



“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

NOVEMBER 23, 2020

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(1) of the *Community Charter* as follows:
 - (c) labour relations or other employee relations;
 - (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**

AGENDA

- A. THAT the Agenda for the November 23, 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 November 9, 2020 be adopted; **(P.13)**

AND FURTHER, that the minutes of the Public Hearing held November 9, 2020 be adopted; **(P. 27)**

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held November 9, 2020 be received.

5. BUSINESS ARISING FROM THE MINUTES

6. GENERAL MATTERS

**PRESENTATION –
COVID-19 PANDEMIC -
EMERGENCY
OPERATIONS CENTRE
UPDATE**

- A. THAT Council receive the verbal presentation, COVID-19 Pandemic - Emergency Operations Centre Update, as provided by the Director, Community Infrastructure and Development Services at the November 23, 2020 Regular Council Meeting.

**PUBLIC SUBMISSIONS:
“7915 OKANAGAN
LANDING ROAD
CLOSURE BYLAW
NUMBER 5808, 2020”
(0913-20-50)**

- B. **See Item 12.A (i) (P. 170) Legislative Matters – “7915 Okanagan Landing Road Closure Bylaw Number 5808, 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 “7915 Okanagan Landing Road Closure Bylaw Number 5808, 2020”.

**DEVELOPMENT
VARIANCE
APPLICATION FOR
2000 33rd STREET
(DVP00495/3090-20)
(P. 29)**

- C. THAT Council support Development Variance Permit application DVP#00495 to vary sections of Zoning Bylaw #5000 on Block 5, Plan 225, District Lot 73, ODYD, Parcel C, See DD KX5409 - Was Lot 9 & 10. (2000 33rd Street) as follows:

- a) To vary Section 9.10.6 of Zoning Bylaw #5000 to reduce the minimum flanking side yard setback from 4.5m to 2.7m; and

AND FURTHER, that Council’s support of DVP00495 is subject to the following:

- a) That the site plan and building elevations, intended to illustrate the reduced flanking side yard setback (Attachment 1 and 2) in the report titled “Development Variance Permit Application for 2000 33rd Street” and dated November 13, 2020 by the Manager, Current Planning, be attached to and form part of DVP00495 as Schedule ‘A’.

**Public Input
DVP#00495**

- (i) Public Input on Development Variance Permit #00495

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 Permit
#00495**

- (ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00495 to vary Section 9.10.6 of Zoning Bylaw #5000 to reduce the required minimum

flanking side yard setback from 4.5m to 2.7m at 2000 33rd Street, **once all conditions of Council have been met.**

**DEVELOPMENT
VARIANCE
APPLICATION FOR
2200 58th AVENUE
(DVP00500/3090-20)
(P. 41)**

D. THAT Council support Development Variance Permit application DVP#00500 for the subject property located on Lot 1 Sections 10 and 11, Plans KAP70210 and KAP72044, TP8, ODYD (2200 58th Avenue) to increase the number of freestanding signs on the property from two to five, subject to the following:

- a) The number of freestanding signs be limited to the additional four on the west side of the Walmart building for “pick up” parking; and
- b) That the site plan and sign details generally shown as Attachment 1 and 2 inclusive in the report titled “Development Variance Permit Application for 2200 58th Avenue” and dated November 13, 2020 by the Planning Assistant, be attached to and form part of Development Variance Permit #DVP00500 as Schedule ‘A’.

**Public Input
DVP #00500**

(i) Public Input on Development Variance Permit #00500

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 Permit
#00500**

(ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00500 to vary Sign Bylaw #4489 from a maximum of two freestanding signs to give at 2200 58th Avenue, **once all conditions of Council have been met.**

7. COUNCIL INQUIRIES

8. ADMINISTRATION UPDATES

**ADMINISTRATION
UPDATES
(0550-05)
(P. 53)**

A. THAT Council receive the Administration Updates dated November 23, 2020, for information.

9. UNFINISHED BUSINESS

**HOUSING
AGREEMENT
BYLAW FOR 6309,
6321 AND 6335
OKANAGAN ROAD
(ZON00359/360/361/
3360-20)
(P. 56)**

A. THAT Council approve the Housing Agreement Bylaw for 6309, 6321 and 6335 Okanagan Landing Road as attached to the memorandum titled *Housing Agreement Bylaw for 6309, 6321 and 6335 Okanagan Landing Road* dated November 13, 2020 and respectfully submitted by the Manager, Current Planning;

AND FURTHER that Council authorizes Administration to execute the agreement with the Vernon and District Community Land Trust.

**REQUEST FOR
SUPPORT FOR
CURBSIDE PICK-
UP LOCATIONS
(8300-07)
(P. 69)**

B. THAT Council direct Administration to implement a three month pilot of 10 minute Loading Zones within the Downtown Business Improvement Area 1 from December 1, 2020, to February 27, 2021, as outlined in the memorandum titled "Request for Support for Curbside Pick-up Locations", dated November 10, 2020 and respectfully submitted by the Active Transportation Coordinator.

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

11. NEW BUSINESS

A. Correspondence:

**AGE FRIENDLY
COMMUNITIES
PROGRAM
APPLICATION (6460-10)
(P. 72)**

(i) THAT Council authorizes Administration to apply for a grant to the Union of BC Municipalities (UBCM) Age Friendly Communities Program in the amount of \$25,000 to support the work of the Vernon Senior's Action Network, as described in the memo titled "Age Friendly Communities Program Application", dated November 12, 2020, and respectfully submitted by the Manager, Long Range Planning and Sustainability.

**TIMELINE EXTENSION
REQUEST FOR 3903
30TH STREET OFFICIAL
COMMUNITY PLAN
AMENDMENT BYLAW
#5596 AND REZONING
AMENDMENT BYLAW
#5597
(OCP00068/ZON00266/
DVP00440))
(P. 73)**

(ii) THAT Council approve the second one year extension of the processing timeline for "3903 – 30th Street Official Community Plan Amendment Bylaw #5596, 2018" and "3903 – 30th Street Rezoning Amendment Bylaw #5597, 2018" to November 13, 2021.

**BELLA VISTA ROAD
SANITARY SEWER
SERVICE
(5340-09)
(P. 78)**

(iii) THAT Council endorse the use of \$60,000 from approved 2020 capital funding from Priority Sanitary Sewer Replacement funds and \$15,000 of Gas Tax Reserve funds to fund installation of a collector sewer pipe, with cost recovery of Sanitary funds by way of a fee bylaw in accordance with Section 194 of the *Community Charter*, as provided in the memorandum titled “Bella Vista Road Sanitary Sewer Service” dated November 12, 2020, from the Municipal Technician III, Infrastructure Management.

**2020 BYLAW
COMPLIANCE
SEASONAL
ENFORCEMENT
PROGRAM SUMMARY
(4000-02)
(P. 81)**

(iv) THAT Council receive the internal memorandum titled “2020 Bylaw Compliance Seasonal Enforcement Program Summary” dated November 9, 2020, from the Manager, Protective Services.

**CBW DEVELOPMENT
CORP. SHAREHOLDER
MEETING (1660-20)
(P. 84)**

(v) RESOLVED, as a resolution of the sole shareholder of **CBW Development Corp.** (the Company) entitled to vote at an annual general meeting, that:

- 1) WHEREAS there were no financial transactions for the Company for the fiscal year ended December 31, 2019 and the Company has no assets, liabilities and equity, the appointment of auditors for the Company are waived.
- 2) November 6, 2020 is hereby selected as the annual reference date for the Company for its current annual reference period;
- 3) The number of directors of the Company is hereby fixed at three;
- 4) The following persons, each of whom has consented in writing to act as a director, are hereby elected as directors of the Company, to hold office until the next annual general meeting of the Company (or unanimous resolutions consented to in lieu of holding an annual general meeting) or until their successors are appointed:

WILL PEARCE
BRETT BANDY
DEBRA LAW

- 5) All lawful acts, contracts, proceedings, appointments and payments of money by the directors of the Company since the last annual reference date of the Company, and which have previously been disclosed to the

shareholders, are hereby adopted, ratified and confirmed.

**HESPERIA
DEVELOPMENT
CORPORATION
SHAREHOLDER
MEETING (1660-20)
(P. 87)**

(vi) RESOLVED, as a resolution of the sole shareholder of **Hesperia Development Corporation** (the Company) entitled to vote at an annual general meeting, that:

- 1) WHEREAS there were no financial transactions for the Company for the fiscal year ended December 31, 2019 and the Company has no assets, liabilities and equity, the appointment of auditors for the Company are waived.
- 2) November 6, 2020 is hereby selected as the annual reference date for the Company for its current annual reference period;
- 3) The number of directors of the Company is hereby fixed at three;
- 4) The following persons, each of whom has consented in writing to act as a director, are hereby elected as directors of the Company, to hold office until the next annual general meeting of the Company (or unanimous resolutions consented to in lieu of holding an annual general meeting) or until their successors are appointed:

WILL PEARCE
BRETT BANDY
DEBRA LAW

- 5) All lawful acts, contracts, proceedings, appointments and payments of money by the directors of the Company since the last annual reference date of the Company, and which have previously been disclosed to the shareholders, are hereby adopted, ratified and confirmed.

**2021 REGULAR
COUNCIL MEETING
DATES (0530-01)
(P. 90)**

(vii) THAT Council approves the 2021 Council meeting schedule, as provided in the Internal Memorandum titled *2021 Regular Council Meeting Dates*, dated November 12, 2020 and respectfully submitted by the Manager, Legislative Services/Corporate Officer, as follows:

2021 Council Meeting Dates	
January 11 January 25	July 19
February 8 February 22	August 16

March 8 March 22	September 7 (Tues.) September 27
April 12 April 26	October 12 (Tues.) October 25
May 10 May 25 (Tues.)	November 8 November 22
June 14 June 28	December 13

B. Reports:

**RECREATION
SERVICES
AMENDMENT TO FEES
& CHARGES BYLAW
(7700-03)
(P. 93)**

- (i) THAT Council, receives the memorandum titled “Recreation Services Amendments to Fees & Charges Bylaw”, dated November 13, 2020 from the Director, Recreation Services;

AND FURTHER, that Council directs that the Recreation and Parks Services Fees and Charges 2020/21 Amendment Bylaw #5840 be brought forward for consideration.

**OFFICIAL COMMUNITY
PLAN AMENDMENT
AND REZONING
APPLICATION FOR
3398 DAVISON ROAD
(P. 154)**

- (ii) THAT Council support the application to amend the Official Community Plan land use designation for Lot 1, Plan EPP80986, Section 4, Township 8, Osoyoos Division Yale District (3398 Davison Road) from ‘Public Institutional’, ‘Parks & Open Space’, ‘ALR Lands’ and ‘Hillside Residential’ to ‘Hillside Residential’ and ‘Parks & Open Space’ as outlined in the report titled “Official Community Plan Amendment and Rezoning Application for 3398 Davison Road” dated November 12, 2020 by the Long Range Planner;

AND FURTHER, that Council support the application to rezone the subject property from A1 (Agriculture in the ALR) to HR1 (Hillside Residential Single and Two Family), HR2 (Hillside Residential Multi-Family) and P1 (Parks and Opens Space), as described in the report titled “Official Community Plan Amendment and Rezoning Application for 3398 Davison Road” dated November 12, 2020 by the Long Range Planner;

AND FURTHER, that Council support waiving the open house for the proposed Official Community Plan Amendment application as per the corporate OCP Amendment Applications Policy and proceed directly to First and Second Readings and scheduling of a Public Hearing;

AND FURTHER, that Council consider the referral process already undertaken with persons, organizations and authorities which are considered to be affected by the proposed amendment to the Official Community Plan to be

appropriate and sufficient to meet the requirements of Section 475 of the *Local Government Act*;

AND FURTHER, that final adoption of the Official Community Plan amendment and rezoning bylaws be subject to the following:

- a) Completion of a purchase and sale agreement for a portion of the subject property in order to provide for additional park land as detailed in the report titled “Official Community Plan Amendment and Rezoning Application for 3398 Davison Road” dated November 12, 2020 by the Long Range Planner;
- b) Submission of a subdivision application for the subject lands to create a park lot, which aligns with the proposed Official Community Plan amendment and conceptual plan, and a remainder lot, to the satisfaction of the Approving Officer;
- c) Registration of a statutory right-of-way in favour of the City of Vernon over the Streamside Protection and Enhancement Area that is required under the Riparian Areas Protection Regulation and which includes public trail access;
- d) Registration of a ‘no-build’ restrictive covenant on the remainder of the development lands which is to remain in place until such time that a future subdivision application which incorporates an extension and connection of the road network and trail network across the site is completed;
- e) Registration of a restrictive covenant which prohibits any subdivision of the property until emergency egress to Davison Road is provided, and specifically limits such access to Davison Road for emergency egress only, and specifies the crossing width over Tassie Creek to be a maximum of 4.0 metres;
- f) Registration of a restrictive covenant requiring the installation of fencing or appropriate barriers along the western property line of the subject property at the subdivision stage in order to protect against trespass and interference with adjacent agricultural operations;
- g) Completion of a purchase and sale agreement for the lands described as Plan A911, Section 4 Township 8, Osoyoos Division Yale District, Parcel 1 (3301 Davison

Road), in order to facilitate acquisition of a missing link in the Grey Canal Trail, as detailed in the report titled “Official Community Plan Amendment and Rezoning Application for 3398 Davison Road” dated November 12, 2020 by the Long Range Planner.

12. LEGISLATIVE MATTERS

A. Bylaws:

ADOPTION

- 5808

(i) THAT Bylaw #5808, “**7915 Okanagan Landing Road Closure Bylaw Number 5808, 2020**”, a bylaw to authorize closure and removal of the dedication as highway at 7915 Okanagan Landing Road, **be adopted. (P. 170)**

- 5836

(ii) THAT Bylaw #5836, “**Intermunicipal Fire Training Centre Service Withdrawal Bylaw Number 5836, 2020**”, a bylaw provide for withdrawal from the Intermunicipal Fire Training Centre Service³ and termination of the Fire Training Centre lease, **be adopted. (P. 173)**

FIRST, SECOND & THIRD READINGS

- 5840

(iii) THAT Bylaw #5840, “**Recreation and Parks Services Fees and Charges (2021) Amendment Bylaw Number 5840, 2020**”, a bylaw to amend Recreation and Parks Services Fess and Charges Bylaw Number 5472, **be read a first, second and third time. (P. 175)**

- 5843

(iv) THAT Bylaw #5843, “**27th Avenue Sanitary Main Extension Latecomer Charge Bylaw Number 5843, 2020**”, a bylaw to authorize the City of Vernon to impose a Latecomer Charge for properties serviced from the 27th Avenue sanitary main extension, **be read a first, second and third time. (P. 235)**

- Memorandum dated November 18, 2020 from the Manager, Engineering Development Services, re: Latecomer Bylaws #5843 and #5844 **(P. 239)**

- 5844

(v) THAT Bylaw #5844, “**Deleenheer Road Sanitary Main Extension Latecomer Charge Bylaw Number 5844, 2020**”, a bylaw to authorize the City of Vernon to impose a Latecomer Charge for a property serviced from the Deleenheer Road sanitary main extension, **be read a first, second and third time. (P. 240)**

- Memorandum dated November 18, 2020 from the Manager, Engineering Development

Services, re: Latecomer Bylaws #5843 and #5844 (P. 239)

- 5838

(i) THAT Bylaw #5838, “**6309, 6321 and 6335 Okanagan Landing Road Housing Agreement Bylaw Number 5838, 2020**”, a bylaw to authorize a Housing Agreement for 6309, 6321 and 6335 Okanagan Landing Road, be **read a first, second and third time. (P. 244)**

FIRST & SECOND READINGS AND PUBLIC HEARING DATE

- 5841

(ii) THAT Bylaw #5841, “**3398 Davison Road Official Community Plan Amendment Bylaw Number 5841, 2020**”, a bylaw to amend the Official Community Plan from “Public Institutional”, “ALR Lands” and “Hillside Residential to “Hillside Residential” and “Parks & Open Space”, be **read a first and second time;**

AND FURTHER, that the **Public Hearing** for Bylaw #5841, be scheduled for **Monday, December 14, 2020, at 5:30 pm**, in the Vernon Recreation Centre Auditorium, 3310 37th Avenue. (P. 256)

FIRST & SECOND READINGS AND PUBLIC HEARING DATE

- 5842

(iii) THAT Bylaw #5842, “**3398 Davison Road Rezoning Amendment Bylaw Number 5842, 2020**”, a bylaw to rezone lands from “A1 – Agriculture within the ALR” to “HR1 – Hillside Residential Single and Two Family”, “HR2 – Hillside Residential Multi Family” and “P1 – Parks and Open Space”, be **read a first and second time;**

AND FURTHER, that the **Public Hearing** for Bylaw #5842, be scheduled for **Monday, December 14, 2020, at 5:30 pm**, in the Vernon Recreation Centre Auditorium, 3310 37th Avenue. (P. 260)

13. COUNCIL INFORMATION UPDATES

A. Mayor and Councillors Reports.

NOTICE OF MOTION – COUNCILLOR GARES (0230-20-40)

B. THAT Council authorize the Mayor to send a letter of support to the Vernon Winter Carnival Society (VWCS) with regards to their application to host activities on Kin Race Track and Polson Park during this year's Winter Carnival Event being held during the month of February. Given the health and financial crisis many Canadians are going through, the Winter Carnival is an event that encourages health and well-being while still supporting the PHO's mandate of limiting the transmission of COVID-19;

WHEREAS, the Winter Carnival Society has a well-thought out contingency plan that will deal explicitly with the COVID-19 Pandemic concerns as each location will see a fully-fenced

location that will host no more than 8 activities with a maximum of 50 people during each 1.5 hour period;

WHEREAS, there will be an hour shut down period between each turnover to allow for sanitization and a change of new volunteers;

WHEREAS, full contact tracing will be used and all tickets must be ordered in advance;

WHEREAS, these are unprecedented times. Many residents are feeling the health effects caused by social isolation. The Winter Carnival is aware of the concerns being raised by increased COVID cases but are confident that they can meet the guidelines and ensure safe measures are being implemented to protect the health and well-being of our community.

**NOTICE OF MOTION –
MAYOR CUMMING
(0410-28)**

- C. WHEREAS the Province is restricting the use of roto tilling on Kin Beach and related areas for Eurasian Milfoil management undertaken by the Okanagan Basis Water Board based on the concern of impacting Rocky Mountain Ridge Mussels (RMRM) which are currently classified as “endangered”;

AND WHEREAS to maintain the quality of the swimming areas roto tilling has proven to be the most effective management tool to deal with lake bottom Eurasian Milfoil mats and subsequent plant growth in the summer season;

AND WHEREAS new research in multiple beach areas of Okanagan Lake have identified hundreds of mussels in multiple patches previously not inventoried, including the proposed dog beach areas adjacent to Kin Beach and in areas roto tilled for multiple decades;

THEREFORE Council directs administration to identify and investigate the underlying science related to RMRMs in the East Arm of Okanagan Lake and the related “endangered” listing and report to Council.

Background:

Rocky Mountain Ridge Mussels, (freshwater) were listed as “endangered” in 2010 after being listed as “Designated Special Concern” in 2003 according to the Committee on the Status of Endangered Wildlife in Canada (COSWEC). Since the 2010 listing, RMRMs has been found in large numbers (hundreds) at multiple sites in the Okanagan basin including recently in the water off the proposed dog park and GVW water intake site at the north end of Kin Beach just south of Tronson Rd.

The designation of “endangered” has been the basis for the Province to limit potentially disturbing activities in areas where there are known or suspected RMRM beds. The restrictions have now lead to preventing rotor tilling as a management method for controlling Eurasian milfoil, and restricting management to in season harvesting of their tops only. In season harvesting is much less effective method for controlling weed growth and does not address the weed mats on the lake bottom. The net impact has been a consistent lowering of the quality of the Kin Beach swimming area plus other in-water biological impacts from the weed mats.

The evidence of disturbance from roto tilling impacting the RMRMs has been called into question by the Okanagan Basin Water Board as RMRMs seem to be found in significant numbers in their habits where ever investigations are undertaken, even where roto tilling has been taking place for decades.

The restrictions as applied by the Province had a large financial impact on the cost of locating and constructing the new GVW water intake off Tronson Rd. near Kin Beach. The number of RMRMs that were potentially to be “live moved” was very small and the number inventoried nearby, not to be disturbed, was very large (100 times more). The additional cost to the project is estimated to equal \$25,000/RMRM to be moved. While the cost to move them was minimal. RMRMs naturally move slowly along the lake floor in the low water areas of beaches.

To prevent further decline in our main east arm of Okanagan Lake beaches from Eurasian Milfoil roto tilling restrictions and costly additions to new water intake infrastructure it is critical to clarify the science behind the classification the RMRM as endangered. See attached letter to federal regulating body, the Department of Fisheries and Oceans by OBWB in 2020.

13. INFORMATION ITEMS

- A. Minutes from the following Committees of Council:
- (i) Climate Action Advisory, October 6, 2020 **(P. 263)**
 - (ii) Tourism Commission, October 21, 2020 **(P. 268)**
 - (iii) Advisory Planning, October 27, 2020 **(P. 272)**

CLOSE

15. CLOSE OF MEETING