



THE CORPORATION OF THE CITY OF VERNON

A G E N D A

REGULAR OPEN MEETING OF COUNCIL

CITY HALL COUNCIL CHAMBER

DECEMBER 13, 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 the Provincial Health Officer's Orders:

- *Gathering and Events – November 16, 2021; and*
- *Face Coverings (COVID-19) – October 29, 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 Sylix People of the Okanagan Nation.

2. MOVE TO COMMITTEE OF THE WHOLE

3. RECONVENE REGULAR MEETING AND RESOLUTION TO CLOSE MEETING

- A. BE IT RESOLVED that the meeting be closed to the public in accordance with Section 90 of the *Community Charter* as follows:

- (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- c) labour relations or other employee relations;
- 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.

4. RECONVENE OPEN COUNCIL MEETING 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 December 13, 2021, Regular Open Meeting of Council be adopted as circulated.

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

**MINUTES
(P. 11, 24)**

A. THAT the minutes of the Regular Meeting of Council held November 22, 2021 be adopted;

AND FURTHER, that the minutes from the Special Meeting of Council held on November 29, 2021 be adopted;

AND FURTHER, that the minutes of the Committee of the Whole Meeting of Council held November 22, 2021 be received.

6. BUSINESS ARISING FROM THE MINUTES

7. GENERAL MATTERS

**PRESENTATION –
SOURCE WATER
PROTECTION TOOLKIT
(VIA ZOOM)
(20 minutes)
(P. 35)**

A. Kellie Garcia, Policy and Planning Specialist, Okanagan Basin Water Board will present (via ZOOM) on the Source Water Protection Toolkit.

THAT Council receive the December 13, 2021 presentation from Kellie Garcia, Policy and Planning Specialist, Okanagan Basin Water Board, entitled “Source Water Protection Toolkit”, for information.

**DELEGATION –
NEURON MOBILITY
(P. 39)**

B. Isaac Ransom, Head of Government Relations – Canada, Neuron Mobility will provide an update on the operating season for the micro-mobility program in the City of Vernon.

8. COUNCIL INQUIRIES

9. ADMINISTRATION UPDATES

**ADMINISTRATION
UPDATES
(0550-05)
(P. 49)**

- A. THAT Council receive the Administration Updates dated December 13, 2021, for information.

10. UNFINISHED BUSINESS

**IMPACTS OF
PROVINCIAL
TERMINATION OF ALL
LAND USE
CONTRACTS
(3360-40)
(P. 52)**

- A. THAT Council direct Administration to give notice of termination by June 30, 2022 to each owner, whose land is subject to a land use contract that will be terminated, stating where and the times and dates when zoning regulations that will apply to the land are available for public inspection;

AND FURTHER, that Council direct Administration to provide each owner, whose land is subject to a land use contract that will be terminated, with supplemental information to include the underlying Official Community Plan Designation and Zoning; to advise each owner to assess compliance of their land use with the permitted uses of Official Community Plan Bylaw #5470 and Zoning Bylaw #5000; and, if the use does not comply, to contact Administration for direction and initiate an Official Community Plan and rezoning process if necessary, as outlined in the report titled "Impacts of Provincial Termination of all Land Use Contracts", dated November 25, 2021 and respectfully submitted by the Current Planner.

**REVIEW OF RETAIL
CANNABIS LICENSING
REGULATIONS
(4330-01)
(P. 63)**

- B. THAT Council direct Administration to bring forward a report for Council's consideration that provides regulatory options to inform the decision making process in the evaluation of future retail cannabis store applications in an equitable and transparent manner that is respectful of sensitive uses, as outlined the report titled "Review of Retail Cannabis Licensing Regulations" dated December 3, 2021 and respectfully submitted by the Current Planner.

**VERNON TOWNE
THEATRE – LIQUOR
PRIMARY LICENCE
APPLICATION
(4320-20 LL000101)
(P. 72)**

- C. THAT Council **rescind** the following resolution adopted at its Regular Meeting held October 25, 2021:

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 30th 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 30th 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 30th 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 30th Avenue, would result in the facility being operated in a manner that is contrary to its primary purpose as a community art venue.*

AND FURTHER, 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 30th 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 30th 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 properties 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 30th Avenue does not present any policing concerns;
- The proposed hours of liquor sales, Sunday through Saturday from 2:00 p.m. to 11:00 p.m. seven days per week (inclusive) is not expected to impact the community;
- The proposed person capacity is 470 persons (150 persons for the lobby area and 320 persons for the auditorium area) for the Vernon Towne Theatre does not present any particular concern to the City;
- 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, hours of liquor sales and person capacity;
- 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 30th Avenue, would result in the facility being operated in a manner that is contrary to its primary purpose as a community art venue.

**TRUTH AND RECONCILIATION
(0485-01)
(P. 86)**

- D. THAT Council receive the memorandum titled “Truth and Reconciliation” dated December 1, 2021 and respectfully submitted by the Director, Community Safety, Lands and Administration for information.

**ACTIVE LIVING CENTRE – PLANNING TIMELINE AND TWO-TIERED SYSTEM
(7700-13)
(P. 89)**

- E. THAT Council receive the memorandum titled “Active Living Centre – Planning Timeframe and Two-Tiered System” dated November 26, 2021 from the Director, Recreation Services for information;

AND FURTHER, that Council respectfully notify the District of Coldstream and Electoral Area B & C of the proposed timeline and the need for a decision regarding participation in the proposed Active Living Centre project by May 9, 2022.

**CULTURAL FACILITY LOAN AUTHORIZATION BYLAW CONSENT OF PARTICIPATING AREA
(0482-03)
(P. 92)**

- F. WHEREAS the Board of the Regional District of North Okanagan has resolved to direct staff to undertake an alternative approval process for the entire proposed service area being the District of Coldstream, City of Vernon, and Electoral Areas “B” and “C” of the Regional District of North Okanagan pursuant to section 342(4) of the *Local Government Act* to determine the opinion of the electors with regard to adopting the Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021 to borrow up to

\$28 million to facilitate a portion of the funding required for the acquisition of lands and construction of a Greater Vernon Multi-Purpose Cultural Facility;

AND WHEREAS the Board of the Regional District of the North Okanagan will, upon receiving consent on behalf of the municipal participating areas and the electoral participating areas, seek the approval of the Inspector of Municipalities and undertake an alternative approval process to receive the approval of the electors of the entire proposed service area;

BE IT RESOLVED, that pursuant to the provisions of Section 346 [Consent on behalf of municipal participating area] of the *Local Government Act*, the Council of **The Corporation of the City of Vernon** does hereby consent, in writing, on behalf of the electors of **The Corporation of the City of Vernon**, to the Board of the Regional District of North Okanagan adopting **Greater Vernon Multi-Purpose Cultural Facility Loan Authorization Bylaw No. 2910, 2021**.

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

11. NEW BUSINESS

A. Correspondence:

**2021 BY-ELECTION
OFFICIAL RESULTS
(4200-2021-03)
(P. 102)**

- (i) THAT Council receives for information, the memorandum titled “2021 By-election Official Results” dated December 8, 2021 respectfully submitted by the Chief Election Officer.

**ELECTRIC KICK
SCOOTER USER
SURVEY RESULTS
(8300-10)
(P. 105)**

- (ii) THAT Council receive for information the memorandum titled “Electric Kick Scooter User Survey Results” dated November 26, 2021 and respectfully submitted by the Active Transportation Coordinator.

B. Reports

**REZONING
APPLICATION FOR
4408 25 STREET
(ZON00374 3360-20)
(P. 108)**

- (i) THAT Council support the application (ZON00374) to rezone LT 1 SEC 2 TWN 8 ODYD PL 4869 (4408 25 Street) from R5 – Fourplex Housing Residential to R4 – Small Lot Residential;

AND FURTHER, that Council’s support of ZON00374 be subject to the following:

- a) That the applicant registers a restrictive covenant on title to ensure that future lots created through subdivision will not contain dwellings with secondary suites, unless

adequate parking for a suite is integrated into the home design;

AND FURTHER, that prior to final adoption of the zoning amendment bylaw, any required variance for the proposed development be evaluated by Council and approved if appropriate.

**OFFICIAL COMMUNITY
PLAN AND ZONING
AMENDMENT
APPLICATIONS FOR
6141 HIGHWAY 97,
6162 PLEASANT
VALLEY ROAD AND
5975 LEFOY ROAD
(3340-20 OCP00085 &
ZON00363)
(P. 116)**

- (ii) THAT Council support presenting the Official Community Plan and zoning amendment applications at a public open house in order to seek public input prior to the Public Hearing in accordance with Section 4 of *Official Community Plan Amendment Applications Policy* and Section 475 of the *Local Government Act (Consultation during development of official community plan)*, which proposes the following land use changes as outlined in the report titled *Official Community Plan and Zoning Amendment Applications for 6141 Highway 97, 6162 Pleasant Valley Road and 5975 Lefoy Road*, dated December 3, 2021 and respectfully submitted by the Current Planner:
- Amend the Official Community Plan Land Use designations from ‘Community Commercial’, ‘RES (NORD)’, ‘Residential Medium Density’ and ‘Parks and Open Space’ to ‘Community Commercial’, ‘Residential Medium Density’ and ‘Parks and Open Space’; and
 - Rezone from A3 (Rural Small Holdings), R4 (Small Lot Residential) and R1 (NORD – Single Family Residential) to C3 (Mixed Use Commercial), C11 (Service Commercial), P1 (Parks and Open Space), R5 (Fourplex Residential Housing), RM2 (Multiple Housing Residential), RH1 (Low Rise Apartment Residential) and RH2 (Stacked Row Housing Residential).

13. LEGISLATIVE MATTERS

ADOPTION

- 5877

- (i) THAT Bylaw #5877 “Fees and Charges (2022 & 2023 Cemetery Fees) Amendment Bylaw Number 5877, 2021”, a bylaw amend cemetery fees for 2022 and 2023 in “City of Vernon Fees and Charges Bylaw Number 3909, 1993”, be **adopted. (P. 155)**

**FIRST, SECOND AND
THIRD READING**

- 5878

- (ii) THAT Bylaw #5878 “Traffic (RV Parking) Amendment Bylaw Number 5878, 2021”, a bylaw to include changes related to Recreational Vehicles parking with jacks and slides deployed (or equivalent materials), be **read a first, second and third time. (P. 159)**

- **5879** (iii) THAT Bylaw #5879 "Municipal Ticket Information (Traffic Bylaw RV Parking) Amendment Bylaw Number 5879, 2021", a bylaw to include penalties that align with Recreational Vehicles parking amendments made to Traffic Bylaw #5600, be **read a first, second and third time. (P. 161)**
- **5880** (iv) THAT Bylaw #5880 "Bylaw Notice Enforcement (Traffic Bylaw RV Parking) Amendment Bylaw Number 5880, 2021", a bylaw to include penalties that align with Recreational Vehicles parking amendments made to Traffic Bylaw #5600, be **read a first, second and third time. (P. 163)**
 - Memo dated December 2, 2021 from the Acting Manager, Transportation re: RV Parking Amendments – Bylaw Notice Enforcement Bylaw Correction. **(P. 165)**
- **5881** (v) THAT Bylaw #5881 "City of Vernon 2022 Financial Plan Bylaw Number 5881, 2021", a financial plan for a five year period for the years 2022 to 2026, as per section 165 of the *Community Charter*, be **read a first, second and third time. (P. 167)**
- **5900** (vi) THAT "City of Vernon Building Bylaw No. 5900, 2021", a bylaw for administration of the Building Code Regulation of Construction, be **read a first, second and third time. (P. 170)**
- **5882** (vii) THAT Bylaw #5882 "Fees and Charges (Building Bylaw Number 5900) Amendment Bylaw Number 5882, 2021", a bylaw to amend Fees and Charges Bylaw Number 3909, 1993 for fees associated with City of Vernon Building Bylaw Number 5900, 2021, be **read a first, second and third time. (P. 217)**

14. COUNCIL INFORMATION UPDATES

A. Mayor and Councillors Reports.

**NOTICE OF MOTION –
COUNCILLOR
ANDERSON –
DECORATIVE METAL
FENCES
(P. 220)**

15. THAT Council amend Zoning Bylaw #5000 to prohibit pointed fences on properties.

16. INFORMATION ITEMS

- A. Communications Director Report dated December 1, 2021 from the Okanagan Basin Water Board re: Invasive Mussels Outreach Provincial Update **(P. 222)**
- B. Letter dated November 5, 2021 from Chris Pieper, Mayor, City of Armstrong re: Thank you for Supporting Evacuees **(P. 224)**
- C. Letter dated November 17, 2021 from Bill Dingwall, Mayor, City of Pitt Meadows re: Unfair Taxation Benefiting Railway and Industrial Operations **(P. 225)**
- D. Minutes from the following Council Committees:
 - i) Climate Action Advisory, August 25, 2021 **(P. 227)**
 - ii) Climate Action Advisory, September 29, 2021 **(P. 231)**
 - iii) Advisory Planning, November 9, 2021 **(P. 241)**

CLOSE

17. CLOSE OF MEETING