



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

REGULAR OPEN MEETING OF COUNCIL

CITY HALL COUNCIL CHAMBER

MONDAY, SEPTEMBER 14, 2020

AT 8:40 AM

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

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:
 - (1)(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;
 - (1)(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;
 - (2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.
3. **ADJOURN TO OPEN COUNCIL AT 1:30 PM**

AGENDA

- A. THAT the Agenda for the September 14, 2020, Regular Open Meeting of Council be adopted as circulated.

4. **ADOPTION OF MINUTES AND RECEIPT OF COMMITTEE OF THE WHOLE**

MINUTES

- A. THAT the minutes of the Regular Meeting of Council held August 17, 2020 be adopted; **(P. 12)**

AND FURTHER, that the minutes of the Public Hearing held August 17, 2020 be adopted; **(P. 36)**

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held August 17, 2020 be received.

5. BUSINESS ARISING FROM THE MINUTES

6. GENERAL MATTERS

DELEGATION: VERNON PERMACULTURE COMMUNITY GROUP (P. 38)

A. THAT Council receive the presentation from Erik Hrabovsky, Vernon Permaculture Community Group re: Vernon Edible Garden Project as presented, at the September 14, 2020 Regular Council Meeting.

PRESENTATION: RESTORATIVE JUSTICE 2020 SEMI-ANNUAL REPORT, 2019 YEAR-IN-REVIEW (P. 56, 59)

B. THAT Council receive the presentation from Margaret Clark, Executive Director, Restorative Justice Society – North Okanagan, re: Semi-Annual Report (January to June, 2020) and 2019 Year-in-Review.

PUBLIC SUBMISSIONS: “3910 29th STREET ROAD CLOSURE BYLAW NUMBER 5823, 2020” (SUB00778)

C. **See Item 12.A (iii) (P.) Legislative Matters – “3910 29th Street Road Closure Bylaw Number 5823, 2020”.**

Pursuant to Section 40(3)(b) of the *Community Charter*, Council is providing an opportunity for the public to make submissions to City Council regarding the proposed **“3910 29th Street Road Closure Bylaw Number 5823, 2020”**.

DEVELOPMENT VARIANCE APPLICATION FOR 7449 BROOKS LANE (DVP00487/3090-20) (P. 76)

D. THAT Council support Development Variance Permit Application #DVP00487 to vary sections of Zoning Bylaw #5000 to complete structural changes to an existing non-conforming structure on Osoyoos Division Yale District Lease / Permit / Licence #347139, All That Unsurveyed Crown Foreshore Being Part of the Bed of Okanagan Lake and Fronting on LT 3, SEC 19 and 30, TP 9, PL 11990 Except Plan 16472 for Private Moorage Purposes (7449 Brooks Lane) as follows:

- a) Section 4.5.4 to permit a secondary building in a front yard;
- b) Section 4.5.9 to permit a secondary building on an interior lot closer than 18.0m to the front lot line when it does not comply with the side yard requirements for a primary building; and
- c) Section 9.7.6 to reduce the minimum side yard setback from 2.5m to 1.41m;

AND FURTHER, that the site plan and building renderings as shown in Attachments 1 and 2, and outlined in the report titled “Development Variance Permit Application for 7449 Brooks Lane” dated September 1, 2020 and submitted by the Planning Assistant, Current Planning and Economic Development, be attached to and form part of the Development Variance Permit #DVP00487.

**Public Input
DVP #00487**

(i) Public Input on Development Variance Permit #00487

NOTE: At their April 27, 2020 In Camera (declassified) meeting, Council passed the following resolution:

*THAT Council directs Administration to receive public input for development variance permit applications in **written form only** until the COVID-19 pandemic response social distancing requirements have been lifted by the Provincial Health Officer.*

- Email dated September 4, 2020 from Garry and Ruth Ann Patterson **(P. 86)**

**Issuance of Permit
#00487**

(ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00487 7449 Brooks Lane in order to vary sections of Zoning Bylaw #5000 to complete structural changes to an existing non-conforming structure **once all conditions of Council have been met.**

**LAND USE CONTRACT
VARIANCE
APPLICATION FOR
9239 KOKANEE ROAD
(3360-40, LUC00017)
(P. 87)**

E. THAT Council support the application to vary Bylaws #291 and #292 (Regional District of North Okanagan) respecting Land Use Contract (LTO #P2461) for Lot 12, Sec 11, Twp 13, ODYD, Plan 32582 (9239 Kokanee Road) to vary:

- a) Schedule A - Section 5 (a) from a maximum height for residential uses from 8 m to 8.5 m; and
- b) Schedule A - Section 8 (d) for a minimum side yard setback of 8 m to 6.0 m;

subject to the following:

- a) That the site plan and building elevation plans generally match those shown as Attachment 1 in the report titled “Land Use Contract Variance Application for 9239 Kokanee Road” dated September 2, 2020 by the Manager, Current Planning, be attached to and form part of the Land Use Contract Variance (LUC00017) as Schedule ‘A’.

**Public Input
LUC #00017**

- (i) Public Input on Land Use Contract Variance Application #00017.

NOTE: At their April 27, 2020 In Camera (declassified) meeting, Council passed the following resolution:

THAT Council directs Administration to receive public input for development variance permit applications in written form only until the COVID-19 pandemic response social distancing requirements have been lifted by the Provincial Health Officer.

**Issuance of Land Use
Contract Variance
#00017**

- (ii) THAT the Corporate Officer be authorized to issue Land Use Contract Variance #00017 to vary Bylaws #291 and #292 (Regional District of North Okanagan) respecting Land Use Contract (LTO #P2461), 9239 Kokanee Road, **once all conditions of Council are met.**

7. COUNCIL INQUIRIES**8. ADMINISTRATION UPDATES****ADMINISTRATION
UPDATES (0550-05)
(P. 118)**

- A. THAT Council receive the Administration Updates dated September 14, 2020, for information.

9. UNFINISHED BUSINESS**O'KEEFE RANCH
REQUESTS
(0230-37)
(P. 127)**

- A. THAT Council approve deferring the due date for the \$70,000 promissory note, and all annual property insurance recoveries from 2019 to 2021 from the Historic O'Keefe Ranch and Interior Heritage Society to December 31, 2022;

AND FURTHER, that Council approve the removal of an annual financial statement audit requirement and in turn require a review engagement for the annual financial statements of the Historic O'Keefe Ranch and Interior Heritage Society effective 2020 onwards, subject to Council direction.

**COVID-19 RISK
MITIGATION –
RECREATION
SAFE REOPENING
GUIDELINES
(7700-14)
(P. 132)**

- B. THAT Council endorse the COVID-19 Risk Mitigation Plan, Guideline for Safe Reopening for the Vernon Recreation Centre, the Vernon Aquatic Centre, and the Priest Valley Complex: Arena & Gym as per the Internal Memorandum titled COVID-19 Risk Mitigation – Recreation Safe Reopening Guidelines, dated August 28, 2020 respectfully submitted by the Director, Recreation Services.

**VIASPORT PHASE
3 GUIDELINES**

- C. THAT Council, receive the Internal Memorandum titled viaSport Phase 3 Guidelines Update, dated September 4, 2020 respectfully

**UPDATE (7700-14)
(P. 195)**

submitted by the Director, Recreation Services for information;

AND FURTHER, that Council provide their support and endorsement for Recreation Services in the administration of the *viaSport Return to Sport Guidelines* and Provincial Health Officer Orders, including the ‘three strikes rule’ (two warnings followed by the cancellation of a group’s facility/park booking or issuing a fine equal to the cost of a booking).

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

11. NEW BUSINESS

A. Correspondence:

**LIBRARY SUNDAY
OPENINGS REQUEST
FOR FUNDING
(1700-02)
(P. 197)**

(i) THAT Council direct Administration to forward the letter dated August 31, 2020 from the Okanagan Regional Library to the Regional District of North Okanagan for discussion at the Greater Vernon Advisory Committee meeting of October 7, 2020 about creating a five-year funding agreement with all the partners for Sunday library openings, with proportional funding contribution agreed to by all of the partners.

**REQUEST FOR
SUPPORT FOR
EXPANDED PATIO
PERMISSIONS
(P. 202)**

(ii) THAT Council refer the letter dated August 26, 2020 from the BC Restaurant and Foodservices Association, the Alliance of Beverage Licensees and the BC Craft Brewers Guild re: Request for Support for Expanded Patio Permissions, to Administration with direction to prepare a report for Council's consideration at the Regular Council meeting scheduled on October 13, 2020.

**8130 TRONSON ROAD
LAKE ACCESS AND
SHORELINE
RESTORATION
CAPITAL PROJECT
ADDITIONAL FUNDING
(8700-02)
(P. 204)**

(iii) THAT Council authorize transferring \$100,000 from the annual Storm Maintenance budget funded from the Carryover reserve, and \$75,000 from the 32nd Avenue Reconstruction Project (33rd Street to 35th Street) budget funded by the CWF Gas Tax reserve, for a total of \$175,000 to the Lake Access site development project as outlined in the memo titled “8130 Tronson Road Lake Access and Shoreline Restoration Capital Project Additional Funding”, dated August 31, 2020 and submitted by the Transportation Planner.

**O’KEEFE RANCH –
HAZARDOUS TREE
REMOVAL (0230-20-37)
(P. 206)**

(iv) THAT Council authorize the transfer of \$3,800.00 from the 2019 unexpended uncommitted year end balance to Operations – Tree; the removal and pruning of hazardous trees on City owned lands at the O’Keefe Ranch.

**CORPORATE
SERVICES /
LEGISLATIVE
SERVICES
RESTRUCTURE
(0530-01)
(P. 207)**

- (v) THAT Council receives the memorandum dated September 2, 2020, from the Deputy CAO, regarding the Corporate Services / Legislative Services Restructure;

AND FURTHER, that Keri-Ann Austin be appointed the Corporate Officer for the City of Vernon effective September 28, 2020;

AND FURTHER, that Janice Nicol be appointed the Deputy Corporate Officer for the City of Vernon effective October 12, 2020.

B. Reports:

**TAX EXEMPTION
AMENDMENT BYLAW
NUMBER 5832, 2020
(1970-16)
(P. 208)**

- (i) THAT Council approve the recommendations of the Finance Committee for the Tax Exemption Amendment Bylaw Number 5832, 2020 as follows:

1. THAT Council confirm the percentage of tax exemption per classification for 2021 remain the same as 2020 namely as follows and that the Permissive Tax Exemption Policy be amended, as attached to this report, to reflect the percentages;

Social Service services 100%
Cultural and Educational services 75%
Recreational services 50%

2. AND FURTHER, that Council **grant** the **North Okanagan Community Life Society** a 100% tax exemption for the property located at 4608 20 Street, to be phased in over a three-year period;
3. AND FURTHER, that Council **grant** the **Vernon Pickleball Association** a 50% tax exemption for the property located at 6891 Okanagan Landing Road, to be applied in full in the first year and not be subject to the three-year phase-in period;
4. AND FURTHER, that Council **grant** the **North Valley Gymnastics Society** a 50% tax exemption for the property located at 4700 31 Street, to be phased in over a three-year period;
5. AND FURTHER, that Council **deny** the request from the **Upper Room Mission Boutique** for the property located at 2708 34 Street as the application does not

meet the requirements of the Permissive Tax Exemption Policy;

6. AND FURTHER, that Council **deny** the request from the **Miriam Masonic Holding Company** for the property located at 3005A 32 Street as the application does not meet the requirements of the Permissive Tax Exemption Policy;
7. AND FURTHER, that Council **amend** the exemption for the **North Okanagan Valley Gleaners Society** for the property located at 4405 29 Street from 20% to 50% for only 2021 due to temporary changes to the organization's operations;
8. AND FURTHER, that Council **delete** the exemption for the **North Okanagan Community Life Society** for the property located at 1307 40 Avenue due to the sale of the property.

**HERITAGE
RESTORATION GRANT
APPLICATION FOR
3104 25TH STREET
(3087-20 HGS00007)
(P. 217)**

- (ii) THAT Council approve a grant for \$5,000 to the owner of the property at 3104 25th Street for eligible works constructed during 2020 as per the Heritage Restoration Grant Program.

**ZONING TEXT
AMENDMENT BYLAW
#5817, 2020 (HOME
BASED BUSINESSES)
AND SIGN BYLAW
TEXT AMENDMENT
BYLAW #5818
(3360-20 ZON00354)
(P. 235)**

- (iii) THAT Council support proposed Zoning Text Amendment Bylaw #5817, 2020 (Home Based Businesses) and Sign Bylaw Text Amendment Bylaw #5818 as presented in the report titled "Zoning Text Amendment Bylaw #5817, 2020 (Home Based Businesses) and Sign Bylaw Text Amendment Bylaw #5818", dated September 2, 2020 and respectfully submitted by the Manager, Current Planning.

**REZONING
APPLICATION FOR
MULTIPLE
PROPERTIES IN THE
OKANAGAN HILLS
NEIGHBOURHOOD
PLAN AREA
(3360-20 ZON00346)
(P. 276)**

- (iv) THAT Council support the application to rezone the following properties, as outlined in the report titled "Rezoning Application for Multiple Properties in the Okanagan Hills Neighbourhood Plan Area" dated September 4, 2020 by the Long Range Planner, as follows:
 - a) Lot 1 Plan KAP89223 Section 31 Township 9 ODYD from 'RTC' and 'P1' to 'RTCA' and 'P1';
 - b) Lot 2 Plan KAP89223 Section 31 Township 9 ODYD from 'RTC', 'RTR' and 'P1' to 'RTCA', 'RTR' and P1;
 - c) Lot 2 Plan KAP87536 Section 31 Township 9 ODYD

- Except Plan KAP88166 EPP48289 EPP55183 from ‘RTC’, ‘RTR’, ‘P1’ and ‘P5’ to ‘RTCA’, ‘RTR’, ‘P1’ and ‘P5’;
- d) Lot 3 Plan KAP89223 Section 31 Township 9 ODYD from ‘RTC’ and ‘RTR’ to ‘RTCA’;
- e) Lot 4 Plan KAP89223 Section 31 Township 9 ODYD from ‘RTC’ and ‘RTR’ to ‘RTR’;
- f) Lot A Plan KAP88166 Section 31 Township 9 ODYD from ‘RTC’, ‘RTR’ and ‘P5’ to ‘RTCA’, ‘RTR’ and ‘P5’; and
- g) Lot D Plan EPP19505 Section 6 Township 8 ODYD & SEC 31 TWP 9 from ‘RTC’ and ‘P5’ to ‘RTCA and ‘P5’.

AND FURTHER, that final adoption of a rezoning bylaw be subject to:

- a) Finalization of a revised traffic impact assessment which details any necessary off-site improvements as a result of the proposed rezoning and registration of any necessary covenants restricting development phases until such improvements are complete.

REZONING AND DEVELOPMENT VARIANCE APPLICATIONS FOR 1800 32ND STREET (3090-20, DVP00493, ZON00357) (P. 298)

- (v) THAT Council support the rezoning application (ZON00357) to rezone Blk 10, PI 225, DL 73, ODYD (1800 32nd Street) from R2: Large Lot Residential to RM2: Multiple Housing Residential to develop four residential rental units at 1800 32nd Street;

AND FURTHER, that Council support the development variance permit (DVP00493) to reduce the minimum unit width from 6.5m to 4.72m.

AND FURTHER, that Council direct Administration to bring forward a zoning text amendment bylaw to address unit width restrictions in Zoning Bylaw #5000.

12. LEGISLATIVE MATTERS

A. Bylaws:

ADOPTION
• 5762

- (i) THAT Bylaw #5762, “**7235 Hitchcock Road Rezoning amendment Bylaw Number 5762, 2018**” – a bylaw to rezone lands from “C.R. (Country Residential – RDNO)” to “HR1 – Hillside Residential Single and Two Family”, be adopted. (P. 316)

- Memo dated September 3, 2020 from the Planning Assistant, Current Planning re: confirmation of conditions met and consideration of adoption. (P. 319)

- 5806 (ii) THAT Bylaw #5806, “**City of Vernon 2020 Financial Plan Bylaw Number 5794 Amendment Bylaw 5806, 2020**” – a bylaw to amend the “Financial Plan” for the years 2020-2024, be **adopted. (P. 320)**
- 5823 (iii) THAT Bylaw #5823, “**3910 29th Street Road Closure Bylaw Number 5823, 2020**” – a bylaw to authorize the closure and removal of the dedication as highway at 3910 29th Street, be **adopted. (P. 324)**
- 5827 (iv) THAT Bylaw #5827, “**Fees and Charges (Pension Documents / Memorial Structures) Amendment Bylaw Number 5827, 2020**”, a bylaw to amend the City of Vernon Fees and Charges Bylaw Number 3909, be **adopted. (P. 327)**

**FIRST, SECOND AND
THIRD READINGS**

- 5808 (v) THAT Bylaw #5808, “**7915 Okanagan Landing Road Closure Bylaw Number 5808, 2020**”, a bylaw to authorize the closure and removal of the dedication as highway at 7915 Okanagan Landing Road, be **read a first, second and third time. (P. 331)**
- 5818 (vi) THAT Bylaw #5818, “**Sign Amendment (Home Based Businesses) Bylaw Number 5818, 2020**”, a bylaw to amend Part IV – Sign Specifications by Zone/Secondary Use to update references by deleting “Home Based Business Major, Home Based Business Minor” and replacing it with “Home Based Business Type 1, Home Based Business Type 2, Home Based Business Type 3”, be **read a first, second and third time. (P. 334)**

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

- 5817 (vii) THAT Bylaw #5817, “**Zoning Text (Home Based Businesses) Amendment Bylaw Number 5817, 2020**”, a bylaw to update the home based business regulations to encourage establishment and growth of home based businesses, be **read a first and second time;**

AND FURTHER, that the Public Hearing for Bylaw #5817, “**Zoning Text (Home Based Businesses) Amendment Bylaw Number 5817, 2020**”, be scheduled for **5:30 pm Tuesday, October 13, 2020** in the Recreation Centre Auditorium, 3310 37th Avenue. **(P. 336)**

- 5831 (viii) THAT Bylaw #5831, "**1800 32nd Street Rezoning Amendment Bylaw Number 5831, 2020**", a bylaw to rezone land from R2: Large Lot Residential to RM2: Multiple Housing Residential be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5831, "**1800 32nd Street Rezoning Amendment Bylaw Number 5831, 2020**", be scheduled for **5:30 pm Tuesday, October 13, 2020** in the Recreation Centre Auditorium, 3310 37th Avenue. **(P. 358)**

- 5833 (ix) THAT Bylaw #5833, "**Okanagan Hills Neighbourhood Plan Rezoning Amendment Bylaw Number 5833, 2020**", a bylaw to rezone multiple properties in the Okanagan Hills Neighbourhood Plan in order to permit full-time/year-round residential land use and to align zoning boundaries with parcel boundaries and Official Community Plan designations, be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5833, "**Okanagan Hills Neighbourhood Plan Rezoning Amendment Bylaw Number 5833, 2020**" be scheduled for **5:30 pm Tuesday, October 13, 2020** in the Recreation Centre Auditorium, 3310 37th Avenue. **(P. 361)**

13. COUNCIL INFORMATION UPDATES

- A. Mayor and Councillors Reports.

14. INFORMATION ITEMS

- A. Letter dated September 2, 2020 from the Regional District of North Okanagan re: Chelsea Estate property. **(P. 368)**
- B. Email dated September 9, 2020 from Denzil Muncherji, The Cerebral Palsy Association of British Columbia: Support for World Cerebral Palsy Day, October 6, 2020. **(P. 369)**
- C. Minutes from the following Committees of Council:
 - (i) Finance, May 28, 2020 **(P. 370)**
 - (ii) Climate Action Advisory, July 6, 2020 **(P. 377)**
 - (iii) Tourism Commission, July 15, 2020 **(P. 382)**
 - (iv) Advisory Planning, August 4, 2020 **(P. 388)**
 - (v) Advisory Planning, August 18, 2020 **(P. 391)**

RECESS

15. RECESS MEETING

NOTES:

Public Hearings are scheduled to be held at the **Vernon Recreation Centre Auditorium**, located at 3310 37th Avenue, for:

- A. **5:30 PM** “Zoning Text (I1 Group Home, Major) Amendment Bylaw Number 5825, 2020”
- B. **5:30 PM** “5000 20TH Street Rezoning Amendment Bylaw Number 5760, 2019”

RECONVENE

16. RECONVENE MEETING

THIRD READING

- **5825**
 - A. THAT Bylaw #5825 “Zoning Text (I1 Group Home, Major) Amendment Bylaw Number 5825, 2020”, a bylaw to add “group home, major” as a Primary Use in the I1: Light Industrial zone on the parcel described as Lot 1, Plan EP94980, DL 66 & 71, ODYD (2307 43rd Street), be **read a third time. (P. 395)**
- **5760**
 - B. THAT Bylaw #5760, “5000 20th Street Rezoning Amendment Bylaw Number 5760, 2019”, a bylaw to rezone the property in order to allow a multi-family residential development on the site, be **read a third time. (P. 399)**

CLOSE

17. CLOSE OF MEETING