



# THE CORPORATION OF THE CITY OF VERNON

## A G E N D A

### REGULAR OPEN MEETING OF COUNCIL

#### CITY HALL COUNCIL CHAMBER

OCTOBER 25, 2021

AT 8:40 AM

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

*All Council meetings will be conducted under the provisions of:*

- *Provincial Health Officer’s Orders: “Gathering and Events – September 10, 2021” and “Face Coverings (COVID-19) – September 28, 2021”; and*
- *Medical Health Officer’s Order, “Gatherings and Events, COVID-19 Order for Interior Health Authority - September 13, 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. A hand-washing and/or sanitizing station will 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

#### LAND ACKNOWLEDGEMENT

**A.** *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.*

#### 2. MOVE TO COMMITTEE OF THE WHOLE

#### 3. RECONVENE REGULAR MEETING AND 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:

(c) labour relations or other employee relations.

#### 4. RECONVENE OPEN MEETING OF COUNCIL AT 1:30 PM

#### LAND ACKNOWLEDGEMENT

**A.** *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**

- B. THAT the Agenda for the October 25, 2021, Regular Open Meeting of Council be adopted as circulated.

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

**MINUTES  
(P. 11)**

- A. THAT the minutes of the Regular Meeting of Council held October 12, 2021 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held October 12, 2021 be received.

**6. BUSINESS ARISING FROM THE MINUTES**

**7. GENERAL MATTERS**

**PRESENTATION:  
OPERATOR OF THE  
YEAR**

- A. Mayor Cumming will recognize Kevin Holman, Operator II, Vernon Water Reclamation Centre, as the recipient of the Environmental Operators Certification Program's 'Operator of the Year Award'.

**DELEGATION:  
SUE YOUNG AND JANE  
WEIXL, RANDOMIZED  
BALLOT ORDER  
(3900-02 Election)  
(P. 25)**

- B. Sue Young and Jane Weixl will present to Council regarding their request to allow for Council candidates in the 2022 municipal election to be listed on the ballot in random order.

**PRESENTATION:  
SOCIAL PLANNING  
COUNCIL QUARTERLY  
REPORT  
(0360-20-35)  
(P. 31)**

- C. Annette Sharkey, Executive Director, Social Planning Council of the North Okanagan, Lisa Church, Turning Points Collaborative and Rachael Zubick, will provide the Quarterly Report: July 1 to September 30, 2021 and information on the Strengthening Communities Grant – Logic Model for Vernon.

*THAT Council receive the Social Planning Council /Partners In Action Quarterly Report, July 1 to September 30, 2021, for information.*

**PUBLIC SUBMISSIONS:  
"33 STREET AND 35  
AVENUE (ADJACENT  
TO VERNON  
RECREATION CENTRE)  
ROAD CLOSURE  
BYLAW 5869, 2021"**

- D. Pursuant to Section 40 of the *Community Charter*, Council providing an opportunity for the public to make submissions to City Council regarding the proposed **"33 Street and 35 Avenue (adjacent to Vernon Recreation Centre) Road Closure Bylaw Number 5869, 2021"**.

*See Item 13.A (iv) (P. 394) Legislative Matters – "33 Street and 35 Avenue (adjacent to Vernon Recreation Centre) Road Closure Bylaw Number 5869, 2021".*

**DEVELOPMENT  
VARIANCE PERMIT  
APPLICATION #00541 –  
6664 JADE ROAD  
(DVP000541)  
(P. 40)**

E. THAT Council support Development Variance Permit Application DVP00541 to vary the following bylaw regulations to permit the construction of a carport on LT 27 DL 67 ODYD PLAN 20126 (6664 Jade Road):

- a) Zoning Bylaw #5000, Section 9.2.5 minimum front yard setback from 7.5m to 1.4m;
- b) Subdivision and Development Servicing Bylaw #3843, Schedule B, Section 3.5.3 maximum driveway width from 7.5m to 9.15m;

AND FURTHER, that Council’s support of DVP00541 is subject to the following:

- a) the site plan illustrating the general siting of the proposed carport in Attachment 1, contained in the report titled ‘Development Variance Permit Application for 6664 Jade Road’, dated October 14, 2021, respectfully submitted by the Current Planner, be attached to and form part of DVP00541 as ‘Schedule A’.

**Public Input  
DVP #00541**

(i) Public Input on Development Variance Permit #00541 for LT 27 DL 67 ODYD PLAN 20126 (6664 Jade Road).

**Issuance of Permit  
DVP #00541**

(ii) THAT the Corporate Officer be authorized to issue Development Variance Permit #00541 for LT 27 DL 67 ODYD PLAN 20126 (6664 Jade Road), once all conditions of Council are satisfied.

**8. COUNCIL INQUIRIES**

**9. ADMINISTRATION UPDATES**

**ADMINISTRATION  
UPDATES (0550-05)  
(P. 50)**

A. THAT Council receive the Administration Updates dated October 25, 2021, for information.

**10. UNFINISHED BUSINESS**

**KAL TIRE PLACE  
CONCESSION  
EQUIPMENT  
REPLACEMENT UPDATE  
(7842-01)  
(P. 55)**

A. THAT Council authorize Administration to spend up to \$15,000, to be sourced from the Recreation Facility Operating Reserve, to replace two standing freezers as outlined in the memorandum titled “Kal Tire Place Concession Equipment Replacement Update” dated October 15<sup>th</sup> 2021 respectfully submitted by the Manager, Recreation Customer Service.

**11. MATTERS REFERRED: COMMITTEE OF THE WHOLE AND IN CAMERA****12. NEW BUSINESS****A. Correspondence:**

**RECREATION SERVICES – 2021 THIRD QUARTER REPORT (7700-01) (P. 56)**

- (i) THAT Council receive the memorandum titled “Recreation Services – 2021 Third Quarter Report” and the accompanying presentation, dated October 15, 2021 respectfully submitted by the Manager, Customer Service - Recreation.

**2021 THIRD QUARTER DEVELOPMENT & TOURISM INDICATORS SUMMARY (6970-20) (P. 68)**

- (ii) THAT Council receive for information the memorandum titled “2021 Third Quarter Development and Tourism Indicators Summary” dated October 13, 2021 and respectfully submitted by the Manager, Economic Development and Tourism.

**2021 SMALL BUSINESS WEEK COMMUNITY ACTIVITY SCHEDULE (6750-01 ) (P. 74)**

- (iii) THAT Council receive for information the memorandum titled “2021 Small Business Week Community Activity Schedule” dated October 13, 2021 and respectfully submitted by the Manager, Economic Development and Tourism.

**PROPOSED SANITARY SEWER RATE INCREASE (1670-08 2021) (P. 76)**

- (iv) THAT Council endorse an annual, cumulative 3% increase in all user fees and charges identified in the Sewer User Rates Bylaw #5400, from 2022 to 2026;

AND FURTHER, that Council direct Administration to bring an amended Sewer User Rates Bylaw before Council during the next Regular meeting for its first three readings.

**SEPTEMBER 30 VARIANCE ANALYSIS (1830-02 2021) (P. 226)**

- (v) THAT Council receive the internal memorandum dated October 13, 2021 and titled “September 30 Variance Analysis” respectfully submitted by the Manager, Financial Planning and Reporting.

**2021 THIRD QUARTER OVERTIME SUMMARY (1610-06) (P. 231)**

- (vi) THAT Council receive the memorandum title “2021 Third Quarter Overtime Summary” dated October 14, 2021 respectfully submitted by the Director, Financial Service, for information.

**93<sup>rd</sup> BC YOUTH PARLIAMENT (0220-01) (P. 236)**

- (vii) THAT Council receive for information, the internal memorandum titled “93<sup>rd</sup> BC Youth Parliament” dated October 20, 2021 and respectfully submitted by the Chief Administrative Officer;

AND FURTHER, that Council endorse the program as presented by the Youth Parliament of BC Alumni Society;

AND FURTHER, that Council nominate (*to be cited by Council*) and support the student's application to attend the 93<sup>rd</sup> BC Youth Parliament, December 27 to 31, 2021;

AND FURTHER, that Council direct Administration to pay the \$425 registration fee, should the Nominee be accepted to the program, source of funds: the Mayor's Discretionary Fund.

**NORTH OKANAGAN  
REGIONAL HOUSING  
STRATEGY (6441-20)  
(P. 246)**

- (viii) THAT Council receive the North Okanagan Regional Housing Strategy and refer the Strategy to the Affordable Housing Advisory Committee for review and comment as outlined in the memorandum titled "North Okanagan Regional Housing Strategy" dated October 13, 2021 and respectfully submitted by the Manager, Long Range Planning and Sustainability.

**B. Reports**

**ROSTER SPORTS  
CLUB – APPLICATION  
FOR AN AMENDMENT  
TO A LIQUOR PRIMARY  
LICENCE TO EXTEND  
AN EXISTING  
OUTDOOR PATIO  
(4320-20, LL000100)  
(P. 281)**

- (i) THAT Council advise the Liquor and Cannabis Regulation Branch that Council supports the application submitted by the Roster Sports Club to amend Licence Number 031380 held by the Roster Sports Club located at 2319 53<sup>rd</sup> Avenue (Lot 26, Plan 28089, Section 10, Township 8, ODYD), to extend an existing outdoor patio based on the following reasons:
- The subject property is in the C5 – Community Commercial zoning district and is located on 53<sup>rd</sup> Avenue and 24<sup>th</sup> Street adjacent to commercial and industrial properties. There is also residential development located to the east of the property. The zoning district permits the existing sports club, pub and restaurant use;
  - The subject property is in the North Vernon Neighbourhood and is surrounded by commercial, industrial and residential properties. It is designated Community Commercial in the Official Community Plan with the surrounding lots designated Light Industrial Service Commercial and Residential Medium Density. The subject use is compatible with existing and potential surrounding uses for the area;
  - The subject property is adequately served with on-site parking. Traffic in the area is not expected to be impacted by the proposed licence. Similarly, noise in the area is not expected to change due to the proposed amendment to extend the existing outdoor patio;

- The RCMP and Bylaw Compliance have indicated that the proposed amendment to the liquor primary licence for extension of an existing outdoor patio at the Roster Sports Club does not present any policing concerns;
- The amendment to the liquor primary licence for an outdoor patio extension is not expected to negatively impact the community;
- All owners and occupiers of lands and businesses operating within a 60m radius of the subject property were notified of the application, and were provided the opportunity to provide comments to the City. A total of 139 property owners and occupiers, including businesses, were contacted. A Notice of Intent requesting public input was published in the September 16 and 23, 2021 editions of the Vernon Morning Star newspaper. A total of one email from the public was received by the response deadline, expressing support for the proposal;

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

- Noise in the area is not expected to change due to the proposed liquor primary licence amendment to extend an existing outdoor patio;
- The subject property has been in operation for over 20 years. The proposed liquor primary licence amendment for the extension of the existing outdoor patio is not expected to negatively impact the community;
- It is not anticipated that a proposed liquor primary licence amendment to include an extension to the existing outdoor patio would result in Roster Sports Club, located at 2319 53<sup>rd</sup> Avenue (Lot 26, Plan 28089, Section 10, Township 8, ODYD), being operated in a manner that is contrary to its primary purpose of a sports club.

**VERNON TOWNE  
THEATRE – LIQUOR  
PRIMARY LICENCE  
APPLICATION  
(4320-20 LL000101)  
(P. 293)**

- (ii)** THAT Council advise the Liquor and Cannabis Regulation Branch that Council supports the application submitted by the Okanagan Screen Arts Society for a liquor primary licence for the Vernon Towne Theatre located at 2910 30<sup>th</sup> Avenue (Lot 1, Plan KAP72404, Sec 34, Twp 9, ODYD), based on the following reasons:

- The subject property is in the C7 – Heritage Business District zoning district and is located within the downtown core at 2910 30<sup>th</sup> Avenue, adjacent to commercial, residential and institutional properties. The zoning district permits Liquor Primary Establishments as a primary use;
- The subject property is in the City Centre Neighbourhood and is surrounded primarily by commercial with some residential and institutional properties. It is designated Mixed Use – Medium and High Density Commercial and Residential in the Official Community Plan. The subject use is compatible with existing and potential surrounding uses for the area;
- The traffic in the area is not expected to be impacted by the proposed liquor licence. Similarly, noise in the area is not expected to change due to the proposed licence;
- The RCMP and Bylaw Compliance have indicated that the liquor licence for the Vernon Towne Theatre located at 2910 30<sup>th</sup> Avenue does not present any policing concerns;
- The liquor primary licence is not expected to negatively impact the community;
- All owners and occupiers of lands and businesses operating within a 60m radius of the subject property were notified of the application, and were provided the opportunity to provide comments to the City. A total of 191 property owners and occupiers, including businesses, were contacted. A Notice of Intent requesting public input was published in the September 16 and 23, 2021 editions of the Vernon Morning Star newspaper. A total of four emails from the public were received by the response deadline, all expressing support for the proposal;

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

- Noise in the area is not expected to change due to the proposed liquor licence;
- The Vernon Towne Theatre venue has been in operation for almost 100 years. Adding a liquor primary licence to

the facility is not expected to negatively impact the community;

- It is not anticipated that the proposed liquor primary licence at the Vernon Towne Theatre, located at 2910 30<sup>th</sup> Avenue, would result in the facility being operated in a manner that is contrary to its primary purpose as a community art venue.

**LAND USE CONTRACT  
DISCHARGE  
APPLICATION FOR MT.  
FOSTHALL DRIVE  
(LUC00024)  
(P. 308)**

(iii) THAT Council support Application LUC00024 to discharge Land Use Contract Bylaw #2613, 1977, LTO #N978 from the title of Lot B, Sec 26, Tp 9, ODYD, Plan KAP77864 (Mt Fosthall Drive) and allow the property to be governed by Zoning Bylaw #5000 and the underlying Small Lot Residential – R4 Zone, subject to the following bylaw requirements:

- a) That, prior to subdivision or land alteration, the property owner obtains a Hillside Development Permit according to the Hillside Guidelines 2008 including the provision of a slope analysis, visual impact study, geotechnical evaluation, grading plan, tree and vegetation plan, drainage management plan and an erosion control plan prepared by qualified professionals;
- b) That, prior to construction, subdivision or land alteration, the property owner obtains an Environmental Development Permit according to the Environmental Management Areas Strategy 2014 including the provision of an Environmental Impact Assessment prepared by a qualified professional;
- c) That no construction of a building, structure or swimming pool occurs on slopes 30% or greater, unless a development variance permit is approved by Council;
- d) That no new lots are created where less than 100m<sup>2</sup> of contiguous buildable area is provided, unless a development variance permit is approved by Council; and
- e) That, in accordance with Covenant #KX42816, the property not be built on, used or developed without written authorization from the City that access via a public or private roadway is acceptable and that storm, sanitary and drainage services are acceptable;

AND FURTHER that a Covenant be registered on title limiting the maximum height of primary buildings to the lesser of 8.0m or 2 storeys to reduce the visual impact of building elevations on the northwest downhill slope.



## 13. LEGISLATIVE MATTERS

A. Bylaws:

## RESCIND READINGS

- 5867

(i) THAT Council rescind First and Second Readings for 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. (P. 353)

- Memo dated October 12, 2021 from Current Planner, “2904 26<sup>th</sup> Street Heritage Revitalization Agreement Bylaw #5867, 2021”, re: rescind readings and cancel the Public Hearing. (P. 362)

## ADOPTION

- 5754

(ii) THAT Bylaw #5754, “**4300 35<sup>th</sup> Avenue Official Community Plan Amendment Bylaw Number 5754, 2019**” – a bylaw to realign the boundaries of the subject property for “Residential – Medium Density” and “Parks & Open Space”, be **adopted**. (P. 384)

Memo dated October 14, 2021 from Current Planner, “4300 35<sup>th</sup> Avenue Official Community Plan Amendment Bylaw #5754 and Rezoning Amendment Bylaw #5755 – Request for Adoption. (P. 387)

- 5755

(iii) THAT Bylaw #5755, “**4300 35<sup>th</sup> Avenue Rezoning Amendment Bylaw Number 5755, 2019**” – a bylaw to rezoning the subject property from “A3 – Rural Small Holdings” to “RM1 – Row Housing Residential” and “P1 – Parks and Open Space”, be **adopted**. (P. 391)

- 5869

(iv) THAT Bylaw #5869, “**33 Street and 35 Avenue (adjacent to Vernon Recreation Centre) Road Closure Bylaw Number 5869, 2021**” – a bylaw close all or part of a highway and remove the dedication of the highway, be **adopted**. (P. 394)

- 5870

(v) THAT Bylaw #5870, “**Tax Exemption Amendment Bylaw Number 5870, 2021**” – a bylaw to amend City of Vernon Tax Exemption Bylaw Number 5713, 2018, be **adopted**. (P. 397)

## 13. COUNCIL INFORMATION UPDATES

## A. Mayor and Councillors Reports.

**14. INFORMATION ITEMS**

**A. Minutes from the Committees of Council:**

- i) Transportation Advisory, October 17, 2019 (P. 413)**
- ii) Economic Development Advisory, October 29, 2020 (P. 416)**
- iii) Advisory Planning, August 17, 2021 (P. 420)**

**B. Letter dated October 14, 2021 from Lisa Helps, Mayor, City of Victoria re: Paid Sick Leave for Workers (P. 428)**

**CLOSE**

**16. CLOSE OF MEETING**