the City of Richmond Council requests your favourable consideration of the resolution at the 2019 UBCM convention.

Yours truly,

David Weber
Director, City Clerk's Office

RECOVERY COST FOR LOCAL CLIMATE CHANGE

City of Richmond

WHEREAS local governments have incurred significant costs in response to the real and projected threats of climate change including flooding, sea-level rise and weather variations;

AND WHEREAS fossil fuel corporations profit without sharing the costs of the pollution caused by their operations and their products:

THEREFORE BE IT RESOLVED that the Province enact legislation to hold the fossil fuel industry responsible for its role in causing climate change by making it accountable for costs incurred by governments to adapt to climate change.



OFFICE OF THE MAYOR

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9
p: 250.561.7600 | www.princegeorge.ca

July 29 Agenda
0470-01 INFO
ce Mania

July 2, 2019

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



Dear Mayor Cumming and Members of Council,

At the City of Prince George regular Council meeting held June 24, 2019, Council gave consideration to proposed Union of British Columbia Municipalities (UBCM) resolutions regarding: Proceeds of Crime; and Clean-Up of Needles and Other Harm Reduction Paraphernalia. The following resolutions were approved for submission to the UBCM for consideration at the 2019 Convention.

1. Proceeds of Crime

WHEREAS the provision of police services places a significant financial burden on local government;

AND WHEREAS the Civil Forfeiture Crime Prevention and Crime Remediation Grant Program funds community crime reduction and crime prevention activities, but does not address local government policing costs, including expenditures related to investigations and police work that result in seizures of proceeds of crime;

THEREFORE BE IT RESOLVED that the Province share seizures of proceeds of crime with local governments to help address protective services costs.

2. Clean-Up of Needles and Other Harm Reduction Paraphernalia

WHEREAS the low barrier distribution of harm reduction supplies, including syringes and other safe injection supplies, in communities across BC poses a significant safety and cleanliness concern;

AND WHEREAS local governments, businesses and residents are bearing the escalating cost of cleaning up needles and drug paraphernalia in public spaces;

THEREFORE BE IT RESOLVED that UBCM request ongoing provincial funding to local governments to cover the cost of cleaning up needles and drug paraphernalia in their communities.

On behalf of Prince George City Council, your support of these resolutions at the 2019 UBCM Convention is appreciated.

If you have any questions or would like more information please feel free to contact my office at MayorAdmin@princegeorge.ca or 250-561-7691.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lyn Hall', written in a cursive style.

Mayor Lyn Hall
City of Prince George



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE CLIMATE ACTION ADVISORY COMMITTEE MEETING

HELD

TUESDAY, JUNE 4, 2019

PRESENT: VOTING

Brian Guy (Co-Chair), Science, Technology & Environmental Services
Mary Stockdale, (Co-Chair), Educators & Educational Institutions
Bill Darnell, Community Stewardship
Colleen Dix, Utility Services and Providers
Ed Wilson, Community at Large
Councillor Brian Quiring
Stan Eaman, Health & Social Services
Melissa Kriening, Youth Member
Ayesha Sheikh, Youth Member

NON-VOTING

Alan Gee, Fulton Secondary, Teacher

ABSENT:

Kevin McCarty, Business & Commercial Services
Hayden Catt, Youth Member

STAFF:

Laurie Cordell, Manager, Long Range Planning & Sustainability/Staff Liaison
Janice Nicol, Legislative Committee Clerk

ORDER

The Chair called the meeting to order at 1:05 p.m.

**ADOPTION OF
AGENDA**

Moved by Stan Eaman, seconded by Ed Wilson;

THAT the agenda of the Climate Action Advisory Committee meeting for Tuesday, June 4, 2019 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Bill Darnell, seconded by Stan Eaman;

THAT the minutes for the Climate Action Advisory Committee meeting of May 8, 2019 be adopted.

CARRIED.

UNFINISHED BUSINESS:

COUNCIL UPDATE The Staff Liaison advised the following information from the last Council meeting:

- No report at this time.

UPDATE ON DEVELOPMENT OF QUICK WINS STRATEGY LIST

The Staff Liaison provided an update on the Quick Wins strategy:

- No update.
- Suggestion that the Staff Liaison presents the CARIP report at the July meeting as as it contains many achievable 'quick wins'.

UPDATE ON SFU/ACT PARTNERSHIP

The Staff Liaison provided the following update on the 'Adaptation to Climate Change' initiative by S.F.U.:

- Initiative be going to Council shortly, update to follow.

STATUS OF PCP MEMBERSHIP

- Revision with Council Member assigned has been made, will be going to Council shortly for endorsement.

UPDATE ON DEVELOPMENT OF DRAFT VISION FOR THE COMMUNITY

The Draft Vision document . The following points were noted:

- Draft Vision has been uploaded to Sync folder for Committee review.

UNITED NATIONS GLOBAL COMPACT PRESENTATION

Colleen Dix facilitated a presentation by Ayman Chowdhury, Head of Secretariat, Global Compact Network Canada. The following points were noted:

- Global Compact Network Canada (GCNC) – Sustainable Development Goals (SDGs) for Cities
- High level explanantion for GCNC was provided, why it is important, including benefits to City joining program
- Although there are 17 goals, there is an option to focus on goals that align with City
- Purpose of presentation – give the Committee an opportunity to review and assess the program and see if it can be added into Committee's mandate.

Presentation:

An overview of GCNC was provided including the following points:

- GCNC has a set of 17 goals backed by 169 detailed targets
- The Cities Programme focuses on collaboration with other cities and regional governments, private sector, universities, citizens and civil society groups
- Focus on human rights, labour environment and anti-corruption
- Help businesses understand goals and how they will help them

- Once an organization commits – they receive the support from the Programme through a number of measurement and collaboration tools
- Joining Programme requires local contribution and offers the potential for comparability and immediate from of reference
- Programme provides communication tool to excite and engage residents, including youth and millennial leaders
- Each goal chosen has targets and offers the opportunity to identify gaps
- Once goals are selected, a plan to start to achieve targets can be developed
- Important that all cities and regions work together on defined projects
- No cities have committed to join Programme in Canada to date.

ACTION ITEM: Global Compact Canada website link to be sent out to Committee. Additional information will be uploaded to SYNC.

Colleen Dix thanked Ayman for his presentation. Any additional questions can be forwarded to Colleen as will liaise with Ayman Chowdhury or his colleagues.

The Committee has the following feedback:

- Joining this Programme could require staff to file additional annual reports, etc.
- Possibility that this Programme could detract from current path, there is a need to focus on climate with collaboration with other municipalities.
- City of Vernon has already joined SFU/ACT Partnership and the PCP which already work with other jurisdictions
- City could consider Compact as guiding principles
- Programme seems worthwhile to be involved in although staff does not have the capacity at this time.

ACTION ITEM: Staff Liaison to investigate details of Programme, costs, expectations, etc for July meeting.

DISTRIBUTING 'BUILDING CLIMATE RESILIENCE IN THE OKANAGAN'

At the May 8, 2019 meeting, the publication 'Building Climate Resilience in the Okanagan' was discussed and it was agreed it would be a valuable handout for developers, etc. The implications of distributing were investigated and the following points noted:

- Would be beneficial for the engagement process
- Will be looked at next engagement sub-committee meeting

- Director, Community Infrastructure and Development Services is reviewing publication
- Suggestion to not print a large amount to start
- Suggestion to post on the City website but need to address how information will be used
- To be discussed further at July meeting.

ACTION ITEM – Staff Liaison to connect with Real Estate Board to see if they have additional copies for distribution.

OKANAGAN INDIAN BAND UPDATE

The Terms of Reference for the Committee were amended in February 2019 to add a representative from the Okanagan Indian Band. The following update was provided:

- No further information to provide, still working with OKIB to establish a representative for the Committee.

SCHOOL DISTRICT NO. 22 UPDATE

At the May 8, 2019 meeting, a motion was passed to support climate action curriculum development with School District No. 22. The following update was provided:

- The Mayor and Stan Eaman attended a productive meeting with Molly Bonneau
- Presentation was made to teachers on non-instructional day
- Teachers provided valuable input – framework exists currently in many subject areas that allow teachers to discuss climate change but material is required and ideally specific staff that could provide local material and local action items
- One obstacle is school bus fees, current costs are prohibitive, there needs to be a streamlined way for teacher to move students
- There are many numerous vehicle trips taken individually for sporting events
- Waste within the school system is also an issue
- Suggestion to bring Regional District of North Okanagan to Committee meeting to discuss
- Suggestion to involve the students on Committee and present to School Board
- Mayor to arrange meeting with Chief with OKIB and Joe Rodgers from SD 22.
- It was noted that the First Nations Friendship Centre (the Enowkin Centre) in Penticton has a play called the 'Climate Monster' – engaging for students of all ages.

ACTION ITEM – Staff Liaison to follow up with Mayor on meeting with Okanagan Indian Band; Stan Eaman to follow up with Mayor regarding

meeting with Stan Rodgers from SD22. Preferable to have meeting with SD22 as soon as possible to get momentum going for September school start.

OTHER ACTION ITEMS

Review of previous action items.

The Committee recessed at 2:15 p.m., reconvened at 2:22 p.m.

NEW BUSINESS

WORKING GROUP UPDATES

Mitigation

Status of contract for external consultant:

- Staff Liaison has contacted Peter Robinson, contract was revised to match budgeted amount. Currently waiting for approval from the procurement department.

Schedule and next steps:

- Once approval received, Committee is free to engage with Peter
- , Committee will begin to receive technical information in about September. Laurie to coordinate the mitigation-related community engagement process. Peter limited to technical analysis. Staff will author report.

Adaptation:

Status of RFP for hiring external consultant:

- Scope of work sent to procurement, ready next week to issue Request for Proposal, process to be completed by end of month , wrap up mid fall.

Schedule and next steps:

- See above.

Engagement

Youth Engagement Program (including June 5th event):

- Remarkable response to Youth Engagement Project, eight videos sent in along with other mediums.

- Display to be at Village Green Mall beginning tomorrow, June 5 – reception to begin at 4pm.
- Photos have been taken and will be the Committee possessions
- Would like to recognize the students – suggestion to post ad in the Morning Star and also provide each student with a certificate.
- Suggestion to have submission available for viewing by Council.
- **ACTION ITEM:** Staff Liaison to have display up for Council's Committee of the Whole Meeting on June 24.
- **ACTION ITEM** – ideas and options for next year to be discussed at next meeting.

Ambassador Program (including next training)

- Next training June 23 – 8:30 to noon, four or five registered to date
- Suggestion to add – 'Why should I care?' to training
- Ayesha and Alan Gee presented to two social studies class, feedback was provided. Suggestion to provide post-it notes for feedback and to have participant work in pairs
- Suggestion to keep track of presentation dates
- Presentation takes approximately 1 ½ hour but will need to be condensed for some audiences.

Sunshine Festival – June 15

- Some students youth engagement submission can be displayed in booth at festival
- Confirmation and double-booth location received
- Engagement committee need to hammer out ideas/details
- Committee support is requested.

Update on communications/social media strategy

- Have not met since May meeting
- City webpage has been updated and is under constant improvement.

Schedule and next steps (next CE meeting date):

- Update next meeting.

CARIP REPORT Climate Action and Rebate Incentive Program (CARIP). Report has been compiled, extension granted until June 24. Will be posted on website after it has presented to Council..

CAAC FUTURE CONSIDERATIONS

Youth Members' role

- Youth to meet and decide what issues they would like to take on, Staff Liaison to connect with Alan Gee and students.
- **ACTION ITEM: Review this at next meeting**

Mary's role

- July will be Mary's last meeting. Committee must decide whether to leave position vacant or fill vacancy.

New Co-Chair

- A new Co-Chair will need to be elected following July meeting.

Process for next year: re-evaluate

- Brian Guy distributed a high level flow chart of working groups, need to be revisited, add, subtract and flesh out plan for next year. Request each working group to take detailed flowchart and update according to new information – have done by end of month to create a new version of spreadsheet for July meeting.

INFORMATION ITEMS:

none

NEXT MEETING The next regular meeting of the Climate Action Advisory Committee will be held on Tuesday, July 9, 2019.

ADJOURNMENT The meeting of the Climate Action Advisory Committee adjourned at 3:08 p.m.

CERTIFIED CORRECT:


 _____ Co-Chair


 _____ Co-Chair



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF ADVISORY PLANNING COMMITTEE MEETING

HELD

TUESDAY, JUNE 11, 2019

PRESENT: VOTING

Mark Longworth, Chair
Phyllis Kereliuk
Jamie Paterson
Harpreet Nahal
Monique Hubbs-Michiel
Larry Lundgren
Doug Neden, Vice-Chair
Don Schuster
Mayor Cumming

NON VOTING

Councillor Mund

GUESTS: Two (2)

ABSENT: Bill Tarr
Lisa Briggs

STAFF: Keltie Chamberlain, Planner, Economic Development
Ed Stranks, Manager, Engineering Development
Janice Nicol, Legislative Committee Clerk

ORDER

The Chair called the meeting to order at 4:01 p.m.

**ADOPTION OF
AGENDA**

Moved by Don Schuster, seconded by Larry Lundgren;

THAT the agenda of the Advisory Planning Committee meeting for June 11, 2019 be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Phyllis Kereliuk, seconded by Monique Hubbs-Michiel;

THAT the minutes for the Advisory Planning Committee meeting of May 28, 2019 be adopted.

CARRIED.

NEW BUSINESS:**DEVELOPMENT
VARIANCE PERMIT
FOR 8840 EASTSIDE
ROAD**

The Planning Assistant reviewed DVP00423 – a development variance permit application for 8840 Eastside Road. The following comments were noted by the Committee:

- Concern about the removal of the vegetation for the construction of the building;
- Important to ensure footings are constructed in engineered fill.

Moved by Doug Neden, seconded by Harpreet Nahal;

THAT the Advisory Planning Committee recommends that Council support the development variance application (DVP00423) to vary the following section of Zoning Bylaw #5000 in order to construct a single detached house on 'those portions of the NE ¼ and of the SE ¼ of Section 14 which may be more particularly described as follows: part shown on Plan attached to DD 8773, Township 13 ODYD exc. Plan 10958' (8840 Eastside Road):

- a) to vary Section 4.16.1 from: No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.
to: construction of a single family dwelling and associated structures is permitted on slopes 30% or greater.

AND FURTHER, that Council support of DVP00423 is subject to the following:

- a) That the site plan and geotechnical assessment, included as Attachments 1 and 2 in the report titled "Development Variance Application for 8840 Eastside Road" and dated June 6, 2019 by the Current Planning Assistant be attached to and form part of DVP00423 as Schedule 'A'.

CARRIED.**INFORMATION ITEMS:**

The Planner, Economic Development reviewed Advisory Planning Committee related items that were discussed at the June 10, 2019 Council meeting:

- Adoption of Bylaw 5728 – 7250 Hitchcock Road.
- First & Second Reading and PH date set for 5000 20th Street Rezoning
- First & Second Readings and PH date set for 1030 Mt. Bulman Drive Rezoning
- First & Second Reading and PH date set for 7235 Hitchcock Road Rezoning.

NEXT MEETING

The next meeting of the Advisory Planning Committee is tentatively scheduled for **Tuesday, June 25, 2019.**

ADJOURNMENT

The meeting of the Advisory Planning Committee adjourned at 4:12 p.m.

CERTIFIED CORRECT:


Chair

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5719

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 Section 7 – Parking & Loading;

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 (Parking & Loading) Amendment Bylaw Number 5719, 2018**"
2. The City of Vernon Zoning Bylaw Number 5000 be, and is hereby amended, as follows:
 - (i) **AMENDING** Section 7 – Parking & Loading to **ADD** new Section 7.6 'Cash In-Lieu of Parking' as shown in **RED** on attached **Schedule 'A'**;
 - (ii) **AMENDING** Zoning Bylaw 5000 to **ADD 'Schedule C – Cash In-Lieu of Parking Boundary within the Waterfront Neighbourhood Centre'** as shown in **RED** on attached **Schedule 'B'**;
 - (iii) **AMENDING** Table 7.1 – Parking Schedule to **ADD** commercial parking requirements for C7 and C8 zoning districts as shown in **RED** on attached **Schedule 'C'**;

BYLAW NUMBER 5719

PAGE 2

3. Zoning Bylaw Number 5000 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 4th day of September, 2018.

READ A SECOND TIME this 4th day of September, 2018

PUBLIC HEARING held this 24th day of September, 2018.

SECOND READING RESCINDED this 24th day of June, 2019

READ A SECOND TIME, AS AMENDED this 24th day of June, 2019

SECOND PUBLIC HEARING held this 29th day of July, 2019

READ A THIRD TIME this day of , 2019.

Approved pursuant to section 52(3)(a) of the <i>Transportation Act</i> this _____ day of _____, 20____ _____ for Minister of Transportation & Infrastructure Bylaw 5715/6450
--

ADOPTED this day of , 2019.

Mayor

Corporate Officer

**Attached to and Forming Part of Bylaw 5719
"Zoning Text (Parking & Loading) Amendment Bylaw Number 5719, 2018"**

7.6 Cash In-Lieu of Parking

- 7.6.1 In lieu of providing the required number of commercial off-street parking spaces in the C7 and C8 zoning districts, a property owner may provide the City a sum of money equal to the number of eligible parking spaces not provided multiplied by the applicable cash in-lieu of parking amount of \$10,000. The sum of money will be deposited in the Parking Reserve Fund – City Centre.
- 7.6.2 In lieu of providing the required number of commercial off-street parking spaces in properties located within a boundary of the Waterfront Neighbourhood Centre as shown in the map provided in Schedule C, attached to and forming part of this Bylaw, a property owner may provide the City a sum of money equal to the number of eligible parking spaces not provided multiplied by the applicable cash in-lieu of parking amount of \$10,000. The sum of money will be deposited in the Parking Reserve Fund – Waterfront Neighbourhood Centre.
- 7.6.3 For the areas referred to in subsection 7.6.1 and 7.6.2, up to 50% of the commercial off-street parking spaces are eligible for cash in-lieu of parking.
- 7.6.4 Notwithstanding subsection 7.6.3, up to 100% of the commercial off-street parking requirement is eligible for cash in-lieu of parking, under the following circumstances:
- (a) Property size less than 500 m² in area;
 - (b) Property is located on the west side of Lakeshore Road, within the boundary of the Waterfront Neighbourhood Centre as shown in the map provided in Schedule C;
 - (c) Increasing the area of an existing building; or,
 - (d) Changing the land use of an existing building.

ZONING BYLAW 5000
SCHEDULE C
CASH IN-LIEU OF PARKING BOUNDARY WITHIN THE
WATERFRONT NEIGHBOURHOOD CENTRE



SCHEDULE 'C'

Attached to and Forming Part of Bylaw 5719
“Zoning Text (Parking & Loading) Amendment Bylaw Number 5719, 2018”

COMMERCIAL USES	
All commercial uses in the C7 zone even if listed separately below	exempt from providing on-site parking 1.5 per 100 m ² GFA
All commercial uses in the C8 zone even if listed separately below	exempt from providing on-site parking 1.5 per 100 m ² GFA
Amusement Arcades, Major and Minor	2.5 per 100m ² GFA
Animal Clinics, Major and Minor	2.5 per 100m ² GFA
Animal Shelters	1 per employee on duty plus 2
Artist Studios	2.0 per 100m ² GFA
Auctioneering Establishments	2.5 per 100m ² GFA
Autobody Repair and Paint Shops	1 per 2 employees on duty, plus 2 per service bay
Automotive and Equipment Repair Shops	2 per service bay
Automotive and Recreation Vehicle Sales and Rentals, Truck and Mobile Home Sales/Service	2.0 per 100m ² GFA
Boat Storage	1 per 10 boat storage stalls plus 2 stalls for employees
Broadcasting Studios	2.5 per 100m ² GFA
Business Support Services	2.0 per 100m ² GFA; or 1 per vehicle in fleet plus 1 per employee on duty
Call Centres	1 per 2 employees on duty
Commercial Schools	1 per 10 students