



“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

SEPTEMBER 27, 2021

AT 8:40 AM

*Pursuant to the Provincial Health Officer’s Order, “Gathering and Events – September 10, 2021” and the Medical Health Officer’s Order, “Mandatory Masks / Face Coverings – Interior Health COVID-19 - August 20, 2021”, **masks are mandatory for in – person attendance** to Council meetings. Please note capacity is limited and is available on a first come, first served basis. **Hand washing and/or sanitizing will also be provided.***

Council meetings are live-streamed and video-recorded and may be accessed at <https://www.vernon.ca/council-video>. Recordings are made available on the City of Vernon website by noon on the day following the meeting.

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

2. RESOLUTION TO CLOSE MEETING

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

- (b) personal information about an identifiable individual who is being considered for a municipal award or honour, or who has offered to provide a gift to the municipality on condition of anonymity;
- (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**LAND
ACKNOWLEDGEMENT**

As Mayor of the City of Vernon, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx People of the Okanagan Nation.

AGENDA

- A.** THAT the Agenda for the September 27, 2021, 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 September 7, 2021 be adopted; **(P. 14)**

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held September 7, 2021 be received.

5. BUSINESS ARISING FROM THE MINUTES**6. GENERAL MATTERS****PRESENTATION –
GOVERNMENT
FINANCE OFFICERS
ASSOCIATION
AWARDS (1700-01)
(P. 30)**

- A.** Mayor Cumming will present the following awards from the Government Financial Officers Association:

- 2021 Distinguished Budget Presentation Award
- 2021 Certificate of Recognition for Budget Preparation

THAT Council receives the letter dated August 30, 2021 from Michele Mark Levine, Director, Technical Services Centre, Government Finance Officers Association regarding receipt of the Distinguished Budget Presentation Award and Certificate of Recognition for information.

**PRESENTATION – O.C.
TANNER AWARD FOR
LIFETIME
ACHIEVEMENT IN THE
HUMAN RESOURCES
INDUSTRY**

- B.** Mayor Cumming will recognize Dr. Raeleen Manjak, Director, Human Resources, as the recipient of the O. C. Tanner Award for Lifetime Achievement in the Human Resources Industry.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
5400 OKANAGAN
AVENUE (DVP00476)
(P. 32)**

- C.** THAT Council deny Development Variance Permit Application DVP00476 to vary the following sections of Zoning Bylaw #5000 in order to construct a 36-unit townhouse development on Part 3.0 Acres More or Less of the Northwest ¼ of Sec. 28 shown on Plan B3911, TWN. 9 ODYD exc. Plans KAP50675 and KAP58681 (5400 Okanagan Avenue):

- a) to vary Section 9.11.6 building height from 2.5 storeys to 3 storeys to accommodate required visitor parking stalls between buildings 1, 2, 9, 10 and 11; and
- b) to vary Section 6.6.3 to reduce the minimum requirement of the number of trees per lineal metre of required landscape buffer from 1 tree per 10.0 lineal metre to 1 tree per 13.75 lineal metre.

AND FURTHER, that Council deny confirmation of its previous approval of Development Variance Permit Application DVP00435 to vary Zoning Bylaw #5000:

- a) Section 4.16.1 to allow construction of a building, structure and swimming pool on slopes of 30% or greater; and
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 3.6m.

AND FURTHER, that Council confirm its previous approval of Development Variance Permit Application DVP00382:

- a) to vary Zoning Bylaw #5000 Section 9.11.6 to reduce the minimum dwelling unit width from 6.5m to 4.8m; and
- b) to vary the off-site works requirements of Subdivision and Development Servicing Bylaw #3843 (Schedule A – Level of Service) standards to Integrated Transportation Framework (ITF – Section 2-1) standards.

AND FURTHER, that Council confirms its previous approval of DVP00382 is subject to the following:

- a) That the proposed development does not exceed the maximum site coverage of impermeable surfaces of 55% as outlined in the RM2 Zone.

***Public Input –
DVP#00476***

- (i) Public Input on Development Variance Permit #00476 for Part 3.0 Acres More or Less of the Northwest ¼ of Sec. 28 shown on Plan B3911, TWN. 9 ODYD exc. Plans KAP50675 and KAP58681 (5400 Okanagan Avenue) to vary Sections of Zoning Bylaw #5000 as outlined above.

***Permit Issuance –
DVP#00476***

- (ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00476 for Part 3.0 Acres More or Less of the Northwest ¼ of Sec. 28 shown on Plan B3911, TWN. 9 ODYD exc. Plans KAP50675 and KAP58681 (5400 Okanagan Avenue), once all conditions of Council are satisfied.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
3004A 22 STREET
(DVP00528)
(P. 63)**

D. THAT Council support Development Variance Permit Application DVP00528 to vary the following section of Zoning Bylaw #5000 to permit the construction of an addition to a single detached dwelling on LT 1 SEC 35 TWN 9 ODYD PLAN 41608 (3004A 22nd Street):

- a) Section 9.3.5 minimum rear yard setback requirement from 7.5m to 5m;

AND FURTHER, that Council's support of DVP00528 is subject to the following:

- a) that the site plan illustrating the general siting, form and character of the proposed addition in Attachment 2, contained in the report titled 'Development Variance Permit Application for 3004A 22nd Street', dated September 15 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00528 as 'Schedule A'.

***Public Input –
DVP#00528***

- (i) Public Input on Development Variance Permit #00528 LT 1 SEC 35 TWN 9 ODYD PLAN 41608 (3004A 22nd Street) to vary Zoning Bylaw #5000 by reducing the minimum rear yard setback from 7.5m to 5m.

***Permit Issuance –
DVP#00528***

- (ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00528 for LT 1 SEC 35 TWN 9 ODYD PLAN 41608 (3004A 22nd Street), once all conditions of Council are satisfied.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR #14
9750 DELCLIFFE ROAD
(DVP00530)
(P. 73)**

E. THAT Council support Development Variance Permit Application DVP00530 to vary the following section of Zoning Bylaw #5000 to permit the construction of an attached garage on SL 19 SEC 4 TWP 13 ODYD STRATA PLAN KAS143 (14-9750 Delcliffie Road):

- a) Section 4.16.1 no construction of a building, structure or swimming pool is permitted on slopes 30% or greater;

AND FURTHER, that Council's support of DVP00530 is subject to the following:

- a) if any tree removal is required to construct the attached garage that the applicant obtain a Tree Cutting Permit; and
- b) that the site plan illustrating the general siting of the proposed garage in Attachment 1, contained in the report titled, "Development Variance Permit Application for 14-9750 Delcliffie Road" dated September 15, 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00530 as 'Schedule A'.

**Public Input –
DVP#00530**

- (i) Public Input on Development Variance Permit #00530 for SL 19 SEC 4 TWP 13 ODYD STRATA PLAN KAS143 (14-9750 Delcliffe Road) to vary Zoning Bylaw #5000, Section 4.16.1 no construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

**Permit Issuance –
DVP#00530**

- (ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00530 for SL 19 SEC 4 TWP 13 ODYD STRATA PLAN KAS143 (14-9750 Delcliffe Road), once all conditions of Council are satisfied.

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
3305, 3307, 3309 and
3311 35th AVENUE
(DVP00538)
(P. 83)**

- F. THAT Council approve Development Variance Permit Application DVP00538 on LT 1, 2, 3 & 4, PL 3362, SEC 3, TWP 8, ODYD (3311, 3309, 3307 and 3305 35th Avenue) to allow the construction of a childcare facility by varying P1 - Parks and Open Space in Zoning Bylaw #5000 as follows:

- a) Section 12.1.5 minimum front yard setback from 6.0m to 3.82m from the existing property line and 1.0m from the future property line pending road dedication;

AND FURTHER, that Council's approval of Development Variance Permit Application DVP00538 is subject to:

- a) That a site plan generally conforming with the site plan noted as Attachment 1 in the report titled "Development Variance Permit Application for 3311, 3309, 3307 and 3305 35th Avenue", dated September 14, 2021 and respectfully submitted by the Current Planner, be attached to and form part of DVP00538 as Schedule 'A'.

**Public Input –
DVP#00538**

- (i) Public Input on Development Variance Permit #00538 for LT 1, 2, 3 & 4, PL 3362, SEC 3, TWP 8, ODYD (3311, 3309, 3307 and 3305 35th Avenue) to vary Zoning Bylaw #5000 Section 12.1.5 minimum front yard setback from 6.0m to 3.82m from the existing property line and 1.0m from the future property line pending road dedication.

- Email dated September 21, 2021 from K. Aldridge
(P. 97)

**Permit Issuance –
DVP#00538**

- (ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00538 for LT 1, 2, 3 & 4, PL 3362, SEC 3, TWP 8, ODYD (3311, 3309, 3307 and 3305 35th Avenue), once all conditions of Council are satisfied.

7. COUNCIL INQUIRIES**8. ADMINISTRATION UPDATES****ADMINISTRATION
UPDATES
(0550-05) (P. 98)**

- A. THAT Council receive the Administration Updates dated September 27, 2021, for information.

9. UNFINISHED BUSINESS**OFFICIAL COMMUNITY
PLAN REVIEW –
COUNCIL WORKSHOP
(6480-06)
(P. 100)**

- A. THAT Council direct Administration to schedule an Official Community Plan Workshop during the October 25, 2021 Committee of the Whole Meeting as outlined in the memorandum “Official Community Plan Review – Council Workshop” dated September 16, 2021 and respectfully submitted by the Manager, Long Range Planning and Sustainability.

**10. MATTERS REFERRED: COMMITTEE OF THE WHOLE AND
IN CAMERA****11. NEW BUSINESS****A. Correspondence:****LIBRARY SUNDAY
OPENINGS REQUEST
FOR FUNDING
(1700-02)
(P. 102)**

- (i) THAT Council direct Administration to forward the September 10, 2021 request from Jeremy Sundin, Chief Financial Officer, Okanagan Regional Library to the Regional District of North Okanagan (Electoral Areas B & C) and District of Coldstream Council for consideration of funding this request utilizing the typical cost ratio for Greater Vernon Advisory Committee services;

AND FURTHER, that Council direct Administration to include \$18,361 as a grant to the Okanagan Regional Library, for library Sunday openings, in the 2022 financial plan.

**RCMP MUNICIPAL
SUPPORT SERVICES
2022 BUDGET
PRIORITIES
(7400-30)
(P. 105)**

- (ii) THAT Council receive the memorandum titled “Municipal Support Services RCMP 2022 Budget Priorities” dated September 17, 2021, respectfully submitted by the General Manager, Municipal Support Services RCMP;

AND FURTHER, that Council authorize Administration to bring forward a service level increase for consideration during 2022 Budget Deliberations for the addition of an Electronic File Disclosure Clerk, a Records Reviewer and an Operations Support Clerk at an annual cost of approximately \$236,000, to be funded by taxation and in addition to the 2% tax revenue increase directed by Council at their special meeting held on June 21, 2021.

**ENTREPRENEUR
IMMIGRATION –
REGIONAL PILOT
UPDATE & RENEWAL
(6750-20 PNP)
(P. 107)**

- (iii) THAT Council direct staff to participate in the Province of British Columbia's Provincial Nominee Program Entrepreneur Immigration Regional Pilot Project for a three year term beginning October 2021;

AND THAT Council endorse North American Industry Classification System codes as outlined in Attachment 1 of the memo titled "Entrepreneur Immigration – Regional Pilot Update & Renewal", dated September 15, 2021 and respectfully submitted by the Manager, Economic Development & Tourism as the desired industries sought under the Province of British Columbia's Provincial Nominee Program Entrepreneur Immigration Regional Pilot in Vernon.

**HOSTING THE 2023
SOUTHERN INTERIOR
LOCAL GOVERNMENT
ASSOCIATION (SILGA)
CONVENTION
(0390)
(P. 112)**

- (iv) THAT Council support hosting the 2023 Southern Interior Local Government Association (SILGA) Convention in Vernon from April 25 to 28, 2023;

AND FURTHER, that Council authorize staff support from the Economic Development and Tourism Department to provide onsite assistance at the 2022 and 2023 SILGA conferences, and to support the SILGA convention committee to assist with convention planning and community introductions.

**TOURISM STAFF
REQUESTS FOR
CONSIDERATION IN
THE 2022 BUDGET
(6900-01)
(P. 113)**

- (v) THAT Council approve the Tourism Commission's recommendations for a Visitor Services and Community Specialist and a Digital Marketing Specialist, funded from the Municipal and Regional District Tax, as part of the 2022 Tourism budget considerations as outlined in the memorandum titled "Tourism Staff Requests for Consideration in the 2022 Budget" dated September 15, 2021 respectfully submitted by the Manager, Economic Development and Tourism.

**GOOD CITIZEN OF THE
YEAR AND FREEMAN
OF THE CITY –
BENEFITS BESTOWED
BY THE CITY, POLICY
AMENDMENT
(0110-40)
(P. 117)**

- (vi) THAT Council receive the memorandum titled "Good Citizen of the Year and Freeman of the City – Benefits Bestowed by the City, Policy Amendment" dated September 10, 2021, respectfully submitted by the Manager, Legislative Services/Corporate Officer;

AND FURTHER, that Council direct Administration to amend the policy title "Good Citizen of the Year and Freeman of the City – Benefits Bestowed by the City" by replacing the "*freeman*" with the word "*freedom*" throughout the policy to be consistent with the language in the *Community Charter*.

**BY-ELECTION
PROCEDURES
(4200-2021)
(P. 120)**

- (vii) THAT Council receive the memorandum titled “By-election Procedures” dated September 17, 2021 respectfully submitted by the Manager, Legislative Services/Corporate Officer;

AND FURTHER, that pursuant to Ministerial Order No. M307 “*Elections in Special Circumstances (COVID-19) Regulation*”, Council authorizes the Chief Election Officer to:

- a) Disapply Section 4 [*Special Voting Opportunities*] of the City of Vernon “Election Procedure Bylaw Number 3971, 1993”;
- b) Permit mail ballot voting for eligible electors pursuant to section 110 of *the Local Government Act*; and
- c) Take oral declarations as an alternative to written declarations in the voting book pursuant to section 7(2)(b) of Ministerial Order No. M307;

AND FURTHER, that Council direct Administration to suspend enforcement of section 4 of Sign Bylaw #4480 as shown below, during the 2021 By-election campaign period November 6 to December 4, 2021, unless there are safety or liability issues apparent:

‘4. *Signs Permitted in all Zones*

- g) *Political Signs provided that such signs:*

iii) are not placed on any dedicated road allowance or lands owned by any government.’

**BY-ELECTION 2021:
APPOINTMENT OF
ELECTION OFFICERS
AND FUNDING
AUTHORIZATION
(4200-2021)
(P. 132)**

- (viii) THAT Council receive the memorandum titled “By-election 2021: Appointment of Election Officers and Funding Authorization” dated September 15, 2021 respectfully submitted by the Manager, Legislative Services;

AND FURTHER, that Council appoint Keri-Ann Austin as the Chief Election Officer and Janice Nicol as the Deputy Chief Election Officer in order to conduct the by-election to fill one (1) vacancy for the office of Councillor;

AND FURTHER, that Council directs the Chief Election Officer to notify the Minister of Municipal Affairs that the general voting date for the by-election will be December 4, 2021;

AND FURTHER, that Council authorize the expenditure of up to \$120,000 to conduct a by-election, funded from the Insurance Deductible Reserve.

**COMMITTEE
APPOINTMENTS
(0540-01)
(P. 135)**

- (ix) THAT Council receive the memorandum titled “Committee Appointments” dated September 22, 2021, respectfully submitted by the Manager, Legislative Services/Corporate Officer;

AND FURTHER, that Council approve the following Committee Appointments for the term ending January 2, 2022:

Arts Council of North Okanagan

Councillor Gares

Kelowna Airport Advisory Committee

Councillor Mund

Okanagan Regional Library Board

Alternate: Mayor Cumming

Regional Agriculture Advisory Committee

Councillor Gares

Alternate: Mayor Cumming

Regional District of North Okanagan Board

Councillor Gares

**DEVELOPMENT
APPROVAL PROCESS
REVIEW PHASE 2
IMPLEMENTATION
FUNDING
(6410-01)
(P. 136)**

- (x) THAT Council authorize the expenditure of up to \$393,200 for Phase 2 of the Development Approval Process Review, funded by the Development Excess Reserve, as described in the memorandum titled “Development Approval Process Review Phase 2 Implementation Funding” dated September 13, 2021 and respectfully submitted by the Manager, Building and Licensing.

**LANDSCAPE
MAINTENANCE
CONTRACTS
(6100-14) (P. 138)**

- (xi) THAT Council receive the memorandum titled “Landscape Maintenance Contracts – Update” dated September 13, 2021, respectfully submitted by the Manager, parks and Public Space, for information.

B. Reports

**TAX EXEMPTION
AMENDMENT BYLAW
NUMBER 5870, 2021
(1970-16)
(P. 140)**

- (i) THAT Council receive the report titled “Tax Exemption Amendment Bylaw Number 5870, 2021” dated September 10, 2021 respectfully submitted by the Manager of Financial Operations;

AND FURTHER, that Council approve the recommendations of the Finance Committee for the Tax Exemption Amendment Bylaw Number 5870, 2021 as follows:

1. The following properties making new application be granted tax exemptions beginning in 2022 to the extent shown:
 - Kindale Developmental Association – B2814 44 Ave – 100% exemption phased in over 3 years
 - Upper Room Mission – 2708 34 St – 100% exemption phased in over 3 years
 - Vernon Elks Lodge – 3103 30 St – 100% exemption phased in over 3 years
 - Vernon Native Housing Society – 5545 27 Ave – 100% exemption phased in over 3 years
 - Vernon Community Arts Council – A2704 Hwy 6 – 75% exemption
 - Turning Points Collaborative Society – 3214 35 St – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3412 28 Ave – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3102 37 Ave – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 2700 35 St – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3905 30 Ave – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3912 30 Ave – 100% exemption phased in over 3 years
2. The tax exemptions for the following properties be amended beginning in 2022 to the extent shown:
 - Okanagan Boys & Girls Club – 3600 33 St – amend exemption from 80% of entire property assessment to 100% of Class 6 assessment only
 - Vernon & District Association for Community Living – 4240 Alexis Park Dr – amend exemption to include 100% of the entire property and amend Schedule “AA” of City of Vernon Tax Exemption Bylaw Number 5713, 2018 to reflect the expanded area
3. The tax exemptions for the following properties be deleted beginning in 2022 for the reasons shown:
 - Vernon Gospel Chapel – 4106 Pleasant Valley Rd – due to lack of submission of a renewal application as required by City of Vernon policy
 - Salvation Army – 3102 29 Ave – due to the closure of the thrift store and the listing of the property for sale
 - Vernon & District Association for Community Living – 1812 22 St – due to the sale of the property

- Turning Points Collaborative Society – 2307 43 St – due to the sale of the property

4. That Schedule “G” (“New 2020 Properties”) of City of Vernon Tax Exemption Bylaw Number 5713, 2018 be deleted by moving the properties in that schedule to Schedule “C” (“Social Service Properties”).

**NORTH OKANAGAN
ARTISTS
ALTERNATIVE
GALLERY VERTIGO –
MURAL REQUEST FOR
28001ST STREET
(01395.000/3320-20)
(P. 144)**

- (ii) THAT Council approve the mural on the south wall of the building located at 2800 31st Street as proposed by North Okanagan Artists Alternative Gallery Vertigo in their request dated August 6, 2021;

AND FURTHER, that Council approve the proposed mural design as submitted by North Okanagan Artists Alternative and included as Attachment 1 in the report titled “North Okanagan Artists Alternative Gallery Vertigo – Mural Request for 2800 31st Street” dated September 13, 2021 and respectfully submitted by the Economic Development Planner.

**THREE (3) YEAR
TRANSIT EXPANSION
INITIATIVE
MEMORANDUM OF
UNDERSTANDING
(8500-08)
(P. 153)**

- (iii) THAT Council authorize the addition of 2,600 transit hours per year for the new Local Transit Network Route #10 - Middleton Mountain starting September 2022 at a cost of \$178,270 annually, of which the City of Vernon will fund 48.92% (\$87,211 annual cost; \$29,070 2022 cost) of the operating costs;

AND FURTHER, that Council authorize the addition of 560 transit hours per year for additional Statutory Holiday Service starting September 2022 at a cost to the City of \$47,376 annually (\$15,792 2022 cost);

AND FURTHER, that Council approve that the funding of the new Route #10 – Middleton Mountain and additional Statutory Holiday service be partially funded from the Transit Expansion Reserve for three years (2022 to 2024) drawing \$108,400+/- in 2022, \$100,00 +/- in 2023 and \$75,000+/- in 2024;

AND FURTHER, that Council authorize Administration to sign the 3 Year Transit Expansion Initiatives Memorandum of Understanding, dated September 20, 2021 from BC Transit, for the addition of 2,600 transit hours for the new Local Transit Network Route #10 – Middleton Mountain and 560 transit hours for additional Statutory Holiday Service starting September 2022 as presented in the report titled “3 Year Transit Expansion Initiatives Memorandum of Understanding” dated September 20, 2021 and respectfully submitted by the Manager, Transportation;

AND FURTHER, that Council authorize the increase in transit operating expenditures substantially as presented in the report titled “3 Year Transit Expansion Initiatives Memorandum of Understanding” dated September 20, 2021 and respectfully submitted by the Manager, Transportation.

12. LEGISLATIVE MATTERS

A. Bylaws:

RESCIND READINGS

- 5775

(i) THAT Council rescind First, Second and Third Readings for Bylaw #5775, **6141 Highway 97 and 6162 Pleasant Valley Road Avenue Official Community Plan Amendment Bylaw Number 5775, 2019** – a bylaw to Redesignate the subject properties from “Community Commercial” (CCOM) to “Residential Medium Density” (RMD) AND from “Residential – Regional District of North Okanagan Electoral Areas B & C Official Community Plan” to “Residential Small Lot” (RSL). **(P. 167)**

- Memo dated September 16, 2021 from Matt Faucher, Current Planner, “6141 Highway 97 and 6162 Pleasant Valley Road Official Community Plan Amendment Bylaw #5775 – Request to Rescind Readings”. **(P. 170)**

RESCIND THIRD READING AND AMEND

- 5838

(ii) THAT Council **rescind** third reading of 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. **(P. 172)**

- Memo dated September 15, 2021 from Roy Nuriel, Economic Development Planner, “Housing Agreement Bylaw for 6335 Okanagan Landing Road. **(P. 184)**

ADOPTION

- 5866

(iii) THAT Bylaw #5866 **“9228 Kokanee Road Land Use Contract LTO Registration Number P2461, Discharge Bylaw Number 5866, 2021”**, to authorize the discharge of Rezoning Bylaw No. 292, 1978 and Land Use Contract Agreement Bylaw No. 291, 1978, LTO #P2461, be **adopted**. **(P. 198)**

- Memo dated September 14, 2021 from Michelle Austin, Current Planner, “9228 Kokanee Road Land Use Contract Discharge Bylaw 5866, 2021”, re: conditions met, consideration of adoption. **(P. 201)**

- 5871 (iv) THAT Bylaw #5871, “**Refuse Collection (Automated Garbage Collection) Amendment Bylaw Number 5871, 2021**” – a bylaw to amend Refuse Collection Bylaw Number 3148 to include provisions for automated garbage collection, be **adopted**. (P. 206)
- 5872 (v) THAT Bylaw #5872, “**Fees and Charges (Household Refuse Carts) Amendment Bylaw Number 5872, 2021**”, a bylaw to amend Fees and Charges Bylaw Number 3909 to amend fees for cost recovery of new or damaged carts, be **adopted**. (P. 219)

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

- 5867

- (vi) THAT Bylaw #5867, “**2904 26th Street City of Vernon Heritage Revitalization Agreement Bylaw Number 5867, 2021**” – a bylaw, pursuant to Part 15 of the *Local Government Act*, to enter into a Heritage Revitalization Agreement with the owner of a heritage property, be **read a first and second time**;

AND FURTHER, that the Public Hearing for Bylaw #5867 be scheduled for **Monday, October 25, 2021**, at **5:30 pm**, in Council Chambers. (P. 221)

**FIRST, SECOND &
THIRD READINGS**

- 5874

- (vii) THAT Bylaw #5874, **5545 and 5577 27th Avenue Housing Agreement Bylaw No. 5874, 2021**” – a bylaw to authorize a housing agreement, be **read a first, second and third time**. (P. 230)

- Memo dated September 9, 2021 from Roy Nuriel, Economic Development Planner, “Housing Agreement Bylaw for 5545 and 5577 27th Avenue”. (P. 235)

13. COUNCIL INFORMATION UPDATES

A. Mayor and Councillors Reports.

14. INFORMATION ITEMS

A. Minutes from the following Committee of Council:

- (i) Finance, July 7, 2021 (P. 242)

B. Email dated September 10, 2021 from the Honourable Mitzi Dean, Minister of Children and Family Development re: Foster Family Month in October. (P. 244)

C. Letter dated September 14, 2021 from Jennifer Graham, Director of Corporate Administration, District of Coldstream re: Proposed Active Living Centre – City of Vernon. (P. 246)

CLOSE

15. CLOSE OF MEETING

THE CORPORATION OF THE CITY OF VERNON

**MINUTES OF A REGULAR OPEN MEETING OF COUNCIL
HELD SEPTEMBER 7, 2021**

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, Chief Administrative Officer
P. Bridal, Deputy Chief Administrative Officer
K. Poole, Director, Community Safety, Lands and Safety
K. Austin, Manager, Legislative Services
J. Nicol, Deputy Corporate Officer
C. Poirier, Manager, Communications & Grants
D. Law, Director, Financial Services
J. Rice, Director, Operation Services
K. Flick, Director, Community Infrastructure & Development
R. Manjak, Director, Human Resources
D. Lind, Director, Vernon Fire Rescue Services
B. Bandy, Manager, Real Estate
G. Gaucher, General Manager, Municipal Support Services
S. Melenko, Information Technician 1

Others: Media and Members of the Public

Mayor Cumming called the Regular Open meeting to order at 8:40 am.

**LAND
ACKNOWLEDGEMENT**

*As Mayor of the City of Vernon, and in the spirit of this gathering,
I recognize the City of Vernon is located in the traditional territory of the
Siylix People of the Okanagan Nation.*

CONDOLENCES

Mayor Cumming expressed sadness with the passing of Councillor Nahal this past weekend. Condolences were extended to her family.

Mayor Cumming requested a motion to move to Committee of the Whole.

Mayor Cumming reconvened the Regular Open meeting at 8:43 am and requested a motion to move to In Camera.

**RESOLUTION TO
CLOSE MEETING**

Moved by Councillor Quiring, seconded by Councillor Fehr:

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;

CARRIED

Mayor Cumming called the Regular Open meeting back to order at 1:31 pm.

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, Chief Administrative Officer
K. Austin, Manager, Legislative Services
J. Nicol, Deputy Corporate Officer
C. Poirier, Manager, Communications and Grants
D. Law, Director, Financial Services

**LAND
ACKNOWLEDGEMENT**

As Mayor of the City of Vernon, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx People of the Okanagan Nation.

**HONOURING THE
PASSING OF
COUNCILLOR DALVIR
NAHLAL**

Mayor Cumming called for a moment of silence to honour the passing of Councillor Dalvir Nahal. Mayor Cumming then called for those Council Members who wished to say a few words regarding Councillor Nahal. Following Council remarks, Mayor Cumming invited members of the Nahal family to speak. Mayor Cumming offered condolences.

RECESS

Mayor Cumming called a brief recess at 1:47 pm.

RECONVENE

Mayor Cumming reconvened the Regular Council Meeting at 1:52 pm.

PRESENT: Mayor V. Cumming

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

Staff: W. Pearce, Chief Administrative Officer
K. Poole, Director, Community Safety, Lands and Administration
K. Austin, Manager, Legislative Services
J. Nicol, Deputy Corporate Officer
C. Poirier, Manager, Communications and Grants
K. Flick, Director, Community Infrastructure & Development Services
J. Rice, Director, Operation Services
D. Law, Director, Financial Services
D. Lind, Director, Vernon Fire Rescue Services*
K. Kryszak, Manager, Parks & Public Spaces Maintenance*
A. Watson, Manager, Transportation*
I. Adkins, Manager, Roads, Drainage and Airport*
M. Austin, Current Planner*
S. Melenko, Information Tech.*

**Attended, as required*

Others: Media and Members of the Public

ADOPTION OF THE AGENDA

APPROVAL OF ITEMS LISTED ON THE AGENDA

Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT the agenda for the September 7, 2021 Regular Open meeting of the Council of The Corporation of The City of Vernon be adopted amended to include:

1. SEE ITEM – 6. B. (i) General Matters – Public Input – Development Variance Application for 5577 27th Avenue (DVP00519)

- Email dated September 3, 2021 from Jake & Edna Derksen
- Email dated September 5, 2021 from Edith Schleiss

CARRIED

ADOPTION OF MINUTES

COUNCIL MEETINGS

Moved by Councillor Fehr, seconded by Councillor Gares:

THAT the minutes of the Regular Meeting of Council held August 16 , 2021 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held August 16, 2021 be received.

CARRIED

BUSINESS ARISING FROM THE MINUTES

GENERAL MATTERS

DELEGATION – NEURON MOBILITY (8300-10-01)

Isaac Ransom, Head of Government Relations - Canada, Ankush Karwal, General Manager – Canada, and Christopher Carroll, Vernon Operations Manager, from Neuron Mobility, provided Council with information and answer questions on the micro-mobility program in Vernon.

The following points were reviewed:

- Ridership, User Rating and Trip Duration / Distance
- Rules
- Riding zone and safety
- N3 Neuron e-scooter instructions
- Safety statistics – including helmet use

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive the September 7, 2021 presentation from Isaac Ransom, Head of Government Relations – Canada, Neuron Mobility.

CARRIED

**DEVELOPMENT
VARIANCE PERMIT
APPLICATION FOR
5577 27th AVENUE AND
HOUSING AGREEMENT
FOR 5545 AND 5577
27th AVENUE
(DVP00519)**

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council support Development Variance Permit Application #DVP00519 to vary the following sections of Zoning Bylaw #5000 to allow for a five storey, 35 unit, non-profit rental apartment building for Vernon Native Housing Society to be constructed on Lot Pt 10, Plan B1827, DL 66, ODYD (5577 27th Avenue):

- a) to vary the minimum side yard setback on the north side of the property from 4.5m to 3.2m (Section 9.12.5);
- b) to vary the maximum side yard projections of decks on the north side of the property from 0.8m to 1.6m (Section 4.4.2);
- c) to vary the maximum building height from the lesser of 16.5m or 4.5 storeys to 16.6m and 5.0 storeys (Section 9.12.5);
- d) to vary the minimum number of required off-street parking spaces from 63 spaces to 22 spaces (Section 7.1.2, Table 7.1); and
- e) to vary the maximum number of small car parking spaces from 40% to 50% (Section 7.1.11).

AND FURTHER, that Council support of DVP00519 is subject to the following:

- a) That the site plan, floor plan, elevations, landscaping plan and traffic impact assessment generally noted as Attachments 2-6 contained in the report titled “Development Variance Permit for 5577 27th Avenue and Housing Agreement for 5545 And 5577 27th Avenue” dated August 27, 2021 and respectfully submitted by the Economic Development Planner be attached to and form part of DVP00519 as Schedule ‘A’;

AND FURTHER, that Council support entering into a housing agreement pursuant to Section 4.9 of Zoning Bylaw #5000 with the Vernon Native Housing Society for two non-profit rental apartment buildings on Lot 1, Plan 5914, DL 66, ODYD (5545 27th Avenue) and Lot Pt 10, Plan B1827, DL 66, ODYD (5577 27th Avenue), subject to the following condition:

- a) that the terms and conditions of the housing agreement are those outlined in Attachment 9 contained in the report titled “Development Variance Permit for 5577 27th Avenue and Housing Agreement For 5545 And 5577 27th Avenue” dated August 27, 2021 and respectfully submitted by the Economic Development Planner;

AND FURTHER, that Council authorize the expenditure of up to \$278,040 for the payment of municipal Development Cost Charges for the development of a five storey, 35 unit, non-profit rental apartment building for Vernon Native Housing Society on Lot Pt 10, Plan B1827, DL 66, ODYD (5577 27th Avenue), funded by the Affordable Housing Reserve.

***Public Input
DVP #00519***

The Corporate Officer advised that two written submissions had been received:

- Email dated September 3, 2021 from Jake & Edna Derksen
- Email dated September 5, 2021 from Edith Schleiss

Mayor Cumming called a first time for representation from the public in attendance who believe their interest in property is affected by Development Variance Permit #00519.

1. David Newton and Josh Spruce

David Newton distributed a list of concerns at the meeting which included:

- Potable well water –pre-loading might affect their well water. Is there a contingency plan to ensure well will not be negatively affected?
- Variance – confusion regarding variance, would like an explanation of details
- Retaining wall – will it be built and is there a fence to be constructed as well?
- Would like a head planted to block light, maintenance to be done by new building manager
- Lighting – their home is lit up as a result of Phase 1 building. Has there been a light pollution study done for Phase 2?
- If the lot is pre-loaded, will parking be changed and will headlights will be shining into their home?
- Large tree that is not being maintained and making a mess
- Extreme concern regarding balcony clutter, noise, smoking, number of occupants per unit, barbeques/fire hazard and balcony lighting.
- **Council** – will there be pre-loading? **Admin.** is not aware of any pre-loading. No details have been provided regarding a fence.
- **Council** – what type of fence will be constructed? **Admin.** is not aware of the fencing type.

- **Council** – are privacy concerns being addressed? **Admin.** spoke to the use of the balconies and could include regulations to not enclose balconies to prevent storage but many of the balconies are very small.

2. Art Coles

- Clutter and noise is a concern – is there storage space within the building?
- Noise levels are also a concern as you can clearly hear conversations most nights
- Will clutter be controlled on balconies?

3. Jesse Alexander, Development Consultant for Vernon Native Housing Society

- Well water concerns – no pre-loading is anticipated, building is slab on grade
- Set back variance – variance is for north boundary, only property affected is the Phase 1 building
- Retaining wall, fencing and lighting – no grade changes proposed, fence will be chain link, Development Consultant will provide business card for those who have questions. Landscaping includes a number of trees and screen shrubs to block some noise and headlights
- Noise – most activity and playground is toward centre of development between buildings so not to directly impact neighbours
- Storage – there are several storage areas proposed throughout building as well as scooter parking and a bike parking room.

Mayor Cumming called a second, third and final time for representation from the public, and there being none, Mayor Cumming closed the Public Input for DVP#00519.

THE QUESTION WAS CALLED ON THE MAIN MOTION AND DECLARED CARRIED, with Councillor Anderson opposed.

Issuance of Permit #00519

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT the Corporate Officer be authorized to issue Development Variance Permit #00519 for Lot Pt 10, Plan B1827, DL 66, ODYD (5577 27th Avenue), **once all conditions of Council have been met.**

CARRIED

COUNCIL INQUIRIES

GATE CLOSURE – MARSHALL FIELD

Council inquired regarding parking at Marshall Field. The gates lock at dusk. The three numbers written on the gate for assistance do not connect to any service that is still open. Suggestion that the Bylaw number be printed on the sign. An Admin. update will be provided.

WESTSIDE ROAD FIRE Council advised that residents are returning to the location of homes lost in the White Rock Lake fire. It is not the time to be in the area if you are not a resident, please be considerate of those that have lost everything.

COMMUNICIATIONS – KUDOS Council thanked the Communications Department for their timely, consistent and professional media releases.

PROOF OF VACCINATION REQUIREMENTS FOR RESTAURANTS Council expressed concern for the restaurant industry and the new requirement to ensure patrons show proof of vaccination. As these restaurants have been substantially impacted by COVID, this further requirement seems onerous.

SILVER STAR ROAD – TRAFFIC VOLUME Council inquired regarding the volume of traffic on Silver Star Road. This a concern as the number of homes grows in the Foothills neighbourhood? There is currently one road in and one road out. An Admin. update will be provided regarding expected traffic volumes at a later date.

ADMINISTRATION UPDATES

ADMINISTRATION UPDATES (0550-05) Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive the Administration Updates dated September 7, 2021, for information.

CARRIED

UNFINISHED BUSINESS

MICROMOBILITY PILOT (ELECTRIC KICK SCOOTERS) (8300-10) Moved by Councillor Fehr, seconded by Councillor Gares:

THAT Council receives for information the memorandum titled “Micromobility Pilot (Electric Kick Scooters)”, dated August 30, 2021 respectfully submitted by the Active Transportation Coordinator.

CARRIED

Councillor Quiring declared a conflict of interest as his firm (MQN) will be bidding on the construction of the Kin Race Track Lands. Councillor Quiring left the meeting at 3:25 pm.

**KIN RACE TRACK
LANDS PLAN
PROCESS UPDATE
(6520-32)**

Moved by Councillor Anderson, seconded by Councillor Mund :

THAT Council authorize the expenditure of up to \$1,600,000 for Kin Race Track Park site analysis/policy review/scoping, public engagement phases, conceptual design, final plan preparation and detailed design to be funded by the Kin Race Track Park Reserve, as outlined in the memorandum titled “Kin Race Track Lands Plan Process Update” dated August 24, 2021, respectfully submitted by the Manager, Long Range Planning and Sustainability.

CARRIED

Councillor Quiring returned to the meeting at 3:30 pm.

**SIDEWALK WORKS
CONTRIBUTION
AGREEMENT REFUND
PROCESS AND
PROGRESS
(2240-10)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive the memorandum titled “Sidewalk Works Contribution Agreement Refund Process and Progress” dated August 18, 2021 and respectfully submitted by the Manager, Engineering Development Services, for information.

CARRIED

**LAKEVIEW WADING
POOL REVITALIZATION
PROJECT – DESIGN
(8000-02-03-06)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council authorize Administration to proceed with the consultation and design work for the Lakeview Wading Pool Revitalization and Spray Park Project, as presented in the memorandum titled “Lakeview Wading Pool Revitalization Project – Design” dated August 31, 2021 and respectfully submitted by the Director, Recreation Services.

CARRIED

MATTERS REFERRED

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the August 16, 2021, In Camera meeting:

*‘THAT Council appoint Mr. Bobby Bissessar to the Tourism Commission as the **Accommodation Provider** representative for The Outback Lakeside Vacation Homes until January 2022;*

*AND FURTHER, that Council **declassify** and remove from in camera the appointment of a member to the Tourism Commission once Mr. Bobby Bissessar has been notified of the appointment “.*

THAT Council brings forward, as public information, the following motions **declassified** from confidential to non-confidential at the May 25, 2021, In Camera meeting:

**KAL TIRE PLACE
FACILITY USE
AGREEMENT – RINK
(7840-06)**

‘THAT Council authorize the Mayor and Corporate Officer to execute the Facility Use Agreement with RINK Hockey Academy as substantially presented in the memo titled “Kal Tire North Facility Use Agreement – RINK”, dated May 14, 2021 respectfully submitted by the Director, Recreation Services;

*AND FURTHER, that Council **declassify** the resolution from in camera after the **fully executed Facility Use Agreement has been signed by all parties.**’*

NEW BUSINESS

Correspondence:

**2022 RCMP BUDGET
(1700-02 2022)**

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council receive the memorandum titled “2022 RCMP Budget” dated August 27, 2021 and respectfully submitted by the Director, Financial Services, for information.

CARRIED

**POLSON PARK FENCE
REMOVAL
(6100-14)**

Moved by Councillor Fehr, seconded by Councillor Mund:

THAT Council receive the memorandum titled “Polson Park Fence Removal” dated August 24, 2021, respectfully submitted by the Manager, Parks and Public Spaces;

AND FURTHER, that Council authorize the expenditure of up to \$10,000 to remove 170m of chain link fence in Polson Park located at the northeast side of the Oval and replace with large boulders spaced at 1.5m, to be funded by the 2020 Unexpended Uncommitted reserve.

CARRIED

**MARSHALL FIELDS –
RECONSTRUCTION OF
INFIELD DIAMONDS
(6100-14)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council receive the memorandum titled “Marshall Fields – Reconstruction of Infield Diamonds” dated August 27, 2021, respectfully submitted by the Manager, Parks and Public Spaces;

AND FURTHER, That Council authorize the expenditure of up to \$10,000 to install additional infield shale and modify the irrigation system, to be funded by the 2020 Unexpended Uncommitted reserve.

CARRIED

**COUNCIL & STAFF
TRAVEL POLICY
AMENDMENTS
(1630-01)**

Moved by Councillor Fehr, seconded by Councillor Quiring:

THAT Council receive the memorandum titled “Council & Staff Travel Policy Amendments” dated August 27, 2021 respectfully submitted by Manager, Financial Operations;

AND FURTHER, that Council authorize Administration to amend the Staff Travel Policy and the Travel and Expense Policy – Mayor, Council, Boards and Committees as follows:

- Deletion of all references to a mileage rate of \$0.52 per km;
- Deletion of the Standard Destination Distances schedule;
- Deletion of the 6:00 am – 6:00 pm time reference for meal per diem rates;
- Addition of time references for per diems as follows:
 - Breakfast - (leave before 6:00 am, return after 10:00 am)
 - Lunch - (leave before 10:00 am, return after 2:00 pm)
 - Dinner - (leave before 2:00 pm, return after 6:00 pm)
 - Incidental expense - (absent at least 24 consecutive hours or more)
- Addition of a definition for incidental expenses as follows:
 - Incidental expenses typically include such items as: metered parking where no receipt is available, small personal expenses, tips on meals or other snack foods and beverages (except alcohol).
- Change Section reference to indicate both policies are a Financial Services policy.
- Rearrange “Authorization to Travel” section in the Staff Travel Policy to the beginning of the policy.

CARRIED

**COUNCIL STRATEGIC
PLAN – PROPOSED
ACTION PLAN
2021/2022
(0530-05)**

Moved by Councillor Mund, seconded by Councillor Gares:

THAT Council endorse the proposed Action Plan 2021/2022 as attached to the memorandum titled *Council Strategic Plan – Proposed Action Plan 2021/2022* dated August 27, 2021 and respectfully submitted by the Director, Community Infrastructure and Development.

CARRIED

*Councillor Fehr left the meeting at 4:00 pm and returned at 4:02 pm.
Councillor Mund left the meeting at 4:12 pm and returned at 4:14 pm.*

**AUTOMATED WASTE
COLLECTION UPDATE
(5360-05)**

Moved by Councillor Fehr, seconded by Councillor Mund:

THAT Council receive the memorandum titled “Automated Waste Collection Update” dated August 30, 2021, respectfully submitted by the Manager, Roads, Drainage and Airport, for information;

AND FURTHER, that Council direct Administration to report back to Council in June of 2022, following the commencement of the new Waste Collection Services contract.

WITHDRAWN

Moved by Councillor Mund, seconded by Councillor Anderson:

THAT Council receive the memorandum titled “Automated Waste Collection Update” dated August 30, 2021, respectfully submitted by the Manager, Roads, Drainage and Airport, for information;

AND FURTHER, that Council authorize Administration to purchase 500, 120 litre waste collection bins at a cost not to exceed \$50,000 to be funded by Residential Garbage Collection user fees;

AND FURTHER, that Council direct Administration to bring forward subsequent amendments to the Fees and Charges Bylaw #3909 and Waste Collection Bylaw #3148 for Council’s consideration.

AND FURTHER, that Council direct Administration to provide 120 litre waste collection bins to residents who request a smaller bin size than the standard 240 litre waste collection bin.

CARRIED

Reports:

**UBCM COMMUNITY
RESILIENCY
INVESTMENT
PROGRAM – 2022
FIRESMART
COMMUNITY FUNDING
& SUPPORTS
(1855-20)**

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council authorize Administration to apply for a \$150,000 grant from the “*UBCM Community Resiliency Investment Program – 2022 FireSmart Community Funding & Supports*”, as attached to the Report of the same titled, dated August 27, 2021 and respectfully submitted by the FireSmart Coordinator;

AND FURTHER, that Council authorize Administration to assume overall grant management.

CARRIED

**HERITAGE
REVITALIZATION
AGREEMENT
APPLICATION FOR
2904 26th STREET
(HRA00007)**

Moved by Councillor Fehr, seconded by Councillor Mund:

THAT Council recognize Lots 5-6, Plan 327, Blk 20, Sec 34, Tp 9, Plan 327 (2904 26th Street) and the residential building thereon as having heritage value, based on the Conservation Plan – Statement of Significance, dated August 16, 2021 by Robert Inwood of Mainstreet Concept Design;

AND FURTHER, that Council support Application #HRA00007 to enter into a Heritage Revitalization Agreement with the owners of Lots 5-6, Plan 327, Blk 20, Sec 34, Tp 9, Plan 327 (2904 26th Street) to rehabilitate the exterior of the single detached house to its authentic historic Craftsman appearance and to allow the single detached house and property to be used for Health Services, subject to the Heritage Revitalization Agreement including, but not limited to, the following provisions:

- a) A term of six (6) years for the Health Services use, upon which time the permitted uses revert back to only those allowed under the applicable zoning of the property;
- b) Parking and bicycle parking requirements based on the Health Services use in Zoning Bylaw #5000 and as shown on the Site Plan, dated August 24, 2021, by 925R Design Inc;
- c) Landscaping and fencing requirements generally based on Zoning Bylaw #5000 and as shown on the Landscape Plan, dated August 24, 2021, by 925R Design Inc;
- d) Days and hours of operation for Health Services Use being restricted to Monday to Friday from 7 a.m. to 7 p.m.;
- e) That the Health Services use comply with the B.C. Building Code and with all relevant City of Vernon bylaws including, but not limited to, the Business License Bylaw, the Building and Plumbing Bylaw, the Zoning Bylaw, the Sign Bylaw, the Good Neighbour Bylaw, the Landscape Maintenance Bylaw and the Traffic Bylaw;
- f) A Conservation Plan, dated August 16, 2021, by Mainstreet Concept Design including the following parts:
 - i. Part I – A description of the character, extent and nature of the heritage value of the subject property/residential building;
 - ii. Part II – The scope, timing and phasing of the rehabilitation work and stipulations for conservation measures and techniques to be used;

- iii. Part III – The requirements for conserving and maintaining the improvements and features of the residential building;

AND FURTHER, that prior to adoption of Bylaw #5867 – A Bylaw to Enter into a Heritage Revitalization Agreement, the owners of Lots 5-6, Plan 327, Blk 20, Sec 34, Tp 9, Plan 327 (2904 26th Street) complete the following:

- a) Provision of parking based on the Health Services use in Zoning Bylaw #5000 and as shown on the Site Plan, dated August 24, 2021, by 925R Design Inc. A minimum of six (6) on-site parking spaces are required, three (3) of which must be permeable to ensure the total site coverage, including buildings, structures and impermeable surfaces, does not exceed 50%;
- b) Provision of bicycle parking based on the Health Services use in Zoning Bylaw #5000 and as shown on the Site Plan, dated August 24, 2021, by 925R Design Inc. A minimum of one (1) Class I bicycle parking space for employees and a minimum of two (2) Class II bicycle parking spaces for clients is required;
- c) Provision of landscaping (including irrigation) and fencing in general accordance with Zoning Bylaw #5000 and as shown on the Landscape Plan, dated August 24, 2021, by 925R Design Inc as follows:
 - i. A minimum 1.5-metre-wide vegetative landscape buffer (Level 1) shall be provided along the front of the proposed parking area, along the south lot line from the rear lot line to the southwest corner of the building and along the south side lot line from the front lot line to the southeast corner of the building;
 - ii. Fencing shall be provided along the south side lot line from the rear lot line to the southeast corner of the building; and
- d) Completion of Stage 1 – Year 1 rehabilitation works outlined in Part 2 of the Conservation Plan, dated August 16, 2021, by Mainstreet Concept Design.

CARRIED

REFUSE COLLECTION BYLAW #3148 AND FEES AND CHARGES BYLAW #3909 (5360-05)

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Council receive the report titled “Refuse Collection Bylaw #3148 and Fees and Charges Bylaw #3909” dated August 24, 2021, respectfully submitted by the Manager, Roads Drainage and Airport;

AND FURTHER, that Council approve the amendments to the to the Refuse Bylaw #3148, as shown in red on Attachment A, included in

the report titled “Refuse Collection Bylaw #3148 and Fees and Charges Bylaw #3909” dated August 24, 2021;

AND FURTHER, that Council approve the amendments to Schedule A of the Fees and Charges Bylaw #3909, as shown in red on Attachment B, included in the report titled “Refuse Collection Bylaw #3148 and Fees and Charges Bylaw #3909” dated August 24, 2021.

CARRIED

LEGISLATIVE MATTERS

Bylaws:

ADOPTION

- 5790

Moved by Councillor Quiring, seconded by Councillor Fehr:

THAT Bylaw #5790, “**5577 27th Avenue Rezoning Amendment Bylaw Number 5790, 2019**” – a bylaw to rezone the subject property from “R1: Estate Lot Residential” to “RH1: Low-Rise Apartment Residential”, be **adopted**.

CARRIED

- 5862

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Bylaw #5862, “**Emergency Program Regulatory Bylaw Number 5862, 2021**” - a bylaw to develop and implement plans for emergencies and disasters in the City pursuant to the *Emergency Program Act*, R.S.B.C. 1996, c. 111, be **adopted**.

CARRIED

- 5868

Moved by Councillor Mund, seconded by Councillor Quiring:

THAT Bylaw #5868, “**2600 35th Street Housing Agreement Bylaw No. 5868, 2021**” - a bylaw to authorize a housing agreement, be **adopted**.

CARRIED

**FIRST, SECOND &
THIRD READINGS**

- 5871

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Bylaw #5871, “**Refuse Collection (Automated Garbage Collection) Amendment Bylaw Number 5871, 2021**” – a bylaw to amend Refuse Collection Bylaw Number 3148 to include provisions for automated garbage collection, be **read a first, second and third time**.

CARRIED

• 5872

Moved by Councillor Mund, seconded by Councillor Fehr:

THAT Bylaw #5872, “**Fees and Charges (Household Refuse Carts) Amendment Bylaw Number 5872, 2021**”, a bylaw to amend Fees and Charges Bylaw Number 3909 to amend fees for cost recovery of new or damaged carts, be **read a first, second and third time.**

CARRIED

COUNCIL INFORMATION UPDATES

Councillor Brian Quiring

- No report

Councillor Kelly Fehr:

Attended:

- Affordable Housing Advisory Committee
- Food Drive will be held on September 5, 2021
- Please vote on September 20, 2021

Councillor Kari Gares:

- No report

Councillor Scott Anderson:

- No report

Councillor Akbal Mund

- No report

Mayor Victor Cumming:

Attended:

- Advisory Planning Committee
- Coldstream CAO – Policing meeting
- Emergency Operations Centre (EOC)
- Tourism Commission
- EOC
- Holidays – thanks to Councillor Mund for filling in as Acting Mayor
- Tour of Ellison Park
- Coldstream Presentation re Active Living Centre
- Greater Vernon Advisory Committee – Health Defender
- Mayors Vaccination Call
- Emergency services site visit

INFORMATION ITEMS

Council received the following information items:

- A.** Minutes from the following Committees of Council:
- (i)** Affordable Housing Advisory, January 13, 2021

- (ii) Advisory Planning, June 29, 2021
- (iii) Advisory Planning, July 20, 2021
- (iv) Tourism Commission, August 21, 2021

B. Letter dated August 19, 2021 from Krystin Kempton, President, Greater Vernon Chamber of Commerce, re: Permanent, paid sick leave.

C. Letter dated August 31, 2021 from R. Garry Rayner, Vernon Coldstream Co-Chair Organizer, B.C. Annual Food Drive re: Food Drive on September 25, 2021.

CLOSE

Mayor Cumming closed the Regular Open Meeting of the Council of the Corporation of the City of Vernon at 4:46 pm.

CERTIFIED CORRECT:

Mayor

Corporate Officer

August 30, 2021

Debra Law
Director, Financial Services
City of Vernon
3400 30th Street
Vernon, BC V1T 5E6

Dear Ms. Law:

We are pleased to inform you, based on the examination of your budget by a panel of independent reviewers, that your budget document has been awarded the Distinguished Budget Presentation Award from Government Finance Officers Association (GFOA) for the current fiscal period. This award is the highest form of recognition in governmental budgeting. Its attainment represents a significant achievement by your organization.

The Distinguished Budget Presentation Award is valid for one year. To continue your participation in the program, it will be necessary to submit your next annual budget document to GFOA within 90 days of the proposed budget's submission to the legislature or within 90 days of the budget's final adoption. Information about how to submit an application for the Distinguished Budget Program application is posted on GFOA's website.

Each program participant is provided with confidential comments and suggestions for possible improvements to the budget document. Your comments are enclosed. We urge you to carefully consider the suggestions offered by our reviewers as you prepare your next budget.

When a Distinguished Budget Presentation Award is granted to an entity, a Certificate of Recognition for Budget Presentation is also presented to the individual(s) or department designated as being primarily responsible for its having achieved the award. Enclosed is a Certificate of Recognition for Budget Preparation for:

City of Vernon

Continuing participants will receive a brass medallion that will be mailed separately. First-time recipients will receive an award plaque within eight to ten weeks. Enclosed is a camera-ready reproduction of the award for inclusion in your next budget. If you reproduce the camera-ready image in your next budget, it should be accompanied by a statement indicating continued compliance with program criteria. The following standardized text should be used:

Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to **City of Vernon, British Columbia**, for its Annual Budget for the fiscal year beginning **January 01, 2021**. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as a financial plan, as an operations guide, and as a communications device.

This award is valid for a period of one year only. We believe our current budget continues to conform to program requirements, and we are submitting it to GFOA to determine its eligibility for another award.

A press release is enclosed.

Upon request, GFOA can provide a video from its Executive Director congratulating your specific entity for winning the Budget Award.

We appreciate your participation in this program, and we sincerely hope that your example will encourage others in their efforts to achieve and maintain excellence in governmental budgeting. The most current list of award recipients can be found on GFOA's website at www.gfoa.org. If we can be of further assistance, please contact the Technical Services Center at (312) 977-9700.

Sincerely,

A handwritten signature in black ink, reading "Michele Mark Levine". The signature is written in a cursive, flowing style.

Michele Mark Levine
Director, Technical Services Center

Enclosure



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Craig Broderick, Manager, Current Planning
Matt Faucher, Planner, Current Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 27, 2021
REPORT DATE: September 15, 2021
FILE: DVP00476

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 5400 OKANAGAN AVENUE**

PURPOSE:

To review the Development Variance Permit application for 5400 Okanagan Avenue to vary sections of Zoning Bylaw #5000 in order to construct a 36-unit townhouse development consisting of duplexes, triplexes and fourplexes on a lot with complex slopes in excess of 30%.

RECOMMENDATION:

THAT Council deny Development Variance Permit Application DVP00476 to vary the following sections of Zoning Bylaw #5000 in order to construct a 36-unit townhouse development on Part 3.0 Acres More or Less of the Northwest ¼ of Sec. 28 shown on Plan B3911, TWN. 9 ODYD exc. Plans KAP50675 and KAP58681 (5400 Okanagan Avenue):

- a) to vary Section 9.11.6 building height from 2.5 storeys to 3 storeys to accommodate required visitor parking stalls between buildings 1, 2, 9, 10 and 11; and
- b) to vary Section 6.6.3 to reduce the minimum requirement of the number of trees per lineal metre of required landscape buffer from 1 tree per 10.0 lineal metre to 1 tree per 13.75 lineal metre.

AND FURTHER, that Council deny confirmation of its previous approval of Development Variance Permit Application DVP00435 to vary Zoning Bylaw #5000:

- a) Section 4.16.1 to allow construction of a building, structure and swimming pool on slopes of 30% or greater; and
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 3.6m.

AND FURTHER, that Council confirm its previous approval of Development Variance Permit Application DVP00382:

- a) to vary Zoning Bylaw #5000 Section 9.11.6 to reduce the minimum dwelling unit width from 6.5m to 4.8m; and
- b) to vary the off-site works requirements of Subdivision and Development Servicing Bylaw #3843 (Schedule A – Level of Service) standards to Integrated Transportation Framework (ITF – Section 2-1) standards.

AND FURTHER, that Council confirms its previous approval of DVP00382 is subject to the following:

- a) That the proposed development does not exceed the maximum site coverage of impermeable surfaces of 55% as outlined in the RM2 Zone.

Note: This recommendation confirms support for two of the six proposed variances subject to the conditions outlined by Administration. The applicant would be required to submit an updated plan to develop the subject property in accordance with the requirements of the Zoning Bylaw and Hillside Guidelines.

ALTERNATIVES & IMPLICATIONS:

THAT Council deny Development Variance Permit Application (DVP00476) to vary the following section of Zoning Bylaw #5000 in order to construct a 36-unit townhouse development on Part 3.0 Acres More or Less of the Northwest ¼ of Sec. 28 shown on Plan B3911, TWN. 9 ODYD exc. Plans KAP50675 and KAP58681 (5400 Okanagan Avenue):

- a) to vary Section 9.11.6 building height from 2.5 storeys to 3 storeys to accommodate required visitor parking stalls between buildings 1, 2, 9, 10 and 11; and
- b) to vary Section 6.6.3 to reduce the minimum requirement of the number of trees per lineal metre of required landscape buffer from 1 tree per 10.0 lineal metre to 1 tree per 13.75 lineal metre.

AND FURTHER, that Council confirm its previous approval of Development Variance Permit Application DVP00435 to vary Zoning Bylaw #5000:

- a) Section 4.16.1 to allow the construction of a building, structure or swimming pool on slopes of 30% or greater; and
- b) Section 6.5.11 to increase the maximum height of a retaining wall from 1.2 m to 3.6 m.

AND FURTHER, that Council confirm its previous approval of Development Variance Permit Application DVP00382 to:

- a) vary Zoning Bylaw #5000 Section 9.11.6 to reduce the minimum dwelling unit width from 6.5m to 4.8m; and
- b) vary the off-site works requirements of Subdivision and Development Servicing Bylaw #3843 (Schedule A – Level of Service) standards to Integrated Transportation Framework (ITF – Section 2-1) standards.

AND FURTHER, that Council's confirmation of its previous approval of DVP00382 and DVP00435 is subject to the following:

- a) The applicant is to provide a geotechnical report, site plan and design drawings clearly demonstrating to the satisfaction of Administration that the proposed retaining structures can be established on the land in a manner that is safe, as well as that the construction and maintenance of the retaining structures do not impact or encroach onto adjacent properties;
- b) That a no build, no disturb covenant be registered on title to protect the manufactured slope and any supporting infrastructure (e.g. geogrid) required to establish the stability of the retaining structures, as well as any other areas identified by the engineer responsible for the design, construction and inspection of the structures;

- c) That the applicant register a covenant on title outlining an inspection and maintenance plan prepared and sealed by a Geotechnical Engineer registered with EGBC to ensure monitoring and repairs are conducted as needed for the safety of future residents and the protection of neighbouring properties; and
- d) That the proposed development does not exceed the maximum site coverage of impermeable surfaces of 55% as outlined in the RM2 Zone.

Note: This alternative allows the development to proceed with modifications to incorporate visitor parking and landscaping in accordance with regulations contained in Zoning Bylaw #5000, subject to the conditions outlined by Administration.

ANALYSIS:

A. Committee Recommendations:

At its meeting of August 17, 2021, the Advisory Planning Committee passed the following resolution:

"THAT Council deny Development Variance Permit Application (DVP00476) to vary the following section of Zoning Bylaw #5000 in order to construct a 36-unit townhouse development on Part 3.0 Acres More or Less of the Northwest ¼ of Sec. 28 shown on Plan B3911, TWN. 9 ODYD exc. Plans KAP50675 and KAP58681 (5400 Okanagan Avenue):

- a) to vary Section 9.11.6 building height from 2.5 storeys to 3 storeys to accommodate required visitor parking stalls between buildings 1, 2, 9, 10 and 11;*
- b) to vary Section 6.6.3 to reduce the minimum requirement of the number of trees per lineal metre of required landscape buffer from 1 tree per 10.0 lineal metre to 1 tree per 13.75 lineal metre; and*
- c) to vary Section 4.16.1 to allow construction of a building, structure and swimming pool on slopes of 30% or greater;*

AND FURTHER, that Council confirm its previous approval of Development Variance Permit Application DVP00382 to vary Zoning Bylaw #5000 Section 9.11.6 to reduce the minimum dwelling unit width from 6.5 m to 4.8 m and to vary the off-site works requirements of Subdivision and Development Servicing Bylaw No. 3843 (Schedule A – Level of Service) standards to Integrated Transportation Framework (ITF – Section 2-1) standards;

AND FURTHER, that Council confirm its previous approval of a portion of Development Variance Permit Application DVP00435 to vary Zoning Bylaw #5000 Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 3.6m;

AND FURTHER, that Council's confirmation of its previous approval of DVP00435 is subject to the following:

- a) The applicant is to provide a geotechnical report, site plan and design drawings clearly demonstrating to the satisfaction of Administration that the proposed retaining structures can be established on the land in a manner that is safe, as well as that the construction and maintenance of the retaining structures do not impact or encroach onto adjacent properties; and*
- b) That a no build, no disturb covenant be registered on title to protect the proposed manufactured slope and any supporting infrastructure (e.g., geogrid) required to establish the global stability of*

the retaining structures, as well as any other areas identified by the engineer responsible for the design, construction and inspection of the structures;

AND FURTHER, that Council's support of DVP00476 is subject to the following:

That the design drawings, intended to illustrate the general form, character and massing of the proposed development, and noted as Attachment 1 in the report titled "Development Variance Permit Application for 5400 Okanagan Avenue" and dated August 12, 2021 by the Current Planner and the Manager, Current Planning be attached to and form part of DVP00476 as Schedule 'A'."

B. Rationale:

1. The subject property is located at 5400 Okanagan Avenue, as shown on Figures 1 and 2. The property is approximately 0.811 ha (2.0 ac) in size. The lot slopes upward from the road and backs onto Crown land, which contains a public trail. The proposed development consists of 36-unit townhouse strata (Attachment 1). Based on the City's lidar imagery, a significant portion of the slope is above 30% (Attachment 2). Two ravines are located in the southern portion of the property, one of which contains slopes of 40% - 50%. The property is currently undeveloped, with some trees and shrubs located near Okanagan Avenue and within the ravine areas.



Figure 1 – Property Location Map

2. The proposed development has made various applications to the City dating back to October 2016. The subject property was rezoned from R5 to RM2 in March 2018. Additionally, DVP00382 was approved by Council and supported by Administration as the Subdivision, Development and Servicing Bylaw #3843 was in the process of being amended to incorporate Integrated Transportation Framework (ITF) Standards. The applicant did not complete the requirements before the approval lapsed (one year). In June 2018, an application was received for DVP00435 to allow for construction on lands with slopes greater than 30% and to triple the maximum allowable height of a retaining wall. The application initially requested the maximum height of a retaining wall be increased to 6.0m. Administration supported the application to increase the maximum height of a retaining wall to 3.6m as a compromise to support the development moving forward and respect previous approvals granted to the proposed development. However, the Development Variance Permit was not issued within the permitted timeframe and the approval has subsequently lapsed. In January 2020, an application was made to the City requesting variances to the maximum building height and reduction in landscaping requirements, as well as an additional request to reinstate Council's previous approvals.

3. The application proposes to vary the following sections of Zoning Bylaw #5000 in order to construct a 36-unit townhouse development:
 - a) to vary Section 9.11.6 building height from 2.5 storeys to 3 storeys in order to provide required parking stalls between buildings 1, 2, 9, 10 and 11;
 - b) to vary Section 6.6.3 to reduce the minimum requirement of the number of trees per lineal metre of required landscape buffer from 1 tree per 10.0 lineal metre to 1 tree per 13.75 lineal metre;
 - c) to confirm variances approved in DVP00435:
 - i. to vary Section 6.5.11 to increase the maximum height of a retaining wall from 1.2m to 3.6m;
 - ii. to vary Section 4.16.1 to allow construction of a building, structure and swimming pool on slopes of 30% or greater;
 - d) to confirm variances approved in DVP00382:
 - i. to vary Section 9.11.6 to reduce the minimum dwelling unit width from 6.5m to 4.8m;
 - ii. to vary the off-site works requirements of Subdivision and Development Servicing Bylaw #3843 (Schedule A – Level of Service) standards to Integrated Transportation Framework (ITF – Section 2-1) standards.

4. The subject property is designated Residential Medium Density in the Official Community Plan (OCP) and was rezoned from R5 – Four Plex Residential to RM2 – Multiple Housing Residential (Attachment 3) in 2018 (ZON00277). As a condition of the zoning amendment, the applicant was required to register a restrictive covenant (Attachment 4) on title limiting the density permitted on the property to a maximum of 45.0 dwelling units per ha (18.2 dwelling units per ac). Given the size of the subject property, the maximum allowable density is 36 dwelling units. The staff report at the time noted that “OCP Policy 7.5 indicates that the maximum density is not necessarily appropriate or achievable in all areas, and that consideration is given to the density of surrounding development, designation of the land and optimizing infrastructure provision”.



Figure 2 – Aerial Photo of Property Location Map

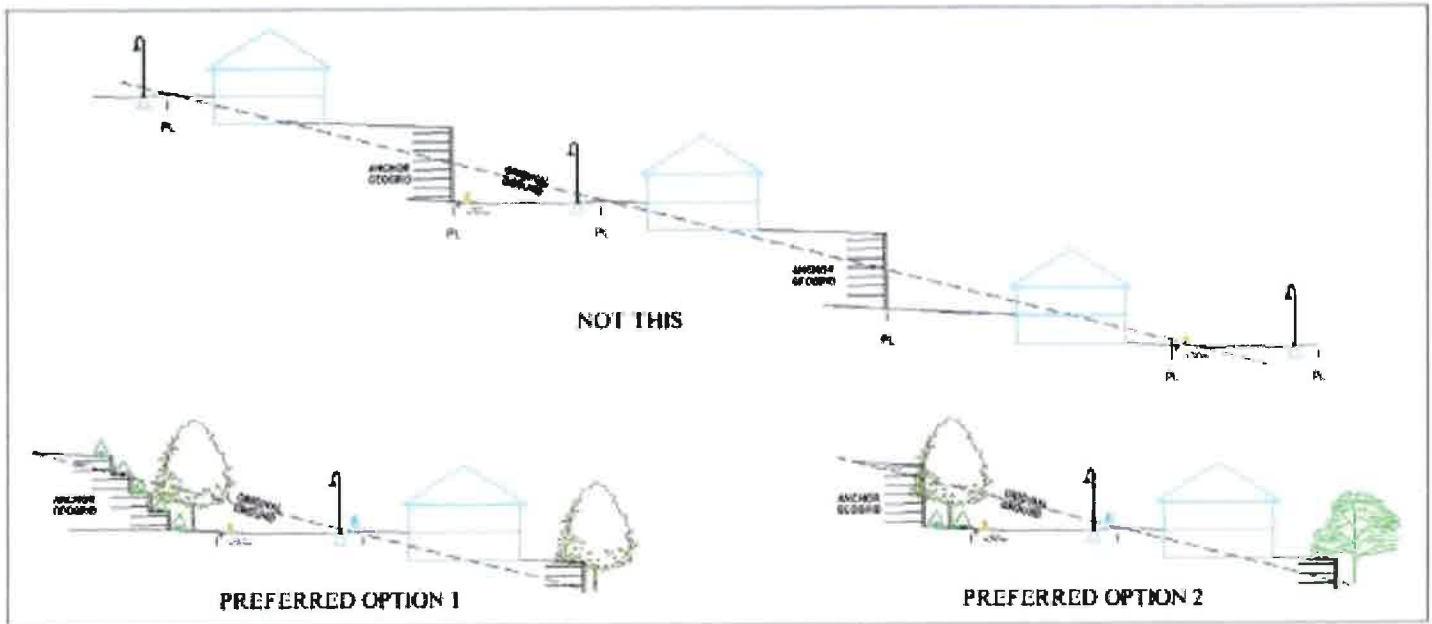
5. A 36-unit townhome development was proposed at that time, and site plan and elevation drawings accompanied the joint rezoning and development variance permit application (ZON00277/DVP00382). Council approved variances to minimum unit width (6.5m to 4.8m) and to off-site road works. DVP00382 was not issued within the required one year time period and Council's approval has lapsed. However, on July 18, 2017 the applicant entered into a Works Contribution Agreement for off-site works and provided the City with a \$32,328 contribution which fulfilled the requirements for issuance of DVP00382

as established by Council at the time of final consideration and adoption of ZON00277. As such, Administration recommends to re-confirm DVP00382.

6. On June 14, 2018, the owner of the subject property submitted an additional Development Variance Permit application (DVP00435). At its Regular Meeting of November 13, 2018, Council authorized the issuance of DVP00435 which varied the maximum height of a retaining wall from 1.2 m to 3.6m and authorized the construction of a building, structure or swimming pool on slopes of 30% or greater. DVP00382 was not issued within the required one year time period and Council's approval has lapsed. Administration recommends denying confirmation of both of these previously approved variances under DVP00435.
7. The City's *Hillside Guidelines* were established to assist the City and the development community in achieving safe, environmentally sound, attractive and livable hillside neighbourhoods. Zoning Bylaw #5000 Section 4.16 establishes that no construction of a building, structure or swimming pool is permitted on slopes 30% or greater. Much of the subject property exceeds 30% slopes with the sides of the ravines exceeding 40% (Attachment 2).
8. Section 3.1.c – Earthworks & Grading of the *Hillside Guidelines* (Attachment 5) provides guidance to developers in preparation of a site grading plan, as well as to Administration in evaluating grading plans for compliance with City standards. The proposed development does not align with any of the guidance provided in items a) through e) of *Section 3.1.c - Hillside Guidelines*, as follows:
 - a) The application proposes to fill in two ravines located on the subject lands to construct a road and create building platforms;
 - b) The application proposes establishing a large retaining wall along the top of slope creating sharp cuts which do not resemble pre-development slope conditions;
 - c) The application proposes to construct retaining walls along all of the interior and rear property lines creating a walled in box for the proposed development that does not establish rounded out slope transitions or blend transitions between adjacent lands;
 - d) To create the building pad areas, extensive retaining structures, as well as substantial cut and fill slopes, are identified. This requires significant material removal and infill to construct the proposed development; and
 - e) The proposal creates large flat terraces in order to expand the developable area. The proposal does not retain the native slope and vegetation at the edge of the required grading works.

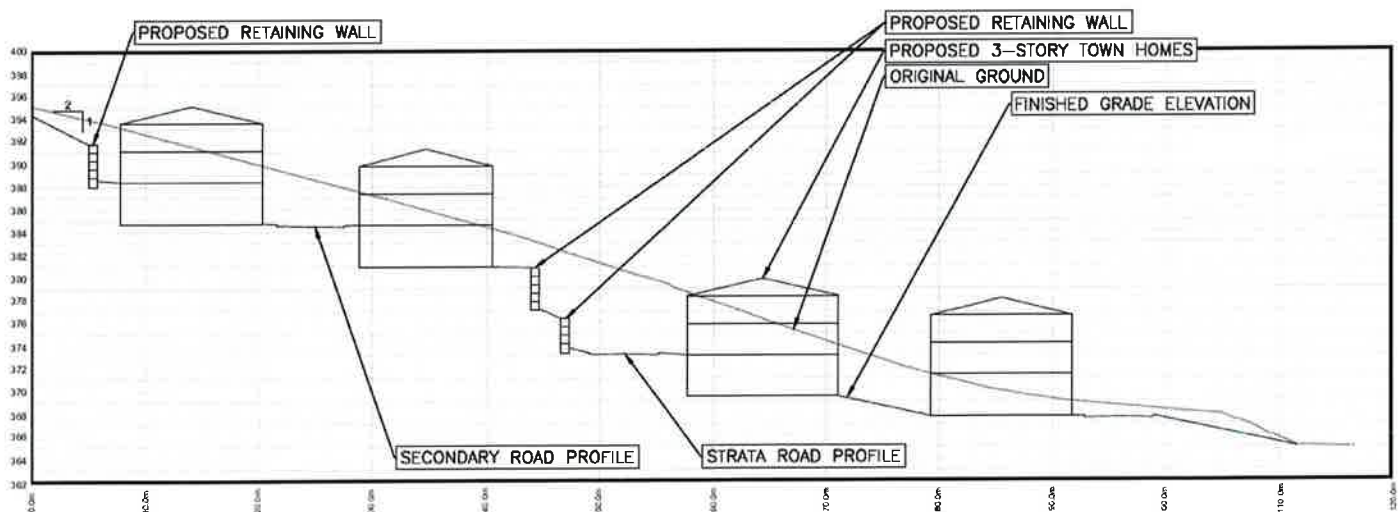
Furthermore, Figure 7 of the *Hillside Guidelines* (Figure 3 – below) clearly illustrates the City's preferred options for hillside development, as well as an illustration of the type of grading that is not preferred:

Figure 3 – Hillside Guidelines Figure 7



Cross-Section Detail 3 in Overall Site Grading Plan Cross-Sections (GR-2) Drawing No. 55-2 of the application (Figure 4) shows that the development as proposed is not in accordance with the City's preferred options and proposes significant cuts into the slope:

Figure 4 – Cross-Section Detail 3



CROSS-SECTION DETAIL - #3
SCALE: 1:500

9. While reviewing the file with the Advisory Planning Committee, questions were raised in regards to the overall site coverage. The maximum site coverage in the RM2 Zone is 50% and together with driveways, parking areas and impermeable surfaces shall not exceed 55%. As illustrated in the Site Plan prepared by SAATH Development Corp, dated October 2, 2020, the buildings cover 31% of the site and together with driveways, parking areas and impermeable surfaces, the total site coverage is as follows:

- Buildings: 2,554.83m²
- Paving (road, driveways, bike parking pads): 2,186.27m²
 - Less 1m from the roadway which will be permeable pavers (272.15m²)
 - Total Paving = 1,914.12m²
- Total impermeable surfaces = 4,468.95m²
- Total Lot Area = 8,111m²
- Total Site Coverage = 55.097%

Albeit by a small margin, the proposal exceeds the maximum allowable site coverage permitted in the RM2 Zone and the design ought to be adjusted to conform with the regulations.

10. Administration does not support the requested variances for the following reasons:

- a) Administration's review of the application considers a holistic view of the impacts created by the proposal on the subject property, as well as the surrounding properties. While each variance on its own may be palatable, the cumulative effect of the proposed variances indicates that the development exceeds what is suitable for the subject property. The development as proposed is pushing the boundaries of the RM2 zone beyond their maximum.

The proposal is requesting variances to:

- i. Increase building height to create room for the required visitor parking;
- ii. Reduce landscaping requirements as there is not enough room for the required number of trees;
- iii. Reduce the minimum dwelling unit width to fit the number of units proposed;
- iv. Permit construction on slopes greater than 30% to allow for the development of the proposed number of units; and
- v. Increase retaining wall height to support hillside modifications and significant cut/fill slopes.

Additionally, the development as proposed is in excess of the maximum site coverage permitted in the RM2 zone. When the application is viewed holistically, it is clear that the proposal is beyond what is considered reasonable development of the subject property. Regulations contained in Zoning Bylaw #5000 are to restrict development to a form that is reasonable for the specific considerations of the site, as well as to create spaces that encourage the use and enjoyment of property while mitigating negative impacts on residents of the development and neighbouring properties.

- b) Request to vary the 30% maximum slope and the proposed height from 2.5 storeys to 3 storeys to accommodate visitor parking:

- i. The site plan and cross-sections of the proposed development show a significant amount of site grading (both cut and fill) which is not supported by the *Hillside Guidelines*. Further removal of soils and the placement of deposits to fill in the ravines on the site are not supported by Administration.

- ii. The proposed development should be designed to accommodate the required parking for the number of proposed units without requiring a variance to further alter the natural topography and exceed the requirements of the RM2 Zone. Reduction in the number of units proposed would allow for the accommodation of the required spaces.
 - c) Request to vary the minimum number of trees required to be planted on the site:
 - i. The landscape buffer requirements established in Section 6.6 of Zoning Bylaw #5000 are not only meant for the benefit of future residents of the proposed development, but also to mitigate impacts on neighbouring properties. The proposed development ought to be designed to achieve the minimum landscape buffer standards established in Zoning Bylaw #5000. Administration does not support this variance as additional trees could be added to the Landscape Plan (Attachment 6) to meet requirements.
 - d) In general, the proposed townhouse development is not in keeping with the sloping nature of the site. An alternative design should be considered in order to arrive at a more suitable development for the subject property such as clustering units into an apartment or condo type of built form on the less steep portion of the site that avoids the ravines. The elements of the proposed design push the boundaries of the regulations contained in Zoning Bylaw #5000 which is demonstrated by the number of variances required to proceed. As well, the design in its current form, slightly exceeds the maximum allowable site coverage for impermeable surfaces.
 - e) Through the referral process, Administration raised concerns related to permitting a development that proposes to fill a ravine which is inconsistent with the OCP Guidelines, Zoning Bylaw #5000, as well as Subdivision and Development Services Bylaw #3843 and that alters a natural drainage course. The mapping available from the City indicates the ravine functions as part of a larger overland flow route having an upstream catchment area.
 - f) While the applicant has retained consultants and completed extensive design work for the site and proposed project, the proposed land use and resulting variances requested are not suitable given the physical characteristics of the subject property.
11. The adoption of the *Hillside Guidelines* in 2008 signalled the City's intention to move away from past development practices which require significant re-grading and utilize large retaining walls. While all retaining walls higher than 1.2 m require engineering design and certification, there is an ongoing maintenance requirement to ensure the integrity of the structure. In the long run, designing developments to maintain as much of the natural topographic character of the site as possible, using clustering, placing buildings into the slope, and minimizing site disturbance provides a more viable and sustainable option than large, extensive retaining walls and complete site regrading.

C. Attachments

Attachment 1 – Proposed Site Plan & Grading
Attachment 2 – Slope Overview
Attachment 3 – RM2 Multiple Housing Residential Zoning District
Attachment 4 – Restrictive Covenant
Attachment 5 – Section 3.1.c – Earthworks & Grading – *Hillside Guidelines*
Attachment 6 – Proposed Landscape Plan

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:

- Support sustainable neighbourhoods by implementing the OCP.

E. Relevant Policy/Bylaws/Resolutions:

1. Official Community Plan:
 - a. Section 26 Development Permit Areas
 - b. Section 28 Development Permit Area # 2 (Neighbourhood District)
 - c. Hillside Guidelines – Section 3.1.c Earthworks & Grading (Attachment 3)
2. Zoning Bylaw No. 5000:
 - a. Section 4.16.1 – Construction on Slopes > 30%
 - b. Section 6.5.11 – Maximum Height of a Retaining Wall
 - c. Section 6.6.3 – Minimum Landscape Buffer Standards
 - d. Section 9.11.6 – Maximum Building Height
 - e. Section 9.11.6 – Minimum Width of a Dwelling Unit
3. Subdivision and Development Servicing Bylaw No. 3853
 - a. Schedule A – Level of Service
4. Council Resolutions:
 - a. Authorization of DVP00382 – March 12, 2018
 - b. Authorization of DVP00435 and confirmation of Authorization of DVP00382 – November 13, 2018

The property is subject to Development Permit approval and must comply with the *City of Vernon Hillside Guidelines*, the *Environmental Management Areas Strategy*, and guidelines contained in Sections 26 and 28 of the Official Community Plan.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Sep 22 2021 9:32 AM

X Matt Faucher ✓

Matt Faucher

DocuSign

Matt Faucher,
Planner, Current Planning

Sep 22 2021 9:32 AM

X Craig Broderick ✓

DocuSign

Craig Broderick
Manager, Current Planning

Sep 22 2021 9:32 AM

X Kim Flick ✓

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Kim Flick
Director, Community Infrastructure and Development

Approved for submission to Council:

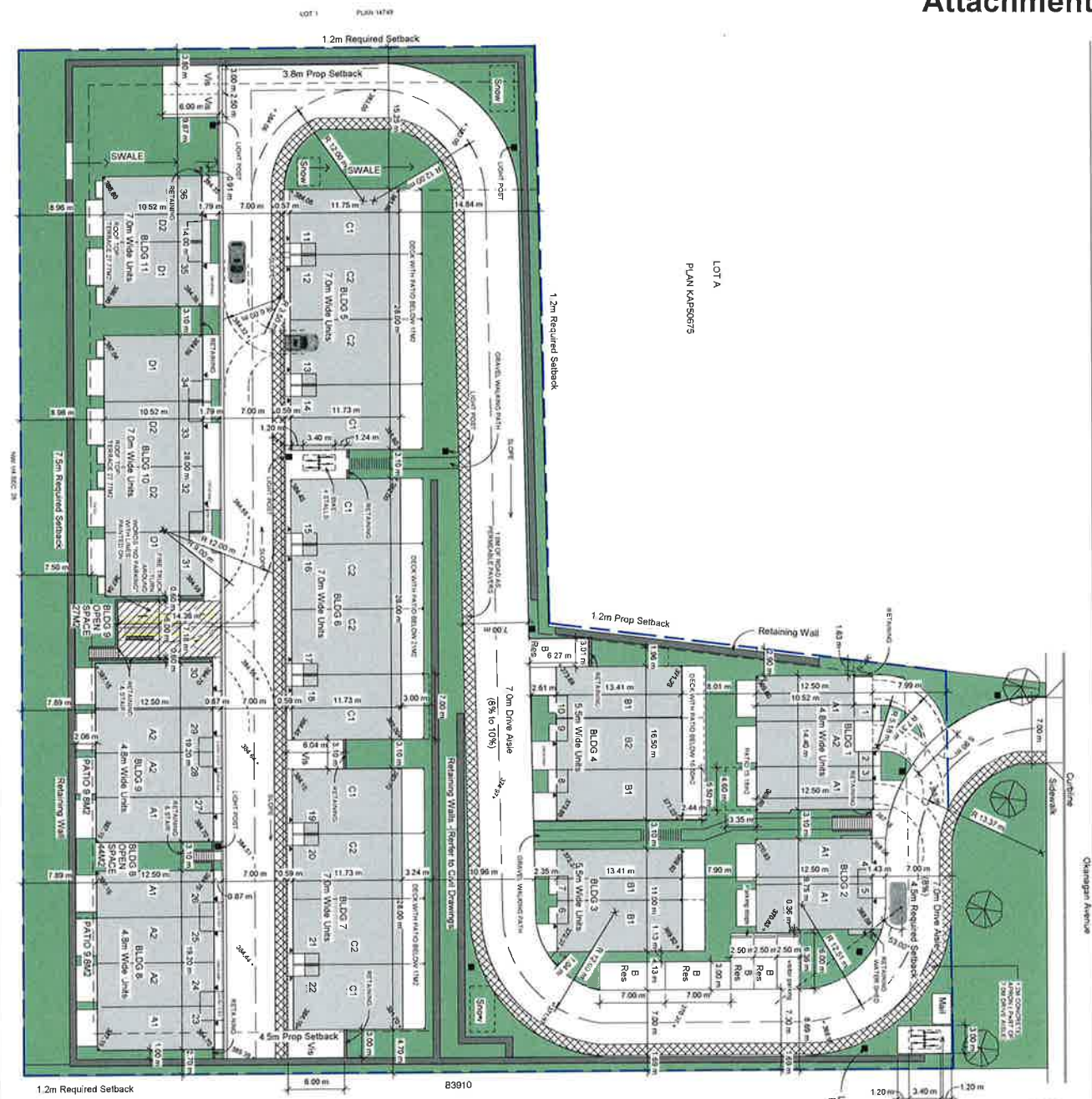
Will Pearce, CAO

Date: 22. SEPT. 2021

REVIEWED WITH

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| <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 type="checkbox"/> Transportation |
| <input type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input checked="" type="checkbox"/> COMMITTEE: APC (Oct. 10/18) | | |
| <input type="checkbox"/> OTHER: | | |

G:\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00476\2
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LOCAL DESCRIPTION		TYPE 1
BROWNSVILLE ROAD		
PT 13.00m of HWY 14		
3600 CHARGES Avenue, Vernon, B.C.		
3600 CHARGES Avenue, Vernon, B.C.		
Proposed Zoning: R20 - Medium Density Residential		
GCR Charges: Medium Density		
ITEM	PROPOSED	RECEIVED
1.00	1.00	1.00
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SAATH

Saath Development Corp.

4005-3901 12th Street

Vernon, BC

www.saath.ca

Site Plan

GATEWOOD HOMES LTD.

5400 OKANAGAN AVE VERNON BC

- 36 UNIT TOWNHOUSE DEVELOPMENT

DATE: OCT 02 2020

BY: [Signature]

PROJECT NO: [Number]

SCALE: 1:200

5400 OKANAGAN AVENUE - GATEWOOD HOMES MULTI-FAMILY DEVELOPMENT VERNON, BC

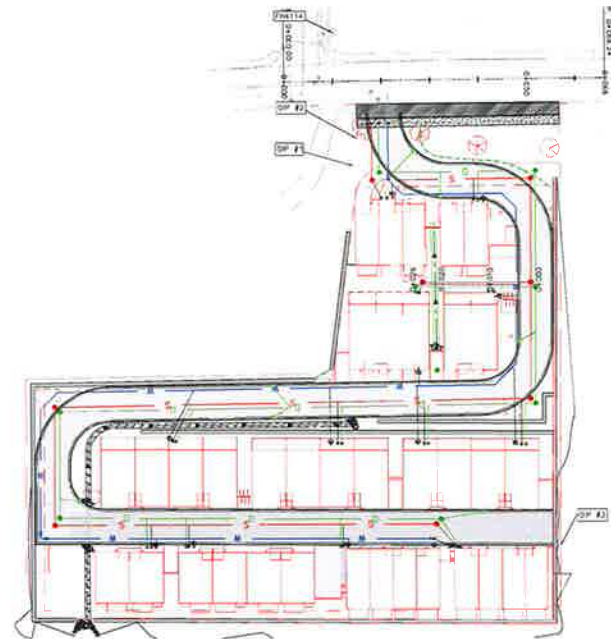
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(ISSUED FOR REVIEW)



DRAWING INDEX:

SHEET 2 OF 11 - ROADWORKS/UTILITIES PLAN/PROFILE (RU-2)
SHEET 3 OF 11 - ROADWORKS/UTILITIES PLAN/PROFILE (RU-3)
SHEET 4 OF 11 - ROADWORKS/UTILITIES PLAN/PROFILE (RU-4)
SHEET 5 OF 11 - ROADWORKS/UTILITIES PLAN/PROFILE (RU-5)
SHEET 6 OF 11 - ROADWORKS/UTILITIES PLAN/PROFILE (RU-6)
SHEET 7 OF 11 - OVERALL SITE GRADING PLAN (GR-1)
SHEET 8 OF 11 - OVERALL SITE GRADING - CROSS-SECTIONS (GR-2)
SHEET 9 OF 11 - OVERALL SITE SERVICING PLAN (S-1)
SHEET 10 OF 11 - SEDIMENT AND EROSION CONTROL PLAN (E-1)
SHEET 11 OF 11 - STORM-WATER MANAGEMENT PLAN (SW-1)

CONTROL OIP			
5400 OKANAGAN AVENUE			
OIP #1	N	5569063 976	
	E	335886 994	
	Z	967.30m	
OIP #2	N	5569068 180	
	E	335883 257	
	Z	866.774m	
OIP #3	N	5569044 978	
	E	335873 756	
	Z	389.236	
FH4114 - SPINDLE	N	5569078 637	
(REMARKS: 10M x 10M)	E	335883 148	
	Z	384.537m	



REV. NO.	DATE	DESIGNED	DRAWN	CHECKED	DESCRIPTION
REV-0	12/01/18	ADW	JSL	BTJ	5400-OKANAGAN-AVENUE-DESIGN-ON-SITE
REV-1	18/04/18	ADW	JSL	BTJ	5400-OKANAGAN-AVENUE-DESIGN-ON-SITE--(UPDATE-STARTA-RO-ALIGNMENT)
REV-2	02/05/18	ADW	JSL	BTJ	5400-OKANAGAN-AVENUE-DESIGN-ON-SITE--(UPDATE-STARTA-RO-ALIGNMENT-2)
REV-3	21/03/19	BTJ	MWR	BTJ	5400-OKANAGAN-AVENUE-DESIGN-ON-SITE--(UPDATE-LAYOUT/5 GRM)
REV-4	08/11/19	BTJ	MWR	BTJ	5400-OKANAGAN-AVENUE-DESIGN-ON-SITE--(UPDATE SITE PLAN AND GRADING)
REV-5	27/11/19	BTJ	MWR	BTJ	5400-OKANAGAN-AVENUE-DESIGN-ON-SITE--(UPDATE SITE PLAN AND GRADING)

DRAFT



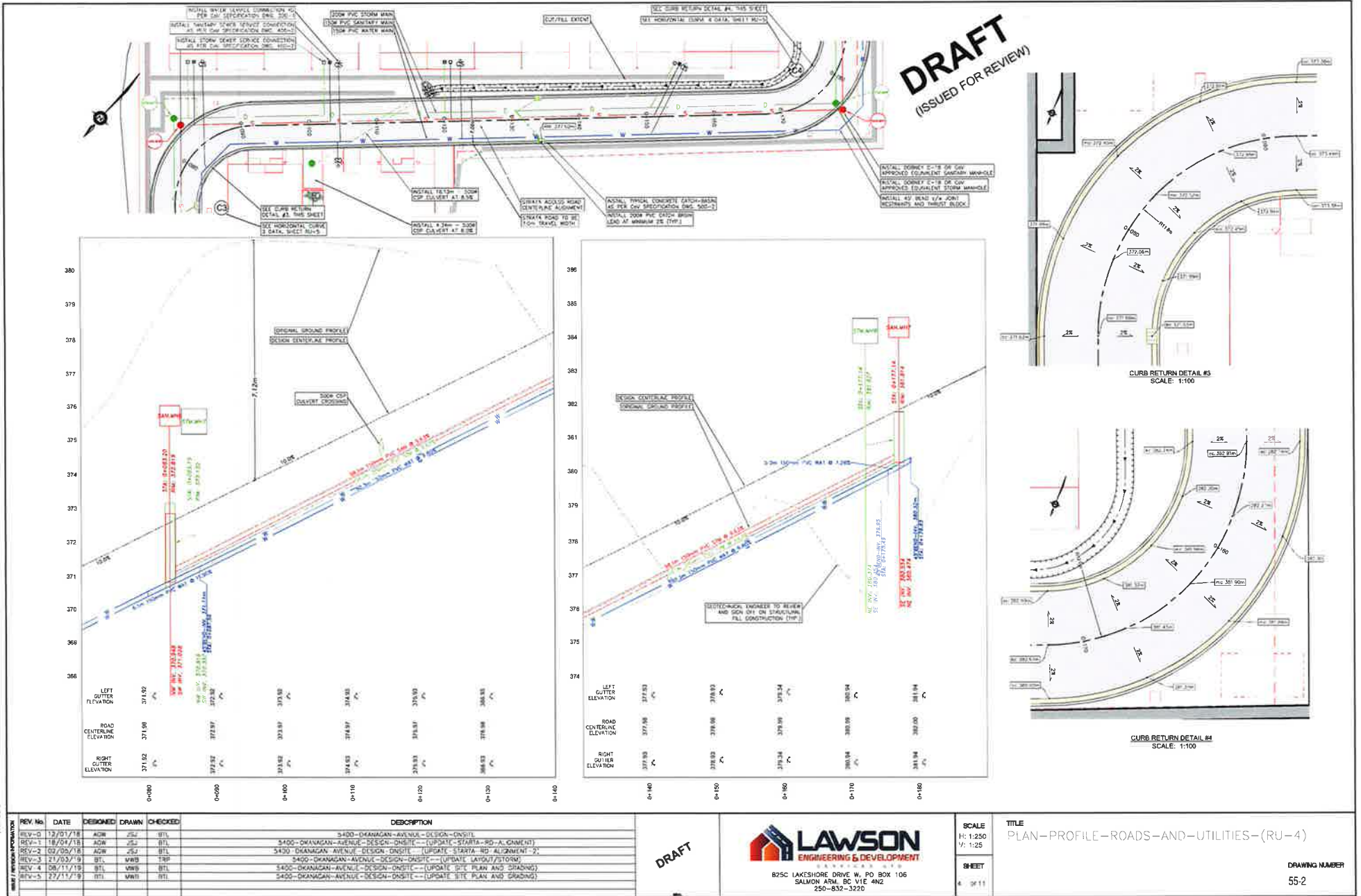
8250 LAKESHORE DRIVE W, PO BOX 106
SALMON ARM, BC V1E 4N2
250-832-3220

SCALE
H: 1:500
V: N/A

SHEET
10F 11

TITLE
TITLE-PAGE

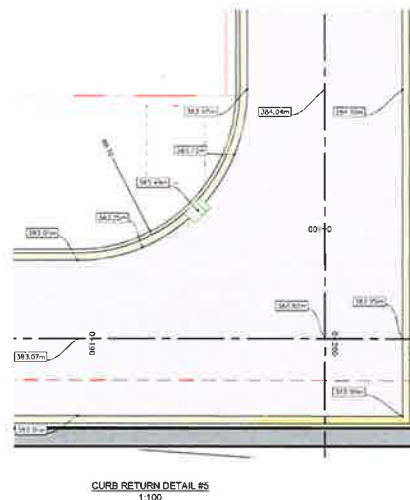
DRAWING NUMBER
55-2





WATER NOTES

- [illegible]



DRAFT
(ISSUED FOR REVIEW)

VERTICAL CURVE DATA	
5400 OKAGAWAN AVENUE	
VERTICAL CURVE #1	PVI STA: 0+111.02 PVI ELEV: 365.11M GRADE IN: 5.50% GRADE OUT: 18.00% A GRADE CHANGE: 0.35% PROFILE CURVE TYPE: SAG PROFILE CURVE LENGTH: 12.50 K VALUE: 8.27 CURVE RADII: 627.36M
VERTICAL CURVE #2	PVI STA: 2+192.61 PVI ELEV: 381.52 GRADE IN: 8.00% GRADE OUT: 8.80% A GRADE CHANGE: 0.20% PROFILE CURVE TYPE: CREST PROFILE CURVE LENGTH: 18.45 K VALUE: 4.0 CURVE RADII: 400.00M

HORIZONTAL CL CURVE DATA			
HORIZONTAL CURVE 1 - STRATA ACCESS ALIGNMENT			
PI =	13.30	L =	20.71
ARC =	18.69	BC =	0+007.36
Δ =	80°10'	EC =	0+028.07
HORIZONTAL CURVE 2 - STRATA ACCESS ALIGNMENT			
PI =	12.50	L =	19.00
ARC =	17.65	BC =	0+073.54
Δ =	80°09'	EC =	0+093.14
HORIZONTAL CURVE 3 - STRATA ACCESS ALIGNMENT			
PI =	11.90	L =	18.35
ARC =	16.54	BC =	0+073.38
Δ =	80°11'	EC =	0+091.71
HORIZONTAL CURVE 4 - STRATA ACCESS ALIGNMENT			
PI =	12.00	L =	18.63
ARC =	16.81	BC =	0+187.89
Δ =	80°09'	EC =	0+196.52

REV. No	DATE	DESIGNED	DRAWN	CHECKED	DESCRIPTION
REV-0	12/01/18	AGW	JSA	BTL	5400--ORANAGAN--AVENUE--DESIGN--ON-SITE
REV-1	18/04/18	AGW	JSA	BTL	5400--ORANAGAN--AVENUE--DESIGN--ON-SITE--(UPDATE--START--RD--ALIGNMENT)
REV-2	02/05/18	AGW	JSA	BTL	5400--ORANAGAN--AVENUE--DESIGN--ON-SITE--(UPDATE--START--RD--ALIGNMENT--23)
REV-3	21/03/19	BTL	WMB	BTL	5400--ORANAGAN--AVENUE--DESIGN--ON-SITE--(UPDATE--LAYOUT/STORM)
REV-4	08/11/19	BTL	WMB	BTL	5400--ORANAGAN--AVENUE--DESIGN--ON-SITE--(UPDATE--SITE--PLAN--AND--GRADING)
REV-5	27/11/19	BTL	WMB	BTL	5400--ORANAGAN--AVENUE--DESIGN--ON-SITE--(UPDATE--SITE--PLAN--AND--GRADING)

DRAFT

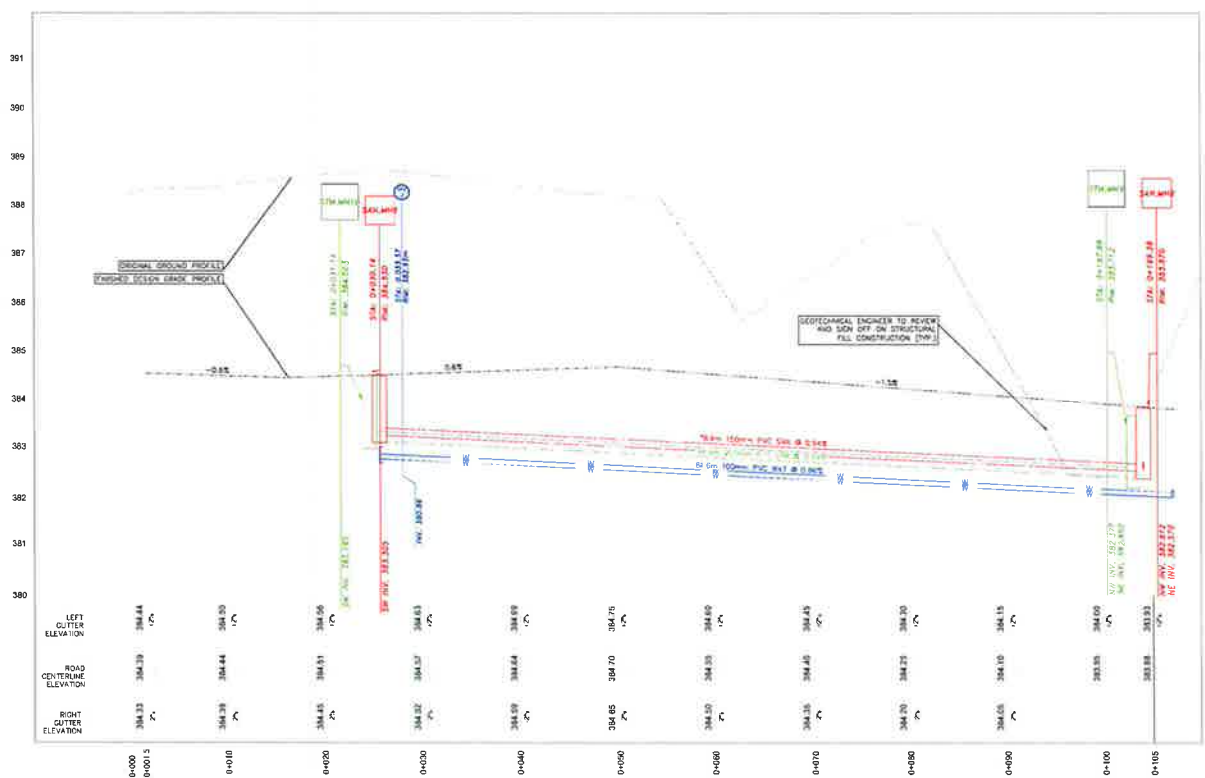
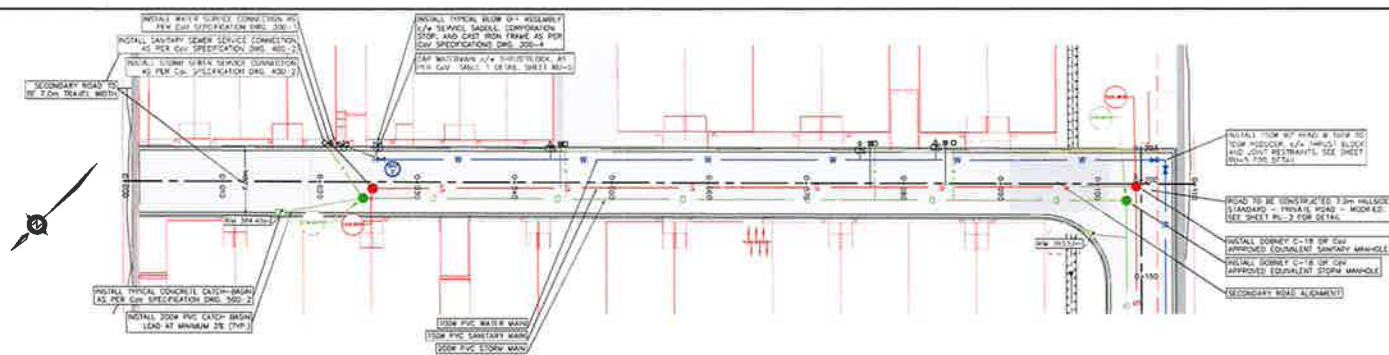


825C LAKESHORE DRIVE W, PO BOX 108
SALMON ARM, BC V1E 4N2
250-832-3220

SCALE H: 1:250 V: 1:25	SHEET 5 of 11
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TITLE
PLAN-PROFILE-ROADS-AND-UTILITIES-(RU-5)

DRAWING NUMBER
55-2



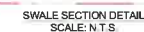
DRAFT
(ISSUED FOR REVIEW)



SCALE H: 1:250 V: 1:25	SHEET 6 OF 11
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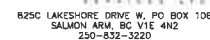


TOTAL (REV3) = 1122m²



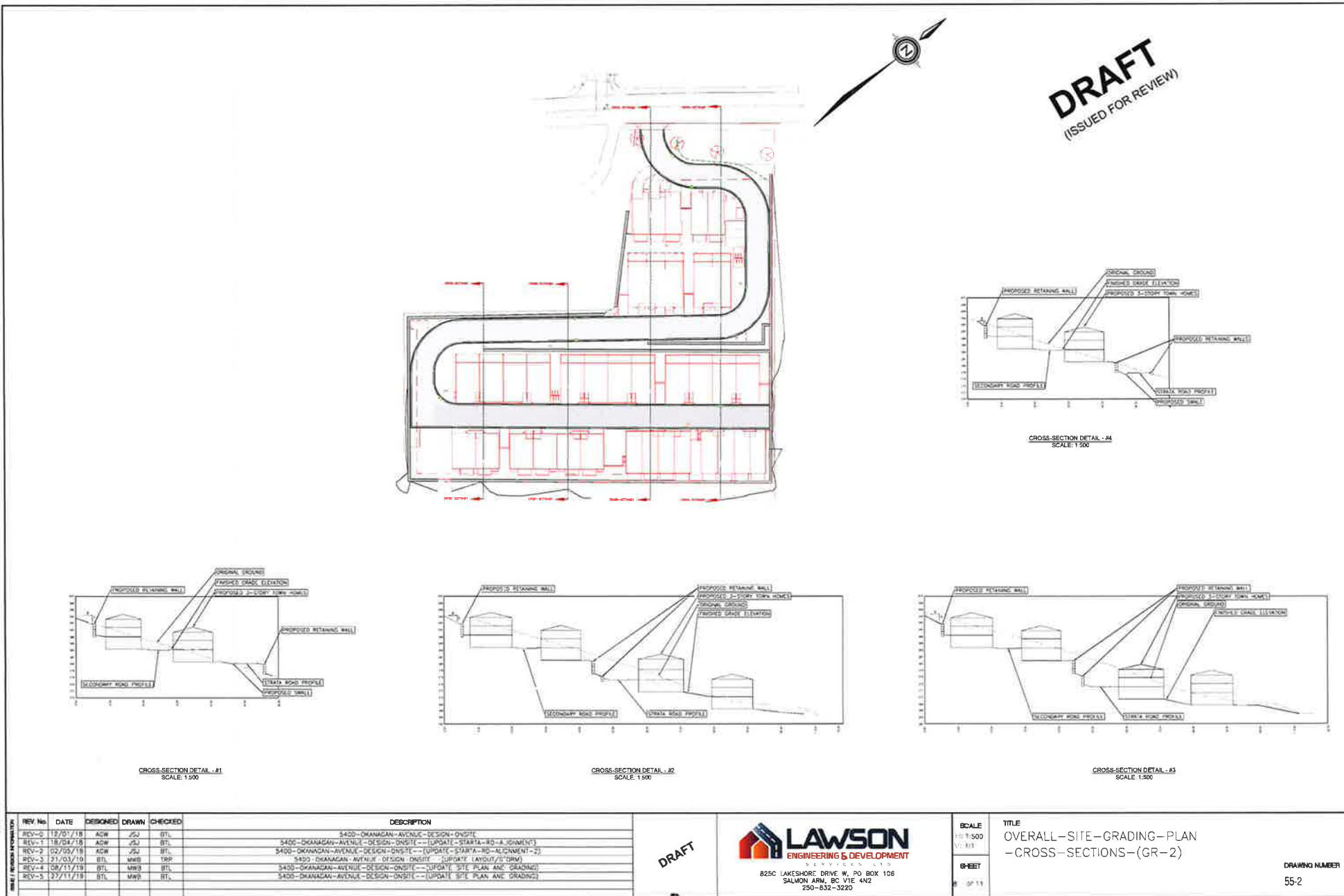
- NOTES:
1. ALL RETAINING WALLS TO BE DESIGNED BY OTHERS.
 2. DESIGN ELEVATIONS OF TOP AND BOTTOM OF ALL WALLS TO BE CONFIRMED WITH FINAL DESIGN.
 3. ELEVATION AND LENGTHS OF WALLS SHOWN ON THIS PLAN ARE APPROXIMATE.

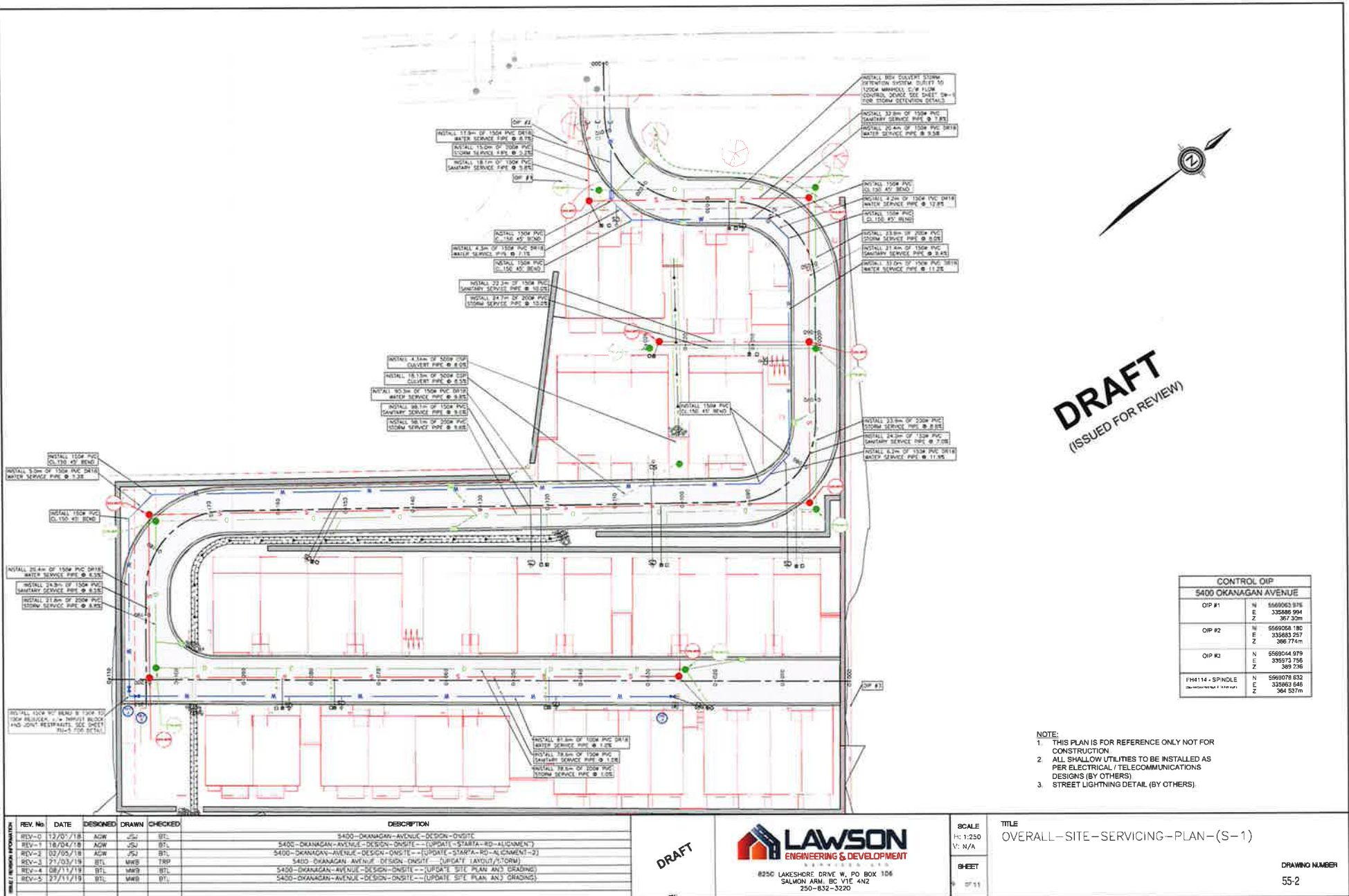
DRAFT



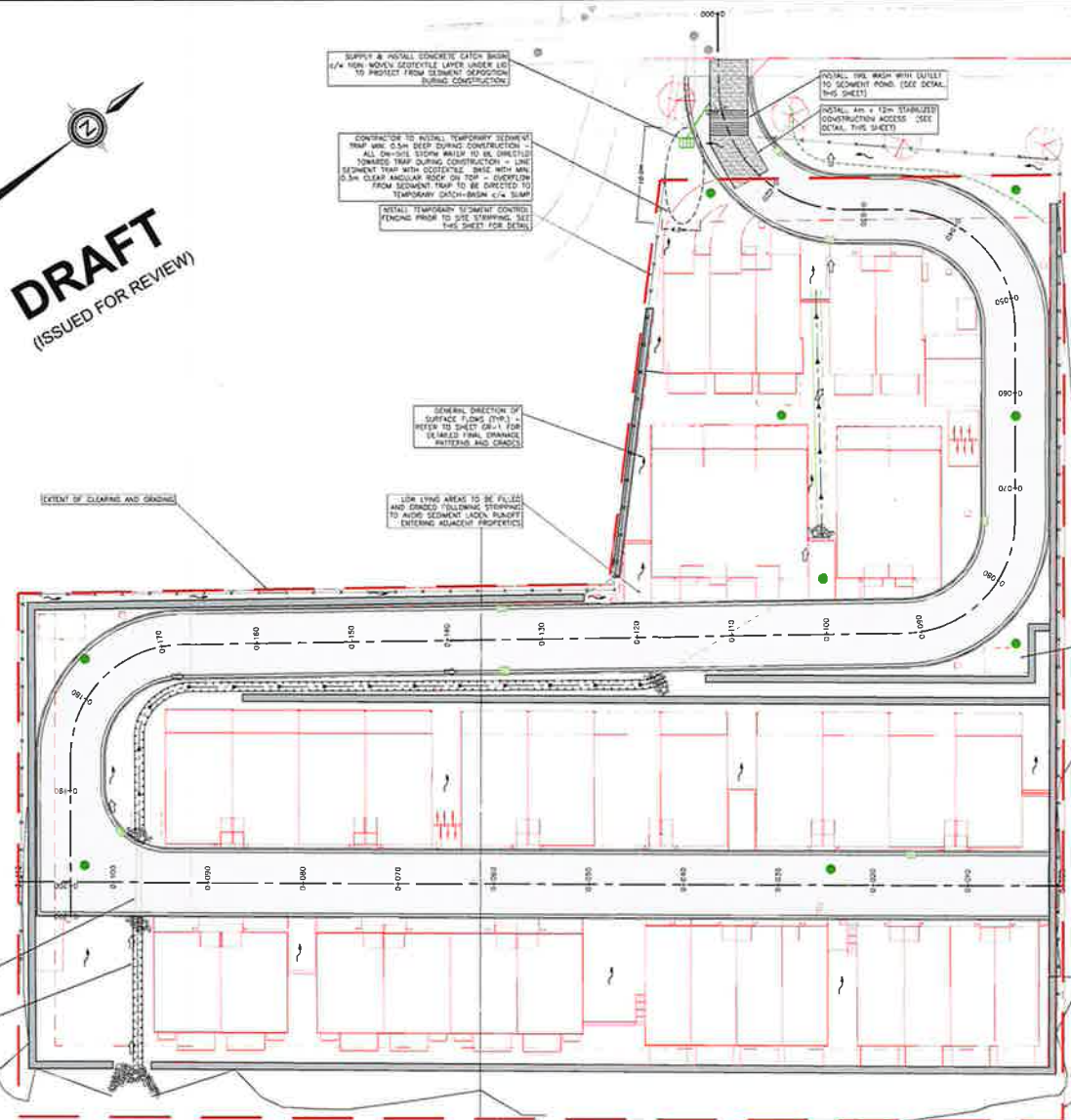
TITLE
OVERALL-SITE-GRADING-PLAN-(GR-1)

DRAWING NUMBER
55-2



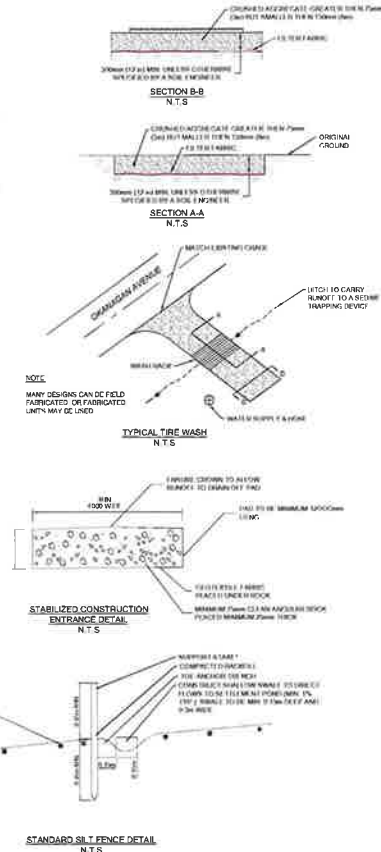


DRAFT
(ISSUED FOR REVIEW)



1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN PLACE AND IN WORKING CONDITION PRIOR TO ANY LAND DISTURBANCE ACTIVITY INCLUDING CLEARING OR GRADING. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE APPROVED BY THE CITY PRIOR TO COMMENCEMENT OF WORK AND ON-SITE INSPECTION SHALL BE REQUIRED WHEN EROSION AND SEDIMENT CONTROL MEASURES ARE IN PLACE PRIOR TO COMMENCEMENT OF WORK. ONCE APPROVED, THE SITE SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. AS SHOWN ON THE PLAN, THE LEVEL OF EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT. AS SHOWN ON THE PLAN, THE LEVEL OF EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE LIFE OF THE PROJECT.
2. PRIOR TO ANY EROSION AND SEDIMENT CONTROL MEASURES, THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES FROM ANY DISTURBANCE ON CONSTRUCTION AND SHALL PROTECT ALL EXISTING UTILITIES FROM ANY DISTURBANCE ON CONSTRUCTION AND SHALL PROTECT ALL EXISTING UTILITIES FROM ANY DISTURBANCE ON CONSTRUCTION.
3. THE CONTRACTOR SHALL MAINTAIN A MINIMUM OF 10% OF THE ORIGINAL SURFACE AREA OF THE SITE UNDISTURBED AT ALL TIMES DURING CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN A MINIMUM OF 10% OF THE ORIGINAL SURFACE AREA OF THE SITE UNDISTURBED AT ALL TIMES DURING CONSTRUCTION.
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1. CONSTRUCTION SHALL BE LIMITED TO THE AREA OF THE SITE SHOWN ON THE PLAN.
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20. CONSTRUCTION SHALL BE LIMITED TO THE AREA OF THE SITE SHOWN ON THE PLAN.



REV. NO.	DATE	DESIGNED	DRAWN	CHECKED	DESCRIPTION
REV-0	12/07/18	ACW	JSJ	BTJ	5400-OKANAGAN AVENUE-DESIGN-ON-SITE
REV-1	18/04/18	ACW	JSJ	BTJ	5400-OKANAGAN AVENUE-DESIGN-ON-SITE--(UPDATE-START-TO-END-ALIGNMENT)
REV-2	02/03/18	ACW	JSJ	BTJ	5400-OKANAGAN AVENUE-DESIGN-ON-SITE--(UPDATE-START-TO-END-ALIGNMENT-2)
REV-3	27/03/18	BTJ	MWB	BTJ	5400-OKANAGAN AVENUE-DESIGN-ON-SITE--(UPDATE-LAYOUT/FORM)
REV-4	06/11/18	BTJ	MWB	BTJ	5400-OKANAGAN AVENUE-DESIGN-ON-SITE--(UPDATE SITE PLAN AND GRADING)
REV-5	27/11/19	BTJ	MWB	BTJ	5400-OKANAGAN AVENUE-DESIGN-ON-SITE--(UPDATE SITE PLAN AND GRADING)

DRAFT

LAWSON
ENGINEERING & DEVELOPMENT

8250 LAKESHORE DRIVE W. PO BOX 106
SALMON ARM, BC V1E 4N2
250-832-3220

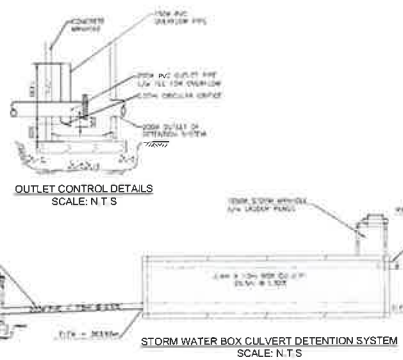
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SHEET
01/11

TITLE
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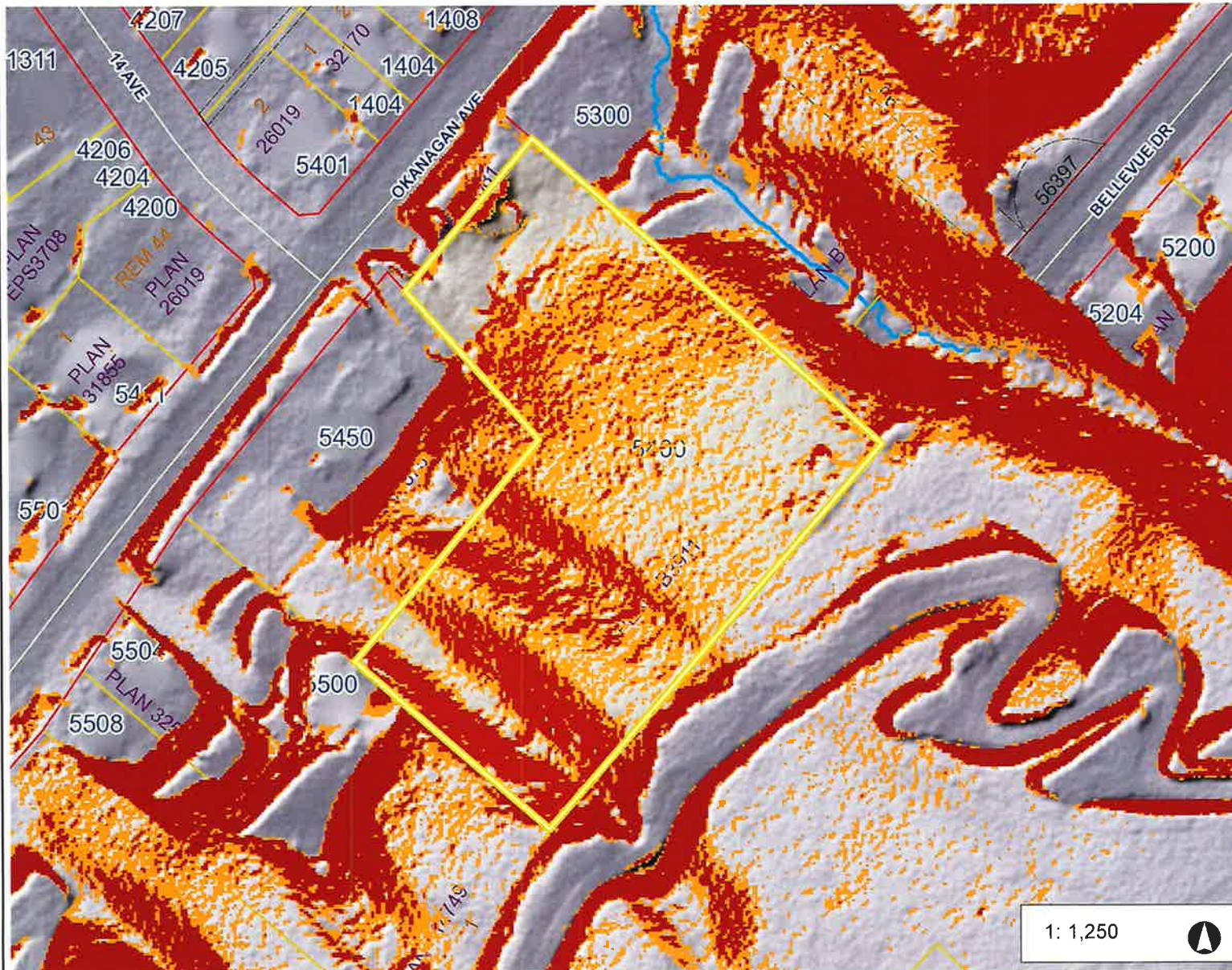
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SCALE H: 1/250 V: N/A	TITLE STORM-WATER-MANAGEMENT-PLAN-(SW-1)	DATE 5/1/2011
SHEET 1 OF 1		5

Vernon Essentials Site



Legend

-  Vernon Parcels
-  RDNO Parcels
-  First Nations Reserves
-  Regional Districts
-  Slopes $\geq 40\%$
-  Slopes $\geq 30\%$

Notes

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

RM2**9.11 RM2 : Multiple Housing Residential****9.11.1 Purpose**

The purpose is to provide a **zone** for ground oriented medium **density** multiple housing on urban services.

9.11.2 Primary Uses

- apartment housing
- care centre, major
- duplex (Bylaw 5440)
- four-plex housing
- group home, major
- row housing
- semi-detached housing
- seniors assisted housing
- seniors housing
- seniors supportive housing
- single detached housing
- three-plex housing

9.11.3 Secondary Uses

- boarding rooms (Bylaw 5440)
- care centres, minor
- home based businesses, minor
- secondary suites (in single detached housing only) (Bylaw 5440)

9.11.4 Subdivision Regulations

- Minimum **lot width** is 18.0m, except it is 20.0m for a **corner lot**. For fee simple **three-plex, four-plex, row housing** and **semi-detached dwellings**, the minimum **lot width** is 7.5m for **interior lots** and 12.0m for **corner lots**.
- Minimum **lot area** is 900m², or 10,000m² if not serviced by a **community sewer system**.

9.11.5 Party Wall Subdivision Regulations

Lot Type	Minimum Lot Area		Minimum Lot Width	
	interior	corner	interior	corner
Semi-Detached Housing	225m ²	275m ²	7.8m	9.0m
Three-Plex Housing	150m ²	200m ²	6.5m	7.8m
Four-Plex Housing	150m ²	200m ²	6.5m	7.8m
Row Housing	150m ²	200m ²	6.5m	7.8m

9.11.6 Development Regulations

- With a housing agreement pursuant to Section 4.9, the maximum **density** shall be 72.0 units per gross hectare (29.0 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 75.0 units per gross hectare (30.5 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 15.0 units per gross hectare (6 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 50% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 55%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 4.5m, except it is 6.0m from a garage or **carport** to the back of curb or sidewalk for vehicular entry.
- Minimum **side yard** is 1.2m, except it is 2.5m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m. The minimum **side yard** is 0.0m for fee simple **three-plex, four-plex, row housing** and **semi-detached dwellings**.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**.
- Maximum six **dwelling** units located in a **building**, with each unit having a minimum width of 6.5m.
- Maximum density is 60.0 units per gross hectare (24.5 units/gross acre).

9.11.7 Other Regulations

- 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)
- 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 strata developments, common recreation buildings, facilities and amenities may be included in the strata plan. Recreational buildings shall be treated as **secondary buildings** for the purpose of determining the **height** and **setbacks** of the **building**.
- 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**.
- Vehicular access to the **development** is only permitted through either a driveway shared by at least 3 units or a 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.
- 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)

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 1 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

--

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Lake City Law Corporation

203 2907 32nd Street

Vernon

BC V1T 5M2

40-003

(250)800-1077

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

013-537-601

**PART 3.0 ACRES MORE OR LESS OF THE NORTHWEST 1/4 OF SECTION 28
 SHOWN ON PLAN B3911; TOWNSHIP 9 OSOYOOS DIVISION YALE DISTRICT
 EXCEPT PLANS KAP50675 AND KAP58681**

STC? YES ☒

3. NATURE OF INTEREST

Covenant

CHARGE NO.

ADDITIONAL INFORMATION

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

GATEWOOD HOMES LTD. (INC. BC0788826)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

THE CORPORATION OF THE CITY OF VERNON

3400 - 30TH STREET

VERNON

V1T 5E6

BRITISH COLUMBIA

CANADA

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		
Y	M	D
17	03	

Transferor(s) Signature(s)

**GATEWOOD HOMES LTD.,
 by its authorized signatory(ies):**

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.

COVENANT – SECTION 219 LAND TITLE ACT

WHEREAS the Transferor is the registered owner of the lands described in Item 2 of the *Land Title Act* Form C – General Instrument Part 1 attached hereto as Page 1 of this Covenant (which such lands are hereinafter called the “Lands”); and

AND WHEREAS the Transferee has requested that the Transferor, as owner of the Lands, enter into this Covenant with the Transferee with respect to the use of the Lands and the Transferor has agreed to do so.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of ONE (\$1.00) DOLLAR now paid by the Transferee to the Transferor, receipt whereof is hereby acknowledged, the Transferor covenants and agrees with the Transferee pursuant to Section 219 of the *Land Title Act*, R.S.B.C. 1996, Ch. 250 and amendments as follows:

1. The covenants herein contained are and shall be deemed to be covenants running with the Lands pursuant to Section 219 of the *Land Title Act* and shall be binding upon the Transferor and its successors in title to the Lands and shall enure to the benefit of the Transferee and its successors, in perpetuity, and may only be modified or discharged pursuant to the provisions of an order of a Court of competent jurisdiction.

2. In this Covenant:

“Dwelling Unit” means one or more habitable rooms constituting a self-contained unit with separate entrance, used or intended to be used for living and sleeping purposes for no more than one family, and containing a separate properly ventilated kitchen with a sink and cooking facilities and a bathroom with a wash basin and bath or shower, all of which may be contained in one or more buildings containing two or more Dwelling Units.

“This Covenant” means this agreement and the terms and covenants herein contained.

3. The development of the Lands shall not exceed a density of more than 45.0 Dwelling Units per ha (18.2 Dwelling Units per acre) of area contained within the boundaries of the Lands.
4. Wherever the masculine singular pronoun is used in this Covenant, the same shall be deemed to include and mean the plural, feminine, or body corporate or body politic as the context may require.
5. The Transferor acknowledges and agrees that damages are not an adequate remedy for breach of the covenants herein contained and further that the Transferee, in the event of any such breach will and shall be entitled to apply to a Court of competent jurisdiction for an Order restraining and prohibiting the continuance of any such breach.

6. If any part of this Covenant is found to be illegal or unenforceable, that part will be considered separate and severable from the rest, and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
7. Nothing herein contained or implied shall prejudice or affect the Transferee's rights and powers in the exercise of its functions pursuant to the Community Charter or *Local Government Act* of British Columbia or its rights and powers under all of its public and private statutes, bylaws, orders and regulations to the extent that the same are applicable to the Lands, all of which may be fully and effectively exercised in relation to the Lands as if these covenants had not been executed and delivered by the Transferor.

END OF DOCUMENT

3.1.c Earthworks & Grading

Objective: *To minimize the impact of grading and retain the natural and topographic character of the site.*

Site grading is not permitted during the nesting period of any species utilizing the site. The Development Permit must confirm the specific nesting period for species native to a site including reptiles. In preparation of a grading plan (Section 3.5.d) that demonstrates the feasibility of road and building envelope creation without excessive manipulation of the site, the following must be considered:

- a. Avoid grading or alteration of key topographic features (e.g., knolls, ridgelines, talus slopes, bedrock outcrops, cliffs, ravines, etc).
- b. Avoid a straight, linear top of slope. Use radii and undulations that resemble pre-development slope conditions. Avoid sharp cuts and long or wide slopes with a uniform grade.
- c. Round out slope transitions and blend transitions between lots or adjacent undeveloped areas.
- d. Building pad areas must be created as part of lot grading such that structural retaining walls or extensive cut and fill are not required. These building pads are to be set at or near the design lower floor elevation such that no blasting or significant material removal or infill is required to build on the site. Large high density or commercial development sites are to provide grading from the road to the setback with the remainder of lot grading to be completed as part of building construction. Blasting of the buildable area to at least the services elevation is required to minimize disturbance from future infill development.
- e. Creation of large flat terraces on hillside sites in order to expand developable area or to develop housing or other uses characteristic of flat or gently-sloped sites is not permitted. Development of smaller terraces for building pads and minimal rear yard areas is acceptable provided the toe of the structural slope is located within the lot. Special care is to be taken to retain as much native slope and vegetation at the edge of required grading works.

In designing and developing the site, minimize the total amount of cut and/or fill and its environmental and visual impact by:

- a. Disposing excess topsoil onsite by increasing the depth of topsoil fill used. Dispose of other excess material at appropriate off-site locations where necessary. Ensure enough topsoil is retained to cover all cut and fill slopes to a depth of no less than 150mm.
- b. Re-vegetating exposed slopes as quickly as possible to prevent erosion and slope stability problems, even for temporary topsoil stockpiles.

In preparing an erosion control plan, Section 3.5.g or grading plan, Section 3.5.d, natural and manmade factors that cause erosion must be considered and erosion minimized by:

- a. Avoiding potentially hazardous or unstable areas of the site.
- b. Not exposing large areas of highly visible sub-soil and parent material of the site.

LANDSCAPE NOTES

- Plant material and construction methods shall conform to minimum standards established in the latest edition of the Canadian landscape standards, published by the C.N.L.A. and the C.S.L.A. as well as the city of Vernon landscape standards.
- The landscape plan herein reflects the minimum City of Vernon Development Permit design guidelines.
- Final planting selections may vary depending upon availability at the time of construction. Substitutions to be reviewed and approved by project landscape designer prior to installation.
- Organic mulch, Better Earth Douglas Red Fir or pre-approved equal, shall be used in all shrub beds with a depth of 75mm (3"), unless otherwise noted.
- Decorative rock mulch used in accent beds as noted on the plan to be 25MM Kettle Valley Granite, at a depth of 75mm (3") with landscape fabric installed below.
- Minimum slope of 2% for all hard and soft landscape areas to ensure positive drainage away from buildings. Refer to Civil Engineering plans for drainage information. Elevations indicated on landscape plan for reference only.
- A high efficiency irrigation system shall be installed for all landscape areas and shall conform to the city of Vernon's irrigation standards.

LEGEND

- ORNAMENTAL PLANTING
TO BE PLACED IN DESIGNATED SHRUB BED
SOIL DEPTH: 450mm
MULCH: AS NOTED
- PROPOSED TREE
SOIL DEPTH: 900mm POCKET
- WALKWAY + PARKING SPACES
CRUSHED GRANULAR SURFACING
- COBBLE ROCK MULCH
- NATURALIZED HILLSIDE LANDSCAPE
HYDROSEED AREA
- DRIVEWAY, PARKING + PATIO
C.I.P. CONCRETE
- OPEN SPACE PAVEMENT
TYPE: HYDRA-PRESSED SLAB
SIZE: 24"X24" COLOUR: NATURAL
- UNIT ENTRANCE
EXPOSED AGGREGATE PAVING
- SITE RETAINING
MATERIAL: C.I.P. CONCRETE
HEIGHT: VARIES, MAX 1.2m (4')
SEE CIVIL ENGINEERS DWGS FOR
MORE INFORMATION

GRADING NOTE:
Refer to Civil Engineering Drawing for further
site grading. All grades to be read in meters.

TOP OF WALL/BOTTOM OF WALL

PLANT LIST

TREES

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
AP	10	Acer platanoides 'Columnar'	Columnar Norway maple	5cm Cal/B+B	As Shown
CB	8	Carpinus betulus 'Fastigiata'	Pyramidal Hornbeam	5cm Cal/B+B	As Shown
PA	3	Platanus x acerifolia	London plane tree	2.5m HxWxH	As Shown
PP	5	Prunus pendula	Prudeniana rose	5cm Cal/B+B	As Shown
SR	2	Syringa reticulata 'Ivory Silk'	Ivory silk lilac	5cm Cal/B+B	As Shown

SHRUBS

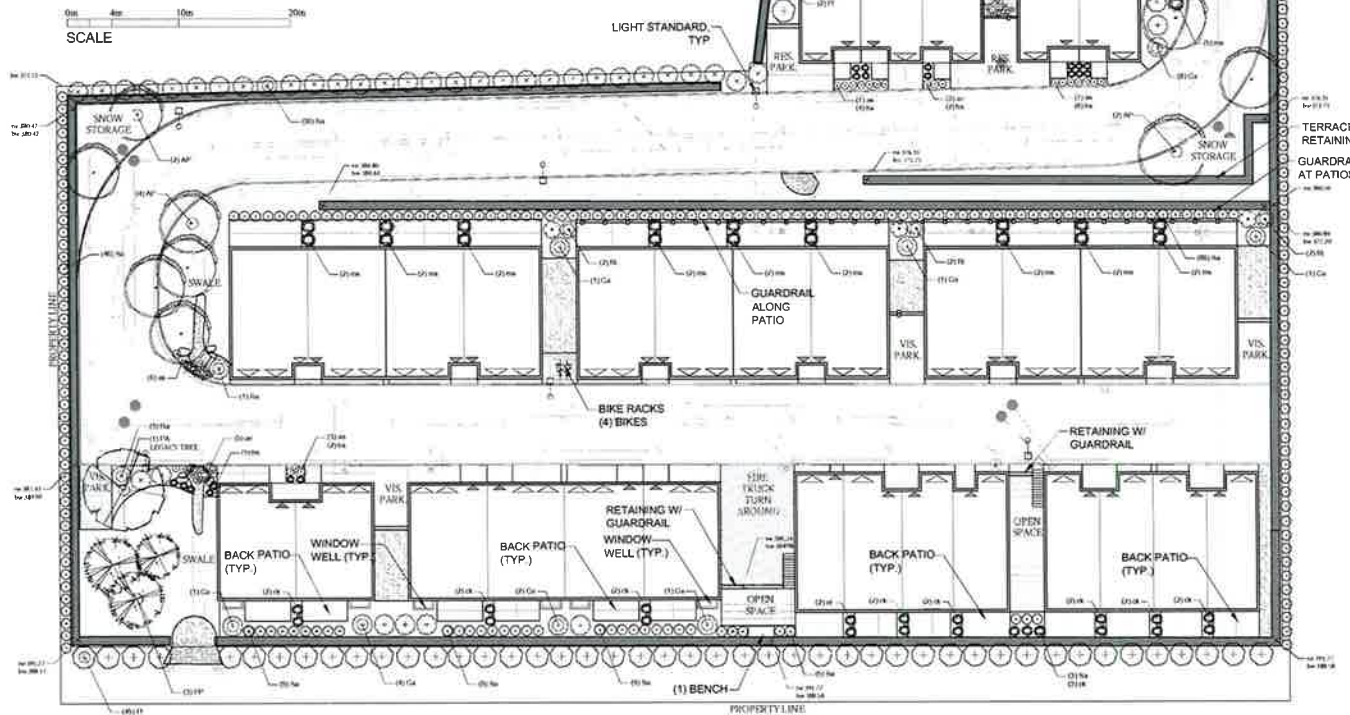
KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
Cs	18	Cornus alba 'Bailhodi'	Ivory hake dogwood	#2 Pot	1.5m O.C.
Ed	8	Eucornus alatus 'Compactus'	Deer winged burning bush	#2 Pot	1.5m O.C.
Fl	51	Philadelphus lewisii	Mock orange	#2 Pot	2.1m O.C.
Rr	32	Rosa x rugosa 'Blanc de Goubert'	Blanc de Goubert rose	#2 Pot	1.5m O.C.
Ra	34	Rosa americana 'Tina Turner'	Grown low rose	#2 Pot	2.0m O.C.
Sa	22	Salix purpurea 'Nero'	Decorative willow	#2 Pot	1.5m O.C.
Sa	243	Symphoricarpos albus	Snowberry	#2 Pot	0.9m O.C.

PERENNIALS

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
ac	18	Achillea filipendulina 'Moonshine'	Moonshine yarrow	#1 Pot	0.6m O.C.
as	27	Aster x frikartii 'Monch'	Frikart's aster	#1 Pot	0.6m O.C.

GRASSES

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANT SIZE	SPACING
ck	35	Calamagrostis x acutiflora 'Karl Foerster'	Karl Foerster reed grass	#1 Pot	0.9m O.C.
bs	43	Holcus lanatus 'variegatus'	Blue oat grass	#1 Pot	0.6m O.C.
ms	42	Miscanthus sinensis 'Morning light'	Variegated maiden grass	#1 Pot	1.2m O.C.



SARAH ENNS
Landscape Designer
250.599.4234
sarah@hennsdesign.com

NICHOLAS ALEXANDER
Landscape Design
250.599.4234
nicholas@naalexander.com

revision: issue

re-issued for DP	jan 09	04
issued for DP	oct 02	03
coordination	july 10	02
DP review	mar 19	01
DESCRIPTION	DATE	NO.

CLIENT
SAATH
Development Corp.
Vernon BC

PROJECT
5400 Okanagan Ave
Gateway | 36 Unit
Vernon BC

SHEET TITLE
Landscape Plan

design by: Sarah Enns
project number: 19004
date: January 2020

NORTH

SCALE
1: 200
PAGE
24" x 36"

SHEET NUMBER

L-1.0



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Planner, Current Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 27, 2021
REPORT DATE: September 15, 2021
FILE: 3090-20 (DVP00528)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3004A 22nd STREET

PURPOSE:

To review the Development Variance Permit Application DVP00528 to vary sections of Zoning Bylaw #5000 in order to construct an addition to a single detached dwelling at 3004A 22nd Street.

RECOMMENDATION:

THAT Council support Development Variance Permit Application DVP00528 to vary the following section of Zoning Bylaw #5000 to permit the construction of an addition to a single detached dwelling on LT 1 SEC 35 TWN 9 ODYD PLAN 41608 (3004A 22nd Street):

- a) Section 9.3.5 minimum rear yard setback requirement from 7.5m to 5m;

AND FURTHER, that Council's support of DVP00528 is subject to the following:

- a) that the site plan illustrating the general siting, form and character of the proposed addition in Attachment 2, contained in the report titled 'Development Variance Permit Application for 3004A 22nd Street', dated September 15 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00528 as 'Schedule A'.

ALTERNATIVES & IMPLICATIONS:

THAT Council not support Development Variance Permit Application DVP00528 to vary the following section of Zoning Bylaw #5000 to permit the construction of an addition to a single detached dwelling as outlined in the report titled 'Development Variance Permit Application for 3004A 22nd Street', dated September 15 2021, respectfully submitted by the Current Planner, on LT 1 SEC 35 TWN 9 ODYD PLAN 41608 (3004A 22nd Street):

- a) Section 9.3.5 minimum rear yard setback requirement from 7.5m to 5m.

Note: Denial of the Development Variance Permit application would restrict the siting of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would be required to revise the proposal to meet the prevailing zoning provisions.

ANALYSIS:

A. Committee Recommendations:

At its meeting of August 17, 2021, the Advisory Planning Committee passed the following resolution:

THAT Council support Development Variance Permit Application (DVP00528) to vary the following sections of Zoning Bylaw #5000 to permit the construction of an addition to a single detached dwelling on LT 1 SEC 35 TWN 9 ODYD Plan 41608 (3004A 22nd Street):

- a) Section 9.3.5 minimum rear yard setback requirement from 7.5m to 5m;

AND FURTHER, that Council's support of DVP00528 is subject to the following:

- a) the site plan illustrating the general siting, form and character of the proposed addition be attached to and form part of DVP00528.

B. Rationale:

1. The subject property is located at 3004A 22nd Street as shown on Figures 1 and 2. The property is approximately 0.08 ha (0.21 ac) in size and is in the East Hill Neighbourhood.
2. The subject property is zoned R2 – Large Lot Residential and the subject application pertains to development regulations within Section 9.3.5 of Zoning Bylaw #5000 (Attachment 1).
3. The applicant proposes to construct an addition to a single detached dwelling to add a one car garage, two bedrooms and an art studio on the subject property.
4. The application proposes to vary the following section of Zoning Bylaw #5000 in order to permit the construction of an addition to an existing single detached dwelling:
 - a) Section 9.3.5 minimum rear yard setback requirement from 7.5m to 5.0m.

The site plan, elevations and the applicant's letter of rationale for the proposed addition is provided in Attachment 2.

5. The grade of the subject property slopes towards 23rd Street. Given the grade of the lot, drainage, access considerations and the site limitations imposed by the easement; the proposed location of the addition is considered appropriate.
6. Though the lot is accessed and addressed from 22nd Street, Zoning Bylaw #5000 defines the property's 23rd Street lot line as its legal frontage. The R2 zone requires a front yard setback of 5.0m and a rear yard setback of 7.5m. As the orientation and access to the existing dwelling is from 22nd Street, the applicant is requesting the rear yard setback be reduced to 5.0m.

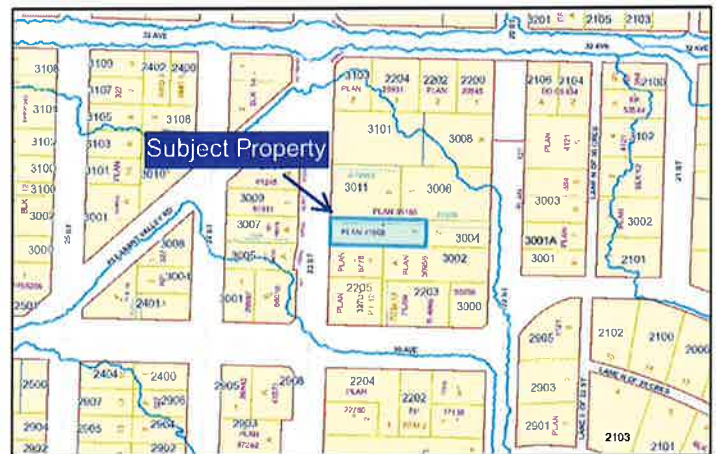


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property
(The property is dominated by the tree canopy)

7. Administration supports the requested variance for the following reasons:

- a) Given the site-specific conditions of the subject property, the location of the proposed addition demonstrates the applicant's intent to work with the existing topography and site considerations.
- b) The applicant's request is to reduce the rear yard setback requirement to the equivalent of the R2 zone's requirement for a front yard setback. Given the orientation of the existing dwelling and access from 22nd Street, the applicant's request is considered a reasonable accommodation respecting the constraints on the subject property.
- c) The proposed addition facilitates aging in place, allowing for the residents to accommodate changes in their family size and needs without being required to move to another location.

C. Attachments

Attachment 1 – R2 – Large Lot Residential Zoning District
Attachment 2 - Site plan, elevations and applicant's rationale letter

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

The subject application does not conflict with the goals or action items identified in Council's Strategic Plan 2019 – 2022.

E. Relevant Policy/Bylaws/Resolutions:

1. The following provisions of Zoning Bylaw #5000 R2 – Large Lot Residential Zone are relevant to the subject application:

- Zoning Bylaw #5000:

Section 9.3.5 Minimum front yard is 5m. Minimum rear yard is 7.5m.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Sep 22 2021 9:32 AM

X *Matt Faucher* ✓

Matt Faucher

DocuSign

Matt Faucher
Planner, Current Planning

Sep 22 2021 9:32 AM

X *Kim Flick* ✓

DocuSign

Kim Flick
Director, Community Infrastructure and Development

Approved for submission to Council:

Will Pearce
Will Pearce, CAO

Date:

22. SEPT. 2021

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 checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input checked="" 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 (August 17/21) | | |
| <input type="checkbox"/> OTHER: | | |

G:\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00528\2 PROC\Rpt\210909_mf_Council Rpt_DVP00528.docx

R2

9.3 R2 : Large Lot Residential

9.3.1 Purpose

The purpose is to provide a **zone** for **single detached housing**, and compatible **secondary uses**, on large sized urban serviced **lots**. The R2c sub-zoning district allows for **care centre, major** as an additional use. The R2h sub-zoning district allows for **home based business, major** as an additional use. (*Bylaw 5467*)

9.3.2 Primary Uses

- **care centre, major** (*use is only permitted with the R2c sub-zoning district*)
- **single detached housing**

9.3.3 Secondary Use

- **boarding rooms**
- **bed and breakfast homes** (in single detached housing only) (*Bylaw 5498*)
- **care centres, minor**
- **group home, minor**
- **home based businesses, minor**
- **home based businesses, major** (*use is only permitted with the R2h sub-zoning district*)
- **secondary suites**
- **seniors supportive housing**

9.3.4 Subdivision Regulations

- Minimum **lot width** is 18.0m.
- Minimum **lot area** is 557m², or 10,000m² if not serviced by a **community sewer system**.

9.3.5 Development Regulations

- Maximum **site coverage** is 40% and together with driveways, parking areas and **impermeable surfaces** shall not exceed 50%.
- Maximum **height** is the lesser of 10.0m or 2.5 **storeys**, except it is 4.5m for **secondary buildings** and **secondary structures**.
- Minimum **front yard** is 5.0m.
- Minimum **side yard** is 1.5m, except it is 5.0m from a **flanking street**. Where there is no direct vehicular access to the **rear yard** or to an attached garage or **carport**, one **side yard** shall be at least 3.0m.
- Minimum **rear yard** is 7.5m, except it is 1.0m for **secondary buildings**. Where the **lot width** exceeds the **lot depth**, the minimum **rear yard** is 4.5m provided that one **side yard** shall have a minimum width of 4.5m.
- The maximum **height** of any vertical wall element facing a **front, flanking or rear yard** (including **walkout basements**) is the lesser of 6.5m or 2.5 **storeys**, above which the **building** must be **set back** at least 1.2m.

9.3.6 Other Regulations

- There shall be no more than one **single detached house** per **lot**.
- Where **development** has access to a rear **lane**, vehicular access to the **development** is only permitted from the rear **lane**.
- For **seniors supportive housing**, a safe drop-off area for patrons shall be provided on the **site**.

- **Seniors supportive housing** shall be for no more than four residents. *(Bylaw 5467)*
- In addition to the regulations listed above, other regulations may apply. These include the general **development** regulations of Section 4 (secondary **development**, **yards**, projections into **yards**, lighting, agricultural setbacks, etc.); the specific use regulations of Section 5; the **landscaping** and fencing provisions of Section 6; and, the parking and loading regulations of Section 7.
- As per Section 4.10.2 - All **buildings** and **structures, excluding perimeter fencing (garden walls and fences)** on **lots abutting** City Roads as identified on Schedule "B" shall not be sited closer to the City Road than the setback as per the appropriate zone measured from the offset Rights of Way as illustrated on Schedule "B".
(Bylaw 5440)

REAR SETBACK VARIANCE REQUEST

Address: 3004 A 22 Street, Vernon BC

Legal: Lot 1, Plan 41608, Section 35, Township 9, Osoyoos Division, Yale District

REVISED July 14, 2021

TABLE OF CONTENTS

2	VARIANCE RATIONAL WITH SITE DIAGRAM
3	ZONING DEFINITION OF FRONT YARD WITH SITE ELEVATION
4	LETTER FROM CITY PLANNER DATED JANUARY 26, 2021

DRAWING SET

A1.01	SITE PLAN
A2.00	BASEMENT PLAN
A2.01	MAIN FLOOR PLAN
A2.02	SECOND FLOOR PLANS
A3.01	ELEVATIONS
A3.02	ELEVATIONS
A3.03	SITE ELEVATIONS & BUILDING SECTIONS

SUBMISSION BY:

Lake Monster Studio: Architecture + Design
Architecture + Design
3004 29th Street
Vernon, British Columbia V1T 5A7

REAR SETBACK VARIANCE REQUEST

Address: 3004 A 22 Street, Vernon BC

Legal: Lot 1, Plan 41608, Section 35, Township 9, Osoyoos Division, Yale District

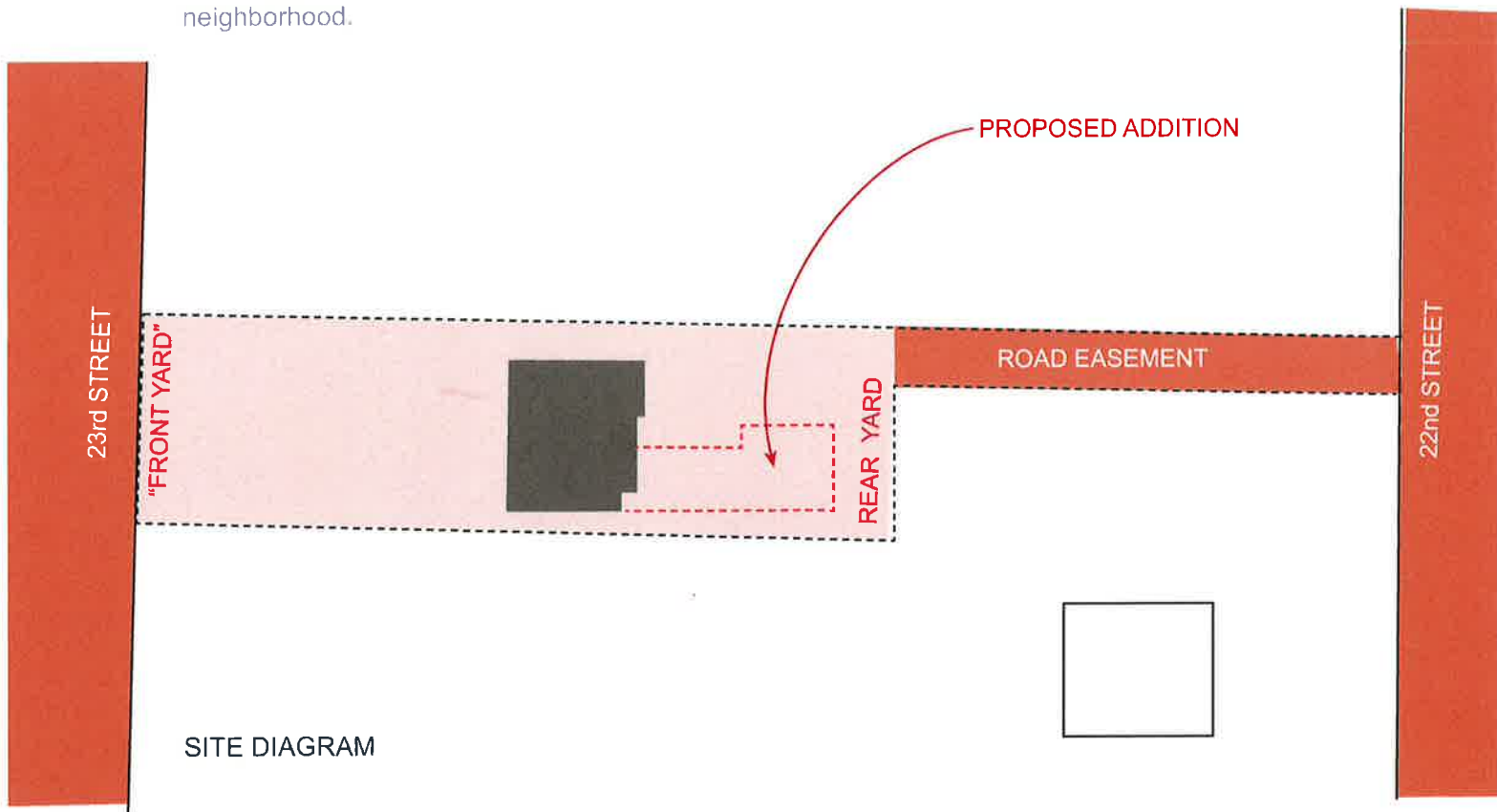
VARIANCE RATIONAL

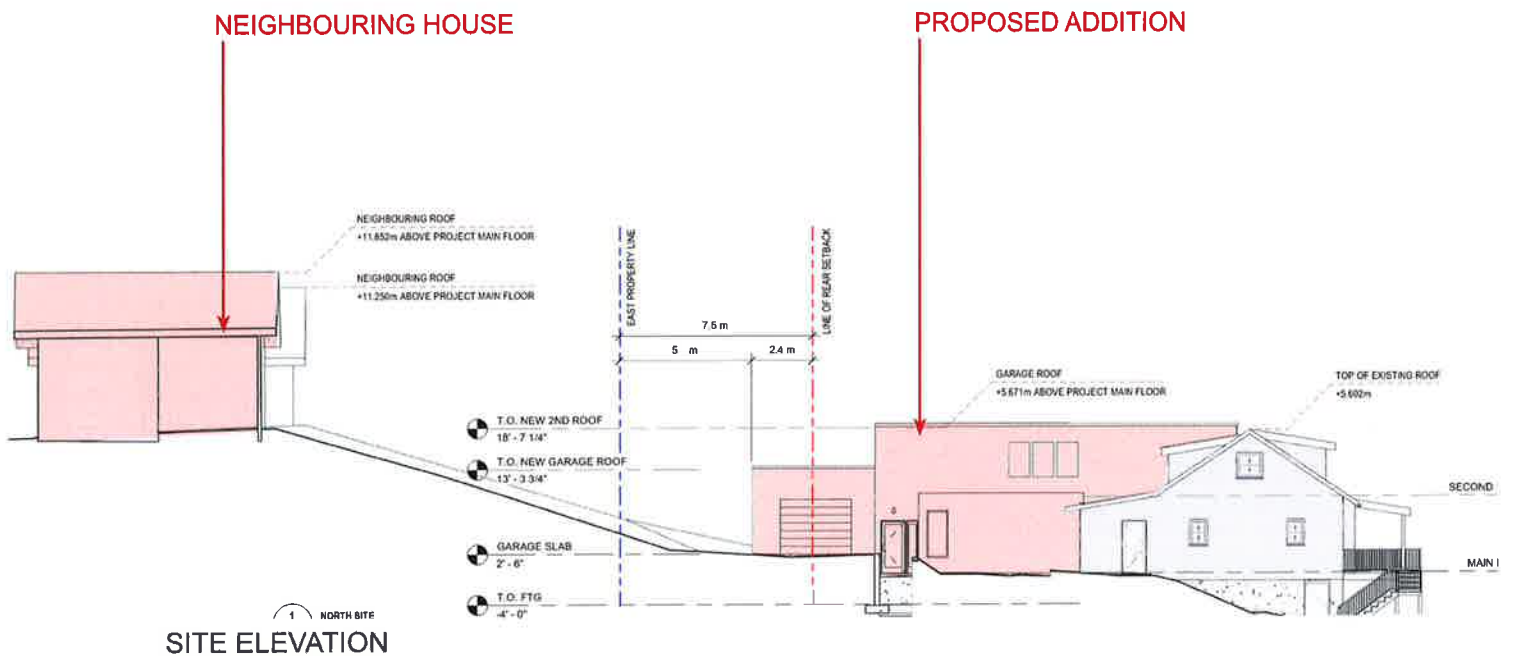
The applicant has a growing family and desires to stay within their 100 year old home located in the East Hill neighbourhood. Their aim is to add a 1 car garage, 2 additional bedrooms and a studio to the existing footprint. The lot is accessed from the "rear" through an easement (41609) that connects to 22nd Street.

Although the address of the lot is on 22nd Street, the definition of "front yard" within the City of Vernon bylaws identifies 23rd Street as the front lot line. From an urban planning perspective, we were advised (see attached correspondence) to propose an addition at the "rear" of the property. As such, this application is proposing a variance request to the rear setback of the property to be 5 m rather than 7 m which would be the same as the "front setback" of 5 m.

Due to conditions on site such as grading, drainage and turning radius from the easement lane, the addition is not possible without locating it within the interpreted "rear setback" of 7 m.

This variance request appears to be in line with the City of Vernon's vision to foster density while acknowledging how families grow and change over time. Once this variance has been approved, we will work towards designing a facade that fits within the character of the neighborhood.





Zoning Bylaw # 5000, 2003 Excerpt:

2.3.3 INTERPRETATION (INCL. DEFINITIONS)

LOT LINE, FRONT means that line that is common to the lot and a street; in the case of a lot extending between two parallel streets, the front lot line shall be determined by the orientation of the buildings in the same block. For panhandle lots the front lot line shall exclude the pan handle portion of the lot.

LOT LINE, REAR means either the lot line opposite to, and most distant from, the front lot line, or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

From: **Carie Liefke** CLiefke@vernon.ca
Subject: RE: 3004A 22nd Street - House Addition
Date: January 26, 2021 at 2:30 PM
To: Kimberly Fuller kfuller@lkmonster.ca
Cc: Joshua Lunn jlunn@lkmonster.ca



Hi Kimberly,

Our zoning bylaw definitions outline that front lot line is adjacent to the street and the front yard is between the front lot line and the building. Therefore despite the address and access being from 22 Street, the front yard is 23 Street.

Where your client wants to place the addition is the rear yard.

Have a good weekend,

Carie Liefke, MCIP, RPP

Planning Assistant, Current Planning

Community Infrastructure and Development Services

Community Services Building, 3001 – 32 Avenue, Vernon, B.C., V1T 2L8

Office: 250.550.3578 | Fax: 250.545.5309 | www.vernon.ca



****Please include the City File Number in the subject line of all correspondence****

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From: Kimberly Fuller <kfuller@lkmonster.ca>
Sent: January 18, 2021 3:50 PM
To: Carie Liefke <CLiefke@vernon.ca>
Cc: Joshua Lunn <jlunn@lkmonster.ca>
Subject: 3004A 22nd Street - House Addition

*****Use Caution - External Email*****

Hi Carie,

We have a client who is aiming to do an addition at 3004A 22nd Street. It's an odd site with the car access off of 22nd through an easement.

The client aims to add an additional garage and master suite in the location identified in grey in the attached site plan. We are interpreting the location of the addition as the "front" setback since the lot's address is 22nd Street. I just wanted to chat with you about this to confirm that this indeed would be your interpretation as well.

I've attached a survey for you to see the road access/easement.

Thanks for your time.



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Matt Faucher
Planner, Current Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 27, 2021
REPORT DATE: September 15, 2021
FILE: 3090-20 (DVP00530)

SUBJECT: DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 14-9750 DELCLIFFE ROAD

PURPOSE:

To review the Development Variance Permit Application DVP00530 to vary Zoning Bylaw #5000 in order to construct an attached garage on slopes greater than 30% at 14-9750 Delcliffe Road.

RECOMMENDATION:

THAT Council support Development Variance Permit Application DVP00530 to vary the following section of Zoning Bylaw #5000 to permit the construction of an attached garage on SL 19 SEC 4 TWN 13 ODYD STRATA PLAN KAS143 (14-9750 Delcliffe Road):

- a) Section 4.16.1 no construction of a building, structure or swimming pool is permitted on slopes 30% or greater;

AND FURTHER, that Council's support of DVP00530 is subject to the following:

- a) if any tree removal is required to construct the attached garage that the applicant obtain a Tree Cutting Permit; and
- b) that the site plan illustrating the general siting of the proposed garage in Attachment 1, contained in the report titled, "Development Variance Permit Application for 14-9750 Delcliffe Road" dated September 15, 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00530 as 'Schedule A'.

ALTERNATIVES & IMPLICATIONS:

THAT Council not support Development Variance Permit Application DVP00530 as outlined in the report titled "Development Variance Permit Application for 14-9750 Delcliffe Road" dated September 15, 2021, respectfully submitted by the Current Planner, to vary the following section of Zoning Bylaw #5000 to permit the construction of an attached garage on SL 19 SEC 4 TWN 13 ODYD STRATA PLAN KAS143 (14-9750 Delcliffe Road):

- a) Section 4.16.1 no construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

Note: Denial of the Development Variance Permit Application would restrict the siting of any proposed structure to meet the existing provisions of Zoning Bylaw #5000. The applicant would be required to revise the proposal to meet the prevailing zoning provisions.

ANALYSIS:

A. Committee Recommendations:

At its meeting of August 17, 2021, the Advisory Planning Committee passed the following resolution:

THAT Council support Development Variance Permit Application (DVP00530) to vary the following section of Zoning Bylaw #5000 to permit the construction of an attached garage on SL 19 SEC 4 TWN 13 ODYD STRATA PLAN KAS143 (14-9750 Delcliffe Road):

- a) Section 4.16.1 no construction of a building, structure or swimming pool is permitted on slopes 30% or greater;*

AND FURTHER, that Council's support of DVP00530 is subject to the following:

- a) the site plan illustrating the general siting of the proposed garage be attached to and form part of DVP00530; and*
- b) if any tree removal is required to construct the attached garage that the applicant obtain a valid Tree Cutting Permit.*

B. Rationale:

1. The subject property is located at 14-9750 Delcliffe Road as shown on Figures 1 and 2. The property is approximately 0.11 ha (0.27 ac) in size and is within a residential strata development in the Okanagan Lakeshore Neighbourhood.
2. The subject property is zoned R6 – Lakeshore Residential and the subject application pertains to development regulations within Section 4.16.1 of Zoning Bylaw #5000 related to development of 30% slopes or greater.
3. The applicant proposes to construct an attached garage on the subject property.
4. The application proposes to vary the following section of Zoning Bylaw #5000 in order to permit the construction of an attached garage:

- a) Section 4.16.1 no construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

The site plan for the proposed garage is illustrated in Attachment 1. Elevations for the proposed garage are illustrated in Attachment 2.

5. The majority of the property is located on slopes greater than 30% with the rear of the property being within the 30m Riparian Assessment Area (RAA) as shown on Figure 3.

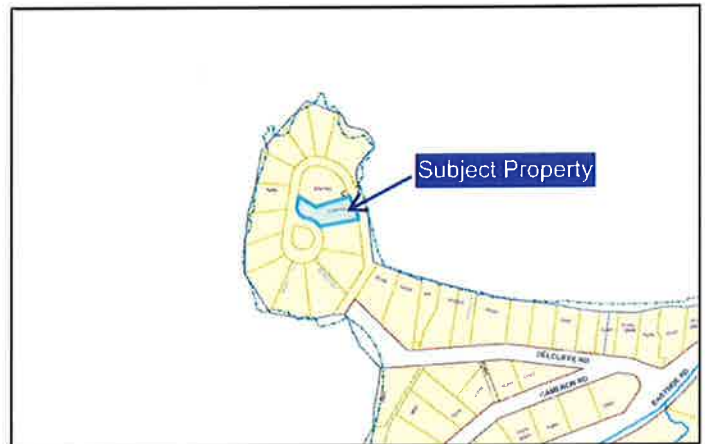


Figure 1 - Property Location Map



Figure 2: Aerial Photo of Property

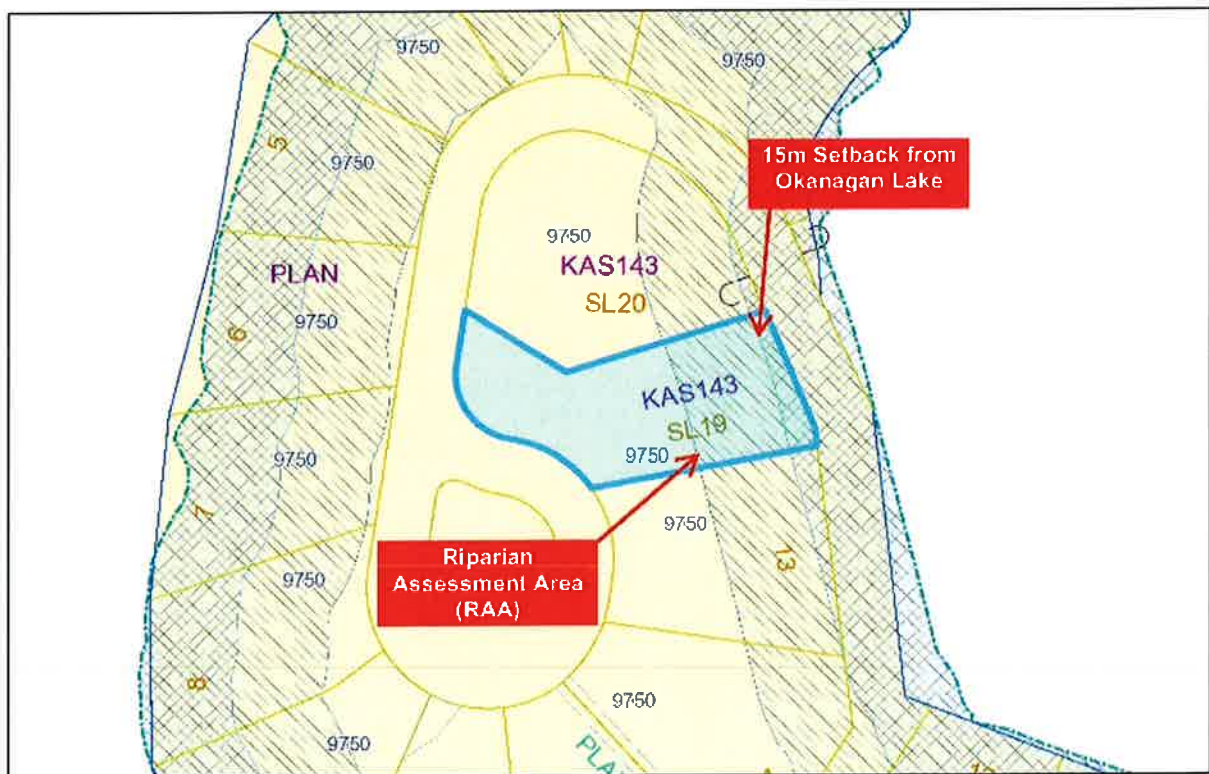


Figure 3: Riparian Assessment Area (RAA)

6. Administration supports the requested variance for the following reasons:

- a) Given the rear of the property is within the RAA and access is provided from the property's frontage, the proposed location of the attached garage in front of the existing structure allows for the addition to be constructed completely outside of the RAA.
- b) The subject property is almost entirely on slopes greater than 30%. The proposed garage is designed in accordance with the *Hillside Guidelines* to work with the natural grade of the site.
- c) The applicant has provided the City with proof of approvals from a Geotechnical Engineer.

C. Attachments

Attachment 1 – Site Survey Plan
Attachment 2 – Building Elevations

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

The application does not conflict with any of the goals or action items contained in Council's Strategic Plan 2019-2022

E. Relevant Policy/Bylaws/Resolutions:

1. The following provisions of Zoning Bylaw #5000 4.0 Development Regulations are relevant to the subject application:

- Zoning Bylaw #5000:

Section 4.16.1 No construction of a building, structure or swimming pool is permitted on slopes 30% or greater.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Sep 16 2021 3:54 PM

Approved for submission to Council:

X Matt Faucher ✓
Matt Faucher DocuSign

Matt Faucher
Planner, Current Planning

Will Pearce, CAO

Date: 20 SEPT. 2021

X Kim Flick
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 checked="" type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input checked="" type="checkbox"/> Engineering Development Services |
| <input checked="" 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 (Aug 17/21) | | |
| <input type="checkbox"/> OTHER: | | |

G:\3000-3699 LAND ADMINISTRATION\3090 DEVELOPMENT VARIANCE PERMITS\20 Applications\DVP00530\2 PROC\Rpt\210915_mf_Council Rpt_DVP00530.docx



DATE	REVISION
10/10/2021	0.0010 to 0.0015

DATE:	APRIL 06, 2025
SCALE:	1:100m
DRAWN BY:	KS
CHECKED BY:	

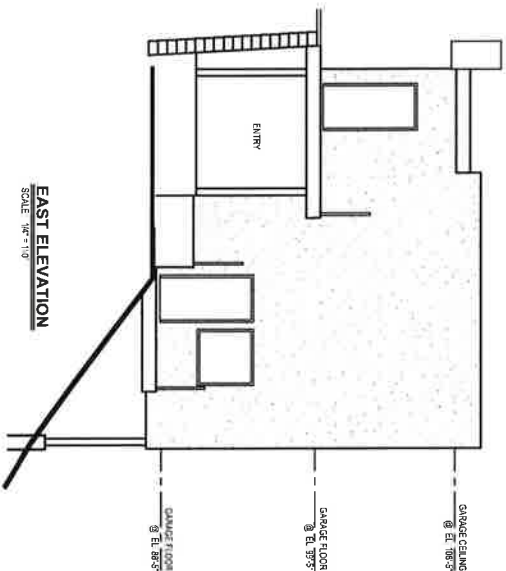
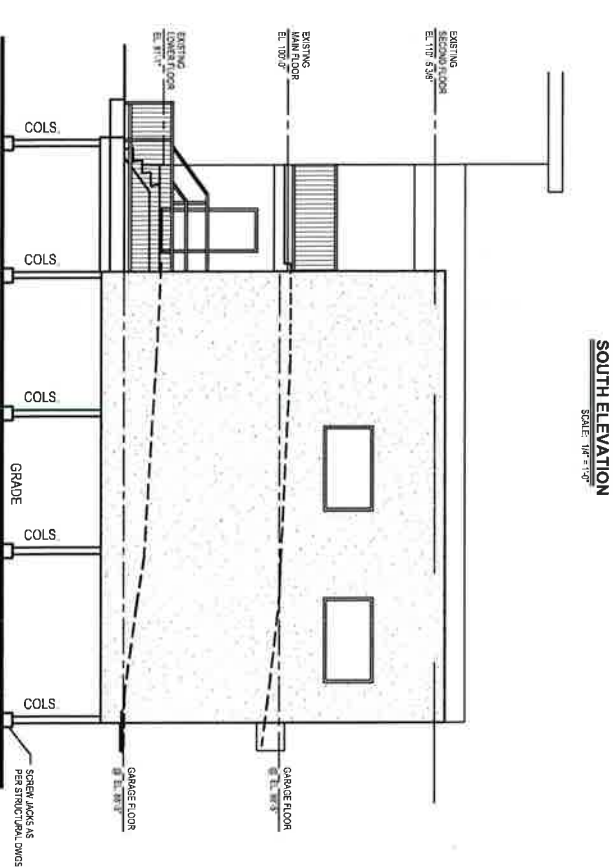
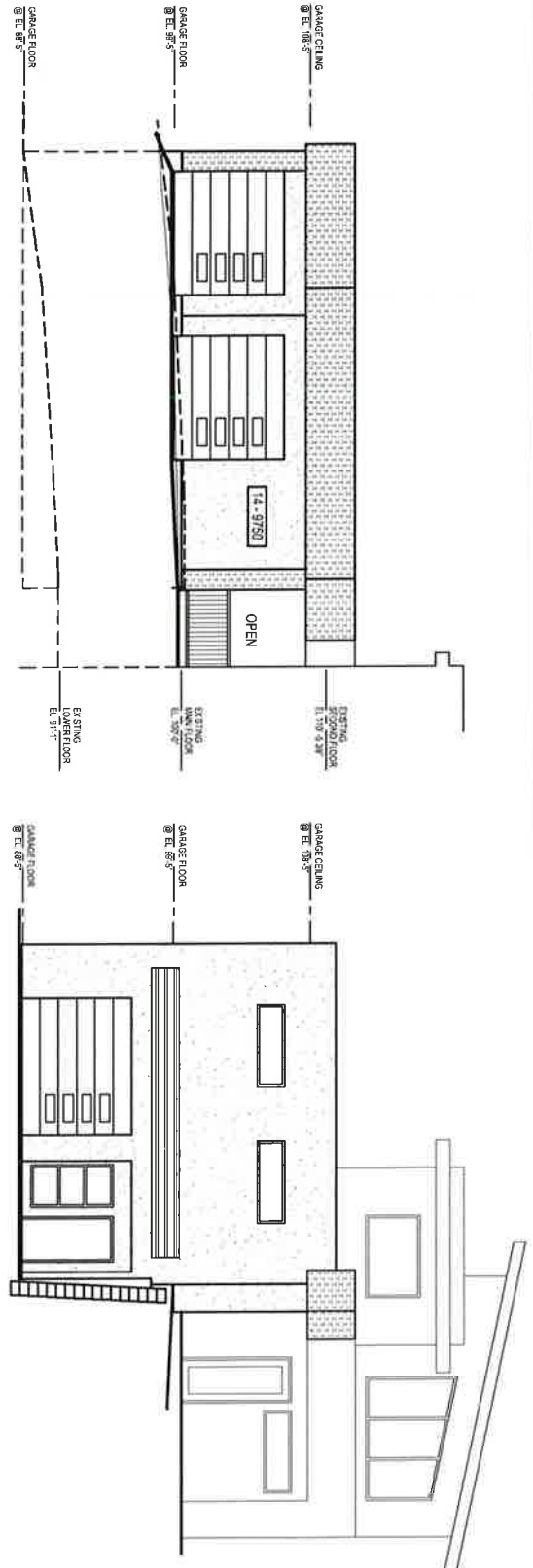
DATE	REVISION
1-22-17	ISSUED FOR PERMIT

PROPOSED GARAGE - AMUNDSON RESIDENCE
#14 9750 DELECLIFF ROAD
VERNON, BRITISH COLUMBIA

ELEVATIONS

DATE	DATE OF PERMIT
1-22-17	1-22-17
DRAWN BY	SK
CHECKED BY	

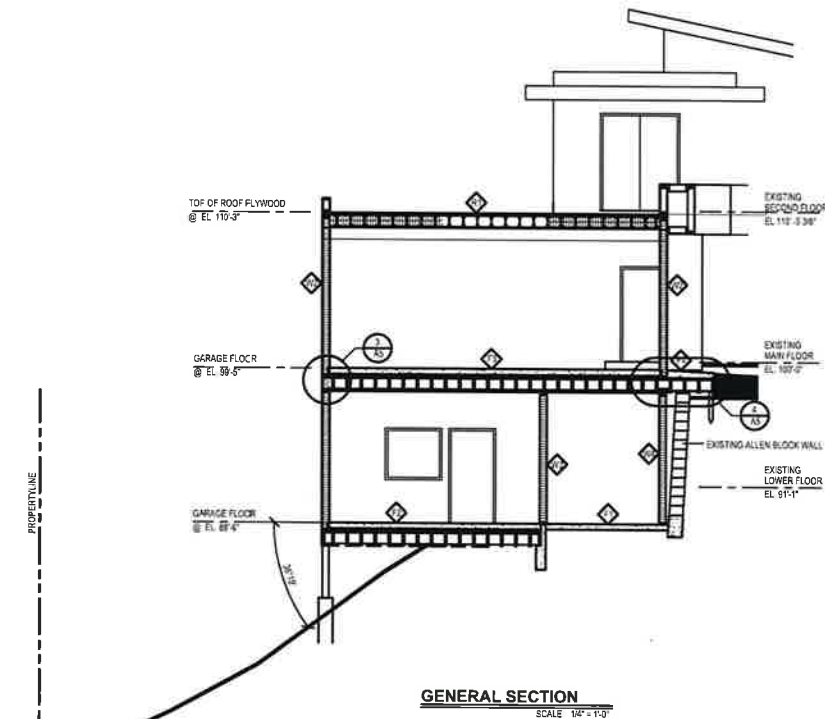
DP 3



SOKOL DRAFTING

1231 3RD AVE. S.
VERNON, BC V1T 2G2
250-255-8888
www.sokoldrafting.com

DATE	REVISION
1 APRIL 21, 2021	ISSUED FOR DP



GENERAL SECTION
SCALE 1/4" = 1'-0"

PROPOSED GARAGE - AMUNDSON RESIDENCE #14 9750 DELECLIFF ROAD VERNON, BRITISH COLUMBIA

ALL CONSTRUCTION AND MATERIALS TO BE USED SHALL BE IN ACCORDANCE WITH THE BRITISH COLUMBIA BUILDING CODE AND THE LATEST EDITIONS OF THE CANADIAN NATIONAL BUILDING CODE. THE DRAWING SHALL BE USED FOR INFORMATION ONLY. THE DRAWING SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF SOKOL DRAFTING.

GENERAL BUILDING SECTIONS

DATE:	APRIL 21, 2021
SCALE:	1/4" = 1'-0"
DRAWN BY:	MS
CHECKED BY:	

DP4

WALLS				FLOORS			ROOF
EXISTING WALL	EXTERIOR WALL #1 EXTERIOR FINISH BUILDING PAPER 1/2" SHEATHING PLYWOOD 2 x 6 AT 16" O.C. R-24 BATT INSULATION 5 MIL POLY VAPOUR BARRIER 1/2" GYPSUM BOARD	INTERIOR WALL #1 1/2" GYPSUM BOARD 2 x 6 AT 16" O.C. R-24 BATT INSULATION 1/2" GYPSUM BOARD	INTERIOR WALL #2 1/2" GYPSUM BOARD 6 MIL POLY VAPOUR BARRIER 2 x 6 AT 16" O.C. CW R-24 BATT INSULATION	LOWER GARAGE SLAB 5" CONCRETE SLAB 2" RIGID INSULATION RADIUM ROCK COMPACTED GRADE	LOWER GARAGE FLOOR 5" CONCRETE SLAB 2 PLY TORCHED ON ROOF 2" RIGID INSULATION 3/4" T & G PLYWOOD 2 x 12 AT 12" O.C. SOFFIT MATERIAL	MAIN GARAGE FLOOR 5" CONCRETE SLAB 2 PLY TORCHED ON ROOF 2" RIGID INSULATION 3/4" T & G PLYWOOD 2 x 12 AT 12" O.C. 1/2" GYPSUM BOARD	BRIDGE SLAB CONCRETE SLAB 2 PLY TORCHED ON ROOF PT 3/4" T & G PLYWOOD PT 2 x 12 AT 12" O.C.
							ROOF (FUTURE DECK) PATIO DECKING 2 PLY TORCHED ON ROOF 3/4" T & G PLYWOOD 2 x 4 AT 16" O.C. (FOR CROSS VENTING) 9 1/2" I/S AT 12" O.C. R45 BATT INSULATION 5 MIL POLY VS 1/2" GYPSUM BOARD



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Michelle Austin
Planner, Current Planning

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 27, 2021
REPORT DATE: September 14, 2021
FILE: 3090-20 (DVP00538)

SUBJECT: **DEVELOPMENT VARIANCE PERMIT APPLICATION FOR 3311, 3309, 3307 AND 3305 35th AVENUE**

PURPOSE:

To review Development Variance Permit Application DVP00538 to vary the front yard setback in order to construct a childcare facility at 3311, 3309, 3307 and 3305 35th Avenue.

RECOMMENDATION:

THAT Council approve Development Variance Permit Application DVP00538 on LT 1, 2, 3 & 4, PL 3362, SEC 3, TWP 8, ODYD (3311, 3309, 3307 and 3305 35th Avenue) to allow the construction of a childcare facility by varying P1 - Parks and Open Space in Zoning Bylaw #5000 as follows:

- a) Section 12.1.5 minimum front yard setback from 6.0m to 3.82m from the existing property line and 1.0m from the future property line pending road dedication;

AND FURTHER, that Council's approval of Development Variance Permit Application DVP00538 is subject to:

- a) That a site plan generally conforming with the site plan noted as Attachment 1 in the report titled "Development Variance Permit Application for 3311, 3309, 3307 and 3305 35th Avenue", dated September 14, 2021 and respectfully submitted by the Current Planner, be attached to and form part of DVP00538 as Schedule 'A'.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not approve Development Variance Permit Application DVP00538 on LT 1, 2, 3 & 4, PL 3362, SEC 3, TWP 8, ODYD (3311, 3309, 3307 and 3305 35th Avenue), as outlined in the report titled "Development Variance Permit Application for 3311, 3309, 3307 and 3305 35th Avenue", dated September 14, 2021 and respectfully submitted by the Current Planner, to allow the construction of a childcare facility by varying P1 – Parks and Open Space in Zoning Bylaw #5000 as follows:

- a) Section 12.1.5 minimum front yard setback from 6.0m to 3.82m from the existing property line and 1.0m from the future property line pending road dedication.

Note: Denial of the Development Variance Permit application would require the childcare facility to be setback at least 6 metres from the front property line or relocated to another site on the Recreation Centre Complex. The applicant would be required to redesign the project to be within all the setbacks for the site including front, side, rear and riparian. It is estimated that approximately 25 childcare spaces would be lost if the redesign is required. Any change in scope to the project would cause significant delay, making the target facility opening date of September 2022 unobtainable. Additionally, any change in scope (time and/or facility size and/or location) would need to be approved by the Province, in accordance with the Child Care Space Creation Program Funding Agreement.

ANALYSIS:

A. Committee Recommendations:

1. At its meeting of August 17, 2021, the Advisory Planning Committee (APC) passed the following resolution:

THAT Council approve Development Variance Permit Application #DVP00538 on LT 1, 2, 3 & 4, PL 3362, SEC 3, TWP 8, ODYD (3311, 3309, 3307 & 3305 35th Avenue) to allow the construction of a childcare facility by varying Zoning Bylaw #5000, Parks and Open Space (P1) Zone:

- a) *Section 12.1.5 minimum front yard setback from 6.0m to 3.82m from the existing property line and 1.0m from the future property line pending road dedication;*

AND FURTHER, that Council's approval of Development Variance Permit Application #DVP00538 is subject to the following:

- a) *the Site Plan, Revision 3, Drawing No. A100, by Stantec Architecture Ltd. illustrating the general siting of the proposed childcare facility be attached to and form part of DVP00538;*

AND FURTHER, the Advisory Planning Committee recommends to Council that the applicant be required to maintain vehicular access from the project site to 35th Avenue.

B. Rationale:

1. The properties are zoned P1 – Parks and Open Space (Attachment 2), which allows for indoor and outdoor participant recreation (i.e. the Vernon Recreation Centre) and major care centres (i.e. the proposed childcare facility). The P1 zone has a minimum front yard of 6.0m, however the building location is proposed to be 3.82m from the existing property line and 1.0m from the future property line after a portion of the property is dedicated as road (Attachments 1 and 6). Other Zoning Bylaw regulations are complied with, including parking and loading requirements.

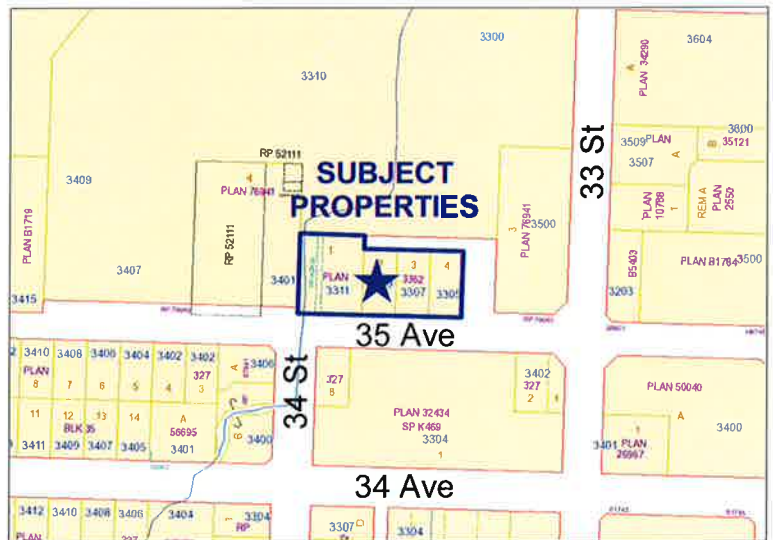


Figure 1: Property Location Map

2. The subject properties are vacant and located at 3311, 3309, 3307 and 3305 35th Avenue, south of the Recreation Centre and adjacent to Vernon Creek, as shown on Figures 1 and 2. The combined area of the properties is approximately 2,465.53 m² (0.25 ha).
3. These properties are owned by the City of Vernon. The childcare facility project is being managed by the City of Vernon Recreation Services Division. Two grants have been secured from the Province totalling \$4 million to improve access to child care. Ownership of the lands and facility will remain with the City of Vernon, with the Okanagan Boys & Girls Club as the operator.

4. The proposed facility will be a one storey (7 metre high) building (Attachment 3) with the capacity for 124 licenced childcare spaces – 24 spaces for children under 36 months and 100 spaces for children 36 months to school age. The grant money must cover the full cost of the project including the childcare building, outdoor play areas and equipment, curbs, sidewalks and pathways, and landscaping and fencing (Attachment 4) so that the facility is ready to open and accept children by September 2022.



Figure 2: Property Aerial Photo

5. Prior to construction, the proposal includes closing the lane to the east and north of the subject properties, through the road closure process. Attachment 5 is a reference plan showing the proposed “closed road”. The “closed road” and subject properties will then be consolidated with the larger Recreation Centre Site as show on Attachment 6. A strip along the front of the subject properties will be dedicated as “road” to align with adjacent front property lines.
6. The childcare facility (and overall Recreation site) will have two accesses: motor vehicle access on 33rd Street and pedestrian, bicycle and emergency access on 35th Avenue. The existing vehicle access at 35th Avenue is proposed to be closed, narrowed and converted to a multi-use pathway and emergency access. As illustrated in Attachment 1, this closure and the proposed front yard setback variance are necessary to provide sufficient lot width within which to place the childcare facility and to improve safety for childcare users walking across the driveway access at 35th Avenue from parking areas to the main entrance on the east side of the building. If the 35th Avenue access remains open, and with the proposed building siting and design, the door to the main entrance, located on the east side of the building facing the 35th Avenue access, would open directly into the driveway.
7. At its meeting of August 17, 2021, the APC expressed concerns about removing vehicular access from 35th Avenue and maintaining only one vehicular access (i.e. from 33rd Street). The following comments are provided:
 - Access off 35th Avenue is recommended to be closed and dedicated for active transportation to support the needs of the site and active transportation users. Attachment 7 illustrates the proposed flow of traffic.
 - The City of Vernon’s Pedestrian and Bike Master Plan plans for a multi-use pathway along 35th Avenue, connecting the Recreation Centre to downtown. Conversion of the 35th Avenue vehicular access to a multi-use path/emergency access enhances this connection.
 - Closure of the 35th Avenue vehicle access will reduce vehicle active transportation conflicts at the multi-use pathway and reduce vehicle conflicts with childcare users walking between parking and the childcare building front door (located on the east side of the building). There may be more congestion at the vehicle access on 33rd Street, but this is an acceptable trade-off to improve safety for active transportation users.
 - Site line improvements can be made to the single vehicle access at 33rd Street through strategic placement of signage, vegetation and on-street parking.

- With the City's new Climate Action Plan (endorsed by Council in 2021), the City must act to encourage active transportation to meet the City's goal to have a 100% net reduction in emissions by 2050. Vehicle use was the main source of Vernon's greenhouse gas emissions (65%) in 2017.
- Enhancing active transportation to/from the Recreation Centre is a Transportation Demand Management measure that would help reduce reliance on personal vehicles.
- While the existing parking layout is projected to meet the needs of the Recreation Centre (including the new childcare facility), there are planned improvements to active transportation connections to make these modes more attractive and help reduce driving.

During that meeting, the APC inquired if a crosswalk is proposed on 35th Avenue to assist with drop off and pick up. On-street parking is prohibited on the south side of 35th Avenue across from the subject properties. There are future plans for a north/south sidewalk on 34th Street. At that time, a crosswalk would likely be provided across 35th Avenue near the childcare facility. It is recommended that the internal parking lot be used for pick up and drop off.

8. The developable area of the subject properties is significantly restricted by a required 24m wide riparian setback (Streamside Protection and Enhancement Area – SPEA) along the north and west sides of the property. The building footprint follows the riparian setback line and is wedged between the riparian setback, the 35th Avenue driveway and the proposed reduced front yard setback.
9. The following provides a rough project timeline:
 - Site preparation – October 2021
 - Foundation construction – November 2021 (before frost)
 - Major construction – December 2021 through May 2022
 - Lock up – May 2022
 - Completion – August 2022
 - Licensing and facility opening – September 2022
10. Administration supports a reduced front yard setback for the following reasons:
 - a) The project site is constrained by a 24m wide Streamside Protection and Enhancement Area (SPEA) setback along Vernon Creek. Reduction of the front yard setback allows for the protection of the SPEA.
 - b) Reduction of the front yard setback allows for a larger facility with more child care spaces. If the minimum front yard setback of 6 metres was respected, approximately 25 childcare space would be lost or the proposed daycare would need to be relocated elsewhere on the Recreation Centre Complex.

C. Attachments

Attachment 1 – Site Plan
Attachment 2 – P1 – Parks and Open Space Zoning District
Attachment 3 – Building Elevations
Attachment 4 – Landscape Plan
Attachment 5 – Road Closure Plan
Attachment 6 – Lot Consolidation Plan
Attachment 7 – Traffic Flow

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:

- Support the provision of affordable childcare, measuring success by the number of childcare spaces in the community.

E. Relevant Policy/Bylaws/Resolutions:

1. The following provision of Zoning Bylaw #5000 P1 – Parks and Open Space Zone are relevant to the subject application:

- Zoning Bylaw #5000:

Section 12.1.5 – Minimum front yard is 6.0m.

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Approved for submission to Council:

Sep 20 2021 1:32 PM

X *Michelle Austin* ✓

DocuSign

Michelle Austin
Planner, Current Planning

Sep 20 2021 1:32 PM

X *Craig Broderick* ✓

Craig Broderick

DocuSign

Kim Flick
Director, Community Infrastructure and Development

Will Pearce, CAO

Date: 20. Sept. 2021

REVIEWED WITH

- | | | |
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| <input type="checkbox"/> Bylaw Compliance | <input checked="" type="checkbox"/> Public Works/Airport | <input checked="" type="checkbox"/> Long Range Planning & Sustainability |
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| <input type="checkbox"/> Fire & Rescue Services | <input checked="" 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 (Aug 17/21) | | |
| <input type="checkbox"/> OTHER: | | |

CONSTRUCTION NOTES - SITE

[illegible]

P1**12.1 P1 : Parks and Open Space****12.1.1 Purpose**

The purpose is to provide a **zone** primarily for the preservation and enhancement of **open space**, for the protection of sensitive or endangered species habitat and identified cultural **sites**, and for limited public facilities.

12.1.2 Primary Uses

- **cemeteries**
- **cultural exhibits, public**
- **docks, community**
- **libraries and museums, public**
- **marinas**
- **participant recreation services, indoor**
- **participant recreation services, outdoor**
- **parks, public**

12.1.3 Secondary Uses

- **boat launches**
- **boat lifts**
- **boating**
- **care centres, major**
- **carnival**
- **community recreation centres**
- **educational services, public** (*Bylaw 5849*)
- **food primary establishments**
- **residential security/operator unit**
- **retail stores, convenience**
- **retail street sales**
- **utility services, minor impact**

12.1.4 Subdivision Regulations

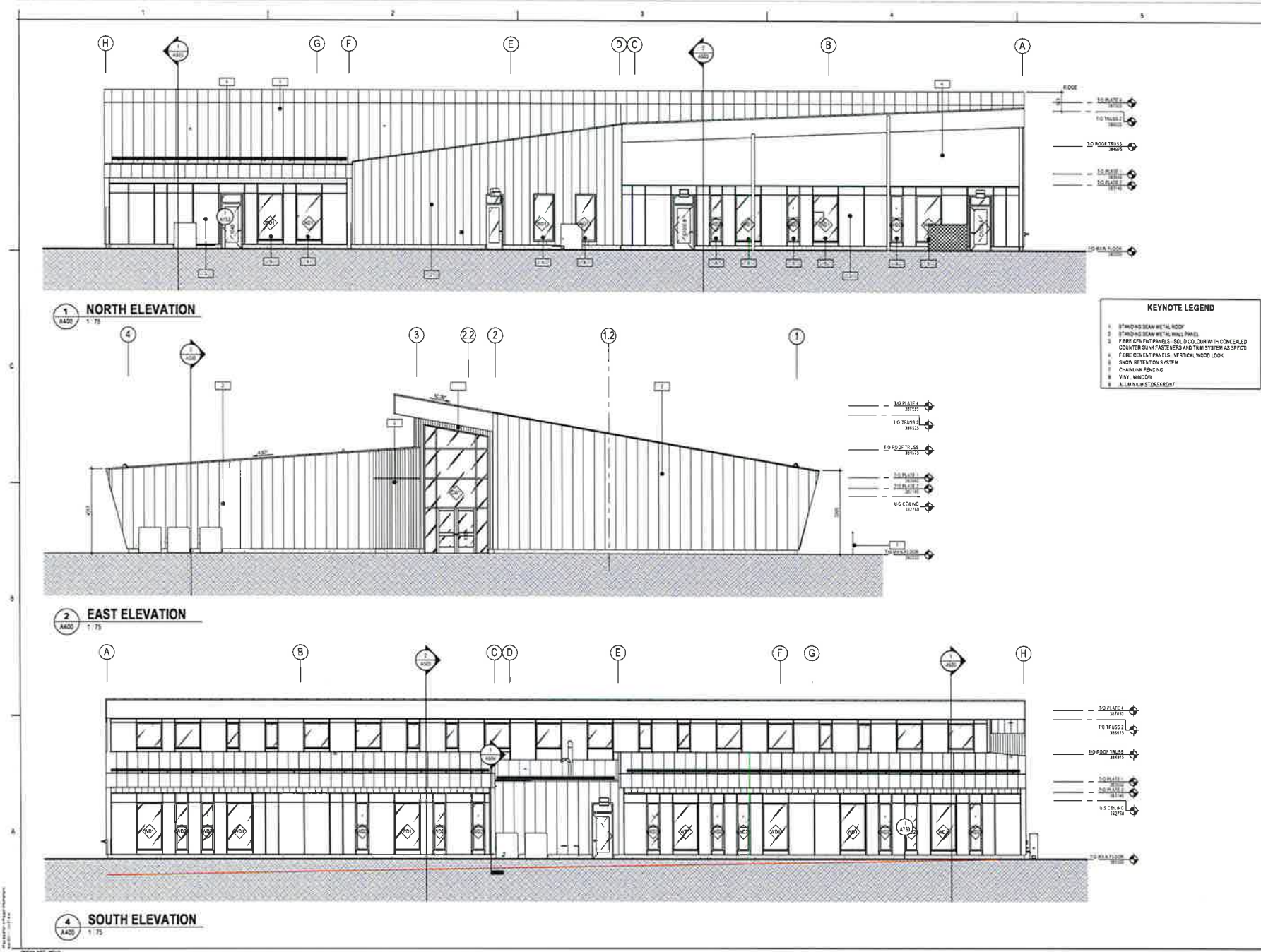
- Minimum **lot width** is N/A.
- Minimum **lot area** is N/A.

12.1.5 Development Regulations

- Maximum **floor space ratio** is 1.0.
- Maximum **height** is 15.0m or 4 **storeys**; which ever is the lesser.
- Minimum **front yard** is 6.0m.
- Minimum **side yard** is 3.0m, except it is 4.5m for any **flanking street** or where the **abutting** land is zoned or designated Residential or Agriculture.
- Minimum **rear yard** is 3.0m, except it is 4.5m for any **flanking street** or where the **abutting** land is zoned or designated Residential or Agriculture.

12.1.6 Other Regulations

- Only one **residential security/operator unit** is permitted on a **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.
- **Outdoor storage** shall be screened from view of any **street** or **lane** and from **adjacent** properties. There shall be no **outdoor storage** of toxic, noxious, explosive, or odorous materials.
- 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)



Stantec

1000 West Broadway, Suite 100
Vancouver, BC V6C 3E8
Tel: 604.681.1000
Fax: 604.681.1001
www.stantec.com

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Permit/Seal

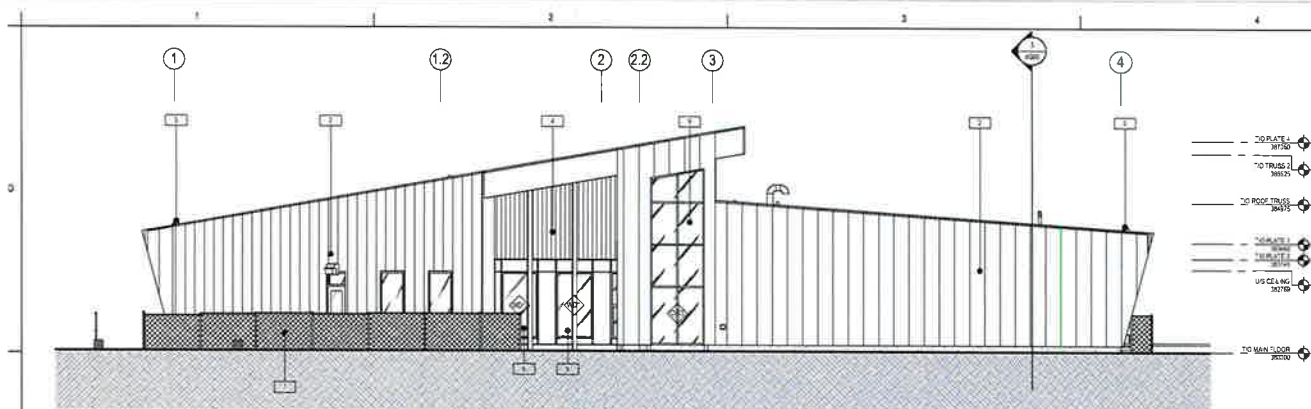
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2	2014.03.10	ALB			
3	2014.03.10	ALB			
4	2014.03.10	ALB			
5	2014.03.10	ALB			
6	2014.03.10	ALB			
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10	2014.03.10	ALB			

CITY OF Vernon

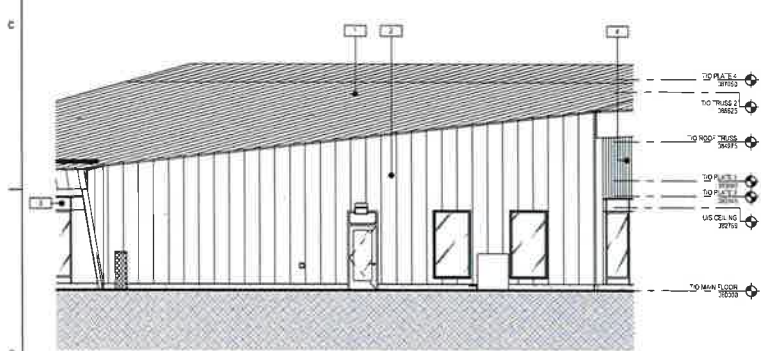
The Corporation of the City of Vernon
Recreation Complex
Child Care Facility
3508 35th Avenue Vernon, BC

Project No.: 144321032
1/18 Name: ALB
Author: ALB
Checker: ALB
Date: 2014.03.10
Title: EXTERIOR ELEVATIONS

Scale: 1:75
Revision: 3
Drawing No.: **A400**



1 WEST ELEVATION
A401 1:75



2 EAST ELEVATION
A401 1:75

KEYNOTE LEGEND

1. STANDING SEAM METAL ROOF
2. STANDING SEAM METAL WALL PANEL
3. FIBRE CEMENT PANELS - SOLID COLOUR WITH CONCEALED COUNTER-SINK FASTENERS AND TYPICAL AIR SPACE
4. FIBRE CEMENT PANELS - VERTICAL WOOD LOOK
5. SHOWER PROTECTION SYSTEM
6. CHAINLINK FENCING
7. VINYL WINDOW
8. ALUMINUM SHOWER WINDOW

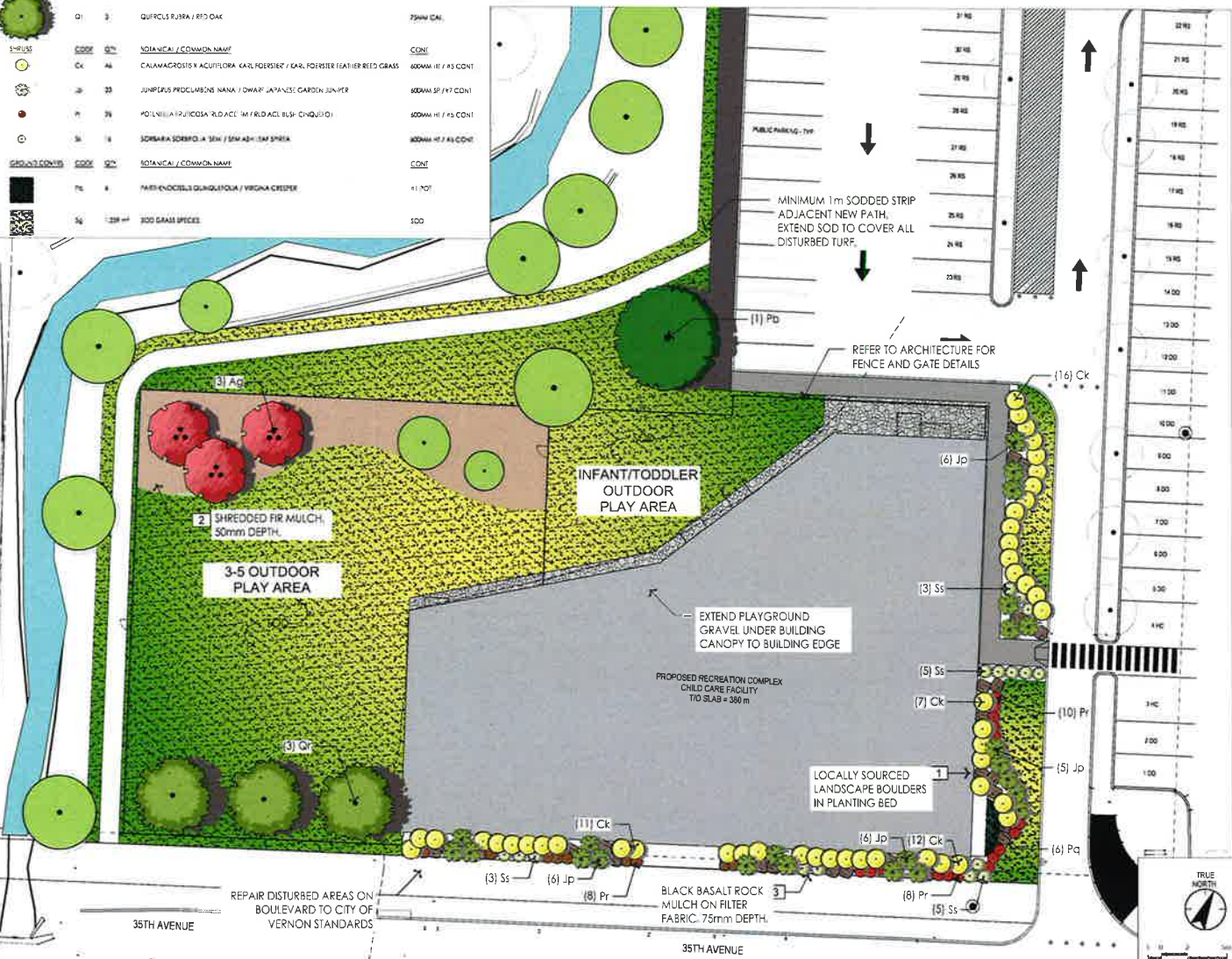
Permit/Approval

NO.	DATE	BY	FOR
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100	11/11/2010	AL	AL

PLANT SCHEDULE

CODE	QTY	BOTANICAL / COMMON NAME	CAULF
AG 3	3	ACER GINIFL / AMUR MAPLE	45MM CAL 375M VLN
PL 1	1	PLATANUS ACERIFOLIA / BLOODGOOD / LONDON PLANE TREE	75MM CAL
Q1 3	3	QUERCUS RUBRA / RED OAK	75MM CAL
NO 1	1	NOYANICAL / COMMON NAME	CONT
CA 46	46	CAJALMAGROSIS ACUTIFLORA / KARL FORTNEY / KARL FORTNEY FEATHER REED GRASS	600MM HT / 15 CONT
JP 23	23	JUNIPERUS PROCESSIONS NANA / DWARF JAPANESE GARDEN JUNIPER	600MM SP / 147 CONT
PR 76	76	POINCELLIA FORTICOSA / RED ACE / 1M / RED ACE BUSH / CHQUIDOI	600MM HT / 15 CONT
SP 16	16	SORBARIA SORBOFOLIA 50W / 50W ASH / 50W SPEER	600MM HT / 15 CONT
NO 1	1	NOYANICAL / COMMON NAME	CONT
PR 8	8	PARIS ENOCISUS GUNGLIPOLIA / VIRGINIA CRISPER	111 NOT
SP 56	56	300 GRASS SPECIES	SOD

SYMBOL	DESCRIPTION	QTY
1	LOCALLY SOURCED LANDSCAPE BOULDERS 500MM X 800MM X 200MM	75
2	SHREDDED FIR WOOD CHIP MULCH / OR APPROVED EQUAL 75MM DEPTH	186.1 m ²
3	60MM (2 1/2") BLACK BASALT ROCK MULCH / 75MM (3") BLACK ON FILTER FABRIC	170.3 m ²



LANDSCAPE PLAN

City of Vernon
VERNON CHILDCARE 2
LAKERS
7000 Cummins Road
Vernon, BC

Project No. 144321022
Title: LANDSCAPE PLAN RENDERING
Scale: As indicated
Revision: 1
Drawing No. L300

PRELIMINARY
NOT FOR
CONSTRUCTION
We warrant that the information contained in this document has been compiled or checked and is to be used for the purposes intended or as a guide only.

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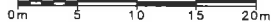
REFERENCE PLAN TO ACCOMPANY CITY OF VERNON BYLAW No. 5869 TO CLOSE AND CANCEL THE DEDICATION OF ROAD DEDICATED ON PLAN 3362, SEC 3, TP 8, ODYD

PLAN EPP114295

Pursuant to Section 120 of the Land Title Act and Section 40 of the Community Charter

BCCS 82L.024

SCALE 1 : 300



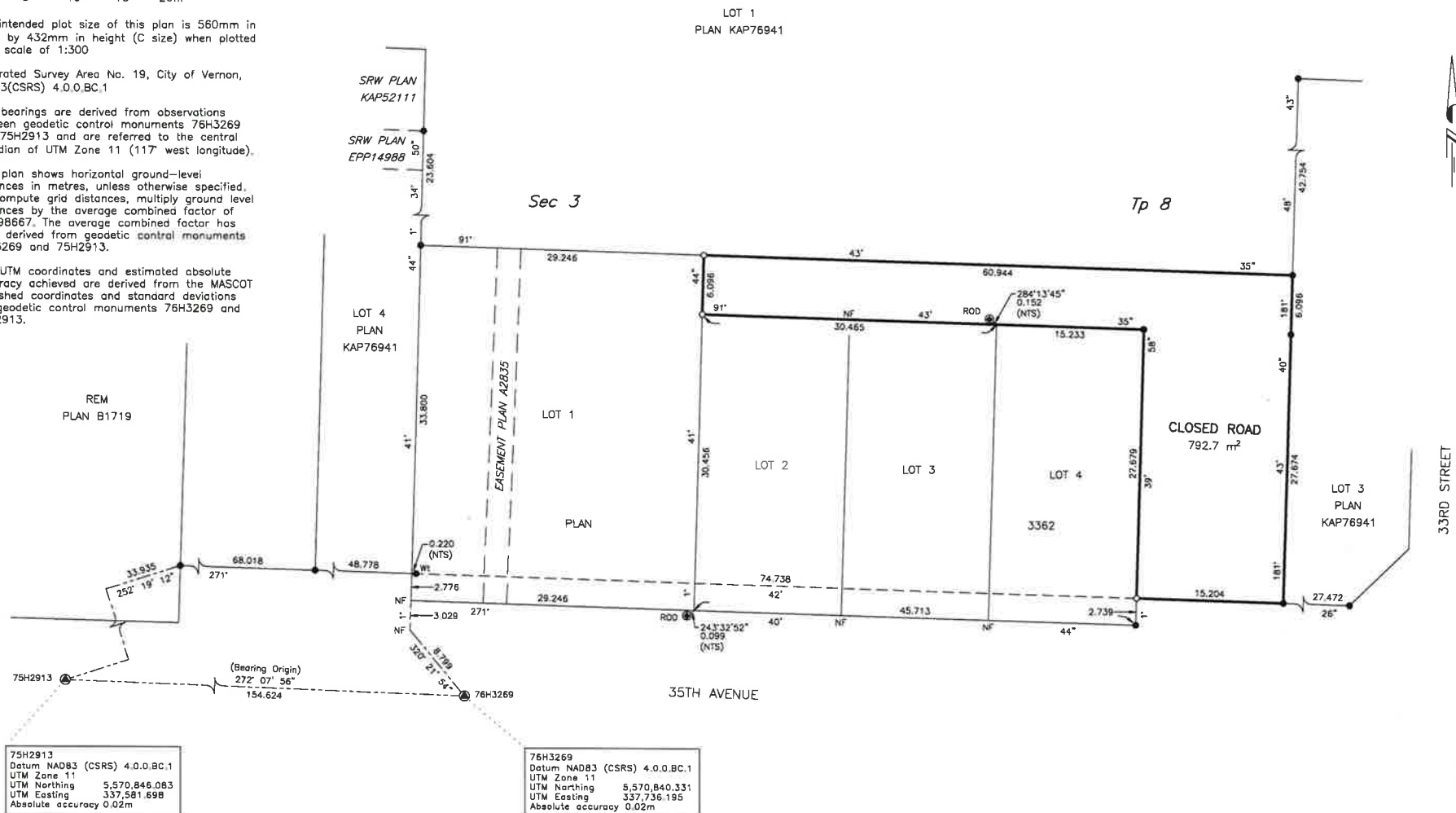
The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:300

Integrated Survey Area No. 19, City of Vernon, NAD83(CSRS) 4.0.0.BC.1

Grid bearings are derived from observations between geodetic control monuments 76H3269 and 75H2913 and are referred to the central meridian of UTM Zone 11 (117° west longitude).

This plan shows horizontal ground-level distances in metres, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998667. The average combined factor has been derived from geodetic control monuments 76H3269 and 75H2913.

The UTM coordinates and estimated absolute accuracy achieved are derived from the MASCOT published coordinates and standard deviations for geodetic control monuments 76H3269 and 75H2913.



75H2913
Datum NAD83 (CSRS) 4.0.0.BC.1
UTM Zone 11
UTM Northing 5,570,846.083
UTM Easting 337,581.698
Absolute accuracy 0.02m

76H3269
Datum NAD83 (CSRS) 4.0.0.BC.1
UTM Zone 11
UTM Northing 5,570,840.331
UTM Easting 337,736.195
Absolute accuracy 0.02m

LEGEND

- denotes standard iron post found
- denotes standard iron post placed
- ⊙ denotes non-standard post found
- ⊙ denotes control monument found
- NTS denotes not to scale

This plan shows one or more witness posts which are not set on the true corner(s).

This plan lies within the jurisdiction of the Approving Officer for the City of Vernon.

This plan lies within the Regional District of North Okanagan.

The field survey represented by this plan was completed on the 19th day of August, 2021.
Scott G. McPherson, BCLS 859

McPherson Maddox
Land Surveying

3500 - 30th Street
Vernon, BC V1T 5E8
Telephone: (250) 542-4343

110750R00

FILE: R1107

SUBDIVISION PLAN OF:

- 1) LOT 1, SEC 3, TP 8, ODYD, PLAN KAP76941
- 2) LOT 1, SEC 3, TP 8, ODYD, PLAN 3362
- 3) LOT 2, SEC 3, TP 8, ODYD, PLAN 3362
- 4) LOT 3, SEC 3, TP 8, ODYD, PLAN 3362
- 5) LOT 4, SEC 3, TP 8, ODYD, PLAN 3362
- 6) CLOSED ROAD SHOWN ON PLAN EPP114295, SEC 3, TP 8, ODYD

BCGS 82L024

SCALE 1 : 600

0m 10 20 30 40m

The intended plot size of this plan is 560mm in width by 864mm in height (D size) when plotted at a scale of 1:600

Integrated Survey Area No. 19, City of Vernon, NAD83(CRS) 4.0 BC.1

Grid bearings are derived from observations between geodetic control monuments 76H3269 and 75H2913 and are referred to the central meridian of UTM Zone 11 (117° west longitude)

This plan shows horizontal ground-level distances in metres, unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998667. The average combined factor has been derived from geodetic control monuments 76H3269 and 75H2913.

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UTM Easting: 237 581 898
Absolute accuracy: 0.02m

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UTM Zone: 11
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Absolute accuracy: 0.02m

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UTM Easting: 237 581 898
Absolute accuracy: 0.02m

76H3269
Datum: NAD83 (CRS) 4.0 BC.1
UTM Zone: 11
UTM Northing: 5 570 440 331
UTM Easting: 237 736 195
Absolute accuracy: 0.02m

75H2913
Datum: NAD83 (CRS) 4.0 BC.1
UTM Zone: 11
UTM Northing: 5 570 446 083
UTM Easting: 237 581 898
Absolute accuracy: 0.02m

McPherson Maddox
Land Surveying
3500 - 30th Street
Vernon, BC V1T 5E8
Telephone: (250) 542-4343

110750R01

LEGEND

- denotes standard iron post found
- denotes standard iron post placed
- denotes non-standard post found
- denotes control monument found
- MS denotes not to scale
- UPF unable to post

This plan shows one or more witness points which are not set on the true corner(s)

This plan lies within the jurisdiction of the Approving Officer for the City of Vernon.

This plan lies within the Regional District of North Okanagan.

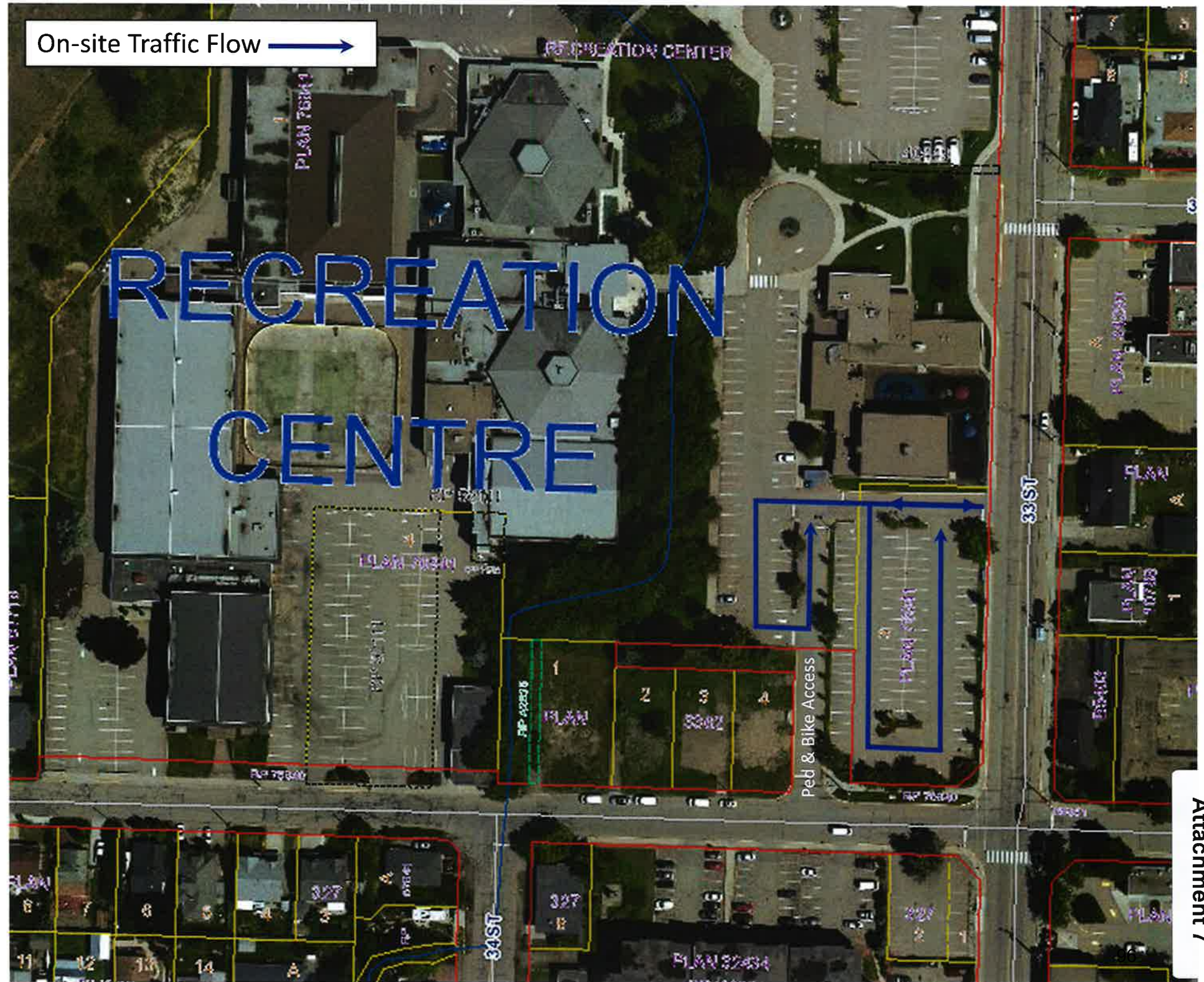
The field survey represented by this plan was completed on the 31st day of August, 2021
Scott G. McPherson, BCLS 859

FILE: R110951

951

On-site Traffic Flow →

RECREATION CENTRE



City Reception

From: K Aldridge
Sent: Tuesday, September 21, 2021 1:33 PM
To: Public Hearings
Subject: Development Variance Permit # 00538 Childcare Facility

Use Caution - External Email

I live across the street from the site. My neighbors and I bought our condo's expecting a nice quiet neighborhood. I am not against this facility in general as I doubt it can be stopped at this point. What I would like is a guarantee that there will be some sort of sound reducing wall built of either concrete or brick so that we do not have to listen to dozens of kids all day. A chain link fence will not do.

Regards,
K. Aldridge

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.

ADMINISTRATION UPDATES

September 27, 2021 REGULAR COUNCIL MEETING

File: 0550-05

CORPORATE SERVICES

Communications and Grants

Digital Communications Specialist

The Communications department is pleased to announce that a new Digital Communications Specialist has started their role with the City. This position was redeveloped from an already existing FTE that was very technical in nature (Website Developer – Graphical Support), following a staff retirement. The duties have been amended to include the technical components of the former role while also starting to add some communications capacity to the department. The Digital Communications Specialist will be focused on the use, engagement and improvement of the City's digital communication channels to effectively and efficiently inform and engage with citizens, stakeholders, visitors and staff through its websites, social media channels and intranet.

Mobile Security Patrol

The downtown mobile security patrol contract that began May 1, 2021, to establish an overnight security presence to preserve order and to prevent damage to business and City infrastructure in the downtown Vernon business improvement areas, will conclude September 30, 2021. A report to Council with detailed statistics will come forward October 12, 2021.

VERNON FIRE RESCUE SERVICES

Emergency Support Service Update

On August 1, 2021 the City of Vernon at the request of the Province opened a Reception Centre to support the White Rock Lake Wildfire evacuees. During 40 days of continuous operation, the Reception Centre provided Emergency Support Service (ESS) to almost 3,000 evacuees from numerous jurisdictions, including Okanagan Indian Band, Lytton First Nation, Regional Districts of North Okanagan, Central Okanagan, Thompson Nicola, Central Kootenay and the Township of Spallumcheen, Village of Lytton, District of Logan Lake. The activation was supported by more than 150 City of Vernon ESS volunteers and by staff from multiple divisions. Volunteers from the Canadian Red Cross, SPCA, Salvation Army and other nongovernment organizations also provided assistance. The ESS Reception Center allocated 9,988 local hotel/motel rooms and issued 8,797 service vouchers (referrals) for evacuees to access meals or groceries, clothing, incidentals, gas and billeting. The Provincially funded referrals issued by the ESS Reception Centre are valued at 3.9 million dollars.

OPERATION SERVICES**Parks****Marshall Field Emergency Contact**

Marshall Field is closed from sunrise to sunset. Bylaw closes the gates after their evening patrol through the park. Administration will install an “in case of emergency” sign on the back of the gate. The number will be the City’s after-hours contact number should someone be inadvertently locked in the facility after operating hours.

Public Works**Birdie Lake Drive and Falcon Point Way – Traffic Improvements**

Administration has replaced the stop sign at the intersection of Birdie Lake Drive and Falcon Point Way to correct the alignment and increase the visibility for drivers. In addition, a “Stop Sign Ahead” sign was installed on Birdie Lake Drive. The stop bar and crosswalk at this location, as well as two other locations in this neighborhood, were repainted to increase visibility due to recent crack sealing occurring over the paint.

Administration is also reviewing potential traffic calming measures that would be appropriate for this neighborhood, such as vehicle activated speed signs and visual narrowing of the roadway. Subject to findings and consultation with Predator Ridge, traffic calming measures could be implemented in 2022, subject to Council’s Neighbourhood Traffic Management Policy, using the annual Transportation Safety Improvements Budget.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: W. Pearce, Chief Administrative Officer **FILE:** 6480-06

PC: K. Flick, Director Community Infrastructure and Development **DATE:** September 16, 2021

FROM: Laurie Cordell, Manager, Long Range Planning and Sustainability

SUBJECT: **OFFICIAL COMMUNITY PLAN REVIEW – COUNCIL WORKSHOP**

At its March 22, 2021 Regular Meeting, Council passed the following resolution:

THAT Council ask Administration to arrange strategic planning and visioning sessions with Staff to provide input on planning issues relating to the 2022 OCP Review. Council asks Staff to host no less than 2 - 3 sessions, 3 - 4 months apart to begin no later than October 2021.

The review of the Official Community Plan (OCP) is scheduled to begin at the end of 2022. This timing was selected to enable alignment with the release of census data.

The review of an OCP is a process that typically takes approximately 24 months and involves:

- updating the background information and community statistics;
- reviewing the housing needs (housing needs assessment complete) and assessing the current land inventory;
- updating information around climate change targets and our progress on the current targets;
- reviewing and assessing policies for their continued relevance and effectiveness;
- engaging with the community on the current vision of the OCP and updating the vision and policies to reflect community input;
- review of the draft OCP with Council through a series of presentations and discussions; and
- final review and endorsement of the OCP by Council through the formal bylaw adoption process, including a public hearing.

Council has requested a workshop in advance of the start of the OCP review. This workshop is an opportune time to start building the pieces of the review process and beginning to collect the feedback that Council is hearing.

The workshop is proposed to be held during the October 25, 2021 Committee of the Whole Meeting. The agenda is proposed to cover the following:

- review of the purpose of OCPs and the legislation that directs their creation and implementation;
- review of engagement that directed the current OCP;
- high level overview of the OCP and the land use map;
- review of lands available for development and constraints;
- discussion on feedback that Council has heard; and
- high level mapping of the process and timeline for the OCP review.

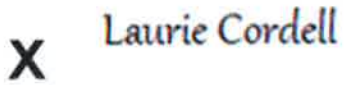

After the initial workshop, Council could determine when the next workshop would be required.

RECOMMENDATION:

THAT COUNCIL direct Administration to schedule an Official Community Plan Workshop during the October 25, 2021 Committee of the Whole Meeting as outlined in the memorandum "Official Community Plan Review – Council Workshop" dated September 16, 2021 and respectfully submitted by the Manager, Long Range Planning and Sustainability.

Respectfully submitted:

Sep 21 2021 12:03 PM

Laurie Cordell DocuSign

Laurie Cordell
Manager, Long Range Planning and Sustainability

(G:\6400-6999 PLANNING AND DEVELOPMENT\6480 COMMUNITY PLANNING - OFFICIAL COMMUNITY PLAN\06 2022 OCP review\210916_Council OCP workshop planning Memo.doc)



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 1700-02

PC: Mayor and Council **DATE:** September 21, 2021

FROM: Debra Law, Director, Financial Services

SUBJECT: LIBRARY SUNDAY OPENINGS REQUEST FOR FUNDING

The City of Vernon received a request from the Okanagan Regional Library (ORL) (Attachment 1) to provide funding for the Vernon library branch Sunday openings for the 2022 budget year in the amount of \$26,844. The letter explains that requests for additional services at the library are always made to the local government where those services are located. It also recognizes that these additional services are enjoyed by City of Vernon residents, the residents of Coldstream and residents of Regional District of North Okanagan (RDNO) Areas B and C. This group of residents is commonly represented by the Greater Vernon Advisory Committee (GVAC) in the RDNO.

Based on the ratio used for other GVAC services, the City traditionally pays 68.4% of the cost for those services. This represents \$18,361 of the total request of \$26,844. Last year RDNO insisted on paying their contribution to the ORL directly; the District of Coldstream agreed to pay their proportionate share to the City of Vernon.

RECOMMENDATION:

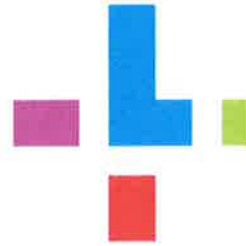
THAT Council direct Administration to forward the September 10, 2021 request from Jeremy Sundin, Chief Financial Officer, Okanagan Regional Library to the Regional District of North Okanagan (Electoral Areas B & C) and District of Coldstream Council for consideration of funding this request utilizing the typical cost ratio for Greater Vernon Advisory Committee services;

AND FURTHER that Council direct Administration to include \$18,361 as a grant to the Okanagan Regional Library, for library Sunday openings, in the 2022 financial plan.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Debra Law'.

Attachment 1 – Letter from Okanagan Regional Library dated September 10, 2021



September 10, 2021

ORL File No. 100.35

City of Vernon Council
3400 - 30th Street
Vernon, B.C.
V1T 5E6

Sent via email to: Will Pearce, CAO City of Vernon

Re: Sunday Funding for the Vernon Library Branch in 2022

Your Worship and Council,

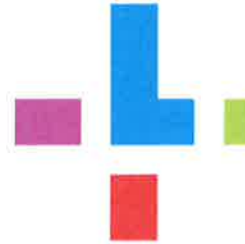
The City of Vernon has supported additional funding for many years to maintain Sunday hours at the library for the six months per year where these hours would not otherwise be available. Sunday's have continued to be well enjoyed by residents, and we trust Council sees the value in their decision.

In uncertain times and when the economy faces challenge, we expect many residents will seek free-to-use leisure, entertainment and educational opportunities for themselves and their families, such as those provided by your local library.

It is our sincere hope that support will be continued for 2022. The request for 2022 is the same as the previous year plus a 2.0% inflationary adjustment, for a total of \$26,844.

We acknowledge that the City would prefer the Okanagan Regional Library seek funding from each individual local government within the Vernon library service area, which includes the District of Coldstream and the Regional District of North Okanagan. The policy/past practice for all 30 branches within our Library system is to approach the constituent unit in which the branch is physically located when additional service arrangements are being established or renewed. If the City would like information collected by the Library to support discussion with its funding partners, we would be happy to provide this.

The ORL strongly values its relationship with the City of Vernon, and we thank you for the time and commitment you have already shown.



If this correspondence could please be included on the next Council agenda that would be appreciated. Following Council's consideration could a reply please be sent to the undersigned at the earliest opportunity.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jeremy Sundin'.

Jeremy Sundin, CPA, CA
Chief Financial Officer
Okanagan Regional Library
Phone: 250-860-4033 ext. 2471
Email: jsundin@orl.bc.ca

cc: David Sewell, CAO Regional District of North Okanagan
Trevor Seibel, CAO District of Coldstream



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 7400-30

PC: Kevin Poole, Director, Community Safety, Lands, Administration **DATE:** September 17, 2021

FROM: Geoffrey Gaucher, General Manager, Municipal Support Services RCMP

SUBJECT: RCMP MUNICIPAL SUPPORT SERVICES 2022 BUDGET PRIORITIES

This memo outlines a proposed service level adjustment to RCMP Municipal Support Services with the addition of three Municipal Support Services positions. This proposal is being made collaboratively with Superintendent Shawna Baher, and is in lieu of a request by the RCMP for additional member resources.

Both the Vernon/North Okanagan RCMP Detachment Commander and the Operations Officer recommend the additional Municipal Support Services positions as they would provide a significant benefit to front line policing by freeing members from performing time consuming data entry and statistical reporting tasks. The proposed increase in support services staff would redistribute the administrative workload currently being performed by police officers allowing them to focus on higher level police work.

The following positions are being requested, in order of priority, to further support members at the Vernon/North Okanagan RCMP Detachment:

1. Electronic File Disclosure Clerk:

This position supports the plain-clothes investigative unit with electronic file disclosure to Provincial and Federal Crown Counsel in accordance with the provincial MOU for court prosecution. Recent court rulings have complicated the manner in which the police disclosure of evidence occurs, increasing the amount of evidence to be disclosed in the first instance to permit charge approval. This fulsome evidence disclosure can only be accomplished by committing significant police resources or by supplying dedicated administrative support.

2. Records Reviewer:

This position supports all Vernon Detachment units with operational file review and quality assurance for ongoing investigations as well as concluded files. A large part of this position workload is CCJS (Canadian Centre for Justice Studies) file scoring and crime reporting as well as ensuring adherence to federal and provincial legislation along with RCMP policy. Records reviewers currently ensure file accuracy after completion by a police officer. However, due to volume and time constraints, files are often sent back to the member for further refinement. An additional Records Reviewer would create the capacity to allow support staff to spend more time on ensuring file accuracy in

accordance with legislated requirements preventing the file from being returned to the member. This additional support would free up more time for police officers to be on the road.

3. Operations Support Clerk:

This position supports all Vernon Detachment units with telephone call taking from the public, creation of PRIME (Police Record Information Management Environment) files, and the review, correction or completion of ViCLAS (Violent Crimes Linkage Analysis System) reporting in accordance with federal legislation. ViCLAS is a National Intelligence system utilized for tracking and linking sexual assaults and homicides with data contributed by all police agencies in Canada. This reporting is an important, complex and detailed task which would take a police officer off of the road for a considerable amount of time. The addition of an Operations Support Clerk would permit more of these tasks to be performed by a support services clerk alleviating the need for the member to do this work.

Administration requests that Council consider increasing service levels in 2022 by 3 full time positions at a cost of approximately \$236,000 to permit an increase in capacity for the RCMP Municipal Support Services. Should Council support the request for funding, Administration would bring forward a Service Level Adjustment during the 2022 Budget process, for consideration.

RECOMMENDATION:

THAT Council receive the memorandum titled "Municipal Support Services RCMP 2022 Budget Priorities" dated September 17, 2021, respectfully submitted by the General Manager, Municipal Support Services RCMP;

AND FURTHER, that Council authorize Administration to bring forward a service level increase for consideration during 2022 Budget Deliberations for the addition of an Electronic File Disclosure Clerk, a Records Reviewer and an Operations Support Clerk at an annual cost of approximately \$236,000, to be funded by taxation and in addition to the 2% tax revenue increase directed by Council at their special meeting held on June 21, 2021.

Respectfully submitted:



Geoffrey Gaucher
General Manager, Municipal Support Services RCMP



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: W. Pearce, CAO **FILE:** 6750-20 (PNP)

PC: K. Flick, Director, Community Infrastructure & Development
K. Austin, Manager, Legislative Services **DATE:** September 15, 2021

FROM: J. Perrott, Manager, Economic Development and Tourism

SUBJECT: ENTREPRENEUR IMMIGRATION – REGIONAL PILOT UPDATE & RENEWAL

On May 27, 2019, Council endorsed the opportunity for the City of Vernon to apply and become part of a new two-year Provincial Nominee Program (PNP) Entrepreneur Immigration – Regional Pilot that is focused on attracting immigrant entrepreneurs to the community. This pilot program presented a unique opportunity for rural communities, like Vernon, to help attract immigrant entrepreneurs to fulfil specific industry needs defined by the participating community. As this two-year trial pilot program is nearing the end of its term, Administration is seeking Council direction on renewing participation in this program.

To initially participate as a pilot community, the City completed a half day training session with local business service agencies who were interested in assisting immigrants to relocate to the area (i.e. Greater Vernon Chamber of Commerce, Community Futures North Okanagan, Vernon and District Immigrant Services, etc.); developed a webpage for interested immigrant entrepreneurs that explains the program along with the process for those interested in exploring Vernon as a location to start a new business through the program; identified desired industries using three digit North American Industry Classification System (NAICS) codes; formed a community review group to review business plans, invited suitable immigrant entrepreneurs for a visit and assisted in deciding which immigrant entrepreneurs should be referred to Provincial staff. The community review group is comprised of:

- Communications & Program Coordinator – Greater Vernon Chamber of Commerce
- Executive Director – Downtown Vernon Association
- Loans Coordinator – Community Futures North Okanagan
- Executive Director – Vernon and District Immigrant Services

Since 2019, Economic Development and Tourism Department staff have managed 523 email enquiries, 198 applications, and numerous inquiries from immigration consultants throughout Western Canada on behalf of their prospective clients. The community review group has met on a regular basis to review more than 150 business concepts and 43 detailed business plans, and recommended four business referrals to the Province of BC's Immigration Programs Branch which are expected to result in new business opening in the next 6 to 18 months. The number of referrals to the Province can be attributed to the timing of this pilot coinciding with COVID-19.

Administration reviewed the program with the community review group at its August meeting and sought their feedback on moving forward. Members of the community review group provided the following feedback:

- that the City should continue as a participant in the PNP Regional Pilot program as it helps to continue to attract community investment and create new job opportunities
- that the community review group be expanded to include additional members who can provide additional experience and community knowledge
- that Council consider replacing the former three-digit NAICS codes and endorsing the more detailed four-digit NAICS (Attachment 1) of sought-after industries/community investment as requested by the Province of BC's Immigration Program Branch.

It should be noted that the community review group was not formed as a committee of Council, but group members were invited to participate by Administration. If this program is renewed by Council, Administration would invite an expanded number (i.e. 5 to 6) of members for this term to participate on the community review group to provide additional experience and community knowledge.

To renew the City of Vernon's participation in the Entrepreneur Immigration – Regional Pilot for a three-year term (October 2021 to October 2024), the Province of BC's Immigration Program Branch will continue to expect that the City of Vernon will provide and maintain the following activities and services:

- Attracting the right entrepreneurs through maintaining a listing on the BC PNP website, promotion on the City's websites, and promotion of the program with local immigration consultants.
- Make referrals to the Province's Immigration Program Branch through ongoing review of business plans by the community review group.
- Arranging exploratory visits once international travel restrictions ease – these in-person visits are expected to include meeting with City staff, touring the community, and connecting with community partners including the Greater Vernon Chamber of Commerce, Community Futures North Okanagan, and Vernon and District Immigrant Services.
- Supporting business establishments once they relocate to Vernon – supports can include site selection, navigating City processes, and facilitating community connections.
- Celebrating successes through developing content for the City's Economic Development and Relocation websites and social media channels.

Based on the experience of the initial trial period, Administration is confident that it can continue to participate in this program with existing resources.



RECOMMENDATION:

THAT Council direct staff to participate in the Province of British Columbia's Provincial Nominee Program Entrepreneur Immigration Regional Pilot Project for a three year term beginning October 2021;

AND THAT Council endorse North American Industry Classification System codes as outlined in Attachment 1 of the memo titled "Entrepreneur Immigration – Regional Pilot Update & Renewal", dated September 15, 2021 and respectfully submitted by the Manager, Economic Development & Tourism as the desired industries sought under the Province of British Columbia's Provincial Nominee Program Entrepreneur Immigration Regional Pilot in Vernon.

Respectfully submitted:

Sep 21 2021 4:01 PM

X  

John Perrott DocuSign

John Perrott
Manager, Economic Development and Tourism

Attachment 1 – North American Industry Classification System Codes

G:\6400-6999 PLANNING AND DEVELOPMENT\6750 ECONOMIC DEVELOPMENT\20 Economic Developments Projects\PNP Regional Pilot Program\210915_jp_memo_pnp_renewal.docx

North American Industry Classification System Codes

The following North American Industry Classification System codes and definitions have been identified as the desired industries for Vernon under the Province of British Columbia's Provincial Nominee Program Entrepreneur Immigration Regional Pilot.

2361 - RESIDENTIAL BUILDING CONSTRUCTION This industry group comprises establishments primarily engaged in the construction or remodelling and renovation of single family and multi-family residential buildings.

2362 - NON-RESIDENTIAL BUILDING CONSTRUCTION This industry group comprises establishments primarily engaged in the construction (including new work, additions and major alterations) of industrial, commercial and institutional buildings.

3112 - GRAIN AND OILSEED MILLING This industry group comprises establishments primarily engaged in milling grains and oilseeds; refining and blending fats and oils; and making breakfast cereal products.

3114 - FRUIT AND VEGETABLE PRESERVING AND SPECIALTY FOOD MANUFACTURING This industry group comprises establishments primarily engaged in manufacturing frozen fruits and vegetables; frozen entrées and side dishes of several ingredients, except seafood; and fruits and vegetables preserved by pickling, canning, dehydrating and similar processes.

3118 - BAKERIES AND TORTILLA MANUFACTURING This industry group comprises establishments primarily engaged in manufacturing baked goods. Establishments primarily engaged in manufacturing bakery products, for retail sale, but not for immediate consumption, are included.

3212 - VENEER, PLYWOOD AND ENGINEERED WOOD PRODUCT MANUFACTURING This industry group comprises establishments primarily engaged in manufacturing softwood and hardwood veneer and plywood; structural wood members, except lumber; and reconstituted wood panel products.

4421 - FURNITURE STORES This industry group comprises establishments primarily engaged in retailing new household and office furniture. These establishments may also retail major appliances, home electronics, home furnishings and floor coverings, and may provide interior decorating services.

4481 - CLOTHING STORES This industry group comprises establishments primarily engaged in retailing new, ready-to-wear clothing.

4511 - SPORTING GOODS, HOBBY AND MUSICAL INSTRUMENT STORES This industry group comprises establishments primarily engaged in retailing new sporting goods, games and toys, and musical instruments.

5416 - MANAGEMENT, SCIENTIFIC AND TECHNICAL CONSULTING SERVICES This industry group comprises establishments primarily engaged in providing expert advice and assistance to other organizations on management, environmental, scientific and technical issues.

7225 - FULL-SERVICE RESTAURANTS AND LIMITED-SERVICE EATING PLACES

This industry group comprises establishments primarily engaged in providing food services to patrons who order and are served while seated and pay after eating, or who order or select items at a counter, food bar or cafeteria line (or order by telephone) and pay before eating. This industry group includes drinking places that primarily serve food.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** 0390

PC: Kim Flick, Director of Community Infrastructure and Development **DATE:** September 15, 2021

FROM: John Perrott, Manager, Economic Development and Tourism

SUBJECT: HOSTING THE 2023 SOUTHERN INTERIOR LOCAL GOVERNMENT ASSOCIATION (SILGA) CONVENTION

The Southern Interior Local Government Association (SILGA) is looking to host its 2023 conference in Vernon. This annual conference typically attracts approximately 200 delegates and brings 700 hotel room bookings to the host community. SILGA aims to support local business as much as possible when planning the convention, including using local facilities, caterers, developing program content, booking speakers, and planning local tours. An event like this has a positive economic impact on the community as it's usually held outside of the traditional peak summer season.

Organization of this convention has changed significantly since Vernon last hosted in 2008. For the 2023 conference, SILGA staff will be doing all of the organizing, facility and catering bookings, managing registration and program content, booking speakers, planning community tours, and soliciting sponsorships. As a host community, SILGA requests staff support from the host community to help connect with local suppliers and venues and to provide onsite assistance at the 2022 and 2023 conferences. Hotel and per diem costs for staff to attend the 2022 conference in Salmon Arm would be covered by SILGA.

RECOMMENDATION:

THAT Council support hosting the 2023 Southern Interior Local Government Association (SILGA) Convention in Vernon from April 25 to 28, 2023;

AND FURTHER, that Council authorize staff support from the Economic Development and Tourism Department to provide onsite assistance at the 2022 and 2023 SILGA conferences, and to support the SILGA convention committee to assist with convention planning and community introductions.

Respectfully submitted:

Sep 21 2021 8:37 AM

X

✓

John Perrott

DocuSign

John Perrott
Manager, Economic Development and Tourism



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: W. Pearce, CAO **FILE:** 6900-01

PC: K. Flick, Director, Community Infrastructure & Development
K. Austin, Manager, Legislative Services **DATE:** September 15, 2021

FROM: J. Perrott, Manager, Economic Development and Tourism

SUBJECT: **TOURISM STAFF REQUESTS FOR CONSIDERATION IN THE 2022 BUDGET**

Tourism Vernon is the destination marketing function of the Economic Development and Tourism Department within the City of Vernon. Like all other destination marketing organizations (DMO) in British Columbia, Tourism Vernon is funded primarily through the collection of a 3% Municipal and Regional District Tax (MRDT) on short term accommodation provided within the City of Vernon. The City utilizes a Tourism Commission – a group comprised of local accommodation providers, tourism attractions and businesses, and tourism related community groups, to provide oversight for Tourism Vernon activities, strategies, and MRDT spending.

Throughout regular Tourism Commission meetings this past summer, Commission members considered changes to the 2022 operational model as Administration began to develop the 2022 Tourism operating budget. Commission members identified a new tourism website, expansion of mobile visitor service delivery, and increasing digital content as emerging priorities for 2022. Two options were presented by Administration for the Commission's consideration in an effort to address their priorities: remain with the existing staffing structure and utilization of a large team of contractors or create two new positions. Opportunity cost, administrative efficiencies, industry responsiveness, and service delivery were key considerations for Commission members when reviewing the options. At its meeting of September 15, 2021, the Tourism Commission passed the following motions for Council's consideration:

1. *THAT the City of Vernon's Tourism Commission supports the creation and funding for a Visitor Services & Community Specialist as part of a request to Council for the 2022 budget process, funded using MRDT funds.*
2. *THAT the City of Vernon's Tourism Commission supports the creation and funding of a Digital Marketing Specialist as part of a request to Council for the 2022 budget process, funded using MRDT funds.*

Rationale for Visitor Services and Community Specialist

In 2019, consideration of the future of Visitor Services was well underway in many jurisdictions based on shifting consumer preferences away from dedicated visitor service locations to mobile visitor service delivery and digital platforms. By early 2020, uncertainty

created by COVID-19 and resulting potential impacts on MRDT revenues resulted in the decision to not open the Visitor Centre for 2020 in favour of shifting to visitor service delivery by email, telephone, and digital platforms. In January 2021, Council approved the Commission's recommendation to continue the closure of the Visitor Centre in favour of a mobile model. In 2021 the mobile model utilized two students who attended local events, attractions, and high traffic locations throughout the summer to connect with visitors and enhance existing virtual services provided by the Economic Development and Tourism Administration Assistant.

Despite a difficult summer season due to a combination of the pandemic, limited community events, extreme temperatures (heat), smoke, and wildfires, the first season for the mobile team helped to prove the case for the switch to mobile visitor services. The team spoke with more than 2,500 visitors to provide a broad range of visitor information, recommendations to local attractions and businesses, and community information between late May and the end of August.

As the pilot came to an end in late August, it was apparent that the mobile-first approach to visitor services showed great promise. However, there were some service gaps identified by tourism stakeholders that had been provided through the previous model, including:

- Tourism Vernon attendance at community events and festivals outside of the summer period
- Regular, ongoing engagement with businesses and organizations that service tourists in our community and providing tourism-related materials to distribute to their customers and guests
- Visiting local retail, restaurant, and quick service businesses which are frequented by visitors to provide community information for their guests while connecting with owners to gauge business activity levels throughout the year

The creation of a new Visitor Services and Community Specialist role would be funded completely through the MRDT for the delivery of mobile visitor services, enhanced engagement with small accommodation providers and businesses/stakeholders, and oversee the summer Visitor Services team. In addition to these services, this role would also coordinate the sale of advertising in the annual Visitor Guide, administer Tourism Vernon's Co-Op Marketing program, support tourism attendance at trade shows, and assist with hosting media and familiarization tours.

Rationale for Digital Marketing Specialist:

Tourism Vernon's digital marketing efforts have expanded greatly over the last decade. In 2011, traditional digital marketing was limited to a DMO's website and limited use of one or two (Twitter and/or Facebook) social media platforms with limited content. Generally, the majority of marketing efforts focused on traditional advertising including print, radio, television, tradeshow, and hosting a small number of travel writers. Contractor use was typically limited to photographers, videographers, and project support to supplement the single Tourism staff member.

As the decade progressed and digital marketing become more prevalent, MRDT collection grew, and Tourism Vernon expanded its use of contractors to help manage the growing digital marketing portfolio. Tourism Vernon has expanded its digital marketing

footprint to include multiple websites (main page and sector specific sites), multiple social media services, multiple electronic newsletters, travel media, use of social media 'influencers', and regular updates of new website content. A single marketing campaign could now include as many as ten or more different digital platforms with different messages focused on different audiences.

Tourism Vernon's continued use of these digital contractors to deliver content across all of Tourism Vernon's digital marketing channels has highlighted several operational challenges. The coordination, review, and approval of digital content created by these contractors falls upon the Manager, Tourism and requires significant lead time before publishing. When changes or adjustments to a campaign's digital content is required, coordination across multiple contractors generally results in publishing delays and additional contractor costs. Additionally, emergency messaging required due to changing travel regulations as result of COVID-19 and wildfires were delayed as the Manager, Tourism had to contact the various contractors. As Tourism Vernon's digital marketing footprint has grown, it has become increasingly challenging to continue to coordinate numerous contractors in a responsive manner and at a reasonable cost.

The creation of a Digital Marketing Specialist, funded completely through the MRDT, would provide both cost and coordination efficiencies for Tourism Vernon. This role would be responsible for the development and delivery of digital content across all of Tourism Vernon's digital channels (website, social media, etc), coordinate electronic newsletters to stakeholders and prospective visitors, assist in the collection and analysis of digital platform analytics, and provide recommendations on the use of new and emerging platforms. Additional benefits of the proposed position include:

- More quality control and content consistency across all Tourism Vernon digital platforms
- Better response time to share important/emerging messages (i.e. emergency messaging)
- Increased creative control in regards to tone, message, and visuals
- Less time spent coordinating and engaging with contractors (i.e. coordination, reviewing, invoicing, etc.)
- Cost saving that can be redirected to direct spending on destination advertising

It should be noted that this position would not replace the need to use contractors completely, as contractors would still be required for highly specialized services like photographers, videographers, large project graphic design (i.e. Visitor Guide), search engine optimisation, advising on emerging technology, etc.

This request for two additional staff members as part of the 2022 tourism budget would increase Tourism Vernon's staffing complement from 3.0 full time equivalents (Manager, Coordinator, shared Economic Development and Tourism Administrative Assistant, two mobile visitor services summer students) to 5.0 full time equivalents.

RECOMMENDATION:

THAT Council approve the Tourism Commission's recommendations for a Visitor Services and Community Specialist and a Digital Marketing Specialist, funded from the Municipal and Regional District Tax, as part of the 2022 Tourism budget considerations as outlined in the memorandum titled "Tourism Staff Requests for Consideration in the

2022 Budget" dated September 15, 2021 respectfully submitted by the Manager, Economic Development and Tourism.

Respectfully submitted:

X



Signer 1

6 John Perrott
Manager, Economic Development and Tourism

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THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer **FILE:** 0110-40

PC: Kevin Poole, Director, Community Safety, Lands and Administration **DATE:** September 10, 2021

FROM: Keri-Ann Austin, Manager, Legislative Services/Corporate Officer

SUBJECT: **GOOD CITIZEN OF THE YEAR AND FREEMAN OF THE CITY – BENEFITS BESTOWED BY THE CITY, POLICY AMENDMENT**

The Corporate policy, titled “Good Citizen of the Year and Freeman of the City – Benefits Bestowed by the City” was approved by Council in 1999. The term ‘freeman’ is a historical term dating back to the middle ages and was a common practice in 12th Century Europe. In municipal legislation, this term has evolved from ‘freeman’ to the word ‘freedom’.

Freedom of the municipality is found in section 158 of the *Community Charter* and it is an honour that a council may confer on a distinguished person or a distinguished unit of the armed forces of Canada or another nation.

Unless revoked, a person given the freedom of the municipality is deemed to be an elector of the municipality and as such, eligible to be registered to vote in an election for mayor or councillor and, despite any other enactment and if the person is a Canadian citizen, is qualified to be nominated to be elected and hold office on the council.

The subject Corporate policy bestows upon the recipient of the Freedom of the Municipality the following entitlements:

- A lifetime parking pass which will allow free parking at any City-operated on-street or off-street parking facility; and
- A lifetime transit pass allowing free use of the Conventional Transit System.

A Corporate policy may only be adopted, amended or repealed by resolution of Council.

RECOMMENDATION:

THAT Council receive the memorandum titled “Good Citizen of the Year and Freeman of the City – Benefits Bestowed by the City, Policy Amendment” dated September 10, 2021, respectfully submitted by the Manager, Legislative Services/Corporate Officer;

AND FURTHER, that Council direct Administration to amend the policy title “Good Citizen of the Year and Freeman of the City – Benefits Bestowed by the City” by replacing the word “*freeman*” with the word “*freedom*” throughout the policy to be consistent with the language in the *Community Charter*.

Respectfully submitted:

Attachment (1): Proposed Amendments to “Good Citizen of the Year and Freeman of the City – Benefits Bestowed” Policy



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:	Good Citizen of the Year and Freeman Freedom of the City – Benefits Bestowed by the City	

RELATED POLICIES

Number	Title

APPROVALS

POLICY APPROVAL:	AMENDMENT APPROVAL:	SECTION AMENDED
Approved by: "Wayne McGrath"	Amendment Approved by:	Update wording throughout policy from Freeman to Freedom
Mayor		
Date: June 7, 1999	Date:	

POLICY

This policy is provided to allow for the City to honor, in a tangible way, those individuals who have received the designation of Good Citizen of the Year or **Freeman Freedom** of the City.

DEFINITIONS

PROCEDURES

GOOD CITIZEN OF THE YEAR

For the period of time that an individual is honored as the Good Citizen of the Year the Mayor of the City shall present the recipient with the following:

1. A twelve-month free parking pass which will allow free parking at any City-operated on-street or off-street parking facility.
2. A twelve-month transit pass allowing free use of the Conventional Transit System operated by the City.

FREEMAN FREEDOM OF THE CITY

If an individual is honored **as with Freeman Freedom** of the City, the Mayor shall present the recipient with the following:

1. A lifetime parking pass which will allow free parking at any City-operated on-street or off-street parking facility.
2. A lifetime transit pass allowing free use of the Conventional Transit System operated by the City.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer **FILE:** 4200-2021

PC: Kevin Poole, Director, Community Safety, Lands and Administration **DATE:** September 17, 2021

FROM: Keri-Ann Austin, Manager, Legislative Services/Corporate Officer

SUBJECT: BY-ELECTION PROCEDURES

Administration has consulted with the Ministry of Municipal Affairs and the Interior Health Authority for direction with respect to conducting a by-election with the appropriate COVID safety protocols in place.

The Minister of Municipal Affairs has issued Ministerial Order No. M307, "*Elections in Special Circumstances (COVID-19) Regulation*" (Attachment 1) which temporarily modifies certain sections of the *Local Government Act* (LGA) and gives authority to local governments to modify their election procedures by resolution, rather than by amending their election procedures bylaw, to ensure the safe conduct of elections.

Administration is recommending that, for this by-election only, Council authorize the following:

- **Disapply** Section 4 [*Special Voting Opportunities*] of City of Vernon Election Procedure Bylaw Number 3971, 1993. Special voting opportunities would not be offered.
 - *Authorized by section 5 of M307*
- **Permit** mail ballot voting for eligible electors
 - *Pursuant to section 110 of the LGA and authorized by section 6 of M307*
- **Authorize** an oral declaration as an alternative to a written declaration (signing the voting book), before receiving a ballot in a voting place
 - *Pursuant to section 125 of the LGA and authorized by section 7 of M307*

Special Voting opportunities are typically held in hospitals and long-term care homes for patients and residents who are not mobile or cannot easily attend a voting place, subject to the authorization of the facility. For the 2018 general local election the Vernon Jubilee Hospital declined to have a voting opportunity held in their facility. In light of the pandemic, it is not advisable to hold voting opportunities in long-term care homes or similar facilities. Mail ballot voting may be a suitable and preferred alternative.

In light of the pandemic, Administration is recommending mail ballot voting as a strategy to manage the numbers of voters in voting places and provide an option for those voters not able to easily attend a voting place in person. Since this election will not be using electronic ballots, the timing to print and mail out ballots can be accommodated in this

instance. It should be noted that it is the obligation of the person applying to vote by mail ballot to ensure their mail ballot is received by the Chief Election Officer before the close of voting on the general voting day. This will be communicated clearly in the mail ballot voting process information and instructions.

To receive a mail ballot for voting, a voter will be required to complete an application form (available online or at the Municipal Hall). Once the voter's application is processed, a mail ballot package will be provided to the voter either by mail or for pick-up at the municipal hall.

Before an elector can be given a ballot, section 125 of the LGA requires the elector to sign the voting book, which is the voter's written declaration affirming their name, address and their eligibility to vote. M307 provides the authority to take this declaration orally thereby eliminating a point of contact that election officials would typically have with an elector.

Finally, during the 2018 local general elections, Council authorized Administration to suspend enforcement of section 4 of the City's Sign Bylaw #4480 and allow political signage on dedicated road allowances or lands owned by any government during the campaign period. Administration recommends Council provide the same direction for the by-election campaign period, November 6 to December 4, 2021.

RECOMMENDATION:

THAT Council receive the memorandum titled "By-election Procedures" dated September 17, 2021 respectfully submitted by the Manager, Legislative Services/Corporate Officer;

AND FURTHER, that pursuant to Ministerial Order No. M307 "*Elections in Special Circumstances (COVID-19) Regulation*", Council authorizes the Chief Election Officer to:

- a) Disapply Section 4 [*Special Voting Opportunities*] of the City of Vernon "Election Procedure Bylaw Number 3971, 1993";
- b) Permit mail ballot voting for eligible electors pursuant to section 110 of *the Local Government Act*; and
- c) Take oral declarations as an alternative to written declarations in the voting book pursuant to section 7(2)(b) of Ministerial Order No. M307;

AND FURTHER, that Council direct Administration to suspend enforcement of section 4 of Sign Bylaw #4480 as shown below, during the 2021 By-election campaign period November 6 to December 4, 2021, unless there are safety or liability issues apparent:

'4. *Signs Permitted in all Zones*

g) *Political Signs provided that such signs:*

- iii) *are not placed on any dedicated road allowance or lands owned by any government.'*

Respectfully submitted:

A handwritten signature in black ink, appearing to be "M. H. C.", followed by a period.

Attachment 1: Ministerial Order No. M307

Attachment 2: City of Vernon Election Procedure Bylaw #3971 (consolidated)

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**PROVINCE OF BRITISH COLUMBIA
REGULATION OF THE MINISTER OF
MUNICIPAL AFFAIRS**

Local Government Act

Ministerial Order No. M307

I, Josie Osborne, Minister of Municipal Affairs, order that the attached Elections in Special Circumstances (COVID-19) Regulation is made.

July 23, 2021

Date



Minister of Municipal Affairs

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Local Government Act*, R.S.B.C. 2015, c. 1, ss. 167.1 and 783

Other:

R10537117

ELECTIONS IN SPECIAL CIRCUMSTANCES (COVID-19) REGULATION

Definitions

- 1** In this regulation:
- “Act” means the *Local Government Act*;
- “eligible proceeding” means
- (a) an election proceeding, or
 - (b) a proceeding for assent voting.

Advance registration

- 2** (1) This section modifies section 69 [*voting day registration only*] of the Act.
- (2) A local government may, in relation to an eligible proceeding, by resolution, disapply a bylaw under section 69 of the Act.

Provincial list of voters

- 3** (1) This section modifies section 76 [*Provincial list of votes as register of resident electors*] of the Act.
- (2) A local government may, in relation to an eligible proceeding, by resolution, provide that the most current available Provincial list of voters prepared under the *Election Act* is to be the register of resident electors.
- (3) Sections 68 (2) and 76 (3) of the Act apply in relation to a resolution under subsection (2) of this section.

Advance voting opportunities – dates and voting places

- 4** (1) This section modifies section 108 [*additional advanced voting opportunities*] of the Act.
- (2) A local government may, in relation to an eligible proceeding, by resolution,
- (a) disapply a bylaw under section 108 (1) of the Act, or
 - (b) do anything that may be done by bylaw under that section, other than repeal a bylaw under that section.

Special voting opportunities

- 5** (1) This section modifies section 109 [*special voting opportunities*] of the Act.
- (2) A local government may, in relation to an eligible proceeding, by resolution,
- (a) disapply a bylaw under section 109 (1) of the Act, or
 - (b) do anything that may be done by bylaw under that section, other than repeal a bylaw under that section.

Mail ballot voting

- 6** (1) This section modifies section 110 [*mail ballot voting*] of the Act.
- (2) A local government may, in relation to an eligible proceeding, by resolution,

- (a) disapply a bylaw under section 110 (1) of the Act, or
 - (b) do anything that may be done by bylaw under that section, other than repeal a bylaw under that section.
- (3) Section 110 (7) (e) of the Act applies in relation to a resolution under subsection (2) of this section.
- (4) A local government may, in relation to an eligible proceeding, by resolution,
- (a) provide that section 110 (7) (b) and (c) of the Act is to be read as though a reference to a secrecy envelope were a reference to a secrecy sleeve, or
 - (b) disapply section 110 (7) (b) of the Act and provide that section 110 (7) (c) is to be read as though a reference to a secrecy envelope were a reference to the ballots.

Requirements before elector may be given a ballot

- 7 (1) This section modifies section 125 [*requirements before elector may be given ballot*] of the Act.
- (2) A local government may, in relation an eligible proceeding, by resolution, do any of the following:
- (a) provide that section 125 (1) (b) of the Act is to be read as though it provided that the person must, as directed by an election official,
 - (i) comply with section 125 (1) (b) as written, or
 - (ii) make an oral declaration of the facts set out in section 125 (1) (b), in which case the election official must make a record that the person made an oral declaration;
 - (b) provide that section 125 (1) (c) of the Act is to be read as though it provided that the person must, as directed by an election official,
 - (i) comply with section 125 (1) (c) as written, or
 - (ii) make an oral declaration of the facts set out in section 125 (1) (c), in which case the election official must make a record that the person made an oral declaration and of the facts declared;
 - (c) provide that section 125 (2) (a) of the Act is to be read as though it provided that the person must, as directed by an election official,
 - (i) comply with section 125 (2) (a) as written, or
 - (ii) make an oral declaration of the facts set out in section 125 (2) (a), in which case the election official must make a record that the person made an oral declaration and of the facts declared.

Repeal of regulation

- 8 This regulation is repealed on March 31, 2022.



City of Vernon

ELECTION PROCEDURE BYLAW

#3971

Consolidated for Convenience

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3971

AMENDMENTS

BYLAW NO.	ADOPTION	AMENDMENT
4171	August 23, 1993	<ul style="list-style-type: none"> ▪ Amending time from 8:00 am to 9:00 am in Section 4a(i) ▪ Replacing Section 4a(iii) - Vernon Jubilee Hospital ▪ Replacing Section 5a(ii) and (iii) with 5a(ii) - Old City ▪ Replacing Schedule "A"
4265	July 22, 1996	<ul style="list-style-type: none"> ▪ Amending Section 4(a)(ii) from 4:00 pm to 2:00 pm ▪ Amending Section 4(a)(i) and (ii) by replacing Monday with Tuesday ▪ Renumbering subsection of Section 4 ▪ Addition of new subsection (iii) under Section 4(a) - Vernon Restholm ▪ Deleting subsections (i) and (ii) of Section 5 and replacing with (i) Okanagan Landing, (ii) Central City, and (iii) East Block ▪ Replacing Schedule "A"
4538	August 5, 1999	<ul style="list-style-type: none"> ▪ Replacing "prepare" in the preamble with "provide" ▪ Replacing "various" in second line of second paragraph with "voting" ▪ Replacing Section 1 <u>Definitions</u> – in accordance with the <u>Local Government Act</u> ▪ Replacing number 57 in Section 2 with 56 ▪ Replacing (a) in Section 4 ▪ Replacing the word "work" in first line of Section 4(b) with "a" and the words "above location" with "Special Voting Opportunity" ▪ Replace all of Section 5 – Municipal Voting Division with "Nomination Deposit"

BYLAW NO.	ADOPTION	AMENDMENT
4939	June 13, 2005	<ul style="list-style-type: none"> ▪ Delete all references to Municipal Act and replace with Local Government Act ▪ Delete Section 2 – Use of Provincial List of Voter to Update the Register of electors and replace with Section 2 – Voter Day Registration ▪ Amend Section 3 – Additional Advance Voting opportunities by deleting subsection (i), (ii) and (iii) and replacing with (i)
5112	November 26, 2007	<ul style="list-style-type: none"> ▪ Addition of new Section 6 as follows: Ballots: <ul style="list-style-type: none"> - Pursuant to Section 104 of the <i>Local Government Act</i>, the Chief Election Officer shall establish the form of ballots to be used in the general local election or other voting. Such determination includes the utilization of the Automated Ballots, for Voting Machines or Printed Ballot as follows: <ul style="list-style-type: none"> i. Printed Ballots shall be in the form prescribed in Section 104 and 105 of the <i>Local Government Act</i>; ii. Use of Voting Machines shall be in accordance with Section 101 of the <i>Local Government Act</i> as outlined in the City of Vernon's current "Automated Voting Machines Authorization Bylaw Number 4539, 1999"
5684	May 14, 2018	<ul style="list-style-type: none"> ▪ Addition of new Section 5 as follows: <ul style="list-style-type: none"> - 5. <u>Minimum Number of Nominators</u> The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be 10 (ten) as authorized in section 86 of the <i>Local Government Act</i>. - Update all <i>Local Government Act</i> section references throughout bylaw.

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 3971

A bylaw to provide for the determination
of various procedures for the conduct of
Local Government Elections and other voting

WHEREAS under the *Local Government Act* the Council may, by bylaw, determine various procedures and requirements to be applied in the conduct of local government elections and other voting;

AND WHEREAS the Council of The Corporation of the City of Vernon wishes to establish voting procedures and requirements under that authority;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. Definitions – all definitions shall be in accordance with the *Local Government Act*.
2. Voter Day Registration (*Bylaw 4939, June, 2005*)
 - (a) For the purposes of all elections and other voting under Part 3 and Part 4 of the *Local Government Act*, a person may register as an elector only at the time of voting.
 - (b) Registration as an elector under Section 185 of this bylaw is effective only for the voting or other matters on which the opinion of the electors is being sought at the time of voting.
3. Additional Advance Voting Opportunities:
 - (a) As authorized under Section 108 of the *Local Government Act*, the following additional advance voting opportunities are established for each Election or other voting to be held in advance of General Voting Day for each election or other voting:

BYLAW NUMBER 3971

- (i) As authorized under Section 108 of the Local Government Act, the council authorizes the chief election officer to establish additional advance voting opportunities for each election or other voting to be held in advance of general voting day and to designate the voting places, establish the date and the voting hours for these voting opportunities. (*Bylaw #4939, June, 2005*)

4. Special Voting Opportunities:

- (a) To give electors who may otherwise be unable to vote an opportunity to do so, the Council will provide a Special Voting Opportunity as authorized under Section 109 of the *Local Government Act* for each election, and authorizes the Chief Election Officer to establish a Special Voting Opportunity for each election, and to designate the location, the date and the voting hours within the limits set out in Section 109 of the *Local Government Act* for the Special Voting Opportunity.

- (b) The following restriction apply to persons who may vote at a Special Voting Opportunity:

The only electors who may vote at the Special Voting Opportunity on the date when the Special Voting Opportunity is held are those voters who are residents of the facilities or those who have been admitted as patients to the Hospital.

- (c) The number of candidates' representatives who may be present at the Special Voting Opportunity is limited to the following:

- (i) one representative from candidates running for the office of Councillor;

- (ii) one representative from candidates running for the office of Mayor;

with the candidates' representatives to be chosen by agreement of the candidates for the Election or, failing such agreement, by the Chief Election Officer.

5. Minimum Number of Nominators (*Bylaw #5684, May, 2018*):

The minimum number of qualified nominators required to make a nomination for office as a member of Council shall be 10 (ten) as authorized in section 86 of the *Local Government Act*.

BYLAW NUMBER 3971

6. Nomination Deposit:

- (a) A nomination for Mayor must be accompanied by a deposit of One Hundred Dollars (\$100.00).
- (b) A nomination for Councillor must be accompanied by a deposit of One Hundred Dollars (\$100.00).

All nomination deposits shall be held by the Chief Election Officer and dealt with in accordance with the *Local Government Act*.

6. Ballots:

Pursuant to Section 114 of the *Local Government Act*, the Chief Election Officer shall establish the form of ballots to be used in the general local election or other voting. Such determination includes the utilization of the Automated Ballots, for Voting Machines or Printed Ballot as follows:

- i. Printed Ballots shall be in the form prescribed in Section 114 and 115 of the *Local Government Act*;
- ii. Use of Voting Machines shall be in accordance with Section 111 of the *Local Government Act* as outlined in the City of Vernon's current "Automated Voting Machines Authorization Bylaw Number 4539, 1999".

(Bylaw 5112, Nov. 2007)

- 7. City of Vernon Municipal Election Bylaw Number 3256, 1984 and Advance Poll Bylaw Number 2620, 1977 are hereby repealed.
- 8. This bylaw may be cited as "Election Procedure Bylaw Number 3971, 1993".



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer **FILE:** 4200-2021

PC: Kevin Poole, Director, Community Safety, Lands and Administration **DATE:** September 15, 2021

FROM: Keri-Ann Austin, Manager, Legislative Services

SUBJECT: BY-ELECTION 2021: APPOINTMENT OF ELECTION OFFICERS AND FUNDING AUTHORIZATION

The *Local Government Act* (LGA) requires a local government to hold a by-election when a council position becomes vacant prior to January 1 of the year in which a general local election is to be held. The next general local election is to be held in 2022. The local government must appoint a Chief Election Officer (CEO) and notify the Minister of Municipal Affairs of the election.

The CEO must set a general voting day for the election, which must be on a Saturday within 80 calendar days following the appointment of the CEO. Should Council make the appointments as recommended, the by-election could be held on December 4, 2021. Attachment 1 to this memorandum lists some of the key dates that would be of particular interest to candidates and electors based on a December 4, 2021 general voting day.

The cost to conduct a by-election is essentially the same as conducting a general local election (approximately \$100,000) since all of the same facilities, staffing and supplies are required. However, it is anticipated there will be additional costs to conduct the by-election with COVID safety protocols in place.

Administration has consulted with the Ministry of Municipal Affairs and the Interior Health Authority for direction with respect to conducting a by-election with the appropriate COVID safety protocols and these will include: additional advance voting opportunities, personal protective equipment, staffing and cleaning supplies. With the timing of the by-election in the winter, there will be costs associated with snow clearing and sanding, if needed, to ensure the safety of voters in and around the voting places. The estimated total cost is in the order of \$120,000.

The City has an Election reserve established to fund the conduct of elections and contributes \$25,000 annually to this reserve. The current balance of the reserve is \$75,000, which is intended to be used for the 2022 general local election.

Administration recommends the by-election be funded from the Insurance Deductible Reserve, which has a balance of approximately \$585,000. In the past the Insurance Deductible reserve has been used to repair vandalized parking meters and demolish City owned properties for capital projects.

If Council chose to direct Administration to fund the by-election from the existing election reserve (\$75,000), and the remaining 2020 Prior Year Unexpended Uncommitted budget (\$26,000), there may not be enough funding to fully cover the estimated cost of the by-election and the funding required for the 2022 general local election will be depleted; therefore, this course of direction is not recommended.

RECOMMENDATION:

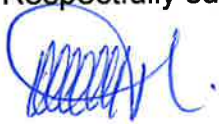
THAT Council receive the memorandum titled "By-election 2021: Appointment of Election Officers and Funding Authorization" dated September 15, 2021 respectfully submitted by the Manager, Legislative Services;

AND FURTHER, that Council appoint Keri-Ann Austin as the Chief Election Officer and Janice Nicol as the Deputy Chief Election Officer in order to conduct the by-election to fill one (1) vacancy for the office of Councillor;

AND FURTHER, that Council directs the Chief Election Officer to notify the Minister of Municipal Affairs that the general voting date for the by-election will be December 4, 2021;

AND FURTHER, that Council authorize the expenditure of up to \$120,000 to conduct a by-election, funded from the Insurance Deductible Reserve.

Respectfully submitted:



Attachment 1: 2021 By-election Key Dates

G:\3700-4699 LEGISLATIVE AND REGULATORY SERVICES\4200 ELECTIONS, REFERENDUMS, ALTERNATE APPROVAL\2021 By Election\MEMOS\210915_Memo_Council Appt. of CEO-DCEO.docx

2021 By-election Key Dates

October 1, 2021	Nomination Packages available for pick-up
October 19 to October 29, 2021	Nomination Period
November 6 to December 4, 2021	Campaign Period
November 24, 2021	Advance Voting opportunity 8:00 AM to 8:00 pm Schubert Centre
November 25, 2021	Advance Voting opportunity 4:00 PM to 8:00 pm Municipal Hall Council Chambers
November 27, 2021	Advance Voting opportunity 9:00 AM to 4:00 pm Municipal Hall Council Chambers
December 1, 2021	Advance Voting opportunity 8:00 AM to 8:00 pm Municipal Hall Council Chambers
December 2, 2021	Advance Voting opportunity 8:00 AM to 8:00 pm Municipal Hall Council Chambers
December 4, 2021	GENERAL VOTING DAY 8:00 AM to 8:00 pm locations to be confirmed



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer **FILE:** 0540-01

PC: Kevin Poole, Director, Community Safety, Lands and Administration **DATE:** September 22, 2021

FROM: Keri-Ann Austin, Manager, Legislative Services/Corporate Officer

SUBJECT: COMMITTEE APPOINTMENTS

The following committee appointments are recommended to January 1, 2022:

Arts Council of North Okanagan	Councillor Gares
Kelowna Airport Advisory Committee	Councillor Mund
Okanagan Regional Library Board	Alternate: Mayor Cumming
Regional Agriculture Advisory Committee	Councillor Gares Alternate: Mayor Cumming
Regional District of North Okanagan Board	Councillor Gares

RECOMMENDATION:

THAT Council receive the memorandum titled "Committee Appointments" dated September 22, 2021, respectfully submitted by the Manager, Legislative Services/Corporate Officer;

AND FURTHER, that Council approve the following Committee Appointments for the term ending January 2, 2022:

Arts Council of North Okanagan	Councillor Gares
Kelowna Airport Advisory Committee	Councillor Mund
Okanagan Regional Library Board	Alternate: Mayor Cumming
Regional Agriculture Advisory Committee	Councillor Gares Alternate: Mayor Cumming
Regional District of North Okanagan Board	Councillor Gares

Respectfully submitted:



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** 6410-01

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** September 13, 2021

FROM: Shawn Knuhtsen, Manager, Building and Licensing

SUBJECT: DEVELOPMENT APPROVAL PROCESS REVIEW PHASE 2 IMPLEMENTATION FUNDING

At its Regular Meeting of August 17, 2020, Council supported the Development Approval Process Review and allocated \$100,000 to the process. Phase 1 of the review was looking at key processes to identify efficiencies. Phase 2 of the review is intended to greatly expand our on-line application and processing capabilities. This would allow clients to apply for and submit applications for Building Permits, Development Permits and Development Variance Permits on-line, including uploading required supporting documents such as design drawings and engineering documents. It would also allow clients to view the status of their application on-line 24/7.

At its Regular Meeting of April 26, 2021, Council supported a grant application submission to the UBCM Local Government Development Approvals Program for up to \$500,000 to improve the on-line processing of development approvals and applications (Phase 2). Subsequently, the City of Vernon was not selected for funding as the application intake was substantially oversubscribed.

Administration is seeking Council approval to draw on funds from the Development Excess Reserve for up to \$393,200 to move forward with Phase 2 of the Development Approval Process Review. The Development Reserve Fund is estimated to have a projected year end balance of \$1,580,584.

	Cost
Tempest eApply Module: Development Permit - Residential	\$32,650
Tempest eApply Module: Development Variance Permit - Residential	\$32,650
Tempest eApply Module: Building Permit - Residential	\$32,650
Tempest eApply Module: Development Permit - Commercial	\$32,650
Tempest eApply Module: Development Variance Permit - Commercial	\$32,650
Tempest eApply Module: Building Permit - Commercial	\$32,650
Tempest eApply Module: Property Information Requests - All	\$32,650
Tempest eApply Module: Right of Way Usage Permits - All	\$32,650
Mpowered DocuPro - Plumbing Permits, Miscellaneous Permits etc.	\$46,250
Tempest Super User Training - Approx. 70 hrs @ \$225/hr	\$15,750
Project Management/Consulting - Approx. 14 Weeks	\$115,000
Total Estimate	\$438,200




Less funding approved by Council at it's Regular Meeting of August 17, 2020	\$45,000
Total Request	\$393,200

RECOMMENDATION:

THAT Council authorize the expenditure of up to \$393,200 for Phase 2 of the Development Approval Process Review, funded by the Development Excess Reserve, as described in the memorandum titled "Development Approval Process Review Phase 2 Implementation Funding" dated September 13, 2021 and respectfully submitted by the Manager, Building and Licensing.

Respectfully submitted:

Sep 21 2021 9:19 AM

X  
Shawn Knuhtsen 

Shawn Knuhtsen
Manager, Building and Licensing

\\gw1\groups\6400-6999 PLANNING AND DEVELOPMENT\6410 PLANNING AND DEVELOPMENT - GENERAL\01 General\2020 Development Process Review\210913_sk_Memo_DAPR_Phase2_funding.doc



THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, CAO **FILE:** 6100-14

PC: James Rice, Director, Operations Services **DATE:** September 13, 2021
Debra Law, Director, Finance

FROM: Kendra Kryszak, Manager, Parks and Public Spaces

SUBJECT: LANDSCAPE MAINTENACE CONTRACTS - UPDATE

The City of Vernon Parks Department is responsible for the care, control and funding of all parks, boulevards, parking lots, public spaces and the cemetery. Landscape maintenance in these areas is completed with a combination of City and contract forces. The three major contracts include the Parks Maintenance contract, valued at \$380k, the Boulevard Maintenance contract, valued at \$265k, and the Cemetery Maintenance contract, valued at \$188k. Currently, all three contracts are held by the same landscape maintenance contractor.

In 2021, it was clear that the contractor performing the work on all three contracts was overextended and was unable to provide the service levels expected in the maintenance contracts. Working with the contractor to address this issue, Administration reduced the scope of work in the small parks and boulevards contract by \$110k. The work removed included landscape maintenance of tot lots, all roundabouts, and a number of boulevard areas. The areas removed from the landscape maintenance contracts were completed using additional City Temporary Parks Labourers. Following this change, the contractor was able to meet expected service levels on the remaining scope of work. This reallocation of work did not result in any increase in cost to the City. It did result in an increase of 1.5 FTE in 2021 for the additional temporary labourers.

Administration has adjusted the proposed 2022 Parks and Public Spaces Operating Budget to maintain the changes that were made in 2021 as noted above. These changes will be provided to Council during the 2022 budget deliberation process for Councils consideration.

Administration is also reviewing changes to the contracts that would encourage multiple landscape contractors to provide services concurrently to address this issue moving forward. These options will be reviewed in detail prior to the end of term of the current landscape contracts.

RECOMMENDATION:

THAT Council received the memorandum titled "Landscape Maintenance Contracts - Update" dated September 13, 2021, respectfully submitted by the Manager, Parks and Public Spaces, for information.

Sep 22 2021 11:29 AM

X  
Kendra Kryszak
DocuSign

Kendra Kryszak,
Manager, Parks & Public Spaces



REPORT/RECOMMENDATION TO COUNCIL

SUBMITTED BY: Terry Martens, Manager, Financial Operations **DATE:** Sep 10, 2021
FILE: 1970-16

SUBJECT: TAX EXEMPTION AMENDMENT BYLAW NUMBER 5870, 2021

PURPOSE:

To advise Council of new applications and amendments for tax exemption and emerging issues concerning tax exemptions; and to ensure compliance with Council's policy regarding permissive tax exemptions.

To amend the City of Vernon Tax Exemption Bylaw Number 5713, 2018.

RECOMMENDATION:

THAT Council receive the report titled "Tax Exemption Amendment Bylaw Number 5870, 2021" dated September 10, 2021 respectfully submitted by the Manager of Financial Operations;

AND FURTHER, that Council approve the recommendations of the Finance Committee for the Tax Exemption Amendment Bylaw Number 5870, 2021 as follows:

1. The following properties making new application be granted tax exemptions beginning in 2022 to the extent shown:
 - Kindale Developmental Association – B2814 44 Ave – 100% exemption phased in over 3 years
 - Upper Room Mission – 2708 34 St – 100% exemption phased in over 3 years
 - Vernon Elks Lodge – 3103 30 St – 100% exemption phased in over 3 years
 - Vernon Native Housing Society – 5545 27 Ave – 100% exemption phased in over 3 years
 - Vernon Community Arts Council – A2704 Hwy 6 – 75% exemption
 - Turning Points Collaborative Society – 3214 35 St – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3412 28 Ave – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3102 37 Ave – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 2700 35 St – 100% exemption phased in over 3 years

- Turning Points Collaborative Society – 3905 30 Ave – 100% exemption phased in over 3 years
 - Turning Points Collaborative Society – 3912 30 Ave – 100% exemption phased in over 3 years
2. The tax exemptions for the following properties be amended beginning in 2022 to the extent shown:
- Okanagan Boys & Girls Club – 3600 33 St – amend exemption from 80% of entire property assessment to 100% of Class 6 assessment only
 - Vernon & District Association for Community Living – 4240 Alexis Park Dr – amend exemption to include 100% of the entire property and amend Schedule “AA” of City of Vernon Tax Exemption Bylaw Number 5713, 2018 to reflect the expanded area
3. The tax exemptions for the following properties be deleted beginning in 2022 for the reasons shown:
- Vernon Gospel Chapel – 4106 Pleasant Valley Rd – due to lack of submission of a renewal application as required by City of Vernon policy
 - Salvation Army – 3102 29 Ave – due to the closure of the thrift store and the listing of the property for sale
 - Vernon & District Association for Community Living – 1812 22 St – due to the sale of the property
 - Turning Points Collaborative Society – 2307 43 St – due to the sale of the property
4. That Schedule “G” (“New 2020 Properties”) of City of Vernon Tax Exemption Bylaw Number 5713, 2018 be deleted by moving the properties in that schedule to Schedule “C” (“Social Service Properties”).

ANALYSIS:

A. Committee/Board Recommendations:

The recommendations outlined were adopted at the Finance Committee Meeting held on September 9, 2021 based on the analysis provided by Administration. Tax Exemption Amendment Bylaw Number 5870, 2021 will be brought forward for first three readings at the October 12, 2021 Regular Council Meeting after required public notification is completed.

B. Rationale:

N/A

C. Attachments:

N/A

D. Strategic Plan Objectives:

N/A

E. Policy (Existing/Relevance/None):

Corporate Policy: Tax Exemptions - Permissive

F. Relevant History:

N/A

G. Applicants Response:

N/A

H. Reasons for Bylaw:

The City of Vernon recognizes the significant value of volunteers and volunteer groups and agencies to the social, spiritual, cultural, educational and physical well-being of the community, and deems it appropriate that they be assisted through reduction in property taxation.

I. Resources:

Tax Exemption Applications

BUDGET IMPLICATIONS:

The summary breakdown of permissive tax exemptions recommended by the Finance Committee are as follows for the City portion of tax revenue using the previous year's property assessments:

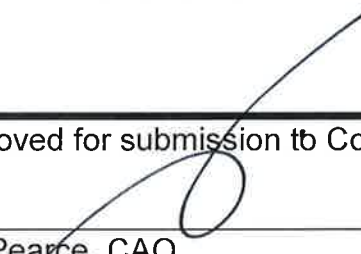
Category	Number of Properties (including new applications)	Exemption Percentage (for fully phased-in properties)	2021	2022
Places of Worship	34	100%	\$100,072	\$102,209
Educational Institutions (private schools)	2	100%	\$ 22,820	\$ 24,477
Educational Services	2	75%	\$16,331	\$12,269
Social Services	65	100%	\$387,685	\$419,735
Cultural Services	3	75%	\$16,536	\$26,590
Recreational Services	2	50%	\$2,969	\$8,218
Mixed & Unique Services	16	33% to 100%	\$110,528	\$102,768
Total	124		\$656,941	\$696,266

1. The 2021 to 2022 difference of \$39,325 is derived from the following:
 - Anticipated change in tax rates & Assessments \$31,690
 - New applications \$13,738
 - Changes to existing exemptions \$ 3,743
 - Deletions \$ (9,846)
2. The second and third phases of the additional exemption applications for 2023 and 2024 will result in additional estimated reductions in tax revenue of approximately \$6,500 and \$16,800 respectively.
3. The estimated impact is subject to change once 2022 property assessments are available and 2022 tax rates are adopted.

Prepared by:

Approved for submission to Council:


Terry Martens, Manager Financial Operations


Will Pearce, CAO

Date: 21. SEPT. 2021.

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

REVIEWED WITH	REVIEWED WITH	REVIEWED WITH	REVIEWED WITH 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"/> Other _____	



THE CORPORATION OF THE CITY OF VERNON REPORT TO COUNCIL

SUBMITTED BY: Roy Nuriel
Economic Development Planner

COUNCIL MEETING: REG ☒ COW ☐ I/C ☐
COUNCIL MEETING DATE: September 27, 2021
REPORT DATE: September 13, 2021
FILE: 01395.000 (3320-20)

SUBJECT: NORTH OKANAGAN ARTISTS ALTERNATIVE GALLERY VERTIGO – MURAL
REQUEST FOR 2800 31ST STREET

PURPOSE:

To review North Okanagan Artists Alternative Gallery Vertigo request to install a painted mural on the south wall of the building located at 2800 31st Street.

RECOMMENDATION:

THAT Council approve the mural on the south wall of the building located at 2800 31st Street as proposed by North Okanagan Artists Alternative Gallery Vertigo in their request dated August 6, 2021;

AND FURTHER, that Council approve the proposed mural design as submitted by North Okanagan Artists Alternative and included as Attachment 1 in the report titled "North Okanagan Artists Alternative Gallery Vertigo – Mural Request for 2800 31st Street" dated September 13, 2021 and respectfully submitted by the Economic Development Planner.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council deny the request from North Okanagan Artists Alternative Gallery Vertigo for approval to install a painted mural on the south wall of the building located at 2800 31st Street as outlined in the report titled "North Okanagan Artists Alternative Gallery Vertigo – Mural Request for 2800 31st Street" dated September 13, 2021, respectfully submitted by the Economic Development Planner.

Note: This alternative does not support the requested approval to install the mural and therefore the mural would not be done.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. The City has received a request for approval to install a mural designed by artist Michelle Loughery, dated August 6, 2021, from North Okanagan Artists Alternative (NOAA) Gallery Vertigo. In their letter (Attachment 1), the NOAA Gallery Vertigo is requesting Council approval for the installation of a mural on the south wall of the building located at 2800 31st Street (Attachment 2). Section J (1) of the Sign Bylaw #4489 states that murals shall be reviewed and approved by Council.
2. The subject property at 2800 31st Street, as shown in Figures 1 and 2, is located in the City Centre Neighbourhood and houses 105.7 Pure Country Radio station owned by Bell Media. The owner of the property has provided NOAA Gallery Vertigo permission to install the mural on the south blank wall of

the building, situated at the corner of 28th Avenue and 31st Street (Attachment 3). The project would be funded by NOAA Gallery Vertigo using already approved grant funding.

3. The Downtown Vernon Association (DVA) is supportive of the proposed mural (Attachment 4). The copyright would be agreed upon between the applicant and the artist. As a private mural project, it would not have access to the City's Mural Maintenance Reserve, which was put in place for the maintenance of the DVA's historical mural program. NOAA Gallery Vertigo would be responsible for maintenance and upkeep of the mural.
4. The mural image, as shown in Attachment 1, will consist of three colourful large butterflies surrounded by representations of the "local sunflower" (arrowleaf balsamroot) that covers Okanagan's hills in the spring. As explained in their letters, the art work "When Seniors Create" by artist Michelle Loughery, would be completed by senior artists and youth volunteers as part of a larger community art activity. The mural design and location would contribute to creating a positive impression and vibrancy to this section of downtown and is expected to become an interactive art piece for selfie pictures. Should the mural be approved, NOAA Gallery Vertigo would like to dedicate the wall to Councillor Dalvir Nahal for her life and work in and for the community of Vernon (Attachment 5).
5. Council approval of the mural design and location would allow for the associated Sign Permit (MP008178) to be approved and issued.

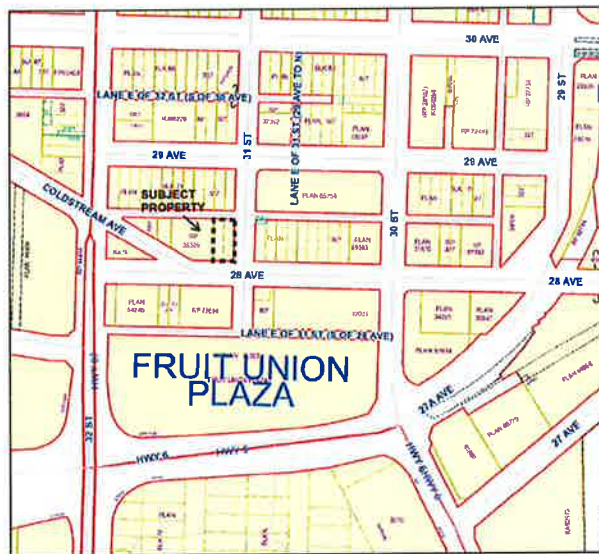


Figure 1 - Location of Subject Properties



Figure 2 - Aerial View of Subject Properties

Attachments:

- Attachment 1 – North Okanagan Artists Alternative Gallery Vertigo Letter and Mural Design Dated August 6, 2021
- Attachment 2 – Proposed Mural location
- Attachment 3 – 2800 31st Street Property Owner's Permission Dated May 4, 2021
- Attachment 4 – Downtown Vernon Association Support Letter Dated September 1, 2021
- Attachment 5 – North Okanagan Artists Alternative Gallery Vertigo Letter Dated September 13, 2021

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

The subject mural request involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Implement additional incentives to encourage upgrades to existing buildings.
- Increase the vibrancy of Downtown, including the provision of new amenities and events.

E. Relevant Policy/Bylaws/Resolutions:

1. The subject property is located within the Historic Downtown Character Area of the City Centre Neighbourhood Plan (CCNP). The following policies within the CCNP support the installation of murals:

- "9. Explore ways of animating the streets bringing life, art, music and people to the downtown."
"10. Investigate ways to make the alleys more visually interesting and usable. Improve public perception regarding safety in the lanes."

2. Section J.1. in Sign Bylaw #4489 for Murals states as follows:

"J.1. Murals shall be reviewed and approved by the Council of the City of Vernon."

BUDGET/RESOURCE IMPLICATIONS:

N/A

Prepared by:

Sep 17 2021 10:11 AM

X

Roy Nuriel



✓

DocuSign

Roy Nuriel
Planner, Economic Development

Approved for submission to Council:

Will Pearce, CAO

Date: 20. SEPT. 2021

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

Gallery Vertigo

NOAA
North Okanagan Artists Alternative

August 6, 2021

City of Vernon
Community Services Building
3001 – 32 Avenue
Vernon, BC V1T 2L8

**Attention: Roy Nuriel, MA,
Economic Development Planner**

Dear Mr. Nuriel:

This letter is in response to your request explaining the art to be used for our proposed mural on the wall situated at the corner of 28 Avenue and 31 Street. A draft artist's rendering is attached.

The mural will be completed by senior artists that will mentor with youth volunteers to create the community art piece. The mural will consist of three butterflies strategically painted to each cover a third of the wall and will be surrounded by representations of the local sunflowers (balsaroot) that cover the hills in the spring. The painting will be completed in such a way that it becomes an interactive vehicle which tourists and citizens alike may stand in front of to take "selfies".

We trust this provides a satisfactory description of the mural and our intention for it. We have taken the liberty of attaching a draft electronic rendition of the mural we intend to complete.

Yours very truly,

NORTH OKANAGAN ARTISTS ALTERNATIVE



Brigitte Red
Secretary-Treasurer

MAILING ADDRESS: Box 1775, Vernon, BC V1T 8C3
#102 – 3105 28 Avenue, Vernon, BC V1T 8Y4 250-503-2297 galleryvertigonooa@gmail.com
www.galleryvertigo.com www.facebook.com/galleryvertigo



Michelle Loughery Connection and renewal mural use local Okanagan sunflower as well as the giant variety |When Seniors Create| 2021



Proposed Mural Location

Roy Nuriel

From: Gallery Vertigo <galleryvertigonoaa@gmail.com>
Sent: September 15, 2021 11:13 AM
To: Roy Nuriel
Subject: Fwd: Gallery Vertigo - Mural permission and status

Use Caution - External Email

Good morning Roy,

following is the formal email granting permission to Gallery Vertigo to use the wall facing 28th Avenue for a mural.

Brigitte Red

----- Forwarded message -----

From: Arend, Diana <diana.arend@bellmedia.ca>
Date: Tue, Sep 14, 2021 at 5:12 PM
Subject: RE: Gallery Vertigo - Mural permission and status
To: Gallery Vertigo <galleryvertigonoaa@gmail.com>
Cc: Kilcullen, Ken <ken.kilcullen@bellmedia.ca>

Hi Brigitte,

Thank you for your email. Please consider this our formal email granting Gallery Vertigo permission to use the south wall of our building in Vernon (2800 - 31st Street Vernon) for the mural we've been discussing.

We look forward to seeing the design concepts and this project coming to fruition!

Let me know if you have any questions or require anything else from us. Thanks!

Diana Arend | Regional Promotions Director
99.9 Virgin Radio | MOVE Radio | AM 1150 | Pure Country | BOUNCE Radio
t 250-868-4750 | diana.arend@bellmedia.ca
435 Bernard Ave Kelowna, BC V1Y 6N8

Roy Nuriel

From: Susan Lehman <SusanL@downtownvernon.com>
Sent: September 1, 2021 10:58 AM
To: Roy Nuriel
Cc: Dina Mostat
Subject: RE: Vertigo Proposed Mural

Use Caution - External Email

Hi Roy,

The DVA has consulted with Gallery Vertigo to determine what the maintenance plan for their planned piece would be and are satisfied that this mural will not require funds from the existing mural maintenance reserve currently in place. The DVA is encouraged by a new piece of mural art in the open spaces of Downtown Vernon, and we wish Gallery Vertigo and their artists well in their endeavour.

Kind Regards,

Susan Lehman
Executive Director

Office: (250) 542-5851, ext. 201
Cell: (250) 309-4572

#101 3334 30th Avenue, Vernon BC, V1T 2C8
www.downtownvernon.com



This communication may be privileged and/or confidential, and the sender does not waive any related rights and obligations. Any distribution, use or copying of this communication or the information it contains by other than an intended recipient is unauthorized. If you received this communication in error, please advise me immediately.



NOAA
North Okanagan Artists Alternative

September 13, 2021

VIA EMAIL

City of Vernon
Community Services Building,
3001 – 32 Avenue,
Vernon, B.C., V1T 2L8

Attention: Mr. Roy Nuriel, MA
Economic Development Planner

Dear Mr. Nuriel:

Following discussions with Ms. Kerri-Anne Austin of City of Vernon related to our sign permit application, she has suggested that I might send along additional comments for you to include in your report to council for September 27 agenda. If it is possible I would like to add these comments:

The area where the mural is to be painted is a prime location to inspire and beautify the area which has a transient issue. Viewing the mural from the rooftop patio of Sir Winston's Pub will inspire visitors to explore the downtown area further and provide an opportunity for an inspirational sunflower selfie. In addition, we would like to tribute the wall to the light of Dalvir Nahal, for her life and work in and for the community of Vernon.

I look forward to a positive response to our sign permit application.

Yours very truly,

NORTH OKANAGAN ARTISTS ALTERNATIVE

A handwritten signature in black ink, appearing to read "Brigitte Red".

Brigitte Red
Secretary-Treasurer

MAILING ADDRESS: Box 1775, Vernon, BC V1T 8C3
#102 – 3105 28 Avenue, Vernon, BC V1T 8Y4 250-503-2297 galleryvertigonoaa@gmail.com
www.galleryvertigo.com www.facebook.com/galleryvertigo



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: September 27, 2021
REPORT DATE: September 20, 2021
FILE: 8500-08

SUBJECT: 3 YEAR TRANSIT EXPANSION INITIATIVES MEMORANDUM OF UNDERSTANDING

PURPOSE:

To advise Council of BC Transit's 3 Year Transit Expansion Initiatives Memorandum of Understanding for the Vernon Conventional Transit System and seek authorization for the provisional funding for the expansion options and for Administration to sign the memorandum.

RECOMMENDATION:

THAT Council authorize the addition of 2,600 transit hours per year for the new Local Transit Network Route #10 - Middleton Mountain starting September 2022 at a cost of \$178,270 annually, of which the City of Vernon will fund 48.92% (\$87,211 annual cost; \$29,070 2022 cost) of the operating costs;

AND FURTHER, that Council authorize the addition of 560 transit hours per year for additional Statutory Holiday Service starting September 2022 at a cost to the City of \$47,376 annually (\$15,792 2022 cost);

AND FURTHER, that Council approve that the funding of the new Route #10 – Middleton Mountain and additional Statutory Holiday service be partially funded from the Transit Expansion Reserve for three years (2022 to 2024) drawing \$108,400+/- in 2022, \$100,00 +/- in 2023 and \$75,000+/- in 2024;

AND FURTHER, that Council authorize Administration to sign the 3 Year Transit Expansion Initiatives Memorandum of Understanding, dated September 20, 2021 from BC Transit, for the addition of 2,600 transit hours for the new Local Transit Network Route #10 – Middleton Mountain and 560 transit hours for additional Statutory Holiday Service starting September 2022 as presented in the report titled "3 Year Transit Expansion Initiatives Memorandum of Understanding" dated September 20, 2021 and respectfully submitted by the Manager, Transportation;

AND FURTHER, that Council authorize the increase in transit operating expenditures substantially as presented in the report titled "3 Year Transit Expansion Initiatives Memorandum of Understanding" dated September 20, 2021 and respectfully submitted by the Manager, Transportation.

ALTERNATIVES & IMPLICATIONS:

1. THAT Council not authorize the addition of 2,600 transit hours for the new Local Transit Network Route #10 – Middleton Mountain and 560 transit hours for additional Statutory Holiday Service starting September 2022 as attached to the report titled "3 Year Transit Expansion Initiatives Memorandum of Understanding" dated September 20, 2021 and respectfully submitted by the Manager, Transportation.

Note: This option does not support the City's growth strategy as encapsulated in the Official Community Plan and Master Transportation Plan, and it would not advance the provincial and municipal goals of greenhouse gas reduction and increasing the number of trips made by alternative transportation.

ANALYSIS:

A. Committee Recommendations:

N/A

B. Rationale:

1. At its Regular Meeting of May 9, 2016 Council approved a three year expansion of the transit service to cover the period of 2018 to 2020 and directed Administration to sign the BC Transit Expansion Memorandum of Understanding (MOU) dated April 14, 2016. When a service expansion involves the purchase of a bus, due to the 18 month delivery time, BC Transit requires Council to sign a MOU as a commitment to fund the expansion when the bus is delivered. The first proposed expansion was the higher frequency CTN Route #9 – North End which started operating in 2018. The second proposal was to extend the CTN to the Polson Neighbourhood Centre and construct a secondary transit exchange on a yet to be constructed road. The third proposal was a lower frequency LTN route operating between the Polson secondary exchange and the transit exchange at Okanagan College, travelling via Middleton Way and College Way Okanagan College, without going to the Downtown Exchange. This new LTN Route #10 – Middleton Mountain would be jointly funded by the City of Vernon and the District of Coldstream based upon the service hours it would spend in each jurisdiction.
2. However, as the growth of the Polson Neighbourhood Centre and surrounding area was not occurring as projected, the CTN extension was postponed and as a consequence the new Middleton Route was also postponed. BC Transit was able to redeploy the buses that had been ordered for the expansion to another system (had the redeployment not occurred, having signed the MOU, the City would have had to pay its share of the vehicle lease fees even though they wouldn't have been in service).
3. Since 2018, Administration has been working with BC Transit and the District of Coldstream on different levels of service and routing options that reflect the anticipated growth of the Polson Neighbourhood Centre and Middleton Mountain. As such, the extension of the CTN has been put on hold until growth is nearing the levels required to support the frequency of a CTN route. BC Transit, Administration and Coldstream all support implementing a bi-directional LTN route that operates between the Downtown Exchange and Okanagan College, via Middleton Mountain, as shown in Figure 1. The only exception to the bi-directional routing is on the inbound trip towards the Downtown Exchange. This was done to maximise coverage while avoiding certain left turn manoeuvres on/off Highway 6 at unsignalized intersections.
4. The new Route #10 – Middleton Mountain would start operating with ten trips per day Monday to Friday, with expansion of the hours/days of operation in the future as ridership and demand increases. Its schedule would complement the Route #1 – Coldstream so that users may be able to transfer at crossover points (Attachment 2). The MOU (Attachment 3) sets out total cost and revenue estimates. As 48.92% of the route is in Vernon and 51.08% in Coldstream, this would be used to share the municipal costs for that route. BC Transit has, like many other industries, experienced supply chain issues due to the impacts of COVID-19. As this expansion needs a new bus, it wasn't expected to be able to start operating until 2023 or later. However, due to fleet changes in other BC transit systems, a bus will be available to start operating this route in September 2022. Accordingly, the draft 2022 Conventional Transit budget has been submitted for Council's 2022 Budget deliberations including this service expansion. Should Council not endorse this expansion, the proposed draw on the reserve would not take place. The projected revenues and costs, with the sharing percentages applied, are shown in Table 1.

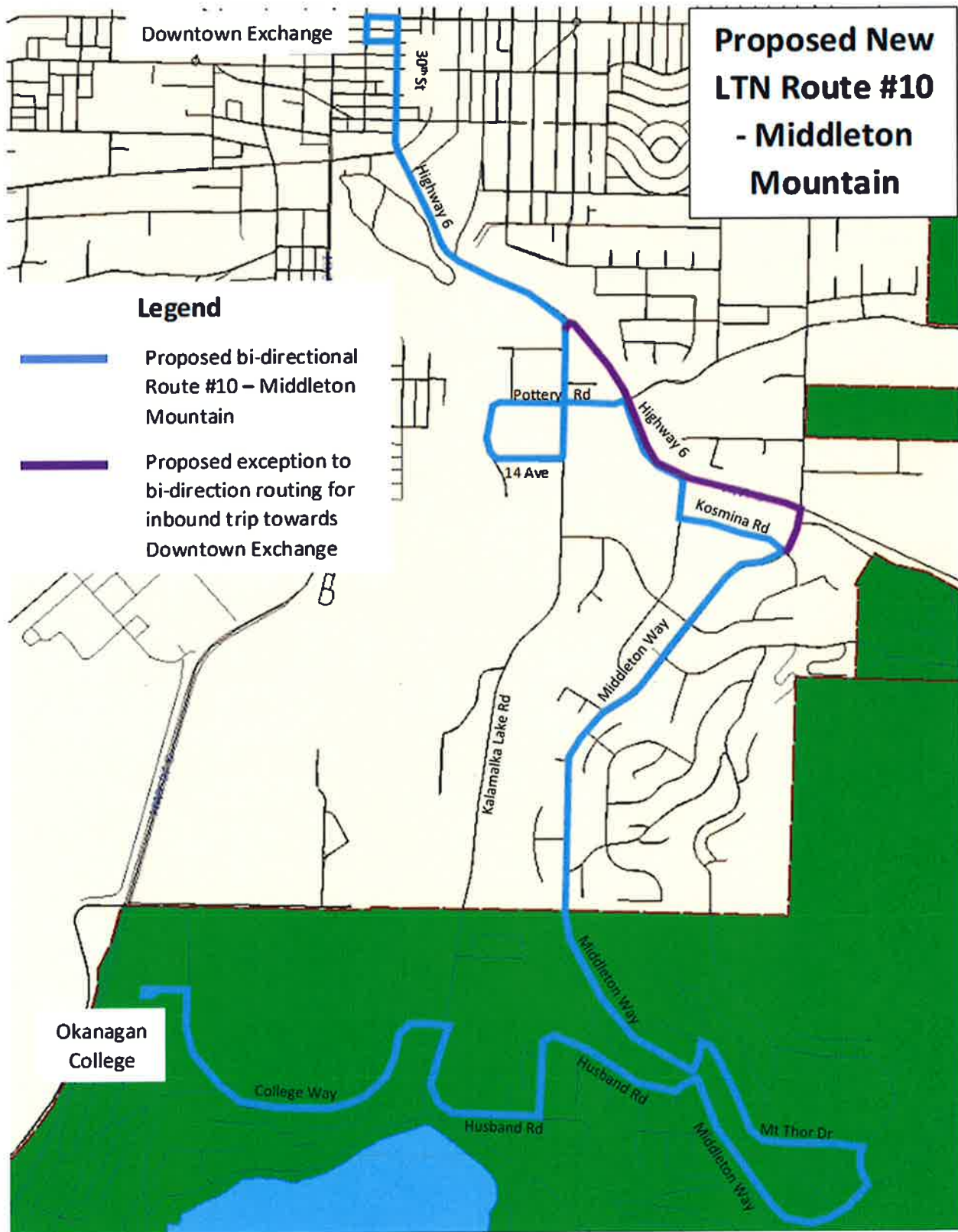


Figure 1

Table 1.

PROPOSED NEW LTN ROUTE #10 – MIDDLETON MOUNTAIN				
Annual Hours	# of New Vehicles	Estimated Annual Revenue	Estimated Annual Total Costs (excluding vehicle lease fees)	Estimated Annual Net Municipal Share (excluding BC Transit share of costs but including vehicle lease fees)
2,600	1	\$30,569	\$364,992	\$178,270
Vernon share	48.92%	\$14,955	\$178,554	\$87,211
Coldstream share	51.08%	\$15,614	\$186,438	\$91,059

- Transit systems across the province select which statutory holidays they wish to provide service on. Typically, it is a reduced service as the number of riders is typically lower. Most choose to operate reduced hours using the Sunday schedule. When a route is wholly within one jurisdiction, that jurisdiction signs the BC Transit Expansion MOU. When a route travels through more than one, all the local government funding partners are required to support the expansion.
- In 2012, the City of Vernon and District of Coldstream began a jointly approved holiday expansion by operating Sunday service on two holidays (Canada Day and Remembrance Day) on all the conventional routes operating at that time (i.e. Routes #1 to #7). Since that time, the City has expanded the number of routes and the number of holidays when a holiday service operates (Table 2).

Table 2.

Statutory Holidays	Conventional Routes Operating Sunday Service			
	Effective April 29, 2012	Effective May 4, 2014	Effective April 1, 2018	Proposed for September 2022
New Years Day				#1 to #10
Family Day	N/A			#1 to #10
Good Friday				#1 to #10
Easter Monday		#2 to #8 only	#2 to #9 only	#1 to #10
Victoria Day		#2 to #8 only	#2 to #9 only	#1 to #10
Canada Day	#1 to #7	#1 to #8	#1 to #9	#1 to #10
BC Day		#2 to #8 only	#2 to #9 only	#1 to #10
Labour Day		#2 to #8 only	#2 to #9 only	#1 to #10
Truth & Reconciliation Day	N/A	N/A	N/A	#1 to #10
Thanksgiving				#1 to #10
Remembrance Day	#1 to #7	#1 to #8	#1 to #9	#1 to #10
Christmas Day				#1 to #10
Boxing Day				#1 to #10

- In the 2014 TFP, Short Term Service Improvements, priority #6 is to “increase the span and frequency of weekend and holiday services”. In line with this, BC Transit’s expansion MOU (Attachment 3) proposes introducing consistent statutory holiday service on all conventional routes, including the new Route #10. As the funding of Route #1 is split (Vernon 50.01%/Coldstream 49.99%) and the proposed Route #10 would be split (Vernon 48.92%/Coldstream 51.08%), BC Transit is requiring both jurisdictions to support this proposed expansion for implementation on those two routes.

8. Tables 3 to 5 show how the cost of this proposed expansion would be split if it were a stand alone invoice for all the holidays in 2022. As an example, if one extra holiday was added to all ten routes, this would roughly approximate to one "day" for Coldstream (two "half days" for the #1 and #10), but it would equate to nine "days" for Vernon (two "half days" for #1 and #10 and 8 "full days" for #2 to #9).

Table 3.

Sunday service currently operates on 50 "days"		Sunday service proposed to operate on 110 "days"		
#1	#2 to #9	#1	#2 to #9	#10
2	48	11	88	11

Table 4.

	#1	#2 to #9	#10	Total "days"	Percentage of "days"	Municipal Share of Expansion Costs (\$52,646)
Vernon share	5.51	88	5.38	98.88	89.89%	\$47,376.14*
Coldstream Share	5.49	0	5.62	11.12	10.11%	\$5,322.51

* Note: The cost sharing percentage noted in the MOU (Attachment 3) of "92.37% Vernon and 7.63% Coldstream" is the percentage that would be applied to the monthly invoices for the whole conventional system after the expansions for Route #10 and the holiday service have been implemented. When considered on their own, the holiday expansions would be split 89.99% Vernon and 10.11% Coldstream.

Table 5.

PROPOSED CONVENTIONAL HOLIDAY SERVICE EXPANSION INITIATIVE				
Annual Hours	# of New Vehicles	Estimated Annual Revenue	Estimated Annual Total Costs	Estimated Annual Net Municipal Share
560	0	\$6,670	\$111,265	\$52,646
Vernon share	89.99%	\$6,002	\$100,127	\$47,376
Coldstream share	10.11%	\$674	\$11,249	\$5,323

9. The total annual cost to the City of both expansions is \$134,587 (\$44,862 for September to December 2022). The Transit Expansion Reserve is typically used to partially fund large service expansions for two or three years to offset taxation increases. The proposed increase for the additional holidays alone would not trigger a multi year draw on reserves. The reserve currently has a balance of \$1,402,488. Administration has submitted the draft Conventional Transit Budget drawing \$108,371 from the reserve, which is sufficient to cause the overall (Conventional and Custom) 2022 Transit budget to be a 2% increase on the combined 2021 Transit budget. Administration proposes to draw \$100,000 from the reserve in 2023 and \$75,000 in 2024. However, these amounts would be refined each year based upon BC Transit's future Annual Operating Agreements and Three Year Base Budgets that inform the City's Transit Budgets.
10. It should be noted that the Transit Future Plan review is in progress and this will, when complete, alter the timeframes to reflect what has been accomplished to date and any other reprioritizations identified during the review. Once the updated Transit Future Plan has been presented to the City of Vernon and District of Coldstream Councils and the Regional District of North Okanagan Board for endorsement in early 2022, Administration would take the endorsed expansion priorities and draft a multi year planned use of the Transit Reserve.

11. Administration recommends supporting both expansions as they further Council's strategic objectives and will enhance residents' ability to access alternative transportation and lower their personal GHG emissions.

C. Attachments:

Attachment 1 – Map of 2038 Transit Network from 2014 25 Year Transit Future Plan
Attachment 2 – Map of Proposed Route #10 – Middleton Mountain and Route #1 – Coldstream
Attachment 3 – BC Transit Three Year Transit Expansion Initiatives MOU

D. Council's Strategic Plan 2019 – 2022 Goals and Actions:

The subject of the proposed transit service expansion involves the following goals/action items in Council's Strategic Plan 2019 – 2022:

- Vibrant Downtown
 - Increase the vibrancy of Downtown, including the provision of new amenities and events
- Sustainability Priorities
 - Promote transit oriented housing and mixed use development
 - Work towards a sustainable Vernon – environmentally, economically and socially
 - Encourage sustainable infrastructure, agriculture and landscaping

E. Relevant Policy/Bylaws/Resolutions:

1. Within the Transportation section of the Official Community Plan, the implementation of transit service improvements and expansion is consistent with the following policies:
 - 11.9 Ensure that transit takes a high priority in transportation planning and the routes and transit facilities be implemented as described and prioritised in the Transit Strategy in the 2013-2038 Master Transportation Plan, including:
 - a. Aim to increase the mode share of transit trips to 2.5% by 2038.
 - b. Implement the routes and transit facilities identified and prioritised in the 2014 Transit Future Plan.
 - c. Complete the BC Transit Custom Transit Registration Process Pilot Project. Following BC Transit's publication of the findings and recommendations of that project, undertake a Service Review of the Custom Transit Service in a joint project with BC Transit.
 - d. Implement an annual Bus Stop Improvement Program to improve transit facilities at bus stops, including constructing sidewalks enabling access to bus stops as identified and prioritised in the Pedestrian and Bike Master Plan.
 - e. Review fare products, pricing and structures every five years to provide a cost effective service.
2. At its Regular Meeting of May 9, 2016, Council passed the following resolution:

THAT Council authorize in principle, the addition of 7,000 transit hours for the initial stage of the Core Transit Network (CTN) implementation in March 2018;

AND FURTHER, that Council authorize in principle, the addition of 3,500 transit hours for the second stage of the Core Transit Network (CTN) implementation in September 2018;

AND FURTHER, that Council authorize in principle, Administration to revise transit fares to coincide with the March, 2018 implementation of the Core Transit Network (CTN) transit expansion to reflect the current costs of operating the transit service;

AND FURTHER, that Council authorize in principle, Administration to redefine the cost percentage participation with the District of Coldstream to coincide with the new system proportions based on revenue hours upon implementation of the various transit expansions;

AND FURTHER, that Council authorize in principle, the increase in operating expenditures beyond the standard 1.8% operating increase for transit services in 2018;

AND FURTHER, that Council authorize Administration to execute the Expansion Memorandum of Understanding dated April 18, 2016, from BC Transit as attached to the report titled "3 Year Expansion Initiatives – Vernon Transit System", dated April 25, 2016 as submitted by the Director of Financial Services.

BUDGET/RESOURCE IMPLICATIONS:

The implementation of the service expansion and new route as set out in the Memorandum of Understanding would require staff time. The new Route #10 – Middleton Mountain and the additional holiday service hours are proposed to be funded using a draw on the Transit Expansion Reserves of \$108,371 in 2022, \$100,000 in 2023 and \$75,000 in 2024. It should be noted that after the completion of the update to the 25 Year Transit Future Plan, a multi year plan for the use of the Transit Reserve will be presented to Council in 2022 for its consideration.

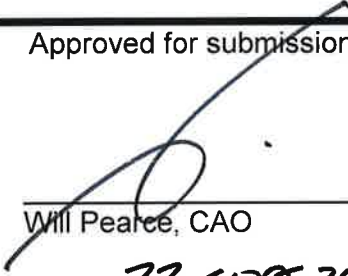
Prepared by:

Sep 22 2021 9:20 AM

Approved for submission to Council:

X  
Amanda Watson 

Amanda Watson
Manager, Transportation


Will Pearce, CAO

Date: 22. SEPT. 2021

X 
Signer 2

Kim Flick
Director, Community Infrastructure and Development

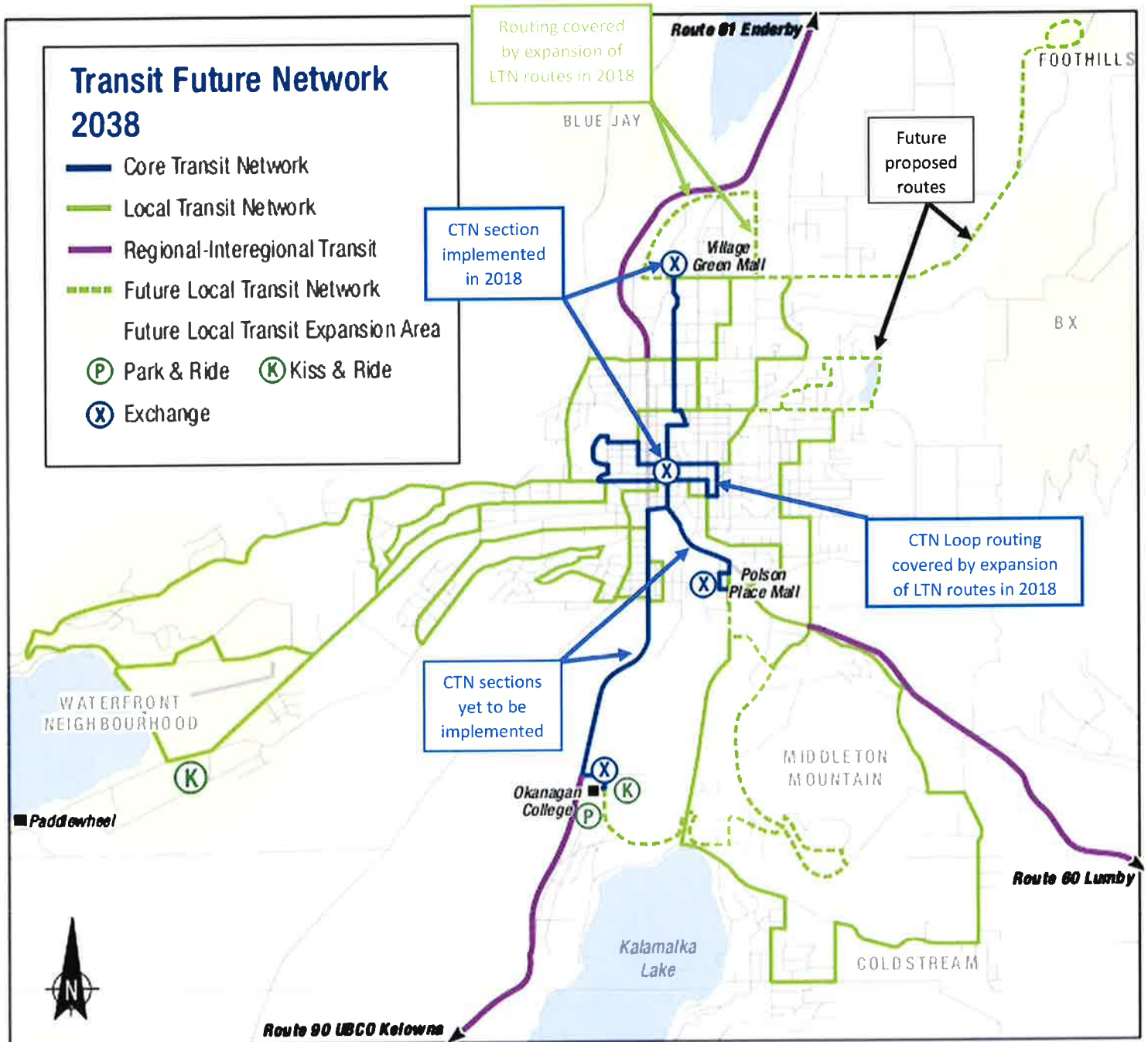
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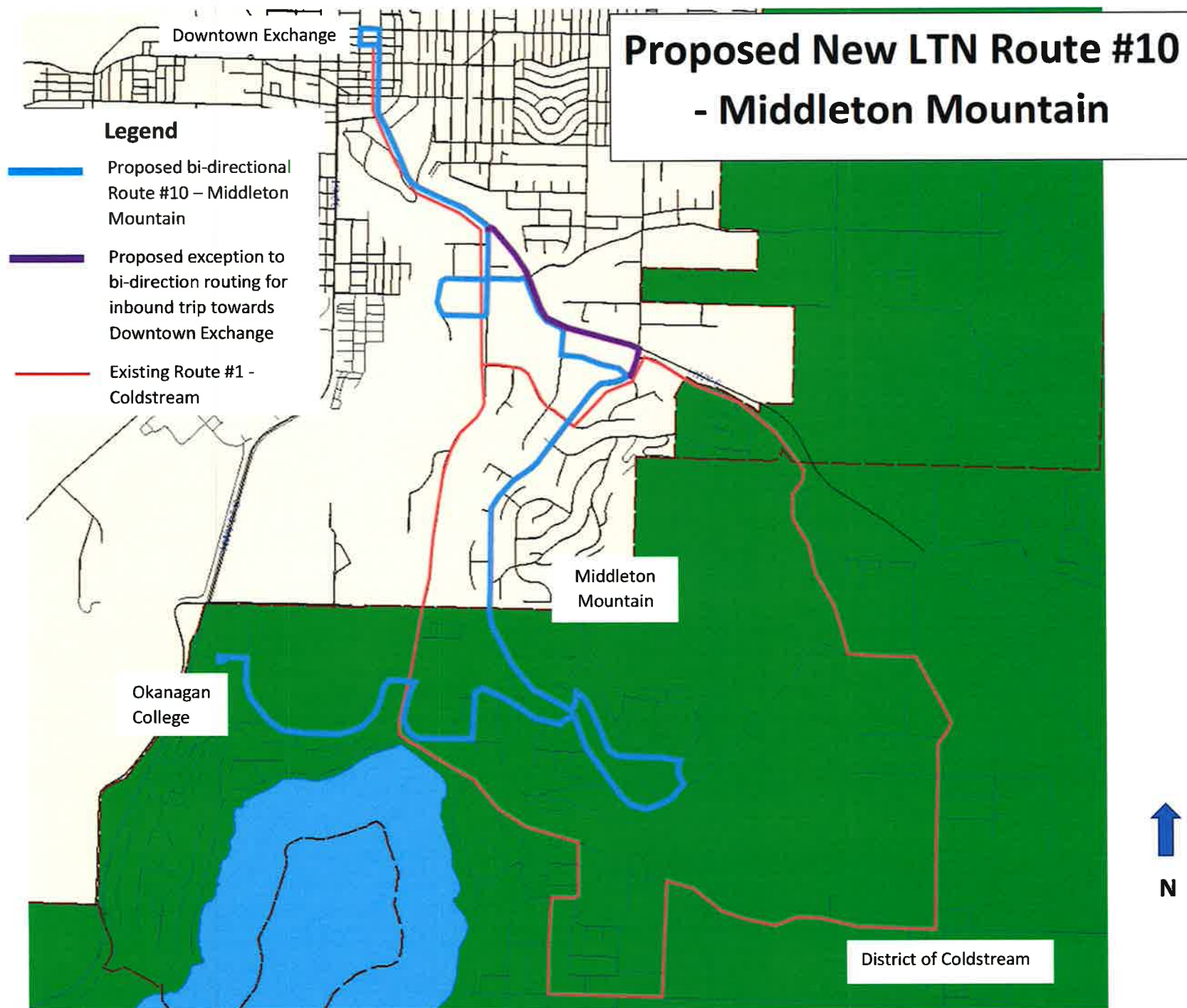
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| <input type="checkbox"/> Bylaw Compliance | <input type="checkbox"/> Public Works/Airport | <input type="checkbox"/> Long Range Planning & Sustainability |
| <input type="checkbox"/> Real Estate | <input type="checkbox"/> Facilities | <input type="checkbox"/> Building & Licensing |
| <input type="checkbox"/> RCMP | <input type="checkbox"/> Utilities | <input type="checkbox"/> Engineering Development Services |
| <input type="checkbox"/> Fire & Rescue Services | <input type="checkbox"/> Recreation Services | <input type="checkbox"/> Infrastructure Management |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> Parks | <input type="checkbox"/> Transportation |
| <input checked="" type="checkbox"/> Financial Services | | <input type="checkbox"/> Economic Development & Tourism |
| <input type="checkbox"/> COMMITTEE: | | |
| <input type="checkbox"/> OTHER: | | |

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Attachment 1

Annotated Future Network contained in the endorsed 2014 Transit Future Plan







September 20, 2021

Attn: Amanda Watson
Manager, Transportation
City of Vernon
3001 – 32 Avenue
Vernon, BC V1T 2L8

Re: 3 Year Transit Expansion Initiatives – 2022/23 to 2024/25

Dear Amanda,

Each year, BC Transit confirms service expansion plans for the coming year with local government partners, and also confirms service expansion priorities for the subsequent two years. This process ensures that 3-year expansion initiatives are consistent with the expectations of local governments, and allows BC Transit to proceed with securing the funding and resources to implement service expansions.

BC Transit is actively working towards the goal of achieving a 100% zero emission fleet by 2040. Our CNG transition is nearing the tail end of its investment activity, and planning for the next phase of battery electric bus deployments is well underway. 2022 will see the first 10 heavy duty battery electric buses deployed in Victoria, with plans to begin purchasing only electric buses in all fleet classification by 2028. Electrification transition planning is also underway to identify the opportunities and constraints associated with a rollout across the province. A change of this magnitude to our provincial fleet will have a significant impact on our business, and in particular our 3 year expansion planning process.

One of the key challenges that we will face through this process in the coming years will be a higher probability that demand for expansion vehicles will exceed the availability in select fleet categories. More advanced lead times will be required for procurement and delivery of buses, and bus orders will need to be strategically timed to align with our deployment plans. While every effort will be made to align bus orders with demand, some expansion initiatives may be impacted by the limited availability of certain vehicle types. Despite these challenges, we will continue to work with our local government partners to identify and develop expansion priorities, and to align our expansion initiatives with our overall fleet procurement plans.

With increasing demand for transit expansion across the Province, BC Transit is often faced with municipal requests for expansion that exceed the availability of either matching Provincial funds or available buses. As a result, our Expansion Evaluation Process will be initiated to determine which projects are prioritized and will proceed. An overview of our Expansion Evaluation Process has been attached to this letter for your reference. It outlines the process that BC Transit will follow to prioritize expansion requests, address value for investment, and ensure alignment with funding availability. It considers a variety of factors through a performance based multiple account evaluation, using a

Three-Year Transit Expansion Plan

Proposed Transit Service Expansion Initiatives

The following outlines the expansion initiatives identified for your transit system along with a high level annual costing based on the hourly rates of your system. Please ensure that these initiatives are consistent with the expectations of your local government. Upon confirmation of your local government's intent to commit to the expansion and budget, we will proceed with the request to secure funding from the Province on your behalf.

PROPOSED CONVENTIONAL EXPANSION INITIATIVES						
AOA Period	In Service	Annual Hours	Vehicle Requirements	Estimated Annual Revenue	Estimated Annual Total Costs	Estimated Annual Net Municipal Share
2022/23	September	560	0	\$6,670	\$111,265	\$52,646
		Description	Introduce consistent statutory holiday service on all local routes.			
The costs for this expansion initiative are to be split, based on kilometers: 92.37% City of Vernon and 7.63% District of Coldstream.						
2022/23	September	2,600	1	\$30,569	\$364,992	\$178,270
		Description	New service to Middleton Mountain			
The costs for this expansion initiative are to be split, based on kilometres: 48.92% City of Vernon and 51.08% District of Coldstream.						

mixture of qualitative and quantitative criteria. The evaluation would occur following the deadline for receipt of approved expansion MOUs from local governments, and the outcome shared in early Fall.

We ask that a signed copy of this letter be returned to BC Transit by October 8, 2021. If you are unable to meet this deadline, please contact me at your earliest convenience to discuss further. Following confirmation of the provincial budget in February, we will confirm with you that supporting provincial funding has been secured and initiate a transit service implementation plan. I look forward to working with you on the continued improvement of your transit service and encourage you to contact me if you have any questions regarding these proposed initiatives.

Yours truly,

A handwritten signature in black ink, appearing to read 'Mossey', with a large, stylized loop at the end.

Chelsea Mossey
Senior Manager, Government Relations
BC Transit

Approval

On behalf of the City of Vernon, I/we are confirming to BC Transit to proceed with the request for funding to the Province on our behalf for the 2022/23 fiscal year. Furthermore, I/we confirm that the expansion priorities identified for 2023/24 and 2024/25 align with our expectations, and that we will review and confirm these initiatives on an annual basis as per the advice provided and with the knowledge that a more detailed budget will follow as service details are confirmed.

Signature: _____

Date: _____

Name: _____

Position: _____

Signature: _____

Date: _____

Name: _____

Position: _____

On behalf of BC Transit



Signature:

Date: September 20, 2021

Name: Chelsea Mossey

Position: Senior Manager, Government
Relations

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5775

A bylaw to amend the City of Vernon's Official
Community Plan Bylaw Number 5470

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the "Official Community Plan Bylaw Number 5470, 2013";

AND WHEREAS all persons who might be affected by this amending bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the *Local Government Act*, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as **"6141 Highway 97 and 6162 Pleasant Valley Road Avenue Official Community Plan Amendment Bylaw Number 5775, 2019"**.

2. That Schedule "A" of Official Community Plan Bylaw Number 5470 is hereby amended as follows:

That a portion of the following legally described lands be redesignated from **"Community Commercial" (CCOM)** to **"Residential Medium Density" (RMD)**:

Legal Description:

**LOT 5, SEC 11, TWP 8, ODYD, PLAN KAP68038
6141 Highway 97)**

AND:

BYLAW 5775

That the following legally described lands be redesignated from
**“Residential – Regional District of North Okanagan Electoral Areas B & C Official
Community Plan”** to **“Residential Small Lot” (RSL)**:

Legal Description:

**LOT 1, SEC 11, TWP 8, ODYD, PLAN 23048
(6162 Pleasant Valley Road)**

as shown on **Schedule “A”** attached hereto and forming part of this bylaw.

3. Official Community Plan Bylaw Number 5470 is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 3rd day of September, 2019.

READ A SECOND TIME this 3rd day of September, 2019.

PUBLIC HEARING held this 15th day of October, 2019.

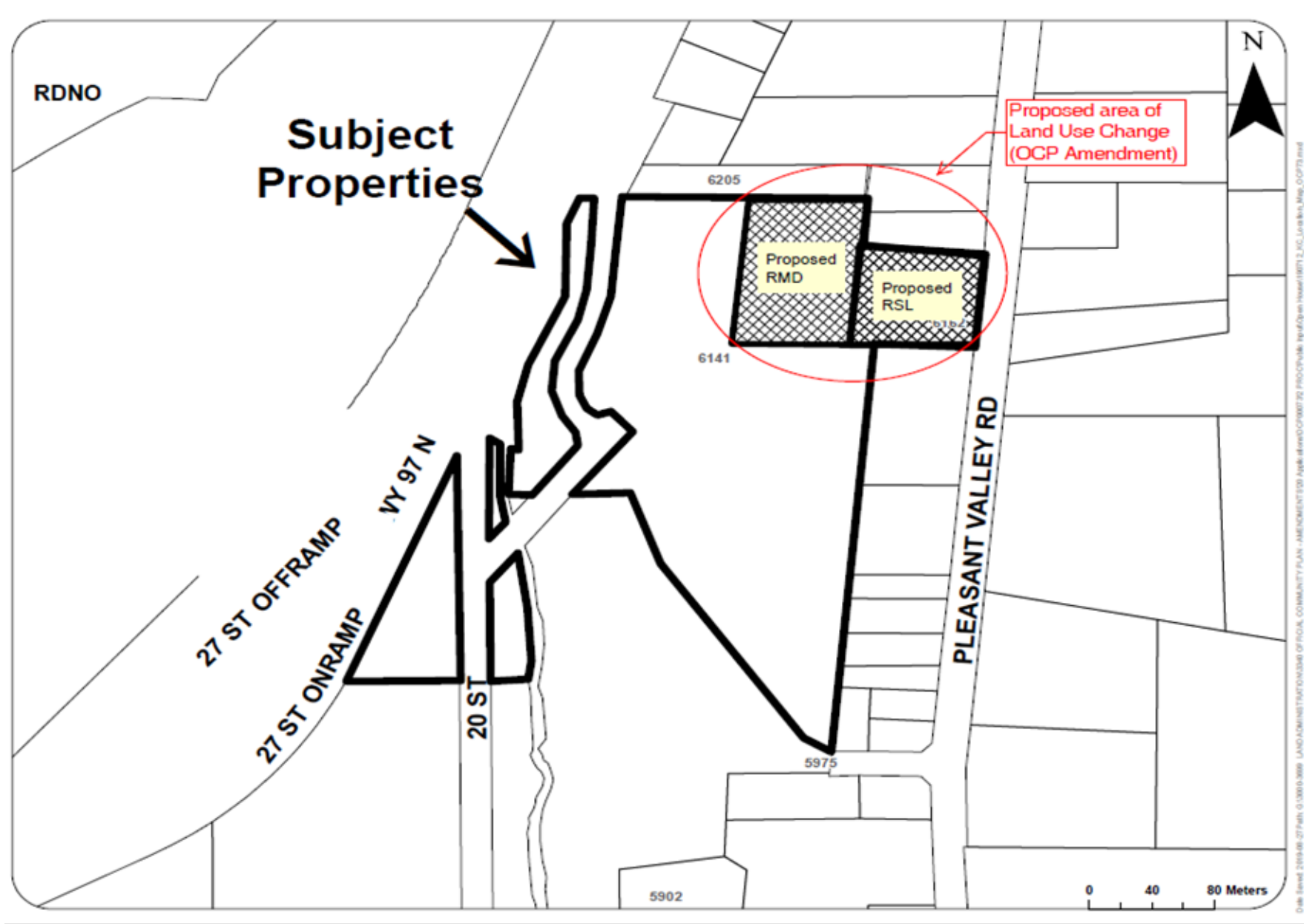
READ A THIRD TIME this 15th day of October, 2019.

ALL READINGS RESCINDED this day of , 2021

ADOPTED this day of , 2019.

Mayor

Corporate Officer





THE CORPORATION OF THE CITY OF VERNON

INTERNAL M E M O R A N D U M

TO: Will Pearce, Chief Administrative Officer **FILE:** OCP00073

PC: Kim Flick, Director, Community Infrastructure & Development **DATE:** September 16, 2021
Craig Broderick, Manager, Current Planning
Keri-Ann Austin, Manager, Legislative Services

FROM: Matt Faucher, Planner, Current Planning

SUBJECT: **6141 HIGHWAY 97 AND 6162 PLEASANT VALLEY ROAD OFFICIAL COMMUNITY PLAN AMENDMENT BYLAW #5775 – REQUEST TO RESCIND READINGS**

Official Community Plan Amendment Application OCP00073 is currently in progress for the subject properties at 6141 Highway 97 (from the Community Commercial land use designation to Residential Medium Density) and 6162 Pleasant Valley Road (from Residential – Regional District of North Okanagan Electoral Areas B & C Official Community Plan land use designation to Residential Small Lot – City of Vernon Official Community Plan land use designation).

At its Regular Meeting of September 3, 2019, Council passed the following resolution for OCP00073:

“THAT Council support amending the Official Community Plan land use designation for a portion of Lot 5, Section 11, Township 8, ODYD, Plan KAP68038 Mer 6 (6141 Highway 97) from Community Commercial to Residential Medium Density, and to amend the Official Community Plan land use designation for Lot 1, Section 11, Township 8, ODYD, Plan 23048 (6162 Pleasant Valley Road) from the Residential – Regional District of North Okanagan Electoral Areas B & C Official Community Plan land use designation to Residential Small Lot – City of Vernon Official Community Plan land use designation subject to:

1. Dedication of a road right of way extension of 20th Street to Pleasant Valley Road;
2. That prior to any construction on the site, an Archaeological Overview Assessment be conducted on the property; and
3. That the plan with proposed OCP designation generally shown as Attachments 1 and 2 in the report “Official Community Plan Amendment Application for 6141 Highway 97 and 6162 Pleasant Valley Road” and dated August 21, 2019 from the Economic Development Planner be attached to and form part of the OCP00073 as Schedule ‘A’.”

At its Regular Meeting of October 15, 2019, Council gave Third Reading to Bylaw #5775, "6141 Highway 97 and 6162 Pleasant Valley Road Official Community Plan Amendment Bylaw #5775, 2019" – a bylaw to designate the subject properties from "Community Commercial" (CCOM) to "Residential Medium Density" (RMD), and from "Residential – Regional District of North Okanagan Electoral Areas B & C Official Community Plan" to "Residential Small Lot" (RSL) – City of Vernon Official Community Plan land use designation.

At its Regular Meeting of September 28, 2020, Council approved a one year extension to the processing period for Bylaw #5775, to October 15, 2021.

At this time, the applicant has submitted a new application for the subject property. As such, the current readings of Bylaw #5775 can be rescinded. The new application is being processed and is expected to be forwarded to the Advisory Planning Committee in October 2022.

RECOMMENDATION:

THAT pursuant to the "Bylaws – Inactive Policy" Council rescind the current readings of Official Community Plan Amendment Bylaw #5775 for 6141 Highway 97 and 6162 Pleasant Valley Road.

Respectfully submitted:

X 

Signer 1

6 Matt Faucher,
Planner, Current Planning

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PROC\Memo\210916_Memo_Recind_Readings_mf.doc

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5838

A Bylaw to authorize a Housing Agreement
for 6309, 6321 and 6335 Okanagan Landing Road

WHEREAS pursuant to Section 905 of the *Local Government Act* (British Columbia) Vernon Council desires to enter into a Housing Agreement;

WHEREAS the owner of certain lands in the City of Vernon, desires to construct one stacked townhome building containing thirteen (13) dwelling units, each with individual entrances **6309, 6321 and 6335 Okanagan Landing Road**, Vernon, B.C.;

WHEREAS the base density provision in Official Community Plan Bylaw #5470 and Zoning Bylaw #5000, allows for twelve units on the property. There is a bonus density provision in the RH1 – Low Rise Apartment zoning district based on floor space ratio provided a Housing Agreement is registered on the property title. This bonus density provision would allow for one additional dwelling unit on the subject property upon consolidation while still in compliance with density provisions on the Official Community Plan;

WHEREAS the owner has agreed to enter into a Housing Agreement providing for restrictions on the thirteen **(13) rental housing units** to be constructed on the land as more particularly set out in **Schedule 'A'** to this bylaw;

The Council of the City of Vernon, in open meeting assembled, enacts as follows:

The signatories of the City are authorized to execute and deliver a housing agreement with the owner of land legally described as Lot 1, Plan 23913, District Lot 66-67, ODYD (6309 Okanagan Landing Road, PID 006-184-758); Lot 2, Plan 23913, District Lot 62&66-67, ODYD (6321 Okanagan Landing Road, PID 006-184-774); Lot 3, Plan 23913, District Lot 62&67, ODYD Lot A, Plan EPP108039, District Lots 62, 66 and 67, ODYD (6335 Okanagan Landing Road, PID 006184-766).in the form set out as **Schedule 'A'** to this Bylaw.

1. This Bylaw may be cited as "**6309, 6321 and 6335 Okanagan Landing Road Housing Agreement Bylaw Number 5838, 2020**".

READ A FIRST TIME this	23 rd day of November, 2020.
READ A SECOND TIME this	23 rd day of November, 2020.
READ A THIRD TIME this	23 rd day of November, 2020.
THIRD READING RESCINDED this	day of , 2021
ADOPTED this day of , 2021.	

Mayor

Corporate Officer

PART 2 – TERMS OF INSTRUMENT

HOUSING AGREEMENT
(AFFORDABLE HOUSING)

THIS AGREEMENT dated for reference _____, 2021.

BETWEEN:

VERNON & DISTRICT COMMUNITY LAND TRUST SOCIETY (S0052650)

3105 33rd Street,

Vernon, British Columbia V1T 9P7

(the “**Owner**”)

AND

THE CITY OF VERNON

3400 - 30th Street

Vernon, British Columbia, V1T 5E6

(the “**City**”)

Background

- A. The City is the registered owner of the Lands and has leased the Lands to the Owner pursuant to a lease registered against title to the Lands under No. _____ (the “**Lease**”);
- B. Pursuant to the Lease, the Owner has a registered leasehold interest in the Lands (the “**Leasehold Interest**”);
- C. The Owner wishes to develop the Lands to construct one stacked townhome building containing thirteen dwelling units, each with individual entrances, all used to provide affordable rental housing, together with parking, landscaping, servicing and amenities (the “**Development**”);

- D. Section 219 of the *Lands Title Act* permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the use of land or construction on land;
- E. Section 483 of the *Local Government Act* permits the City, by bylaw, to enter into an agreement in respect to the provision, tenure, management and operation of affordable housing; and
- F. The Owner and the City wish to enter into this Agreement to provide for affordable rental housing on the terms and conditions set out in this Agreement, which is both a covenant under Section 219 of the *Lands Title Act* and a housing agreement under Section 483 of the *Local Government Act*,

Terms of Agreement

In consideration of good and valuable consideration (the receipt and sufficiency of which is acknowledged by both parties), and in consideration for the promises exchanged below, the parties covenant and agree as follows:

DEFINITIONS AND INTERPRETATION

1. In this Agreement,
 - (a) **"Affordable Housing Unit"** means a Dwelling in a Building reserved for use as a Deep Subsidy Unit, a Market Unit, or an RGI Unit in accordance with this Agreement;
 - (b) **"Affordable Rent"** means Rent that BC Housing determines to be affordable for Residents with Deep Subsidy Income, Low Income and Moderate Income, from time to time;
 - (c) **"BC Housing"** means the British Columbia Housing Management Commission, and its successors;
 - (d) **"Building"** means a building constructed on the Lands in accordance with an approved development permit;
 - (e) **"CPI"** means the All-Items Consumer Price Index for British Columbia, published from time to time by Statistics Canada, or its successor in function;
 - (f) **"Daily Amount"** means \$100.00 per day as of January 1, 2021 adjusted thereafter by an amount determined by multiplying \$100.00 by the percentage change in the CPI from January 1, 2021 to January 1 of the year that a written notice is delivered to the Owner by the City pursuant to section 26;
 - (g) **"Deep Subsidy Income"** represents the maximum Income for eligibility to occupy a Deep Subsidy Unit, as determined by BC Housing from time to time;
 - (h) **"Deep Subsidy Unit"** means a Dwelling occupied by a Resident whose Income does not exceed Deep Subsidy Income;

- (i) **“Development”** has the meaning set out in section 1(d) above;
- (j) **“Dwelling”** means a self-contained residential dwelling in the Development;
- (k) **“Eligible Tenant”** means a Resident occupying an Affordable Housing Unit under a Tenancy Agreement, the eligibility of which Resident has been determined pursuant to section 9;
- (l) **“General Instrument”** means the Form C under the Lands Title (Transfer Forms) Regulations, as amended, and all schedules and addenda to the Form C charging the Leasehold Interest to which these express charge terms are attached;
- (m) **“Income”** means total income before tax from all sources for a Resident;
- (n) **“Lands”** means those lands and premises legally described as: Lot 1, Plan 23913, District Lot 66-67, ODYD (6309 Okanagan Landing Road); Lot 2, Plan 23913, District Lot 62&66-67, ODYD (6321 Okanagan Landing Road); Lot 3, Plan 23913, District Lot 62&67, ODYD Lot A, Plan EPP108039, District Lots 62, 66 and 67, ODYD (6335 Okanagan Landing Road)
- (o) **“Lease”** has the meaning set out in Recital B;
- (p) **“Leasehold Interest”** has the meaning set out in Recital C;
- (q) **“Low Income”** represents the maximum Income for eligibility to occupy a Rent-Geared-To-Income Unit, as determined by BC Housing from time to time;
- (r) **“Market Unit”** means a Dwelling occupied by a Resident whose Income does not exceed Moderate Income;
- (s) **“Moderate Income”** represents the maximum Income for eligibility to occupy a Market Unit, as determined by BC Housing from time to time;
- (t) **“Prime Rate”** means the annual rate of interest, expressed as a percentage, used as a reference rate by the Royal Bank of Canada at its main branch in Vernon, British Columbia for Canadian dollar loans and designated by the Royal Bank of Canada from time to time; and
- (u) **“Rent”** means the amount that a Resident (as a tenant) must pay to the Owner (as a landlord) monthly to occupy a Dwelling;
- (v) **“Rent-Geared-To-Income (RGI) Unit”** means a Dwelling occupied by a Resident whose Income does not exceed Low Income;
- (w) **“Resident”** means the person or persons legally entitled to reside in a Dwelling pursuant to a Tenancy Agreement; and
- (x) **“Tenancy Agreement”** means an agreement, lease, license or other right of a Resident to occupy a Dwelling.

2. In this Agreement,
 - (a) any reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) any reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
 - (e) any reference to any enactment is a reference to that enactment as consolidated revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (f) the provisions of Section 25 of the *Interpretation Act* with respect to the calculation of time apply;
 - (g) time is of the essence of this Agreement;
 - (h) all provisions are to be interpreted as always speaking;
 - (i) any reference to a “party” is a reference to a party to this Agreement and to that party’s respective successors, assigns, trustees, administrators and receiver;
 - (j) any reference to a “day”, “month”, “quarter” or “year” is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the same case may be, unless otherwise expressly provided; and
 - (k) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.
3. This Agreement, and any documents signed by the Owner contemplated by this Agreement, represents the whole agreement between the City and the Owner respecting the use and occupation of the Affordable Housing Units, and there are no warranties, representations, conditions or collateral agreements made by either party except as set out in the Agreement.
4. If any provision of this Agreement is found to be invalid or unenforceable such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.
5. The laws of British Columbia will apply to this Agreement and all statutes referred to in this Agreement are enactments of the Province of British Columbia. Without limiting the foregoing, in the event of any conflict between any provision of this Agreement and the *Residential Tenancy Act*, this Agreement is without effect to the extent of the conflict.

6. The Owner will do everything necessary to ensure this Agreement is registered against the Leasehold Interest in priority to all financial charges and encumbrances which may have been registered against the Leasehold Interest, excepting those specifically approved in writing by the City or in favour of the City.
7. The Owner acknowledges the City must file a notice under Section 483(5) of the *Local Government Act* against the title to the Lands.

DESIGNATION OF AFFORDABLE HOUSING UNITS

8. All Dwellings contained in the Development will be used only as Affordable Housing Units for Eligible Tenants at Affordable Rent.

ELIGIBILITY OF TENANTS

9. The Owner will determine if a prospective tenant is eligible to rent the Affordable Housing Units based on the following criteria:
 - (a) households with Moderate Incomes are eligible for housing in Market Units;
 - (b) households with Low Income are eligible for housing in RGI Units;
 - (c) households with Deep Subsidy Income are eligible for housing in Deep Subsidy Units;
 - (d) tenants are deemed residents of the Greater Vernon area having resided in the area for a minimum period of twelve months;
 - (e) Notwithstanding Section 9 (d) above, in the event an individual outside the Greater Vernon area with significant needs requires proximity to services, this will be considered to meet the eligibility requirements;
 - (f) exceptions to requirements in section 9(a), section 9(b) and section 9(c) may be made for:
 - (i) persons designated by mutual agreement between BC Housing, the City and the Owner; and
 - (ii) staff or other authorized personnel required to operate and maintain the building on the Lands, who are employees of the Owner; and
 - (g) the Owner will make all reasonable efforts to achieve the following:
 - (i) 30% of Dwellings to be Market Units for Moderate Income households;
 - (ii) 50% of Dwellings to be RGI Units for Low Income households; and
 - (iii) 20% of Dwellings to be Deep Subsidy Units for Deep Subsidy Income households.

In determining prospective tenant's eligibility, the Owner or its rental agent, so long as it acts honestly and in good faith, is entitled to rely on all information provided by the prospective tenant and the Owner will have no liability if the prospective tenant intentionally or unintentionally provides any incorrect information.

10. The Owner will periodically update the financial circumstances of the tenant once the Tenancy Agreement is signed.
11. The Owner will not rent Affordable Housing Units to any person that does not meet the tenant eligibility criteria in section 9.

USE AND OCCUPANCY OF RENTAL HOUSING UNITS

12. The Owner will not lease, rent, license or permit occupancy of an Affordable Housing Unit except as follows:
 - (a) to an Eligible Tenant;
 - (b) at Affordable Rent;
 - (c) as a permanent residence; and
 - (d) pursuant to a Tenancy Agreement.
13. The Owner will include in the Tenancy Agreement a clause that prohibits the Tenancy Agreement from being assigned and the Affordable Housing Units from being sublet.
14. The Tenancy Agreement will identify all occupants of the Affordable Housing Unit and will stipulate that anyone not identified in the Tenancy Agreement will be prohibited from residing in the Affordable Housing Unit for more than 30 consecutive days or more than 45 days total in any calendar year.
15. The Owner will deliver a certified true copy of the Tenancy Agreement to the City upon request.
16. Subject to notice requirements under the *Residential Tenancy Act*, the Owner will include in the Tenancy Agreement a clause entitling the Owner to terminate the Tenancy Agreement if one or more of the following occurs:
 - (a) the tenant is not an Eligible Tenant;
 - (b) the Affordable Housing Unit is occupied by a number of occupants that exceeds the number of individuals that the City's building inspector determines may reside in the Affordable Housing Unit given the number and size of bedrooms in the Affordable Housing Unit and in light of any relevant standards set by the City in any bylaws of the City;

- (c) the Affordable Housing Unit remains vacant for three consecutive months or longer, notwithstanding the timely payment of rent;
 - (d) the Affordable Housing Unit is sublet; or
 - (e) the Tenancy Agreement is assigned.
17. The Owner will not itself occupy any of the Affordable Housing Units.
 18. The Owner will not charge rent higher than Affordable Rent for the use of an Affordable Housing Unit.
 19. The Owner will ensure that the number of individuals who permanently reside in an Affordable Housing Unit must be equal to or less than the number of individuals the City's building inspector determines may reside in the Affordable Housing Unit given the number and size of bedrooms in the Affordable Housing Unit and in light of any relevant standards set by the City in any bylaws of the City.

MANAGEMENT AND OPERATION

20. The Owner will furnish good and efficient management and operation of the Development and the Affordable Housing Units and will permit representatives of the City to inspect the Development and the Affordable Housing Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*.
21. The Owner will maintain the Development and the Affordable Housing Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.
22. The Owner will not assign or delegate management and operation of the Affordable Housing Units to any entity, except with the prior written consent of the City. In considering whether to provide consent, the City will be entitled to consider (without being exhaustive) whether the proposed entity is a society or a non-profit organization experienced in providing affordable housing.

CITY INQUIRIES AND INSPECTIONS

23. At the request of the City, the Owner will deliver to the City:
 - (a) such supporting documents, including a statutory declaration sworn by a tenant, as the City may reasonably require confirming that a tenant is an Eligible Tenant under this Agreement; and
 - (b) a report in writing confirming that all Affordable Housing Units that are rented at the time are being rented in accordance with this Agreement, together with such other information as may be reasonably requested by the City from time to time.

24. The Owner hereby irrevocably authorizes the City to make such inquiries as the City reasonably considers necessary in order to confirm the Owner is complying with this Agreement.
25. The Owner will permit representatives of the City to inspect the Development and the Affordable Housing Units for compliance with this Agreement at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*.

DEFAULT AND REMEDIES

26. In addition to any other remedies available to the City under this Agreement or at law or equity, if an Affordable Housing Unit is used or occupied in breach of this Agreement the Owner will pay to the City the Daily Amount for every day that the breach continues after 30 days written notice from the City to the Owner stating the particulars of the breach or, if such breach cannot, using reasonable efforts, be remedied within 30 days, such longer period as may reasonably be required to remedy such breach. The Daily Amount will be increased on January 1 of each year by an amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase in the CPI during the immediately preceding calendar year. The Daily Amount is due and payable immediately upon receipt by the Owner of an invoice from the City for the same.
27. The Owner acknowledges and agrees that damages are not an adequate remedy for breach of the covenants contained in this Agreement and that, in the event of any such breach, the City will be entitled to apply to a Court of competent jurisdiction for an order restraining and prohibiting the continuance of any such breach.
28. All remedies of the City will be cumulative and may be exercised by the City in any order or concurrently in case of any breach and each remedy may be exercised any number of times with respect to each breach. Waiver of or delay in the City exercising any or all remedies will not prevent the later exercise of any remedy for the same breach or any similar or different breach.

SECTION 219 COVENANT

29. To the extent of the Leasehold Interest, the Owner hereby covenants and agrees with the City, as a covenant in favour of the City pursuant to Section 219 of the *Land Title Act*, it being the intention and agreement of the Owner that the provisions in this Agreement be annexed to, and run with and be a charge upon the Leasehold Interest, that:
 - (a) the Lands will not be developed and no building or structure will be constructed or used on the Lands except to construct the Development;
 - (b) the Lands will be built and used only in strict compliance with the terms and conditions of this Agreement;
 - (c) the Lands will not be subdivided pursuant to the *Land Title Act*, the *Strata Property Act*, or by means of a leasehold subdivision, and will not be organized as "cooperative

interests” or “shared interest in land” as defined in the *Real Estate Development Marketing Act*; and

- (d) except for transfer of each Affordable Housing Unit pursuant to a Tenancy Agreement, interest in the Affordable Housing Units will not be transferred separately from each other, such that all Affordable Housing Units will be owned by the same Owner at all times.
30. As an indemnity pursuant to section 219(6) of the *Land Title Act*, to the extent of the Leasehold Interest, the Owner will indemnify and save harmless the City and each of its elected officials, officers, directors, and agents, and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of:
- (a) any act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
 - (b) the Owner’s construction, maintenance, ownership, lease, operation, management or financing of the Lands, the Development or any Affordable Housing Unit;
 - (c) any breach of this Agreement by the Owner; and
 - (d) the exercise by the City of any of its rights under this Agreement.
31. The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, and agents, and its and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for:
- (a) any act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
 - (b) the Owner’s construction, maintenance, ownership, lease, operation, management or financing of the Lands, the Development or any Affordable Housing Unit;
 - (c) any breach of this Agreement by the Owner; and
 - (d) the exercise by the City of any of its rights under this Agreement.

MISCELLANEOUS

32. The Owner acknowledges and agrees that this Agreement constitutes a covenant under Section 219 of the *Land Title Act* and a housing agreement entered into under Section 483 of the *Local Government Act* that will be registered and filed against the Leasehold Interest.

33. This Agreement does not:
- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Lands;
 - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.
34. The Owner and the City agree that:
- (a) this Agreement is entered into only for the benefit of the City;
 - (b) this Agreement is not intended to protect the interests of the Owner, any tenant, or any future owner, lessee, occupier or user of the Lands, the Development or any Affordable Housing Unit; and
 - (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
35. Any notice, request or demand provided for in this Agreement will be in writing and sufficiently given if served personally upon the party for whom such notice was intended, or, if mailed by registered mail to the addresses set out above or to such other address as a party may notify the other in accordance with this section. All notices given by mail under this section will be deemed to be received three days following its posting, if posted at Vernon, British Columbia, provided that after the time of posting there will be any slowdown, strike or labour dispute which might affect the delivery of notice by mail, then such notice will only be effective if actually delivered. Either party may, at any time, give notice in writing to the other of any change of address and thereafter all notices will be mailed to the new address so given.
36. This Agreement will enure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, representatives, successors and assigns.
37. Each of the parties will, on demand by another party execute and deliver or cause to be executed and delivered all such further documents and instruments and do all such further acts and things as the other may reasonably require to evidence, carry out and give full effect to the terms, conditions, intent and meaning of this Agreement.
38. This Agreement runs with the Leasehold Interest.
39. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered holder of the Leasehold Interest.

40. Nothing in this Agreement will constitute the Owner as the agent, joint venture, or partner of the City or give the Owner any authority to bind the City in any way.
41. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

AS EVIDENCE OF THEIR AGREEMENT the parties have executed this Agreement as of the date first written above on one or more pages of the General Instrument.

Authorized Signatory

Vernon and District Community Land Trust

Name (Printed) & Title

Authorized Signatory

City of Vernon

Name (Printed) & Title

Authorized Signatory

City of Vernon

Name (Printed) & Title



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** ZON00359 (3360-20)

PC: Kim Flick, Director, Community Infrastructure and Development
Keri-Ann Austin, Corporate Officer **DATE:** September 15, 2021

FROM: Roy Nuriel, Economic Development Planner

SUBJECT: HOUSING AGREEMENT BYLAW FOR 6335 OKANAGAN LANDING ROAD

At its Regular Meeting of November 23, 2020, Council passed the following resolution:

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.

During that meeting Council gave Third Reading to 6309, 6321 and 6335 Okanagan Landing Road Housing Agreement Bylaw Number 5838, 2020, to allow the development of a stacked townhome building containing thirteen dwelling units to provide affordable rental housing by the Vernon and District Community Land Trust.

Prior to final adoption of Bylaw #5838, the Vernon and District Community Land Trust changed their official society name to "Okanagan Village Housing Society" and the three lots of the subject property were consolidated into one lot. As such, the housing agreement was amended to reflect the society's new name and the new legal description for the property. Administration recommends that Third Reading to Bylaw #5838 be rescinded in order to amend the bylaw as follows:

- a) Section 1: Citation is amended to read, "6335 Okanagan Landing Road Housing Agreement Bylaw Number 5838, 2020" and;
- b) Schedule A to Bylaw 5838 is amended to reflect the change in the name of the 'owner' from "Vernon and District Community Land Trust" to "Okanagan Village Housing Society" and the legal land description.

RECOMMENDATION:



1. THAT third reading of "6309, 6321, 6355 Okanagan Landing Road Housing Agreement Bylaw Number 5838, 2020" be rescinded and reread with amendments to the citation, reflecting the updated address, and to Schedule A

reflecting the updated name of the owner and the legal land description, as outlined in the memorandum titled "Housing Agreement Bylaw for "6335 Okanagan Landing Road", dated September 15, 2021, respectfully submitted by the Economic Development Planner.

2. THAT Council authorize Administration to execute the agreement with the Okanagan Village Housing Society as outlined in the memorandum titled "Housing Agreement Bylaw for "6335 Okanagan Landing Road", dated September 15, 2021, respectfully submitted by the Economic Development Planner.

Respectfully submitted:

Sep 22 2021 10:01 AM

X  

Roy Nuriel DocuSign

Roy Nuriel
Economic Development Planner

ATTACHMENTS:

Attachment 1 – Housing Agreement Bylaw #5838

G:\3000-3699 LAND ADMINISTRATION\3360 ZONING AND REZONING\20 Applications\ZON00359\2 PROC\Rpt\210915_rn_Memo_Housing Agreement_ZON00539.doc

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5838

A Bylaw to authorize a Housing Agreement
for ~~6309, 6321 and~~ 6335 Okanagan Landing Road

WHEREAS pursuant to Section 905 of the *Local Government Act* (British Columbia) Vernon Council desires to enter into a Housing Agreement;

WHEREAS the owner of certain lands in the City of Vernon, desires to construct one stacked townhome building containing thirteen (13) dwelling units, each with individual entrances ~~6309, 6321 and~~ 6335 Okanagan Landing Road, Vernon, B.C.;

WHEREAS the base density provision in Official Community Plan Bylaw #5470 and Zoning Bylaw #5000, allows for twelve units on the property. There is a bonus density provision in the RH1 – Low Rise Apartment zoning district based on floor space ratio provided a Housing Agreement is registered on the property title. This bonus density provision would allow for one additional dwelling unit on the subject property upon consolidation while still in compliance with density provisions on the Official Community Plan;

WHEREAS the owner has agreed to enter into a Housing Agreement providing for restrictions on the thirteen **(13) rental housing units** to be constructed on the land as more particularly set out in **Schedule 'A'** to this bylaw;

The Council of the City of Vernon, in open meeting assembled, enacts as follows:

The signatories of the City are authorized to execute and deliver a housing agreement with the owner of land legally described as ~~Lot 1, Plan 23913, District Lot 66-67, ODYD (6309 Okanagan Landing Road, PID 006-184-758); Lot 2, Plan 23913, District Lot 62&66-67, ODYD (6321 Okanagan Landing Road, PID 006-184-774); Lot 3, Plan 23913, District Lot 62&67, ODYD Lot A, Plan EPP108039, District Lots 62, 66 and 67, ODYD (6335 Okanagan Landing Road, PID 006184-766).~~in the form set out as **Schedule 'A'** to this Bylaw.

1. This Bylaw may be cited as "~~6309, 6321 and~~ 6335 Okanagan Landing Road Housing Agreement Bylaw Number 5838, 2020".

READ A FIRST TIME this	23 rd day of November, 2020.
READ A SECOND TIME this	23 rd day of November, 2020.
READ A THIRD TIME this	23 rd day of November, 2020.
ADOPTED this day of	, 2021.

Mayor

Corporate Officer

PART 2 – TERMS OF INSTRUMENT

HOUSING AGREEMENT
(AFFORDABLE HOUSING)

THIS AGREEMENT dated for reference _____, 2021.

BETWEEN:

~~VERNON & DISTRICT COMMUNITY LAND TRUST SOCIETY~~ OKANAGAN VILLAGE
HOUSING SOCIETY (S0052650)

3105 33rd Street,

Vernon, British Columbia V1T 9P7

(the "Owner")

AND

THE CITY OF VERNON

3400 - 30th Street

Vernon, British Columbia, V1T 5E6

(the "City")

Background

- A. The City is the registered owner of the Lands and has leased the Lands to the Owner pursuant to a lease registered against title to the Lands under No. _____ (the "Lease");
- B. Pursuant to the Lease, the Owner has a registered leasehold interest in the Lands (the "Leasehold Interest");
- C. The Owner wishes to develop the Lands to construct one stacked townhome building containing thirteen dwelling units, each with individual entrances, all used to provide affordable rental housing, together with parking, landscaping, servicing and amenities (the "Development");

- D. Section 219 of the *Lands Title Act* permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the use of land or construction on land;
- E. Section 483 of the *Local Government Act* permits the City, by bylaw, to enter into an agreement in respect to the provision, tenure, management and operation of affordable housing; and
- F. The Owner and the City wish to enter into this Agreement to provide for affordable rental housing on the terms and conditions set out in this Agreement, which is both a covenant under Section 219 of the *Lands Title Act* and a housing agreement under Section 483 of the *Local Government Act*,

Terms of Agreement

In consideration of good and valuable consideration (the receipt and sufficiency of which is acknowledged by both parties), and in consideration for the promises exchanged below, the parties covenant and agree as follows:

DEFINITIONS AND INTERPRETATION

1. In this Agreement,
 - (a) **"Affordable Housing Unit"** means a Dwelling in a Building reserved for use as a Deep Subsidy Unit, a Market Unit, or an RGI Unit in accordance with this Agreement;
 - (b) **"Affordable Rent"** means Rent that BC Housing determines to be affordable for Residents with Deep Subsidy Income, Low Income and Moderate Income, from time to time;
 - (c) **"BC Housing"** means the British Columbia Housing Management Commission, and its successors;
 - (d) **"Building"** means a building constructed on the Lands in accordance with an approved development permit;
 - (e) **"CPI"** means the All-Items Consumer Price Index for British Columbia, published from time to time by Statistics Canada, or its successor in function;
 - (f) **"Daily Amount"** means \$100.00 per day as of January 1, 2021 adjusted thereafter by an amount determined by multiplying \$100.00 by the percentage change in the CPI from January 1, 2021 to January 1 of the year that a written notice is delivered to the Owner by the City pursuant to section 26;
 - (g) **"Deep Subsidy Income"** represents the maximum Income for eligibility to occupy a Deep Subsidy Unit, as determined by BC Housing from time to time;
 - (h) **"Deep Subsidy Unit"** means a Dwelling occupied by a Resident whose Income does not exceed Deep Subsidy Income;

- (i) **“Development”** has the meaning set out in section 1(d) above;
- (j) **“Dwelling”** means a self-contained residential dwelling in the Development;
- (k) **“Eligible Tenant”** means a Resident occupying an Affordable Housing Unit under a Tenancy Agreement, the eligibility of which Resident has been determined pursuant to section 9;
- (l) **“General Instrument”** means the Form C under the Lands Title (Transfer Forms) Regulations, as amended, and all schedules and addenda to the Form C charging the Leasehold Interest to which these express charge terms are attached;
- (m) **“Income”** means total income before tax from all sources for a Resident;
- (n) **“Lands”** means those lands and premises legally described as: ~~Lot 1, Plan 23913, District Lot 66-67, ODYD (6309 Okanagan Landing Road); Lot 2, Plan 23913, District Lot 62&66-67, ODYD (6321 Okanagan Landing Road); Lot 3, Plan 23913, District Lot 62&67, ODYD Lot A, Plan EPP108039, District Lots 62, 66 and 67, ODYD (6335 Okanagan Landing Road)~~
- (o) **“Lease”** has the meaning set out in Recital B;
- (p) **“Leasehold Interest”** has the meaning set out in Recital C;
- (q) **“Low Income”** represents the maximum Income for eligibility to occupy a Rent-Geared-To-Income Unit, as determined by BC Housing from time to time;
- (r) **“Market Unit”** means a Dwelling occupied by a Resident whose Income does not exceed Moderate Income;
- (s) **“Moderate Income”** represents the maximum Income for eligibility to occupy a Market Unit, as determined by BC Housing from time to time;
- (t) **“Prime Rate”** means the annual rate of interest, expressed as a percentage, used as a reference rate by the Royal Bank of Canada at its main branch in Vernon, British Columbia for Canadian dollar loans and designated by the Royal Bank of Canada from time to time; and
- (u) **“Rent”** means the amount that a Resident (as a tenant) must pay to the Owner (as a landlord) monthly to occupy a Dwelling;
- (v) **“Rent-Geared-To-Income (RGI) Unit”** means a Dwelling occupied by a Resident whose Income does not exceed Low Income;
- (w) **“Resident”** means the person or persons legally entitled to reside in a Dwelling pursuant to a Tenancy Agreement; and
- (x) **“Tenancy Agreement”** means an agreement, lease, license or other right of a Resident to occupy a Dwelling.

2. In this Agreement,

- (a) any reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (d) any reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (e) any reference to any enactment is a reference to that enactment as consolidated revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (f) the provisions of Section 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (g) time is of the essence of this Agreement;
- (h) all provisions are to be interpreted as always speaking;
- (i) any reference to a "party" is a reference to a party to this Agreement and to that party's respective successors, assigns, trustees, administrators and receiver;
- (j) any reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the same case may be, unless otherwise expressly provided; and
- (k) where the word "including" is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word "including".

3. This Agreement, and any documents signed by the Owner contemplated by this Agreement, represents the whole agreement between the City and the Owner respecting the use and occupation of the Affordable Housing Units, and there are no warranties, representations, conditions or collateral agreements made by either party except as set out in the Agreement.

4. If any provision of this Agreement is found to be invalid or unenforceable such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.

5. The laws of British Columbia will apply to this Agreement and all statutes referred to in this Agreement are enactments of the Province of British Columbia. Without limiting the foregoing, in the event of any conflict between any provision of this Agreement and the *Residential Tenancy Act*, this Agreement is without effect to the extent of the conflict.

6. The Owner will do everything necessary to ensure this Agreement is registered against the Leasehold Interest in priority to all financial charges and encumbrances which may have been registered against the Leasehold Interest, excepting those specifically approved in writing by the City or in favour of the City.
7. The Owner acknowledges the City must file a notice under Section 483(5) of the *Local Government Act* against the title to the Lands.

DESIGNATION OF AFFORDABLE HOUSING UNITS

8. All Dwellings contained in the Development will be used only as Affordable Housing Units for Eligible Tenants at Affordable Rent.

ELIGIBILITY OF TENANTS

9. The Owner will determine if a prospective tenant is eligible to rent the Affordable Housing Units based on the following criteria:
 - (a) households with Moderate Incomes are eligible for housing in Market Units;
 - (b) households with Low Income are eligible for housing in RGI Units;
 - (c) households with Deep Subsidy Income are eligible for housing in Deep Subsidy Units;
 - (d) tenants are deemed residents of the Greater Vernon area having resided in the area for a minimum period of twelve months;
 - (e) Notwithstanding Section 9 (d) above, in the event an individual outside the Greater Vernon area with significant needs requires proximity to services, this will be considered to meet the eligibility requirements;
 - (f) exceptions to requirements in section 9(a), section 9(b) and section 9(c) may be made for:
 - (i) persons designated by mutual agreement between BC Housing, the City and the Owner; and
 - (ii) staff or other authorized personnel required to operate and maintain the building on the Lands, who are employees of the Owner; and
 - (g) the Owner will make all reasonable efforts to achieve the following:
 - (i) 30% of Dwellings to be Market Units for Moderate Income households;
 - (ii) 50% of Dwellings to be RGI Units for Low Income households; and
 - (iii) 20% of Dwellings to be Deep Subsidy Units for Deep Subsidy Income households.

In determining prospective tenant's eligibility, the Owner or its rental agent, so long as it acts honestly and in good faith, is entitled to rely on all information provided by the prospective tenant and the Owner will have no liability if the prospective tenant intentionally or unintentionally provides any incorrect information.

10. The Owner will periodically update the financial circumstances of the tenant once the Tenancy Agreement is signed.
11. The Owner will not rent Affordable Housing Units to any person that does not meet the tenant eligibility criteria in section 9.

USE AND OCCUPANCY OF RENTAL HOUSING UNITS

12. The Owner will not lease, rent, license or permit occupancy of an Affordable Housing Unit except as follows:
 - (a) to an Eligible Tenant;
 - (b) at Affordable Rent;
 - (c) as a permanent residence; and
 - (d) pursuant to a Tenancy Agreement.
13. The Owner will include in the Tenancy Agreement a clause that prohibits the Tenancy Agreement from being assigned and the Affordable Housing Units from being sublet.
14. The Tenancy Agreement will identify all occupants of the Affordable Housing Unit and will stipulate that anyone not identified in the Tenancy Agreement will be prohibited from residing in the Affordable Housing Unit for more than 30 consecutive days or more than 45 days total in any calendar year.
15. The Owner will deliver a certified true copy of the Tenancy Agreement to the City upon request.
16. Subject to notice requirements under the *Residential Tenancy Act*, the Owner will include in the Tenancy Agreement a clause entitling the Owner to terminate the Tenancy Agreement if one or more of the following occurs:
 - (a) the tenant is not an Eligible Tenant;
 - (b) the Affordable Housing Unit is occupied by a number of occupants that exceeds the number of individuals that the City's building inspector determines may reside in the Affordable Housing Unit given the number and size of bedrooms in the Affordable Housing Unit and in light of any relevant standards set by the City in any bylaws of the City;

- (c) the Affordable Housing Unit remains vacant for three consecutive months or longer, notwithstanding the timely payment of rent;
 - (d) the Affordable Housing Unit is sublet; or
 - (e) the Tenancy Agreement is assigned.
17. The Owner will not itself occupy any of the Affordable Housing Units.
 18. The Owner will not charge rent higher than Affordable Rent for the use of an Affordable Housing Unit.
 19. The Owner will ensure that the number of individuals who permanently reside in an Affordable Housing Unit must be equal to or less than the number of individuals the City's building inspector determines may reside in the Affordable Housing Unit given the number and size of bedrooms in the Affordable Housing Unit and in light of any relevant standards set by the City in any bylaws of the City.

MANAGEMENT AND OPERATION

20. The Owner will furnish good and efficient management and operation of the Development and the Affordable Housing Units and will permit representatives of the City to inspect the Development and the Affordable Housing Units at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*.
21. The Owner will maintain the Development and the Affordable Housing Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Lands.
22. The Owner will not assign or delegate management and operation of the Affordable Housing Units to any entity, except with the prior written consent of the City. In considering whether to provide consent, the City will be entitled to consider (without being exhaustive) whether the proposed entity is a society or a non-profit organization experienced in providing affordable housing.

CITY INQUIRIES AND INSPECTIONS

23. At the request of the City, the Owner will deliver to the City:
 - (a) such supporting documents, including a statutory declaration sworn by a tenant, as the City may reasonably require confirming that a tenant is an Eligible Tenant under this Agreement; and
 - (b) a report in writing confirming that all Affordable Housing Units that are rented at the time are being rented in accordance with this Agreement, together with such other information as may be reasonably requested by the City from time to time.

24. The Owner hereby irrevocably authorizes the City to make such inquiries as the City reasonably considers necessary in order to confirm the Owner is complying with this Agreement.
25. The Owner will permit representatives of the City to inspect the Development and the Affordable Housing Units for compliance with this Agreement at any reasonable time, subject to the notice provisions in the *Residential Tenancy Act*.

DEFAULT AND REMEDIES

26. In addition to any other remedies available to the City under this Agreement or at law or equity, if an Affordable Housing Unit is used or occupied in breach of this Agreement the Owner will pay to the City the Daily Amount for every day that the breach continues after 30 days written notice from the City to the Owner stating the particulars of the breach or, if such breach cannot, using reasonable efforts, be remedied within 30 days, such longer period as may reasonably be required to remedy such breach. The Daily Amount will be increased on January 1 of each year by an amount calculated by multiplying the Daily Amount as of the previous January 1 by the percentage increase in the CPI during the immediately preceding calendar year. The Daily Amount is due and payable immediately upon receipt by the Owner of an invoice from the City for the same.
27. The Owner acknowledges and agrees that damages are not an adequate remedy for breach of the covenants contained in this Agreement and that, in the event of any such breach, the City will be entitled to apply to a Court of competent jurisdiction for an order restraining and prohibiting the continuance of any such breach.
28. All remedies of the City will be cumulative and may be exercised by the City in any order or concurrently in case of any breach and each remedy may be exercised any number of times with respect to each breach. Waiver of or delay in the City exercising any or all remedies will not prevent the later exercise of any remedy for the same breach or any similar or different breach.

SECTION 219 COVENANT

29. To the extent of the Leasehold Interest, the Owner hereby covenants and agrees with the City, as a covenant in favour of the City pursuant to Section 219 of the *Land Title Act*, it being the intention and agreement of the Owner that the provisions in this Agreement be annexed to, and run with and be a charge upon the Leasehold Interest, that:
 - (a) the Lands will not be developed and no building or structure will be constructed or used on the Lands except to construct the Development;
 - (b) the Lands will be built and used only in strict compliance with the terms and conditions of this Agreement;
 - (c) the Lands will not be subdivided pursuant to the *Land Title Act*, the *Strata Property Act*, or by means of a leasehold subdivision, and will not be organized as "cooperative

interests” or “shared interest in land” as defined in the *Real Estate Development Marketing Act*; and

- (d) except for transfer of each Affordable Housing Unit pursuant to a Tenancy Agreement, interest in the Affordable Housing Units will not be transferred separately from each other, such that all Affordable Housing Units will be owned by the same Owner at all times.
30. As an indemnity pursuant to section 219(6) of the *Land Title Act*, to the extent of the Leasehold Interest, the Owner will indemnify and save harmless the City and each of its elected officials, officers, directors, and agents, and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, actions, loss, damage, costs and liabilities, which all or any of them will or may be liable for or suffer or incur or be put to by reason of or arising out of:
- (a) any act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
 - (b) the Owner’s construction, maintenance, ownership, lease, operation, management or financing of the Lands, the Development or any Affordable Housing Unit;
 - (c) any breach of this Agreement by the Owner; and
 - (d) the exercise by the City of any of its rights under this Agreement.
31. The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, and agents, and its and their respective heirs, executors, administrators, personal representatives, successors and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of or which would or could not occur but for:
- (a) any act or omission of the Owner, or its officers, directors, agents, contractors or other persons for whom at law the Owner is responsible relating to this Agreement;
 - (b) the Owner’s construction, maintenance, ownership, lease, operation, management or financing of the Lands, the Development or any Affordable Housing Unit;
 - (c) any breach of this Agreement by the Owner; and
 - (d) the exercise by the City of any of its rights under this Agreement.

MISCELLANEOUS

32. The Owner acknowledges and agrees that this Agreement constitutes a covenant under Section 219 of the *Land Title Act* and a housing agreement entered into under Section 483 of the *Local Government Act* that will be registered and filed against the Leasehold Interest.

33. This Agreement does not:
- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of the Lands;
 - (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement;
 - (c) affect or limit any enactment relating to the use or subdivision of the Lands; or
 - (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Lands.
34. The Owner and the City agree that:
- (a) this Agreement is entered into only for the benefit of the City;
 - (b) this Agreement is not intended to protect the interests of the Owner, any tenant, or any future owner, lessee, occupier or user of the Lands, the Development or any Affordable Housing Unit; and
 - (c) the City may at any time execute a release and discharge of this Agreement, without liability to anyone for doing so, and without obtaining the consent of the Owner.
35. Any notice, request or demand provided for in this Agreement will be in writing and sufficiently given if served personally upon the party for whom such notice was intended, or, if mailed by registered mail to the addresses set out above or to such other address as a party may notify the other in accordance with this section. All notices given by mail under this section will be deemed to be received three days following its posting, if posted at Vernon, British Columbia, provided that after the time of posting there will be any slowdown, strike or labour dispute which might affect the delivery of notice by mail, then such notice will only be effective if actually delivered. Either party may, at any time, give notice in writing to the other of any change of address and thereafter all notices will be mailed to the new address so given.
36. This Agreement will enure to the benefit of and be binding upon the parties and their respective heirs, executors, administrators, representatives, successors and assigns.
37. Each of the parties will, on demand by another party execute and deliver or cause to be executed and delivered all such further documents and instruments and do all such further acts and things as the other may reasonably require to evidence, carry out and give full effect to the terms, conditions, intent and meaning of this Agreement.
38. This Agreement runs with the Leasehold Interest.
39. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered holder of the Leasehold Interest.

40. Nothing in this Agreement will constitute the Owner as the agent, joint venture, or partner of the City or give the Owner any authority to bind the City in any way.
41. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

AS EVIDENCE OF THEIR AGREEMENT the parties have executed this Agreement as of the date first written above on one or more pages of the General Instrument.

Authorized Signatory

~~Vernon and District Community Land Trust~~
Okanagan Village Housing Society

Name (Printed) & Title

Authorized Signatory

City of Vernon

Name (Printed) & Title

Authorized Signatory

City of Vernon

Name (Printed) & Title

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5866

A bylaw to authorize the discharge of Rezoning
Bylaw No. 292, 1978 and Land Use Contract
Agreement Bylaw No. 291, 1978, LTO #P2461

WHEREAS the owner of Lot 21, Sec. 11, TP 13, ODYD, Plan 31060 (9228 Kokanee Road) has requested that Council of The Corporation of the City of Vernon discharge “Rezoning Bylaw No. 292, 1978” and “Land Use Contract Agreement Bylaw No. 291, 1978” LTO #P2461 and all amendments thereto;

AND WHEREAS Section 546 of the *Local Government Act* permits a municipality to discharge a Land Use Contract by bylaw, with the agreement of the local Council and the owner of any parcel that is described in the bylaw as being covered by the Land Use Contract;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “**9228 Kokanee Road Land Use Contract LTO Registration Number P2461, Discharge Bylaw Number 5866, 2021**”.
2. That the Corporation of the City of Vernon be and is hereby authorized to discharge Rezoning Bylaw No. 292, 1978 and Land Use Contract Agreement Bylaw No. 291, 1978, LTO Registration Number P2461, being registered against the following described lands in the Land Title Office, Kamloops, B.C.:

<p>Lot 21, Sec. 11, TP 13, ODYD, Plan 31060 (9228 Kokanee Road)</p>
--

as shown as outlined on the plan attached hereto as **Schedule “A”**.

BYLAW NUMBER 5866

3. That the Mayor and Corporate Officer be and are hereby authorized to execute the necessary discharge documents on behalf of The Corporation of the City of Vernon, and generally to do all things necessary to give effect to the matters set out herein.

READ A FIRST TIME this 28th day of June, 2021.

READ A SECOND TIME this 28th day of June, 2021.

PUBLIC HEARING held in accordance with the requirements of the *Local Government Act* this 19th day of July, 2021.

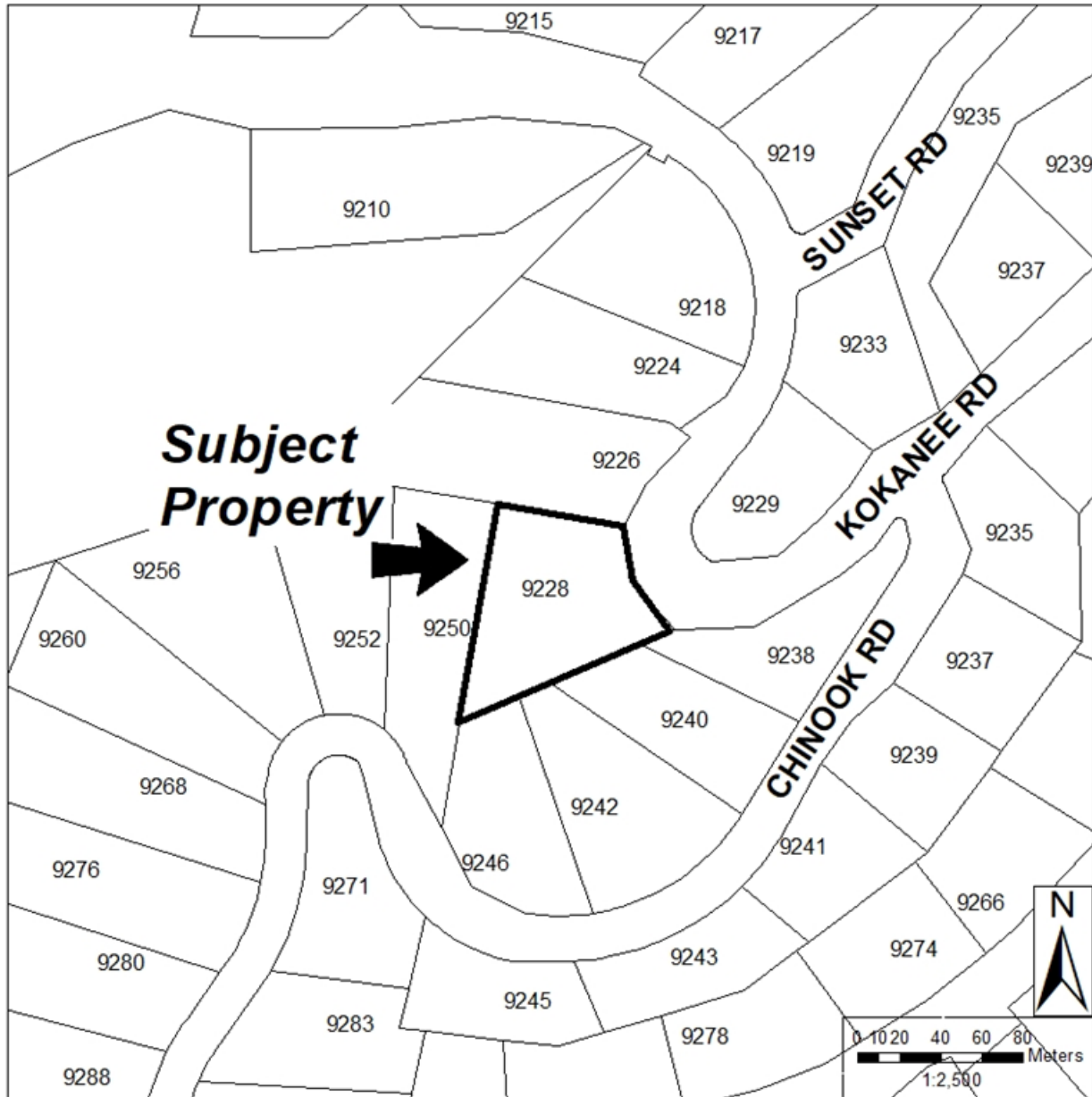
READ A THIRD TIME this 19th day of July, 2021.

ADOPTED THIS day of , 2021.

Mayor

Corporate Officer

Schedule 'A'
Attached to and forming part of Bylaw 5866
"9228 Kokanee Road Land Use Contract LTO Registration Number P2461,
Discharge Bylaw Number 5866, 2021"





THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: W. Pearce, CAO **FILE:** 3360-40 (LUC00019)

PC: K. Flick, Director, Community Infrastructure and Development
K. Austin, Manager, Legislative Services **DATE:** September 14, 2021

FROM: M. Austin, Planner, Current Planning

SUBJECT: 9228 KOKANEE ROAD LAND USE CONTRACT DISCHARGE
BYLAW #5866, 2021

At its Regular Meeting of July 19, 2021, Council gave Third Reading to Bylaw #5866 9228 Kokanee Road Land Use Contract LTO Registration #P2461, Discharge Bylaw #5866, 2021 – a bylaw to authorize the discharge of Rezoning Bylaw #292, 1978 and Land Use Contract Agreement Bylaw #291, 1978, LTO #P2461.

Prior to final adoption of the discharge bylaw all conditions were to be completed as outlined in the following resolution:

THAT Council support Application No. LUC00019 to discharge Rezoning Bylaw #292, 1978 and Land Use Contract Agreement Bylaw #291, 1978, LTO #P2461 from the title of Lot 21, Sec 11, Tp 13, ODYD, Plan 31060 (9228 Kokanee Road) and allow the property to be governed by Zoning Bylaw #5000, subject to the following:

- a) That a Section 219 Covenant (Wildfire), complying with FireSmart BC guidelines and the Community Wildfire Protection Plan, in favour of the City of Vernon, be registered on the title of Lot 21, Sec 11, Tp 13, ODYD, Plan 31060 (9228 Kokanee Road); and*
- b) That the single detached housing site be located outside of 30% slope areas.*

The applicant has fulfilled all conditions of the discharge and as such, Council can consider adoption of 9228 Kokanee Road Land Use Contract LTO Registration #P2461, Discharge Bylaw #5866, 2021.

RECOMMENDATION:

THAT 9228 Kokanee Road Land Use Contract LTO Registration #P2461, Discharge Bylaw #5866, 2021 be adopted.

Respectfully submitted:

Sep 16 2021 12:48 PM


 
Michelle Austin DocuSign

Michelle Austin
Planner, Current Planning

Attachment 1 – 9228 Kokanee Road Land Use Contract LTO Registration #P2461,
Discharge Bylaw #5866, 2021

G:\3000-3699 LAND ADMINISTRATION\3360 ZONING AND REZONING\40 Land Use Contracts\LUC00019\2
PROC\Rpt\210914_MA_Memo4thReadingBylawAdoption_LUC00019.doc

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5866

A bylaw to authorize the discharge of Rezoning
Bylaw No. 292, 1978 and Land Use Contract
Agreement Bylaw No. 291, 1978, LTO #P2461

WHEREAS the owner of Lot 21, Sec. 11, TP 13, ODYD, Plan 31060 (9228 Kokanee Road) has requested that Council of The Corporation of the City of Vernon discharge "Rezoning Bylaw No. 292, 1978" and "Land Use Contract Agreement Bylaw No. 291, 1978" LTO #P2461 and all amendments thereto;

AND WHEREAS Section 546 of the *Local Government Act* permits a municipality to discharge a Land Use Contract by bylaw, with the agreement of the local Council and the owner of any parcel that is described in the bylaw as being covered by the Land Use Contract;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as **"9228 Kokanee Road Land Use Contract LTO Registration Number P2461, Discharge Bylaw Number 5866, 2021"**.
2. That the Corporation of the City of Vernon be and is hereby authorized to discharge Rezoning Bylaw No. 292, 1978 and Land Use Contract Agreement Bylaw No. 291, 1978, LTO Registration Number P2461, being registered against the following described lands in the Land Title Office, Kamloops, B.C.:

<p>Lot 21, Sec. 11, TP 13, ODYD, Plan 31060 (9228 Kokanee Road)</p>
--

as shown as outlined on the plan attached hereto as **Schedule "A"**.

BYLAW NUMBER 5866

3. That the Mayor and Corporate Officer be and are hereby authorized to execute the necessary discharge documents on behalf of The Corporation of the City of Vernon, and generally to do all things necessary to give effect to the matters set out herein.

READ A FIRST TIME this 28th day of June, 2021.

READ A SECOND TIME this 28th day of June, 2021.

PUBLIC HEARING held in accordance with the requirements of the *Local Government Act* this 19th day of July, 2021.

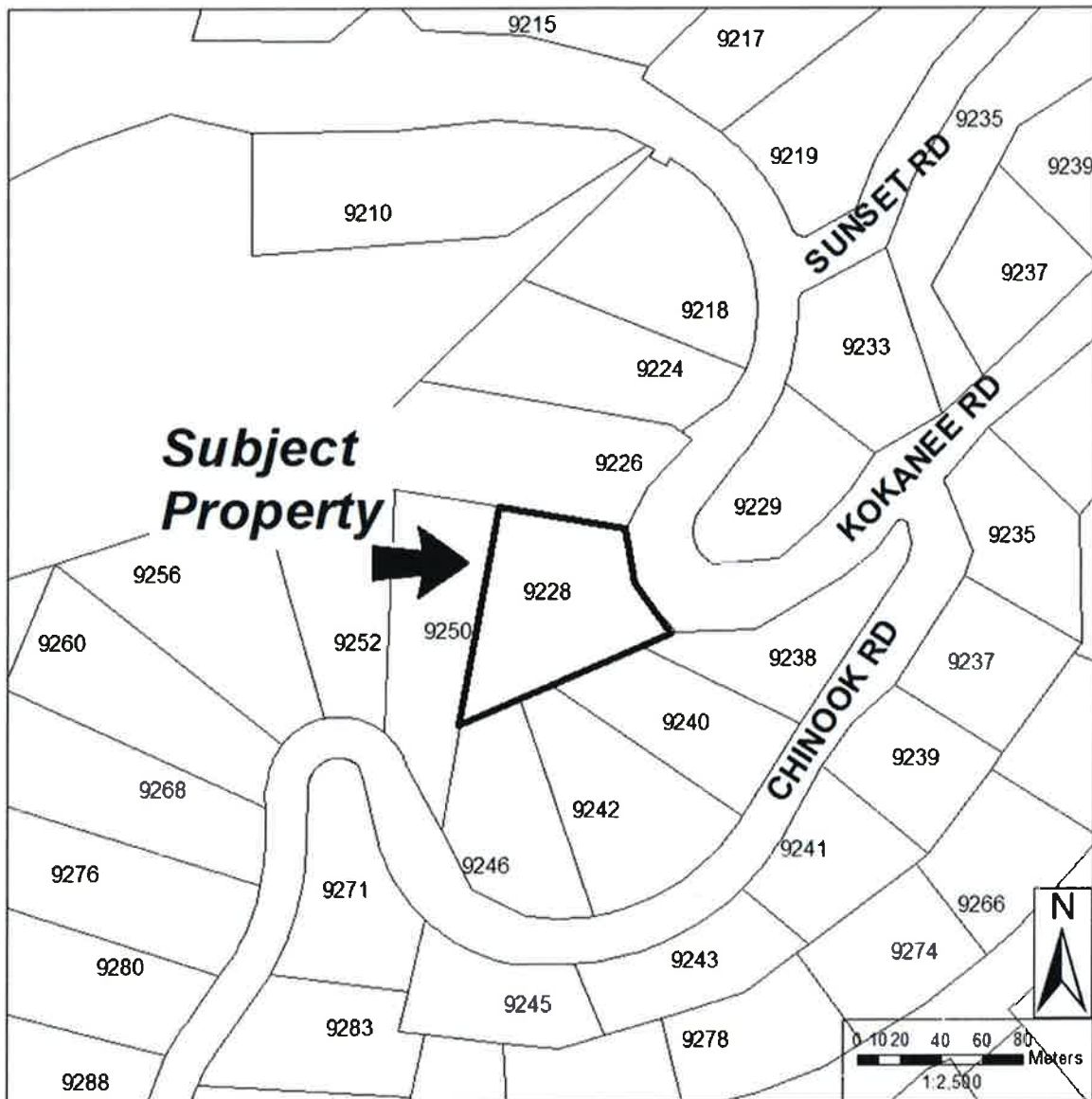
READ A THIRD TIME this 19th day of July, 2021.

ADOPTED THIS day of , 2021.

Mayor

Corporate Officer

Schedule 'A'
Attached to and forming part of Bylaw 5866
"9228 Kokanee Road Land Use Contract LTO Registration Number P2461,
Discharge Bylaw Number 5866, 2021"



THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5871

A bylaw to amend the Refuse Collection
Bylaw Number 3148, 1982

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend “The Corporation of the City of Vernon Refuse Collection Bylaw Number 3148, 1982”;

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 **“Refuse Collection (Automated Garbage Collection) Amendment Bylaw Number 5871, 2021”**.
2. Refuse Collection Bylaw #3148, 1982 rates are hereby amended, in **red**, as follows:
 - a) **AMEND** Division Two – General Definitions as shown in **red** on Schedule ‘A’ attached to and forming part of this bylaw.
 - b) **AMEND** Division Four – Collection System (Residential), as shown in **red** on Schedule ‘B’ attached to and forming part of this bylaw.
 - c) **AMEND** Division Five – Collections (Commercial), as shown in **red** on Schedule ‘C’ attached to and forming part of this bylaw.
 - d) **AMEND** Division Eight – General, as shown in **red** on Schedule ‘C’ attached to and forming part of this bylaw.
 - e) **AMEND** Division Ten – Contracts for Collection, as shown in **red** on Schedule ‘D’ attached to and forming part of this bylaw.

PAGE 2

BYLAW NUMBER 5871

- f) **AMEND** Division Thirteen – Recycling, as shown in red on Schedule 'D' attached to and forming part of this bylaw.
- g) **AMEND** Appendix "A" – Residential Garbage Collection Ticket, as shown is red on Schedule 'E' attached to and forming part of this bylaw.

4. "The Corporation of the City of Vernon Refuse Collection Bylaw Number 3148, 1982" is hereby ratified and confirmed in every other respect.

READ A FIRST TIME this 7th day of September, 2021.

READ A SECOND TIME this 7th day of September, 2021.

READ A THIRD TIME this 7th day of September, 2021.

ADOPTED this day of , 2021.

Mayor

Corporate Officer

SCHEDULE 'A'
Attached to and forming part of Bylaw 5871
"Refuse Collection (Automated Garbage Collection) Amendment Bylaw
Number 5871, 2021"

200 All words and phrases shall have their normal or common meaning except where the same is changed, modified, or expanded by the definitions as set forth in the Waste Management Act, R.S.B.C. 1982, Ch. 41 and the Local Government Act, and as set forth in division 2 of this bylaw.

"Cart(s)" mean a wheeled container suitable for automated collection, owned and supplied by the City for the purpose of collection from Residential Premises, as further described in Division Four of this Bylaw.

"City" shall mean The Corporation of the City of Vernon.

"Collector" means the person appointed to such position by the Council to receive revenues due to the City.

"Commercial" means all premises not residential as defined herein.

"Commercial Recycling" means the mandatory collection of ledger paper, newspaper, cardboard, tin cans, aluminum, books, magazines, all colours of plastic containers with the recycling symbols 1-7 from Commercial and Industrial properties in the City of Vernon and further described in Division Thirteen of this Bylaw.

"Council" shall mean the Council of The Corporation of the City of Vernon.

"Disposal Grounds" means the site or sites designated by the City for the purpose of disposing or dumping of all household refuse, trade waste, and any other form of refuse.

"Extended Service" means a special service extending refuse collection onto private property and available to residents with a disability that prevents him/her from placing the garbage at the curb. (Bylaw 5382)

"Extra Garbage" means an excess of household refuse that cannot be contained within the Cart with the lid closed, and which may be bagged and placed at the curb for collection if the bag clearly displays an Extra Garbage sticker, with such stickers being made available by the City for a fee.

"Fill Material" means the site or sites designated by the City for the purpose of disposing or dumping of all household refuse, trade waste, and any other form of refuse.

"Household Refuse" means and includes any and all rejected, abandoned or discarded waste or vegetable or animal food, floor sweeping, crockery, glass or metal ware having contained food, including grass, hedge clippings, or other garden refuse or rubbish, but does not include special waste or offal.

"Manager, Operation Services" shall mean the Manager, Operation Services of The Corporation of the City of Vernon, or any other official of the City for the time being authorized to carry out the duties ascribed to the said Manager, Operation Services, under the provision of this bylaw or any other bylaw.

"Offal" includes dead animals.

"Owner" means the registered **owner** of an estate in fee simple or his/her agent authorized in writing, ownership in a corporation and a company and includes the tenant for life under a registered life estate, the registered holder of the last registered agreement for sale, corporate and public agency ownership, and the holder or occupier of land held in the manner described in the *Local Government Act*. ~~means owner as defined in the Municipal Act and any apparent occupier of premises both commercial and residential but does not include a tenant in a commercial premises which contains more than four residential units or a boarder or lodger in a boarding house.~~

"Person" shall in addition to its ordinary meaning, include a firm or partnership, company or corporation, and the singular shall be held to mean and include the plural and the masculine, the feminine or body corporate, where the context requires.

"Recycle BC" means the not-for-profit organization approved by the Province to provide residential recycling services to households across British Columbia.

"Residential Recyclables" means and includes any such products as determined by Recycle BC for the purposes of their residential recycling collection program.

~~"Recyclable Products"~~ ~~means and includes any such products as determined under the Regional District of North Okanagan approved Solid Waste Management Plan and as directed from time to time by the said Regional District.~~

SCHEDULE 'B'
Attached to and forming part of Bylaw 5871
"Refuse Collection (Automated Garbage Collection) Amendment Bylaw
Number 5871, 2021"

DIVISION FOUR - COLLECTION SYSTEM (RESIDENTIAL

- 400 The City hereby establishes a system to collect, remove and dispose of garbage that is household refuse and recyclable products.
- 401 The City may have delivered by hand or ordinary mail to every residential premises in the City an annual schedule of household collection from those premises not less than seven days prior to the commencement of the aforesaid schedule.
- 402 If the owner of any residential premises has not received the aforesaid schedule prior to the start of the schedule date, the owner may obtain from the City a schedule at City Hall at 3400 - 30th Street in the City as well as other locations designated by the City from time to time.
- 403 The owner of each residential premises shall place or cause to be placed on the scheduled collection day in a location hereinafter defined all **Carts and Extra Garbage receptacles and parcels of household refuse** no earlier than 5:00 P.M. on the day before the collection date and no later than 7:00 A.M. on the collection date.
- 404 **When the Carts have been emptied by the City, the owner shall return them to their own property no later than the expiry of the collection date** ~~When the receptacles have been emptied by the City, the owner shall return them to his own property no later than the expiry of the collection date.~~
- 405 Owners of any premises that receives collection under this Bylaw shall:
- (a) On their designated collection day place the Cart(s) and any Extra Garbage in front of the premises, by 7:00 am, as close to the curb as

possible. Where no curb is present, Carts shall be placed as close to the roadway as possible without creating an obstruction to traffic.

- (b) Place the Cart(s) and any extra tagged bags of garbage so as not to interfere in any way with the ordinary and safe travel of vehicles or pedestrians or cyclists.
- (c) Place the Cart(s), positioned with the Cart fronts facing towards the roadway, in a location free from any obstructions at least one metre horizontally on all sides including the back, and three metres above the container. They shall not be placed in a location where property damage is likely, or contact will be made with any object, including, but not limited to fire hydrants, vehicles, street signs, branches, utility poles or wires

~~The placement of receptacles and/or parcels of refuse shall be as follows:~~

- ~~(a) Where premises are serviced by street collection, receptacles and/or parcels of refuse shall be set out not more than one meter (3.281 feet) back from the curb or traveled portion, whichever is applicable, of the collection roadway.~~
- ~~(b) Where premises are served by a lane collection, receptacles and/or parcels of refuse must be easily accessible at the lane.~~

406 In the event there is more than one possible access for collection, the Manager, Operation Services or authorized designate shall determine the location of collection.

407 (a) Except as otherwise provided, collection personnel are not permitted to enter upon private property by opening gates, climbing or descending stairs, or to lift **Carts or Extra Garbage** ~~receptacles or parcels of refuse~~ over fences, etc., for emptying.

- (b) Where special circumstances exist, the Director, Operation Services or authorized designate may grant extended service onto private property at the rate as stipulated in this bylaw in paragraph 900. To be eligible for this service, residents must apply in writing to the Director, Operation Services and must provide proof of disability and reasons why they are

requesting this service. Approval will be at the discretion of the Director, Operation Services or authorized designate. (Bylaw 5382)

408 ~~Carts~~~~Receptacles~~ for household refuse for residential premises shall be provided by the City to each single family dwelling, duplex unit, triplex unit and fourplex unit. No Cart shall be filled to a point where the lid cannot be fully closed, and the contents must be capable of emptying with no restriction. ~~be as follows and provided by the owner:~~

- ~~(a) — A metal or plastic garbage container;~~
- ~~(b) — Must be in good condition;~~
- ~~(c) — Have a watertight animal and insect proof lid;~~
- ~~(d) — Have rigid handles which permit ease in handling;~~
- ~~(e) — Have a total of weight of each when full not to exceed 22.68 kilograms (50 pounds);~~
- ~~(f) — the size of each not to be more than .099 cubic meters (3 ½ cubic feet).~~

409 Extra Garbage must be bagged and a tag must be placed on all household refuse which exceeds the quantity limits for collection outlined in this bylaw, with such tags being made available by the City for a fee. Bags for Extra Garbage must: ~~Plastic bags for household refuse when used outside a metal or plastic garbage container must:~~

- (a) Be ~~plastic, and~~ sturdy and strong enough to withstand normal handling;
- (b) Be properly sealed;
- (c) Not contain any sharp objects which may tear the bag and/or injure refuse collection personnel;
- (d) Not contain any organic matter that will attract dogs, cats or omnivorous or carnivorous feral animals;
- (e) When full, not exceed a weight of 22.68 kilograms (50 pounds);
- (f) When full, not exceed .914 meters (3 feet) in any dimension.

~~410 — A bundle of brush or similar material must:~~

- ~~(a) — Be tied in such a manner so as to permit easy handling without breaking apart;~~

- ~~(b) Not weigh more than 22.68 kilograms (50 pounds);~~
- ~~(c) Not exceed a dimension of .914 meters (3 feet) in any direction.~~

4104 The following applies for each regular collection day:

- (a) Each household shall be allowed a maximum of one (1) 240 litre City provided Cart at each regular pick up for the fee set out in paragraph 900 herein.
- (b) An owner must not fill a Cart in their possession to a gross weight that exceeds 45.36 kilograms (100 pounds).
- (c) An owner must not fill a Cart to the extent that the lid does not close.
- (d) Containers of any design that are not provided by the City will not be collected. Extra Garbage contained in bags will be collected with a proof of payment sticker, in the form attached as Appendix "A", affixed for each Extra Garbage bag. Each bag of Extra Garbage shall not exceed 22.68 kilograms (50 pounds). ~~Except where a metal or plastic garbage container as described in Section 408 is used, all containers for household refuse will be considered as waste and will be removed along with the refuse set out for disposal.~~

~~412 Each household shall be allowed a maximum of two (2) receptacles or parcels of refuse at each regular pick up for the fee set out in paragraph 900 herein. A sticker in the form attached as Appendix "A" shall be affixed for each container, parcel or bag of refuse beyond the two permitted herein.~~

4113 On the collection date for each residential premises the City will collect the household refuse for the residential premises.

412 The City shall dispose of household refuse it has collected and removed by disposing the same at the disposal grounds.

413 General Household Refuse requirements includes:

- (a) All table and kitchen waste, all wet Household Refuse, pet waste, floor sweepings and sawdust or other granular materials must be in a garbage bag before being placed in any Cart.

- (b) No Person shall cause or permit the contents of a Cart, for which they are responsible, to exceed 45.36 kilograms (100 pounds) or to be overloaded such that the contents are not contained within the Cart.
- (c) All materials which might adhere to any Cart must be separately contained within individual disposable wrappings or containers before being placed in Cart.
- (d) Household Refuse must not be compressed into any Cart in a manner that will inhibit the material from falling freely into a collection vehicle during the regular tipping process.
- (e) Ashes shall be completely cooled and shall be placed in a non-combustible container and separate from other Household Refuse or flammable material.
- (f) Hot ashes from incinerators or burning barrels, any liquid wastes, bulk chemical, animal cuttings, fuel, oil or equipment lubricant filters shall not be placed in Carts for residential collection.
- (g) Every Owner shall ensure that Household Refuse is stored and placed in a sanitary manner, and in a way that will not injure Persons handling them.
- (h) Every Owner shall clean up any Household Refuse which does not remain contained in the curb-side Carts or Extra Garbage bags.

~~415 Recyclable Products will be contained within a plastic bag which will allow the recyclable products to be visible to the collection personnel.~~

~~416 For multi-family residential properties alternate collection containers and locations are permissible at the discretion of the Manager, Operation Services or authorized designate.~~

414 The ownership and maintenance of Carts requires that:

- (a) Carts are the property of the City, and shall be provided to the residential premises.
- (b) When vacating residential premises, the Owner of the dwelling shall not take the cart with them, but shall leave the cart at the address to which it was assigned by the City.

- (c) Sanitary maintenance of the Cart(s) is the responsibility of the residential premises Owner.
- (d) Routine repairs will be conducted by an employee or contractor of the City.
- (e) Carts that are stolen, unsafe to handle, no longer waterproof, damaged beyond repair, or otherwise unsuitable for continued use will be replaced by the City at no cost. If it is found that the cart was willfully damaged, destroyed or disposed of the full cost will be assessed to the Owner of the dwelling at the rate stipulated in this bylaw in paragraph 900.

SCHEDULE 'C'
Attached to and forming part of Bylaw 5871
"Refuse Collection (Automated Garbage Collection) Amendment Bylaw
Number 5871, 2021"

DIVISION FIVE - COLLECTIONS (COMMERCIAL

- 504 ~~Blue Bag-Commercial~~ Recycling Services will be offered to Commercial Properties within the City of Vernon through the City's contractor. Cardboard pickup will remain the responsibility of the business owner.

DIVISION EIGHT - GENERAL

- 800 No person shall throw, pile, place or cause to be thrown, placed or piled any refuse upon any street, lane or alley within the City or upon private property within the City without the permission of the owner thereof and a permit from the Manager, Operation Services or authorized designate.
- 801 No person shall place garbage for pick-up with the garbage of others or place garbage in ~~containers owned by others without the owner's permission~~ Carts provided by the City to others.

SCHEDULE 'D'
Attached to and forming part of Bylaw 5871
"Refuse Collection (Automated Garbage Collection) Amendment Bylaw
Number 5871, 2021"

DIVISION TEN - CONTRACTS FOR COLLECTION

- 1000 The City may enter into a contract or contracts with a person or persons for the collection, removal, or disposal of household refuse, **commercial recycling recyclable products** and trade waste or part of the household waste, **commercial recycling recyclable products** and/or trade waste generated within the City.'

DIVISION THIRTEEN - RECYCLING

- 1300 Notwithstanding any provision of this Bylaw with regard to the collection, removal and disposal of household refuse and trade waste, all residential properties are to be provided a recycling collection service as determined by Recycle BC. The City of Vernon will provide recycling services to commercial and industrial properties excluding Blue Jay, Predator Ridge, Foothills, Turtle Mountain and Okanagan Landing past the Yacht Club.
- 1301 ~~The Regional District of North Okanagan will collect and remove residential recyclables and may dispose of same according to conventional recycling practices.~~ Recycle BC will collect and remove residential recyclables and may dispose of same according to conventional recycling practices.
- 1302 ~~The Regional District of North Okanagan may collect and remove recyclables according to a system approved by the Manager, Operation Services or authorized designate.~~ All commercial and industrial properties within the City of Vernon, with the exception of Blue Jay, Predator Ridge, Foothills, Turtle Mountain and Okanagan Landing past the Yacht Club will be serviced by blue bag recycling program. The program will be mandatory provided by the City of Vernon. Costs of the program will be charged back to the benefiting properties through quarterly billings.

SCHEDULE 'E'
Attached to and forming part of Bylaw 5871
"Refuse Collection (Automated Garbage Collection) Amendment Bylaw
Number 5871, 2021"

APPENDIX "A"

CITY OF VERNON

Residential **Extra** Garbage
Collection Ticket

Peal off half of backing and
stick ticket to container.

THE CORPORATION OF THE CITY OF VERNON
BYLAW NUMBER 5872

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 amend fees for cost recovery of new or damaged carts.

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 (Household Refuse Carts) Amendment Bylaw Number 5872, 2021**”.
2. That Schedule “A” – Fee Schedule of Fees and Charges Bylaw Number 3909, 1993 be amended as follows;
 - a. **AMEND** Section 15. – REFUSE COLLECTION AND RECYCLING, 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	7 th day of September, 2021.
READ A SECOND TIME this	7 th day of September, 2021.
READ A THIRD TIME this	7 th day of September, 2021.
ADOPTED this day of	, 2021.

Mayor

Corporate Officer

SCHEDULE '1'
Attached to and forming Part of Bylaw #5872
“Fees and Charges (Household Refuse Carts) Amendment Bylaw Number 5872,
2021”

15. REFUSE COLLECTION AND RECYCLING	FEES (Quarterly) As At September 1, 2021
Residential Garbage Collection	\$42.00
Residential Garbage Collection - Extended Service	\$47.95
Residential Garbage Collection - Tags for Additional Bags	\$1.50 per tag
Household Refuse Cart – New or Replacement	Actual Cost Plus 20% Administration Fee
Commercial and Industrial Blue Bag (excluding Blue Jay, Predator Ridge, Foothills, Turtle Mountain and Okanagan Landing past the Yacht Club)	\$41.56
Commercial Garbage Collection (one pick-up per week)	\$112.31
Commercial Garbage (each additional pick-up)	\$248.79
Commercial Garbage (excess volume)	\$51.23
Yard Recycling	\$4.30

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5867

A bylaw to enter into a Heritage Revitalization Agreement

WHEREAS the Council of The Corporation of the City of Vernon may by bylaw pursuant to Part 15 of the Local Government Act enter into a Heritage Revitalization Agreement with the owner of heritage property;

AND WHEREAS the Council of The Corporation of the City of Vernon considers that certain lands and premises situate within the City of Vernon described as:

Lot 5, Block 20, Section 34, Township 9, ODYD, Plan 327
(2904 26th Street, Vernon, B.C.)

(the “Lands”)

have heritage value and ought to be conserved.

AND WHEREAS the Owner of the Lands and the City of Vernon have agreed on the nature, character and extent of the heritage value of the Lands and on the nature, extent and form of conservation necessary to protect the heritage value.

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited for all purposes as “**2904 26th Street City of Vernon Heritage Revitalization Agreement Bylaw Number 5867, 2021**”.
2. The Council of The Corporation of the City of Vernon is hereby authorized to enter into that certain Heritage Revitalization Agreement appended to the bylaw as Schedule “A” (the “Heritage Revitalization Agreement”) in respect to the Lands.

BYLAW 5867

PAGE 2

3. The Mayor and the City Clerk are authorized on behalf of the Council of The Corporation of the City of Vernon to sign and seal the Heritage Revitalization Agreement.
4. Schedule "A" forms a part of this bylaw.

READ A FIRST TIME this day of , 2021

READ A SECOND TIME this day of , 2021

PUBLIC HEARING held this day of , 2021

READ A THIRD TIME this day of , 2021

Approved pursuant to Division 5, 610 6) A) of the *Local Government Act* this _____ day of _____, 20____

for Minister of Transportation & Infrastructure
HRA00007/Bylaw 5867

ADOPTED this day of , 2021

Mayor:

Corporate Office:

SCHEDULE "A"

This Agreement made the XXX day of XXX 2021

BETWEEN:

Judy Fullerton and Bruce Waldie (Owners of Easthill Physiotherapy and Acupuncture 1232794 B.C. Ltd., Inc. No. 1232794) and residing at: 10421 Warren Rd., Coldstream, B.C., V1B 3C5

(the "Owner")

OF THE FIRST PART

AND:

THE CORPORATION OF THE CITY OF VERNON, a municipal corporation by letters patent pursuant to the *Local Government Act* and having offices at: 3400 30 St., Vernon, B.C. V1T 5E6.

(the "City")

OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner in fee simple of the following lands and buildings situate in the City of Vernon, British Columbia and described as:

Lots 5 and 6, Block 20, Section 34, Township 9, ODYD, Plan 327

(2904 26th Street, Vernon, B.C.)

(the "Lands");
- B. The City and the Owner consider that the Lands and buildings thereon have heritage value.
- C. The Owner and the City desire to conserve the heritage of those buildings on and the heritage character of the Lands which collectively constitute such heritage value.
- D. For the purpose of conservation of the heritage value of the Lands, the Owner and the City have agreed to enter into this Agreement setting out the terms and conditions of continuing protection for the heritage value of the Lands.
- E. Whereas the Lands are currently zoned Four-Plex Housing Residential (R5) under Zoning Bylaw #5000. The R5 zone does not permit Health Services use.
- F. Whereas Part 15 of the *Local Government Act* allows a heritage revitalization agreement to vary or supplement provisions of a zoning bylaw, including permitting a change to the use or density of use that is not otherwise authorized by the applicable zoning of the property.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual premises of the parties hereto and for other good and valuable consideration (the receipt and sufficiency of whereof is hereby the parties acknowledged) the Owner and the City covenant and agree with one

another pursuant to section Part 15 of the *Local Government Act*, Division 5 – Continuing Protection: heritage revitalization agreements as follows.

Conservation Plan: Part 1

1. The “Conservation Plan” is attached to and forms part of this Agreement as Attachment 1.
 - a) To the extent that the text, drawings, illustrations, photographs, and plans constituting the Conservation Plan require interpretation, the City shall determine the matter and section 21 of this Agreement shall apply.
 - b) Part I of the Conservation Plan identifies, details and describes the character, extent and nature of the improvements on and heritage character of the Lands that have heritage value.
 - c) Part II of the Conservation Plan establishes the timing/phasing of the restorative works and provides stipulations for the correct conservation measures and techniques to be employed in the rehabilitation of the Lands that have heritage value.
 - d) Part III of the Conservation Plan sets out the restrictions, requirements and guidelines for the conservation and maintenance of all improvements and features on the Lands having heritage value.

Owner’s Obligations to Conserve and Maintain

2. The Owner covenants and agrees that:
 - a) no external improvement on the Lands identified in the Conservation Plan as having heritage value or a part of the heritage characters of the Lands shall be altered including alterations required or authorized by this Agreement, except pursuant to a heritage alteration permit issued by the City;
 - b) each action of restoration, rehabilitation, replication, repair or maintenance, required by Part II and Part III of the Conservation Plan shall be commenced and completed in accordance with the phasing, timing, standards and specifications set out in Part II and Part III of the Conservation Plan;
 - c) all external improvements identified in Part I and Part II of the Conservation Plan as having heritage value shall be maintained to the minimum standards and in accordance with the guidelines and requirements set out in Part II and Part III of the Conservation Plan;
 - d) all those undeveloped areas of the Lands on the “Site Plan” forming part of the Conservation Plan, being lands in the opinion of the City necessary for the conservation of proximate improvements, identified in the Conservation Plan as having heritage value shall continue to remain free of all development and shall be kept in their landscaped and cultivated state, as required in and in accordance with the guidelines set out in Part II of the Conservation Plan, and without limiting the generality of the foregoing, the elevation and configuration of the land and terrain shall not be altered, and no trees or landscaping shall be removed or cut, except for reasonable pruning and grooming;

- e) the Owner shall do or cause to be done all such things, and shall take or cause to be taken all such actions as are necessary to be taken all such actions as are necessary to ensure that the restrictions and requirements provided in subsections (a), (b), (c) and (d) of this section 2 are fully observed, and the Owner shall not do, cause or allow to be done anything that would be in breach of the restrictions herein.

Variation of Bylaws

- 3. This Agreement allows Health Services Use, as defined in Zoning Bylaw #5000, on the Lands, and within buildings thereon, from the date of this Agreement until August 31, 2027, upon which time the permitted uses will revert back to only those allowed under the applicable zoning of the property.
- 4. This Agreement requires a minimum of six (6) on-site parking spaces as shown on the "Site Plan", attached to and forming part of this Agreement as Attachment 2. A minimum of three (3) of these six (6) required on-site parking spaces shall be permeable to ensure the total site coverage, including buildings, structures and impermeable surfaces, does not exceed 50% in accordance with Zoning Bylaw #5000.
- 5. This Agreement requires a minimum of one (1) Class I bicycle parking space for employees and a minimum of two (2) Class II bicycle parking spaces for clients in accordance with Zoning Bylaw #5000 as shown on the "Site Plan", attached to and forming part of this Agreement as Attachment 2.
- 6. This Agreement requires a minimum Level 1 Landscape Buffer and fencing in accordance with Zoning Bylaw #5000 as shown on the "Landscape Plan", attached to and forming part of this Agreement as Attachment 3. The landscape buffers shall be 1.5-metre-wide vegetative landscape buffers along the front of the proposed parking area, along the south lot line from the rear lot line to the southwest corner of the building and along the south side lot line from the front lot line to the southeast corner of the building. Fencing shall be provided along the south side lot line from the rear lot line to the southeast corner of the building.
- 7. That the days and hours of operation for Health Services Use shall be restricted to Monday to Friday from 7 a.m. to 7 p.m.
- 8. That the Health Services use comply with the B.C. Building Code and with all relevant, current City of Vernon Bylaws including, but not limited to, the Business License Bylaw, the Building and Plumbing Bylaw, the Zoning Bylaw, the Fees and Charges Bylaw, the Sign Bylaw, the Good Neighbour Bylaw, the Landscape Maintenance Bylaw and the Traffic Bylaw.

Discretion

- 9. Wherever in this Agreement a heritage alteration permit is required, the discretion to approve, refuse or issue such permit is delegated by the City to the Director of Community Infrastructure and Development and the Manger of Current Planning:
 - a) such exercise of discretion relating to the issuance of the heritage alteration permit shall be made by the Director of Community Infrastructure and Development and the Manger of

Current Planning acting reasonably in accordance with sound municipal heritage and conservation practice;

- b) such exercise of discretion, including any terms and conditions imposed shall be consistent with the *Local Government Act*, and with the intent, terms, conditions and guidelines of the Conservation Plan;
- c) the Director of Community Infrastructure and Development and the Manager of Current Planning may refer to any exercise of discretion to Advisory Planning Committee for advice.

Construction and Maintenance of Works

10. Wherever in this Agreement the Owner is issued a heritage alteration permit to restore, rehabilitate, replicate, repair, replace, maintain or in any way alter improvements on, or features of the Lands identified in the Conservation Plan as having heritage value, or to construct or maintain other works to protect or conserve such improvements or features, all such work shall be done at the Owner's sole expense strictly in accordance with the Conservation Plan and with the heritage alteration permit and all plans and specifications forming part thereof and shall be diligently and continuously maintained in good repair and efficient operating condition by the Owner at the Owner's sole expense in accordance with good engineering, design, heritage and conservation practice.

No Liability to City

11. In no case shall the City be liable or responsible in any way for:

- a) Any personal injury, death or consequential damage of any nature whatsoever, howsoever caused, that be suffered or sustained by the Owner or by any other person who may be on the Lands; or
- b) Any loss or damage of any nature whatsoever, howsoever caused to the Lands or any improvements or personal property thereon belonging to the Owner or to any other person;
- c) Arising directly or indirectly from compliance with the restrictions and requirements herein, wrongful or negligent failure or omission to comply with restrictions and requirements herein, or refusal, omission or failure of the City to enforce or require compliance by the Owner with the restrictions or requirements herein or with any other term, condition or provision of this Agreement.

Reasonable Care and Risk

12. The Owner shall at all times, in complying with the restrictions or requirements herein and its obligations in respect thereof, take reasonable care not to injure any person or cause or allow damage to any property, and shall take reasonable care not to cause, suffer, permit or allow any condition to exist that might reasonably lead to, cause or result in injury to any person or property including persons and property on adjacent lands. It shall be the sole responsibility of the Owner to comply and maintain compliance with the restrictions and requirements herein in a safe manner, and without reasonably foreseeable risk to person or property as aforesaid. Subject to section 13 hereof, compliance with the restrictions and requirements in this Agreement shall be at the sole and exclusive risk of the Owner.

Modification

13. If, in fulfilling its responsibilities and obligations pursuant to this Agreement, the Owner perceives or becomes aware of any unreasonable risk of injury to persons or damage to property or other potential loss that cannot be reasonably avoided, alleviated, reduced or eliminated except by measures that would be a breach of the restrictions, requirements or its obligations herein, the Owner shall notify the City in writing of the nature and extent of the risk and of the measures proposed by the Owner to be undertaken at its sole cost to reduce, alleviate, avoid or eliminate the risk. Risk shall remain with the Owner, and if the City has not approved such measures as proposed by the Owner within 90 days of receipt of such notice, risk shall pass to the City and the Owner or the City may proceed pursuant to section 23 and in the case of the City, section 21 applies mutatis mutandis.

Indemnity

14. The Owner shall at all times indemnify and save harmless the City of and from all loss and damage, and all actions, claims, costs, demands, expenses, fines, liabilities and suits of any nature whatsoever by whomsoever brought for which the City shall or may become liable, incur or suffer by reason of existence and effect whether direct or indirect of the restrictions or requirements herein, or breach or non-performance of its obligations hereunder, or by reason of any wrongful act or omission, default or negligence of the Owner.

Alternative Remedies

15. Any performance by the City pursuant to a statutory right to perform the obligations of an Owner arising out of this Agreement, including out of any heritage alteration permit issued out of this Agreement, be exercised fully in accordance with the *Local Government Act* and shall be without prejudice to any and all remedies at law and equity available to the City, and no reference herein to, or exercise of any specific right or remedy by the City, shall preclude the City from exercising other right or remedy.

Damages

16. The Owner covenants and agrees that the measure of the damages for any breach of the restrictions or requirements of this Agreement shall include, but shall not be limited to the actual cost and expense of all administration, labour, materials, equipment, services and work required for all remedial acts necessary to fully restore, rehabilitate, replace or maintain the building, structure, improvement on or feature of the Lands having heritage value to be protected, conserved, preserved or kept in its natural state. The nature and extent of any breach of the said restrictions and requirements, and the nature and extent of any restoration, rehabilitation, replacement, maintenance or remedial work or action of any nature required to remedy such breach shall be determined by the City by reference to the Conservation Plan and sections 2 and 3 of this Agreement.

No Waiver

17. No restrictions, requirements or other provisions in this Agreement shall be deemed to have been waived by the City unless a written waiver authorized by resolution of the Council and signed by an officer of the City has first been obtained and without limiting the generality of the foregoing, no condoning, excusing or overlooking by the City on previous occasions of any default nor any previously written waiver shall be taken to operate as a waiver by the City of any subsequent default or in any way to defeat or affect the rights or remedies the City.

Statutory Authority and Proprietary Rights

18. Nothing in this Agreement shall limit, impair, fetter, or derogate from the statutory powers of the City all of which powers may be exercised by the City from time to time and at any time to the fullest extent that the City is enabled, and no permissive bylaw enacted by the City, or permit, license or approval, granted, made or issued thereunder, or pursuant to Statute, by City shall stop, limit or impair the City from relying upon and enforcing this Agreement in its proprietary capacity as the owner of an interest in the Lands.

Compliance with Laws

19. Despite any provision of this Agreement, the Owner shall comply with all laws, including bylaws of the City and all regulations and orders of any authority having jurisdiction, and to the extent only that such laws, regulations and orders are mandatory and necessarily require the breach of any restriction or positive obligation herein to be observed or performed by the Owner, or less than strict compliance with the terms hereof, then the Owner upon sixty (60) days written notice to the City shall be excused from complying with such restrictions or performing such obligation and such restriction or obligation shall be suspended but only to the extent and for the time that such mandatory law, regulation or order is inconsistent with compliance with the said restrictions of obligations.

Notice

20. Any notice to be given hereunder shall be in writing and may be either delivered personally or sent by prepaid registered mail and if so mailed shall be deemed to have been given five (5) days following the date upon which it was mailed. The address of the parties for the purpose of notice shall be as follows:

If to the City:

Attention: Municipal Clerk, City Hall, 3400 30th Street, Vernon B.C. V1T 5E6

If to the Owner:

Attention: Judy Fullerton and Bruce Waldie, 10421 Warren Rd., Coldstream, B.C., V1B 3C5

Any party hereto may at any time give notice in writing to the other of any change of address and after the third day of giving of such notice the address therein specified shall be the address of such party for the giving of notices hereunder.

Arbitration

21. The Owner, if dissatisfied with the City's interpretation of the Conservation Plan and any determination pursuant to S. 1(a) of this Agreement may require that the matter be decided and determined by binding arbitration as follows:
- a) the Owner must within fourteen (14) days of any exercise of discretion by the City give notice to the City of its intention to dispute and in such notice shall name a member in good standing of the Architectural Institute of British Columbia who has agreed to act as an arbitrator;
 - b) the City shall within seven (7) days of receipt of the aforesaid notice either accept the Owner's arbitrator, or name another with the same qualifications willing to act, and shall give notice of the same to the Owner;

- c) where each of the Owner and the City has named an arbitrator, the two arbitrators shall within fourteen (14) days of the City's notice pursuant to this section 21(b) appoint a third arbitrator having the same qualifications and the three arbitrators shall decide the dispute;
- d) where the City accepts the arbitrator first selected by the Owner, that arbitrator shall act as a single arbitrator and forthwith decide the dispute;
- e) any arbitrator's decision in respect of the exercise of a discretion by the City shall be final, conclusive and binding on all parties.
- f) Without limiting the City's power of inspection conferred by statute and in addition thereto, the City shall be entitled at all reasonable times and from time to time to enter onto the Lands for the purpose of ensuring that the Owner is fully observing and performing all of the restrictions and requirements in this Agreement to be observed and performed by the Owner.

Headings

22. The headings in this Agreement are inserted for convenience only and shall not affect the construction of this Agreement or any provision hereof.

Attachments

23. All Attachments to this Agreement are incorporated into and form part of this Agreement.

Number and Gender

24. Whenever the singular or masculine or neuter is used in this Agreement, the same shall be construed to mean the plural or feminine or body corporate where the context so requires.

Interpretation

25. Terms used in this Agreement shall take their meaning from the *Local Government Act*.

Successors Bound

26. All restrictions, rights and liabilities herein imposed upon or given to the respective parties shall extend to and be binding upon their respective heirs, executors, administrators, successors and assigns. When the Owner is more than one party they shall be bound jointly and severally by the terms, covenants and agreements herein on the part of the Owner.

IN WITNESS WHEREOF the Owner and the City have executed this Agreement as of the date first above written.

(seal and signatures)

ATTACHMENT 1 – Conservation Plan, dated August 16, 2021, by Mainstreet Concept Design

ATTACHMENT 2 – Site Plan, dated August 24, 2021, by 925R Design

ATTACHMENT 3 – Landscape Plan, dated August 24, 2021, by 925R Design

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5874

A Bylaw to authorize a Housing Agreement
for 5545 and 5577 27th Avenue

WHEREAS Section 483 of the *Local Government Act* provides that Council may enter into a housing agreement with an owner which may include terms and conditions regarding the occupancy of the housing units identified in the Agreement; and

WHEREAS Council wishes to enter into such an agreement regarding the development and provision of affordable housing units on lands located within the City of Vernon;

NOW THEREFORE the Council of the City of Vernon in open meeting assembled enacts as follows:

- (a) This Bylaw may be cited as “**5545 and 5577 27th Avenue Housing Agreement Bylaw No. 5874, 2021**”.
- (b) The Council of the City hereby authorizes the Mayor and Corporate Officer to enter into an agreement with the Vernon Native Housing Society, on behalf of the City, as set out in **Schedule A**, attached hereto and forming part of this Bylaw (the “**Agreement**”).
- (c) The lands identified in the Agreement are located at 5545 and 5577 27th Avenue and are legally described as: Lot 1, Plan 5914, District Lot 66, ODYD and Lot PT 10, Plan B1827, District Lot 66, ODYD.
- (d) The Mayor and Corporate Officer are authorized to execute any documents required to give effect to the Agreement.

READ A FIRST TIME this day of , 2021.

READ A SECOND TIME this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

Mayor

Corporate Officer

SCHEDULE 'A'
Attached hereto and forming part of Bylaw Number 5874
"5545 and 5577 27th Avenue Housing Agreement Bylaw No. 5874, 2021"

THIS HOUSING-RENTAL UNITS AGREEMENT dated for reference March 15, 2021

BETWEEN

Vernon Native Housing Society, a non-profit society pursuant to the laws of British Columbia

(the "Owner")

AND

The Corporation of the City of Vernon, a municipality pursuant to the laws of British Columbia

(the "City")

WHEREAS:

- A. The Owner is the registered owner of the Land (herein defined);
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the use of land; and
- C. The Owner and the City wish to enter into this Agreement to provide for affordable housing, on the terms and conditions set out in this Agreement, and this Agreement is a covenant under section 219 of the *Land Title Act*.

PART I – DEFINITIONS

1. In this Agreement, the following words have the following meanings:

(a) "5545 27th Ave." means:

LOT 1 DISTRICT LOT 66 OSOYOOS DIVISION YALE DISTRICT PLAN 5914 EXCEPT PLAN
EPP81785
PID: 010-239-481

(b) "5577 27th Ave." means:

THAT PART LOT 10 SHOWN ON PLAN B1827 DISTRICT LOT 66 OSOYOOS DIVISION YALE
DISTRICT PLAN 509 EXCEPT PLAN 21409
PID: 012-285-749

(c) "Affordable Housing Unit" means all residential dwelling units located or to be located on the Land, whether those units are lots, strata lots or parcels, or parts or portions thereof, into which ownership or the right of possession or occupation of the Land may be Subdivided and includes single family detached dwellings, duplexes, townhouses, auxiliary residential dwelling units, rental apartments, and strata lots in a building strata plan;

(d) "Eligible Occupant" means:

- i. an individual having an annual income not exceeding Low to Moderate Income;
or
- ii. a family having an annual income not exceeding Low to Moderate Household Income; or
- iii. a person or persons who satisfy the criteria for occupation of an Affordable Housing Unit under any Operating Agreement, notwithstanding any other requirements of this Agreement.

(e) "Income" means total income before tax from all sources;

(f) "Land" means the land described in Item 2 of the General Instrument and any part, including a building, into which said land is Subdivided;

(g) "Low to Moderate Income" means a gross household Income that does not exceed the median Income for individuals, as determined by the British Columbia Housing Management Commission, from time to time;

(h) "Low to Moderate Household Income" means:

- i. for families without children, a gross household Income that does not exceed the median Income for families without children, as determined by the British Columbia Housing Management Commission, from time to time;
- ii. for families with children, a gross household Income that does not exceed the median Income for families with children, as determined by the British Columbia Housing Management Commission, from time to time;

(i) "Operating Agreement" means a written agreement entered into between the Owner and any of the following: Aboriginal Housing Management Association, British Columbia Housing Management Commission, Canada Mortgage Housing Corporation, or any other organization or governmental body who provides financial support or assistance to the Owner (including in the form of forgivable or non-forgivable loans) for the purposes of constructing, operating, maintaining, altering, or repairing any Affordable Housing Unit; and

(j) "Subdivided" means to divide, apportion, consolidate or subdivide the Land, or the ownership or right to possession or occupation of the Land into two or more lots, strata lots, parcels, parts, portions, or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise under any similar or successor legislation.

PART II – USE AND OCCUPANCY OF AFFORDABLE HOUSING UNITS

2. The Owner covenants with the City that an Affordable Housing Unit may only be used as a permanent residence occupied by an Eligible Occupant.

PART III – INTERPRETATION

3. In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice-versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) reference to any enactment includes any regulations, orders, or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided; and
 - (f) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

PART IV – MISCELLANEOUS

4. **Modification.** This Agreement may be modified or amended from time to time by bylaw duly passed by the Council of the City, if it is signed by the City and the person who is the current registered owner of the Land.
5. **Enuring Effect.** This Agreement will extend to and be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns.
6. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.
7. **Covenant Runs with the Land.** This Agreement burdens and runs with the Land and every parcel into which it is Subdivided. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its personal administrators, successors and assigns, and all persons who, after the date of this Agreement, acquire an interest in the Land.
8. **Limitation on Owner’s Obligations.** The Owner is only liable for breaches of this Agreement that occur while the Owner is registered owner of the Land.

9. **Applicable Law.** Unless the context otherwise requires, the laws of British Columbia will apply to this Agreement and all statutes referred to the herein are enactments of the Province of British Columbia.

PART V – PRIORITY

1. With respect to 5545 27th Ave.:

BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION, being the registered holder of a Mortgage registered under number CA7223774, an Assignment of Rents registered under number CA7223775, and a Mortgage registered under number CA7223776 against title to the 5545 27th Ave. HEREBY CONSENTS to the filing of this Covenant, and hereby GRANTS PRIORITY to this Covenant over its Mortgages and Assignment of Rents to the same intent and affect as if this Covenant had been registered as a charge against the title to the 5545 27th Ave. prior to the execution, delivery and registration of the said Mortgages and Assignment of Rents.

CANADA MORTGAGE AND HOUSING CORPORATION, being the registered holder of a Mortgage registered under number CA8635755 and Assignment of Rents registered under number CA8635756 against title to the 5545 27th Ave. HEREBY CONSENTS to the filing of this Covenant, and hereby GRANTS PRIORITY to this Covenant over its Mortgage and Assignment of Rents to the same intent and affect as if this Covenant had been registered as a charge against the title to the 5545 27th Ave. prior to the execution, delivery and registration of the said Mortgage and Assignment of Rents.

2. With respect to 5577 27th Ave.:

BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION, being the registered holder of a Mortgage registered under number CA7540936 as modified by CA8698708 and an Assignment of Rents registered under number CA7540937 against title to the 5577 27th Ave. HEREBY CONSENTS to the filing of this Covenant, and hereby GRANTS PRIORITY to this Covenant over its Mortgage and Assignment of Rents to the same intent and affect as if this Covenant had been registered as a charge against the title to the 5577 27th Ave. prior to the execution, delivery and registration of the said Mortgage and Assignment of Rents.



THE CORPORATION OF THE CITY OF VERNON

INTERNAL MEMORANDUM

TO: Will Pearce, CAO **FILE:** DVP00519

PC: Kim Flick, Director, Community Infrastructure and Development **DATE:** September 9, 2021
Keri-Ann Austin, Corporate Officer

FROM: Roy Nuriel, Economic Development Planner

SUBJECT: HOUSING AGREEMENT BYLAW FOR 5545 AND 5577 27TH AVENUE

At its Regular Meeting of September 7, 2021, Council passed the following resolution:

“THAT Council support entering into a housing agreement pursuant to Section 4.9 of Zoning Bylaw #5000 with the Vernon Native Housing Society for two non-profit rental apartment buildings on Lot 1, Plan 5914, DL 66, ODYD (5545 27th Avenue) and Lot Pt 10, Plan B1827, DL 66, ODYD (5577 27th Avenue), subject to the following condition:

1. That the terms and conditions of the housing agreement are those outlined in Attachment 9 contained in the report titled “Development Variance Permit for 5577 27th Avenue and Housing Agreement For 5545 And 5577 27th Avenue” dated August 27, 2021 and respectfully submitted by the Economic Development Planner”.

As per Section 483 of the *Local Government Act*, a local government may only enter into a housing agreement by bylaw. As per Housing Agreement Bylaw #5874, 2021 (Attachment 1), the subject properties include two non-profit rental apartments, developed by Vernon Native Housing Society with total of 73 units designated for low to moderate household incomes.



RECOMMENDATION:

THAT Bylaw #5874, 2021, a bylaw to authorize a housing agreement with the Vernon Native Housing Society for 5545 and 5577 27th Avenue, be read a first, second and third time;

AND FURTHER, that Council authorizes Administration to execute the agreement with the Vernon Native Housing Society, as outlined in the memorandum titled “Housing Agreement Bylaw for 5545 and 5577 27th Avenue” dated September 9, 2021 and respectfully submitted by the Economic Development Planner.

Respectfully submitted:

Sep 20 2021 11:54 AM

X  

Roy Nuriel DocuSign

Roy Nuriel
Economic Development Planner

ATTACHMENTS:

Attachment 1 – Housing Agreement Bylaw #5874

THE CORPORATION OF THE CITY OF VERNON

BYLAW NUMBER 5874

A Bylaw to authorize a Housing Agreement
for 5545 and 5577 27th Avenue

WHEREAS Section 483 of the *Local Government Act* provides that Council may enter into a housing agreement with an owner which may include terms and conditions regarding the occupancy of the housing units identified in the Agreement; and

WHEREAS Council wishes to enter into such an agreement regarding the development and provision of affordable housing units on lands located within the City of Vernon;

NOW THEREFORE the Council of the City of Vernon in open meeting assembled enacts as follows:

- (a) This Bylaw may be cited as “**5545 and 5577 27th Avenue Housing Agreement Bylaw No. 5874, 2021**”.
- (b) The Council of the City hereby authorizes the Mayor and Corporate Officer to enter into an agreement with the Vernon Native Housing Society, on behalf of the City, as set out in **Schedule A**, attached hereto and forming part of this Bylaw (the “**Agreement**”).
- (c) The lands identified in the Agreement are located at 5545 and 5577 27th Avenue and are legally described as: Lot 1, Plan 5914, District Lot 66, ODYD and Lot PT 10, Plan B1827, District Lot 66, ODYD.
- (d) The Mayor and Corporate Officer are authorized to execute any documents required to give effect to the Agreement.

READ A FIRST TIME this day of , 2021.

READ A SECOND TIME this day of , 2021.

READ A THIRD TIME this day of , 2021.

ADOPTED this day of , 2021.

Mayor

Corporate Officer

SCHEDULE 'A'
Attached hereto and forming part of Bylaw Number 5874
"5545 and 5577 27th Avenue Housing Agreement Bylaw No. 5874, 2021"

THIS HOUSING-RENTAL UNITS AGREEMENT dated for reference March 15, 2021

BETWEEN

Vernon Native Housing Society, a non-profit society pursuant to the laws of British Columbia

(the "Owner")

AND

The Corporation of the City of Vernon, a municipality pursuant to the laws of British Columbia

(the "City")

WHEREAS:

- A. The Owner is the registered owner of the Land (herein defined);
- B. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the City in respect of the use of land; and
- C. The Owner and the City wish to enter into this Agreement to provide for affordable housing, on the terms and conditions set out in this Agreement, and this Agreement is a covenant under section 219 of the *Land Title Act*.

PART I – DEFINITIONS

1. In this Agreement, the following words have the following meanings:

(a) "5545 27th Ave." means:

LOT 1 DISTRICT LOT 66 OSOYOOS DIVISION YALE DISTRICT PLAN 5914 EXCEPT PLAN
EPP81785
PID: 010-239-481

(b) "5577 27th Ave." means:

THAT PART LOT 10 SHOWN ON PLAN B1827 DISTRICT LOT 66 OSOYOOS DIVISION YALE
DISTRICT PLAN 509 EXCEPT PLAN 21409
PID: 012-285-749

(c) "Affordable Housing Unit" means all residential dwelling units located or to be located on the Land, whether those units are lots, strata lots or parcels, or parts or portions thereof, into which ownership or the right of possession or occupation of the Land may be Subdivided and includes single family detached dwellings, duplexes, townhouses, auxiliary residential dwelling units, rental apartments, and strata lots in a building strata plan;

(d) “Eligible Occupant” means:

- i. an individual having an annual income not exceeding Low to Moderate Income; or
- ii. a family having an annual income not exceeding Low to Moderate Household Income; or
- iii. a person or persons who satisfy the criteria for occupation of an Affordable Housing Unit under any Operating Agreement, notwithstanding any other requirements of this Agreement.

(e) “Income” means total income before tax from all sources;

(f) “Land” means the land described in Item 2 of the General Instrument and any part, including a building, into which said land is Subdivided;

(g) “Low to Moderate Income” means a gross household Income that does not exceed the median Income for individuals, as determined by the British Columbia Housing Management Commission, from time to time;

(h) “Low to Moderate Household Income” means:

- i. for families without children, a gross household Income that does not exceed the median Income for families without children, as determined by the British Columbia Housing Management Commission, from time to time;
- ii. for families with children, a gross household Income that does not exceed the median Income for families with children, as determined by the British Columbia Housing Management Commission, from time to time;

(i) “Operating Agreement” means a written agreement entered into between the Owner and any of the following: Aboriginal Housing Management Association, British Columbia Housing Management Commission, Canada Mortgage Housing Corporation, or any other organization or governmental body who provides financial support or assistance to the Owner (including in the form of forgivable or non-forgivable loans) for the purposes of constructing, operating, maintaining, altering, or repairing any Affordable Housing Unit; and

(j) “Subdivided” means to divide, apportion, consolidate or subdivide the Land, or the ownership or right to possession or occupation of the Land into two or more lots, strata lots, parcels, parts, portions, or shares, whether by plan, descriptive words or otherwise, under the *Land Title Act*, the *Strata Property Act*, or otherwise under any similar or successor legislation.

PART II – USE AND OCCUPANCY OF AFFORDABLE HOUSING UNITS

2. The Owner covenants with the City that an Affordable Housing Unit may only be used as a permanent residence occupied by an Eligible Occupant.

PART III – INTERPRETATION

3. In this Agreement:
 - (a) reference to the singular includes a reference to the plural, and vice-versa, unless the context requires otherwise;
 - (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (c) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
 - (d) reference to any enactment includes any regulations, orders, or directives made under the authority of that enactment;
 - (e) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided; and
 - (f) where the word “including” is followed by a list, the contents of the list are not intended to circumscribe the generality of the expression preceding the word “including”.

PART IV – MISCELLANEOUS

4. **Modification.** This Agreement may be modified or amended from time to time by bylaw duly passed by the Council of the City, if it is signed by the City and the person who is the current registered owner of the Land.
5. **Enuring Effect.** This Agreement will extend to and be binding upon and enure to the benefit of the parties hereto and their respective successors and permitted assigns.
6. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable, such provision or any part thereof will be severed from this Agreement and the resultant remainder of this Agreement will remain in full force and effect.
7. **Covenant Runs with the Land.** This Agreement burdens and runs with the Land and every parcel into which it is Subdivided. All of the covenants and agreements contained in this Agreement are made by the Owner for itself, its personal administrators, successors and assigns, and all persons who, after the date of this Agreement, acquire an interest in the Land.
8. **Limitation on Owner’s Obligations.** The Owner is only liable for breaches of this Agreement that occur while the Owner is registered owner of the Land.

9. **Applicable Law.** Unless the context otherwise requires, the laws of British Columbia will apply to this Agreement and all statutes referred to the herein are enactments of the Province of British Columbia.

PART V – PRIORITY

1. With respect to 5545 27th Ave.:

BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION, being the registered holder of a Mortgage registered under number CA7223774, an Assignment of Rents registered under number CA7223775, and a Mortgage registered under number CA7223776 against title to the 5545 27th Ave. HEREBY CONSENTS to the filing of this Covenant, and hereby GRANTS PRIORITY to this Covenant over its Mortgages and Assignment of Rents to the same intent and affect as if this Covenant had been registered as a charge against the title to the 5545 27th Ave. prior to the execution, delivery and registration of the said Mortgages and Assignment of Rents.

CANADA MORTGAGE AND HOUSING CORPORATION, being the registered holder of a Mortgage registered under number CA8635755 and Assignment of Rents registered under number CA8635756 against title to the 5545 27th Ave. HEREBY CONSENTS to the filing of this Covenant, and hereby GRANTS PRIORITY to this Covenant over its Mortgage and Assignment of Rents to the same intent and affect as if this Covenant had been registered as a charge against the title to the 5545 27th Ave. prior to the execution, delivery and registration of the said Mortgage and Assignment of Rents.

2. With respect to 5577 27th Ave.:

BRITISH COLUMBIA HOUSING MANAGEMENT COMMISSION, being the registered holder of a Mortgage registered under number CA7540936 as modified by CA8698708 and an Assignment of Rents registered under number CA7540937 against title to the 5577 27th Ave. HEREBY CONSENTS to the filing of this Covenant, and hereby GRANTS PRIORITY to this Covenant over its Mortgage and Assignment of Rents to the same intent and affect as if this Covenant had been registered as a charge against the title to the 5577 27th Ave. prior to the execution, delivery and registration of the said Mortgage and Assignment of Rents.



THE CORPORATION OF THE CITY OF VERNON

MINUTES OF THE FINANCE COMMITTEE HELD WEDNESDAY, JULY 7, 2021 OKANAGAN LAKE ROOM

PRESENT: VOTING

Councillor Gares, Chair
Councillor Mund
Mayor Cumming

STAFF:

Debra Law, Director, Financial Services
Terry Martens, Manager, Financial Operations
Jade Adams-Longworth, Secretary I – Reception, Legislative Services

CALL TO ORDER

The Chair called the meeting to order at 1:30 p.m.

**LAND
ACKNOWLEDGEMENT**

As Chair of the City of Vernon's Finance Committee, and in the spirit of this gathering, I recognize the City of Vernon is located in the traditional territory of the Syilx people of the Okanagan Nation.

**ADOPTION OF
AGENDA**

Moved by Mayor Cumming, seconded by Councillor Gares;

THAT the agenda for the Wednesday, July 7, 2021 meeting of the Finance Committee be adopted.

CARRIED.

**ADOPTION OF
MINUTES**

Moved by Mayor Cumming, seconded by Councillor Gares;

THAT the minutes of the Finance Committee meeting held May 13, 2021 be adopted.

CARRIED.

NEW BUSINESS

Councillor Mund joined the meeting at 1:32 p.m.

**REQUEST FOR SEWER
LEAK ADJUSTMENT –
UNIT 6 – 4724
HERITAGE DRIVE**

The Manager, Financial Operations presented the Committee with a request for a sewer leak adjustment for Unit # 6 – 4724 Heritage Drive. The following was noted:

- Clarification was given on whether or not the resident was up to date on the water and utilities bill.
- The Committee discussed the standard practices with utility billing and how adjustments work.
- Clarification was given that the adjustment would just be on the sewer billing if any adjustment was given.
- The Committee noted that there is no proof of this damage occurred due to flushing. There were no other water consumption anomalies' in the other units of the strata.
- With the standard practice and processes in place, an adjustment application must be received in the calendar year of the leak in order to be considered.
- Clarification was given that if the resident had come forward within the stipulated time frame it would have been granted. However, in this specific case the resident waited until 18 months after the leak.

Moved by Mayor Cumming, seconded by Councillor Mund;

THAT the Finance Committee recommends to Council that they receive for information the request for a sewer leak billing adjustment from the resident of Unit #6 – 4724 Heritage Drive.

CARRIED.

**DATE AND TIME OF
NEXT MEETING**

The next Finance Committee meeting is to be announced.

ADJOURNMENT

The Finance Committee meeting adjourned at 1:47 p.m.

CERTIFIED CORRECT:


Chair

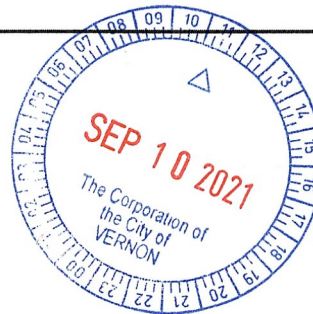
City Reception

From: MCF Info MCF:EX <MCF.Info@gov.bc.ca>
Sent: Friday, September 10, 2021 11:38 AM
To: City Reception
Subject: Letter from the Honourable Mitzi Dean, Minister of Children and Family Development

Use Caution - External Email

VIA E-MAIL
Ref: 262443

His Worship Mayor Victor Cumming and Council
City of Vernon
E-mail: admin@vernon.ca



Dear Mayor Cumming and Council:

I am pleased to announce that October will once again be declared Foster Family Month in British Columbia. This marks the 31st year of celebrating the caregivers who have stepped up time and time again when they are needed most. As a caregiver, they have accepted a vital role in the lives of the children they care for and an important role in the fabric of the communities where they live.

I wish to express my gratitude for the time, love, and energy that these foster families have given to the young people in British Columbia. Every day, these incredible caregivers work hard to ensure that the young people in their care are provided with a safe and healthy home and are cared for and nurtured in times of personal and global uncertainty. Their dedication to improving the lives of some of our province's most vulnerable children and youth is recognized and honoured as an integral part of the young person's journey.

Please join me in celebrating October as Foster Family Month to show those in your community how important the role of a foster caregiver is. I encourage you to celebrate foster families for the selfless work they do for the children, youth, and families of British Columbia.

On behalf of the Government of British Columbia, thank you for your continued support in recognizing extended family and foster caregivers.

Sincerely,

Mitzi Dean
Minister of Children and Family Development

Sent on behalf of the Minister by:



Client Relations Branch
Executive Operations
Ministry of Children and Family Development

This communication and any accompanying document is confidential and is intended solely for the addressed recipient(s). If you received this e-mail message in error, please delete the e-mail and any attachments and contact the Client Relations Branch, Ministry of Children and Family Development at: MCF.Info@gov.bc.ca.

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DISTRICT OF COLDSTREAM

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Phone 250-545-5304 Fax 250-545-4733

Email: info@coldstream.ca Website: www.coldstream.ca

"Rural Living At Its Best"

City of Vernon
3400 – 30th Street
Vernon, BC
V1T 5E6



September 14, 2021
0470-20

Dear Mayor Cumming,

Re: Proposed Active Living Centre – City of Vernon

At their meeting held September 13, 2021, the District of Coldstream Council adopted the following resolution:

THAT the information regarding the proposed Active Living Centre from the City of Vernon, presented on August 23, 2021, be received for information and filed.

Please feel free to contact me at 250-545-5304 or by email at clerk@coldstream.ca should you have any questions or require clarification.

Yours truly,


Jennifer Graham
Director of Corporate Administration

cc T. Seibel, Chief Administrative Officer